TULSA METROPOLITAN AREA PLANNING COMMISSION
Meeting No. 2823

August 5, 2020, 1:00 PM
175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chamber

The meeting will be held in the Tulsa City Council Chamber and by videoconferencing and teleconferencing via GoToMeeting[1], an online meeting and web conferencing tool.

Commissioners and members of the public may attend the meeting in person in the Tulsa City Council Chamber, but are encouraged to attend and participate in the TMAPC meeting via videoconferencing and teleconferencing by joining from a computer, tablet or smartphone using the following link:

https://www.gotomeet.me/CityOfTulsa2/tmapc-august-5th

Commissioners and members of the public can also dial in using their phone by dialing:

United States: +1 (312) 757-3121

Participants must then enter the following Access Code: 700-228-549

The following Commissioners plan to attend remotely via GoToMeeting, provided that they may still be permitted to appear and attend at the meeting site, the Tulsa City Council Chambers, Second Floor of City Hall, at One Technology Center, 175 East Second Street, Tulsa Oklahoma: Chair Covey, Commissioner Craddock, Commissioner Doctor, Commissioner Kimbrel, Commissioner McArtor, Commissioner Ray, Commissioner Reeds, Commissioner Ritchey, Commissioner Shivel, Commissioner Van Cleave, Commissioner Walker

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

Call to Order:

REPORTS:

Chairman's Report:

Work session Report: A work session will be held on August 19, 2020 at 10:00am via Zoom.

Director's Report:

1. Minutes of July 15, 2020 Meeting No. 2822
CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

2. **PUD-828-1 Tanner Consulting, LLC** (CD 8) Location: South of southwest corner of East 121st Street South and South Sheridan Road requesting a **PUD Minor Amendment** to allow Reserve Areas A,B and C open space to be equally distributed as livability space to all lots

3. **PUD-677-A-6 TJ Remy** (CD 8) Location: Northeast corner of South 119th Place and South Lakewood Avenue requesting a **PUD Minor Amendment** to modify rear and front setback requirements

PUBLIC HEARINGS:

4. **The Crossing at Battle Creek VI-VIII** (CD 6) Preliminary Plat, Location: North and east of East 41st Street South and South 145th East Avenue (**Staff requests a continuance to August 19, 2020**)

5. **CZ-503 Ryan McCarty** (County) Location: North of the northwest corner of East 181st Street South and South Yale Avenue requesting rezoning from AG to RE (**Related to PUD-857 & Magnolia Heights Preliminary Plat**) (Continued from July 15, 2020)

6. **PUD-857 Ryan McCarty** (County) Location: North of the northwest corner of East 181st Street South and South Yale Avenue requesting a new Planned Unit Development (**Related to CZ-503 & Magnolia Heights Preliminary Plat**) (Continued from July 15, 2020)

7. **Magnolia Heights** (County) Preliminary Plat, Location: North of the northwest corner of East 181st Street South and South Yale Avenue (**Related to CZ-503 & PUD-857**)

8. **CZ-504 Michael Sommer** (County) Location: Northwest corner of West 51st Street and South 129th West Avenue requesting rezoning from AG to RS

9. **CZ-505 Ashley Hacker** (County) Location: East of the southeast corner of West Wekiwa Road and South River City Park Road requesting rezoning from RS to CG

10. **CZ-506 Ashley Hacker** (County) Location: West of the northwest corner of West Long Street and South Broad Street requesting rezoning from RS to CG

11. **Z-7563 Jeff Weaver** (CD 1) Location: East of the northeast corner of West Fairview Street and North Denver Avenue requesting rezoning from RM-1, RS-4 and HP to CH/HP with an **optional development plan**
12. **Z-7565 Lou Reynolds** (CD 9) Location: Southwest corner of East 50th Street South and South Victor Avenue requesting rezoning from **RS-3** to **OL**

13. **Z-7568 Tulsa City Council** (CD 2) Location: Multiple properties north of West 86th Street South and South of West 77th Street South between South 33rd West Avenue and South Union Avenue and northeast corner of West 77th Street South and South 33rd West Avenue requesting rezoning from **RS-3** to **AG-R**

**OTHER BUSINESS**

14. Commissioners' Comments

**ADJOURN**

CD = Council District

**NOTE:** If you require special accommodation pursuant to the Americans with Disabilities Act, please notify the Tulsa Planning Office at 918-584-7526. Exhibits, petitions, pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained Tulsa Planning Office at INCOG. All electronic devices must be silenced during the Planning Commission meeting.

Visit our website at tulsaplanning.org  
email address: esubmit@incoo.org

**TMAPC Mission Statement:** The Mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide unbiased advice to the City Council and the County Commissioners on development and zoning matters, to provide a public forum that fosters public participation and transparency in land development and planning, to adopt and maintain a comprehensive plan for the metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region's current and future residents.
**Case Number:** PUD-828-1  
Minor Amendment

**Hearing Date:** August 5, 2020

**Case Report Prepared by:**  
Jay Hoyt

**Owner and Applicant Information:**  
Applicant: Tanner Consulting, LLC.  
Property Owner: Simmons Homes Residential Group, LLC

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

![Location Map](image)

**Applicant Proposal:**  
Concept summary: PUD minor amendment to allow Reserve Areas A, B & C open space to be equally distributed as livability space to all lots.  
Gross Land Area: 30+ acres  
Location: South of the SW/c of E 121st St S & S Sheridan Rd  
All of Enclave at Addison Creek

**Zoning:**  
Existing Zoning: RS-3/PUD-828  
Proposed Zoning: No Change

**Comprehensive Plan:**  
Land Use Map: New Neighborhood  
Growth and Stability Map: Growth

**Staff Recommendation:**  
Staff recommends approval

**Staff Data:**  
TRS: 7303

**City Council District:** 8  
Councilor Name: Phil Lakin

**County Commission District:** 3  
Commissioner Name: Ron Peters
SECTION I:  PUD-828-1 Minor Amendment

Amendment Request:

Amend the development standards to allow the Reserve Area A, B and C open space to be equally distributed to all of the residential lots within Enclave at Addison Creek as livability space.

Currently, the PUD standards require each lot to contain a total of 4,000 sf of livability space on the lot itself. The applicant is proposing to distribute the 38,603 sf total of the Reserve Areas A, B and C equally to each lot, resulting in a credit of 428 sf of livability space for the individual lots. They are also proposing that the Minimum Livability Space be revised from 4,000 sf to 3,572 sf.

With the 428 sf credit from the reserve areas and the 3,572 sf required on the lots themselves, the total would equal 4,000 sf for each lot.

Staff Comment: This request is considered a Minor Amendment as outlined by Section 30.010.1.2.c(9) of the City of Tulsa Zoning Code.

"Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved standards and the character of the development are not substantially altered."

Staff has reviewed the request and determined:

1) The requested amendment does not represent a significant departure from the approved development standards in PUD-828.

2) All remaining development standards defined in PUD-828 amendments shall remain in effect.

Exhibits included with staff report:
INCOG zoning case map
INCOG aerial photo
Applicant Minor Amendment Letter
Addison Creek Master Plan

With considerations listed above, staff recommends approval of the minor amendment to allow the Reserve Area A, B and C open space to be equally distributed to all of the residential lots within Enclave at Addison Creek as livability space.
June 26, 2020

Tulsa Metropolitan Area Planning Commission  
2 West 2\textsuperscript{nd} Street South, Suite 800  
Tulsa, OK  74103

Re: PUD-828 – Minor Amendment # 1

Dear Chair and Commissioners:

Our firm prepared the original PUD-828 and the plat of “Enclave at Addison Creek,” Plat No. 6802, along with the other PUDs and plats comprising the “Addison Creek” master planned community developed thus far.

Residents of Enclave at Addison Creek have access to the large Reserve Areas A, B, and H in adjacent Addison Creek Blocks 1-9 (see enclosed master plan). These reserve areas contain two (2) large stormwater detention facilities with walking trails, a pool and clubhouse, and various other amenities. All affiliated Addison Creek subdivisions will be included within a Homeowners Association providing for the shared use and maintenance responsibilities of the Reserve Areas. However, because these reserve areas are outside of PUD-828, credit could not be applied to Enclave at Addison Creek. The reason is the language in the PUD that tied the transfer of open space to a stormwater detention pond reserve area conceptually shown in the original PUDs site plan, but which was ultimately relocated immediately to the south of the Enclave plat in the adjacent “Addison Creek Blocks 1-9” plat.

Several house plans need just a little flexibility on livability space, presently 4,000 square feet, which must be met on each lot. The PUD and plat contain several common open spaces in platted Reserve Areas, which the Zoning Code allowed be credited to livability space on an individual lot level, but which this PUD does not enable.

Enclave at Addison Creek Reserve Areas to be included are A, B, and C. They contain the following “lot” areas: A: 3,707 SF, B: 23,605 SF, C: 11,291 SF, 38,603 SF total.

The relevant provision of the Development Standards for PUD-828 is:

“Minimum Livability Space Required (per lot): ** 4,000 sq.ft.

** Per Section 1104-C of the Tulsa Zoning Code, livability space for lots may be contained within common open space located within the PUD. The final plat will require a summary of the minimum allowed livability space for each lot unless the storm water detention facility illustrated on Exhibit B is completely eliminated. If the detention facility is eliminated[,] each individual lot will meet the minimum livability standards defined in the PUD.”
This letter proposes a Minor Amendment to PUD-828 to amend the quoted text to be as follows:

“Minimum Livability Space Required (per lot): **3,572 sq.ft.
**A pro rata credit of 428 square feet of livability space has been applied to each of the 90 lots within “Enclave at Addison Creek”, Plat No. 6802, from the 38,603 square feet of common open space located within Reserves A, B, and C of the subdivision”

The proposed amendment is in keeping with the spirit and intent of the original restriction and the Zoning Code.

The PUD Covenants of the plat, Section III., simplified the double-asterisk restriction to “Each individual lot will meet the minimum livability standards.” Amending the PUD covenants can be accomplished by recording a certified copy of the approved TMAPC Minutes with the Tulsa County Clerk (Deed of Dedication/Covenants Section V.C.).

No other changes are proposed by this Minor Amendment.

Please contact me at (918) 745-9929 or eenyart@tannerbaishop.com if you have any questions or need additional information.

Respectfully,

Erik Enyart, AICP, CFM
ADDISON CREEK

- 23 ACRES OF PARKS AND OPEN SPACE
- ACCESS TO MILES OF TRAILS
- CLUBHOUSE WITH POOLS AND GYM
- 5 UNIQUE NEIGHBORHOODS

THE VILLAS
THE ENCLAVE
THE ESTATES
THE COTTAGES
THE RESERVE
| **Case Number:** PUD-677-A-6 Minor Amendment |
| **Hearing Date:** August 5, 2020 |

| **Case Report Prepared by:** | **Owner and Applicant Information:** |
| Jay Hoyt | Applicant: TJ Remy |
| | Property Owner: David Kolker |

| **Location Map:** (shown with City Council Districts) |
| **Applicant Proposal:** |
| Concept summary: PUD minor amendment to modify rear and side yard setback requirements. |
| Gross Land Area: 0.34 Acres |
| Location: NEC of S 119th Pl and S Lakewood Ave |
| 11905 S Lakewood Ave |
| Lot 6, Block 2 Crestwood At The River II |

| **Zoning:** |
| Existing Zoning: RS-1/PUD-677-A |
| Proposed Zoning: No Change |

| **Comprehensive Plan:** |
| Land Use Map: Existing Neighborhood |
| Growth and Stability Map: Stability |

| **Staff Recommendation:** |
| Staff recommends approval. |

| **Staff Data:** |
| TRS: 8314 |

| **City Council District:** 8 |
| Councilor Name: Phil Lakin |

| **County Commission District:** 3 |
| Commissioner Name: Ron Peters |
SECTION I: PUD-677-A-6 Minor Amendment

Amendment Request: Revised the PUD Development Standards to reduce the setback requirements for the side and rear yards.

Currently the setback for Side street entry garages is 20 ft. The revised setback would be 5 ft. The current side yard setbacks are 5 ft for one side, 10 ft for the other side. The revised side yard setbacks would be 5 ft for one side and 0.5 for the other side with all portions of the building and structure located within this setback. Additionally the current rear yard setback is 25 ft and the revised would be 17.5 ft.

The request is due to the shape of the lot and the placement of the proposed home and pool as illustrated in the site plan provided by the applicant.

Staff Comment: This request is considered a Minor Amendment as outlined by Section 30.010.1.2.c(9) of the City of Tulsa Zoning Code.

"Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved standards and the character of the development are not substantially altered."

Staff has reviewed the request and determined:

1) PUD-677-A-6 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-677-A.

2) All remaining development standards defined in PUD-677-A and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends approval of the minor amendment to revise the rear and side yard setbacks as indicated.

SECTION II: Supporting Documentation

Exhibits included with staff report:
INCOG zoning case map
INCOG aerial photo
INCOG aerial photo (enlarged)
Applicant Site Plan
Applicant Minor Amendment Letter
Homeowners Association Approval Letter for Revisions
LOT 6, BLOCK 2
CRESTWOOD AT THE RIVER II
PUD 677-A, request for side yard setback and rear yard setback requirement for Lot 6, Block 2, Crestwood at the River II prt RSB L6B2 Crestwood at the River.

Address: 11905 S. Lakewood Ave.

We desire to construct a new home for our family. Our children attend Bixby Public Schools and Lot 6, Block 2 has been made available for our new home. We are asking for a PUD Minor Amendment from the rear and side yard setback requirements, having reviewed the Restrictive Covenants and Planned Unit Development for Crestwood at the River II. Lot 6 is situated on a semi-sac at the intersection of E. 119th Pl. So. And So. Lakewood Ave. The angle created by the semi-sac to face our house towards the center of the semi-sac has created unusual angles and has therefore contributed to our not being able to meet the side yard and rear yard requirements for our new home construction.

We have shown the site plan for our new home to the Crestwood at the River Homeowners Association. The request for relief from the rear and side yard requirements has met with their approval and a letter of their approval is attached with this application.

There is a 30’ drive way access separating lot 6 from both Savannah Crossing and Crestwood Village to the east. Therefore 47.75 feet exist between the rear of our house and those property lines. There would be 118 feet of separation between this house and the closest structure in Savannah Crossing. The closest lot in Crestwood Village is presently vacant.

The separation distance between the existing house on Lot 7 to our northwest and our proposed house would be 17 feet. Our house is situated 9.25 feet north of the north Lot 5 lot line.

We believe the separation distance between our proposed house and surrounding homes meets the intent of separation of both side yard and rear yard by the Restrictive Covenants and Planned Unit Development document. We have our home designed and our loan in place for construction. We love the subdivision, it’s location in South Tulsa and Bixby School System. We prayerfully request you as the Planning Commission, approve the Minor Amendment for both the rear and side yard setback requirements as stated in the Deed of Dedication and Restrictive Covenants for Crestwood at the River II.

Sincerely,
TJ and Julie Remy
Crestwood at the River Homeowners Association

Applicant: The Board of Directors and Architectural Review Committee for the Crestwood at the River Homeowner's Association has reviewed your request for a 7.5 foot variance from the 25-foot rear setback line for the construction of your residence on Lot 6, Block 2, Crestwood at the River II. We have received and reviewed a legal opinion in that regard, and also additional material provided to the Association and have concluded by a majority vote of the Board of Directors that the Board has no objection to your request for the variance. However, we have also been made aware that the request for variance would have to be submitted to and approved by the Indian Nations Council of Governments (INCOG). If a public hearing on your application becomes necessary, the Board of Directors will go on record on your behalf as having reviewed your application and approved it by a majority vote of the Board of Directors.

David Pentecost, Board President

6.30.20
Kim,

Staff is requesting a continuance on The Crossing at Battle Creek VI-VIII preliminary plat to the August 19th TMAPC agenda. There are ongoing conversations with the applicant, city staff, and the City Council office that may impact the preliminary plat.

Thanks,

Nathan Foster
Senior Planner
Tulsa Planning Office
918.579.9481
nfoster@incog.org
Case Number: CZ-503  
(related to case PUD-857)

Hearing Date: August 5, 2020

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<tr>
<th>Case Report Prepared by:</th>
<th>Owner and Applicant Information:</th>
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<tr>
<td>Jay Hoyt</td>
<td>Applicant: Ryan McCarty</td>
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<td>Property Owner: Four Cedars Development Group, LLC</td>
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<th>Location Map: (shown with County Commission Districts)</th>
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<th>Applicant Proposal:</th>
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<tr>
<td>Present Use: Vacant</td>
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<td>Proposed Use: Residential</td>
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<th>Concept summary: Rezone from AG to RE with a PUD overlay to permit a single family residential subdivision.</th>
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<td>Tract Size: 50 ± acres</td>
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<td>Location: N. of the NW/c of E. 181st St. S. &amp; S. Yale Ave.</td>
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<td>Proposed Zoning: RE/PUD-857</td>
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<th>Staff Recommendation:</th>
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<td>Staff recommends approval.</td>
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<th>Staff Data:</th>
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<td>TRS: 7333</td>
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<td>CZM: 67, 66</td>
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<th>County Commission District: 3</th>
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<tr>
<td>Commissioner Name: Ron Peters</td>
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5.1
SECTION I: CZ-503

DEVELOPMENT CONCEPT: The applicant is requesting to rezone from AG to RE to permit a single-family subdivision. A PUD (PUD-857) is being concurrently proposed with this rezoning to establish the allowable use and the bulk and area requirements. The lots are intended to be half acre minimum in size. Sewer is proposed to be provided through aerobic systems. The proposal lies within the Rural Residential designation of the City of Bixby Comprehensive Plan, which has been adopted as part of the Tulsa County Comprehensive Plan. This proposal, along with the accompanying PUD are compatible with this designation.

EXHIBITS:
INCOG Case map
INCOG Aerial
Tulsa County Comprehensive Plan Land Use Map
Applicant Exhibits:
   Proposed Layout

DETAILED STAFF RECOMMENDATION:

CZ-503 is non-injurious to surrounding proximate properties;

CZ-503 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-503 to rezone property from AG to RE

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the City of Bixby Comprehensive Plan Area, adopted January 14, 2019, and within the Tulsa County Comprehensive Plan, adopted June 19, 2019. It is designated as “Rural Residential.” See the description of this designation below as well as the attached Comprehensive Plan Map.

The Rural Residential designation denotes areas that have large-lot detached residential development in natural / rural portions of the City. Development in this designation should retain the rural character of the area and will be relatively low in density. However, these areas should offer sufficient access to schools, parks, trails, and open spaces to maintain the quality of life in the rural setting, and may allow limited commercial uses that support the surrounding rural area.

Land Use Vision:

Land Use Plan map designation: Rural Residential

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: S Yale Avenue 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.

Environmental Considerations: None

Streets:

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<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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<td>S Yale Avenue</td>
<td>Secondary Arterial</td>
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Utilities:

The subject tract has municipal water available sewer will by an ODEQ approved system.

Surrounding Properties:

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<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
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<td>Single Family</td>
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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-2811 May 2020:** The Board of Adjustment approved a Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a wedding and events venue, a Variance from the all-weather parking surface requirement, a Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District, subject to conceptual plan 7.7 of the agenda packet. The hours of operation for events are to be closed by

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5-3

REVISED 7/29/2020
11:00 P.M, the drive and gravel parking area are to be maintained in a dust free manner, and if the overflow area is consistently utilized it will be appropriately built, on property located at 3921 East 181st Street South. The Board finds the hardship to be the existing nature of the structure and the large tract of land, and the intermittent nature of the use for events, and substantially adjacent to the publicly dedicated road. The subject tract is under common ownership with the tract that does abut the publicly dedicated street and the ownership of those two tracts will not be severed and are to remain as one tract.

7/15/2020 1:00 PM
LEGEND

Future Land Use
- Rural Agriculture (Unincorporated)
- Agricultural
- Rural Residential
- Low Density Residential
- Medium Density Residential
- Medium-High Density Residential
- High Density Residential
- Residential Manufactured Home Park
- Mixed Use
- Neighborhood Commercial
- Commercial
- Industrial
- Public/Institutional
- Recreation and Open Space
- Flood District

CZ-503
17-13 33
**Case Report Prepared by:**
Jay Hoyt

**Owner and Applicant Information:**

*Applicant:* Ryan McCarty

*Property Owner:* Four Cedars Development Group, LLC

**Location Map:**
(Shown with County Commission Districts)

**Applicant Proposal:**

*Present Use:* Vacant

*Proposed Use:* Residential/Agriculture

*Concept summary:* Rezone from AG to RE with a PUD overlay to permit a single family residential subdivision

*Tract Size:* 50 ± acres

*Location:* N of the NW/c of E. 181st St. S. & S. Yale Ave.

**Zoning:**

*Existing Zoning:* AG

*Proposed Zoning:* RE, PUD-857

**Staff Recommendation:**

Staff recommends approval.

**Staff Data:**

TRS: 7333

CZM: 67, 66

**County Commission District:** 3

*Commissioner Name:* Ron Peters
SECTION I: PUD-857

DEVELOPMENT CONCEPT: The applicant is requesting to rezone from AG to RE with a PUD overlay to permit a single-family subdivision. A rezoning is being concurrently proposed with this PUD (CZ-503). The proposed PUD will establish the allowable use as well as bulk and area requirements. Lots will need to be large enough to provide sewer systems on each lot and meet Oklahoma Department of Environmental Quality regulations.

EXHIBITS:
- INCOG Case map
- INCOG Aerial
- Tulsa County Comprehensive Plan Land Use Map
- Applicant Exhibits:
  - PUD Packet
  - Conceptual Improvements Plan
  - Preliminary Plat

DETAILED STAFF RECOMMENDATION:

Uses allowed in PUD-857 are consistent with the Rural Residential land use designation identified in the Tulsa County Comprehensive Land Use plan.

PUD-857 allows lots sizes and uses that are consistent with the anticipated future development pattern of the surrounding property;

PUD-857 is consistent with the provisions of the PUD chapter of the Tulsa County Zoning Code, therefore;

Staff recommends **Approval** of PUD-857 to rezone property from AG to RE, PUD-857.

DEVELOPMENT STANDARDS:

Permitted uses: All uses allowed by right in the RE zoning district specifically Use Unit 6 – Single Family Dwelling and customary facilities and amenities.

Maximum dwelling units (residential lots) allowed: ....................................................... 65

Minimum lot width (at building setback line): ......................................................... 110 feet *
* Lots with cul-de-sac frontage may have a minimum width of 30 feet at the right-of-way line but shall meet the minimum requirements for lot area as specified in this PUD.

Minimum lot area: ...................................................................................... 22,500 square feet

Minimum land area per dwelling unit: ......................................................... 26,250 square feet

Maximum structure height: ................................................................................ 35 feet

Off-Street Parking: ............ Two (2) enclosed off-street parking spaces per dwelling unit

Front yard: ................................................................................................. 35 feet

Rear yard: ................................................................................................. 25 feet
Side yard: .............................................................. 15 feet

No residence shall be built nearer than fifteen (15) feet to any side lot on one side, and fifteen (15) feet on the other side, thus requiring a combined total of at least thirty (30) feet between the residences.

All other yards abutting an arterial street: 85 feet from the centerline of South Yale Avenue

Minimum Dwelling Size: .......................... 2,500 square feet of finished heated living area

**Signage**

Two entry identification signs shall be permitted with a maximum of 64 square feet of display signage surface. Additional signage for amenities will be allowed with a maximum of 16 square feet.

**Access and Circulation**

The subject tract shall be accessed from South Yale Avenue along the east side of the property. Interior vehicular access shall be derived from two entrances with public streets (24 feet in width) throughout. Cul-de-sacs shall have a pavement diameter of 96 feet. The paving materials of the public streets shall be of a quality and thickness as set forth by Tulsa County Engineering Design Standards and as described below:

- 8 inches treated subgrade
- 6 inches aggregate base
- 3 inches Type B asphaltic concrete

A single stub street Two stub streets shall be provided along the north and west property line for future residential street connections to this property.

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** The site is located within the City of Bixby Comprehensive Plan Area, adopted January 14, 2019, and within the Tulsa County Comprehensive Plan, adopted June 19, 2019. It is designated as “Rural Residential.” See the description of this designation below as well as the attached Comprehensive Plan Map.

The **Rural Residential designation** denotes areas that have large-lot detached residential development in natural / rural portions of the City. Development in this designation should retain the rural character of the area and will be relatively low in density. However, these areas should offer sufficient access to schools, parks, trails, and open spaces to maintain the quality of life in the rural setting, and may allow limited commercial uses that support the surrounding rural area.

**Land Use Vision:**

*Land Use Plan map designation:* Rural Residential

**Areas of Stability and Growth designation:** N/A

**Transportation Vision:**
Major Street and Highway Plan: S Yale Avenue 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.

Environmental Considerations: None

Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>S Yale Avenue</td>
<td>Secondary Arterial</td>
<td>100 Feet</td>
<td>2</td>
</tr>
</tbody>
</table>

Utilities:

The subject tract has municipal water available sewer will by an ODEQ approved system.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>AG</td>
<td>Rural Residential</td>
<td>N/A</td>
<td>Vacant</td>
</tr>
<tr>
<td>South</td>
<td>AG</td>
<td>Rural Residential</td>
<td>N/A</td>
<td>Single Family</td>
</tr>
<tr>
<td>East</td>
<td>AG</td>
<td>Rural Residential</td>
<td>N/A</td>
<td>Single Family/Vacant</td>
</tr>
<tr>
<td>West</td>
<td>AG</td>
<td>Rural Residential</td>
<td>N/A</td>
<td>Single Family</td>
</tr>
</tbody>
</table>

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-2811 May 2020: The Board of Adjustment approved a Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a wedding and events venue, a Variance from the all-weather parking surface requirement, a Variance of the minimum frontage requirement on a
public street/dedicated right-of-way from 30 feet to 0 feet in the AG District, subject to conceptual plan 7.7 of the agenda packet. The hours of operation for events are to be closed by 11:00 P.M, the drive and gravel parking area are to be maintained in a dust free manner, and if the overflow area is consistently utilized it will be appropriately built, on property located at 3921 East 181st Street South. The Board finds the hardship to be the existing nature of the structure and the large tract of land, and the intermittent nature of the use for events, and substantially adjacent to the publicly dedicated road. The subject tract is under common ownership with the tract that does abut the publicly dedicated street and the ownership of those two tracts will not be severed and are to remain as one tract.

7/15/2020 1:00 PM
Note: Graphic overlays may not precisely align with physical features on the ground.
RESIDENTIAL SUBDIVISION

MAGNOLIA HEIGHTS

A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, BEING A PART OF THE SE\4 OF SECTION THIRTY-THREE (33), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

REVISED

Date Prepared - 7/27/2020

Select design
DEVELOPMENT ANALYSIS
PROJECT MANAGEMENT
DRAFTING & DESIGN
P.O. Box 548
Bixby, Oklahoma 74008
Phone: (918) 798-8366
Development Concept

Magnolia Heights is a single-family development on a 50-acre tract of presently undeveloped land in Tulsa County, Oklahoma. The project is located on the west side of South Yale Avenue approximately a quarter mile north of East 181st Street South and is surrounded by South Country Meadows, Smith Acres and unplatted property along the south boundary with the remaining boundaries abutting unplatted properties. This Planned Unit Development is an overlay covering the RE zoning district and will follow RE dimensional and density standards with a few notable exceptions.

A homeowners’ association will be formed for the neighborhood and homeowners’ dues established for the maintenance of the neighborhood and amenities. Covenants for the neighborhood have been prepared to set forth minimum dwelling sizes, percent of masonry and other criteria which establish and maintain a quality development.

Magnolia Heights will be a professionally planned neighborhood with a landscaped entry and recreational areas. Plans for the neighborhood include a fully stocked fishing pond with dock, fountains/aerators, all-weather surface walking trail, seating area with benches, screening walls with stone/brick columns, new tree planting and substantial green space for the enjoyment of the residents in Magnolia Heights.
Development Standards

Land Area: ................................................................................. 50.0 Acres

Permitted uses: All uses allowed by right in the RE zoning district specifically Use Unit 6 – Single Family Dwelling and customary facilities and amenities.

Permitted Uses: ................................................................. RE Single Family Residential Development

Residential lot density calculation:

  Maximum dwelling units allowed in RE zoning district (2,177,967 / 26,250 square feet): ............ 82

  Maximum dwelling units (residential lots) allowed by this PUD: .................................................. 65

Minimum lot width (at building setback line): .............................................................................. 110 feet *

  * Lots with cul-de-sac frontage may have a minimum width of 30 feet at the right-of-way line but shall meet the minimum requirements for lot area as specified in this PUD.

Minimum lot area: ................................................................................................. 22,500 square feet

Minimum land area per dwelling unit: ..................................................................................... 26,250 square feet

Maximum structure height: .............................................................................................. 35 feet

Off-Street Parking: ...................................................... Two (2) enclosed off-street parking spaces per dwelling unit

Front yard: ................................................................................................................. 35 feet

Rear yard: .................................................................................................................. 25 feet

Side yard: .................................................................................................................. 15 feet

  No residence shall be built nearer than fifteen (15) feet to any side lot on one side, and fifteen (15) feet on the other side, thus requiring a combined total of at least thirty (30) feet between the residences.

All other yards abutting an arterial street: ............... 85 feet from the centerline of South Yale Avenue

Minimum Dwelling Size: .............................................. 2,500 square feet of finished heated living area
Signage

Two entry identification signs shall be permitted with a maximum of 64 square feet of display signage surface. Additional signage for amenities will be allowed with a maximum of 16 square feet.

Access and Circulation

The subject tract shall be accessed from South Yale Avenue along the east side of the property. Interior vehicular access shall be derived from two entrances with public streets (24 feet in width) throughout. Cul-de-sacs shall have a pavement diameter of 96 feet. The paving materials of the public streets shall be of a quality and thickness as set forth by Tulsa County Engineering Design Standards and as described below:

- 8-inches treated subgrade
- 6-inches aggregate base
- 3-inches Type B asphaltic concrete

A single stub street shall be provided along the north property line for future residential street connections to this property.

Topography and Existing Soils

The property consists of pastureland with elevations ranging from 683 feet to 702 feet. The Soil Survey of Tulsa County, Oklahoma was used to help identify soil types present on the site. Existing soils consist of the following:

<table>
<thead>
<tr>
<th>Map Unit Symbol</th>
<th>Map Unit Name</th>
<th>Acres in AOI</th>
<th>Percent of AOI</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Dennis silt loam, 1 to 3 percent slopes</td>
<td>10.0</td>
<td>23.7%</td>
</tr>
<tr>
<td>16</td>
<td>Dennis-Radley complex, 0 to 12 percent slopes</td>
<td>1.2</td>
<td>2.7%</td>
</tr>
<tr>
<td>43</td>
<td>Okemah silt loam, 0 to 1 percent slopes</td>
<td>22.7</td>
<td>54.0%</td>
</tr>
<tr>
<td>44</td>
<td>Okemah-Parsons-Pharoah complex, 0 to 1 percent slopes</td>
<td>8.2</td>
<td>19.6%</td>
</tr>
<tr>
<td><strong>Totals for Area of Interest</strong></td>
<td></td>
<td><strong>42.1</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

Utilities and Drainage

Utilities are either available at the development boundaries or will be provided by customary extension adjacent to the site, with the exception that a septic system for each lot will be required. Storm water drainage will be collected, and detention will be addressed within designated reserve areas in accordance with Tulsa County development regulations. Domestic and irrigation water service will be provided by Okmulgee County Rural Water District #6.
Environmental and Open Space Considerations

The property contains a natural stream channel potentially regulated by the U.S. Army Corps of Engineers (USACE). The site design will be developed to meet or exceed the minimum requirements of Section 404 of the Clean Water Act including required permits. This development intends to preserve the existing stream channel / native vegetation and install an educational trail monument to aid preservation efforts for this area.

The detention facilities will be designed in a way to provide an amenity to wildlife and for passive neighborhood recreation opportunities. The purpose of this open space will remain a storm water management system, however a trail system with landscaping and seating will be included as part of the open space design. A broad variety of vegetation will be installed, the detention facilities will be fully stocked with native fish species (bass, catfish, etc.), and a fishing dock will be constructed for the enjoyment of the residents in Magnolia Heights.

Amenities

- Fully stocked fishing pond
- Fishing dock
- Fountains / Aerators
- All-weather surface walking trail
- Seating area with benches
- New tree planting and professional landscaping
- Natural stream channel & native vegetation preservation area with trail monument
- More than 5 acres of green space / reserve areas

Waiver of Sidewalk Requirement

Due to the existing conditions and design of this property (bar ditches, no curb and gutter, etc.), a sidewalk waiver is requested for this development.

Site Plan Review

For the purposes of site plan review requirements, the approved final plat shall constitute the required detailed site plan.

Platting Requirement

No building permit shall be issued until the area comprising the Planned Unit Development has been included within a subdivision plat submitted to and approved by the Tulsa Metropolitan Area Planning Commission (TMAPC) and the Tulsa County Board of County Commissioners and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved Planned Unit Development and the Tulsa Metropolitan Area Planning Commission (TMAPC) shall be a beneficiary thereof.
Anticipated Construction Schedule

Magnolia Heights anticipated construction schedule begins in August of 2020 and is expected to be complete and ready for lot sales in the spring of 2021.

Legal Description


COMMENCING AT THE SOUTHEAST CORNER OF THE SE/4 OF SAID SECTION 33; THENCE NORTH 01°02'25" WEST ALONG THE EAST LINE THEREOF 658.98 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88°45'38" WEST 1982.33 FEET; THENCE NORTH 01°03'34" WEST 659.39 FEET; THENCE NORTH 88°46'21" EAST 660.85 FEET; THENCE NORTH 01°03'11" WEST 659.25 FEET; THENCE NORTH 88°47'03" EAST 1321.84 FEET TO THE EAST LINE OF THE SE/4 OF SECTION 33; THENCE SOUTH 01°02'25" EAST ALONG SAID EAST LINE 1317.95 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 2,177,967.19 SQUARE FEET OR 50.00 ACRES.

BEARINGS ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, OK NORTH ZONE 3501, NAD83, USING THE EAST LINE OF THE SE/4 OF SECTION 33, T17N, R13E AS NORTH 01°02'25" WEST.

Exhibits

Exhibit A: ................................................................. Conceptual Site Plan
Exhibit B: ................................................................. Aerial Photography
Exhibit C: ................................................................. Site Topography
Exhibit D: ................................................................. Restrictions & Covenants
Residential Subdivision
MAGNOLIA HEIGHTS

EXHIBIT A
CONCEPTUAL SITE PLAN
CONCEPTUAL IMPROVEMENTS PLAN

CZ-503 / PUD-857
Magnolia Heights
A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, BEING A PART OF THE SEA OF SECTION
THIRTY THREE (33), TOWNSHIP SEVENTEEN (17) NORTHEAST QUARTER (1/4) EAST OF THE
EAST LINE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED
STATE GOVERNMENT SURVEY THEREOF.

THIS SUBDIVISION IS DESIGNED IN ACCORDANCE WITH OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
(ODEQ) REQUIREMENTS FOR MINIMUM LOT SIZE FOR INDIVIDUAL SEPTIC SYSTEMS FOR EACH LOT.

Owner / Developer
FOUR CUBES DEVELOPMENT GROUP LLC
1205 EAST 14TH STREET SOUTH
TULSA, OK 74107
PHONE: 918-624-9157
Email: fourcubes@gmail.com

Surveyor
PATE LAND SURVEYING LLC
10511 E 110 STREET
TULSA, OKLAHOMA 74136
PHONE: (918) 369-5771
Email: patelandsurveying@gmail.com

Engineer
ENGINEERED BY 2030 LLC
F.O. BOX 1487
TULSA, OKLAHOMA 74101
PHONE: (918) 244-8956
Email: chad@2030engineering.com
LA. F. H. EXPRESS 3-5-2022

DATE PREPARED: July 27, 2022
<table>
<thead>
<tr>
<th><strong>Case Report</strong></th>
<th><strong>Owner and Applicant Information</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Prepared by:</td>
<td>Applicant: Ryan McCarty, Select Design</td>
</tr>
<tr>
<td>Nathan Foster</td>
<td>Owner: Four Cedars Development Group, LLC</td>
</tr>
</tbody>
</table>

**Location Map:**
(Shown with County Commission districts)

**Applicant Proposal:**
Preliminary Plat

**Location:** North of the northwest corner of East 181st Street South and South Yale Avenue

64 lots, 6 blocks, 50 ± acres

**Single-Family Residential**

**Zoning:**
Current: AG (Agriculture)
Proposed: RE (Residential – Estate), PUD-857

**Staff Recommendation:**
Staff recommends approval of the preliminary plat

**County Commission District:** 3
**Commissioner Name:** Ron Peters

**EXHIBITS:** Site Map, Aerial, Land Use, Growth & Stability, Preliminary Plat, Conceptual Improvements
PRELIMINARY SUBDIVISION PLAT

**Magnolia Heights** - (County)
North of the northwest corner of East 181st Street South and South Yale Avenue

This plat consists of 64 lots in 6 blocks on 50 ± acres.

The Technical Advisory Committee (TAC) met on July 16, 2020 and provided the following conditions:

1. **Zoning**: Pending application for rezoning to RE (Residential-Estate) with a Planned Unit Development (PUD-857) must be approved and effective prior to the approval of a final plat.

2. **Addressing**: Addresses and street names must be assigned and affixed to the face of the final plat.

3. **Transportation & Traffic**: New public streets are required to comply with all standards of Tulsa County. Plans must be approved by County Engineer and streets must be installed prior to final plat approval. Stub streets are required to the north and west to accommodate future connections to development.

4. **Sewer**: Oklahoma Department of Environmental Quality approval is required for on-site sewage disposal.

5. **Water**: Water line plans must be approved by Okmulgee County Rural Water District #6 and a release must be provided for final plat approval.

6. **Engineering Graphics**: Submit a subdivision control data sheet with final plat submittal. Update surveyor CA number and renewal date. Update location map to reflect only platted property boundaries. Label all other areas as unplatted. Under basis of bearing information, include coordinate system used. Provide a bearing angle preferably shown on the face of the plat. Graphically show all pins found or set associated with this plat. Ensure accuracy of written legal description.

7. **Stormwater, Drainage, & Floodplain**: Drainage plans must comply with all Tulsa County drainage standards. Review and approval by the County Engineer is required prior to final plat approval.

8. **Utilities**: Telephone, Electric, Gas, Cable, Pipeline, Others: All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Staff recommends APPROVAL of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations. Tulsa County release is required prior to final plat approval.
Magnolia Heights

A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, BEING A PART OF THE SE/4 OF SECTION THIRTY-THREE (33), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

This subdivision is designed in accordance with Oklahoma Department of Environmental Quality (ODEQ) requirements for minimum lot size for individual septic systems for each lot.

Curve Table

Subdivision Statistics

Driveway Culvert Summary Table

Legend

Curve Table

Driveway Culvert Summary Table

Table

Line Table

Owner/Developer

Surveyor

Engineer

Final Plat Certificate of Approval

REVISED PRELIMINARY PLAT
DEED OF DEDICATION - MAGNOLIA HEIGHTS

SECTION I. STREETS, EASEMENTS AND UTILITIES

A. STREETS AND EASEMENTS

1. The undersigned donors dedicate to the public use, forever, the right of way as shown on the accompanying and recorded plat of said development, together with the appurtenant streets, easements, and reservations, as shown on the accompanying plat, for the uses and purposes therein described and indicated.

2. The right of way shall be dedicated for the purpose of accommodating the public, for the better and more convenient travel of persons and the conveyance of goods and property, and for the purpose of accommodating the services and facilities shown on the plat, and shall be maintained in a condition to accommodate and serve the public.

3. The right of way shown on the plat may be used for the laying of sewers, storm drains, and other appurtenant public utility facilities, as shown on the plat, for the public convenience and accommodation.

4. The right of way shown on the plat may be used by the public and their agents, licensees, and invitees for the purposes and for the public use and convenience and accommodation as shown on the plat.

B. UNDERGROUND SERVICE

1. The underground service shall consist of water, gas, electric, and other related services, as shown on the plat and recorded in accordance with the plat, and which service shall be maintained and kept in a proper condition for the use of the public and in accordance with the provisions of any recorded restrictions, covenants, or easements.

2. The undersigned donors reserve the right to make changes in the location or size of any underground service facilities, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such service facilities.

C. OTHER EASEMENTS

1. The right of ingress and egress to and from each lot shall be maintained, and the right to maintain the streets, easements, and reservations shown on the plat shall be reserved to the respective owners of the adjoining lots.

2. The right of way shown on the plat may be used and maintained by the public and their agents, licensees, and invitees for the purposes and for the public use and convenience and accommodation as shown on the plat.

3. The undersigned donors reserve the right to make changes in the location or size of any provision for ingress and egress, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

D. OSMOTHERY

1. The undersigned donors reserve the right to make changes in the location or size of any provision for osmotherapy, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

2. The undersigned donors reserve the right to make changes in the location or size of any provision for osmotherapy, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

3. The undersigned donors reserve the right to make changes in the location or size of any provision for osmotherapy, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

E. WELLS

1. The undersigned donors reserve the right to make changes in the location or size of any provision for wells, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

2. The undersigned donors reserve the right to make changes in the location or size of any provision for wells, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

3. The undersigned donors reserve the right to make changes in the location or size of any provision for wells, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

F. SEWERS

1. The undersigned donors reserve the right to make changes in the location or size of any provision for sewers, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

2. The undersigned donors reserve the right to make changes in the location or size of any provision for sewers, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

3. The undersigned donors reserve the right to make changes in the location or size of any provision for sewers, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

G. WATER

1. The undersigned donors reserve the right to make changes in the location or size of any provision for water, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

2. The undersigned donors reserve the right to make changes in the location or size of any provision for water, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

3. The undersigned donors reserve the right to make changes in the location or size of any provision for water, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

H. GAS

1. The undersigned donors reserve the right to make changes in the location or size of any provision for gas, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

2. The undersigned donors reserve the right to make changes in the location or size of any provision for gas, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

3. The undersigned donors reserve the right to make changes in the location or size of any provision for gas, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

I. ELECTRICITY

1. The undersigned donors reserve the right to make changes in the location or size of any provision for electricity, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

2. The undersigned donors reserve the right to make changes in the location or size of any provision for electricity, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

3. The undersigned donors reserve the right to make changes in the location or size of any provision for electricity, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

J. OTHER UTILITIES

1. The undersigned donors reserve the right to make changes in the location or size of any provision for other utilities, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

2. The undersigned donors reserve the right to make changes in the location or size of any provision for other utilities, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.

3. The undersigned donors reserve the right to make changes in the location or size of any provision for other utilities, at any time, as shown on the plat, and as required by the public service companies for the proper or necessary operation of such provision.
## Case Report Prepared by:
Jay Hoyt

### Owner and Applicant Information:
- **Applicant:** Michael Sommer
- **Property Owner:** SOMMER, MICHAEL S TTEE

### Location Map:
(Shown with County Commission Districts)

### Applicant Proposal:
- **Present Use:** Agriculture
- **Proposed Use:** Single-family Residential

#### Concept summary:
Rezone from AG to RS to permit a single family development

#### Tract Size:
160 ± acres

#### Location:
Northwest corner of West 51st Street South & South 129th West Avenue

### Zoning:
- **Existing Zoning:** AG
- **Proposed Zoning:** RS

### Comprehensive Plan:
- **Land Use Map:** Residential/Commercial
- **Stability and Growth Map:** N/A

### Staff Recommendation:
Staff recommends approval.

### Staff Data:
- **TRS:** 9128
- **CZM:** 44, 43

### County Commission District:
- **County Commission District:** 2
- **Commissioner Name:** Karen Keith
SECTION I: CZ-504

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from AG to RS to permit a residential single family subdivision. The configuration of the proposed lots will be established as part of the Platting process that will be required for a subdivision. The applicant will need to work with Tulsa County to develop a layout that complies with County requirements. The site is primarily within the Residential designation of the City of Sand Springs Comprehensive Plan. There is a small portion of Commercial designation located at the southeast corner of the subject lot.

EXHIBITS:
INCOG Case map
INCOG Aerial
Land Use Map

DETAILED STAFF RECOMMENDATION:
CZ-504 is non-injurious to surrounding proximate properties;
CZ-504 is consistent with the anticipated future development pattern of the surrounding property therefore;
Staff recommends Approval of CZ-504 to rezone property from AG to RS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

The subject property is located within the fenceline of Sand Springs. The 2030 Sand Springs Land Use Master Plan was adopted June 26, 2017. The City of Sand Springs Planning Department engaged citizens in the Comprehensive Planning process. They initiated a community survey that was available in electronic format via social media and the City's website. The survey was also available in a hard copy that citizens could acquire at several locations. In addition, a web based Interactive Map was launched to obtain citizen participation.

The Land Use Master Plan designates this area as Residential with a small percentage of Commercial on the southeast corner. See the attached Land Use Map.

The Residential category is typically comprised of single-family neighborhoods of varying lot sizes and represents the lowest intensity of all the use categories outside of Agricultural Districts. Dwelling unit densities within the Residential category generally range from 2 to 5 units per acre but density can be as little as 1 or fewer per acre. Areas within the fenceline may not develop to densities any greater than 1 or 2 dwelling units per acre because of the expense of bringing sewer to these locations. As a result of the many variables involved, the Residential category was not broken apart into two different categories, such as rural or urban.

The Commercial Land Use District represents areas of retail trade and services. Typically, these areas are located around nodes of arterial street intersections or in some cases, at intersections of collectors and arterials. Commercial Districts can also be found in corridors that
have an established commercial use pattern. The Commercial District includes uses that range from small neighborhood convenience shopping areas, single free-standing buildings, big box retailers, restaurants, automotive services centers, and other similar retail uses. Residential Multi-Family uses may be allowed where deemed appropriate as increased density provides support for commercial areas.

Land Use Vision:

Land Use Plan map designation: Residential and Commercial

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: S 129th St S is designated as a Secondary Arterial

Trail System Master Plan Considerations: The Go Plan recommends a side path along S 129th W Ave for bicycle and pedestrian traffic.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site currently contains a single family residence and agricultural land.

Environmental Considerations: A portion of the western side of the subject parcel is located within the 100 year floodplain. The applicant will need to work with Tulsa County to mitigate the impact of any development if placed within this area.

Streets:

<table>
<thead>
<tr>
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Utilities:

The subject tract has municipal water and sewer available.
Surrounding Properties:

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<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
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<tbody>
<tr>
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<td>AG/RS-1</td>
<td>Rural Residential</td>
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<td>Church/Vacant</td>
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<td>South</td>
<td>AG</td>
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<td>West</td>
<td>AG</td>
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<td>Vacant</td>
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</tbody>
</table>

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-01058 December 1991: The Board of Adjustment approved a Special Exception to locate an oil well and related storage tanks within 300' of an incorporated area, per plot plan submitted, finding that the oil well is not near a residential neighborhood and the use is compatible with the surrounding area and that there are other oil wells operating near the city of sand springs, on property located at East 56th Street South and South 129th West Avenue.

8/5/2020 1:00 PM
Subject Tract

CZ-504

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

Aerial Photo Date: February 2018
LEGEND

Land Use
- Red: Commercial
- Purple: Industrial/Regional Employment
- Green: Parks/Open Space
- Blue: Public/Quasi Public
- Yellow: Residential
- Orange: Transitional
- Striped: 100 Year Floodplain

CZ-504
19-11 28
**Case Number:** CZ-505

**Hearing Date:** August 5th, 2020

**Case Report Prepared by:**
Jay Hoyt

**Owner and Applicant Information:**
**Applicant:** Ashley Hacker
**Property Owner:** HACKER INVESTMENTS LLC

**Location Map:**
(shown with County Commission Districts)

**Applicant Proposal:**
**Present Use:** Abandoned/Storage
**Proposed Use:** Office Warehouse

**Concept summary:** Rezone from RS to CG to permit a new office/warehouse building

**Tract Size:** 0.44 ± acres

**Location:** East of the Southeast corner of West Wekiwa Road & South River City Park Road

**Zoning:**
**Existing Zoning:** RS
**Proposed Zoning:** CG

**Comprehensive Plan:**
**Land Use Map:** Commercial
**Stability and Growth Map:** N/A

**Staff Recommendation:**
Staff recommends approval.

**Staff Data:**
**TRS:** 9110
**CZM:** 76

**County Commission District:** 2
**Commissioner Name:** Karen Keith

REVISED 7/29/2020
SECTION I: CZ-505

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from RS to CG to permit the construction of a new office/warehouse building as illustrated on the plans provided by the applicant. They intend to construct an office/warehouse duplex approximately 4,000 sf in area.

The site is located within the Commercial Land Use designation of the City of Sand Springs Comprehensive Plan. Based on this designation, the proposed office/warehouse would be compatible with the long term land use plans for the immediate area.

EXHIBITS:

INCOG Case map
INCOG Aerial (small scale)
INCOG Aerial (large scale)
Land Use Map
Applicant Exhibits:
  Building Plans
  Site Plan

DETAILED STAFF RECOMMENDATION:

CZ-505 is non-injurious to surrounding proximate properties;

CZ-505 is compatible with the Commercial Land Use designation of the City of Sand Springs Comprehensive Plan;

CZ-505 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-505 to rezone property from RS to CG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

The subject property is located within the fenceline of Sand Springs. The 2030 Sand Springs Land Use Master Plan was adopted June 26, 2017. The City of Sand Springs Planning Department engaged citizens in the Comprehensive Planning process. They initiated a community survey that was available in electronic format via social media and the City’s website. The survey was also available in a hard copy that citizens could acquire at several locations. In addition, a web based Interactive Map was launched to obtain citizen participation.

The Land Use Master Plan designates this area as Commercial. See the attached Land Use Map. The Commercial Land Use District represents areas of retail trade and services. Typically, these areas are located around nodes of arterial street intersections or in some cases, at intersections of collectors and arterials. Commercial Districts can also be found in corridors that have an established commercial use pattern. The Commercial District includes uses that range from small neighborhood convenience shopping areas, single free-standing buildings, big box
retailers, restaurants, automotive services centers, and other similar retail uses. Residential Multi-Family uses may be allowed where deemed appropriate as increased density provides support for commercial areas.

**Land Use Vision:**

*Land Use Plan designation:* Commercial

*Areas of Stability and Growth designation:* N/A

**Transportation Vision:**

*Major Street and Highway Plan:* Katy Street does not have a designation

*Trail System Master Plan Considerations:* The site is located within 100 ft of the Katy Trail Wekiwa Linkage located along Wekiwa Road. The GO Plan recommends shared Automotive/Bicycle lanes to the east of the subject property, along Katy Street, ending about 110 ft from the subject property.

**Small Area Plan:** None

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** The site currently contains a single family residence.

**Environmental Considerations:** None

**Streets:**

<table>
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<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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<tbody>
<tr>
<td>Katy Street</td>
<td>None</td>
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</table>

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
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<td>N/A</td>
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<td>West</td>
<td>RS</td>
<td>Commercial</td>
<td>N/A</td>
<td>Single Family</td>
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</table>
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:

CZ-488 September 2019: All concurred in approval of a request for rezoning a .3+ acre tract of land from RS to CS for a law office, on property located on the southeast corner of West Wekiwa Road and West Long street.

CBOA-02547 September 2015: The Board of Adjustment approved a Special Exception to permit a mobile home in an RS District and a Variance to allow two dwellings on one RS zoned lot record, subject the trailer house being skirted and tied down, and there be an 8’0” x 10’0” asphalt or concrete pad for parking, on property located 825 West Katy Street South.

CBOA-02142 November 2004: The Board of Adjustment approved a Special Exception to permit a firework stand in an RS District from December 15th, 2004 through January 2nd, 2005 and June 15th, 2005 through July 5th, 2005, as requested, on property located 810 West Katy Street South.

CBOA-01188 September 1993: The Board of Adjustment approved a Special Exception to permit a mobile home in an RS zoned district, subject to a building permit and Health Department approval, and subject to the mobile home being skirted and tied down, on property located at 849 Long Street.

CBOA-01006 January 1991: The Board of Adjustment approved a Special Exception to permit a mobile home in an RS zoned district, subject to Health Department approval and Building Permit, finding that the subject property abuts agricultural land to the west and that there are other mobile homes in the area, on property located at 865 Long Street.

CBOA-00734 April 1984: The Board of Adjustment approved a Special Exception to allow for a mobile home and a Variance to allow 2 dwelling units on one lot of record, subject to the Building Permit and Health Department approval of the septic system, finding that there are numerous mobile homes in the area, as well as lots with more than one dwelling unit, on property located south of Keystone Expressway, West of Highway 97.

CBOA-00551 April 1985: The Board of Adjustment approved a Special Exception to allow a home occupation for a mechanic shop in a RS zoned district, a Variance of the 50’ setback from the centerline of Katy to 25’ and of the rear yard setback from 20’ to 10’ to permit construction of an accessory building, and a Variance to permit a 1200 sq. ft. accessory building to be located in the side yard, finding that a hardship imposed on the applicant by the narrow shape of the lot and the fact that the lot is also adjacent to the expressway, subject to no placement of a sign on the property, no outside storage of materials, and the garage closing by 10pm, on property located at 816 Katy Street.
Note: Graphic overlays may not precisely align with physical features on the ground.
Subject Tract

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

Aerial Photo Date: February 2018

CZ-505

19-11 10
Subdivision: HALL'S GARDEN ADDN
Legal: LT 12 BLK 1 Section: 10 Township: 19 Range: 11.
Sawyer, Kim

From: ashley@hackerinvestments.com
Sent: Monday, July 27, 2020 12:15 PM
To: esubmit
Subject: CZ-505,CZ-506 applicant presentation materials.
Attachments: Hacker TMAPC.docx

I am the applicant for CZ-505 and CZ-506

attached is what I will be using to make my presentation to the commission and would like it available for all commissioners who are attended remotely. I have been watching the GoToMeeting when they are on and see that only 2 are normally present in the council chambers. I will be attending in person as there could be a large group there and I only feel like I should be there in person.

Thank You

Ashley Hacker
918-260-9526
CZ-505 and CZ-506

HISTORICAL AERIALS

Keystone Corridor Redevelopment Plan 2025
Adopted and approved SS Council October 11 2004
2030 Future Land Use Master Plan

The below figure shows the 2030 Future Land Use Master Plan for the entire Sand Springs fence-line. The City Limits are not shown because State Statute allows communities to plan within their fence-line since they may annex lands within this boundary area. The map document will be used in conjunction with the individual use category descriptions when evaluating development proposals within the City Limits or when commenting on referral cases from both Osage and Tulsa County.

The map shows two newer commercial corridors, one emerging along the south side of HWY 412, west of 209th W. Ave., extending to 177th W. Ave., and along the north side of W. 41st St. from Hwy 97 to 73rd W. Ave. These areas are along highly used transportation corridors making them more attractive for future commercial and transitional types of development. Another area of change is the 113th Corridor from HWY 51 to 41st St. This area has been primarily been identified for transitional uses along the west side of the 113th W. Ave. There has been an influx over the years of development along the west side of 113th abutting the existing residential area adjacent to it. By classifying this area as transitional it will allow for the continuation of development, while suggesting what zoning categories would serve as transitional from residential to commercial located on the east side of 113th W. Ave. Additionally, you will see land use designations changes that display the change in how the Keystone Corridor area might develop out. The Charles Page Blvd. corridor is an area of focus that is designated for commercial development. In recent years this area has lost some of its retail development that once made it busy commercial corridor. The revitalization of this area is important to the overall development of the community. Furthermore, changes can be seen along Morrow Rd. where traditional industrial uses have been located but are now designated for commercial development. Two of most notable changes is the designation of the old steel mill plant and the frontage of that property being designated for commercial. The other is the east side of HWY 97 all the way to Main St. between the Arkansas River and Morrow Rd. This area has been changed to show a designation of a commercial area where historically industrial development has existed. Many other areas have been reclassified to accurately reflect the development that occurred since the last major update of the Sand Springs Comprehensive Plan.
Ashley,

Our GIS Analyst ran a vehicle count for you on that street using a program we have called Streetlight, highlighted below is what the results were on S Broad ST.

Thanks,

Wendy Kramer
GIS Specialist INCOG
2 West 2nd Street, Suite 800 | Tulsa, OK 74103
Phone: 918.579.9463 | Fax: 918.583.1024
www.inco.org | wkramer@inco.org

From: Simmons, Ty <tsimmons@inco.org>
Sent: Monday, June 22, 2020 9:33 AM
To: Kramer, Wendy <wkramer@inco.org>; Gibson, Barbara <bgibson@inco.org>
Cc: Dharmadhikari, Nimish <ndharmadhikari@inco.org>
Subject: RE: Vehicle count broad St. Sand Springs

Wendy,

I ran an AADT analysis and a Zone Activity Analysis on Broad Street using StreetLight and I estimate that there is roughly 2,100 vehicles per day that traverse that street.

From: Kramer, Wendy <wkramer@inco.org>
Sent: Monday, June 22, 2020 9:54 AM
To: Simmons, Ty <tsimmons@inco.org>; Gibson, Barbara <bgibson@inco.org>
Cc: Dharmadhikari, Nimish <ndharmadhikari@inco.org>
Subject: RE: Vehicle count broad St. Sand Springs

Yes it is

Wendy Kramer
GIS Specialist INCOG
2 West 2nd Street, Suite 800 | Tulsa, OK 74103
Phone: 918.579.9463 | Fax: 918.583.1024
www.inco.org | wkramer@inco.org

From: Simmons, Ty <tsimmons@inco.org>
Sent: Monday, June 22, 2020 9:52 AM
To: Gibson, Barbara <bgibson@inco.org>; Kramer, Wendy <wkramer@inco.org>
Cc: Dharmadhikari, Nimish <ndharmadhikari@inco.org>
Subject: RE: Vehicle count broad St. Sand Springs

Is this the Broad Street that is behind the Walmart?
The property was annexed and rezoned and approved by City Council on 2/13/2012. Attached is Ord. 1220.

From: Brad T. Bates  
Sent: Saturday, July 25, 2020 8:29 PM  
To: Cynthia A Webster <cawebster@sandspringsok.org>  
Subject: Fw: 200 Broad St.

Please supply Mr. Hacker with the appropriate information.

From: ashley@hackerinvestments.com  
<ashley@hackerinvestments.com>  
Sent: Monday, July 20, 2020 9:54:06 PM  
To: Brad T. Bates  
Subject: 200 Broad St.

Brad. You wouldn't happen to be able to furnish me with the annexation and rezoning request/agenda for 200 Broad St.? If not the actual request, then dates that it was rezoned and annexed into the city? I believe is was done around 2005 or 6?

Also on that request for a 2” water line on Valley Rd. I will be able to restore the existing well and only require a 1” water tap for my building. Thank you and the rest of the department for the chance to set down and discuss my actual water needs and plans.

Thank You for your time

Ashley Hacker  
918-260-9526
I am writing in support of rezoning CZ-505 and CZ-506 from RS to CG.

My name is Payten Cochrane, and I reside at 819 Katy St, Sand Springs OK.

I feel that it would be in the best interest of our town and community to rezone CZ-505 833 Katy St, Sand Springs OK and CZ-506 804 Long St, Sand Springs OK. I believe the rezoning to commercial general (CG) would allow for a more efficient use of these properties and buildings to better serve the community that my family lives in. We believe that leaving these properties as residentially zoned would hinder economic efficiency and development in this area.
Mr. Pearson,

Your comments will be forwarded to the Planning Commission for their consideration.

Thank you,

Jay Hoyt

-----Original Message-----
From: Josie Pearson [mailto:josiempearson1@gmail.com]
Sent: Sunday, July 26, 2020 7:45 AM
To: esubmit <esubmit@incog.org>
Subject: Case #cz506 and CZ505

Writing on behalf of my wife and I that own 820 long st and 208 short st in sand springs ok. WE DO NOT want the properties around us to be commercial properties. Us and majority of the home owners in our neighborhood agree that we have finally gotten rid of the thugs and lowlifes that we're causing problems and want to raise our children in our homes without having to worry about what money driven, rude, self centered people want to put in to bring a bigger profit. Our neighborhood is finally quiet and we have no issues and we want to keep it that way. The properties in question are directly across from me and the buildings on those properties have not been taken care of in years, why does it need to be commercial if they can't even take care of residential? We want our voices heard and again we say NO to zoning it commercial.

Thank you,
Morgan Miller-Pearson and Josie Pearson
Dear Mr. Wilkerson and planning commissioners,

Hello, I am a resident of Tulsa County living just out of the Sand Springs city limits in a neighborhood called Hall's Garden. It is located just off of Highway 412. There are about 25 or so homes in this neighborhood.

We received notice that Ashley Hacker has applied to have both of these homes (CZ 505 and CZ 506) rezoned from residential to commercial. We are opposed to rezoning of both of these properties as it would be detrimental to our neighborhood.

I would like to give you some background on this application. Ashley Hacker owns another property right across from my house. His family had this property annexed into the City of Sand Springs many years ago. They ran a day care there for over thirty years. Just a few weeks ago he appeared before the Sand Springs City Council to acquire a special use permit in order to put a marijuana growing and processing facility in that property. I rallied the neighborhood and we expressed our concerns to the city councilmen. We were successful and the Sand Springs City Council denied the special use permit. In their presentation to the council, the lawyer for Mr. Hacker told the members if this property wasn't annexed into the city, he wouldn't even have to ask permission to put in the marijuana processing and growing facility. He said in the county, he only needed to be zoned commercial, which it has been since the early 80's. About a week after that city council meeting, Mr. Hacker told the couple renting the house next door to me (CZ-506) that he was going to demo that house and build a metal building. We have no doubt that Mr. Hacker intends to put a marijuana processing and growing facility in the property identified as case number CZ-506 if he is successful in his attempt to get it rezoned to commercial. I also believe he chose to rezone the property next door to me out of retaliation because I have been very vocal in my opposition to his plans. Today he offered to buy my house and said I could find a house in West Tulsa with the $95,000 he offered me.

Rezoning CZ-506 and CZ-505 to commercial properties will be detrimental to the neighbors who live in Hall's Garden. Many of these families have been here for generations. We have been working with the county and Commissioner Karen Keith to get a junkyard in the neighborhood cleaned up. Some of the residents have been fixing up their homes. This neighborhood is full of families with children and seniors who want to be able to enjoy their homes. We do not want a marijuana processing and growing facility or any other commercial entity in the middle of our neighborhood. Please do not allow these residential properties, both located in our neighborhood, to be rezoned commercial.

It is my understanding that John Fothergill was on the planning commission for Tulsa County and now is in the treasurer’s office. Mr. Fothergill came to the city council meeting to speak on behalf of Ashley Hacker. He wanted the council to grant the special use permit. We have some concerns that he may try to influence the decision to rezone these properties. We sincerely hope that the planning commission will look at what’s best for the residents in this neighborhood. No one wants a marijuana facility in his or her backyard. Please protect our neighborhood!

Thank you for time and attention to this matter.

Sincerely,
Barbara Shockley
202 Broad Street
Sand Springs, OK 74063
Petition AGAINST rezoning the properties CZ-505 and CZ-506 in Tulsa County as Commercial General, as it would be detrimental to the residential neighborhood in which they are both located.

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<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>PHONE #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Megan Lashlee</td>
<td>634 long st</td>
<td>918-240-9167</td>
</tr>
<tr>
<td>Kathryn Morris</td>
<td>803 kany st</td>
<td>918-247-5079</td>
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<tr>
<td>Danielle Mcclain</td>
<td>803 long st</td>
<td>918-519-5338</td>
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<td>Darren Martin</td>
<td>803 long st</td>
<td>918-773-7519</td>
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<td>Denise Cristie</td>
<td>803 long st</td>
<td>918-743-7519</td>
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<td>Deidre Mcclain</td>
<td>655 long st</td>
<td>918-313-2182</td>
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<td>John F.</td>
<td>207 long st</td>
<td>918-247-8064</td>
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<td>Prenta Oakes</td>
<td>840 long st</td>
<td>918-724-1876</td>
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<tr>
<td>Jeff Revent</td>
<td>803 kany st</td>
<td>918-857-5936</td>
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<tr>
<td>Candie Gilbert</td>
<td>803 kany st</td>
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<td>David Mcclain</td>
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<td>Eileen Mcclain</td>
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<td>David Revent</td>
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<td>918-857-5937</td>
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<tr>
<td>Laura F.</td>
<td>803 kany st</td>
<td>918-857-5937</td>
</tr>
<tr>
<td>Blake Babcock</td>
<td>805 kany st</td>
<td>918-887-4864</td>
</tr>
<tr>
<td>Kathryn Spencer</td>
<td>819 long st</td>
<td>918-510-1129</td>
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9.23
Petition AGAINST rezoning the properties CZ-505 and CZ-506 in Tulsa County as Commercial General, as it would be detrimental to the residential neighborhood in which they are both located.

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<th>PHONE #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbara Shackley</td>
<td>202 Broad St</td>
<td>918-204-1808</td>
</tr>
<tr>
<td>Dale Morgan</td>
<td>208 Short St</td>
<td>918-740-0911</td>
</tr>
<tr>
<td>Morgan Pearson</td>
<td>820 Long St</td>
<td>918-720-2957</td>
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<tr>
<td>Karen Grissom</td>
<td>851 Long St</td>
<td>918-557-8766</td>
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<tr>
<td>Shirley Mosley</td>
<td>848 Long St</td>
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<tr>
<td>Cathy Haase</td>
<td>835 Katy St</td>
<td>918-384-3808</td>
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<td>J. Lee Bowman</td>
<td>831 Katy St</td>
<td>918-375-2818</td>
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<tr>
<td>Karen Stovice</td>
<td>815 Katy St</td>
<td>918-246-7007</td>
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<td>Dwayne Braggby</td>
<td>312 Broad St</td>
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<td>Dan Bishop</td>
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<td>Bob Anderson</td>
<td>882 Long St</td>
<td>918-955-6701</td>
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<tr>
<td>Judy Castille</td>
<td>831 Katy St</td>
<td>918-245-4051</td>
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<tr>
<td>Wanda Stovice</td>
<td>314 Broad St</td>
<td>918-951-8042</td>
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<tr>
<td>Paul Hines</td>
<td>931 Long St</td>
<td>918-551-8042</td>
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<td>Ray James</td>
<td>323 Long St</td>
<td>918-556-9382</td>
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<td>John Jameson</td>
<td>335 1/2 Long St</td>
<td>918-375-0558</td>
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<td>Todd Thompson</td>
<td>835 1/2 Long St</td>
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<tr>
<td>Freda Smith</td>
<td>841 Long St</td>
<td>918-671-3320</td>
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<td>Bob Smith</td>
<td>844 Long St</td>
<td>539-292-5801</td>
</tr>
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John Weidman, Bond Counsel, requested Council's consideration and adoption of Resolution No. 20-36, a resolution relating to the incurring of indebtedness by the Trustees of the Sand Springs Municipal Authority, waiving competitive bidding and approving a purchase contract, sales tax agreement, and other related documents.

Following a brief discussion, a motion was made by Councilor Burdge and seconded by Councilor Wilson that the requested approval of Resolution No. 20-36, a resolution relating to the incurring of indebtedness by the Trustees of the Sand Springs Municipal Authority, waiving competitive bidding and approving a purchase contract, sales tax agreement, and other related documents, as presented, be approved.

Mayor Spoon called for the vote recorded as follows:

Councilor Burdge, aye; Councilor Jackson, aye; Vice Mayor Dixon, aye; Mayor Spoon, aye; Councilor Riley, aye; Councilor Wilson, aye; Councilor Nollan, aye.

The motion carried 7-0-0.

7. **SUP-59 Specific Use Permit for Medical Marijuana Growing and Processing Facility (A-F)**

City Attorney David Weatherford requested Council's consideration of SUP-59 concerning the application of Ashley Hacker, on behalf of Hacker Corporation, for a Specific Use Permit to allow a medical marijuana growing facility (Use Unit 2) and a medical marijuana processing facility (Use Unit 25) at property legally known as The East 100' of the North 140' of Lot 1, Block 2, Halls Garden Addition and the West 3' of the North 140' of Lot 1, and the East 72' of the North 140' of Lot 1, Block 2, Halls Garden Addition, Tulsa County, Oklahoma, and commonly known as 801 Long St., zoned CG (Commercial General). Council should complete the Findings of Fact and Conclusions of Law.

A) **Public Hearing**

Mayor Spoon declared a Public Hearing for the purpose of a brief presentation by Applicant, Ashley Hacker, on behalf of Hacker Corporation; and for the purpose of public comments in regard to the applicant.

This item was for informational purposes only.

Attorneys Stefanie Sinclair and Johnathan P. Nation presented a brief presentation of SUP-59 on behalf of the Applicant.
Attorneys for the Applicant commented on the following: traffic, signage, carbon scrubber filters, electricity, property values, and Comprehensive Plan 2030. A photo concept of the proposed Medical Marijuana Growing and Processing Facility was presented, and it was noted that the citizens of Oklahoma voted for the legalization of medical marijuana.

The following citizens spoke in opposition of SUP-59:

Barbara Shockley, 202 Broad Street, Sand Springs, OK, commented on property value, traffic/crime, wear and tear on roads, children and churches in neighborhood, and a family neighborhood since 1949. Ms. Shockley lives across the street from the proposed facility.

Patricia Goins, 16610 Buford, Sapulpa, OK, commented on need to have a transport license, no shopping at proposed location, and property value.

Mark Massey, 200 Broad Street, Sand Springs, OK, commented on decreased property value and community improvements such as the Case Community Center and the Billie A. Hall Public Safety Center. Mr. Massey owns an annexed commercial property.

Cliff Hewitt, 803 Katy Street, Sand Springs, OK, commented on concern for increased crime and showing respect for churches in the community. Mr. Hewitt is the pastor of a church in Sand Springs.

Earl Shockley, 9441 W. Country Road, Sand Springs, OK, commented on current property values and proposed facility belongs in a Light Industrial site. Mr. Shockley’s mother lives across the street from the proposed facility.

Kathryn Spencer, 819 Long Street, Sand Springs, OK, commented on filters and a personal medical allergy to marijuana. Ms. Spencer lives three (3) lots from the proposed facility.

The following citizens spoke in favor of SUP-59:

John Fothergill, 3410 S. 73rd W. Ave., Tulsa, OK, commented that the Hacker Corporation is invested in the community; the building will be monitored and occupied rather than vacant; the building will be maintained; and the building is inside the city limits of Sand Springs.

Deputy County Commissioner Keri Fothergill, 310 W. 32nd Pl, Sand Springs, OK, provided a brief update on the clean-up of the “green barn” property adjacent to the subject property.

Following a brief discussion and there being no further comments, Mayor Spoon closed the public hearing.
B) Probable Effect of the Project on the Adjacent Property

Mayor Spoon requested Council's consideration of the PROBABLE EFFECT OF THE PROJECT ON THE ADJACENT PROPERTY, and requested a motion finding that the proposed use will have either minimal or substantial effect on the adjacent property.

A motion was made by Vice Mayor Dixon and seconded by Councilor Burdge that the proposed use of the property will have a substantial effect on the adjacent property.

Mayor Spoon called for the vote recorded as follows:

Councilor Nollan, aye; Councilor Wilson, aye; Councilor Riley, aye, Mayor Spoon, aye; Vice Mayor Dixon, aye; Councilor Jackson, nay; Councilor Burdge, aye.

The motion passed 6-1-0.

C) Community Welfare as Affected by the Project

Mayor Spoon requested Council's consideration of the COMMUNITY WELFARE AS AFFECTED BY THE PROJECT, and requested a motion finding that the proposed use either will or will not have an adverse effect on the community welfare as a whole.

A motion was made by Vice Mayor Dixon and seconded by Councilor Nollan that the proposed use will have an adverse effect on the community welfare as a whole.

Mayor Spoon called for the vote recorded as follows:

Councilor Burdge, aye; Councilor Jackson, nay; Vice Mayor Dixon, aye; Mayor Spoon, aye; Councilor Riley, aye; Councilor Wilson, aye; Councilor Nollan, aye.

The motion carried 6-1-0.

D) Impact of the Development on Public Facilities, Including but not Limited to Parks, Roads, and Utilities

Mayor Spoon requested Council's consideration of the IMPACT OF THE DEVELOPMENT ON PUBLIC FACILITIES, INCLUDING BUT NOT LIMITED TO PARKS, ROADS, AND UTILITIES, and requested a motion finding that the proposed use either will or will not have an adverse effect on public facilities.

A motion was made by Councilor Nollan and seconded by Vice Mayor Dixon that the proposed use will not have an adverse effect on public facilities.
Mayor Spoon called for the vote recorded as follows:

Councilor Nollan, aye; Councilor Wilson, aye; Councilor Riley, aye; Mayor Spoon, aye; Vice Mayor Dixon, aye; Councilor Jackson, aye; Councilor Burdge, aye.

The motion passed 7-0-0.

E) Approval or Denial of SUP-59 - Specific Use Permit for Medical Marijuana Growing and Processing Facility

Mayor Spoon requested Council's overall approval or denial of the SUP, based on the above findings.

A motion was made by Vice Mayor Dixon and seconded by Councilor Burdge that SUP-59, a Specific Use Permit for Medical Marijuana Growing and Processing Facility, be denied based on the above findings.

Mayor Spoon called for the vote recorded as follows:

Councilor Burdge, aye; Councilor Jackson, nay; Vice Mayor Dixon, aye; Mayor Spoon, aye; Councilor Riley, aye; Councilor Wilson, aye; Councilor Nollan, aye.

The motion carried 6-1-0.

F) Safeguards to Diminish the Effect on the Adjacent Property, Community Welfare, or Public Facilities/Services (If Item 7E is denied, no vote is necessary.)

SAFEGUARDS TO DIMINISH THE EFFECT ON THE ADJACENT PROPERTY, COMMUNITY WELFARE, OR PUBLIC FACILITIES/SERVICES, as recommended by the Planning Commission, should be adopted, or will modify those safeguards as council deems appropriate.

Mayor Spoon state no action to be taken on Item 7F as it relates to SAFEGUARDS TO DIMINISH THE EFFECT ON THE ADJACENT PROPERTY, COMMUNITY WELFARE, OR PUBLIC FACILITIES/SERVICES, as recommended by the Planning Commission.


Mayor Spoon declared a Public Hearing for the purpose of receiving City Council and citizen input concerning the 2020 Sand Springs Police Department Policing Plan.

Police Chief Michael S. Carter provided a brief overview of the 2020 Policing Plan.
**Case Report Prepared by:**
Jay Hoyt

**Owner and Applicant Information:**
- **Applicant:** Ashley Hacker
- **Property Owner:** HACKER, BARRY A AND CELESTE L

**Location Map:**
(Shown with County Commission Districts)

**Applicant Proposal:**
- **Present Use:** Storage
- **Proposed Use:** Office Warehouse
- **Concept summary:** Rezone from RS to CG to permit a new office/warehouse building
- **Tract Size:** 0.34 ± acres
- **Location:** West of the northwest corner of West Long Street & South Broad Street

**Zoning:**
- **Existing Zoning:** RS
- **Proposed Zoning:** CG

**Comprehensive Plan:**
- **Land Use Map:** Commercial
- **Stability and Growth Map:** N/A

**Staff Recommendation:**
Staff recommends approval.

**Staff Data:**
- **TRS:** 9110
- **CZM:** 76

**County Commission District:** 2
- **Commissioner Name:** Karen Keith

**Case Number:** CZ-506

**Hearing Date:** August 5th, 2020

**TMAPC**
Tulsa Metropolitan Area Planning Commission

**REVISED 7/29/2020**
SECTION I: CZ-506

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from RS to CG to permit the construction of a new office/warehouse building. The building is intended to be an office/warehouse duplex with spaces for two businesses. The site is located within the Commercial Land Use designation of the City of Sand Springs Comprehensive Plan. Based on this designation, the proposed CG zoning for an office/warehouse use would be compatible with the long term land use plans for the immediate area.

EXHIBITS:
- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Land Use Map

DETAILED STAFF RECOMMENDATION:

CZ-506 is non-injurious to surrounding proximate properties;

CZ-506 is compatible with the Commercial Land Use designation of the City of Sand Springs Comprehensive Plan;

CZ-506 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-506 to rezone property from RS to CG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

The subject property is located within the fenceline of Sand Springs. The 2030 Sand Springs Land Use Master Plan was adopted June 26, 2017. The City of Sand Springs Planning Department engaged citizens in the Comprehensive Planning process. They initiated a community survey that was available in electronic format via social media and the City's website. The survey was also available in a hard copy that citizens could acquire at several locations. In addition, a web based Interactive Map was launched to obtain citizen participation.

The Land Use Master Plan designates this area as Commercial. See the attached Land Use Map. The Commercial Land Use District represents areas of retail trade and services. Typically, these areas are located around nodes of arterial street intersections or in some cases, at intersections of collectors and arterials. Commercial Districts can also be found in corridors that have an established commercial use pattern. The Commercial District includes uses that range from small neighborhood convenience shopping areas, single free-standing buildings, big box retailers, restaurants, automotive services centers, and other similar retail uses. Residential Multi-Family uses may be allowed where deemed appropriate as increased density provides support for commercial areas.
Land Use Vision:

Land Use Plan map designation: Commercial

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: W Long Street does not have a designation

Trail System Master Plan Considerations: The site is located approximately 300 ft from the Katy Trail Wekiwa Linkage along Wekiwa Road. The Go Plan calls for shared automobile/bicycle lanes along Broad Street, approximately 200 ft to the east of the subject lot.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site currently contains a single family residence

Environmental Considerations: None

Streets:

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<th>MSHP R/W</th>
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Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

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<td>West</td>
<td>RS</td>
<td>Commercial</td>
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<td>Garage/Storage</td>
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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-02547 September 2015: The Board of Adjustment approved a Special Exception to permit a mobile home in an RS District and a Variance to allow two dwellings on one RS zoned lot record, subject the trailer house being skirted and tied down, and there be an 8'0" x 10'0" asphalt or concrete pad for parking, on property located 825 West Katy Street South.

CBOA-02142 November 2004: The Board of Adjustment approved a Special Exception to permit a firework stand in an RS District from December 15th, 2004 through January 2nd, 2005 and June 15th, 2005 through July 5th, 2005, as requested, on property located 810 West Katy Street South.

CBOA-00844 September 1988: The Board of Adjustment approved an Exception to allow for a mobile home in an RS District, subject to Health Department approval and Building Permit, the installation of tie-downs and skirting, finding that there are a number of mobile homes in the area, on property located 813 Long Street.

CBOA-00734 April 1984: The Board of Adjustment approved a Special Exception to allow for a mobile home and a Variance to allow 2 dwelling units on one lot of record, subject to the Building Permit and Health Department approval of the septic system, finding that there are numerous mobile homes in the area, as well as lots with more than one dwelling unit, on property located south of Keystone Expressway, West of Highway 97.

CBOA-00551 April 1985: The Board of Adjustment approved a Special Exception to allow a home occupation for a mechanic shop in a RS zoned district, a Variance of the 50’ setback from the centerline of Katy to 25’ and of the rear yard setback from 20’ to 10’ to permit construction of an accessory building, and a Variance to permit a 1200 sq. ft. accessory building to be located in the side yard, finding that a hardship imposed on the applicant by the narrow shape of the lot and the fact that the lot is also adjacent to the expressway, subject to no placement of a sign on the property, no outside storage of materials, and the garage closing by 10pm, on property located at 816 Katy Street.

CBOA-00083 July 1981: The Board of Adjustment approved an Exception to allow for a mobile home in an RS District, subject to city-county Health Department approval, on property located 310 Broad Street.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
Note: Graphic overlays may not precisely align with physical features on the ground.
I am the applicant for CZ-505 and CZ-506

attached is what I will be using to make my presentation to the commission and would like it available for all commissioners who are attended remotely. I have been watching the GoToMeeting when they are on and see that only 2 are normally present in the council chambers. I will be attending in person as there could be a large group there and I only feel like I should be there in person.

Thank You

Ashley Hacker

918-260-9526
CZ-505 and CZ-506

HISTORICAL AERIALS

Keystone Corridor Redevelopment Plan 2025
Adopted and approved SS Council October 11 2004
2030 Future Land Use Master Plan

The below Figure shows the 2030 Future Land Use Master Plan for the entire Sand Springs fence-line. The City Limits are not shown because State Statute allows communities to plan within their fence-line since they may annex lands within this boundary area. The map document will be used in conjunction with the individual use category descriptions when evaluating development proposals within the City Limits or when commenting on referral cases from both Osage and Tulsa County.

The map shows two newer commercial corridors, one emerging along the south side of HWY 412, west of 209th W. Ave. extending to 177th W. Ave., and along the north side of W. 41st St. from Hwy 97 to 73rd W. Ave. These areas are along highly used transportation corridors making them more attractive for future commercial and transitional types of development. Another area of change is the 113th Corridor from HWY 51 to 41st St. This area has been primarily been identified for transitional uses along the west of the 113th W. Ave. There has been an influx over the years of development along the west side of 113th abutting the existing residential area adjacent to it. By classifying this area as transitional it will allow for the continuation of development while suggesting what zoning categories would serve as transitional from residential to commercial located on the east side of 113th W. Ave.

Additionally, you will see land use designations changes that display the change in how the Keystone Corridor area might develop out. The Charles Page Blvd. corridor is an area of focus that is designated for commercial development. In recent years this area has lost some of its retail development that once made it busy commercial corridor. The revitalization of this area is important to the overall development of the community. Furthermore, changes can be seen along Morrow Rd. where traditional industrial uses have been located but are now designated for commercial development. Two of most notable changes is the designation of the old steel mill plant and the frontage of that property being designated for commercial. The other is the east side of HWY 97 all the way to Main St. between the Arkansas River and Morrow Rd. This area has been changed to show a designation of a commercial area where historically industrial development has existed. Many other areas have been reclassified to accurately reflect the development that occurred since the last major update of the Sand Springs Comprehensive Plan.
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Templates
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Sent Items
Trash

Search Results > Message Detail

Subject: FW: Vehicle count broad St. Sand Springs

From: Kramer, Wendy <wkramer@incog.org>
Date: Mon, Jun 22, 2020 10:43 am

Thanks,

Wendy Kramer
GIS Specialist INCOG
2 West 2nd Street, Suite 800
Tulsa, OK 74103
Phone: 918.579.9463
Fax: 918.583.1024

Ashley,

Our GIS Analyst ran a vehicle count for you on that street using a program we have called Streetlight, highlighted below is what the results were on 5 Broad ST.

Thanks,

Wendy Kramer
GIS Specialist INCOG
2 West 2nd Street, Suite 800
Tulsa, OK 74103
Phone: 918.579.9463
Fax: 918.583.1024

Subject: RE: Vehicle count broad St. Sand Springs

Yes it is

Wendy Kramer
GIS Specialist INCOG
2 West 2nd Street, Suite 800
Tulsa, OK 74103
Phone: 918.579.9463
Fax: 918.583.1024

From: Simmons, Ty <simmons@incog.org>
Subject: RE: Vehicle count broad St. Sand Springs

From: Simmons, Ty <simmons@incog.org>
Subject: RE: Vehicle count broad St. Sand Springs

Is this the Broad Street that is behind the Walmart?
The property was annexed and rezoned and approved by City Council on 2/13/2012. Attached is Ord. 1220.

From: Brad T. Bates  
Sent: Saturday, July 25, 2020 8:29 PM  
To: Cynthia A Webster <cawebst@sandspringsok.org>  
Subject: Fw: 200 Broad St.

Please supply Mr. Hacker with the appropriate information.

From: ashley@hackerinvestments.com  
<ashley@hackerinvestments.com>  
Sent: Monday, July 20, 2020 9:54:06 PM  
To: Brad T. Bates  
Subject: 200 Broad St.

Brad. You wouldn’t happen to be able to furnish me with the annexation and rezoning request/agenda for 200 Broad St.? If not the actual request, then dates that it was rezoned and annexed into the city? I believe it was done around 2005 or 6?

Also on that request for a 2” water line on Valley Rd. I will be able to restore the existing well and only require a 1” water tap for my building. Thank you and the rest of the department for the chance to set down and discuss my actual water needs and plans.

Thank You for your time

Ashley Hacker  
918-260-9526
ORDINANCE NO. 1226

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE TOWNSHIP OF HAMMON TO THE SOUTHWEST AND SOUTHEAST OF THE TOWNSHIP AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREBY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Mark Harvey & Dana Masters and Rob King and Joseph Clark are the owners of real property described below and have approved an amendment to the plat showing the addition of the real property into the city limits of the City of Sand Springs, Oklahoma, and rezoned the property from Residential District 50 to Commercial Shopping District (CSD) and

WHEREAS, after due consideration of the facts and being sufficiently appraised of the City Council hereby finds that an amendment necessary for annexation has been made, including proper notation, and specifically finds that the land to be annexed is adjacent and contiguous to the existing city limits and serves a municipal purpose by providing a more uniform control for the land and serves to consolidate previously unincorporated portions of existing city laws.

WHEREAS, it is deemed desirable and beneficial for the citizens of the City of Sand Springs, Oklahoma, and the property owners described herein, that the Municipal Limits of the City of Sand Springs, Oklahoma, be extended to the property described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAND SPRINGS, OKLAHOMA, as the property owners described herein, that the following described tracts of land and real estate, to wit:

The East 1416 feet of Lot 2, Block 1, Harlem Garden Addition, and beginning at

WHERE: The property owners hereby consent to the additional of the property described below to the Corporate Limits of the City of Sand Springs, Oklahoma, and the city of Sand Springs hereby accepts and has jurisdiction over said property, and all the property owners hereby consent to the additional of said property to the Corporate Limits of the City of Sand Springs, Oklahoma, and all residents and the property owners shall be subject to the ordinances and Regulations of the City of Sand Springs, Oklahoma, as all residents and property owners shall be and are hereby declared to be subject to said ordinance and regulations.

APPROVED AS TO FORM

Mike Blankenship Ward

City Attorney

Page 2 of 2
I am writing in support of rezoning CZ-505 and CZ-506 from RS to CG.

My name is Payten Cochrane, and I reside at 819 Katy St, Sand Springs OK.

I feel that it would be in the best interest of our town and community to rezone CZ-505 833 Katy St, Sand Springs OK and CZ-506 804 Long St, Sand Springs OK. I believe the rezoning to commercial general (CG) would allow for a more efficient use of these properties and buildings to better serve the community that my family lives in. We believe that leaving these properties as residually zoned would hinder economic efficiency and development in this area.
Mr. Pearson,

Your comments will be forwarded to the Planning Commission for their consideration.

Thank you,

Jay Hoyt

-----Original Message-----
From: Josie Pearson [mailto:josiempearson1@gmail.com]
Sent: Sunday, July 26, 2020 7:45 AM
To: esubmit <esubmit@incog.org>
Subject: Case #cz506 and CZ505

Writing on behalf of my wife and I that own 820 long st and 208 short st in sand springs ok. WE DO NOT want the properties around us to be commercial properties. Us and majority of the home owners in our neighborhood agree that we have finally gotten rid of the thugs and lowlifes that we’re causing problems and want to raise our children in our homes without having to worry about what money driven, rude, self centered people want to put in to bring a bigger profit. Our neighborhood is finally quiet and we have no issues and we want to keep it that way. The properties in question are directly across from me and the buildings on those properties have not been taken care of in years, why does it need to be commercial if they can’t even take care of residential? We want our voices heard and again we say NO to zoning it commercial.

Thank you,
Morgan Miller-Pearson and Josie Pearson
> Dear Mr. Wilkerson and planning commissioners,

> Hello, I am a resident of Tulsa County living just out of the Sand Springs city limits in a neighborhood called Hall's Garden. It is located just off of Highway 412. There are about 25 or so homes in this neighborhood.

> We received notice that Ashley Hacker has applied to have both of these homes (CZ 505 and CZ 506) rezoned from residential to commercial. We are opposed to rezoning of both of these properties as it would be detrimental to our neighborhood.

> I would like to give you some background on this application. Ashley Hacker owns another property right across from my house. His family had this property annexed into the City of Sand Springs many years ago. They ran a day care there for over thirty years. Just a few weeks ago he appeared before the Sand Springs City Council to acquire a special use permit in order to put a marijuana growing and processing facility in that property. I rallied the neighborhood and we expressed our concerns to the city councilmen. We were successful and the Sand Springs City Council denied the special use permit. In their presentation to the council, the lawyer for Mr. Hacker told the members if this property wasn't annexed into the city, he wouldn't even have to ask permission to put in the marijuana processing and growing facility. He said in the county, he only needed to be zoned commercial, which it has been since the early 80's. About a week after that city council meeting, Mr. Hacker told the couple renting the house next door to me (CZ-506) that he was going to demo that house and build a metal building. We have no doubt that Mr. Hacker intends to put a marijuana processing and growing facility in the property identified as case number CZ-506 if he is successful in his attempt to get it rezoned to commercial. I also believe he chose to rezone the property next door to me out of retaliation because I have been very vocal in my opposition to his plans. Today he offered to buy my house and said I could find a house in West Tulsa with the $95,000 he offered me.

> Rezoning CZ-506 and CZ-505 to commercial properties will be detrimental to the neighbors who live in Hall's Garden. Many of these families have been here for generations. We have been working with the county and Commissioner Karen Keith to get a junkyard in the neighborhood cleaned up. Some of the residents have been fixing up their homes. This neighborhood is full of families with children and seniors who want to be able to enjoy their homes. We do not want a marijuana processing and growing facility or any other commercial entity in the middle of our neighborhood. Please do not allow these residential properties, both located in our neighborhood, to be rezoned commercial.

> It is my understanding that John Fothergill was on the planning commission for Tulsa County and now is in the treasurer's office. Mr. Fothergill came to the city council meeting to speak on behalf of Ashley Hacker. He wanted the council to grant the special use permit. We have some concerns that he may try to influence the decision to rezone these properties. We sincerely hope that the planning commission will look at what's best for the residents in this neighborhood. No one wants a marijuana facility in his or her backyard. Please protect our neighborhood!

> Thank you for time and attention to this matter.

> Sincerely,

> Barbara Shockley

202 Broad Street

Sand Springs, OK 74063
Petition AGAINST rezoning the properties CZ-505 and CZ-506 in Tulsa County as Commercial General, as it would be detrimental to the residential neighborhood in which they are both located.

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<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
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<tr>
<td>Megan Lalone</td>
<td>834 Long St</td>
<td>918-230-9162</td>
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<tr>
<td>Sabreena Martin</td>
<td>803 Kamm St</td>
<td>918-581-447</td>
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<tr>
<td>Danielle Websten</td>
<td>803 Long St</td>
<td>918-291-5079</td>
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<tr>
<td>Darin Mathey</td>
<td>803 Long St</td>
<td>918-291-5333</td>
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<td>Renise Christian</td>
<td>803 Long St</td>
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<td>Patricia O'Neill</td>
<td>833 Long St</td>
<td>295-4319</td>
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<td>Joy Long</td>
<td>855 Long St</td>
<td>918-338-2186</td>
</tr>
<tr>
<td>Steven Halet</td>
<td>307 Long St - Daughter</td>
<td>918-345-3304</td>
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<tr>
<td>Brenda Davis</td>
<td>840 Long St</td>
<td>918-345-3304</td>
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<tr>
<td>Cliff Kennedy</td>
<td>803 Katy St</td>
<td>918-224-1876</td>
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<td>Mike Gilbert</td>
<td>803 Katy St</td>
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<td>Marge Gilbert</td>
<td>803 Katy St</td>
<td>918-857-5937</td>
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<tr>
<td>Vincent McVicker</td>
<td>855 Katy St</td>
<td>915-3000</td>
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<td>Richard Taborian</td>
<td>821 Long St</td>
<td>918-481-4879</td>
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<td>Blake Babcock</td>
<td>805 Katy St</td>
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<tr>
<td>Kathryn Spencer</td>
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<td>918-510-1129</td>
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10.21
Petition AGAINST rezoning the properties CZ-505 and CZ-506 in Tulsa County as Commercial General, as it would be detrimental to the residential neighborhood in which they are both located.

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<td>Barbara Shackley</td>
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<tr>
<td>Joe Pearson</td>
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<td>Morgan Pearson</td>
<td>820 Long St</td>
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<td>Karen Grissely</td>
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<td>918-557-8766</td>
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<td>Shirley Massey</td>
<td>848 Long St</td>
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<tr>
<td>Cathy Hauser</td>
<td>835 Katy St</td>
<td>918-488-2845</td>
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<tr>
<td>William Coleman</td>
<td>831 Katy St</td>
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<td>Carol Mundy</td>
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<td>Johnson Groody</td>
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<td>Jim</td>
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<td>Jody Jenson</td>
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<tr>
<td>Bob Smith</td>
<td>844 Long St</td>
<td>539-292-5801</td>
</tr>
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</table>

10.22

John Weidman, Bond Counsel, requested Council’s consideration and adoption of Resolution No. 20-36, a resolution relating to the incurring of indebtedness by the Trustees of the Sand Springs Municipal Authority, waiving competitive bidding and approving a purchase contract, sales tax agreement, and other related documents.

Following a brief discussion, a motion was made by Councilor Burdge and seconded by Councilor Wilson that the requested approval of Resolution No. 20-36, a resolution relating to the incurring of indebtedness by the Trustees of the Sand Springs Municipal Authority, waiving competitive bidding and approving a purchase contract, sales tax agreement, and other related documents, as presented, be approved.

Mayor Spoon called for the vote recorded as follows:

Councilor Burdge, aye; Councilor Jackson, aye; Vice Mayor Dixon, aye; Mayor Spoon, aye; Councilor Riley, aye; Councilor Wilson, aye; Councilor Nollan, aye.

The motion carried 7-0-0.

7. **SUP-59 Specific Use Permit for Medical Marijuana Growing and Processing Facility (A-F)**

City Attorney David Weatherford requested Council’s consideration of SUP-59 concerning the application of Ashley Hacker, on behalf of Hacker Corporation, for a Specific Use Permit to allow a medical marijuana growing facility (Use Unit 2) and a medical marijuana processing facility (Use Unit 25) at property legally known as The East 100’ of the North 140’ of Lot 1, Block 2, Halls Garden Addition and the West 3’ of the North 140’ of Lot 1, and the East 72’ of the North 140’ of Lot 1, Block 2, Halls Garden Addition, Tulsa County, Oklahoma, and commonly known as 801 Long St., zoned CG (Commercial General). Council should complete the Findings of Fact and Conclusions of Law.

A) **Public Hearing**

Mayor Spoon declared a Public Hearing for the purpose of a brief presentation by Applicant, Ashley Hacker, on behalf of Hacker Corporation; and for the purpose of public comments in regard to the applicant.

This item was for informational purposes only.

Attorneys Stefanie Sinclair and Johnathan P. Nation presented a brief presentation of SUP-59 on behalf of the Applicant.
Attorneys for the Applicant commented on the following: traffic, signage, carbon scrubber filters, electricity, property values, and Comprehensive Plan 2030. A photo concept of the proposed Medical Marijuana Growing and Processing Facility was presented, and it was noted that the citizens of Oklahoma voted for the legalization of medical marijuana.

The following citizens spoke in opposition of SUP-59:

Barbara Shockley, 202 Broad Street, Sand Springs, OK, commented on property value, traffic/crime, wear and tear on roads, children and churches in neighborhood, and a family neighborhood since 1949. Ms. Shockley lives across the street from the proposed facility.

Patricia Goins, 16610 Buford, Sapulpa, OK, commented on need to have a transport license, no shopping at proposed location, and property value.

Mark Massey, 200 Broad Street, Sand Springs, OK, commented on decreased property value and community improvements such as the Case Community Center and the Billie A. Hall Public Safety Center. Mr. Massey owns an annexed commercial property.

Cliff Hewitt, 803 Katy Street, Sand Springs, OK, commented on concern for increased crime and showing respect for churches in the community. Mr. Hewitt is the pastor of a church in Sand Springs.

Earl Shockley, 9441 W. Country Road, Sand Springs, OK, commented on current property values and proposed facility belongs in a Light Industrial site. Mr. Shockley's mother lives across the street from the proposed facility.

Kathryn Spencer, 819 Long Street, Sand Springs, OK, commented on filters and a personal medical allergy to marijuana. Ms. Spencer lives three (3) lots from the proposed facility.

The following citizens spoke in favor of SUP-59:

John Fothergill, 3410 S. 73rd W. Ave., Tulsa, OK, commented that the Hacker Corporation is invested in the community; the building will be monitored and occupied rather than vacant; the building will be maintained; and the building is inside the city limits of Sand Springs.

Deputy County Commissioner Keri Fothergill, 310 W. 32nd Pl, Sand Springs, OK, provided a brief update on the clean-up of the "green barn" property adjacent to the subject property.

Following a brief discussion and there being no further comments, Mayor Spoon closed the public hearing.
B) Probable Effect of the Project on the Adjacent Property

Mayor Spoon requested Council's consideration of the PROBABLE EFFECT OF THE PROJECT ON THE ADJACENT PROPERTY, and requested a motion finding that the proposed use will have either minimal or substantial effect on the adjacent property.

A motion was made by Vice Mayor Dixon and seconded by Councilor Burdge that the proposed use of the property will have a substantial effect on the adjacent property.

Mayor Spoon called for the vote recorded as follows:

Councilor Nollan, aye; Councilor Wilson, aye; Councilor Riley, aye; Mayor Spoon, aye; Vice Mayor Dixon, aye; Councilor Jackson, nay; Councilor Burdge, aye.

The motion passed 6-1-0.

C) Community Welfare as Affected by the Project

Mayor Spoon requested Council's consideration of the COMMUNITY WELFARE AS AFFECTED BY THE PROJECT, and requested a motion finding that the proposed use either will or will not have an adverse effect on the community welfare as a whole.

A motion was made by Vice Mayor Dixon and第二段的第二句话中，“Mayor Spoon requested Council's consideration of the COMMUNITY WELFARE AS AFFECTED BY THE PROJECT,”这段文本的内容。
Mayor Spoon called for the vote recorded as follows:

Councilor Nollan, aye; Councilor Wilson, aye; Councilor Riley, aye, Mayor Spoon, aye; Vice Mayor Dixon, aye; Councilor Jackson, aye; Councilor Burdge, aye.

The motion passed 7-0-0.

E) Approval or Denial of SUP-59 - Specific Use Permit for Medical Marijuana Growing and Processing Facility

Mayor Spoon requested Council's overall approval or denial of the SUP, based on the above findings.

A motion was made by Vice Mayor Dixon and seconded by Councilor Burdge that SUP-59, a Specific Use Permit for Medical Marijuana Growing and Processing Facility, be denied based on the above findings.

Mayor Spoon called for the vote recorded as follows:

Councilor Burdge, aye; Councilor Jackson, nay; Vice Mayor Dixon, aye; Mayor Spoon, aye; Councilor Riley, aye; Councilor Wilson, aye; Councilor Nollan, aye.

The motion carried 6-1-0.

F) Safeguards to Diminish the Effect on the Adjacent Property, Community Welfare, or Public Facilities/Services. (If Item 7E is denied, no vote is necessary.)

SAFEGUARDS TO DIMINISH THE EFFECT ON THE ADJACENT PROPERTY, COMMUNITY WELFARE, OR PUBLIC FACILITIES/SERVICES, as recommended by the Planning Commission, should be adopted, or will modify those safeguards as council deems appropriate.

Mayor Spoon state no action to be taken on Item 7F as it relates to SAFEGUARDS TO DIMINISH THE EFFECT ON THE ADJACENT PROPERTY, COMMUNITY WELFARE, OR PUBLIC FACILITIES/SERVICES, as recommended by the Planning Commission.


Mayor Spoon declared a Public Hearing for the purpose of receiving City Council and citizen input concerning the 2020 Sand Springs Police Department Policing Plan.

Police Chief Michael S. Carter provided a brief overview of the 2020 Policing Plan.
### Case Report Prepared by:
Dwayne Wilkerson

### Owner and Applicant Information:
**Applicant:** Jeff Weaver  
**Property Owner:** WEAVER, JEFF

### Applicant Proposal:
**Present Use:** Vacant  
**Proposed Use:** Single family and possibly vertical mixed use only allowing home occupations.  
**Concept summary:** Rezone a very small lot with two zoning designations non-conforming lot for a residential use.  
**Tract Size:** 0.07 ± acres  
**Location:** East of the Northeast corner of West Fairview Street & North Denver Avenue

### Zoning:
**Existing Zoning:** RM-1/RS-4/HP  
**Proposed Zoning:** CH/HP with an optional development plan

### Comprehensive Plan:
**Land Use Map:** Existing Neighborhood  
**Stability and Growth Map:** Area of Stability

### Staff Recommendation:
Staff recommends approval but only with the provisions of the optional development plan in Section II.
SECTION I: Z-7563

DEVELOPMENT CONCEPT: The applicant is requesting to rezone his property from RM-1 and RS-4 in an HP district to CH in an HP district with an optional development plan for a "live-work," or vertical mixed-use building limited to typical home occupations.

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:

DETAILED STAFF RECOMMENDATION:

The applicant has requested CH zoning on this very unusual site that is being developed with private deed restrictions from the Tulsa Development Authority (TDA). The provisions of the optional development plan appear to be consistent with the TDA goals for this site and,

The Tulsa Comprehensive Plan land-use designation of Existing Neighborhood may not seem to point to a vertical mixed-use development as an obvious housing option however the site's proximity to land designated as Downtown Neighborhood, its peculiar size, as well as its orientation (running perpendicular to Fairview, instead of parallel like the single-family detached homes behind it) this could be an appropriate use for land that would otherwise remain vacant and,

The lot is non-conforming in every residential and MX zoning district and is further complicated that the lot is currently divided by two zoning districts. The lot is only 2,953 sq. ft. and 50 ft. wide, when looking through the minimum lot and area requirements of all residential, office, and commercial zoning districts, there are no building options (other than a town house) that this lot would nicely meet. CH zoning with the development plan allows more residential building options by allowing a mixed-use, vertical mixed use, town house, or apartment/condo by right and a single-family detached house or multi-unit house by special exception and,

CH zoning does not require the minimum lot and area standards that are common in all residential and MX districts. CH zoning without a development plan allows more development options and there may be properties in the surrounding area that is also zoned CH, it is acknowledged that this zoning district does permit many heavier uses that could be harmful to an established neighborhood, and have therefore been subsequently removed from the list of permitted uses in the optional development plan below and,

In terms of the its orientation, this site runs perpendicularly to the West Fairview Avenue (as opposed to the single-family residential home behind it that run parallel) making the site more close in character to the apartment building to the west than the single family detached home to the east. This characteristic, in combination with its proximity to the properties classified as Downtown Neighborhood to the South and their goal of having a mix of commercial, living, and open space, create an opportunity to place a buffer or transition between the Brady Heights Neighborhood and West Fairview Avenue/ the commercial uses to the south therefore,
Staff recommends Approval of Z-7563 to rezone property from RM-1 and RS-4 in a HP district to CH in a HP district but only with the provisions of the optional development plan outlined in Section II.

SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS:

Z-7563 with the optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in a CH zoning district and its supplemental regulations except as further refined below. All uses categories, subcategories, or specific uses outside of the permitted uses defined below are prohibited.

PERMITTED USE CATEGORIES:

Residential (this use category allows all Type 1 and Type II home occupations)
   a. Household Living
      i. Single Household
      ii. Two households on a single lot
      iii. Three or more households on a single lot
   Lodging
      a. Bed & Breakfast
      b. Short-term rental

PERMITTED RESIDENTIAL BUILDING TYPES:

A. Household Living
   a. Single household
      i. Townhouse
      ii. Patio House
      iii. Mixed-use building
      iv. Vertical mixed-use building
   b. Two households on a single lot
      i. Duplex
      ii. Mixed-use building
      iii. Vertical mixed-use building
   c. Three or more households on a single lot
      i. Multi-unit House
      ii. Apartment/condo
      iii. Mixed-use building
      iv. Vertical mixed-use building

BUILDING AND ARCHITECTURE REQUIREMENTS:

a. Buildings shall not exceed 3 stories and will not exceed 45 feet height as measured from the finished floor elevation of the first floor.
   b. Historic Preservation Commission must approve plans prior to receipt of a building permit approval.

LIGHTING, SIGNAGE, & TASH DISPOSAL REQUIREMENTS:

Lighting:
Pole mounted lighting is prohibited. All building mounted lighting shall not exceed 16 feet in height and must be pointed down and away from abutting residential properties.

Signage:
All signage is prohibited except one wall mounted or projecting sign for home occupations may be allowed on the south façade of the building and the display surface area may not exceeding 16 square feet. All illuminated signs are prohibited.

Trash Disposal
Dumpsters will not be allowed. Residential style trash bins as provided by the City of Tulsa shall be used and, except on the day of trash pickup, the bins shall be stored so they are not visible from West Fairview Street.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:
The City of Tulsa Comprehensive Plan and the Unity Heritage Neighborhood Plan have included this site in the existing neighborhood land use designation.

The Unity Heritage Neighborhood Plan identifies this property as New & Existing Neighborhood with a medium density residential. While these areas generally include detached single-family houses representative of the traditional neighborhood pattern (fairly consistent lot sizes, mostly single-story homes), the Unity Heritage Neighborhood Plan describes medium density residential areas as potentially including small townhouses or apartment buildings that are well integrated with the character of the neighborhood in terms of scale and form.

In line again with the City of Tulsa Comprehensive Plan, the Unity Heritage Neighborhood Plan also designates the properties to the south of the site (bound by the Brady Heights neighborhood, 1-244, Emerson Elementary School, and OSU-Tulsa), as Downtown Neighborhood and includes a variety of uses, such as retail and restaurants oriented towards students, faculty and residents, open space, research offices, a hotel, and housing that provides a transition to existing neighborhoods.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

The Existing Residential Neighborhood category is intended to preserve and enhance Tulsa’s existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

Areas of Stability and Growth designation: Area of Stability
The Areas of Stability includes approximately 75% of the city’s total parcels. Existing residential
neighborhoods, where change is expected to be minimal, make up a large proportion of the
Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued
character of an area while accommodating the rehabilitation, improvement or replacement of
existing homes, and small-scale infill projects. The concept of stability and growth is specifically
designed to enhance the unique qualities of older neighborhoods that are looking for new ways
to preserve their character and quality of life.

Transportation Vision:

Major Street and Highway Plan: None that affect site redevelopment.

Trail System Master Plan Considerations: None that affect site redevelopment.

Small Area Plan: Unity Heritage Neighborhood Sector Plan

Special District Considerations: There are no special districts that require consideration in this area.

Historic Preservation Overlay: This site is on the south border of the Brady Heights historic
preservation overlay. In addition to the development plan and zoning code this will requires plan
approval at the Tulsa Preservation Commission prior to receipt of a building permit.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary:

The subject property is vacant with single-family detached homes to the north and east,
apartments to the west, and the Tulsa County Election Board to the south.

STREET VIEW FROM SOUTHWEST CORNER LOOKING NORTHEAST:
Environmental Considerations: There are no environmental considerations that would affect this site's development.

Streets:

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<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
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<td>W. Fairview St.</td>
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Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

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<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
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<td>South</td>
<td>CS</td>
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<td>Existing Neighborhood</td>
<td>Area of Stability</td>
<td>Apartments</td>
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SECTION III: Relevant Zoning History

Subject 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 Neighborhood Plan), 36th Street North Corridor Small Area Plan, and The Crutchfield Neighborhood Revitalization Master Plan (related to ZCA-7). This overlay encompasses the subject property, as well as the properties surrounding it.

Surrounding Property:

BOA-22317 September 2017: The Board of Adjustment approved a Variance to reduce the front setback of Tract A from 20 feet to 12.6 feet, a Variance to reduce the rear setback of Tract A from 20 feet to 3.3 feet, a Variance of the minimum open space per unit from 2,500 square feet to 1,501 square feet for Tract A, a Variance of the lot area and lot area per dwelling unit requirement from 5,500 square feet to 2,722 square feet for Tract A to permit a lot-split, subject to conceptual plan 13.12, finding the hardship to be the age of the area being well over 100 years old and this approval would clean up a non-conformity within the area, on property located at 630 North Cheyenne West.

Z-6887 April 2003: All concurred in approval of a request for rezoning a .37+ acre tract of land from CS to RS-4 for residential, on property located at the northwest corner of West Golden and North Denver Avenue.

BOA-18861 September 2000: The Board of Adjustment approved a Variance of land area per dwelling unit to permit on Tract B from 6,750 square feet to 4,938 square feet, a Variance of livability space on Tract B from 2,500 square feet to 2,173 square feet, a Variance of required minimum lot area on Tract A from 5,500 square feet to 5,131 square feet, a Variance of the required minimum lot area on Tract B from 5,500 square feet to 3,138 square feet, a Variance of required setback from West Golden from 20' to 12', and a Variance of the required rear yard from 20' to 3.4', conditioned that permission of the Historic Preservation Society be obtained before removing the garage, finding the hardship to be that this is improving a non-conforming condition, on property located at the southwest corner of West Golden and Cheyenne Avenue.

Z-6723 December 1999: All concurred in approval of a request for rezoning a 57.06+ acre tract of land from RS-3/RS-4/CS to RS-3/RS-4/CS/HP to establish a Historic Preservation Overlay District, on properties located in the Brady Heights Neighborhood, bounded by the alley wet of Denver Avenue to the alley East of North Cheyenne Avenue, with a northern boundary of West Marshall Street and southern boundary of West Fairview Street.

BOA-18548 October 1999: The Board of Adjustment approved a Special Exception to allow wedding receptions, special events, and neighborhood functions in an RS-4 district, subject to an Occupancy Permit and the applicant meeting the off-street parking requirements on-site, on property located at 620 North Denver Avenue.

BOA-04356 April 1964: The Board of Adjustment approved a request for a modification of percentage of lot coverage in a U-3-D District to build a store on Lots 1 & 2 that will exceed 50% of the lot coverage and utilize the remaining lots for parking, counting all the lots for the
purpose of meeting the 50% coverage clause, on property located on Lot 1-2, 6-7 & N. 50ft of Lot 5, Block 9 North Tulsa Addition.

**BOA-02155 July 1950:** The Board of Adjustment approved a Variance of the building line along Fairview Street to permit the erection of an addition to the existing church building beyond he established building line, on property located on Lots 1-2, Block 8, North Tulsa Addition.

**BOA-01594 June 1943:** The Board of Adjustment approved a request to make provisions to convert a dwelling into 6-unit apartment, instead of the previously approved 4-unit apartment, on property located 620 North Denver Avenue.

**BOA-01545 March 1943:** The Board of Adjustment approved a request to convert a dwelling a 4-unit apartment, on property located 620 North Denver Avenue.

**BOA-01268 January 1939:** The Board of Adjustment approved a request to utilize the following property for church uses: N-91.4’ of Lot 1, N-91.4’ of Lot 2, Block 8, North Tulsa Addition.

**BOA-01260 December 1938:** The Board of Adjustment approved a request to utilize the following property for church uses: N-135’ of Lots 1 & 2, Block 7, North Tulsa Addition.

8/5/2020 1:00 PM
Subject Tract

Z-7563

with Optional Development Plan

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

Aerial Photo Date: February 2018
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
Land Use Plan Categories

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

Z-7563
with Optional Development Plan
<table>
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<tr>
<th><strong>Case Report Prepared by:</strong></th>
<th><strong>Location Map:</strong> (shown with City Council Districts)</th>
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<tbody>
<tr>
<td>Dwayne Wilkerson</td>
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<th><strong>Hearing Date:</strong></th>
<th><strong>Owner and Applicant Information:</strong></th>
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<tr>
<td>August 5th, 2020</td>
<td><strong>Applicant:</strong> Lou Reynolds</td>
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<th><strong>Property Owner:</strong></th>
<th><strong>Concept summary:</strong> Rezoning for anticipated light office development.</th>
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<tr>
<td>WILLIAMS, MARY</td>
<td><strong>Tract Size:</strong> 0.29 ± acres</td>
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<td></td>
<td><strong>Location:</strong> Southwest corner of East 50th Street South &amp; South Victor Avenue</td>
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<th><strong>Zoning:</strong></th>
<th><strong>Staff Recommendation:</strong></th>
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<td>Staff recommends approval of OL zoning.</td>
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<td>Proposed Zoning: OL</td>
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<th><strong>Comprehensive Plan:</strong></th>
<th><strong>City Council District:</strong> 9</th>
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<tr>
<td>Land Use Map: Mixed-Use Corridor</td>
<td>Councilor Name: Ben Kimbro</td>
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<td>Stability and Growth Map: Area of Growth</td>
<td>County Commission District: 2</td>
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<th><strong>Staff Data:</strong></th>
<th><strong>Commissioner Name:</strong> Karen Keith</th>
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<td>CZM: 47</td>
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</table>
SECTION I: Z-7565

DEVELOPMENT CONCEPT:
Rezoning is requested to support redevelopment of existing church site and surrounding property.

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:
None included

DETAILED STAFF RECOMMENDATION:

Z-7565 requesting OL zoning will allow uses that are consistent with the provisions outlined in the Mixed-Use Corridor land use vision and the Area of Growth provisions of the Tulsa comprehensive plan and,

Uses allowed in the OL zoning district are consistent with the expected future development of the subject property and,

OL zoning allows a wide range of uses and provides development guidelines that provide a predictable outcome important to the abutting residential properties, therefore

Staff recommends Approval of Z-7565 to rezone property from RS-3 to OL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Office uses are consistent with the edge treatment along Mixed-use Corridor.

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

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 an existing church building with parking. The streets were constructed with two lanes without curb and some on-street parking. No street improvements are expected with this redevelopment.

Street view below is from the southwest corner of the site looking northeast. Rezoning request is vacant property north of block building.

Environmental Considerations: None that would affect site redevelopment.
Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Utica Avenue</td>
<td>None</td>
<td>50 feet</td>
<td>2</td>
</tr>
<tr>
<td>East 50th Street South</td>
<td>None</td>
<td>50 feet</td>
<td>2</td>
</tr>
<tr>
<td>South Victor Avenue</td>
<td>None</td>
<td>50 feet</td>
<td>2</td>
</tr>
</tbody>
</table>

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-3</td>
<td>Existing Neighborhood</td>
<td>Growth</td>
<td>Multi Family</td>
</tr>
<tr>
<td>East</td>
<td>RM-2</td>
<td>Mixed Use Corridor</td>
<td>Growth</td>
<td>Multi Family</td>
</tr>
<tr>
<td>South</td>
<td>Pending OL</td>
<td>Mixed Use Corridor</td>
<td>Growth</td>
<td>Church</td>
</tr>
<tr>
<td>West</td>
<td>RS-3</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
<td>Single Family</td>
</tr>
</tbody>
</table>

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11823 dated June 26, 1970 established zoning for the subject property.

Subject Property:

**BOA-02803 March 1956:** The Board of Adjustment granted a request to build a church, with the conditions that the church will not hold any open air meetings pending the erection of a new church and off-street parking is provided, on property located at Lots 7 & 8, Perry's 27207 Subdivision.

Surrounding Property:

**Z-7556 Pending:** On June 17th, 2020 TMAPC approved of a request for rezone a 1.19+ acre tract of land from RS-3 to OL for an office, on property located north of the northeast corner of East Skelly Drive and South Utica Avenue.

**BOA-22821 January 2020:** The Board of Adjustment accepted a Spacing Verification to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary, on property located at 1711 East Skelly Drive South.

**Z-7495 October 2019:** All concurred in approval of a request for rezoning a .53+ acre tract of land from OL to CS for a dispensary, on property located east of the northeast corner of East Skelly Drive and South Utica Avenue.
BOA-12145 August 1982: The Board of Adjustment approved a Special Exception to allow a nursing home with combination elderly apartments in an RM-2 District and a Variance to operate a beauty shop as an accessory use to the nursing home and apartments in an RM-2 District, subject to the following conditions: that the beauty shop be used inhouse only, with no signs or advertising of any kind, that the intent be specifically limited to the residents of the nursing home or the residents of the elderly apartment units, that the use be limited to the 15' x 20' as requested, on property located at the southeast corner of 50th Street and Victor Avenue.

Z-4681 June 1974: All concurred in approval of a request for rezoning a 1+ acre tract of land from RS-3 to OM for office use, on property located northeast corner of Utica Avenue and Skelly Drive.

Z-4610 April 1974: All concurred in approval of a request for rezoning a .67+ acre tract of land from RS-3 to OL for office, on property located southeast corner of 50th Street and Victor Avenue.

BOA-06431 September 1969: The Board of Adjustment approved an Exception to permit the construction of a nursing home in a U-2C district and an Exception to permit the extension of a nursing home in a U-2C district, subject to the plot plan submitted, on property located at northeast of Victor and the 51st Street Bypass.

BOA-03398 February 1963: The Board of Adjustment approved request for permission to extend a non-conforming use (lawn mower repair shop) by adding a 20' x 40' on rear of existing building in a U-1-C District, on property located at Lot 10, Perry's 27207 Subdivision.

BOA-03339 December 1959: The Board of Adjustment approved request for permission to continue non-conforming electric shop use in a U-1-C District, on property located at Lot 11, less the South 75 feet thereof, Perry's 27207 Subdivision.

8/5/2020 1:00 PM
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

Z-7565
19-13 30

Subject Tract
Case Number: Z-7568

Hearing Date: August 5th, 2020

Owner and Applicant Information:
Applicant: Tulsa City Council

Property Owner: Multiple property owners not listed. All property owners provided a consent form for zoning change.

Case Report Prepared by:
Dwayne Wilkerson

Applicant Proposal:
Present Use: Single-family Residential
Proposed Use: Single-family Residential

Concept summary: This group of zoning request is part of the City Council initiated program to allow AG-R rezoning at no charge to interested property owners in the West Highlands/Tulsa Hills Small Area Plan.

Tract Size: 137.38 ± acres
Location: 65 properties North of West 86th Street South & South of West 77th Street South between South 33rd West Avenue & South Union Avenue; Northeast corner of West 77th Street South & South 33rd West Avenue

Zoning:
Existing Zoning: RS-3
Proposed Zoning: AG-R

Comprehensive Plan:
Land Use Map: Existing Neighborhood
Stability and Growth Map: Area of Stability

Staff Recommendation:
Staff recommends approval.

Staff Data:
TRS: 8210
CZM: 51

City Council District: 2
Councilor Name: Jeannie Cue

County Commission District: 2
Commissioner Name: Karen Keith
DEVELOPMENT CONCEPT: This is the second group of zoning request is part of the City Council initiated program to allow AG-R rezoning at no charge to interested property owners in the West Highlands/Tulsa Hills Small Area Plan. The first group was heard at the Urban and Economic Development committee meeting July 15th, 2020.

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: None Provided

DETAILED STAFF RECOMMENDATION:
Z-7568 requests AG-R zoning. The parcels will include single households in a detached house. Single family residential uses in this location are consistent with the Existing Neighborhood land use designation in the Comprehensive Plan and in the West Highlands/Tulsa Hills Small Area Plan and,

One of the goals of the West Highlands/Tulsa Hills Small Area Plan included AG-R zoning as an option for rural residential uses recommended by the West Highlands/Tulsa Hills Small Area Plan and,

AG-R zoning is consistent with the provisions identified in an Area of Stability as outlined in the Tulsa Comprehensive Plan, and is consistent with the large lot neighborhood character expected in the small area plan and,

AG-R zoning allows a lot density that is consistent with the existing and expected land use pattern in the area north of West 81st Street South and west of South Union Avenue. A much greater lot density is allowed in this area and was established in 1970 without sanitary sewer availability. The existing zoning in those areas would allow property to be developed with RS-3 lots with a minimum of 6900 square feet when connected to a sanitary sewer system. The City of Tulsa has recently completed sanitary sewer construction south of this site that would allow much greater density on property that is currently zoned RS-3 and,

City Council has initiated a voluntary rezoning program for property owners to rezone properties in this area to AG-R at no cost, this request is part of that program. The lot setbacks and building regulations included in the property included in this AG-R request meet or exceed the standards defined in the Tulsa Zoning Code therefore,

Staff recommends Approval of Z-7568 to rezone properties from RS-3 to AG-R.

SECTON II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The property owners have taken advantage of voluntarily rezoning opportunities for their parcels to AG-R to establish neighborhood stability for large lots consistent with the West Highlands/Tulsa Hills Small Area Plan.
Within the West Highlands/Tulsa Hills Small Area Plan a development concept illustrates a single family residential development with a variety of lot sizes, greenspace wildlife corridor for local fauna and a perimeter greenspace buffer that summarize the goals for a context sensitive neighborhood. Without using an optional development plan or recommending a larger lot zoning designation staff does not have any regulatory method to support the visioning concepts illustrated in the plan.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

The Existing Neighborhood category is intended to preserve and enhance Tulsa’s existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

Areas of Stability and Growth designation: Area of Stability

The Areas of Stability includes approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

Major Street and Highway Plan:

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

Trail System Master Plan Considerations: None that affect site development

Small Area Plan: West Highlands Small Area Plan (Adopted 2014)

The recommendations of the small area plan include many references to supporting residential single family uses within a rural context and a rural residential zoning use. Revisions to the Tulsa Zoning Code have implemented those concepts within the AG-R zoning that was added to the code in 2019.

Special District Considerations: None except those design considerations recommended in the West Highlands/Tulsa Hills Small Area Plan
Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

**Staff Summary:** All the parcels included in this application are one acre or larger and are currently zoned RS-3.

Environmental Considerations: None that would affect rezoning considerations for a larger lot.

Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
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<th>Exist. # Lanes</th>
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<tbody>
<tr>
<td>South Union Avenue</td>
<td>Secondary Arterial w/multi modal corridor</td>
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<td>South 28th West Avenue</td>
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<tr>
<td>South 26th West Avenue</td>
<td>Residential Collector</td>
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<tr>
<td>South 24th West Avenue</td>
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</tr>
<tr>
<td>South Yukon Avenue</td>
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<td>2</td>
</tr>
<tr>
<td>South Xenophon Avenue</td>
<td>None</td>
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<td>2</td>
</tr>
<tr>
<td>West 77th Street South</td>
<td>None</td>
<td>50 feet</td>
<td>2</td>
</tr>
<tr>
<td>West 78th Street South</td>
<td>Residential Collector</td>
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</tr>
</tbody>
</table>

Utilities:

The subject tract has municipal water available.

Surrounding Properties:

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<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>AG, PUD/RS-3, and RS-3</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
<td>Single Family</td>
</tr>
<tr>
<td>East</td>
<td>PUD-636/CO east of Union and RS-3 and west of Union</td>
<td>Existing Neighborhood</td>
<td>Growth east of Union. Stability west of Union</td>
<td>Office Building east of Union and single-family residential west of Union</td>
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<tr>
<td>South</td>
<td>RS-3</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
<td>Single Family</td>
</tr>
<tr>
<td>West</td>
<td>RS-3</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
<td>Single Family</td>
</tr>
</tbody>
</table>

SECTION III: Relevant Zoning History

**ZONING ORDINANCE:** Ordinance number 11827 dated June 26, 1970 established zoning for the subject property.
Subject Property:

BOA-22776 November 2019: The Board of Adjustment approved a Variance of the allowable square footage for detached accessory buildings in the RS-3 District and a Variance to allow a detached accessory building to exceed one story or 18 feet in height, subject to conceptual plans 10.11, 10.17-10.25, finding the hand size and land around it, on property located at 2626 West 79th Street South.

BOA-22587 February 2019: The Board of Adjustment approved a Variance to allow a 50'-0" x 80'-0" detached accessory single-story structure to exceed 500 square feet or 40% of the floor area of the principal structure, to be increased from 2,400 square feet to 4,000 square feet, subject to conceptual plan 8.22 of the agenda packet, finding the hardship to be the large lot and vertical gain or loss of the subject property, on property located at 7615 South 26th West Avenue.

BOA-21242 March 2011: The Board of Adjustment approved a Variance of the maximum permitted size of a detached accessory building in an RS-3 District from 1,235 sq. ft., finding that the proposed structure is to replace what was destroyed by a tornado last year and the tract is 2.51 acres in size, as well as that there are many structures like it in the area, on property located at 8119 South 33rd West Avenue.

Z-7115/Z-7115-SP-1 January 2009: All concurred in approval of a request for rezoning a 25.97 acre tract of land from AG to CO and a Corridor Development Plan on a for a mixed use development with retail, office, hotel, and multifamily residential uses, on property located at the southwest corner of Highway 75 and 81st Street South.

BOA-20256 May 2006: The Board of Adjustment approved a Variance of the maximum permitted size of an accessory building in an RS-3 District and a Variance of the maximum height of the top plate for an accessory building from 10 ft to 12 ft, subject to there being no commercial activities, no living quarters, the existing buildings are removed, and the total square footage of the accessory buildings does not exceed 1,500 sq. ft., finding the hardship to be the large lot size, on property located at 8025 South 28th Avenue West.

BOA-20209 February 2006: The Board of Adjustment approved a Variance of the maximum permitted size of an accessory building to permit a 2400 sq. ft. accessory building, with conditions: a one-story structure, with the same materials as the house, finding the hardship is the large size of the land, on property located at 8255 South Yukon Avenue.

BOA-19287 May 2004: The Board of Adjustment approved a Variance to permit a detached accessory building from the required 500 sq. ft. to 2,000 sq. ft. on a 2.5 acre tract in an RS-3 district, per plan, with the condition that the existing barn be torn down and no commercial activity is conducted on the premises, finding that a number of other tracts in the area have been approved for similar variances and the size of the tract would not cause a density problem, on property located at 2210 West 77th Street.

BOA-18415 May 1999: The Board of Adjustment approved a Variance to exceed 750 sq. ft. of detached accessory building to permit 1,200 sq. ft. on a 2-acre tract zoned RS-3, finding the hardship to be the size of the lot, subject to there being no commercial activities on the property, on property located at 2203 West 78th Street South.

BOA-17934 February 1998: The Board of Adjustment denied a Variance to allow 2 dwelling units on one lot of record, a Special Exception to allow a manufactured home in an RS-3 zoned
district, and a Variance of the one year time limit to allow the manufactured home permanently, noting that no hardship was stated, on property located at 2951 West 81st Street.

BOA-17704 May 1997: The Board of Adjustment approved a Variance to permit more than 750 sq. ft. of detached accessory buildings in a residential district, subject to existing storage units being removed, the semi-trailer being removed upon completion of the detached accessory building, the existing outside storage being stored inside the detached accessory building (gooseneck trailer to be parked behind the new building), and there being no commercial activity in the detached accessory building, finding that the existing garage may remain on the subject property the variance would not be injurious, on property located at 3055 West 77th Street South.

BOA-16885 December 1994: The Board of Adjustment approved a Variance of the maximum 750 sq. ft. for a detached accessory, per plan submitted, subject to a maximum of two accessory buildings on the property containing a total of 1999 sq. ft., no bathing or cooking facilities being installed and no commercial use, finding that the tract is large and approval won’t be a detriment, on property located at 2627 West 79th Street.

BOA-16223 December 1992: The Board of Adjustment approved a Variance of the maximum square footage allowed for a detached accessory building from 750 sq. ft. to 2281 sq. ft., per plan submitted, subject to no commercial use of the building, finding that the tract is large enough to accommodate the proposed structure and there are other buildings in the residential area that are similar in size, on property located at 2509 West 79th Street.

BOA-15954 February 1992: The Board of Adjustment denied a Special Exception to permit a community group home in an RS-3 zoned district, on property located at 3011 West 80th Street.

BOA-15604 December 1990: The Board of Adjustment approved a Special Exception to permit a wedding flower business as a home occupation, subject to Home Occupation Guidelines and hours of operation being from 9:00 a.m. to 7:00 p.m., on property located at 1712 West 78th Street.

BOA-05055 April 1966: The Board of Adjustment approved a request for permission to continue operating a dog kennel in a U-1-C District, on property located at 2201 West 77th Street.

Surrounding Property:

Z-7558 Transmitted July 6th, 2020: A request to rezone 32.62+ acres of land from AG to AG-R for Single-family residential as a part of Phase I & Phase II of the AG-R rezoning program initiated by City Council was approved by TMAPC June 17th, 2020 on properties located north of the northwest corner of West 81st Street South and South Union Avenue.

Z-7549 Transmitted May 27th, 2020: A request to rezone a 3.7+ acre tract of land from AG to AG-R for Single-family Residential was approved by TMAPC May 6th, 2020 and transmitted to City Council for property located at the southeast corner of West 81st Street South and South 33rd West Avenue.

Z-7471 ODP July 2019: All concurred in denial of a request for rezoning a 14.69+ acre tract of land from AG to RS-1 for Single-family residential, on property located east of the southeast corner of West 81st Street South and South 33rd West Avenue.
Z-7446 ODP July 2018: All concurred in denial of a request for rezoning a 14.69+ acre tract of land from AG to RS-1 for Single-family residential, on property located east of the southeast corner of West 81st Street South and South 33rd West Avenue.

Z-7421 ODP February 2018: All concurred in denial of a request for rezoning a 15+ acre tract of land from AG to RS-2 for Single-family residential, on property located east of the southeast corner of West 81st Street South and South 33rd West Avenue.

BOA-22211 March 2017: The Board of Adjustment approved a Variance of the required rear setback in the RS-3 District from 20 feet to 5 feet, subject to the conceptual plan submitted today, March 14th, 2017, finding the hardship to be the topography of the site, on property located at 7705 South Xenophon Avenue.

Z-7355 Withdrawn September 2016: Applicant withdrew a request to rezone a 4.61+ acre tract of land from RS-3 to RS-5 for an eco-friendly tiny home pocket neighborhood, on property located west of the southwest corner of West 81st Street and South Yukon Avenue.

PUD-636-C/Z-5457-SP-5 August 2014: All concurred in approval of a Major Amendment to PUD-636 and Corridor Development Plan Z-5457-SP-5 on a 20.5+ acre tract of land to reconfigure the boundaries of the Development Areas and portions of Development Areas remaining to be developed (the "Project"), as well as remove the discrepancies between the boundaries of these remaining Development Areas as originally proposed and the grades and features of the Project site, on property located north of the northwest corner of U.S. Highway 75 and West 81st Street South.

BOA-19134 July 2001: The Board of Adjustment approved a Variance of the required 30' frontage on a public street or right-of-way to 0' to allow construction of a new dwelling on a private street, finding that all of the lots are five acres or greater and the Board has approved the same variance in the past, on property located south of the southeast corner of West 73rd Street South and 33rd West Avenue.

PUD-636/Z-4825-SP-1/Z-5457-SP-2 September 2000: All concurred in approval of a proposed Planned Unit Development/Corridor Site Plan on a 108+ acre tract of land for Single-family detached dwellings in Development Area A, Multi-family dwellings in Development areas B, C, D, and E, and commercial uses on development areas F and G, on property located at the northeast corner of US Highway 75 and West 81st Street South.

PUD-606 April 1999: All concurred in approval of a proposed Planned Unit Development on a 30+ acre tract of land for 10 Single-family detached homes, per staff recommendation, on property located south of the southwest corner of West 71st Street and South Union.

BOA-18163 September 1998: The Board of Adjustment approved a Variance of the required 30' frontage on a public street to 25', noting that it is an oddly shaped tract with only 25' of frontage, on property located west of the southwest corner of West 73rd Street South and South 26th West Avenue.

BOA-17497 September 1997: The Board of Adjustment approved a Variance of the public street frontage requirement (tract derives access from an improved private street), finding that the applicant by the letter of the Code meets the 30' access requirement, but from the practical aspect the development code does not meet the 30' access requirement, on property located southeast of the southwest corner of West 73rd and 33rd West Avenue.
BOA-17048 May 1995: The Board of Adjustment approved a Variance of the required minimum 30' of frontage on a public street or dedicated ROW for 3 separate abutting parcels, per plan submitted, on property located southeast corner of West 73rd Street South and South 33rd West Avenue.

BOA-15898 December 1991: The Board of Adjustment approved a Variance of the required 30' of frontage on a public street or dedicated right-of-way to 0' to permit access by mutual access agreement, per plot plan submitted, subject to the execution of a mutual access easement, and dedication of necessary easements to serve the lots, on property located at 7500 South Union.

Z-5993/PUD-377 November 1984: All concurred in approval of a request to rezone a 2.06+ acre tract of land from RS-3 to OL/CS and approval of a proposed Planned Unit Development for commercial, on property located on the southwest corner of 81st and Union.

PUD-159 June 1974: All concurred in approval of a proposed Planned Unit Development on a 597.2+ acre tract of land for a golf course, commercial, and residential development, with the residential development consisting of Single-family detached, Single-family attached, and apartments, on property located between 61st and 71st Street and Union Avenue.

8/19/2020 1:00 PM
Subject Tract

Z-7568

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18-12 15

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

Aerial Photo Date: February 2018