TULSA METROPOLITAN AREA PLANNING COMMISSION
Meeting No. 2890
May 17, 2023, 1:00 PM
175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chamber

INTRODUCTION AND NOTICE TO THE PUBLIC
At this meeting the TMAPC, in accordance with and pursuant to applicable TMAPC Policies and Procedures, will review, consider, discuss, and may take action on, approve, recommend for approval, amend or modify, recommend for approval with modifications, deny, reject, recommend for denial, or defer action on any item listed on the agenda.

Call to Order:

REPORTS:

Chairman's Report:
Work session Report:
Director's Report:

Review and possible approval, approval with modifications, denial, or deferral of the following:

1. Minutes of April 19, 2023 Meeting No. 2888
2. Minutes of May 3, 2023 Meeting No. 2889

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.

Review and possible approval, approval with modifications, denial, or deferral of the following:

3. **PUD-647-2 Jeffrey K. Lord** (CD 3) Location: South of I-244 between North Garnett and North 129th East Avenue requesting a **PUD Minor Amendment** to decrease the dwelling setback from I-244 ROW and from existing outdoor advertising signs
4. **PUD-347-8 Glenn Edwards** (CD 2) Location: Southwest of the southwest corner of West 61st Street South and South Union Avenue requesting a **PUD Minor Amendment** to increase allowable driveway width in the street setback

**PUBLIC HEARING-PLATS**
Review and possible approval, approval with modifications, denial, or deferral of the following:

5. **Project Blue** (CD 3) Preliminary Plat, Location: North of the northwest corner of East 36th Street North and North 129th East Avenue

**PUBLIC HEARING-REZONING**
Review and possible recommendation of approval, approval with modifications, denial, or deferral of the following:

6. **Z-7713 Steve Benge** (CD 5) Location: North of the northwest corner of East 31st Street South and South Sheridan Road requesting rezoning from OL to RM-0

7. **CZ-545 Berryhill Baptist Church** (County) Location: Northeast corner of West 41st Street and South 61st West Avenue requesting rezoning from AG to CS to permit commercial uses

8. **Z-7714 Illuminate Real Estate LLC** (CD 1) Location: Southwest corner of East Pine Street and North Peoria Avenue requesting rezoning from CS and OL to CS (Related to PUD-722-A)

9. **PUD-722-A Illuminate Real Estate LLC** (CD 1) Location: Southwest corner of East Pine Street and North Peoria Avenue requesting a **PUD Major Amendment** to abandon Development Area D (Related to Z-7714)

10. **Z-7705 Nathan Cross** (CD 3) Location: South of the southeast corner of Highway 169 and East 56th Street North requesting rezoning from AG to IM (Related to CPA-102) (Continued from April 19, 2023)

11. **CZ-543 Nathan Cross** (County) Location: Northeast corner of Highway 169 and East 56th Street North requesting rezoning from AG to IM to permit Mining and Industrial development (Related to PUD-867 and TCCP-12) (Continued from April 19, 2023)

12. **PUD-867 Nathan Cross** (County) Location: Northeast corner of Highway 169 and East 56th Street North requesting **PUD-867** to permit Mining and Industrial development (Related to CZ-543 and TCCP-12) (Continued from April 19, 2023)
PUBLIC HEARING-ZONING CODE AMENDMENTS

13. **ZCA-23** Consider proposed amendments to the City of Tulsa Zoning Code in the following sections: Chapter 5 Residential Districts: Section 5.030: Lot and Building Regulations-A Table Notes, Chapter 15 Office, Commercial and Industrial Districts: Table 15-2: O, C, and I District Use Regulations, Chapter 30 Legacy Districts: Section 30.010-I.2c, Amendments to Approved Plans, Chapter 35 Building Types and Use Categories: Sec. 35.040-D Day Cares, Chapter 40 Supplemental Use and Building Regulations: Section 40.120: Day Cares, Chapter 45 Accessory Uses and Structures: Sec. 45.070-C and 45.070-D: Family Child Care Homes, Chapter 70 Review and Approval Procedures: Sec. 70.040-I: Amendments to Approved Plans

14. **ZCA-24** Consider proposed amendment of Chapter 20 of the Zoning Code (Overlay Districts), adding Section 20.100, to establish the regulations of a special area overlay district to be titled “Neighborhood Infill Overlay-2” (“NIO-2”), for properties which may subsequently be supplementally rezoned to NIO-2.

PUBLIC HEARING-COMPREHENSIVE PLAN AMENDMENTS

Review and possible adoption, adoption with modifications, denial, or deferral of the following:

15. **CPA-102 Nathan Cross** (CD 3) Location: South of the southeast corner of Highway 169 and East 56th Street North requesting to amend the Land Use Map designation from Regional Center to Employment (Related to Z-7705) (Continued from April 19, 2023)

16. **TCCP-12 Nathan Cross** (County) Location: North of the northeast corner of Highway 169 and East 56th Street North requesting rezoning from Rural Residential/Agricultural to Industrial (related to CZ-543 and PUD-867) (Continued from April 19, 2023)

OTHER BUSINESS

17. 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@incog.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 Report Prepared by:**
Dylan Siers

**Owner and Applicant Information:**
Applicant: Jeffrey K. Lord
Property Owner: Daniel & Irene Levi

**Applicant Proposal:**
Concept summary: PUD minor amendment to decrease the dwelling setback from I-244 ROW and from existing outdoor advertising signs.

The current list of allowed uses include Manufactured Home Park Development, Outdoor Advertising, and Manufactured home sales.

Gross Land Area: 43.7 Acres
Location: South of I-244 between North Garnett & N 129th E Ave

**Zoning:**
Existing Zoning: IL/PUD-647
Proposed Zoning: No Change

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

**Staff Recommendation:**
Staff recommends approval.

**Case Number:** PUD-647-2
Minor Amendment

**Hearing Date:** May 17th, 2023

<table>
<thead>
<tr>
<th>City Council District: 3</th>
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<tbody>
<tr>
<td>Councilor Name: Crista Patrick</td>
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<th>County Commission District: 1</th>
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<tr>
<td>Commissioner Name: Stan Sallee</td>
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May 17th, 2023
SECTION I: PUD-647-2 Minor Amendment

Amendment Request: Minor amendment to decrease the dwelling setbacks from I-244 to 15' and from existing outdoor advertising signs to 25'.

Currently the PUD requires a dwelling have 75' setback from I-244 Right of way and a 200' from existing outdoor advertising signs. This minor amendment would reduce the setback from I-244 right of way to 15' and 25' from the existing outdoor advertising signs.

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, driveway coverage measured by width, square footage or percentage of the yard, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved PUD standards and the character of the development are not substantially altered."

Staff has reviewed the request and determined:

1) PUD-647-2 is consistent with the provisions for administration and procedures of a PUD in section 30.010-H.

2) PUD-647-2 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-647.

3) All remaining development standards defined in PUD-647-2 and subsequent amendments shall remain in effect.

Exhibits included with staff report:
INCOG zoning case map
INCOG aerial photo
Applicant Proposed Site plan
Applicant Proposed Site plan aerial

With considerations listed above, staff recommends approval of Minor amendment to decrease the dwelling setbacks from I-244 to 15' and from existing outdoor advertising signs to 25'.
SUBJECT TRACT

PUD-647-2

20-14 32
Subject Tract

PUD-647-2

20-14-32

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

Aerial Photo Date: 2020/2021

3.4
**Case Number:** PUD-347-8
**Minor Amendment**

**Hearing Date:** May 17, 2023

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**Case Report Prepared by:**
Dylan Siers

**Owner and Applicant Information:**
Applicant: Glenn Edwards
Property Owner: Glenn Edwards

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**Location Map:**
(Shown with City Council Districts)
![Location Map](image)

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**Applicant Proposal:**
Concept summary: PUD minor amendment to increase allowable driveway width in the street setback.

Gross Land Area: 0.26 Acres

Location: SW of the SW/c of W 61st St & S Union Ave

2531 W 66th Cr S
Lot 58 Block 1, Fairway Park

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**Zoning:**
Existing Zoning: RS-3/PUD-347
Proposed Zoning: No Change

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

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**Staff Recommendation:**
Staff recommends approval.

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**City Council District:** 2
Councilor Name: Jeannie Cue

**County Commission District:** 2
Commissioner Name: Karen Keith
SECTION I: PUD-347-8 Minor Amendment

Amendment Request: Revise the PUD Development Standards to clarify the allowable driveway width within the street setback.

PUD 347 was approved in 1983 and is silent regarding driveway widths. The 1983 zoning code provided guidance that allowed up to 34% of the front yard to be used for parking but did not limit width.

The current zoning code says driveways in RS zoned lots with street frontage of 30'-45' feet cannot exceed 50% of the lot frontage or 20 ft of driveway width in within the street setback, whichever is less. The applicant is proposing a new driveway on West 66th Circle South 23' wide within the right of way and 23' in the street setback. Staff supports allowing 23' maximum driveway width within the street setback to allow the proposed drive.

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, driveway coverage measured by width, square footage or percentage of the yard, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved PUD standards and the character of the development are not substantially altered."

Staff has reviewed the request and determined:

1) PUD-347-8 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-347.

2) All remaining development standards defined in PUD-347 and subsequent amendments shall remain in effect.

Exhibits included with staff report:
- INCOG zoning case map
- INCOG aerial photo
- Applicant Site Plan

With considerations listed above, staff recommends approval of the minor amendment to clarify the total allowable driveway width of 23 ft within the street setback as shown on the concept plan attached.
<table>
<thead>
<tr>
<th>Case Report Prepared by:</th>
<th>Owner and Applicant Information:</th>
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<tbody>
<tr>
<td>Nathan Foster</td>
<td>Applicant: Route 66 Engineering</td>
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<td></td>
<td>Owner: Greenhill Properties, LLC</td>
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| Location Map:           | Applicant Proposal:              |
| (shown with City Council Districts) | Preliminary Plat |
|                         | 1 lot, 1 block, on 34.25 ± acres |
|                         | Location: North of the northwest corner of East 36th Street North and North 129th East Avenue |

| Zoning: IH              | Staff Recommendation:           |
|                         | Staff recommends approval of the preliminary plat |

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<th>City Council District:</th>
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PRELIMINARY SUBDIVISION PLAT

Project Blue - (CD 3)
North of the northwest corner of East 36th Street North and North 129th East Avenue

This plat consists of 1 lot, 1 block on 34.25 ± acres.

The Technical Advisory Committee (TAC) met on May 4, 2023 and provided the following conditions:

1. **Zoning:** The property is currently zoned IH. Proposed lots conform to the requirements of the IH district.

2. **Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat along with the address disclaimer.

3. **Transportation & Traffic:** Sidewalks and appropriate ADA compliant ramps are required along all street frontages adjacent to the property and proposed street. Right-of-way permits will be required for driveways connecting to public streets. IDP approval is required prior to final plat approval. Label and dimension all street right-of-way adjacent to the site with either recording information or “dedicated by plat”. Provide limits of access/no access along public street frontages.

4. **Sewer/Water:** IDP approval for sewer and water main extension is required prior to final plat approval. Label and dimension all required or existing easements. Any required offsite easements are required to be recorded and recording information must be provided on the final plat.

5. **Engineering Graphics:** Submit subdivision control data sheet with final plat. In the plat subtitle, add “City of Tulsa” before Tulsa County. Remove contours from final plat submittal. Label the point of beginning on the face of the plat. Graphically show all property pins found or set associated with this plat. Update location map to reflect all platted boundaries and label all other areas as unplatted. Under the basis of bearing information include the coordinate system used. Provide a bearing angle shown on the face of the plat. Provide the date of the last site visit by the surveyor.

6. **Stormwater, Drainage, & Floodplain:** IDP approval for storm sewer improvements is required prior to final plat approval. City of Tulsa Regulatory Floodplain must be plotted by elevation and contained within an overland drainage easement. Development in the floodplain must conform to Title 11-A Stormwater Management and Hazard Mitigation.

7. **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. City of Tulsa release letter is required prior to final plat approval.
PROJECT BLUE
20-14 17

Feet
0 250 500

N

AG
SUBJECT TRACT
IM
IH
E-36TH-ST-N
N-David-Patrick-Ave
N-129TH-EAST-AVE
N125TH-E-AVE
IH
IH
IM
IM
IH
Feet 250

Subject Tract

PROJECT BLUE

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

Aerial Photo Date: 2020/2021
KNOW ALL MEN BY THESE PRESENTS:

BLUE ROAD INVESTMENTS, LLC., A TEXAS CORPORATION, HEREINAFTER REFERRED TO AS THE "OWNER/DEVELOPER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND LYING IN THE SOUTHEAST QUARTER (SE/4) OF SECTION SEVENTEEN (17), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN (I.B.&M.) ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION SEVENTEEN (17); THENCE N01°05'10"W AND ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION SEVENTEEN (17) 703.80 FEET TO THE POINT OF BEGINNING; THENCE N80°46'00"W FOR A DISTANCE OF 417.17 FEET; THENCE N85°49'21"W FOR A DISTANCE OF 400.20 FEET; THENCE N79°15'27"W FOR A DISTANCE OF 401.79 FEET; THENCE N72°09'56"W FOR A DISTANCE OF 5.57 FEET; THENCE N01°03'53"W FOR A DISTANCE OF 1178.46 FEET; THENCE N88°56'07"E FOR A DISTANCE OF 106.66 FEET; THENCE S63°42'02"E FOR A DISTANCE OF 110.31 FEET; THENCE N88°56'36"E FOR A DISTANCE OF 1001.88 FEET; TO POINT ON THE EAST LINE OF SAID SECTION SEVENTEEN (17); THENCE S01°06'32"E FOR A DISTANCE OF 1322.77 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 34.24 ACRES MORE OR LESS.

SECTION I. STREETS, EALEMENTS AND UTILITIES

1. PUBLIC STREETS AND UTILITY EALEMENTS

1.1 THE OWNER HEREBY DEDICATES TO THE PUBLIC THE UTILITY EALEMENTS DESIGNATED AS "U/E" OR "UTILITY EALEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEwers, SANITARY SEwers, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS, MANHOLES AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EALEMENTS FOR THE USES AND PURPOSES STATED, PROVIDED THE OWNER RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND REPAIR OR REPLACE WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING, REPAIRING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EALEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO AREAS DEPICTED ON THE PLAT. THE OWNER HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EALEMENTS DEPICTED ON THE
ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH STATED USES AND PURPOSES OF THE UTILITY EASEMENTS SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES THAT DO NOT CONSTITUTE AN OBSTRUCTION.

2. RESTRICTED WATERLINE EASEMENTS
2.1. THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC PERPETUAL EASEMENTS ON, OVER, AND ACROSS THOSE AREAS DEPICTED ON THE ACCOMPANYING PLAT AS "RESTRICTED WATERLINE EASEMENT" FOR THE PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING WATERLINES TOGETHER WITH ALL FITTINGS INCLUDING THE PIPES, VALVES, METERS AND EQUIPMENT AND OTHER APPURTENANCES THERETO TOGETHER WITH RIGHTS OF INGRESS AND EGRESS TO AND UPON THE EASEMENTS FOR THE USES AND PURPOSES STATED.

3. STORMWATER DETENTION EASEMENTS
3.1. THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC PERPETUAL EASEMENTS ON, OVER, AND ACROSS THE PROPERTY DESIGNATED AND SHOWN ON THE ACCOMPANYING PLAT AS "STORMWATER DETENTION EASEMENT" FOR THE PURPOSES OF PERMITTING THE FLOW, CONVEYANCE, RETENTION, DETENTION AND DISCHARGE OF STORMWATER RUNOFF FROM THE SUBDIVISION.

3.2. DETENTION, RETENTION AND OTHER DRAINAGE FACILITIES LOCATED WITHIN THE STORMWATER DETENTION EASEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPROVED BY THE CITY OF TULSA, OKLAHOMA.

3.3. NO FENCE, WALL, BUILDING, OR OTHER OBSTRUCTION MAY BE PLACED OR MAINTAINED IN STORMWATER DETENTION EASEMENTS NOR SHALL THERE BE ANY ALTERATION OF GRADE IN SAID EASEMENTS UNLESS APPROVED BY THE CITY OF TULSA, OKLAHOMA.

3.4. DETENTION, RETENTION, AND OTHER DRAINAGE FACILITIES SHALL BE MAINTAINED BY THE OWNER, TO THE EXTENT NECESSARY TO ACHIEVE THE INTENDED DRAINAGE, RETENTION, AND DETENTION FUNCTIONS INCLUDING REPAIR OF APPURTENANCES AND REMOVAL OF OBSTRUCTIONS AND SILTATION. DETENTION FACILITIES SHALL BE MAINTAINED BY THE OWNER IN ACCORDANCE WITH THE FOLLOWING MINIMUM STANDARDS:

3.4.1. GRASS AREAS SHALL BE MOWED (IN SEASON) AT REGULAR INTERVALS OF FOUR WEEKS, OR LESS.

3.4.2. CONCRETE APPURTENANCES SHALL BE MAINTAINED IN GOOD CONDITION AND REPLACED IF DAMAGED.

3.4.3. THE DETENTION EASEMENT SHALL BE KEPT FREE OF DEBRIS.
3.4.4. Cleaning of siltation and vegetation from concrete channels shall be performed twice yearly.

3.5. Landscaping, approved by the City of Tulsa, Oklahoma, shall be allowed within the detention easements.

3.6. In the event the owner should fail to properly maintain the detention, retention, and other drainage facilities or, in the event of the placement of an obstruction, or the alteration of grade within a detention easement, the City of Tulsa, Oklahoma, or its designated contractor may enter and perform maintenance necessary to achieve the intended drainage and detention functions and may remove any obstruction or correct any alteration of grade, and the costs thereof shall be paid by the owner. In the event the owner fails to pay the cost of maintenance after completion of the maintenance and receipt of a statement of costs, the City of Tulsa, Oklahoma, may file of record a copy of the statement of costs in the land records of the Tulsa County Clerk, and thereafter the costs shall be a lien against the property in the subdivision. A lien established as above provided may be foreclosed by the City of Tulsa, Oklahoma.

4. Utility Service

4.1. Overhead lines for the supply of electric, telephone and cable television services may be located within the perimeter easements of the subdivision. Street light poles or standards may be served by overhead line or underground cable, and elsewhere throughout the subdivision, all supply lines including electric, telephone, cable television and gas lines shall be located underground in easements dedicated for general utility services and in the rights-of-way of the public streets as depicted on the accompanying plat. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in general utility easements.

4.2. Underground service cables and gas service lines to all structures within the subdivision may be extended from the nearest gas main, service pedestal or transformer to the point of usage determined by the location and construction of such structure upon the lot, provided upon installation of a service line to a particular structure, the supplier of service shall thereafter be deemed to have a definitive, permanent, effective and non-exclusive easement on the lot, covering a 5 foot strip extending 2.5 feet on each side of the service line extending from the gas main, service pedestal or transformer to the service entrance on the structure.

4.3. The supplier of electric, telephone, cable television and gas service, through its agents and employees, shall at all times have the right of access to all utility easements shown on the plat or otherwise provided for in this deed of dedication for the purpose of installing, maintaining, removing or replacing any portion of the underground electric, telephone, cable television or gas facilities, installed by the supplier of the utility service.
4.4. The owner of any lot shall be responsible for the protection of the underground service facilities located on the owner's lot and shall prevent the alteration of grade or any construction activity which would interfere with the electric, telephone, cable television or gas facilities. Each supplier of these services shall be responsible for ordinary maintenance of underground facilities, but the lot owner shall pay for damage or relocation of such facilities caused or necessitated by acts of the lot owner or the lot owner's agents or contractors.

4.5. The covenants set forth in this subsection shall be enforceable by each supplier of the electric, telephone, cable television or gas service and the owner of any lot agrees to be bound by these covenants.

5. Water, sanitary sewer and storm sewer services
5.1. The owner of any lot shall be responsible for the protection of the public water mains, sanitary sewer mains, and storm sewers located on the owner's lot.

5.2. Within utility easements, restricted waterline, sanitary sewer, storm sewer and drainage easements depicted on the accompanying plat, the alteration of grade from the contours existing upon the completion of the installation of a public water main, sanitary sewer main, or storm sewer or any construction activity which, in the judgment of the City of Tulsa, would interfere with public water mains, sanitary sewer mains, or storm sewers shall be prohibited.

5.3. The City of Tulsa, Oklahoma, or its successors, shall be responsible for ordinary maintenance of public water systems, sanitary sewer mains, and storm sewers but the lot owner shall pay for damage or relocation of such facilities caused or necessitated by acts of the lot owner, or the lot owner's agents and/or contractors.

5.4. The City of Tulsa, Oklahoma, or its successors, shall at all times have right of access to all utility easements, restricted waterline, sanitary sewer, storm sewer and drainage easements depicted on the accompanying plat, or otherwise provided for in this deed of dedication, for the purpose of installing, maintaining, removing or replacing any portion of underground water, sanitary sewer, or storm sewer facilities.

5.5. The covenants set forth in this subsection shall be enforceable by the City of Tulsa, Oklahoma, or its successors, and the owner of each lot agrees to be bound by these covenants.

6. Gas service
6.1. The supplier of gas service through its agents and employees shall at all times have the right of access to all utility easements shown on the plat or as otherwise provided for in this deed of dedication for the purpose of installing, removing, repairing, or replacing any portion of the facilities installed by the supplier of gas service.
6.2. THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED WITHIN THE LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY OTHER CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH GAS SERVICE. THE SUPPLIER OF GAS SERVICE SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF ITS FACILITIES, BUT THE LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER, OR THE LOT OWNER’S AGENTS OR CONTRACTORS.

6.3. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND BY THESE COVENANTS.

7. LIMITS OF NO ACCESS
7.1. THE UNDERSIGNED OWNER/DEVELOPER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO NORTH 125TH EAST AVENUE AND NORTH 129TH EAST AVENUE WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" (L.N.A.) ON THE ACCOMPANYING PLAT, WHICH "LIMITS OF NO ACCESS" MAY BE AMENDED OR RELEASED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSOR, AND WITH THE APPROVAL OF THE CITY OF TULSA, OKLAHOMA, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO, AND THE LIMITS OF NO ACCESS ABOVE ESTABLISHED SHALL BE ENFORCEABLE BY THE CITY OF TULSA.

8. PAVING AND LANDSCAPING WITHIN EASEMENTS
8.1. THE OWNER OF ANY LOT DEPICTED ON THE ACCOMPANYING PLAT SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY INSTALLATION OR NECESSARY MAINTENANCE OF UNDERGROUND WATER, SANITARY SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION OR ELECTRIC FACILITIES WITHIN THE EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

9. SIDEWALKS
9.1. SIDEWALKS ARE REQUIRED ALONG NORTH 125TH EAST AVENUE AND NORTH 129TH EAST AVENUE IN ACCORDANCE WITH THE TULSA METROPOLITAN AREA SUBDIVISION AND DEVELOPMENT REGULATIONS. REQUIRED SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED IN CONFORMANCE WITH THE CITY OF TULSA ENGINEERING DESIGN STANDARDS.

10. CERTIFICATE OF OCCUPANCY RESTRICTIONS
ACCEPTANCE OF THE INFRASTRUCTURE SERVING THE PARTICULAR PHASE. BUILDING CONSTRUCTION OCCURRING PRIOR TO THE CITY'S ACCEPTANCE OF THE INFRASTRUCTURE SHALL BE AT THE RISK OF THE OWNER OF THE LOT, NOTWITHSTANDING THE ISSUANCE OF A BUILDING PERMIT OR OF A TEMPORARY CERTIFICATE OF OCCUPANCY.

SECTION II. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

1. ENFORCEMENT
THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I. STREETS, EASEMENTS AND UTILITIES ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTION I, WHETHER OR NOT SPECIFICALLY THEREIN SO STATED, SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA. IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED WITHIN THIS DEED OF DEDICATION, THE DEFENSE THAT THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW IS HEREBY WAIVED.

2. DURATION
THESE RESTRICTIONS AND COVENANTS, TO THE EXTENT PERMITTED BY APPLICABLE LAW, SHALL BE PERPETUAL BUT IN ANY EVENT SHALL BE IN FORCE AND EFFECT FOR A TERM OF NOT LESS THAN THIRTY (30) YEARS FROM THE DATE OF THE RECORDING OF THIS DEED OF DEDICATION UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

3. AMENDMENT
THE COVENANTS CONTAINED WITHIN SECTION I. STREETS, EASEMENTS AND UTILITIES MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSORS AND THE CITY OF TULSA, OKLAHOMA. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AS ABOVE SET FORTH SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED IN THE RECORDS OF THE COUNTY CLERK OF TULSA COUNTY.

4. SEVERABILITY
INVALIDATION OF ANY RESTRICTION SET FORTH HEREIN, OR ANY PART THEREOF, BY AN ORDER, JUDGMENT, OR DECREE OF ANY COURT, OR OTHERWISE, SHALL NOT INVALIDATE OR AFFECT ANY OF THE OTHER RESTRICTIONS OR ANY PART THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.
Case Report Prepared by:
Dwayne Wilkerson

Owner and Applicant Information:
Applicant: Steve Benge
Property Owner: Steve Benge

Location Map:
(shown with City Council Districts)

Applicant Proposal:
Present Use: Vacant
Proposed Use: Senior Living
Concept summary: Rezoning to allow multi family development as allowed in the RM-0 zoning district.
Tract Size: 0.54 ± acres
Location: North of the Northwest corner of East 31st Street South and South Sheridan Road

Zoning:
Existing Zoning: OL
Proposed Zoning: RM-0

Comprehensive Plan:
Land Use Map: Town Center
Stability and Growth Map: Area of Growth

Staff Recommendation:
Staff recommends approval.

Staff Data:
TRS: 9315
CZM: 38

City Council District: 5
Councilor Name: Grant Miller

County Commission District: 2
Commissioner Name: Karen Keith
SECTION I: Z-7713

DEVELOPMENT CONCEPT: The applicant has requested rezoning for a single story multifamily development that will be marketed for senior living.

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:

Uses and building types allowed in the RM-O zoning are consistent with the infill development pattern expected in the Town Center land use designation of the Comprehensive Plan and,

RM-O zoning is consistent with the anticipated future zoning pattern on this block and,

Rezoning will require conformance with the subdivision regulations prior to receiving permits for construction. The subject property will be required to finish the dead-end street at the northeast edge of the subject property helping complete the Major Street and Highway Plan vision on this location and,

RM-0 supplemental regulations provide guidance for development similar to the abutting properties therefore,

Staff recommends Approval of Z-7713 to rezone property from OL to RM-0.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The proposed multifamily development is consistent with the expected development pattern identified in the Town Center land use designation.

Land Use Vision:

Land Use Plan map designation: Town Center

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to a number of destinations.

Areas of Stability and Growth designation: Area of Growth
An area of growth is a designation 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:** South Sheridan Road is considered a multi-modal corridor. Future development should emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located 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 to 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

**Small Area Plan:** None

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** The subject tract is empty with access to all the city infrastructure. The parcel does not have vehicular access to South Sheridan Road. Staff recognizes that the stub street from the South Sheridan Road access drive ends at the north boundary and recommends completing vehicular turnaround to meet subdivision regulations design standards or connect the dead end street to South Sheridan Road or East 28th Street South.

**Environmental Considerations:** None that affect site development.
Streets:

<table>
<thead>
<tr>
<th>Existing Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Sheridan Road and South Sheridan Road Access Drive</td>
<td>Secondary Arterial with multi modal corridor designation</td>
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<td>4 on South Sheridan 2 on South Sheridan Access Drive</td>
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<tr>
<td>East 26th Street South</td>
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<td>50 feet</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>
<th>Existing Use</th>
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<td>RS-3</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
<td>Detached single family</td>
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<td>East</td>
<td>RS-3 and OL</td>
<td>Town Center</td>
<td>Growth</td>
<td>Emergency and protective shelter</td>
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<td>South</td>
<td>OL</td>
<td>Town Center</td>
<td>Growth</td>
<td>Fraternal Organization</td>
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<td>West</td>
<td>RS-3</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
<td>Detached single family</td>
</tr>
</tbody>
</table>

SECTION III: Relevant Zoning History

History: Z-7713

Subject Property:

ZONING ORDINANCE: Ordinance number 11816 dated June 26, 1970, established zoning for the subject property.

BOA-19127 July 2001: The Board of Adjustment approved a Special Exception to permit a private lodge/club on an OL and CS zoned property, on property located at 2808 S. Sheridan.

BOA-10532 June 1979: The Board of Adjustment denied a Special Exception to permit apartments in an office district, on property located at NW corner of 28th street and Sheridan Road.

Surrounding Property:

BOA-23160 July 2021: The Board of Adjustment approved a Special Exception to permit a Public, Civic & Institutional/Governmental Service or Similar Functions use for a family justice center in an RS-3/OL/IL/CH District, on property located at 2821 south Sheridan Road East.

BOA-19127 July 2001: The Board of Adjustment approved a Special Exception to permit a private lodge/club on an OL and CS zoned property, on property located at 2808 S. Sheridan.
BOA-15761 June 1991: The Board of Adjustment approved a Special Exception to permit an amendment to the previously approved site plan to permit the construction, use and occupancy of the Justice Center, which will specialize in the examination, evaluation and prescription for treatment of abused children, on property located at SE/c East 28th Street and South Sheridan Road.

BOA-15599 December 1990: The Board of Adjustment approved a Variance to permit the front yard requirement from 25' to 18', measured from the front property line, to allow a 7' addition to an existing attached garage, on property located at 2710 South Sheridan.

BOA-15440 May 1990: The Board of Adjustment approved a Special Exception to permit an amendment to the site plan to permit the construction, use and occupancy of two additional buildings, on property located at SE/c East 28th Street and South Sheridan.

BOA-11760 February 1982: The Board of Adjustment approved a Variance to permit the size of a sign from 32 square feet to 48 square feet in an OL District, on property located at 2808 S. Sheridan Road.

BOA-11360 February 1981: The Board of Adjustment approved a Special Exception to permit the construction of a new ambulatory care teaching facility to be utilized by the University of Oklahoma Tulsa Medical College, on property located at 2815 South Sheridan.

BOA-11293 December 1980: The Board of Adjustment approved a Special Exception to permit a home occupation which will consist of a wood working shop, leather crafts, health care distributorship, and pocket secretary distributorship, on property located at 6510 East 27th Place.

BOA-11212 October 1980: The Board of Adjustment approved a Variance to permit a mobile home for security purposes in a CH District at 2837 South Sheridan Road, on property located at 2837 S. Sheridan Road.

BOA-9777 December 1977: The Board of Adjustment approved a Special Exception to permit home beauty shop in an RS-3 District, on property located at 6210 East 28th Street.

BOA-8370 October 1974: The Board of Adjustment approved a Special Exception to permit a variance of the 50' setback requirement to permit parking per plan; and a Variance of the screening requirement on lot lines in common with an RS District, in an RS-3, OL and IL District, on property located at southeast of 28th Street and Sheridan Road.

BOA-7675 October 1972: The Board of Adjustment approved a Special Exception to permit to erect a cafeteria, fieldhouse, FM radio broadcasting facility and public relations offices for college use in RS-3, OL, and IL district, on property located at 2800 S. Sheridan Road.
Subject Tract  Z-7713  19-13 15

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2020/2021

Feet

0 200 400
**Case Number:** CZ-545

**Hearing Date:** May 17th, 2023

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**Case Report Prepared by:**
Jay Hoyt

**Owner and Applicant Information:**

Applicant: Berryhill Baptist Church

Property Owner: BERRYHILL BAPTIST CHURCH INC

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

![Location Map](image)

**Applicant Proposal:**

Present Use: AG/Church

Proposed Use: Commercial

Concept summary: Rezone from AG to CS to permit commercial uses

Tract Size: 6.85 ± acres

Location: Northeast corner of West 41st Street South and South 61st West Avenue

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**Zoning:**

Existing Zoning: AG

Proposed Zoning: CS

**Comprehensive Plan:**

Land Use Map: Neighborhood Center

Stability and Growth Map: N/A

**Staff Recommendation:**

Staff recommends approval.

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**Staff Data:**

TRS: 9220

CZM: 45

**County Commission District:** 2

**Commissioner Name:** Karen Keith
SECTION I: CZ-545

DEVELOPMENT CONCEPT: The applicant has requested to rezone from AG to CS to permit commercial uses on the subject lot. Currently the site contains Berryhill Baptist Church, which will remain on the lot. The applicant intends to permit retail development on the portion of the lot that does not contain the church. The site is located within the Neighborhood Center designation of the City of Tulsa Comprehensive Plan, which has been adopted as part of the Tulsa County Comprehensive Plan. This proposal would be compatible with this designation.

EXHIBITS:
INCOG Case map
INCOG Aerial
Comprehensive Plan Land Use Map

DETAILED STAFF RECOMMENDATION:

CZ-545 is non-injurious to surrounding proximate properties and consistent with the Tulsa County Comprehensive Plan,

CZ-545 is consistent with the anticipated future development pattern of the surrounding property therefore,

Staff recommends Approval of CZ-545 to rezone property from AG to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the Neighborhood Center land use designation of the Tulsa County Comprehensive Plan as identified in the Unincorporated Tulsa County Land Use Designations (Berryhill) portion of the Comprehensive Plan which was adopted as part of the Tulsa County Comprehensive Plan on January 14, 2019.

Land Use Vision:

Land Use Plan map designation: Neighborhood Center

Neighborhood Centers are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to a number of destinations.

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: W 41st St S is designated as a Primary Arterial. S 61st W Ave is designated as a Residential Collector.

Trail System Master Plan Considerations: The GO Plan shows a sidewalk gap along W 41st St S.
Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site currently contains Berryhill Baptist Church and the surrounding associated property.

Environmental Considerations: None

Streets:

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<tr>
<th>Existing Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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<td>W 41st St S</td>
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<tr>
<td>S 61st W Ave</td>
<td>Residential Collector</td>
<td>60 Feet</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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<tr>
<td>North</td>
<td>RS</td>
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<td>South</td>
<td>RS/AG</td>
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<td>West</td>
<td>RS</td>
<td>Existing Neighborhood/Neighborhood Center</td>
<td>N/A</td>
<td>Single-Family Residential</td>
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SECTION III: Relevant Zoning History

History: CZ-545

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

Subject Property:

BOA-7959 July 1973: The Board of Adjustment approved a Special Exception to permit a church in an AG district, on property located northeast of 40th Street and 60th west Avenue.
CBOA-2500 May 2014: The Board of Adjustment approved a Special Exception to permit fireworks stand (Use Unit 2) in an AG district for a time period from June 15th to July 5th and December 15th to January 1st, on property located at 6035 West 40th Street South.

CBOA-2752 May 2019: The Board of Adjustment approved a Modification to permit a previously approved Special Exception (CBOA-2752) to extend the time limitation to permit fireworks stand in an AG district and a Variance from the all-weather parking surface requirement, on property located at 6035 West 40th Street South.

CBOA-1830 April 2001: The Board of Adjustment approved a Special Exception to permit a 220' monopole wireless telephone transmission tower in AG zoned area within 242' of property zoned RS and OL, on property located at 6035 W. 40th Street.

CBOA-1397 January 1996: The Board of Adjustment approved a Special Exception to permit church use day care and gymnasium on a ten-acre tract in an AG zoned district, on property located at 6035 West 40th Street.

CBOA-846 September 1988: The Board of Adjustment approved a Special Exception to permit a day care center in an existing church in an AG zoned district, on property located at 6035 West 40th Street.

CBOA-518 November 1984: The Board of Adjustment approved a Special Exception to permit a daycare center with sign, at an existing church building in an AG zoned district, under the provisions of Section 1680, on property located at Northeast of 40th Street and West 60th Avenue.

Surrounding Property:

PUD-566-B July 2017: All concurred in approval of a proposed Planned Unit Development on a 9.1+ acre tract of land, on property located Northwest corner of West 41st Street and South 57th West Avenue.

PUD-566-A May 2012: All concurred in approval of a proposed Planned Unit Development on a 11.69+ acre tract of land, on property located Northwest corner of West 41st Street and South 57th West Avenue.

PUD-566 December 1997: All concurred in approval of a proposed Planned Unit Development on a 10.1+ acre tract of land, on property located Northwest corner of West 41st Street South and South 57 West Avenue.

CBOA-2330 May 2009: The Board of Adjustment denied a Variance to permit maximum permitted floor area for a detached accessory building in an RS district from 750 sq. ft. to 1500 sq. ft., on property located at 3765 S. 61st Ave.

CBOA-2303 August 2008: The Board of Adjustment approved a Variance to permit the maximum floor area permitted for detached accessory buildings located in an RS district from 750 sq. ft. to 1,360 sq. ft., on property located at 6026 W. 39th Street South.

CBOA-1320 January 1995: The Board of Adjustment approved a Variance to permit maximum 750 sq. ft. for a detached accessory building, on property located at 6110 West 41st Street South.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021
Land Use Plan Categories

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

CZ-545
19-12 20
**Case Report Prepared by:**
Dwayne Wilkerson

**Owner and Applicant Information:**
*Applicant:* Illuminate Real Estate LLC  
*Property Owner:* YMCA OF GREATER TULSA

**Hearing Date:** May 17th, 2023

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

![Location Map](image)

**Zoning:**
*Existing Zoning:* CS, OL with PUD 722  
*Proposed Zoning:* CS

**Comprehensive Plan:**
*Land Use Map:* Town Center  
*Stability and Growth Map:* Area of Growth

**Applicant Proposal:**
*Present Use:* Vacant  
*Proposed Use:* Restaurant with Drive thru  
*Concept summary:* Rezone and abandon a portion of PUD 722 to allow uses and update supplemental standards that were previously part of PUD 722.  
*Tract Size:* 0.73 ± acres  
*Location:* Southwest corner of East Pine Street and North Peoria Avenue

**Staff Recommendation:**
Staff recommends approval.

**City Council District:** 1  
*Councilor Name:* Vanessa Hall-Harper

**County Commission District:** 1  
*Commissioner Name:* Stan Sallee

**Staff Data:**
*TRS:* 0236  
*CZM:* 28
DEVELOPMENT CONCEPT: Abandon a portion of PUD 722 and rezone the entire subject tract to CS. The PUD included CS zoning and some OL however the PUD only allowed a single use and limited redevelopment opportunities. The re zoning will support redevelopment that is consistent with the Town Center Land use designation in the comprehensive plan. It is likely that the existing unique building will be removed.

EXHIBITS:
- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Applicant Exhibits:
  - Concept Site Plan for drive thru restaurant
  - ALTA / NSPS Land Title Survey

DETAILED STAFF RECOMMENDATION:

The existing building and uses were permitted with PUD-722 in development area D and only allowed Use Unit 5, “Community Services and Similar Uses and accessory uses” and off-street parking areas. The supplemental regulations referenced in the PUD are no longer relevant within the context of the current zoning code and,

Abandonment of Development Area D in PUD 722 and re zoning the subject property does not affect the remainder of the PUD and,

The uses allowed in a CS zoning district are consistent with the Town Center Land Use Designation and are consistent with the expected development pattern in the surrounding area therefore,

Staff recommends approval of Z-7714 to rezone property from CS and OL w/PUD-722 to CS but only with concurrent approval of PUD-722-A that will abandon Development Area D in PUD-722.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CS zoning is consistent with the Town Center Land use designation and also allows the development contemplated in the Main Street designation of East Pine. The CS district does not require building placement as outlined in the Main Street designation.

Land Use Vision:

Land Use Plan map designation: Town Center

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for
markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to a number of destinations.

**Areas of Stability and Growth designation: Area of Growth**

An area of growth is a designation 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:**

**North Peoria Avenue** is considered a multi-modal corridor. Future development should emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located 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 to 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.

**East Pine Street** is considered a Main Street. Main Streets are Tulsa’s classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on the street, small private off-street lots, or in shared lots or structures.

**Trail System Master Plan Considerations:** None

**Small Area Plan:** Unity Heritage Neighborhoods Sector plan

The Unity Heritage Neighborhoods Sector plan was adopted in November of 2016.
The plan “is an update to a series of previous sector plans that was originally adopted by the Tulsa Development Authority and Planning Commission that establishes how citizens would like land to be developed in the future”. Its designation will allow the City and various partners to utilize policies, strategies and funding sources to implement the vision it articulates.

The Pine Street corridor is envisioned as having a series of neighborhood centers at key intersections, with a transition into a major Town Center at the Pine Street Interchange with US 75.

The subject tract is included in the Town Center Land use designation identified in the small area plan.

**Special District Considerations:**

**Healthy neighborhood overlay**

The purpose of the healthy neighborhoods overlay (HNO) is to modify and supplement regulations in a specified area where there is a desire for greater diversity in retail options and convenient access to fresh meats, fruits, and vegetables. These regulations are intended to:

- Avoid and reduce the over-concentration of small box discount stores in the area.
- Encourage and streamline grassroots access to fresh meats, fruits, and vegetables.
- Encourage a greater diversity of retail activity and purchasing options within the area.
- Allow for a more community-based approach to distributing and purchasing fresh meats, fruits, and vegetables in a specified area.
- Promote investment and development in a community where change is desired.

**Neighborhood Infill Overlay**

The Neighborhood Infill Overlay (NIO) establishes zoning regulations that are intended to promote the development of alternative infill housing in established neighborhoods. The overlay allows for a variety of residential housing types in a manner that is compatible, in mass and scale, with the character of surrounding properties. The regulations are also intended to promote housing types that accommodate households of varying sizes and income levels and provide for a more efficient use of residential land.

** Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

The subject property is developed with an architecturally significant structure. The existing access to the site is from Owasso Avenue. The building placement is consistent, and use is consistent with the anticipated Main Street designation along East Pine.

Street view from northwest corner looking south. (See next page)
Street View from southwest looking north.

Environmental Considerations: None that affect site redevelopment.
Streets:

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<tr>
<th>Existing Access and Frontage</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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Utilities:
The subject tract has municipal water and sewer available.

Surrounding Properties:

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<tr>
<th>Location</th>
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<th>Area of Stability or Growth</th>
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<td>Town Center</td>
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</tr>
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SECTION III: Relevant Zoning History

History: Z-7714 Rel. PUD-722-A

ZONING ORDINANCE: Ordinance number 11918 dated September 1, 1970, established zoning for the subject property.

Subject Property:

SA-5 (Neighborhood Infill Overlay) August 2021: All concurred in approval of a request for a Special Area Overlay on multiple properties along the multiple properties located within certain neighborhoods adjacent to downtown to establishes zoning regulations that are intended to promote the development of alternative infill housing in established neighborhoods. The overlay allows for a variety of residential housing types in a manner that is compatible, in mass and scale, with the character of surrounding properties. The regulations are also intended to promote housing types that accommodate households of varying sizes and income levels and provide for a more efficient use of residential land and available public infrastructure.
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PUD-722 January 2006: All concurred in approval of a proposed Planned Unit Development on a 6.964+ acre tract of land on property located Southwest corner East Pine Street and North Peoria Avenue.

Surrounding Property:

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BOA-7860 April 1973: The Board of Adjustment approved a Special Exception to permit operate an eating establishment in an IM District, & a Variance for a modification of setback requirements to permit lining up with existing building in an IM District, on property located at 1449 North Peoria.
PUD 722 Development area illustration

BOOKER WASHINGTON

East Pine Street North

PUD 722-A abandoned all of development area D
Case Report Prepared by: Dwayne Wilkerson

Owner and Applicant Information:
Applicant: Illuminate Real Estate LLC
Property Owner: YMCA OF GREATER TULSA

Applicant Proposal:
Present Use: Vacant building
Proposed Use: The proposed use presented with this application is a drive thru restaurant.
Concept summary: Abandon Development Area D in PUD-772 and rezone the entire site to CS without a development plan.
Tract Size: 0.73 ± acres
Location: 1208 East Pine Street North

Zoning:
Existing Zoning: CS, OL, PUD-722
Proposed Zoning: CS

Comprehensive Plan:
Land Use Map: Town Center
Stability and Growth Map: Area of Growth

Staff Recommendation:
Staff recommend approval but only with the zoning approval of CS for the entire subject tract.

City Council District: 1
Councilor Name: Vanessa Hall-Harper
County Commission District: 1
Commissioner Name: Stan Sallee
SECTION I: PUD-722-A

DEVELOPMENT CONCEPT: Abandon a portion of PUD 722 and rezone the subject tract to allow more uses than were allowed in the PUD. PUD-722-A will abandon all of development area D. The remainder of PUD 722 will not be affected. The subject tract includes CS zoning and some OL, however the PUD only allowed a single use and limited redevelopment opportunities. The rezoning will support redevelopment that is consistent with the Town Center Land use designation in the comprehensive plan. It is likely that the existing unique building will be removed.

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:
Refer to Z-7714 for concept plan illustration and land title survey

DETAILED STAFF RECOMMENDATION:
The existing building and uses were permitted with PUD-722 in development area D and only allowed Use Unit 5, "Community Services and Similar Uses and accessory uses" and off-street parking areas. The supplemental regulations referenced in the PUD are no longer relevant within the context of the current zoning code and,

Abandonment of Development Area D in PUD 722 and rezoning the subject property does not affect the remainder of the PUD and,

The uses allowed in a CS zoning district are consistent with the Town Center Land Use Designation and are consistent with the expected development pattern in the surrounding area therefore,

Staff recommends approval approval of PUD-722-A that will abandon Development Area D in PUD-722 but only with concurrent approval of Z-7714 to rezone property from CS and OL w/PUD-722 to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CS zoning is consistent with the Town Center Land use designation and also allows the development contemplated in the Main Street designation of East Pine. The CS district does not require building placement as outlined in the Main Street designation.

Land Use Vision:

Land Use Plan map designation: Town Center

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to a number of destinations.
Areas of Stability and Growth designation: Area of Growth

An area of growth is a designation 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:

North Peoria Avenue is considered a multi-modal corridor. Future development should emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located 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 to 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.

East Pine Street is considered a Main Street. Main Streets are Tulsa’s classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on the street, small private off-street lots, or in shared lots or structures.

Trail System Master Plan Considerations: None

Small Area Plan: Unity Heritage Neighborhoods Sector plan

The Unity Heritage Neighborhoods Sector plan was adopted in November of 2016. The plan “is an update to a series of previous sector plans that was originally adopted by the Tulsa Development Authority and Planning Commission that establishes how citizens would like

9.3

REVISED 5/10/2023
land to be developed in the future”. Its designation will allow the City and various partners to utilize policies, strategies and funding sources to implement the vision it articulates.

The Pine Street corridor is envisioned as having a series of neighborhood centers at key intersections, with a transition into a major Town Center at the Pine Street Interchange with US 75.

The subject tract is included in the Town Center Land use designation identified in the small area plan.

**Special District Considerations:**

**Healthy neighborhood overlay**

The purpose of the healthy neighborhoods overlay (HNO) is to modify and supplement regulations in a specified area where there is a desire for greater diversity in retail options and convenient access to fresh meats, fruits, and vegetables. These regulations are intended to:

a. Avoid and reduce the over-concentration of small box discount stores in the area.
b. Encourage and streamline grassroots access to fresh meats, fruits, and vegetables.
c. Encourage a greater diversity of retail activity and purchasing options within the area.
d. Allow for a more community-based approach to distributing and purchasing fresh meats, fruits, and vegetables in a specified area.
e. Promote investment and development in a community where change is desired.

**Neighborhood Infill Overlay**

The Neighborhood Infill Overlay (NIO) establishes zoning regulations that are intended to promote the development of alternative infill housing in established neighborhoods. The overlay allows for a variety of residential housing types in a manner that is compatible, in mass and scale, with the character of surrounding properties. The regulations are also intended to promote housing types that accommodate households of varying sizes and income levels and provide for a more efficient use of residential land.

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

The subject property is developed with an architecturally significant structure. The existing access to the site is from Owasso Avenue. The building placement is consistent, and use is consistent with the anticipated Main Street designation along East Pine.

Street view from northwest corner looking south. (See next page)
Street View from southwest looking north.

Environmental Considerations: None that affect site redevelopment.
Streets:

<table>
<thead>
<tr>
<th>Existing Access and Frontage</th>
<th>MSHP Design</th>
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SECTION III: Relevant Zoning History

History: SECTION III: Relevant Zoning History

History: PUD-722-A Rel. Z-7714

ZONING ORDINANCE: Ordinance number 11918 dated September 1, 1970, established zoning for the subject property.

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**PUD-722 January 2006:** All concurred in approval of a proposed Planned Unit Development on a 6.964+ acre tract of land on property located Southwest corner East Pine Street and North Peoria Avenue.

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Rel. PUD-722-A

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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-7714
PUD-722-A
20-12 36

E OKLAHOMA ST
E QUEEN ST
E QUEEN PL
E PINE PL
E PINE ST
E READING ST
E SEMINOLE PL
E SEMINOLE ST
N NORFOLK AVE
N MADISON AVE
N ROCKFORD AVE
N ST. LOUIS AVE
PUD 722 Development area illustration

BOOKER WASHINGTON

East Pine Street North

PUD 722-A abandoned all of development area D

North Peoria Avenue

North Norfolk Avenue

East Oklahoma Street North

PUD Boundary Limits (continuous line)
**Case Number:** Z-7705  
( Related to CPA-102 & adjacent and related to County cases CZ-543 and TCCP-12)

**Hearing Date:** May 17, 2023  
(Continued from April 19, 2023)

**Case Report Prepared by:**  
Dwayne Wilkerson

**Owner and Applicant Information:**  
**Applicant:** Nathan Cross  
**Property Owner:** Greenhill Properties LLC

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

![Location Map](image)

**Applicant Proposal:**

**Present Use:** AG  
**Proposed Use:** Commercial/Mining  
**Concept summary:** IM  
**Tract Size:** 200.91 ± acres  
**Location:** South of the southeast corner of Highway 169 and East 56th Street North

4816 North 118 East Avenue

**Zoning:**

**Existing Zoning:** AG  
**Proposed Zoning:** IM

**Comprehensive Plan:**

**Current Land Use Map:** Regional Center  
**Proposed land use designation:** Employment  
**Stability and Growth Map:** Area of Growth

**Staff Recommendation:**  
Staff recommends approval.

**Staff Data:**

**TRS:**  
**CZM:** 24

**City Council District:** 3  
**Councilor Name:** Crista Patrick

**County Commission District:** 1  
**Commissioner Name:** Stan Sallee

REVISED 5/13/2023
APPLICATIONS DEVELOPMENT CONCEPT:

History

The property at issue in this request (the “Subject Property”) is part of the small remaining undeveloped property in north Tulsa that has been primarily vacant since the creation of the City of Tulsa. For 50 years, the Subject Property has been a working ranch owned by the Oxley family. No significant development has occurred on the Subject Property.

Mining

At some point in the distant past, a rich vein of limestone was discovered in and around the Subject Property and in parts of northern Tulsa County. After that discovery, mining operations began to grow in the area. Currently, there are 3 active mining operations within roughly a two-mile radius of the Subject Property. As such, this portion of Tulsa has become a significant source of regional limestone for use in construction. These mining activities have been further bolstered by increased demand due to depletion of other mining resources in the area to the point that this area of Tulsa is now the primary provider of limestone for construction in Tulsa and Oklahoma City as well as other places within the region.

Rezoning Request

As stated above, mining is one of the largest uses of land in this area of Tulsa. In addition to the rich limestone in the area, the Subject Property fronts onto Highway 169. The east side of Highway 169 in this area has rapidly developed into an industrial/warehousing corridor ripe for continued development with large-scale commercial activities. The owner of the Subject Property proposes to rezone the Subject Property to IM to accommodate 68 acres of future commercial use along the Highway 169 corridor as well as establish underlying zoning to accommodate 97 acres of mining operations on the balance of the Subject 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

DETAILED STAFF RECOMMENDATION:

The Tulsa Metropolitan Area Planning Commission unanimously adopted an update to the Tulsa Comprehensive Plan May 3rd, 2023. The public meetings notices, maps, and references in this report were completed before Planning Commission adoption of the plan update. As of the writing of this staff report (3/11/2023), the City Council has not approved the updated plan, but this request is consistent with the existing and the amended comprehensive plan. The City Council is expected to vote on the updated Comprehensive Plan after this zoning has been reviewed at the Planning Commission.

The update to the Comprehensive Plan illustrates this area as a Regional Center and an area of Employment. The site is not included in an area that is most suitable for industrial development, however the land use maps support the proposed industrial development and,
The uses allowed in the IM district are consistent with the land use maps as proposed in CPA-102 and the expected land use recommendations of the pending Comprehensive Plan update.

IM zoning allows uses at a scale that is appropriate with the existing transportation infrastructure and

The uses allowed in an IM district are consistent with the expected surrounding development area therefore,

Staff recommends Approval of Z-7705 to rezone property from AG to IM.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:
IM zoning as requested with Z-7705 requesting is consistent with the proposed land use designation associated with CPA-102. Z-7705 is also consistent with the anticipated Employment and Regional Center land use designation that has been approved at the Planning Commission with the plan update.

The expected mining special exception should be limited to the area shown as Employment in the updated plan land use designation.

Land Use Vision:

Existing Land Use and Growth Designations

A Regional Center land use designation was assigned to the area subject to the amendment request at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

The Regional Center designation is defined in the Tulsa Comprehensive Plan as mid-rise mixed-use areas for large scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots.

Proposed Land Use and Growth Designations (Tulsa Comprehensive Plan)

The applicant is proposing the Employment land use designation for the entirety of the subject property:

The Employment designation is defined in the Tulsa Comprehensive Plan as areas containing office, warehousing, light manufacturing, and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances.

The area surrounding the subject property to the south, west and east has largely industrial or agricultural zoning with an Employment or Regional Center land use designations. The subject property (along with the concurrent rezoning in North Tulsa County) would extend the industrial zones from the south and west along Highway 169. Rezoning the subject area to Industrial with
a land use designation of *Employment* would not be inconsistent with the development already occurring in the vicinity.

**Transportation Vision:**

**Major Street and Highway Plan:** The major street and highway plan does not illustrate a collector street or frontage road west of highway 75. Street connectivity from East 46th Street North to East 56th street North is an essential component of industrial and commercial development opportunities east of highway 75. Staff will recommend public street construction with future development in this area.

**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 subject property is part of an agricultural farm operation. The east boundary of the site is in the Bird Creek flood plain and limestone is close to the surface and accessible to mining operations similar to the existing quarry operations southeast of Z-7705.

**Environmental Considerations:**

**Streets:**

<table>
<thead>
<tr>
<th>Existing Access</th>
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<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
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<tbody>
<tr>
<td>56th Street North</td>
<td>Secondary Arterial</td>
<td>100 feet</td>
<td>2</td>
</tr>
</tbody>
</table>

**Utilities:**

The subject tract has municipal water and sewer available except where mining is anticipated. The commercial corridor anticipated adjacent to Highway 169 will require significant utility extensions to serve the area.

**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>
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<tbody>
<tr>
<td>North (Unincorporated Tulsa County)</td>
<td>AG</td>
<td>Agricultural / Rural Residential</td>
<td>NA</td>
<td>Undeveloped / agricultural Refer to pending case CZ-543/PUD 867</td>
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<tr>
<td>East</td>
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<td>Employment</td>
<td>Growth</td>
<td>Undeveloped / agricultural</td>
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<td>Employment</td>
<td>Growth</td>
<td>Undeveloped / agricultural</td>
</tr>
<tr>
<td>West</td>
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<td>Employment</td>
<td>Growth</td>
<td>Undeveloped / agricultural</td>
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</table>
SECTION III: Relevant Zoning History

History: Z-7705

Subject Property:

ZONING ORDINANCE: Ordinance number 11804 dated June 26, 1970, established zoning for the subject property.

BOA-20800 October 2008: The Board of Adjustment approved a Special Exception to permit a Rock Quarry in an AG district, on property located at NW of the intersection of 129th E. Ave. and 46th St. N.

BOA-19674 September 2003: The Board of Adjustment approved a Special Exception to permit within an 80-acre tract in the IH and AG zoning districts the mining, quarrying and extraction of stone, sand and gravel, including processing, crushing, washing, sale and loading of crushed rock, sand and gravel for utilization off the premises, on property located at E. 46th Street North ½ mile East of N. Garnett Road.

Surrounding Property:

Z-7385 July 2017: All concurred in approval of a request for rezoning a 97.28± acre tract of land from AG to IM on property located Northeast corner of E. 46th street North and Highway 169.

BOA-20800 October 2008: The Board of Adjustment approved a Special Exception to permit a Rock Quarry in an AG district, on property located at NW of the intersection of 129th E. Ave. and 46th St. N.

BOA-19674 September 2003: The Board of Adjustment approved a Special Exception to permit within an 80 acre tract in the IH and AG zoning districts the mining, quarrying and extraction of stone, sand and gravel, including processing, crushing, washing, sale and loading of crushed rock, sand and gravel for utilization off the premises, on property located at E. 46th Street North ½ mile East of N. Garnett Road.
Z-7705
20-14 08

Tulsa Corporate Limits

Legend
SUBJECT TRACT
LAND USE PLAN
REGIONAL CENTER

Downtown Neighborhood
Main Street
Mixed-Use Corridor
Regional Center
Town Center

Neighborhood Center
Employment
New Neighborhood
Existing Neighborhood
Park and Open Space
Arkansas River Corridor

CURRENT LAND USE MAP

Z-7705
20-14 08
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

CPA-102

Land use designation as proposed with CPA-102 and Z-7705
Case Number: CZ-543
(Related to PUD-867 and TCCP-12 & adjacent and related to City cases Z-7705 and CPA-102)

Hearing Date: May 17, 2023
(Continued from April 19, 2023)

Owner and Applicant Information:
Applicant: Nathan Cross
Property Owner: Greenhill Properties LLC

Case Report Prepared by:
Jay Hoyt

Location Map:
(shown with County Commission Districts)

Applicant Proposal:

Present Use: AG
Proposed Use: Mining/Commercial

Concept summary: Rezone from AG to IM with a PUD overlay to permit Mining and Industrial development.

Tract Size: 35 ± acres
Location: Northeast corner of Highway 169 and E 56th St N

Zoning:
Existing Zoning: AG
Proposed Zoning: IM

Comprehensive Plan:
Land Use Map: Rural Residential/Agricultural (proposed to be revised to Industrial with case TCCP-12)

Staff Recommendation:
Staff recommends approval.

Staff Data:
TRS: 0405
CZM: 24

County Commission District: 1
Commissioner Name: Stan Sallee
SECTION I: CZ-543

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from AG to IM to permit mining and industrial development. The applicant is also proposing a PUD overlay to establish uses allowed. The site currently lies within the Rural Residential/Agricultural designation of the Tulsa County Comprehensive Plan. A concurrent application (T CCP-12) has been submitted to amend the Tulsa County Comprehensive Plan for the subject area to Industrial.

IM rezoning and uses should be limited to the portion of the site labeled as “Development Area A” in the attached Exhibit “C” provided by the applicant and limited to those uses permitted by the associated PUD (PUD-867), with the remainder of the subject area to remain AG.

EXHIBITS:
- INCOG Case map
- INCOG Aerial
- Tulsa County Comprehensive Plan Land Use Map
- Applicant Exhibits:
  - Exhibit A – Legal Description
  - Exhibit B – Statement from Applicant
  - Exhibit C – Proposed Land Use

DETAILED STAFF RECOMMENDATION:

CZ-543 is non-injurious to surrounding proximate properties if IM zoning is limited to the area designated as Development Area A of PUD-867;

CZ-543 is not consistent with the current land use designation, however the applicant has submitted an amendment to the Tulsa County Comprehensive Plan Amendment, T CCP-12. The applicant has requested revising the land use designation from Rural Residential to Industrial. Staff supports that request as outlined in T CCP-12 therefore,

Staff recommends Approval of CZ-543 to rezone property from AG to IM as outlined above.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The North Tulsa County area lies north of East 56th Street North and borders the Sperry and Skiatook fencelines on the west, the Collinsville fenceline on the north, and the Owasso Fenceline on the east. There is a separate portion the lies northeast of the Collinsville fenceline. The majority of the North Tulsa County Area was previously included in the North Tulsa County Comprehensive Plan (Cherokee Corridor) as a part of the Tulsa Metropolitan Comprehensive Plan. Public Input North Tulsa County is an area of about 2,100 people and roughly 750 households. The public process began with an area-wide survey which was shared throughout the area. An advisory team was formed and gave valuable information about the community and continued to submit feedback as the Future Land Use map was created for North Tulsa County.
Land Use Vision:

Land Use Plan map designation:

Rural Residential/Agricultural (Current)

Land that is sparsely occupied and used primarily for farmland, agricultural uses, and single-family homes on large lots. Residential lots generally range from one-half acre or greater and may use on-site services where public utilities are not available.

Industrial (proposed by designation in TCCP-12)

This land use category is designed to accommodate industrial uses as well as wholesaling, warehousing, and distribution facilities, which tend to require large buildings and generate more large-truck traffic than other types of land uses.

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: E 56th St N is designated as a Secondary Arterial

Trail System Master Plan Considerations: A shared path is proposed by the GO plan to be located along the railway that passes through the site. A sidewalk gap is shown along E 56th St N

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: A floodplain exists in the portion of the subject area south and east of Bird Creek.

Streets:

<table>
<thead>
<tr>
<th>Existing Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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<tbody>
<tr>
<td>E 56th St N</td>
<td>Secondary Arterial</td>
<td>100 Feet</td>
<td>2</td>
</tr>
</tbody>
</table>

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

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</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>AG</td>
<td>Rural Residential/Agricultural</td>
<td>N/A</td>
<td>Vacant</td>
</tr>
<tr>
<td>South</td>
<td>AG</td>
<td>Regional Center/Employment</td>
<td>Growth</td>
<td>Vacant/Agricultural</td>
</tr>
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<td>Rural Residential/Agricultural</td>
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<td>IL/AG</td>
<td>Rural Residential/Agricultural Industrial</td>
<td>N/A</td>
<td>Vacant/Agricultural/Industrial</td>
</tr>
</tbody>
</table>

SECTION III: Relevant Zoning History

History: CZ-543 Rel. PUD-867

ZONING ORDINANCE: Ordinance number 11804 dated June 26, 1970, established zoning for the subject property.

Surrounding Property:

CBOA-2628 April 2017: The Board of Adjustment approved a Use Variance to permit a dirt pit/mining operation (Use Unit 24) in an IL zoned district, on property located at N. of NW corner of HWY 169 and 56th Street N.

CBOA-1743 June 2000: The Board of Adjustment approved a Special Exception to permit a single-wide mobile home in an RS district, on property located at 13716 East 59th Street North.

CBOA-1707 March 2000: The Board of Adjustment approved a Special Exception to permit mining/dirt removal in an AG district, on property located at 6100 Block N. 115th E. Ave.

CZ-495 December 2019: All concurred in approval of a request for rezoning a 2.72+ acre tract of land from RS to AG on property located Northwest of the Northwest corner of East 56th Street North & North 145th East Avenue.

BOA-8706 August 1975: The Board of Adjustment approved a Variance to permit frontage requirements from 300' to 224' in an AG district, on property located at 6207 North 129th East Avenue.

CBOA-1461 October 1996: The Board of Adjustment approved a Variance to permit two dwelling units on one lot of record, on property located at 6322 North 129th East Avenue.
LEGAL DESCRIPTION

PARCEL 1 EXHIBIT "A" LEGAL DESCRIPTION

A TRACT OF LAND LYING IN THE SOUTHWEST QUARTER (SW/4) OF SECTION FIVE (5), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION FIVE (5); THENCE N88°44'19"E AND ALONG THE SOUTH LINE OF SAID SECTION FIVE (5) FOR A DISTANCE OF 1415.51 FEET; THENCE N01°15'41"W FOR A DISTANCE OF 100.14 FEET TO THE POINT OF BEGINNING; THENCE N58°19'45"W FOR A DISTANCE OF 270.65 FEET; THENCE N12°54'57"W FOR A DISTANCE OF 731.52 FEET; THENCE N01°11'55"W FOR A DISTANCE OF 220.78 FEET; THENCE N88°44'19"E FOR A DISTANCE OF 34.52 FEET; THENCE N41°11'19"E FOR A DISTANCE OF 542.60 FEET; THENCE N49°26'19"E FOR A DISTANCE OF 192.90 FEET; THENCE S38°21'25"E FOR A DISTANCE OF 1157.54 FEET; THENCE S00°00'00"W FOR A DISTANCE OF 185.00 FEET; THENCE S25°22'56"E FOR A DISTANCE OF 382.02 FEET; THENCE S01°37''E FOR A DISTANCE OF 190.00 FEET; THENCE S88°45'01"W FOR A DISTANCE OF 153.84 FEET; THENCE N86°41'23"W FOR A DISTANCE OF 501.60 FEET; THENCE S88°44'09"W FOR A DISTANCE OF 372.89 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 34.70 ACRES MORE OR LESS.

LEGAL DESCRIPTION WAS PREPARED ON JULY 01, 2021 BY CLIFF BENNETT, PLS #1815 WITH THE BEARINGS BASED ON THE SOUTH LINE OF SECTION FIVE (5) AS BEING N88°44'19"E.
HISTORY

The property at issue in this request (the "Subject Property") is part of the small remaining undeveloped property in north Tulsa that has been primarily vacant since statehood. For 50 years, the Subject Property has been a working ranch owned by the Oxley family. No significant development has occurred on the Subject Property.

MINING

At some point in the distant past, a rich vein of limestone was discovered in and around the Subject Property and in parts of northern Tulsa County. After that discovery, mining operations began to grow in the area. Currently, there are 3 active mining operations within roughly a two-mile radius of the Subject Property. As such, this portion of Tulsa County has become a significant source of regional limestone for use in construction. These mining activities have been further bolstered by increased demand due to depletion of other mining resources in the area to the point that this area of Tulsa is now the primary provider of limestone for construction in Tulsa and Oklahoma City as well as other places within the region.

REZONING REQUEST

As stated above, mining is one of the largest uses of land in this area of Tulsa County. In addition to the rich limestone in the area, the Subject Property fronts onto Highway 169. The east side of Highway 169 in this area has rapidly developed into an industrial/warehousing corridor ripe for continued development with large-scale commercial activities. The owner of the Subject Property proposes to rezone the Subject Property to IM to accommodate future uses along the Highway 169 corridor as well as establish underlying zoning to accommodate mining operations on the balance of the Subject Property.

PUD REQUEST

The proposed mining use referenced above is allowed by right within IM, IH and AG Districts under the Tulsa County Zoning Code. As the Subject Property is to be partial used for moderate industrial uses along the Highway 169 corridor and frontage, the Applicant proposes a PUD to allow the additional use of "Mining and Mineral Processing" in only the areas located within Development Area B depicted on Exhibit “C” with Development Area A limited to IM uses without the Mining and Mineral Processing use. All other portions of the Subject Property will remain zoned AG without any additional development standards. The applicant does not propose any other amendments to the allowed uses and development standards of the IM zoning district. This request represents the minimal amount of relief necessary to accomplish the proposed uses outlined in this application. As referenced above, the proposed PUD would allow for additional access to a vital natural resource that is necessary for construction in
Say no to the Rock Quarry please!! Don’t reZone for the beauty and the wildlife and the families of the surrounding area!!

I’m sure you have read several stories but this is too close to homes for us! Are home is one of probably the oldest in area neighborhood built on sandstone. I’m sure the existing damages and cracks are from blasting and time! I work from home most days and the blast are almost every day sometimes it takes me by surprise still today knocking pictures off the walls, scares my animals as well! The land needs to be preserved to save the deer, fish and wildlife eagles around area. The dump trucks already drive way past the speed limit and swerving in to your lane throwing dust and rocks as well! There is a back up everyday of trucks on are 2 lane roads! The damages on the roads around us the are extremely damaged. I have noticed the most effected is on 56th street between Hw 169 and 145th E. are mind blowing from the trucks even the trucks dodge holes it’s very dangers road now! Trucks have hit trains as well! We don’t have proper railroad crossings lights for them as of today some don’t stop to look for trains it’s very sad. Thank you for your time Sonya Tobias 6024 N. 138th E Ave Owasso/ This Facebook link are some pictures I posted of 5 Eagles in my trees a few weeks ago!

https://www.facebook.com/groups/918734102730279/permalink/932262344710788/
Event reconciliation between K. Brewster list, possible events on a sensor located at 31st and Peoria, Tulsa and events from the OGS catalogue

Contents:

Fig 2  Summary of K. Brewster list, sensor observations and OGS events

Fig 3-5  Heliographs from the Tulsa sensor, April 12 event
Fig 6-8  Heliographs from the Tulsa sensor, April 6 event
Fig 9-11  Heliographs from the Tulsa sensor, March 20 event

Fig 12-14  Heliographs from the Tulsa sensor, March 8 event
Fig 15-17  Heliographs from the Tulsa sensor, March 2 event(s)
Fig 18-20  Heliographs from the Tulsa sensor, February 10 event

Fig 21  Earthquake events from the OGS catalogue for Tulsa County, Jan 1 to April 24, 2023
Fig 22-24  Maps showing recent OGS earthquakes in Tulsa area
## Event reconciliation

<table>
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<th>date</th>
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<th>E-W</th>
<th>OGS catalogue</th>
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<td></td>
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<tr>
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<td>y</td>
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</tbody>
</table>

"y" designation indicates an event is observed on the sensor at the approximate date/time.
Event noted at the approximate time as noted on the from K. Brewster list
Event noted at the approximate time as noted on the from K. Brewster list
Event noted at the approximate time as noted on the from K. Brewster list.
Event noted at the approximate time as noted on the from K. Brewster list
Event noted at the approximate time as noted on the from K. Brewster list.
Event noted at the approximate time as noted on the from K. Brewster list
Event noted at the approximate time as noted on the form K. Brewster list
Event noted at the approximate time as noted on the from K. Brewster list.
Event noted at the approximate time as noted on the from K. Brewster list
8-Mar 10:42

Event noted at the approximate time as noted on the from K. Brewster list
Event noted at the approximate time as noted on the from K. Brewster list
Event noted at the approximate time as noted on the from K. Brewster list.
Event noted at the approximate time as noted on the from K. Brewster list
Event noted at the approximate time as noted on the from K. Brewster list.
Event noted at the approximate time as noted on the from K. Brewster list.
Event noted at the approximate time as noted on the from K. Brewster list
Event noted at the approximate time as noted on the list from K. Brewster list.
### Download from OGS Catalogue

Jan 1 to April 24, 2023, restrict to Tulsa County

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<th>event_id</th>
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<th>source</th>
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<th>county</th>
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<td>Oklahoma</td>
<td>Tulsa</td>
<td>4/12/2023 13:26</td>
</tr>
</tbody>
</table>

Events highlighted in yellow were observed and noted by K. Brewster in Owasso

The OGS “Recent Earthquake” map shows the April events on the following figures.
The OGS "Recent Earthquake" map. Note the three events in the Owasso area (yellow circles).

Red triangle is the approximate location of the Tulsa sensor (not part of the OGS network)
The OGS "Recent Earthquake" map. Statistics for the 4-12-2023, 13:26:35 event
The OGS "Recent Earthquake" map. Statistics for the 4-06-2023, 13:21:44 event.
Here are pictures that demonstrate how close a quarry will encroach to neighborhoods.
If you expand the pictures, you can see the quarry literally on the other side of a fence from a child's trampoline. You can see how close the excavator is. This is less than a block away. And they blast right up to that edge. It's an eyesore, it has hurt property values. You can hear the trucks all night working in the mine. Horns, drilling sounds, crushing rock noise, all night with sirens and blasting daily. The earth shakes, rattles the house, and plumes (a fog) of dust covers the area. When you walk through the yard, there is dust covering your shoes and flying up. Dust covers the leaves on the bushes and trees. The house filters need to be changed more often because of the dust and you can't ever leave your windows open. Had I known then what they were really planning to do, we would not have moved there.

This is Anchor Stone but I do not believe it will be any different for you. Plus Anchor has also now requested to EXPAND again which is devastating for the neighborhoods by us. Please remember us when we fight them as well.

Good luck to you!
Danette Koloen
These are pictures of damage that has been caused over the years by living close to a quarry. The quarry was NOT as close as it is now when we first moved into the neighborhood/home in 2001. It was over a mile away and now is literally behind the fence of my next door neighbors house.

It was proposed to be ceasing mining in 20 years and become a lake. I researched before moving in. However, not only did that not happen but they expanded and have extended the mining contract another 20 years. So DO NOT BELIEVE anything they propose about lakes. It is horrible to live with the blasting, constant dust, and noise being so close to our home. I'm sending another email of pictures showing how CLOSE the quarry actually is now to the homes. This is Anchor Stone quarry not the one you are currently battling. But Anchor is now also proposing expanding again to surround my house on 3 sides and move closer to neighborhoods to the west of us.

I really wish we could be there on the 17th. However, my husband is battling cancer and we are in Houston during this time. Good luck to all

Danette Koloen
Please add these pictures for the quarry meeting. There are Bald eagle nests in the quarry expansion area. Their nesting areas are protected and would be destroyed by quarry activity in their nesting areas.

Rinda Harbison
918-636-0030
I realized I had a duplicate photo on the second page, here is the corrected version!

On May 10, 2023, at 11:46 AM, Rachel Allen <rachelallen7@sbcglobal.net> wrote:

> Good afternoon,
> Attached are photos from myself and neighbors that have windshield damage from quarry trucks. Please let me know if you need them in a different format.
> Thanks!
> Rachel Allen
>
> <QuarryDamage.pdf>
Vehicle Damage from Quarry Trucks

Photos are from residents that live near the quarry and have sustained windshield damage from rocks coming off quarry trucks.

Sarah Kanizer
sarah@thecatronteaml.com

05/10/2023
Vehicle Damage from Quarry Trucks

Angie Semple
angiesemple@me.com

Tayla Fleck
taylafleck@gmail.com

05/10/2023
Vehicle Damage from Quarry Trucks

Peter Allen
petercallen@sbcglobal.net

05/10/2023
Vehicle Damage from Quarry Trucks

Rachel Allen
rachelallen7@sbcglobal.net

05/10/2023
Sawyer, Kim

Rinda Harbison <rindarn@hotmail.com>

From:
Sent: Wednesday, May 10, 2023 9:20 AM
To:
Subject: Concrete damage from years of quarry blasting. Rinda Harbison
Attachments: 20230510_090036_resized.jpg; 20230510_085949_resized.jpg; 20230510_085916_resized.jpg; 20230510_085628_resized.jpg; 20230510_085612_resized.jpg; 20230510_085505_resized.jpg; 20230510_085427_resized.jpg; 20230510_085047_resized.jpg; 20230510_084933_resized.jpg; 20230510_084851_resized.jpg

Damage to our home from blasting. I have a 3 car concrete driveway and there are 15 sheets of concrete that make up the drive. Every one of the 15 sheets is cracked in at least one area.

Rinda Harbison
7722 N 154th East Avenue
Owasso, Oklahoma
Sent from my Verizon, Samsung Galaxy smartphone
To whom it may concern,

As a resident of the Hickory Creek neighborhood off of E 66th St N and N 129th E Ave in Owasso, I would like to express my strong opposition for the proposed expansion of the rock quarry in northeast Tulsa near Owasso. The quality of life of the people, environment, and wildlife in the area is severely threatened if this proposed quarry expansion and rezoning is allowed, and I urge you to take steps to stop this expansion.

Trips

In order to deliver the aggregate to market, gravel trucks are used to haul the material to the customers. These trucks have a capacity of between 11 and 22 tons, depending on the number of wheels and the physical size of the unit.

(1) https://www.reference.com/science/many-tons-gravel-can-fit-dump-truck-89dc08c93ac5e34d?qo=contentSimilarQuestions#

There is already a large number of noisy gravel trucks that take numerous trips per day with the current quarry. The expansion will greatly increase the already existing number of truck trips, increasing traffic on 56th Street North, 66th Street North, HWY 169, and the surrounding areas. When merge times are added for existing vehicle use, the obvious result of this is huge traffic increase.

The rise in traffic and prevalence of market gravel trucks also increase damages to other resident and traveling vehicles in the area from kick up of rocks that fall from these gravel trucks.

Air Pollution

Besides the huge traffic problems, there will be an immense increase in exhaust gases produced by these large numbers of trucks.

However, this is not the only source of air pollution. Fugitive Dust Emissions are also generated from the quarry due to vehicular traffic and wind. (2) https://businessimpactenvironment.wordpress.com/2012/01/08/environmental-issues-in-stone-crushers/

This dust settles on the vehicles during loading operation and is then blown off as the truck moves down the local roads and highway. This fugitive dust is then deposited on the roads and highway where it is then spread by all vehicles in the air as the tires pick it up.

The dust is then in the air to be spread by the wind and is deposited on the surrounding environment where it can kill both vegetation and aquatic life depending on the formulation of the compound and its toxicity levels.

All operations will produce fugitive dust sources which will contaminate the air and harm the surrounding environment. Although mitigating measures may be employed, no effective measures for controlling particulate emissions from blasting are available. (3) https://businessimpactenvironment.wordpress.com/2012/01/08/environmental-issues-in-stone-crushers/

Given the number of existing cases of asthmatic children and those suffering from various types of pulmonary diseases and considering the naturally existing water sources still used by many of us, drinking, home, agricultural and recreational purposes would be sacrificed or greatly reduced by the accumulation of dust emissions. This quarry expansion is a formula for disaster.

Noise Pollution
Obviously, the addition of that number of gravel trucks and other commercial vehicles to the area will result in a huge noise increase from engines, air brakes, gear changes, back up alarms, etc. This will destroy the quiet enjoyment of all residents, including families with young children, those who work night shifts, and individuals such as military veterans with PTSD. Blasting, extracting, crushing and conveying equipment will produce sound levels which will affect wildlife habitat and quiet enjoyment of surrounding properties. Low frequency sound will be transmitted into fish spawning areas as well as blasting shockwaves.

Foundation and Building Damage

Although regulations require quarries to adhere to specified blasting limits, the cyclical nature of blasting and its cumulative effects are not taken into account. When the quarries are blasted with explosives to break up the rock, some energy from the blasts escapes into the atmosphere. This generates air-blasts or vibrations. Repeated exposure to these vibrations creates damage to structures near the quarry. Additionally, some energy from the blast vibrates through surface soil and limestone. These ground vibrations could also cause damage to structures near the quarry.

Without the expansion, the explosions from the current quarry’s location and blasting frequently rattles homes and other buildings, even four miles away. This has caused cracks in the interior or exterior walls and ceilings. This quarry expansion is going to cause further, increased damage to local homes and structures as well as decrease local real estate property values.

No Social Impact Study

A Social Impact Study (SIS) or Social Impact Assessment (SIA) would determine the social changes likely to occur as a direct or indirect result of the proposed quarry expansion. The SIS/SIA process involves:

- describing the existing social conditions,
- predicting the social changes that may result from the project;
- assessing the significance of the predicted changes, and;
- identifying ways of lessening potential impacts.

Studies or Assessments of social impacts are generally associated with five types of change:

- Demographic change including the size and composition of the resident population, influx of temporary work force or new recreational users, community facility and social infrastructure requirements;
- Economic change including new patterns of business, employment/income, local economic effects, real estate property values & speculation, crime and public safety, accommodation and housing;
- Health and well-being changes, both immediate and cumulative, including cultural, family, leisure, recreation and community health issues, community safety, needs of social groups, heritage & social amenity issues;
- Environmental change including alterations to air quality, land use, natural habitat and hydrological regime; and
- Institutional change including the structure of local government or traditional leadership, zoning by-laws or land tenure, legal issues.

In light of these unanswered objections to the proposed quarry expansion, it should not be allowed to proceed. In helping us, INCOG will demonstrate concern for the natural environment and the citizens of our communities.

Sincerely,

Aimee Claiborne

6620 N 128th East Ave
Owasso, OK 74055
405-714-3116
Dear County Commissioners,

I am unable to attend the meeting today due to work, but would like to express my opposition to this zoning change request. As a homeowner near the proposed change, I am concerned about the negative effects this would have on my home's value, the quality of the air (dust generation) and well as the further degradation of the streets from the heavy trucks.

A home is a large investment and I feel that if the quarry were to move closer to me, it would degrade the value of my home. I feel close enough to Owasso, and see housing editions move further south, that I also think this would not be in line with the developments that are being built around the area.

Expanding the quarry will also bring more rock dust and more heavy trucks. The dust is already very noticeable from the distance that the quarry is at, and it would only get much worse if they quarry is allowed to expand closer to the neighborhood. The increase in heavy trucks will also further degrade the already stressed roadways, and make it more difficult to access my home.

If this email needs to be sent to another email address, please advise.

Thank you,

Joseph Barnes
Dear County Commissioners,

I am writing to express my strong opposition to the proposed rock quarry near my neighborhood. As a resident of this area, I am deeply concerned about the potential negative impacts that such a quarry could have on our community.

First and foremost, a rock quarry would pose a significant threat to the health and safety of those living nearby. The excavation, blasting, and transportation of large quantities of rock would generate a tremendous amount of noise, dust, and pollution, which could have serious health implications for our families and children.

The concern of damage to our homes is a major issue. I am sure that the quarry will not be paying for the damage that they will cause.

Sincerely,
Kellie Howe
12998 E. 66th Str. N
Owasso, OK 74055
918-814-4362
I live in Owasso at 7888 North 120th East Av. And DO NOT want any mining closer to my home. Nearly all our houses in this location already have SEVERE foundation problems. We do not need anything causing more problems.
Hello County Commissioner Sallee,

We are writing to express our family’s strong opposition to the proposed rock quarry beside our neighborhood. We live at 6327 N. 134th E. Ave. Owasso 74055. As residents of this area we are deeply concerned about the known and potential negative impacts that Greenhill’s plans and zoning request will have on our property, wellbeing and that of our community. The original proposal CZ-543 would put the rock quarry 400 feet from our property line, which is approximately 1,000 feet from our home.

The intended rock quarry would pose several significant threats to the health and safety of persons and animals living in the proposed area and the adjacent neighborhoods. The excavation, blasting, and transportation of large quantities of rock will cause a tremendous amount of noise, dust, pollution and shaking of our homes. The proposal from Greenhill states this project is similar to their other "successful" developments without mentioning the fact they will be unearthing materials at close proximity to people and their homes. Again, this project will have serious health and safety implications to our homes, animals and families, including children and those with special needs/disabilities.

We pay taxes to drive on roads that heavy trucks from the surrounding rock quarries are destroying, especially on 145th and 56th St. N. We are also seeing issues on 66th St. N. because, even though 66th is clearly marked as NOT a truck route, the heavy trucks run up and down it anyway. The heavier traffic from the trucks began when Greenhill developed the land for Amazon off 46th St. N. and in turn ODOT made road changes; the heavy trucks rerouted themselves off 46th and down 56th and 66th to avoid all the new stop lights and traffic on 46th. There are bus routes on these roads and the trucks already pose a threat to our children and the addition of a new quarry would add greatly to that danger, not to mention the potential for further damage to our vehicles. We personally have replaced two broken windshields, have dents and chips in our vehicles’ paint from these trucks dumping and/or throwing rocks.

We have no knowledge of an Environmental Study being submitted by Greenhill proving that their quarry will not be detrimental to the environment (current ecosystem), or health of the animals living on the property (including eagles, hawks, deer, turtles, coyotes etc.), the people living in the area and their animals (dogs, cats, chickens, horses etc.), the homes, nor the current ponds and streams on the proposed property that flow into Bird Creek. We have not seen a report from the Corp of Engineers approving any disturbance to Bird Creek and the potential to change our communities flood zoning. We have not seen anything from the Oklahoma Department of Wildlife Conservation with an offering from Greenhill on how they plan on relocating the wild animals that currently live in the proposed area; or should our community just expect to be overrun by snakes and other wildlife, which will cause even greater dangers. Should we also be concerned at all regarding our water pipeline, or has Rogers County RWD directed that the blasting will not disturb their lines? We have not seen anything from Magellan Midstream Partners letting us know how this will affect or the possible dangers to their pipeline running through the neighborhoods and the proposed property. Neither has there been any mention of the capped off natural gas on the proposed property and how it will be handled and the possible effects to the community.

Greenhill’s request to minimize the original proposal is just a poor attempt to avoid conflict and bad publicity. Our community is not fooled into submission and will continue to stand in complete opposition to this proposal. The mere mention of a rock quarry has already had a negative impact on our home’s value and ability to sell if we wished to do so. Therefore, we would also like to know what is the solution from the County to address any damage to our homes and their value? Since our taxes are
based on our home's current value; will the county be adjusting/lowering our taxes when our property values fall if this proposal is approved?

Unfortunately we may not be able to attend the hearing due to work obligations, so we would like our objections noted in the records. We appreciate your time and attention to this serious matter.

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Respectfully,
Scott and Tracy Gillean
Horrible idea!
This shows you do not care about the people of Oklahoma, people built their homes here and then you want to rezone to do damage to all of our properties.

I know you only care about $$$ and not the people who live in this area. The quarry (who by the way already exceed and push the limit) has damaged this area, roads, lives and homes.
To ‘RE-ZONE’ the area so you can DO MORE DAMAGE to those around here is NOT right!!
Do the right thing and stop the quarry expansion! It’s bad enough now.

Johna Rountree
918-636-0915
Sent from my iPhone
Dear County Commissioner,

I am writing to express my strong opposition to the proposed rock quarry near my neighborhood (actually directly behind my house). As a resident of this area I am deeply concerned about the potential negative impacts that such a quarry could have on our community.

First and Foremost a rock quarry would pose a significant threat to the health and safety of those living nearby. We are about a half mile from the one on 66th to the north. Our patio is constantly covered in limedust and the allergies from this is ongoing. Not to mention the noise, pollution and serious decrease in the value of our properties. I would literally be backed up to a noisy, dirty, ugly site daily. Not to mention everyone in our neighborhood has structural damage.

Hopefully they can keep their mining away from the neighborhoods.

Sincerely,

Cheryl Chaloupek
6491 N. 137th E. Ave.
Owasso, Okla. 74055
Dear County Commissioners,

I am writing to express my strong opposition to the proposed rock quarry near my neighborhood. As a resident of this area, I am deeply concerned about the potential negative impacts that such a quarry could have on our community and my family's health. We have lived here since 2006 and have developed COPD and cancer. I cannot sit on my front porch without cleaning the dust off furniture daily. I cannot hang anything on walls on my house for fear they would fall off and break during a blast. All not breakable pictures hanging have to be adjusted after every blast. We have had one broken window. First and foremost, a rock quarry would pose a significant threat to the health and safety of those living nearby. The excavation, blasting, and transportation of large quantities of rock would generate a tremendous amount of noise, dust, and pollution, which could have serious health implications for our families and children. Furthermore, a rock quarry would have a significant impact on the local environment. It would likely destroy the natural habitat of many plants and animals, and could also lead to soil erosion, water pollution, and other environmental problems. This would not only be harmful to the local ecosystem, but could also have negative long-term consequences for the entire region. Finally, I believe that the presence of a rock quarry in our neighborhood would have a significant impact on property values. Many people choose to live in this area because of its natural beauty and peaceful surroundings, and a quarry would completely undermine these qualities. This could lead to a decline in property values, which would not only harm homeowners, but could also have a negative impact on the local economy. In light of these concerns, I urge you to reject the proposal to establish a rock quarry in our neighborhood. Instead, I would encourage you to focus on more sustainable, environmentally-friendly economic development initiatives that will benefit our community without posing a threat to our health, safety, and quality of life.

Thank you for your attention to this matter.

Sincerely,
James and Nanci Tidrick
15501 E. 79th St. N.
Owasso, OK 74055
Hello my name is Charmaine Hartin and I live at 13812 E. 60th Pl. N Owasso with my family. We have lived at this location for 6 years now. I am emailing you to please not approve Greenhill's request to turn the property around us from Agricultural to Industrial. Our neighborhood is quiet for the most part, we do hear the blasting from the mining around us at certain times. When this happens it is loud and you feel like your whole house is shaking but at this time its not bad. Semi truck drivers are already an issue. They speed, drive in the middle of the road, don’t cover their loads like they are supposed to, and just don’t care about other drivers. Approving this petition would be devastating for the community. Your taking away the beautiful, peaceful land, the animals, and the plants around. Adding more mining, more semi’s is dangerous. We have kids who play, families who come and have events. This would disrupt everything. Mining this close would definitely cause damage to peoples properties. As I stated before we hear the blasting already and it shakes our homes, having more blasting this close to us and the other homes around would knock things off the walls, break values, not to mention dust would be everywhere, no one would be able to enjoy their yards, their pools. No one wants to constantly hear the noise and no one wants to ingest the fumes, and the dust. Greenhill’s request is a negative impact on all who’s around. I fear for our children. Transportation of large rocks, pollution, dust, semi drivers speeding not paying attention, no more animals, planets, this would destroy all. This will impact the value of our properties. Families around live here for the peace and quiet, to hear the cows mooing and even the coyotes howling. We have bunnies and deer that come in our yards. We have chickens that roam, and other livestock animals and dust would hurt them. Approving this petition approved would destroy all that. The dust alone would kill everything. What about the people who have asthma or allergies? This would be terrible for them. Are we all supposed to just stay inside all the time and not enjoy our properties, our freedom, the environment around us that we love to sit out and take in? Please for our community, our children, the environment, the animals around, do not approve this petition.

Sincerely,
Charmaine Hartin
Sent from Mail for Windows

Virus-free www.avast.com
Subject: Opposition to rezoning case CZ-543

Dear County Commissioners,

I am writing to express my strong opposition to the proposed rock quarry near my neighborhood. As a resident of this area, I am deeply concerned about the potential negative impacts that such a quarry could have on our community.

First and foremost, a rock quarry would pose a significant threat to the health and safety of those living nearby. The excavation, blasting, and transportation of large quantities of rock would generate a tremendous amount of noise, dust, and pollution, which could have serious health implications for our families and children.

Sincerely,

Randall Carpenter

(918)230-4359
6244 N 131st E Ave
Owasso, OK 74055

Sent from Mail for Windows
Dear County Commissioners,

I am writing to express my strong opposition to the proposed rock quarry near my neighborhood. As a resident of this area, I am deeply concerned about the potential negative impacts that such a quarry could have on our community.

First and foremost, a rock quarry would pose a significant threat to the health and safety of those living nearby. The excavation, blasting and transportation of large quantities of rock would generate a tremendous amount of noise, dust and pollution, which could have serious health implications for our families and children.

Thank you
Keith & Donna Armstrong
6251 N. 131st E. Ave.
Owasso, Oklahoma 74055

Donna Armstrong
Office Manager
Turner Machine Company
Phone: (918)446-3581
Fax: (918)446-3583
donna@tmctulsa.com
www.tmctulsa.com
We have been in our home for 28 years. The last time the quarry proposal expansion came up we voted no. The quarry had made many promises on the way they would reduce noise and air pollution. They never did do this over the years. Their trucks do not abide by traffic rules which are not their problem, their business does promote this issue though.

We have had to have two re-piering of our foundation due to the movement of the land.

Stan Sallee,

We have had to do multiple repairs to our brick veneer due to the movement and vibration of the land.

We have had to do multiple repairs to our sheetrock walls and ceilings of our home due to the vibration and movement of the land.

At times the dust has been so bad that we have had to go into our home to breathe better which seems like a health issue. I fear this will affect our property value and tax base, with no compensation from the quarry. Of course I do believe they don't really care about that, I believe they should provide some sort of compensation for the existing home owners here who have been here longer than them.

This land was designated by the Oxley family as a nature preserve and the environmental impact of this proposal is totally unacceptable from an enviromental perspective.

I have seen nothing on the original expansion of the water park lake improvement that was offered on the last request.

Thank you for your time.
Jim Sevilla
6421 N. 133rd E. Ave.
Owasso OK 74055
918-812-0208
Dear County Commissioners,

I am writing to express my strong opposition to the proposed rock quarry rezoning near my neighborhood. I have lived here since 1986 and have seen continued damage from the quarry blasts throughout the years. This proposal would put the quarry even closer to us and my neighbors, thereby increasing the probability of more damage, as well as a potential decrease in my home property value.

Please reject the rezoning case CZ-543 on 66th street near Owasso.

Thank you for your attention to this matter.

Sincerely,
Jo and Victor Koenning
7403 N 119th E Ave
Owasso, OK 74055
918-272-3212
No, no new mining we live at champions West. Dust and house and windows shaking from the one we have now. Dick and Donna Lowry 7610 N. 142 E. Ave. Owasso, OK

Sent from my iPhone
Dear County Commissioners,

I am writing to express my strong opposition to the proposed rock quarry near my neighborhood. As a resident of this area, I am deeply concerned about the potential negative impacts that such a quarry could have on our community. First and foremost, a rock quarry would pose a significant threat to the health and safety of those living nearby. The excavation, blasting, and transportation of large quantities of rock would generate a tremendous amount of noise, dust, and pollution, which could have serious health implications for our families and children. Furthermore, a rock quarry would have a significant impact on the local environment. It would likely destroy the natural habitat of many plants and animals, and could also lead to soil erosion, water pollution, and other environmental problems. This would not only be harmful to the local ecosystem, but could also have negative long-term consequences for the entire region. Finally, I believe that the presence of a rock quarry in our neighborhood would have a significant impact on property values. Many people choose to live in this area because of its natural beauty and peaceful surroundings, and a quarry would completely undermine these qualities. This could lead to a decline in property values, which would not only harm homeowners, but could also have a negative impact on the local economy. In light of these concerns, I urge you to reject the proposal to establish a rock quarry in our neighborhood. Instead, I would encourage you to focus on more sustainable, environmentally-friendly economic development initiatives that will benefit our community without posing a threat to our health, safety, and quality of life. Thank you for your attention to this matter.

Sincerely,
Jamie McManes
13814 E 93rd Cir N
Owasso, OK 74055
It is my understanding that the Anchor Stone Rock Quarry is requesting that the land between 56th St N and 66th St N be rezoned so the quarry can expand within close proximity to Owasso's city limit boundaries. On behalf of the residents who reside on the east side of Owasso, please DO NOT allow this to proceed.

If the quarry is allowed to advance in the proposed location, it will destroy the property values of thousands of existing homes that currently reside within the city limits of Owasso, and it will put an undue financial burden on the families near this location as their home values will plummet. It will also create a dead zone for any existing and future residential developments in the eastern portion of the city.

The proposed advancement will also be within a mile of the Baptist Village retirement facility which will affect the quality of life for the elderly residents.

Again, please think of the thousands of hard working families this expansion will negatively impact if allowed to proceed, and do not allow this to move forward.

Thank you for your time and for defending the residents of Owasso.

George Reynolds
12320 E 69th St N
Owasso, Ok 74055

Sent from my Galaxy Tab® A
Please stop the rezoning for the new quarry on 66th Street North. We moved to Elm Creek Estates in our brand new home on July 4th 1987. We took that date as a sign Owasso would be a place for us to celebrate our family and our new home. Please don't destroy our peace! Thank you.

Cynthia Holt
Please stop the rezoning for the new quarry on 66th Street North. We moved to Elm Creek Estates in our brand new home on July 4th 1987. We took that date as a sign Owasso would be a place for us to celebrate our family and our new home. Please don't destroy our peace! Thank you.

Cynthia Holt

Mitchell Holt
Sawyer, Kim

From: Scott Yager <ksyager@gmail.com>
Sent: Tuesday, April 11, 2023 12:34 PM
To: esubmit
Subject: Opposition to rezoning case CZ-543

Re: Opposition to rezoning case CZ-543

Dear County Commissioners,

I am writing to express my strong opposition to the proposed rock quarry near my neighborhood. As a resident of this area, I am deeply concerned about the potential negative impacts that such a quarry could have on our community.

First and foremost, a rock quarry would pose a significant threat to the health and safety of those living nearby. The excavation, blasting, and transportation of large quantities of rock would generate a tremendous amount of noise, dust, and pollution, which could have serious health implications for our families and children.

Furthermore, a rock quarry would have a significant impact on the local environment. It would likely destroy the natural habitat of many plants and animals, and could also lead to soil erosion, water pollution, and other environmental problems. This would not only be harmful to the local ecosystem, but could also have negative long-term consequences for the entire region.

Finally, I believe that the presence of a rock quarry in our neighborhood would have a significant impact on property values. Many people choose to live in this area because of its natural beauty and peaceful surroundings, and a quarry would completely undermine these qualities. This could lead to a decline in property values, which would not only harm homeowners, but could also have a negative impact on the local economy.

In light of these concerns, I urge you to reject the proposal to establish a rock quarry in our neighborhood. Instead, I would encourage you to focus on more sustainable, environmentally-friendly economic development initiatives that will benefit our community without posing a threat to our health, safety, and quality of life.

Thank you for your attention to this matter.

Sincerely,
Scott Yager
14312 E 59h St N
Owasso, OK 74055
Dear County Commissioners,

I am writing to express my strong opposition to the proposed rock quarry near my neighborhood. As a resident of this area, I am deeply concerned about the potential negative impacts that such a quarry could have on our community. First and foremost, a rock quarry would pose a significant threat to the health and safety of those living nearby. The excavation, blasting, and transportation of large quantities of rock would generate a tremendous amount of noise, dust, and pollution, which could have serious health implications for our families and children.

Furthermore, a rock quarry would have a significant impact on the local environment. It would likely destroy the natural habitat of many plants and animals, and could also lead to soil erosion, water pollution, and other environmental problems. This would not only be harmful to the local ecosystem, but could also have negative long-term consequences for the entire region.

Finally, I believe that the presence of a rock quarry in our neighborhood would have a significant impact on property values. Many people choose to live in this area because of its natural beauty and peaceful surroundings, and a quarry would completely undermine these qualities. This could lead to a decline in property values, which would not only harm homeowners, but could also have a negative impact on the local economy.

In light of these concerns, I urge you to reject the proposal to establish a rock quarry in our neighborhood. Instead, I would encourage you to focus on more sustainable, environmentally-friendly economic development initiatives that will benefit our community without posing a threat to our health, safety, and quality of life.

Thank you for your attention to this matter.

Sincerely,

Jackie Proffitt
15610 East 77th Street North
Owasso, OK 74055

Jackie Proffitt
Realтор®
Proffitt Premier Home Team
Keller Williams Realty Advantage
2651 East 21st Street, Suite #100
Tulsa, Oklahoma 74114
Mobile: (918) 605-9707
Email: jackie@proffithometeam.com
Website: www.proffithometeam.com
Dear County Commissioners,

I am writing to express my strong opposition to the proposed rock quarry near my neighborhood. As a resident of this area, I am deeply concerned about the potential negative impacts that such a quarry could have on our community.

First and foremost, a rock quarry would pose a significant threat to the health and safety of those living nearby. The excavation, blasting, and transportation of large quantities of rock would generate a tremendous amount of noise, dust, and pollution, which could have serious health implications for our families and children.

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In light of these concerns, I URGE you to reject the proposal to establish a rock quarry in our neighborhood. Instead, I would encourage you to focus on more sustainable, environmentally-friendly economic development initiatives that will benefit our community without posing a threat to our health, safety, and quality of life.

Thank you for your attention to this matter.

Sincerely,

Brittany Gomez
13208 E 93rd St N, Owasso
With regards to the pending application by Greenhill Properties, LLC, my husband and I would like to object to the re-zoning for a rock quarry.

We have lived in Owasso for 39 years, five miles from the nearest quarry, putting up with dust, foundation problems, and windows rattling from the quarry’s loud blasts.

CZ-543 application would allow a quarry within 2 miles of our home. We are seniors in our 70s, and not financially able to prepare, much less cover, the damage a new quarry would cause to our home.

Please do not approve this application for zone change.

Debi and Tracy Patterson
12216 E 82nd St No
Owasso, Ok 74055
918-760-8314
Dear Planning Commission,

I want to submit my overwhelming opposition to the proposed zoning change case CZ-543, PUD-867, and TCCP-12.

The proposed changes will affect the residential properties nearby substantially and in a negative way. These residential areas and homesteads have been allowed to develop in these areas based on the current use of the land. These areas are already close to the quarries and constantly rocked by loud explosions, extremely unsafe industrial traffic, filth and trash, and poor air quality. The explosions alone have multiple times been recorded as above the allowable legal thresholds allowing fines to be passed to the operators. However, these fines do not qualify for consideration of the property of the surrounding areas. The homes built in these areas see significant structural cracks and damage from the resulting systemic activity. The operators of the quarries refuse to compensate or admit any wrongdoing; in fact, they cover up the instances to the best of their legal ability. While residential homes in the area must accept the current conditions, there is no way there should be an allowance for this activity to continue outside the currently permitted locations. If this allowance is approved, the home damage will increase, the value will decrease, traffic will get worse, the area will become an eyesore, ultimately negatively affecting all residential homeowners in the surrounding locations with no compensation of allowance.

The unfortunate part is that the activity at these quarries is much further reaching than just their property line. They affect property up to 5 miles away which can be proven with data from the Oklahoma Mining Commission. The outreach of the activity must also be included in the discussion. We must not allow these corporations to force their agenda negatively upon the residents for their financial gain.

I can not be at the meeting in person and would like my name, address, and comment to be documented in the record for the opposition to this proposed change.

Sincerely,

Shawn Chittum
18923 E Red Fox Trl.
Owasso, OK 74055
281-881-7757
Tulsa Planning Office,

To whom it concerns:

I have been a home owner at 73d St North and 129th in Owasso for 35 years. I have damaged to home home now that has been a direct result of the ongoing blasting from the mines. I have cracks in the internal walls and to the exterior brick walls. My house actually shakes each time a blast occurs. I have to tighten the light fixtures on a regular basis. I have pictures that have been broken that have fallen off the walls due to the frequent blasts. I constantly have issues with fine dust that is impossible to keep out of my home. I am a retired widow and will need to sell my small acreage in the next few years as it will be too difficult for me to do the necessary upkeep on the home.

I can not be at the meeting on this day due to previous commitments. I adamantly object to this rezoning proposal. Allowing this rezoning to pass will certainly result in more of the current issues as well as it will cause my property value to decrease which will have a direct impact on my future financial stability. Please object to this proposal. I can be reached at 918 520 2581, 13115 E 73rd St North, Owasso, Ok 74055 or at suarn1@yahoo.com.

Respectfully,
Sue Slama McJilton
Good morning here is some pictures of the damage the rock quarry has already done to my home I would like this to be added to the packet for the city hall meeting on the
Case Number: PUD-867  
(Related to CZ-543 and TCCP-12 & adjacent and related to City cases Z-7705 and CPA-102)

Hearing Date: May 17th, 2023  
(Continued from April 19th, 2023) Revised 5/16/23

Owner and Applicant Information:
Applicant: Nathan Cross  
Property Owner: GREENHILL PROPERTIES LLC

Case Report Prepared by:
Jay Hoyt

Location Map:
(shown with County Commission Districts)

![Location Map Diagram]

Applicant Proposal:

Present Use: AG  
Proposed Use: Mining/Commercial

Concept summary: Rezone from AG to AG/IM with a PUD overlay to permit Mining and Industrial development.

Tract Size: 225 ± acres  
Location: Northeast corner of Highway 169 and E 56th St N

Zoning:
Existing Zoning: AG  
Proposed Zoning: AG/IM/PUD-867

Comprehensive Plan:
Land Use Map: Rural Residential/Agricultural  
(proposed to be revised to Industrial with case TCCP-12)

Staff Recommendation:
Staff recommends approval.

Staff Data:
TRS: 0405  
CZM: 24

County Commission District: 1
Commissioner Name: Stan Sallee
SECTION I: PUD-867

DEVELOPMENT CONCEPT: The applicant is proposing to rezone a portion of the subject tracts from AG to IM with a PUD overlay to permit Industrial and Mining uses. They are proposing two Development Areas in the PUD. Development Area A, as shown on Exhibit C, provided by the applicant, is intended to be rezoned to IM to permit industrial uses in this area, with the exception that “Mining and Mineral Processing” would not be allowed in Development Area A. Development Area B is intended to remain AG zoning, but with the use of “Mining and Mineral Processing” included in the allowable uses. “Mining and Mineral Processing” is a Special Exception use in the AG district but may be allowed as part of a PUD.

Previously, the proposed PUD extended further to the east, beyond Bird Creek. The applicant has revised their request so that the PUD would lie within the area that is bounded to the north and east by Bird Creek.

EXHIBITS:
- INCOG Case map
- INCOG Aerial
- Tulsa County Comprehensive Plan Land Use Map
- Applicant Exhibits:
  - Exhibit A – Legal Description of portion to remain AG
  - Exhibit B – Statement from Applicant
  - Exhibit C – Proposed Land Use

DETAILED STAFF RECOMMENDATION:

PUD-867 is not consistent with the current land use designation, however the applicant has submitted an amendment to the Tulsa County Comprehensive Plan Amendment, TCCP-12. The applicant has requested revising the land use designation from Rural Residential to Industrial. Staff supports that request as outlined in TCCP-12,

PUD-867 is consistent with the anticipated future development pattern of the surrounding property if mining operations are limited as outlined above;

PUD-867 is consistent with the provisions of the PUD chapter of the Tulsa County Zoning Code, therefore;

Staff recommends Approval of PUD-867.

DEVELOPMENT STANDARDS:

Development Area A:

Permitted Uses: Those Uses allowed by right in the IM district, except Mining and Mineral Processing shall not be allowed.

Development Area B:

Permitted Uses: Those Uses allowed by right in the AG district as well as Mining and Mineral Processing, limited to the area as illustrated on page 12.9 of this packet.
All other standards shall be per the Tulsa County Zoning Code for the respective zoning districts.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The North Tulsa County area lies north of East 56th Street North and borders the Sperry and Skiatook fencelines on the west, the Collinsville fenceline on the north, and the Owasso Fenceline on the east. There is a separate portion the lies northeast of the Collinsville fenceline. The majority of the North Tulsa County Area was previously included in the North Tulsa County Comprehensive Plan (Cherokee Corridor) as a part of the Tulsa Metropolitan Comprehensive Plan. Public Input North Tulsa County is an area of about 2,100 people and roughly 750 households. The public process began with an area-wide survey which was shared throughout the area. An advisory team was formed and gave valuable information about the community and continued to submit feedback as the Future Land Use map was created for North Tulsa County.

Land Use Vision:

Land Use Plan map designation:

Rural Residential/Agricultural (Current)

Land that is sparsely occupied and used primarily for farmland, agricultural uses, and single-family homes on large lots. Residential lots generally range from one-half acre or greater and may use on-site services where public utilities are not available.

Industrial (proposed designation in TCCP-12)

This land use category is designed to accommodate industrial uses as well as wholesaling, warehousing, and distribution facilities, which tend to require large buildings and generate more large-truck traffic than other types of land uses.

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: E 56th St N is designated as a Secondary Arterial

Trail System Master Plan Considerations: A shared path is proposed by the GO plan to be located along the railway that passes through the site. A sidewalk gap is shown along E 56th St N

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: A floodplain exists in the portion of the subject area south of Bird Creek.

Streets:

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Utilities: The subject tract has municipal water and sewer available.

Surrounding Properties:

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<tr>
<th>Location</th>
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SECTION III: Relevant Zoning History

History: CZ-543 Rel. PUD-867

ZONING ORDINANCE: Ordinance number 11804 dated June 26, 1970, established zoning for the subject property.

Surrounding Property:

CBOA-2628 April 2017: The Board of Adjustment approved a Use Variance to permit a dirt pit/mining operation (Use Unit 24) in an IL zoned district, on property located at N. of NW corner of HWY 169 and 56th Street N.

CBOA-1743 June 2000: The Board of Adjustment approved a Special Exception to permit a single-wide mobile home in an RS district, on property located at 13716 East 59th Street North.

CBOA-1707 March 2000: The Board of Adjustment approved a Special Exception to permit mining/dirt removal in an AG district, on property located at 6100 Block N. 115th E. Ave.

CZ-495 December 2019: All concurred in approval of a request for rezoning a 2.72+ acre tract of land from RS to AG on property located Northwest of the Northwest corner of East 56th Street North & North 145th East Avenue.

BOA-8706 August 1975: The Board of Adjustment approved a Variance to permit frontage requirements from 300' to 224' in an AG district, on property located at 6207 North 129th East Avenue.
CBOA-1461 October 1996: The Board of Adjustment approved a Variance to permit two dwelling units on one lot of record, on property located at 6322 North 129th East Avenue.
Refer to legal description "parcel 1 exhibit A" for detail of area where mining is allowed.

Limits of IM zoning request in CZ-543 and Development Area A

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

Aerial Photo Date: 2020/2021

Amended exhibit 12.6

May 18 2023
PARCEL I EXHIBIT “A”
LEGAL DESCRIPTION

A TRACT OF LAND LYING IN SECTION FIVE (5), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION FIVE (5); THENCE N88°44'19"E AND ALONG THE SOUTH LINE OF SAID SECTION FIVE (5) FOR A DISTANCE OF 2442.61 FEET; THENCE N01°37'11"W FOR A DISTANCE OF 60.15 FEET TO THE POINT OF BEGINNING; THENCE N01°37'11"W FOR A DISTANCE OF 190.00 FEET; THENCE N25°22'56"W FOR A DISTANCE OF 382.02 FEET; THENCE N09°00'00"E FOR A DISTANCE OF 185.00 FEET; THENCE N38°21'25"W FOR A DISTANCE OF 1157.54 FEET; THENCE N49°26'19"E FOR A DISTANCE OF 194.66 FEET; THENCE N36°06'19"E FOR A DISTANCE OF 479.46 FEET; THENCE N79°41'19"E FOR A DISTANCE OF 807.33 FEET; THENCE N67°31'19"E FOR A DISTANCE OF 208.53 FEET; THENCE N65°42'19"E FOR A DISTANCE OF 190.35 FEET; THENCE N55°11'19"E FOR A DISTANCE OF 68.29 FEET; THENCE N44°48'19"E FOR A DISTANCE OF 294.40 FEET; THENCE N34°19'19"E FOR A DISTANCE OF 20.73 FEET; THENCE N08°27'19"E FOR A DISTANCE OF 45.41 FEET; THENCE N05°51'19"E FOR A DISTANCE OF 181.46 FEET; THENCE N87°38'19"E FOR A DISTANCE OF 1309.07 FEET; THENCE S20°11'41"E FOR A DISTANCE OF 186.39 FEET; THENCE S21°49'38"E FOR A DISTANCE OF 356.77 FEET; THENCE S01°34'19"W FOR A DISTANCE OF 244.06 FEET; THENCE S13°28'41"E FOR A DISTANCE OF 320.37 FEET; THENCE N80°14'19"E FOR A DISTANCE OF 193.87 FEET TO A POINT ON THE EAST LINE OF SAID SECTION FIVE (5); THENCE S01°37'12"E AND ALONG THE EAST LINE OF SAID SECTION FIVE (5) FOR A DISTANCE OF 1926.57 FEET; THENCE S88°44'17"W FOR A DISTANCE OF 379.16 FEET; THENCE N85°33'05"W FOR A DISTANCE OF 100.50 FEET; THENCE S88°44'17"W FOR A DISTANCE OF 700.00 FEET; THENCE S85°52'32"W FOR A DISTANCE OF 100.12 FEET; THENCE S88°44'17"W FOR A DISTANCE OF 200.00 FEET; THENCE S85°52'32"W FOR A DISTANCE OF 100.12 FEET; THENCE S88°44'17"W FOR A DISTANCE OF 1060.29 FEET; THENCE N01°39'51"W FOR A DISTANCE OF 10.00 FEET; THENCE S88°45'01"W FOR A DISTANCE OF 197.49 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 190.02 ACRES MORE OR LESS.

LEGAL DESCRIPTION WAS PREPARED ON AUGUST 2, 2021 BY CLIFF BENNETT, PLS #1815 WITH THE BEARINGS BASE FOR THIS EXHIBIT BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (NAD83, OKLAHOMA NORTH 3501).

SURVEYOR’S CERTIFICATE

I, CLIFF BENNETT OF BENNETT SURVEYING, INC., CERTIFY THAT THE LEGAL DESCRIPTION HEREON CLOSES IN ACCORDANCE WITH CURRENT TOLERANCES AND IS A TRUE REPRESENTATION OF THE REAL PROPERTY DESCRIBED, AND THAT THE SURVEY OF THE REAL PROPERTY MEETS THE MINIMUM TECHNICAL STANDARDS AS ADOPTED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

WITNESS MY HAND AND SEAL THIS 2ND DAY OF AUGUST, 2021.

CLIFF BENNETT, PLS
OKLAHOMA NO.1815
CERT. OF AUTH. NO. 4502
EXP. DATE JUNE 30, 2022
Notes

1. THE BEARING BASE FOR THIS EXHIBIT IS BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (NAD83, OKLAHOMA NORTH 3501).

2. SEE EXHIBIT "A" PAGE 2 THRU 3 FOR LEGAL DESCRIPTION AND SURVEYOR’S CERTIFICATE.
## PARCEL 1 EXHIBIT "A"

**LINE TABLE**

Page 3 of 3

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**FILE:** 211780 LG-1A SEC 5

BENNETT SURVEYING, INC.
P.O. BOX 849, CHUTEAU, OK 74337
PHONE: (918) 476-7484 FAX: (918) 476-7485
C.A. NO: 4532 DTP DATE: 6/30/22

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PARCEL 1 EXHIBIT "A"
CLOSURE REPORT

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Precision 1: 1074029.09

12.14
The property at issue in this request (the "Subject Property") is part of the small remaining undeveloped property in north Tulsa that has been primarily vacant since statehood. For 50 years, the Subject Property has been a working ranch owned by the Oxley family. No significant development has occurred on the Subject Property.

At some point in the distant past, a rich vein of limestone was discovered in and around the Subject Property and in parts of northern Tulsa County. After that discovery, mining operations began to grow in the area. Currently, there are 3 active mining operations within roughly a two-mile radius of the Subject Property. As such, this portion of Tulsa County has become a significant source of regional limestone for use in construction. These mining activities have been further bolstered by increased demand due to depletion of other mining resources in the area to the point that this area of Tulsa is now the primary provider of limestone for construction in Tulsa and Oklahoma City as well as other places within the region.

As stated above, mining is one of the largest uses of land in this area of Tulsa County. In addition to the rich limestone in the area, the Subject Property fronts onto Highway 169. The east side of Highway 169 in this area has rapidly developed into an industrial/warehousing corridor ripe for continued development with large-scale commercial activities. The owner of the Subject Property proposes to rezone the Subject Property to IM to accommodate future uses along the Highway 169 corridor as well as establish underlying zoning to accommodate mining operations on the balance of the Subject Property.

The proposed mining use referenced above is allowed by right within IM, IH and AG Districts under the Tulsa County Zoning Code. As the Subject Property is to be partial used for moderate industrial uses along the Highway 169 corridor and frontage, the Applicant proposes a PUD to allow the additional use of "Mining and Mineral Processing" in only the areas located within Development Area B depicted on Exhibit "C" with Development Area A limited to IM uses without the Mining and Mineral Processing use. All other portions of the Subject Property will remain zoned AG without any additional development standards. The applicant does not propose any other amendments to the allowed uses and development standards of the IM zoning district. This request represents the minimal amount of relief necessary to accomplish the proposed uses outlined in this application. As referenced above, the proposed PUD would allow for additional access to a vital natural resource that is necessary for construction in
Item
ZCA-23 Consider proposed amendments to the City of Tulsa Zoning Code in the following sections:
Chapter 5 Residential Districts: Section 5.030: Lot and Building Regulations-A Table Notes, Chapter 15 Office, Commercial and Industrial Districts: Table 15-2: O, C, and I District Use Regulations, Chapter 30 Legacy Districts: Section 30.010-1.2c, Amendments to Approved Plans, Chapter 35 Building Types and Use Categories: Sec. 35.040-D Day Cares, Chapter 40 Supplemental Use and Building Regulations: Section 40.120: Day Cares, Chapter 45 Accessory Uses and Structures: Sec. 45.070-C and 45.070-D: Family Child Care Homes, Chapter 70 Review and Approval Procedures: Sec. 70.040-I: Amendments to Approved Plans

Background
Recently, the need to look more closely at regulations regarding Day Care uses has come to the attention of the Tulsa Planning Office and several City Councilors. The City of Tulsa Zoning Code currently has 3 classifications for Day Care uses:

1. Family Child Care Homes:
   a. Accessory to an allowed household living use;
   b. Limited to no more than 7 children;
   c. Requires operator to reside in the home;
   d. Must be properly licensed by the State of Oklahoma.

2. (Principal use) Day Cares
   a. Principal use care of children or adults that requires a special exception in residentially zoned districts;
   b. Not required to be used for household living (operator is not required to reside in the home);
   c. Limit on the number of children being cared for is decided by state’s formula;
   d. Requires a minimum of 12,000 square feet of lot size, 100-feet of lot width, and 25-foot setback form abutting R properties.

3. Day Camps
   a. Serves only schools age children;
   b. Only operates during regular school vacations for no more than 12 hours a day;
   c. Requires a minimum lot area one acre in AG, AG-R, RE, and RS zoning districts.

The larger lot requirements for principal use day cares create barriers to opening new day care facilities in repurposed single-family homes in that a variance from the Board of Adjustment (requiring a hardship) is required to vary the lot size requirement.

A proposed solution to this barrier would be an amendment to the Zoning Code to remove the larger lot requirements for principal use day cares while maintaining the requirement for a special exception to locate a principal use day care in a residential zone. (The larger lot size for other special exception uses in residential districts would not be affected.)

The City Council initiated the amendments on November 30, 2022, related to addressing the need for Day Care regulation reform. A community meeting was held at Rudisill Library in North Tulsa on February 9, 2023 and a virtual meeting was held to discuss this topic on March 23rd, 2023.
During the two public hearings and through communications received from day care operators there is overwhelming support for removing the Special Exception requirement for Principal Use Day Cares in R districts. The current draft removes lot and area requirement for day care uses to make it easier to get approved; however, the current draft does maintain a Special Exception requirement in residential zoning districts if no one lives on site. Day care uses that are not used a residence are encouraged to locate to a property with the appropriate zoning by right (Office, Commercial, Mixed-use etc.). In the event they would like to locate inside a Residential district the threshold for granting a Special Exception would be the following: the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to a lack of affordable childcare, the city also experiences a lack of affordable housing. The majority of these requests are approved at the Board of Adjustment; however, maintaining the need for a Special Exception balance those interests in so much as it preserves existing housing stock for residential purposes and allows a simplified path for day care operator to receive a Special Exception when appropriate without additional lot requirements.

Planning staff presented the proposal to Planning Commission at a March 22, 2023 TMAPC Work Session.

Staff recommendation:
Approval of proposed amendments to the City of Tulsa Zoning Code as shown in the attachment.

Attachments:
- Proposed Zoning Code amendments (ZCA-23).
- Correspondence received from the public.
Amends Sec. 5.030, Table Note [4] to remove 25-foot setback for Day cares from other lots in R Districts.

Section 5.030 Lot and Building Regulations
5.030-A Table of Regulations

[4] Non-residential uses requiring special exception approval in R zoning districts, excluding Day Cares, require minimum 25-foot building setback from R-zoned lots that are vacant or occupied by residential uses. Day Cares are not subject to the required 25-foot building setback.

Amends Table 15-2 to allow Day Cares by right in OL Districts.

<table>
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<tr>
<th>USE CATEGORY</th>
<th>OL</th>
<th>OM</th>
<th>OMH</th>
<th>OH</th>
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<th>CG</th>
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13.3
Amends Sec.30.010-I.2 to allow the addition of a Day care as an allowed Minor amendment to a PUD.

30.010-I Amendments to Approved Plans

1. Major Amendments
   Any change or amendment that represents a significant departure from an approved PUD development plan requires review and approval of a PUD zoning district map amendment and development plan, including all requirements for fees, notices and hearings.

2. Minor Amendments
   a. The planning commission is authorized to approve minor changes and amendments to an approved PUD development plan as long as a substantial compliance is maintained with the approved PUD development plan.
   b. In instances where the city council has expressly imposed a PUD condition more restrictive than originally recommended by the planning commission, any minor amendment of that specific condition must be approved by the city council.
   c. The following may be processed as minor amendments:
      -
      -
      -
      -

(16) Addition of Day Cares as an allowed use.
Amends Sec. 35.040-D to allow day cares the same lot and building regulations of a detached house and re-defines Family Child Care Home to have up to 12 children.

35.040-D Day Cares
Uses providing care and supervision for children or adults for a fee on a regular basis away from their primary residence for less than 24 hours per day. Examples of day care uses include adult day care centers, as defined in the Oklahoma Adult Day Care Act; child care facilities, family child care homes and large family child care homes, as defined in the Oklahoma Child Care Facilities Licensing Act and OAC 340:110-3-81; provided that uses providing care and supervision for children or adults for 24 hours per day or longer are classified as group living uses. Day camps are also classified as day care uses. Day cares are subject to the same lot and building regulations that apply to detached houses, except as modified by supplemental regulations of Section 40.120. Family Child Care Homes provide care and supervision for 12 or fewer children for less than 24 hours per day and are accessory uses regulated by Section 45.070.

1. Family-Child-Care Home
A day care use that is accessory to a household living use and that provides care and supervision for 7–or-fewer children for less than 24 hours per day. See Section 45.070.

2. Day Camps
As defined in the Oklahoma Child Care Facilities Licensing Act, programs that serve only school-age children and operate during regular school vacations for no more than 12 hours per day.

Amends Sec. 40.120 to remove the additional lot area requirement for a Day camp and add additionally supplemental regulations for day cares.

Section 40.120 Day Cares
Day camps require a minimum lot area of one acre in AG, AG-R, RE or RS zoning districts. When a Day care use is located inside an R or AG-R Zoning District outdoor child play equipment may not be located or stored in the street yard. See also the (accessory use) family child care home regulations of Section 45.070.
Amends Sec. 45.070 to allow an additional employees at the site of a Family child care Home and allows Family Child Care Home to have up to 12 children

Section 45.070 Family Child Care Homes

45.070-A Family child care homes must be an accessory use to an allowed household living use and be licensed by the State of Oklahoma.

45.070-B Applicants for family child care homes must obtain a zoning clearance permit and a certificate of occupancy before commencing operation.

45.070-C Family child care homes may provide supervision for no more than 12 children.

45.070-D No person may be employed other than a member of the household residing on the premises a non-resident, substitute caregiver, as may be required for family child care homes by the State of Oklahoma.

45.070-E Family child care homes are prohibited.

45.070-F No exterior building alterations or site modifications may be made that would change the residential character of the premises.

45.070-G A family child care home may not be established on any lot located within 300 feet of another lot occupied by a family child care home if any boundary of the subject lot abuts the same street. For purposes of this provision, "street" means any named or numbered street along its full length, regardless of any intervening streets. State-licensed family child care homes lawfully established on or before October 22, 1985 that would be prohibited by the distance separation requirements of this section, are allowed to continue to exist and operate.
Amends 70.040-I to allow the addition of a Day care as an allowed Minor amendment to a Development Plan.

70.040-I Amendments to Approved Development Plans

1. Minor Amendments

   a. The planning commission is authorized to approve amendments to approved development plans as minor amendments if the planning commission determines that substantial compliance is maintained with the approved development plan. The following is a non-exhaustive list of changes that may be considered as minor amendments:

   -
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   -
   -

(11) Addition of Day Cares as an allowed use.
I really appreciate the thoughtful proposal. I want to share some quick things to think about. I am planning another email to you too so just know another is coming.

DHS rules on family child care homes are in this document. Page 45 shows the below on the number of caregivers. We feel strongly there needs to be the allowance of up to 3 non-resident caregivers. The owner is sometimes ideally doing paperwork, going to professional development, talking with parents or outside supports on disabilities or mental health or going to the grocery store for food.

(f) Required number of caregivers. Large family child care homes are exempt from the requirements regarding the number of caregivers, per OAC 340:110-3-84(b) and (c). The number of caregivers required in a large family child care home is described in this subsection.

1. **One caregiver.** One caregiver may care for up to:
   - (A) five children of any age;
   - (B) six children, with no more than three children younger than 2 years of age;
   - (C) seven children, with no more than two children younger than 2 years of age;
   - (D) seven children, when the children are 2 years of age and older;
   - (E) eight children, when the children are 3 years of age and older;
   - (F) 10 children, when the children are 4 years of age and older; or
   - (G) 12 children, when the children are 5 years of age and older.

2. **Two caregivers.** Two caregivers may care for up to:
   - (A) eight children younger than 2 years of age; or
   - (B) 12 children, with no more than six children younger than 2 years of age.

3. **Three caregivers.** Three caregivers may care for up to 12 children of mixed ages, with no more than eight children younger than 2 years of age. When only children younger than 2 years of age are in care, three caregivers may care for up to 12 children.

DHS rules on family child care homes regarding outdoor fencing are on page 14 and 47 of this document and shown below. To me, the F1 screening requirement should only apply to the outdoor play space of the family child care home. You would then be using the child safety rules from DHS but maybe limiting noise and distraction with opaque fences and taller fences.

12. **Outdoor play safety.** There is an outdoor play area on the premises with at least 75 square feet per child.
   - (A) This area must be hazard free, away from traffic, water, and other dangers.
   - (B) A fence beginning at ground level and in good repair is required. Licensing may grant an exception when children's safety can be ensured.

(i) **Outdoor play space.** The requirements regarding outdoor play space, per OAC 340:110-3-86(a)(12), are met. The outdoor play space is enclosed by a building or a fence beginning at ground level, at least four feet high, and in good repair. Fencing exceptions are not granted by Licensing.
November 1, 2022

Mayor G.T. Bynum  
City of Tulsa  
City Hall  
175 E. 2nd Street  
Tulsa, OK  74103

RE: BOA Case No.: 23435  
Hearing Date: September 27, 2022  
Disposition: Continued to December 13, 2022

Dear Mayor Bynum:

My name is Crystal G. Pearson. I am a citizen of Tulsa who has resided in the Highland Hills Amended district for nearly 40 years. As a third generation, Black native Oklahoman, I applaud your efforts to unite all Tulsans for the betterment of our city. I also support most of the goals outlined in your upcoming 2023 Budget proposal.

On September 27, 2022, I was involved in the City of Tulsa’s Board of Adjustment Case No. 23435. My testimony, along with two (2) other neighbors was in opposition to the applicant Josh Miller, agent and representative for property owner Bonita K. Thompson and business owner, Thalisa Fuselier. A copy of the application is enclosed for your convenience.

After nearly 1½ hours of presentations and testimonies from both sides, and the solo deliberation conducted primarily by the Board Chairman Austin Bond, the Board failed to exercise their judicial authority to approve or deny the application request, but rather continued the matter until December 13, 2022.¹ With the exception of Board Member Steve Brown and Principal Planner Dwayne Wilkerson, who suggested that a brief continuance be granted for the purpose of reviewing the submitted documentation, the Chairman of the Board Austin Bond dominated the discussion and convinced the Board

¹ The Chairman of the Board did not ask if any party to the action had an objection to a continuance.
members to continue the Hearing for an unjustified and shocking reason. In my opinion, Chairman Bond wrongfully declared that the Hearing should be continued to give the applicant(s) the opportunity to seek changing or modifying the Zoning status of the RS-3 District and/or changing the existing zoning ordinance for Family Child Care Homes to accommodate the applicants’ financial dilemma. A dilatory and detrimental decision that only exasperates a very stressful and contentious situation that I will later explain.

Based on the evidence, testimonies presented and the Board’s deliberation, I strongly feel, as a Black woman, Chairman Bond’s decision to continue the action and his misapplication of the Board’s authority and function was improper, bias and thereby discriminatory. The applicant(s) could not and did not fulfill the hardship criteria and was clueless, for that matter, about what a hardship is as it relates to a variance and special exception request.

Furthermore, it is my belief that the Chairman of the Board’s decision to continue the action was based on motive of passion or interest characterized as white sympathy and is contrary to the rules of Oklahoma Citationized Statutes, Title 5, Chapter 1, Section 3, Duties of Attorneys. It is my perception that Chairman Bond’s personal motive influenced the other Board members to make a collective decision to prolong the action. The applicant’s hardship was self-created, and she repeatedly testified that the hardship would be a “decrease in revenues” and that she “expected a return on the $40,000 investment.”

Moreover, Chairman Bond’s decision was subjective and prejudicial towards the opposing parties (Black women), in that, his decision was largely based upon unverified and unsubstantiated claims presented by the applicant. The City of Tulsa is not a “daycare desert” and it is presumptuous to conclude that “All” operators of Family Child Care Homes are breaking the law. In BOA Case Report No. 22200, in the required Space Verification application, the Department of Human services identified over 30 Family Child Care Homes in the Oklahoma Child Care Locator and within close proximity to the applicant’s daycare.

Similarly, the veracity (or lack thereof) of several of the applicants’ or witnesses’ testimonies had an erroneous impact on the decision made by the Board. Most of the witnesses’ statements provided no probative value as to the merits of the application and, for the most part, were irrelevant testimony.²

In addition, the Chairman of the Board, Austin Bond, in my opinion, showed favoritism towards the White applicants when he agreed to the Special Exception Permit request (despite the applicant’s disqualification for the required Variance), and suggested that a

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² The applicants’ witnesses’ testimonies were primarily for the purpose of praising the applicant Lisa Fuselier and discrediting the opposition witness Crystal Pearson.
continuance be granted. Neither applicant nor their agent, Josh Miller requested a continuance, but rather was offered a continuance by the Board’s Chairman. Said conduct was incompatible and inconsistent with the Oklahoma Bar Association, Standards of Professionalism; Section 1, Lawyers Responsibilities to the Public.

I continue my brief discussion with background information which preceded the Hearing and I respectfully request that you consider the following.

During the past several years, the quality of our neighborhoods and living conditions have increasingly declined. Absentee ownership and a barrage of unlawful activities have attacked the morale of our neighbors and decimated our communities. A prime example is the pending BOA case regarding the illegal usage and non-compliance status of a non-residential, principally ran daycare known as “Mrs. Lisa Childcare” (formerly operated as “Sterling Childcare”).

On or around November 2010, the original daycare operator and property owner, Bonita K. Thompson (dba “Sterling Childcare”) was sued for negligence in the case of Shayla Meyers v. Bonita K. Thompson (dba Sterling Childcare), wherein Ryleigh Meyers suffered a fractured femur while under Ms. Thompson’s supervision and care. An injury which is very painful and generally requires surgery.

Subsequent to that action, on February 23, 2011, the Oklahoma Department of Human Services, Child Care Services division revoked the license of applicant Bonita Thompson, which prohibited her from operating a Large Family Child Care Home. Said revocation was based on licensing requirement violations outlined in the Notice of Revocation dated January 13, 2011.

Immediately following her license revocation and the closing of applicant Thompson’s daycare (“Sterling Childcare”), applicant Thalis Fuselier resumed the principal use daycare operations within 2 weeks at 2742 N. Boulder Avenue, Tulsa, OK 74106. Upon doing so, several irregular and flagrant business practices became apparent which included, but were not limited to, the following:

1. Constant foot and car traffic with the delivering or picking up children, including traffic from non-daycare business transactions (i.e. buying or exchanging of goods and services unrelated to daycare business).

2. Full-time, hair care and braiding services (MONDAY thru SUNDAY) performed at the daycare location during business hours and through late evening. Applicant Lisa Fuselier (and her employees) performed hair care services on weekends on a regular basis. (SATURDAY and SUNDAY) (See Photos taken during evening hours).
In addition, applicant Fuselier established inappropriate and non-business relations with certain neighbors and adjacent property owners in the community. Most dangerous was Fuselier’s close ties and ally friendship with next door neighbor Donald Gene Lesley, a habitual drug addict and notorious drug dealer in the neighborhood. Mr. Lesley lived directly across the street from the daycare at 2745 N. Boulder Avenue and was referenced in applicant Fuselier’s testimony at the Board of Adjustment hearing held on September 27, 2022. Donald Gene Lesley was applicant Thalisa Fuselier’s support witness at the Board of Adjustment, Space Verification hearing held on February 28, 2017.

On or around November 2016, a complaint was filed with the Mayor’s Action Hotline and reported the above-described, unlawful activities witnessed at the principal use daycare located at 2742 N. Boulder Avenue, Tulsa, OK 74106. Said complaint prompted the 2017 Working in Neighborhoods investigation which determined that the applicant Thalisa Fuselier was doing business without a Certificate of Occupancy Permit and had not obtained the required Space Verification Zoning clearance before the commencement of her daycare business. It should be noted that the City of Tulsa requires a Certificate of Occupancy Permit (COO) and a Space Verification zoning clearance prior to opening the business.

Pursuant to filing the initial complaint with the mayor’s office in 2016, it was my understanding, and I was led to believe that all reported allegations were going to be investigated and corrected if found to be present. (i.e., excessive customer and vehicle traffic; several employees present and working at the day care; hair care services performed during the day and night, including the principal usage instead of an accessory use to the dwelling.)

However, in March 2017, following the Space Verification approval granted by the Board of Adjustment (Case No. 22200), applicant Fuselier’s daycare activities became more intense, and the customer traffic dominated and overwhelmed the neighborhood. Despite the obvious and clear instructions printed on the COO Permit which indicated that her daycare was only allowed a maximum of seven (7) children and that her supervision was authorized as an accessory to the dwelling, Applicant Fuselier knowingly and willfully ignored the City’s requirements for operating a Family Child Care Home for the purposes of supervising and caring for children. More disturbing, applicant Fuselier and her daughter, Toya bragged about their “permanent” status and displayed illegal signage which indicated they were “commercially zoned.”

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3 Applicant Fuselier testified "...the traffic was unbearable. 11th of the month traffic was everywhere" referring to Mr. Lesley’s drug solicitation activities. Donald Gene Lesley died on May 3, 2022.
4 At or around the same time, applicant and property owner Bonita K. Thompson was notified by phone and advised of the daycare activities held on her property at 2742 N. Boulder Avenue, Tulsa, Ok.
5 In the Working in Neighborhoods’ Investigative Summary, Zoning and Sign Official Michael Rider indicated that Ms. Fuselier "was knowingly and willfully violating the zoning code."
On or around June 2021, applicant Fuselier made several exterior building alterations to the property which included privacy fencing (front and back); front porch deck; extended front sidewalk; and a concrete filled, commercial playground covered with artificial turf located in the back yard. Applicant Fuselier did not obtain the required City building permits prior to making these exterior site changes and, therefore, were not constructed in compliance with the applicable building codes.

On or around September 24, 2021 (four years after the initial Hotline complaint), a formal written complaint was filed with the City of Tulsa’s Working in Neighborhoods division regarding the continued unlawful activities witnessed at the daycare located at 2742 N. Boulder Avenue, Tulsa, OK. In addition to that complaint, two (2) other neighbors filed a written complaint with WIN specifically reporting (among other things) the hair care services regularly performed at the daycare location.

After a 1 year complaint(s) driven investigation conducted by the City of Tulsa, Working in Neighborhoods division, an Investigative Summary was issued which identified several violations of Zoning Code Section 45.070 [A-F], Family Child Care Homes, including violation of Zoning Code Section 5.020 C, operating as a Principal Use Day Care in a RS-3 zoning district without the required Special Exception Permit approval and displaying Signage without required sign permit, in violation of Section 60.020-A.

Furthermore, applicant Thalisa Fuselier operated an illegal hair care business (applying braids and extensions) on a regular basis for over ten (10) years at the day care location 2742 N. Boulder Avenue, Tulsa, OK. Hair braiding and extensions are a common and lucrative trade practice in Black communities, and I submit that applicant Fuselier received monetary compensation for services rendered.

It should also be noted that during the Working in Neighborhoods’ investigation, applicant Fuselier was egregiously dishonest about her (and her employees) principal use status and blatantly denied that she regularly performed hair care services at the location of 2742 N. Boulder Avenue, Tulsa, OK. Applicant Fuselier and property owner Bonita Thompson deliberately avoided the investigator and refused to meet with him (after agreeing to do so) to discuss other compliance options for the day care operations.

In response to the WIN investigation (and to avoid complying with the City of Tulsa’s Zoning Code Ordinance Section 45.070 [A-F]), Josh Miller, agent and representative for property owner and former daycare owner, Bonita K. Thompson filed the above-referenced City of Tulsa, Board of Adjustment application (Case No. 23435) requesting a Special Exception to permit a daycare use in the RS-3 District and the required Variance

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6 On October 3, 2022, (immediately following the Sept. 27th BOA Hearing) applicant Fuselier installed a black chain-linked fence and 10FT length roll gate in front of the day care in violation of the ordinance regarding site modifications and changes the residential consistency of the neighborhood.

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to reduce the square-foot lot size, lot width and set back requirements for non-residential (commercial) Special Exception use for a residentially zoned lot.

From the outset and based upon ratified statutes regarding land use variances and special exception requests, the applicant is not eligible for a Special Exception Permit and could not fulfill the strict criteria requirement for a Variance to be approved and granted. Based on research, and as listed in the instructions provided in BOA Application No. 23435, the Board cannot approve or grant a variance unless “the hardship results from conditions that are unique or peculiar to the property”, the hardship “cannot be self-created or self-imposed by the property owner,” and the variance will not cause “substantial detriment to the public good or contradict the purpose, spirit and intent of the zoning ordinance and code.”

Further evidence was provided in the BOA Case Report No. 23435 prepared by Austin Chapman, Planner for the Tulsa Planning Office, Board of Adjustment INCOG Division. In the Case Report, Mr. Chapman verified that the applicant was not eligible or qualified for a Special Exception Permit and the required Variance by notating the following:

“Facts staff finds favorable for variance request:

• None.

Facts Staff find unfavorable for the variance request:

• The property was developed as a single-family home, the applicant provided no hardship that is related to the physical surroundings, shape or topographic condition of the subject property. The city zoning ordinance cannot be considered a hardship.

• The subject property is not unique.

• The proposed/existing daycare is not considered a family childcare home not accessory to a residential-use.”

In recognizing other neighboring States’ municipal statutes and case rulings regarding land use variances and special exception requests, the general rule of law dictates that the property owner is not eligible and cannot be granted a variance or special exception use if he or she has already violated the law (i.e. zoning ordinance). In this instance, prior to filing the BOA Application, the applicants Bonita Thompson and Thalisa Fuselier willfully and knowingly violated multiple sections of the Family Child Care Home zoning ordinance, including the applicant’s misrepresentations regarding her principal use status indicated on the City’s Permit Application.
In Board Of Adjustment Case No. 23435, the applicants’ hardship had nothing to do with the peculiarity or limitations of the property but was self-imposed due to financial obligations and required “revenue” goals. In the 20-minute presentation gave by Cyndy Becker, Executive Director of Educare, the applicant made four (4) references to a financial and/or economic hardship:

- “.... Not economically feasible to go down to 7 kids...”

- “.... every fewer kid you serve you decrease revenue by 1 to 1...”

- “.... revenue decreases but expenses don’t decrease; not economically possible..”

- “.... In 2019 Tulsa Educare made investment into the property of $40,000; you expect to get a return; we assumed we would have the return of 12 kids on the property.”

In her testimony, applicant Cyndy Becker minimized the injurious nature of the illegal daycare practices and grievously reduced the long-term, harmful impact to “some signage” and “parking”. More disturbing, applicant Becker woefully mischaracterized the micro-size, crowded 2-bedroom house as a “Large Family Childcare Home”, and by no means is suitable to occupy twelve (12) plus children and four (4) adult staff.7

With similar mindsets, the Chairman of the Board Austin Bond applied the same reckless disregard for the purpose and intent of the zoning code and ordinance. The purpose and intent of the zoning code was to provide substantial or equal justice for all citizens (which includes Black residents) and protect the public’s safety and well-being. A zoning code that was analyzed and constructed by qualified government officials and ratified through an important electoral process.

During the Hearing, Chairman Bond showed no interest whatsoever in the injurious and detrimental aspects of the case. As the leader of the quasi-judicial proceeding, Chairman Bond failed to direct or instruct the witnesses to speak to or offer testimony for one of the required elements for a special exception approval: “2.) The special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.” When I attempted to read the attached Injurious Statement during my testimony, despite begging the Chairman for extra time, Chairman Bond interrupted my testimony and prompted me to leave the podium. It should also be noted that in viewing previously recorded Board of Adjustment Hearings wherein Chairman Bond resided, White female witnesses or applicants were not rushed, or their testimonies abruptly stopped because of time

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7 The general practice of the daycare is to service 15-20 children on a typical day. On July 10, 2022, twenty-one (21) children were delivered to the daycare by 8:50 AM in the morning. In the Working In Neighborhoods', Investigative Summary, Zoning and Sign Official Michael Rider observed "at least 15 children and 3 adult employees present" during his on-site visit to the daycare.
limitations. More importantly, Chairman and Attorney Austin Bond generally denied or expressed unfavorable opinions in cases involving Black applicants or witnesses.

Chairman Bond’s subjective consideration and directive to approve the applicant’s special exception request contingent upon the modification or change of the City’s zoning code or Family Childcare ordinance was over-reaching the Board’s scope of authority and, therefore, disregarded the rules and objectives of the quasi-judicial process. The purpose of the Hearing is to approve or deny the application based upon the evidence and testimonies presented. The Board’s decision to continue the action was deleterious to the corrective process and adversely affected certain members of the community (i.e. Black neighbors and citizens). Said conduct is in violation of the Oklahoma Bar Association, Standards of Professionalism, Lawyers’ Responsibility to the Public, Section 1.10.

I should also add that Attorney Audrey Blank was derelict in her duties as the Board of Adjustment’s Attorney in that she failed to offer any legal advice or guidance in the matter and remained mute throughout the entire proceeding.

The applicant Thalisa Fuselier is an unscrupulous and dishonest business owner who is not suitable, disqualified and should not be granted a special exception use privilege under any circumstances. Applicant Fuselier has blatantly ignored and violated the City’s guidelines and requirements, and she has shown no consideration or regard for the privacy and rights of others. In that same reasoning, it absolutely makes no legal sense and is not in the interest of the public to approve a Special Exception request for an applicant whose childcare license has been revoked. Applicant Bonita Thompson continues to reap benefits and receive revenue from her daycare operations under the guise and proxy of Applicant Thalisa Fuselier and is further evidence of their propensity to circumvent the law.

As testified at the September 27th BOA Hearing, the applicant’s Special Exception and Variance request was filed in bad faith with the intent of undermining and subverting the objective, fact-finding determination of the City of Tulsa’s Working in Neighborhoods Investigation of the principal use day care known as “Mrs. Lisa’s Childcare”. Prior to filing the application, the applicants made no attempt to speak with the affected parties or neighbors in the interest of advising the public about their intent and addressing the issues with minimal exposure and harm as possible.8

I am also strongly of the opinion that applicant Josh Miller filed the BOA application as a bogus ploy intended to discourage and intimidate the opponents (Black women and citizens) with a formal quasi-judicial proceeding and as a stall tactic to bide time for the

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8 In this context, the applicants referred to are Josh Miller, Program Officer, George Kaiser Family Foundation, Cyndy Becker, Executive Director Educare, Bonita K. Thompson, property owner and Thalisa Fuselier, business owner.
applicant, Thalisa Fuselier who continues to principally operate an unlawful and non-compliant day care business.

For over ten years, the applicants Bonita Thompson and Thalisa Fuselier have economically exploited and socially divided our community. The applicants’ unlawful commercial business has a negative impact on the neighborhood and does not reflect the spirit or intent of the residential zoning code. The applicants (Josh Miller, Cyndy Becker, Bonita K. Thompson, Thalisa Fuselier) and their employees, including the families they serve DO NOT live in our neighborhood. More importantly, their commercial and profit driven interest only disrupts the peace and harmony of our residential environment.

In the same context, Applicant Thalisa Fuselier has used and continues to employ unethical and illegal business practices of harassment and retaliation which alienates non-supporting residents of the community. Applicant Fuselier and her offspring staff have destroyed my relations and comradery with resident neighbors. Fuselier and her associates make false accusations and denigrate my upstanding status in the community. A common practice of the unprincipled owner is to solicit the help of rogue and criminal associates to intimidate and frighten neighbors about reporting illegal activities at the daycare or in the neighborhood. At least two (2) of these associates gave false, misleading testimonies at the Board of Adjustment hearing held on September 27, 2022.

On September 24, 2021, I filed a complaint with the City of Tulsa’s Working in Neighborhoods requesting their assistance to investigate and correct an intrusive and harmful presence within our community. After patiently waiting for the completion of a 1-year City investigation and participating in a demeaning and stressful judicial proceeding, I’ve received no relief or consideration for the legitimate concerns expressed in my complaints. In fact, the Board’s bias and prejudicial ruling only validated and encouraged the unlawful conduct of the applicants and compounded my anxiety. Furthermore, the Board’s improper decision conveyed the wrong message and sent a dangerous signal to other violators and predators within the Black community. A message which says it’s OK to violate the law and cause harm and indignity to others.

In addition, several City departments and public offices have financially benefited from the commercial and hostile take-over of the Highland Hills District which includes the City of Tulsa Code Compliance, Zoning and Permit Divisions; Tulsa Engineering and Planning Associates (TEP); City of Tulsa Board of Adjustment INCOG Division and the Tulsa Planning Office.
I conclude my discussion with important reminders which reiterate the issue of safety and suitability of the principal use daycare home. I also take very serious issue with exceeding and violating the City’s occupancy allowance (7 children) for revenue driven purposes.

In her 20 minute Educare presentation, Applicant Cyndy Becker misled the Board members when she stated that when you reduce the number of children “....revenue decreases but expenses don’t decrease; not economically possible..” However, the truth of the matter is that the applicants Thalisa Fuselier and Bonita Thompson possess multiple dwellings and lead pretentious, gluttonous lifestyles which are fueled by greed and blind ambition. More troubling is the mischaracterization of the micro-size, 2-bedroom house as a Large Family Childcare Home. The 1950 built, single-family resident was not designed or intended to be used as a large-scale commercial daycare facility. I remind you of the serious accident which took place while illegally operating as the “Sterling Childcare” large family home. Or the fire hazard danger resulting from flammable materials contained in the crowded, over-filled rooms depicted in the daycare photographs. Likewise, I encounter the risk of hitting parked vehicles or children, on a daily basis, when entering and exiting my driveway due to the failed setback requirements for the daycare parking. Applicant Thalisa Fuselier continues to advertise her daycare with visual decorations and caricature fixtures which promotes her business and signals the attention of future customers.

On September 27, 2022, I attended a Board of Adjustment hearing with the expectation of participating in a fair and objective judicial proceeding regarding an unlawful, commercial business operating within our community. At the conclusion and pursuant to the Board’s ruling, I felt painfully insignificant (as did the other opposing neighbors) and ten (10) years of anguish and suffering was discarded within 1 hour.

Chairman Bond’s profound statement, “I think the benefits far outweigh anything we have heard here today,” grievously disregards the blatant misconduct and unethical behavior of Black business owners, Thalisa Fuselier and property owner Bonita K. Thompson. Our children and communities need business owners with moral character and professional integrity. We also need principled business operators who will place safety and public welfare over their pursuit of money and large “revenues”. The purpose and intent of the zoning ordinance is to protect the public’s safety and well-being, and to provide equitable justice for all its’ members and communities.

The Board’s postponement decision does not reflect or uphold the spirit and intent of the zoning code but was issued for the specific purpose of continuing the repayment of a “40,000 investment”.

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9 The Board’s decision to postpone the Hearing was primarily directed and encouraged by the Board Chairman Austin Bond.
As a result of these actions, I strongly feel that my rights as a citizen and as a human being have been grossly violated and denied. I also believe that the Board’s improper and bias decision to continue the matter discriminated and adversely affected a specific group of people in the community, Black homeowners and Black women. As a law abiding, tax paying Black citizen my civil rights were violated and denied during the unjust, prejudicial, and applicant-driven quasi-judicial proceeding. As a born citizen of the United States, I have the inalienable right to fair, just and equal consideration in matters regarding my human existence and personal possessions (i.e. my property).

Applicant Bonita Thompson and Thalisa Fuselier, through their unlawful business practices have denied me the right to privacy and the quiet enjoyment use of my home. The constant, daily presence of people coming and going, accompanied by a barrage of sounds and noises are harmful detriments generated by a profit-driven commercial environment. (See Exhibit 8: Injurious Statement). The long-term presence of the unlawful daycare and its' proximity have taken its toll on my psychological and physical health.

Pursuant to this correspondence and considering the above-information, I respectfully request your assistance to remediate and resolve this persistent matter. In the same spirit, and based upon the evidence and facts revealed, the City of Tulsa should uphold and enforce the current Family Childcare Home Zoning Ordinance and the legitimate, fact-finding determination of the Working in Neighborhoods’ Investigation and qualified directive.

The Board of Adjustment Application No. 23435 filed by the applicant was a misuse of the adjudication process and debased the purpose and integrity of the quasi-judicial forum.

The principally run daycare known as “Mrs. Lisa's Childcare” has outgrown and exceeded our residential need. The only just and equitable decision is to relocate and operate the daycare business in a commercially suited environment, based on the exponential growth of the business and its projected revenue goals.
Mayor Bynum thank you in advance for your attention and anticipated assistance in this regard. I sincerely appreciate your invaluable time spent and I respect your role as the Mayor of the City of Tulsa.

Respectfully submitted,

Crystal G. Pearson
Owner/Occupant
2741 N. Boulder Avenue
Tulsa, OK 74106
(918) 625-7374

Enclosures: Binder: Exhibits 1-18
Photographs
cc: Alliance For Justice
11 Dupont Circle NW
Suite 500
Washington, DC 20036

Derrick Johnson
President and CEO
National Association for the Advancement
Of Colored People
4805 Mt. Hope Drive
Baltimore, MD 21215

Chief Wendell Williams
Tulsa Police Department
600 Civic Center
Suite 303
Tulsa, OK 74103

Lawyers Committee For Civil
Rights Under the Law
1500 K Street NW
Suite 900
Washington, DC 20005

Amber Hikes
Chief Equity & Inclusion Officer
NAACP Legal Defense
40 Rector Street, 5th Floor
New York, NY 10006

Chief Women’s Law Center
11 Dupont Circle NW
Suite 800
Washington, DC 20036

Yasmin Cader
Deputy Legal Director
ACLU
125 Broad Street 18th Floor
New York, NY 10004

Immediate Family Members
and Associates

13
Below are some of the items that I hope will be addressed:

- Change the limit on the number of non-resident caregivers from one to three or remove this requirement in totality.

- For the DHS-licensed family child care homes where the owner does not live in the home, consider the likelihood that a special exception would be approved.

- Limit the F1 screening requirement which ultimately demands a private fence for front and backyards. DHS family child care home licensing requirements already require fences for backyards or outdoor play spaces. To add an additional fence would cost around $7,000- $10,000 which is an unnecessary cost for areas providers do not need for their business.

- Consider allowing family child care homes currently operating within 300 feet of one another to be exempt from the 300 feet requirement. Some of these exist and we don’t want one provider rushing to complete their permit application first and in return disallowing the other one to operate, and we don’t want providers staying out of compliance knowing they do not meet this requirement.

- Without these modifications to the City Zoning Code, existing providers may have to close or change the way they do business by serving fewer children. This will not only affect their livelihood, but will create an even larger hardship for families in Tulsa struggling to find child care.

- DHS has a 99-page document regarding child care regulations. The additional regulations by the City Zoning Code create unnecessary red tape.

As business owners of family child care homes, we are responsible for protecting and educating our children of Tulsa. We are essential in addressing the child care desert concern our city faces. Given that child care programs promote Kindergarten readiness and offer employment and educational support to parents and caregivers, we need to make it easier to operate family child care homes in compliance with the City Zoning Code.
Dear City Councilor,

Thank you for considering our proposed Zoning Code modifications that affect our businesses as child care providers in the city of Tulsa.

Below are a few Zoning items that should be examined, reviewed, and amended:

- **Change the limit on the number of non-resident caregivers** from one to three or remove this requirement in totality.

- For the licensed family child care homes **where the owner does not live in the home**, consider the likelihood that a special exception would be approved.

- **Limit the F1 screening requirement**, which ultimately demands a private fence for front and backyards. Licensing regulations already include fences for backyards or outdoor play spaces. To install an additional fence would cost around $7,000-$10,000, an unnecessary and costly expense for providers.

- Consider allowing family child care homes **currently operating within 300 feet of one another to be exempt from the 300 feet rule**. A provider shouldn’t be forced/rushed to submitting a business permit application, disallowing a neighboring program from operating nor should a provider be noncompliant by not meeting this requirement.

- Without these modifications, existing providers **may have to close or change their operation by serving fewer children**. This will not only affect their livelihood, but will pose a much larger hardship for families struggling to find child care in Tulsa.

- **DHS already has a 99 page licensing manual that governs child care facilities. These additional Zoning Code regulations create unnecessary red tape.**

As business owners of child care programs, we are responsible for protecting and educating our children in Tulsa. We are essential forces in addressing the child care desert our city faces. Given that child care programs promote kindergarten readiness and offer employment and educational support to parents and caregivers, we need to make it easier to operate family child care homes in compliance with the City Zoning Code. And we need your help! Please consider these requests!
Sincerely,
Debbie Brown
Child Care Provider
Hi Austin, I also wanted to let that we have about 64 daycare homes in Tulsa where the owner of the daycare does not live in. We have several pending applications so this number may increase as we are processing the applications.

From: Chapman, Austin <AChapman@incog.org>
Sent: Tuesday, March 28, 2023 10:48 AM
To: Gabriella Evans <Gabriella.Evans@okdhs.org>
Subject: [EXTERNAL] RE: Community meeting-principal use daycare amendments

Hi Ms. Evans,

Attached is the powerpoint. Cindy Decker, with Educare, reached out to me after the and provided me with more information regarding the number of family childcare homes inside the City of Tulsa. I have updated the powerpoint to reflect the number after she refined the search function of the states website. There is a greater number of Family Child Care homes licensed inside the City of Tulsa than I first noted in the PowerPoint. Thank you and I anticipate reaching out to you before we finalize the regulations with our City Council.

Best,

Austin Chapman, AICP
Planner, City of Tulsa Board of Adjustment
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9471
achapman@incog.org

Determining compliance to zoning or building code requirements is not a function of this office. The Building Permits Division will address compliance upon application for a building permit or occupancy permit. ([918] 596-9456)

From: Gabriella Evans <Gabriella.Evans@okdhs.org>
Sent: Friday, March 24, 2023 8:48 AM
To: Chapman, Austin <AChapman@incog.org>
Subject: Community meeting-principal use daycare amendments

Hi Mr. Chapman,

My name is Gabriella Evans. I am employed with DHS as a Regional Program Manager in Child Care Services. I oversee the NE region of the state including Tulsa county.
I was on the zoom meeting last night. Could you email me a copy of the powerpoint?

I would also like to say that we have several daycare homes in Tulsa who only use it for daycare purposes so it’s my understanding that they don’t meet zoning requirements at this time.
A few other things that were mentioned last night was having a fence that is at least 6ft tall in the backyard. DHS regs require them to have at least a 4ft fence, which is minimum standards so I am not sure how many currently don’t meet the 6ft zoning regs. I would also agree with others who made comments in the meeting about having more than 1 staff employed. If the program is licensed for 12 children then they would need to have at least 2 staff and maybe more depending on the ages of the children and the needs of the children.
If you have questions about the DHS regulations then I would be happy to answer or clarify anything. I will also share the zoning info with licensing staff so that they can make their current programs and new programs aware.

Gabriella Evans, Regional Program Manager Region IV
Cell: (918) 605-0396
Gabriella.Evans@okdhs.org

OKLAHOMA
Human Services
To: Melodi Humphrey
From: Melodi Humphrey
Subject: Family Child Care Zoning Modifications
Date: Tuesday, April 18, 2023 12:10:25 AM

Dear City Councilor,

Thank you for considering our proposed Zoning Code modifications that affect our businesses as child care providers in the city of Tulsa.

Although I operate a center, I am relentlessly advocating for my fellow network of family child care homes. As a network, one indirect, trickle effect - such as a zoning ordinance - could potentially affect us all across the state.

Below are a few Zoning items that should be examined, reviewed, and amended:

- **Change the limit on the number of non-resident caregivers** from one to three or remove this requirement in totality.

- For the licensed family child care homes where the owner does not live in the home, consider the likelihood that a special exception would be approved.

- **Limit the F1 screening requirement**, which ultimately demands a private fence for front and backyards. Licensing regulations already include fences for backyards or outdoor play spaces. To install an additional fence would cost around $7,000-$10,000, an unnecessary and costly expense for providers.

- Consider allowing family child care homes currently operating within 300 feet of one another to be exempt from the 300 feet rule. A provider shouldn’t be forced/rushed to submitting a business permit application, disallowing a neighboring program from operating nor should a provider be noncompliant by not meeting this requirement.

- Without these modifications, existing providers may have to close or change their operation by serving fewer children. This will not only affect their livelihood, but will pose a much larger hardship for families struggling to find child care in Tulsa.

- DHS already has a 99 page licensing manual that governs child care facilities. These additional Zoning Code regulations create unnecessary red tape.

As business owners of child care programs, we are responsible for protecting and educating our children in Tulsa. We are essential forces in addressing the child care desert our city faces. Given that child care programs promote kindergarten readiness and offer employment and educational support to parents and caregivers, we need to make it easier to operate family child care homes in compliance with the City Zoning Code. And we need your help!

Please consider these requests!

Sincerely,

Melodi Humphrey
Dear Tulsa City Counselors and Incog staff,

The Tulsa zoning code as it is will cause me to lose revenue, lose 2 quality staff members, and be forced to decrease the number of children and staff that I am able to assist.

Below are some of the items that I hope will be addressed:

- Change **the limit on the number of non-resident caregivers** from one to three or remove this requirement in totality.
- For the **DHS-licensed family child care homes where the owner does not live in the home**, consider the likelihood that a special exception would be approved.
- **Limit the F1 screening requirement** which ultimately demands a private fence for front and backyards. DHS family child care home licensing requirements already require fences for backyards or outdoor play spaces. To add an additional fence would cost around $7,000-$10,000 which is an unnecessary cost for areas providers do not need for their business.
- Consider allowing **family child care homes currently operating within 300 feet of one another to be exempt from the 300 feet requirement**. Some of these exist and we don’t want one provider rushing to complete their permit application first and in return disallowing the other one to operate, and we don’t want providers staying out of compliance knowing they do not meet this requirement.
- Without these modifications to the City Zoning Code, existing providers may have to close or change the way they do business by serving fewer children. This will not only affect their livelihood, but will create an even larger hardship for families in Tulsa struggling to find child care.
- **DHS** has a 99-page document regarding child care regulations. The additional regulations by the City Zoning Code create unnecessary red tape.

As business owners of family child care homes, we are responsible for protecting and educating our children of Tulsa. We are essential in addressing the child care desert concern our city faces. Given that child care programs promote Kindergarten readiness and offer employment and educational support to parents and caregivers, we need to make it easier to operate family child care homes in compliance with the City Zoning Code.

Jacqueline R. Evans
Childcare Specialist
evans3@cox.net

918-809-7648 (You may call me at any time).
Hello, to whom it may concern, as a parent who has her child at a family child care home here in Tulsa,

Below are some of the items that I hope will be addressed in the upcoming zoning modifications.

- Change the limit on the number of non-resident caregivers from one to three or remove this requirement in totality.

- For the DHS-licensed family child care homes where the owner does not live in the home, consider the likelihood that a special exception would be approved.

- Limit the F1 screening requirement which ultimately demands a private fence for front and backyards. DHS family child care home licensing requirements already require fences for backyards or outdoor play spaces. To add an additional fence would cost around $7,000-$10,000 which is an unnecessary cost for areas providers do not need for their business.

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- Without these modifications to the City Zoning Code, existing providers may have to close or change the way they do business by serving fewer children. This will not only affect their livelihood, but will create an even larger hardship for families in Tulsa struggling to find child care.

- DHS has a 99-page document regarding child care regulations. The additional regulations by the City Zoning Code create unnecessary red tape.

As business owners of family child care homes, we are responsible for protecting and educating our children of Tulsa. We are essential in addressing the child care desert concern.
our city faces. Given that child care programs promote Kindergarten readiness and offer employment and educational support to parents and caregivers, we need to make it easier to operate family child care homes in compliance with the City Zoning Code.
Hello all,

Below are some of the items that I'd like considered in the zoning modifications:

- Change the limit on the number of non-resident caregivers from one to three or remove this requirement in totality.

- For the DHS-licensed family child care homes where the owner does not live in the home, consider the likelihood that a special exception would be approved.

- Limit the F1 screening requirement which ultimately demands a private fence for front and backyards. DHS family child care home licensing requirements already require fences for backyards or outdoor play spaces. To add an additional fence would cost around $7,000- $10,000 which is an unnecessary cost for areas providers do not need for their business.

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Sincerely,

Lena Riser
Dear City Councilor,

Thank you for considering our proposed Zoning Code modifications that affect our businesses as child care providers in the city of Tulsa.

Below are a few Zoning items that should be examined, reviewed, and amended:

- **Change the limit on the number of non-resident caregivers** from one to three or remove this requirement in totality.

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Sincerely,

lorine martinez
Dear City Councilor,

Thank you for considering our proposed Zoning Code modifications that affect our businesses as child care providers in the city of Tulsa.

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Sincerely,

Patsy Matthews
Dear City Councilor,

Thank you for considering our proposed Zoning Code modifications that affect our businesses as child care providers in the city of Tulsa.

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Sincerely,
Provider Name

Shirangela (Angie) Scott
Dear City Counselors,

My name is Shannon Ward. I hope that we will change the rule that says that I can only serve 7 children in my family child care home. I also hope that we change the rule that says that childcare owners are required to live in the home that their childcare is in. Even though I live in the home that my childcare is in, I think that allowing the others to remain open will give parents a wider range of childcare homes to choose from.
We need your help!

1) Copy & paste the below email

2) Send 1 email & copy all councilors -

dist1@tulsacouncil.org;
dist2@tulsacouncil.org;
dist3@tulsacouncil.org;
dist4@tulsacouncil.org;
dist5@tulsacouncil.org;
dist6@tulsacouncil.org;
dist7@tulsacouncil.org;
dist8@tulsacouncil.org;
dist9@tulsacouncil.org;
AChapman@incog.org;
smiller@incog.org

Dear City Councilor,

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Below are a few Zoning items that should be examined, reviewed, and amended:

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- For the licensed family child care homes _where the owner does not live in the home_, consider the likelihood that a special exception would be approved.

- **Limit the F1 screening requirement**, which ultimately demands a private fence for front and backyards. Licensing regulations already include fences for backyards or outdoor play spaces. To install an additional fence would cost around $7,000-$10,000, an unnecessary and costly expense for providers.

- Consider allowing family child care homes _currently operating within 300 feet of one another to be exempt from the 300 feet rule_. A provider shouldn't be forced/rushed to submitting a business permit application, disallowing a neighboring program from operating nor should a provider be noncompliant by not meeting this requirement.
- Without these modifications, existing providers **may have to close or change their operation by serving fewer children.** This will not only affect their livelihood, but will pose a much larger hardship for families struggling to find child care in Tulsa.

- DHS already has a 99 page licensing manual that governs child care facilities. **These additional Zoning Code regulations create unnecessary red tape.**

As business owners of child care programs, we are responsible for protecting and educating our children in Tulsa. We are essential forces in addressing the child care desert our city faces. Given that child care programs promote kindergarten readiness and offer employment and educational support to parents and caregivers, we need to make it easier to operate family child care homes in compliance with the City Zoning Code. And we need your help! Please consider these requests!

Sincerely,
Provider Name
Item
ZCA-24 Consider proposed amendment of Chapter 20 of the Zoning Code (Overlay Districts), adding Section 20.100, to establish the regulations of a special area overlay district to be titled "Neighborhood Infill Overlay-2" ("NIO-2"), for properties which may subsequently be supplementally rezoned to NIO-2.

Background
In 2022, the City Council adopted a Neighborhood Infill Overlay for several neighborhoods near downtown in order to address the need for "Missing Middle" Housing typologies. Missing Middle housing typologies are often similar in size to a detached house but have additional units: duplexes, multi-unit houses, townhouses, and even small-scale apartments. Councilor Patrick has expressed the desire for a similar overlay in the Dawson Neighborhood with some modifications, most notably to allow manufactured homes by right and to preserve the current parking requirements of the zoning code.

City of Tulsa Zoning Code in Section 20.010 states: "As the name implies, overlay districts 'over-lay' applicable base zoning district classifications to alter some or all of the base zoning district regulations that apply to particular sites. Overlay zoning districts work to modify or supplement the regulations imposed by the base zoning district when necessary to address special situations or accomplish specific city goals. Overlay zoning is intended to be used when the base zoning district applied to an area remains generally appropriate, but when an additional, modified or eliminated requirement could help implement the city's planning goals or address an area-specific planning, design, or land use regulations issue."

The first step in adopting the overlay would be to amend the zoning code to establish the regulations of the overlay. Subsequently, to apply the overlay to the Dawson Neighborhood, a zoning map amendment would be adopted, establishing the boundaries of the overlay zoning.

City Council has initiated a text amendment to the City of Tulsa Zoning Code to establish the Neighborhood Infill Overlay and a zoning map amendment to apply the overlay to Dawson Neighborhood on February 22, 2023 (See attached maps). Planning staff presented the proposal to Planning Commission at a March 22, 2023 TMAPC Work Session.

A Dawson neighborhood meeting will be held on March 29, 2023 with Councilor Christa Patrick and members of the neighborhood at the Dawson Park Community Center to discuss the proposed overlay.

Staff recommendation
Approval of proposed amendments to the City of Tulsa Zoning Code as shown in the attachment.

Attachments
- Proposed Zoning Code amendment (ZCA-24).
- Zoning and Aerial Maps of proposed Overlay boundary (for future map amendment)
Section 20.100, NIO-2, Neighborhood Infill Overlay – 2

20.100-A General

1. Purpose and Intent
   The Neighborhood Infill Overlay - 2 (NIO-2) establishes zoning regulations that are intended to promote the development of alternative infill housing in established neighborhoods. The overlay allows for a variety of residential housing types in a manner that is compatible, in mass and scale, with the character of surrounding properties. The regulations are also intended to promote housing types that accommodate households of varying sizes and income levels and provide for a more efficient use of land for residential purposes.

2. Applicability
   Except as otherwise expressly stated, the Neighborhood Infill Overlay regulations of this section apply to RS-3, RS-4, RS-5, RD, RT, RM-0, RM-1, RM-2, RM-3, RMH, OL, OM, OMH, OH, CS, CG, CH, IL, IM, and IH zoning districts only within the boundaries of the Neighborhood Infill Overlay -2 districts to all new permitted uses and structures and all building alterations and site modifications that require a building permit.

3. Nonconformities
   Nonconformities that exist within the NIO-2 district are governed by the regulations of Chapter 80 except in residential zoning districts, a single detached house, duplex, or multi-unit house, where the particular residential building type is allowed by right or is allowed by special exception and a special exception has been granted, may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, provided that at least 50% of the lot area remains as open space. All other lot and building regulations apply, except that detached houses, duplexes, or multi-unit houses may be erected on corner lots that are nonconforming with regard to lot width, subject to a reduced minimum street side building setback of 5 feet. Garages that are accessed through a side yard abutting a street must be set back at least 20 feet.

4. Conflicting Regulations
   All applicable regulations of the underlying base zoning district apply to property in the NIO-2 district unless otherwise expressly stated in the NIO-2 regulations. For properties with approved development plans (PUD, CO, MPD, Optional Development Plan), the approved development plan and development standards apply.

20.100-B Use Regulations – Residential, Household Living

   Residential, household living principal uses are allowed in the NIO-2 district in accordance with Table 20-6.

1. Permitted Uses
   Residential, household living uses identified with a "P" symbol are allowed by right in the NIO-2 district within the particular base zoning district, subject to compliance
with any supplemental regulations identified in Chapter 40 and all other applicable regulations of this zoning code.

2. Special Exception Uses
   Uses identified with an "S" may be allowed if reviewed and approved in accordance with the special exception procedures of Section 70.120.

3. Prohibited Uses
   Uses identified with an "-" are expressly prohibited. Uses that are not listed in the table and that cannot be reasonably interpreted (as stated in §35.020-E) to fall within any defined use category are also prohibited.

   Table 20-6: NIO-2 District Use Regulations for Household Living

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>RS-3</th>
<th>RD-4</th>
<th>RT-5</th>
<th>RM-0</th>
<th>RMH-1</th>
<th>RMH-2</th>
<th>RMH-3</th>
<th>O, C, and I All</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subcategory Specific use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Household Living</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two households on single lot</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Three or more households on single lot</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

4. Table 20-6 Notes
   The following notes refer to the bracketed numbers (e.g., "[1]") in (Table 20-6):

   [1] Accessory dwelling units are allowed by right in RS, RD, RT, RM, RMH, O, C, and I Districts on a lot occupied by a detached house. For supplemental regulations, see Section 45.031.
20.100-C Residential Building Types for Household Living

In the NIO-2 district, within the particular base zoning district, household living uses must be located in the residential building types identified in Table 20-7. Descriptions of the residential building types and references to applicable regulations are found in Section 35.010.

Table 20-7: NIO-2 District Building Type Regulations for Household Living

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>RS-</th>
<th>RD</th>
<th>RT</th>
<th>RM-</th>
<th>RMH</th>
<th>O, C, and I</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subcategory</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specific use</td>
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<td></td>
</tr>
<tr>
<td>Building Types</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>RESIDENTIAL</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Household Living</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single household</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Detached house</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Townhouse</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-unit townhouse</td>
<td>p</td>
<td>p</td>
<td>p</td>
<td>p</td>
<td>p</td>
<td>p</td>
</tr>
<tr>
<td>3+ unit townhouse</td>
<td>p</td>
<td>p</td>
<td>p</td>
<td>p</td>
<td>p</td>
<td>p</td>
</tr>
<tr>
<td>Manufactured housing subdivision</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mobile home</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mixed-use building</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Vertical mixed-use building</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Two households on single lot</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duplex</td>
<td>p</td>
<td>p</td>
<td>p</td>
<td>p</td>
<td>p</td>
<td>p</td>
</tr>
<tr>
<td>Mixed-use building</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Vertical mixed-use building</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Three or more households on single lot</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cottage house development</td>
<td>p</td>
<td>p</td>
<td>p</td>
<td>p</td>
<td>p</td>
<td>p</td>
</tr>
<tr>
<td>Apartment/condo</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobile home park</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mixed-use building</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Vertical mixed-use building</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

1. Table 20-7 Notes
The following notes refer to the bracketed numbers (e.g., "[1]") in Table 20-7:

10.11.22
[1] Apartment/condo is limited to no more than 4 dwelling units on a single lot.
[2] Manufactured housing units manufactured in 2016 or later, that are skirted and attached to a permanent foundation are permitted by right. All other manufactured housing units require a special exception approved in accordance with the procedures of Section 70.120.

20.100-D Lot and Building Regulations
In the NIO-2 district, the lot and building regulations of Table 20-8 apply in the RS-3, RS-4, RS-5, RD, RT, RM-0, RM-1, RM-2, RM-3, RH M, OL, OM, OMH, OH, CS, CG, CH, IL, IM, and IH base zoning districts to Detached House, Manufactured Housing Unit, Duplex, Townhouse, Cottage House Development, Multi-unit House and Apartment/Condo building types. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

Table 20-8: NIO-2 District Lot and Building Regulations

| Minimum Lot Area (sq. ft.) |  
|---------------------------|---
| Townhouse                 | 1,600 |
| Detached House, Manufactured Housing Unit, Duplex, Cottage House Development, Multi-Unit House, Apartment/Condo | 4,000 |

| Minimum Lot Area per Unit (sq. ft.) | N/A |
| Minimum Lot Width (feet) |  
|--------------------------|---
| Townhouse                | 20 |
| Detached House, Manufactured Housing Unit, Duplex, Cottage House Development, Multi-Unit House, Apartment/Condo | 40 |

| Minimum Street Frontage (feet) |  
|--------------------------------|---
| 20 [1]                          |

| Minimum Open Space per Unit (sq. ft.) | 100 |
| Minimum Building Setbacks (feet) |  
|-----------------------------------|---
| Street                             | 10 [2] |
| Side                               | 3 [3]  |
| Rear                               | 10     |

| Maximum Building Height (feet) | 35 |

Table 20-8 Notes
The following notes refer to the bracketed numbers (e.g.," [1]"") in Table 20-8:
[1] Minimum street frontage requirements apply to townhouse developments, not to individual townhouse units. Cottage house developments require minimum street frontage of 50 feet.
[3] No side setback is required for interior units in townhouse developments. Side setback applies to end units.

20.100-D Home Occupations
In the NIO-2 district, both Type 1 and Type 2 home occupations are permitted as a matter of right.
20.100-E Modification to Lot and building regulations for the IL Zoning Districts

1. In the NIO-2 district, the building setback from AG, AG-R and R districts is reduced from 75-feet to 10-feet in the IL base zoning district for all non-residential uses.
**Case Report Prepared by:**
Jeremy Banes

**Owner and Applicant Information:**
**Applicant:** Nathan Cross  
**Property Owner:** Greenhill Properties, LLC.

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

```
1 2 3 4 5 6 7 8 9
```

**Applicant Proposal:**
Land Use Map change from *Regional Center* to *Employment*

**Tract Size:**
200.91 ± acres

**Location:**
S of the SE/c of Hwy 169 & E. 56th St. N

**Comprehensive Plan:**

**Land Use Map**
- Existing: *Regional Center*  
- Proposed: *Employment*

**Zoning**
- Existing: AG (Agricultural)  
- Proposed: IM (Industrial Moderate), refer to Z-7705

**Staff Recommendation:**
Staff recommends approval of the *Employment* land use designation.

**Staff Data:**
- TRS: 0408  
- CZM: 24

**City Council District:** 3  
**Councilor Name:** Crista Patrick

**County Commission District:** 1  
**Commissioner Name:** Stan Sallee

**Case Number:** CPA-102  
**Comprehensive Plan Amendment**  
(Related to Z-7705)

**Hearing Date:** May 17, 2023
The subject property is approximately 200.97+ acres of unplatted land located southeast of the intersection of Highway 169 and East 56th Street North. The applicant has submitted the following Comprehensive Plan amendment request to amend the land use designation of the subject property from Regional Center to Employment. This request is accompanied by a concurrent rezoning request (Z-7705), which proposes a zoning change on the subject tract from AG to IM in order to allow all industrial uses that may be allowed in an IM district. The applicant has provided conceptual plans for a mining operation that will require board of adjustment approval of a special exception for that use. The zoning code and the comprehensive plan for the City of Tulsa does not currently identify specific locations for mining operations. However, the underlying limestone formation is being excavated, processed, and shipped east and south of the subject tract. It is reasonable to expect continued expansion of quarry operations where the stone is high quality and plentiful. The previous comprehensive plan did not recognize the location of the stone resource in its regional center land use designation.

Background

The Land Use and Area of Stability or Growth designations for the subject property were made in 2010 with the adoption of the 2010 Tulsa Comprehensive Plan. At this time, the subject property was assigned a Land Use designation of Regional Center and an Area of Stability or Growth designation of Area of Growth. As there are no other plans that cover this area that offer land use recommendations, the 2010 Tulsa Comprehensive Plan solely provides guidance regarding land use for this area.

The parcel subject to this Comprehensive Plan amendment request is located within the area in the north of the City of Tulsa. The parcel abuts AG (Agricultural) zoning to the north and east. A concurrent rezoning and comprehensive plan amendment are being pursued by the same applicant and property owner on property zoned for Agricultural to the north of East 56th Street North (CZ-543, PUD-867, and TCCP-12). To the West is Highway 169 which has IL (Industrial) directly across from the subject property and IH (Industrial High) zoning further to the west. West across Highway 169, east adjacent to the subject property and southeast of the subject property has a Land Use designation of Employment and Area of Growth. Directly south of the subject property, below 50th Street North, is owned by the same property owner and is designated as Regional Center, and some of that property is already zoned for Moderate and High Industrial already. The Major Street and Highway Plan designates East 56th Street North as a Secondary Arterial. North 121st Avenue East and 50th Street North are not classified by the Major Street and Highway Plan.

Existing Land Use and Growth Designations

A Regional Center land use designation was assigned to the area subject to the amendment request at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

The Regional Center designation is defined in the Tulsa Comprehensive Plan as mid-rise mixed-use areas for large scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots.
Proposed Land Use and Growth Designations (Tulsa Comprehensive Plan)

The applicant is proposing the Employment land use designation for the entirety of the subject property:

The Employment designation is defined in the Tulsa Comprehensive Plan as areas containing office, warehousing, light manufacturing, and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances.

The area surrounding the subject property to the south, west and east has largely industrial or agricultural zoning with an Employment or Regional Center land use designations. The subject property (along with the concurrent rezoning in North Tulsa County) would extend the industrial zones from the south and west along Highway 169. Rezoning the subject area to Industrial with a land use designation of Employment would not be inconsistent with the development already occurring in the vicinity.

Zoning and Surrounding Uses

This application is concurrent with a county zoning map amendment (CZ-543 and PUD-867) and Tulsa County Comprehensive Plan amendment (TCCP-12) within the area of North Tulsa County on the property to the north by the same applicant and owner.

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>AG</td>
<td>Agricultural/Rural Residential</td>
<td>Vacant/Agricultural</td>
</tr>
<tr>
<td>S</td>
<td>AG/IM/IH</td>
<td>Regional Center/Employment</td>
<td>Vacant/Agricultural/Industrial</td>
</tr>
<tr>
<td>E</td>
<td>AG</td>
<td>Employment</td>
<td>Vacant/Agricultural</td>
</tr>
<tr>
<td>W</td>
<td>IL</td>
<td>Employment</td>
<td>Vacant/Agricultural</td>
</tr>
</tbody>
</table>

Applicant’s Justification

As part of the amendment application, the applicant is asked to justify their amendment request. Specifically, they are asked to provide a written justification to address:

1. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area;
2. How changes have impacted the subject site to warrant the proposed amendment; and;
3. How the proposed change will enhance the surrounding area and the City of Tulsa.

The applicant submitted the following responses:

History

The property at issue in this request (the “Subject Property”) is part of the small remaining undeveloped property in north Tulsa that has been primarily vacant since statehood. For 50 years, the Subject
Property has been a working ranch owned by the Oxley family. No significant development has occurred on the Subject Property.

Mining

At some point in the distant past, a rich vein of limestone was discovered in and around the Subject Property and in parts of northern Tulsa County. After that discovery, mining operations began to grow in the area. Currently, there are 3 active mining operations within roughly a two-mile radius of the Subject Property. As such, this portion of Tulsa County has become a significant source of regional limestone for use in construction. These mining activities have been further bolstered by increased demand due to depletion of other mining resources in the area to the point that this area of Tulsa is now the primary provider of limestone for construction in Tulsa and Oklahoma City as well as other places within the region.

Comprehensive Plan

The Applicant believes that the history of agricultural use of the Subject Property combined with more general overall planning ideas led to the current land use classification of "Regional Center" being overlayed onto the Subject Property without detailed investigation of the uses in the area. As stated above, mining is one of the largest uses of land in this area of Tulsa. The limestone under the Subject Property and surrounding areas is a rare natural resource that is in high demand. Further, at no point has anyone approached the owner of the Subject Property with any questions about historical or future uses of the Subject Property or development patterns in the area for purposes of Comprehensive Plan designation identification or planning purposes. As such, the Applicant feels that the combination of the large amount of mining operations in the area and the location of a rare and necessary natural resource dictates that the Subject Property should be designated as an "Employment" land use consistent with the large swaths of adjacent property that contain mining operations. The Applicant proposes to follow this application with a request to rezone the Subject Property from AG to IM to accommodate mining as well as industrial uses along the frontage of Highway 169 for future commercial development of that highway corridor.

Staff Summary & Recommendation

The applicant is requesting an amendment to the land use designation from Regional Center to Employment. Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses, must be able to accommodate extensive truck traffic and rail in some instances. The applicant has submitted a concurrent request to rezone the property from Agriculture (AG) to Industrial Moderate (IM). If approved, the proposed rezoning would allow for the utilization of this currently underutilized property for industrial and mining.

This site was included in the Tulsa Comprehensive Plan that was adopted in 2010 as Regional Center. Changing the land use designation to Employment will still provide new employment opportunities in this area of North Tulsa in a pattern that is consistent with development in the area. The proposed rezoning associated with this comprehensive plan amendment will increase an opportunity for industrial development with access along Highway 169 in an area where many such uses are already present. The existing industrial zone located on the east and west of Highway 169 extending several miles to the south has provided employment and manufacturing jobs for the north of the City of Tulsa and this land use change opens an opportunity to use the existing highway and utility infrastructure in the area for further industrial development.
The Tulsa Metropolitan Area Planning Commission unanimously adopted an update to the Tulsa Comprehensive Plan May 3rd, 2023. The public meetings notices, maps, and references in this report were completed before Planning Commission adoption of the plan update. As of the writing of this staff report (3/11/2023), the City Council has not approved the updated plan, but this request is consistent with the existing and the amended comprehensive plan. The City Council is expected to vote on the updated Comprehensive Plan after this zoning has been reviewed at the Planning Commission.

Staff recommends approval of the Employment land use designation not as shown in CPA-102 but only as illustrated in the Land Use maps of the plan that was recently adopted by the Planning Commission. Refer to illustration below for staff recommendation.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021
**Case Number:** TCCP-12  
(Related to CZ-543 and PUD-867)

**Hearing Date:** May 17, 2023  
(Continued from April 19, 2023)

**Case Report Prepared by:** Jeremy Banes

**Owner and Applicant Information:**

Applicant: Nathan Cross  
Property Owner: Greenhill Properties, LLC.

**Location Map:**

(Shown with County Commissioner Districts)

![Location Map](image)

**Applicant Proposal:**

Present Use: Rural Residential/ Agricultural  
Proposed Use: Industrial

Present Land Use Designation:  
Rural Residential/Agricultural  
Proposed Land Use Designation: Industrial

Tract Size: 225 ± acres  
Location: N of the NE/c of Hwy 169 & E. 56th St. N

**Zoning:**

Existing Zoning: AG/RS  
Proposed Zoning: AG/IM with PUD-867

**Tulsa County Comprehensive Land Use Plan:**

Area: North Tulsa County

**Staff Recommendation:**

Staff recommends approval of the Industrial land use west of Bird Creek. The Bird Creek flood plain will serve as a natural aesthetic buffer between the industrial uses and the existing residential uses to the north and southeast of the subject property.

**Staff Data:**

TRS: 405  
CZM: 24

**County Commission District:** 1

Commissioner Name: Stan Sallee
Property Information and Land Use Request

The subject property is approximately 225 +/- acre unplatted tract of land located northeast of the intersection of Highway 169 and East 56th Street North and in the Unincorporated area of Tulsa County. The applicant has submitted the following Comprehensive Plan amendment request to amend the land use designation of the subject property from Rural Residential/Agricultural to Industrial. This request is accompanied by concurrent rezoning requests (CZ-543 and PUD-867), proposing a zoning change on a portion of the subject tract from AG to IM in order to allow industrial uses and an area for limestone mining.

Background

The parcels subject to this Comprehensive Plan amendment request are located within the area of North Tulsa County. The subject tract is irregular in shape and largely abut AG (Agricultural) zoning to the north, south, and west. To the West is Highway 169 which has a mix of Industrial and Agricultural zoning further to the west. The Major Street and Highway Plan designates East 56th Street North, East 66th Street North, and North 145th Avenue East as Secondary Arterials. The Major Street and Highway Plan calls for a north/south Residential Collector Street through the east side of the subject property with another Residential Collector extending from the above mentioned north/south collector going east to North 145th Avenue East.

The land use of the subject property was designated as Rural Residential/Agricultural in the Tulsa County Comprehensive Land Use Plan, which was adopted November 18, 2020, (Resolution 2830:1020) by Tulsa Metropolitan Area Planning Commission and approved by the Board of County Commissioners on December 7, 2020.

Existing Land Use Designation (Tulsa County Comprehensive Land Use Plan)

The Rural Residential/Agricultural designation is defined in the Tulsa County Comprehensive Land Use Plan as follows: land that is sparsely occupied and used primarily for farmland, agricultural uses, and single-family homes on large lots. Residential lots generally range from one-half acre or greater and may use on-site services where public utilities are not available.

Proposed Land Use Designation (Tulsa County Comprehensive Land Use Plan)

The applicant is proposing the Industrial land use designation for the entirety of the subject property:

The Industrial designation is defined in the Tulsa County Land Use Plan as follows: The Industrial land use category is designed to accommodate industrial uses as well as wholesaling, warehousing, and distribution facilities, which tend to require large buildings and generate more large-truck traffic than other types of land uses.

The area surrounding the subject property has only agricultural zoning with a Rural Residential/Agricultural land use designation. However, the parcels (along with the concurrent rezoning within the City of Tulsa to the south of the subject property) make up a significant chunk of that Agricultural zone between the fence line of the City of Owasso to the north and Industrial zoning that extends south for several miles on both the east and west sides of Highway 169. Rezoning of some portion of the subject area to Industrial would not be inconsistent with development already occurring in the vicinity.
Zoning and Surrounding Uses

This application is concurrent with a zoning map amendment (Z-7705) and comprehensive plan amendment (CPA-102) within the City of Tulsa on the property to the south by the same applicant.

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
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<td>W</td>
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Applicant's Justification

As part of the amendment application, the applicant is asked to justify their amendment request. Specifically, they are asked to provide a written justification to address:

1. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area.
2. How changes have impacted the subject site to warrant the proposed amendment.
3. How the proposed change will enhance the surrounding area and Tulsa County.

The applicant submitted the following responses:

History

The property at issue in this request (the "Subject Property") is part of the small remaining undeveloped property in north Tulsa that has been primarily vacant since statehood. For 50 years, the Subject Property has been a working ranch owned by the Oxley family. No significant development has occurred on the Subject Property.

Mining

At some point in the distant past, a rich vein of limestone was discovered in and around the Subject Property and in parts of northern Tulsa County. After that discovery, mining operations began to grow in the area. Currently, there are 3 active mining operations within roughly a two-mile radius of the Subject Property. As such, this portion of Tulsa County has become a significant source of regional limestone for use in construction. These mining activities have been further bolstered by increased demand due to depletion of other mining resources in the area to the point that this area of Tulsa is now the primary provider of limestone for construction in Tulsa and Oklahoma City as well as other places within the region.

Rezoning Request

As stated above, mining is one of the largest uses of land in this area of Tulsa County. In addition to the rich limestone in the area, the Subject Property fronts onto Highway 169. The east side of Highway 169 in this area has rapidly developed into an industrial/warehousing corridor ripe for continued development
with large-scale commercial activities. The owner of the Subject Property proposes to rezone the Subject Property to IM to accommodate future uses along the Highway 169 corridor as well as establish underlying zoning to accommodate mining operations on the balance of the Subject Property.

**PUD Request**

The proposed mining use referenced above is allowed by right within IM, IH and AG Districts under the Tulsa County Zoning Code. As the Subject Property is to be partial used for moderate industrial uses along the Highway 169 corridor and frontage, the Applicant proposes a PUD to allow the additional use of "Mining and Mineral Processing" in only the areas located within Development Area B depicted on Exhibit "C" with Development Area A limited to IM uses without the Mining and Mineral Processing use. All other portions of the Subject Property will remain zoned AG without any additional development standards. The applicant does not propose any other amendments to the allowed uses and development standards of the IM zoning district. This request represents the minimal amount of relief necessary to accomplish the proposed uses outlined in this application. As referenced above, the proposed PUD would allow for additional access to a vital natural resource that is necessary for construction in Oklahoma as well as continued warehouse and similar industrial uses along the Highway 169 frontage consistent with other developments already in progress and completed (such as Costco).

**Staff Summary & Recommendation**

The applicant is requesting an amendment to the land use designation from Rural Residential Agricultural to Industrial for the entire site. It is staff's recommendation to approve the change in land use to Industrial on a portion of the subject property and to respect the current land use designation of Rural Residential/Agricultural within a generous buffer separating proposed industrial uses from abutting residential property owners southeast and north of the subject property.

The zoning code allows two options to provide transition guidelines between the applicants request and abutting property owners. 1) Rezoning request could include a Planned Unit Development that provides use and design limitations between new industrial development and the existing agricultural properties. 2) The zoning boundary could be significantly set back in an effort to allow some level of confidence that industrial development would not significantly adversely affect abutting properties that are currently considered agricultural and residential uses.

The applicant has submitted concurrent requests to rezone a 35-acre portion of the west side of the property from Agricultural to Industrial Moderate (CZ-643 and PUD-867) in which exhibit "C" indicates a 400' buffer between mining operations and residential properties to the north and southeast.

This site was included in the Tulsa County Land use map study that was adopted in 2020. The proposed rezoning associated with this comprehensive plan amendment will increase an opportunity for industrial employment to extend along Highway 169. The existing industrial zones located on the east and west of Highway 169 extending several miles to the south has provided employment and manufacturing jobs for Tulsa County and the north of the City of Tulsa and this land use change opens an opportunity to use the existing highway and utility infrastructure in the area for further industrial development. However, private residential properties exist abutting the subject property to the North and Southeast, and an adequate buffer zone should be in place to mitigate harm to those properties.

Staff recommends approval of the industrial land use designation only on the west side of the current course of Bird Creek with the recommendation that any mining operations be restricted to the southwest area of the subject property nearest the intersection of Highway 169 and 56 Street North. In this way the industrial uses will serve as a buffer between any mining operations and the existing residential uses, and the Bird Creek
course will serve as a natural aesthetic buffer between the industrial uses and the existing residential uses to the north and southeast of the subject property.
SUBJECT TRACT
LAND USE PLAN
RURAL RESIDENTIAL/AGRICULTURAL