



Tulsa Metropolitan Area  
Planning Commission

**Case Number:** Z-7623 (Amended) with optional development plan

**Hearing Date:** February 2, 2022

**Previous hearings summary:** October 20, 2021 Planning Commission denied RS-5 with optional development plan.

Applicant appealed decision to City Council.

December 8<sup>th</sup> the City Council remanded the request back to the planning commission for reconsideration of less intense residential zoning.

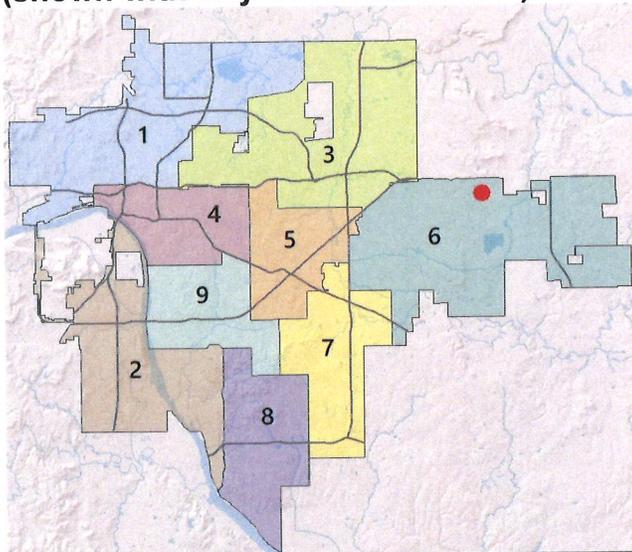
**Case Report Prepared by:**  
Dwayne Wilkerson

**Owner and Applicant Information:**

*Applicant:* Malcolm E. Rosser IV

*Property Owner:* The School of the Ozarks Inc

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



**Applicant Proposal:**

*Present Use:* Vacant

*Proposed Use:* Single family detached house subdivision

*Concept summary:* Rezone to allow single family residential development with wide range of lot sizes that are consistent with the new neighborhood land use designation in the comprehensive plan.

*Tract Size:* 89.62 ± acres

*Location:* South and East of the southeast corner of East Admiral Place & South Lynn Lane Road

**Zoning:**

*Existing Zoning:* AG

*Proposed Zoning:* RS-4 with optional development plan

**Comprehensive Plan:**

*Land Use Map:* New Neighborhood Stability and Growth Map: Area of Growth

**Staff Recommendation:**

**Staff recommends approval.**

**Staff Data:**

TRS: 9401  
CZM: 40

**City Council District:** 6

*Councilor Name:* Connie Dodson

**County Commission District:** 1

*Commissioner Name:* Stan Sallee

6.1

## **SECTION I: Z-7623**

### **APPLICANTS DEVELOPMENT CONCEPT:**

Development of 90-acre parcel for residential single-family homes, with a variety of lot sizes. Property is currently zoned AG. Overall density will be lower due to significant floodplain areas on the property that will limit the amount of developable area in the property. Retaining that open space will result in significantly lower housing density than if the flood plain and drainage areas channels were placed underground

### **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:  
Opens space diagram

### **DETAILED STAFF RECOMMENDATION:**

Z-7623 requesting RS-4 zoning allows single family residential uses that are compatible with the existing surrounding properties and,

Lot and building regulations identified in the provisions of the optional development plan allow larger lot sizes than minimum RS-4 requirements and those lot and building regulations are consistent with the anticipated future development pattern of the surrounding property and,

The optional development standards defined in Section II is consistent with the development plan standards defined in the Tulsa Zoning Code and,

Lot and building regulations in Z-7623 are consistent with the New Neighborhood land use designation of the Comprehensive Plan therefore,

Staff recommends Approval of Z-7623 to rezone property from AG to RS-4 with the provisions outlined in the optional development plan defined below.

### **SECTION II: OPTIONAL DEVELOPMENT PLAN**

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an RS-4 district with its supplemental regulations, except as further refined and restricted below. All use categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited:

## PERMITTED USE CATEGORY

- A) RESIDENTIAL  
Household Living (if in allowed building type identified below)  
Single household
- B) PUBLIC, CIVIC, AND INSTITUTIONAL  
Natural Resource Preservation  
Safety Service  
Utilities and Public Service Facility (minor)  
Wireless Communication Facility (building or tower-mounted antenna)
- C) COMMERCIAL  
Lodging (short-term rental)
- D) AGRICULTURAL  
Community Garden

## RESIDENTIAL BUILDING TYPES

Single household  
Detached house

## OPEN SPACE

The areas that include the flood plain as illustrated on the concept plan provided will remain undisturbed except where street crossings, multipurpose trails, utilities and where stormwater detention areas are required. The vegetative undergrowth, trash, flood debris may be cleared and cleaned but tree cover in these areas will remain undisturbed.

Preservation of open space is an important part of the application and will be maintained as part of the Optional Development Plan standards.

## **SECTION III: Neighborhood Engagement**

The applicant has participated in public meetings about proposed residential development and has met privately with interested neighborhood associations and surrounding property owners.

The neighborhood areas surrounding this site have been organized and been involved with planning commission staff during the process for months.

The applicant has met with Councilor Dodson and the neighbors. In response to those meetings the applicant has provided a simple development plan that allows single family detached housing and commits to large open space areas.

During the process leading up to the planning commission meeting staff has also independently met with members of the surrounding properties.

Staff Summary: Property owners in the surrounding community are generally opposed to the lot sizes being proposed. It is clear that the surrounding property owners are not opposed to residential development and generally support development with AG-R or RE sized lots as an effort to integrate residential uses into the rural residential area especially along Lynn Lane.

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Much of the opposition included discussions about lack of public infrastructure that may not support increased population and housing density. Lynn Lane (S. 177<sup>th</sup> East Avenue) and 11<sup>th</sup> street are flooded during heavy rain events.

## **SECTION IV: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The site abuts existing neighborhood land uses and is bisected by a flood plain that will significantly affect site development opportunities. The abutting RS-3 properties were developed with stub streets that anticipated street connectivity. Street connectivity is an important component of the comprehensive plan and connection to those existing stub streets will be required during the subdivision development process. The proposed RS-4 district allows lots as small as 5500 square feet and is consistent with the New Neighborhood land use designation.*

### Land Use Vision:

*Land Use Plan map designation: New Neighborhood*

The New Neighborhood residential building block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or New Neighborhood or Town Center.

*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:

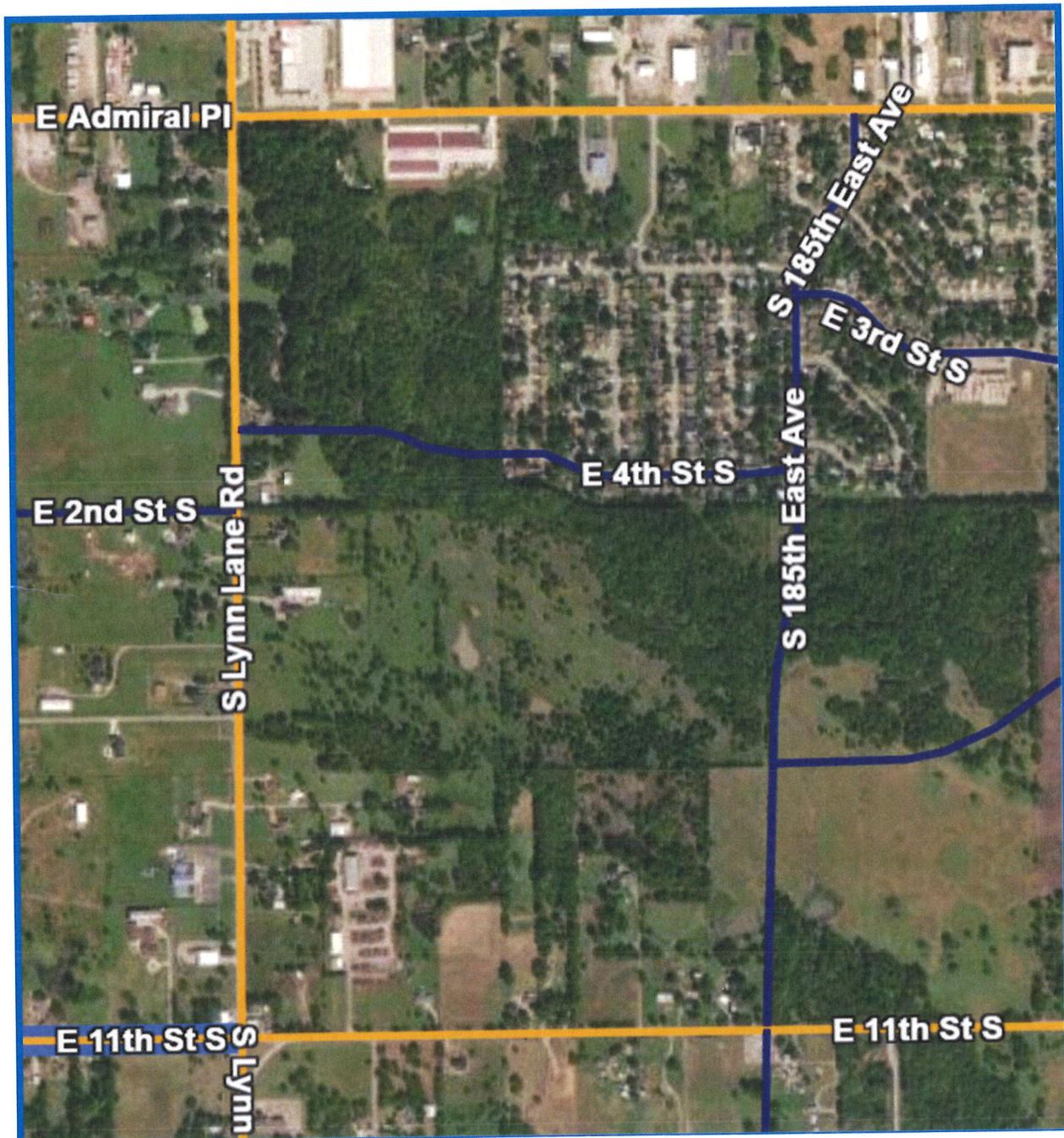
*Major Street and Highway Plan:*

South Lynn Lane Road and East 11<sup>th</sup> Street are both considered a secondary arterial and planned for 4 lane traffic as population increases. Street right of way will be dedicated for future planned arterial street improvements. The City of Tulsa arterial street improvements are not generally included as part of the developer infrastructure requirements and staff is not aware of immediate plans for widening of Lynn Lane.

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4<sup>th</sup> Street is considered a residential collector and the major street and highway plan and currently stubs into the east boundary of this site. The collector street requires a minimum of 60 feet of street right-of-way and wider pavement than the minimum residential street section.

*East 4<sup>th</sup> Street and South 185<sup>th</sup> East Avenue are considered a residential collector. 4<sup>th</sup> street will be constructed by the developer as part of this planned development but will end up in a different configuration than shown on the major street and highway plan. Those alignments will be identified during the subdivision compliance review process.*



*Trail System Master Plan Considerations:* The trail system master plan does not provide guidance for trail plans in the flood plain area however the regulatory flood plain provides an opportunity for developers to include park and trail amenities that can be used by the surrounding property owners.

Small Area Plan: This site is included in the East Tulsa Neighborhood plan that was adopted in 2005. That plan has not been included in the current Tulsa Comprehensive plan however the

plan is still referenced as part of any zoning consideration if it is included in the detailed study area. This site is approximately 2 miles east of the detailed study so no additional recommendations are included in the zoning analysis.

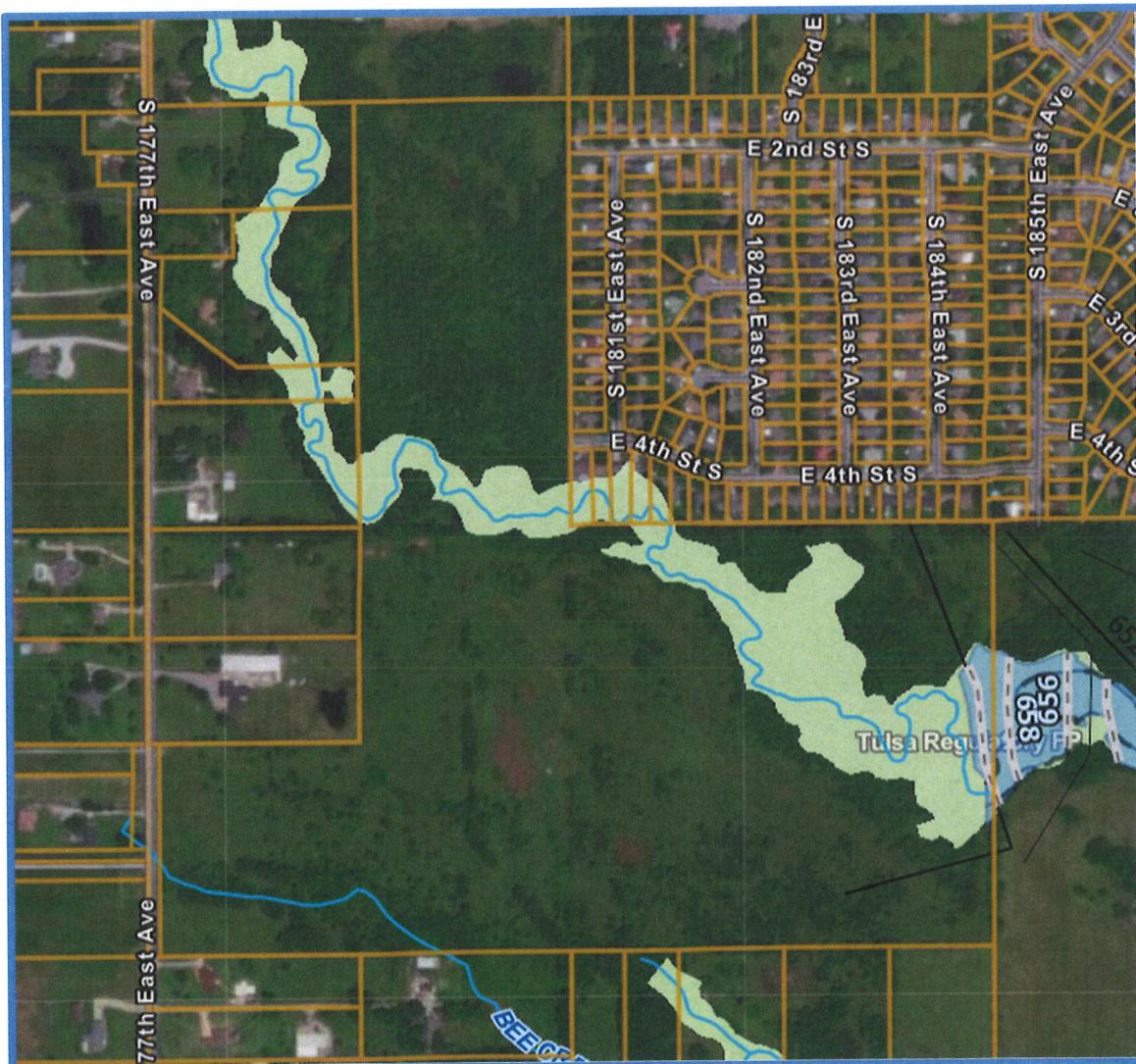
Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* The site is undeveloped with rolling terrain and a mix of wooded areas and open fields on the north and east portions of the site and in the spunky creek tributary flood plain areas.

Environmental Considerations: This site is bisected by a tributary of Spunky Creek and the site design will be affected regulatory flood plain. Current flood maps show the FEMA flood hazard mapping ending near the east edge of this property. Preservation of the natural character of the flood plain and drainage areas is an important part of the development plan for this site. Preservation of the open space as illustrated on the concept plan included in this staff report is part of the Optional Development Plan standards in Section II.



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Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Lynn Lane Road	Secondary Arterial	100 feet	2
East 2 <sup>nd</sup> Street South	None	50 feet	2
East 4 <sup>th</sup> Street South	Residential Collector	60 feet	2

Utilities:

The subject tract has municipal water and sewer available. Sanitary sewer main line extensions are anticipated.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RS-1 and RS-3	Mixed Use Corridor and existing neighborhood	Stability where the existing neighborhood abuts the site: Growth in all other locations	Single family residential in the northeast quadrant of the site Undeveloped elsewhere
East	RD, RS-3 and AG	Existing and New Neighborhood	Stability where the existing neighborhood abuts the site: Growth in all other locations	Single family residential in the northeast quadrant of the site Undeveloped elsewhere
South	RS-3 and AG	New Neighborhood	Growth	Large lot undeveloped and residential
West	RS-1 and AG	New Neighborhood	Growth	Large lot undeveloped and residential

**SECTION V: Relevant Zoning History**

*Staff Summary of recent history:* The original application for Z-7623 sought RS-5 zoning for the subject property. The applicant subsequently amended the application to provide development standards with an Optional Development Plan. The TMAPC recommended denial of the application, and the applicant sought a hearing by the City Council. At its meeting on December 8, the City Council voted to remand the case to the TMAPC for consideration of a less intensive zoning classification. A less intensive zoning classification would include any of the following: RS-4, RS-3, RS-2, RS-1 or RE.

The neighborhood engagement process has identified AG-R or AG as an acceptable option. The public notice process has never included those options and would require a new application.

***Subject Property:***

**ZONING ORDINANCE:** Ordinance number 11818 dated June 26, 1970, established zoning for the subject property.

***Surrounding Property:***

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**Z-7327 June 2016:** All concurred in approval of a request for *rezoning* a 4.6+ acre tract of land from AG/OL to CS on property located East of SE/c South 177<sup>th</sup> East Ave. and East Admiral Pl N.

**BOA-20554 August 2007:** The Board of Adjustment **approved** a *Variance* to permit minimum average lot width required in the AG district (Section 303), per plan, with condition for a copy of the right-of-way dedication to be submitted for the record after City Council approval; finding the hardship to be topographic because of the nature of the drainage and existing pond and finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district;, on property located at 345 South Lynn Lane Road East.

**BOA-19817 May 2004:** The Board of Adjustment **approved** a *Special Exception* to permit a church and accessory uses in an AG zoned district, with conditions: no daycare center or school; comply with all codes and meet all requirements of Storm Water Management Department and Department of Environmental Quality regarding sewage system, on property located at 944 South 177<sup>th</sup> East Avenue.

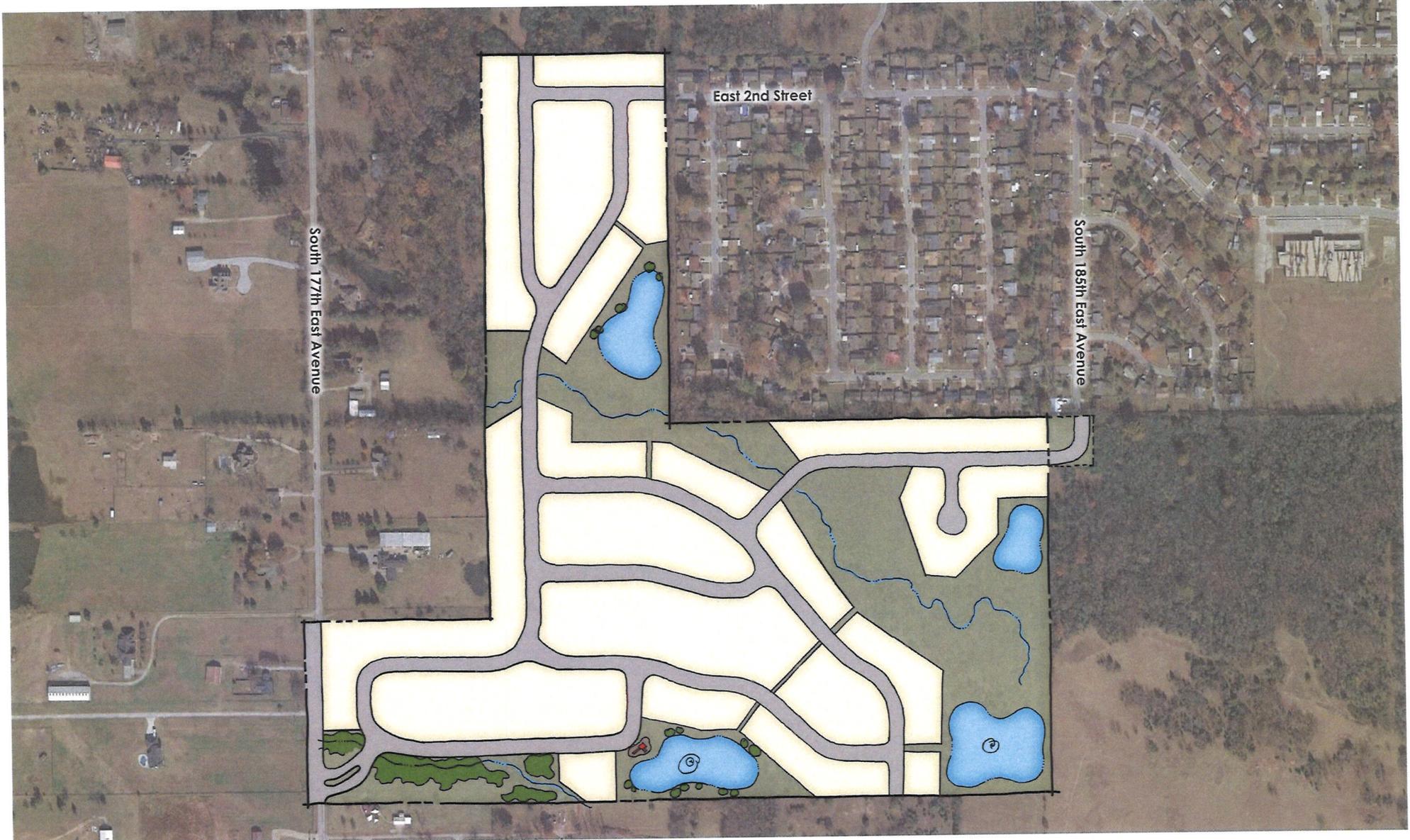
**Z-5719 June 1982:** All concurred in **approval** of a request for *rezoning* a 4.59+ acre tract of land from RS-1 to CS & AG on property located East of the SE corner of South 177<sup>th</sup> East Avenue and East Admiral Place.

**BOA-9891 March 1978:** The Board of Adjustment **approved** a *Variance* to permit the rear yard requirements from 20' to 16' per plot plan submitted, on property located at 18106 East 3<sup>rd</sup> Street.

**BOA-9460 April 1977:** The Board of Adjustment **approved** a *Variance* to permit the side yard requirements from 10' to 5' to permit 5' on each side of the structures, subject to the elevations of Lots 17-21, Block 7, being approved by the City Engineer, in an RD District, on property located at South 181<sup>st</sup> East Avenue between 2<sup>nd</sup> Street and 4<sup>th</sup> Street.

**BOA-4891 December 1965:** The Board of Adjustment **grants** a *permission* to permit off street parking for church use in a U-2-A District on Lots 17 through 24, inclusive, Block 11, Capitol Hill Second Addition, on property located at Lots 17-24, Block 11, Capitol Hill 2<sup>nd</sup> ADDN.

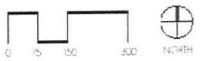
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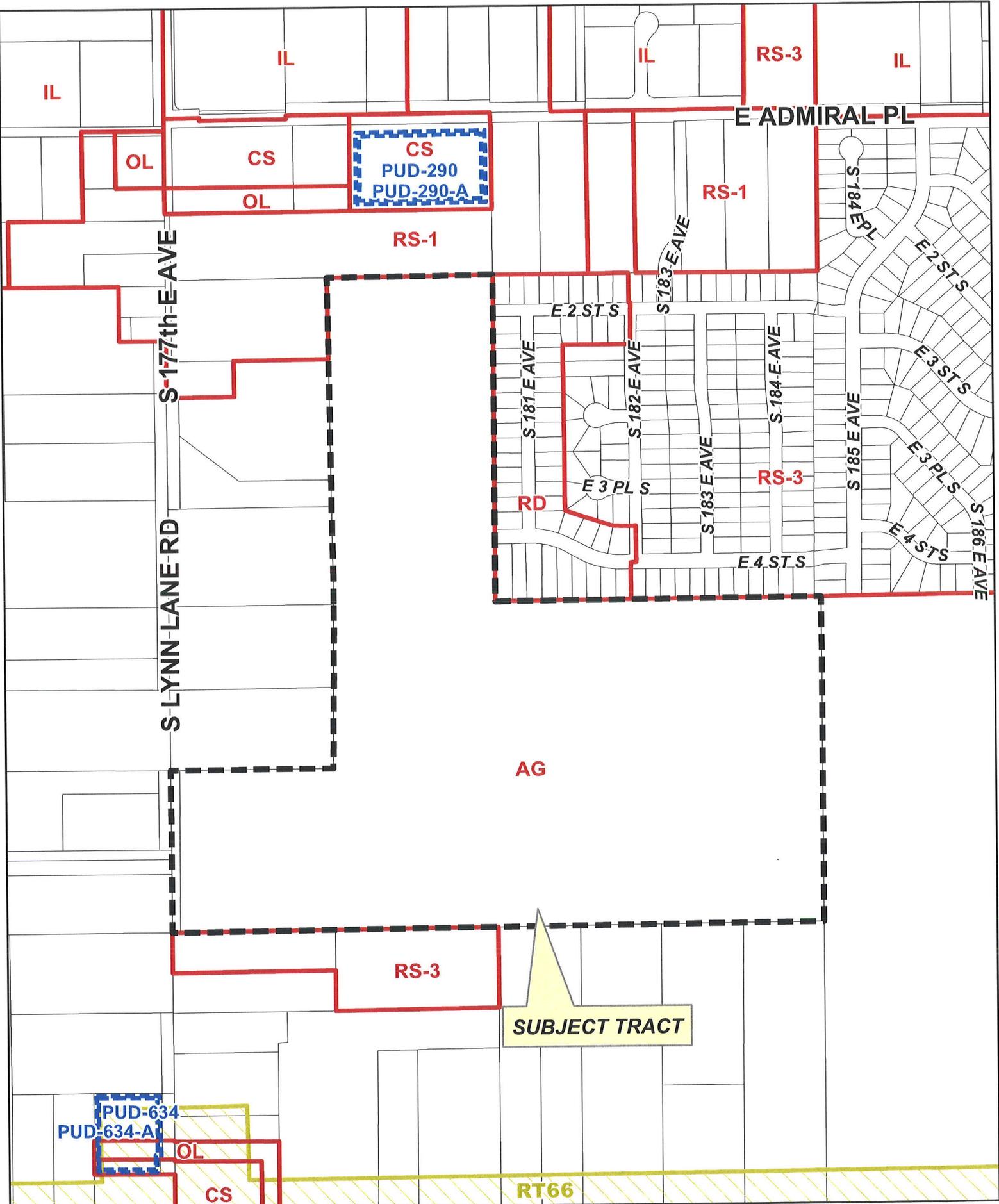


Conceptual Masterplan

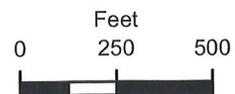
177th East Avenue & Admiral  
October 11, 2021  
Project 21150

Open Space Diagram



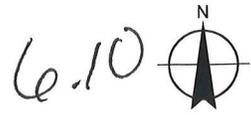


**SUBJECT TRACT**



**Z-7623**

19-14 01





E ADMIRAL PL

S 177th E AVE

S LYNN LANE RD

E 2 STS

S 183 EAVE

S 184 E PL

E 2 STS

S 181 EAVE

S 182 EAVE

S 184 EAVE

E 3 STS

E 3 PLS

S 183 EAVE

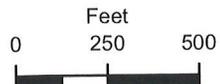
S 185 EAVE

E 3 PLS

E 4 STS

E 4 STS

S 186 EAVE



 Subject Tract

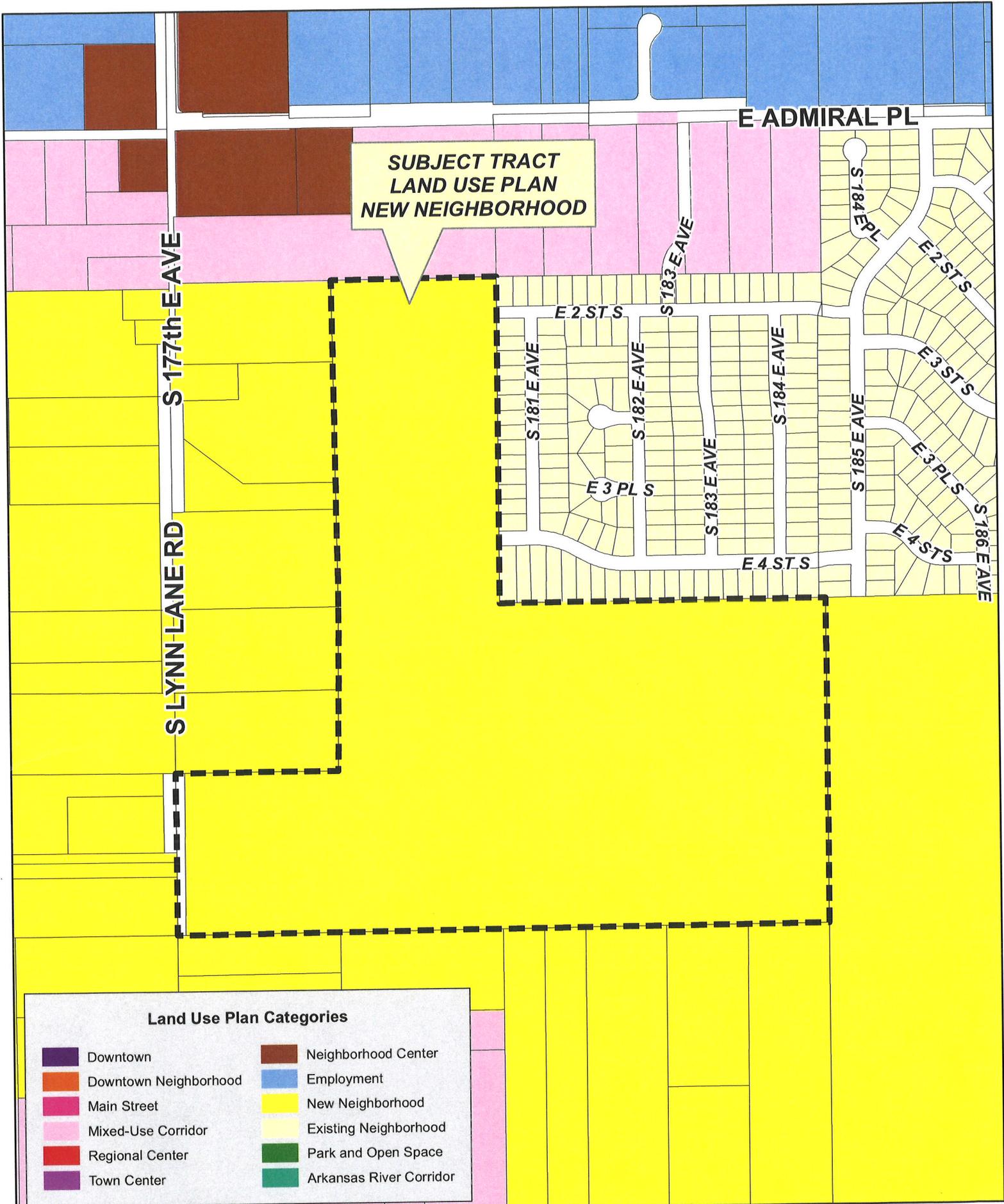
**Z-7623**

19-14 01

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

Aerial Photo Date: 2020/2021





**SUBJECT TRACT  
LAND USE PLAN  
NEW NEIGHBORHOOD**

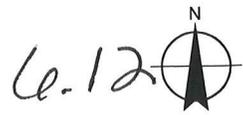
**Land Use Plan Categories**

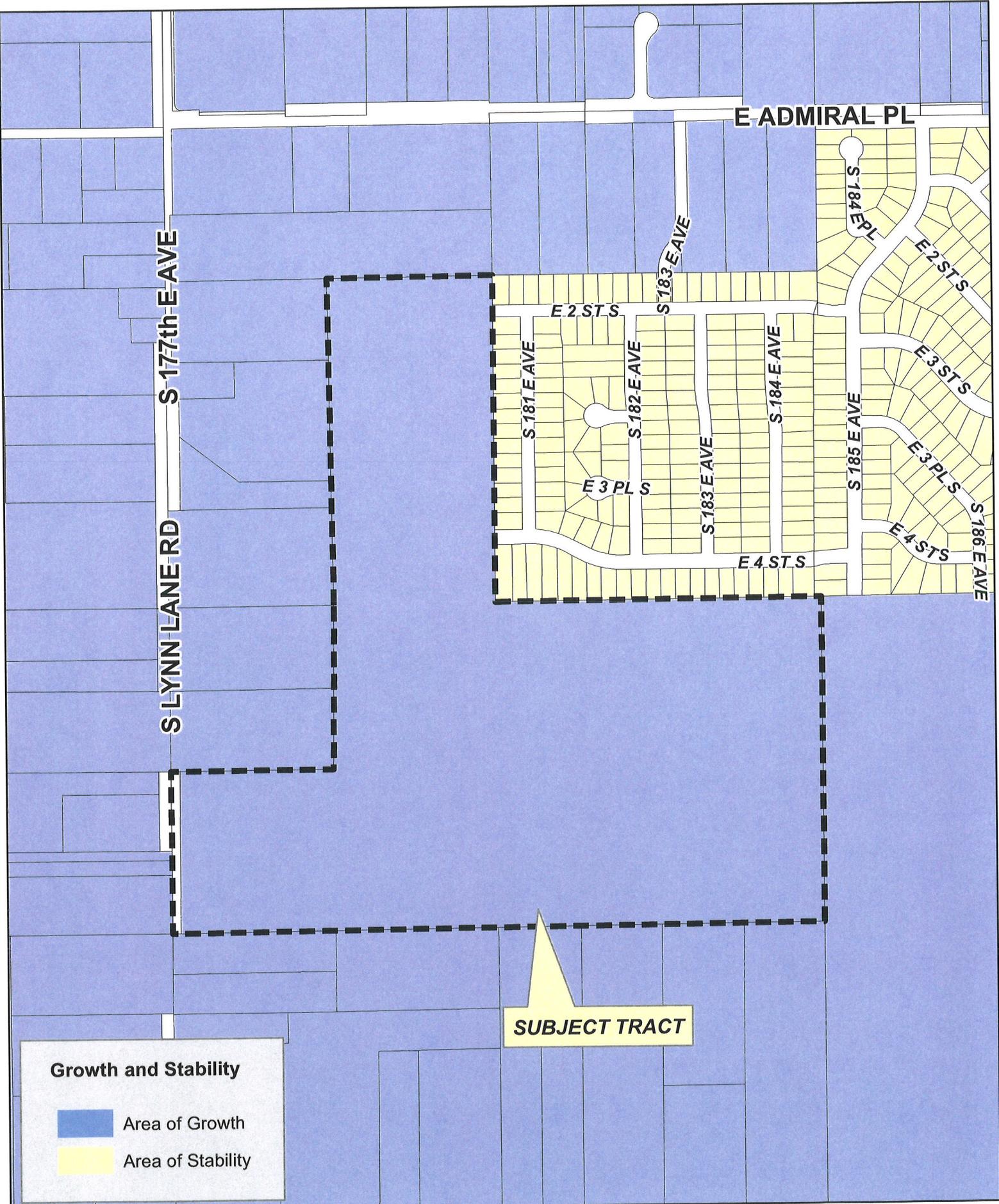
 Downtown	 Neighborhood Center
 Downtown Neighborhood	 Employment
 Main Street	 New Neighborhood
 Mixed-Use Corridor	 Existing Neighborhood
 Regional Center	 Park and Open Space
 Town Center	 Arkansas River Corridor



**Z-7623**

19-14 01

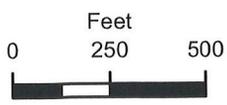




**Growth and Stability**

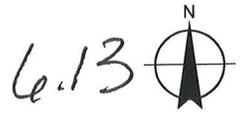
- Area of Growth
- Area of Stability

**SUBJECT TRACT**



**Z-7623**

19-14 01



**Sawyer, Kim**

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**From:** Kim Harris <Kim.Harris@kloeckner.com>  
**Sent:** Thursday, January 13, 2022 10:53 AM  
**To:** esubmit  
**Subject:** z7623 case

**FILE COPY**

January 13, 2022

TMAPC  
c/o INCOG  
2 West 2nd Street, Suite 800  
Tulsa, Oklahoma 74103

RE: ZONING CASE NUMBER: Z-7623

To Whom It May Concern:

We are writing to you as concerned citizens. We own the property on the south, which directly joins the 90 acres they are asking to be re-zoned from AG to RS-4. Our property is currently zoned RS-3, and we have lived there for 24 years. It is our understanding that with the RS-4 zoning the lot sizes are very small. Which would result in very small houses/apartments/townhouses, and way too many dwellings on one piece of land. All of our neighbors are concerned by this possibility. We are all members of the Lynn Lane Neighborhood Association.

Obviously with 300-400 new houses/apartments/townhouses comes a lot of problems. For example: water issues, sewer issues, traffic issues, flooding, and more Crime. This land is around 7<sup>th</sup> and Lynn Lane Road (177<sup>th</sup> East Avenue) in the city of Tulsa. It is located south and east of the current Rolling Hills area, south of Admiral between Lynn Lane and 193<sup>rd</sup> East Avenue. The petition has already been unanimously voted down once, by the Tulsa Planning Commission. It is simply unacceptable.

Many of our neighbors have voiced negative opinions as we all live on acreages. Most everyone lives out here to have peace, quiet, and space. Most people own 2.5 to 10 plus acres that they have built new homes on. A development of this nature will drop our property values.

We are respectfully asking for your assistance to get this zoning petition unanimously turned down a second time. It is not any better or any different than it was the first time they presented it. If this 90 acres has to be re-zoned, the only thing that would be suitable to our area would be an AG-R, one acre lots for single family detached homes. Thank you for your time and attention to this matter.

Sincerely,

Kim Harris and Mary Mangrum  
723 South Lynn Lane Road  
Tulsa, Oklahoma 74108  
918-234-3069

*Thank You,*

**Kim Harris**  
Sales Assistant.

**kloekner metals**

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[kharris@kloeknermetals.com](mailto:kharris@kloeknermetals.com)