



Board of Adjustment

**Staff Report
BOA-24032**

Hearing Date: April 28, 2026
Prepared by: Erin Roark
eroark@cityoftulsa.org
918-596-7618

Owner and Applicant Information

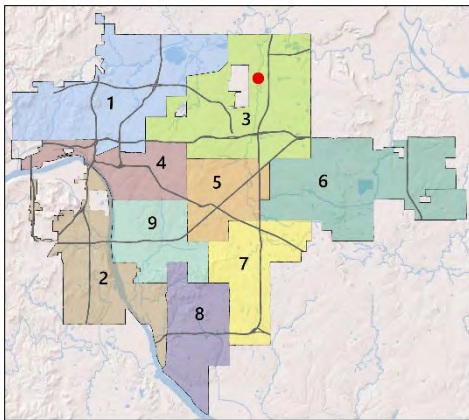
Applicant: Mark Capron, Wallace Design Collective
Property Owner: City of Tulsa

Property Location

East of the southeast corner of East 36th Street North & North Mingo Road
Tract Size: ±21.8 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 3, Jackie Dutton
County Commission: District 1, Stan Sallee

Public Notice Required

Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance
Posted Sign – min. 10 days in advance

Request Summary

Special Exception to permit a High-Impact Manufacturing and Industry use in the IM district (Section 15.020; Table 15-2).

Zoning

Zoning District: IM
Zoning Overlays: N/A

Comprehensive Plan Considerations

Land Use

Land Use Plan: Employment
Small Area Plans: N/A
Development Era: Late Automobile Era

Transportation

Major Street & Highway Plan: Secondary Arterial
planitulsa Street Type: N/A
Transit: N/A
Existing Bike/Ped Facilities: N/A
Planned Bike/Ped Facilities: Sidewalks, Shared Use Path

Environment

Flood Area: Tulsa Regulatory Floodplain, FEMA 100-Year Flood Zone, FEMA 500-Year Flood Zone
Tree Canopy Coverage: Greater than 50%
Parks & Open Space: Rural Area

Staff Analysis

The applicant is requesting a special exception to permit a High-Impact Manufacturing and Industry use in the IM district (Section 15.020; Table 15-2). The proposed use is a space engine testing facility.

Table 15-2: O, C and I District Use Regulations

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
INDUSTRIAL												Section 40.180
Low-impact Manufacturing & Industry	-	-	-	-	-	S	S	S	P	P	P	
Moderate-impact Manufacturing & Industry	-	-	-	-	-	-	-	-	S	P	P	Section 40.225
High-impact Manufacturing & Industry	-	-	-	-	-	-	-	-	-	S	P	
Mining or Mineral Processing	-	-	-	-	-	-	-	-	-	S	S	Section 40.230
Junk or Salvage Yard	-	-	-	-	-	-	-	-	-	S	P	Section 40.190

Relevant Case History

- BOA-20854, January 27, 2009; The BOA granted two setback variances, a maximum building height variance, and a special exception to increase the permitted floor area.

Comprehensive Plan Considerations

Land Use Plan

The property is designated as Employment. Employment is intended to accommodate offices, warehousing and storage, manufacturing and assembly, and industrial processes. The Industrial Site Suitability map corresponds to the Employment land use designation and indicates where uses that are potentially incompatible with sensitive land uses are best suited to locate. This directs industrial uses to particular areas of the city while discouraging industrial in close proximity to Neighborhood areas.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	IM	Employment	Vacant
East	IM	Employment	Vacant
South	IM	Employment	Vacant
West	IM	Employment	Warehouse

Small Area Plans

The subject property is not within a small area plan.

Development Era

The subject property is in an area developed during the Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

Transportation

Major Street & Highway Plan: East 36th Street North runs parallel to the north side of the subject property and is classified as a Secondary Arterial, which has a planned minimum right-of-way width of 100 feet.

Comprehensive Plan Street Designation: N/A

Transit: N/A

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: Sidewalks are recommended along street frontages. The 2015 GO Plan recommends a Shared Use Path along off-street along Mingo Creek.

Arterial Traffic per Lane: East 36th Street North has an average annual daily traffic (AADT) of 1,564 vehicles per lane.

Environmental Considerations

Flood Area: The subject property is partially located within a Tulsa Regulatory Floodplain, partially within a FEMA 100-Year Flood Zone, and partially within a FEMA 500-Year Flood Zone.



Tree Canopy Coverage: Tree canopy in the area is 63%. Development will naturally have an impact on tree canopy, but all effort should be taken to preserve a substantial portion of the tree canopy in these areas. These areas should have the highest level of preservation to maintain the existing habitat and recreational places in the city. Future land use planning for Future Growth areas should include the goal of tree canopy preservation.

Parks & Open Space: The subject property is located in a rural area with large areas of open space.

Site Photos



View south from East 36th Street North, January 2026 (Image from Google Street View)

Sample Motion

I move to approve or deny a special exception to permit a High-Impact Manufacturing and Industry use in the IM district (Section 15.020; Table 15-2);

- per the conceptual plan(s) shown on page(s) _____ of the agenda packet.
- subject to the following conditions (including time limitation, if any): _____.

The Board finds that 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.

Property Description

The legal description is attached as a separate exhibit.

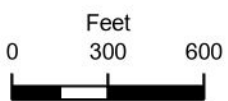
Exhibits

- Case map
- Aerial (small scale)
- Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map



N MINGO RD

E 36TH ST N



Subject Tract

BOA-24032

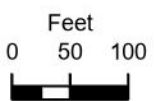
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2025



E 36TH ST N



Subject
Tract

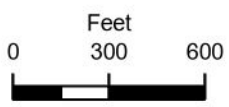
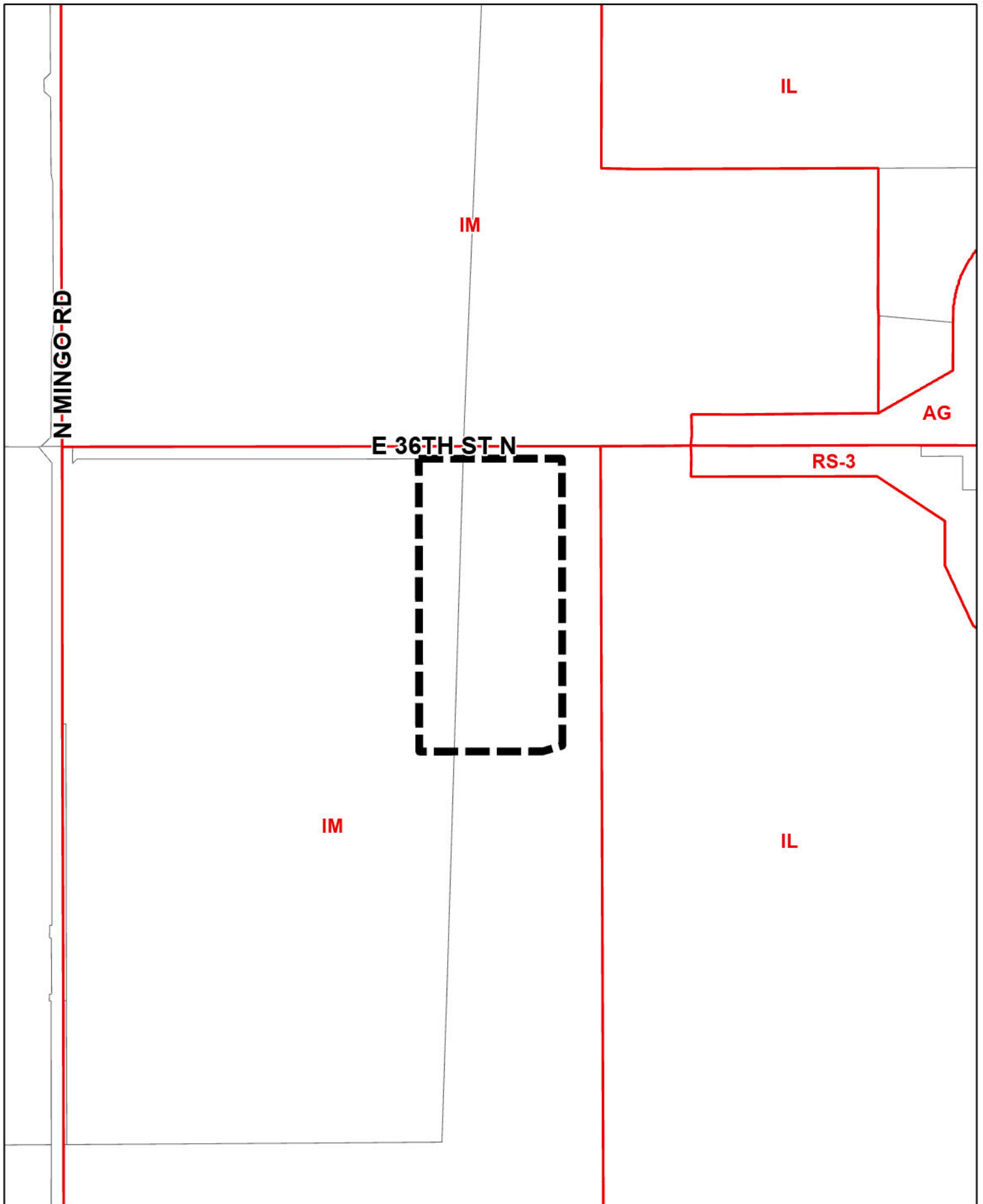
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Aerial Photo Date: 2025



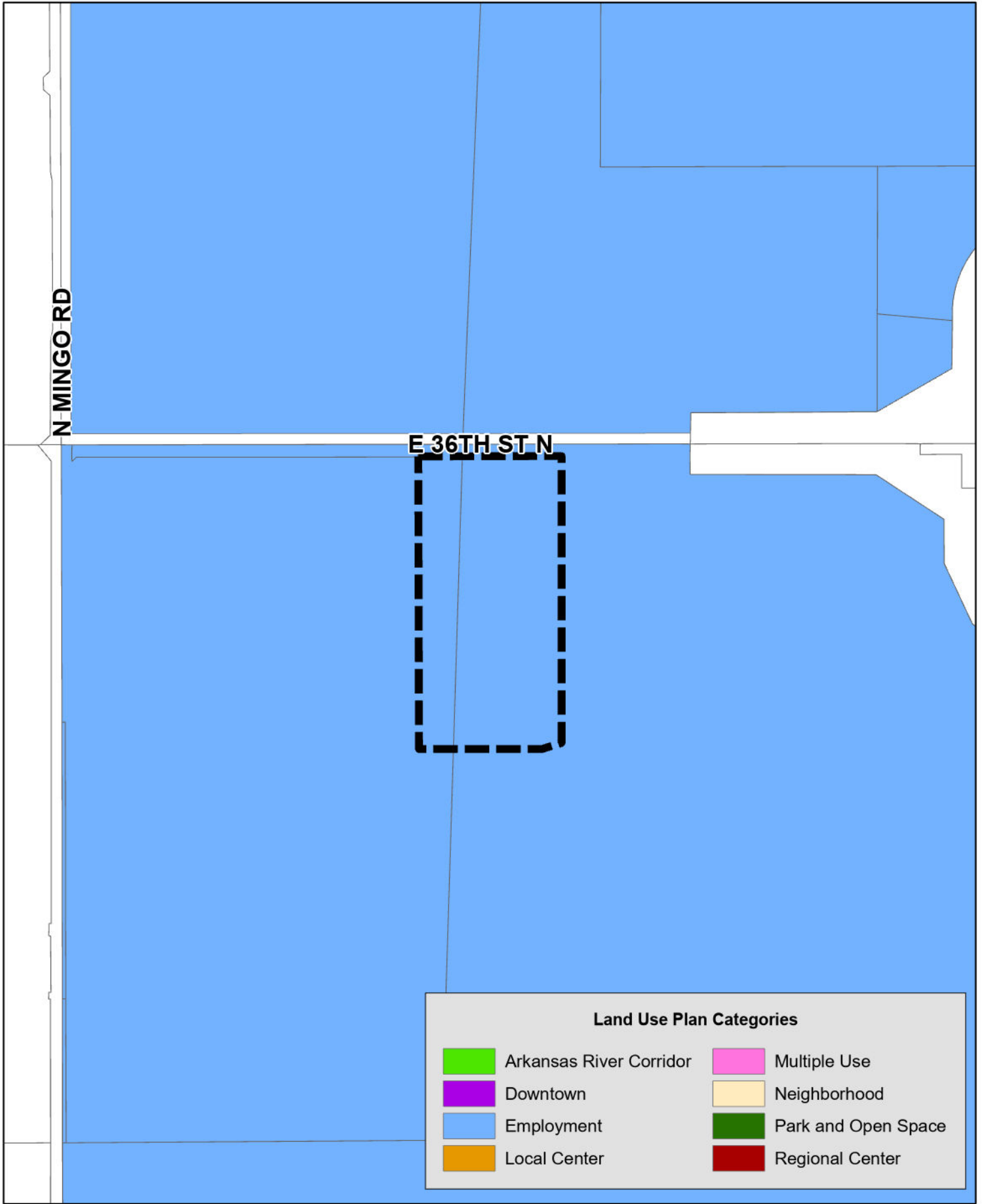


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





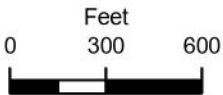


N MINGO RD

E 36TH ST N

Land Use Plan Categories

 Arkansas River Corridor	 Multiple Use
 Downtown	 Neighborhood
 Employment	 Park and Open Space
 Local Center	 Regional Center

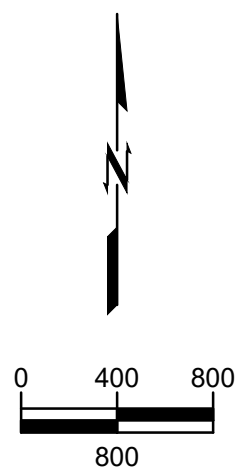


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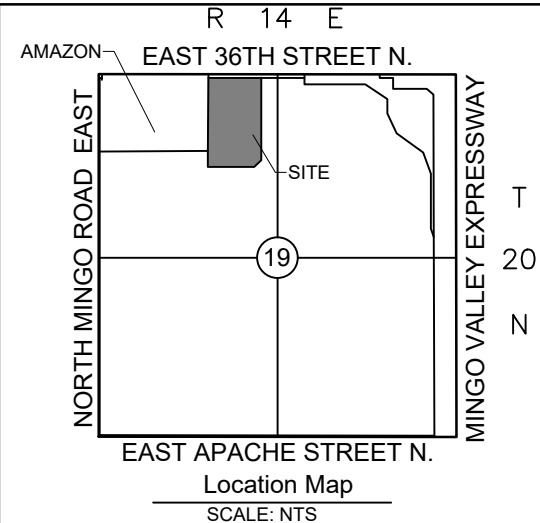
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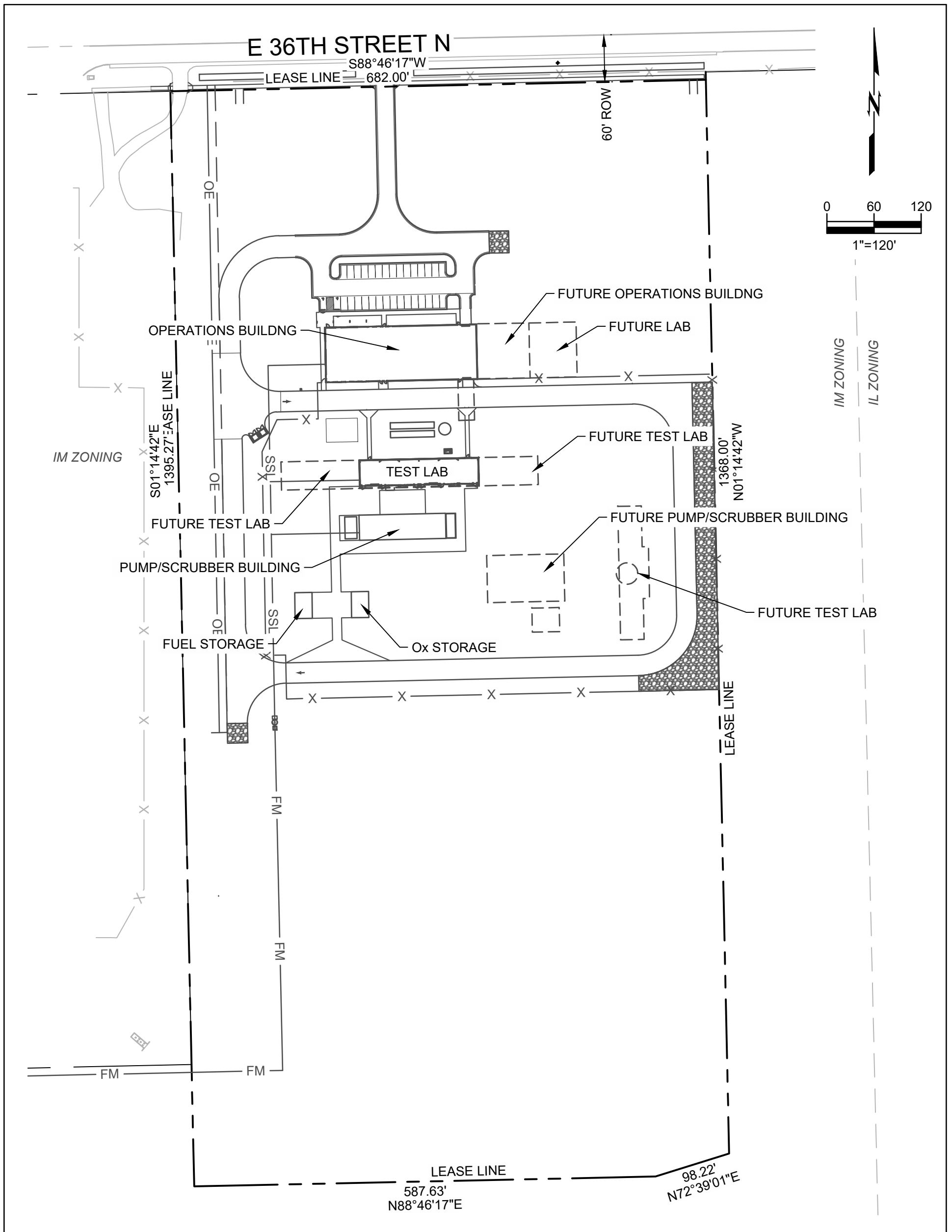



wallace design collective

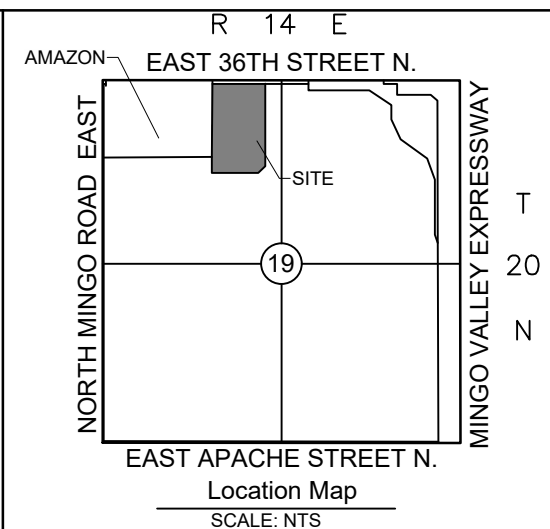
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structural · civil · landscape · survey
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tulsa, oklahoma 74103
918.584.5858 · 800.364.5858
oklahoma ca1460
exp: 6-30-27



BOA - SPECIAL EXCEPTION AGILE SPACE TESTING CENTER 10360 E 36TH STREET TULSA-OK 74116	
DATE	03.19.2026
PROJECT NO.	2540422
SHEET NAME	AERIAL AND ZONING EXHIBIT
SHEET NO.	Exhibit - B




wallace design collective
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 structural · civil · landscape · survey
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 tulsa, oklahoma 74103
 918.584.5858 · 800.364.5858
 oklahoma ca1460
 exp: 6-30-27



BOA - SPECIAL EXCEPTION AGILE SPACE TESTING CENTER 10360 E 36TH STREET TULSA-OK 74116	
DATE	03.19.2026
PROJECT NO.	2540422
SHEET NAME	CONCEPTUAL SITE EXHIBIT
SHEET NO.	Exhibit A

Special Exceptions

The Board of Adjustment is allowed to approve special exceptions only after determining that the following conditions exist. Below, explain how your requests satisfy these conditions:

1. The special exception will be in harmony with the spirit and intent of the Zoning Code; and

Allowing the increase to High Impact and Industrial use is in harmony with the code due to this particular situation. This request aligns perfectly with the City's Comprehensive Plan, which designates this specific area for 'Employment.' This site is close to the airport and existing industrial properties, we are following the Zoning Code's goal of grouping similar heavy industries together. This location is already intended for intense industrial use, making it the right place to support economic growth.

2. The special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

This use will not harm the neighborhood because the surrounding properties are entirely industrial or undeveloped and are also zoned industrial and are designated as Employment in comprehensive plan. . There are no nearby residential areas, schools, or parks to disrupt. Furthermore, the site's location by the airport means the area is already built to handle industrial traffic, noise, and activity. Ultimately, this project benefits public welfare by creating jobs in an area specifically designed for heavy industry.

Conditions

In granting any special exception, the Board may make appropriate conditions or safeguards, may limit the approval to a specified period of time and may require a bond or other guarantee necessary to enforce compliance with the conditions.

If your application is approved, you will likely need additional permits.

Call 918.596.9456 to speak with the Permit Center or Development Services Plans Review.



Agile Lease Legal Description

A TRACT OF LAND LYING IN THE NORTHWEST QUARTER (NW/4) OF SECTION NINETEEN (19), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, 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 NORTHWEST CORNER OF SAID SECTION NINETEEN (19), THENCE N88°46'17"E AND ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER (NW/4) OF SECTION NINETEEN (19) FOR A DISTANCE OF 1700.00 FEET; THENCE S01°14'42"E AND PARALLEL TO THE WEST LINE OF SAID NORTHWEST QUARTER, FOR A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE N88°46'17"E AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, FOR A DISTANCE OF 682.00 FEET; THENCE S01°14'42"E AND PARALLEL TO THE WEST LINE OF SAID NORTHWEST QUARTER, FOR A DISTANCE OF 1368.00 FEET; THENCE S72°39'01"W FOR A DISTANCE OF 98.22 FEET; THENCE S88°46'17"W, PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, FOR A DISTANCE OF 587.63 FEET; THENCE N01°14'42"W AND PARALLEL TO THE WEST LINE OF SAID NORTHWEST QUARTER, FOR A DISTANCE OF 1395.27 FEET TO THE POINT OF BEGINNING, CONTAINING 950,290 SQUARE FEET OR 21.82 ACRES.

WAIVER OF LETTER OF DEFICIENCY REQUIREMENT

If the Board staff waives the requirement that an LOD accompany an application to the Board, the Applicant is responsible for requesting all necessary relief and for citing the sections of the Zoning Code pertinent to the relief sought. (The waiver of the requirement that an LOD accompany an application to the Board shall not be considered a waiver of the necessity to apply for a building permit or a zoning clearance permit, as may be required by the particular proposed use or construction.) In the event that the applicant does not request all necessary relief, additional BOA action may be required resulting in significant delays during the building permit process.

I hereby certify that I have read and understand the above requirements and that I will have the LOD requirement waived for the subject property in case number: BoA 24032.

[Handwritten mark] *[Handwritten Signature]*
Applicant's Signature

3.26.24
Date