

CBOA-2908

9.1

21-13 22



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1322
CZM: 17

CASE NUMBER: CBOA-2908
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 08/17/2021 1:30 PM

APPLICANT: C. Robert Reed

ACTION REQUESTED: Special Exception to allow Use Unit 16 for a Mini Storage in a CS/RS District (Section 710 and Section 1216).

LOCATION: 8711 N YALE AV

ZONED: CS

AREA: North Tulsa County

PRESENT USE: Vacant

TRACT SIZE: 8.7 acres

LEGAL DESCRIPTION: BEG SWC SW TH N678 E545 S17.99 E45.20 S660.01 W590.56 POB LESS S16.5 FOR RD & LESS W16.5 N661.5 S678 SW FOR RD SEC 22 21 13 8.696ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

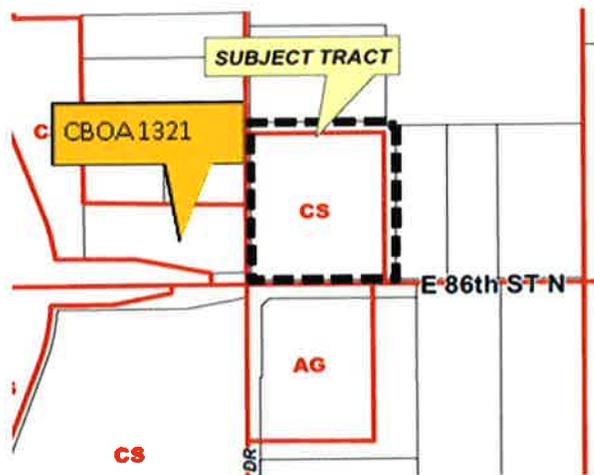
CBOA-2536 May 2015: The Board approved a *Special Exception* to allow a mini-storage (Use Unit 16) in a CS District, on property located on the northeast corner of East 86th Street North and North Yale Avenue.

CZ-434 August 2014: All concurred in approval of a request for rezoning a 7.79± acre tract of land from RE to CS on property located on the northeast corner of East 86th Street North and North Yale Avenue.

Surrounding Property:

CBOA-1321 January 1976: The Board approved a *Special Exception* to permit mini-storage in the CS district at the NW/c of 86th St. N. & N. Yale Ave.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts RE zoning the north and east. It abuts AG zoning to the south and a combination of CS and AG zoning to the west. Surrounding uses appear to be residential with a church use to the south. The approved mini-storage (CBOA-1321) on the northwest corner of E. 86th St. N. & N. Yale Ave. has either been removed or it was never constructed.



9.2

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to allow Use Unit 16 for a Mini Storage in a CS/RS District (Section 710 and Section 1216).

The applicant provided the following statement: *"To allow the self-storage facility by right would mean rezoning to CG. The exterior finish will match the appearance and brand of existing Reed Bros Storage on HWY 20 & Sheridan. Combining clean, modern steel with "Green Walls" in lieu of wood fencing & rock accents. Wood & rock can date the project, create a lifetime of upkeep and make the brand of the facility unrecognizable. Steel continues to look great over time. Green Walls cover the majority of the exterior walls to provide an eco-friendly, aesthetically pleasing appearance. ** Green Wall = 20' wide x 9' tall framework covered in Crossvine, a flowering, evergreen plant."*

A Special Exception is required as a mini-storage facility, Use Unit 16, is not a use permitted in the CS district by right due to potential adverse effects.

Use Unit 16, Mini-Storage, is described as: A structure(s) which contains separate, small size, self-service storage facilities leased or rented to individuals or small businesses. These facilities are designated to accommodate access only from regular size passenger vehicles and two-axle trucks (Section 1216.1). The following Use Conditions apply:

1216.3 Use Conditions

- A. The uses included in Use Unit 16, when located on a lot which is abutting an R district, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District. *It is not clear in the site plan if fencing will be provided.*
- B. Within the CS district, there shall be no open-air storage of any kind that is visible at ground level from an R district, O district, or from a public street.
- C. The development site should have frontage on and access to an arterial street. *According to the Major Street and Highway Plan, E. 86th Street North is considered a Primary Arterial and North Yale Avenue is considered a Secondary Arterial.*

The property is located within the fenceline of Owasso, but it is not in Owasso's corporate limits. Both, The Owasso Comprehensive Plan and Tulsa County Comprehensive Land Use Plan, identify the future land use as Rural Commercial. See the attached Land Use Plan map. Rural Commercial is defined as follows:

The Commercial Land Use District represents areas of retail trade and services. Typically, these areas are located around nodes of arterial street intersections or in some cases, at intersections of collectors and arterials. Commercial Districts can also be found in corridors that have an established commercial use pattern, such as the Smith Farm area, or highly visible areas, such as along US-169, SH-20, and 116th St. N. west of US-169. The Commercial District includes uses that range from small neighborhood convenience shopping areas, single free-standing buildings, big box retailers, restaurants, automotive services centers, and other similar retail uses.

Access is a key factor in the location of Commercial Districts. A site with poor access or that is difficult to get to is prone to fail; whereas a site with good and safe access will stand a

better chance of survival. In general, the development of long commercial strips around the perimeters of square miles should be avoided as can present problems with access control. In all cases of commercial development, access management should be carefully controlled with design treatments such as mutual or shared access drives and cross connections easements or agreements.

A mini-storage had been approved on this site (CBOA-2536 May 2015) previously, but it lapsed after 3 years because it was not acted upon. Section 1680.4 states that a Special Exception which has not been utilized within three years from date of the order granting same shall thereafter be void, provided that the Board has not extended to time for utilization.

Sample Motion:

“Move to _____ (approve/deny) a Special Exception to allow Use Unit 16 for a Mini Storage in a CS/RS District (Section 710 and Section 1216).

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

Subject to the following conditions (if any): _____.

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

the State permitted operating window. This approval has a five year time limit until June 2020; for the following property:

E479.2 W849.7 LYING S OF MVRR LESS BEG 370.50E & 353.81N SWC SW TH N APR 128.67 SE APR 168.76 SW APR 119.19 POB & LESS S24.75 THEREOF FOR ST SEC 19 17 14 2.204ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

2536—Joseph Watt

FILE COPY

Action Requested:

Special Exception to allow a mini-storage (Use Unit 16) in a CS District (Section 710). **LOCATION:** NE/c of East 86th Street North and North Yale Avenue, Owasso

Presentation:

Joseph Watt, 9936 East 55th Place, Tulsa, OK; stated the beginnings of this property was when the nine acres was separated out years ago. There was a perimeter of 90 feet on the north and 120 feet on the east zoned RE and the rest of the land was zoned agriculture. Mr. Watt stated that he has not been able to find the records for the separation so he does not know how it came about. The CS zoning is more restrictive for commercial development but yet part of this is to allow storage units and a commercial building. Prior to today he had to do all the storm water details and determinations so the proposed usage would not be displacing water on anyone else. Matter of fact, he will be taking water away from portions of the property that is now draining to the northeast and it will be pulled back to the south and the west holding it in the detention facility for the subject property, and it is proposed to regrade the site so there will be no water whatsoever displaced onto the neighbors to the north or to the east.

Interested Parties:

Calvin Swindle, 5206 South Harvard, Unit 319, Tulsa, OK; stated he has concerns about the drainage.

Mr. Charney stated that in order to have a building constructed on the subject site there will be platting and an engineering effort made to control the stormwater in a manner that is consistent with all the stormwater regulations. The Board of Adjustment does not focus upon that, but focus on the land use is appropriate. The stormwater drainage, the stormwater retainage and the stormwater detention and the release will all be addressed at the platting stage and it will be reviewed very carefully, then it will be stamped by an Engineer that the applicant is not releasing stormwater at a faster rate in the post development stage than is being release currently.

CBOA - 2536

FILE COPY

Ms. Miller stated that this case has been before the Tulsa Metropolitan Planning Commission and the County Commission, and the applicant did commit to platting the property. Ms. Miller asked Mr. Watt what his timeline was for platting the property. Mr. Watt stated that as soon as he receives approval for his Variance he will be submitting the plan as soon as possible.

Rebuttal:

Joseph Watt came forward for questions from the Board.

Mr. Charney stated that in order to approve a Special Exception the Board needs to make certain findings that what is being proposed is not going to injurious or detrimental to the neighborhood. This is an increasingly important and critical corridor. To the west is Sperry and to the east is Owasso and that makes it an important corridor for each community with lots of public spending on the roadways to improve the corridor. Mr. Charney asked the applicant if any thought had been given to those structures, as to whether they have something attractive about them because there are things that might normally be relevant so the Board could determine whether it would potentially be detrimental to this developing corridor. Mr. Watt stated that what he has done is looked at the perimeter fencing in a way that will not detract from the community, he does not want chainlink or wooden fencing. The thinking is masonry columns with capstones with the interworking wrought iron between the columns to achieve the London street look. There is a perimeter landscaping plan with varying canopy heights of trees so people could partially see through but not see the entire facility. Mr. Watt stated that on the south side of the facility, which faces 86th Street North, the same thing is planned but the fencing will be different because in the future where the commercial building area is planned there is a planned veneer on the building that will be cohesive with the surrounding homes. The two drives, possible three, were placed so as to keep the cueing traffic down on the intersections. There will be two drives from Yale and one from 86th Street North, but these are early concepts and have since looked at a possible third point from Yale.

Mr. Charney asked Mr. Watt to describe the veneer of the proposed building. Mr. Watt stated that stucco or stone is being discussed because he wants a very nice and longer lasting veneer for the building.

Comments and Questions:

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Walker "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a **Special Exception** to allow a mini-storage (Use Unit 16) in a CS District (Section 710). The perimeter fencing is to be ornamental in nature with masonry columns. There is to be landscaping. The buildings that face 86th Street North have a masonry veneer or be stucco; for the following property:

FILE COPY

CBOA - 2536

BEG SWC SW TH N678 E545 S17.99 E45.20 S660.01 W590.56 POB LESS S16.5
FOR RD & LESS W16.5 N661.5 S678 SW FOR RD SEC 22 21 13 8.696ACS, OF
TULSA COUNTY, STATE OF OKLAHOMA

2537 – Big Blast – Sherry Barbour

Action Requested:

Special Exception to allow a fireworks stand (Use Unit 2) in an AG District (Section 310, Table 1); Variance of the all weather parking surface requirement (Section 1340.D). LOCATION: 7409 East 146th Street North, Collinsville

Mr. Hutchinson recused himself at 3:02 P.M.

Presentation:

Harry Barbour, 18622 South 62nd East Avenue, Bixby, OK; stated he is before the Board representing his wife, the applicant, because she could not be here today. There will be a tent placed on the property with a semi-trailer and RV for the sales. There will be a gravel parking lot installed and there will be a 24 foot culvert. The gravel is a necessity because without it there would be no access to the land due to mud. He works with nonprofit groups and this is one way funds are raised. After the three week selling period the property will look just as it does currently.

Mr. Dillard stated that the application has asked for the December 20th through January 2nd selling time, as well as a Variance to the all-weather surface. Mr. Dillard asked Mr. Barbour if he is saying he does not want those requests. Mr. Barbour stated that basically the business is the Fourth of July season, and he was not aware that his wife had requested the New Year season.

Interested Parties:

Ronald Folsom, 7503 East 146th Street North, Tulsa, OK; stated the property and all the lots are designated as agricultural and residential, and he would request that it remain the same. Mr. Folsom stated he lives on a 2 ½ acre tract that is immediately east of the subject property. The traffic on Highway 20 has been getting worse for the past 40 years. He was one of the first people to build a house on the land in the area when it was just a field. The aerial map that is in the Board's agenda packet does not show the rise in the road at the subject tract. Any of these lots, all the way to 77th East Avenue, coming from their lot onto Highway 20 cannot see the traffic coming over the hill. The posted speed limit is 55 miles per hour on Highway and most people don't drive 55 miles per hour. There have been a lot of accidents on Highway 20 because there is no shoulder and the person pulling onto Highway 20 from their driveway cannot see the oncoming traffic because of the rise in the roadway. A school bus and a horse trailer have slipped into the culvert. The shoulder of the road in the subject area is very

05/19/2015/#420 (15)

9.7

Action Requested:

Special Exception to permit a mini-storage in a CS zoned district - **SECTION 710. PRINCIPAL USES IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located northwest corner 86th Street North and North Yale Avenue.

Presentation:

The applicant, **Kathryn Tumleson**, Route 1, Box 512, Sperry, Oklahoma, submitted a plot plan (Exhibit B-1, and requested permission to construct a mini-storage facility on the subject tract. She informed that the first phase is proposed at this time, and future expansion could take place if the business is successful.

Comments and Questions:

In reply to Mr. Tyndall, the applicant stated that the buildings will be of metal construction.

In reply to Mr. Gardner, the applicant informed that a field is directly north, with a house farther north, and a chain link fence with slats is proposed for that property line.

Protestants:

Gene Palmer stated that he lives to the west of the subject tract and is opposed to the mini-storage, because the use will generate a lot of traffic in the neighborhood.

Mr. Alberty advised that CS zoning has been approved for the property, and a retail business would be permitted by right.

Mr. Palmer stated that he was not aware of the pending zoning change.

Mr. Alberty advised that platting will be required if the application is approved.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 3-0-0 (Alberty, Eller, Tyndall, "aye"; no "nays"; no "abstentions"; Looney, Walker, "absent") to **APPROVE** a **Special Exception** to permit a mini-storage in a CS zoned district - **SECTION 710. PRINCIPAL USES IN THE COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to platting and a building permit; and subject to the installation of a 6' screening fence; finding the use to be compatible with the area, and in harmony with the spirit and intent of the Code; on the following described property:

A tract of land beginning at the southeast corner of Section 21, T-21-N, R-13-E thence South 88°37'41" West along the section line a distance of 333.56' to a point thence North 1°22'19" West a distance of 33' to a point; thence North 79°52'00" West a distance of 285.70' to a point; thence South 88°37'41" West a distance of 23.84' to

Case No. 1321 (continued)

point; thence North 2°00'33" West a distance of 259.10' to a point; thence due East a distance of 640.87' to a point on the East line of said Section 21; thence South 1°17'45" East a distance of 333.73' to the point of beginning, less and except approximately 1/2 acre highway right-of-way heretofore conveyed, and located on the northwest corner of E. 86th Street and North Yale Avenue, Tulsa, Oklahoma.

Case No. 1322

Action Requested:

Use Variance to permit auto storage in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 27, located 1004 East 76th Street North.

Presentation:

The applicant, **Robert Utley**, 1004 East 76th Street North, Sperry, Oklahoma, requested that a four-acre portion of his property be used for automobile storage. He explained that the area is surrounded by trees and is barely visible from the street.

Pam Utley, 1004 East 76th Street North, Sperry, Oklahoma, stated that their home is on the property and they do not have a salvage operation on their land, nor do they want one near their home.

Comments and Questions:

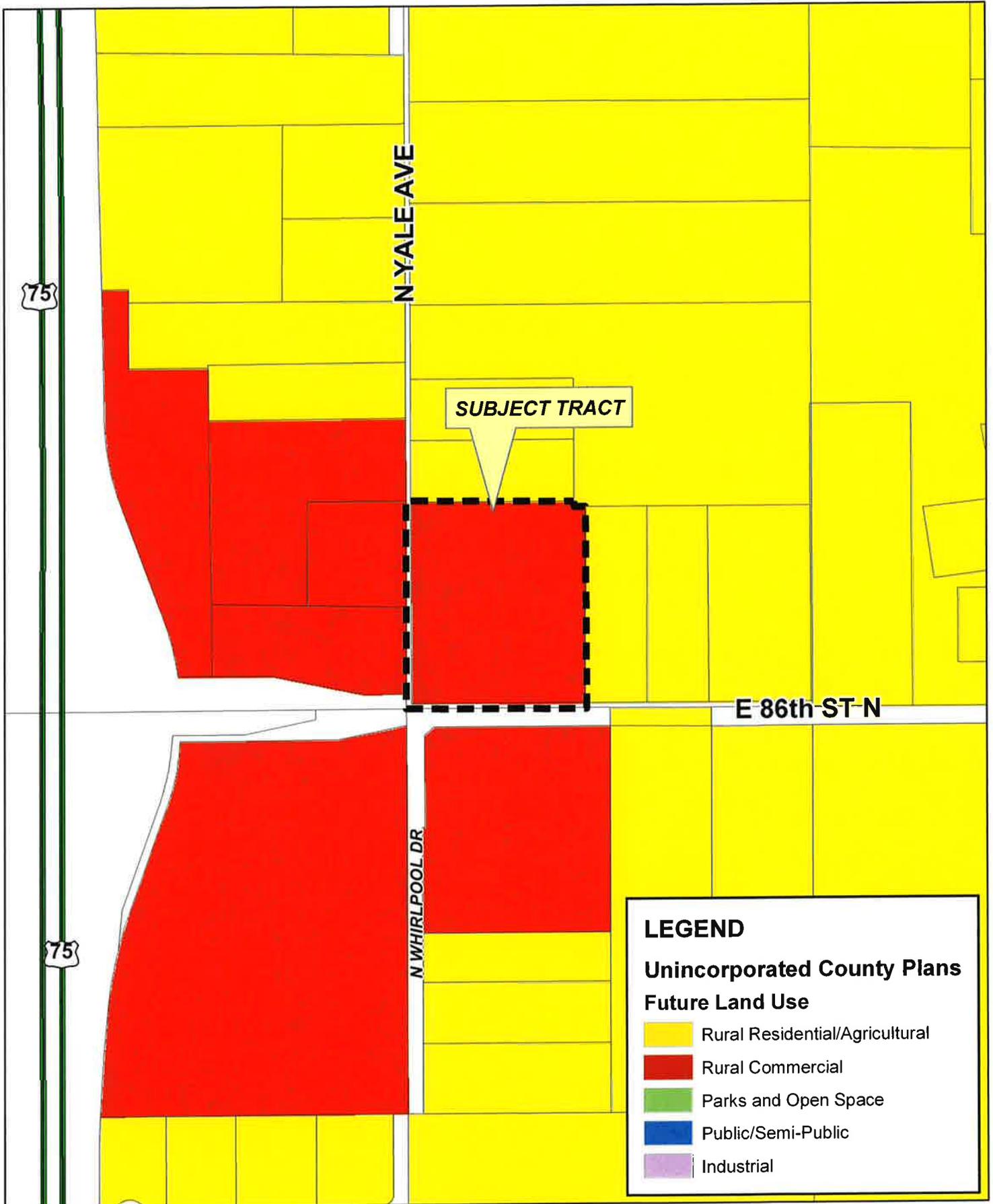
Mr. Tyndall asked if parts are removed from the vehicles, and the applicant replied that the entire car is removed if a part is needed.

Mr. Tyndall inquired as to the maximum number of stored vehicles, and Mr. Utley stated that approximately 100 cars will be stored at this location. He informed that there are 40 to 50 on the lot at this time.

In reply to Mr. Tyndall, Mr. Utley informed that the vehicles have been on the property since the time of purchase, which was approximately seven months ago. He added that the cars are lined up in an orderly fashion and there are no salvage parts on the property. Mr. Utley stated that he owns a salvage operation at another location. Photographs (Exhibit C-1) were submitted.

Protestants:

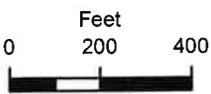
Glenna Long, 7128 North Peoria, noted that the neighborhood is saturated with salvage businesses, and asked that the Board deny the request for another salvage operation in this area. She pointed out that the street is narrow and cannot accommodate the heavy traffic generated by Mr. Utley's business. Ms. Long noted that the land west of the railroad track is not proposed for this type of use.



LEGEND

**Unincorporated County Plans
Future Land Use**

- Rural Residential/Agricultural
- Rural Commercial
- Parks and Open Space
- Public/Semi-Public
- Industrial



CBOA-2908

21-13 22



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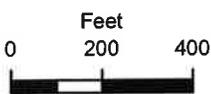
75

N YALE AVE

E 86th ST N

75

N WHIRLPOOL DR



Subject Tract

CBOA-2908

21-13 22

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

Aerial Photo Date: 2020/2021



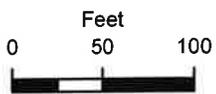
9.11



N YALE AVE

N WHIRLPOOL DR

E 86th ST N



Subject Tract

CBOA-2908

21-13 22

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

Aerial Photo Date: 2020/2021



9.12



Looking southeast from N. Yale Ave. just north of intersection at E. 86th St. N. - subject property is on the left.



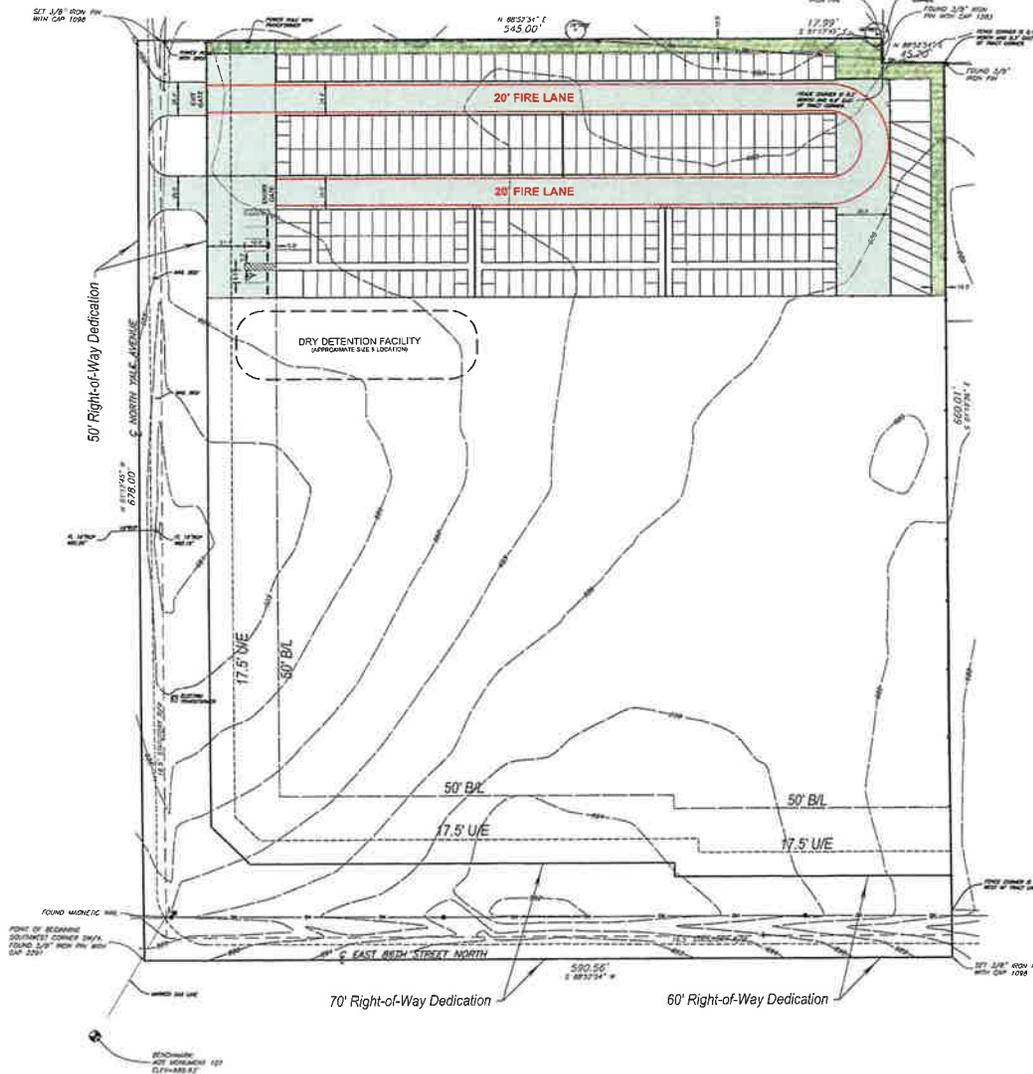
Looking north from N. Yale Ave. at intersection of E. 86th St. N. – subject property is on the northeast corner of the intersection.

Reed Bros Storage Facility

CS Zoning



Scale: 1" = 40'



Tulsa, OK

Conceptual Site Plan

July 14, 2021



**ENGINEERED BY
DESIGN**

Engineered by Design, PLLC
P.O. Box 15567 Del City, OK 73155
Ph: 405 234 6960



DEVELOPMENT ANALYSIS
PROJECT MANAGEMENT
DRAFTING & DESIGN

P.O. Box 548
Bixby, Oklahoma 74008
Phone: (918) 736-8306

9.14



Tulsa, OK

Example of Design Intent

July 14, 2021

9.15



Tulsa, OK

Proposed Fence Design

July 14, 2021

9.16

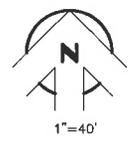
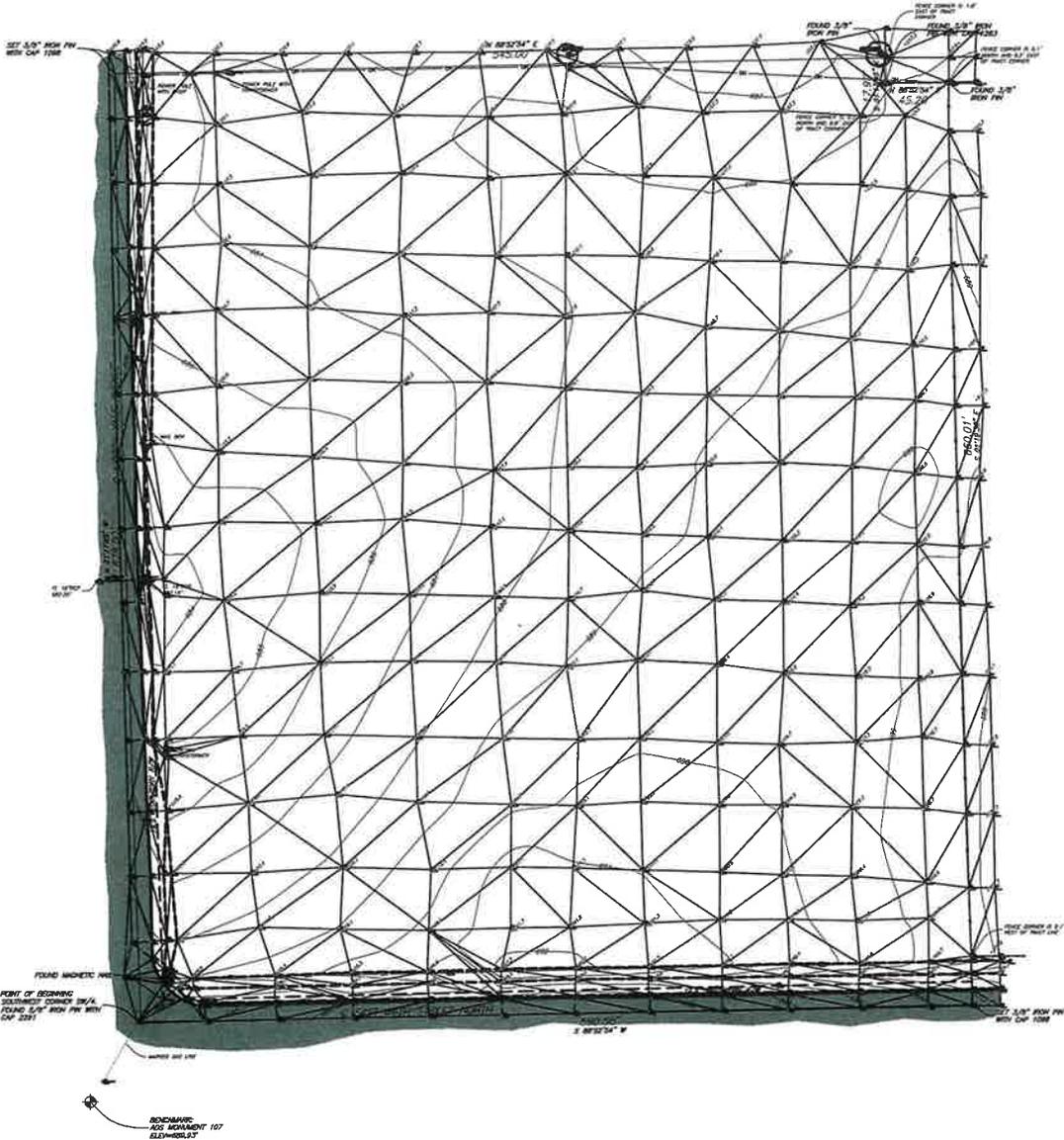


Tulsa, OK

Storage Unit

July 14, 2021

9.17



GENERAL NOTES

INVOICE NO. STK 14-74301
 THE ELEVATIONS SHOWN HEREIN ARE BASED ON NAD 1988 DATUM.
 THE BEARINGS SHOWN HEREIN ARE BASED ON THE OREGONIAN STATE PLANE COORDINATE SYSTEM.
 THE PROPERTY DESCRIBED HEREIN CONTAINS 8 MARKED PARKING SPACES.
 THE PROPERTY DESCRIBED HEREIN CONTAINS 8.17 ACRES, MORE OR LESS.
 THIS PROPERTY LIES IN ZONE "X-45SHADBY" FLOOD HAZARD AREA PER F.I.R.M. COMMUNITY PANEL NO. 400210
 0701A, AS LAST REISED OCTOBER 16, 2015.
 ABOVE GROUND FEATURES OF PUBLIC UTILITIES SUCH AS, BUT NOT LIMITED TO: METERS, VALVES, MANHOLES,
 POLES AND PEDESTALS ARE LOCATED AND SHOWN HEREIN. NOT ALL UNDERGROUND UTILITY LINES WERE
 PLACED BY THEIR RESPECTIVE OWNERS AND THEREFORE ARE NOT SHOWN.
 THERE WAS NO OBSERVABLE EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING
 ADDITIONS ON THE DATE SHOWN HEREIN.
 THERE WAS NO OBSERVED EVIDENCE OF SITE BEING USED AS A SOLID WASTE DUMP, SHIP OR SHEDDARY
 LANDFILL.
 NO CURRENT TITLE OPINION OR COMMENT FOR TITLE RELIANCE WAS FURNISHED AT THE TIME OF SURVEY
 THEREFORE, NO CERTIFICATION IS MADE THAT ALL EASEMENTS AND ENCROACHMENTS OR OTHER ENCUMBRANCES ARE
 SHOWN HEREIN.

LEGEND

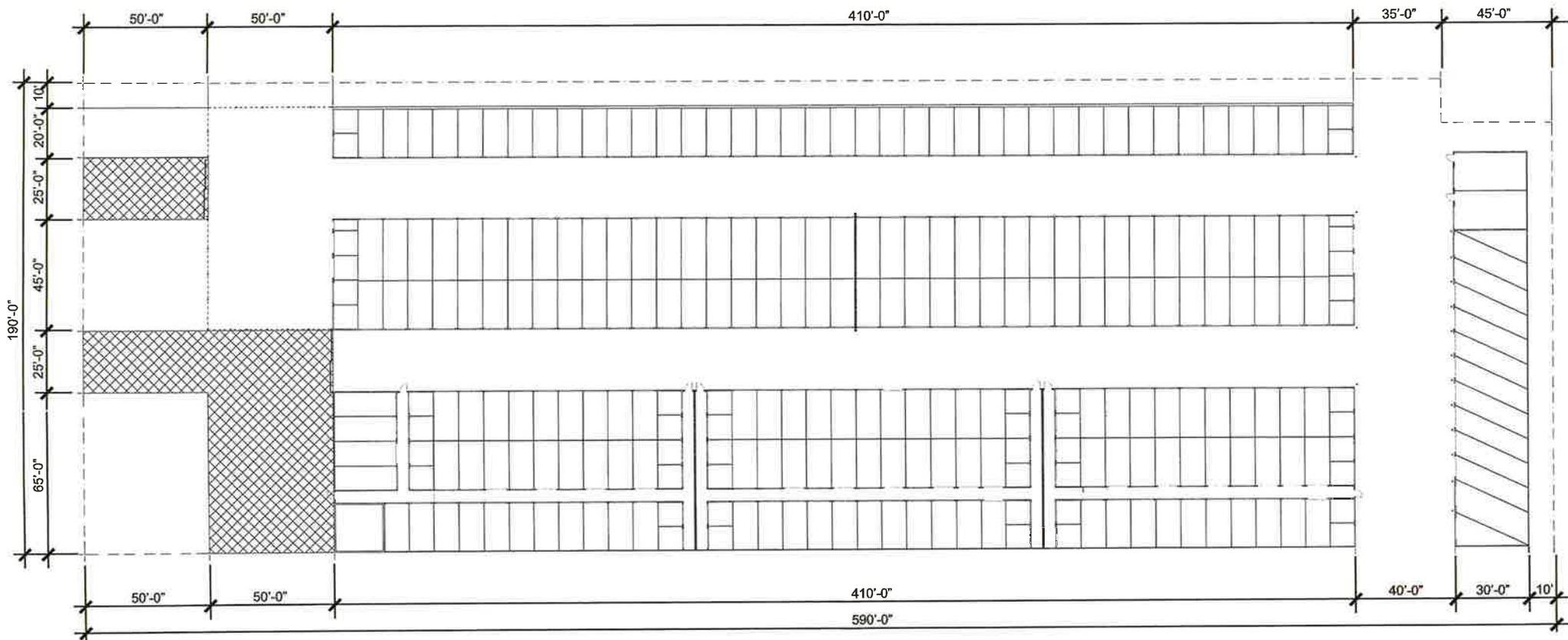
- SEWER MANHOLE
- SANITARY SEWER LINE
- ▬ REINFORCED CONCRETE PIPE
- CHORD BEARING
- WATER METER
- WATER VALVE
- ▲ GAS METER
- TELEPHONE PEDESTAL
- POWER POLE
- ★ LIGHT POLE
- IRRIGATION CONTROL BOX
- ELECTRIC SERVICE
- GAS SERVICE
- TELEPHONE SERVICE
- FIRE HYDRANT
- OVERHEAD UTILITIES
- FENCE LINE
- GUARD POST
- CONCRETE
- ASPHALT



LEGAL DESCRIPTION

PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY TWO (22), TOWNSHIP TWENTY ONE (21)
 NORTH RANGE THIRTEEN (13) EAST OF THE MOUNTAIN BASE AND MERIDIAN, TULSA COUNTY, STATE OF
 OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY
 DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF THE SW/4 OF SAID SECTION 22, THENCE DUE NORTH AND
 ALONG THE WEST LINE OF THE SW/4 OF SAID SECTION A DISTANCE OF 678.00 FEET TO A POINT;
 THENCE SOUTH 88 DEGREES 45' 21" EAST A DISTANCE OF 548.00 FEET TO A POINT; THENCE DUE
 SOUTH A DISTANCE OF 17.89 FEET TO A POINT; THENCE SOUTH 88 DEGREES 45' 21" EAST A
 DISTANCE OF 45.00 FEET TO A POINT; THENCE SOUTH 60 DEGREES 01' 51" EAST A DISTANCE OF
 860.01 FEET TO A POINT ON THE SOUTH LINE OF THE SW/4 OF SAID SECTION; THENCE NORTH 88
 DEGREES 45' 21" WEST AND ALONG THE SOUTH LINE OF THE SW/4 A DISTANCE OF 590.56 FEET TO
 THE POINT OF BEGINNING.

9.18



Tulsa, OK

July 14, 2021

Proposed Site Plan

SGA Design Group, PC. 

Mitchel Ray Garrett - Architect
 1437 South Boulder, Suite 550
 Tulsa, Oklahoma 74119.3609
 p: 918.587.8600
 f: 918.587.8601
www.sgadesigngroup.com

9.19

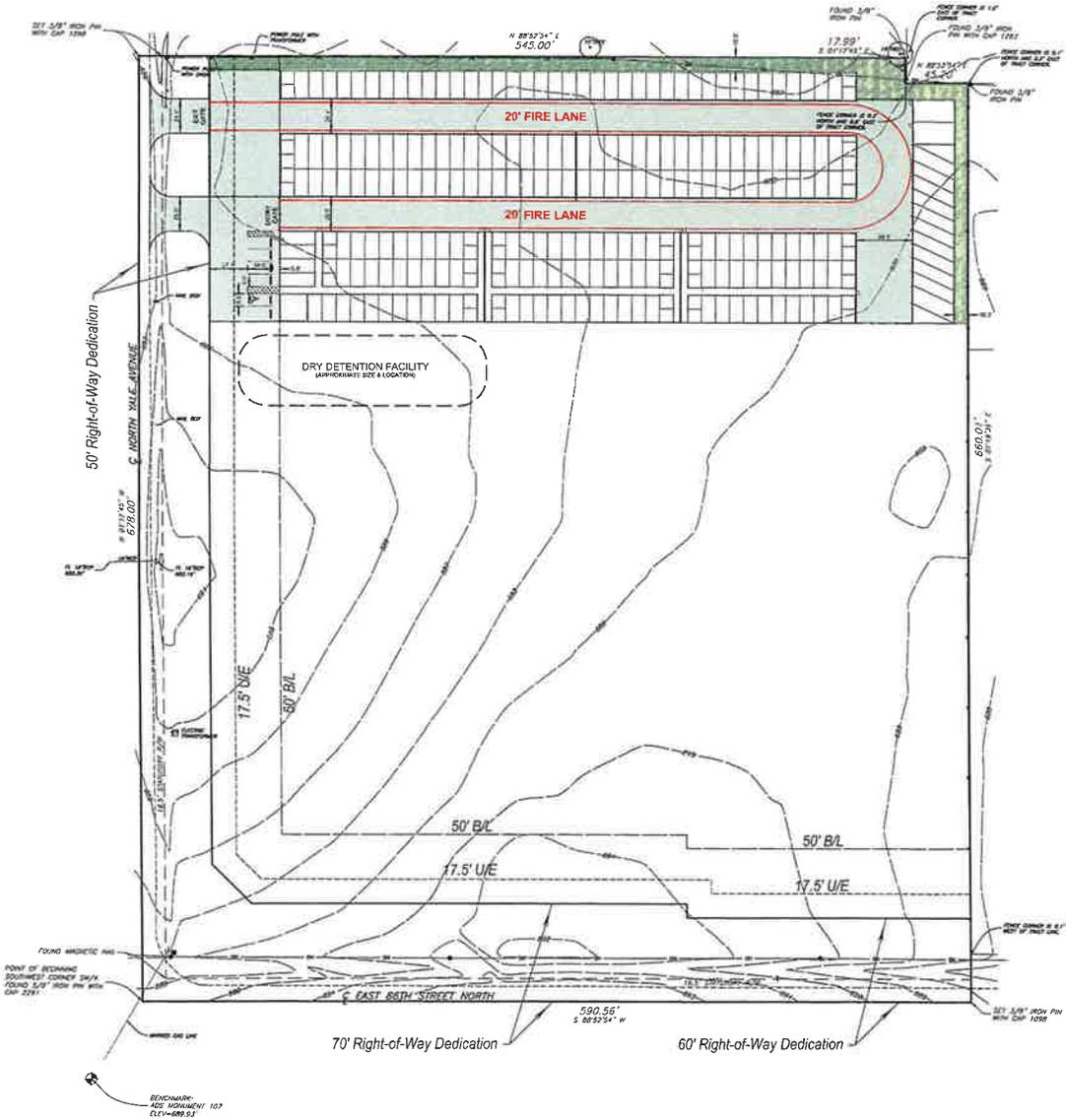
CONCEPTUAL SITE PLAN

Reed Bros Storage Facility

CS Zoning



LOCATION MAP



ENGINEERED BY
DESIGN
 ENGINEERING
 210 West 4th
 Suite 2100
 P.O. Box 1104
 Des Moines, IA 50319
 Phone: (515) 281-8000
 Fax: (515) 281-8000

Select design
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Date Prepared: July 16, 2021

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