

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Meeting No. 2871**

**August 3, 2022, 1:00 PM**  
**175 East 2nd Street, 2nd Level, One Technology Center**  
**Tulsa City Council Chamber**

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Bayles	Covey	Foster	Jordan, COT
Carr	Reeds	Hoyt	Silman, COT
Craddock	Zalk	Miller	VanValkenburgh, Legal
Kimbrel		Sawyer	
Krug		Siers	
Shivel		Wilkerson	
Walker			
Whitlock			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday July 28, 2022 at 11:36 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Covey called the meeting to order at 1:00 p.m.

Mr. Shivel read the opening statement and rules of conduct for the TMAPC meeting.

**REPORTS:**

**Chairman's Report:**

Acting Chairman Walker announced the recent passing of Dwain Midget, Director of Working in Neighborhoods (WIN). He stated Mr. Midget served on Planning Commission with him and it was a pleasure to collaborate with him and he would be missed.

All of the Commissioners agreed that he was an incredibly respected public servant and mentor and would be missed by all.

Mr. Walker stated there would be a work session August 17, 2022 at 10:30 AM in the 3<sup>rd</sup> Floor presentation room.

**Director's Report:**

Ms. Miller reported on City Council actions and other special projects.

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**Minutes:**

1. Minutes of July 20, 2022 Meeting No. 2870

Approval of the minutes of Minutes of **July 20, 2022 Meeting No. 2870**

**TMAPC Action; 8 members present:**

On **MOTION** of **SHIVEL**, the TMAPC voted 7-0-1 (Carr, Craddock, Kimbrel, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; Bayles, “abstaining”; Covey, Reeds, Zalk, “absent”) to **APPROVE** the minutes of Minutes of July 20, 2022 Meeting No. 2870

**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.**

Staff requested a continuance to August 17, 2022.

2. **Z-7625a Lou Reynolds** (CD 8) Location: Northeast corner of East 81<sup>st</sup> Street South and South Harvard Avenue requesting a to allow retaining wall tie-backs to be located in a portion of the 25 foot landscape buffer (Staff requests a continuance to August 17, 2022)

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **SHIVEL**, the TMAPC voted 8-0-0 (Bayles, Carr, Craddock, Kimbrel, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Covey, Reeds, Zalk, “absent”) to **CONTINUE** Item 2 to August 17, 2022.

**PUBLIC HEARING – PLATS**

3. **Settler's Hill** (CD 6) Preliminary Plat, Location: Southwest corner of East 31<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue (Continued from July 20, 2022)

**STAFF RECOMMENDATION:**

**Settler's Hill** - (CD 6)

Southwest corner of East 31<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue

This plat consists of 321 lots, 17 blocks, 177.49 ± acres to be platted in 4 phases as defined by the attached exhibit provided by the applicant.

The Technical Advisory Committee (TAC) met on July 21, 2022, and provided the following conditions:

1. **Zoning:** The property is currently zoned MPD-1. TMAPC recommended approval of a rezoning to RS-4 (Z-7656) on June 15, 2022. The rezoning must be approved and effective prior to the approval of a final plat. Lots must conform to the requirements of the RS-4 district.
2. **Addressing:** City of Tulsa will assign addresses to the plat. Address assignments must be shown on the face of the final plat along with address disclaimer. Update street names as required by the City of Tulsa.
3. **Transportation & Traffic:** Infrastructure Development Plans (IDP) must include all required streets, ADA ramps, and sidewalks. IDP must be approved prior to approval of the final plat. Sidewalks must be located on both sides of residential streets and adjacent to arterial streets. Sidewalks along dedicated reserve areas must be installed by the developer prior to final plat approval. Collector streets with a dedicated 60' of right-of-way are required from E. 31<sup>st</sup> Street to the south boundary and from S. 177<sup>th</sup> East Avenue to the west boundary.
4. **Sewer/Water:** Water and sanitary sewer extensions are required to obtain IDP approval prior to release of the final plat. Adequate easement must be provided to cover all proposed extensions. Offsite easements must be recorded and reflected on the final plat.
5. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Update location map to reflect only platted boundaries and label subject tract. Include the coordinate system used under the basis of bearing heading. Provide a bearing angle shown on the face of the plat. Graphically show all pins found or set associated with the plat. Graphically label the point of beginning on the face of the plat. Remove contours from final plat.
6. **Stormwater, Drainage, & Floodplain:** Drainage plans must be submitted and approved through the IDP process. Approval for IDP must be obtained prior to approval of the final plat.
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. Infrastructure located in the gas company easement must receive written acceptance by the easement holder.

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 approval of the final plat.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **BAYLES**, the TMAPC voted 8-0-0(Bayles, Carr, Craddock, Kimbrel, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Covey, Reeds, Zalk, "absent") to **APPROVE** the Preliminary Subdivision Plat for Settlers Hill per staff recommendation.

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4. **Magnolia Ridge Phase III** (County) Preliminary Plat, Location: North and west of the intersection of East 86<sup>th</sup> Street North and North Memorial Drive

**STAFF RECOMMENDATION:**

**Magnolia Ridge Phase III** - (County)

North and west of the intersection of East 86<sup>th</sup> Street North and North Memorial Drive

This plat consists of 144 lots, 11 blocks on 40.12 ± acres.

The Technical Advisory Committee (TAC) met on July 21, 2022, and provided the following conditions:

1. **Zoning:** The property is zoned RS (Residential Single-Family) under the Tulsa County Zoning Code. Lots conform to the RS district standards.
2. **Addressing:** INCOG will assign addresses. Include assigned addresses on face of the final plat and provide address disclaimer.
3. **Transportation & Traffic:** Sidewalks will be required per Subdivision & Development Regulations. Dimension right-of-way and provide recording information or indicate right-of-way being dedicated by the plat. Label streets per addressing and County Engineer. Final street construction plans must be approved by the County Engineer and installed prior to final plat release.
4. **Sewer:** Sewer service to be provided by the City of Owasso. City of Owasso release letter required prior to final plat approval.

5. **Water:** Water line plans must be submitted to Rural Water District No. 3, Washington County. All requirements of the district must be met for final plat approval.
6. **Engineering Graphics:** Submit subdivision control data sheet with final plat. Update CA number for surveyor. Update location map to reflect only platted boundaries and label all plats. Label all other property as unplatted. Graphically show all pins found or set that are associated with the plat. Ensure accuracy of legal description with face of the plat.
7. **Stormwater, Drainage, & Floodplain:** Plans for stormwater and drainage must be approved by the Tulsa County Engineer and improvements must be in place prior to final plat approval.
8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

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

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **SHIVEL**, the TMAPC voted 8-0-0(Bayles, Carr, Craddock, Kimbrel, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Covey, Reeds, Zalk, "absent") to **APPROVE** the Preliminary Subdivision Plat for Magnolia Ridge Phase III per staff recommendation.

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5. **Huntington Park 2** (CD 6) Preliminary Plat, Location: North and east of the intersection of East 51<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

**Huntington Park 2** - (CD 6)

North and east of the intersection of East 51<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue

This plat consists of 170 lots, 10 blocks, 44.37 ± acres. Preliminary plat was previously approved in February of 2018.

The Technical Advisory Committee (TAC) met on July 21, 2022 and provided the following conditions:

1. **Zoning:** The property is zoned RS-3 with a planned unit development (PUD-816). Lots are required to conform to the requirements of the PUD. PUD standards must be included in the deed of dedication and the PUD number must be reflected on the face of the plat.
2. **Addressing:** City of Tulsa will assign addresses to the plat. Address assignments must be shown on the face of the final plat. Provide address disclaimer.
3. **Transportation & Traffic:** Infrastructure Development Plans (IDP) must include all required streets, ADA ramps, and sidewalks. IDP must be approved prior to approval of the final plat. Sidewalks must be located on both sides of residential streets and along adjacent arterial streets. Construction traffic must utilize existing construction access at the north of the property.
4. **Sewer:** Sanitary sewer extensions are required to obtain IDP approval prior to release of the final plat. Adequate easement must be provided to cover all proposed extensions. Any required offsite easements must be recorded and reflected on the final plat.
5. **Water:** Water main extensions are required to obtain IDP approval prior to release of the final plat. Adequate easement must be provided to cover all proposed extensions. Offsite easements must be recorded and reflected on the final plat.
6. **Engineering Graphics:** Submit a subdivision data control sheet with final plat. Provide expiration for Engineer/Surveyor CA number. Under benchmark heading provide the northing/easting coordinates. Graphically show all pins found or set associated with the plat.
7. **Stormwater, Drainage, & Floodplain:** Drainage plans must be submitted and approved through the IDP process. Approval for IDP must be obtained prior to approval of the final plat. Any required offsite easements must be recorded and reflected on the final plat.
8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site. Any public infrastructure proposed within existing franchise utility easements must obtain written permission from easement holders.

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 approval of the final plat.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **SHIVEL**, the TMAPC voted 8-0-0(Bayles, Carr, Craddock, Kimbrel, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Covey, Reeds, Zalk, "absent") to **APPROVE** the Preliminary Subdivision Plat for Huntington Park 2 per staff recommendation.

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- 6. Williams Court** (CD 1) Preliminary Plat, Location: North of the northwest corner of East Virgin Street and North Trenton Avenue

**STAFF RECOMMENDATION:**

**Williams Court** - (CD 1)

North of the northwest corner of East Virgin Street and North Trenton Avenue

This plat consists of 6 lots, 1 block, 0.64 ± acres.

The Technical Advisory Committee (TAC) met on July 21, 2022 and provided the following conditions:

- 1. Zoning:** The property is zoned RS-3. Townhome development will require special exception approval by the City of Tulsa Board of Adjustment. Special Exception approval must be obtained prior to final plat approval. Proposed lots can only be approved in conjunction with an approved townhome development.
- 2. Addressing:** City of Tulsa will assign addresses to the plat. Address assignments must be shown on the face of the final plat. Provide address disclaimer.
- 3. Transportation & Traffic:** City of Tulsa right-of-way permits will be required for new driveways. Sidewalks will be required on all lots as part of new construction.
- 4. Sewer/Water:** If sanitary sewer or water extensions are required, IDP approval must be obtained prior to release of the final plat. Adequate easement must be provided to cover all proposed extensions. Any required offsite easements must be recorded and reflected on the final plat.
- 5. Engineering Graphics:** Submit a subdivision data control sheet with final plat. Provide expiration for Engineer/Surveyor CA number. Under benchmark heading provide the northing/easting coordinates. Graphically show all pins found or set associated with the plat.

6. **Stormwater, Drainage, & Floodplain:** Provide drainage information for site to determine whether stormwater improvements will be required. If required, IDP approval must be obtained prior to final plat approval. Required easements must be reflected on the face of the plat.
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 approval of the final plat.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **SHIVEL**, the TMAPC voted 8-0-0 (Bayles, Carr, Craddock, Kimbrel, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Covey, Reeds, Zalk, "absent") to **APPROVE** the Preliminary Subdivision Plat for Williams Court per staff recommendation.

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7. **JR&B Office** (CD 3) Preliminary Plat, Location: West of the northwest corner of East Marshall Street and North Mingo Road

**STAFF RECOMMENDATION:**

**JR & B Office** - (CD 3)

West of the northwest corner of East Marshall Street and North Mingo Road

This plat consists of 2 lots, 1 block, 6.56 ± acres.

The Technical Advisory Committee (TAC) met on July 21, 2022, and provided the following conditions:

1. **Zoning:** The property is currently zoned RD, RM-2, and RM-1. TMAPC recommended approval of a rezoning (Z-7655) on June 15, 2022, to change the zoning to RM-3 and CG with an optional development plan. Rezoning must be approved and effective prior to the filing of the final plat. Optional development plan standards must be included in the deed of dedication and the optional development plan number must be depicted on the face of the plat.



2. **Addressing:** City of Tulsa will assign addresses to the plat. Address assignments must be shown on the face of the final plat.
3. **Transportation & Traffic:** Sidewalks or a fee-in-lieu of sidewalks will be required for street frontages in conjunction with new construction. New driveways require right-of-way permits from the City of Tulsa.
4. **Sewer/Water:** Water and sanitary sewer extensions are required to obtain IDP approval prior to release of the final plat. Adequate easement must be provided to cover all proposed extensions. Offsite easements must be recorded and reflected on the final plat.
5. **Airport:** Avigation notice provided by the airport must be affixed to the face of the plat.
6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Add "City of Tulsa" before Tulsa County in the plat subtitle. Update location map to reflect only platted boundaries and label subject tract. Include the coordinate system used under the basis of bearing heading. Provide a bearing angle shown on the face of the plat. Graphically show all pins found or set associated with the plat. Graphically label the point of beginning on the face of the plat.
7. **Stormwater, Drainage, & Floodplain:** Drainage plans must be submitted and approved through the IDP process. Approval for IDP must be obtained prior to approval of the final plat.
8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site. Infrastructure located in the gas company easement must receive written acceptance by the easement holder.

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 approval of the final plat.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **SHIVEL**, the TMAPC voted 8-0-0 (Bayles, Carr, Craddock, Kimbrel, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Covey, Reeds, Zalk, "absent") to **APPROVE** the Preliminary Subdivision Plat for JR&B Office per staff recommendation.

**PUBLIC HEARING - REZONING**

8. **CZ-534 Nathalie Cornett** (County) Location: South of the southwest corner of West 201<sup>st</sup> Street South and South Union Avenue requesting rezoning from **AG to CG** to permit commercial uses

**STAFF RECOMMENDATION:**

**SECTION I: CZ-534**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone from AG to CG to permit commercial development on the subject lot. Per the applicant, there are currently no specific plans for the future uses of the commercial development. The subject lot is located within the Rural Commercial land use designation of the Tulsa County Comprehensive Land Use Plan, specifically within the South Tulsa County area plan. The South Tulsa County area plan was adopted as part of the Tulsa County Comprehensive Land Use Plan on October 26, 2020.

The proposal would be compatible with the general future land use of the area, which designates a Rural Commercial land use designation to the north, south, east and west of the subject lot.

**DETAILED STAFF RECOMMENDATION:**

CZ-534 is non-injurious to surrounding proximate properties;

CZ-534 is compatible with the Rural Commercial land use designation of the Tulsa County Comprehensive Land Use Plan;

CZ-534 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends **Approval** of CZ-534 to rezone property from AG to CG.

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The site is located within the Rural Commercial land use designation of the Tulsa County Comprehensive Plan as identified in the Unincorporated Tulsa County Land Use Designations (South Tulsa County) portion of the Comprehensive Plan.*

Land Use Vision:

*Land Use Plan map designation: Rural Commercial*

This designation provides for a mix of retail and service uses that are typically needed by residents in rural areas and surrounding agricultural operations. Developments in Rural Commercial designated areas may include a mix of uses, recognizing that separation of uses is not practical in a rural setting.

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

Transportation Vision:

*Major Street and Highway Plan: US Highway 75 is designated as a Freeway.*

*Trail System Master Plan Considerations: None*

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently vacant.*

Environmental Considerations: None

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
US Hwy 75	Freeway	Per ODOT Standards	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	Rural Commercial	N/A	Vacant
South	CS	Rural Commercial	N/A	Commercial

East	AG	Rural Commercial	N/A	Single-Family/Agricultural
West	AG	Rural Commercial	N/A	Single-Family

### SECTION III: Relevant Zoning History

#### History: CZ-534

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

#### *Surrounding Property:*

**CBOA-2306 August 2008:** The Board of Adjustment **approved** a *Use Variance* to permit a taxidermist (Use Unit 15) in an AG district, on property located at NE/c Hwy 75 and W. 211th St.

**CBOA-1729 April 2000:** The Board of Adjustment **approved** a *Use Variance* to permit agriculture sales in an AG zoned district, on property located at 20601 South US Hwy-75.

**CBOA-1711 March 2000:** The Board of Adjustment **approved** an Appeal from determination of County Inspector, classifying proposed use in Use Unit 15; & a request for a *Special Exception* to permit Use Unit 15 use in CS zoned district, to permit sales of instruments, supplies and equipment for use in measurement of natural gas, including testing and calibration of instruments equipment and products, on property located at 20600 South Vancouver.

**CBOA-1499 April 1997:** The Board of Adjustment **approved** a *Special Exception* to permit mobile home sales in a CS district, on property located at 20612 South Highway 75.

**CBOA-791 December 1987:** The Board of Adjustment **approved** a *Special Exception* to permit an automotive and allied activity in a CS zoned district, on property located at 206<sup>th</sup> Street South and US Highway 75.

**CBOA-561 June 1985:** The Board of Adjustment **approved** a *Variance* to permit to permit two dwelling units per lot of record in an AG zoned district, on property located at 201<sup>st</sup> Street and 75 Highway.

**The applicant indicated her agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **SHIVEL**, the TMAPC voted 8-0-0(Bayles, Carr, Craddock, Kimbrel, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Covey, Reeds, Zalk, "absent") to recommend **APPROVAL** of the CG zoning for CZ-534 per staff recommendation.

**Legal Description for CZ-534:**

A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE/4 NE/4) OF SECTION FIFTEEN (15), TOWNSHIP SIXTEEN (16) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NE/4 OF SAID SECTION 15; THENCE SOUTH 89°16'17" WEST ALONG THE SOUTH LINE THEREOF A DISTANCE OF 100.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 75; THENCE NORTH 01°27'27" WEST ALONG SAID RIGHT OF WAY LINE 30.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°16'17" WEST 192.06 FEET; THENCE NORTH 01°35'56" WEST 387.43 FEET; THENCE NORTH 89°16'17" EAST 193.01 FEET TO SAID HIGHWAY RIGHT OF WAY LINE; THENCE SOUTH 01°27'27" EAST ALONG SAID RIGHT OF WAY LINE 387.42 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 74,584.72 SQUARE FEET OR 1.71 ACRES.

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- 9. **Z-7669 Brian Letzig** (CD 9) Location: East of the southeast corner of South Canton Avenue and East 68<sup>th</sup> Street South requesting rezoning from **OL to CG with optional development plan** (Applicant requests a continuance to September 7, 2022)

**The applicant was not present.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 8-0-0(Bayles, Carr, Craddock, Kimbrel, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Covey, Reeds, Zalk, "absent") to **CONTINUE** Item 9 to September 7, 2021.

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**10.Z-7670 Lou Reynolds** (CD 1) Location: West of the northwest corner of North Harvard Avenue and East 36<sup>th</sup> Street North requesting rezoning from **RS-3 to IL**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7670**

**DEVELOPMENT CONCEPT:** The applicant has requested rezoning from RS-3 to IL to allow site development that conforms with the IL zoning and supplemental regulations.

**DETAILED STAFF RECOMMENDATION:**

The IL district is primarily intended to provide areas suitable for manufacturing, wholesaling, warehousing, and other industrial activities that have few if any adverse land use or environmental impacts. Those areas are consistent with the Employment land use designation of the Tulsa Comprehensive Plan and,

The supplemental regulations and development standards that are included in the Zoning Code for permitted uses are intended to help integrate potential development with the surrounding property owners and,

The proposed use for animal shelter is directly south of the Tulsa SPCA and the anticipated development of this site is expected to be compatible with that use therefore,

Staff recommends Approval of Z-7670 to rezone property from RS-3 to IL.

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** IL zoning as requested by applicant is consistent with the Employment land use designation in the comprehensive plan.

**Land Use Vision:**

***Land Use Plan map designation: Employment***

Employment areas contain 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. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

***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:*** None

***Trail System Master Plan Considerations:*** None

**Small Area Plan:** None

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** *The site is mostly vacant land with a detached single-family home.*

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

**Streets:**

<b>Existing Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 38 <sup>th</sup> Street North	none	50 feet	1-1/2 lanes with side ditches
East 36 <sup>th</sup> Street North	Secondary Arterial	100 feet	Transitions from 2 lanes on east boundary to 4 lanes with median on west boundary

**Utilities:**

The subject tract has municipal water and sewer available.

**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	IL	Employment	Growth	Vacant and light industrial uses
East	RS-3	Employment	Growth	Vacant and single family homes on large lots
South	RS-3	Employment	Growth	Single family homes on large lots
West	IL	Employment	Growth	Highway 75

**SECTION III: Relevant Zoning History**

**History: Z-7670**

***Subject Property:***

**ZONING ORDINANCE:** Ordinance number 11802 dated June 26, 1970, established zoning for the subject property.

***Surrounding Property:***



**Z-6914 December 2003:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to IL on property located Lots 1,2, and 3, Block 10 and Lots 4,5,6 and 7, Block 11, LAKE VIEW HEIGHTS ADDITION

**BOA-18080 June 1998:** The Board of Adjustment **approved** a *Special Exception* to permit an animal shelter in a RS-3 district, on property located at 2910 Mohawk Blvd.

**BOA-17549 October 1996:** The Board of Adjustment **approved** a *Variance* to permit a sign with a display surface area larger than 300 SF, which is visible from an R district to be located with 200' of the R district, on property located at 2932 East 38<sup>th</sup> Street North.

**BOA-15537 September 1990:** The Board of Adjustment **approved** a *Variance* to permit the minimum setback from expressway (US 75) from 10' to 0.2', & a *Variance* of the minimum setback from a nonarterial street from 25' to 21.4' & a *Special Exception* to waive the requirement for a screening fence along the southerly property line abutting an RS-3 District, on property located at 3000 North Mohawk Boulevard.

**Z-6293 September 1990:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to IL on property located East 38<sup>th</sup> Street North.

**Z-6289 August 1990:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to IL on property located 3000 East Mohawk Blvd North.

**BOA-14437 April 1987:** The Board of Adjustment **approved** a *Special Exception* to permit an existing mobile home in an RS-3 zoned district & a *Variance* of the time regulation from 1 year to permanently, on property located at 3630 North Harvard Avenue.

**BOA-11352 February 1981:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS-3 District, on property located at 3630 North Harvard Avenue.

**BOA-11851 March 1982:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS-3 District & *Variance* to leave mobile home indefinitely on the subject property indefinitely, on property located at 3630 North Harvard.

**TMAPC Comments:**

Ms. Kimbrel asked if the future land use direction was industrial.

Staff stated "yes," the Employment land use designation supports a wide variety of development uses but typical they see the industrial zoning categories.

Ms. Kimbrel asked if staff was aware of any community concerns related to this application.

Staff stated “yes,” there was some emails opposing the IL zoning request.

Mr. Craddock asked if IL zoning was typically approved across from residential or is there normally have a buffer between RS-3 and IL.

Staff stated the supplemental standards in the Zoning Code provide a built in buffer. He stated when something like this abuts a highway and an arterial street that has a large lot residential neighborhood adjacent to it there is a large buffer requirement between those types of uses. Staff stated if those residential lots were small there might be a different conversation but in this instance there is a lot of land to separate these uses.

Mr. Craddock stated once IL zoning is approved if there is no development plan they can do whatever they can legally within the constraints of that IL zoning category.

Staff stated that is correct.

Ms. Kimbrel asked considering the residential adjacent to this application and the community concerns, how is the applicant using this land.

Staff stated the applicant is here and can give more detail than he could.

Ms. Kimbrel asked what staff’s reasons were for not including an optional development plan.

Staff stated from his perspective and at staff level they felt like that the standards that are in the Zoning Code that provide setback limitations and lighting standards and all the supplemental standards in the Zoning Code are very sympathetic to abutting residential properties so there is no reason at this point to recommend a development plan for this site.

Ms. Kimbrel asked if there was a concern about noise because it is an animal facility.

Staff stated they did not focus on just an animal shelter. He stated this is anything that is allowed in an IL district. Staff stated an IL district is the lightest industrial use that the city has and is not expected to have any obnoxious odors, sound or light as it relates to abutting residential properties. He stated that could change if abutting residential properties were really small and it was a really dense neighborhood. Staff stated with the size of the surrounding properties, he did not feel like there was a reason to have an optional development plan.

**Applicant Comments:**

**Lou Reynolds** 2727 East 21st Street, Tulsa OK 74114

The applicant stated he represents the Tulsa Society for the Prevention of Cruelty to Animals. He stated there is approximately 18 acres that was tied up in probate for a while and now has become available for the SPCA to purchase. The applicant stated there are no plans at this time except to purchase the land because after they buy the land they will need to have a capital campaign. He stated all of the surrounding lots are at least 2.5 acres and with respect to IL zoning they cannot have a building within 75 feet of RS zoned property. The applicant stated this application is in alignment with the Comprehensive Plan and the applicant would respectfully request Planning Commission approve this application.

Ms. Kimbrel asked if the applicant was aware of any community concerns.

The applicant stated “no,” he just learned about some concerns. He stated he wrote letters to everybody around the area and knocked on some doors and no one answered. He stated he tried to reach out the best he could.

Mr. Craddock asked if the 75 foot setback line is from the south property line.

The applicant stated “no,” that is for the residential houses that back up to the subject property along the east side and then there is a separate setback from streets.

Mr. Craddock asked if the applicant knew what the street setback was.

The applicant stated he believes its 10 or 15 feet.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **SHIVEL**, the TMAPC voted 6-2-0(Bayles, Carr, Krug, Shivel, Walker, Whitlock, “aye”; Craddock, Kimbrel, “nays”; none “abstaining”; Covey, Reeds, Zalk, “absent”) to recommend **APPROVAL** of the IL zoning for Z-7670 per staff recommendation.

**Legal Description for Z-7670:**

The NW/4 of the SE/4 of the SE/4 of Section 17, Township 20 North, Range 13 East, except the North 25 feet thereof Formerly known as all of Blocks 13 and 14 LAKE VIEW HEIGHTS ADDITION in Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof

AND

PART of the E/2 of the E/2 of the SW/4 of the SE/4 of Section 17, T-20-N, R-13-E of the I.B.&M., Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; being more particularly described as follows:

Beginning at the NE corner of said E/2 E/2 SW/4 SE/4; Thence N 89°55'12" W on the North line of said E/2 E/2 SW/4 SE/4 a distance of 58.42 feet; Thence S 62°06'03" W parallel with and 0.6 foot Southeasterly from an existing metal building, a distance of 88.35 feet; Thence N 89°55'12" W a distance of 27 feet, more or less, to the East Right-of-Way line of U.S. Highway 75; Thence S 1°15' E on said East R/W a distance of 89 feet, more or less, to a point of curve; Thence Southeasterly on a curve to the left having a Radius of 698.5 feet on said East R/W, a distance of 476.8 feet; Thence S 28°37' E on said East R/W, a distance of 16.3 feet; Thence S 17°18' E on said East R/W, a distance of 204 feet; Thence S 28°37' E on said East R/W, a distance of 37.3 feet; Thence Southeasterly on a curve to the right having a Radius of 297 feet on said East R/W, a distance of 45.8 feet to a point on the East line of said E/2 E/2 SW/4 SE/4; Thence North on the East line of said E/2 E/2 SW/4 SE/4, a distance of 879.1 feet more or less to the Point of Beginning. Containing 2.5 acres, more or less.

ALSO KNOWN AS:

All that part of the East Half of the East Half of the Southwest Quarter of the Southeast Quarter (E/2 E/2 SW/4 SE/4) of Section Seventeen (17), Township Twenty (20) North, Range Thirteen (13) East, lying and situated East of the right-of-way limits of the Cherokee Expressway, consisting of 2.51 acres, More or Less, or otherwise described as the East Half of the East Half of the Southwest Quarter of the Southeast Quarter (E/2 E/2 SW/4 SE/4) of Section Seventeen (17), Township Twenty (20) North, Range Thirteen (13) East, LESS AND EXCEPT that part taken for highway purposes by Tulsa County, Oklahoma, in Case No. C-70-85 in the District Court of Tulsa County, described as a tract or parcel by metes and bounds as follows:

BEGINNING at the Southwest Corner of said East Half of the East Half of the Southwest Quarter of the Southeast Quarter (E/2 E/2 SW/4 SE/4); Thence North along the West line of said E/2 E/2 SW/4 SE/4 a distance of 1320.4 feet to the Northwest Corner of the said E/2 E/2 SW/4 SE/4; Thence East along the North line of said E/2 E/2 SW/4 SE/4 a distance of 168.4 feet; Thence South 10°30' West a distance of 2.9 feet; Thence South 1°15' East a distance of 127.7 feet; Thence Southeasterly on a curve to the left having a radius of 698.5 feet a distance of 476.8 feet; Thence South 28°37' East a distance of 16.3 feet; Thence South 17°18' a distance of 204 feet; Thence South 28°37' East a distance of 37.3 feet; Thence Southeasterly on a curve to the right having a radius of 297 feet a distance of 45.8 feet to a point on the East line of said E/2 E/2 SW/4 SE/4; Thence South along said East line a distance of 440.9 feet to the Southeast Corner of said E/2 E/2 SW/4 SE/4; Thence West along the South line of said E/2 E/2 SW/4 SE/4 a distance of 330.1 feet to point of beginning, all in Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, consisting of 2.51 acres, more or less.

LESS AND EXCEPT THAT TRACT DESCRIBED AS FOLLOWS:

A TRACT of land in the E/2 E/2 SW/4 SE/4 of Section 17, T-20-N, R-13-E of the I.B.&M., Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows:

Commencing at the Northeast corner of said E/2 E/2 SW/2 SE/4; Thence N 89°55'12" W on the North line of said E/2 E/2 SW/4 SE/4, a distance of 58.42 feet, to the POINT OF BEGINNING; Thence N 89°55'12" W on the North line of said E/2 E/2 SW/4 SE/4, a distance of 103 feet, more or less, to the East Right of Way of U.S. Highway 75; Thence Southwesterly on the East line of said Right of Way, a distance of 2.9 feet; Thence Southerly on the East line of said Right of Way a distance of 39 feet, more or less; Thence S 89°55'12" E a distance of 27 feet, more or less; Thence N 62°06'03" E parallel to and 0.6 foot Southeasterly from an existing metal building, a distance of 88.35 feet to the point of beginning containing 0.06 acre, more or less.

AND

The West 127 feet of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW/4 SE/4 SE/4) of Section Seventeen (17), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, LESS part sold to State of Oklahoma, described as follows, to-wit:

BEGINNING at the Southwest Corner of said SW/4 SE/4 SE/4; THENCE North along the West line of said SW/4 SE/4 SE/4 a distance of 440.90 feet; THENCE Southeasterly on a curve to the right having a radius of 297.0 feet a distance of 96.2 feet; THENCE South 1°14' East a distance of 246.4 feet; THENCE North 88°46' East a distance of 23.6 feet; THENCE South 79°55' East a distance of 89.8 feet; THENCE South a distance of 82.4 feet to a point on the South line of said SW/4 SE/4 SE/4; THENCE West along the South line a distance of 127.0 feet to the POINT OF BEGINNING.

AND

The East 127 feet of the West 254 feet of the South Half of the Southeast Quarter of the Southeast Quarter (S/2 SE/4 SE/4) of Section Seventeen (17), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma according to the U.S. Government survey thereof, LESS AND EXCEPT:

A strip of land lying in a part of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW/4 SE/4 SE/4) for highway, said highway easement being more particularly described in metes and bounds, to-wit:

BEGINNING AT A POINT on the South line of said SW/4 SE/4 SE/4, distance of 127 feet East of the Southwest Corner of said SW/4 SE/4 SE/4; THENCE East along said South line a distance of 127.0 feet; THENCE North a distance of 57.0 feet; THENCE North 79°55' West a distance of 129.5 feet; THENCE South a distance of 82.4 feet to the POINT OF BEGINNING.

AND

The East 127 feet of the West 381 feet of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW/4 SE/4 SE/4) of Section Seventeen (17)

Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof  
LESS AND EXCEPT:

BEGINNING at a point on the South line of said SW/4 SE/4 SE/4 a distance of 254.0 feet East of the Southwest corner of SW/4 SE/4 SE/4; THENCE East along said South line a distance 127.0 feet North a distance of 50.0 feet; THENCE S 88°46' W a distance of 92.1 feet; THENCE N 79°55' W a distance of 35.6 feet; THENCE South a distance of 57.0 feet to the POINT OF BEGINNING

AND

The East 254 feet of the West 635 feet of the South Half of the Southeast Quarter of the Southeast Quarter (S/2 SE/4 SE/4), Section 17, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof.

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**11. Z-7662 Dani Fields, Wallace Design Consultants**(CD 2) Location: West side of Riverside Parkway (South Delaware Avenue) near the intersection of East 106<sup>th</sup> Street South requesting rezoning from **AG and RDO-2 to CS and RDO-2** (Continued from July 7, 2022)

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7662**

**DEVELOPMENT CONCEPT:** The proposal is to rezone the subject property located inside the Arkansas River Corridor, also part of the River Design Overlay (RDO-2 district) from AG to CS. The CS zoning request is proposed for all the allowed uses and as regulated in the RDO-2 district.

**DETAILED STAFF RECOMMENDATION:**

Z-7662 is requesting a zoning change from AG to CS. Z-7662 is included in the River Design Overlay (RDO) where use limitations in RDO-2 district limits uses to encourage pedestrian activity and sensitive development along the Arkansas River and,

This district requires additional landscaping, provides flexibility for reduced parking requirements, and provides guidance on building placement, design standards and orientations that are important to the vision contemplated in the Arkansas River land use designation and,

The CS district is primarily intended to accommodate convenience, neighborhood, subcommunity, community, and regional shopping centers providing a range of retail and personal service uses which are consistent with the expected future development in this area west of Riverside Parkway and,

Uses and building types allowed in the CS district are compatible with the Riverside Parkway transportation vision and will support the idea of creating a vibrant and active river facing development and,

The supplemental regulations outlined in the zoning code for CS district development in the RDO-2 district are compatible with the existing development pattern in the area therefore,

Staff recommends Approval of Z-7662 to rezone property from AG to CS.

## **SECTION II: Supporting Documentation**

### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

***Staff Summary:*** *The RDO-2 District requirements in the zoning code along with the provisions of the CS zoning district are consistent with the Arkansas River Corridor land use designation in the Comprehensive plan. This site will also support development that is consistent with the continuation of the Arkansas River Trail plan identified in the GO plan and is consistent with the anticipated development pattern along the Riverside Parkway.*

### **Land Use Vision: Arkansas River Corridor**

*Existing Land Use Plan map designation:* Arkansas River Corridor

The Arkansas River Corridor is located along the Arkansas River and scenic roadways running parallel and adjacent to the river. The Arkansas River Corridor is comprised of a mix of uses - residential, commercial, recreation and entertainment – that are well connected and primarily designed for the pedestrian. Visitors from outside the surrounding neighborhoods can access the corridor by all modes of transportation.

This Corridor is characterized by a set of design standards that support and enhance the Arkansas River Corridor as a lively people-oriented destination. The Corridor connects nodes of high-quality development with parks and open spaces. The natural habitat and unique environmental qualities are amenities and are respected and integrated as development and redevelopment occur. The future development of this Corridor is intended to complement the residential character of adjacent thriving neighborhoods by providing appropriate transitions and connections to the Arkansas River.

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

### **Transportation Vision:**

*Major Street and Highway Plan:* This site is adjacent to the Arkansas River which anticipates a multi-use trail system near the top of the riverbank. This site will gain vehicular access from Riverside Parkway.

*Trail System Master Plan Considerations:* The trail system expansion planned along the top bank of the Arkansas river will be located in the buffer area between the top of the riverbank and the development of the site. An easement will be required for the trail system during the subdivision compliance process. The applicant will work with the Tulsa Planning Office to determine the trail alignment with the site plan and the trail easement will be established during the subdivision compliance process. The applicant should anticipate an easement with width not less than 25 feet but is advised that a greater width could be required to satisfy detailed design considerations

**Small Area Plan:** This site is not in a small area plan however several studies and planning efforts have been prepared over the last 20 years. None of those studies have been included in the comprehensive small plan area efforts for the city. All of the plans recognize the importance of appropriate development along the river including low water dam projects, trail system expansion and commercial, mixed-use, residential zones and development of key development areas along the river.



**Special District Considerations:** This site is an important part of the development of the Arkansas River as an active destination location for Tulsa.

**DESCRIPTION OF EXISTING CONDITIONS:**

***Staff Summary:*** *The subject property is partially in the 100-year flood plain area from the Arkansas River and detailed flood plain management will affect site development opportunities.*

**Environmental Considerations:** Development of this site will require careful integration of a new structures into an environmentally sensitive area that is impacted by a floodplain and possible eagle habitat.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
Riverside Parkway	Parkway	150 feet	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	Arkansas River Corridor	Growth	Vacant
East	AG	Park and Open Space	Stability	Soccer Field
South	AG and RT	Arkansas River Corridor	Growth	Tennis Club and horticulture nursery
West	None	None	None	Arkansas River

**SECTION III: Relevant Zoning History**

**History: Z-7662**

**ZONING ORDINANCE:** Ordinance number 11832 dated June 26, 1970, established zoning for the subject property.

***Subject Property:***

**SA-1 September 2016:** All concurred in **approval** of a request for a Special Area Overlay on multiple properties along the Arkansas River extending from W. 11<sup>th</sup>

St. S. to E. 121<sup>st</sup> St. S., to establish the River Design Overlay as a supplemental zoning, RDO-1, RDO-2, or RDO-3 and regulations to govern the form, function, design and use of the properties located within the boundaries of the River Design Overlay District. The regulations are generally intended to maintain and promote the Arkansas River corridor as a valuable asset to the city and region in terms of economic development and quality of life.

**BOA-17146 September 2015:** The Board of Adjustment **denied** a *Special Exception* to permit an outdoor recreation facility (3 ball diamonds with lights concession stand, rest rooms and accessory uses), on property located at 10510 South Delaware Avenue.

**BOA-7615 September 1972:** The Board of Adjustment **approved** a *Special Exception* to permit a member-owned tennis club with the following facilities: 14 outdoor tennis courts, 7 indoor tennis courts, swimming pool, locker rooms, sauna baths, mixed grills, and lounge in an AG District, on property located at 111<sup>th</sup> Street and South Delaware Avenue.

***Surrounding Property:***

**SA-1 September 2016:** All concurred in **approval** of a request for a Special Area Overlay on multiple properties along the Arkansas River extending from W. 11<sup>th</sup> St. S. to E. 121<sup>st</sup> St. S., to establish the River Design Overlay as a supplemental zoning, RDO-1, RDO-2, or RDO-3 and regulations to govern the form, function, design and use of the properties located within the boundaries of the River Design Overlay District. The regulations are generally intended to maintain and promote the Arkansas River corridor as a valuable asset to the city and region in terms of economic development and quality of life.

**Applicant Comments:**

**Mark Capron** 123 North Martin Luther King Jr. Boulevard, Tulsa, OK

The applicant stated it is exciting to see someone willing to make the investment in this part of town that is consistent with the Comprehensive Plan. He stated this application is what Planning Commission and City Council had in mind when adopting the Comprehensive Plan for this area. The applicant stated this application is for a commercial development, possibly entertainment, or high end restaurant and he feels like that can easily be accomplished within the CS zoning. He stated he also feels like RDO-2 adds another level of design concern restrictions that are typically seen in MX zoning. The applicant stated they reached out to the neighborhoods within the 300 foot radius and sent them letters to ask that they call if there are any questions. He stated they have heard from three different adjacent property owners. One of them was Jim Sheltie who supports the proposed change. He stated another person to the north supports the development but was concerned about the River Design Overlay and had a

lot of questions regarding the RDO. The applicant stated the 3<sup>rd</sup> neighbor is here today to speak. He stated there is always concerns about stormwater, traffic and particular uses that are allowed per CS zoning. The applicant stated the River Design Overlay has another list of what you cannot do on top of your standard zoning and there are always concerns about Marijuana Dispensaries and things like that. He stated the neighbor that is here to speak is not only a resident they run their business out of the back. There is a triangle piece of property that the neighbor owns that Delaware Avenue runs through and it creates a 900 foot buffer between the subject property and the front of their house. The applicant stated there is a floodplain to the west that he has to be concerned about and he understands there are more studies happening within the river that is going to directly affect this property and everything up and down the river. He stated he asks for approval per staff's recommendation.

**Interested Parties:**

**Cherrie Stunkard** 10717 South Riverside Parkway 74137

Ms. Stunkard stated they own about 10 acres directly across from subject property. She stated her property joins the subject property on 2 sides, the west boundary will adjoin their east boundary which leaves them with not much to do there. She stated they were never ever given any documentation or contacted about the Comprehensive Plan changes and they live in that corridor. Ms. Stunkard stated they have their business office there but they have lived there also for 45 years and changing the zoning to commercial will affect them. She stated having a shopping center right across from them with all the traffic is not appealing. Ms. Stunkard stated flooding is also a big concern because this area had significant flooding in the 1986 flood and in 2019. She stated her concern is if they raise the ground to the level that the water will come right across the road to them.

Ms. Kimbrel asked how Ms. Stunkard thought the land should be used.

Ms. Stunkard stated it is zoned AG now and she thinks that is what it should stay. She stated she does not think there is a buffer zone and this development will be right next to her property line.

Mr. Craddock asked if in the 45 years she has lived in that area and seeing the explosive growth of high dollar subdivisions that were built does she feel the flood issue have been mitigated with the flood plain review that has been done.

Ms. Stunkard stated she does not think they have been mitigated from what she saw in the 2019 flood. She stated they did resurface the road, which did not need to be resurfaced, it needed to be widened for the extra traffic that it now carries.

**Richard Stunkard** 10717 South Riverside Parkway 74137

Mr. Stunkard stated his wife spoke about some of their concerns. He stated the flooding issues are a real concern. Mr. Stunkard stated they have seen the development along the river happen and when they take and disturb the sandy loam soil it creates a lot of erosion. He stated as they built the subject property up the water will be diverted around that property and there is such a fine line now with how close the flooding gets to his property he is afraid that this development will cause his property to flood. Mr. Stunkard stated there use to be a levee along the area when he was younger and there was 5 acres beyond the levee and now the levee and the 5 acres are gone. He stated he does not know how building a structure will move the water but it is going to move it.

**Applicant Rebuttal:**

The applicant stated he would like to point out in the Zoning Code the definition of an AG district speaks to a holding pattern for future development as infrastructure becomes available. He stated they look to the Comprehensive Plan for appropriate rezoning and as staff mentioned the Comprehensive Plan does support CS zoning in this area. The applicant stated drainage and flooding are always a big concern with every development in town, especially when you get this close to the river. He stated he is not a hydrologist or an engineer he is the zoning guy. The applicant stated the City of Tulsa has a staff that scrutinizes everything that is done to make sure it is done right. He stated he is sympathetic to the concerns about flooding, it is always a concern with every project analysis, but the City of Tulsa has decided to move forward with development in this area and that is what his client is trying to do. He stated there are buffering requirements and they will meet those requirements.

Ms. Kimbrel asked if his engineers conducted a study related to the flooding.

The applicant stated they have done some due diligence to try to understand the developability at the site. He stated they have learned that they will have to do compensatory storage where what they build up in one area, they will have to build down in another. The applicant stated it is a little bit more complicated next to the river.

**TMAPC Action; 8 members present:**

On **MOTION** of **WHITLOCK**, the TMAPC voted 7-1-0(Bayles, Carr, Craddock, Krug, Shivel, Walker, Whitlock, “aye”; Kimbrel, “nays”; none “abstaining”; Covey, Reeds, Zalk, “absent”) to recommend **APPROVAL** of the CS zoning for Z-7662 per staff recommendation.

**Legal Description for Z-7662:**

ALL OF LOT FIVE (5), LYING WEST OF THE CENTER LINE OF THE COUNTY RIVER ROAD, SECTION TWENTY-NINE (29), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE

UNITED STATES GOVERNMENT SURVEY THEREOF, LESS A TRACT OF LAND SITUATED IN LOT FIVE (5), SECTION TWENTY-NINE (29), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT ON THE NORTH LINE OF LOT 5, 257.17 FEET WEST OF THE NORTHEAST CORNER OF LOT 5, SAID POINT BEING THE CENTER LINE OF THE COUNTY RIVER ROAD; THENCE WEST ALONG THE NORTH LINE OF LOT 5 A DISTANCE OF 955.68 FEET TO THE POINT ON THE EAST BANK OF THE ARKANSAS RIVER; THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE EAST BANK OF THE ARKANSAS RIVER TO A POINT 433.0 FEET SOUTH OF THE NORTH LINE OF LOT 5; THENCE EAST ALONG A LINE PARALLEL WITH THE NORTH LINE OF LOT 5 A DISTANCE OF 1,079.0 FEET TO A POINT IN THE CENTER LINE OF THE COUNTY RIVER ROAD; THENCE NORTH 29°3" WEST ALONG THE CENTER LINE OF THE COUNTY RIVER ROAD A DISTANCE OF 506.75 FEET TO THE POINT OF BEGINNING.

AND

THAT PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (N/2 NE/4 SE/4) OF SECTION 29, TOWNSHIP 18 NORTH, RANGE 13 EAST, WHICH LIES WEST OF THE CENTER LINE OF THE COUNTY RIVER ROAD, BEING A TRIANGULAR TRACT OF LAND IN THE SW CORNER OF SAID N/2 OF THE NE/4 OF THE SE/4 OF SECTION 29, TOWNSHIP 18 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

\* \* \* \* \*

Items 12 and 13 were presented together.

**12. CZ-532 Troy Wilsead** (County) Location: East of the southeast corner of East 126th Street North and North 97th East Avenue requesting rezoning from **AG to IL** to permit a mini-storage facility. (Related to TCCP-10) (Continued from June 15,2022)

**STAFF RECOMMENDATION:**  
**SECTION I: CZ-532**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone the subject lot from AG to IL to permit a mini-storage facility. The site is located within the Commercial land use designation of the Tulsa County Comprehensive Plan, which this proposal would not be compatible with, however a concurrent

application has been submitted (TCCP-10) to amend the comprehensive plan designation from Commercial to Industrial which this proposal would be compatible with. The comprehensive plan designates the property immediately east as Industrial as well as multiple properties to the south of the subject lot, so the proposed use and land use designation would be compatible with the future land use of the area.

Staff has spoken with the City of Owasso regarding possible changes to the upcoming land use plan update on the subject lot and surrounding area. They stated that they intended to proceed with proposing Regional Employment/Industrial land use designation in those changes.

#### **DETAILED STAFF RECOMMENDATION:**

CZ-532 is non-injurious to surrounding proximate properties;

The allowed uses in an IL district will have little environmental impact on surrounding properties, and

CZ-532 is not consistent with the current land use designation however the applicant has submitted an amendment to the Tulsa County Comprehensive Plan Amendment, TCCP-10. The applicant has requested revising the land use designation from Commercial to Industrial. Staff supports that request therefore,

**Staff recommends Approval of CZ-532 to rezone property from AG to IL.**

#### **SECTION II: Supporting Documentation**

##### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The subject property is located within the fenceline of Owasso. The Tulsa County Comprehensive Land Use Plan (adopted July 2019) and the Owasso Comprehensive Plan (adopted in 2014 and amended in 2016 and 2018) designates the land use as Commercial.*

##### Land Use Vision:

*Land Use Plan map designation:*

Commercial (current designation)

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.

Industrial (proposed by designation in TCCP-10)

The Industrial Land Use District represents the highest intensity of land use in Owasso. The Plan calls for industrial uses to be targeted around existing patterns of industrial activity, including: locations near S. 5th St. and Main St. east and west sides of US-169 south of 76th St. N. and near the existing quarry sites near 66th St. N. and 129<sup>th</sup> E. Ave. Most of Owasso's current industrial activity includes light industrial uses, such as warehousing and storage and facilities and small manufacturing shops. It is expected that this trend will continue with perhaps targeted efforts for research and development facilities. Some higher intensity commercial uses may be appropriate in the Industrial/Regional Employment Use district. These may include more intensity auto and truck repair, truck rental facilities, lumber yard, etc., which are also found in the CH zoning district.

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

Transportation Vision:

*Major Street and Highway Plan:* E 126<sup>th</sup> St N is designated as a Secondary Arterial

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site currently contains a Single-Family Residence*

Environmental Considerations: None

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
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E 126 <sup>th</sup> St N	Secondary Arterial	100 Feet	2
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**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	Residential	N/A	Residential
South	AG	Commercial	N/A	Vacant/Agricultural
East	AG	Industrial	N/A	Agricultural
West	AG	Commercial	N/A	Residential

**SECTION III: Relevant Zoning History**

**History: CZ-532**

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

**Surrounding Property:**

**CBOA-2730 February 2019:** The Board of Adjustment Withdrawal a Variance to permit two dwelling units on a single lot of record, on property located at 12221 North 97<sup>th</sup> Avenue East.

**CBOA-281 October 1982:** The Board of Adjustment approved a Special Exception to permit mobile home in an AG-R District, on property located at West of SW/c 126<sup>th</sup> Street No. & 97<sup>th</sup> East Avenue.

**TMAPC Comments:**

Mr. Walker asked if staff spoke with the City of Owasso after the last meeting.

Staff stated “yes,” the City of Owasso indicated they would proceed with the change to an Industrial land use designation.

Ms. Kimbrel stated she thought the plan was for Owasso to make the change within that timeframe.

Staff stated “yes” it was but it has been delayed but their intention is to go forward with that.



Mr. Craddock stated he noticed the City of Owasso's 2030 Plan for 97<sup>th</sup> and 126<sup>th</sup> was to have commercial nodes on approximately 10 acres. He stated they have now taken that away and it is now all industrial. Mr. Craddock asked if the City of Owasso has been aware of what is going on in this corridor.

Staff stated "yes" they have been in communication with Owasso, they are aware of this proposal, and they intend to proceed with the IL zoning for this area.

**Applicant Comments:**

**Troy Wilsead** 145954 North Sheridan Road, Collinsville, OK 74021

Mr. Wilsead stated he does not have a whole lot to say, the continuance from the last meeting was to give the Interested Parties an opportunity to talk to the City of Owasso about the changes. He stated he bought the property and it already had a commercial land use and he wanted to be a good neighbor and let them talk to the City.

Ms. Bayles asked the applicant how the size of the proposed property compares to his other property across the street.

The applicant stated the property across the road that has a mini storage on it now is just less than five acres. The proposed property before the Commission today is just under four acres.

Ms. Kimbrel asked if the applicant has talked with anyone from the City of Owasso.

The applicant stated he had and they told him that they had spoken with the surrounding property owners and informed them that the area would be changed to Industrial in the Comprehension Plan

**Interested Parties:**

**Karl Fritschen** 200 South Main, Owasso OK 74055

Mr. Fritschen stated he is the City of Owasso Planning Manager. He stated he is not here to speak on whether to support the zoning or not support the zoning on this property but merely to speak about the Land Use Master Plan. Mr. Fritschen stated they started the process back in the Fall 2021 with a series of online engagements and had 495 participants through that 3 month process. He stated in addition to that the item was on two Planning Commission agendas for discussion and City Council twice including a public hearing last month. Mr. Fritschen stated that public hearing was conducted to allow people not only in this area, but throughout the City of Owasso and the fence line area to comment on the proposed changes. He stated the previous designation for that hard corner was commercial and the Economic Development Director at the time felt

that additional industrial land would be more suited to this area considering what Collinsville was doing across the street with much of that property already zoned Industrial and much of it transitioning to Industrial. Mr. Fritschen stated there were some changes that occurred on Mr. Dix's property, which is a little to the south of this subject tract that is under discussion today. He stated in the 2030 plan, which is the current plan, you see the area of Mr. Dix's property is shown to be industrial. In the proposed 2035 plan they took much of that area out of the proposed Industrial and reduced it and that was in response to new residential development that was taking place in that area and some new estate size homes that were built. Mr. Fritschen stated staff looked at that area and decided they didn't expect that to change and converted this land back to residential and removed the industrial category from that land area. He stated the City of Owasso is moving forward with this proposal, the 2035 plan this month and it goes to City Council in 10 days.

Mr. Walker asked if the 2 current agenda items CZ-532 and TCCP-10 meet Owasso's plan.

Mr. Fritschen stated, that is correct. He stated the proposed plan it is not adopted yet.

Ms. Kimbrel asked if based on the community feedback what modifications or adjustments have been made to respond specifically to the community and the neighboring residents.

Mr. Fritschen stated during the public hearing process last month no one spoke. He stated the floor was open and there was only one person in attendance that was from that area but they did not speak throughout the course of the entire meeting. Mr. Fritschen stated he cannot detail every change that was made over that process but they took into consideration what people said they wanted and in this specific area it was higher intensity employment and higher intensity commercial over lesser intensity uses.

**James Rinck** PO Box 571, Collinsville OK 74021

Mr. Rinck stated his property is adjacent to the subject property. He stated he was not contacted by the City of Owasso about any of the proposed changes but he has a Collinsville address but is inside the fenceline of Owasso. Mr. Rinck stated just as people attended this meeting they would have that meeting also if they had known about it. He stated he has a written protest that has 6 signatures on it. Mr. Rinck stated he believes there is a 20% rule on Chapter 17 Section 30.5 on zoning map amendments. Mr. Rinck stated he took photos of the flooding on the subject property to point out that this is floodplain.

Ms. Kimbrel asked if Mr. Rinck had shown the photos to anyone else besides Planning Commission.

Mr. Rinck stated “no” this research was done after the last meeting.

Ms. Kimbrel asked if Mr. Rinck had talked to anyone at the City of Collinsville or Owasso.

Mr. Rinck stated he emailed the City of Owasso and then had a phone conversation with them about the change but he has not shown them the photos.

**John Dix** 12221 North 97<sup>th</sup> East Avenue, Collinsville OK 74021

Mr. Dix stated at the last meeting Mr. Whitlock asked if the neighbors in the area received notification from the City of Owasso about the proposed zoning changes. He stated after that meeting he drove to Owasso and spoke with Karl Fritschen and Alexa, the City Planner about the process for notifications of changes to the Comprehensive Plan. Mr. Dix stated he was told the notifications were put on the City's website, but they did not send out mail notifications of any changes in the Comprehensive Plan or the zoning changes because they are not in the City of Owasso, rather they are only in the fence lines. He stated the City of Owasso does not send out notifications for changes in the Comprehensive Plan they depend on citizens to keep track of that on the city website. Mr. Dix stated he does not see this as adequate notification being a property owner affected by this proposed change. He stated he owned at one time 140 acres; he gave 10 acres to his son who built a house that has appraised for \$1,300,00. Mr. Dix stated there are other houses in the same area that have been built and sold for \$350,000-\$650,000. He stated the City of Owasso mentioned the Comprehensive Plan was originally adopted in the early 70s and back in those days they took the 10 acres on each corner for commercial. Mr. Dix stated because of the railroad that runs through this area from Collinsville to Owasso this area was given IL zoning. He stated if this is allowed to be changed in the Comprehensive Plan from industrial or commercial to full industrial it allows the property right in the middle of all that he owns to become anything they want it to be that is allowed in the industrial zoning. Mr. Dix stated that is spot zoning in its definition and should not be allowed.

**TMAPC Comments:**

Mr. Whitlock stated the notification process for the City of Owasso is not right there should be more than posting on the website.

Ms. Kimbrel stated the lack of notification bothers her as well. She stated she does not totally understand the fact that they Collinsville addresses but is in Owasso fenceline. Ms. Kimbrel stated she had hoped there would have been more community engagement.

Mr. Walker stated he is usually pro-business but it is all AG residential so he is conflicted as well.

Mr. Craddock stated the issue with the Collinsville address in the Owasso fenceline is not new for the area. He stated the Collinsville addresses go down to 216th Street and there is an Owasso Fire Department station that has a Collinsville address off 116th Street. Mr. Craddock stated he does not really see that as an issue and this Planning Commission cannot do anything about the City of Owasso's notification process. He stated the City went beyond by actually having another public meeting so he is not as conflicted on this. Mr. Craddock stated this is the plan of the City of Owasso and coordinated with the citizens. They did modify it to a lesser impact of industrial and the City of Collinsville does have multiple industrial right across the street from the subject property, so whether you like it or not, it is moving in the way of industrial. He stated as pointed out earlier, AG is a temporary zoning classification until something else happens.

Ms. Bayles stated when she was on the Planning Commission previously a Planning Commissioner told her that if you do not know the territory, you better drive by it. She stated after driving the area she was surprised at the number of manufacturing and industrial sites on this corridor. Ms. Bayles stated it does appear that the land behind the subject property is still being used as AG or residential but clearly this is becoming a very full corridor for employment and manufacturing in this areas. She asked Ms. VanValkenburgh, City Legal, about the protest petition that Mr. Rinck spoke about.

Ms. VanValkenburgh stated there is a provision in the Tulsa County Zoning Code for protest petitions. She stated the County Board of Commissioners would be the ones who would have a different level of vote if an adequate petition were filed. She stated it is complicated and not as straightforward as it is in the City Zoning Code but it does not affect Planning Commission's recommendation.

**TMAPC Action; 8 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 6-2-0(Bayles, Carr, Craddock, Shivel, Walker, Whitlock, "aye"; Kimbrel, Krug, "nays"; none "abstaining"; Covey, Reeds, Zalk, "absent") to recommend **APPROVAL** of the IL zoning for CZ-532 per staff recommendation.

**Legal Description for CZ-532:**

PRT W/2 GOV LT 4 BEG 660E NWC NW TH S678.02 W181.39 N678.16 E181.39 POB LESS N16.5 THEREOF FOR RD SEC 6 21 14 2.755ACS, , City of Tulsa, Tulsa County, State of Oklahoma

**PUBLIC HEARING - COMPREHENSIVE PLAN AMENDMENTS**

**13. TCCP-10 Troy Wilsead** (County) Location: East of the southeast corner of East 126th Street North and North 97th East Avenue requesting to change the Land Use Designation from **Commercial to Industrial** to allow an

industrial use for a mini-storage (related to CZ-532) (Continued from June 15,2022)

**STAFF RECOMMENDATION:**

**TCCP-10**  
**County Comprehensive Plan Amendment**

**Current Staff Comments (August 3, 2022):**

Staff reached out to Karl Fritchen, Planning Manager with the City of Owasso, to discuss the update to Owasso's Comprehensive Plan which is now scheduled for action in August 2022. Mr. Fritchen explained the public process that Owasso has conducted in preparation for the update. They have been active in reaching out to the community for public input. In addition to hosting public meetings, they took advantage of several social media platforms including Next Door, Facebook, and a webpage in which the community could engage and submit comments to a survey.

The proposed land use plan will still move forward with the recommendation of Industrial / Regional Employment along East 126<sup>th</sup> Street between Memorial Road and Garnett Road with the exception of two Commercial nodes. (See attached 2035 Land Use Master Plan.)

Once Owasso's Comprehensive Plan is updated, an amendment to the Tulsa County Comprehensive Land Use Plan will be forthcoming. The goal is to keep all the municipality's comprehensive plans in unincorporated Tulsa County updated in the Tulsa County Comprehensive Land Use Plan.

Since Owasso plans to continue their path forward with the proposed Industrial land use designation on the subject property, staff continues to recommend approval for an Industrial land use designation on the subject property.

**Previous Staff Comments (June 15, 2022):**

**Property Information and Land Use Request**

The subject property is a 2.75-acre, unplatted tract of land located east of the southeast corner of East 126<sup>th</sup> Street North and North 97<sup>th</sup> East Avenue. The applicant has submitted the following Comprehensive Plan amendment request to amend the land use designation of the of the subject property from *Commercial* to *Industrial*. This request is accompanied by a concurrent rezoning request (CZ-532), which proposes a zoning change on the subject tract from AG to IL in order to allow an industrial use for a mini-storage.

**Background**

The parcel subject to this Comprehensive Plan amendment request is located within the fenceline of Owasso and abuts AG (Agricultural) zoning and to the north, south, east, and west. There is a parcel to the northeast that is zoned CS (Commercial Shopping) and is the site of a mini-storage business located in Collinsville Corporate Limits. Collinsville's fenceline begins just north of East 126<sup>th</sup> Street North. The Major Street and Highway Plan designates East 126<sup>th</sup> Street North as a Secondary Arterial.

The land use designation of the subject property was designated as Commercial in the 2030 GrOwasso Land Use Master Plan which was adopted in 2014. It was later adopted on June 19, 2019 (Resolution 2796:1002) by Tulsa Metropolitan Area Planning Commission and approved by the Board of County Commissioners on July 15, 2019, as part of the Tulsa County Comprehensive Land Use Plan.

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

The **Commercial** designation is defined in both the 2030 GrOwasso Master Land Use Plan and the Tulsa County Comprehensive Land Use Plan 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.

### **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 both the 2030 GrOwasso Master Land Use Plan and the Tulsa County Land Use Plan as follows: The Industrial/Regional Employment Land Use District represents the highest intensity of land use in Owasso. The Plan calls for industrial uses to be targeted around existing patterns of industrial activity, including locations near S. 5th St. and Main St. east and west sides of US-169 south of 76th St. N. and near the existing quarry sites near 66th St. N. and 129th E. Ave. Most of Owasso's current industrial activity includes light industrial uses, such as warehousing and storage and facilities and small manufacturing shops. It is expected that this trend will continue with perhaps targeted efforts for research and development facilities. Some higher intensity commercial uses may be appropriate in the

Industrial/Regional Employment Use district. These may include more intensity auto and truck repair, truck rental facilities, lumber yard, etc., which are also found in the CH zoning district.

The City of Collinsville has zoned several parcels industrial in an area north of 126th St. N. in the northwestern portion of the Owasso fenceline, and there are already some existing industrial businesses operating in this location. For this reason, the Plan shows a large area as Industrial/Regional Employment Districts just across the street from this emerging industrial area in Collinsville. Additionally, Owasso does not have a lot of land area left in which to place small industrial users, so it made sense to show this area as Industrial/Regional Employment. With the new standards in the zoning code for landscaping and buffering in place, adequate protection for any nearby residential areas is enhanced.

**Zoning and Surrounding Uses**

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Existing Use</b>
N	AG	Residential	Residential
S	AG	Commercial	Vacant/Agricultural
E	AG	Industrial	Agricultural
W	AG	Commercial	Residential

**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:

**Justification of Request**

“The Comprehensive Plan says its objectives are to encourage and promote quality development and utilize existing infrastructure and city services. We believe this project meets these objectives.

While the property is zoned Agricultural, it is no longer a suitable zoning for the site as industrial companies are choosing to locate further North of Tulsa or in or around the existing area.

However, the subject property is an ex in-fill location for this multi-building industrial project with relatively convenient access to existing services and utilities. Also, the property is in a central location with excellent access to major roadways and to the several of the premier residential areas to include Owasso, Collinsville, and Sperry. In addition, this project will substantially increase the Property Tax roll value of the property.”

#### **Additional Information provided by the applicant:**

##### **Request:**

TJT Properties, LLC is requesting to rezone the subject property from AG (Agricultural) to IM (Industrial) to allow for the development of a new industrial project. The future land use of the property is mini storage.

##### **Site Characteristics & History:**

The property is owned by TJT Properties, LLC. It is currently an undeveloped piece of land. The proposed project will entail a new industrial site with 8 mini storage buildings. The site is 3.8 acres+/-

##### **Surrounding Uses:**

North: Property has a mini storage of 177 units with 8 buildings.  
Zoned: Industrial  
East: Undeveloped- Owasso has made their comprehensive plan  
Zoned: Industrial  
West: AG with Comprehensive Plan of commercial

#### **Staff Summary & Recommendation**

The applicant is requesting to amend the land use designation from Commercial to Industrial. They have submitted a concurrent request to rezone the property from Agricultural to Industrial Light. Staff contacted the Planning Manager in the City of Owasso, Karl Fritchen, for comments. Mr. Fritchen reviewed the request and stated that The City of Owasso supports the proposed change as it would conform to the



industrial/regional employment category in Owasso's proposed new Land Use Plan (to be adopted in July 2022).

The conditions surrounding the subject site have changed over time and industrial growth is anticipated in this area. The proposed rezoning will increase an opportunity for industrial development which is supported by the future land use plan that the City of Owasso is recommending.

Staff recommends **approval** of the Industrial land use designation as requested by the applicant.

**TMAPC Action; 8 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 6-2-0 (Bayles, Carr, Craddock, Shivel, Walker, Whitlock, "aye"; Kimbrel, Krug, "nays"; none "abstaining"; Covey, Reeds, Zalk, "absent") to **ADOPT** TCCP-10 as an amendment to the Tulsa County Comprehensive Plan per staff recommendation.

\* \* \* \* \*

**OTHER BUSINESS**

**14. Commissioners' Comments**

Ms. Bayles asked if staff could help her with the statistical data that was presented several months ago on the Crutchfield and the Renaissance neighborhoods. She stated she did not remember the name of the program.

Staff stated this program was called the Neighborhood Health Assessment. It is now called the Neighborhood Condition Index because many people thought it was talking about a person health and staff wanted to make it clearer. She stated this was presented at the last work session and those reports are being completed. Staff stated a suitable time to discuss this program would be after those reports are completed in a couple of months. She stated an interface is being built so that this information can be viewed online.

\* \* \* \* \*

**ADJOURN**

**TMAPC Action; 8 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 8-0-0(Bayles, Carr, Craddock, Kimbrel, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Covey, Reeds, Zalk, “absent”) to **ADJOURN** TMAPC meeting of August 3, 2022, Meeting No. 2871.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 2:34 p.m.

Date Approved:

\_\_\_\_\_

\_\_\_\_\_

Chair

ATTEST: \_\_\_\_\_

Secretary