



Tulsa Metropolitan Area
Planning Commission

Case Number: CZ-520

Hearing Date: October 6, 2021

Case Report Prepared by:

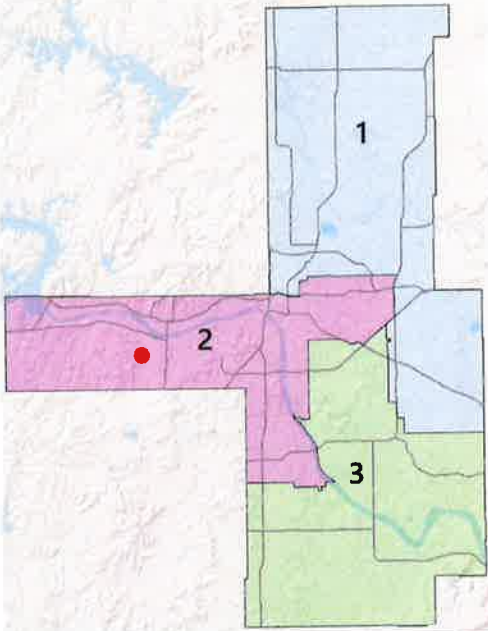
Jay Hoyt

Owner and Applicant Information:

Applicant: Mark Bales

Property Owner: BALES, CARL & PHYLLIS C &

Location Map:
(shown with County Commission Districts)



Applicant Proposal:

Present Use: Residential

Proposed Use: Agricultural

Concept summary: Rezone from RE to AG to permit agricultural uses on the subject lot

Tract Size: 5.19 ± acres

Location: East of the northeast corner of South 137th West Avenue & West 41st Street South

Zoning:

Existing Zoning: RE

Proposed Zoning: AG

Comprehensive Plan: Tulsa County Land Use Plan / Sand Springs Comprehensive Plan

Land Use Map: Residential

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 9121
CZM: 43

County Commission District: 2

Commissioner Name: Karen Keith

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SECTION I: CZ-520

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from RE to AG to permit agricultural uses on the subject lot. The site is located within the Residential designation of the Tulsa County Comprehensive Plan and the Sand Springs Future Land Use Plan. The Residential designation is the lowest intensity designation found in the Sand Springs Future Land Use Plan. The site is adjacent to existing AG zoned parcels to the north, south and west and would be compatible with the existing zoning pattern in the surrounding area.

EXHIBITS:

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

DETAILED STAFF RECOMMENDATION:

CZ-520 is non-injurious to surrounding proximate properties;

CZ-520 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-520 to rezone property from RE to AG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the fence line of the City of Sand Springs and is designated as Residential. The City of Sand Springs Comprehensive Plan – Sand Springs 2030 Land Use Master Plan was adopted as part of the Tulsa County Comprehensive Plan on October 26, 2020. The Sand Springs 2030 Land Use Master Plan provides an outline for growth and development in the City of Sand Springs over the next 15 years. It was adopted by the Sand Springs City Council on June 26, 2017 (Resolution 17-25). The Plan consists of a Land Use Plan Map and a supporting text document that contains data, specific goals, action plans, and recommendations for land use and development in the City and surrounding areas within the fence line. The map illustrates, in a generalized manner, a preferred land use pattern of development for all areas within the City and fence line. Numerous areas are left as residential as these areas are still relatively natural in state and should be left for future designation as development occurs spurning the need for additional planning efforts.

Land Use Vision:

Land Use Plan map designation: Residential

The Residential category is typically comprised of single-family neighborhoods of varying lot sizes and represents the lowest intensity of all the use categories outside of Agricultural Districts. Dwelling unit densities within the Residential category generally range from 2 to 5 units per acre but density can be as little as 1 or fewer per acre. Planned Unit Developments may also be found in the Residential land use category and may contain various intensities of residential housing. In most cases, the Residential

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use category is buffered from higher intensity uses such as Commercial with the Transitional use district.

Areas of Stability and Growth designation: None

Transportation Vision:

Major Street and Highway Plan: W 41st St S is designated as a Primary 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. Anderson Creek crosses the northwest portion of the subject lot.

Environmental Considerations: The northwest portion of the lot is located within the 100 year flood plain. If any development happens in this area, the applicant will need to work with the Tulsa County Engineering department to help mitigate any impacts.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
W 41 st St S	Primary Arterial	120 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning</u>	<u>Existing Land Use Designation</u>	<u>Area of Stability or Growth</u>	<u>Existing Use</u>
North	AG	Residential	N/A	Vacant
South	AG	Residential	N/A	Vacant
East	RE	Residential	N/A	Single-Family
West	AG	Residential	N/A	Agricultural/ Single-Family

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11819 dated June 26, 1970, established zoning for the subject property.

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Subject Property:

Surrounding Property:

CBOA-2843 September 2000: The Board of Adjustment **fails to motion an approval** to permit a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 410, Table 1), on property located at 13609 West 41st Street South.

CBOA-2772 October 2019: The Board of Adjustment **approved** a *Use Variance* to permit Use Unit 3, Agriculture, in a Residential District (Section 410, Table 1), limiting the approval to the existing 704 square foot building. There is to be no commercial transport in or out of the property. The Board finds the hardship to be the size and topography, and the fact that it is a very deep parcel of land over 2 ½ acres that is surrounded by AG on virtually three of the four sides. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; on property located at 13523 West 41st Street South.

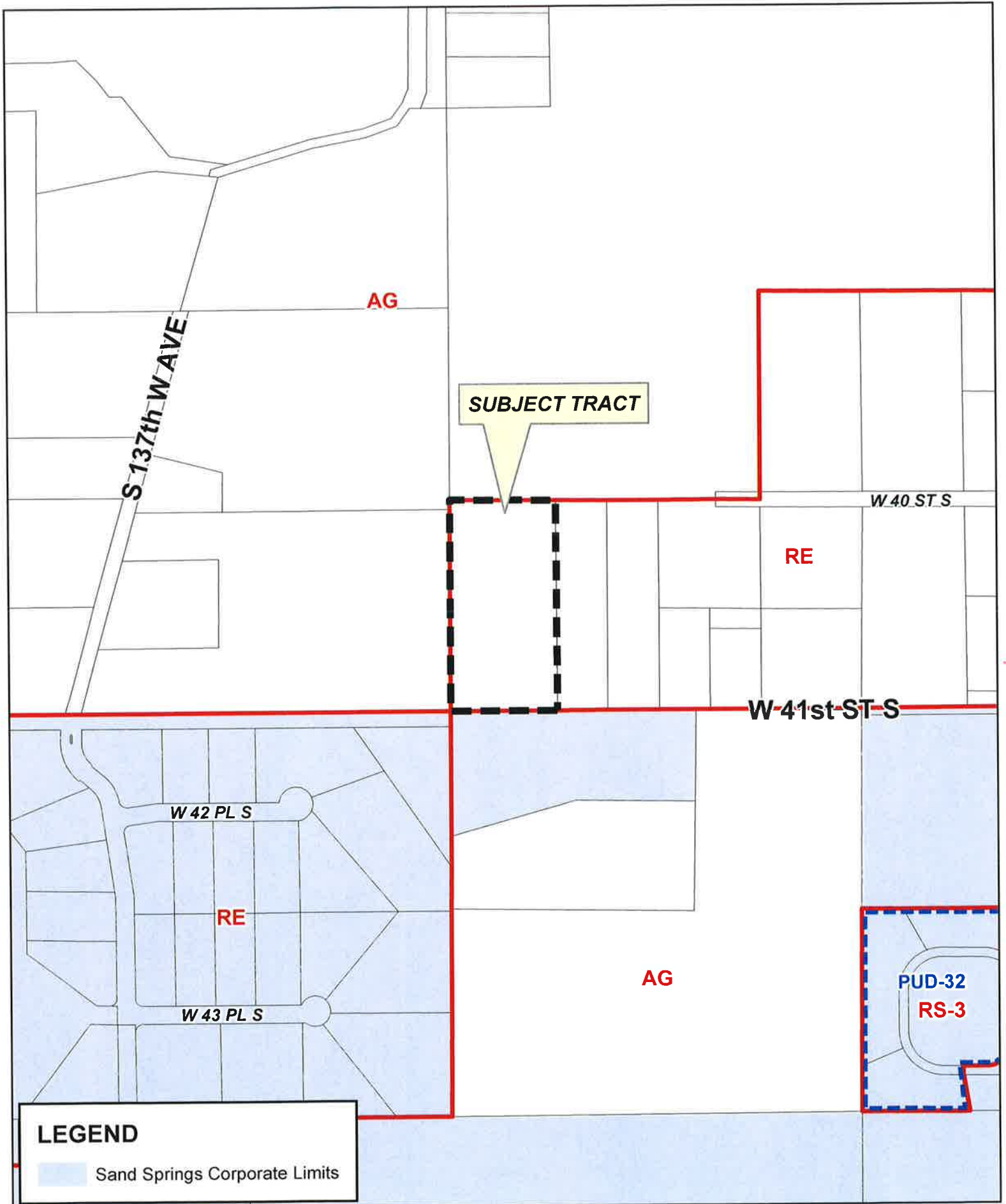
CBOA-1525 September 1997: The Board of Adjustment **approved** a *Variance* to permit 3 dwelling units on 1 lot of record. (Section 208.1), Use Unit 9; per plan submitted; subject to tie downs and skirting; subject to the Health Department approval and a building permit; finding that the property owner does not want to split the land and would like to keep the land under one ownership; on property located at 3913 South 137th West Avenue.

CBOA-1524 September 1997: The Board of Adjustment **approved** a *Special Exception* to permit a single-wide mobile home in an RS district. (Section 410) Use Unit 9 per plan submitted; subject to tie downs and skirting subject to the Health Department approval and building permit, located 10921 West 57th Street South.

CBOA-1095 July 1992: The Board of Adjustment **approved** a *Special Exception* to permit an insurance agency as a home occupation in an AG zoned district (Section 310.) Use Unit 11; per Home Occupation Guidelines; and subject to ingress and egress being on 137th West Avenue; on property located at NE/c of W. 41st St. and S. 137th W. Ave.

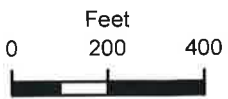
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LEGEND

 Sand Springs Corporate Limits



CZ-520

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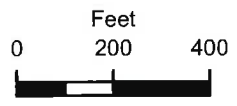
S 137th W AVE

W 40 ST S

W 41st ST S

W 42 PL S

W 43 PL S



 Subject Tract

CZ-520

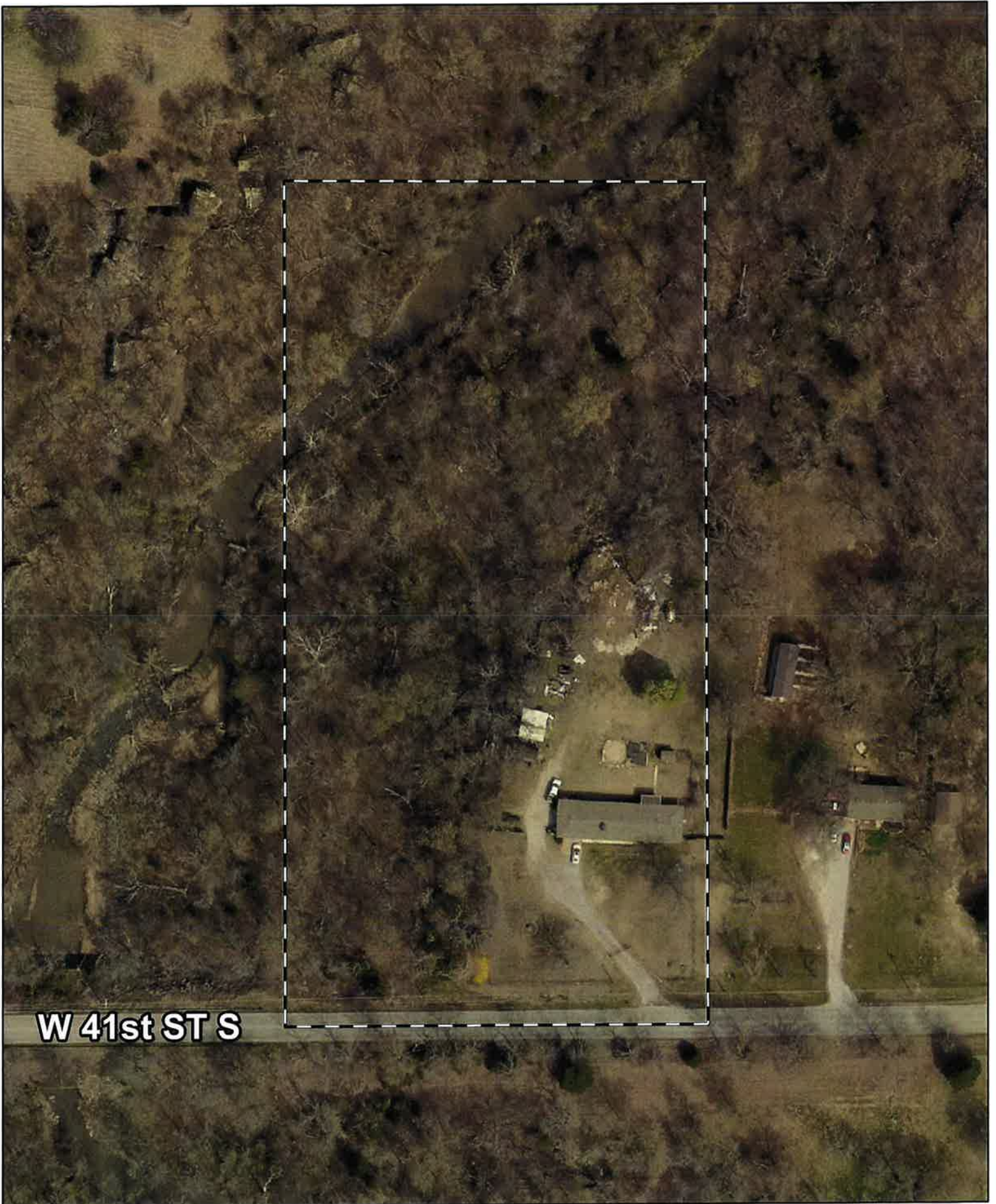
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Note: Graphic overlays may not precisely align with physical features on the ground.

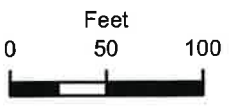
Aerial Photo Date: 2020/2021

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W 41st ST S



Subject Tract

CZ-520

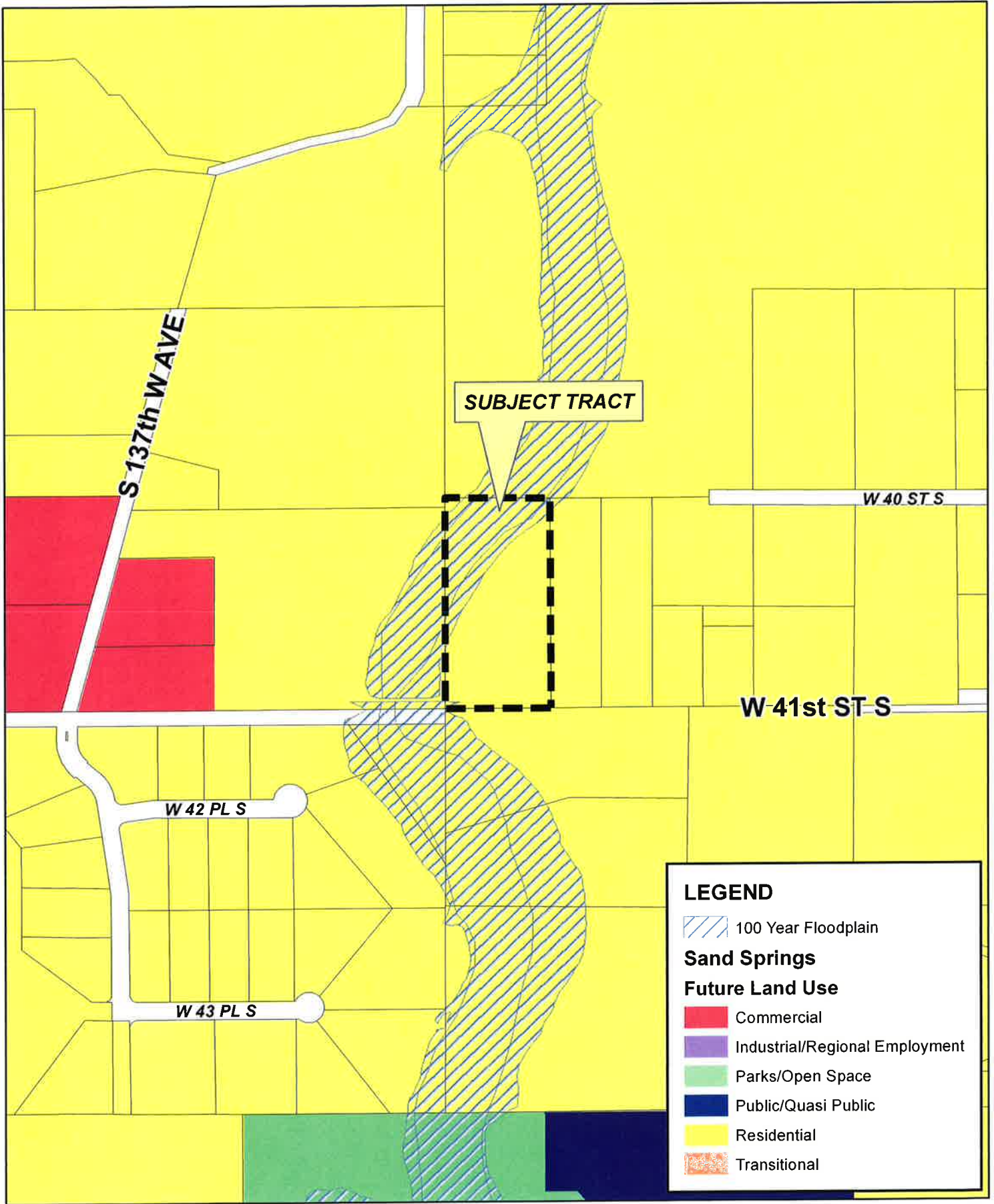
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Aerial Photo Date: 2020/2021

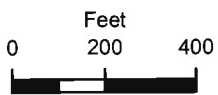
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CZ-520

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Sawyer, Kim

From: Hoyt, Jay
Sent: Monday, September 20, 2021 3:12 PM
To: Tim Lutz; esubmit
Cc: Sawyer, Kim
Subject: RE: Case number CZ-520

Tim,

Your email will be forwarded to the Planning Commission for their consideration.

Thank you,

Jay Hoyt

From: Tim Lutz <tlutz@bama.com>
Sent: Monday, September 20, 2021 3:09 PM
To: esubmit <esubmit@incog.org>
Subject: Case number CZ-520

To whom this concerns in reference to case number CZ-520:

My name is Tim Lutz. I am out of town or I would have been in attendance. My address is 13600 West 42nd Place South Sand Springs, OK 74063.

This case was presented once and it was voted down by the council. My concerns have not changed. They are as follows:

- This address that is proposing to grow marijuana is in a neighborhood and also the city limits of Sand Springs.
- We do not want the smell of this stuff in our neighborhood.
- It creates extra traffic in our neighborhood
- It attracts the wrong kind of people that we do not want in a quiet neighborhood.
- In the last meeting this man got approved zoning further down the road out of city limits on Coyote Trail a piece of land of his to grow his marijuana. He said this would work. Not for sure why we have to review this again, when he agreed this would work? I would ask the council for the second time to say "no" to this petition.

Thanks for your attention in this manner.

Sincerely,
Tim Lutz

FILE COPY

Sawyer, Kim

From: Gregg Sinkbeil <gsinkbeil@hotmail.com>
Sent: Wednesday, September 22, 2021 9:19 AM
To: esubmit
Cc: Gregg Sinkbeil
Subject: Rezoning Case Number CZ-520
Attachments: Tulsa Metropolitan Area Planning Commission Rezoning.docx

I DO NOT want this land to be rezoned from residential to agriculture (reference CASE CZ-520). Please see attached letter.

Thank you,
Gregg Sinkbeil

FILE COPY

Tulsa Metropolitan Area Planning Commission

2 W. 2nd St, Suite 800

Tulsa OK 74103

TMAPC Members,

This letter is in regards to Tulsa county rezoning Case Number CZ-520. I DO NOT want this land to be rezoned from residential to agriculture for the purpose of growing marijuana. I feel this will bring criminal elements to my neighborhood located across 41st Street to the south.

Gregg Sinkbeil

13606 W. 42nd Pl S

Sand Spring, OK 74063

gsinkbeil@hotmail.com

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TOWAPL, c/o INCOG
Comment on
CASE Number CZ-520
From John Firey

To whom it may concern,

My name is John Firey. I own 4007
S. 137th W. AVE, Sand Springs, which
joins the property with a proposed
zoning change (Case CZ-520). They are
asking to change from residential
single-family to agriculture for the
purpose of raising medical marijuana.
I am strongly opposed to this in a
residential neighborhood. In the
event of a break-in or robbery, they
may come across my property. I feel
this is the wrong kind of business
for our neighborhood. Once again, I
strongly oppose this zoning change.

Sincerely,

John Firey



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To Tulsa Metropolitan Area Planning Commission
Reference: Case # CZ-520

From William W. & Lana J. Crafts/ (voters) (home owners) (tax payers)
13602 West 42nd Pl. South
Sand Springs, OKla. 74063

We are against the above referenced CASE for the following reasons.

- 1, While in the growing stages, The Smell of Marijuana is very bad.
- 2, The Sale of marijuana will attract a large amount of traffic.

West 41st Street is a 2 lane street with **no ability to expand.**

There have been a people killed in the past year due to lack of visibility.
The City Of Sand Springs has **flashing-warning-signs in place,** warning of the dangerous intersection. Increased traffic means increased danger.

- 3, N. 129th West Ave is a dead end street, that decreases the ability for people to come and go unless they use citizens' driveways which **decreases the opportunity for children to play safely.**

- 4, Our neighborhood at the top of the hill has only one way in at the dangerous intersection, and the same place serves as the exit. People who need medical service may not receive service as quickly as needed if traffic increases. And **W. 41st cannot be widened.**

5. **Reputation:** if prospective buyers are considering area, and there is a Marijuana Farm here, people will be less likely to buy here/ or sell. **Therefore, the value of homes will potentially decrease as well.**

William W. Crafts

Lana J. Crafts

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Dear TMAP,

Regarding case number CZ-520 I am in direct opposition of rezoning this land.

I have lived at 13605 W. 42nd Pl. since May of 2020 and have enjoyed every second of being in this area. My family and I appreciate the quiet neighborhood and the many trees we have surrounding our home and separating us from 41st street. I believe the peacefulness we currently enjoy will cease to exist should the foul odor of a marijuana farm begin consuming my own backyard. This is not what I want my 5-year-old raised around and this is not what I believe is best for our neighborhood. It is with great respect to any entrepreneur that I still must oppose this request.

Please feel free to reach out with any questions or concerns.

Bow Buckner

918-346-2787

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