



Tulsa Metropolitan Area
Planning Commission

Case Number: PUD-867

(Related to CZ-543 and TCCP-12 & adjacent and related to City cases Z-7705 and CPA-102)

Hearing Date: May 17th, 2023

(Continued from April 19th, 2023) *Revised 5/16/23*

Case Report Prepared by:

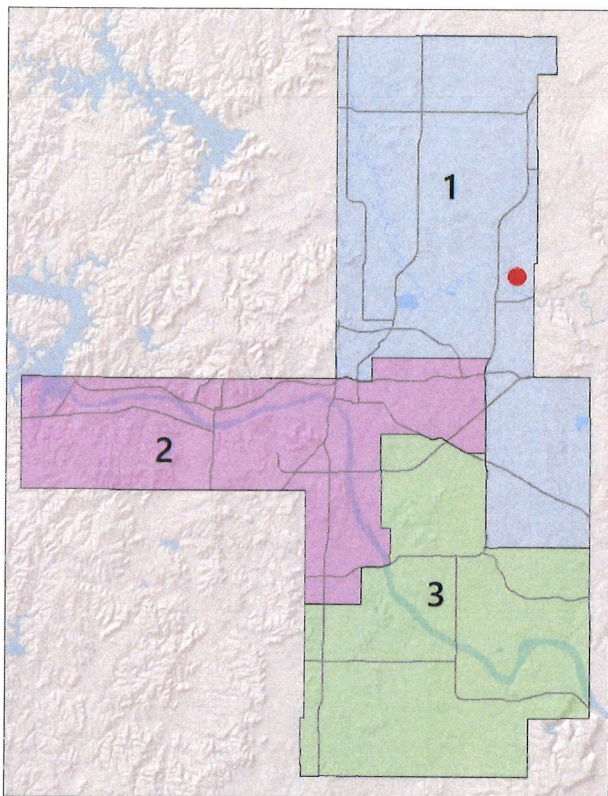
Jay Hoyt

Owner and Applicant Information:

Applicant: Nathan Cross

Property Owner: GREENHILL PROPERTIES LLC

**Location Map:
(shown with County Commission Districts)**



Applicant Proposal:

Present Use: AG

Proposed Use: Mining/Commercial

Concept summary: Rezone from AG to AG/IM with a PUD overlay to permit Mining and Industrial development.

Tract Size: 225 ± acres

Location: Northeast corner of Highway 169 and E 56th St N

Zoning:

Existing Zoning: AG

Proposed Zoning: AG/IM/PUD-867

Comprehensive Plan:

Land Use Map: Rural Residential/Agricultural (proposed to be revised to Industrial with case TCCP-12)

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 0405

CZM: 24

County Commission District: 1

Commissioner Name: Stan Sallee

SECTION I: PUD-867

DEVELOPMENT CONCEPT: The applicant is proposing to rezone a portion of the subject tracts from AG to IM with a PUD overlay to permit Industrial and Mining uses. They are proposing two Development Areas in the PUD. Development Area A, as shown on Exhibit C, provided by the applicant, is intended to be rezoned to IM to permit industrial uses in this area, with the exception that “Mining and Mineral Processing” would not be allowed in Development Area A. Development Area B is intended to remain AG zoning, but with the use of “Mining and Mineral Processing” included in the allowable uses. “Mining and Mineral Processing” is a Special Exception use in the AG district but may be allowed as part of a PUD.

Previously, the proposed PUD extended further to the east, beyond Bird Creek. The applicant has revised their request so that the PUD would lie within the area that is bounded to the north and east by Bird Creek.

EXHIBITS:

- INCOG Case map
- INCOG Aerial
- Tulsa County Comprehensive Plan Land Use Map
- Applicant Exhibits:
 - Exhibit A – Legal Description of portion to remain AG
 - Exhibit B – Statement from Applicant
 - Exhibit C – Proposed Land Use

DETAILED STAFF RECOMMENDATION:

PUD-867 is not consistent with the current land use designation, however the applicant has submitted an amendment to the Tulsa County Comprehensive Plan Amendment, TCCP-12. The applicant has requested revising the land use designation from Rural Residential to Industrial. Staff supports that request as outlined in TCCP-12,

PUD-867 is consistent with the anticipated future development pattern of the surrounding property if mining operations are limited as outlined above;

PUD-867 is consistent with the provisions of the PUD chapter of the Tulsa County Zoning Code, therefore;

Staff recommends Approval of PUD-867.

DEVELOPMENT STANDARDS:

Development Area A:

Permitted Uses: Those Uses allowed by right in the IM district, except Mining and Mineral Processing shall not be allowed.

Development Area B:

Permitted Uses: Those Uses allowed by right in the AG district as well as Mining and Mineral Processing, limited to the area as illustrated on page 12.9 of this packet.

All other standards shall be per the Tulsa County Zoning Code for the respective zoning districts.

SECTION II: *Supporting Documentation*

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The North Tulsa County area lies north of East 56th Street North and borders the Sperry and Skiatook fencelines on the west, the Collinsville fenceline on the north, and the Owasso Fenceline on the east. There is a separate portion the lies northeast of the Collinsville fenceline. The majority of the North Tulsa County Area was previously included in the North Tulsa County Comprehensive Plan (Cherokee Corridor) as a part of the Tulsa Metropolitan Comprehensive Plan. Public Input North Tulsa County is an area of about 2,100 people and roughly 750 households. The public process began with an area-wide survey which was shared throughout the area. An advisory team was formed and gave valuable information about the community and continued to submit feedback as the Future Land Use map was created for North Tulsa County.

Land Use Vision:

Land Use Plan map designation:

Rural Residential/Agricultural (Current)

Land that is sparsely occupied and used primarily for farmland, agricultural uses, and single-family homes on large lots. Residential lots generally range from one-half acre or greater and may use on-site services where public utilities are not available.

Industrial (proposed designation in TCCP-12)

This land use category is designed to accommodate industrial uses as well as wholesaling, warehousing, and distribution facilities, which tend to require large buildings and generate more large-truck traffic than other types of land uses.

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: E 56th St N is designated as a Secondary Arterial

Trail System Master Plan Considerations: A shared path is proposed by the GO plan to be located along the railway that passes through the site. A sidewalk gap is shown along E 56th St N

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant agricultural land

Environmental Considerations: A floodplain exists in the portion of the subject area south of Bird Creek.

Streets:

| Existing Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|-------------------------|--------------------|----------|----------------|
| E 56 th St N | Secondary Arterial | 100 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 | Rural Residential/Agricultural | N/A | Vacant/Agricultural/Residential |
| South | AG | Regional Center/Employment | Growth | Vacant/Agricultural |
| East | AG | Rural Residential/Agricultural | N/A | Vacant/Agricultural/Residential |
| West | IL/AG | Rural Residential/Agricultural Industrial | N/A | Vacant/Agricultural/Industrial |

SECTION III: Relevant Zoning History

History: CZ-543 Rel. PUD-867

ZONING ORDINANCE: Ordinance number 11804 dated June 26, 1970, established zoning for the subject property.

Surrounding Property:

CBOA-2628 April 2017: The Board of Adjustment **approved** a *Use Variance* to permit a dirt pit/mining operation (Use Unit 24) in an IL zoned district, on property located at N. of NW corner of HWY 169 and 56th Street N.

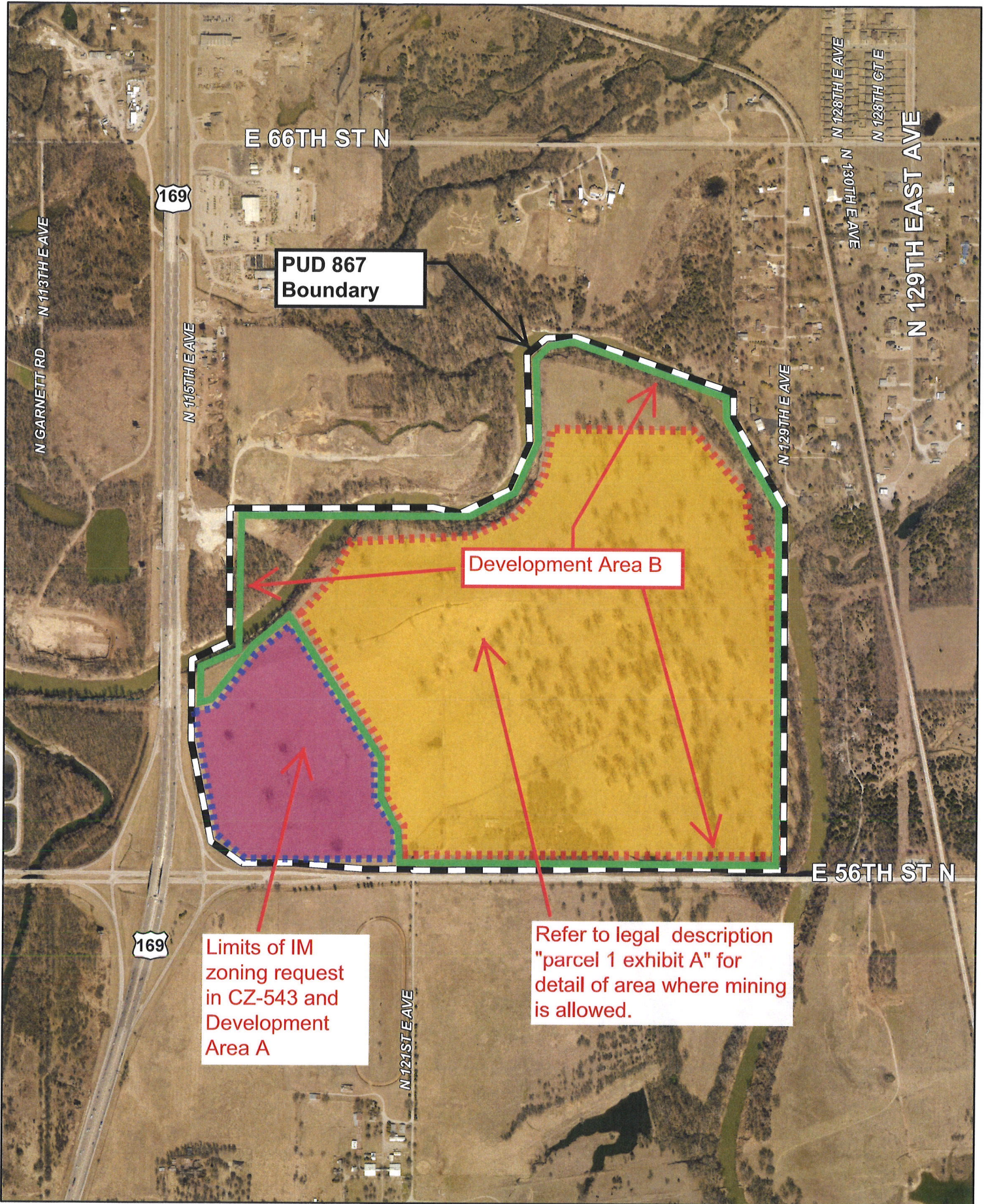
CBOA-1743 June 2000: The Board of Adjustment **approved** a *Special Exception* to permit a single-wide mobile home in an RS district, on property located at 13716 East 59th Street North.

CBOA-1707 March 2000: The Board of Adjustment **approved** a *Special Exception* to permit mining/dirt removal in an AG district, on property located at 6100 Block N. 115th E. Ave.

CZ-495 December 2019: All concurred in **approval** of a request for *rezoning* a 2.72+ acre tract of land from RS to AG on property located Northwest of the Northwest corner of East 56th Street North & North 145th East Avenue.

BOA-8706 August 1975: The Board of Adjustment **approved** a *Variance* to permit frontage requirements from 300' to 224' in an AG district, on property located at 6207 North 129th East Avenue.

CBOA-1461 October 1996: The Board of Adjustment **approved** a *Variance* to permit two dwelling units on one lot of record, on property located at 6322 North 129th East Avenue.

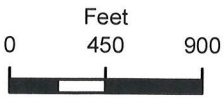


**PUD 867
Boundary**

Development Area B

**Limits of IM
zoning request
in CZ-543 and
Development
Area A**

**Refer to legal description
"parcel 1 exhibit A" for
detail of area where mining
is allowed.**



 **Subject
Tract**

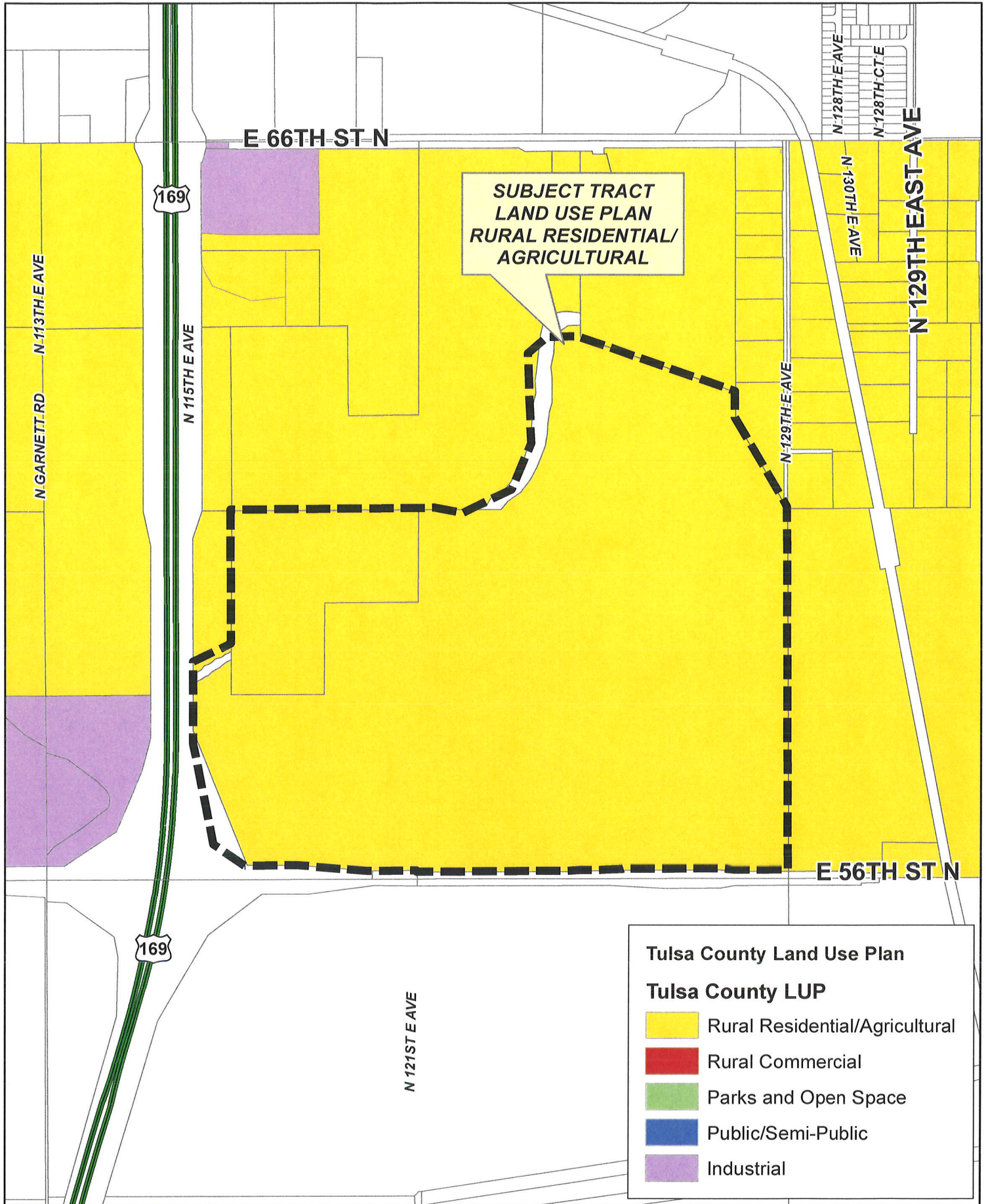
PUD-867

20-14 05
Amended exhibit 12.6
May 16 2023

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

Aerial Photo Date: 2020/2021



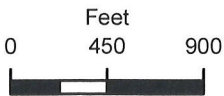


SUBJECT TRACT
 LAND USE PLAN
 RURAL RESIDENTIAL/
 AGRICULTURAL

Tulsa County Land Use Plan

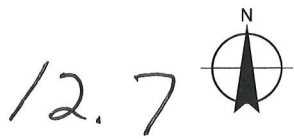
Tulsa County LUP

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



PUD-867

20-14 05





PARCEL 1 EXHIBIT "A"
LEGAL DESCRIPTION

A TRACT OF LAND LYING IN SECTION FIVE (5), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION FIVE (5); THENCE N88°44'19"E AND ALONG THE SOUTH LINE OF SAID SECTION FIVE (5) FOR A DISTANCE OF 2442.61 FEET; THENCE N01°37'11"W FOR A DISTANCE OF 60.15 FEET TO THE POINT OF BEGINNING; THENCE N01°37'11"W FOR A DISTANCE OF 190.00 FEET; THENCE N25°22'56"W FOR A DISTANCE OF 382.02 FEET; THENCE N00°00'00"E FOR A DISTANCE OF 185.00 FEET; THENCE N38°21'25"W FOR A DISTANCE OF 1157.54 FEET; THENCE N49°26'19"E FOR A DISTANCE OF 194.66 FEET; THENCE N36°06'19"E FOR A DISTANCE OF 479.46 FEET; THENCE N79°41'19"E FOR A DISTANCE OF 807.33 FEET; THENCE N67°31'19"E FOR A DISTANCE OF 208.53 FEET; THENCE N65°42'19"E FOR A DISTANCE OF 190.35 FEET; THENCE N55°11'19"E FOR A DISTANCE OF 68.29 FEET; THENCE N44°48'19"E FOR A DISTANCE OF 294.40 FEET; THENCE N42°21'19"E FOR A DISTANCE OF 23.86 FEET; THENCE N27°48'19"E FOR A DISTANCE OF 20.73 FEET; THENCE N08°27'19"E FOR A DISTANCE OF 45.41 FEET; THENCE N05°51'19"E FOR A DISTANCE OF 181.46 FEET; THENCE N87°38'19"E FOR A DISTANCE OF 1309.07 FEET; THENCE S20°11'41"E FOR A DISTANCE OF 186.89 FEET; THENCE S21°49'38"E FOR A DISTANCE OF 356.77 FEET; THENCE S01°34'19"W FOR A DISTANCE OF 244.06 FEET; THENCE S13°28'41"E FOR A DISTANCE OF 320.37 FEET; THENCE N80°14'19"E FOR A DISTANCE OF 193.87 FEET TO A POINT ON THE EAST LINE OF SAID SECTION FIVE (5); THENCE S01°37'12"E AND ALONG THE EAST LINE OF SAID SECTION FIVE (5) FOR A DISTANCE OF 1926.57 FEET; THENCE S88°44'17"W FOR A DISTANCE OF 379.16 FEET; THENCE N85°33'05"W FOR A DISTANCE OF 100.50 FEET; THENCE S88°44'17"W FOR A DISTANCE OF 700.00 FEET; THENCE S85°52'32"W FOR A DISTANCE OF 100.12 FEET; THENCE S88°44'17"W FOR A DISTANCE OF 200.00 FEET; THENCE S85°52'32"W FOR A DISTANCE OF 100.12 FEET; THENCE S88°44'17"W FOR A DISTANCE OF 1060.29 FEET; THENCE N01°39'51"W FOR A DISTANCE OF 10.00 FEET; THENCE S88°45'01"W FOR A DISTANCE OF 197.49 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 190.02 ACRES MORE OR LESS.

LEGAL DESCRIPTION WAS PREPARED ON AUGUST 2, 2021 BY CLIFF BENNETT, PLS #1815 WITH THE BEARINGS BASE FOR THIS EXHIBIT BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (NAD83, OKLAHOMA NORTH 3501).

SURVEYOR'S CERTIFICATE

I, CLIFF BENNETT OF BENNETT SURVEYING, INC., CERTIFY THAT THE LEGAL DESCRIPTION HEREON CLOSES IN ACCORDANCE WITH CURRENT TOLERANCES AND IS A TRUE REPRESENTATION OF THE REAL PROPERTY DESCRIBED, AND THAT THE SURVEY OF THE REAL PROPERTY MEETS THE MINIMUM TECHNICAL STANDARDS AS ADOPTED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

WITNESS MY HAND AND SEAL THIS 2ND DAY OF AUGUST, 2021.



Cliff Bennett

CLIFF BENNETT, PLS
OKLAHOMA NO.1815
CERT. OF AUTH. NO. 4502
EXP. DATE JUNE 30, 2022

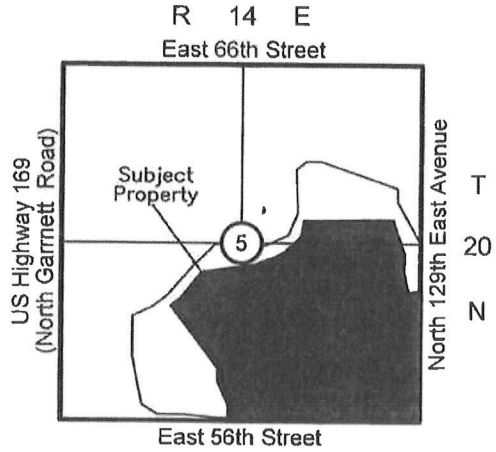
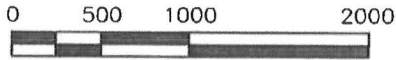
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PARCEL 1 EXHIBIT "A"

Page 2 of 3

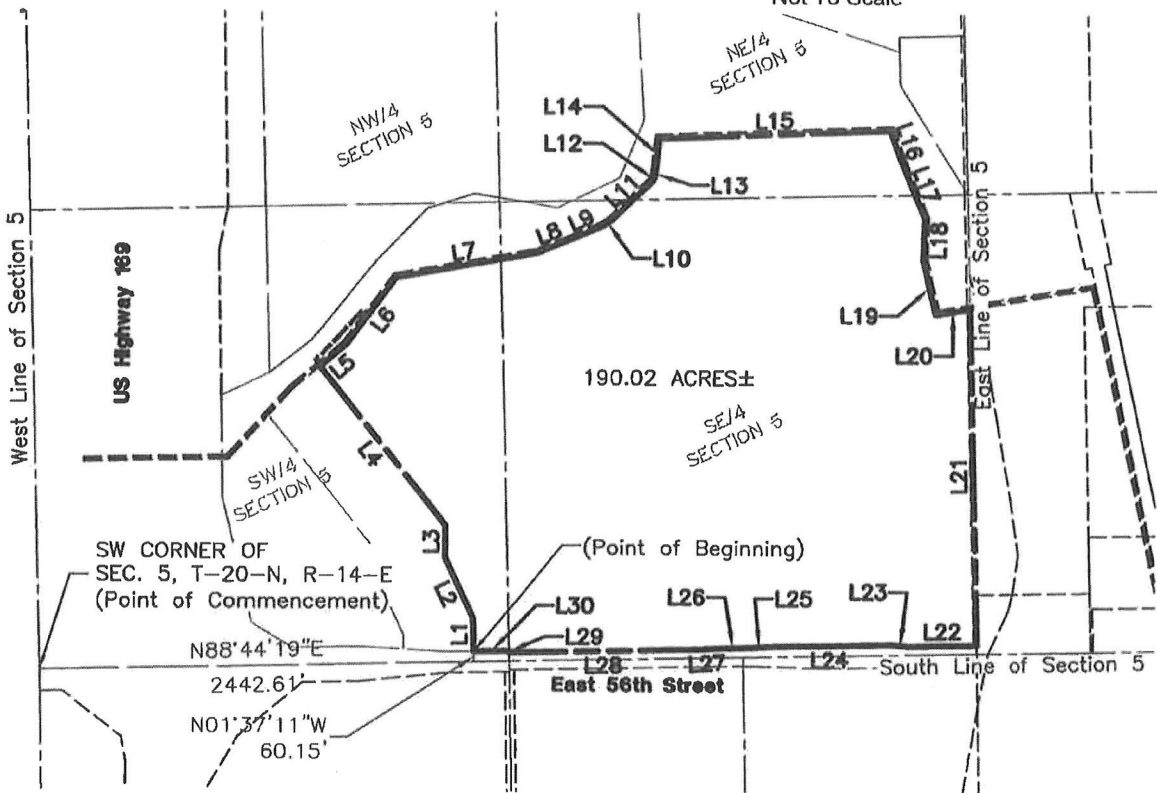


Scale: 1"=1000'



Location Map

Not To Scale



FILE: 211780 LG-1A SEC 5

Notes

1. THE BEARING BASE FOR THIS EXHIBIT IS BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (NAD83, OKLAHOMA NORTH 3501).
2. SEE EXHIBIT "A" PAGE 2 THRU 3 FOR LEGAL DESCRIPTION AND SURVEYOR'S CERTIFICATE.



**BENNETT
SURVEYING, INC.**
P.O. BOX 848, CHOUTEAU, OK 74337
PHONE: (918) 476-7484 FAX: (918) 476-7485
C.A. NO.: 4502 EXP. DATE: 6/30/22

12.9

PARCEL 1 EXHIBIT "A"

LINE TABLE

Page 3 of 3

| Line Table | | |
|------------|---------|-------------|
| Line # | Length | Direction |
| L1 | 190.00 | N01°37'11"W |
| L2 | 382.02 | N25°22'56"W |
| L3 | 185.00 | N00°00'00"E |
| L4 | 1157.54 | N38°21'25"W |
| L5 | 194.66 | N49°26'19"E |
| L6 | 479.46 | N36°06'19"E |
| L7 | 807.33 | N79°41'19"E |
| L8 | 208.53 | N67°31'19"E |
| L9 | 190.35 | N65°42'19"E |
| L10 | 68.29 | N55°11'19"E |
| L11 | 294.40 | N44°48'19"E |
| L12 | 20.73 | N27°48'19"E |
| L13 | 45.41 | N08°27'19"E |
| L14 | 181.46 | N05°51'19"E |
| L15 | 1309.07 | N87°38'19"E |
| L16 | 186.89 | S20°11'41"E |
| L17 | 356.77 | S21°49'38"E |
| L18 | 244.06 | S01°34'19"W |
| L19 | 320.37 | S13°28'41"E |
| L20 | 193.87 | N80°14'19"E |

| Line Table | | |
|------------|---------|-------------|
| Line # | Length | Direction |
| L21 | 1926.57 | S01°37'12"E |
| L22 | 379.16 | S88°44'17"W |
| L23 | 100.50 | N85°33'05"W |
| L24 | 700.00 | S88°44'17"W |
| L25 | 100.12 | S85°52'32"W |
| L26 | 200.00 | S88°44'17"W |
| L27 | 100.12 | S85°52'32"W |
| L28 | 1060.29 | S88°44'17"W |
| L29 | 10.00 | N01°39'51"W |
| L30 | 197.49 | S88°45'01"W |
| L31 | 23.86 | N42°21'19"E |



12.10

PARCEL 1 EXHIBIT "A"

CLOSURE REPORT

North: 456708.8041' East: 2604622.8890'

Segment #1 : Line

Course: N01°37'11"W Length: 190.00'
North: 456898.7282' East: 2604617.5185'

Segment #2 : Line

Course: N25°22'56"W Length: 382.02'
North: 457243.8712' East: 2604453.7638'

Segment #3 : Line

Course: N00°00'00"E Length: 185.00'
North: 457428.8712' East: 2604453.7638'

Segment #4 : Line

Course: N38°21'25"W Length: 1157.54'
North: 458336.5677' East: 2603735.4423'

Segment #5 : Line

Course: N49°26'19"E Length: 194.66'
North: 458463.1478' East: 2603883.3274'

Segment #6 : Line

Course: N36°06'19"E Length: 479.46'
North: 458850.5206' East: 2604165.8591'

Segment #7 : Line

Course: N79°41'19"E Length: 807.33'
North: 458995.0309' East: 2604960.1503'

Segment #8 : Line

Course: N67°31'19"E Length: 208.53'
North: 459074.7581' East: 2605152.8375'

Segment #9 : Line

Course: N65°42'19"E Length: 190.35'
North: 459153.0739' East: 2605326.3303'

Segment #10 : Line

Course: N55°11'19"E Length: 68.29'
North: 459192.0590' East: 2605382.3988'

Segment #11 : Line

Course: N44°48'19"E Length: 294.40'
North: 459400.9376' East: 2605589.8624'

Segment #12 : Line

Course: N42°21'19"E Length: 23.86'
North: 459418.5697' East: 2605605.9375'

Segment #13 : Line

Course: N27°48'19"E Length: 20.73'
North: 459436.9061' East: 2605615.6074'

Segment #14 : Line

Course: N08°27'19"E Length: 45.41'
North: 459481.8226' East: 2605622.2843'

Segment #15 : Line

Course: N05°51'19"E Length: 181.46'
North: 459662.3358' East: 2605640.7962'

Segment #16 : Line

Course: N87°38'19"E Length: 1309.07'
North: 459716.2726' East: 2606948.7545'

Segment #17 : Line

Course: S20°11'41"E Length: 186.89'
North: 459540.8717' East: 2607013.2712'

Segment #18 : Line

Course: S21°49'38"E Length: 356.77'
North: 459209.6788' East: 2607145.9214'

Segment #19 : Line

Course: S01°34'19"W Length: 244.06'
North: 458965.7106' East: 2607139.2264'

Segment #20 : Line

12.12

Course: S13°28'41"E Length: 320.37'
North: 458654.1639' East: 2607213.8959'

Segment #21 : Line

Course: N80°14'19"E Length: 193.87'
North: 458687.0336' East: 2607404.9591'

Segment #22 : Line

Course: S01°37'12"E Length: 1926.57'
North: 456761.2337' East: 2607459.4244'

Segment #23 : Line

Course: S88°44'17"W Length: 379.16'
North: 456752.8833' East: 2607080.3563'

Segment #24 : Line

Course: N85°33'05"W Length: 100.50'
North: 456760.6786' East: 2606980.1591'

Segment #25 : Line

Course: S88°44'17"W Length: 700.00'
North: 456745.2623' East: 2606280.3289'

Segment #26 : Line

Course: S85°52'32"W Length: 100.12'
North: 456738.0613' East: 2606180.4682'

Segment #27 : Line

Course: S88°44'17"W Length: 200.00'
North: 456733.6567' East: 2605980.5167'

Segment #28 : Line

Course: S85°52'32"W Length: 100.12'
North: 456726.4557' East: 2605880.6560'

Segment #29 : Line

Course: S88°44'17"W Length: 1060.29'
North: 456703.1047' East: 2604820.6231'

Segment #30 : Line

Course: N01°39'51"W Length: 10.00'
North: 456713.1004' East: 2604820.3327'

Segment #31 : Line

Course: S88°45'01"W Length: 197.49'
North: 456708.7932' East: 2604622.8897'

Perimeter: 11814.32' Area: 190.02acres
Error Closure: 0.0110 Course: S03°49'32"E
Error North: -0.01093 East: 0.00073

Precision 1: 1074029.09

12.14

EXHIBIT "B"

HISTORY

The property at issue in this request (the "Subject Property") is part of the small remaining undeveloped property in north Tulsa that has been primarily vacant since statehood. For 50 years, the Subject Property has been a working ranch owned by the Oxley family. No significant development has occurred on the Subject Property.

MINING

At some point in the distant past, a rich vein of limestone was discovered in and around the Subject Property and in parts of northern Tulsa County. After that discovery, mining operations began to grow in the area. Currently, there are 3 active mining operations within roughly a two-mile radius of the Subject Property. As such, this portion of Tulsa County has become a significant source of regional limestone for use in construction. These mining activities have been further bolstered by increased demand due to depletion of other mining resources in the area to the point that this area of Tulsa is now the primary provider of limestone for construction in Tulsa and Oklahoma City as well as other places within the region.

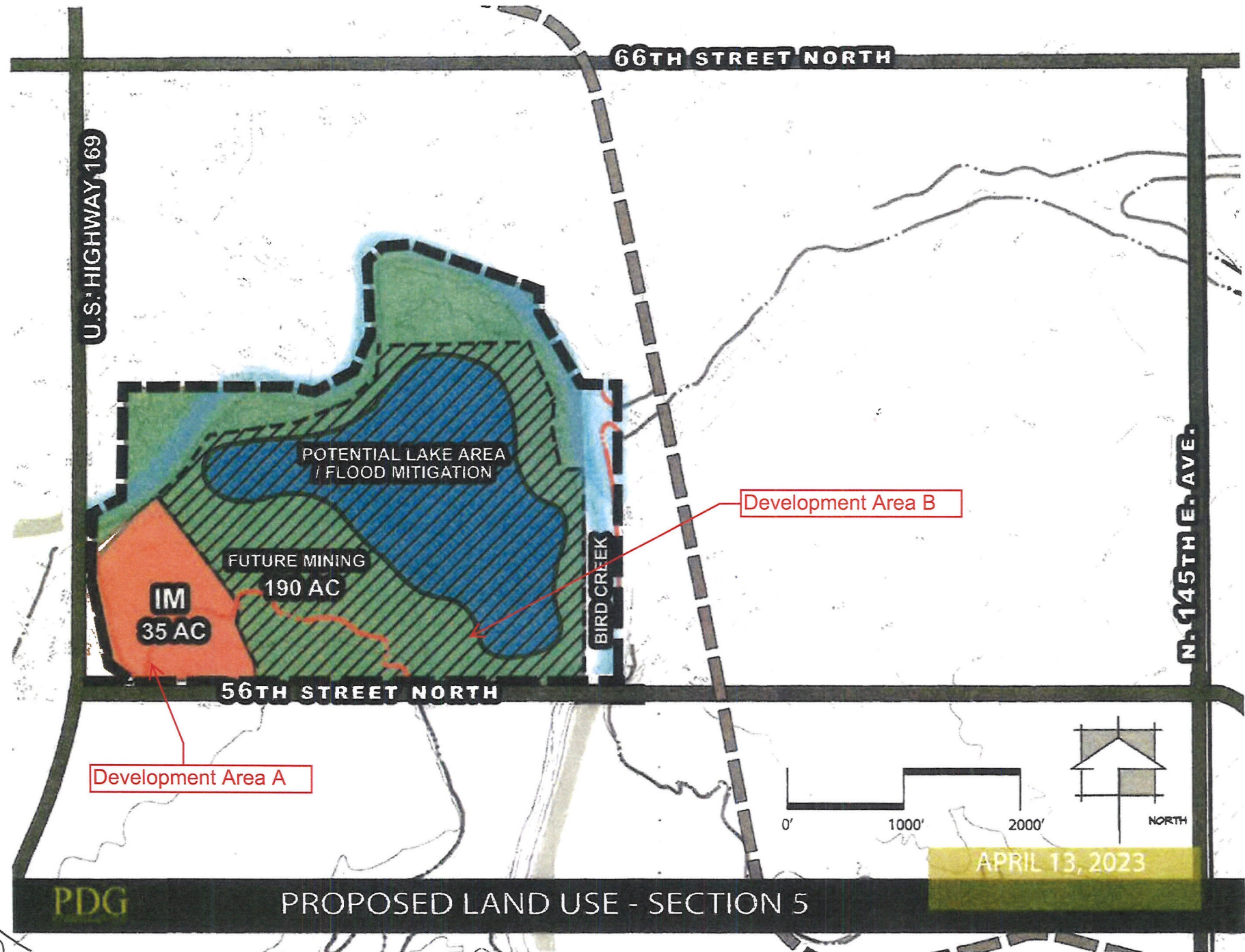
REZONING REQUEST

As stated above, mining is one of the largest uses of land in this area of Tulsa County. In addition to the rich limestone in the area, the Subject Property fronts onto Highway 169. The east side of Highway 169 in this area has rapidly developed into an industrial/warehousing corridor ripe for continued development with large-scale commercial activities. The owner of the Subject Property proposes to rezone the Subject Property to IM to accommodate future uses along the Highway 169 corridor as well as establish underlying zoning to accommodate mining operations on the balance of the Subject Property.

PUD REQUEST

The proposed mining use referenced above is allowed by right within IM, IH and AG Districts under the Tulsa County Zoning Code. As the Subject Property is to be partial used for moderate industrial uses along the Highway 169 corridor and frontage, the Applicant proposes a PUD to allow the additional use of "Mining and Mineral Processing" in only the areas located within Development Area B depicted on Exhibit "C" with Development Area A limited to IM uses without the Mining and Mineral Processing use. All other portions of the Subject Property will remain zoned AG without any additional development standards. The applicant does not propose any other amendments to the allowed uses and development standards of the IM zoning district. This request represents the minimal amount of relief necessary to accomplish the proposed uses outlined in this application. As referenced above, the proposed PUD would allow for additional access to a vital natural resource that is necessary for construction in

12.15



12.16

PDG

PROPOSED LAND USE - SECTION 5

APRIL 13, 2023