



Tulsa Metropolitan Area  
Planning Commission

**Case Number:** Z-7619

**Hearing Date:** October 6, 2021

**Case Report Prepared by:**

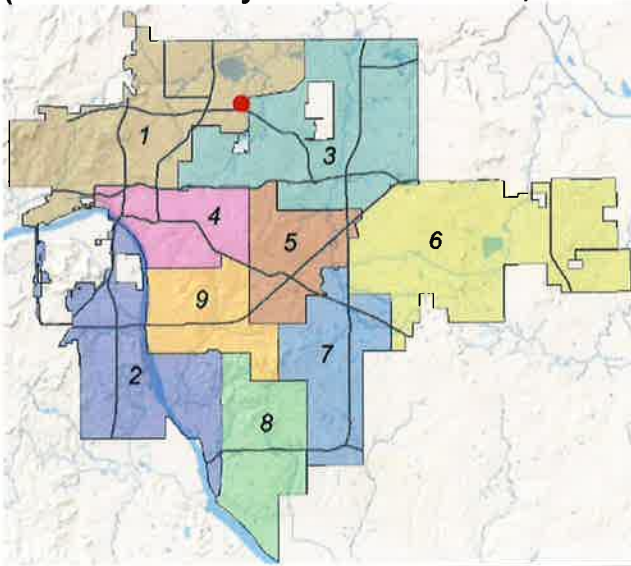
Dwayne Wilkerson

**Owner and Applicant Information:**

*Applicant:* Lou Reynolds

*Property Owner:* HEATER SPECIALISTS INC

**Location Map:**  
**(shown with City Council Districts)**



**Applicant Proposal:**

*Present Use:* Industrial

*Proposed Use:* Industrial

*Concept summary:* Continued growth of this facility is beyond the normal IL zoning use categories. Staff has received confirmation from the building permit office that HSI is allowed by right in an IM zoning district

*Tract Size:* 99+ acres

*Location:* West and South of the southwest corner of East 36th Street North & North Yale Avenue

**Zoning:**

*Existing Zoning:* IL and AG

*Proposed Zoning:* IM

**Comprehensive Plan:**

*Land Use Map:* Employment

*Stability and Growth Map:* Area of Growth

**Staff Recommendation:**

**Staff recommends approval.**

**Staff Data:**

TRS: 0321

CZM: 29

**City Council District:** 1

*Councilor Name:* Vanessa Hall-Harper

**County Commission District:** 3

*Commissioner Name:* Ron Peters

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## SECTION I: Z-7619

**DEVELOPMENT CONCEPT:** Continued expansion of the existing industrial use may not comply with IL zoning that is on the site. The applicant has met with building permit officials who have determined that the existing use is consistent with IM zoning expectations.

### EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Applicant Exhibits:
  - Zoning Exhibit "A.2"
  - Neighborhood engagement letter
  - Sign in sheet for neighborhood meeting

### **DETAILED STAFF RECOMMENDATION:**

The applicant for case Z-7619 has requested IM zoning. The IM district is primarily intended to group together a wide range of industrial uses that may produce some moderate adverse land use or environmental impacts in terms of their operation and appearance and,

The industrial uses surrounding Z-7619 are classified as light and moderate industrial uses. Uses that are allowed in IM zoning districts are consistent with the expected development in the surrounding area and,

Much of the surrounding property was an abandoned coal strip mine and City dump that is now being use for industrial uses that fall within the IL and IM zoning categories. The comprehensive plan encourages aggregation of existing industrial areas but does not provide guidance on where future heavy industrial should be in Tulsa. The comprehensive plan recognizes that the heaviest industrial uses are expected to be on the periphery of Tulsa and possibly not in Tulsa at all but encourages regional coordination and,

IM zoning are both consistent with the Employment land use vision identified the Tulsa Comprehensive Plan and is compatible with the surrounding properties and,

The building permit office has reviewed the facility operations and determined that IM zoning is appropriate for expected expansion opportunities for this use and that is compatible with the expected development in this area therefore,

Staff recommends Approval of Z-7619 to rezone property from IL and AG to IM.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

#### Staff Summary:

*Excerpts from the Economic Development priorities section of the Comprehensive Plan:*

*"Industrial development is an important component of a strong economy. Industrial firms provide high-paying jobs, and produce goods for export, bringing new money into the local economy. It can be challenging however, to provide adequate land for industrial uses. In the past these firms required lots of space on flat affordable land and*

*needed be located away from residential commercial areas, as they often generate noise, heavy truck traffic and air pollution. With modern pollution laws and other regulations, the line between industrial uses and other commercial uses is blurred. Industrial uses have an increasing need for high accessibility, visibility, and multimodal transportation connections.*

*Staff has met with the building permit office and determined that this facility could also be supported through the special exception process at the Board of Adjustment.*

*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*

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:* None that affects industrial expansion.

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: Staff Summary: The site is the headquarters for a large energy equipment manufacturing company that transports, manufactures, and assembles large equipment for the energy sector. The site is covered by several large warehouse style buildings and ships assembled and partially assembled heat exchangers across the nation. The site appears to be constructed on top of a coal strip mine and City of Tulsa dump. Much of the large assembly is done at their assembly operation located at the Port of Catoosa. Several undeveloped street rights of way are included in this zoning application.

Environmental Considerations: None that would be affected further industrial expansion.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP RW</u>	<u>Exist. # Lanes</u>
Toledo Avenue	Residential Collector	60 feet	2
East 36 <sup>th</sup> Street North	Secondary Arterial	100 feet	2
North Yale Avenue	Primary Arterial Residential Collector near 36 <sup>th</sup> Street	120 feet 60 feet	2
Gilcrease Expressway Ramps on and off expressway from N. Yale	Expressway	As needed	4+ divided highway

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	New Neighborhood	Growth	Large single family residential parcels
East	IL	Employment	Growth	vacant
South	IL	Employment	Growth	Light industrial uses
West	RS-3 and AG	New Neighborhood	Growth	Vacant residential subdivision with no infrastructure

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:**

Ordinance number 14704 dated March 11, 1980, established zoning on a portion of the subject property.

Ordinance number 14325 dated December 5, 1978, established zoning on a portion of the subject property.

Ordinance number 12802 dated April 24, 1973, established zoning on a portion of the subject property.

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### ***Subject Property:***

**Z-7466 March 2019:** *The Planning Commission recommended approval of IM zoning however the applicant ultimately withdrew that application and has purchased additional land.*

**BOA-16734 July 1994:** The Board of Adjustment **approved** a *variance* of the required number of parking spaces from 45 to 10 (Section 1225.D) subject to the use remaining an equipment manufacturing business; subject to the execution of a tie contract between the subject property and the lot containing the business offices (across the street), on property located east of the northeast corner of the Gilcrease Expressway and North Pittsburg Avenue; on a parcel within the subject tract.

**Z-5369 March 1980:** All concurred in **approval** of a request for *rezoning* a tract of land from AG to IL on property located south of the southeast corner of East 36<sup>th</sup> Street North and North Pittsburg Avenue; this is part of the subject property. (Ordinance #14704)

**Z-5071 December 1978:** All concurred in **approval** of a request for *rezoning* a 2.97± acre tract of land from AG to IL on property located north of the northwest corner of the Gilcrease Expressway and North Toledo Avenue; this is part of the subject property. (Ordinance #14325)

**BOA-8457 January 1975:** The Board of Adjustment **approved** a *special exception* to permit the operation of a welding shop for fabrication of oil field equipment units, separators and heaters, in an IL district, on property located north and east of the northeast corner of the Gilcrease Expressway and North Pittsburg Avenue; on a parcel within the subject tract.

**Z-4340 April 1973:** All concurred in **approval** of a request for *rezoning* a tract of land from AG to IL on property located south of the southeast corner of East 36<sup>th</sup> Street North and North Pittsburg Avenue; this is part of the subject property. (Ordinance #12802)

### ***Surrounding Property:***

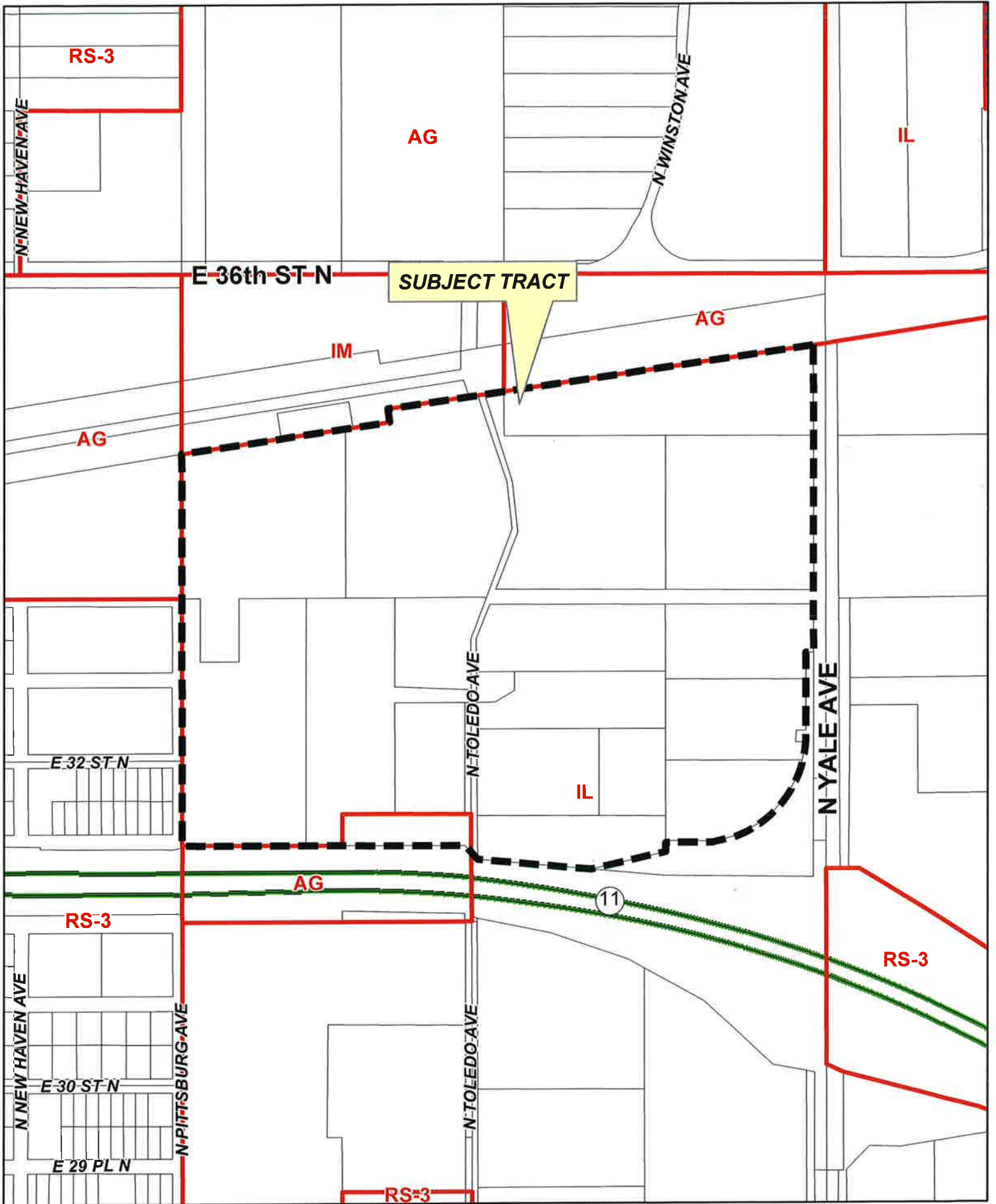
**BOA-20816 December 2008:** The Board of Adjustment **approved** a *special exception* to allow (Use Unit 26) indoor sand blasting operation in an IL district, on property located at the southeast corner of the Gilcrease Expressway and North Pittsburg Avenue.

**Z-6637 June 1998:** All concurred in **denial** of a request for *rezoning* an 8.7± acre tract of land from IL to IH on property located south of the southwest corner of East 36<sup>th</sup> Street North and North Yale Avenue.

**BOA-14679 December 1987:** The Board of Adjustment **denied** a *special exception* to allow for an existing landfill in an IL zoned district; finding that the landfill has been in operation for a number of years and has proved to be incompatible with the area, on property located south of the southeast corner of East 36<sup>th</sup> Street North and North Yale Avenue.

**Z-5548 July 1981:** All concurred in **approval** of a request for *rezoning* a tract of land from AG to IL on property located on the southeast corner of the Gilcrease Expressway and North Pittsburg Avenue.


**IM zoning on property located on the southeast corner of East 36<sup>th</sup> Street North and North Pittsburg Avenue** appears to have been zoned IM with Ordinance number 11809 on June 26, 1970. Maps from April 4, 1971 and February 7, 1973 both indicate that the property was already zoned IM at that time.



SUBJECT TRACT

Z-7619

20-13 21

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N NEW HAVEN AVE

N WINSTON AVE

E 36th ST N

E 32 ST N

N TOLEDO AVE

N YALE AVE

N NEW HAVEN AVE

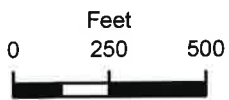
E 30 ST N

N PITTSBURG AVE

N TOLEDO AVE

E 29 PL N

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Subject Tract

**Z-7619**

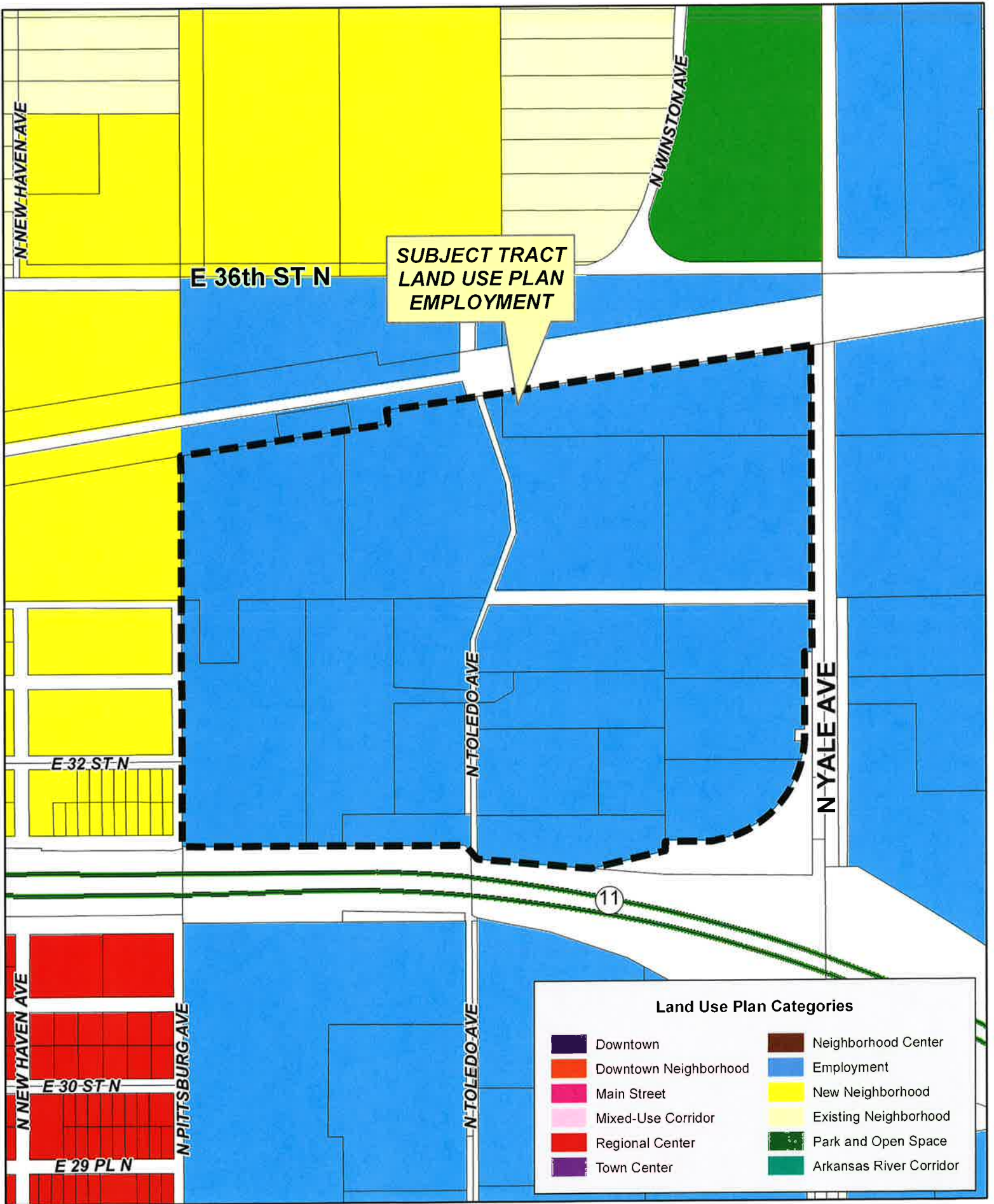
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021

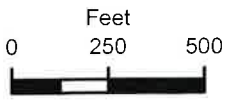
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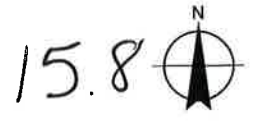
**SUBJECT TRACT  
LAND USE PLAN  
EMPLOYMENT**

Land Use Plan Categories			
	Downtown		Neighborhood Center
	Downtown Neighborhood		Employment
	Main Street		New Neighborhood
	Mixed-Use Corridor		Existing Neighborhood
	Regional Center		Park and Open Space
	Town Center		Arkansas River Corridor

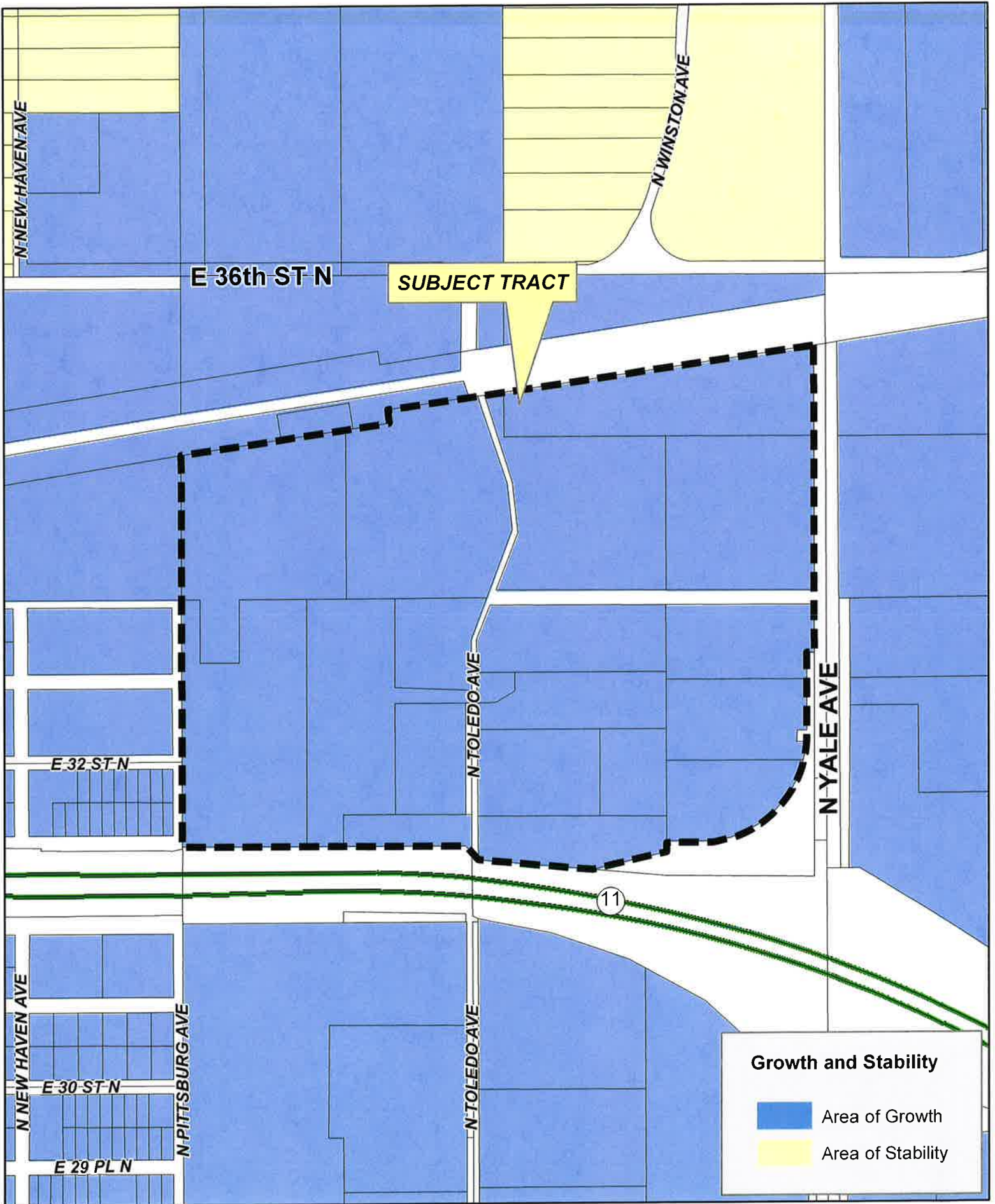


**Z-7619**

20-13 21



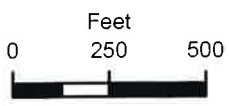




**SUBJECT TRACT**

**Growth and Stability**

- Area of Growth
- Area of Stability



**Z-7619**

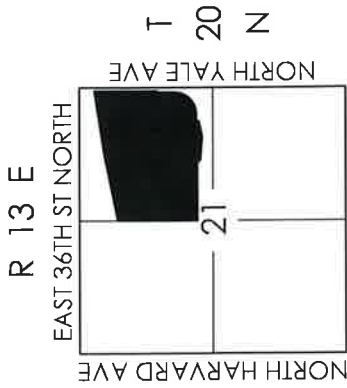
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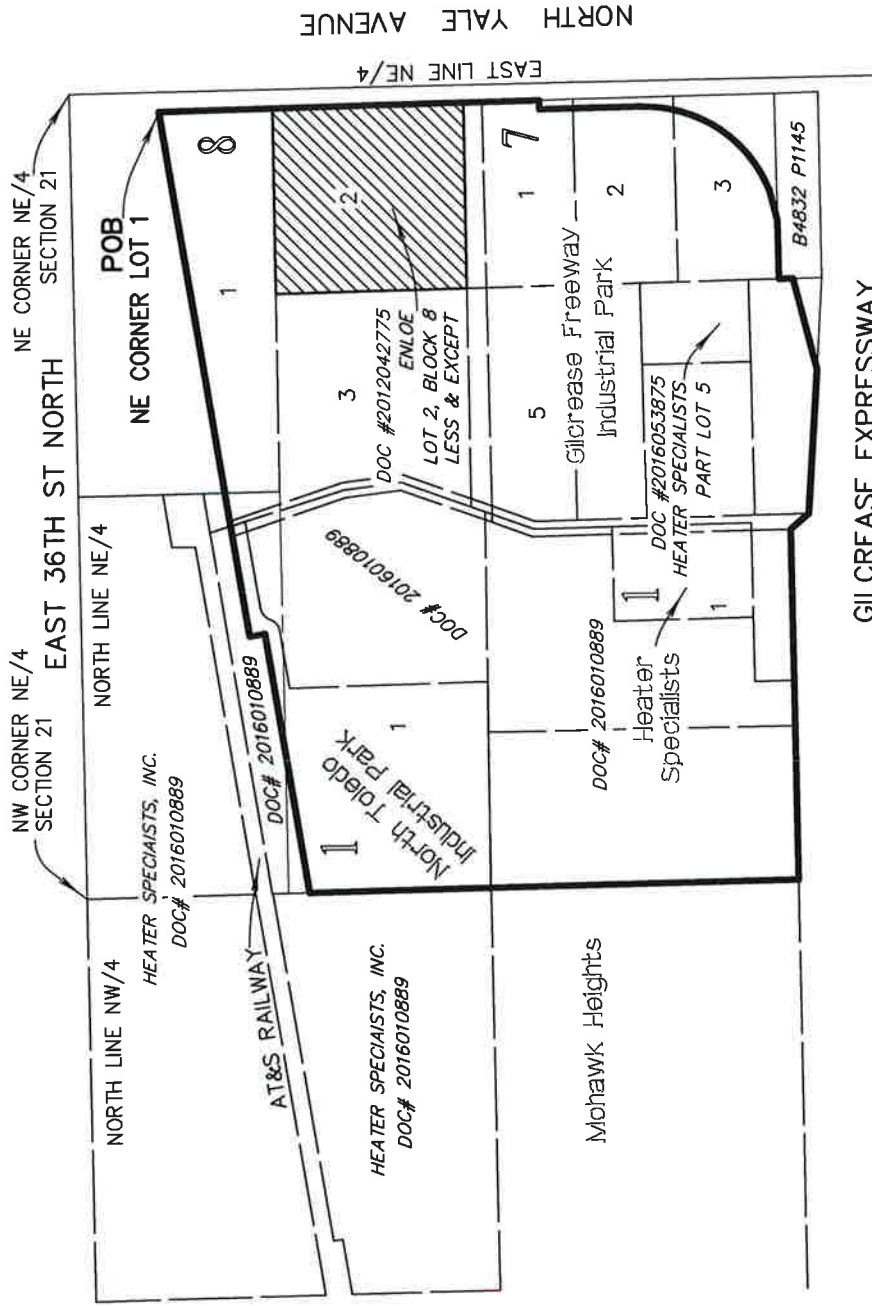
# Exhibit "A.2"

## Heater Specialists, Inc.

### Zoning Exhibit



**Location Map**



GILCREASE EXPRESSWAY

**LEGEND**

AT&S	ATCHINSON, TOPEKA & SANTA FE
B	BOOK
DOC	DOCUMENT
P	PAGE

08/16/2021 RMC GILL 18107EX IH ZONING TRACT\_UPDATE  
20210816

THE ILLUSTRATION SHOWN HEREON IS INTENDED TO DEPICT THE LAND DESCRIPTION TO WHICH IT IS ATTACHED AND DOES NOT REPRESENT A LAND OR BOUNDARY SURVEY PLAT AS DEFINED BY THE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

15.10

**Eller & Detrich**  
A Professional Corporation

Philip J. Eller  
Kevin H. Wylie  
R. Louis Reynolds  
Daniel C. Cupps  
Andrew A. Shank  
Heidi L. Shadid  
Shanann Pinkham Passley  
Mac D. Finlayson  
Steven P. Flowers  
Sloane Ryan Lile  
Nathalie M. Cornett  
Natalie J. Marra

*Telephone*  
(918) 747-8900

*Toll Free*  
(866) 547-8900

*Facsimile*  
(918) 747-2665

*Of Counsel*

Donald L. Detrich, *Retired*  
Jerry M. Snider  
Katherine Saunders, PLC  
Joshua M. Tietsort  
Kenneth E. Crump, Jr.

*Writer's E-Mail*  
[rlreynolds@ellerdetrich.com](mailto:rlreynolds@ellerdetrich.com)

September 9, 2021

Damien L. and Andrea Sanders  
3606 N. Winston Avenue  
Tulsa, Oklahoma 74115

Re: TMAPC Case No. Z-7619  
TMAPC Hearing Date: October 6, 2021, at 1:00 p.m.

Dear Mr. and Ms. Sanders:

This law firm represents Heater Specialists, L.L.C. ("HSI").

We have filed an application to rezone HSI's property south of the railroad tracks on the south side of East 36<sup>th</sup> Street to IM – Industrial Medium from IL – Industrial Light. This application to rezone will be heard by the TMAPC on October 6, 2021, at 1:00 p.m.

I am writing to you to invite you to a meeting with Alan Jackson of HSI on September 16, 2021, at the Mohawk Golf Course dining room at 6:00 p.m.

On behalf of HSI, we hope to see you at the meeting and will make every effort to answer any questions you may have about the rezoning.

Again, we look forward to seeing you at the September 16<sup>th</sup> meeting.

Yours very truly,

ELLER AND DETRICH  
A Professional Corporation



R. Louis Reynolds

RLR:rea

cc: Mr. Alan Jackson  
1006113912/N&C/El detri (2021 09 09)

[www.EllerDetrich.com](http://www.EllerDetrich.com)

2727 East 21<sup>st</sup> Street, Suite 200, Tulsa, Oklahoma 74114-3533

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**Eller & Detrich**  
A Professional Corporation

Philip J. Eller  
Kevin H. Wylie  
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Joshua M. Tietsort  
Kenneth E. Crump, Jr.

*Writer's E-Mail*  
[rlreynolds@ellerdetrich.com](mailto:rlreynolds@ellerdetrich.com)

September 9, 2021

Louay Sifou  
412 S. Main  
Tulsa, OK 74103

Re: TMAPC Case No. Z-7619  
TMAPC Hearing Date: October 6, 2021, at 1:00 p.m.

Dear Mr. Sifou:

This law firm represents Heater Specialists, L.L.C. ("HSI").

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Yours very truly,  
ELLER AND DETRICH  
A Professional Corporation



R. Louis Reynolds

RLR:rea

cc: Mr. Alan Jackson  
1:06:11.39/12/N&C/Letter (2021.09.09)

[www.EllerDetrich.com](http://www.EllerDetrich.com)  
2727 East 21<sup>st</sup> Street, Suite 200, Tulsa, Oklahoma 74114-3533

15.12

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A Professional Corporation

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September 9, 2021

Shree Annette Gordon  
3660 N. Winston Avenue  
Tulsa, Oklahoma 74115

Re: TMAPC Case No. Z-7619  
TMAPC Hearing Date: October 6, 2021, at 1:00 p.m.

Dear Ms. Gordon:

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R. Louis Reynolds

RLR:rea

cc: Mr. Alan Jackson  
1:06:1139:12/N:&C/1 ulla (2021 09 09)

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September 9, 2021

Johnny Rex and Tamara Leigh Wilson  
3702 N. Winston Avenue  
Tulsa, Oklahoma 74115

Re: TMAPC Case No. Z-7619  
TMAPC Hearing Date: October 6, 2021, at 1:00 p.m.

Dear Mr. and Ms. Wilson:

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R. Louis Reynolds

RLR:rea

cc: Mr. Alan Jackson  
1/06 11 49/12/N&C/1/eller (2021 09 09)

[www.EllerDetrich.com](http://www.EllerDetrich.com)  
2727 East 21<sup>st</sup> Street, Suite 200, Tulsa, Oklahoma 74114-3533

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A Professional Corporation

Philip J. Eller  
Kevin H. Wylie  
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September 9, 2021

Charley W. and Sherry R. Pruitt  
5313 Redbud Drive  
Sand Springs, OK 74063

Re: TMAPC Case No. Z-7619  
TMAPC Hearing Date: October 6, 2021, at 1:00 p.m.

Dear Mr. and Ms. Pruitt:

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R. Louis Reynolds

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cc: Mr. Alan Jackson  
L:\06.1139712\N&C\7\letter (2021.09.09)

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2727 East 21<sup>st</sup> Street, Suite 200, Tulsa, Oklahoma 74114-3533

15.15

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15.14



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*Telephone*  
(918) 747-8900

*Toll Free*  
(866) 547-8900

*Facsimile*  
(918) 747-2665

*Of Counsel*

Donald L. Detrich, *Retired*  
Jerry M. Snider  
Katherine Saunders, PLC  
Joshua M. Tietsort  
Kenneth E. Crump, Jr.

*Writer's E-Mail*  
[rlreynolds@ellerdetrich.com](mailto:rlreynolds@ellerdetrich.com)

September 9, 2021

Tammy Dawn Meyerhoff and  
Jerry Lynn McGehee  
3912 N. Winston Avenue  
Tulsa, Oklahoma 74115

Re: TMAPC Case No. Z-7619  
TMAPC Hearing Date: October 6, 2021, at 1:00 p.m.

Dear Ms. Meyerhoff and Mr. McGehee:

This law firm represents Heater Specialists, L.L.C. ("HSI").

We have filed an application to rezone HSI's property south of the railroad tracks on the south side of East 36<sup>th</sup> Street to IM – Industrial Medium from IL – Industrial Light. This application to rezone will be heard by the TMAPC on October 6, 2021, at 1:00 p.m.

I am writing to you to invite you to a meeting with Alan Jackson of HSI on September 16, 2021, at the Mohawk Golf Course dining room at 6:00 p.m.

On behalf of HSI, we hope to see you at the meeting and will make every effort to answer any questions you may have about the rezoning.

Again, we look forward to seeing you at the September 16<sup>th</sup> meeting.

Yours very truly,

ELLER AND DETRICH  
A Professional Corporation



R. Louis Reynolds

RLR:rea

cc: Mr. Alan Jackson  
1706-1139/12/N&C/Letter/2021-09-09

[www.EllerDetrich.com](http://www.EllerDetrich.com)  
2727 East 21<sup>st</sup> Street, Suite 200, Tulsa, Oklahoma 74114-3533

15.17

**Eller & Detrich**  
A Professional Corporation

Philip J. Eller  
Kevin H. Wylie  
R. Louis Reynolds  
Daniel C. Cupps  
Andrew A. Shank  
Heidi L. Shadid  
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September 9, 2021

Jerry and Shelima McGehee  
3808 N. Winston Avenue  
Tulsa, Oklahoma 74115

Re: TMAPC Case No. Z-7619  
TMAPC Hearing Date: October 6, 2021, at 1:00 p.m.

Dear Mr. and Ms. McGehee:

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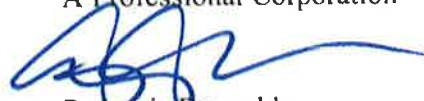
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R. Louis Reynolds

RLR:rea

cc: Mr. Alan Jackson  
E:\06-1139\127N&C\71.eller (2021-09-09)

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15.18

**Eller & Detrich**  
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September 9, 2021

Jerry H. and Wanda F. Hendricks  
3838 N. Winston Avenue  
Tulsa, Oklahoma 74115

Re: TMAPC Case No. Z-7619  
TMAPC Hearing Date: October 6, 2021, at 1:00 p.m.

Dear Mr. and Ms. Hendricks:

This law firm represents Heater Specialists, L.L.C. ("HSI").

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Yours very truly,  
ELLER AND DETRICH  
A Professional Corporation

  
R. Louis Reynolds

RLR:rea

cc: Mr. Alan Jackson  
1:06:1139/12/N&C/Letter (2021-09-09)

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2727 East 21<sup>st</sup> Street, Suite 200, Tulsa, Oklahoma 74114-3533

15.19

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Kenneth E. Crump, Jr.

*Writer's E-Mail*  
[rlreynolds@ellerdetrich.com](mailto:rlreynolds@ellerdetrich.com)

September 9, 2021

Amos A. and Louise Alberty  
3914 N. Winston Avenue  
Tulsa, Oklahoma 74115

Re: TMAPC Case No. Z-7619  
TMAPC Hearing Date: October 6, 2021, at 1:00 p.m.

Dear Mr. and Ms. Alberty:

This law firm represents Heater Specialists, L.L.C. ("HSI").


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Yours very truly,  
ELLER AND DETRICH  
A Professional Corporation

  
R. Louis Reynolds

RLR:rea

cc: Mr. Alan Jackson  
17061139/12/N&CA/eller (2021 09 09)

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2727 East 21<sup>st</sup> Street, Suite 200, Tulsa, Oklahoma 74114-3533

15.20

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A Professional Corporation

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Joshua M. Tietsort  
Kenneth E. Crump, Jr.

*Writer's E-Mail*  
[rlreynolds@ellerdetrich.com](mailto:rlreynolds@ellerdetrich.com)

September 9, 2021

Louay Sifou  
3926 N. Winston Avenue  
Tulsa, Oklahoma 74115

Re: TMAPC Case No. Z-7619  
TMAPC Hearing Date: October 6, 2021, at 1:00 p.m.

Dear Mr. Sifou:

This law firm represents Heater Specialists, L.L.C. ("HSI").

We have filed an application to rezone HSI's property south of the railroad tracks on the south side of East 36<sup>th</sup> Street to IM – Industrial Medium from IL – Industrial Light. This application to rezone will be heard by the TMAPC on October 6, 2021, at 1:00 p.m.

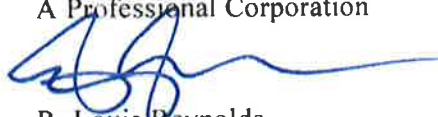
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Yours very truly,

ELLER AND DETRICH  
A Professional Corporation



R. Louis Reynolds

RLR:rea

cc: Mr. Alan Jackson  
(06/11/39/12/N&C/1/eller (2021 09 09))

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15.21

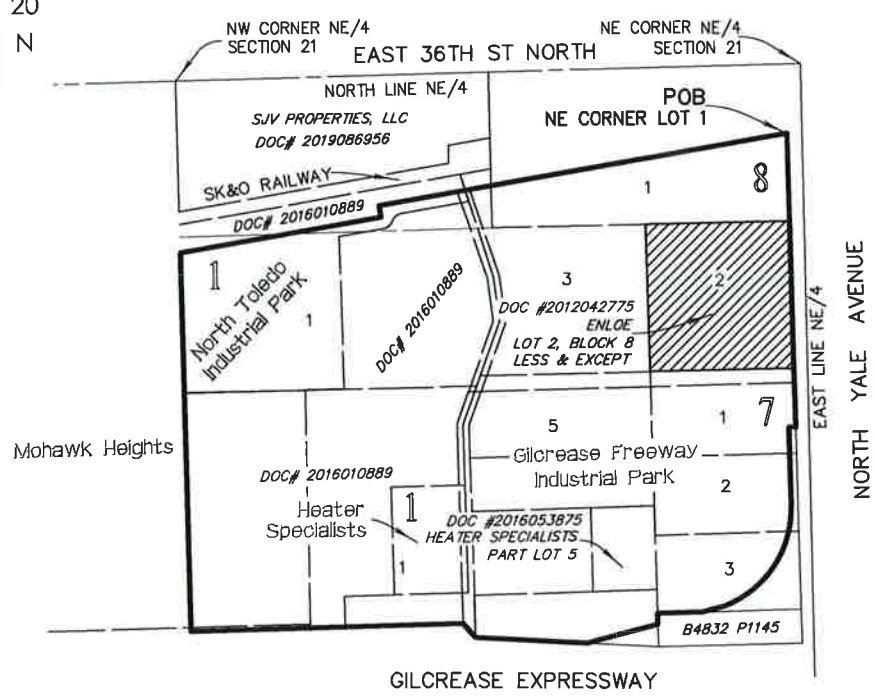
Z-7619  
SHEET-IN SHEET  
THURSDAY, SEPT 16<sup>TH</sup>

Name	Address	Tele#	Email
LOU REYNOLDS	2727 E. 21 <sup>ST</sup> ST	747-8900	lreynolds@elkandetruck.com
CAROL THORMAN	4938 E 41 <sup>ST</sup> ST	281-967-1298	Carol.Thorman@Gmail
LOU SIFOU	3926 N WINSTON + 3610	557-0502	Lsifou@cox.net
John & Tammy Wilson	5702 N. Winston		wilsontammy1reg@gmail

# Exhibit "A.2"

## Heater Specialists, Inc.

### Zoning Exhibit



**LEGEND**

- AT&S ATCHINSON, TOPEKA & SANTA FE
- B BOOK
- DOC DOCUMENT
- P PAGE

THE ILLUSTRATION SHOWN HEREON IS INTENDED TO DEPICT THE LAND DESCRIPTION TO WHICH IT IS ATTACHED AND DOES NOT REPRESENT A LAND OR BOUNDARY SURVEY PLAT AS DEFINED BY THE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.



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