



Tulsa Metropolitan Area  
Planning Commission

**Case Number:** Z-7620

**Hearing Date:** October 6, 2021

**Case Report Prepared by:**

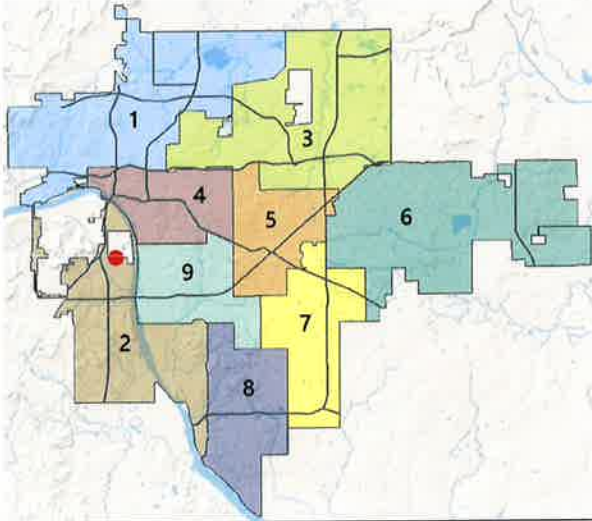
Dwayne Wilkerson

**Owner and Applicant Information:**

*Applicant:* Timothy Nall

*Property Owner:* NALL, TIMOTHY SCOTT

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



**Applicant Proposal:**

*Present Use:* Log Storage

*Proposed Use:* Tree Service

*Concept summary:* Rezoning to allow light industrial uses consistent with the comprehensive plan

*Tract Size:* 0.16 ± acres

*Location:* Southeast corner of W. 36th St. S. & S. Maybelle Ave.

**Zoning:**

*Existing Zoning:* RS-3

*Proposed Zoning:* IL

**Comprehensive Plan:**

*Land Use Map:* Employment

*Stability and Growth Map:* Area of Growth

**Staff Recommendation:**

**Staff recommends approval.**

**Staff Data:**

TRS: 9223  
CZM: 46

**City Council District:** 2

*Councilor Name:* Jeannie Cue

**County Commission District:**

*Commissioner Name:* Karen Keith

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## SECTION I: Z-7620

**DEVELOPMENT CONCEPT:** Rezone a residential lot that is adjacent to the oil refineries to support light industrial redevelopment.

### 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

### **DETAILED STAFF RECOMMENDATION:**

IL zoning is consistent with the anticipated future development in the area and,

IL zoning is consistent with the Employment land use designation in the Tulsa Comprehensive Plan and,

IL zoning is considered non injurious to the proximate properties therefore,

Staff recommends Approval of Z-7620 to rezone property from RS-3 to IL.

## SECTION II: Supporting Documentation

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: IL zoning is consistent with the Employment land use designation in the area.*

#### *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.

*He. Z*

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 vacant and nearly flat. The property was originally a single-family residential development that has been abandoned partially because of its proximity to the refinery northwest of the site and it is also in a floodplain. A few single-family residences remain south of this subject property.

Environmental Considerations: None except the site is across the street from an oil refinery operation and rail system.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
W. 36 <sup>th</sup> Street South	None	50 feet	2

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	IH	Employment	Area of Growth	Refinery
East	RS-3	Employment	Area of Growth	vacant
South	RS-3	Employment	Area of Growth	vacant
West	IL	Employment	Area of Growth	Light industrial

16.3

### SECTION III: Relevant Zoning History

**ZONING ORDINANCE:** Ordinance number 11822 dated June 26, 1970, established zoning for the subject property.

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

**BOA-14252 October 1986:** The Board of Adjustment **approved** a *Special Exception* to permit the time regulation from 1 year to permanently; finding that there are numerous mobile homes in the area and the granting of the requests will not be detrimental to the area and that the use does not violate the spirit and intent of the Code or the Comprehensive Plan, on property located at Lot 34, Block 7, Garden City Addition.

**BOA-3266 August 1959:** The Board of Adjustment **grants** permission to extend non-conforming use by adding 18 x 26 to present building in a U-1-C District on, being for variety store and Post Office, on property located at Lot 34, Block 7, Garden City Addition.

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

**BOA-21800 December 2014:** The Board of Adjustment **approved** a *Variance* to reduce the required setback from the centerline of W. 36<sup>th</sup> Street from 45 feet to 35 feet to permit a detached accessory building in the required rear yard; *Variance* to increase the permitted square footage of a detached accessory building from 500 square feet to 1,760 square feet; *Variance* to increase the permitted height of a detached accessory building from 18 feet to 20 feet to permit the construction of a proposed carport for a recreation vehicle. The Board has found that the property in question has industrial property fronting on two sides to the north and to the east, and vacant residential lot to the south. The subject property is more narrow than the typical RS-3 lot. This approval is subject to the conceptual plan; on property located at 3601 South Nogales Avenue.

**BOA-20485 May 2007:** The Board of Adjustment **approved** a *Verification* of spacing requirements for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the south; and **deny** *Verification* of spacing requirements for an outdoor advertising sign to the north, involving tribal lands; and to **approve** a *Variance* of the spacing requirement from an outdoor advertising sign on the north, which is less than 1,00 ft. from the sign on tribal lands; finding the billboard to the north is located on tribal lands, which circumstance is not specifically defined in the zoning code; finding that in granting the variance, the extraordinary or exceptional conditions or circumstances which are peculiar to the land, specifically involving tribal lands, the literal enforcement of the terms of the Code would result in unnecessary hardship; on property located at 9001 S. Union Ave.

**BOA-19864 July 2004:** The Board of Adjustment **approved** a *Refund* of \$303.00, finding no relief is needed according to the site plan submitted this day, on property located at 3615 S. Maybelle.

**BOA-19641 August 2003:** The Board of Adjustment **approved** a *Special Exception* to permit a manufactured home in an RS-3 zoned district, with conditions to be skirted, tie-downs, and all required permits be obtained; and a *Special Exception* to allow it for thirty years, per plan, on property located at 3645 S. Lawton.

**BOA-19171 August 2001:** The Board of Adjustment **approved** a *Special Exception* to permit manufactured home in an RS-3 district; and a *Special Exception* to extend the one-year time limit to 30 years, with condition of a tie-agreement between Lots 4 and 5, tie-downs, skirting, DEQ approval, and building permit, on property located at 3636 S. Jackson.

**BOA-19168 August 2001:** The Board of Adjustment **approved** a *Special Exception* to permit a manufactured home in an RS-3 zoned district; and a *Special Exception* to extend the time limit to 30 years, finding that it will be in harmony with the spirit and intent of the Code, on property located at 3704 S. Jackson.

**BOA-18894 October 2000:** The Board of Adjustment **approved** a *Special Exception* to permit a manufactured home in an RS district; and a *Special Exception* of the one-year time limit to indefinite, on condition that all requirements be met for permits, inspections, tie-downs, and skirting, on property located at NE of W. 37<sup>th</sup> Pl. & S. Nogales.

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**BOA-18619 December 1999:** The Board of Adjustment **approved** a *Special Exception* to permit a manufactured home in an RS-3 zoned district and a *Special Exception* to allow the manufactured dwelling permanently, on property located at 3623 S. Maybelle.

**BOA-18264 November 1998:** The Board of Adjustment **deny** a *Special Exception* to permit a tower setback 23% from a residential district, rather than 110%, on property located at N. 36<sup>th</sup> St. W. & S. Jackson Ave.

**BOA-15278 October 1989:** The Board of Adjustment **approved** a *Special Exception* to permit an existing mobile home in a RS-3 District; and to **approve** a *Variance* of the one-year time limitation to permanently; per plat of survey; finding that the mobile home has been at this location for approximately four years and has proved to be compatible with the surrounding neighborhood, on property located at 3651 S. Maybelle.

**BOA-15037 January 1989:** The Board of Adjustment **approved** a *Variance* to permit two dwelling units to locate on one lot of record in an RS-3 zoned district; per plot plan submitted; finding a hardship imposed on the applicant by the large size of the tract, and the fact that the property could be split into two individual lots if a sanitary sewer was available, on property located at 3607 and 3615 S. Lawton Avenue.

**BOA-14273 November 1986:** The Board of Adjustment **approved** a *Special Exception* to permit to renew permission for a mobile home in an RS-3 District and to **approve** a *Variance* to extend the one year time limitation to 3 years from the time of this hearing; finding that there are other mobile homes in the area; and finding that the mobile home has been in place for a period of 1 year and has proved to be compatible with the neighborhood, on property located at 3651 S. Maybelle.

**BOA-14267 November 1986:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS-3 zoned district; and to **approve** a *Variance* to waive the one-year time limit to permanently; subject to Health Department approval; finding that the mobile home has been located on the lot for a period of one year has proved to be compatible with the area, on property located at 3639 S. Maybelle.

**BOA-13798 October 1985:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS-3 zoned district; and to **deny** a *Variance* of the one-year time limitation; subject to posting of Removal Bond; subject to Health Department approval and Building Permit, on property located at 3651 S. Maybelle.

**BOA-13779 October 1985:** The Board of Adjustment **approved** a *Special Exception* to permit mobile home in an RS-3 zoned district; and to **deny** a *Variance* of the time regulation from 1 year to permanent; subject to removal bond; finding that there are other mobiles in the area and that the granting of the special exception requested will not be injurious to the neighborhood and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan, on property located at 3639 S. Maybelle.

**BOA-12693 July 1983:** The Board of Adjustment **approved** a *Special Exception* to permit to permit three (3) mobile homes on three (3) separate lots under the provisions of Section 1680, to **approve** a *Variance* of the one-year time limitation and the customary removal bond under the provisions of Section 1670, and to **approve** a request for a refund of filing fees, on property located at 3701 S. Nogales Ave.

**BOA-11195 September 1980:** The Board of Adjustment **approved** a *Special Exception* to permit the mobile home in an RS-3 District with no time limit and no removal bond required, on property located at 3621 South Nogales Avenue.

**BOA-11172 September 1980:** The Board of Adjustment **approved** a *Special Exception* to permit location of a mobile home in an RS-3 District and for a *Variance* to permit more than one mobile home on a lot with no time limit, on property located at 3701 S. Nogales Avenue.

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**BOA-9751 November 1977:** The Board of Adjustment **approved** a *Special Exception* to permit two mobile homes in an RS-3 District for a period of one year with a removal bond of \$1,000 being sufficient for both mobile homes, on property located at 3701 S. Nogales Avenue.

**BOA-8036 September 1973:** The Board of Adjustment **approved** a *Special Exception* to permit two mobile homes for a period of one year, bond required, in an RS-3 District, on property located at 3636 S. Maybelle Avenue.

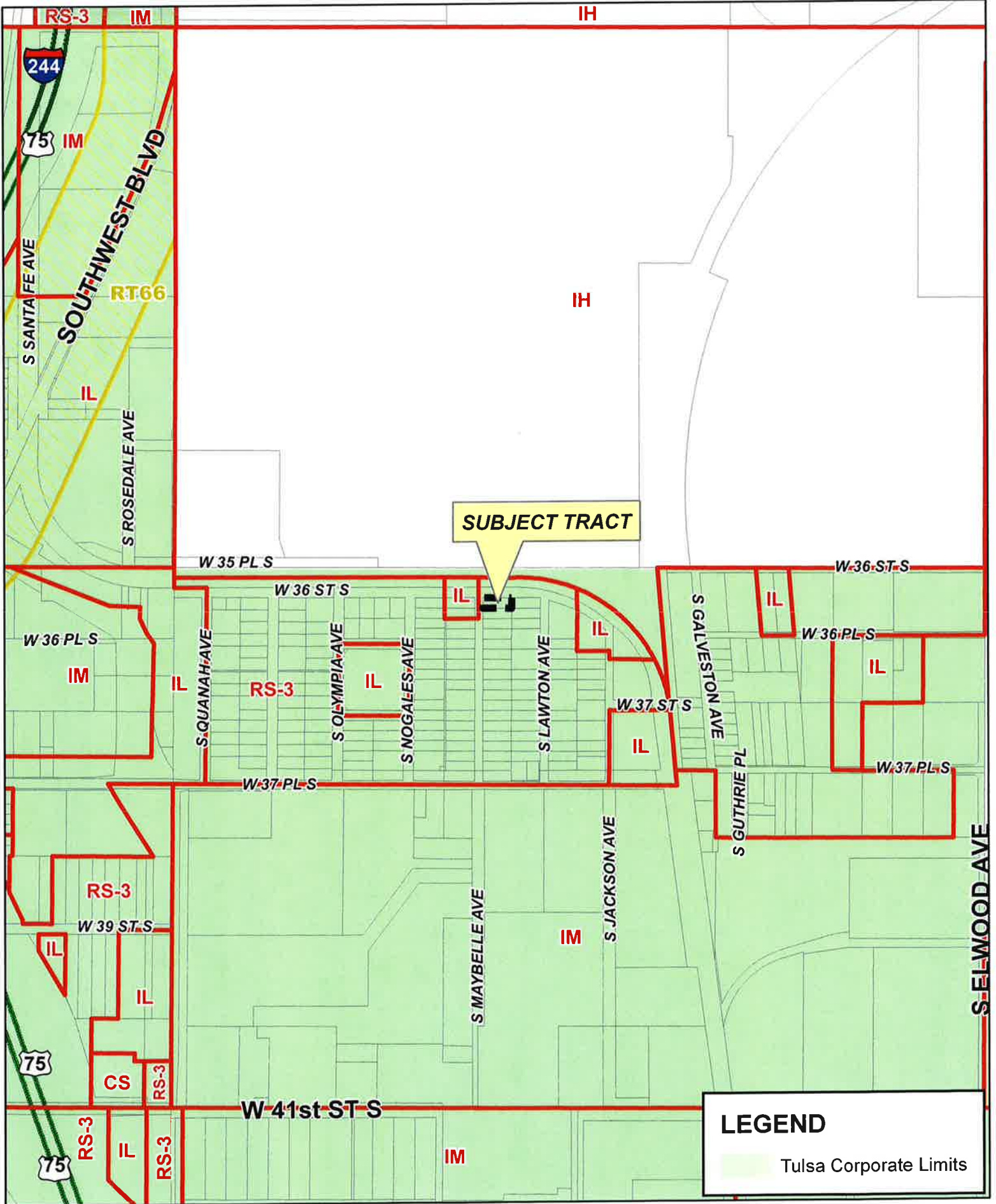
**BOA-7454 April 1972:** The Board of Adjustment **approved** a *Special Exception* to permit the erection of a garage across a lot line in an RS-3 District, subject to the plot plan submitted, on property located at 3637 S. Nogales.

**BOA-5985 August 1968:** The Board of Adjustment **granted** a *Special Exception* to permit modifying the setback requirements of U-4A to permit building 10' from the West, South and East property lines, and waived the public hearing, on property located at SW corner of 36<sup>th</sup> and Jackson.

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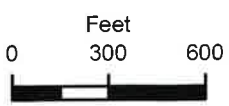




**SUBJECT TRACT**

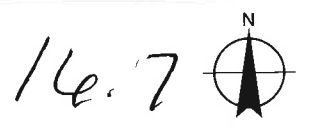
**LEGEND**

Tulsa Corporate Limits

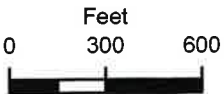


**Z-7620**

19-12 23







Subject Tract

**Z-7620**

19-12 23

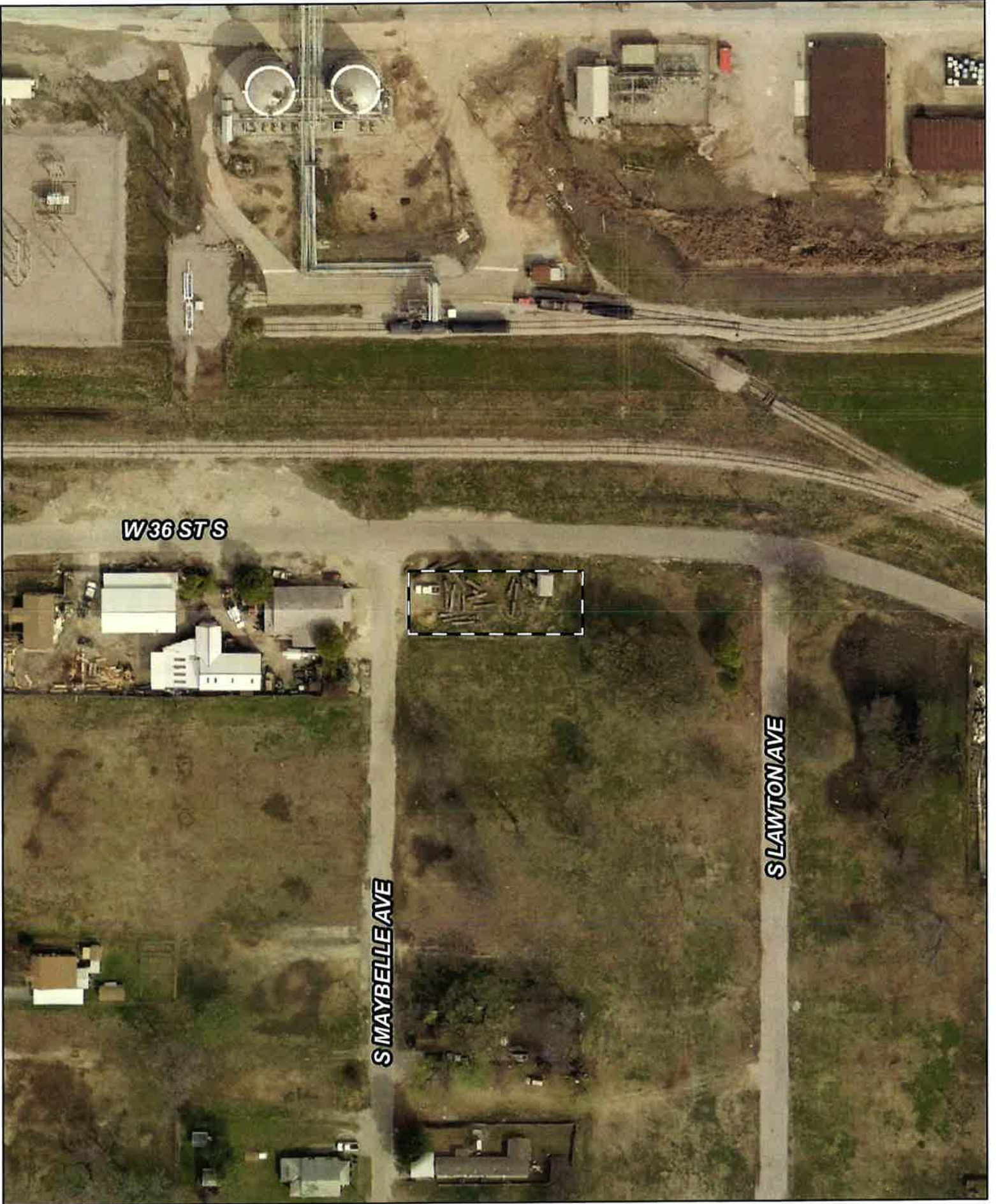
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Aerial Photo Date: 2020/2021

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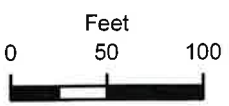


W36 STS



S MAYBELLE AVE

SLAWTON AVE



Subject Tract

**Z-7620**

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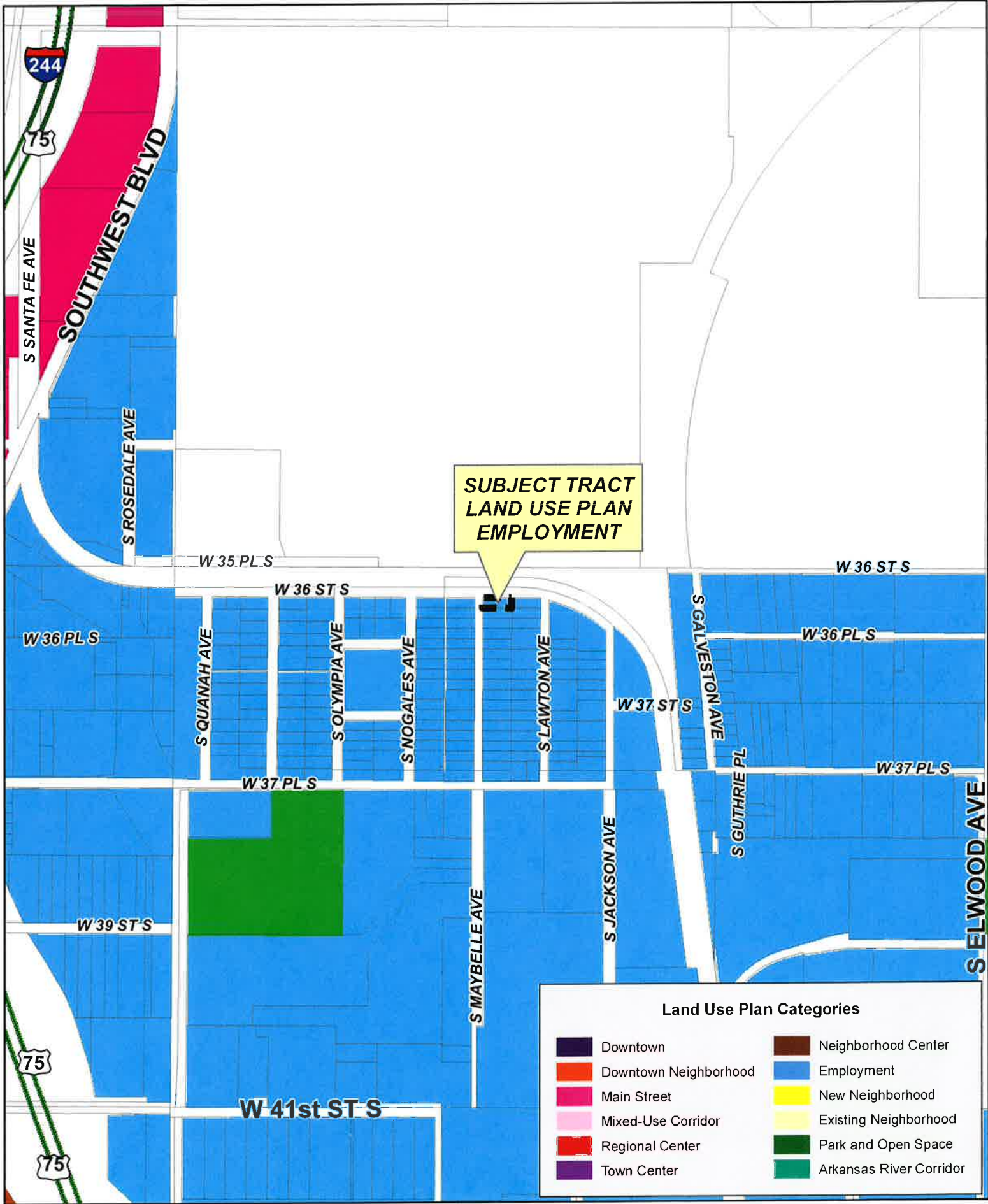
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Aerial Photo Date: 2020/2021

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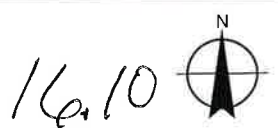
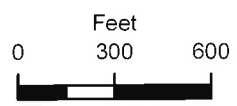


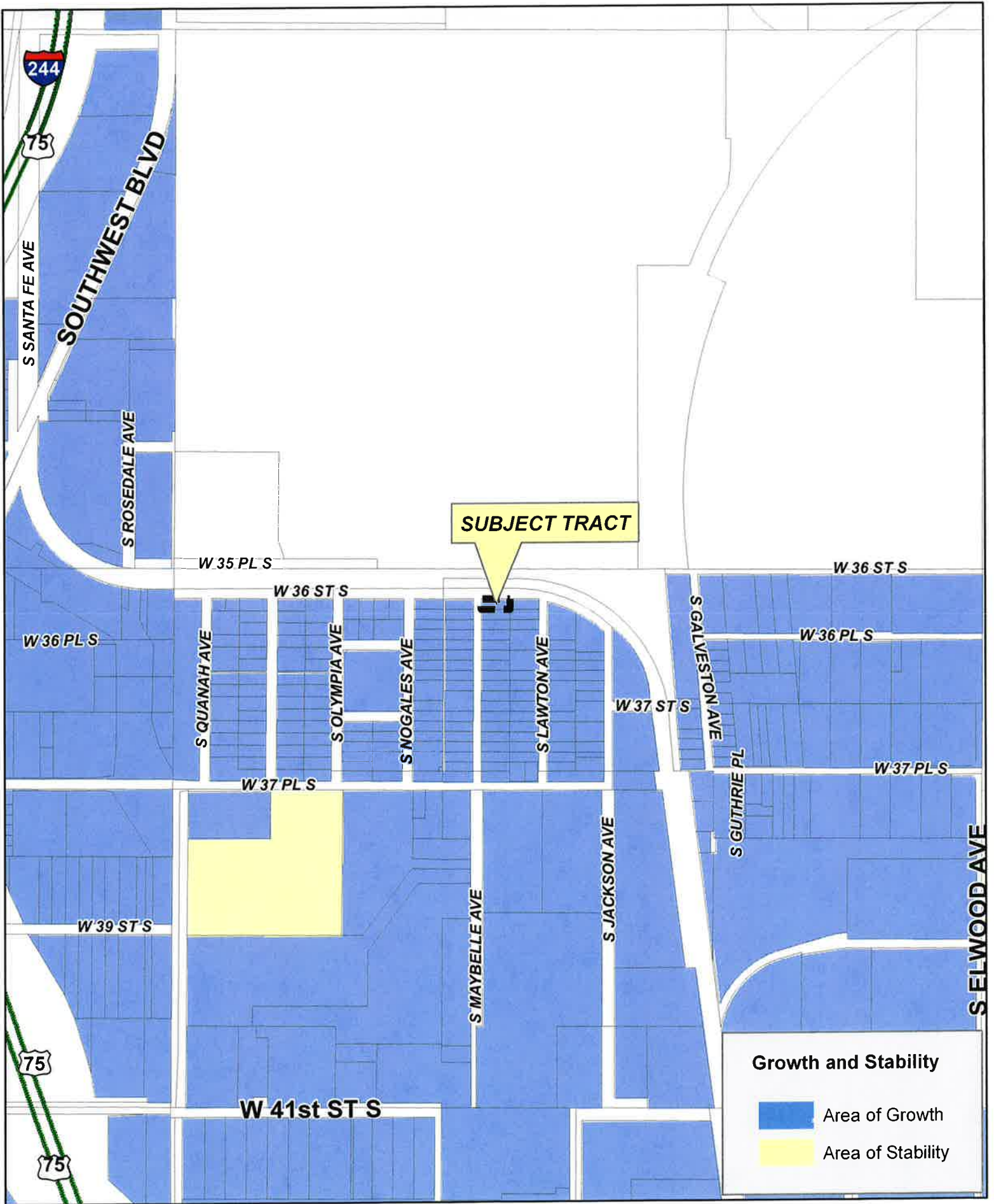


**SUBJECT TRACT  
LAND USE PLAN  
EMPLOYMENT**

**Z-7620**

19-12 23

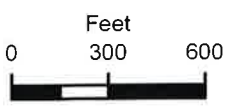




**SUBJECT TRACT**

**Growth and Stability**

- Area of Growth
- Area of Stability



**Z-7620**

19-12 23

16.11



