



**Tulsa Metropolitan Area
Planning Commission**

Z-7770 Staff Report

Hearing Date: May 15, 2024
Prepared by: Nathan Foster
nathanfoster@cityoftulsa.org
918-596-7609

Owner and Applicant Information

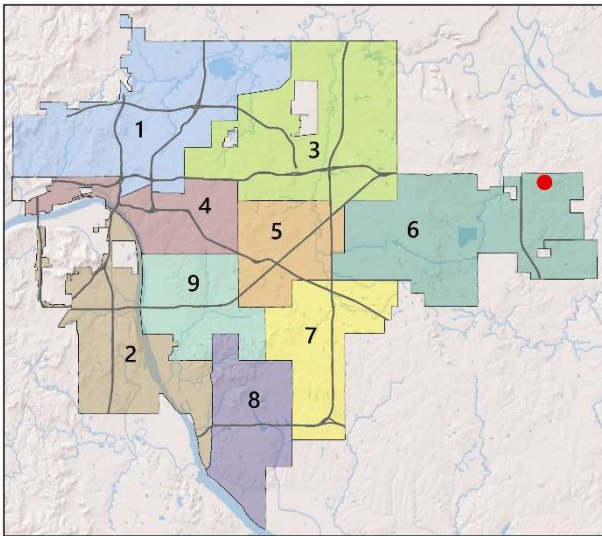
Applicant: August Wakat
Property Owner: August Wakat

Property Location

East of the southeast corner of East Admiral Place and
South 225th East Avenue
Tract Size: ±5.86 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 6, Christian Bengel
County Commission: District 1, Stan Sallee

Public Notice Required

Newspaper Notice – min. 20 days in advance
Mailed Notice to 300’ radius – min. 20 days in advance
Posted Sign – min. 20 days in advance

Staff Recommendation

Staff recommends denial.

Request Summary

Rezone subject property from AG to IM to permit additional industrial uses.

Zoning

Existing Zoning: Agriculture (AG)
Existing Overlays: None
Proposed Zoning: Industrial – Moderate (IM)

Use

Current Use: Salvage Yard
Proposed Use: Salvage Yard/Industrial

Comprehensive Plan Considerations

Land Use

Land Use Plan: Regional Center
Small Area Plans: None
Development Era: Future Growth

Transportation

Major Street & Highway Plan:
East Admiral Place – Secondary Arterial
planitulsa Street Type: N/A
Transit: N/A
Existing Bike/Ped Facilities: None
Planned Bike/Ped Facilities: None

Environment

Flood Area: N/A
Tree Canopy Coverage: 10-20%
Parks & Open Space: N/A

Detailed Staff Recommendation

The applicant is proposing to rezone the subject property from AG to IM to permit additional industrial uses on the site. The property currently contains a salvage yard that was established prior to annexation into the City of Tulsa in 2001. The salvage yard had been determined to be a legal non-conforming use that can continue without zoning changes if the use is not expanded. The AG zoning would not permit any new industrial use of the property.

A request for rezoning of this property was made on November 18, 2020. At the time, the applicant requested IH zoning. TMAPC recommended denial of the IH zoning, but approval of IL. The City Council denied the request for rezoning with a 9-0-0 vote on January 27, 2021.

The property was designated as “Employment” by the Tulsa Comprehensive Plan in 2010. The employment land use was in place during the review of the previous application in 2020. In June of 2023 the City of Tulsa adopted a new comprehensive plan that changed the land use designation on this property to “Regional Center” in anticipation of new development along the turnpike and Highway 412 corridors in the future. The regional center designation does not align with industrial zoning. Some examples of regional centers in the City of Tulsa would be major hospitals, universities, shopping malls, and commercial districts. Uses proposed in regional centers should serve as destinations with a regional draw from surrounding areas.

The Development Review Guide, adopted as part of the 2023 comprehensive plan update, includes an industrial site suitability assessment. The guide lists four criteria for determining suitability for industrial purposes: incentives, infrastructure investment required, proximity to existing major infrastructure, and residential proximity. The subject property is in the “least suitable” designation which does not support proposed changes to industrial zoning.

The legal non-conforming salvage operation can continue on the site without any zoning changes. The expansion of industrial uses in this area is not supported by the City’s comprehensive plan and would not be an appropriate change based on the anticipated future land use.

With consideration given to the factors listed herein, staff recommends **denial** of the application.

Comprehensive Plan Considerations

Land Use Plan

The subject property is designated as regional center. Regional Centers are defined by existing regional trip generators, in contrast to Local Centers. These centers should be the most connected land use pockets outside of downtown for public transit access and high-capacity arterial streets. New regional trip generators should be permitted in the area with special consideration given to transportation access and circulation. Regional trip generators include universities, malls, large medical campuses, casinos, big-box shopping centers, and very large churches.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	N/A (Rogers County)	N/A (Rogers County)	Vacant
East	AG	Regional Center	Vacant
South	AG	Regional Center	Vacant
West	AG	Regional Center	Vacant

Small Area Plans

The subject property is not located within the boundary of any adopted small area plans.

Development Era

The subject property is in a "future growth" area. These areas of the city have yet to be developed beyond agricultural uses, and they present opportunities to ensure the pattern of development is efficient and fiscally responsible. These areas typically do not have subdivision streets or connectivity beyond the mile-by-mile grid, have poor public service distribution (fire, police, transit, etc.) and lack utility infrastructure (water, sewer, broadband, etc.) Some areas also include exposed bedrock and/or extreme slopes. Priorities in these areas include ensuring the ability to provide adequate public services, the implementation of planned streets in the Major Street and Highway Plan, land use planning to establish frameworks for decision making, and conservation of natural areas.

Transportation

Major Street & Highway Plan: East Admiral Place is designated as a secondary arterial adjacent to the subject property.

Comprehensive Plan Street Designation: N/A

Transit: None

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

Environmental Considerations

Flood Area: The subject property does not contain any floodplain boundaries.

Tree Canopy Coverage: Tree canopy in the area is 14%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

Parks & Open Space: N/A

Zoning History

Ordinance 20244, dated November 20, 2001, established zoning for the subject property.

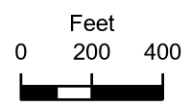
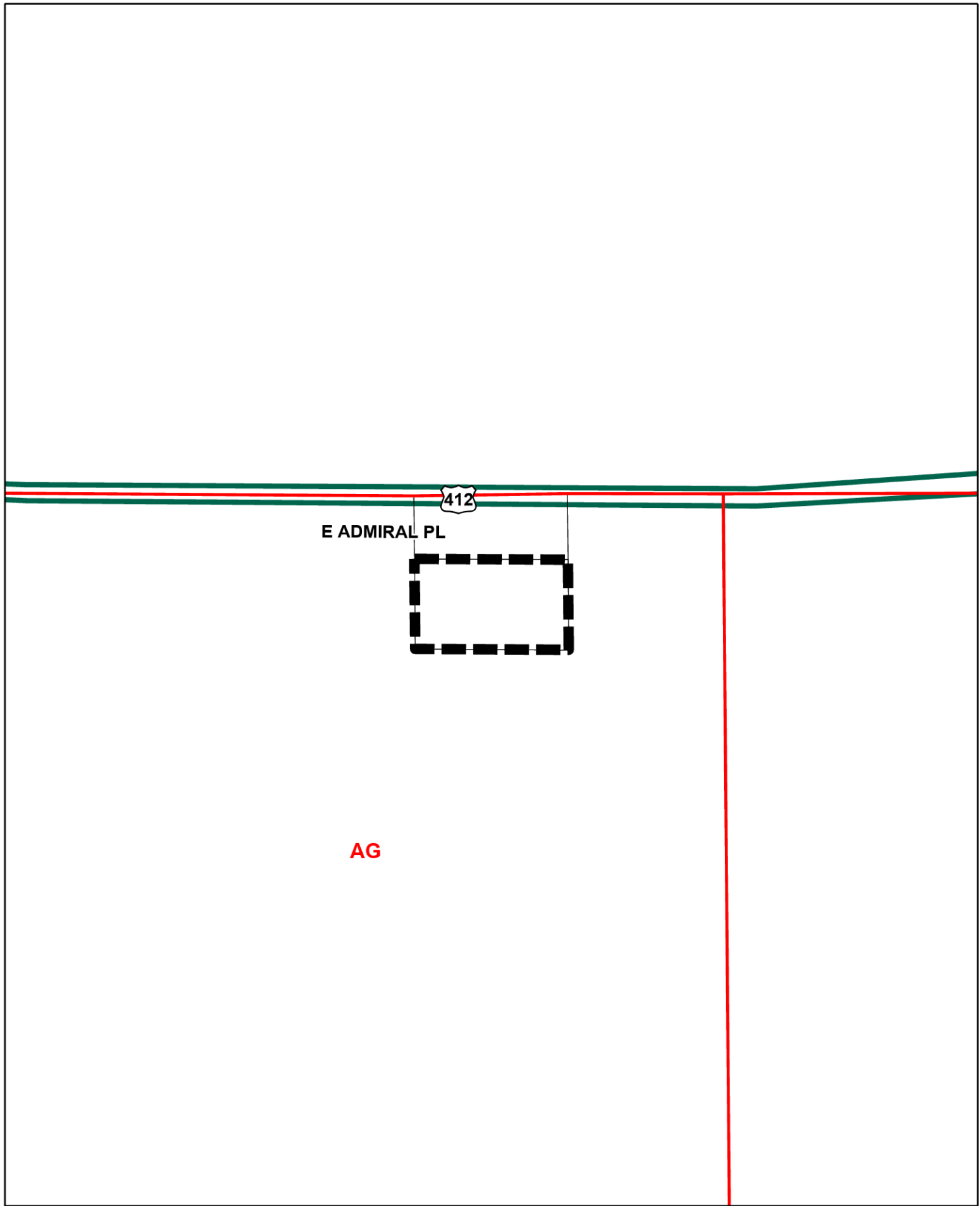
Exhibits

Case map

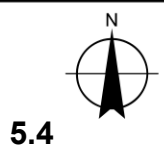
Aerial (small scale)

Aerial (large scale)

Tulsa Comprehensive Plan Land Use Map



Z-7770





412

E ADMIRAL PL



Subject Tract

Feet

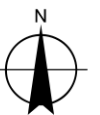
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Z-7770

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

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Aerial Photo Date: 2021

412

E ADMIRAL PL

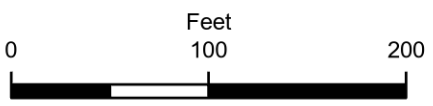


Subject Tract

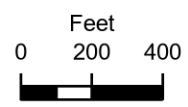
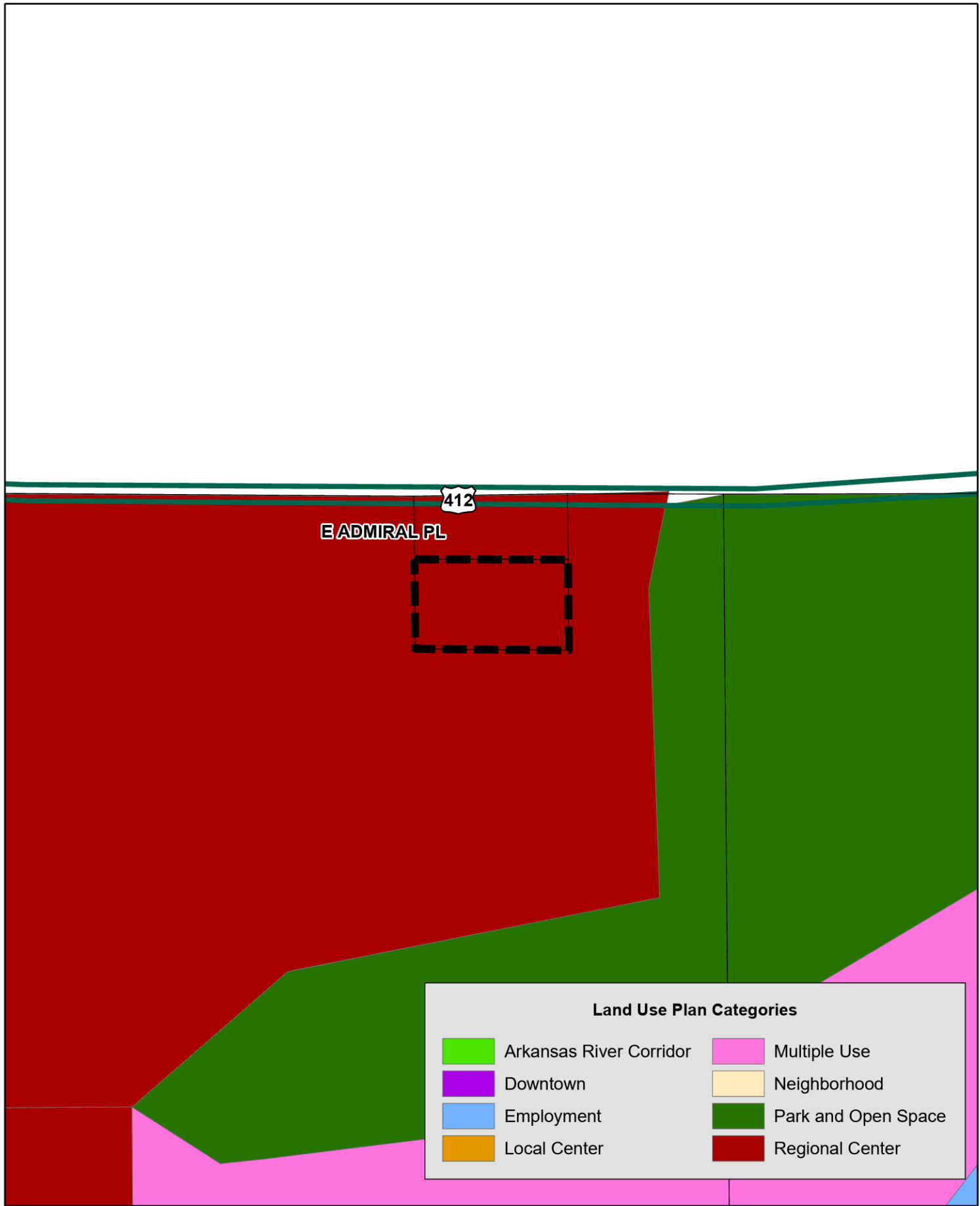
Z-7770

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

Aerial Photo Date: 2021











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Z-7770



Land Use Plan Categories			
	Arkansas River Corridor		Multiple Use
	Downtown		Neighborhood
	Employment		Park and Open Space
	Local Center		Regional Center

May 3, 2024

Violation Warning

Denial of rights Under Color of Law

18 u.s.c. 242;18 u.s.c. 245;42u.s.c.

Oklahoma Immediate Notice to Quit

IN ACCORDANCE WITH 41 Okla. St. Ann. 132

Cityof Tulsa

175 E. 2nd St. Ste. 15129

Tulsa, Ok 74103

918-596-9456

Office of Mayor

GT Bynum

Office of City Counsel

District 6

Christian Bengel

Good day,

My name is August Wakat, I am giving the City of Tulsa notice that my constitutional rights are being violated. I am enforcing the Supremacy Clause of the United States of America. I have paid the City of Tulsa 1510.00 for a zoning change request (Case#Z-7770). In the zoning request application, I have requested from TMAPC the Jurisdiction/ Annexation Application in regard to ordinance# 20244 for case # Z-7770 set for hearing on May 15, 2024. I am also enclosing an immediate notice to quit. Reasons, City of Tulsa unable to meet the ordinance's/ laws set for city and state by the United States of America. In violation of Due process, no taxation without representation. I am enclosing a police report filed with Wagoner County, Oklahoma regarding the said issues above. Also enclosed is the Certificate for service sent to TMAPC, Sean Wallis for notice of said police report in regards to said violations. Thank you for any help you can provide Mr. Bynum and Mr. Bengel.

Again Thanks,



August Wakat

Enclosed:

1. Police report
2. Cert of Service
3. Violation Warning
4. Wagoner Co. Letter 06-22-22
5. COT Zoning Sect III 11-22-22

TMAPC CASE #
2-7770

April 30, 2024

State of Oklahoma

County of Wagoner

→ Would ~~not~~ Sign Video

Wagoner County Police Dept

307 E. Cherokee St.

Wagoner, Ok 74467

918-485-3124

County of Tulsa Police Dept. (Copy) 9590 9402 8586 3244 8747 88

City of Tulsa Police Dept. (copy) 9590 9402 8586 3244 8747 71

FBI Certified Mail Receipt USPS# (9590 9402 7223 1284 7755 74)

OSBI Certified Mail Receipt USPS# (9590 9402 7223 1284 7755 67)

Police Report

I am enclosing documents regarding a TMAPC, INCOG, City of Tulsa zoning meeting. I do believe my property is under duress. I would like to file charges against these entities. I believe I am being extorted for my property and various other crimes used against me. The zoning meeting is on May 15, 2024. These same documents have been turned in to Dillion and Austin Chapman. Both work for TMAPC.

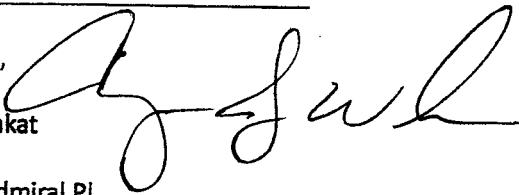
Report # Wagoner Co. Video Sent via USPS
Report # declined to sign
Officer # _____ Officer# _____

Report# Sent via USPS

Officer# _____

Thank you,

August Wakat



23780 E Admiral Pl.

Catoosa, Ok 74015

918-313-8705

①

19 pgs total⁵⁹

Violation Warning
Denial of Rights Under Color of Law

▶ Violation Warning—18 U.S.C. §242; 18 U.S.C. §245; 42 U.S.C. §1983

Name and address of Citizen <i>August WAKAT 23780 E. Admiral PL CATOOSA, OK 74015</i>	Name and address of Notice Recipient <i>City of Tulsa OFFICE of Mayor Christian Benzel 175 E. 2nd St. Ste 15129 Tulsa, OK 74103</i>
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Citizen's statement: *I believe my property is under duress. I believe I am being extorted by City of Tulsa by using city ordinances against my property. City of Tulsa does not have jurisdiction.*

I certify that the forgoing information stated here is true and correct.

Citizen's signature

▶ *August Wakat*

Date ▶ *05.03.24*

Legal Notice and Warning

Federal law provides that it is a crime to violate the Constitutional Rights of a citizen under the Color of Law. You can be arrested for this crime and you can also be held personally liable for civil damages.

Attempting to **coerce** or **deceive** a citizen to surrender his **Constitutional Rights** is a **Federal Crime**. Federal Courts have found that your ignorance of the law is no excuse.

18 USC §242 provides that whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States ... shall be fined under this title or imprisoned not more than one year, or both, and if death results, or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

18 USC §245 provided that Whoever, whether or not acting under color of law, intimidates or interferes with any person from participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; [or] applying for or enjoying employment, or any perquisite thereof, by any agency of the United States; shall be fined under this title, or imprisoned not more than one year, or both, and if death results or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be subject to imprisonment for any term of years or for life or may be sentenced to death.

42 USC §1983 provides that every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Warning, you may be in violation of Federal Law and persisting with your demand may lead to your arrest and/or civil damages. Also understand that the law provides that you can be held personally responsible and liable, as well as your company or agency.

You are advised to cease and desist with your demand and to seek *personal* legal counsel if you do not understand the law.

Notice of Service:

I, *August J. Wakat* certify that I personally delivered this notice to above named recipient and address on *175 E. 2nd St. Ste 15129* at _____ (am/pm).

CERTIFICATE OF SERVICE

I certify that on the 2nd day of May, 2024 I served this notice to Sean Wallis by:

- Delivering it personally to the person in possession.
- Delivering it on the premises to a member of his/her family who is over the age of twelve (12) and residing with the tenant.
- Posting a copy at a conspicuous place on the dwelling unit, **and** mailing a copy to the person in possession through certified mail.
- Certified mail, with a return receipt request, addressed to the person in possession.

Signature August Wakah
August Wakah

Police Report - April 30 2024

Notice to Quit - April 18 2024

TMAPC CASE # Z-7770



**Wagoner Metro Area Planning Commission
Wagoner County, Oklahoma**

**202 N Casaver Ave Wagoner, Oklahoma, 74467 Office: 918-485-8123
Email: ksanders@wagonercounty.ok.gov**

June 22, 2022


To Whom It May Concern:

Mr. August Wakat requested paperwork pertaining to the annexation of his property located at 23780 East Admiral Place, Catoosa, Oklahoma, on June 22, 2022; however, our office was not able to locate such documentation.

Please contact our office at the above telephone number or email address with any questions or concerns.

Respectfully,

Wagoner County
Planning & Zoning Department


KACIE SANDERS
NOTARY PUBLIC
STATE OF OKLAHOMA
Commission # 22007780 Expires 06/07/26



5

Exhibit 1A



Streets:

Exist. Access	MSPD Design	MSPD RW	Exist. # Lanes
East Admiral Place	Secondary Arterial	100 feet	2

Utilities:

The subject tract has municipal water service available

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	NA	NA	NA	Vacant
East	AG	Employment	Growth	Vacant
South	AG	Employment	Growth	Vacant
West	AG	Employment	Growth	Vacant

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 20244 dated November 20, 2006 established zoning for the subject property

No records could be found for the subject property or properties within 300' of the subject property other than the ordinance above which annexed this property (as well as many others into the City of Tulsa's corporate limits from Wagoner County)

Wagoner County was subsequently contacted to see if they had any legislation that they wanted to annexation into the City of Tulsa and they did not respond in the original survey of the area also contacted but still never received a response

Dated May

The applicant has provided all information requested and the applicant has provided all information requested and the applicant has provided all information requested

7/24/2010 regarding the subject property and the applicant has provided all information requested and the applicant has provided all information requested

It is recommended that the applicant be allowed to proceed with the proposed rezoning of the subject property into the City of Tulsa

Respectfully,
 Lori Hendricks, Wagoner County Clerk

Wagoner County, Oklahoma

06/22/2022 03:00:26 PM

Doc # 2022-10006 B: 2614 P: 0072

06/22/2022 03:00:26 PM Pg: 3 of Pgs: 3

Fee: \$ 22.00

Lori Hendricks, Wagoner County Clerk

Wagoner County - State of Oklahoma

Exhibit 13 (6)

**Poeboys Salvage Inc.
23780 East Admiral Pl.
Catoosa, Ok 74015
918-425-4477**

04/24/2024

Lamar Advertising
7777 East 38th St.
Tulsa, Ok 74145
918-665-1755

Zoning Notice of Violation

To whom this may concern,

This notice is regarding the City of Tulsa ordinance violations involving the Lamar Advertising billboard sign. On or about March 2023, J.D. Wolfe hand delivered notice of said violations to the office of Lamar Advertising at 7777 E. 38th St. Tulsa, Ok 74015.

To my understanding, Lamar Advertising did not take any actions disputing the alleged violations issued by the City of Tulsa for the billboard located at 23780 East Admiral Pl., Catoosa, OK 74015. Therefore, Lamar Advertising waived the right to object to the Board of Adjustments alleged violations against Lamar Advertising for the billboard placed at 23780 East Admiral Pl., Catoosa, OK 74015.

I have not been provided a clearance permit from the City of Tulsa for the findings against said violations involving the Lamar Advertising billboard. The contractual agreement between Henry and Linda Winn and Lamar Advertising is now void due to the judgment issued by the Board of Adjustments, City of Tulsa (Austin Bond) on or about April 25, 2023.

Lamar Advertising, you are hereby notified of Zoning (title 42) violations at: 04-10-15 a tract of land being a portion of the W of 10.14 acres of land.

Code Section:

70.080-A
80.040-F

Property owners or their authorized agent must obtain a zoning clearance permit from the development administrator before constructing, moving, or structurally altering any building or structure or establishing or changing the use of any building or not.

Lamar Advertising must obtain an approved zoning clearance permit for all newer uses established on or after November 13, 2001.

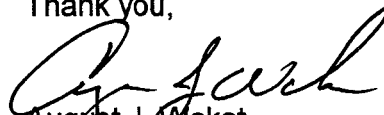
If Lamar Advertising is unable to correct any of these violations, please contact the code enforcement below.

Failure to make the correction may result in the issuance of a criminal citation and/or civil remedial penalties not to exceed \$1200.00 per day. Failure to comply may also result in revoking or withholding permits, certificates or other forms of authorization issued by the City of Tulsa. Your property is an important investment for you and the community. I urge you to make the necessary corrections to eliminate all violations so that no further enforcement will be necessary.

To comply, you must correct all violations prior to the compliance deadline (10) ten days, you must receive written notice from the City of Tulsa that the violations are corrected, see attached. The notice from the City of Tulsa zoning violations issued by Michael Rider.

Please understand that it is ultimately the responsibility of the owner to ensure these violations are corrected. Any civil agreements or rental agreements do not alleviate the owner of this responsibility.

Thank you,



August J. Wakat

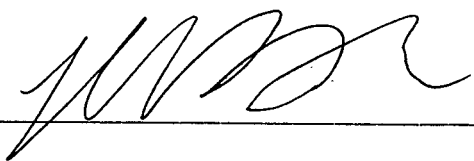
Enclosures.

LAMAR
Sign

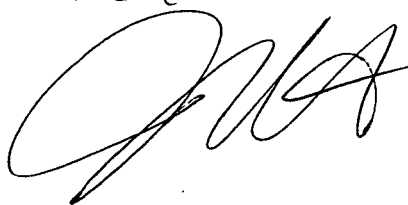
Certificate of Service

I certify that on the 26 day of APRIL, 2024 I served this notice to:

Hannah by person in possession.

Signature 

City of Tulsa
Zoning Violation
Notice to Quit

JANIE WAKAT


OKLAHOMA IMMEDIATE NOTICE TO QUIT

IN ACCORDANCE WITH 41 Okla. St. Ann 132

In the District of Wagoner County, Oklahoma;

To: Lamar Advertising (TENANT IN POSSESSION)

You will take notice that you are justly in violation of your lease agreement due to the following:

City of Tulsa deemed billboard sign in violation of 70.080A, 80.040F ordinance code.

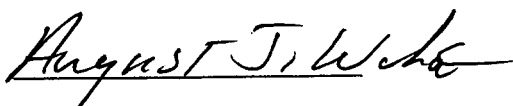
10 Day Notice to Quit

Under Oklahoma law, you are required to vacat the premisses **IMMEDIATELY** due to the above stated violation. If you do not leave the property, the landlord will file forceible entry and detainer action.

This document has been dated _____ day of _____, 2024



Landlord Signature



Landlord Print Name