CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

Call to Order:

REPORTS:

Chairman's Report:

Work session Report: A Work Session will be held on September 18, 2019 in the 10th Floor South Conference Room

Director's Report:

1. Minutes of August 21, 2019, Meeting No. 2800

CONSENT AGENDA:

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

2. PUD-806-2 Doug Walker (CD 8) Location: North of the northwest corner of East 121st Street South and South Sheridan Road requesting a PUD Minor Amendment to allow an 8-foot fence in the front yard (Continued from August 21, 2019)

PUBLIC HEARINGS:

3. Z-7489 Kyle Gibson (CD 4) Location: Northwest corner of East 5th Street South and South Norfolk Avenue rezoning from IL and RM-2 to CH (Continued from July 17, 2019 and August 21, 2019)

4. Z-7491 Michael Carr (CD 4) Location: Northwest corner of East 12th Place South and South Lewis Avenue requesting rezoning from RS-3 and OM to MX1-U-45 (Continued from August 7, 2019)
5. **Z-7492 Mohamad Soukieh** (CD 5) Location: North of the northeast corner of South Hudson Avenue and East 11th Street South requesting rezoning from CH to IM (Continued from August 7, 2019) *(Applicant requests continuance to September 18, 2019)*

6. **CZ-490 Tye Smith** (County) Location: South of the southeast corner of North Mingo Road and East 66th Street North rezoning from AG to IL

7. **Z-7495 Will Keith** (CD 9) Location: East of the northeast corner of East Skelly Drive and South Utica Avenue rezoning from OL to CS

8. **Z-7496 John Ngo** (CD 2) Location: Southeast corner of South 33rd West Avenue and West 48th Street rezoning from OM to CS

9. **Z-7497 Lou Reynolds** (CD 4) Location: West of the northwest corner of East 5th Street and South Peoria Avenue rezoning from RM-2 to CH

10. **Sunwest Highlands** (CD 2) Preliminary Plat and Request for Modification of the Subdivision & Development Regulations to partially waive sidewalk requirements Location: Southeast corner of South 33rd West Avenue and West 61st Street South

11. **BMX Headquarters** (CD 1) Preliminary Plat, Location: Northwest corner of East Archer Street and North Lansing Avenue (Related to BMX Headquarters – Authorization for Accelerated Release of Building Permits)

12. **BMX Headquarters** (CD 1) Authorization for Accelerated Release of Building Permits and Modification of the Subdivision & Development Regulations to waive performance guarantee requirements, Location: Northwest corner of East Archer Street and North Lansing Avenue (Related to BMX Headquarters Preliminary Plat)

13. **River West Phase I – River West Park – River West Phase II** (CD 2) Preliminary Plat, Located: Southwest corner of West 21st Street South and South Jackson Avenue (Related to River West Authorization for Accelerated Release of Building Permits)

14. **River West Phase I – River West Park – River West Phase II** (CD 2) Authorization for Accelerated Release of Building Permits and Modification of the Subdivision & Development Regulations to waive performance guarantee requirements, Located: Southwest corner of West 21st Street South and South Jackson Avenue (Related to River West Preliminary Plat)

15. **ZCA-15** Consider amending the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, to establish the regulations for a new agricultural-residential (AG-R)
zoning district and to establish the regulations for accessory dwelling units (ADU) to be allowed by special exception.

OTHER BUSINESS

16. Commissioners' Comments

ADJOURN

CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526. Exhibits, Petitions, Pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained at Land Development Services, INCOG. Ringing/sound on all cell phones and pagers must be turned off during the Planning Commission.

Visit our website at www.tmapc.org email address: esubmit@incog.org

TMAPC Mission Statement: The Mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide unbiased advice to the City Council and the County Commissioners on development and zoning matters, to provide a public forum that fosters public participation and transparency in land development and planning, to adopt and maintain a comprehensive plan for the metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region's current and future residents.
<table>
<thead>
<tr>
<th><strong>Case Number:</strong></th>
<th>PUD-806-2 Minor Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hearing Date:</strong></td>
<td>September 4, 2019 (Continued from August 21, 2019)</td>
</tr>
<tr>
<td><strong>Case Report Prepared by:</strong></td>
<td>Jay Hoyt</td>
</tr>
<tr>
<td><strong>Owner and Applicant Information:</strong></td>
<td>Applicant: Doug Walker&lt;br&gt;Property Owner: Ashley Bray</td>
</tr>
<tr>
<td><strong>Location Map:</strong></td>
<td>(shown with City Council Districts)</td>
</tr>
<tr>
<td><strong>Applicant Proposal:</strong></td>
<td>Concept summary: PUD minor amendment to allow an 8 ft fence in front yard. &lt;br&gt;Gross Land Area: 5 acres &lt;br&gt;Location: N of NW/c E 121st St S &amp; S Sheridan Rd&lt;br&gt;11908 S Sheridan Rd</td>
</tr>
<tr>
<td><strong>Zoning:</strong></td>
<td>Existing Zoning: RS-1/PUD-806&lt;br&gt;Proposed Zoning: No Change</td>
</tr>
<tr>
<td><strong>Comprehensive Plan:</strong></td>
<td>Land Use Map: Existing Neighborhood&lt;br&gt;Growth and Stability Map: Stability</td>
</tr>
<tr>
<td><strong>Staff Recommendation:</strong></td>
<td>Staff recommends approval.</td>
</tr>
<tr>
<td><strong>Staff Data:</strong></td>
<td>TRS: 8334</td>
</tr>
<tr>
<td><strong>City Council District:</strong></td>
<td>8&lt;br&gt;Councilor Name: Phil Lakin, Jr.</td>
</tr>
<tr>
<td><strong>County Commission District:</strong></td>
<td>3&lt;br&gt;Commissioner Name: Ron Peters</td>
</tr>
</tbody>
</table>
STAFF RECOMMENDATION

Amendment Request: Revise the development standards to allow an 8 ft wall/fence in the required front yard.

The applicant intends to construct an 8 ft precast concrete fence along the front yard of the subject property. This fence is to match the existing 8 ft precast concrete fence located along the frontage of the properties to the south in both style and height.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c(9) of the City of Tulsa Zoning Code.

"Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved standards and the character of the development are not substantially altered."

Staff has reviewed the request and determined:

1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.

2) If approved, the design and layout of the 8 ft fence shall be subject to a detail site plan review.

3) All remaining development standards defined in PUD-806 and subsequent amendments shall remain in effect.

Exhibits included with staff recommendation:

INCOG zoning case map
INCOG aerial photo
INCOG aerial photo (enlarged)

With considerations listed above, staff recommends approval of the minor amendment request to allow an 8 ft fence in the required front yard.
Note: Graphic overlays may not precisely align with physical features on the ground.
Subject Tract

PUD-806-2
18-13 34

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: February 2018
**Case Number:** Z-7489  
**Hearing Date:** September 4, 2019  
Planning Commission continuance from August 21, 2019 (no quorum)  
Applicant continuance July 17, 2019

**Case Report Prepared by:**  
Dwayne Wilkerson

**Owner and Applicant Information:**  
**Applicant:** Kyle Gibson  
**Property Owner:** WOFFORD, DEROLD W & MARK A

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

**Applicant Proposal:**  
**Present Use:** Parking Lot  
**Proposed Use:** Office/Warehouse  
**Concept summary:** Construct office/warehouse building on empty lot  
**Tract Size:** 0.37 ± acres  
**Location:** Northwest corner of East 5th Street South and South Norfolk Avenue

**Zoning:**  
**Existing Zoning:** IL, RM-2  
**Proposed Zoning:** CH

**Comprehensive Plan:**  
**Land Use Map:** Downtown Neighborhood  
**Stability and Growth Map:** Area of Growth

**Staff Recommendation:**  
Staff recommends denial.

This lot and its proposed building are in direct conflict with the current concept plans for the Elm Creek west detention facility. The City of Tulsa is acquiring property for construction as part a five-year plan for completion.

**Staff Data:**  
**TRS:** 9201  
**CZM:** 36

**City Council District:** 4  
**Councilor Name:** Kara Joy McKee  
**County Commission District:** 2  
**Commissioner Name:** Karen Keith
SECTION I: Z-7489

DEVELOPMENT CONCEPT:
Applicant plans to construct an office warehouse on an empty lot. The property has two zoning categories and needs to be changed to a single category. The Downtown Neighborhood land use designation supports commercial zoning and CH is in the surrounding area.

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:
Site plan
City of Tulsa preliminary construction plans
City of Tulsa memo about planned acquisition
City of Tulsa map of acquisition properties

DETAILED STAFF RECOMMENDATION:
Uses and density supported by CH zoning is non-injurious to the surrounding properties and,

CH zoning allows uses are consistent with the anticipated development pattern in the area and,

CH zoning is consistent with Downtown Neighborhood land use designation and,

Staff has recently learned that The City of Tulsa is acquiring property with anticipated construction of this facility within 5 years, therefore,

Staff recommends Denial of Z-7489 to rezone property from RM-2 and IL to CH

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The planning effort on this area of Tulsa has been extensive. The current Small Area Plan and the Tulsa Comprehensive Plan supports the rezoning request for CH zoned uses. CH zoning does not have a maximum floor area ratio, building heights or building setbacks. Many of these uses and the unlimited floor area are generally consistent with the Downtown Neighborhood vision in the Comprehensive Plan and the Auto Oriented Commercial designation in the 6th Street Infill Plan.

Land Use Vision:

Land Use Plan map designation: The site is completely inside the Downtown Neighborhood designation.

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium to high-rise mixed-use
residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

**Areas of Stability and Growth designation:** The site is completely inside the Area of Growth designation.

The purpose of an Area 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 in 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:**
East 5th Street South and South Norfolk Avenue are not illustrated on the major street and highway plan. 5th Street South connects to Peoria just east of this site where transit riders can connect to the Bus Transit system on Peoria approximately two blocks from the site.

**Trail System Master Plan Considerations:** None

**RELATIONSHIP TO THE SMALL AREA PLAN: (PEARL DISTRICT – 6TH STREET INFILL PLAN)**

**Small Area Plan Land Use Vision:**

The site is completely included an Auto Oriented Commercial District defined in the 6th Street Infill Plan which was amended in April 2014. This Auto Oriented Commercial District was originally mixed-use infill supporting the anticipated public investment in the regional detention facility. This site appears to be in the planned storm water detention area. When that facility is constructed it is likely this lot and building will be demolished.

The Auto Oriented Commercial district is defined as “Commercial, Office, high-intensity Residential, Institutional, Manufacturing and Warehousing; usually located on primary arterial streets & highways. This economic model depends on vehicular access and visitors from throughout the region”

**Small Area Plan-6th Street Infill Plan Land Use Map:**

Latest amendments approved by Tulsa City Council on 4/3/2014 indicate that this site is included in the Mixed Use Infill area. The entire small area plan could be broadly defined as a commercial, office, high-intensity residential institutional, manufacturing and warehousing area which is usually located on primary arterial streets and highways. This economic model depends on vehicular access and visitors
from throughout the region. The plan recognized that a storm water detention pond could be constructed in this area and recognized that the specific site could be mixed use infill could be residential, commercial, office, manufacturing, warehousing, reuse of existing structures, smaller-scale, compatible infill.

ELM CREEK STUDY

Z-7489 (request conflicts with the pond location)

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is nearly flat and there are no existing structures.

Environmental Considerations: The subject property is in a planned regional stormwater detention facility and is in an area where the City of Tulsa is currently acquiring property for construction of this pond.

Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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</thead>
<tbody>
<tr>
<td>S. Norfolk Avenue</td>
<td>None</td>
<td>50 feet</td>
<td>2</td>
</tr>
<tr>
<td>East 5th Street</td>
<td>None</td>
<td>50 feet</td>
<td>2</td>
</tr>
</tbody>
</table>
Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>CH</td>
<td>Downtown Neighborhood</td>
<td>Growth</td>
<td>Industrial uses</td>
</tr>
<tr>
<td>East</td>
<td>IL</td>
<td>Downtown Neighborhood</td>
<td>Growth</td>
<td>Parking lot for industry</td>
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<td>South</td>
<td>RM-2</td>
<td>Downtown Neighborhood</td>
<td>Growth</td>
<td>Empty lot</td>
</tr>
<tr>
<td>West</td>
<td>RM-2</td>
<td>Downtown Neighborhood</td>
<td>Growth</td>
<td>Single family residential</td>
</tr>
</tbody>
</table>

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11814 dated June 26, 1970 established zoning for the subject property.

Subject Property:

Z-5027 October 1977: All concurred in approval of a request for rezoning a tract of land from RM-2 to IL on property located on subject property. (Ordinance 13951, October 1977)

Surrounding Property:

BOA-22212 March 2017: The Board of Adjustment approved a special exception to permit low-impact manufacturing and industry (microbrewery) in the CH District, subject to conceptual plan 7.15, on property located at Northwest corner of South Peoria Avenue and East 5th Street South.

PUD-817-A June 2015: All concurred in approval of a proposed Major Amendment to PUD on a 0.5+ acre tract of land to add Use Unit 12A (Adult Entertainment establishments) and Use Unit 20 (Commercial Recreation) on property located at the Southeast corner of East 4th Street South and South Madison Avenue.

BOA-21868 May 2015: The Board of Adjustment approved a special exception to permit a food truck court and an outdoor event venue in the CH District; approved a variance of the allowable days for open air activities; approved a variance of the requirement that all motorized vehicles be parked on all-weather surface, subject to conditions, on property located at Northwest corner of South Peoria Avenue and East 5th Street South.

PUD-817 / Z-7277 August 2014: All concurred in approval of a proposed Planned Unit Development on a 0.5+ acre tract of land for uses allowed in a CH district and Use Unit 26, limited to a microbrewery, and all concurred in approval of a request for rezoning a 0.5+ acre tract of land from CH to IL on property located at the Southeast corner of East 4th Street South and South Madison Avenue.

BOA-21612 August 2013: The Board of Adjustment approved a variance of required parking from 10 spaces to 0 spaces in a CH District, on property located West of the Southwest corner of South Peoria Avenue and East 4th Street South.
Note: Graphic overlays may not precisely align with physical features on the ground.
SUBJECT TRACT LAND USE PLAN
DOWNTOWN NEIGHBORHOOD

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

Z-7489
19-12 01
DATE: July 16, 2019
TO: Dwayne Wilkerson
FROM: Brooke Caviness
SUBJECT: TMAPC Z-7489 410 S. Norfolk
         SWD: 8845

This lot and its proposed building are in direct conflict with the plans for the Elm Creek West Pond Detention facility.

- This detention facility is part of the Master Drainage Plan for Pearl District flood control.
- The project is being funded through revenue bonds with construction to begin as soon as Fiscal Year 2022.
- Right of way acquisition is currently underway.
  - An offer has not been made to this property owner.
- Design is 60% complete
Part I: Executive Summary

Map 2: 2010 Comprehensive Plan Land Use Plan

2010 Land Use Plan
- Downtown
- Downtown Neighborhood
- Main Street
- Mixed-Use Corridor
- Regional Center
- Neighborhood Center
- Employment
- Existing Neighborhood
- Park and Open Space
- Plan Area

City Council Approval 8/7/19

Map 3: Pearl District Small Area Plan — Land Use Plan

Land Use Plan
- Employment
- Employment with Residential
- Downtown Neighborhood
- Mixed-Use Corridor
- Main Street
- Park and Open Space
- Plan Area
**Case Report Prepared by:**

Dwayne Wilkerson

<table>
<thead>
<tr>
<th><strong>Location Map:</strong>  (shown with City Council Districts)</th>
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</thead>
<tbody>
<tr>
<td>[Map Image]</td>
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<tr>
<th><strong>Case Number:</strong> Z-7491</th>
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<table>
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<tr>
<th><strong>Hearing Date:</strong> September 4, 2019</th>
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<tbody>
<tr>
<td>Neighborhood continuance from August 7 to discuss height limitation</td>
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<th><strong>Owner and Applicant Information:</strong></th>
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<tbody>
<tr>
<td><strong>Applicant:</strong> Michael Carr</td>
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<td><strong>Property Owner:</strong> CARR, MICHAEL &amp; JENNY</td>
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<tr>
<th><strong>Applicant Proposal:</strong></th>
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</thead>
<tbody>
<tr>
<td><strong>Present Use:</strong> Commercial/Residential</td>
</tr>
<tr>
<td><strong>Proposed Use:</strong> Mixed-use</td>
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</tbody>
</table>

**Concept summary:** Rezoning to mixed-use to support new construction infill. Unlimited height is consistent with the unlimited height provision of the existing OM property.

**Tract Size:** 0.55 ± acres

**Location:** Northwest corner of East 12th Place South and South Lewis Avenue

<table>
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<th><strong>Zoning:</strong></th>
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<tbody>
<tr>
<td><strong>Existing Zoning:</strong> RS-3 / OM</td>
</tr>
<tr>
<td><strong>Proposed Zoning:</strong> MX1-U-45</td>
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<table>
<thead>
<tr>
<th><strong>Comprehensive Plan:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land Use Map:</strong> Main Street</td>
</tr>
<tr>
<td><strong>Stability and Growth Map:</strong> Area of Growth</td>
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<tr>
<th><strong>Staff Recommendation:</strong></th>
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<td>Staff recommends approval.</td>
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<td>CZM: 37</td>
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<tr>
<th><strong>City Council District:</strong> 4</th>
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<tbody>
<tr>
<td><strong>Councilor Name:</strong> Kara Joy McKee</td>
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<tr>
<th><strong>County Commission District:</strong> 2</th>
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<tbody>
<tr>
<td><strong>Commissioner Name:</strong> Karen Keith</td>
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</table>
SECTION I: Z-7491

DEVELOPMENT CONCEPT: Requested rezoning for possible mixed-use building.

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:
  Survey exhibit
  Neighborhood Correspondence

DETAILED STAFF RECOMMENDATION:

Z-7491 originally requested MX-1-U-U. Several interested neighbors met with the applicant during the process and ended up with a general consensus that a 45-foot height limitation was more appropriate at this site. MX-1 is a neighborhood mixed-use zoning category and considered the least intensive MX district. The urban character designation allows vertical mixed use, commercial and civic/institutional buildings and the height is unlimited. The building types, building placement and building height are consistent with the Main Street land use designation in the comprehensive plan.

MX1-U-45 allows uses that are consistent with the Tulsa Comprehensive Plan and,

MX1-U-45 is consistent with the anticipated redevelopment of this area and,

MX1-U-45 is considered non injurious to the surrounding properties therefore,

Staff recommends Approval of Z-7491 to rezone property from RS-3 & OM/ to MX1-U-45.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

  Staff Summary: MX1-U-U is consistent with the Main Street Land Use designation in the Tulsa Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: Main Street
Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off-street lots, or in shared lots or structures.
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: Lewis avenue is considered a Multi Modal Corridor. Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: Three existing single-story buildings facing south and a Vacant lot. South Lewis has recently been reconstructed. No additional right of way is necessary to accommodate re-development.

See Snippet on following page:
**Street view from southwest looking north east:**

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**Street view snippet from southeast looking northwest:**

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**Environmental Considerations:** None that affect site redevelopment.

**Streets:**

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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</thead>
<tbody>
<tr>
<td>South Lewis Ave. (frontage but no access)</td>
<td>Multi Modal Corridor</td>
<td>100 feet</td>
<td>4</td>
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<tr>
<td>East 12th Street South</td>
<td>None</td>
<td>50 feet</td>
<td>2</td>
</tr>
<tr>
<td>Gillette Avenue</td>
<td>None</td>
<td>50 feet</td>
<td>2</td>
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</tbody>
</table>

**Utilities:**

The subject tract has municipal water and sewer available.
Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
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<tbody>
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<td>IL</td>
<td>Main Street</td>
<td>Growth</td>
<td>Light industry</td>
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<td>East</td>
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<td>Growth</td>
<td>Single Family</td>
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<tr>
<td>West</td>
<td>RS-3</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
<td>Single family</td>
</tr>
</tbody>
</table>

SECTION III: Relevant Zoning History


Subject Property:

**BOA-22447 June-July 2018:** The Board of Adjustment first approved a special exception to allow a personal improvement use in an OM district, then voted to reconsider the special exception to allow a personal improvement use, and finally voted to modify the prior approval to remove the provision allowing for the fortune telling use, located on subject property.

**Z-3940 July 1971:** All concurred in approval of a request for rezoning a tract of land from RS-3 to OM on property located on subject property. (Ordinance 12158 July 1971)

**BOA-485 June 1928:** The Board of Adjustment approved to permit a filling station on part of lots 4-5-6, subject to a temporary permit for two years period for a non-conforming use, on property located on subject property.

Surrounding Property:

**BOA-22669 June 2019:** The Board of Adjustment approved a special exception to permit a business support service use to allow for a catering service, subject to conditions, on property located North of the Northeast corner of East 12th Street South and South Lewis Avenue.

**BOA-22592 March 2019:** The Board of Adjustment approved a variance to increase the allowed display surface area for a sign from 48 square feet to 80 square feet and to permit the sign to be oriented along South Lewis Avenue; a variance to permit a dynamic display sign to be located within 200 feet of an R district subject to conditions, on property located at the Southwest corner of South Lewis Avenue and East 12th Street South.

**Z-7405 August 2017:** All concurred in approval of a request for rezoning a 8.29+ acre tract of land from OL, CH,IM,RM-2 to MX2-P-45 and MX2-P-U per staff recommendation on property located at the Northwest, Southeast and Southwest corners of East 11th Street South and South Lewis Avenue.

**PUD-810 April 2014:** All concurred in approval of a proposed Planned Unit Development on a .3+ acre tract of land for commercial and industrial on property located at the Northeast corner of East 12th Street South and South Lewis Avenue.
BOA-17168 September 1995: The Board of Adjustment approved a variance of the setback from the centerline of Lewis Avenue from 100' to 27.5'; a variance of the required setback from an abutting R district from 75' to 34' to permit an existing building; a variance of the required screening from an abutting R district, per plan submitted, on property located at the Southeast corner of South Lewis Avenue and East 12th Place South.

BOA-10312 January 1979: The Board of Adjustment approved a variance to permit parking on a lot not containing the use; a variance of the number of required parking spaces, per plan submitted, on property located at the Southwest corner of South Lewis Avenue and East 12th Street South.

8/7/2019 1:30 PM
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
SUBJECT TRACT LAND USE PLAN MAIN STREET

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

Z-7491
19-13 07
Thank you for your email Peter. Staff supports your request.

Dwayne Wilkerson
Dwilkerson@incog.org
918-579-9475

Sent from my iPhone

> On Aug 6, 2019, at 3:42 PM, Pete DuBois <petedubo1@gmail.com> wrote:
> 
> To Dwayne Wilkerson, INCOG, City of Tulsa Council member Kara Joy McKee, City of Tulsa
> To whom it may concern,
> 
> We would like request a continuance for the pmapc meeting case # Z-7491 currently scheduled for August 7, 2019 to September 4th 2019.
> 
> The reason for our request is to better understand the concerns of local residents and how the proposed zoning change will impact the area.
> 
> We have received a number of calls and email from a limited sample size and feel a broader review would be useful to allow the respective governmental bodies to come to an informed decision.
> 
> Best regards
> 
> Peter DuBois 918-704-8988
> 
> Gloria DuBois 918-504-8226
Dwayne Wilkerson, ASLA, RLA
Principal Planner | Current Planning
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9475
dwilkerson@incog.org

-----Original Message-----
From: Steven Terry <sgtmsw@cox.net>
Sent: Thursday, August 1, 2019 3:13 PM
To: Wilkerson, Dwayne <DWilkinson@incog.org>
Subject: Planning Commission Rezoning Case: #Z-7491

My name is Steven Terry and I live at 2246 E 12th Pl. This application for rezoning proposes that the North side of 12th Pl. from Gillette Ave East to Lewis which is currently zoned Residential Single Family be rezoned Neighborhood Mixed Use, Unlimited Height. This is directly across the street from my home & I have a number of concerns about the impacts this change could have on my neighborhood including Traffic, Parking, Increases in foot traffic & litter, Privacy & Environmental impact. I understand that you have some interest in hearing from residents of this neighborhood regarding this matter.
Thank You,
Steven Terry
Phone: 918-607-3862
Sent from my iPhone
LEGAL AS PROVIDED.

TRACT A:

LOT THREE (3), IN BLOCK SEVEN (7) OF SUBDIVISION OF BLOCKS TWO (2), THREE (3), AND SEVEN (7), TERRACE DRIVE ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE AMENDED PLAT THEREOF.

TRACT B:

LOT TWO (2), BLOCK SEVEN (7), OF RE-SUBDIVISION OF BLOCKS TWO (2), THREE (3), AND SEVEN (7), TERRACE DRIVE ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE AMENDED PLAT THEREOF.

TRACT C:

LOT FOUR (4), BLOCK SEVEN (7), OF THE RE-SUBDIVISION OF BLOCKS TWO (2), THREE (3), AND SEVEN (7), TERRACE DRIVE ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE AMENDED PLAT THEREOF.

TRACT D:

A TRACT OF LAND THAT IS A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4) OF SECTION SEVEN (7), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN Base AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-IT:

COMMENCING AT THE MOST NORTHERLY NORTHEAST CORNER OF LOT FOUR (4), BLOCK SEVEN (7), OF THE AMENDED PLAT OF SUBDIVISION OF BLOCKS TWO (2), THREE (3), AND SEVEN (7), TERRACE DRIVE ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE AMENDED PLAT THEREOF; THENCE SOUTH 52°12'34" EAST ALONG A NORTHERLY LINE OF SAID LOT 4, BLOCK SEVEN, AND A SOUTHWESTERLY LINE OF SAID ABANDONED RAILROAD RIGHT-OF-WAY FOR 49.68 FEET TO THE POINT OF BEGINNING.

THENCE CONTINUING SOUTH 32°03'14" EAST ALONG SAID NORTHEASTERLY LINE AND SAID SOUTHWESTERLY LINE FOR 93.48 FEET TO THE MOST SOUTHERLY NORTHEAST CORNER OF SAID LOT 4, BLOCK 7, THENCE NORTH 02°29'00" EAST FOR 23.00 FEET; THENCE DUE WEST FOR 12.75 FEET; THENCE NORTH 21°38'40" WEST FOR 15.99 FEET; THENCE SOUTH 52°12'30" WEST FOR 11.63 FEET; THENCE NORTH 31°08'25" WEST FOR 49.68 FEET; THENCE SOUTH 52°15'32" WEST FOR 0.96 FEET TO THE POINT OF BEGINNING.

THIS EXHIBIT IS MADE FOR THE SOLE PURPOSE OF SHOWING ZONING ON THE PROPERTY DESCRIBED HEREIN, IS NOT A LAND OR BOUNDARY LINE SURVEY, AND MAY NOT BE USED OR RELIED UPON FOR LOAN CLOSING PURPOSES, TITLE INSURANCE PURPOSES, ESTABLISHMENT OF FENCE, BUILDING OR OTHER IMPROVEMENTS, OR ANY OTHER MATTERS FOR WHICH THIS SURVEY WAS NOT PREPARED.

WITNESS MY HAND AND SEAL THIS 12TH DAY OF JULY, 2014.

D&S SURVEYING AND MAPPING
PO BOX 411311, Tulsa, OK 74141
Phone: 918-266-4813 Fax: 918-776-5056
Email: plmr@bellsouth.com
CWP 1666 EXPIRED: 07-30-20
Oops, One of my photos is NOT as described. Attached here is Image 2954, replacing 2854.

On Wed, Jul 31, 2019 at 1:12 PM Gloria DuBois <glodubois@gmail.com> wrote:

Dear Mr. Wilkerson,

It was a pleasure to meet with you and discuss the proposed Zoning Case, the information that you provided to us was most helpful. As property owners at 2240 E 12th Pl, we are very concerned and alarmed at the proposal presented to your office to rezone the 4-5 lots at the East end of our tract. We were able to speak with several of the homeowners in the immediate area of the proposed site. We did not find that any of the them supported the proposed re-zoning. Most were opposed to it, a few were not interested, and did not express an opinion either way. We collected a few signatures and are attaching them here (scan 45). Those sheets also list the concerns we have about the impact of the proposal on our neighborhood. We also passed on the contact numbers for your office, as well as the city council. One homeowner said he is planning to attend the council meeting on the 7th. We plan to attend as well.

The encroachment of the proposed re-zoning into the neighborhood, and the unlimited height request, are the most concerning to us. I have attached several photos from the nearby neighborhoods (scan 43) where apartments have been constructed in an existing single family area, bungalow homes, much like ours. As you can see, the result is not only an eyesore to the neighborhood, but VERY intrusive to the privacy of the neighboring properties, as well as creating parking shortage and clutter in the street.

I took several photos of the area, as exhibits to our concerns. The photos are from these vantage points:

- Image 2969 E on 12th Pl, from East end of the subject area
- Image 2965 W side of Lewis, looking N at 12th Pl intersection
- Image 2964 Same as 2965, note large center island, recently added that restricts Lewis to single lanes in both directions.
- Image 2959 Corner of 12th Pl & Lewis, looking W on 12th Pl (subject property reaches to limit of view)
- Image 2958,55,54 From frontage of subject property looking W on 12th Pl (subject property reaches to limit of view)
- Image 2953 From front of subject property, view across Street to SF homes.
- Image 2951 12th Pl, looking E at subject Property, which starts at intersection on left side of photo and runs to Lewis.

As you can see in the photos, this proposal is very intrusive into our quiet street. Anything over a single story will loom over the neighborhood, it simply does not belong there. We ask that the City Council consider a much lower height restriction on the proposal. 2 or 3 stories at the corner is understandable, given the busy commercial street there. Anything over 1 or 2 stories at the two most westerly lots, is an invasion of our privacy, and will clearly impact the value of our property. While we understand and appreciate the growth of the downtown area, it is equally important that our quiet living spaces are also respected and maintained.

Should you have any questions regarding our concerns, please call us, Pete DuBois at 918 704-8988, and Gloria DuBois at 918 504-8226.

Thank-you for your consideration.
WE, THE HOMEOWNERS AND OCCUPANTS OF THE RESIDENTIAL NEIGHBORHOODS AROUND THE PROPOSED REZONING CASE #2-7491, LOCATED AT THE NORTHWEST CORNER OF E 12TH PLACE SOUTH AND SOUTH LEWIS AVE, BY OUR SIGNATURE BELOW TO HEREBY CONVEY OUR CONCERNS AND OBJECTIONS REGARDING THE PROPOSED REZONING:

1. TRAFFIC WE HAVE FOUND NO EVIDENCE THAT A TRAFFIC STUDY HAS BEEN PERFORMED, SO WE HAVE NO DATA TO OFFER, ONLY THE CONCERN THAT, AS LEWIS NARROWS TO ONLY 1 LANE IN FRONT OF THIS AREA, ADDING ANY ADDITIONAL BUSINESSES OR APARTMENTS WOULD SEVERELY STRAIN AN ALREADY CONGESTED AREA. THE RECENT ADDITION OF THE ADJACENT MOTHER ROAD STORES, AND NOW NEW CONSTRUCTION WELL UNDERWAY ACROSS FROM IT HAVE ALREADY SIGNIFICANTLY IMPACTED THE TRAFFIC ON LEWIS.

2. PARKING THE AFOREMENTIONED MOTHER ROAD STORES HAVE ALREADY CREATED A SEVERE PARKING SHORTAGE IN THE AREA. AS WE TRAVEL THE AREA FREQUENTLY WE HAVE NOTED SEVERAL HARRROWING NEAR MISSES OF PEDESTRIANS. WE ARE ALSO CONCERNED THAT OUR NEIGHBORHOOD WILL BECOME OVERFLOW PARKING FOR ANY BUSINESSES OR TENANTS. E 12TH PLACE IS ALREADY A NARROW STREET, IT IS ALMOST IMPOSSIBLE TO NAVIGATE AROUND THE VEHICLES ALREADY PARKED ON OUR STREET.

3. INCREASE IN FOOT TRAFFIC AND TRASH WE HAVE NOTICED THAT AS COMMERCIAL AREAS SURROUND THE NEIGHBORHOOD, THERE IS AN INCREASE IN FOOT TRAFFIC OF PERSONS PATRONIZING THOSE BUSINESSES, AND ALONG WITH IT, A DISTRESSING AMOUNT OF TRASH IS DUMPED IN THE NEIGHBORHOOD. WRAPPERS AND FOOD DEBRIS THAT IS DISCARDED AS THOSE PEDESTRIANS MAKE THEIR WAY BACK DOWN THROUGH OUR NEIGHBORHOOD. THIS LEADS TO AN OVERALL IMPRESSION THAT THE NEIGHBORHOOD IS TRASHY, AND IN DECLINE, AS WELL AS THE TIME AND EFFORT REQUIRED TO CLEAN UP AFTER THE LITTERERS.

4. PRIVACY THE APPLICANT HAS REQUESTED THAT THE ZONING ON THE NORTH SIDE OF E 12TH PL, EAST FROM S GILLETTE AVE, WHICH ENCROACHES WELL INTO THE NEIGHBORHOOD, AND CURRENTLY ZONED AS "RESIDENTIAL SINGLE FAMILY" BE CHANGED TO "NEIGHBORHOOD MIXED USE, UNLIMITED HEIGHT." THE ENTIRE NEIGHBORHOOD, INCLUDING OUR PRIVATE BACKYARDS, WOULD BE VISIBLE FROM ANYTHING ABOVE THE SECOND FLOOR OF THE STRUCTURE. WE WOULD SUFFER A CATASTROPHIC AND IRREVERSIBLE LOSS OF PRIVACY IN AND AROUND OUR HOMES.

SIGNED: [signature] (PRINT NAME) ASHLEY MCKINNEY
ADDRESS: 2234 E 12TH PLACE, TULSA OK 74104 DATE 7/3/19

SIGNED: [signature] (PRINT NAME) STEVEN L. TERRY
ADDRESS: 2246 E 12TH PL TULSA OK 74107 DATE 7/3/19

SIGNED: [signature] (PRINT NAME) PHIL TURBOS
ADDRESS: 2638 E 12TH PL DATE 7/3/19

SIGNED: [signature] (PRINT NAME)
ADDRESS: DATE
Kim,

The applicant for Z-7492 has requested a continuance from 9/4 to 9/18. They wish to add an Optional Development Plan to their request and need additional time.

Thank you,

Jay Hoyt

From: Steve Soukieh [mailto:stevesoukieh@gmail.com]
Sent: Wednesday, August 28, 2019 4:39 PM
To: Hoyt, Jay <JHoyt@incog.org>
Subject: Re: 905 S. Hudson 9/4 Rezoning Hearing Documents

that will work, thank you.

On Wed, Aug 28, 2019 at 3:27 PM Hoyt, Jay <JHoyt@incog.org> wrote:

Steve,

Thank you for the information,

It looks like the next meeting is on 9/18. Could you please confirm that the continuance to that meeting date will be ok so that the Optional Development Plan can be integrated into your zoning request?

Thank you,

Jay Hoyt

From: stevesoukieh@gmail.com [mailto:stevesoukieh@gmail.com]
Sent: Wednesday, August 28, 2019 3:20 PM
To: Hoyt, Jay <JHoyt@incog.org>
Subject: Fwd: 905 S. Hudson 9/4 Rezoning Hearing Documents
Steve Soukieh

Begin forwarded message:

From: Greg Hambric <greg.hambric@yahoo.com>
Date: August 20, 2019 at 2:48:03 PM CDT
To: "jhovt@incog.org" <jhovt@incog.org>, "stevesoukieh@gmail.com" <stevesoukieh@gmail.com>
Subject: 905 S. Hudson 9/4 Rezoning Hearing Documents
Reply-To: Greg Hambric <greg.hambric@yahoo.com>

Jay,

Please find attached. If there is any information I am missing or anything I can do to make your job easier just let me know.

Thank You,

Greg Hambric
918-510-1101
greg.hambric@yahoo.com
<table>
<thead>
<tr>
<th><strong>Tulsa Metropolitan Area Planning Commission</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Case Report Prepared by:</strong></td>
</tr>
<tr>
<td>Jay Hoyt</td>
</tr>
<tr>
<td><strong>Owner and Applicant Information:</strong></td>
</tr>
<tr>
<td><strong>Applicant:</strong> Tye Smith</td>
</tr>
<tr>
<td><strong>Property Owner:</strong> CONWAY, JOHN H JR TRUSTEE</td>
</tr>
<tr>
<td><strong>Location Map:</strong></td>
</tr>
<tr>
<td>(shown with County Commission Districts)</td>
</tr>
<tr>
<td><img src="image_url" alt="Map Image" /></td>
</tr>
<tr>
<td><strong>Applicant Proposal:</strong></td>
</tr>
<tr>
<td><strong>Present Use:</strong> Vacant</td>
</tr>
<tr>
<td><strong>Proposed Use:</strong> Boat and RV Storage</td>
</tr>
<tr>
<td><strong>Concept summary:</strong></td>
</tr>
<tr>
<td>Tract Size: 6.52 ± acres</td>
</tr>
<tr>
<td>Location: South of the southeast corner of North Mingo Road and East 66th Street North</td>
</tr>
<tr>
<td><strong>Zoning:</strong></td>
</tr>
<tr>
<td><strong>Existing Zoning:</strong> AG</td>
</tr>
<tr>
<td><strong>Proposed Zoning:</strong> IL</td>
</tr>
<tr>
<td><strong>Comprehensive Plan:</strong></td>
</tr>
<tr>
<td><strong>Land Use Map:</strong> N/A</td>
</tr>
<tr>
<td><strong>Stability and Growth Map:</strong> N/A</td>
</tr>
<tr>
<td><strong>Staff Data:</strong></td>
</tr>
<tr>
<td>TRS: 0406</td>
</tr>
<tr>
<td>CZM: 24</td>
</tr>
<tr>
<td><strong>Staff Recommendation:</strong></td>
</tr>
<tr>
<td>Staff recommends approval.</td>
</tr>
<tr>
<td><strong>County Commission District:</strong> 1</td>
</tr>
<tr>
<td><strong>Commissioner Name:</strong> Stan Sallee</td>
</tr>
</tbody>
</table>

REVISED 8/29/2019
SECTION I: CZ-490

DEVELOPMENT CONCEPT: The applicant is proposing to rezone the subject property from AG to IL in order to permit a Boat and RV storage facility.

The subject property is located outside of a comprehensive plan area for Tulsa County or a local jurisdiction. The site is currently vacant agricultural land and is adjacent to IM (Industrial Moderate) zoned land along its western and southern boundaries. The proposed IL (Industrial Light) would be a less intense use, particularly with the proposed Boat and RV storage use intended for this property.

EXHIBITS:
INCOG Case map
INCOG Aerial (small scale)
INCOG Aerial (large scale)

DETAILED STAFF RECOMMENDATION:

CZ-490 is non-injurious to surrounding proximate properties;
CZ-490 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-490 to rezone property from AG to IL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located outside of Tulsa County Comprehensive Plans as well of those of neighboring jurisdictions.

Land Use Vision:

Land Use Plan map designation: N/A

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: Mingo Road is designated as a Secondary 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 is currently vacant agricultural land without existing structures.

Environmental Considerations: None

Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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</thead>
<tbody>
<tr>
<td>N Mingo Rd</td>
<td>Secondary Arterial</td>
<td>100 Feet</td>
<td>2</td>
</tr>
</tbody>
</table>

Utilities:

The subject tract has municipal water available. Sewer to be provided by a ODEQ septic system.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>AG</td>
<td>N/A</td>
<td>N/A</td>
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</tr>
<tr>
<td>South</td>
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<td>East</td>
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</tr>
<tr>
<td>West</td>
<td>IM</td>
<td>N/A</td>
<td>N/A</td>
<td>Agricultural</td>
</tr>
</tbody>
</table>

SECTION III: Relevant Zoning History

**ZONING ORDINANCE:** Resolution number 98254 dated September 15, 1980 established zoning for the subject property.

**Subject Property:** No relevant history

**Surrounding Property:**

**CBOA-2603 October 2016:** The Board of Adjustment approved a *special exception* to permit surface mining for top-soil and fill dirt (Use Unit 24) in the AG District, on property located east of the southeast corner of East 66th Street North & North Mingo Road East.

**CBOA-2427 March 2012:** The Board of Adjustment approved a *Special Exception* to allow Use Unit 2 in an IM District to allow open air music festivals; and a *variance* from the requirement that parking (for special events) be on an all-weather surface; and the Board denied a *special exception* to permit Use Unit 19a in an IM district to allow a dance hall, on property located at the southeast corner of East 61st Street North & North Mingo Road.

**CBOA-2380 July 2010:** The Board approved a *Special Exception* to permit mining and dirt removal (Use Unit 24) in the AG district; located NE/c of E 66 St N and S Mingo Rd.

9/4/2019 1:30 PM
Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: February 2018
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
**Case Number:** Z-7495

**Hearing Date:** September 4, 2019

**Case Report Prepared by:**
Dwayne Wilkerson

**Owner and Applicant Information:**

**Applicant:** Will Keith  
**Property Owner:** KEITH CONSTRUCTION COMPANY

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

<table>
<thead>
<tr>
<th>Location</th>
<th>Number</th>
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<tbody>
<tr>
<td>1</td>
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<td>7</td>
<td>8</td>
</tr>
<tr>
<td>9</td>
<td>1</td>
</tr>
</tbody>
</table>

**Applicant Proposal:**

**Present Use:** Office  
**Proposed Use:** Dispensary  

**Concept summary:** Rezoning to support redevelopment of site for commercial uses as allowed in a CS district.

**Tract Size:** 0.53 ± acres  
**Location:** East of the northeast corner of East Skelly Drive & South Utica Avenue

**Zoning:**

**Existing Zoning:** OL  
**Proposed Zoning:** CS

**Comprehensive Plan:**

**Land Use Map:** Mixed-Use Corridor  
**Stability and Growth Map:** Area of Growth

**Staff Recommendation:**

**Staff recommends denial.**

**Staff Data:**

<table>
<thead>
<tr>
<th>TRS</th>
<th>CZM</th>
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<tbody>
<tr>
<td>9330</td>
<td>47</td>
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</table>

**City Council District:** 9  
**Councilor Name:** Ben Kimbro  
**County Commission District:** 2  
**Commissioner Name:** Karen Keith
SECTION I: Z-7495

APPLICANTS DEVELOPMENT CONCEPT:

Rezoning requested to allow a medical marijuana dispensary.

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:
- Assessor property search data
- Assessor property search map with images
- 1000 foot radius

DETAILED STAFF RECOMMENDATION:

Z-7495 requesting CS zoning may be consistent with the Mixed-Use Corridor in certain areas where CS zoning has been integrated into a commercial district however in this instance all property on the north side of the I-44 from South Rockford to South Yorktown has been zoned RS-3, RM-2, OL or OM therefore uses allowed in a CS district are not consistent with the expected development pattern in the area and

Uses allowed in a CS district are injurious to the abutting residentially zoned properties therefore,

Staff recommends Denial of Z-7495 to rezone property from OL to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CS zoning may be consistent with the Mixed-Use Corridor in certain areas where CS zoning has been integrated into a commercial district. In this location all proximate properties on the north side of the I-44 from South Rockford to South Yorktown has been zoned RS-3, RM-2, OL or OM. This site is on the edge of a Mixed-Use Corridor land use designation and the Comprehensive Plan generally supports lower intensity uses such as multifamily, townhomes, and office uses that are similar to the existing development pattern. Uses allowed in a CS district are not consistent with the concept of decreasing intensity closer to the edges where offices, commercial and residential areas coexist.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa’s modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are
designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods.

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: Residential Collector

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 occupied with an existing single-story building with a gravel parking area.

Street view from south west looking north east. (See next page)
Environmental Considerations: None that would affect site redevelopment

Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Skelly Drive</td>
<td>Residential Collector</td>
<td>60 feet</td>
<td>2 west bound lanes only</td>
</tr>
</tbody>
</table>

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-3</td>
<td>Mixed Use Corridor</td>
<td>Growth</td>
<td>Church</td>
</tr>
<tr>
<td>East</td>
<td>OM</td>
<td>Mixed Use Corridor</td>
<td>Growth</td>
<td>Empty lot</td>
</tr>
<tr>
<td>South</td>
<td>CS on the south of I-44</td>
<td>Existing Neighborhood south of I-44</td>
<td>Stability south of I-44</td>
<td>Multi family south of I-44</td>
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<tr>
<td>West</td>
<td>OL</td>
<td>Mixed Use Corridor</td>
<td>Growth</td>
<td>Office</td>
</tr>
</tbody>
</table>
SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 13233 dated July 16, 1974 established zoning for the subject property.

Subject Property:

**Z-4681 July 1974:** All concurred in approval of a request for rezoning a tract of land from RS-3 to OL on property located on the northwest corner of South Utica Avenue and East Skelly Drive, part of the subject property.

Surrounding Property:

No relevant history

9/4/2019 1:30 PM
Note: Graphic overlays may not precisely align with physical features on the ground.
Friday, August 9, 2019

KUSH DISPENSARY, LLC
KUSH DISPENSARY, LLC
1711 E SKELLY DR
TULSA, OK, 74105

RE: Approval of Medical Marijuana Commercial License
The Oklahoma Medical Marijuana Authority (OMMA) has determined that your application has met licensure requirements for a COMMERCIAL DISPENSARY LICENSE license in accordance with Title 63 O.S. § 420 et seq. and the Oklahoma Administrative Code (OAC) 310:6-681. Your approved licensure start date is:

08/08/2019 and will expire one(1) year after this date, on 08/13/2020.
It is your responsibility to submit a timely renewal application prior to this expiration date.
Your license number is: DAAA-41CF-9PHM

In addition to submission of timely renewal, it is the responsibility of the licensee to notify the OMMA in the event of:

1) changes in contact information; or
2) changes that may affect the licensee's qualifications for licensure.

Ongoing monthly yield and/or sales reports are also required by law, and shall be deemed untimely if not received by the OMMA by the fifteenth (15th) of each month, to reflect the applicable data for the preceding month. Reporting tools may be accessed at OMMA.ok.gov.
Included with this letter is your license certificate. If you have any questions, please do not hesitate to contact a member of my staff at omma.ok.gov.

Sincerely,

Tom Bates, J.D.
Interim Commissioner
Oklahoma State Department of Health

License #: DAAA-41CF-9PHM

Attachment: License Certificate
Property Search

Disclaimer

The Tulsa County Assessor's Office has made every effort to insure the accuracy of the data contained on this web site; however, this material may be slightly dated which could have an impact on its accuracy.

The information must be accepted and used by the recipient with the understanding that the data was developed and collected only for the purpose of establishing fair cash (market) value for ad valorem taxation. Although changes may be made periodically to the tax laws, administrative rules and similar directives, these changes may not always be incorporated in the material on this web site.

The Tulsa County Assessor's Office assumes no liability for any damages incurred, whether directly or indirectly, incidental, punitive or consequential, as a result of any errors, omissions or discrepancies in any information published on this web site or by any use of this web site.

Quick Facts

Account # R3825933011020
Parcel # S2825-92-30-11020
Situs address 1711 E SKELLY DR S TULSA 74105
Owner name KEITH CONSTRUCTION COMPANY
Fair cash (market) value $162,500
Last year's taxes $2,455
Legal description Legal: N230 LT 10 LESS BEG NL HWY 44 & WL LT 10 TH E110 N25.10 SW110.46 S15 POB FOR RD
Section: 30 Township: 19 Range: 13

General Information

Situs address 1711 E SKELLY DR S TULSA 74105
Owner name KEITH CONSTRUCTION COMPANY
Owner mailing address TULSA, OK 74105
Land area 0.53 acres / 23,090 sq ft
Tax rate T-1A [TULSA]
Subdivision: PERRY'S 27207 SUB
Legal description Legal: N230 LT 10 LESS BEG NL HWY 44 & WL LT 10 TH E110 N25.10 SW110.46 S15 POB FOR RD
Section: 30 Township: 19 Range: 13
Zoning LOW DENSITY OFFICE DISTRICT [OL]

Tax Information

Fair cash (market) value $162,500 $162,500 $162,500
Total taxable value (capped) $162,500 $162,500 $162,500
Assessment ratio 11% 11% 11%
Gross assessed value $17,875 $17,875 $17,875
Exemptions $0 $0 $0
Net assessed value $17,875 $17,875 $17,875
Tax rate T-1A [TULSA]
Tax rate mills 137.08 137.34 137.34*
Estimated taxes $2,450 $2,455 $2,455*
Most recent NOV February 26, 2013

Values

Land value $138,500 $138,500 $138,500
Improvemenms value $24,000 $24,000 $24,000
Fair cash (market) value $162,500 $162,500 $162,500

Exemptions claimed

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<th>Source</th>
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<th>2019</th>
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<tr>
<td>Homestead</td>
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<tr>
<td>Additional homestead</td>
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<td>Senior Valuation Limitation</td>
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<tr>
<td>Veteran</td>
<td>-</td>
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[Continued on next page]
Improvements

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<tr>
<th>Block #</th>
<th>Property type</th>
<th>Use</th>
<th>Year built</th>
<th>Year remodeled</th>
<th>Bldg SF</th>
<th>Acreage</th>
<th>Stories</th>
<th>Story Height</th>
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<tr>
<td>1</td>
<td>Commercial</td>
<td>Office Building</td>
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<td></td>
<td>800</td>
<td>800</td>
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<td>10.0</td>
</tr>
<tr>
<td>2</td>
<td>Commercial</td>
<td>Storage Warehouse</td>
<td>1940</td>
<td></td>
<td>920</td>
<td>920</td>
<td>1.0</td>
<td>10.0</td>
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Sales/Documents

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<th>Date</th>
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<th>Grantee</th>
<th>Price</th>
<th>Doc type</th>
<th>Book-Page/Doc#</th>
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<tr>
<td>Aug 3, 2004</td>
<td>MAYER KATHERINE B &amp; THERE</td>
<td>KEITH CONSTRUCTION CO 171</td>
<td>$162,500</td>
<td>Warranty Deed</td>
<td>2000081899</td>
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<td>Jul 26, 2004</td>
<td>MAYER KATHERINE B &amp; THERE</td>
<td>KEITH CONSTRUCTION CO 171</td>
<td>$162,500</td>
<td>History</td>
<td>2004092766</td>
</tr>
</tbody>
</table>

Images

Photo/sketch (Click to enlarge)

* Square footage and acreage values included in this record are approximations. They may not reflect what a licensed surveyor would determine by performing a formal survey. They are for tax purposes only and are not intended for use in making conveyances or for preparing legal descriptions of properties.

Click to view this area on the Google Maps web page in a new window

John A. Wright — Tulsa County Assessor

Tulsa County Administration Building, Room 215 | 500 S. Denver | Tulsa, OK 74103

Phone: (918) 596-5100 | Fax: (918) 596-4799 | Email: assessor@tulsacounty.org

Office hours: 8:00–5:00 Monday–Friday (excluding holidays)
Case Report Prepared by:  
Dwayne Wilkerson

Owner and Applicant Information:  
Applicant: John Ngo  
Property Owner: John Ngo

Location Map:  
(shown with City Council Districts)

Applicant Proposal:  
Present Use: Vacant  
Proposed Use: Retail Sales  
Concept summary: Rezone property from office zoning to a CS district to allow construction of a commercial building.  
Tract Size: 0.31 ± acres  
Location: Southeast corner of South 33rd West Avenue and West 48th Street South

Zoning:  
Existing Zoning: OM  
Proposed Zoning: CS

Comprehensive Plan:  
Land Use Map: Neighborhood Center  
Stability and Growth Map: Area of Growth

Staff Recommendation:  
Staff recommends approval.

Staff Data:  
TRS: 9227  
CZM: 46

City Council District: 2  
Councilor Name: Jeannie Cue  
County Commission District: 2  
Commissioner Name: Karen Keith
SECTION I: Z-7496

DEVELOPMENT CONCEPT: Rezoning for anticipated expansion of the Neighborhood Center identified in the Tulsa Comprehensive Plan. The concept is to construct a small retail building.

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:
- None provided

DETAILED STAFF RECOMMENDATION:

Z-7496 request CS zoning that is consistent with the Neighborhood Center vision of the Tulsa Comprehensive Plan and,

Uses allowed by CS zoning are consistent with the expected development of surrounding properties and,

Uses allowed by CS zoning are non-injurious to proximate properties therefore,

Staff recommends Approval of Z-7496 to rezone property from OM to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CS zoning is consistent with the land use vision of the Tulsa Comprehensive Plan. Staff will encourage constructing a building closer to the street with parking in the rear. The building placement and sidewalks will encourage pedestrian traffic which would help integrate this site into the neighborhood. The landscape ordinance provides adequate buffering from residential areas for parking areas. A development plan was not considered necessary.

Land Use Vision:

Land Use Plan map designation: Neighborhood Center
Neighborhood Centers are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

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

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 an empty lot abutting residential uses on the east and south.

Environmental Considerations: None that would affect site development

Streets:

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<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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<tr>
<td>South 33rd West Avenue</td>
<td>Primary Arterial</td>
<td>120 feet</td>
<td>4</td>
</tr>
<tr>
<td>West 48th Street South</td>
<td>Residential Collector</td>
<td>60 feet</td>
<td>2</td>
</tr>
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</table>

Utilities:
The subject tract has municipal water and sewer available.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>CS</td>
<td>Neighborhood Center</td>
<td>Growth</td>
<td>Restaurant</td>
</tr>
<tr>
<td>East</td>
<td>OM</td>
<td>Neighborhood Center</td>
<td>Growth</td>
<td>residential</td>
</tr>
<tr>
<td>South</td>
<td>OM</td>
<td>Neighborhood Center</td>
<td>Growth</td>
<td>Residential</td>
</tr>
<tr>
<td>West</td>
<td>RS-3</td>
<td>Neighborhood Center and existing neighborhood</td>
<td>Growth</td>
<td>Empty lot and residential</td>
</tr>
</tbody>
</table>
SECTION III: Relevant Zoning History

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

Subject Property: No relevant history

Surrounding Property:

(Pending Case Z-7487): On 7.17.19, TMAPC concurred in approval of a request for rezoning a .39+ acre tract of land from RS-3 to CS on property located on the northwest corner of West 48th Street South and South 33rd West Avenue.

BOA-20775 September 2008: The Board of Adjustment approved a special exception to permit single family residential use in an OM district, on property located South of the Southeast corner of South 33rd West Ave and West 48th Street South.

9/4/2019 1:30 PM
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
Land Use Plan Categories

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

Z-7496
19-12-27
Growth and Stability

Area of Growth
Area of Stability

Z-7496
19-12-27
# Tulsa Metropolitan Area Planning Commission (TMAPC)

**Case Number:** Z-7497  
**Hearing Date:** September 4, 2019

## Case Report Prepared by:
Dwayne Wilkerson

## Owner and Applicant Information:
**Applicant:** Lou Reynolds  
**Property Owner:** INDIAN HEALTH CARE RESOURCE CENTER OF

## Applicant Proposal:
**Present Use:** Vacant  
**Proposed Use:** Medical Center  

**Concept Summary:** Rezone property from RM-2 to CH for medical center.  
**Tract Size:** 0.58 ± acres  
**Location:** West of northwest corner of East 5th Street South & South Peoria Avenue

## Zoning:
**Existing Zoning:** RM-2  
**Proposed Zoning:** CH

## Comprehensive Plan:
**Land Use Map:** Downtown Neighborhood  
**Stability and Growth Map:** Area of Growth

## Staff Recommendation:
Staff recommends approval.

## Staff Data:
**TRS:** 9201  
**CZM:** 36

## City Council District:
**Councilor Name:** Kara Joy McKee

## County Commission District:
**Commissioner Name:** Karen Keith

---

**Map:** (shown with City Council Districts)
SECTION I: Z-7497

DEVELOPMENT CONCEPT:
The applicant is requesting a rezoning to CH to support expansion of the health clinic to the south.

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:
Site Survey

DETAILED STAFF RECOMMENDATION:

Many of the uses that are allowed in a CH district could be inconsistent with the goals of the Pearl District Small area plan and the anticipated redevelopment around a regional detention facility planned west of this site and,

Much of the surrounding property is zoned CH and was approved without additional use limitations or design standards. Considerations for a development plan on this small tract would not have a significant effect on the anticipated larger development area for the proposed medical center and,

The medical center use identified by the applicant is consistent with the expected development pattern in this area and is consistent with the employment and residential land use designation in the Pearl District Small area plan therefore,

Staff recommends Approval of Z-7497 to rezone property from RM-2/ to CH.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The medical center use identified by the applicant is consistent with the expected development pattern in this area and is consistent with the employment and residential land use designation.

Land Use Vision:

Land Use Plan map designation: Employment with residential

Employment with residential areas contain office, warehousing, light manufacturing and high tech uses such as manufacturing or information technology. These areas may also have residences, residential and office lofts in industrial buildings, and more extensive commercial activity. Employment with residential areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic. Since residential and industrial uses are allowed in this district, extensive screening and buffering between these uses within the district are not required for many of the existing uses.

Areas of Stability and Growth designation: Area of Growth
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

Trail System Master Plan Considerations: None

Small Area Plan: Pearl District Small Area Plan Adopted August 2019
**Special District Considerations:** None except the West Pond included in the Elm Creek master plan. Construction is anticipated to begin in 2020.

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:** The site is empty.

*Staff Summary:* The site is empty.
Environmental Considerations:

Approximate location of Z-7497

Streets:

<table>
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<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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</thead>
<tbody>
<tr>
<td>East 5th Street</td>
<td>None</td>
<td>50 feet</td>
<td>2</td>
</tr>
</tbody>
</table>

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>CH</td>
<td></td>
<td>Growth</td>
<td>Light industrial</td>
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<tr>
<td>East</td>
<td>CH</td>
<td></td>
<td>Growth</td>
<td>Micro Brewery</td>
</tr>
<tr>
<td>South</td>
<td>CH</td>
<td></td>
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<td>Empty lot</td>
</tr>
<tr>
<td>West</td>
<td>IL</td>
<td></td>
<td>Growth</td>
<td>Empty Lot</td>
</tr>
</tbody>
</table>

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11814 dated June 26, 1970 established zoning for the subject property.
Subject Property: No relevant history

Surrounding Property:

Z-7489 July 2019 (pending): Staff has recommended denial of a 0.37-acre tract of land at the northwest corner of S. 5th Street at S. Norfolk from IL/RM-2 to CH. The zoning request conflicts with the land use plan identified in Pearl District Small area plan. The Planning Commission public hearing has been continued for further discussion.

Z-7447 August 2018: All concurred in approval of a request for rezoning a .65+ acre tract of land from OL/RM-2 to CH on property located on the southwest corner of South Peoria and East 5th Street South.

BOA-22212 March 2017: The Board of Adjustment approved a special exception to permit low-impact manufacturing and industry (microbrewery) in the CH District, on property located on the northwest corner of East 5th Street South and South Peoria Avenue.

BOA-21952 September 2015: The Board of Adjustment approved a variance to allow a digital sign within 200 feet of an R District; a variance to allow a digital sign within 20 feet of the driving surface of a public street; a variance to allow construction of a sign in the City right-of-way, on property located at 1228 East 6th Street South.

BOA-21868 May 2015: The Board approved a special exception to permit a food truck court and a outdoor event venue in the CH zoning district; variance of the allowable days for open air activities from 179 days to year round; and variance of the requirement that all motorized vehicles be parked on an all-weather surface to permit parking of food trucks on a gravel surface, on property located on the northwest corner of East 5th Street South and South Peoria Avenue.

BOA-21612 August 2013: The Board of Adjustment approved a variance of required parking from 10 spaces to 0 spaces (Use Unit 11) in a CH District, on property located north of the northeast corner of South Owasso Avenue and East 5th Place South.

9/4/2019 1:30 PM
Subject Tract Z-7497

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

Aerial Photo Date: February 2018

9.8
**Case Report Prepared by:** Nathan Foster

**Owner and Applicant Information:**

*Applicant:* Mark Capron, Wallace Engineering  
*Owner:* Bret & Janelle Methvin

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

![Location Map](image)

**Applicant Proposal:**

Preliminary Plat & Modification of the Subdivision & Development Regulations to partially waive sidewalk requirements for residential streets  
12 lots, 3 blocks, 4+ acres  
*Location:* Southeast corner of South 33rd West Avenue and West 61st Street South

**Zoning:**  
Existing: CS  
Pending: CS with Z-7490 Optional Development Plan

**Staff Recommendation:**

Staff recommends approval of the preliminary plat and denial of the modification to the Subdivision & Development Regulations

**City Council District:** 2  
*Councilor Name:* Jeannie Cue

**County Commission District:** 2  
*Commissioner Name:* Karen Keith

**EXHIBITS:** Site Map, Aerial, Land Use, Growth & Stability, Preliminary Plat, Conceptual Improvements Plan, Modification Request
PRELIMINARY SUBDIVISION PLAT

Sunwest Highlands - (CD 2)
Southeast corner of South 33rd West Avenue and West 61st Street South

This plat consists of 12 lots, 3 blocks on 4 ± acres.

The Technical Advisory Committee (TAC) met on August 15, 2019 and provided the following conditions:

1. **Zoning:** The property is currently zoned CS which permits the residential uses; however, the pending development plan (Z-7490) must be approved and effective prior to approval of a final plat that includes a private street.

2. **Addressing:** Obtain lot addresses from City of Tulsa and label each lot with the appropriate address on the final plat.

3. **Transportation & Traffic:** Private street requires approval of pending development plan. Sidewalks are required on both sides of the residential street and along each arterial street adjacent to the property.

4. **Sewer:** Sewer main extensions are required to be reviewed through the IDP process. IDP must be approved prior to approval of the final plat. Conceptual improvements plan shows a sewer line crossing the 50' pipeline easement to the south, permissions will be required by the easement owner for crossings.

5. **Water:** Water main extensions are required to be reviewed through the IDP process. IDP must be approved prior to approval of the final plat. Other improvements are not permitted in restricted waterline easements. Provide appropriate clearance and easements for extensions.

6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Show all platted properties in the location map and label all other property has unplatted. Label subject property. Add "City of Tulsa" in the plat subtitle before Tulsa County, State of Oklahoma.

7. **Stormwater, Drainage, & Floodplain:** Existing drainage patterns must be similarly maintained with increased runoff directed to the proposed detention ponds. Notate which storm sewer infrastructure is public and what is private.

8. **Utilities:** Telephone, Electric, Gas, Cable, Pipeline, Others: All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.
Modification of Subdivision and Development Regulations:

1. Section 5.070.1 – Sidewalks must be installed on both sides of all arterial streets and on both sides of all collector streets and residential (local) streets with curb and gutter.

The applicant has requested a waiver of the requirement to install a sidewalk on one side of the internal private streets in the areas adjacent to Reserve C as shown on the conceptual improvements plan due to conflicts with the existing 50’ pipeline easement.

Staff recommends DENIAL of the modification to the Subdivision & Development Regulations finding the sidewalks essential to the internal connectivity of the development. The existing easement conflicts with a number of proposed improvements on this project and will be required to be addressed. Sidewalks should be included.

Staff recommends APPROVAL of the preliminary subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.
Land Use Plan Categories

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

SUNWEST HIGHLANDS
18-12-03
LEGAL DESCRIPTION
Sunwest Highlands

A TRACT OF LAND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 NW/4) OF SECTION THREE (3), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE SOUTH 89°53'52" EAST ALONG THE NORTH BOUNDARY OF SAID SECTION 3, A DISTANCE OF 527.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°53'52" EAST ALONG THE NORTH BOUNDARY OF SAID SECTION 3, A DISTANCE OF 160.61 FEET TO A POINT; THENCE DUE SOUTH ALONG THE WEST BOUNDARY OF WEST HIGHLANDS II, A DISTANCE OF 470.91 FEET TO A POINT; THENCE SOUTH 61°49'08" WEST A DISTANCE OF 231.11 FEET TO A POINT; THENCE SOUTH 58°40'11" WEST A DISTANCE OF 573.45 FEET TO A POINT; THENCE NORTH 0°23'11" EAST ALONG THE WEST BOUNDARY OF SAID SECTION 3, A DISTANCE OF 358.48 FEET TO A POINT; THENCE SOUTH 89°23'52" EAST A DISTANCE OF 380.00 FEET TO A POINT; THENCE NORTH 45°29'40" EAST A DISTANCE OF 207.50 FEET TO A POINT; THENCE NORTH 0°23'11" EAST A DISTANCE OF 380.00 FEET TO THE POINT OF BEGINNING. LESS THE NORTH FIFTY (50) FEET THEREOF FOR STREET AND LESS THE WEST FIFTY (50) FEET THEREOF FOR STREET.
A TRACT OF LAND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NAX/4NNW) OF SECTION THIRTEEN (13), TOWNSHIP EIGHTEEN (18), NORTH RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE GOVERNMENT SURVEY.
SECTION II. PROPERTY OWNERS' ASSOCIATION

A. FORMATION OF PROPERTY OWNERS' ASSOCIATION

The developer's intentions have been to form an association of the owners of the lots within the subdivision. Pursuant to the developer's directions, the property owners' association shall be formed for the purpose of maintaining adequate flood control and drainage facilities, securing the right to access those facilities and areas within the subdivision for drainage purposes, maintaining and improving the appearance of the subdivision, and ensuring the proper use of the property therein in accordance with the subdivision plat. The property owners' association shall be known as the 'The Subdivision Owners' Association' and will be governed by these bylaws.

B. MEMBERSHIP

Every person or entity holding a record of interest of a lot in the subdivision shall be a member of the property owners' association. The term "record of interest" is defined as any agreement, contract, deed, or other instrument evidencing the right to possess, use, or enjoy the property, including any easement, right of way or other interest in the property.

C. DUES

The assessment levied under parts A and B shall be paid in full by each member of the property owners' association. The amount of such assessment shall be determined by the board of directors of the association and shall be paid in accordance with the provisions of the bylaws.

SECTION III. ENFORCEMENT, DURATION, AND AMENDMENT

A. ENFORCEMENT

The property owners' association shall have the right to enforce the provisions of these bylaws and the covenants and restrictions contained therein by any legal means at law or in equity, including, but not limited to, actions for injunction, specific performance, or other equitable remedies.

B. DURATION

These covenants and restrictions shall remain in full force and effect until terminated or amended as herein provided.

C. AMENDMENT OR TERMINATION

The property owners' association may amend or terminate this agreement at any time by a written instrument signed by the developer and approved by the property owners' association. The instrument shall be recorded in the Public Records of the County in which the subdivision is located.

RECORDING CO.

In case of any conflict between this instrument and any other instrument or record, this instrument shall control. This instrument may be recorded in the Public Records of the County in which the subdivision is located.

SIGNED:

Jen Shells, and Janese Shells, Husband and Wife

By:

Jen Shells

As

By:

Jenese Shells

STATE OF OKLAHOMA

COUNTY OF TULSA

This instrument was acknowledged before me this __ day of ____, 2019, by Jen Shells, and Janese Shells, Husband and Wife.

Notary Public

[Signature]

CERTIFICATE OF SURVEY

I, ____________________________, a licensed land surveyor registered in the State of Oklahoma, hereby certify that the survey described herein was performed, executed, and applied in the performance of the surveying service, and that the property lines as described herein are located on the surface of the earth as surveyed and as shown on the plat of the subdivision. The survey was performed in accordance with the requirements of the subdivision plat and was approved by the developer.

WITNESSES

[Signature]

[Signature]

Licensed Land Surveyor

[Signature]

CERTIFICATE OF COMPLETION

I, ____________________________, a licensed land surveyor registered in the State of Oklahoma, hereby certify that the survey described herein was performed, executed, and applied in the performance of the surveying service, and that the property lines as described herein are located on the surface of the earth as surveyed and as shown on the plat of the subdivision. The survey was performed in accordance with the requirements of the subdivision plat and was approved by the developer.

WITNESSES

[Signature]

[Signature]

Licensed Land Surveyor

[Signature]
CONCEPTUAL IMPROVEMENTS PLAN
SUNWEST HIGHLANDS

A TRACT OF LAND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (N4A W4N) OF SECTION THREE (3), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE GOVERNMENT SURVEY.

LOCATION MAP

SCALE 1" = 200'

OWNER:

ENGINEER:

SURVEYOR:

SUNWEST

HIGHLANDS

PLAZA

LOCATION MAP

SCALE 1" = 200'

OWNER:

ENGINEER:

SURVEYOR:

SUNWEST

HIGHLANDS

PLAZA

LOCATION MAP

SCALE 1" = 200'
Sunwest Highlands Sidewalk Waiver Request

Mark Capron <mcapron@wallacesc.com>
Tue 8/20/2019 1:46 PM

To: Foster, Nathan <NFoster@incog.org>
Cc: Danny Baldwin <dbaldwin@wallacesc.com>

Nathan,

As discussed at TAC, we request a waiver of the sidewalk requirement for the internal private street on a portion of one side as shown on the Conceptual Improvements Plan. Sidewalks along the arterial streets are not included in this request.

Please contact us with any questions or concerns.

Mark
Mark B. Capron, LLA
Land Development Planner

Wallace Engineering
Structural Consultants, Inc.
Structural and Civil Consultants
123 North Martin Luther King Jr. Boulevard
Tulsa, Oklahoma 74103
918.584.5858 O | 918.806.7314 D

Tulsa | Kansas City | Oklahoma City | Denver
| Atlanta

This email and any files transmitted with it may contain confidential or privileged information. If you have received
this email message in error, please notify the sender by email and delete this email from your system. The unauthorized use or dissemination
of confidential or privileged information contained in this email is prohibited.
**Case:** BMX Headquarters (Related to BMX Headquarters Authorization for Accelerated Release of Building Permits)

**Hearing Date:** September 4, 2019

**Case Report Prepared by:**
Nathan Foster

**Owner and Applicant Information:**

**Applicant:** Mike Thedford, Wallace Engineering

**Owner:** City of Tulsa

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

| Location: | Northwest corner of East Archer Street and North Lansing Avenue |

**Zoning:** IM (Industrial – Moderate)

**Staff Recommendation:**
Staff recommends approval of the preliminary plat

**City Council District:** 1

**Councilor Name:** Vanessa Hall-Harper

**County Commission District:** 1

**Commissioner Name:** Stan Sallee

**EXHIBITS:** Site Map, Aerial, Land Use, Growth & Stability, Preliminary Plat, Conceptual Improvements Plan
PRELIMINARY SUBDIVISION PLAT

BMX Headquarters - (CD 1)
Northwest corner of East Archer Street and North Lansing Avenue
This plat consists of 1 lot, 1 block on 22.34 ± acres.

The Technical Advisory Committee (TAC) met on August 15, 2019 and provided the following conditions:

1. **Zoning:** The property is zoned IM (Industrial – Moderate). The use of the property as Outdoor Assembly & Entertainment was approved by the City Board of Adjustment on November 13, 2018 (BOA-22539). Special exception approvals for Outdoor Assembly & Entertainment subject the property to full compliance with the Subdivision & Development Regulations.

2. **Addressing:** City of Tulsa will assign lot address to Lot 1. Label lot with address prior to final plat submittal.

3. **Transportation & Traffic:** East Archer Street is a designated commercial collector street that requires installation of sidewalks. Provide recording information for all adjacent ROW or indicate dedication by plat.

4. **Sewer:** Sewer main extensions will be completed through a capital improvement project managed by City of Tulsa Engineering Services. Final plans must be approved prior to the approval of the final plat to ensure accuracy of all easements and ROW.

5. **Water:** Water main extensions will be completed through a capital improvement project managed by City of Tulsa Engineering Services. Final plans must be approved prior to the approval of the final plat to ensure accuracy of all easements and ROW.

6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Show all platted properties in the location map and label all other property has unplatted. Label subject property. Add "City of Tulsa" in the plat subtitle before Tulsa County, State of Oklahoma. Graphically provide the bearing angle/distance from point of commencement (POC) to point of beginning (POB).

7. **Stormwater, Drainage, & Floodplain:** Storm sewer system will be completed through a capital improvement project managed by City of Tulsa Engineering Services.

8. **Utilities:** Telephone, Electric, Gas, Cable, Pipeline, Others: All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Staff recommends APPROVAL of the preliminary subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.
Subject Tract

BMX HEADQUARTERS
19-12 01 & 20-12 36

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: February 2018
Growth and Stability

Area of Growth
Area of Stability

BMX HEADQUARTERS
19-12 01 & 20-12 36

SUBJECT TRACT

E ARCHER ST
N LANSING AVE
N KENOSHA AVE
E KING PL
E KING ST
E HASKELL ST
N MADISON AVE
N NORFOLK AVE
N INDEPENDENCE ST
E EASTON ST
E ADMIRAL BLVD
N GREENWOOD AVE
E KING ST
E CAMERON ST
244
412
LEGAL DESCRIPTION
BMX HEADQUARTERS
PRELIMINARY PLAT

A TRACT OF LAND THAT IS PART OF LOT TWO (2), SECTION ONE (1), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW/4 SE/4) OF SECTION THIRTY-SIX (36), TOWNSHIP TWENTY (20) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW/4 NE/4) OF SECTION ONE (1), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST, OF THE INDIAN BASE AND MERIDIAN, ALL IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF; SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF BLOCK FORTY-NINE (49) OF THE ORIGINAL TOWNSITE OF TULSA, SAID POINT BEING 34.94 FEET EASTERLY OF THE SOUTHWEST CORNER OF LOT TWO (2), BLOCK FORTY-NINE (49), SAID POINT ALSO BEING ON THE EASTERLY ATCHISON, TOPEKA & SANTA FE RAILROAD RIGHT-OF-WAY LINE; THENCE N 00° 27' 51" W AND ALONG THE EASTERLY RAILROAD RIGHT-OF-WAY LINE FOR A DISTANCE OF 511.37 FEET; THENCE N 05° 24' 22" E AND ALONG THE EASTERLY RAILROAD RIGHT-OF-WAY LINE FOR A DISTANCE OF 610.55 FEET; THENCE N 06° 11' 18" E AND ALONG THE EASTERLY RAILROAD RIGHT-OF-WAY LINE FOR A DISTANCE OF 803.65 FEET; THENCE N 88° 58' 50" E FOR A DISTANCE OF 180.00 FEET; THENCE S 00° 58' 20" E FOR A DISTANCE OF 30.00 FEET TO A POINT; THENCE N 88° 58' 50" E FOR A DISTANCE OF 255.00 FEET; THENCE S 45° 59' 49" E FOR A DISTANCE OF 70.68 FEET; THENCE S 00° 58' 20" E FOR A DISTANCE OF 611.94 FEET; THENCE N 88° 54' 41" E FOR A DISTANCE OF 11.03 FEET; THENCE S 01° 11' 17" E FOR A DISTANCE OF 282.47 FEET; THENCE S 12° 14' 47" W FOR A DISTANCE OF 332.52 FEET; THENCE S 89° 08' 39" W FOR A DISTANCE OF 15.00 FEET; THENCE S 01° 11' 17" E FOR A DISTANCE OF 10.11 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE, SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 47° 38' 16", HAVING A RADIUS OF 125.40 FEET, A LENGTH OF 104.26 FEET AND WHOSE LONG CHORD BEARS S 39° 17' 42" W FOR A DISTANCE OF 101.28 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE; THENCE S 01° 11' 14" E FOR A DISTANCE OF 189.63 FEET; THENCE S 27° 47' 12" W FOR A DISTANCE OF 169.78 FEET; THENCE S 55° 38' 34" W FOR A DISTANCE OF 25.00 FEET; THENCE S 65° 09' 17" W FOR A DISTANCE OF 35.42 FEET; THENCE S 79° 46' 16" W FOR A DISTANCE OF 407.79 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINS 973,072 SQUARE FEET OR 22.34 ACRES, MORE OR LESS.
CONCEPTUAL IMPROVEMENTS
BMX HEADQUARTERS


THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT.
Case: BMX Headquarters – Authorization for Accelerated Release of Building Permits (Related to BMX Headquarters Preliminary Plat)

Hearing Date: September 4, 2019

Case Report Prepared by:
Nathan Foster

Owner and Applicant Information:
Applicant: Mike Thedford, Wallace Engineering
Owner: City of Tulsa

Location Map:
(shown with City Council Districts)

Applicant Proposal:
Request for authorization to receive accelerated release of building permits and a modification to the Subdivision & Development Regulations

1 lot, 1 block, 22.34 ± acres
Location: Northwest corner of East Archer Street and North Lansing Avenue

Zoning: IM (Industrial – Moderate)

Staff Recommendation:
Staff recommends approval of the authorization to receive an accelerated release of a building permit and a modification to the Subdivision & Development Regulations

City Council District: 1
Councilor Name: Vanessa Hall-Harper

County Commission District: 1
Commissioner Name: Stan Sallee

EXHIBITS: See exhibits for BMX Headquarters Preliminary Plat
ACCELERATED RELEASE OF BUILDING PERMIT

BMX Headquarters - (CD 1)
Northwest corner of East Archer Street and North Lansing Avenue

The applicant has requested that the Planning Commission authorize the City of Tulsa to issue building permits prior to the filing of a final plat. The Subdivision & Development Regulations require the approval of a preliminary plat prior to authorization for an accelerated release of building permits. The preliminary plat has been submitted and reviewed by the Technical Advisory Committee and is being presented concurrently with this request.

This project is being managed by the City of Tulsa and was funded through an allocation of Vision Tulsa funds. The site is currently encumbered by a number of easements, right-of-way, and previous subdivision plats that are required to be vacated prior to the approval and filing of a final plat. It is anticipated that those processes will take an extended amount of time and could cause significant delays for completion of the plat.

The Technical Advisory Committee met on Thursday, August 15, 2019 and no objections were raised to the authorization of an accelerated release of a building permit with the condition that any authorization for accelerated release be tied only to the portion of the property presented in the conceptual improvements plan.

If approved, this authorization only removes the requirement that the final plat be filed prior to building permits being issued. All other codes and requirements of the City of Tulsa remain in place.

Modification to the Subdivision & Development Regulations:

The applicant has requested a modification to Section 10-110.6-C of the Subdivision and Development Regulations which would require the developer to submit a financial guarantee to the City of Tulsa for outstanding infrastructure improvements required for the project. Due to the nature of the project being publicly funded and managed, the financial guarantees would be impractical and unnecessary.

Staff recommends approval of the accelerated release of a building permit and the requested modification with the following conditions:

1. If an accelerated release is approved, no final inspection of buildings or structures may occur and no certificate of occupancy may be issued until a final plat for the subject property has been approved and recorded.

2. Any authorizations approved are tied to the area of property shown on the conceptual improvements plan provided by the applicant with the preliminary plat.
<table>
<thead>
<tr>
<th>Case Report Prepared by:</th>
<th>Owner and Applicant Information:</th>
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<tbody>
<tr>
<td>Nathan Foster</td>
<td>Applicant: Ted Sack, Sack &amp; Associates</td>
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<td>Owner: City of Tulsa, Housing Authority of the City of Tulsa</td>
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<th>Location Map:</th>
<th>Applicant Proposal:</th>
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<tr>
<td>(shown with City Council Districts)</td>
<td>Preliminary Plat</td>
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<tr>
<td></td>
<td>Phase I</td>
</tr>
<tr>
<td></td>
<td>1 lot, 1 block, 3.87 ± acres</td>
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<tr>
<td></td>
<td>River West Park</td>
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<tr>
<td></td>
<td>1 lot, 1 block, 5.44 ± acres</td>
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<tr>
<td></td>
<td>Phase II</td>
</tr>
<tr>
<td></td>
<td>2 lots, 2 blocks, 4.15 ± acres</td>
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<td></td>
<td>Location: Southwest corner of West 21st Street South and South Jackson Avenue</td>
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<tr>
<th>Zoning:</th>
<th>Staff Recommendation:</th>
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<tbody>
<tr>
<td>Existing: RM-1/RM-2/PUD-796</td>
<td>Staff recommends approval of the preliminary plat</td>
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<tr>
<td>Proposed: MX-1-U-55</td>
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<th>City Council District: 2</th>
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<tr>
<td>Councilor Name: Jeannie Cue</td>
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<th>County Commission District: 2</th>
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<tr>
<td>Commissioner Name: Karen Keith</td>
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EXHIBITS: Site Map, Aerial, Land Use, Growth & Stability, Preliminary Plat, Conceptual Improvements Plan
PRELIMINARY SUBDIVISION PLAT

River West Phase I – River West Park – River West Phase II - (CD 2)
Southwest corner of West 21st Street South and South Jackson Avenue
This preliminary plat review consists of 3 phases:
1. River West Phase I – 1 lot, 1 block, 3.87 ± acres
2. River West Park – 1 lot, 1 block, 5.44 ± acres
3. River West Phase II – 2 lots, 2 blocks, 4.15 ± acres

The Technical Advisory Committee (TAC) met on August 15, 2019 and provided the following conditions:

1. **Zoning:** The property is currently zoned RM-1, RM-2. Phase I and River West Park are both included in an approved Planned Unit Development (PUD-796). There is a pending request to rezone all property included within the development to MX-1-U-55 and abandon the existing PUD. All proposed lots would conform with the MX district requirements.

2. **Addressing:** City of Tulsa will assign addresses to each lot as phasing begins. Assigned address is required to be affixed to the face of the final plat prior to approval.

3. **Transportation & Traffic:** Sidewalks are required to be installed along all streets. Indicate which street rights-of-way are dedicated by plat and recording information for any existing dedications to remain.

4. **Sewer/Water:** Privately funded infrastructure improvements will be required to obtain IDP approval prior to final plat approval. Publicly funded infrastructure must have final plans for infrastructure prepared prior to final plat approval and filing to ensure accuracy of all easements/ROW.

5. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Show all platted properties in the location map and label all other property has unplatted. Label subject property. Provide a bearing angle from the face of the plat to be basis of bearing.

6. **Stormwater, Drainage, & Floodplain:** Relocation of stormwater facilities and design for new storm sewer system will be required to obtain IDP approval prior to final plat if privately funded; if publicly funded, plans are required to be finalized prior to approval and filing of the final plat.

7. **Utilities:** Telephone, Electric, Gas, Cable, Pipeline, Others: All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Staff recommends APPROVAL of the preliminary subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
Land Use Plan Categories:
- Downtown
- Downtown Neighborhood
- Main Street
- Mixed-Use Corridor
- Regional Center
- Town Center
- Neighborhood Center
- Employment
- New Neighborhood
- Existing Neighborhood
- Park and Open Space
- Arkansas River Corridor

RIVER WEST I,
RIVER WEST PARK,
RIVER WEST II

19-12-14
LEGAL DESCRIPTION
(RIVER WEST PHASE I - GROSS)

A TRACT OF LAND THAT IS PART OF BLOCK I AND BLOCK III OF 'RIVERVIEW PARK ADDITION', A REPLAT OF BLOCK 1 AND A PLAT OF BLOCKS 2-13, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 3128 THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE NORTHEAST CORNER OF SAID BLOCK III; THENCE S 22°11'39" E ALONG THE EASTERLY LINE OF BLOCK III AND ALONG THE EASTERLY LINE OF LOT 12 IN BLOCK 8 OF 'RIVERVIEW PARK SECOND ADDITION', A PLAT OF BLOCKS 5-12, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 3613 THEREOF FOR 26.64 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND, SAID POINT BEING THE SOUTHEAST CORNER OF SAID LOT 12; THENCE CONTINUING S 22°11'39" E ALONG THE EASTERLY LINE OF BLOCK III AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH JACKSON AVENUE FOR 212.29 FEET; THENCE S 24°02'20" E ALONG THE EASTERLY LINE OF BLOCK III AND SAID WESTERLY RIGHT-OF-WAY LINE FOR 169.37 FEET; THENCE S 38°34'14" E ALONG THE EASTERLY LINE OF BLOCK III AND SAID WESTERLY RIGHT-OF-WAY LINE FOR 78.38 FEET; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 3°34'21" AND A RADIUS OF 5000.00 FEET FOR 311.76 FEET WITH A CHORD BEARING OF S 50°03'23" W FOR A CHORD LENGTH OF 311.71 FEET TO A POINT OF COMPOUND CURVE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 37°16'47" AND A RADIUS OF 285.00 FEET FOR 185.44 FEET WITH A CHORD BEARING OF S 70°28'57" W FOR A CHORD LENGTH OF 182.18 FEET TO A POINT OF TANGENCY; THENCE S 89°07'20" W ALONG SAID TANGENCY FOR 23.28 FEET; THENCE
N 00°52'40" W for 78.78 Feet to a Point of Curve; Thence Northwesterly along a Curve to the Left with a Central Angle of 22°28'20" and a Radius of 145.00 Feet for 56.87 Feet with a Chord Bearing of N 12°06'49" W for a Chord Length of 56.51 Feet to a Point of Tangency; Thence N 23°21'00" W along said Tangency for 132.79 Feet; Thence Northwesterly along a Curve to the Right, with a Central Angle of 22°28'20" and a Radius of 655.00 Feet for 256.90 Feet, with a Chord Bearing of N 12°06'49" W for a Chord Length of 255.25 Feet to a Point of Tangency; Thence N 00°52'40" W along said Tangency for 152.66 Feet to a Point on the Southerly Line of Said Block 8 of "Riverview Park Second Addition"; Thence N 89°07'20" E along said Southerly Line for 233.90 Feet to a Corner of Lot 13 in Said Block 8; Thence N 01°08'00" W for 10.25 Feet; Thence N 89°07'20" E along the Southerly Line of Block 8 for 123.86 Feet to the "Point of Beginning" of Said Tract of Land.

The above described legal description contains 252,775 square feet or 5.8029 acres.

The bearings used in the above legal description are based on the Oklahoma State Plane Coordinate System, North Zone, NAD 83.

The above legal description was prepared by Ronnie Lee Martin, Oklahoma Licensed Professional Land Surveyor No. 1203, on July 31, 2019. (CA No. 1783)
LEGAL DESCRIPTION
(RIVER WEST PARK)

A TRACT OF LAND THAT IS PART OF BLOCK I AND BLOCK III OF 'RIVerview PARK ADDITION', A REPLAT OF BLOCK 1 AND A PLAT OF BLOCKS 2-13, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 3128 THEREOF AND ALSO PART OF WEST 21ST STREET, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE SOUTHEAST CORNER OF LOT 12 IN BLOCK 8 OF 'RIVerview PARK SECOND ADDITION A PLAT OF BLOCKS 5-12', AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NUMBER 3613 THEREOF; THENCE S 89°07'20" W ALONG THE SOUTHERLY LINE OF SAID BLOCK 8 FOR 123.86 FEET TO A CORNER OF LOT 13 IN BLOCK 8; THENCE S 01°08'00" E ALONG AN EASTERLY LINE OF LOT 13 FOR 10.25 FEET TO A CORNER OF LOT 13; THENCE S 89°07'20" W ALONG THE SOUTHERLY LINE OF BLOCK 8 FOR 233.90 FEET; THENCE S 00°52'40" E FOR 50.00 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE S 89°07'20" W AND PARALLEL WITH THE SOUTHERLY LINE OF BLOCK 8 FOR 160.96 FEET TO A POINT OF CURVE; THENCE WESTERLY AND NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 29°17'33" AND A RADIUS OF 223.00 FEET FOR 114.01 FEET, WITH A CHORD BEARING OF N 76°13'53" W FOR A CHORD LENGTH OF 112.77 FEET TO A POINT OF REVERSE CURVE; THENCE NORTHWESTERLY AND WESTERLY ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 29°17'33" AND A RADIUS OF 168.00 FEET FOR 85.89 FEET, WITH A CHORD BEARING OF N 76°13'53" W FOR A CHORD LENGTH OF 84.96 FEET TO A POINT OF TANGENCY; THENCE S 89°07'20" W ALONG SAID TANGENCY FOR 38.96 FEET; THENCE S 01°10'00" E FOR 19.70 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE
OF 6°57'07'' AND A RADIUS OF 590.00 FEET FOR 71.59 FEET, WITH A
CHORD BEARING OF S 04°38'34'' E FOR A CHORD LENGTH OF 71.54 FEET
TO A POINT OF REVERSE CURVE; THENCE SOUTHEASTERLY AND SOUTHERLY
ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 6°57'07'' AND A
RADIUS OF 770.00 FEET FOR 93.43 FEET, WITH A CHORD BEARING OF
S 04°38'34'' E FOR A CHORD LENGTH OF 93.37 FEET TO A POINT OF
TANGENCY; THENCE S 01°10'00'' E ALONG SAID TANGENCY AND PARALLEL
WITH THE WESTERLY LINE OF SAID BLOCK III OF 'RIVerview PARK
ADDITION' FOR 415.68 FEET TO A POINT ON THE SOUTHERLY LINE OF
BLOCK III; THENCE N 89°07'20'' E ALONG SAID SOUTHERLY LINE OF
BLOCK III AND IT'S EASTERLY EXTENSION FOR 489.71 FEET; THENCE
N 00°52'40'' W FOR 18.78 FEET TO A POINT OF CURVE; THENCE
NORTHWESTERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF
22°28'20'' AND A RADIUS OF 145.00 FEET FOR 56.87 FEET WITH A
CHORD BEARING OF N 12°06'49'' W FOR A CHORD LENGTH OF 56.51 FEET
TO A POINT OF TANGENCY; THENCE N 23°21'00'' W ALONG SAID TANGENCY
FOR 132.79 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG
A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 22°28'20'' AND A
RADIUS OF 655.00 FEET FOR 256.90 FEET, WITH A CHORD BEARING OF
N 12°06'49'' W FOR A CHORD LENGTH OF 255.25 FEET TO A POINT OF
TANGENCY; THENCE N 00°52'40'' W ALONG SAID TANGENCY FOR 102.66
FEET TO THE 'POINT OF BEGINNING' OF SAID TRACT OF LAND.

THE ABOVE DESCRIBED LEGAL DESCRIPTION CONTAINS 237,097 SQUARE
FEET OR 5.4430 ACRES.

THE BEARINGS USED IN THE ABOVE LEGAL DESCRIPTION ARE BASED ON
THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83.

THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY RONNIE LEE MARTIN,
OKLAHOMA LICENSED PROFESSIONAL LAND SURVEYOR NO. 1203, ON
JULY 31, 2019. (CA NO. 1783)
LEGAL DESCRIPTION
(RIVER WEST PHASE II - GROSS)

A TRACT OF LAND THAT IS PART OF BLOCKS I AND III OF 'RIVerview PARK ADDITION', A REPLAT OF BLOCK 1 AND A PLAT OF BLOCKS 2-13, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NUMBER 3128 THEREOF, AND ALL OF LOTS 1-15, 41-48, AND PART OF THE ALLEYWAY ALL IN BLOCK 33 'AMENDED WEST TULSA ADDITION', AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF AND ALSO PART OF WEST 21ST STREET SOUTH IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE SOUTHEAST CORNER OF LOT 12 IN BLOCK 8 OF 'RIVerview PARK SECOND ADDITION A PLAT OF BLOCKS 5-12', AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NUMBER 3613 THEREOF; THENCE S 89°07'20" W ALONG THE SOUTHERLY LINE OF SAID BLOCK 8 FOR 123.86 FEET TO A CORNER OF LOT 13 IN BLOCK 8; THENCE S 01°08'00" E ALONG AN EASTERLY LINE OF LOT 13 FOR 10.25 FEET TO A CORNER OF LOT 13; THENCE S 89°07'20" W ALONG THE SOUTHERLY LINE OF BLOCK 8 FOR 233.90 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE S 00°52'40" E FOR 50.00 FEET; THENCE S 89°07'20" W AND PARALLEL WITH THE SOUTHERLY LINE OF BLOCK 8 FOR 160.96 FEET TO A POINT OF CURVE; THENCE WESTERLY AND NORTHWesterLY ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 29°17'33" AND A RADIUS OF 223.00 FEET FOR 114.01 FEET, WITH A CHORD BEARING OF N 76°13'53" W FOR A CHORD LENGTH OF 112.77 FEET TO A POINT OF REVERSE CURVE; THENCE NORTHWESTERLY AND WESTERLY ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 29°17'33" AND A RADIUS OF 168.00 FEET FOR 85.89 FEET, WITH A CHORD BEARING OF
N 76°13'53" W FOR A CHORD LENGTH OF 84.96 FEET TO A POINT OF TANGENCY; THENCE S 89°07'20" W ALONG SAID TANGENCY FOR 38.96 FEET; THENCE S 01°10'00" E FOR 19.70 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 6°57'07" AND A RADIUS OF 590.00 FEET FOR 71.59 FEET, WITH A CHORD BEARING OF S 04°38'34" E FOR A CHORD LENGTH OF 71.54 FEET TO A POINT OF REVERSE CURVE; THENCE SOUTHEASTERLY AND SOUTHERLY ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 6°57'07" AND A RADIUS OF 770.00 FEET FOR 93.43 FEET, WITH A CHORD BEARING OF S 04°38'34" E FOR A CHORD LENGTH OF 93.37 FEET TO A POINT OF TANGENCY; THENCE S 01°10'00" E ALONG SAID TANGENCY AND PARALLEL WITH THE WESTERLY LINE OF SAID BLOCK III OF 'RIVERVIEW PARK ADDITION' FOR 415.68 FEET TO A POINT ON THE NORTHERLY LINE OF SAID BLOCK I; THENCE N 89°07'20" E ALONG SAID NORTHERLY LINE OF BLOCK I AND THE EASTERLY EXTENSION THEREOF FOR 489.71 FEET; THENCE S 00°52'40" E FOR 60.00 FEET; THENCE S 89°07'20" W FOR 74.40 FEET; THENCE S 00°52'53" E FOR 298.21 FEET; THENCE S 89°07'13" W ALONG A SOUTHERLY LINE OF BLOCK I FOR 180.72 FEET; THENCE N 74°10'30" W ALONG THE SOUTHERLY LINE FOR 31.27 FEET; THENCE N 00°53'27" W ALONG THE SOUTHERLY LINE FOR 8.75 FEET; THENCE S 89°07'12" W ALONG THE SOUTHERLY LINE FOR 214.63 FEET TO A CORNER OF BLOCK I; THENCE N 00°52'53" W ALONG THE WESTERLY LINE OF BLOCK I FOR 340.43 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID BLOCK III, SAID POINT ALSO BEING THE NORTHWEST CORNER OF BLOCK I; THENCE S 89°07'20" W ALONG SAID SOUTHERLY LINE FOR 50.00 FEET TO A POINT THAT IS THE SOUTHEAST CORNER OF LOT 24, BLOCK 33 OF SAID AMENDED WEST TULSA ADDITION, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF BLOCK III; THENCE N 01°10'00" W ALONG THE EASTERLY LINE OF BLOCK 33 AND THE WESTERLY LINE OF BLOCK III FOR 225.00 FEET TO A POINT THAT IS THE SOUTHEAST CORNER OF LOT 15 IN SAID BLOCK 33; THENCE S 89°07'20" W ALONG
THE SOUTHERLY OF SAID LOT 15 FOR 140.00 FEET TO THE SOUTHWEST CORNER OF LOT 15; THENCE N 01°10'00" W ALONG THE EASTERLY LINE OF THE ALLEYWAY IN BLOCK 33 AND THE WESTERLY LINE OF LOTS 15-9 OF BLOCK 33 FOR 175.00 FEET TO A POINT THAT IS THE SOUTHWEST CORNER OF LOT 8 IN BLOCK 33; THENCE S 89°07'20" W FOR 20.00 FEET TO A POINT THAT IS THE SOUTHEAST CORNER OF LOT 41 IN BLOCK 33; THENCE CONTINUING S 89°07'20" W ALONG THE SOUTHERLY LINE OF LOT 41 FOR 140.00 FEET TO THE SOUTHWEST CORNER OF LOT 41; THENCE N 01°10'00" W ALONG THE WESTERLY LINES OF LOTS 41-48 IN BLOCK 33 FOR 200.00 FEET TO A POINT THAT IS THE NORTHWEST CORNER OF BLOCK 33; THENCE N 89°07'20" E ALONG SAID NORTHERLY LINE FOR 290.00 FEET; THENCE N 01°10'00" W FOR 60.57 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 21ST STREET SOUTH; THENCE N 88°50'33" E ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 300.03 FEET TO A POINT ON THE WESTERLY LINE OF LOT 16 IN BLOCK 8 OF SAID 'RIVERVIEW PARK SECOND ADDITION'; THENCE S 01°08'00" E ALONG SAID WESTERLY LINE FOR 62.03 FEET TO A POINT THAT IS THE SOUTHWEST CORNER OF LOT 16; THENCE N 89°07'20" E ALONG THE SOUTHERLY LINE OF BLOCK 8 FOR 151.23 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

THE ABOVE DESCRIBED LEGAL DESCRIPTION CONTAINS 303,844 SQUARE FEET OR 6.9753 ACRES.

THE BEARINGS USED IN THE ABOVE LEGAL DESCRIPTION ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83.

THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY RONNIE LEE MARTIN, OKLAHOMA LICENSED PROFESSIONAL LAND SURVEYOR NO. 1203, ON AUGUST 1, 2018. (CA NO. 1783)
"PRELIMINARY PLAT"

River West Phase I · River West Park · River West Phase II

A RE-SUBDIVISION OF PART OF BLOCK I AND BLOCK III
OF
*RIVerview PARK ADDITION*  
AND  
ALL OF LOTS 1-15 AND 41-48 IN BLOCK 33 
OF
*AMENDED WEST TULSA ADDITION*  
AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA  
IN THE
N/2 OF SECTION 14, T-19-N, R-12-E

Revised: AUGUST 14, 2019
Prepared: AUGUST 1, 2019 "PRELIMINARY PLAT"
'PRELIMINARY PLAT'
River West Phase II
A RE-SUBDIVISION OF PART OF BLOCK I AND BLOCK III OF 'RIVERVIEW PARK ADDITION'
AND ALL OF LOTS 1-15 AND 41-46 IN BLOCK 33 OF 'AMENDED WEST TULSA ADDITION'
RIVER WEST PHASE I-RIVER WEST PARK-
RIVER WEST PHASE II

Deed of Dedication and Restrictive Covenants

KNOW ALL MEN BY THESE PRESENTS:

THAT THE HOUSING AUTHORITY OF THE CITY OF TULSA IS A
QUASI-GOVERNMENTAL, PUBLIC BODY, CORPORATE AND POLITIC, EXERCISING
EXCLUSIVELY PUBLIC AND ESSENTIAL GOVERNMENT FUNCTIONS, HEREAFTER
REFERRED TO AS THE "OWNER", IS THE OWNER OF THE FOLLOWING DESCRIBED
REAL ESTATE SITUATED IN THE CITY OF TULSA, TULSA COUNTY, STATE OF
OKLAHOMA, TO-WIT:

RIVER WEST PHASE I

A TRACT OF LAND THAT IS PART OF BLOCK I AND BLOCK III OF
'RIVERVIEW PARK ADDITION', A REPLAT OF BLOCK 1 AND A PLAT
OF BLOCKS 2-13, AN ADDITION TO THE CITY OF TULSA, TULSA
COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT
NO. 3128 THEREOF, SAID TRACT OF LAND BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE NORTHEAST CORNER OF
SAID BLOCK III; THENCE S 22°11'39" E ALONG THE EASTERLY
LINE OF BLOCK III AND ALONG THE EASTERLY LINE OF LOT 12
IN BLOCK 8 OF 'RIVERVIEW PARK SECOND ADDITION', A PLAT OF
BLOCKS 5-12, AN ADDITION TO THE CITY OF TULSA, TULSA
COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 3613
THEREOF FOR 26.64 FEET TO THE "POINT OF BEGINNING" OF
SAID TRACT OF LAND, SAID POINT BEING THE SOUTHEAST CORNER
OF SAID LOT 12; THENCE CONTINUING S 22°11'39" E ALONG THE
EASTERLY LINE OF BLOCK III AND ALONG THE WESTERLY RIGHT-
OF-WAY LINE OF SOUTH JACKSON AVENUE FOR 212.29 FEET;
THENCE S 24°02'20" E ALONG THE EASTERLY LINE OF BLOCK III
AND SAID WESTERLY RIGHT-OF-WAY LINE FOR 169.37 FEET;
THENCE S 38°34'14" E ALONG THE EASTERLY LINE OF BLOCK III
AND SAID WESTERLY RIGHT-OF-WAY LINE FOR 78.38 FEET;
THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT WITH A
CENTRAL ANGLE OF 3°34'21" AND A RADIUS OF 5000.00 FEET
FOR 311.76 FEET WITH A CHORD BEARING OF S 50°03'23" W FOR
A CHORD LENGTH OF 311.71 FEET TO A POINT OF COMPOUND
CURVE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT
WITH A CENTRAL ANGLE OF 37°16'47" AND A RADIUS OF 285.00
FEET FOR 185.44 FEET WITH A CHORD BEARING OF
S 70°28'57" W FOR A CHORD LENGTH OF 182.18 FEET TO A
POINT OF TANGENCY; THENCE S 89°07'20" W ALONG SAID
TANGENCY FOR 23.28 FEET; THENCE N 00°52'40" W FOR 78.78
FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG A
CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 22°28'20" AND A RADIUS OF 145.00 FEET FOR 56.87 FEET WITH A CHORD BEARING OF N 12°06'49" W FOR A CHORD LENGTH OF 56.51 FEET TO A POINT OF TANGENCY; THENCE N 23°21'00" W ALONG SAID TANGENCY FOR 132.79 FEET; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 22°28'20" AND A RADIUS OF 655.00 FEET FOR 256.90 FEET, WITH A CHORD BEARING OF N 12°06'49" W FOR A CHORD LENGTH OF 255.25 FEET TO A POINT OF TANGENCY; THENCE N 00°52'40" W ALONG SAID TANGENCY FOR 152.66 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID BLOCK 8 OF 'RIVerview PARK SECOND ADDITION'; THENCE N 89°07'20" E ALONG SAID SOUTHERLY LINE FOR 233.90 FEET TO A CORNER OF LOT 13 IN SAID BLOCK 8; THENCE N 01°08'00" W FOR 10.25 FEET; THENCE N 89°07'20" E ALONG THE SOUTHERLY LINE OF BLOCK 8 FOR 123.86 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

RIVER WEST PHASE II

A TRACT OF LAND THAT IS PART OF BLOCKS I AND III OF 'RIVerview PARK ADDITION', A REPLAT OF BLOCK 1 AND A PLAT OF BLOCKS 2-13, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NUMBER 3128 THEREOF, AND ALL OF LOTS 1-15, 41-48, AND PART OF THE ALLEYWAY ALL IN BLOCK 33 'AMENDED WEST TULSA ADDITION', AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF AND ALSO PART OF WEST 21ST STREET SOUTH IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE SOUTHEAST CORNER OF LOT 12 IN BLOCK 8 OF 'RIVerview PARK SECOND ADDITION' A PLAT OF BLOCKS 5-12', AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NUMBER 3613 THEREOF; THENCE S 89°07'20" W ALONG THE SOUTHERLY LINE OF SAID BLOCK 8 FOR 123.86 FEET TO A CORNER OF LOT 13 IN BLOCK 8; THENCE S 01°08'00" E ALONG AN EASTERLY LINE OF LOT 13 FOR 10.25 FEET TO A CORNER OF LOT 13; THENCE S 89°07'20" W ALONG THE SOUTHERLY LINE OF BLOCK 8 FOR 233.90 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE S 00°52'40" E FOR 50.00 FEET; THENCE S 89°07'20" W AND PARALLEL WITH THE SOUTHERLY LINE OF BLOCK 8 FOR 160.96 FEET TO A POINT OF CURVE; THENCE WESTERLY AND NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 29°17'33" AND A RADIUS OF 223.00 FEET FOR 114.01 FEET, WITH A CHORD BEARING OF N 76°13'53" W FOR A CHORD LENGTH OF 112.77 FEET TO A POINT OF REVERSE CURVE; THENCE NORTHWESTERLY AND WESTERLY ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 29°17'33" AND A RADIUS
OF 168.00 FEET FOR 85.89 FEET, WITH A CHORD BEARING OF N 76°13'53" W FOR A CHORD LENGTH OF 84.96 FEET TO A POINT OF TANGENCY; THENCE S 89°07'20" W ALONG SAID TANGENCY FOR 38.96 FEET; THENCE S 01°10'00" E FOR 19.70 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 6°57'07" AND A RADIUS OF 590.00 FEET FOR 71.59 FEET, WITH A CHORD BEARING OF S 04°38'34" E FOR A CHORD LENGTH OF 71.54 FEET TO A POINT OF REVERSE CURVE; THENCE SOUTHEASTERLY AND SOUTHERLY ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 6°57'07" AND A RADIUS OF 770.00 FEET FOR 93.43 FEET, WITH A CHORD BEARING OF S 04°38'34" E FOR A CHORD LENGTH OF 93.37 FEET TO A POINT OF TANGENCY; THENCE S 01°10'00" E ALONG SAID TANGENCY AND PARALLEL WITH THE WESTERLY LINE OF SAID BLOCK III OF 'RIVERVIEW PARK ADDITION' FOR 415.68 FEET TO A POINT ON THE NORTHERLY LINE OF SAID BLOCK I; THENCE N 89°07'20" E ALONG SAID NORTHERLY LINE OF BLOCK I AND THE EASTERLY EXTENSION THEREOF FOR 489.71 FEET; THENCE S 00°52'40" E FOR 60.00 FEET; THENCE S 89°07'20" W FOR 74.40 FEET; THENCE S 00°52'53" E FOR 298.21 FEET; THENCE S 89°07'13" W ALONG A SOUTHERLY LINE OF BLOCK I FOR 180.72 FEET; THENCE N 74°10'30" W ALONG THE SOUTHERLY LINE FOR 31.27 FEET; THENCE N 00°53'27" W ALONG THE SOUTHERLY LINE FOR 8.75 FEET; THENCE S 89°07'12" W ALONG THE SOUTHERLY LINE FOR 214.63 FEET TO A CORNER OF BLOCK I; THENCE N 00°52'53" W ALONG THE WESTERLY LINE OF BLOCK I FOR 340.43 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID BLOCK III, SAID POINT ALSO BEING THE NORTHWEST CORNER OF BLOCK I; THENCE S 89°07'20" W ALONG SAID SOUTHERLY LINE FOR 50.00 FEET TO A POINT THAT IS THE SOUTHEAST CORNER OF LOT 24, BLOCK 33 OF SAID AMENDED WEST TULSA ADDITION, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF BLOCK III; THENCE N 01°10'00" W ALONG THE EASTERLY LINE OF BLOCK 33 AND THE WESTERLY LINE OF BLOCK III FOR 225.00 FEET TO A POINT THAT IS THE SOUTHEAST CORNER OF LOT 15 IN SAID BLOCK 33; THENCE S 89°07'20" W ALONG THE SOUTHERLY OF SAID LOT 15 FOR 140.00 FEET TO THE SOUTHWEST CORNER OF LOT 15; THENCE N 01°10'00" W ALONG THE EASTERLY LINE OF THE ALLEYWAY IN BLOCK 33 AND THE W ESTERLY LINE OF LOTS 15-9 OF BLOCK 33 FOR 175.00 FEET TO A POINT THAT IS THE SOUTHWEST CORNER OF LOT 8 IN BLOCK 33; THENCE S 89°07'20" W FOR 20.00 FEET TO A POINT THAT IS THE SOUTHEAST CORNER OF LOT 41 IN BLOCK 33; THENCE CONTINUING S 89°07'20" W ALONG THE SOUTHERLY LINE OF LOT 41 FOR 140.00 FEET TO THE SOUTHWEST CORNER OF LOT 41; THENCE N 01°10'00" W ALONG THE W ESTERLY LINES OF LOTS 41-48 IN BLOCK 33 FOR 200.00 FEET TO A POINT THAT IS THE NORTHWEST CORNER OF BLOCK 33; THENCE N 89°07'20" E ALONG SAID NORTHERLY LINE FOR 290.00 FEET; THENCE N 01°10'00" W FOR 60.57 FEET TO A POINT ON THE
AND, THAT THE CITY OF TULSA, OKLAHOMA, A MUNICIPAL CORPORATION, HEREINAFTER REFERRED TO AS THE "OWNER", IS THE OWNER OF THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

RIVER WEST PARK

A TRACT OF LAND THAT IS PART OF BLOCK I AND BLOCK III OF 'RIVERVIEW PARK ADDITION', A REPLAT OF BLOCK I AND A PLAT OF BLOCKS 2-13, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 3128 THEREOF AND ALSO PART OF WEST 21ST STREET, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE SOUTHEAST CORNER OF LOT 12 IN BLOCK 8 OF 'RIVERVIEW PARK SECOND ADDITION A PLAT OF BLOCKS 5-12', AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NUMBER 3613 THEREOF; THENCE S 89°07'20" W ALONG THE SOUTHERLY LINE OF SAID BLOCK 8 FOR 123.86 FEET TO A CORNER OF LOT 13 IN BLOCK 8; THENCE S 01°08'00" E ALONG AN EASTERLY LINE OF LOT 13 FOR 10.25 FEET TO A CORNER OF LOT 13; THENCE S 89°07'20" W ALONG THE SOUTHERLY LINE OF BLOCK 8 FOR 233.90 FEET; THENCE S 00°52'40" E FOR 50.00 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE S 89°07'20" W AND PARALLEL WITH THE SOUTHERLY LINE OF BLOCK 8 FOR 160.96 FEET TO A POINT OF CURVE; THENCE WESTERLY AND NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 29°17'33" AND A RADIUS OF 223.00 FEET FOR 114.01 FEET, WITH A CHORD BEARING OF N 76°13'53" W FOR A CHORD LENGTH OF 112.77 FEET TO A POINT OF REVERSE CURVE; THENCE NORTHWESTERLY AND WESTERLY ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 29°17'33" AND A RADIUS OF 168.00 FEET FOR 85.89 FEET, WITH A CHORD BEARING OF N 76°13'53" W FOR A CHORD LENGTH OF 84.96 FEET TO A POINT OF TANGENCY; THENCE S 89°07'20" W ALONG SAID TANGENCY FOR 38.96 FEET; THENCE S 01°10'00" E FOR 19.70 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 6°57'07" AND A RADIUS OF
590.00 FEET FOR 71.59 FEET, WITH A CHORD BEARING OF S 04°38'34" E FOR A CHORD LENGTH OF 71.54 FEET TO A POINT OF REVERSE CURVE; THENCE SOUTHEASTERLY AND SOUTHERLY ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 6°57'07" AND A RADIUS OF 770.00 FEET FOR 93.43 FEET, WITH A CHORD BEARING OF S 04°38'34" E FOR A CHORD LENGTH OF 93.37 FEET TO A POINT OF TANGENCY; THENCE S 01°10'00" E ALONG SAID TANGENCY AND PARALLEL WITH THE WESTERLY LINE OF SAID BLOCK III OF "RIVerview PARK ADDITION" FOR 415.68 FEET TO A POINT ON THE SOUTHERLY LINE OF BLOCK III; THENCE N 89°07'20" E ALONG SAID SOUTHERLY LINE OF BLOCK III AND IT'S EASTERLY EXTENSION FOR 489.71 FEET; THENCE N 00°52'40" W FOR 18.78 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 22°28'20" AND A RADIUS OF 145.00 FEET FOR 56.87 FEET WITH A CHORD BEARING OF N 12°06'49" W FOR A CHORD LENGTH OF 56.51 FEET TO A POINT OF TANGENCY; THENCE N 23°21'00" W ALONG SAID TANGENCY FOR 132.79 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 22°28'20" AND A RADIUS OF 655.00 FEET FOR 256.90 FEET, WITH A CHORD BEARING OF N 12°06'49" W FOR A CHORD LENGTH OF 255.25 FEET TO A POINT OF TANGENCY; THENCE N 00°52'40" W ALONG SAID TANGENCY FOR 102.66 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

THE OWNER HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO FOUR LOTS, IN FOUR BLOCKS, IN CONFORMITY WITH THE ACCOMPANYING PLAT AND HAS DESIGNATED THE SUBDIVISION AS "RIVER WEST PHASE I-RIVER WEST PARK-RIVER WEST PHASE II", HEREAFTER REFERRED TO AS THE "SUBDIVISION" OR "RIVER WEST PHASE I-RIVER WEST PARK-RIVER WEST PHASE II", A SUBDIVISION IN THE CITY OF TULSA, STATE OF OKLAHOMA.

SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND UTILITY EASEMENTS

THE OWNER HEREBY DEDICATES TO THE PUBLIC, THOSE PORTIONS OF STREET RIGHTS-OF-WAY OF SOUTH MAYBELLE AVENUE, SOUTH NOGALES AVENUE, WEST 21ST STREET AND WEST 22ND STREET SOUTH AND WEST 22ND PLACE SOUTH, AS DEPICTED ON THE ACCOMPANYING PLAT AND FURTHER DEDICATES TO THE PUBLIC THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "U/E" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE
TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS, MANHOLES AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTEANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES STATED, PROVIDED THE OWNER RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND REPAIR OR REPLACE WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING, REPAIRING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO AREAS DEPICTED ON THE PLAT. THE OWNER HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH STATED USES AND PURPOSES OF THE UTILITY EASEMENTS SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES WHICH DO NOT CONSTITUTE AN OBSTRUCTION.

B. UTILITY SERVICE

1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED ALONG THE SOUTH JACKSON AVENUE BOUNDARY OF THE SUBDIVISION AS NECESSARY IF LOCATED IN THE PSO EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINE OR UNDERGROUND CABLE, AND ELSEWHERE THROUGHOUT THE SUBDIVISION, ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN GENERAL UTILITY EASEMENTS.

2. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WITHIN THE SUBDIVISION MAY BE EXTENDED FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE UPON THE LOT, PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND NON-EXCLUSIVE EASEMENT ON THE LOT, COVERING
A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE EXTENDING FROM THE GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.

3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICE, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

4. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON THE OWNER'S LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. EACH SUPPLIER OF THESE SERVICES SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER OR THE LOT OWNER'S AGENTS OR CONTRACTORS.

5. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY EACH SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND BY THESE COVENANTS.

C. WATER, SANITARY SEWER, AND STORM SEWER SERVICE

1. THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS LOCATED ON THE OWNER'S LOT.

2. WITHIN UTILITY EASEMENTS, SANITARY SEWER, AND STORM SEWER EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN, OR STORM SEWER OR ANY CONSTRUCTION ACTIVITY WHICH, IN THE JUDGMENT OF THE CITY OF TULSA, WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS SHALL BE PROHIBITED.

3. THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER SYSTEMS, SANITARY SEWER MAINS, AND STORM SEWERS BUT THE
LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER, OR THE LOT OWNER'S AGENTS AND/OR CONTRACTORS.

4. THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS, SANITARY SEWER, AND STORM SEWER EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER, OR STORM SEWER FACILITIES.

5. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND BY THESE COVENANTS.

D. GAS SERVICE

1. THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON THE PLAT OR AS OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, REMOVING, REPAIRING, OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.


3. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND BY THESE COVENANTS.

E. SURFACE DRAINAGE

EACH LOT SHALL RECEIVE AND DRAIN, IN AN UNOBSSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION. NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS THE LOT. THE FOREGOING COVENANTS SET FORTH IN THIS
SUBSECTION SHALL BE ENFORCEABLE BY ANY AFFECTED OWNER AND BY CITY OF TULSA, OKLAHOMA.

F. SIDEWALKS

SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED BY THE OWNER ALONG STREETS DESIGNATED BY AND IN ACCORDANCE WITH THE TULSA METROPOLITAN AREA SUBDIVISION AND DEVELOPMENT REGULATIONS. SIDEWALKS SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE STANDARDS OF THE CITY OF TULSA, OKLAHOMA. SIDEWALKS SHALL BE CONSTRUCTED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY BUILDING WITHIN THE SUBDIVISION.

G. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF THE PROPERTY AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY NECESSARY INSTALLATION OR MAINTENANCE OF UNDERGROUND WATER, SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION OR ELECTRIC FACILITIES WITHIN THE EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THE CITY OF TULSA OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

H. CERTIFICATE OF OCCUPANCY


I. SANITARY SEWER EASEMENTS

THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC PERPETUAL EASEMENTS ON, OVER, AND ACROSS THOSE AREAS DEPICTED ON THE ACCOMPANYING PLAT AS "SANITARY SEWER EASEMENT" FOR THE
PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING SANITARY SEWER LINES TOGETHER WITH ALL FITTINGS INCLUDING THE PIPES, MANHOLES, LAMPHOLES AND EQUIPMENT AND OTHER APPURTE NANCES THERETO TOGETHER WITH RIGHTS OF INGRESS AND EGRESS TO AND UPON THE EASEMENTS FOR THE USES AND PURPOSES STATED.

J. STORM SEWER EASEMENTS

THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC PERPETUAL EASEMENTS ON, OVER, AND ACROSS THOSE AREAS DEPICTED ON THE ACCOMPANYING PLAT AS “STORM SEWER EASEMENT” FOR THE PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING STORM SEWERS, TOGETHER WITH ALL FITTINGS INCLUDING THE PIPES, MANHOLES, AND EQUIPMENT AND OTHER APPURTENANCES THERE TO, TOGETHER WITH RIGHTS OF INGRESS AND EGRESS TO AND UPON THE EASEMENTS FOR THE USES AND PURPOSES STATED.

SECTION II. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS GRANTEES, SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I, PUBLIC STREETS, EASEMENTS AND UTILITIES, ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERE TO AND WHETHER OR NOT THEREIN SO STATED THE COVENANTS WITHIN SECTION I SHALL INURE TO THE BENEFIT OF AND BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA. IF THE UNDERSIGNED OWNER, OR ITS GRANTEES, SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION I, THE SUPPLIER OF UTILITY SERVICE OR CITY OF TULSA, OKLAHOMA MAY BRING AN ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT OR TO RECOVER DAMAGES. IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED WITHIN THIS DEED OF DEDICATION, THE DEFENSE THAT THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW IS HEREBY WAIVED.

B. DURATION

THESE RESTRICTIONS, TO THE EXTENT PERMITTED BY APPLICABLE LAW, SHALL BE PERPETUAL BUT IN ANY EVENT SHALL BE IN FORCE AND EFFECT FOR A TERM OF NOT LESS THAN THIRTY (30) YEARS FROM THE DATE OF THE RECORDING OF THIS DEED OF DEDICATION UNLESS TERMINATED OR AMENDED AS HEREAFTER PROVIDED.
C. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I, PUBLIC STREETS, EASEMENTS AND UTILITIES, MAY BE AMENDED OR TERMINATED AT ANY TIME BY WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSORS AND CITY OF TULSA, OKLAHOMA. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING THE RESTRICTIONS OR COVENANTS SHALL BE EFFECTIVE UPON AND AFTER THE INSTRUMENT IS RECORDED IN THE OFFICE OF THE TULSA COUNTY CLERK.

D. SEVERABILITY

INVALIDATION OF ANY RESTRICTION SET FORTH HEREIN, OR ANY PART THEREOF, BY AN ORDER, JUDGMENT, OR DECREE OF ANY COURT, OR OTHERWISE, SHALL NOT INVALIDATE OR AFFECT ANY OF THE OTHER RESTRICTIONS OF ANY PART HEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.


THE HOUSING AUTHORITY OF THE
CITY OF TULSA

BY:
AARON DARDEN, PRESIDENT & CEO

CITY OF TULSA, OKLAHOMA

BY:
G. T. BYNUM, MAYOR

STATE OF OKLAHOMA )
) SS.
COUNTY OF TULSA )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ___ DAY OF __________, 2019, BY AARON DARDEN, AS PRESIDENT & CEO OF THE HOUSING AUTHORITY OF THE CITY OF TULSA.
CERTIFICATE OF SURVEY


EXECUTED THIS ___ DAY OF __________, 2019.

THEODORE A. SACK
LICENSED PROFESSIONAL LAND SURVEYOR, OKLAHOMA NUMBER 1139

STATE OF OKLAHOMA )
) SS.
COUNTY OF TULSA )

THE FOREGOING CERTIFICATE OF SURVEY WAS ACKNOWLEDGED BEFORE ME ON THIS ___ DAY OF __________, 2019, BY THEODORE A. SACK.
<table>
<thead>
<tr>
<th>Case Report Prepared by:</th>
<th>Owner and Applicant Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nathan Foster</td>
<td>Applicant: Ted Sack, Sack &amp; Associates</td>
</tr>
<tr>
<td></td>
<td>Owner: City of Tulsa, Housing Authority of the City of Tulsa</td>
</tr>
</tbody>
</table>

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

![Location Map](image)

**Zoning:** IM (Industrial – Moderate)

**Applicant Proposal:**

Request for authorization to receive accelerated release of building permits and a modification to the Subdivision & Development Regulations

4 lots, 4 blocks, 3 phases, 13.24 ± acres

**Location:** Southwest corner of West 21st Street South and South Jackson Avenue

**Staff Recommendation:**

Staff recommends approval of the authorization to receive an accelerated release of a building permit and a modification to the Subdivision & Development Regulations

**City Council District:** 2

**Councilor Name:** Jeannie Cue

**County Commission District:** 2

**Commissioner Name:** Karen Keith
ACCELERATED RELEASE OF BUILDING PERMIT

River West Phase I - River West Park - River West Phase II - (CD 2)
Southwest corner of West 21st Street South and South Jackson Avenue

The applicant has requested that the Planning Commission authorize the City of Tulsa to issue building permits prior to the filing of a final plat. The Subdivision & Development Regulations require the approval of a preliminary plat prior to authorization for an accelerated release of building permits. The preliminary plat has been submitted and reviewed by the Technical Advisory Committee and is being presented concurrently with this request.

This project is being managed by the Tulsa Housing Authority in partnership with the City of Tulsa and the U.S. Department of Housing and Urban Development along with other private partners. The site was awarded a federal CHOICE neighborhood grant through HUD that seeks to revitalize areas through the creation of affordable, walkable, and safe neighborhoods. A portion of the required infrastructure will be funded by the City of Tulsa and the implementation projects will be managed by Engineering Services. Any additional infrastructure not funded by the City of Tulsa will be required to obtain IDP approval.

As part of the platting process there will be relocation of existing utilities and expansions of new infrastructure as well as a need to close and vacate several underlying easements and existing rights-of-way. The associated grant with this project requires construction to begin on a specific timeline where delays could create issues. The applicant has requested deferring the requirement for the plat to be filed to the certificate of occupancy in order to prevent delays on building permits. The Technical Advisory Committee met on Thursday, August 15, 2019 and no objections were raised to the authorization of an accelerated release of building permits.

If approved, this authorization only removes the requirement that the final plat be filed prior to building permits being issued. All other codes and requirements of the City of Tulsa remain in place.

Modification to the Subdivision & Development Regulations:

The applicant has requested a modification to Section 10-110.6-C of the Subdivision and Development Regulations which would require the developer to submit a financial guarantee to the City of Tulsa for outstanding infrastructure improvements required for the project. Due to the nature of the project being partially publicly funded and managed, the financial guarantees would be impractical and unnecessary.

Staff recommends approval of the accelerated release of a building permit and the requested modification with the following conditions:

1. If an accelerated release is approved, no final inspection of buildings or structures may occur and no certificate of occupancy may be issued until a final plat for the subject property has been approved and recorded.
Item
Consider amendments to the Tulsa Zoning Code, Title 42 Revised Ordinances, regarding the addition of an Agricultural-Residential (AG-R) zoning designation and Accessory Dwelling Units (ADUs) by special exception.

Background
In April 2014, the City Council approved the West Highlands/Tulsa Hills Small Area Plan. During this planning process, there was concern voiced by the residents regarding the effects of continual infill development consistent with the RS-3 zoning in the area west of Union Avenue. RS-3 zoning was broadly applied to this area by the City of Tulsa in 1970. During the small area planning process, a number of residents were of the opinion that a larger lot zoning district would be more appropriate to reflect the current development pattern and desired lifestyle.

As development has progressed in the planning area, staff was asked by City Council and Planning Commission to evaluate recommendations in the Small Area Plan that would address issues voiced by the community. Simultaneously, staff evaluated other recommendations that could be implemented through zoning changes. Due to recent development pressure in the area bordered by: West 71st Street South; West 91st Street South; South 33rd West Avenue; and South Union Avenue, staff evaluated the below recommendations contained in the Small Area Plan for possible implementation.

Recommendation 4.6: Revise zoning code to include a “rural residential” district which allows a limited number of livestock and horses as a use by right and has larger minimum lot sizes. This can be done by either amending an existing district or creating a new one.

Recommendation 2.7: Support a change to the zoning code that enables a property owner to construct and rent an accessory dwelling unit (commonly known as “mother-in-law flat”) on their residential-zoned property. Support Board of Adjustment applications asking for such uses in this area.

On April 3, 2019, at a TMAPC work session, staff discussed the options for a new citywide Agricultural-Residential zoning designation and Accessory Dwelling Units zoning changes. A public meeting with community members in the West Highlands/Tulsa Hills planning area was held on April 23, 2019 to solicit feedback and discuss the initial proposal. A second TMAPC work session was held on August 7, 2019 to discuss proposed zoning code amendments.

The proposed amendments were developed by staff as a mechanism to implement the above recommendations throughout the City of Tulsa. The proposal would establish a new citywide “Agricultural-Residential” (AG-R) zoning designation and allow the opportunity for accessory dwelling units (ADUs) on residentially zoned lots through the special exception process.

Staff Recommendation
Approval of the proposed amendments to Tulsa Zoning Code as shown in Attachments I and II.

Attachment(s)
Attachment I - Proposed Agricultural-Residential (AG-R) zoning district amendments
Attachment II – Proposed Accessory Dwelling Units (ADUs) amendments
Attachment II

Proposed Accessory Dwelling Unit (ADU) amendments

Chapter 5 | Residential Districts

Section 5.020 Use Regulations

5.020-F Accessory Uses

Accessory uses, such as home occupations, are not regulated by Table 5-2. Customary accessory uses are allowed in conjunction with principal uses permitted by right or by special exception, subject to compliance with all applicable accessory use regulations of Chapter 45.

Table 5-2: R District Use Regulations

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>RE</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RS-3</th>
<th>RS-4</th>
<th>RS-5</th>
<th>RD</th>
<th>RT</th>
<th>RM-0</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RMH</th>
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<tbody>
<tr>
<td>Specific use</td>
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<td>RESIDENTIAL</td>
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<tr>
<td>Household Living (if in allowed building type identified in Table 5-2.5)</td>
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<td>Single household</td>
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<td>Two households on single lot</td>
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<tr>
<td>Three or more households on single lot</td>
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<td>AGRICULTURAL</td>
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<tr>
<td>Farm, Market-, or Community-supported</td>
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<td>SS</td>
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<td>SS</td>
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</tbody>
</table>

Table 5-2 Notes

[1] Accessory dwelling units may be allowed by special exception in R districts on a lot occupied by a detached house. For supplemental regulations, see Section 45.031.

[2] A Farm, Market or Community supported, may only be allowed in a residential district where the land area of a single parcel is greater than 2 acres.

Chapter 25 | Special Districts

Section 25.020 AG, Agricultural District and AG-R, Agricultural-Residential District
Section 25.020-B Use Regulations

***

Table 25-1: AG and AG-R District Use Regulations

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>AG</th>
<th>AG-R</th>
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<tr>
<td>Subcategory (Section 35.020)</td>
<td>AG</td>
<td>AG-R</td>
</tr>
<tr>
<td>Specific use</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>RESIDENTIAL</th>
<th>Supplemental Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household Living (if in allowed Building type indicated in 25.1-5)</td>
<td>P/S</td>
</tr>
<tr>
<td>Single household</td>
<td></td>
</tr>
</tbody>
</table>

[1] Accessory dwelling units may be allowed by special exception in AG and AG-R districts on a lot occupied by a detached house. For supplemental regulations, see Section 45.031.

***

Chapter 35 | Building Types and Use Categories

35.010 Building Types

***

35.010-A Detached House

A detached house is a principal residential building, other than a manufactured housing unit or mobile home, that contains only one dwelling unit and that is located on a single lot that is not occupied by other dwelling units. Detached houses are not attached to and do not abut other dwelling units. Detached houses include conventional (“stick-built”) construction and construction involving modular or system-built components as long as such construction complies with city building codes. [An Accessory Dwelling Unit, as defined by Section 45.031-A, is not considered a detached house.]

***

Chapter 45 | Supplemental Use and Building Regulations

***

45.030 Accessory Buildings and Carports in R Districts

45.030-A Accessory Building Size

1. RE and RS-1 Districts

In RE and RS-1 districts, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, and accessory buildings not erected as an integral part of the
principal residential building may not exceed 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [4][1]

2. RS-2, RS-3, RS-4, RS-5 and RM Districts

In RS-2, RS-3, RS-4, RS-5 or RM, zoned lots used for detached houses or duplexes, the total aggregate floor area of all detached accessory buildings, [including accessory dwelling units], and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [4][1]

[4][1] For detached accessory buildings located within rear setbacks see §90.090- C2.

Section 45.031 ADU, Accessory Dwelling Units in R, AG, and AG-R Districts

Section 45.031-A Definition

A dwelling unit that is located in an accessory building on the same lot as a detached house to which it is accessory and subordinate.

Examples of ADUs include carriage houses, garage apartments, mother-in-law flats, and backyard cottages.

Section 45.031-B Purpose

1. The purpose of allowing accessory dwelling units within R, AG, and AG-R districts is to:
   a. accommodate new housing units while preserving the character of existing neighborhoods;
   b. allow efficient use of the city’s existing housing stock and infrastructure;
   c. provide housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs; and
   d. provide a means for residents—particularly seniors, single parents, and empty-nesters—to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance.

2. The ADU supplemental regulations are also intended to help ensure that that new buildings and modifications to existing buildings are designed with sensitivity to their context in terms of building placement, proportions, building materials, and similar design features.

Section 45.031-C Applicability

These regulations apply to all accessory dwelling units, as defined by Section 45.031-A.

Section 45.031-D Regulations

1. Where Allowed
Accessory dwelling units are allowed by special exception in all R, AG, and AG-R districts on lots occupied by a detached house.

2. Number

No more than one accessory dwelling unit is allowed per lot.

3. Methods of Creation

An accessory dwelling unit may be created only through the following methods:

a. Constructing an accessory dwelling unit on a lot with a new or existing detached house; or

b. Converting existing floor area within an accessory building on a lot with an existing detached house.

4. Density (Minimum Lot Area and Lot Area per Unit)

No additional lot area or lot area per unit is required for the accessory dwelling unit.

5. Open space (Minimum open space per unit)

No additional open space is required for the accessory dwelling unit.

6. Accessory Dwelling Unit Size

a. RE and RS-1 Districts

In RE and RS-1 districts, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, may not exceed 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

b. RS-2, RS-3, RS-4, RS-5, and RM Districts

In RS-2, RS-3, RS-4, RS-5 or RM zoned lots used for detached houses, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks, see Section 90.090-C2.

7. Building and Fire Codes

All accessory dwelling units are subject to applicable building and fire codes.

8. Additional Regulations for Accessory Dwelling Units

a. Entrances

Building entrances to accessory dwelling units may not face the nearest side or rear property line unless there is an alley abutting that property line.

b. Setbacks

An accessory dwelling unit must be located at least 10 feet behind the detached house. This required 10-foot separation distance must be open from the ground to the sky except that it may include walkways, patios, decks and similar structures that do not exceed 30 inches in height above finished grade.
c. Exterior Finish Materials
The exterior finish material of any new accessory dwelling unit must be the same or visually match in type, size and placement, the exterior finish material of the detached house.

d. Roof Pitch
The roof pitch any new accessory dwelling unit must be the same as the predominant roof pitch of the principal building.

Chapter 90 Measurements

Section 90.090 Setbacks

90.090-C Permitted Setback Obstructions in R Zoning Districts

2. Detached Accessory Buildings, including Accessory Dwelling Units, in RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes.

a. Detached accessory buildings, including accessory dwelling units, may be located in rear setbacks provided that:

(1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and

Figure 90-9: Maximum Height of Accessory Buildings, Including Accessory Dwelling Units, in Rear Setbacks (RE, RS and RD Districts or RM Zoned Lots Used for Detached Houses or Duplexes)

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Coverage of Rear Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-1 and RE Districts</td>
<td>20%</td>
</tr>
<tr>
<td>RS-2 Districts</td>
<td>25%</td>
</tr>
<tr>
<td>RS-3, RS-4, RS-5, and RD Districts</td>
<td>30%</td>
</tr>
</tbody>
</table>
b. Detached accessory buildings, including accessory dwelling units, in the rear setbacks must be set back at least 3 feet from all interior lot lines. For lot lines abutting street right-of-way, detached accessory buildings, including accessory dwelling units, must comply with the same setback requirements that apply to principal buildings.

Figure 90-10: Required Setbacks for Accessory Buildings, Including Accessory Dwelling Units, in Rear Setbacks (RE, RS and RD Districts and RM Zoned Lots Used for Detached Houses and Duplexes

***

Chapter 95 | Definitions

***

Accessory Dwelling Unit: See Section 45.031-A
Attachment I
Proposed Agricultural-Residential (AG-R) zoning district amendments

Chapter 15 | Office, Commercial and Industrial Districts

Section 15.030 Lot and Building Regulations

Table 15-3: O, C and I District Lot and Building Regulations

<table>
<thead>
<tr>
<th>Regulations</th>
<th>O</th>
<th>L</th>
<th>M</th>
<th>H</th>
<th>O</th>
<th>C</th>
<th>G</th>
<th>H</th>
<th>B</th>
<th>D</th>
<th>I</th>
<th>L</th>
<th>M</th>
<th>H</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area (sq. ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Street Frontage (feet)</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td></td>
<td>50</td>
<td>50</td>
<td></td>
<td></td>
<td></td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio (FAR)</td>
<td>0.40</td>
<td>0.50</td>
<td>2.00</td>
<td>8.00</td>
<td>0.50</td>
<td>0.75</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Setbacks (feet)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street [4]</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td>10</td>
<td>10</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Max. Building Coverage (% of lot)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Building Height (feet)</td>
<td>35</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

15.030-B Table Notes

[6] Minimum building setback abutting freeway right-of-way that is zoned AG, AG-R, R or O is 10 feet.

15.040-A Outdoor Storage and Display

In the CS district, outdoor storage, including storage of recyclable materials, and outdoor merchandise display is prohibited within 300 feet of an abutting R or AG-R district.

Chapter 25 | Special Districts

Section 25.020 AG, Agricultural District and AG-R, Agricultural-Residential District ............ 25-1

Section 25.020 AG, Agricultural District and AG-R, Agricultural-Residential District

25.020- A Purposes
1. The AG, Agricultural district is primarily intended to accommodate agricultural, mining or mineral processing uses in rural areas. The district also allows very low-density residential and other uses and serves as a holding zone pending an orderly transition to more urban development that can be efficiently served by public facilities and services.

2. The AG-R, Agricultural-Residential district is primarily intended for areas of the city that are generally located on the outer edge of urbanized development. The district is designed to acknowledge the desire for lower-density residential development with larger lot sizes. While land use regulations and lot and building standards are primarily geared towards residential uses, some agricultural uses could also be permitted.

25.020-B Use Regulations

1. Uses are allowed in AG and AG-R districts in accordance with Table 25-1. These uses are described in Chapter 35. Uses identified with a “P” are permitted as-of-right. Uses identified with an “S” may be allowed only if reviewed and approved in accordance with the special exception procedures of Section 70.120. All allowed uses are subject to compliance with all other applicable regulations of this zoning code.

2. Uses identified with an “—” are expressly prohibited. Uses that are not listed in the table and that cannot be reasonably interpreted (as stated in Section 35.020-E) to fall within any defined use category are also prohibited.

Table 25-1: AG and AG-R District Use Regulations

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>AG</th>
<th>AG-R</th>
<th>Supplemental Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subcategory (Section 35.020)</td>
<td>AG</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specific use</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RESIDENTIAL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Household Living (if in allowed Building type indicated in 25.1-5)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single household</td>
<td>P/S</td>
<td>P/S</td>
<td></td>
</tr>
<tr>
<td>Group Living</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community group home</td>
<td>S</td>
<td>S</td>
<td>Section 40.160</td>
</tr>
<tr>
<td>Convent/monastery/monastery</td>
<td>S</td>
<td>S</td>
<td>Section 40.100</td>
</tr>
<tr>
<td>PUBLIC, CIVIC AND INSTITUTIONAL</td>
<td>S</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Airport</td>
<td>S</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Cemetery</td>
<td>S</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>College</td>
<td>S</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Detention and Correctional Facility</td>
<td>S</td>
<td>S</td>
<td>Section 40.130</td>
</tr>
<tr>
<td>Fraternal Organization</td>
<td>S</td>
<td>S</td>
<td>Section 40.140</td>
</tr>
<tr>
<td>Governmental Service</td>
<td>S</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td>S</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Library or Cultural Exhibit</td>
<td>S</td>
<td>S</td>
<td>Section 40.200</td>
</tr>
<tr>
<td>Natural Resource Preservation</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks and Recreation</td>
<td>S</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Postal Service</td>
<td>S</td>
<td>S</td>
<td></td>
</tr>
</tbody>
</table>
### USE CATEGORY

<table>
<thead>
<tr>
<th>Subcategory (Section 35.020)</th>
<th>AG</th>
<th>AG-R</th>
<th>Supplemental Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Religious Assembly</td>
<td>S</td>
<td>S</td>
<td>Section 40.320</td>
</tr>
<tr>
<td>School</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Established on or before Jan. 1, 1998</td>
<td>P</td>
<td>P</td>
<td>Section 40.350</td>
</tr>
<tr>
<td>Others</td>
<td>S</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Utilities and Public Service Facility</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Major</td>
<td>S</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Wireless Communication Facility</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freestanding tower</td>
<td>S</td>
<td>S</td>
<td>Section 40.420</td>
</tr>
<tr>
<td>Building or tower-mounted antenna</td>
<td>P</td>
<td>P</td>
<td>Section 40.420</td>
</tr>
<tr>
<td>Assembly and Entertainment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indoor gun club</td>
<td>S</td>
<td></td>
<td>Section 40.040</td>
</tr>
<tr>
<td>Outdoor gun club</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stable or riding academy</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other indoor assembly and entertainment</td>
<td>S</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Other outdoor assembly and entertainment</td>
<td>S</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Day Care</td>
<td>S</td>
<td>S</td>
<td>Section 40.120</td>
</tr>
<tr>
<td>Funeral and Mortuary Service</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crematory</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lodging</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed &amp; breakfast</td>
<td>S</td>
<td>S</td>
<td>Section 40.060</td>
</tr>
<tr>
<td>Rural retreat</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marina</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mining or Mineral Processing</td>
<td>S</td>
<td>S</td>
<td>Section 40.230</td>
</tr>
<tr>
<td>Community Garden</td>
<td>P</td>
<td>P</td>
<td>Section 40.090</td>
</tr>
<tr>
<td>Farm, Market- or Community-supported [3]</td>
<td>P</td>
<td>S</td>
<td>Section 40.090</td>
</tr>
<tr>
<td>Horticulture Nursery</td>
<td>P</td>
<td></td>
<td>Section 40.225</td>
</tr>
<tr>
<td>Oil or Gas Well</td>
<td>S</td>
<td>S</td>
<td>Section 40.270</td>
</tr>
</tbody>
</table>

**25.020-C Table Notes**

1. Accessory dwelling units may be allowed by special exception in AG and AG-R districts on a lot occupied by a detached house. For supplemental regulations, see Section 45.031.

2. See Title 2, Chapter 2 of the Tulsa Revised Ordinances

3. A Farm, Market or Community supported, may only be allowed in a AG-R district where the land area of a single parcel is greater than 2 acres.

**25.020-C-D Residential Building Types**
Residential uses allowed in AG and AG-R districts must be located in residential buildings. Descriptions of the residential building types and references to applicable regulations are found in Section 35.010. The following residential building types are allowed in AG and AG-R districts.

Table 25-1.5: AG and AG-R District Building Type Regulations for Household Living

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>AG</th>
<th>AG-R</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subcategory (Section 35.020)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specific use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Type</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RESIDENTIAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Household Living</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single household</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Detached house</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufactured housing unit</td>
<td>S</td>
<td>S</td>
</tr>
</tbody>
</table>

P= Permitted; S=Special Exception Approval Required; - = Prohibited

25.020- Lot and Building Regulations

The lot and building regulations of Table 25-2 apply to all principal uses and structures in AG and AG-R districts, except as otherwise expressly stated in this zoning code. General exceptions to lot and building regulations and rules for measuring compliance can be found in Chapter 90. Additional regulations governing accessory uses and structures can be found in Chapter 45.

Table 25-2: AG and AG-R District Lot and Building Regulations

<table>
<thead>
<tr>
<th>Regulations</th>
<th>AG</th>
<th>AG-R</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area</td>
<td>2 acres</td>
<td>1 acre</td>
</tr>
<tr>
<td>Min. Lot Area per Unit</td>
<td>2 acres</td>
<td>1 acre</td>
</tr>
<tr>
<td>Minimum Lot Width (feet)</td>
<td>200</td>
<td>150</td>
</tr>
<tr>
<td>Min. Lot Frontage (feet)</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Min. Building Setbacks (feet)</td>
<td>Street 25</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>Side (one side/other side) 10/5</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Rear 40</td>
<td>25</td>
</tr>
<tr>
<td>Max. Building Height (feet)</td>
<td>-</td>
<td>35</td>
</tr>
</tbody>
</table>

Section 25.030 PK, Parking District

25.030-C Lot and Building Regulations

Table 25-3: PK District Lot and Building Regulations

<table>
<thead>
<tr>
<th>Regulations</th>
<th>PK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Frontage (feet)</td>
<td>20</td>
</tr>
<tr>
<td>Min. Building Setbacks (feet)</td>
<td>Street</td>
</tr>
<tr>
<td></td>
<td>From abutting RE, RS, RD, AG-R</td>
</tr>
</tbody>
</table>
2. Table Notes

***

[2] When a PK district abuts an R or AG-R district, a masonry screening wall must be provided along the common lot line in accordance with the F1 screening fence or wall standards of (Section 65.060-C2).

***

Section 25.050 SR, Scientific Research District

***

25.050-C Lot and Building Regulations

***

Table 25-6: SR District Lot and Building Regulations

<table>
<thead>
<tr>
<th>Regulations</th>
<th>SR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area (sq. ft.)</td>
<td>0</td>
</tr>
<tr>
<td>Minimum Street Frontage (feet)</td>
<td>200</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio (FAR)</td>
<td>0.50</td>
</tr>
<tr>
<td>Minimum Lot Area per Unit (sq. ft.)</td>
<td>0</td>
</tr>
<tr>
<td>Minimum Building Setbacks (feet)</td>
<td>50</td>
</tr>
</tbody>
</table>

[2] Minimum building setback abutting freeway right-of-way that is zoned AG, AG-R, R or O is 10 feet.

***

Section 25.060 IMX, Institutional Mixed-Use

***

25.060-E Height Regulations

No maximum height limits apply in the IMX district except in the following cases:

***

2. When an IMX district abuts an R or AG-R district with an intervening right-of-way that is not an alley, a maximum height limit of 48 feet applies within 100 feet of the right-of-way centerline.
3. When an IMX district abuts an R, AG-R, or an HP district with an intervening alley, a maximum height limit of 24 feet applies within 40 feet of the alley centerline and a maximum height limit of 48 feet applies at a distance between 40 feet and 90 feet of the alley centerline.

4. When an IMX district abuts an R, AG-R, or an HP district without an intervening right-of-way, a maximum height limit of 24 feet applies within 50 feet of the lot boundary and a maximum height limit of 48 feet applies at a distance between 50 and 100 feet of the lot boundary.

25.060-H Landscaping and Screening

1. L1 Landscape Transition Yards
   a. When Required
      L1 landscape transition yards with a minimum depth of 10 feet are required in all of the following cases:

         (1) When development occurs on a lot abutting an R district, AG-R, or HP district, or a lot occupied by a detached house, duplex or townhouse without an intervening right-of-way;

25.060-J Mechanical Equipment

4. Chiller plants and similar utility structures must be screened from public rights-of-way and abutting R- or AG-R- zoned lots, HP districts, and lots occupied by a detached houses, duplexes or townhouses. Required screening must consist of a masonry wall that is at least 6 feet in height. Trees must also be provided as required in L1 landscape transition yards.

Chapter 40 | Supplemental Use and Building Regulations

Section 40.020 Animal Services
Whenever an animal services use is located on a lot abutting an R- or AG-R- zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.
Section 40.030 Apartments/Condos
Whenever an apartment/condo building containing more than 5 dwelling units is located on a lot abutting an RE, RS or AG-R district, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

Section 40.040 Assembly and Entertainment
Whenever an assembly and entertainment use is located on a lot abutting an R- or AG-R- zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

Section 40.080 Commercial Services
Whenever a commercial services use is located on a lot abutting an R- or AG-R- zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

Section 40.090 Community Garden and Farm, Market or Community Supported
The supplemental use regulations of this section apply to all community garden uses, and to all farms, market or community supported, as may be allowed in a residentially zoned district.

40.090-J Within an AG-R or residential zoning district, operating hours for community garden or farm, market or community supported, activities are restricted to between 5:00 a.m. and 11:00 p.m. daily.

Section 40.100 Community Group Homes
The supplemental use regulations of this section apply to all community group homes.

40.100-E When a community group home is located on a lot abutting an RE, RS or AG-R- zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

Figure 40-4: Screening of Community Group Home Abutting RE, RS, or AG-R Districts
Section 40.110 Cottage Homes

40.110-G Vehicular Access and Parking

2. Required parking may be provided on each cottage house lot or in a shared parking area located within commonly owned space or in a combination of the two. Common parking areas containing 4 or more spaces must be screened from view of abutting R-, R.E., or AG-R-zoned lots in accordance with the Fl screening fence or wall standards of §65.060-C2. Parking may not be located in street yards or in the required courtyard or common open space area.

Section 40.120 Day Cares
Day camps require a minimum lot area of one acre in AG, AG-R, RE and or RS zoning districts. See also the (accessory use) family childcare home regulations of Section 45.070.

Section 40.160 Group Living Uses
Whenever any group living use is located on a lot abutting an RE-, R.E.- or RS-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

Section 40.170 Hotel or Motel
Whenever a hotel or motel use is located on a lot abutting an R-, or AG-R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

Section 40.180 Industrial Uses
40.180-A Whenever any industrial use, other than a junk or salvage yard, is located on a lot abutting an R- or AG-R-zoned lot, a screening wall or fence must be provided along
the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2. Junk and salvage yards are subject to the regulations of Section 40.190.

40.180-B Industrial uses located within 300 feet of an abutting R- or AG-R- zoned lot must be conducted within a completely enclosed building, except for storage, loading and off-loading areas.

Section 40.190 Junk or Salvage Yards

***

40.190-A Junk or salvage yards must be screened from view of abutting streets and all AG, AG-R, R, PK, O, C, CBD, SR, IL and CO zoning districts by the erection and maintenance of a screening wall or fence that is:

***

40.190-C The piling of junk or salvage materials may not exceed the height of the required screening wall or fence within 150 feet of the boundary required to be screened, except that storage racks designed for the stacking of automotive front-ends, hoods, doors, quarter panels, and similar parts that exceed the height of the screening wall or fence, must be set back at least 25 feet from abutting R- or AG-R- zoned lots and street rights-of-way, plus 2 additional feet of setback for every foot of rack height above 15 feet.

***

Section 40.200 Library or Cultural Exhibit

Museums, planetariums, aquariums and other cultural exhibit uses require a minimum lot area of one acre in AG, AG-R, RE and or RS zoning districts.

Section 40.210 Manufactured Housing Units

The supplemental regulations of this section apply only to manufactured housing units approved as special exception uses in R or AG-R zoning districts.

***

Section 40.260 Offices

***

40.260-D Whenever an office use is located on a lot abutting an R- or AG-R- zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2..

***

Section 40.310 Recycling Uses

40.310-A Whenever any recycling use is located on a lot abutting an R- or AG-R- zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2..
40.310-B Recycling uses located within 300 feet of an abutting R- or AG-R- zoned lot must be conducted within a completely enclosed building, except for storage, loading and off-loading areas.

***

Section 40.330 Restaurants

***

40.330-A Restaurants must occupy completely enclosed buildings, except outdoor customer seating/dining, including rooftop seating, is permitted subject to the following regulations:

***

2. Outdoor customer seating/dining areas may not occupy required parking spaces or drive aisles or be located within 50 feet of R- or AG-R- zoned lots;

3. When a restaurant is located on a lot abutting an R- or AG-R- zoned lot, noise emanating from any onsite equipment or activity, including outdoor customer seating/dining areas may not exceed 65 db(A), as measured along the common lot line at the top of the required screening wall or fence.

40.330-B Whenever a restaurant is located on a lot abutting an R- or AG-R- zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

Figure 40-10: Screening of Restaurant Abutting R or AG-R Districts

Section 40.340 Retail Sales

40.340-A Whenever a retail sales use is located on a lot abutting an R- or AG-R- zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

***

Section 40.360 Self-Service Storage Facilities

40.360-A General
2. A screening fence or masonry wall is required along all lot lines that abut R- or AG-R- zoned lots. Required screening fences and walls must be at least 8 feet in height. If buildings are masonry, the building wall can serve as the screening wall, provided that any open spaces between perimeter buildings are screened with a masonry screening wall at least 8 feet in height. The screening fence/wall requirements of this section do not apply to climate-controlled self-storage buildings in which self-storage spaces are accessed only from within the building.

Figure 40-12: Screening of Drive-up Style Self-Storage Facilities from Abutting R or AG-R Districts

### 40.360-B RM and O Districts

3. Access doors to drive-up style storage units may not be visible at ground-level from abutting O, R- or AG-R- zoned lots or from abutting street rights-of-way.

5. In RM-1 and OL districts storage may only occur within completely enclosed buildings. All storage in RM-2, RM-3, OM, OMH or OH districts must also occur in completely enclosed buildings, except that outdoor (open-air) storage is allowed on the interior of the lot if the storage is not visible at ground level from abutting R, or AG-R districts or from any street rights-of-way.

### 40.360-C CS District

In the CS district, no outdoor (open-air) storage of any kind is allowed that is visible at ground level from abutting R, or AG-R districts or from any street rights-of-way.

Section 40.370 Sexually Oriented Business Establishments

The supplemental use regulations of this section apply to all sexually oriented business establishments.

40.370-A Sexually oriented business establishments are allowed only in those districts and under those approval procedures expressly stated in this zoning code. In addition, no person may exercise supervisory control, manage, operate, cause the establishment
or permit the establishment of any sexually oriented business establishment within 1,000 feet (the “minimum separation distance”) of any of the following:

***

5. Residential zoning or a habitable dwelling unit in an AG or AG-R zoning district. The minimum separation distance must be measured in a straight line from the nearest point of the wall of the portion of the building occupied by a sexually oriented business establishment, to the nearest point on an R district boundary line (not including R-zoned expressway right-of-way) or to the nearest point of the exterior wall of a habitable dwelling located in an AG or AG-R zoning district.

***

40.370-D When a sexually oriented business establishment is located on a lot abutting R- or AG-R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards §5.060-C.

Figure 40-13: Screening of Sexually Oriented Business Establishments

Section 40.380 Studios, Artist or Instructional Services
Whenever an artist studio or an instructional services studio is located on a lot abutting an R- or AG-R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §5.060-C.

***

Section 40.400 Vehicle Sales and Service

40.400-A Whenever a vehicle sales and service use is located on a lot abutting an R- or AG-R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §5.060-C.

40.400-B Whenever commercial or personal vehicle sales or rentals are within 300 feet of an R- or AG-R-zoned lot, off-street parking and vehicle display areas must comply with the parking area design standards of Section 55.090.

Section 40.410 Wholesale, Distribution & Storage Uses
Whenever any wholesale, distribution & storage use is located on a lot abutting an R- or AG-R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060.C2.

Section 40.420 Wireless Communication Facilities

40.420-E General Requirements

All towers and antennas are subject to the general requirements of this subsection unless otherwise expressly stated.

***

6. The following setback requirements apply to all towers unless otherwise expressly approved by the board of adjustment as part of the special exception approval:

a. Towers must be set back a distance equal to at least 110% of the height of the tower from any adjoining lot line of an R-, O1 or AG-, or AG-R-zoned lot, excluding R-zoned expressway rights-of-way.

b. Accessory buildings are subject to applicable zoning district building setback requirements.

*Figure 40-14: Tower Setback from R, O1 or AG, or AG-R districts*

---

Chapter 45 | Accessory Uses and Structures

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Section 45.020 Accessory Antennas

45.020-A AG, AG-R, R and PK Districts

1. In AG, AG-R, R and PK districts, accessory antennas and their support structures are allowed to be mounted on a principal building or accessory building, provided that:

***
2. In AG, AG-R, R and PK districts, structures other than principal or accessory buildings that are used to support accessory antennas (including guy lines) must comply with all of the following regulations.

***

45.020-B Other Districts
In all districts other than AG, AG-R, R or PK districts, antenna support structures that are accessory to principal uses must be set back from any R or AG-R district a distance equal to at least 110% of the height of the antenna, measured from the average ground elevation at the base of the structure to the highest point of the antenna. The setback distance must be measured from the nearest point of the antenna supporting structure (excluding any guy lines) to the nearest point on the residential zoning district boundary line, excluding R-zoned freeways.

***

Section 45.050 Dumpsters and Recyclable Material Bins

***

45.050-C Regulations

***

2. Dumpsters and recyclable material bins must be located on a dustless, all-weather surface and must be screened from view of all rights-of-way and R- or AG-R-zoned property in accordance with Section 65.060-B2, provided that no trees are required as part of the required screening. No signs are allowed on the exterior of the required screening fence or wall.

Section 45.140 Parking and Storage of Inoperable or Unlicensed Motor Vehicles
In R or AG-R districts, parking or storage of inoperable or unlicensed motor vehicles is prohibited within street yards.

Section 45.150 Parking and Storage of Recreational Vehicles

45.150-A Other than for purposes of loading and unloading, which must take place within a 48-hour period, recreational vehicles located in an AG, AG-R, R or MX district may be parked or stored only in the following locations:

***

45.150-B The parking and storage of recreational vehicles in an R or AG-R district is permitted in accordance with §45.150-A, provided that:

1. The vehicle is not used for dwelling purposes

2. The vehicle is not permanently connected to sewer lines, water lines, or electricity; and
3. The vehicle is not used for storage of goods, materials, or equipment other than those items considered to be a part of the recreational vehicle or essential for its use as a recreational vehicle.

Chapter 55 | Parking

Section 55.080 Location of Off-Street Parking

55.080-C Parking Setbacks

1. Unenclosed off-street parking areas must be set back from abutting streets as indicated in Table 55-4:

<table>
<thead>
<tr>
<th>Residential Zoning Districts</th>
<th>Minimum Street Setback (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory to a household living use</td>
<td>3</td>
</tr>
<tr>
<td>Accessory to another use</td>
<td>15</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Zoning Districts</th>
<th>Within 50 feet of a residential district</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>15</td>
</tr>
</tbody>
</table>

2. Unenclosed off-street parking areas (including drive aisles) that are accessory to apartment/condo buildings or group living uses must be set back at least 25 feet from any abutting RE, or RS, or AG-R-zoned district.

3. All unenclosed, non-accessory off street parking areas must be screened from abutting R- or AG-R-zoned lots by an F1 screening fence or wall, in accordance with §65.060- C2.

4. All unenclosed, accessory off street parking areas containing 6 or more spaces must be screened from abutting RE-zoned lots and, RS-, or AG-R-zoned lots by an F1 screening fence or wall, in accordance with §65.060- C2., provided that accessory parking areas located more than 50 feet from abutting RE-, RS-, or AG-R-zoned lots are not required to provide such screening.

Section 55.100 Stacking Spaces for Drive-through Facilities
55.100-C Location and Design

2. All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property. Drive-through lanes must be set back at least 10 feet from abutting R- or AG-R- zoned lots, and a screening wall or fence must be provided along the common lot line in accordance with the Fl screening fence or wall standards of §65.060-C2.

Section 55.120 Loading
Unenclosed off-street loading areas may not be located within 50 feet of any abutting R- or AG-R- zoned properties unless the loading areas is screened on all sides abutting the R- or AG-R- zoned property in accordance with the Fl screening fence or wall standards of §65.060-C2.

Chapter 60 | Signs

60.030-B Drive-through Signs

3. Residential Separation
Drive- through signs must be set back at least 50 feet from AG-R or residential zoning districts.

60.030-E Temporary Signs

1. Real Estate Signs
One real estate sign is allowed per street frontage, subject to the standards in Table 60-1:

Table 60-1: Real Estate Signs

<table>
<thead>
<tr>
<th>Regulation</th>
<th>AG, AG-R, R, O and SR Districts</th>
<th>All Other Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Sign Area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(sq. ft.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor street Frontage</td>
<td>8</td>
<td>8</td>
</tr>
</tbody>
</table>
Section 60.040 Sign Regulations of General Applicability

60.040-B Required Setbacks, Spacing and Separations

3. Signs that are visible from an R or AG-R district (other than street, highway or freeway right-of-way) or from a designated residential development area must be separated from the R or AG-R district or residential development area by a minimum distance of 50 feet.

4. Signs with an area of more than 300 square feet that are visible from an R or AG-R district (other than street, highway or freeway right-of-way) or from a designated residential development area must be separated from the R or AG-R district or residential development area by a minimum distance of 200 feet.

Section 60.050 Signs in R, AG, and AG-R Zoning Districts

60.050-A Applicability

The regulations of this section apply to signs in R, AG, and AG-R districts. See also the general regulations of Chapter 56.

60.050-B Signs Allowed

The following signs are allowed in R, AG, and AG-R districts in addition to any signs allowed pursuant to Section 60.040. On-premise roof signs, on-premise projecting signs and all off-premise outdoor advertising signs are prohibited in R, AG, and AG-R districts.

2. Nonresidential Uses

The following regulations apply to all principal nonresidential uses in R, AG, and AG-R districts.

a. Wall Signs

Nonresidential uses in R, AG, and AG-R districts are allowed a maximum of one wall sign per public building entrance. No individual wall sign may exceed 32 square feet in area. In buildings with multiple public building entrances, the sign area of all wall signs may not exceed 32 square feet in the aggregate.

b. Freestanding Signs
Nonresidential uses in R, AG, and AG-R districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

c. Dynamic Displays

Dynamic displays are prohibited in R, AG, and AG-R districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.

***

(3) Dynamic displays in R, AG, and AG-R districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.

***

60.080-F Off-premise Outdoor Advertising Signs

***

5. Required Setbacks, Spacing and Separations

***

c. Off-premise outdoor advertising signs that are visible from an R or AG-R district (other than street, highway or freeway right-of-way) or from a designated residential development area must be separated from the R or AG-R district or residential development area by a minimum distance of 150 feet if the sign does not exceed 300 square feet in area and by a distance of at least 200 feet if the sign is greater than 300 square feet in area.

***

Section 60.090 Signs in Special Districts

60.090-A AG and AG-R District

See Section 60.050.

***

Section 60.100 Dynamic Displays

***
60.100-F Dynamic displays may not be located within 200 feet of any of the following:
(1) an R or AG-R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R and AG, and AG-R districts if approved through the special exception process. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an R or AG-R district or residential development area boundary.

Chapter 65 | Landscaping, Screening & Lighting

Section 65.060 Screening

65.060-C Type of Screens

3. Materials and Design

f. If painted, be earth-tone in color when abutting an R or AG-R district boundary; and

6. Screening or Setbacks Triggered by Proximity to Nonresidential Areas/Features

When the erection of a screening wall or fence or setback is required by this zoning code because a use abuts one or more R or AG-R districts, such wall, fence, or setback is not required if the actual use of the abutting R or AG-R district is a freeway, expressway, turnpike, nonresidential use previously approved by the board of adjustment; or a nonresidential development area. This exemption from screening does not apply to junk or salvage yard uses.

Table 65-1: Maximum Light Fixture Heights

<table>
<thead>
<tr>
<th>Distance from AG District, AG-R District, R District or Public Right-of-Way (feet)</th>
<th>Maximum Fixture Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 50</td>
<td>16</td>
</tr>
<tr>
<td>50.01 – 250</td>
<td>20</td>
</tr>
<tr>
<td>More than 250</td>
<td>35</td>
</tr>
</tbody>
</table>