

TULSA METROPOLITAN AREA PLANNING COMMISSION

Meeting No. 2831

December 2, 2020, 1:00 PM
175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chamber

The meeting will be held in the Tulsa City Council Chamber. Members of the public may attend the meeting in the Tulsa City Council Chamber, but are encouraged to attend and participate in the TMAPC meeting via videoconferencing and teleconferencing via **GoToMeeting** by joining from a computer, tablet or smartphone using the following link:

<https://www.gotomeet.me/CityOfTulsa3/tmapc-gotomeeting-in-council-chambers-december-2nd>

Members of the public can also dial in using their phone by dialing:

United States: +1 (786) 535-3211

Participants must then enter the following **Access Code: 249-835-357**

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

Call to Order:

REPORTS:

Chairman's Report:

Work session Report:

Director's Report:

1. Minutes of November 18, 2020 Meeting No. 2830

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. **M&M Properties** (CD 3) Change of Access, Location: Northwest corner of East Admiral Place and North 129th East Avenue

PUBLIC HEARINGS

3. **Maybelle Villas** (CD 2) Preliminary Plat, Location: South of the southeast corner of West 81st Street South and South Maybelle Avenue (Staff requests a continuance to December 16, 2020)
4. **181 Harvard** (County) Minor Subdivision Plat, Location: Northeast corner of East 181st Street South and South Harvard Avenue
5. **Glory Meadows Estates** (County) Preliminary Plat and Modification to Subdivision and Development Regulations, Location: East of the northeast corner of East 171st Street South and South Elwood Avenue
6. **CPA-91 Ricky Powell** (CD 4) Location: North of the Northwest corner of East 15th Street South and South Evanston Avenue (Related to Z-7576)
7. **Z-7576 Ricky Powell** (CD 4) Location: North of the Northwest corner of East 15th Street South and South Evanston Avenue requesting rezoning from **RS-3 to OL** (Continued from October 21, 2020) (Related to CPA-91)
8. **Z-7584 Tulsa City Council** (CD 1) Location: Southeast corner of East 36th Street North and North Peoria Avenue requesting rezoning from **AG to MX1-U-U**
9. **Z-7585 Robert Parker** (CD 4) Location: Southeast corner of East 2nd Street South and South Quincy Avenue requesting rezoning from **IL to CH**
10. **Z-7586 Albanidia Perez** (CD 3) Location: South of the southwest corner of East Independence Street and North Mingo Road requesting rezoning from **RS-3 to CG**
11. **CZ-508 Ashley Hacker** (County) Location: West of the northwest corner of West Long Street and South Broad Street requesting rezoning from **RS to CG**

OTHER BUSINESS

12. Commissioners' Comments

ADJOURN

CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify the Tulsa Planning Office at 918-584-7526. Exhibits, petitions, pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained Tulsa Planning Office at INCOG. All electronic devices must be silenced during the Planning Commission meeting.

Visit our website at tulsaplanning.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.



Tulsa Metropolitan Area
Planning Commission

Case : M&M Properties

Hearing Date: December 2, 2020

Case Report Prepared by:

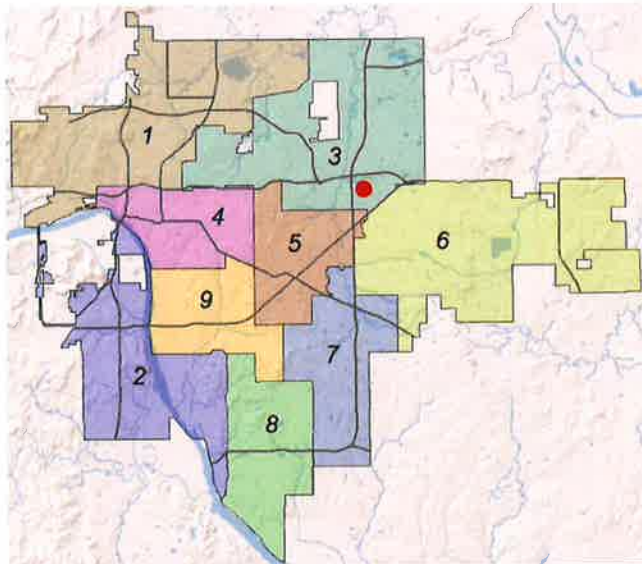
Nathan Foster

Owner and Applicant Information:

Applicant: Richard Kosman

Owner: Duff Real Estate, LLC

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Change of Access

Location: Northwest corner of East Admiral Place and North 129th East Avenue

Summary: Shifting access to the south on South 129th East Avenue

Zoning: CG

Staff Recommendation:

Staff recommends **approval** of the change of access

City Council District: 3

Councilor Name: Crista Patrick

County Commission District: 1

Commissioner Name: Stan Sallee

EXHIBITS: Change of Access Exhibits

**CHANGE OF AND CONSENT TO
AREAS OF ACCESS AS SHOWN ON RECORDED PLAT**

WHEREAS, Duff Real Estate, LLC
are the owners of Lot 2, Block 1, M&M Properties,
in the city and/or county of Tulsa, Oklahoma, according to the recorded plat thereof;
and

WHEREAS, said owners desire to change the access points from _____
N. 129th E. Ave. to the above described property and,

WHEREAS, such change requires approval of the Tulsa Metropolitan Area
Planning Commission; and

WHEREAS, the Tulsa Metropolitan Area Planning Commission may approve
such change of access with a favorable recommendation by the designated Engineer of
the City of Tulsa or Tulsa County, Oklahoma.

NOW THEREFORE, the undersigned owners of the above named property in
the City (and/or) County of Tulsa, Oklahoma according to the recorded plat thereof,
does hereby change the access point(s) from its (their) present location as shown on
the above named plat as recorded in the office of the County Clerk of Tulsa County,
Oklahoma, as plat number 5927 to the location(s) as shown on the attached Exhibit
A, which is incorporated herein by reference and made a part hereof for all purposes.

The Tulsa Metropolitan Area Planning Commission by the affixing of its
approval to this instrument does hereby stipulate and agree to such change and, that
from and after the date of this consent, ingress and egress shall be permitted over,
through and across the areas of access as shown on attached Exhibit A, which is
incorporated herein by reference. The area of "access" as previously shown are hereby
revoked and access to the property prohibited across said area. The area of limits of
no access previously existing along the area of access now permitted by this change
and consent is hereby expressly vacated, annulled and held for naught.

IN WITNESS WHEREOF, the parties have hereunto set their hands and
affixed their seals this 9th day of November, 2020.

Duff Real Estate, LLC

by [Signature]

Owner

Perry Phillips, Authorized Representative

Owner

APPROVED:

[Signature]

City/County Engineer

TMAPC

STATE OF _____)

) SS

INDIVIDUAL ACKNOWLEDGEMENT

COUNTY OF _____)

Before me, the undersigned, a Notary Public in and for said County and State, on this _____ day of _____, 20____, personally appeared _____, to me known to be the identical person(s) who executed the foregoing instrument and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the purposes therein set forth.

GIVEN under my hand and seal the day and year last above written.

My Commission Expires: _____

Notary Public

STATE OF Mississippi)

) SS

CORPORATE ACKNOWLEDGEMENT

COUNTY OF Marion)

Before me, the undersigned, a Notary Public in and for said County and State, on this 9th day of November, 2020, personally appeared Perry Phillips of Duff Real Estate, LLC, to me known to be the identical person(s) who subscribed the name of the maker thereof to the foregoing instrument as its Authorized Representative and acknowledged to me that he executed the same as his free and voluntary act and deed of such corporation, for the purposes therein set forth.

GIVEN under my hand and seal the day and year last above written.

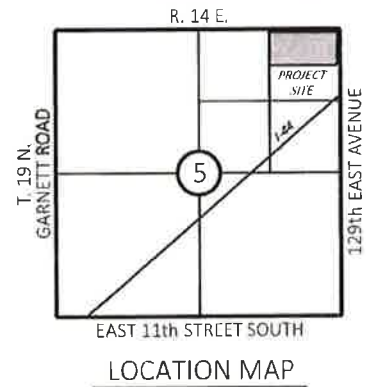
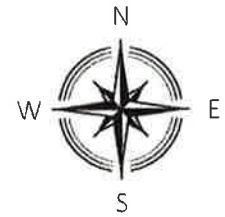
My Commission Expires: _____



Tonya Speights
Notary Public

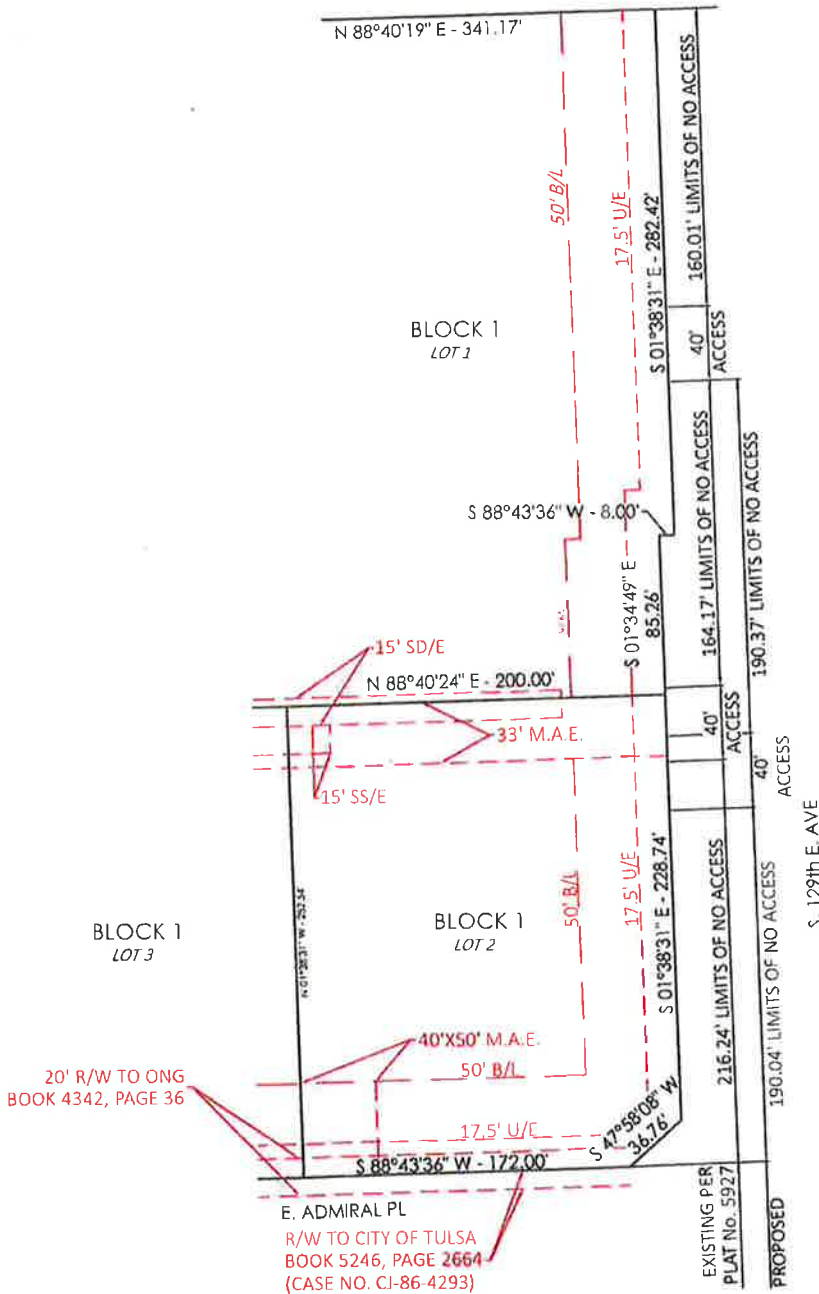
EXHIBIT 'A'

CHANGE OF ACCESS



Kurt W. Kuntz
11-19-2020

CHANGE OF ACCESS EXHIBIT
FOR
LOTS 1 & 2 IN BLOCK 1
OF
M&M PROPERTIES
A SUBDIVISION OF PART OF GOVERNMENT LOT 1,
SECTION FIVE (5), TOWNSHIP NINETEEN (19)
NORTH, RANGE FOURTEEN (14) EAST, TULSA
COUNTY, STATE OF OKLAHOMA



HARDEN & ASSOCIATES
SURVEYING AND MAPPING, PC

5807 South Garnett Road, Suite K,
Tulsa, Oklahoma 74146

(918) 234-4859 Office
(918) 893-5552 Fax

Certificate of Authorization No. 4656

Expires June 30, 2021

**DUFF REAL ESTATE, LLC
800 US Highway 98
Columbia, MS 39429
601.424.3200**

July 9, 2020

To Whom it may Concern

Re: 12815 E. Admiral Pl, Tulsa, OK 74116

Dear Sir/Madam:

I am the attorney/authorized representative for Duff Real Estate, LLC, a Mississippi limited liability company, who owns the above referenced property. Thomas M. Duff or James E. Duff, as Manager, or myself, as Authorized Representative, can execute any necessary easements regarding the above referenced property. I have enclosed a copy of a Continuing Resolution of the company for your reference

I appreciate your attention to this matter. If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,

Duff Real Estate, LLC



Perry Phillips
Attorney/Authorized Representative

UNANIMOUS CONSENT OF MANAGERS

The undersigned, being all of the managers of **DUFF REAL ESTATE, LLC**, a Mississippi limited liability company (the "Company") hereby consent to the following:

WHEREAS, the Company is the managing member of Duff Real Estate, LLC, a Mississippi limited liability company; and

WHEREAS, Duff Real Estate, LLC is the owner of certain real property; and

WHEREAS, any of THOMAS M. DUFF as Manager or JAMES E. DUFF as Manager or PERRY W. PHILLIPS as Authorized Representative are singularly hereby authorized to carry out and conduct any business of DUFF REAL ESTATE, LLC, in regard to the purchase and/or sale of any and all real property that the Company may, from time to time consummate; and

WHEREAS, that any of said THOMAS M. DUFF or JAMES E. DUFF or PERRY W. PHILLIPS is singularly authorized to execute any and all documents regarding the purchase and/or sale stated hereinabove, including but not limited to, Settlement Statements, Title Insurance Affidavits, bank documents, deeds of conveyance and any other documents required to consummate the purchase and/or sale of real property stated hereinabove by the Company.

NOW, THEREFORE, BE IT RESOLVED, that any of THOMAS M. DUFF as Manager or JAMES E. DUFF as Manager or PERRY W. PHILLIPS as Authorized Representative, singularly may enter into such transactions and on such terms and provisions as they deem acceptable and that they may execute and deliver any and all documents regarding the purchase and/or sale stated hereinabove, including but not limited to, Settlement Statements, Title Insurance Affidavits, bank documents, deeds of conveyance and any other documents required to consummate the purchase and/or sale of real property (no matter where it is located) stated hereinabove by Duff Real Estate, LLC, a Mississippi limited liability company.

The undersigned Managers of DUFF REAL ESTATE, LLC, a Mississippi limited liability company, hereby certify that the following is a true and correct certified copy of a resolution duly adopted at a properly convened meeting of the managers of said company on June 30, 2014, and the same is spread on the face of the minutes thereof.



THOMAS M. DUFF, MANAGER



JAMES E. DUFF, MANAGER

To: Miller, Susan
Subject: RE: Maybelle Villas - Continuance Request

From: Foster, Nathan <NFoster@incog.org>
Sent: Tuesday, November 24, 2020 11:07:34 AM
To: Sawyer, Kim <ksawyer@incog.org>
Cc: Miller, Susan <SMiller@incog.org>
Subject: Maybelle Villas - Continuance Request

Kim,

Staff is requesting a continuance on the Maybelle Villas preliminary plat to December 16, 2020. Additional meetings with the applicant and representatives of the City of Tulsa are necessary prior to moving forward with the preliminary plat approval.

Thanks,



Nathan Foster
Senior Planner
Tulsa Planning Office
918.579.9481
nfoster@incog.org



Tulsa Metropolitan Area
Planning Commission

Case : 181 Harvard

Hearing Date: December 2, 2020

Case Report Prepared by:

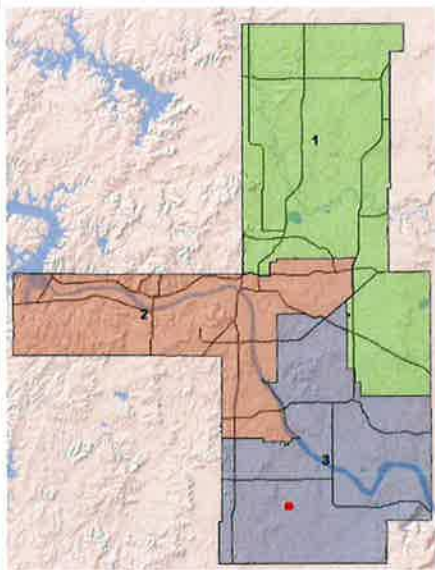
Nathan Foster

Owner and Applicant Information:

Applicant: Select Design, Ryan McCarty

Owner: Spartan Construction Inc.

Location Map:
(shown with County Commission
Districts)



Applicant Proposal:

Minor Subdivision Plat

3 lots, 1 block, 10.01 ± acres

Location: Northeast corner of East 181st
Street South and South Harvard Avenue

Zoning: AG (Agriculture)

Staff Recommendation:

Staff recommends **approval** of the minor
subdivision plat

County Commission District: 3

Commissioner Name: Ron Peters

EXHIBITS: Site Map, Aerial, Plat Submittal

MINOR SUBDIVISION PLAT

181 Harvard - (County)

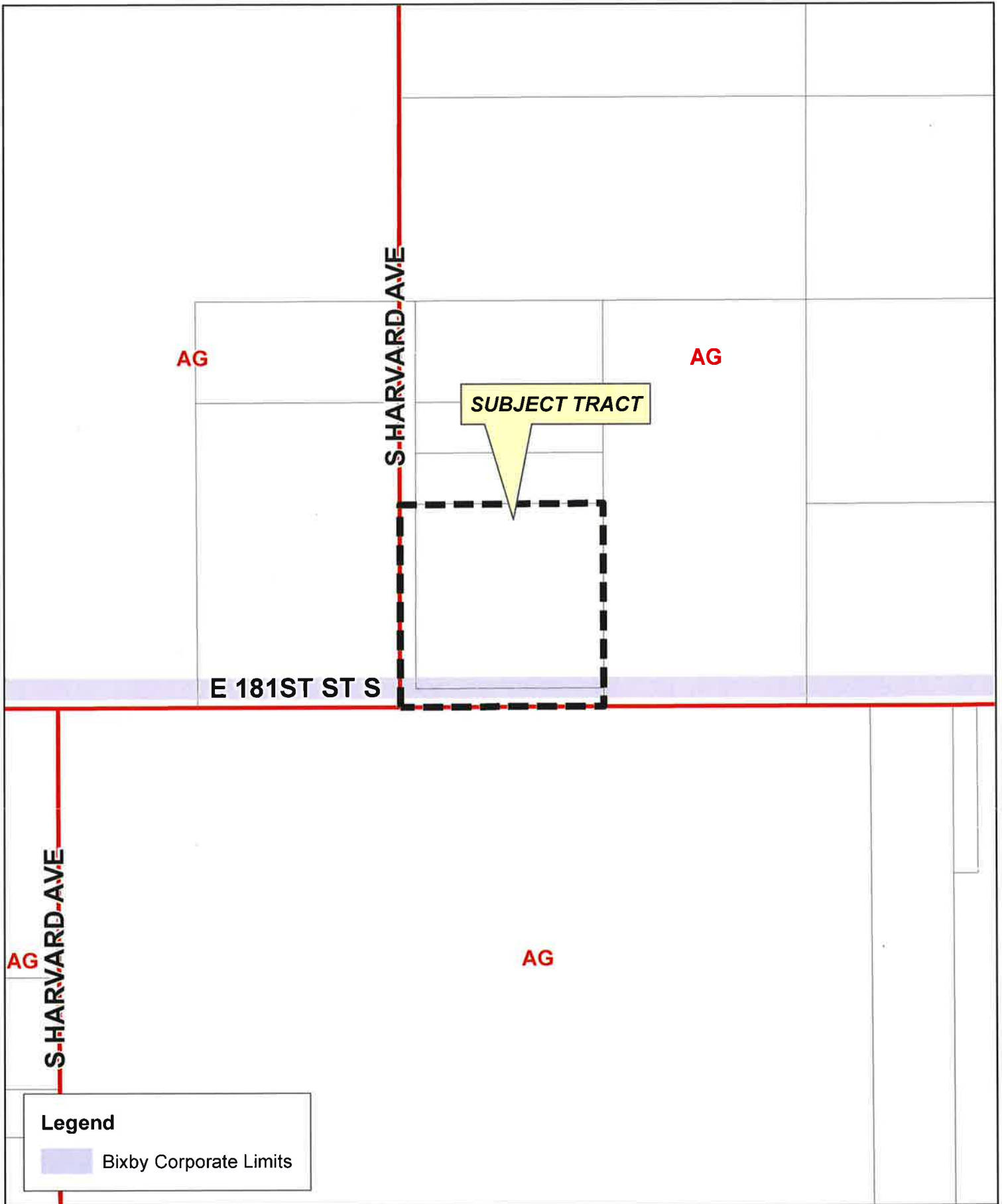
Northeast corner of East 181st Street South and South Harvard Avenue

This plat consists of 3 lots, 1 block on 10.01 ± acres.


The Technical Advisory Committee (TAC) met on November 19, 2020 and provided the following comments:

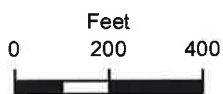
1. **Zoning:** Proposed lots conform to the requirements of the AG district.
2. **Addressing:** Addresses provided by INCOG must be shown on face of the plat.
3. **Transportation & Traffic:** Approved as submitted.
4. **Sewer/Water:** On-site sewage disposal. Water service to be provided by Okmulgee County Rural Water District #6.
5. **Stormwater, Drainage, & Floodplain:** Approved as submitted.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Final release letters required prior to execution of final plat.

Staff recommends **APPROVAL** of the minor subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.



Legend

 Bixby Corporate Limits



181 HARVARD

17-13 33

4-3





S HARVARD AVE

E 181ST ST S

S HARVARD AVE

0 Feet 200 400



Subject Tract

181 HARVARD

17-13 33

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

Aerial Photo Date: February 2018



PRIVATE SUBDIVISION

181 Harvard

A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, BEING A PART OF THE SOUTHWEST QUARTER (SW/4) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION THIRTY-THREE (33), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

Owner / Developer

SPARTAN CONSTRUCTION INC.
8728 EAST 116TH PLACE SOUTH
BIXBY, OKLAHOMA 74008
PHONE: (918) 231-8829
MR. JAMES R. BREYER

Surveyor

FRITZ LAND SURVEYING, LLC
2017 WEST 51ST STREET
TULSA, OKLAHOMA 74132
PHONE: (918) 231-0575
9189101010@gmail.com
C.A. # 5848 EXPIRES 6-30-2022

Engineer

ENGINEERED BY DESIGN, PLLC
P.O. BOX 15567
DUL CITY, OKLAHOMA 73115
PHONE: (405) 234-0560
ebd@engbydesign.com
C.A. # 1555 EXPIRES 6-30-2022

Legend

ACC. ACCESS
BL. BUILDING SETBACK LINE
PS. IRON PIN SET
(REFER TO MONUMENTATION NOTE)
L.N.A. LIMITS OF NO ACCESS
USE UTILITY EASEMENT
DSW. STREET ADDRESS

THIS SUBDIVISION IS DESIGNED IN ACCORDANCE WITH OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) REQUIREMENTS FOR MINIMUM LOT SIZE FOR INDIVIDUAL SEPTIC SYSTEMS FOR EACH LOT

Subdivision Statistics

PRIVATE SUBDIVISION CONTAINS THREE (3) LOTS IN ONE (1) BLOCK
GROSS SUBDIVISION AREA: 435,977.50 SF / 10.01 ACRES

Basis of Bearings

BEARINGS ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (D501 OK N), NORTH AMERICAN DATUM 1983 (NAD83) USING THE WEST LINE OF THE SW/4 OF SECTION 33 AS N 01°05'49" E

Monumentation

SET 3/8" IRON PIN W/ GREEN "FRITZ CASAB" CAP OR MAG NAIL W/ "FRITZ CASAB" HARDER AT ALL CORNERS UNLESS NOTED AND SHOWN OTHERWISE HEREON

Benchmark

ON SITE NGS OPUS SOLUTIONS REPORT (NAVD 1988)

Address

ADDRESS SHOWN ON THIS PLAT IS ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESS IS SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION

Floodplain Data

WE HAVE EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, TULSA COUNTY, OKLAHOMA UNINCORPORATED AREAS, COMMUNITY PANEL NO. 40143C0404, OCTOBER 16, 2012, WHICH INDICATES THE SUBJECT PROPERTY TO BE WITHIN UNSHADED ZONE X AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN



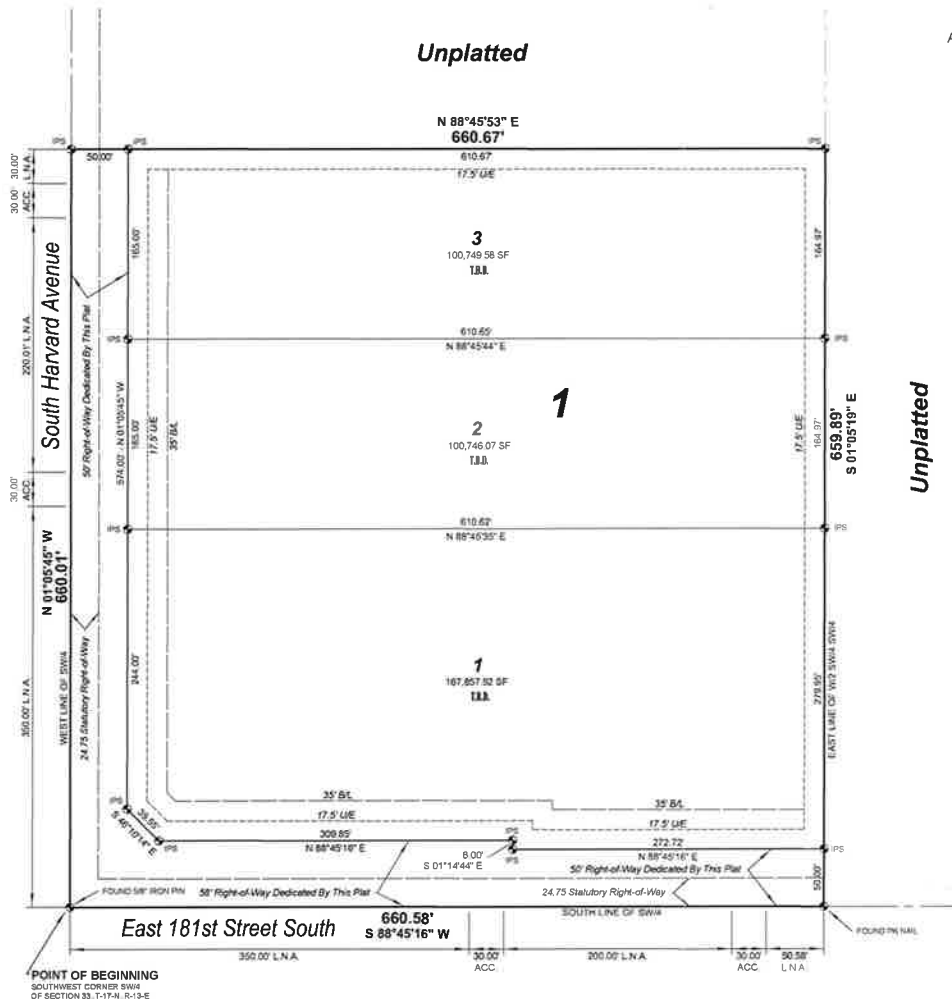
Driveway Summary Table

DRIVEWAY LOCATION	MINIMUM PIPE SIZE
BLOCK 1	
1	24" RCP OR HP
2	24" RCP OR HP
3	24" RCP OR HP

NOTE: MINIMUM PIPE SLOPE = 0.75%

FINAL PLAT CERTIFICATE OF APPROVAL	
I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION ON _____	
TMAPC/NGOS OFFICIAL _____	
THIS APPROVAL IS VOID IF THIS PLAT IS NOT FILED IN THE OFFICE OF THE COUNTY CLERK ON OR BEFORE _____	
COUNTY ENGINEER _____	

COUNTY TREASURER STAMP



181 HARVARD
DEED OF DEDICATION AND RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

THAT SPARTAN CONSTRUCTION INC. AN OKLAHOMA CORPORATION, HEREINAFTER REFERRED TO AS THE "OWNER/DEVELOPER", IS THE OWNER OF THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN TULSA COUNTY, OKLAHOMA, TO-WIT:

A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (3RD 3RD 3RD) OF SECTION THIRTY-THREE (33), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FIFTY-ONE (51) EAST OF THE ADIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE BUNK OF SAID SECTION 33, THENCE NORTH 81°05'45" WEST ALONG THE WEST LINE THEREOF 663.51 FEET, THENCE NORTH 81°05'45" EAST 86.07 FEET, THENCE SOUTH 81°05'45" FOR 55.8 FEET TO A POINT ON THE SOUTH LINE OF SAID BUNK, THENCE SOUTH 81°05'45" WEST ALONG SAID SOUTH LINE A DISTANCE OF 66.58 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 435.87 ± 0.30 FEET OR 9.91 ACRES.

BASES OF BEARING: ON STATE PLANE COORDINATE SYSTEM (NORTH 2011) AND USING THE WEST LINE OF THE BUNK OF SEC. 33, T17N, R51E, AS A BENCHMARK.

AND HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO THREE (3) LOTS AND ONE (1) BLOCK IN CONFORMITY WITH THE ACCOMPANYING PLAN, AND HAS DESIGNATED THE SUBDIVISION AS (B) HARVARD, A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA.

SECTION I. UTILITY EASEMENTS AND RIGHTS-OF-WAY

THE OWNER/DEVELOPER DOES HEREBY DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAN AS "UTILITY OR ACTIVITY EASEMENT" FOR OWNER/DEVELOPER AND ALL UTILITY SERVICES WITH FRANCHISE RIGHTS WITHIN TULSA COUNTY FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSMISSION LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERE TO, WITH RIGHTS OF ACCESS AND EGRESS TO AND FROM THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID. PROVIDED HOWEVER, THE OWNER/DEVELOPER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY ALL UTILITY LINES, INCLUDING WATER LINES, EXCLUDING GAS LINES AND GAS SERVICE LINES, TOGETHER WITH THE RIGHT OF ACCESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS ON THE PLAN, FOR THE PURPOSES OF FURNISHING WATER SERVICE AND ALL UTILITY SERVICES, EXCLUDING NATURAL GAS, TO THE AREA INCLUDED IN THE PLAN AND ELSEWHERE AS MAY BE REQUIRED. THE OWNER/DEVELOPER HEREBY IMPOSES A RESTRICTIVE COVENANT WHICH SHALL BE BOUND ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY TULSA COUNTY, OKLAHOMA AND BY THE SUCCESSIONS OF ANY AFFECTED UTILITY SERVICE THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAN, NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION SHALL BE PLACED, DIRECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING, CUSTOMARY SCREENING DEVICES AND WALLS THAT DO NOT CONSTITUTE AN OBSTRUCTION.

A. UNDERGROUND SERVICE

- OVERHEAD POLES MAY BE LOCATED ALONG THE SOUTH AND EAST PERIMETERS OF THE SUBDIVISION AS NECESSARY IF LOCATED IN UTILITY EASEMENTS FOR THE PURPOSES OF THE SUPPLY OF UNDERGROUND SERVICE. STREET LIGHT POLES OR LIGHTS SHALL BE PROHIBITED. THE SUPPLIER OF SERVICE SHALL PROVIDE THE IMMEDIATELY PRECEDING SENTENCE. ALL ELECTRIC AND COMMUNICATION SUPPLY LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENTS RESERVED FOR GENERAL UTILITY SERVICES. SHOW ON THE ATTACHED PLAN.
- ALL SUPPLY LINES IN THE SUBDIVISION INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENTS RESERVED FOR GENERAL UTILITY SERVICES AND STREETS SHOWN ON THE PLAN OF THE SUBDIVISION. SERVICE FEEDLINES TO THE POINT OF USE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE MAY BE LOCATED UPON EACH SAID LOT, PROVIDED THAT UPON THE INSTALLATION OF SUCH A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE PERMANENT AND EFFECTIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE, EXTENDING FROM THE SERVICE FEEDLINE, TRANSFERRED OR CROSSED ON THE STRUCTURE OR A POINT OF MEETING.
- THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AUTHORIZED AGENTS AND EMPLOYEES, SHALL, AT ALL TIMES, HAVE RIGHT OF ACCESS TO ALL SUCH EASEMENTS SHOWN ON THE PLAN OF THE SUBDIVISION OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSES OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE FACILITIES SO INSTALLED BY IT, THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION ALSO RESERVE THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CUT DOWN, TRIM, OR TREAT ANY TREES AND UNDERGROUND ON SAID EASEMENT.
- THE OWNER OF EACH LOT IN THE SUBDIVISION SHALL BE PROHIBITED FROM THE PROTECTION OF THE UNDERGROUND ELECTRIC FACILITIES LOCATED ON HIS PROPERTY AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. THE SUPPLIER OF SERVICE WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER OF EACH LOT IN THE SUBDIVISION WILL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS. THE FOREGOING COVENANTS CONCERNING UNDERGROUND FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICES.

B. WATER SERVICE

- THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS LOCATED ON HIS LOT.
- WITHIN UTILITY EASEMENTS DEPICTED ON THE ATTACHED PLAN, THE ALTERATION OF GRADE FROM THE COVENANTS EXTENDING UPON COMPLETION OF A PUBLIC WATER MAIN OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH A PUBLIC WATER MAIN SHALL BE PROHIBITED.
- UNLESS OTHERWISE PROVIDED, THE SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, BUT THE OWNER OF THE LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.
- THE BUNK, OR ITS SUCCESSIONS SHALL, AT ALL TIMES, HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS DEPICTED ON THE ATTACHED PLAN, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSES OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF THE WATER FACILITIES OWNED BY IT.
- THE FOREGOING COVENANTS CONCERNING THE WATER FACILITIES SHALL BE ENFORCEABLE BY THE BUNK, OR ITS SUCCESSIONS, AND THE OWNER OF THE LOT AGREES TO BE BOUND HERETO.

C. GAS SERVICE

- THE SUPPLIER OF GAS SERVICE SHALL, AT ALL TIMES, HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS DEPICTED ON THE ATTACHED PLAN, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSES OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF GAS FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.
- THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED ON HIS LOT. THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH THE UNDERGROUND GAS FACILITIES SHALL BE PROHIBITED. THE SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.
- OKLAHOMA NATURAL GAS EASEMENT RECORDED IN BOOK 8172, PAGE 1667 SHALL REMAIN IN FULL FORCE AND EFFECT. OKLAHOMA NATURAL GAS EASEMENT PRE-DATED THE EIGHTH DAY OF DECEMBER, IN THIS PLAN, AND ANY PROHIBIT ON LIMIT CERTAIN USES OF OKLAHOMA NATURAL GAS IS NOT OF ANY INCLUDING PLACING OTHER UTILITY LINES AND/OR MANHOLE STRUCTURES WITHOUT OKLAHOMA NATURAL GAS'S PRIOR WRITTEN CONSENT.
- THE FOREGOING COVENANTS CONCERNING UNDERGROUND GAS FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIER OF GAS SERVICE, AND THE OWNER OF THE LOT AGREES TO BE BOUND HERETO.

D. SURFACE DRAINAGE

THE LOT SHALL RECEIVE AND DRAIN IN AN UNOBSTRUCTED MANNER THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM PRIVATE STREETS AND EASEMENTS. NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD PREVENT THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS HIS LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY TULSA COUNTY, OKLAHOMA.

E. LIMITS OF ACCESS

- THE OWNER HEREBY RELINQUISHES RIGHT OF VEHICULAR, EGRESS AND EGRESS FROM THE LOTS WITHIN THE SUBDIVISION TO ADJOINING PUBLIC STREETS WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" IN A) ON THE ATTACHED PLAN, WHICH LIMITS OF NO ACCESS MAY BE RELEASED OR AMENDED BY TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) OR ITS SUCCESSIONS WITH TULSA COUNTY APPROVAL, OR AS OTHERWISE PROVIDED BY THE STATUTES OF OKLAHOMA PERTAINING THERE TO.
- THE FOREGOING COVENANTS CONCERNING LIMITS OF NO ACCESS SHALL BE ENFORCEABLE BY TULSA COUNTY AND THE OWNERS OF THE LOT AGREES TO BE BOUND HERETO.

F. FENCING AND LANDSCAPING WITHIN EASEMENTS

- THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND FENCING WITHIN THE UTILITY EASEMENTS WHICH MAY RESULT FROM NECESSARY USE FOR OR MAINTENANCE AND INSTALLATION OF UNDERGROUND WATER, STORM SEWER, ELECTRICAL, NATURAL GAS, COMMUNICATIONS OR TELEPHONE FACILITIES PROVIDED HOWEVER, TULSA COUNTY, OKLAHOMA, OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

G. PRIVATE SANITARY SEWERAGE

- WITHIN THE SUBDIVISION, SEWERAGE IS INTENTED TO BE SERVED BY AN INDIVIDUAL SEPTIC TANK DISPOSAL SYSTEMS OR ALTERNATIVE SEPTIC SYSTEMS WHICH ARE SUBJECT TO REGULATION BY THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY.
- THE APPROVAL AND RELEASE OF THE PLAN OF THIS SUBDIVISION DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY THAT EACH SEPTIC TANK SYSTEM OR ALTERNATIVE SEPTIC SYSTEM WILL FUNCTION PROPERLY.
- NO SEPTIC SYSTEM OR ALTERNATIVE SEPTIC SYSTEM SHALL BE INSTALLED WITHIN ANY LOT UNLESS THE PLANS THEREFOR HAVE BEEN SUBMITTED TO AND APPROVED BY THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY AND A PERMIT DULY ISSUED.
- IF NOT PROVIDED BY THE DEVELOPER, THE OWNER MAY OR MAY NOT BE RESPONSIBLE FOR SUPPLYING PERCOLATION TESTING INFORMATION TO THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR APPROVAL OF SEPTIC SYSTEM OR ALTERNATIVE SEPTIC SYSTEMS.
- THE SEPTIC SYSTEM OR ALTERNATIVE SEPTIC SYSTEM, AND THE SEWER SERVICE LINE, SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE APPROVED PLANS.
- THE APPROVED PLANS MUST BE SUBMITTED TO THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY AND SHALL INCLUDE A SEWER LINE LOCATED AND DESCRIBED TO PERMANENT EFFECTIVE CONNECTION TO A FUTURE PUBLIC SANITARY SEWER EXTENSION TO THE LOT.
- SUBSEQUENT TO INSTALLATION OF THE SEPTIC SYSTEM OR ALTERNATIVE SEPTIC SYSTEM, NO DRIVE, PARKING, SWIMMING POOL, LAWN SPRINKLER SYSTEM OR BUILDING SHALL BE CONSTRUCTED OVER THE AREA OF THE LOT CONTAINING THE SEPTIC TANK, SEPTIC SYSTEM LATERAL LINE, OR ALTERNATIVE SEPTIC SYSTEM.
- THE FOREGOING COVENANTS CONCERNING SEWERAGE FACILITIES SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL, INURE TO THE BENEFIT OF THE SAME, BE ENFORCEABLE BY TULSA COUNTY, OKLAHOMA OR ITS SUCCESSIONS, AND THE OWNER OF THE LOT AGREES TO BE BOUND HERETO.

SECTION II. RESTRICTIONS AND COVENANTS

- NO RESIDENTIAL STRUCTURE SHALL BE ERECTED OR PLACED ON A LOT WHICH HAS AN AREA OF LESS THAN ONE THOUSAND EIGHT HUNDRED (1800) SQUARE FEET EXCLUSIVE OF GARAGE BASEMENT, PORCHES AND PORCHES.
- NO MOBILE HOMES OR MANUFACTURED-HOUSING UNITS SHALL BE MAINTAINED, ALLOWED, OR PERMITTED ON ANY LOT.
- A FENCE MUST BE CONSTRUCTED AND MAINTAINED AROUND ABOVE-GROUND SWIMMING POOLS.
- NO NOISY OR OFFENSIVE TRADE OR ACTIVITY SHALL BE CARRIED ON UPON ANY LOT NOR SHALL ANYTHING, INCLUDING PIGS AND/OR HOGS, BE MAINTAINED, ALLOWED OR PERMITTED ON ANY PART OF A LOT WHICH MAY BE OR BECOME AN ANNOYANCE OR NUISANCE TO THE SURROUNDING HOMES. HOWEVER, HORSES, CATTLE AND CHICKENS MAY BE MAINTAINED AND KEPT ON A LOT.
- LOTS SHALL BE MAINTAINED IN NEAT AND ORDERLY CONDITION AT ALL TIMES.
- ALL OUTBUILDINGS SHALL BE ERECTED AND MAINTAINED EVEN WITH OR BEHIND THE FRONT LINE OF THE RESIDENCE ON THE LOT. ALL OUTBUILDINGS MUST BE SETBACK A MINIMUM OF FIFTY (50) FEET FROM ANY PROPERTY LINE, WHERE EASEMENTS ARE SHOWN GREATER THAN THE FOREGOING, NO ENCROACHMENT SHALL BE ALLOWED ON THE EASEMENT.
- NO STRUCTURE OF A TEMPORARY CHARACTER, TRAILER, BASEMENT, SHACK, GARAGE, BARN OR OTHER OUTBUILDING SHALL BE ERECTED ON ANY PART OF A LOT AND BE USED AS A RESIDENCE.
- CELLULAR TOWERS OR OTHER COMMUNICATIONS FACILITIES OF SUBSTANTIAL SIZE ARE PROHIBITED.
- NO EXISTING OR OFF SITE BUILT STRUCTURE SHALL BE MOVED ONTO OR PLACED ON ANY LOT.
- NO INOPERATIVE VEHICLE OR MACHINERY SHALL BE STORED ON ANY LOT EXCEPT WITHIN AN ENCLOSED GARAGE, BARN, SHED OR ON A CONCRETE PAD LOCATED WITHIN A FENCE.

SECTION III. 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/DEVELOPER, ITS SUCCESSIONS AND ASSIGNS, WITHIN THE PROVISIONS OF SECTION I, UTILITY EASEMENTS AND RIGHTS-OF-WAY ARE SET FORTH CERTAIN COVENANTS AND ENFORCEMENT RIGHTS PERTAINING THERE TO, AND ADDITIONALLY, THE COVENANTS CONTAINED WITHIN SECTION I, WHETHER OR NOT SPECIFICALLY THEREIN SO STATED, SHALL ALSO INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY TULSA COUNTY, OKLAHOMA. THE COVENANTS CONTAINED IN SECTION II, RESTRICTIONS AND COVENANTS, SHALL INURE ONLY TO THE BENEFIT OF AND SHALL BE ENFORCEABLE ONLY BY THE OWNER OF A LOT AND/OR THE (B) HARVARD ARCHITECTURAL COMMITTEE. IF THE UNDERSIGNED OWNER/DEVELOPER, OR ITS SUCCESSIONS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS OR RESTRICTIONS SET FORTH WITHIN SECTION II, IT SHALL BE LAWFUL FOR ANY PERSON OR PERSONS OWNING ANY LOT TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE VIOLATOR AND/OR TO RECOVER DAMAGES. WITH THE EXCEPTION OF ACTIONS TO ENFORCE COVENANTS CONTAINED WITHIN SECTION I, PRIOR TO THE COMMENCEMENT OF ANY ACTION PERTAINING TO THESE RESTRICTIONS, THE PERSON INTENDING TO COMMENCE THE ACTION SHALL GIVE THE RECORD OWNER OF THE PROPERTY ON WHICH THE VIOLATION IS OCCURRING, OR HAS OCCURRED, WRITTEN NOTICE OF THE VIOLATION, IN THE EIGHT REASONABLE EFFORTS TO CURE THE VIOLATION ARE COMMENCED WITHIN THIRTY (30) DAYS FROM RECEIPT OF NOTICE, NO JUDICIAL ACTION SHALL BE COMMENCED TO ENFORCE THE RESTRICTIONS SO LONG AS THE EFFORTS TO CURE THE VIOLATION INDULGENTLY PROCEEDED TO COMPLY. IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE THE COVENANTS OR RESTRICTIONS, AND/OR TO RECOVER DAMAGES FOR THE BREACH THEREOF, THE PREVAILING PARTY SHALL BE ENTITLED TO RECEIVE HIS OR HER REASONABLE ATTORNEY FEES AND COSTS AND EXPENSES INCURRED IN SUCH ACTION.

B. DURATION

THESE COVENANTS AND RESTRICTIONS SET FORTH WITHIN THIS DEED OF DEDICATION TO THE EXTENT PERMITTED BY APPLICABLE LAW, SHALL BE PERPETUAL, BUT IN ANY EVENT SHALL BE IN FULL 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 HEREINAFTER PROVIDED.

C. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I, UTILITY EASEMENTS AND RIGHTS-OF-WAY MAY BE AMENDED OR TERMINATED AT ANY TIME BY A 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 (TMAPC) OR ITS SUCCESSIONS AND TULSA COUNTY. THE COVENANTS AND RESTRICTIONS CONTAINED WITHIN SECTION II, RESTRICTIONS AND COVENANTS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER/DEVELOPER DURING SUCH PERIOD THAT THE OWNER/DEVELOPER IS THE RECORD OWNER OF AT LEAST 1 LOT, OR ON THE DATE OF THE COVENANTS AND RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF AT LEAST 60% OF THE LOTS. IN THE EVENT OF ANY AMENDMENT BETWEEN AN AMENDMENT OR TERMINATION OF THE COVENANTS AND RESTRICTIONS, THE INSTRUMENT EXECUTED BY THE OWNER/DEVELOPER SHALL PREVAIL. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AND RESTRICTIONS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

D. SEVERABILITY

IN VALIDATION 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 OR ANY PART THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, THE OWNER/DEVELOPER HAS EXECUTED THIS INSTRUMENT ON THIS ____ DAY OF _____, 2020.

SPARTAN CONSTRUCTION INC. AN OKLAHOMA CORPORATION

BY: _____

JAMES R. BREWER, PRESIDENT

STATE OF OKLAHOMA

COUNTY OF TULSA

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF OKLAHOMA, ON THIS ____ DAY OF _____, 2020, PERSONALLY APPEARED TO ME JAMES R. BREWER, PRESIDENT OF SPARTAN CONSTRUCTION INC. AN OKLAHOMA CORPORATION, KNOWN TO BE THE IDENTICAL PERSONS WHO SUBSCRIBED HIS NAME TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED ON BEHALF OF SPARTAN CONSTRUCTION INC. FOR THE USES AND PURPOSES THEREIN SET FORTH.

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Tulsa Metropolitan Area
Planning Commission

Case : Glory Meadows Estates

Hearing Date: December 2, 2020

Case Report Prepared by:

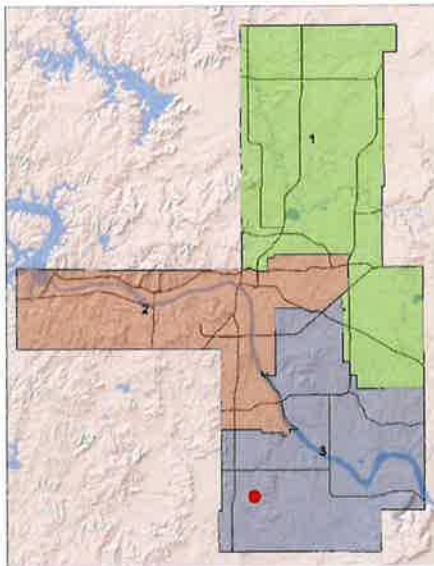
Nathan Foster

Owner and Applicant Information:

Applicant: JR Donelson

Owner: Sharon Samuels

Location Map:
(shown with County Commission
Districts)



Applicant Proposal:

Preliminary Plat & Modification to
Subdivision and Development Regulations

4 lots, 1 block, 23.9 ± acres

Location: East of the northeast corner of East
171st Street South and South Elwood Avenue

Zoning: AG (Agriculture)

Staff Recommendation:

Staff recommends **denial** of the modification
requests and **approval** of the preliminary plat
with conditions

County Commission District: 3

Commissioner Name: Ron Peters

EXHIBITS: Site Map, Aerial, Plat Submittal

PRELIMINARY SUBDIVISION PLAT

Glory Meadows Estates - (County)

East of the northeast corner of East 171st Street South and South Elwood Avenue

This plat consists of 4 lots, 1 block on 23.9± acres.

The Technical Advisory Committee (TAC) met on November 19, 2020 and provided the following comments:

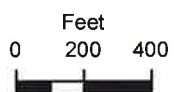
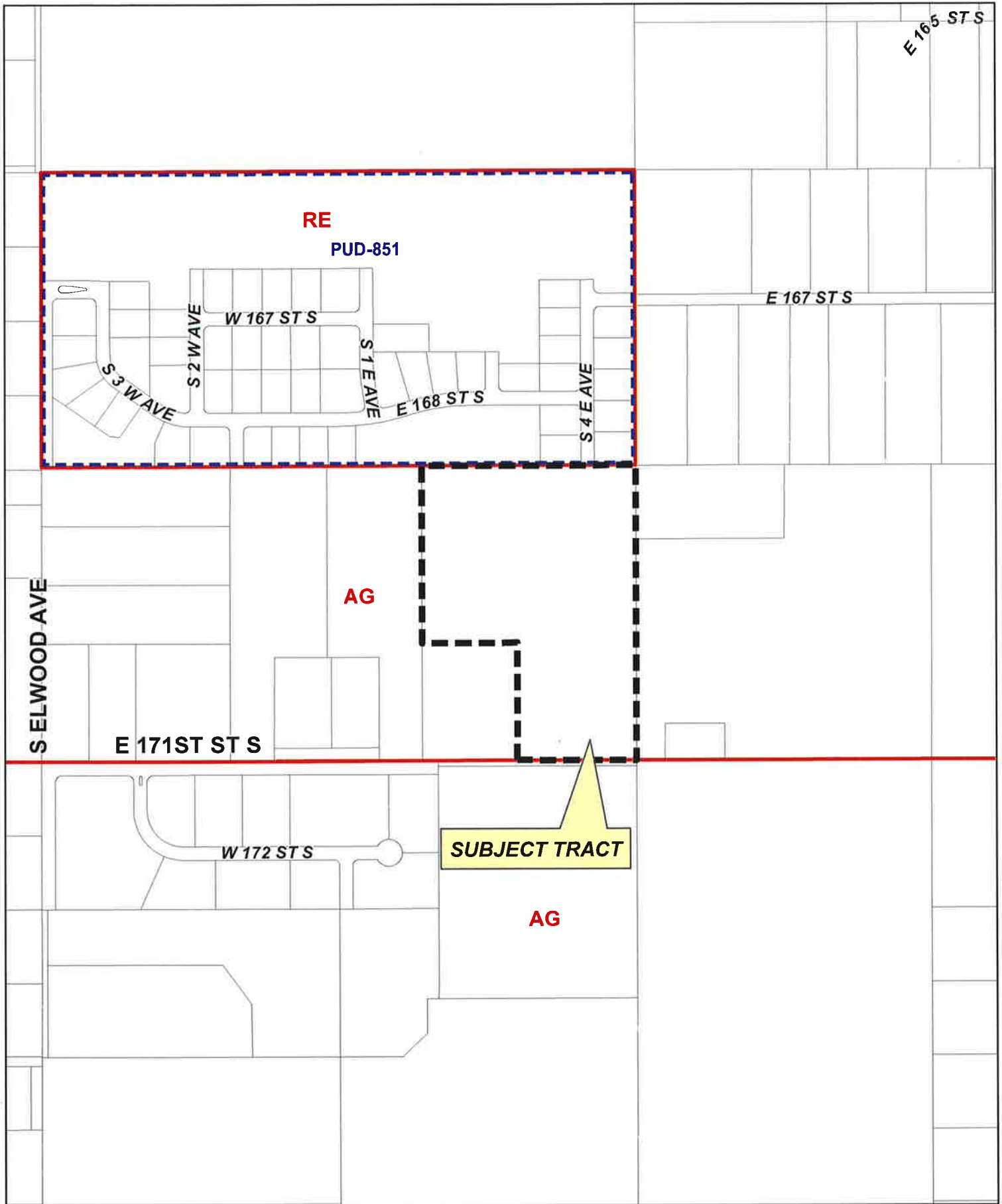
1. **Zoning:** Final lots must conform to the requirements of the AG district in the Tulsa County Zoning Code.
2. **Addressing:** Addresses provided by INCOG must be shown on face of the plat.
3. **Transportation & Traffic:** South 4th East Avenue currently stubs into the north property line of the subject tract. Provide a public street alignment that connects to the provided stub and continues south to East 171st Street South in order to provide efficient movement of traffic and avoid isolation of the intended street connection.
4. **Sewer/Water:** On-site sewage disposal must be approved by Oklahoma Department of Environmental Quality. Add DEQ sign-off to deed of dedication. Water service to be provided by Okmulgee County Rural Water District #6.
5. **Stormwater, Drainage, & Floodplain:** Plans for drainage and any required improvements must be approved by the Tulsa County Engineer and comply with all Tulsa County drainage standards. No floodplain on site.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Final release letters required prior to final plat approval. Oil & Gas Records by the Oklahoma Corporation Commission required to be submitted prior to final plat approval.

Modification to Subdivision & Development Regulations:

The applicant has requested a modification of the Subdivision & Development Regulations to permit two separate flag lots, Lot 2 and Lot 4. Staff reviewed the request for modification and found that it does not satisfy the approval criteria defined in the Subdivision & Development Regulations. Additionally, if previously stated conditions are met and a street connection is provided from South 4th East Avenue to East 171st St South, the flag lot configurations would not be needed and each lot would be served off of the extension of South 4th East Avenue.

Staff recommends **denial** of the modification request.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions above provided by TAC and the requirements of the Subdivisions Regulations. A final release letter will also be required from Tulsa County prior to final plat approval.



GLORY MEADOWS ESTATES

17-12 25

5-3





Feet
0 200 400



Subject
Tract

17-12 25

GLORY MEADOWS ESTATES

Note: Graphic overlays may not precisely
align with physical features on the ground.
Aerial Photo Date: 2020



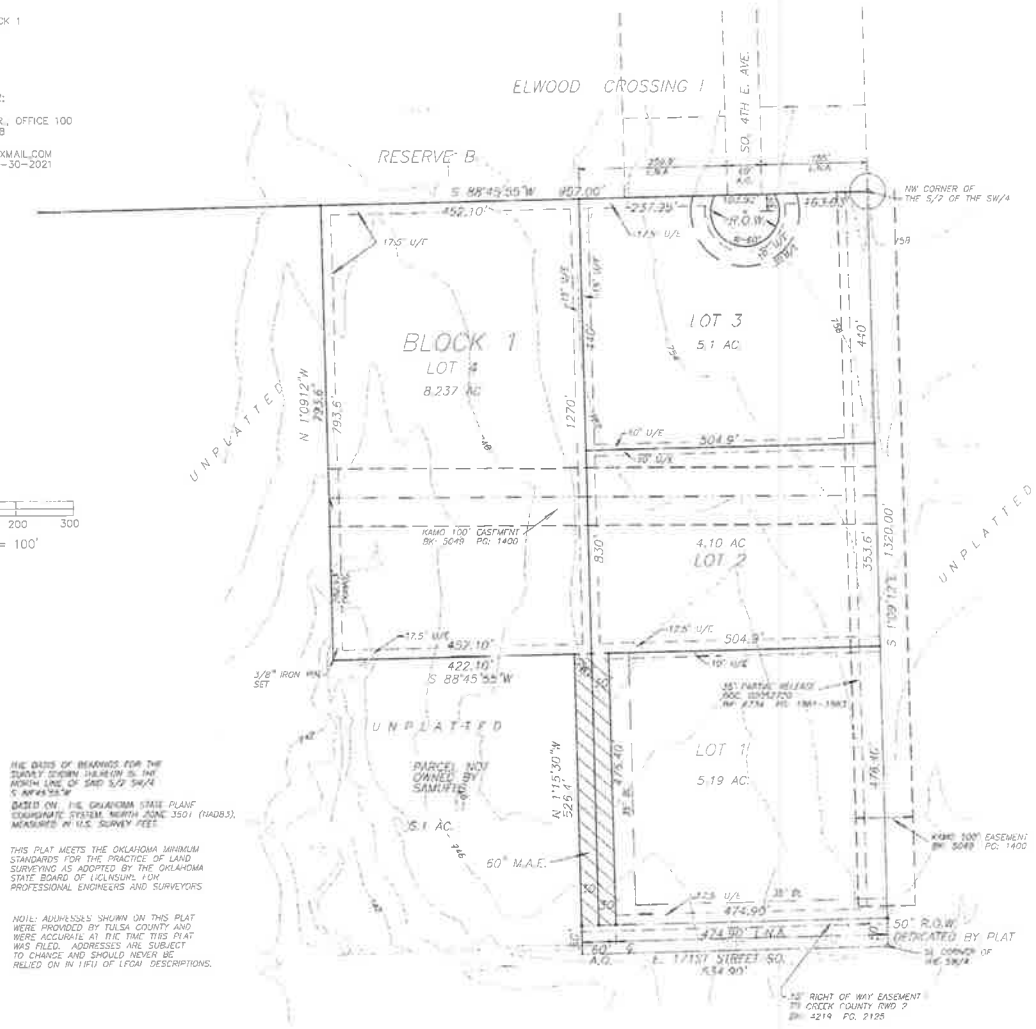
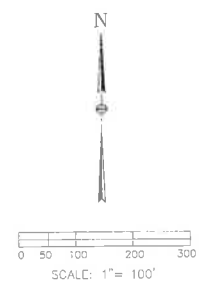
PLAT No. _____

OWNER:
SAMUELS INVESTMENT PROPERTIES, LLC
CONTACT: SHARON SAMUELS
PHONE: 972-832-1045
EMAIL: SAMUELSPROPERTYINVESTMENT@GMAIL.COM
OWNER OF LOTS: 1, 2, & 3, BLOCK 1

OWNER:
RALSTON CUSTOM HOMES, LLC
CONTACT: ROB RALSTON
PHONE: 918-633-3545
EMAIL: JRCONB@TULSACOMMAIL.COM
OWNER OF LOT: 3, BLOCK 1

ENGINEER/SURVEYOR:
JN DONALSON, INC.
12820 SO. MEMORIAL DR., OFFICE 100
BIXBY, OKLAHOMA 74008
PHONE: 918-364-3030
EMAIL: JRCONB@TULSACOMMAIL.COM
C.A. NO. 5811 EXP. 6-30-2021

PRELIMINARY PLAT
GLORY MEADOWS ESTATES
AN ADDITION IN THE SW/4 OF SECTION 25,
T-17-N, R-12-E, TULSA COUNTY, STATE OF OKLAHOMA.



THE DATES OF BEARINGS FOR THE SURVEY SHOWN HEREON IS THE NORTH LINE OF S&D 3/2\"/>

BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE 3501 (NAD83), MEASURED IN U.S. SURVEY FEET.

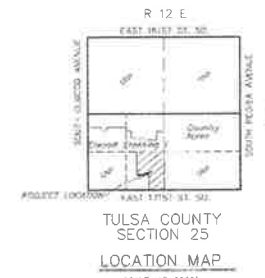
THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSING, FOR PROFESSIONAL ENGINEERS AND SURVEYORS.

NOTE: ADDRESSES SHOWN ON THIS PLAT WERE PROVIDED BY TULSA COUNTY AND WERE ACCURATE AT THE TIME THIS PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN LIEU OF LEGAL DESCRIPTIONS.

CERTIFICATE

STATE OF OKLAHOMA)
COUNTY OF TULSA) SS
I, _____, Tulsa County Clerk, do and for the County and State of Oklahoma hereby certify that the foregoing is a true and correct copy of a file instrument now on file in my office.
Dated the _____ day of _____, 2020.
Deputy _____

FINAL PLAT	
APPROVED BY THE APPROVER	
Tulsa Metropolitan Area Planning Commission	
Approval Date: _____	
_____ CHAIRMAN	
COUNTY ENGINEER	
Bing County Commission	
Approval Date: _____	
_____ CHAIRMAN	
The approval of this Final Plat will expire one year from the date of County Commissioners approval. If not filed in the Office of the County Clerk before that date.	



THROUGHOUT CORNERS:
NE 1/4, S 1/4, NW 1/4, SE 1/4
AREA: 218.00 ACRES
FILE: C:\SAMUELS\SAMUELS1007000
DATE PREPARED: November 2, 2020

LEGEND	
BL	BOUNDARY LINE
CL	CENTER LINE
EA	EASEMENT
EA/DA	EASEMENT DOCUMENT NUMBER
P.O.B	POINT OF BEGINNING
END	END
SW/4	SOUTHWEST QUARTER
SW/4	UNITS OF NO ACCESS
EA	ACCESS OPENING
UNP	UNPLATTED
M.A.E	MUTUAL ACCESS EASEMENT
3/8" IRON PIN SET	

GLORY MEADOWS ESTATES
Date of Preparation
November 2, 2020
Sheet 1 of 3

DEED OF DEDICATION AND RESTRICTIVE COVENANTS
GLORY MEADOWS ESTATES

KNOW ALL MEN BY THESE PRESENTS

Scenic Investment Properties, LLC an Oklahoma Limited Liability Corporation, ("Developer"), its successors or assigns is the owner of the property plotted herein, as Lot 1, 2, 3, 4, Block 1, before plotting being described as follows: described land in Tulsa County, Oklahoma, (the "Property"), to-wit:

A tract of land within the South Half of the Southeast Quarter (S/2 SW/4) of Section 25, T-17-N, R-12-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to-wit:

Commencing at the Southwest corner of the S/2 SW/4, Thence East and along the South line of said S/2 SW/4 a distance of 2153.1 feet to the point of beginning, Thence North a distance of 1320 feet to a point on the North line of said S/2 SW/4, Thence East along the line of said S/2 SW/4 a distance of 422.1 feet; Thence South a distance of 793.6 feet; Thence East 422.1 feet; Thence South 526.4 feet to a point on the South line of said S/2 SW/4, Thence East and along the South line of said S/2 SW/4 a distance of 30 feet to the point of beginning, one.

Commencing at the Southeast corner of the S/2 SW/4, Thence East and along the South line of said S/2 SW/4 a distance of 2163.1 feet to the point of beginning, Thence North a distance of 833 feet; Thence East a distance of 474.8 feet; Thence South 526.4 feet to a point on the South line of the S/2 SW/4, Thence West a distance of 474.8 feet to the point of beginning.

and

Ralston Custom Homes, LLC an Oklahoma Limited Liability Corporation, ("Developer") its successors or assigns is the owner of the property plotted herein, as Lot 2, Block 1, before plotting being described as follows: described land in Tulsa County, Oklahoma, (the "Property"), to-wit:

A tract of land within the South Half of the Southeast Quarter (S/2 SW/4) of Section 25, T-17-N, R-12-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to-wit:

Commencing at the Southwest corner of the S/2 SW/4, Thence East and along the South line of said S/2 SW/4 a distance of 2153.1 feet to the point of beginning, Thence North a distance of 1320 feet to a point on the North line of said S/2 SW/4, Thence East along the North line of said S/2 SW/4 a distance of 504.8 feet to the Northeast corner of said S/2 SW/4, Thence South along the East line of said S/2 SW/4 a distance of 305 feet to a point 933 feet North of the Southeast corner of said S/2 SW/4, Thence East 474.8 feet; Thence South 338 feet to a point on the South line of said S/2 SW/4, Thence along said South line of the S/2 SW/4 a distance of 30 feet to the point of beginning.

The Owners have caused the above described tracts of land collectively the "Plotted Property" to be surveyed, staked, platred and subdivided into four (4) lots and one (1) block, in conformity with the accompanying plat, and have designated the subdivision as "GLORY MEADOWS ESTATES" a subdivision in Tulsa County.

NOW, THEREFORE, the Owners hereby declare that the Plotted Property described above, including both the Developer Property and the Ralston Property, shall be used, managed, sold and conveyed subject to the following covenants, conditions, reservations, easements, liens and charges all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of GLORY MEADOWS ESTATES (the "Addition"). These covenants, conditions, reservations, easements, liens and charges shall run with the real property and shall be binding on all parties having or acquiring any right, title or interest in the Property or any part thereof, and their heirs, successors and assigns.

SECTION 1. EASEMENTS AND UTILITIES

NOW, THEREFORE, the Owners hereby dedicate for the public use the easements and rights of way as shown for the several purposes of conducting, maintaining, operating, repairing, and replacing any and all public utilities, including storm sewers, telephone lines, power lines and transformers, gas lines and water lines, and all other public utilities, together with all fixtures and equipment for each of such facilities, including the poles, wires, conduits, pipes, valves, meters and any other such appurtenances thereto with the right of ingress and egress to and upon such easements and rights of way for the uses and purposes aforesaid, provided, however, that the Developer hereby reserves and it reserves the right to construct, maintain, operate, lay and re-lay water lines together with the right of ingress and egress into, across and along all of the utility easement areas as shown on the plat (or the purpose of furnishing services to the area included within the plat).

The Owners do hereby relinquish the rights of ingress and egress to the (4) lots described above as property within the bounds designated as "Lot 1" of Block "1" and agree that the same shall be used for the purposes aforesaid, reserved, allowed, or approved by the County of Tulsa and approved by the Tulsa County Planning Commission or its successors, or as otherwise provided by the Statutes and laws of the State of Oklahoma pertaining thereto. The foregoing covenants shall be enforceable by Tulsa County, Oklahoma or its successors, and the owner(s) of each lot agrees to be bound thereby.

FURTHER, the Owners, for the purpose of providing and orderly development of the property aforesaid, (hereinafter referred to as "GLORY MEADOWS ESTATES"), met for the purpose of having easements, reservations for the mutual benefit of the Owners of the plotted property, their successors, grantees and assigns, assign, do hereby reserve the following easements and covenants, which shall be enforceable on the lots within GLORY MEADOWS ESTATES.

A. Water, Sewer and Storm Sewer

In connection with the provision for water services and sewer service all of the lots in GLORY MEADOWS ESTATES are subject to the following easements and restrictions, to-wit:

1. Landscaping and Paving Requirements: The owner of each lot shall be responsible for the repair and replacement of any landscaping and paving located within the utility easements in the event it is necessary to repair any underground utility easements or right of way which would substantially endanger, threaten or harm any water-related facility with said easements or right-of-way. If it is determined that any trees or shrubbery situated within said easements or right-of-way, Tulsa County or its successors shall have the right to remove said trees or shrubbery upon five (5) days notice thereof at the lot owner's expense, or within such time the lot owner may remove same.
2. The owner of each lot shall be responsible for the protection of the private sanitary sewer facilities located in or on the lot and shall prevent the infiltration of groundwater or any construction activity which may interfere with the sanitary sewer facility.
3. Sewerage Sewer shall be disposed of by individual on-site (On-Site) Department of Environmental Quality (DEQ) approved septic tanks. No other type of sewer disposal system shall be used. No other type of sewer disposal system shall be installed without written approval from the Developer. All sewer disposal systems shall be installed and maintained in accordance with the rules and regulations set forth by the Oklahoma Department of Environmental Quality.
4. Waterlines less than 4" in diameter are private service lines and the owner, maintenance, repair, removal and/or replacement shall be the responsibility of the property owners served by said service lines.

B. Electric, Telephone, Cable Television and Natural Gas Service

In connection with the installation of underground electric, telephone, cable television and natural gas services, all lots are subject to the following:

1. Overhead pole lines for the supply of electric service, telephone and cable television service may be located along the South, West and East lines of the subdivision. Street light poles or standards may be served by underground cables and elsewhere throughout said addition, no supply lines including electric, telephone, cable television and gas lines, shall be located underground, in the easement ways dedicated for the general utility services on the accompanying plat. Service pedestals and transformers, as sources of supply of secondary voltages, may be located in such easement ways.
2. Except to houses on lots described in paragraph "1" above, which may be served from overhead electric service lines, telephone lines and cable television cables, underground service cables and gas service lines may be run from the nearest service pedestal, transformer or nearest gas main to the point of usage determined by the location and construction of such structure as may be located upon the lot, provided that upon the installation of such service cable or gas service line to a particular structure, the supplier of electric service, telephone service, cable television service, or gas service line to a particular structure, the supplier of the service shall thereafter be deemed to have a definitive, permanent, effective and non-exclusive right-of-way easement on each lot covering a five foot strip extending 2.5 feet on each side of such service cable or line extending from the gas main, electric pedestal or transformer to the service entrance on the structure.

1. The supplier of electric, telephone, cable television and natural gas services, through their proper agents and employees, shall at all times have the right of access to all easement ways shown on the plat, as provided for in the deed of dedication for the purposes of installing, maintaining, removing, or replacing any portion of said underground electric, telephone, cable television or gas facilities installed by the supplier of the utility service.

4. The owner of each lot shall be responsible for the protection of the underground electric, telephone, cable television and natural gas facilities located on his property and shall prevent the infiltration of groundwater or any construction activity which may interfere with said electric, telephone, cable television or natural gas facilities. Each supplier of service shall be responsible for ordinary maintenance of underground electric, telephone, cable television or natural gas facilities, and the owner of each lot shall be responsible for the repair and replacement of such facilities caused or exacerbated by the acts of the owner of such lot or its agents or contractors.

5. The foregoing covenants concerning underground electric, telephone, cable television and natural gas facilities shall be enforceable by the supplier of electric, telephone, cable television or gas service, the developer and the owner of each lot agrees to be bound thereby.

C. Paving and Landscaping Within Easements

The owner of each lot shall be responsible for the repair and replacement of any landscaping and paving located within the utility easements in the event it is necessary to repair any underground utility easements or right-of-way which would substantially endanger, threaten, or harm any water-related facility with said easements or right-of-way. If it is determined that any trees or shrubbery located within and easements or right-of-way are damaging or endangering utilities in said easements or right-of-way, Tulsa County or its successors or assigns shall have the right to remove said trees or shrubbery upon five (5) days notice thereof at the lot owner's expense, or within such time the lot owner may remove same.

D. Storm Sewer

1. Tulsa County or its successors, through its proper agents and employees, shall at all times have the right of access with their equipment to all storm sewer easements for the purpose of installing, maintaining, removing or replacing any portion of the underground storm sewer system.
2. Tulsa County or its successors, shall be responsible for ordinary maintenance of the public storm sewer system, but the owner of each lot will pay for damage or relocation of such system caused or necessitated by acts of the owner of each lot or its agents or contractors.
3. The owner of each lot shall be responsible for the protection of the storm sewer located on the lot and shall prevent the infiltration of groundwater or any construction activity which may interfere with said storm sewer.
4. The owner of each lot shall be responsible for the protection of the storm sewer located on the lot and shall prevent the infiltration of groundwater or any construction activity which may interfere with said storm sewer.
5. The owner of each lot shall be responsible for the protection of the storm sewer located on the lot and shall prevent the infiltration of groundwater or any construction activity which may interfere with said storm sewer.

SECTION II. RESTRICTIONS AND PROTECTIVE COVENANTS

For the purpose of providing an orderly development of the Addition and for maintaining conformity of the improvements therein, the following restrictions and covenants are hereby imposed upon the use and occupancy of the lots within the Addition:

ARCHITECTURAL GUIDELINES

1. To approve all plans for any structure to be built on any lot;
2. To be responsible for interpreting the development and construction standards contained herein;
3. No building or improvements may be commenced on the Restricted Lots without first obtaining the written approval from Tulsa County and the Developer. The architectural plans to be submitted and approved by Tulsa County and the Developer shall include, at a minimum, the following with regard to each improvement to be constructed on any lot in the Addition:
 - a. An accurate site plan;
 - b. An accurate floor plan;
 - c. All exterior elevations;
 - d. Any other plan or information requiring the approval of Tulsa County or its representatives pursuant to Section I of this Deed of Dedication.
4. The Developer (its successor(s) or assigns) shall have the right to enter upon any lot and any dwelling or improvements on the Restricted Lots at any time during construction, with or without notice to the lot owner or his contractors for the purpose of inspecting any improvements being constructed thereon, to determine if said improvements are in compliance with the approved plans and specifications, the architectural guidelines and the covenants.
5. No Warranty as to Plans. Notwithstanding anything herein to the contrary, the Developer, its successor(s) or assigns shall not be liable for any approval, disapproval or failure to approve any plans or specifications hereunder, and its approval of building plans shall not constitute a warranty of or responsibility for building methods, materials, proportions, structural design, grading, drainage, restriction covenant compliance or code compliance. The approval, disapproval or failure to approve any building plans shall not be deemed a waiver of any restrictions unless the Developer (its successor(s) or assigns) is herein authorized to grant the same. It is the responsibility of each lot owner, and not the Developer (its successor(s) or assigns), to insure that subject lot, and all improvements thereon, are and shall be in full compliance with all applicable codes, ordinances and requirements and covenants and restrictions imposed upon the Addition.

B. RESIDENTIAL DWELLING AND LOT IMPROVEMENTS

In addition to the architectural guidelines provided herein, the following standards shall apply to all dwellings and improvements on the Restricted Lots:

1. Dwellings. Unless waived by the Developer in writing, the following standards shall apply to all dwellings on the Restricted Lots:

- a. Dwelling Size. All single story dwellings shall have a minimum living space of at least 2,200 square feet. Dwellings in excess of a single story shall have a minimum living space of 1,500 square feet of the lower level and a total minimum living space of at least 2,200 square feet. Square footage shall be computed on measurements over back of the living space exclusive of porches, patios, and garages.

- b. Masonry. All dwellings shall have at least seventy percent (70%) of exterior walls thereof comprised of masonry. The front exterior walls of the dwelling shall be comprised of brick, stone or stone in the first floor plate line, provided, however, that the area of all windows, covered porches and doors located in the exterior walls shall be included in the determination of the area of masonry. Masonry shall be constructed of masonry in a pattern of brick or stone or similar exterior construction material in lieu of brick, stone or stone. All exposed foundations shall be of masonry, brick, stone or stone.

- c. Patio Covers and Porches. All patio covers and porches shall be an integral part of the residence such that they are contained within the mainline and shall be constructed with the same design, change color and materials as the residence.

- d. Driveways. All driveways shall be at least four (4) feet wide and shall extend to the edge of the street or E. 17th Street South.

The drainage culverts underneath the driveway adjacent to a street or E. 17th Street South shall be made of CIP or HDPE pipe or equal to or better and the ends of such culverts shall not extend beyond the house. All culverts adjacent to a street, shall be carefully set on grade so as to permit the free flow of storm water through the culvert.

- e. Roof Materials, Pitch. The roof of the dwelling shall have a pitch of at least 5/12 over 75 percent of the total roof area, and none of the roof area shall have a pitch of less than 6/12. Roof materials shall be shingles II or equal composition shingles and/or metal roofs and shall be dark earth tone in color to resemble weathered wood. All exterior roof vents and plumbing shall be painted to match the color of the dwelling.

- f. Chimneys. All chimneys shall contain a brick veneer or masonry conforming to the dwelling up to the bottom flange line.

- g. Vents and Chimney Caps. All exposed steel metal flashings, vent pipes and chimney caps shall be painted.

2. Set-back Lines. No buildings, outbuildings, structures, or parts thereof shall be constructed or maintained on lots nearer to the property lines than the set-back lines provided herein or within the accompanying plat. Unless otherwise provided by easement or set-back lines shown on the accompanying plat, the minimum building set-back lines for dwellings or other outbuildings, structures shall be:

Front yard:	30 feet
Side yard:	25 feet
Other side yard:	25 feet
Rear yard:	25 feet

3. Outbuildings. All outbuildings shall be erected and maintained even with or behind the front line of the residence. All outbuildings are to be constructed of masonry, metal, masonry, brick, stone, wood or stone. No existing or proposed building structure shall be moved onto or placed on any lot unless approved in writing by the Developer, his successor(s) or assigns. Outbuildings greater than 3000 sq ft must be approved by the Developer, its successor(s) or assigns and Tulsa County.

4. No mobile homes or manufactured housing units shall be maintained, placed, or permitted on any lot in GLORY MEADOWS ESTATES.

5. No structure of a temporary character, trailer, basement, shack, garage, barn or other outbuilding erected on any lot in GLORY MEADOWS ESTATES, shall be used as a residence, except, however, during summer in a home or other outbuilding may be used occasionally for lodging purposes and/or may be used for residential purposes for no more than six (6) consecutive years (six), including during the construction of a single family residence on the lot, which shall not be more than one (1) year.

6. Antennae. No television, radio, or other antennae, and no reception devices exceeding fifteen (15) inches in diameter shall be constructed or maintained on any lot. Cellular towers or other communications facilities of substantial size are prohibited.

C. LOT USE AND RESTRICTIONS

1. Lot Use. Restricted Lots shall be used only for residential single family purposes. No lot shall be used for any business, commercial or manufacturing purposes, provided, however, the Developer may permit a model home or similar sales office to be implemented and maintained by a builder for a fixed time period, at the Developer's sole discretion. No Restricted Lot may be subdivided to accommodate two or more separate owners or dwellings. No structure shall be placed, altered, erected or permitted to remain on any restricted lot which exceeds three (3) stories in height. Structures not meeting a specific building code identified by Tulsa County may not be constructed on any lot.

2. Noise/Harassment. No noxious or offensive activity of any kind shall be permitted nor shall anything be done on any Restricted Lot which may be or may become an annoyance or nuisance to the Addition. No exterior speakers, horns, whistles, bells, or other sound devices, except security and fire devices used exclusively for security and fire purposes, shall be located, used or placed on a Restricted Lot. Activities expressly prohibited are those which may be offensive by reason of odor, fumes, dust, smoke, noise, vibration, or pollution, or which are hazardous by reason of excessive digging, fire, or explosion.

3. Animals.

Horses and cattle may be maintained, pastured and kept on a Restricted Lot. Animals shall not be kept, bred or maintained for any commercial purposes and shall not be permitted on any lot which does not contain a dwelling being used as a residence. Hogs/pigs are not allowed to be kept on any lot.

4. Lot Maintenance. All residential lots shall be kept at all times in a neat, attractive, healthful and sanitary condition, and the owner or occupant of all Restricted Lots shall keep all weeds and grass thereon cut and shall in no event use any residential lot for storage of materials or equipment except for normal residential requirements or incident to construction of improvements thereon as herein permitted, or permit the accumulation of garbage, trash or rubbish of any kind thereon. All yard equipment or storage piles shall be kept screened from view of neighboring lots, streets, or other property.

5. Wind Generators. No wind generators shall be installed on any Restricted Lot.

6. Swimming Pools. Above-ground pools are prohibited, unless approved by the Developer. All pool service equipment shall be fenced.

7. Clothes Lines. The drying of clothes in public view is prohibited.

8. Aircraft. No helicopters, hovercraft, or other aircraft shall be landed, stored or parked on a Restricted Lot.

9. Storage. No outside storage or keeping of building materials, or salvage shall be permitted. Building materials may be stored for a period of thirty (30) days prior to the start of construction. Construction shall be completed within nine (9) months after the pouring of the footing. Inoperative vehicles or machinery shall be stored in an enclosed garage.

10. Vehicles. A maximum of (2) recreational vehicles, travel trailers and boats, or any combination thereof (collectively Recreational Vehicles) shall be stored outside on any lot. The same shall be stored or parked in enclosed trailers at all times even with or behind the residence. Recreational vehicles in excess of two (2), must be stored in an enclosed garage or outbuilding.

11. Signs. No sign of any kind shall be displayed to the public view on any residential lot, except one sign of not more than twelve (12) square feet.

12. Waste. No residential lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other wastes. All waste must be kept in sanitary containers and all equipment for storage or disposal of such material on all Restricted Lots shall be kept in a clean neat and orderly manner. All residential lots and all easements thereon shall be kept clean, neat and ordered to the street.

13. Compliance with Code. All lots are subject to the applicable uses, and other restrictions, building codes and requirements of Tulsa County.

SECTION III. DEVELOPER'S RESERVED RIGHTS

1. In General. In addition to any rights or powers reserved or granted to the Developer under the provisions of this GLORY MEADOWS ESTATES Declaration, the Developer shall have the rights and powers set forth in this Section. Nothing in this Declaration shall be construed to limit the authority set forth in Article shall govern. The authority granted to the Developer by this Section shall terminate and be of no further force and effect at such time as Developer has conveyed all of the lots in GLORY MEADOWS ESTATES.

2. Reservation of GLORY MEADOWS ESTATES. In connection with the promotion, sale of or any improvements upon any property in GLORY MEADOWS ESTATES, (A) Developer shall have the right and power, within its sole discretion, to construct for any use, use, temporary or permanent improvement, or to do any other or other things in, or to such property as Developer may determine to be necessary including, without limitation, the right to construct and maintain model homes, sales or leasing offices, parking area, advertising signs, lighting and banners, or other promotional facilities at such locations and in such forms as Developer may deem advisable.

3. Construction on the Property Within the Addition. Developer is hereby granted the right and power to make such improvements to any unsold lot within the Addition as Developer deems to be necessary as appropriate. Developer may permit such builders and other contractors access to and upon the unsold lots as Developer may wish and subject to such limitation and condition as Developer may require. Developer and its respective agents and contractors shall have the right of ingress, egress and parking on such unsold lots and the right to store construction equipment and materials thereon unsold lots without the payment of any fee or charge whatsoever.

4. Other Rights. Developer shall have the right and power to execute all documents and do all other acts and things necessary in connection with any matter under this Declaration.

SECTION IV. ENFORCEMENT

1. SEVERABILITY

If any event should determine any provision is invalid or invalid as applied in a particular instance, such determination shall not affect the validity of other provisions or applications of this Plat, Deed of Dedication and Restrictive Covenants.

2. ENFORCEMENT

Every owner and occupant of a lot shall comply with the applicable provisions of this Plat, Deed of Dedication and Restrictive Covenants, as provided by the preamble of Section II above.

3. CORRECTION/AMENDMENT

In the event that the owner of any lot shall violate any applicable covenant herein, the Developer shall have the right, upon five (5) days advance notice to the owner of the lot where the covenant violation(s) exists, and provided such violation is not corrected within the time period provided for in the notice, to enter upon said lot to remedy the violation(s). The cost for curing the violation(s) shall thereupon be assessed against the lot and shall be a lien on such lot, which may be enforced and foreclosed pursuant to the provisions of 42 Oklahoma Statutes Sections.

SECTION V. MISCELLANEOUS AMENDMENT

1. NO WAIVER

The failure of the Developer, Owners, or any successor in title, to enforce any other restriction or covenant, or condition of any time, shall not be deemed to be a waiver or relinquishment of any right or remedy, nor a modification of these restrictions and protective covenants.

2. SEVERABILITY

Invalidation of any one of these covenants, restrictions or conditions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

3. DISCLAIMER OF WARRANTY

Except as expressly provided in writing, Owners make no warranty, expressed or implied, regarding the accuracy, including (without limitation) any improvements thereon, the sufficiency of utilities, the improvement, including without limitation any easements or limited warranty of marketability, habitability, fitness or suitability for any particular purpose or use, or any warranty of title.

4. BINDING EFFECT/AMENDMENT

The covenants, conditions and restrictions of this declaration shall run with the land, and shall be binding upon all parties and all persons claiming under them, and shall inure to the benefit of and be enforceable by the Developer, and the owner of any lot, their respective legal representatives, heirs, successors and assigns, for a term of fifteen (15) years from the date this declaration is recorded, after which time said covenants shall be automatically extended for successive period of ten (10) years. The covenants and restrictions of this declaration may be amended, in whole or in part, modified, added to or changed at any time during the first fifteen (15) year period by an instrument signed by the Developer, its successor(s) or assigns and thereafter at any time by an instrument signed by the Developer, its successor(s) or assigns, so long as Developer owns a lot.

5. SPECIAL AMENDMENT

This Plat, Deed of Dedication and Restrictive Covenants (the "Declaration") may be amended unilaterally by Developer at any time (i) if such amendment is necessary to bring any provision hereof into compliance with any applicable governmental statute, rule or regulation or judicial determination which shall be in conflict therewith; (ii) if such amendment is required by an institutional or governmental lender or purchaser of mortgage loans, to enable such lender or purchaser to make or purchase mortgage loans on the property subject to this Declaration; (iii) if such amendment is necessary to enable any governmental agency or financial institution to insure mortgage loans on the property subject to this Declaration; (iv) to correct errors and make clarifications or additions in this Declaration; or (v) to modify or add to the provisions of this Declaration to adequately cover situations and circumstances which Developer believes, in its reasonable judgment, have not been adequately covered and would not have a material and adverse effect on the marketability of lots. In furtherance of the foregoing, a power coupled with an interest is hereby reserved and granted to Developer to make or consent to any such amendment on behalf of each owner. Each deed, mortgage, other evidence of obligation or other instrument affecting a lot and the covenants thereon shall be deemed to be a grant and acknowledgment of, and consent to the reservation of, the power to Developer to make, execute and record such amendments. The right and power of the Developer to make such amendments hereunder shall terminate at such time as Developer has sold and conveyed all of its lots in the Addition.

In witness whereof, Darin Samuels and Sharon Samuels, owners of Lots 1, 2 and 4, Block 1, have executed this instrument this _____ day of _____, 2021.

Darin Samuels, Manager
Owners of Lots 1, 2, 4, Block 1

Sharon Samuels, Manager
Owners of Lots 1, 2, 4, Block 1

STATE OF OKLAHOMA

COUNTY OF TULSA

Before me, a Notary Public in and for said state and county, on this _____ day of _____, 2021, personally appeared Darin Samuels, manager of Samuels Investment Properties, LLC, to me known to be the identical person who subscribed the name of Samuels Investment Properties, LLC, on Oklahoma Limited Liability Corporation, to the foregoing instrument as, Managers, and acknowledged to me that they executed the same as their free and voluntary act and deed and the free and voluntary act of such company for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

My commission expires: _____

Commission No. _____

Notary Public

In witness whereof, Rob Ralsion, owner of Lot 3, Block 1, has executed this instrument this _____ day of _____, 2021.

Rob Ralsion, Manager
Owner of Lot 3, Block 1

STATE OF OKLAHOMA

COUNTY OF TULSA

Before me, a Notary Public in and for said state and county, on this _____ day of _____, 2021, personally appeared Rob Ralsion, manager of Rob Ralsion Homes, LLC, to me known to be the identical person who subscribed the name of Rob Ralsion Homes, LLC, on Oklahoma Limited Liability Corporation, to the foregoing instrument as Manager, and acknowledged to me that he executed the same as his free and voluntary act and deed and the free and voluntary act of such company for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

My commission expires: _____

Commission No. _____

Notary Public

SURVEYOR'S CERTIFICATE

I, Charles K. Howard, a Registered Land Surveyor in the State of Oklahoma, hereby certify that I have fully complied with the requirements of this regulation and the subdivision laws of the State of Oklahoma governing surveys, dividing and mapping of the land; that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it; and, that the plat represents a survey made under my direct supervision.

WITNESS my hand and seal this _____ day of _____, 2021.

Charles K. Howard, P.L.S. #257

STATE OF OKLAHOMA
COUNTY OF TULSA

Before me, the undersigned, a Notary Public in and for said County and State, on this _____ day of _____, 2021, personally appeared Charles K. Howard to me known to be the identical person who executed the foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

Notary Public

My Commission expires: _____



Tulsa Metropolitan Area
Planning Commission

Case Number: CPA-91
Comprehensive Plan Amendment
(Related to Z-7576)

Hearing Date: December 2, 2020

Case Report Prepared by:

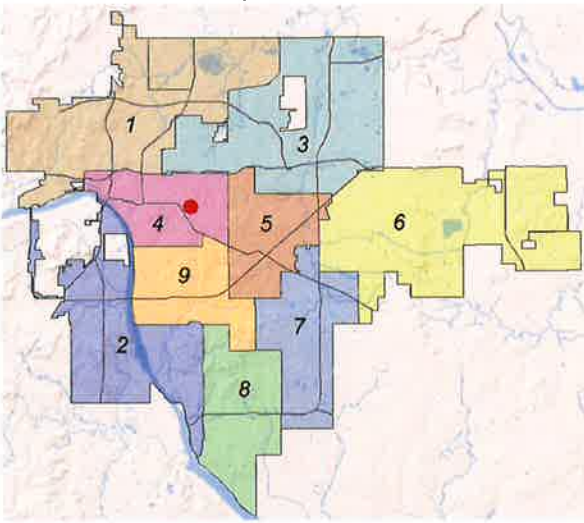
Jani Wertin

Owner and Applicant Information:

Applicant: Ricky Powell

Property Owner: Peace of Mind Investments

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Land Use Map change from ***Existing Neighborhood*** to ***Main Street***

Tract Size: 0.16 + acres

Location: North of Northwest corner of East 15th
Street South & South Evanston Avenue

Comprehensive Plan:

Land Use Map

Existing: *Existing Neighborhood*

Proposed: *Main Street*

Stability and Growth Map

Existing: *Area of Growth*

Zoning

Existing Zoning: RS-3

Proposed Zoning: OL

Staff Recommendation:

Staff recommends ***approval*** of the proposed
Main Street land use designation.

City Council District: 4

Councilor Name: Kara Joy McKee

County Commission District: 2

Commissioner Name: Karen Keith

TMAPC Staff Report

CPA-91

Comprehensive Plan Amendment

Property Information and Land use Request

The applicant has submitted the following Comprehensive Plan amendment request to amend the land use designation of the 0.16 ± acre subject property from *Existing Neighborhood* to *Main Street*. This request is accompanied by a concurrent re-zoning request (Z-7576), which proposes a zoning change from RS-3 to OL for a vertical mixed-use building.

Background

The parcel involved in this Comprehensive Plan amendment request is located east of Downtown, north of the northeast corner of East 15th Street South and South Evanston Avenue, and abuts residential to the north and west, an autobody paint shop to the east, and parking to the south. While the property directly abutting the subject property to the south is zoned RS-3, only one of the properties between the subject property and East 15th Street South is currently being utilized for residential purposes and it is zoned OL. All properties in this strip carry an Area of Growth designation. According to the applicant, the subject property has been utilized since the 1920s as a vertical mixed-use building with a wiring repair service and living quarters sharing the building, which can be seen in the pictures provided.

As there are no other plans that cover this area that offer land use recommendations, the 2010 Tulsa Comprehensive Plan solely provides guidance regarding land use for this area.

Existing Land Use and Growth Designations

An *Existing Neighborhood* land use designation was assigned to the area subject to the amendment request at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

“The Existing Neighborhood category is intended to preserve and enhance Tulsa’s existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.”

When the Tulsa Comprehensive Plan was developed and adopted in 2010, the subject tract was designated as an *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.”

Proposed Land Use Designation (Tulsa Comprehensive Plan)

The applicant is proposing the *Main Street* land use designation for the subject property:

“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.”

Zoning and Surrounding Uses

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Growth	Residential
East	RS-3	Existing Neighborhood	Growth	Auto paint shop
South	RS-3	Main Street	Growth	Parking
West	RS-3	Existing Neighborhood	Stability	Single-family Detached

Applicant’s Justification

As part of the amendment application, the applicant is asked to justify their amendment request. Specifically, they are asked to provide a written justification to address:

1. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area;

2. How changes have impacted the subject site to warrant the proposed amendment; and;
3. How the proposed change will enhance the surrounding area and the City of Tulsa.

"It is my understanding conditions in the subject area are planned to receive road upgrades soon in the 15th street corridor which would facilitate office light zoning. There are currently no single-family zoned properties between the subject and 15th street that are being used as SFR's. The lot immediately to the south is zoned RS3 and is currently being used as a parking lot. The lots across Evanston are also RS3 and being used for parking. The only residential property between the subject and 15th street is a multifamily dwelling 2 lots to the south.

The current use of the surrounding property would be better suited as an office due to the surrounding properties not being used for residential purposes. The subject property has previously been used as a commercial building as shown in provided photos.

The proposed change will enhance the surrounding area and city due to renovations that will take place if office zoning is approved. The city will benefit with new office that meets the business needs of today and is not functionally obsolete. The new office building will have very light traffic and will be an open space on the ground floor with an apartment loft upstairs."

Staff Summary & Recommendation

The 0.16 + acre subject parcel is located east of Downtown, north of the northeast corner of East 15th Street South and South Evanston Avenue, and abuts residential to the north and west, an autobody paint shop to the east, and parking to the south. The applicant has requested both a Comprehensive Plan amendment and a concurrent re-zoning (Z-7576) to change the land use designation from *Existing Neighborhood* to *Main Street*, as well as change the zoning from RS-3 to OL in order to permit vertical mixed-use building.

According to the applicant, the subject property has been utilized since the 1920s as a vertical mixed-use building, which can be seen in the pictures provided by the applicant. The site's history, the infrastructure improvements and the transitional location of this property, make the site well suited for a Main Street land use designation. The Area of Growth designation on the property indicates that it was envisioned this be redeveloped and an OL zoning district with a vertical mixed-use building is an appropriate transition between the commercial to the south and the neighborhood to the north.

Given the existing fabric and mix of uses in the area, staff recommends **approval** of the *Main Street* land use designation as requested by the applicant.

WRITTEN JUSTIFICATION

1. How conditions of the subject area and its surrounding properties have changed.

It is my understanding conditions in the subject area are planned to receive road upgrades soon in the 15th street corridor which would facilitate office light zoning. There are currently no single family zoned properties between the subject and 15th street that are being used as SFR's. The lot immediately to the south is zoned RS3 and is currently being used as a parking lot. The lots across Evanston are also RS3 and being used for parking. The only residential property between the subject and 15th street is a multifamily dwelling 2 lots to the south.

2. How those changes have impacted the subject area to warrant the proposed amendment.

The current use of the surrounding property would be better suited as an office due to the surrounding properties not being used for residential purposes. The subject property has previously been used as a commercial building as shown in provided photos.

3. How the proposed change will enhance the surrounding area and the City of Tulsa.

The proposed change will enhance the surrounding area and city due to renovations that will take place if office zoning is approved. The city will benefit with new office that meets the business needs of today and isn't functionally obsolete. The new office building will have very light traffic and will be an open space in the ground floor with an apartment loft upstairs.





MLS

Ricky Powell

Search

Clear all

SplitMapList

Hybrid

Parcel

Subject

Current parking lots

Export

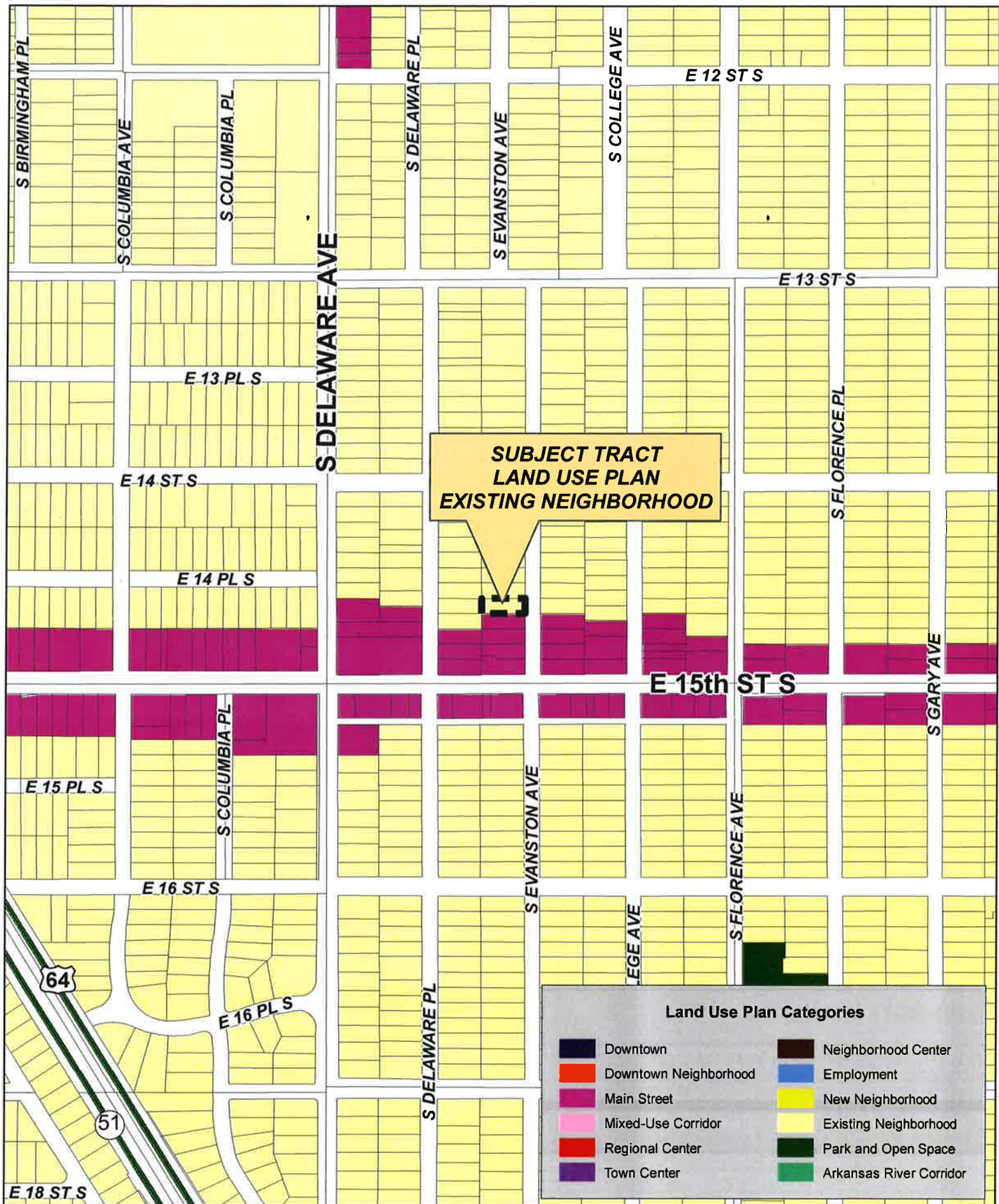
Print

Email

Labels

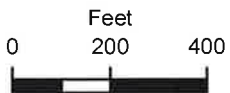
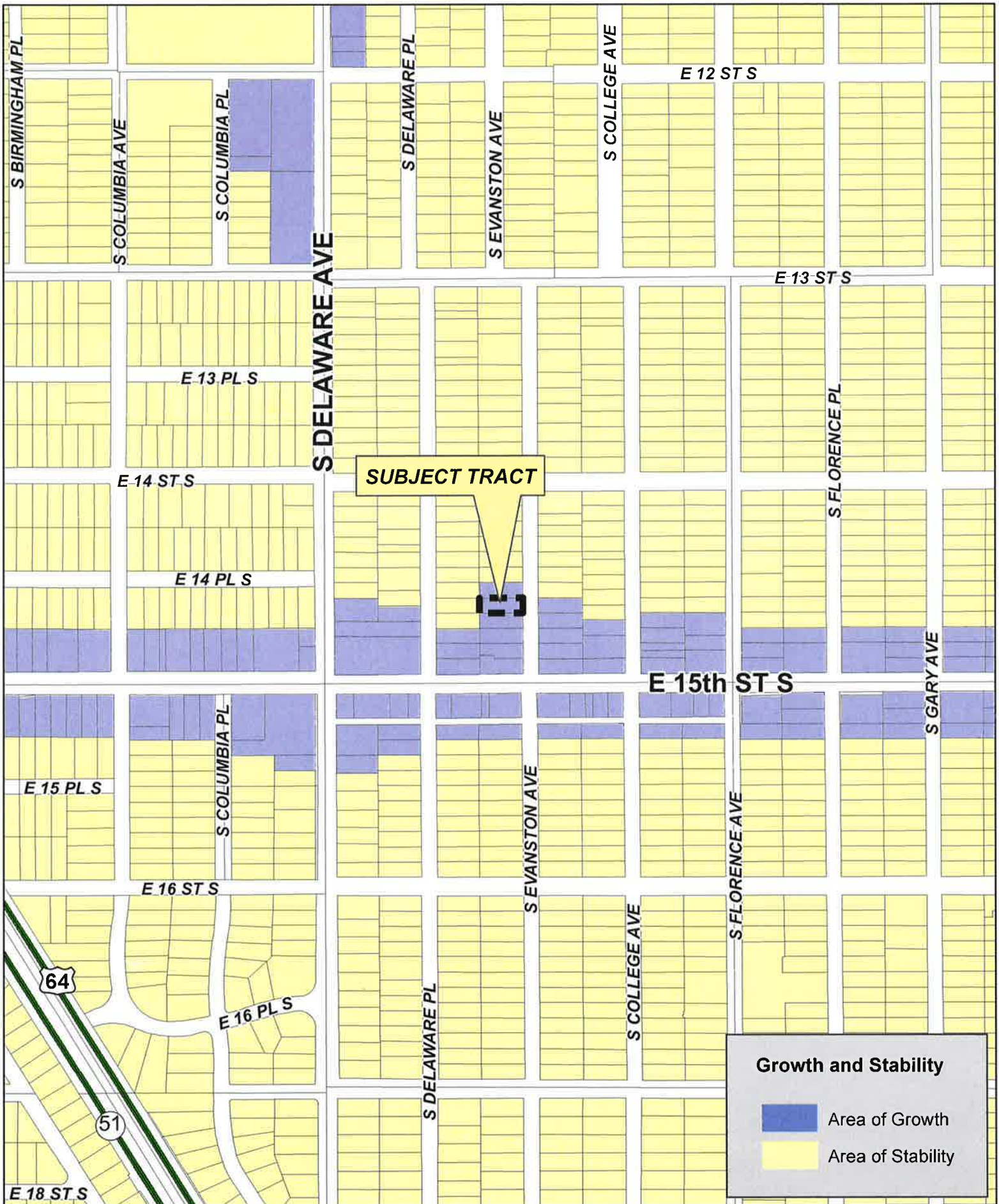
Postcards

Reports



CPA-91

19-13 08

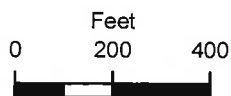


CPA-91

19-13 08

6-9





Subject
Tract

CPA-91

19-13 08

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

Aerial Photo Date: February 2018



6-10



0 Feet 50 100



Subject
Tract

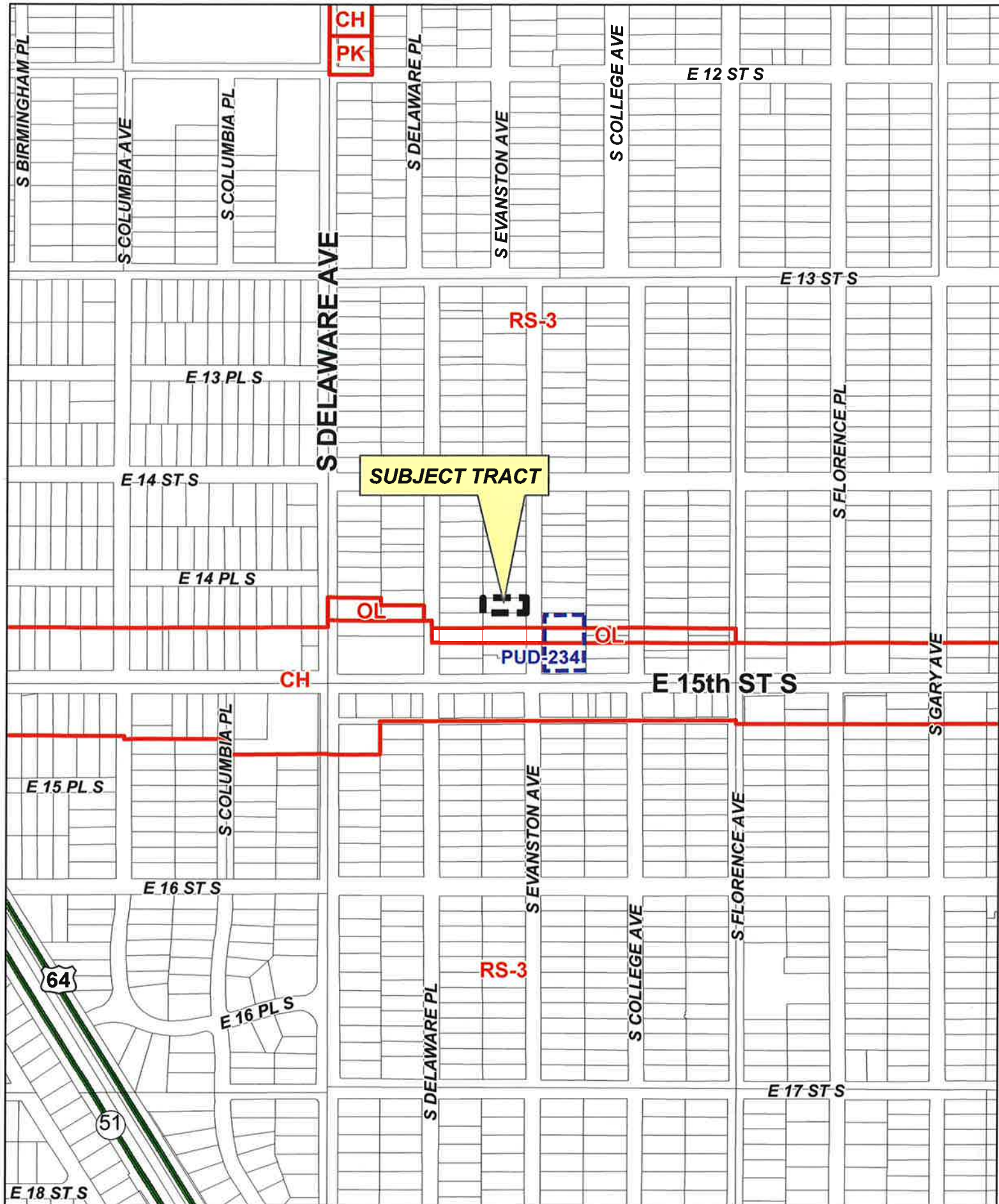
CPA-91

19-13 08

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

Aerial Photo Date: February 2018





CPA-91

19-13 08

6-12





Tulsa Metropolitan Area
Planning Commission

Case Number: Z-7576

(Related to CPA-91)

Hearing Date: December 2, 2020

(Continued from October 21, 2020)

Case Report Prepared by:

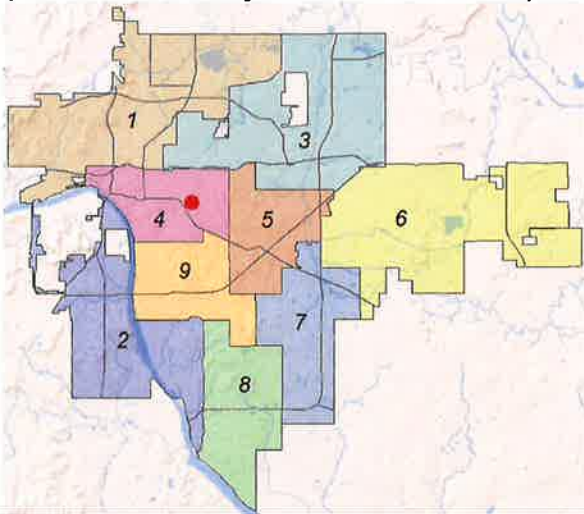
Dwayne Wilkerson

Owner and Applicant Information:

Applicant: Ricky Powell

Property Owner: Peace of Mind Investments

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Residential

Proposed Use: Vertical Mixed-use in an existing building

Concept summary: Rezoning request to support vertical mixed-use building.

Tract Size: 0.61 ± acres

Location: North of Northwest corner of East 15th Street South & South Evanston Avenue

Zoning:

Existing Zoning: RS-3

Proposed Zoning: OL

Comprehensive Plan:

Existing Land Use Map: Existing Neighborhood

Proposed Land Use Map: Main Street

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval for OL zoning as requested by applicant but only with concurrent approval of land use map amendment.

Staff Data:

TRS: 9308

CZM: 37

City Council District: 4

Councilor Name: Kara Joy McKee

County Commission District: 2

Commissioner Name: Karen Keith

SECTION I: Z-7576

DEVELOPMENT CONCEPT: The applicant has submitted a request to rezone from RS-3 to OL to allow a vertical mixed-use building with office downstairs and apartment upstairs. The applicant proposes to repurpose an existing 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:
 - Historical photographs

DETAILED STAFF RECOMMENDATION:

Z-7576 requesting OL zoning allows uses and building types that are not consistent with the Existing Neighborhood land use designation however the existing building has been part of the neighborhood edge for decades and repurposing the building as allowed in an OL district is consistent with the expected future development pattern in the area and the proposed Main Street land use designation that has been submitted by the applicant and,

The Area of Growth anticipates redevelopment opportunities however the uses and building types in an OL zoning district are not consistent with the anticipated development pattern in an Existing Neighborhood land use designation therefore,

Staff recommends approval of Z-7576 to rezone property from RS-3 to OL but only with concurrent approval of land use map amendment to Main Street.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: OL zoning can sometimes be a suitable transition edge between a commercial corridor and a residential neighborhood. In this instance the Comprehensive Plan recognizes this as an Area of Growth with anticipated redevelopment opportunities, but the Existing Neighborhood land use designation does not support the concept of light office zoning. The property abuts a Main Street land use designation and staff supports amending the land use map to expand the Main Street land use designation that supports the idea of OL zoning on this property.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

The Existing Neighborhood category is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In

cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

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 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 includes a two-story building with gravel parking in the front. The access to the site appears to be shared with the abutting property owner to the north.*



Environmental Considerations:

Streets:

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

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Growth	Residential
East	RS-3	Existing Neighborhood	Growth	Auto paint shop
South	RS-3	Main Street	Growth	Parking
West	RS-3	Existing Neighborhood	Stability	Single Family Detached

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11815 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-21854 March 2015: The Board of Adjustment **approved** the request for a *Variance* of the allowed driveway coverage in the required front yard from 34% to 44% and a *Variance* to allow two (2) unconnected parking areas (Section 1301.C and Section 1303.D), subject to the conceptual plan on page 3.9, finding that the property has historically been used for commercial parking and the changes to be made are less impactful than would be as the property is

historically a parking lot, on property located at 1428 South Evanston. This case includes the subject property and some surrounding properties.

Surrounding Property:

BOA-22719 August 2019: The Board of Adjustment **denied** the applicant's *Verification of Spacing* to permit a medical marijuana dispensary, due to the presence of another medical marijuana dispensary within 1,000 feet of the proposed dispensary, on property located at 1444 South College Avenue East.

BOA-22628 May 2019: The Board of Adjustment **approved** the applicant's *Verification of Spacing* to permit a medical marijuana dispensary, on property located 2811 East 15th Street South & 1442 South Delaware Place East.

Z-7306 July 2015: All concurred in **approval** of a request for *rezoning* a .16± acre tract of land from RS-3 to OL for a medical office and parking, on property located north of the northwest corner of South Delaware Place and East 15th Street.

Z-7293 June 2015: All concurred in **approval** of a request for *rezoning* a .24± acre tract of land from RS-3 to OL for a medical office and parking, on property located north of the northeast corner of South Delaware Avenue and East 15th Street.

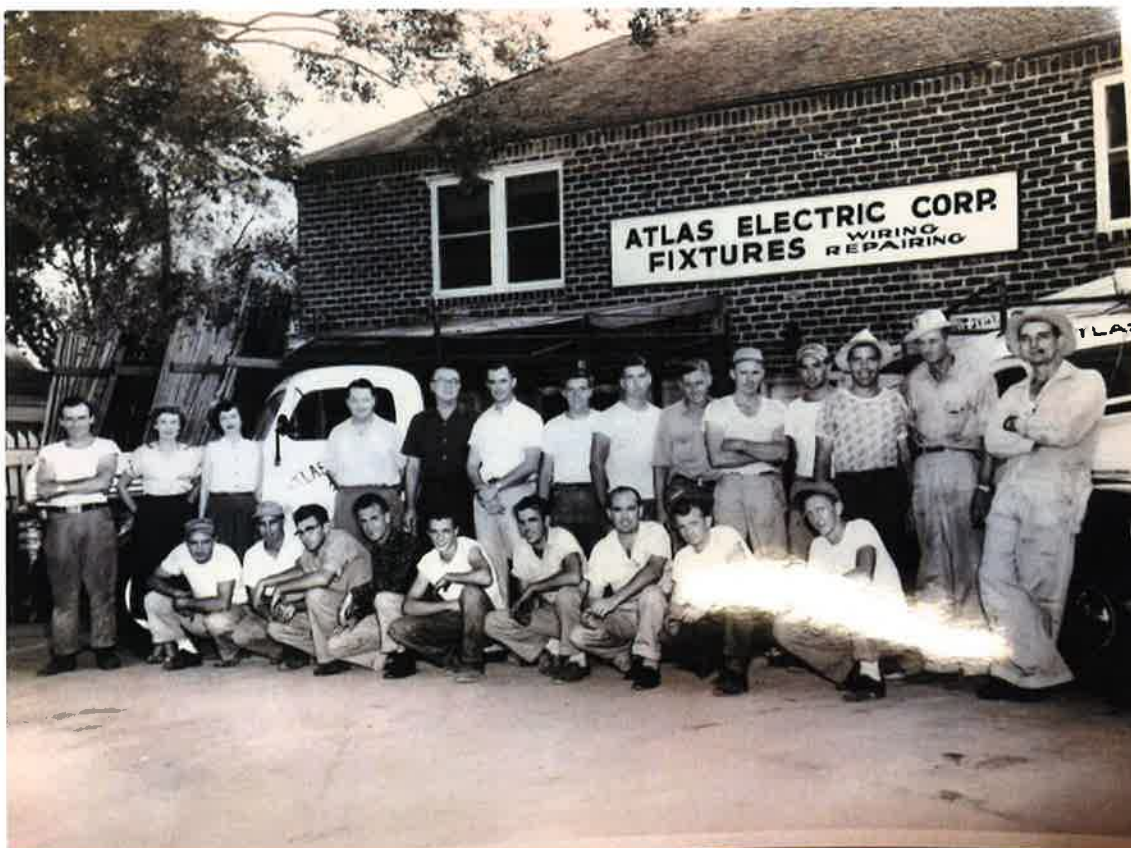
PUD-234 June 1980: All concurred in **approval** of a proposed *Planned Unit Development* on a .85± acre tract of land for an existing autobody and repair shop, as well as proposed expansion to this shop, on property located northeast corner of 15th Street and Evanston Avenue.

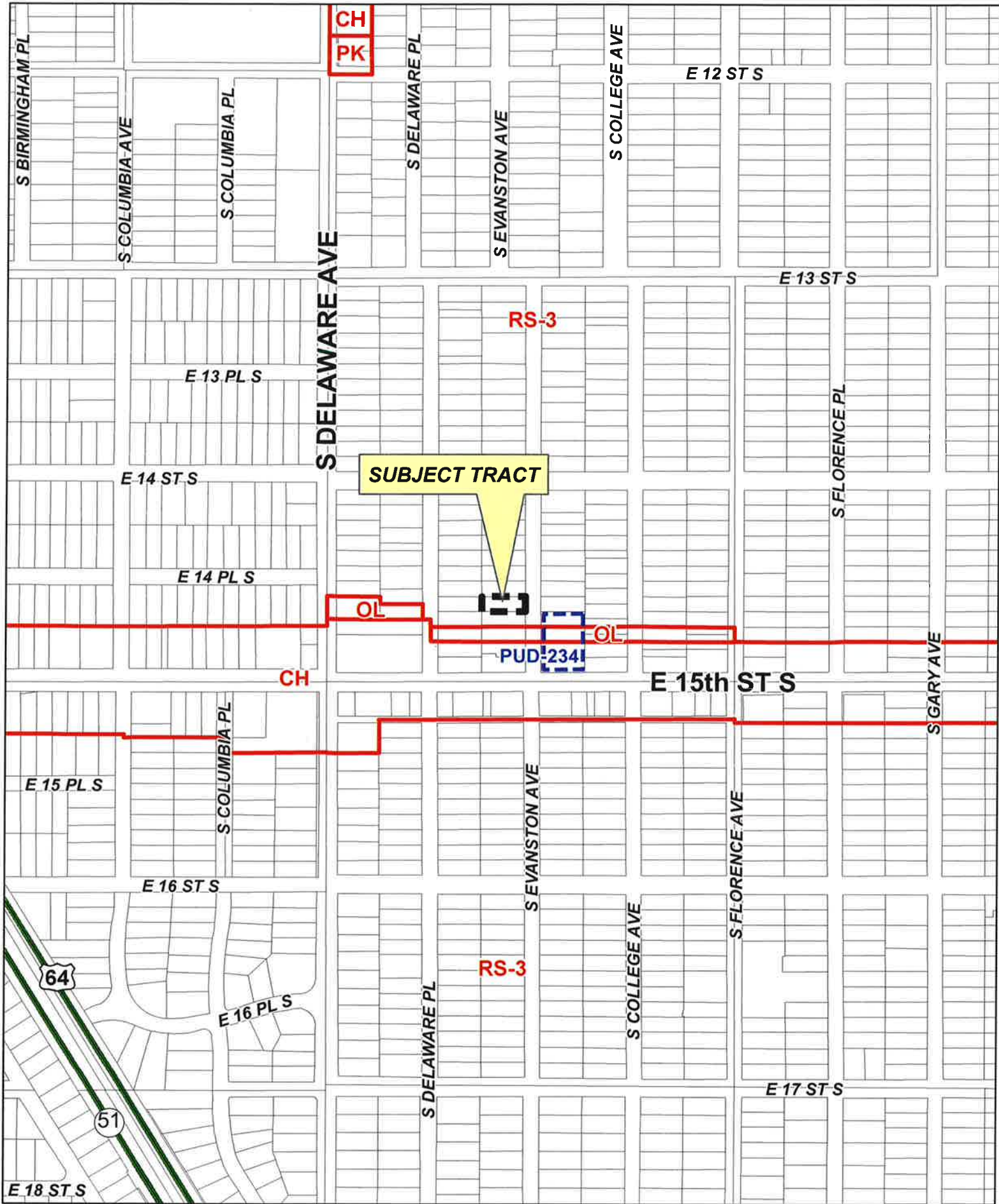
BOA-06019 September 1968: The Board of Adjustment **approved** a *Variance* of the permitted use provisions of U-3E Section 5 (n), to permit the operation of a sign shop, on property located 2834 East 15th Street.

BOA-06016 September 1968: The Board of Adjustment **approved** a *Variance* of the permitted use provisions of U-3E Section 5 (n), to permit a sign business, including the manufacture of signs as specified by the applicant, on property located at 2915 East 15th Street.

BOA-02862 August 1956: The Board of Adjustment **granted** a permission to extend a non-conforming use (being used for paint and body shop), on property located at Lots 27 & 28, Block 7, Rosemont Heights.

10/21/2020 1:00 PM





CH
PK

SUBJECT TRACT

RS-3

OL

PUD-234

OL

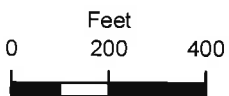
CH

RS-3

Z-7576

7-7

19-13 08



Subject
Tract

Z-7576

19-13 08

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

Aerial Photo Date: February 2018

7-8





E 14 ST S

SEVANSTON AVE

S DELAWARE PL

E 15th ST S

0 50 100
Feet



Subject
Tract

Z-7576

19-13 08

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

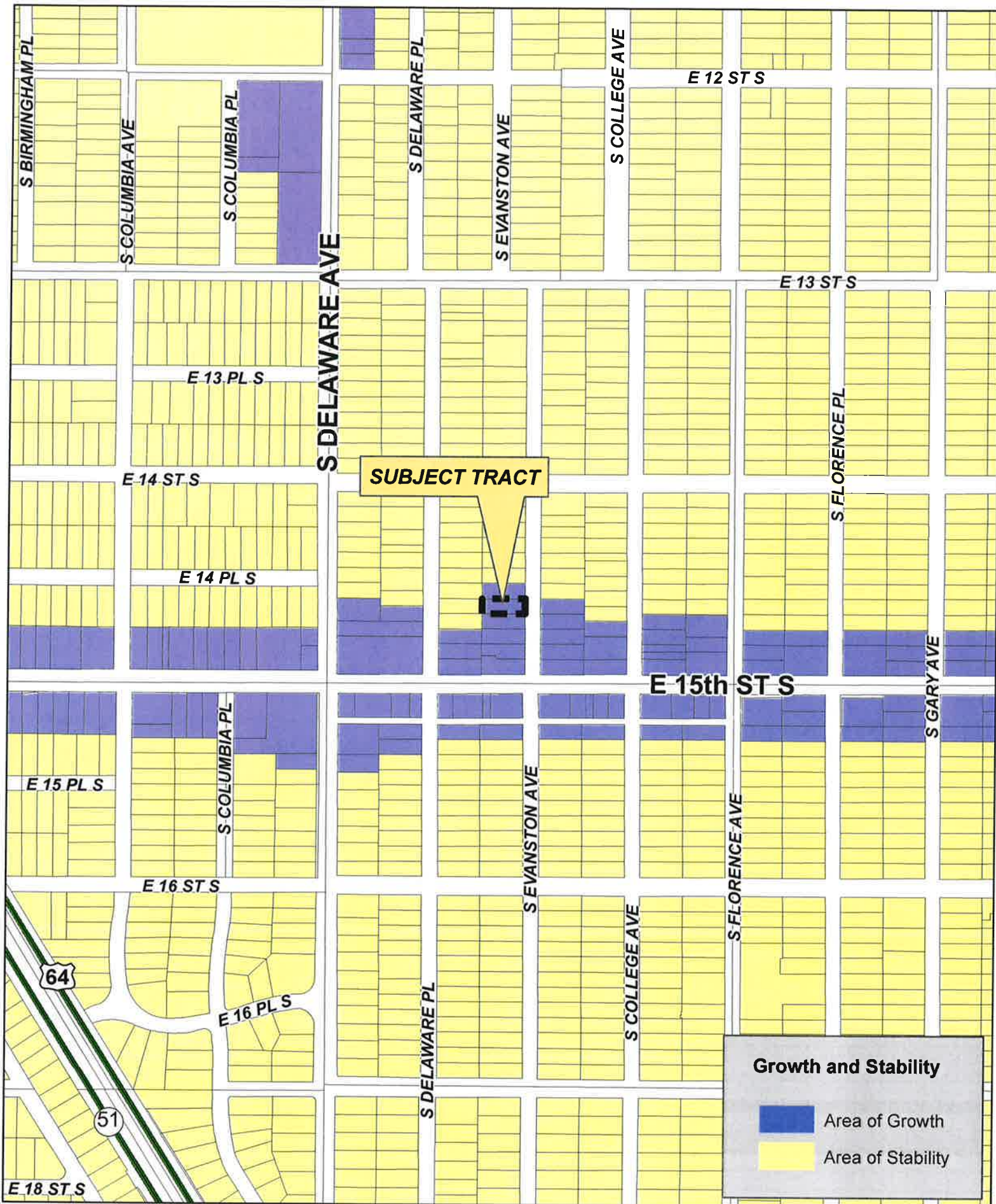
Aerial Photo Date: February 2018





19-13 08





Z-7576

19-13 08

7-11



Tulsa Metropolitan Area
Planning Commission

Case Number: Z-7584

Hearing Date: December 2, 2020

Case Report Prepared by:

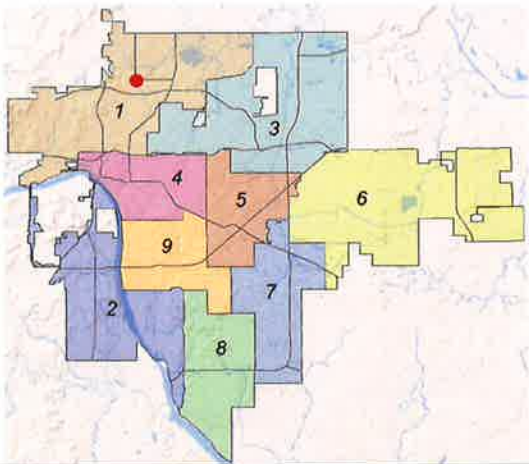
Dwayne Wilkerson

Owner and Applicant Information:

Applicant: City Council c/o NP36 LLC

Property Owner: NP36 LLC-Josh Miller

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Vacant

Proposed Use: Mixed-use and Residential

Concept summary: Expand MX1-U-U east and south from original request. The mixed-use building is larger than originally anticipated.

Tract Size: 2.11 ± acres

Location: Southeast corner of East 36th Street
North & North Peoria Avenue

Zoning:

Existing Zoning: AG/MX1-U-U

Proposed Zoning: MX1-U-U

Comprehensive Plan:

Land Use Map: Park and Open Space/Town Center

Stability and Growth Map: Area of Growth/
Area of Stability

Staff Recommendation:

Staff recommends approval

The zoning request is consistent with:

1. Tulsa Comprehensive Plan
2. 36th Street North small area plan
3. Consistent with the land use recommendation of the Bus Rapid Transit System study
4. Not conflicting with the Healthy Neighborhood Overlay.

Staff Data:

TRS: 0319
CZM: 22, 29

City Council District: 1

Councilor Name: Vanessa Hall-Harper

County Commission District: 1

Commissioner Name: Stan Sallee

SECTION I: Z-7584

DEVELOPMENT CONCEPT:

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: See site plan concept imbedded in staff report

DETAILED STAFF RECOMMENDATION:

Z-7584 requesting MX1-U-U, is consistent with the BRT land use recommendations in the area. The area of the zoning request is larger than was originally contemplated with those recommendations and;

MX1-U-U, is consistent Town Center Land Use Designation in the Tulsa Comprehensive Plan and the 36th Street North Small Area Plan,

The uses allowed in MX1-U are consistent with the goals of the Healthy Neighborhood Overlay and,

Uses and development standards defined by MX1-U-U, are consistent with the expected development pattern for the proximate properties therefore

Staff recommends Approval of Z-7584 to rezone property from AG and MX1-U-U to MX1-U-U.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: MX zoning is consistent with the Town Center and Area of Growth designations of the Tulsa Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: Town Center

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors 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: The site is approximately ¼ mile from the Osage Trail which is classified as a Bikeway and Multi-use trail west of the site.

Small Area Plan: The subject property is at the core of the 36th Street North Small Area Plan which was originally adopted in 2013 and amended in September 2016.

36th Street North Small Area Plan recommendations include for land use priorities that are supported by this rezoning request.

The small area plan specifically identifies the property at or near Comanche Park that could be within walking distance of transportation to jobs and services throughout the metropolitan area. A community garden, northeast of the transit hub, would provide food and recreation opportunities locally.

The transit-oriented development aspirational building footprint illustration on the following page provided guidance for the anticipated redevelopment of the intersection of 36th Street North at North Peoria.

All of the MX zoning designations requested are precisely what the plan envisioned.

Transit oriented development aspirational building footprint on following page.

Figure 3.2: Transit-oriented development aspirational building footprint



Special District Considerations: This site is part of the Voluntary MX rezoning program for Peoria Avenue Bus Rapid Transit that was reauthorized by City Council in December 2019. The program expires in December 2021. The subject property is also included in the Healthy Neighborhood Overlay area.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is vacant with some floodplain on the east edge. Part of the property has already been zoned MX-1-U-U but the proposed development is now larger than originally contemplated. The exhibit on the following page illustrates the “expansion area” from what was originally considered.

See site plan concept on following Page:

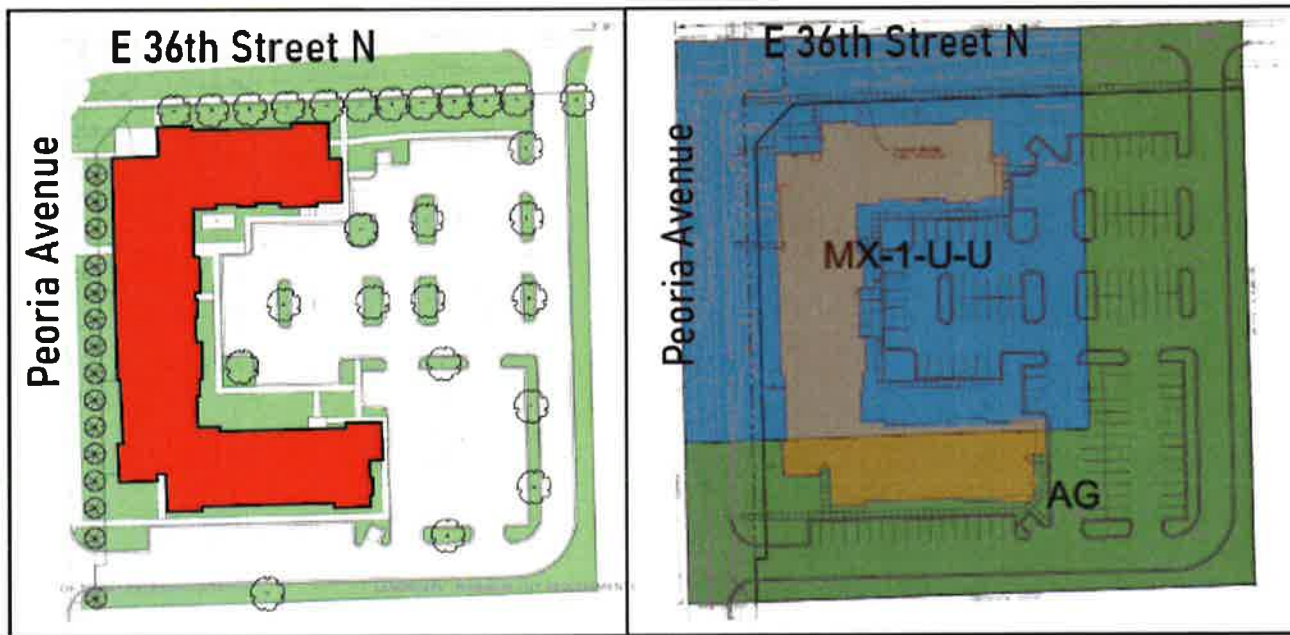


Figure 2 The dimensions of the original rezoning were approximately 300' X 300'. This request is for a larger, 420' x 420' district, which more concisely fits the dimensions of the design and recently platted parcel.

Environmental Considerations: None except the possible floodplain on the east side

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Peoria Avenue The BRT route	Secondary Arterial with Multi-modal corridor designation	100 feet	4
East 36 th Street North	Secondary arterial	100 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	MX-2-U	Town Center	Growth	Multi-family
East	AG	Park and Open Space	Growth	Vacant flood plain area
South	AG	Town Center	Growth	Vacant
West	CS and IL	Town Center	Growth	Convenience Store and Fire station

SECTION III: Relevant Zoning History

History: Z-7584

ZONING ORDINANCE: Ordinance number 11809 dated June 26, 1970 and Ordinance number 24343 dated May 15, 2020 established the current zoning for the subject property.

Subject Property:

Z-7534 March 2020: All concurred in **approval** of a request for *rezoning* a 36.823± acre tract of land from CS/RM-1/AG to MX1-U-U/MX2-V-65/MX2-U-U/MX3-V-45 for mixed use, on property located at the northeast corner and southeast corner of East 36th Street North and North Peoria Avenue. (Ordinance No. 24343)

SA-3 April 2018 : All concurred in **approval** at city council (TMPAC recommended **denial**) to apply supplemental zoning, HNO (Healthy Neighborhoods Overlay), to multiple properties within the plan area boundaries of Greenwood Heritage Neighborhoods Sector Plan (also known as the Unity Heritage Neighborhoods Plan), 36th Street North Corridor Small Area Plan, and The Crutchfield Neighborhood Revitalization Master Plan (related to ZCA-7). This overlay includes the subject property, as well as the surrounding area.

Ordinance number 11809 dated June 26, 1970 established zoning for the subject property.

Surrounding Property:

Z-7543 June 2020: All concurred in **approval** of a request for *rezoning* a .44± acre tract of land from OL to CS for commercial/medical marijuana dispensary, on property located at the northeast corner of East 36th Street North and North Lansing Place.

Z-7538 March 2020: All concurred in **approval** of a request for *rezoning* a 8.51± acre tract of land from MX2-F-65/MX2-V-65 to MX2-F-65/CH for community center, school, church, vertical mixed use building, and residential, on property located west of the southwest corner of East 36th Street North and North Peoria Avenue.

Z-7462 December 2018: All concurred in **approval** of a request for *rezoning* a 9.29± acre tract of land from CS to MX2-F-65/MX2-V-65 for mixed-use, on property located west of the southwest corner of East 36th Street North and North Peoria Avenue.

BOA-17957 March 1998: The Board of Adjustment **approved** a *Special Exception* to allow a community center with meeting room, Tulsa foodbank distribution, office, and day-care center, subject to there being no more than 80 children, the hours of operation being from 7:00 am to 10:00 pm, and screening requirements be lifted, on property located at 1125 East 36th Street North.

BOA-17674 March 1997: The Board of Adjustment **approved** a *Special Exception* to approve an amended site plan to construct an addition to Hawthorne School, on property located at East 33rd Street North and North Peoria.

BOA-17237 November 1995: The Board of Adjustment **approved** a *Minor Special Exception* to permit one classroom trailer at a public school in an RS-3, on property located at 1105 East 33rd Street North.

BOA-16555 January 1994: The Board of Adjustment **approved** a *Special Exception* to permit school use in an RS-3 zoned district, on property located at 1105 East 33rd Street North.

BOA-13357 November 1984: The Board of Adjustment **approved** a *Special Exception* to allow a carwash in a CS zoned district and **denied** a *Variance* of the 100' setback to 56.5' from the centerline of 36th Street North to permit construction of a car wash, finding that the applicant did not meet the burden of proof to demonstrate a hardship, on property located on the northwest corner of 36th Street North and Peoria.

BOA-15016 December 1988: The Board of Adjustment **approved** a *Special Exception* to allow for modifications of approval for an existing day care center in an RM-1 zoned district, subject to a maximum of 14 children with ages ranging from birth to 12 years, finding that the day care operation has been in existence for several months and has proved to be compatible with the area, on property located at 3008 North Quaker Avenue.

BOA-14898 August 1988: The Board of Adjustment **approved** a *Special Exception* to allow for a daycare center (head start program) in an existing school building in an RS-3 zoned district, on property located at 3608 North Quaker Avenue.

BOA-14867 August 1988: The Board of Adjustment **approved** a *Special Exception* to permit a day care center in an RM-1 zoned district, subject to the day care serving children between ages two and twelve and the days and hours of operation being limited to Monday through Friday, 7:00 a.m. to 8:00 p.m., on property located at 3608 North Quaker Avenue.

Z-6098 June 1986: All concurred in **approval** of a request for *rezoning* a 1.66± acre tract of land from RS-3 to CS, on property located west of the southwest corner of East 36th Street North and North Peoria Avenue.

Z-5478 March 1981: All concurred in **approval** of a request for *rezoning* a 6.8± acre tract of land from RS-3 to CS, on property located west of the southwest corner of East 36th Street North and North Peoria Avenue.

Z-5395 July 1980: All concurred in **approval** of a request for *rezoning* a 2± acre tract of land from CS to IL for machine shop specialized in oil well pipe fittings, on property located south of the southwest corner of East 36th Street North and North Peoria Avenue.

BOA-08880 December 1975: The Board of Adjustment **approved** a *Exception* for a public park with improvements to consist of a junior pool complex, picnic shelter, playground development and water fountain, two picnic grills, four picnic tables, outdoor gym, and 5,120' of sidewalk and landscaping, subject to the site plan submitted, in an RS-3 District, on property located at 33rd Street North and Madison Avenue.

BOA-07302 February 1972: The Board of Adjustment **approved** a *Exception* to permit maintaining a boat and marine sales business in a CS District, per plot plan, on property located at 3606 North Peoria Avenue.

BOA-06119 January 1969: The Board of Adjustment **approved** CDP No. 46 under the provisions of Section 18 for the development of a mobile home park, subject to conditions, on property located ¼ mile east of the northeast and southeast corners of 36th Street North and Peoria Avenue. Planning Commission had recommended approval of U-3D zoning, subject to a CDP for the development of the mobile home park.

• DATE: October 16, 2020 •

TO: Dwayne Wilkerson, ASLA, PA - Principal Planner, Tulsa Planning Office

FROM: Theron Warlick, AICP - Senior Planner, Working in Neighborhoods

RE: Comanche Park - Subsequent Rezoning Application

CC: Jeff Hall, Dwain Midget

Dear Dwayne,

As we discussed, this request revisits Z-7534 (TMAPC hearing on Feb. 19, 2020), a rezoning of property in support of the [Envision Comanche Master Plan](#), an award-winning¹, community-formulated, plan to replace 271 public housing units with an entirely new neighborhood, containing up to 480 high-quality, mixed-income apartments, townhomes, and houses at 36th St. N and Peoria Av.



Figure 1 Revisiting Parcel "F" (highlighted) on the SE/c of 36th St N and Peoria Av
Case: Z-7534

You will recall THA's agent, Camiros, filed the application for Z-7534 just before the expiration of the Mixed-Use Zoning Incentive. The Incentive has since been extended and is currently in effect. THA would like to take advantage of this valuable incentive once again.

Ongoing architectural schematic design has since revealed a need to expand the size of the MX district on Southeast corner of 36th St. N and Peoria Av., described as Parcel "F" in Z-7534. A 420' by 420' foot district is needed to accommodate the schematic design

for Phase I and match the parcel boundaries of the Preliminary Plat (June 16, 2020).

¹ 2020 NOMA NAACP SEED Award Winner "...for justice, equity, diversity, and inclusion in design."

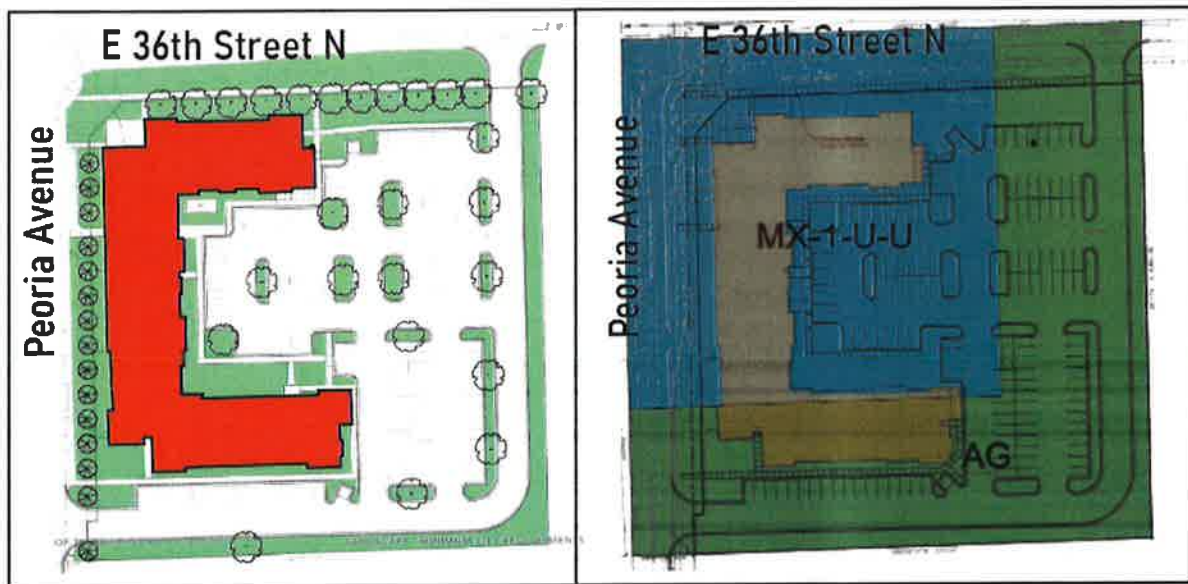


Figure 2 The dimensions of the original rezoning were approximately 300' X 300'. This request is for a larger, 420' x 420' district, which more concisely fits the dimensions of the design and recently platted parcel.

Following our discussion, THA understands that they should request a new rezoning for the *entire* 420' x 420' subject area, rather than ask the City to rezone the remainder of the property from AG to MX1-U-U with a second ordinance. THA understands that this may avert potential problems in the future and, because the Mixed-Use Zoning Incentive is still in place, presents no additional costs. The legal description is attached in Word format, as requested.

You have already provided an excellent review of conditions in Z-7534 that I believe is still applicable here, so I won't belabor you with excessive detail. The only noteworthy change I see is that this larger district does encroach into FEMA/City Regulatory Floodplain along the subject property's eastern boundary. No buildings are planned within the floodplain and, as the design progresses, THA's architect will ensure that the design is properly certified and in conformance with all Regulatory Floodplain requirements. Because the design continues, the site plan and



Figure 3 Current Schematic Design for informational purposes.

rendering presented here are for informational purposes and *not* offered as a voluntary development plan.

Please contact me if you have any questions. Thank you.

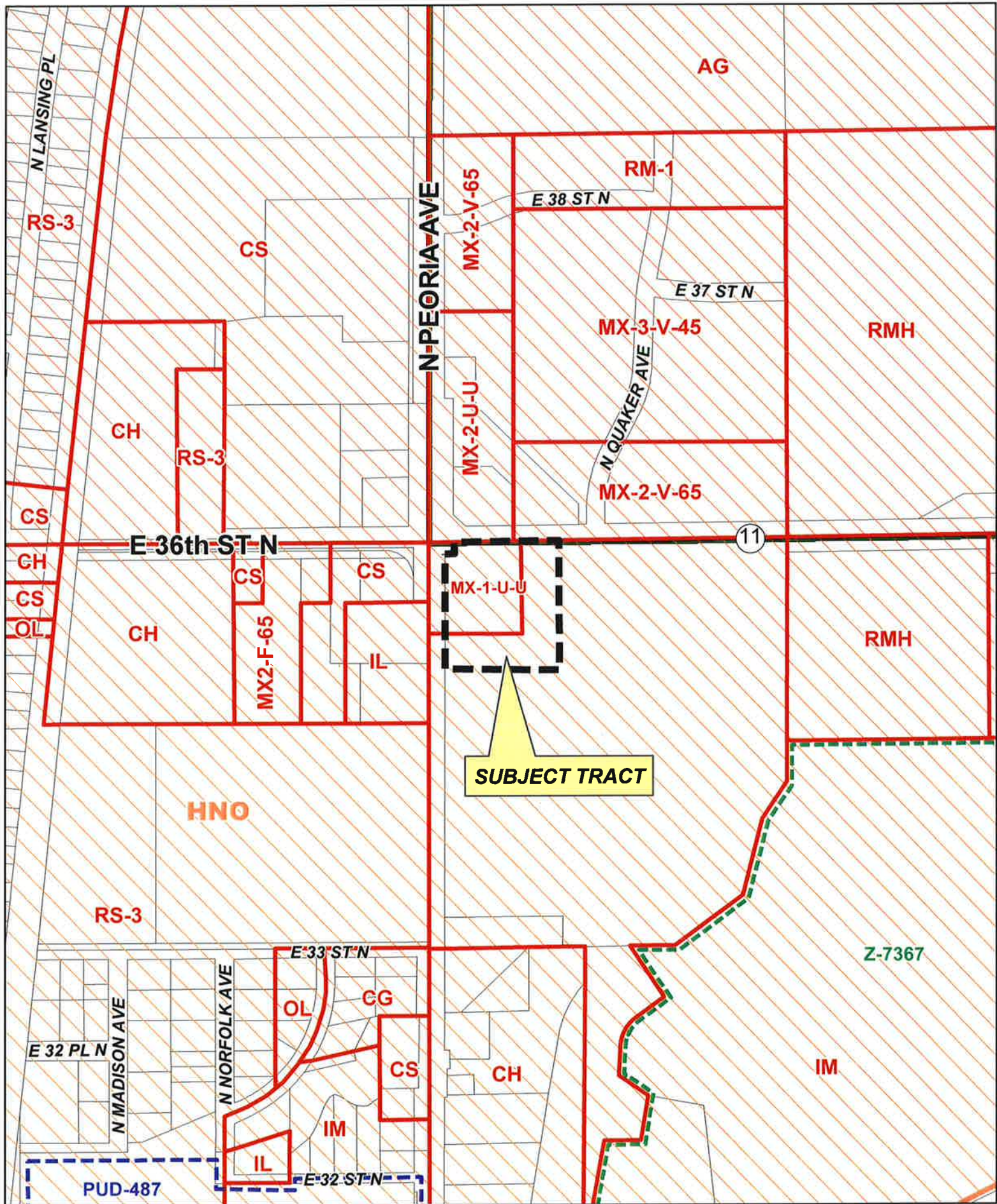
Legal Description - Comanche Park Rezoning 2

Legal Description:

The North 420.00 feet of the West 420.00 feet of Lot One (1), LESS AND EXCEPT the West Fifty 50) feet thereof, in Section Nineteen (19), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

AND LESS AND EXCEPT:

A tract of land beginning Fifty (50) feet East of the Northwest Corner of the Northwest Quarter (NW/4); thence South Thirty-nine (39) feet; thence East Thirty (30) feet; thence North Thirty-nine (39) feet; thence West Thirty (30) feet to the point of beginning, in Section Nineteen (19), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.



Z-7584

20-13 19

8-12





0 200 400
Feet



Subject
Tract

Z-7584

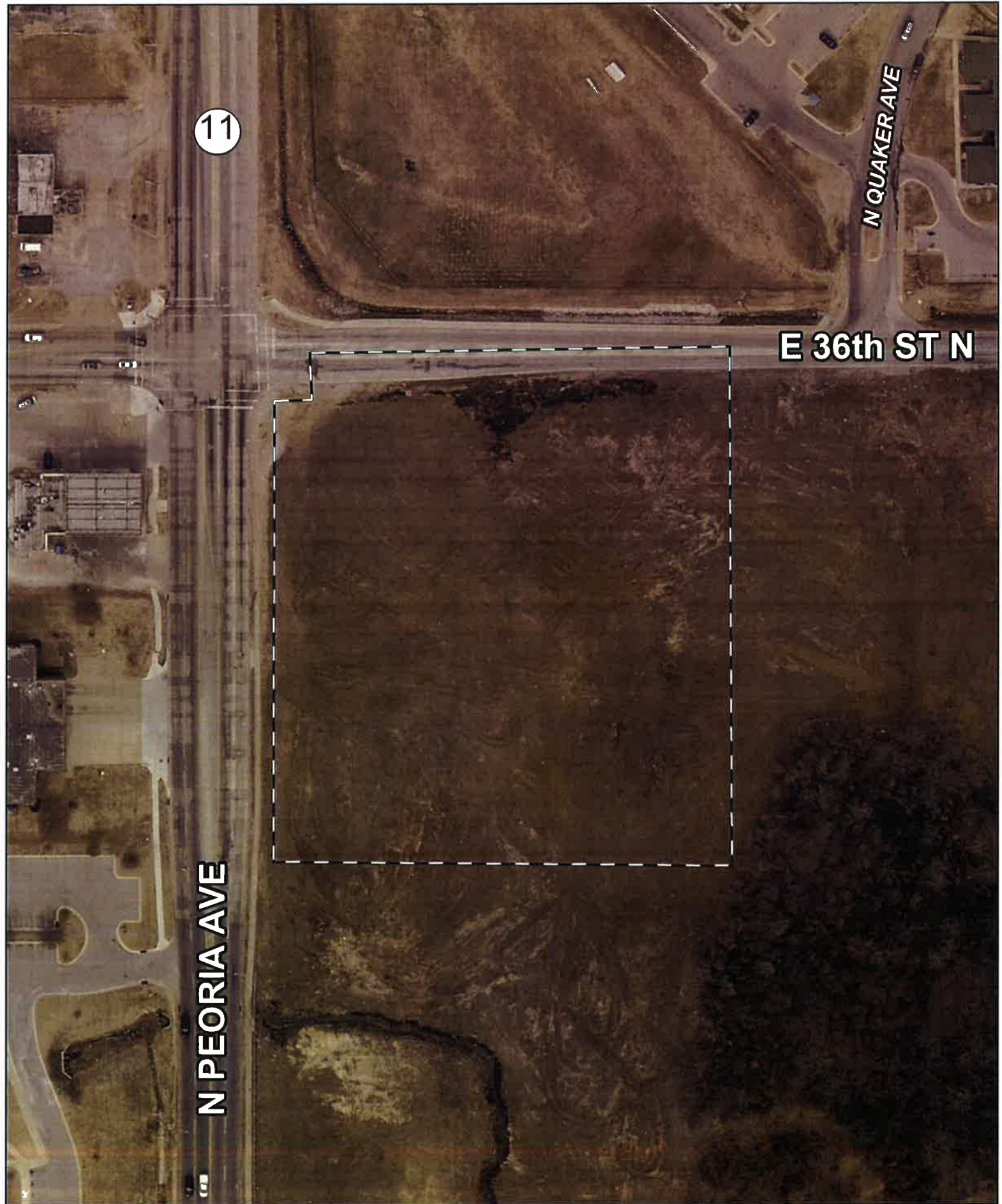
20-13 19

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

Aerial Photo Date: February 2018

8-13





0 50 100
Feet



Subject
Tract

Z-7584

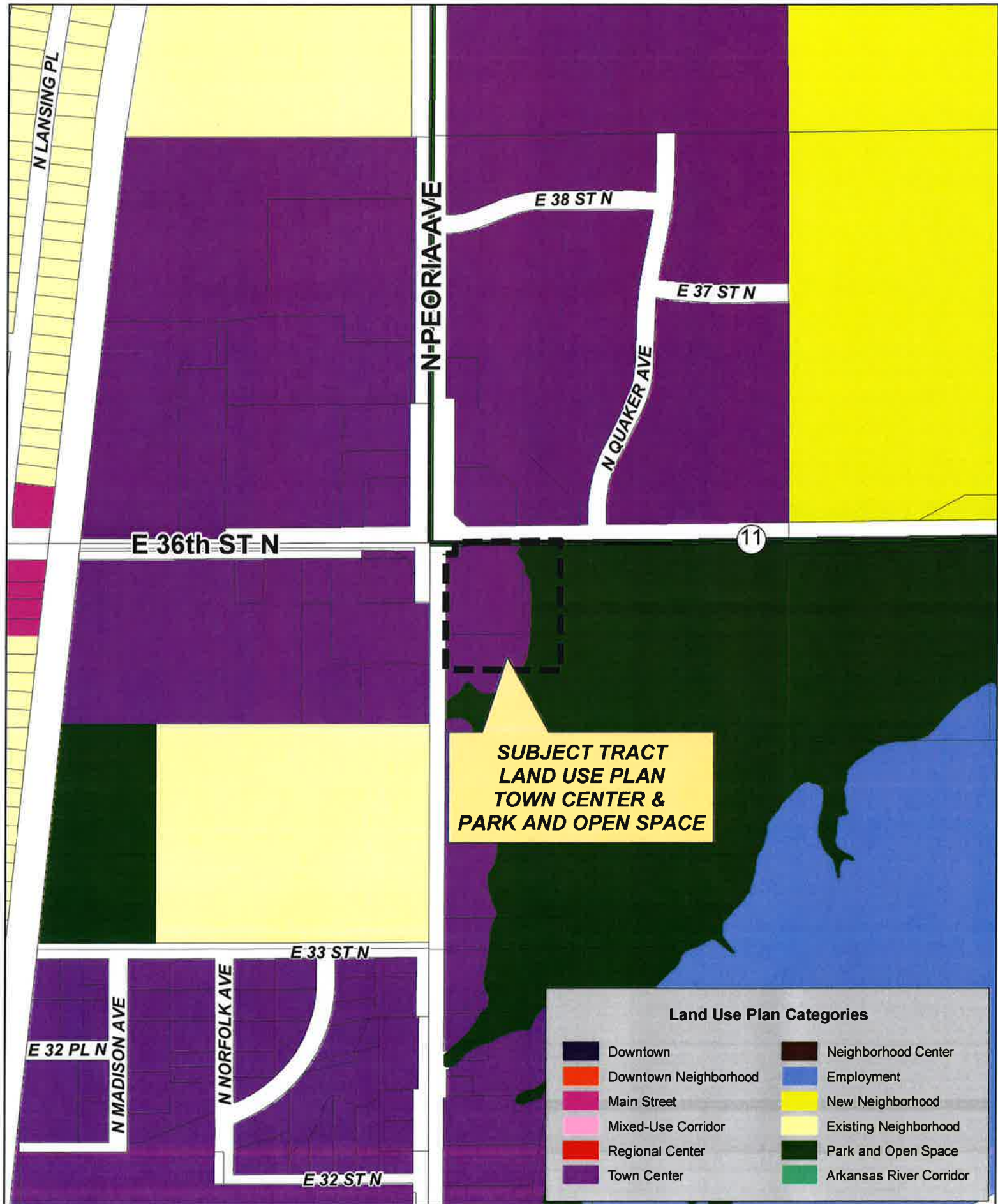
20-13 19

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

Aerial Photo Date: February 2018

8-14





**SUBJECT TRACT
LAND USE PLAN
TOWN CENTER &
PARK AND OPEN SPACE**

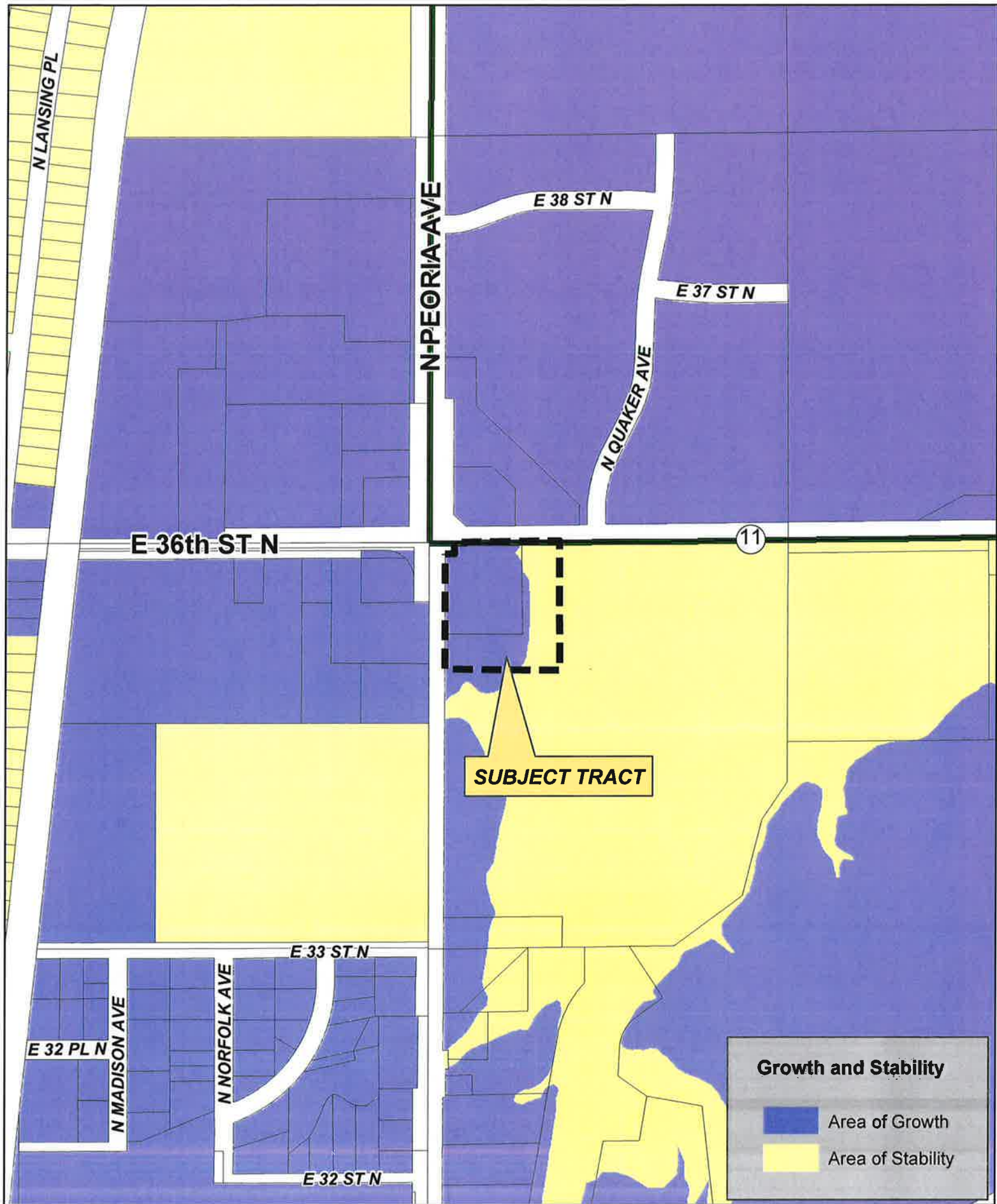


Z-7584

20-13 19

8-15





0 200 400
Feet

Z-7584

20-13 19

8-16



Tulsa Metropolitan Area
Planning Commission

Case Number: Z-7585

Hearing Date: December 2, 2020

Case Report Prepared by:

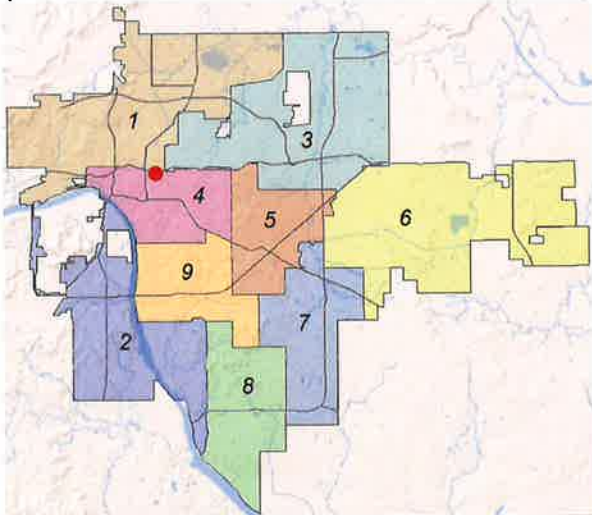
Dwayne Wilkerson

Owner and Applicant Information:

Applicant: Robert Parker

Property Owner: Robert & Carol Parker

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Vacant

Proposed Use: Classic Car Storage

Concept summary: Rezoning to allow building construction on a small lot. IL zoning requires 75 foot setback from abutting R districts.

Tract Size: 0.32 ± acres

Location: Southeast corner of East 2nd Street
South & South Quincy Avenue

Zoning:

Existing Zoning: IL

Proposed Zoning: CH

Comprehensive Plan:

Land Use Map: Employment

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 9306

CZM: 37

City Council District: 4

Councilor Name: Kara Joy McKee

County Commission District: 2

Commissioner Name: Karen Keith

SECTION I: Z-7585

DEVELOPMENT CONCEPT: The site is currently zoned IL and abutting zoning is RM zoning. Buildings on an IL lot abutting RM zoning requires a 75-foot building setback which makes the site unusable for building construction. CH zoning supports the anticipated uses on the site and removes the setback requirements.

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 included

DETAILED STAFF RECOMMENDATION:

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 and,

The warehouse use identified by the applicant is consistent with the expected development pattern in this area and is consistent with the Employment land use designation in the Pearl District Small Area Plan therefore,

Staff recommends Approval of Z-7585 to rezone property from IL to CH.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The small area plan and land use map are consistent with the wide range of uses that are allowed in the CH zoning district that exist in the area.

Land Use Vision:

Land Use Plan map designation: Employment

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

Areas of Stability and Growth designation: Area of Growth

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: Pearl District Small Area Plan

The Pearl District was adopted by the Planning July 3, 2019. CH zoning allows uses, building placement and building types that are consistent with the goals of the small area plan.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *vacant property with a mix of uses in the neighborhood.*

Environmental Considerations: None that would affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 2 nd Street South	None	50 feet	2
South Quincy Ave	None	50 feet	2
Alley	None	NA	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CH	Employment	Growth	Unknown commercial
East	RM-2	Employment	Growth	vacant
South	CH	Mixed-use Corridor	Growth	Roofing Company
West	RM-2	Employment	Growth	Residential and wood shop

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 16679 dated September 24, 1986 and Ordinance number 22183 dated December 31, 2009 established the current zoning for the subject property.

Subject Property:

Z-7144 December 2009: All concurred in **approval** of a request for *rezoning* a .33± acre tract of land from RM-2 to IL for classic car storage, on property located 1408 and 1412 East 2nd Street. (Ordinance No. 22183)

Z-6117 September 1986: All concurred in **approval** of a request for *rezoning* a .1± acre tract of land from RM-2 to IL for commercial, on property located southwest corner of East 1st Street and South Rockford. (Ordinance No.16679)

Ordinance number 11815 dated June 26, 1970 established zoning for the subject property.

Surrounding Property:

Z-7531 March 2020: All concurred in **approval** of a request for *rezoning* a .16± acre tract of land from RM-2 to IL for horticulture nursery, on property located east of the northeast corner of East 2nd Street South and South Peoria Avenue.

Z-7523 February 2020: All concurred in **approval** of a request for *rezoning* a .32± acre tract of land from CH to IL for horticulture nursery, on property located east of the southeast corner of East 3rd Street South and South Quincy Avenue.

Z-7182 September 2011: All concurred in **approval** of a request for *rezoning* a .48± acre tract of land from RM-2 to IL for industrial, on property located east of southeast corner of South Peoria Avenue and East 2nd Street and east of the northeast corner of South Peoria Avenue and East 2nd Street.

BOA-19204 September 2001: The Board of Adjustment **approved** a *Special Exception* to allow Use Unit 25 (roofing contractor) in a CH district and a *Special Exception* to waive screening to the north property, with the condition that no vehicular access be permitted from the alley to the building, on property located at 1411 East 3rd Street.

Z-6820 June 2001: All concurred in **approval** of a request for *rezoning* a .16± acre tract of land from RM-2 to IL for a Heating and Air Conditioning shop, on property located southwest corner of East 1st Street and South Rockford.

BOA-18317 February 1999: The Board of Adjustment **approved** a *Variance* of the setback from an R district boundary from 75' required to 60' on the northside, from 75' to 10' on the east side, and from 75' to 70' on the west side, on property located west of the southwest corner of East 2nd Street and South Quincy.

Z-6625 March 1998: All concurred in **approval** of a request for *rezoning* a .48± acre tract of land from RM-2 to IL for a warehouse, on property located west of the southwest corner of East 2nd Street and South Quincy.

BOA-15555 September 1990: The Board of Adjustment **approved** a *Variance* of the required setbacks from an R District on the north, measured from the centerline of the alley from 75' to 27.8', on the east measured from the property line from 75' to 57', **approved** a *Variance* of the required setback from the centerline of Second Street from 80' to 54', and **approved** a *Variance* of the screening requirement along the north, east, and south property lines (except at access points) abutting R Districts, per plot plan submitted, finding that the addition will align with the existing building and that the entire area is planned for industrial in the future, on property located 123 South Peoria Avenue.

Z-6290 July 1990: All concurred in **approval** of a request for *rezoning* a 2.12± acre tract of land from RM-2 to IL for industrial, on property located east of the northeast corner of East 2nd Street South and South Peoria Avenue.

BOA-15187 July 1989: The Board of Adjustment **approved** a *Special Exception* to allow a machine shop in a CH zoned district, per plot plan submitted, subject to the hours of operation being 8:00am to 6:00pm, M-F, finding that there are multiple zoning classifications in the area and numerous uses similar to the one in question, on property located west of the northwest corner of 3rd Street and Rockford Avenue.

BOA-14411 March 1987: The Board of Adjustment **approved** a *Variance* of setback from east property line from 75' to 48', from the west property line from 75' to 0, and the north property line of Lot 20 from 75' to 20', **approved** a *Variance* of the screening requirements along the west, east, north, and south property lines, and **approved** a *Variance* of the required all weather surface to allow for gravel parking, per plot plan submitted, finding a hardship imposed on the applicant by the narrow shape of the lots and finding that the area is in transition from RM-2 to Industrial use and there are multiple zoning classifications along Second Street, on property located Lot 21 & 21, Block 14, Lynch Forsythe.

BOA-13690 August 1985: The Board of Adjustment **denied** a *Use Variance* to allow an existing bar (private club) in an RM-2 zoned district, finding that a hardship was not demonstrated by the applicant which would warrant the granting of the use variance, on property located at 1421 East 1st Street.

Z-5682 June 1982: All concurred in **approval** of a request for *rezoning* a .47± acre tract of land from RM-2 to IL for office and warehouse use, on property located north and west of the northwest corner of 2nd Street and Rockford Avenue.

BOA-12011 June 1982: The Board of Adjustment **approved** a *Variance* of the building setback to permit the building to be 18 inches from the lot line instead of on the lot line and a *Variance* of the screening requirements when abutting an R District, on property located at 1433 East 2nd Street.

BOA-09871 March 1978: The Board of Adjustment **approved** a *Variance* of the setback requirements on the north, west, and south from an R District, a *Variance* of the setback requirements on the east from 25' to 3', and a *Special Exception* to modify the screening requirements where an alternative screening building wall will provide visual separation of uses in accordance with the plot plan submitted, on property located at 1333 East 2nd Street.

Z-5090 February 1978: All concurred in **approval** of a request for *rezoning* a .32± acre tract of land from RM-2 to IL, on property located southwest corner of East 1st Street and South Rockford.

Z-5078 February 1978: All concurred in **approval** of a request for *rezoning* a .34± acre tract of land from RM-2 to IL, on property located southwest corner of East 1st Street and South Rockford.

Z-4201 August 1972: All concurred in **approval** of a request for *rezoning* a .48± acre tract of land from RM-2 to IL for a strip shopping center, on property located west of the southwest corner of 1st Street and Rockford Avenue.

BOA-05881 August 1968: The Board of Adjustment **approved** a *Variance* of the permitted use provisions of U-2B to permit an office with four employees, subject to no storage and no signs on the premises, on property located at 1439 East 2nd Street.

BOA-04695 June 1965: The Board of Adjustment **granted** a request for permission to extend a non-conforming use to permit a 14' x 28' addition to present building to be used for a woodworking shop, on property located Lot 1, Block 16, Lynch Forsythe.

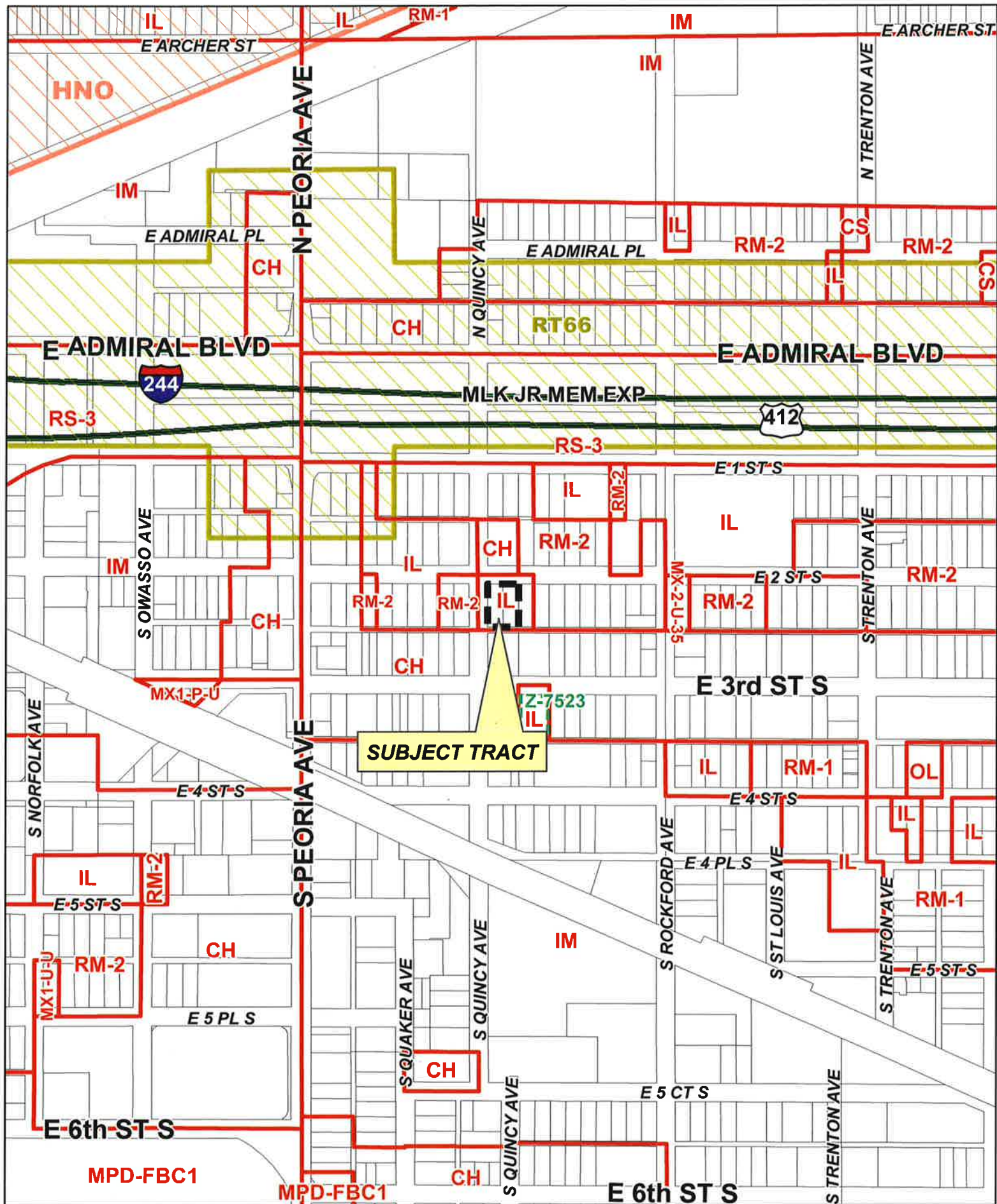
BOA-04493 October 1964: The Board of Adjustment **granted** a request for permission to change a non-conforming use which was built as a grocery store and has been used for a church, to permit a wood shop in a U-2-B District, on property located Lot 1, Block 16, Lynch Forsythe.

BOA-04102 July 1963: The Board of Adjustment **granted** a request for permission to extend a non-conforming use in a U-2-B District for storage for a casket company, on property located Lot 11, Block 14, Lynch Forsythe.

BOA-01658 March 1944: The Board of Adjustment **granted** an *appeal* of the Building Inspector's decision to refuse to issue a certificate of occupancy (the proposed use, compounding of roach powder, was considered a U-4 use), with the understanding that no chemical or mechanical processes be used, on property located Lot 11, Block 14, Lynch Forsythe.

BOA-00646 May 1929: The Board of Adjustment **granted** a permit for the fifty-five-foot extension of the building for business purposes, provided that a 10ft setback is observed, on property located Lot 10, Block 18, Lynch Forsythe.

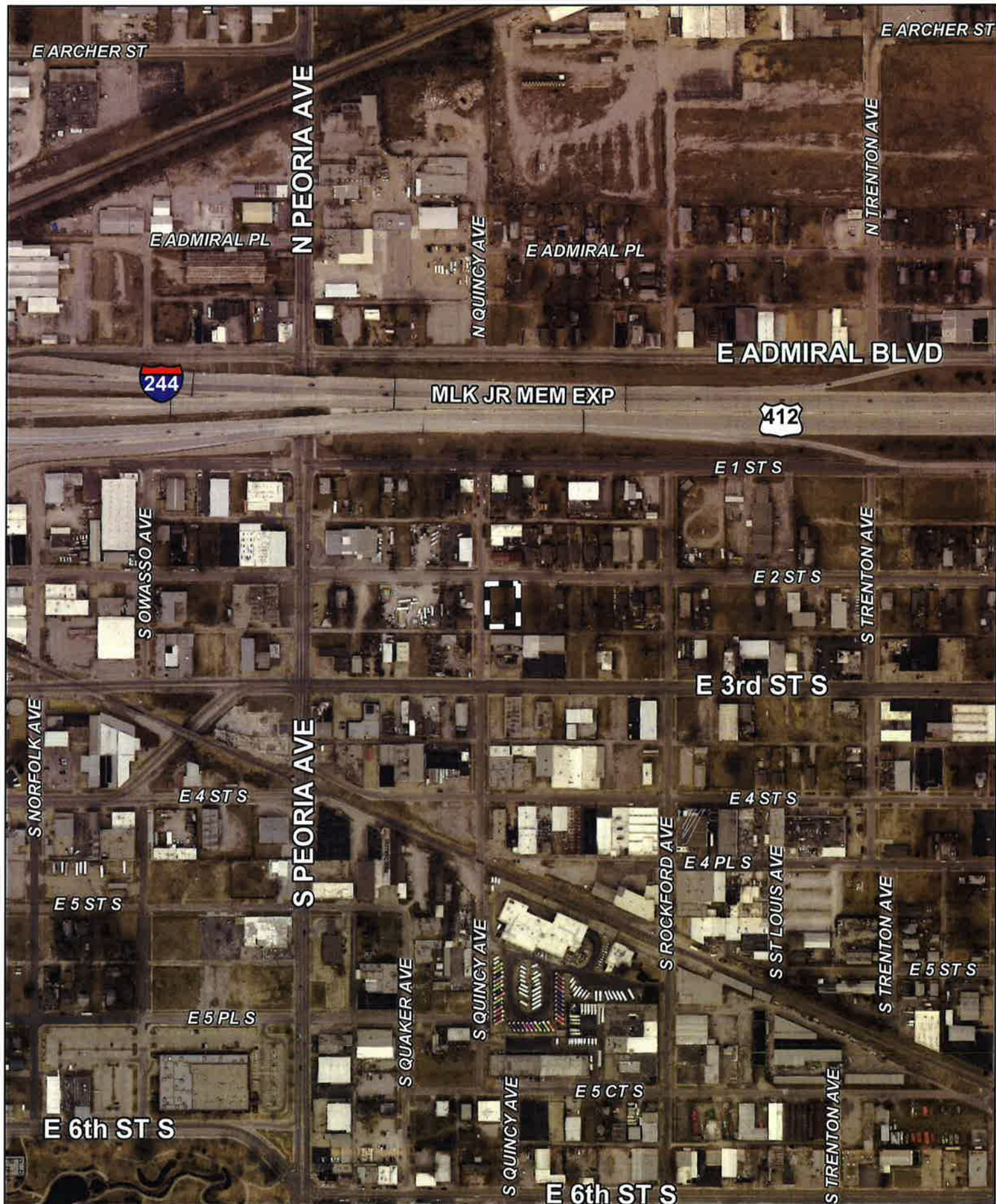
BOA-00033 March 1924: The Board of Adjustment **granted** an *appeal* of the Building Inspector's decision to refuse to issue a building permit for the extension of existing building to allow a combination garage and addition to an existing, non-conforming carpenter shop, on property located 1340 East 2nd Street.



Z-7585

19-13 06

9-7



0 200 400
Feet



Subject
Tract

Z-7585

19-13 06

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

Aerial Photo Date: February 2018



9-8



0 50 100
Feet



Subject
Tract

Z-7585

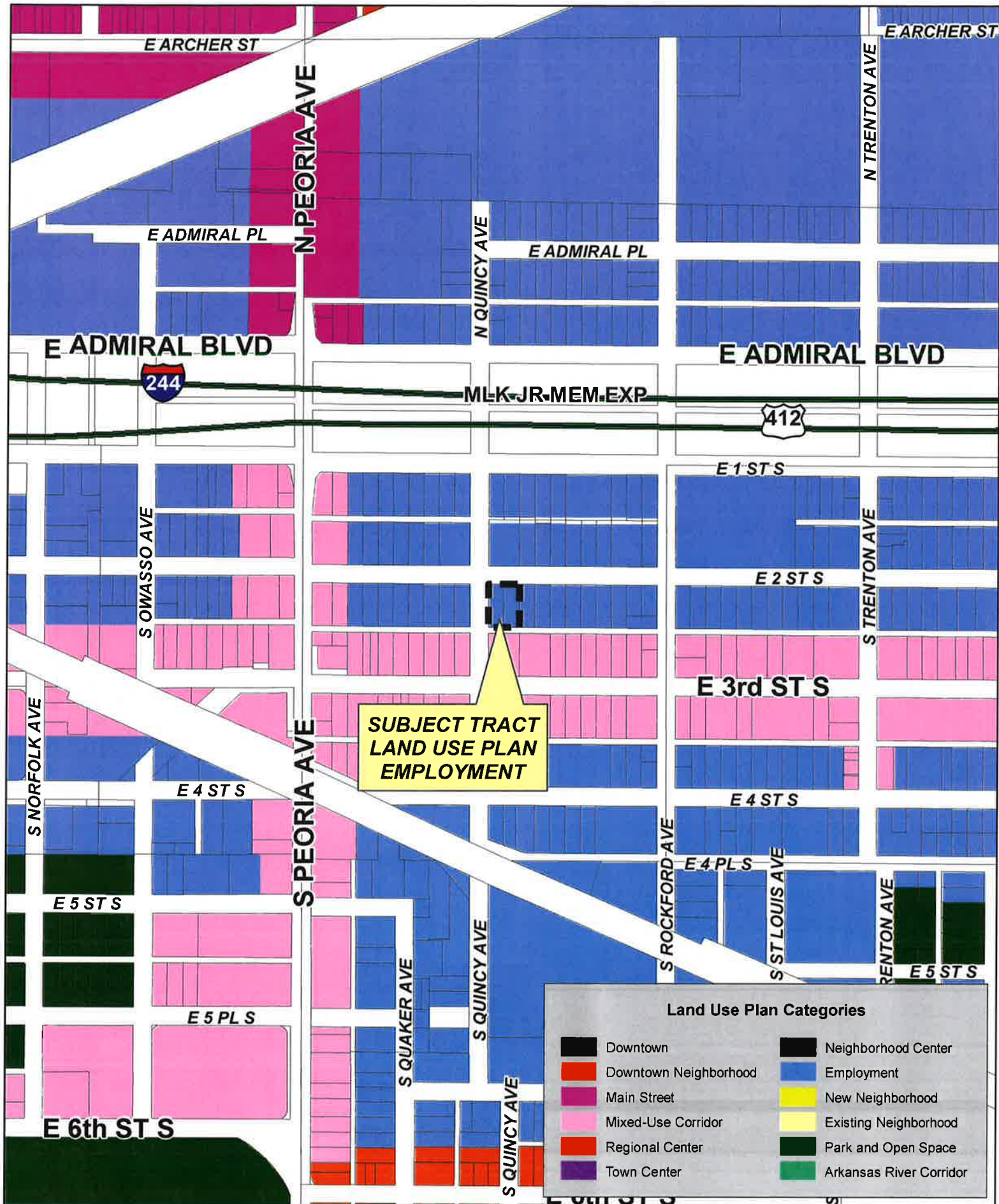
19-13 06

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

Aerial Photo Date: February 2018



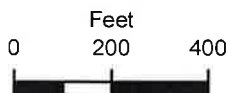
9-9

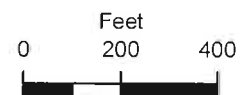
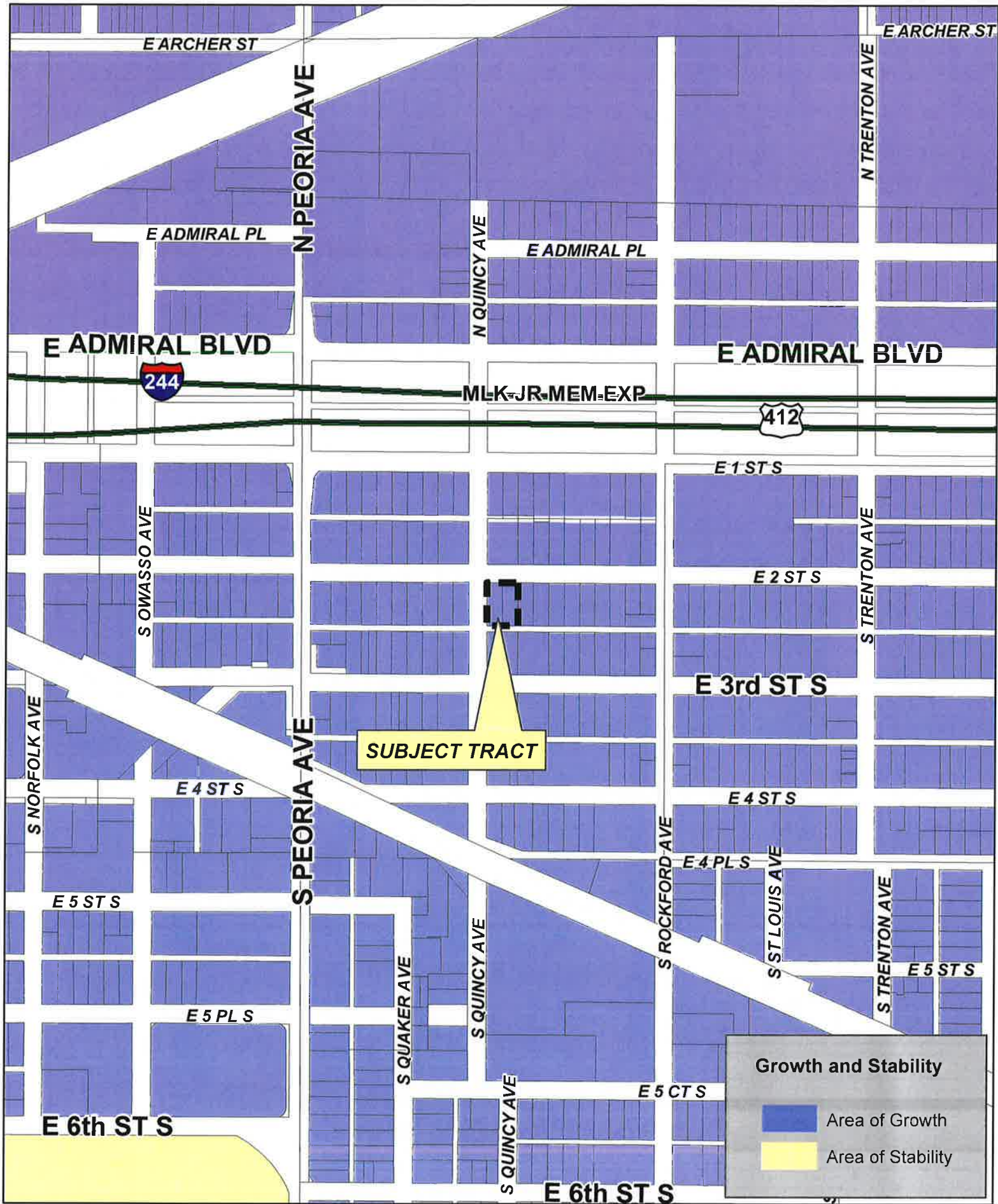


Z-7585

19-13 06

9-10





Z-7585

19-13 06





Tulsa Metropolitan Area
Planning Commission

Case Number: Z-7586

Hearing Date: December 2, 2020

Case Report Prepared by:

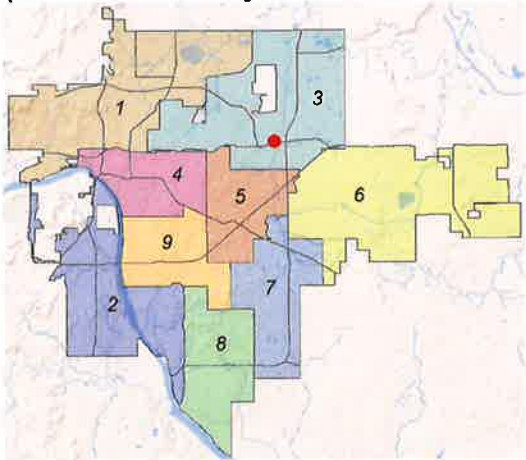
Dwayne Wilkerson

Owner and Applicant Information:

Applicant: Albanidia Perez

Property Owner: Sue Wall Living Trust

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Vacant

Proposed Use: Construction Company Office and
Outdoor Equipment Storage

Concept summary: Rezoning to support
employment opportunities and business growth.

Tract Size: 2.5 ± acres

Location: South of the Southwest corner of East
Independence Street & North Mingo Road

Zoning:

Existing Zoning: RS-3

Proposed Zoning: CG

Comprehensive Plan:

Land Use Map: Mixed-Use Corridor

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 0336

CZM: 30

City Council District: 3

Councilor Name: Crista Patrick

County Commission District: 2

Commissioner Name: Karen Keith

SECTION I: Z-7586

DEVELOPMENT CONCEPT: Rezoning to CG for a new construction company office with outdoor storage opportunities

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:

DETAILED STAFF RECOMMENDATION:

Z-7586 is requesting CG zoning and allows uses that may be objectionable to abutting residential uses however the site also abuts an expressway and arterial street that provides a high level of transportation connectivity for employment uses and,

Z-7586 is fully covered by a FEMA flood plain. Site development will be required to meet the city standards for development in a flood plain and,

Uses allowed in a CG zoning district are consistent with the normal expectations of Mixed-Use Corridor,

Development standards in a CG district provide adequate screening and design considerations abutting residential districts therefore

Staff recommends Approval of Z-7586 to rezone property from RS-3 to CG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CG zoning districts are generally considered appropriate in a Mixed-Use Corridor supporting employment opportunities. In this instance a high level of engineering analysis and lengthy permitting times should be expected because of the floodplain that covers the site. The Comprehensive Plan does not recognize the complications of site development in the floodplain.

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: 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:

Environmental Considerations: The site is covered in trees and totally covered by a FEMA floodplain. The floodplain considerations and engineering analysis will be difficult part of the building permit process.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Mingo	Secondary Arterial	100 feet	4 with median

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RMH and CS	Mixed-Use Corridor	Growth	Mobile Home Park
East	IL	Mixed-Use Corridor	Growth	Mingo Road/Vacant
South	RMH	Mixed-Use Corridor	Growth	Mobile Home Park (Pool area)
West	RMH	Mixed-Use Corridor	Growth	Mobile Home Park

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11910 dated June 26, 1970 established zoning for the subject property.

Subject Property:

No Relevant History.

Surrounding Property:

Z-6678 August 1999: All concurred in **approval** of a request for *rezoning* a .57± acre tract of land from RS-3 to IL for a roofing supply business, on property located south of the southwest corner of East Latimer Street and North Mingo Road.

BOA-15670 March 1991: The Board of Adjustment **approved** a *Special Exception* to allow Use Unit 13 (convenience store) to remain in an industrial district, per plan submitted, finding that the store has been operating at the current location since 1982, and has proved to be compatible with the area, on property located at 765 North Mingo Road.

BOA-15637 January 1991: The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 17 (mobile home sales use) in a CS zoned district, **approved** a *Special Exception* to waive the screening requirements along the property line abutting an R District, and **approved** a *Variance* to allow open air storage or display of merchandise offered for sale within 300' of an adjoining R district, subject to the property being used for mobile home office and sales only, the screening requirements being waived on the west boundary line only if the property is used for mobile home sales, hours of operation being Monday through Saturday, 9:00am-9:00pm and Sunday 23 noon to 9:00 om, and subject to Storm Water Management approval, finding the use to be compatible with those in the surrounding area, on property located at 700 North Mingo.

BOA-15452 June 1990: The Board of Adjustment **approved** a *Special Exception* to permit construction of a heliport, subject to Federal Aviation Authority and Stormwater Management approval and restricting the heliport to an accessory use to the principal use on the property, finding the use, as presented, will be compatible with the surrounding area, on property located at 1010 North Mingo Road.

BOA-12759 August 1983: The Board of Adjustment **approved** a *Variance* to locate a mobile home in an IL zoned district as long as the travel trailer park is located on the subject property, on property located at 801 N. Mingo Rd.

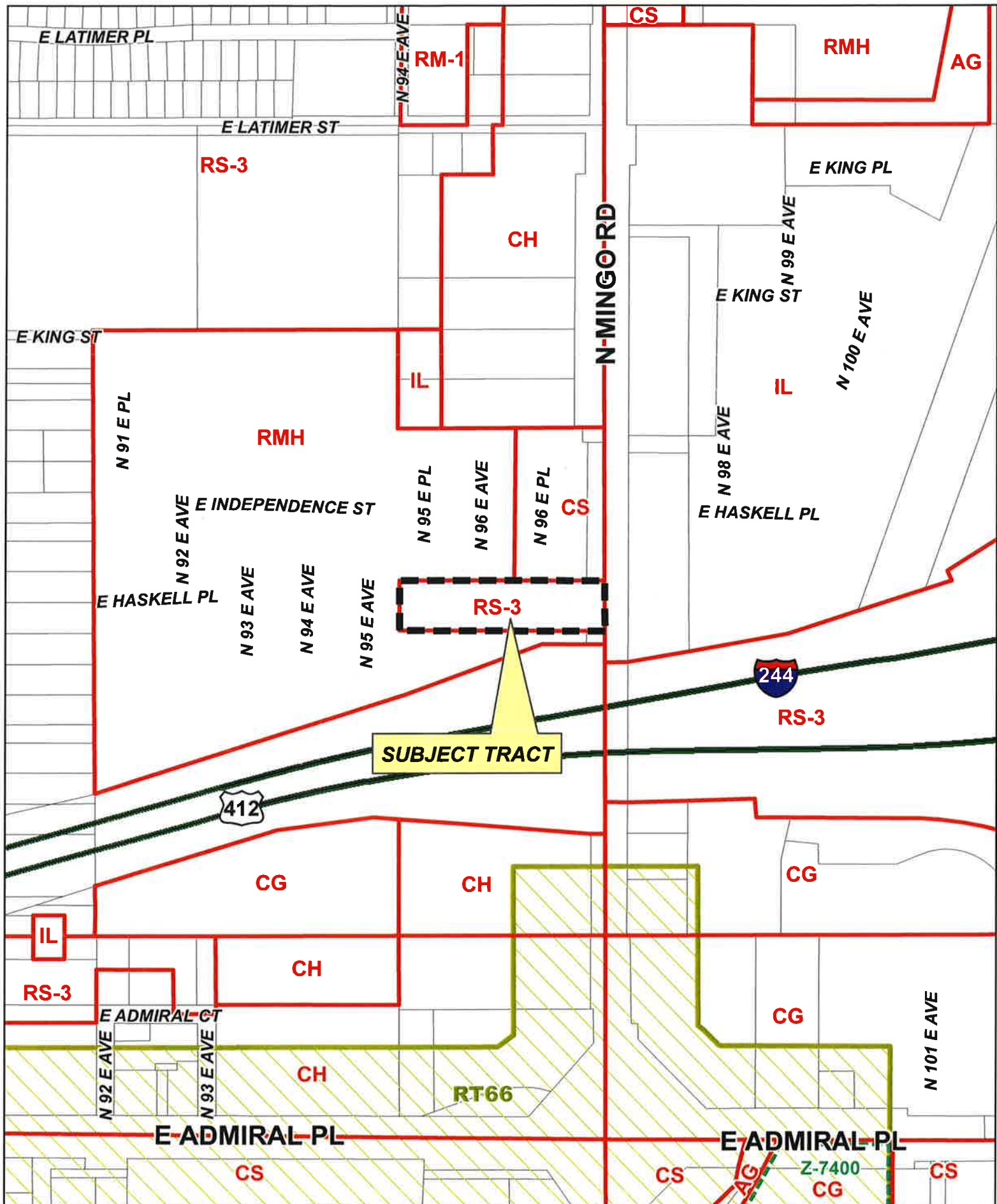
BOA-12238 October 1982: The Board of Adjustment **approved** a *Variance* for temporary mini-storage buildings in an RM-1 District, for a period of two (2) years, subject to the applicant providing a dust proof surface parking lot with a maximum of 100 skid mounted storage units, subject to the lighting being directed inwardly toward the subject property, that the applicant erect the chain link fence with stone columns on the subject tract, and that the applicant submit a copy of the site plan to the Board prior to development, on property located at the northeast corner of Latimer Place and 94th East Avenue.

BOA-09147 August 1976: The Board of Adjustment **denied** a *Special Exception* to operate a home beauty shop in an accessory metal building in an RMH District, as the building is located on a separate lot and is a principal use, as well as being located within the recently adopted moratorium, so no permit could be issued to permit the use, on property located at 828 North 91st East Place.

BOA-08005 August 1973: The Board of Adjustment **approved** a *Special Exception* to operate a welding shop in a CH District, on property located at 1010 North Mingo.

BOA-07411 April 1972: The Board of Adjustment **approved** a *Special Exception* to permit operating a day nursery in a mobile home park, on property located at 710 North 102nd East Avenue.

12/2/2020 1:00 PM

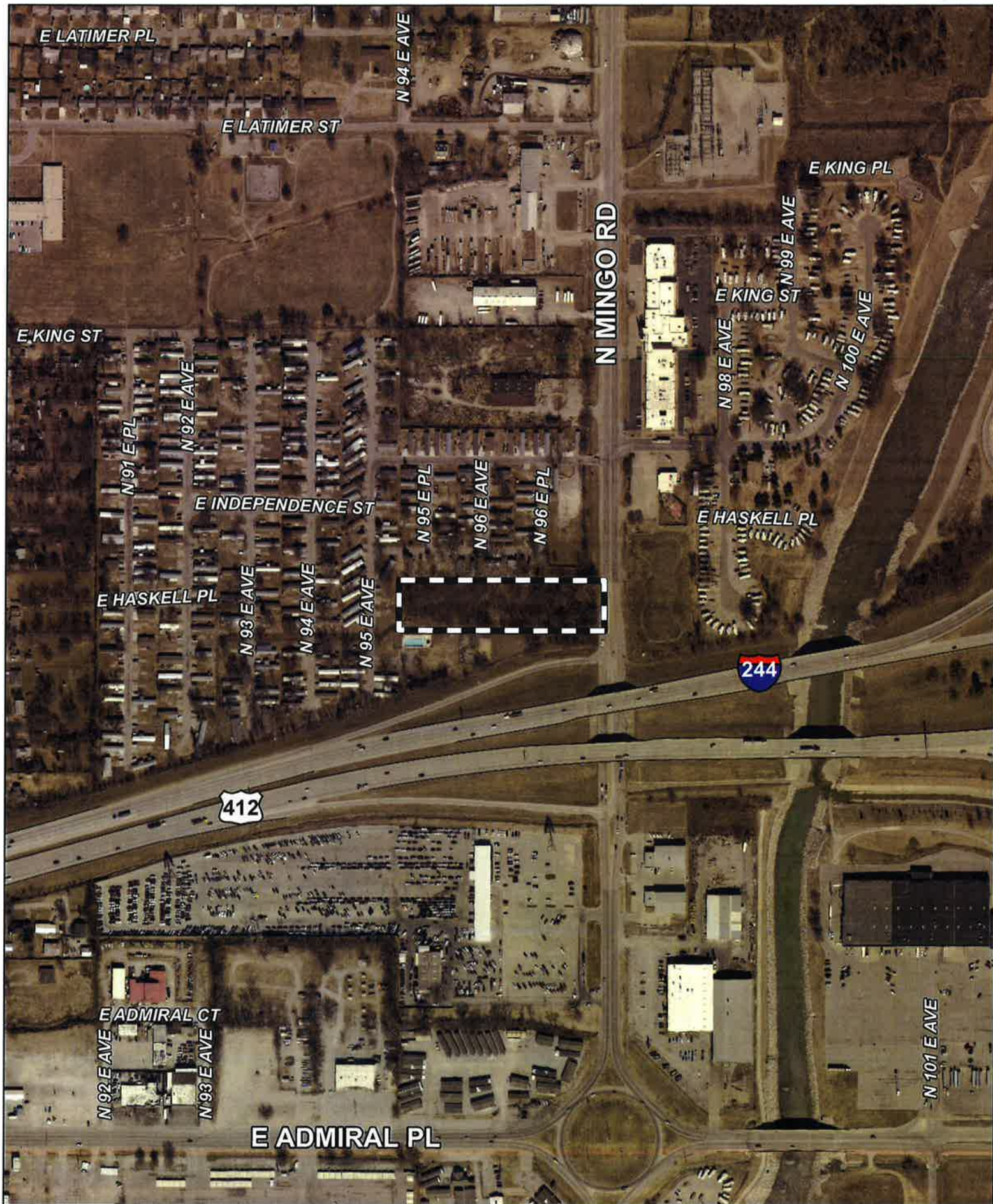


Z-7586

20-13 36

10-6





0 Feet
200
400



Subject
Tract

Z-7586

20-13 36

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

Aerial Photo Date: February 2018

10-7





E INDEPENDENCE ST

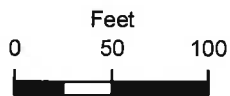
N 95 E PL

N 96 E AVE

N 96 E PL

N MINGO RD

E HASKELL PL



Subject
Tract

Z-7586

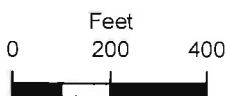
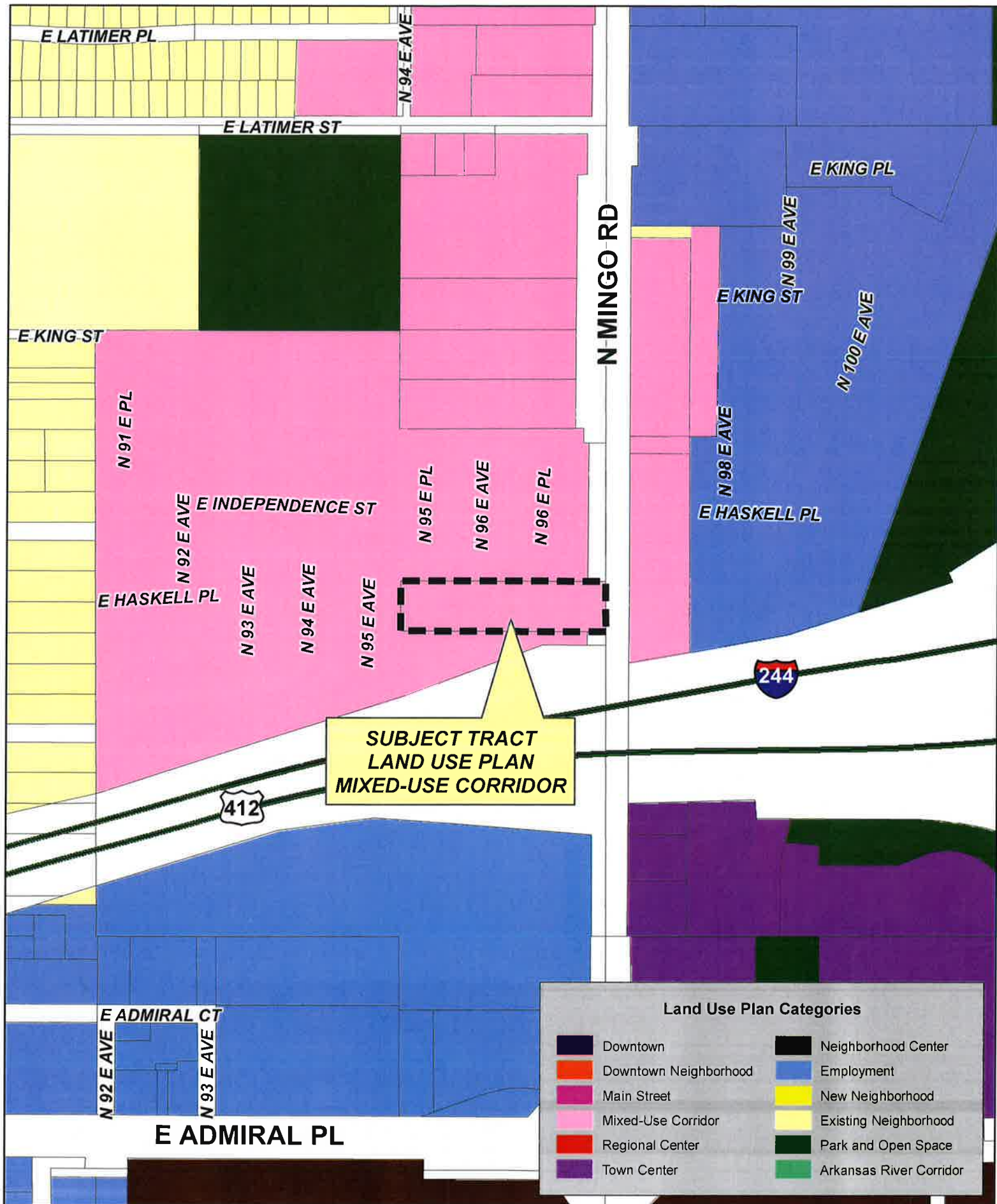
20-13 36

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

Aerial Photo Date: February 2018



10-8

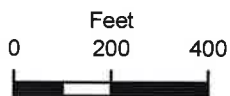
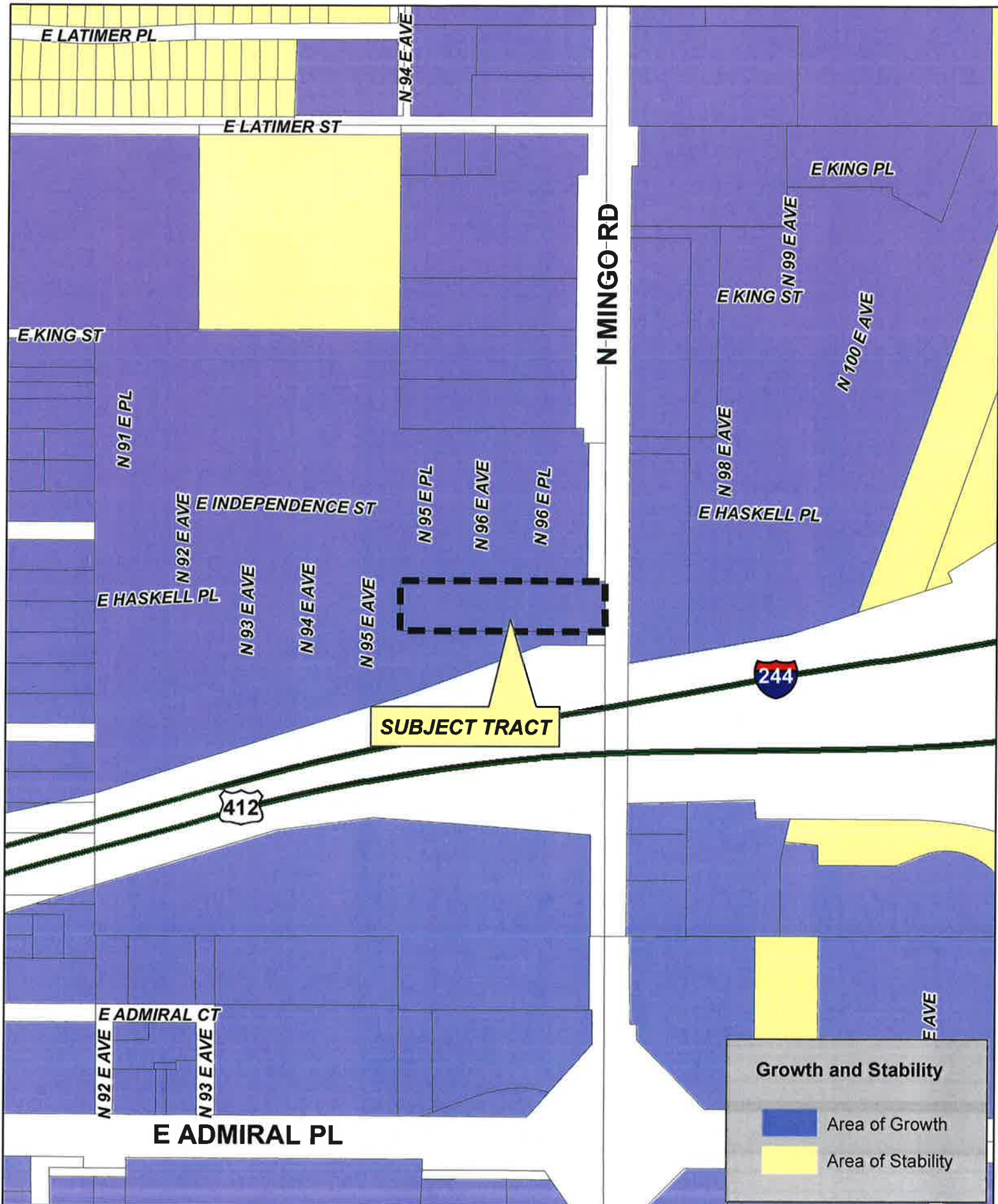


Z-7586

20-13 36

10-9





Z-7586

20-13 36

10-10





Tulsa Metropolitan Area
Planning Commission

Case Number: CZ-508

Hearing Date: December 2, 2020

Case Report Prepared by:

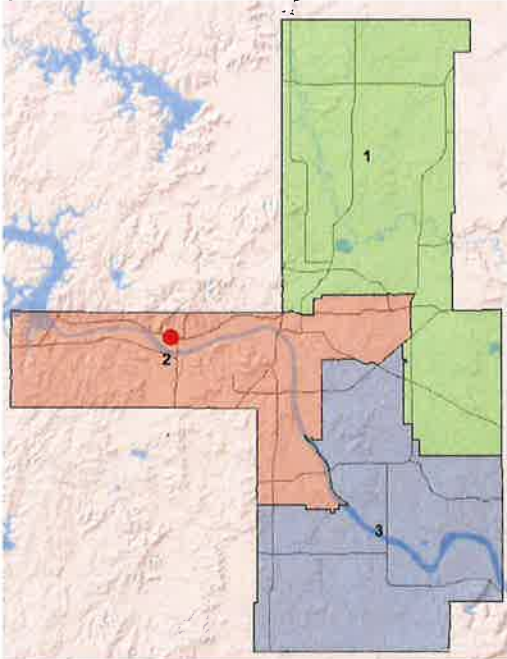
Jay Hoyt

Owner and Applicant Information:

Applicant: Ashley Hacker

Property Owner: Barry & Celeste Hacker

Location Map:
(shown with County Commission Districts)



Applicant Proposal:

Present Use: Storage

Proposed Use: Office Warehouse

Concept summary: Rezone from RS to CG to permit a new office/warehouse building

Tract Size: 0.47 ± acres

Location: West of the Northwest corner of West Long Street & South Broad Street

Zoning:

Existing Zoning: RS

Proposed Zoning: CG

Comprehensive Plan:

Land Use Map: Commercial

Stability and Growth Map: N/A

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 9110
CZM: 76

County Commission District: 2

Commissioner Name: Karen Keith

SECTION I: CZ-508

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from RS to CG to permit an office/warehouse building. There is an existing garage/warehouse building on site which the applicant intends to remodel into the proposed office/warehouse. The site is located within the Commercial land use designation of the City of Sand Springs Comprehensive Plan. Based on this designation, the proposed CG zoning for an office/warehouse use would be compatible with the long term land use plans for the immediate area.

EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Comprehensive Plan Land Use Map

DETAILED STAFF RECOMMENDATION:

CZ-508 is non-injurious to surrounding proximate properties;

CZ-508 is compatible with the Commercial land use designation of the Tulsa County Comprehensive Land Use Plan and City of Sand Springs Comprehensive Plan;

CZ-508 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends **Approval** of CZ-508 to rezone property from RS to CG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

The subject property is located within the fenceline of Sand Springs. The 2030 Sand Springs Land Use Master Plan was adopted June 26, 2017 and was adopted as part of the Tulsa County Comprehensive Plan October 26, 2020. The City of Sand Springs Planning Department engaged citizens in the Comprehensive Planning process. They initiated a community survey that was available in electronic format via social media and the City's website. The survey was also available in a hard copy that citizens could acquire at several locations. In addition, a web based Interactive Map was launched to obtain citizen participation.

The Land Use Master Plan designates this area as Commercial. See the attached Land Use Map. The Commercial Land Use District represents areas of retail trade and services. Typically, these areas are located around nodes of arterial street intersections or in some cases, at intersections of collectors and arterials. Commercial Districts can also be found in corridors that have an established commercial use pattern. The Commercial District includes uses that range from small neighborhood convenience shopping areas, single free-standing buildings, big box retailers, restaurants, automotive services centers, and other similar retail uses. Residential Multi-Family uses may be allowed where deemed appropriate as increased density provides support for commercial areas.

Land Use Vision:

Land Use Plan map designation: Commercial

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: W Long Street does not have a designation

Trail System Master Plan Considerations: The site is located approximately 300 ft from the Katy Trail Wekiwa Linkage along Wekiwa Road. The Go Plan calls for shared automobile/bicycle lanes along Broad Street, approximately 200 ft to the east of the subject lot.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site currently contains a single garage building.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
W Long Street	None	N/A	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS	Commercial	N/A	Single Family
South	RS	Commercial	N/A	Single Family
East	CG	Commercial	N/A	Single Family
West	RS	Commercial	N/A	Single Family

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:

CZ-506 October 2020: All concurred in **approval** of a request for *rezoning* a .34± acre tract of land from RS to CG for office warehouse, on property located west of the northwest corner of West Long Street and South Broad Street.

CZ-505 October 2020: All concurred in **approval** of a request for *rezoning* a .44± acre tract of land from RS to CG for office warehouse, on property located east of the southeast corner of West Wekiwa Road and South River City Parks Road.

CBOA-02547 September 2015: The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS District and a *Variance* to allow two dwellings on one RS zoned lot record, subject the trailer house being skirted and tied down, and there be an 8'0" x 10'0" asphalt or concrete pad for parking, on property located 825 West Katy Street South.

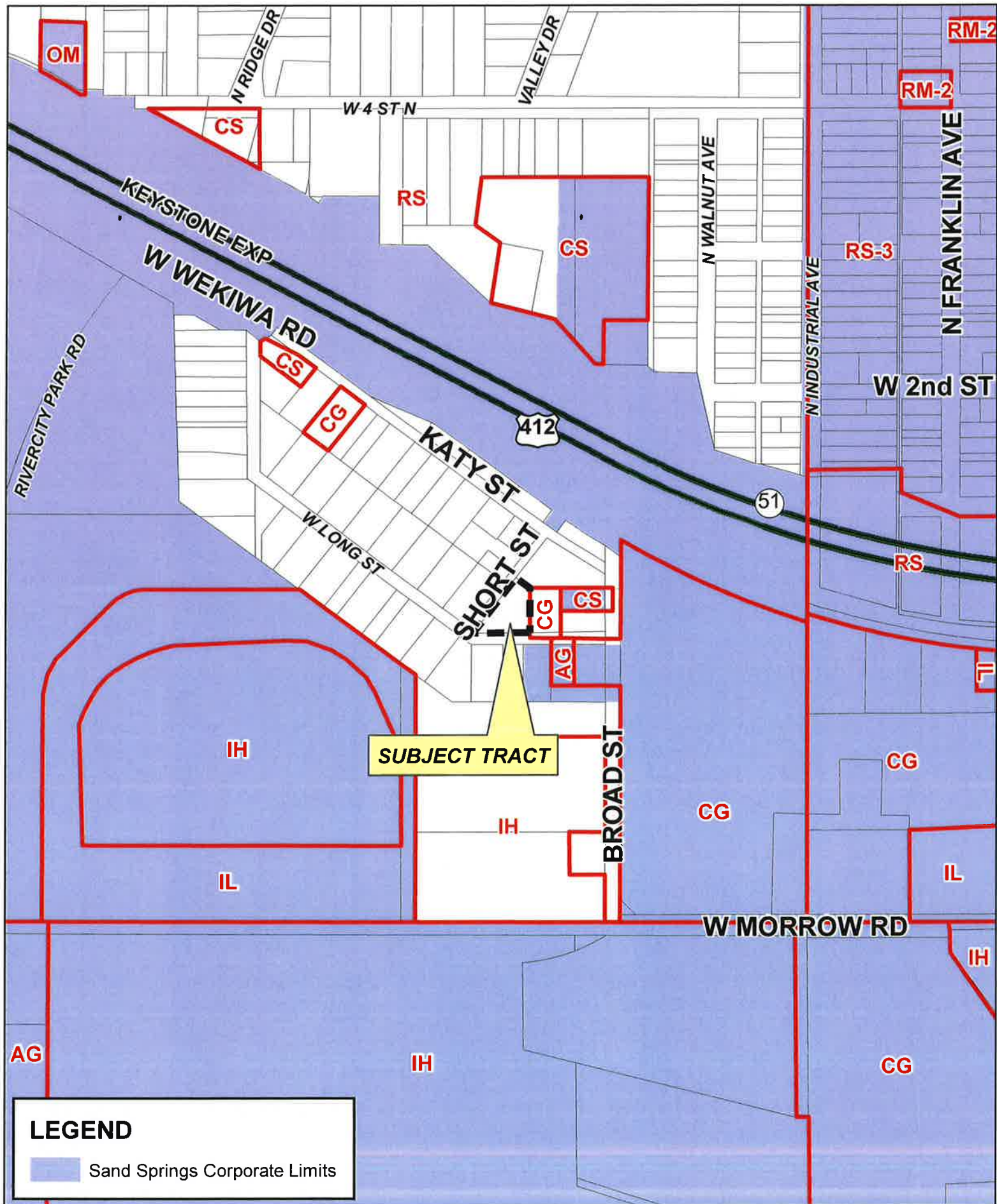
CBOA-02142 November 2004: The Board of Adjustment **approved** a *Special Exception* to permit a firework stand in an RS District from December 15th, 2004 through January 2nd, 2005 and June 15th, 2005 through July 5th, 2005, as requested, on property located 810 West Katy Street South.

CBOA-00844 September 1988: The Board of Adjustment **approved** an *Exception* to allow for a mobile home in an RS District, subject to Health Department approval and Building Permit, the installation of tie-downs and skirting, finding that there are a number of mobile homes in the area, on property located 813 Long Street.


CBOA-00734 April 1984: The Board of Adjustment **approved** a *Special Exception* to allow for a mobile home and a *Variance* to allow 2 dwelling units on one lot of record, subject to the Building Permit and Health Department approval of the septic system, finding that there are numerous mobile homes in the area, as well as lots with more than one dwelling unit, on property located south of Keystone Expressway, West of Highway 97.

CBOA-00551 April 1985: The Board of Adjustment **approved** a *Special Exception* to allow a home occupation for a mechanic shop in a RS zoned district, a *Variance* of the 50' setback from the centerline of Katy to 25' and of the rear yard setback from 20' to 10' to permit construction of an accessory building, and a *Variance* to permit a 1200 sq. ft. accessory building to be located in the side yard, finding that a hardship imposed on the applicant by the narrow shape of the lot and the fact that the lot is also adjacent to the expressway, subject to no placement of a sign on the property, no outside storage of materials, and the garage closing by 10pm, on property located at 816 Katy Street.

CBOA-00083 July 1981: The Board of Adjustment **approved** an *Exception* to allow for a mobile home in an RS District, subject to city-county Health Department approval, on property located 310 Broad Street.



LEGEND

 Sand Springs Corporate Limits



CZ-508

19-11 10

11-5





0 Feet 200 400



Subject
Tract

CZ-508

19-11 10

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

Aerial Photo Date: February 2018

11-6



412

KATY ST

W WEKIWA RD

SHORT ST

W LONG ST

BROAD ST



Subject
Tract

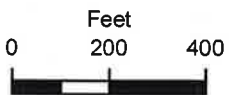
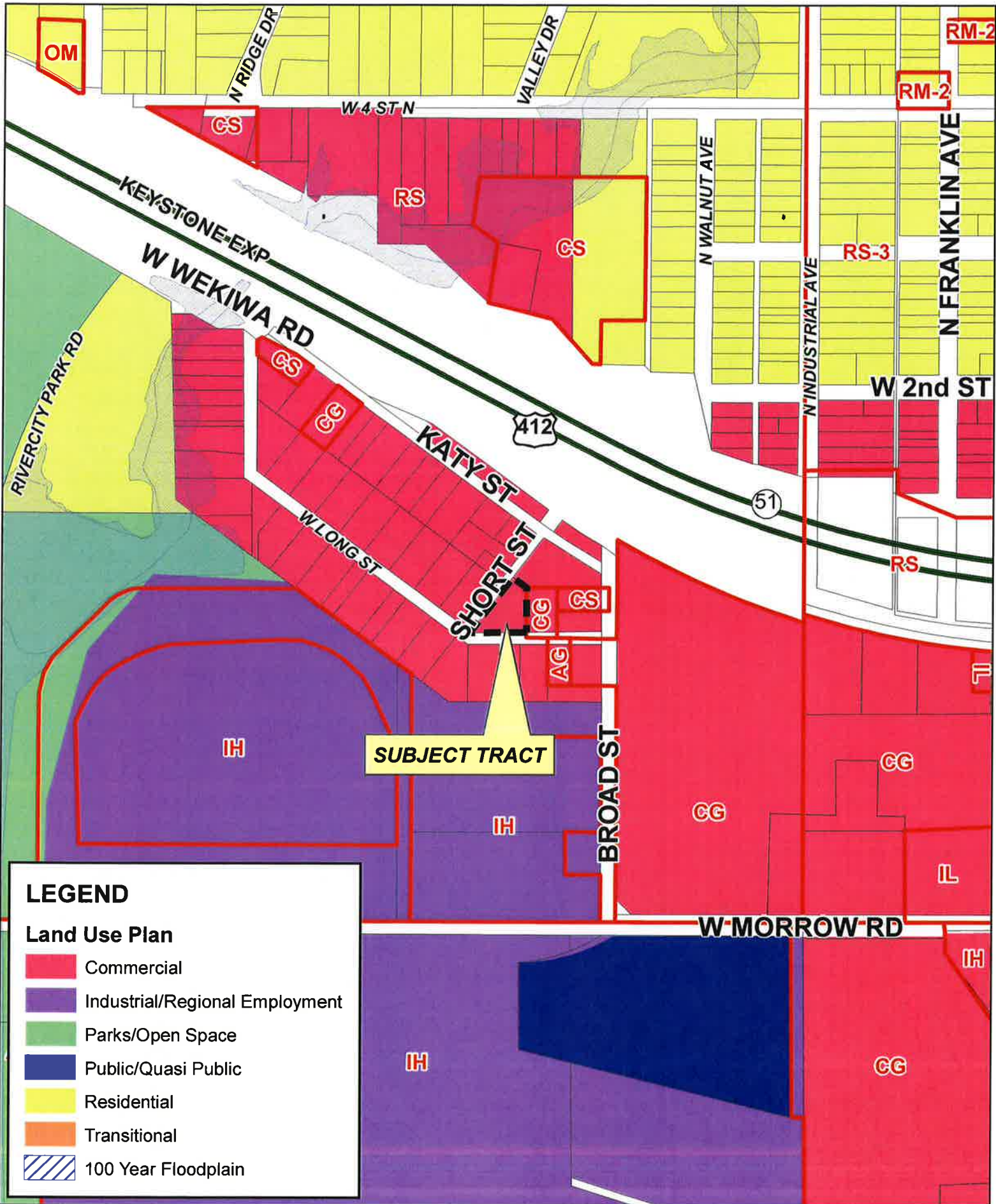
CZ-508

19-11 10

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

Aerial Photo Date: February 2018





CZ-508

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