

TULSA METROPOLITAN AREA PLANNING COMMISSION

Meeting No. 2823

August 5, 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 and by videoconferencing and teleconferencing via **GoToMeeting**, an online meeting and web conferencing tool.

Commissioners and members of the public may attend the meeting in person in the Tulsa City Council Chamber, but are encouraged to attend and participate in the TMAPC meeting via videoconferencing and teleconferencing by joining from a computer, tablet or smartphone using the following link:

<https://www.gotomeet.me/CityOfTulsa2/tmapc-august-5th>

Commissioners and members of the public can also dial in using their phone by dialing:

United States: +1 (312) 757-3121

Participants must then enter the following **Access Code: 700-228-549**

The following Commissioners plan to attend remotely via GoToMeeting, provided that they may still be permitted to appear and attend at the meeting site, the Tulsa City Council Chambers, Second Floor of City Hall, at One Technology Center, 175 East Second Street, Tulsa Oklahoma: Chair Covey, Commissioner Craddock, Commissioner Doctor, Commissioner Kimbrel, Commissioner McArtor, Commissioner Ray, Commissioner Reeds, Commissioner Ritchey, Commissioner Shivel, Commissioner Van Cleave, Commissioner Walker

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

Call to Order:

REPORTS:

Chairman's Report:

Work session Report: A work session will be held on August 19, 2020 at 10:00am via Zoom.

Director's Report:

1. Minutes of July 15, 2020 Meeting No. 2822

CONSENT AGENDA

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

2. **PUD-828-1 Tanner Consulting, LLC** (CD 8) Location: South of southwest corner of East 121st Street South and South Sheridan Road requesting a **PUD Minor Amendment** to allow Reserve Areas A,B and C open space to be equally distributed as livability space to all lots
3. **PUD-677-A-6 TJ Remy** (CD 8) Location: Northeast corner of South 119th Place and South Lakewood Avenue requesting a **PUD Minor Amendment** to modify rear and front setback requirements

PUBLIC HEARINGS:

4. **The Crossing at Battle Creek VI-VIII** (CD 6) Preliminary Plat, Location: North and east of East 41st Street South and South 145th East Avenue (**Staff requests a continuance to August 19, 2020**)
5. **CZ-503 Ryan McCarty** (County) Location: North of the northwest corner of East 181st Street South and South Yale Avenue requesting rezoning from **AG** to **RE** (**Related to PUD-857 & Magnolia Heights Preliminary Plat**) (Continued from July 15, 2020)
6. **PUD-857 Ryan McCarty** (County) Location: North of the northwest corner of East 181st Street South and South Yale Avenue requesting a new Planned Unit Development (**Related to CZ-503 & Magnolia Heights Preliminary Plat**) (Continued from July 15, 2020)
7. **Magnolia Heights** (County) Preliminary Plat, Location: North of the northwest corner of East 181st Street South and South Yale Avenue (**Related to CZ-503 & PUD-857**)
8. **CZ-504 Michael Sommer** (County) Location: Northwest corner of West 51st Street and South 129th West Avenue requesting rezoning from **AG** to **RS**
9. **CZ-505 Ashley Hacker** (County) Location: East of the southeast corner of West Wekiwa Road and South River City Park Road requesting rezoning from **RS** to **CG**
10. **CZ-506 Ashley Hacker** (County) Location: West of the northwest corner of West Long Street and South Broad Street requesting rezoning from **RS** to **CG**
11. **Z-7563 Jeff Weaver** (CD 1) Location: East of the northeast corner of West Fairview Street and North Denver Avenue requesting rezoning from **RM-1, RS-4** and **HP** to **CH/HP** with an **optional development plan**

12. Z-7565 Lou Reynolds (CD 9) Location: Southwest corner of East 50th Street South and South Victor Avenue requesting rezoning from **RS-3** to **OL**

13. Z-7568 Tulsa City Council (CD 2) Location: Multiple properties north of West 86th Street South and South of West 77th Street South between South 33rd West Avenue and South Union Avenue and northeast corner of West 77th Street South and South 33rd West Avenue requesting rezoning from **RS-3** to **AG-R**

OTHER BUSINESS

14. 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.



Case Number: PUD-828-1
Minor Amendment

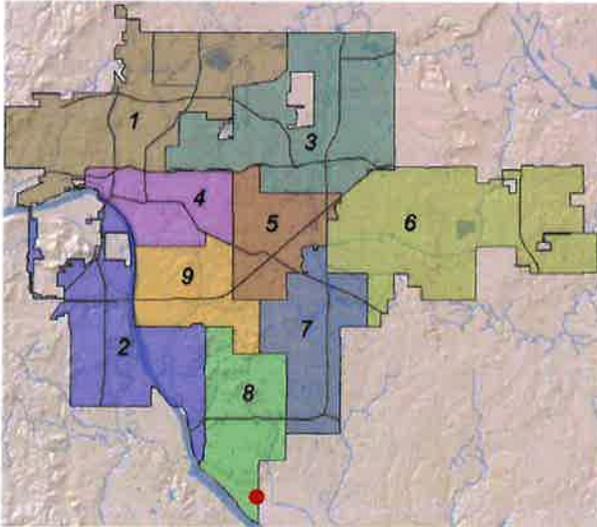
Hearing Date: August 5, 2020

Case Report Prepared by:
 Jay Hoyt

Owner and Applicant Information:
 Applicant: Tanner Consulting, LLC.

Property Owner: Simmons Homes Residential Group, LLC

Location Map:
 (shown with City Council Districts)



Applicant Proposal:

Concept summary: PUD minor amendment to allow Reserve Areas A, B & C open space to be equally distributed as livability space to all lots.

Gross Land Area: 30+ acres

Location: South of the SW/c of E 121st St S & S Sheridan Rd

All of Enclave at Addison Creek

Zoning:
 Existing Zoning: RS-3/PUD-828
 Proposed Zoning: No Change

Comprehensive Plan:
 Land Use Map: New Neighborhood
 Growth and Stability Map: Growth

Staff Recommendation:
 Staff recommends approval

Staff Data:
 TRS: 7303

City Council District: 8
Councilor Name: Phil Lakin

County Commission District: 3
Commissioner Name: Ron Peters

SECTION I: PUD-828-1 Minor Amendment

Amendment Request:

Amend the development standards to allow the Reserve Area A, B and C open space to be equally distributed to all of the residential lots within Enclave at Addison Creek as livability space.

Currently, the PUD standards require each lot to contain a total of 4,000 sf of livability space on the lot itself. The applicant is proposing to distribute the 38,603 sf total of the Reserve Areas A, B and C equally to each lot, resulting in a credit of 428 sf of livability space for the individual lots. They are also proposing that the Minimum Livability Space be revised from 4,000 sf to 3,572 sf.

With the 428 sf credit from the reserve areas and the 3,572 sf required on the lots themselves, the total would equal 4,000 sf for each lot.

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

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

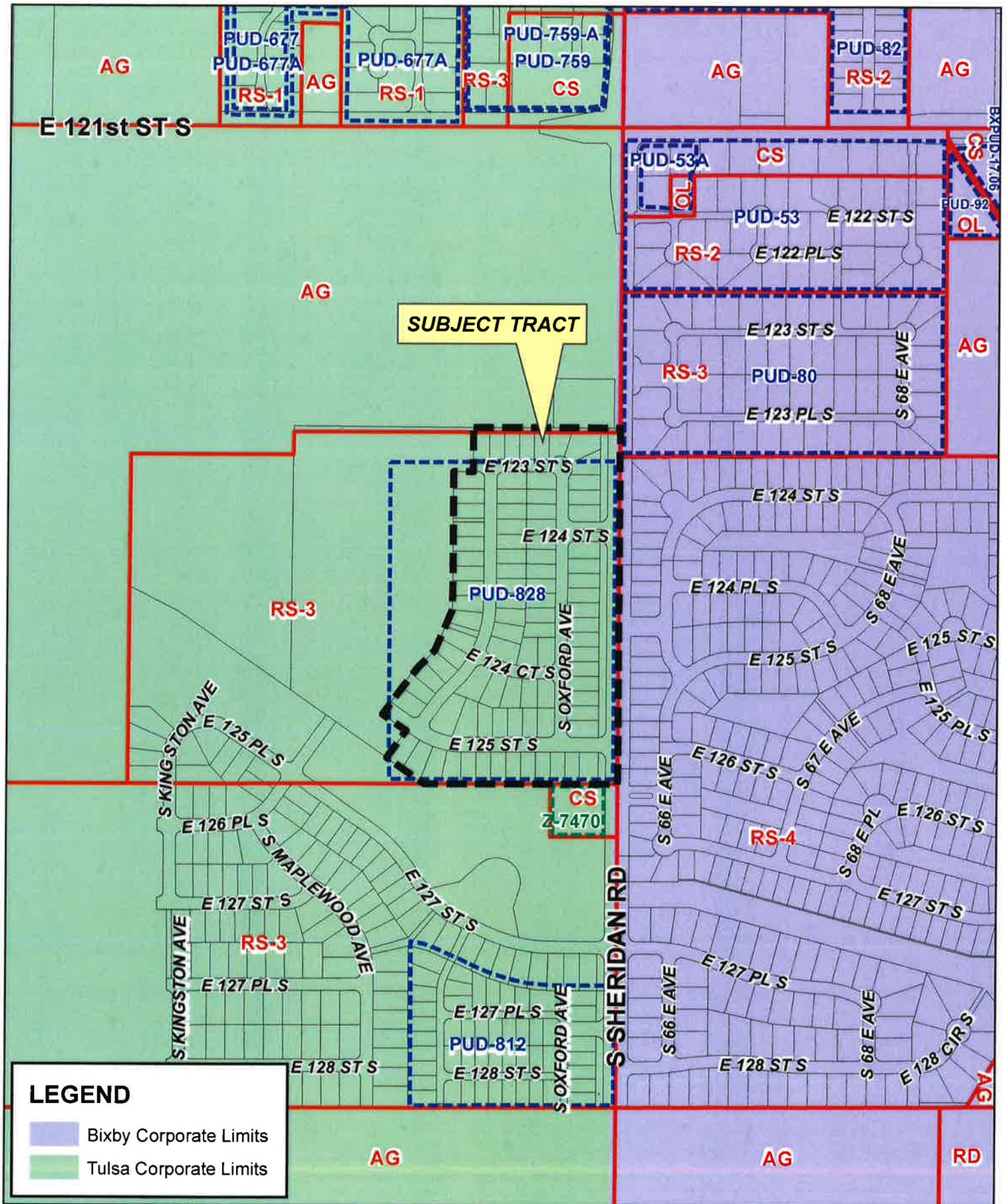
Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in PUD-828.
- 2) All remaining development standards defined in PUD-828 amendments shall remain in effect.

Exhibits included with staff report:

INCOG zoning case map
INCOG aerial photo
Applicant Minor Amendment Letter
Addison Creek Master Plan

With considerations listed above, staff recommends **approval** of the minor amendment to allow the Reserve Area A, B and C open space to be equally distributed to all of the residential lots within Enclave at Addison Creek as livability space.





E 121st ST S

S 68 E AVE

E 122 ST S

E 122 PL S

E 123 ST S

S 68 E AVE

E 123 PL S

E 124 ST S

E 124 PL S

S 68 E AVE

E 125 ST S

E 125 ST S

E 125 ST S

E 125 PL S

E 126 ST S

S 67 E AVE

E 126 ST S

S 66 E AVE

S 68 E PL

E 126 ST S

E 127 ST S

S SHERIDAN RD

E 127 PL S

S 66 E AVE

S 68 E AVE

E 128 ST S

E 128 CIR S



Subject Tract

PUD-828-1

17-13 03

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

Aerial Photo Date: February 2018



2.4

June 26, 2020

Tulsa Metropolitan Area Planning Commission
2 West 2nd Street South, Suite 800
Tulsa, OK 74103

Re: PUD-828 – Minor Amendment # 1

Dear Chair and Commissioners:

Our firm prepared the original PUD-828 and the plat of “Enclave at Addison Creek,” Plat No. 6802, along with the other PUDs and plats comprising the “Addison Creek” master planned community developed thus far.

Residents of Enclave at Addison Creek have access to the large Reserve Areas A, B, and H in adjacent Addison Creek Blocks 1-9 (see enclosed master plan). These reserve areas contain two (2) large stormwater detention facilities with walking trails, a pool and clubhouse, and various other amenities. All affiliated Addison Creek subdivisions will be included within a Homeowners Association providing for the shared use and maintenance responsibilities of the Reserve Areas. However, because these reserve areas are outside of PUD-828, credit could not be applied to Enclave at Addison Creek. The reason is the language in the PUD that tied the transfer of open space to a stormwater detention pond reserve area conceptually shown in the original PUDs site plan, but which was ultimately relocated immediately to the south of the Enclave plat in the adjacent “Addison Creek Blocks 1-9” plat.

Several house plans need just a little flexibility on livability space, presently 4,000 square feet, which must be met on each lot. The PUD and plat contain several common open spaces in platted Reserve Areas, which the Zoning Code allowed be credited to livability space on an individual lot level, but which this PUD does not enable.

Enclave at Addison Creek Reserve Areas to be included are A, B, and C. They contain the following “lot” areas: A: 3,707 SF, B: 23,605 SF, C: 11,291 SF = 38,603 SF total.

The relevant provision of the Development Standards for PUD-828 is:

“Minimum Livability Space Required (per lot): ** 4,000 sq.ft.

** Per Section 1104-C of the Tulsa Zoning Code, livability space for lots may be contained within common open space located within the PUD. The final plat will require a summary of the minimum allowed livability space for each lot unless the storm water detention facility illustrated on Exhibit B is completely eliminated. If the detention facility is eliminated[,] each individual lot will meet the minimum livability standards defined in the PUD.”

This letter proposes a Minor Amendment to PUD-828 to amend the quoted text to be as follows:

“Minimum Livability Space Required (per lot): ** 3,572 sq.ft.

** A pro rata credit of 428 square feet of livability space has been applied to each of the 90 lots within “Enclave at Addison Creek”, Plat No. 6802, from the 38,603 square feet of common open space located within Reserves A, B, and C of the subdivision”

The proposed amendment is in keeping with the spirit and intent of the original restriction and the Zoning Code.

The PUD Covenants of the plat, Section III., simplified the double-asterisk restriction to “Each individual lot will meet the minimum livability standards.” Amending the PUD covenants can be accomplished by recording a certified copy of the approved TMAPC Minutes with the Tulsa County Clerk (Deed of Dedication/Covenants Section V.C.).

No other changes are proposed by this Minor Amendment.

Please contact me at (918) 745-9929 or eenyart@tannerbaitshop.com if you have any questions or need additional information.

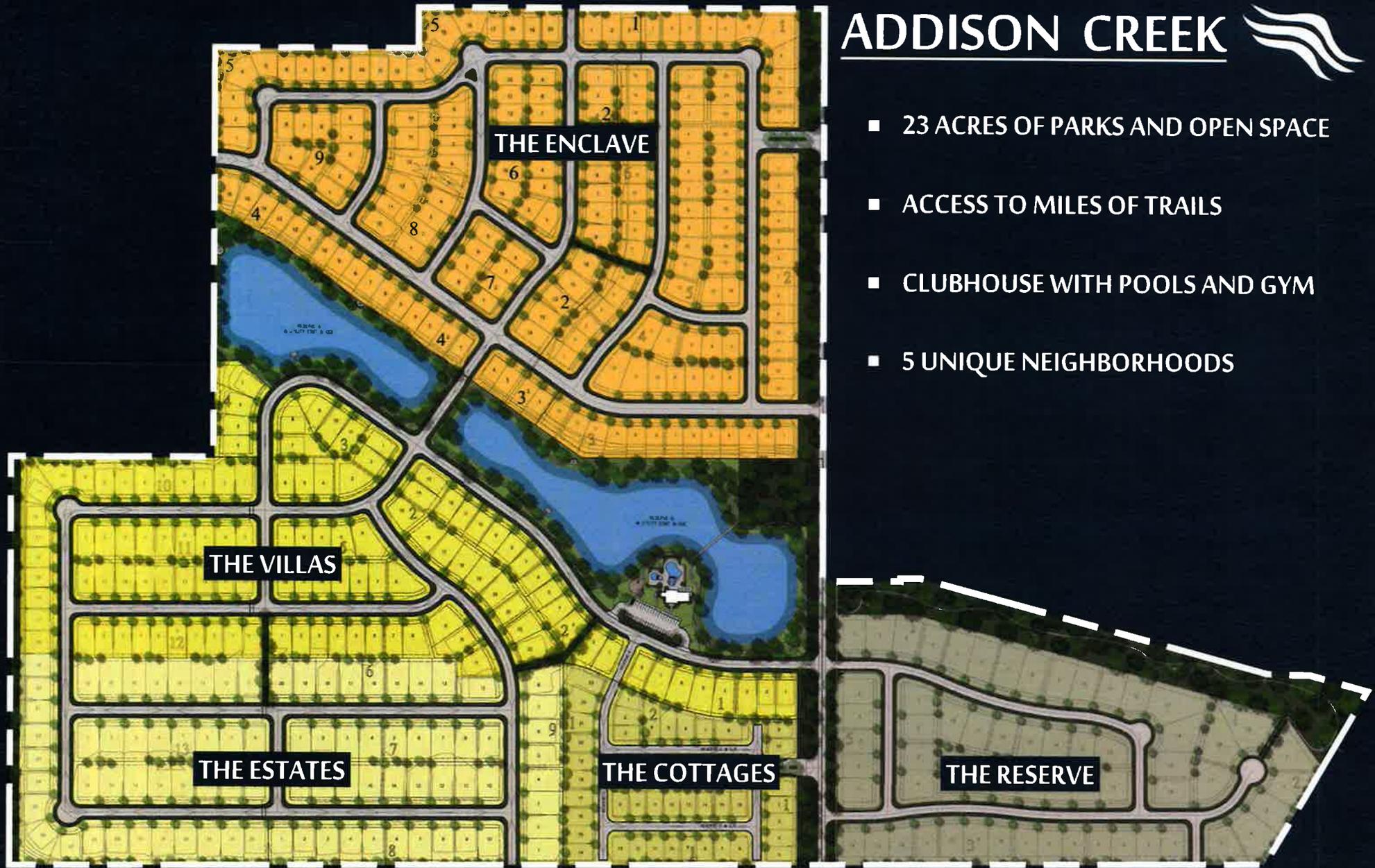
Respectfully,



Erik Enyart, AICP, CFM

ADDISON CREEK

- 23 ACRES OF PARKS AND OPEN SPACE
- ACCESS TO MILES OF TRAILS
- CLUBHOUSE WITH POOLS AND GYM
- 5 UNIQUE NEIGHBORHOODS



* PLAN IS FOR CONCEPTUAL DESIGN ONLY



Case Number: PUD-677-A-6
Minor Amendment

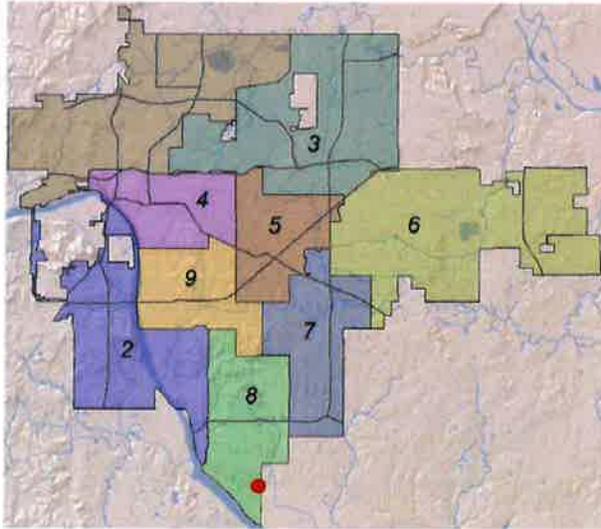
Hearing Date: August 5, 2020

Case Report Prepared by:
 Jay Hoyt

Owner and Applicant Information:
 Applicant: TJ Remy

Property Owner: David Kolker

Location Map:
 (shown with City Council Districts)



Applicant Proposal:

Concept summary: PUD minor amendment to modify to rear and side yard setback requirements.

Gross Land Area: 0.34 Acres

Location: NEC of S 119th Pl and S Lakewood Ave

11905 S Lakewood Ave

Lot 6, Block 2 Crestwood At The River II

Zoning:
 Existing Zoning: RS-1/PUD-677-A
 Proposed Zoning: No Change

Comprehensive Plan:
 Land Use Map: Existing Neighborhood
 Growth and Stability Map: Stability

Staff Recommendation:
 Staff recommends approval.

Staff Data:
 TRS: 8314

City Council District: 8
Councilor Name: Phil Lakin

County Commission District: 3
Commissioner Name: Ron Peters

SECTION I: PUD-677-A-6 Minor Amendment

Amendment Request: Revised the PUD Development Standards to reduce the setback requirements for the side and rear yards.

Currently the setback for Side street entry garages is 20 ft. The revised setback would be 5 ft. The current side yard setbacks are 5 ft for one side, 10 ft for the other side. The revised side yard setbacks would be 5 ft for one side and 0.5 for the other side with all portions of the building and structure located within this setback. Additionally the current rear yard setback is 25 ft and the revised would be 17.5 ft.

The request is due to the shape of the lot and the placement of the proposed home and pool as illustrated in the site plan provided by the applicant

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

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

Staff has reviewed the request and determined:

- 1) PUD-677-A-6 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-677-A.
- 2) All remaining development standards defined in PUD-677-A and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to revise the rear and side yard setbacks as indicated.

SECTION II: Supporting Documentation

Exhibits included with staff report:

INCOG zoning case map

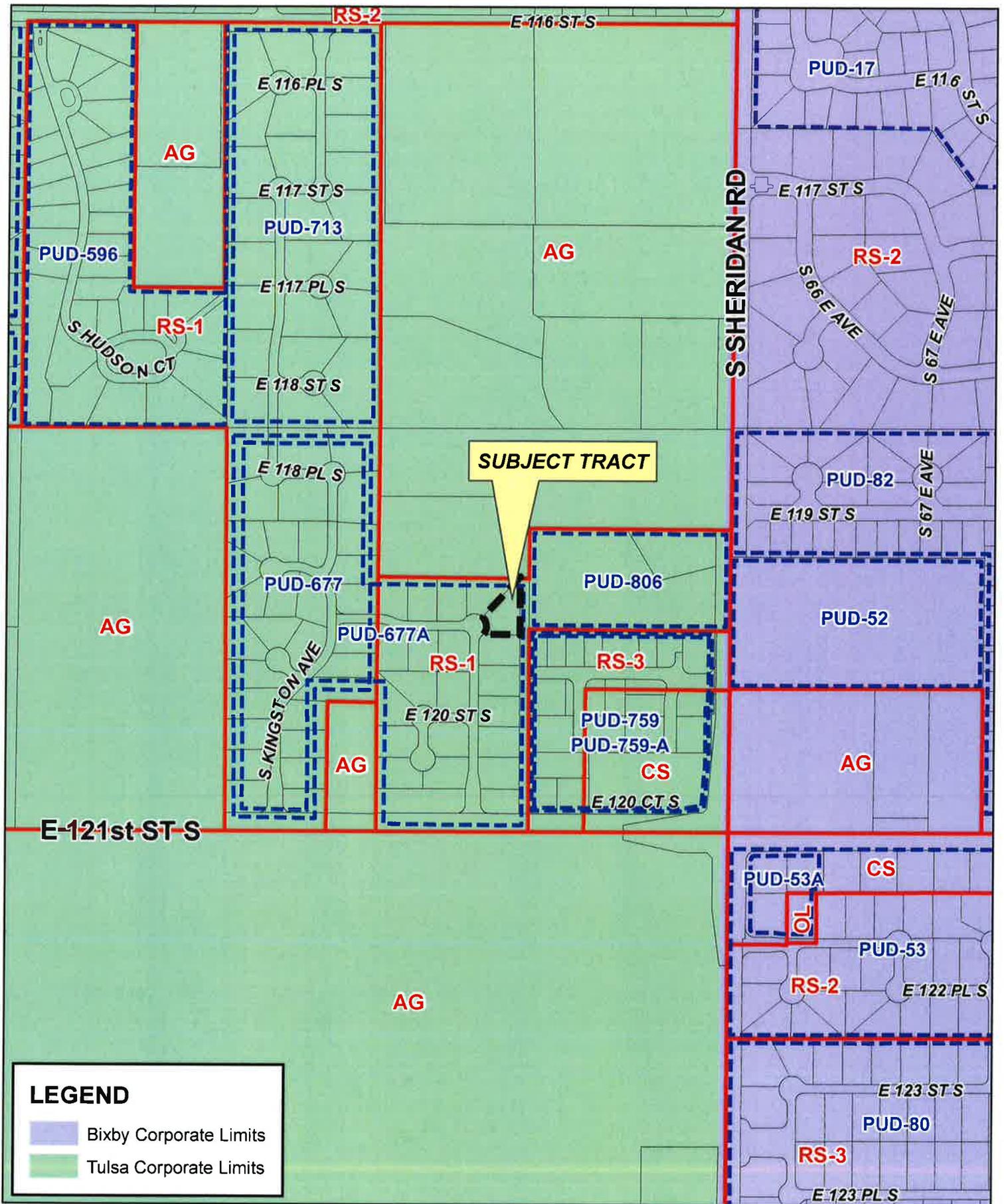
INCOG aerial photo

INCOG aerial photo (enlarged)

Applicant Site Plan

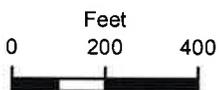
Applicant Minor Amendment Letter

Homeowners Association Approval Letter for Revisions



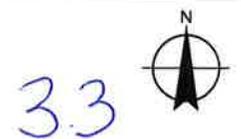
LEGEND

- Bixby Corporate Limits
- Tulsa Corporate Limits



PUD-677-A-6

18-13 34





PUD-677-A-6

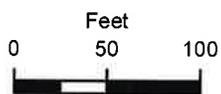
18-13 34

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

Aerial Photo Date: February 2018



34



 Subject Tract

PUD-677-A-6

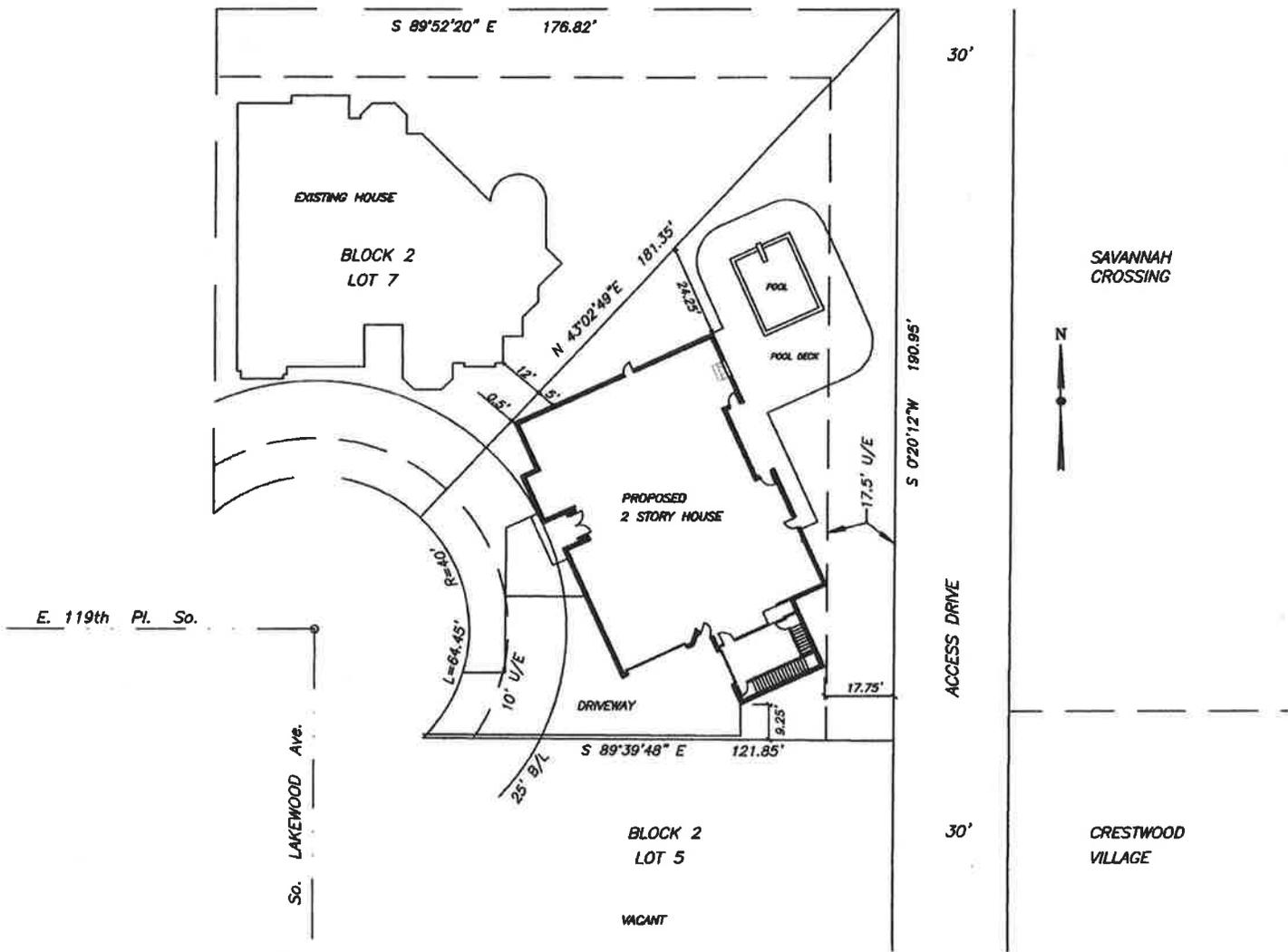
18-13 34

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

Aerial Photo Date: February 2018



3.5



LOT 6, BLOCK 2
CRESTWOOD AT THE RIVER II

PUD 677-A, request for side yard setback and rear yard setback requirement for Lot 6, Block 2, Crestwood at the River II prt RSB L6B2 Crestwood at the River.

Address: 11905 S. Lakewood Ave.

We desire to construction a new home for our family. Our children attend Bixby Public Schools and Lot 6, Block 2 has been made available for our new home. We are asking for a PUD Minor Amendment from the rear and side yard setback requirements, having reviewed the Restrictive Covenants and Planned Unit Development for Crestwood at the River II. Lot 6 is situated on a semi-sac at the intersection of E. 119th Pl. So. And So. Lakewood Ave. The angle created by the semi-sac to face our house towards the center of the semi-sac has created unusual angles and has therefore contributed to our not being able to meet the side yard and rear yard requirements for our new home construction.

We have shown the site plan for our new home to the Crestwood at the River Homeowners Association. The request for relief from the rear and side yard requirements has met with their approval and a letter of their approval is attached with this application.

There is a 30' drive way access separating lot 6 from both Savannah Crossing and Crestwood Village to the east. Therefore 47.75 feet exist between the rear of our house and those property lines. There would be 118 feet of separation between this house and the closest structure in Savannah Crossing. The closest lot in Crestwood Village is presently vacant.

The separation distance between the existing house on Lot 7 to our northwest and our proposed house would be 17 feet. Our house is situated 9.25 feet north of the north Lot 5 lot line.

We believe the separation distance between our proposed house and surrounding homes meets the intent of separation of both side yard and rear yard by the Restrictive Covenants and Planned Unit Development document. We have our home designed and our loan in place for construction. We love the subdivision, it's location in South Tulsa and Bixby School System. We prayerfully request you as the Planning Commission, approve the Minor Amendment for both the rear and side yard setback requirements as stated in the Deed of Dedication and Restrictive Covenants for Crestwood at the River II.

Sincerely,
TJ and Julie Remy

Crestwood at the River Homeowners Association

Applicant: The Board of Directors and Architectural Review Committee for the Crestwood at the River Homeowner's Association has reviewed your request for a 7.5 foot variance from the 25-foot rear setback line for the construction of your residence on Lot 6, Block 2, Crestwood at the River II. We have received and reviewed a legal opinion in that regard, and also additional material provided to the Association and have concluded by a majority vote of the Board of Directors that the Board has no objection to your request for the variance. However, we have also been made aware that the request for variance would have to be submitted to and approved by the Indian Nations Council of Governments (INCOG). If a public hearing on your application becomes necessary, the Board of Directors will go on record on your behalf as having reviewed your application and approved it by a majority vote of the Board of Directors.



David Pentecost, Board President

6.30.20

Cont to August 19

Sawyer, Kim

From: Foster, Nathan
Sent: Thursday, July 30, 2020 11:01 AM
To: Sawyer, Kim
Subject: The Crossing at Battle Creek VI-VIII - Staff Continuance

Kim,

Staff is requesting a continuance on The Crossing at Battle Creek VI-VIII preliminary plat to the August 19th TMAPC agenda. There are ongoing conversations with the applicant, city staff, and the City Council office that may impact the preliminary plat.

Thanks,



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

4.1



Tulsa Metropolitan Area
Planning Commission

Case Number: CZ-503
(related to case PUD-857)

Hearing Date: August 5, 2020

Case Report Prepared by:

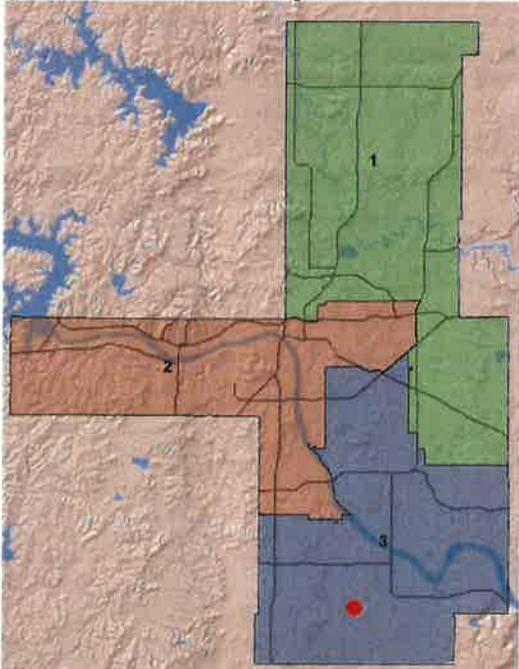
Jay Hoyt

Owner and Applicant Information:

Applicant: Ryan McCarty

Property Owner: Four Cedars Development Group, LLC

Location Map:
(shown with County Commission Districts)



Applicant Proposal:

Present Use: Vacant

Proposed Use: Residential

Concept summary: Rezone from AG to RE with a PUD overlay to permit a single family residential subdivision.

Tract Size: 50 ± acres

Location: N. of the NW/c of E. 181st St. S. & S. Yale Ave.

Zoning:

Existing Zoning: AG

Proposed Zoning: RE/PUD-857

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 7333
CZM: 67, 66

County Commission District: 3

Commissioner Name: Ron Peters

5.1

SECTION I: CZ-503

DEVELOPMENT CONCEPT: The applicant is requesting to rezone from AG to RE to permit a single-family subdivision. A PUD (PUD-857) is being concurrently proposed with this rezoning to establish the allowable use and the bulk and area requirements. The lots are intended to be half acre minimum in size. Sewer is proposed to be provided through aerobic systems. The proposal lies within the Rural Residential designation of the City of Bixby Comprehensive Plan, which has been adopted as part of the Tulsa County Comprehensive Plan. This proposal, along with the accompanying PUD are compatible with this designation.

EXHIBITS:

- INCOG Case map
- INCOG Aerial
- Tulsa County Comprehensive Plan Land Use Map
- Applicant Exhibits:
 - Proposed Layout

DETAILED STAFF RECOMMENDATION:

CZ-503 is non-injurious to surrounding proximate properties;

CZ-503 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends **Approval** of CZ-503 to rezone property from AG to RE

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the City of Bixby Comprehensive Plan Area, adopted January 14, 2019, and within the Tulsa County Comprehensive Plan, adopted June 19, 2019. It is designated as "Rural Residential." See the description of this designation below as well as the attached Comprehensive Plan Map.

*The **Rural Residential designation** denotes areas that have large-lot detached residential development in natural / rural portions of the City. Development in this designation should retain the rural character of the area and will be relatively low in density. However, these areas should offer sufficient access to schools, parks, trails, and open spaces to maintain the quality of life in the rural setting, and may allow limited commercial uses that support the surrounding rural area.*

Land Use Vision:

Land Use Plan map designation: Rural Residential

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: S Yale Avenue is designated as a Secondary Arterial

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant agricultural land.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Yale Avenue	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available sewer will by an ODEQ approved system.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	Rural Residential	N/A	Vacant
South	AG	Rural Residential	N/A	Single Family
East	AG	Rural Residential	N/A	Single Family/Vacant
West	AG	Rural Residential	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:

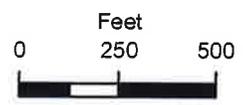
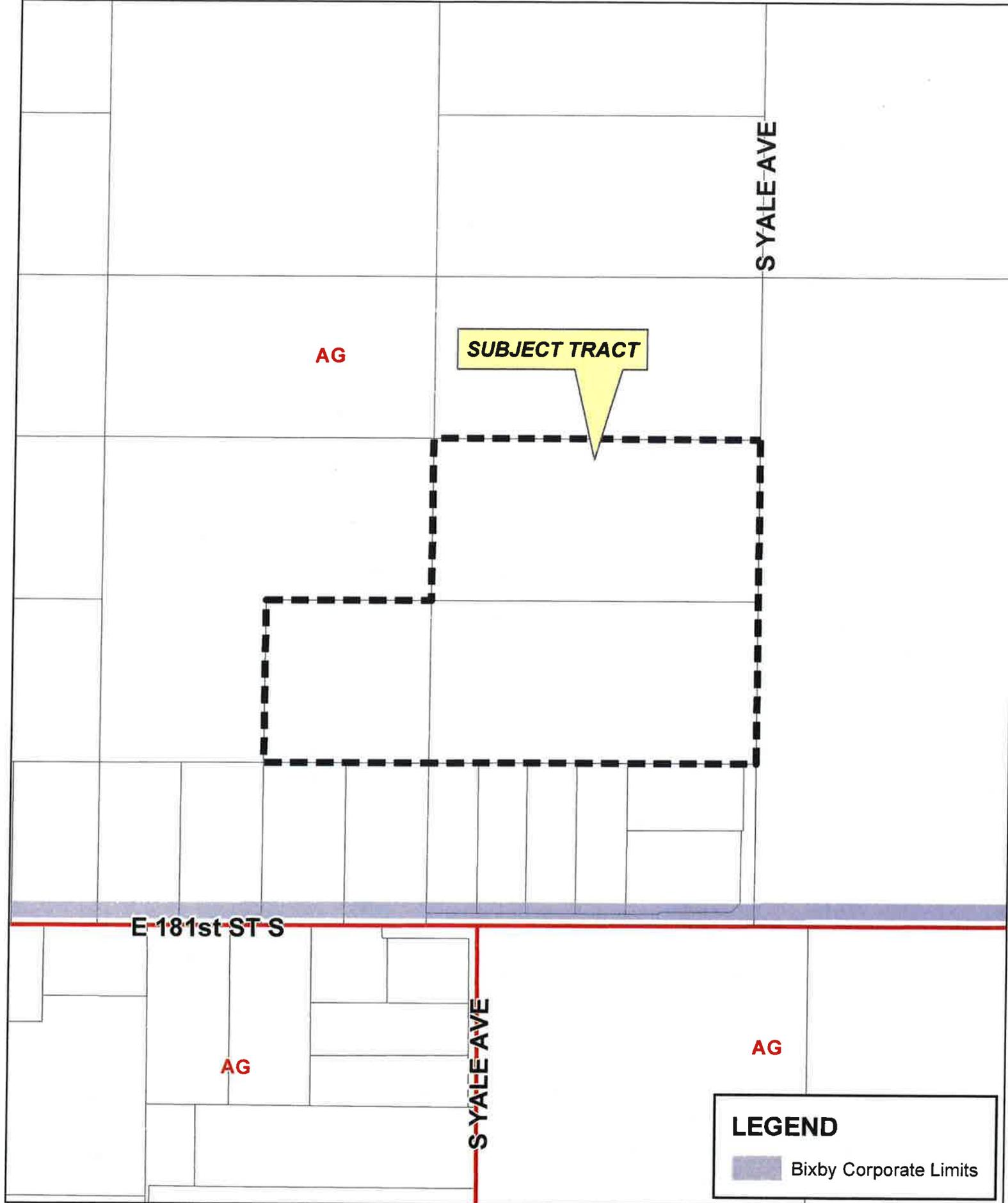
CBOA-2811 May 2020: The Board of Adjustment **approved** a *Special Exception* for Use Unit 2, Area-Wide Special Exception Uses, for a wedding and events venue, a *Variance* from the all-weather parking surface requirement, a *Variance* of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District, subject to conceptual plan 7.7 of the agenda packet. The hours of operation for events are to be closed by

5-3

11:00 P.M, the drive and gravel parking area are to be maintained in a dust free manner, and if the overflow area is consistently utilized it will be appropriately built, on property located at 3921 East 181st Street South. The Board finds the hardship to be the existing nature of the structure and the large tract of land, and the intermittent nature of the use for events, and substantially adjacent to the publicly dedicated road. The subject tract is under common ownership with the tract that does abut the publicly dedicated street and the ownership of those two tracts will not be severed and are to remain as one tract.

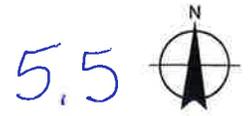
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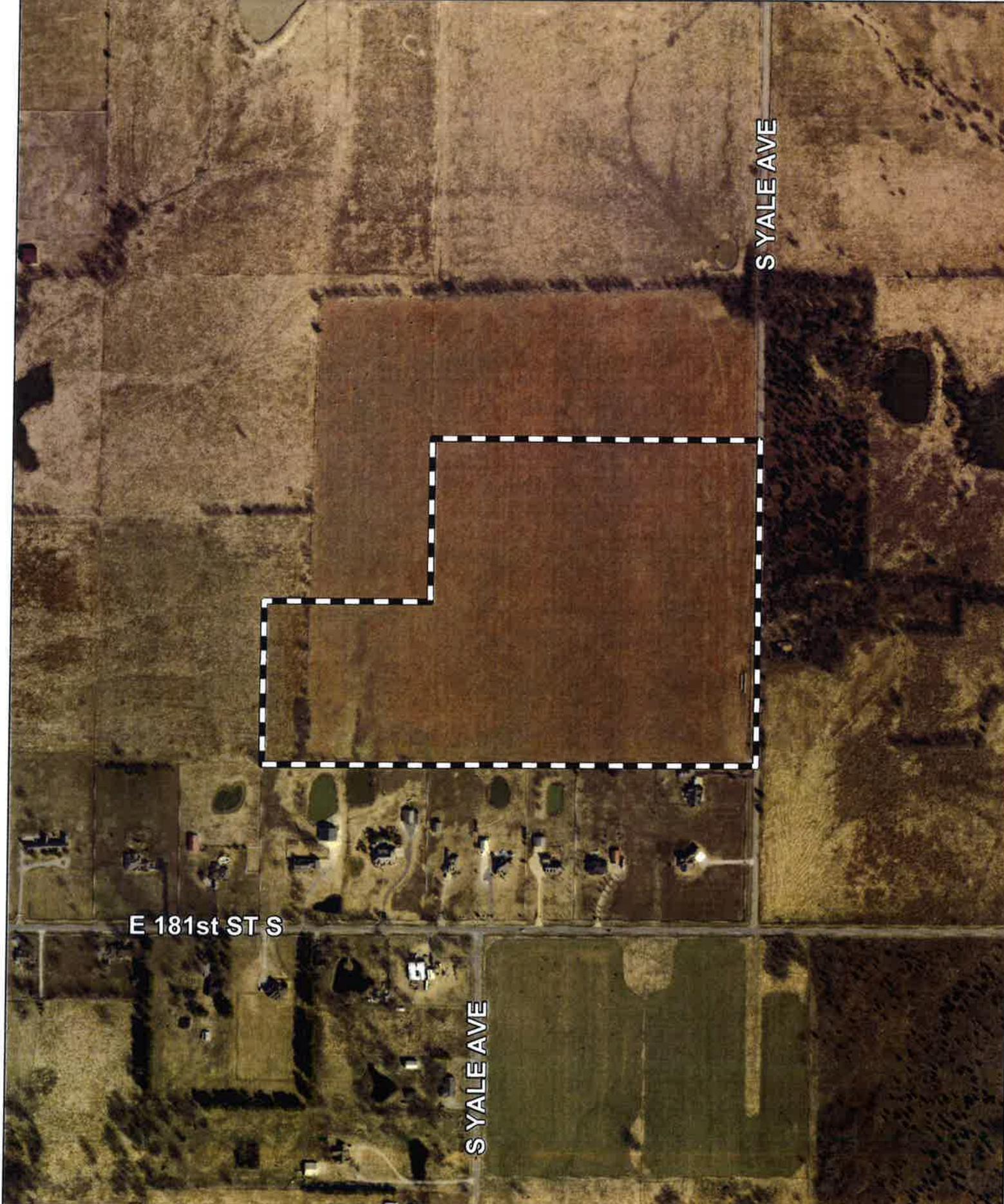
5.4



**CZ-503/
PUD-857**

17-13 33





S YALE AVE

E 181st ST S

S YALE AVE



 Subject Tract

**CZ-503/
PUD-857**

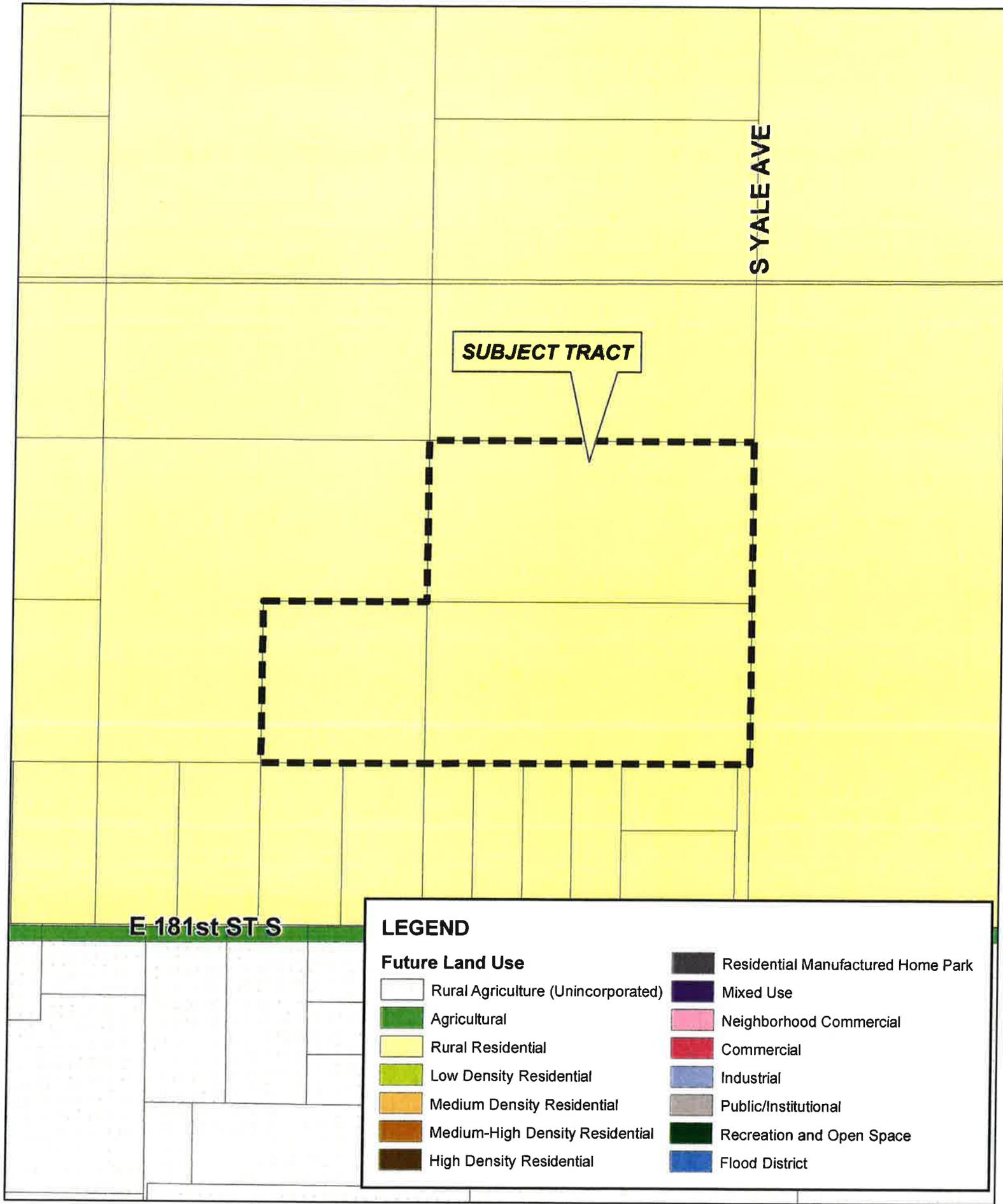
17-13 33

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

Aerial Photo Date: February 2018

5.6





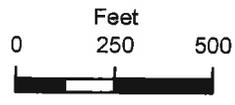
SUBJECT TRACT

SYALE AVE

E 181st ST S

LEGEND

	Rural Agriculture (Unincorporated)		Residential Manufactured Home Park
	Agricultural		Mixed Use
	Rural Residential		Neighborhood Commercial
	Low Density Residential		Commercial
	Medium Density Residential		Industrial
	Medium-High Density Residential		Public/Institutional
	High Density Residential		Recreation and Open Space
			Flood District



CZ-503

17-13 33

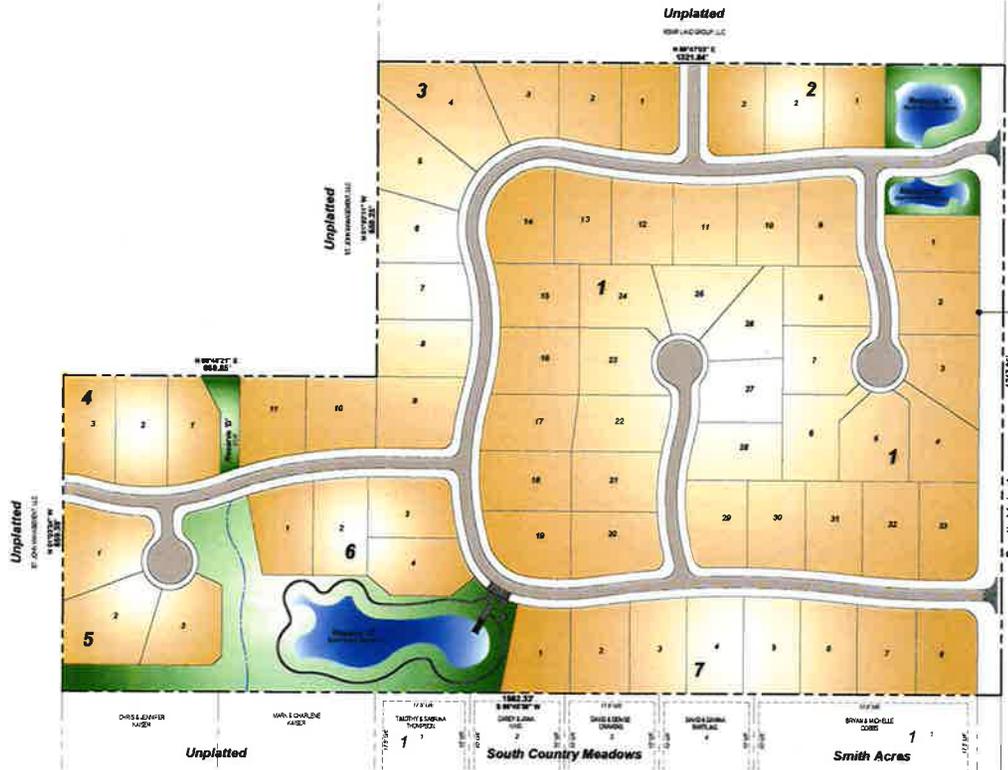
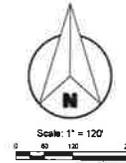
5.7



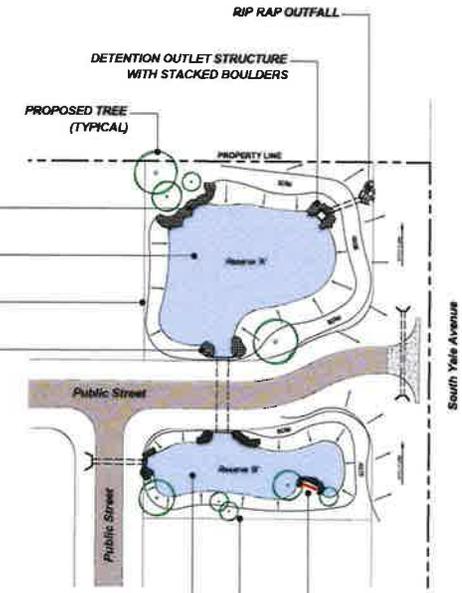


Residential Subdivision MAGNOLIA HEIGHTS

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



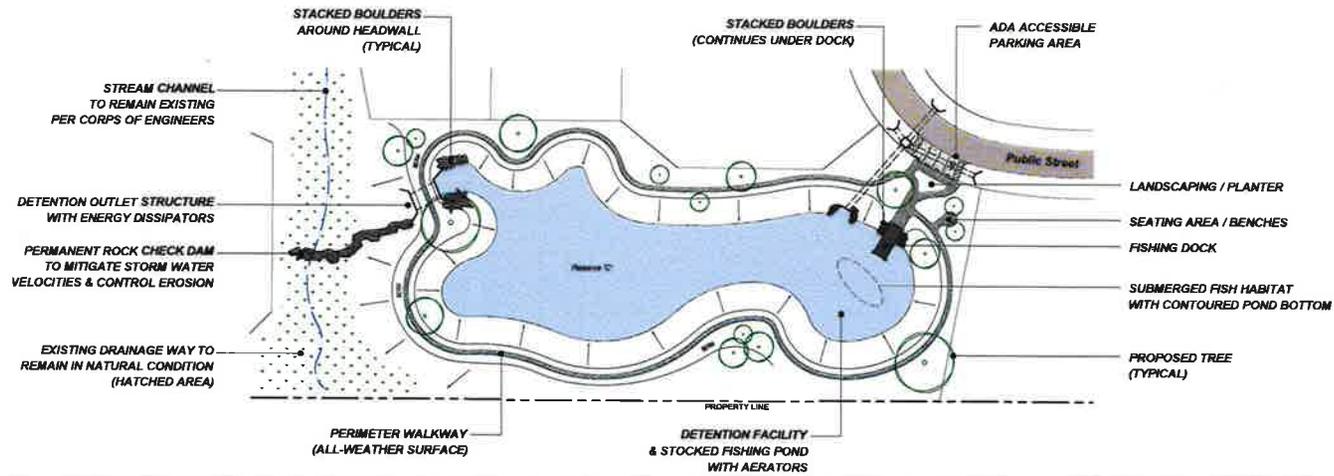
WOOD SCREENING FENCE WITH STONE/BRICK COLUMNS (150' MAX. SPACING)



STACKED BOULDERS & LANDSCAPING
DETENTION FACILITY WITH FOUNTAIN
WOOD SCREENING FENCE WITH STONE/BRICK COLUMNS
STACKED BOULDERS AROUND HEADWALL (TYPICAL)



ILLUMINATED GROUND SIGN WITH STACKED BOULDERS & LANDSCAPING



STREAM CHANNEL TO REMAIN EXISTING PER CORPS OF ENGINEERS

DETENTION OUTLET STRUCTURE WITH ENERGY DISSIPATORS

PERMANENT ROCK CHECK DAM TO MITIGATE STORM WATER VELOCITIES & CONTROL EROSION

EXISTING DRAINAGE WAY TO REMAIN IN NATURAL CONDITION (HATCHED AREA)

PERIMETER WALKWAY (ALL-WEATHER SURFACE)

DETENTION FACILITY & STOCKED FISHING POND WITH AERATORS

ADA ACCESSIBLE PARKING AREA

LANDSCAPING / PLANTER
SEATING AREA / BENCHES
FISHING DOCK

SUBMERGED FISH HABITAT WITH CONTOURED POND BOTTOM

PROPOSED TREE (TYPICAL)

EXHIBIT A CONCEPTUAL SITE PLAN

58



Tulsa Metropolitan Area
Planning Commission

Case Number: PUD-857
(Related to case CZ-503)

Hearing Date: August 5, 2020
Revised 8/3/2020

Case Report Prepared by:

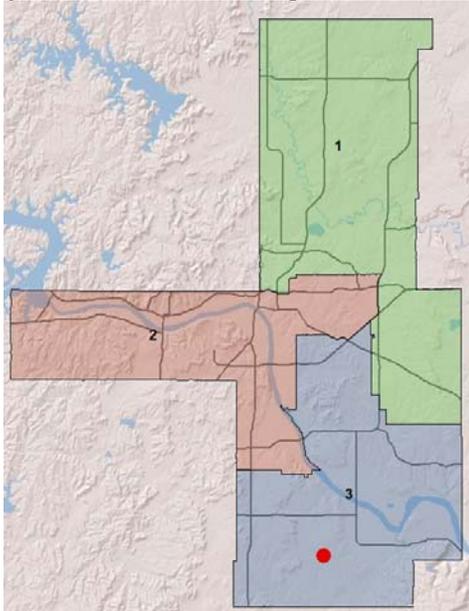
Jay Hoyt

Owner and Applicant Information:

Applicant: Ryan McCarty

Property Owner: Four Cedars Development Group, LLC

Location Map:
(shown with County Commission Districts)



Applicant Proposal:

Present Use: Vacant

Proposed Use: Residential/Agriculture

Concept summary: Rezone from AG to RE with a PUD overlay to permit a single family residential subdivision

Tract Size: 50 ± acres

Location: N of the NW/c of E. 181st St. S. & S. Yale Ave.

Zoning:

Existing Zoning: AG

Proposed Zoning: RE, PUD-857

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 7333
CZM: 67, 66

County Commission District: 3

Commissioner Name: Ron Peters

SECTION I: PUD-857

DEVELOPMENT CONCEPT: The applicant is requesting to rezone from AG to RE with a PUD overlay to permit a single-family subdivision. A rezoning is being concurrently proposed with this PUD (CZ-503). The proposed PUD will establish the allowable use as well as bulk and area requirements. Lots will need to be large enough to provide sewer systems on each lot and meet Oklahoma Department of Environmental Quality regulations.

EXHIBITS:

- INCOG Case map
- INCOG Aerial
- Tulsa County Comprehensive Plan Land Use Map
- Applicant Exhibits:
 - PUD Packet
 - Conceptual Improvements Plan
 - Preliminary Plat

DETAILED STAFF RECOMMENDATION:

Uses allowed in PUD-857 are consistent with the Rural Residential land use designation identified in the Tulsa County Comprehensive Land Use plan.

PUD-857 allows lots sizes and uses that are consistent with the anticipated future development pattern of the surrounding property;

PUD-857 is consistent with the provisions of the PUD chapter of the Tulsa County Zoning Code, therefore;

Staff recommends **Approval** of PUD-857 to rezone property from AG to RE, PUD-857.

DEVELOPMENT STANDARDS:

Permitted uses: All uses allowed by right in the RE zoning district specifically Use Unit 6 – Single Family Dwelling and customary facilities and amenities.

Maximum dwelling units (residential lots) allowed:65

Minimum lot width (at building setback line): 110 feet *

* Lots with cul-de-sac frontage may have a minimum width of 30 feet at the right-of-way line but shall meet the minimum requirements for lot area as specified in this PUD.

Minimum lot area: 22,500 square feet

Minimum land area per dwelling unit: 26,250 square feet

Maximum structure height: 35 feet

Off-Street Parking: Two (2) enclosed off-street parking spaces per dwelling unit

Front yard: 35 feet

Rear yard: 25 feet

Side yard: 15 feet

No residence shall be built nearer than fifteen (15) feet to any side lot on one side, and fifteen (15) feet on the other side, thus requiring a combined total of at least thirty (30) feet between the residences.

All other yards abutting an arterial street: 85 feet from the centerline of South Yale Avenue

Minimum Dwelling Size: 2,500 square feet of finished heated living area

Signage

Two entry identification signs shall be permitted with a maximum of 64 square feet of display signage surface. Additional signage for amenities will be allowed with a maximum of 16 square feet.

Access and Circulation

The subject tract shall be accessed from South Yale Avenue along the east side of the property. Interior vehicular access shall be derived from two entrances with public streets (24 feet in width) throughout. Cul-de-sacs shall have a pavement diameter of 96 feet. ~~The paving materials of the public streets shall be of a quality and thickness as set forth by Tulsa County Engineering Design Standards and as described below:~~

- ~~—— 8 inches treated subgrade~~
- ~~—— 6 inches aggregate base~~
- ~~—— 3 inches Type B asphaltic concrete~~

~~A single stub street~~ **Two stub streets** shall be provided along the north **and west** property line for future residential street connections to this property.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the City of Bixby Comprehensive Plan Area, adopted January 14, 2019, and within the Tulsa County Comprehensive Plan, adopted June 19, 2019. It is designated as “Rural Residential.” See the description of this designation below as well as the attached Comprehensive Plan Map.

*The **Rural Residential designation** denotes areas that have large-lot detached residential development in natural / rural portions of the City. Development in this designation should retain the rural character of the area and will be relatively low in density. However, these areas should offer sufficient access to schools, parks, trails, and open spaces to maintain the quality of life in the rural setting, and may allow limited commercial uses that support the surrounding rural area.*

Land Use Vision:

Land Use Plan map designation: Rural Residential

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: S Yale Avenue is designated as a Secondary Arterial

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently vacant agricultural land.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Yale Avenue	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available sewer will by an ODEQ approved system.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	Rural Residential	N/A	Vacant
South	AG	Rural Residential	N/A	Single Family
East	AG	Rural Residential	N/A	Single Family/Vacant
West	AG	Rural Residential	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:

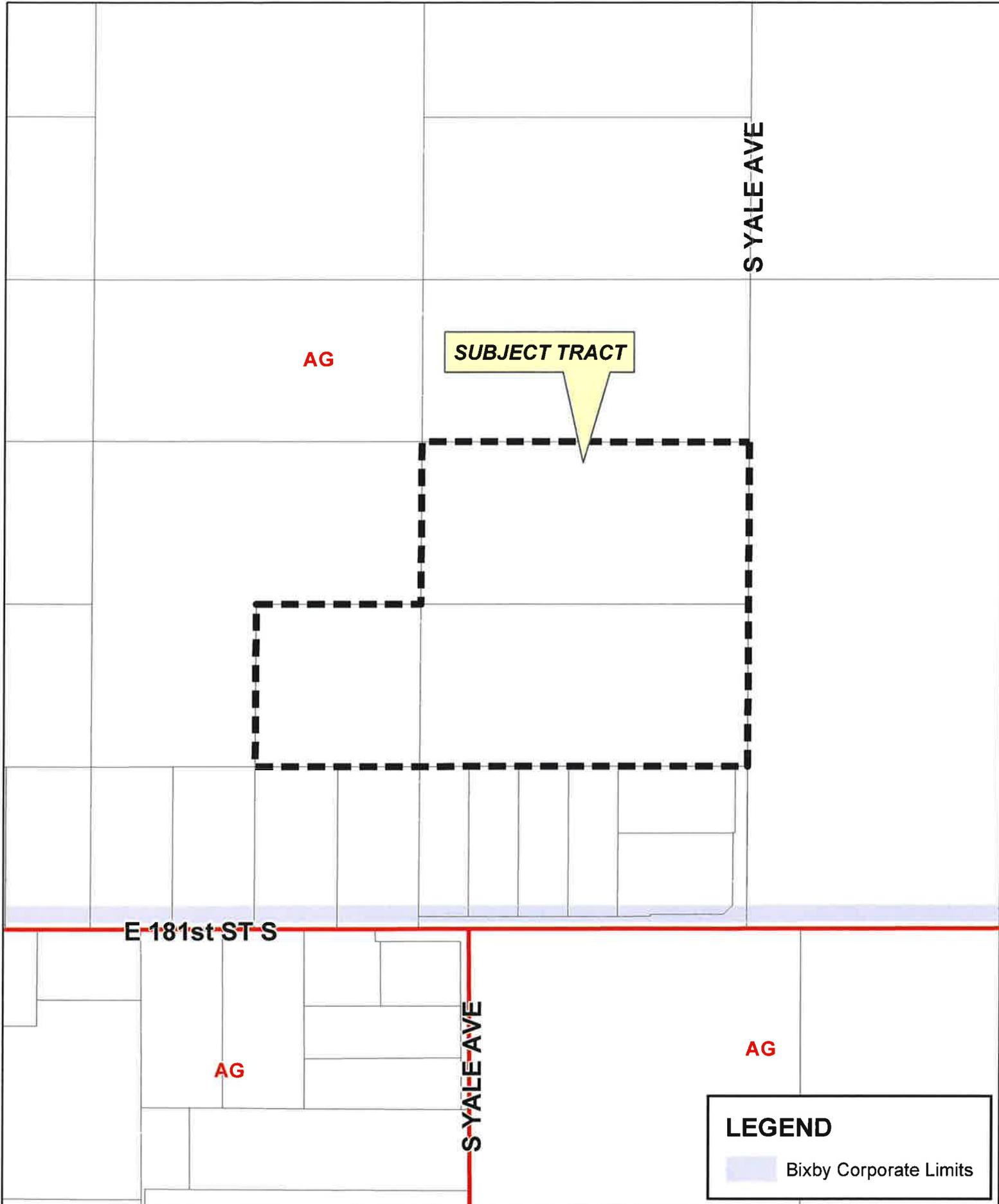
No Relevant History.

Surrounding Property:

CBOA-2811 May 2020: The Board of Adjustment **approved** a *Special Exception* for Use Unit 2, Area-Wide Special Exception Uses, for a wedding and events venue, a *Variance* from the all-weather parking surface requirement, a *Variance* of the minimum frontage requirement on a

public street/dedicated right-of-way from 30 feet to 0 feet in the AG District, subject to conceptual plan 7.7 of the agenda packet. The hours of operation for events are to be closed by 11:00 P.M, the drive and gravel parking area are to be maintained in a dust free manner, and if the overflow area is consistently utilized it will be appropriately built, on property located at 3921 East 181st Street South. The Board finds the hardship to be the existing nature of the structure and the large tract of land, and the intermittent nature of the use for events, and substantially adjacent to the publicly dedicated road. The subject tract is under common ownership with the tract that does abut the publicly dedicated street and the ownership of those two tracts will not be severed and are to remain as one tract.

7/15/2020 1:00 PM



AG

SUBJECT TRACT

SYALE AVE

E 181st ST S

AG

SYALE AVE

AG

LEGEND

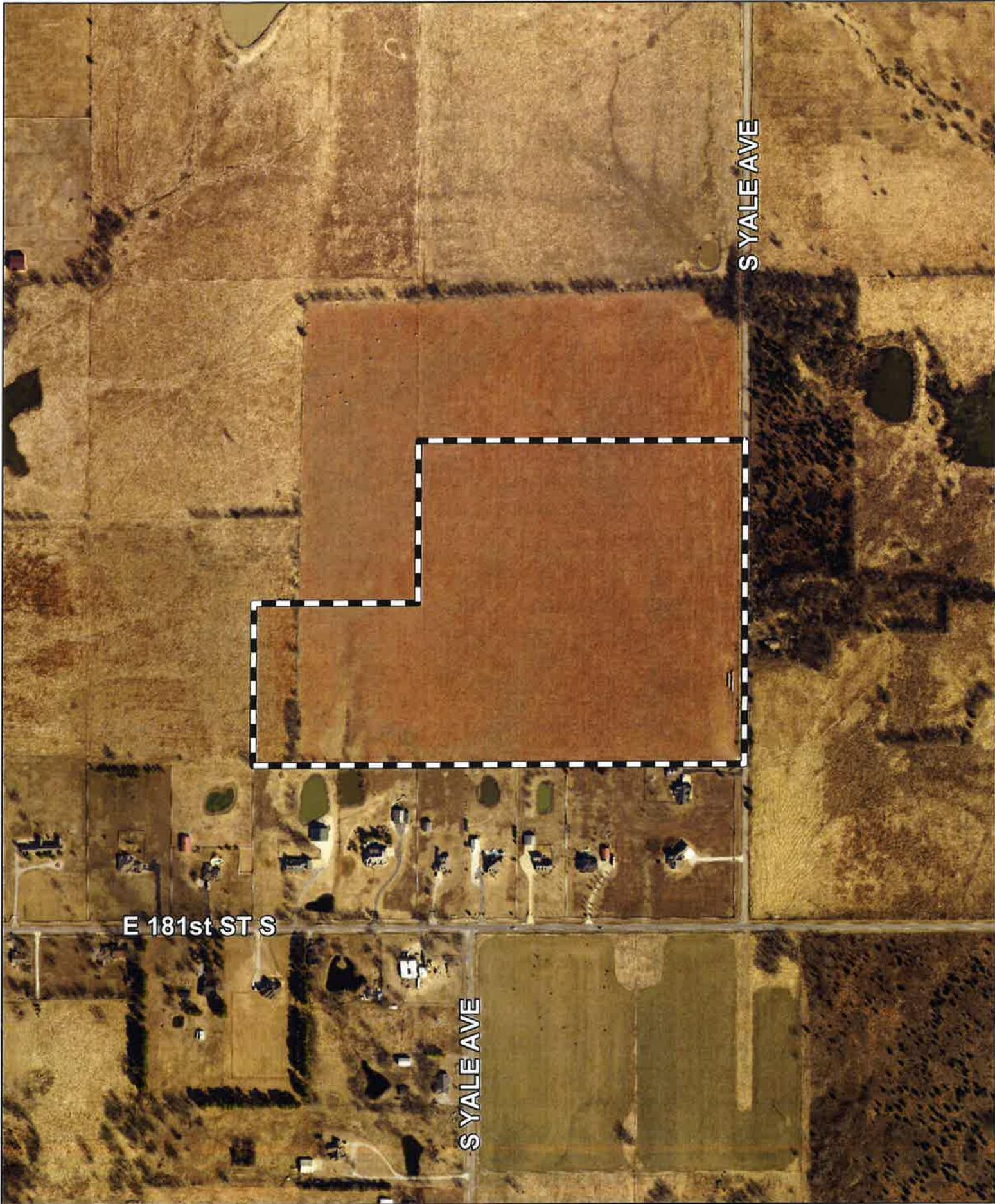
 Bixby Corporate Limits



**CZ-503/
PUD-857**

17-13 33

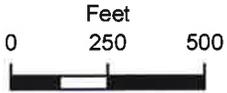




E 181st ST S

S YALE AVE

S YALE AVE



Subject Tract

**CZ-503/
PUD-857**

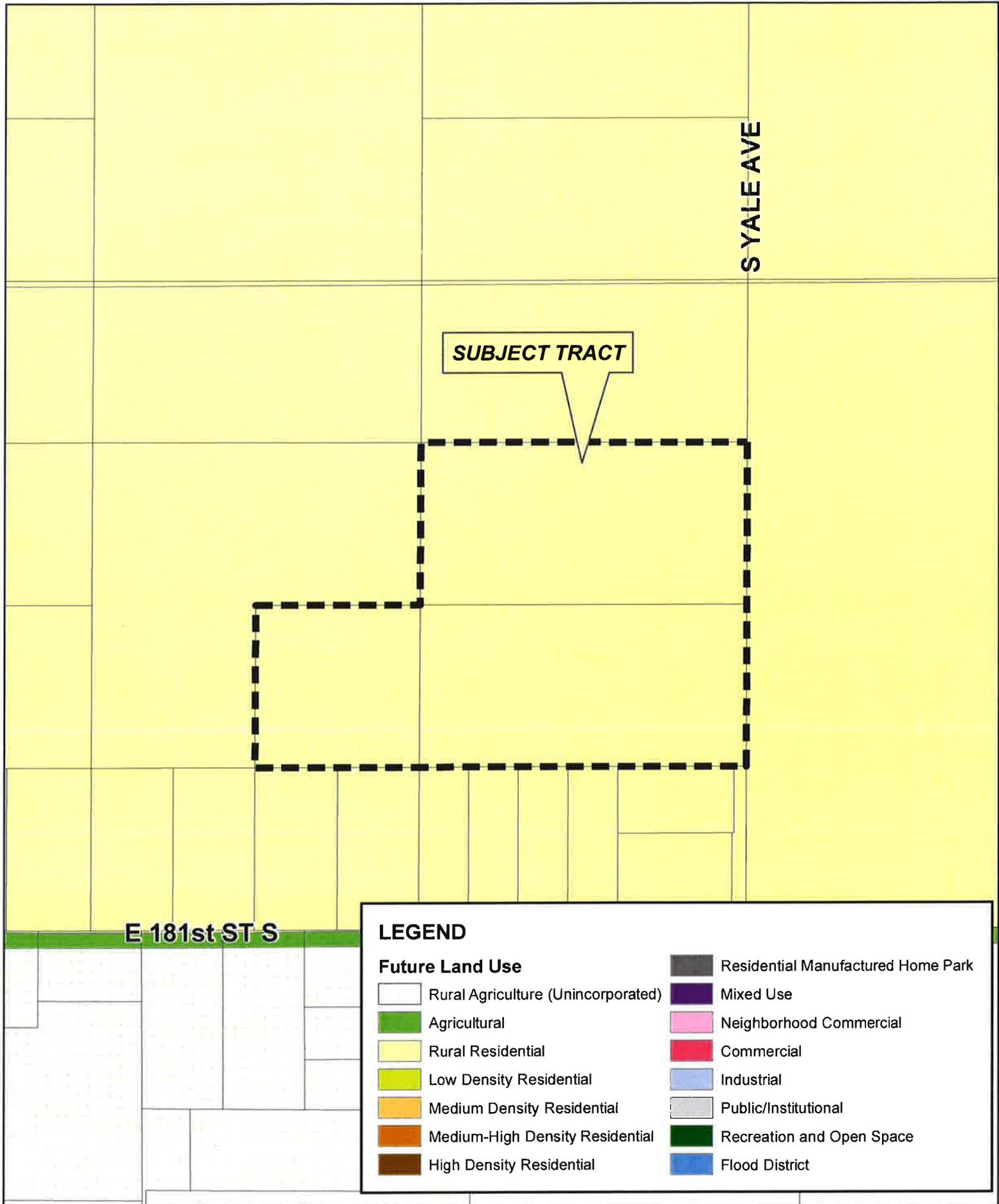
17-13 33

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

Aerial Photo Date: February 2018

6.7



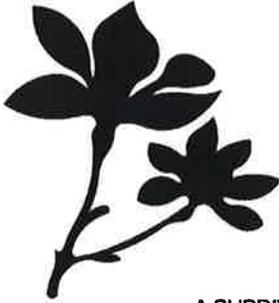


CZ-503

17-13 33

6.8 O

CZ-503/PUD-857



Residential Subdivision
**MAGNOLIA
HEIGHTS**

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

REVISED

Date Prepared - 7/27/2020



DEVELOPMENT ANALYSIS
PROJECT MANAGEMENT
DRAFTING & DESIGN

P.O. Box 548
Bixby, Oklahoma 74008
Phone: (918) 798-8356

6.9

Magnolia Heights (CZ-503/PUD-857)

July 27, 2020

RE (Residential Single-Family, Estate District) – Single Family Residential Subdivision

Prepared By:

Select Design

Ryan McCarty

P.O. Box 548

Bixby, OK 74008

Phone: (918) 798-8356

ryan@selectdesignok.com

Prepared for:

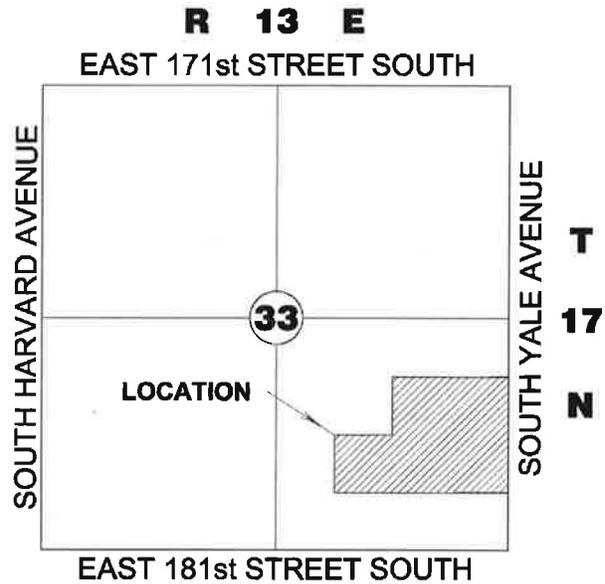
Four Cedars Development Group LLC

1376 E. 181st St. S.

Mounds, OK 74047

Phone: (918) 830-7998

Jerry.gordondevelopments@gmail.com



Development Concept

Magnolia Heights is a single-family development on a 50-acre tract of presently undeveloped land in Tulsa County, Oklahoma. The project is located on the west side of South Yale Avenue approximately a quarter mile north of East 181st Street South and is surrounded by South Country Meadows, Smith Acres and unplatted property along the south boundary with the remaining boundaries abutting unplatted properties. This Planned Unit Development is an overlay covering the RE zoning district and will follow RE dimensional and density standards with a few notable exceptions.

A homeowners' association will be formed for the neighborhood and homeowners' dues established for the maintenance of the neighborhood and amenities. Covenants for the neighborhood have been prepared to set forth minimum dwelling sizes, percent of masonry and other criteria which establish and maintain a quality development.

Magnolia Heights will be a professionally planned neighborhood with a landscaped entry and recreational areas. Plans for the neighborhood include a fully stocked fishing pond with dock, fountains/aerators, all-weather surface walking trail, seating area with benches, screening walls with stone/brick columns, new tree planting and substantial green space for the enjoyment of the residents in Magnolia Heights.

Development Standards

Land Area: 50.0 Acres

Permitted uses: All uses allowed by right in the RE zoning district specifically Use Unit 6 – Single Family Dwelling and customary facilities and amenities.

Permitted Uses: RE Single Family Residential Development

Residential lot density calculation:

Maximum dwelling units allowed in RE zoning district (2,177,967 / 26,250 square feet): 82

Maximum dwelling units (residential lots) allowed by this PUD: 65

Minimum lot width (at building setback line): 110 feet *

* Lots with cul-de-sac frontage may have a minimum width of 30 feet at the right-of-way line but shall meet the minimum requirements for lot area as specified in this PUD.

Minimum lot area: 22,500 square feet

Minimum land area per dwelling unit: 26,250 square feet

Maximum structure height: 35 feet

Off-Street Parking: Two (2) enclosed off-street parking spaces per dwelling unit

Front yard: 35 feet

Rear yard: 25 feet

Side yard: 15 feet

No residence shall be built nearer than fifteen (15) feet to any side lot on one side, and fifteen (15) feet on the other side, thus requiring a combined total of at least thirty (30) feet between the residences.

All other yards abutting an arterial street: 85 feet from the centerline of South Yale Avenue

Minimum Dwelling Size: 2,500 square feet of finished heated living area

Signage

Two entry identification signs shall be permitted with a maximum of 64 square feet of display signage surface. Additional signage for amenities will be allowed with a maximum of 16 square feet.

Access and Circulation

The subject tract shall be accessed from South Yale Avenue along the east side of the property. Interior vehicular access shall be derived from two entrances with public streets (24 feet in width) throughout. Cul-de-sacs shall have a pavement diameter of 96 feet. The paving materials of the public streets shall be of a quality and thickness as set forth by Tulsa County Engineering Design Standards and as described below:

- 8-inches treated subgrade
- 6-inches aggregate base
- 3-inches Type B asphaltic concrete

A single stub street shall be provided along the north property line for future residential street connections to this property.

Topography and Existing Soils

The property consists of pastureland with elevations ranging from 683 feet to 702 feet. The Soil Survey of Tulsa County, Oklahoma was used to help identify soil types present on the site. Existing soils consist of the following:

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
12	Dennis silt loam, 1 to 3 percent slopes	10.0	23.7%
16	Dennis-Radley complex, 0 to 12 percent slopes	1.2	2.7%
43	Okemah silt loam, 0 to 1 percent slopes	22.7	54.0%
44	Okemah-Parsons-Pharoah complex, 0 to 1 percent slopes	8.2	19.6%
Totals for Area of Interest		42.1	100.0%

Utilities and Drainage

Utilities are either available at the development boundaries or will be provided by customary extension adjacent to the site, with the exception that a septic system for each lot will be required. Storm water drainage will be collected, and detention will be addressed within designated reserve areas in accordance with Tulsa County development regulations. Domestic and irrigation water service will be provided by Okmulgee County Rural Water District #6.

Environmental and Open Space Considerations

The property contains a natural stream channel potentially regulated by the U.S. Army Corps of Engineers (USACE). The site design will be developed to meet or exceed the minimum requirements of Section 404 of the Clean Water Act including required permits. This development intends to preserve the existing stream channel / native vegetation and install an educational trail monument to aid preservation efforts for this area.

The detention facilities will be designed in a way to provide an amenity to wildlife and for passive neighborhood recreation opportunities. The purpose of this open space will remain a storm water management system, however a trail system with landscaping and seating will be included as part of the open space design. A broad variety of vegetation will be installed, the detention facilities will be fully stocked with native fish species (bass, catfish, etc.), and a fishing dock will be constructed for the enjoyment of the residents in Magnolia Heights.

Amenities

- Fully stocked fishing pond
- Fishing dock
- Fountains / Aerators
- All-weather surface walking trail
- Seating area with benches
- New tree planting and professional landscaping
- Natural stream channel & native vegetation preservation area with trail monument
- More than 5 acres of green space / reserve areas

Waiver of Sidewalk Requirement

Due to the existing conditions and design of this property (bar ditches, no curb and gutter, etc.), a sidewalk waiver is requested for this development.

Site Plan Review

For the purposes of site plan review requirements, the approved final plat shall constitute the required detailed site plan.

Platting Requirement

No building permit shall be issued until the area comprising the Planned Unit Development has been included within a subdivision plat submitted to and approved by the Tulsa Metropolitan Area Planning Commission (TMAPC) and the Tulsa County Board of County Commissioners and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved Planned Unit Development and the Tulsa Metropolitan Area Planning Commission (TMAPC) shall be a beneficiary thereof.

Anticipated Construction Schedule

Magnolia Heights anticipated construction schedule begins in August of 2020 and is expected to be complete and ready for lot sales in the spring of 2021.

Legal Description

A TRACT OF LAND THAT IS THE EAST HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (E/2 N/2 SW/4 SE/4) AND THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (N/2 SE/4 SE/4) AND THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (S/2 NE/4 SE/4) OF SECTION THIRTY-THREE (33), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST 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:

COMMENCING AT THE SOUTHEAST CORNER OF THE SE/4 OF SAID SECTION 33; THENCE NORTH 01°02'25" WEST ALONG THE EAST LINE THEREOF 658.98 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88°45'38" WEST 1982.33 FEET; THENCE NORTH 01°03'34" WEST 659.39 FEET; THENCE NORTH 88°46'21" EAST 660.85 FEET; THENCE NORTH 01°03'11" WEST 659.25 FEET; THENCE NORTH 88°47'03" EAST 1321.84 FEET TO THE EAST LINE OF THE SE/4 OF SECTION 33; THENCE SOUTH 01°02'25" EAST ALONG SAID EAST LINE 1317.95 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 2,177,967.19 SQUARE FEET OR 50.00 ACRES.

BEARINGS ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, OK NORTH ZONE 3501, NAD83, USING THE EAST LINE OF THE SE/4 OF SECTION 33, T17N, R13E AS NORTH 01°02'25" WEST.

Exhibits

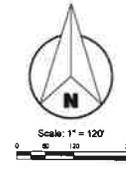
- Exhibit A: Conceptual Site Plan
- Exhibit B: Aerial Photography
- Exhibit C: Site Topography
- Exhibit D: Restrictions & Covenants

Co. 14

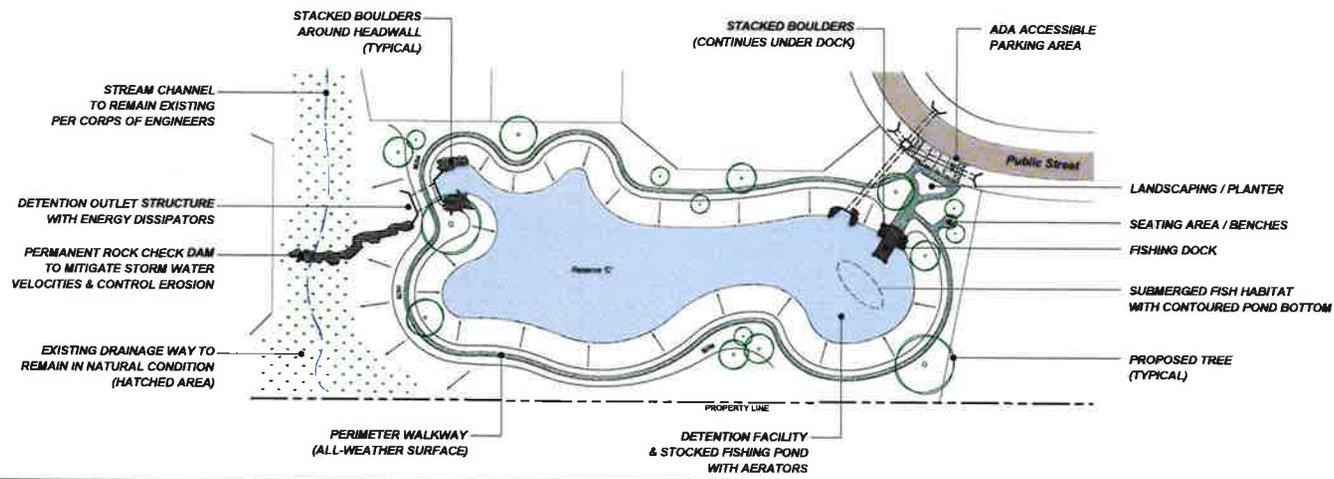
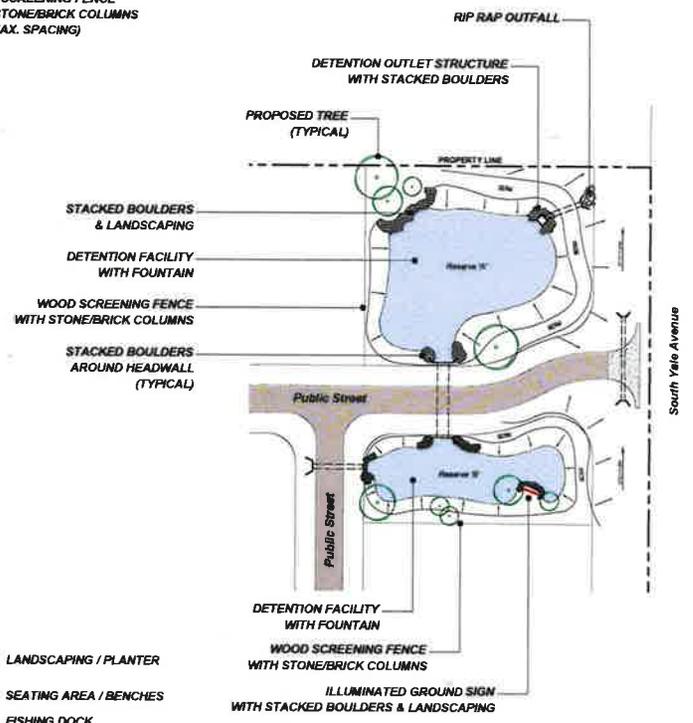


Residential Subdivision MAGNOLIA HEIGHTS

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



WOOD SCREENING FENCE WITH STONE/BRICK COLUMNS (150' MAX. SPACING)



ILLUMINATED GROUND SIGN WITH STACKED BOULDERS & LANDSCAPING

EXHIBIT A CONCEPTUAL SITE PLAN

6/15



Residential Subdivision
**MAGNOLIA
 HEIGHTS**

A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, BEING A PART OF THE SE 1/4 OF SECTION THIRTY-THREE (33), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.



Scale: 1" = 100'



EXHIBIT B

AERIAL PHOTOGRAPHY

6.14
 6.14



Residential Subdivision
**MAGNOLIA
HEIGHTS**

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



Scale: 1" = 100'
0 50 100 200

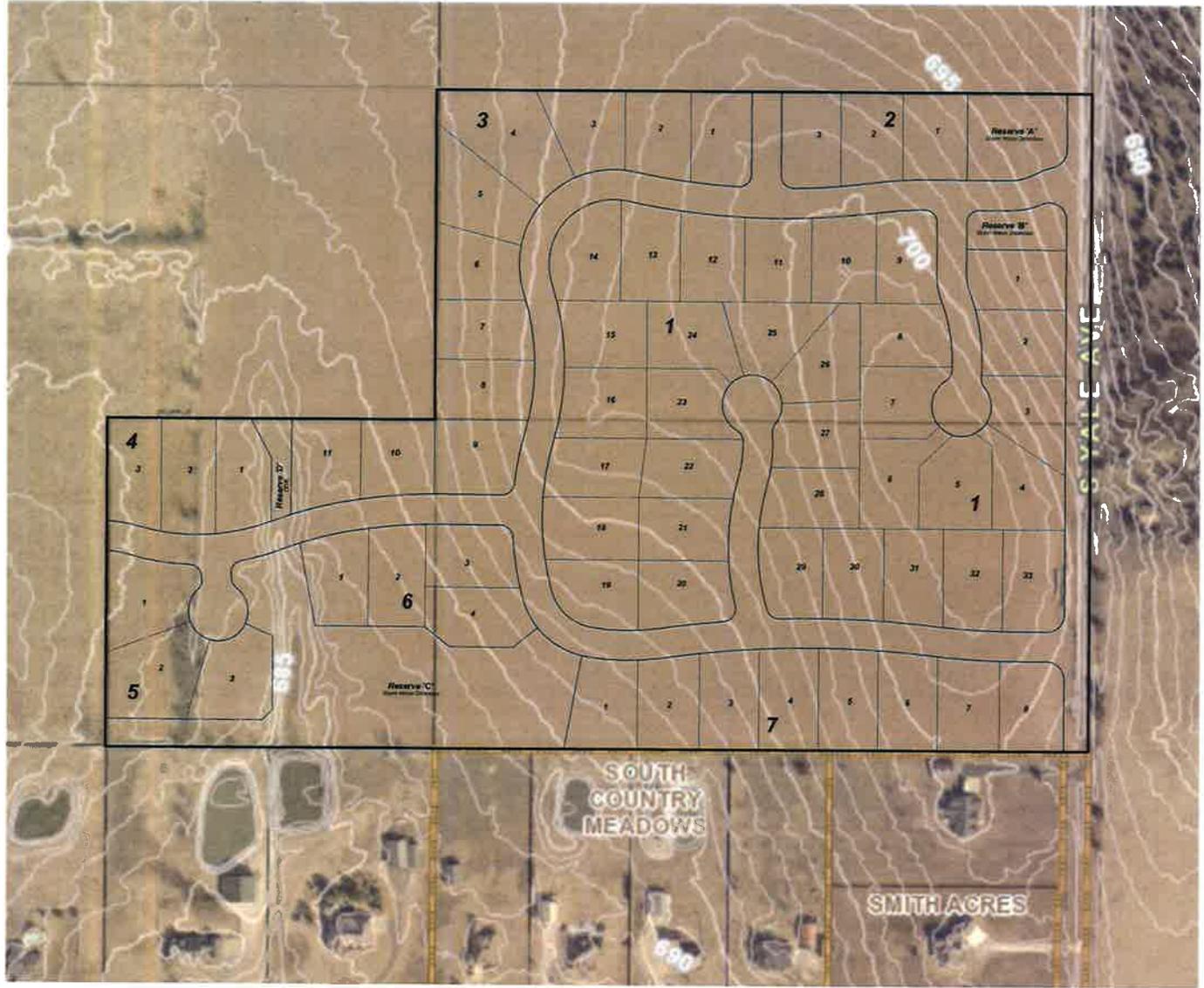
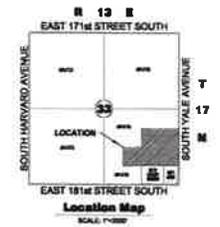
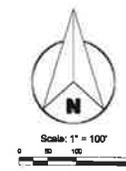


EXHIBIT C

SITE TOPOGRAPHY

6.17

CONCEPTUAL IMPROVEMENTS PLAN



CZ-503 / PUD-857 Magnolia Heights

A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, BEING A PART OF THE SE¼ OF SECTION THIRTY-THREE (33), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

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

Owner / Developer

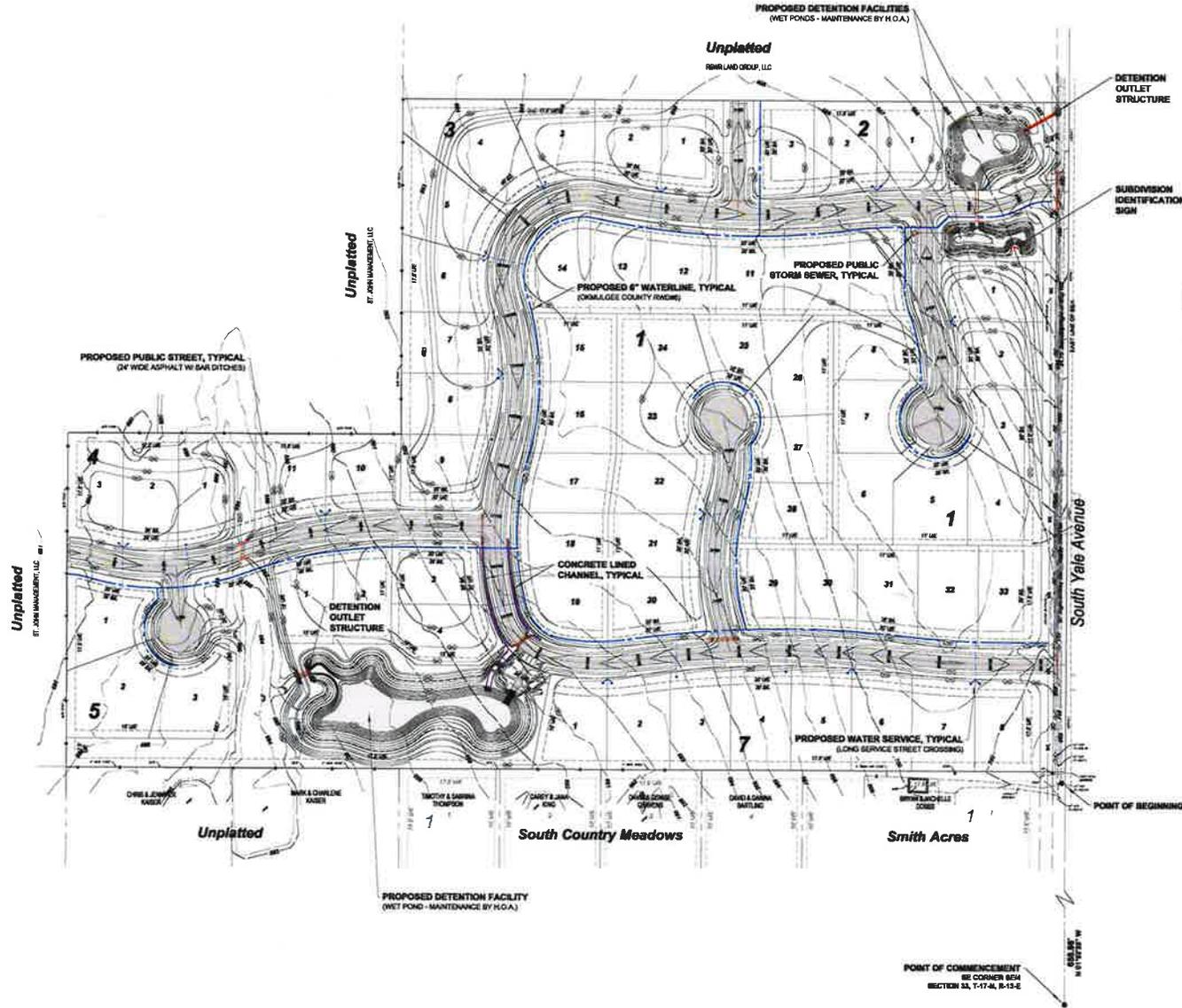
FOUR CEDARS DEVELOPMENT GROUP, LLC
1378 EAST 181ST STREET SOUTH
MOUNDS, OK 74047
PHONE: (618) 630-7888
MR. JERRY GORDON

Surveyor

FRITZ LAND SURVEYING, LLC
2017 WEST 81ST STREET
TULSA, OKLAHOMA 74132
PHONE: (618) 231-0575
EMAIL: fritzlandsurveying@gmail.com
C.A. # 5848 EXPIRES: 6-30-2022

Engineer

ENGINEERED BY DESIGN, PLLC
P.O. BOX 15557
DEL CITY, OKLAHOMA 73155
PHONE: (405) 234-0880
ebd@engineeredbydesign.com
C.A. # 7055 EXPIRES 6-30-2022



6.18

Subdivision Statistics

SUBDIVISION CONTAINS SIXTY FIVE (65) LOTS IN SEVEN (7) BLOCKS AND FOUR (4) RESERVE AREAS
 GROSS SUBDIVISION AREA:
 2,177.86718 SF OR 50.00 ACRES

Basis of Bearings

OKLAHOMA STATE PLANNING COORDINATE SYSTEM, ON NORTH ZONE 3501, MAGS, USING THE EAST LINE OF THE 18th OF SECTION 33, T17N, R13E AS NORTH 01°02'22" WEST

Monumentation

ALL CORNERS SHOWN HEREON WERE SET USING A 3/8" x 1/8" STEEL PIN WITH A GREEN PLASTIC CAP STAMPED "FRITZ CASASAS"

Benchmark

ON-SITE NGDS OPUS SOLUTIONS REPORT (DAVD 1884)

Address

ADDRESS SHOWN ON THIS PLAT IS ACCURATE AT THE TIME THIS 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. 403404AAS, - OCTOBER 18, 2012, WHICH INDICATES THE SUBJECT PROPERTY TO BE WITHIN UNSHADED ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 5% ANNUAL CHANCE FLOODPLAIN)

Legend

- BL BUILDING SETBACK LINE
- L.N.A. LIMITS OF NO ACCESS
- COSE OVERLAND DRAINAGE EASEMENT
- ROW RIGHT OF WAY
- U/E UTILITY EASEMENT
- DSM STREET ADDRESS

Driveway Culvert Summary Table

DRIVEWAY LOCATION	PIPE SIZE	DRIVEWAY LOCATION	PIPE SIZE
1	15" RCP OR HP	1	15" RCP OR HP
2	15" RCP OR HP	2	15" RCP OR HP
3	15" RCP OR HP	3	15" RCP OR HP
4	15" RCP OR HP	1	15" RCP OR HP
5	15" RCP OR HP	2	15" RCP OR HP
6	15" RCP OR HP	3	15" RCP OR HP
7	15" RCP OR HP	4	15" RCP OR HP
8	15" RCP OR HP	5	15" RCP OR HP
9	15" RCP OR HP	6	15" RCP OR HP
10	15" RCP OR HP	7	15" RCP OR HP
11	15" RCP OR HP	8	15" RCP OR HP
12	15" RCP OR HP	9	15" RCP OR HP
13	15" RCP OR HP	10	15" RCP OR HP
14	15" RCP OR HP	11	15" RCP OR HP
15	24" RCP OR HP	1	15" RCP OR HP
16	24" RCP OR HP	2	18" RCP OR HP
17	24" RCP OR HP	3	18" RCP OR HP
18	24" RCP OR HP	1	18" RCP OR HP
19	24" RCP OR HP	2	24" RCP OR HP
20	24" RCP OR HP	3	24" RCP OR HP
21	18" RCP OR HP	1	15" RCP OR HP
22	18" RCP OR HP	2	15" RCP OR HP
23	18" RCP OR HP	3	24" RCP OR HP
24	18" RCP OR HP	4	24" RCP OR HP
25	18" RCP OR HP	1	18" RCP OR HP
26	NOT RECD	2	18" RCP OR HP
27	15" RCP OR HP	3	18" RCP OR HP
28	18" RCP OR HP	4	18" RCP OR HP
29	24" RCP OR HP	5	15" RCP OR HP
30	18" RCP OR HP	6	15" RCP OR HP
31	18" RCP OR HP	7	NOT RECD
32	NOT RECD	8	15" RCP OR HP
33	15" RCP OR HP		

CZ-503 / PUD-857

Magnolia Heights

A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, BEING A PART OF THE SE1/4 OF SECTION THIRTY-THREE (33), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

Line Table

LINE	BEARING	DISTANCE
L1	S 01°02'22" E	145.17
L2	N 88°57'30" E	60.72
L3	N 01°52'22" W	112.87
L4	N 88°57'30" E	163.01
L5	E 92°52'22" E	367.81
L6	N 01°52'22" W	102.81
L7	S 01°02'22" E	102.86
L8	S 88°57'30" W	766.26
L9	N 88°57'30" E	60.72
L10	N 01°52'22" W	112.77
L11	S 88°57'30" W	229.96
L12	N 01°52'22" W	7.54
L13	S 88°57'30" W	118.87
L14	N 01°52'22" E	10.12
L15	S 01°02'22" E	165.20



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

Curve Table

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	34.86	30.00	82°02'00"	S 87°48'00" W	60.92
C2	174.49	1330.00	8°22'03"	S 87°48'00" W	174.36
C3	41.57	150.00	15°32'41.45"	S 87°30'27" W	41.44
C4	48.17	25.00	78°24'12"	S 37°14'41" E	43.37
C5	112.82	862.51	7°39'36"	S 88°58'30" W	112.74
C6	181.37	1429.81	8°27'38.18"	N 84°30'35" E	181.26
C7	39.18	25.00	91°04'02.43"	N 49°26'02" E	39.70
C8	31.13	100.00	26°16'28.18"	N 74°18'21" E	26.80
C9	38.56	25.00	90°29'21.50"	N 49°22'11" W	38.56
C10	28.11	160.00	20°48'31.72"	S 11°28'41" E	27.79
C11	140.23	239.85	22°30'58.62"	N 09°25'15" E	138.18
C12	24.18	25.00	55°25'18.38"	N 29°47'42" E	23.20
C13	262.14	90.00	278°28'21.60"	S 81°58'00" E	277.98
C14	19.88	25.00	45°08'01.67"	S 18°54'48" E	18.12
C15	176.07	365.88	25°29'18.90"	N 08°08'17" W	174.57
C16	26.32	100.00	20°48'31.72"	S 11°28'41" E	26.12
C17	38.27	25.00	90°29'21.50"	N 49°22'11" W	38.26
C18	87.11	100.00	24°10'50.55"	N 10°16'40" E	86.82
C19	89.88	38.00	114°11'50.55"	N 58°03'02" W	54.72
C20	54.98	38.00	105°00'00.00"	N 43°37'42" E	45.60
C21	167.64	1470.00	8°22'03.00"	S 87°48'00" W	167.52
C22	312.84	2130.00	8°22'03.11"	N 88°42'54" E	312.88
C23	32.22	25.00	74°58'1.34"	S 85°29'27" E	30.44
C24	248.92	424.33	52°58'59.20"	S 01°26'51" E	248.48
C25	109.32	297.89	20°20'53.18"	N 04°23'14" E	107.72
C26	18.12	25.00	47°20'13.38"	S 18°58'58" E	18.88
C27	85.77	250.51	8°29'28.28"	S 84°48'47" W	85.72
C28	48.20	188.48	13°58'08.31"	N 81°18'02" W	48.08
C29	171.58	726.86	15°28'22.31"	S 74°42'24" W	171.18
C30	37.14	25.00	88°20'14.42"	N 47°01'59" E	37.82
C31	35.87	25.00	82°30'57.51"	S 36°43'58" W	32.86
C32	83.20	248.48	14°20'54.88"	N 82°50'42" E	83.04
C33	274.72	420.81	31°14'18.16"	N 18°23'28" E	269.82
C34	188.88	788.88	12°28'22.68"	S 74°42'24" W	188.28
C35	145.86	1065.00	7°52'27.24"	S 88°27'17" W	145.87
C36	124.40	482.81	14°08'58.58"	N 42°12'12" E	124.62
C37	137.72	1000.00	7°52'27.04"	S 88°27'18" W	137.81
C38	84.52	482.81	10°21'58.82"	N 72°23'12" E	84.41
C39	155.18	488.12	14°20'54.88"	N 18°23'28" E	154.10
C40	37.32	25.00	85°38'55.86"	N 47°42'02" W	34.10
C41	127.74	850.00	12°11'54.88"	S 10°47'54" E	127.50
C42	178.88	160.00	44°23'14.24"	N 48°26'02" E	179.22
C43	21.68	25.00	49°40'47.22"	N 20°22'22" E	21.00
C44	21.68	25.00	49°40'47.22"	S 20°18'14" E	21.00
C45	282.54	440.00	278°21'54.48"	S 85°20'00" E	277.66
C46	38.81	25.00	87°54'08.82"	N 47°20'58" E	20.42
C47	104.11	800.00	8°29'28.31"	S 10°22'03" W	103.88
C48	181.28	160.00	11°51'48'03"	N 40°24'14" E	182.77
C49	284.20	475.00	34°18'53.10"	N 01°48'03" W	278.98
C50	213.36	1429.81	8°27'38.47"	S 87°34'27" W	213.18
C51	42.77	25.00	89°21'17.76"	N 44°42'58" E	38.28
C52	25.18	25.00	57°41'48.02"	N 91°42'27" W	24.72
C53	74.82	237.89	17°58'13.20"	N 08°03'04" E	74.31
C54	238.44	484.23	30°24'14.48"	S 30°50'23" W	236.47
C55	43.32	25.00	98°38'04.24"	N 34°21'48" E	38.28
C56	133.83	2130.00	3°38'02.30"	S 82°11'12" W	133.81
C57	138.58	428.12	18°12'43.81"	N 88°26'02" E	138.50
C58	115.40	100.00	64°24'24.81"	S 48°26'02" E	116.58
C59	303.84	540.00	32°14'20.12"	S 00°48'47" E	289.89
C60	271.88	170.00	11°48'51.82"	S 42°51'47" W	274.98
C61	200.10	330.00	54°18'53.00"	N 01°48'03" W	213.20
C62	542.21	2070.00	15°00'28.38"	S 87°58'24" W	540.88
C63	291.82	80.00	278°40'21.45"	S 78°11'48" W	291.18
C64	207.18	1488.81	19°20'48.87"	S 88°53'18" E	206.72



Owner / Developer
 FOUR CEDARS DEVELOPMENT GROUP, LLC
 1376 EAST 191ST STREET SOUTH
 MOUNDS, OK 74047
 PHONE: (918) 830-7968
 MR. JERRY GORDON

Surveyor
 FRITZ LAND SURVEYING, LLC
 2017 WEST 91ST STREET
 TULSA, OKLAHOMA 74132
 PHONE: (918) 231-0575
 email: fritzlandsurveying@gmail.com
 C.A. # 5248 EXPIRES 6-30-2022

Engineer
 ENGINEER BY DESIGN PLLC
 P.O. BOX 15567
 DEL CITY, OKLAHOMA 73155
 PHONE: (405) 234-0880
 email: enginerebydesign@engbydesign.pro
 C.A. # 7655 EXPIRES 6-30-2022

FINAL PLAT CERTIFICATE OF APPROVAL
 I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION ON:

TMAPCONCOG OFFICIAL

THIS APPROVAL IS VOID IF THIS PLAT IS NOT FILED IN THE OFFICE OF THE COUNTY CLERK ON OR BEFORE

COUNTY ENGINEER

COUNTY ENGINEER STAMP

REMOVED PRELIMINARY PLAT

6.19



Tulsa Metropolitan Area
Planning Commission

Case : Magnolia Heights (Related to CZ-503 & PUD-857)

Hearing Date: August 5, 2020

Case Report Prepared by:

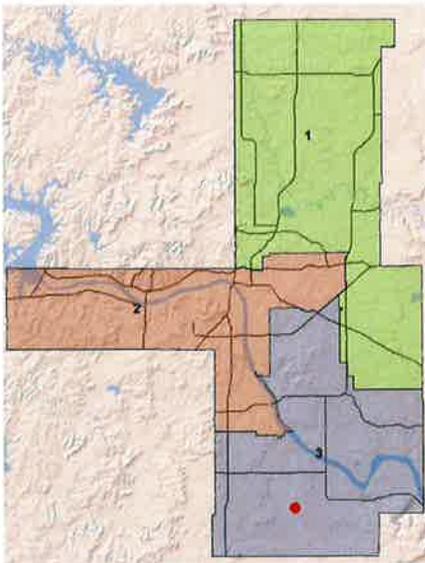
Nathan Foster

Owner and Applicant Information:

Applicant: Ryan McCarty, Select Design

Owner: Four Cedars Development Group, LLC

Location Map:
(shown with County Commission districts)



Applicant Proposal:

Preliminary Plat

Location: North of the northwest corner of East 181st Street South and South Yale Avenue

64 lots, 6 blocks, 50 ± acres

Single-Family Residential

Zoning:

Current: AG (Agriculture)
Proposed: RE (Residential – Estate), PUD-857

Staff Recommendation:

Staff recommends **approval** of the preliminary plat

County Commission District: 3

Commissioner Name: Ron Peters

EXHIBITS: Site Map, Aerial, Land Use, Growth & Stability, Preliminary Plat, Conceptual Improvements

7.1

PRELIMINARY SUBDIVISION PLAT

Magnolia Heights - (County)

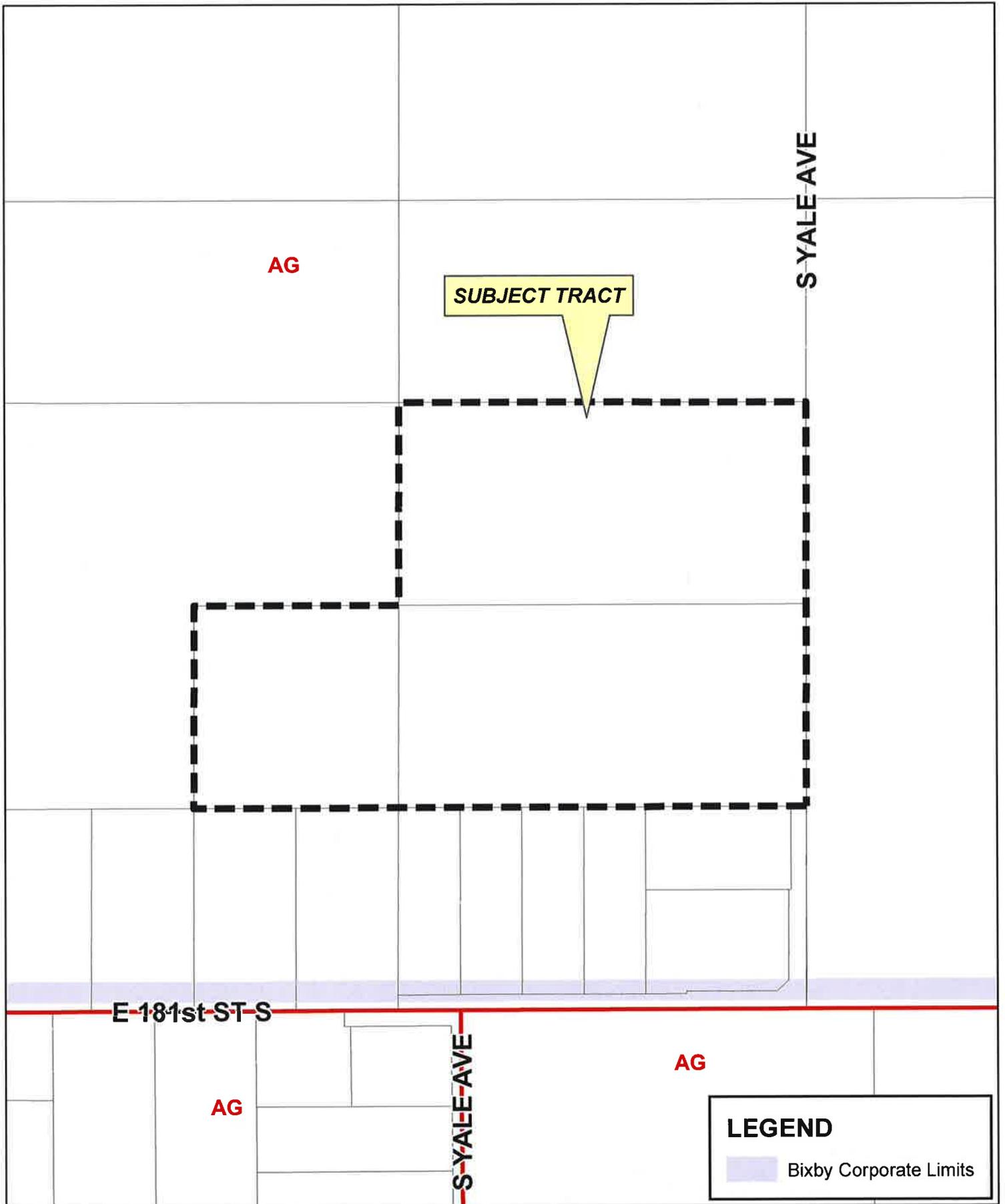
North of the northwest corner of East 181st Street South and South Yale Avenue

This plat consists of 64 lots in 6 blocks on 50 ± acres.

The Technical Advisory Committee (TAC) met on July 16, 2020 and provided the following conditions:

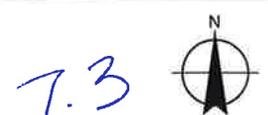
1. **Zoning:** Pending application for rezoning to RE (Residential-Estate) with a Planned Unit Development (PUD-857) must be approved and effective prior to the approval of a final plat.
2. **Addressing:** Addresses and street names must be assigned and affixed to the face of the final plat.
3. **Transportation & Traffic:** New public streets are required to comply with all standards of Tulsa County. Plans must be approved by County Engineer and streets must be installed prior to final plat approval. Stub streets are required to the north and west to accommodate future connections to development.
4. **Sewer:** Oklahoma Department of Environmental Quality approval is required for on-site sewage disposal.
5. **Water:** Water line plans must be approved by Okmulgee County Rural Water District #6 and a release must be provided for final plat approval.
6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat submittal. Update surveyor CA number and renewal date. Update location map to reflect only platted property boundaries. Label all other areas as unplatted. Under basis of bearing information, include coordinate system used. Provide a bearing angle preferably shown on the face of the plat. Graphically show all pins found or set associated with this plat. Ensure accuracy of written legal description.
7. **Stormwater, Drainage, & Floodplain:** Drainage plans must comply with all Tulsa County drainage standards. Review and approval by the County Engineer is required prior to final plat approval.
8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

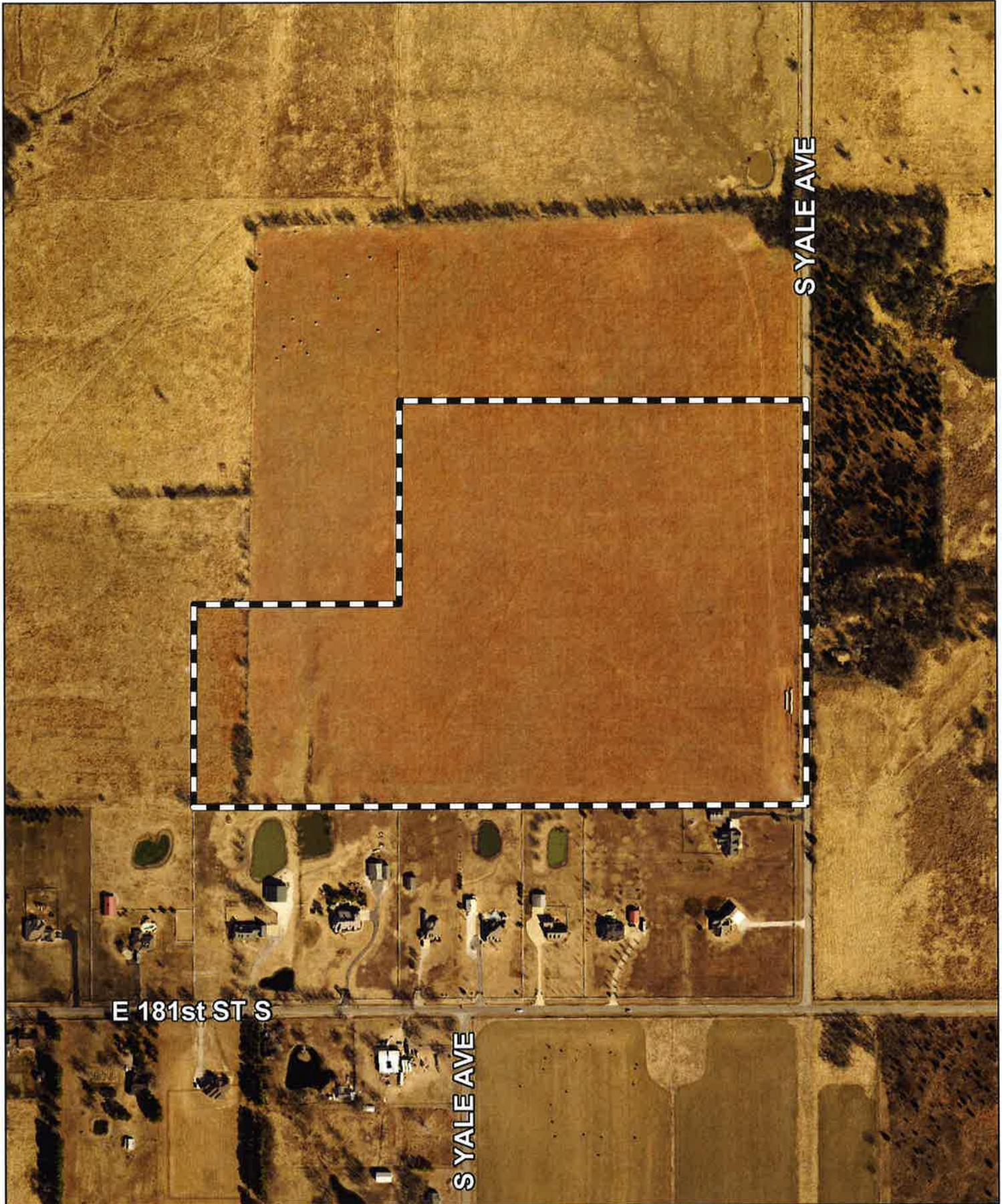
Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations. Tulsa County release is required prior to final plat approval.



**MAGNOLIA
HEIGHTS**

17-13 33





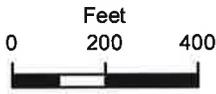
S YALE AVE

E 181st ST S

S YALE AVE

MAGNOLIA HEIGHTS

17-13 33



Subject Tract

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

Aerial Photo Date: February 2018

7.4



Subdivision Statistics

SUBDIVISION CONTAINS SIXTY FIVE (65) LOTS IN SEVEN (7) BLOCKS AND FOUR (4) RESERVE AREAS

GROSS SUBDIVISION AREA 2.177 ACRES 18 SF OR \$0.00 ACRES

Basis of Bearings

OKLAHOMA STATE PLANE COORDINATE SYSTEM, OK NORTH ZONE 3601, NAD83, USING THE EAST LINE OF THE SE/4 OF SECTION 33 T17N R13E AS NORTH 01°02'25" WEST

Monumentation

ALL CORNERS SHOWN HEREON WERE SET USING A 3/8" x 1/8" STEEL PIN WITH A GREEN PLASTIC CAP STAMPED "FRITZ CAS848"

Benchmark

ON SITE NGVS SURVEY SOLUTIONS REPORT (NAVD 1988)

Address

ADDRESSES 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 40143CD484), OCTOBER 18 2012 WHICH INDICATES THE SUBJECT PROPERTY TO BE WITHIN UNSHADED ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN)

Legend

- BL BUILDING SETBACK LINE
- LWA LIMITS OF NO ACCESS
- ODE OVERLAND DRAINAGE EASEMENT
- ROW RIGHT OF WAY
- U/E UTILITY EASEMENT
- SM STREET ADDRESS

Driveway Culvert Summary Table

DRIVEWAY LOCATION	PIPE SIZE	DRIVEWAY LOCATION	PIPE SIZE
1 15" RCP OR HP	1	15" RCP OR HP	1
2 15" RCP OR HP	2	15" RCP OR HP	2
3 15" RCP OR HP	3	15" RCP OR HP	3
4 15" RCP OR HP	4	15" RCP OR HP	4
5 15" RCP OR HP	5	15" RCP OR HP	5
6 15" RCP OR HP	6	15" RCP OR HP	6
7 15" RCP OR HP	7	15" RCP OR HP	7
8 15" RCP OR HP	8	15" RCP OR HP	8
9 15" RCP OR HP	9	15" RCP OR HP	9
10 15" RCP OR HP	10	15" RCP OR HP	10
11 15" RCP OR HP	11	15" RCP OR HP	11
12 15" RCP OR HP	12	15" RCP OR HP	12
13 15" RCP OR HP	13	15" RCP OR HP	13
14 15" RCP OR HP	14	15" RCP OR HP	14
15 24" RCP OR HP	15	24" RCP OR HP	15
16 24" RCP OR HP	16	24" RCP OR HP	16
17 24" RCP OR HP	17	24" RCP OR HP	17
18 24" RCP OR HP	18	24" RCP OR HP	18
19 24" RCP OR HP	19	24" RCP OR HP	19
20 24" RCP OR HP	20	24" RCP OR HP	20
21 18" RCP OR HP	21	18" RCP OR HP	21
22 18" RCP OR HP	22	18" RCP OR HP	22
23 18" RCP OR HP	23	18" RCP OR HP	23
24 18" RCP OR HP	24	18" RCP OR HP	24
25 18" RCP OR HP	25	18" RCP OR HP	25
26 NOT RECD	26	NOT RECD	26
27 15" RCP OR HP	27	15" RCP OR HP	27
28 18" RCP OR HP	28	18" RCP OR HP	28
29 24" RCP OR HP	29	24" RCP OR HP	29
30 15" RCP OR HP	30	15" RCP OR HP	30
31 18" RCP OR HP	31	18" RCP OR HP	31
32 NOT RECD	32	NOT RECD	32
33 15" RCP OR HP	33	15" RCP OR HP	33

RCP = REINFORCED CONCRETE PIPE
HP = HIGH DENSITY POLYPROPYLENE
MINIMUM PIPE SIZE = 18" DIA

Curve Table

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C01	54.58	60.0000	60.0000	N 89°22'25" E	60.0000
C02	174.49	133.00	81°20'02"	S 87°48'25" E	174.50
C03	41.57	132.00	15°52'41"	S 87°35'27" W	41.60
C04	48.77	132.00	18°12'12"	N 87°11'41" E	48.80
C05	113.92	80.57	7°35'58"	S 85°05'50" W	113.74
C06	161.37	1428.81	6°27'58"	N 84°30'35" E	161.28
C07	39.74	25.00	91°00'00"	N 86°00'00" E	39.75
C08	51.15	100.00	20°18'28"	N 74°18'21" E	50.60
C09	39.56	25.00	90°28'31"	N 86°22'11" W	39.58
C10	88.11	160.00	20°04'12"	S 71°58'41" E	87.89
C11	140.31	335.96	23°55'58"	N 69°53'57" W	139.18
C12	34.18	25.00	10°21'18"	N 29°47'42" E	33.21
C13	293.17	60.00	378°16'21"	S 81°18'20" W	293.18
C14	18.88	25.00	45°00'00"	S 85°48'00" E	18.88
C15	119.51	395.86	25°28'18"	N 59°08'17" W	119.51
C16	36.32	100.00	20°48'31"	S 71°28'41" E	36.12
C17	39.27	25.00	90°00'00"	S 84°34'30" W	39.38
C18	67.11	160.00	24°01'50"	N 78°58'40" E	66.62
C19	69.89	35.00	114°01'50"	N 58°03'20" W	69.72
C20	54.99	35.00	85°00'00"	N 43°17'20" E	54.90
C21	187.84	143.00	8°32'03"	S 87°48'25" E	187.58
C22	312.86	213.00	9°25'04"	N 89°42'54" W	312.66
C23	33.72	25.00	14°00'00"	S 85°26'25" E	34.44
C24	248.92	434.57	25°14'08"	S 61°26'24" E	248.49
C25	108.20	267.89	20°05'51"	N 64°37'14" E	107.72
C26	131.13	25.00	43°32'12"	S 85°08'55" W	131.88
C27	65.77	100.00	1°30'26"	S 84°48'02" W	65.72
C28	46.20	185.48	13°34'08"	N 81°48'20" W	46.09
C29	171.58	228.86	32°20'21"	S 74°42'24" W	171.18
C30	37.74	25.00	85°21'42"	N 47°01'30" W	37.82
C31	35.87	25.00	82°26'07"	S 38°45'58" W	35.90
C32	43.20	248.48	14°30'58"	N 84°52'41" E	43.34
C33	274.73	422.67	35°14'31"	N 56°32'29" E	269.82
C34	183.69	788.89	13°28'22"	S 74°40'24" W	185.28
C35	145.89	1061.00	7°32'27"	S 85°21'18" W	144.81
C36	84.52	462.00	1°32'00"	N 82°31'72" E	84.51
C37	155.10	488.10	1°18'43'81"	N 89°38'32" E	154.50
C38	37.52	25.00	85°38'55"	N 47°42'00" W	37.10
C39	127.74	600.00	12°11'34"	S 73°47'58" E	127.52
C40	129.86	180.00	84°01'54"	N 47°48'00" E	129.93
C41	21.88	25.00	89°48'47"	N 20°22'28" E	21.90
C42	21.88	25.00	89°48'47"	N 20°22'28" E	21.90
C43	289.54	60.00	278°04'24"	N 47°48'00" E	289.60
C44	36.81	25.00	83°54'08"	N 47°20'58" E	36.42
C45	104.11	600.00	1°36'26"	S 72°22'28" W	103.88
C46	267.78	180.00	118°02'12"	S 62°31'42" E	267.77
C47	384.20	479.00	34°18'33"	N 01°48'00" W	278.88
C48	213.26	1428.81	6°32'58"	S 82°24'20" E	213.18
C49	43.77	25.00	11°11'18"	N 82°24'20" E	43.78
C50	25.18	25.00	53°41'48"	N 31°47'27" W	24.12
C51	74.82	237.89	17°09'13"	N 09°02'04" E	74.21
C52	263.44	484.53	27°04'14"	S 62°02'31" W	258.47
C53	43.25	25.00	80°08'44"	N 34°31'48" E	43.26
C54	133.67	2135.00	3°36'30"	S 82°11'10" W	133.61
C55	138.88	428.12	1°18'43'81"	N 89°38'32" E	138.92
C56	172.42	100.00	84°24'10"	S 49°08'02" E	168.58
C57	303.84	140.00	32°14'05"	S 62°46'47" E	298.86
C58	271.63	130.00	1°18'43'81"	N 89°38'32" E	271.66
C59	320.10	320.00	34°18'33"	N 01°48'00" W	215.39
C60	342.27	2075.00	15°50'28"	S 87°59'24" W	342.66
C61	291.83	100.00	1°18'43'81"	S 74°48'00" W	291.88
C62	507.19	1488.81	18°20'18"	S 88°53'18" E	504.72

CZ-503 / PUD-857

Magnolia Heights

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

Line Table

LINE	BEARING	DISTANCE
L01	S 31°32'25" E	145.11
L02	N 88°52'20" E	60.73
L03	N 01°02'20" W	112.40
L04	N 08°17'20" E	162.01
L05	S 01°02'20" E	161.61
L06	N 01°02'20" W	102.67
L07	S 01°02'20" E	60.73
L08	S 88°52'20" W	61.81
L09	N 01°02'20" W	792.38
L10	S 88°52'20" E	60.73
L11	S 81°24'20" W	17.77
L12	S 88°18'00" W	122.88
L13	N 04°07'20" W	7.54
L14	S 01°24'20" W	17.77
L15	S 89°10'20" W	118.87
L16	N 02°07'20" W	10.13
L17	S 01°02'20" E	160.29



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



FINAL PLAT CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION ON _____

TAMPAFCOG OFFICIAL _____

THIS APPROVAL IS VOID IF THIS PLAT IS NOT FILED IN THE OFFICE OF THE COUNTY CLERK ON OR BEFORE _____

COUNTY ENGINEER _____

REVISER STAMP

PRELIMINARY PLAT

DEED OF DEDICATION - MAGNOLIA HEIGHTS

KNOW ALL MEN BY THESE PRESENTS

FOUR CEDARS DEVELOPMENT GROUP, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE "OWNER/DEVELOPER" IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN TULSA COUNTY, STATE OF OKLAHOMA

A TRACT OF LAND THAT IS THE EAST HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER 26 29 24 24 AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (NO 26 24 24) AND THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (24 24 24 24) SECTION THIRTY-THREE (33), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE 2ND MAIN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE SOUTHEAST CORNER OF THE 26 24 OF SAID SECTION 33; THENCE NORTH 01'22'25" WEST ALONG THE EAST LINE THEREOF 656.96 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 26°42'38" WEST 1982.33 FEET; THENCE NORTH 01'03'34" WEST 059.39 FEET; THENCE NORTH 88°46'21" EAST 682.65 FEET; THENCE NORTH 01'02'11" WEST 269.22 FEET; THENCE NORTH 88°47'02" EAST 1321.84 FEET TO THE EAST LINE OF THE 26 24 OF SECTION 33; THENCE SOUTH 01'02'25" EAST ALONG SAID EAST LINE 1917.95 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 2.177 861 19 SQUARE FEET OR 50.00 ACRES

BOUNDARIES ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, OK NORTH ZONE 3501, NAD83, USING THE EAST LINE OF THE 26 24 OF SECTION 33, T17N, R13E AS NORTH 01'02'25" WEST.

THE DEVELOPER HAS CAUSED THE SUBDIVISION PARCEL TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO LOTS, BLOCKS, RESERVE AREAS AND PUBLIC STREETS, IN CONFORMITY WITH THE ACCOMPANYING PLAN, AND HAS DESIGNATED THE SUBDIVISION AS MAGNOLIA HEIGHTS, A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA.

SECTION I. STREETS, EASEMENTS AND UTILITIES

A. STREETS AND UTILITY EASEMENTS

THE UNDERSIGNED OWNER DEDICATES TO THE PUBLIC USE FOREVER, STREET RIGHT-OF-WAY AS SHOWN AND DESIGNATED ON THE ACCOMPANYING PLAN AND DOES FURTHER DEDICATE TO THE PUBLIC USE FOREVER THE EASEMENTS AS SHOWN AND DESIGNATED ON THE ACCOMPANYING PLAN FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REMOVING AND REPLACING ALL PUBLIC UTILITIES, INCLUDING STORM AND SANITARY SEWER, TELEPHONE LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES, AND CABLE TELEVISION LINES TOGETHER WITH ALL FITTINGS AND EQUIPMENT FOR EACH OF SUCH FACILITIES, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS AND ANY OTHER APPURTENANCES THERETO WITH THE RIGHT OF INGRESS AND EGRESS TO SAID EASEMENTS AND RIGHT-OF-WAY FOR THE USES AND PURPOSES AFORESAID, OR OTHER ABOVE-GROUND OBSTRUCTION THAT WILL INTERFERE WITH THE PURPOSES AFORESAID, SHALL BE PLACED, ERECTED, INSTALLED OR PERMITTED UPON THE EASEMENTS OR RIGHT-OF-WAY AS SHOWN, PROVIDED HOWEVER, THAT THE OWNERS RESERVE THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO OVER, ACROSS AND ALONG SAID LAND INCLUDED WITHIN THE EASEMENTS SHOWN ON SAID PLAN, BOTH FOR THE FURNISHING OF WATER SERVICES TO THE AREA INCLUDED IN SAID PLAN, AND NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, SIGNS, LANDSCAPING, AND CUSTOMARY SCREENING FENCES AND WALLS.

B. UNDERGROUND SERVICE

1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED ALONG THE EASTERN PERMITTEE EASEMENTS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE INSTALLED BY UNDERGROUND CABLE. ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS DEDICATED FOR GENERAL UTILITY SERVICES AS DEPICTED ON THE ACCOMPANYING PLAN. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE EASEMENT WAYS.

2. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH ARE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER 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 A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND NON-EXCLUSIVE RIGHT-OF-WAY EASEMENT ON THE LOT, COVERING A 5-FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE EXTENDING FROM THE GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.

3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL EASEMENT WAYS SHOWN ON THE PLAN OR OTHERWISE 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 FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

4. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON HIS LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. EACH SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, 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.

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

C. WATER, SANITARY SEWER AND STORM SEWER

IN CONNECTION WITH THE PROVISIONS OF WATER AND STORM SEWER SERVICE, ALL LOTS ARE SUBJECT TO THE FOLLOWING

1. THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE WATER MAINS AND THE PUBLIC STORM SEWER FACILITIES LOCATED ON HIS LOT AND WITHIN THE DEDICATED UTILITY EASEMENT AREAS THE OWNER SHALL PREVENT THE ALTERATION OF GRADE IN EXCESS OF THREE (3) INCHES FROM THE ORIGINAL CONTOURS OR FROM ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID FACILITIES. SAID ALTERATION OF GRADE RESTRICTIONS SHALL BE LIMITED TO THE EASEMENT AREAS.

2. OKMULGEE COUNTY RURAL WATER DISTRICT NO. 8, ITS SUCCESSORS OR ASSIGNS, WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF WATER MAINS AND TULSA COUNTY, STATE OF OKLAHOMA OR ITS SUCCESSORS WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC STORM SEWER FACILITIES, BUT THE OWNER WILL PAY DAMAGE FOR RELOCATION OF SUCH FACILITIES NECESSITATED BY THE ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.

3. OKMULGEE COUNTY RURAL WATER DISTRICT NO. 8, ITS SUCCESSORS OR ASSIGNS, SHALL HAVE THE RIGHT TO ACCESS WITH ITS EQUIPMENT ALL EASEMENT WAYS SHOWN ON THE PLAN FOR INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF ITS UNDERGROUND WATER FACILITIES. THE FOREGOING COVENANTS CONCERNING WATER FACILITIES SHALL BE ENFORCEABLE BY OKMULGEE COUNTY RURAL WATER DISTRICT NO. 8 AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

4. TULSA COUNTY, STATE OF OKLAHOMA, ITS SUCCESSORS OR ASSIGNS, SHALL HAVE THE RIGHT TO ACCESS WITH ITS EQUIPMENT ALL EASEMENT WAYS SHOWN ON THE PLAN FOR INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF ITS UNDERGROUND PUBLIC STORM SEWER FACILITIES. THE FOREGOING COVENANTS CONCERNING PUBLIC STORM SEWER FACILITIES SHALL BE ENFORCEABLE BY TULSA COUNTY, STATE OF OKLAHOMA AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

5. SANITARY SEWER DISPOSAL SEWERAGE SHALL BE DISPOSSED OF BY INDIVIDUAL ON-SITE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) APPROVED AEROBIC SEWAGE DISPOSAL SYSTEMS. NO OTHER ON-SITE SEWAGE DISPOSAL SYSTEMS SHALL BE ALLOWED WITHOUT WRITTEN APPROVAL FROM THE DEVELOPER. ALL SEWAGE DISPOSAL SYSTEMS SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE RULES AND REGULATIONS SET FORTH BY THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY.

D. LANDSCAPE AND PLANTING REPAIR

1. THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE REPAIR AND REPLACEMENT OF ANY LANDSCAPING AND PLANTING WITHIN THE UTILITY EASEMENTS ON HIS LOT. IN THE EVENT IT IS NECESSARY TO REPAIR ANY UNDERGROUND WATER, ELECTRIC, NATURAL GAS, CABLE TELEVISION, OR TELEPHONE SERVICE.

2. NO LOT OWNER SHALL PLANT ANY TREES OR SHRUBBERY IN DEDICATED UTILITY EASEMENTS OR RIGHT-OF-WAY WHICH WOULD POTENTIALLY

ENDANGER, THREATEN OR HARM ANY WATER UTILITIES LOCATED WITHIN SAID EASEMENTS OR RIGHT-OF-WAY. IF IT IS DETERMINED THAT ANY TREES OR SHRUBBERY LOCATED WITHIN SAID EASEMENTS OR RIGHT-OF-WAY ARE DAMAGING OR ENDANGERING UTILITIES IN SAID EASEMENTS OR RIGHT-OF-WAY, OKMULGEE COUNTY RURAL WATER DISTRICT NO. 8 SHALL HAVE THE RIGHT TO REMOVE SAID TREES OR SHRUBBERY UPON FIVE (5) DAYS NOTICE THEREOF AT THE LOT OWNERS EXPENSE, OR WITHIN SUCH TIME THE LOT OWNER MAY REMOVE SAME.

E. RESERVE AREAS "A" & "B"

RESERVE AREAS "A" AND "B" ARE HEREBY DEDICATED FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING DETENTION FACILITIES, UTILITY EASEMENT, OPEN SPACE, LANDSCAPING, SUBDIVISION IDENTIFICATION SIGNS, SCREENING FENCES AND WALLS, ENTRY FEATURES AND RECREATION, AND ARE RESERVED FOR SUBSEQUENT CONVEYANCE TO THE MAGNOLIA HEIGHTS PROPERTY OWNERS ASSOCIATION, FOR THEIR USE AND MAINTENANCE, AS SET FORTH WITHIN SECTION IV HEREOF.

F. RESERVE AREA "C"

RESERVE AREA "C" IS HEREBY DEDICATED FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING DETENTION FACILITIES, OVERLAND DRAINAGE EASEMENT, OPEN SPACE, LANDSCAPING AND RECREATION, AND IS RESERVED FOR SUBSEQUENT CONVEYANCE TO THE MAGNOLIA HEIGHTS PROPERTY OWNERS ASSOCIATION, FOR THEIR USE AND MAINTENANCE, AS SET FORTH WITHIN SECTION IV HEREOF.

G. RESERVE AREA "D"

RESERVE AREA "D" IS HEREBY DEDICATED FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING OVERLAND DRAINAGE EASEMENT, OPEN SPACE AND RECREATION, AND IS RESERVED FOR SUBSEQUENT CONVEYANCE TO THE MAGNOLIA HEIGHTS PROPERTY OWNERS ASSOCIATION, FOR THEIR USE AND MAINTENANCE AS SET FORTH WITHIN SECTION IV HEREOF.

H. OVERLAND DRAINAGE EASEMENTS

1. THE OWNER/DEVELOPER DOES HEREBY DEDICATE TO THE PUBLIC PERPETUAL EASEMENTS ON, OVER, AND ACROSS THOSE AREAS DESIGNATED ON THE ACCOMPANYING PLAN AS "OVERLAND DRAINAGE EASEMENT" FOR THE PURPOSE OF PERMITTING THE OVERLAND FLOW, CONVEYANCE, AND DISCHARGE OF STORM WATER RUNOFF FROM WITHIN THE SUBDIVISION AND FROM PROPERTIES OUTSIDE THE SUBDIVISION.

2. DRAINAGE FACILITIES LOCATED WITHIN OVERLAND DRAINAGE EASEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ADOPTED STANDARDS OF TULSA COUNTY, STATE OF OKLAHOMA, AND PLANS AND SPECIFICATIONS APPROVED BY TULSA COUNTY, STATE OF OKLAHOMA.

3. NO FENCE, WALL, BUILDING OR OTHER OBSTRUCTION SHALL BE PLACED OR MAINTAINED WITHIN AN OVERLAND DRAINAGE EASEMENT NOR SHALL THERE BE ANY ALTERATION OF THE GRADE IN THE EASEMENTS UNLESS APPROVED BY TULSA COUNTY, STATE OF OKLAHOMA, PROVIDED THAT THE PLANTING OF TREES SHALL NOT REQUIRE THE APPROVAL OF TULSA COUNTY, STATE OF OKLAHOMA.

4. OVERLAND DRAINAGE EASEMENTS LOCATED WITHIN A LOT SHALL BE MAINTAINED BY THE OWNER OF THE LOT AT THE OWNER'S EXPENSE IN ACCORDANCE WITH STANDARDS PRESCRIBED BY TULSA COUNTY, STATE OF OKLAHOMA. IN THE EVENT THE OWNER OF THE LOT FAILS TO PROPERLY MAINTAIN THE EASEMENTS LOCATED THEREON OR, IN THE EVENT OF THE PLACEMENT OF AN OBSTRUCTION WITHIN SUCH EASEMENT, OR THE ALTERATION OF GRADE THEREIN, TULSA COUNTY, STATE OF OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER THE EASEMENTS AND PERFORM MAINTENANCE NECESSARY TO ACHIEVE THE INTENDED DRAINAGE FUNCTIONS AND MAY REMOVE ANY OBSTRUCTION OR CORRECT ANY ALTERATION OF GRADE, AND THE COSTS SHALL BE PAID BY THE LOT OWNER. IN THE EVENT THE LOT OWNER FAILS TO PAY THE COST OF MAINTENANCE AFTER RECEIPT OF A STATEMENT OF COSTS FROM TULSA COUNTY, STATE OF OKLAHOMA, THE COUNTY MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS IN THE LAND RECORDS OF THE TULSA COUNTY CLERK, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST THE LOT. A LIEN ESTABLISHED AS PROVIDED ABOVE MAY BE FORECLOSED BY TULSA COUNTY, STATE OF OKLAHOMA.

I. STORM WATER DETENTION EASEMENTS

1. THE OWNER/DEVELOPER DOES HEREBY GIVE AND ESTABLISH A PERPETUAL EASEMENT ON, OVER AND ACROSS RESERVE AREAS "A", "B", "C" AND "D" (HEREINAFTER REFERRED TO AS "DETENTION EASEMENT AREAS") FOR THE PURPOSES OF PERMITTING THE FLOW, CONVEYANCE, DETENTION AND DISCHARGE OF STORM WATER RUNOFF FROM THE VARIOUS LOTS WITHIN THE SUBDIVISION.

2. DETENTION AND OTHER DRAINAGE FACILITIES CONSTRUCTED WITHIN THE DETENTION EASEMENT AREAS SHALL BE IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPROVED BY TULSA COUNTY, STATE OF OKLAHOMA.

3. DETENTION AND OTHER DRAINAGE FACILITIES SHALL BE MAINTAINED BY THE MAGNOLIA HEIGHTS PROPERTY OWNERS ASSOCIATION (TO BE FORMED PURSUANT TO SECTION IV) TO THE EXTENT NECESSARY TO ACHIEVE THE INTENDED DRAINAGE AND DETENTION FUNCTIONS INCLUDING REPAIR OF ADJUSTMENTS AND REMOVAL OF OBSTRUCTIONS AND SILTATION. THE PROPERTY OWNERS ASSOCIATION SHALL PROVIDE ROUTINE AND CUSTOMARY GROUNDS MAINTENANCE WITHIN THE DETENTION EASEMENT AREAS WHICH SHALL BE, IN ACCORDANCE WITH THE FOLLOWING STANDARDS

- a. THE DETENTION EASEMENT AREAS SHALL BE KEPT FREE OF LITTER.
b. THE DETENTION EASEMENT AREAS SHALL BE MOWED DURING THE GROWING SEASON AT INTERVALS NOT EXCEEDING 4 WEEKS.

4. IN THE EVENT THE PROPERTY OWNERS ASSOCIATION SHOULD FAIL TO PROPERLY MAINTAIN THE DETENTION EASEMENT AREAS AS ABOVE PROVIDED, TULSA COUNTY, STATE OF OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER THE DETENTION EASEMENT AREAS AND PERFORM SUCH MAINTENANCE, AND THE COST THEREOF SHALL BE PAID BY THE PROPERTY OWNERS ASSOCIATION.

5. IN THE EVENT THE PROPERTY OWNERS ASSOCIATION, AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, FAILS TO PAY THE COST OF MAINTENANCE AS ABOVE SET FORTH, TULSA COUNTY, STATE OF OKLAHOMA MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST EACH RESIDENTIAL LOT WITHIN THE SUBDIVISION, PROVIDED HOWEVER, THE LIEN AGAINST EACH RESIDENTIAL LOT SHALL BE LIMITED TO ITS PROPORTIONATE SHARE OF THE COSTS.

6. A LIEN ESTABLISHED AS ABOVE PROVIDED MAY BE FORECLOSED BY TULSA COUNTY, STATE OF OKLAHOMA.

J. FENCE AND LANDSCAPE EASEMENTS

THE OWNER/DEVELOPER DOES HEREBY DEDICATE A PERPETUAL EASEMENT ON, OVER, AND ACROSS THOSE AREAS DESIGNATED ON THE ACCOMPANYING PLAN AS "FENCE AND LANDSCAPE EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, REPAIRING, REMOVING AND REPLACING ALL FENCES AND ANY OTHER APPURTENANCES THERETO WITH THE RIGHT OF INGRESS AND EGRESS TO SAID EASEMENTS AND RIGHT-OF-WAY FOR THE USES AND PURPOSES AFORESAID.

K. LIMITS OF NO ACCESS

THE UNDERSIGNED OWNER/DEVELOPER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS WITHIN THE BOUNDARIES DESIGNATED AS "LIMITS OF NO ACCESS" IN A) ON THE ACCOMPANYING PLAN, WHICH "LIMITS OF NO ACCESS" MAY BE AMENDED OR RELEASED BY TULSA COUNTY, STATE OF OKLAHOMA. LIMITS OF NO ACCESS SHALL BE ENFORCEABLE BY TULSA COUNTY, STATE OF OKLAHOMA.

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

WHEREAS, "MAGNOLIA HEIGHTS" WAS SUBMITTED AS PART OF A PLANNED UNIT DEVELOPMENT (CU-503 / PUD-857), AS PROVIDED WITHIN SECTIONS "THROUGH" _____ OF THE TULSA COUNTY ZONING CODE, AND AS THE SAME EXISTED ON _____, 2020, (HEREINAFTER THE "TULSA COUNTY ZONING CODE"); AND

WHEREAS CU-503 / PUD-857 WAS APPROXIMATELY RECOMMENDED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION ON _____, 2020 AND APPROVED BY THE TULSA COUNTY BOARD OF COUNTY COMMISSIONERS ON _____, 2020, AND

WHEREAS, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE TULSA COUNTY ZONING CODE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD, BINDING TO AND ENFORCEABLE BY TULSA COUNTY, STATE OF OKLAHOMA, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT AND AMENDMENTS THERETO; AND

WHEREAS, THE OWNERS ESTABLISHED RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT AND TO INSURE ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND TULSA COUNTY, STATE OF OKLAHOMA; AND

THEREFORE, THE OWNERS DO HEREBY WAIVE RESTRICTIONS AND COVENANTS TO ALL LOTS CONTAINED WITHIN THIS SUBDIVISION PLAN, MAGNOLIA HEIGHTS, AND WHICH COVENANTS SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH:

Table with 2 columns: Requirement and Value. Includes rows for GROSS LAND AREA (50.00 ACRES), MAGNOLIA HEIGHTS NEIGHBORHOOD P.U.D. DEVELOPMENT STANDARDS INCLUDES ALL LOTS LOCATED WITHIN MAGNOLIA HEIGHTS, PERMITTED USES, ALL USES ALLOWED BY RIGHT IN THE RE ZONING DISTRICT SPECIFICALLY USE UNIT 6 - SINGLE FAMILY DWELLINGS AND CUSTOMARY FACILITIES AND AMENITIES, MINIMUM LOT WIDTH (AT BUILDING SETBACK LINE) (110 FEET **), MINIMUM LOT AREA (22,500 SQUARE FEET), MINIMUM OFF-STREET PARKING (TWO (2) ENCLOSED OFF-STREET PARKING SPACES PER DWELLING UNIT), FRONT YARD BUILDING SETBACK (30 FEET), REAR YARD (25 FEET), SIDE YARD (15 FEET), NO RESIDENCE SHALL BE BUILT NEARER THAN FIFTEEN (15) FEET TO ANY SIDE LOT ON ONE SIDE, AND FIFTEEN (15) FEET ON THE OTHER SIDE, THIS INCLUDING A COMBINED TOTAL OF AT LEAST THIRTY (30) FEET BETWEEN RESIDENCES, WHERE SIDE LOT EASEMENTS ARE SHOWN GREATER THAN THE FOREGOING, NO ENCROACHMENT SHALL BE ALLOWED ON THE EASEMENT, ALL OTHER YARDS ADJUTING AN ARTERIAL STREET (85 FEET FROM THE CENTERLINE OF SOUTH VALLA AVENUE), MINIMUM DWELLING SIZE (2,900 SQUARE FEET OF FINISHED HEATED LIVING AREA).

SECTION III. RESTRICTIONS AND COVENANTS

A. DWELLINGS

UNLESS WAIVED BY THE DEVELOPER IN WRITING, THE FOLLOWING STANDARDS SHALL APPLY TO ALL DWELLINGS IN THE SUBDIVISION

1. MASONRY WALL DWELLINGS SHALL HAVE AT LEAST FIFTY PERCENT (50%) OF THE EXTERIOR WALLS THEREOF COMPRISED OF BRICK OR STONE TO THE FIRST FLOOR PLATE LINE, PROVIDED HOWEVER, THAT THE AREA OF ALL WINDOWS COVERED PORCHES AND DOORS LOCATED IN THE EXTERIOR WALLS SHALL BE EXCLUDED IN THE DETERMINATION OF THE AREA OF SAID EXTERIOR WALLS. IN PARTICULAR CASES THE DEVELOPER RESERVES THE RIGHT TO PERMIT TRIMMED BRAND OR SIMILAR EXTERIOR CONSTRUCTION MATERIAL IN LIEU OF BRICK OR STONE.

2. GARAGES: ALL DWELLINGS SHALL HAVE ATTACHED GARAGES SUITABLE FOR ACCOMMODATING A MINIMUM OF TWO (2) STANDARD SIZE AUTOMOBILES. ALL GARAGES SHALL BE ACCESSED BY AN OVERHEAD GARAGE DOOR. CARPORTS SHALL NOT BE PERMITTED.

3. PATIO COVERS: ALL PATIO COVERS SHALL BE AN INTEGRAL PART OF THE RESIDENCE SUCH THAT THEY ARE CONTAINED WITHIN THE ROOF LINE AND SHALL BE CONSTRUCTED WITH THE SAME DESIGN, SINGLE COLOR AND MATERIALS AS THE RESIDENCE.

4. DRIVEWAYS AND CURBENTS: ALL DRIVEWAYS INTO A LOT FROM ANY STREET SHALL BE CONSTRUCTED OF CONCRETE AND SHALL BE NOT LESS THAN TWENTY (20) FEET IN WIDTH. ALL DRIVEWAYS SHALL CONTAIN A DRAINAGE CULVERT OF AT LEAST FIFTEEN (15) INCHES OR AS DETERMINED BY TULSA COUNTY, STATE OF OKLAHOMA, IN DIAMETER AND LARGER IF NECESSARY. A MASONRY HEADWALL SHALL BE CONSTRUCTED TWELVE (12) FEET IN LENGTH AND EIGHTEEN (18) INCHES IN HEIGHT, CENTERED ON THE DRAINAGE PIPE WHICH IS IN THE BAR DITCH, UNDER THE DRIVEWAY NEXT TO THE STREET. A DRAWING WILL BE DISTRIBUTED BY THE ARCHITECTURAL COMMITTEE AND EACH STRUCTURE WILL BE BUILT ACCORDING TO THE DRAWING.

5. MAILBOXES: ALL MAILBOXES SHALL BE METAL AND SELECTED BY THE ARCHITECTURAL REVIEW COMMITTEE.

6. ROOF PITCH AND MATERIALS: THE ROOF OF THE DWELLING SHALL HAVE A PITCH OF AT LEAST 12:12 AND A PITCH OF 4:13 SHALL BE ALLOWED OVER PORCHES AND PATIOS. ROOF MATERIALS SHALL BE THIRTY (30) YEAR BLACK BLEND HERTAGE II OR EQUAL COMPOSITION SHINGLES.

7. SODDING AND LANDSCAPING: UPON COMPLETION OF CONSTRUCTION OF ANY RESIDENCE, THE OWNER SHALL BE RESPONSIBLE FOR CAREFULLY RE-ESTABLISHING THE FINAL GRADE OF THE BAR DITCH TO PERMIT THE FREE FLOW OF STORMWATER. THE BAR DITCH SHALL BE FULLY SODDED UP TO THE EDGE OF THE STREET SURFACE MATERIAL. THE FRONT YARD OF EACH LOT MUST BE FULLY SODDED CORNER LOTS, HOWEVER, MUST BE FULLY SODDED UP TO THE EDGE OF THE STREET SURFACE ALONG THE BAR DITCH ON BOTH SIDES OF THE LOT AND SHALL BE FULLY SODDED ON FRONT YARD, BACK AND SIDE YARDS. EACH LOT SHALL HAVE A PROFESSIONAL LANDSCAPE PACKAGE, INCLUDING ONE (1) TREE A MINIMUM OF TWO (2) INCHES IN CALIPER, INSTALLED IN THE FRONT YARD UPON COMPLETION OF THE CONSTRUCTION OF ANY RESIDENCE.

B. ARCHITECTURAL COMMITTEE - PLAN REVIEW

1. NO BUILDING, FENCE, WALL OR LANDSCAPING SHALL BE ERECTED, PLACED OR ALTERED ON ANY RESIDENTIAL LOT IN THIS SUBDIVISION UNTIL THE BUILDING PLANS, LANDSCAPING PLANS AND SPECIFICATIONS FOR ALL HOUSES TO BE BUILT, AND LANDSCAPING TO BE INSTALLED, ARE ON FILE WITH MAGNOLIA HEIGHTS ARCHITECTURAL COMMITTEE. INITIALLY TO FOUR CEDARS DEVELOPMENT GROUP, LLC MEMBERS OR THEIR DULY AUTHORIZED REPRESENTATIVE, REPRESENTATIVES OR SUCCESSORS. IN THE EVENT OF THE DEATH OR RESIGNATION OF ANY MEMBER OF MAGNOLIA HEIGHTS ARCHITECTURAL COMMITTEE, THE REMAINING MEMBER OR MEMBERS SHALL HAVE FULL AUTHORITY TO APPROVE OR DISAPPROVE SUCH PLANS, SPECIFICATIONS, COLOR SCHEME, MATERIALS AND PLAN, PLAN, OR TO DESIGNATE A REPRESENTATIVE OR REPRESENTATIVES WITH THE LIKE AUTHORITY. AND SAID REMAINING MEMBER OR MEMBERS SHALL HAVE AUTHORITY TO ANY VACANCY OR VACANCIES CREATED BY THE DEATH OR RESIGNATION OF ANY OF THE FOREGOING MEMBERS, AND SAID NEWLY APPOINTED MEMBER SHALL HAVE THE SAME AUTHORITY HEREAFTER AS THE PREDECESSORS, AS ABOVE SET FORTH. ANY CHANGES TO PLANS ON FILE WITH THE ARCHITECTURAL COMMITTEE ON ANY ADDITIONAL NEW PLANS, MUST BE WRITTEN APPROVAL, BEFORE CONSTRUCTION MAY BEGIN.

2. THE ARCHITECTURAL COMMITTEE'S PURPOSE IS TO PROMOTE GOOD DESIGN AND COMPATIBILITY WITHIN THE SUBDIVISION AND IN ITS REVIEW OF BUILDING OR LANDSCAPING PLANS FOR DETERMINATION OF ANY WAIVER AS HEREINAFTER AUTHORIZED MAY TAKE INTO CONSIDERATION THE NATURE AND CHARACTER OF THE PROPOSED BUILDING OR STRUCTURE, THE MATERIALS OF WHICH IT IS TO BE BUILT, THE AVAILABILITY OF ALTERNATIVE MATERIALS, THE SITE UPON WHICH IT IS PROPOSED TO BE ERECTED AND THE HARMONY THEREOF WITH THE SURROUNDING AREA. THE ARCHITECTURAL COMMITTEE SHALL NOT BE LIABLE FOR ANY APPROVAL, DISAPPROVAL OR FAILURE TO APPROVE HEREUNDER, AND ITS APPROVAL OF BUILDING PLANS SHALL NOT CONSTITUTE A WARRANTY OR RESPONSIBILITY FOR BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR CODE VIOLATIONS. THE APPROVAL, DISAPPROVAL OR FAILURE TO APPROVE OF ANY BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION, UNLESS THE ARCHITECTURAL COMMITTEE IS HEREAFTER AUTHORIZED TO GRANT THE PARTICULAR WAIVER.

THE POWERS AND DUTIES OF THE ARCHITECTURAL COMMITTEE OR ITS DESIGNATED REPRESENTATIVE SHALL CEASE WHEN ONE HUNDRED PERCENT (100%) OF THE HOUSES ON THE RESIDENTIAL LOTS HAVE BEEN BUILT. THEREAFTER, THE POWERS AND DUTIES OF THE ARCHITECTURAL COMMITTEE SHALL BE EXERCISED BY THE HOMEOWNERS ASSOCIATION HEREAFTER PROVIDED FOR.

PRELIMINARY PLAN

CU-503 / PUD-857
MAGNOLIA HEIGHTS
Sheet 2 of 3

Date Printed: April 11, 2020

Handwritten mark resembling the number '7'.

C. FENCES

FENCES SITUATED UPON RESIDENTIAL LOTS SHALL COMPLY WITH THE FOLLOWING:

1. NO FENCING SHALL EXTEND BEYOND THE BUILDING LINE OF ANY RESIDENCE. IF A RESIDENCE IS BUILT BEHIND THE FRONT BUILDING LINE OF A RESIDENTIAL LOT, A FENCE MAY NOT EXTEND BEYOND THAT POINT NEAREST THE STREET AT EACH END CORNER.
2. FENCES SHALL BE SIX (6) FEET IN HEIGHT AND WOOD PRIVACY FENCE, UNLESS ADJACENT TO A RESERVE AREA, WHERE FENCES SHALL BE FOUR (4) FEET IN HEIGHT AND A SPLITTAIL STYLE WITH BLACK VINYL CHAIN LINK.
3. ALL FENCING ADJACENT TO A RESERVE AREA MUST BE CONSISTENT. ANY VARIANCE MUST BE APPROVED BY THE ARCHITECTURAL COMMITTEE.

D. OUTBUILDINGS

ALL PLANS FOR TOOL SHEDS, HOBBY ROOMS OR OTHER OUTBUILDINGS SHALL BE APPROVED BY THE ARCHITECTURAL COMMITTEE. IN WRITING, PRIOR TO CONSTRUCTION, SHALL CONFORM TO THE BASIC ARCHITECTURAL STYLING OF THE DWELLING, INCLUDING MASONRY REQUIREMENTS. ALL SUCH OUTBUILDINGS SHALL BE SHINGLED WITH THE SAME COLOR AND TYPE OF SHINGLE AS THE DWELLING. NO GARAGE OR OUTBUILDING ON ANY LOT SHALL BE USED AS A RESIDENCE OR LIVING QUARTERS. FURTHER, NO DETACHED STRUCTURE OR BUILDING FOR PURELY ORNAMENTAL OR OTHER PURPOSES SHALL BE ERRECTED ON ANY PART OF ANY LOT WITHOUT THE PRIOR WRITTEN CONSENT OF THE ARCHITECTURAL COMMITTEE.

E. ANTENNAE

ALL OUTDOOR VIDEO RECEPTION ANTENNAS AND DISHES MUST BE MOUNTED IN AN AREA LOCATED TO THE REAR OR SIDE OF THE HOME WITH THE INTENT OF OBSCURING THE ANTENNA FROM THE STREET VIEW. ALL VIDEO RECEPTION ANTENNAS MUST MEET THE GUIDELINES OF FCC 47 C.F.R. SUBSECTION 1.400 (STANDARD RULES) OR SUBSEQUENT RULES DIRECT TO HOME SATELLITE DISH(S) MUST BE 1 METER (39.37") OR LESS IN DIAMETER. FOR THIS RULE NO TELEVISION, RADIO OR OTHER ANTENNAE OR RECEPTION DEVICES, THAT DOES NOT MEET THE ABOVE RULE, SHALL BE CONSTRUCTED OR MAINTAINED ON ANY LOT OR RESIDENCE WITHOUT THE WRITTEN APPROVAL OF THE DEVELOPER OR BOARD OF THE PROPERTY OWNERS ASSOCIATION.

F. LOT USE

LOTS SHALL BE USED ONLY FOR RESIDENTIAL, SINGLE FAMILY PURPOSES. NO RESIDENTIAL LOT SHALL BE USED FOR ANY BUSINESS, COMMERCIAL, OR MANUFACTURING PURPOSE, PROVIDED, HOWEVER, THE DEVELOPER MAY PERMIT A MOOSE, 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 RESIDENTIAL LOT MAY BE SUBDIVIDED TO ACCOMMODATE TWO OR MORE SEPARATE OWNERS OR DWELLINGS. NO STRUCTURE SHALL BE PLACED, ALTERED, DEDICATED OR PERMITTED TO REMAIN ON ANY RESIDENTIAL LOT WHICH EXCEEDS TWO (2) STORES IN HEIGHT, NO DWELLING NOT MEETING A SPECIFIC BUILDING CODE IDENTIFIED BY THE DEVELOPER MAY BE MOVED ONTO A RESIDENTIAL LOT. NO STRUCTURE OF A TEMPORARY CHARACTER MAY BE USED AS A RESIDENCE. NO MOBILE HOME SHALL BE MOVED INTO OR BE PRESENT IN MAGNOLIA HEIGHTS, EXCEPT THAT THE DEVELOPER OR ITS DESIGNEES MAY USE SUCH A MOBILE HOME AS A TEMPORARY SALES OFFICE.

G. NOISE / NUISANCE

NO NOXIOUS OR OFFENSIVE ACTIVITY OF ANY SORT SHALL BE PERMITTED NOR SHALL ANYTHING BE DONE ON ANY RESIDENTIAL LOT WHICH MAY BE OR MAY BECOME AN ANNOYANCE OR NUISANCE TO THE SUBDIVISION, NO EXTERIOR SPEAKERS, HORN, WHISTLE, BELL, OR OTHER SOUND DEVICE, EXCEPT SECURITY AND FIRE DEVICES USED EXCLUSIVELY FOR SECURITY AND FIRE PURPOSES SHALL BE LOCATED, USED OR PLACED ON A RESIDENTIAL LOT. ACTIVITIES EXPRESSLY PROHIBITED ON RESIDENTIAL LOTS 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 DANGER, FIRE, OR EXPLOSION.

H. ANIMALS

NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND SHALL BE KEPT ON ANY RESIDENTIAL LOT EXCEPT FOR DOMESTICATED HOUSEHOLD PETS PROVIDED, HOWEVER, THAT NO MORE THAN THREE (3) ADULT DOGS SHALL BE MAINTAINED ON ANY RESIDENTIAL LOT. EXCESSIVE BARKING BY ANY DOG SHALL, IN THE SOLE DISCRETION OF THE DEVELOPER OR THE MAJORITY OF THE BOARD OF DIRECTORS OF THE MAGNOLIA HEIGHTS ASSOCIATION, BE TREATED AS A NUISANCE AND IMMEDIATELY SUBJECT THE DOG TO IMPOUND AND THE OWNER THEREOF TO A FINE IN AN AMOUNT LEVIED BY THE ASSOCIATION'S BOARD OF DIRECTORS. THE AMOUNT OF SUCH FINE SHALL BECOME A LIEN UPON THE OWNER'S LOT AND GOVERNED BY SECTION IV, PARAGRAPH 2 HEREOF. ANIMALS SHALL NOT BE KEPT, BREED 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. NO KENNELS ARE PERMITTED. ALL ANIMALS MUST BE FENCED IN OR KEPT ON A LEASH. ANIMAL SHELTERS SHALL BE SCREENED FROM VIEW FROM ANY STREET UNLESS BUILT IN CONFORMITY TO THE REQUIREMENT FOR OUTBUILDINGS HEREIN. ANIMALS SHALL NOT BE PERMITTED TO ROAM ON THE RESERVE AREAS, AND AT THE OPTION OF THE DEVELOPER OR THE ASSOCIATION, STEPS MAY BE TAKEN TO CONTROL ANY ANIMALS NOT UNDER THE IMMEDIATE CONTROL OF THEIR OWNERS, INCLUDING THE RIGHT TO IMPOUND SUCH ANIMALS AND TO CHARGE FEES FOR THEIR RETURN.

I. 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 RESIDENTIAL 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.

J. WIND GENERATORS AND SOLAR COLLECTORS

NO WIND GENERATORS OR SOLAR COLLECTORS SHALL BE INSTALLED WITHOUT THE PRIOR WRITTEN APPROVAL OF THE DEVELOPER.

K. CLOTHESLINES

THE DRYING OF CLOTHES IN PUBLIC VIEWS IS PROHIBITED.

L. AIR CONDITIONING REQUIREMENTS

NO WINDOW OR WALL-TYPE AIR CONDITIONING UNITS SHALL BE PERMITTED.

M. STORAGE

NO OUTSIDE STORAGE OR KEEPING OF BUILDING MATERIALS, TRACTORS, MOWERS, EQUIPMENT, IMPLEMENTS 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.

N. VEHICLES AND MOTORCYCLES

EXCEPT AS PROVIDED HEREIN, NO VEHICLE, MOTORCYCLE, MOTOR BIKE, CAMPER (POP-UP OR OTHERWISE), TRAILER (INCLUDING WITHOUT LIMITATION, COSSBOCKS AND LIVESTOCK TRAILERS AND CAR HAULERS), BOAT, ALL TERRAIN VEHICLE (ATV) OR RECREATIONAL VEHICLE (RV) OR SIMILAR VEHICLE OR EQUIPMENT, WHETHER OR NOT OPERABLE (COLLECTIVELY REFERRED TO AS "VEHICLES"), SHALL BE KEPT, PARKED, STOOD OR STORED ON ANY LOT, DRIVEWAY, STREET OR COMMON AREA, EXCEPT IN A GARAGE OR A DETACHED BUILDING THAT THE DEVELOPER OR ASSOCIATION HAS APPROVED IN WRITING, OPEN OR "FLAT BED" UTILITY TRAILERS OF TWELVE FEET (12') OR LESS WHICH ARE USED FOR THE LIMITED PURPOSE OF HAULING YARD DEBRIS OR LAWN EQUIPMENT ARE ALLOWED TO BE PARKED AND/OR STORED BEHIND THE MAIN RESIDENTIAL STRUCTURE ON ANY LOT PROVIDED SAID TRAILERS BE PLACED ON A CONCRETE SLAB. VEHICLES, HOWEVER, SHALL NOT BE KEPT, PARKED, STOOD OR STORED IN THE YARD OF ANY LOT OR COMMON AREA FOR ANY REASON. VEHICLES SHALL NOT BE KEPT, PARKED, STOOD OR STORED IN ANY STREET. REGULAR PASSENGER VEHICLES, SUCH AS AUTOMOBILES, PASSENGER VANS, SUVs, AND COMMERCIAL VEHICLES OF 34 TON OR LESS ARE PERMITTED TO BE PARKED IN THE DRIVEWAY, PROVIDED SUCH VEHICLES ARE TO BE PARKED OVERNIGHT AND STORED INSIDE A CLOSED GARAGE AS SET FORTH HEREIN. COMMERCIAL VEHICLES OVER 34 TON ARE NOT PERMITTED. FURTHER, BOATS, TRAILERS AND RVs MAY BE PARKED TEMPORARILY FOR A PERIOD NOT EXCEEDING 72 CONSECUTIVE HOURS PER WEEK ON THE DRIVEWAY OF A LOT FOR PURPOSES OF LOADING, UNLOADING, OR WASHING SAID BOAT, TRAILER OR RV.

O. SIGNS

NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY RESIDENTIAL LOT, EXCEPT ONE SIGN OF NOT MORE THAN FIVE (5) SQUARE FEET ADVERTISING THE SALE OR RENT OF SAID PROPERTY, OR SIGNS OF THE SAME SIZE LIMITATION USED FOR THE PURPOSE OF CAMPAIGNING FOR A RESULT IN ANY POLITICAL ELECTION, UNLESS APPROVED IN WRITING BY THE DEVELOPER. THE DEVELOPER, OR ITS DESIGNEES, MAY DISPLAY SUCH SIGNS AS THE DEVELOPER, IN ITS SOLE DISCRETION, DEEMS NECESSARY FOR THE PROMOTION, SALES AND/OR RENTAL, OF PROPERTY OWNED BY THE DEVELOPER OR ITS DESIGNEES.

P. WASTE

NO RESIDENTIAL LOT SHALL BE USED OR MAINTAINED AS A DUMPING GROUND FOR RUBBISH, TRASH, GARBAGE OR OTHER WASTES. NO BURNING OF TRASH SHALL BE PERMITTED. ALL WASTE SHALL BE KEPT IN SANITARY CONTAINERS AND ALL EQUIPMENT FOR STORAGE OR DISPOSAL OF SUCH MATERIAL AND ALL RESIDENTIAL LOTS SHALL BE KEPT IN A CLEAN, NEAT AND ORDERLY MANNER. ALL RESIDENTIAL LOTS AND ALL EASEMENTS THEREON SHALL BE KEPT CLEAN, NEAT AND MOWED TO THE STREET. ALL RESIDENTIAL WASTE CONTAINERS MUST BE REMOVED FROM THE CURBSIDE AND SCREENED FROM ROADWAY VIEW WITHIN 12 HOURS AFTER REFUSE COLLECTION VEHICLES EMPTY THE CONTAINERS.

Q. COMPLIANCE WITH CODE

ALL RESIDENTIAL LOTS ARE SUBJECT TO THE USES, RESTRICTIONS AND REQUIREMENTS OF TULSA COUNTY, STATE OF OKLAHOMA.

R. ABOVE GROUND POOL

NO ABOVE GROUND POOLS (TEMPORARY OR PERMANENT) SHALL BE ALLOWED ON ANY LOT WITHIN MAGNOLIA HEIGHTS. FOR PURPOSES OF THIS PROVISION, "ABOVE GROUND POOLS" SHALL INCLUDE ANY POOL WHICH SETS ON OR IS DUG INTO THE SURFACE OF THE OF THE LOT LESS THAN SIX FEET (6') BELOW SURFACE LEVEL.

S. STEM WALLS

ALL EXPOSED FOUNDATION OR STEM WALLS SHALL BE OF BRICK OR STONE, NO CONCRETE BLOCKS, POURED CONCRETE OR ANY OTHER FOUNDATION SHALL BE EXPOSED. NO STEM WALLS SHALL BE EXPOSED.

SECTION IV. PROPERTY OWNERS' ASSOCIATION

A. FORMATION OF PROPERTY OWNERS' ASSOCIATION: A PROPERTY OWNERS' ASSOCIATION KNOWN AS "MAGNOLIA HEIGHTS ASSOCIATION," AN OKLAHOMA NOT-FOR-PROFIT CORPORATION, HAS BEEN OR SHALL BE ESTABLISHED PURSUANT TO 60 O.S. 1991, § 851, ET SEQ., TO MAINTAIN THE RESERVE AREAS IN THE SUBDIVISION AND FOR SUCH OTHER PURPOSES AS SHALL BE DETERMINED ADVISABLE ALL LAWFUL ACTS. IF ANY, OF MAGNOLIA HEIGHTS ASSOCIATION (THE "ASSOCIATION"), MAKE UNDER AND PURSUANT TO THE PROVISIONS OF PARAGRAPH 2 HEREOF AND BY LINE SHALL BE BINDING UPON THE LOTS CONTAINED IN THE ADDITION AND THE OWNERS THEREOF. MEMBERSHIP IN THE ASSOCIATION SHALL CONSIST OF ALL OWNERS OF LOTS IN THE ADDITION AND ALL OWNERS OF SUCH ADDITIONAL PROPERTY DESIGNATED BY THE DEVELOPER.

B. MEMBERSHIP

EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST OF A LOT SHALL BE A MEMBER OF THE PROPERTY OWNERS' ASSOCIATION. MEMBERSHIP SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT.

C. ASSESSMENT

EACH RECORD OWNER OF A LOT SHALL BE SUBJECT TO ASSESSMENT BY THE PROPERTY OWNERS' ASSOCIATION FOR THE PURPOSES OF IMPROVEMENT AND MAINTENANCE OF THE STORM WATER DETENTION FACILITIES, RESERVE AREAS AND OTHER COMMON AREAS, ALL AS MORE PARTICULARLY PROVIDED IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF MAGNOLIA HEIGHTS AND THE BYLAWS OF THE ASSOCIATION.

SECTION V. 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 OWNERS, THEIR SUCCESSORS AND ASSIGNS, WITHIN THE PROVISIONS OF SECTION I, STREETS, EASEMENTS AND UTILITIES, AND SECTION II, PLANNED UNIT DEVELOPMENT RESTRICTIONS ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTION I AND WHETHER OR NOT SPECIFICALLY THEREIN SO STATED, SHALL INURE TO THE BENEFIT OF THE OWNERS OF THE LOTS WITHIN MAGNOLIA HEIGHTS AND TULSA COUNTY, STATE OF OKLAHOMA AND SHALL BE ENFORCEABLE BY TULSA COUNTY, STATE OF OKLAHOMA. IF THE UNDERSIGNED OWNER/DEVELOPER, OR ITS SUCCESSORS OR ASSIGNS OR OWNERS OF ANY LOTS WITHIN MAGNOLIA HEIGHTS SHALL VIOLATE ANY OF THE COVENANTS HEREIN, IT SHALL BE LAWFUL FOR TULSA COUNTY, STATE OF OKLAHOMA, ANY OWNER OF A LOT OR A PROPERTY OWNERS' ASSOCIATION FORMED FOR THIS SUBDIVISION TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT IN ANY JUDICIAL ACTION BROUGHT BY A PROPERTY OWNERS' ASSOCIATION OR AN OWNER OF A LOT WHICH ACTION SEEKS TO ENFORCE THE COVENANTS OR RESTRICTIONS SET FORTH HEREIN OR TO RECOVER DAMAGES FOR THE BREACH THEREOF. THE PREVAILING PARTY SHALL BE ENTITLED TO RECOVER REASONABLE ATTORNEY'S FEES AND COSTS AND EXPENSES INCURRED IN SUCH ACTION.

B. DURATION

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

C. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I, STREETS, EASEMENTS AND UTILITIES 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 TULSA COUNTY, STATE OF OKLAHOMA. THE COVENANTS WITHIN SECTION II, PLANNED UNIT DEVELOPMENT RESTRICTIONS, MAY BE AMENDED AT ANY TIME WITH 75 PERCENT AGREEMENT OF ALL LOT OWNERS AND APPROVAL BY TULSA COUNTY, STATE OF OKLAHOMA. THE COVENANTS WITHIN SECTION III, RESTRICTIONS AND COVENANTS, AND SECTION IV, PROPERTY OWNERS' ASSOCIATION, MAY BE AMENDED OR TERMINATED AT ANY TIME WITH 75 PERCENT AGREEMENT OF ALL LOT OWNERS. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

D. SEVERABILITY

IF 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, FOUR CEDARS DEVELOPMENT GROUP, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HAS EXECUTED THIS INSTRUMENT THIS DAY OF _____, 2020.

FOUR CEDARS DEVELOPMENT GROUP, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY

BY: _____
JERRY GORDON, MANAGING MEMBER

STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, ON THIS _____ DAY OF _____, 2020, PERSONALLY APPEARED JERRY GORDON, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO EXECUTED THE FOREGOING DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AS MANAGING MEMBER OF FOUR CEDARS DEVELOPMENT GROUP, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED, AND AS THE FREE AND VOLUNTARY ACT AND DEED OF SAID COMPANY, FOR THE USES AND PURPOSES THEREIN SET FORTH.

IN WITNESS MY HAND AND SEAL THE DAY AND YEAR ABOVE WRITTEN.

AS: ASHLEY MCCARTY

MY COMMISSION EXPIRES: 01/30/2022
MY COMMISSION NUMBER: 1002058



CERTIFICATE OF SURVEY

I, ANDY FRITZ, OF FRITZ LAND SURVEYING, LLC, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA UNDER CERTIFICATE OF AUTHORIZATION #5848, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "MAGNOLIA HEIGHTS," A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES, AND MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

ANDY FRITZ
LICENSED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1694

STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA)



BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS _____ DAY OF _____, 2020, PERSONALLY APPEARED ANDY FRITZ, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS A LICENSED LAND SURVEYOR TO THE FOREGOING CERTIFICATE OF SURVEY 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.

JENIFER FRITZ
MY COMMISSION EXPIRES: 02/25/2022
MY COMMISSION NUMBER: 1002088



CERTIFICATE OF THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

THE TULSA OFFICE OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY HAS APPROVED THIS PLAT FOR THE USE OF PUBLIC WATER SYSTEMS AND INDIVIDUAL ON-SITE SEWER SYSTEMS ON THE _____ DAY OF _____, 2020.

MICHAEL CHAD KELLER
SR. ENVIRONMENTAL PROGRAM SPECIALIST IV
DEPARTMENT OF ENVIRONMENTAL QUALITY

PRELIMINARY PLAT C2-003 / PUD-057
Magnolia Heights
Sheet 2 of 2

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Tulsa Metropolitan Area
Planning Commission

Case Number: CZ-504

Hearing Date: August 5th, 2020

Case Report Prepared by:

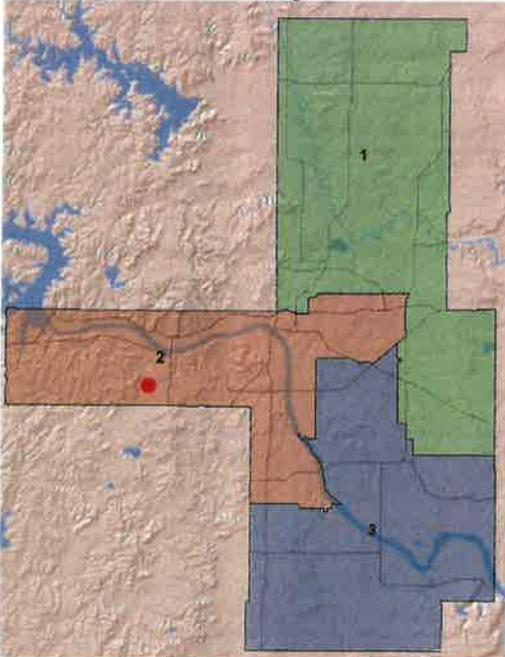
Jay Hoyt

Owner and Applicant Information:

Applicant: Michael Sommer

Property Owner: SOMMER, MICHAEL S TTEE

Location Map:
(shown with County Commission Districts)



Applicant Proposal:

Present Use: Agriculture

Proposed Use: Single-family Residential

Concept summary: Rezone from AG to RS to permit a single family development

Tract Size: 160 ± acres

Location: Northwest corner of West 51st Street South & South 129th West Avenue

Zoning:

Existing Zoning: AG

Proposed Zoning: RS

Comprehensive Plan:

Land Use Map: Residential/Commercial

Stability and Growth Map: N/A

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 9128

CZM: 44, 43

County Commission District: 2

Commissioner Name: Karen Keith

8.1

SECTION I: CZ-504

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from AG to RS to permit a residential single family subdivision. The configuration of the proposed lots will be established as part of the Platting process that will be required for a subdivision. The applicant will need to work with Tulsa County to develop a layout that complies with County requirements. The site is primarily within the Residential designation of the City of Sand Springs Comprehensive Plan. There is a small portion of Commercial designation located at the southeast corner of the subject lot.

EXHIBITS:

INCOG Case map
INCOG Aerial
Land Use Map

DETAILED STAFF RECOMMENDATION:

CZ-504 is non-injurious to surrounding proximate properties;

CZ-504 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends **Approval** of CZ-504 to rezone property from AG to RS.

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. 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 Residential with a small percentage of Commercial on the southeast corner. See the attached Land Use Map.

The Residential category is typically comprised of single-family neighborhoods of varying lot sizes and represents the lowest intensity of all the use categories outside of Agricultural Districts. Dwelling unit densities within the Residential category generally range from 2 to 5 units per acre but density can be as little as 1 or fewer per acre. Areas within the fenceline may not develop to densities any greater than 1 or 2 dwelling units per acre because of the expense of bringing sewer to these locations. As a result of the many variables involved, the Residential category was not broken apart into two different categories, such as rural or urban.

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: Residential and Commercial

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: S 129th St S is designated as a Secondary Arterial

Trail System Master Plan Considerations: The Go Plan recommends a side path along S 129th W Ave for bicycle and pedestrian traffic.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site currently contains a single family residence and agricultural land.*

Environmental Considerations: A portion of the western side of the subject parcel is located within the 100 year floodplain. The applicant will need to work with Tulsa County to mitigate the impact of any development if placed within this area.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S 129 th W Ave	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	AG/RS-1	Rural Residential	N/A	Church/Vacant
South	AG	Rural Residential/Commercial	N/A	Single Family/Agricultural
East	RS-3/CS	Rural Residential/Commercial	N/A	Single Family/Church
West	AG	Rural Residential	N/A	Vacant

SECTION III: Relevant Zoning History

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

Subject Property:

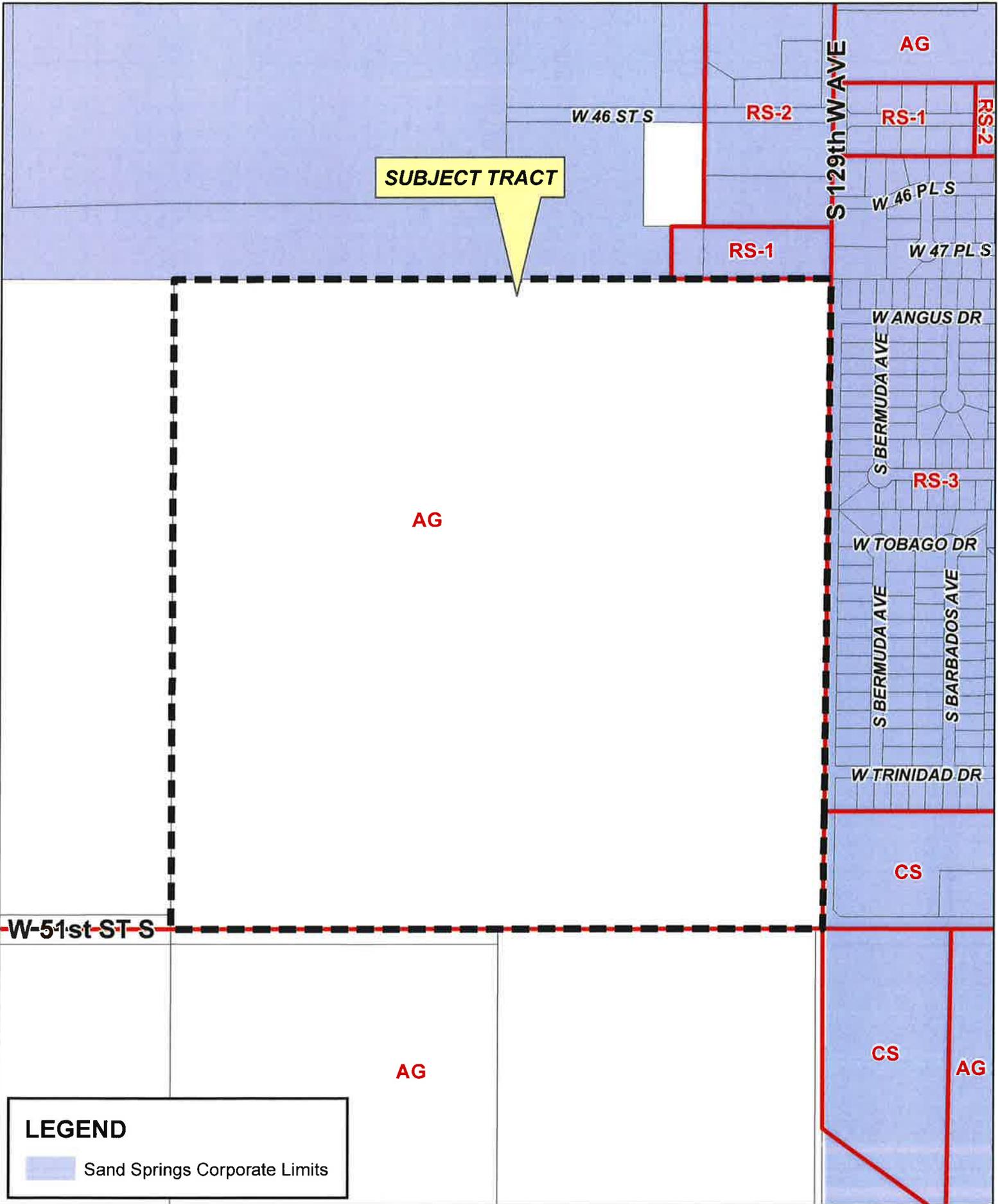
No Relevant History.

Surrounding Property:

CBOA-01058 December 1991: The Board of Adjustment **approved** a *Special Exception* to locate an oil well and related storage tanks within 300' of an incorporated area, per plot plan submitted, finding that the oil well is not near a residential neighborhood and the use is compatible with the surrounding area and that there are other oil wells operating near the city of sand springs, on property located at East 56th Street South and South 129th West Avenue.

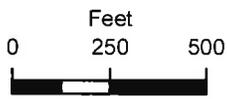
8/5/2020 1:00 PM

8.4



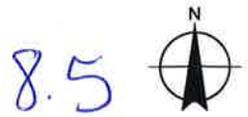
LEGEND

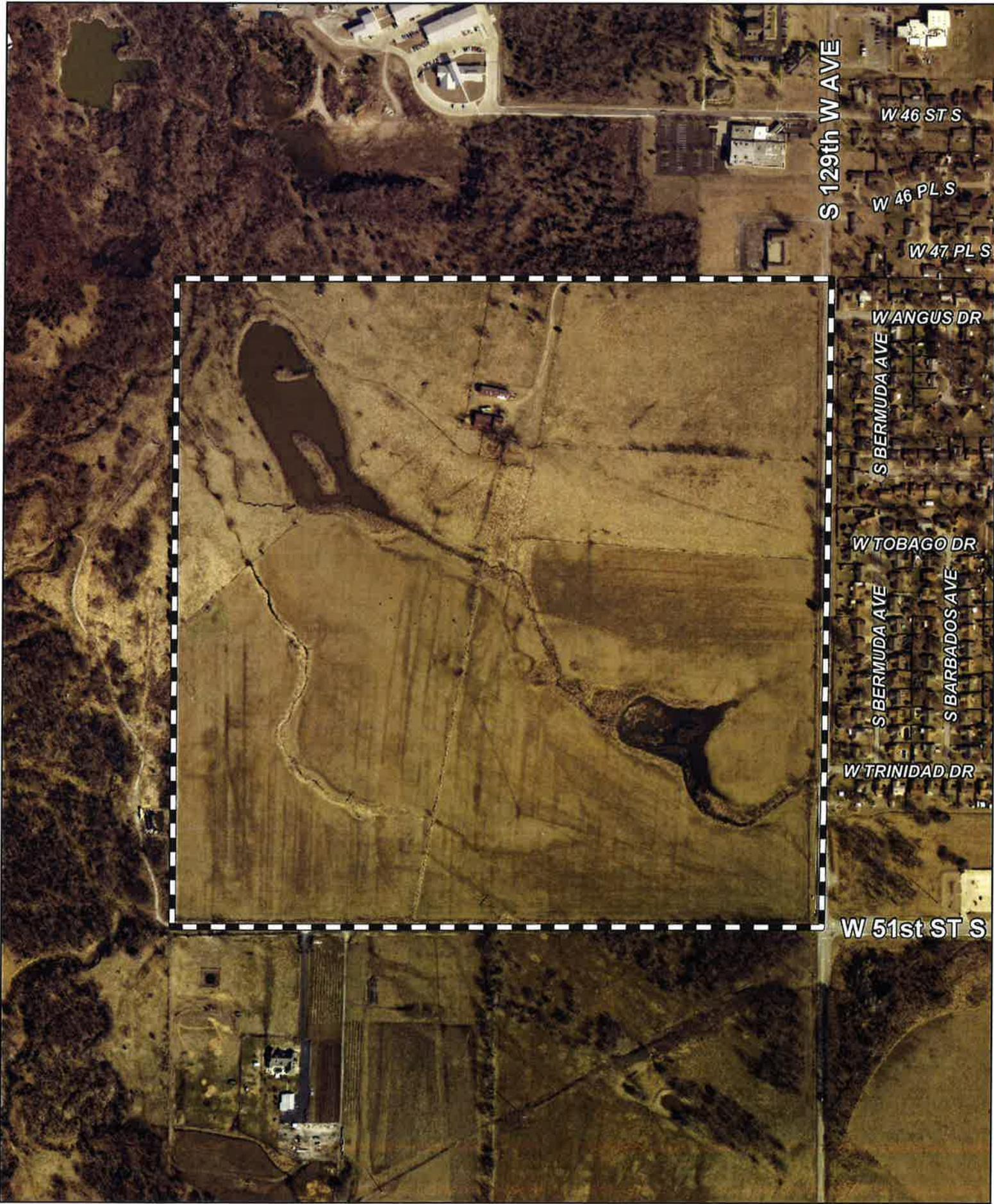
 Sand Springs Corporate Limits



CZ-504

19-11 28





S 129th W AVE

W 46 ST S

W 46 PL S

W 47 PL S

W ANGUS DR

S BERMUDA AVE

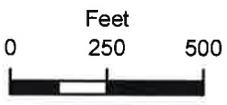
W TOBAGO DR

S BERMUDA AVE

S BARBADOS AVE

W TRINIDAD DR

W 51st ST S



Subject Tract

CZ-504

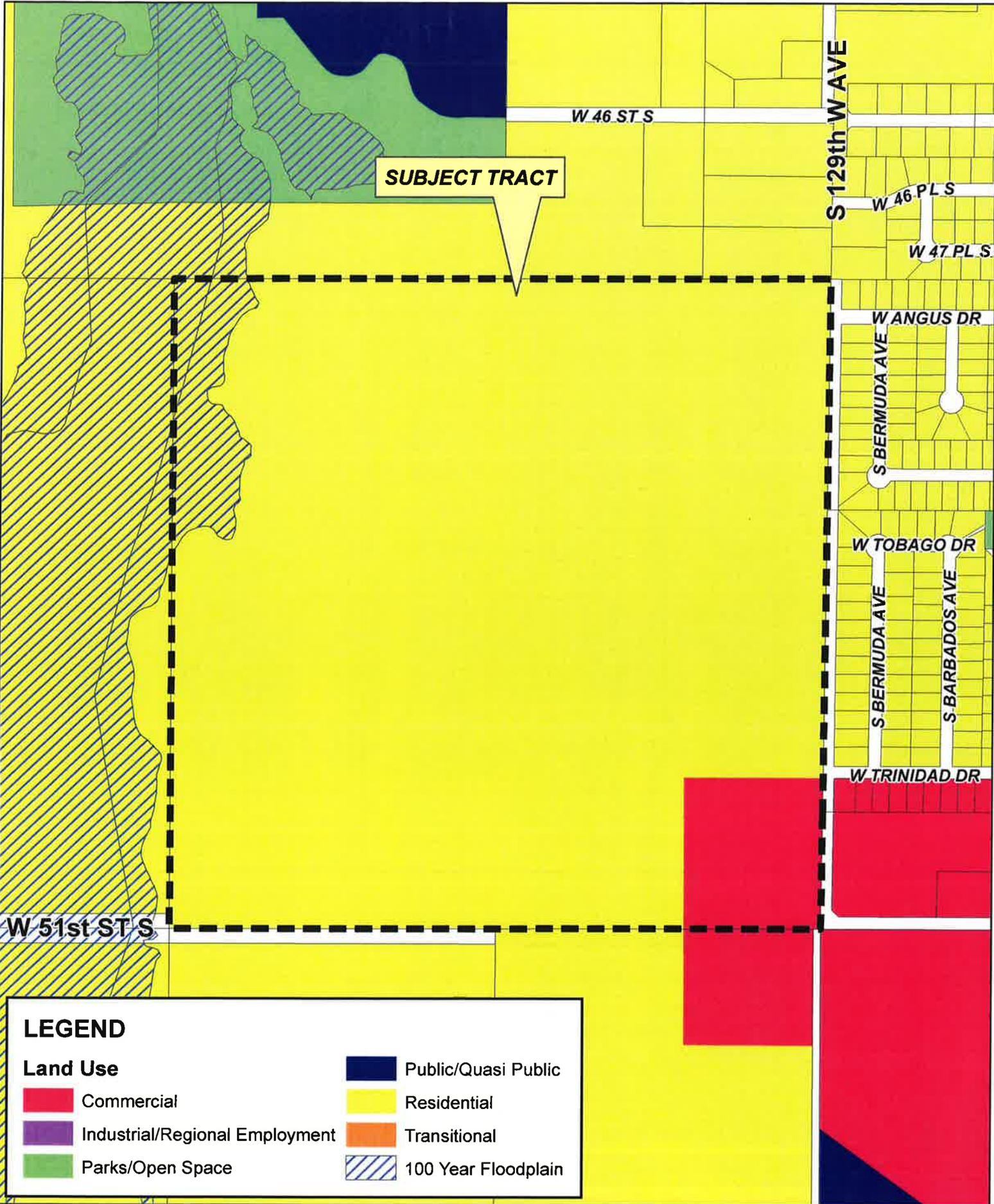
19-11 28

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

Aerial Photo Date: February 2018

8.6

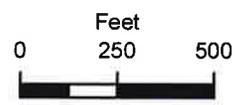




SUBJECT TRACT

LEGEND

Land Use	 Public/Quasi Public
 Commercial	 Residential
 Industrial/Regional Employment	 Transitional
 Parks/Open Space	 100 Year Floodplain



CZ-504

19-11 28

8.7 **O**



Tulsa Metropolitan Area
Planning Commission

Case Number: CZ-505

Hearing Date: August 5th, 2020

Case Report Prepared by:

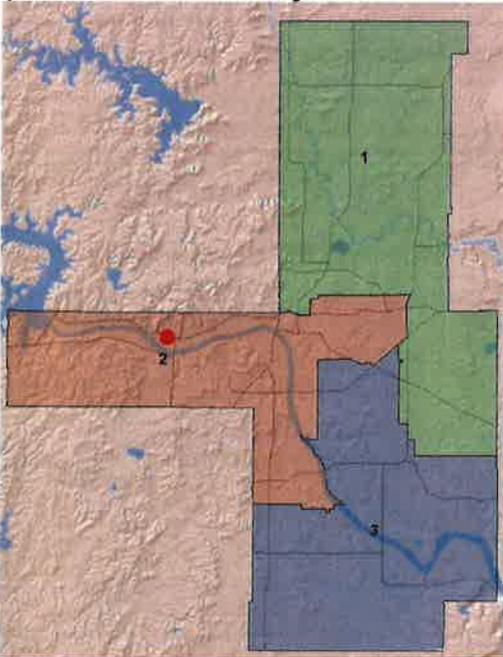
Jay Hoyt

Owner and Applicant Information:

Applicant: Ashley Hacker

Property Owner: HACKER INVESTMENTS LLC

Location Map:
(shown with County Commission Districts)



Applicant Proposal:

Present Use: Abandoned/Storage

Proposed Use: Office Warehouse

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

Tract Size: 0.44 ± acres

Location: East of the Southeast corner of West Wekiwa Road & South River City Park Road

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

9.1

SECTION I: CZ-505

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from RS to CG to permit the construction of a new office/warehouse building as illustrated on the plans provided by the applicant. They intend to construct an office/warehouse duplex approximately 4,000 sf in area.

The site is located within the Commercial Land Use designation of the City of Sand Springs Comprehensive Plan. Based on this designation, the proposed office/warehouse 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)
- Land Use Map
- Applicant Exhibits:
 - Building Plans
 - Site Plan

DETAILED STAFF RECOMMENDATION:

CZ-505 is non-injurious to surrounding proximate properties;

CZ-505 is compatible with the Commercial Land Use designation of the City of Sand Springs Comprehensive Plan;

CZ-505 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends **Approval** of CZ-505 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. 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: Katy Street does not have a designation

Trail System Master Plan Considerations: The site is located within 100 ft of the Katy Trail Wekiwa Linkage located along Wekiwa Road. The GO Plan recommends shared Automotive/Bicycle lanes to the east of the subject property, along Katy Street, ending about 110 ft from the subject property.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site currently contains a single family residence.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
Katy 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	N/A (Wekiwa Rd/Keystone Expressway)	N/A	Expressway
South	RS	Commercial	N/A	Single Family
East	RS	Commercial	N/A	Single Family
West	RS	Commercial	N/A	Single Family

9.3

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-488 September 2019: All concurred in **approval** of a request for *rezoning* a .3+ acre tract of land from RS to CS for a law office, on property located on the southeast corner of West Wekiwa Road and West Long street.

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.

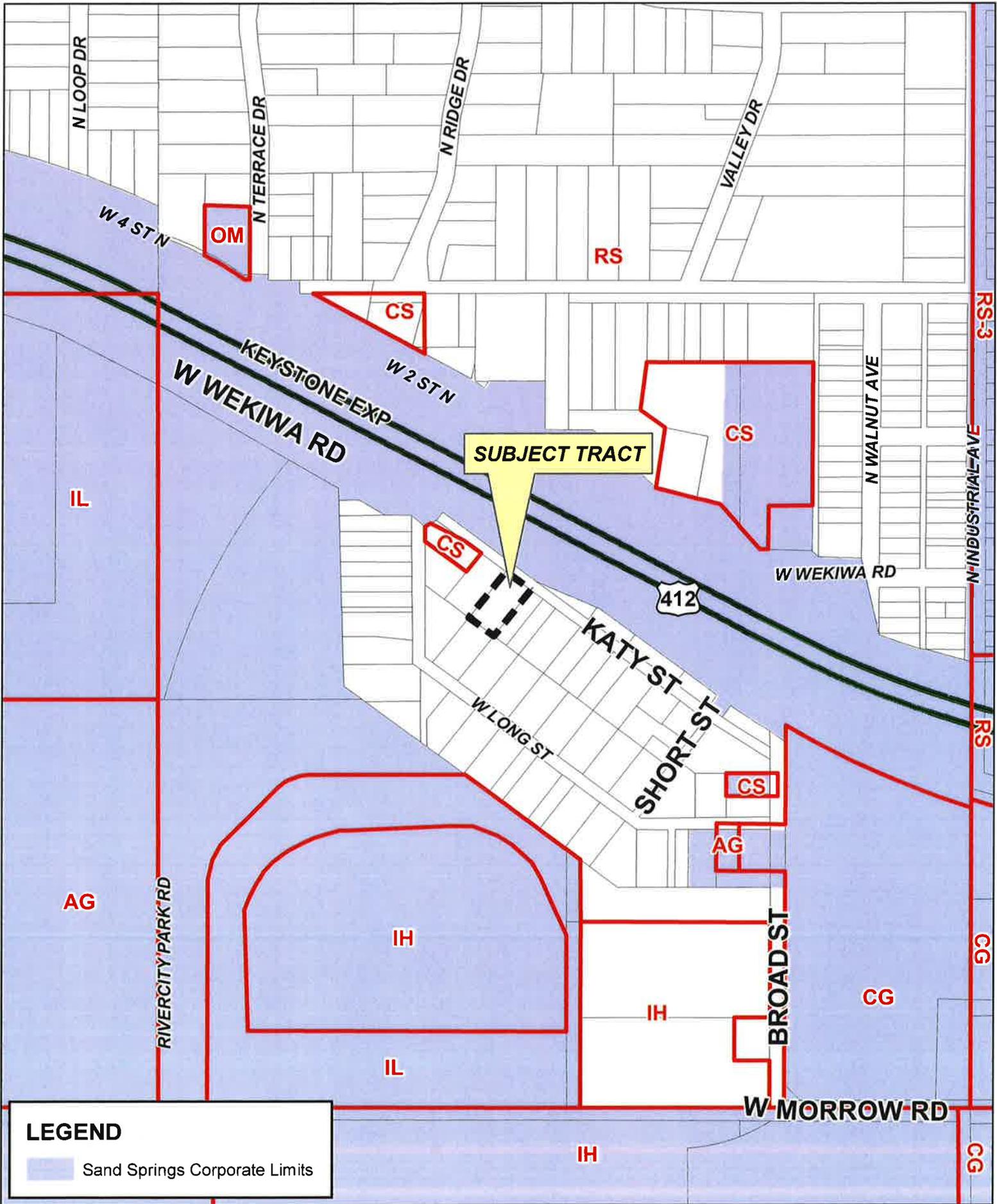
CBOA-01188 September 1993: The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS zoned district, subject to a building permit and Health Department approval, and subject to the mobile home being skirted and tied down, on property located at 849 Long Street.

CBOA-01006 January 1991: The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS zoned district, subject to Health Department approval and Building Permit, finding that the subject property abuts agricultural land to the west and that there are other mobile homes in the area, on property located at 865 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.

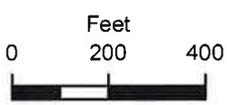
CBOA-00551 April 1985: The Board of Adjustment **approved** a *Special Exception* to allow a home occupation for a mechanic shop in a RS zoned district, a *Variance* of the 50' setback from the centerline of Katy to 25' and of the rear yard setback from 20' to 10' to permit construction of an accessory 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.

9.4



LEGEND

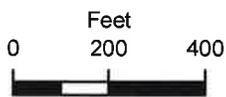
 Sand Springs Corporate Limits



CZ-505

19-11 10





Subject
Tract

CZ-505

19-11 10

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

Aerial Photo Date: February 2018

9.6





KEYSTONE EXP

W 2 ST N

W WEKIWA RD



KATY ST

W LONG ST



Subject Tract

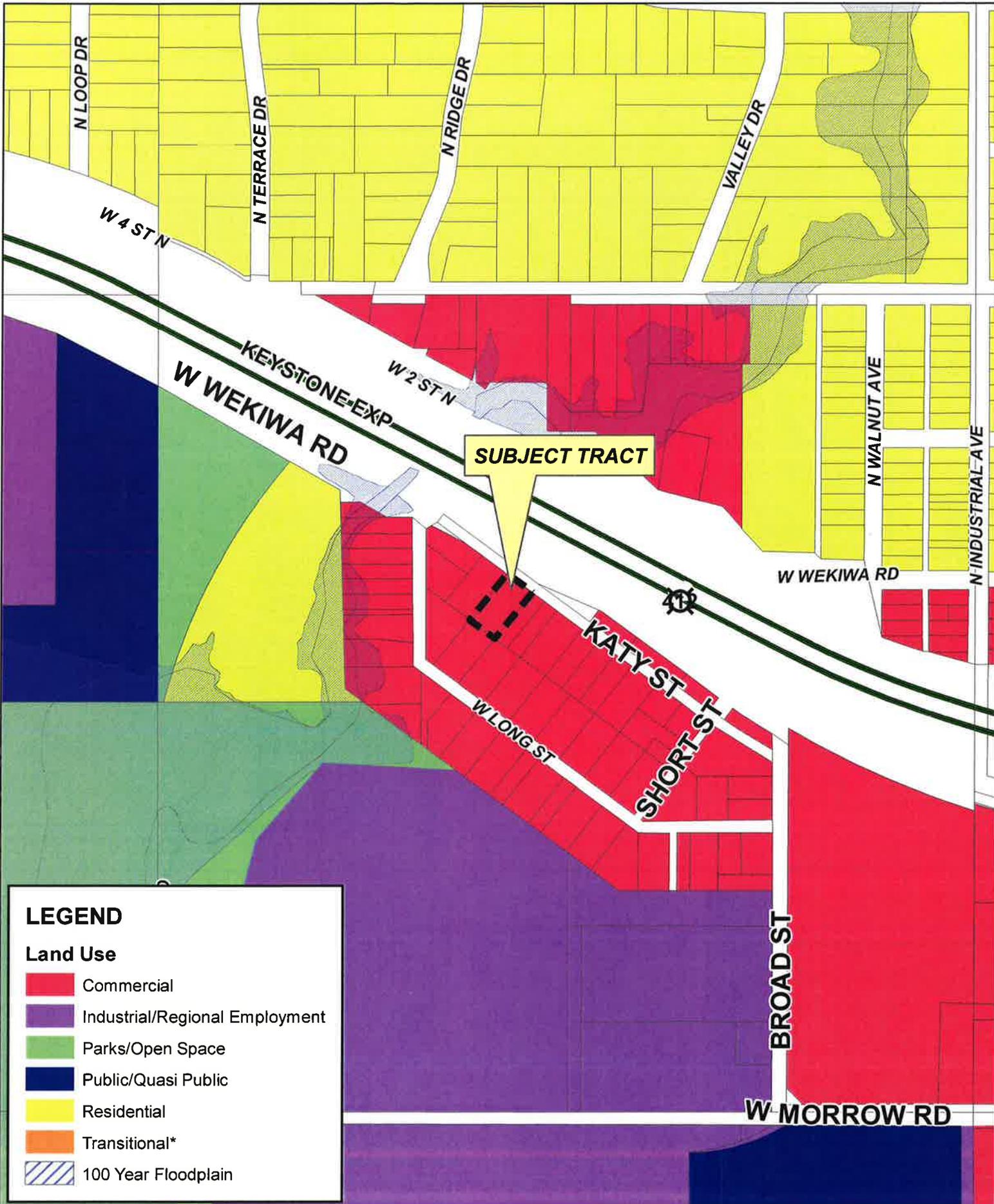
CZ-505

19-11 10

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

Aerial Photo Date: February 2018





SUBJECT TRACT

LEGEND

Land Use

- Commercial
- Industrial/Regional Employment
- Parks/Open Space
- Public/Quasi Public
- Residential
- Transitional*
- 100 Year Floodplain



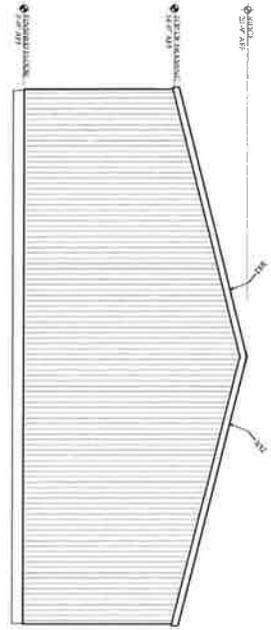
CZ-505

19-11 10

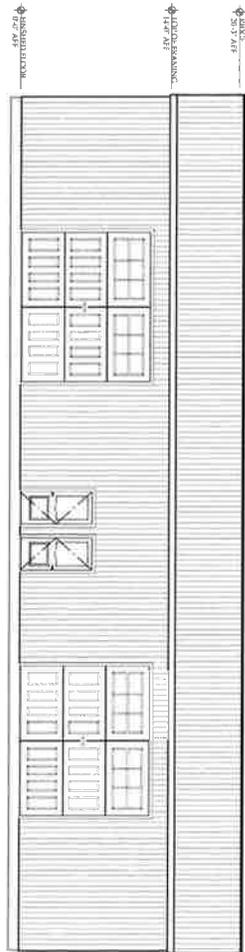
9.8



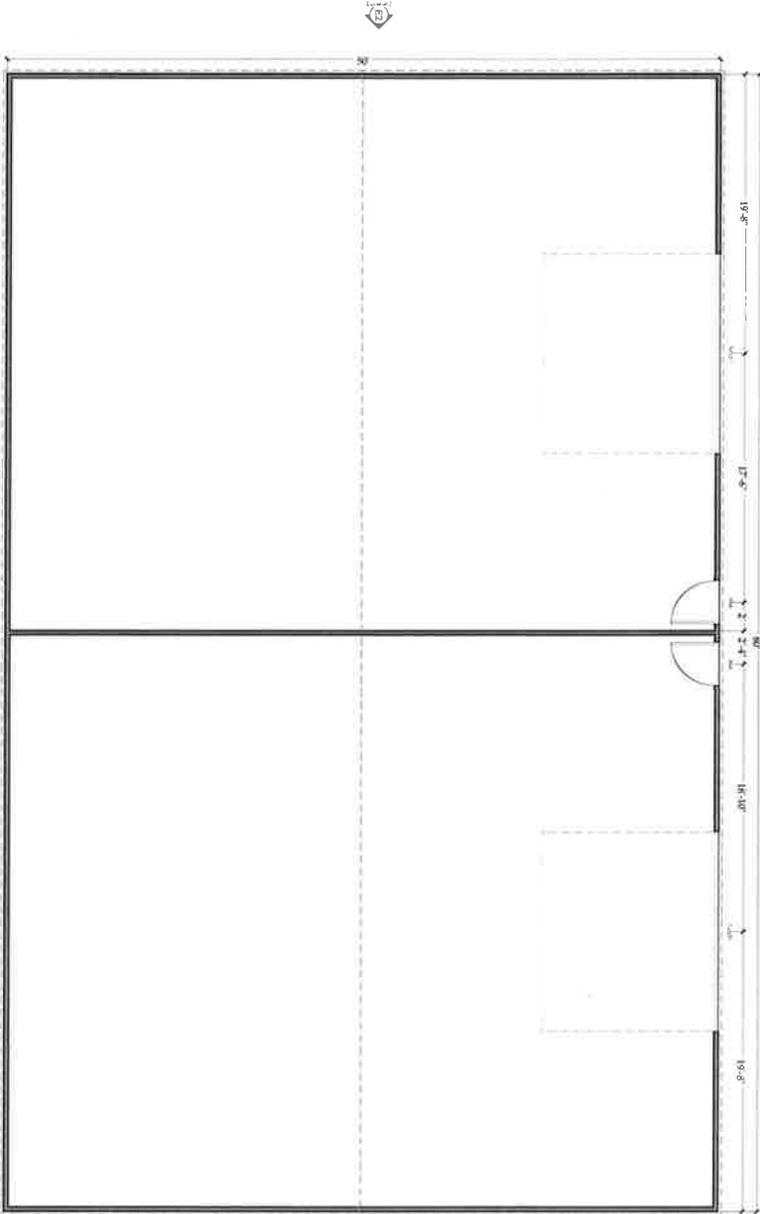
b.b



Elevation 2



Elevation 1



1st Floor

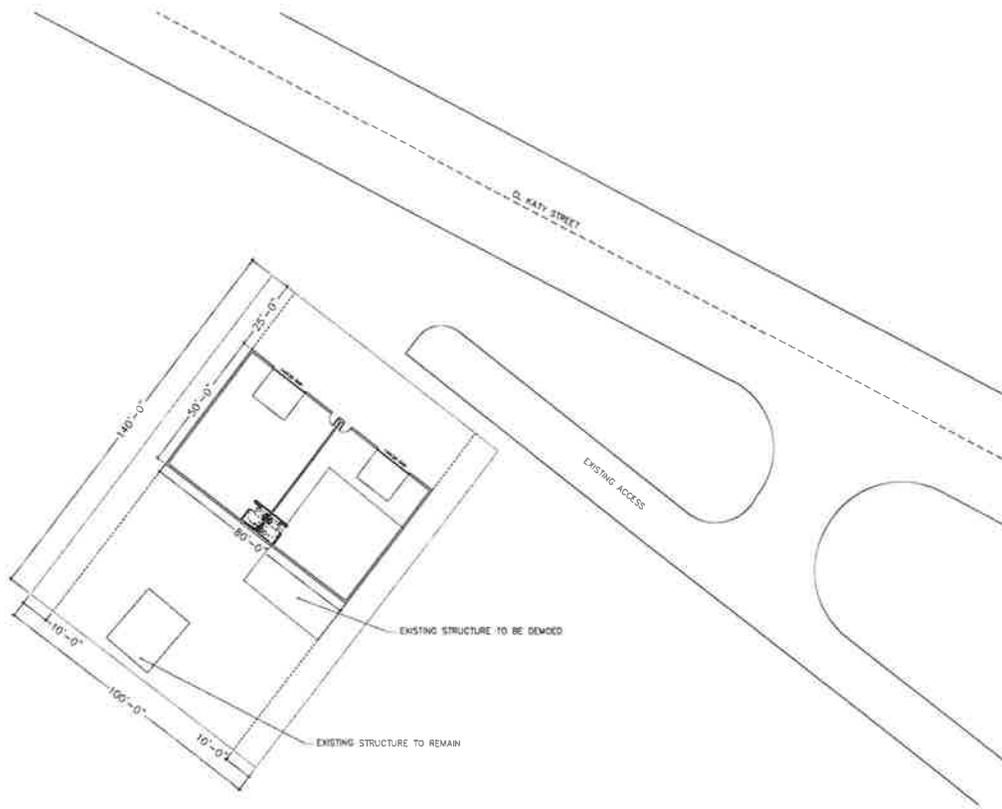
NOT FOR
CONSTRUCTION
SCALE: 1/4" = 1'-0"
DATE: 12/12/2019
PROJECT NUMBER: 1608
DRAWING NUMBER:

ISSUE DATE:
DECEMBER 12, 2019
REVISIONS:

PROPOSED GARAGE
833 KATY STREET
SAND SPRINGS, OK 74063

ARIS Architectural Renderings and
DESIGN GROUP INVESTMENT STUDIES
9185286612 P.O. Box 214 Chouteau, OK 74137

016



833 Katy Street Sand Springs, OK 74063

Subdivision: HALL'S GARDEN ADDN Legal: LT 12 BLK 1 Section: 10 Township: 19 Range: 11

1 SITE PLAN
1"=20'-0"

Sawyer, Kim

From: ashley@hackerinvestments.com
Sent: Monday, July 27, 2020 12:15 PM
To: esubmit
Subject: CZ-505,CZ-506 applicant presentation materials.
Attachments: Hacker TMAPC.docx

I am the applicant for CZ-505 and CZ-506

attached is what I will be using to make my presentation to the commission and would like it available for all commissioners who are attended remotely. I have been watching the GoToMeeting when they are on and see that only 2 are normally present in the council chambers. I will be attending in person as there could be a large group there and I only feel like I should be there in person.

Thank You

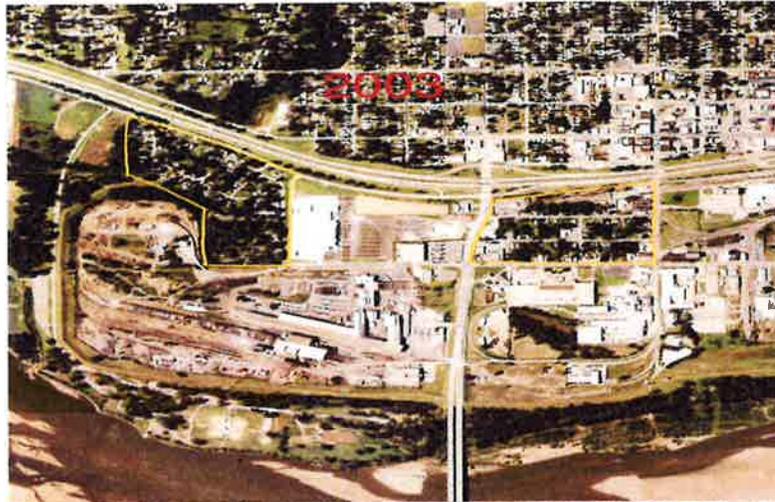
Ashley Hacker

918-260-9526

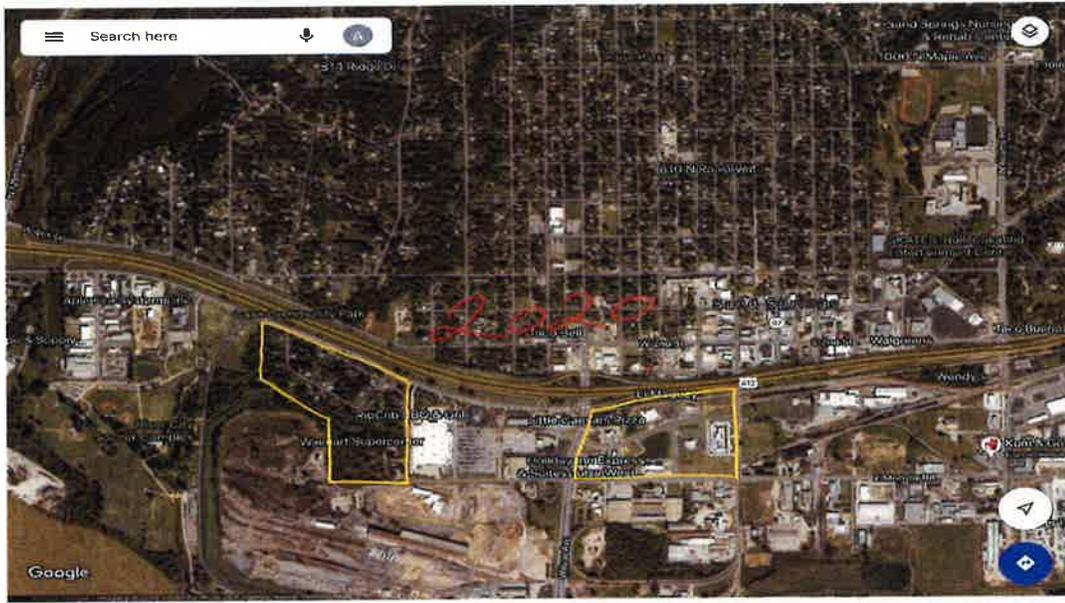
CZ-505 and CZ-506

HISTORICAL AERIALS

2003,2008,2015,2020



9.12



Keystone Corridor Redevelopment Plan 2025
Adopted and approved SS Council October 11 2004



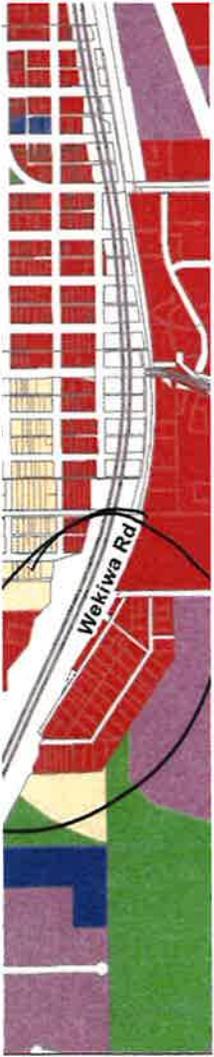
Drone February 14 2020

9.14

2030 Future Land Use Master Plan

The below figure shows the 2030 Future Land Use Master Plan for the entire Sand Springs fence-line. The City Limits are not shown because State Statute allows communities to plan within their fence-line since they may annex lands within this boundary area. The map document will be used in conjunction with the individual use category descriptions when evaluating development proposals within the City Limits or when commenting on referral cases from both Osage and Tulsa County.

The map shows two newer commercial corridors, one emerging along the south side of HWY 412, west of 209th W. Ave. extending to 177th W. Ave., and along the north side of W. 41st St. from Hwy 97 to 73rd W. Ave. These areas are along highly used transportation corridors making them more attractive for future commercial and transitional types of development. Another area of change is the 113th Corridor from HWY 51 to 41st St. This area has been primarily been identify for transitional uses along the west of the 113th W. Ave. There has been an influx over the years of development along the west side of 113th abutting the existing residential area adjacent to it. By classifying this area as transitional it will allow for the continuation of development, while suggesting what zoning categories would serve as transitional from residential to commercial located on the east side of 113th W. Ave. Additionally, you will see land use designations changes that display the change in how the Keystone Corridor area might develop out. The Charles Page Blvd. corridor is an area of focus that is designated for commercial development. In recent years this area has lost some of its retail development that once made it busy commercial corridor. The revitalization of this area is important to the overall development of the community. Furthermore, changes can be seen along Morrow Rd. where traditional industrial uses have been located but are now designated for commercial development. Two of most notable changes is the designation of the old steel mill plant and the frontage of that property being designated for commercial. The other is the east side of HWY 97 all the way to Main St. between the Arkansas River and Morrow Rd. This area has been changed to show a designation of a commercial area where historically industrial development has existed. Many other areas have been reclassified to accurately reflect the development that occurred since the last major update of the Sand Springs Comprehensive Plan.



9.14

Search ...
Go Adv Search

Search Results

limited Usage: 576MB

New Folder

- Inbox (1726)
- Bulk Mail [purge] (3)
- Drafts (3)
- Templates
- Send Later
- Sent Items
- Trash [purge] (36)

Save Search As: [] Add

Reply Reply to All Forward Delete Purge Mark as Spam Move to Folder Move More Actions Apply

Search Results > Message Detail Entire Thread Print Previous Next

Subject: FW: Vehicle count broad St. Sand Springs

From: "Kramer, Wendy" <wkramer@incog.org> (Add as Preferred Sender)

Date: Mon, Jun 22, 2020 10:43 am

To: "ashley@hackerinvestments.com" <ashley@hackerinvestments.com>

Ashley,

Our GIS Analyst ran a vehicle count for you on that street using a program we have called Streetlight, highlighted below is what the results were on S Broad ST.

Thanks,

Wendy Kramer
GIS Specialist INCOG
2 West 2nd Street, Suite 800 | Tulsa, OK 74103
Phone: 918.579.9463 | Fax: 918.583.1024
www.incog.org | wkramer@incog.org



From: Simmons, Ty <tsimmons@incog.org>
Sent: Monday, June 22, 2020 9:33 AM
To: Kramer, Wendy <wkramer@incog.org>; Gibson, Barbara <bgibson@incog.org>
Cc: Dharmadhikari, Nimish <ndharmadhikari@incog.org>
Subject: RE: Vehicle count broad St. Sand Springs

Wendy,

I ran an AADT analysis and a Zone Activity Analysis on Broad Street using StreetLight and I estimate that there is roughly 2,100 vehicles per day that traverse that street.

From: Kramer, Wendy <wkramer@incog.org>
Sent: Monday, June 22, 2020 8:54 AM
To: Simmons, Ty <tsimmons@incog.org>; Gibson, Barbara <bgibson@incog.org>
Cc: Dharmadhikari, Nimish <ndharmadhikari@incog.org>
Subject: RE: Vehicle count broad St. Sand Springs

Yes it is

Wendy Kramer
GIS Specialist INCOG
2 West 2nd Street, Suite 800 | Tulsa, OK 74103
Phone: 918.579.9463 | Fax: 918.583.1024
www.incog.org | wkramer@incog.org



From: Simmons, Ty <tsimmons@incog.org>
Sent: Monday, June 22, 2020 8:52 AM
To: Gibson, Barbara <bgibson@incog.org>; Kramer, Wendy <wkramer@incog.org>
Cc: Dharmadhikari, Nimish <ndharmadhikari@incog.org>
Subject: RE: Vehicle count broad St. Sand Springs

Is this the Broad Street that is behind the Walmart?

9.17



Inbox > **Message Detail** Entire thread **Print** **Next**

Subject: RE: 200 Broad St.
From: Cynthia A Webster <cawebst@sandspringsok.org> (Add as Preferred Sender)
Date: Mon, Jul 27, 2020 8:14 am
To: "ashley@hackerinvestments.com"
<ashley@hackerinvestments.com>
Cc: "Brad T. Bates" <btbates@sandspringsok.org>

The property was annexed and rezoned and approved by City Council on 2/13/2012. Attached is Ord. 1220.

From: Brad T. Bates
Sent: Saturday, July 25, 2020 8:29 PM
To: Cynthia A Webster <cawebst@sandspringsok.org>
Subject: Fw: 200 Broad St.

Please supply Mr. Hacker with the appropriate information.

From: ashley@hackerinvestments.com
<ashley@hackerinvestments.com>
Sent: Monday, July 20, 2020 9:54:06 PM
To: Brad T. Bates
Subject: 200 Broad St.

Brad. You wouldn't happen to be able to furnish me with the annexation and rezoning request/agenda for 200 Broad St.? If not the actual request, then dates that it was rezoned and annexed into the city? I believe is was done around 2005 or 6?

Also on that request for a 2" water line on Valley Rd. I will be able to restore the existing well and only require a 1" water tap for my building. Thank you and the rest of the department for the chance to set down and discuss my actual water needs and plans.

Thank You for your time

Ashley Hacker
918-260-9526

9.18



ORDINANCE NO. 1220

1 of 4

AN ORDINANCE EXTENDING THE CORPORATE LIMITS BY ANNEXING CE1 LOCATED IN SECTION 10, TOWNSHIP 19 NORTH, RANGE 11 EAST, TULSA OKLAHOMA, IN SAND SPRINGS WARD BOUNDARY DISTRICT 2, PARTICULARLY DESCRIBED HEREINAFTER, WITHIN THE MUNICIPAL LIMITS OF THE CITY OF SAND SPRINGS, PROVIDING FOR COMMERCIAL SHOPPING DISTRICT ZONING OF THE ANNEXED AREA, REPEALING ALL ORDINANCES OR PARTS IN CONFLICT HEREWITH, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Mark Massey, A Doreen Massey and Bob Clark and Jacqueline Clark are the owners of real property described herein and have consented to annexation of the described property into the city limits of the City of Sand Springs, Oklahoma, and requested zoning from Residential District (RS) to Commercial Shopping District (CS); and

WHEREAS, after due consideration of the facts and being sufficiently advised, the City Council hereby finds that all requirements necessary for annexation have been met, including proper notice, and specifically finds that the tract to be annexed is adjacent and contiguous to the existing city limits and serves a municipal purpose by providing a more uniform boundary for the city and serves to connect previously unconnected portions of existing city limits.

WHEREAS, it is deemed desirable and beneficial for the citizens of the City of Sand Springs, Oklahoma, that the properties hereinafter described be annexed into the Municipal Limits with a CS zoning classification and in Sand Springs Ward Boundary District 2

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAND SPRINGS OKLAHOMA,

SECTION 1 That the following described tracts of land and real estate to-wit:

The East 141.6 feet of Lot 2, Block 1, Hall's Garden Addition, and beginning at the NE corner of Lot 2 thence east 90' across the right-of-way of Broad Street to the municipal limits of the City of Sand Springs, thence south one foot along the east right-of-way of Broad Street, thence west parallel with that same 90' extension to a point on the east right-of-way of Broad Street thence north one foot to the NEC of Lot 2, in Section 10, Township 19N Range 11E, Tulsa County, Oklahoma;

totaling approximately 0.25 acres, also known as 200 S. Broad Street, generally located north of the northwest corner of Broad Street and Long Street in Tulsa County

be here and the same annexed to and declared to be hereafter included within the Corporate Limits of the City of Sand Springs, Oklahoma, under the Commercial Shopping District (CS), and in Sand Springs Ward Boundary District 2

SECTION 2 That from and after the effective date of this Ordinance, the property hereinafter described shall be a part of the City of Sand Springs, Oklahoma, and all persons therein and all property situated thereon shall be, and are hereby declared to be, subject to the jurisdiction, control, laws and Ordinances of the City of Sand Springs, Oklahoma, in all respects and particulars

FILED
MAY 23 2012
CITY CLERK
TULSA COUNTY, OKLAHOMA

SECTION 3 SERVICE PLAN Services provided upon annexation will consist of Police, Fire, Animal Control, Inspections and Planning. Upon annexation the properties will be within City of Sand Springs storm water jurisdiction. The City makes no representation concerning the sufficiency of storm water detention for its annexed property, and any future storm water repair or upgrades will remain the responsibility of the homeowners. Water service will continue as it is in a rural water district. Sewer services are not available at this time and are not planned. Solid Waste is provided by private contractor. No streets are included in the annexation, and street repair and maintenance will remain the responsibility of Tulsa County

SECTION 4 This Ordinance shall become effective April 4, 2012

PASSED AND APPROVED at a regular meeting of the Council of the City of Sand Springs Oklahoma, held on the 13th day of February, 2012

[Handwritten signatures and notes]

Mike Burdge
Mike Burdge Mayor

E. Bruce Ford
E. Bruce Ford City Clerk

APPROVED AS TO FORM
David L. Weatherford
David L. Weatherford City Attorney

9.19

Sawyer, Kim

From: Payten Cochrane <ph850r@icloud.com>
Sent: Monday, July 27, 2020 3:14 PM
To: esubmit
Subject: In support of rezoning CZ-505 and CZ-506

I am writing in support of rezoning CZ-505 and CZ-506 from RS to CG.

My name is Payten Cochrane, and I reside at 819 Katy St, Sand Springs OK.

I feel that it would be in the best interest of our town and community to rezone CZ-505 833 Katy St, Sand Springs OK and CZ-506 804 Long St, Sand Springs OK. I believe the rezoning to commercial general (CG) would allow for a more efficient use of these properties and buildings to better serve the community that my family lives in. We believe that leaving these properties as residentially zoned would hinder economic efficiency and development in this area.

CZ-506 & CZ-505

Sawyer, Kim

From: Hoyt, Jay
Sent: Monday, July 27, 2020 8:09 AM
To: Josie Pearson; esubmit
Cc: Sawyer, Kim
Subject: RE: Case #cz506 and CZ505

Mr. Pearson,

Your comments will be forwarded to the Planning Commission for their consideration.

Thank you,

Jay Hoyt

-----Original Message-----

From: Josie Pearson [mailto:josiempearson1@gmail.com]
Sent: Sunday, July 26, 2020 7:45 AM
To: esubmit <esubmit@incog.org>
Subject: Case #cz506 and CZ505

Writing on behalf of my wife and I that own 820 long st and 208 short st in sand springs ok. WE DO NOT want the properties around us to be commercial properties. Us and majority of the home owners in our neighborhood agree that we have finally gotten rid of the thugs and lowlifes that we're causing problems and want to raise our children in our homes without having to worry about what money driven, rude, self centered people want to put in to bring a bigger profit. Our neighborhood is finally quiet and we have no issues and we want to keep it that way. The properties in question are directly across from me and the buildings on those properties have not been taken care of in years, why does it need to be commercial if they can't even take care of residential? We want our voices heard and again we say NO to zoning it commercial.

Thank you,
Morgan Miller-Pearson and Josie Pearson

Sawyer, Kim

CZ-506 & CZ-505

From: Barbara Shockley <barbshock22@gmail.com>
Sent: Tuesday, July 21, 2020 1:10 PM
To: Wilkerson, Dwayne
Cc: esubmit
Subject: Fwd: Case Number CZ-506 and CZ-505

> Dear Mr. Wilkerson and planning comissioners,

> Hello, I am a resident of Tulsa County living just out of the Sand Springs city limits in a neighborhood called Hall's Garden. It is located just off of Highway 412 . There are about 25 or so homes in this neighborhood.

> We received notice that Ashley Hacker has applied to have both of these homes (CZ 505 and CZ 506) rezoned from residential to commercial. We are opposed to rezoning of both of these properties as it would be detrimental to our neighborhood.

> I would like to give you some background on this application. Ashley Hacker owns another property right across from my house. His family had this property annexed into the City of Sand Springs many years ago. They ran a day care there for over thirty years. Just a few weeks ago he appeared before the Sand Springs City Council to acquire a special use permit in order to put a marijuana growing and processing facility in that property. I rallied the neighborhood and we expressed our concerns to the city councilmen. We were successful and the Sand Springs City Council denied the special use permit. In their presentation to the council, the lawyer for Mr. Hacker told the members if this property wasn't annexed into the city, he wouldn't even have to ask permission to put in the marijuana processing and growing facility. He said in the county, he only needed to be zoned commercial, which it has been since the early 80's. About a week after that city council meeting, Mr. Hacker told the couple renting the house next door to me (CZ-506) that he was going to demo that house and build a metal building. We have no doubt that Mr. Hacker intends to put a marijuana processing and growing facility in the property identified as case number CZ-506 if he is successful in his attempt to get it rezoned to commercial. I also believe he chose to rezone the property next door to me out of retaliation because I have been very vocal in my opposition to his plans. Today he offered to buy my house and said I could find a house in West Tulsa with the \$95,000 he offered me.

> Rezoning CZ-506 and CZ-505 to commercial properties will be detrimental to the neighbors who live in Hall's Garden. Many of these families have been here for generations. We have been working with the county and Commissioner Karen Keith to get a junkyard in the neighborhood cleaned up. Some of the residents have been fixing up their homes. This neighborhood is full of families with children and seniors who want to be able to enjoy their homes. We do not want a marijuana processing and growing facility or any other commercial entity in the middle of our neighborhood. Please do not allow these residential properties, both located in our neighborhood, to be rezoned commercial.

> It is my understanding that John Fothergill was on the planning commission for Tulsa County and now is in the treasurer's office. Mr. Fothergill came to the city council meeting to speak on behalf of Ashley Hacker. He wanted the council to grant the special use permit. We have some concerns that he may try to influence the decision to rezone these properties. We sincerely hope that the planning commission will look at what's best for the residents in this neighborhood. No one wants a marijuana facility in his or her backyard. Please protect our neighborhood!

> Thank you for time and attention to this matter.

> Sincerely,
> Barbara Shockley
202 Broad Street
Sand Springs, OK 74063

9.22

Petition AGAINST rezoning the properties
 CZ-505 and CZ-506 in Tulsa County as
 Commercial General, as it would be detrimental
 to the residential neighborhood in which they
 are both located.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
Megan LaRose	834 Long St	918-240-9162
Jahanna Mauer	803 Katy St	918-581-447
Arsuella Webster	863 Long St	918-277-5079
Darren Massey	863 Long St	918-245-3333
Denise Christy	863 Long St	918-743-7819
Deborah O'Neill	903 Long St	245-4319
John R.	855 Long St.	918-313-2180
Shirley Holt	207 Long St. - daughter Jessica M. Holt	
Brenda Davis	840 Long St	918-345-8804
Cliff Hewitt	803 Katy St	918-724-1876 - Sand Spr free Hotline
Paul Silbert	803 Katy St	918-857-5936
Marilyn Tullust	803 Katy St	918-857-5937
John S. McVicker	85 Katy St	245-3000
Laura L. for ^{buying from Bruce Lewis}	821 Long St	918-948-4879
Blake Babcock	805 Katy St	918-867-4964
KATHRYN SPENDER	819 Long St	918-510-1129

Petition AGAINST rezoning the properties
 CZ-505 and CZ-506 in Tulsa County as
 Commercial General, as it would be detrimental
 to the residential neighborhood in which they
 are both located.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
Barbara Shockley	202 Broad St	918 704-1808
Wendy Pearson	208 Short St	918-740-0911
Morgan Pearson	820 Long St	918-720-2957
Karen Grigsby	851 Long St	918-557-8766
Shirley Massey	848 Long St	
Cathy Krause	835 Katy St	918 688 0032 918-245-2818
Julie Blomons	831 Katy St	918-245-2618
Katherine Hays	815 Katy St	918-246-0704
Doug Dickey	312 Broad St	918-245-1586
Doug Dickey	312 Broad	918 245-1586
Sarah Moore	832 Long St	918 955-6701
Robert Cartelli	811 KATY ST	918 245 4105
Jerry Mack ^{Pastor}	314 Broadstreet	918 991 5873
Palmer Moody	314 Broadstreet	918 951 8042
B Tom & Myriam	836 Long St	918 951 4082
Ron Duns	823 Long St	918 584 9382
8/14	835 1/2 Long Street	918-978-0558
Leslie Thompson	835 1/2 LONG ST	918-902-3773
Yvonne Vautt	841 Long St	918-671-3870
Doree Smith	844 Long St	539-292-5801
Bob Smith	844 Long St	539 292-5801

FREEDOM
MINISTRIES

9.24

6. **Resolution No. 20-36 – Sand Springs Municipal Authority Utility System Revenue Bonds, Refunding Series 2020**

John Weidman, Bond Counsel, requested Council's consideration and adoption of Resolution No. 20-36, a resolution relating to the incurring of indebtedness by the Trustees of the Sand Springs Municipal Authority, waiving competitive bidding and approving a purchase contract, sales tax agreement, and other related documents.

Following a brief discussion, a motion was made by Councilor Burdge and seconded by Councilor Wilson that the requested approval of Resolution No. 20-36, a resolution relating to the incurring of indebtedness by the Trustees of the Sand Springs Municipal Authority, waiving competitive bidding and approving a purchase contract, sales tax agreement, and other related documents, as presented, be approved.

Mayor Spoon called for the vote recorded as follows:

Councilor Burdge, aye; Councilor Jackson, aye; Vice Mayor Dixon, aye; Mayor Spoon, aye; Councilor Riley, aye; Councilor Wilson, aye; Councilor Nollan, aye.

The motion carried 7-0-0.

7. **SUP-59 Specific Use Permit for Medical Marijuana Growing and Processing Facility (A-F)**

City Attorney David Weatherford requested Council's consideration of SUP-59 concerning the application of Ashley Hacker, on behalf of Hacker Corporation, for a Specific Use Permit to allow a medical marijuana growing facility (Use Unit 2) and a medical marijuana processing facility (Use Unit 25) at property legally known as The East 100' of the North 140' of Lot 1, Block 2, Halls Garden Addition and the West 3' of the North 140' of Lot 1, and the East 72' of the North 140' of Lot 1, Block 2, Halls Garden Addition, Tulsa County, Oklahoma, and commonly known as 801 Long St., zoned CG (Commercial General). Council should complete the Findings of Fact and Conclusions of Law.

A) Public Hearing

Mayor Spoon declared a Public Hearing for the purpose of a brief presentation by Applicant, Ashley Hacker, on behalf of Hacker Corporation; and for the purpose of public comments in regard to the applicant.

This item was for informational purposes only.

Attorneys Stefanie Sinclair and Johnathan P. Nation presented a brief presentation of SUP-59 on behalf of the Applicant.

9.25

Attorneys for the Applicant commented on the following: traffic, signage, carbon scrubber filters, electricity, property values, and Comprehensive Plan 2030. A photo concept of the proposed Medical Marijuana Growing and Processing Facility was presented, and it was noted that the citizens of Oklahoma voted for the legalization of medical marijuana.

The following citizens spoke in opposition of SUP-59:

Barbara Shockley, 202 Broad Street, Sand Springs, OK, commented on property value, traffic/crime, wear and tear on roads, children and churches in neighborhood, and a family neighborhood since 1949. Ms. Shockley lives across the street from the proposed facility.

Patricia Goins, 16610 Buford, Sapulpa, OK, commented on need to have a transport license, no shopping at proposed location, and property value.

Mark Massey, 200 Broad Street, Sand Springs, OK, commented on decreased property value and community improvements such as the Case Community Center and the Billie A. Hall Public Safety Center. Mr. Massey owns an annexed commercial property.

Cliff Hewitt, 803 Katy Street, Sand Springs, OK, commented on concern for increased crime and showing respect for churches in the community. Mr. Hewitt is the pastor of a church in Sand Springs.

Earl Shockley, 9441 W. Country Road, Sand Springs, OK, commented on current property values and proposed facility belongs in a Light Industrial site. Mr. Shockley's mother lives across the street from the proposed facility.

Kathryn Spencer, 819 Long Street, Sand Springs, OK, commented on filters and a personal medical allergy to marijuana. Ms. Spencer lives three (3) lots from the proposed facility.

The following citizens spoke in favor of SUP-59:

John Fothergill, 3410 S. 73rd W. Ave., Tulsa, OK, commented that the Hacker Corporation is invested in the community; the building will be monitored and occupied rather than vacant; the building will be maintained; and the building is inside the city limits of Sand Springs.

Deputy County Commissioner Keri Fothergill, 310 W. 32nd PI, Sand Springs, OK, provided a brief update on the clean-up of the "green barn" property adjacent to the subject property.

Following a brief discussion and there being no further comments, Mayor Spoon closed the public hearing.

B) Probable Effect of the Project on the Adjacent Property

Mayor Spoon requested Council's consideration of the PROBABLE EFFECT OF THE PROJECT ON THE ADJACENT PROPERTY, and requested a motion finding that the proposed use will have either minimal or substantial effect on the adjacent property.

A motion was made by Vice Mayor Dixon and seconded by Councilor Burdge that the proposed use of the property will have a substantial effect on the adjacent property.

Mayor Spoon called for the vote recorded as follows:

Councilor Nollan, aye; Councilor Wilson, aye; Councilor Riley, aye, Mayor Spoon, aye; Vice Mayor Dixon, aye; Councilor Jackson, nay; Councilor Burdge, aye.

The motion passed 6-1-0.

C) Community Welfare as Affected by the Project

Mayor Spoon requested Council's consideration of the COMMUNITY WELFARE AS AFFECTED BY THE PROJECT, and requested a motion finding that the proposed use either will or will not have an adverse effect on the community welfare as a whole.

A motion was made by Vice Mayor Dixon and seconded by Councilor Nollan that the proposed use will have an adverse effect on the community welfare as a whole.

Mayor Spoon called for the vote recorded as follows:

Councilor Burdge, aye; Councilor Jackson, nay; Vice Mayor Dixon, aye; Mayor Spoon, aye; Councilor Riley, aye; Councilor Wilson, aye; Councilor Nollan, aye.

The motion carried 6-1-0.

D) Impact of the Development on Public Facilities, Including but not Limited to Parks, Roads, and Utilities

Mayor Spoon requested Council's consideration of the IMPACT OF THE DEVELOPMENT ON PUBLIC FACILITIES, INCLUDING BUT NOT LIMITED TO PARKS, ROADS, AND UTILITIES, and requested a motion finding that the proposed use either will or will not have an adverse effect on public facilities.

A motion was made by Councilor Nollan and seconded by Vice Mayor Dixon that the proposed use will not have an adverse effect on public facilities.

Mayor Spoon called for the vote recorded as follows:

Councilor Nollan, aye; Councilor Wilson, aye; Councilor Riley, aye, Mayor Spoon, aye; Vice Mayor Dixon, aye; Councilor Jackson, aye; Councilor Burdge, aye.

The motion passed 7-0-0.

E) Approval or Denial of SUP-59 - Specific Use Permit for Medical Marijuana Growing and Processing Facility

Mayor Spoon requested Council's overall approval or denial of the SUP, based on the above findings.

A motion was made by Vice Mayor Dixon and seconded by Councilor Burdge that SUP-59, a Specific Use Permit for Medical Marijuana Growing and Processing Facility, be denied based on the above findings.

Mayor Spoon called for the vote recorded as follows:

Councilor Burdge, aye; Councilor Jackson, nay; Vice Mayor Dixon, aye; Mayor Spoon, aye; Councilor Riley, aye; Councilor Wilson, aye; Councilor Nollan, aye.

The motion carried 6-1-0.

F) Safeguards to Diminish the Effect on the Adjacent Property, Community Welfare, or Public Facilities/Services (If Item 7E is denied, no vote is necessary.)

SAFEGUARDS TO DIMINISH THE EFFECT ON THE ADJACENT PROPERTY, COMMUNITY WELFARE, OR PUBLIC FACILITIES/SERVICES, as recommended by the Planning Commission, should be adopted, or will modify those safeguards as council deems appropriate.

Mayor Spoon state no action to be taken on Item 7F as it relates to SAFEGUARDS TO DIMINISH THE EFFECT ON THE ADJACENT PROPERTY, COMMUNITY WELFARE, OR PUBLIC FACILITIES/SERVICES, as recommended by the Planning Commission.

8. Public Hearing – 2020 Policing Plan

Mayor Spoon declared a Public Hearing for the purpose of receiving City Council and citizen input concerning the 2020 Sand Springs Police Department Policing Plan.

Police Chief Michael S. Carter provided a brief overview of the 2020 Policing Plan.

9.28



Tulsa Metropolitan Area
Planning Commission

Case Number: CZ-506

Hearing Date: August 5th, 2020

Case Report Prepared by:

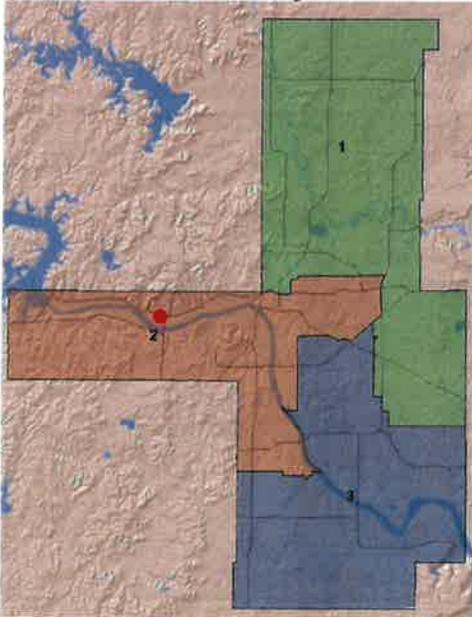
Jay Hoyt

Owner and Applicant Information:

Applicant: Ashley Hacker

Property Owner: HACKER, BARRY A AND
CELESTE L

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: 0.34 ± 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

10.1

SECTION I: CZ-506

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from RS to CG to permit the construction of a new office/warehouse building. The building is intended to be an office/warehouse duplex with spaces for two businesses. 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)
- Land Use Map

DETAILED STAFF RECOMMENDATION:

CZ-506 is non-injurious to surrounding proximate properties;

CZ-506 is compatible with the Commercial Land Use designation of the City of Sand Springs Comprehensive Plan;

CZ-506 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-506 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. 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 family residence

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	AG/RS	Commercial	N/A	Single Family/Daycare
East	CS/RS	Commercial	N/A	Single Family
West	RS	Commercial	N/A	Garage/Storage

SECTION III: Relevant Zoning History

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

10.3

Subject Property:

No Relevant History.

Surrounding Property:

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.

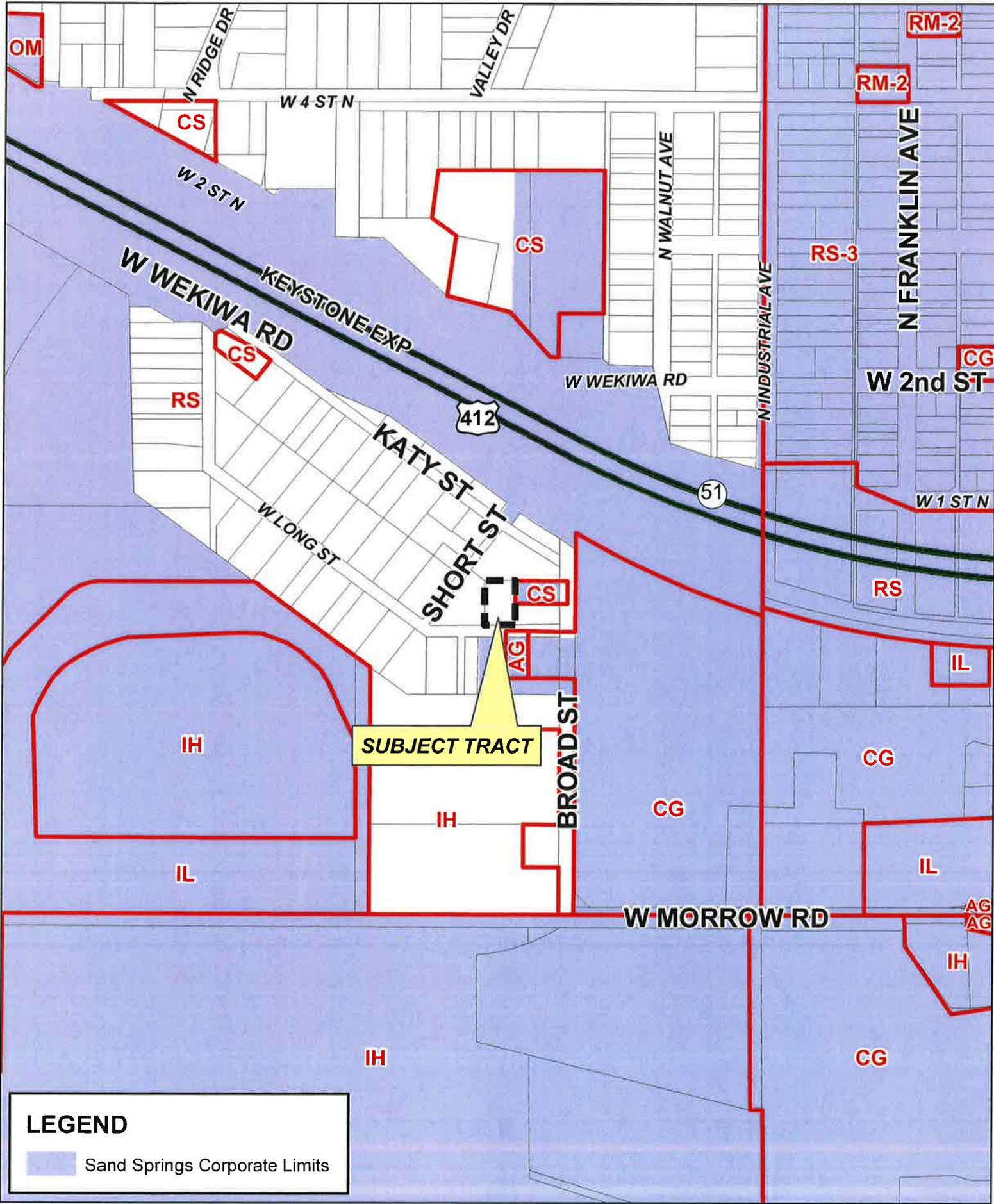
CBOA-00734 April 1984: The Board of Adjustment **approved** a *Special Exception* to allow for a mobile home and a *Variance* to allow 2 dwelling units on one lot of record, subject to the Building Permit and Health Department approval of the septic system, finding that there are numerous mobile homes 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.

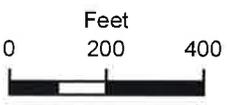
8/5/2020 1:00 PM

10.4



LEGEND

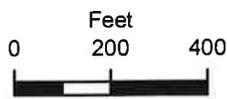
Sand Springs Corporate Limits



CZ-506

19-11 10





Subject Tract

CZ-506

19-11 10

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

Aerial Photo Date: February 2018

10.4





412

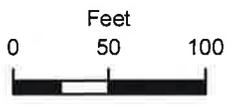
KATY ST

W WEKIWA RD

SHORT ST

W LONG ST

BROAD ST



 Subject Tract

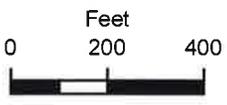
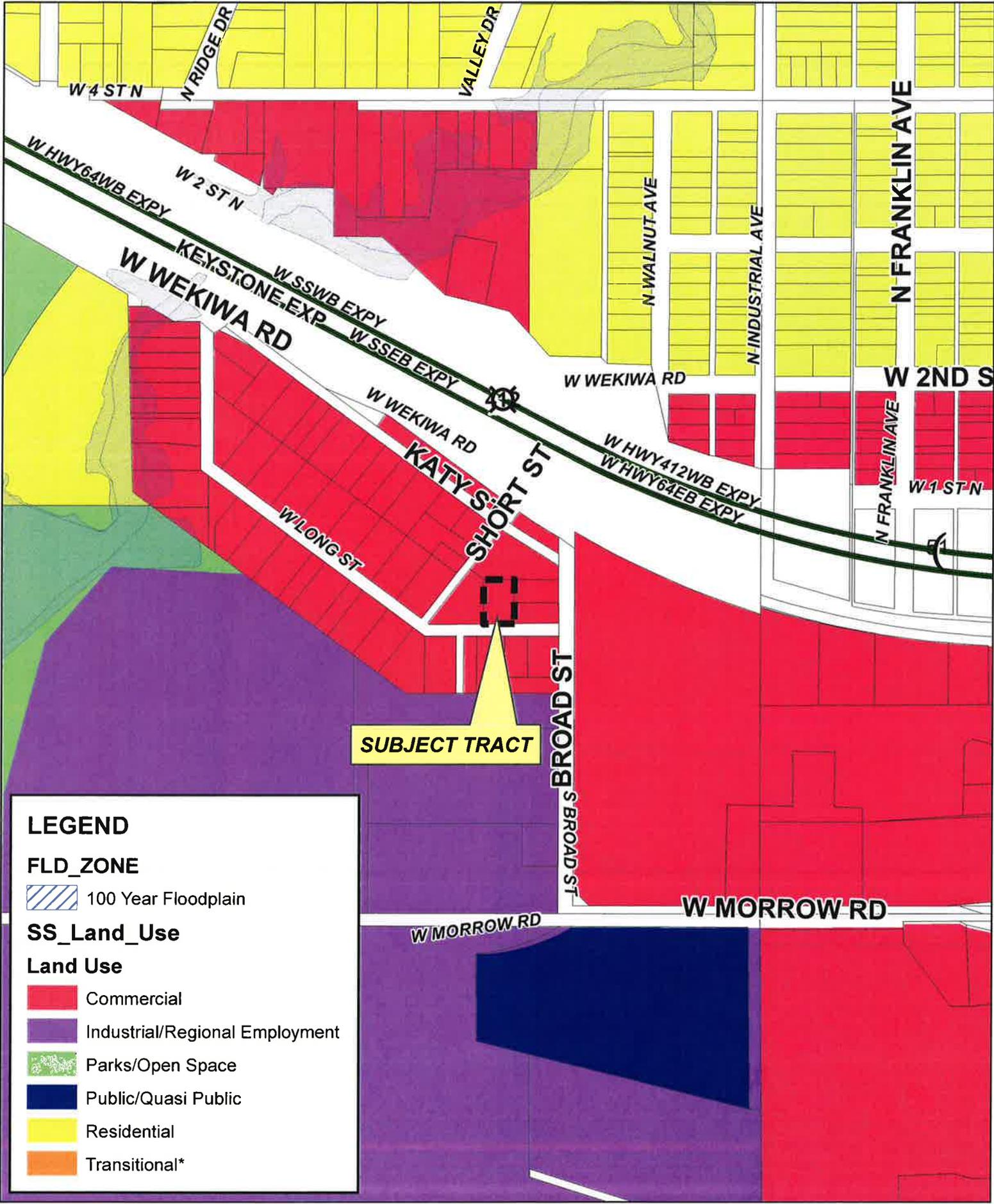
CZ-506

19-11 10

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

Aerial Photo Date: February 2018





CZ-506

19-11 10

10.8 O

Sawyer, Kim

From: ashley@hackerinvestments.com
Sent: Monday, July 27, 2020 12:15 PM
To: esubmit
Subject: CZ-505,CZ-506 applicant presentation materials.
Attachments: Hacker TMAPC.docx

I am the applicant for CZ-505 and CZ-506

attached is what I will be using to make my presentation to the commission and would like it available for all commissioners who are attended remotely. I have been watching the GoToMeeting when they are on and see that only 2 are normally present in the council chambers. I will be attending in person as there could be a large group there and I only feel like I should be there in person.

Thank You

Ashley Hacker

918-260-9526

CZ-505 and CZ-506

HISTORICAL AERIALS

2003,2008,2015,2020



10.10



Keystone Corridor Redevelopment Plan 2025
Adopted and approved SS Council October 11 2004

10.11



Drone February 14 2020

10.12

2030 Future Land Use Master Plan

The below figure shows the 2030 Future Land Use Master Plan for the entire Sand Springs fence-line. The City Limits are not shown because State Statute allows communities to plan within their fence-line since they may annex lands within this boundary area. The map document will be used in conjunction with the individual use category descriptions when evaluating development proposals within the City Limits or when commenting on referral cases from both Osage and Tulsa County.

The map shows two newer commercial corridors, one emerging along the south side of HWY 412, west of 209th W. Ave. extending to 177th W. Ave., and along the north side of W. 41st St. from Hwy 97 to 73rd W. Ave. These areas are along highly used transportation corridors making them more attractive for future commercial and transitional types of development. Another area of change is the 113th Corridor from HWY 51 to 41st St. This area has been primarily been identify for transitional uses along the west of the 113th W. Ave. There has been an influx over the years of development along the west side of 113th abutting the existing residential area adjacent to it. By classifying this area as transitional it will allow for the continuation of development, while suggesting what zoning categories would serve as transitional from residential to commercial located on the east side of 113th W. Ave. Additionally, you will see land use designations changes that display the change in how the Keystone Corridor area might develop out. The Charles Page Blvd. corridor is an area of focus that is designated for commercial development. In recent years this area has lost some of its retail development that once made it busy commercial corridor. The revitalization of this area is important to the overall development of the community. Furthermore, changes can be seen along Morrow Rd. where traditional industrial uses have been located but are now designated for commercial development. Two of most notable changes is the designation of the old steel mill plant and the frontage of that property being designated for commercial. The other is the east side of HWY 97 all the way to Main St. between the Arkansas River and Morrow Rd. This area has been changed to show a designation of a commercial area where historically industrial development has existed. Many other areas have been reclassified to accurately reflect the development that occurred since the last major update of the Sand Springs Comprehensive Plan.



10.14

Search ...
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New Folder

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- Bulk Mail (purge) (3)
- Drafts (3)
- Templates
- Send Later
- Sent Items
- Trash (purge) (36)

Save Search As: [] Add

Replay Reply to All Forward Delete Purge Mark as Spam Move to Folder Move More Actions Apply

Search Results > Message Detail Entire Thread Print Previous Next

Subject: FW: Vehicle count broad St. Sand Springs

From: "Kramer, Wendy" <wkramer@incog.org> (Add as Preferred Sender)

Date: Mon, Jun 22, 2020 10:43 am

To: "ashley@hackerinvestments.com" <ashley@hackerinvestments.com>

Ashley,

Our GIS Analyst ran a vehicle count for you on that street using a program we have called Streetlight, highlighted below is what the results were on S Broad ST.

Thanks,

Wendy Kramer
GIS Specialist| INCOG
2 West 2nd Street, Suite 800 | Tulsa, OK 74103
Phone: 918.579.9463 | Fax: 918.583.1024
www.incog.org | wkramer@incog.org



From: Simmons, Ty <tsimmons@incog.org>
Sent: Monday, June 22, 2020 9:33 AM
To: Kramer, Wendy <wkramer@incog.org>; Gibson, Barbara <bgibson@incog.org>
Cc: Dharmadhikari, Nimish <ndharmadhikari@incog.org>
Subject: RE: Vehicle count broad St. Sand Springs

Wendy,

I ran an AADT analysis and a Zone Activity Analysis on Broad Street using StreetLight and I estimate that there is roughly 2,100 vehicles per day that traverse that street.

From: Kramer, Wendy <wkramer@incog.org>
Sent: Monday, June 22, 2020 8:54 AM
To: Simmons, Ty <tsimmons@incog.org>; Gibson, Barbara <bgibson@incog.org>
Cc: Dharmadhikari, Nimish <ndharmadhikari@incog.org>
Subject: RE: Vehicle count broad St. Sand Springs

Yes it is

Wendy Kramer
GIS Specialist| INCOG
2 West 2nd Street, Suite 800 | Tulsa, OK 74103
Phone: 918.579.9463 | Fax: 918.583.1024
www.incog.org | wkramer@incog.org



From: Simmons, Ty <tsimmons@incog.org>
Sent: Monday, June 22, 2020 8:52 AM
To: Gibson, Barbara <bgibson@incog.org>; Kramer, Wendy <wkramer@incog.org>
Cc: Dharmadhikari, Nimish <ndharmadhikari@incog.org>
Subject: RE: Vehicle count broad St. Sand Springs

Is this the Broad Street that is behind the Walmart?

10.15



Reply



Reply to All



Forward



Delete



Purge



Mark as Spam

Move to Folder

Move

More Actions

Apply



Inbox > Message Detail

Entire thread

Print

Next

Subject: RE: 200 Broad St.

From: Cynthia A Webster <cawebst@sandspringsok.org> (Add as Preferred Sender)

Date: Mon, Jul 27, 2020 8:14 am

To: "ashley@hackerinvestments.com"
<ashley@hackerinvestments.com>

Cc: "Brad T. Bates" <btbates@sandspringsok.org>

The property was annexed and rezoned and approved by City Council on 2/13/2012. Attached is Ord. 1220.

From: Brad T. Bates

Sent: Saturday, July 25, 2020 8:29 PM

To: Cynthia A Webster <cawebst@sandspringsok.org>

Subject: Fw: 200 Broad St.

Please supply Mr. Hacker with the appropriate information.

From: ashley@hackerinvestments.com

<ashley@hackerinvestments.com>

Sent: Monday, July 20, 2020 9:54:06 PM

To: Brad T. Bates

Subject: 200 Broad St.

Brad, You wouldn't happen to be able to furnish me with the annexation and rezoning request/agenda for 200 Broad St.? If not the actual request, then dates that it was rezoned and annexed into the city? I believe is was done around 2005 or 6?

Also on that request for a 2" water line on Valley Rd. I will be able to restore the existing well and only require a 1" water tap for my building. Thank you and the rest of the department for the chance to set down and discuss my actual water needs and plans.

Thank You for your time

Ashley Hacker
918-260-9526

10.14



Tulsa County Clerk - EARLENE WILSON
 Doc # 2012017807 Page(s): 2
 Recorded 03/24/2013 at 01:53 PM
 Receipt # 931407 Fee \$17.00

1 of 4

ORDINANCE NO. 1220

AN ORDINANCE EXTENDING THE CORPORATE LIMITS BY ANNEXING DEE LOCATED IN SECTION 10 TOWNSHIP 18 NORTH, RANGE 11 EAST, TULSA OKLAHOMA, IN SAND SPRINGS WARD BOUNDARY DISTRICT 2, PARTICULARLY DESCRIBED HEREINAFTER, WITHIN THE MUNICIPAL LIMITS OF THE CITY OF SAND SPRINGS, PROVIDING FOR COMMERCIAL SHOPPING DISTRICT ZONING OF THE ANNEXED AREA, REPEALING ALL ORDINANCES OR PARTS IN CONFLICT HEREWITH, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Mark Massey & Devyn Massey and Bob Clark and Jacqueline Clark are the owners of real property described herein and have consented to annexation of the described property into the city limits of the City of Sand Springs, Oklahoma, and requested zoning from Residential District (RS) to Commercial Shopping District (CS); and

WHEREAS, after due consideration of the facts and being sufficiently advised, the City Council hereby finds that all requirements necessary for annexation have been met, including proper notice, and specifically finds that the tract to be annexed is adjacent and contiguous to the existing city limits and serves a municipal purpose by providing a more uniform boundary for the city, and serves to connect previously unconnected portions of existing city limits;

WHEREAS, it is deemed desirable and beneficial for the citizens of the City of Sand Springs, Oklahoma, that the properties hereinafter described be annexed into the Municipal Limits with a CS zoning classification and in Sand Springs Ward Boundary District 2

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAND SPRINGS, OKLAHOMA:

SECTION 1 That the following described tracts of land and real estate, to-wit:

The East 141 0 feet of Lot 2, Block 1, Halle Garden Addition, and beginning at the NE corner of Lot 7 thence east 50' across the right-of-way of Broad Street to the municipal limits of the City of Sand Springs, thence south one foot along the east right-of-way line of Broad Street, thence west parallel with that same 50' extension to a point on the west right-of-way of Broad Street, thence north one foot to the NEC of Lot 2, in Section 10, Township 18N, Range 11E, Tulsa County, Oklahoma,

totaling approximately 0.25 acres, also known as 200 S. Broad Street, generally located north of the northwest corner of Broad Street and Long Street in Tulsa County,

be here and the same annexed to and declared to be hereafter included within the Corporate Limits of the City of Sand Springs, Oklahoma, under the Commercial Shopping District (CS), and in Sand Springs Ward Boundary District 2

SECTION 2 That from and after the effective date of this Ordinance, the property hereinafter described shall be a part of the City of Sand Springs, Oklahoma, and all persons (herein and all property situated thereon) shall be, and are hereby declared to be, subject to the jurisdiction, control, laws and Ordinances of the City of Sand Springs, Oklahoma, in all respects and particulars

SECTION 3 SERVICE PLAN: Services provided upon annexation will consist of Police, Fire, Animal Control, Inspections and Planning. Upon annexation the properties will be within City of Sand Springs storm water jurisdiction. The City makes no representation concerning the sufficiency of storm water detention for the annexed property, and any future storm water repair or upgrades will remain the responsibility of the homeowners. Water service will continue as is in a rural-water district. Sewer services are not available at this time and are not planned. Solid Waste is provided by private contractor. No streets are included in this annexation, and street repair and maintenance will remain the responsibility of Tulsa County

SECTION 4 The Ordinance shall become effective April 4, 2013

PASSED AND APPROVED at a regular meeting of the Council of the City of Sand Springs Oklahoma on the 13th day of February, 2013

[Handwritten signatures and notes]

Mike Burdge
 Mike Burdge, Mayor

E. Bruce Perez
 E. Bruce Perez, City Clerk

APPROVED AS TO FORM

David L. Weatherford
 David L. Weatherford, City Attorney

10.17

Sawyer, Kim

From: Payten Cochrane <ph850r@icloud.com>
Sent: Monday, July 27, 2020 3:14 PM
To: esubmit
Subject: In support of rezoning CZ-505 and CZ-506

I am writing in support of rezoning CZ-505 and CZ-506 from RS to CG.

My name is Payten Cochrane, and I reside at 819 Katy St, Sand Springs OK.

I feel that it would be in the best interest of our town and community to rezone CZ-505 833 Katy St, Sand Springs OK and CZ-506 804 Long St, Sand Springs OK. I believe the rezoning to commercial general (CG) would allow for a more efficient use of these properties and buildings to better serve the community that my family lives in. We believe that leaving these properties as residentially zoned would hinder economic efficiency and development in this area.

CZ-506 & CZ-505

Sawyer, Kim

From: Hoyt, Jay
Sent: Monday, July 27, 2020 8:09 AM
To: Josie Pearson; esubmit
Cc: Sawyer, Kim
Subject: RE: Case #cz506 and CZ505

Mr. Pearson,

Your comments will be forwarded to the Planning Commission for their consideration.

Thank you,

Jay Hoyt

-----Original Message-----

From: Josie Pearson [mailto:josiempearson1@gmail.com]
Sent: Sunday, July 26, 2020 7:45 AM
To: esubmit <esubmit@incog.org>
Subject: Case #cz506 and CZ505

Writing on behalf of my wife and I that own 820 long st and 208 short st in sand springs ok. WE DO NOT want the properties around us to be commercial properties. Us and majority of the home owners in our neighborhood agree that we have finally gotten rid of the thugs and lowlifes that we're causing problems and want to raise our children in our homes without having to worry about what money driven, rude, self centered people want to put in to bring a bigger profit. Our neighborhood is finally quiet and we have no issues and we want to keep it that way. The properties in question are directly across from me and the buildings on those properties have not been taken care of in years, why does it need to be commercial if they can't even take care of residential? We want our voices heard and again we say NO to zoning it commercial.

Thank you,
Morgan Miller-Pearson and Josie Pearson

Sawyer, Kim

CZ-506 & CZ-505

From: Barbara Shockley <barbshock22@gmail.com>
Sent: Tuesday, July 21, 2020 1:10 PM
To: Wilkerson, Dwayne
Cc: esubmit
Subject: Fwd: Case Number CZ-506 and CZ-505

> Dear Mr. Wilkerson and planning comissioners,

> Hello, I am a resident of Tulsa County living just out of the Sand Springs city limits in a neighborhood called Hall's Garden. It is located just off of Highway 412 . There are about 25 or so homes in this neighborhood.

> We received notice that Ashley Hacker has applied to have both of these homes (CZ 505 and CZ 506) rezoned from residential to commercial. We are opposed to rezoning of both of these properties as it would be detrimental to our neighborhood.

> I would like to give you some background on this application. Ashley Hacker owns another property right across from my house. His family had this property annexed into the City of Sand Springs many years ago. They ran a day care there for over thirty years. Just a few weeks ago he appeared before the Sand Springs City Council to acquire a special use permit in order to put a marijuana growing and processing facility in that property. I rallied the neighborhood and we expressed our concerns to the city councilmen. We were successful and the Sand Springs City Council denied the special use permit. In their presentation to the council, the lawyer for Mr. Hacker told the members if this property wasn't annexed into the city, he wouldn't even have to ask permission to put in the marijuana processing and growing facility. He said in the county, he only needed to be zoned commercial, which it has been since the early 80's. About a week after that city council meeting, Mr. Hacker told the couple renting the house next door to me (CZ-506) that he was going to demo that house and build a metal building. We have no doubt that Mr. Hacker intends to put a marijuana processing and growing facility in the property identified as case number CZ-506 if he is successful in his attempt to get it rezoned to commercial. I also believe he chose to rezone the property next door to me out of retaliation because I have been very vocal in my opposition to his plans. Today he offered to buy my house and said I could find a house in West Tulsa with the \$95,000 he offered me.

> Rezoning CZ-506 and CZ-505 to commercial properties will be detrimental to the neighbors who live in Hall's Garden. Many of these families have been here for generations. We have been working with the county and Commissioner Karen Keith to get a junkyard in the neighborhood cleaned up. Some of the residents have been fixing up their homes. This neighborhood is full of families with children and seniors who want to be able to enjoy their homes. We do not want a marijuana processing and growing facility or any other commercial entity in the middle of our neighborhood. Please do not allow these residential properties, both located in our neighborhood, to be rezoned commercial.

> It is my understanding that John Fothergill was on the planning commission for Tulsa County and now is in the treasurer's office. Mr. Fothergill came to the city council meeting to speak on behalf of Ashley Hacker. He wanted the council to grant the special use permit. We have some concerns that he may try to influence the decision to rezone these properties. We sincerely hope that the planning commission will look at what's best for the residents in this neighborhood. No one wants a marijuana facility in his or her backyard. Please protect our neighborhood!

> Thank you for time and attention to this matter.

> Sincerely,
> Barbara Shockley
202 Broad Street
Sand Springs, OK 74063

10.20

Petition AGAINST rezoning the properties
 CZ-505 and CZ-506 in Tulsa County as
 Commercial General, as it would be detrimental
 to the residential neighborhood in which they
 are both located.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
Megan LaRose	834 Long St	918-240-9162
Jalynn Mayes	803 Katy St	918-581-447
Marcella Webster	863 Long St	918-277-5019
Darren Massey	863 Long St	918-245-3338
Denise Christie	863 Long St	918-743-7819
Deborah O'Neill	863 Long St	245-4319
John R.	855 Long St.	918-313-2182
Stella Holt	207 Long St. - daughter Jessica Holt	
Brenda Davis	840 Long St	918-345-8804
Cliff Hewitt	803 Katy St	918-724-1876 - Sand Springs free Holina
Paul Silbert	803 Katy St	918-857-5936
Marilyn Burt	803 Katy St	918-857-5937
John S. McVicker	85 Katy St	245-3000
Laura L. ^{buying from Bruce Jewell}	821 Long St	918-948-4879
Blake Babcock	805 Katy St	918-887-4964
KATHRYN SPENDER	819 Long St	918-510-1129

Petition AGAINST rezoning the properties
 CZ-505 and CZ-506 in Tulsa County as
 Commercial General, as it would be detrimental
 to the residential neighborhood in which they
 are both located.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
Barbara Shockley	202 Broad St	918 704-1808
Wise Pearson	208 Short St	918-740-0911
Morgan Pearson	820 Long St	918-720-2957
Karen Griggs	851 Long St	918-557-8766
Shirley Massley	848 Long St	
Cathy Krause	835 Katy St	918 688 0039 918-245-2818
Julie Blomons	831 Katy St	918-245-2818
Arthur Hagan	815 Katy St	918-246-0704
Doug Dickey	312 Broad St	918-245-1586
Doug Dickey	312 Broad	918 245-1586
Sarah Moore	832 Long St	918 955-6701
Rafael Cortez	811 KATY ST	918 245 4051
Gregory Hagan <small>pastor</small>	314 Broadstreet	918 951 5873
Palmer Moody	314 Broadstreet	918 951 8042
Tom & Myri	836 Long St	918 551 4082
Ron Hunt	823 Long St	918 584 9382
Mike	835 1/2 Long Street	918-978-0558
Leslie Thompson	835 1/2 LONG ST	918-902-3773
Kevin Vautt	841 Long St	918-671-3870
Debra Smith	844 Long St	539-292-5801
Bob Smith	844 Long St	539 292-5801

Freedom
Michigan

6. **Resolution No. 20-36 – Sand Springs Municipal Authority Utility System Revenue Bonds, Refunding Series 2020**

John Weidman, Bond Counsel, requested Council's consideration and adoption of Resolution No. 20-36, a resolution relating to the incurring of indebtedness by the Trustees of the Sand Springs Municipal Authority, waiving competitive bidding and approving a purchase contract, sales tax agreement, and other related documents.

Following a brief discussion, a motion was made by Councilor Burdge and seconded by Councilor Wilson that the requested approval of Resolution No. 20-36, a resolution relating to the incurring of indebtedness by the Trustees of the Sand Springs Municipal Authority, waiving competitive bidding and approving a purchase contract, sales tax agreement, and other related documents, as presented, be approved.

Mayor Spoon called for the vote recorded as follows:

Councilor Burdge, aye; Councilor Jackson, aye; Vice Mayor Dixon, aye; Mayor Spoon, aye; Councilor Riley, aye; Councilor Wilson, aye; Councilor Nollan, aye.

The motion carried 7-0-0.

7. **SUP-59 Specific Use Permit for Medical Marijuana Growing and Processing Facility (A-F)**

City Attorney David Weatherford requested Council's consideration of SUP-59 concerning the application of Ashley Hacker, on behalf of Hacker Corporation, for a Specific Use Permit to allow a medical marijuana growing facility (Use Unit 2) and a medical marijuana processing facility (Use Unit 25) at property legally known as The East 100' of the North 140' of Lot 1, Block 2, Halls Garden Addition and the West 3' of the North 140' of Lot 1, and the East 72' of the North 140' of Lot 1, Block 2, Halls Garden Addition, Tulsa County, Oklahoma, and commonly known as 801 Long St., zoned CG (Commercial General). Council should complete the Findings of Fact and Conclusions of Law.

A) Public Hearing

Mayor Spoon declared a Public Hearing for the purpose of a brief presentation by Applicant, Ashley Hacker, on behalf of Hacker Corporation; and for the purpose of public comments in regard to the applicant.

This item was for informational purposes only.

Attorneys Stefanie Sinclair and Johnathan P. Nation presented a brief presentation of SUP-59 on behalf of the Applicant.

10.23

Attorneys for the Applicant commented on the following: traffic, signage, carbon scrubber filters, electricity, property values, and Comprehensive Plan 2030. A photo concept of the proposed Medical Marijuana Growing and Processing Facility was presented, and it was noted that the citizens of Oklahoma voted for the legalization of medical marijuana.

The following citizens spoke in opposition of SUP-59:

Barbara Shockley, 202 Broad Street, Sand Springs, OK, commented on property value, traffic/crime, wear and tear on roads, children and churches in neighborhood, and a family neighborhood since 1949. Ms. Shockley lives across the street from the proposed facility.

Patricia Goins, 16610 Buford, Sapulpa, OK, commented on need to have a transport license, no shopping at proposed location, and property value.

Mark Massey, 200 Broad Street, Sand Springs, OK, commented on decreased property value and community improvements such as the Case Community Center and the Billie A. Hall Public Safety Center. Mr. Massey owns an annexed commercial property.

Cliff Hewitt, 803 Katy Street, Sand Springs, OK, commented on concern for increased crime and showing respect for churches in the community. Mr. Hewitt is the pastor of a church in Sand Springs.

Earl Shockley, 9441 W. Country Road, Sand Springs, OK, commented on current property values and proposed facility belongs in a Light Industrial site. Mr. Shockley's mother lives across the street from the proposed facility.

Kathryn Spencer, 819 Long Street, Sand Springs, OK, commented on filters and a personal medical allergy to marijuana. Ms. Spencer lives three (3) lots from the proposed facility.

The following citizens spoke in favor of SUP-59:

John Fothergill, 3410 S. 73rd W. Ave., Tulsa, OK, commented that the Hacker Corporation is invested in the community; the building will be monitored and occupied rather than vacant; the building will be maintained; and the building is inside the city limits of Sand Springs.

Deputy County Commissioner Keri Fothergill, 310 W. 32nd Pl, Sand Springs, OK, provided a brief update on the clean-up of the "green barn" property adjacent to the subject property.

Following a brief discussion and there being no further comments, Mayor Spoon closed the public hearing.

10.24

B) Probable Effect of the Project on the Adjacent Property

Mayor Spoon requested Council's consideration of the PROBABLE EFFECT OF THE PROJECT ON THE ADJACENT PROPERTY, and requested a motion finding that the proposed use will have either minimal or substantial effect on the adjacent property.

A motion was made by Vice Mayor Dixon and seconded by Councilor Burdge that the proposed use of the property will have a substantial effect on the adjacent property.

Mayor Spoon called for the vote recorded as follows:

Councilor Nollan, aye; Councilor Wilson, aye; Councilor Riley, aye, Mayor Spoon, aye; Vice Mayor Dixon, aye; Councilor Jackson, nay; Councilor Burdge, aye.

The motion passed 6-1-0.

C) Community Welfare as Affected by the Project

Mayor Spoon requested Council's consideration of the COMMUNITY WELFARE AS AFFECTED BY THE PROJECT, and requested a motion finding that the proposed use either will or will not have an adverse effect on the community welfare as a whole.

A motion was made by Vice Mayor Dixon and seconded by Councilor Nollan that the proposed use will have an adverse effect on the community welfare as a whole.

Mayor Spoon called for the vote recorded as follows:

Councilor Burdge, aye; Councilor Jackson, nay; Vice Mayor Dixon, aye; Mayor Spoon, aye; Councilor Riley, aye; Councilor Wilson, aye; Councilor Nollan, aye.

The motion carried 6-1-0.

D) Impact of the Development on Public Facilities, Including but not Limited to Parks, Roads, and Utilities

Mayor Spoon requested Council's consideration of the IMPACT OF THE DEVELOPMENT ON PUBLIC FACILITIES, INCLUDING BUT NOT LIMITED TO PARKS, ROADS, AND UTILITIES, and requested a motion finding that the proposed use either will or will not have an adverse effect on public facilities.

A motion was made by Councilor Nollan and seconded by Vice Mayor Dixon that the proposed use will not have an adverse effect on public facilities.

10.25

Mayor Spoon called for the vote recorded as follows:

Councilor Nollan, aye; Councilor Wilson, aye; Councilor Riley, aye, Mayor Spoon, aye; Vice Mayor Dixon, aye; Councilor Jackson, aye; Councilor Burdge, aye.

The motion passed 7-0-0.

E) Approval or Denial of SUP-59 - Specific Use Permit for Medical Marijuana Growing and Processing Facility

Mayor Spoon requested Council's overall approval or denial of the SUP, based on the above findings.

A motion was made by Vice Mayor Dixon and seconded by Councilor Burdge that SUP-59, a Specific Use Permit for Medical Marijuana Growing and Processing Facility, be denied based on the above findings.

Mayor Spoon called for the vote recorded as follows:

Councilor Burdge, aye; Councilor Jackson, nay; Vice Mayor Dixon, aye; Mayor Spoon, aye; Councilor Riley, aye; Councilor Wilson, aye; Councilor Nollan, aye.

The motion carried 6-1-0.

F) Safeguards to Diminish the Effect on the Adjacent Property, Community Welfare, or Public Facilities/Services (If Item 7E is denied, no vote is necessary.)

SAFEGUARDS TO DIMINISH THE EFFECT ON THE ADJACENT PROPERTY, COMMUNITY WELFARE, OR PUBLIC FACILITIES/SERVICES, as recommended by the Planning Commission, should be adopted, or will modify those safeguards as council deems appropriate.

Mayor Spoon state no action to be taken on Item 7F as it relates to SAFEGUARDS TO DIMINISH THE EFFECT ON THE ADJACENT PROPERTY, COMMUNITY WELFARE, OR PUBLIC FACILITIES/SERVICES, as recommended by the Planning Commission.

8. Public Hearing – 2020 Policing Plan

Mayor Spoon declared a Public Hearing for the purpose of receiving City Council and citizen input concerning the 2020 Sand Springs Police Department Policing Plan.

Police Chief Michael S. Carter provided a brief overview of the 2020 Policing Plan.

10.26



Tulsa Metropolitan Area
Planning Commission

Case Number: Z-7563 ODP

Hearing Date: August 5th, 2020

Case Report Prepared by:

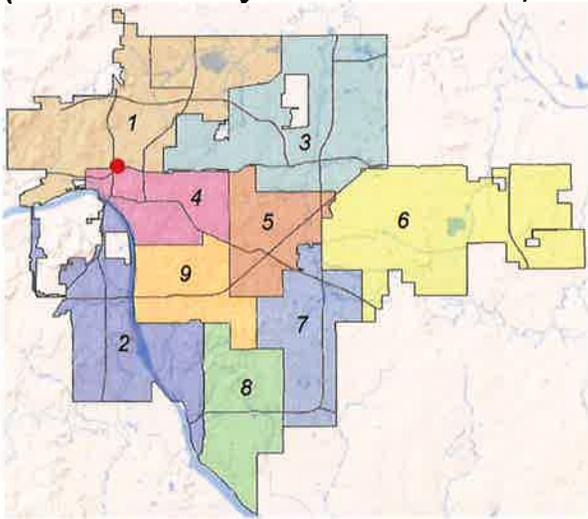
Dwayne Wilkerson

Owner and Applicant Information:

Applicant: Jeff Weaver

Property Owner: WEAVER, JEFF

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Vacant

Proposed Use: Single family and possibly vertical mixed use only allowing home occupations.

Concept summary: Rezone a very small lot with two zoning designations non-conforming lot for a residential use.

Tract Size: 0.07 ± acres

Location: East of the Northeast corner of West Fairview Street & North Denver Avenue

Zoning:

Existing Zoning: RM-1/RS-4/HP

Proposed Zoning: CH/HP with an optional development plan

Comprehensive Plan:

Land Use Map: Existing Neighborhood

Stability and Growth Map: Area of Stability

Staff Recommendation:

Staff recommends approval but only with the provisions of the optional development plan in Section II.

Staff Data:

TRS: 9202
CZM: 28, 36

City Council District: 1

Councilor Name: Vanessa Hall-Harper

County Commission District: 1

Commissioner Name: Stan Sallee

11.1

SECTION I: Z-7563

DEVELOPMENT CONCEPT: The applicant is requesting to rezone his property from RM-1 and RS-4 in an HP district to CH in an HP district with an optional development plan for a “live-work,” or vertical mixed-use building limited to typical home occupations..

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:

The applicant has requested CH zoning on this very unusual site that is being developed with private deed restrictions from the Tulsa Development Authority(TDA). The provisions of the optional development plan appear to be consistent with the TDA goals for this site and,

The Tulsa Comprehensive Plan land-use designation of Existing Neighborhood may not seem to point to a vertical mixed-use development as an obvious housing option however the site's proximity to land designated as Downtown Neighborhood, its peculiar size, as well as its orientation (running perpendicular to Fairview, instead of parallel like the single-family detached homes behind it) this could be an appropriate use for land that would otherwise remain vacant and,

The lot is non-conforming in every residential and MX zoning district and is further complicated that the lot is currently divided by two zoning districts. The lot is only 2,953 sq. ft. and 50ft wide, when looking through the minimum lot and area requirements of all residential, office, and commercial zoning districts, there are no building options (other than a town house) that this lot would nicely meet. CH zoning with the development plan allows more residential building options by allowing a mixed-use, vertical mixed use, town house, or apartment/ condo by right and a single-family detached house or multi-unit house by special exception and,

CH zoning does not require the minimum lot and area standards that are common in all residential and MX districts. CH zoning without a development plan allows more development options and there may be properties in the surrounding area that is also zoned CH, it is acknowledged that this zoning district does permit many heavier uses that could be harmful to an established neighborhood, and have therefore been subsequently removed from the list of permitted uses in the optional development plan below and,

In terms of the its orientation, this site runs perpendicularly to the West Fairview Avenue (as opposed to the single-family residential home behind it that run parallel) making the site more close in character to the apartment building to the west than the single family detached home to the east. This characteristic, in combination with its proximity to the properties classified as Downtown Neighborhood to the South and their goal of having a mix of commercial, living, and open space, create an opportunity to place a buffer or transition between the Brady Heights Neighborhood and West Fairview Avenue/ the commercial uses to the south therefore,

11.2

Staff recommends Approval of Z-7563 to rezone property from RM-1 and RS-4 in a HP district to CH in a HP district but only with the provisions of the optional development plan outlined in Section II.

SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS:

Z-7563 with the optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in a CH zoning district and its supplemental regulations except as further refined below. All uses categories, subcategories, or specific uses outside of the permitted uses defined below are prohibited.

PERMITTED USE CATEGORIES:

Residential (this use category allows all Type 1 and Type II home occupations)

- a. Household Living
 - i. Single Household
 - ii. Two households on a single lot
 - iii. Three or more households on a single lot

Lodging

- a. Bed & Breakfast
- b. Short-term rental

PERMITTED RESIDENTIAL BUILDING TYPES:

- A. Household Living
 - a. Single household
 - i. Townhouse
 - ii. Patio House
 - iii. Mixed-use building
 - iv. Vertical mixed-use building
 - b. Two households on a single lot
 - i. Duplex
 - ii. Mixed-use building
 - iii. Vertical mixed-use building
 - c. Three or more households on a single lot
 - i. Multi-unit House
 - ii. Apartment/condo
 - iii. Mixed-use building
 - iv. Vertical mixed-use building

BUILDING AND ARCHITECTURE REQUIRMENTS:

- a. Buildings shall not exceed 3 stories and will not exceed 45 feet height as measured from the finished floor elevation of the first floor.
- b. Historic Preservation Commission must approve plans prior to receipt of a building permit approval.

LIGHTING, SIGNAGE, & TASH DISPOSAL REQUIREMENTS:

Lighting:

11.3

Pole mounted lighting is prohibited. All building mounted lighting shall not exceed 16 feet in height and must be pointed down and away from abutting residential properties.

Signage:

All signage is prohibited except one wall mounted or projecting sign for home occupations may be allowed on the south façade of the building and the display surface area may not exceeding 16 square feet. All illuminated signs are prohibited.

Trash Disposal

Dumpsters will not be allowed. Residential style trash bins as provided by the City of Tulsa shall be used and, except on the day of trash pickup, the bins shall be stored so they are not visible from West Fairview Street.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

The City of Tulsa Comprehensive Plan and the Unity Heritage Neighborhood Plan have included this site in the existing neighborhood land use designation.

The Unity Heritage Neighborhood Plan identifies this property as New & Existing Neighborhood with a medium density residential. While these areas generally include detached single-family houses representative of the traditional neighborhood pattern (fairly consistent lot sizes, mostly single-story homes), the Unity Heritage Neighborhood Plan describes medium density residential areas as potentially including small townhouses or apartment buildings that are well integrated with the character of the neighborhood in terms of scale and form.

In line again with the City of Tulsa Comprehensive Plan, the Unity Heritage Neighborhood Plan also designates the properties to the south of the site (bound by the Brady Heights neighborhood, 1-244, Emerson Elementary School, and OSU-Tulsa), as Downtown Neighborhood and includes a variety of uses, such as retail and restaurants oriented towards students, faculty and residents, open space, research offices, a hotel, and housing that provides a transition to existing neighborhoods.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

The Existing Residential 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 Stability

11.4

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

Major Street and Highway Plan: None that affect site redevelopment.

Trail System Master Plan Considerations: None that affect site redevelopment.

Small Area Plan: Unity Heritage Neighborhood Sector Plan

Special District Considerations: There are no special districts that require consideration in this area.

Historic Preservation Overlay: This site is on the south border of the Brady Heights historic preservation overlay. In addition to the development plan and zoning code this will requires plan approval at the Tulsa Preservation Commission prior to receipt of a building permit.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary:

The subject property is vacant with single-family detached homes to the north and east, apartments to the west, and the Tulsa County Election Board to the south.

STREET VIEW FROM SOUTHWEST CORNER LOOKING NORTHEAST:



11.5

STREET VIEW LOOKING SOUTH:



Environmental Considerations: There are no environmental considerations that would affect this site's development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
W. Fairview St.	Residential Collector	60 ft	2 lanes

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-4	Existing Neighborhood	Area of Stability	Single-family detached house
South	CS	Downtown Neighborhood	Area of Growth	Tulsa County Election Board
East	RS-4/RM-1	Existing Neighborhood	Area of Stability	Single-family detached house
West	RM-1	Existing Neighborhood	Area of Stability	Apartments

SECTION III: Relevant Zoning History

11.6

ZONING ORDINANCE: Ordinance number 11918 dated September 1, 1970 & 11814 dated June 26, 1970 established zoning for the subject property.

Subject Property:

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 Neighborhood Plan), 36th Street North Corridor Small Area Plan, and The Crutchfield Neighborhood Revitalization Master Plan (related to ZCA-7). This overlay encompasses the subject property, as well as the properties surrounding it.

Surrounding Property:

BOA-22317 September 2017: The Board of Adjustment **approved** a *Variance* to reduce the front setback of Tract A from 20 feet to 12.6 feet, a *Variance* to reduce the rear setback of Tract A from 20 feet to 3.3 feet, a *Variance* of the minimum open space per unit from 2,500 square feet to 1,501 square feet for Tract A, a *Variance* of the lot area and lot area per dwelling unit requirement from 5,500 square feet to 2,722 square feet for Tract A to permit a lot-split, subject to conceptual plan 13.12, finding the hardship to be the age of the area being well over 100 years old and this approval would clean up a non-conformity within the area, on property located at 630 North Cheyenne West.

Z-6887 April 2003: All concurred in **approval** of a request for *rezoning* a .37± acre tract of land from CS to RS-4 for residential, on property located at the northwest corner of West Golden and North Denver Avenue.

BOA-18861 September 2000: The Board of Adjustment **approved** a *Variance* of land area per dwelling unit to permit on Tract B from 6,750 square feet to 4,938 square feet, a *Variance* of livability space on Tract B from 2,500 square feet to 2,173 square feet, a *Variance* of required minimum lot area on Tract A from 5,500 square feet to 5,131 square feet, a *Variance* of the required minimum lot area on Tract B from 5,500 square feet to 3,138 square feet, a *Variance* of required setback from West Golden from 20' to 12', and a *Variance* of the required rear yard from 20' to 3.4', conditioned that permission of the Historic Preservation Society be obtained before removing the garage, finding the hardship to be that this is improving a non-conforming condition, on property located at the southwest corner of West Golden and Cheyenne Avenue.

Z-6723 December 1999: All concurred in **approval** of a request for *rezoning* a 57.06± acre tract of land from RS-3/RS-4/CS to RS-3/RS-4/CS/HP to establish a Historic Preservation Overlay District, on properties located in the Brady Heights Neighborhood, bounded by the alley west of Denver Avenue to the alley East of North Cheyenne Avenue, with a northern boundary of West Marshall Street and southern boundary of West Fairview Street.

BOA-18548 October 1999: The Board of Adjustment **approved** a *Special Exception* to allow wedding receptions, special events, and neighborhood functions in an RS-4 district, subject to an Occupancy Permit and the applicant meeting the off-street parking requirements on-site, on property located at 620 North Denver Avenue.

BOA-04356 April 1964: The Board of Adjustment **approved** a request for a modification of percentage of lot coverage in a U-3-D District to build a store on Lots 1 & 2 that will exceed 50% of the lot coverage and utilize the remaining lots for parking, counting all the lots for the

11.7

purpose of meeting the 50% coverage clause, on property located on Lot 1-2, 6-7 & N. 50ft of Lot 5, Block 9 North Tulsa Addition.

BOA-02155 July 1950: The Board of Adjustment **approved** a *Variance* of the building line along Fairview Street to permit the erection of an addition to the existing church building beyond the established building line, on property located on Lots 1-2, Block 8, North Tulsa Addition.

BOA-01594 June 1943: The Board of Adjustment **approved** a request to make provisions to convert a dwelling into 6-unit apartment, instead of the previously approved 4-unit apartment, on property located 620 North Denver Avenue.

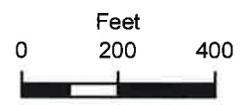
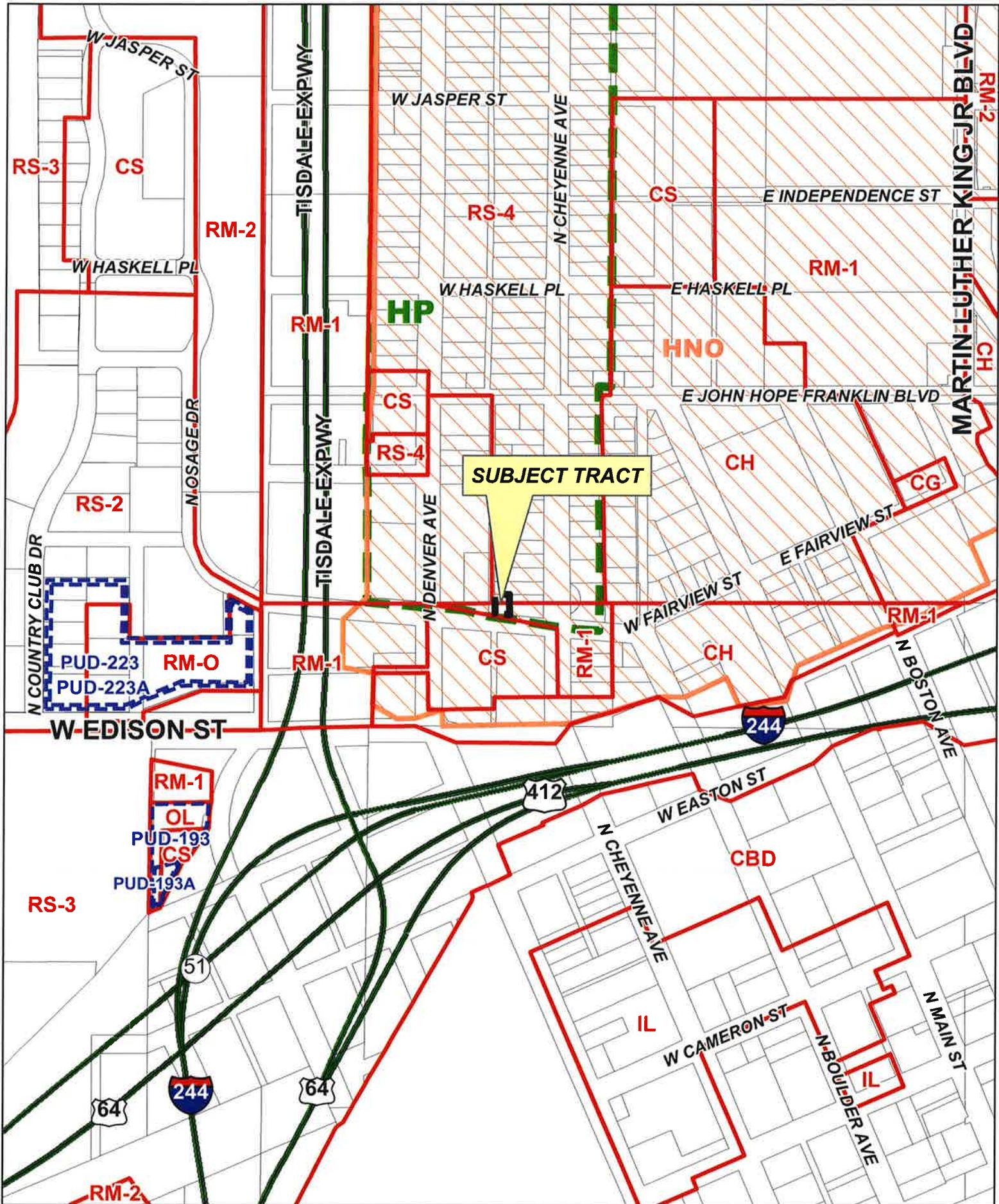
BOA-01545 March 1943: The Board of Adjustment **approved** a request to convert a dwelling a 4-unit apartment, on property located 620 North Denver Avenue.

BOA-01268 January 1939: The Board of Adjustment **approved** a request to utilize the following property for church uses: N-91.4' of Lot 1, N-91.4' of Lot 2, Block 8, North Tulsa Addition.

BOA-01260 December 1938: The Board of Adjustment **approved** a request to utilize the following property for church uses: N-135' of Lots 1 & 2, Block 7, North Tulsa Addition.

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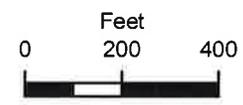
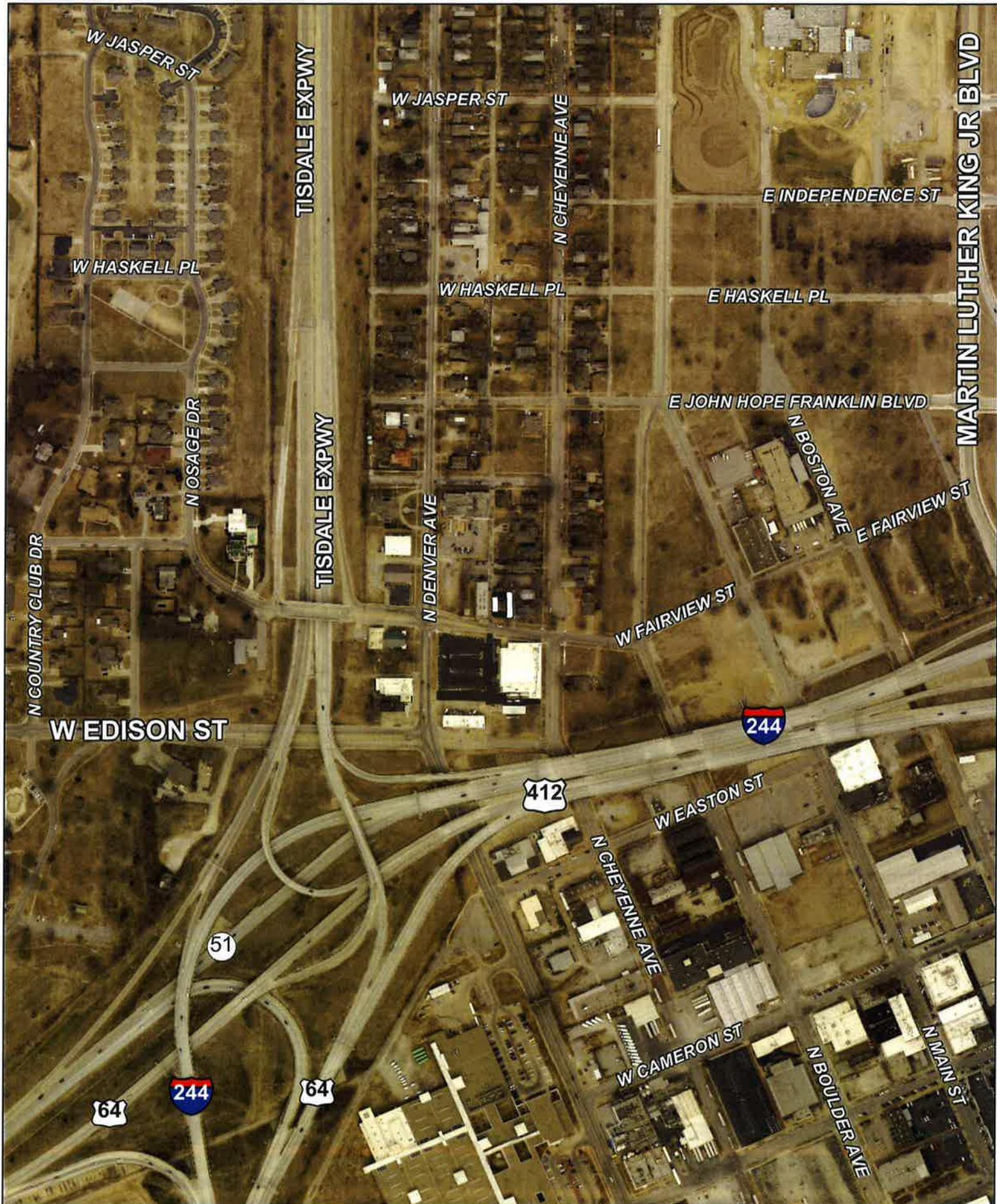


20-12 35

Z-7563
with Optional
Development Plan

11.9





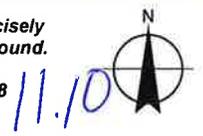
 Subject Tract

20-12 35

Z-7563
with Optional
Development Plan

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

Aerial Photo Date: February 2018





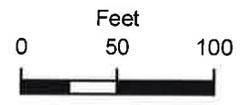
W GOLDEN ST

N CHEYENNE AVE

N DENVER AVE

W FAIRVIEW ST

W EDISON ST



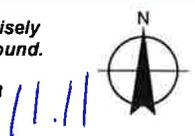
Subject Tract

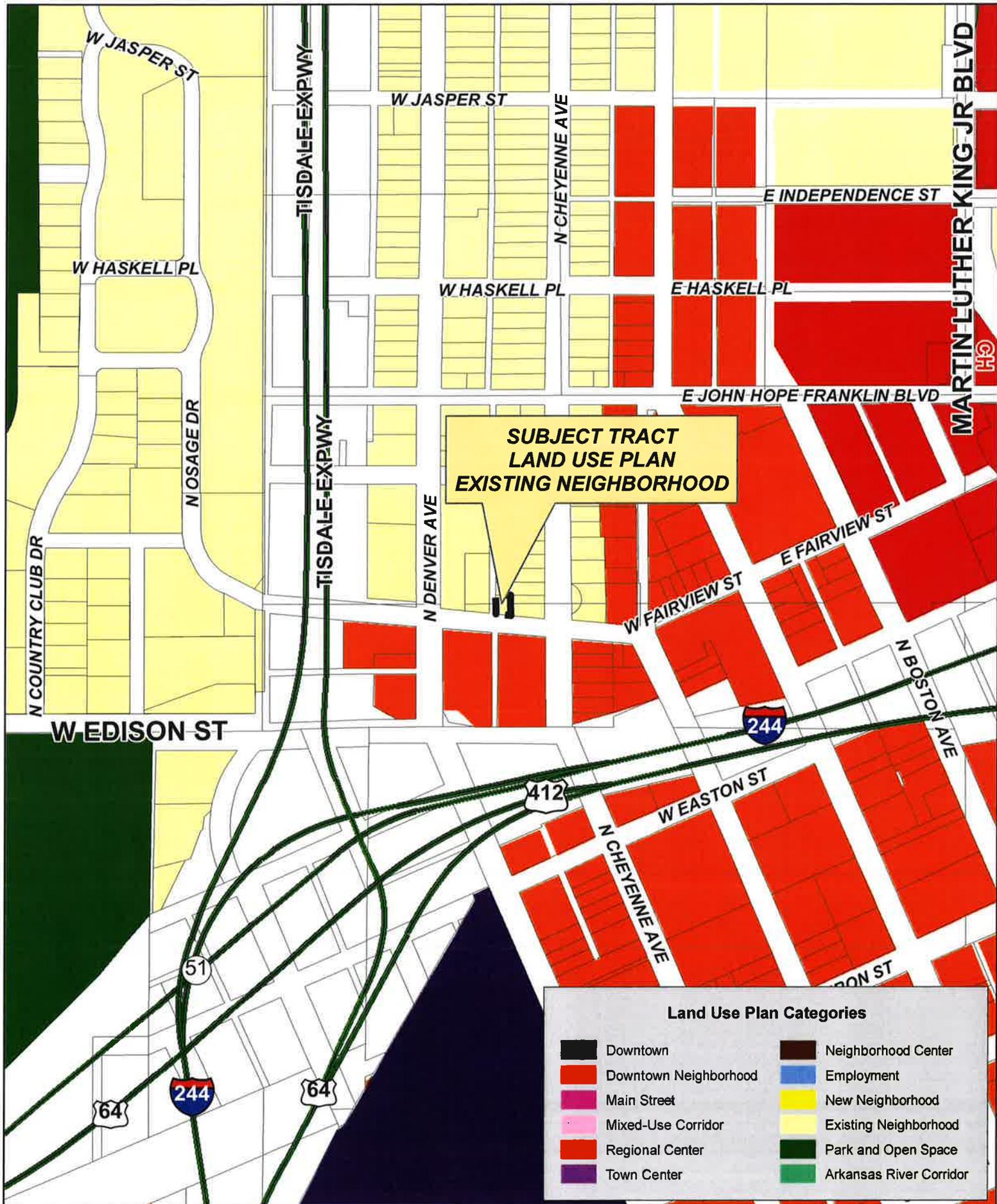
20-12 35

Z-7563
with Optional
Development Plan

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

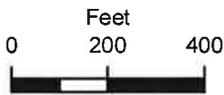
Aerial Photo Date: February 2018





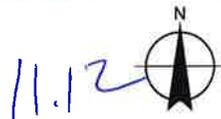
**SUBJECT TRACT
LAND USE PLAN
EXISTING NEIGHBORHOOD**

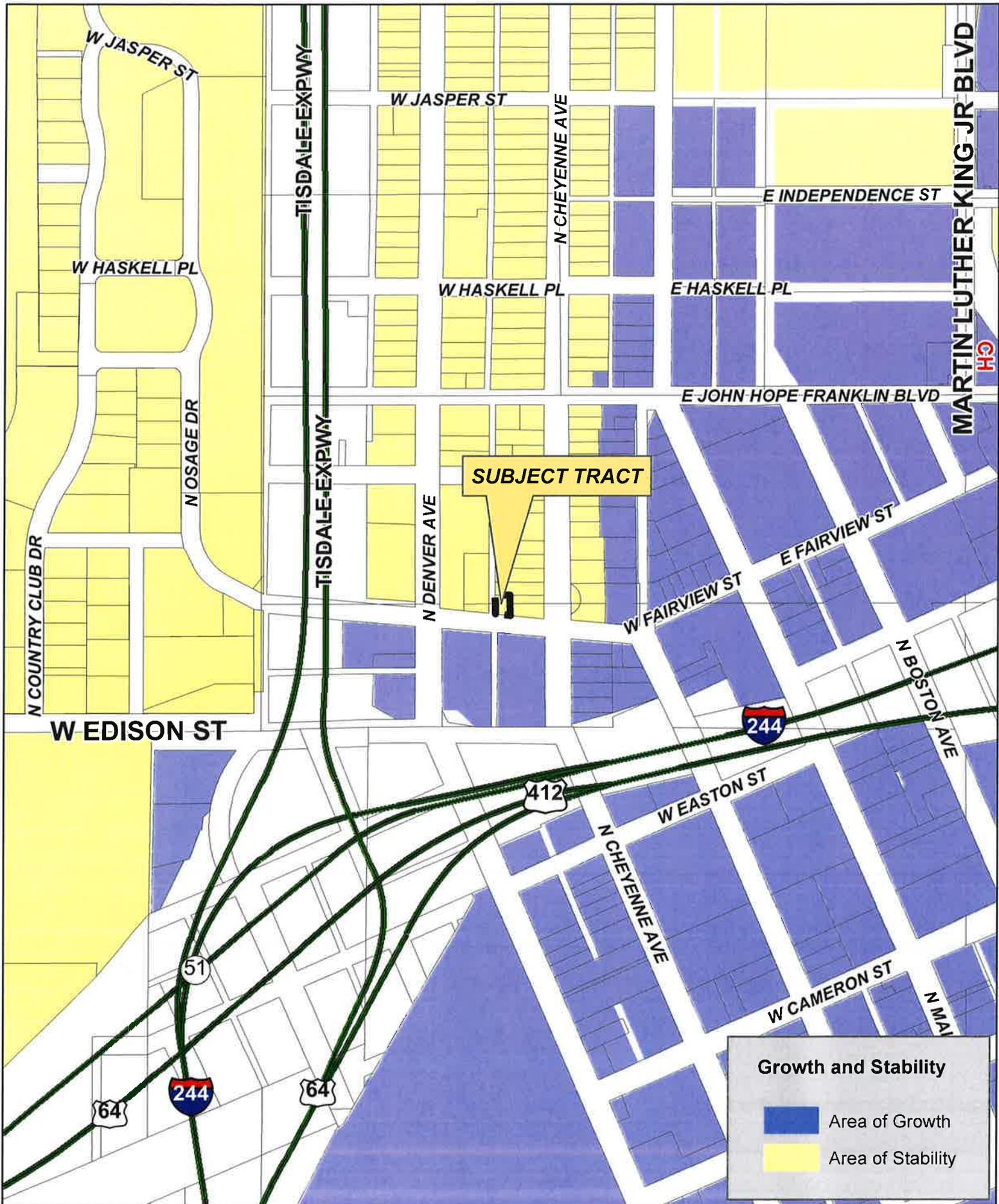
Land Use Plan Categories			
	Downtown		Neighborhood Center
	Downtown Neighborhood		Employment
	Main Street		New Neighborhood
	Mixed-Use Corridor		Existing Neighborhood
	Regional Center		Park and Open Space
	Town Center		Arkansas River Corridor



20-12 35

**Z-7563
with Optional
Development Plan**

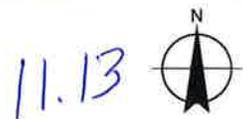




Z-7563
with Optional
Development Plan



20-12 35





Tulsa Metropolitan Area
Planning Commission

Case Number: Z-7565

Hearing Date: August 5th, 2020

Case Report Prepared by:

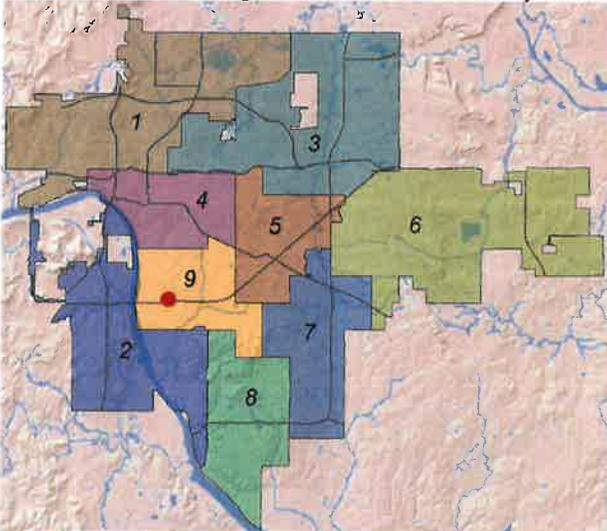
Dwayne Wilkerson

Owner and Applicant Information:

Applicant: Lou Reynolds

Property Owner: WILLIAMS, MARY

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: RS-3

Proposed Use: Office

Concept summary: Rezoning for anticipated light office development.

Tract Size: 0.29 ± acres

Location: Southwest corner of East 50th Street South & South Victor Avenue

Zoning:

Existing Zoning: RS-3

Proposed Zoning: OL

Comprehensive Plan:

Land Use Map: Mixed-Use Corridor

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval of OL zoning.

Staff Data:

TRS: 9330

CZM: 47

City Council District: 9

Councilor Name: Ben Kimbro

County Commission District: 2

Commissioner Name: Karen Keith

12.1

SECTION I: Z-7565

DEVELOPMENT CONCEPT:

Rezoning is requested to support redevelopment of existing church site and surrounding property.

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:

Z-7565 requesting OL zoning will allow uses that are consistent with the provisions outlined in the Mixed-Use Corridor land use vision and the Area of Growth provisions of the Tulsa comprehensive plan and,

Uses allowed in the OL zoning district are consistent with the expected future development of the subject property and,

OL zoning allows a wide range of uses and provides development guidelines that provide a predictable outcome important to the abutting residential properties, therefore

Staff recommends Approval of Z-7565 to rezone property from RS-3 to OL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Office uses are consistent with the edge treatment along Mixed-use Corridor.

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

12.2

exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

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

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is an existing church building with parking. The streets were constructed with two lanes without curb and some on-street parking. No street improvements are expected with this redevelopment.

Street view below is from the southwest corner of the site looking northeast. Rezoning request is vacant property north of block building.



Environmental Considerations: None that would affect site redevelopment.

12.3

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Utica Avenue	None	50 feet	2
East 50 th Street South	None	50 feet	2
South Victor Avenue	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	Multi Family
East	RM-2	Mixed Use Corridor	Growth	Multi Family
South	Pending OL	Mixed Use Corridor	Growth	Church
West	RS-3	Existing Neighborhood	Stability	Single Family

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11823 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-02803 March 1956: The Board of Adjustment **granted** a request to build a church, with the conditions that the church will not hold any open air meetings pending the erection of a new church and off-street parking is provided, on property located at Lots 7 & 8, Perry's 27207 Subdivision.

Surrounding Property:

Z-7556 Pending: On June 17th, 2020 TMAPC **approved** of a request for *rezone* a 1.19± acre tract of land from RS-3 to OL for an office, on property located north of the northeast corner of East Skelly Drive and South Utica Avenue.

BOA-22821 January 2020: The Board of Adjustment **accepted** a *Spacing Verification* to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary, on property located at 1711 East Skelly Drive South.

Z-7495 October 2019: All concurred in **approval** of a request for *rezoning* a .53± acre tract of land from OL to CS for a dispensary, on property located east of the northeast corner of East Skelly Drive and South Utica Avenue.

12.4

BOA-12145 August 1982: The Board of Adjustment **approved** a *Special Exception* to allow a nursing home with combination elderly apartments in an RM-2 District and a *Variance* to operate a beauty shop as an accessory use to the nursing home and apartments in an RM-2 District, subject to the following conditions: that the beauty shop be used inhouse only, with no signs or advertising of any kind, that the intent be specifically limited to the residents of the nursing home or the residents of the elderly apartment units, that the use be limited to the 15' x 20' as requested, on property located at the southeast corner of 50th Street and Victor Avenue.

Z-4681 June 1974: All concurred in **approval** of a request for *rezoning* a 1± acre tract of land from RS-3 to OM for office use, on property located northeast corner of Utica Avenue and Skelly Drive.

Z-4610 April 1974: All concurred in **approval** of a request for *rezoning* a .67± acre tract of land from RS-3 to OL for office, on property located southeast corner of 50th Street and Victor Avenue.

BOA-06431 September 1969: The Board of Adjustment **approved** an *Exception* to permit the construction of a nursing home in a U-2C district and an *Exception* to permit the extension of a nursing home in a U-2C district, subject to the plot plan submitted, on property located at northeast of Victor and the 51st Street Bypass.

BOA-03398 February 1963: The Board of Adjustment **approved** request for permission to extend a non-conforming use (lawn mower repair shop) by adding a 20' x 40' on rear of existing building in a U-1-C District, on property located at Lot 10, Perry's 27207 Subdivision.

BOA-03339 December 1959: The Board of Adjustment **approved** request for permission to continue non-conforming electric shop use in a U-1-C District, on property located at Lot 11, less the South 75 feet thereof, Perry's 27207 Subdivision.

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S PEORIA AVE

S LEWIS AVE



Subject Tract

Z-7565

19-13 30

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

Aerial Photo Date: February 2018

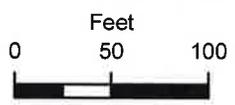




S STROOST AVE

S SUTICA AVE

S VICTOR AVE



Subject Tract

Z-7565

19-13 30

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

Aerial Photo Date: February 2018

12.8





Tulsa Metropolitan Area Planning Commission

Case Number: Z-7568

Hearing Date: August 5th, 2020

Case Report Prepared by:

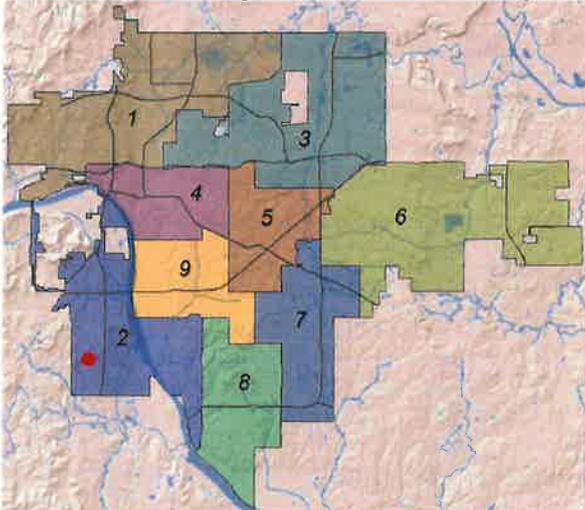
Dwayne Wilkerson

Owner and Applicant Information:

Applicant: Tulsa City Council

Property Owner: Multiple property owners not listed. All property owners provided a consent form for zoning change.

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Single-family Residential

Proposed Use: Single-family Residential

Concept summary: This group of zoning request is part of the City Council initiated program to allow AG-R rezoning at no charge to interested property owners in the West Highlands/Tulsa Hills Small Area Plan.

Tract Size: 137.38 ± acres

Location: 65 properties North of West 86th Street South & South of West 77th Street South between South 33rd West Avenue & South Union Avenue; Northeast corner of West 77th Street South & South 33rd West Avenue

Zoning:

Existing Zoning: RS-3

Proposed Zoning: AG-R

Comprehensive Plan:

Land Use Map: Existing Neighborhood

Stability and Growth Map: Area of Stability

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 8210

CZM: 51

City Council District: 2

Councilor Name: Jeannie Cue

County Commission District: 2

Commissioner Name: Karen Keith

SECTION I: Z-7568

DEVELOPMENT CONCEPT: This is the second group of zoning request is part of the City Council initiated program to allow AG-R rezoning at no charge to interested property owners in the West Highlands/Tulsa Hills Small Area Plan. The first group was heard at the Urban and Economic Development committee meeting July 15th, 2020.

EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Applicant Exhibits:
 - None Provided

DETAILED STAFF RECOMMENDATION:

Z-7568 requests AG-R zoning. The parcels will include single households in a detached house. Single family residential uses in this location are consistent with the Existing Neighborhood land use designation in the Comprehensive Plan and in the West Highlands/Tulsa Hills Small Area Plan and,

One of the goals of the West Highlands/Tulsa Hills Small Area Plan included AG-R zoning as an option for rural residential uses recommended by the West Highlands/Tulsa Hills Small Area Plan and,

AG-R zoning is consistent with the provisions identified in an Area of Stability as outlined in the Tulsa Comprehensive Plan, and is consistent with the large lot neighborhood character expected in the small area plan and,

AG-R zoning allows a lot density that is consistent with the existing and expected land use pattern in the area north of West 81st Street South and west of South Union Avenue. A much greater lot density is allowed in this area and was established in 1970 without sanitary sewer availability. The existing zoning in those areas would allow property to be developed with RS-3 lots with a minimum of 6900 square feet when connected to a sanitary sewer system. The City of Tulsa has recently completed sanitary sewer construction south of this site that would allow much greater density on property that is currently zoned RS-3 and,

City Council has initiated a voluntary rezoning program for property owners to rezone properties in this area to AG-R at no cost, this request is part of that program. The lot setbacks and building regulations included in the property included in this AG-R request meet or exceed the standards defined in the Tulsa Zoning Code therefore,

Staff recommends **Approval** of Z-7568 to rezone properties from RS-3 to AG-R.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The property owners have taken advantage of voluntarily rezoning opportunities for their parcels to AG-R to establish neighborhood stability for large lots consistent with the West Highlands/Tulsa Hills Small Area Plan.

13.2

Within the West Highlands/Tulsa Hills Small Area Plan a development concept illustrates a single family residential development with a variety of lot sizes, greenspace wildlife corridor for local fauna and a perimeter greenspace buffer that summarize the goals for a context sensitive neighborhood. Without using an optional development plan or recommending a larger lot zoning designation staff does not have any regulatory method to support the visioning concepts illustrated in the plan.

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 Stability

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

Major Street and Highway Plan:

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

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

Trail System Master Plan Considerations: None that affect site development

Small Area Plan: West Highlands Small Area Plan (Adopted 2014)

The recommendations of the small area plan include many references to supporting residential single family uses within a rural context and a rural residential zoning use. Revisions to the Tulsa Zoning Code have implemented those concepts within the AG-R zoning that was added to the code in 2019.

Special District Considerations: None except those design considerations recommended in the West Highlands/Tulsa Hills Small Area Plan

13.3

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: All the parcels included in this application are one acre or larger and are currently zoned RS-3.

Environmental Considerations: None that would affect rezoning considerations for a larger lot.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Union Avenue	Secondary Arterial w/multi modal corridor	100 feet	2
South 28 th West Avenue	None	50 feet	2
South 26 th West Avenue	Residential Collector	60 feet	2
South 24 th West Avenue	None	50 feet	2
South Yukon Avenue	None	50 feet	2
South Xenophon Avenue	None	50 feet	2
West 77 th Street South	None	50 feet	2
West 78 th Street South	Residential Collector	60 feet	2

Utilities:

The subject tract has municipal water available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG, PUD/RS-3, and RS-3	Existing Neighborhood	Stability	Single Family
East	PUD-636/CO east of Union and RS-3 west of Union	Existing Neighborhood	Growth east of Union. Stability west of Union	Office Building east of Union and single-family residential west of Union
South	RS-3	Existing Neighborhood	Stability	Single Family
West	RS-3	Existing Neighborhood	Stability	Single Family

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11827 dated June 26, 1970 established zoning for the subject property.

13.4

Subject Property:

BOA-22776 November 2019: The Board of Adjustment **approved** a *Variance* of the allowable square footage for detached accessory buildings in the RS-3 District and a *Variance* to allow a detached accessory building to exceed one story or 18 feet in height, subject to conceptual plans 10.11, 10.17-10.25, finding the hard size and land around it, on property located at 2626 West 79th Street South.

BOA-22587 February 2019: The Board of Adjustment **approved** a *Variance* to allow a 50'-0" x 80'-0" detached accessory single-story structure to exceed 500 square feet or 40% of the floor area of the principal structure, to be increased from 2,400 square feet to 4,000 square feet, subject to conceptual plan 8.22 of the agenda packet, finding the hardship to be the large lot and vertical gain or loss of the subject property, on property located at 7615 South 26th West Avenue.

BOA-21242 March 2011: The Board of Adjustment **approved** a *Variance* of the maximum permitted size of a detached accessory building in an RS-3 District from 1,235 sq. ft., finding that the proposed structure is to replace what was destroyed by a tornado last year and the tract is 2.51 acres in size, as well as that there are many structures like it in the area, on property located at 8119 South 33rd West Avenue.

Z-7115/Z-7115-SP-1 January 2009: All concurred in **approval** of a request for *rezoning* a 25.97+ acre tract of land from AG to CO and a *Corridor Development Plan* on a for a mixed use development with retail, office, hotel, and multifamily residential uses, on property located at the southwest corner of Highway 75 and 81st Street South.

BOA-20256 May 2006: The Board of Adjustment **approved** a *Variance* of the maximum permitted size of an accessory building in an RS-3 District and a *Variance* of the maximum height of the top plate for an accessory building from 10 ft to 12 ft, subject to there being no commercial activities, no living quarters, the existing buildings are removed, and the total square footage of the accessory buildings does not exceed 1,500 sq. ft., finding the hardship to be the large lot size, on property located at 8025 South 28th Avenue West.

BOA-20209 February 2006: The Board of Adjustment **approved** a *Variance* of the maximum permitted size of an accessory building to permit a 2400 sq. ft. accessory building, with conditions: a one-story structure, with the same materials as the house, finding the hardship is the large size of the land, on property located at 8255 South Yukon Avenue.

BOA-19287 May 2004: The Board of Adjustment **approved** a *Variance* to permit a detached accessory building from the required 500 sq. ft. to 2,000 sq. ft. on a 2.5 acre tract in an RS-3 district, per plan, with the condition that the existing barn be torn down and no commercial activity is conducted on the premises, finding that a number of other tracts in the area have been approved for similar variances and the size of the tract would not cause a density problem, on property located at 2210 West 77th Street.

BOA-18415 May 1999: The Board of Adjustment **approved** a *Variance* to exceed 750 sq. ft. of detached accessory building to permit 1,200 sq. ft. on a 2-acre tract zoned RS-3, finding the hardship to be the size of the lot, subject to there being no commercial activities on the property, on property located at 2203 West 78th Street South.

BOA-17934 February 1998: The Board of Adjustment **denied** a *Variance* to allow 2 dwelling units on one lot of record, a *Special Exception* to allow a manufactured home in an RS-3 zoned

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district, and a *Variance* of the one year time limit to allow the manufactured home permanently, noting that no hardship was stated, on property located at 2951 West 81st Street.

BOA-17704 May 1997: The Board of Adjustment **approved** a *Variance* to permit more than 750 sq. ft. of detached accessory buildings in a residential district, subject to existing storage units being removed, the semi-trailer being removed upon completion of the detached accessory building, the existing outside storage being stored inside the detached accessory building (gooseneck trailer to be parked behind the new building), and there being no commercial activity in the detached accessory building, finding that the existing garage may remain on the subject property the variance would not be injurious, on property located at 3055 West 77th Street South.

BOA-16885 December 1994: The Board of Adjustment **approved** a *Variance* of the maximum 750 sq. ft. for a detached accessory, per plan submitted, subject to a maximum of two accessory buildings on the property containing a total of 1999 sq. ft., no bathing or cooking facilities being installed and no commercial use, finding that the tract is large and approval won't be a detriment, on property located at 2627 West 79th Street.

BOA-16223 December 1992: The Board of Adjustment **approved** a *Variance* of the maximum square footage allowed for a detached accessory building from 750 sq. ft. to 2281 sq. ft., per plan submitted, subject to no commercial use of the building, finding that the tract is large enough to accommodate the proposed structure and there are other buildings in the residential area that are similar in size, on property located at 2509 West 79th Street.

BOA-15954 February 1992: The Board of Adjustment **denied** a *Special Exception* to permit a community group home in an RS-3 zoned district, on property located at 3011 West 80th Street.

BOA-15604 December 1990: The Board of Adjustment **approved** a *Special Exception* to permit a wedding flower business as a home occupation, subject to Home Occupation Guidelines and hours of operation being from 9:00 a.m. to 7:00 p.m., on property located at 1712 West 78th Street.

BOA-05055 April 1966: The Board of Adjustment **approved** a request for permission to continue operating a dog kennel in a U-1-C District, on property located at 2201 West 77th Street.

Surrounding Property:

Z-7558 Transmitted July 6th, 2020: A request to rezone 32.62± acres of land from AG to AG-R for Single-family residential as a part of Phase I & Phase II of the AG-R rezoning program initiated by City Council was approved by TMAPC June 17th, 2020 on properties located north of the northwest corner of West 81st Street South and South Union Avenue.

Z-7549 Transmitted May 27th, 2020: A request to *rezone* a 3.7± acre tract of land from AG to AG-R for Single-family Residential was approved by TMAPC May 6th, 2020 and transmitted to City Council for property located at the southeast corner of West 81st Street South and South 33rd West Avenue.

Z-7471 ODP July 2019: All concurred in **denial** of a request for *rezoning* a 14.69± acre tract of land from AG to RS-1 for Single-family residential, on property located east of the southeast corner of West 81st Street South and South 33rd West Avenue.

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Z-7446 ODP July 2018: All concurred in **denial** of a request for *rezoning* a 14.69± acre tract of land from AG to RS-1 for Single-family residential, on property located east of the southeast corner of West 81st Street South and South 33rd West Avenue.

Z-7421 ODP February 2018: All concurred in **denial** of a request for *rezoning* a 15± acre tract of land from AG to RS-2 for Single-family residential, on property located east of the southeast corner of West 81st Street South and South 33rd West Avenue.

BOA-22211 March 2017: The Board of Adjustment **approved** a *Variance* of the required rear setback in the RS-3 District from 20 feet to 5 feet, subject to the conceptual plan submitted today, March 14th, 2017, finding the hardship to be the topography of the site, on property located at 7705 South Xenophon Avenue.

Z-7355 Withdrawn September 2016: Applicant **withdrew** a request to *rezone* a 4.61± acre tract of land from RS-3 to RS-5 for an eco-friendly tiny home pocket neighborhood, on property located west of the southwest corner of West 81st Street and South Yukon Avenue.

PUD-636-C/Z-5457-SP-5 August 2014: All concurred in **approval** of a *Major Amendment* to PUD-636 and *Corridor Development Plan Z-5457-SP-5* on a 20.5± acre tract of land to reconfigure the boundaries of the Development Areas and portions of Development Areas remaining to be developed (the "Project"), as well as remove the discrepancies between the boundaries of these remaining Development Areas as originally proposed and the grades and features of the Project site, on property located north of the northwest corner of U.S. Highway 75 and West 81st Street South.

BOA-19134 July 2001: The Board of Adjustment **approved** a *Variance* of the required 30' frontage on a public street or right-of-way to 0' to allow construction of a new dwelling on a private street, finding that all of the lots are five acres or greater and the Board has approved the same variance in the past, on property located south of the southeast corner of West 73rd Street South and 33rd West Avenue.

PUD-636/Z-4825-SP-1/Z-5457-SP-2 September 2000: All concurred in **approval** of a proposed *Planned Unit Development/ Corridor Site Plan* on a 108± acre tract of land for Single-family detached dwellings in Development Area A, Multi-family dwellings in Development areas B, C, D, and E, and commercial uses on development areas F and G, on property located at the northeast corner of US Highway 75 and West 81st Street South.

PUD-606 April 1999: All concurred in **approval** of a proposed *Planned Unit Development* on a 30± acre tract of land for 10 Single-family detached homes, per staff recommendation, on property located south of the southwest corner of West 71st Street and South Union.

BOA-18163 September 1998: The Board of Adjustment **approved** a *Variance* of the required 30' frontage on a public street to 25', noting that it is an oddly shaped tract with only 25' of frontage, on property located west of the southwest corner of West 73rd Street South and South 26th West Avenue.

BOA-17497 September 1997: The Board of Adjustment **approved** a *Variance* of the public street frontage requirement (tract derives access from an improved private street), finding that the applicant by the letter of the Code meets the 30' access requirement, but from the practical aspect the development code does not meet the 30' access requirement, on property located southeast of the southwest corner of West 73rd and 33rd West Avenue.

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BOA-17048 May 1995: The Board of Adjustment **approved** a *Variance* of the required minimum 30' of frontage on a public street or dedicated ROW for 3 separate abutting parcels, per plan submitted, on property located southeast corner of West 73rd Street South and South 33rd West Avenue.

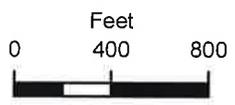
BOA-15898 December 1991: The Board of Adjustment **approved** a *Variance* of the required 30' of frontage on a public street or dedicated right-of-way to 0' to permit access by mutual access agreement, per plot plan submitted, subject to the execution of a mutual access easement, and dedication of necessary easements to serve the lots, on property located at 7500 South Union.

Z-5993/PUD-377 November 1984: All concurred in **approval** of a request to rezone a 2.06± acre tract of land from RS-3 to OL/CS and **approval** of a proposed *Planned Unit Development* for commercial, on property located on the southwest corner of 81st and Union.

PUD-159 June 1974: All concurred in **approval** of a proposed *Planned Unit Development* on a 597.2± acre tract of land for a golf course, commercial, and residential development, with the residential development consisting of Single-family detached, Single-family attached, and apartments, on property located between 61st and 71st Street and Union Avenue.

8/19/2020 1:00 PM

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 Subject Tract

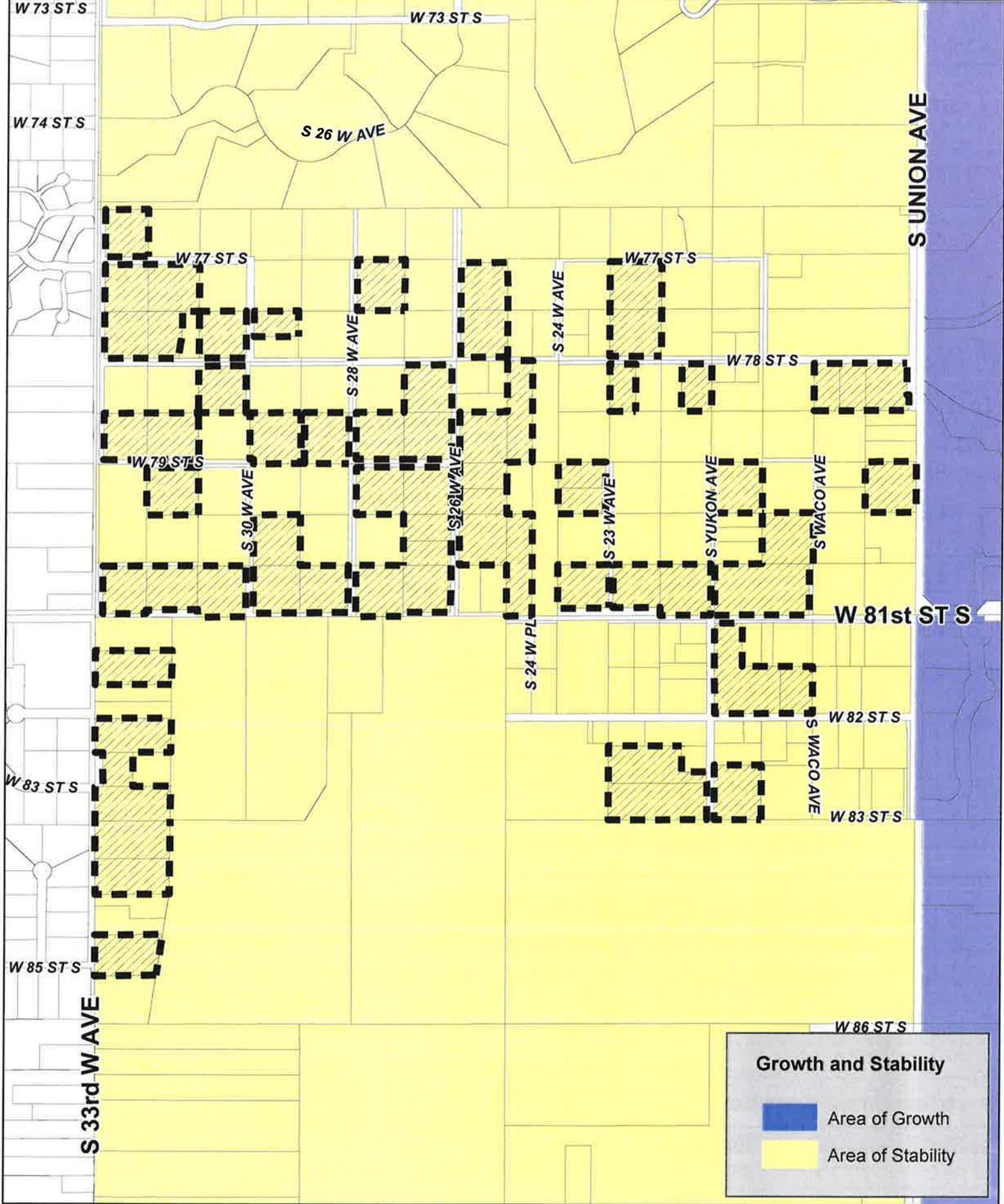
Z-7568

18-12 10 &
18-12 15

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

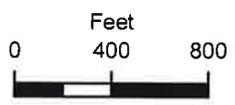
Aerial Photo Date: February 2018





Growth and Stability

- Area of Growth
- Area of Stability



Subject Tracts

Z-7568
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