

**TULSA METROPOLITAN AREA PLANNING COMMISSION
Meeting No. 2892**

**June 21, 2023, 1:00 PM
175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chamber**

Members Present	Members Absent	Staff Present	Others Present
Bayles	Krug	Foster	Jordan, COT
Carr	Shivel	Miller	Silman, COT
Covey	Walker	Sawyer	Skates, COT
Craddock		Siers	Stephens, Jeff, Legal
Hood			VanValkenburgh, Legal
Humphrey			
Whitlock			
Zalk			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday June 15, 2023 at 3:21 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Covey called the meeting to order at 1:00 p.m.

Mr. Zalk read the opening statement and rules of conduct for the TMAPC meeting.

REPORTS:

Chairman's Report:
None

Director's Report:
Ms. Miller reported on the City Council and Board of County Commissioner actions and other special projects. Ms. Miller introduced Caroline Guerra Wolf from the City Legal Department.

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Minutes:

1. Minutes of June 7, 2023 Meeting No. 2891

Approval of the Minutes of Minutes of **June 7, 2023 Meeting No. 2891**

TMAPC Action; 8 members present:

On **MOTION** of **ZALK**, the TMAPC voted 7-0-1 (Carr, Covey, Craddock, Hood, Humphrey, Whitlock, Zalk, “aye”; no “nays”; Bayles, “recused”; Krug, Shivel, Walker, “absent”) to **APPROVE** the minutes of **June 7, 2023, Meeting No. 2891**

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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-467-9/Z-6310-SP-1b Lou Reynolds** (CD 9) Location: East of the northeast corner of South Harvard Avenue and East 51st Street South requesting a **PUD Minor Amendment** to define development area 4 and amend building height, building setbacks and signage standards for this development area

STAFF RECOMMENDATION:

SECTION I: CONCEPT STATEMENT

PUD-467-9 and Z-6310-SP-1b Minor Amendment

Amendment Request: PUD minor amendment to define development area 4 and amend building height, building setbacks and signage standards for this development area.

PUD-467-9 & Z-6310-SP-1b is a minor amendment to revise development areas and establish development standards for this development area. Some of the development standards affected are setbacks, sign standards, and building height. The building height will be increased from 28' to 35' and unoccupied architectural features cannot exceed 50' and would be permitted with approval of a Detail Sign Plan and Corridor Site Plan.

DEVELOPMENT AREA 4

Maximum Building Height: 35 FT*

*Unoccupied architectural features, not to exceed 50 FT in height, are permitted with Detail Sign Plan and Corridor Site Plan approval.

Minimum Building Setbacks:

From the East boundary:	15 FT
From the South boundary:	75 FT
From the North boundary:	20 FT
From the West boundary:	5 FT
From the Internal boundary:	0 FT

Signs:

For each Lot in Development Area 4, the following signage shall be permitted:

Freestanding Signs: 1 free standing sign per lot in Development Area 4

I-44 Frontage –	175 SF display surface area
E. 51 st Street –	80 SF display surface area

Wall Signs

On-premise wall signs shall not exceed an aggregate area of more than two (2) square feet per linear foot of building wall to which they are attached. For purposes hereof, a building shall be deemed to have four (4) walls, facing north, south, east, and west. Measurement of the "building wall" shall mean the cumulative length of each such wall, inclusive of all wall-like architectural features and/or undulations in the respective building wall.

Driveway and Drive-Through Signs shall be permitted in accordance with the provisions of the Tulsa Zoning Code.

Drive-Through Facilities :

A drive-through facility shall be permitted to be located facing S. Pittsburg Ave.

Staff Comment: This request is considered a Minor Amendment as outlined by Section 30.010.1.2.c(1)(9) and by Section 25.040.E.5 of the City of Tulsa Zoning Code.

“Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered.”

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

“The planning commission is authorized to approve minor amendments to an approved development plan as long as

substantial compliance is maintained with the approved development plan.”

Staff has reviewed the request and determined:

- 1) PUD-467-9 is consistent with the provisions for administration and procedures of a PUD in section 30.010-H.
- 2) PUD-467-9 and Z-6310-SP-1b does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-467 and Z-6310-SP-1.
- 3) All remaining development standards defined in PUD-467-9 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to define development area 4 and amend building height, building setbacks and signage standards for this development area.

Legal Description for PUD-467-9/Z-6310-SP-1b:

All of Lot Three (3) and the East 97.46 feet of Lot Two (2), Block One (I), DICKENS COMMONS, , an addition to the City of Tulsa, Tulsa County, State of Oklahoma

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CRADDOCK**, the TMAPC voted 8-0-0 (Bayles, Carr, Covey, Craddock, Hood, Humphrey, Whitlock, Zalk, “aye”; no “nays”; none, “abstaining”; Krug, Shivel, Walker, “absent”) to **APPROVE** Item 2 per staff recommendation.

PUBLIC HEARING – PLATS

3. **Admiral Place Warehouse** (CD 6) Preliminary Plat, Location: East of the southeast corner of East Admiral Place and South 161st East Avenue

STAFF RECOMMENDATION:

Admiral Place Warehouse - (CD 6)

East of the southeast corner of East Admiral Place and South 161st East Avenue

This plat consists of 1 lot, 1 block on 4.99 ± acres.

The Technical Advisory Committee (TAC) met on June 1, 2023 and provided the following conditions:

1. **Zoning:** The property is currently zoned CG with an optional development plan, Z-7664. The proposed lot conforms to the requirements of the development plan. Optional development plan number must be included on the face of the plat and the approved development standards are required to be incorporated into the deed of dedication.
2. **Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat along with the address disclaimer.
3. **Transportation & Traffic:** Sidewalks and appropriate ADA compliant ramps are required along all street frontages adjacent to the property and proposed street. Right-of-way permits will be required for driveways connecting to public streets. IDP approval is required prior to final plat approval. Label and dimension all street right-of-way adjacent to the site with either recording information or "dedicated by plat". Right-of-way dedications are required to comply with major street and highway plan. Provide limits of access/no access along public street frontages.
4. **Sewer/Water:** Label and dimension all required or existing easements. Any required offsite easements are required to be recorded and recording information must be provided on the final plat.
5. **Engineering Graphics:** Submit subdivision control data sheet with final plat. Provide the date of the surveyor's last visit or range if consecutive days. Under the basis of bearing information include the coordinate system used. Provide a bearing angle preferably shown on the face of the plat. Provide a written legal description that incorporates a point of commencement tied to a section corner, half section, or quarter section with a bearing angle and distance to the point of beginning.
6. **Stormwater, Drainage, & Floodplain:** IDP approval for storm sewer improvements is required prior to final plat approval. No floodplain on site.
7. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CRADDOCK**, the TMAPC voted 8-0-0 (Bayles, Carr, Covey, Craddock, Hood, Humphrey, Whitlock, Zalk, “aye”; no “nays”; none, “abstaining”; Krug, Shivel, Walker, “absent”) to **APPROVE** the Preliminary Subdivision Plat for Admiral Place Warehouse per staff recommendation.

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4. Old Dominion Freight Line (CD 3) Preliminary Plat, Location: Northwest corner of East 36th Street North and North David Patrick Avenue

STAFF RECOMMENDATION:

Old Dominion Freight Line - (CD 3)

Northwest corner of East 36th Street North and North David Patrick Avenue

This plat consists of 1 lot, 1 block on 21.16 ± acres.

The Technical Advisory Committee (TAC) met on June 1, 2023 and provided the following conditions:

1. **Zoning:** The property is currently zoned IH. Proposed lot conforms to the requirements of the IH district.
2. **Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat along with the address disclaimer. N. 129th East Avenue needs to be changed to David Patrick Avenue.
3. **Transportation & Traffic:** Sidewalks and appropriate ADA compliant ramps are required along all street frontages adjacent to the property and proposed street. Right-of-way permits will be required for driveways connecting to public streets. IDP approval is required prior to final plat approval. Label and dimension all street right-of-way adjacent to the site with either recording information or “dedicated by plat”. Right-of-way dedications are required to comply with major street and highway plan. Provide limits of access/no access along public street frontages.
4. **Sewer/Water:** IDP approval for sewer and water main extension is required prior to final plat approval. Label and dimension all required or existing easements. Any required offsite easements are required to be recorded and recording information must be provided on the final plat. Provide perimeter utility easement as required by Development Services.
5. **Engineering Graphics:** Submit subdivision control data sheet with final plat. Remove contours from final plat submittal. Add engineer email and CA number with expiration date. Add missing platted properties to the location map and label all other land as unplatted. Under the basis of bearing heading include the vertical datum used.
6. **Stormwater, Drainage, & Floodplain:** IDP approval for storm sewer improvements is required prior to final plat approval. City of Tulsa

Regulatory Floodplain must be plotted by elevation and contained within an overland drainage easement. Development in the floodplain must conform to Title 11-A Stormwater Management and Hazard Mitigation.

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

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HUMPHREY**, the TMAPC voted 8-0-0 (Bayles, Carr, Covey, Craddock, Hood, Humphrey, Whitlock, Zalk, "aye"; no "nays"; none, "abstaining"; Krug, Shivel, Walker, "absent") to **APPROVE** the Preliminary Subdivision Plat for Old Dominion Freight Line per staff recommendation.

Items 5 and 6 were presented together.

PUBLIC HEARING - REZONING

- 5. Z-7719 Tulsa City Council (CD 4) Location: South of East 11th Street and north of East 15th Street between South Lewis Avenue and South Harvard Avenue requesting rezoning from **RS-3 to RS-4 (Related to SA-6)****

STAFF RECOMMENDATION:
SECTION I: Z-7719

DETAILED STAFF RECOMMENDATION:

Z-7719 proposes a rezoning of properties located within the Renaissance Neighborhood from their existing RS-3 zoning designation to an RS-4 designation. As staff began assessing the neighborhood conditions for consideration of the Neighborhood Character Overlay (SA-6), it was determined that most of the lots in the neighborhood were non-conforming to the current RS-3 zoning district as it relates to the requirements of minimum lot width and in some cases lot area.

The RS-3 zoning district was applied to the neighborhood as a zoning of best fit in 1970. At the time, RS-3 was the highest density single-family residential district; however, many neighborhoods that were platted prior to 1970 did not comply with lot and building regulations that were stipulated in RS-3. In 2016 the City of Tulsa updated their zoning ordinance to include higher density single-family residential districts including RS-4 and RS-5.

A change from RS-3 to RS-4 would reduce the minimum lot width required for single-family residential lots from 60 feet down to 50 feet which is the predominant lot width within the Renaissance Neighborhood. There are no changes to use allowances between RS-3 and RS-4 with the intent of each district being single-family residential development.

Z-7719 is related to SA-6 which seeks to adopt a Neighborhood Character Overlay for the Renaissance Neighborhood and apply additional regulations to the development of new single-family homes, duplexes, and accessory buildings located within the proposed boundary.

Staff recommends approval of Z-7719.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The proposed boundary for Z-7719 primarily includes lots included within the *Existing Neighborhood* designation. There are a few lots on the edge of the neighborhood that are zoned for single-family residential but are included within the *Mixed-Use Corridor* designation as anticipated areas of growth. A single property owned by the City of Tulsa and operated as Gary Park is included within the *Park and Open Space* land use designation. The change from RS-3 to RS-4 for included properties would be consistent with the land use designations and the existing zoning on the properties.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood, Mixed-Use Corridor, Park and Open Space

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.

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. 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. Mixed-Use Corridors 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.

The *Parks and Open Space* building block designates Tulsa's park and open space assets. These are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone; they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools and hospitals, if possible.

Areas of Stability and Growth designation: Area of Stability, Area of Growth

Areas of Stability include 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. 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.

The purpose of *Areas of Growth* is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

Transportation Vision:

Major Street and Highway Plan: The neighborhood under application is served with standard residential streets with 50 feet of right-of-way dedicated under the original subdivision plats for the neighborhood. The area is bound by East 11th Street to the north, South Lewis Avenue to the west, South Harvard Avenue to the east, and East 15th Street to the South which serve as the arterial streets providing service to the neighborhood.

Trail System Master Plan Considerations: South Delaware Avenue and East 13th Street South are both proposed to include bike lanes per the adopted GO Plan.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The properties under application are part of the existing Renaissance Neighborhood. The neighborhood is served with a well-connected public street system consisting of 50 foot wide right-of-way which is typical for residential streets in the City of Tulsa.

Environmental Considerations: Neighbors have stated concerns with historic flooding in the neighborhood. Any lots seeking new development permits will be required to comply with the stormwater criteria of the City of Tulsa to ensure stormwater runoff is managed appropriately and does not negatively impact existing homes in the neighborhood.

Streets:

The neighborhood under application is served with standard residential streets with 50 feet of right-of-way dedicated under the original subdivision plats for the neighborhood. The area is bound by East 11th Street to the north, South Lewis Avenue to the west, South Harvard Avenue to the east, and East 15th Street to the South which serve as the arterial streets providing service to the neighborhood.

Utilities:

The subject tract is an existing residential neighborhood that is fully developed and served with public water and sewer.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11815 dated June 26, 1970, established RS-3 zoning for the subject properties under this application.

TMAPC Comments:

Mr. Craddock asked if there were any additional parking requirements for the accessory dwelling units.

Staff stated the parking requirement would be dictated by the principal use and that is normally about 2 spaces.

Ms. Bayles asked if the presentation on May 30, 2023, was the regularly scheduled meeting of the Neighborhood Association or was it a special meeting.

Staff stated it was a special meeting hosted by the Planning Office and was just for informational purposes.

Mr. Humphrey asked if the overlay would impede the process if someone wanted to renovate the apartment complex in the neighborhood.

Staff stated the overlay standards only apply to new homes, single family homes, duplexes and accessory buildings. He stated if the property has RM-2 zoning and the intention is to do multifamily, the overlay standards are not applicable. The reason staff included those properties in the overlay boundary is that a detached house is still in allowed use within RM-2 so if someone were to build a home or a duplex, they would be subject to those requirements, but there would be no immediate impact on the existing apartments.

Mr. Zalk asked if that same logic would apply if the property was built to an RS-3 standard and the 2nd floor goes above 30 feet, and someone wants to add another portion.

Staff stated that would be non-conforming with the overlay standards but there would be no immediate action. But if the property owners renovated, they would not be allowed to extend the height.

Ms. Carr stated they already had a second floor and probably would not want to take it higher because it was already 35 feet. She stated it would just be a renovation.

Staff stated just a renovation would not trigger any additional requirements. If someone had a house built to 30 feet and they wanted to go to 32 feet after the overlay was adopted that would not be allowed because the restriction would put them below 30 feet.

Interested Parties:

Joseph Rohr 1228 S. Florence Avenue, Tulsa, OK 74104

Mr. Rohr thanked staff for all the work they have done, and he agrees with about 95% of everything that is in the staff report. He stated he is concerned about the off-street parking for the garage apartments because in this area parking is only allowed on one side of the street so where will the cars park. Mr. Rohr stated when he takes his trash cans out to the curb and cars are parked there in front of his house where does he put his trash can. He stated that currently there is a parking issue when there are TU events such as football, basketball, and graduation. Mr. Rohr stated but all those things he knew were there when he moved in.

Virginia Rohr 1228 S. Florence Avenue, Tulsa, OK 74104

Ms. Rohr thanked staff for attending the neighborhood meeting. She stated her impression of the neighborhood meeting was that residents were in support of not allowing big mansions in the neighborhood. Ms. Rohr stated that she attended the meeting and did not see any support for garage apartments behind the houses. She stated she was also concerned about parking for the garage apartments for the same reasons as the previous speaker. Ms. Rohr stated there are so many rental properties in their section of the neighborhood that she would like there to be a requirement that if anyone builds for rental income, they need to provide parking on their own lot.

Weydan Flax 1234 S Birmingham, Tulsa, OK 74104

Mr. Flax stated he supports this item and recommends full approval without modifications.

TMAPC Comments:

Mr. Covey asked if staff would like to address any concerns.

Staff stated they felt like the residents supported the accessory dwellings but there were concerns about parking. He stated at this time they are not making considerations to change the overlay standards since those have already been adopted into the zoning code. In an effort additional parking requirements could be added to the ADU's through a text amendment in the future if it were initiated by the City Council and taken through the process.

Mr. Covey asked if TMAPC could initiate if needed.

Staff stated "yes".

Ms. Carr asked if there were garage apartments in the neighborhood currently.

Staff stated "yes", but that they were not a predominate feature in the neighborhood.

Mr. Hood asked if there has been an influx of homeowners wanting to move into the neighborhood.

Staff stated there have been 4 approvals for new accessory buildings and detached dwellings. He stated he did not do an inventory of detached buildings in the neighborhood, but it is a feature that exists.

Mr. Whitlock stated there was any email included in the agenda packet on page 6.22 and 6.23 from Mr. Ferguson who is an architect in the neighborhood who stated there are 29 two story garages in the area.

Ms. Bayles asked if there were any Renaissance Board Members present at the meeting today. She stated a year ago when the Neighborhood Infill Overlay was first considered there was a webpage on the Neighborhood Association website devoted to keeping neighbors informed about what was going on. But that page is no longer available. Ms. Bayles stated she was surprised that there was not a letter of support from the Board Members.

Staff stated there were at least 2 members of the Board at the neighborhood meeting that the Planning Office hosted.

TMAPC Action; 8 members present:

On **MOTION** of **BAYLES**, the TMAPC voted 8-0-0 (Bayles, Carr, Covey, Craddock, Hood, Humphrey, Whitlock, Zalk, “aye”; no “nays”; none, “abstaining”; Krug, Shivel, Walker, “absent”) to recommend **APPROVAL** of the RS-4 zoning for Z-7719 per staff recommendation.

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- 6. SA-6, Neighborhood Character Overlay, Tulsa City Council (CD 4)**
Location: South of East 11th Street and north of East 15th Street between South Lewis Avenue and South Harvard Avenue (**Related to Z-7719**)

STAFF RECOMMENDATION:

Item

Public hearing to provide a recommendation to the City Council regarding amending the zoning map to supplementally rezone various properties to Neighborhood Character Overlay (NCO), a Special Overlay Area.

SECTION I:

NCO Purpose and Intent

The Neighborhood Character Overlay (NCO) district establishes zoning regulations that are intended to promote compatibility of infill housing in established neighborhoods.

Applicability

The regulations of the Neighborhood Character Overlay (NCO) district apply to newly permitted detached houses, duplexes, and accessory buildings and any building alterations and site modifications for detached houses, duplexes, or accessory buildings that require a building permit within the adopted boundaries of the district.

Background

In 2019, the Board of the Renaissance Neighborhood Association worked with then-City Councilor Kara Joy McKee to request the initiation of a zoning overlay for the neighborhood to preserve the existing built character of the neighborhood. In conversations that have followed, Renaissance neighbors expressed concern about existing homes being razed and replaced with overly large, wide, suburban-style homes with prominent driveways and garages, as has already happened in several other neighborhoods.

The text of the overlay was adopted, and now it is time to apply those regulations to the properties in the neighborhood. The Neighborhood Character Overlay helps preserve the way the neighborhood looks by:

- **Limiting the height of new detached houses and duplexes to 30 feet, down from the citywide limit of 35 feet.** Early discussions had lower limits, but many of the existing homes in the area would not have even met those height limits.
- **Limiting the width of new buildings to 40 feet.** This discourages the practice of combining multiple lots to build new homes that do not fit the existing development and are out of scale with the rest of the neighborhood.
- **Limiting driveway widths to 18 feet within the street right-of-way and within the street setback.** The maximum width is applied to cumulatively to all driveway entrances and exits. For example, each portion of a circle drive that meets the street may only be 9 feet wide, for a total of 18 feet.
- **Requiring garage doors to be set back further from the street.** Street-facing garage doors must be set back at least 36 feet from the right-of-way and may not be located closer to the street than the front façade of the main residential building. On corner lots, the side street setback along a non-arterial street may be reduced to 20 feet.

- **Regulating the size of Accessory Buildings and permitted Accessory Dwelling Units (ADUs) by right**
 - Accessory buildings are limited to 25 feet in height and a maximum of two stories.
 - Accessory Dwelling Units (aka granny flats, backyard cottages, garage apartments) are allowed by right, as was common when Renaissance was first established.
 - The total floor area of all accessory buildings may not exceed 750 square feet or 40% of the floor area of the main residential structure, whichever is greater.
 - The maximum allowable coverage of the rear setback by accessory buildings is 50%

Timeline and Public Engagement

Summer 2019 – Renaissance Neighborhood Association approached the Tulsa Planning Office and the City Council to discuss possibilities for a future overlay.

October 2019 – City Council initiates a process for the Tulsa Planning Office to develop concepts that could be considered within a neighborhood overlay.

Spring 2020 – COVID 19 Pandemic delays efforts

Spring 2022 – Concepts presented to City Council with discussion about next steps

June 2022 – City Council initiates the process to develop and adopt a Neighborhood Character Overlay for the Renaissance Neighborhood Association with related rezoning items

July 2022 – Notices sent to 900+ property owners within the proposed overlay boundary to describe proposal and advertise public meetings to be held in August 2022.

August 2022 – Overlay draft (ZCA-18) was presented to the Renaissance Neighborhood for discussions on two separate occasions: August 15 – In-Person meeting at Campbell Hotel; and August 19 – Virtual meeting on Zoom

October 5, 2022 – TMAPC recommends approval of the overlay text amendment (ZCA-18)

November 2, 2022 – City Council approves overlay text amendment (ZCA-18) to incorporate the Neighborhood Character Overlay into the Tulsa Zoning Code.

January 3, 2023 – Neighborhood Character Overlay becomes effective in the Tulsa Zoning Code

May 18, 2023 – 1200+ notices were sent to property owners within the proposed boundary and within 300 feet of the proposed boundary to describe proposal and advertise public meeting held on May 30, 2023 and public hearing date of June 21, 2023.

May 30, 2023 – Public meeting held at the Campbell Hotel to present the overlay proposal and respond to neighborhood questions and feedback.

SECTION II:

Staff Analysis

The proposed overlay boundary is consistent with the purpose and intent of the adopted Neighborhood Character Overlay. The associated rezoning request (Z-7719) will align the underlying zoning with the existing lot pattern and remove existing non-conformities.

Staff Recommends Approval of:

Proposed Neighborhood Character Overlay (NCO) map amendment as shown in Attachment I;

TMAPC Action; 8 members present:

On **MOTION** of **BAYLES**, the TMAPC voted 8-0-0 (Bayles, Carr, Covey, Craddock, Hood, Humphrey, Whitlock, Zalk, “aye”; no “nays”; none, “abstaining”; Krug, Shivel, Walker, “absent”) to recommend **APPROVAL** of the Neighborhood Character Overlay (NCO) map amendment per staff recommendation.

Ms. Carr left at 1:40pm.

- Z-7723 Tulsa City Council c/o Nordic LLC** (CD 9) Location: South of the southeast corner of East 41st Street South and South Peoria Avenue requesting rezoning from **RS-3 to MX-3-U-U**

STAFF RECOMMENDATION:

SECTION I: Z-7723

DEVELOPMENT CONCEPT: This request for rezoning is responsive to a City Council initiative to encourage mixed-use development along the proposed bus rapid transit system route. The current zoning on the site is RS-3; however, the site is surrounded by mixed-use and commercial zoning and has historically been used as a parking area to serve commercial development.

DETAILED STAFF RECOMMENDATION:

Case Z-7723 request to change the zoning from RS-3 to MX3-U-U is consistent with the expected development pattern in the area and,

MX3-U-U is not injurious to the surrounding property owners and,

The MX3 requested is considered more of a Regional Mixed-Use district intended to accommodate larger scale development and supports the anticipated uses in this area location along South Peoria. The rezoning request is consistent with the Bus Rapid Transit System study and its land use recommendations and,

MX3-U-U is consistent with the Brookside Infill Plan and,

MX3-U-U is consistent with the Mixed-Use Corridor land use vision in the Tulsa Comprehensive Plan therefore

Staff recommends Approval of Z-7723 to rezone property from RS-3 to MX3-U-U.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: MX3-U-U is consistent with the land use vision in the Tulsa Comprehensive Plan and is also consistent with the goals, objectives, and strategies of the Brookside Infill Plan.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high-capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly

visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods.

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan:

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 to address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Trail System Master Plan Considerations: None that affect site development however the River Parks trail system is less than ½ mile from this site.

Pedestrian and bicycle connectivity should be an important concept with any new redevelopment opportunity.

Small Area Plan: Brookside Infill Design Recommendations (Completed 2002)

Concept statement: “As Tulsa continues to mature as a city, infill development will become more important as land on the perimeter is no longer available for development. Infill will no longer be the exception; it will be the rule in terms of predominant types of development. Support and encouragement of infill development are strongly recommended and should be implemented through City regulations, policies, and philosophies in order to ensure quality and consistency in future development”.

Peoria from 38th Street South to 51st Street South (Skelly Drive) Goals:

- A. It is intended that the physical environment and services in the business areas are maintained and enhanced to benefit existing business, as well as to promote and encourage revitalization, redevelopment and reuse of undervalued, vacant lots and obsolete buildings.
- B. Improvements in the area will be made to help provide a continuity of image and to foster an improved emphasis on pedestrians. This is to be accomplished in part by providing sidewalk design and replacement crosswalks at selected locations, streetscape elements and other features will link this area and connect with the other portions of Brookside
- C. The historical context of business development patterns in this area is encouraged to continue, but with the additional emphasis of accommodating pedestrians and linking with the overall Brookside marketplace.
- D. Business in this area along Peoria Avenue and those streets intersecting with Peoria Avenue may develop with buildings constructed nearer to the abutting street property line. Developments with storefront parking should provide no more than one or two rows of double-loaded parking in the front of buildings. Zero-setback from the front property lines is encouraged.
- E. Sufficient parking for all business land uses is intended to be provided for all new development and redevelopment.

Special District Consideration: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently zoned RS-3; however, it has not been utilized as a residential property. A surface parking lot currently exists on the lot and does not conform to the RS-3 district. The site is

adjacent to commercial and mixed-use zoning on 3 sides with RS-3 zoning to the south across East 42nd Street.

Environmental Considerations: None that would affect site redevelopment.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 42 nd Street South	None	50'	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	MX3-U-U	Mixed-Use Corridor	Growth	Apartments
East	MX3-U-U	Mixed-Use Corridor	Growth	Vacant
South	RS-3	Mixed-Use Corridor/Existing Neighborhood	Growth	Vacant/Residential
West	CH	Mixed-Use Corridor	Growth	Commercial

SECTION III: Relevant Zoning History

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

Surrounding Property:

Z-7422: All concurred in approval of a request for rezoning a 2.72 ± acre tract of land from RM-1, RM-2, CH, PUD-744, PUD-744-A, and RS-3 to MX3-U-U on property located east and north of the subject tract.

PUD-744-B: All concurred in approval to abandon PUD-744 and PUD-744-A on a 1.98 ± acre tract of land for on property located east of the subject tract.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CRADDOCK**, the TMAPC voted 7-0-0 (Bayles, Covey, Craddock, Hood, Humphrey, Whitlock, Zalk, “aye”; no “nays”; none, “abstaining”; Carr, Krug, Shivel, Walker, “absent”) to recommend **APPROVAL** of the MX3-U-U zoning for Z-7723 per staff recommendation.

Legal Description for Z-7723:

A tract of land in Section thirty (30), Township nineteen (19) North, Range thirteen (13) East of the Indian base and meridian Tulsa County State of Oklahoma according to the u s Goveroroeot survey described:

Beginning at a point 463.7 feet South and 35.0 feet East of the Northwest comer of Sectfon 30; thence east and parallel to the north line of said Section 30, a distance of 255.4 feet to a point: thence South and parallel to the West line of said Section 30. a distance of 131 feet to a point: thence West and parrall to the North line of said Section 30, a distance of 255.4 feet to a point: thence North and parrallel to the West line of said Section 30, a distance of 131 feet to the point of beginning, City of Tulsa, Tulsa County, State of Oklahoma.

Ms. Carr returned at 1:43pm.

Items 8 and 9 were presented together.

- 8. **Z-7724 Mark Capron** (CD 3) Location: North of East 36th Street North and east of Mohawk Park Road requesting rezoning from **RS-3 to CG (Related to CPA-103)**

STAFF RECOMMENDATION:
SECTION I: Z-7724

DEVELOPMENT CONCEPT: The applicant is proposing a rezoning of the subject tract from RS-3 to CG to permit the construction of a public animal shelter. An associated comprehensive plan amendment has been submitted to update the land use designation for the site from the existing Park and Open Space designation to Mixed-Use Corridor (Multiple Use).

DETAILED STAFF RECOMMENDATION:

The subject tract is zoned RS-3; however, it has not been used for residential purposes. It is adjacent to the Tulsa Zoo and the Mohawk Golf Course, both of which were allowed through special exception approvals in the RS-3 district. The proposed use of the site is a public animal shelter which is not permitted within residential zoning districts.

Properties on the east and west of the subject tract are zoned CS (Commercial – Shopping) with existing commercial uses. Across 36th Street North to the south are multiple properties zoned for industrial uses and located within *Employment* land use designations.

Staff is supportive of the rezoning of the subject tract, as well as the associated comprehensive plan amendment to update the land use designation for this property from *Park and Open Space* to *Mixed-Use Corridor (Multiple Use)*. The proposed zoning and land use designations more closely align with the anticipated use, future development, and existing uses located within the 36th Street North corridor.

Staff recommends approval of Z-7724.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The property is currently designated as Park and Open Space by the Tulsa Comprehensive Plan. The applicant has submitted an associated request to change the land use designation to Mixed-Use Corridor (Multiple Use). The Park and Open Space designation is an extension of the designation utilized for the Tulsa Zoo and the Mohawk Golf Course but is inconsistent with the anticipated use of the subject property.

Land Use Vision:

Land Use Plan map designation: Park and Open Space

The Parks and Open Space building block designates Tulsa's park and open space assets. These are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone; they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools and hospitals, if possible.

Areas of Stability and Growth designation: Area of Stability

Areas of Stability include 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. 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: The Major Street and Highway Plan designates East 36th Street North as a primary arterial adjacent to the subject site. An ultimate right-of-way dedication of 120 feet is anticipated for the corridor and will require right-of-way dedication as part of any development of the site.

Trail System Master Plan Considerations: The GO Plan recommends the implementation of a shared use path along the South Kansas and Oklahoma Railroad corridor adjacent to the subject site on the north. Considerations should be made during a review of any subdivision plat or subdivision conformance application to ensure appropriate easements are in place for the planned shared use path.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The subject tract is adjacent to commercial development on the east and west side with industrial uses located to the south. To the north of the subject tract is the Tulsa Zoo, primarily the zoo's maintenance facility.

Environmental Considerations: None that would effect site development.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 36 th Street North	Primary Arterial	120'	2

Utilities:

The subject tract has municipal water available. Public sanitary sewer systems are in the area and serve the Tulsa Zoo; however, extensions of those services will be required to serve the subject tract.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Park and Open Space	Stability	Tulsa Zoo
East	CS	Existing Neighborhood	Stability	Commercial Retail
South	IL/RS-3	Employment/Existing Neighborhood	Stability	Industrial/Single-Family Residential
West	CS	Existing Neighborhood	Stability	Cell Tower

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11603 dated June 26, 1970, established zoning for the subject property.

Surrounding Property:

Z-7396: All concurred in approval of a request for rezoning a 14.19 ± acre tract of land from RMH to IL with an optional development plan on property located south of the subject tract.

CPA-64: All concurred in approval of a comprehensive plan amendment to the land use plan map from Existing Neighborhood to Employment on a 14.19 ± acre tract located south of the subject tract.

Interested Parties Comments:

Teresa Burkett 1224 East 30th Place, Tulsa, OK 74114

Ms. Burkett stated she was here as an Animal Welfare Commissioner for the City of Tulsa. She stated they fully support this application. Ms. Burkett stated the staff was gone door to door to talk with neighbors and heard no objections. She stated this is a great way for the City of Tulsa to continue taking care of these animals.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CRADDOCK**, the TMAPC voted 8-0-0 (Bayles, Carr, Covey, Craddock, Hood, Humphrey, Whitlock, Zalk, “aye”; no “nays”; none, “abstaining”; Krug, Shivel, Walker, “absent”) to recommend **APPROVAL** of the CG zoning for Z-7724 per staff recommendation.

Legal Description for Z-7724:

BEGINNING AT A POINT ON THE SOUTH LINE 1910.0 FEET WEST OF THE SOUTHEAST (SE/C) CORNER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 13 EAST OF TULSA COUNTY;

THENCE NORTH 239.58 FEET TO A POINT IN THE SOUTH RIGHT-OF-WAY LINE OF THE ATCHISON, TOPEKA & SANTA FE RAILROAD;

THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 597.48 FEET TO A POINT IN THE WEST LINE OF THE SOUTHEAST (SE/4) QUARTER OF THE SOUTHEAST (SE/4) QUARTER OF SAID SECTION 15;

THENCE SOUTH ALONG SAID LINE A DISTANCE OF 326.69 FEET TO A POINT IN THE SOUTH LINE OF SAID SECTION 15;

THENCE WEST A DISTANCE OF 590.82 FEET TO THE POINT OF BEGINNING, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

PUBLIC HEARING-COMPREHENSIVE PLAN AMENDMENTS

- 9. CPA-103 Mark Capron (CD 3) Location: North of East 36th Street North and east of Mohawk Park Road requesting to amend the Land Use Map designation from **Parks and Open Space** to **Mixed Use Corridor (Multiple Use)** (Related to Z-7724)**

STAFF RECOMMENDATION:

**TMAPC Staff Report
CPA-103
Comprehensive Plan Amendment**

Property Information and Land Use Request

The applicant has submitted this proposed Comprehensive Plan amendment (CPA-103) with a concurrent rezoning request (Z-7724) to request a change in the Land Use designation of the subject property from *Park and Open Space* to *Mixed-Use Corridor (Multiple Use)*. The concurrent zoning request proposes a change from RS-3 to CG for redevelopment of the subject tract as a public animal shelter.

Background

The Land Use and Area of Stability or Growth designations for the subject property have been in place since the adoption of the 2010 Tulsa Comprehensive Plan. At this time, the subject property was assigned a Land Use designation of *Park and Open Space* and an Area of Stability/Growth designation of *Area of Growth*.

The proposed land use designation for this site is *Mixed-Use Corridor* or *Multiple Use* as it will be known under the 2023 update to the Tulsa Comprehensive Plan.

The subject property is located on East 36th Street North adjacent to the Tulsa Zoo. It currently shares the same land use designation as the Tulsa Zoo and the Mohawk Golf Course. Both the zoo and the golf course were approved through special exception approvals in the RS-3 district. Animal shelters are not permitted within residential districts. To accommodate the animal shelter use, a commercial zoning district is required which does not align with the park and open space designation of the comprehensive plan.

Across the street from the subject tract are two industrial developments located within the *Employment* land use designation. There is also one detached single-family home and a mobile home park. On the east and west of the subject tract, there are two commercially zoned lots located within the *Existing Neighborhood* land use designation with an established commercial use on the lot to the east. Future amendments to align the existing commercial properties with the land use plan should be considered and would be consistent with the mixed-use corridor (multiple use) land use designation requested for this site.

Existing Land Use and Growth Designations

A *Park and Open Space* land use designation was assigned at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

“The Parks and Open Space building block designates Tulsa’s park and open space assets. These are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone; they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools and hospitals, if possible.”

Proposed Land Use and Growth Designations (Tulsa Comprehensive Plan)

The applicant is proposing the *Mixed-Use Corridor (Multiple Use)* land use designation for the subject property:

“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 single family neighborhoods”

Zoning and Surrounding Uses

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Park and Open Space	Area of Growth	Tulsa Zoo
South	IL/RS-3	Employment/Existing Neighborhood	Area of Growth	Industrial/Single-Family Residential
East	CS	Existing Neighborhood	Area of Growth	Commercial Retail
West	CS	Existing Neighborhood	Area of Growth	Cell Tower

Applicant's Justification

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

1. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area;
2. How changes have impacted the subject site to warrant the proposed amendment; and;
3. How the proposed change will enhance the surrounding area and the City of Tulsa.

"In addition to the existing circumstances the conditions of the site and surrounding area have also changed. The subject tract is now designated as Park and Open Space, presumably in connection to the Mohawk Park/Tulsa Zoo. However, there is a railroad track between the subject tract and the zoo. Although the zoo is to the north, it is the zoo's maintenance facilities that are located in that location. This is not really the park and open space portion of the zoo and more like an office/commercial use part of the park.

Both the properties to the east and west are zoned as Commercial Shopping (CS) and the property to the east is currently a commercial site. The property to the south was recently rezoned from residential to Industrial Light (IL) with an ODP and now has an industrial use in place.

With the existing conditions and more recent changes to the comprehensive plan and zoning map in the surrounding area, the proposed comprehensive plan and zoning amendment will provide a more consistent and logical use pattern for the area. The amendment will allow the City of Tulsa the opportunity to provide services for the citizens of Tulsa in an appropriate location."

Staff Summary & Recommendation

The property under application is located within a unique area with various land use designations. The *Park and Open Space* designation is inconsistent with the anticipated use of the subject tract and was applied as an extension of the Tulsa Zoo and Mohawk Golf Course sites. The *Existing Neighborhood* designation for properties east and west of the subject tract is inconsistent with the current zoning and use of those tracts.

Mixed-Use Corridor (Multiple Use) more closely aligns with the anticipated development along the 36th Street North corridor.

Staff recommends **approval** of the *Mixed-Use Corridor (Multiple Use)* designation.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CRADDOCK**, the TMAPC voted 8-0-0 (Bayles, Carr, Covey, Craddock, Hood, Humphrey, Whitlock, Zalk, "aye"; no "nays"; none, "abstaining"; Krug, Shivel, Walker, "absent") to **ADOPT** CPA-103 as an amendment to the Tulsa Comprehensive Plan per staff recommendation.

Legal Description for CPA-103:

BEGINNING AT A POINT ON THE SOUTH LINE 1910.0 FEET WEST OF THE SOUTHEAST (SE/C) CORNER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 13 EAST OF TULSA COUNTY;

THENCE NORTH 239.58 FEET TO A POINT IN THE SOUTH RIGHT-OF-WAY LINE OF THE ATCHISON, TOPEKA & SANTA FE RAILROAD;

THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 597.48 FEET TO A POINT IN THE WEST LINE OF THE SOUTHEAST (SE/4) QUARTER OF THE SOUTHEAST (SE/4) QUARTER OF SAID SECTION 15;

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THENCE WEST A DISTANCE OF 590.82 FEET TO THE POINT OF BEGINNING, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

10. Consider possible TMAPC initiation of zoning code amendments relating to principal use day cares

STAFF RECOMMENDATION:

TMAPC

From: Austin Chapman, AICP, Planner, Tulsa Planning Office

Date: June 21, 2023

Re: Possible TMAPC initiation of zoning code amendments relating to principal use day cares

Recently, the need to look more closely at regulations regarding Day Care uses has come to the attention of the Tulsa Planning Office and several City Councilors. The City of Tulsa Zoning Code currently has two classifications for day care uses:

1. Family Child Care Homes
 - a. Accessory to an allowed household living use
 - b. Limited to no more than 7 children
 - c. Requires operator to reside in the home
 - d. Must be properly licensed by the State of Oklahoma
 - e. Must be spaced-300 feet from other Family Child Care Homes.
2. (Principal use) Day Cares
 - a. Principal use care of children or adults that requires a special exception in residentially zoned districts
 - b. Not required to be used for household living (operator is not required to reside in the home)
 - c. No limit on number of children or adult clients

Principal use day cares require special exception approval by the Board of Adjustment if located in a residential zoned district and must also meet a minimum lot size that is greater than that required for residences in the district. For example, to construct a single-family home in the RS-3 district, the minimum lot area required is 6,900 square feet and the minimum lot width required is 60 feet. If a special exception is approved for a principal use day care, the minimum lot area is increased to 12,000 square feet and the minimum lot width is increased to 100 feet. (The greater lot size is also required for all other uses permitted by special exception in a residential zoned district.)

To address this issue the City Council initiated amendments to the City of Tulsa zoning Code on November 30, 2022. Tulsa Planning Office presented these proposed changes to TMAPC at a work session on March 22, 2023, and at a public hearing on May 17, 2023. TMAPC recommended approval of the changes, which included: reducing lot and area requirements for day cares in residential zoning districts; allowing the addition of day cares as an allowed use to be processed as a minor amendment to development plans; increasing the allowed number of children in Family Child Care homes; and allowing non-resident employees in Family Child Care Homes.

Based on public comments at the May 17, 2023, public hearing, Commissioner Hood requested Tulsa Planning Office staff place the initiation of further amendments to the Zoning Code on a future TMAPC agenda. The amendments are to consider removing residency requirement for Family Child Care Homes and removing the 300-foot spacing requirements for Family Child Care Homes from other Family Child Care Homes.

If the TMAPC chooses to initiate the change, Tulsa Planning Office will draft amendments to the City of Tulsa Zoning Code to remove the residency requirement

for Family Child Care Homes and remove the 300-foot spacing requirements for Family Child Care Homes from other Family Child Care Homes.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Bayles, Carr, Covey, Craddock, Hood, Humphrey, Whitlock, Zalk, “aye”; no “nays”; none, “abstaining”; Krug, Shivel, Walker, “absent”) to initiate zoning code amendments related to principal use day cares

11. Commissioners' Comments

None

DRAFT

ADJOURN

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Bayles, Carr, Covey, Craddock, Hood, Humphrey, Whitlock, Zalk, “aye”; no “nays”; none, “abstaining”; Krug, Shivel, Walker, “absent”) to **ADJOURN** TMAPC meeting of June 21, 2023, Meeting No. 2892.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 1:43 p.m.

Date Approved:

Chair

ATTEST: _____

Secretary