

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Meeting No. 2900**

**October 18, 2023, 1:00 PM**  
**175 East 2nd Street, 2nd Level, One Technology Center**  
**Tulsa City Council Chamber**

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Carr	Bayles	Cantu	Skates, COT
Covey		Chapman	Stephens, Jeff, Legal
Craddock		Foster	
Hood		Hoyt	
Humphrey		Miller	
Krug		Pate	
Shivel		Sawyer	
Walker		Siers	
Whitlock		Tauber	
Zalk			

The notice and agenda of said meeting were posted in the Office of the City Clerk, as well as in the Office of the County Clerk on October 17, 2023, at 9:08 a.m.

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

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

**REPORTS:**

**Chairman's Report:**

**None**

**Director's Report:**

Ms. Miller reported on City Council and Board of County Commissioner actions and other special projects. She stated that staff attended a meeting in the Dawson neighborhood to talk with residents about the map amendment to apply the Neighborhood Infill Overlay for Dawson that was adopted earlier this year. Ms. Miller stated that this is in Councilor Patrick's district, who was also present at the meeting, this is also her neighborhood. She stated there were about 30 or 40 people in

attendance. Ms. Miller stated staff will be presenting the Neighborhood Conditions Index (NCI) to the City Council next week.

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**Minutes:**

1. Minutes of October 4, 2023 Meeting No. 2899

Approval of the Minutes of **October 4, 2023 Meeting No. 2899**

**TMAPC Action; 9 members present:**

On **MOTION** of **SHIVEL**, the TMAPC voted 9-0-0 (Covey, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, Carr, “absent”) to **APPROVE** the minutes of **October 4, 2023 Meeting No. 2899**

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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-260-B-10 Paloma Jonsson** (CD 9) Location: Northeast corner of South Yale Avenue and East 71<sup>st</sup> Street South requesting a **Minor Amendment** to increase display area for wall signs

### **STAFF RECOMMENDATION:**

**SECTION I:** PUD-260-B-10 Minor Amendment

**Amendment Request:** Modify the PUD Development Standards to increase the display area for wall signs from 1½ sf to 2 sf per linear foot of wall.

The original PUD development standards allowed for 1 sf of display surface area per linear foot of wall. With PUD-260-B-3 this was increased to 1½ sf. The applicant has requested to increase the allowed square footage to 2 sf to permit a new sign.

**Staff Comment:** *This request is considered a Minor Amendment as outlined by Section 30.010.1.2.c(12) of the City of Tulsa Zoning Code.*

*"Modifications to approved signage, provided the size, location, number and character (type) of signs is not substantially altered."*

Staff has reviewed the request and determined:

- 1) PUD-260-B-10 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-260-B
- 2) All remaining development standards defined in PUD-260-B-10 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to increase display area for wall signs from 1½ sf to 2 sf per linear foot of wall.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**Legal for PUD-260-B-10:**

Lot 3 Block 1, Hyde Park, City of Tulsa, Tulsa County, State of Oklahoma

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Covey, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, Carr, “absent”) to **APPROVE** Item 2 to per staff recommendation.

DRAFT

Ms. Carr arrived at 1:04PM.

## PUBLIC HEARING - PLATS

3. **Harmon Self Storage** (County) Minor Subdivision Plat, Location: South of the Southwest Corner of East 106<sup>th</sup> Street North and North Garnett Road

### **STAFF RECOMMENDATION:**

#### **Harmon Self Storage** - (County)

South of the Southwest Corner of East 106<sup>th</sup> Street North and North Garnett Road

This plat consists of 1 lot, 1 block on 4.35 ± acres.

The Technical Advisory Committee (TAC) met on October 5, 2023 and provided the following comments:

1. **Zoning:** Proposed lot conforms to the requirements of the CG district. Planning Services will provide comments prior to final plat release.
2. **Addressing:** Approved as submitted.
3. **Transportation & Traffic:** Approved as submitted.
4. **Sewer/Water:** On-site sewage disposal. Water service to be provided by the City of Owasso. Any improvements to existing water lines must be approved through the City of Owasso.
5. **Stormwater, Drainage, & Floodplain:** Approved as submitted.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All release letters have been received. Oil & Gas certificate was submitted. City of Owasso to review for Storm Sewer Connection.

### **Modifications of the Subdivision & Development Regulations:**

#### *Section 5-060.6 Right-of-Way Widths – Unincorporated Tulsa County*

Right-of-Way is required to be dedicated as required by the Major Street and Highway Plan. North Garnett Road is designated as a Secondary Arterial by the Major Street and Highway Plan which requires a 100 ft wide Right-of-Way. This would require a 50 ft Right-of-Way dedication along the length of the property. A 50 ft Right-of-Way has been previously dedicated for this property with a portion to the Northwest of the property only dedicating 45 ft of Right-of-Way due to existing easements and utility structures.

County Engineering has indicated that they will not require the full Right-of-Way dedication and approve the Rights-of-Way as shown on the minor subdivision plat for Harmon Self Storage.

Staff recommends **APPROVAL** of the minor subdivision plat and modification of the Subdivision & Development Regulations for Right-of-Way widths subject to the conditions provided by TAC and all other requirements of the Subdivisions Regulations.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 10-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, "absent") to **APPROVE** the Minor Subdivision Plat for Harmon Self Storage per staff recommendation.

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DRAFT

## PUBLIC HEARING – REZONING

4. **CZ-544 Josh Hutchinson** (County) Location: North of the Northwest corner of North Memorial Drive and East 166th Street North requesting a rezoning from **AG to AG-R** (Continued from October 4, 2023)

### **STAFF RECOMMENDATION:**

#### **SECTION I: CZ-544**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone from AG to AG-R. Lots in the current AG zone are required to be 2.1 acres minimum in area. Lots within the proposed AG-R zoning are required to be 1.1 acres minimum in area. The applicant has stated that they currently have a home on the subject lot and do not intend to split the lot into smaller lots but are seeking the requested rezoning due to the requirements of their financial institution. The site is located within the Agricultural designation of the City of Collinsville Comprehensive Plan which has been adopted as part of the Tulsa County Comprehensive Plan. The proposed rezoning would be compatible with this designation. Staff has spoken with the City of Collinsville who did not have any objections to the proposed zoning change.

#### **DETAILED STAFF RECOMMENDATION:**

CZ-544 is non-injurious to surrounding proximate properties;

CZ-544 is compatible with the Agricultural Land Use designation of the Tulsa County Comprehensive Plan;

**Staff recommends Approval of CZ-544 to rezone property from AG and AG-R.**

#### **SECTION II: Supporting Documentation**

##### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

***Staff Summary:** The site is located within the fenceline of the City of Collinsville. The City of Collinsville 2030 Comprehensive Plan was adopted as part of the Tulsa County Comprehensive Plan on September 9, 2019. The planning process for the update of the 2030 Plan was developed by the City Planning Staff and Planning Commission and formalized by the City Commission. Citizen participation in the planning process was sought in a variety of ways. General coverage was given in the local Collinsville News regarding the initiation and progress of the study. The Steering Committee was appointed by*

*the City Commission and included elected and appointed officials and citizen representatives of the business and lay community. The committee hosted public forums and conducted an on-line public survey to solicit input on planning and land use related matters pertaining to the update.*

Land Use Vision:

*Land Use Plan map designation: Agricultural*

*Significant portions of the land included within the existing corporate limits and particularly with the annexation fencelines that make up the Planning Area located within Tulsa and Rogers County are presently devoted to agricultural uses, including ranching and cattle. It is anticipated that much of this land will be developed for urban purposes once utilities become available; however, it is important that these lands be protected from premature and unplanned development that can occur prior to the necessary public infrastructure and utilities becoming available.*

Transportation Vision:

*Major Street and Highway Plan: North Memorial Drive is designated as a Secondary Arterial*

*Trail System Master Plan Considerations: 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: None

Streets:

<b>Existing Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
North Memorial Drive	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available and sewer is via a septic system.



**Surrounding Properties:**

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	AG	Agricultural	N/A	Agricultural/Vacant
South	AG	Agricultural	N/A	Agricultural/ Residential
East	AG	Agricultural	N/A	Agricultural/ Residential
West	AG	Agricultural	N/A	Agricultural/Vacant

**SECTION III: Relevant Zoning History**

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

**Subject Property:**

**CBOA-2818 May 2020:** The Board of Adjustment **approved** a *Variance* of the minimum frontage requirement on a public street/dedicated right-of-way from 30 ft to 0 ft in the AG district to permit a lot split, on property located N of the NE/c of E 166<sup>th</sup> St N & N Memorial Dr.

**The applicant was not present.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 10-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Krug, Shivel, Whitlock, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, “absent”) to recommend **APPROVAL** of the AG-R zoning for CZ-544 per staff recommendation.

**Legal Description for CZ-544:**

BEG 1979.30W NEC SE TH S659.88 W660.15 N659.85 E660.26 POB SEC 11 22 13 10.001ACS, , City of Tulsa, Tulsa County, State of Oklahoma

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Items 5 and 6 were presented together.

Mr. Walker left at 1:10 PM.

5. **PUD-509-A Sandra Mora** (CD 3) Location: South of the southeast corner of East 5<sup>th</sup> Street South and South 129<sup>th</sup> East Avenue requesting a **PUD Major Amendment** to abandon PUD-509 (Related to Z-7740)

**STAFF RECOMMENDATION:**

**SECTION I: PUD-509-A – Abandonment of PUD-509**

**DEVELOPMENT CONCEPT:** The applicant is proposing to abandon PUD-509 which was adopted in 1994 and rezone the site to CG. The original PUD allows limited uses on the site and established large setbacks for buildings and parking areas with minimal requirements for landscaping. The abandonment of the PUD and rezoning to CG would permit an expansion of the existing warehouse use on the property.

**DETAILED STAFF RECOMMENDATION:**

PUD-509 was adopted in 1994. It permits select commercial uses including the existing warehouse use. The PUD established large setbacks for building and parking areas that limit the development of the site. Due to the age of the PUD, the zoning standards defined require minimal landscaping for development of the site. Abandonment of the PUD would permit expansions to the established warehouse and bring the site into compliance with current zoning regulations while creating new opportunities for development/redevelopment.

Since the adoption of the original PUD, several larger commercial uses have located in the area on both the east and west sides of South 129<sup>th</sup> East Avenue. The corridor consists of several uses consistent with the development pattern anticipated by the CG district. These uses include a mini-storage facility, a trucking facility, an auto parts supply store, and a muffler shop. There are existing religious assemblies to the east and south of the subject property.

The area included in this application is designated with a Multiple Use land use designation. The abandonment of the PUD and the rezoning to CG would align with the recommendations for Multiple Use in this area.

**Staff recommends approval of PUD-509-A to abandon PUD-509.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** The entire subject property is designated as “Multiple Use” by the Comprehensive Plan land use map. The proposed PUD abandonment and CG district aligns with the recommendations of the “Multiple Use” land use designation.

**Land Use Vision:**

**Multiple Use**

Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

**Transportation Vision:**

***Major Street and Highway Plan:*** South 129<sup>th</sup> East Avenue is considered a secondary arterial which requires 100 feet of ultimate right-of-way.

***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 corridor consists of several uses consistent with the development pattern anticipated by the CG district. These uses include a mini-storage facility, a trucking facility, an auto parts supply store, and a muffler shop. There are existing religious assemblies to the east and south of the subject property.

**Streets:**

<b>Existing Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 5 <sup>th</sup> Street South	None	50'	2
South 129 <sup>th</sup> East Avenue	Secondary Arterial	100'	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	CG/RS-2/PUD-537	Multiple Use	Trucking Facility
East	RS-2	Neighborhood	Religious Assembly
South	RS-2	Neighborhood	Religious Assembly
West	CO	Employment	Auto Repair

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11812 dated June 26, 1970, established zoning for the subject property.

**Z-6439:** Recommended for approval by TMAPC on April 27, 1994 to rezone partially to CG. Approval by City Council on May 19, 1994. Ordinance No. 18209, dated May 31, 1994.

**PUD-509:** Recommended for approval by TMAPC on April 27, 1994. Approved by City Council on May 19, 1994. Ordinance No. 18209, dated May 31, 1994.

**The applicant indicated her agreement with staff’s recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Krug, Shivel, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, Walker, “absent”) to recommend **APPROVAL** of the Major Amendment to abandon PUD-509-A per staff recommendation.

**Legal Description for PUD-509-A:**

LTS 1 & 2 & 3 & 11 & 12 & 13 BLK 4, MEADOWBROOK HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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6. **Z-7740 Sandra Mora** (CD 3) Location: South of the southeast corner of East 5<sup>th</sup> Street South and South 129<sup>th</sup> East Avenue requesting rezoning from **RS-2 & CG** to **CG** (Related to PUD-509-A)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7740**

**DEVELOPMENT CONCEPT:** The applicant is proposing to abandon PUD-509 which was adopted in 1994 and rezone the site to CG. The original PUD allows limited uses on the site and established large setbacks for buildings and parking areas with minimal requirements for landscaping. The abandonment of the PUD and rezoning to CG would permit an expansion of the existing warehouse use on the property.

**DETAILED STAFF RECOMMENDATION:**

The Tulsa Comprehensive Plan designates this area as Multiple Use. CG zoning aligns with the recommendations for the Multiple Use land use designation.

The CG district is primarily intended to:

- a) Accommodate established commercial uses, while providing protection to adjacent residential area; and
- b) Accommodate the grouping of compatible commercial and light industrial uses.

The warehouse use has been established on this lot since the adoption of the original PUD in 1994. Rezoning to CG and abandoning the PUD would permit additional uses and the expansion of the existing use. If the property is rezoned, the current City of Tulsa standards would apply for landscaping, screening, and supplemental use regulations. The existing PUD adopted minimal landscape requirements and follows outdated provisions of the previous City of Tulsa Zoning Code.

Staff recommends approval of Z-7740 to rezone the property from RS-2 and CG to CG.

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** The entire subject property is designated as “Multiple Use” by the Comprehensive Plan land use map. The proposed PUD abandonment and CG district aligns with the recommendations of the “Multiple Use” land use designation.

**Land Use Vision:**

**Multiple Use**

Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

**Transportation Vision:**

**Major Street and Highway Plan:** South 129<sup>th</sup> East Avenue is considered a secondary arterial which requires 100 feet of ultimate right-of-way.

**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 corridor consists of several uses consistent with the development pattern anticipated by the CG district. These uses include a mini-storage facility, a trucking facility, an auto parts supply store, and a muffler shop. There are existing religious assemblies to the east and south of the subject property.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 5 <sup>th</sup> Street South	None	50'	2
South 129 <sup>th</sup> East Avenue	Secondary Arterial	100'	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Existing Use</b>
North	CG/RS-2/PUD-537	Multiple Use	Trucking Facility
East	RS-2	Neighborhood	Religious Assembly
South	RS-2	Neighborhood	Religious Assembly
West	CO	Employment	Auto Repair

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11812 dated June 26, 1970, established zoning for the subject property.

**Z-6439:** Recommended for approval by TMAPC on April 27, 1994 to rezone partially to CG. Approval by City Council on May 19, 1994. Ordinance No. 18209, dated May 31, 1994.

**PUD-509:** Recommended for approval by TMAPC on April 27, 1994. Approved by City Council on May 19, 1994. Ordinance No. 18209, dated May 31, 1994.

**The applicant indicated her agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Krug, Shivel, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Walker, "absent") to recommend **APPROVAL** of the CG zoning for Z-7740 per staff recommendation.

**Legal Description for Z-7740:**

LTS 1 & 2 & 3 & 11 & 12 & 13 BLK 4, MEADOWBROOK HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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7. **Z-7741 Barbara Green** (CD 4) Location: Northeast corner of South Denver Avenue and West 14<sup>th</sup> Street South requesting rezoning from **OM/NIO** to **RM-2/NIO**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7741**

**DEVELOPMENT CONCEPT:** Z-7741 is a rezoning request to allow the existing office building to be converted to residential units.

**DETAILED STAFF RECOMMENDATION:** *Approval* of RM-2 zoning inside the Neighborhood Infill Overlay.

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Land Use Vision:**

**Multiple Use**

Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

**Transportation Vision:**

***Major Street and Highway Plan:***

Both Denver Ave. and W. 14<sup>th</sup> Street are built out and the right-of-way required by the Major Street and Highway Plan appear to be secured.

***Trail System Master Plan Considerations:*** None.

***Development Era:*** The property began to develop during the Street Car Era (1910s-1930s):

Upon the implementation of streetcar alignments in Tulsa, new neighborhoods began to develop beyond the Downtown area. While this area’s urban form was initially determined during the time period between 1910 and 1930, growth has been somewhat continuous throughout history, with a good deal of infill



development occurring each decade. This Development Era contains some of Tulsa’s oldest residential areas, and there are great examples of how different housing types, different architectural styles, and land uses that support residents’ daily needs and lifestyles can exist in proximity to each other. Alterations to the urban form have occurred, primarily to accommodate automobile access, with the introduction of highways that disconnected pre-existing streets.

**Small Area Plan: Downtown Area Mater Plan (Area identified as Near Downtown/Connections)**

**Special District Considerations:** Property is located inside the Neighborhood Infill Overlay (NIO). The Neighborhood Infill Overlay (NIO) establishes zoning regulations that are intended to promote the development of alternative infill housing in established neighborhoods. The overlay allows for a variety of residential housing types in a manner that is compatible, in mass and scale, with the character of surrounding properties. The regulations are also intended to promote housing types that accommodate households of varying sizes and income levels and provide for a more efficient use of residential land.

**Historic Preservation Overlay:** None.

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** Property is an office building that appears to have formerly been a single-family home, structure is 2-story and built in 1925. Property has access onto W. 14<sup>th</sup> Street and currently does not have a curb cut on to Denver.

**Environmental Considerations:** None currently.

**Streets:**

<b>Existing Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
S. Denver Ave. (no curb cut)	Urban Arterial	70-feet	4
W. 14 <sup>th</sup> St.	Unclassified	50-feet	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RM-2/NIO	Multiple Use	Church
West	OL/NIO	Multiple Use	Office/parking lot
South	RM-2/NIO	Multiple Use	Bank
East	RM-2/NIO	Multiple Use	Residential

**Relevant Zoning History:**

**ZONING ORDINANCE:** Ordinance number 11814 dated June 26<sup>th</sup> 1970, established OM zoning for the subject property.

**The applicant indicated his agreement with staff’s recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **KRUG**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Krug, Shivel, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, Walker, “absent”) to recommend **APPROVAL** of the RM-2/NIO zoning for Z-7741 per staff recommendation.

**Legal Description for Z-7741:**

LT 2 BLK 4 TTT ADDN AMD TO TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

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Mr. Walker returned at 1:13PM.

8. **Z-7742 RCJ Designs** (CD 2) Location: West of the northwest corner of East 81<sup>st</sup> Place South and South Evanston Avenue requesting rezoning from **RS-3** to **RS-5**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7742**

**DEVELOPMENT CONCEPT:** The applicant has requested to rezone the property from RS-3 to RS-5 to reduce lot requirements and permit a lot split. The proposed use for the property would be two duplexes. Duplexes in RS-5 are required to obtain a special exception approval from the City Board of Adjustment. The lot previously had a duplex on it that was lost in a fire. A single duplex could be rebuilt on the property today, but a rezoning and Board approval would be required to permit the two duplexes proposed by the applicant.

**DETAILED STAFF RECOMMENDATION:**

The property under application is designated as “Neighborhood” by the Tulsa Comprehensive Plan. Neighborhood areas encourage a mix of residential building types where appropriate. RS-5 is the highest density single-family residential district. As a matter of right, it would only permit detached single-family homes and townhomes which remains consistent with the surrounding area.

A rezoning to RS-5 would reduce the lot size requirements on this property and would permit a lot split to create two lots. The applicant is proposing a lot split to accommodate two duplexes on the property where previously only one duplex was permitted. To obtain permits for two duplexes, the City Board of Adjustment would be required to approve a special exception for another duplex even if the rezoning is approved. If required approvals are obtained, the number of units on the lot would increase from two units to four units.

RS-5 would permit an increase in housing density while maintaining the use requirements of the existing RS-3 zoning district. RS-5 is consistent with the neighborhood land use designation.

Staff recommends approval of Z-7742 to rezone the property from RS-3 to RS-5.

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** The subject property is designated as “Neighborhood” by the Tulsa Comprehensive Plan. RS-5 zoning is consistent with the goals of the Neighborhood land use designation.

**Land Use Vision:**

**Neighborhood**

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

**Transportation Vision:**

***Major Street and Highway Plan:*** East 81<sup>st</sup> Place is not classified by the Major Street and Highway Plan and would be considered a residential street requiring 50 feet of ultimate right-of-way.

***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 subject property is located on a dead-end street, East 81<sup>st</sup> Place. All developed properties adjacent to this portion of East 81<sup>st</sup> Place currently contain duplexes. The subject property backs up to East 81<sup>st</sup> Street South, a major arterial street.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 81 <sup>st</sup> Place South	None	50'	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	MPD-4	Regional Center	Oral Roberts University
East	RS-3	Neighborhood	Duplex
South	RS-3	Neighborhood	Duplex
West	RS-3	Neighborhood	Vacant

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11828 dated June 26, 1970, established zoning for the subject property.

**TMAPC Comments:**

Mr. Covey stated he does not see any RS-5 zoning on the map. He stated the entire neighborhood looks like it is RS-3 with some RD also. Mr. Covey asked if there were duplexes on East 81<sup>st</sup> Place.

Staff stated “yes”. He stated that the entire subdivision was developed under a Special Exception from the Board of Adjustment on RS-3 lots to allow for duplexes.

Mr. Covey asked if the applicant wanted to develop four units on this lot.

Staff stated “yes”, the applicant would like to split this lot and develop two duplexes where there was previously only one. He stated where there were two units previously there would be four if they are successful in obtaining that approval through the Board of Adjustment. However, with the RS-5 zoning, which is what is being considered today, duplexes are not permitted by right so what Planning Commission would be saying is they could potentially split the lot and could build two single family homes by right, but they could also pursue a duplex through the Board of Adjustment if they desire.

Mr. Humphrey asked if the applicant had to go to the Board of Adjustment to rebuild a duplex on this lot.

Staff stated if they wanted to build one duplex as it was before, they do not have to go back to the Board of Adjustment but if they want to add a second duplex, which is what

staff understands the proposal to be, they will need further board approvals before they can do that.

Mr. Whitlock asked if the applicant had spoken with any of the neighbors.

Staff stated they have not heard from any of the neighbors and have no record that they had discussed it with anyone but that would be a question for the applicant.

Ms. Carr asked staff what RS-5 could do that RS-3 can't.

Staff stated there is a smaller lot size minimum in RS-5. He stated right now they cannot split a lot with RS-3 zoning but with RS-5 they wouldn't be permitted to do that.

Mr. Craddock asked what the lot sizes or the frontage be if this is approved.

Staff stated currently it is a little more than a 60-foot lot that cannot be split because the minimum in RS-3 is 60 feet. He stated RS-5 takes that minimum and reduces it down to 30 or 25 feet.

Ms. Krug asked if RS is approved today, they could tomorrow build a single-family house on the other half of this lot and there'd be three units on it, or they could go to the Board of Adjustment and ask for a Special Exemption.

Staff stated "yes", they would need to get a lot split approved first but first but once the lot was right, and they divided the lot. Yes, they could go immediately and build a single-family home, but the second duplex would still need approval.

### **Applicant Comments:**

**Jose Gomez** 2811 East 81<sup>st</sup> Place, Tulsa, OK

The applicant stated this lot is huge, about 11,000 square feet. He stated the previous duplexes that burned down were about 2000 square feet. The applicant stated the lot is 80 or 90 feet wide. He stated they are requesting the rezoning to RS-5 so they can then do a lot split. The applicant stated recently there was a rezone just east of this property. That lot was split into six different lots with similar lot sizes for duplexes. He stated the whole neighborhood is duplexes, but the subject lot is bigger, and they are trying to make use of it by fitting a second duplex on there.

Mr. Whitlock asked if the applicant had talked with the neighbors about this application.

The applicant stated "no".

Mr. Zalk stated there is 90 linear feet of frontage and the setback of 5 feet. He stated they would be 35 feet wide and then the duplexes would be 5900 square feet into two. So essentially 2950 or so square feet per duplex instead of the current 6500 square feet. This is the footprint of the existing duplex.

The applicant stated the current footprint is about 30 feet wide on each duplex and then they go up.

Mr. Zalk asked if they are two stories.

The applicant stated "yes".

Mr. Hood asked if the duplex next to the applicants also burned.

The applicant stated "yes".

Mr. Zalk stated he felt these would change the character of the neighborhood.

Mr. Covey stated he was concerned because there was not any RS-5 in the neighborhood and the character of the neighborhood.

Mr. Whitlock stated he has the same concerns as Mr. Covey and Mr. Zalk and no communication with the neighbors.

Mr. Shivel asked if signs were put up for this rezoning.

Staff stated "yes" standard notice would have been a yellow sign on 81<sup>st</sup> Place and a mailed notice to property owners within 300 feet of the subject lot.

Mr. Zalk stated he is sympathetic to the applicant, having invested a bunch of money and creating a duplex and then finding out that there were rules preventing him from creating a second one. He stated now there is a duplex awkwardly placed on the east side of the lot with nothing else but yard on the other side. Mr. Zalk asked if this is denied are there any options to require the applicant engage with the neighbors.

Mr. Covey stated even if approved there is no guarantee the Board of Adjustment would approve it.

Staff stated the Planning Commission could continue this application to allow the applicant to speak with the neighbors. He stated Commissioners could assume the notices were all sent properly and that nobody had any concerns. Staff stated also it is worth noting that there will be a second public hearing before a second duplex could be constructed on that lot with the Board of Adjustment. He stated the current duplex that is

already constructed is the same style and character as the proposed one. So, in terms of the character of the neighborhood, they have already built one stacked duplex that is different than all the other duplexes in the neighborhood. He stated to build a second one they are going to have to ask for more permissions even if this rezoning is approved.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 8-2-0 (Carr, Covey, Hood, Humphrey, Krug, Shivel, Walker, Zalk, "aye"; Craddock, Whitlock, "nays"; none "abstaining"; Bayles, Walker, "absent") to recommend **APPROVAL** of the RS-5 zoning for Z-7742 per staff recommendation.

**Legal Description for Z-7742:**

LT 2 BLK 1, SOUTHWOOD TERRACE RESUB PRT ORU HGTS 3RD, ORAL ROBERTS UNIVERSITY HGTS 3RD ADDN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

\* \* \* \* \*



9. **CO-16 Tulsa City Council** (CD 7 and 8) Location: Multiple properties along East 71st Street South from South 78<sup>th</sup> East Avenue to South Garnett Road requesting a **Corridor Development Plan** to change the zoning from **AG, CS, CG, CH, OL, OM, OMH, RS-3, RM-1, RM-2 to CO** and abandonment or partial abandonment of the following planned unit developments included within the proposed CO boundary; PUD-179, PUD-179-A, PUD-179-B, PUD-179-C, PUD-179-D, PUD-179-F, PUD-179-G, PUD-179-H, PUD-179-I, PUD-179-J, PUD-179-L, PUD-179-N, PUD-179-O, PUD-179-P, PUD-179-Q, PUD-179-R, PUD-179-S, PUD-179-T, PUD-179-U, PUD-179-V, PUD-179-W, PUD-179-X, PUD-179-Y, PUD-186, PUD-186-A, PUD-196, PUD-196-A, PUD-235-A, PUD-309, PUD-309-A, PUD-342, PUD-342-A, PUD-379, PUD-379-A, PUD-379-B, PUD-379-C, PUD-379-D, PUD-379-E, PUD-468, PUD-470, PUD-470-A, PUD-470-B, PUD-479, PUD-479-A, PUD-481, PUD-489, PUD-498, PUD-498-A, PUD-498-B, PUD-498-D, PUD-498-E, PUD-507, PUD-512, PUD-521, PUD-521-A, PUD-567, PUD-567-A, PUD-567-B, PUD-567-C, PUD-567-D, PUD-595, PUD-595-A, PUD-595-B, PUD-595-C, PUD-601, PUD-601-A, PUD-602, PUD-736

**STAFF RECOMMENDATION:**

**Item:** Rezone multiple properties along East 71st Street South from South 78th East Avenue to South Garnett Road to CO (Corridor) and abandon or partially abandon multiple planned unit developments (PUDs).

**Current Zoning:** AG (Agriculture), CS (Commercial Shopping), CG (Commercial General), CH (Commercial – High), OL (Office – Low), OM (Office – Medium), OMH (Office – Medium-High), RS-3 (Residential Single-family 3), RM-1 (Residential Multifamily 1), RM-2 (Residential Multifamily 2), and the following PUDs:

PUD-179	PUD-179-L	PUD-179-W	PUD-342	PUD-470-A	PUD-498-E	PUD-595
PUD-179-A	PUD-179-N	PUD-179-X	PUD-342-A	PUD-470-B	PUD-507	PUD-595-A
PUD-179-B	PUD-179-O	PUD-179-Y	PUD-379	PUD-479	PUD-512	PUD-595-B
PUD-179-C	PUD-179-P	PUD-186	PUD-379-A	PUD-479-A	PUD-521	PUD-595-C
PUD-179-D	PUD-179-Q	PUD-186-A	PUD-379-B	PUD-481	PUD-521-A	PUD-601
PUD-179-F	PUD-179-R	PUD-196	PUD-379-C	PUD-489	PUD-567	PUD-601-A
PUD-179-G	PUD-179-S	PUD-196-A	PUD-379-D	PUD-498	PUD-567-A	PUD-602
PUD-179-H	PUD-179-T	PUD-235-A	PUD-379-E	PUD-498-A	PUD-567-B	PUD-736
PUD-179-I	PUD-179-U	PUD-309	PUD-468	PUD-498-B	PUD-567-C	
PUD-179-J	PUD-179-V	PUD-309-A	PUD-470	PUD-498-D	PUD-567-D	

**Proposed Zoning:** CO-16, Corridor Development Plan with the development standards outlined in Section III.

## Section I – Background

Planning Office staff has been working with District 7 & 8 City Councilors since 2021 to discuss strategies to aide in the revitalization of the 71st Street commercial corridor just west of East Memorial Drive to South Garnett Road.

The area is full of Planned Unit Developments (PUDs), customized zoning regulations, adopted primarily in the 1970s, 80s and 90s for individual properties, at a time when developers and City officials had very different development objectives than today. This area includes 19 PUDs, with a total of 47 major amendments and 155 minor amendments since their original approval dates. The goal of this rezoning initiative is to make it easier to open new businesses by simplifying the zoning regulations along 71st Street, which have become very complicated and difficult to understand and administer over time, for business owners, developers, and City officials.

At the time the PUDs were originally approved, the focus was on placing buildings far away from the street (often 1,000 feet or more) behind massive parking lots without any trees or landscaping, limiting building heights to two stories, and severely limiting uses on each property. Complicating the matter, most of these PUDs have been amended dozens of times over the past 50 years, making it virtually impossible for developers, business owners, and property owners to understand quickly and easily what is and is not allowed on an individual property, which deters reinvestment and redevelopment. The result today is a major shopping corridor that is stagnating, showing its age while also being difficult to redevelop.

Recognizing the importance of this corridor to the local and regional economy, a rezoning to Corridor (CO) to replace the complex, restrictive, individualized PUDs with one simple, modern, standardized set of zoning regulations for the entire corridor will allow property owners, developers, and business owners more flexibility to adapt these properties to modern needs and to keep up with growing retail competition from areas that do not face the same restrictive, outdated regulations. The new regulations will be far easier to understand, will encourage redevelopment and reinvestment, and will enhance the area's appearance over time.

The City Council voted to initiate a rezoning to Corridor (CO) and the abandonment of existing PUDs on August 23, 2023.

## Section II – Timeline and Public Engagement

Jan. 2023: Internal Meetings & Research

Feb.-Mar.: Zoning Proposal Developed

Mar. 22: Planning Commission Work Session

Mar. 23: 71st Street Feedback Meeting, with representative real estate brokers and attorneys

Apr.-Jul.: Collect comments from stakeholder group and refine proposal

Sep. 5: Notices mailed to 774 property owners.

Sep. 25, 6 p.m.: Community Meeting at Union High School

Oct. 18: Planning Commission Hearing

### Section III – CO-16 Development Standards

This Corridor Plan will conform to the provisions of the Tulsa Zoning Code for development in a CO district and its supplemental regulations as identified in Section 25 in the Tulsa Zoning Code.

All use categories, subcategories or specific uses and residential building types or building types that are not listed below are prohibited.

#### **Permitted Use Categories, Subcategories, and specific uses:**

**RESIDENTIAL** (Use Category, subcategories and specific uses allowed only as follows)

Household Living (if in allowed building types identified below)

Single household

Two or more households on a single lot

Three or more households on a single lot

Group Living (limited to the following specific uses)

Assisted living facility

Elderly/retirement center

Life care retirement center

**PUBLIC, CIVIC AND INSTITUTIONAL** (limited to the following subcategories and specific uses)

College or University

Day Care

Fraternal Organization

Governmental Service or Similar Functions

Hospital

Library or Cultural Exhibit

Natural Resource Preservation

Parks and Recreation

Postal Services

Religious Assembly

Safety Service

School

Minor Utilities and Public Service Facility

Wireless Communications Facility

**COMMERCIAL** (limited to the following subcategories and specific uses)

Animal Service

Assembly and Entertainment

Broadcast or Recording Studio

Commercial Service

Financial Services

Funeral or Mortuary Service (No Crematorium)

Lodging (limited to the following specific uses)

Bed & Breakfast

Short-term rental

Hotel/motel

Office

- Parking, Non-accessory
- Restaurants and Bars
  - Restaurant
  - Bar
  - Brewpub
- Retail Sales (limited to the following specific uses)
  - Building supplies and equipment
  - Consumer shopping goods
  - Convenience goods
  - Grocery Store
  - Small Box Discount Store
- Studio, Artist, or Instructional Service
- Trade School
- Vehicle Sales and Service
  - Fueling station for personal vehicles
  - Personal vehicle repair and maintenance
  - Personal vehicle sales and rentals (Outdoor storage and display of vehicles for sale is prohibited)

INDUSTRIAL (limited to the following specific uses in the Low-impact Manufacturing and Industry subcategory)

- Microbrewery
- Micro Distillery
- Coffee roasting with a maximum roasting capacity of 45 kilograms per batch

AGRICULTURAL (limited to the following specific uses)

- Community Garden
- Farm, Market- or Community-Supported

OTHER (limited to the following subcategories)

- Drive-in or Drive-through Facility (as a component of an allowed use)
- Off-Premise Outdoor Advertising Sign (Only allowed when located inside freeway sign corridors and subject to all regulations in Chapter 60 of the Tulsa Zoning Code)

**Building Types for Household Living:**

Single household:

- Townhouse
  - 3+ unit townhouse
- Mixed-use building
- Vertical mixed-use building

Two households on single lot:

- Mixed-use building
- Vertical mixed-use building

Three or more households on a single lot:

- Multi-unit house
- Apartment/Condo

Mixed-use building  
Vertical mixed-use building

**Lot and Building Regulations:**

- Minimum Lot Area .....None
  - Minimum Street Frontage .....None
  - Minimum Street Setback .....20 feet
  - Maximum Floor Area Ratio (FAR).....None
  - Minimum Lot Area per Unit (sq. ft.).....200
  - Minimum Open Space per Unit (sq. ft.)...200
  - Minimum Building Setbacks
    - 1. ....From AG, AG-R, or R district      10 feet
  - Maximum Building Height.....Unlimited [1]
- [1] Maximum building height within 100 feet of R-zoned district is limited to 35 feet.

**Parking:**

Minimum Parking ratios shall be 50% of the minimums required for each specific use as defined in the Tulsa Zoning Code referenced in CH districts.

**Landscaping and Screening:**

Landscaping shall meet or exceed the minimum standards in Chapter 65 of the Tulsa Zoning Code defined and shall also be subject to the following requirements:

1. Perimeter Landscape requirements when abutting R-zoned lots  
F1 screening is required where abutting R-zoned lots.
2. Properties may utilize Sec. 65.100-D of the Tulsa Zoning Code to allow the use of an Alternative Compliance Landscape and Screening Plan without the need to amend the standards of the CO Development Plan.
3. Dumpsters and mechanical equipment shall be screened as defined in the Tulsa Zoning Code, Section 65.070 and shall be placed a minimum of 120 feet from any property boundary abutting residential uses.

**Outdoor Lighting:**

Outdoor lighting shall conform to the general standards for lighting in the Tulsa Zoning Code as defined in section 67.030.

**Signage:**

Signage shall conform to the provisions of the Tulsa zoning code in a CO district with the following additional standards:

1. A single ground sign is allowed on any lot. The ground sign shall be monument style with a maximum height of 25 feet and 128 square feet of display surface area and may be a multi-tenant project sign or single user ground sign but not both.
2. Dynamic display signage with display area greater than 48 square feet is prohibited.
3. Wall signs shall not exceed an aggregate area of more than 2 square feet per linear foot of building wall to which they are attached.
4. Multi-tenant project signs are permitted, subject to the following:
  - a. Multi-tenant signs shall not be closer than 300 feet from another ground sign.
  - b. Multi-tenant signs shall not exceed 25 feet height and 128 square feet of display surface area.
  - c. Multi-tenant signs must only represent tenants inside the boundaries of the corridor development plan and may only advertise for tenants on the same side of a public street.

#### **Section IV – Comprehensive Plan Conformance:**

Most of the area contained within the proposal boundary is designated as a **Regional Center** by the Tulsa Comprehensive Plan.

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

The proposed development standards in CO-16 and the abandonment of the existing PUDs will create new potential for investment and redevelopment within one of the city's most iconic regional centers. **CO-16 conforms to the Regional Center designation.**

There are several smaller areas outside of the Regional Center designation that are designated as neighborhood and park and open space. The established uses located on these properties are covered by the proposed development standards in CO-16.

Tulsa's Comprehensive Plan also identifies this area for the following development considerations:

1. Commercial Revitalization Areas
  - Properties within areas identified as Commercial Revitalization Areas would be potentially eligible for Commercial Revitalization Revolving Loan funds and other commercial revitalization opportunities. If a property is located along one of the BRT

corridors, within a Destination District boundary, or within one of the 13 priority locations identified in the City of Tulsa Retail Market Study and Strategy.

- The boundary proposed for CO-16 correlates directly with one of the thirteen priority locations identified in the Retail Market Study. Support for businesses along this corridor is being made available through the City's Commercial Revitalization Revolving Loan Fund, a flexible loan program for small businesses and property developers looking to expand in key commercial corridors.

## 2. Economic Incentive Areas

- Beautification efforts including an overhaul of planted medians have already begun along the defined corridor. Additional projects including sidewalks, lighting, landscaping, and other streetscape elements will be implemented over the next 10-15 years by a Tax Increment Finance (TIF) district associated with the new Scheel's store under construction at Woodland Hills Mall.
- Rezoning to CO-16 and the defined development standards will remove barriers to development and modernize the zoning regulations. The addition of landscaping requirements and the elimination of multiple layers of regulations will support redevelopment efforts along the corridor and complement the ongoing public investment.

## 3. Transit-Oriented Development Areas

- East 71st Street and South Memorial Avenue/South Mingo Avenue is identified as a major transit "sub-hub" which serves connections for multiple transit routes throughout the city.
- Existing PUD restrictions in the corridor make it difficult, and in some cases impossible, to implement transit-oriented development practices recommended by the Tulsa Comprehensive Plan.

## **Section V – Staff Recommendation**

CO-16 and the abandonment of all existing planned unit developments conforms to the regional center designation of the Tulsa Comprehensive Plan. The development standards outlined in Section III will modernize the zoning regulations along the corridor and remove barriers to development and redevelopment.

The development standards align with the recommendations for designated regional centers, as well as areas identified by the Comprehensive Plan as Commercial Revitalization Areas, Economic Incentive Areas, and Transit-Oriented Development Areas.

**Staff recommends approval of CO-16 and the abandonment of existing PUDs outlined on Attachment V and illustrated Attachment I.**

### **TMAPC Comments:**

Mr. Walker asked if this application is approved today, will this erase the underlying zoning and every PUD would be abandoned.

Staff stated that is correct. He stated if the Planning Commission recommended approval this would then go to the City Council. If adopted the ordinance will abandon all the PUD's that are in the corridor, and it will establish a base CO zoning with CO-16 as the development plan.

Mr. Craddock stated the intensity of all of this is outstanding. He stated he hopes this is a more standardized platform with development standards that will be utilized for the entire area.

Staff stated "Yes, absolutely." He stated this change makes the information much more transparent and available to anyone that wants to develop in this corridor. Staff stated to Mr. Craddock's point about what was recommended at the time. There were a ton of these PUDS adopted and then amended so many times that no one could understand what the original PUD was intended to do. Over the years these PUD's had become this kind of Frankenstein development plans that had been pieced together, and that's what has created the confusion for anyone who was interested in developing something in this area. Staff stated this application would establish a clean slate and ultimately establish some consistent development standards for this area. He said most of the development standards that staff has proposed are not something that's so far away from what you find in typical commercial zoning districts in the City of Tulsa. Staff stated they do have some standards for areas adjacent to neighborhoods to ensure that buildings are setback and that they are not exceeding a certain height limitation within 100 feet of a residential area, and dumpsters and all the materials that would be objectionable next to the neighborhoods are taken care of and screened. He stated and then you add to that the enhanced landscape standards that come with it and they believe that new development will begin to look better.

Mr. Craddock asked if property owners would be required to bring their properties into compliance with the new development standards.

Staff stated this would be treated like any nonconforming existing development out there today. He stated anything existing would be allowed to continue and exist as it is. The exception to that would be a redevelopment or an expansion beyond a certain percentage, that would trigger compliance with the new development standards, the new landscaping, and those types of items.

Mr. Zalk asked what percentage would trigger compliance.

Staff stated he believes it's beyond 50% of the existing structure. He stated if something was to happen, and an applicant was going to go above half the size of the building



that's already there they would need to come into compliance with all rules and regulations.

Mr. Zalk asked if anyone at the public meeting at Union High School, developers, or participants, indicated any problems with the new development standards.

Staff stated "no", in fact they have heard very little objection related to the development standards themselves. He stated they heard a lot from neighbors who are dealing with traffic issues and a lot from neighbors who want to understand how they can get speed humps installed in their neighborhood because of traffic issues. Staff stated there was a lot of discussion about public problems occurring in the area and very little of it was tied directly to the development standards.

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 10-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, "absent") to recommend **APPROVAL** of the CO zoning for CO-16 per staff recommendation.

\* \* \* \* \*

Items 10 and 12 were presented together.

## **PUBLIC HEARING- ZONING CODE AMENDMENTS**

**10. ZCA-27** Consider proposed amendments to the City of Tulsa Zoning Code for work in City of Tulsa parks within Historic Preservation (HP) Overlay Districts, in the following sections: Chapter 20 Overlay Districts: Section 20.020 HP, Historic Preservation Overlays: Section 20.020-D Design Guidelines; Chapter 70 Review and Approval Procedures: Section 70.070 HP Permits: Section 70.070-B Exemptions; Section 70.070-K Action by Preservation Officer

### **STAFF RECOMMENDATION:**

#### **Item**

**ZCA-27:** Consider proposed amendments to the City of Tulsa Zoning Code, for work in City of Tulsa parks within Historic Preservation (HP) Overlay Districts, in the following sections:

- **Chapter 20 Overlay Districts:** Section 20.020 HP, Historic Preservation Overlays: Section 20.020-D Design Guidelines
- **Chapter 70 Review and Approval Procedures:** Section 70.070 HP Permits: Section 70.070-B Exemptions; Section 70.070-K Action by Preservation Officer

#### **Background**

The Tracy Park HP Overlay was adopted in November 2022 and became effective in January 2023. As adopted, the overlay excluded Tracy Park itself because of concerns about the standards and approval process for future updates to the park. However, the City Council instructed Tulsa Planning Office staff to consider HP design standards for City parks and to return with a new proposal for inclusion of the park in the HP Overlay.

Earlier this year staff met with the City of Tulsa Parks, Culture, and Recreation Department (Parks Department) to discuss possible amendments to the *Unified Design Guidelines for Non-Residential and Mixed-Use Structures* that would address projects within City parks. The Parks Department requested that typical park amenities, such as playground equipment and park furnishings, be exempt from the HP permit requirement in most cases. From those discussions, staff determined that amendments to the Tulsa Zoning Code would be necessary to meet those requests.

The proposed zoning code amendments in ZCA-27 supplement the proposed amendments to the *Unified Design Guidelines for Non-Residential and Mixed-Use Structures*. The proposed amendments in Section 70.070 add HP permit exemptions or allow administrative approval for several types of projects in City of Tulsa parks located in HP Overlays. The proposed amendment in Section 20.020 requires applicable design

guidelines to identify historic resources within City parks when they are included in the boundaries of future HP zoning map amendments.

A new HP zoning map amendment requesting the addition of Tracy Park to the Tracy Park HP Overlay will be brought forward after the proposed zoning code and design guideline amendments.

### **Staff Recommendation**

Approval of the proposed amendments to the City of Tulsa Zoning Code as shown in the attachment

### **Attachment**

- Proposed zoning code amendments (ZCA-27)

### **TMAPC Comments:**

Mr. Craddock stated he commends the City Council for coming to the Preservation Commission to work this out and he thinks that is a really good idea. He stated he likes the balance to inventory everything and come up with what are the historic resource elements. Mr. Craddock asked once items are identified by Staff, or the HP Staff or Commission are they listed and then presented to the City as historic or is there a method that those items go through that allows comments. He stated or is it just the city official as head of the Historic Preservation Commission that approves or disapproves those elements or would it be the Commission.

Staff stated those exception determinations happen at the Staff level.

### **Interested Parties:**

**Chip Atkins** 1638 E 17<sup>th</sup> Place, Tulsa, OK 74120

Mr. Atkins stated he has lived in the Swan Lake area for 35 years. He stated his great grandparents were original families of Tracy Park. Mr. Atkins stated he is here today to support both neighborhoods. Mr. Atkins asked if the wording in the document referring to the Swan Lake fountain could be changed from repair to maintenance. He stated other than that he thinks this amendment and the guidelines are great.

Mr. Covey asked if staff had any issues with adding the word maintenance to Section H H.1.1 in the Guidelines.

Staff stated they would be happy to add it.

**TMAPC Action; 10 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 10-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, “absent”) to recommend **ADOPTION** of ZCA-27 per staff recommendation.

\* \* \* \* \*

DRAFT

**11. ZCA-28** Consider proposed amendments to the City of Tulsa Zoning Code in the following sections: Chapter 5 Residential Districts: Table 5-2: R District Use Regulations; Chapter 10 Mixed-use Districts: Table 10-2: MX District Use Regulations; Chapter 15 Office, Commercial and Industrial Districts: Table 15-2: O, C, and I District Use Regulations; Chapter 25 Special Districts: Table 25-1: AG District Use Regulations; Table 25-4: CO District Use Regulations; Table 25-5: SR District Use Regulations; Table 25-7: IMX District Use Regulations; Chapter 35 Building Types and Use Categories: Sec. 35.040-D Day Care; Chapter 40 Supplemental Use and Building Regulations: Section 40.120: Day Cares; Chapter 45 Accessory Uses and Structures: Sec. 45.070 Family Child Care Homes; Figure 45-2: Separation Requirements for Family Child Care Homes.

**STAFF RECOMMENDATION:**

**Item**

**ZCA-28:** Consider proposed amendments to the City of Tulsa Zoning Code in the following sections:

Chapter 5	Residential Districts: Table 5-2: R District Use Regulations;
Chapter 10	Mixed-use Districts: Table 10-2: MX District Use Regulations;
Chapter 15	Office, Commercial and Industrial Districts: Table 15-2: O, C, and I District Use Regulations;
Chapter 25	Special Districts: Table 25-1: AG District Use Regulations; Table 25-4: CO District Use Regulations; Table 25-5: SR District Use Regulations; Table 25-7: IMX District Use Regulations;
Chapter 35	Building Types and Use Categories: Sec. 35.040-D Day Care;
Chapter 40	Supplemental Use and Building Regulations: Section 40.120: Day Cares
Chapter 45	Accessory Uses and Structures: Sec. 45.070 Family Child Care Homes; Figure 45-2: Separation Requirements for Family Child Care Homes.

**Background**

On May 17, 2023, the TMAPC heard Zoning Code amendments (ZCA-23) to increase the number of allowed children in family child care homes (FCCH) from 7 to 12 children and reduce the lot and area requirement for operating day cares in residential zoning districts. At the TMAPC public hearing, interested parties requested an additional two amendments: 1) removal of the 300-foot spacing requirement between FCCHs; and 2) allowance of FCCHs as principal uses by right in residential zoning districts. Current regulations require FCCHs to be accessory to

a household living use in residential zoning districts, and a Special Exception from the Board of Adjustment is required for principal use FCCHs.

The TMAPC discussed the two proposed additions but could not take action at that time since they were not included in the Zoning Code items initiated by City Council and advertised for the May 17, 2023, hearing. As a result, the TMAPC requested staff place the initiation of these amendments to the Zoning Code on a future TMAPC agenda. TMAPC voted to initiate these items on June 21, 2023. (Note: ZCA-23 was approved by the City Council on July 26, 2023 and is now in effect.)

### **Staff Summary**

Recent changes to the Zoning Code (ZCA-23) allowed for increased opportunities in residential zoning districts for locating family child care homes while respecting the residential character and function of neighborhoods. The Zoning Code (5.010-B) states: *Residential zoning districts are primarily intended to create, maintain, and promote a variety of housing opportunities for individual households and to maintain and promote the desired physical character of existing and developing neighborhoods. While the districts primarily accommodate residential uses, some nonresidential uses are also allowed by exception.* To allow for principal use family child care homes by right in residential neighborhoods is not consistent with this stated purpose.

On March 1, 2023 Housing Solutions of Tulsa, in conjunction with the City of Tulsa and PartnerTulsa, released the “Tulsa Citywide Housing Assessment” (<https://www.housingsolutionstulsa.org/tulsa-housing-study/>). This study finds Tulsa will need to build 1,290 new units per year of housing to meet demand over the next 10 years, though currently it averages only 830 new units per year. This estimated housing is needed in Tulsa across the affordability spectrum and housing stock in existing neighborhoods presents an opportunity to meet housing demand and often provide affordable options for lower and moderate-income households.

The assessment cites short-term rentals as a non-residential use allowed by right in the Zoning Code that may be contributing to a decrease in housing supply and increasing overall housing prices. Short-term rentals in the City of Tulsa are currently allowed by right in residential zoning districts, subject to a license agreement. Allowing principal use family child care homes by right has the potential for similar effects on housing supply and affordability.

The City of Tulsa Comprehensive Plan identifies several strategies to provide transitions between nonresidential and residential uses and provide assistance for housing rehabilitation (Land Use Strategy LU 5.3; Housing and Neighborhoods Strategy HN 3.3). Staff finds allowing residential properties to be used for this use by right would not conform to the Strategies identified in the Comprehensive Plan related to Land Use and Housing and Neighborhoods.

Day cares are allowed by right in all O, C and MX districts, this provides flexibility to family child care home operators who do not want to live in the home to seek property that already has the zoning in place. There appears to be ample office and commercially zoned property in the City of Tulsa for these opportunities without allowing the introduction of commercial uses in a residentially zoned neighborhood by right.

The original intent of the 300-foot spacing requirement between family child care homes was to provide relief to neighbors from traffic congestion, noise and other externalities that may arise from an over concentration of these uses in a single street. Staff has reviewed data available since 2007 and found a single case where a permitted FCCH was within 300-feet of another, the property was granted a variance of this provision. This provision has been in the Zoning Code for decades and it is hard to determine if it has been beneficial to neighborhoods or a hinderance to locating family child care homes. It does not appear that removing the 300-foot spacing requirement from the Zoning Code would be detrimental to neighborhoods as long as family child care homes remain as accessory to a household living use.

### **Staff Recommendation**

- Staff recommends Denial of the following amendments in **Attachment I**:
  - Chapter 5 Residential Districts: Table 5-2: R District Use Regulations;
  - Chapter 10 Mixed-use Districts: Table 10-2: MX District Use Regulations;
  - Chapter 15 Office, Commercial and Industrial Districts: Table 15-2: O, C, and I District Use Regulations;
  - Chapter 25 Special Districts: Table 25-1: AG District Use Regulations; Table 25-4: CO District Use Regulations; Table 25-5: SR District Use Regulations; Table 25-7: IMX District Use Regulations;
  - Chapter 35 Building Types and Use Categories: Sec. 35.040-D Day Care;
  - Chapter 40 Supplemental Use and Building Regulations: Section 40.120: Day Cares
- Staff recommends Approval of the following amendments in **Attachment II**:
  - Chapter 45 Accessory Uses and Structures: Sec. 45.070 Family Child Care Homes; Figure 45-2: Separation Requirements for Family Child Care Homes.

### **TMAPC Comments:**

Mr. Craddock stated that the thought process seems inconsistent to him when staff said they don't want businesses in residential homes they want to keep it all residential. He stated TMAPC denied an application for a hair salon in a home at 95<sup>th</sup> and Mingo and the City Council overrode them saying that the applicant could have a business within a residential neighborhood. Mr. Craddock stated this sends conflicting messages.

Staff stated that the case Mr. Craddock was referring to was a Type 2 home occupation and that had to be dealt with within those constraints. He stated currently a RS-3 zoned property and wanted to do a Type 2 home occupation it would need to go through the Special Exception process.

Mr. Whitlock stated there has been a couple of cases this past year or two were Planning Commission has rejected an application that is in line with what City Council says they want but when it gets to the City Council level, they approve it. He stated he thinks Mr. Craddock is asking where consistency is.

Staff stated the 95th and Mingo discussion was a home occupation that was still a residence. He stated the applicant wanted to operate a business in their residence and that's the kind of discussion they are having here is whether to allow someone to operate a principal use commercial non-residential use in a residential district. Staff stated those aren't really the same thing because a home occupation still means somebody lives there. It is a residence; they are just operating some sort of business out of that.

Ms. Carr stated the staff has given two different options. She stated one staff recommends and the other they do not. Ms. Carr stated one option is having the Day Care unit where no one lives in the residence allowed by right and the other one does not.

Staff stated "correct".

Mr. Zalk asked if the reason staff doesn't think that a principal dwelling unit should not be repurposed as a primary business establishment is because there's plenty of commercial space available for having a commercial daycare centers.

Staff stated they would not say that this should not ever happen because there are times when that would be appropriate. But it should be the exception and not the rule. He stated the City does have a decent amount of commercial and office zoning available. They are not always class A properties, but there is a decent amount of property available.

Mr. Zalk asked if staff would argue that the demand for childcare matches the supply of potential options for commercial space.



Staff stated they find that there is still across the city a decent amount of property that has office and commercial zoning.

Ms. Carr asked if it is not allowed by right to have a daycare that is not the owner's primary residence, what happens to those people who currently operate that way.

Staff stated nothing is going to happen until they one, come to our office and want to get it straightened out. He stated staff can help them get through the Special Exception process or two, a neighbor files a complaint. Staff stated the City of Tulsa code enforcement is a complaint-based code enforcement. He stated code enforcement is not searching these out and trying to mandate it is based on complaints.

Mr. Humphrey asked if this only impacts small daycares because if you are talking about 12 children and would it be fair to say that the reason people are not buying commercial buildings is because they don't have enough income with 12 children. He stated there is a childcare shortage also and he knows that for a fact because the state of Oklahoma gives incentives to start daycare. Mr. Humphrey stated it is his understanding that there are 100's of people using a residential property as a principal daycare use.

Staff stated they think there are about 64. He stated staff are not saying there is no avenue for them to be able to do this, what staff are saying is using a house as a business without anyone living there needs to go to the Board of Adjustment.

Mr. Humphrey asked what the cost and the process was to apply for the Special Exception.

Staff stated they would come talk to staff and provide a site plan showing generally just what is on the ground, where the buildings are. He stated a lot of times these are hand drawn or a Google map. Staff stated they pay their fees which range from about \$500 to \$750 and go in front of the Board of Adjustment. He stated this process takes about a month.

### **Interested Parties:**

**Gabriella Evans** 5820 E 78<sup>th</sup> Place, Tulsa, OK 74136

Ms. Evans stated she works for the Department of Human Services (DHS) in childcare licensing. She stated she is the Program Manager of over the Northeast region of the state which includes the city of Tulsa or Tulsa County. Ms. Evans stated there are about 70 daycare homes right now that are in operation where the owner does not live in the home, and she is here to advocate for them to continue being able to do that. She

stated when DHS license a home, they are either limited to having 7 kids or 12 kids, and it depends on their requirements. Ms. Evans stated the license is tied to that specific address. She stated most of these homes are in North Tulsa and they are small homes. She thinks that is one of the reasons they don't live in the home. Ms. Evans stated the requirements state that they have 35 square feet of indoor space per child and that excludes hallways, kitchens, bathrooms. It is specific to kids' indoor space where kids can play and 75 square foot per child outdoor space and then it must be fenced to ensure that these kids are in a safe environment. She stated DHS would not license the home if they don't feel like they can meet requirements or that kids will not be safe.

Mr. Zalk asked do you find that in the communities where you're currently licensing the and visiting the daycare centers there is an abundance of commercial space available that is economically viable as an alternative to a single-family residence.

Ms. Evans stated she does not see that in Tulsa. She stated if they're going to operate a childcare program in a commercial space that is a separate license that has a different set of requirements that they would have to meet and is a lot more expensive.

Mr. Zalk asked if Ms. Evans thought \$750 to be a reasonable cost of business for a childcare facility.

Ms. Evans stated she was not sure about that, but she knows that this is their primary business and their primary income. She stated a lot of operators are single parents. Ms. Evans stated one thing that she wanted to say was that as far as the 70 Homes licensed outside of their residence, that would be about 640 slots for children.

Mr. Craddock asked if Ms. Evans knew what the impact would be by not allowing daycares within 300 feet of another daycare.

Ms. Evans stated there is a large percentage that are near each other. She stated if there are 2 next to each other there is still a need.

Mr. Covey asked where the 70 homes were geographically located.

Ms. Evans stated primarily in the North Tulsa area.

**Mattece Mason** 1945 E 26<sup>th</sup> Place N, Tulsa, OK 74110

Ms. Mason stated they are back here before the Planning Commission, but they are in the homestretch. She stated what they have accomplished together so far is groundbreaking and should be given accolades, but they are not finished yet. Ms. Mason stated they are here today to decide that they can do to free up an industry to provide great care and give an advantage to our most vulnerable. She stated she would

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like to remind the Commission of the benefits of having childcare hubs, sanctuaries, and safe places within the community. Ms. Mason stated it fosters a high self-esteem in one's own neighborhood and bolsters improved housing circumstances, as a realtor of 17 years and a childcare owner of over 21 years she is an expert and can tell you she has observed that they go hand in hand the family childcare homes or properties that maintain the integrity of residential family style construction. They pose no detriment to the areas they serve. As a matter of fact, they only serve those areas. She stated they have over 60 plus caregivers that provide family environment care outside of their own homes, but inside neighborhoods who need safe places where children can learn, thrive, and grow. Ms. Mason stated all childcare providers know that they spend more of their time in the daycare home than they do in their own homes. She stated she moved out of her home daycare because she could not sustain the number of children any longer. Ms. Mason stated she then moved to another building that had been a church that she had to get rezoned, and it cost her \$30,000 at that time. She stated she is now a childcare center but is here to advocate for daycare homes. Ms. Mason stated this city has a push to create mixed use environments where residents and commercial properties are symbiotic and that is exactly what this does. She stated when they talk about principal use, we are still talking about a home because those homes even if they are principal use homes still have the same use. The house will look the same as it does if they live there. Everything else will be the same. Ms. Mason stated 300 units of housing in North Tulsa has been demolished to put mixed use housing on 36th Street North so what they are asking is right in line with planitulsa.

Mr. Covey asked what it cost for daycare for one child.

Ms. Mason stated if she could help get parents subsidized did it may not cost anything. But if paying cash, it could be \$200 to \$300 a week depending upon the child's age.

Mr. Covey asked if the operator owned the house.

Ms. Mason stated "yes," most of the time they own the house.

Mr. Covey stated there are real estate taxes, yard service and utilities.

Ms. Mason stated they carry liability insurance. She stated most will contract a professional trash company just to make sure that it gets done in a proper way. Ms. Mason stated to change the use is prohibitive if the home is going to be used in the same way.

Ms. Carr asked when Ms. Mason had her daycare separate from her home how many of the people that were coming to your daycare didn't have a vehicle.

Ms. Mason stated a lot of the businesses in North Tulsa can't thrive without daycares providing transportation. She stated that also curtails the traffic in the area because they must provide transportation to school.

**Debra Walker** 643 E Apache Street, Tulsa, OK 74106

Ms. Walker stated she is one of the people who has a home daycare, which she does not live in. She stated this occupation is no different than someone who works from home but has applied for the proper license or Special Exception to do so. Ms. Walker stated some of the parents walk their children to daycare because they don't have cars, or they take a city bus to the daycare and to work. She stated this is a loving environment and they treat the children like they are their own.

**Cindy Decker** 2216 E 26<sup>th</sup> Place, Tulsa, OK 74114

Ms. Decker stated she wanted to give a shout out to the Planning Office for doing an enormous amount of work over the past year. Ms. Decker thanked the Planning Commission for initiating the amendments that are before you today. She stated most family childcare homes are not currently in compliance with the zoning code. I find this extremely troublesome because they're providing community service. She stated they are helping families go to work, they are helping to educate our future workforce, and this is all in an unprecedented time of a childcare crisis. Ms. Decker stated she thinks it's important to understand that they are making razor thin margins, maybe not even livable wages. She stated there are 253 state licensed family childcare homes in our city and 52% of them are in North Tulsa. As you have heard, the state has very stringent regulations on these businesses. Ms. Decker stated there are 99 pages of regulations, and 3 times a year there are unexpected visits by licensing workers to make sure that the facility is safe. She stated of the 253 family childcare homes there are 64-70 that are principal use small homes. Ms. Decker stated they are small because there is not a lot of cash or extra profit to buy large homes, and they are often in areas of the city where homes cost less. She stated they are almost all owned by the provider, and she is worried about these 70 principal use homes being able to exist legally under the current zoning code. Ms. Decker stated they would have to get an approved Special Exception that involves cost, and it also requires skills and the courage to make the request and represent oneself to the Board of Adjustment. She stated if you are not meeting the lot and building regulations, you would have to get the approved variance and she believes that is highly unlikely. Ms. Decker stated she believes there may be about 37 daycare homes that might be within 300 feet of one another and that includes principal use and accessory use. She stated these family childcare homes are a neighborhood asset and

most serve the neighborhood where they are located. Parents can walk their child to daycare and have a safe place for their child. Ms. Decker stated she asks that the Planning Commission approve the principal use and the removal of the 300-foot rule.

Mr. Zalk asked if there were unlicensed Child Family Care Facilities?

Ms. Decker stated "yes," but she is not fluent in that market.

Mr. Craddock left at 2:47PM.

Ms. Carr stated that in 2004 there were almost 800 licensed through DHS and now that number is down to 253, what is causing that number to drop.

Ms. Decker stated the state provides a certain amount of subsidized funds to the provider per kid and they stopped increasing the amount that providers could get, so the providers could not make a profit and a lot of providers dropped out of the business.

Mr. Hood asked if there are companies out there that if allowed by right would sweep in and purchase three or four houses to make this a financial model.

Ms. Decker stated she does not know of a single company in the entire nation doing that.

Mr. Covey stated he wants to focus on what the real objection here is. He asked is it the \$750 for the Special Exception. He asked if it was the 30-day process, or 45-day process.

Ms. Decker stated for her it is the required additional burdensome scary process. She stated Tulsa Educare will financially support some of them by subsidizing the \$750 to help all these businesses exist in the city. Ms. Decker stated they do that with private funds. She stated Tulsa Educare also receives federal and state funding to support family childcare homes, and she as the Executive Director would have trouble supporting a business that doesn't legally exist in the city. Ms. Decker stated that currently federal and state funding is being passed on to some of these homes that are not legally operating in the city.

Mr. Covey stated so it is not the cost.

Ms. Decker stated "no," it's the process.

Mr. Covey asked if you are a resident on a 12 house street shouldn't you have a right to at least be notified if every other house on that street is going to be in the childcare business. Shouldn't you have a right as a resident to ask the Board of Adjustment why

we need so many family childcare homes on that street. He asked what rights does the resident have.

Ms. Decker stated she is not a zoning expert, and this process has made her learn some things. She stated she doesn't feel comfortable speaking to that because this has already been in existence for a long time. They are serving children in the community.

Mr. Humphrey asked if Tulsa Educare is currently subsidizing changes that are made for zoning for Board Adjustment.

Ms. Decker stated they have had one home go before the Board of Adjustment and they paid those fees. She stated that this would require 253 family childcare homes in our city to get zoning permits.

Mr. Covey stated approximately \$189,000.

Ms. Carr stated she is confused because she thought both attachments say that you would by right in your home that you live in to have daycare.

Staff stated in the City of Tulsa if you own a house, you can operate a family childcare home with up to 12 kids in your house by right but there is a 300-foot spacing requirement. He stated all they are considering today is if you do not live in the house, and the 300-foot spacing requirement.

Ms. Carr stated that's just 64 homes.

Ms. Decker stated, and they are required to get a zoning clearance permit.

Staff stated that is not going away. He stated they still need to get that, and it is a \$75 permit application through the permit center. That's not the Board of Adjustment.

Ms. Decker stated and there is the Certificate of Occupancy.

Mr. Covey stated that is not going away either.

Mr. Zalk stated he doesn't understand the economics. He stated by his calculations it's 200-300 dollars a week per child, or 1200 dollars a month in income times 8 children, which comes out to around 124,000 dollars a year. Mr. Zalk stated if the business is doing around 124,000 a year is 750 dollars that may be subsidized too much.

Ms. Decker stated she would prefer that the providers talk about that.

Mr. Zalk asked Ms. Evans, a previous speaker, if there was a propensity for a proliferation of non-licensed childcare homes.

Ms. Evans stated it is something that they deal with on an ongoing basis. She stated regardless of what happens here, it's something that will happen because the law states that even if it's one child that you are caring for more than 15 hours a week, you must be licensed.

Mr. Zalk asked how DHS finds out about those violators.

Ms. Evans stated they don't search for those people. She stated that get complaints and investigate. Ms. Evans stated they will go out and talk with them about the licensing laws and ask them to cease care. She stated there are a couple of complaints a month.

Ms. Carr asked staff if they looked at other cities and what they do when looking at someone not living in the daycare home.

Staff stated there is always a different level to what the city enforces. Generally, most of the rules that you find are the same as the City of Tulsa that says caring for children in their home. He stated the actual state statute calls it a residential family home and that interpretation is that someone's living in the home. Staff stated that does not sound like that is DHS interpretation, but that's what the staff looks at. He stated he has looked at Broken Arrow and their code has some of the same language and a lot of the other communities do as well.

Ms. Krug stated she understands the benefit of having a childcare home the principal use in a neighborhood. She stated after hearing the comments from the childcare professionals it sounds like one of the big concerns is the 64 that are currently operating illegally being allowed. Ms. Krug asked if there was any opportunity to do something that doesn't make all 64 people go to the Board of Adjustment. She stated maybe something like the AG-R with a combined application of all the applications.

Staff stated he is not saying that he is advocating but that is something City Legal would have to review in detail. He stated there are provisions in the code as far as certain uses are allowed if they were established before a certain date.

Mr. Zalk stated it's interesting that there's no opposition here. He stated he recognizes Mr. Covey's point that it would be strange to have 12 of these homes, doing family childcare on a 12-home street. Mr. Zalk stated that if there were a saturation of these facilities that there would be opposition here. He stated he supports this application.

Mr. Covey stated he is going in the opposite direction. He stated his reasoning is that he doesn't want to take away the right of each resident to be heard. Mr. Covey stated that

when Ms. Krug said she was not sure BOA wanted to hear 64 cases his response would be, he sure hoped that they would, because each one of those could affect a different residential area and that is what the BOA's purpose is. He stated he has heard, it's not the money, they are going to get subsidized. Mr. Covey stated the Planning Commission could recommend to the City Council that they create a waiver program to waive the \$750 application fee for BOA but what he heard today is it's not about the application fee or the 30-to-60-day process. He stated what he heard today was that it's just the process and to him, other people have rights too and he is not about to infringe on those. Mr. Covey stated Staff summary is to allow for principal use family childcare homes by right in residential neighborhoods is not consistent with the stated purpose of the residential zoning districts. He stated he does understand the arguments and he is sympathetic toward the audience. Mr. Covey stated he doesn't even necessarily like staff's recommendation on this because he doesn't like doing away with the 300 feet restriction. He stated he understands that Staff has done the research and said that it really hasn't been an issue in the past.

Mr. Zalk stated he understands when is enough, enough argument. He stated why not let the free market determine that if the margins are razor thin, it doesn't make sense for 4 business owners to be on the same block it would put everybody out of business.

Mr. Covey stated if you let the free market decide then why have a zoning code.

Mr. Humphrey stated his thought process is that these homes are usually going to be in areas where the home is more affordable because it just doesn't make sense to buy a \$500,000 house for daycare. He stated he would be curious to see how many of those people are living in their homes versus principal use. Mr. Humphrey stated he would venture to say most of those principal use homes are probably North Tulsa or lower income areas because it would make more sense to buy a house and use it for principal use daycare versus a commercial center.

Mr. Hood stated he absolutely sees what Mr. Covey's concerns are. He stated if this is allowed by right there could be an entire block of daycares. Mr. Hood stated that is worst case scenario but that is also a possibility, and it sets a precedent. He stated he wonders how much the 300-foot stipulation affects the neighborhood on a principal use as opposed to the family childcare. Mr. Hood stated he cannot think of anything as intimately tied to a neighborhood as childcare, as it should be.

Mr. Zalk stated that the fore mentioned worst case scenario if that were the case, where are those opposed to his amendment. He asked where the people are that are being impacted by this, the neighborhood's, the people whose rights Mr. Covey is defending. Mr. Zalk stated he applauds Mr. Covey for defending those rights but why did they not show up for this meeting.



A motion was made by Mr. Walker to approve item 11 per staff recommendation with denial of Attachment I and approval of Attachment II. This motion failed.

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 4-5-0 (Covey, Shivel, Walker, Whitlock, “aye”; Carr, Hood, Humphrey, Krug, Zalk, “nays”; none “abstaining”; Bayles, Craddock, “absent”) to recommend **DENIAL** of Attachment I and **APPROVAL** of Attachment II per staff recommendation.

A motion was made by Mr. Humphrey to approve item 11 with approval of both Attachment I and Attachment II. This motion passed.

**TMAPC Action; 9 members present:**

On **MOTION** of **HUMPHREY**, the TMAPC voted 5-4-0 (Carr, Hood, Humphrey, Krug, Zalk, “aye”; Covey, Shivel, Walker, Whitlock, “nays”; none “abstaining”; Bayles, Craddock, “absent”) to recommend **ADOPTION** of ZCA-28 including Attachment I to allow principal use daycare homes and Attachment II to eliminate the 300-foot restriction.

DRAFT

## OTHER BUSINESS

- 12. Historic Preservation Unified Design Guidelines** Consider proposed amendments to the Unified Design Guidelines for Non-Residential and Mixed-Use Structures to add a new section, “Section H – Guidelines for City of Tulsa Parks”

### AMENDMENTS TO UNIFIED DESIGN GUIDELINES FOR WORK IN CITY PARKS

**LOCATIONS AFFECTED:** CITY OF TULSA PARKS WITHIN HISTORIC PRESERVATION OVERLAYS

**APPLICANT:** REQUESTED BY CITY COUNCIL

#### A. CASE ITEM FOR CONSIDERATION

- Proposed amendments to the *Unified Design Guidelines for Non-Residential and Mixed-Use Structures* to add a new section, “Section H – Guidelines for City of Tulsa Parks”

#### B. RECOMMENDATION

The Tulsa Preservation Commission recommends approval of the proposed amendments to the *Unified Design Guidelines for Non-Residential and Mixed-Use Structures*, which would address Work in City of Tulsa parks located within Historic Preservation (HP) Overlay Districts.

As described in Section 75.020-M(4) of the Tulsa Zoning Code, the proposed amendments to the Unified Design Guidelines are critical for the review and approval of HP permit applications and relate to the significant characteristics of historic resources within HP Overlay Districts. The guidelines were developed by the Tulsa Preservation Commission (TPC) with the input of the City of Tulsa Department of Parks, Culture, and Recreation (Parks Department) as well as neighborhood representatives and residents in the Swan Lake and Tracy Park Historic Districts.

#### C. BACKGROUND

The Tracy Park HP Overlay was adopted by the Tulsa City Council in November 2022 and became effective in January 2023. As adopted, the overlay excluded Tracy Park because of concerns brought forward by the Parks Department about the standards and approval process for future updates to the park. However, the city council instructed Tulsa Planning Office staff to consider amendments to the Unified Design Guidelines and return with a new proposal for inclusion of the park in the HP Overlay.

Proposed is a new section in the *Unified Design Guidelines for Non-Residential*

*and Mixed-Use Structures* which would apply only to City of Tulsa parks within HP Overlay Districts. Swan Lake Park is the only City park currently included in an HP Overlay, except for the Creek Council Oak Tree and Stickball Park, which are subject to their own set of guidelines.

#### **D. SUMMARY OF PROCESS**

After the Tracy Park HP Overlay became effective, staff met with the Parks Department to discuss possible amendments to the *Unified Design Guidelines for Non-Residential and Mixed-Use Structures* for projects within City parks. The Parks Department requested the exemption of typical park amenities, such as playground equipment, sport courts and fields, park furnishings, and required signs, from the HP permit requirement. From that discussion staff determined that amendments to the Tulsa Zoning Code would be necessary to exempt those park amenities. Staff also heard from the HP Permit Subcommittee and Tracy Park and Swan Lake neighborhood residents about the possible amendments to the Unified Design Guidelines. Concerns included compatibility of new buildings, like bathroom facilities; future redevelopment of the park for a non-park use; construction of pavilions or other tall structures; maintenance of the Tracy Park fountain and circular pathway around it; and maintenance of the retaining walls along 11<sup>th</sup> Street and Norfolk Avenue. The proposed amendments consider those concerns brought forward by neighbors, the Parks Department, and the HP Permit Subcommittee.

The HP Permit Subcommittee reviewed multiple versions of the draft amendments, and representatives from the Parks Department provided comments on each draft and were present for discussion at meetings. On August 15, 2023, the HP Permit Subcommittee recommended approval of the proposed amendments to the Unified Design Guidelines.

In accordance with Section 75.020-M(4) of the zoning code and Article VIII of the TPC Rules and Regulations, the proposed amendments were made available for review on the TPC website and in the Tulsa Planning Office at City Hall, and a notice of the TPC public meeting was mailed to the City of Tulsa—the property owner directly affected by the proposed amendments. Additional courtesy notices were sent to the Parks Department, neighborhood representatives for Swan Lake and Tracy Park, and Swan Lake and Tracy Park neighborhood association email contacts. On September 14, 2023, the Tulsa Preservation Commission recommended approval of the proposed amendments, as reflected in the current draft.

#### **E. PROPOSED AMENDMENTS**

The proposed amendments to the *Unified Design Guidelines for Non-Residential and Mixed-Use Structures* would update the TPC logo on the cover page and add

a section, “Section H – Guidelines for City of Tulsa Parks.” Subsection H.1 gives general requirements and identifies historic park features in Swan Lake Park and Tracy Park. Subsection H.2 addresses furnishings, playgrounds, and recreational equipment. Subsection H.3 addresses paving, fencing, and walls. Subsection H.4 addresses signage and art.

#### F. ATTACHMENT

- Proposed amendments to the Unified Design Guidelines, as recommended by TPC

Proposed changes are shown in ~~strike through~~/underline

#### **TMAPC Action; 10 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 10-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, “absent”) to recommend **ADOPTION** of the Historic Preservation Unified Design Guidelines per staff recommendation but adding the word “maintenance” to Section H, General Requirement, H.1.1 Retain and preserve original historic park features through repair and maintenance

#### **13. Commissioners' Comments**

None

**ADJOURN**

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0(Bayles, Carr, Covey, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, Craddock, “absent”) to **ADJOURN** TMAPC meeting of October 18, 2023, Meeting No. 2900.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 3:25 p.m.

Date Approved:

\_\_\_\_\_

\_\_\_\_\_

Chair

ATTEST: \_\_\_\_\_

Secretary