

TULSA METROPOLITAN AREA PLANNING COMMISSION  
**Minutes of Meeting No. 2882**

Wednesday, January 18, 2023, 1:00 p.m.  
City Council Chamber  
One Technology Center – 175 E. 2nd Street, 2nd Floor

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Bayles	Reeds	Foster	Jordan, COT
Carr	Shivel	Miller	Silman, COT
Covey		Sawyer	Blank, Audrey, Legal
Craddock		Siers	
Kimbrel		Wilkerson	
Krug			
Walker			
Whitlock			
Zalk			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday January 12, 2023 at 4:26 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

Mr. 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 a work session was planned for March 22, 2023. Ms. Miller stated today was Commissioner Kimbrel’s last day on the Planning Commission and thanked her for her perspective and contributions to the Commission.

\* \* \* \* \*

**Minutes:**

1. Minutes of January 4, 2023 Meeting No. 2881

Approval of the Minutes of Minutes of **January 4, 2023 Meeting No. 2881**

**TMAPC Action; 8 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 6-0-2(Covey, Craddock, Krug, Walker, Whitlock, Zalk, “aye”; no “nays”; Bayles, Kimbrel, “abstaining”; Carr, Reeds, Shivel, “absent”) to **APPROVE** the minutes of Minutes of **January 4, 2023 Meeting No. 2881**

\* \* \* \* \*

Staff requested a continuance on Items 2 and 3 to February 1, 2023.

**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-559-3/Z-5888-SP-1c C. Joseph Watt** (CD 7) Location: North of the northeast corner of East 91<sup>st</sup> Street South and South Mingo Road requesting a **PUD Minor Amendment** to add a multi-story mental health facility as an allowed use to development area B. **(Staff requests a continuance to February 1, 2023)**

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0(Bayles, Covey, Craddock, Kimbrel, Krug, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Carr, Reeds, Shivel, “absent”) to **CONTINUE** Consent Agenda Item 2 to February 1, 2023.

**PUBLIC HEARING - PLATS**

3. **Saint Francis Hospital South** (CD 7) Request for Accelerated Release of Building Permits, Location: Northeast corner of East 91<sup>st</sup> Street South and Highway 169

**STAFF RECOMMENDATION:**

**Saint Francis Hospital South** - (CD 7)

Northeast corner of East 91<sup>st</sup> Street South and Highway 169

The subject property is required to obtain full compliance with the Subdivision & Development Regulations due to a rezoning to PUD-586-A that occurred in December of 2001. A portion of the property was platted following the original

approval, but the remainder of the tract is still subject to the platting requirements in the Tulsa Zoning Code Section 70.080.

The applicant has requested that the Planning Commission authorize the City of Tulsa to issue building permits prior to the filing of a final plat. The *Subdivision & Development Regulations* require the approval of a preliminary plat prior to authorization for an accelerated release of building permits. The preliminary plat for this project was approved on April 6, 2022.

The project is seeking to abandon and reconfigure existing public infrastructure that impacts that site. The abandonment of certain public infrastructure will include the closure and vacation of existing public utility easements that impact the project site. No construction will be permitted within the existing easements until closure of the easements has been completed. If approved, this application would allow work to begin on portions of the project that exist within the previously unplatted areas while the process to close and vacate existing easements continues. Closed easements will be depicted on the final plat. Any easements that have completed the vacation process will be removed from the final plat.

The Technical Advisory Committee met on January 5, 2023 and had no objections to the authorization for accelerated release of building permits.

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

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

1. If an accelerated release is approved, no final inspection of buildings or structures may occur, and no certificate of occupancy may be issued until a final plat for the subject property has been approved and recorded.
2. Performance guarantees for outstanding public infrastructure must be submitted prior to issuance of any building permits per the Subdivision & Development Regulations, Section 10-110.6.B.

Staff has determined that circumstances related to the subject property reasonably preclude the future use or improvement of the area for which dedication of right-of-way and easements would be required and recommend TMAPC include these findings to defer those dedications to the final plat.

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0(Bayles, Covey, Craddock, Kimbrel, Krug, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Carr, Reeds, Shivel, “absent”) to **CONTINUE** Item 3 to February 1, 2023.

\* \* \* \* \*

## PUBLIC HEARING – REZONING

4. **Z-7690 Lou Reynolds** (CD 4) Location: Northwest corner of East 21<sup>st</sup> Street South and South Lewis Avenue requesting rezoning from **CS and OL to CH with an optional development plan**

### **STAFF RECOMMENDATION:**

#### **SECTION I: Z-7690**

#### **APPLICANTS DEVELOPMENT CONCEPT AND INTRODUCTION STATEMENT:**

The Project that is the subject of this Application is comprised of three (3) lots located north and west of the northwest corner of East 21<sup>st</sup> Street and South Lewis Avenue. Such three lots comprise slightly more than one (1) acre.

The easterly two (2) such lots, located at 2020 South Lewis Avenue and 2227 East 21<sup>st</sup> Street, contain an existing commercial and office development. Unusually, such two (2) lots are zoned CS - Commercial Shopping District and OL - Office Light District and are developed with a 6700 square foot, single-story building located on the easterly lot and a parking lot on the westerly lot.

The third lot, located at 2215 East 21<sup>st</sup> Street, is zoned OL - Office Light District and contains a 4300 square foot two-story residential structure that was built in 1940 and has been used as an office for at least 30 years.

The Applicant desires to redevelop the 2215 East 21<sup>st</sup> Street property for commercial purposes and operate all three (3) lots as a commercial center. A Conceptual Site Plan for the Project is attached hereto as Exhibit "B".

The Applicant has filed an application to: (i) rezone the Property CH - Commercial Heavy; and (ii) impose Development Standards on the Project with an Optional Development Plan in order to ensure the transition between the Project and the residential properties to the north and west of the Project. Except as is provided in the Optional Development Plan, all the other standards of the CH District shall apply.

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

The CH zoning district is primarily intended to accommodate high-intensity commercial and related uses in the core area of the city and encourages use of properties and existing buildings along older commercial corridors. Z-7690 with the optional development plan encourages the use of existing buildings and is along one of the original commercial corridors in Tulsa and,

Supplemental standards in the CH district minimizes encroachment and adverse land use impacts on stable residential neighborhoods and CH zoning allows uses

and building placement that is consistent with the Main Street land use designation and,

The development plan outlined in Section II is consistent with the provisions of the optional development plan standards in the Tulsa Zoning Code and, The property has chosen to submit the development plan outlined in Section II which provides additional development standards and limits uses in a way that ensures future development on the subject property is compatible with abutting residential properties and consistent with the Main Street Land Use Designation. Staff supports the optional development plan standards and the zoning change therefore,

Staff recommends Approval of Z-7690 to rezone property from CS, OL to CH with the provisions of the optional development plan outlined in Section II.

**SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS:**

**GENERAL PROVISIONS:**

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in CH district with its supplemental regulations and accessory use provisions except as further refined below.

All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited.

**DEVELOPMENT AREA "A"**

(2020 South Lewis Avenue and 2227 East 21<sup>st</sup> Street)

Legal Description: See attached Exhibit "A-1"  
Gross Land Area: Approximately 30,325 SF

**PERMITTED USE CATEGORIES:**

**Residential**

- Household Living (only allowed in the Permitted Residential Building Types)
  - Single household
  - Two households on a single lot
  - Three or more households on a single lot

**Pubic, Civic, and Institutional**

- College or University
- Day Care
- Hospital
- Library or Cultural Exhibit
- Parks and Recreation
- Postal Services
- Religious Assembly

Safety Service School  
Utilities and Public Service Facility  
    Minor  
Wireless Communication Facility  
    Freestanding tower  
    Building or tower-mounted antenna

**Commercial**

Animal service  
    Grooming  
    Veterinary  
Broadcast or Recording Studio  
Commercial Service  
    Building service  
    Business support service  
    Consumer maintenance/repair service  
    Personal improvement service  
    Research service  
Financial Services (except Personal credit establishment is prohibited)  
Funeral or Mortuary Service  
Lodging  
    Bed & Breakfast  
    Short-term rental  
    Hotel/motel  
Office  
    Business or professional office  
    Medical, dental or health practitioner office  
Parking, Non-accessory  
Restaurants and Bars  
    Restaurant  
    Bar  
Retail Sales  
    Building supplies and equipment  
    Consumer shopping goods  
    Convenience goods  
    Grocery Store  
    Medical Marijuana Dispensary  
Studio, Artist, or Instructional Service  
Trade School

**Other**

Drive-in or Drive-through Facility (as component of an allowed principal use)

**PERMITTED RESIDENTIAL BUILDING TYPES:**

**Household Living**

- Single household
  - Townhouse
  - Mixed-use building
  - Vertical mixed-use building
- Two households on a single lot
  - Mixed-use building
  - Vertical-mixed use building
- Three or more households on a single lot
  - Mixed-use building
  - Vertical-mixed use building

**Maximum Building Floor Area:** None

**Maximum Building Height:** 35 ft

**Minimum Building Setbacks:**

From the North boundary\*: 0ft

\*From any R-District 10ft

From the East boundary (South Lewis Ave): 10ft

From the West boundary: 0ft

From the South boundary (East 21<sup>st</sup> Street): 10ft

\* The existing accessory storage building and dumpster enclosure located at the northwest corner of Development Area A is permitted.

**Building Materials:**

Building materials shall be masonry, stucco, glass, or wood. Building accents may include steel or other painted or coated metal.

**Landscaping and Screening Requirements:**

The landscaping and screening requirements of the Tulsa Zoning Code for the CH District shall apply.

**Dumpster Screening:**

Dumpster screening shall be of masonry construction with steel frame doors. The doors shall be covered with appropriate covering containing a minimum of ninety-five percent (95%) opacity.

**Roof-Mounted HVAC:**

Mechanical equipment will be roof-mounted and screened so as not to be visible from ground level at the property boundary.

**Lighting:**

Lighting shall comply with the standards of the Tulsa Zoning Code in the CH District.

**Signage:**

Wall Signs: Wall signs shall comply with the signage standards of the Tulsa Zoning Code in a CH District, except as follows:

1. Dynamic displays are prohibited.

Ground signs: Ground signs shall conform to the Tulsa Zoning Code in a CH district except as follows:

1. Maximum height: 20 feet
2. Dynamic display is prohibited

**DEVELOPMENT AREA "B"**

(2215 East 21<sup>st</sup> Street)

**Legal Description:** See attached Exhibit "A.2"

**Gross Land Area:** Approximately 14,796 SF

**PERMITTED USE CATEGORIES:**

**Residential**

Household Living (only allowed in the Permitted Residential Building Types) Single household  
Two households on a single lot  
Three or more households on a single lot

**Public, Civic, and Institutional**

College or University  
Day Care  
Hospital  
Library or Cultural Exhibit  
Parks and Recreation  
Postal Services  
Religious Assembly  
Safety Service School  
Utilities and Public Service Facility  
Minor



Wireless Communication Facility  
Freestanding tower  
Building or tower-mounted antenna

**Commercial**

Animal service  
Grooming Veterinary  
Broadcast or Recording Studio  
Commercial Service  
Building service  
Business support service  
Consumer maintenance/repair service  
Personal improvement service  
Research service  
Financial Services (except Personal credit establishment is prohibited) Funeral or Mortuary Service  
Lodging  
Bed & Breakfast  
Short-term rental  
Hotel/motel  
Office  
Business or professional office  
Medical, dental or health practitioner office  
Parking, Non-accessory  
Restaurants and Bars  
Restaurant  
Bar  
Retail Sales  
Building supplies and equipment  
Consumer shopping goods  
Convenience goods  
Grocery Store  
Medical Marijuana Dispensary  
Studio, Artist, or Instructional Service  
Trade School

**OTHER**

Drive-in or Drive-through Facility (as component of an allowed principal use)

**PERMITTED RESIDENTIAL BUILDING TYPES:**

**Household Living**

Single household  
Townhouse

Mixed-use building  
Vertical mixed-use building  
Two households on a single lot  
Mixed-use building  
Vertical-mixed use building  
Three or more households on a single lot  
Mixed-use building  
Vertical-mixed use building

**Maximum Building Floor Area:** 20,000 SF

**Maximum Building Height:** 35 ft

**Minimum Building Setbacks:**

From North boundary: 15ft  
From East boundary: 0ft  
From West boundary: 10ft  
From South boundary (East 21<sup>st</sup> Street): 10ft

**Building Materials:**

Building materials shall be masonry, stucco, glass, or wood.  
Building accents may include steel or other painted or coated metal.

**Minimum Building Transparency:**

Commercial and mixed-use buildings shall have a minimum transparency, as defined in Section 90.140 of the Tulsa Zoning Code of 35% at the ground floor and 20% for any upper floors.

**Landscaping and Screening Requirements:**

A seven (7) foot landscape buffer meeting or exceeding the standards for an F1 screening wall as required in chapter 65.070-C of the Tulsa Zoning Code shall be installed and maintained along the North boundary of Development Area B.

A masonry screening wall with a minimum height of (6) feet shall be installed and maintained along the North boundary of Development Area B.

**Dumpster Screening:**

Dumpsters shall be set back at least 10 feet from the North boundary of Development Area Band shall be screened from view from all street rights-of-way and R-zoned property. Dumpster screening shall be of masonry construction with steel frame doors. The doors shall be covered with appropriate covering containing a minimum of ninety-five percent (95%) opacity.

**Roof-Mounted HVAC:**

Mechanical equipment will be roof-mounted and screened so as not to be visible from ground level at the property boundary.

**Lighting:**

No freestanding pole light fixtures shall be installed closer than 20 feet from the North boundary of Development Area B. Building mounted light fixtures shall be mounted no higher than 12 FT high and shall be shielded and directed downward.

**Signage:**

Wall Signs: Wall signs shall comply with the signage standards of the Tulsa Zoning Code in a CH District, except as follows:

1. Wall signs shall be prohibited on the north side of any building in Development Area B.
2. Dynamic display is prohibited.

Ground signs: Ground signs shall conform to the Tulsa Zoning Code in a CH district except as follows:

1. Maximum height: 20 feet.
2. Dynamic display is prohibited

**SECTION III: SUPPORTING DOCUMENTS**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

***Staff Summary:** The proposed development as defined in section II above is consistent with the land use designation of the comprehensive plan.*

**Land Use Vision:**

**Land Use Plan map designation: Main Street**

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

### ***Areas of Stability and Growth designation: Area of Growth***

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

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

### **Transportation Vision:**

#### ***Major Street and Highway Plan:*** Multi-Modal Corridor

East 21<sup>st</sup> Street South and South Lewis are both Urban Arterial streets and considered a multi-modal corridor. Future development should emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail, and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

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

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

**Small Area Plan:** None

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:**

*Development Area A (east portion of the subject tract) is developed with an existing single-story mixed-use building with surface parking. (See image below from southeast looking northwest)*



*Development Area B (west portion of the subject tract) is a home that has been converted to a medical office building. The applicant is proposing to remove that building and redevelop the site. (See image below from south looking north)*



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

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Lewis Avenue	Urban Arterial	70 feet	5 lanes 3 south bound 2 north bound
East 21 <sup>st</sup> Street South	Urban Arterial	70 feet	6 lanes 2 west bound 4 east bound

**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>Area of Stability or Growth</b>	<b>Existing Use</b>
North	Yorktown Historic Preservation district / RS-3	Existing Neighborhood	Stability	Detached single family home
East across South Lewis Avenue	PUD-374 / CH	Main Street	Growth	Multi story mixed use building with parking structure
South across East 21 <sup>st</sup> Street South	RS-3	Regional Center	Growth	Private School
West	OL	Main Street	Growth	Vacant lot

**SECTION IV: RELEVANT ZONING HISTORY**

**History: Z-7690**

***Subject Property:***

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

**BOA-18078 June 1998:** The Board of Adjustment **approved** a *Variance* to permit setback requirement from 100' to 78' from centerline of E. 21<sup>st</sup>. and from 100' to 80' from centerline of S. Lewis Avenue & a *Variance* to permit use of Lots 16 and 17 for required off-street parking for commercial use on Lots 18,19 and 20 & an *Appeal a decision* of Kurt Ackerman, Zoning Official, regarding current zoning classification of Lot 18 and request interpretation of Zoning Map, on property located at NW/c of East 21<sup>st</sup> St.& S. Lewis Avenue.

**BOA-16074 June 1992:** The Board of Adjustment **denied** a *Variance* to permit the required 50' setback from the centerline of east 21<sup>st</sup> Street to 41' to permit a sign, on property located at 2119 East 21<sup>st</sup> Street South.

**BOA-13497 March 1985:** The Board of Adjustment **approved** a *Variance* to permit the 100' setback from the centerline of Lewis to 80' to permit an addition to an existing structure in a CS zoned district, on property located at the NW corner of 21<sup>st</sup> Street and Lewis.

**BOA-10916 March 1980:** The Board of Adjustment **approved** a *Special Exception* for permission to locate a mobile home in an RS-2 District; & a *Variance* to permit a mobile home on a lot that has a residence on it, on property located at 1654 East 66<sup>th</sup> Street North.

***Surrounding Property:***

**BOA-22427 April 2018:** The Board of Adjustment **approved** a *Variance* to reduce the street setback from 35 feet to 15 feet along South Lewis Avenue, on property located at 2403 East 20<sup>th</sup> Street South.

**BOA-21766 August 2014:** The Board of Adjustment **approved** a *Variance* to reduce the lot width from 60 feet to 56 feet in an RS-3 District; & a *Variance* to reduce the required setback from an Urban Arterial from 85 feet to 60 feet from the centerline, on property located at 2407 east 20<sup>th</sup> Street.

**BOA-20526 June 2007:** The Board of Adjustment **approved** a *Variance* to permit the maximum number of signs permitted in the OM district to permit an additional wall sign and Variance of the maximum permitted display surface area for signage in the OM district, on property located at 2727 East 21<sup>st</sup> Street.

**BOA-20365-A June 2007:** The Board of Adjustment **approved** a *Minor Special Exception* to permit modifications to an approved site plan to relocate and reduce the height of a bell tower, on property located at 2206 South Lewis Avenue East.

**BOA-19411 July 2002:** The Board of Adjustment **approved** a *Variance* of permitted signage in an OM district, on property located at 2424 E. 21<sup>st</sup> St.

**BOA-19397 June 2002:** The Board of Adjustment **approved** a *Variance* of maximum structure height from 35' to 47' for an addition in an RS-3 district & a *Variance* of required 25' setback from abutting properties in an RS district to expand a parking lot, on property located at 2206 S. Lewis.

**BOA-18401 May 1999:** The Board of Adjustment **approved** a *Variance* to permit more than 20% coverage of required rear yard by an accessory building, on property located at 2224 E. 20<sup>th</sup> St.

**BOA-17853 October 1997:** The Board of Adjustment **approved** a *Special Exception* to permit a drive-in bank in an OL district, on property located at 2201 East 21<sup>st</sup>.

**BOA-17232 November 1995:** The Board of Adjustment **approved** a *Variance* to permit the required parking setback from the centerline of South Lewis Avenue, on property located at NW/c East 20<sup>th</sup> Street and South Lewis Avenue.

**PUD-530 November 1994:** All concurred in **approval** of a proposed *Planned Unit Development* on a tract of land on property located Northwest and Southwest corners of S. Lewis and E. 20th.

**BOA-15296 November 1989:** The Board of Adjustment **approved** a *Special Exception* to permit a post office/mail service in an OL zoned district, on property located at North of NW/c East 21<sup>st</sup> Street and South Lewis Avenue.

**BOA-14921 September 1988:** The Board of Adjustment **approved** a *Special Exception* to permit children's youth activities associated with the YWCA in an RS-3 zoned district, on property located at 2731 East 20<sup>th</sup> Street.

**BOA-14888 August 1988:** The Board of Adjustment **approved** a *Variance* to permit setback from 3' to 2' to allow for a detached accessory building & a Variance



of the size of said building to cover more than 20% of the rear yard (484 sq. ft.), on property located at 2223 East 20<sup>th</sup> Street.

**BOA-14747 March 1988:** The Board of Adjustment **approved** a *Special Exception* to permit for a playground in conjunction with an existing YWCA, on property located at 2227 East 20<sup>th</sup> Street.

**BOA-13901 January 1986:** The Board of Adjustment **approved** a *Variance* to permit setback for 4 on-premise signs: (1) from 50' to 42' on west side of property (2) from 60' to 42' on south side of property at west end (3) from 60' to 53'3" on south side of property at east end (4) from 60' to 42' on south side near middle of property, on property located at NE/c of South Lewis Avenue and East 21<sup>st</sup> Street.

**BOA-13883 December 1985:** The Board of Adjustment **approved** a *Special Exception* to permit an existing school and an expansion of school for a pre-school, on property located at 2200 South Lewis Avenue.

**PUD-374 October 1984:** All concurred in **approval** of a proposed *Planned Unit Development* on a 2.14+ acre tract of land on property located NE corner of 21<sup>st</sup> Street and Lewis Avenue.

**BOA-12187 September 1982:** The Board of Adjustment **approved** a *Special Exception* to permit a car wash in a CS zoned district, on property located at SE corner of 21<sup>st</sup> Street and Lewis Avenue.

**BOA-11736 December 1981:** The Board of Adjustment **approved** a *Special Exception* to permit an aquatic facility indoor in an RS-3 District & a *Variance* of the side yard setback requirements to permit the connection of three buildings in an RS-3 District; & a *Variance* of the side yard setback requirements to permit the connection of three buildings in an OL District & a *Variance* of the parking requirements to permit 1 parking place for every 500 square feet of building area in an RS-3 and OL districts, on property located at 1920 South Lewis Avenue.

**BOA-10861 February 1980:** The Board of Adjustment **approved** a *Variance* to permit setback requirements from 60' to 30' to permit the erection of a pole sign; & a *Variance* of the square footage requirements from 32 square feet to 42 square feet of sign display surface area on property located at northeast corner of 21<sup>st</sup> Street and Zunis Avenue.

**BOA-10277 January 1978:** The Board of Adjustment **approved** a *Special Exception* to use property for community services (YWCA) & a *Variance* of the setback requirements from 100' to 70' 3" from the centerline of Lewis at 1920 South Lewis Avenue, on property located at Lots 1 & 2, Block 7 Woodward Park Addn.

**BOA-8177 February 1974:** The Board of Adjustment **Denied** a *Special Exception* to permit off-street parking to be used in conjunction with adjoining office building in an RS-3 District, on property located at the south side of 20<sup>th</sup> Street and east Lewis Ave.

**BOA-7001 July 1987:** The Board of Adjustment **approved** a *Variance* to permit having a driveway for egress from a CH and OL district and RS-3 district, on property located at 2412 East 20<sup>th</sup> Street.

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

**TMAPC Comments:**

Mr. Craddock asked if the applicant requested CH zoning to help with the parking requirements.

Staff stated CH zoning is consistent with any of the Main Street Land Use designations. He stated "yes" the parking requirements in a CH District are less than other zoning districts.

**Interested Parties:**

**Sean Fry** 2224 East 20<sup>th</sup> Street, Tulsa, OK 74104

Mr. Fry stated his property is adjacent to the subject property. He stated he spoke with Mr. Bumgarner through email and phone conversations in regard to what was planned for this property and the residential neighbors on 20th Street are okay with this application as long as the applicant adheres to what was discussed. He stated the neighbors were sent three pages of drawings and a description of a single story retail outlet. Mr. Fry stated they are not in favor of a college or university building or daycare center going behind their house.

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Reeds, Shivel, "absent") to recommend **APPROVAL** of the CH zoning with an optional development plan for Z-7690 per staff recommendation.

**Legal Description for Z-7690:**

Legal Description

Z-7690

The East Forty (40) feet of Lot Sixteen (16), Less and Except the South Twenty (20) feet thereof, and all of Lots Seventeen (17), Eighteen (18), and Nineteen (19), Block Eleven (11), WOODWARD PARK ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof

AND

Lot Twenty (20), Block Eleven (11), WOODWARD PARK ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, LESS AND EXCEPT the following described parcel, to-wit:

BEGINNING at the Southeast corner of Lot Twenty (20), Block Eleven (11), WOODWARD PARK ADDITION to the City of Tulsa, Tulsa County, Oklahoma, according to the duly recorded plat thereof and being more particularly described as follows, to-wit: thence North along the East line of said Lot a distance of 136.33 feet to a point, said point being the Northeast corner of said Lot; thence West along

the North line of said Lot, a distance of 5.0 feet; thence South parallel to and 5.0 feet West of the East line of said Lot 20, a distance of 107.93 feet to a point; thence around a curve to the right having a radius of 35.0 feet to a point on the South line of said Lot; thence East along the South line of said Lot a distance of 19.55 feet to a point or place of beginning.

Lots Fourteen (14), Fifteen (15), and the West Ten (10) feet of Lot Sixteen (16), Less and Except the South Twenty (20) feet of the West Ten (10) feet of Lot Sixteen (16), Block Eleven (11), WOODWARD PARK ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

\* \* \* \* \*

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

Item 5 was presented by the consultant Kirk Bishop, with Duncan and Associates.

- 5. Tulsa County Zoning Code**- Review and make recommendation to the Board of County Commissioners (BOCC) on adoption of a new zoning code, repealing and replacing the existing Tulsa County Zoning Code (Continued from November 16, 2022 and December 7, 2022)

### **STAFF RECOMMENDATION:**

#### **Item**

Public hearing to provide a recommendation to the Board of County Commissioners regarding adopting the update to the Tulsa County Zoning Code.

#### **Background**

The Tulsa County Zoning Code was first adopted in 1980. Through the years, amendments were made but the structure and basics of the code remained unchanged over the years. In July 2021, Duncan Associates, was retained to help lead the code update effort.

Once the new code format was created, a Technical Team was formed to review the initial draft. The Technical Team consisted of staff members from Tulsa Planning Office, Tulsa County Inspections Department, and an attorney from the Tulsa County District Attorney’s Office. Suggested edits were submitted and discussed during virtual meetings. Changes included adding regulations governing Marijuana-related uses, revising accessory building size regulations, adding two new “RS” districts (RS-1 and RS-2), incorporating new animal-keeping regulations in residential districts, and the addition of RV-living and accessory dwelling unit

(ADU) regulations. The Technical Team also helped proofread, and review content for accuracy between the old Code and the updated Code.

The next step was the creation of a Work Group to serve as a sort of “sounding board” for review and discussion of key code changes before releasing a draft for public review. Each County Commissioner recommended three people to be a part of the Work Group. The group met in-person a total of five times and provided helpful feedback on a variety of issues, particularly as related to ensuring that the new code is not overly burdensome on farmers and rural landowners.

On August 17, 2022, the consultant presented an update of the progress on the Tulsa County Zoning Code at a Work Session. A link to the draft of the document was later emailed to the Planning Commissioners so they could review the document and provide feedback at the Work Session meeting on October 5, 2022. During the second work session, the consultant, Kirk Bishop, gave a presentation of the draft of the Tulsa County Zoning Code update.

The draft was open for public review and comments from October 7-21, 2022. The public was notified through various methods including emails to residents of unincorporated Tulsa County who subscribe to Tulsa Planning Office and the County Commissioners email lists, a press release was issued and Fox 23 and Channel 6 featured stories about it, Tulsa Planning Office created a webpage that directed interested parties to the review draft, Tulsa County shared the information on their News and Inspections webpage, and a link to the draft was posted on the Facebook pages of Tulsa Planning Office and Tulsa County.

The consultant gave a presentation at the November 16, 2022, Planning Commission meeting. The Commission voted to continue the item to December 7, 2022, to allow more time for review and to understand any remaining issues. At the December 7th meeting, Planning Commission requested that the latest draft be sent back to the Work Group for a final review. Two Work Group members replied, one with comments and NAIOP also provided a letter with comments (attached). A summary of all comments, with those highlighted since the last meeting, and the January 10th, 2023 Public Hearing Draft are provided as attachments to this staff report.

### **Staff Recommendation**

Staff recommends that TMAPC recommend approval of the Tulsa County Zoning Code update.

### **TMAPC Comments:**

Mr. Craddock asked if the current practice is for staff to initiate proposed Zoning Code changes for both the City and the County codes.

Mr. Bishop stated it's important to point out that in the proposed Zoning Code, there is a provision that Planning Commission has found useful in the City Zoning Code that allows for the correction of Scriveners errors by the Staff if they don't involve any substantive change to the Code, such as a typographical error, error and a figure or something like that and that would carry over into the proposed County Zoning Code. He stated Staff has the authority and has historically been the initiator of changes to the Zoning Code although there haven't been that many over the years. Mr. Bishop stated he doesn't believe that the existing County Code expressly says who has the authority to initiate the changes but they thought it would be helpful to have it expressly stated in the Code. He stated those amendments would then still have to go through the process and ultimately be adopted by elected officials. Mr. Bishop stated he doesn't think that it represents a substantive change from current practice.

Mr. Craddock stated one of the comments in the email Ms. Bayles provided stated they do not recall the Work Group devoting considerable time to marijuana related regulations. Mr. Craddock stated the first meeting of the Work Group was a pretty in depth meeting dealing with that very issue.

Mr. Bishop stated he characterized it as a considerable amount of time but sometimes his sense of time and space is a little distorted. He stated he recalls, like Mr. Craddock, that a fair amount of time both at the Staff Technical Team level without the Work Group, and then at the Work Group level they went down a rabbit hole talking about marijuana for just about all of a meeting.

Mr. Craddock stated both him and Ms. Bayles were a part of the Work Group. He stated there were a wide variety of individuals that gave a lot of opinions. Mr. Craddock stated in his opinion the proposed Tulsa County Code is a code that TMAPC could recommend for approval. He stated it would then go to the Board of County Commissioners for review and approval. He stated the Board of County Commissioners has the ability to take TMAPC recommendation or to modify the document.

Ms. Bayles stated the draft code codifies the current practice. She stated on page 5.2 of the agenda packet, item number 5 permits multi section manufactured housing unit but single section manufactured housing units require a special exception. She stated she finds no rationale to identify why these are treated different. Ms. Bayles asked if it was the difference between the average living space.

Mr. Bishop stated it has been the historic zoning practice of the County. He stated the County considers mobile homes to be single section units and those require a Special Exception and AG-R as well as all the other R districts which is consistent throughout this process. Mr. Bishop stated they have elected to retain the existing regulations. He stated there is, of course, a difference in the size or the floor area, for single section versus a multi-section manufactured housing unit and perhaps

that's the reason but he can't speak to the intent. Mr. Bishop stated his intent was to keep the regulations as closely aligned with the existing County Zoning Code as possible.

Ms. Miller stated she has spent hundreds if not thousands of hours with the County Board of Adjustment. She stated this issue is common on most every agenda. Ms. Miller stated although we may not understand the difference, neighborhoods understand the difference. She stated neighbors that come forward are fine with a double wide in the neighborhood but they don't want a single wide. She stated in neighborhoods and to the residents it makes a difference.

Ms. Bayles stated the prohibition of outdoor advertising signs in PUD's comment was also hers. She stated she thinks the old code has it wrong. Ms. Bayles stated when assembling parcels with various uses, she understand that it's not permitted but thinks it needs to be reviewed. She stated the replacement of the use unit classification system was identified as archaic but she believes it's one of the most simplistic systems that is out there. Ms. Bayles stated her problem with modifying at such a higher level is that it does not make it easy for the average person to use the proposed Code. She stated that is also one of the other concerns she has with the regulation of cannabis related uses. Ms. Bayles stated she recalls that there was a great deal of discussion about cannabis but it was about the negative impact of cannabis related uses and processing in particular, at the very beginning of the Work Group discussion. She stated she read the Wall Street Journal article and Oklahoma is the poster child for cannabis growing in the nation but permitting this and making it a legal use and seeing it as a benefit to the County. Ms. Bayles stated Staff authority to initiate zoning text amendments is also a concern and she has some differing opinions on it. She stated they need to look at the Land Use Administrator's powers as it pertains to statute or law. Ms. Bayles stated there is no hurry to get this adopted and she would support another Work Session or if not a Work Session lets get this right at the Planning Commission level before moving to Board of County Commissioners.

Ms. Kimbrel asked what types of engagement had happened since the December 7 meeting. Ms. Kimbrel asked if the current draft went out to the Work Group and feedback was elicited or was the Work Group convened again between December 7 and today's TMAPC meeting.

Mr. Bishop stated Work Group did not convene physically together nor virtually for that matter. He stated the draft was sent out as well as the summary table of comments received to date that were included in the agenda packets. He stated and in response to sending the draft and comments out there were comments from two of the Work Group members.

Mr. Craddock stated he thinks there has been some good changes. He stated in his opinion a lot of these issues will directly affect the 36,000 people that are in the unincorporated areas of Tulsa County, that are not covered by a City Planning

Commission or City zoning and ordinances. He stated after this is approved his goal is to make sure that all these questions are answered, even the legal questions because County state statutes are so different than municipality state statutes. Mr. Craddock stated they don't have the ability to interpret state statute to give us authority if we think it's there, it either says you can do it, or they can't do it. He stated the changes if needed can be done at BOCC because TMAPC is a recommending board. This will make for a better document for the County Board of Adjustment.

Ms. Kimbrel asked what types of engagement with legal has happened and what kind of authority are we asking them to do legally.

Ms. Bayles stated mostly clarification.

Ms. Kimbrel asked has legal been involved in this update.

Mr. Bishop stated legal staff has reviewed our draft work products, including our summary tables and responses. Mr. Bishop stated Ms. Bayles referenced 15.010-K item number 47 on the Public Comments sheet. He stated the comment in the response column is a bit confusing. He stated the response was this change is intended to make the provisions consistent but that was an early explanation and he should have deleted once he included the redline material. Mr. Bishop stated there is no requirement that applicants provide notice. He stated that was removed from the draft in response to further legal review and that aligns it with statutory authorization and state law.

Mr. Walker asked by not resolving the remaining 6 issues are they just being pushed to the Board of County Commissioners.

Mr. Bishop stated they are resolved in his mind.

Mr. Craddock stated any remaining issues will be reviewed at the County level by the Assistant District Attorney and County Code Enforcement and Inspections Departments.

Mr. Covey asked if County Legal and City Legal have reviewed this Code and Mr. Bishop responded "Yes"\* and that it is good to go to BOCC.

\*Mr. Bishop was not aware that the DA's office advises TMAPC as to County zoning matters, and the City Attorney's office advises as to City zoning matters. The City Attorney's office has not conducted a review of the draft County Code.

He stated that Mr. Craddock has said that if this is approved today, that he and the County are going to relook at everything again to make sure it's good. Mr. Covey stated what he is hearing from the County designee (Mr. Craddock) who

sits on this board is they're going to look at everything again and it's perfectly within their purview to make additional changes, they could throw it all away if they wanted to and start over.

Mr. Covey stated TMAPC/Planning Office has been dealing with this since July 2021. He stated the County put together a Work Group of nine people who met five times it was presented at two work sessions. There were a few people who came to the TMAPC Meeting in December 2022 and this item was continued. Mr. Covey asked where does it end. He stated TMAPC could make changes today, he doesn't think they are in a position to do that today. Mr. Covey if it is sent back to a Work Session this process could start all over again with additional comments and additional changes. He stated someone's going to have a different legal opinion. He stated he would be voting to move this forward to the BOCC..

Mr. Walker asked how they could avoid the 11th hour comments and changes. He asked if there was a better process and how can they include NAIOP and the HBA in the future.

Staff stated the HBA was included in the Work Group Ms. Bayles was in the Work Group. She stated they sent out newsletters and email blasts that included the information. Staff stated they should have targeted certain groups but they didn't know. Staff stated it was on the website with a page devoted specifically to it.

Ms. Carr asked how often this Zoning Code was updated.

Staff stated the last time it was amended was 40 years ago.

Ms. Carr stated it will be the same thing in the next revision in 40 years.

Ms. Bayles stated time is not running out. She agrees that this is a tiresome issue but it is one that deserves a substantive work session and she doesn't recall having much conversation about specific issues. Ms. Bayles stated this proposed County Code is a considerable change from the current Code. She stated she would hope that the Planning Commission would refine the document, especially where it concerns legal opinion with legal in the conversation to send the Board of County Commissioners a refined product that we can all be proud of.

**TMAPC Action; 9 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 7-2-0 (Carr, Covey, Craddock, Krug, Walker, Whitlock, Zalk, "aye"; Bayles, Kimbrel, "nays"; none "abstaining"; Reeds, Shivel, "absent") to recommend **ADOPTION** of the new Tulsa County Zoning Code as presented in the January 2023 public hearing draft, repealing, and replacing the existing zoning code.

**OTHER BUSINESS**



## **6. Commissioners' Comments**

Ms. Kimbrel thanked Commissioners, Planning Staff and the Mayor for her appointment to TMPAC and stated she has learned so much about this process

**ADJOURN**

**TMAPC Action; 9 members present:**

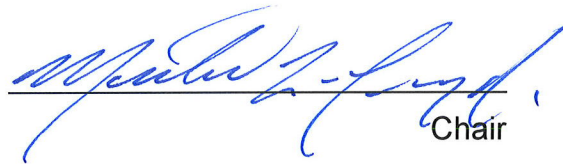
On **MOTION** of **COVEY**, the TMAPC voted 9-0-0 (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Reeds, Shivel, "absent") to **ADJOURN** TMAPC meeting of January 18, 2023, Meeting No. 2882.

**ADJOURN**

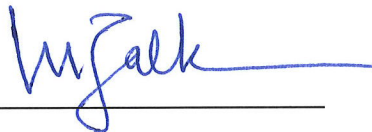
There being no further business, the Chair declared the meeting adjourned at 1:57 p.m.

Date Approved:

02-01-2023

  
Chair

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



Secretary