

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Meeting No. 2801

September 4, 2019, 1:30 PM

175 East 2<sup>nd</sup> Street, 2<sup>nd</sup> Level, One Technology Center  
Tulsa City Council Chamber

### CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

Call to Order:

### REPORTS:

#### Chairman's Report:

Work session Report: A Work Session will be held on September 18, 2019 in the 10<sup>th</sup> Floor South Conference Room

#### Director's Report:

1. Minutes of August 21, 2019, Meeting No. 2800

### 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-806-2 Doug Walker (CD 8) Location: North of the northwest corner of East 121<sup>st</sup> Street South and South Sheridan Road requesting a **PUD Minor Amendment** to allow an 8-foot fence in the front yard (Continued from August 21, 2019)

### PUBLIC HEARINGS:

3. Z-7489 Kyle Gibson (CD 4) Location: Northwest corner of East 5<sup>th</sup> Street South and South Norfolk Avenue rezoning from **IL and RM-2 to CH** (Continued from July 17, 2019 and August 21, 2019)
4. Z-7491 Michael Carr (CD 4) Location: Northwest corner of East 12<sup>th</sup> Place South and South Lewis Avenue requesting rezoning from **RS-3 and OM to MX1-U-45** (Continued from August 7, 2019)

5. **Z-7492 Mohamad Soukieh** (CD 5) Location: North of the northeast corner of South Hudson Avenue and East 11<sup>th</sup> Street South requesting rezoning from **CH to IM** (Continued from August 7, 2019) (**Applicant requests continuance to September 18, 2019**)
6. **CZ-490 Tye Smith** (County) Location: South of the southeast corner of North Mingo Road and East 66<sup>th</sup> Street North rezoning from **AG to IL**
7. **Z-7495 Will Keith** (CD 9) Location: East of the northeast corner of East Skelly Drive and South Utica Avenue rezoning from **OL to CS**
8. **Z-7496 John Ngo** (CD 2) Location: Southeast corner of South 33<sup>rd</sup> West Avenue and West 48<sup>th</sup> Street rezoning from **OM to CS**
9. **Z-7497 Lou Reynolds** (CD 4) Location: West of the northwest corner of East 5<sup>th</sup> Street and South Peoria Avenue rezoning from **RM-2 to CH**
10. **Sunwest Highlands** (CD 2) Preliminary Plat and Request for Modification of the Subdivision & Development Regulations to partially waive sidewalk requirements Location: Southeast corner of South 33<sup>rd</sup> West Avenue and West 61<sup>st</sup> Street South
11. **BMX Headquarters** (CD 1) Preliminary Plat, Location: Northwest corner of East Archer Street and North Lansing Avenue (Related to BMX Headquarters – Authorization for Accelerated Release of Building Permits)
12. **BMX Headquarters** (CD 1) Authorization for Accelerated Release of Building Permits and Modification of the Subdivision & Development Regulations to waive performance guarantee requirements, Location: Northwest corner of East Archer Street and North Lansing Avenue (Related to BMX Headquarters Preliminary Plat)
13. **River West Phase I – River West Park – River West Phase II** (CD 2) Preliminary Plat, Located: Southwest corner of West 21<sup>st</sup> Street South and South Jackson Avenue (Related to River West Authorization for Accelerated Release of Building Permits)
14. **River West Phase I – River West Park – River West Phase II** (CD 2) Authorization for Accelerated Release of Building Permits and Modification of the Subdivision & Development Regulations to waive performance guarantee requirements, Located: Southwest corner of West 21<sup>st</sup> Street South and South Jackson Avenue (Related to River West Preliminary Plat)
15. **ZCA-15** Consider amending the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, to establish the regulations for a new agricultural-residential (AG-R)

zoning district and to establish the regulations for accessory dwelling units (ADU) to be allowed by special exception.

## OTHER BUSINESS

### 16. Commissioners' Comments

## ADJOURN

CD = Council District

**NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526. Exhibits, Petitions, Pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained at Land Development Services, INCOG. Ringing/sound on all cell phones and paggers must be turned off during the Planning Commission.**

Visit our website at [www.tmapc.org](http://www.tmapc.org)

email address: [esubmit@incog.org](mailto:esubmit@incog.org)

**TMAPC Mission Statement:** The Mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide unbiased advice to the City Council and the County Commissioners on development and zoning matters, to provide a public forum that fosters public participation and transparency in land development and planning, to adopt and maintain a comprehensive plan for the metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region's current and future residents.





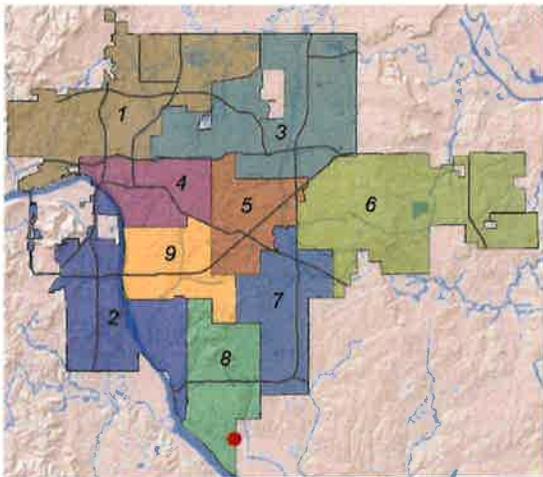
**Case Number:** PUD-806-2  
**Minor Amendment**

**Hearing Date:** September 4, 2019  
 (Continued from August 21, 2019)

**Case Report Prepared by:**  
 Jay Hoyt

**Owner and Applicant Information:**  
 Applicant: Doug Walker  
 Property Owner: Ashley Bray

**Location Map:**  
 (shown with City Council Districts)



**Applicant Proposal:**

Concept summary: PUD minor amendment to allow an 8 ft fence in front yard.

Gross Land Area: 5 acres

Location: N of NW/c E 121<sup>st</sup> St S & S Sheridan Rd

11908 S Sheridan Rd

**Zoning:**  
 Existing Zoning: RS-1/PUD-806  
 Proposed Zoning: No Change

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

**Staff Recommendation:**  
 Staff recommends **approval**.

**Staff Data:**  
 TRS: 8334

**City Council District: 8**  
*Councilor Name:* Phil Lakin, Jr.  
**County Commission District: 3**  
*Commissioner Name:* Ron Peters

**SECTION I:** PUD-806-2 Minor Amendment

**STAFF RECOMMENDATION**

Amendment Request: Revise the development standards to allow an 8 ft wall/fence in the required front yard.

The applicant intends to construct an 8 ft precast concrete fence along the front yard of the subject property. This fence is to match the existing 8 ft precast concrete fence located along the frontage of the properties to the south in both style and height.

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

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

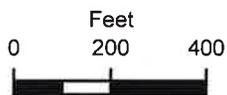
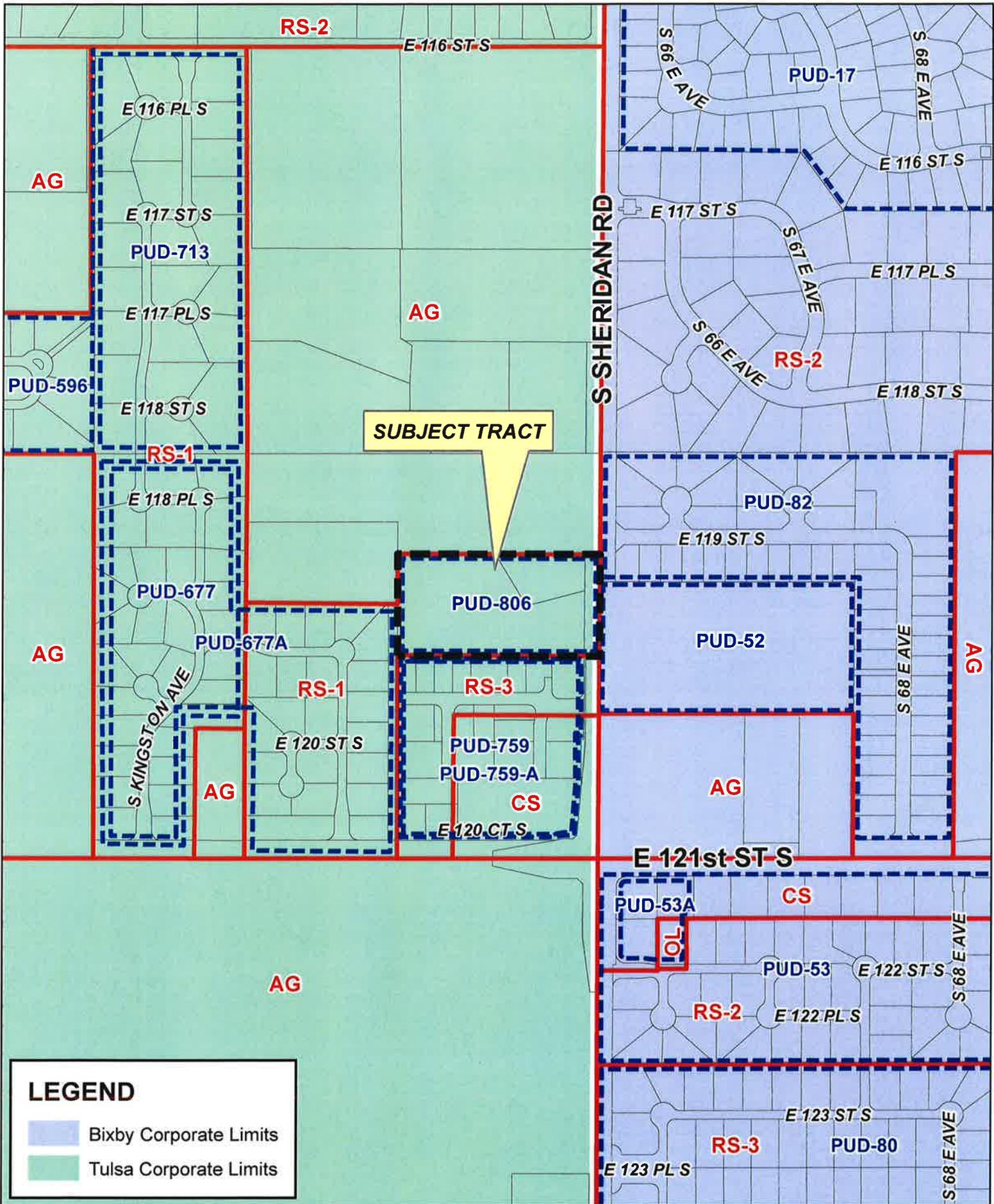
Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) If approved, the design and layout of the 8 ft fence shall be subject to a detail site plan review.
- 3) All remaining development standards defined in PUD-806 and subsequent amendments shall remain in effect.

Exhibits included with staff recommendation:

INCOG zoning case map  
INCOG aerial photo  
INCOG aerial photo (enlarged)

With considerations listed above, staff recommends **approval** of the minor amendment request to allow an 8 ft fence in the required front yard.

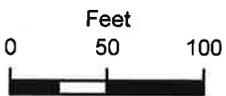


**PUD-806-2**

18-13 34







Subject Tract

**PUD-806-2**

18-13 34

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

Aerial Photo Date: February 2018

**a.s**







Tulsa Metropolitan Area  
Planning Commission

**Case Number:** Z-7489

**Hearing Date:** September 4, 2019  
Planning Commission continuance from August 21,  
2019 (no quorum)  
Applicant continuance July 17, 2019

**Case Report Prepared by:**

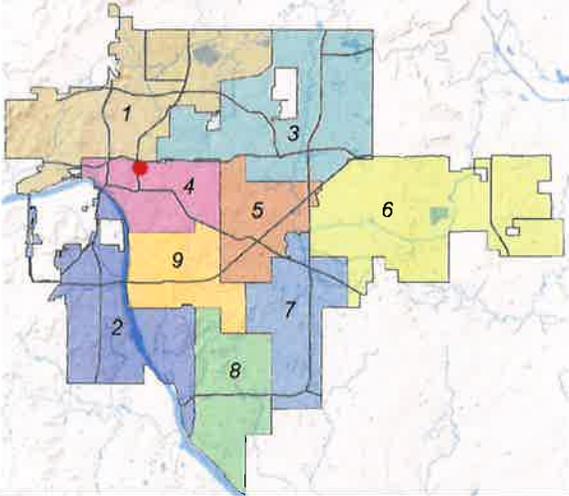
Dwayne Wilkerson

**Owner and Applicant Information:**

*Applicant:* Kyle Gibson

*Property Owner:* WOFFORD, DEROLD W & MARK  
A

**Location Map:**  
**(shown with City Council Districts)**



**Applicant Proposal:**

*Present Use:* Parking Lot

*Proposed Use:* Office/Warehouse

*Concept summary:* Construct office/warehouse  
building on empty lot

*Tract Size:* 0.37 ± acres

*Location:* Northwest corner of East 5th Street  
South and South Norfolk Avenue

**Zoning:**

*Existing Zoning:* IL, RM-2

*Proposed Zoning:* CH

**Comprehensive Plan:**

*Land Use Map:* Downtown Neighborhood

*Stability and Growth Map:* Area of Growth

**Staff Recommendation:**

**Staff recommends denial.**

**This lot and its proposed building are in direct  
conflict with the current concept plans for the  
Elm Creek west detention facility. The City of  
Tulsa is acquiring property for construction as  
part a five-year plan for completion.**

**Staff Data:**

TRS: 9201

CZM: 36

**City Council District:** 4

*Councilor Name:* Kara Joy McKee

**County Commission District:** 2

*Commissioner Name:* Karen Keith

## SECTION I: Z-7489

### DEVELOPMENT CONCEPT:

Applicant plans to construct an office warehouse on an empty lot. The property has two zoning categories and needs to be changed to a single category. The Downtown Neighborhood land use designation supports commercial zoning and CH is in the surrounding area.

### EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Applicant Exhibits:
  - Site plan
  - City of Tulsa preliminary construction plans
  - City of Tulsa memo about planned acquisition
  - City of Tulsa map of acquisition properties

### DETAILED STAFF RECOMMENDATION:

Uses and density supported by CH zoning is non-injurious to the surrounding properties and,

CH zoning allows uses are consistent with the anticipated development pattern in the area and,

CH zoning is consistent with Downtown Neighborhood land use designation and,

Staff has recently learned that The City of Tulsa is acquiring property with anticipated construction of this facility within 5 years, therefore,

Staff recommends **Denial** of Z-7489 to rezone property from RM-2 and IL to CH

## SECTION II: Supporting Documentation

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The planning effort on this area of Tulsa has been extensive. The current Small Area Plan and the Tulsa Comprehensive Plan supports the rezoning request for CH zoned uses. CH zoning does not have a maximum floor area ratio, building heights or building setbacks. Many of these uses and the unlimited floor area are generally consistent with the Downtown Neighborhood vision in the Comprehensive Plan and the Auto Oriented Commercial designation in the 6<sup>th</sup> Street Infill Plan.*

### Land Use Vision:

*Land Use Plan map designation:* The site is completely inside the Downtown Neighborhood designation.

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium to high-rise mixed-use

residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

*Areas of Stability and Growth designation:* The site is completely inside the Area of Growth designation.

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

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

#### Transportation Vision:

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

East 5<sup>th</sup> Street South and South Norfolk Avenue are not illustrated on the major street and highway plan. 5<sup>th</sup> Street South connects to Peoria just east of this site where transit riders can connect to the Bus Transit system on Peoria approximately two blocks from the is site.

*Trail System Master Plan Considerations:* None

#### RELATIONSHIP TO THE SMALL AREA PLAN: (PEARL DISTRICT – 6<sup>TH</sup> STREET INFILL PLAN)

##### Small Area Plan Land Use Vision:

The site is completely included an Auto Oriented Commercial District defined in the 6<sup>th</sup> Street Infill Plan which was amended in April 2014. This Auto Oriented Commercial District was originally mixed-use infill supporting the anticipated public investment in the regional detention facility. This site appears to be in the planned storm water detention area. When that facility is constructed it is likely this lot and building will be demolished.

The Auto Oriented Commercial district is defined as “Commercial, Office, high-intensity Residential, Institutional, Manufacturing and Warehousing; usually located on primary arterial streets & highways. This economic model depends on vehicular access and visitors from throughout the region”

##### Small Area Plan-6<sup>th</sup> Street Infill Plan Land Use Map:

Latest amendments approved by Tulsa City Council on 4/3/2014 indicate that this site is included in the Mixed Use Infill area. The entire small area plan could be broadly defined as a commercial, office, high-intensity residential institutional, manufacturing and warehousing area which is usually located on primary arterial streets and highways. This economic model depends on vehicular access and visitors

from throughout the region. The plan recognized that a storm water detention pond could be constructed in this area and recognized that the specific site could be mixed use infill could be residential, commercial, office, manufacturing, warehousing, reuse of existing structures, smaller-scale, compatible infill.

**ELM CREEK STUDY**

**SECTION 5**

**WEST POND CONCEPTUAL DESIGN OPTIONS**



**West Pond - Option 2**

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is nearly flat and there are no existing structures.*

Environmental Considerations: The subject property is in a planned regional stormwater detention facility and is in an area where the City of Tulsa is currently acquiring property for construction of this pond.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S. Norfolk Avenue	None	50 feet	2
East 5 <sup>th</sup> Street	None	50 feet	2

**3.4**

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CH	Downtown Neighborhood	Growth	Industrial uses
East	IL	Downtown Neighborhood	Growth	Parking lot for industry
South	RM-2	Downtown Neighborhood	Growth	Empty lot
West	RM-2	Downtown Neighborhood	Growth	Single family residential

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11814 dated June 26, 1970 established zoning for the subject property.

***Subject Property:***

**Z-5027 October 1977:** All concurred in **approval** of a request for *rezoning* a tract of land from RM-2 to IL on property located on subject property. (Ordinance 13951, October 1977)

***Surrounding Property:***

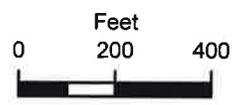
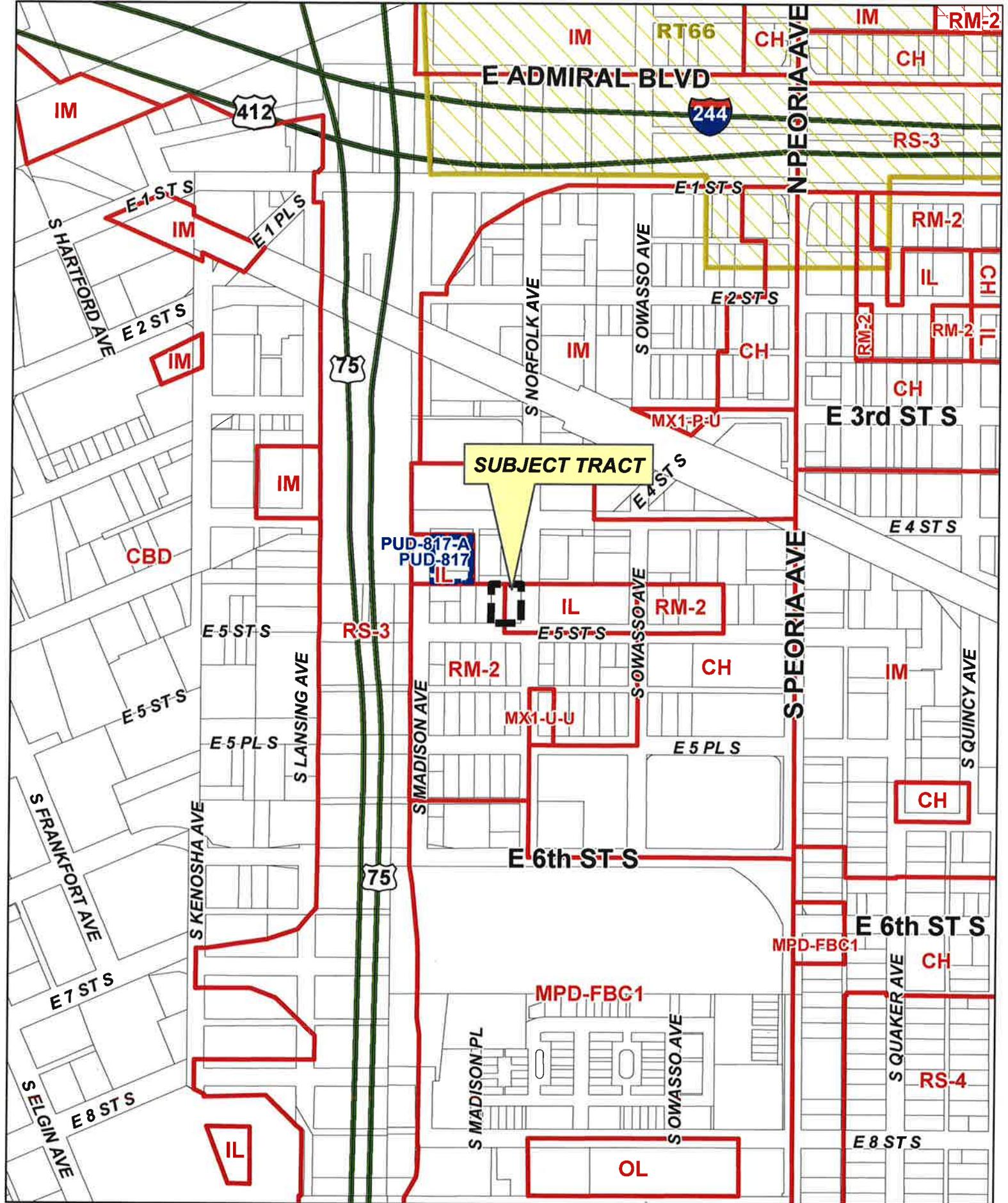
**BOA-22212 March 2017:** The Board of Adjustment **approved** a *special exception* to permit low-impact manufacturing and industry (microbrewery) in the CH District, subject to conceptual plan 7.15, on property located at Northwest corner of South Peoria Avenue and East 5<sup>th</sup> Street South.

**PUD-817-A June 2015:** All concurred in **approval** of a proposed *Major Amendment* to PUD on a 0.5± acre tract of land to add Use Unit 12A (Adult Entertainment establishments) and Use Unit 20 (Commercial Recreation) on property located at the Southeast corner of East 4<sup>th</sup> Street South and South Madison Avenue.

**BOA-21868 May 2015:** The Board of Adjustment **approved** a *special exception* to permit a food truck court and an outdoor event venue in the CH District; **approved** a *variance* of the allowable days for open air activities; **approved** a *variance* of the requirement that all motorized vehicles be parked on all-weather surface, subject to conditions, on property located at Northwest corner of South Peoria Avenue and East 5<sup>th</sup> Street South.

**PUD-817 / Z-7277 August 2014:** All concurred in **approval** of a proposed *Planned Unit Development* on a 0.5± acre tract of land for uses allowed in a CH district and Use Unit 26, limited to a micro-brewery, and all concurred in **approval** of a request for *rezoning* a 0.5± acre tract of land from CH to IL on property located at the Southeast corner of East 4<sup>th</sup> Street South and South Madison Avenue.

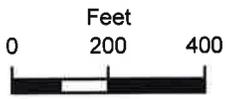
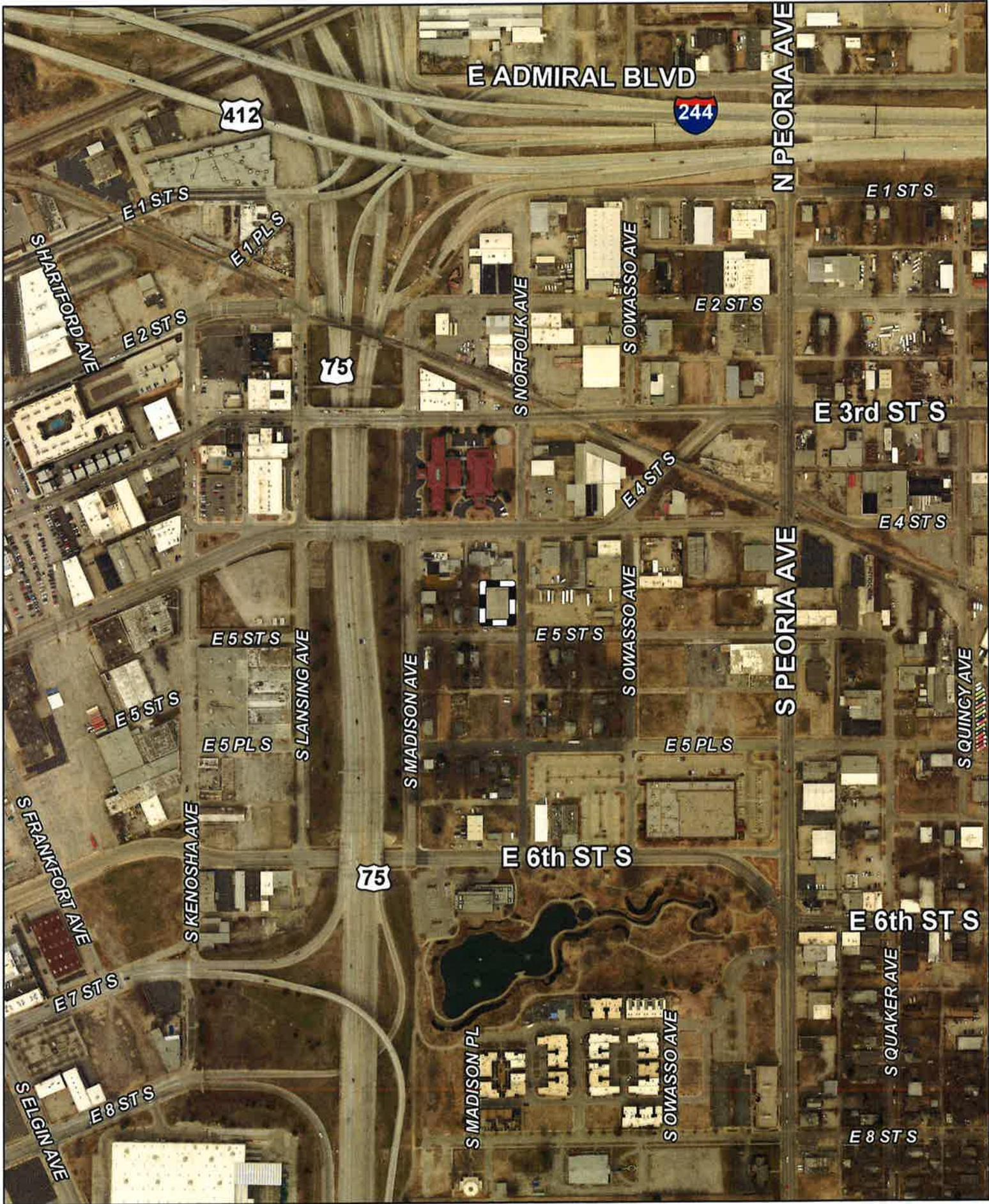
**BOA-21612 August 2013:** The Board of Adjustment **approved** a *variance* of required parking from 10 spaces to 0 spaces in a CH District, on property located West of the Southwest corner of South Peoria Avenue and East 4<sup>th</sup> Street South.



**Z-7489**

19-12 01





 Subject Tract

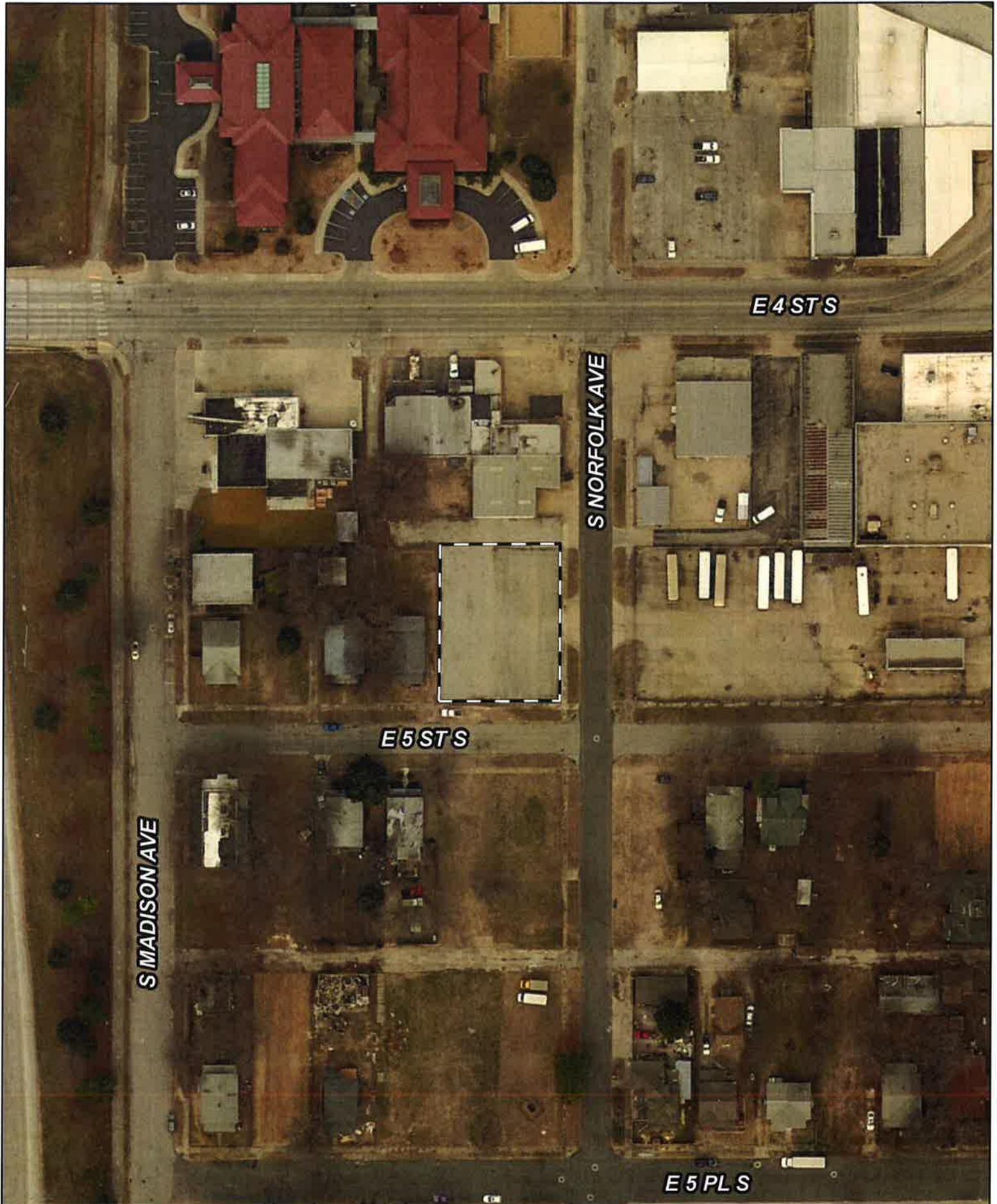
**Z-7489**

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

Aerial Photo Date: February 2018





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Subject  
Tract

**Z-7489**

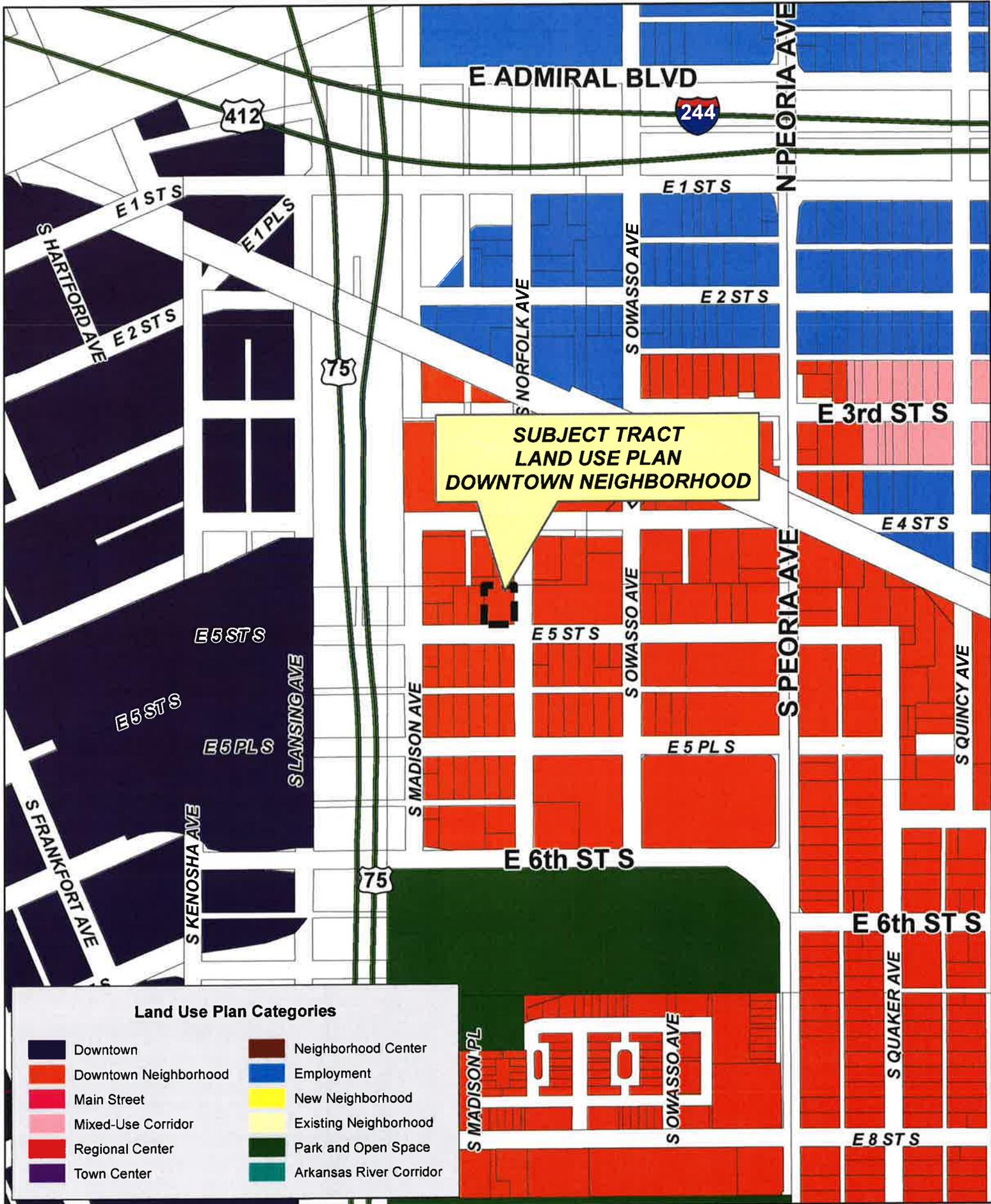
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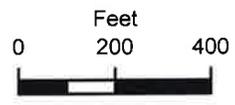
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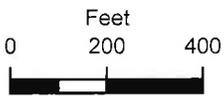
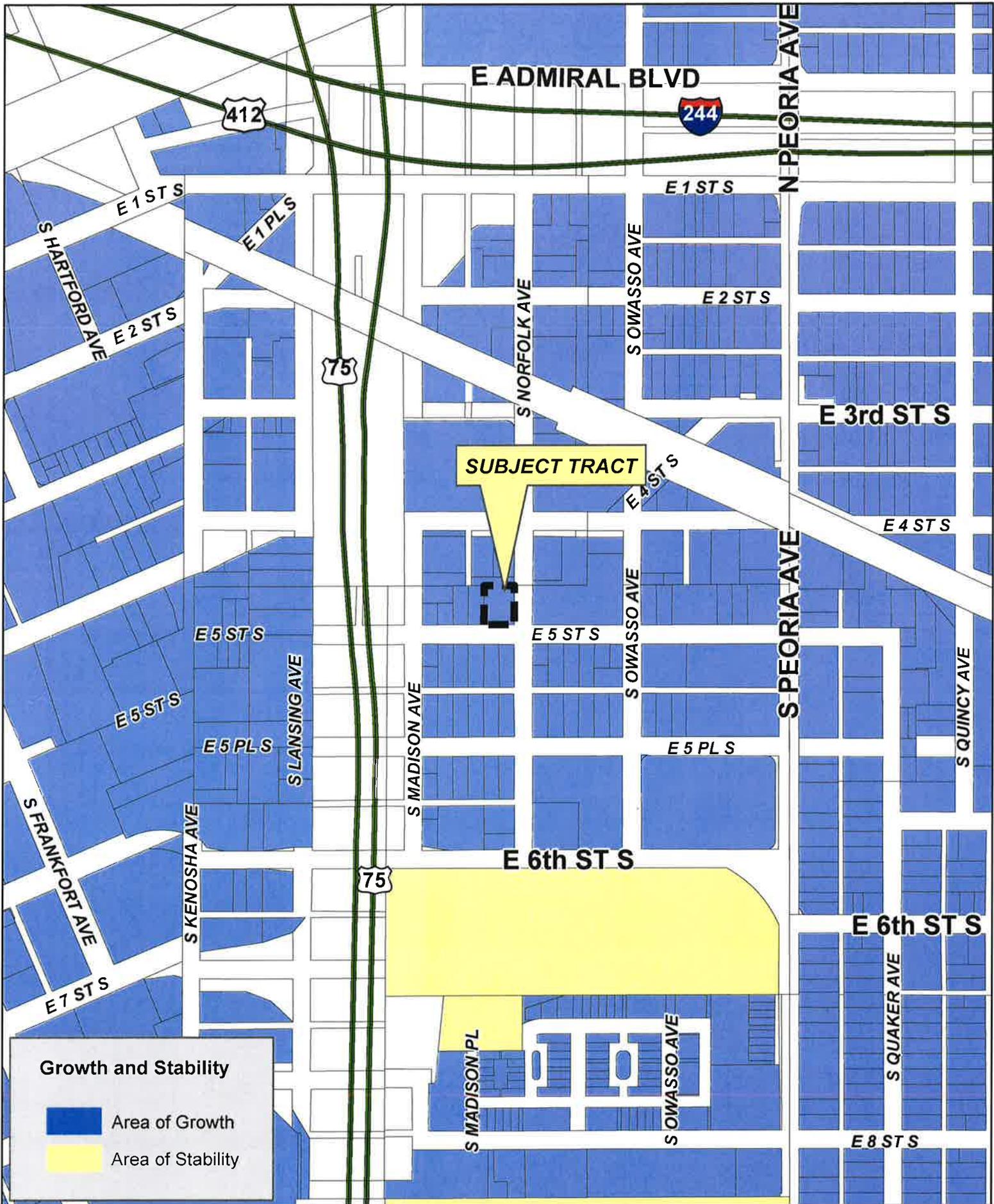
**SUBJECT TRACT  
LAND USE PLAN  
DOWNTOWN NEIGHBORHOOD**



**Z-7489**

19-12 01





**Z-7489**

19-12 01





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**DATE:** July 16, 2019  
**TO:** Dwayne Wilkerson  
**FROM:** Brooke Caviness  
**SUBJECT:** TMAPC Z-7489 410 S. Norfolk  
**SWD: 8845**

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This lot and its proposed building are in direct conflict with the plans for the Elm Creek West Pond Detention facility.

- This detention facility is part of the Master Drainage Plan for Pearl District flood control.
- The project is being funded through revenue bonds with construction to begin as soon as Fiscal Year 2022.
- Right of way acquisition is currently underway.
  - An offer has not been made to this property owner.
- Design is 60% complete

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STANDARD RIGHT-OF-WAY / EASEMENT TABLE			
PARCEL NO	DOC NO		OWNERSHIP
	BOOK	PAGE	
1			Not Used
2	2015114560		Mtoto, LLC
3	2004081560		City of Tulsa
4	2004140217		David Taylor and Julie Taylor
5	6818	2400	Anna J. Brundage
6	2014036219		Derold W. Wofford & Mark A. Wofford
7	5629	1371	Willcom Enterprises, L.L.C.
8	5826	1556	Sokol Living Trust
9	2012055509		City of Tulsa
10	5923	123	Lee F. Hamrick
11	6738	794	Troy L. Imel
12	5360	265	William Keith Miller
13	2008104163		The City of Tulsa, Oklahoma
14	2018094554		Tulsa Development Authority
15	6904	978	Brightside Properties LLC
16	2016121803		Tulsa Development Authority Warranty Deed
17	2016112127		Matthew Tarvin and Gabriela Tarvin
18	4617	1184	Richard L. Thomas
19	2007022356		Veterans of Foreign Wars Post 577
20	2008104163		The City of Tulsa, Oklahoma Quit Claim Deed
21	2008104163		The City of Tulsa, Oklahoma Quit Claim Deed
22	2000124004		Good Day Properties, L.L.C. Special Warranty Deed
23	6401	2119	Koenig Properties, Inc.
24	2018017522		Evanston Properties, L.L.C. General Warranty Deed
25	2018120653		Tulsa Development Authority Warranty Deed
26	5807	580	Angelica Rodriguez
27	5767	906	Martha K. Plank
28	2017094529		Matthew Presley
29	6407	1418	Alberto Villegas
30	7507	375	JDVD, Inc
30	5997	375	JDVD, Inc
31	2008104163		The City of Tulsa, Oklahoma Quit Claim Deed
32	6916	2158	Brightside Properties, LLC
33	5767	906	Martha K. Plank
34	2011036023		Bryca Nikole Brewer, Trustee of the Brewer Family Irrevocable Trust
35	2015004697		Maynard Bernd Investments, LLC
36	4150	262	Lewis Roach
37	6904	978	Brightside Properties LLC
38	2013031791		Steve R. Lee
39	2007037503		Steve R. Lee
40	6904	978	Brightside Properties LLC
41	2008045405		Live Well Properties, LLC
42	5808	968	Phillip D. and Shian Morrow
43	2014042165		Zohra Eshtiba
44	4712	1417	Steve Cowen



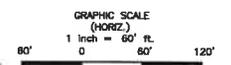
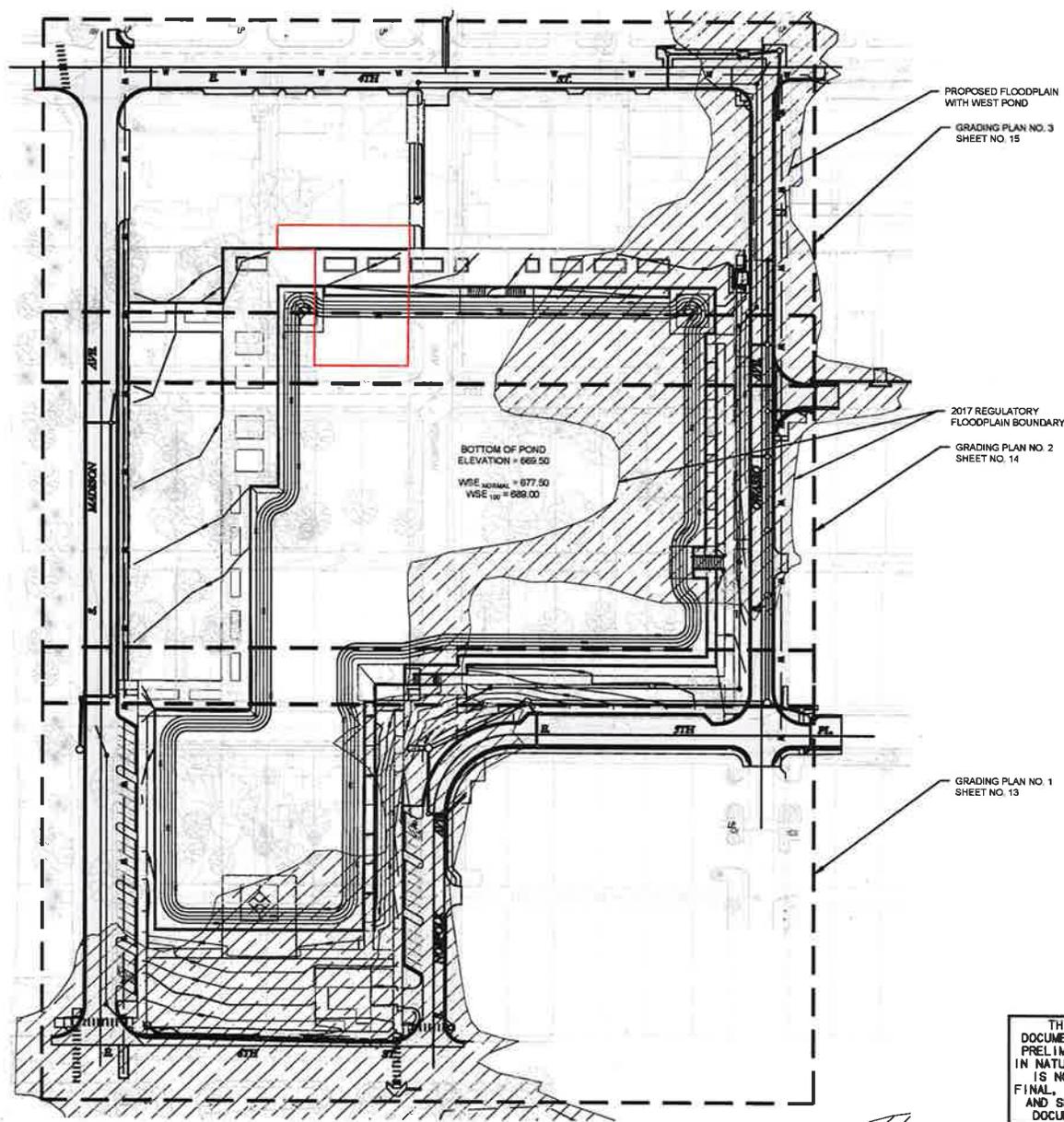
LEGEND	
---	PROPERTY LINE
---	PROPOSED R/W BOUNDARY
---	EXISTING PROPERTY BOUNDARY
---	CITY OWNED PROPERTIES
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<table border="1"> <tr><th>REVISION</th><th>BY</th><th>DATE</th></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	REVISION	BY	DATE				<table border="1"> <tr><th>PLAN SCALE</th><th>DRAWN</th><th>CHKD</th><th>DATE</th><th>APPROVED:</th></tr> <tr><td>1"=40'</td><td>DESIGNED</td><td>MVS</td><td>04/17</td><td> </td></tr> <tr><td> </td><td>FIELD SURVEY</td><td>DAM</td><td>04/17</td><td> </td></tr> <tr><td> </td><td>PROJECT MGR.</td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td>LEAD ENGR.</td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td>FIELD MGR.</td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td>RECOMMENDED:</td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td>CEDMA MANAGER</td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td>DATE</td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td>DATE</td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td>DATE</td><td> </td><td> </td><td> </td></tr> </table>	PLAN SCALE	DRAWN	CHKD	DATE	APPROVED:	1"=40'	DESIGNED	MVS	04/17			FIELD SURVEY	DAM	04/17			PROJECT MGR.					LEAD ENGR.					FIELD MGR.					RECOMMENDED:					CEDMA MANAGER					DATE					DATE					DATE			
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1/12

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 1/12/18 10:34 AM  
 C:\Users\jplaw\OneDrive\Documents\148150-1\_City of Tulsa\148150-1\_001\GIS\PLAN\148150-1\_001-GRADING PLAN MAIN.dwg



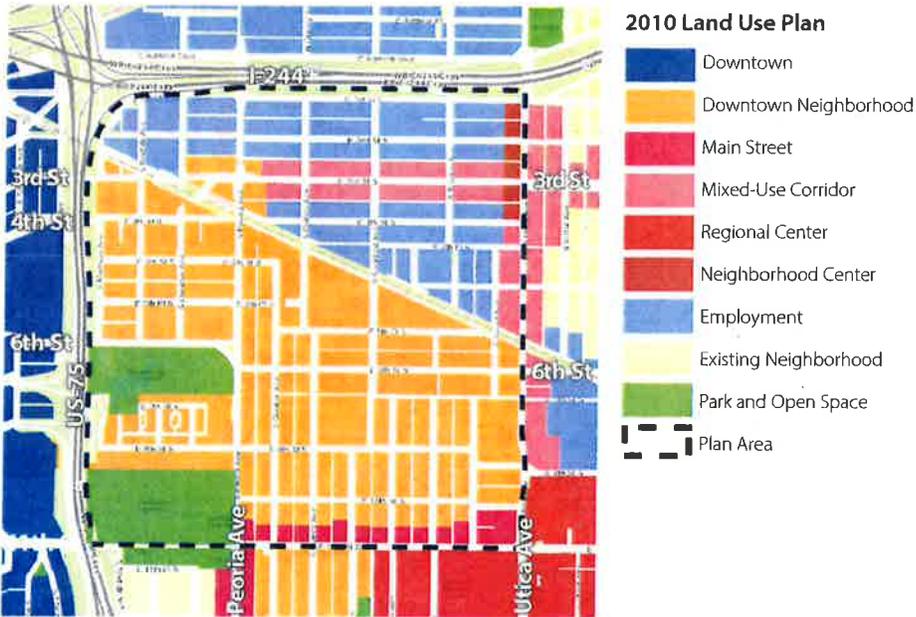
**ELM CREEK WEST POND**  
 PROJECT No. 148150  
 GRADING PLAN  
 OVER-ALL  
 CITY OF TULSA, OKLAHOMA  
 ENGINEERING SERVICES DEPARTMENT  
 GUY ENGINEERING SERVICES, INC.  
 8010 E. 14TH ST., TULSA, OK 74112 / PH: 918.437.0282 / WWW.GUYENR.COM



THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT

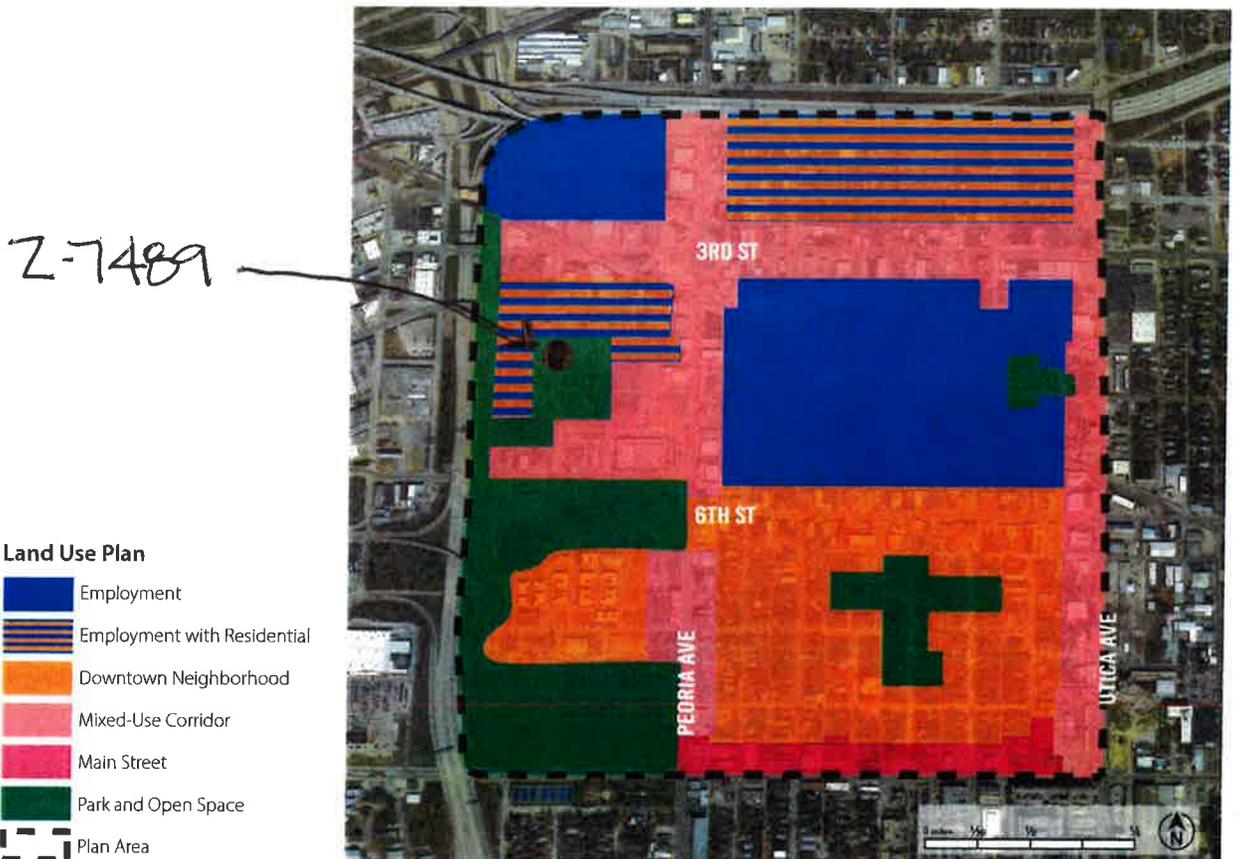
REVISION	BY	DATE	DRAWN	CHKD	APPROVED
			DESIGNED	MDV	01/18
			SURVEY	DWM	01/18
			PROFILE BENCH	PROJ. MGR	
			HORIZONTAL	LEAD ENGR	
			VERSION	FIELD MGR	
				RECOMMENDED	
				DESIGN MANAGER	CITY ENGINEER
					DATE
			FILE	DRAWING	PAGE NO. C10
			ATLAS PAGE NO. 31 & 38		SHEET NO. 12 OF 123

Map 2. 2010 Comprehensive Plan Land Use Plan



*City Council Approval 8.7.19*

Map 3: Pearl District Small Area Plan — Land Use Plan







Tulsa Metropolitan Area  
Planning Commission

**Case Number:** Z-7491

**Hearing Date:** September 4, 2019  
Neighborhood continuance from August 7 to discuss height limitation

**Case Report Prepared by:**

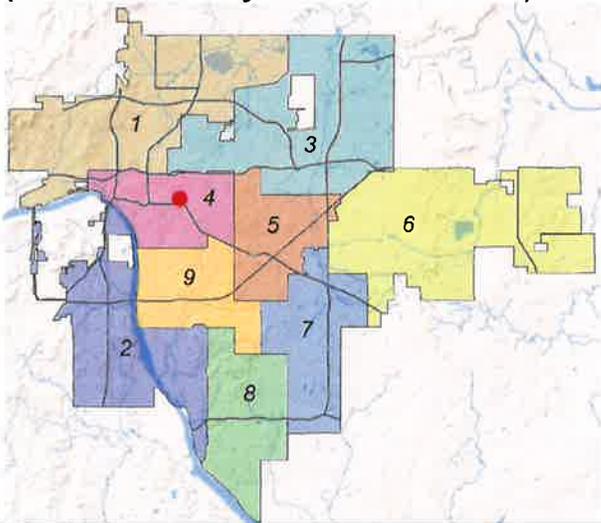
Dwayne Wilkerson

**Owner and Applicant Information:**

*Applicant:* Michael Carr

*Property Owner:* CARR, MICHAEL & JENNY

**Location Map:**  
**(shown with City Council Districts)**



**Applicant Proposal:**

*Present Use:* Commerical/Residential

*Proposed Use:* Mixed-use

*Concept summary:* Rezoning to mixed-use to support new construction infill. Unlimited height is consistent with the unlimited height provision of the existing OM property.

*Tract Size:* 0.55 ± acres

*Location:* Northwest corner of East 12th Place South and South Lewis Avenue

**Zoning:**

*Existing Zoning:* RS-3 / OM

*Proposed Zoning:* MX1-U-45

**Comprehensive Plan:**

*Land Use Map:* Main Street

*Stability and Growth Map:* Area of Growth

**Staff Recommendation:**

**Staff recommends approval.**

**Staff Data:**

TRS: 9307

CZM: 37

**City Council District:** 4

*Councilor Name:* Kara Joy McKee

**County Commission District:** 2

*Commissioner Name:* Karen Keith

4.1

## SECTION I: Z-7491

**DEVELOPMENT CONCEPT:** Requested rezoning for possible mixed-use building.

### EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Applicant Exhibits:
  - Survey exhibit
  - Neighborhood Correspondence

### **DETAILED STAFF RECOMMENDATION:**

Z-7491 originally requested MX-1-U-U. Several interested neighbors met with the applicant during the process and ended up with a general consensus that a 45-foot height limitation was more appropriate at this site. MX-1 is a neighborhood mixed-use zoning category and considered the least intensive MX district. The urban character designation allows vertical mixed use, commercial and civic/institutional buildings and the height is unlimited. The building types, building placement and building height are consistent with the Main Street land use designation in the comprehensive plan.

MX1-U-45 allows uses that are consistent with the Tulsa Comprehensive Plan and,

MX1-U-45 is consistent with the anticipated redevelopment of this area and,

MX1-U-45 is considered non injurious to the surrounding properties therefore,

Staff recommends Approval of Z-7491 to rezone property from RS-3 & OM/ to MX1-U-45.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: MX1-U-U is consistent with the Main Street Land Use designation in the Tulsa 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.

4.2

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

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

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

Transportation Vision:

*Major Street and Highway Plan:* Lewis avenue is considered a Multi Modal Corridor.

Multi-modal streets 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:* Three existing single-story buildings facing south and a Vacant lot. South Lewis has recently been reconstructed. No additional right of way is necessary to accommodate re-development.

See Snippet on following page:

4.3

Street view from southwest looking north east:



Street view snippet from southeast looking northwest:



Environmental Considerations: None that affect site redevelopment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Lewis Ave. (frontage but no access)	Multi Modal Corridor	100 feet	4
East 12 <sup>th</sup> Street South	None	50 feet	2
Gillette Avenue	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

4.4

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	IL	Main Street	Growth	Light industry
East	CH	Main Street		
South	OM	Main Street and Existing Neighborhood	Growth	Single Family
West	RS-3	Existing Neighborhood	Stability	Single family

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 12158 dated July 2, 1971 and 11816 dated June 26, 1970 established zoning for the subject property.

***Subject Property:***

**BOA-22447 June-July 2018:** The Board of Adjustment first **approved** a *special exception* to allow a personal improvement use in an OM district, then voted to **reconsider** the *special exception* to allow a personal improvement use, and finally voted to modify the prior approval to remove the provision allowing for the fortune telling use, located on subject property.

**Z-3940 July 1971:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to OM on property located on subject property. (Ordinance 12158 July 1971)

**BOA-485 June 1928:** The Board of Adjustment **approved** to permit a filling station on part of lots 4-5-6, subject to a temporary permit for two years period for a non-conforming use, on property located on subject property.

***Surrounding Property:***

**BOA-22669 June 2019:** The Board of Adjustment **approved** a *special exception* to permit a business support service use to allow for a catering service, subject to conditions, on property located North of the Northeast corner of East 12<sup>th</sup> Street South and South Lewis Avenue.

**BOA-22592 March 2019:** The Board of Adjustment **approved** a *variance* to increase the allowed display surface area for a sign from 48 square feet to 80 square feet and to permit the sign to be oriented along South Lewis Avenue; a *variance* to permit a dynamic display sign to be located within 200 feet of an R district subject to conditions, on property located at the Southwest corner of South Lewis Avenue and East 12<sup>th</sup> Street South.

**Z-7405 August 2017:** All concurred in **approval** of a request for *rezoning* a 8.29± acre tract of land from OL, CH,IM, RM-2 to MX2-P-45 and MX2-P-U per staff recommendation on property located at the Northwest, Southeast and Southwest corners of East 11<sup>th</sup> Street South and South Lewis Avenue.

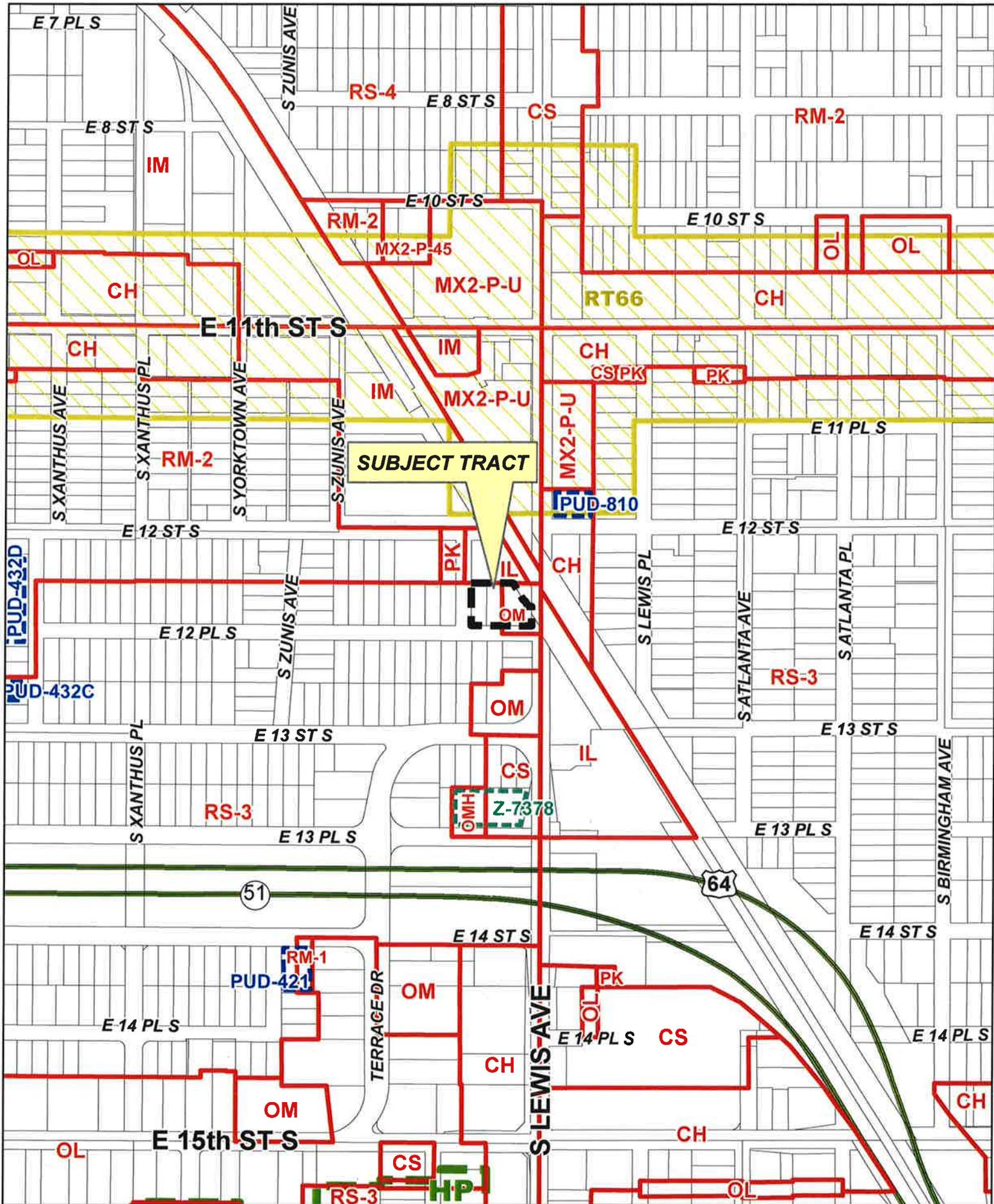
**PUD-810 April 2014:** All concurred in **approval** of a proposed *Planned Unit Development* on a .3± acre tract of land for commercial and industrial on property located at the Northeast corner of East 12<sup>th</sup> Street South and South Lewis Avenue.

**BOA-17168 September 1995:** The Board of Adjustment **approved** a *variance* of the setback from the centerline of Lewis Avenue from 100' to 27.5'; a *variance* of the required setback from an abutting R district from 75' to 34' to permit an existing building; a *variance* of the required screening from an abutting R district, per plan submitted, on property located at the Southeast corner of South Lewis Avenue and East 12<sup>th</sup> Place South.

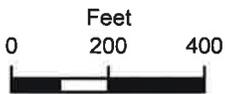
**BOA-10312 January 1979:** The Board of Adjustment **approved** a *variance* to permit parking on a lot not containing the use; a *variance* of the number of required parking spaces, per plan submitted, on property located at the Southwest corner of South Lewis Avenue and East 12<sup>th</sup> Street South.

8/7/2019 1:30 PM

4.6



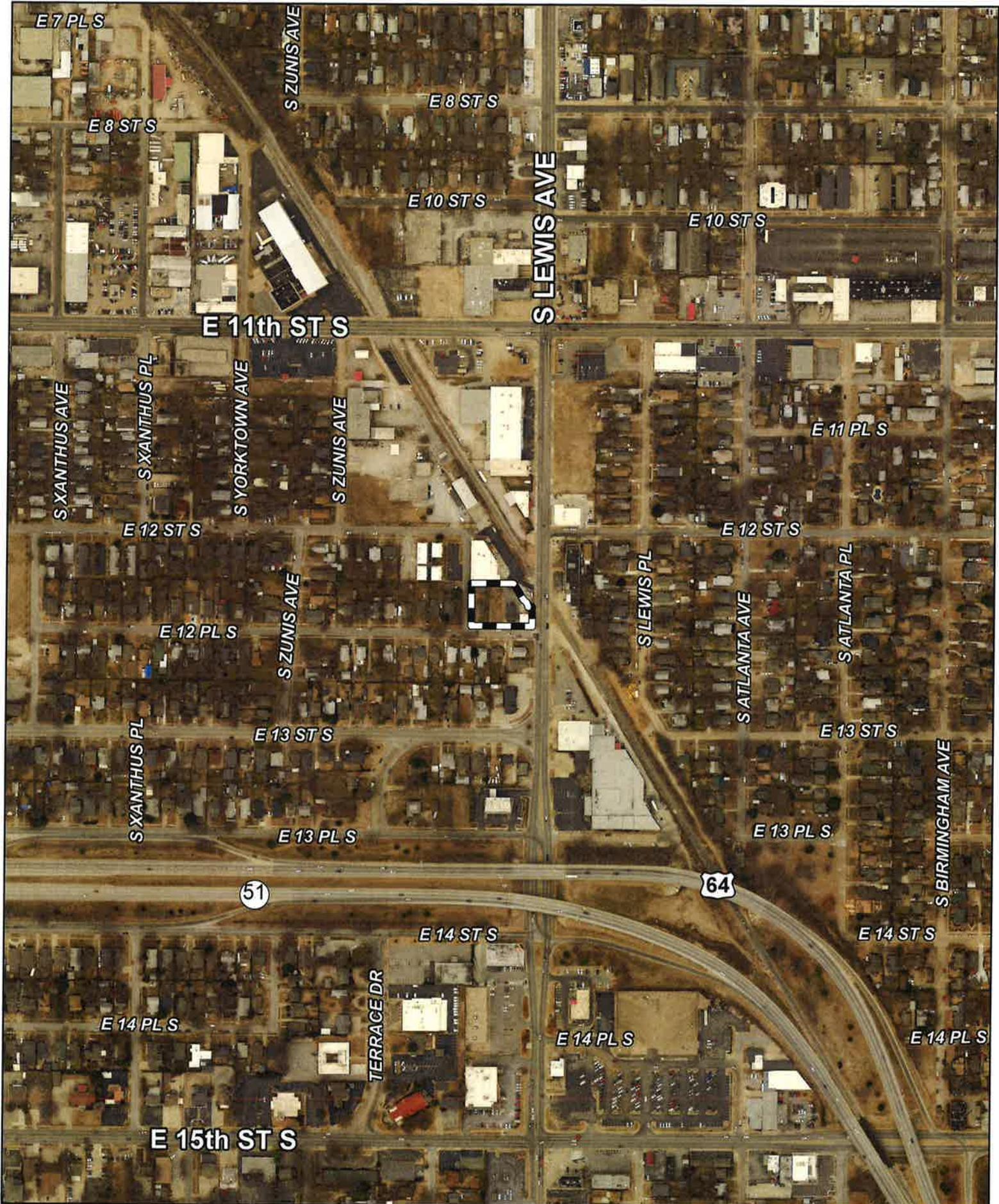
**SUBJECT TRACT**



**Z-7491**

19-13 07





E7 PLS

S ZUNIS AVE

E 8 ST S

E 8 ST S

E 10 ST S

S LEWIS AVE

E 10 ST S

E 11th ST S

E 11 PL S

S XANTHUS AVE

S XANTHUS PL

S YORKTOWN AVE

S ZUNIS AVE

E 12 ST S

E 12 ST S

E 12 PL S

S ZUNIS AVE

S LEWIS PL

S ATLANTA AVE

S ATLANTA PL

S XANTHUS PL

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51

64

S BIRMINGHAM AVE

E 14 ST S

E 14 ST S

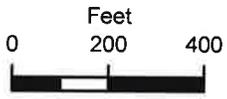
E 14 PLS

TERRACE DR

E 14 PLS

E 14 PLS

E 15th ST S



Subject Tract

Z-7491

19-13 07

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

Aerial Photo Date: February 2018





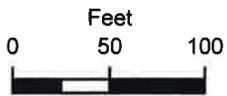
E12 STS

S LEWIS AVE

E12 STS

E12 PLS

E13 STS



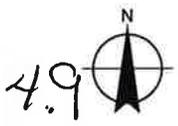
Subject Tract

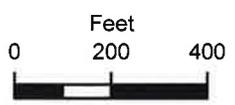
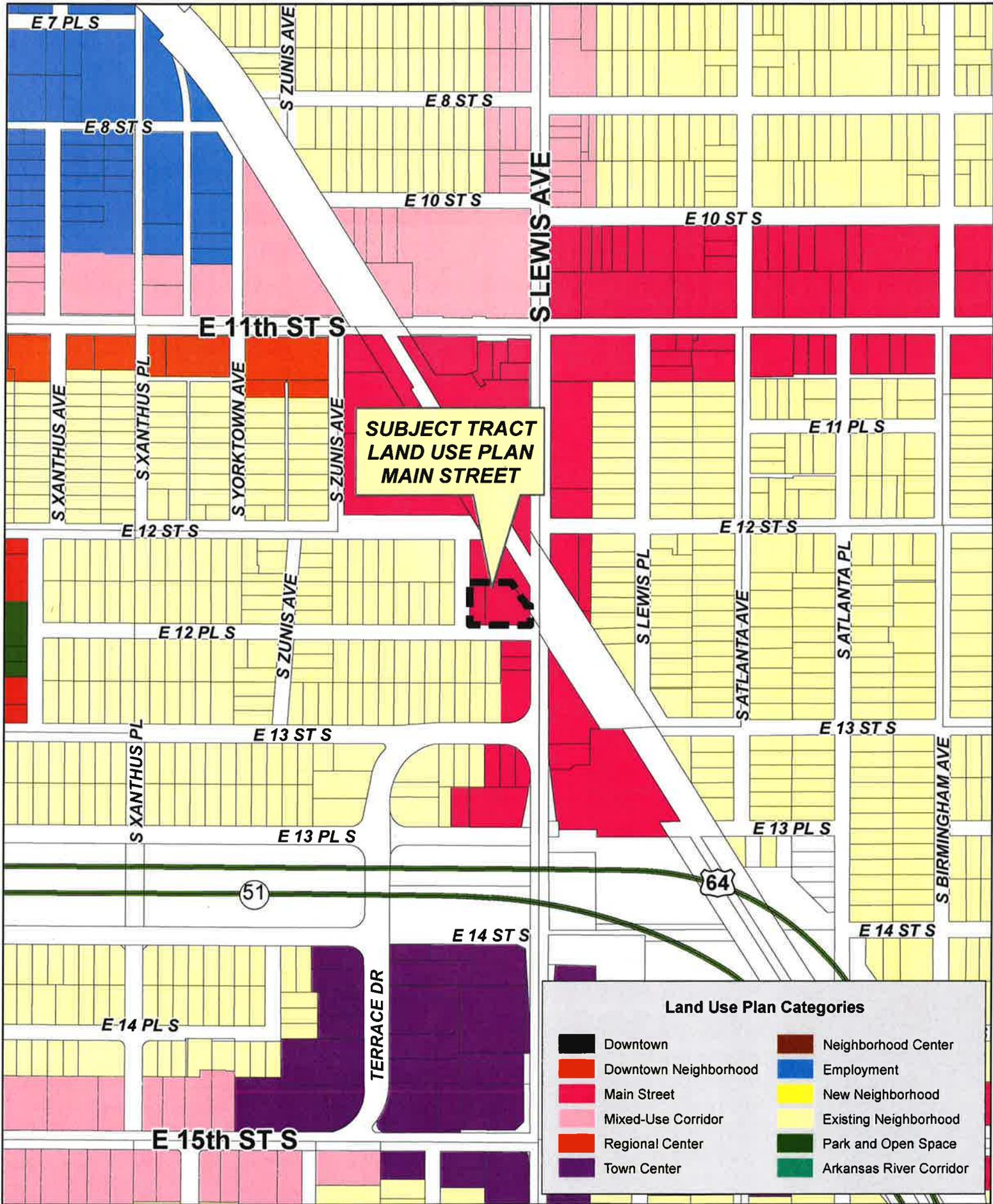
**Z-7491**

19-13 07

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

Aerial Photo Date: February 2018

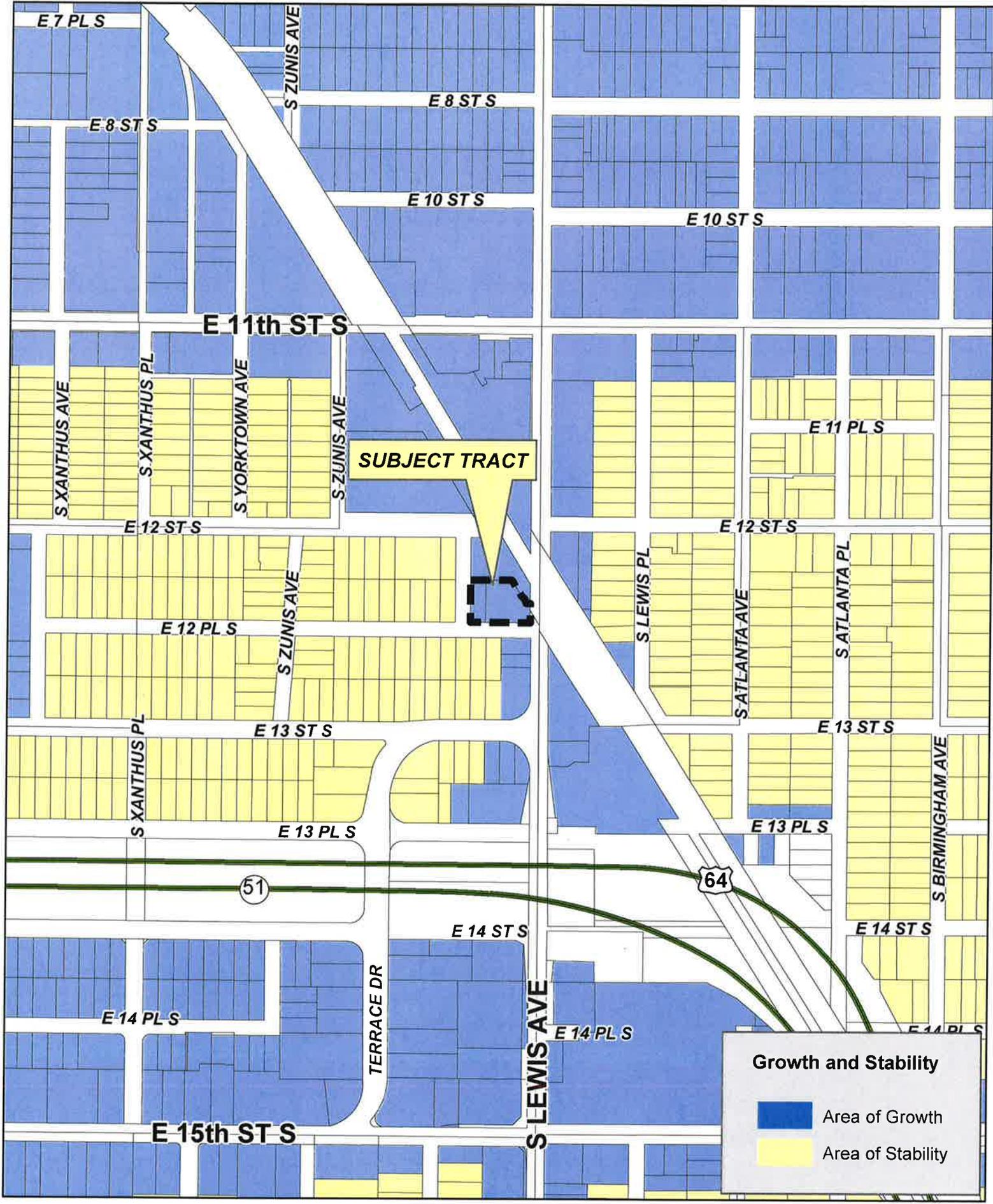




**Z-7491**

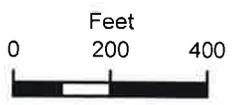
19-13 07





**Growth and Stability**

- Area of Growth
- Area of Stability



**Z-7491**

19-13 07



# NEIGHBORHOOD CORRESPONDENCE

4.12

REVISED 8/28/2019

FILE COPY

2-7491

Sawyer, Kim

---

**From:** Wilkerson, Dwayne  
**Sent:** Tuesday, August 6, 2019 6:28 PM  
**To:** Pete DuBois; Sawyer, Kim; Miller, Susan  
**Cc:** dist4@citycouncil.org  
**Subject:** Re: Proposed Rezoning case z-7491

Thank you for your email Peter. Staff supports your request.

Dwayne Wilkerson  
Dwilkerson@incog.org  
918-579-9475

Sent from my iPhone

> On Aug 6, 2019, at 3:42 PM, Pete DuBois <petedubois1@gmail.com> wrote:  
>  
> To Dwayne Wilkerson, INCOG, City of Tulsa Council member Kara Joy  
> McKee, City of Tulsa  
>  
> To whom it may concern,  
>  
> We would like request a continuance for the pmapc meeting case # Z-7491 currently scheduled for August 7, 2019 to  
> September 4th 2019.  
>  
> The reason for our request is to better understand the concerns of local residents and how the proposed zoning  
> change will impact the area.  
>  
> We have received a number of calls and email from a limited sample size and feel a broader review would be useful to  
> allow the respective governmental bodies to come to an informed decision.  
>  
> Best regards  
>  
> Peter DuBois 918-704-8988  
>  
> Gloria DuBois 918-504-8226

FILE COPY

2-7491

Sawyer, Kim

---

**From:** Wilkerson, Dwayne  
**Sent:** Friday, August 2, 2019 8:24 AM  
**To:** Sawyer, Kim  
**Subject:** FW: Planning Commission Rezoning Case: #Z-7491

Dwayne Wilkerson, ASLA, RLA  
Principal Planner | Current Planning  
Tulsa Planning Office  
2 W. 2nd St., 8th Floor | Tulsa, OK 74103  
918.579.9475  
dwilkerson@incog.org

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

**From:** Steven Terry <sgtmsw@cox.net>  
**Sent:** Thursday, August 1, 2019 3:13 PM  
**To:** Wilkerson, Dwayne <DWilkerson@incog.org>  
**Subject:** Planning Commission Rezoning Case: #Z-7491

My name is Steven Terry and I live at 2246 E 12th Pl. This application for rezoning proposes that the North side of 12th Pl. from Gillette Ave East to Lewis which is currently zoned Residential Single Family be rezoned Neighborhood Mixed Use, Unlimited Height. This is directly across the street from my home & I have a number of concerns about the impacts this change could have on my neighborhood including Traffic, Parking, Increases in foot traffic & litter, Privacy & Environmental impact. I understand that you have some interest in hearing from residents of this neighborhood regarding this matter.

Thank You,  
Steven Terry  
Phone: 918-607-3862  
Sent from my iPhone

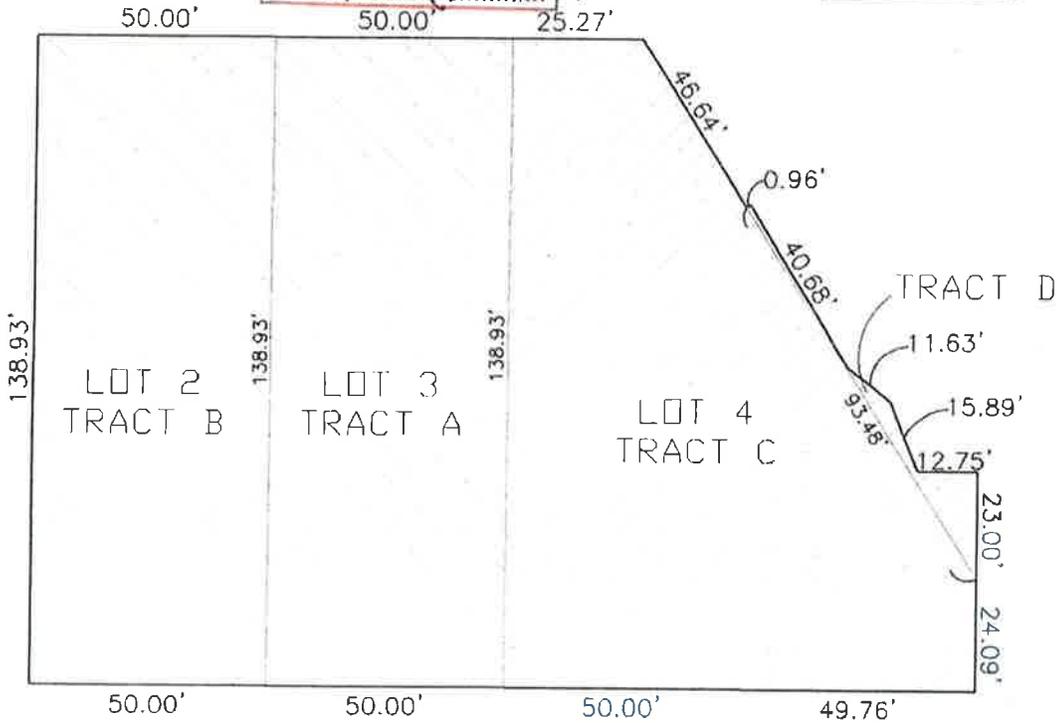
REGISTERED LAND SURVEYOR'S



SCALE 1"=30'

EXHIBIT  
**RECEIVED**  
 AUG 07 2018  
 BY: AV (INCOG)

LEGEND	
	OM ZONING
	RS-J ZONING



LEGAL AS PROVIDED

TRACT A:

LOT THREE (3), IN BLOCK SEVEN (7), OF SUBDIVISION OF BLOCKS TWO (2), THREE (3), AND SEVEN (7), TERRACE DRIVE ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE AMENDED PLAT THEREOF

TRACT B:

LOT TWO (2), BLOCK SEVEN (7), OF RESUBDIVISION OF BLOCKS TWO (2), THREE (3), AND SEVEN (7), TERRACE DRIVE ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE AMENDED PLAT THEREOF

TRACT C:

LOT FOUR (4), BLOCK SEVEN (7), OF THE RE-SUBDIVISION OF BLOCKS 2, 3, AND 7, TERRACE DRIVE ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED AMENDED PLAT THEREOF

TRACT D:

A TRACT OF LAND THAT IS A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4) OF SECTION SEVEN (7), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE MOST NORTHERLY NORTHEAST CORNER OF LOT FOUR (4), BLOCK SEVEN (7), OF THE AMENDED PLAT OF SUBDIVISION OF BLOCKS TWO (2), THREE (3) AND SEVEN (7), TERRACE DRIVE ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE SOUTH 32°03'34" EAST ALONG A NORTHERLY LINE OF SAID LOT 4, BLOCK SEVEN, AND A SOUTHWESTERLY LINE OF SAID ABANDONED RAILROAD RIGHT-OF-WAY FOR 46.64 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 32°03'34" EAST ALONG SAID NORTHEASTERLY LINE AND SAID SOUTHWESTERLY LINE FOR 93.48 FEET TO THE MOST SOUTHERLY NORTHEAST CORNER OF SAID LOT 4, BLOCK 7; THENCE NORTH 00°06'09" EAST FOR 23.00 FEET; THENCE DUE WEST FOR 12.75 FEET; THENCE NORTH 21°38'40" WEST FOR 15.89 FEET; THENCE NORTH 52°12'50" WEST FOR 11.63 FEET; THENCE NORTH 31°08'28" WEST FOR 40.68 FEET; THENCE SOUTH 58°51'32" WEST FOR 0.96 FEET TO THE POINT OF BEGINNING

THIS EXHIBIT IS MADE FOR THE SOLE PURPOSE OF SHOWING ZONING ON THE PROPERTY DESCRIBED HEREON, IS NOT A LAND OR BOUNDARY LINE SURVEY, AND MAY NOT BE USED OR RELIED UPON FOR LOAN CLOSING PURPOSES, TITLE INSURANCE PURPOSES, ESTABLISHMENT OF FENCE, BUILDING OR OTHER IMPROVEMENTS, OR ANY OTHER MATTERS FOR WHICH THIS SURVEY WAS NOT PREPARED

WITNESS MY HAND AND SEAL THIS 12TH DAY OF JULY 2018.



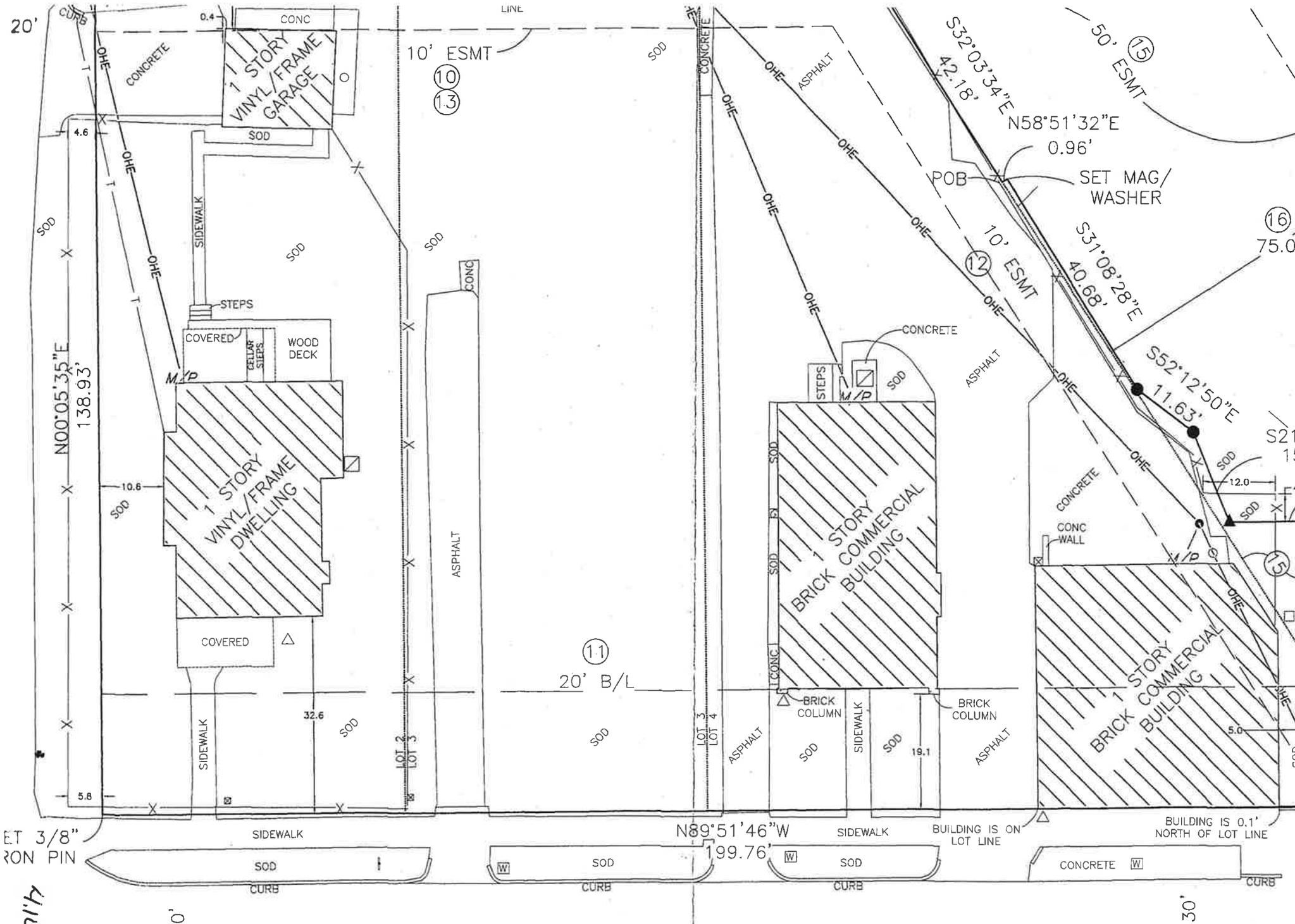
**D&S SURVEYING AND MAPPING**

PO BOX 471211, Tulsa OK 74147  
 Phone: 918.519.1873 Fax: 918.779.7055  
 Email: ple@air@gmail.com  
 CA# 6576 Expiration: 9-30-20



DAVID D. LACY, P.L.S. #1666

4.15



4117  
 2307 E 12th PL.      2307      2311 E 12th PL.      1222 S. 12th PL.

## Wilkerson, Dwayne

---

**From:** Gloria DuBois <glodubois@gmail.com>  
**Sent:** Wednesday, July 31, 2019 1:16 PM  
**To:** Wilkerson, Dwayne  
**Subject:** Re: Zoning Case number Z-7491  
**Attachments:** IMG\_2954[1].JPG

Oops, One of my photos is NOT as described. Attached here is Image 2954, replacing 2854.

On Wed, Jul 31, 2019 at 1:12 PM Gloria DuBois <[glodubois@gmail.com](mailto:glodubois@gmail.com)> wrote:

Dear Mr. Wilkerson,

It was a pleasure to meet with you and discuss the proposed Zoning Case, the information that you provided to us was most helpful. As property owners at 2240 E 12th Pl, we are very concerned and alarmed at the proposal presented to your office to rezone the 4-5 lots at the East end of our tract. We were able to speak with several of the homeowners in the immediate area of the proposed site. We did not find that any of the them supported the proposed re-zoning. Most were opposed to it, a few were not interested, and did not express an opinion either way. We collected a few signatures and are attaching them here (scan 45). Those sheets also list the concerns we have about the impact of the proposal on our neighborhood. We also passed on the contact numbers for your office, as well as the city council. One homeowner said he is planning to attend the council meeting on the 7th. We plan to attend as well.

The encroachment of the proposed re-zoning into the neighborhood, and the unlimited height request, are the most concerning to us. I have attached several photos from the nearby neighborhoods (scan 43) where apartments have been constructed in an existing single family area, bungalow homes, much like ours. As you can see, the result is not only an eyesore to the the neighborhood, but VERY intrusive to the privacy of the neighboring properties, as well as creating parking shortage and clutter in the street.

I took several photos of the area, as exhibits to our concerns. The photos are from these vantage points:

Image 2969 E on 12th Pl, from East end of the subject area

Image 2965 W side of Lewis, looking N at 12th Pl intersection

Image 2964 Same as 2965, note large center island, recently added that restricts Lewis to single lanes in both directions.

Image 2959 Corner of 12th Pl & Lewis, looking <sup>E</sup>W on 12th Pl (subject property reaches to limit of view)

Image 2958,55,54 From frontage of subject property looking W on 12th Pl (subject property reaches to limit of view)

Image 2953 From front of subject property, view across Street to SF homes.

Image 2951 12th Pl, looking E at subject Property, which starts at intersection on left side of photo and runs to Lewis.

As you can see in the photos, this proposal is very intrusive into our quiet street. Anything over a single story will loom over the neighborhood, it simply does not belong there. We ask that the City Council consider a much lower height restriction on the proposal.. 2 or 3 stories at the corner is understandable, given the busy commercial street there. Anything over 1 or 2 stories at the two most westerly lots, is an invasion of our privacy, and will clearly impact the value of our property. While we understand and appreciate the growth of the downtown area, it is equally important that our quiet living spaces are also respected and maintained.

Should you have any questions regarding our concerns, please call us, Pete DuBois at 918 704-8988, and Gloria DuBois at 918 504-8226.

Thank-you for your consideration.

4.18

2962





2965

4.19

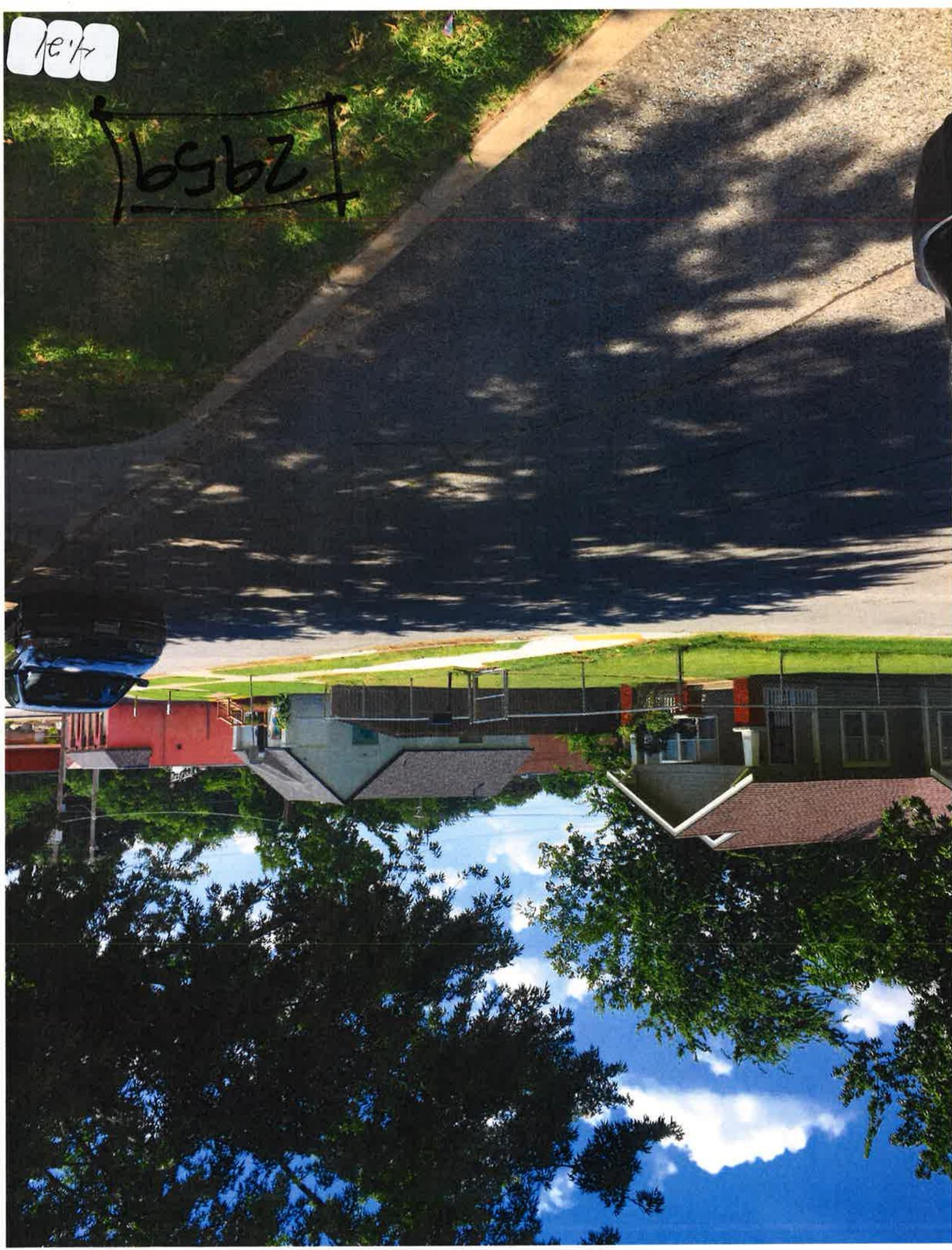


2964

4.20

10/17

2959





423

2953





2954

FOR SALE  
CALL [unreadable]  
[unreadable] REAL ESTATE

4.24

WE, THE HOMEOWNERS AND OCCUPANTS OF THE RESIDENTIAL NEIGHBORHOODS AROUND THE PROPOSED REZONING CASE #Z-7491, LOCATED AT THE NORTHWEST CORNER OF E 12<sup>TH</sup> PLACE SOUTH AND SOUTH LEWIS AVE, BY OUR SIGNATURE BELOW TO HEREBY CONVEY OUR CONCERNS AND OBJECTIONS REGARDING THE PROPOSED REZONING:

- 1. TRAFFIC** WE HAVE FOUND NO EVIDENCE THAT A TRAFFIC STUDY HAS BEEN PERFORMED, SO WE HAVE NO DATA TO OFFER, ONLY THE CONCERN THAT, AS LEWIS NARROWS TO ONLY 1 LANE IN FRONT OF THIS AREA, ADDING ANY ADDITIONAL BUSINESSES OR APARTMENTS WOULD SEVERLY STRAIN AN ALREADY CONGESTED AREA. THE RECENT ADDITION OF THE ADJACENT MOTHER ROAD STORES, AND NOW NEW CONSTRUCTION WELL UNDERWAY ACROSS FROM IT HAVE ALREADY SIGNIFICANTLY IMPACTED THE TRAFFIC ON LEWIS.
- 2. PARKING** THE AFOREMENTIONED MOTHER ROAD STORES HAVE ALREADY CREATED A SEVERE PARKING SHORTAGE IN THE AREA. AS WE TRAVEL THE AREA FREQUENTLY, WE HAVE NOTED SEVERY HARROWING NEAR MISSES OF PEDESTRIANS. WE ARE ALSO CONCERNED THAT OUR NEIGHBORHOOD WILL BECOME OVERFLOW PARKING FOR ANY BUSINESSES OR TENANTS. E 12<sup>TH</sup> PLACE IS ALREADY A NARROW STREET, IT IS ALMOST IMPOSSIBLE TO NAVIGATE AROUND THE VEHICLES ALREADY PARKED ON OUR STREET.
- 3. INCREASE IN FOOT TRAFFIC AND TRASH** WE HAVE NOTICED THAT AS COMMERCIAL AREAS SURROUND THE NEIGHBORHOOD, THERE IS AN INCREASE IN FOOT TRAFFIC OF PERSONS PATRONIZING THOSE BUSINESSES, AND ALONG WITH IT, A DISTRESSING AMOUNT OF TRASH IS DUMPED IN THE NEIGHBORHOOD. WRAPPERS AND FOOD DEBRIS, THAT IS DISCARDED AS THOSE PEDESTRIANS MAKE THEIR WAY BACK DOWN THROUGH OUR NEIGHBORHOOD. THIS LEADS TO AN OVERALL IMPRESSION THAT THE NEIGHBORHOOD IS TRASHY, AND IN DECLINE, AS WELL AS THE TIME AND EFFORT REQUIRED TO CLEAN UP AFTER THE LITTERERS.
- 4. PRIVACY** THE APPLICANT HAS REQUESTED THAT THE ZONING ON THE NORTH SIDE OF E 12<sup>TH</sup> PL, EAST FROM S GILLETTE AVE, WHICH ENCROACHES WELL INTO THE NEIGHBORHOOD, AND CURRENTLY ZONED AS "RESIDENTIAL SINGLE FAMILY" BE CHANGED TO "NEIGHBORHOOD MIXED USE, UNLIMITED HEIGHT. THE ENTIRE NEIGHBORHOOD, INCLUDING OUR PRIVATE BACKYARDS, WOULD BE VISIBLE FROM ANYTHING ABOVE THE SECOND FLOOR OF THE STRUCTURE. **WE WOULD SUFFER A CATASTROPHIC AND IRREVERSIBLE LOSS OF PRIVACY IN AND AROUND OUR HOMES.**

SIGNED: A McKinney (PRINT NAME) ASHLEY MCKINNEY  
ADDRESS: 2234 E 12TH PLACE, TULSA OK 74104 DATE 7/24/19

SIGNED: Steve G. Z (PRINT NAME) STEVEN G. TERRY  
ADDRESS: 2246 E 12TH PL. TULSA, OK 74104 DATE 7/24/19

SIGNED: Phil Dubois (PRINT NAME) PHIL DUBOIS  
ADDRESS: 2028 E 12th Pl DATE 7/31/19

SIGNED: \_\_\_\_\_ (PRINT NAME) \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ DATE \_\_\_\_\_

West Park Apartments

All

Latest



4.21e

West Park Apartments

All

Latest



4.27



Tulsa, Oklahoma

Image capture: May 2018 © 2019 Google



Street View - May 2018

4.28

West Park Apartments

All

Latest



4.29



cont to  
9-18-19

FILE COPY

Sawyer, Kim

---

**From:** Hoyt, Jay  
**Sent:** Wednesday, August 28, 2019 4:42 PM  
**To:** Sawyer, Kim  
**Subject:** FW: 905 S. Hudson 9/4 Rezoning Hearing Documents (Z-7492)

Kim,

The applicant for Z-7492 has requested a continuance from 9/4 to 9/18. They wish to add an Optional Development Plan to their request and need additional time.

Thank you,

Jay Hoyt

**From:** Steve Soukieh [mailto:stevesoukieh@gmail.com]  
**Sent:** Wednesday, August 28, 2019 4:39 PM  
**To:** Hoyt, Jay <JHoyt@incog.org>  
**Subject:** Re: 905 S. Hudson 9/4 Rezoning Hearing Documents

that will work, thank you.

On Wed, Aug 28, 2019 at 3:27 PM Hoyt, Jay <[JHoyt@incog.org](mailto:JHoyt@incog.org)> wrote:

Steve,

Thank you for the information.

It looks like the next meeting is on 9/18. Could you please confirm that the continuance to that meeting date will be ok so that the Optional Development Plan can be integrated into your zoning request?

Thank you,

Jay Hoyt

**From:** [stevesoukieh@gmail.com](mailto:stevesoukieh@gmail.com) [mailto:[stevesoukieh@gmail.com](mailto:stevesoukieh@gmail.com)]  
**Sent:** Wednesday, August 28, 2019 3:20 PM  
**To:** Hoyt, Jay <[JHoyt@incog.org](mailto:JHoyt@incog.org)>  
**Subject:** Fwd: 905 S. Hudson 9/4 Rezoning Hearing Documents

Steve Soukieh

Begin forwarded message:

**From:** Greg Hambric <[greg.hambric@yahoo.com](mailto:greg.hambric@yahoo.com)>  
**Date:** August 20, 2019 at 2:48:03 PM CDT  
**To:** "jhoyt@incog.org" <[jhoyt@incog.org](mailto:jhoyt@incog.org)>, "stevesoukieh@gmail.com" <[stevesoukieh@gmail.com](mailto:stevesoukieh@gmail.com)>  
**Subject:** 905 S. Hudson 9/4 Rezoning Hearing Documents  
**Reply-To:** Greg Hambric <[greg.hambric@yahoo.com](mailto:greg.hambric@yahoo.com)>

Jay,

Please find attached. If there is any information I am missing or anything I can do to make your job easier just let me know.

Thank You,

Greg Hambric

918-510-1101

[greg.hambric@yahoo.com](mailto:greg.hambric@yahoo.com)



Tulsa Metropolitan Area  
Planning Commission

Case Number: CZ-490

Hearing Date: September 4, 2019

Case Report Prepared by:

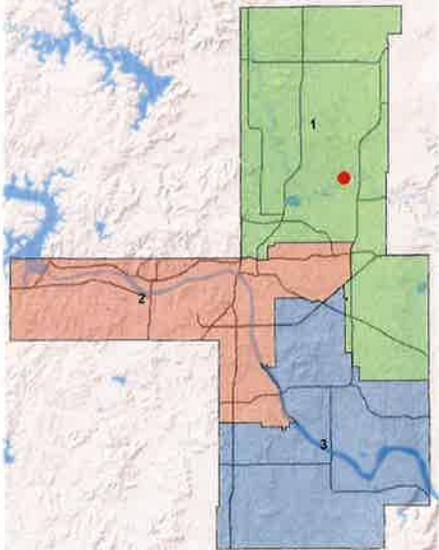
Jay Hoyt

Owner and Applicant Information:

*Applicant:* Tye Smith

*Property Owner:* CONWAY, JOHN H JR TRUSTEE

Location Map:  
(shown with County Commission Districts)



Applicant Proposal:

*Present Use:* Vacant

*Proposed Use:* Boat and RV Storage

*Concept summary:*

*Tract Size:* 6.52 ± acres

*Location:* South of the southeast corner of North Mingo Road and East 66th Street North

Zoning:

*Existing Zoning:* AG

*Proposed Zoning:* IL

Comprehensive Plan:

*Land Use Map:* N/A

*Stability and Growth Map:* N/A

Staff Recommendation:

**Staff recommends approval.**

Staff Data:

TRS: 0406

CZM: 24

County Commission District: 1

*Commissioner Name:* Stan Sallee

6.1

## SECTION I: CZ-490

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone the subject property from AG to IL in order to permit a Boat and RV storage facility.

The subject property is located outside of a comprehensive plan area for Tulsa County or a local jurisdiction. The site is currently vacant agricultural land and is adjacent to IM (Industrial Moderate) zoned land along its western and southern boundaries. The proposed IL (Industrial Light) would be a less intense use, particularly with the proposed Boat and RV storage use intended for this property.

### **EXHIBITS:**

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)

### **DETAILED STAFF RECOMMENDATION:**

CZ-490 is non-injurious to surrounding proximate properties;

CZ-490 is consistent with the anticipated future development pattern of the surrounding property therefore;

**Staff recommends Approval of CZ-490 to rezone property from AG to IL.**

## **SECTION II: Supporting Documentation**

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

*Staff Summary: The site is located outside of Tulsa County Comprehensive Plans as well of those of neighboring jurisdictions.*

### **Land Use Vision:**

*Land Use Plan map designation: N/A*

*Areas of Stability and Growth designation: N/A*

### **Transportation Vision:**

*Major Street and Highway Plan: Mingo Road is designated as a Secondary Arterial*

*Trail System Master Plan Considerations: None*

**Small Area Plan: None**

**Special District Considerations: None**

**Historic Preservation Overlay: None**

6-2

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant agricultural land without existing structures.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
N Mingo Rd	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available. Sewer to be provided by a ODEQ septic system.

Surrounding Properties:

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

**SECTION III: Relevant Zoning History**

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

**Subject Property:** No relevant history

**Surrounding Property:**

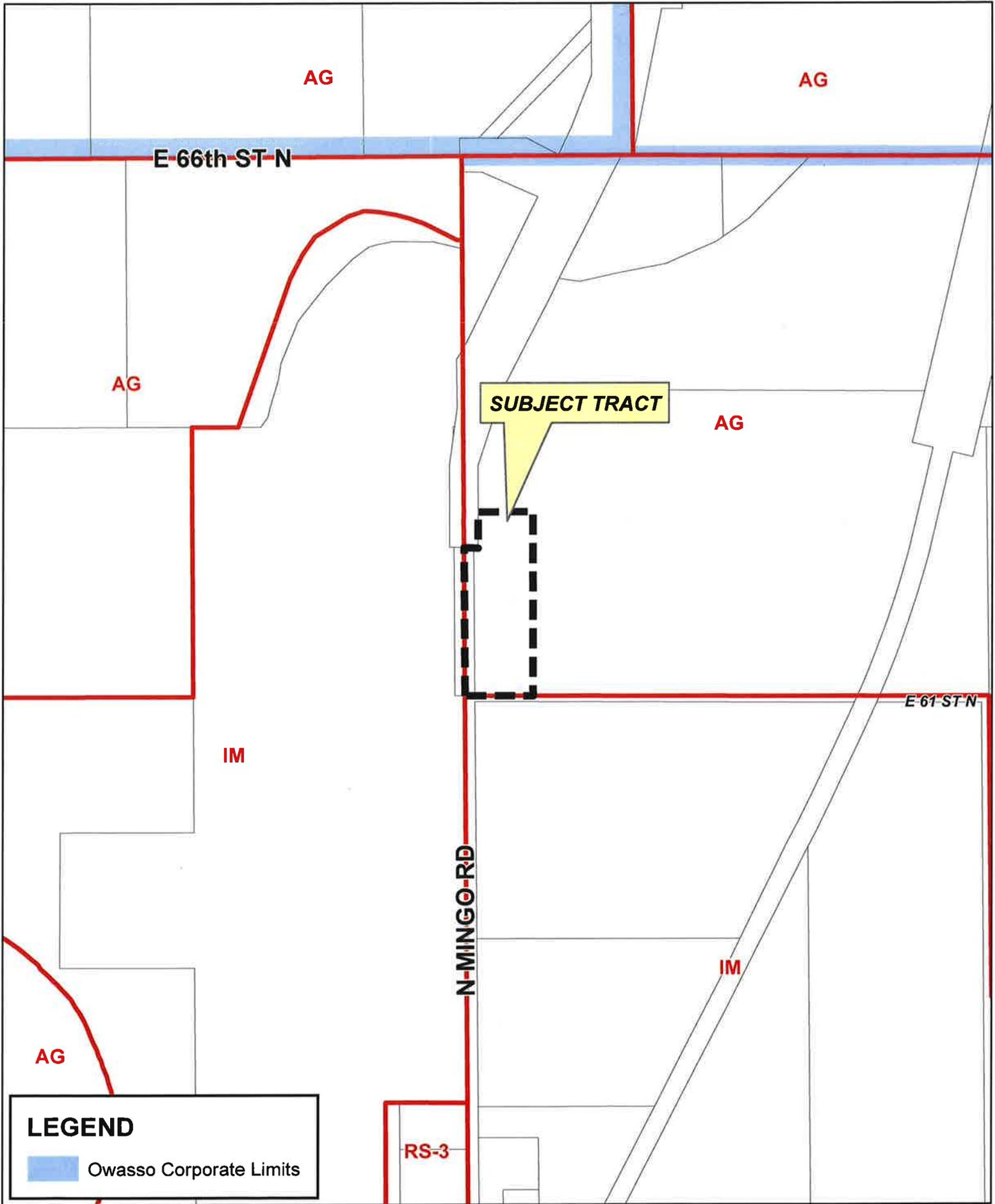
**CBOA-2603 October 2016:** The Board of Adjustment **approved** a *special exception* to permit surface mining for top-soil and fill dirt (Use Unit 24) in the AG District, on property located east of the southeast corner of East 66<sup>th</sup> Street North & North Mingo Road East.

**CBOA- 2427 March 2012:** The Board of Adjustment **approved** a *Special Exception* to allow Use Unit 2 in an IM District to allow open air music festivals; and a *variance* from the requirement that parking (for special events) be on an all-weather surface; and the Board **denied** a *special exception* to permit Use Unit 19a in an IM district to allow a dance hall, on property located at the southeast corner of East 61<sup>st</sup> Street North & North Mingo Road.

**CBOA-2380 July 2010:** The Board **approved** a *Special Exception* to permit mining and dirt removal (Use Unit 24) in the AG district; located NE/c of E 66 St N and S Mingo Rd.

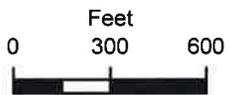
9/4/2019 1:30 PM

6.3



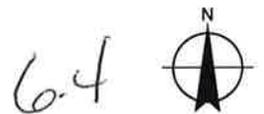
**LEGEND**

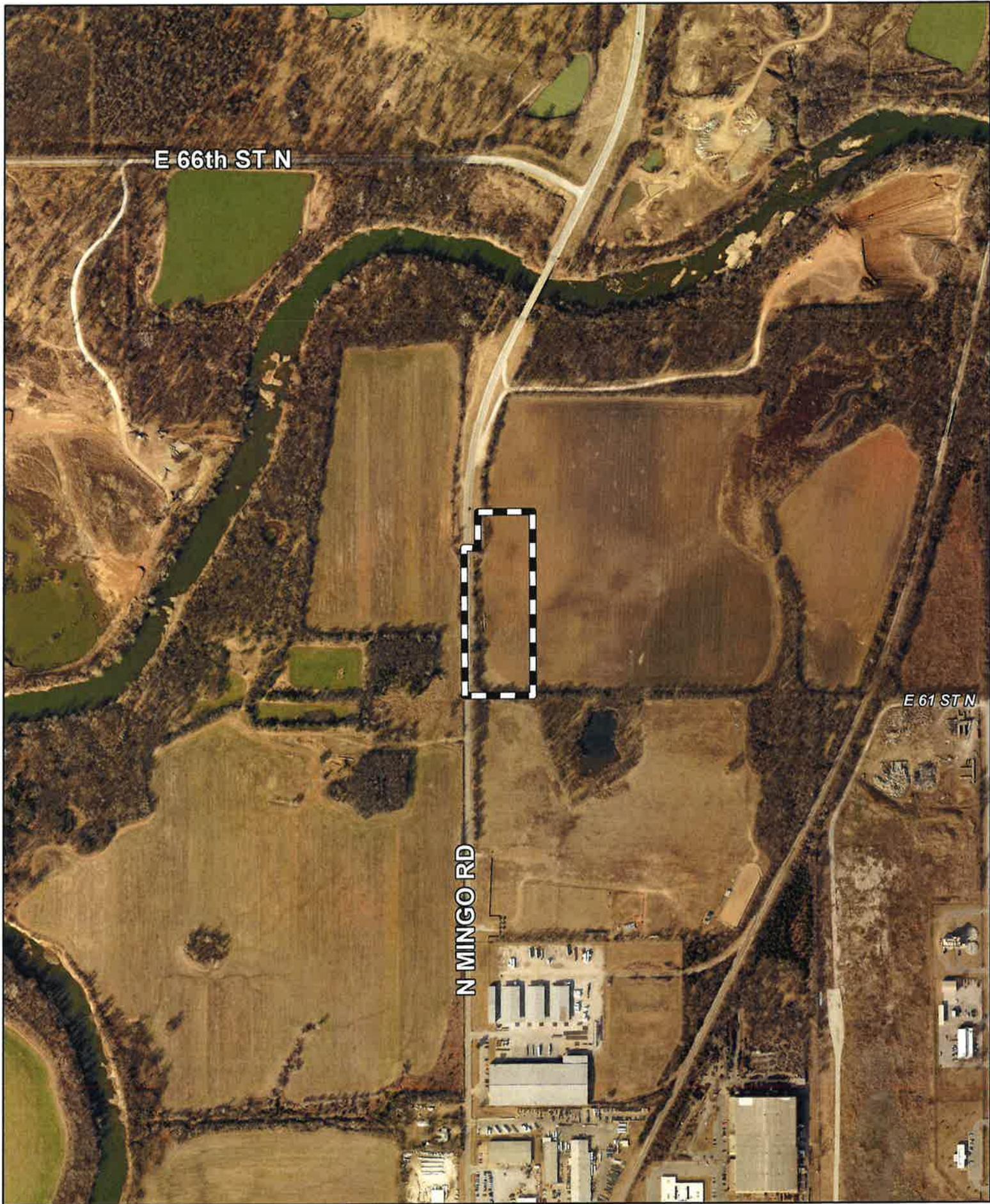
 Owasso Corporate Limits



**CZ-490**

20-14 06

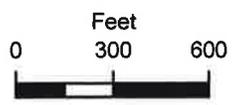


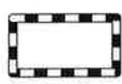


E 66th ST N

E 61 ST N

N MINGO RD



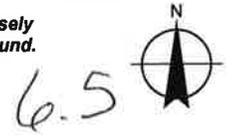
 Subject Tract

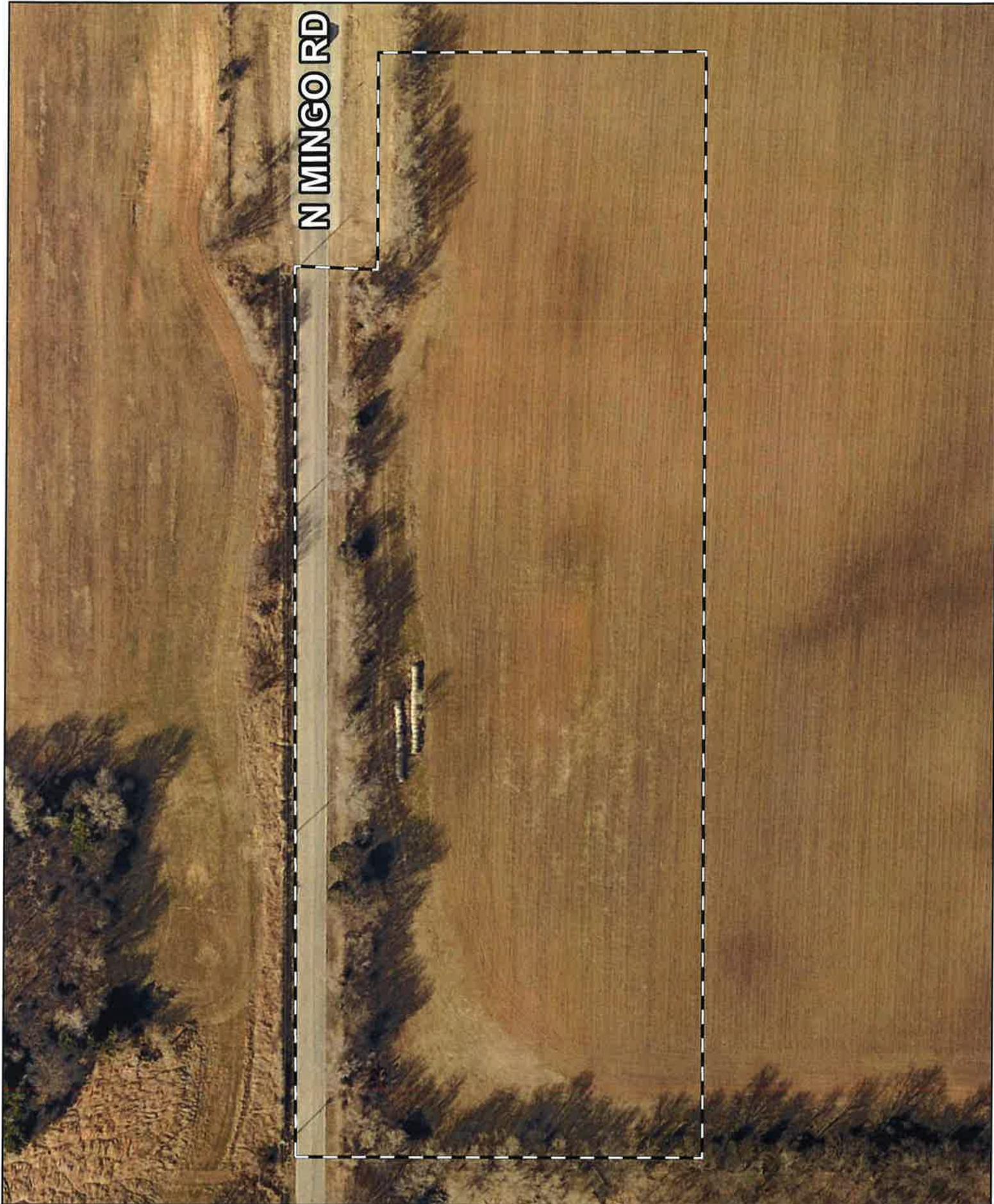
**CZ-490**

20-14 06

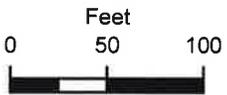
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018





**N MINGO RD**



**Subject Tract**

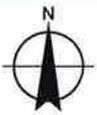
**CZ-490**

20-14 06

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

*Aerial Photo Date: February 2018*

6.6





Tulsa Metropolitan Area  
Planning Commission

**Case Number:** Z-7495

**Hearing Date:** September 4, 2019

**Case Report Prepared by:**

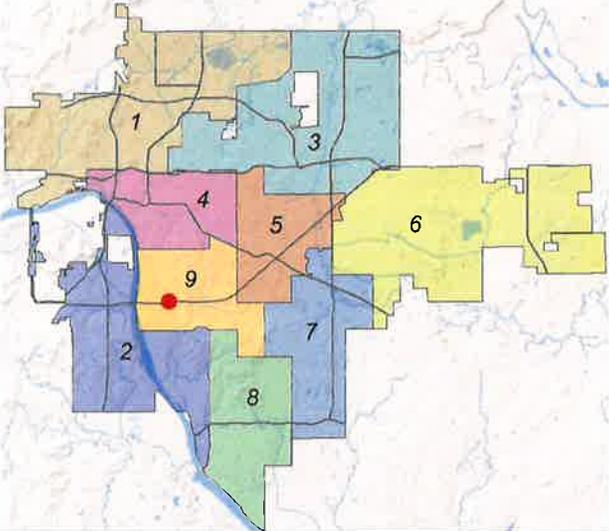
Dwayne Wilkerson

**Owner and Applicant Information:**

*Applicant:* Will Keith

*Property Owner:* KEITH CONSTRUCTION  
COMPANY

**Location Map:**  
(shown with City Council Districts)



**Applicant Proposal:**

*Present Use:* Office

*Proposed Use:* Dispensary

*Concept summary:* Rezoning to support  
redevelopment of site for commercial uses as  
allowed in a CS district.

*Tract Size:* 0.53 ± acres

*Location:* East of the northeast corner of East  
Skelly Drive & South Utica Avenue

**Zoning:**

*Existing Zoning:* OL

*Proposed Zoning:* CS

**Comprehensive Plan:**

*Land Use Map:* Mixed-Use Corridor

*Stability and Growth Map:* Area of Growth

**Staff Recommendation:**

**Staff recommends denial.**

**Staff Data:**

TRS: 9330

CZM: 47

**City Council District:** 9

*Councilor Name:* Ben Kimbro

**County Commission District:** 2

*Commissioner Name:* Karen Keith

## SECTION I: Z-7495

### APPLICANTS DEVELOPMENT CONCEPT:

Rezoning requested to allow a medical marijuana dispensary.

### EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Applicant Exhibits:
  - Assessor property search data
  - Assessor property search map with images
  - 1000 foot radius

### DETAILED STAFF RECOMMENDATION:

Z-7495 requesting CS zoning may be consistent with the Mixed-Use Corridor in certain areas where CS zoning has been integrated into a commercial district however in this instance all property on the north side of the I-44 from South Rockford to South Yorktown has been zoned RS-3, RM-2, OL or OM therefore uses allowed in a CS district are not consistent with the expected development pattern in the area and

Uses allowed in a CS district are injurious to the abutting residentially zoned properties therefore,

Staff recommends Denial of Z-7495 to rezone property from OL/ to CS.

## SECTION II: Supporting Documentation

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary:* CS zoning may be consistent with the Mixed-Use Corridor in certain areas where CS zoning has been integrated into a commercial district. In this location all proximate properties on the north side of the I-44 from South Rockford to South Yorktown has been zoned RS-3, RM-2, OL or OM. This site is on the edge of a Mixed-Use Corridor land use designation and the Comprehensive Plan generally supports lower intensity uses such as multifamily, townhomes, and office uses that are similar to the existing development pattern. Uses allowed in a CS district are not consistent with the concept of decreasing intensity closer to the edges where offices, commercial and residential areas coexist.

### Land Use Vision:

*Land Use Plan map designation:* Mixed-Use Corridor

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

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

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

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

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

Transportation Vision:

*Major Street and Highway Plan: Residential Collector*

*Trail System Master Plan Considerations: None*

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is occupied with an existing single-story building with a gravel parking area.*

*Street view from south west looking north east. (See next page)*



Environmental Considerations: None that would affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East Skelly Drive	Residential Collector	60 feet	2 west bound lanes only

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	RS-3	Mixed Use Corridor	Growth	Church
East	OM	Mixed Use Corridor	Growth	Empty lot
South	CS on the south of I-44	Existing Neighborhood south of I-44	Stability south of I-44	Multi family south of I-44
West	OL	Mixed Use Corridor	Growth	Office

### **SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 13233 dated July 16, 1974 established zoning for the subject property.

#### ***Subject Property:***

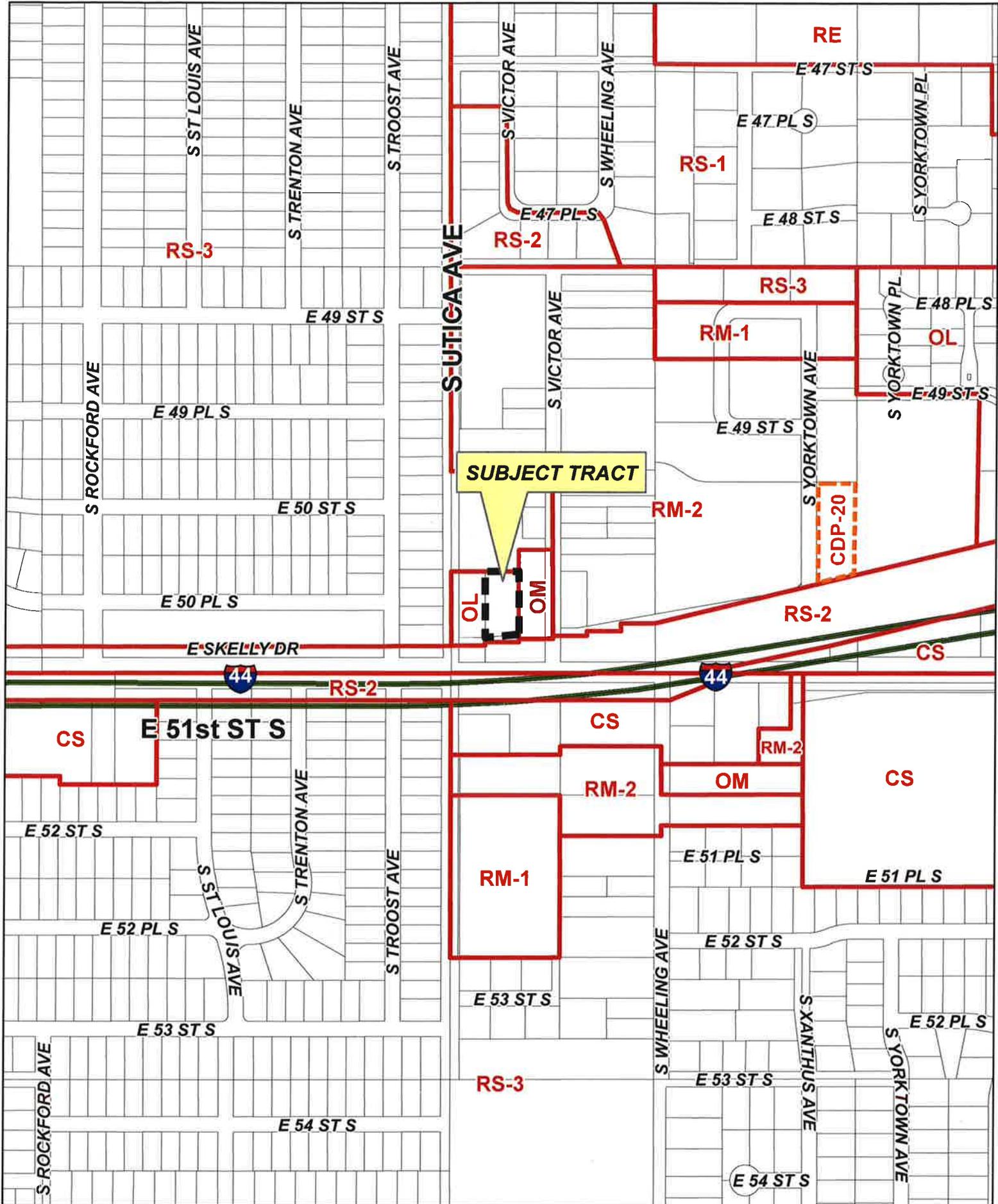
**Z-4681 July 1974:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to OL on property located on the northwest corner of South Utica Avenue and East Skelly Drive, part of the subject property.

#### ***Surrounding Property:***

No relevant history

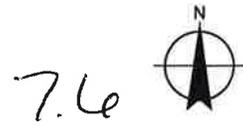
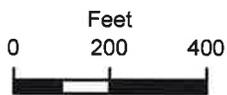
9/4/2019 1:30 PM

7.5

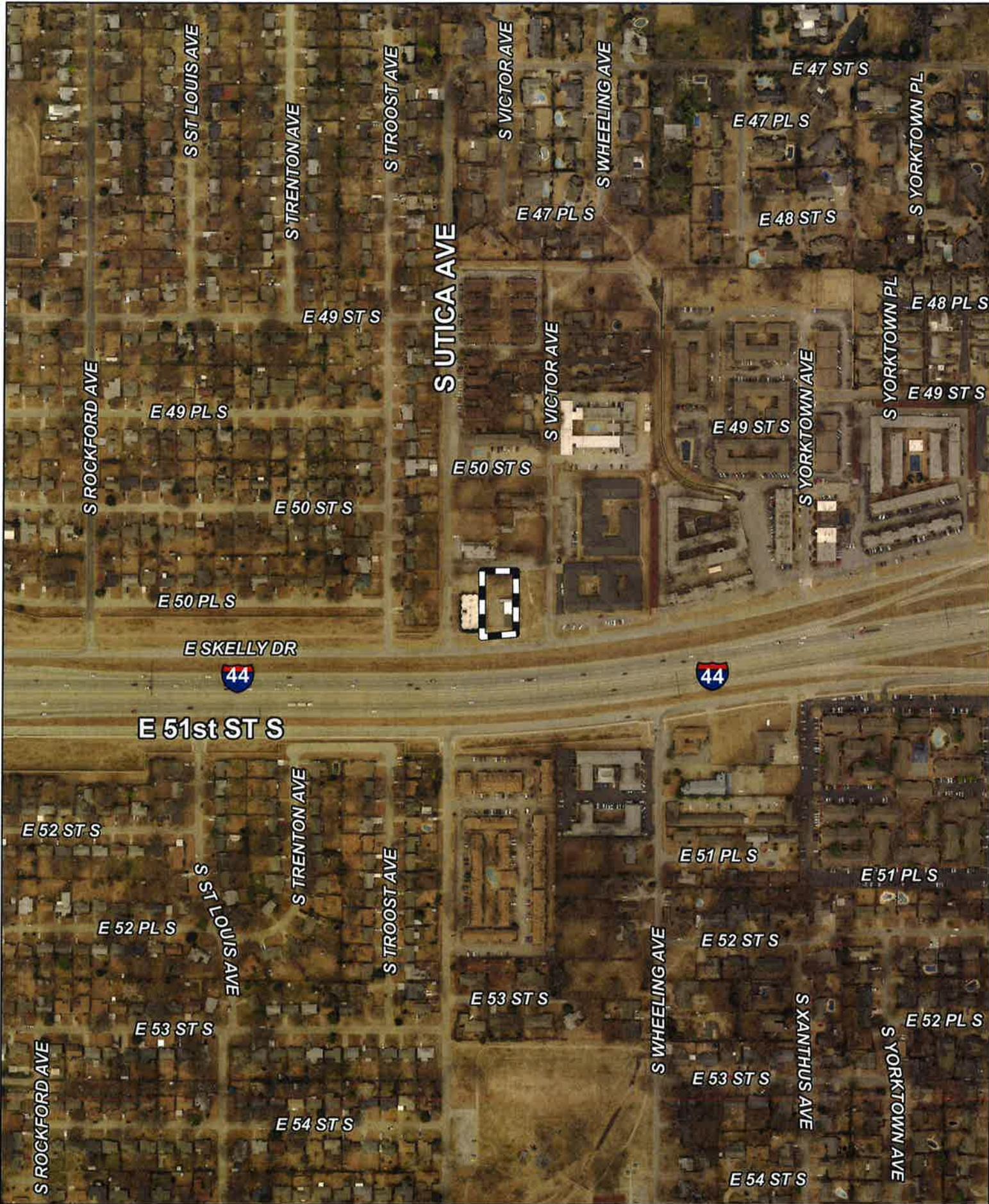


**Z-7495**

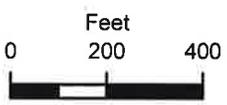
19-13 30



7.6



S ROCKFORD AVE  
 S ST LOUIS AVE  
 S TRENTON AVE  
 S STROOST AVE  
 S VICTOR AVE  
 S WHEELING AVE  
 E 47 ST S  
 E 47 PL S  
 E 48 ST S  
 S YORKTOWN PL  
 E 49 ST S  
 E 49 PL S  
 S UTICA AVE  
 S VICTOR AVE  
 S YORKTOWN PL  
 E 48 PL S  
 E 49 ST S  
 E 50 ST S  
 E 50 PL S  
 E SKELLY DR  
 I-44  
 I-44  
 E 51st ST S  
 E 52 ST S  
 E 52 PL S  
 S ST LOUIS AVE  
 S TRENTON AVE  
 S STROOST AVE  
 E 51 PL S  
 E 51 PL S  
 E 52 ST S  
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 S YORKTOWN AVE  
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 E 54 ST S  
 E 54 ST S



**Z-7495**

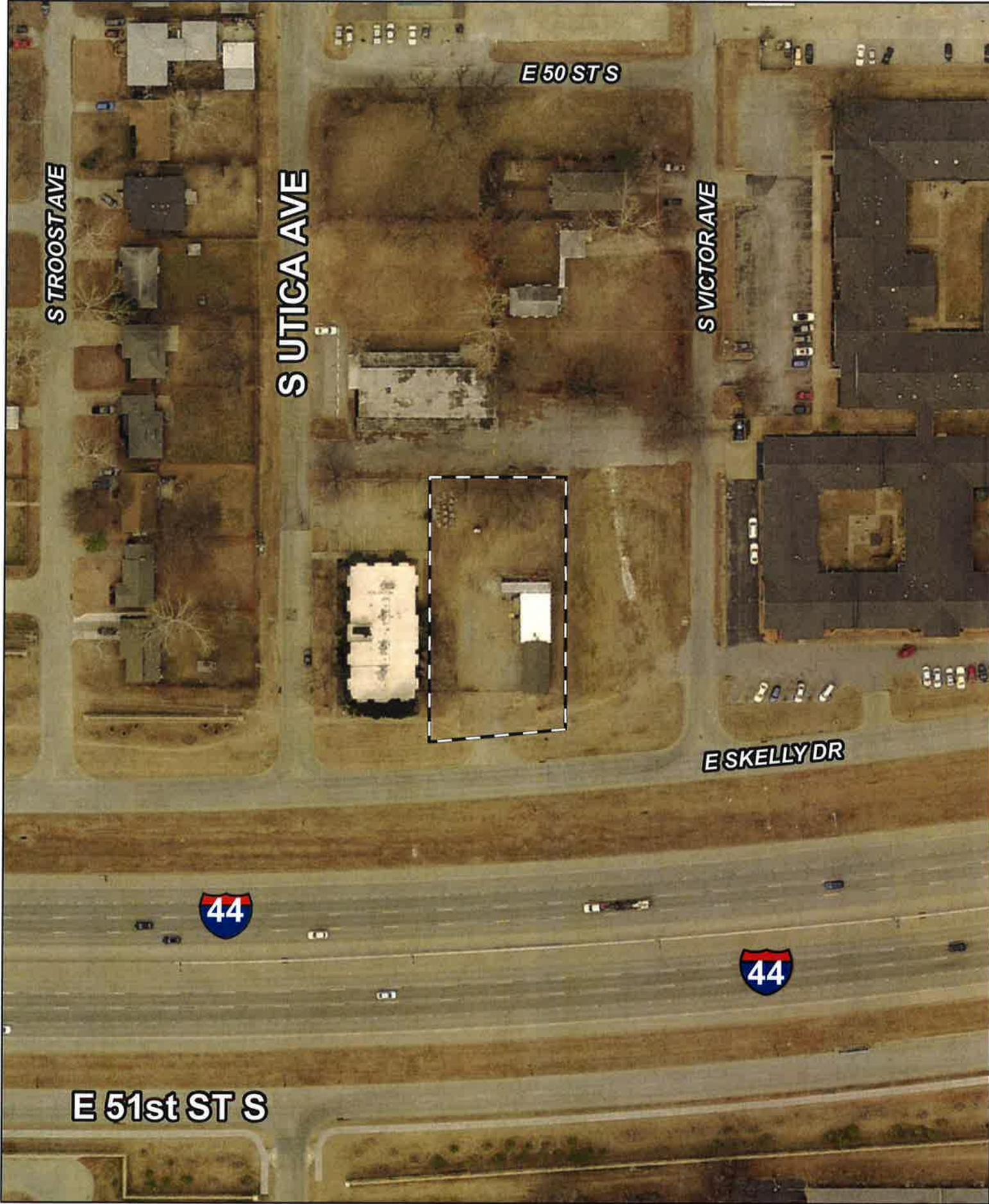
19-13 30

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

Aerial Photo Date: February 2018

7.7





STROOST AVE

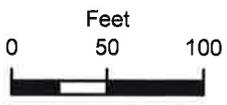
SUTICA AVE

S VICTOR AVE

E 50 ST S

ESKELLY DR

E 51st ST S



Subject Tract

Z-7495

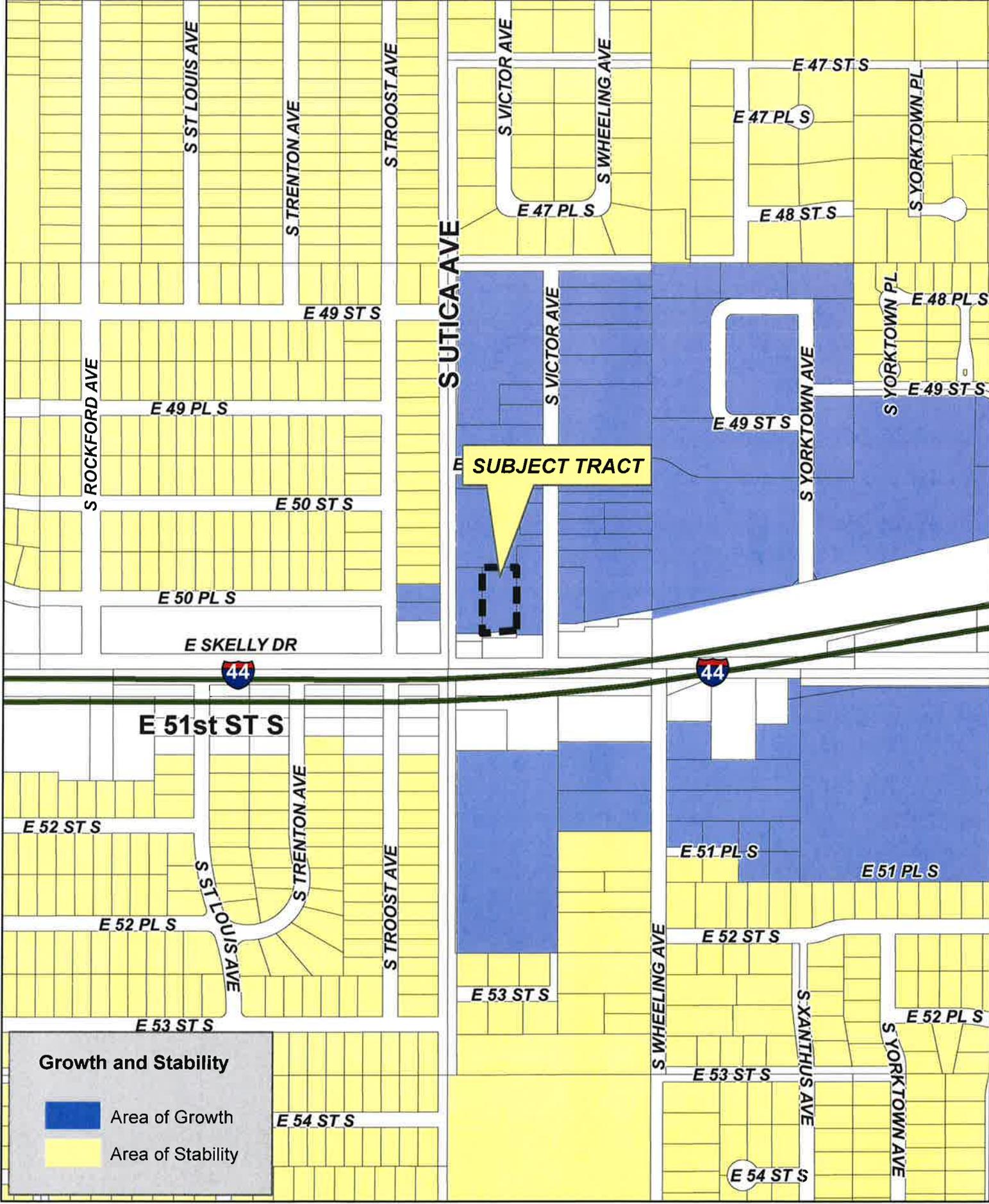
19-13 30

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

Aerial Photo Date: February 2018

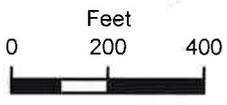
7.8

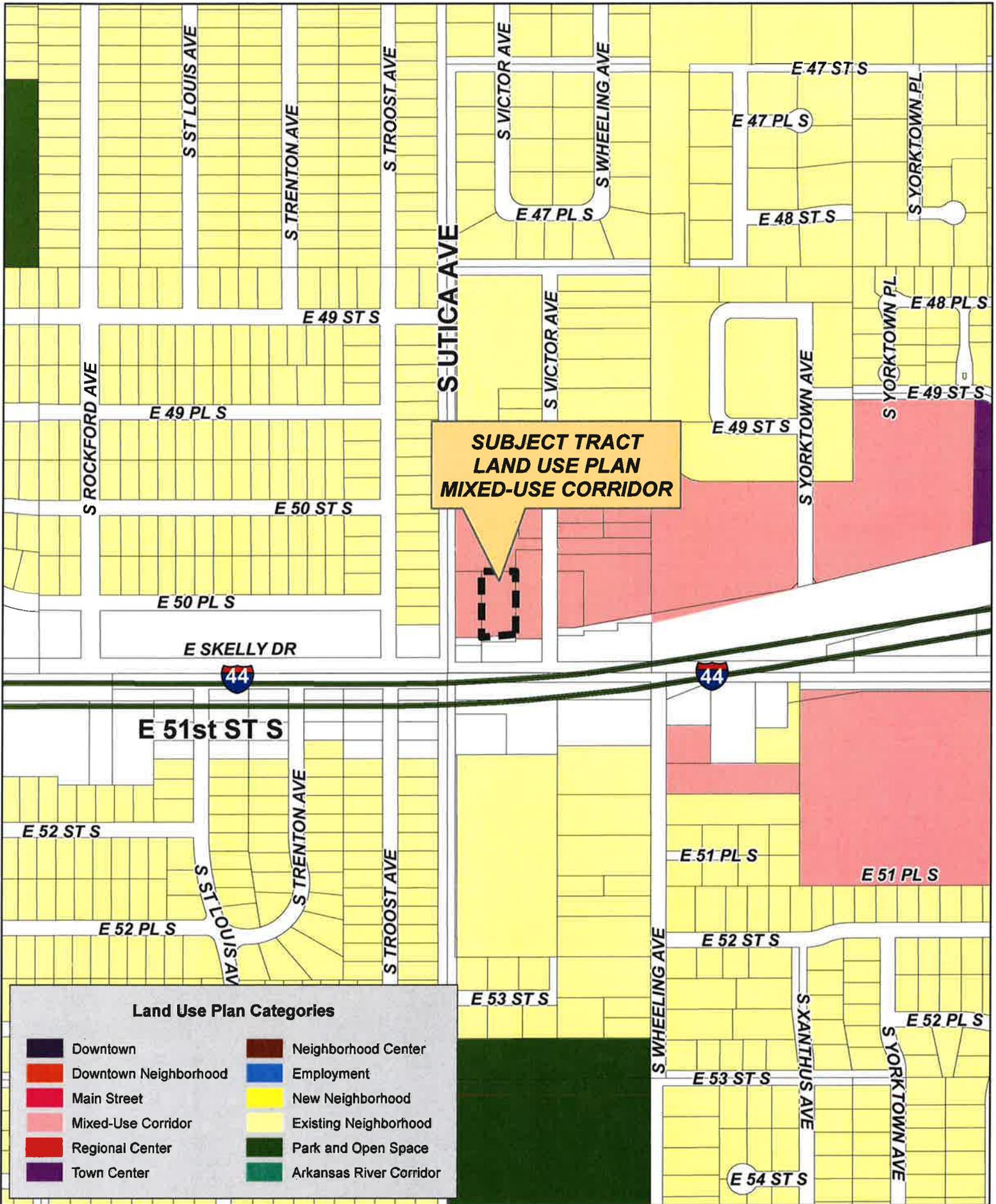




**Z-7495**

19-13 30



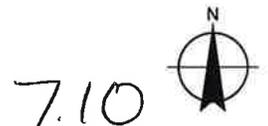


**SUBJECT TRACT  
LAND USE PLAN  
MIXED-USE CORRIDOR**



**Z-7495**

19-13 30





# OKLAHOMA MEDICAL MARIJUANA AUTHORITY

Website: [OMMA.ok.gov](http://OMMA.ok.gov) | Email: [OMMA@ok.gov](mailto:OMMA@ok.gov)

Friday, August 9, 2019

License #: DAAA-41CF-9PHM

KUSH DISPENSARY, LLC  
KUSH DISPENSARY, LLC  
1711 E SKELLY DR  
TULSA, OK, 74105

**RE: Approval of Medical Marijuana Commercial License**

The Oklahoma Medical Marijuana Authority (OMMA) has determined that your application has met licensure requirements for a COMMERCIAL DISPENSARY LICENSE license in accordance with Title 63 O.S. § 420 et seq. and the Oklahoma Administrative Code (OAC) 310:681. Your approved licensure start date is:

**08/08/2019** and will expire one(1) year after this date, on **08/13/2020**.

*It is your responsibility to submit a timely renewal application prior to this expiration date.*

Your license number is: **DAAA-41CF-9PHM**

In addition to submission of timely renewal, it is the responsibility of the licensee to notify the OMMA in the event of:

- 1) changes in contact information; or
- 2) changes that may affect the licensee's qualifications for licensure.

Ongoing monthly yield and/or sales reports are also required by law, and shall be deemed untimely if not received by the OMMA by the fifteenth (15th) of each month, to reflect the applicable data for the preceding month. Reporting tools may be accessed at [OMMA.ok.gov](http://OMMA.ok.gov).

Included with this letter is your license certificate. If you have any questions, please do not hesitate to contact a member of my staff at [omma.ok.gov](http://omma.ok.gov).

Sincerely,

*Tom Bates*

Tom Bates, J.D.  
Interim Commissioner  
Oklahoma State Department of Health

Attachment: License Certificate

## Property Search

### Disclaimer

The Tulsa County Assessor's Office has made every effort to insure the accuracy of the data contained on this web site; however, this material may be slightly dated which could have an impact on its accuracy.

The information must be accepted and used by the recipient with the understanding that the data was developed and collected only for the purpose of establishing fair cash (market) value for ad valorem taxation. Although changes may be made periodically to the tax laws, administrative rules and similar directives, these changes may not always be incorporated in the material on this web site.

The Tulsa County Assessor's Office assumes no liability for any damages incurred, whether directly or indirectly, incidental, punitive or consequential, as a result of any errors, omissions or discrepancies in any information published on this web site or by any use of this web site.

Quick Facts																																																	
<b>Account #</b> R32825933011020	 <p style="font-size: small; text-align: center;">32825-93-30-11020 (6/2018)</p>																																																
<b>Parcel #</b> 32825-93-30-11020																																																	
<b>Situs address</b> 1711 E SKELLY DR S TULSA 74105																																																	
<b>Owner name</b> KEITH CONSTRUCTION COMPANY																																																	
<b>Fair cash (market) value</b> \$162,500																																																	
<b>Last year's taxes</b> \$2,455																																																	
<b>Legal description</b> Legal: N230 LT 10 LESS BEG NL HWY 44 & WL LT 10 TH E110 N25.10 SW110.46 S15 POB FOR RD Subdivision: PERRY'S 27207 SUB Section: 30 Township: 19 Range: 13																																																	
General Information																																																	
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<b>Owner mailing address</b> 1711 E SKELLY DR TULSA, OK 74105																																																	
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7.12

Improvements

Bldg ID#	Property type	Use	Year built	Year remodeled	GBA †	NRA †	Stories	Story height
1	Commercial	Office Building	1940	—	800 SF	800 SF	1.0	10.0
1	Commercial	Storage Warehouse	1940	—	920 SF	920 SF	1.0	10.0

Sales/Documents

Date	Grantor	Grantee	Price	Doc type	Book-Page/Doc#
Aug 3, 2004			\$162,500	Warranty Deed	2000081899
Jul 26, 2004	MAYER KATHERINE B & THERE	KEITH CONSTRUCTION CO 171	\$162,500	History	2004092766

Images



† Square footage and acreage values included in this record are approximations. They may not reflect what a licensed surveyor would determine by performing a formal survey. They are for tax purposes only and are not intended for use in making conveyances or for preparing legal descriptions of properties.



Leaflet | Tiles © Esri — Source: Esri, DeLorme, NAVTEQ, USGS, Intermap, IPC, NRCAN, METI, TomTom, 2012

[Click to view this area on the Google Maps web page in a new window](#)

John A. Wright — Tulsa County Assessor

Tulsa County Administration Building, Room 215 | 500 S. Denver | Tulsa, OK 74103

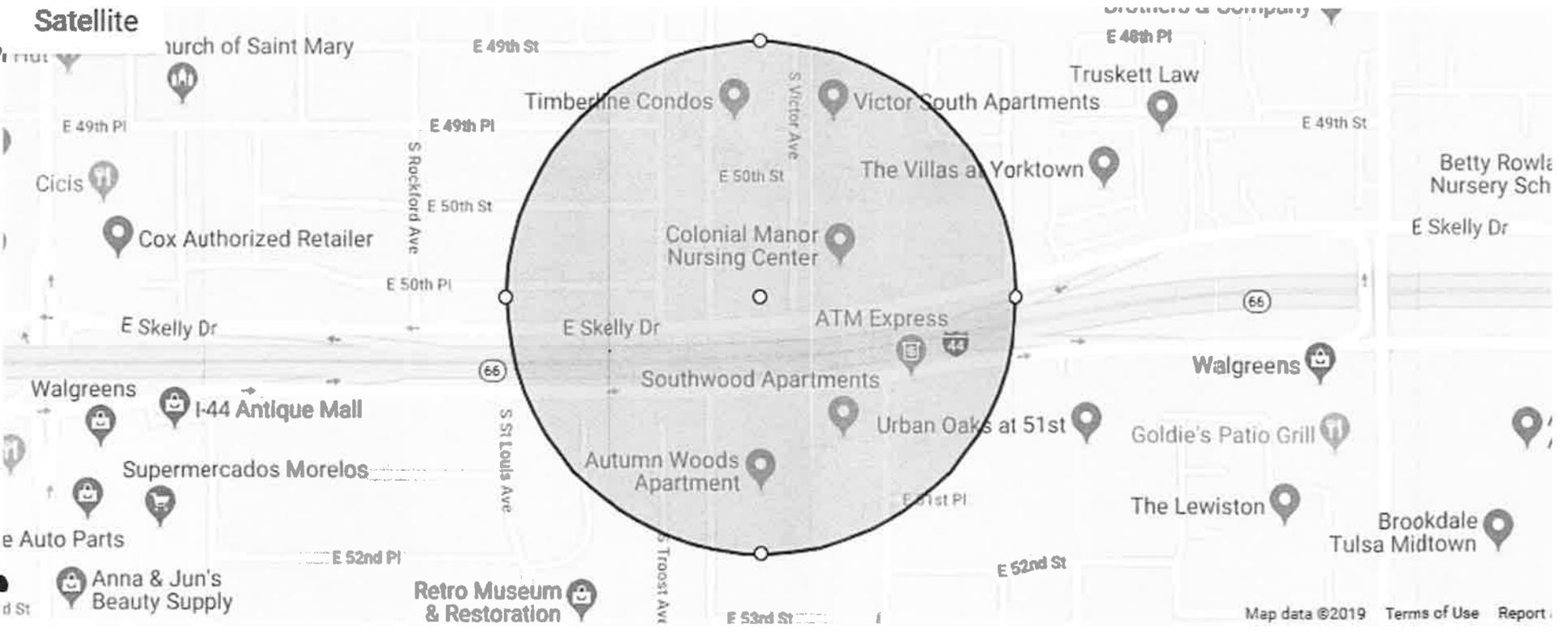
Phone: (918) 596-5100 | Fax: (918) 596-4799 | Email: [assessor@tulsacounty.org](mailto:assessor@tulsacounty.org)

Office hours: 8:00–5:00 Monday–Friday (excluding holidays)

7.13

7.14

Nirvana Cannabis Dispensary



in media map here, just use this link



Tulsa Metropolitan Area  
Planning Commission

**Case Number:** Z-7496

**Hearing Date:** September 4, 2019

**Case Report Prepared by:**

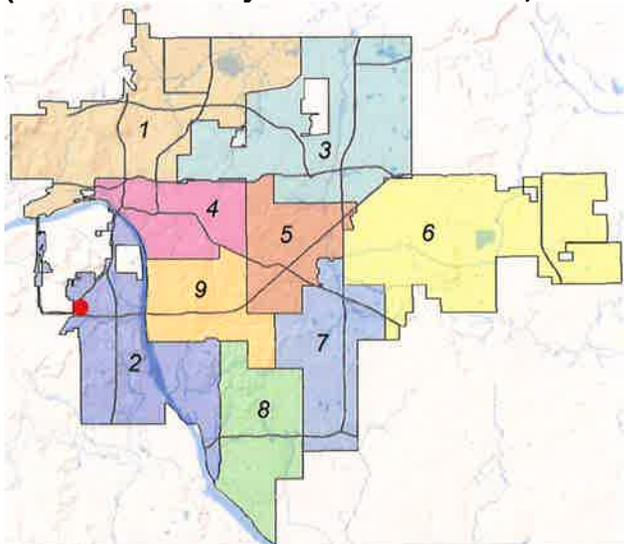
Dwayne Wilkerson

**Owner and Applicant Information:**

*Applicant:* John Ngo

*Property Owner:* John Ngo

**Location Map:**  
**(shown with City Council Districts)**



**Applicant Proposal:**

*Present Use:* Vacant

*Proposed Use:* Retail Sales

*Concept summary:* Rezone property from office zoning to a CS district to allow construction of a commercial building.

*Tract Size:* 0.31 ± acres

*Location:* Southeast corner of South 33rd West Avenue and West 48th Street South

**Zoning:**

*Existing Zoning:* OM

*Proposed Zoning:* CS

**Comprehensive Plan:**

*Land Use Map:* Neighborhood Center

*Stability and Growth Map:* Area of Growth

**Staff Recommendation:**

**Staff recommends approval.**

**Staff Data:**

TRS: 9227

CZM: 46

**City Council District:** 2

*Councilor Name:* Jeannie Cue

**County Commission District:** 2

*Commissioner Name:* Karen Keith

8.1

## SECTION I: Z-7496

DEVELOPMENT CONCEPT: Rezoning for anticipated expansion of the Neighborhood Center identified in the Tulsa Comprehensive Plan. The concept is to construct a small retail building.

### EXHIBITS:

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

### DETAILED STAFF RECOMMENDATION:

Z-7496 request CS zoning that is consistent with the Neighborhood Center vision of the Tulsa Comprehensive Plan and,

Uses allowed by CS zoning are consistent with the expected development of surrounding properties and,

Uses allowed by CS zoning are non-injurious to proximate properties therefore,

Staff recommends **Approval** of Z-7496 to rezone property from OM to CS.

## SECTION II: Supporting Documentation

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: CS zoning is consistent with the land use vision of the Tulsa Comprehensive Plan. Staff will encourage constructing a building closer to the street with parking in the rear. The building placement and sidewalks will encourage pedestrian traffic which would help integrate this site into the neighborhood. The landscape ordinance provides adequate buffering from residential areas for parking areas. A development plan was not considered necessary.*

### Land Use Vision:

*Land Use Plan map designation: Neighborhood Center*

Neighborhood Centers are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be

J. Z

displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

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

Transportation Vision:

*Major Street and Highway Plan: None*

*Trail System Master Plan Considerations: None*

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is an empty lot abutting residential uses on the east and south.*

Environmental Considerations: None that would affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 33 <sup>rd</sup> West Avenue	Primary Arterial	120 feet	4
West 48 <sup>th</sup> Street South	Residential Collector	60 feet	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>Area of Stability or Growth</b>	<b>Existing Use</b>
North	CS	Neighborhood Center	Growth	Restaurant
East	OM	Neighborhood Center	Growth	residential
South	OM	Neighborhood Center	Growth	Residential
West	RS-3	Neighborhood Center and existing neighborhood	Growth	Empty lot and residential

### **SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11822 dated June 26, 1970 established zoning for the subject property.

**Subject Property:** No relevant history

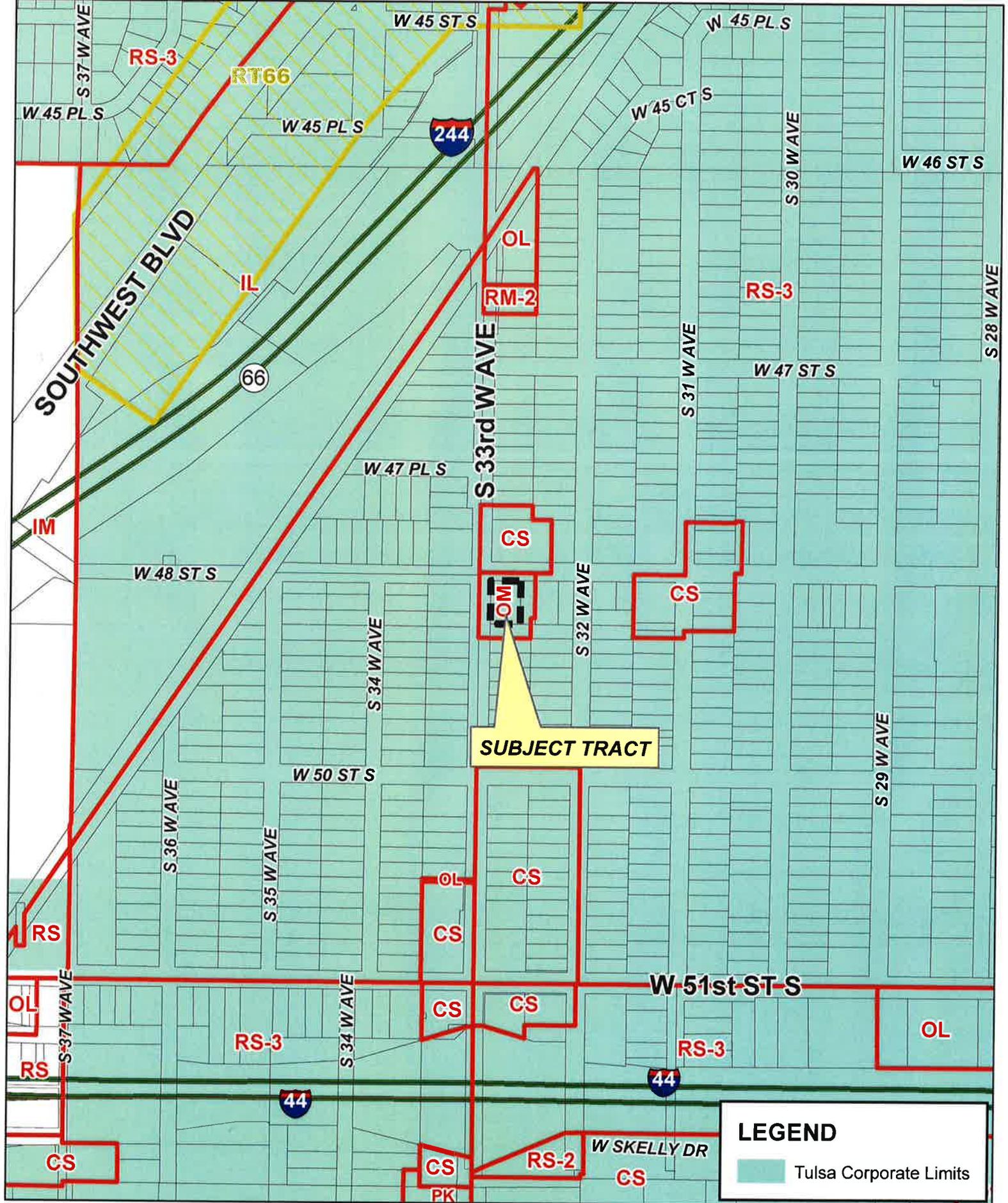
#### **Surrounding Property:**

**(Pending Case Z-7487):** On 7.17.19, TMAPC concurred in **approval** of a request for *rezoning* a .39± acre tract of land from RS-3 to CS on property located on the northwest corner of West 48<sup>th</sup> Street South and South 33<sup>rd</sup> West Avenue.

**BOA-20775 September 2008:** The Board of Adjustment **approved** a *special exception* to permit single family residential use in an OM district, on property located South of the Southeast corner of South 33<sup>rd</sup> West Ave and West 48<sup>th</sup> Street South.

9/4/2019 1:30 PM

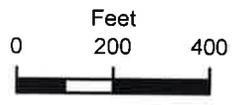
8.4



**SUBJECT TRACT**

**LEGEND**

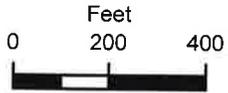
Tulsa Corporate Limits



**Z-7496**

19-12 27





Subject Tract

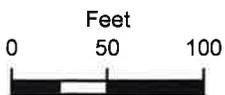
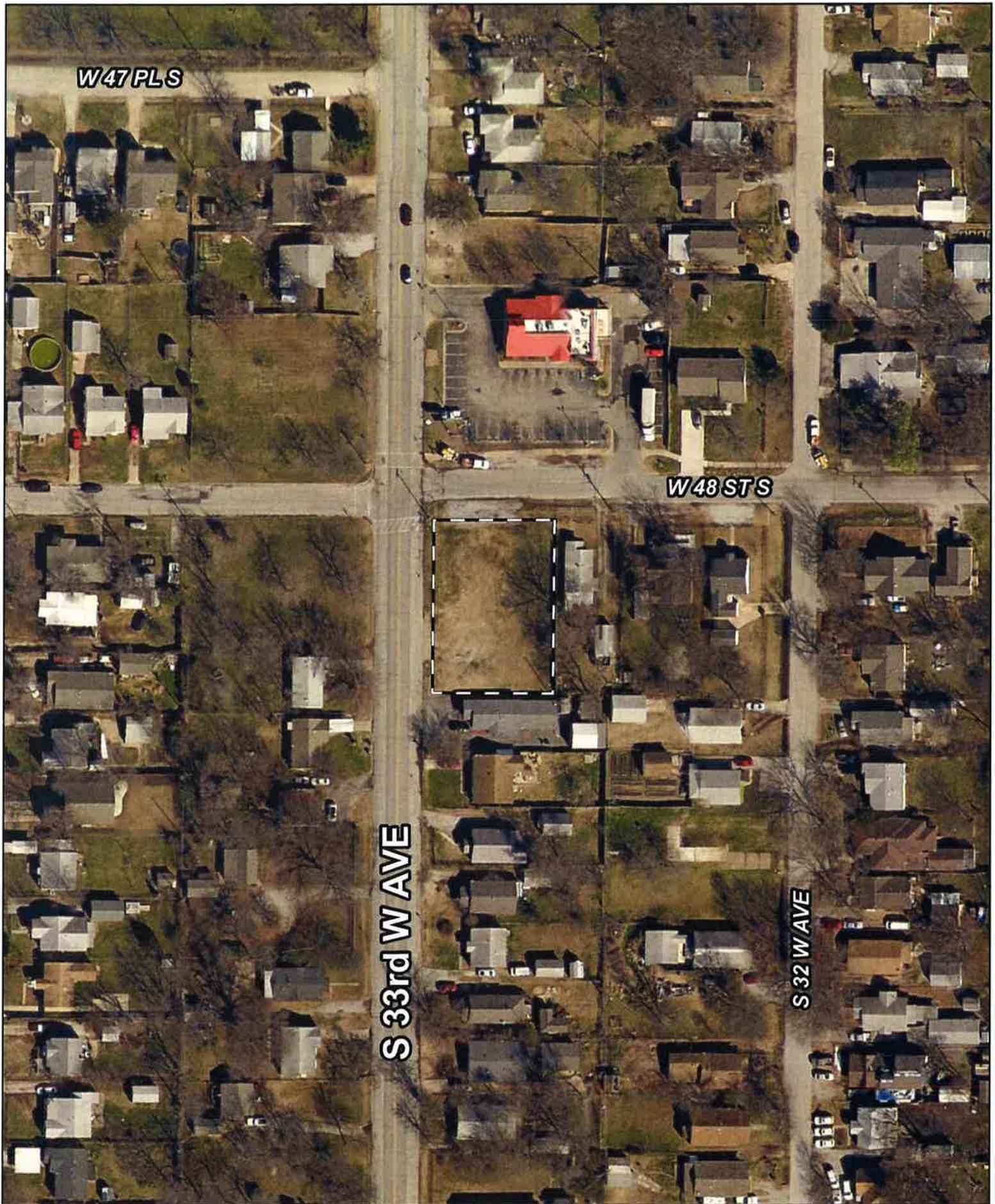
**Z-7496**

19-12 27

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

Aerial Photo Date: February 2018





 Subject Tract

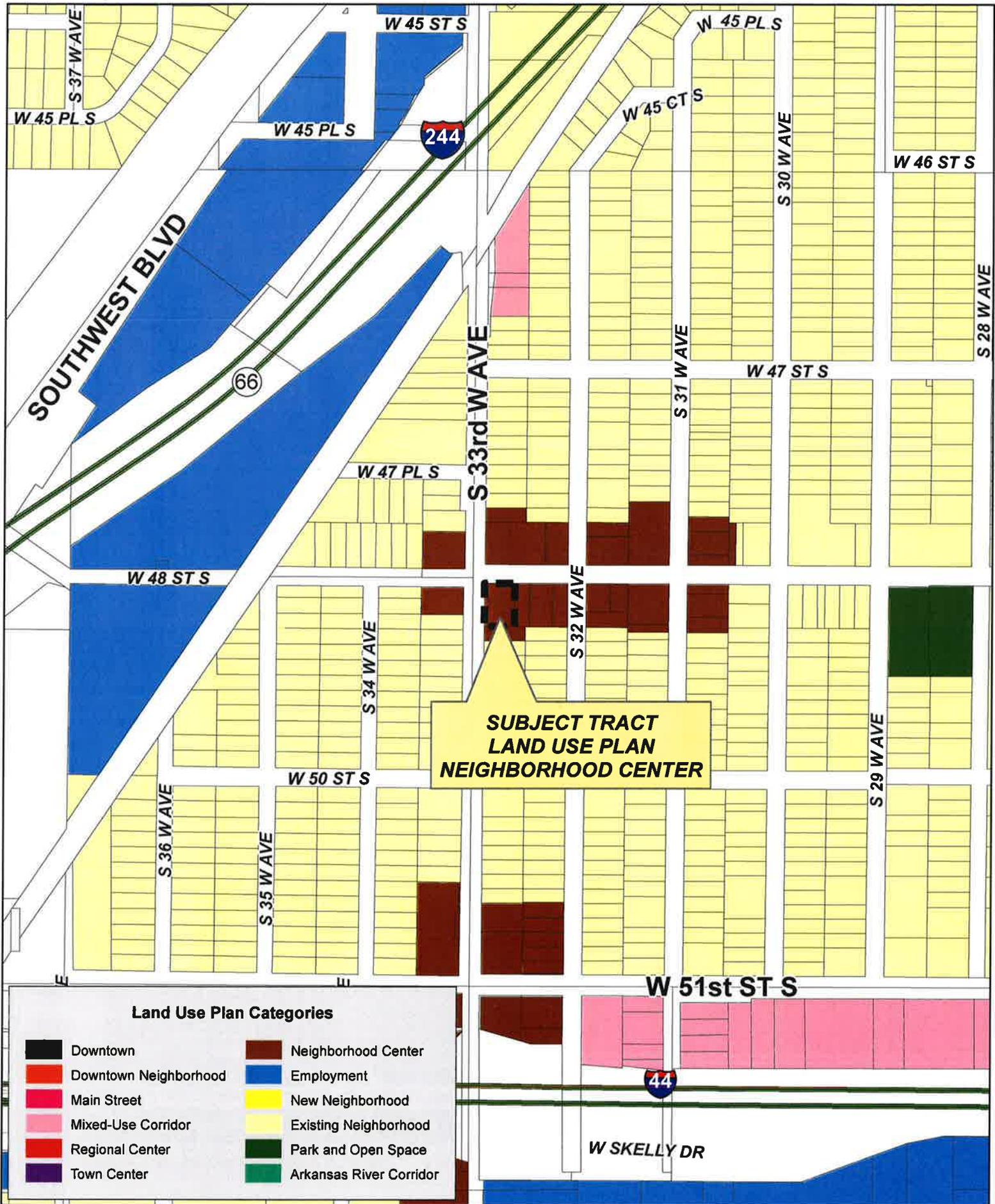
**Z-7496**

19-12 27

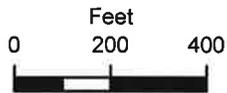
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Aerial Photo Date: February 2018



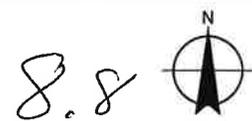


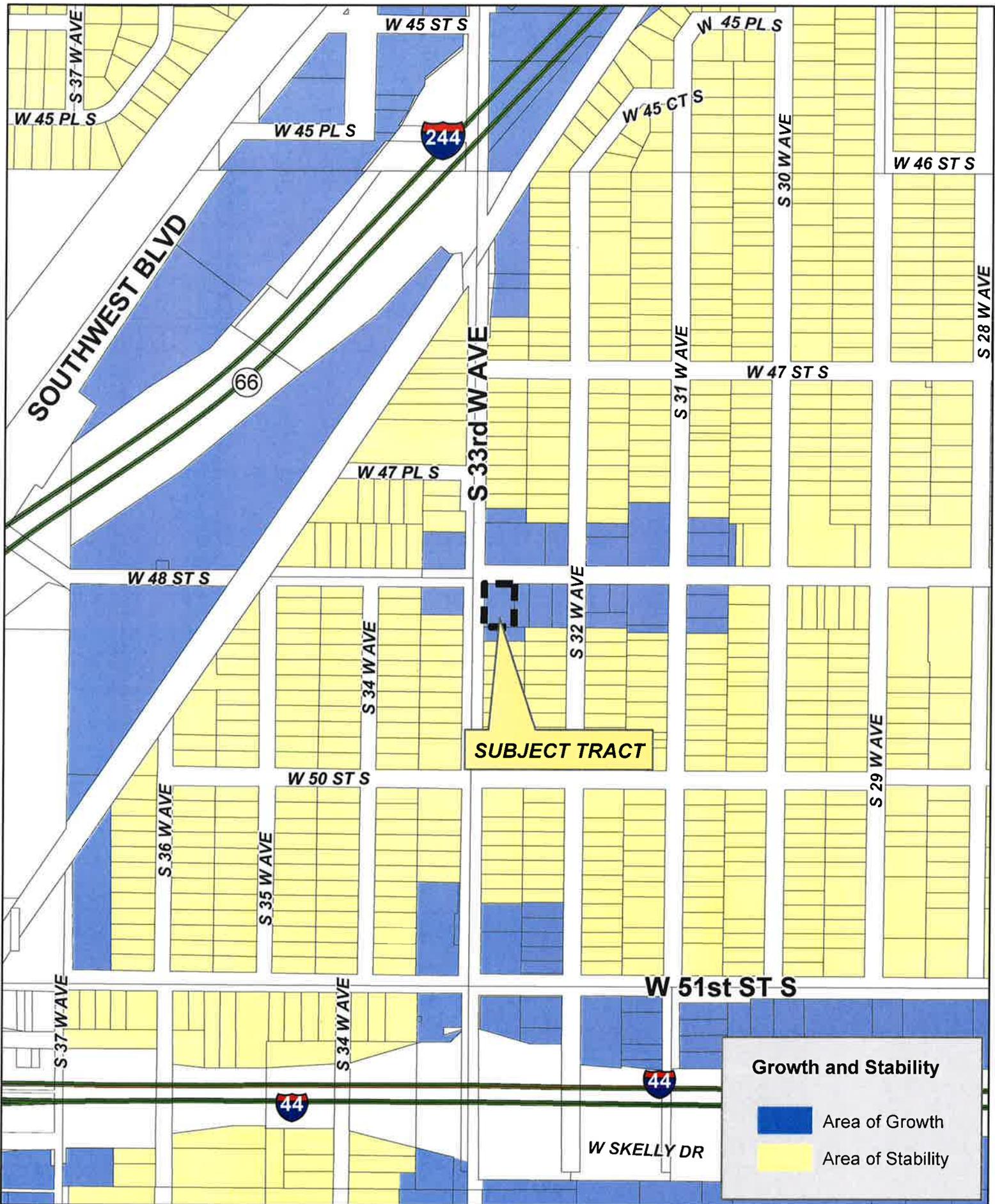
**SUBJECT TRACT  
LAND USE PLAN  
NEIGHBORHOOD CENTER**



**Z-7496**

19-12 27

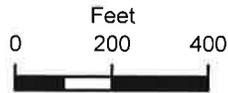




**SUBJECT TRACT**

**Growth and Stability**

- Area of Growth
- Area of Stability



**Z-7496**

19-12-27







Tulsa Metropolitan Area  
Planning Commission

**Case Number:** Z-7497

**Hearing Date:** September 4, 2019

**Case Report Prepared by:**

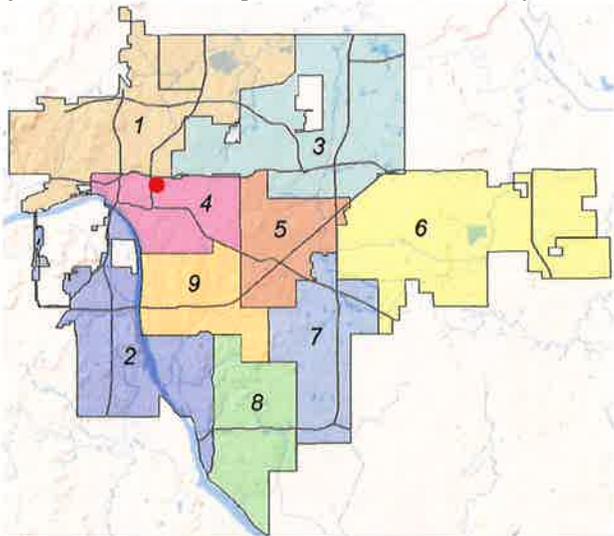
Dwayne Wilkerson

**Owner and Applicant Information:**

*Applicant:* Lou Reynolds

*Property Owner:* INDIAN HEALTH CARE  
RESOURCE CENTER OF

**Location Map:**  
**(shown with City Council Districts)**



**Applicant Proposal:**

*Present Use:* Vacant

*Proposed Use:* Medical Center

*Concept summary:* Rezone property from RM-2 to  
CH for medical center.

*Tract Size:* 0.58 ± acres

*Location:* West of northwest corner of East 5<sup>th</sup>  
Street South & South Peoria Avenue

**Zoning:**

*Existing Zoning:* RM-2

*Proposed Zoning:* CH

**Comprehensive Plan:**

*Land Use Map:* Downtown Neighborhood

*Stability and Growth Map:* Area of Growth

**Staff Recommendation:**

**Staff recommends approval.**

**Staff Data:**

TRS: 9201  
CZM: 36

**City Council District:** 4

*Councilor Name:* Kara Joy McKee

**County Commission District:** 2

*Commissioner Name:* Karen Keith

9.1

## SECTION I: Z-7497

### DEVELOPMENT CONCEPT:

The applicant is requesting a rezoning to CH to support expansion of the health clinic to the south.

### EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Applicant Exhibits:
  - Site Survey

### DETAILED STAFF RECOMMENDATION:

Many of the uses that are allowed in a CH district could be inconsistent with the goals of the Pearl District Small area plan and the anticipated redevelopment around a regional detention facility planned west of this site and,

Much of the surrounding property is zoned CH and was approved without additional use limitations or design standards. Considerations for a development plan on this small tract would not have a significant effect on the anticipated larger development area for the proposed medical center and,

The medical center use identified by the applicant is consistent with the expected development pattern in this area and is consistent with the employment and residential land use designation in the Pearl District Small area plan therefore,

Staff recommends Approval of Z-7497 to rezone property from RM-2/ to CH.

## SECTION II: Supporting Documentation

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The medical center use identified by the applicant is consistent with the expected development pattern in this area and is consistent with the employment and residential land use designation.*

### Land Use Vision:

*Land Use Plan map designation:* Employment with residential

Employment with residential areas contain office, warehousing, light manufacturing and high tech uses such as manufacturing or information technology. These areas may also have residences, residential and office lofts in industrial buildings, and more extensive commercial activity. Employment with residential areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic. Since residential and industrial uses are allowed in this district, extensive screening and buffering between these uses within the district are not required for many of the existing uses.

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

9.2

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

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

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

Transportation Vision:

*Major Street and Highway Plan: None*

*Trail System Master Plan Considerations: None*

Small Area Plan: Pearl District Small Area Plan Adopted August 2019

### Map 3: Pearl District Small Area Plan

Approximate location of Z-7497

#### Land Use Plan

-  Employment
-  Employment with Residential
-  Downtown Neighborhood
-  Mixed-Use Corridor
-  Main Street
-  Park and Open Space



Special District Considerations: None except the West Pond included in the Elm Creek master plan. Construction is anticipated to begin in 2020.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS: The site is empty.

Staff Summary: The site is empty

9.4

**Environmental Considerations:**



**Streets:**

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 5 <sup>th</sup> Street	None	50 feet	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CH		Growth	Light industrial
East	CH		Growth	Micro Brewery
South	CH		Growth	Empty lot
West	IL		Growth	Empty Lot

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11814 dated June 26, 1970 established zoning for the subject property.

9.5

**Subject Property:** No relevant history

**Surrounding Property:**

**Z-7489 July 2019 (pending):** Staff has recommended denial of a 0.37-acre tract of land at the northwest corner of S. 5<sup>th</sup> Street at S. Norfolk from IL/RM-2 to CH. The zoning request conflicts with the land use plan identified in Pearl District Small area plan. The Planning Commission public hearing has been continued for further discussion.

**Z-7447 August 2018:** All concurred in **approval** of a request for *rezoning* a .65± acre tract of land from OL/RM-2 to CH on property located on the southwest corner of South Peoria and East 5<sup>th</sup> Street South.

**BOA-22212 March 2017:** The Board of Adjustment **approved** a *special exception* to permit low-impact manufacturing and industry (microbrewery) in the CH District, on property located on the northwest corner of East 5<sup>th</sup> Street South and South Peoria Avenue.

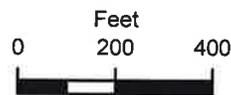
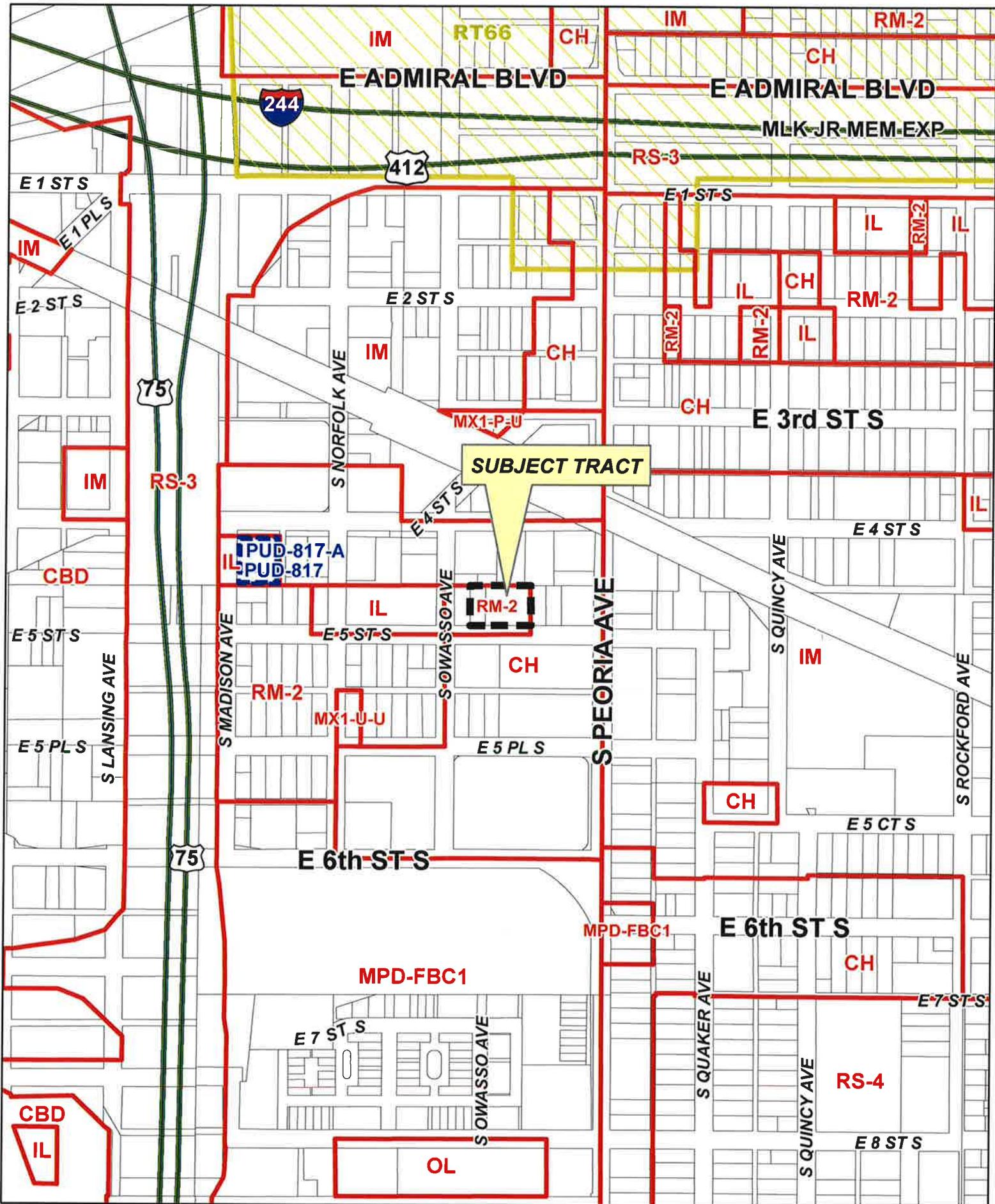
**BOA-21952 September 2015:** The Board of Adjustment **approved** a *variance* to allow a digital sign within 200 feet of an R District; a *variance* to allow a digital sign within 20 feet of the driving surface of a public street; a *variance* to allow construction of a sign in the City right-of-way, on property located at 1228 East 6<sup>th</sup> Street South.

**BOA-21868 May 2015:** The Board **approved** a *special exception* to permit a food truck court and a outdoor event venue in the CH zoning district; *variance* of the allowable days for open air activities from 179 days to year round; and *variance* of the requirement that all motorized vehicles be parked on an all-weather surface to permit parking of food trucks on a gravel surface, on property located on the northwest corner of East 5<sup>th</sup> Street South and South Peoria Avenue.

**BOA-21612 August 2013:** The Board of Adjustment **approved** a *variance* of required parking from 10 spaces to 0 spaces (Use Unit 11) in a CH District, on property located north of the northeast corner of South Owasso Avenue and East 5<sup>th</sup> Place South.

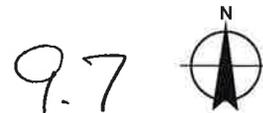
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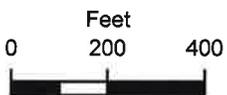
9.6



**Z-7497**

19-12 01





Subject Tract

**Z-7497**

19-12-01

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

Aerial Photo Date: February 2018





E4STS

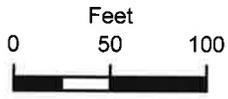
E4STS

E5STS

SOWASSO AVE

SPEORIA AVE

E5PLS



Subject Tract

**Z-7497**

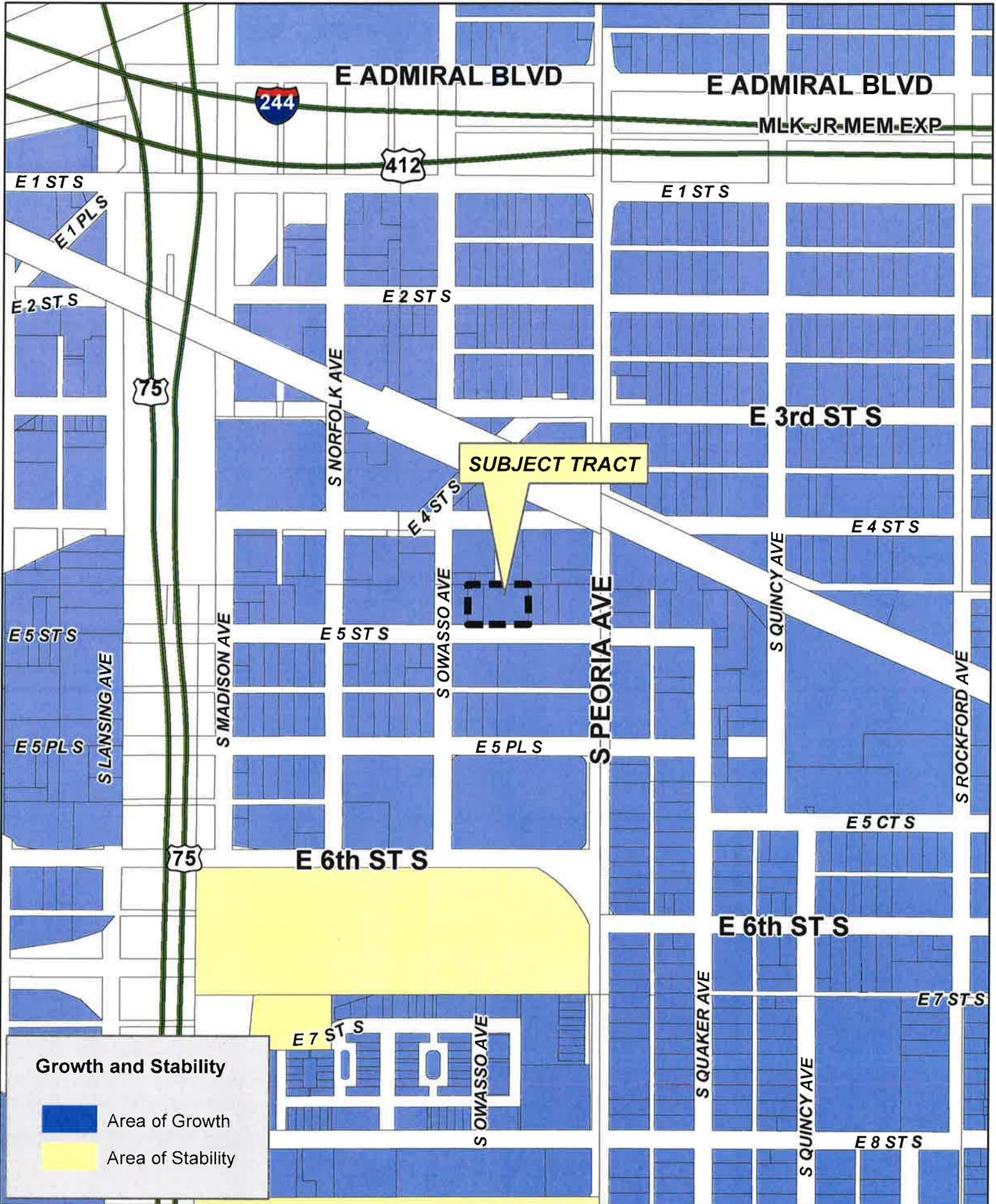
19-12 01

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

Aerial Photo Date: February 2018

9.9

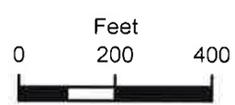




**SUBJECT TRACT**

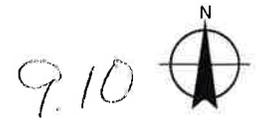
**Growth and Stability**

- Area of Growth
- Area of Stability



**Z-7497**

19-12-01









Tulsa Metropolitan Area  
Planning Commission

**Case :** Sunwest Highlands

**Hearing Date:** September 4, 2019

**Case Report Prepared by:**

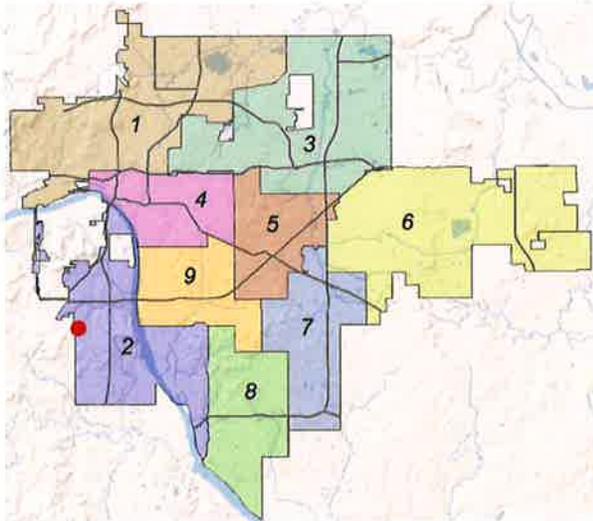
Nathan Foster

**Owner and Applicant Information:**

*Applicant:* Mark Capron, Wallace Engineering

*Owner:* Bret & Janelle Methvin

**Location Map:**  
**(shown with City Council Districts)**



**Applicant Proposal:**

Preliminary Plat & Modification of the Subdivision & Development Regulations to partially waive sidewalk requirements for residential streets

12 lots, 3 blocks, 4+ acres

*Location:* Southeast corner of South 33<sup>rd</sup> West Avenue and West 61<sup>st</sup> Street South

**Zoning:**

Existing: CS

Pending: CS with Z-7490 Optional Development Plan

**Staff Recommendation:**

Staff recommends **approval** of the preliminary plat and **denial** of the modification to the Subdivision & Development Regulations

**City Council District: 2**

*Councilor Name:* Jeannie Cue

**County Commission District: 2**

*Commissioner Name:* Karen Keith

**EXHIBITS:** Site Map, Aerial, Land Use, Growth & Stability, Preliminary Plat, Conceptual Improvements Plan, Modification Request

10.1

## PRELIMINARY SUBDIVISION PLAT

### Sunwest Highlands - (CD 2)

Southeast corner of South 33<sup>rd</sup> West Avenue and West 61<sup>st</sup> Street South

This plat consists of 12 lots, 3 blocks on 4 ± acres.

The Technical Advisory Committee (TAC) met on August 15, 2019 and provided the following conditions:

1. **Zoning:** The property is currently zoned CS which permits the residential uses; however, the pending development plan (Z-7490) must be approved and effective prior to approval of a final plat that includes a private street.
2. **Addressing:** Obtain lot addresses from City of Tulsa and label each lot with the appropriate address on the final plat.
3. **Transportation & Traffic:** Private street requires approval of pending development plan. Sidewalks are required on both sides of the residential street and along each arterial street adjacent to the property.
4. **Sewer:** Sewer main extensions are required to be reviewed through the IDP process. IDP must be approved prior to approval of the final plat. Conceptual improvements plan shows a sewer line crossing the 50' pipeline easement to the south, permissions will be required by the easement owner for crossings.
5. **Water:** Water main extensions are required to be reviewed through the IDP process. IDP must be approved prior to approval of the final plat. Other improvements are not permitted in restricted waterline easements. Provide appropriate clearance and easements for extensions.
6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Show all platted properties in the location map and label all other property has unplatted. Label subject property. Add "City of Tulsa" in the plat subtitle before Tulsa County, State of Oklahoma.
7. **Stormwater, Drainage, & Floodplain:** Existing drainage patterns must be similarly maintained with increased runoff directed to the proposed detention ponds. Notate which storm sewer infrastructure is public and what is private.
8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

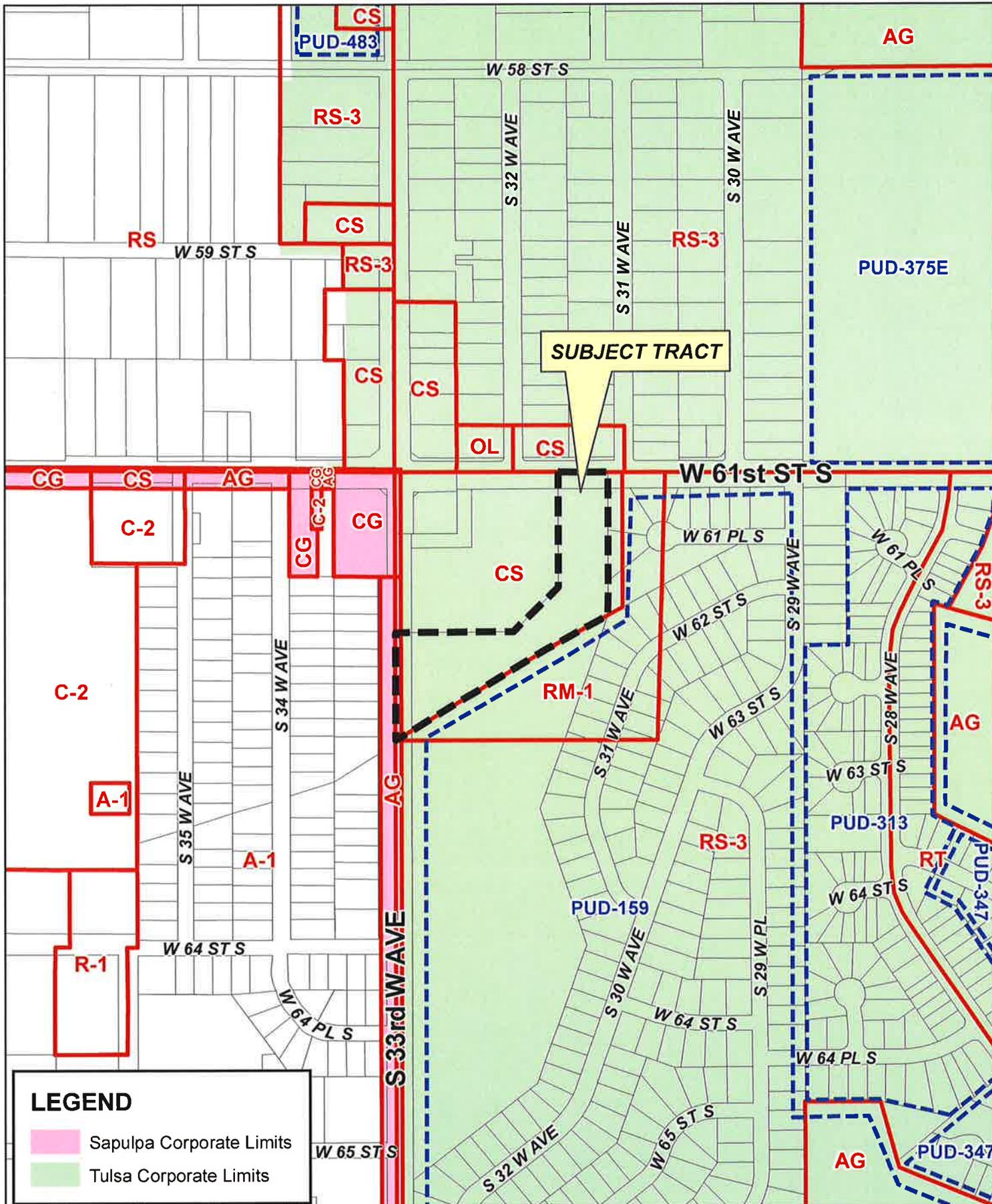
**Modification of Subdivision and Development Regulations:**

1. Section 5.070.1 – Sidewalks must be installed on both sides of all arterial streets and on both sides of all collector streets and residential (local) streets with curb and gutter.

The applicant has requested a waiver of the requirement to install a sidewalk on one side of the internal private streets in the areas adjacent to Reserve C as shown on the conceptual improvements plan due to conflicts with the existing 50' pipeline easement.

Staff recommends **DENIAL** of the modification to the Subdivision & Development Regulations finding the sidewalks essential to the internal connectivity of the development. The existing easement conflicts with a number of proposed improvements on this project and will be required to be addressed. Sidewalks should be included.

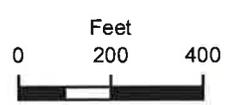
Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.



SUBJECT TRACT

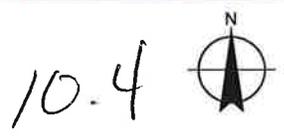
**LEGEND**

- Sapulpa Corporate Limits
- Tulsa Corporate Limits



**SUNWEST  
HIGHLANDS**

18-12 03





W 59 ST S

W 58 ST S

S 32 W AVE

S 31 W AVE

S 30 W AVE

W 61st ST S

W 61 PL S

W 61 PL S

W 62 ST S

S 29 W AVE

W 63 ST S

S 28 W AVE

W 63 ST S

S 35 W AVE

S 34 W AVE

S 33rd W AVE

S 31 W AVE

S 29 W/PL

W 64 ST S

W 64 PL S

S 30 W AVE

W 64 ST S

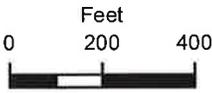
W 64 ST S

W 64 PL S

W 65 ST S

S 32 W AVE

W 65 ST S



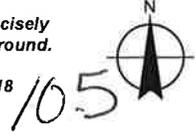
Subject Tract

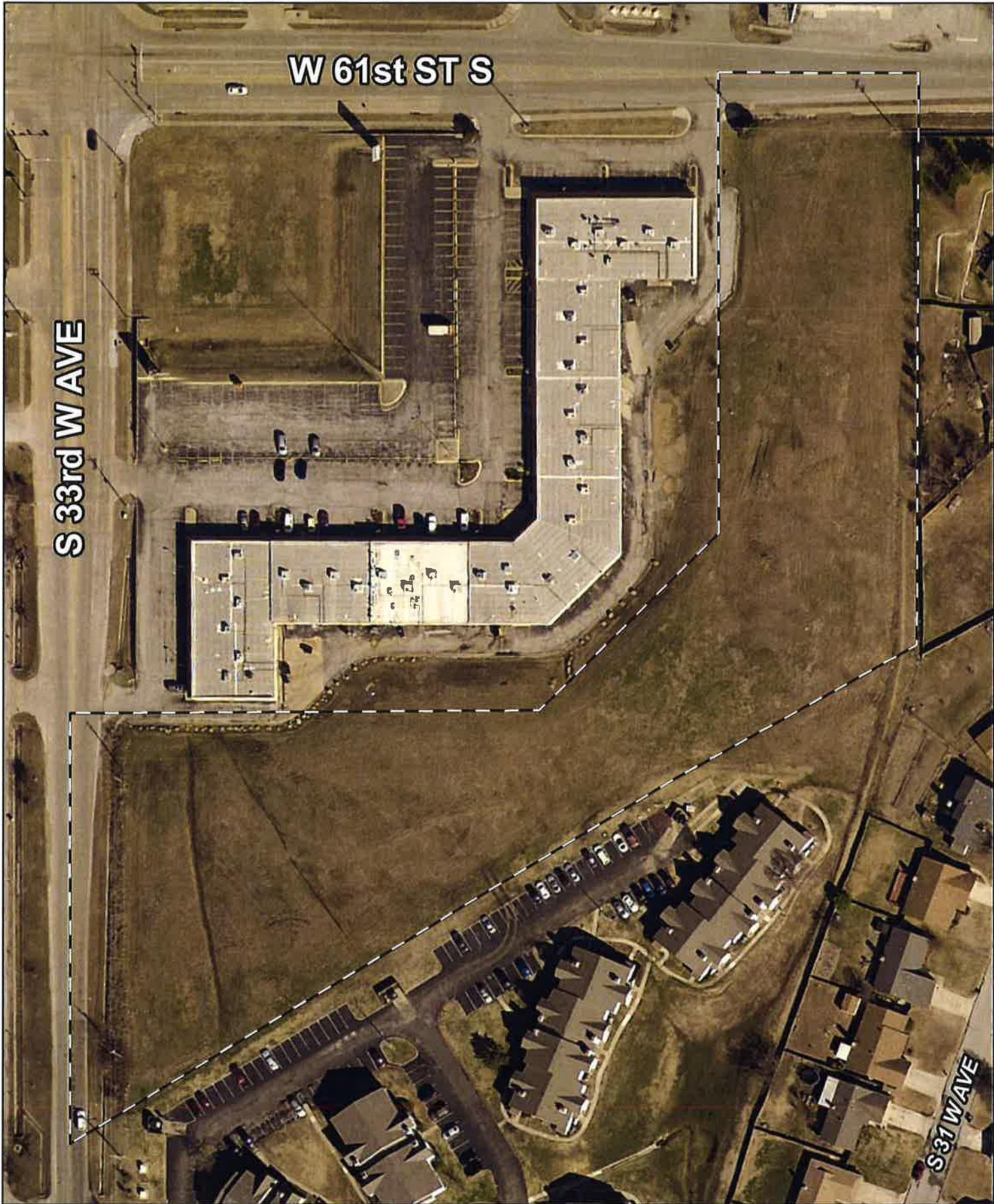
# SUNWEST HIGHLANDS

18-12 03

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

Aerial Photo Date: February 2018

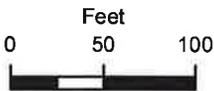




W 61st ST S

S 33rd W AVE

S 31 WAVE



 Subject Tract

# SUNWEST HIGHLANDS

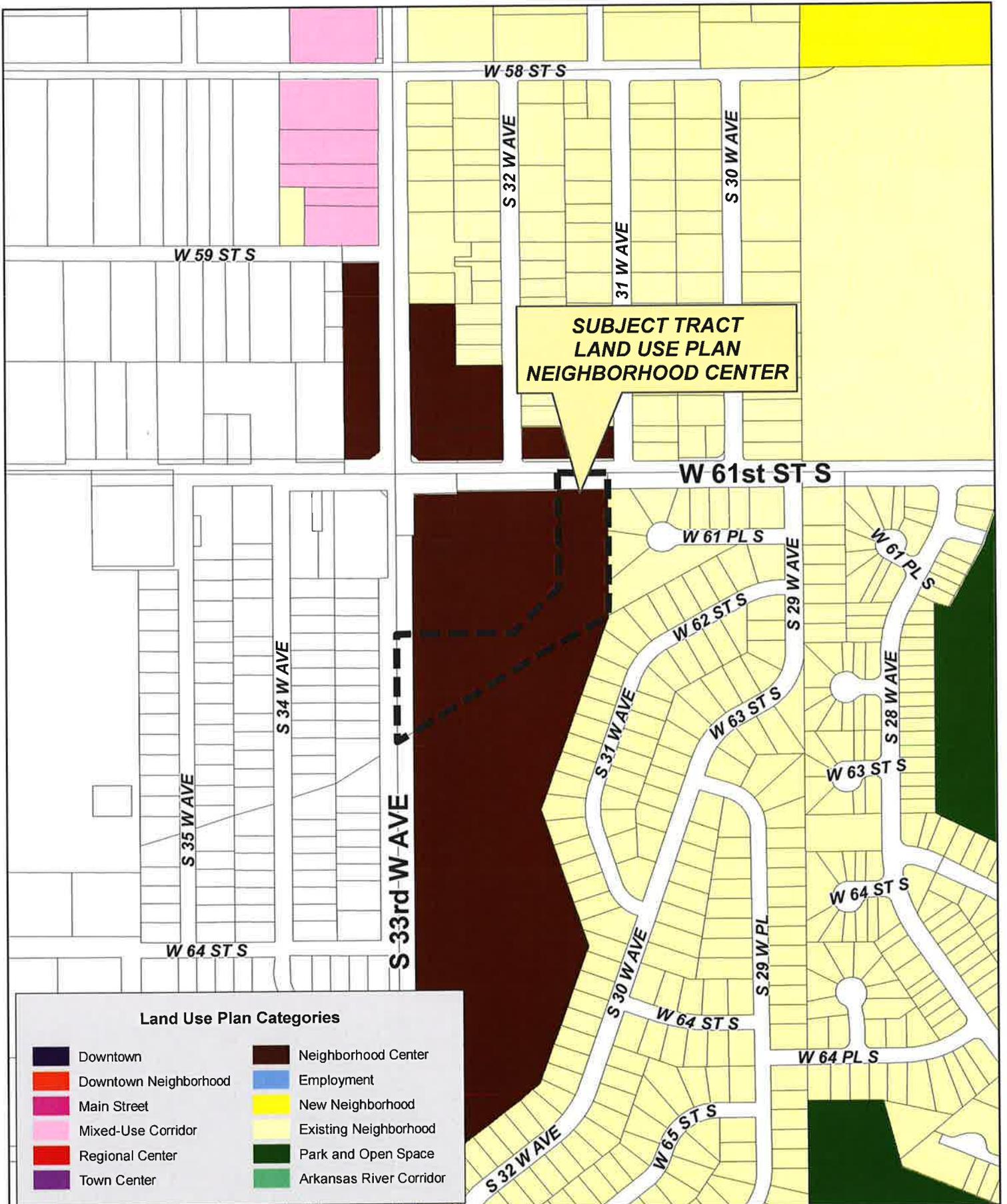
18-12 03

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

Aerial Photo Date: February 2018

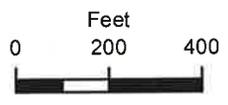


10.6



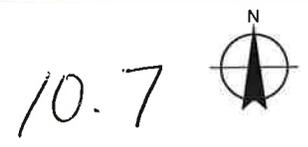
**Land Use Plan Categories**

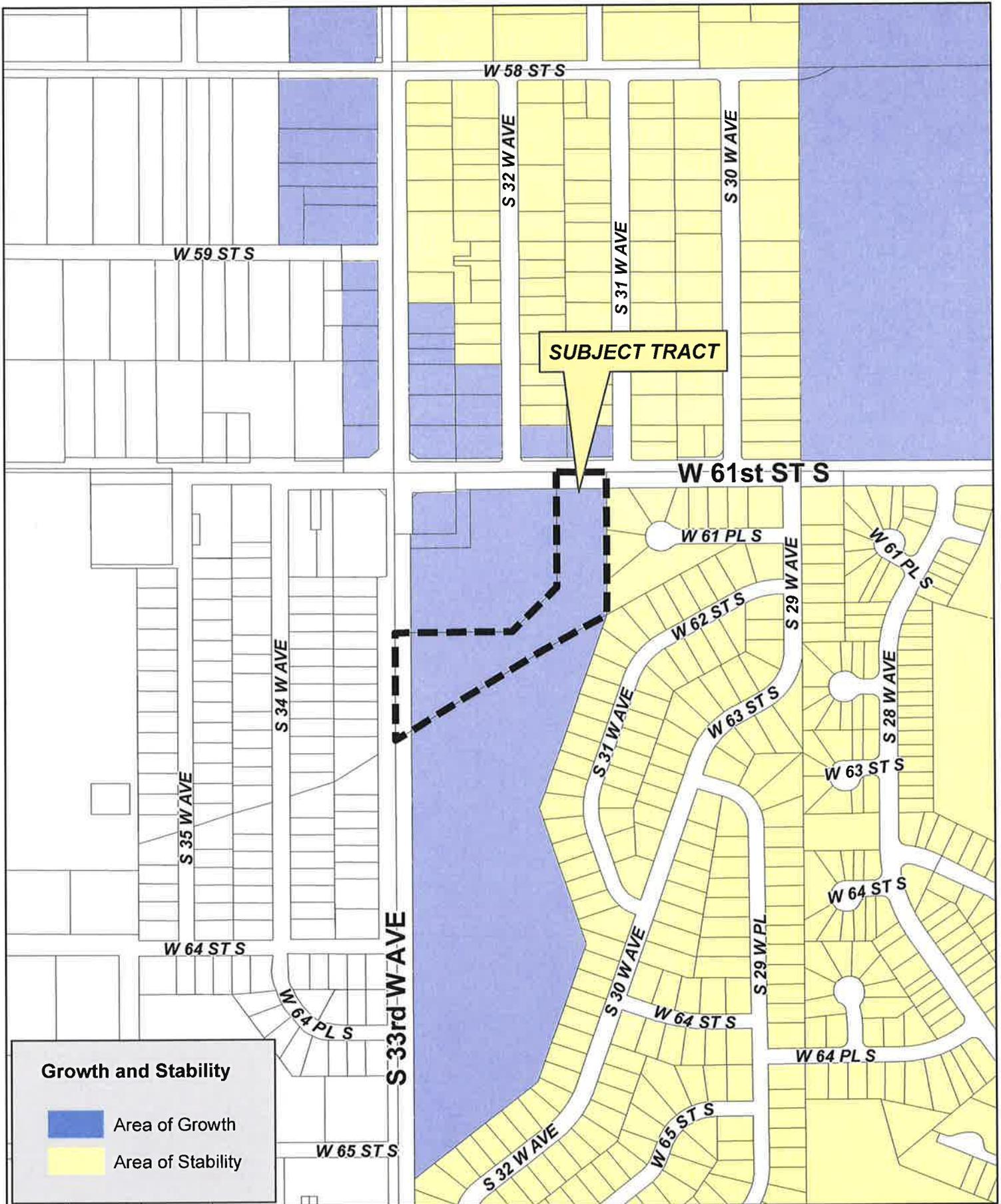
- |   |   |
|---|---|
|  Downtown              |  Neighborhood Center     |
|  Downtown Neighborhood |  Employment              |
|  Main Street           |  New Neighborhood        |
|  Mixed-Use Corridor    |  Existing Neighborhood   |
|  Regional Center       |  Park and Open Space     |
|  Town Center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



**SUNWEST  
HIGHLANDS**

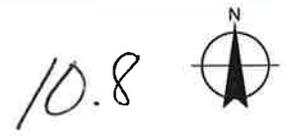
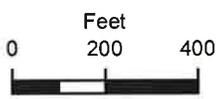
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**SUNWEST  
HIGHLANDS**

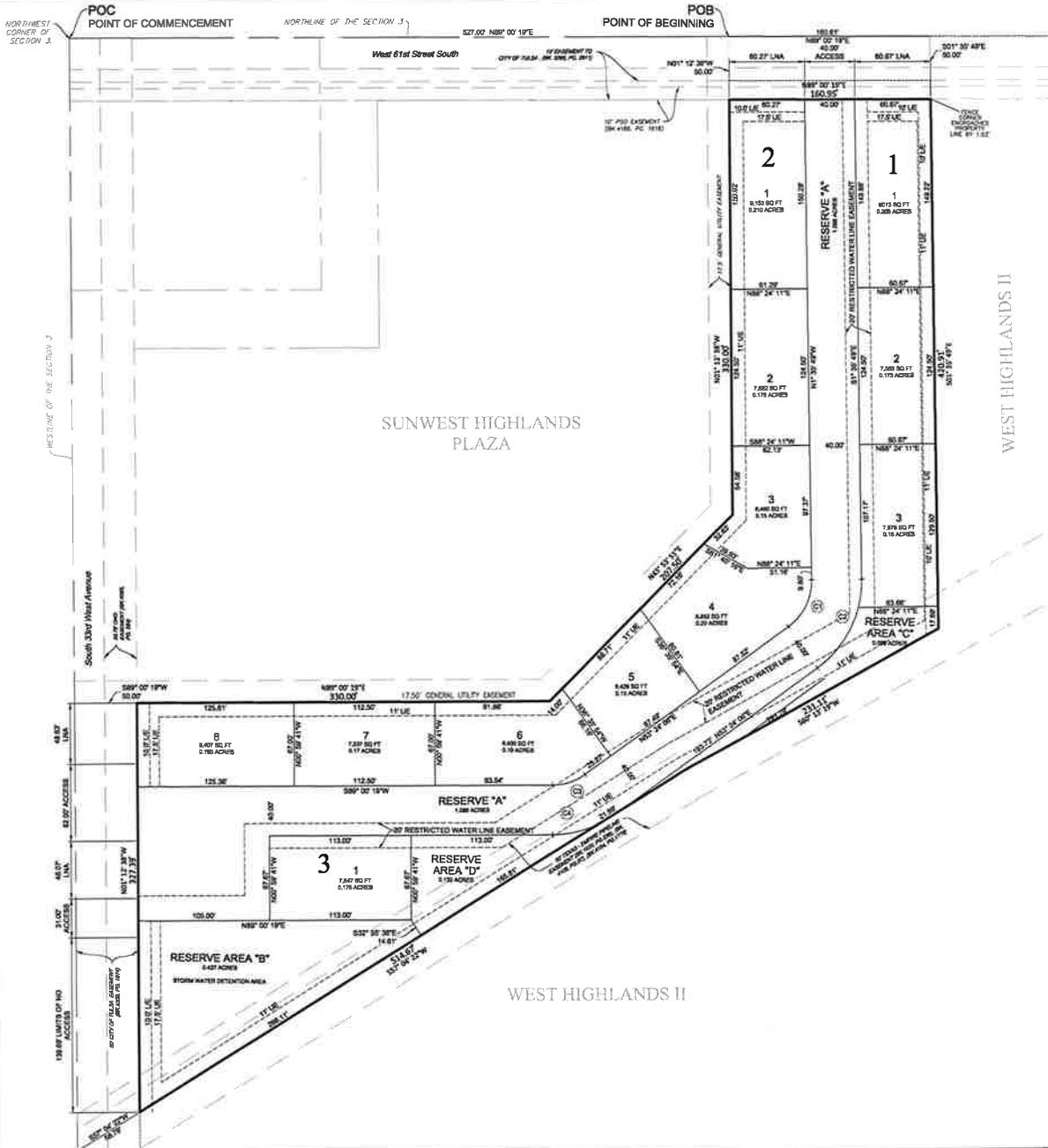
18-12 03



**LEGAL DESCRIPTION**  
**Sunwest Highlands**

A TRACT OF LAND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 NW/4) OF SECTION THREE (3), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE SOUTH 89°53'52" EAST ALONG THE NORTH BOUNDARY OF SAID SECTION 3, A DISTANCE OF 527.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°53'52" EAST ALONG THE NORTH BOUNDARY OF SAID SECTION 3, A DISTANCE OF 160.61 FEET TO A POINT; THENCE DUE SOUTH ALONG THE WEST BOUNDARY OF WEST HIGHLANDS II, A DISTANCE OF 470.91 FEET TO A POINT; THENCE SOUTH 61°49'08" WEST A DISTANCE OF 231.11 FEET TO A POINT; THENCE SOUTH 58°40'11" WEST A DISTANCE OF 573.45 FEET TO A POINT; THENCE NORTH 0°23'11" EAST ALONG THE WEST BOUNDARY OF SAID SECTION 3, A DISTANCE OF 358.48 FEET TO A POINT; THENCE SOUTH 89°23'52" EAST A DISTANCE OF 380.00 FEET TO A POINT; THENCE NORTH 45°29'40" EAST A DISTANCE OF 207.50 FEET TO A POINT; THENCE NORTH 0°23'11" EAST A DISTANCE OF 380.00 FEET TO THE POINT OF BEGINNING. LESS THE NORTH FIFTY (50) FEET THEREOF FOR STREET AND LESS THE WEST FIFTY (50) FEET THEREOF FOR STREET.



# PRELIMINARY PLAT SUNWEST HIGHLANDS

A TRACT OF LAND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 NW/4) OF SECTION THREE (3), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE GOVERNMENT SURVEY.



**OWNER**  
BRIET AND JANELLE BETHVIN  
1402 CLEAN AIR DRIVE  
TULSA, OK 74119

**ENGINEER**  
WALLACE ENGINEERING  
STRUCTURAL CONSULTANTS, INC.  
123 MARTIN LUTHER KING JR. BLVD.  
TULSA, OK 74102  
918.584.0000  
OKLAHOMA CA #11480  
EXP. DATE 8/30/21  
ALAN TAYLOR P.E.  
alan@wec.com

**SURVEYOR**  
BENNETT SURVEYING, INC.  
210 CHOUTEAU AVENUE  
CHOUTEAU, OK 74337  
TEL: 918-476-7484  
RPLS 1556, CA #4602  
EXPIRES 5/30/2020  
wb@bennettsurveying.com

**SUBDIVISION STATISTICS**

SUBDIVISION CONTAINS THIRTEEN (13) LOTS IN THREE (3) BLOCKS AND FIVE (5) RESERVE AREAS.  
SUB DIVISION CONTAINS 171,880 SQUARE FEET OR 3.95 ACRES MORE OR LESS.

**MONUMENTATION**

IRON PINS FOUND AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.

**BENCHMARK**

BENCHMARK CHSELED "C"  
N=97312.7850 E=2561274.5000  
ELEVATION=172.09 (NAVD88 DATUM)

**BASIS OF BEARINGS**

HORIZONTAL DATUM BASED UPON NAD 83 (1983) OKLAHOMA STATE PLANE COORDINATE SYSTEM NORTH ZONE 1801  
VERTICAL DATUM BASED UPON NAVD 80 USING NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 3 AS BEING (LEGAL) 6589996.6 (P.L.D.) N89°02'19"E.

**ADDRESS NOTE**

ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THIS PLAT WAS ADDED AND ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF LEGAL DESCRIPTION.

Curve #	Length	Radius	Delta	Chord Bearing	Chord Distance
C1	43.30'	43.30'	90°33'00"	N07°54'00"E	43.30'
C2	83.30'	83.30'	90°33'00"	N07°54'00"E	74.30'
C3	21.30'	43.30'	89°36'15"	N07°27'15"E	27.27'
C4	27.27'	83.30'	89°36'15"	N07°27'15"E	27.27'

**LEGEND**

UR UTILITY EASEMENT  
B.L. BUILDING SETBACK LINE  
-500- ADDRESS

FINAL PLAT ENDORSEMENT OF APPROVAL	
TULSA METROPOLITAN AREA PLANNING COMMISSION	APPROVAL DATE
_____	_____
TNAME / FIDUCI	_____
_____	_____
CITY ENGINEER	_____
_____	_____
COUNCIL OF THE CITY OF TULSA OKLAHOMA	APPROVAL DATE
_____	_____
CHAIRMAN	_____
_____	_____
MAJORD	_____
_____	_____
ATTEST: CITY CLERK	_____
_____	_____
CITY ATTORNEY	_____
_____	_____

THE APPROVAL OF THIS FINAL PLAT WILL EXPIRE ONE YEAR FROM THIS DATE OF CITY COUNCIL APPROVAL IF NOT FILED IN THE OFFICE OF THE COUNTY CLERK BEFORE THAT DATE.

10.1/0

**Deed of Dedication  
Sunwest Highlands**

**KNOW ALL MEN BY THESE PRESENTS:**

Bret Methvin, and Janelle Methvin, Husband and Wife (hereinafter referred to as the "Owner"), is the Owner of the following described land in the City of Tulsa, Tulsa County, State of Oklahoma, to-wit: A TRACT OF LAND IN THE NORTH-WEST QUARTER OF THE NORTH-WEST QUARTER (NW/4 NW/4) OF SECTION THREE (3), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTH-WEST CORNER OF SAID SECTION 3; THENCE SOUTH 89°53'52" EAST ALONG THE NORTH BOUNDARY OF SAID SECTION 3, A DISTANCE OF 827.30 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°25'32" EAST ALONG THE NORTH BOUNDARY OF SAID SECTION 3, A DISTANCE OF 181.61 FEET TO A POINT; THENCE DUE SOUTH ALONG THE WEST BOUNDARY OF WEST HIGHLANDS #1, A DISTANCE OF 477.91 FEET TO A POINT; THENCE SOUTH 61°49'08" WEST A DISTANCE OF 231.11 FEET TO A POINT; THENCE SOUTH 89°40'11" WEST A DISTANCE OF 573.45 FEET TO A POINT; THENCE NORTH 0°23'11" EAST ALONG THE WEST BOUNDARY OF SAID SECTION 3, A DISTANCE OF 358.46 FEET TO A POINT; THENCE SOUTH 89°23'52" EAST A DISTANCE OF 380.00 FEET TO A POINT; THENCE NORTH 45°29'40" EAST A DISTANCE OF 207.50 FEET TO A POINT; THENCE NORTH 0°23'11" EAST A DISTANCE OF 380.00 FEET TO THE POINT OF BEGINNING, LESS THE NORTH FIFTY (50) FEET THEREOF FOR STREET AND LESS THE WEST FIFTY (50) FEET THEREOF FOR STREET.

**SECTION I. STREETS, EASEMENTS AND UTILITIES**

**A. PUBLIC STREETS AND GENERAL UTILITY EASEMENTS**

The Owner does hereby dedicate to the public the street rights-of-way as depicted on the accompanying plat. Additionally, the Owner does hereby dedicate to the public the utility easements designated as "UE" or "Utility Easement" for the several purposes of constructing, maintaining, operating, repairing, replacing, and/or removing any and all underground public utilities, including storm sewers, sanitary sewers, telephone, and communication lines, electric power lines and transformers, gas lines, water lines and cable television lines, together with all fittings, including the poles, wires, conduits, pipes, valves, meters, manholes, and equipment for each of such facilities and any other appurtenances thereto, with the rights of ingress and egress to and upon the utility easements for the uses and purposes aforesaid; however, the Owner hereby reserves the right to construct, maintain, operate, lay and repair or re-lay water lines and sewer lines, together with the right of ingress and egress for such construction, maintenance, operation, laying, repairing and replacing over, across and along all of the utility easements depicted on the plat, for the purpose of furnishing water and/or sewer services to the area included in the plat. The Owner herein expresses a restrictive covenant, which covenant shall be binding on the Owner and its successors and assigns (together, the "Lot Owner"), and shall be enforceable by the City of Tulsa, Oklahoma, and by the supplier of any affected utility service, that within the utility easements depicted on the accompanying plat no building, structure or other above or below ground obstruction that interferes with the above set forth uses and purposes of an easement shall be placed, erected, installed or maintained, provided however, nothing herein shall be deemed to prohibit drives, parking areas, curbing, landscaping and customary screening fences that do not constitute an obstruction.

**B. UTILITY SERVICE**

1. Overhead lines for the supply of electric, telephone, and cable television service may be located in the perimeter utility easements and in the perimeter right-of-way of the Subdivision. Street light poles or standards may be served by overhead or underground cable, and elsewhere throughout the Subdivision, all supply lines including electric, telephone, cable television and gas lines shall be located underground in easements dedicated for general utility services and in the rights-of-way of the public streets as depicted upon the accompanying plat. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in the general utility easements.

2. Underground service cables and gas service lines to all structures within the Subdivision may be extended from the nearest gas main, service pedestal or transformer to the point of usage determined by the location and construction of such structure upon the Lot, provided upon installation of a service cable or gas service line to a particular structure, the supplier of service shall thereafter be deemed to have a definitive, permanent and non-exclusive easement on the Lot, covering a 5 foot strip extending 2 1/2 feet on each side of the service cable or line extending from the gas main, service pedestal or transformer to the service entrance on the structure.

3. The supplier of electric, telephone, cable television or gas service, through its authorized agents and employees, shall at all times have right of access to all utility easements shown on the plat or otherwise provided for in this Deed of Dedication for the purpose of installing, maintaining, removing or replacing any portion of the underground electric, telephone, cable television or gas service facilities installed by the supplier of the utility service.

4. The Lot Owner shall be responsible for the protection of the overhead and/or underground service facilities located on the Lot and shall prevent the alteration of grade or any construction activity which may interfere with said electric, telephone, cable television or gas facilities. Each supplier of these services shall be responsible for ordinary maintenance of overhead and/or underground facilities, but the Lot Owner shall pay for damage or relocation of such facilities caused or necessitated by acts of the Lot Owner or the Lot Owner's agents or contractors.

5. The covenants set forth in this subsection shall be enforceable by each supplier of the electric, telephone, communication, cable television or gas service and the Lot Owner agrees to be bound by these covenants.

**C. WATER, SANITARY SEWER, AND STORM SEWER SERVICE**

1. The Lot Owner shall be responsible for the protection of the public water mains, sanitary sewer mains, and storm sewers located in the Subdivision.

2. Within the Utility Easements, Restricted Waterline Easement and Sanitary Sewer Easements depicted on the accompanying plat, the Lot Owner shall be responsible for the expenses relating upon the completion of the installation of a public water main, sanitary sewer main, or storm sewer or any construction activity which, in the judgment of the City of Tulsa, Oklahoma, would interfere with public water mains, sanitary sewer mains, and storm sewers shall be prohibited.

3. The City of Tulsa, Oklahoma, or its successors, shall be responsible for ordinary maintenance of public water systems, sanitary sewer mains, and storm sewers, but the Lot Owner shall pay for damage or relocation of such facilities caused or necessitated by acts of the Lot Owner or the Lot Owner's agents and/or contractors.

4. The City of Tulsa, Oklahoma, or its successors, shall at all times have right of access to the Utility Easements, Restricted Waterline Easement and Sanitary Sewer Easements depicted on the Plat or otherwise provided for in this Deed of Dedication for the purpose of installing, maintaining, removing or replacing any portion of underground water, sanitary sewer, or storm sewer facilities.

5. The covenants set forth in this subsection shall be enforceable by the City of Tulsa, Oklahoma, or its successors, and the Lot Owner agrees to be bound by these covenants.

**D. GAS SERVICE**

1. The supplier of gas service through its agents and employees shall at all times have the right of access to all the Utility Easements shown on the plat or as otherwise provided for in this Deed of Dedication for the purpose of installing, maintaining, removing, repairing or replacing any portion of the facilities installed by the supplier of gas service.

2. The Lot Owner shall be responsible for the protection of the underground gas facilities located within the Subdivision and shall prevent the alteration of grade or any other construction activity which would interfere with gas service. The supplier of gas service shall be responsible for the ordinary maintenance of its facilities, but the Lot Owner shall pay for damage or relocation of facilities caused or necessitated by acts of the Lot Owner, or the Lot Owner's agents or contractors.

3. The covenants set forth in this subsection shall be enforceable by the supplier of gas service, and the Lot Owner agrees to be bound by these covenants.

**E. SANITARY SEWER EASEMENTS**

The Lot Owner does hereby dedicate to the public perpetual easements on, over and across those areas depicted on the accompanying plat as "Sanitary Sewer Easement" for the purposes of constructing, maintaining, operating, repairing, replacing, and/or removing sanitary sewer lines together with all fittings including the pipes, manholes, lampohs and equipment and other appurtenances thereto with rights of ingress and egress to and upon the easements for the uses and purposes stated.

**F. SURFACE DRAINAGE**

The Subdivision shall receive and drain, in an unobstructed manner, the storm and surface waters from lots and drainage areas of higher elevation. The Lot Owner shall not construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across the Lot. The foregoing covenants set forth in this paragraph shall be enforceable by the Lot Owner and by the City of Tulsa, Oklahoma.

**G. PAVING AND LANDSCAPING WITHIN EASEMENTS**

The Lot Owner shall be responsible for the repair of damage to landscaping and paving occasioned by installation or necessary placements, replacements, or maintenance of water, sewer, storm sewer, natural gas, communication, cable television, or electric facilities within the easement areas depicted upon the accompanying plat in the City of Tulsa, Oklahoma, or the supplier of the utility service shall use reasonable care in the performance of such activities.

**H. LIMITS OF NO ACCESS**

The Lot Owner hereby relinquishes rights of vehicular ingress or egress from any portion of the property adjacent to lots 327 West Avenue and 614 South South within the bounds designated as "Limits of No Access" on the accompanying plat, which limits of no access may be amended or released by the Tulsa Metropolitan Area Planning Commission, or its successor, with the approval of the City of Tulsa, Oklahoma, or as otherwise provided by the statutes and laws of the State of Oklahoma pertaining thereto, and the limits of no access established above shall be enforceable by the City of Tulsa, Oklahoma.

**I. SIDEWALKS, PUBLIC SIDEWALK EASEMENT**

Sidewalks shall be constructed and maintained along streets designated by and in accordance with the subdivision regulations of the city of Tulsa, Oklahoma. Sidewalks shall be constructed in conformance with the standards of the city of Tulsa, Oklahoma. The owner shall be required to construct sidewalks within reserve areas common areas and along South 327 West Avenue and 614 Street South thoroughways. Where sidewalks are not constructed by the Owner, the owner of the lot shall construct the required sidewalk.

**J. FENCE/LANDSCAPE EASEMENT**

The Owner does hereby establish and grant fence easements over and upon the areas designated as "Fence/Landscape Easements" or "FUE" as shown on the accompanying plat for the use and benefit of the Sunwest Highlands Owner's Association. The fence easements are for the limited purpose of constructing and maintaining perimeter decorative fences including but not limited to fences, walls, spiker systems, landscaping and for the purposes of maintaining and repair thereof, together with the right of access over, across and along such easements and over, across and along lots in the subdivision, which contain such fences and landscaping.

**K. RESTRICTED WATERLINE EASEMENT**

The Owner hereby dedicates to the public perpetual easements on, over and across those areas designated on the accompanying plat as "Restricted Waterline Easement" for the purposes of constructing, maintaining, operating, repairing, replacing, and/or removing water lines, together with fittings including the pipes, valves, meters and equipment and other appurtenances thereto, together with rights of ingress and egress to and upon the easements for the uses and purposes aforesaid.

**L. CERTIFICATE OF OCCUPANCY RESTRICTIONS**

No Certificate of Occupancy for a building within the Subdivision shall be issued by the City of Tulsa, Oklahoma until construction of the required infrastructure (sewers, water, sanitary sewer, storm sewer systems and sidewalks) serving the entire Subdivision has been completed and accepted by the City of Tulsa, Oklahoma. Notwithstanding the foregoing, the City of Tulsa, Oklahoma may authorize the issuance of a temporary Certificate of Occupancy if, in the City of Tulsa's sole discretion, the circumstances support the issuance. Further, notwithstanding the foregoing, the City of Tulsa, Oklahoma may authorize the phasing of the construction of infrastructure within the Subdivision, and if phasing is authorized, a Certificate of Occupancy for a building within an authorized phase may issue upon the completion and acceptance of the infrastructure serving the particular phase. Building construction occurring prior to the City of Tulsa, Oklahoma's acceptance of the infrastructure shall be at the risk of the Lot Owner, notwithstanding the issuance of a building permit or of a temporary certificate of occupancy.

**M. RESERVE "A" - PRIVATE STREETS**

1. Reserve "A" shall be limited to use for private streets, open space, and landscaping (optional), but as appurtenances to surrounding fences and walls, entry features including gates and related security facilities, subdivision identification signs and utilities) and is reserved for subsequent conveyance to the Property Owners' Association to be formed pursuant to Section II hereof for the purposes of administration and maintenance of the private streets and other common areas of the subdivision.

2. Streets located within reserve "A" as depicted on the accompanying plat, are established by grant of the owner as private streets for the common use and benefit of the owners of the (residential/commercial/office) lots, their guests and invitees, for the purpose of providing vehicular and pedestrian access to and from the various (residential/commercial/office) lots and public streets.

3. The owner hereby grants to the City of Tulsa, Oklahoma, the united states postal service, any public utility providing utility service to the subdivision, and to any refuse collection service which

provides service within the subdivision, the right to enter and traverse the private streets and to approve hereon all service, emergency and government vehicles including, but not limited to, police, fire and emergency medical vehicles and equipment.

4. The owner, for itself and its successors, herein covenants with the City of Tulsa, Oklahoma, which covenants shall run with the land, inure to the benefit and shall be enforceable by the City of Tulsa, Oklahoma, to:

A. Construct and maintain arid surfacing extending the full length of the private streets depicted on the accompanying plat including the following:

1. Surfacing with shall be not less than [ pavement width] measured from face of curb to face of curb, except in the turn-around areas which shall not be less than [dimension] from face of curb to face of curb;

2. Streets shall be curbed;

3. Gutters, base and paving materials shall be of a quality and thickness meeting the now existing standards of the City of Tulsa, Oklahoma for minor residential streets;

4. The vertical grade of the streets shall not exceed [percent] %.

B. Prohibit the construction of any arch or similar structure over any private street depicted on the accompanying plat which would obstruct the passage of any governmental or emergency vehicle, and particularly any fire suppression vehicle.

C. Secure inspection by the City of Tulsa, Oklahoma of the private streets and secure certification by the City of Tulsa, Oklahoma that the private streets have been constructed in accordance with the standards above set forth, or if the City of Tulsa, Oklahoma declines to inspect the private streets, certification shall be secured from a registered professional engineer that the private streets were constructed in accordance with such standards. The required certification shall be filed with the Tulsa Metropolitan Area Planning Commission prior to the issuance of a building permit for any lot that derives its access from a private street.

5. The owner acknowledges for itself and its successors in title that the private streets depicted on the accompanying plat do not meet the City of Tulsa, Oklahoma standards as to width of designated right-of-way, and/or further acknowledges that the City of Tulsa, Oklahoma shall have no duty to maintain any of the private streets within the subdivision, nor have any implied obligation to accept any subsequent lender of dedication of any private street within the subdivision.

**N. RESERVE "B" - STORMWATER DETENTION EASEMENT**

1. The owner does hereby dedicate to the public a perpetual easement on, over, and across the property designated and shown on the accompanying plat as stormwater detention easement for the purposes of permitting the flow, conveyance, retention, detention and discharge of stormwater runoff from the various lots within the subdivision and from properties not included within the subdivision.

2. Detention, retention and other drainage facilities located within the stormwater detention easement shall be constructed in accordance with standards and specifications approved by the City of Tulsa, Oklahoma.

3. Detention, retention, and other drainage facilities shall be maintained by the Property Owners' Association provided for in Section III hereof to the extent necessary to achieve the intended drainage, retention, and detention functions including repair of appurtenances and removal of obstructions and siltation. Detention facilities shall be maintained by the Property Owners' Association in accordance with the following minimum standards:

D. No fence, wall, building, or other obstruction shall be placed or maintained in the stormwater detention easement nor shall there be any alteration of grade in said reserve unless approved by the City of Tulsa, Oklahoma.

E. Grass areas shall be mowed [in] regular intervals of four weeks, or less.

F. Concrete appurtenances shall be maintained in good condition and replaced if damaged.

G. The stormwater detention easement area shall be kept free of debris.

H. Cleaning of siltation and vegetation from concrete channels shall be performed twice yearly.

I. The use of reserve "A" shall be limited to use for storm water detention, drainage, overflow drainage, fencing and walls (as approved by the City of Tulsa), open space, landscaping (landscaping other than turf to be approved by the City of Tulsa), pedestrian trails, and utilities, and reserve "A" is reserved for subsequent conveyance to the Property Owners' Association as set forth within Section III, hereof.

4. In the event the Property Owners' Association should fail to properly maintain the detention, retention, and other drainage facilities or, in the event of the placement of an obstruction within, or the alteration of grade within the stormwater detention easement, the City of Tulsa, Oklahoma, or its designated contractor may enter and perform maintenance necessary to achieve the intended drainage functions and may remove any obstruction or correct any alteration of grade, and the costs thereof shall be paid by the association. In the event the association fails to pay the costs of maintenance after completion of the maintenance and receipt of a statement of costs, the City of Tulsa, Oklahoma, may file of record a copy of the statement of costs in the land records of the Tulsa county clerk, and thereafter the costs shall be a lien against each lot within the subdivision, provided, the lien against each lot shall not exceed 1/41st of the costs. A lien established as above provided may be foreclosed by the City of Tulsa, Oklahoma.

**O. RESERVE AREAS "A" & "B" - OPEN SPACE**

The use of reserve areas "A" & "B" shall be limited to open space, recreation, landscaping, pedestrian trails, screening fences and walls, and utilities, the reserve areas shall subsequently be conveyed to the Property Owners' Association to be formed pursuant to Section II for the purposes of the administration and maintenance of reserves and other common areas of the subdivision.

**SECTION II. OPTIONAL DEVELOPMENT PLAN**

Whereas, the property included in the subdivision was submitted as part of a Optional Development Plan application (Z-7490) pursuant to the Tulsa zoning ordinances of the City of Tulsa, Oklahoma (the "Tulsa Zoning Code"); and

Whereas, Z-7490 was affirmatively recommended by the Tulsa Metropolitan Area Planning Commission on July 17, 2019 and was approved by the Council of the City of Tulsa, Oklahoma on \_\_\_\_\_, 2019, the implementing ordinance No. \_\_\_\_\_, being adopted by the Council on \_\_\_\_\_, 2019;

Whereas, the provisions of the Tulsa Zoning Code require the establishment of covenants of record

inuring to and enforceable by the City of Tulsa, Oklahoma, sufficient to ensure implementation of the approved Optional Development Plan; and

The Owner desires to establish restrictions for the purpose of providing for an orderly development of the Subdivision and to ensure adequate restrictions for the mutual benefit of the Owner, its successors and assigns and the City of Tulsa; and the Owner hereby imposes the following restrictions and covenants which shall be enforceable as to the land and which shall be binding upon the Owner, its successors and assigns and shall be enforceable as hereinafter set forth. The Subdivision shall be developed and used in compliance with the restrictions and development standards approved by the Tulsa City Council in Optional Development Plan Z-7490, or as if may subsequently be modified or amended. Development of the Subdivision shall be subject to the Corridor District provisions of the Tulsa Zoning Code in existence as of \_\_\_\_\_, 2019.

**A. GENERAL PROVISIONS:**

All district use regulations, supplemental regulations, building types, lot and building regulations, along with other relevant regulations shall conform with the provision of the Tulsa Zoning Code for development in a CS zoning district except as further limited below.

**B. PERMITTED USES:**

Use Categories are limited to the subcategories and specific uses defined below and uses that are not customarily accessory to the permitted uses.

**A. Residential**

- a. Single Household
- b. Two households on a single lot
- c. Three or more households on a single lot

**B. Office**

- a. Business or professional office
- C. Agricultural
- a. Community Garden
- b. Farm Market or Community-Supported garden

**C. PERMITTED RESIDENTIAL BUILDING TYPES:**

- A. Single household
  - a. Townhouse
  - b. Mixed-use building
  - c. Vertical mixed-use building
- B. Two households on a single lot
  - a. Mixed-use building
  - b. Vertical mixed-use building
- C. Three or more households on a single lot
  - a. Apartment / Condo
  - b. Mixed-use building
  - c. Vertical mixed-use building

**D. VEHICULAR ACCESS:**

- A. Vehicular access will be provided by a privately owned and maintained street.
- B. Private streets will conform to the City of Tulsa engineering standards for a minor residential street.
- C. Private streets will conform to the Subdivision Regulations for the City of Tulsa.

**E. SIDEWALKS:**

Sidewalks will be required and constructed as defined in the Subdivision and Development Regulations for the Tulsa Metropolitan area. Sidewalks in the public street right-of-way and adjacent to private streets where they abut common open spaces shall be constructed prior to issuance of any building permit for residential building types.

**F. LOT AND BUILDING REGULATIONS:**

- Setbacks:
  - Minimum side lot line 5 feet
  - Minimum rear lot line 11 feet
  - Front yard 10 feet
  - Garage entrance (from sidewalk) 20 feet.

**G. SIGNAGE:**

All signage is prohibited except as may be allowed in an RM2 district.

**H. DUMPSTER AND TRASH COLLECTION:**

Any commercial style dumpsters shall be enclosed with a masonry enclosure and self-closing gate. Gate must be constructed of a solid material without openings. Gate and enclosure must be at least one foot taller than the trash bin.

Dumpsters must be placed a minimum of 100 feet from the east boundary of the subject property.

**I. LANDSCAPING:**

- Street trees shall be installed and maintained as follows:
  - A. Trees shall be installed and maintained to the minimum spacing of the trees shall not exceed 35 feet. At the time the trees are planted the minimum height shall be 12feet with a minimum caliper of 2.5 inches.
  - B. Trees shall be the lot or within 1 feet of the lot line in the public street right of way.
  - C. Required street trees shall be installed and maintained as part of the property owner's association.
- D. Additional trees and landscaping may be installed however the required trees required cannot be Crape Myrtle, Bradford Pear or Ash.
- E. All street yards and right of way where trees are required shall be irrigated with an underground automatic irrigation system.

10.11

**SECTION III. PROPERTY OWNERS' ASSOCIATION**

**A. FORMATION OF PROPERTY OWNERS' ASSOCIATION**

THE OWNER/DEVELOPER HAS FORMED, OR SHALL CAUSE TO BE FORMED, AN ASSOCIATION OF THE OWNERS OF THE LOTS WITHIN THE SUBDIVISION (HEREINAFTER REFERRED TO AS THE "PROPERTY OWNERS' ASSOCIATION") TO BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, AND TO BE FORMED FOR THE GENERAL PURPOSES OF MAINTAINING THE COMMON AREAS, INCLUDING BUT WITHOUT LIMITATION, RESERVE AREA "A" AS DEPICTED UPON THE PLAT, AND PROJECT IDENTIFICATION SIGNS, AND ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF THE SUBDIVISION.

**B. MEMBERSHIP**

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

**C. ASSESSMENT**

EACH RECORD OWNER OF A LOT WITHIN THE SUBDIVISION SHALL BE SUBJECT TO ASSESSMENT BY THE PROPERTY OWNERS ASSOCIATION FOR THE PURPOSE OF IMPROVEMENT AND MAINTENANCE OF THE COMMON AREA OF THE SUBDIVISION AS DESCRIBED IN PARAGRAPH A. ABOVE.

**SECTION III. ENFORCEMENT, DURATION, AMENDMENT, AND SEVERABILITY**

**A. ENFORCEMENT**

The restrictions herein set forth are covenants to run with the land and shall be binding upon the Owner, its successors and assigns. Within the provisions of Section I (Streets, Easements and Utilities) are set forth certain covenants and the enforcement rights pertaining thereto, and additionally, the covenants within Section I, whether or not specifically therein so stated, shall inure to the benefit of and shall be enforceable by the City of Tulsa, Oklahoma. The covenants contained in Section II (Optional Development Plan Restrictions) are established pursuant to the Corridor Development Plan provisions of the Tulsa Zoning Code and shall inure to the benefit of the Lot Owner and to the City of Tulsa, Oklahoma. If the undersigned Owner or its successors or assigns shall violate any of the covenants within Sections I or II, it shall be lawful for any person or persons owning any lot situated within the Subdivision, or the City of Tulsa, to maintain any action at law or in equity against the person or persons violating or attempting to violate any such covenant, to prevent him or them from so doing or to compel compliance with the covenant or to recover damages. In any judicial action brought to enforce the covenants established within this Deed of Dedication, the defense that the party initiating the equitable proceeding has an adequate remedy at law is hereby waived.

**B. DURATION**

These covenants and restrictions shall remain in full force and effect until terminated or amended as hereinafter provided.

**C. AMENDMENT OR TERMINATION**

The covenants contained herein may be amended or terminated at any time by a written instrument signed and acknowledged by the Owner and approved by the Tulsa Metropolitan Area Planning Commission and the City of Tulsa. Any such amendment shall become effective when recorded in the records of the Tulsa County Clerk.

**D. SEVERABILITY**

Invalidation of any restriction set forth herein or any part thereof, by an order, judgment, or decree of any court, or otherwise, shall not invalidate or effect any of the other restrictions or any part thereof as set forth herein, which shall remain in full force and effect.

In witness whereof: Bret Meltriv, and Janelle Meltriv, Husband and Wife, have executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Bret Meltriv, and Janelle Meltriv, Husband and Wife

BY: \_\_\_\_\_  
Bret Meltriv

BY: \_\_\_\_\_  
Janelle Meltriv

**ACKNOWLEDGMENT**

STATE OF OKLAHOMA )  
COUNTY OF TULSA ) SS:

This instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2019, by Bret Meltriv, and Janelle Meltriv.

\_\_\_\_\_  
Notary Public

My Commission No: 80002002  
My Commission Expires: 12-11-2020

[Seal]



**CERTIFICATE OF SURVEY**

I, \_\_\_\_\_, of \_\_\_\_\_, a licensed land surveyor registered in the State of Oklahoma, hereby certify that I have carefully and accurately surveyed, subdivided, and platted the land of land described above, and that the accompanying plat designated herein as ERNEST CHILDERS VA CLINIC, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, is a representation of the survey made on the ground using generally accepted land surveying practices and meets or exceeds the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted.

Witness my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2019.

[Name]

Licensed Land Surveyor

**ACKNOWLEDGMENT**

STATE OF OKLAHOMA )  
COUNTY OF TULSA ) SS:

This instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2019, by \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission No: 80002002  
My Commission Expires: 12-11-2020

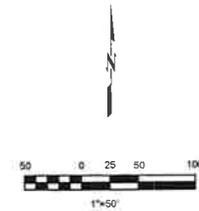
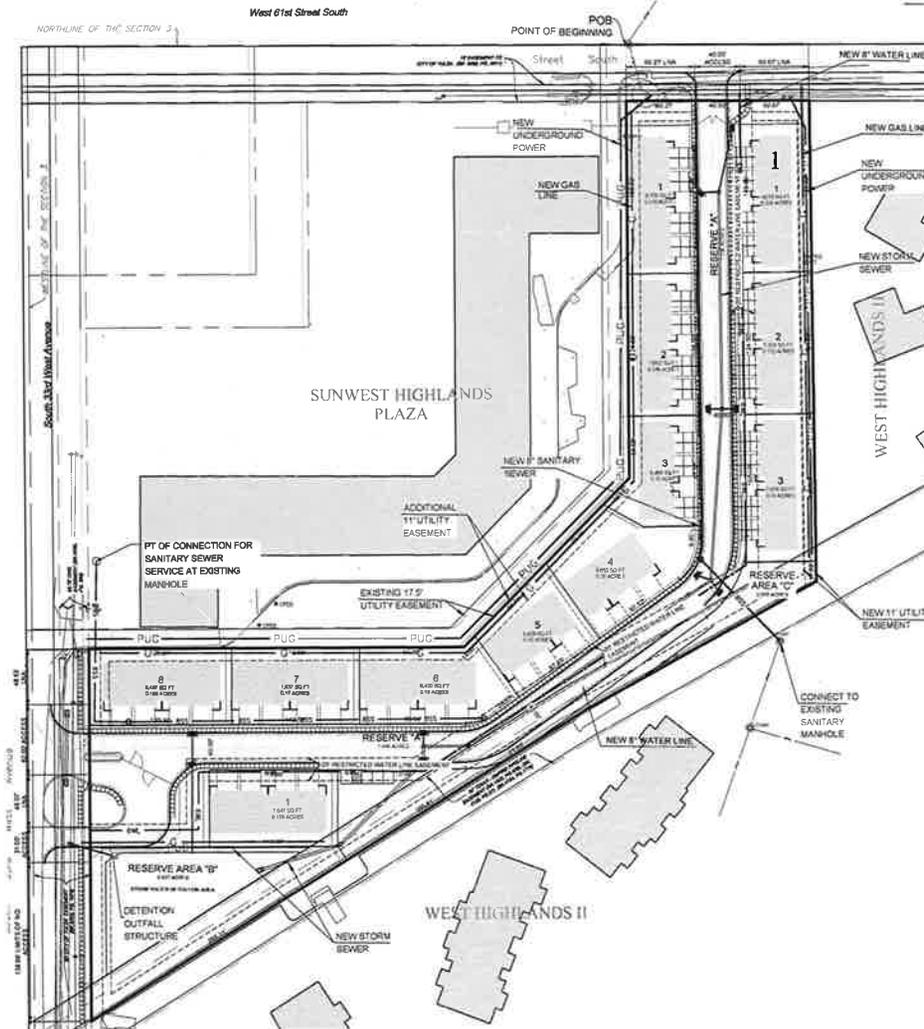
[Seal]



10.12

# CONCEPTUAL IMPROVEMENTS PLAN SUNWEST HIGHLANDS

A TRACT OF LAND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 NW/4) OF SECTION THREE (3), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE GOVERNMENT SURVEY.



**OWNER**  
BRETT AND JANELLE METHVIN  
14022 CLEAN AIR DRIVE  
TULSA, OK 74116

**ENGINEER**  
WALLACE ENGINEERING  
STRUCTURAL CONSULTANTS, INC.  
122 MARTIN LUTHER KING JR. BLVD.  
TULSA, OK 74103  
918 584 5550  
OKLAHOMA CA#11450  
EXP DATE 9/30/21  
ALAN TAYLOR P.E.  
ataylor@wallaces.com

**SURVEYOR**  
BENNETT SURVEYING, INC.  
210 CHOUTEAU AVENUE  
CHOUTEAU, OK 74337  
TEL: 918-476-7484  
RPLS 1696, CA #4502  
EXPIRES 9/30/2020  
wbs@bennettsurveying.com

**SUBDIVISION STATISTICS**

SUBDIVISION CONTAINS THIRTEEN (13) LOTS IN THREE (3) BLOCKS AND FIVE (5) RESERVE AREAS  
SUB DIVISION CONTAINS 171,880 SQUARE FEET OR 3.95 ACRES MORE OR LESS

**MONUMENTATION**

IRON PINS FOUND AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED

**BENCHMARK**

BENCHMARK CH-5E-27 21  
N 29°32' 16.50" E 255.274 9000  
ELEVATION=772.04 (NAVD8 DATUM)

**BASIS OF BEARINGS**

HORIZONTAL DATUM BASED UPON NAD 83 (1983) OKLAHOMA STATE PLANE COORDINATE SYSTEM NORTH ZONE 3501  
VERTICAL DATUM BASED UPON NAVD 88 USING NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 3 AS BEING LEGAL  
S89°53'52"E, (F.B.L.) N89°00'19"E

**ADDRESS NOTE**

ADDRESS SHOWN ON THIS PLAN WERE ACCURATE AT THE TIME THIS PLAN WAS ADDRESSED ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF LEGAL DESCRIPTION

10-13

## Sunwest Highlands Sidewalk Waiver Request

Mark Capron <mcapron@wallacesc.com>

Tue 8/20/2019 1:46 PM

To: Foster, Nathan <NFoster@incog.org>

Cc: Danny Baldwin <dbaldwin@wallacesc.com>

Nathan,

As discussed at TAC, we request a waiver of the sidewalk requirement for the internal private street on a portion of one side as shown on the Conceptual Improvements Plan. Sidewalks along the arterial streets are not included of this request.

Please contact us with any questions or concerns.

Mark

**Mark B. Capron, LLA**

Land Development Planner



### Wallace Engineering

Structural Consultants, Inc.

Structural and Civil Consultants

123 North Martin Luther King Jr. Boulevard

Tulsa, Oklahoma 74103

918.584.5858 O | 918.806.7314 D

Tulsa | Kansas City | Oklahoma City | Denver

| Atlanta



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10.14



Tulsa Metropolitan Area  
Planning Commission

**Case :** **BMX Headquarters** (Related to  
BMX Headquarters Authorization for  
Accelerated Release of Building Permits)

**Hearing Date:** **September 4, 2019**

**Case Report Prepared by:**

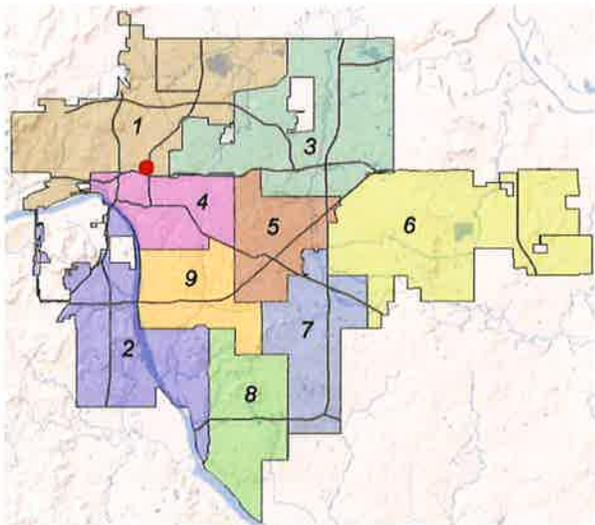
Nathan Foster

**Owner and Applicant Information:**

*Applicant:* Mike Thedford, Wallace  
Engineering

*Owner:* City of Tulsa

**Location Map:**  
**(shown with City Council Districts)**



**Applicant Proposal:**

Preliminary Plat

1 lot, 1 block, 22.34 ± acres

*Location:* Northwest corner of East Archer  
Street and North Lansing Avenue

**Zoning:** IM (Industrial – Moderate)

**Staff Recommendation:**

Staff recommends **approval** of the  
preliminary plat

**City Council District: 1**

*Councilor Name:* Vanessa Hall-Harper

**County Commission District: 1**

*Commissioner Name:* Stan Sallee

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

11.1

## PRELIMINARY SUBDIVISION PLAT

### BMX Headquarters - (CD 1)

Northwest corner of East Archer Street and North Lansing Avenue

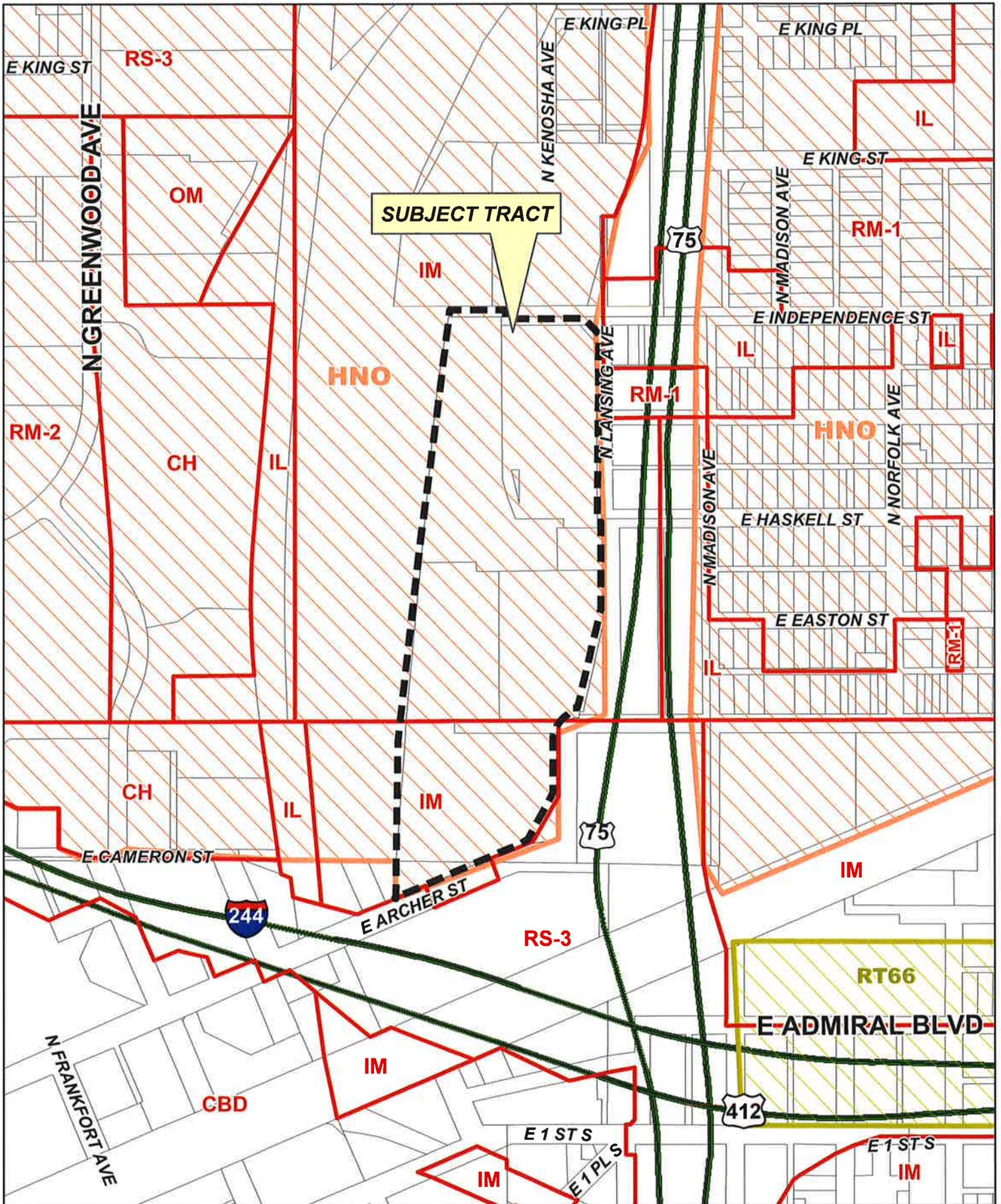
This plat consists of 1 lot, 1 block on 22.34 ± acres.

The Technical Advisory Committee (TAC) met on August 15, 2019 and provided the following conditions:

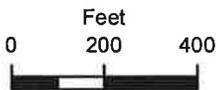
1. **Zoning:** The property is zoned IM (Industrial – Moderate). The use of the property as Outdoor Assembly & Entertainment was approved by the City Board of Adjustment on November 13, 2018 (BOA-22539). Special exception approvals for Outdoor Assembly & Entertainment subject the property to full compliance with the *Subdivision & Development Regulations*.
2. **Addressing:** City of Tulsa will assign lot address to Lot 1. Label lot with address prior to final plat submittal.
3. **Transportation & Traffic:** East Archer Street is a designated commercial collector street that requires installation of sidewalks. Provide recording information for all adjacent ROW or indicate dedication by plat.
4. **Sewer:** Sewer main extensions will be completed through a capital improvement project managed by City of Tulsa Engineering Services. Final plans must be approved prior to the approval of the final plat to ensure accuracy of all easements and ROW.
5. **Water:** Water main extensions will be completed through a capital improvement project managed by City of Tulsa Engineering Services. Final plans must be approved prior to the approval of the final plat to ensure accuracy of all easements and ROW.
6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Show all platted properties in the location map and label all other property has unplatted. Label subject property. Add "City of Tulsa" in the plat subtitle before Tulsa County, State of Oklahoma. Graphically provide the bearing angle/distance from point of commencement (POC) to point of beginning (POB).
7. **Stormwater, Drainage, & Floodplain:** Storm sewer system will be completed through a capital improvement project managed by City of Tulsa Engineering Services.
8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

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

11.2



**SUBJECT TRACT**

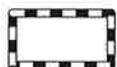
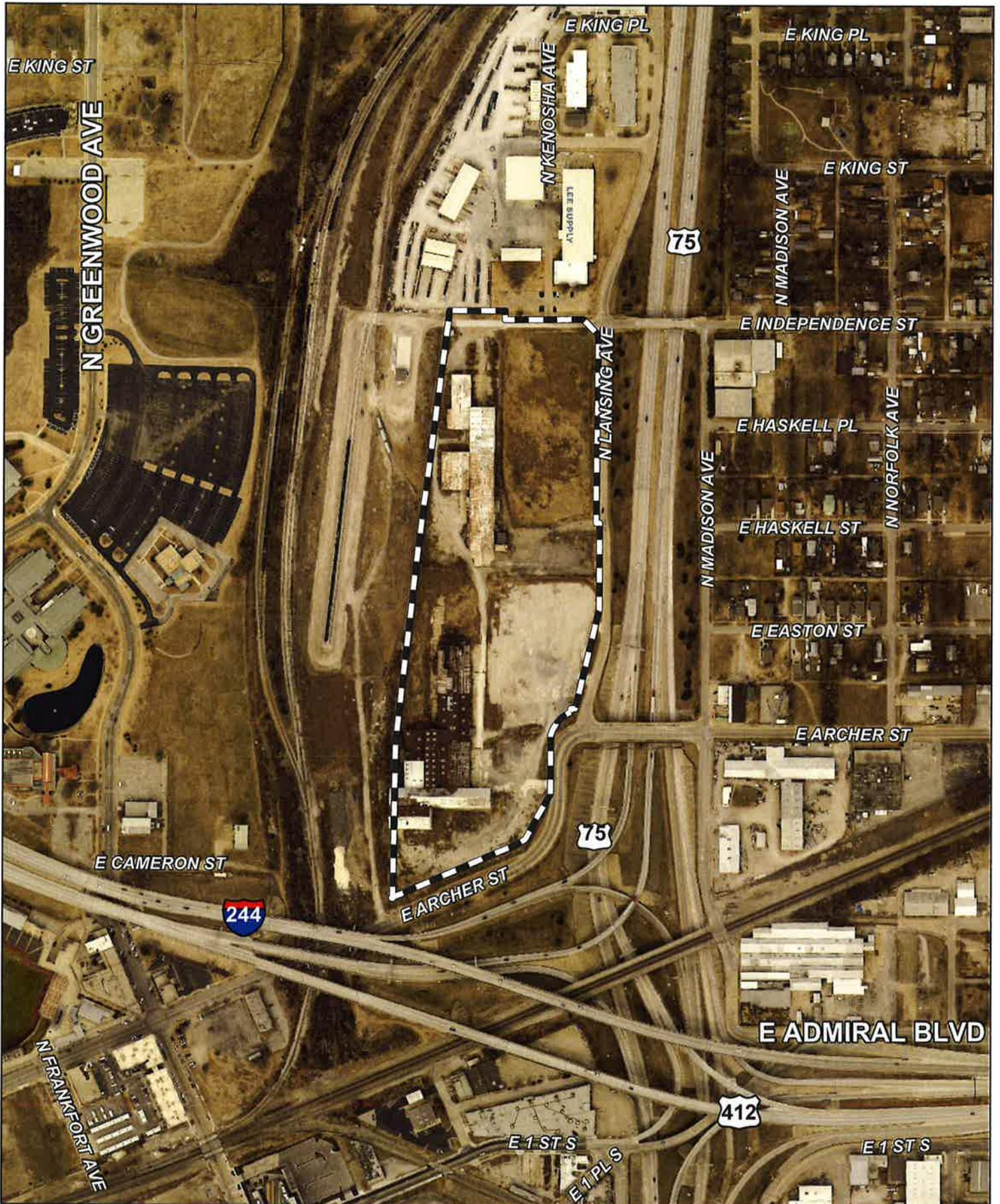


**BMX  
HEADQUARTERS**

19-12 01 & 20-12 36

11.3





Subject Tract

# BMX HEADQUARTERS

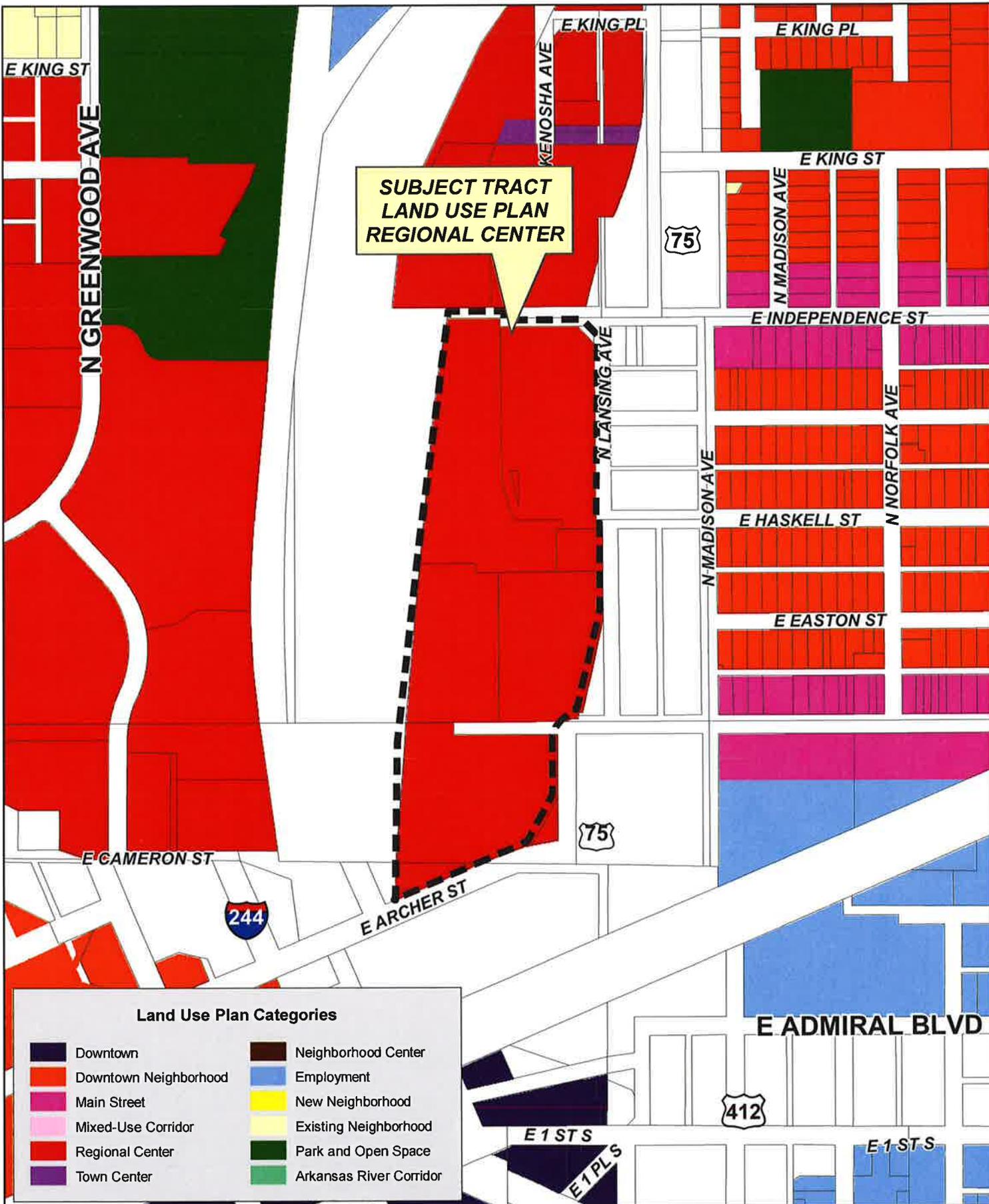
19-12 01 & 20-12 36

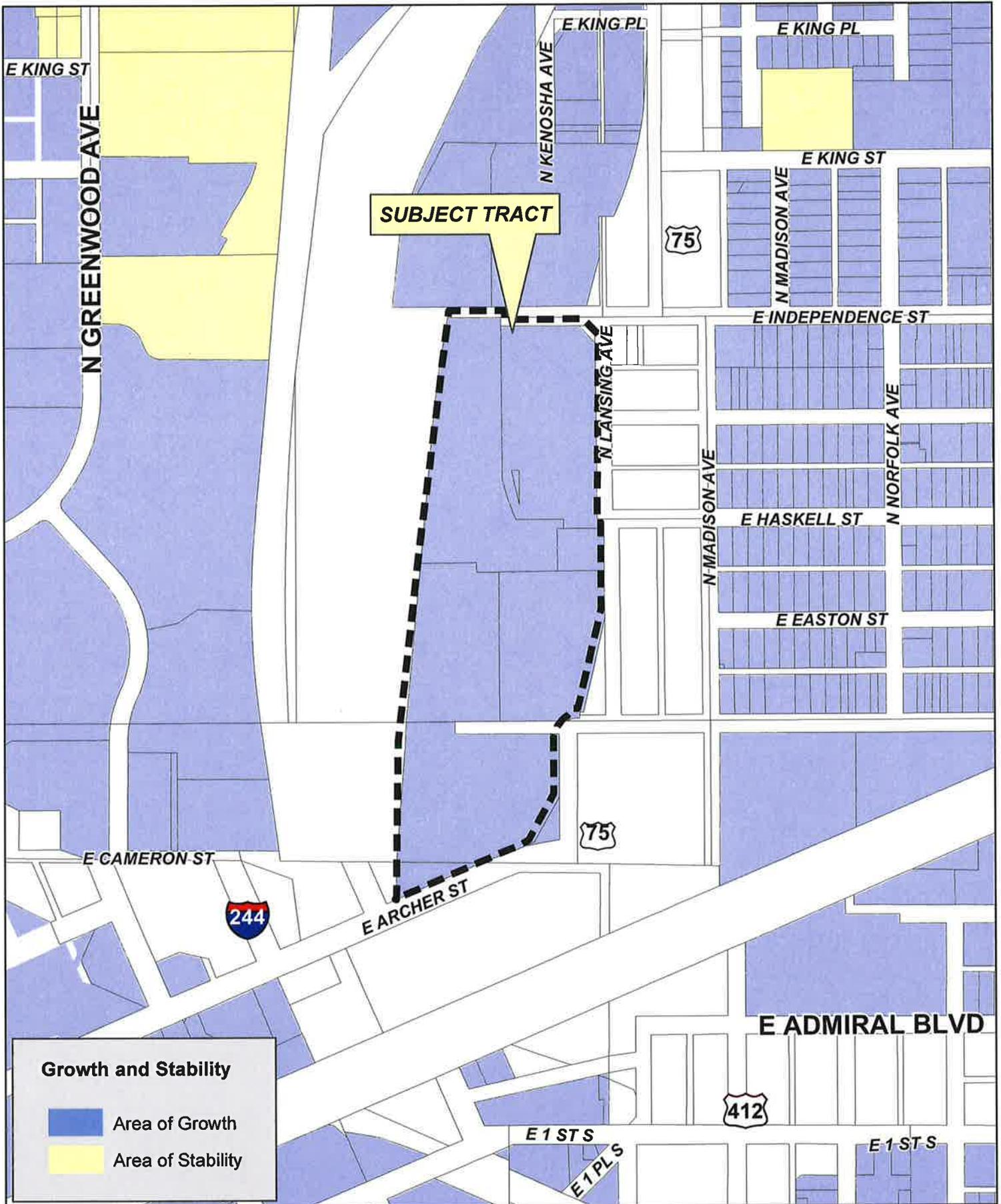
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



11.4

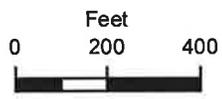




**SUBJECT TRACT**

**Growth and Stability**

- Area of Growth
- Area of Stability



**BMX  
HEADQUARTERS**

19-12 01 & 20-12 36

11.6

**LEGAL DESCRIPTION  
BMX HEADQUARTERS  
PRELIMINARY PLAT**

A TRACT OF LAND THAT IS PART OF LOT TWO (2), SECTION ONE (1), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW/4 SE/4) OF SECTION THIRTY-SIX (36), TOWNSHIP TWENTY (20) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW/4 NE/4) OF SECTION ONE (1), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST, OF THE INDIAN BASE AND MERIDIAN, ALL IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF; SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF BLOCK FORTY-NINE (49) OF THE ORIGINAL TOWNSITE OF TULSA, SAID POINT BEING 34.94 FEET EASTERLY OF THE SOUTHWEST CORNER OF LOT TWO (2), BLOCK FORTY-NINE (49), SAID POINT ALSO BEING ON THE EASTERLY ATCHISON, TOPEKA & SANTA FE RAILROAD RIGHT-OF-WAY LINE; THENCE N 00° 27' 51" W AND ALONG THE EASTERLY RAILROAD RIGHT-OF-WAY LINE FOR A DISTANCE OF 511.37 FEET; THENCE N 05° 24' 22" E AND ALONG THE EASTERLY RAILROAD RIGHT-OF-WAY LINE FOR A DISTANCE OF 610.55 FEET; THENCE N 06° 11' 18" E AND ALONG THE EASTERLY RAILROAD RIGHT-OF-WAY LINE FOR A DISTANCE OF 803.65 FEET; THENCE N 88° 58' 50" E FOR A DISTANCE OF 180.00 FEET; THENCE S 00° 58' 20" E FOR A DISTANCE OF 30.00 FEET TO A POINT; THENCE N 88° 58' 50" E FOR A DISTANCE OF 255.00 FEET; THENCE S 45° 59' 49" E FOR A DISTANCE OF 70.68 FEET; THENCE S 00° 58' 20" E FOR A DISTANCE OF 611.94 FEET; THENCE N 88° 54' 41" E FOR A DISTANCE OF 11.03 FEET; THENCE S 01° 11' 17" E FOR A DISTANCE OF 282.47 FEET; THENCE S 12° 14' 47" W FOR A DISTANCE OF 332.52 FEET; THENCE S 89° 08' 39" W FOR A DISTANCE OF 15.00 FEET; THENCE S 01° 11' 17" E FOR A DISTANCE OF 10.11 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE, SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 47° 38' 16", HAVING A RADIUS OF 125.40 FEET, A LENGTH OF 104.26 FEET AND WHOSE LONG CHORD BEARS S 39° 17' 42" W FOR A DISTANCE OF 101.28 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE; THENCE S 01° 11' 14" E FOR A DISTANCE OF 189.63 FEET; THENCE S 27° 47' 12" W FOR A DISTANCE OF 169.78 FEET; THENCE S 55° 38' 34" W FOR A DISTANCE OF 25.00 FEET; THENCE S 65° 09' 17" W FOR A DISTANCE OF 35.71 FEET; THENCE S 79° 46' 16" W FOR A DISTANCE OF 4.92 FEET; THENCE S 65° 28' 16" W FOR A DISTANCE OF 407.79 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINS 973,072 SQUARE FEET OR 22.34 ACRES, MORE OR LESS.

# PRELIMINARY PLAT BMX HEADQUARTERS

A PART OF A RESUBDIVISION OF BLOCK 2 AND 3 OF THE SKIDMORE ADDITION, PART OF BLOCK 3 OF THE SLOAN ADDITION THAT IS PART OF BLOCK 9 OF THE TULSA ORIGINAL TOWN AND IS PART OF LOT TWO (2), SECTION ONE (1), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, AND A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW/4 SE/4) OF SECTION THIRTY-SIX (36), TOWNSHIP TWENTY (20) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, ALL IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW/4 NE/4) OF SECTION ONE (1), NINETEEN (19) NORTH, RANGE TWELVE (12) EAST, OF THE INDIAN BASE AND MERIDIAN, ALL IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY.

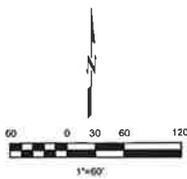
**OWNER**  
CITY OF TULSA  
175 EAST 2ND STREET, SUITE 1405  
TULSA, OK 74102  
ATTN: NAME

**ENGINEER**  
WALLACE ENGINEERING  
STRUCTURAL CONSULTANTS, INC.  
123 MARTIN LUTHER KING JR. BLVD  
TULSA, OK 74103  
(918) 584-5858  
OKLAHOMA CA #1480  
EXP. DATE 8/20/21  
ALAN TAYLOR P.E.  
ataylor@wallaceec.com

**SURVEYOR**  
BENNETT SURVEYING, INC.  
210 CHOUTEAU AVENUE  
CHOUTEAU, OK 74037  
TEL. 918-476-7484  
RPI# 1556, CA #4882  
EXP. RES. 8/20/2020  
wade@bennettsurveying.com



Location Map  
Scale: 1"=200'



**SUBDIVISION STATISTICS**  
SUBDIVISION CONTAINS ONE (1) LOT IN ONE (1) BLOCK  
LOT ONE CONTAINS 973 072 SQUARE FEET OR 22.34 ACRES  
RIGHT OF WAY DEDICATED BY THIS PLAT.

**MONUMENTATION**  
3/4" IRON PINS FOUND AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.

**BENCHMARK**

<b>BENCHMARK 1:</b> 3/4" IRON PIN ELEV. 729.45 N+428741.388 E+2503582.287	<b>BENCHMARK 2:</b> 3/4" IRON PIN ELEV. 730.53 N+428000.418 E+2504292.217
<b>BENCHMARK 3:</b> ADJ. MONUMENT ELEV. 727.93 N+428265.088 E+2504688.152	<b>BENCHMARK 4:</b> 1/2" IRON PIN ELEV. 719.59 N+430005.200 E+2504347.888
<b>BENCHMARK 5:</b> 3/8" IRON PIN ELEV. 711.07 N+430879.310 E+2503910.881	

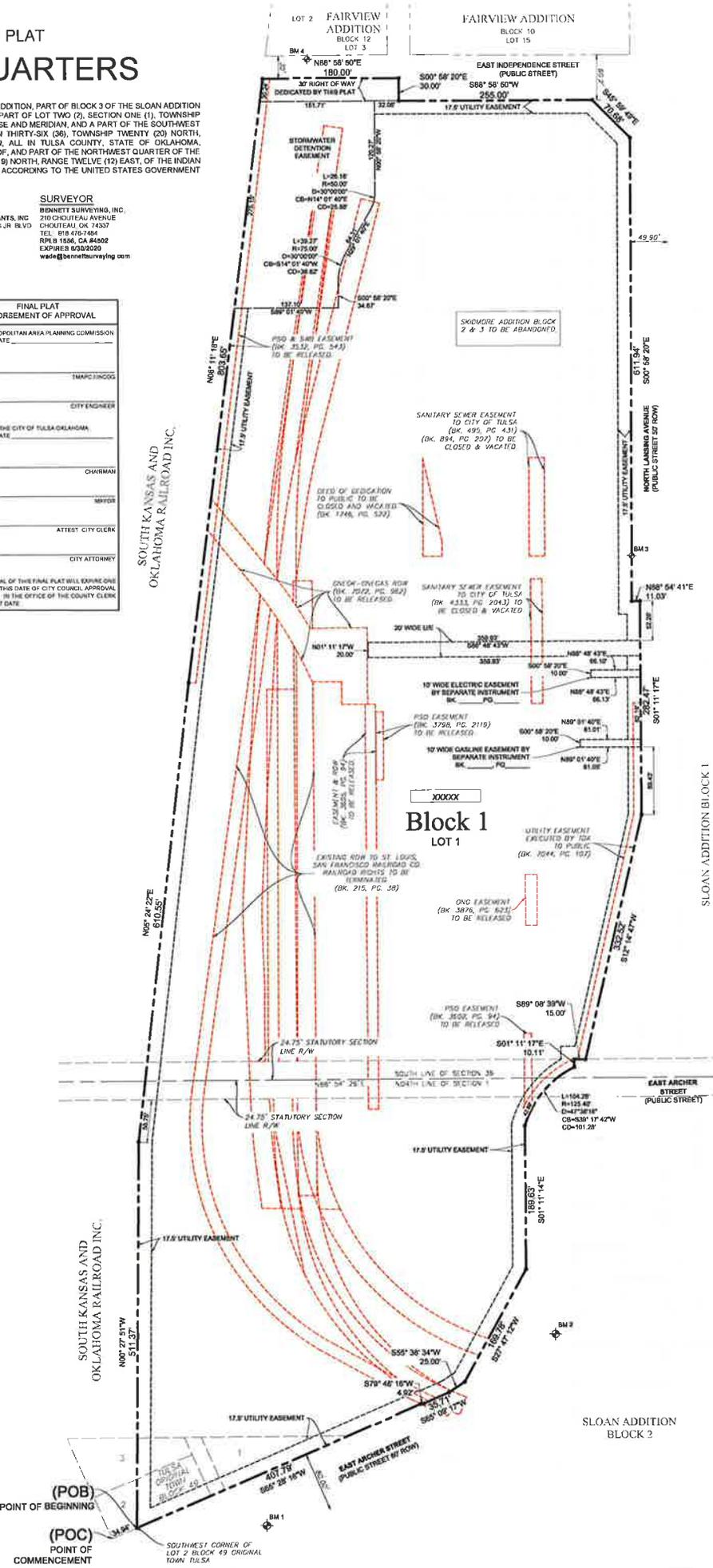
**BASIS OF BEARINGS**  
HORIZONTAL DATUM BASED UPON NAD 83 (1983) OKLAHOMA STATE PLANE COORDINATE SYSTEM NORTH ZONE 3501  
VERTICAL DATUM BASED UPON FAD 88 USING THE BEARINGS BASED ON THE SOUTH LINE OF SECTION 36 AS BEING N 88 54 28" E.

**ADDRESS NOTE**  
ADDRESS SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THIS PLAT WAS ADDRESSED ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF LEGAL DESCRIPTION.

- Legend**
- BM BENCHMARK
  - P.O.B. POINT OF BEGINNING
  - P.O.C. POINT OF COMMENCEMENT
  - R/W RIGHT OF WAY
  - B/S BUILDING SETBACK LINE
  - U/E UTILITY EASEMENT
  - F.O.D. FOUND 3/8" IRON PIN
  - SET 3/8" IRON PIN

FINAL PLAT ENDORSEMENT OF APPROVAL	
TULSA METROPOLITAN AREA PLANNING COMMISSION APPROVAL DATE _____	
PLANNING COMMISSION	
CITY ENGINEER	
COUNCIL OF THE CITY OF TULSA OKLAHOMA APPROVAL DATE _____	
CHAIRMAN	
MAYOR	
ATTEST CITY CLERK	
CITY ATTORNEY	

THE APPROVAL OF THIS FINAL PLAT WILL EXPIRE ONE YEAR FROM THIS DATE OF CITY COUNCIL APPROVAL IF NOT FILED IN THE OFFICE OF THE COUNTY CLERK BEFORE THAT DATE.



SLOAN ADDITION BLOCK 1

SLOAN ADDITION BLOCK 2

11.8



# CONCEPTUAL IMPROVEMENTS BMX HEADQUARTERS

A PART OF A RESUBDIVISION OF BLOCK 2 AND 3 OF THE SKIDMORE ADDITION, PART OF BLOCK 3 OF THE SLOAN ADDITION THAT IS PART OF BLOCK 9 OF THE TULSA ORIGINAL TOWN AND IS PART OF LOT TWO (2), SECTION ONE (1), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, AND A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW/4 SE/4) OF SECTION THIRTY-SIX (36), TOWNSHIP TWENTY (20) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, ALL IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, AND PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 NW/4) OF SECTION ONE (1), NINETEEN (19) NORTH, RANGE TWELVE (12) EAST, OF THE INDIAN BASE AND MERIDIAN, ALL IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY.

### OWNER

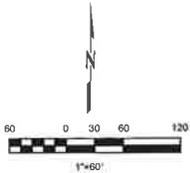
CITY OF TULSA  
175 EAST 2ND STREET, SUITE 1405  
TULSA, OK 74103  
ATTN: NAME

### ENGINEER

WALLACE ENGINEERING  
STRUCTURAL CONSULTANTS, INC.  
102 MARTIN LUTHER KING, JR. BLVD.  
TULSA, OK 74103  
PH: 918-586-5559  
OKLAHOMA CA #1450  
EXP. DATE: 6/30/21  
ALAN TAYLOR P.E.  
atlay@wallaceinc.com

### SURVEYOR

BENNETT SURVEYING, INC.  
210 CHOUTEAU AVENUE  
CHOUTEAU, OK 74133  
TEL: 918-476-7484  
RPLS 1858, CA #44502  
EXPIRES 6/30/2020  
wb@bennettsurveying.com



### SUBDIVISION STATISTICS

SUBDIVISION CONTAINS ONE (1) LOT IN ONE (1) BLOCK LOT ONE CONTAINS 973.07 SQUARE FEET OR 22.34 ACRES RIGHT-OF-WAY DEDICATED BY THIS PLAT.

### MONUMENTATION

3/8" IRON PINS FOUND AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED

### BENCHMARK

BENCHMARK 1 3/8" IRON PIN ELEV-729.45 N+426741.388 E+250562.267	BENCHMARK 2 3/8" IRON PIN ELEV-735.53 N+425000.419 E+2564260.217
BENCHMARK 3 ADD MONUMENT ELEV-727.63 N+429298.088 E+256488.182	BENCHMARK 4 1/2" IRON PIN ELEV-710.59 N+430030.000 E+256447.809
BENCHMARK 5 3/8" IRON PIN ELEV-711.67 N+430679.310 E+2563910.681	

### BASIS OF BEARINGS

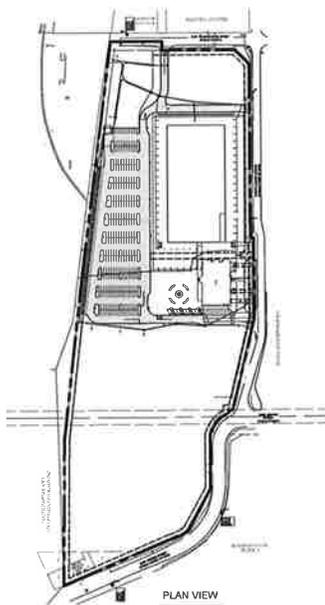
HORIZONTAL DATUM BASED UPON NAD 83 (1983) OKLAHOMA STATE PLANE COORDINATE SYSTEM NORTH ZONE 3501 VERTICAL DATUM BASED UPON NAVD 88 USING THE BEARINGS BASED ON THE SOUTH LINE OF SECTION 36 AS BEING N 89°14'28" E

### ADDRESS NOTE

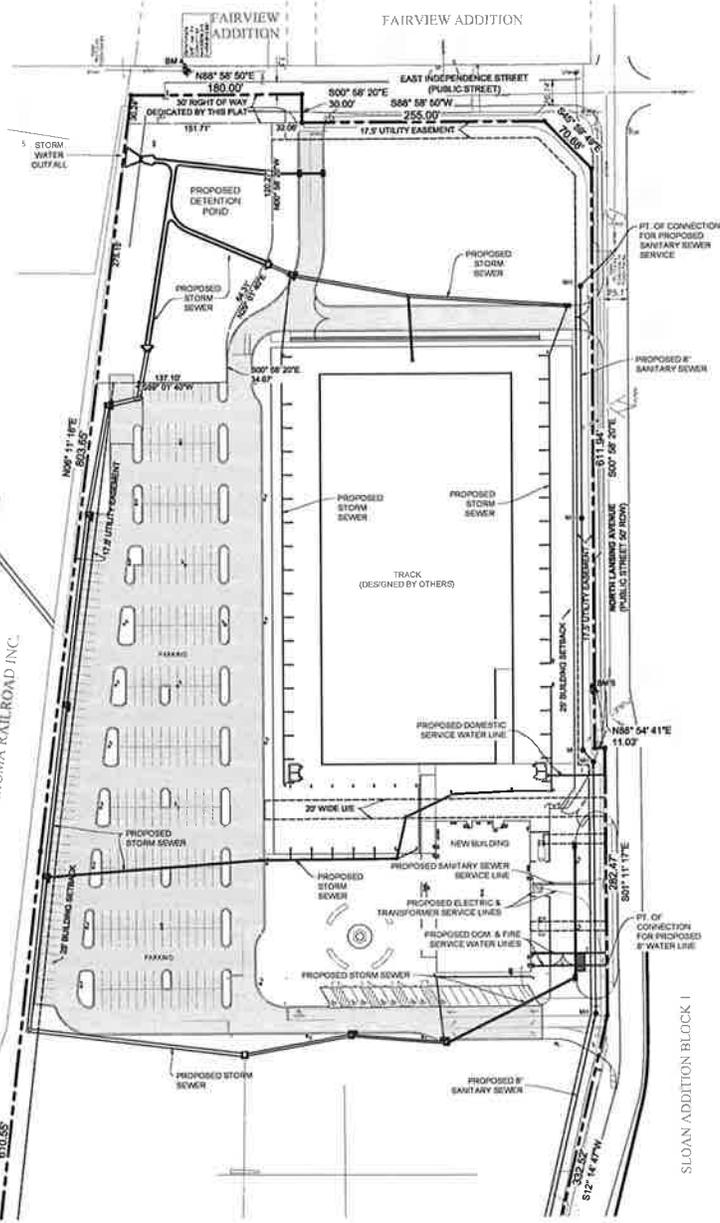
ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THIS PLAT WAS ADDED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF LEGAL DESCRIPTION

### Legend

BM	BENCHMARK
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
R.W.	RIGHT-OF-WAY
B.S.	BUILDING SETBACK LINE
U.E.	UTILITY EASEMENT
●	FOUND 3/8" IRON PIN
○	SET 3/8" IRON PIN



2 OVERALL SITE  
SCALE: 1" = 200'



1 SITE PLAN  
SCALE: 1" = 60'

THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT.

11.10



Tulsa Metropolitan Area  
Planning Commission

**Case :** BMX Headquarters –  
**Authorization for Accelerated Release of  
Building Permits** (Related to BMX  
Headquarters Preliminary Plat)

**Hearing Date:** September 4, 2019

**Case Report Prepared by:**

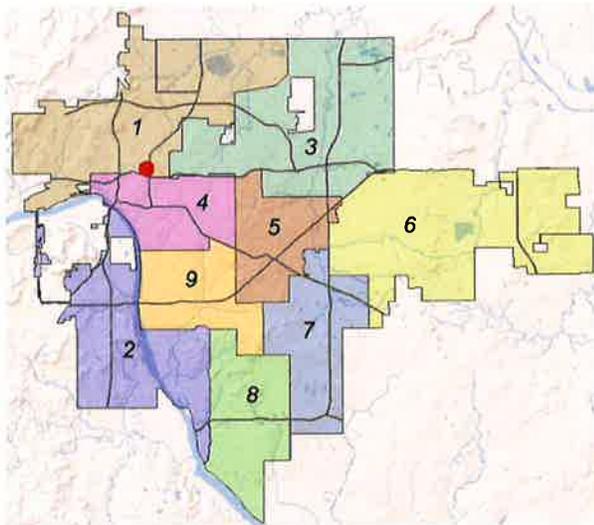
Nathan Foster

**Owner and Applicant Information:**

*Applicant:* Mike Thedford, Wallace  
Engineering

*Owner:* City of Tulsa

**Location Map:**  
**(shown with City Council Districts)**



**Applicant Proposal:**

Request for authorization to receive  
accelerated release of building permits and a  
modification to the *Subdivision &  
Development Regulations*

1 lot, 1 block, 22.34 ± acres

*Location:* Northwest corner of East Archer  
Street and North Lansing Avenue

**Zoning:** IM (Industrial – Moderate)

**Staff Recommendation:**

Staff recommends **approval** of the  
authorization to receive an accelerated  
release of a building permit and a  
modification to the *Subdivision &  
Development Regulations*

**City Council District: 1**

*Councilor Name:* Vanessa Hall-Harper

**County Commission District: 1**

*Commissioner Name:* Stan Sallee

**EXHIBITS:** See exhibits for BMX Headquarters Preliminary Plat

12.1

## ACCELERATED RELEASE OF BUILDING PERMIT

### BMX Headquarters - (CD 1)

Northwest corner of East Archer Street and North Lansing Avenue

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 has been submitted and reviewed by the Technical Advisory Committee and is being presented concurrently with this request.

This project is being managed by the City of Tulsa and was funded through an allocation of Vision Tulsa funds. The site is currently encumbered by a number of easements, right-of-way, and previous subdivision plats that are required to be vacated prior to the approval and filing of a final plat. It is anticipated that those processes will take an extended amount of time and could cause significant delays for completion of the plat.

The Technical Advisory Committee met on Thursday, August 15, 2019 and no objections were raised to the authorization of an accelerated release of a building permit with the condition that any authorization for accelerated release be tied only to the portion of the property presented in the conceptual improvements plan.

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.

### **Modification to the Subdivision & Development Regulations:**

The applicant has requested a modification to Section 10-110.6-C of the *Subdivision and Development Regulations* which would require the developer to submit a financial guarantee to the City of Tulsa for outstanding infrastructure improvements required for the project. Due to the nature of the project being publicly funded and managed, the financial guarantees would be impractical and unnecessary.

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. Any authorizations approved are tied to the area of property shown on the conceptual improvements plan provided by the applicant with the preliminary plat



Tulsa Metropolitan Area  
Planning Commission

**Case:** River West Phase I  
River West Park  
River West Phase II  
(Related to River West Authorization for  
Accelerated Release of Building Permits)

**Hearing Date:** September 4, 2019

**Case Report Prepared by:**

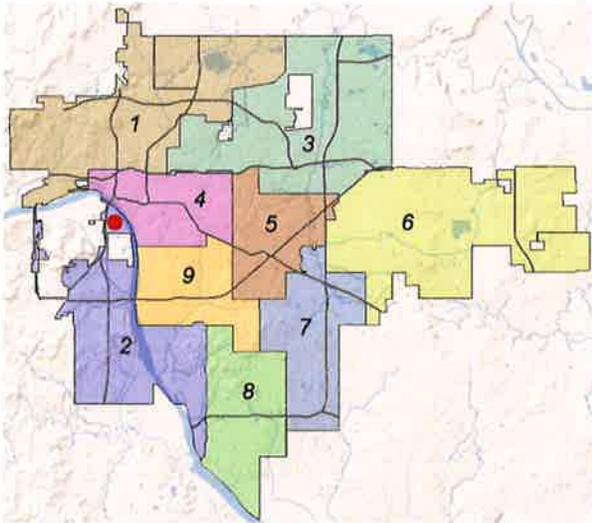
Nathan Foster

**Owner and Applicant Information:**

*Applicant:* Ted Sack, Sack & Associates

*Owner:* City of Tulsa, Housing Authority of  
the City of Tulsa

**Location Map:**  
(shown with City Council Districts)



**Applicant Proposal:**

Preliminary Plat

Phase I  
1 lot, 1 block, 3.87 ± acres

River West Park  
1 lot, 1 block, 5.44 ± acres

Phase II  
2 lots, 2 blocks, 4.15 ± acres

*Location:* Southwest corner of West 21<sup>st</sup>  
Street South and South Jackson Avenue

**Zoning:**  
Existing: RM-1/RM-2/PUD-796  
Proposed: MX-1-U-55

**Staff Recommendation:**

Staff recommends **approval** of the  
preliminary plat

**City Council District: 2**

*Councilor Name:* Jeannie Cue

**County Commission District: 2**

*Commissioner Name:* Karen Keith

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

13.1

## PRELIMINARY SUBDIVISION PLAT

### River West Phase I – River West Park – River West Phase II - (CD 2)

Southwest corner of West 21<sup>st</sup> Street South and South Jackson Avenue

This preliminary plat review consists of 3 phases:

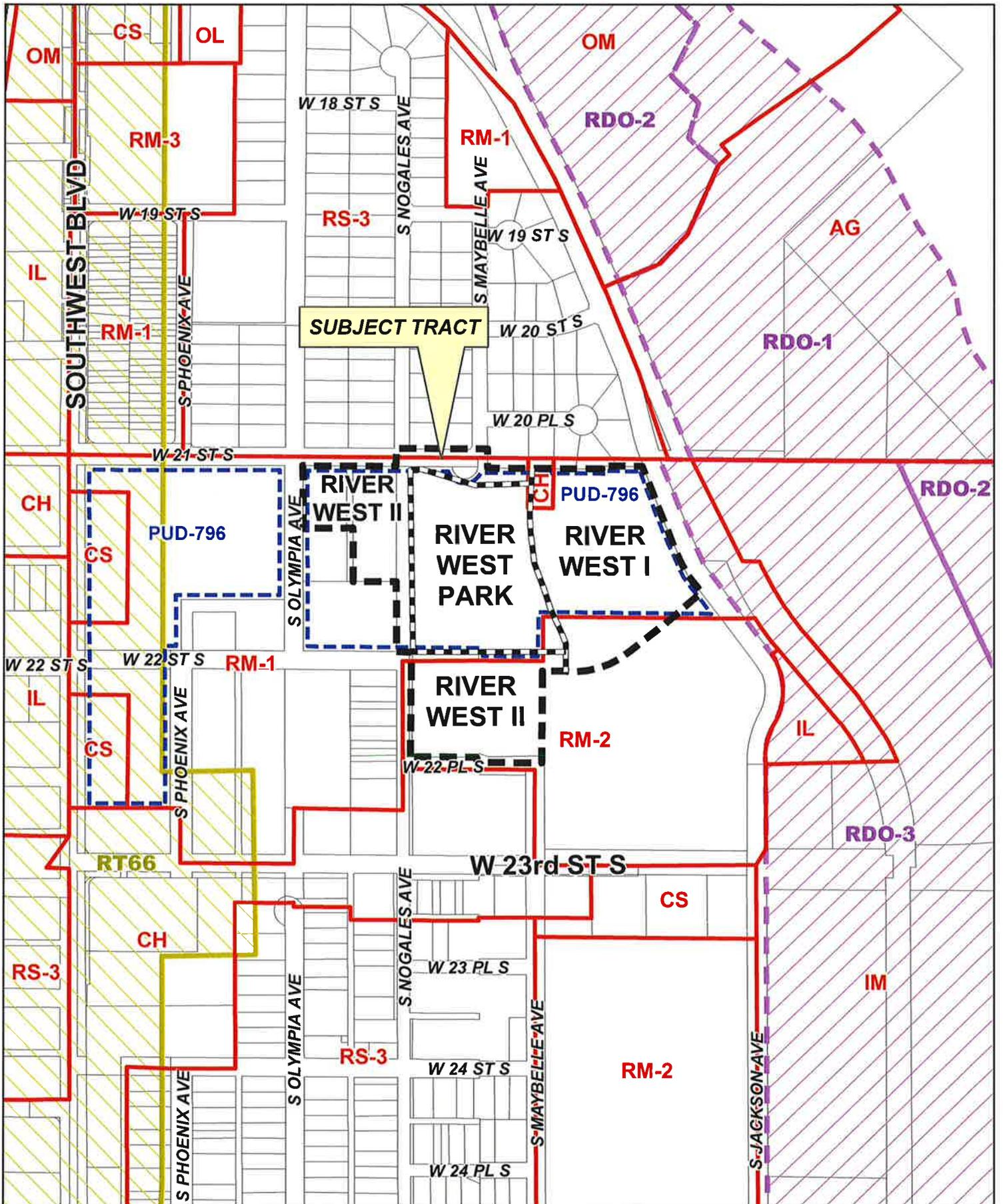
1. River West Phase I – 1 lot, 1 block, 3.87 ± acres
2. River West Park – 1 lot, 1 block, 5.44 ± acres
3. River West Phase II – 2 lots, 2 blocks, 4.15 ± acres

The Technical Advisory Committee (TAC) met on August 15, 2019 and provided the following conditions:

1. **Zoning:** The property is currently zoned RM-1, RM-2. Phase I and River West Park are both included in an approved Planned Unit Development (PUD-796). There is a pending request to rezone all property included within the development to MX-1-U-55 and abandon the existing PUD. All proposed lots would conform with the MX district requirements.
2. **Addressing:** City of Tulsa will assign addresses to each lot as phasing begins. Assigned address is required to be affixed to the face of the final plat prior to approval.
3. **Transportation & Traffic:** Sidewalks are required to be installed along all streets. Indicate which street rights-of-way are dedicated by plat and recording information for any existing dedications to remain.
4. **Sewer/Water:** Privately funded infrastructure improvements will be required to obtain IDP approval prior to final plat approval. Publicly funded infrastructure must have final plans for infrastructure prepared prior to final plat approval and filing to ensure accuracy of all easements/ROW.
5. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Show all platted properties in the location map and label all other property has unplatted. Label subject property. Provide a bearing angle from the face of the plat to be basis of bearing.
6. **Stormwater, Drainage, & Floodplain:** Relocation of stormwater facilities and design for new storm sewer system will be required to obtain IDP approval prior to final plat if privately funded; if publicly funded, plans are required to be finalized prior to approval and filing of the final plat.
7. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

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

13.2



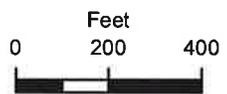
**SUBJECT TRACT**

**RIVER WEST II**

**RIVER WEST PARK**

**RIVER WEST I**

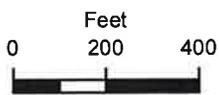
**RIVER WEST II**



19-12 14

**RIVER WEST I,  
RIVER WEST PARK,  
RIVER WEST II**





 Subject Tract

19-12 14

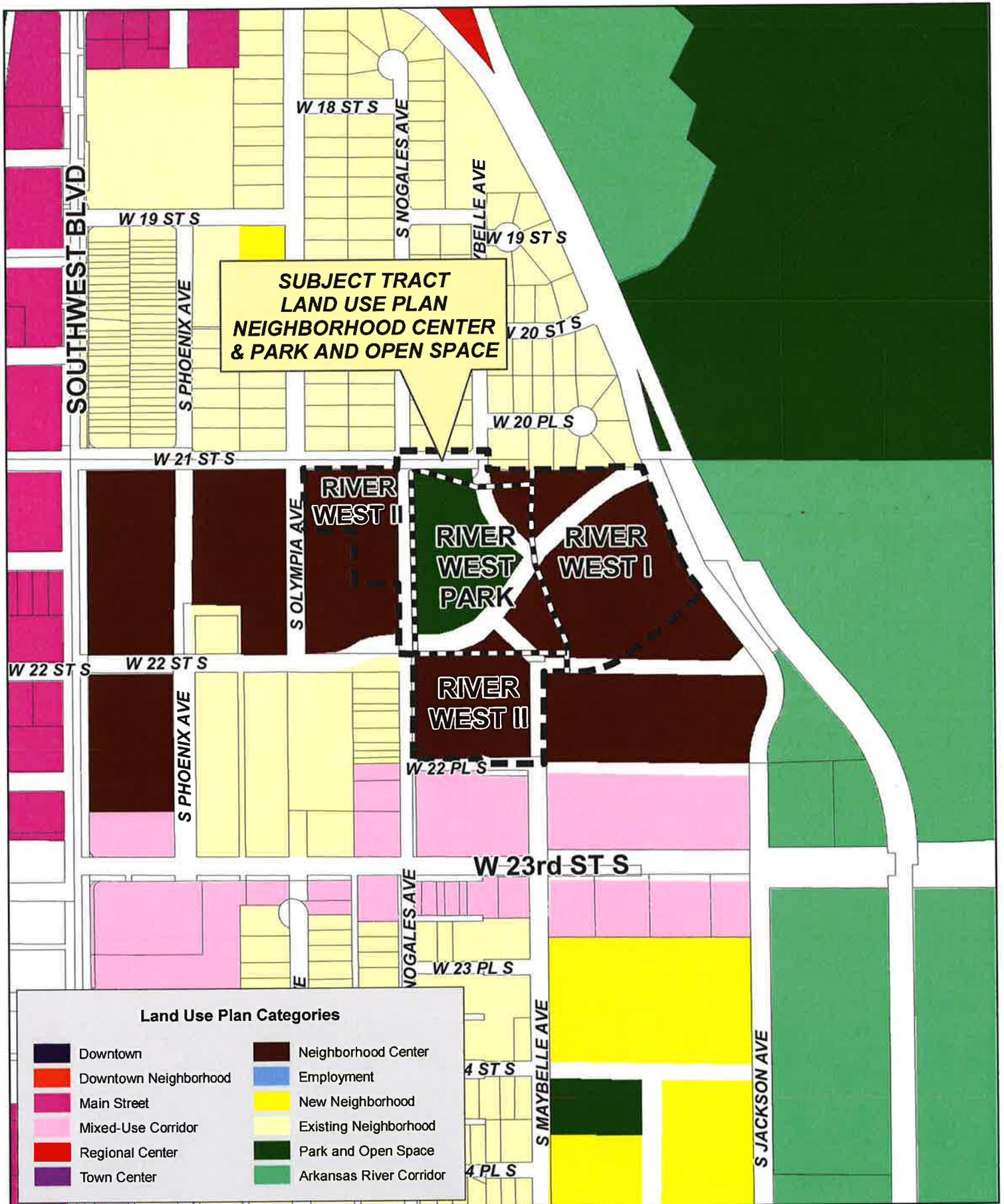
**RIVER WEST I,  
RIVER WEST PARK,  
RIVER WEST II**

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

Aerial Photo Date: February 2018



13.4



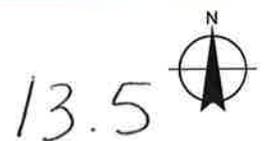
**Land Use Plan Categories**

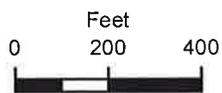
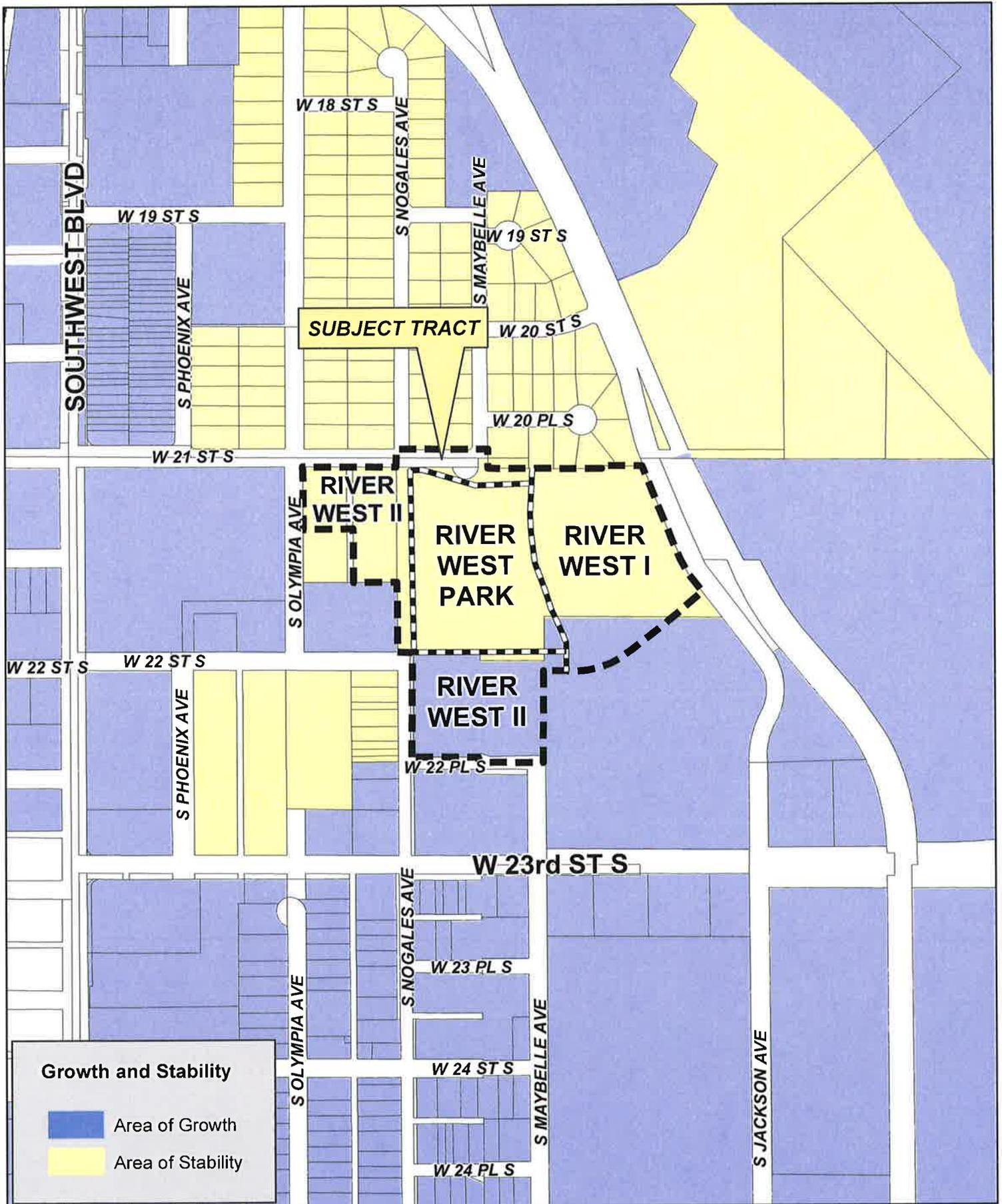
- |  |   |
|--|---|
|  Downtown              |  Neighborhood Center     |
|  Downtown Neighborhood |  Employment              |
|  Main Street           |  New Neighborhood        |
|  Mixed-Use Corridor    |  Existing Neighborhood   |
|  Regional Center       |  Park and Open Space     |
|  Town Center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



19-12 14

**RIVER WEST I,  
RIVER WEST PARK,  
RIVER WEST II**





19-12 14

**RIVER WEST I,  
RIVER WEST PARK,  
RIVER WEST II**



**LEGAL DESCRIPTION**

(RIVER WEST PHASE I - GROSS)

A TRACT OF LAND THAT IS PART OF BLOCK I AND BLOCK III OF 'RIVERVIEW PARK ADDITION', A REPLAT OF BLOCK 1 AND A PLAT OF BLOCKS 2-13, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 3128 THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE NORTHEAST CORNER OF SAID BLOCK III; THENCE S 22°11'39" E ALONG THE EASTERLY LINE OF BLOCK III AND ALONG THE EASTERLY LINE OF LOT 12 IN BLOCK 8 OF 'RIVERVIEW PARK SECOND ADDITION', A PLAT OF BLOCKS 5-12, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 3613 THEREOF FOR 26.64 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND, SAID POINT BEING THE SOUTHEAST CORNER OF SAID LOT 12; THENCE CONTINUING S 22°11'39" E ALONG THE EASTERLY LINE OF BLOCK III AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH JACKSON AVENUE FOR 212.29 FEET; THENCE S 24°02'20" E ALONG THE EASTERLY LINE OF BLOCK III AND SAID WESTERLY RIGHT-OF-WAY LINE FOR 169.37 FEET; THENCE S 38°34'14" E ALONG THE EASTERLY LINE OF BLOCK III AND SAID WESTERLY RIGHT-OF-WAY LINE FOR 78.38 FEET; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 3°34'21" AND A RADIUS OF 5000.00 FEET FOR 311.76 FEET WITH A CHORD BEARING OF S 50°03'23" W FOR A CHORD LENGTH OF 311.71 FEET TO A POINT OF COMPOUND CURVE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 37°16'47" AND A RADIUS OF 285.00 FEET FOR 185.44 FEET WITH A CHORD BEARING OF S 70°28'57" W FOR A CHORD LENGTH OF 182.18 FEET TO A POINT OF TANGENCY; THENCE S 89°07'20" W ALONG SAID TANGENCY FOR 23.28 FEET; THENCE

N 00°52'40" W FOR 78.78 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 22°28'20" AND A RADIUS OF 145.00 FEET FOR 56.87 FEET WITH A CHORD BEARING OF N 12°06'49" W FOR A CHORD LENGTH OF 56.51 FEET TO A POINT OF TANGENCY; THENCE N 23°21'00" W ALONG SAID TANGENCY FOR 132.79 FEET; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 22°28'20" AND A RADIUS OF 655.00 FEET FOR 256.90 FEET, WITH A CHORD BEARING OF N 12°06'49" W FOR A CHORD LENGTH OF 255.25 FEET TO A POINT OF TANGENCY; THENCE N 00°52'40" W ALONG SAID TANGENCY FOR 152.66 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID BLOCK 8 OF 'RIVERVIEW PARK SECOND ADDITION'; THENCE N 89°07'20" E ALONG SAID SOUTHERLY LINE FOR 233.90 FEET TO A CORNER OF LOT 13 IN SAID BLOCK 8; THENCE N 01°08'00" W FOR 10.25 FEET; THENCE N 89°07'20" E ALONG THE SOUTHERLY LINE OF BLOCK 8 FOR 123.86 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

THE ABOVE DESCRIBED LEGAL DESCRIPTION CONTAINS 252,775 SQUARE FEET OR 5.8029 ACRES.

THE BEARINGS USED IN THE ABOVE LEGAL DESCRIPTION ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83.

THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY RONNIE LEE MARTIN, OKLAHOMA LICENSED PROFESSIONAL LAND SURVEYOR NO. 1203, ON JULY 31, 2019. (CA NO. 1783)

**LEGAL DESCRIPTION**  
(RIVER WEST PARK)

A TRACT OF LAND THAT IS PART OF BLOCK I AND BLOCK III OF 'RIVERVIEW PARK ADDITION', A REPLAT OF BLOCK 1 AND A PLAT OF BLOCKS 2-13, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 3128 THEREOF AND ALSO PART OF WEST 21ST STREET, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE SOUTHEAST CORNER OF LOT 12 IN BLOCK 8 OF 'RIVERVIEW PARK SECOND ADDITION A PLAT OF BLOCKS 5-12', AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NUMBER 3613 THEREOF; THENCE S 89°07'20" W ALONG THE SOUTHERLY LINE OF SAID BLOCK 8 FOR 123.86 FEET TO A CORNER OF LOT 13 IN BLOCK 8; THENCE S 01°08'00" E ALONG AN EASTERLY LINE OF LOT 13 FOR 10.25 FEET TO A CORNER OF LOT 13; THENCE S 89°07'20" W ALONG THE SOUTHERLY LINE OF BLOCK 8 FOR 233.90 FEET; THENCE S 00°52'40" E FOR 50.00 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE S 89°07'20" W AND PARALLEL WITH THE SOUTHERLY LINE OF BLOCK 8 FOR 160.96 FEET TO A POINT OF CURVE; THENCE WESTERLY AND NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 29°17'33" AND A RADIUS OF 223.00 FEET FOR 114.01 FEET, WITH A CHORD BEARING OF N 76°13'53" W FOR A CHORD LENGTH OF 112.77 FEET TO A POINT OF REVERSE CURVE; THENCE NORTHWESTERLY AND WESTERLY ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 29°17'33" AND A RADIUS OF 168.00 FEET FOR 85.89 FEET, WITH A CHORD BEARING OF N 76°13'53" W FOR A CHORD LENGTH OF 84.96 FEET TO A POINT OF TANGENCY; THENCE S 89°07'20" W ALONG SAID TANGENCY FOR 38.96 FEET; THENCE S 01°10'00" E FOR 19.70 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE

OF 6°57'07" AND A RADIUS OF 590.00 FEET FOR 71.59 FEET, WITH A CHORD BEARING OF S 04°38'34" E FOR A CHORD LENGTH OF 71.54 FEET TO A POINT OF REVERSE CURVE; THENCE SOUTHEASTERLY AND SOUTHERLY ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 6°57'07" AND A RADIUS OF 770.00 FEET FOR 93.43 FEET, WITH A CHORD BEARING OF S 04°38'34" E FOR A CHORD LENGTH OF 93.37 FEET TO A POINT OF TANGENCY; THENCE S 01°10'00" E ALONG SAID TANGENCY AND PARALLEL WITH THE WESTERLY LINE OF SAID BLOCK III OF 'RIVERVIEW PARK ADDITION' FOR 415.68 FEET TO A POINT ON THE SOUTHERLY LINE OF BLOCK III; THENCE N 89°07'20" E ALONG SAID SOUTHERLY LINE OF BLOCK III AND IT'S EASTERLY EXTENSION FOR 489.71 FEET; THENCE N 00°52'40" W FOR 18.78 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 22°28'20" AND A RADIUS OF 145.00 FEET FOR 56.87 FEET WITH A CHORD BEARING OF N 12°06'49" W FOR A CHORD LENGTH OF 56.51 FEET TO A POINT OF TANGENCY; THENCE N 23°21'00" W ALONG SAID TANGENCY FOR 132.79 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 22°28'20" AND A RADIUS OF 655.00 FEET FOR 256.90 FEET, WITH A CHORD BEARING OF N 12°06'49" W FOR A CHORD LENGTH OF 255.25 FEET TO A POINT OF TANGENCY; THENCE N 00°52'40" W ALONG SAID TANGENCY FOR 102.66 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

THE ABOVE DESCRIBED LEGAL DESCRIPTION CONTAINS 237,097 SQUARE FEET OR 5.4430 ACRES.

THE BEARINGS USED IN THE ABOVE LEGAL DESCRIPTION ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83.

THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY RONNIE LEE MARTIN, OKLAHOMA LICENSED PROFESSIONAL LAND SURVEYOR NO. 1203, ON JULY 31, 2019. (CA NO. 1783)

**LEGAL DESCRIPTION**

(RIVER WEST PHASE II - GROSS)

A TRACT OF LAND THAT IS PART OF BLOCKS I AND III OF 'RIVERVIEW PARK ADDITION', A REPLAT OF BLOCK 1 AND A PLAT OF BLOCKS 2-13, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NUMBER 3128 THEREOF, AND ALL OF LOTS 1-15, 41-48, AND PART OF THE ALLEYWAY ALL IN BLOCK 33 'AMENDED WEST TULSA ADDITION', AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF AND ALSO PART OF WEST 21ST STREET SOUTH IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE SOUTHEAST CORNER OF LOT 12 IN BLOCK 8 OF 'RIVERVIEW PARK SECOND ADDITION A PLAT OF BLOCKS 5-12', AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NUMBER 3613 THEREOF; THENCE S 89°07'20" W ALONG THE SOUTHERLY LINE OF SAID BLOCK 8 FOR 123.86 FEET TO A CORNER OF LOT 13 IN BLOCK 8; THENCE S 01°08'00" E ALONG AN EASTERLY LINE OF LOT 13 FOR 10.25 FEET TO A CORNER OF LOT 13; THENCE S 89°07'20" W ALONG THE SOUTHERLY LINE OF BLOCK 8 FOR 233.90 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE S 00°52'40" E FOR 50.00 FEET; THENCE S 89°07'20" W AND PARALLEL WITH THE SOUTHERLY LINE OF BLOCK 8 FOR 160.96 FEET TO A POINT OF CURVE; THENCE WESTERLY AND NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 29°17'33" AND A RADIUS OF 223.00 FEET FOR 114.01 FEET, WITH A CHORD BEARING OF N 76°13'53" W FOR A CHORD LENGTH OF 112.77 FEET TO A POINT OF REVERSE CURVE; THENCE NORTHWESTERLY AND WESTERLY ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 29°17'33" AND A RADIUS OF 168.00 FEET FOR 85.89 FEET, WITH A CHORD BEARING OF

N 76°13'53" W FOR A CHORD LENGTH OF 84.96 FEET TO A POINT OF TANGENCY; THENCE S 89°07'20" W ALONG SAID TANGENCY FOR 38.96 FEET; THENCE S 01°10'00" E FOR 19.70 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 6°57'07" AND A RADIUS OF 590.00 FEET FOR 71.59 FEET, WITH A CHORD BEARING OF S 04°38'34" E FOR A CHORD LENGTH OF 71.54 FEET TO A POINT OF REVERSE CURVE; THENCE SOUTHEASTERLY AND SOUTHERLY ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 6°57'07" AND A RADIUS OF 770.00 FEET FOR 93.43 FEET, WITH A CHORD BEARING OF S 04°38'34" E FOR A CHORD LENGTH OF 93.37 FEET TO A POINT OF TANGENCY; THENCE S 01°10'00" E ALONG SAID TANGENCY AND PARALLEL WITH THE WESTERLY LINE OF SAID BLOCK III OF 'RIVERVIEW PARK ADDITION' FOR 415.68 FEET TO A POINT ON THE NORTHERLY LINE OF SAID BLOCK I; THENCE N 89°07'20" E ALONG SAID NORTHERLY LINE OF BLOCK I AND THE EASTERLY EXTENSION THEREOF FOR 489.71 FEET; THENCE S 00°52'40" E FOR 60.00 FEET; THENCE S 89°07'20" W FOR 74.40 FEET; THENCE S 00°52'53" E FOR 298.21 FEET; THENCE S 89°07'13" W ALONG A SOUTHERLY LINE OF BLOCK I FOR 180.72 FEET; THENCE N 74°10'30" W ALONG THE SOUTHERLY LINE FOR 31.27 FEET; THENCE N 00°53'27" W ALONG THE SOUTHERLY LINE FOR 8.75 FEET; THENCE S 89°07'12" W ALONG THE SOUTHERLY LINE FOR 214.63 FEET TO A CORNER OF BLOCK I; THENCE N 00°52'53" W ALONG THE WESTERLY LINE OF BLOCK I FOR 340.43 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID BLOCK III, SAID POINT ALSO BEING THE NORTHWEST CORNER OF BLOCK I; THENCE S 89°07'20" W ALONG SAID SOUTHERLY LINE FOR 50.00 FEET TO A POINT THAT IS THE SOUTHEAST CORNER OF LOT 24, BLOCK 33 OF SAID AMENDED WEST TULSA ADDITION, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF BLOCK III; THENCE N 01°10'00" W ALONG THE EASTERLY LINE OF BLOCK 33 AND THE WESTERLY LINE OF BLOCK III FOR 225.00 FEET TO A POINT THAT IS THE SOUTHEAST CORNER OF LOT 15 IN SAID BLOCK 33; THENCE S 89°07'20" W ALONG

13.12

THE SOUTHERLY OF SAID LOT 15 FOR 140.00 FEET TO THE SOUTHWEST CORNER OF LOT 15; THENCE N 01°10'00" W ALONG THE EASTERLY LINE OF THE ALLEYWAY IN BLOCK 33 AND THE WESTERLY LINE OF LOTS 15-9 OF BLOCK 33 FOR 175.00 FEET TO A POINT THAT IS THE SOUTHWEST CORNER OF LOT 8 IN BLOCK 33; THENCE S 89°07'20" W FOR 20.00 FEET TO A POINT THAT IS THE SOUTHEAST CORNER OF LOT 41 IN BLOCK 33; THENCE CONTINUING S 89°07'20" W ALONG THE SOUTHERLY LINE OF LOT 41 FOR 140.00 FEET TO THE SOUTHWEST CORNER OF LOT 41; THENCE N 01°10'00" W ALONG THE WESTERLY LINES OF LOTS 41-48 IN BLOCK 33 FOR 200.00 FEET TO A POINT THAT IS THE NORTHWEST CORNER OF BLOCK 33; THENCE N 89°07'20" E ALONG SAID NORTHERLY LINE FOR 290.00 FEET; THENCE N 01°10'00" W FOR 60.57 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 21ST STREET SOUTH; THENCE N 88°50'33" E ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 300.03 FEET TO A POINT ON THE WESTERLY LINE OF LOT 16 IN BLOCK 8 OF SAID 'RIVERVIEW PARK SECOND ADDITION'; THENCE S 01°08'00" E ALONG SAID WESTERLY LINE FOR 62.03 FEET TO A POINT THAT IS THE SOUTHWEST CORNER OF LOT 16; THENCE N 89°07'20" E ALONG THE SOUTHERLY LINE OF BLOCK 8 FOR 151.23 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

THE ABOVE DESCRIBED LEGAL DESCRIPTION CONTAINS 303,844 SQUARE FEET OR 6.9753 ACRES.

THE BEARINGS USED IN THE ABOVE LEGAL DESCRIPTION ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83.

THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY RONNIE LEE MARTIN, OKLAHOMA LICENSED PROFESSIONAL LAND SURVEYOR NO. 1203, ON AUGUST 1, 2018. (CA NO. 1783)

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TREASURER'S STAMP  
DO NOT USE THIS SPACE

COUNTY CLERK STAMP  
DO NOT USE THIS SPACE

FINAL PLAT	
ENDORSEMENT OF APPROVAL	
Tulsa Metropolitan Area Planning Commission	Approved Date:
TULSA COUNTY	Approved Date:
CITY ENGINEER	Approved Date:
City of Tulsa, Oklahoma	Approved Date:
CIVIL ENGINEER	Approved Date:
Surveyor	Approved Date:
ATTORNEY AT LAW	Approved Date:

**Basis of Bearings**

THE BEARINGS SHOWN HEREON ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83.

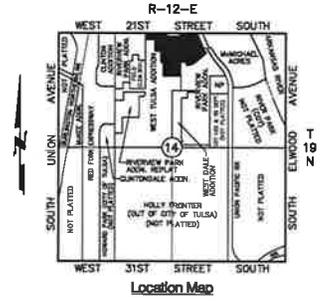
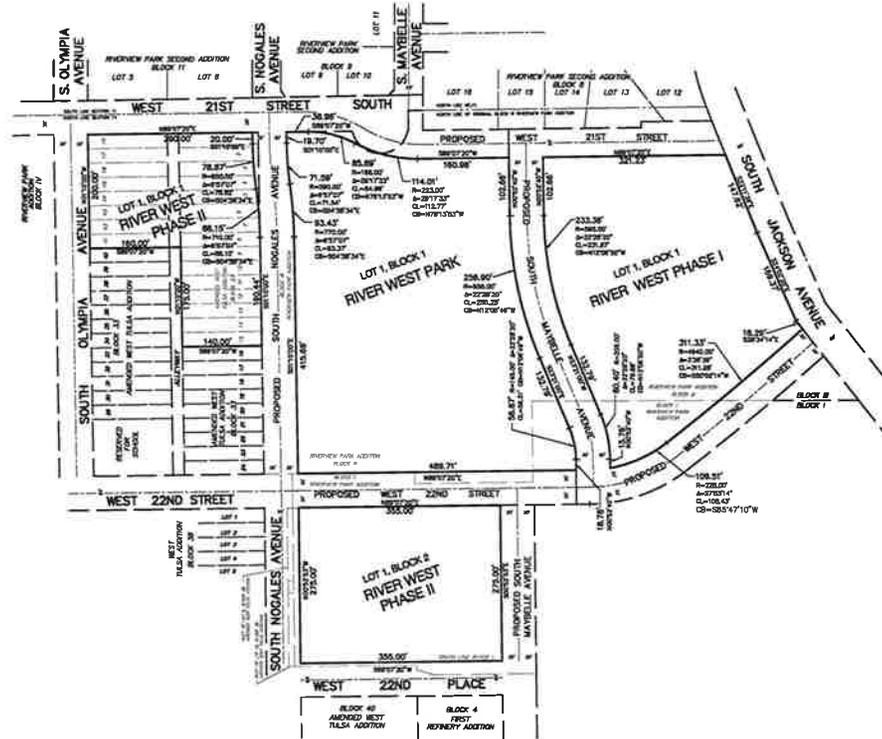
**Monumentation**

ALL CORNERS TO BE SET USING A 3/8"x18" IRON PIN WITH A YELLOW CAP STAMPED "SACK LS 1130" OR "SACK CA 1783".

# 'PRELIMINARY PLAT'

## River West Phase I · River West Park · River West Phase II

A RE-SUBDIVISION OF PART OF BLOCK I AND BLOCK II  
OF  
'RIVERVIEW PARK ADDITION'  
AND  
ALL OF LOTS 1-15 AND 41-48 IN BLOCK 33  
OF  
'AMENDED WEST TULSA ADDITION'  
AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA  
IN THE  
N/2 OF SECTION 14, T-19-N, R-12-E



**Owner**  
HOUSING AUTHORITY OF THE CITY OF TULSA  
415 WEST INDEPENDENCE  
TULSA, OKLAHOMA 74120  
PHONE: (918) 581-5722

**City of Tulsa**  
C/O, OFFICE OF THE MAYOR  
175 EAST 2ND STREET, SUITE 1500  
TULSA, OKLAHOMA 74103

**Surveyor**  
SACK AND ASSOCIATES, INC.  
3430 EAST 31ST STREET SOUTH, SUITE A  
TULSA, OKLAHOMA 74135-1818  
PHONE: (918) 562-4111  
E-MAIL: SACKANDASSOCIATES.COM  
C.A. No. 1763 (EXP. JUNE 30, 2021)

**Engineer**  
WALLACE ENGINEERING  
STRUCTURAL CONSULTANTS, INC.  
ATTN: JORDAN ROSE, P.E., CEM  
123 N. MARTIN LUTHER KING JR. BOULEVARD  
TULSA, OKLAHOMA 74103  
PHONE: (918) 584-9058  
E-MAIL: JROSCHE@WALLACECS.COM  
C.A. No. 1480 (EXP. JUNE 30, 2021)

**Subdivision Statistics**

RIVER WEST PHASE I CONTAINS  
1 LOT IN 1 BLOCK  
BLOCK 1 CONTAINS 3.8758 ACRES  
(169,822 S.F.)

RIVER WEST PARK CONTAINS  
1 LOT IN 1 BLOCK  
BLOCK 1 CONTAINS 5.4430 ACRES  
(237,086 S.F.)

RIVER WEST PHASE II CONTAINS  
2 LOTS IN 2 BLOCKS  
BLOCK 1 CONTAINS 1.9187 ACRES  
(83,849 S.F.)  
BLOCK 2 CONTAINS 2.2612 ACRES  
(97,828 S.F.)

**Surveyor Note**  
THE LAST SITE VISIT WAS MADE ON  
JULY 25, 2019.

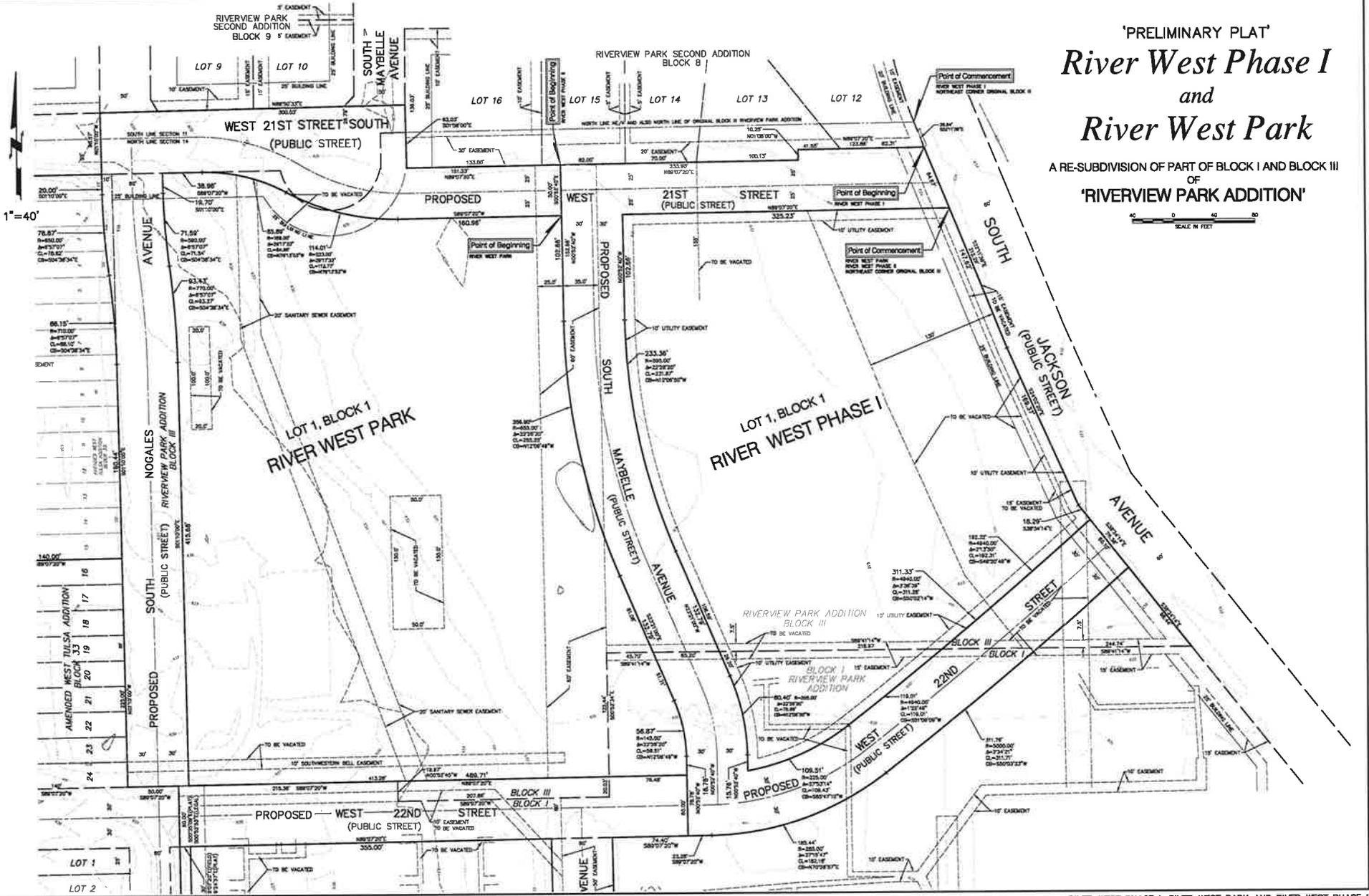
**Addresseees**  
ADDRESSES SHOWN ON THIS PLAT ARE  
ACCURATE AT THE TIME THE PLAT  
WAS FILED. ADDRESSES ARE SUBJECT  
TO CHANGE AND SHOULD NEVER BE  
RELIED ON IN PLACE OF THE LEGAL  
DESCRIPTION.

Revised: AUGUST 14, 2019

Prepared: AUGUST 1, 2019 'PRELIMINARY PLAT'

13.14

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'PRELIMINARY PLAT'  
*River West Phase I*  
 and  
*River West Park*  
 A RE-SUBDIVISION OF PART OF BLOCK I AND BLOCK III  
 OF  
 'RIVERVIEW PARK ADDITION'



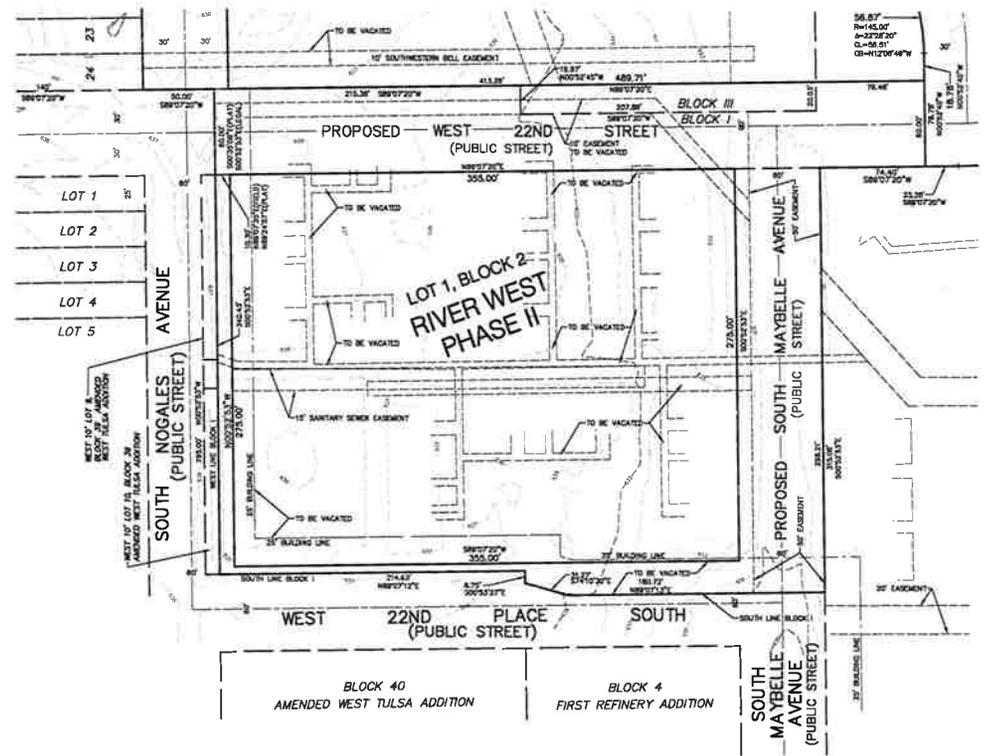
1"=40'

13.15



'PRELIMINARY PLAT'  
*River West Phase II*

A RE-SUBDIVISION OF PART OF BLOCK I AND BLOCK III  
OF  
'RIVERVIEW PARK ADDITION'  
AND  
ALL OF LOTS 1-15 AND 41-46 IN BLOCK 33  
OF  
'AMENDED WEST TULSA ADDITION'



13.14



# RIVER WEST PHASE I-RIVER WEST PARK- RIVER WEST PHASE II

## Deed of Dedication and Restrictive Covenants

KNOW ALL MEN BY THESE PRESENTS:

THAT THE HOUSING AUTHORITY OF THE CITY OF TULSA IS A QUASI-GOVERNMENTAL, PUBLIC BODY, CORPORATE AND POLITIC, EXERCISING EXCLUSIVELY PUBLIC AND ESSENTIAL GOVERNMENT FUNCTIONS, HEREINAFTER REFERRED TO AS THE "OWNER", IS THE OWNER OF THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

### RIVER WEST PHASE I

A TRACT OF LAND THAT IS PART OF BLOCK I AND BLOCK III OF 'RIVERVIEW PARK ADDITION', A REPLAT OF BLOCK 1 AND A PLAT OF BLOCKS 2-13, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 3128 THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE NORTHEAST CORNER OF SAID BLOCK III; THENCE S 22°11'39" E ALONG THE EASTERLY LINE OF BLOCK III AND ALONG THE EASTERLY LINE OF LOT 12 IN BLOCK 8 OF 'RIVERVIEW PARK SECOND ADDITION', A PLAT OF BLOCKS 5-12, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 3613 THEREOF FOR 26.64 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND, SAID POINT BEING THE SOUTHEAST CORNER OF SAID LOT 12; THENCE CONTINUING S 22°11'39" E ALONG THE EASTERLY LINE OF BLOCK III AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH JACKSON AVENUE FOR 212.29 FEET; THENCE S 24°02'20" E ALONG THE EASTERLY LINE OF BLOCK III AND SAID WESTERLY RIGHT-OF-WAY LINE FOR 169.37 FEET; THENCE S 38°34'14" E ALONG THE EASTERLY LINE OF BLOCK III AND SAID WESTERLY RIGHT-OF-WAY LINE FOR 78.38 FEET; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 3°34'21" AND A RADIUS OF 5000.00 FEET FOR 311.76 FEET WITH A CHORD BEARING OF S 50°03'23" W FOR A CHORD LENGTH OF 311.71 FEET TO A POINT OF COMPOUND CURVE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 37°16'47" AND A RADIUS OF 285.00 FEET FOR 185.44 FEET WITH A CHORD BEARING OF S 70°28'57" W FOR A CHORD LENGTH OF 182.18 FEET TO A POINT OF TANGENCY; THENCE S 89°07'20" W ALONG SAID TANGENCY FOR 23.28 FEET; THENCE N 00°52'40" W FOR 78.78 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG A

CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 22°28'20" AND A RADIUS OF 145.00 FEET FOR 56.87 FEET WITH A CHORD BEARING OF N 12°06'49" W FOR A CHORD LENGTH OF 56.51 FEET TO A POINT OF TANGENCY; THENCE N 23°21'00" W ALONG SAID TANGENCY FOR 132.79 FEET; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 22°28'20" AND A RADIUS OF 655.00 FEET FOR 256.90 FEET, WITH A CHORD BEARING OF N 12°06'49" W FOR A CHORD LENGTH OF 255.25 FEET TO A POINT OF TANGENCY; THENCE N 00°52'40" W ALONG SAID TANGENCY FOR 152.66 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID BLOCK 8 OF 'RIVERVIEW PARK SECOND ADDITION'; THENCE N 89°07'20" E ALONG SAID SOUTHERLY LINE FOR 233.90 FEET TO A CORNER OF LOT 13 IN SAID BLOCK 8; THENCE N 01°08'00" W FOR 10.25 FEET; THENCE N 89°07'20" E ALONG THE SOUTHERLY LINE OF BLOCK 8 FOR 123.86 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

#### **RIVER WEST PHASE II**

A TRACT OF LAND THAT IS PART OF BLOCKS I AND III OF 'RIVERVIEW PARK ADDITION', A REPLAT OF BLOCK 1 AND A PLAT OF BLOCKS 2-13, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NUMBER 3128 THEREOF, AND ALL OF LOTS 1-15, 41-48, AND PART OF THE ALLEYWAY ALL IN BLOCK 33 'AMENDED WEST TULSA ADDITION', AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF AND ALSO PART OF WEST 21ST STREET SOUTH IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE SOUTHEAST CORNER OF LOT 12 IN BLOCK 8 OF 'RIVERVIEW PARK SECOND ADDITION A PLAT OF BLOCKS 5-12', AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NUMBER 3613 THEREOF; THENCE S 89°07'20" W ALONG THE SOUTHERLY LINE OF SAID BLOCK 8 FOR 123.86 FEET TO A CORNER OF LOT 13 IN BLOCK 8; THENCE S 01°08'00" E ALONG AN EASTERLY LINE OF LOT 13 FOR 10.25 FEET TO A CORNER OF LOT 13; THENCE S 89°07'20" W ALONG THE SOUTHERLY LINE OF BLOCK 8 FOR 233.90 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE S 00°52'40" E FOR 50.00 FEET; THENCE S 89°07'20" W AND PARALLEL WITH THE SOUTHERLY LINE OF BLOCK 8 FOR 160.96 FEET TO A POINT OF CURVE; THENCE WESTERLY AND NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 29°17'33" AND A RADIUS OF 223.00 FEET FOR 114.01 FEET, WITH A CHORD BEARING OF N 76°13'53" W FOR A CHORD LENGTH OF 112.77 FEET TO A POINT OF REVERSE CURVE; THENCE NORTHWESTERLY AND WESTERLY ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 29°17'33" AND A RADIUS

OF 168.00 FEET FOR 85.89 FEET, WITH A CHORD BEARING OF N 76°13'53" W FOR A CHORD LENGTH OF 84.96 FEET TO A POINT OF TANGENCY; THENCE S 89°07'20" W ALONG SAID TANGENCY FOR 38.96 FEET; THENCE S 01°10'00" E FOR 19.70 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 6°57'07" AND A RADIUS OF 590.00 FEET FOR 71.59 FEET, WITH A CHORD BEARING OF S 04°38'34" E FOR A CHORD LENGTH OF 71.54 FEET TO A POINT OF REVERSE CURVE; THENCE SOUTHEASTERLY AND SOUTHERLY ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 6°57'07" AND A RADIUS OF 770.00 FEET FOR 93.43 FEET, WITH A CHORD BEARING OF S 04°38'34" E FOR A CHORD LENGTH OF 93.37 FEET TO A POINT OF TANGENCY; THENCE S 01°10'00" E ALONG SAID TANGENCY AND PARALLEL WITH THE WESTERLY LINE OF SAID BLOCK III OF 'RIVERVIEW PARK ADDITION' FOR 415.68 FEET TO A POINT ON THE NORTHERLY LINE OF SAID BLOCK I; THENCE N 89°07'20" E ALONG SAID NORTHERLY LINE OF BLOCK I AND THE EASTERLY EXTENSION THEREOF FOR 489.71 FEET; THENCE S 00°52'40" E FOR 60.00 FEET; THENCE S 89°07'20" W FOR 74.40 FEET; THENCE S 00°52'53" E FOR 298.21 FEET; THENCE S 89°07'13" W ALONG A SOUTHERLY LINE OF BLOCK I FOR 180.72 FEET; THENCE N 74°10'30" W ALONG THE SOUTHERLY LINE FOR 31.27 FEET; THENCE N 00°53'27" W ALONG THE SOUTHERLY LINE FOR 8.75 FEET; THENCE S 89°07'12" W ALONG THE SOUTHERLY LINE FOR 214.63 FEET TO A CORNER OF BLOCK I; THENCE N 00°52'53" W ALONG THE WESTERLY LINE OF BLOCK I FOR 340.43 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID BLOCK III, SAID POINT ALSO BEING THE NORTHWEST CORNER OF BLOCK I; THENCE S 89°07'20" W ALONG SAID SOUTHERLY LINE FOR 50.00 FEET TO A POINT THAT IS THE SOUTHEAST CORNER OF LOT 24, BLOCK 33 OF SAID AMENDED WEST TULSA ADDITION, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF BLOCK III; THENCE N 01°10'00" W ALONG THE EASTERLY LINE OF BLOCK 33 AND THE WESTERLY LINE OF BLOCK III FOR 225.00 FEET TO A POINT THAT IS THE SOUTHEAST CORNER OF LOT 15 IN SAID BLOCK 33; THENCE S 89°07'20" W ALONG THE SOUTHERLY OF SAID LOT 15 FOR 140.00 FEET TO THE SOUTHWEST CORNER OF LOT 15; THENCE N 01°10'00" W ALONG THE EASTERLY LINE OF THE ALLEYWAY IN BLOCK 33 AND THE WESTERLY LINE OF LOTS 15-9 OF BLOCK 33 FOR 175.00 FEET TO A POINT THAT IS THE SOUTHWEST CORNER OF LOT 8 IN BLOCK 33; THENCE S 89°07'20" W FOR 20.00 FEET TO A POINT THAT IS THE SOUTHEAST CORNER OF LOT 41 IN BLOCK 33; THENCE CONTINUING S 89°07'20" W ALONG THE SOUTHERLY LINE OF LOT 41 FOR 140.00 FEET TO THE SOUTHWEST CORNER OF LOT 41; THENCE N 01°10'00" W ALONG THE WESTERLY LINES OF LOTS 41-48 IN BLOCK 33 FOR 200.00 FEET TO A POINT THAT IS THE NORTHWEST CORNER OF BLOCK 33; THENCE N 89°07'20" E ALONG SAID NORTHERLY LINE FOR 290.00 FEET; THENCE N 01°10'00" W FOR 60.57 FEET TO A POINT ON THE

NORTHERLY RIGHT-OF-WAY LINE OF WEST 21ST STREET SOUTH; THENCE N 88°50'33" E ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 300.03 FEET TO A POINT ON THE WESTERLY LINE OF LOT 16 IN BLOCK 8 OF SAID 'RIVERVIEW PARK SECOND ADDITION'; THENCE S 01°08'00" E ALONG SAID WESTERLY LINE FOR 62.03 FEET TO A POINT THAT IS THE SOUTHWEST CORNER OF LOT 16; THENCE N 89°07'20" E ALONG THE SOUTHERLY LINE OF BLOCK 8 FOR 151.23 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

AND, THAT THE CITY OF TULSA, OKLAHOMA, A MUNICIPAL CORPORATION, HEREINAFTER REFERRED TO AS THE "OWNER", IS THE OWNER OF THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

**RIVER WEST PARK**

A TRACT OF LAND THAT IS PART OF BLOCK I AND BLOCK III OF 'RIVERVIEW PARK ADDITION', A REPLAT OF BLOCK 1 AND A PLAT OF BLOCKS 2-13, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 3128 THEREOF AND ALSO PART OF WEST 21ST STREET, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE SOUTHEAST CORNER OF LOT 12 IN BLOCK 8 OF 'RIVERVIEW PARK SECOND ADDITION A PLAT OF BLOCKS 5-12', AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NUMBER 3613 THEREOF; THENCE S 89°07'20" W ALONG THE SOUTHERLY LINE OF SAID BLOCK 8 FOR 123.86 FEET TO A CORNER OF LOT 13 IN BLOCK 8; THENCE S 01°08'00" E ALONG AN EASTERLY LINE OF LOT 13 FOR 10.25 FEET TO A CORNER OF LOT 13; THENCE S 89°07'20" W ALONG THE SOUTHERLY LINE OF BLOCK 8 FOR 233.90 FEET; THENCE S 00°52'40" E FOR 50.00 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE S 89°07'20" W AND PARALLEL WITH THE SOUTHERLY LINE OF BLOCK 8 FOR 160.96 FEET TO A POINT OF CURVE; THENCE WESTERLY AND NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 29°17'33" AND A RADIUS OF 223.00 FEET FOR 114.01 FEET, WITH A CHORD BEARING OF N 76°13'53" W FOR A CHORD LENGTH OF 112.77 FEET TO A POINT OF REVERSE CURVE; THENCE NORTHWESTERLY AND WESTERLY ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 29°17'33" AND A RADIUS OF 168.00 FEET FOR 85.89 FEET, WITH A CHORD BEARING OF N 76°13'53" W FOR A CHORD LENGTH OF 84.96 FEET TO A POINT OF TANGENCY; THENCE S 89°07'20" W ALONG SAID TANGENCY FOR 38.96 FEET; THENCE S 01°10'00" E FOR 19.70 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 6°57'07" AND A RADIUS OF

590.00 FEET FOR 71.59 FEET, WITH A CHORD BEARING OF S 04°38'34" E FOR A CHORD LENGTH OF 71.54 FEET TO A POINT OF REVERSE CURVE; THENCE SOUTHEASTERLY AND SOUTHERLY ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 6°57'07" AND A RADIUS OF 770.00 FEET FOR 93.43 FEET, WITH A CHORD BEARING OF S 04°38'34" E FOR A CHORD LENGTH OF 93.37 FEET TO A POINT OF TANGENCY; THENCE S 01°10'00" E ALONG SAID TANGENCY AND PARALLEL WITH THE WESTERLY LINE OF SAID BLOCK III OF 'RIVERVIEW PARK ADDITION' FOR 415.68 FEET TO A POINT ON THE SOUTHERLY LINE OF BLOCK III; THENCE N 89°07'20" E ALONG SAID SOUTHERLY LINE OF BLOCK III AND IT'S EASTERLY EXTENSION FOR 489.71 FEET; THENCE N 00°52'40" W FOR 18.78 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 22°28'20" AND A RADIUS OF 145.00 FEET FOR 56.87 FEET WITH A CHORD BEARING OF N 12°06'49" W FOR A CHORD LENGTH OF 56.51 FEET TO A POINT OF TANGENCY; THENCE N 23°21'00" W ALONG SAID TANGENCY FOR 132.79 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 22°28'20" AND A RADIUS OF 655.00 FEET FOR 256.90 FEET, WITH A CHORD BEARING OF N 12°06'49" W FOR A CHORD LENGTH OF 255.25 FEET TO A POINT OF TANGENCY; THENCE N 00°52'40" W ALONG SAID TANGENCY FOR 102.66 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

THE OWNER HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO FOUR LOTS, IN FOUR BLOCKS, IN CONFORMITY WITH THE ACCOMPANYING PLAT AND HAS DESIGNATED THE SUBDIVISION AS "RIVER WEST PHASE I-RIVER WEST PARK-RIVER WEST PHASE II", HEREINAFTER REFERRED TO AS THE "SUBDIVISION" OR "RIVER WEST PHASE I-RIVER WEST PARK-RIVER WEST PHASE II", A SUBDIVISION IN THE CITY OF TULSA, STATE OF OKLAHOMA.

#### SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

##### A. PUBLIC STREETS AND UTILITY EASEMENTS

THE OWNER HEREBY DEDICATES TO THE PUBLIC, THOSE PORTIONS OF STREET RIGHTS-OF-WAY OF SOUTH MAYBELLE AVENUE, SOUTH NOGALES AVENUE, WEST 21ST STREET AND WEST 22ND STREET SOUTH AND WEST 22ND PLACE SOUTH, AS DEPICTED ON THE ACCOMPANYING PLAT AND FURTHER DEDICATES TO THE PUBLIC THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "U/E" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE

TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS, MANHOLES AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES STATED, PROVIDED THE OWNER RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND REPAIR OR REPLACE WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING, REPAIRING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO AREAS DEPICTED ON THE PLAT. THE OWNER HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH STATED USES AND PURPOSES OF THE UTILITY EASEMENTS SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES WHICH DO NOT CONSTITUTE AN OBSTRUCTION.

B. UTILITY SERVICE

1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED ALONG THE SOUTH JACKSON AVENUE BOUNDARY OF THE SUBDIVISION AS NECESSARY IF LOCATED IN THE PSO EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINE OR UNDERGROUND CABLE, AND ELSEWHERE THROUGHOUT THE SUBDIVISION, ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN GENERAL UTILITY EASEMENTS.
2. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WITHIN THE SUBDIVISION MAY BE EXTENDED FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE UPON THE LOT, PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND NON-EXCLUSIVE EASEMENT ON THE LOT, COVERING

A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE EXTENDING FROM THE GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.

3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICE, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.
4. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON THE OWNER'S LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. EACH SUPPLIER OF THESE SERVICES SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER OR THE LOT OWNER'S AGENTS OR CONTRACTORS.
5. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY EACH SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND BY THESE COVENANTS.

C. WATER, SANITARY SEWER, AND STORM SEWER SERVICE

1. THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS LOCATED ON THE OWNER'S LOT.
2. WITHIN UTILITY EASEMENTS, SANITARY SEWER, AND STORM SEWER EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN, OR STORM SEWER OR ANY CONSTRUCTION ACTIVITY WHICH, IN THE JUDGMENT OF THE CITY OF TULSA, WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS SHALL BE PROHIBITED.
3. THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER SYSTEMS, SANITARY SEWER MAINS, AND STORM SEWERS BUT THE

LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER, OR THE LOT OWNER'S AGENTS AND/OR CONTRACTORS.

4. THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS, SANITARY SEWER, AND STORM SEWER EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER, OR STORM SEWER FACILITIES.
5. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND BY THESE COVENANTS.

D. GAS SERVICE

1. THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON THE PLAT OR AS OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, REMOVING, REPAIRING, OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.
2. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED WITHIN THE LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY OTHER CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH GAS SERVICE. THE SUPPLIER OF GAS SERVICE SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF ITS FACILITIES, BUT THE LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER, OR THE LOT OWNER'S AGENTS OR CONTRACTORS.
3. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND BY THESE COVENANTS.

E. SURFACE DRAINAGE

EACH LOT SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION. NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS THE LOT. THE FOREGOING COVENANTS SET FORTH IN THIS

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SUBSECTION SHALL BE ENFORCEABLE BY ANY AFFECTED OWNER AND BY CITY OF TULSA, OKLAHOMA.

F. SIDEWALKS

SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED BY THE OWNER ALONG STREETS DESIGNATED BY AND IN ACCORDANCE WITH THE TULSA METROPOLITAN AREA SUBDIVISION AND DEVELOPMENT REGULATIONS. SIDEWALKS SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE STANDARDS OF THE CITY OF TULSA, OKLAHOMA. SIDEWALKS SHALL BE CONSTRUCTED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY BUILDING WITHIN THE SUBDIVISION.

G. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF THE PROPERTY AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY NECESSARY INSTALLATION OR MAINTENANCE OF UNDERGROUND WATER, SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION OR ELECTRIC FACILITIES WITHIN THE EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THE CITY OF TULSA OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

H. CERTIFICATE OF OCCUPANCY

NO CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN THE SUBDIVISION SHALL BE ISSUED BY THE CITY OF TULSA, OKLAHOMA UNTIL CONSTRUCTION OF THE REQUIRED INFRASTRUCTURE (STREETS, WATER, SANITARY SEWER, STORM SEWER SYSTEMS AND SIDEWALKS) SERVING THE ENTIRE SUBDIVISION HAS BEEN COMPLETED AND ACCEPTED BY THE CITY. NOTWITHSTANDING THE FOREGOING, THE CITY MAY AUTHORIZE THE ISSUANCE OF A TEMPORARY CERTIFICATE OF OCCUPANCY IF, IN THE CITY'S SOLE DISCRETION, THE CIRCUMSTANCES SUPPORT THE ISSUANCE. FURTHER NOTWITHSTANDING THE FOREGOING, THE CITY MAY AUTHORIZE THE PHASING OF THE CONSTRUCTION OF INFRASTRUCTURE WITHIN THE SUBDIVISION, AND IF PHASING IS AUTHORIZED, A CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN AN AUTHORIZED PHASE MAY ISSUE UPON THE COMPLETION AND ACCEPTANCE OF THE INFRASTRUCTURE SERVING THE PARTICULAR PHASE. BUILDING CONSTRUCTION OCCURRING PRIOR TO THE CITY'S ACCEPTANCE OF THE INFRASTRUCTURE SHALL BE AT THE RISK OF THE OWNER OF THE LOT, NOTWITHSTANDING THE ISSUANCE OF A BUILDING PERMIT OR OF A TEMPORARY CERTIFICATE OF OCCUPANCY.

I. SANITARY SEWER EASEMENTS

THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC PERPETUAL EASEMENTS ON, OVER, AND ACROSS THOSE AREAS DEPICTED ON THE ACCOMPANYING PLAT AS "SANITARY SEWER EASEMENT" FOR THE

PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING SANITARY SEWER LINES TOGETHER WITH ALL FITTINGS INCLUDING THE PIPES, MANHOLES, LAMPHOLES AND EQUIPMENT AND OTHER APPURTENANCES THERETO TOGETHER WITH RIGHTS OF INGRESS AND EGRESS TO AND UPON THE EASEMENTS FOR THE USES AND PURPOSES STATED.

J. STORM SEWER EASEMENTS

THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC PERPETUAL EASEMENTS ON, OVER, AND ACROSS THOSE AREAS DEPICTED ON THE ACCOMPANYING PLAT AS "STORM SEWER EASEMENT" FOR THE PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING STORM SEWERS, TOGETHER WITH ALL FITTINGS INCLUDING THE PIPES, MANHOLES, AND EQUIPMENT AND OTHER APPURTENANCES THERETO, TOGETHER WITH RIGHTS OF INGRESS AND EGRESS TO AND UPON THE EASEMENTS FOR THE USES AND PURPOSES STATED.

SECTION II. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS GRANTEEES, SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I, PUBLIC STREETS, EASEMENTS AND UTILITIES, ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO AND WHETHER OR NOT THEREIN SO STATED THE COVENANTS WITHIN SECTION I SHALL INURE TO THE BENEFIT OF AND BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA. IF THE UNDERSIGNED OWNER, OR ITS GRANTEEES, SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION I, THE SUPPLIER OF UTILITY SERVICE OR CITY OF TULSA, OKLAHOMA MAY BRING AN ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT OR TO RECOVER DAMAGES. IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED WITHIN THIS DEED OF DEDICATION, THE DEFENSE THAT THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW IS HEREBY WAIVED.

B. DURATION

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

C. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I, PUBLIC STREETS, EASEMENTS AND UTILITIES, MAY BE AMENDED OR TERMINATED AT ANY TIME BY WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSORS AND CITY OF TULSA, OKLAHOMA. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING THE RESTRICTIONS OR COVENANTS SHALL BE EFFECTIVE UPON AND AFTER THE INSTRUMENT IS RECORDED IN THE OFFICE OF THE TULSA COUNTY CLERK.

D. SEVERABILITY

INVALIDATION OF ANY RESTRICTION SET FORTH HEREIN, OR ANY PART THEREOF, BY AN ORDER, JUDGMENT, OR DECREE OF ANY COURT, OR OTHERWISE, SHALL NOT INVALIDATE OR AFFECT ANY OF THE OTHER RESTRICTIONS OF ANY PART HEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, THE HOUSING AUTHORITY OF THE CITY OF TULSA, AND THE CITY OF TULSA HAS EXECUTED THIS INSTRUMENT THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

THE HOUSING AUTHORITY OF THE  
CITY OF TULSA

BY: \_\_\_\_\_  
AARON DARDEN, PRESIDENT & CEO

CITY OF TULSA, OKLAHOMA

BY: \_\_\_\_\_  
G. T. BYNUM, MAYOR

STATE OF OKLAHOMA    )  
                                  ) SS.  
COUNTY OF TULSA    )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019, BY AARON DARDEN, AS PRESIDENT & CEO OF THE HOUSING AUTHORITY OF THE CITY OF TULSA.

13.28

MY COMMISSION EXPIRES \_\_\_\_\_  
COMMISSION NO. \_\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_

STATE OF OKLAHOMA     )  
                                  ) SS.  
COUNTY OF TULSA     )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019, BY G. T. BYNUM, AS MAYOR OF THE CITY OF TULSA.

MY COMMISSION EXPIRES \_\_\_\_\_  
COMMISSION NO. \_\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_

CERTIFICATE OF SURVEY

I, THEODORE A. SACK, OF SACK AND ASSOCIATES, INC., A LICENSED PROFESSIONAL LAND SURVEYOR, IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "RIVER WEST PHASE I-RIVER WEST PARK-RIVER WEST PHASE II", A SUBDIVISION IN THE CITY OF TULSA, STATE OF OKLAHOMA, IS A TRUE REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING.

EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
THEODORE A. SACK  
LICENSED PROFESSIONAL LAND  
SURVEYOR, OKLAHOMA NUMBER 1139

STATE OF OKLAHOMA     )  
                                  ) SS.  
COUNTY OF TULSA     )

THE FOREGOING CERTIFICATE OF SURVEY WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019, BY THEODORE A. SACK.

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_

13.29





**Case: River West – Authorization for Accelerated Release of Building Permits**  
 (Related to River West Phase I, River West Park, River West Phase II Preliminary Plat)

**Hearing Date: September 4, 2019**

**Case Report Prepared by:**

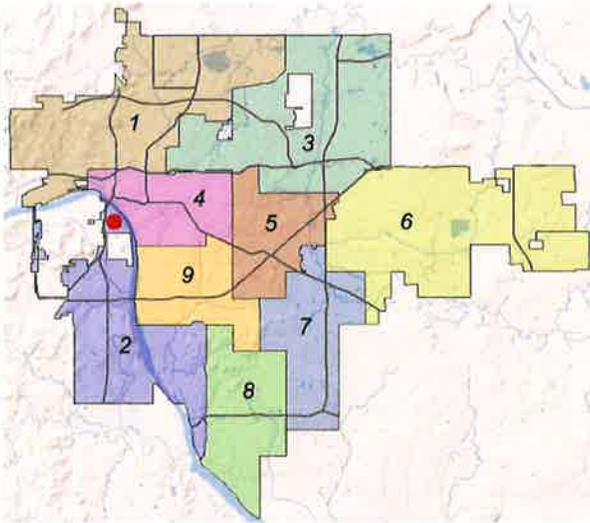
Nathan Foster

**Owner and Applicant Information:**

*Applicant:* Ted Sack, Sack & Associates

*Owner:* City of Tulsa, Housing Authority of the City of Tulsa

**Location Map:  
 (shown with City Council Districts)**



**Applicant Proposal:**

Request for authorization to receive accelerated release of building permits and a modification to the *Subdivision & Development Regulations*

4 lots, 4 blocks, 3 phases, 13.24 ± acres

*Location:* Southwest corner of West 21<sup>st</sup> Street South and South Jackson Avenue

**Zoning:** IM (Industrial – Moderate)

**Staff Recommendation:**

Staff recommends **approval** of the authorization to receive an accelerated release of a building permit and a modification to the *Subdivision & Development Regulations*

**EXHIBITS:** See exhibits for River West Phase I, River West Park, River West Phase II Preliminary Plat

**City Council District: 2**

*Councilor Name:* Jeannie Cue

**County Commission District: 2**

*Commissioner Name:* Karen Keith

14.1

## ACCELERATED RELEASE OF BUILDING PERMIT

**River West Phase I - River West Park - River West Phase II** - (CD 2)  
Southwest corner of West 21<sup>st</sup> Street South and South Jackson Avenue

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 has been submitted and reviewed by the Technical Advisory Committee and is being presented concurrently with this request.

This project is being managed by the Tulsa Housing Authority in partnership with the City of Tulsa and the U.S. Department of Housing and Urban Development along with other private partners. The site was awarded a federal CHOICE neighborhood grant through HUD that seeks to revitalize areas through the creation of affordable, walkable, and safe neighborhoods. A portion of the required infrastructure will be funded by the City of Tulsa and the implementation projects will be managed by Engineering Services. Any additional infrastructure not funded by the City of Tulsa will be required to obtain IDP approval.

As part of the platting process there will be relocation of existing utilities and expansions of new infrastructure as well as a need to close and vacate several underlying easements and existing rights-of-way. The associated grant with this project requires construction to begin on a specific timeline where delays could create issues. The applicant has requested deferring the requirement for the plat to be filed to the certificate of occupancy in order to prevent delays on building permits. The Technical Advisory Committee met on Thursday, August 15, 2019 and no objections were raised to the authorization of an 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.

### **Modification to the Subdivision & Development Regulations:**

The applicant has requested a modification to Section 10-110.6-C of the *Subdivision and Development Regulations* which would require the developer to submit a financial guarantee to the City of Tulsa for outstanding infrastructure improvements required for the project. Due to the nature of the project being partially publicly funded and managed, the financial guarantees would be impractical and unnecessary.

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.



Prepared by Luisa Krug, [lkrug@incog.org](mailto:lkrug@incog.org), 918.579.9454  
Amy Ulmer, [aulmer@incog.org](mailto:aulmer@incog.org), 918.579.9437

## Item

Consider amendments to the Tulsa Zoning Code, Title 42 Revised Ordinances, regarding the addition of an Agricultural- Residential (AG-R) zoning designation and Accessory Dwelling Units (ADUs) by special exception.

## Background

In April 2014, the City Council approved the West Highlands/Tulsa Hills Small Area Plan. During this planning process, there was concern voiced by the residents regarding the effects of continual infill development consistent with the RS-3 zoning in the area west of Union Avenue. RS-3 zoning was broadly applied to this area by the City of Tulsa in 1970. During the small area planning process, a number of residents were of the opinion that a larger lot zoning district would be more appropriate to reflect the current development pattern and desired lifestyle.

As development has progressed in the planning area, staff was asked by City Council and Planning Commission to evaluate recommendations in the Small Area Plan that would address issues voiced by the community. Simultaneously, staff evaluated other recommendations that could be implemented through zoning changes. Due to recent development pressure in the area bordered by: West 71<sup>st</sup> Street South; West 91<sup>st</sup> Street South; South 33<sup>rd</sup> West Avenue; and South Union Avenue, staff evaluated the below recommendations contained in the Small Area Plan for possible implementation.

**Recommendation 4.6:** Revise zoning code to include a "rural residential" district which allows a limited number of livestock and horses as a use by right and has larger minimum lot sizes. This can be done by either amending an existing district or creating a new one.

**Recommendation 2.7:** Support a change to the zoning code that enables a property owner to construct and rent an accessory dwelling unit (commonly known as "mother-in-law flat") on their residential-zoned property. Support Board of Adjustment applications asking for such uses in this area.

On April 3, 2019, at a TMAPC work session, staff discussed the options for a new citywide Agricultural-Residential zoning designation and Accessory Dwelling Units zoning changes. A public meeting with community members in the West Highlands/Tulsa Hills planning area was held on April 23, 2019 to solicit feedback and discuss the initial proposal. A second TMAPC work session was held on August 7, 2019 to discuss proposed zoning code amendments.

The proposed amendments were developed by staff as a mechanism to implement the above recommendations throughout the City of Tulsa. The proposal would establish a new citywide "Agricultural-Residential" (AG-R) zoning designation and allow the opportunity for accessory dwelling units (ADUs) on residentially zoned lots through the special exception process.

## Staff Recommendation

Approval of the proposed amendments to Tulsa Zoning Code as shown in Attachments I and II

## Attachment(s)

Attachment I - Proposed Agricultural-Residential (AG-R) zoning district amendments  
Attachment II - Proposed Accessory Dwelling Units (ADUs) amendments

**Attachment II**  
**Proposed Accessory Dwelling Unit (ADU) amendments**

**Chapter 5 | Residential Districts**

\*\*\*

Section 5.020 Use Regulations

5.020-F Accessory Uses

Accessory uses, such as home occupations, are not regulated by Table 5-2. Customary accessory uses are allowed in conjunction with principal uses permitted by right or by special exception, subject to compliance with all applicable accessory use regulations of Chapter 45.

*Table 5-2: R District Use Regulations*

USE CATEGORY Subcategory Specific use	RE	RS-					RD	RT	RM-				RMH	Supplemental Regulations	
		1	2	3	4	5			0	1	2	3			
<b>RESIDENTIAL</b>															
Household Living (if in allowed building type identified in Table 5-2.5)															
Single household [1]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Two households on single lot	-	-	-	S	S	S	P	P	P	P	P	P	P	-	
Three or more households on single lot	-	-	-	-	-	S	S	P	P	P	P	P	P	-	
***															
<b>AGRICULTURAL</b>															
***															
Farm, Market-, or Community-supported [1] [2]	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.090

\*\*\*

Table 5-2 Notes

[1] Accessory dwelling units may be allowed by special exception in R districts on a lot occupied by a detached house. For supplemental regulations, see Section 45.031.

[1] [2] A Farm, Market or Community supported, may only be allowed in a residential district where the land area of a single parcel is greater than 2 acres.

\*\*\*

**Chapter 25 | Special Districts**

\*\*\*

Section 25.020 AG, Agricultural District and AG-R, Agricultural-Residential District

\*\*\*

Section 25.020-B Use Regulations

\*\*\*

**Table 25-1: AG and AG-R District Use Regulations**

USE CATEGORY	Supplemental Use Regulations	
Subcategory (Section 35.020)	AG	AG-R
Specific use		
<b>RESIDENTIAL</b>		
Household Living (if in allowed Building type indicated in 25.1-5)		
Single household [1]	P/S	P/S

\*\*\*

[1] Accessory dwelling units may be allowed by special exception in AG and AG-R districts on a lot occupied by a detached house. For supplemental regulations, see Section 45.031.

\*\*\*

**Chapter 35 | Building Types and Use Categories**

35.010 Building Types

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35.010-A Detached House

A detached house is a principal residential building, other than a manufactured housing unit or mobile home, that contains only one dwelling unit and that is located on a single lot that is not occupied by other dwelling units principal residential buildings. Detached houses are not attached to and do not abut other dwelling units principal residential buildings. Detached houses include conventional (“stick-built”) construction and construction involving modular or system-built components as long as such construction complies with city building codes. (An Accessory Dwelling Unit, as defined by Section 45.031-A, is not considered a detached house).

\*\*\*

**Chapter 45 | Supplemental Use and Building Regulations**

\*\*\*

45.030 Accessory Buildings and Carports in R Districts

45.030-A Accessory Building Size

1. RE and RS-1 Districts

In RE and RS-1 districts, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, and accessory buildings not erected as an integral part of the

principal residential building may not exceed 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater. ~~{H}~~[1]

## 2. RS-2, RS-3, RS-4, RS-5 and RM Districts

In RS-2, RS-3, RS-4, RS-5 or RM, zoned lots used for detached houses or duplexes, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. ~~{H}~~[1]

~~{H}~~[1] For detached accessory buildings located within rear setbacks see §90.090- C2.

\*\*\*

### Section 45.031 ADU, Accessory Dwelling Units in R, AG, and AG-R Districts

#### Section 45.031-A Definition

A dwelling unit that is located in an accessory building on the same lot as a detached house to which it is accessory and subordinate.

Examples of ADUs include carriage houses, garage apartments, mother-in-law flats, and backyard cottages.

#### Section 45.031-B Purpose

1. The purpose of allowing accessory dwelling units within R, AG, and AG-R districts is to:
  - a. accommodate new housing units while preserving the character of existing neighborhoods;
  - b. allow efficient use of the city's existing housing stock and infrastructure;
  - c. provide housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs; and
  - d. provide a means for residents—particularly seniors, single parents, and empty-nesters—to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance.
2. The ADU supplemental regulations are also intended to help ensure that that new buildings and modifications to existing buildings are designed with sensitivity to their context in terms of building placement, proportions, building materials, and similar design features.

#### Section 45.031-C Applicability

These regulations apply to all accessory dwelling units, as defined by Section 45.031-A.

#### Section 45.031-D Regulations

##### 1. Where Allowed

Accessory dwelling units are allowed by special exception in all R, AG, and AG-R districts on lots occupied by a detached house.

## 2. Number

No more than one accessory dwelling unit is allowed per lot.

## 3. Methods of Creation

An accessory dwelling unit may be created only through the following methods:

- a. Constructing an accessory dwelling unit on a lot with a new or existing detached house; or
- b. Converting existing floor area within an accessory building on a lot with an existing detached house.

## 4. Density (Minimum Lot Area and Lot Area per Unit)

No additional lot area or lot area per unit is required for the accessory dwelling unit.

## 5. Open space (Minimum open space per unit)

No additional open space is required for the accessory dwelling unit.

## 6. Accessory Dwelling Unit Size

### a. RE and RS-1 Districts

In RE and RS-1 districts, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, may not exceed 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

### b. RS-2, RS-3, RS-4, RS-5, and RM Districts

In RS-2, RS-3, RS-4, RS-5 or RM zoned lots used for detached houses, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks, see Section 90.090-C2.

## 7. Building and Fire Codes

All accessory dwelling units are subject to applicable building and fire codes.

## 8. Additional Regulations for Accessory Dwelling Units

### a. Entrances

Building entrances to accessory dwelling units may not face the nearest side or rear property line unless there is an alley abutting that property line.

### b. Setbacks

An accessory dwelling unit must be located at least 10 feet behind the detached house. This required 10-foot separation distance must be open from the ground to the sky except that it may include walkways, patios, decks and similar structures that do not exceed 30 inches in height above finished grade.

c. Exterior Finish Materials

The exterior finish material of any new accessory dwelling unit must be the same or visually match in type, size and placement, the exterior finish material of the detached house.

d. Roof Pitch

The roof pitch any new accessory dwelling unit must be the same as the predominant roof pitch of the principal building.

\*\*\*

Chapter 90 Measurements

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Section 90.090 Setbacks

\*\*\*

90.090-C Permitted Setback Obstructions in R Zoning Districts

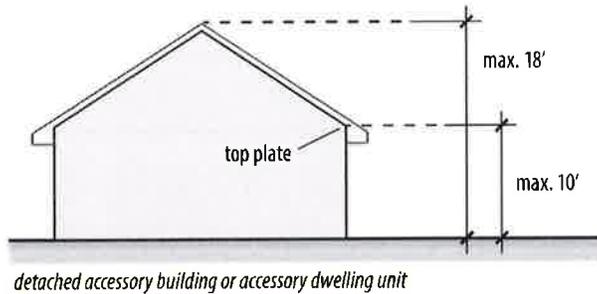
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2. Detached Accessory Buildings, including Accessory Dwelling Units, in RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes.

a. Detached accessory buildings, including accessory dwelling units, may be located in rear setbacks provided that:

(1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and

Figure 90-9: Maximum Height of Accessory Buildings, Including Accessory Dwelling Units, In Rear Setbacks (RE, RS and RD Districts or RM Zoned Lots Used for Detached Houses or Duplexes)



(2) Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2:

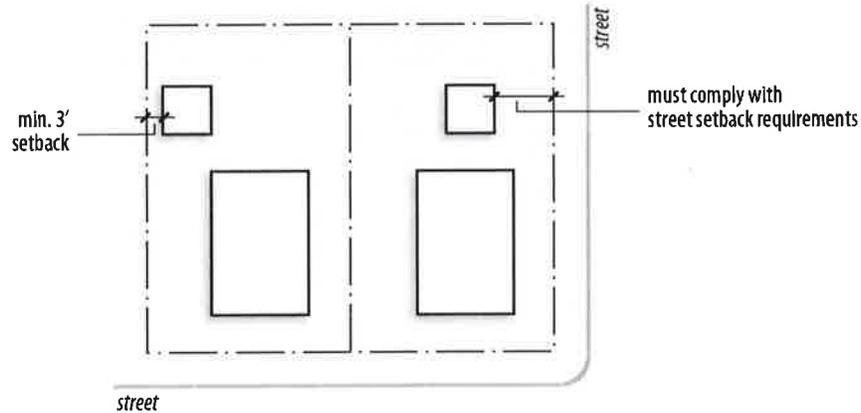
Table 90-2: Accessory Building, Including Accessory Dwelling Units, Coverage Limits in Rear Setback

Zoning District	Maximum Coverage of Rear Setback
RS-1 and RE Districts	20%
RS-2 Districts	25%
RS-3, RS-4, RS-5, and RD Districts	30%

RM zoned Lots Used for Detached Houses or Duplexes	30%
--	-----

b. Detached accessory buildings, including accessory dwelling units, in the rear setbacks must be set back at least 3 feet from all interior lot lines. For lot lines abutting street right-of-way, detached accessory buildings, including accessory dwelling units, must comply with the same setback requirements that apply to principal buildings.

Figure 90-10: Required Setbacks for Accessory Buildings, Including Accessory Dwelling Units, in Rear Setbacks (RE, RS and RD Districts and RM Zoned Lots Used for Detached Houses and Duplexes)



\*\*\*

## Chapter 95 | Definitions

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Accessory Dwelling Unit: See Section 45.031-A

**Attachment I**

**Proposed Agricultural-Residential (AG-R) zoning district amendments**

**Chapter 15| Office, Commercial and Industrial Districts**

\*\*\*

**Section 15.030 Lot and Building Regulations**

\*\*\*

*Table 15-3: O, C and I District Lot and Building Regulations*

Regulations	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH
Minimum Lot Area (sq. ft.)	-	-	-	10,000	-	-	-	-	-	-	-
Minimum Street Frontage (feet)	50	50	50	-	50	50	-	-	50	50	50
Maximum Floor Area Ratio (FAR)	0.40	0.50	2.00	8.00	0.50	0.75	-	-	-	-	-
Minimum Lot Area per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	-	-	[2]	[2]	[2]
Min. Open Space per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	-	-	[2]	[2]	[2]
<b>Building Setbacks (feet)</b>											
Street [4]	10	10	10	10	10	10	-	-	10	10	10
From AG, <b>AG-R</b> , or R district	10	10[5]	10[5]	10	10[5]	10[5]	-	-	75[6]	75[6]	75[6]
From O district	-	-	-	-	-	-	-	-	75[6]	75[6]	75[6]
Max. Building Coverage (% of lot)	-	-	-	-	-	-	-	-	-	-	-
Maximum Building Height (feet)	35	-	-	-	-	-	-	-	-	-	-

**15.030-B Table Notes**

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[6] Minimum building setback abutting freeway right-of-way that is zoned AG, **AG-R**, R or O is 10 feet.

\*\*\*

**15.040-A Outdoor Storage and Display**

In the CS district, outdoor storage, including storage of recyclable materials, and outdoor merchandise display is prohibited within 300 feet of an abutting R or **AG-R** district.

\*\*\*

**Chapter 25| Special Districts**

\*\*\*

Section 25.020 AG, Agricultural District and **AG-R, Agricultural-Residential District** ..... 25-1

\*\*\*

**Section 25.020 AG, Agricultural District and AG-R, Agricultural-Residential District**

**25.020- A Purposes**

1. The AG, Agricultural district is primarily intended to accommodate agricultural, mining or mineral processing uses in rural areas. The district also allows very low-density residential and other uses and serves as a holding zone pending an orderly transition to more urban development that can be efficiently served by public facilities and services.
2. The AG-R, Agricultural-Residential district is primarily intended for areas of the city that are generally located on the outer edge of urbanized development. The district is designed to acknowledge the desire for lower-density residential development with larger lot sizes. While land use regulations and lot and building standards are primarily geared towards residential uses, some agricultural uses could also be permitted.

**25.020-B Use Regulations**

1. Uses are allowed in AG and AG-R districts in accordance with Table 25-1. These uses are described in Chapter 35. Uses identified with a “P” are permitted as-of-right. Uses identified with an “S” may be allowed only if reviewed and approved in accordance with the special exception procedures of Section 70.120. All allowed uses are subject to compliance with all other applicable regulations of this zoning code.
2. Uses identified with an “-” are expressly prohibited. Uses that are not listed in the table and that cannot be reasonably interpreted (as stated in Section 35.020-E) to fall within any defined use category are also prohibited.

*Table 25-1: AG and AG-R District Use Regulations*

USE CATEGORY Subcategory (Section 35.020) Specific use	AG AG-R		Supplemental Use Regulations
	AG	AG-R	
<b>RESIDENTIAL</b>			
Household Living (if in allowed Building type indicated in 25.1-5)			
Single household [1]	P/S	P/S	
Group Living			Section 40.160
Community group home	S	S	Section 40.100
Convent/monastery/novitiate	S	S	
<b>PUBLIC, CIVIC AND INSTITUTIONAL</b>			
Airport	S	S	
Cemetery	S	S	
College	S	S	
Detention and Correctional Facility	S	S	Section 40.130
Fraternal Organization	S	S	Section 40.140
Governmental Service	S	S	
Hospital	S	S	
Library or Cultural Exhibit	S	S	Section 40.200
Natural Resource Preservation	P	P	
Parks and Recreation	S	S	
Postal Service	S	S	

USE CATEGORY	AG	AG-R	Supplemental Use Regulations
Subcategory (Section 35.020)			
Specific use			
Religious Assembly	S	<u>S</u>	Section 40.320
School			
Established on or before Jan. 1, 1998	P	<u>P</u>	Section 40.350
Others	S	<u>S</u>	Section 40.350
Utilities and Public Service Facility			
Minor	P	<u>P</u>	
Major	S	<u>S</u>	
Wireless Communication Facility			
Freestanding tower	S	<u>S</u>	Section 40.420
Building or tower-mounted antenna	P	<u>P</u>	Section 40.420
<b>COMMERCIAL</b>			
Assembly and Entertainment			Section 40.040
Indoor gun club	S	<u>---</u>	
Outdoor gun club	S	<u>---</u>	
Stable or riding academy	P	<u>---</u>	
Other indoor assembly and entertainment	S	<u>---</u>	
Other outdoor assembly and entertainment	S	<u>---</u>	
Day Care	S	<u>S</u>	Section 40.120
Funeral and Mortuary Service			
Crematory	S	<u>---</u>	
Lodging			
Bed & breakfast	S	<u>S</u>	Section 40.060
Rural retreat	S	<u>---</u>	
Marina	S	<u>---</u>	
<b>INDUSTRIAL</b>			Section 40.160
Mining or Mineral Processing	S	<u>---</u>	Section 40.230
<b>AGRICULTURAL</b>			
Animal Husbandry [2]	P	<u>---</u>	
Community Garden	P	<u>P</u>	Section 40.090
Farm, Market- or Community-supported [3]	P	<u>S</u>	<u>Section 40.090</u>
Horticulture Nursery	P	<u>---</u>	Section 40.225
<b>OTHER</b>			
Oil or Gas Well	S	<u>S</u>	Section 40.270

**25.020-C Table Notes**

[1] Accessory dwelling units may be allowed by special exception in AG and AG-R districts on a lot occupied by a detached house. For supplemental regulations, see Section 45.031.

[2] See Title 2, Chapter 2 of the Tulsa Revised Ordinances

[3] A Farm, Market or Community supported, may only be allowed in a AG-R district where the land area of a single parcel is greater than 2 acres.

**25.020-C-D Residential Building Types**

Residential uses allowed in AG and AG-R districts must be located in residential buildings. Descriptions of the residential building types and references to applicable regulations are found in Section 35.010. The following residential building types are allowed in AG and AG-R districts.

Table 25-1.5: AG and AG-R District Building Type Regulations for Household Living

USE CATEGORY			Supplemental Use Regulations
Subcategory (Section 35.020)	AG	AG-R	
Specific use			
Building Type			
<b>RESIDENTIAL</b>			
Household Living			
Single household			
Detached house	P	P	
Manufactured housing unit	S	S	Section 40.210

P= Permitted; S=Special Exception Approval Required; – = Prohibited

**25.020- D E Lot and Building Regulations**

The lot and building regulations of Table 25-2 apply to all principal uses and structures in AG and AG-R districts, except as otherwise expressly stated in this zoning code. General exceptions to lot and building regulations and rules for measuring compliance can be found in Chapter 90. Additional regulations governing accessory uses and structures can be found in Chapter 45.

Table 25-2: AG and AG-R District Lot and Building Regulations

Regulations	AG	AG-R
Min. Lot Area	2 acres	1 acre
Min. Lot Area per Unit	2 acres	1 acre
Minimum Lot Width (feet)	200	150
Min. Lot Frontage (feet)	30	30
Min. Building Setbacks (feet)		
Street	25	25
Side (one side/other side)	10/5	15
Rear	40	25
Max. Building Height (feet)	–	35

\*\*\*

**Section 25.030 PK, Parking District**

\*\*\*

**25.030-C Lot and Building Regulations**

\*\*\*

Table 25-3: PK District Lot and Building Regulations

Regulations	PK
Minimum Lot Frontage (feet)	20
Min. Building Setbacks (feet)	
Street	10[1]
From abutting RE, RS, RD, AG-R	10[2]

Regulations	PK
district	
Max. Lot Coverage by Buildings and Parking Surface Area (%)	90
Maximum Building Height (feet)	35[3]

**2. Table Notes**

\*\*\*

- [2] When a PK district abuts an R or AG-R district, a masonry screening wall must be provided along the common lot line in accordance with the F1 screening fence or wall standards of (Section 65.060-C2).

\*\*\*

**Section 25.050 SR, Scientific Research District**

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**25.050-C Lot and Building Regulations**

*Table 25-6: SR District Lot and Building Regulations*

Regulations	SR
Minimum Lot Area (sq. ft.)	—
Minimum Street Frontage (feet)	200
Maximum Floor Area Ratio (FAR)	0.50
Minimum Lot Area per Unit (sq. ft.)	—
Minimum Building Setbacks (feet)	
Street	50
From AG, AG-R or R district	50[1][2]
From O district	50[1][2]

\*\*\*

- [2] Minimum building setback abutting freeway right-of-way that is zoned AG, AG-R, R or O is 10 feet.

\*\*\*

**Section 25.060 IMX, Institutional Mixed-Use**

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**25.060-E Height Regulations**

No maximum height limits apply in the IMX district except in the following cases:

\*\*\*

- 2. When an IMX district abuts an R or AG-R district with an intervening right-of-way that is not an alley, a maximum height limit of 48 feet applies within 100 feet of the right-of-way centerline.

3. When an IMX district abuts an R, **AG-R** district or an HP district with an intervening alley, a maximum height limit of 24 feet applies within 40 feet of the alley centerline and a maximum height limit of 48 feet applies at a distance between 40 feet and 90 feet of the alley centerline.
4. When an IMX district abuts an R, **AG-R** district or an HP district without an intervening right-of-way, a maximum height limit of 24 feet applies within 50 feet of the lot boundary and a maximum height limit of 48 feet applies at a distance between 50 and 100 feet of the lot boundary.

\*\*\*

### 25.060-H Landscaping and Screening

\*\*\*

#### 1. L1 Landscape Transition Yards

##### a. When Required

L1 landscape transition yards with a minimum depth of 10 feet are required in all of the following cases:

- (1) When development occurs on a lot abutting an R district, **AG-R**, ~~an~~ **or** HP district, or a lot occupied by a detached house, duplex or townhouse without an intervening right-of-way;

\*\*\*

### 25.060-J Mechanical Equipment

\*\*\*

4. Chiller plants and similar utility structures must be screened from public rights-of-way and abutting R- **or AG-R-** zoned lots, HP districts, ~~and~~ **or** lots occupied by a detached houses, duplexes or townhouses. Required screening must consist of a masonry wall that is at least 6 feet in height. Trees must also be provided as required in L1 landscape transition yards (see

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## Chapter 40 | Supplemental Use and Building Regulations

### Section 40.020 Animal Services

Whenever an animal services use is located on a lot abutting an R- **or AG-R-** zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

**Section 40.030 Apartments/Condos**

Whenever an apartment/condo building containing more than 5 dwelling units is located on a lot abutting an RE, or RS or AG-R district, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2..

**Section 40.040 Assembly and Entertainment**

Whenever an assembly and entertainment use is located on a lot abutting an R- or AG-R- zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2..

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**Section 40.080 Commercial Services**

Whenever a commercial services use is located on a lot abutting an R- or AG-R- zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2..

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**Section 40.090 Community Garden and Farm, Market or Community Supported**

The supplemental use regulations of this section apply to all community garden uses, and to all farms, market or community supported, as may be allowed in a residentially zoned district.

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40.090-J Within an AG-R or residential zoning district, operating hours for community garden or farm, market or community supported, activities are restricted to between 5:00 a.m. and 11:00 p.m. daily.

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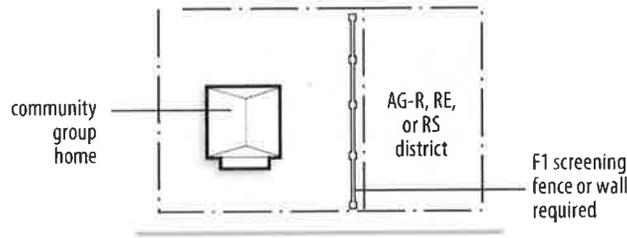
**Section 40.100 Community Group Homes**

The supplemental use regulations of this section apply to all community group homes.

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40.100-E When a community group home is located on a lot abutting an RE, or RS, or AG-R- zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2..

*Figure 40-4: Screening of Community Group Home Abutting RE, or RS, or AG-R Districts*



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**Section 40.110 Cottage Homes**

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**40.110-G Vehicular Access and Parking**

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- 2. Required parking may be provided on each cottage house lot or in a shared parking area located within commonly owned space or in a combination of the two. Common parking areas containing 4 or more spaces must be screened from view of abutting R- or AG-R- zoned lots in accordance with the F1 screening fence or wall standards of §65.060-C2.. Parking may not be located in street yards or in the required courtyard or common open space area.

\*\*\*

**Section 40.120 Day Cares**

Day camps require a minimum lot area of one acre in AG, AG-R, RE and or RS zoning districts. See also the (accessory use) family childcare home regulations of Section 45.070.

\*\*\*

**Section 40.160 Group Living Uses**

Whenever any group living use is located on a lot abutting an RE- or RS- or AG-R- zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2..

**Section 40.170 Hotel or Motel**

Whenever a hotel or motel use is located on a lot abutting an R- or AG-R- zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2..

**Section 40.180 Industrial Uses**

**40.180-A** Whenever any industrial use, other than a junk or salvage yard, is located on a lot abutting an R- or AG-R- zoned lot, a screening wall or fence must be provided along

the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2. Junk and salvage yards are subject to the regulations of Section 40.190.

**40.180-B** Industrial uses located within 300 feet of an abutting R- or AG-R- zoned lot must be conducted within a completely enclosed building, except for storage, loading and off-loading areas.

### **Section 40.190 Junk or Salvage Yards**

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**40.190-A** Junk or salvage yards must be screened from view of abutting streets and all AG, AG-R, R, PK, O, C, CBD, SR, IL and CO zoning districts by the erection and maintenance of a screening wall or fence that is:

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**40.190-C** The piling of junk or salvage materials may not exceed the height of the required screening wall or fence within 150 feet of the boundary required to be screened, except that storage racks designed for the stacking of automotive front-ends, hoods, doors, quarter panels, and similar parts that exceed the height of the screening wall or fence, must be set back at least 25 feet from abutting R- or AG-R- zoned lots and street rights-of-way, plus 2 additional feet of setback for every foot of rack height above 15 feet.

\*\*\*

### **Section 40.200 Library or Cultural Exhibit**

Museums, planetariums, aquariums and other cultural exhibit uses require a minimum lot area of one acre in AG, AG-R, RE ~~and~~ or RS zoning districts.

### **Section 40.210 Manufactured Housing Units**

The supplemental regulations of this section apply only to manufactured housing units approved as special exception uses in R or AG-R zoning districts.

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### **Section 40.260 Offices**

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**40.260-D** Whenever an office use is located on a lot abutting an R- or AG-R- zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

\*\*\*

### **Section 40.310 Recycling Uses**

**40.310-A** Whenever any recycling use is located on a lot abutting an R- or AG-R- zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

**40.310-B** Recycling uses located within 300 feet of an abutting R- **or AG-R-** zoned lot must be conducted within a completely enclosed building, except for storage, loading and off-loading areas.

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### Section 40.330 Restaurants

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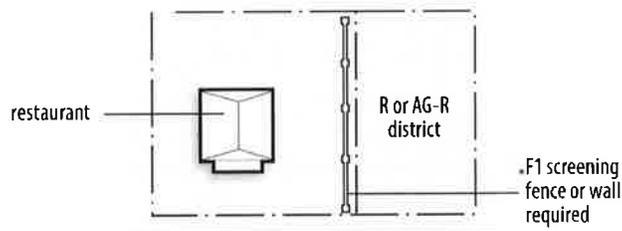
**40.330-A** Restaurants must occupy completely enclosed buildings, except outdoor customer seating/dining, including rooftop seating, is permitted subject to the following regulations:

\*\*\*

2. Outdoor customer seating/dining areas may not occupy required parking spaces or drive aisles or be located within 50 feet of R- **or AG-R-** zoned lots;
3. When a restaurant is located on a lot abutting an R- **or AG-R-** zoned lot, noise emanating from any onsite equipment or activity, including outdoor customer seating/dining areas may not exceed 65 db(A), as measured along the common lot line at the top of the required screening wall or fence.

**40.330-B** Whenever a restaurant is located on a lot abutting an R- **or AG-R-** zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

*Figure 40-10: Screening of Restaurant Abutting R **or AG-R** Districts*



### Section 40.340 Retail Sales

**40.340-A** Whenever a retail sales use is located on a lot abutting an R- **or AG-R-** zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

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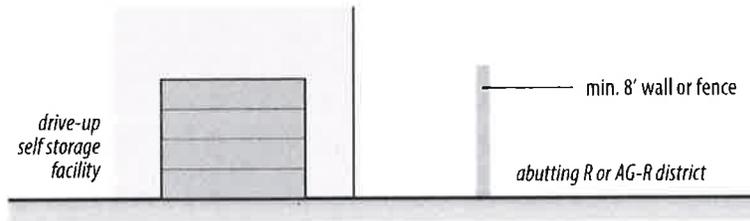
### Section 40.360 Self-Service Storage Facilities

**40.360-A** General

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2. A screening fence or masonry wall is required along all lot lines that abut R- or AG-R- zoned lots. Required screening fences and walls must be at least 8 feet in height. If buildings are masonry, the building wall can serve as the screening wall, provided that any open spaces between perimeter buildings are screened with a masonry screening wall at least 8 feet in height. The screening fence/wall requirements of this section do not apply to climate-controlled self-storage buildings in which self-storage spaces are accessed only from within the building.

Figure 40-12: Screening of Drive-up Style Self-Storage Facilities from Abutting R or AG-R Districts



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#### 40.360-B RM and O Districts

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3. Access doors to drive-up style storage units may not be visible at ground-level from abutting O- or R- or AG-R- zoned lots or from abutting street rights-of-way.

\*\*\*

5. In RM-1 and OL districts storage may only occur within completely enclosed buildings. All storage in RM-2, RM-3, OM, OMH or OH districts must also occur in completely enclosed buildings, except that outdoor (open-air) storage is allowed on the interior of the lot if the storage is not visible at ground level from abutting R- or O- or AG-R districts or from any street rights-of-way.

#### 40.360-C CS District

In the CS district, no outdoor (open-air) storage of any kind is allowed that is visible at ground level from abutting R- or O- or AG-R districts or from any street rights-of-way.

### Section 40.370 Sexually Oriented Business Establishments

The supplemental use regulations of this section apply to all sexually oriented business establishments.

**40.370-A** Sexually oriented business establishments are allowed only in those districts and under those approval procedures expressly stated in this zoning code. In addition, no person may exercise supervisory control, manage, operate, cause the establishment

or permit the establishment of any sexually oriented business establishment within 1,000 feet (the “minimum separation distance”) of any of the following:

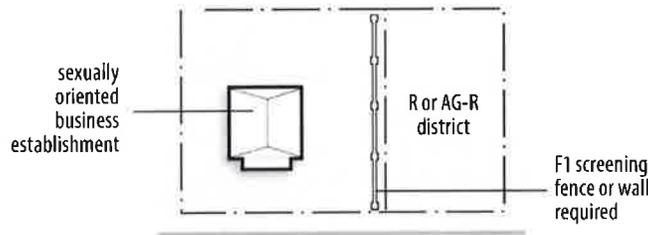
\*\*\*

5. Residential zoning or a habitable dwelling unit in an AG **or AG-R** zoning district. The minimum separation distance must be measured in a straight line from the nearest point of the wall of the portion of the building occupied by a sexually oriented business establishment, to the nearest point on an R district boundary line (not including R-zoned expressway right-of-way) or to the nearest point of the exterior wall of a habitable dwelling located in an AG **or AG-R** zoning district.

\*\*\*

**40.370-D** When a sexually oriented business establishment is located on a lot abutting R- **or AG-R-** zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards **§65.060-C2..**

*Figure 40-13: Screening of Sexually Oriented Business Establishments*



### **Section 40.380 Studios, Artist or Instructional Services**

Whenever an artist studio or an instructional services studio is located on a lot abutting an R- **or AG-R-** zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of **§65.060-C2..**

\*\*\*

### **Section 40.400 Vehicle Sales and Service**

**40.400-A** Whenever a vehicle sales and service use is located on a lot abutting an R- **or AG-R-** zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of **§65.060-C2..**

**40.400-B** Whenever commercial or personal vehicle sales or rentals are within 300 feet of an R- **or AG-R-** zoned lot, off-street parking and vehicle display areas must comply with the parking area design standards of Section 55.090.

### **Section 40.410 Wholesale, Distribution & Storage Uses**

Whenever any wholesale, distribution & storage use is located on a lot abutting an R- or AG-R- zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2..

### Section 40.420 Wireless Communication Facilities

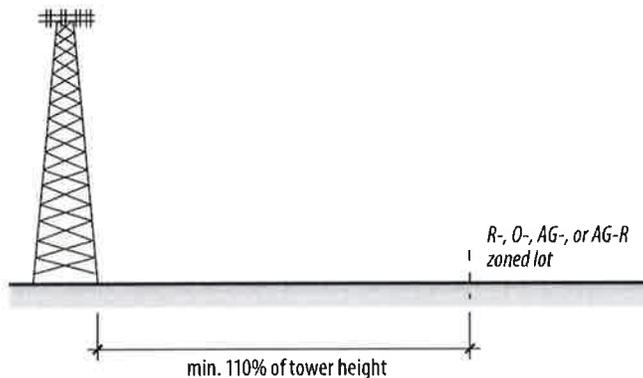
#### 40. 420-E General Requirements

All towers and antennas are subject to the general requirements of this subsection unless otherwise expressly stated.

\*\*\*

6. The following setback requirements apply to all towers unless otherwise expressly approved by the board of adjustment as part of the special exception approval:
  - a. Towers must be set back a distance equal to at least 110% of the height of the tower from any adjoining lot line of an R-, O-, or AG-, or AG-R- zoned lot, excluding R-zoned expressway rights-of-way.
  - b. Accessory buildings are subject to applicable zoning district building setback requirements.

Figure 40-14: Tower Setback from R, O, or AG, or AG-R districts



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## Chapter 45 | Accessory Uses and Structures

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### Section 45.020 Accessory Antennas

#### 45.020-A AG, AG-R, R and PK Districts

1. In AG, AG-R, R and PK districts, accessory antennas and their support structures are allowed to be mounted on a principal building or accessory building, provided that:

\*\*\*

2. In AG, AG-R, R and PK districts, structures other than principal or accessory buildings that are used to support accessory antennas (including guy lines) must comply with all of the following regulations.

\*\*\*

#### **45.020-B Other Districts**

In all districts other than AG, AG-R, R or PK districts, antenna support structures that are accessory to principal uses must be set back from any R or AG-R district a distance equal to at least 110% of the height of the antenna, measured from the average ground elevation at the base of the structure to the highest point of the antenna. The setback distance must be measured from the nearest point of the antenna supporting structure (excluding any guy lines) to the nearest point on the residential zoning district boundary line, excluding R-zoned freeways.

\*\*\*

### **Section 45.050 Dumpsters and Recyclable Material Bins**

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#### **45.050-C Regulations**

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2. Dumpsters and recyclable material bins must be located on a dustless, all-weather surface and must be screened from view of all rights-of-way and R- or AG-R-zoned property in accordance with Section 65.060-B2, provided that no trees are required as part of the required screening. No signs are allowed on the exterior of the required screening fence or wall.

### **Section 45.140 Parking and Storage of Inoperable or Unlicensed Motor Vehicles**

In R or AG-R districts, parking or storage of inoperable or unlicensed motor vehicles is prohibited within street yards.

### **Section 45.150 Parking and Storage of Recreational Vehicles**

**45.150-A** Other than for purposes of loading and unloading, which must take place within a 48-hour period, recreational vehicles located in an AG, AG-R, R or MX district may be parked or stored only in the following locations:

\*\*\*

**45.150-B** The parking and storage of recreational vehicles in an R or AG-R district is permitted in accordance with §45.150-A, provided that:

1. The vehicle is not used for dwelling purposes
2. The vehicle is not permanently connected to sewer lines, water lines, or electricity; and

- The vehicle is not used for storage of goods, materials, or equipment other than those items considered to be a part of the recreational vehicle or essential for its use as a recreational vehicle.

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## Chapter 55 | Parking

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### Section 55.080 Location of Off-Street Parking

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#### 55.080-C Parking Setbacks

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- Unenclosed off-street parking areas must be set back from abutting streets as indicated in [Table 55-4](#):

*Table 55-4: Parking Space Setback Requirements*

	Minimum Street Setback (feet)	
	1 to 5 Parking Spaces	6 or More Parking Spaces
<b>Residential Zoning Districts</b>		
Accessory to a household living use	3	15
Accessory to another use	15	25
<b>Other Zoning Districts</b>		
Within 50 feet of a residential district	15	25

- Unenclosed off-street parking areas (including drive aisles) that are accessory to apartment/condo buildings or group living uses must be set back at least 25 feet from any abutting RE-, RS-, or AG-R zoning district.
- All unenclosed, non-accessory off street parking areas must be screened from abutting R- or AG-R- zoned lots by an F1 screening fence or wall, in accordance with §65.060-C2.
- All unenclosed, accessory off street parking areas containing 6 or more spaces must be screened from abutting RE-zoned lots and, RS-, or AG-R- zoned lots by an F1 screening fence or wall, in accordance with §65.060-C2, provided that accessory parking areas located more than 50 feet from abutting RE-, RS-, or AG-R- zoned lots are not required to provide such screening.

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### Section 55.100 Stacking Spaces for Drive-through Facilities

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**55.100-C Location and Design**

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- 2. All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property. Drive-through lanes must be set back at least 10 feet from abutting R- **or AG-R-** zoned lots, and a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2,

\*\*\*

**Section 55.120 Loading**

Unenclosed off-street loading areas may not be located within 50 feet of any abutting R- **or AG-R-** zoned properties unless the loading areas is screened on all sides abutting the R- **or AG-R-** zoned property in accordance with the F1 screening fence or wall standards of §65.060-C2,

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**Chapter 60 | Signs**

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Section 60.050 Signs in R, **and AG, and AG-R** Zoning Districts .....( Page #)

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**60.030-B Drive-through Signs**

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**3. Residential Separation**

Drive- through signs must be set back at least 50 feet from **AG-R or** residential zoning districts.

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**60.030-E Temporary Signs**

**1. Real Estate Signs**

One real estate sign is allowed per street frontage, subject to the standards in Table 60-1:

*Table 60-1: Real Estate Signs*

Regulation	<b>AG, AG-R, R, O and SR Districts</b>	All Other Districts
Maximum Sign Area (sq. ft.)		
Minor street Frontage	8	8

All Other Street Frontages	32	80
Maximum Sign Height (feet)		
Minor street Frontage	8	8
All Other Street Frontages	15	25

\*\*\*

### Section 60.040 Sign Regulations of General Applicability

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#### 60.040-B Required Setbacks, Spacing and Separations

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3. Signs that are visible from an R or AG-R district (other than street, highway or freeway right-of-way) or from a designated residential development area must be separated from the R or AG-R district or residential development area by a minimum distance of 50 feet.
4. Signs with an area of more than 300 square feet that are visible from an R or AG-R district (other than street, highway or freeway right-of-way) or from a designated residential development area must be separated from the R or AG-R district or residential development area by a minimum distance of 200 feet.

\*\*\*

### Section 60.050 Signs in R<sub>2</sub> and AG, and AG-R Zoning Districts

#### 60.050-A Applicability

The regulations of this section apply to signs in R<sub>2</sub> districts and AG, and AG-R districts. See also the general regulations of [Chapter 56](#).

#### 60.050-B Signs Allowed

The following signs are allowed in R<sub>2</sub> districts and AG, and AG-R districts in addition to any signs allowed pursuant to [Section 60.040](#). On-premise roof signs, on-premise projecting signs and all off-premise outdoor advertising signs are prohibited in R<sub>2</sub> districts and AG, and AG-R districts.

\*\*\*

#### 2. Nonresidential Uses

The following regulations apply to all principal nonresidential uses in R<sub>2</sub> districts and AG, and AG-R districts.

##### a. Wall Signs

Nonresidential uses in R<sub>2</sub> and AG, and AG-R districts are allowed a maximum of one wall sign per public building entrance. No individual wall sign may exceed 32 square feet in area. In buildings with multiple public building entrances, the sign area of all wall signs may not exceed 32 square feet in the aggregate.

##### b. Freestanding Signs

Nonresidential uses in R<sub>1</sub> districts and AG, and AG-R districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

**c. Dynamic Displays**

Dynamic displays are prohibited in R<sub>1</sub> districts and AG, and AG-R districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.

\*\*\*

**(3)** Dynamic displays in R<sub>1</sub> districts and AG, and AG-R districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.

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**60.080-F Off-premise Outdoor Advertising Signs**

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**5. Required Setbacks, Spacing and Separations**

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**c.** Off-premise outdoor advertising signs that are visible from an R or AG-R district (other than street, highway or freeway right-of-way) or from a designated residential development area must be separated from the R or AG-R district or residential development area by a minimum distance of 150 feet if the sign does not exceed 300 square feet in area and by a distance of at least 200 feet if the sign is greater than 300 square feet in area.

\*\*\*

**Section 60.090 Signs in Special Districts**

**60.090-A AG and AG-R District**

See Section 60.050.

\*\*\*

**Section 60.100 Dynamic Displays**

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**60.100-F** Dynamic displays may not be located within 200 feet of any of the following: (1) an R or AG-R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R, and-AG, and AG-R districts if approved through the special exception process. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an R or AG-R district or residential development area boundary.

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**Chapter 65 | Landscaping, Screening & Lighting**

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**Section 65.060 Screening**

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**65.060-C Type of Screens**

\*\*\*

**3. Materials and Design**

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f. If painted, be earth-tone in color when abutting an R or AG-R district boundary; and

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**6. Screening or Setbacks Triggered by Proximity to Nonresidential Areas/Features**

When the erection of a screening wall or fence or setback is required by this zoning code because a use abuts one or more R or AG-R districts, such wall, fence, or setback is not required if the actual use of the abutting R or AG-R district is a freeway, expressway, turnpike, nonresidential use previously approved by the board of adjustment; or a nonresidential development area. This exemption from screening does not apply to junk or salvage yard uses.

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*Table 65-1: Maximum Light Fixture Heights*

Distance from AG District, <u>AG-R District</u> , R District or Public Right-of-Way (feet)	Maximum Fixture Height (feet)
0 – 50	16
50.01 – 250	20
More than 250	35

\*\*\*