

# **TULSA METROPOLITAN AREA PLANNING COMMISSION**

## **Meeting No. 2802**

**September 18, 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:**

#### **Director's Report:**

Review TMAPC Receipts for the month of July 2019

### **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.**

1. **PUD-739-2 Stephen Hetrick** (CD 2) Location: West of the northwest corner of West 81<sup>st</sup> Street South and South Elwood Avenue requesting a **PUD Minor Amendment** to reduce required front and side yard setback
2. **Oklahoma Oncology** (CD 7) Change of Access, Location: Southwest corner of East 48<sup>th</sup> Street South and South Garnett Road

### **PUBLIC HEARINGS:**

3. **Z-7499 David Henke** (CD 4) Location: East of the northeast corner of East 10<sup>th</sup> Street South and South Peoria Avenue rezoning from **RS-4 to CH (withdrawn by applicant)**
4. **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 and September 4, 2019)

4. **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 and September 4, 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 and September 4, 2019) **with optional development plan**
6. **Z-7498 Malcolm Rosser** (CD 6) Location: South of the southeast corner of East 11<sup>th</sup> Street South and East Skelly Drive rezoning from **CS to IL with optional development plan**
7. **CZ-491 Christina Wilson** (County) Location: West of the southwest corner of West 21<sup>st</sup> Street South and South 49<sup>th</sup> West Avenue rezoning from **CS to IL**
8. **PUD-230-A Nathan Cross** (CD 7) Location: Northwest of the northwest corner of East 41<sup>st</sup> Street South and Highway 169 requesting a **PUD Major Amendment** to add School as an allowable use
9. **The Reserve at Forest Trails** (CD 8) Minor Subdivision Plat, Location: North of the northeast corner of East 111<sup>th</sup> Street South and South Sheridan Road
10. **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. (Continued from September 4, 2019)

#### **OTHER BUSINESS**

11. **ZCA-16** Discuss proposed amendments to the City of Tulsa Zoning Code regarding dumpster and recyclable material bins/donation bins in advance of a public hearing.

#### **12. 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.





### JULY 2019 receipt comparison

	<b>JULY 2019</b>	<b>JUNE 2019</b>	<b>JULY 2018</b>
<b>Zoning Letters</b>	9	8	12
<b>Zoning</b>	12	11	4
<b>Plan Reviews</b>	24	13	11
<b>Minor Subdivisions</b>	0	0	0
<b>Preliminary Plats</b>	1	0	2
<b>Final Plats</b>	2	1	2
<b>Development Regulations Compliance</b> (includes plat waivers prior to 5/10/2018)	0	1	0
<b>Lots Splits</b>	5	3	10
<b>Lot Line Adjustments</b> (includes lot combinations prior to 5/10/2018)	7	8	7
<b>Other</b>	1	1	0
<b>Comp Plan Amendments</b>	0	0	0

Kims

**TMAPC RECEIPTS  
Month of July 2019**

	----- Current Period -----				----- Year To Date -----			
	ITEM	CITY	COUNTY	TOTAL RECEIVED	ITEM	CITY	COUNTY	TOTAL RECEIVED
<b>ZONING</b>								
Zoning Letters	9	\$412.50	\$412.50	\$825.00	9	\$412.50	\$412.50	\$825.00
Zoning	12	3,300.00	3,300.00	6,600.00	12	3,300.00	3,300.00	6,600.00
Plan Reviews	24	2,775.00	2,775.00	5,550.00	24	2,775.00	2,775.00	5,550.00
Refunds		0.00	0.00	0.00		0.00	0.00	0.00
NSF		0.00	0.00	0.00		0.00	0.00	0.00
		<u>\$6,487.50</u>	<u>\$6,487.50</u>	<u>\$12,975.00</u>		<u>\$6,487.50</u>	<u>\$6,487.50</u>	<u>\$12,975.00</u>
<b>LAND DIVISION</b>								
Minor Subdivision	0	\$0.00	\$0.00	\$0.00	0	0.00	0.00	0.00
Preliminary Plats	1	600.00	600.00	1,200.00	1	600.00	600.00	1,200.00
Final Plats	2	900.00	900.00	1,800.00	2	900.00	900.00	1,800.00
Development Reg. Compliance	0	0.00	0.00	0.00	0	0.00	0.00	0.00
Lot Splits	5	375.00	375.00	750.00	5	375.00	375.00	750.00
Lot Line Adjustment	7	525.00	525.00	1,050.00	7	525.00	525.00	1,050.00
Other	1	50.00	50.00	100.00	1	50.00	50.00	100.00
NSF		0.00	0.00	0.00		0.00	0.00	0.00
Refunds		0.00	0.00	0.00		0.00	0.00	0.00
		<u>\$2,450.00</u>	<u>\$2,450.00</u>	<u>\$4,900.00</u>		<u>\$2,450.00</u>	<u>\$2,450.00</u>	<u>\$4,900.00</u>
<b>TMAPC COMP</b>								
Comp Plan Admendment	0	\$0.00	\$0.00	\$0.00	0	0	0	\$0.00
Refund		<u>\$0.00</u>		<u>\$0.00</u>		0	0	\$0.00
		<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>		<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>
<b>BOARDS OF ADJUSTMENT</b>								
Fees	31	\$9,500.00	\$600.00	\$10,100.00	31	\$9,500.00	\$600.00	\$10,100.00
Refunds		0.00	0.00	\$0.00		0.00	0.00	0.00
NSF Check		0.00	0.00	\$0.00		0.00	0.00	0.00
		<u>\$9,500.00</u>	<u>\$600.00</u>	<u>\$10,100.00</u>		<u>\$9,500.00</u>	<u>\$600.00</u>	<u>\$10,100.00</u>
<b>TOTAL</b>		<b>\$18,437.50</b>	<b>\$9,537.50</b>	<b>\$27,975.00</b>		<b>\$18,437.50</b>	<b>\$9,537.50</b>	<b>\$27,975.00</b>
<b>LESS WAIVED FEES *</b>		<b>\$0.00</b>		<b>\$0.00</b>		<b>\$0.00</b>		<b>\$0.00</b>
<b>GRAND TOTALS</b>		<b><u>\$18,437.50</u></b>	<b><u>\$9,537.50</u></b>	<b><u>\$27,975.00</u></b>		<b><u>\$18,437.50</u></b>	<b><u>\$9,537.50</u></b>	<b><u>\$27,975.00</u></b>

\* Advertising, Signs & Postage Expenses for City of Tulsa Applications with Fee Waivers.



**Case Number:** PUD-739-2  
**Minor Amendment**

**Hearing Date:** September 18, 2019

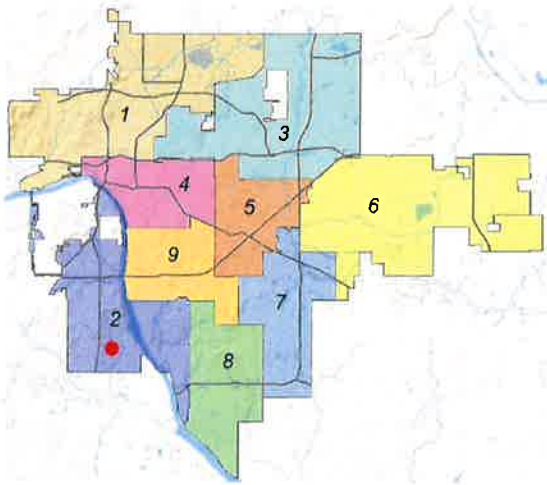
**Case Report Prepared by:**  
 Jay Hoyt

**Owner and Applicant Information:**

Applicant: Stephen M. Hetrick

Property Owner: Robert E Merrick

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



**Applicant Proposal:**

Concept summary: PUD minor amendment to reduce the required front and side yard setback

Gross Land Area: 0.55 acres

Location: W of NW/c of W 81<sup>st</sup> St S & S Elwood Ave.

Lot 25, Block 1 The Reserve at Stonebrooke  
 8015 Guthrie Court

**Zoning:**

Existing Zoning: RS-4/PUD-739  
 Proposed Zoning: No Change

**Comprehensive Plan:**

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

**Staff Recommendation:**

Staff recommends **approval**.

**Staff Data:**

TRS: 8211

**City Council District: 2**

*Councilor Name:* Jeannie Cue

**County Commission District: 2**

*Commissioner Name:* Karen Keith

1.1

**SECTION I:** PUD-739-2 Minor Amendment

**STAFF RECOMMENDATION**

Amendment Request: Revise the development standards to reduce the required front yard setback from 30ft to 29 ft and side yard setback from 7.5 ft to 6 ft in order to permit the minor encroachment of the existing structure.

Based on the survey provided by the applicant. The existing structure is located only a few inches beyond the required setback lines provided in the PUD development standards along the north and east boundaries. The purpose of this amendment is to bring the structure into conformance with the PUD standards for the subject lot.

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:

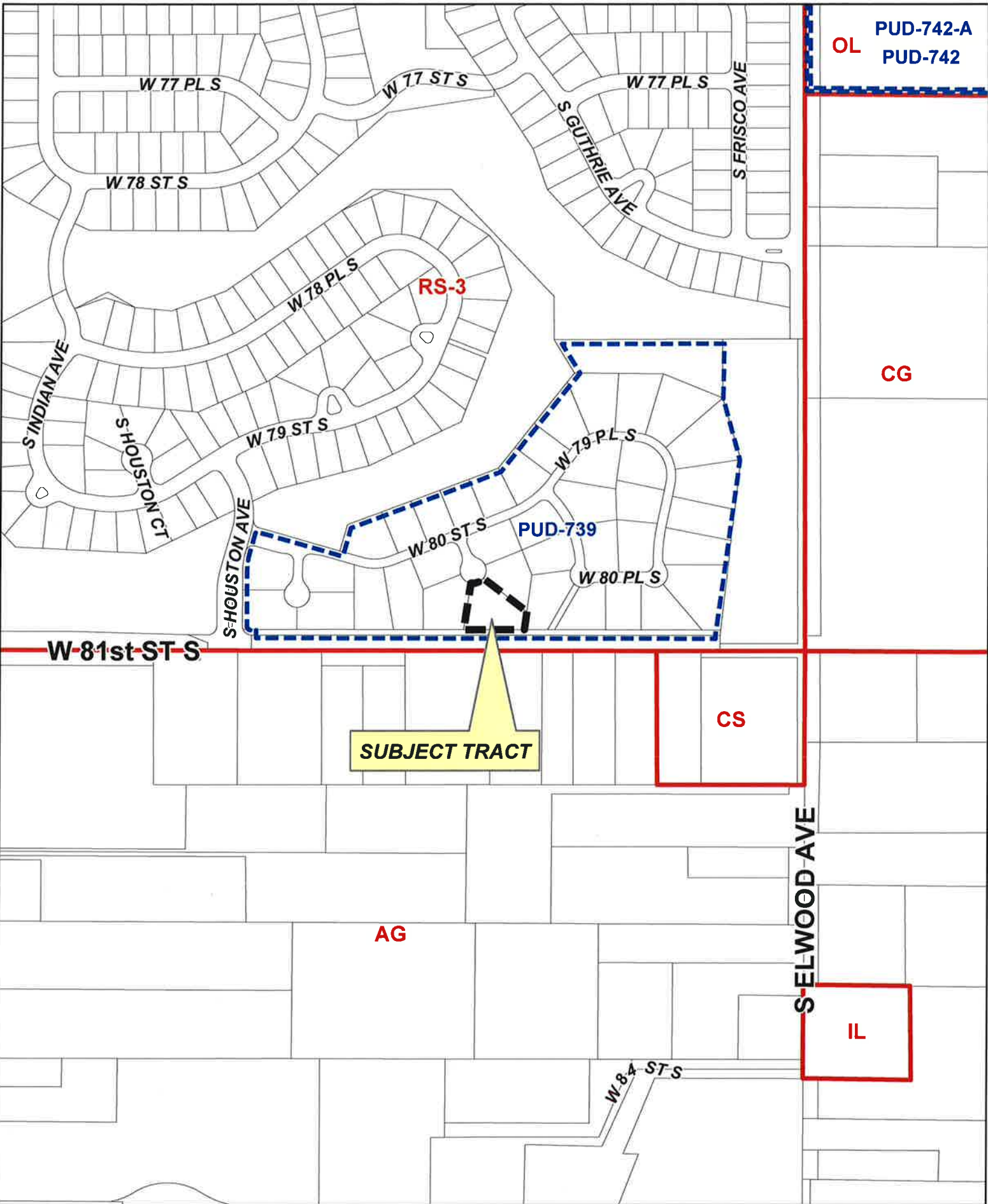
- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-739 and subsequent amendments shall remain in effect.

Exhibits included with staff recommendation:

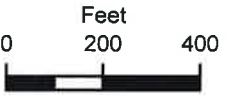
INCOG zoning case map  
INCOG aerial photo  
INCOG aerial photo (enlarged)  
Applicant Survey

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce the required front and rear setback as indicated.

OL PUD-742-A  
PUD-742



SUBJECT TRACT



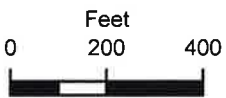
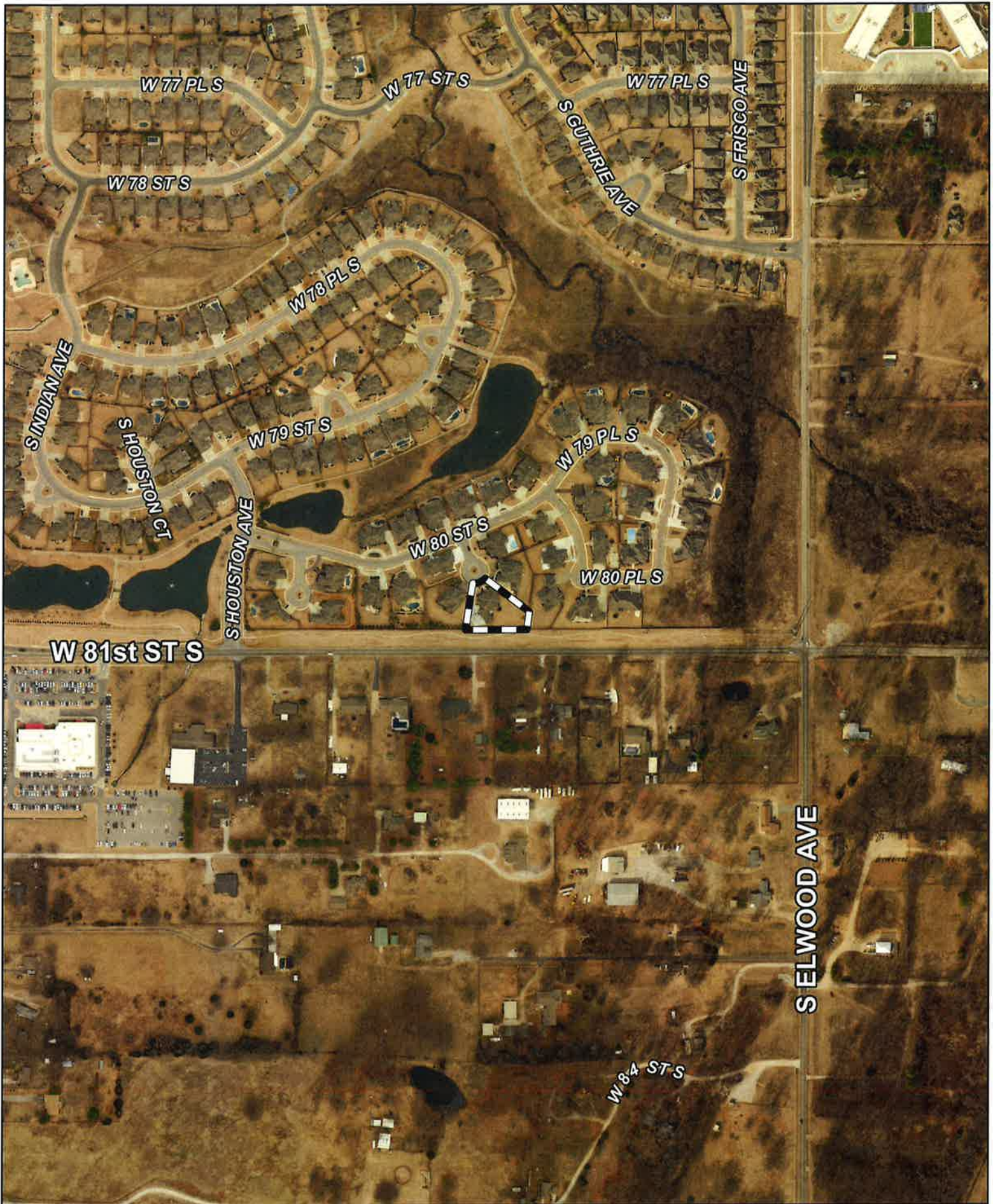
PUD-739-2

18-12 11

1.3







**PUD-739-2**

18-12 11

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

Aerial Photo Date: February 2018

1.4







Subject  
Tract

**PUD-739-2**

18-12 11

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

Aerial Photo Date: February 2018



REGISTERED LAND SURVEYOR'S INSPECTION  
PLAT AND CERTIFICATE FOR MORTGAGE  
LOAN PURPOSE

COLLINS LAND SURVEYING, INC.  
3340 W. 151st ST. S. - P.O. Box 250  
KIEFER, OK. 74041  
OFFICE (918)321-9400 FAX (918)321-9404

J.O. NO.: 19-08-025

Customer: American Eagle Title Group, LLC

Borrower: Hetrick, Stephen M.  
1907-0065-17

Plat No: 6310

B/L=Building Line  
U/E=Utility Esmt.  
F/E=Fence Esmt.

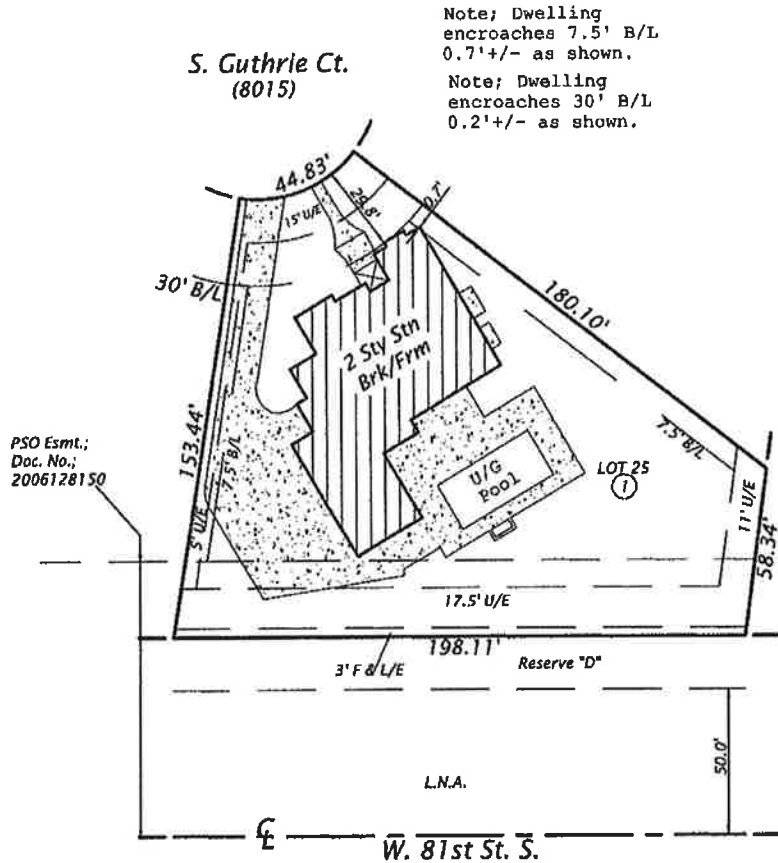
OB/L-Out Building Line  
SW/E-Sidewalk Esmt.  
R/W=Right of Way

D/E-Drainage Esmt.  
B/E-Buried Tele. & Elec. Cable Esmt.  
S/E=Service Entrance

SCALE: 1"=40'



SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "UNSHADED X" AN AREA OF MINIMAL FLOOD HAZARD AS SHOWN ON FIRM MAP#405381 0361L, DATED 10/16/2012.



Note; Dwelling encroaches 7.5' B/L 0.7'+/- as shown.

Note; Dwelling encroaches 30' B/L 0.2'+/- as shown.

THIS PLAT IS MADE FOR AND AT THE REQUEST OF:

American Eagle Title Group, LLC / MidFirst Bank  
FOR MORTGAGE LOAN PURPOSES ONLY COVERING LEGAL DESCRIPTION AS PROVIDED

Lot Twenty-five (25), Block One (1), THE RESERVE AT STONEBROOKE, a Subdivision in the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof.

Property address: 8015 South Guthrie Court, Tulsa, Oklahoma

SURVEYORS STATEMENT

COLLINS LAND SURVEYING INC., AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION, THE ABOVE INSPECTION PLAT SHOWS THE DWELLING AS LOCATED ON THE PREMISES DESCRIBED, THAT IT IS ENTIRELY WITHIN THE DESCRIBED TRACT BOUNDARIES AND THERE ARE NO ENCROACHMENTS THEREON BY VISIBLE PERMANENT IMPROVEMENTS, EXCEPT AS INDICATED; THAT THE ABOVE INSPECTION PLAT SHOWS ALL RECORDED PLAT EASEMENTS AND OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR BY COMMITMENT FOR TITLE INSURANCE AND COPIES THEREOF PROVIDED TO US; THAT THIS INSPECTION PLAT WAS PREPARED FOR IDENTIFICATION ONLY FOR THE MORTGAGEE AND IS NOT A LAND OR BOUNDARY LINE SURVEY, THAT NO PROPERTY CORNERS WERE SET, AND IS NOT TO BE USED OR RELIED UPON, FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER IMPROVEMENTS, THAT UNDERGROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS INSPECTION PLAT UNLESS SPECIFICALLY REQUESTED BY THE CLIENT; THAT THIS INSPECTION PLAT WAS PREPARED SOLELY FOR THE CLIENT LISTED HEREON AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION; AND THAT NO RESPONSIBILITY OR LIABILITIES ASSUMED HEREBY TO THE PRESENT OR FUTURE LAND OWNER OR OCCUPANT. BURIED SERVICE CABLE LOCATIONS ARE APPROXIMATE; CALL OKIE BEFORE DIGGING 1-(800)-682-6543

WITNESS MY HAND AND SEAL THIS DATE:

FINAL; 08/09/2019



*K.S. Collins*  
K.S. COLLINS  
OKLAHOMA REGISTERED  
LAND SURVEYOR NO. 1259  
CA#2656 EXPIRES: 06/30/2020



1.60





Tulsa Metropolitan Area  
Planning Commission

**Case:** Oklahoma Oncology

**Hearing Date:** September 18, 2019

**Case Report Prepared by:**

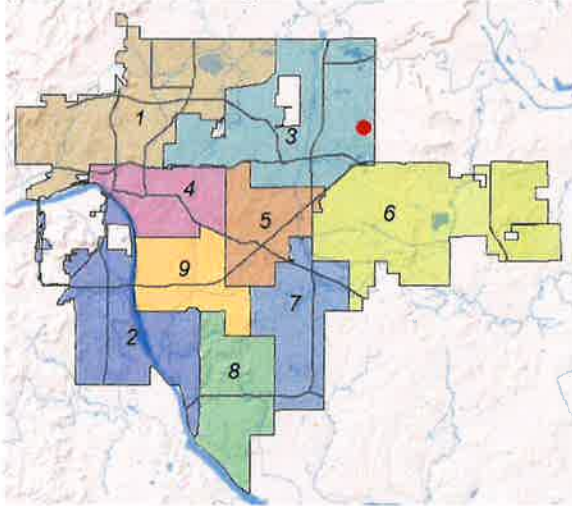
Nathan Foster

**Owner and Applicant Information:**

*Applicant:* Nicole Watts, KKT

*Owner:* Saint Francis Hospital, INC

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



**Applicant Proposal:**

Change of Access

*Location:* Southwest corner of East 48<sup>th</sup> Street South and South Garnett Road

*Summary:* Proposal to condense 3 separate access points into 1 larger access on South Garnett Road

**Zoning:**

IL (Industrial – Light)/ PUD-312-A

**Staff Recommendation:**

Staff recommends **approval** of the Change of Access request.

**City Council District: 7**

*Councilor Name:* Lori Decter Wright

**County Commission District: 1**

*Commissioner Name:* Stan Sallee

**EXHIBITS:**

Proposed new access & limits of access

2.1



ALL CONSTRUCTION TO BE IN STRICT ACCORDANCE WITH CURSIVE TULSA COUNTY STANDARDS AND SPECIFICATIONS (INCLUDING C.D.O.T. 2009 EDITION)



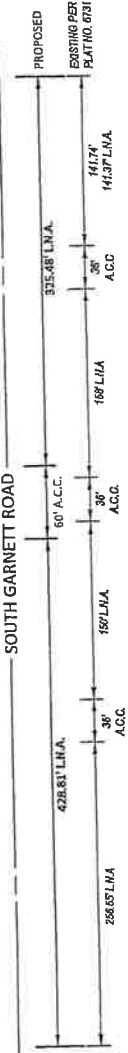
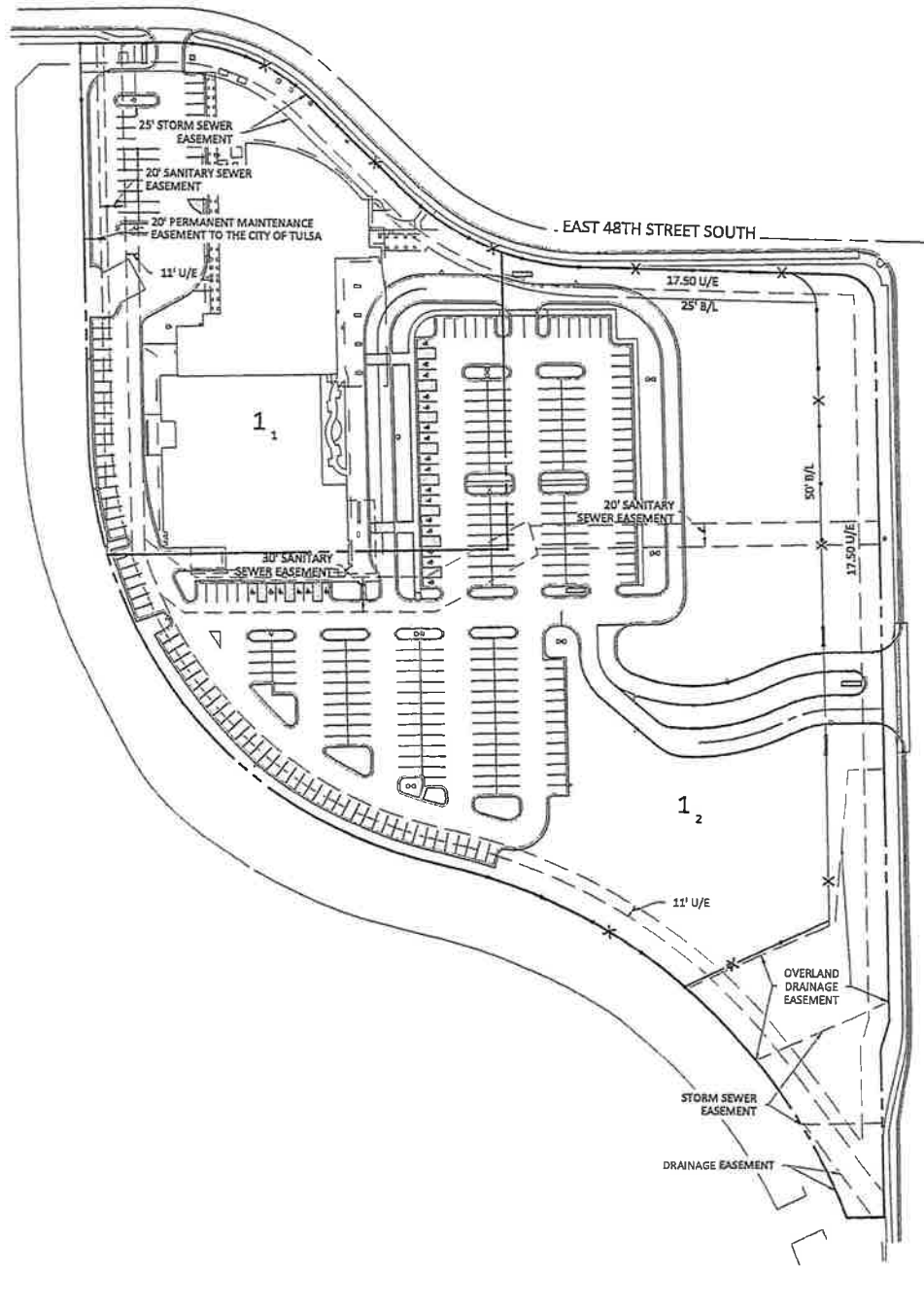
Oklahoma Oncology  
PLAT NO. 6348

Tulsa, Oklahoma



HORT SCALE . . . . . 1"=150'  
VERT SCALE . . . . .  
ATLAS PAGE NO. . . . .  
MANAGER . . . . . ANW  
DRAWN BY . . . . . LSJ  
DATE . . . . . 7/29/2019

REVISED CHANGE OF ACCESS  
**EXHIBIT A**



APPROVED: *[Signature]*  
8-27-19 TRAFFIC ENGINEER

22

**CHANGE OF AND CONSENT TO  
AREAS OF ACCESS AS SHOWN ON RECORDED PLAT**

WHEREAS, SAINT FRANCIS HOSPITAL, INC.  
are the owners of Lots 1 and 2, Block 1 Oklahoma Oncology,  
in the city and/or county of Tulsa, Oklahoma, according to the recorded plat thereof;  
and

WHEREAS, said owners desire to change the access points from multiple  
36' Access points to one (00') Access to the above described property and,  
At 293.88' from North property line

WHEREAS, such change requires approval of the Tulsa Metropolitan Area  
Planning Commission; and

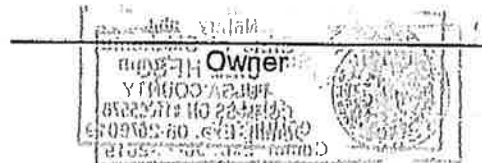
WHEREAS, the Tulsa Metropolitan Area Planning Commission may approve  
such change of access with a favorable recommendation by the designated Engineer of  
the City of Tulsa or Tulsa County, Oklahoma.

NOW THEREFORE, the undersigned owners of the above named property in  
the City (and/or) County of Tulsa, Oklahoma according to the recorded plat thereof,  
does hereby change the access point(s) from its (their) present location as shown on  
the above named plat as recorded in the office of the County Clerk of Tulsa County,  
Oklahoma, as plat number \_\_\_\_\_ to the location(s) as shown on the attached Exhibit  
A, which is incorporated herein by reference and made a part hereof for all purposes.

The Tulsa Metropolitan Area Planning Commission by the affixing of its  
approval to this instrument does hereby stipulate and agree to such change and, that  
from and after the date of this consent, ingress and egress shall be permitted over,  
through and across the areas of access as shown on attached Exhibit A, which is  
incorporated herein by reference. The area of "access" as previously shown are hereby  
revoked and access to the property prohibited across said area. The area of limits of  
no access previously existing along the area of access now permitted by this change  
and consent is hereby expressly vacated, annulled and held for naught.

IN WITNESS WHEREOF, the parties have hereunto set their hands and  
affixed their seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Eve Schick  
Owner



APPROVED:  
But W. Koff  
City/County Engineer

TMAPC

STATE OF \_\_\_\_\_ )

) SS

INDIVIDUAL ACKNOWLEDGEMENT

COUNTY OF \_\_\_\_\_ )

Before me, the undersigned, a Notary Public in and for said County and State, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared \_\_\_\_\_, to me known to be the identical person(s) who executed the foregoing instrument and acknowledged to me that \_\_\_\_\_ executed the same as \_\_\_\_\_ free and voluntary act and deed for the purposes therein set forth.

GIVEN under my hand and seal the day and year last above written.

My Commission Expires: \_\_\_\_\_

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

STATE OF Oklahoma )

) SS

CORPORATE ACKNOWLEDGEMENT

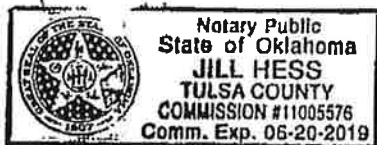
COUNTY OF Tulsa )

Before me, the undersigned, a Notary Public in and for said County and State, on this 20 day of May, 2019, personally appeared Ericschek, to me known to be the identical person(s) who subscribed the name of the maker thereof to the foregoing instrument as its \_\_\_\_\_ and acknowledged to me that \_\_\_\_\_ executed the same as \_\_\_\_\_ free and voluntary act and deed of such corporation, for the purposes therein set forth.

GIVEN under my hand and seal the day and year last above written.

My Commission Expires: 6-20-19

Jill Hess  
\_\_\_\_\_  
Notary Public



Change Of And Consent To Areas As Shown On Recorded Plat

page 2

24

Z-7499

Sawyer, Kim

**From:** Wilkerson, Dwayne  
**Sent:** Thursday, September 12, 2019 10:12 AM  
**To:** Sawyer, Kim  
**Subject:** FW: Pearl Ridge Rezoning (Z-7499) Withdrawal from applicant.

**Dwayne Wilkerson, ASLA, PLA**  
Principal Planner | Current Planning  
**Tulsa Planning Office**  
2 W. 2nd St., 8th Floor | Tulsa, OK 74103  
918.579.9475  
[dwickerson@incog.org](mailto:dwickerson@incog.org)



**From:** David Henke <dhenke@mce.us.com>  
**Sent:** Thursday, September 5, 2019 12:55 PM  
**To:** Wilkerson, Dwayne <DWilkerson@incog.org>  
**Subject:** Pearl Ridge Rezoning

Dwayne

I received your email about the MX 1 vs the MX 2 change. I will proceed with the MX 1-UU as instructed.

I will also use this email to withdraw my Zoning Application Z7499 as discussed. I would also like for it to be considered to reimburse our application fee for this application due it being withdraw. Please advise any further action needed on our for this task.

Thanks,

**David Henke, P.E., C.F.M.**  
*Project Manager*



4606 S. Garnett Rd., Suite 401 | Tulsa, OK 74146  
[918.619.6803](tel:918.619.6803) office | [314.435.6302](tel:314.435.6302) mobile  
[dhenke@mce.us.com](mailto:dhenke@mce.us.com)

3.1





Tulsa Metropolitan Area  
Planning Commission

**Case Number: Z-7489**

**Hearing Date: September 18, 2019**

- Applicant continuance from 9.4.2019 to 9.18.2019
- Planning Commission continuance from 8.21.2019 (no quorum) to 9.4.2019
- Applicant continuance from 7.17.2019 to 8.21.2019

**Case Report Prepared by:**

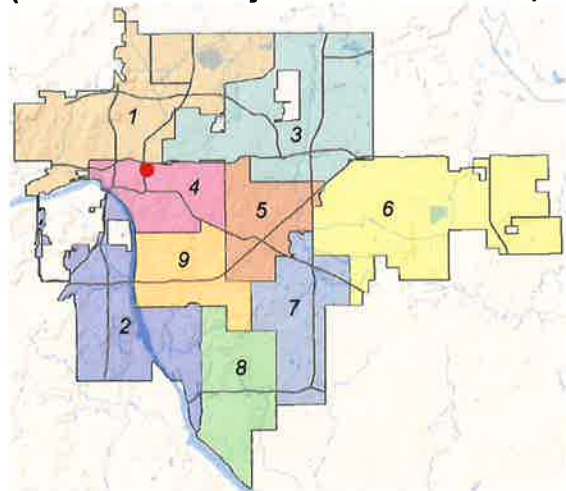
Dwayne Wilkerson

**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

4.1

## 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 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

4.3

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

4.4

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.

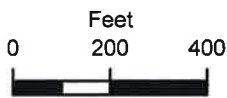
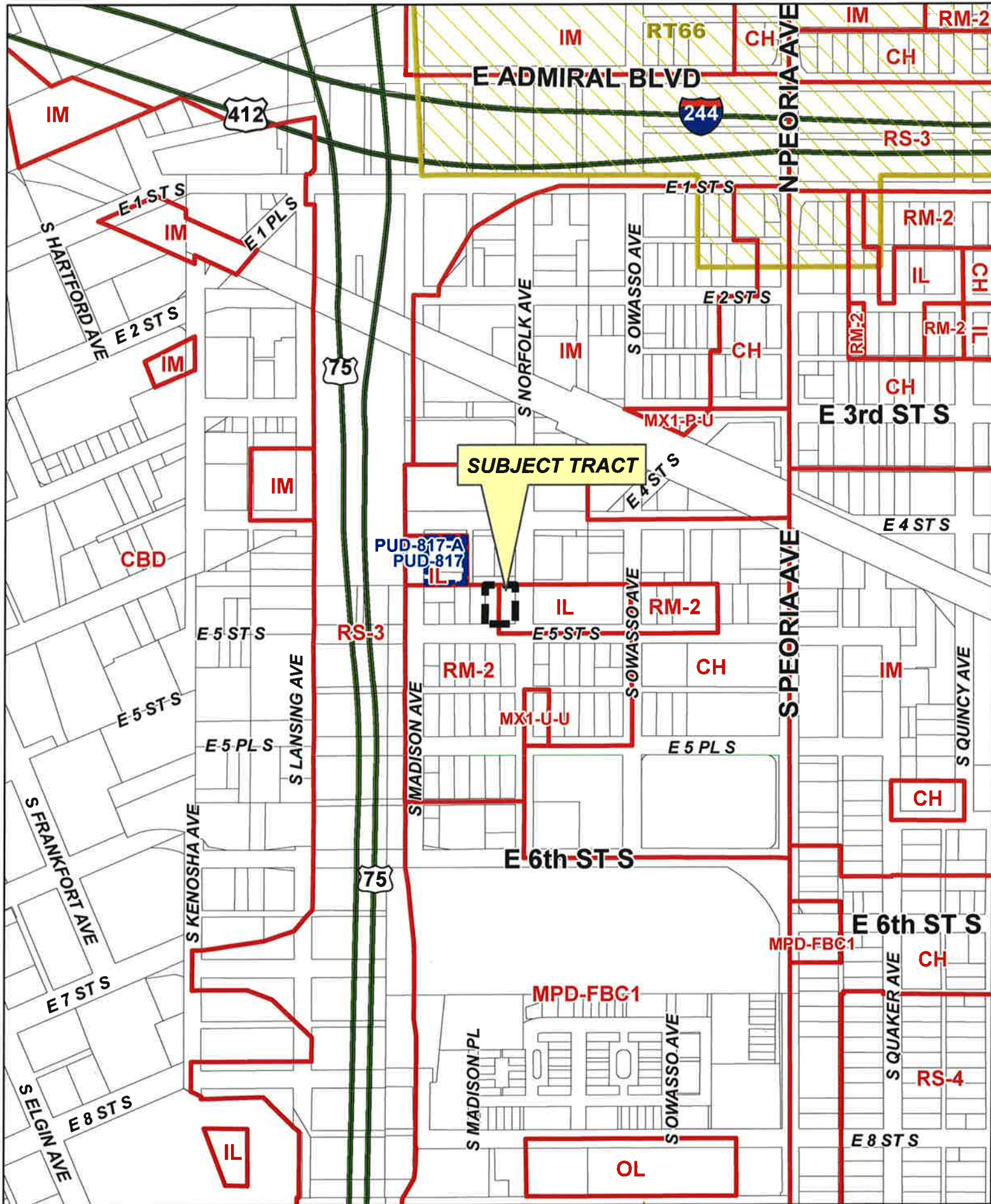
**BOA-21868 May 2015:** The Board of Adjustment **approved** a *special exception* to permit a food truck court and an outdoor event venue in the CH District; **approved** a *variance* of the allowable days for open air activities; **approved** a *variance* of the requirement that all motorized vehicles 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.

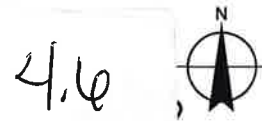
4.5



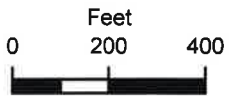


**Z-7489**

19-12 01







 Subject Tract

**Z-7489**

19-12 01

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

Aerial Photo Date: February 2018



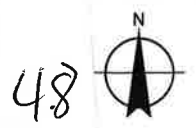




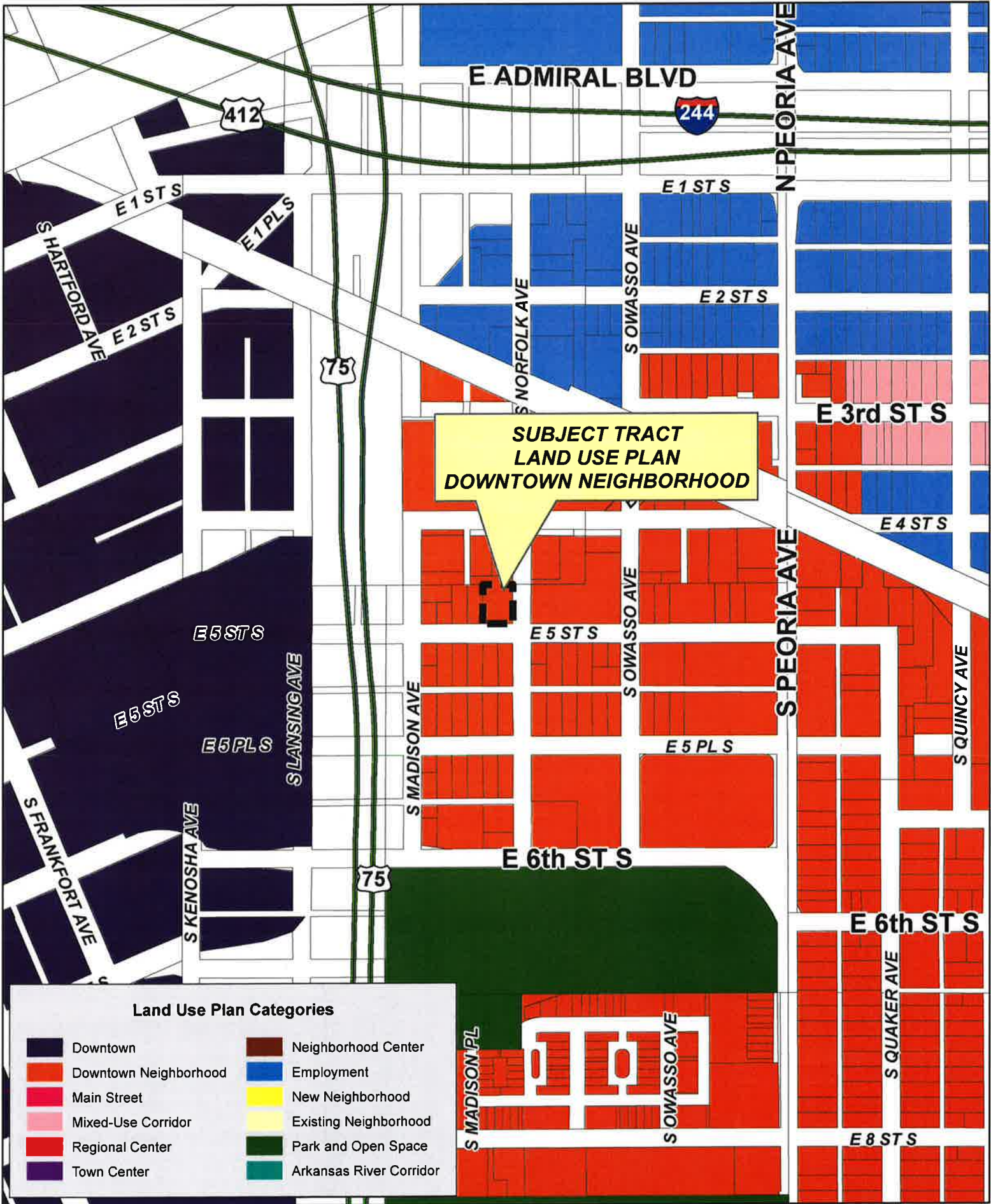
 Subject Tract

**Z-7489**  
19-12 01

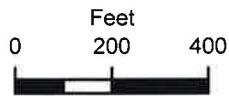
Note: Graphic overlays may not precisely align with physical features on the ground.  
Aerial Photo Date: February 2018







**SUBJECT TRACT  
LAND USE PLAN  
DOWNTOWN NEIGHBORHOOD**



**Z-7489**

19-12 01











---

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

---

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

4.13



STANDARD RIGHT-OF-WAY / EASEMENT TABLE			
PARCEL NO.	DOC NO		OWNERSHIP IDENTIFICATION
	BOOK	PAGE	
1			Not Used
2	2016114580		Mabola, LLC
3	2004091580		City of Tulsa
4	2004140217		David Taylor and Julie Taylor
5	6818	2409	Anna J. Brundage
6	2014038219		Deroid W. Wofford & Mark A. Wofford
7	5629	1371	Wilom Enterprises, L.L.C.
8	6828	1999	Sokol Living Trust
9	2012056309		City of Tulsa
10	5928	123	Lee F. Hamrick
11	6738	784	Troy L. Imier
12	5380	255	William Keith Miller
13	2008104183		The City of Tulsa, Oklahoma
14	2016094854		Tulsa Development Authority
15	6904	978	Brightside Properties LLC
16	2016121893		Tulsa Development Authority Warranty Deed
17	2016112127		Matthew Tamm and Gabriela Tamm
18	4617	1184	Richard L. Thomas
19	2007022356		Veterans of Foreign Wars Post 577
20	2008104183		The City of Tulsa, Oklahoma Quit Claim Deed
21	2008104183		The City of Tulsa, Oklahoma Quit Claim Deed
22	2006124004		Good Day Properties, L.L.C. Special Warranty Deed
23	6461	2119	Koenig Properties, Inc.
24	2016017922		Evanston Properties, L.L.C. General Warranty Deed
25	2016120653		Tulsa Development Authority Warranty Deed
26	5807	589	Angelica Rodriguez
27	5787	906	Martha K. Plank
28	2017094829		Matthew Presley
29	6407	1418	Alberto Villegas
30	5997	375	JOB, Inc.
31	2008104183		The City of Tulsa, Oklahoma Quit Claim Deed
32	6916	2158	Brightside Properties, LLC
33	5707	905	Matthia K. Plank
34	2011036023		Bryca Nikole Brewer, Trustee of the Brewer Family Irrevocable Trust
35	2015004897		Maynard Bernd Investments, LLC
36	4150	282	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	988	Phillip D. and Shan Morrow
43	2014042165		Zohra Eshtiba
44	4712	1417	Steve Cowen



LEGEND		
	PROPERTY LINE	
	PROPOSED R/W BOUNDARY	
	EXISTING PROPERTY BOUNDARY	
	CITY OWNED PROPERTIES	
	REQUIRED PARCELS	
	ON GOING	
	PARCEL NUMBER	

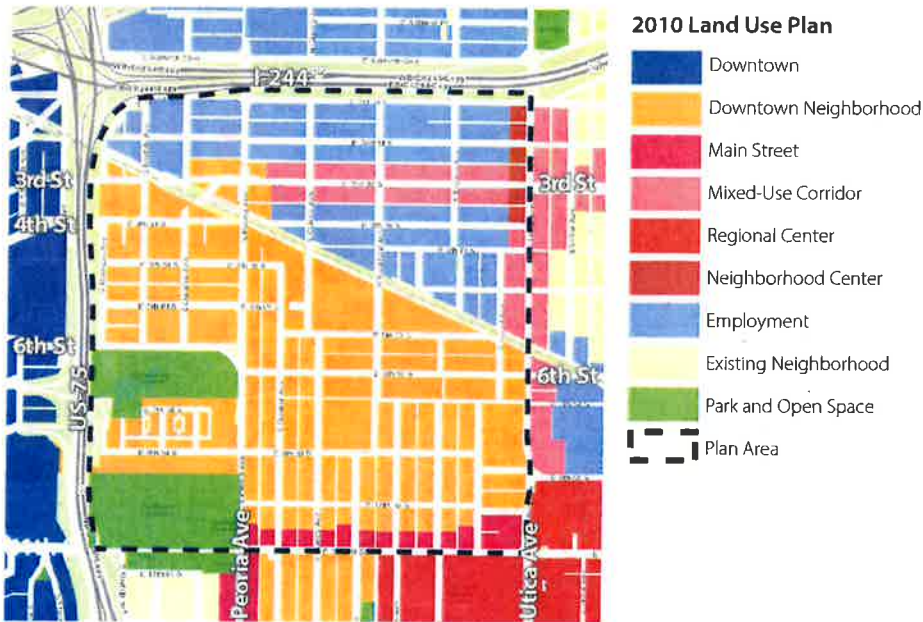


E ELM CREEK WEST POND COT 148150							
REQUIRED PARCEL MAP							
CITY OF TULSA, OKLAHOMA ENGINEERING SERVICES DEPARTMENT							
GUY ENGINEERING 18738 E. ACERVAL PL. TULSA, OK 74116 (918) 437-8282 guyeng.com							
REVISION	BY	DATE	PLAN SCALE	DRAWN	DDO	04/17	APPROVED:
			1"=50'	DESIGNED	MVS	04/17	
				FIELD SURVEY	DMN	04/17	
				PROJECT MGR.			
				FIELD ENG.			
				FIELD MGR.			
				RECOMMENDED:			
				DESIGN NUMBER:			
				DATE:			
				DRAWING:			
				FILE:			
				DATE:			
				SCALE PAGE NO 001			SHEET 1 OF 1 SHEETS





Map 2: 2010 Comprehensive Plan Land Use Plan



*City Council Approval 8.7.19*

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

*Z-7489*



*4.15*







Tulsa Metropolitan Area  
Planning Commission

**Case Number:** Z-7492 with ODP  
(Continued from 8/7/2019 and 9/4/2019)

**Hearing Date:** September 18, 2019

**Case Report Prepared by:**

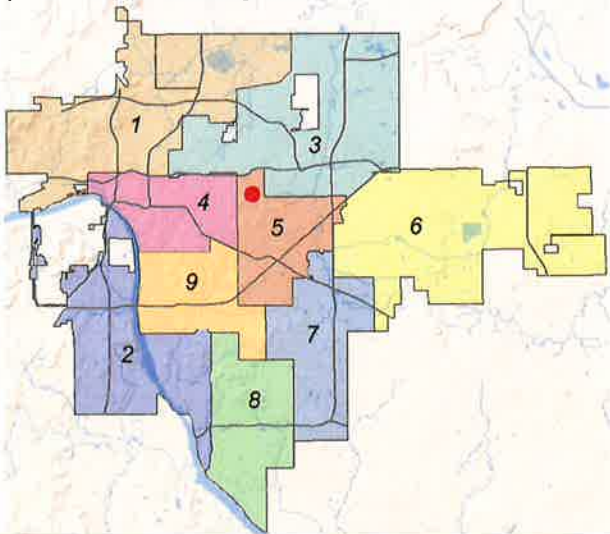
Jay Hoyt

**Owner and Applicant Information:**

*Applicant:* Mohamad Soukieh

*Property Owner:* SOUKIEH, MOHAMAD K AND DAAD

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



**Applicant Proposal:**

*Present Use:* Commerical Warehouse

*Proposed Use:* Cannabis Cultivation

*Concept summary:* Agricultural Horticulture uses are only allowed in AG, IL, IM and IH zoning districts.

*Tract Size:* 2.8 ± acres

*Location:* North of the Northeast corner of South Hudson Avenue at East 11<sup>th</sup> Street South

**Zoning:**

*Existing Zoning:* CH

*Proposed Zoning:* IM with optional development plan

**Comprehensive Plan:**

*Land Use Map:* Employment

*Stability and Growth Map:* Area of Growth

**Staff Recommendation:**

**Staff recommends denial of IM and approval of IL with the provisions of the optional development plan as listed in Section II.**

**Staff Data:**

TRS: 9303  
CZM: 38

**City Council District: 5**

*Councilor Name:* Cass Fahler

**County Commission District: 2**

*Commissioner Name:* Karen Keith

5.1

**SECTION I: Z-7492**

DEVELOPMENT CONCEPT: Horticulture nursery uses are only allowed in AG, IL, IM and IH zoning districts. No options exist in the zoning code to use existing buildings in any of the commercially zoned districts for an indoor Horticulture Nursery. The rezoning request is to allow an indoor growing facility inside an existing building.

The applicant has indicated, in the narrative included with this report, that they will be taking measures to assure the security of the facility as well as those to mitigate any impacts from the growing operation.

**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:
  - Narrative
  - Site Illustrations

**SECTION II: Optional Development Plan Standards:**

Z-7492 with the optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an IL district and its supplemental regulations except as further refined below. All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited:

**PERMITTED USE CATEGORIES**

- i. PUBLIC, CIVIC, AND INSTITUTIONAL
  - Safety Service
- ii. COMMERCIAL
  - Animal Service (includes all specific uses)
  - Broadcast or Recording Studio
  - Commercial Service (includes all permitted specific uses)
  - Financial Services (includes all specific uses)
  - Funeral or Mortuary Service
  - Office (includes all specific uses)
  - Parking, Non-accessory
  - Restaurant
  - Retail Sales (includes all specific uses)
  - Self-service Storage Facility
  - Studio, Artist, or Instructional Service
  - Trade School
  - Vehicle Sales and Service
    - Commercial vehicle repair/maintenance
    - Commercial vehicle sales/rentals
    - Fueling Station
    - Personal vehicle repair and maintenance
    - Personal vehicle sales and rentals
    - Vehicle parts and supply sales
    - Vehicle body and paint finishing shop



- iii. WHOLESALE, DISTRIBUTION AND STORAGE
  - Warehouse
  - Wholesale Sales and Distribution
- iv. RECYCLING
  - Consumer Material Drop-off Station
- v. AGRICULTURAL
  - Community Garden
  - Farm, Market- or Community-supported
  - Horticulture Nursery
- vi. OTHER
  - Drive-in or Drive-through Facility (as a component of an allowed principal use)

**DETAILED STAFF RECOMMENDATION:**

Uses that may be allowed in an IM district are not consistent with the expected development in the area and,

IM zoning allows low-impact manufacturing and industry uses that may be considered injurious to the surrounding properties,

All Industrial uses are prohibited, except for those within the Agricultural use category;

IL zoning with an optional development plan would be non-injurious to the surrounding properties and would be more consistent with the expected development in the area.

**Staff recommends denial of Z-7492 to rezone property from CH to IM and approval of rezoning from CH to IL with an optional development plan.**

**SECTION III: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: IM zoning may be consistent with the employment land use designation in the comprehensive plan however there is no industrial zoning or industrial use opportunities in the area. IL zoning with and optional development plan would be compatible, as well, while remaining less injurious to the surrounding properties.*

Land Use Vision:

Land Use Plan map designation is Employment.

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts,

attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

*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: None

Special District Considerations: The south portion of this lot is included in the RT 66 overlay. That overlay does not provide use opportunities and is limited to allowing signage that cannot be implemented in the rest of the city.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The subject tract is a parking lot and car repair facility.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP RW</u>	<u>Exist. # Lanes</u>
South Hudson	Collector	60 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	RM-2	Employment	Growth	Single family
East	CH	Employment	Growth	Transitional Housing
South	CH	Employment	Growth	Used Car Lot
West	CH	Employment	Growth	Car lot and auto repair

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11816 dated June 26, 1970 established zoning for the subject property.

***Subject Property:***

**BOA-19647 August 2003:** The Board of Adjustment **approved** a *special exception* for Use Unit 20 (Commercial Recreation: Intensive) for conducting Motorcycle Safety Foundation approved rider safety courses subject to conditions, located on subject property.

**BOA-15586 November 1990:** The Board of Adjustment **approved** a *special exception* to permit off-street parking in an RM-2 zoned district, per plan submitted, located on subject property.

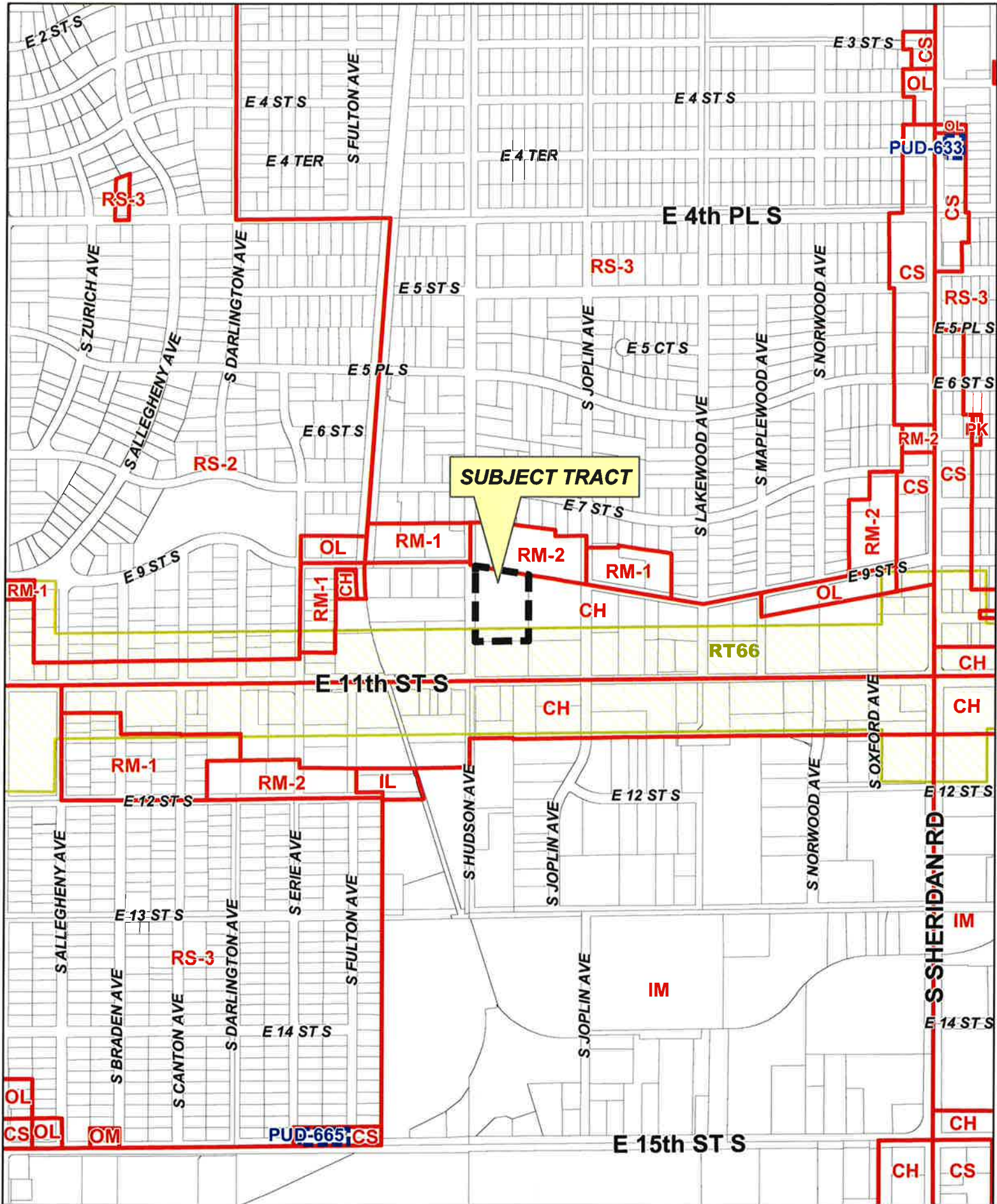
***Surrounding Property:***

**BOA-20815 January 2008:** The Board of Adjustment **approved** a *special exception* to permit fixture assembly and manufacturing (Use Unit 25) in a CH District; a *special exception* to permit required parking on a lot other than the one containing the principal use, subject to conditions, on property located West of the Northwest corner of East 11<sup>th</sup> Street and South Hudson Avenue.

**BOA-17761 July 1997:** The Board of Adjustment **approved** a *special exception* to permit a lodge in an RM-1 District, per plan submitted, on property located at the Northeast corner of South Joplin Avenue and East 9<sup>th</sup> Street South.

**BOA-6545 January 1970:** The Board of Adjustment **approved** an *exception* to permit extending a nonconforming use (manufacturing of fixtures) in a U-3E district, subject to the plot plan, on property located North of the Northwest corner of East 11<sup>th</sup> Street South and South Hudson Avenue.

**BOA-5911 May 1968:** The Board of Adjustment **approved** an *exception* to permit a service station canopy to extend 12' 6" over into the major street setback requirements in a U-3E district, subject to the execution of a right-of-way removal agreement, on property located at the Southeast corner of East 11<sup>th</sup> Street South and South Hudson Avenue.



**SUBJECT TRACT**

**Z-7492**



19-13 03







E 2 ST S

E 3 ST S

E 4 ST S

E 4 ST S

E 4 TER

E 4 TER

E 4th PL S

E 5 ST S

E 5 CT S

E 5 PL S

E 5 PLS

E 6 ST S

E 6 ST S

E 7 ST S

E 9 ST S

E 9 ST S

E 11th ST S

E 12 ST S

E 12 ST S

E 12 ST S

E 13 ST S

E 14 ST S

E 14 ST S

E 15th ST S

S ZURICH AVE

S ALLEGHENY AVE

S DARLINGTON AVE

S FULTON AVE

S JOPLIN AVE

S LAKEWOOD AVE

S MAPLEWOOD AVE

S NORWOOD AVE

S ALLEGHENY AVE

S BRADEN AVE

S CANTON AVE

S DARLINGTON AVE

S ERIE AVE

S FULTON AVE

S HUDSON AVE

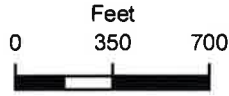
S JOPLIN AVE

S JOPLIN AVE

S NORWOOD AVE

S OXFORD AVE

S SHERIDAN RD



Subject Tract

Z-7492

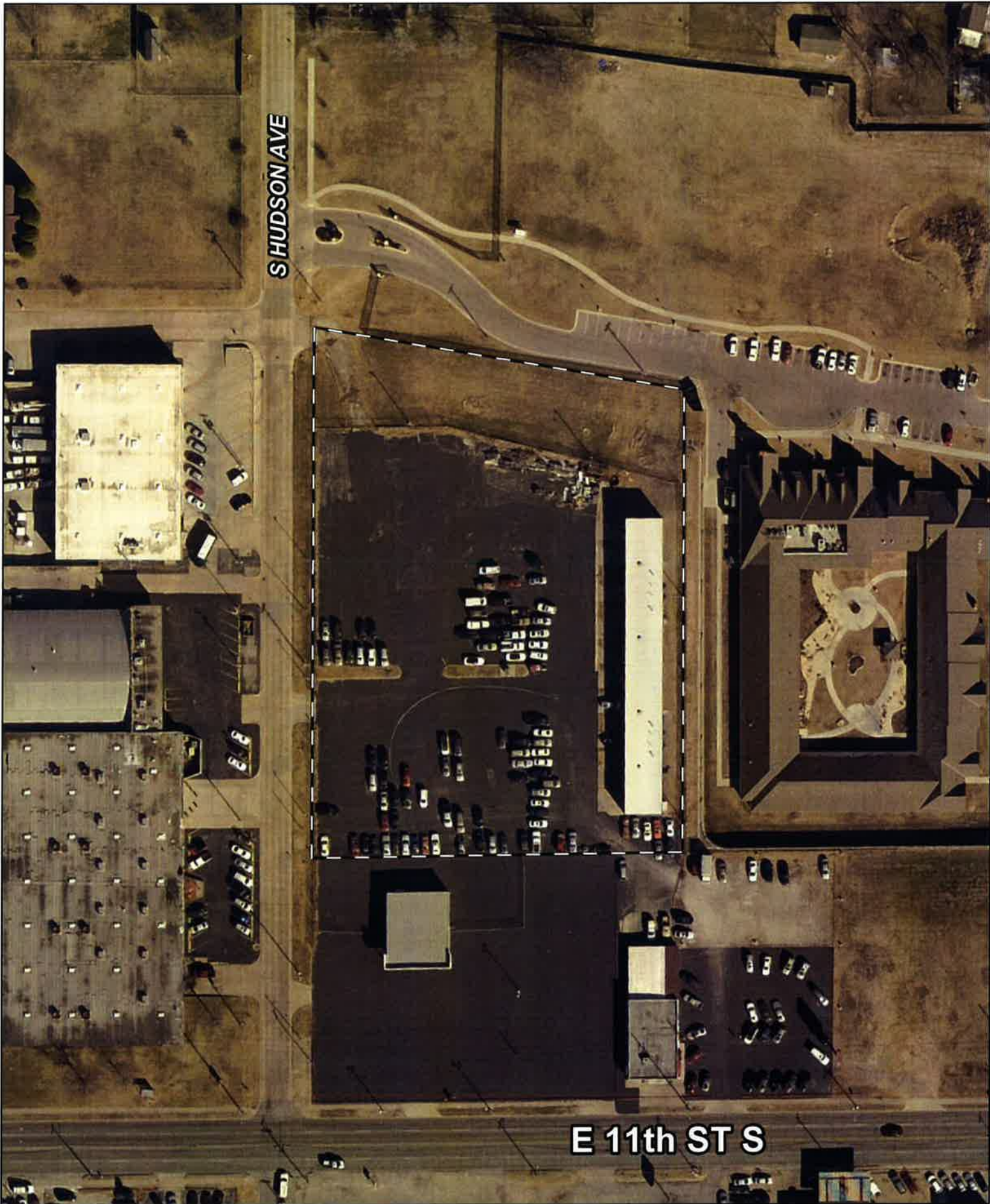
19-13 03

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

Aerial Photo Date: February 2018







SHUDSON AVE

E 11th ST S



Subject Tract

**Z-7492**

19-13 03

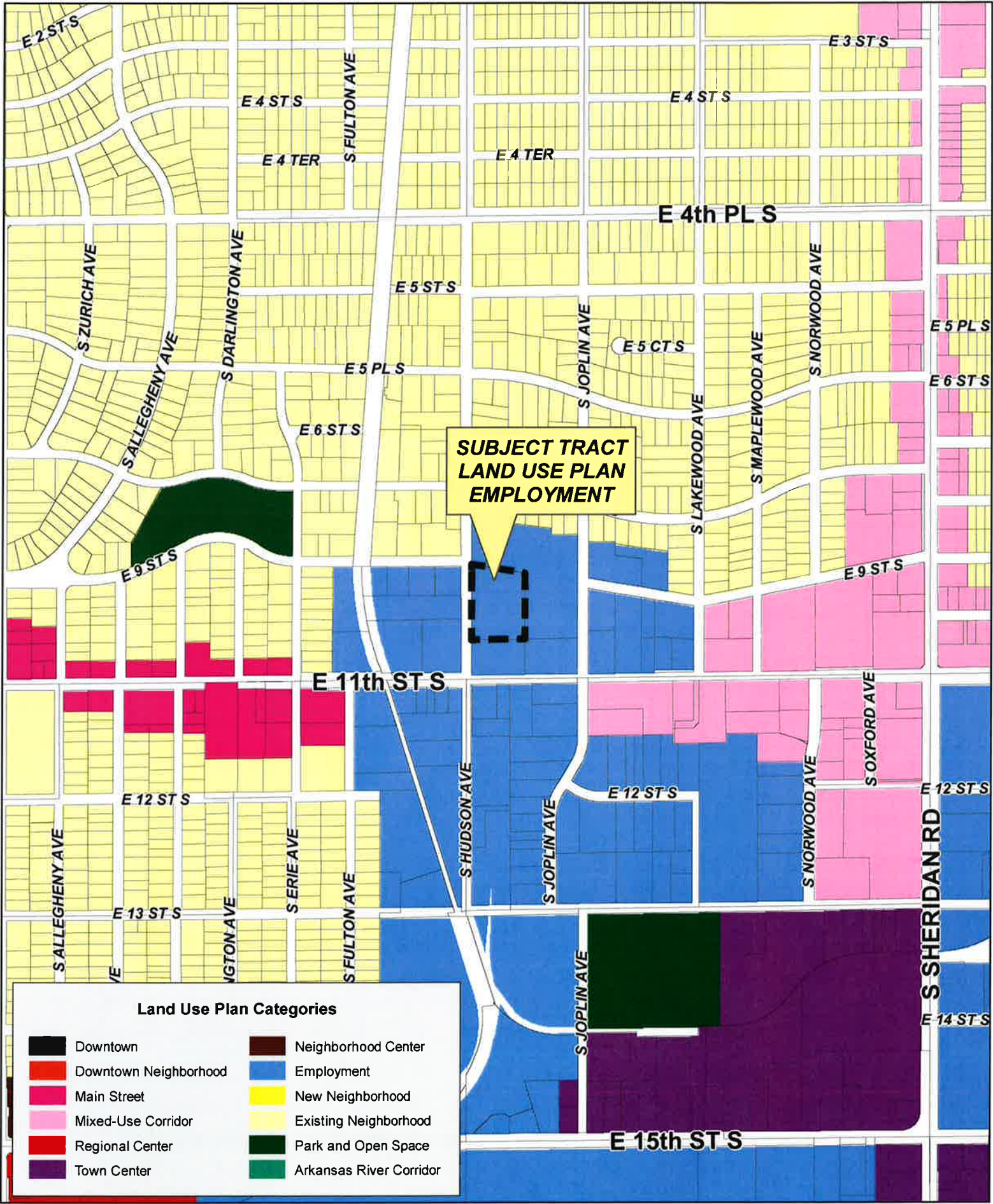
*Note: Graphic overlays may not precisely align with physical features on the ground.*

Aerial Photo Date: February 2018



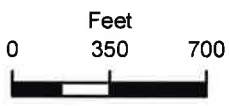
5.8





**Z-7492**

19-13 03









**Light Industrial Rezoning**  
905 South Hudson, Tulsa, OK

First of all, thank you for your consideration. If able, we intend to cultivate organically grown cannabis for our fellow medical marijuana patients of Oklahoma and more so, Tulsa. Our approach is a small, fine-tuned operation with a major emphasis on clean tested medicine. We are asking for the rezoning of the property to be changed from Heavy Commercial to Light Industrial. The impact this change would have would be minimal and unnoticed by the surrounding neighbors.

After reviewing the differences in the two, it seems that our only major need would be the agriculture aspect. We are not interested in light/ moderate manufacturing or any activities that would have an impact on the environment. We would not be dealing with anything hazardous that would have a negative impact on the environment. We only want to cultivate cannabis and will not be extracting or processing at this desired location.

We would hire eight to ten local employees based on the amount of work at hand and will provide training where it is necessary. Our group is comprised of all local Tulsa residents and we take pride in our city and state. The cannabis industry in Oklahoma is growing stronger by the day and we intend to teach and employ Tulsans to further their education and positive growth into this upcoming industry.

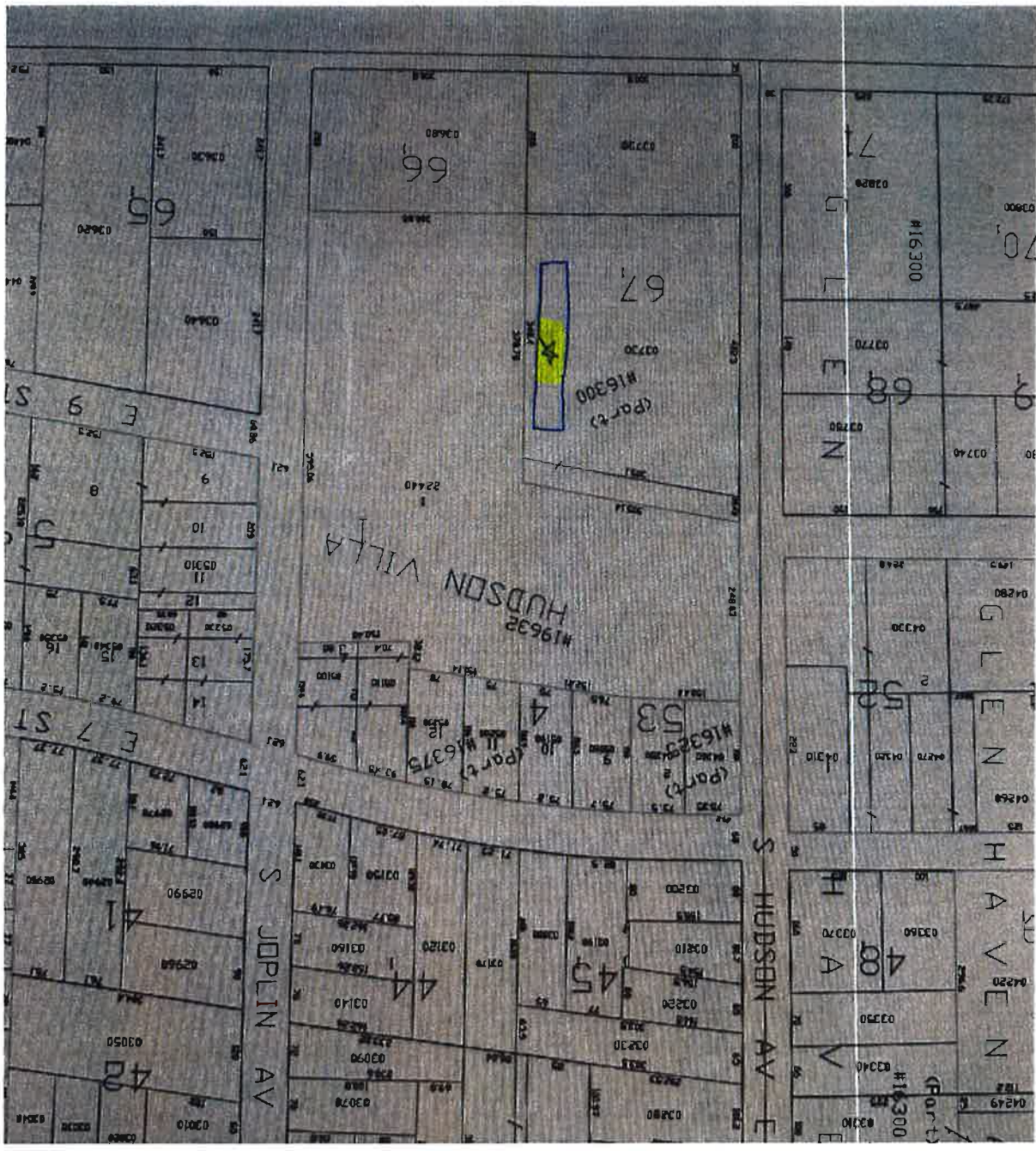
The property is entirely gated and is reinforced with a rail system to protect it from outside theft, blocking the ability of any unwanted vehicles to enter the premises. We will install a high quality video camera system as well as any other security measures that are required or deemed necessary.

The cultivation itself would be extremely discreet on its own. There would be no identifying signs that this would be a cannabis cultivation facility from the outside. Our design is to use one/two of the bays in the design attached. We would build two small rooms for main cultivation inside the bay itself resulting in a lack of detection from the outside perimeter. We intend on using large scale charcoal filters inside the cultivation rooms as well as inside the bay. Charcoal filters are a way to eliminate the smell of flowering cannabis and are extremely efficient making the public unaware of the use of the facility. There will be no signs or any advertising whatsoever, as we would want to stay discreet.

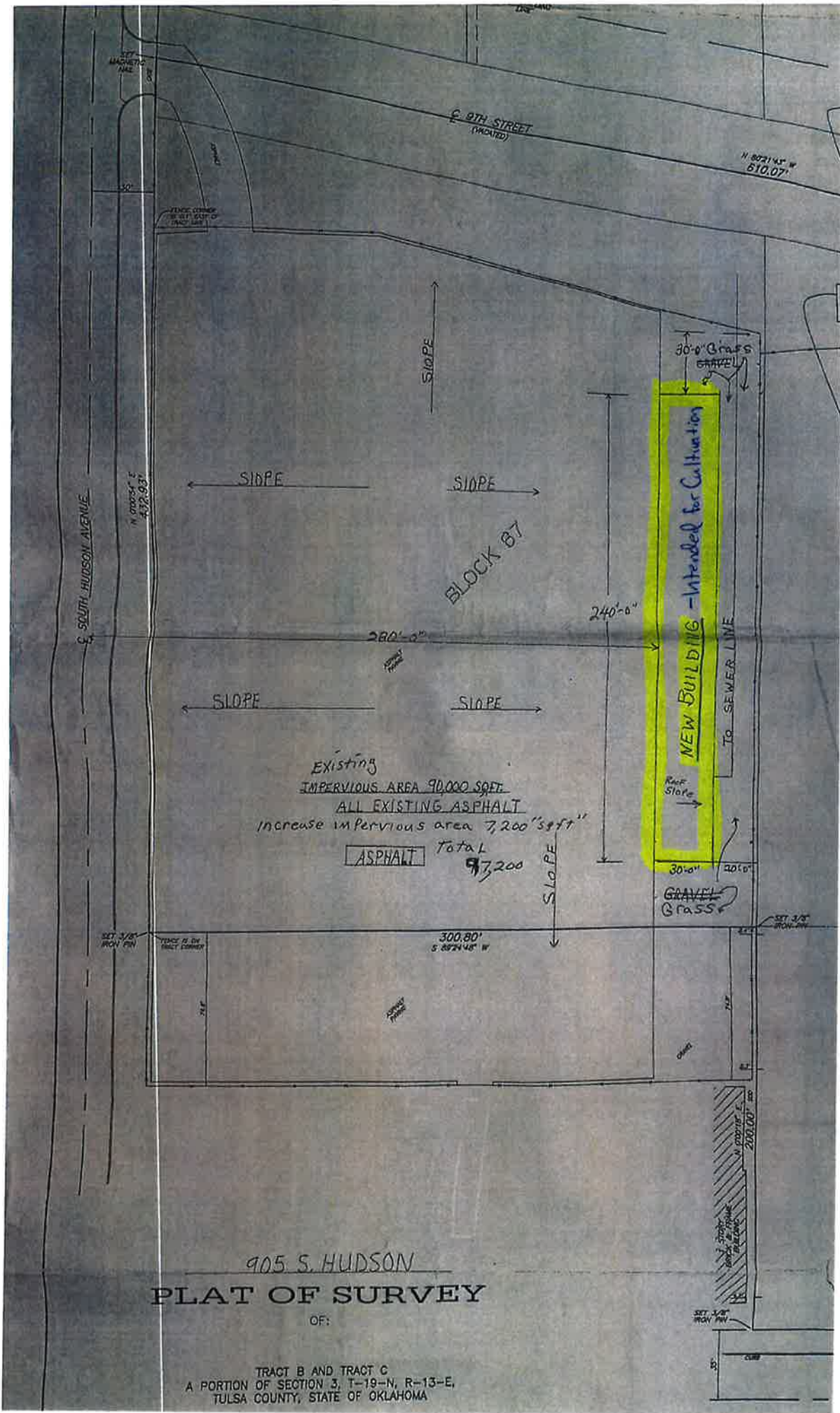
The building itself has been mostly unoccupied since its construction. The only interest to occupy has been shown by the automotive/ mechanic industry and that was not what the property was initially intended for. We would love to utilize the empty space to provide healthy medicine to the patients of Tulsa. We would be completely compliant with all of the regulations and requirements set forth by the OMMA, INCOG and The City of Tulsa.

Thank You,  
Greg Hambric – 918-510-1101 – greg.hambric@yahoo.com

5.12

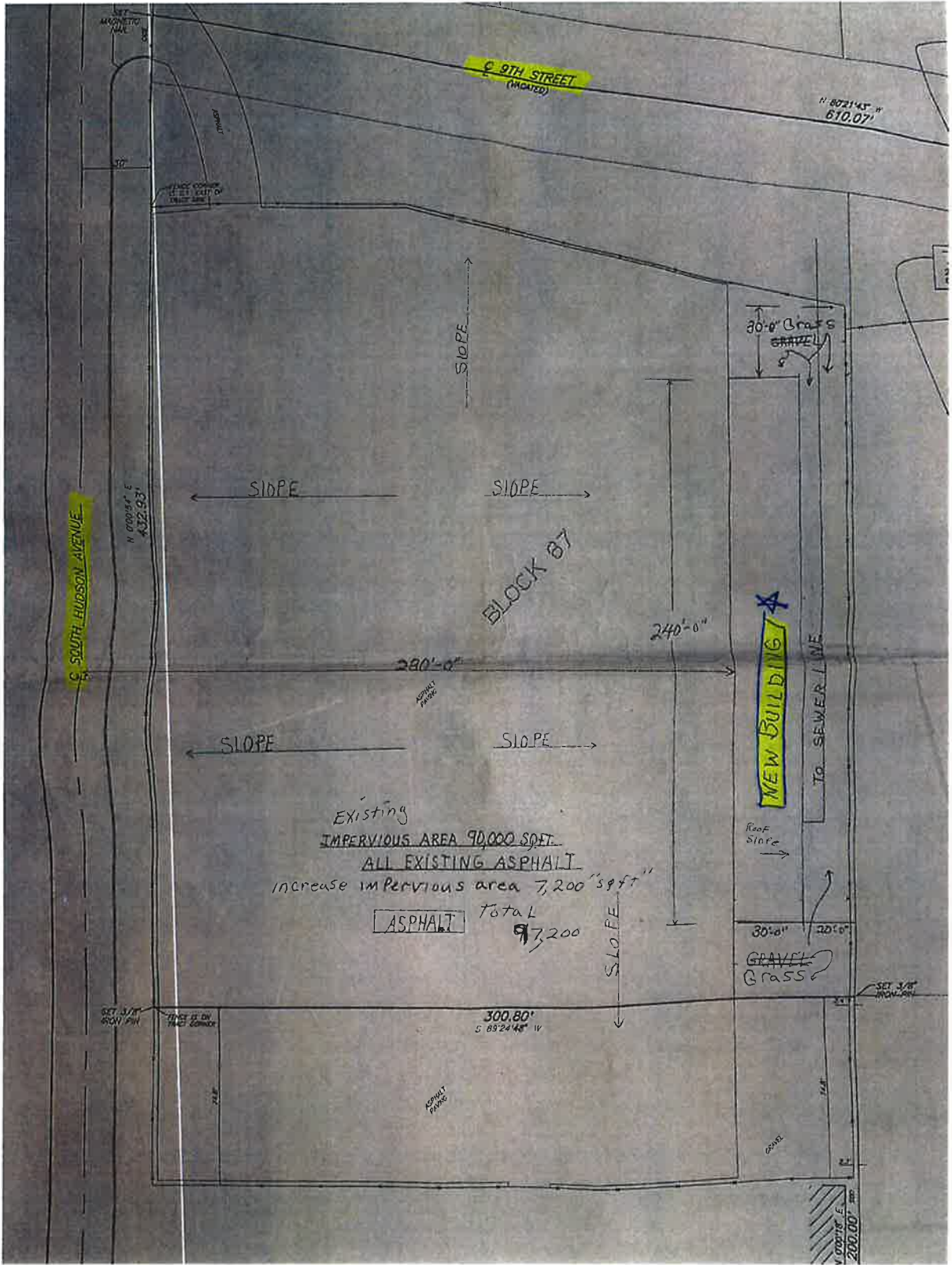


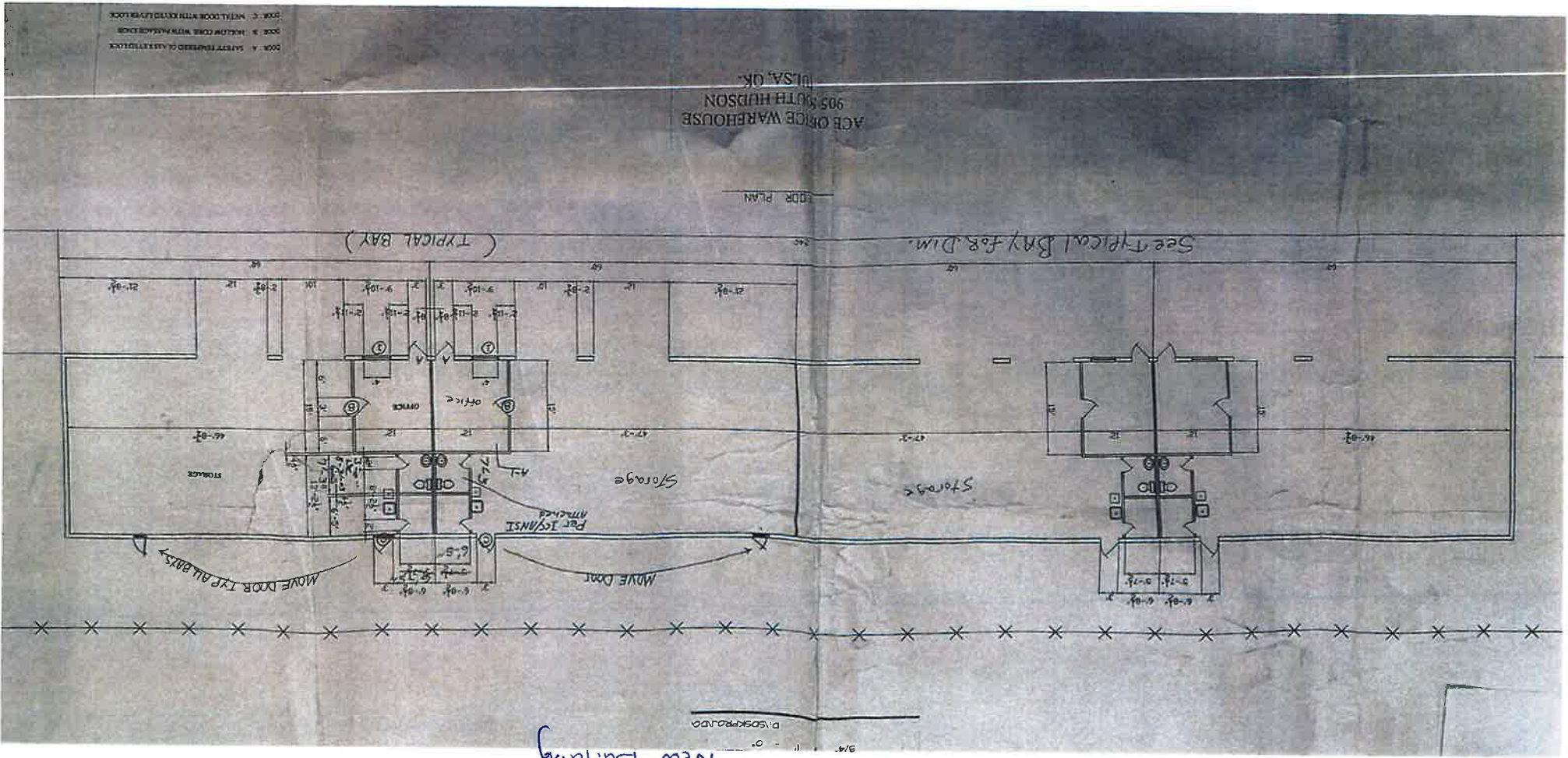


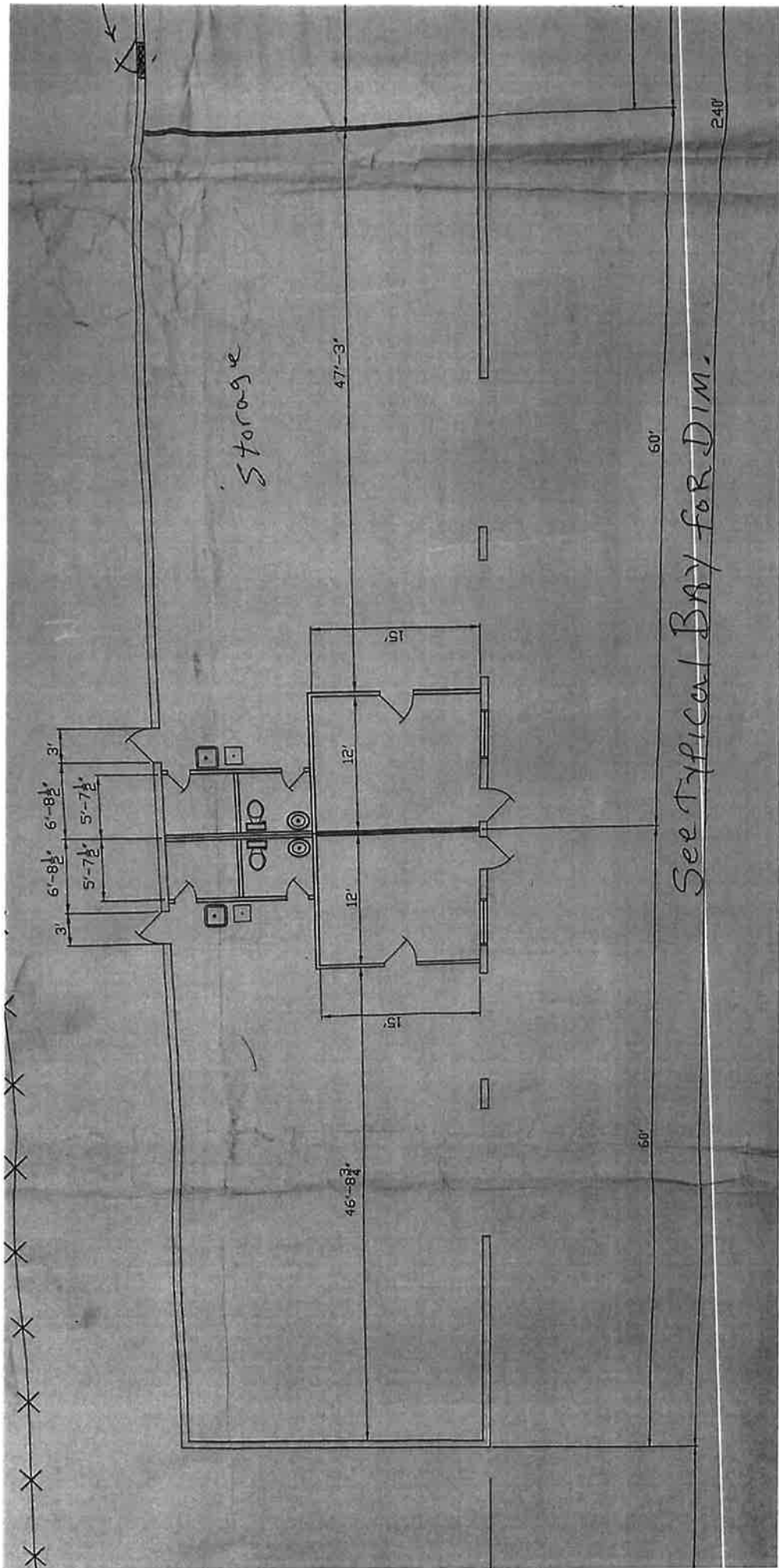


5.13

















Tulsa Metropolitan Area  
Planning Commission

**Case Number: Z-7498 w/ ODP**

**Hearing Date: September 18, 2019**

**Case Report Prepared by:**

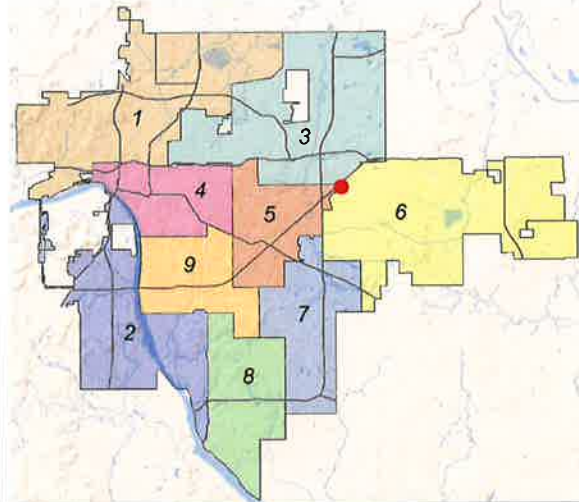
Jay Hoyt

**Owner and Applicant Information:**

*Applicant:* Malcolm Rosser

*Property Owner:* Tulsa Realty Development Auth LLC

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



**Applicant Proposal:**

*Present Use:* Commercial/Hotel

*Proposed Use:* Mixed Use

*Concept summary:* Rezone from CS to IL to permit a mixed-use facility

*Tract Size:* 4.83 ± acres

*Location:* S. of SE/c of E. 11<sup>th</sup> St. S. & E. Skelly Dr.

**Zoning:**

*Existing Zoning:* CS

*Proposed Zoning:* IL

**Comprehensive Plan:**

*Land Use Map:* Employment

*Stability and Growth Map:* Area of Growth

**Staff Recommendation:**

**Staff recommends approval.**

**Staff Data:**

TRS: 9408  
CZM: 39

**City Council District: 6**

*Councilor Name:* Connie Dodson

**County Commission District: 1**

*Commissioner Name:* Stan Sallee

6-1



## **SECTION I: Z-7498**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone from CS to IL with an optional development plan in order to permit a mixed-use facility within the designated area of the subject lot. The proposed uses would include office, retail shopping outlets and storefronts, a medical marijuana grow facility and a higher end hotel, with the intention of making the property a destination for medical marijuana conventions and classes.

The subject lot is contained within an area designated by the City of Tulsa Comprehensive Plan as an area of Employment, which would support the proposed IL zoning, particularly with the proposed optional development plan incorporated.

The requested IL zoning will be limited to the portions of the lot illustrated on the attached redlined aerial and defined by the legal descriptions provided by the applicant.

### **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:
  - Aerial Illustrating Proposed IL Areas
  - Aerial Illustrating Overall Proposed Uses
  - Site Survey

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

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an IL district with its supplemental regulations except as further refined below. All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited:

### **PERMITTED USE CATEGORY**

- A) RESIDENTIAL (see allowed residential building types below)
  - Household Living
    - Single household
    - Two households on a single lot
    - Three or more households on single lot
- B) PUBLIC, CIVIC, AND INSTITUTIONAL
  - Safety Service
  - Utilities and Public Service Facility (minor)
  - Wireless Communication Facility (includes all specific uses)
- C) COMMERCIAL
  - Animal Service (includes all permitted specific uses)
  - Broadcast or Recording Studio
  - Commercial Service (includes all permitted specific uses)
  - Financial Services (includes all permitted specific uses)
  - Funeral or Mortuary Service

6.2

Lodging (includes all permitted specific uses except Bed & Breakfast)  
Office (includes all specific uses)  
Parking, Non-accessory  
Restaurant  
Retail Sales (includes all permitted specific uses)  
Studio, Artist, or Instructional Service  
Trade School  
Vehicle Sales and Service  
    Fueling Station  
    Personal vehicle repair and maintenance  
    Vehicle part and supply sales

- D) WHOLESALE, DISTRIBUTION AND STORAGE  
    Warehouse  
    Wholesale Sales and Distribution
- E) AGRICULTURAL  
    Community Garden  
    Farm, Market or Community-supported  
    Horticulture Nursery
- F) OTHER  
    Off-Premise Outdoor Advertising Signs

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

IL zoning with an optional development plan is compatible with the Comprehensive Plan;

IL zoning with an optional development plan would be non-injurious to the surrounding proximate properties;

IL zoning with an optional development plan would be consistent with the expected development in the area;

IL zoning will be limited to the portions of the lot illustrated on the attached redlined aerial and defined by the legal descriptions provided by the applicant.

**Staff recommends approval of Z-7498 to rezone the defined portions of the property from CS to IL with an optional development plan.**

#### **SECTION III: Supporting Documentation**

##### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *The subject lot is located within an Area of Employment and an Area of Growth.*

##### Land Use Vision:

*Land Use Plan map designation:* Employment

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail

clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

*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:* E Skelly Drive is designated as a Residential Collector

*Trail System Master Plan Considerations:* None

Small Area Plan: East Tulsa Phase I

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently occupied by a former hotel structure.*

Environmental Considerations: A small portion of the SW corner of the site is located within FEMA Zone AE Floodplain. It appears the existing building, which is to be utilized for this proposal is outside of that floodplain.

6.4



Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E Skelly Drive	Residential Collector	60 Feet	3

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	Employment	Growth	Restaurants
South	CS/RM-1	Employment/Park and Open Space	Growth/Stability	Vacant/Drainage
East	CS/RS-2	Employment	Growth	Warehouse/Church
West	RS-3	N/A	N/A	I-44

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11817 dated June 26, 1970 established zoning for the subject property.

***Subject Property:***

**BOA- 17399 June 1996:** The Board of Adjustment **approved** a *variance* of the maximum allowed surface area for a sign from 468 SF to 519.88 SF permit a medical marijuana dispensary, on property located at 11620 East Skelly Drive.

**BOA- 16294 April 1993:** The Board of Adjustment **approved** a *variance* of the maximum sign height from 50' to 60' to permit the alteration of an existing ground sign, on property located at 11620 East Skelly Drive.

**BOA- 16274 February 1993:** The Board of Adjustment **approved** a *variance* of the 10' setback from the freeway to permit the alteration of the existing ground sign, finding that the sign structure has been at the same location for 15 years, and that only the sign face will be changed, with the size and height remaining the same, on property located at 11620 East Skelly Drive.

**BOA- 7393 April 1972:** The Board of Adjustment **approved** a *variance* to permit erecting a pole sign 60' high in a CS District, subject to a plot plan, on property located at 11720 East 11<sup>th</sup> Street.

6.5

**Surrounding Property:**

**BOA- 22703 August 2019:** The Board of Adjustment **accepted** the applicant's *verification of spacing* to permit a medical marijuana dispensary, on property located at 11730 East 11<sup>th</sup> Street South.

**BOA- 21620 September 2013:** The Board of Adjustment **approved** the request for *Special Exception* to allow an auto auction use in a CS District, per conceptual site plan, on property located 11910 East 11<sup>th</sup> Street South.

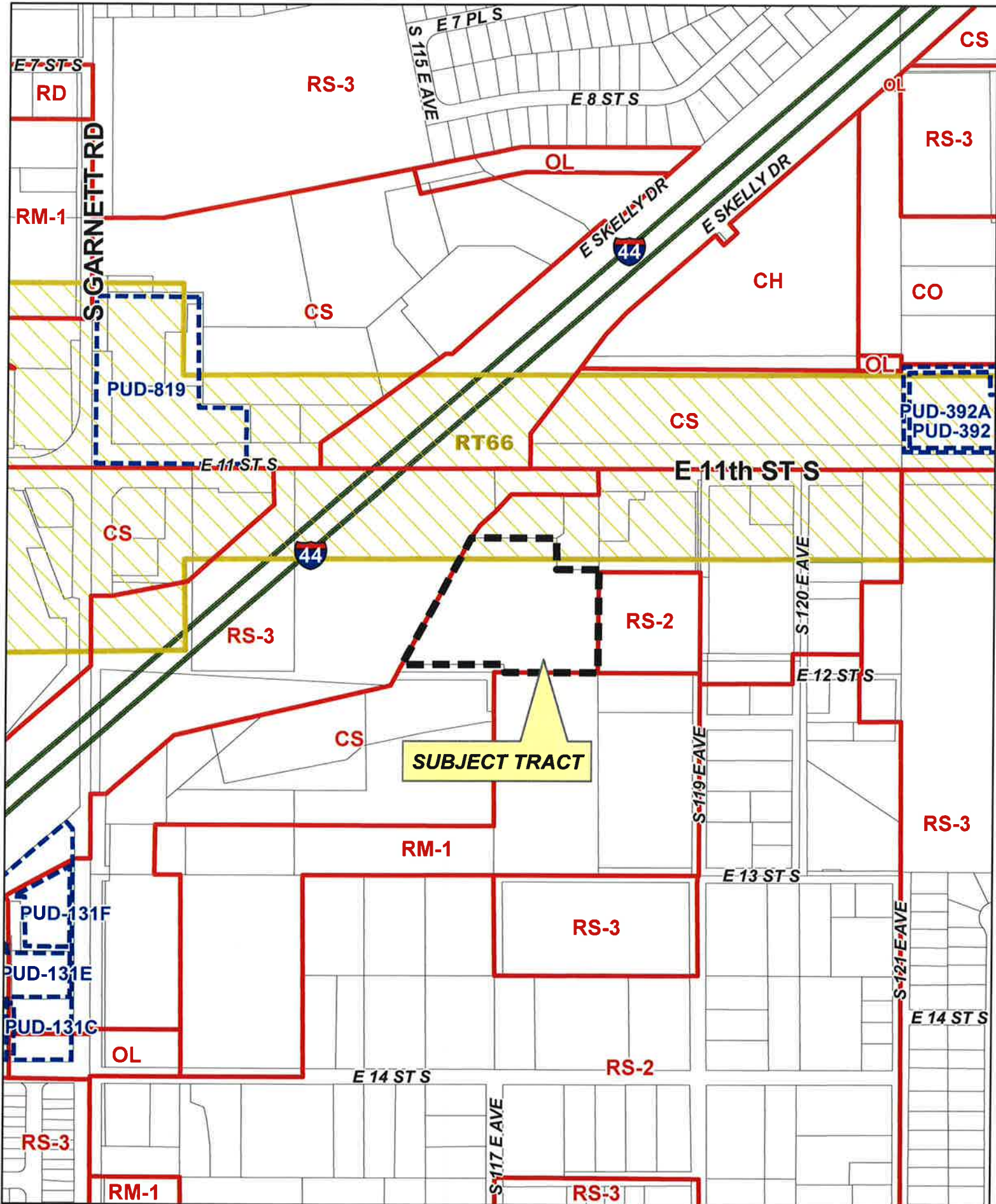
**BOA- 20852 February 2009:** The Board of Adjustment **approved** the applicant's *verification of spacing* between outdoor advertising signs, on property located at 11320 East Skelly Drive.

**BOA- 20280 June 2006:** The Board of Adjustment **approved** the applicant's *verification of spacing* requirement of 1200 feet from another outdoor advertising sign, on property located at 11520 East Skelly Drive South.

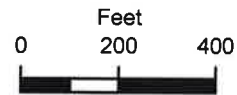
**BOA- 19181 August 2001:** The Board of Adjustment **approved** the request for *Special Exception* to allow an auto repair use in a CS District, with the conditions for days and hours of operation to be Monday through Friday, 8:00 a.m. to 6 p.m., that no cars for repair be stored for more than 48 hours, and meet all screening and landscaping requirements, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on property located 3165 South Mingo Road.

9/18/2019 1:30 PM

6.6



**SUBJECT TRACT**

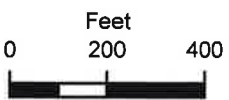
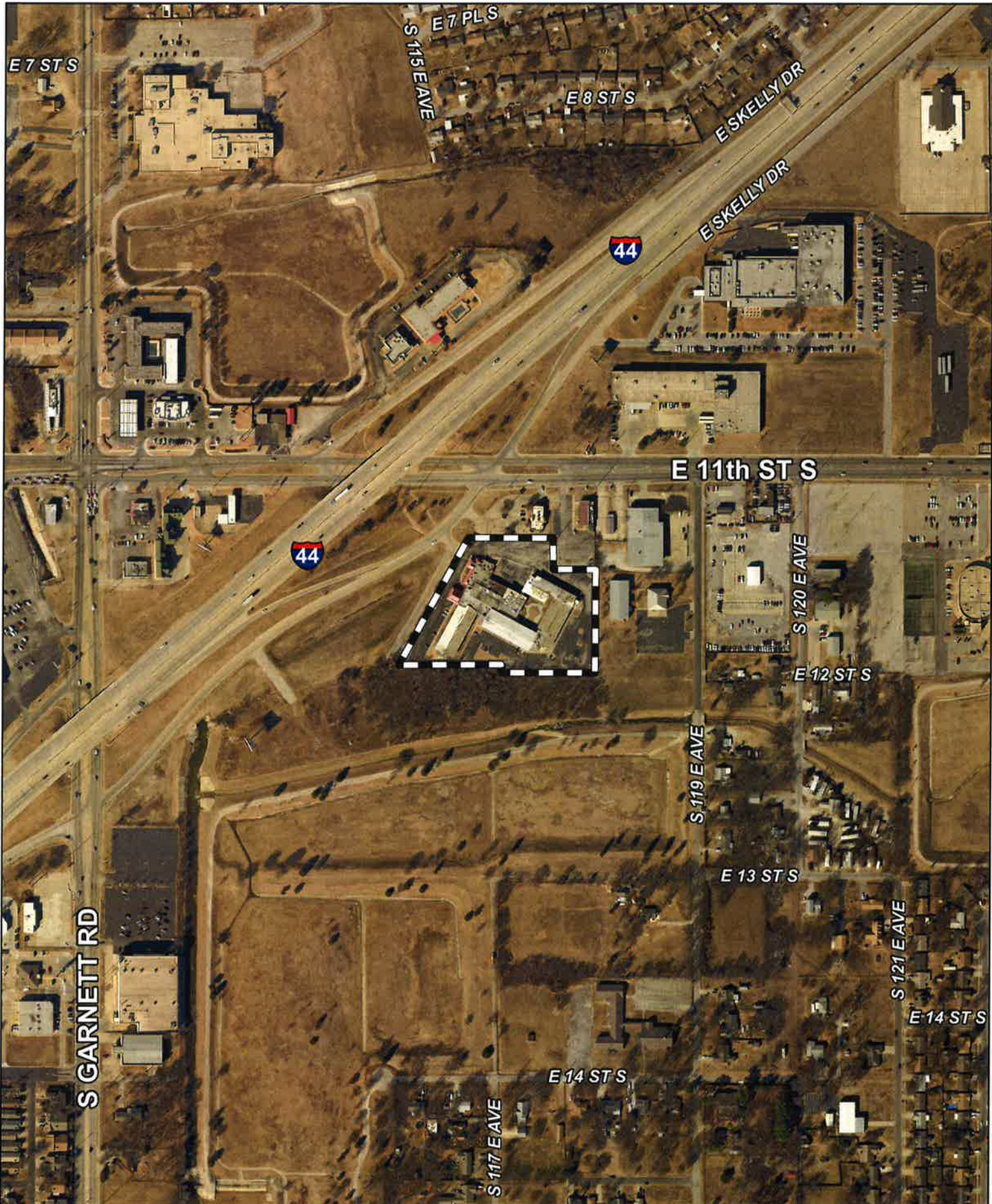


19-14 08

**Z-7498  
with Optional  
Development Plan**







 Subject Tract

19-14 08

# Z-7498 with Optional Development Plan

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

Aerial Photo Date: February 2018





44

E 11th ST S

ESKELLY DR



Subject Tract

19-14 08

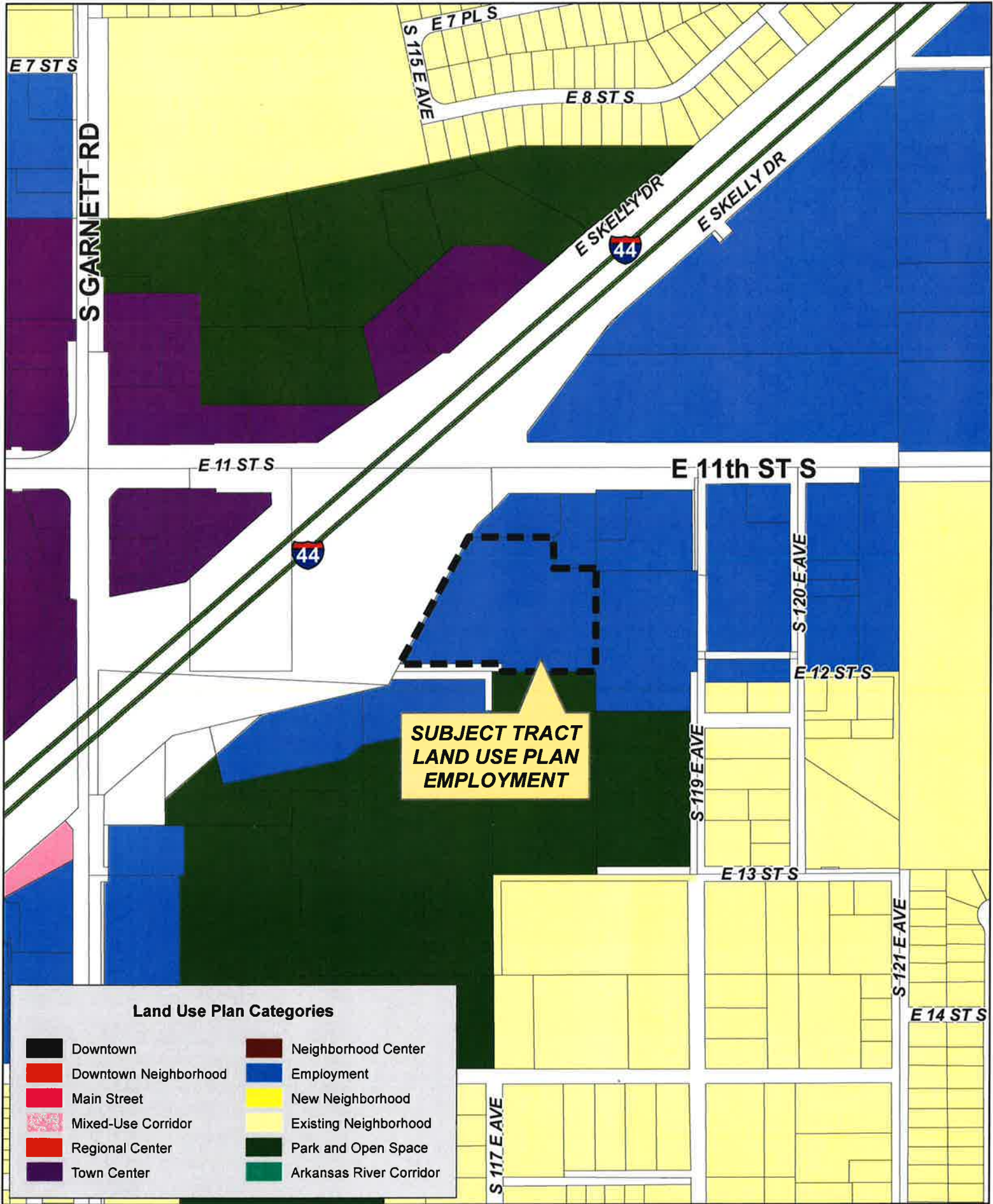
**Z-7498**  
**with Optional**  
**Development Plan**

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

Aerial Photo Date: February 2018







**SUBJECT TRACT  
LAND USE PLAN  
EMPLOYMENT**

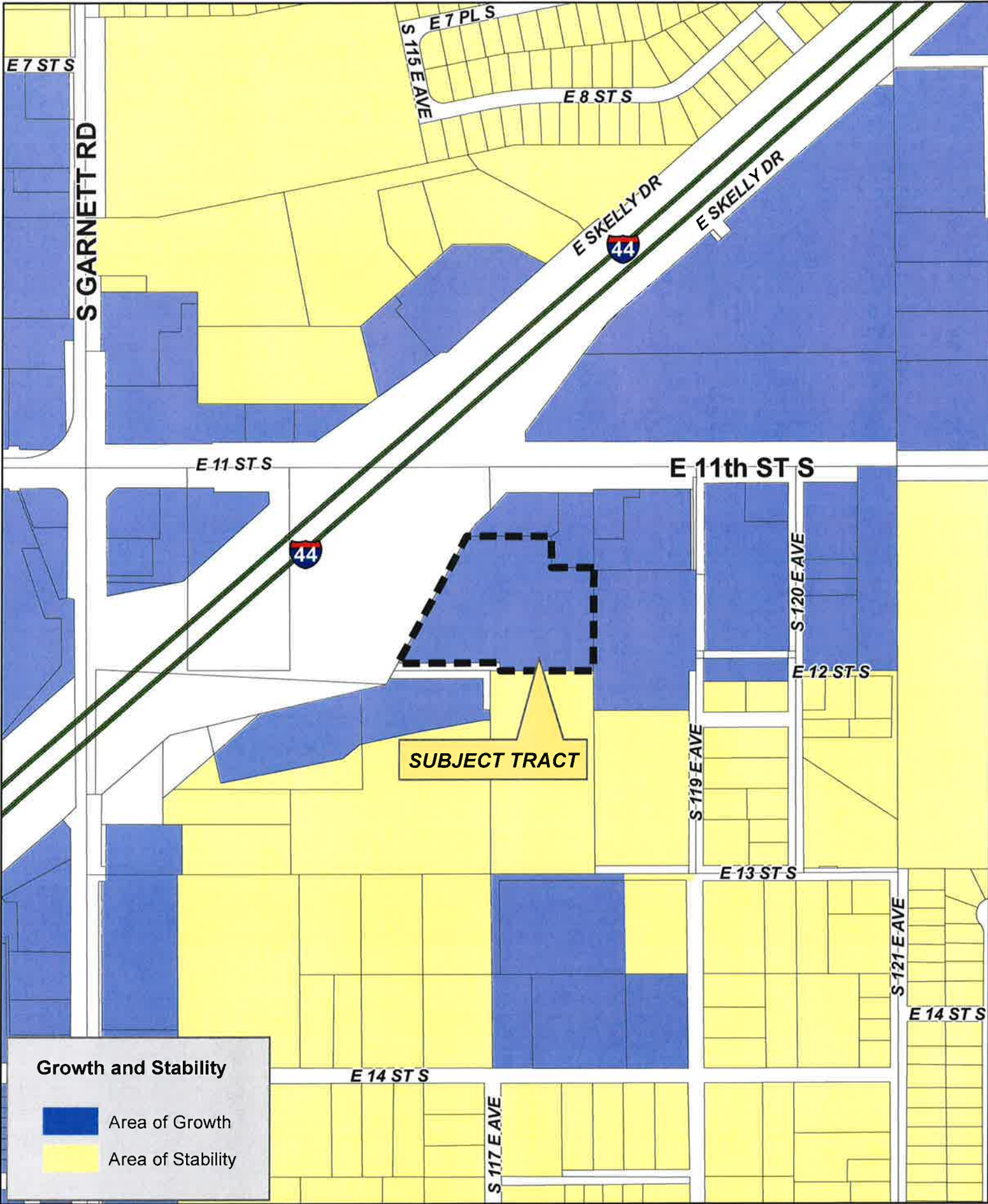


19-14 08

**Z-7498  
with Optional  
Development Plan**

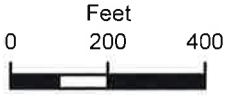






**Growth and Stability**

- Area of Growth
- Area of Stability

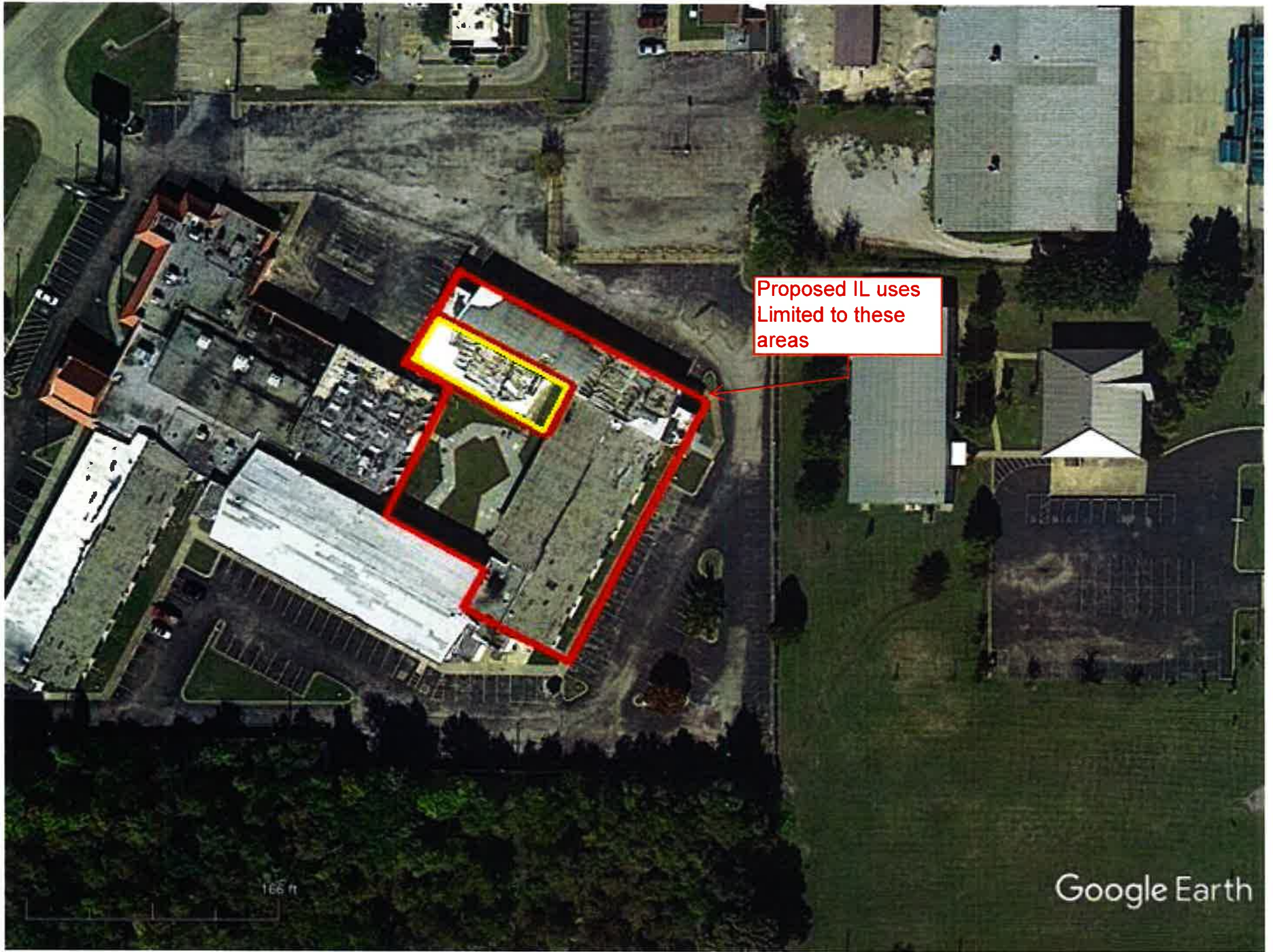


19-14 08

**Z-7498**  
*with Optional*  
**Development Plan**

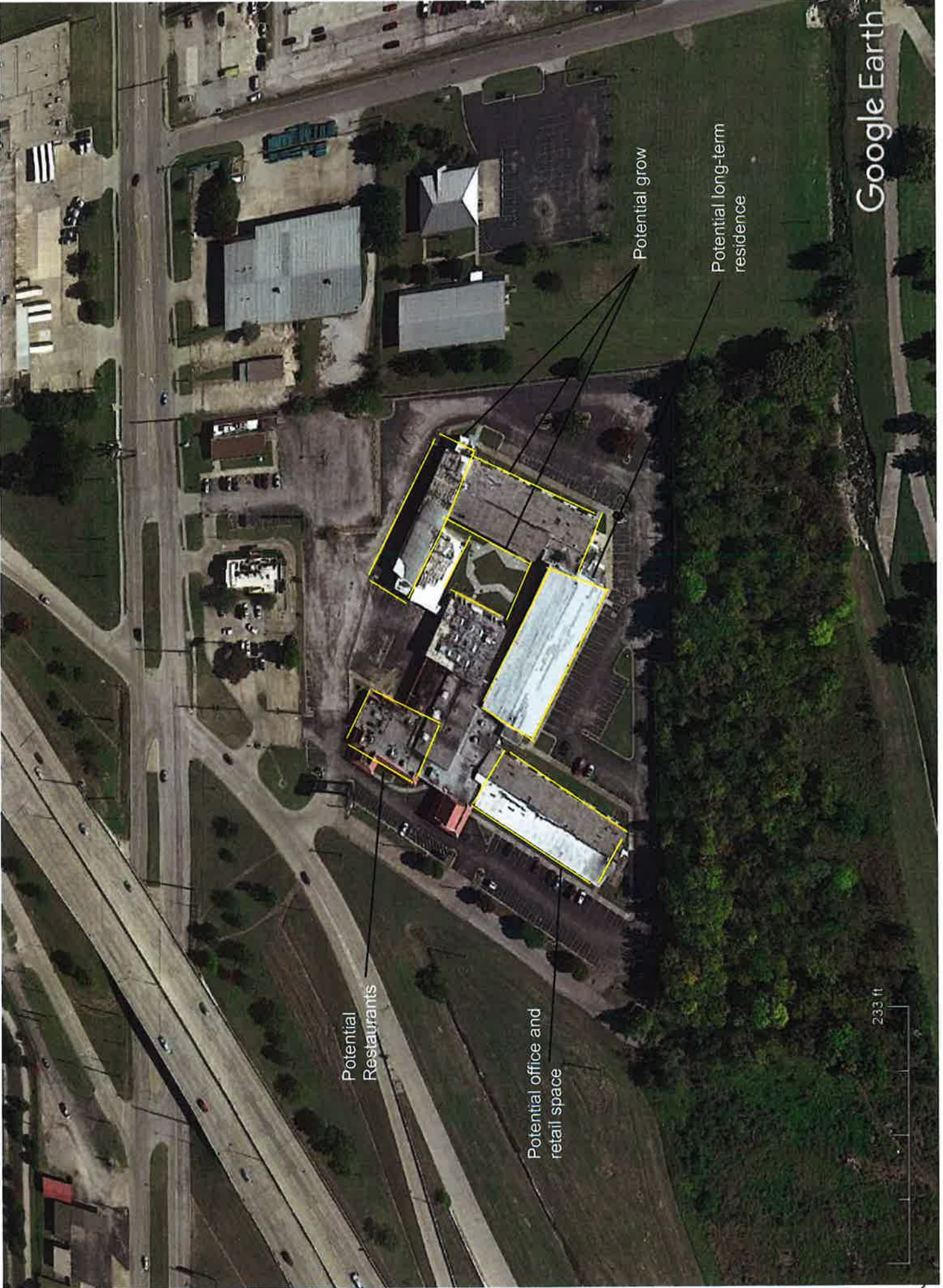






6.12





Potential Restaurants

Potential office and retail space

Potential grow

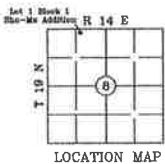
Potential long-term residence

233 ft

Google Earth

6.13





PREPARED FOR  
True Title & Escrow, Inc.  
BORROWER  
Kalidas LLC and/or Assigns  
LENDER  
High Plains Bank, ISAOA

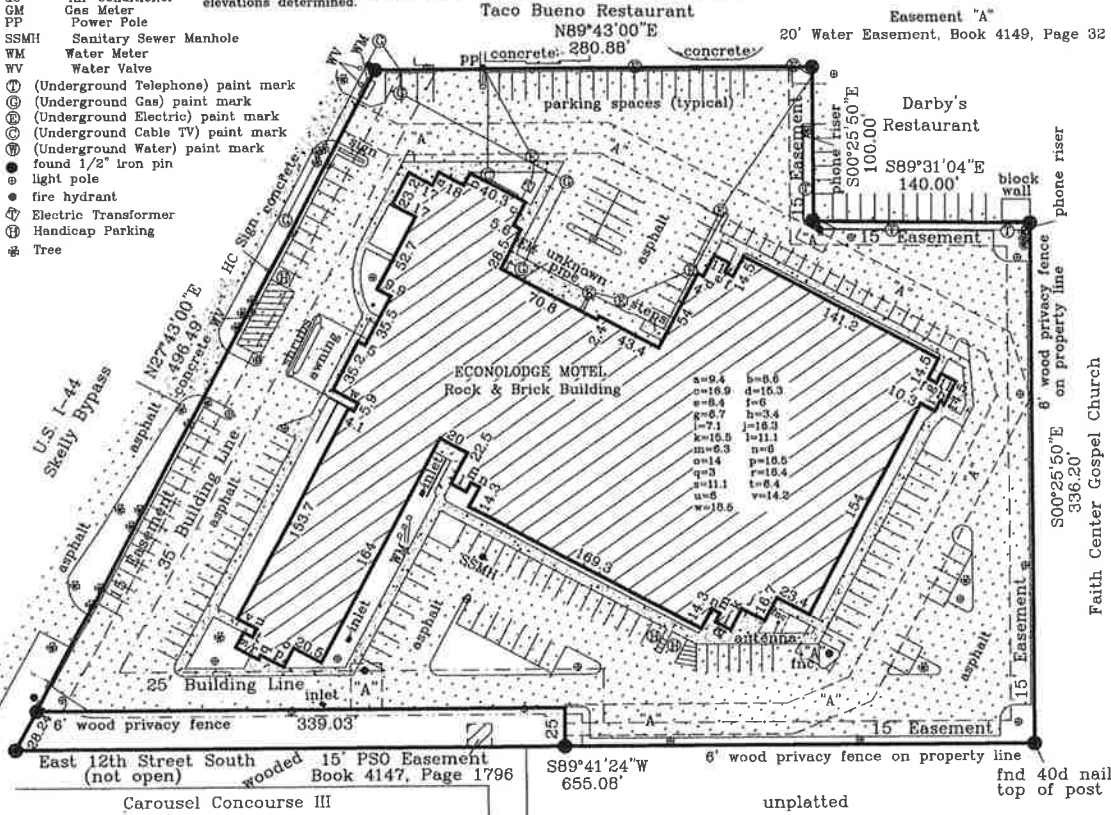
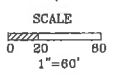
ALTA/ACSM LAND TITLE SURVEY  
LOT 1, BLOCK 1, SHO-ME  
ADDITION  
TULSA COUNTY, OKLAHOMA

THIS PROPERTY IS LOCATED IN ZONE X (UNSHADED), ZONE X (SHADED) AND ZONE AE PER FLOOD INSURANCE RATE MAP # 408381 0263 L, EFFECTIVE OCTOBER 16, 2012.

Zone X (unshaded): areas determined to be outside the 0.2% annual chance floodplain.  
Zone X (shaded): Areas of 0.2% annual chance flood: areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.  
Zone AE: Special flood hazard areas subject to inundation by the 1% annual chance flood. Base flood elevations determined.

LEGEND

- EM Electric Meter
- ac Air Conditioner
- GM Gas Meter
- PP Power Pole
- SSMH Sanitary Sewer Manhole
- WM Water Meter
- WV Water Valve
- Ⓣ (Underground Telephone) paint mark
- Ⓢ (Underground Gas) paint mark
- Ⓤ (Underground Electric) paint mark
- Ⓝ (Underground Cable TV) paint mark
- Ⓦ (Underground Water) paint mark
- found 1/2" Iron pin
- ⦿ light pole
- ⦿ fire hydrant
- ⚡ Electric Transformer
- ♿ Handicap Parking
- ⌘ Tree



LEGAL DESCRIPTION

Lot One (1), Block One (1), SHO-ME ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, 11620 East Skelly Drive, Tulsa, OK 74128

Miscellaneous Notes

Underground utilities located as marked by "Okie" (1-800-522-8543), no additional plans or markings made available by client, utility companies, etc. to surveyor. All Underground Utilities may not be shown. Call "OKIE" (1-800-522-8543) before digging. The Bearing Base for this Survey is the Platted Bearings of Sho-Me Addition. This tract contains 161 parking Spaces with 3 marked as Handicapped.

Flood Zone Note:

All building appear to be within zones X and X-shaded only. Only the parking and abandoned street appear to be within zone AE.

EASEMENTS

Easements shown per recorded Plat.  
Easement in favor of County of Tulsa, State of Oklahoma, dated November 24, 1953, filed November 28, 1953 in Book 2420 at Page 686. (does not affect)  
Underground Right of Way Easement in favor of Public Service Company of Oklahoma, dated April 3, 1970, filed May 14, 1970 in Book 395 at Page 506. (does not affect)  
Easement in favor of James Jackson, dated January 31, 1972, filed February 15, 1972 in Book 4003 at Page 1623. (does not affect)  
Underground Right of Way Easement in favor of Public Service Company of Oklahoma, dated September 9, 1972, filed September 28, 1972 in Book 4036 at Page 185. (does not affect)  
Underground Right of Way Easement in favor of Public Service Company of Oklahoma, dated June 21, 1974, filed July 2, 1974 in Book 4126 at Page 1220. (10' Easement - centerline not defined by instrument)  
Sewer Easement in favor of the City of Tulsa, Oklahoma, dated November 14, 1974, filed December 13, 1974 in Book 4147 at Page 1796. (shown above)  
Water Easement in favor of the City of Tulsa, Oklahoma, dated November 25, 1974, filed December 27, 1974 in Book 4149 at Page 32. (shown above)  
Properties and Right of Ways granted to state or county contained in the Report of Commissioners, dated April 6, 1957, filed under Case No. 92280 on April 17, 1957, and filed in Land Records in and for Tulsa County July 26, 1967 in Book 2799 at Page 552 (does not affect)  
No additional Easements per Title Commitment No. TT6-2013-8526, Effective Date: September 3, 2013, as provided to Surveyor.

CERTIFICATION

To True Title & Escrow, Inc., Kalidas LLC and/or Assigns, and High Plains Bank, ISAOA:  
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1.3, 7a and 11b of Table A thereof. The field work was completed on October 8, 2013.

Date of Plat or Map: October 8, 2013

TIMOTHY L. KING, RPLS  
35925 S. CASE ROAD  
INOLA, OKLAHOMA 74036  
TEL: 918-543-1899

*[Handwritten Signature]*  
TIMOTHY L. KING, RPLS# 1534



2013-0997

6.14



Tulsa Metropolitan Area  
Planning Commission

**Case Number: CZ-491**

**Hearing Date: September 18, 2019**

**Case Report Prepared by:**

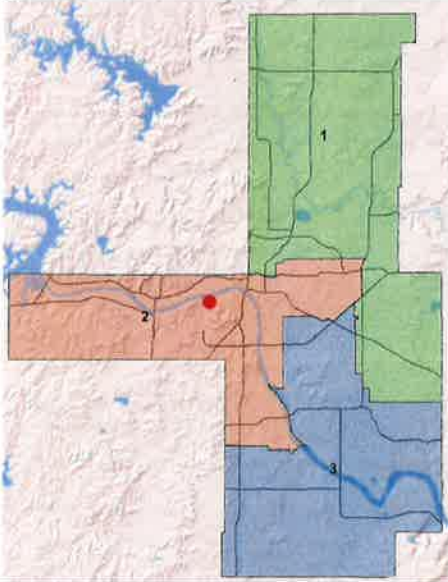
Jay Hoyt

**Owner and Applicant Information:**

*Applicant:* Christina Wilson

*Property Owner:* JEJ PROPERTIES LLC-SERIES 8

**Location Map:  
(shown with County Commission Districts)**



**Applicant Proposal:**

*Present Use:* vacant

*Proposed Use:* Industrial Uses

*Concept summary:* Rezone from CS to IL to permit light industrial uses on the subject lot.

*Tract Size:* 0.27 ± acres

*Location:* West of southwest corner of West 21<sup>st</sup> Street South & South 49<sup>th</sup> West Avenue

**Zoning:**

*Existing Zoning:* CS

*Proposed Zoning:* IL

**Comprehensive Plan:**

*Land Use Map:* Neighborhood Center

*Stability and Growth Map:* Growth

**Staff Recommendation:**

**Staff recommends denial.**

**Staff Data:**

TRS: 9217

CZM: 35

**County Commission District: 2**

*Commissioner Name:* Karen Keith

7.1

## SECTION I: CZ-491

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone the subject property from AG to IL in order for light industrial uses to be utilized on the site.

The site is located within the Berryhill Small Area Plan, which designates this lot as Neighborhood Center and an Area of Growth. Industrial development at this location is not compatible with the goals of the Berryhill Small Area Plan. This area is in the vicinity of the Gilcrease Expressway expansion. One of the goals expressly stated in the plan (Goal 3) is to promote commercial growth along major street corridors and interchanges of the Gilcrease Expressway along W 21<sup>st</sup> St S between S 61<sup>st</sup> W Ave and S 49<sup>th</sup> W Ave, which the subject lot lies within. Additionally, Goal 5 limits industrial areas and uses incompatible with the existing and desired future character of the community. This goal calls out areas within Berryhill where industrial uses would be compatible. The subject lot does not lie within those specified areas.

### **EXHIBITS:**

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

### **DETAILED STAFF RECOMMENDATION:**

CZ-491 is consistent with the current uses of the surrounding properties, but is not compatible with the Land Use or Goals of the Berryhill Small Area Plan, therefore;

**Staff recommends denial of CZ-491 to rezone property from CS to IL.**

## **SECTION II: Supporting Documentation**

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

*Staff Summary:* The site is located within the Neighborhood Center land use designation of the Berryhill Small Area Plan.

### **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:* 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.

7.2



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:* W 21<sup>st</sup> St S is designated as a Secondary Arterial

*Trail System Master Plan Considerations:* None

Small Area Plan: Berryhill

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site contains an existing commercial building.*

Environmental Considerations: The site is located within the Tulsa County 500 year Floodplain.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
W 21 <sup>st</sup> St S	Secondary Arterial	100 Feet	4

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	IM	Neighborhood Center	Growth	Industrial
South	CS	Neighborhood Center	Growth	Commercial/Industrial
East	IL	Neighborhood Center	Growth	Commercial/Industrial
West	RS	Neighborhood Center	Growth	Vacant

**SECTION III: Relevant Zoning History**

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

***Subject Property:***

**CPA-77 January 2019:** All concurred in **approval** to *adopt* CPA-77, The Berryhill Land Use Plan, as an amendment to the Tulsa Comprehensive Plan and the Tulsa Metropolitan Area Comprehensive Plan for District 9. The plan area boundary is approximately 4.15 square miles of land area, bounded on the North by the Arkansas River; and on the South along W 51<sup>st</sup> St. S, excluding some properties within Sapulpa city limits; and bounded on the East along 49th W Ave to include some east abutting properties; and on the West along 65th West Avenue including properties west of 65th W Ave that abut Chandler Park and Sand Springs City limits.

**CBOA- 1319 January 1995:** The County Board of Adjustment **approved** a *special exception* to permit automobile sales in a CS zoned district subject to a maximum of six cars displayed on the lot; finding that there are mixed zoning classifications in the area and car sales will be compatible with the surrounding uses, on the property located at 4918 West 21<sup>st</sup> Street South.

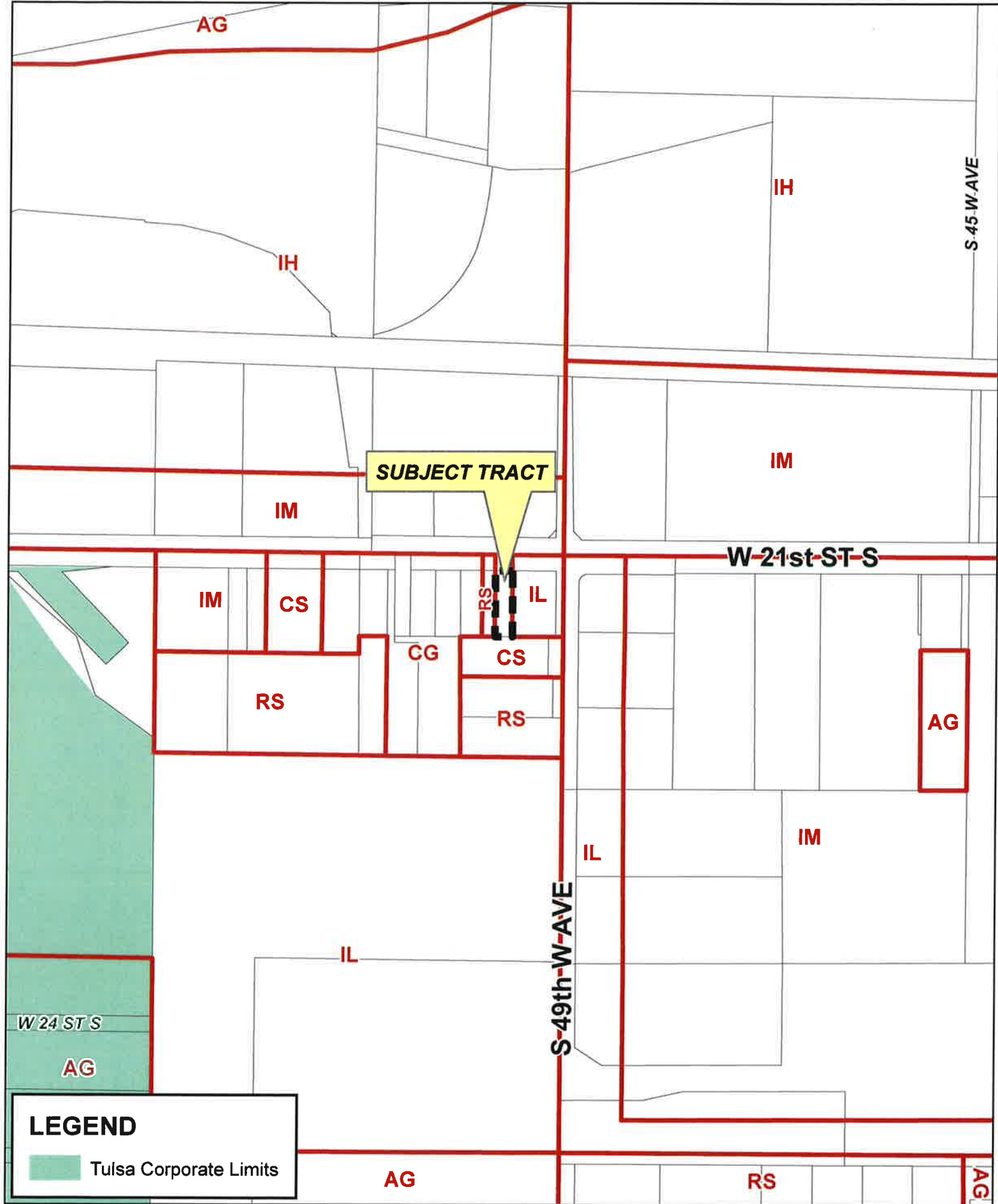
***Surrounding Property:***

**CZ-447 January 2017:** All concurred in **approval** of a request for *rezoning* a 4 ± acre tract of land from RS to CG on property located west of the southwest corner of West 21<sup>st</sup> and South 49<sup>th</sup> West Avenue.

**CBOA- 2553 November 2015:** The County Board of Adjustment **approved** the applicant's request for a *variance* of the required front setback in the IM District from 50 feet to 20 feet with the hardship being the existing building on the subject property, on property located at 5001 West 21<sup>st</sup> Street South.

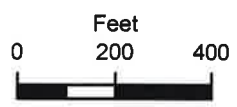
**BOA-6888 February 1971:** The Board of Adjustment **approved** the applicant's request for *exception* to permit using IM property for a petroleum tank farm.

9/18/2019 1:30 PM



**LEGEND**

 Tulsa Corporate Limits



**CZ-491**

19-12 17







S 49th W AVE

S 45th W AVE

W 21st ST S



 Subject Tract

**CZ-491**

19-12 17

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

Aerial Photo Date: February 2018

7.6







W 21st ST S

S 49th W AVE



 Subject Tract

**CZ-491**

19-12 17

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

Aerial Photo Date: February 2018

7.7









Tulsa Metropolitan Area  
Planning Commission

**Case Number:** PUD-230-A

**Hearing Date:** September 18, 2019

**Case Report Prepared by:**

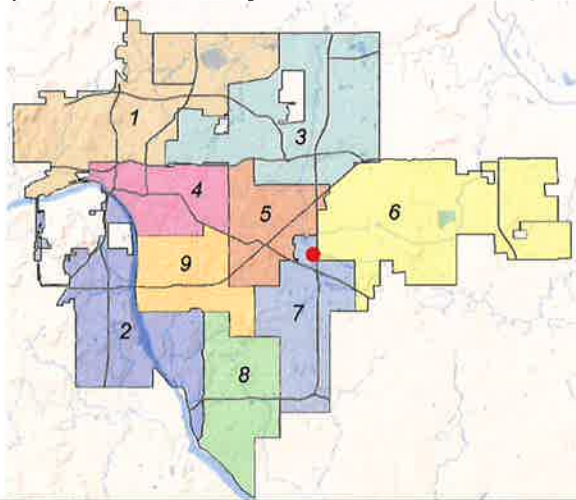
Jay Hoyt

**Owner and Applicant Information:**

*Applicant:* Nathan Cross

*Property Owner:* TR OFFICE PARK LLC

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



**Applicant Proposal:**

*Present Use:* Office

*Proposed Use:* School

*Concept summary:* Add School as an allowable use

*Tract Size:* 9.14 ± acres

*Location:* Northwest of northwest corner of East 41<sup>st</sup> St. S. & Highway 169

Development Area A

**Zoning:**

*Existing Zoning:* OL,PUD-230

*Proposed Zoning:* OL,PUD-230-A

**Comprehensive Plan:**

*Land Use Map:* Employment

*Stability and Growth Map:* Area of Growth

**Staff Recommendation:**

**Staff recommends approval.**

**Staff Data:**

TRS: 9419

CZM: 49

**City Council District:** 7

*Councilor Name:* Lori Decter Wright

**County Commission District:** 1

*Commissioner Name:* Stan Sallee

## SECTION I: PUD-230-A

**DEVELOPMENT CONCEPT:** The applicant is proposing to add School as an allowable use within Development Area A of the PUD. The underlying zoning for this area is OL. School uses are permitted in OL zones by Special Exception. A Major Amendment to the PUD is required to add Special Exception uses which are not currently allowed by the PUD, but could be allowed by the underlying zoning with a Special Exception.

### 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 Surveys
  - Exhibit A – Legal Description
  - Exhibit B – Nature of Proposed Amendment

### **DETAILED STAFF RECOMMENDATION:**

The applicants proposal is consistent with the Tulsa Comprehensive Plan, and;

The applicant's proposal is consistent with the provisions of the PUD chapter of the Tulsa Zoning Code, and;

The PUD development standards are consistent with the anticipated growth and future uses in this area, and;

The School use shall be limited to Development Area A and;

All remaining Development Standards defined by PUD-230 and subsequent amendments shall remain in effect and;

The development standards identified in this PUD are non-injurious to the existing proximate neighborhood, therefore;

**Staff recommends Approval of PUD-230-A to rezone property to PUD-230-A to allow a School as an allowed use.**

### **PUD-230-A DEVELOPMENT STANDARDS:**

*in PUD 230*

Allowable uses to remain as ~~currently~~ permitted, with the addition of a School, limited to Development Area A, as an allowable use within the PUD. Landscape and signage will comply with current PUD-230 development standards, as well as the current City of Tulsa Zoning Code, adopted in 2016.

8.2

## SECTION II: Supporting Documentation

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary:* The subject site is located within the Employment designation and within an Area of Growth.

#### Land Use Vision:

*Land Use Plan map designation:* Employment

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

*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:* S 103<sup>rd</sup> E Ave is designated as a Residential Collector

*Trail System Master Plan Considerations:* The Mingo Trail runs on the opposite side of the channel adjacent to the West side of the existing PUD.



Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site contains existing office buildings and associated parking.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S 103 <sup>rd</sup> E Ave	Residential Collector	60 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

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	Parks and Open Space	Stability	Drainage Channel
South	AG	Parks and Open Space	Stability	Drainage Channel
East	RS-3	N/A	N/A	Hwy 169
West	AG	Parks and Open Space	Stability	Drainage Channel

**SECTION III: Relevant Zoning History**

**History: PUD-230-A**

**ZONING ORDINANCE:** Ordinance number 14746 (PUD) and 14747 (Z-5386), both dated April 29, 1980 established zoning for the subject property.

***Subject Property:***

**BOA-22763 September 2019 Pending:** An appeal of administrative decision was filed September 10, 2019 (hearing date of October 22, 2019) to challenge the requirement of a Major Amendment to permit a school use on the property located at 3810 S 13 Ave and 3840 S 103 Ave.

**BOA-22743 August 2019 Withdrawn:** An appeal of administrative decision was filed August 19, 2019 (hearing date of September 24, 2019) to challenge the requirement of a Major

Amendment to permit a school use on the property located at 3810 S 13 Ave and 3840 S 103 Ave.

**BOA-22726 July 2019 Withdrawn:** A request for Special Exception to permit a School Use in an OL zoned District was filed July 25, 2019 (hearing date of August 27, 2019) to challenge the requirement of a Major Amendment to permit a school use on the property located at 3810 S 13 Ave and 3840 S 103 Ave. This application was withdrawn August 9, 2019.

**PUD-230\Z-5386 April 1980:** All concurred in **approval** of a *Planned Unit Development* on a 9.14+ acre tract of land and **approval** of a request for *rezoning* from RM-1 to OL with the condition that the permitted uses be those that are permitted as principal and accessory uses within the OL District and in addition include barber and beauty shops, on the property located northwest of the northwest corner of East 41<sup>st</sup> Street South and Highway 169, the subject property.

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

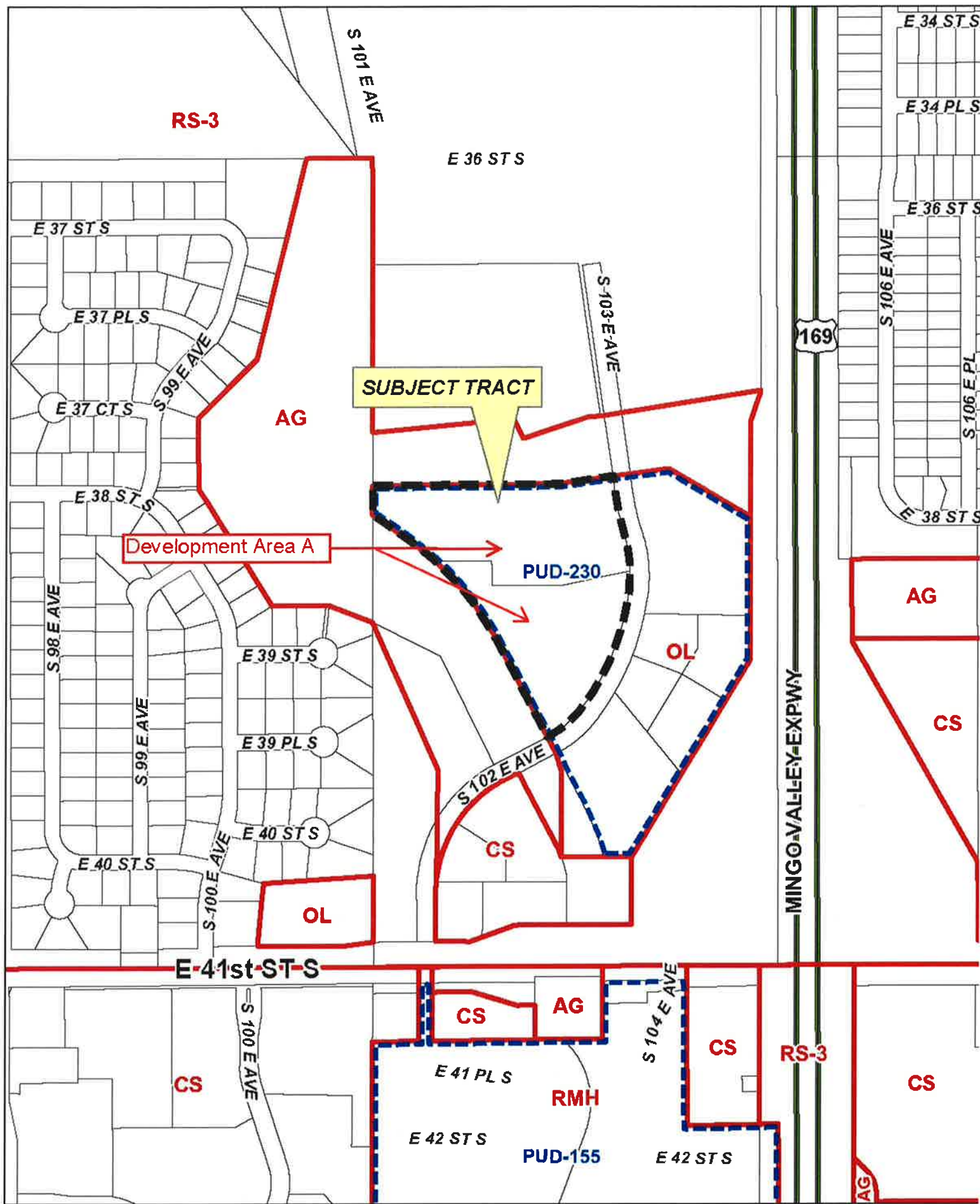
**BOA-19469 November 2002:** The Board of Adjustment **approved** a *variance* of the provisions of Section 602.B.4 to permit four signs located on or oriented to the South 103<sup>rd</sup> East Avenue frontage and three signs oriented to the Mingo Valley Expressway frontage, on property located on the east side of South 103<sup>rd</sup> East Avenue and North of East 41<sup>st</sup> Street.

**BOA-17832 September 1997:** The Board of Adjustment **approved** a *special exception* to permit a public school including 2 mobile classroom trailers, on property located 3656 South 103<sup>rd</sup> East Avenue.

**BOA-9300 March 1977:** The Board of Adjustment **approved** a *special exception* to allow the construction of an elementary school as presented, per plot plan, in an RS-3 District, on property located north and west of 41<sup>st</sup> Street and 101<sup>st</sup> East Ave.

9/18/2019 1:30 PM

8.5



**SUBJECT TRACT**

**Development Area A**

**PUD-230**

**PUD-230-A**



19-14 19







 Subject Tract

# PUD-230-A

19-14 19

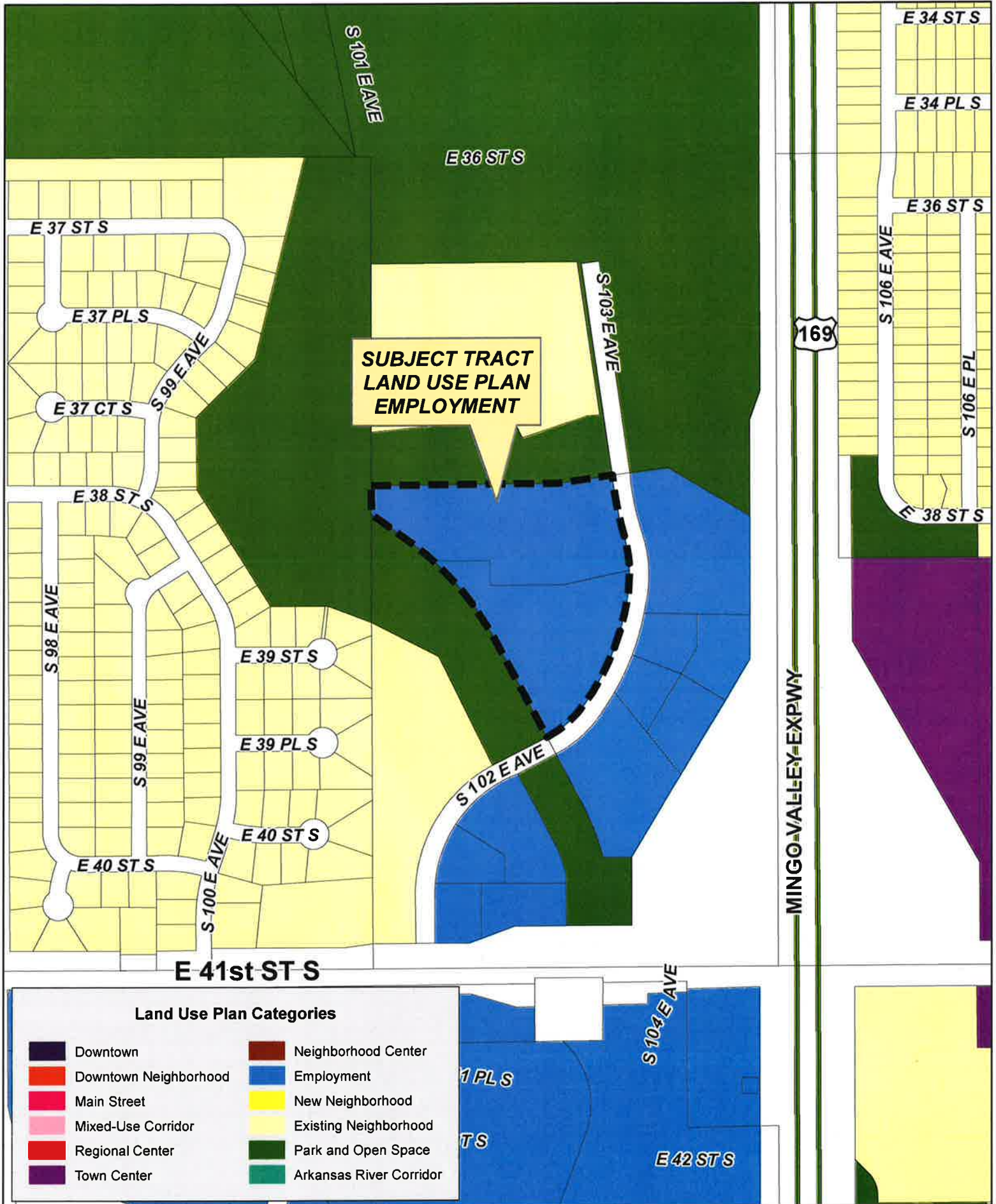
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

8.7







**SUBJECT TRACT  
LAND USE PLAN  
EMPLOYMENT**

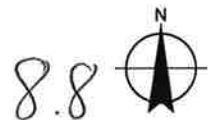
**Land Use Plan Categories**

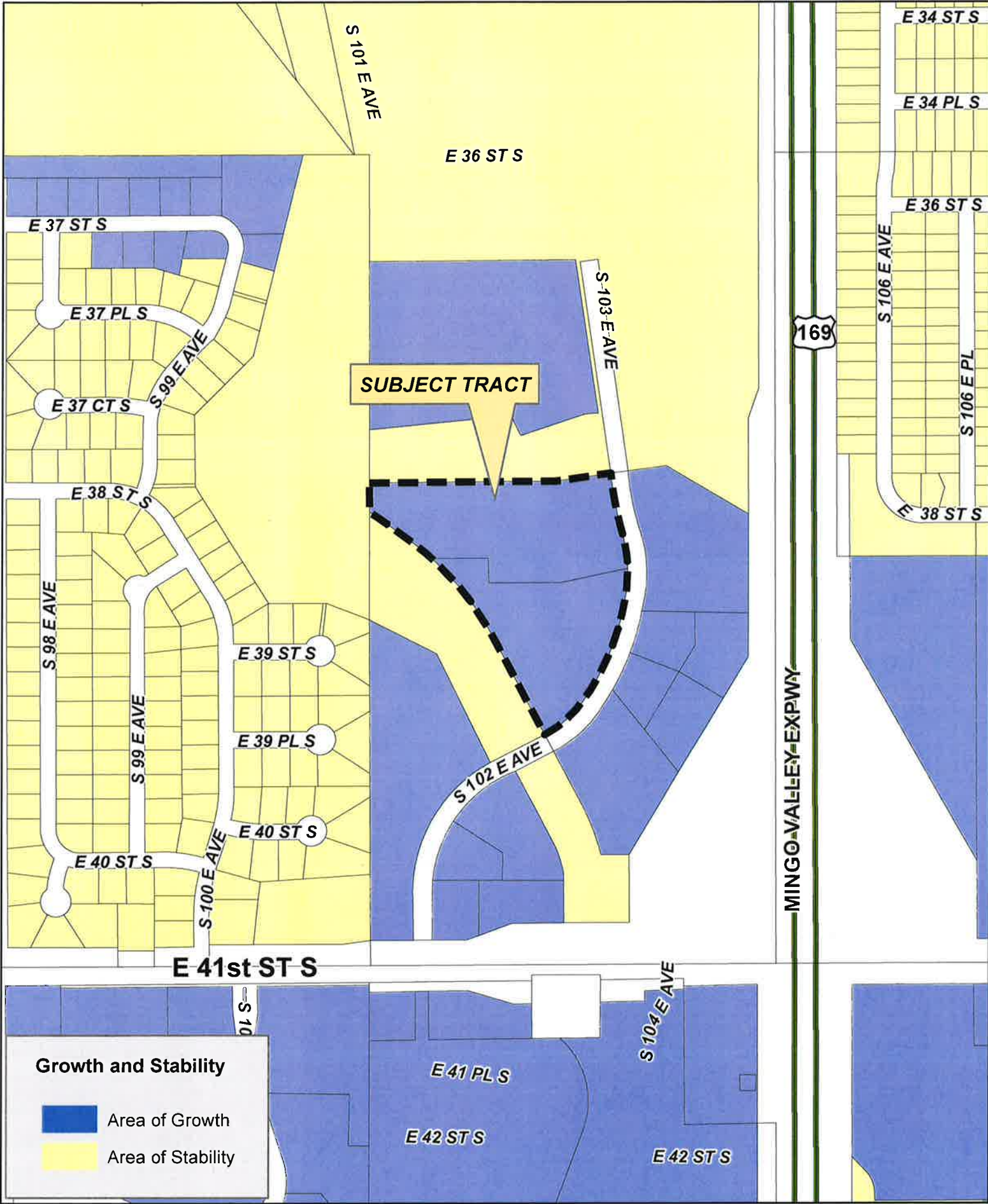
- |                                                                                                          |                                                                                                             |
|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
|  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 |



**PUD-230-A**

19-14 19





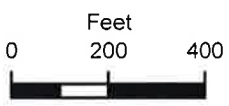
**SUBJECT TRACT**

169

MINGO VALLEY EXPWAY

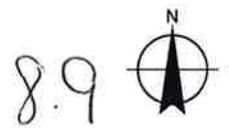
**Growth and Stability**

- Area of Growth
- Area of Stability



**PUD-230-A**

19-14 19









**EXHIBIT "A"**  
(Legal Description)

Lot One (1), Block One (1), BISHOP ACRES, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to Recorded Plat No. 3947.



**EXHIBIT "B"**  
(Nature of Proposed Amendment)

**PROPOSED AMENDMENT**

The applicant is requesting a major amendment to allow the School use in Development Area A of PUD 230.

5062906.2





Tulsa Metropolitan Area  
Planning Commission

**Case :** The Reserve at Forest Trails

**Hearing Date:** September 18, 2019

**Case Report Prepared by:**

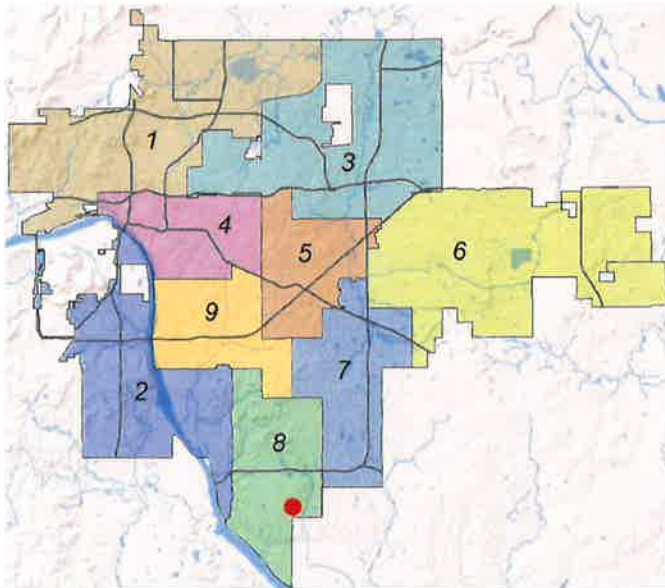
Nathan Foster

**Owner and Applicant Information:**

*Applicant:* Select Design, Ryan McCarty

*Owner:* Brumble Construction Co.

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



**Applicant Proposal:**

Minor Subdivision Plat

*3 lots, 1 block, 5.06 ± acres*

*Location:* North of the northeast corner of East 111<sup>th</sup> Street South and South Sheridan Road

**Zoning:** RS-2 (Single-Family Residential)

**Staff Recommendation:**

Staff recommends **approval** of the minor subdivision plat with conditions

**City Council District: 8**

*Councilor Name:* Phil Lakin

**County Commission District: 3**

*Commissioner Name:* Ron Peters

**EXHIBITS:** Site Map, Aerial, Land Use Map, Growth & Stability Map, Plat Submittal



## MINOR SUBDIVISION PLAT

### The Reserve at Forest Trails - (CD 8)

North of the northeast corner of East 111<sup>th</sup> Street South and South Sheridan Road

This plat consists of 3 lots, 1 block on 5.06 ± acres.

The Technical Advisory Committee (TAC) met on September 5, 2019 and provided the following conditions:

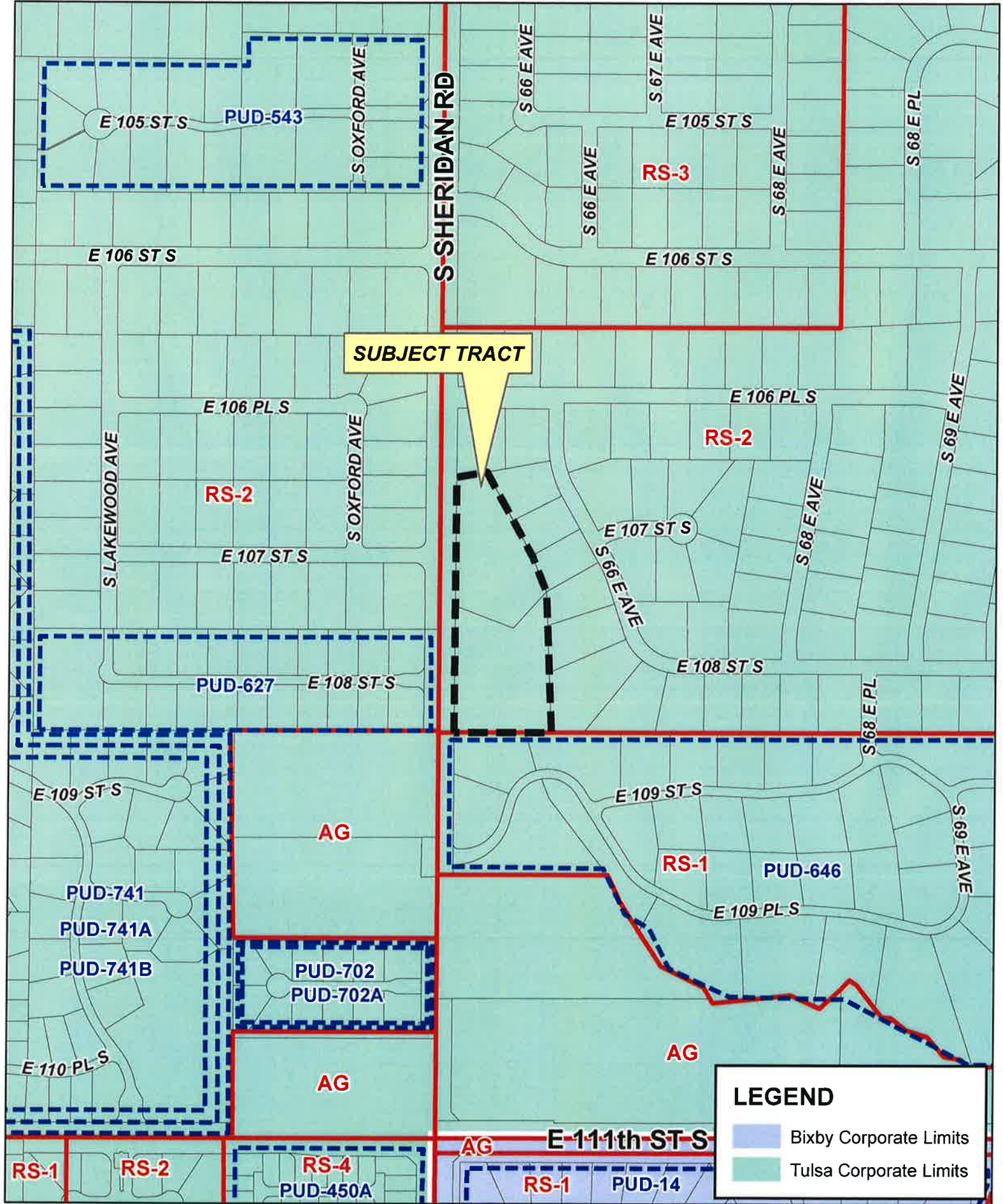
1. **Zoning:** Approved as submitted.
2. **Addressing:** Approved as submitted.
3. **Transportation & Traffic:** Sidewalks required along South Sheridan Road. Add appropriate language to deed of dedication.
4. **Sewer/Water:** Add perimeter easement to eastern boundary line.
5. **Engineering Graphics:** Update location map with revisions provided by Engineering Services. Provide a date of preparation on the face of the plat.
6. **Stormwater, Drainage, & Floodplain:** Approved as submitted.
7. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All release letters have been received. Oil & Gas certificate was submitted.

### **Waivers of Subdivision Regulations:**

1. None Requested

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

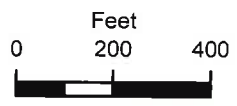
**All conditions of Development Services and the City of Tulsa Legal Department must be met and a final plat release must be provided prior to the endorsement and filing of the plat.**



**SUBJECT TRACT**

**LEGEND**

- Bixby Corporate Limits
- Tulsa Corporate Limits



**THE RESERVE AT  
FOREST TRAILS**

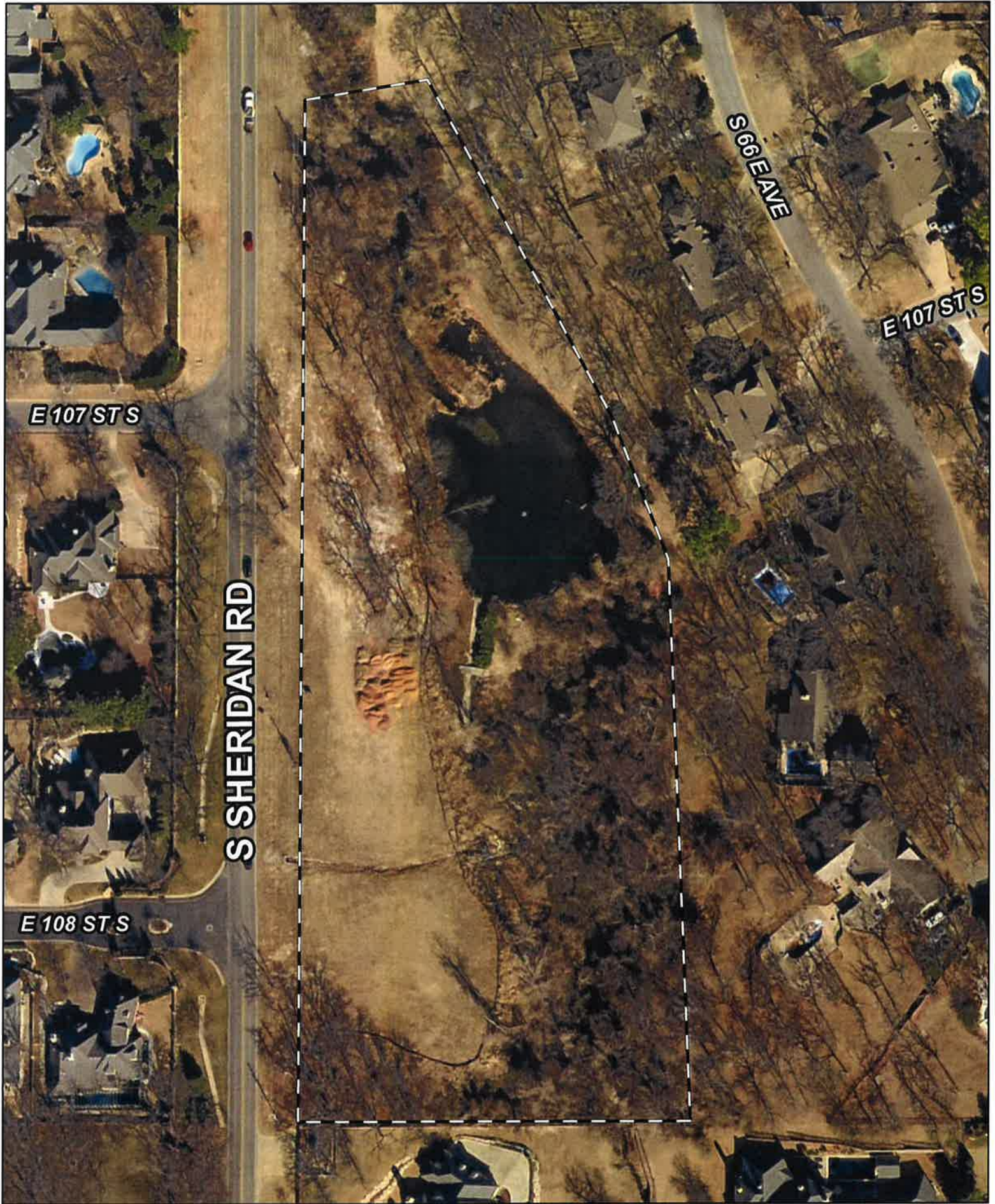
18-13 26











E 107 ST S

S SHERIDAN RD

S 66 E AVE

E 107 ST S

E 108 ST S



Subject Tract

# THE RESERVE AT FOREST TRAILS

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

Aerial Photo Date: February 2018



9.5



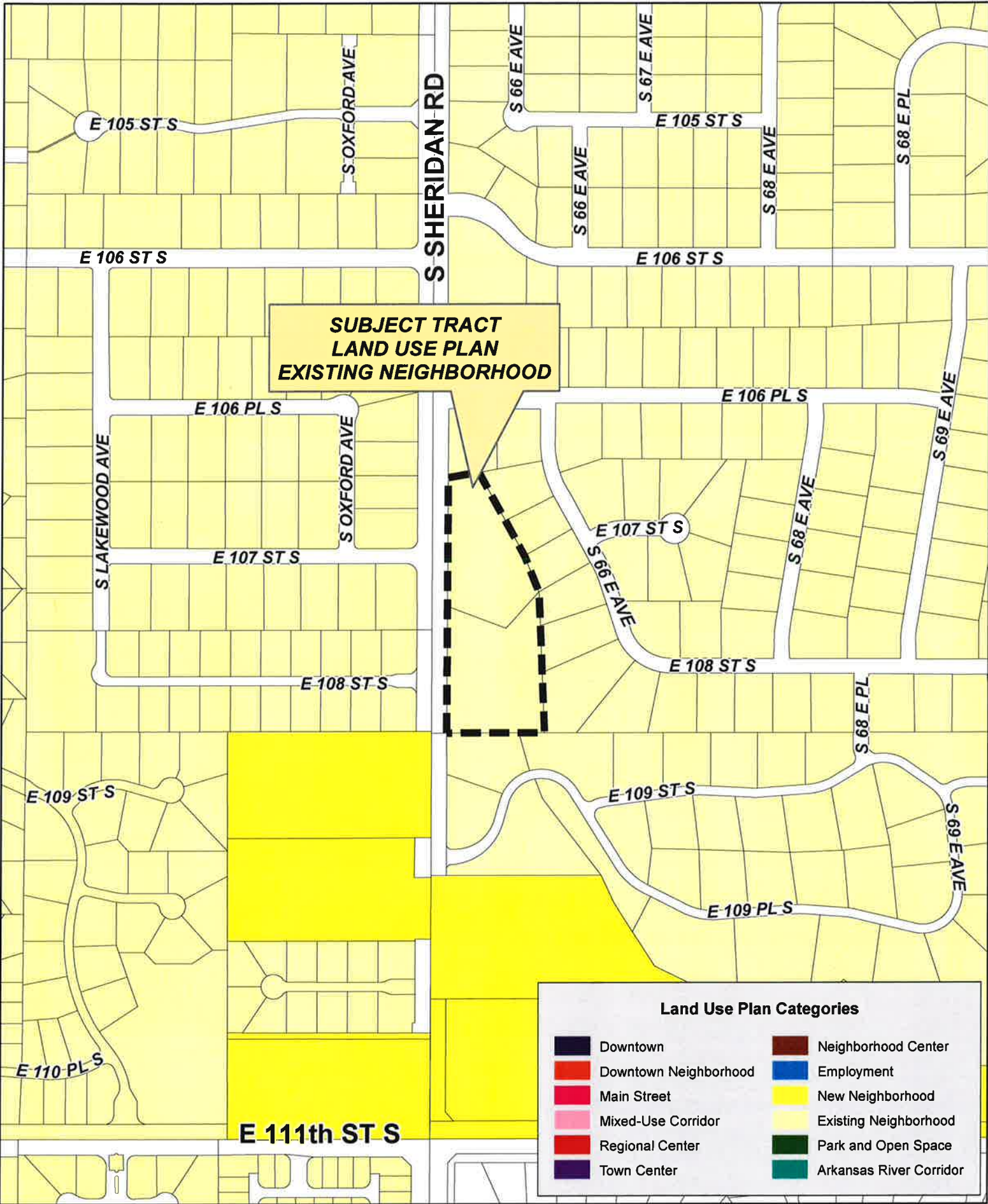
**SUBJECT TRACT  
LAND USE PLAN  
EXISTING NEIGHBORHOOD**

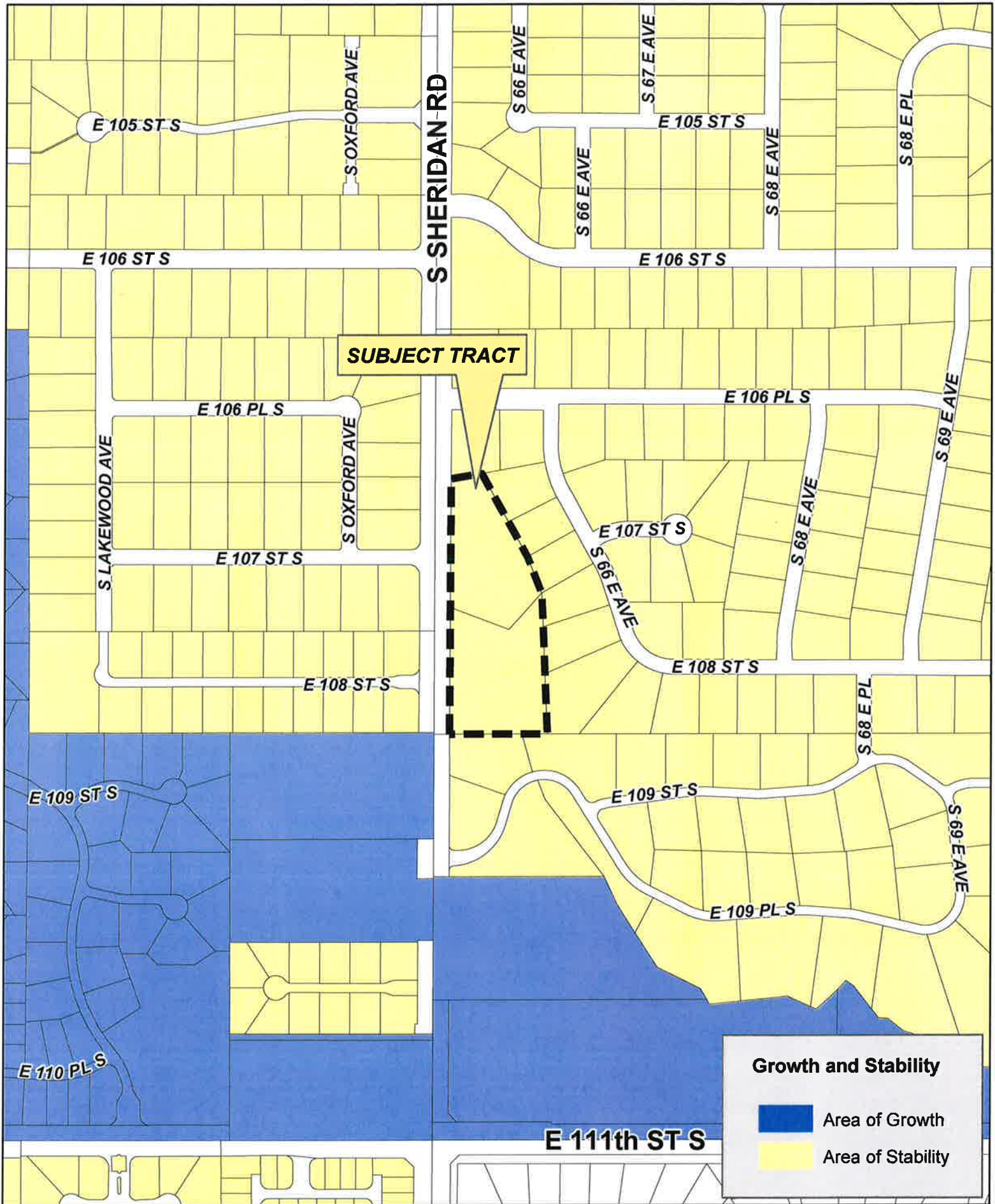
Land Use Plan Categories			
	Downtown		Neighborhood Center
	Downtown Neighborhood		Employment
	Main Street		New Neighborhood
	Mixed-Use Corridor		Existing Neighborhood
	Regional Center		Park and Open Space
	Town Center		Arkansas River Corridor



**THE RESERVE AT  
FOREST TRAILS**

18-13 26





**THE RESERVE AT  
FOREST TRAILS**

18-13 26

9.7 



# The Reserve at Forest Trails

A RE-PLAT OF RESERVE 'A' OF FOREST TRAILS, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA BEING A PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-SIX (26), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN.



Location Map



**Owner / Developer**  
 BRUMBLE CONSTRUCTION CO  
 8301 EAST 81ST STREET, SUITE D  
 TULSA, OKLAHOMA 74133  
 PHONE (918) 266-0002  
 MR DANNY BRUMBLE

**Engineer**  
 ENGINEERED BY DESIGN, PLLC  
 P O BOX 15567  
 DEL CITY, OKLAHOMA 73155  
 PHONE (405) 234-0980  
 abled@engneeredsbydesign.com  
 C.A. # 7655 EXPIRES 6-30-2020

**Surveyor**  
 FRITZ LAND SURVEYING, LLC  
 2017 WEST 91ST STREET  
 TULSA, OKLAHOMA 74132  
 PHONE (918) 231-0575  
 EMAIL: frtzlandsurveying@gmail.com  
 C.A. # 5948 EXPIRES 6-30-2020

**Legend**

- BL BUILDING SETBACK LINE
- L N A LIMITS OF NO ACCESS
- ODE OVERLAND DRAINAGE EASEMENT
- ROW RIGHT OF WAY
- UE UTILITY EASEMENT
- [Hatched Box] LIMITS OF "PROPOSED" ODE
- 15000 STREET ADDRESS

**Subdivision Statistics**

SUBDIVISION CONTAINS THREE (3) LOTS IN ONE (1) BLOCK  
 GROSS SUBDIVISION AREA: 220,622.25 SF / 5.07 ACRES

**Basis of Bearings**

OKLAHOMA STATE PLANE, OKLAHOMA NORTH, ZONE 3501, U.S. SURVEY FEET, NAD83, USING THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION TWENTY-SIX (26), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, TULSA COUNTY, STATE OF OKLAHOMA AS NORTH 01°02'24" WEST.

**Monumentation**

ALL CORNERS SHOWN HEREON WERE SET USING A 3/8" x 18" STEEL PIN WITH A GREEN PLASTIC CAP STAMPED "FRITZ CAS848".

**Benchmark**

3" ALUMINUM CAP-FLUSH-SET IN CONCRETE- STAMPED "TUL 6", SET IN CENTER MEDIAN OF MEMORIAL AND NORTH OF 111TH STREET. ELEV. = 673.131' (NAVD 1988)  
 N=371982.03 / E=2593576.35

**Address**

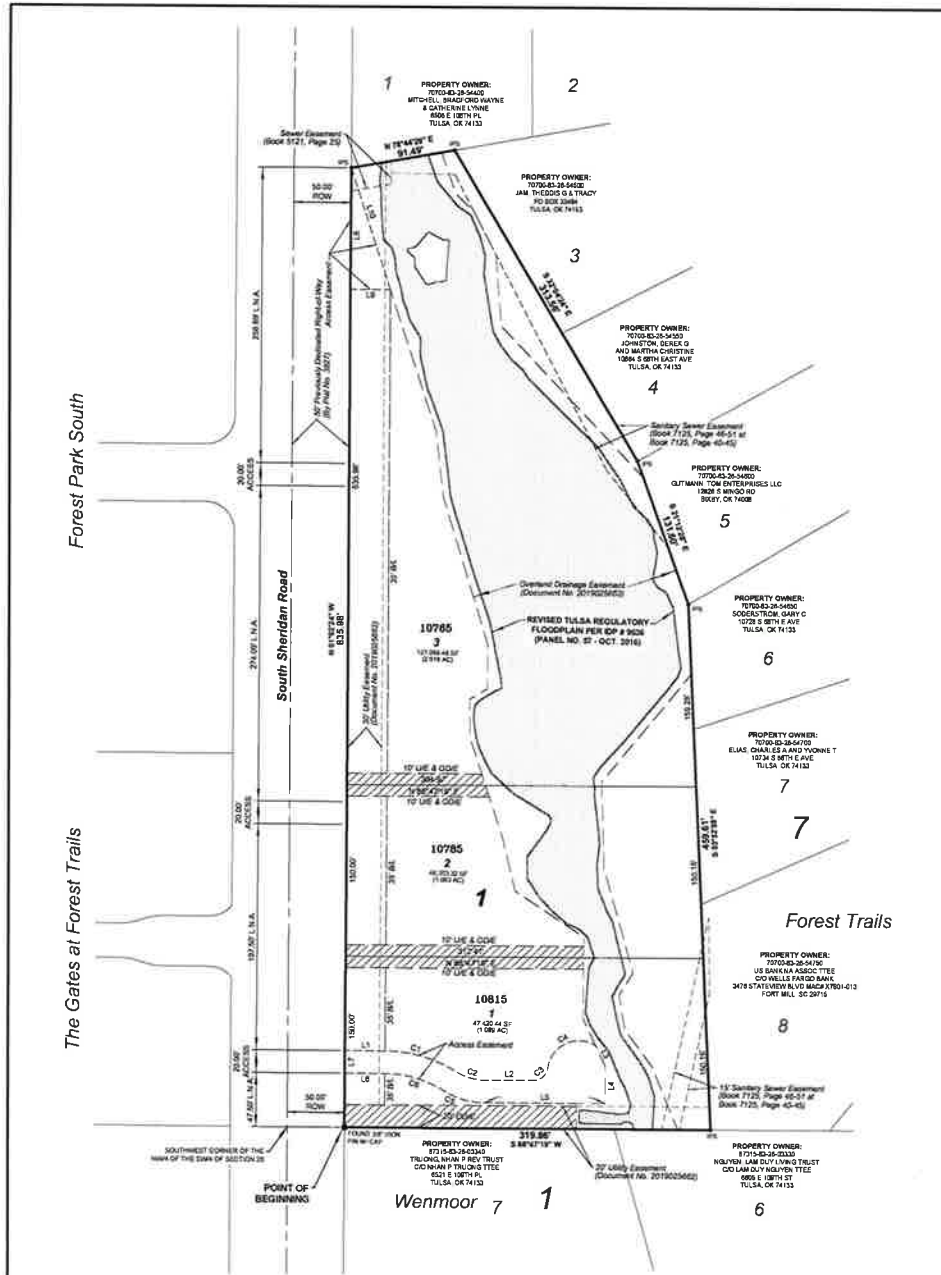
ADDRESS SHOWN ON THIS PLAT IS ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESS IS SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.

**ACCESS EASEMENT Line Table**

LINE	BEARING	DISTANCE
1.1	N 88° 44' 22" E	34.89'
1.2	N 88° 41' 02" E	42.48'
1.3	S 20° 20' 28" E	19.80'
1.4	S 21° 12' 41" E	33.84'
1.5	S 88° 41' 18" W	120.00'
1.6	S 88° 41' 22" W	34.89'
1.7	N 01° 10' 24" W	20.35'
1.8	S 88° 40' 46" E	120.00'
1.9	N 02° 08' 14" E	35.00'
1.10	S 71° 48' 02" W	111.14'

**ACCESS EASEMENT Curve Table**

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	80.87'	117.50'	32° 21' 17.51"	S 75° 14' 52" E	54.32'
C2	26.81'	41.50'	31° 38' 29.29"	S 75° 13' 21" E	28.18'
C3	18.87'	13.50'	82° 49' 28.28"	N 47° 20' 44" E	18.54'
C4	34.84'	20.50'	114° 27' 35.22"	N 89° 11' 56" E	46.20'
C5	31.67'	69.50'	31° 28' 26.36"	N 75° 12' 21" W	21.18'
C6	54.48'	87.50'	32° 21' 17.51"	N 75° 14' 52" W	53.78'



**FINAL PLAT OF APPROVAL**

ENDORSEMENT OF APPROVAL

TULSA METROPOLITAN PLANNING COMMISSION

APPROVAL DATE: \_\_\_\_\_

THAIPOONG

CITY ENGINEER

COUNCIL OF THE CITY OF TULSA, OKLAHOMA

APPROVAL DATE: \_\_\_\_\_

CHAIRMAN

MAYOR

CITY CLERK

CITY ATTORNEY

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

**MINOR SUBDIVISION PLAT (PRELIMINARY)**

COUNTY SURVEYSOR STAMP

86

**THE RESERVE AT FOREST TRAILS**  
**DEED OF DEDICATION AND RESTRICTIVE COVENANTS**

**KNOW ALL MEN BY THESE PRESENTS:**

BRUMBLE CONSTRUCTION COMPANY, INC. AN OKLAHOMA CORPORATION, HEREINAFTER REFERRED TO AS THE "OWNER/DEVELOPER" IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA TO WIT:

A TRACT OF LAND THAT IS RESERVE "A" OF FOREST TRAILS SUBDIVISION FILED AS PLAT NO. 1007, SAID RESERVE "A" BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4) OF SECTION TWENTY-SIX (26), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID RESERVE "A" OF FOREST TRAILS SUBDIVISION SAID POINT BEING NORTH 86°47'18" EAST 45.50 FEET FROM THE SOUTHWEST CORNER OF THE NW/4 OF SAID SECTION 26, THENCE NORTH 01°02'24" WEST AND PARALLEL TO THE WEST LINE OF THE NW/4 OF SECTION 26 A DISTANCE OF 833.89 FEET TO THE NORTHWEST CORNER OF FOREST TRAILS RESERVE "A", THENCE NORTH 76°42'37" EAST ALONG THE NORTH LINE OF FOREST TRAILS RESERVE "A" BY 81.47 FEET, THENCE ALONG THE EASTERLY BOUNDARY LINE OF FOREST TRAILS RESERVE "A" THE FOLLOWING THREE CALLS: SOUTH 32°04'24" EAST 313.58 FEET, SOUTH 21°12'28" EAST 131.80 FEET, SOUTH 02°58'58" EAST 49.81 FEET TO THE SOUTHWEST CORNER OF FOREST TRAILS RESERVE "A", THENCE SOUTH 86°47'19" WEST ALONG THE SOUTH LINE OF FOREST TRAILS RESERVE "A" 318.80 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 220,822.25 SQUARE FEET OR 5.07 ACRES.

BEARINGS ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE 3501, NAD83

THE OWNER/DEVELOPER HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO THREE LOTS AND ONE BLOCK IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT") AND HAS ENTITLED AND DESIGNATED THE SUBDIVISION AS THE RESERVE AT FOREST TRAILS, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA (HEREINAFTER THE RESERVE AT FOREST TRAILS OR THE SUBDIVISION).

**Section I. Public Easements and Utilities**

**A. PUBLIC UTILITY EASEMENTS**

THE OWNER/DEVELOPER DOES HEREBY DEDICATE TO THE PUBLIC THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "USE" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, REPAIRING, 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 HEREIN PROVIDED; PROVIDED HOWEVER, THE OWNER/DEVELOPER HEREBY 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, OPERATING AND REPLACING WATER AND SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. THE OWNER/DEVELOPER HEREBY IMPOSING 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 THE ABOVE SET FORTH USES AND PURPOSES OF THE UTILITY 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. ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICE**

- 1. OVERHEAD POLES AND LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE OR CABLE TELEVISION SERVICE MAY BE LOCATED ALONG SOUTH SHERRIDAN ROAD FOR ALL OTHER LOCATIONS, SUPPLY LINES, INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICE, SHALL BE LOCATED UNDERGROUND IN THE UTILITY EASEMENTS AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE UTILITY EASEMENTS.
- 2. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON THE LOT, PROVIDED THAT UPON THE INSTALLATION OF SUCH 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 SERVICE PEDESTAL, TRANSFORMER OR GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE.
- 3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSES OF INSTALLING, MAINTAINING, REPAIRING 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 OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON THE OWNER'S PROPERTY AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. THE SUPPLIER OF SERVICE WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER OF THE LOT WILL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR ITS AGENTS OR CONTRACTORS.
- 5. THE FOREGOING COVENANTS IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICES AND THE OWNER OF THE LOT AGREES TO BE BOUND THEREBY.

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

- 1. THE OWNER OF THE 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 THE UTILITY EASEMENT AND DRAINAGE EASEMENT AREAS 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, STORM SEWER OR ANY CONSTRUCTION ACTIVITY WHICH IN THE JUDGEMENT OF THE CITY OF TULSA WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS OR 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 OWNER OF THE LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF THE LOT, OR BY ACTS OF THE OWNER'S AGENTS AND/OR CONTRACTORS.
- 4. THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS AND DRAINAGE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION, FOR THE PURPOSES OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER OR STORM SEWER FACILITIES.
- 5. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION C SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

**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 PURPOSES OF INSTALLING,

REMOVING, REPAIRING, OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE

- 2. THE OWNER OF ANY 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 OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, OR THE 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. LIMITS OF NO ACCESS**

THE UNDERGROUNDED OWNER/DEVELOPER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO SOUTH SHERRIDAN ROAD WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" IN A) ON THE ACCOMPANYING PLAT, WHICH "LIMITS OF NO ACCESS" MAY BE AMENDED OR RELEASED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSOR, AND 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 ABOVE ESTABLISHED SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA.

**F. PAVING AND LANDSCAPING WITHIN EASEMENTS**

THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY INSTALLATION OR NECESSARY MAINTENANCE OF UNDERGROUND WATER, SANITARY 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, OKLAHOMA, OR ITS SUCCESSORS OR THE SUPPLIER OF THE UTILITY SERVICE SHALL, USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

**G. SURFACE DRAINAGE**

EACH LOT SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORMWATER FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION, NO LOT OR PORTION OF THE GRADE IN THE EASEMENTS SHALL BE CONSTRUCTED OR OTHERWISE ALTERED SO AS TO IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS THE OWNER'S LOT. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY AN AFFECTED LOT OWNER AND BY THE CITY OF TULSA, OKLAHOMA.

**H. 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 (SANITARY SEWER, STORM SEWER SYSTEMS AND ACCESS ROADS) 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 OF A TEMPORARY CERTIFICATE OF OCCUPANCY. 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. OVERLAND DRAINAGE EASEMENTS**

- 1. THE OWNER/DEVELOPER DOES HEREBY DEDICATE TO THE PUBLIC PERPETUAL EASEMENTS ON, OVER AND ACROSS THOSE AREAS DESIGNATED ON THE ACCOMPANYING PLAT AS "OVERLAND DRAINAGE EASEMENT" FOR THE PURPOSE OF PERMITTING THE OVERLAND FLOW, CONVEYANCE, AND DISCHARGE OF STORMWATER RUNOFF FROM WITHIN THE SUBDIVISION AND FROM PROPERTIES OUTSIDE THE SUBDIVISION.
- 2. DRAINAGE FACILITIES LOCATED WITHIN OVERLAND DRAINAGE EASEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ADOPTED STANDARDS OF THE CITY OF TULSA, OKLAHOMA, AND PLANS AND SPECIFICATIONS APPROVED BY THE CITY OF TULSA, OKLAHOMA.
- 3. NO FENCE, WALL, BUILDING OR OTHER OBSTRUCTION SHALL BE PLACED OR MAINTAINED WITHIN AN OVERLAND DRAINAGE EASEMENT NOR SHALL THERE BE ANY ALTERATION OF THE GRADE IN THE EASEMENTS UNLESS APPROVED BY THE CITY OF TULSA, OKLAHOMA, PROVIDED THAT THE PLANTING OF TURF SHALL NOT REQUIRE THE APPROVAL OF THE CITY OF TULSA, OKLAHOMA.
- 4. OVERLAND DRAINAGE EASEMENTS LOCATED WITHIN A LOT SHALL BE MAINTAINED BY THE OWNER OF THE LOT AT THE OWNER'S EXPENSE IN ACCORDANCE WITH STANDARDS PRESCRIBED BY THE CITY OF TULSA, OKLAHOMA. IN THE EVENT THE OWNER OF THE LOT FAILS TO PROPERLY MAINTAIN THE EASEMENTS LOCATED THEREON OR, IN THE EVENT OF THE PLACEMENT OF AN OBSTRUCTION WITHIN SUCH EASEMENTS, OR THE ALTERATION OF GRADE THEREIN, THE CITY OF TULSA, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER THE EASEMENTS AND PERFORM MAINTENANCE NECESSARY TO ACHIEVE THE INTENDED DRAINAGE FUNCTIONS AND MAY REMOVE ANY OBSTRUCTION OR CORRECT ANY ALTERATION OF GRADE, AND THE COSTS SHALL BE PAID BY THE LOT OWNER IN THE EVENT THE LOT OWNER FAILS TO PAY THE COST OF MAINTENANCE AFTER RECEIPT OF A STATEMENT OF COSTS FROM THE CITY OF TULSA, OKLAHOMA. THE CITY MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS IN THE LAND RECORDS OF THE TULSA COUNTY CLERK, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST THE LOT. A LIEN ESTABLISHED AS PROVIDED ABOVE MAY BE FORECLOSED BY THE CITY OF TULSA, OKLAHOMA.

**J. ACCESS EASEMENTS**

ACCESS EASEMENTS, DEPICTED AS "ACCESS EASEMENT" ON THE ACCOMPANYING PLAT, ARE HEREBY ESTABLISHED FOR THE PURPOSES OF PERMITTING VEHICULAR ACCESS TO AND FROM SOUTH SHERRIDAN ROAD TO PUBLIC EASEMENTS LOCATED THROUGH THE SUBDIVISION. SUCH EASEMENTS SHALL BE FOR THE BENEFIT OF THE CITY OF TULSA, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR. THE OWNER HEREBY IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, THAT WITHIN THE ACCESS 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 ACCESS 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.

**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/DEVELOPER, ITS SUCCESSORS AND HEIRS, WITHIN THE BOUNDS OF SECTION I. PUBLIC EASEMENTS AND WITHIN THE BOUNDS OF SECTION II. ENFORCEMENT AND THE ENFORCEMENT RIGHTS PERTAINING THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTION I, WHETHER OR NOT SPECIFICALLY THEREIN SO STATED SHALL RUN TO THE BENEFIT OF, AND BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED WITHIN THIS DEED OF DEDICATION, THE DEFENSE THAT THE PARTY INITIATING THE ADJUDICABLE 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 EASEMENTS AND UTILITIES MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS BEING APPLICABLE AND APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSORS, AND THE CITY OF TULSA, OKLAHOMA. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING ANY COVENANTS HEREIN SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS RECORDED WITH 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 OR ANY PART THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, THE OWNER/DEVELOPER HAS EXECUTED THIS INSTRUMENT THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

BRUMBLE CONSTRUCTION CO.  
AN OKLAHOMA CORPORATION

BY \_\_\_\_\_  
DANNY BRUMBLE, PRESIDENT

STATE OF OKLAHOMA )  
                                          ) SS

COUNTY OF TULSA )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019, BY DANNY BRUMBLE AS PRESIDENT OF BRUMBLE CONSTRUCTION CO., AN OKLAHOMA CORPORATION.

NOTARY PUBLIC

MY COMMISSION NUMBER \_\_\_\_\_

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

**Certificate of Survey**

I, ANDY FRITZ, OF FRITZ LAND SURVEYING, L.L.C. A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA UNDER CERTIFICATE OF AUTHORIZATION #6948, 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 THE RESERVE AT FOREST TRAILS, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES, AND MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSES FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

ANDY FRITZ  
LICENSED PROFESSIONAL LAND SURVEYOR  
OKLAHOMA NO. 1054



STATE OF OKLAHOMA )  
                                          ) SS

COUNTY OF TULSA )

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019, PERSONALLY APPEARED ANDY FRITZ TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN SET FORTH.

JENNIFER FRITZ  
MY COMMISSION EXPIRES 02/29/2023  
MY COMMISSION NUMBER 14055648



9.9







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 regulations for Accessory Dwelling Units (ADUs).

**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.

On September 4, 2019, at the TMAPC public hearing staff proposed amendments 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.

This item was continued to the September 18, 2019 TMAPC public hearing in order to update the zoning code amendments to allow ADUs by right in any zoning category that allows a duplex by right, based on commissioner discussion. All other regulations are the same, and ADUs are only allowed on a lot with a detached house. There were no changes regarding the proposed AG-R zoning designation regulations.

**Staff Recommendation**

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

**Attachment(s)**

10.1



Attachment I – Proposed Agricultural-Residential (AG-R) zoning district amendments

Attachment II – Proposed Accessory Dwelling Units (ADUs) amendments

10.2

**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]
Building Setbacks (feet)											
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**

\*\*\*

[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			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	
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			Supplemental Use Regulations
Subcategory (Section 35.020)	AG	AG-R	
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	---	
Outdoor gun club	S	---	
Stable or riding academy	P	---	
Other indoor assembly and entertainment	S	---	
Other outdoor assembly and entertainment	S	---	
Day Care	S	<u>S</u>	Section 40.120
Funeral and Mortuary Service			
Crematory	S	---	
Lodging			
Bed & breakfast	S	<u>S</u>	Section 40.060
Rural retreat	S	---	
Marina	S	---	
<b>INDUSTRIAL</b>			
Mining or Mineral Processing	S	---	Section 40.230
<b>AGRICULTURAL</b>			
Animal Husbandry [2]	P	---	
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	---	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-G-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]

10.4



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**

\*\*\*

**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**

\*\*\*

**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

\*\*\*

## **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.

\*\*\*

### **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.

\*\*\*

### **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.

\*\*\*

**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.

\*\*\*

### **Section 40.100 Community Group Homes**

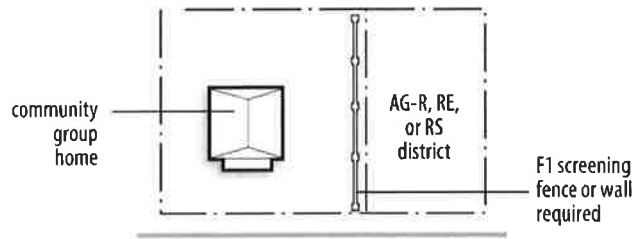
The supplemental use regulations of this section apply to all community group homes.

\*\*\*

**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*





\*\*\*

## Section 40.110 Cottage Homes

\*\*\*

### 40.110-G Vehicular Access and Parking

\*\*\*

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**

\*\*\*

**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:

\*\*\*

**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.

\*\*\*

### **Section 40.260 Offices**

\*\*\*

**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.

\*\*\*

### Section 40.330 Restaurants

\*\*\*

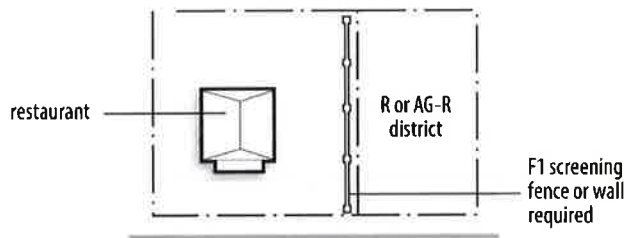
**40.330-A** Restaurants must occupy completely enclosed buildings, except outdoor customer seating/dining, including rooftop seating, is permitted subject to the following regulations:

\*\*\*

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..**

\*\*\*

### Section 40.360 Self-Service Storage Facilities

**40.360-A** General



\*\*\*

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



\*\*\*

#### 40.360-B RM and O Districts

\*\*\*

3. Access doors to drive-up style storage units may not be visible at ground-level from abutting O-1 or R-1 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-1 or O-1 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-1 or O-1 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:

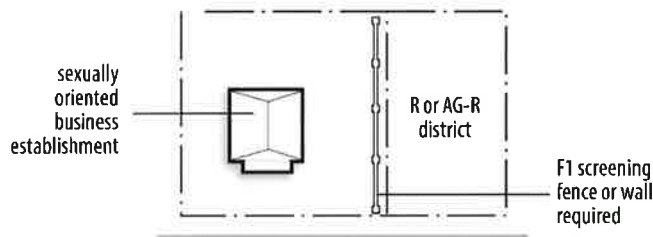
\*\*\*

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**

10.14

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.

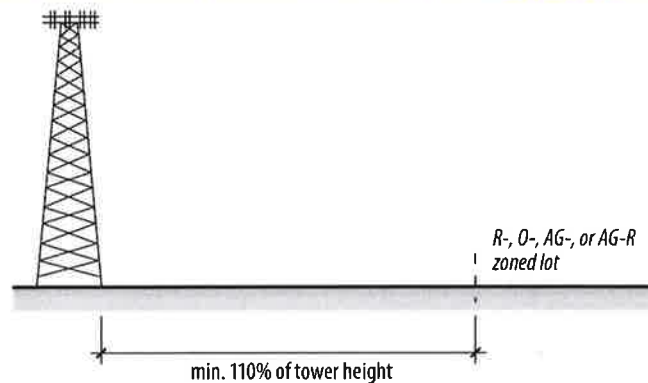
\*\*\*

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



\*\*\*

## Chapter 45 | Accessory Uses and Structures

\*\*\*

### 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:

\*\*\*

10.15



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**

\*\*\*

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

\*\*\*

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

10.14

- 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.

\*\*\*

## Chapter 55 | Parking

\*\*\*

### Section 55.080 Location of Off-Street Parking

\*\*\*

#### 55.080-C Parking Setbacks

\*\*\*

- 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.

\*\*\*

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

\*\*\*

**55.100-C Location and Design**

\*\*\*

- 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,

\*\*\*

**Chapter 60 | Signs**

\*\*\*

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

\*\*\*

**60.030-B Drive-through Signs**

\*\*\*

**3. Residential Separation**

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

\*\*\*

**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	AG, <b>AG-R</b> , R, O and SR Districts	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

\*\*\*

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

\*\*\*

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>1</sub> and AG<sub>1</sub> and AG-R Zoning Districts

### 60.050-A Applicability

The regulations of this section apply to signs in R<sub>1</sub> districts and AG<sub>1</sub> 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>1</sub> districts and AG<sub>1</sub> 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>1</sub> districts and AG<sub>1</sub> and AG-R districts.

\*\*\*

### 2. Nonresidential Uses

The following regulations apply to all principal nonresidential uses in R<sub>1</sub> districts and AG<sub>1</sub> and AG-R districts.

#### a. Wall Signs

Nonresidential uses in R<sub>1</sub> and AG<sub>1</sub> 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>2</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>2</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>2</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.

\*\*\*

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

\*\*\*

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

\*\*\*

- 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**

\*\*\*

**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.

\*\*\*

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

\*\*\*

**Section 65.060 Screening**

\*\*\*

**65.060-C** Type of Screens

\*\*\*

**3. Materials and Design**

\*\*\*

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

\*\*\*

**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.

\*\*\*

*Table 65-1: Maximum Light Fixture Heights*

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

\*\*\*



**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	P [1]	P [1]	P [1]	P [1]	P [1]	P [1]	P [2]	P [2]	P [2]	P [2]	P [2]	P [2]	P [2]	P [2]	
Two households on single lot	-	-	-	S	S	S	P	P	P	P	P	P	P	P	
Three or more households on single lot	-	-	-	-	-	S	S	P	P	P	P	P	P	P	
***															
<b>AGRICULTURAL</b>															
***															
Farm, Market-, or Community-supported [1] [2] [3]	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 RE and RS Districts on a lot occupied by a detached house. For supplemental regulations, see Section 45.031.

[2] Accessory dwelling units are allowed by right in RD, RT, RM, and RMH Districts on a lot occupied by a detached house. For supplemental regulations, see Section 45.031.

[1] [2] [3] 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

10.22

\*\*\*

## 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

\*\*\*

#### 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, including accessory dwelling units, 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, and mother-in-law flats.

### 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 or increasing 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**

\*\*\*

**Section 90.090 Setbacks**

\*\*\*

**90.090-C Permitted Setback Obstructions in R Zoning Districts**

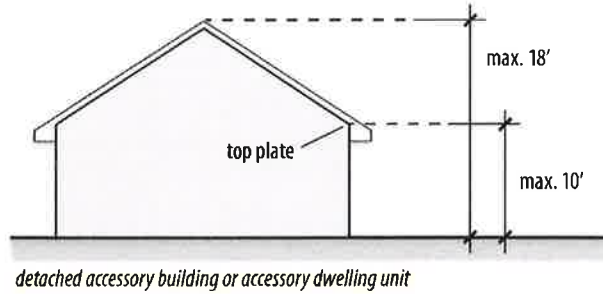
\*\*\*

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)



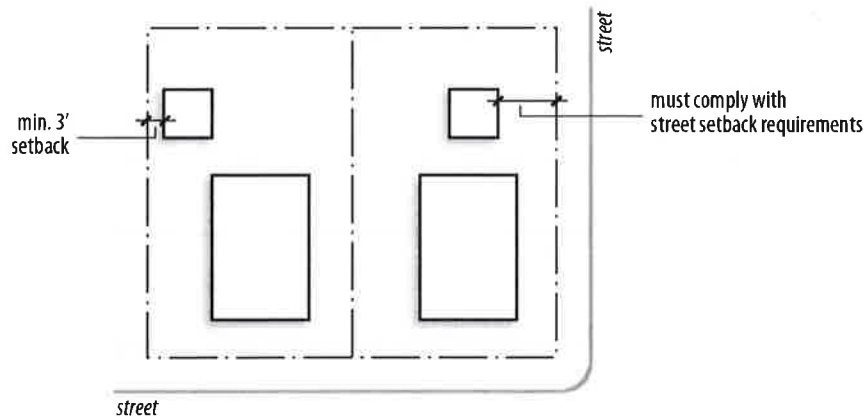
(2) Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2:

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

\*\*\*

**Accessory Dwelling Unit:** See Section 45.031-A





## Item

Discuss proposed amendments to the City of Tulsa Zoning Code regarding dumpsters and recyclable material bins/donation bins.

## Background

The City of Tulsa Zoning Code became effective on January 1, 2016. Included in the Zoning Code were new regulations regarding dumpsters and recyclable material bins that were not in the previous code. A key component of the regulations was a retroactive screening requirement for all dumpsters and recyclable material bins, stating a compliance date of November 1, 2017. A proactive effort to enforce this provision took place earlier in 2019 and several businesses received notice that their dumpsters were not in compliance. These businesses contacted elected officials at City Hall about the issues resulting from these regulations. A few key issues identified were: they identified included:

- In existing development, there may not be enough space to place the dumpster/screening out of view from streets and abutting properties.
- Recyclable Material Bins will not be visible if required to be screened, which will impact donations.
- Dumpsters in alley rights-of-way should be exempt from screening requirements.

In order to address these and other related issues, the zoning code implementation team convened to address the identified issues. The zoning code implementation team is comprised of members of Tulsa Planning Office, Development Services Department and City Legal.

The amendments proposed to the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, are shown in ~~strike through~~/underline in Attachment II.

## Staff Recommendation

Discuss proposed amendments to the City of Tulsa Zoning Code regarding dumpster and recyclable material bins/donation bins in advance of public hearing.

## Attachment(s)

Attachment I - Summary of Changes for Dumpster & Recyclable Material Bins/Donation Bins zoning code amendments

Attachment II – Proposed amendments to City of Tulsa Zoning Code regarding Dumpster & Recyclable Material Bins/Donation Bins (as of 09.12.2019)

Attachment III -Existing City of Tulsa Zoning Code (as of 09.12.2019)

## Attachment I

### Dumpster & Recyclable Material Bins/Donation Bins Zoning Code Amendments Draft Summary of Changes

#### EXISTING

- Dumpsters and recyclable material bins grouped together with the same regulations
- Limited restrictions on placement of dumpsters and recyclable material bins
- No standards for excess trash and debris

#### ***Dumpsters***

- Unclear if dumpsters must be screened from R-zoned properties or *all* abutting properties
- No exemptions for dumpsters in alleys
- Screening requirements retroactively applied to all dumpsters
- No set review process for approving dumpster location
- 6-foot screening wall or fence always required
- Opaque, lockable gate always required

#### ***Recyclable Material Bins***

- Donation bins not specifically mentioned under the definition of recyclable material bins
- Screening fence required for recyclable material bins
- No standards for maintenance or upkeep
- No contact information requirements
- Primary use Consumer Material Dropoff Stations staffed by personnel when accepting recyclables

#### PROPOSED

- Dumpsters and recyclable material bins separated
- Dumpsters and recyclable material bins are not allowed in a required landscape area, street setback, or side setback
- Surrounding sites must be maintained free of litter, debris and other materials

#### ***Dumpsters***

- Dumpsters must be screened from view of all rights-of-way and R-zoned property
- Screening of dumpsters located in alleys is not required
- Screening requirements only apply to new construction or occupancy
- Dumpsters and screening must be included on site plans for occupancy, zoning, building permits
- Dumpsters may be screened by a principal structure or a screening fence or wall
- Gate required only when dumpster is completely enclosed by screening fence or wall

#### ***Recyclable Material Bins***

- "Recyclable Material Bin" changed to "Recyclable Material Bin/Donation Bin"
- All goods must be screened from view within the bins
- Bins must be maintained in good condition with no structural damage, holes, visible rust, graffiti
- Name, phone number, and website of operator and all other entities benefiting from donations must be displayed on bin in bold ½" x ½" letters
- Consumer Material Dropoff Stations are staffed by personnel on site a minimum of 20 hours per week



## Attachment II

### Proposed City of Tulsa Zoning Code

(as of 09.12.2019)

#### Section 35.080 Recycling Use Category

##### 35.080-B Consumer Material Drop-off Station

An establishment that (1) accepts consumer recyclable commodities directly from the consuming party; (2) is staffed by personnel ~~during times when recyclables are accepted from consumers on site~~ for a minimum of 20 hours per week; and (3) stores materials temporarily before transferring them to recyclable material processing facilities. Establishments that process recyclable materials are classified as "consumer material processing" establishments. (Note: accessory use dumpsters and recyclable material bins/donation bins are ~~regulated as accessory uses~~, subject to the regulations of Sections 45.050 and 45.051.)

#### Section 45.050 Dumpsters and Recyclable Material Bins

##### 45.050-A Applicability

- ~~1. The regulations of this section apply to all dumpsters and recyclable material bins established or placed on or after the effective date specified in Section 1.030.~~
- ~~2. Dumpsters and recyclable material bins established or placed before the effective date specified in Section 1.030 must be removed or brought into compliance with the regulations of this section no later than November 1, 2017.~~

##### 45.050-B Where Allowed

~~Dumpsters and recyclable material bins are allowed as an accessory use.~~

##### 45.050-CA Regulations

Dumpsters and recyclable material bins established or placed on or after the effective date specified in Section 1.030 are subject to the following regulations:

- ~~1. Dumpsters and recyclable material bins may only be placed with the written permission of the owner of the subject property.~~
- ~~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-zoned property in accordance with ~~§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.~~
- ~~3. Dumpsters and recyclable material bins may not:~~
  - ~~a. Obstruct motorized or non-motorized traffic;~~
  - ~~b. Reduce any sidewalk or walkway designed for the passage of pedestrians to less than 5 feet in width;~~
  - ~~c. Be located within 10 feet of a fire hydrant or fire suppression connection; or~~
  - ~~d. Be located in a required parking space or required landscape area; or~~
  - ~~e. Be located in a street setback or side setback.~~
- ~~4. The site surrounding the dumpster must be maintained free of litter, debris, and other materials.~~
- ~~5. Dumpsters must be screened from view of all street rights-of-way and R-zoned property by a principal structure or an F1 screening fence or wall in accordance with ~~§65.060-B2~~, provided that no trees are required as part of the required screening. Screening of~~

dumpsters located in alley rights-of-way is not required. No signs are allowed on the exterior of a required screening fence or wall.

6. Where the use of a dumpster is proposed, the location and intended screening demonstrating compliance with the standards of this section must be included with the submittal of a site plan for a zoning clearance, building or certificate of occupancy permit.

### **Section 45.051 Recyclable Material Bins/Donation Bins**

#### **45.051-A Regulations**

Recyclable material bins/donation bins established or placed on or after December 1, 2019 are subject to the following regulations, and recyclable material bins/donation bins established before December 1, 2019 must be removed or brought into compliance with the following regulations no later than July 1, 2020:

1. Recyclable material bins/donation bins may only be placed with the written permission of the owner of the subject property.
2. Recyclable material bins/donation bins must be located on a dustless, all-weather surface.
3. Recyclable material bins/donation bins may not:
  - a. Obstruct motorized or non-motorized traffic;
  - b. Reduce any sidewalk or walkway designed for the passage of pedestrians to less than 5 feet in width;
  - c. Be located within 10 feet of a fire hydrant or fire suppression connection;
  - d. Be located in a required parking space or required landscape area; or
  - e. Be located in a street setback or side setback.
  - f. Exceed 7 feet in height, 6 feet in width, and 6 feet in depth.
4. All goods must be screened from view within the recyclable material bin or donation bin.
5. The site surrounding the bin must be maintained free of litter, debris, and other materials.
6. Recyclable material bins/donation bins must be maintained in good condition with no structural damage, holes, visible rust, or graffiti.
7. The exterior of a recyclable material bin or donation bin must clearly display the name, phone number, and website (if any) of the person or entity operating the bin and of any charitable or for-profit entity that benefits from the collected items. The information must be printed in bold letters, each at least one-half inch tall and one-half inch wide. See also Oklahoma Statutes, Title 78, Section 56.

### **Section 65.060-B Features to be Screened**

#### **2. Dumpsters and Recyclable Material Bins**

All dumpsters and recyclable material bins must be screened from view of the street and all abutting properties all street rights-of-way and R- zoned property. Screening of dumpsters located in alley rights-of-way is not required. Required screening must consist of Dumpsters may be screened from view by a principal structure or by an F1 screening fence or wall in accordance with §65.060-C2. When an F1 screening fence or wall encloses a dumpster on four sides, one side of the storage area must be furnished with an opaque, lockable gate kept closed at all times except during waste deposit or collection. The gate must be located and constructed to allow for unobstructed access to each dumpster during collection.

## **Chapter 95. Definitions**

### **Donation Bins**

See “Recyclable Material Bins/Donation Bins”.

### **Dumpster**

A container with a capacity of more than 1.5 cubic yards or a height of more than 4.5 feet that is designed for receiving, transporting, and depositing waste materials produced by uses that are on the subject site. Dumpsters are typically designed to be hoisted and emptied into a garbage truck. (See Section 45.050 for applicable regulations)

### **Recyclable Material Bins/Donation Bins**

A container or drop box with a capacity of more than 1.5 cubic yards or a height of more than 4.5 feet that is provided for receiving and temporary storing of recyclable materials or salvageable personal property such as paper, ~~cans-metal~~, glass, and plastics as well as clothing, shoes, books, and toys. Recyclable material bins/donation bins may receive items to be reused or resold for the purpose of charitable solicitation. Recyclable material bins/donation bins include both containers used by uses located on the subject site and those used by consumers who bring their recyclables from other (off-site) locations. (See Section 45.0501 for applicable regulations)

### **Site Plan**

A detailed plan or set of plans depicting the arrangement of buildings, parking, landscaping, lighting, walls, grading, elevations, building materials, signs, dumpsters, and other information necessary to determine compliance with applicable regulations (see also Section 70.050).



**Attachment III**

**Existing City of Tulsa Zoning Code**  
(as of 09.12.2019)

---

**Section 35.080 Recycling Use Category**

**35.080-B Consumer Material Drop-off Station**

An establishment that (1) accepts consumer recyclable commodities directly from the consuming party; (2) is staffed by personnel during times when recyclables are accepted from consumers; and (3) stores materials temporarily before transferring them to recyclable material processing facilities. Establishments that process recyclable material are classified as "consumer material processing" establishments. (Note: dumpsters and recyclable material bins are regulated as accessory uses, subject to the regulations of Section 45.050.

**Section 45.050 Dumpsters and Recyclable Material Bins**

**45.050-A Applicability**

1. The regulations of this section apply to all dumpsters and recyclable material bins established or placed on or after the effective date specified in Section 1.030.
2. Dumpsters and recyclable material bins established or placed before the effective date specified in Section 1.030 must be removed or brought into compliance with the regulations of this section no later than November 1, 2017.

**45.050-B Where Allowed**

Dumpsters and recyclable material bins are allowed as an accessory use.

**45.050-C Regulations**

Dumpsters and recyclable material bins are subject to the following regulations:

1. Dumpsters and recyclable material bins may only be placed with the written permission of the owner of the subject property.
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- zoned property in accordance with §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.
3. Dumpsters and recyclable material bins may not:
  - a. Obstruct motorized or non-motorized traffic;
  - b. Reduce any sidewalk or walkway designed for the passage of pedestrians to less than 5 feet in width;
  - c. Be located within 10 feet of a fire hydrant or fire suppression connection; or
  - d. Be located in a required parking space.

---

**Section 65.060-B Features to be Screened**

**2. Dumpsters and Recyclable Material Bins**

All dumpsters and recyclable material bins must be screened from view of the street and all abutting properties. Required screening must consist of an F1 screening fence or wall in

accordance with §65.060-C2. One side of the storage area must be furnished with an opaque, lockable gate.

## **Chapter 95. Definitions**

### **Dumpster**

A container with a capacity of more than 1.5 cubic yards or a height of more than 4.5 feet that is designed for receiving, transporting, and depositing waste materials produced by uses that are on the subject site. Dumpsters are typically designed to be hoisted and emptied into a garbage truck. (See Section 45.050 for applicable regulations)

### **Recyclable Material Bins**

A container or drop box with a capacity of more than 1.5 cubic yards or a height of more than 4.5 feet that is provided for receiving and temporary storing of recyclable paper, cans, glass and plastics as well as clothing, shoes, books, and toys. Recyclable material bins include both containers used by uses located on the subject site and those used by consumers who bring their recyclables from other (off-site) locations. (See Section 45.050 for applicable regulations)

### **Site Plan**

A detailed plan or set of plans depicting the arrangement of buildings, parking, landscaping, lighting, walls, grading, elevations, building materials, signs and other information necessary to determine compliance with applicable regulations (see also Section 70.050).