



TULSA PRESERVATION COMMISSION

REGULAR MEETING MINUTES
Thursday, September 8, 2022, 11:00 A.M.
City Hall @ One Technology Center, 175 East 2nd Street
10th Floor - North Conference Room

A. Opening Matters

1. Call to Order and Verification of Quorum

Commissioner Turner called the Regular Meeting to order at 11:07 A.M.

Members Present

James Turner, AIA, Chair
*Holly Becker, Vice-Chair
Katelyn Parker, RA, Secretary
Chris Bumgarner
Royce Ellington
Geoffery Evans, PLA, ASLA
Peter Grant, CGR, CAPS
Susan McKee, MFA
Mark Sanders
Mary Lee Townsend, Ph.D.

Members Absent

Ted A. Reeds II, AIA

Staff Present

Audrey Blank, Felicity Good, Robi Jones

Others Present

Jeremy Brennan, Jeff Thomas

*Late Arrival

2. Introduction – Geoffrey Evans, Landscape Architect

Commissioner Turner welcomed Geoffery Evans as the new Landscape Architect member of the Tulsa Preservation Commission. Commissioner Evans stated that he is a Licensed Landscape Architect in Tulsa and has been doing work for around twenty (20) years. He works for PDG (Planning Design Group), and they do a little bit of everything related to landscape design.

3. Approval of Minutes – Regular Meeting, August 23, 2022

Commissioner Turner made a motion to approve the Minutes of the Regular Meeting on August 23, 2022. The motion was seconded by Commissioner Townsend and approved with a majority.

Vote: Minutes – Regular Meeting, August 23, 2022

<u>In Favor</u>	<u>Opposed</u>	<u>Abstaining</u>	<u>Not Present</u>
1. Turner		Parker	Reeds
2. Ellington		Bumgarner	
3. McKee		Evans	
4. Sanders		Grant	
5. Townsend			

4. Disclosure of Conflicts of Interest
None

B. Actionable Items

1. **HP-0390-2022 / 1010 N. Denver Ave.** (Brady Heights/The Heights)

Applicant: Jeremy Brennan

Proposals:

1. Replacement of light fixture on east facade
2. Installation of light fixture on south facade

Staff directed commissioners' attention to Section 70.070-F of the Tulsa Zoning Code and afterwards presented its report. The applicant was present, and he brought in a sample of the light fixture he would like to install on the east and south façades. He stated that he did not have a strong preference between the styles depicted in the staff report, but he was leaning more toward the style which was the same as the sample he brought in. Commissioner Parker asked him to pass around the sample light fixture, and the commission members nodded in approval.

As there was no further discussion, Commissioner Parker made a motion to approve both items in the proposal as presented. The motion was seconded by Commissioner Ellington. Commissioner Sanders asked if they were voting on the sample light fixture that Mr. Brennan shared, which was slightly smaller than the originally proposed light fixture. Commissioner Parker answered affirmatively and clarified that they were approving the alternative light fixture that was presented to the Tulsa Preservation Commission at today's meeting (small lantern with seed glass and a swirl). The motion passed unanimously.

Guidelines cited: A.1.1, A.1.2, A.1.3, A.1.4

Vote: 1010 N. Denver Ave. (Brady Heights/The Heights)

<u>In Favor</u>	<u>Opposed</u>	<u>Abstaining</u>	<u>Not Present</u>
1. Turner			Reeds
2. Becker			
3. Parker			
4. Bumgarner			
5. Ellington			
6. Evans			
7. Grant			
8. McKee			
9. Sanders			
10. Townsend			

The applicant, Jeremy Brennan, asked if anyone had resources for front porch column faces, and Commissioner Parker stated that she could help him.

C. Public Information Session

1. Section 106 Process – Demolition – 1144 South Atlanta Avenue

Follow-up to previous public information session held July 8, 2021

Staff presented information on Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800. Staff explained that the property at 1144 South Atlanta Avenue was considered a Contributing Resource in the Renaissance Historic District, which has been determined to be eligible for inclusion in the National Register of Historic Places. Staff noted that this was a follow-up from a previous public information session which was held on July 8, 2021. At that meeting, Staff had said they would pursue further inquiry with the Working in Neighborhoods Department and attempt to engage with the owner of the property. As a result, Deborah Ashby, an inspector in the Working in Neighborhoods Department, was present at the meeting. Ms. Ashby introduced herself then proceeded to pass around photographs of the property to illustrate the level of dilapidation. She explained that someone had fraudulently filed a quit-claim deed for the property to themselves and that the rightful owner is in a nursing home. Through Ms. Ashby's efforts working with the Tulsa Police Department and the Tulsa County District Attorney's Office, she was able to get the property deeded back to the rightful owner, and the owner has recently had a friend advertise the home for sale on Zillow. Ms. Ashby stated that the home has had offers on it before, but they always fell through. Commissioner Parker asked why the home has not gone to public auction, and Ms. Ashby explained that it is because the owner has always paid the property taxes. Commissioner Parker asked if they had paid the fines for all the upkeep that had not been done to the property. Ms. Ashby explained that the fines have all gone to liens in Tulsa County. Commissioner Parker asked how that did not trigger it to go to public auction. Ms. Ashby replied that, historically, that does not seem to happen. Commissioner Parker stated that she does not want to see the house demolished. Ms. Ashby explained that, with all the complaints she had received about the house, she went ahead and set it for an administrative hearing date to declare the property a nuisance on October 26, 2022. She stated that there is a contract on the house right now, but she did not feel confident that it would go through. Commissioner Turner asked why the previous contracts had fallen through. Ms. Ashby was not sure, but she felt that it could have been because of the problems with the title. Commissioner Turner asked Staff what action the preservation commission needed to take at the meeting. Felicity Good explained that it was a non-actionable item and served as a follow-up to the public information session held on July 8, 2021. Ms. Good explained that the next steps would be to consult with the State Historic Preservation Office to determine an effective way to help mitigate what the adverse effect would be and then draft a Memorandum of Agreement to do that. Ms. Good explained that one possible strategy could be a resurvey of the Renaissance Historic District to determine the extent of the district's integrity. Commissioner Turner asked if staff would wait to see if the current contract goes through. Ms. Good answered that they would wait, and it could be possible that the new owner would want to rehabilitate the home. Commissioner Sanders inquired about who makes the decision in the city about when a lien goes to auction. Ms. Ashby explained that it was not her office. Commissioner Sanders verified with staff that, since the property is not in an Historic Preservation Overlay District, they would not have the final decision-making authority over the use or renovation of the property. Ms. Good agreed and further explained that the Section 106 Process invites the public to comment, and those comments are heard during the meetings of the Tulsa Preservation Commission. Commissioner Turner added that they are also the Certified Local Government for the State Historic Preservation Office so anything in Section 106 that happens in Tulsa is supposed to go through Tulsa Preservation Commission and that most of it is overseen by staff depending on the scope of the project. Commissioner Sanders asked Ms. Ashby what the comments she has received from the neighbors are like. In response, Ms. Ashby read the following letter from one of the neighbors.

I purchased and moved into 2445 E 12th Street, Tulsa in 2004, the house behind me, 1144 S Atlanta Ave has been vacant the entire time I've lived here. It was in rough shape in 2004 and has completely deteriorated over the years to the point of dereliction. I've had to call the police so many times because of break-ins there that I've lost track of the amount of times. I have a clear view of the house and see people trespassing and breaking in all the time, and on a few occasions they have kicked down the fence that separates my driveway from the backyard at 1144 and used my driveway to either leave or enter the property. My house has also been broken into by the same people who keep breaking into 1144 as it has made my house an easy target now too. I don't feel safe here anymore and it has made this part of our neighborhood undesirable, I tried selling my house once before and the main reason people were put off was the derelict house behind mine. I am ready to sell my house again and until 1144 is either fixed up or torn down I fear this will prevent me from selling again. This house is a blight on our neighborhood and only attracts crime, not to mention the trash they leave scattered all around the property. I am writing this to plead to you to please allow the City of Tulsa to tear this property down, it may be historic but it is a derelict crime ridden eyesore. Gene the owner refuses to sell the property for a reasonable sum so even fixing it up has been impossible, people have tried and failed but for what Gene is asking it is unprofitable. The only reasonable option left at this point is demolition, please consider this, I implore you.

*Many thanks.
James Gibbard*

Commissioner Townsend asked if they needed to write up something to give to the state. Staff stated that it was not required unless they wanted to comment. Commissioner Turner added that he thought their comment would be that they wanted to preserve the historic asset which is what the State Historic Preservation Office has already stated.

D. Discussion

Tulsa Zoning Code, Section 70.070-B Exemptions and process for determining that Work is exempt from the HP Permit requirement

Staff opened the discussion with an explanation of Section 70.070-A of Tulsa Zoning code and the allowed Exemptions from the Historic Preservation (HP) Permit requirement according to Section 70.070-B in the zoning code. Staff asked Commissioner Sanders to begin the discussion, as he had requested the agenda item. Commissioner Sanders explained that he requested the discussion after becoming concerned about a structure going up in the rear yard of home on a corner lot located in the North Maple Ridge Historic Preservation Overlay. He described the structure as a "superstructure" that appeared to be an addition coming off the back of the house. He later found out that the previous HP Officer had determined that the addition was exempt from the HP permit requirement because it was not technically attached to the primary structure. After reading Section 70.070-B, Commissioner Sanders did not agree that the words "not part of" meant the same as "detached." Therefore, he also disagreed with the exemption and felt that the addition should have required an HP permit. Moving forward, he questioned who should make the exemption decisions, whether it should be staff or the preservation commission, and the process by which those decisions are made. Commissioner Sanders stated that at a future meeting he would like to propose a change to the regulations that would track the staff approval process with respect to exemptions. He believed that the HP Officer's authority to make decisions about exemptions was a delegated authority and that the preservation commission was

ultimately the deciding body. Commissioner Sanders stated he would propose a change to the *Rules and Regulations Governing Procedures of the Tulsa Preservation Commission* that would set a process for staff to follow with respect to exemptions. Commissioner Sanders proposed that staff decisions about exemptions should be reported to the preservation commission in the same way that staff level HP Permit decisions have been brought before the preservation commission recently. He explained that, as part of the proposed process, staff would approve exemptions, then they would report to the preservation commission, and then the preservation commission could make the final decision. Commissioner Townsend stated that she was concerned about putting staff in an awkward situation. Commissioner Sanders explained that he was only concerned about the approval of exemptions for accessory structures and that he does not want to put staff in a bad position. Commissioner Bumgarner stated that he thought item four (4) under Section 70.070-B indicated that a structure was either attached to the primary structure or not attached to the primary structure. Commissioner Parker explained that item four (4) does not use the word "attached" but instead uses the words "not part of," which she described as vague and requiring an interpretation. Commissioner Sanders said that language could refer to a structure that it is free-standing but abutting the primary structure. Commissioner Bumgarner asserted that was the same meaning as detached. Commissioner Sanders answered that an accessory structure could be detached but still be a part of the primary building. Commissioner Bumgarner stated that they have talked about revisiting the whole topic of accessory structures and maybe it was time to review them. Commissioner Sanders agreed but stated that his issue is actually a subset of accessory structures, and the first question would be whether something is an accessory structure, and if so, the second question would be whether the structure was a part of the primary structure. Commissioner Sanders concluded the discussion and said he would prepare and circulate some proposed language to amend the rules and regulations.

E. Reports

1. Staff Report

Staff reported that the owners of 308 West King Street have filed an appeal of the decision of the preservation commission to deny the windows as part of HP-0380-2022. Staff stated that the appeal would be heard by the Board of Adjustment on September 27th and asked if any commissioners would be willing to attend. Commissioner Turner stated that he would attend or find someone else to attend.

Staff reported on a report of activity at 1624 South Norfolk Avenue. A handrail leading up to the yard and another handrail leading up to the porch have been added. Staff will send out notifications.

Staff reported on activity completed without an historic preservation permit at 1528 South St. Louis Avenue. A fence has been partially constructed, and it was reported that some street facing windows have been replaced. A letter of notification was sent to the homeowners, and they responded and submitted an application to be reviewed at the next Historic Preservation Permit Subcommittee meeting.

Staff shared before and after pictures of a project at 1616 South Quincy Avenue. The siding and trim was replaced, and the project is completed.

Staff gave an update on the proposed Tracy Park Historic Preservation Overlay. Staff had given a presentation about the overlay and the approval process to the planning commission at their work session on August 17, 2022. The public hearing for the planning commission is scheduled for September 21, 2022. Staff reported that the neighborhood association had held a meeting and invited Commissioner Parker to do a

Q & A, and Commissioner Parker said it went well. Staff reported that it received feedback from the Parks Department, and they have requested that Tracy Park not be included in the overlay boundary.

Staff reported on updates related to the Certified Local Government Funds for the year. Funds for the 2021 fiscal year were used to hire a consultant, Duncan Associates, to investigate demolition regulations in other cities. Funds for the 2022 fiscal year will be used for a survey of the Maple Heights Addition, and a Request for Proposals has been sent out and a consultant should be selected by the end of the month.

Staff announced that the preservation commission is hosting two workshops in September, a house painting workshop on September 17th and a window restoration workshop on September 24th and 25th.

Staff thanked Commissioner Parker for her help in creating a design for the 4" x 6" postcards that will soon be mailed to owners in all the HP overlay districts.

2. Chair Report
None

F. New Business
None

G. Announcements and Future Agenda Items
None

H. Public Comment
None

I. Adjournment
Commissioner Turner adjourned the Regular Meeting at 12:07 P.M.