

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, October 23, 2018, 1:00 P.M.

Meeting No. 1216

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of October 9, 2018 (Meeting No. 1215).

UNFINISHED BUSINESS

2. **22481—Mark Capron** (Reconsideration from 08/28/2018)
Special Exception to permit a school use in an RS-3 District (Section 5.020-C).
LOCATION: 3121 East Queen Street North (CD 3)
3. **22505—Mark Capron**
Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Section 90.090-A); Variance of the removal agreement requirement with the City of Tulsa for structures in the planned street right-of-way (Section 90.090-A). **LOCATION:** 1202 & 1206 East 3rd Street South (CD 4)
4. **22515—Linda Rollins**
Special Exception to permit a carport in the street side setback and street yard (Section 90.090-C.1). **LOCATION:** 903 South Urbana Avenue East (CD 4)

Staff requests a continuance to November 13, 2018.

5. **22520—Eddie James**
Appeal of a Decision by the Tulsa Preservation Commission to deny Historic Permit Application (HP-18-030); Special Exception to permit a carport in the street setback and street yard; to allow the area to exceed 20 feet in length and 20 feet in width; to exceed the maximum distance allowed to project in the street setback; to allow for the sides of the carport to be obstructed within the required street setback (Section 90.090-C.1) . **LOCATION:** 1591 East Swan Drive South (CD 4)

NEW APPLICATIONS

6. **22523—Eller & Detrich – Nathalie Cornett**
Verification of the spacing requirement for an outdoor advertising sign of 1,200 feet from another outdoor advertising sign on the same side of the highway (Section 60.080-F.5); Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 feet from any other digital outdoor advertising sign facing the same traveled way (Section 60.100). **LOCATION:** 10210 East 91st Street South **(CD 7)**

7. **22511—Erick Ethridge**
Variance of the minimum lot width in an RS-1 District to permit a lot split (Section 5.030, Table 5-3). **LOCATION:** 4647 South Columbia Place East **(CD 9)**

8. **22526—Melissa Bruns**
Variance to reduce the side setback in a RE District to permit an existing structure (Section 5.030, Table 5-3). **LOCATION:** 4121 South Wheeling Avenue East **(CD 9)**

9. **22528—Christopher Parle**
Special Exception to exceed the allowable driveway width in the street right-of-way and in the street setback (Section 55.090-F3). **LOCATION:** 3318 South Jamestown East **(CD 9)**

10. **22529—Hall Estill – Chris Carter**
Variance of the frontage requirement in a RS-3 District (Section 5.020); Special Exception to exceed the allowable driveway width in the street right-of-way and in the street setback (Section 55.090-F3). **LOCATION:** West of the NW/c of South Sheridan Road East & East 67th Place South **(CD 9)**

11. **22530—William Wilkins**
Variance to reduce the required minimum lot area and lot area per unit (Section 5.030-A); Variance to reduce the required minimum lot width (Section 5.030-A); Variance of the open space requirement (Section 5.030-A); Variance to reduce the side and front street setback (Section 5.030-A). **LOCATION:** 1614 West Edison Street North **(CD 4)**

12. **22531—Gant Hinkle**
Variance of the minimum lot width to allow for a lot split (Section 5.030-A). **LOCATION:** 4687 South Columbia Avenue East **(CD 9)**

13. **22534—Scott Bangs**
Special Exception to allow for a bar within 150 feet of an R District (Section 15.020-G); Verification of the 300-foot spacing requirement for a bar from public parks, schools, other bars, religious assemblies, and sexually oriented business

establishments, and the public entrance doors 50 feet from an R-zoned lot (Section 40.050). **LOCATION:** 4302 East Pine Street North **(CD 3)**

OTHER BUSINESS

14. Review 2019 proposed meeting dates.

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

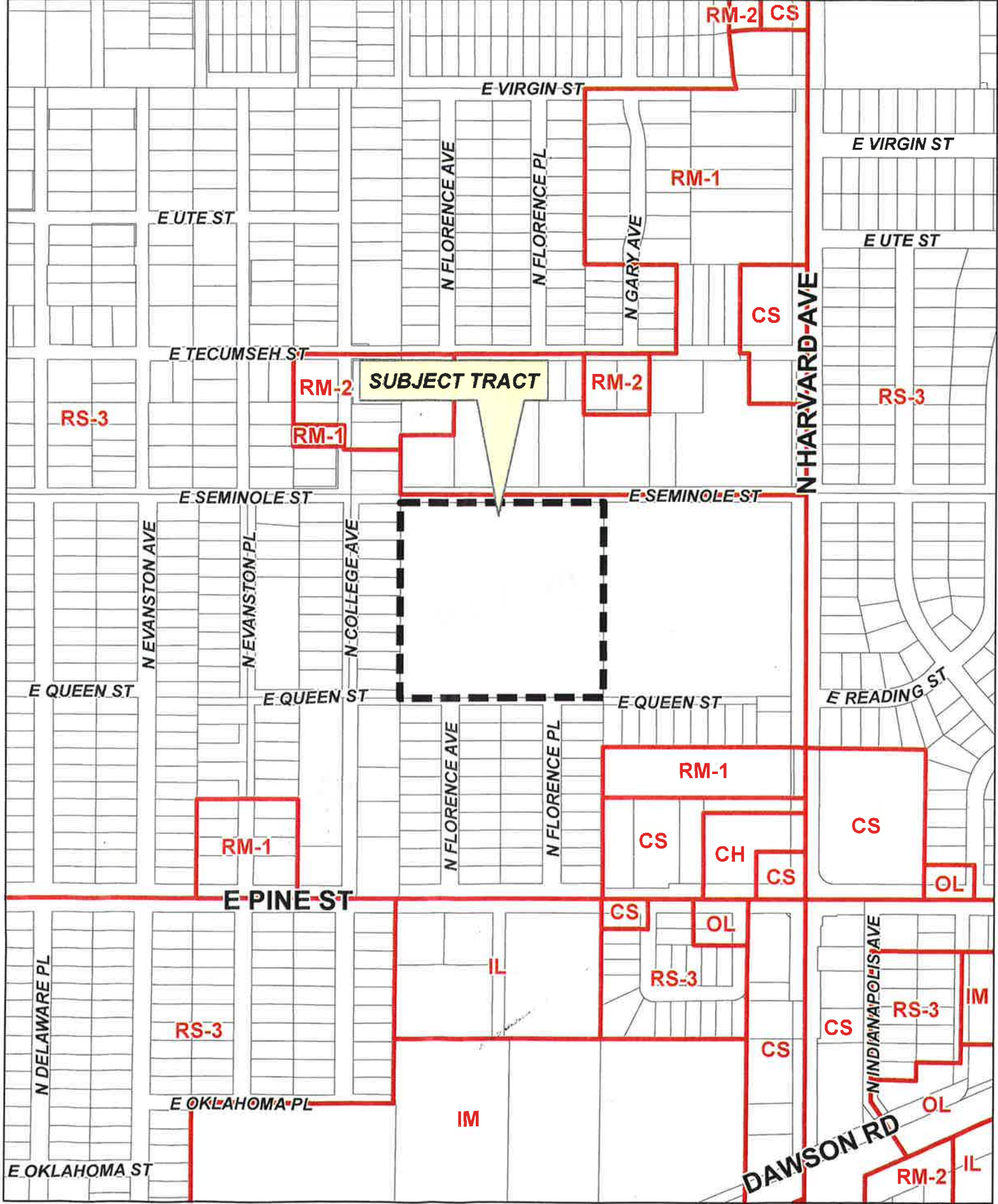
Website: www.cityoftulsa-boa.org

E-mail: esubmit@incog.org

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 Board of Adjustment may be received and deposited in case files to be maintained at Land Development Services, INCOG. **ALL** electronic devices **MUST** be **silenced** during the Board of Adjustment meeting.

NOTE: This agenda is for informational purposes only and is not an official posting. Please contact the INCOG Office at (918) 584-7526 if you require an official posted agenda.



BOA-22481

2.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 0329

Case Number: **BOA-22481**

CZM: 29

CD: 3

A-P#:

HEARING DATE: 10/23/2018 1:00 PM (reconsideration from 08/28/2018 and continued from 10/09/18)

APPLICANT: Mark Capron

ACTION REQUESTED: Special exception to permit a school use in an RS-3 district (Section 5.020-C).

LOCATION: 3121 E QUEEN ST N

ZONED: RS-3

PRESENT USE: Park.

TRACT SIZE: ± 9.62 acres

LEGAL DESCRIPTION: NW SE SE LESS N25 FOR RD SEC 29 20 13 9.62ACS

RELEVANT PREVIOUS ACTIONS:

Subject Parcel:

BOA-21129; on 8.24.10 the Board approved Amendment to a previously approved site plan for an elementary school in an R district to permit a building addition and site modification.

Surrounding Properties:

BOA-17781; on 7.22.97 the Board **approved** a *Minor Special Exception* to approve an amended site plan allowing an addition to the existing Celia Clinton Elementary School; per plan submitted; subject to the removal of the existing mobile unit.

BOA-16023; on 4.28.92 the Board **approved** a *Special Exception* to permit a public school in an R district and to allow temporary mobile classrooms.

BOA-11202; on 9.18.80 the Board **approved** an *Exception* to use part of an existing elementary school as a non-profit day care center.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an 'Existing Neighborhood' and an 'Area of Stability'.

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The ideal for the **Area of Stability** is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects.

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ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RM-1 zoned single family residential and undeveloped land to the north; a public park is situated immediately west of the school property (included in the subject property shown on the attached maps); RS-3 zoned single family residential is situated to the south of and east of (across the arterial street from) the school

CURRENT STAFF COMMENTS:

On 8.28.18 the Board denied the request for a Special Exception to permit a school use in an RS-3 district.

The Board voted unanimously, on 9.11.18, to reconsider the case. The applicant requested that the case be reconsidered to provide a more detailed traffic plan/study.

The applicant requested a continuance from the 10.09.18 meeting to the 10.23.18 meeting to allow more time for the neighbors to review the updated traffic mitigation plans.

PREVIOUS STAFF COMMENTS:

The applicant is before the Board requesting **Special Exception** to permit a school use in the RS-3 district (Section 5.020-C).

The applicant is proposing a 44,000 SF Educare facility on the 9.62 acre site. A school use is permitted in the R district only by special exception. A special exception is required as the proposed use is not permitted by right due to potential adverse effect, but if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted.

If inclined to approve staff request that the Board approve the school use per the submitted site plan to ensure that any future expansion of school facilities on the site would require additional review and approval by the Board.

The Board may consider any other condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding neighborhood.

Sample Motion

Move to _____ (approve/deny) a Special Exception to permit a school use in an RS-3 district (Section 5.020-C).

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any): _____.

The Board finds that the requested Special Exception 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.

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1212
Tuesday, August 28, 2018, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Van De Wiele, Chair Back, Vice Chair Ross, Secretary Bond Radney		Miller Ulmer Sparger R. Jones	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on August 22, 2018, at 4:42 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

Ms. Ulmer read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **BACK**, the Board voted 4-0-1 (Back, Bond, Radney, Ross "aye"; no "nays"; Van De Wiele "abstaining"; none absent) to **APPROVE** the **Minutes** of the August 14, 2018 Board of Adjustment meeting (No. 1211).

UNFINISHED BUSINESS

22481—Mark Capron

Action Requested:

Special Exception to permit a school use in an RS-3 District (Section 5.020-C).

LOCATION: 3121 East Queen Street North (**CD 3**)

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Presentation:

Byron Todd, P. O. Box 330291, Tulsa, OK; stated he is the architect for the project. At the last meeting requested more information and one of those requests was a traffic report and information regarding the traffic light that is to be installed at Seminole and Harvard. That information was forwarded so it could be placed in the agenda packet.

Mr. Van De Wiele asked Mr. Todd if the traffic pattern had been changed from the Educare parking lot that was loading in and out of Seminole, and so that it is now loading off the north/south street. Mr. Todd answered affirmatively. Mr. Todd stated the main concern the neighborhood had was the congestion on Seminole. The new flow pattern takes all the traffic, potentially, off Seminole and by theory Educare would not contribute to any of the traffic on Seminole.

Mr. Van De Wiele stated there was an e-mail sent that commented about the drop off and pick up times for the elementary and the Educare facility, and he asked Mr. Todd to explain his understanding of the pick up and drop off procedure for both facilities. Mr. Todd stated the elementary has a specific school starting time, 7:30 A.M., and ending time, 3:00 P.M. Whereas, for Tulsa Educare the parents must park their car and walk their children into the building. Educare opens at 7:00 A.M. and parents start arriving any time after that, and Educare closes at 6:00 P.M. allowing the parents to pick up their children after work. So, the conflict between the parents and students arriving and departure don't align perfectly.

Mr. Van De Wiele asked Mr. Todd what the anticipated student count for Educare would be. Mr. Todd stated it would be 160 students on a daily basis.

Ms. Radney asked Mr. Todd if the new North Florence Place lane would be two-way traffic. Mr. Todd answered affirmatively. Ms. Radney stated after extensively studying the traffic report there would still be a lot of pedestrian traffic in the area of the basketball court and the bus stop, and that pedestrian traffic is not necessarily related to the elementary school but would still be coming down Queen Street, and she asked if Mr. Todd had considered that to have the traffic pattern circle back out to Harvard. Mr. Todd that is anticipated traffic flow, but the parents still drive where they want and park where they want. What is shown the anticipated traffic pattern, but if that is not the easiest way to arrive or leave the parents will find the path of least resistance. Ms. Radney stated that has been her concern since the beginning of this quest, and to her this diagram almost creates a similar problem on Queen as already exists on Seminole. Mr. Todd stated there are not many other choices to access the proposed site, it is either Seminole or Queen. Even the elementary school has problems it is not part of this project and the two facilities are not related. Tulsa Public Schools is the landlord because Educare is leasing the subject property, but the project is unrelated to the elementary school. The elementary school is operated by a different group and funded by different funds. Mr. Todd stated he thinks he has done everything he can to minimize Educare's impact on the neighborhood, and he thinks the elementary school will utilize the new north/south street. After a neighborhood meeting he left that meeting with the thought that the neighbors also thought it would improve the congestion that

they experience with the elementary school. The adjustments that were made to the original plan were not ideal for the subject project, but after additional comments at the last Board of Adjustment meeting there were more adjustments made by taking all the traffic off Seminole, so he is not sure what the next step would be.

Ms. Ross stated the traffic reports states that the existing no parking zones on Seminole and Queen streets should be enforced to help facilitate the movement of vehicles, and Ms. Ross asked who enforced this. Mr. Todd stated that it should be a Police action because he does not know of anyone else who has authority over the street.

Ms. Ross asked if the school could set out orange cones in the places where parents are parking during the drop off and pick up times so there can be no parking in these specific areas. Mr. Todd stated that would be a school issue, not a Tulsa Educare issue because Educare does not control the elementary school and has no say in their policies. Mr. Todd stated that he knows there are a certain number of teachers from the elementary school that patrol the area, but he does not think they go down the street because it is not TPS property.

Ms. Radney stated that her concerns are that even in the traffic study they noted several exceptions to the best practices for the way the traffic is being monitored and not having the proper signage. The idea that the public can count on the already over burden staff to monitor the south boundary isn't likely. Ms. Radney stated she appreciates the fact that Educare is no longer loading into the parking lot from Seminole, that is a fabulous improvement. She has an issue with the circulation pattern given the fact that parents will park wherever they can. Mr. Todd stated that Educare's parking will specifically take place in their parking lot because it is closest to the door of the facility, but what happens with the elementary school next door he cannot control. Mr. Todd stated that both TPS and the neighborhood thought the new plan would help the congestion.

Mr. Van De Wiele asked Mr. Todd about the size of the proposed parking lot. Mr. Todd stated this proposed parking lot has about 20% more parking than the previous three Educare facilities.

Mr. Van De Wiele asked Mr. Todd if he was concerned about the elementary school parents parking in the Educare parking lot. Mr. Todd stated that at the other facilities parents are not told to move on and he is not sure with the proximity if the other parents will use parking lot at this facility.

Ms. Back asked Mr. Todd if the proposed traffic signal plans had been worked out with the City, and the City is going to install the traffic signal. Mr. Todd stated that it is his understanding that construction for that traffic signal will start next summer.

Ms. Radney stated that it seems that the traffic flow would work better if it were all one-way, counter clockwise, because apparently Educare really does want the parents to

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use the Queen Street access. If it were two lanes of one-way out, then it would allow for more stacking space taking some load off Seminole Street.

Interested Parties:

Chris Hudgins, Tulsa Public Schools, 3027 South New Haven, Tulsa, OK; stated he would like to clarify the bus drop off for the middle school and high school children, that is a staggered time which is about an hour later. The traffic circulation should not be issue because the elementary children are already at the school.

Connie Page, 3025 East Seminole Street, Tulsa, OK; stated she has studied the traffic report and she agrees with almost everything, but this is a mess and has been a mess for a very long time. The first she heard about the Educare facility was in the newspaper and was not given any other notice. Ms. Page stated that when she went to a meeting regarding the Educare facility they were touting that the north/south street that they were going to open up was going to be the solution for the Celia Clinton problem traffic that the neighborhood had been living with for years. Now she sees that it is still being discussed that Educare will use Queen Street and accessing the north/south street and exiting out onto Queen Street with the traffic flow pattern remaining the same. The traffic report states that the "no parking" should be enforced so there would be no parking in the yards. This plan will not help the Celia Clinton traffic problem with Educare utilizing the north/south Florence Street for their facility. Educare is divorcing themselves from the Celia Clinton Elementary issue, it is a good idea but it all goes together. The "no parking" has been the issue all along because nobody has enforced the "no parking". When the residents call the Police, they are told that the Police will not come to the school zone because they are too busy with more important issues. Ms. Page stated that she does not have any faith that the traffic flow will get any better but does have faith that it will get worse for the residents on Seminole and on Queen Street. The neighborhood has suffered for years with the elementary fiasco. Not only is the neighborhood being asked to give up the only green space in the area, where children come to fly kites, play basketball, and do many other things, but now the neighborhood is being asked to endure an increase in traffic where traffic was never meant to be. The streets are not in the best condition. They have not been designed, engineered or built with this amount of traffic in mind because it is not supposed to be that way. Ms. Page stated there is 50 minutes of traffic that the residents endure in the morning, and the afternoon. The "fix it" is not going to work. Ms. Page asked the Board to please consider the residents and deny this request.

Luwanna Horn, 3107 East Seminole, Tulsa, OK; asked where the "no left-hand turn" referenced in the traffic report was going to be located, because she is already on a dead-end street. She and the neighbors cannot even get out of their driveways because of the traffic. The street is 23 feet wide in front of her house, which is a measurement from her side of the street to the 7'-6" gravel lane on the south side of the street, which was laid down by the City. The neighborhood thought the gravel was the beginning of a third lane, but the Principal of the school informed the neighbors that the gravel was for parking. Ms. Horn stated the neighborhood does not want to lose the park and they are not in favor of the 160 additional cars coming into the neighborhood.

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Ms. Radney asked Ms. Horn if she has observed anything different or improved since the new school year has started? Ms. Horn stated that she has not.

Bob Buchanan, 3107 East Seminole, Tulsa, OK; stated he sees 100 to 200 people using the park every week, and the loss of that green space bothers him. He has a problem with the fact that the neighborhood was never notified about these plans, they found out through the newspaper. The park was established when the neighborhood was first established about 80 years ago, and to allow a private party to lease land for a building that will take away the aesthetics of the neighborhood is disturbing.

Ms. Radney asked Mr. Buchanan if he observed whether the traffic patterns have improved or are different. Mr. Buchanan stated there is no difference. Ms. Radney asked Mr. Buchanan if he thought having curbs in the neighborhood would keep people from parking in the yards. Mr. Buchanan stated that is possible because there are no curbs along the streets now. Ms. Radney stated the school is there and not going away and she asked Mr. Buchanan what he thought it would take to make the school traffic more manageable. Mr. Buchanan stated there are no "no parking" signs on the streets so the installation of those so the no parking could be enforced would help.

Luwanna Horn came forward and stated that on page 29 of 38 of the traffic report is where the "no left turn" signs are referred to. Mr. Van De Wiele stated that he thinks the report is suggesting a restriction of the parents turning out of the parking lot.

Rebuttal:

Byron Todd came forward and stated he hopes that he was not misinterpreted that it was not Educare's problem regarding the existing traffic. It is just that it is outside the bounds of Educare's power to solve. If Educare does not get built the road won't be built, and he thinks the road is the best step forward in helping solve the congestion problems of the neighborhood. Before Seminole was used as the main access for the elementary school the traffic was all off Harvard, so it went from a very dangerous location to a more passive street. It is an inconvenience to the six residents that live on Seminole but overall to the students it is a much safer environment even though there are still issues. As for the park, as far as he knows, the Parks Department, Tulsa Public Schools went through all the legal venues to transfer ownership from the Parks Department to Tulsa Public Schools, and now TPS is leasing the property to Educare.

Mr. Van De Wiele asked Mr. Todd of the transfer had been completed. Mr. Todd stated he thinks they are in the final signature stages.

Mr. Van De Wiele asked Mr. Todd about whether the "no left turn" was a suggestion to restricting flow out of the elementary school parking lot. Mr. Todd stated the flow through the parking is one way going west to east, and when exiting onto Seminole there is a "no left turn" sign signifying that traffic should not go into the neighborhood or toward the dead end.

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Mr. Van De Wiele asked Mr. Todd if there was anybody in the audience from the engineering firm that performed the traffic study. Mr. Todd answered no.

Comments and Questions:

Ms. Back stated that it is very unfortunate that the Celia Clinton Elementary school traffic challenges have caused this impact on the neighbors. However, enforcement is not something the Board has jurisdiction over, that is something that will have to go through the City. Educare is only responsible for negotiating their traffic impact and their impact on the neighborhood. It was a great expense to the applicant when the Board asked for him to redesign the site, and they did a good job with the redesign. Ms. Back stated she can support this request.

Mr. Bond stated there are some long standing issues in the neighborhood with traffic and the fact that there are no curbs, which all needs to be addressed by the City. For him it is whether this request is injurious to the neighborhood or detrimental to the public welfare.

Mr. Van De Wiele agreed with Ms. Back's comments, and the applicant's comments, that the traffic problem is out of their power to solve it, but TPS owns and operates the elementary school and they are the landlord of the subject property that is being developed. With the staggered starting times at Educare facility and the fact that those parents are parking in the parking lot, he does not know if there would be that much more of a burden added to the neighborhood. That street is going to be about 600 feet of authorized or unauthorized curb side parking that may take some of that off Seminole, and that is just his guess. The fact that Educare hired an Engineer is a good thing, but the questions that have been asked is should this be a one-way going clockwise around the facility and there is no one here to answer it. Should the new street be a dead end? The fact that this is a TPS owned piece of property certainly gives them the power to solve to the extent they can solve it, while he does not think an individual home owner has much stroke to get traffic enforcement on site TPS probably could. Mr. Van De Wiele stated the part of Tulsa he lives in has dealt with this with elementary schools, middle schools and there are campus police officers directing traffic. Mr. Van De Wiele stated that he does not know if he can support this request until he sees something that he not guessing at. Even if this were unrelated land owners, if the applicant is the one that is going to break camel's back, they may not be responsible for the other thousand straws, but they are responsible for the one that is causing the impact.

Ms. Back stated that she disappointed in that nothing has changed because it was her impression when the applicant was before the Board at the last meeting, she understood that the traffic issues would be worked on.

Ms. Radney agreed with Back. Her concern is that the Board is making a decision for posterity, and there has already been a fatality along what is the least line of use in this quadrant and she remembers that fatality. She cannot imagine that by adding more usage on the younger end of the scale that there won't still be more younger children

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that have access to the properties. By not having a full safety audit for the Educare that is planned and referred to in the safety report the Board has, she thinks is remiss. She is not saying that this would not be a useful use of this land, but the Board is talking about the same issue the community has been dealing with for years. This adds to the problem in a way that is opening up for more questions than answers.

Ms. Ross stated that she believes this is a mess in the neighborhood during the school hours by just looking at the pictures that were presented. Ms. Ross agrees with Ms. Back. There is not an Educare there right now and it is a mess, so that is not Educare's traffic creating that. If the Board tells Educare they cannot build there, that does nothing for the neighborhood. It continues to be a mess, the residents continue not having the ability to get out of their driveways, there continues to be no "no parking" signs, no traffic signal, no additional north/south road, nothing. Ms. Ross stated that to her what makes the most sense that by adding the new north/south street there would be access to Queen Street through North Florence Place and through North Florence Street on Pine. That would be many more ways to get in and out of the property, but that would not help the residents to exit their driveway necessarily. Ms. Ross stated she thinks what it would do is divert more traffic to the north/south road from people coming in on Queen that are picking up at Clinton Elementary, because parents are not going to sit that long line, they will try to go a different route spreading the traffic out. The Educare facility is also going to have 20% more parking than the other facilities that are not currently at maximum capacity at any point during the day. The new traffic will also help the flow out where the people are trying to turn left off Seminole. Ms. Ross thinks it would be beneficial to the neighborhood, in a lot of ways, if Educare would build in the subject space. Educare will be moving the basketball court to the southwest corner of the property and will build a new court making it even better for the kids. Educare has also stated that the green space that remains can still be used to fly kites and for the children to use. Ms. Ross stated this is a very tough decision for the Board, but she believes this will ultimately help the problem, more so than the help the residents have right now which is none. Ms. Ross stated she would vote in favor of this request.

Board Action:

On **MOTION** of **BACK**, the Board voted 2-3-0 (Back, Ross "aye"; Bond, Radney, Van De Wiele "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to permit a school use in an RS-3 District (Section 5.020-C), subject to the conceptual plan 2.39 of the agenda packet. The Board finds that the requested Special Exception 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; for the following property:

NW SE SE LESS N25 FOR RD SEC 29 20 13 9.62ACS, City of Tulsa, Tulsa County, State of Oklahoma

On **MOTION** of **BOND**, the Board voted 3-2-0 (Bond, Radney, Van De Wiele "aye"; Back, Ross "nays"; no "abstentions"; none absent) to **DENY** the request for a **Special**

08/28/2018-1212 (7)

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Exception to permit a school use in an RS-3 District (Section 5.020-C), finding that it will be injurious to the neighborhood or otherwise detrimental to the public welfare as presently presented; for the following property:

NW SE SE LESS N25 FOR RD SEC 29 20 13 9.62ACS, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

22493—Rob Bingham

Action Requested:

Special Exception to permit Commercial/Vehicle Sales and Service/Personal Vehicle Sale and Rentals Use in a CS District (Section 15.020); Variance to allow outdoor storage and outdoor merchandise display within 300 feet of an abutting R District (Section 15.040-A). **LOCATION:** 7924 East 15th Street South (CD 5)

Presentation:

Rob Bingham, 1013 West Grainger Street, Broken Arrow, OK; stated he purchased the property located next to his car dealership, and that property is currently zoned CS. The Used Motor Vehicle Parts Commission, when Mr. Mike Allred proposed coming onto the lot, said there needed to be a Special Exception on the subject property.

Mr. Van De Wiele asked Mr. Bingham if the subject property was going to be used as a used car lot. Mr. Bingham answered affirmatively.

Interested Parties:

Mike Allred, 1715 West 109th Street, Jenks, OK; stated he currently has a business located in Sapulpa and would like to move it closer to his business partner, who lives in the abutting neighborhood. Mr. Allred stated the business is technically a retail car lot, but he needs that designation to do what he does on a contract with Avis Rent-A-Car; sell rental vehicles nationwide, including Hawaii, that he never sees. Because of the contract with Avis he and his business partner have to have a retail dealer license in the State of Oklahoma. Mr. Allred stated he has been doing this for nine years. Generally, he carries about ten vehicles, two or three of which are driven by himself, his business partner or their wives drive. This is not a big retail operation. The stuff he sells for Avis never comes to the physical facility, it is sold on site at area airports all over the nation. Mr. Allred stated he has to have the designation of a retail used car lot to have the offices where he is trying to locate to now. He has spoken with the State and was told Tulsa does not want a proliferation of these lots and he understands that. This will not affect anything at this location; Mr. Bingham has a lot on the corner of 15th and Memorial. The Google photo shows cars parked on the lot and it has been that way for

Ms. Back stated she also looked at the neighborhood and there are a lot of circle driveways. Ms. Back stated that she cannot say in clear conscious that this would not be in harmony with the spirit and intent of the Code, so she can support this.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-1-0 (Back, Radney, Van De Wiele "aye"; Ross "nay"; no "abstentions"; Bond absent) to **APPROVE** the request for a Special Exception to allow the driveway width to exceed 30 feet on the lot and 20 feet in the right-of-way in an RS-1 District (Section 55.090-F.3), subject to conceptual plans 4.9 and 4.10 of the agenda packet. The large tractor being stored on the site is to be removed 120 days from today's date, August 24, 2018. The Board finds that the requested Special Exception 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; for the following property:

LT 12 BLK 1, SHADY OAKS ESTATES II, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

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22481—Mark Capron

Action Requested:

Special Exception to permit a school use in an RS-3 District (Section 5.020-C).

LOCATION: 3121 East Queen Street North (CD 3)

Ms. Ulmer stated the property is unplatted; the legal description has Spess-Martin Addition, Louard Heights Addition, and Jeens Addition and that needs to be removed.

Presentation:

Byron Todd, P. O. Box 330291, Tulsa, OK; stated he is the architect on the project for Tulsa Educare, which will be the fourth early childhood education center in Tulsa. The center will be about 43,000 square feet. There have been two different neighborhood meetings and they had a lot of concerns. There will be two parking lots; a visitor parking lot and an employee parking lot. Clinton Elementary School is to the east and several years ago there were improvements made to that school. One of the largest complaints from the neighborhood was traffic; cars back up along Seminole. Educare has added a road along the end of the cul-de-sac to join Seminole and Queen Street to create a circular path so the traffic would not back up. The neighbors were concerned that the traffic would not follow the street all the way to the cul-de-sac to turn around, so

BDA-22481

that was moved to the east side of the property, so traffic would flow clockwise up Queen Street and up the new street then go to the drop off zone.

Mr. Van De Wiele asked Mr. Todd if he was talking about the pick up and drop off circulation for Clinton Elementary. Mr. Todd answered affirmatively.

Educare School is for children six weeks to three years old, and they are required to park in the visitor parking lot because parents must physically bring their child to the classroom.

Mr. Van De Wiele asked Mr. Todd if he was working with TPS and Clinton on these projects. Mr. Todd answered affirmatively. Mr. Todd stated that TPS is within 30 days of acquiring the park to be a TPS site and Tulsa Educare has the lease arrangement with TPS for the property.

Mr. Todd this is the same model as the previous three Educare facilities. Each of those have been situated adjacent to or in close proximity of an elementary school and this population of children are from the neighborhood. It makes an easier transition from early childhood education to the preschool, kindergarten. Mr. Todd stated there is an existing parking lot and a little shade structure on the site and they will remain. There is a backstop for baseball currently and that will be lost because the site is not large enough to accommodate that. There is a detention pond that has a large drainage pipe that runs diagonally through the project and that pipe picks up watershed from the north and the west. This pond will be relocated on the site. There will also be a large detention pond added to the site for the added storm water.

Mr. Van De Wiele asked Mr. Todd if this was all within a singular detention facility. Mr. Todd answered affirmatively. Mr. Van De Wiele asked if it was a dry detention facility. Mr. Todd answered affirmatively and stated that when it rains it will fill and it has a slow release. Mr. Todd stated there is a fence all the way around the detention pond.

Mr. Todd stated another concern of the neighbors was the children walking to Clinton Elementary can now walk through the park, so attention was paid to sidewalks and places where the children can cross the street. There was a fence added along the east property line to keep the children from cutting through the parking lot of Clinton. There is also a fence around the employee parking lot to keep the children from cutting through that parking lot also.

Mr. Van De Wiele asked Mr. Todd if there was pedestrian connectivity on Seminole at the west end of the cul-de-sac. Mr. Todd answered affirmatively; there is a sidewalk that cuts through between houses.

Mr. Todd stated there was a second neighborhood meeting after a few changes were made resulting from the conversations had in the first meeting, and he came away from that meeting with no definitive changes. He thought the neighborhood meetings were very productive and helpful.

Interested Parties:

Luwanna Horn, 3107 East Seminole, Tulsa, OK; stated that her street was widened about three years ago and there was a concrete walkway that goes from the cul-de-sac to the school. Her concern is that there is a lot of safety issues. Children will be children and they don't pay attention to what is going on. Ms. Horn stated that for 25 minutes every day the street is packed with cars taking all three lanes; people cannot leave their houses during that time of day because of the cars five days a week. The neighbors do not want anything that will make that traffic worse. The neighbors are also upset about losing the park.

Connie Page, 3025 East Seminole Street, Tulsa, OK; stated lives at the end of the dead-end street and has lived there most of her life. The cul-de-sac was developed to eliminate the traffic that was backing up on Harvard going to Clinton, after it was doubled in size. The resolution of that problem created a problem for the neighborhood and so the residents are hesitant about this project. Ms. Page stated that Clinton Park is a natural drainage area and the storm water backs up and does not flow freely through the water table, so she has concerns. The baseball field in Clinton Park is used by the community and it is the only green space in the entire area. Geese use the field for food and water. There are trees that the neighborhood would hate to lose. Ms. Page would hate to see the family groups lose the park.

Ms. Miller left the meeting at 3:00 P.M.

Robert Buchanan, 3107 East Seminole Street, Tulsa, OK; stated his concern is that the neighbors did not find out about this project until all the architectural work and things had been done, even the City given a ten-dollar lease on the property without contacting anybody in the area. He thinks this is a run through. He has great concerns about the public area; playing baseball, tennis, basketball, practicing golf shots, driving golf balls, walking their dog. In the fall there are always elementary children there practicing football as a team because there is plenty of area to do it. There is a vacant lot on Harvard between Seminole and Tecumseh that would be able to handle this entire complex. His concern is the quality of life on the North side once the park is removed. Mr. Buchanan stated that there has been no consideration to leave the area as it is when about 100 feet away there is a vacant lot and could be used for this complex.

Rebuttal:

Chris Hudgins, Executive Director of Tulsa Public Schools, 3027 South New Haven, Tulsa, OK; stated that he realizes that the circulation of transportation is a big problem, and part of the vision is to improve the safety around the schools, so they have been working with a Traffic Engineer. One of the first things that will happen is to move the traffic signal that is currently south of Seminole and Harvard. The Traffic Engineer's proposal is to move the signal to Seminole and Harvard that would force the circulation

so there would be drop off on the passenger side of the vehicle. This is going on separately from this project.

Mr. Van De Wiele asked Mr. Hudgins what the time frame is for getting a fully developed traffic plan and moving the traffic signal. Mr. Hudgins stated that it will be completed within the next year. Mr. Van De Wiele asked Mr. Hudgins for the time frame of getting it designed. Mr. Hudgins stated it is being worked currently and in the design mode, and the design should be complete within the next six months.

Mr. Hudgins stated that there are about 650 students at Celia Clinton, and there are only one or two buses which are special ed buses. Everything else is parent drop off. The playgrounds at Celia Clinton will be open for the public for after school hours.

Mr. Van De Wiele asked if Educare was a part of TPS. Mr. Hudgins stated that Educare will be on TPS property with a long-term lease.

Ms. Radney asked Mr. Todd what kind of traffic load does Educare generate, and why would the parent parking lot be on the north edge along Seminole which is already having an issue with traffic as opposed to being on the southern end where Queen is. Mr. Todd stated that Tulsa Educare does not set start of the day, so they do not have those 25-minute congestion times. The parents that come to Educare are spread out over one to two hours in the morning, and they are open until 6:00 P.M. The traffic that Tulsa Educare generates does not overlap the elementary school they are adjacent to.

Ms. Radney asked Mr. Todd why the employee parking was placed in the southern end as opposed to placing the employee parking where there is an existing congestion problem off East Seminole. Mr. Todd stated when the road was on the far west side both parking lots were off Seminole. When the street was moved to the east to try to alleviate having both parking lots off Seminole which is where the congestion is, the employee parking was pulled off that street so that it would alleviate adding more congestion on Seminole.

Mr. Van De Wiele stated that it seems to him that there is going to be more parent traffic than employee traffic. If that is the case, would it not make more sense to flip the two parking lots?

Ms. Radney stated that is what she was thinking, and there is already pedestrian traffic with the children using the pedestrian walkway. Wouldn't it make more to place the park features on the Seminole side which gives the residents more of a buffer and continue loading off of Queen. That would help keep people from cutting diagonally across the entire complex.

Caren Calhoun, Executive Director for Tulsa Educare, 11222 South 89th East Avenue, Bixby, OK; stated there are 64 employees and they have staggered hours, so they will be more involved with the parent drop off times of Celia Clinton. The parents come any time from 7:00 A.M. to 6:00 P.M. Our parent parking lot is pretty empty during the day

because it is coming and going. Ms. Calhoun thinks the Educare parents have learned not to come at the peak traffic times for Clinton, though the staff cannot do that.

Byron Todd came forward and stated that when the site plan was first done there was no connector road. The only road was Seminole and that is where Clinton is, so both parking lots were off Seminole. It wasn't until later in the process that it was studied on how to alleviate the Clinton Elementary parking, and it was decided to add the connector road. Mr. Todd thinks he has taken a step toward alleviating the Seminole congestion by placing the employee parking off Seminole. Employees can get in and out of their parking without ever touching Seminole now, and if it is placed on Seminole it conflicts with the elementary parking.

Mr. Van De Wiele asked Mr. Todd if the property were fenced such that if he lived in the neighborhood and wanted to use the picnic area or the basketball court it can't be reached. Mr. Todd stated that the residents will be able to cut through the park or the green space.

Mr. Van De Wiele asked Mr. Todd to explain what would be fenced in. Mr. Todd stated there is a fence around the entire detention facility, there is a fence that has been added that goes from the corner and connects to the building, and there is fire lane that is constructed of grass pavers which gives a hard surface for the firetrucks.

Ms. Radney stated that she still sympathizes with the people that have driveways that front Seminole; Queen Street, the way it is platted, those driveways either face Florence Place or Florence Avenue so it does not have the same impact on them as it does on the Seminole side. Ms. Radney stated that is a safety hazard. An additional load on Seminole concerns her. Ms. Radney stated that her only other objection is the loss of the park. The idea of not creating a space that is going to be easily accessible to children where they can play, this is one of the few completely surrounded spaces with residential streets, so she is concerned.

Ms. Back asked Mr. Todd if the traffic congestion on Seminole west of Florence to the cul-de-sac should theoretically stop because of the designed traffic pattern. Mr. Todd answered affirmatively.

Connie Page came forward and stated that Google is wrong. If you Google her address to go some place Google will tell her to go north on North Florence from Seminole, and you cannot go north on North Florence from Seminole because it is her driveway.

Comments and Questions:

Mr. Van De Wiele stated that from a global perspective this is a fine and admirable use. However, when there are traffic situations he is not inclined to approve something that will potentially or in reality exacerbate the problem. What he would like to see is a traffic flow plan, traffic design plan for this project. He personally would be inclined to approve this request today but make it subject to submission of a final conceptual site plan and a

BOA-22481

traffic control plan. Mr. Van De Wiele stated he is not a traffic impact analysis expert, but it seems to him to be counterintuitive to put additional parents down Seminole. If the primary parent traffic is clockwise, west on Queen, north on North Florence, east onto Seminole, then the teachers could go the other way on Seminole. He wants to make sure that is fully thought out by those that are experts in that field and approved by both institutions.

Ms. Back stated that what she thinks what the Board is hearing is an existing school that has been very detrimental to the existing neighborhood as far as the traffic impact. She would be inclined to approve this request subject to the submission of final conceptual site plan and a traffic control plan from the City, and a traffic circulation plan from Celia Clinton and Educare showing how they work together.

Ms. Ross stated she would be in favor of approving this request with the addition of opening up Florence on the east side of the Educare tract because she thinks it would help the traffic flow quite a bit. Also, with the school and Educare putting out notices about how the pickup line traffic should travel she thinks the majority of the parents will follow the procedures outlined by the school.

Ms. Radney stated that she would be opposed. She knows the neighborhood really needs to have this service and it would be a benefit to the community as a whole, but what she finds is that parents park anywhere they can get their cars. Even with all the signage and the additional flow on North Florence Place, given the current proposal is still directing traffic west on Seminole, she cannot see that there won't be any parents that will use the cul-de-sac. Ms. Radney stated that type of traffic is almost the worst type of traffic for children who are pedestrians, because they dart in and out and they are not looking, and parents are in a hurry. Ms. Radney considers this a safety hazard both for the residents and the children who are pedestrians.

Mr. Van De Wiele stated that it appears the Board would make the approval subject to a site plan that would need to be brought back for approval, and a traffic plan that would also have to be approved. Mr. Van De Wiele stated this is a good location for this type of facility, but the Board has to make sure that both the vehicular and the pedestrian traffic works.

Byron Todd came forward and asked if the condition the Board is referring to be prior to a Certificate of Occupancy versus a building permit? Mr. Van De Wiele stated that he is not into the building permit part of things, but his thought would be that plan would be at peril. If a traffic plan were brought back that three out of five Board members don't like, then something has been built that cannot be used. Mr. Van De Wiele stated that he would prefer a plan be brought back to the Board before a shovel is put into the ground, so the Board knows it will work. The Board has to find a lack of injury to the neighborhood and a lack of detriment to the public welfare. Adding additional cars into this area he cannot support. Mr. Van De Wiele stated that he is trying to give a vote of confidence in the use subject to it being shown to be non-impactful from a traffic and parking standpoint.

Ms. Back stated that she wants three things from the applicant. She wants the City's traffic plan, wants to know what they plan to do with the traffic signal, and see Celia Clinton's and Educare's traffic flow.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **CONTINUE** the request for a Special Exception to permit a school use in an RS-3 District (Section 5.020-C) to the August 28, 2018 Board of Adjustment meeting; for the following property:

NW SE SE LESS N25 FOR RD SEC 29 20 13 9.62 ACS, City of Tulsa, Tulsa County, State of Oklahoma

Ms. Back left the meeting at 3:35 P.M.

22482—Keith Dalessandro

Action Requested:

Variance to allow a detached accessory structure to exceed 18 feet in height and exceed 10 feet in height to the top of the top plate in the rear setback in an RS-3 District (Section 90.090-C). **LOCATION:** 305 East 20th Street South (CD 4)

Ms. Back re-entered the meeting at 3:38 P.M.

Presentation:

Keith Dalessandro, 320 South Boston, #2300, Tulsa, OK; stated he would like to build a portion of a detached garage in the rear setback. To conform to the historic guidelines he has been working on the project for a year to make sure the project received historic approval which has been done.

Mr. Van De Wiele asked Mr. Dalessandro how tall the proposed garage will be. Mr. Dalessandro stated that it will have a total height of about 25 feet, and the top plate would be at 19 feet.

Mr. Van De Wiele asked Mr. Dalessandro if he had received his HP approval. Mr. Delessandro answered affirmatively.

Mr. Van De Wiele asked Mr. Dalessandro to state his hardship. Mr. Dalessandro stated that the size of cars are large than they were when the house was built in the 1920s.

A tract of land situated in the W/2 of the NE/4 of the NE/4 of Section 27, Township 20 North, Range 13 East of the Indian Base and Meridian in Tulsa County, Oklahoma and more particularly described as follows to-wit: Commencing at the Northeast Corner of said W/2 of the NE/4 of the NE/4. THENCE South 88 degrees 49 minutes 21 seconds West for a distance of 271.60 feet and along the North Line of said W/2 of the NE/4 of the NE/4; THENCE South 01 degrees 10 minutes 39 seconds East for a distance of 60.00 feet to the POINT OF BEGINNING. THENCE South 01 degrees 10 minutes 39 seconds East for a distance of 49.52 feet to a point on the Northerly Right-of-Way of the Gilcrease Expressway; THENCE North 50 degrees 57 minutes 47 seconds West for a distance of 37.98 feet and along said right-of-way; THENCE North 01 degrees 10 minutes 39 seconds West for a distance of 25.00 feet and along said right-of-way; THENCE North 88 degrees 49 minutes 21 seconds East for a distance of 29.00 feet and along said right-of-way to the POINT OF BEGINNING. Together with and subject to covenants, easements, and restrictions of record.

FILE COPY

Case No. 21129-Tanner Consulting

Action Requested:

Amendment to a previously approved site plan for an elementary school in an R district to permit a building addition and site modification. **Location:** 1740 North Harvard Avenue

Presentation:

Matt Baer, Tanner Consulting, 5323 South Lewis, Tulsa, OK; represented Tulsa Public Schools and asked for an Amendment to a previously approved site plan for Clinton Elementary School. In 1992 the Board approved a Special Exception to permit the existing facility to expand. In 1997 the Board approved a Minor Special Exception to amend the previous approved site plan. The school wants to expand again with the addition of classrooms, a library, a new kitchen, and an additional parking area.

Interested Parties:

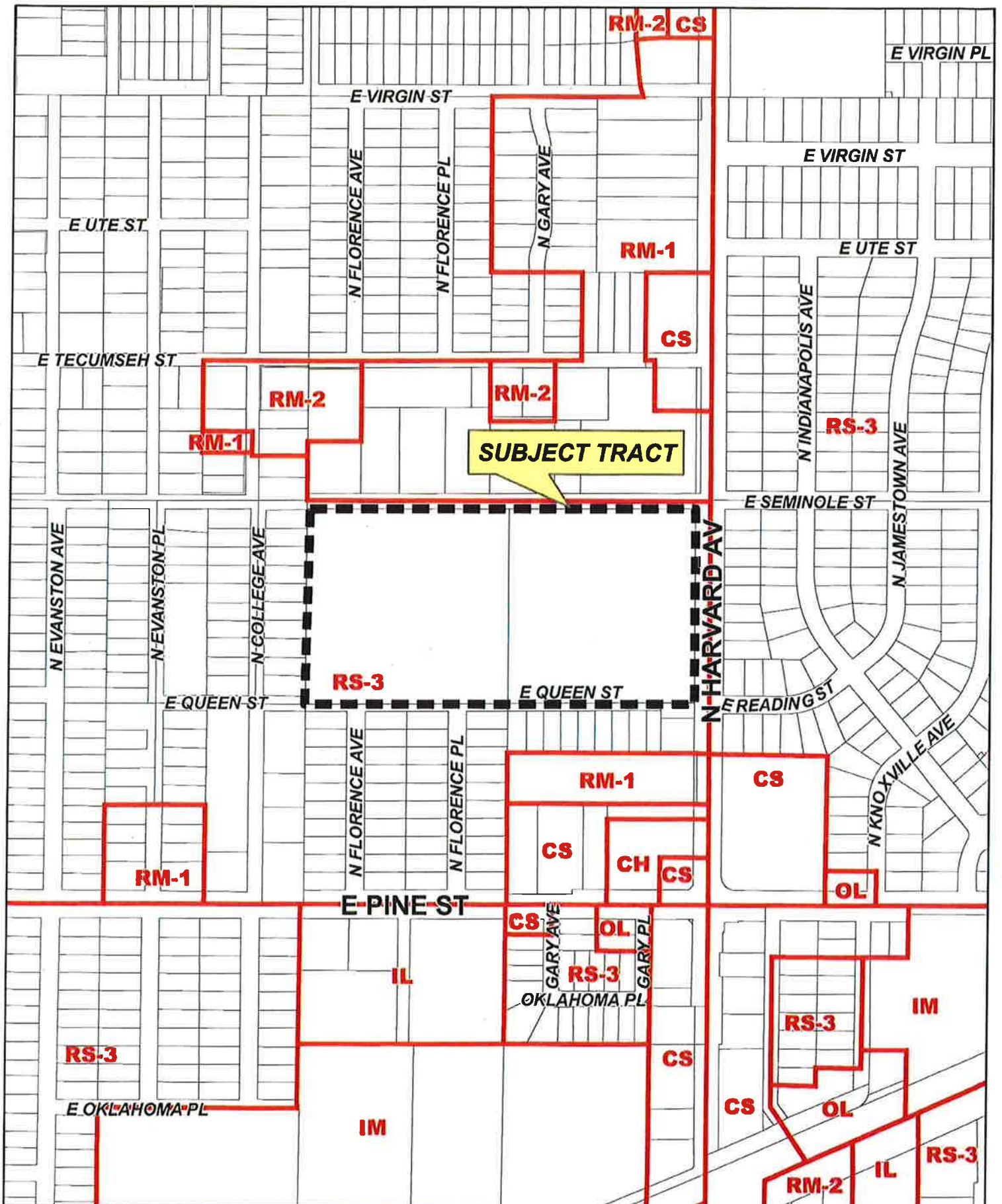
There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, White, Van De Wiele, "aye"; no "nays"; no "abstentions") to **APPROVE** the Amendment to a previously approved site plan for an elementary school in an R district to permit a building addition and site modification; per conceptual plan 5.5; with three existing manufactured buildings located on the southeast corner to remain in place and the other four manufactured buildings to be removed from the property; finding the Special Exception



BOA-21129

20-13 29



2.20

Case No. 17781

FILE COPY

Action Requested:

Minor Special Exception to approve an amended site plan allowing an addition to the existing Celia Clinton Elementary School. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 1740 North Harvard.

Presentation:

The applicant, **Larry Edmondson & Associates**, was not present.

Interested Parties: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE Minor Special Exception** to approve an amended site plan allowing an addition to the existing Celia Clinton Elementary School. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; subject to the removal of the existing mobile unit, finding that the requirements for a variance in Sec. 1607.C. has been met, on the following described property:

N/2, SE/4, SE/4, Sec. 29, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17782

Action Requested:

Special Exception to amend a previously approved site plan to allow an additional building 50' from the N. boundary line. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25, located 3030 North Erie Avenue.

Presentation:

The applicant, **Tanner Consulting/Dan Tanner**, 2202 East 49th Street, submitted a site plan (Exhibit L-1) and stated that he is representing Walden Machine Works. He requested the Board to allow an additional building on the subject site, which will line up and square up with the previously approved building.

Comments and Questions:

In response to Mr. Dunham, Mr. Tanner stated he has filed an application to close a triangular piece of property (30' x 40'), which is part of a storm drainage easement. He commented expects approval of the application.

07:22:97:731(12)

2.21

11202

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Section 1680 - Exceptions) request for an exception to use part of existing elementary school as a non-profit day care center at 1740 North Harvard Avenue.

Presentation:

Marilyn McCorkle, on behalf of the Board of Directors of Celia Clinton Child Care, Inc., stated they are a non-profit organization. They want to use the vacant classrooms in an existing and operating public school for before and after school day care. The middle part of the day will be for the Kindergarten children and two classes of pre-school.

Protestants: None.

Board Action:

On MOTION of VICTOR, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Section 1680 - Exceptions) to use part of an existing elementary school as a non-profit day care center, on the following described property:

The East 50' of the N/2 of the SE/4 of the SE/4 of Section 29,
Township 20 North, Range 13 East, City of Tulsa, Tulsa County, Okla.

11203

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings - Under the Provisions of Section 1680 - Special Exceptions) request for an exception to erect a duplex dwelling in an RS-3 District. This property is located at 3715 Riverside Drive.

Presentation:

Robert W. Grisham, President of the Sapulpa Home Builders and on the Board of Directors for the Tulsa Chapter, stated that the subject property is on Riverside Drive and is owned by his brother-in-law. He is asking me to build a duplex for him. He is going to live in one side. The property next door to him is a duplex, two lots north is an eight-plex. I presented his plans to the Board (Exhibit "T-1"). The home on the property now is pretty old and he wants to tear it down and build the new duplex. It will be approximately 1,300 sq. ft. per side.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings - Under the Provisions of Section 1680 - Special Exceptions) to erect a duplex dwelling in an RS-3 District at 3715 Riverside Drive, per plot plan submitted, on the following described property:

9.18.80:319(20)



Subject Tract

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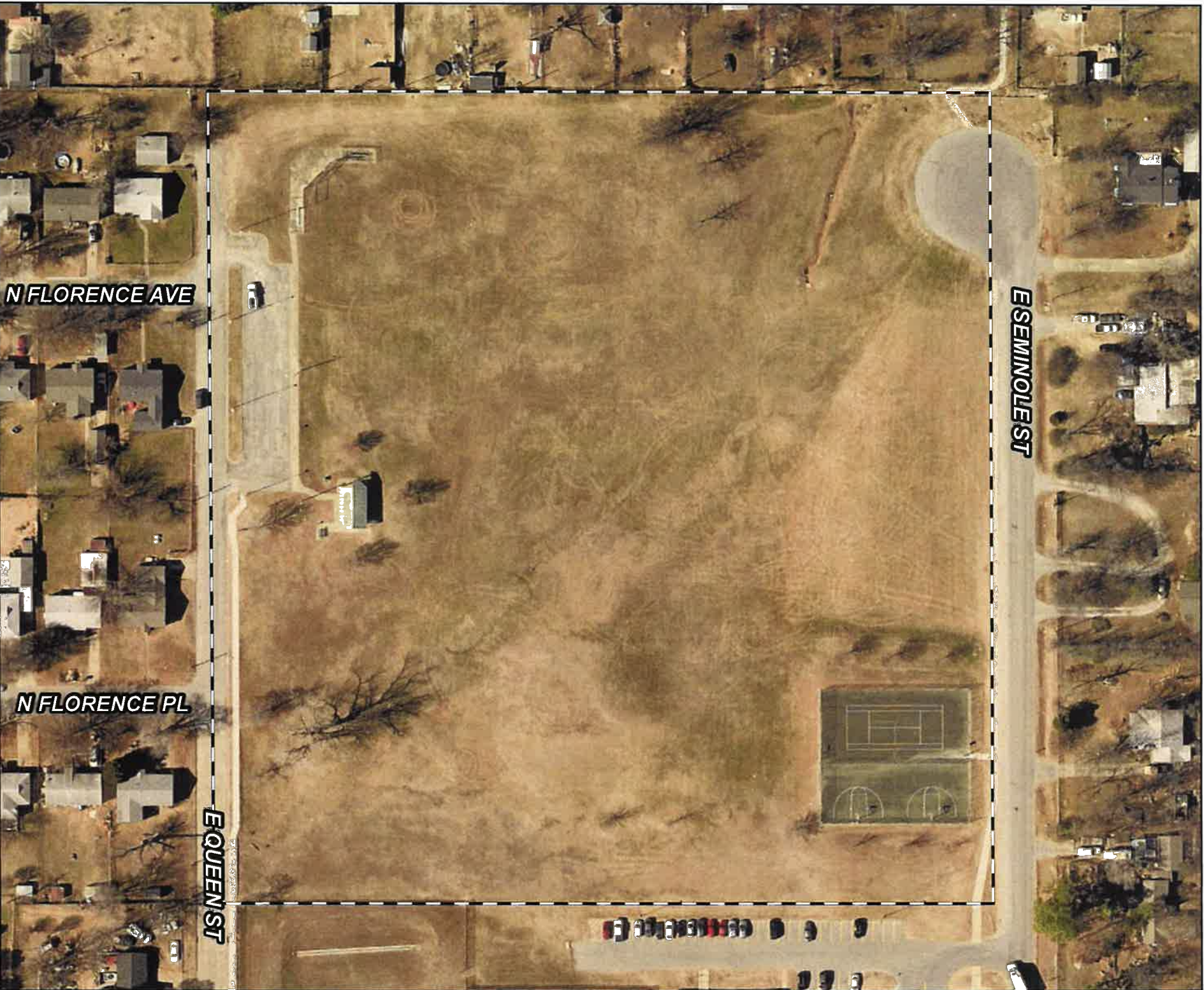
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20-13 29

Aerial Photo Date: February 2018

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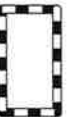


E SEMINOLE ST

N FLORENCE AVE

N FLORENCE PL

E QUEEN ST



Subject
Tract

BOA-22481

20-13 29

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

Aerial Photo Date: February 2018

N
2.24



Looking northwest-towards the site- on E. Queen St.



Looking north towards the site- on E. Queen St.



07/18/2018 08:40

Looking northeast- towards the site- on E. Queen St.



07/18/2018 08:40

Looking east- on W. Queen St.- site is on the north side of E. Queen St.



07/18/2018 08:40

Looking west- on W. Queen St.- site is on the north side of E. Queen St.

**TRAFFIC STUDY FOR
EDUCARE 4 SITE NEAR QUEEN STREET & FLORENCE PLACE
TULSA, OKLAHOMA**

Prepared for:

Tulsa Public Schools
3027 S. New Haven Avenue, Room 458
Tulsa, OK 74114

Prepared by:

Lee Engineering, LLC
1000 W. Wilshire Blvd., Suite 403-E
Oklahoma City, OK 73116
Phone: (405) 384-5127
OK C.A. #5860 Exp. 06/30/2019



October 2018

OK357.01

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INTRODUCTION

This traffic study was conducted to analyze the traffic impacts associated with the proposed Educare 4 that will be located between E. Seminole Street and E. Queen Street and west of Harvard Avenue in Tulsa, Oklahoma. **Figure 1** shows the proposed location of Educare 4.

Educare 4 is an early childhood center that ensures school readiness for at-risk children. Educare 4 is scheduled to operate from 7:00 AM to 6:00 PM on Mondays through Fridays. The peak periods of the facility are anticipated to be from 7:00 AM to 9:00 AM and 4:30 PM to 6:00 PM; which correlate to standard AM and PM peak hours for the traffic volumes in the area. The proposed Educare 4 has been designed to accommodate a maximum enrollment of 164 students and 63 staff members. The facility is planned to be opened by January 2020. The proposed site plan is provided in **Figure 2**.



Figure 1: Study Area

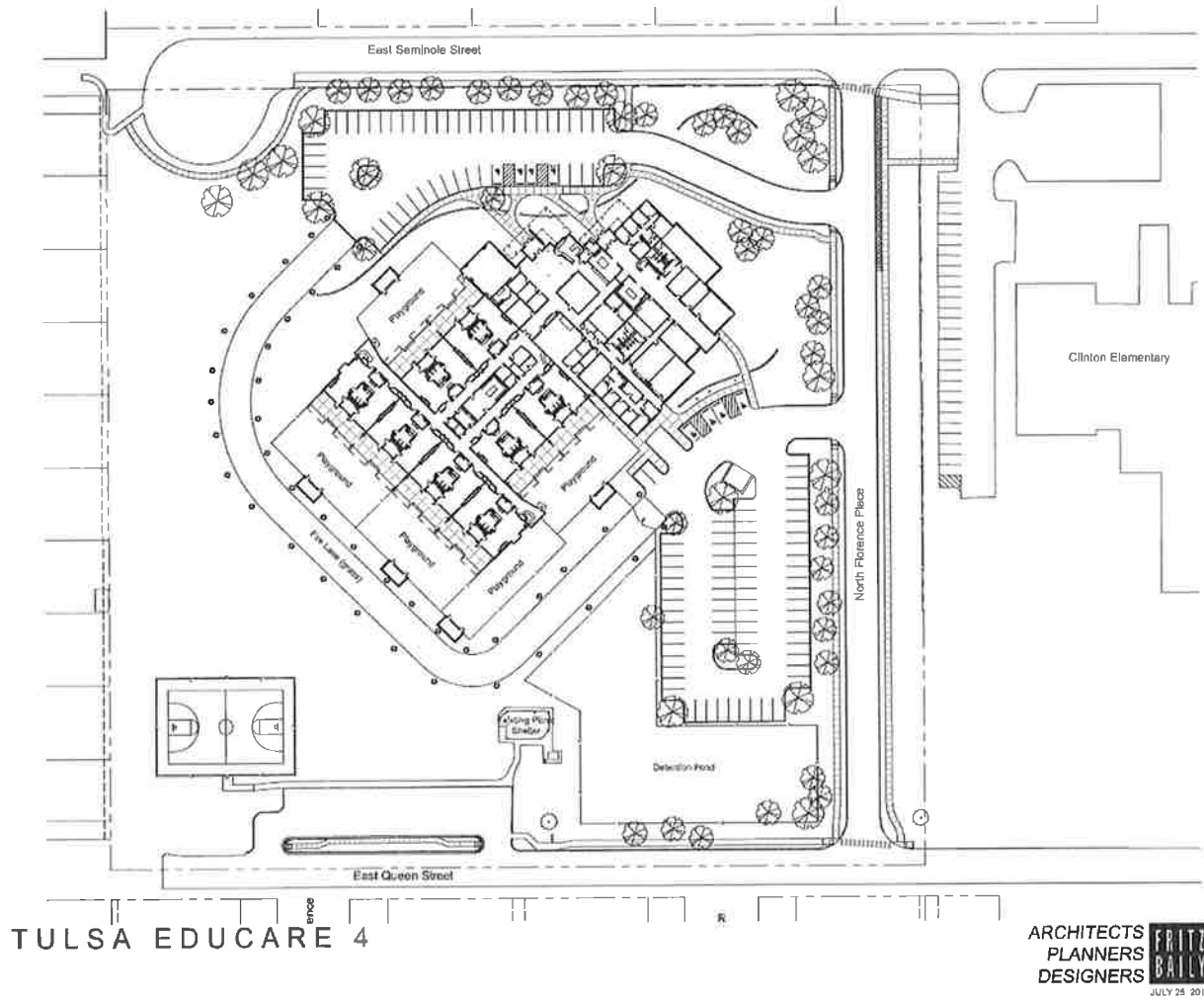


Figure 2: Site Plan

TRAFFIC VOLUMES

Existing turning movement volumes were collected at the intersections of N. Harvard Avenue & E. Seminole Street and N. Harvard Avenue & E. Queen Street on Tuesday, September 18, 2018. The AM peak period for the intersections was determined to be from 7:00 AM to 8:00 AM. The PM peak period for the intersections was determined to be from 4:00 PM to 5:00 PM.

The Celia Clinton Elementary dismissal bell is at 2:35 PM. The afternoon dismissal period of Celia Clinton Elementary School and the peak period for Educare 4 do not overlap; however, to provide a conservative assessment, overlap of the two dismissal periods was used in the analysis. **Figure 3** shows the existing peak hour traffic volumes during the AM and PM peak hours of the intersections as well as the afternoon dismissal peak hour of Celia Clinton Elementary School (School PM peak hour).

TRIP DISTRIBUTION

The distribution of site generated traffic entering and leaving the development on the area roadways was developed based on the layout of the site, locations of principal roadways, and a review of existing traffic volumes and land uses near the development. It is recommended that the northern connection of N. Florence Place at E. Seminole Street be blocked with cones during the AM arrival and PM dismissal periods of Celia Clinton Elementary School. This study assumes that this recommendation has been implemented, therefore all site generated traffic for Educare 4 was assumed to enter and exit N. Florence Place via E. Queen Street. The directional distribution used for the analysis is shown in **Figure 4**.

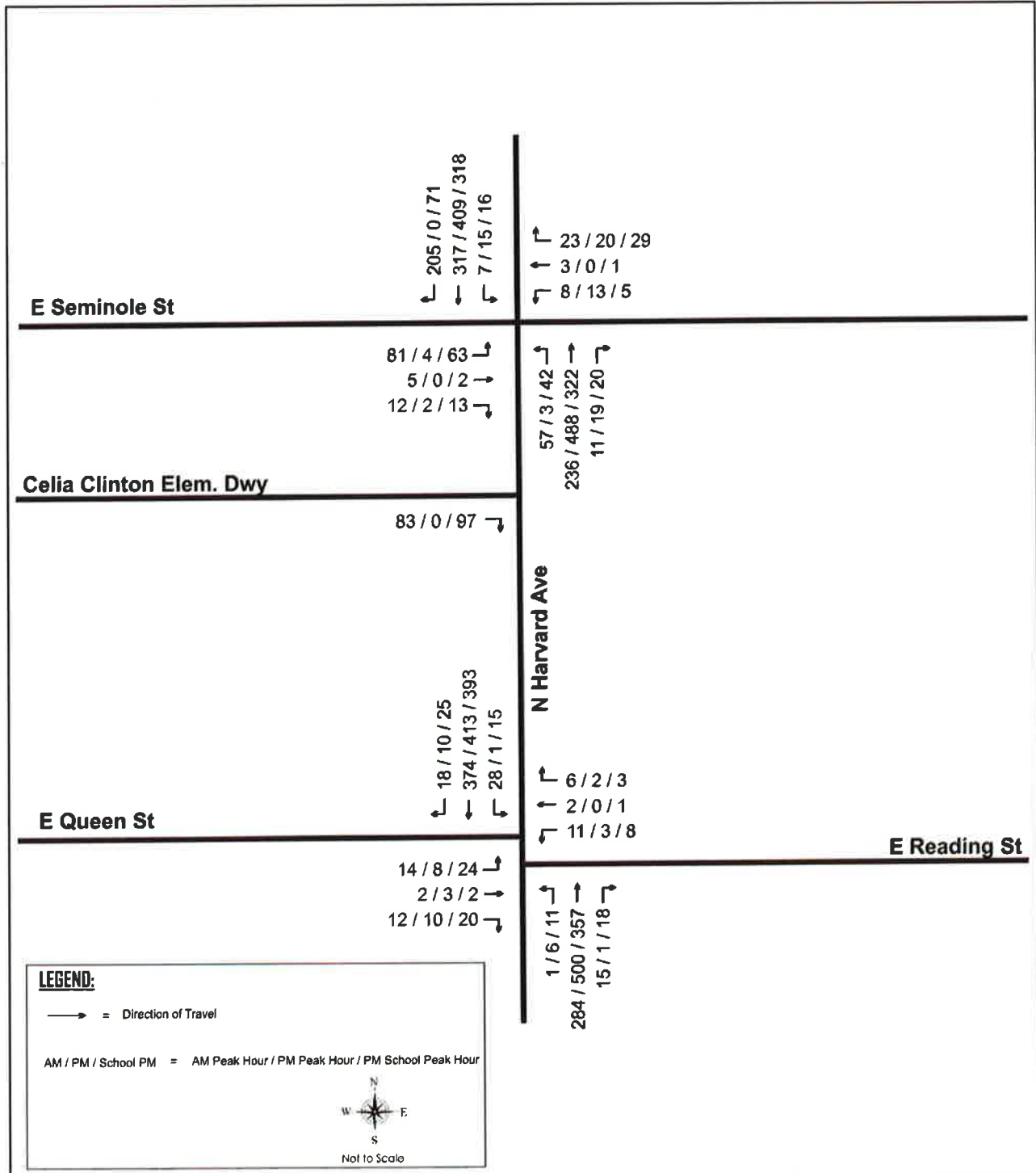


Figure 3



**EXISTING (2018) PEAK HOUR
TURNING MOVEMENT VOLUMES**

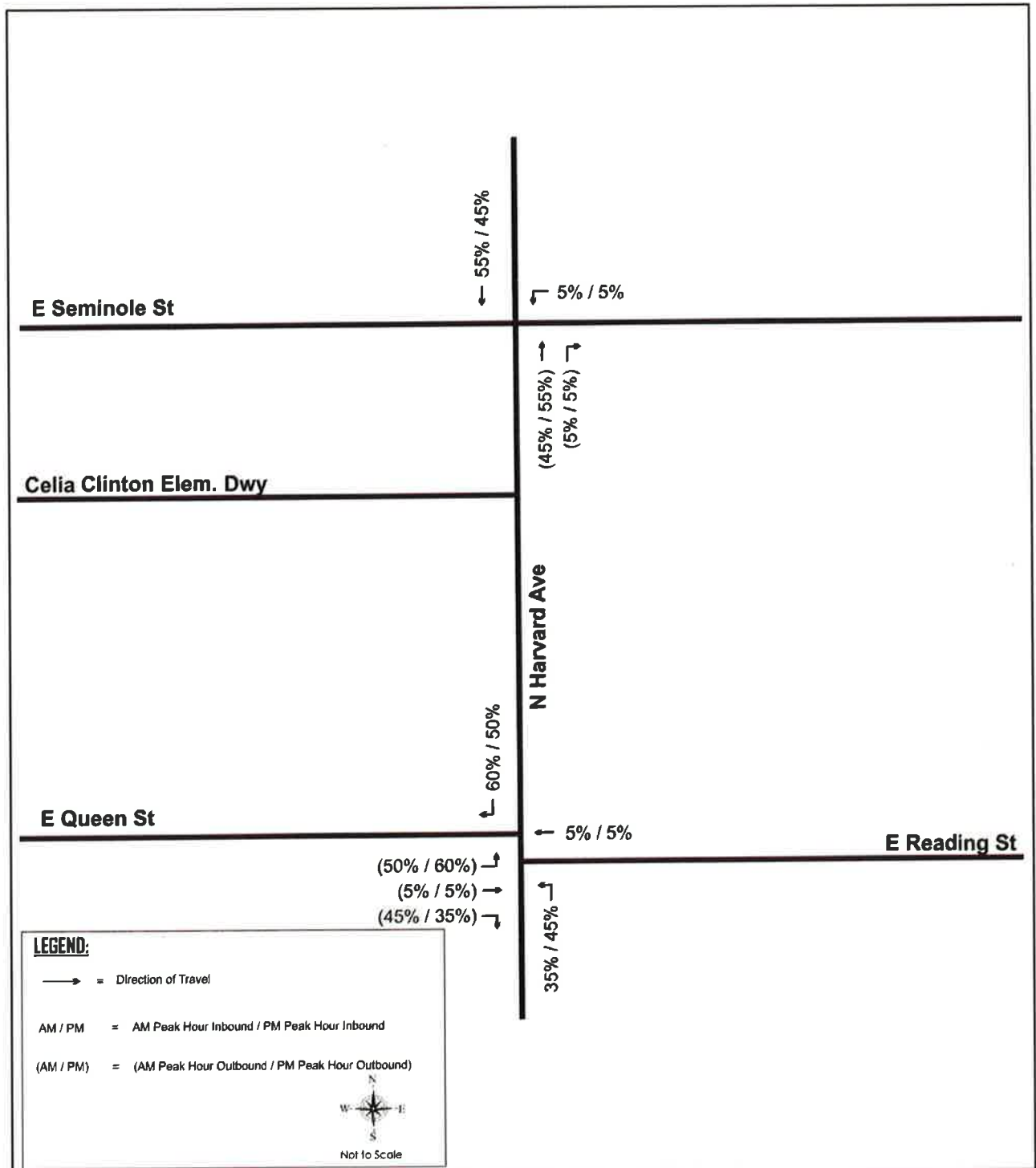


Figure 4



**EDUCARE 4
DIRECTIONAL DISTRIBUTION**

TRIP GENERATION

The number of trips generated by the development is a function of its type, size, and land use. The number of vehicle trips generated by the proposed Educare 4 were estimated based on the trip generation rates/equations for a Daycare Center (Land Use 565) provided in the *Trip Generation, 10th Edition*, published by the Institute of Transportation Engineers (ITE). Estimates of the number of trips generated by the site were made for the AM and PM peak hours, as well as on a daily basis. The trip generation equations used for this land use and the directional splits are shown in **Table 1**. **Table 2** provides the estimated trips generated for the proposed Educare 4.

Table 1: Trip Generation Equations/Rates for Educare 4

LAND USE	Land Use	Daycare Center
	ITE Land Use Code	565
RATES ¹	Average Weekday	$T = 4.09 (X)$
	AM Peak Hour	$T = 0.66 (X) + 8.42$
	PM Peak Hour	$\ln (T) = 0.87 \ln (X) + 0.29$
DIRECTIONAL SPLIT (% in / % out)	Average Weekday	50 / 50
	AM Peak Hour	53 / 47
	PM Peak Hour	47 / 53

¹X = Number of Students

Table 2: Estimated Trip Generation for Educare 4

	Daycare Center (164 Students)		
	Total	In	Out
Average Weekday	672	336	336
AM Peak Hour	117	62	55
PM Peak Hour	113	53	60

OPERATIONAL PATTERNS

As part of the *Safety 1st Initiative's Celia Clinton Elementary School Safety Audit Report*, the AM drop-off and PM pick-up operations of Celia Clinton Elementary were observed on Wednesday, November 15, 2017. Parent drop-off and pick-up followed a loop system that utilized E. Seminole Street and the school's parking lot. Parents were observed entering E. Seminole Street from both directions off N. Harvard Avenue, traveling westbound on E. Seminole Street, making a U-turn maneuver at the cul-de-sac, and entering the school's parking lot where unloading/loading operations occurred. During the morning arrival and afternoon dismissal periods, parent loop traffic queued back onto E. Seminole Street but did not impact N. Harvard Avenue. Queuing along E. Seminole Street is an acceptable practice since it is a low speed (25 MPH), low volume (less than 3,000 ADT), local roadway adjacent to the school.

Two (2) options for Celia Clinton Elementary School traffic patterns are assessed in this report:

Option 1 – It is recommended that traffic and operations for Celia Clinton Elementary School and Educare 4 be separated. This will maintain the existing E Seminole Street traffic flow and prevent any additional queuing. The proposed N. Florence Place connection between E. Seminole Street and E. Queen Street is recommended to be blocked with traffic cones at its northern terminus during Celia Clinton Elementary School’s morning arrival and afternoon dismissal periods to prohibit Educare 4 parents from accessing Educare 4 from E. Seminole Street. Blocking this connection will require Educare 4 parents to use E. Queen Street to N. Florence Place to enter the daycare center during the times that Celia Clinton Elementary parents arrive for drop-off and pick-up. The Option 1 traffic operations for Educare 4 and Celia Clinton Elementary School are shown in **Figure 5**.

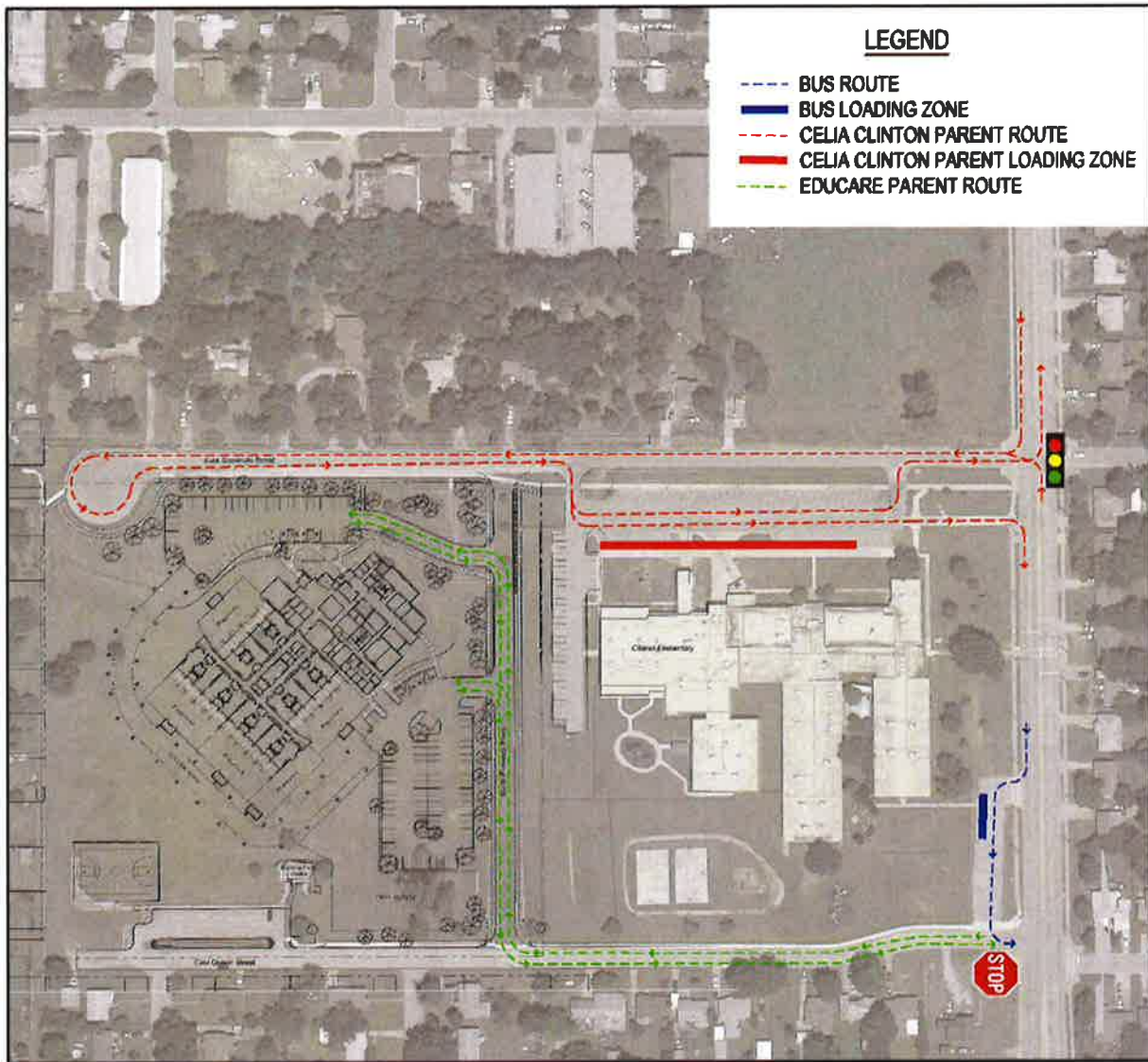


Figure 5: Option 1 - Proposed Traffic Operations for Educare 4 and Celia Clinton Elementary

Option 2 – It is recommended that traffic and operations for Celia Clinton Elementary School and Educare 4 be required to enter the campuses via E. Queen Street. This will force all inbound traffic to enter E. Queen Street from N. Harvard Avenue. Celia Clinton Elementary School traffic would then travel northbound on N. Florence Place, make a right-turn onto E. Seminole Street, enter the school parking lot/parent loop, and then exit via the school driveway on N. Harvard Avenue or on E. Seminole Street. Educare 4 traffic would also travel northbound on N. Florence Place, but would exit by traveling back southbound on N. Florence Place to E. Queen Street. For this option to operate effectively, N. Florence Place should be designed to accommodate three (3) travel lanes; one (1) outside northbound lane to be used by Celia Clinton Elementary School inbound traffic, one (1) inside northbound lane to be used by Educare 4 inbound traffic, and one (1) southbound lane to be used by Educare 4 outbound traffic. The Option 2 traffic operations for Educare 4 and Celia Clinton Elementary School are shown in **Figure 6**.

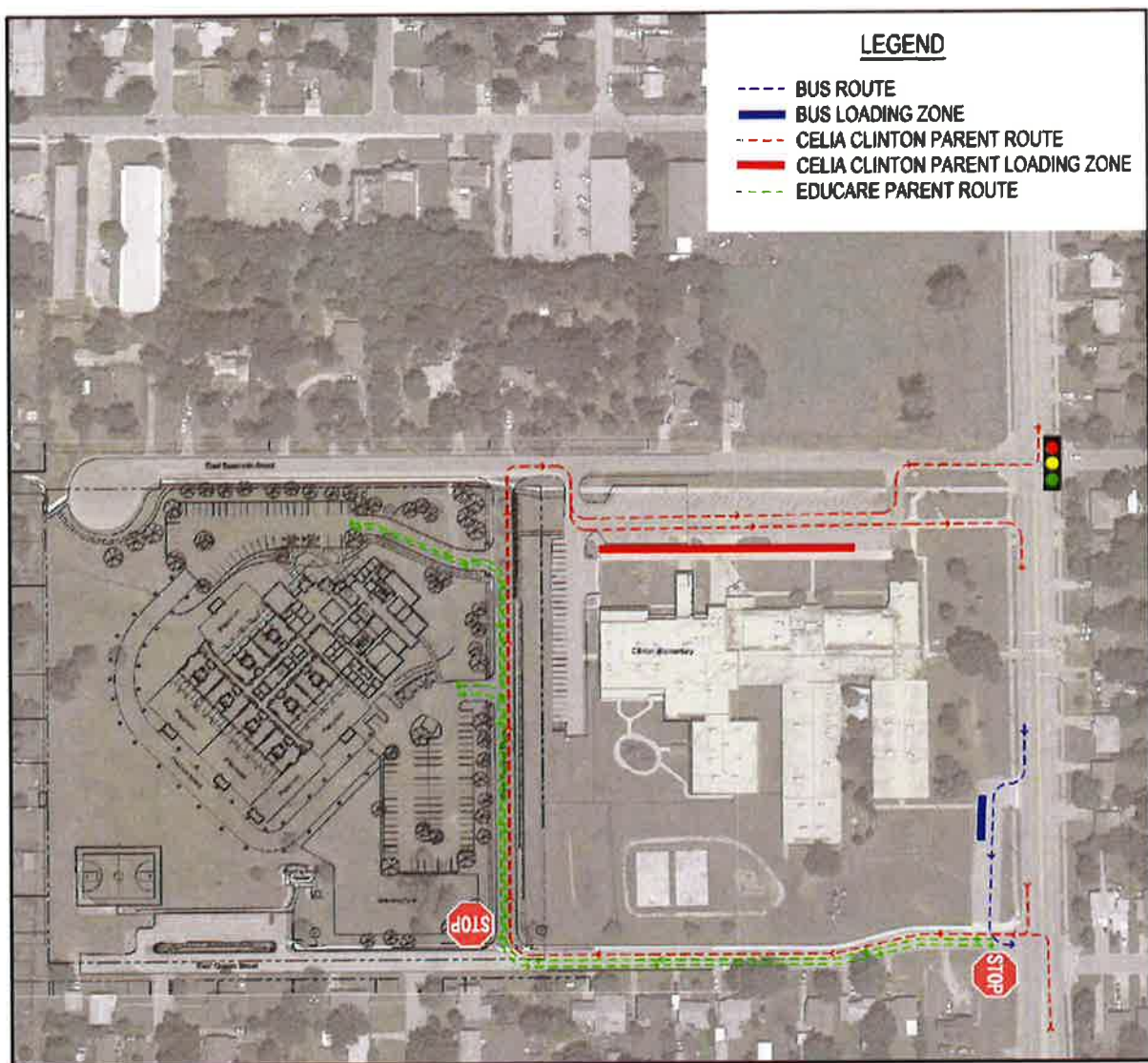


Figure 6: Option 2 - Proposed Traffic Operations for Educare 4 and Celia Clinton Elementary

In the *Safety 1st Initiative's Celia Clinton Elementary School Safety Audit Report*, the following recommendations were made to improve operations:

- For school dismissal operations, school staff should consider implementing placards for parent vehicles, possibly colored by grade, and a walkie-talkie setup where students' names can be called as their parents enter the loop. This could speed up dismissal intervals and improve organization.
- The existing 'NO PARKING' zones on E. Seminole Street and E. Queen Street should be enforced to facilitate the movement of vehicles along these streets and reduce congestion around the schools.
- The pedestrian traffic signal on N. Harvard Avenue should be removed and a new traffic signal installed at the intersection of E. Seminole Street and N. Harvard Avenue, approximately 250-ft north of the pedestrian signal's current location.
- Additional recommended improvements include new school speed zone flashing beacons on N. Harvard Avenue and E. Pine Street, new and updated crosswalk pavement markings, and new school related signs.

SITE GENERATED VOLUMES

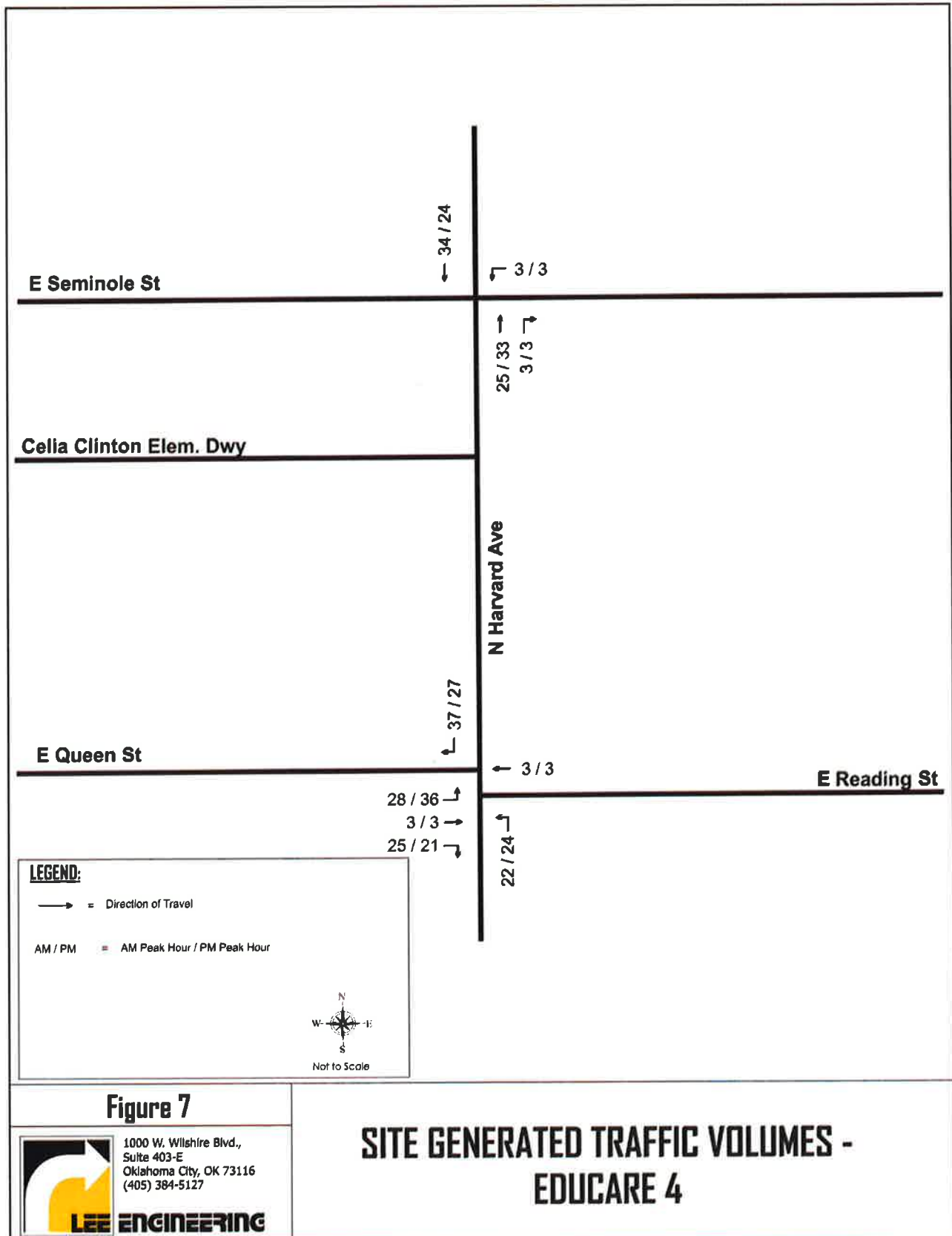
Traffic volumes expected to be generated by the proposed Educare 4 (Table 2) were assigned to the area roadways based on proposed operations from Figure 4. The site-generated traffic volumes at Build-Out for Educare 4 are provided in **Figure 7**.

TOTAL TRAFFIC VOLUMES

To obtain the projected total traffic volumes under Build-Out conditions of the proposed development, the existing background traffic volume conditions (Figure 3) were grown to Year 2020 assuming a conservative 2% annual growth rate and the traffic volumes generated by Educare 4 at Build-Out (Figure 7) were added. The projected total traffic volumes under Build-Out conditions for Option 1 are shown in **Figure 8**. For Option 2, the Celia Clinton Elementary School inbound traffic was redistributed to E. Queen Street and the traffic volumes under Build-Out conditions are shown in **Figure 9**.

Intersection capacity analyses were conducted based on the methodologies set forth in the *Highway Capacity Manual* (HCM), 6th Edition using *Synchro 9*, a traffic analysis software package. The Level of Service (LOS) of an intersection is a qualitative measure of capacity and operating conditions and is directly related to vehicle delay. The LOS criteria for an unsignalized intersection is shown in **Table 3**. LOS is given a letter designation from A to F, with LOS A representing very short delays (less than 10 seconds of average control delay per vehicle) and LOS F representing very long delays (more than 50 seconds of average control delay per vehicle).

A traffic signal is planned for installation at the intersection of N. Harvard Avenue and E. Seminole Street in Summer 2019, prior to the opening of Educare 4. The LOS criteria for a signalized intersection is shown in **Table 4**. LOS is given a letter designation from A to F, with LOS A representing very short delays (less than 10 seconds of average control delay per vehicle) and LOS F representing very long delays (more than 80 seconds of average control delay per vehicle). **Table 5** and **Table 6** provide the level of service results considering the existing traffic control (two-way stop signs) and future signalization of N. Harvard Avenue and E. Seminole Street.



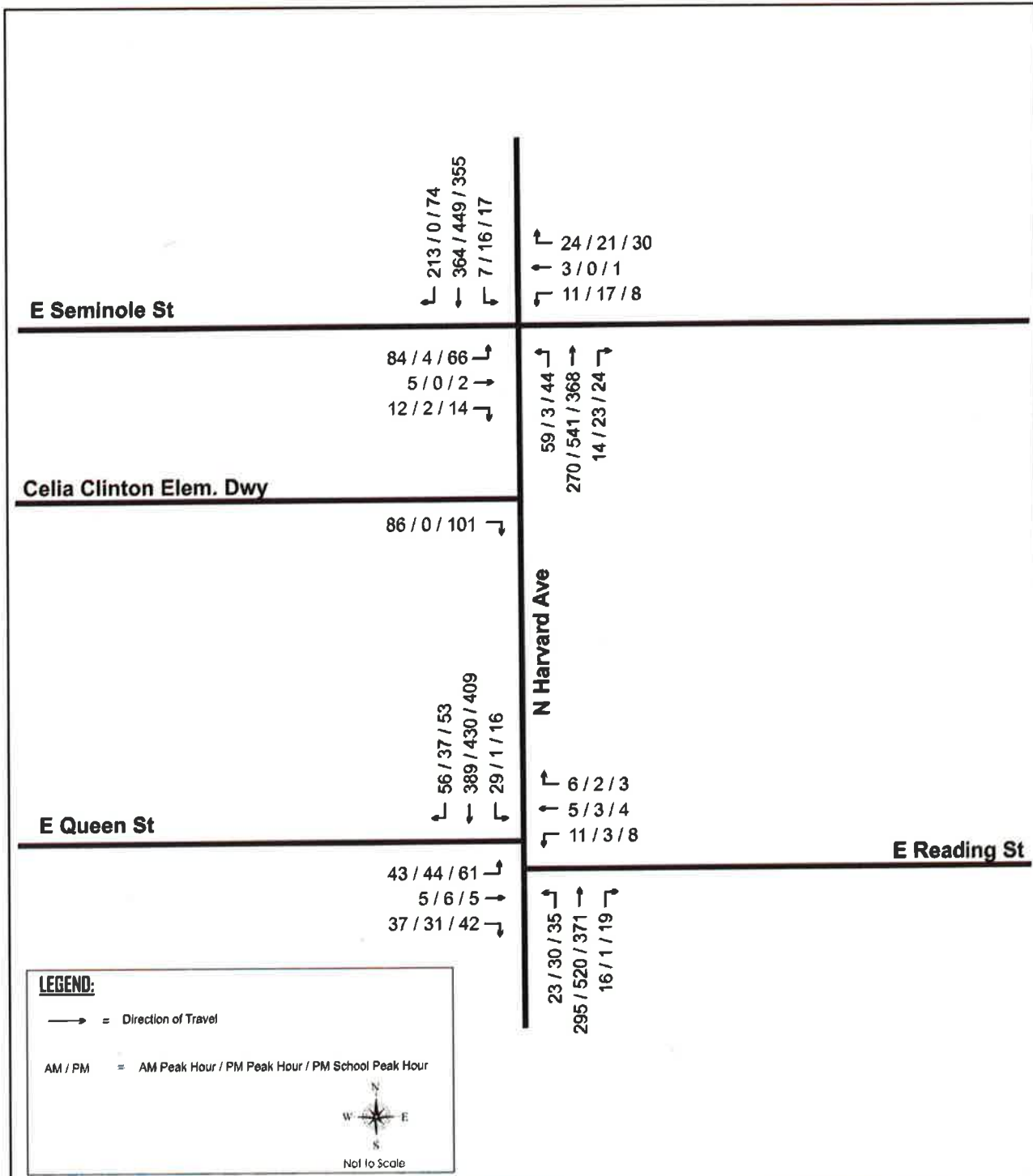


Figure 8



1000 W. Wilshire Blvd.,
 Suite 403-E
 Oklahoma City, OK 73116
 (405) 384-5127

TOTAL TRAFFIC VOLUMES - OPTION 1

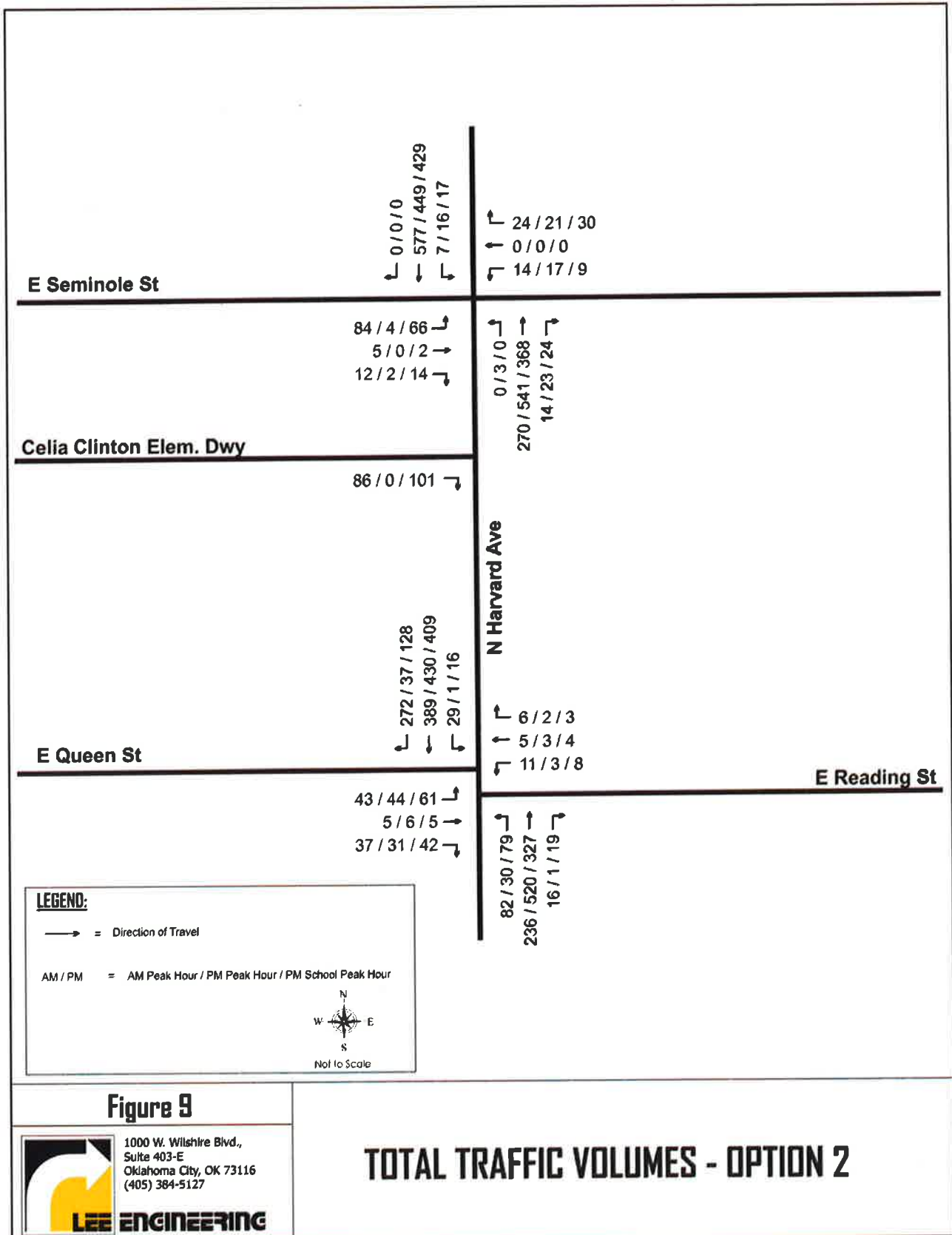


Table 3: Level of Service Criteria for Unsignalized Intersections

Level-of-Service (LOS)	Average Control Delay (seconds/vehicle)	Description
A	≤ 10.0	No delays at intersections with continuous flow of traffic. Uncongested operations: high frequency of long gaps available for all left and right turning traffic. No observable queues.
B	10.1 to 15.0	No delays at intersections with continuous flow of traffic. Uncongested operations: high frequency of long gaps available for all left and right turning traffic. No observable queues.
C	15.1 to 25.0	Moderate delays at intersections with satisfactory to good traffic flow. Light congestion; infrequent backups on critical approaches.
D	25.1 to 35.0	Increased probability of delays along every approach. Significant congestion on critical approaches, but intersection functional. No standing long lines formed.
E	35.1 to 50.0	Heavy traffic flow condition. Heavy delays probable. No available gaps for cross-street traffic or main street turning traffic. Limit of stable flow.
F	> 50.0	Unstable traffic flow. Heavy congestion. Traffic moves in forced flow condition. Average delays greater than one minute highly probable. Total breakdown.

SOURCE: *Highway Capacity Manual, 6th Edition*, Transportation Research Board, 2016

Table 4: Level of Service Criteria for Signalized Intersections

Level-of-Service (LOS)	Average Control Delay (seconds/vehicle)	Description
A	≤ 10.0	Very low vehicle delays, free flow, signal progression extremely favorable, most vehicles arrive during given signal phase.
B	10.1 to 20.0	Good signal progression, more vehicles stop and experience higher delays than for LOS A.
C	20.1 to 35.0	Stable flow, fair signal progression, significant number of vehicles stop at signals.
D	35.1 to 55.0	Congestion noticeable, longer delays and unfavorable signal progression, many vehicles stop at signals.
E	55.1 to 80.0	Limit of acceptable delay, unstable flow, poor signal progression, traffic near roadway capacity, frequent cycle failures.
F	> 80.0	Unacceptable delays, extremely unstable flow and congestion, traffic exceeds roadway capacity, stop-and-go conditions.

SOURCE: *Highway Capacity Manual, 6th Edition*, Transportation Research Board, 2016

Table 5: Intersection Capacity Analysis Results – Option 1

E. Seminole Street & N. Harvard Avenue (Two-Way Stop Controlled)					
Delay & Level of Service Results					
Peak Hour	Intersection	EB	WB	NB Left	SB Left
AM	--	28.2 (D) ¹	13.0 (B)	9.1 (A)	7.9 (A)
PM	--	16.3 (C)	16.0 (C)	8.4 (A)	8.8 (A)
School PM	--	22.2 (C)	12.1 (B)	8.4 (A)	8.2 (A)
95 th -Percentile Queue Results (feet)					
Peak Hour	Intersection	EB	WB	NB Left	SB Left
AM	--	73	42	57	N/A
PM	--	N/A	45	N/A	64
School PM	--	32	55	50	N/A
E. Seminole Street & N. Harvard Avenue (Signalized)					
Delay & Level of Service Results					
Peak Hour	Intersection	EB	WB	NB	SB
AM	5.3 (A)	9.6 (A)	9.0 (A)	4.3 (A)	4.9 (A)
PM	4.3 (A)	8.6 (A)	9.0 (A)	4.1 (A)	4.0 (A)
School PM	5.2 (A)	8.3 (A)	8.0 (A)	4.8 (A)	4.8 (A)
95 th -Percentile Queue Results (feet)					
Peak Hour	Intersection	EB	WB	NB Left	SB Left
AM	--	74	56	57	113
PM	--	N/A	44	76	54
School PM	--	50	44	75	112
E. Queen Street & N. Harvard Avenue (Two-Way Stop Controlled)					
Delay & Level of Service Results					
Peak Hour	Intersection	EB	WB	NB Left	SB Left
AM	--	17.0 (C)	16.0 (C)	8.4 (A)	8.0 (A)
PM	--	20.3 (C)	20.0 (C)	8.5 (A)	8.6 (A)
School PM	--	20.5 (C)	18.4 (C)	8.5 (A)	8.2 (A)
95 th -Percentile Queue Results (feet)					
Peak Hour	Intersection	EB	WB	NB Left	SB Left
AM	--	31	55	36	26
PM	--	55	14	86	N/A
School PM	--	56	37	26	N/A

¹ Delay in seconds/vehicle (Level of Service)

Table 6: Intersection Capacity Analysis Results – Option 2

E. Seminole Street & N. Harvard Avenue (Two-Way Stop Controlled)					
Delay & Level of Service Results					
Peak Hour	Intersection	EB	WB	NB Left	SB Left
AM	--	24.8 (D) ¹	11.9 (B)	0.0 (A)	7.9 (A)
PM	--	16.3 (C)	16.0 (C)	8.4 (A)	8.8 (A)
School PM	--	19.4 (C)	11.6 (B)	0.0 (A)	8.2 (A)
95 th -Percentile Queue Results (feet)					
Peak Hour	Intersection	EB	WB	NB Left	SB Left
AM	--	54	43	N/A	N/A
PM	--	N/A	45	N/A	64
School PM	--	32	69	N/A	46
E. Seminole Street & N. Harvard Avenue (Signalized)					
Delay & Level of Service Results					
Peak Hour	Intersection	EB	WB	NB	SB
AM	5.3 (A)	9.4 (A)	8.8 (A)	4.2 (A)	4.9 (A)
PM	4.3 (A)	8.6 (A)	9.0 (A)	4.1 (A)	4.0 (A)
School PM	5.2 (A)	8.2 (A)	7.9 (A)	4.7 (A)	4.9 (A)
95 th -Percentile Queue Results (feet)					
Peak Hour	Intersection	EB	WB	NB Left	SB Left
AM	--	56	44	75	73
PM	--	N/A	44	76	54
School PM	--	32	63	61	91
E. Queen Street & N. Harvard Avenue (Two-Way Stop Controlled)					
Delay & Level of Service Results					
Peak Hour	Intersection	EB	WB	NB Left	SB Left
AM	--	25.6 (D)	20.1 (C)	9.6 (A)	7.9 (A)
PM	--	20.3 (C)	20.0 (C)	8.5 (A)	8.6 (A)
School PM	--	26.7 (D)	21.0 (C)	9.0 (A)	8.1 (A)
95 th -Percentile Queue Results (feet)					
Peak Hour	Intersection	EB	WB	NB Left	SB Left
AM	--	98	26	71	26
PM	--	55	14	86	N/A
School PM	--	57	36	58	26

¹ Delay in seconds/vehicle (Level of Service)

Assuming existing traffic control for Options 1 and 2, the intersections of N. Harvard Avenue at E. Seminole Street and E. Queen Street are predicted to operate at acceptable levels of service D or better on all approaches both with and without the addition of Educare 4 trips and all estimated queue lengths fit within the available storage limits. After signalization of N. Harvard Avenue and E. Seminole Street, the intersection is predicted to operate at level of service A with acceptable queue lengths on all approaches.

2.46

PARKING ANALYSIS

A parking analysis was conducted based on the arrival rate and average pick up/drop-off times to determine if adequate parking is provided by the proposed Educare 4 site. Using the arrival rate and the assumed parking time per pick up/drop off, the required queue storage can be estimated.

For analysis purposes, it was assumed that 7:30 AM to 8:30 AM would constitute the AM peak hour for the daycare center. Based on the trip generation information, 62 incoming trips are expected during the AM peak hour. Assuming a conservative peak hour factor of 0.50, approximately 31 vehicles ($62 * 0.5 = 31$) would arrive during the peak 15 minutes of the AM peak hour. In addition, it was assumed that all staff members would arrive before the peak 15 minutes and occupy 63 of the total 77 staff parking spaces. Based on the site plan, the proposed Educare 4 site will have a total of 127 parking spaces (50 visitor parking spaces and 77 staff parking spaces). Therefore, a total of 50 parking spaces would be available for parents.

This study assumes an average parking time of five (5) minutes per drop-off, random arrivals, and 50 available parking spaces. **Table 7** shows the peak 15-minute parking evaluation and shows that the peak parking demand will be approximately 21 vehicles during a peak five-minute period. Based on Figure 2, 50 parking spaces are located within the visitor parking lot and will meet the predicted parking demand. The parking analysis results are the same for Option 1 and Option 2.

Table 7: Peak 15-Minute Parking Evaluation

Time	Vehicles		Parking Spaces	
	Arrival	Departure	Occupied	Available
7:30 - 7:35	10	-	10	50
7:36 - 7:40	10	10	20	
7:41 - 7:45	11	10	21	

Guidelines set forth by the *Americans with Disabilities Act* (ADA) require parking lots to include a minimum number of handicap accessible parking spaces based upon the total number of parking spaces provided. For a parking lot with a total number of parking spaces between 26 and 50 (such as the visitor parking lot), the minimum number of ADA spaces is 2. The site plan, shown in Figure 2, shows 4 ADA spaces within this lot, which exceeds the minimum. For a parking lot with a total number of spaces between 76 and 100 (such as the staff parking lot), the minimum number of ADA spaces is 4. The site plan shows 4 ADA spaces within this lot, which meets the minimum requirement.

QUEUING ANALYSIS

Educare 4 is scheduled to operate from 7:00 AM to 6:00 PM. The peak periods of the facility are anticipated to be 7:00 AM – 9:00 AM and 4:30 PM – 6:00 PM. Educare 4 will require parents to park and walk-in to drop-off and pick-up their children. Parents will be required to enter the visitor parking lot from N. Florence Place by way of E. Queen Street. Parents will circulate through the development as previously shown in Figure 5 and Figure 6.

This study assumes the maximum student enrollment (164 students) at Educare 4. Table 2 shows that 62 inbound trips are predicted to be generated during the peak hour. Assuming a conservative peak hour factor of 0.50, approximately 31 vehicles ($62 \times 0.5 = 31$) would arrive during the peak 15 minutes of the AM peak hour. This predicted AM entrance volume was then multiplied by the average car length (25 feet) to determine a maximum queue length ($31 \times 25 = 775$). **Table 8** summarizes the enrollment of the school and the resulting maximum queue length. This assumes that 50% of inbound vehicles expected to arrive during the AM peak hour arrive at the same time, which is extremely unlikely considering the duration of the drop-off period is two (2) hours, 7:00 AM to 9:00 AM.

Table 8: Maximum Queue Length – Option 1

# of Students	ITE AM Entrance Volume	Car Length	Predicted Queue Length
164	31	25	775

Utilizing N. Florence Place and E. Queen Street as the only access point, there is approximately 1,600 feet available for queue storage between the Educare 4 visitor parking lot and N. Harvard Avenue. For Option 1, the maximum queue length is 775 feet which only considers trips generated by Educare 4. The trip arrivals will be distributed over the entire peak period and the maximum queue is not expected to be realized for this type of facility.

For Option 2, the maximum queue length must also consider trips generated by Celia Clinton Elementary School. Based on the site visit observations documented in the *Safety 1st Initiative's Celia Clinton Elementary School Safety Audit Report*, the maximum observed queue on E. Seminole Street during the PM peak hour was 45 vehicles. There is approximately 200 feet available on E. Seminole Street and N. Florence Place between the Celia Clinton Elementary School driveway and the Educare 4 visitor parking lot to accommodate a portion of vehicles queued for Celia Clinton Elementary drop-off. The predicted maximum queue for Celia Clinton Elementary School is 1,125 feet ($45 \times 25 = 1,125$). There is approximately 1,600 feet available for queue storage assuming all vehicles queue in a single lane. **Table 9** summarizes the resulting maximum queue lengths for both schools.

Table 9: Maximum Queue Length– Option 2

School	PM Entrance Volume	Car Length	Predicted Queue Length
Educare 4	26	25	650
Celia Clinton	45	25	1,125

CIRCULATION EVALUTION

N. Florence Place Connection

Currently, N. Florence Place does not exist between E. Seminole Street and E. Queen Street. As part of the development, Educare 4 will construct N. Florence Place that will connect the two roadways and separate Educare 4 from Celia Clinton Elementary School. This connection will provide two access points for Educare 4 visitor and staff parking lots and also serve as a supplemental access route for emergency vehicles.

For Option 1, due to existing traffic operations on E. Seminole Street related to Celia Clinton Elementary School, it is recommended that the northern connection of N. Florence Place at E. Seminole Street be blocked with traffic cones during Celia Clinton Elementary School's arrival and dismissal periods. For Option 2, it is recommended that N. Florence Place be constructed with three (3) travel lanes to accommodate and separate inbound traffic for Educare 4 and Celia Clinton Elementary School.

CONCLUSIONS AND RECOMMENDATIONS

Based on the analysis of the proposed site plan and characteristics of Educare 4, the following conclusions and recommendations can be made:

1. At maximum enrollment, the proposed Educare 4 is expected to generate approximately 672 additional trips daily – 117 trips during the AM peak hour and 113 trips during the PM peak hour.
2. The Educare 4 site will provide 127 total parking spaces (50 visitor parking spaces and 77 staff parking spaces). The predicted parking demand will be accommodated with the parking spaces provided.
3. The construction of Educare 4 includes construction of N. Florence Place between E. Seminole Street and E. Queen Street which would separate Educare 4 from Celia Clinton Elementary School.
4. Educare 4 representatives have agreed to require their parents to utilize N. Florence Place via E. Queen Street as the primary access to minimize conflicts with Celia Clinton Elementary School during the AM and PM peak hours.
5. Under Option 1, no conflict is expected between Educare 4 and Celia Clinton Elementary School. Under Option 2, N. Florence Place should be constructed with three (3) travel lanes to minimize conflict between Educare 4 and Celia Clinton Elementary.
6. Educare 4 will require parents to park and walk-in to drop-off and pick-up their children. Nevertheless, a queuing analysis was performed that assumes that 50% of inbound vehicles expected to arrive during the AM peak hour arrive at the same time, which is extremely unlikely considering the duration of the drop-off period is two (2) hours, 7:00 AM to 9:00 AM. Utilizing N. Florence Place and E. Queen Street as the only access point, the proposed site plan has approximately 1,600 feet of available queue storage for Educare 4. Under Option 1, the maximum queue length is 775 feet; however, Educare 4 trip arrivals will be distributed over the entire peak period and the maximum queue is not expected to be realized for this type of facility. Under Option 2, the maximum queue length is 1,125 feet for the Celia Clinton Elementary pick-up loop.
7. Capacity analysis of the intersections of N. Harvard Avenue & E. Seminole Street and N. Harvard Avenue & E. Queen Street show that the intersections and approaches are anticipated to operate at levels of service D or better during the peak periods under Option 1 and Option 2. This analysis considers the existing traffic control as well as future signalization of N. Harvard Avenue & E. Seminole Street.
8. The trips generated by Educare 4 are not expected to significantly impact the study area intersections.

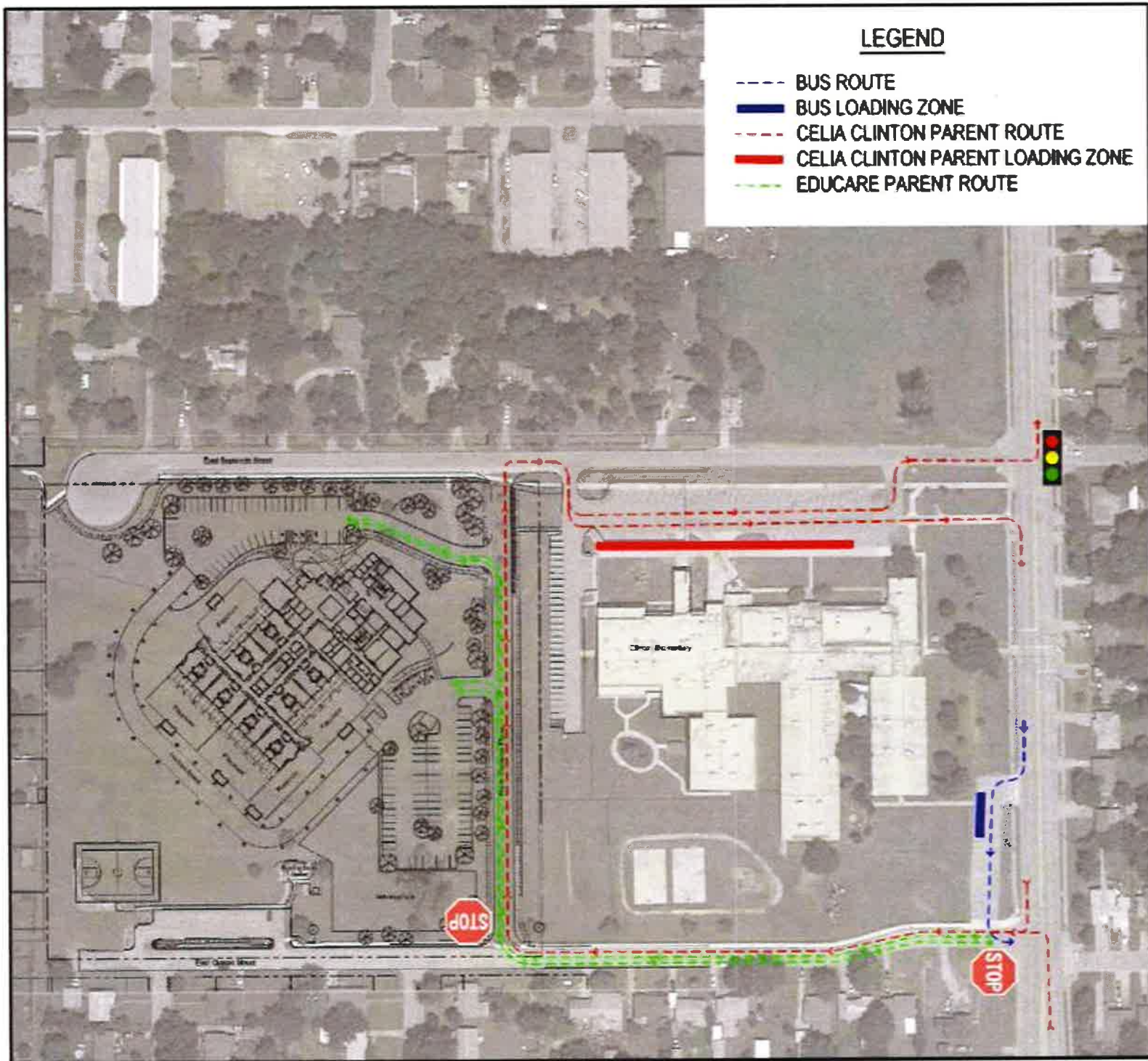


Figure 6: Option 2 - Proposed Traffic Operations for Educare 4 and Celia Clinton Elementary

I:\Users\adem@ppdata\localtemp\Asp\Publit_4329\BOA-EXHIBIT.dwg sheet 1 Jul 02, 2018 - 10:44:03am SISEMORE WEISZ & ASSOCIATES, INC., 2018

Martin Second Addition

Spess-Martin Addition

Block 1

Clinton Park
(Unplatted)

Celia Clinton Elem. School
(Unplatted)

Louard Heights Addition

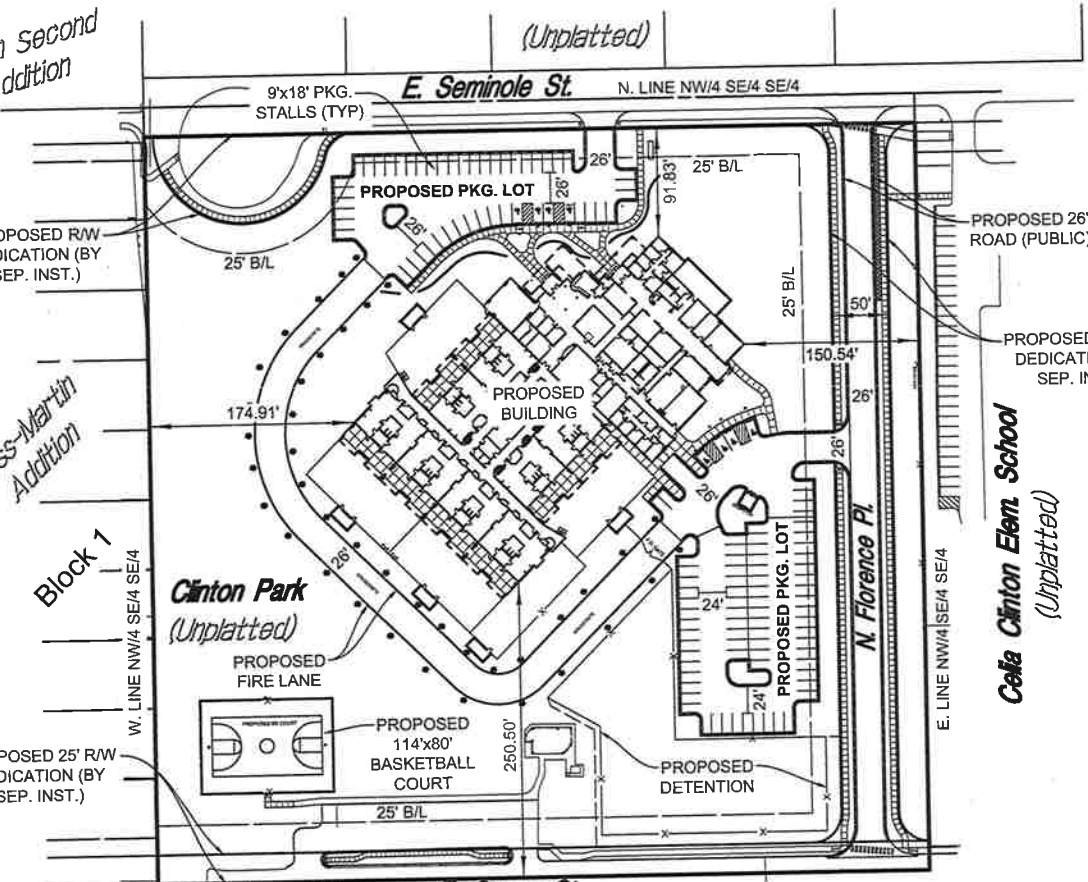
N Florence Ave.

Louard Heights Addition

N Florence Pl

Louard Heights Addition

Jean's Addition



R 13 E



Location Map

SCALE: 1"=2000'



0 50 100 150

SCALE: 1"=100'

BOA-22481

Board of Adjustment Exhibit

Proposed Tulsa Educare 4

PART OF THE NW/4 SE/4 SE/4 SECTION 29, T-20-N, R-13-E

City of Tulsa, Tulsa County, State of Oklahoma

Legend
 R/W = RIGHT-OF-WAY
 B/L = BUILDING SETBACK LINE

			Sisemore Weisz & Associates, Inc.		
0111 EAST 32nd PLACE TULSA, OKLAHOMA 74105 C.A. NO. 2421			PHONE (918) 665-3900 FAX (918) 665-3998 EXP. DATE 6/30/19		
FILE:	2013.2922	SURVEY BY:		DATE:	7/2/18
ORDER:	18034.01	DRAWN BY:	LAD	SCALE:	1"=100'
BOOK:		CHECKED BY:	MC	SHEET	1 OF 1

2.52



TULSA EDUCARE 4

2.53

ARCHITECTS
PLANNERS
DESIGNERS





FRITZ
BAILY

ARCHITECTS
PLANNERS
DESIGNERS

JULSA EDUCARE 4

2.54



FRITZ
BAILY

ARCHITECTS
PLANNERS
DESIGNERS

ULSA EDUCARE 4

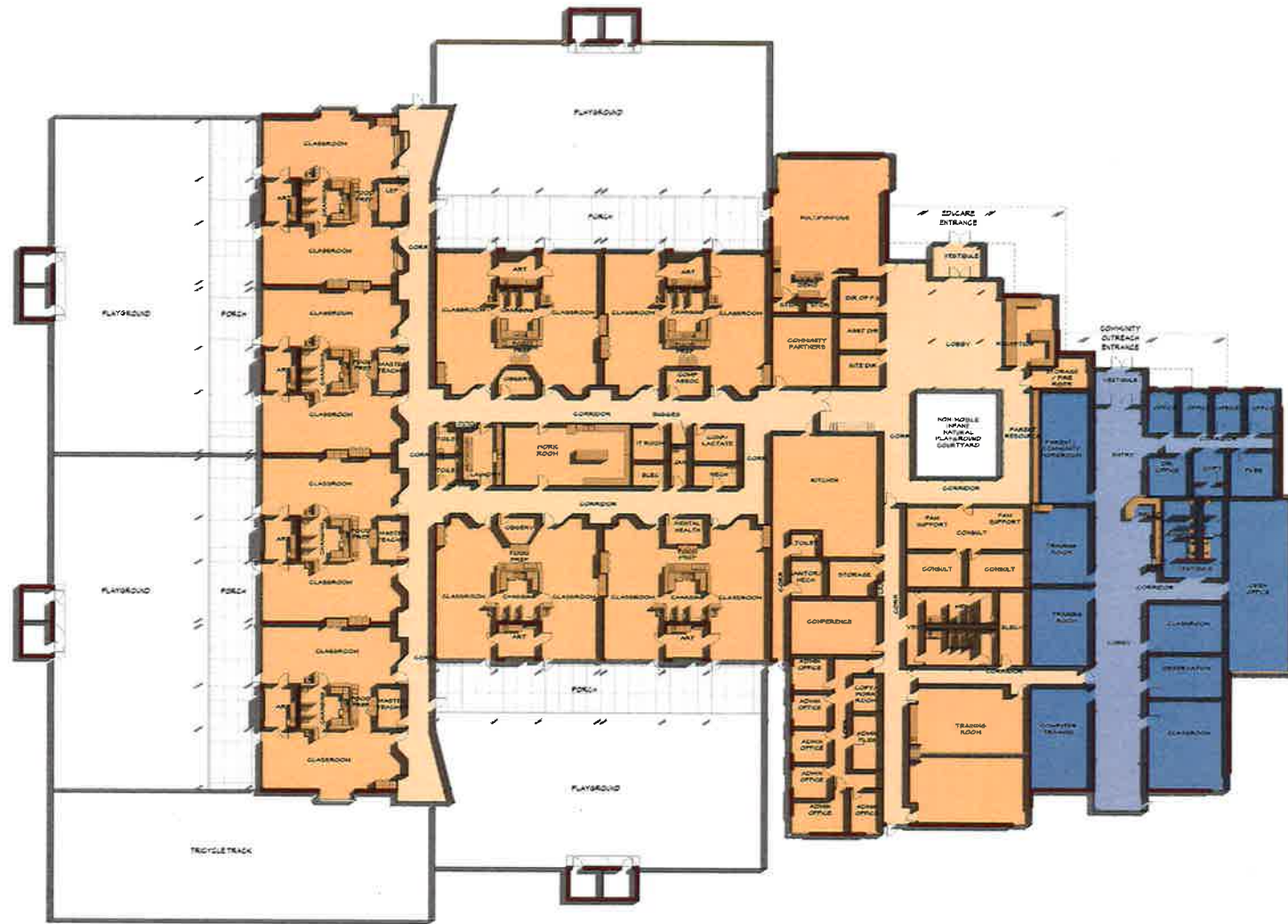


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ULSA EDUCARE 4

ARCHITECTS
PLANNERS
DESIGNERS

FRITZ
BAILY



TULSA EDUCARE 4

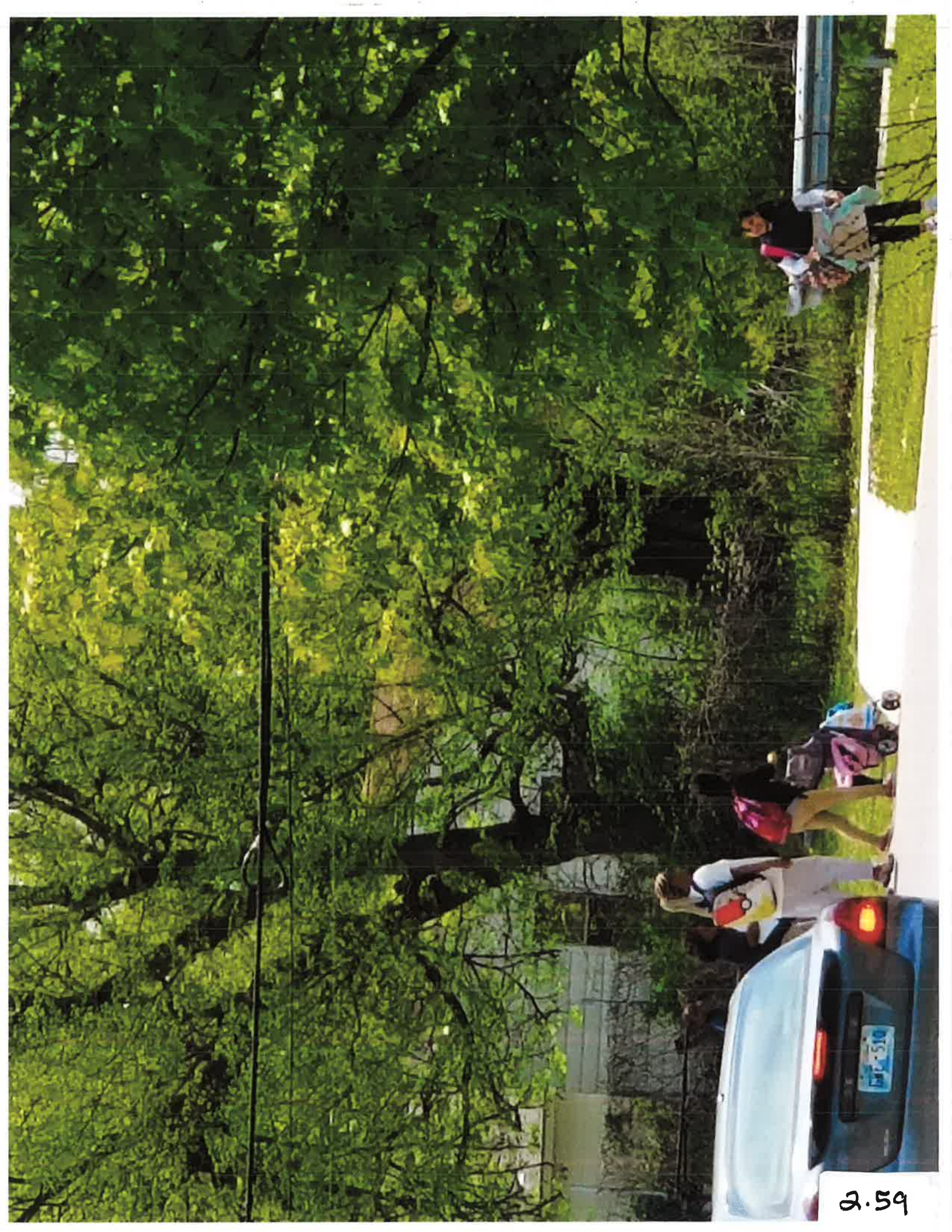
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ARCHITECTS
PLANNERS
DESIGNERS





2.58



2.59



2.60

Ulmer, Amy

From: Ulmer, Amy
Sent: Tuesday, July 24, 2018 9:54 AM
To: 'bradney@gmail.com'; 'Carolyn Back'; 'tulsarealestatelawyer@gmail.com'; 'svandewiele@hallestill.com'
Cc: Sparger, Janet; Miller, Susan; Blank, Audrey
Subject: Comments on #BOA-22481

All,

I received a phone call regarding case #BOA-22481 from an interested party that does not have a computer and will be unable to attend the meeting today. Her name is Carolyn Jones and is located at 1529 N. College Ave. E. She is concerned that the new school will take away the baseball and soccer field for the adjacent elementary school children. Thank you.

Amy Ulmer | Land Development Planner
2 West Second Street, Suite 800
Tulsa, OK 74103
918.579.9437
918.579.9537 fax
aulmer@incoq.org



Ulmer, Amy

From: Hudgins, Chris <Hudgich@tulsaschools.org>
Sent: Monday, August 20, 2018 3:54 PM
To: Ulmer, Amy
Cc: Whit Todd
Subject: FW: Educare 4 update
Attachments: Safety 1st - Celia Clinton Elementary School Revised FINAL Report 8-1-2018.pdf

The process for the street light relocation is the current design phase in being approved by the mayor. The construction should be completed by the summer of 2019.

Thanks,



EQUITY CHARACTER EXCELLENCE TEAM JOY

Chris Hudgins | Executive Director, Bond & Energy Management

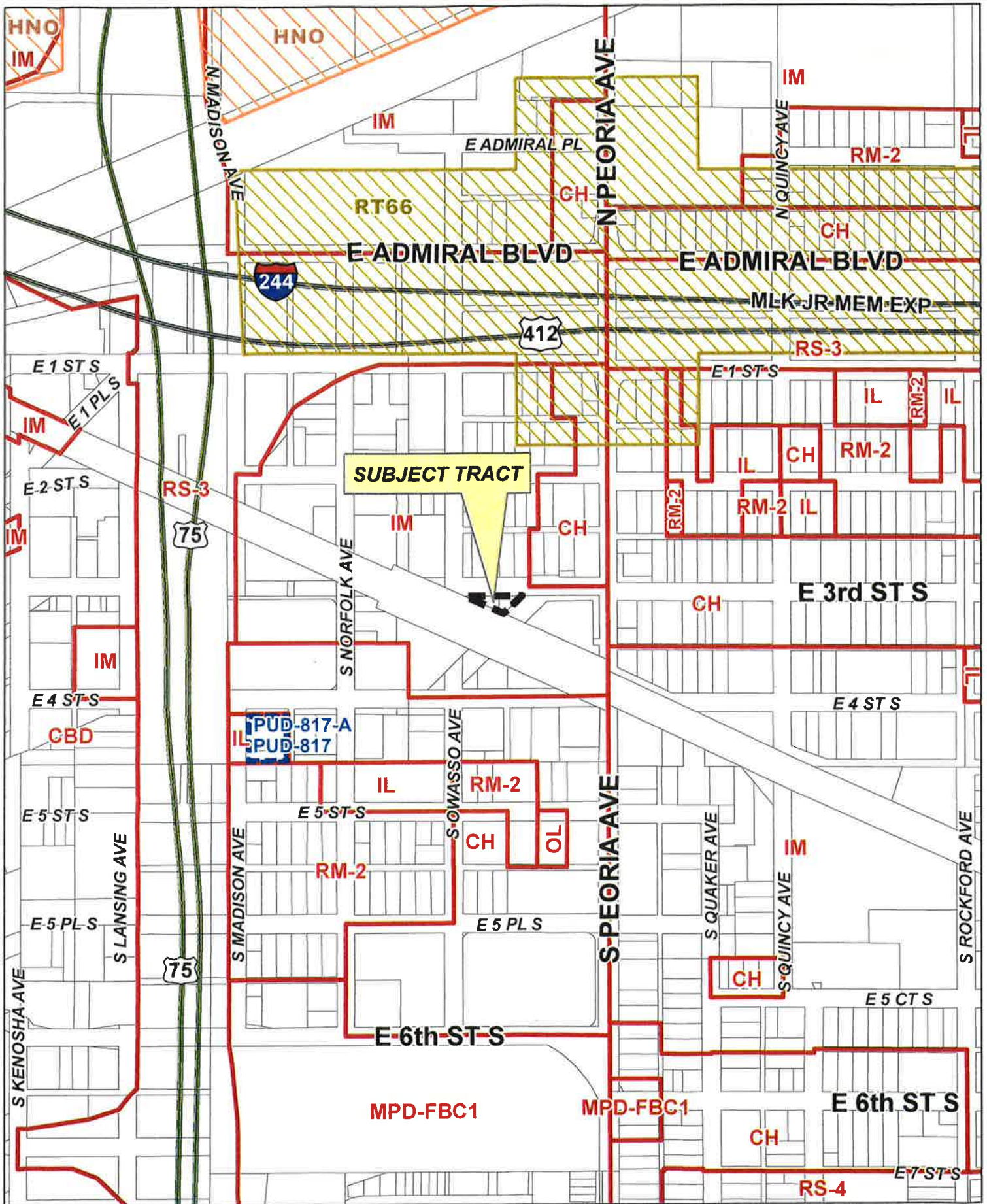
Tulsa Public Schools
3027 S. New Haven Ave, Rm 458
Tulsa, OK 74114
o: 918-746-6684
c: 918-697-5595

hudgich@tulsaschools.org
www.tulsaschools.org



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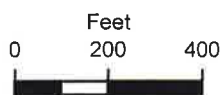


SUBJECT TRACT

PUD-817-A
PUD-817

BOA-22505

3.1



19-12 01



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9201

Case Number: **BOA-22505**

CZM: 36

CD: 4

A-P#:

HEARING DATE: 10/23/2018 1:00 PM (continued from 10/09/18)

APPLICANT: Mark Capron

ACTION REQUESTED: Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Sec. 90.090-A); Variance of the removal agreement requirement with the City of Tulsa for structures in the planned street right-of-way (Sec. 90.090-A)

LOCATION: 1206 E 3 ST S; 1202 E 3 ST S

ZONED: IM

PRESENT USE: vacant

TRACT SIZE: 5871.91 SQ FT

LEGAL DESCRIPTION: LOTS FOURTEEN (14) AND FIFTEEN (15), BLOCK EIGHTEEN (18), BERRY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

AND
THAT PART OF LOTS ELEVEN (11), TWELVE (12) AND THIRTEEN (13), BLOCK EIGHTEEN (18), BERRY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT THIRTEEN (13); THENCE EAST ON THE NORTH LINE OF LOTS THIRTEEN (13), TWELVE (12), AND ELEVEN (11) TO THE NORTHEAST CORNER OF SAID LOT ELEVEN (11); THENCE SOUTHWESTERLY TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE M.K.T. RAILWAY, SAID POINT BEING FIVE AND FIVE-TENTHS (5.5) FEET NORTHWESTERLY OF THE SOUTHEAST CORNER OF SAID LOT THIRTEEN (13); THENCE NORTHWESTERLY ON SAID RIGHT-OF-WAY LINE TO THE SOUTHWEST CORNER OF SAID LOT THIRTEEN (13); THENCE NORTH ON THE WEST LINE OF LOT THIRTEEN (13) TO THE POINT OF BEGINNING.

RELEVANT PREVIOUS ACTIONS:

Subject Property:

Z-7455; on 9.19.18, the Planning Commission **approved** a rezoning application from IM to **MX1-P-U**.

Surrounding Property:

BOA-21942; on 09.08.15, the Board **denied** a special exception to permit a soup kitchen and grocery pantry (Use Unit 5) in an IM district (Sec.901); Special Exception to permit required parking on a lot other than the lot containing the principal use. LOCATED: 302 S. Peoria Ave. E.

BOA-17033; on 05.13.97, the Board **approved** a variance of the required setback from the centerline of south Peoria Avenue from 50' to 41' 6" to permit a sign (4' by 8', 24' in height per plan submitted. Subject to Traffic Engineering approval in regard to traffic light visibility. LOCATED: 302 S. Peoria Ave. E.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Downtown Neighborhood" and an "Area of Growth".

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.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts E. 3rd St. S. to the north; E. 4th St. S. to the east; vacant Union Pacific railroad property to the south and west.

CURRENT STAFF COMMENTS:

Staff requested a continuance to the 10/23/18 hearing date to submit additional information from City Engineering Services regarding a waiver of the removal agreement requirement.

PREVIOUS STAFF COMMENTS:

The total planned right-of-way along E. 3rd St. S. is 80 ft.; therefore, the required building and/or structure setback along S. Peoria Ave. is 40 ft. from the centerline of the street. Based on the proposed site plan it appears that the proposed building along E. 3rd st. S. will extend into the planned street right-of-way (R-O-W).

The applicant has requested a **Variance** to permit to permit a structure to be located within the City of Tulsa planned street right-of-way (Sec. 90.090-A).

Per the code, structures are not allowed to project into the right-of-way or planned right-of-way of a public street, unless a license agreement has been granted by the city in the case of the right-of-way or a removal agreement has been entered into in the case of the planned right-of-way (Sec. 90.090-A).

The applicant has requested a **Variance** of the removal agreement requirement with the City of Tulsa for structures in the planned street right-of-way (Sec. 90.090-A).

The site plan includes using a portion of the railroad right-of-way for parking.

Sample Motion for a Variance

Move to _____ (approve/deny) Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Sec. 90.090-A); Variance of the removal agreement requirement with the City of Tulsa for structures in the planned street right-of-way (Sec. 90.090-A).

- Finding the hardship(s) to be _____.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

The Board finds that the following facts, favorable to the property owner, have been established:

“a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”

Legal Description of CZ-475:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING 32.1 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW/4 SE/4) OF SECTION 21, TOWNSHIP 21 NORTH, RANGE 13 EAST; THENCE SOUTHERLY ON A CURVE TO THE RIGHT A DISTANCE OF 1,014.2 FEET; THENCE SOUTH A DISTANCE OF 356.8 FEET; THENCE SOUTH A DISTANCE OF 237.4 FEET; THENCE SOUTHERLY ON A CURVE TO THE RIGHT A DISTANCE OF 387.07 FEET; THENCE WEST ALONG THE SECTION LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4) A DISTANCE OF 511.56 FEET; THENCE NORTH APPROXIMATELY 660 FEET; THENCE WEST A DISTANCE OF 660.68 FEET; THENCE NORTH A DISTANCE OF 1,321.55 FEET; THENCE EAST A DISTANCE OF 1,288.13 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 46.80 ACRES MORE OR LESS.

AND

BEGINNING 331.52 FEET EAST AND 185 FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER SECTION 21, TOWNSHIP 21 NORTH, RANGE 13 EAST; THENCE NORTH A DISTANCE OF 1,137.54; THENCE EAST A DISTANCE OF 331.02 FEET; THENCE SOUTH A DISTANCE OF 1,172.41 FEET; THENCE WEST A DISTANCE OF 19.81 FEET; THENCE NORTH A DISTANCE OF 10 FEET; THENCE WEST A DISTANCE OF 180 FEET; THENCE NORTHWEST A DISTANCE OF 74.33 FEET; THENCE WEST A DISTANCE OF 61.51 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 8.79 ACRES MORE OR LESS.

6. **Z-7455 Mark Capron** (CD 4) Location: West of the southwest corner of South Peoria Avenue and East 3rd Street South requesting rezoning from **IM to MX1-P-U**

STAFF RECOMMENDATION:

SECTION I: Z-7455

DEVELOPMENT CONCEPT:

The applicant is proposing a multi-story mixed use building on this site. The current IM zoning does not allow that use and is not consistent with the Comprehensive Plans Downtown Neighborhood land use designation.

DETAILED STAFF RECOMMENDATION:

Z-7455 requesting MX1-P-U is consistent with the Downtown Neighborhood land use designation as outlined in the Tulsa Comprehensive plan and,

MX1-P-U is consistent with the expected development pattern in this neighborhood between Highway 75 and South Peoria and,

MX1-P-U is non-injurious to the surrounding property owners therefore,

Staff recommends **Approval** of Z-7455 to rezone property from IM/ to MX1-P-U.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Land uses and building forms allowed in this mixed-use zoning are consistent with the Tulsa Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: Downtown Neighborhood

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: 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: East 3rd Street and Owasso are both considered a CBD/Industrial Collector with an 80-foot-wide minimum right of way designation. The properties were platted around 1908 with a 60-foot-wide right of way. Many buildings along 3rd Street encroach into that planned right of way and it is unlikely that the 80-foot-wide right of way will ever be acquired at this location. INCOG staff has initiated a request to reconsider the planned right of way designation of this section 3rd Street and S. Owasso.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None. This site is not included in the Bus Rapid Transit mixed use incentive boundary.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is between 3rd street, a railroad and South Owasso. The property plan includes using some of the railroad right of way for parking that may be required.

Environmental Considerations: None that affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 3 rd Street South	CBD/Industrial Collector	80 feet	4
South Owasso	CBD/Industrial Collector	80 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	IM	Downtown Neighborhood	Growth	Assembly and Entertainment
East	IM	Downtown Neighborhood	Growth	Vacant
South	Railroad ROW (IM)	Downtown Neighborhood	Growth	Railroad
West	Railroad ROW (IM)	Downtown Neighborhood	Growth	Railroad

SECTION III: Relevant Zoning History

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

Subject Property: No relevant history

Surrounding Property:

BOA-21967 October 13, 2016: The Board of Adjustment **approved** a *special exception* to permit a bakery (Use Unit 25) in the CH District; a *special exception* to permit parking on a lot other than the lot containing the principal use (subject to "as built" with the parking to be on the lot which is immediately adjacent to the west, on property located west of the southwest corner of East 2nd Street South and South Peoria Avenue.

BOA-21942 September 8, 2015: The Board of Adjustment **denied** (failed due to a lack of a majority vote) a request for a *special exception* to permit a soup kitchen and grocery pantry (Use Unit 5) in the IM District, on property located on the southwest corner of East 3rd Street South and South Peoria Avenue.

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 a micro-brewery and approval of a request for *rezoning* from CH to IL/PUD-817 on property located on the southeast corner of East 4th Street and South Madison Avenue.

BOA-21260 May 10, 2011: The Board of Adjustment **approved** a *variance* of the parking requirement for a mixed-use property in the IM district to permit multiple uses in existing buildings, on property located on the northeast corner of South Madison Avenue and East 3rd Street.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Doctor, Fothergill, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Dix, Fretz, "absent") to **APPROVE** Z-7455 rezoning from IM to MX1-P-U per staff recommendation.

Legal Description of Z-7455:

LOTS FOURTEEN (14) AND FIFTEEN (15), BLOCK EIGHTEEN (18), BERRY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

AND

THAT PART OF LOTS ELEVEN (11), TWELVE (12) AND THIRTEEN (13), BLOCK EIGHTEEN (18), BERRY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT THIRTEEN (13); THENCE EAST ON THE NORTH LINE OF LOTS THIRTEEN (13), TWELVE (12), AND ELEVEN (11) TO THE NORTHEAST CORNER OF SAID LOT ELEVEN (11); THENCE SOUTHWESTERLY TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE M.K.T. RAILWAY, SAID POINT BEING FIVE AND FIVE-TENTHS (5.5) FEET NORTHWESTERLY OF THE SOUTHEAST CORNER OF SAID LOT THIRTEEN (13); THENCE NORTHWESTERLY ON SAID RIGHT-OF-WAY LINE TO THE SOUTHWEST CORNER OF SAID LOT THIRTEEN (13); THENCE NORTH ON THE WEST LINE OF LOT THIRTEEN (13) TO THE POINT OF BEGINNING.

OTHER BUSINESS

7. **ZCA-12, Medical Marijuana-** Discuss proposed amendments to the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, to provide for medical

09:18:18:2778(13)

for a Variance to allow an electronic message center within 200 feet of an R District (Section 1221.C.2.c), subject to being "as built" with changeable copy. This sign will comply with Section 12221.C.2.c conditions. The Board has found that the R District that creates the necessity for the Variance is actually an apartment complex northwest of the subject property, and there are no other residentially zoned properties in the immediate area. There are digital along Sheridan Road between Admiral and 19th Street. The sign will operate between the hours of 7:00 A.M. to 11:00 P.M. finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**PRT BLK 60 BEG NEC TH SW153.20 S150 E150 N178.07 POB .56AC,
GLENHAVEN. CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

21942—Malcolm Rosser

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Action Requested:

Special Exception to permit a soup kitchen and grocery pantry (Use Unit 5) in the IM District (Section 901); Special Exception to permit required parking on a lot other than the lot containing the principal use (Section 1301.D); Variance to reduce the building setback requirement from the centerline of South Peoria Avenue to 50 feet; Variance to reduce the building setback requirement from the centerline of East 3rd Street South to 50 feet; Variance to reduce the building setback requirement from the centerline of East 4th Street South/South Owasso Avenue to 35 feet (Section 903). **LOCATION: 302 South Peoria Avenue East (CD 4)**

Ms. Snyder recused and left the meeting at 1:41 P.M.

Presentation:

Malcolm Rosser, 321 South Boston, Suite #500, Tulsa, OK; stated he represents Iron Gate and appreciates the continuance the Board granted at the last meeting. This allowed Iron Gate to have a meeting with the interested parties, and that meeting was held at Iron Gate's current facility at Trinity Episcopal Church. In addition to himself there are other people that would like to speak, and there will be discussion about Iron Gate and the people they serve, and what will happen at the new facility which is different than what happens at their current facility. Mr. Rosser had a diagram placed on the overhead projector of the plat of the subject property. When Owasso was dedicated the result was an irregularly shaped parcel that is bounded by streets on three sides and on the fourth side by a railroad right-of-way. Peoria Avenue is an urban

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arterial which requires an 85 foot setback from the centerline; 3rd Street and Owasso are both classified as commercial/CBD industrial collectors which require a 65 foot setback so Iron Gate is requesting a 50 foot setback on Peoria Avenue and a 50 foot setback on 3rd Street and a 35 foot setback on Owasso, which essentially takes the building to the property line. A number of the buildings in the area are outside the required setback, both on the north and south sides of 3rd Street. He believes what Iron Gate is asking for is consistent with the existing structures in the area. The plan, as designed, is to take the building to the property line on the east and north sides. The existing building has parking in the street right-of-way and the proposed building will be opposite of that because the property will be behind the building. At this point Mr. Rosser had several renderings of the proposed building placed on the overhead projector. The Board has granted requests to reduce the setback in this area on a couple of occasions in the past. The hardship for the subject property is the unusual size and configuration of the lot, as well as the fact that it is surrounded by streets on three sides and railroad right-of-way on the fourth side. So there is no way to add any additional land area to the lot. Based on the other properties in the area he does not believe it would cause a detriment or impair the spirit and intent of the zoning code. Mr. Rosser stated that what is proposed for parking is to have the parking in area that will be leased from the Union Pacific Railroad which is located immediately adjacent to the subject property on the south side. A lease, as consigned by Iron Gate, has been submitted to the railroad for their approval and that lease would renew automatically every year. It does have a clause that allows either party to terminate on 30 days notice without cause, which essentially means that as long as Iron Gate complies with the lease the lease should be in place until Iron Gate chooses to terminate the lease.

Mr. Van De Wiele asked Mr. Rosser what Iron Gate would do if the railroad chose to terminate the lease. Mr. Rosser stated that Iron Gate would do what several others along the track would do; they would have to find other parking or shut down.

The area designated on the site plan has 35 parking spaces including two handicap parking spaces. The code requirement for the proposed building, which is at 16,000 square feet, is 32 parking spaces so the parking is exceeded. The parking would be on a lot adjacent to the principal use which he believes in harmony with the spirit and the intent of the Code. It is a common way to address parking requirements and would not be injurious to the neighborhood. Mr. Rosser stated that the parties from Iron Gate, present today to speak, believe and can show this facility will in fact be a benefit to the neighborhood and not a detriment. Mr. Rosser referred to the Downtown Area Master Plan which designates the various areas that are currently in existence for the social/justice groups. There is no statement in the Downtown Plan that says Iron Gate should be located in the area that is identified as social/justice that he could find. Mr. Rosser stated that other references have been made to the 6th Street Infill Plan and whether the proposed facility is or is not consistent with that plan, and he could not find anything saying that it is not consistent with that plan. He believes staff found that it is consistent insofar as allowing an institutional use by that social, educational, religious use property. Mr. Rosser stated that he did find a discussion of social service agencies and their presence in the 6th Street area which is on page 43 of the 6th Street Infill Plan,

Section 11.2.1.2. It states, "Community Services nearby – there is a concentration of community services located in this area, Indian Health Resource Center, Family & Children Services, churches and other institutions. These services contribute to the health and wellness of the neighborhood. These institutions are an asset in themselves with the traffic they generate as equally important. These facilities provide a reason for people from all over Tulsa to visit this neighborhood. This base of employees and volunteers and the steady stream of people and families that visit them are an important resource for a neighborhood trying to grow economically." Mr. Rosser stated as to whether a particular use will be injurious to the neighborhood you have to look at the character of the neighborhood. What is allowed today and what is not allowed. Mr. Rosser had a map placed on the overhead projector showing a zoning map of the area. The soup kitchen and pantry use is allowed by right without a Special Exception in the CH and CBD Districts which is a significant portion of the neighborhood. That in itself says the proposed use cannot be injurious to the neighborhood. This particular location, another benefit it has it will be close to where many Iron Gate guests currently live. There are 380 pantry guests that live in the Pearl District and East Village area; 522 pantry guests live in the Kendall Whittier District; and 753 pantry guests live in the Crutchfield District.

Mr. Van De Wiele asked Mr. Rosser stated that when he looked the Iron Gate website he saw 1,260 pantry guests per week, yet if he added properly the figure stated today is 1,650. Mr. Rosser stated that his numbers are not necessarily per week but are residents who use the food pantry.

Mr. Van De Wiele asked Mr. Rosser about a curb cut onto Owasso because it is not shown on the site plan. Mr. Rosser stated that is correct. Mr. Van De Wiele asked Mr. Rosser how Iron Gate was going to receive food deliveries, trash collection, shuttle service vehicles, etc. in one ingress/egress point. Mr. Rosser stated there is a loading dock, and he pointed to the plan on the overhead projector, which will take care of the food deliveries; shuttles will drop off similar to a bus which would probably be along Peoria. Mr. Henke interjected that a vehicle cannot stop on Peoria or on 3rd Street. Mr. Rosser stated that he would defer to the architect because he does not want to get outside of his area.

Interested Parties:

Connie Cronley, 1711 South Gary Avenue, Tulsa, OK; stated she is the Executive Director of Iron Gate. In the 1970s there was a sudden influx of homeless people that gravitated to urban areas and Trinity Episcopal Church is located at 5th and Cincinnati. The spontaneous act of compassion by the parish priest and two parishioners helping a hungry homeless man started a ministry. Many people started helping the hungry by handing out food in the cloister garden that had an ornate iron gate, and the word on the street spread that if you are hungry go to the church with the Iron Gate. The name stuck. Over the years the ministry moved and separated legally from the church so Iron Gate can raise their own money. Iron Gate has raised money to renovate the basement of the church and have now out grown that. The misconception is that everyone that comes to Iron Gate is homeless but the growing number has been the working poor.

BOA-21942

Iron Gate says that it is not homelessness that comes through the gate but poverty. With the recession the number of people coming to Iron Gate for food assistance has grown 407%. The Board has decided that it is time to raise funds to build a new facility and have committed to a multi-million dollar campaign to do that. Iron Gate looked at where the guests come from and how they get to Iron Gate. Iron Gate believes 3rd and Peoria is the best place to be. The people of Pearl District, Kendall Whittier, East Village all they want to do is eat at Iron Gate and all Iron Gate wants to do is feed them. Iron Gate assures the neighbors that they will build a beautiful facility in the neighborhood, and they will be good neighbors.

Mr. Van De Wiele asked Ms. Cronley about her numbers because they are different than what appears on the website; on a daily basis how many guests come to the soup kitchen. Ms. Cronley stated that it fluctuates in the month because of food benefits. At the first of the month the number is low, maybe 150 to 200, but at the end of the month when SNAP benefits are gone there could be 400 to 500 people. The staff does not count the people they count the plates. Iron Gate may be the only organization that allows people to eat as much as they want because the soup kitchen may be the only meal of the day. Mr. Van De Wiele asked Ms. Cronley if she knew how many of those people walk, drive their own car, etc. Ms. Cronley stated many walk or ride bikes. If they live in one of the shelters the Morton bus picks them up and brings them to Iron Gate twice a day and takes them back. Ms. Cronley stated of the people that come to the soup kitchen that about 23% walk throughout the morning; about 15% people ride the Morton bus; a small percentage ride the City bus. Mr. Van De Wiele stated that he just trying to get an approximate count of traffic because he works downtown. Mr. Van De Wiele stated that he typically was a Riverside to Denver commuter but is not anymore, so for the last two or three weeks he has purposely been driving by Iron Gate. He knows the Board is going to hear the "not in my backyard" spiel from people, but when drives by Iron Gate somewhere between 7:30 and 8:30 there are dozens, upwards of 100 this morning, of people laying the sidewalk, standing in the street, walking across the street and he thinks this is the feel the bulk of the interested parties are not going to enjoy being next to. Mr. Van De Wiele asked Ms. Cronley how they were going to deal with that, to the extent that it is a problem, but it is where the people are before and after the service is provided. Mr. Van De Wiele stated that he drove by at noon a couple of times and there was a lot of litter on the parking lot, how is Iron Gate going to handle that situation at the new facility. Ms. Cronley stated that it is addressed with the design of the building. That was one of the first things that the Zarrow Foundation, a major donor, asked for. They do not want to see a line. They do not want to see people on the street. The building was designed so that it is bigger so everyone can get inside. The proposed building has two entry areas. There is a porch area with restrooms that is open so they can wait until soup kitchen is open.

Mr. Van De Wiele asked Ms. Cronley when the outer doors are opened and when the inner doors are opened. Ms. Cronley stated that currently the doors are opened at 8:00 A.M. and the others will be opened at 7:00 A.M. The shelters close at 7:00 A.M. and the day center opens at 7:30 A.M. but not everyone lives in the shelters. The people that live on the street, when the sun comes up they are ready to go somewhere. So

Iron Gate will open their doors as early as they can and as early they need to get people inside. That is the whole point of a larger building.

Ms. Cronley stated that Iron Gate's security system cleans up the parking lot all around the church, the whole block after Iron Gate is closed. Mr. Van De Wiele stated that to Iron Gate's credit when he leaves to go home he does not see any trash so they do a remarkable job.

Mr. Van De Wiele asked Ms. Cronley about the food pantry numbers. Ms. Cronley stated the emergency grocery pantry is open three days a week and they see 100 families a day and last month it was 135. Mr. Van De Wiele asked if that was 135 people or 135 families. Ms. Cronley stated that is 135 families. Mr. Van De Wiele asked Ms. Cronley how the families arrive at Iron Gate. Ms. Cronley stated that most of the families drive or carpool, about 75%. Mr. Van De Wiele asked where these people were going to park. Ms. Cronley stated because Iron Gate will extend the hours they will rotate through, just the same as anyone going to a grocery store. Mr. Van De Wiele asked Ms. Cronley if Iron Gate runs out of food so that situation would encourage people to arrive early. Ms. Cronley stated that Iron Gate plans for that number of people. Ms. Cronley stated that Iron Gate is considering having a bus to drive through the Pearl District to bring families to Iron Gate.

Shane Saunders, 427 South Boston, Suite #706, Tulsa, OK; stated that Iron Gate has outgrown the 3,000 square feet they have a Trinity Episcopal Church. The proposed building is approximately 16,000 square feet so it is much larger. When staff set out to find a location that they thought would be appropriate for Iron Gate's relocation they wanted to do what was not only best for the organization and for the guests but also what was best for the City of Tulsa. There was a list of criteria developed. The staff knew that the bulk of the guests came from within and around the area of the IDL. Staff knew that access to transportation was important. Staff looked at dozens of locations and made offers on some. Staff thought this particular spot, this odd shaped parcel, where an organization like Iron Gate could make a substantial investment in the neighborhood and improve it. He recognizes that there are neighborhood concerns. To address migration concerns Iron Gate has worked with Morton to adjust their bus route. Iron Gate is studying the feasibility of being able to provide their own dedicated transportation. Iron Gate has a security staff that addresses security concerns.

Mr. Henke asked Mr. Saunders asked how many security staff he had on a regular basis. Mr. Saunders stated that it is between five and eight, depending on the time of the month. Part of the campaign is to have resources to be able to support the proposed facility so there would adjustments in that number upward. The hours of operation will be adjusted but in general the services Iron Gate offers will not change. A part of Iron Gate's commitment to the neighbors is that they will work with them. Iron Gate is making a good faith effort to respond to some of the concerns that have been raised. Iron Gate is a great organization and they are a great organization because they do things the right way. That is not going to change. Iron Gate is a private solution to a public problem. All of Iron Gate's funds are raised privately. No state. No federal.

Iron Gate operates with the generosity of the community and they believe this proposed building will be an outward example of that philanthropic spirit.

Mr. Van De Wiele stated that in the description on the website regarding the study of where Iron Gate wants to move to, the thing that jumped out at him was it says, "the architects consulted Iron Gate throughout the whole process to determine that Iron Gate needs at least 14,000 square feet for the facility and at least 39,000 square feet for parking", but the site plan reflects 6,300 square feet for parking which is about 1/6 of what the architects are saying is needed. Mr. Saunders asked if the 39,000 was actually for the lot size recommended. Mr. Van De Wiele stated that is not what the website says. Mr. Saunders believes the 39,000 square feet number was the recommended lot size. Mr. Van De Wiele the tract size of the proposed site is 25,000 square feet plus the 6,300 square feet for the railroad lot. Mr. Saunders stated it is not ideal but it is the best Iron Gate can come up with. Mr. Van De Wiele stated that his concerns are that this appears to be a lot crammed on not enough land.

Mr. Henke stated that he has the same concerns. There have been four or five site plans to review over two weeks because of the numbers for parking. Iron Gate has not explained how they are going to park employees, the guests and the volunteers. Mr. Saunders stated that there is no question, it will certainly be tight. Part of the constant site plan revisions were as Iron Gate received input and received more updates from the railroad Mr. Rosser the existing setbacks would have to be adjusted closer.

Ms. Miller left the meeting at 2:22 P.M.

Mr. Henke stated that Mr. Rosser stated that he was glad the case was continued and Mr. Henke stated that he is also glad the case was continued because there has been a host of facts and circumstances that have been revealed in the last two weeks that the Board did not know two weeks ago but know today. The Board works very hard to gather information and do their due diligence in understanding the applicant's plan. Mr. Henke stated that the only place he can see on the site plan where a bus can be unloaded or loaded is on 4th Street. It is not the Board's place to make assumptions or speculate, the Board wants to hear from the applicant that they know how things are going to work and that they have a business plan. Mr. Saunders stated there are public bus stops on 4th Street and on Peoria. Iron Gate's discussion for the Morton bus and the potentially contracted bus would be a drop off and pick up inside the parking loop.

Mr. White asked Mr. Saunders if he had checked with Morton about whether they would be able to turn their buses around in the proposed area. Mr. Saunders stated the buses are not like large City buses, they are only 30 or 40 passenger buses and they turn around at the current facility. Mr. White stated that is considerably larger. This proposal is a reduced parking area with one line of 90 degree parking and one driving lane.

Ms. Miller re-entered the meeting at 2:28 P.M.

Mr. Rosser came forward and stated that he has reviewed the lease from the railroad and it covers a total of 16,435 square feet which goes all the way to the centerline of Peoria. Mr. Van De Wiele stated that way he was calculating was by using the scale at the bottom of the site plan and only using the area where there are parking spaces. He is not inclined to count the area from the fence to the railroad or the grassy area. Mr. Rosser stated that he is not either.

Carmelita Skeeter, CEO of Indian Health Care Resource Center, 550 South Peoria Avenue, Tulsa, OK; stated the center has been there since 1999 and the feedback they received from the community when they purchased the school to develop it into an outpatient clinic the community did not want the center there. The public came out in great numbers to testify that they did not want an Indian clinic in their community. They wanted a business on the corner. They did not want another social service agency in that area. At that time Youth Services and Family & Children Services were in the neighborhood. The Center has purchased and cleaned up a three block area and another social service agency in that community is going to do the same thing. They will clean up the community. They are going to offer social services to help the people. This is a social issue much more than a location issue. If people would address the social issues that are going on in the City that Iron Gate takes care of, as far as the homeless, feeding and social services the Center sends staff to Iron Gate once a week such as mental health workers, dieticians, and work very closely with Iron Gate. From what she understands, when Iron Gate gets a larger facility the Center will be able to offer more services to them. This is very much a social issue. It is for the entire community. It is for the City of Tulsa. It is not just an area at 3rd and Peoria or at Trinity Episcopal Church. Ms. Skeeter believes if Iron Gate can move to the subject area they will help everyone.

John C. Powers, 2431 Terwilleger Boulevard, Tulsa, OK; stated he served as rector of Trinity Episcopal Church when it was founded in 1978. Iron Gate has been open and welcoming for nearly 37 years feeding hungry guests every single day including Sunday and holidays. Iron Gate has never closed. The church adheres to one important tenant, that they respect the dignity of every human being, thus the moral and ethical commitment to the hungry. The church has worked with friends and neighbors at 5th and Cincinnati to address any problems that have arisen with this commitment and that will continue. Mr. Powers stated that as an active Iron Gate board member he pledges to be open, to be good citizens, to be active residents in the Pearl District, and to be good listeners and sensitive to community concerns. The Iron Gate Board pledges to build a stunning facility that will make the Pearl District proud. Pearl District owners and residents are invited now, and in the future, to volunteer to help feed at Iron Gate. For all who take up that invitation it is an inspirational and transforming experience. Mr. Powers hopes the Board will grant the requested Variance; a Variance that any purchaser of the 3rd and Peoria property would need to request.

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Violet Rush, 1723 East 13th Place (1416 East 11th Street), Tulsa, OK; stated she is a business owner in the Pearl District. She supports Iron Gate's move into the neighborhood. During the whole Pearl District, Iron Gate debacle there have been many arguments and in these arguments there are some serious flaws. Ms. Rush stated that a lot of people say by bringing Iron Gate into the community the property values will lower. She does not think this is actually possible as property values are most often assessed according to one of three approaches, the market value; the cost to replace the property; or the income the property will bring into the community. In Tulsa County, as far as she knows, property value is actually assessed at fair market value so it is not based on the kind of services that are offered on a property or the kind of people that utilize those services. In this case it would be those in poverty and those living on the streets. The argument that a \$4 million state-of-the-art facility designed by an award winning architectural firm will lower the property value in an already dilapidated area is completely flawed and she believes it is ludicrous. If anything the proposed building would increase the property value in the neighborhood. Ms. Rush stated that another argument has been that there needs to be a better balance between social services and businesses in the Pearl District. If a person looks at the facts, one in five Tulsa children goes to bed hungry every night. One in five people who are elderly in Tulsa County also go to bed hungry every night. If the neighbors really wanted a better balance between social services and business interests she believes there would an Iron Gate in almost every neighborhood. It is the right thing to do and she supports what Iron Gate does, and her support for the organization is not conditional on who is using their services.

Michael Sager, 823 East 3rd Street, Tulsa, OK; stated he is the seller of the subject property to Iron Gate. He is also a property owner, across the street from the proposed Iron Gate location. His property is zoned CH so this would be a moot point if Iron Gate were to move across the street. He was one of the original people in the Blue Dome District and owned a large series of assets there. Today on 1st Street he owns more than 120,000 square feet of property between Peoria and Cincinnati. He has owned a lot of property on 2nd Street and still owns property on 3rd Street. On 3rd Street he has developed businesses like Juniper and BMI. He owns commercial property on 6th Street. He has also sits on the Downtown Coordinating Council and they have no official position on this issue but when the discussion comes up about crime the Tulsa Police Department's website posts the crime statistics for the City of Tulsa. Downtown has the lowest crime rate in the City of Tulsa. If Iron Gate moves to 3rd and Peoria part of the lowest crime rate in Tulsa will be moved to 3rd and Peoria. He has partnered and been involved in many, many things in the neighborhood between Peoria and Cincinnati. He supports the proposed project.

Leanne Benton, 605 South Peoria Avenue, Tulsa, OK; presented and had placed on the overhead projector a document showing percentages for Iron Gate soup kitchen. According to Iron Gate's statistics 78% walk, 10% ride the bus and 6% drive or ride the Morton bus, The statistics also show that 43% live on the street, 21% live in shelters and 33% live in apartments or houses. Statistics show the Iron Gate food pantry guests

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that 84% live in apartments and houses, 10% live on the street and 4% are classified as other. As the President of the Pearl District Association she has had the privilege and challenge of listening to residents, small business owners, and property owners in the last few weeks. They have voiced concerns over a 16,000 square foot soup kitchen with many chronically homeless people walking in the middle of a re-emerging urban neighborhood that is experiencing glimpses of revitalization. Some of the media has portrayed the neighbor's response to Iron Gate as fear. It is not fear but facts that bring the neighbors to their position of opposition; facts that will be clearly seen and spoken through a video of recent articles, TV news stories, and quotes from Iron Gate representatives. The proposed location for an expanding soup kitchen and food pantry isn't good for the Pearl District and she does not think it is good for the City of Tulsa. At this time Ms. Benton had a video placed on the overhead projector.

Mr. Van De Wiele asked Ms. Benton where the documents stating the percentages came from. Ms. Benton stated that when Iron Gate opened up their files the statistics were in those files.

Jeff Swanson, 1607 Dorchester Drive, Nichols Hills, Oklahoma City, OK; stated he attended Trinity Episcopal Church for years and was married there 10 years ago, and he donated to Iron Gate. He and his family have been personally and aggressively confronted by the homeless poverty people that go in and out of Iron Gate. It is his understanding that Trinity has had to call the police for help several times to address this very real problem that produces real injury in this area. With his family he owns three buildings located on the southwest corner of 4th and Peoria which overlooks the proposed Iron Gate site. His family has owned these properties since his grandfather purchased and developed them decades ago. His grandfather passed away but passed away knowing that his investments were safe and would provide necessary income for his family for years to come because Tulsa Zoning Code does not allow for a facility like Iron Gate to be placed in the subject neighborhood. His grandfather knew this because he served as a member on the City of Tulsa Board of Adjustment from 1978 to 1984. As a member of the Board of Adjustment he assisted in enacting and enforcing the standards that this current Board must uphold today. In granting the Special Exception this Board must find that the Special Exception will be in harmony and in spirit with the intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. While there is plenty of compassion for the homeless and the poverty stricken, as well as those who have invested their lives and livelihood in purchasing, investing and rebuilding the Pearl District, East Village and other areas around the Pearl District there compassionate arguments to be made on both sides. This is not a standard that asks or even allows this Board to balance or weigh whether Iron Gate should remain in the downtown neighborhood or if it should be moved to the Pearl District neighborhood. This Board is charged with focusing on ensuring that granting this Special Exception for this application will not be injurious to the new site's neighborhood. Mr. Swanson stated that he has a letter from one of his tenants stating they will leave the property and not renew their lease if today's application is granted. Mr. Swanson stated that he will suffer injury from that. This is a measurable injury. Mr. Swanson stated that his realtor informed him that it would be very difficult to obtain

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another tenant and if he does it will be for less rent and his property will dramatically decrease in value. As a business owner and a commercial property owner his experience with regard to property value is that it is determined by rental income. He will lose rental income. He will suffer injury. His property values will decrease. This standard does ask the Board to weigh how much injury is too much; therefore, any evidence of injury is enough to defeat this application. Mr. Swanson stated that with this evidence by moving Iron Gate to 3rd and Peoria would be injurious to the neighborhood or otherwise detrimental to the public welfare. Mr. Swanson stated that Iron Gate's application must fail. There is a similar standard in granting a Variance as well. This Board must find that the application, ordinance, particular place or property would create an unnecessary hardship. Such conditions to a particular piece of property involved and would not cause substantial detriment to the public good or impair purposes and intent to the ordinance or the comprehensive plan. Mr. Swanson stated that time and time again this Board has ruled and the Oklahoma Supreme Court has upheld that an expense that would never actually be incurred is not an unnecessary hardship, but Council for Iron Gate has told the Board is that there hardship has to do with the size of the land. With regard to that, a hardship created by the owner of a premise constitutes no valid basis for a Variance from a zoning ordinance. Mr. Swanson stated that to allow a land owner to circumvent an ordinance by creating a self-imposed hardship would emasculate the ordinance as effectively as repeal. The Variance sought must not cause detriment to the public good or impair the purpose and intent to the ordinance. The neighbors are providing information and evidence that is concerning to public safety and that this is detrimental to the public good. Failure to show any one of these requirements is fatal to an applicant's request for a Variance. Mr. Swanson stated that in regards to the railroad lease, Union Pacific has only recently learned of some of the ramifications associated with the lease and the migration to and from the John 3:16 Mission, the day shelter, and others that would potentially take people the most direct route which is down the railroad. Mr. Swanson stated that he has been told there are investigators assigned to review all aspects of this project out of concern for safety. Mr. Swanson stated that in his dealings with railroad leases, they have very strict out clauses that can be executed if and when the railroad feels it is not safe or in their best interest to allow the lease to continue. Mr. Swanson stated that he has owned restaurants in the past and he does not see anyway delivery trucks can get in or out of subject property without, from time to time, backing out onto the blind corner around 3rd Street. That is definitely detrimental to the public good. That is a dangerous situation and is violation of law. The neighbors have requested that Iron Gate provide information about the security and they have said they have no plans to have security that will be going through the neighborhood to police and take care of the migration of people attending Iron Gate. Mr. Swanson stated that to compare this to the Indian Clinic is like apples and oranges. The Clinic has nothing to do with this or the neighbors concerns. Mr. Swanson respectfully requests this Board continue to uphold these standards and deny this application.

Josh Ritchey, 418 South Peoria Avenue, Tulsa, OK; stated that if a person watches the news or read the paper you will find all small business owners are lumped into one category. Everyone thinks we are either wealthy, absentee land owners that live in

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palaces and run businesses in their spare time, or we are uncaring jerks that just do not want Iron Gate in their backyard. His business became profitable for the very time in 2011. In 2012 he applied for a loan and he was able to purchase his property on South Peoria. He is not a wealthy land owner. He actively works the land. He has worked hard to clean the property up, he has renovated the building and now he has moved out of the building and found tenants that are opening a food truck park. This is not normally a case where people make \$25 million a year. His concern is that instead of making \$32,000 a year he might make zero and it might just be over. That property is his investment and his whole life. He has invested everything he has into this land. Any impact that occurs will be felt ten times more so by the small business because they cannot hire security, cannot replace broken windows, clean up vandalism, or anything that happens. Small business cannot recover. The Pearl's yard is pretty full as far as a small neighborhood and social services; there is Indian Health Care, Family & Children Services, Youth Services, Tulsa Planned Parenthood, many churches. There is a lot of people packed into the neighborhood that are doing a good job to help people. Iron Gate has requested to be rezoned as a social service. Mr. Ritchey believes that Iron Gate being lumped in with other social services would be kin to zoning all football stadiums as football without regard to who plays. Iron Gate is the Dallas Cowboys of soup kitchens, they are nation's largest food only soup kitchen. It needs to be considered how large of an operation they have. Mr. Ritchey does not know if 3rd and Peoria will be able to accommodate everything they hope to do. Mayor Bartlett, in every interview, states that Tulsa has to keep and retain its young talent. The young professionals have come back to Tulsa and are excited about what is going on. To keep the young professionals Tulsa must improve the public schools, need safe neighborhoods surrounding downtown, and have streets with transit. The City of Tulsa relies 100% on sales tax; that the roads, the police, etc. The County of Tulsa relies 100% on property taxes. So if Iron Gate and the other social services is utilizing the best highest use quality parcels of land within a mile of downtown, they do not pay property taxes or sales taxes, how is the City going to receive any money for improvements because they gave away land that can be used for so much more. Mr. Ritchey stated that in his opinion there are two ways this can go, the Board says no to the rezoning and Iron Gate continues to look for a site, or the Board says yes and the neighborhoods businesses and homes are injured. Mr. Ritchey asked the Board to not take away the things he has built and worked for his whole life to maintain. Let the Pearl to continue to grow on its own and he encourages the Board to not approve the Iron Gate application.

Mr. Swiney left the meeting at 3:09 P.M.

Danny Overton, 3015 East Skelly Drive, Suite #410, Tulsa, OK; stated he specializes in commercial real estate analysis and services. He, with the Pearl District, is open to discussion with a compassionate ear to all matters concerning the homelessness. Given the District has the highest per capita amount of social services offered in the City of Tulsa the neighbors are well informed to the current situation of homelessness and

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wish to be an ally to Iron Gate and to the City in this regard. The City of Tulsa spends thousands of dollars every year addressing and campaigning to show the City's interest to retain talent, grow the City and young entrepreneurs. One way the success of these goals is accomplished is through large and small area planning, which is a simple yet complex concept. If the citizens are trusted to have the information and to invest in its self because they grow best together there are silent partnerships created with thousands of people. That creates a bed rock for success. When those plans are not consulted as a guidebook to deal with the changes that will naturally come along the plan starts to fall apart, confidence falls, and the City's goals are not met. The Pearl District has had hundreds of millions of dollars invested into it through federal, public and private sources over many years with another \$100 million on the way. Through public and private funds, again, over the next 25 years a small part of that investment will be placed in the Pearl District to create dozens of jobs, and up to \$250 million dollars of tax income to the State of Oklahoma. This Board has had the honor of setting some of these past goals by believing in these plans through votes cast so he speaks in reverence rather than opinion as this Board can easily reference its successes in this area. All of this became possible due to planning; planning among enemies and friends. Mr. Overton stated that Iron Gate has stated time and time again that they speak for their guests. They have no interest in speaking about planning with HOAs, the BOA, the PDA, and most of the City itself concerning growth potential for the small area plans in place. A neighborhood that supports itself and focuses on small area planning and the law and their common sense as their guide stones will thrive with any kind of mixture. There is significant social return on investment that will impact any area negatively and positively by every decision that the Board makes. As mentioned in the guide to planning the three main criteria for decision making is harmony with the spirit and intent of the Code, non injurious to the neighborhood or otherwise detrimental to the public welfare. In all three there real feelings of doubt; by those standards that are set that is a short coming. The answer for this application must be no. This application does not meet the high standards that the Pearl has set for themselves, and that they ask of their policy makers. People can change their priorities without changing their principles. Obviously this Board is highly ethical as to address concerns at the last meeting that not enough members were present to make a fair decision. The Board has proved their concern for the respect and position of their job and everyone thanks you for that. Please continue to support these ethics and deny this application.

Matt Jones, 415 South Owasso Avenue, Tulsa, OK; stated he south of the subject property. He is a native Tulsan but left to go to Colorado then on to Austin, and now he has returned to be near family. He has seen Austin and Denver do great things, and he likes the potential of Tulsa. He thinks there is a lot here but it was a gamble because it can go the other way. If a small group of people are allowed to make all the decisions maybe there is another place. If a people cannot think outside the box the last thing you want to do is make the box bigger. He is shocked that there is no City plan for social services. He believes Iron Gate should keep operating at Trinity and come up with a plan that more people can be involved with.

Mr. Swiney re-entered the meeting at 3:17 P.M.

Bob Bartz, Barber and Bartz Law Firm, 525 South Main Street, Suite #800, Tulsa, OK; stated he represents the Pearl District Association as well as Mac Systems, Inc. Mr. Bartz had slides placed on the overhead projector to refer to as he spoke. The Code is enacted for the purposes of promoting the development of the community in accordance with the comprehensive plan. The downtown Tulsa master plan identifies the Pearl District as a mixed use area, and placing the Iron Gate building in the Pearl District is inconsistent with that plan. The northwest quadrant designates the social justice northwest corner of the downtown area. Because of the existing zoning if the Iron Gate facility was placed in that area there would no Special Exception needed for most of the properties that could be purchased in that area. It is his understanding that the Downtown Coordinating Council suggested several locations in the northwest quadrant that is designated in the master plan for social and justice yet those particular properties were rejected. The 6th Street Infill Plan was adopted by the Planning Commission and approved by the City Council and the plan contemplates social services, and there are four agencies and organizations already in the Pearl District. What is significant is in reliance upon the Downtown Master Plan and the 6th Street Infill Plan, over \$100 million has been invested by individuals in the Pearl District. The City would be setting a dangerous precedent if it were to disregard its own plans, the Master Development Plan, and the Pearl District Plan by allowing the composition of the Pearl District to be dramatically changed by having the homeless roam the streets in the Pearl District area. Section 1608 in the zoning code indicates the Board of Adjustment should not grant a Special Exception if it will be injurious to the neighborhood or otherwise detrimental to the public welfare. Tom Baker, Manager of the Downtown Coordinating Council, stated "You have to recognize the impact that the service has on a nearby community. The result of that service in that area was creating a negative impact to some property owners to develop their property." If the manager of the Downtown Coordinating Council says there is a negative impact caused by having that facility in downtown then that speaks for itself. It will have the same negative impact in the Pearl District. Mr. Bartz stated gave examples of the type situations that would cause injury to the neighborhood or otherwise be detrimental to public welfare. Mr. Bartz stated that if Iron Gate is allowed to build on the subject property Mac Systems, Inc. will not build a planned facility in the Pearl District, A-Best Roofing indicated it will not go forward with purchasing an office building and will move their business from the Pearl District, Roberts and Jones Studio will not finish the development of a building for architectural business and will move, Good Day Properties, LLC will consider selling 33+ commercial properties, O'Fallon Properties will not continue with any further projects, Carlos Moreno indicated he will not move forward to purchase and develop a building located at 6th and Peoria for his creative agency, and there are businesses and agencies that currently exist in the area that will have their programs in jeopardy. Mr. Bartz stated there have been comments made about the proposed parking and he thinks a lot has come to light on this issue today. Two weeks ago a Union Pacific official told a member of his firm that the lease that was being proposed was for beautification and parking only. This official did not understand what Iron Gate was doing, but he did say if there were people

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congregated in the parking lot that would be grounds to revoke the lease. The proposed lease is year to year so what happens if it does not get renewed? It also has a 30 day termination clause so what happens if Union Pacific is truly concerned about people congregating in the parking lot? What has come to light today is the fuzzy math. Is there really enough parking spaces being proposed, if there are only 33 parking spaces with apparently 15 to 18 staff people including security? Mr. Bartz trusts that the Board will do everything necessary to make sure that a thorough parking study is performed with real statistics that are consistent with prior publications before entertaining a Special Exception. It is critical for the Board and the City of Tulsa to not disregard the Downtown Tulsa Master Plan. The City can ill afford to disregard its published Comprehensive Plan when individuals come to Tulsa and are willing to invest millions of dollars in future development.

Stuart McDaniel, 628 East 3rd Street, Tulsa, OK; stated he represents many of the members of the East Village District and their concerns. He personally would not like Tulsa to be known for having America's largest feed only soup kitchen. It is evident that this is a sensitive subject and he is not proud that his City cannot come up with a decision quicker without these problems. Other communities have addressed hunger in many ways and he believes this is not the correct method. Iron Gate needs to work to provide measurable outcomes such as United Way and many other federally funded organizations have. Iron Gate is privately funded so they can do what they need to do. Measureable outcome is the key to success, where they are tracking how many they are no longer feeding rather than how many they do feed every day. A measure of success should not be how large the numbers have grown, they should be striving to have these numbers to decrease. This is a flawed model. This has forced the neighbors, as a community, to discuss a topic everyone was previously fearful to address. Now there is a room full of compassionate people, passionate about the individuals Iron Gate serves and passionate about the community they are working hard to improve. Many of these individuals have poured their life savings into an idea, an idea that Tulsa can be a better place and that they can actually play a part in making that happen. He would respectfully request the Board reject the application, not end Iron Gate's mission but to allow the most creative group of individuals to start their work on finding the right solution to the growing problem. People need to be focused on possibly pairing Iron Gate with other compatible services that work to lessen these individuals reliance on social services as a whole. People need to think of ways to build the independence and self reliance these people so need. Tulsa is known for its giving heart and how they take care of one another. It is time Tulsans sit down and do just that. The most philanthropic city in America can do much, much better than this.

Jamie Jamieson, 754 South Norfolk Avenue, Tulsa, OK; stated this is a tough case, an interesting case, and it does pose some real challenges for the neighborhood. It poses challenges for the City. It poses challenges for dealing with the poverty in Tulsa. Earlier someone referred to the Pearl District being a "nimby" – not in my back yard – and that is far from what the Pearl District is. The Pearl's plan is a great deal more complex and as far away from a nimby. The Variances in this case have been self inflicted and Iron Gate does not even own the land yet. Just over a year ago was

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changed by the Planning Commission to being autocentric and commercial. This new operation does not sound autocentric nor is it a commercial operation. The Special Exception is because the use is not permitted by right in a District because of potential adverse affects. If controlled in a particular instance it may be permitted. The Iron Gate cannot control it. The activities cannot be controlled because of the disproportionate number of people who are homeless and visiting the soup kitchen. Iron Gate cannot control it no matter how responsible they may be. The scale of the operation is fundamental to the problem that Iron Gate has. Iron Gate began very small but it has become very large. The disproportionate number of transient people among other pedestrians is going to be a problem for the businesses. Can all of these people really be wrong? The Village at Central Park used to be in the middle of a totally unredeemed blighted neighborhood with a transient problem, but it was very clear in the 6th Street Task Force plan that the neighbors gave serious thought how the social services should be integrated. They wanted to see them and they did see them as a benefit to the community because of the visitors to the neighborhood. The social services were going to help fuel the economic development and hopefully the repopulation of the neighborhood, but none of them were going to be disproportionate. Mr. Jamieson stated he was puzzled why this application was tagged as a Use Unit 5 rather than a Use Unit 2 which includes homeless centers. The Pearl District plan includes public safety, affordable housing, creating a livable walkable neighborhood for all people, and to foster local business and local retail. The Pearl District is using tax payer's investments in the realization of this plan and it is beginning to boost the city's tax base. The Pearl District is crucial to the future of Tulsa. That is not to establish a direct connection between the realization of a plan and a homeless shelter, but the Pearl District is in a very vulnerable situation. Economic revitalization has just started. These are normal people who want to do something good. It is a vulnerable time in the redevelopment of the Pearl District.

Mr. Henke stated that he does not think the Zoning Code is discriminatory toward Tulsans with mental problems or Tulsans from low or middle or higher incomes. Mr. Jamieson agreed with Mr. Henke.

Mr. Henke stated that the soup kitchen is allowed in the Pearl District by right in three of the four corners of the intersection of 3rd and Peoria. Mr. Henke asked Mr. Jamieson how he would respond to that. Mr. Jamieson stated that perhaps the residents and business owners would end up living with it and life would be a great deal tougher.

Mr. Henke stated that he realizes the Pearl District has been very unified in residential development, commercial development and everyone has done a very good job as a unified neighborhood to outline what it is the people would like to see in the Pearl District. Mr. Jamieson stated that the people in the Pearl are concerned about the injury to the neighborhood which is more than their view; it is part of the City of Tulsa's Comprehensive Plan and has been for eight or nine years. An enormous amount has been invested in the fulfillment of that plan. That is the corner stone of most of the people that have registered an objection.

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Mr. Van De Wiele stated that he is the one who raised the nimby comment, and his point was that that is all the Zoning Code is. It is to determine what can go in your back yard and can't. Everyone wants gas or electricity but he does not want a power plant or refinery in his back yard. Mr. Van De Wiele stated that his point in raising that is that there have been lots and lots of comments by property owners or the media, and he does not think those comments to be valid but the people do have a legitimate concern about what does go on in their back yard. If a person lives in a residential area a person should feel comfortable and confident that the people behind them is not a power plant but is a residence.

Mr. Henke stated that his point is that the property directly across the street, any which way you go, can be used for a soup kitchen because it is zoned CH.

Rebuttal:

Mr. Malcolm Rosser came forward and stated that Mr. Swanson's and Mr. Ritchey's properties are both zoned CH so a soup kitchen and food pantry is what they are zoned for and could be allowed without a Special Exception. What is injurious to the neighborhood and to determine that you must look at the nature and character of the neighborhood. The zoning in this case is indicative of the nature of the neighborhood. He wants to make it clear that Iron Gate understands the concerns of the neighbors and are not saying they are fraudulent. Mr. Rosser stated that he thinks that if there were a social service agency in Tulsa had erected a new facility and it had caused serious injury everyone would have heard about it. The Indian Health Care Resource Center was one that had concerns about causing injury to the neighborhood, but that did not happen. That is clear and he believes that will be what will happen in this case. Iron Gate could have asked Mr. Sager to get the property rezoned CH and there would have been no need for a Special Exception or Variance to the setbacks. In regards to the parking, it is tight but it complies with the Code and it will work at the subject site. Some people may be familiar with the Thunderbird Club House in Norman; it is a facility for all mentally ill people of any type whether they are homeless, hungry or they have a home. It basically offers these people a place to go and they can have a meal. The Thunderbird Club House is located in the middle a commercial/residential area between a shopping center and an apartment complex. It has caused zero problems. It is very similar to today's situation; they had another facility that was no longer working. There were fears and there will always be fears, which is very understandable.

Comments and Questions:

Mr. Van De Wiele stated that all these folks are not wrong, but he does think there is a great deal of fear of the unknown. The Board has seen that before. It is not a viable basis for the Board to deny an application. Mr. Van De Wiele believes there is a substantial amount of legitimate concerns and he thinks a lot of that has to do with what they have seen happens. The services that Iron Gate provides are sadly a necessity. He does not believe that it is the Board's job to determine whether this is the best location or if there is another location that would be better. It is whether this location satisfies the criteria that the Board has to apply to their application. Mr. Van De Wiele stated that he has very little concern with the concept of the setbacks because the

Board grants those types of relief regularly. It has been in Swan Lake. It has been done in areas downtown where buildings were built years and years ago to the full extent of their property and they have no setbacks. It has been done in the Kendall Whittier recently. The flip side of that is what is the hardship? Mr. Van De Wiele stated he has concerns over whether the hardship is self imposed. In regards to the parking the applicant does comply with the legal minimum amount of property for parking that would be required although it is not on their lot. But when the applicant has a Special Exception and they are asking for permission to have a use that would not otherwise be allowed the Board has the leeway of requiring more parking than the Code requires. The Board has done that on occasion. Mr. Van De Wiele stated that he does not know how the architects came up with a requirement of 39,000 square feet of parking for a 14,000 square foot facility. He assumes that it was based on the number of people coming and going to the facility whether it be in their own cars, on a bus or shuttle. Mr. Van De Wiele stated he is concerned over the numbers because the numbers on the documents displayed were substantially different than the numbers the Board heard from the Iron Gate representatives. It seems there is a very high volume of people coming to the facility and the vast majority of them seem to be walking while most of the pantry guests drive. Mr. Van De Wiele stated that he does not see that there is enough parking on the site. He has to think that the railroad will terminate the lease once someone is hurt on the railroad right-of-way and there is a worse problem. The lease is almost so speculative that he is not sure the Board can grant much relief based on the lease. Typically in the past, where there is an off-site lot parking, it is either that the person owns the other lot or they have a long term lease and the Board typically links the approval to the term of the lease. Sometimes where there is an off peak use where a commercial facility is granting a Saturday/Sunday right to use the lot for a farmer's market or something along that line. He is having a very difficult time getting over the 39,000 square feet of parking required. As to the use, which is obviously the hot button for most people, on the one hand they really could erect this facility on any other corner at 3rd and Peoria or anywhere up or down 6th Street in the heart of the Pearl District. He is at a loss as to why they didn't especially when Mr. Sager, their seller, owns the property immediately north of the subject site. It is an issue for the Board to deal with. The Board has to apply the standard they have to find and that is the injurious nature or the detrimental impact on the surrounding area. Mr. Van De Wiele stated that he cannot say that it would not be injurious. He has driven through the area several times in the last month and he can absolutely wrap his brain around the fact that if he owned a property across the street from Trinity he would think there is no way he would ever be able to sell it. That is not a fear it is a reality. Mr. Van De Wiele knows that it was said that the doors would be opened to let the guests inside but they are going to need to line up at some point. He cannot support this application for those reasons.

Mr. Flanagan stated that he does not think anyone in this room would disagree with Iron Gate's mission or what they do. It is incredible and does help a lot of people. He agrees with Mr. Van De Wiele in regards of the hardship; is it self imposed or is it not? Fear of the unknown is not a viable reason to vote something down but there are serious legitimate concerns about the parking. If the vote were to be taken individually on the requests then maybe he could support it.

BOA-21942

Mr. White stated that he agrees with Mr. Van De Wiele and Mr. Flanagan regarding the parking and the safety. There has never been any question about Iron Gate. They do a great job and it is a super service. The only issue that he is concerned with, as a member of the Board, is if this is the correct place for them to relocate to. Mr. White stated that he has been on the Board since 1995, and he has been privileged to hear the applications coming from many people in the Pearl District. He was chairman of the Board when the Indian Health Care Center applied and there was a lot of concern and it worked out well. He has seen the Pearl District people spend millions of dollars developing their property and the perceptions they have about what may happen have to be considered. Mr. White stated that he would find it unconscionable to vote for approval.

Mr. Henke stated that this has been a real challenge and he spent over 30 hours in the last two weeks in driving to the sites, time on the internet, working through letters and petitions, etc., and in looking at the Variances he believes there are valid hardships that are consistent with relief the Board has granted in the past. In regards to the use as a soup kitchen, in looking at the neighborhood there are other social services in the neighborhood and it is not out character for that neighborhood. There can be a food pantry and soup kitchen at three of the four corners at that intersection, and he has a lot of confidence in Iron Gate working to be a good neighbor and doing what they can to be a positive influence for the neighborhood. Mr. Henke does not think the Code discriminates based on a person's mental capacity or income level. At the end of the day we are all Tulsans. It is a real challenge for him to say that Iron Gate cannot have their facility at this site but you can have it less than 50 feet away. The parking is a major problem. Mr. Rosser pointed out that the Code only requires 32 parking spaces but for an organization for the intensity of this use even using the most conservative numbers, to have 35 parking spaces on a lot that is not completely under Iron Gate's control does not work. Mr. Henke stated that he would have to vote against that Special Exception.

Mr. Henke asked Mr. Swiney if the Board voted on the use Special Exception and the use is denied does the Board need to act on the other requests. Mr. Swiney stated that the Board did not, if the use Special Exception is denied that denial vote moots out all the other requests.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 2-2-1 (Van De Wiele, White "aye"; Henke, Flanagan "no"; Snyder "abstaining"; none absent) to **DENY** the request for a **Special Exception** to permit a soup kitchen and grocery pantry (Use Unit 5) in the IM District (Section 901); **Special Exception** to permit required parking on a lot other than the lot containing the principal use (Section 1301.D). The Board has found that there would be injury to the neighborhood or a detriment to the public welfare; for the following property:

30A-21942

PRT LTS 1 THRU 10 & LT 16 & PRT VAC ALLEY BETWEEN SL OF LTS 1 THRU 5 & NL LT 16 BEG 20S & 20W NEC LT 1 TH W154.30 SW99.61 SE241.50 N172.36 POB BLK 18, BERRY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

On **MOTION** of **FLANAGAN**, the Board voted 2-2-1 (Henke, Flanagan "aye"; Van De Wiele, White "no"; Snyder "abstaining"; none absent) to **APPROVE** the request for a Special Exception to permit a soup kitchen and grocery pantry (Use Unit 5) in the IM District (Section 901). The Board has found that there would be injury to the neighborhood or a detriment to the public welfare; for the following property:

PRT LTS 1 THRU 10 & LT 16 & PRT VAC ALLEY BETWEEN SL OF LTS 1 THRU 5 & NL LT 16 BEG 20S & 20W NEC LT 1 TH W154.30 SW99.61 SE241.50 N172.36 POB BLK 18, BERRY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Both Motions FAILED due to lack of a majority vote.

Ms. Snyder re-entered the meeting at 4:18 P.M.

NEW APPLICATIONS

21943—Lamar Outdoor Advertising – Lorinda Elizando

Action Requested:

Verification of the spacing requirement for outdoor advertising signs of 1,200 feet from any other outdoor advertising sign on the same side of the highway; Variance of the height requirement for outdoor advertising signs from 50 feet to 60 feet (Section 1221.F.15). **LOCATION:** 14501 East Admiral Place North (CD 6)

Presentation:

Bill Hickman, 7777 East 58th Street, Tulsa OK; stated the second Variance request in this case regarding the height is that the sign must be moved and be relocated as a result of an ODOT condemnation case. The existing sign is moving back to the subject property. The existing bridge at 145th that goes over I-44 is being expanded which will make it larger than other existing bridges in the area as well. Mr. Hickman presented pictures on the overhead projector to show the current sign in relation to the current bridge. The request for the additional 10 feet in height is to get the sign above the bridge and the new height of the bridge.

FILE COPY

Case No. 17032 (continued)

Mr. Gardner advised that the carport appears to encroach approximately 10' farther into the required setback than most of the other carports in the neighborhood, which are approximately 24' deep.

Protestants:

None.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 4-0-1 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; White, "abstaining"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of Irvington Avenue from 50' to 26', and a **variance** of the required side yard setback from the north property line from 5' to 0' to permit a carport (not enclosed) - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted and guttering required on the north side of the carport; finding that there are numerous carports in the area, and approval of the request will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

Lot 29, Block 24, Maplewood Extended Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17033

Action Requested:

Variance of the required setback from the centerline of South Peoria Avenue from 50' to 41'6" to permit a sign - **SECTION 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 21, located 306 South Peoria Avenue.

Presentation:

The applicant, **Bobby Daniel**, 1406 South Aspen, Broken Arrow, Oklahoma, submitted a plot plan and photographs (Exhibit N-1) and stated that the sign would be in the parking lot if installed at the required setback. He requested permission to move the structure 8½" to the east.

Comments and Questions:

Mr. Doverspike asked if the proposed location is farther from the centerline of Peoria Avenue than the existing building wall, and the applicant answered in the affirmative.

In reply to Mr. White, Mr. Daniel stated that the proposed sign will be 4' by 8'.

Mr. Doverspike inquired as to the height of the sign, and the applicant replied that the pole is 20' in height, with the total sign height being 24'.

Case No. 17033 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-1-0 (Abbott, Bolzle, Turnbo, White, "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of South Peoria Avenue from 50' to 41'6" to permit a sign (4' by 8', 24' in height) - **SECTION 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 21; per plan submitted; subject to Traffic Engineering approval in regard to traffic light visibility; finding that a portion of the existing building is closer to the street than the proposed sign; and finding that the sign would be in the parking lot if installed at the required setback; on the following described property:

Lot 1 - 9, Block 18, Berry Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17034

Action Requested:

Variance of the required maximum floor area ratio (FAR) from .50 to .59 to permit a lot split - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 11, located 225' west of South Memorial Drive on 31st Court South.

Presentation:

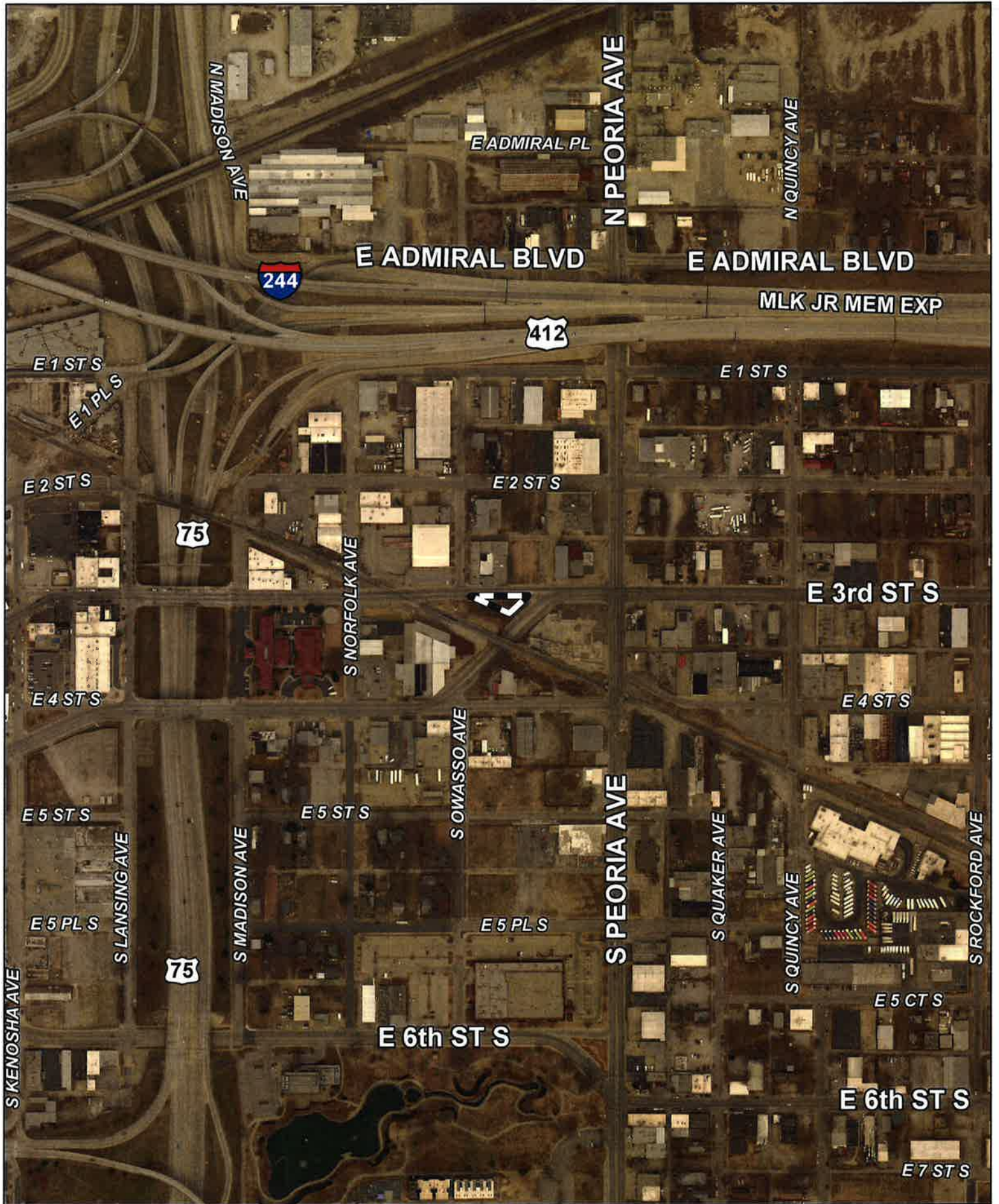
The applicant, **Phil Tomlinson**, 1927 North Minnesota, Shawnee, Oklahoma, was represented by **Roy Johnsen**, 201 West 5th Street, who informed that the application involves the sale of a three-story office building located on a 2.4-acre portion of a 7-acre tract. He noted that the entire parcel contains three buildings. Mr. Johnsen requested a variance of the required floor area ratio from .50 to .57 to permit completion of the sale. He pointed out that OMH zoning to the west would require only 2.0 FAR and IL zoning to the south would have unlimited FAR. A plot plan (Exhibit P-1) was submitted.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required maximum floor area ratio (FAR) from .50 to .57 to permit a lot split - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 11; per plan submitted; finding that the requirement for



N MADISON AVE

E ADMIRAL PL

N PEORIA AVE

N QUINCY AVE



E ADMIRAL BLVD

E ADMIRAL BLVD

MLK JR MEM EXP



E 1 ST S

E 1 ST S

E 1 PL S

E 2 ST S

E 2 ST S



S NORFOLK AVE

E 3rd ST S

E 4 ST S

E 4 ST S

E 5 ST S

E 5 ST S

S OWASSO AVE

S PEORIA AVE

S QUAKER AVE

S QUINCY AVE

S ROCKFORD AVE

S KENOSHA AVE

S LANSING AVE

S MADISON AVE



E 5 PL S

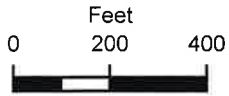
E 5 PL S

E 6th ST S

E 5 CT S

E 6th ST S

E 7 ST S



Subject Tract

BOA-22505

19-12 01

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

Aerial Photo Date: February 201:



3.31



E 2 ST S

S OWASSO AVE

S PEORIA AVE

E 3rd ST S

E 4 ST S

S OWASSO AVE



Subject Tract

BOA-22505

19-12 01

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

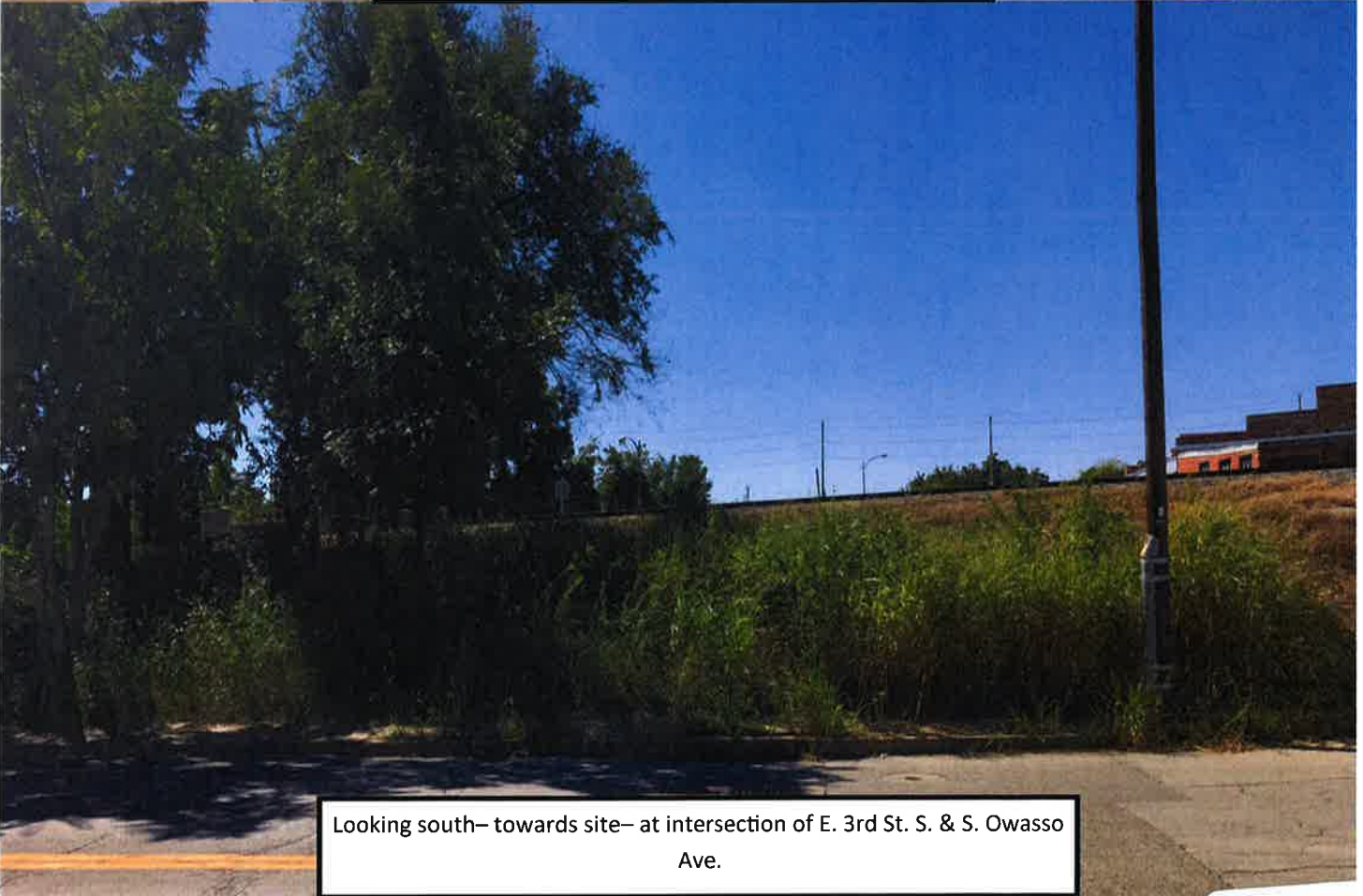
Aerial Photo Date: February 2018



3.32



Looking southeast— towards site— on E. 3rd St. S.



Looking south— towards site— at intersection of E. 3rd St. S. & S. Owasso Ave.



Looking southeast— towards site— on E. 3rd St. S.

request for variance

REQUEST FOR VARIANCE TO CITY OF TULSA BOARD OF ADJUSTMENT

THIRD STREET DEVELOPMENT

Tulsa's downtown has seen unprecedented growth over the past few years, spurred by an increasing demand for live/ work/ play in close proximity and walkable neighborhoods. One of the natural trajectory for expansion is into the Pearl District which is designated as a downtown neighborhood in the Comprehensive Plan.

Medium density developments in this area, characterized by walkability, smaller footprints, well-designed units, lesser off-street parking, will provide the "missing middle" while aligning with the neighborhood scale. This is the type of development we propose to build on our 5060 sf triangular piece of property located on East Third Street South, west of Owasso Avenue.

This mixed-use development will have a compact footprint with mostly commercial and one or two residential units on the first level. The second level will be all residential lofts, ideal for young professionals that the Pearl District is aiming to attract. The property sits at the nexus of bike routes and bus rapid transit networks which make it an ideal urban location, well connected to downtown. Developing this small tract of forgotten land will contribute to the tax base and invest in the neighborhood's revitalization.

Hardship:

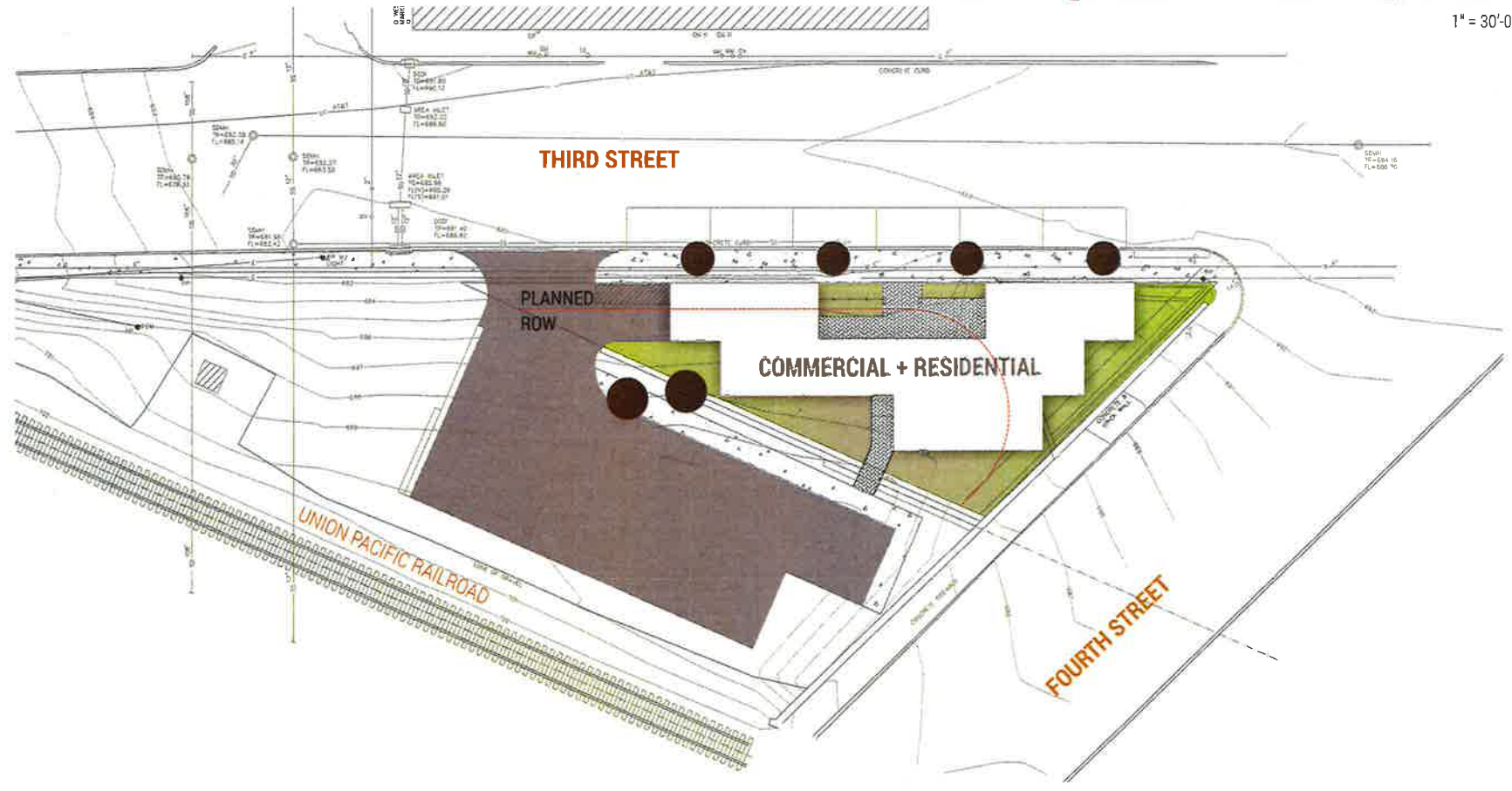
The triangular site is inaccessible on two sides, the southwest boundary being the railroad, and the southeast boundary is the 4th Street railroad underpass, making the north boundary the only direction available for public access. The north property line is also the longest at 181.75 feet. Setting back 10 feet from this line disproportionately reduces the buildable footage from 5060 sf to 2833 sf, which falls under the minimum lot requirement for MX1-P zoning. This creates hardship to development on the site.

August 8 2018

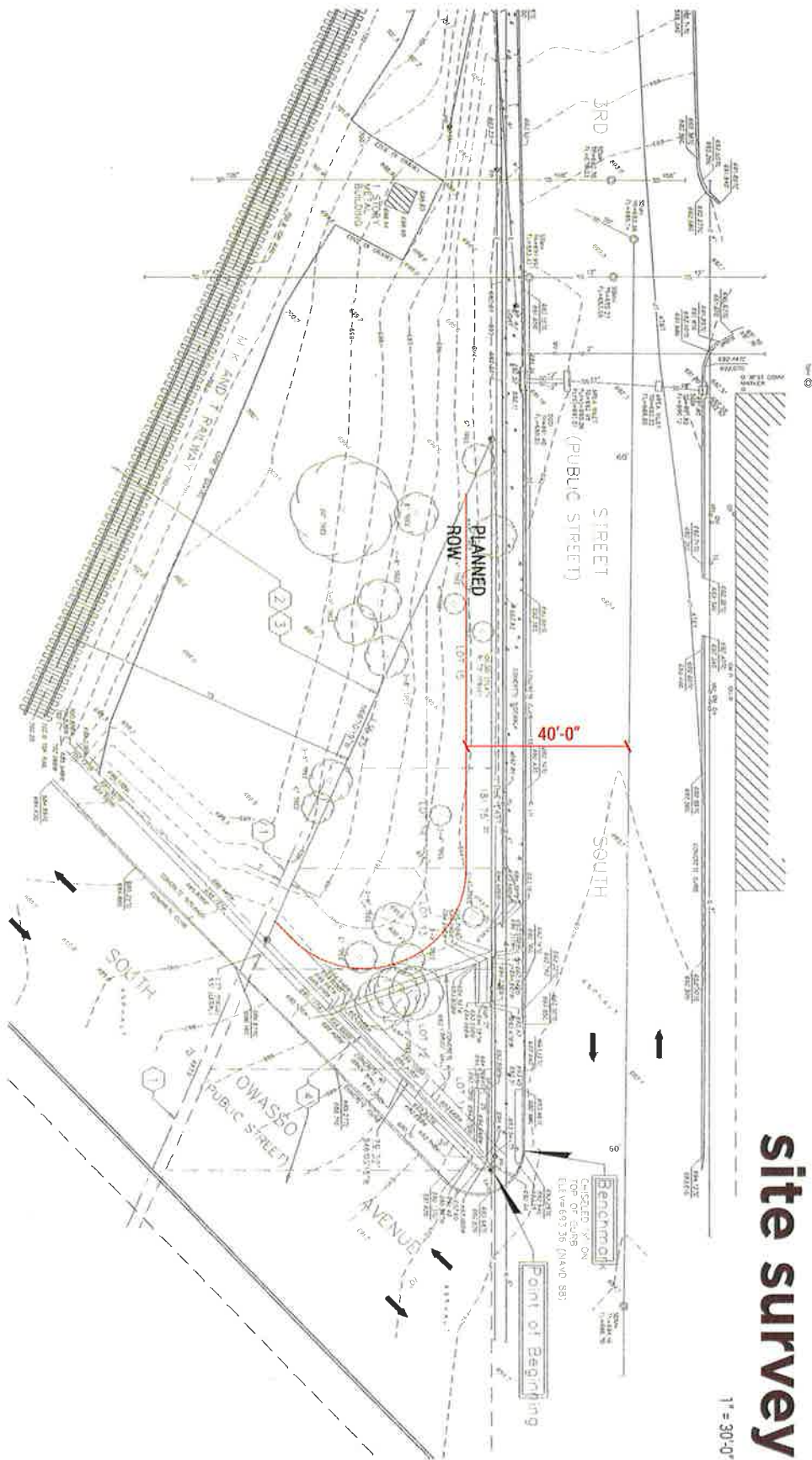
3.36

conceptual site plan

1" = 30'-0"



August 8 2018



site survey

1" = 30'-0"

August 8 2018



3.39



RUST, llc
Tulsa Oklahoma 74114

THIRD STREET DEVELOPMENT

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Ulmer, Amy

From: Bill Glossen <glossenb@gmail.com>
Sent: Thursday, September 13, 2018 1:13 PM
To: Ulmer, Amy
Subject: Proposed Development at Third & Peoria in The Pearl District

Dear Amy Ulmer,

My name is Bill Glossen. I am a resident in The Village at Central Park, in the Pearl District. A couple days ago I attended the Pearl District Association monthly meeting and had the pleasure of meeting Subha Sridharan. She attended to present her company's proposed development to the association members.

I'd like to express my support for the mixed-use development that Forest for the Trees is proposing. It seems to me this is the type of medium density development that should be welcome in The Pearl District as development continues to spread east from downtown.

As I understand it, this mixed-use development will have a compact footprint with mostly commercial and one or two residential units on the first level. The second level will be all residential lofts, ideal for young professionals that the Pearl District is aiming to attract. The property sits at the nexus of bike routes and bus rapid transit networks which make it an ideal urban location, well connected to downtown. Developing this small tract of forgotten land will contribute to the tax base and invest in the neighborhood's revitalization.

Thank you for your consideration.

Regards,

Bill Glossen
glossenb@gmail.com
405-996-6903

Ulmer, Amy

From: Sager Tulsa <sagertulsa@aol.com>
Sent: Thursday, September 06, 2018 12:17 PM
To: Ulmer, Amy
Subject: Application 22505

I am in full support of the above action . Great project .
I own the SW corner of 3 and Peoria .

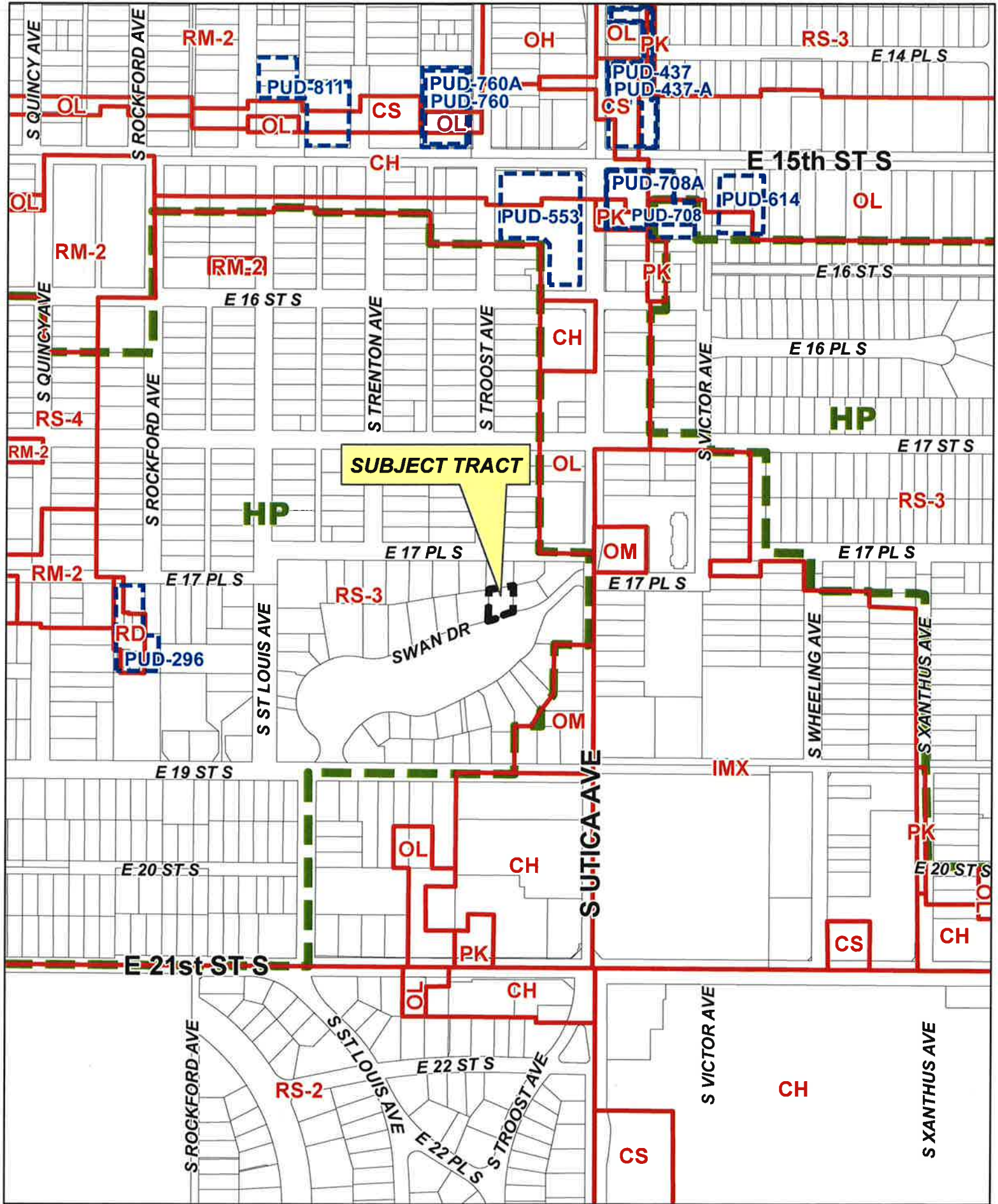
Michael Sager
Blue Dome Properties LLC
Sagertulsa@Aol.Com
T: 918.361.3085
5 S. Iroquois , Tulsa Ok 74120
Sent from my iPhone

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BOA-22515 – LINDA ROLLINS

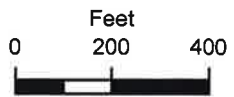
**STAFF REQUESTS A CONTINUANCE
TO NOVEMBER 13, 2018**



SUBJECT TRACT

BOA-22520

5.1



19-13 07



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9307

Case Number: **BOA-22520**

CZM: 37

CD: 4

A-P#:

HEARING DATE: 10/09/2018 1:00 PM

APPLICANT: Eddie James

ACTION REQUESTED: Appeal of a Decision by the Tulsa Preservation Commission to deny Historic Permit Application (HP-18-030); Special Exception to permit a carport in the street setback and street yard; to allow the area to exceed 20 ft. in length and 20 ft. in width; to exceed the maximum distance allowed to project in the street setback; to allow for the sides of the carport to be obstructed within the required street setback. (Sec. 90.090-C.1) .

LOCATION: 1591 E SWAN DR S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7487.99 SQ FT

LEGAL DESCRIPTION: E 78 LT 11 BLK 1, SWAN PARK

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-21460; on .8.28.18, the Board approved a special exception to permit a carport in the required front yard; a variance from extending 20 feet into the required front yard to 22 feet from the existing principal building.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Neighborhood" and an "Area of Stability".

The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS-3 zoned residences; located in the Swan Lake Historic District.

STAFF COMMENTS:

On August 08, 2018 the homeowners of the subject lot submitted a permit application to the Tulsa Preservation Commission to allow for the construction of a carport and the instillation of a garage door at the entry to the carport. During the Preservation Commission hearing on 08.28.18 (see attached minutes) the Commission **approved** the applicant's request to construct the carport in the street yard and **denied** the proposal for the installation of the garage door at the entry of the carport. The applicant has submitted to the Board an appeal of the decision made by the Tulsa Preservation Commission during their 08.28.18 hearing.

The applicant and the Tulsa Preservation Commission staff have provided the Board with documentation and records related to the request appeal; these records are attached to this case report for the Board's review.

SECTION 70.140 APPEALS OF ADMINISTRATIVE DECISIONS

Appeals of administrative decisions may be filed by any person aggrieved by the land use administrator's, the development administrator's or other administrative official's decision or action. The board of adjustment is authorized to make determinations about whether individuals filing appeals are "aggrieved" by the decision or action.

In exercising the appeal power, the board of adjustment has all the powers of the administrative official from whom the appeal is taken. The board of adjustment may affirm or may, upon the concurring vote of at least 3 members, reverse, wholly or in part, or modify the decision being appealed.

In acting on the appeal, the board of adjustment may not give the administrative official's decision a presumption of correctness, placing the burden of persuasion on the official.

The decision being appealed may be affirmed, reversed, wholly or in part, or modified only if the board of adjustment finds that the land use administrator, development administrator or other administrative official erred in:

Unsound alt. appeal motion

On 8.28.2012, the Board approved a variance from the required front yard; a variance from extending 20 feet from the existing principal building at the subject property. It also approved a special exception and/or variance from the required front yard; a variance from extending 20 feet from the existing principal building at the subject property. It is stated, that an appeal may be filed after it is granted by the board of adjustment, unless a building permit has been authorized has been issued and the project has commenced. If no building permit is required, the improvement that is the subject of the appeal must be placed within the 3-year period.

The applicant is requesting a **Special Exception** to allow a 26' x 22' carport to be located in the required street (side) setback and street yard in an RS-3 zoned district; to allow the area to exceed 20 ft. in length and 20 ft. in width; to exceed the maximum distance allowed to project in the street setback; to allow for the sides of the carport to be obstructed within the required street setback. (Section 90.090-C.1). As shown on the attached plans, the applicant is proposing to construct a carport along E. Swan Dr.

Per the Code, Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception:

- A carport may be a detached accessory building or an integral part of the principal building.
- The area of a carport may not exceed 20 feet in length by 20 feet in width.
- A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.
- The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.

The Code's street setback and street yard requirement for carports is intended to ensure that carports located within the street setback are compatible with a minimum desired residential character found in the neighborhood and do not hinder transparency for other vehicles.

Sample Motion:

Move to _____ (approve/deny) a **Special Exception** to permit a carport in the street setback and street yard; to allow the area to exceed 20 ft. in length and 20 ft. in width; to exceed the maximum distance allowed to project in the street setback; to allow for the sides of the carport to be obstructed within the required street setback. (Sec. 90.090-C.1)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any): _____.

The Board finds that the requested Special Exception 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.

NEW BUSINESS

21460—Jed Ballew

FILE COPY

Action Requested:

Special Exception to permit a carport in the required front yard in an RS-3 District with an HP overlay (Section 210.B.10.g); Variance from extending 20 feet into the required front yard to 22 feet from the existing principal building (Section 210.B.10.c). **LOCATION:** 1591 Swan Drive (CD 4)

Presentation:

Jed Ballew, 3510 South Wheeling Avenue, Tulsa, OK; stated the Swan Lake is a historic preservation district and the lots are very unique in shape. The subject property is on a very steep slope and abuts on Swan Lake Drive. The owner wants a covering for their parking area. A carport is what was decided upon for the location based on the site and the setbacks. The existing conditions make it extremely difficult, if not impossible, to construct a garage. The hardship for the subject property would be that the existing conditions of the house are such that this design solution would be the most appropriate for the historic preservation district. The Historic Preservation Commission has issued a Certificate of Appropriateness for the carport. There are existing retaining walls on three sides of the site that create a courtyard area. The goal of the applicant is to cover that portion near the street to create a carport for the residence, and to affect the sight lines to and from the house as little as possible due to the historic preservation aspect of the property. To have the carport meet the letter of the code and have the footprint of the carport 20 feet by 20 feet the existing conditions of the house would be manipulated and creating supports that would not align with the existing walls. In Mr. Ballew's opinion that would be a lesser quality design solution and would be scrutinized by the Historic Preservation Commission as more of an afterthought and not as integral part of the existing structure.

Mr. Van De Wiele asked Mr. Ballew where the extra two feet were being obtained. Mr. Ballew stated there is a south wall that creates the courtyard, and the agenda packet site plan portrays three dots extending beyond that wall, the three dots are the columns that support an existing architrave. The line of the new carport would be the wall that runs east-west with the door opening, and it will align with the architrave making it two feet further north. Mr. Van De Wiele asked Mr. Ballew about the height of the carport in relation to the existing architrave. Mr. Ballew stated there will be a structure setting on top of the existing concrete and brick wall, so it will be approximately a foot taller than the existing architrave but will duplicate the same detailing of the architrave.

Interested Parties:

Tom McAlevey, 1586 Swan Drive, Tulsa, OK; stated his interest is how the carport is going to look, because there are carports and then there are carports. He asked Mr.

08/28/2012-1077 (5)

BOA - 21460

FILE COPY

Ballew if the carport was going to be a flat roof. Mr. Ballew stated that it would be a flat roof so it would not be visible from the street. There will be drainage within the carport but the sight lines of the perimeter will continue throughout. Mr. McAlevey stated that the Swan Lake area is very unique and he would not want to see the area changed very much.

Mr. Van De Wiele asked Mr. Ballew to explain the drainage of the carport. Mr. Ballew stated the drainage will flow primarily to the east and west side of the carport going into the owner's existing courtyard to a planter area. The only time water will drain to the street is if the permeable area of the courtyard does not hold the drainage.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a **Special Exception** to permit a carport in the required front yard in an RS-3 District with an HP overlay (Section 210.B.10.g); **Variance** from extending 20 feet into the required front yard to 22 feet from the existing principal building (Section 210.B.10.c). This approval will be per plan on pages 5.11, 5.13, 5.14 and 5.15. Finding that the shape of the lot is such with the historical preservation district restraints upon it that there is no place to construct a garage, and installing the standing seam metal roof over the existing architrave it will provide the carport. The additional two feet extending out to the existing structure of the architrave as it stands. For the special exception the Board has found 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. For the variance the Board has found by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

E 78 LT 11 BLK 1, SWAN PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21461—John Sanford Architects

Action Requested:

Variance from the minimum frontage requirement from 150 feet to 100 feet in the CS Zone (Section 703, Table 2). **LOCATION:** 1011 South Garnett Road (CD 3)



BOA-22520

19-13 07

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

Aerial Photo Date: February 2018

5.7





Subject
Tract

BOA-22520

19-13 07

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

Aerial Photo Date: February 2018

5.8





October 15, 2018

Dear Members of the Board of Adjustment:

During its Regular Meeting on August 28, 2018, the Tulsa Preservation Commission reviewed an application with two proposals submitted by William Eddie James, Jr. The proposal for the construction of the carport in the street yard was approved. However, the proposal for the installation of the garage door at the entry to the carport was not approved, and the denial of that proposal has been appealed.

The proposal for the installation of the garage door was disapproved, because its installation would create a significant alteration of the appearance of the residence and introduce a visual element which would be out of character with its site, the Swan Lake Historic District. As proposed, the garage door would be inserted in the street yard and be less than fifteen feet from Swan Drive—an alteration which would be inappropriate as it is incompatible with the character of the district. Among the features which contribute to the character of Swan Lake as a district is the placement of garages. Other garages on Swan Drive are attached to the sides of residences but do not extend into the street yard. Elsewhere in the district, garages are placed at the sides of residences or are in the rear of yards.

According to Section 70.070-F of the Zoning Code, the Tulsa Preservation Commission should rely on the Unified Design Guidelines during the evaluation of a proposal and strive to balance the intention of the guidelines with the needs of the owner. As directed by the Zoning Code, among other factors which the Tulsa Preservation Commission must consider is the degree to which the proposed project is consistent with the guidelines:

- Guideline B.6.1
Locate garages within the rear yard and detached from the primary residential structure.
- Guideline B.6.2
Adding a garage attached to the rear elevation of the primary residential structure will be considered on a case-by-case basis. Locate attached garages so that the front façade of the garage is not located forward of the rear wall of the primary structure.

When the residents of Swan Lake requested the implementation of an overlay, they sought protection of the character of their neighborhood. The Tulsa Preservation Commission's disapproval of the proposal for the installation of the garage door was consistent with the provisions of the Zoning Code and the Unified Design Guidelines and preserves the character of the district.

Respectfully submitted,

Roy Malcolm Porter, Jr.

Roy Malcolm Porter, Jr., Ph.D., LEED AP
Historic Preservation Planner



175 East Second Street, Suite 560, Tulsa, Oklahoma 74103
918.576.5669 www.tulsapreservationcommission.org

Vote: Meeting Minutes, August 9, 2018

<u>In Favor</u>	<u>Opposed</u>	<u>Abstaining</u>	<u>Not Present</u>
1. Reeds		Shears	Becker
2. Grant			Jones
3. Bumgarner			McKee
4. Townsend			Schoell
5. Turner			

3. Disclosure of Conflicts of Interest
No Conflicts of Interest were disclosed.

B. Actionable Items

1. **HP-18-030 / 1591 Swan Dr. (Swan Lake)**

Historic Preservation Permit Subcommittee Review Date: August 21, 2018

Applicant: Eddie James

Proposals:

1. Construction of carport in street yard
2. Installation of garage door at entry to carport

Staff presented its report, and afterwards the applicant commented that the installation of the door would provide a practical solution for entry to the carport and added that concern about security was a factor. Commissioner Reeds observed that no significant measure of difference existed between the present appearance of the residence and its appearance as proposed with the construction of the carport without the garage door. The applicant produced a sample of the skylight and the metal frame for inspection. Commissioner Shears then presented the report on behalf of the Historic Preservation Permit Subcommittee, noting that the residence was considered a Non-Contributing Resource and should be viewed as a product of its own era and that the construction of the carport had been recommended for approval.

As the discussion continued, attention focused on the proposal for installation of the garage door. Commissioner Grant commented that installation of an overhead door would be a conventional solution. Commissioner Townsend expressed concern that installation of a garage door at the entry to the carport would actually create a garage and requested clarification about the requirements in the Zoning Code. Staff noted that, according to Section 90.090-C.1.f, all sides of a carport within the street setback must be open. Commissioner Grant inquired whether

any part of the cover for the carport would be attached to the walls, and the applicant indicated that the cover could be independently supported on columns. Commissioner Shears commented that the drawings appeared to depict the cover connected to the walls, and Commissioner Reeds commented that a cover supported on columns would be more appropriate. The applicant indicated that the proposal could be modified. Commissioner Townsend observed that the proximity of the carport to Swan Drive was a factor, adding that the enclosure with a garage door would detract from the appearance of the landscape along Swan Drive. Commissioner Bumgarner commented that the best solution seemed to be installation of the cover and operable gates at the entry to the carport. Commissioner Townsend agreed.

As there was no further discussion, staff reminded the commissioners that the proposals should be addressed with separate motions. Commissioner Turner made a motion to approve the application for the construction of the carport with the condition that the cover be independently supported on columns. The motion was seconded by Commissioner Townsend and approved unanimously.

Vote: 1591 Swan Dr. (Swan Lake)
Construction of carport in street yard

<u>In Favor</u>	<u>Opposed</u>	<u>Abstaining</u>	<u>Not Present</u>
1. Reeds			Becker
2. Grant			Jones
3. Bumgarner			McKee
4. Shears			Schoell
5. Townsend			
6. Turner			

Commissioner Turner made a motion for disapproval of the application for the installation of the garage door. The motion was seconded by Commissioner Townsend and approved unanimously.

Installation of garage door at entry to carport

<u>In Favor</u>	<u>Opposed</u>	<u>Abstaining</u>	<u>Not Present</u>
1. Reeds			Becker
2. Grant			Jones
3. Bumgarner			McKee
4. Shears			Schoell
5. Townsend			
6. Turner			



TULSA PRESERVATION COMMISSION

STAFF REPORT

Tuesday, August 28, 2018

HP-18-030

HP PERMIT NUMBER: HP-18-030

PROPERTY ADDRESS: 1591 SWAN DRIVE

DISTRICT: SWAN LAKE HISTORIC DISTRICT

APPLICANT: EDDIE JAMES

REPRESENTATIVES: NONE

A. CASE ITEMS FOR CONSIDERATION

1. Construction of carport in street yard
2. Installation of garage door at entry to carport

B. BACKGROUND

DATE OF CONSTRUCTION: CA. 1980

ZONED HISTORIC PRESERVATION: 1994

NATIONAL REGISTER LISTING: SWAN LAKE 1998; ADDITIONAL DOCUMENTATION 2009

CONTRIBUTING STRUCTURE: NO

PREVIOUS ACTIONS:

HP-17-063 – JUNE 27, 2017 – TPC APPROVAL

1. Construction of second-story addition and balcony
2. Replacement of two doors and wall with three French Doors
3. Replacement of window in Study with French Door
4. Construction of pergola in street yard

HP-18-030 – JUNE 14, 2018 – TPC APPROVAL

1. Construction of walkway and steps in street yard
2. Installation of fence in street yard

C. ISSUES AND CONSIDERATIONS

1. Construction of carport in street yard
2. Installation of garage door at entry to carport
 - i. Proposed is installation of a metal awning to cover the courtyard, which serves as the site to park vehicles. According to the applicant, the awning would not be visible, as it would be concealed behind the enclosure already installed. In response to expressions of concern about the level of illumination in the courtyard during the review on May 3, installation of skylights which would be six inches (0'-6") wide and extend the entire length of the

awning has been proposed. During the review by the Historic Preservation Permit Subcommittee on June 5, the additional representation of the appearance of the awning as viewed from Swan Drive was requested, and that documentation was presented for its review during the Regular Meeting of the Historic Preservation Permit Subcommittee on August 21. During that review, the proposal for the project was interpreted as a proposal for the construction of a carport, which has been forwarded with a recommendation for approval. Installation of a garage door at the entry to the carport has been proposed as well; this latter proposal has not been reviewed by the Historic Preservation Permit Subcommittee.

- ii. Reference: *Unified Design Guidelines - Residential Structures*

SECTION A – GUIDELINES FOR REHABILITATION OF EXISTING STRUCTURES

A.1 General Requirements

- A.1.1 Retain and preserve the existing historic architectural elements of your home.
- A.1.2 If replacement of historic architectural elements is necessary, match the size, shape, pattern, texture, and directional orientation of the original historic elements.
- A.1.3 Ensure that work is consistent with the architectural style and period details of your home.
- A.1.4 Return the structure to its original historic appearance using physical or pictorial evidence, rather than conjectural designs.

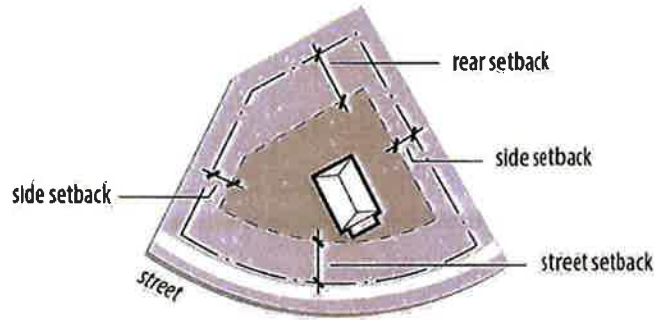
SECTION E – GUIDELINES FOR NON-CONTRIBUTING STRUCTURES

E.1 General Requirements

- E.1.2 Non-contributing structures will be considered products of their own time. Do not attempt to create a false appearance of the predominant character and architectural style of the rest of the district.
- E.1.3 Follow Section A (Rehabilitation) and Section B (Additions) as they relate to the character-defining elements of the non-contributing structure.
- E.1.4 Ensure that work on non-contributing structures does not detract from or diminish the historic character of the overall district.

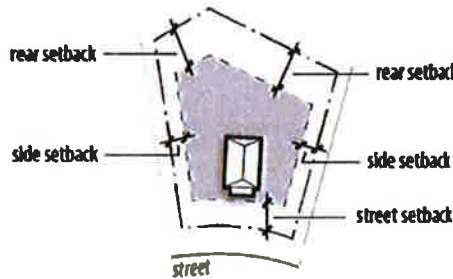
Reference: *Tulsa Zoning Code*, Section 90.090-C Permitted Setback Obstructions
In R Zoning Districts

Figure 90-6: Setbacks from Curvilinear Lot Lines



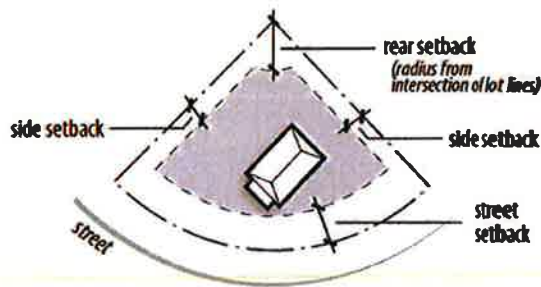
3. When there are multiple rear lot lines, the rear setback must be measured from each of rear lot lines.

Figure 90-7: Setbacks from Multiple Rear Lot Lines



4. When there is no rear lot line, the rear setback must be measured as a radial distance from the intersection of side lot lines at the rear of the lot.

Figure 90-8: Rear Setback Measurement When There is No Rear Lot Line



90.090-C Permitted Setback Obstructions in R Zoning Districts

Setbacks in R zoning districts must be unobstructed and unoccupied from the ground to the sky except as indicated in [Table 90-1](#):

Table 90-1: Permitted Setback Obstructions in R Zoning Districts

Obstruction	Setback		
	Street	Side	Rear
Accessory buildings (see also §90.090-C2)	No	No	Yes
Air conditioning units	No	Yes	Yes
Arbors and trellises	Yes	Yes	Yes

Obstruction	Setback		
	Street	Side	Rear
Awnings, canopies, light shelves and architecturally integrated solar shading devices projecting no more than 2 feet into the setback	Yes	Yes	Yes
Barbeque pits and outdoor fireplaces	No	No	Yes
Bay windows projecting no more than 2 feet into the setback	Yes	Yes	Yes
Carports	Yes [1]	Yes	Yes
Chimneys and flues projecting no more than 2 feet into the setback	Yes	Yes	Yes
Clotheslines	No	Yes	Yes
Decks, patios, and other features and structures less than 30 inches in height above grade	Yes	Yes	Yes
Eaves and gutters projecting no more than 2 feet into the setback	Yes	Yes	Yes
Fences and walls (see also Section 45.080)	Yes	Yes	Yes
Fire escapes projecting no more than 4.5 feet into the setback	Yes	Yes	Yes
Flagpoles and similar features	Yes	Yes	Yes
Geothermal heat pumps and geothermal heat exchange system equipment up to 4 feet in height above grade	No	No	Yes
Green houses and hoop houses	No	No	Yes
Insulation added to the outside of the exterior wall of an existing building	Yes	Yes	Yes
Plants and cold frames	Yes	Yes	Yes
Rainwater harvesting equipment projecting no more than 4.5 feet into the setback	Yes	Yes	Yes
Recreational equipment (e.g., swing sets, playground equipment, tree houses, etc.)	No	No	Yes
Satellite dish antennas	See Section 45.180		
Signs (see also Chapter 60)	Yes	Yes	Yes
Sills, belt courses, cornices and similar architectural features projecting no more than 2 feet into the setback	Yes		Yes
Solar energy systems, building-mounted	No	Yes	Yes
Solar energy systems, ground-mounted	No	No	Yes
Swimming pools and tennis courts	No	No	Yes
Vehicle parking/storage, inoperable (see also Section 45.140)	No	No	Yes
Wheelchair lifts and ramps that meet federal, state and local accessibility standards	Yes	Yes	Yes

Table 90-1 Notes

[1] Special exception approval required; see 90.090-C1.

1. Carports

Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

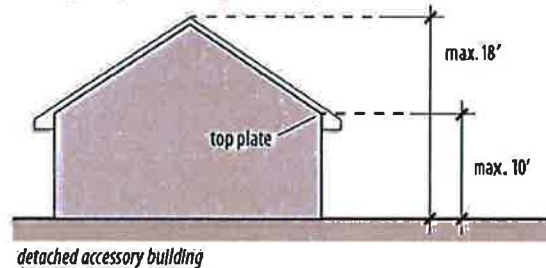
- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.

- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.
- g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.

2. Detached Accessory Buildings

- a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, 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 In Rear Setbacks (RE, RS and RD Districts)



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

Table 90-2: Accessory Building Coverage Limits in Rear Setback

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

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



TULSA PRESERVATION COMMISSION

HISTORIC PRESERVATION PERMIT SUBCOMMITTEE
Tuesday, August 21, 2018, 4:30 P.M.

A. Opening Matters

1. Call to Order and Verification of Quorum
Acting as Chair, Commissioner Shears called the Regular Meeting to order at 4:36 P.M.

Members Present

Robert Shears
Mary Lee Townsend
Chip Atkins
Sally Davies

Staff Present

Addison Spradlin
Jed Porter

Others Present

Eddie James

2. Historic Preservation Permit Subcommittee Review
 - a. Disclosure of Conflicts of Interest
No Conflicts of Interest were disclosed.

b. Applications for Historic Preservation Permits

1591 Swan Dr. (Swan Lake)

Applicant: Eddie James

Proposals:

1. Installation of awning over courtyard

Discussion:

- Staff presented its report, noting that the applicant had responded to the request for additional documentation. The applicant noted that a door for the entry to the courtyard had been included as well. Staff commented that only the proposal for the awning could be reviewed for a recommendation but noted that the proposal for the door could be discussed without any recommendation for approval.

Discussion focused on the proposal for the enclosure of the courtyard and the appropriate definition of the elements. Staff referred to the definition of awning presented in the Zoning Code and commented that the review could address the enclosure of the courtyard as a carport. The applicant observed that garages at the fronts of residences were present elsewhere in the district, but Mr. Atkins objected, noting that no garages were present in the front setbacks. The applicant commented that the proposed construction fit the neighborhood and increased the value of the property. Mr. Atkins commented that, during the consideration of the effect, the whole neighborhood should be considered a resource. Commissioner Shears commented that the residence had been identified as a Non-Contributing Resource and that it should be viewed accordingly. Mr. Atkins commented that the construction would introduce a new element into the district. The applicant proposed that his request was not unreasonable and noted that change within historic districts always occurred. While Mr. Atkins did not disagree, he again encouraged review of the proposal within the context of the district as a whole. Commissioner Shears noted that the residence should be viewed as a product of its own era as stipulated in the guidelines. Neighborhood Representative Davies inquired whether the courtyard had always existed and was informed that a one-car garage had once occupied the site now occupied by the tower attached to the residence. Commissioner Shears inquired about the material for the door and was informed that the door would be metal. Mr. Atkins encouraged the installation of carriage house doors.

As there was no further discussion, Commissioner Townsend made a motion to recommend approval of the application. The motion was seconded by Commissioner Shears and approved by majority.

Vote: 1591 Swan Dr. (Swan Lake)

In Favor

Shears
Townsend
Davies

Opposed

Atkins

Abstaining

B. New Business
None

C. Acting as Chair, Commissioner Shears adjourned the Regular Meeting at 5:15 P.M.

DRAFT

Tulsa Preservation Commission



Regular Meeting

August 28, 2018

4:30 P.M.

1591 Swan Drive

Applicant: Eddie James

Proposals:

1. Construction of carport in street yard
2. Installation of garage door at entry to carport

1591 Swan Drive



1591 Swan Drive



Swan Lake

1591 Swan Drive



5.24

1591 Swan Drive

Engineered Carport Kit Schematic: Freestanding & Attached

Design is based on: IRC 2009, ASCE 7-10 UFL, ASCE 7-05 United States¹, FBC & NCBC - Latest Editions

Freestanding Carport

See Architectural #12 for Detailing Plans
Low Wind Allowance in 4' sections
3" x 12" x .050 Roll Formed Panel

Sealed Engineering Drawings for: FL, GA, SC, NC, AL, LA, TX
FL Wind Velocity:
Low Wind: Valt = 125 mph
High Wind: Valt = 173 mph
Snow Load: 20 psf
Custom Sizes Available upon Request
Can also be used in Canopy or Walkway applications
Roll Form Panels available in White & Bronze

Extruded Post & Gutter Available in Bronze & White
Install Kits Available includes: 1/2" dia threaded rod, nuts, bolts, screws, and adhesive adhesive

Attached Carport

EMS will provide pre-fabricated Posts including hitching, 7" top side holes (see engineering for details)

2" x 2" Square Posts welded to column bases

4" x 12" Posts

2" x 12" Posts
Each Side with Rubber Gaskets 40' long

Engineering available upon request.

Architectural 12

EMS FL
1-800-432-2204
(811) 584-4700 - Fax

EMS NC
1-800-343-8134
(704) 391-2267 - Fax

EMS TX
1-800-996-6061
(281) 656-2297 - Fax

EMS MO
1-888-822-0061
(314) 344-3349 - Fax

Additional Locations: West Palm Beach & Lakeland, FL; Newark, DE and Birmingham, AL
Quality Shapes in Aluminum
web site: www.EasternMetal.com e-mail: info@EasternMetal.com fax: 06/05/17

Architectural 13

EMS FL
1-800-432-2204
(811) 584-4700 - Fax

EMS NC
1-800-343-8134
(704) 391-2267 - Fax

EMS TX
1-800-996-6061
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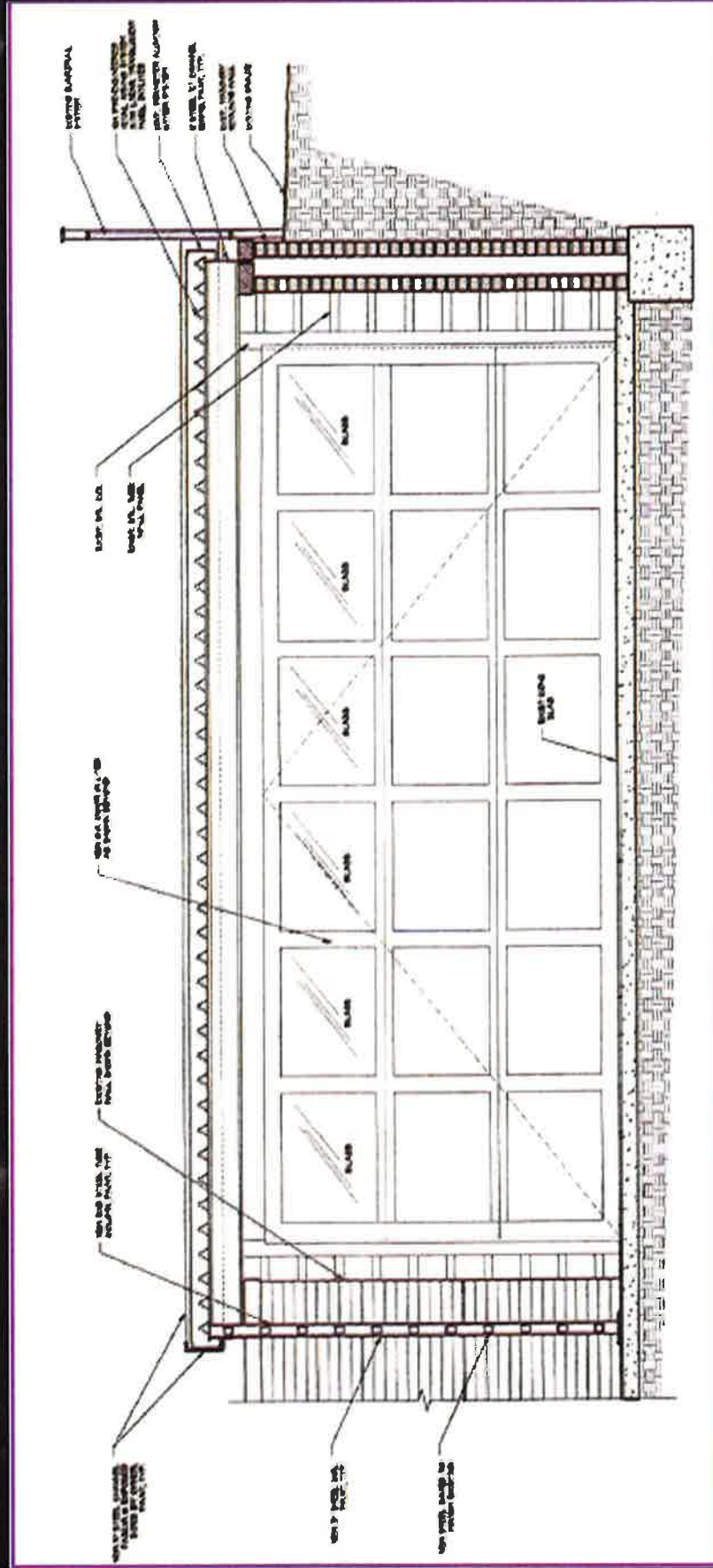
Engineered Carport Kit

ENGINEERING AVAILABLE UPON REQUEST - Florida items are available to all branches via shuttle. *Custom lengths, finishes and material profiles are also available on a minimum \$10,000 order back.

<p>3 x 6 x .078 Self Matting Canopy Roof Panel x 24' 6063-T6 Mill Finish MIL L ORDER 30150-020 (TX) Meets High Wind 173 mph Exposure C Snow Load: 20 psf</p>	<p>3 x 6 x .078 Self Matting Canopy Roof Panel (V-Deck - 3" on center) MIL L ORDER 30151-022 6063-T6 Mill Finish Meets High Wind 173 mph Exposure C Snow Load: 20 psf</p>	<p>3 x 6 x .065 Self Matting Canopy Roof Panel x 24' 6063-T6 Mill Finish 56-63-015 Meets High Wind 125 mph Exposure B Snow Load: 20 psf</p>
<p>3 x 12 x .050 Carport Roll Form Roof Panel (2 Rib) Self Matting Custom Lengths Available in White & Bronze. CRANE CHARGE MAY APPLY (please inquire with your sales person) Production Lead Time is average 5-7 Business Days + shipping</p>	<p>1 x 3 x 1.6 x .040 Roll Form Braakform End Cap Custom Lengths Available in White & Bronze</p>	<p>Extruded Patio Roof U-Header x 24' 42153 White Wall: 045</p>
<p>4 x 6 x .093 Outer Fascia x 24' (6063-T6) 56-63-003 Mill Finish 56-140-004 Dark Color Anodized 56-140-004 Bronze White</p>	<p>4 x 6 x .100 125 Gutter Beams x 24' 2" 6063-T6 204 R1 Anodized 56-63-001</p>	<p>4.5 x .093 Square Tube x 24' (125 Radius) 6063-T6 Bronze 20 6063-T6 204 R1 Anodized 56-63-004</p>

5.25

1591 Swan Drive



1591 Swan Drive



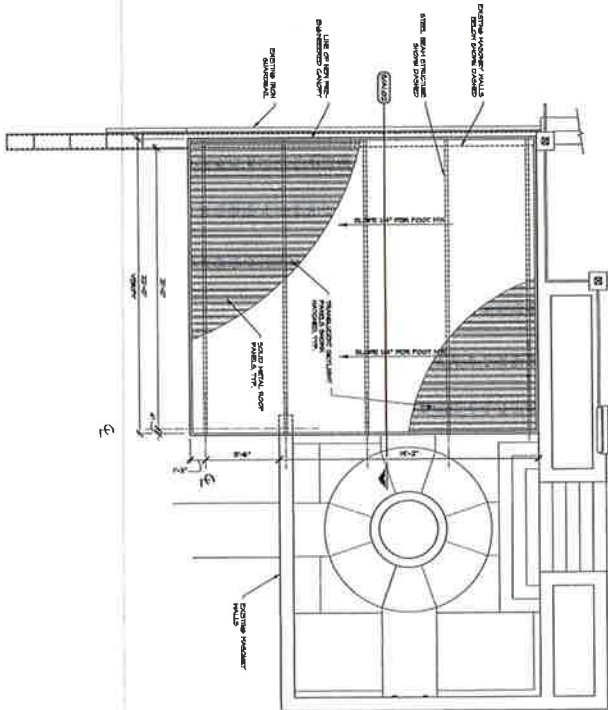
Crisp lines and sleek design formed from durable corrosion-resistant aluminum and light-filtering glass.

The Genuine. The Original.

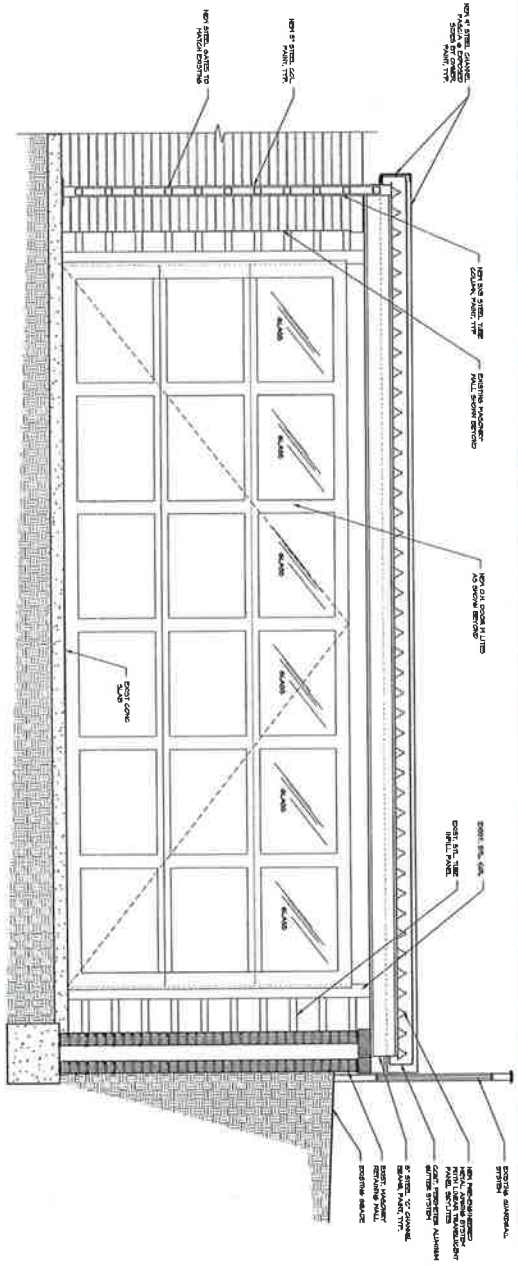


1591 SWAN DRIVE
PRESENTATION SET

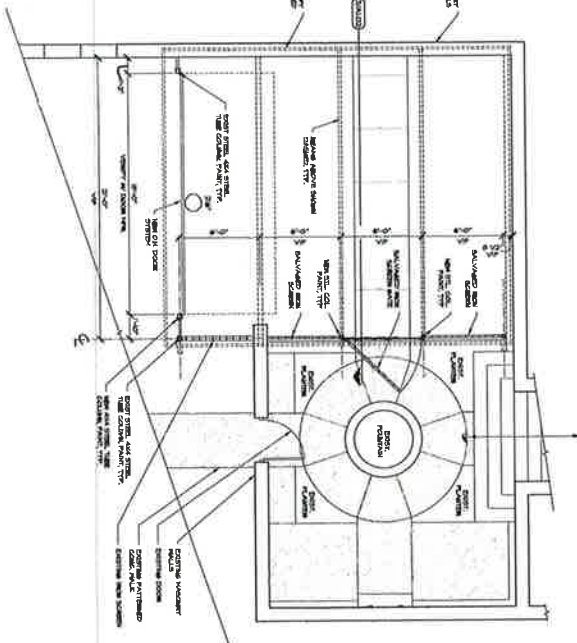
9) PARKING AREA ROOF PLAN



8) WALL SECTION ELEVATION @ PARKING



1) PARKING AREA FLOOR PLAN



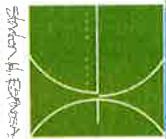
A1.01

NO.	REVISIONS	DATE

PREPARED BY: JAMES H. EDWARDS
 CHECKED BY: JAMES H. EDWARDS
 DATE: 12/15/10
 PROJECT: 1591 SWAN DRIVE, TULSA, OK
 SHEET: 25 OF 25
 SCALE: AS SHOWN
 DRAWING TITLE: PARKING AREA FLOOR PLAN

A REMODEL FOR THE JAMES FAMILY
1591 SWAN DRIVE - TULSA OK.

JAMES H. EDWARDS ARCHITECTS
 ARCHITECTS & INTERIORS
 1591 SWAN DRIVE
 TULSA, OK 74106
 TEL: 918.438.1234
 FAX: 918.438.1235
 WWW.JHEARCHITECTS.COM



MATERIALS

1. EXISTING BRICK TO REMAIN



2. NEW "IRON ORE" PAINT FOR ALL TRIM, WOOD, SIDING, & BEAM-WORK



1. FRONT VIEW



2. EAST ENTRY APPROACH VIEW

JAMES - SWAN LAKE HOUSE
EXTERIOR VIEWS



Stanton W. Edmister
ARCHITECT - ARCHITECTS
2020 N. 20TH AVENUE, SUITE 100
DENVER, CO 80202
TEL: 303.733.1000
WWW.STANTONW.EDMISTER.COM

5.31



3. WEST APPROACH VIEW



4. BIRD'S EYE VIEW

JAMES - SWAN LAKE HOUSE
EXTERIOR VIEWS

5.32



Stanton A. Fitzhugh
ARCHITECTS
2000 N. 10TH STREET
DENVER, CO 80202
PH: 303.733.1100
WWW.STANTONFITZHUGH.COM

Modern Aluminum COLLECTION



Crisp lines and sleek design formed from durable corrosion-resistant aluminum and light-filtering glass.

The Genuine. The Original.





Image above: Model 521, Black anodized finish, Satin Etched glass
Cover image: Model 521, Clear anodized finish, Double Strength glass

Modern Aluminum Collection doors present contemporary elegance with sleek lines while delivering maximum light infiltration into the garage space.

Model 521, Knotty Pine powder coat finish, Satin Etched glass



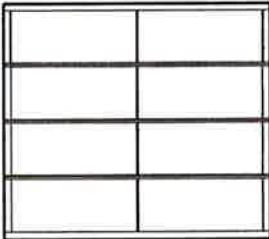
5.34

Modern Aluminum Collection

Door Designs

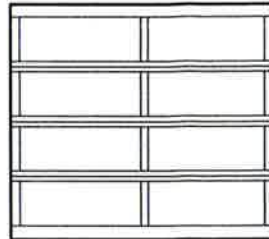
Select your door panel style and glass

1 Choose a frame option:



Model 511*
Standard frame

- Narrow rails and stiles
- An array of frame finishes and special custom options
- Door sizes up to 16' 2" wide by 16' 1" high

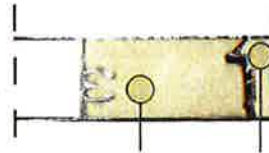


Model 521*
Heavy-duty frame

- Wide, heavy-duty rails and stiles
- An array of frame finishes and special custom options
- Door sizes up to 26' 2" wide by 20' 1" high
- Joint seal between sections for additional weather-resistance
- Wind load and impact rated door
Door can be built to withstand a variety of wind conditions
- Optional polyurethane insulation for rails and stiles up to 18' 2" wide

R-values† of complete Model 521 with insulated rails and stiles

1/2" insulated glazing unit	Door R-value (K m ² /W)
DSB- clear, tempered, obscure	2.87
Clear polycarbonate	2.93
DSB - Solar Bronze	3.17
DSB - Low E coating	3.43
SolarBan 70XL argon filled	4.09
Multi-wall polycarbonate	Door R-value (K m ² /W)
1/4" thick unit	2.75
3/8" thick unit	3.21
5/8" thick unit	3.48
Insulated panels	Door R-value (K m ² /W)
3/8" EPS solid panels	2.60



Polyurethane filled rails and stiles

* Section height varies dependent on door height.

† R-value: Overhead Door Corporation uses a calculated door section R-value for our insulated doors.

2 Choose a glass type:

Specialty Glass

- Laminated White – privacy
- Low E Glass** – thermal efficiency
- Tempered Glass – enhanced safety
- Tinted Glass** – color options: Green, Gray, Bronze

Glass alternatives

- Clear Lexan® Polycarbonate** – shatter resistant
- Multi Wall Polycarbonate – superior strength with UV protection; color options: Clear, White, Bronze
- Plexiglas® Acrylic** – shatter resistant
- Impact Clear and Frosted Polycarbonate - 0.250" minimum



Double Strength DSB** (Standard)



Obscure



Satin Etched



Gray Tint



Green Tint



Bronze Tint



Impact Frosted Polycarbonate

Actual glass may vary from brochure photos due to fluctuations in the printing process. Check with your Overhead Door™ Distributor to view a glass sample.

** Insulated options available.

Modern Aluminum Collection

Decorative Accents

Customize your door with color

3 Choose a color:

Anodized finishes



Clear (standard)



Light Bronze



Medium Bronze



Dark Bronze

Painted finishes



White (standard)

Wood grain powder coat finishes (Model 521 only)



Knotty Pine



Cherry



Cherry with Flame



Dark Walnut

RAL powder coat finishes

Select from approximately 200 RAL powder coat color options to best match your home.

Solid aluminum panels are also available.



Actual color may vary slightly from brochure due to fluctuations in printing process. Color samples are available by request through your local Overhead Door™ Distributor.

4 Choose your opener:

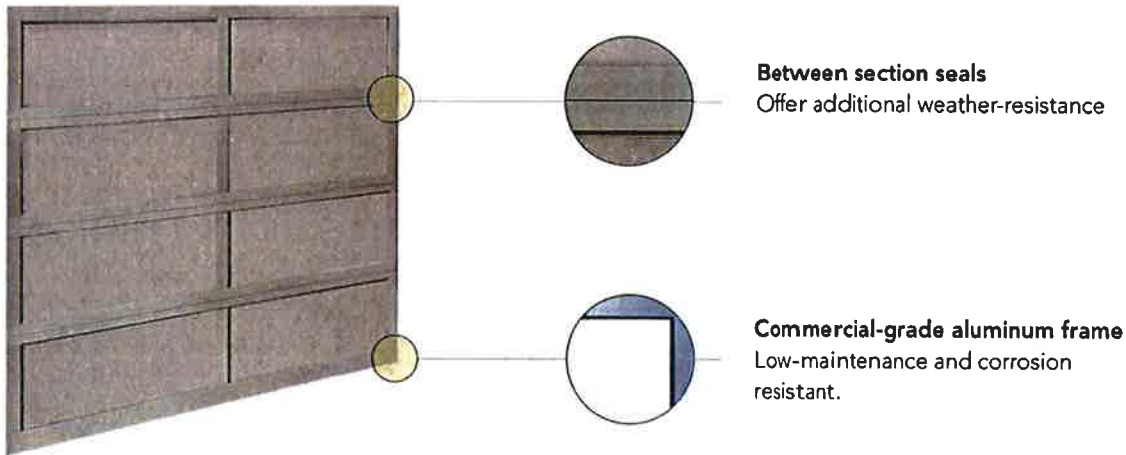


Be sure to ask about our complete line of Overhead Door® garage door openers. Powerful, quiet and durable, Our garage door openers are designed for performance, safety and convenience. Your Overhead Door™ Distributor will help you choose the opener that best suits your door and preferences.



The Modern Aluminum Collection combines glass and aluminum for unparalleled visual appeal, strength and light infiltration. It's a unique solution for your extraordinary home.

Built better from the inside out



Model 521 Heavy-duty frame

Design flexibility

Available in a variety of vertical rail widths and horizontal stile widths to complement the style of your home.

Finished hardware

Hinges and fixtures are galvanized to maintain a contemporary look.

Integrated stiffening struts*

Strong, light-weight struts are included in the design of the rail assembly to enhance durability.

* Offered on non-wind loaded doors only. Size restrictions may apply. See your Overhead Door™ Distributor for details.

Wind load-rated doors

Model 521 can be built to meet local building codes and provide your home with protection from a variety of wind conditions, such as hurricane force winds. We now have Florida Building Code Static and Impact approvals on our best-selling Modern Aluminum Model 521. These doors feature unobstructed views with no reinforcement struts running across the sections. Tough polycarbonate glazing is also available in clear for commercial needs or frosted for residential applications.

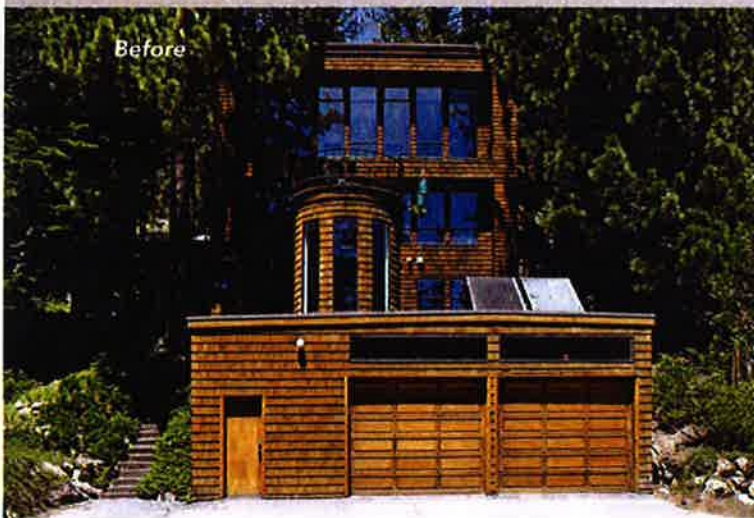
Energy efficiency

Thermal performance test ratings are available for Model 521, including air infiltration, U-factor, solar heat gain coefficient (SHGC), visible transmittance (VT), condensation resistance and sound transmission class (STC). Model 521 meets IECC® requirements for air infiltration.



Transform Your Home with the DoorView® visualization tool.

Go to overheaddoor.com to try our on-line interactive software tool that lets you visualize what your home would look like with an Overhead Door™ garage door. Contact your local Overhead Door™ Distributor for more information and to receive a quote.



Limited Warranty.

Modern Aluminum garage doors are backed by a one-year limited warranty.*

* Warranties vary by model and are available upon request. See full text of warranty for details.

The Genuine. The Original.

Since 1921, Overhead Door Corporation has not only raised the standards of excellence for the industry – we’ve created them. We created the first upward-acting door in 1921 and the first electric garage door opener in 1926.

Today, our network of over 400 Overhead Door™ Distributors are still leading the way with innovative solutions and unmatched installation, service and support. So look for the Red Ribbon. It's your guarantee that you're getting the genuine, the original Overhead Door™ products and services.

SOLD AND DISTRIBUTED BY:



The Genuine. The Original.



2501 S. State Hwy. 121 Bus., Suite 200, Lewisville, TX 75067
1-800-929-DOOR • sales@overheaddoor.com
www.OverheadDoor.com

Modern Aluminum COLLECTION

WITH POLYCARBONATE GLAZING



Custom powder finish, Frosted Polycarbonate glazing

MODEL **521** WITH IMPACT RATED WIND LOAD OPTION

Light infiltration and visual access

- Style and protection in a full view door
- New polycarbonate glazing option meets Florida Building Code impact design approvals up to 16'2" wide and 30'1" high. Available in clear and frosted glazing
- Reinforcement struts do not protrude into the vision panels, providing a clean look and a wide area of unobstructed view
- Features an impact design with pressures of +48/-54 PSF
- New polycarbonate glazing is lighter than glass, making installation easier and requiring less power to open

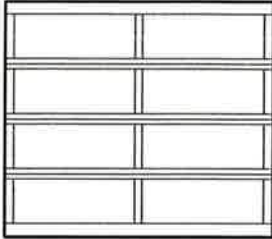
The Genuine. The Original.



Modern Aluminum Collection Model 521

Select your color and glass

1 Frame info:



- Wide, heavy-duty rails and stiles
- An array of frame finishes and special custom options
- Door sizes up to 16' 2" wide*
- Joint seal between sections for additional weather-resistance

* Section height varies dependent on door height. Over 20' 1" high doors are designed per order. Special designs may be required.

2 Choose a glass type:

0.250" impact polycarbonate glazing is offered in two types.



Clear

Frosted

3 Choose a finish:

Anodized finishes

Clear anodized or white painted finish comes standard. Light, Medium and Dark Bronze anodized finishes are also available.



Clear
(Standard)



Light Bronze



Medium Bronze



Dark Bronze

Powder coat finishes

Select from 197 powder coat color options to best match your home.



Actual door colors may vary from brochure photos due to fluctuations in the printing process. Always request a color sample from your Overhead Door Distributor for accurate color matching.

Building code/agency requirements

Exposure B	Door width up to	Wind speeds/Design pressures MPH/MPH/PSF design pressure	Impact resistant	Glass available	
				Standard	Impact
Model 521	16' 2"	180 mph ¹ /200 mph ² (+48.00/-54.00)	Yes	Yes	Yes

¹ Above wind speeds based on ASCE 7-05 are applicable for enclosed structures with an importance factor of 1.0, mean roof height of 30', and assume a maximum of 2' of the door is located within the end zone of a structure. The above wind speeds listed as a guide only. Wind speed is only one of many factors that determine the design pressure on a structure. The design and location of the structure can have a great effect on the loads placed on the garage door. Consult a registered architect or structural engineer to determine what design pressure is appropriate for your application.

² Above wind speeds based on ASCE 7-10 Category II structure with a mean roof height of 30' and a maximum of 2' of the door is located within the end zone of a structure. The above wind speeds listed as a guide only. Wind speed is only one of many factors that determine the design pressure on a structure. The design and location of the structure can have a great effect on the loads placed on the garage door. Consult a registered architect or structural engineer to determine what design pressure is appropriate for your application.

The Genuine. The Original.



For more information visit www.overheaddoor.com

The Genuine. The Original.



SECTION 08 36 00
SECTIONAL OVERHEAD DOORS
521 SERIES ALUMINUM SECTIONAL OVERHEAD DOORS

Display hidden notes to specifier by using 'Tools'/'Options'/'View'/'Hidden Text'. On newer versions of Microsoft Word click on round Windows logo in top left corner, Click on 'Word Options' button at bottom of drop down menu. Click on 'Display' on left menu bar, and check the box for 'Hidden Text'.

PART 1 GENERAL

1.1 SECTION INCLUDES

**** NOTE TO SPECIFIER ** Delete items below not required for project.**

- A. Glazed Aluminum Sectional Overhead Doors.
- B. Electric Operators and Controls.
- C. Operating Hardware, tracks, and support.

1.2 RELATED SECTIONS

**** NOTE TO SPECIFIER ** Delete any sections below not relevant to this project; add others as required.**

- A. Section 03300 - Cast-In-Place Concrete: Prepared opening in concrete. Execution requirements for placement of anchors in concrete wall construction.
- B. Section 04810 - Unit Masonry Assemblies: Prepared opening in masonry. Execution requirements for placement of anchors in masonry wall construction.
- C. Section 05500 - Metal Fabrications: Steel frame and supports.
- D. Section 06114 - Wood Blocking and Curbing: Rough wood framing and blocking for door opening.
- E. Section 07900 - Joint Sealers: Perimeter sealant and backup materials.
- F. Section 08710 - Door Hardware: Cylinder locks.
- G. Section 09900 - Paints and Coatings: Field painting.
- H. Section 11150 - Parking Control Equipment: Remote door control.
- I. Section 16130 - Raceway and Boxes: Empty conduit from control station to door operator.
- J. Section 16150 - Wiring Connections: Electrical service to door operator.

1.3 REFERENCES

**** NOTE TO SPECIFIER ** Delete references from the list below that are not actually required by the text of the edited section.**

- A. ANSI/DASMA 102 - American National Standard Specifications for Sectional Overhead Type Doors.

1.4 DESIGN / PERFORMANCE REQUIREMENTS

**** NOTE TO SPECIFIER ** Use the applicable building code to determine the actual loading required and edit the following paragraph accordingly. Coordinate with the manufacturer for the selection of doors to meet the required criteria.**

- A. Wind Loads: Design and size components to withstand loads caused by pressure and suction of wind acting normal to plane of wall as calculated in accordance with applicable code.
 - 1. Design pressure of _____ lb/sq ft (_____ kPa).

**** NOTE TO SPECIFIER ** Edit the following paragraph for power operators as required. Delete if not required.**

- B. Wiring Connections: Requirements for electrical characteristics.
 - 1. 115 volts, single phase, 60 Hz.
 - 2. 230 volts, single phase, 60 Hz.
 - 3. 230 volts, three phase, 60 Hz.
 - 4. 460 volts, three phase, 60 Hz.
- C. Single-Source Responsibility: Provide doors, tracks, motors, and accessories from one manufacturer for each type of door. Provide secondary components from source acceptable to manufacturer of primary components.

1.5 SUBMITTALS

- A. Submit under provisions of Section 01300.
- B. Product Data: Manufacturer's data sheets on each product to be used, including:
 - 1. Preparation instructions and recommendations.
 - 2. Storage and handling requirements and recommendations.
 - 3. Installation methods.
- C. Shop Drawings: Indicate plans and elevations including opening dimensions and required tolerances, connection details, anchorage spacing, hardware locations, and installation details.
- D. Manufacturer's Certificates: Certify products meet or exceed specified requirements.
- E. Operation and Maintenance Data.

1.6 QUALITY ASSURANCE

- A. Manufacturer Qualifications: Company specializing in manufacturing products specified in this section with minimum five years documented experience.
- B. Installer Qualifications: Authorized representative of the manufacturer with minimum five years documented experience.
- C. Products Requiring Electrical Connection: Listed and classified by Underwriters Laboratories, Inc. acceptable to authority having jurisdiction as suitable for purpose specified.

1.7 DELIVERY, STORAGE, AND HANDLING

- A. Store products in manufacturer's unopened labeled packaging until ready for installation.
- B. Protect materials from exposure to moisture until ready for installation.

- C. Store materials in a dry, ventilated weathertight location.

1.8 PROJECT CONDITIONS

- A. Pre-Installation Conference: Convene a pre-installation conference just prior to commencement of field operations, to establish procedures to maintain optimum working conditions and to coordinate this work with related and adjacent work.

PART 2 PRODUCTS

2.1 MANUFACTURERS

- A. Acceptable Manufacturer: Overhead Door Corp., 2501 S. State Hwy. 121, Suite 200, Lewisville, TX 75067. ASD. Tel. Toll Free: (800) 275-3290. Phone: (469) 549-7100. Fax: (972) 906-1499. Web Site: www.overheaddoor.com. E-mail: sales@overheaddoor.com.

**** NOTE TO SPECIFIER ** Delete one of the following two paragraphs; coordinate with requirements of Division 1 section on product options and substitutions.**

- B. Substitutions: Not permitted.
- C. Requests for substitutions will be considered in accordance with provisions of Section 01600.

2.2 GLAZED ALUMINUM SECTIONAL OVERHEAD DOORS

**** NOTE TO SPECIFIER ** Overhead Door Corporation 521 Series Aluminum Doors are available up to a maximum width of 26 feet 2 inches and a maximum height of 20 feet 1 inch. Edit as required to suit project requirements.**

- A. Glazed Sectional Overhead Doors: 521 Series Aluminum Doors by Overhead Door Corporation.
 - 1. Door Assembly: Stile and rail assembly secured with 1/4 inch (6 mm) diameter through rods.
 - a. Panel Thickness: 1-3/4 inches (44 mm).
 - b. Center Stile Width: 2-11/16 inches (68 mm)
 - c. End Stile Width: 3-5/16 inches (84 mm)
 - d. Intermediate Rail Pair Width: 3-11/16 inches (94 mm).
 - e. Top Rail Width:

**** NOTE TO SPECIFIER ** Select one of the following paragraphs and delete the one not required.**

- 1) 2-3/8 inches (60 mm).
- 2) 3-3/4 inches (95 mm).

- f. Bottom Rail Width:

**** NOTE TO SPECIFIER ** Select one of the following paragraphs and delete the one not required.**

- 1) 3-3/4 inches (95 mm).
- 2) 4-1/2 inches (114 mm).

- g. Aluminum Panels: 0.050 inch (1.3 mm) thick, aluminum.
- h. Stiles and Rails: 6063 - T6 aluminum.
- i. Springs:

**** NOTE TO SPECIFIER ** Select one of the following paragraphs and delete the ones not required. 10,000 cycles are standard.**

- 1) 10,000 cycles.
- 2) 25,000 cycles.
- 3) 50,000 cycles.
- 4) 75,000 cycles.
- 5) 100,000 cycles.

- j. Glazing:

**** NOTE TO SPECIFIER ** Select one of the following glazing paragraphs and delete those not required.**

- 1) 1/8 inch (3 mm) Acrylic glazing.
- 2) 1/4 inch (6 mm) Acrylic glazing.
- 3) 1/8 inch (3 mm) Clear Lexan glazing.
- 4) 1/4 inch (6 mm) Clear Lexan glazing.
- 5) 1/2 inch (12.5 mm) Clear Lexan Insulated glazing.
- 6) 1/8 inch (3 mm) Tempered glass.
- 7) 1/4 inch (6 mm) Tempered glass.
- 8) 1/2 inch (12.5 mm) Tempered Insulating glass.
- 9) 1/4 inch (6 mm) Wire glass.
- 10) 1/8 inch (3 mm) Double Strength glass.
- 11) 1/2 inch (12.5 mm) Double Strength Insulating glass.
- 12) 1/8 inch (3 mm) Low E glazing.
- 13) 1/4 inch (6 mm) Low E glazing.
- 14) 1/2 inch (12.5 mm) Low E Insulated glazing.
- 15) 1/8 inch (3 mm) Solar Bronze glazing.
- 16) 1/4 inch (6 mm) Solar Bronze glazing.
- 17) 1/2 inch (12.5 mm) Solar Bronze Insulated glazing.
- 18) 1/8 inch (3 mm) Obscure glazing.
- 19) 1/4 inch (6 mm) Obscure glazing.
- 20) 1/2 inch (12.5 mm) Obscure Insulated glazing.
- 21) 1/4 inch (6 mm) Twin-Wall Polycarbonate (clear, bronze, white).
- 22) 3/8 inch (9.5 mm) Twin-Wall Polycarbonate (clear, bronze, white).
- 23) 5/8 inch (15.87 mm) Triple-Wall Polycarbonate (clear, bronze, white).

**** NOTE TO SPECIFIER ** Select one of the following finish paragraphs and delete those not required.**

2. Finish and Color:
 - a. Anodized Finish: Clear anodized.
 - b. Anodized Finish: Bronze anodized.
 - c. Powder coat finish bronze light.
 - d. Powder coat finish bronze medium.
 - e. Powder coat finish bronze dark.
 - f. Powder Coating Finish: Color as selected by Architect from manufacturer's standard colors.

**** NOTE TO SPECIFIER ** The following paragraph is optional. Contact the manufacturer for additional information. Include the Design/Performance Requirements in Part 1 of this specification.**

3. Windload Design: Provide to meet the Design/Performance requirements specified.
4. Hardware: Galvanized steel hinges and fixtures. Ball bearing rollers with hardened steel races.
5. Lock: Interior galvanized single unit.
6. Weatherstripping:

**** NOTE TO SPECIFIER ** Select the seals required from the following paragraphs and delete those not required. Bottom seal is standard, jamb seals and head seals are optional.**

- a. Flexible bulb-type strip at bottom section.
- b. Flexible Jamb seals.
- c. Flexible Header seal.
7. Track: Provide track as recommended by manufacturer to suit loading required and clearances available.

**** NOTE TO SPECIFIER ** Select one of the following Operation paragraphs and delete the ones not required. Manual pull rope is standard.**

8. Manual Operation: Pull rope.
9. Manual Operation: Chain hoist.
10. Electric Motor Operation: Provide UL listed electric operator, size and type as recommended by manufacturer to move door in either direction at not less than 2/3

foot nor more than 1 foot per second. Operator shall meet UL325/2010 requirements for continuous monitoring of safety devices.

- a. Entrapment Protection: Required for momentary contact, includes radio control operation.

**** NOTE TO SPECIFIER ** Select one of the following protection paragraphs and delete those not required.**

- 1) Pneumatic sensing edge up to 18 feet (5.5 m) wide. Constant contact only complying with UL 325/2010.
- 2) Electric sensing edge monitored to meet UL 325/2010.
- 3) Photoelectric sensors monitored to meet UL 325/2010.

- b. Operator Controls:

**** NOTE TO SPECIFIER ** Select one of the following control paragraphs and delete those not required.**

- 1) Push-button operated control stations with open, close, and stop buttons.
- 2) Key operated control stations with open, close, and stop buttons.
- 3) Push-button and key operated control stations with open, close, and stop buttons.

**** NOTE TO SPECIFIER ** Select one of the following mounting paragraphs and delete the one not required.**

- 4) Flush mounting.
- 5) Surface mounting.

**** NOTE TO SPECIFIER ** Select one of the following mounting location paragraphs and delete those not required.**

- 6) Interior location.
- 7) Exterior location.
- 8) Both interior and exterior location.

**** NOTE TO SPECIFIER ** Select special operation features from the following paragraphs and delete those not required. Delete entirely if not required.**

- c. Special Operation:

- 1) Pull switch.
- 2) Vehicle detector operation.
- 3) Radio control operation.
- 4) Card reader control.
- 5) Photocell operation.
- 6) Door timer operation.
- 7) Commercial light package.
- 8) Explosion and dust ignition proof control wiring.

PART 3 EXECUTION

3.1 EXAMINATION

- A. Do not begin installation until openings have been properly prepared.
- B. Verify wall openings are ready to receive work and opening dimensions and tolerances are within specified limits.
- C. Verify electric power is available and of correct characteristics.
- D. If preparation is the responsibility of another installer, notify Architect of unsatisfactory preparation before proceeding.

3.2 PREPARATION

- A. Clean surfaces thoroughly prior to installation.

- B. Prepare surfaces using the methods recommended by the manufacturer for achieving the best result for the substrate under the project conditions.

3.3 INSTALLATION

- A. Install overhead doors and track in accordance with approved shop drawings and the manufacturer's printed instructions.
- B. Coordinate installation with adjacent work to ensure proper clearances and allow for maintenance.
- C. Anchor assembly to wall construction and building framing without distortion or stress.
- D. Securely brace door tracks suspended from structure. Secure tracks to structural members only.
- E. Fit and align door assembly including hardware.

**** NOTE TO SPECIFIER ** Select the following paragraph for power operated doors. Delete if not required.**

- F. Coordinate installation of electrical service. Complete power and control wiring from disconnect to unit components.

3.4 CLEANING AND ADJUSTING

- A. Adjust door assembly to smooth operation and in full contact with weatherstripping.
- B. Clean doors, frames and glass.
- C. Remove temporary labels and visible markings.

3.5 PROTECTION

- A. Do not permit construction traffic through overhead door openings after adjustment and cleaning.
- B. Protect installed products until completion of project.
- C. Touch-up, damaged coatings and finishes and repair minor damage before Substantial Completion.

END OF SECTION

Jeff S. Taylor
Zoning Official
Plans Examiner

TEL(918) 596-7637
jstaylor@cityoftulsa.org



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

10/2/2018

William James

APPLICATION NO: BLDR-010670-2018 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1591 E Swan DR S

Description: Carport

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT

175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" **IS** **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT WWW.CITYOFTULSA-BOA.ORG

Application No. **BLDR-010670-2018**

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. 70.120-H Lapse of Approval

An approved special exception will lapse and become void 3 years after it is granted by the board of adjustment, unless a building permit has been issued and the project has commenced and is diligently pursued to completion. If no building permit is required, the use, improvement or activity that is the subject of the special exception must be in place within the 3-year period.

Review Comments- Your previous special exception approval case 21460 on 8/28/2012 has lapsed. You will need to apply for new special exception as listed in this letter.

2. **Special exception approval required; see §90.090-C1.**

Sec.90.090-C.1 Carports: Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.

- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.
- g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed

Review comment: The proposed carport is located in the street setback area and requires special exception granted by the BOA. Please contact an INCOG representative at 918-584-7526 for further assistance. Please note: the regulations underlined above must be addressed as part of the special exception process as the proposed structure is not in compliance with said regulations as submitted. If approved, submit a copy of the approved special exception as a revision to your application.

You will also be required to obtain a building permit before start of construction.

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

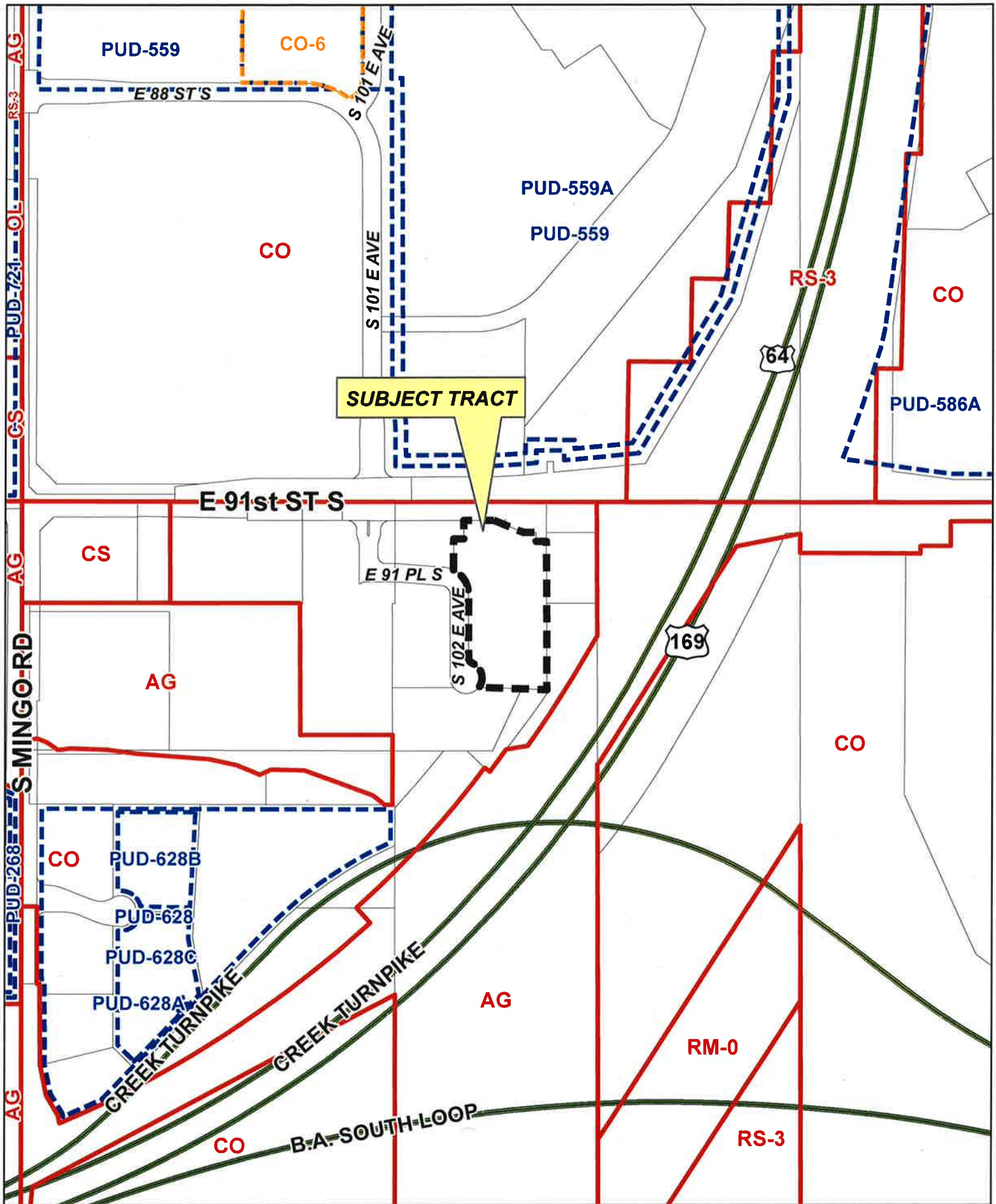
A hard copy of this letter is available upon request by the applicant.

END –ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

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SUBJECT TRACT

BOA-22523



18-14 19



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 8419

Case Number: **BOA-22523**

CZM: 58

CD: 7

A-P#:

HEARING DATE: 10/23/2018 1:00 PM

APPLICANT: Nathalie Cornett

ACTION REQUESTED: Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 60.080-F.5) and a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 60.100)

LOCATION: 10210 E 91 ST

ZONED: CO

PRESENT USE: commercial center

TRACT SIZE: ± 3.13 acres

LEGAL DESCRIPTION: LTS 2 - 4 BLK 1, CROSSROADS VILLAGE

RELEVANT PREVIOUS ACTIONS:

BOA-20850; on 2.24.09 the applicant **withdrew** a *Spacing Verification* for an outdoor advertising sign located on a portion of the subject property, on Lot 2, Block 1, Crossroads Village.

BOA-20849; on 2.10.09 the Board **accepted** a *Spacing Verification* for an outdoor advertising sign located on a portion of the subject property, on Lot 3, Block 1, Crossroads Village.

Z-6503-Sp-2c; on 10.3.18 the Planning Commission **approved** a *Minor Amendment* to digitize an allowed advertising sign located on a portion of the subject property, on Lot 2, Block 1, Crossroads Village.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Regional Center" and an "Area of Growth".

Regional Centers are mid-rise mixed-use areas for large scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by US Hwy 169 and the Creek Turnpike to the east and south; office development to the north and west.

STAFF COMMENTS:

The applicant is before the Board to verify the spacing requirement for a dynamic display outdoor advertising sign on the subject lot. The exhibit shows that the sign will be placed on the northern portion of the overall site; Lt 2, Blk 1.

The Code requires outdoor advertising signs to be separated a minimum distance of 1,200 feet from any other outdoor advertising sign. **Spacing limitations shall not apply between signs separated by the freeway.** The 1,200 feet shall be measured in a straight line from the center of an outdoor advertising sign's structure to the center of any other outdoor advertising sign's structure.

Section 60.100-K requires any dynamic display outdoor advertising be separated by a minimum distance of 1,200 feet from any other dynamic display outdoor advertising sign **facing the same traveled way.** The 1,200 feet shall be measured in a straight line from the center of the sign structures, as located on the ground.

According to the attached survey the proposed dynamic display billboard meets the spacing requirement for a dynamic display and standard outdoor advertising sign.

The verification is executed through a public hearing process to ensure that surrounding property owners are notified and have the ability to provide information to the Board relevant to the verification.

The Board must find that the proposed outdoor advertising sign meets or does not meet the spacing requirement.

Language traditionally utilized by the Board in verifying the spacing requirement:

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing between outdoor advertising signs (for either a dynamic display or conventional billboard) subject to the action of the Board being null and void should another dynamic display and/or standard outdoor advertising sign be erected within the required spacing radius prior to this sign.

E79.20 CRV LF896.56SW454.50 SW593.20 SW87.10 POB LESS E16.5 S181
SE NE SEC 7 20 14 42.424ACS

Case No. 20860

Action Requested:

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), located: 8235 East Admiral Place.

Presentation:

Mike Joyce, 1717 South Boulder, Tulsa, Oklahoma. Mr. Joyce informed the Board that his client has asked that this case be withdrawn. They no longer intend to build a digital sign at this location.

Board Action:

No action by the Board was necessary.

NEW APPLICATIONS

FILE COPY

Case No. 20850

Action Requested:

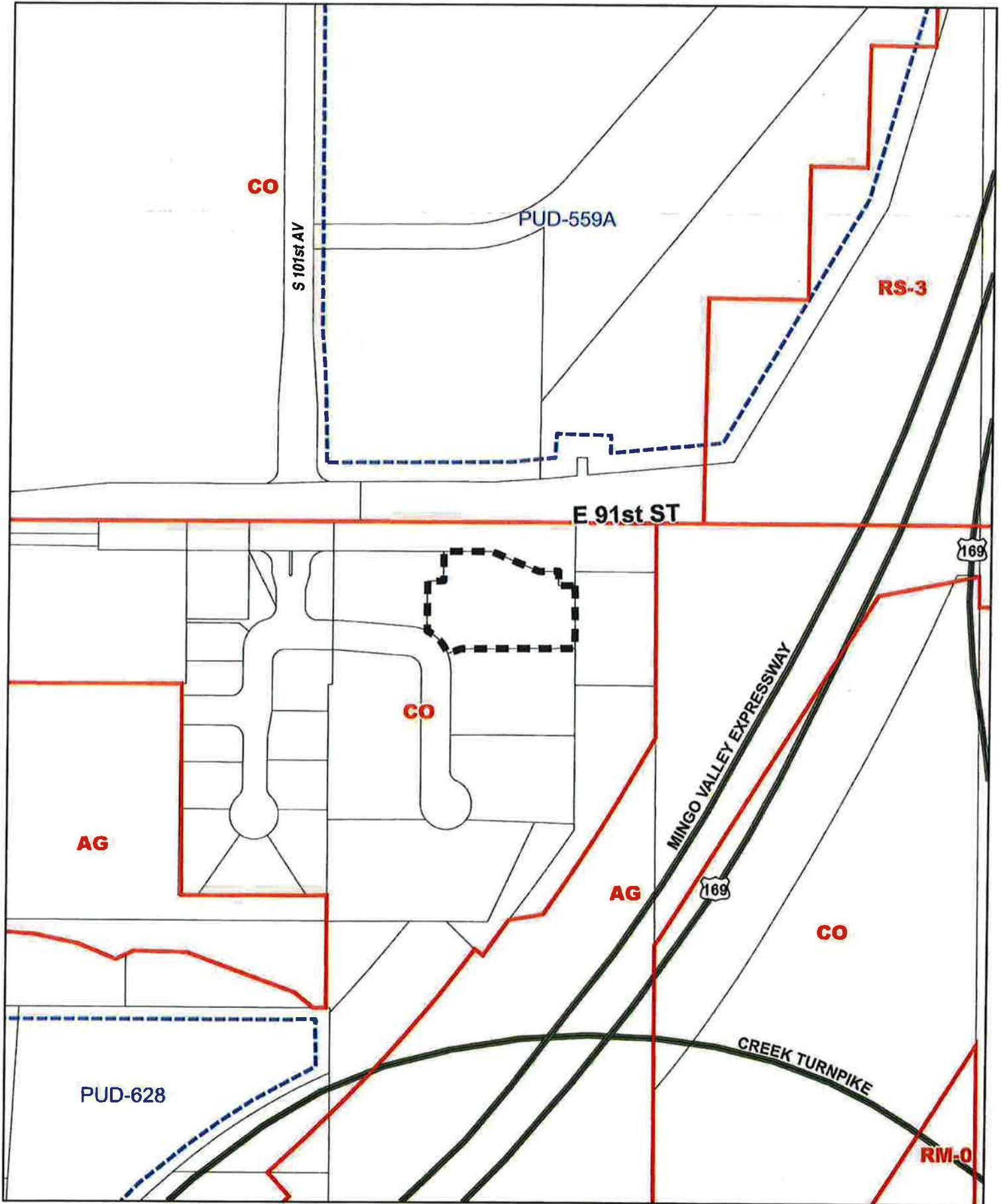
Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), located: 10102 East 91st Street.

Presentation:

Mike Joyce, 1717 South Boulder, Tulsa, Oklahoma. Mr. Joyce informed the Board that his client has asked that this case be withdrawn. There was already an application for a site in the original location for a billboard that was once there. This is for the alternate site.

Board Action:

No action by the Board was necessary.



BOA-20850

18-14 19

6.5



FILE COPY

NEW APPLICATIONS

Case No. 20849

Action Requested:

Verification of the spacing requirement for a digital/conventional outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2 & G.9), located: 10102 East 91st Street South.

Presentation:

Mike Joyce, 1717 South Boulder, Suite 200, Tulsa, Oklahoma, 74119. Mr. Joyce noted that this application and the other Whistler Sign Company applications presented today were filed prior to January 1, 2009 and that the spacing under the Ordinance that applies is only the spacing on the same side of the highway. He provided a certificate reflecting that the spacing in both directions on the same side of the highway from the proposed billboard exceeds the 1,200 ft. requirement.

Comments and Questions:

Ms. Stead confirmed with Mr. Boulden that any application filed before January 1, 2009 would fall under the ordinance referring to the same side of the highway although the Board was hearing the case in 2009.

Interested Parties:

John Moody, 3723 East 64th Place, Tulsa, Oklahoma. Mr. Moody represents Stokely Outdoor Advertising and Southcrest Hospital who owns the property across the street from this location. He stated that Mr. Joyce's client did not have a permit for a digital sign and that no digital sign could be built high enough to be seen from the highway. Ms. Stead stated that the Board would not hear these comments because they were not related to the verification of spacing. Mr. Henke advised this was not the proper venue for Mr. Moody's concerns.

Board Action:

On **Motion of White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **ACCEPT** the applicant's verification of spacing requirement between outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign per the surveyor's certificate on page 3.8, on the following described property:

LT 3 BLK 1, CROSSROADS VILLAGE, City of Tulsa, Tulsa County, State of Oklahoma

FILE COPY

NEW APPLICATIONS

Case No. 20849

Action Requested:

Verification of the spacing requirement for a digital/conventional outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2 & G.9), located: 10102 East 91st Street South.

Presentation:

Mike Joyce, 1717 South Boulder, Suite 200, Tulsa, Oklahoma, 74119. Mr. Joyce noted that this application and the other Whistler Sign Company applications presented today were filed prior to January 1, 2009 and that the spacing under the Ordinance that applies is only the spacing on the same side of the highway. He provided a certificate reflecting that the spacing in both directions on the same side of the highway from the proposed billboard exceeds the 1,200 ft. requirement.

Comments and Questions:

Ms. Stead confirmed with Mr. Boulden that any application filed before January 1, 2009 would fall under the ordinance referring to the same side of the highway although the Board was hearing the case in 2009.

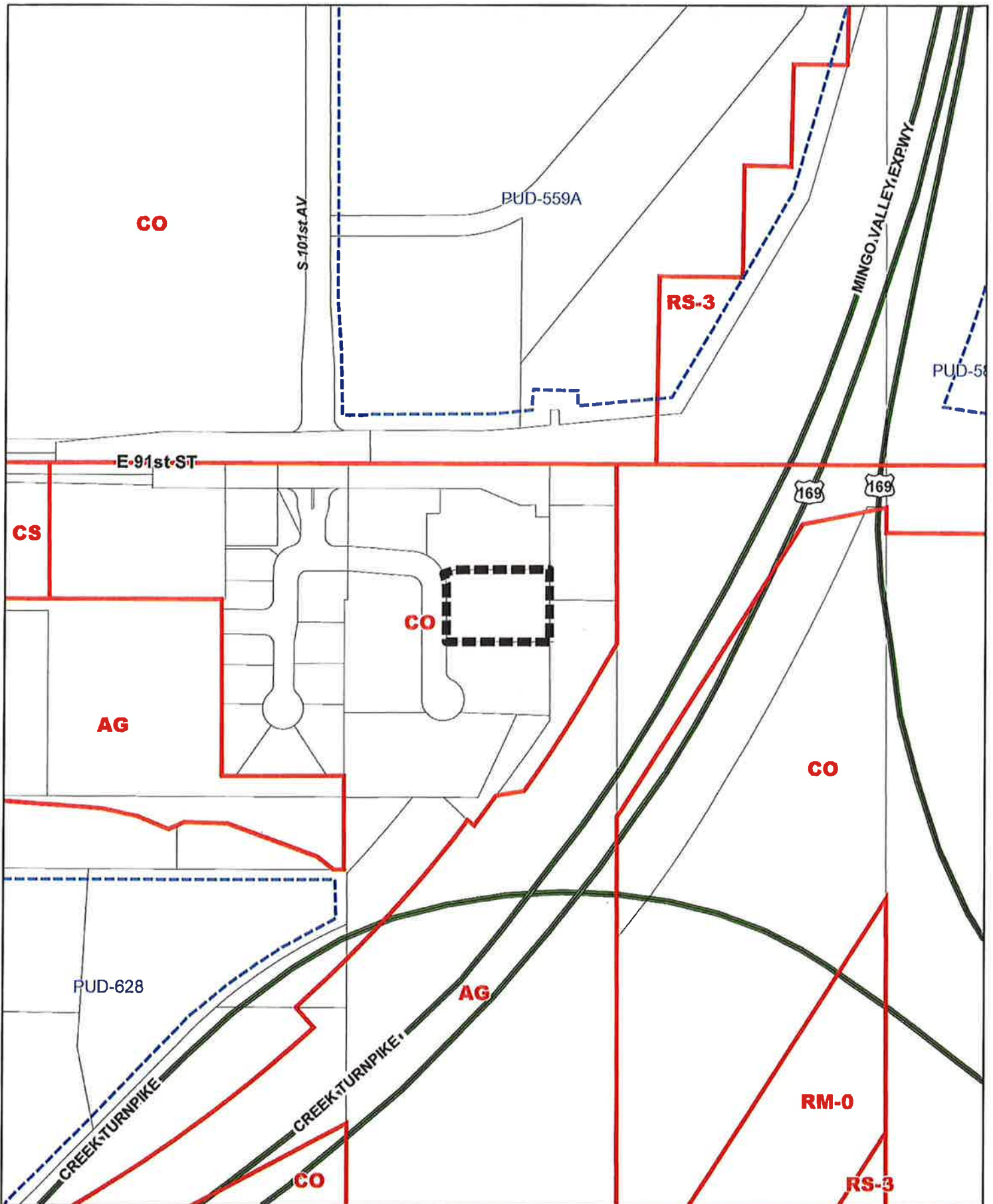
Interested Parties:

John Moody, 3723 East 64th Place, Tulsa, Oklahoma. Mr. Moody represents Stokely Outdoor Advertising and Southcrest Hospital who owns the property across the street from this location. He stated that Mr. Joyce's client did not have a permit for a digital sign and that no digital sign could be built high enough to be seen from the highway. Ms. Stead stated that the Board would not hear these comments because they were not related to the verification of spacing. Mr. Henke advised this was not the proper venue for Mr. Moody's concerns.

Board Action:

On **Motion of White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **ACCEPT** the applicant's verification of spacing requirement between outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign per the surveyor's certificate on page 3.8, on the following described property:

LT 3 BLK 1, CROSSROADS VILLAGE, City of Tulsa, Tulsa County, State of Oklahoma

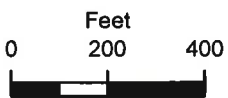


BOA-20849

18-14 19

6.8





Subject
Tract

BOA-22523

18-14 19

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

Aerial Photo Date: February 2018

6.9



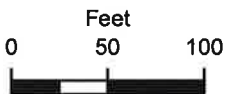


E 91st ST S

E91 PLS

S 102 EAVE

169



Subject Tract

BOA-22523

18-14 19

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

Aerial Photo Date: February 2018

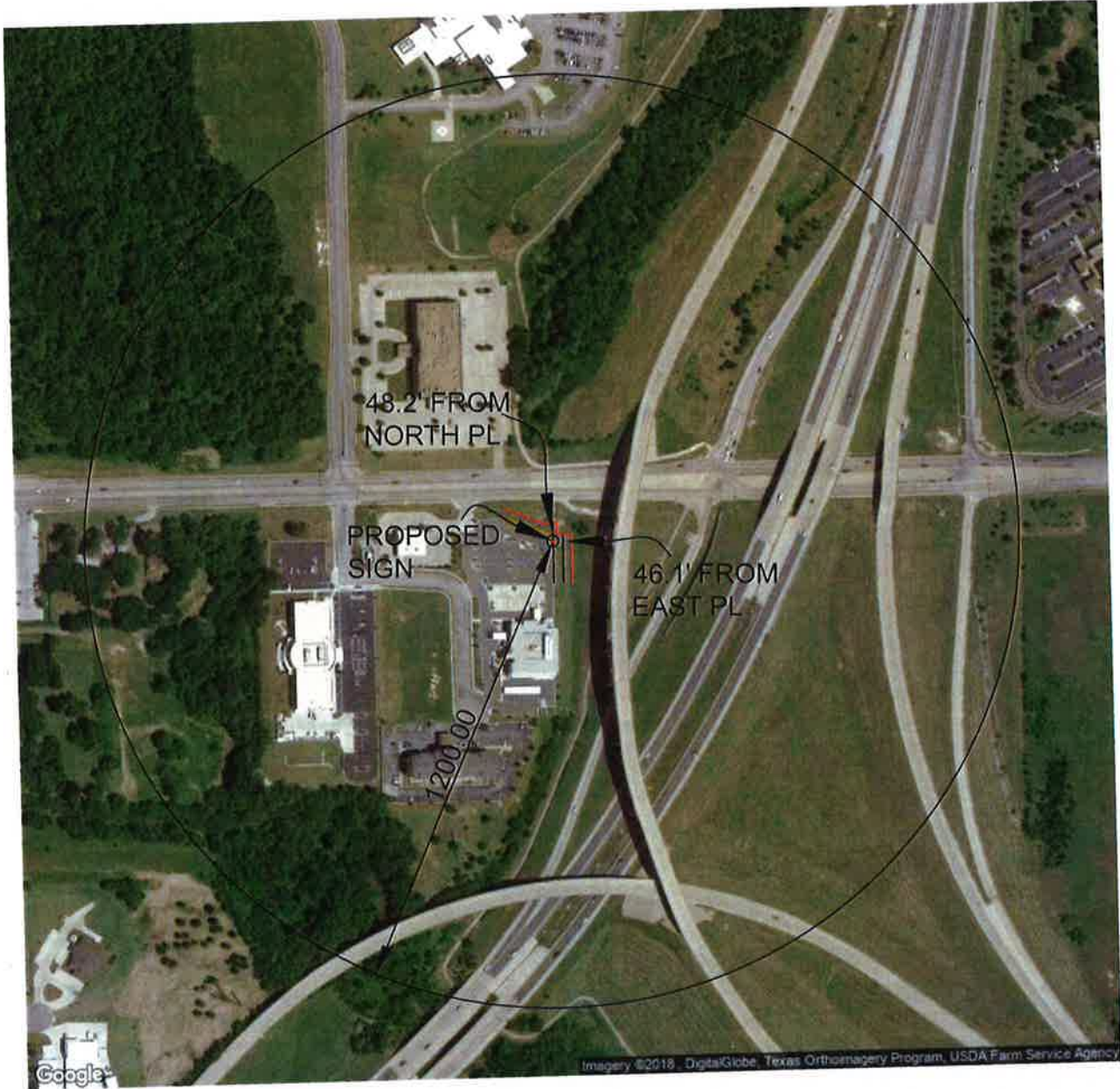
6.10



DATE: 9/10/18
SCALE: N/A

EXHIBIT

Nickle & Associates, Inc.
108 S. 109th E. PLACE, Tulsa, Oklahoma, 74128
(918) 664-5411. C.A. #1749 Expires 6/2019.



Proposed Sign Lat/Long 36 01 53.42 95 51 46.33

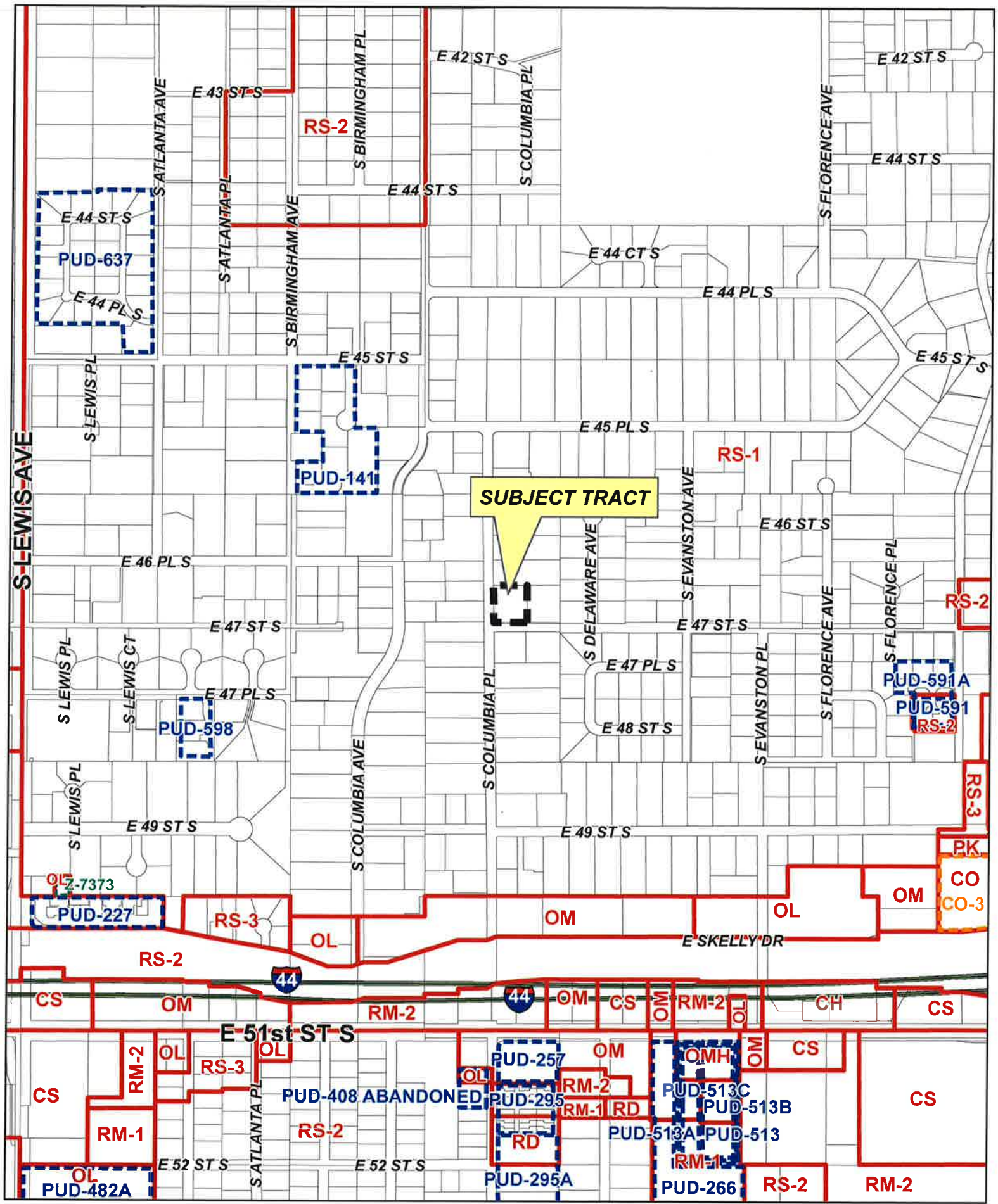
I hereby certify that the proposed sign The sign is more than 1200 feet from any other outdoor advertising sign on the same side of the highway, and is more than 1200 feet from any other digital outdoor advertising sign facing the same traveled way The foregoing certifications are based on the measurement of a straight line from the center of the proposed sign structure, as located on the ground, to the center of any other outdoor advertising sign structure, as located on the ground.



Gregory Nickle, PLS #1396 Oklahoma

6.11

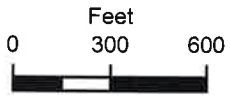
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SUBJECT TRACT

BOA-22511

7.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9329

Case Number: **BOA-22511**

CZM: 47

CD: 9

A-P#:

HEARING DATE: 10/23/2018 1:00 PM

APPLICANT: Erick Ethridge

ACTION REQUESTED: Variance of the minimum lot width in an RS-1 district to permit a lot split (Section 5.030, Table 5-3).

LOCATION: 4647 S COLUMBIA PL E

ZONED: RS-1

PRESENT USE: Residential

TRACT SIZE: 27124.92 SQ FT

LEGAL DESCRIPTION: W/2 LT 3 LESS S5 THEREOF BLK 5, VILLA GROVE SUB

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA-17812; on 9.997, the Board **denied** a *variance* of the required 30' of frontage on a public street or dedicated right-of-way in an RS-1 district to permit a lot split; *variance* of the average lot width requirement. Located: 4636 South Evanston.

BOA-14019; on 4.17.86, the Board **struck** a request for *variances* of the bulk and area requirements in the RS-1 zoned district to permit lot split number 16632. Located: 4617 S. Columbia Pl.

BOA-7379; on 4.6.71, the Board **approved** a *variance* of the required 30' of frontage on a public street or dedicated right-of-way in an RS-1 district to permit a lot split. Located: 4616 S. Evanston.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an 'Existing Neighborhood' and an 'Area of Stability'.

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

7.2

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by RS-1 zoned residences on all sides.

STAFF COMMENTS:

As shown on the attached site plans the applicant is proposing to split the subject lot into two tracts; both proposed tracts will be $\pm 13,510$ sq. ft. and contain a lot width of 89.20 ft. The Code requires that a RS-1 zoned lot maintain a lot area and lot area per unit of 13,500 sq. ft.; and a lot width of 100 ft.

To permit both tracts as proposed the applicant has requested a **Variance** to reduce the permitted lot width from 100 ft. to 89.20 ft. The applicant has provided the following hardship statement; *Since the original platting of the property the area has went through a significant redevelopment. With this redevelopment most if not all lots have been split to allow a density higher than that allowed by RS-3 zoning. This combined with the adjacent commercial real-estate to the south present a hardship for development that may only be remedied by allowing 52.5' lot widths conforming to the surrounding properties.*

Sample Motion

Move to _____ (approve/deny) a Variance to reduce the minimum lot width to permit a lot split in an RS-1 district. (Sec. 5.030)

- Finding the hardship(s) to be _____.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

The Board finds that the following facts, favorable to the property owner, have been established:

"a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."

Case No. 17811 (continued)

Prt SE, NE, Beg. NE/c, N/2, S/2, SE, NE, then W 280', S 195.11', E 280', N 195.11', POB less E 50', Sec. 21, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17812

Action Requested:

Variance of the required 30' of frontage on a public street or dedicated right-of-way in an RS-1 district to permit a lot split. **SECTION 206. STREET FRONTAGE REQUIRED** - Use Unit 6 and a Variance of average lot width requirement. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 4636 South Evanston.

Presentation:

The applicant, **James McLean**, 1402 West James, Enid, 73101, representing his mother who is the subject property owner, submitted a site plan (Exhibit I-1) and stated that his mother has owned the subject property for 38 years. He explained that the subject parcel is oversized for an RS-1 district. It is nearly 127% of the average size lot in the neighborhood. He stated the variance will allow his mother to market the additional lot space. Mr. McLean indicated that within three (3) or four (4) blocks there are three examples where the lots were split in a similar fashion.

Comments and Questions:

Mr. White asked the applicant if the similar lot splits are in the same neighborhood? He indicated that the splits have been at 4900 block of South Columbia and 2800 block of 49th Street.

Mr. McLean stated that the subject lot has an average width of only 99' before the lot split.

In response to Mr. Bolzle, Mr. Stump stated that if the applicant had given 30' of frontage and had a panhandle neither lot would meet the minimum lot width. If the applicant did not give the panhandle the rear lot would have substandard lot width.

Mr. White asked the applicant to state his hardship in order to grant a variance. Mr. McLean stated that without the variance there would be no way to access the proposed lot.

Protestants:

Steven Allen, 4641 South Delaware, stated he did not see how the lot could be split and provide an attractive lot for development. He expressed concerns that the lot split would affect the property values in a negative fashion. Mr. Allen concluded that due to the closeness of his lot he is opposed to this application.

09:09:97:734(24)

Case No. 17812 (continued)

The following expressed the same concerns as the above protestant:

Paul Keeling, 4625 South Delaware, Ann Pitcher, 4640 South Delaware.

Comments and Questions:

Mr. Bolzle asked the Board if they saw anything unique about the subject lot that is not shared by at least 40 other lots in the same area? The Board answered negatively.

Mr. Bolzle asked the Board if they agree that to allow lot splits on all of the lots in this neighborhood would be detrimental? The Board agreed that it would be detrimental to allow lot splits in the subject neighborhood.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Cooper "absent") to **DENY** Variance of the required 30' of frontage on a public street or dedicated right-of-way in an RS-1 district to permit a lot split. **SECTION 206. STREET FRONTAGE REQUIRED** - Use Unit 6 and a Variance of average lot width requirement. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, finding that the applicant failed to present a hardship unique to the property that would warrant the granting of the variance request; on the following described property:

Tract A: W 135.0' of the following described tract of land: Prt S/2, Lot 5, Claypool Subdivision more particularly described as follows: Beg. 106 2/3' S of N line, S/2; thence S 103'; thence NW on a diagonal line 310' to the W boundary line; thence N 95'; thence E to the POB, Tulsa County, Oklahoma, according to the Recorded Plat thereof, **TOGETHER** with a 15' access easement across the N 15' of the E 175' of the above described land; Tract B: Prt of the S/2, Lot 5, Claypool Subdivision, more particularly described as follows; Beg. 106 2/3' S of N line of the S/2; thence S 103'; thence NW on a diagonal line 310' to the W boundary line; thence N 95'; thence E to the POB, Tulsa County, Oklahoma, according to the recorded plat thereof, **LESS AND EXCEPT** the W 135.0' thereof and known as 4636 S. Evanston Ave, subject to a 15' access easement across the N 15' of said tract of land, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17813

Action Requested:

Special Exception to permit a real estate office as a home occupation. **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** Use Unit 11, located 3232 South Utica.

09:09:97:734(25)

Case No. 14018 (continued)

Protestants:

Robert Dudley, 739 North Marion, Tulsa, Oklahoma, informed that there is sufficient space on the south of Mr. Tidmore's house to install a carport. He pointed out that the carport is as large as a garage and asked the Board to deny the request.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no, "abstentions"; Clugston, "absent") to DENY a Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the 50' setback from the centerline of Marion Avenue to 32.7' to allow construction of a carport; finding that there are no other carports in the area and that the granting of the variance request would be detrimental to the neighborhood; on the following described property:

S/2 of Lot 8, All of Lot 7, Block 13, Federal Heights 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14019

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the 100' lot width requirement to 90'.

Variance - Section 207 - Street Frontage Required - Request a variance of the 30' frontage requirement to 12' in order to permit a lot split, located at 4617 South Columbia Place.

Presentation:

The applicant, Braselton Dankbar Architects, Inc., was not present.

Comments and Questions:

Mr. Jones informed that the variances were requested in conjunction with a lot split which was denied by TMAPC at their last meeting. He suggested that this might be the reason the applicant is not present.

Board Action:

On MOTION of WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no, "abstentions"; Clugston, "absent") to STRIKE Case No. 14019.

7401

Action Requested: Exception (Section 610 - Principal Uses Permitted in Commercial Districts) to permit erecting apartments in a CS District on a tract located southwest of 66th Street and Lewis Avenue.

Presentation: Charles Burris, applicant, advised the Board that the subject tract is a portion of an apartment complex containing 100 units located at 6700 South Lewis. The front portion of the complex, by request of the lending institution, goes into a CS District, and the balance is contained in CDP #69, which allows 960 units on all of the 47 acres. He submitted a plot plan (Exhibit "R-1"), and advised the Board that the Building Inspector's office had requested that it be approved by this Board.

Protests: None.

Remarks: Mr. Edwards pointed out that the development would have to conform to RM-2 standards.

Board Action: On MOTION of HENDRICKS, the Board (5-0) approved an Exception (Section 610 - Principal Uses Permitted in Commercial Districts) to permit erecting apartments in a CS District, subject to RM-2 standards and per plot plan on the following described tract:

TRACT No. 7: Beginning at a point on the East line of Section 6, Township 18 North, Range 13 East, Tulsa County, Oklahoma, 1,317.20 feet North of the Southeast corner of Section 6; thence due North a distance of 300.00 feet; thence South 89°-56'-30" West a distance of 200 feet; thence due South a distance of 300.00 feet; thence North 89°-56'-30" East a distance of 200 feet to the point of beginning.

7379

Action Requested: Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1470) to modify the front footage requirements in an RS-1 District to permit a lot-split on a tract located at 4616 South Evanston.

Presentation: Connie Rea, applicant, was present.

Protests: None.

4.6.72:105(22)

7.7

7379 (continued)

Remarks:

Mr. Edwards stated that the subject request constitutes a minor variance and does not require that notice be given in the Tulsa Daily Legal News.

Board Action:

On MOTION of JOLLY, the Board (5-0) approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1470) to modify the front footage requirements in an RS-1 District to permit a lot-split (L-12553), on the following described property.

The S/2 of the N/2 of Lot 5, Claypool Addition to the City of Tulsa, Oklahoma.

7404

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit operating a children's nursery in an RS-3 District on a tract located at 6358 East Newton Street.

Presentation:

Patricia Hobel, attorney representing Roy L. Potts, applicant, advised the Board that the property has 126' frontage on Sheridan and 66' on Newton. The surrounding area has become primarily business in character, rather than residential. She stated that the applicant feels that the requested use would be transitional for his property and would not be incompatible with the residential property to the west. She added that the entrance to the property is on Newton and the Sheridan Frontage would be fenced.

Protests:

None.

Board Action:

On MOTION of JOLLY, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit operating a children's nursery in an RS-3 District on the following described tract:

Lot 1, Block 11, Maplewood Addition to the City of Tulsa, Oklahoma.

7405

Action Requested:

Variance (Section 1120 (d) - General Requirements - Under the Provisions of Section 1470) to waive the following: Required off-street parking spaces and required off-street loading berths shall be located on the lot containing the use for which the required spaces or berths are to be provided on a tract located at 5980 East 31st Street.



S LEWIS AVE

S ATLANTA AVE

S BIRMINGHAM PL

S COLUMBIA PL

S FLORENCE AVE

S DELAWARE AVE

S EVANSTON AVE

S EVANSTON PL

S FLORENCE AVE

S FLORENCE PL

S LEWIS PL

S LEWIS CT

S LEWIS PL

S LEWIS PL

S COLUMBIA PL

S DELAWARE AVE

S EVANSTON PL

S FLORENCE AVE

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S LEWIS PL

E 45 ST S

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S COLUMBIA AVE

E SKELLY DR

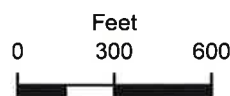


E 51st ST S

E 52 ST S

E 52 ST S

S ATLANTA PL



Subject Tract

BOA-22511

19-13 29

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

Aerial Photo Date: February 2018

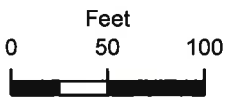
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S COLUMBIA PL

E 47 ST S



Subject Tract

BOA-22511

19-13 29

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

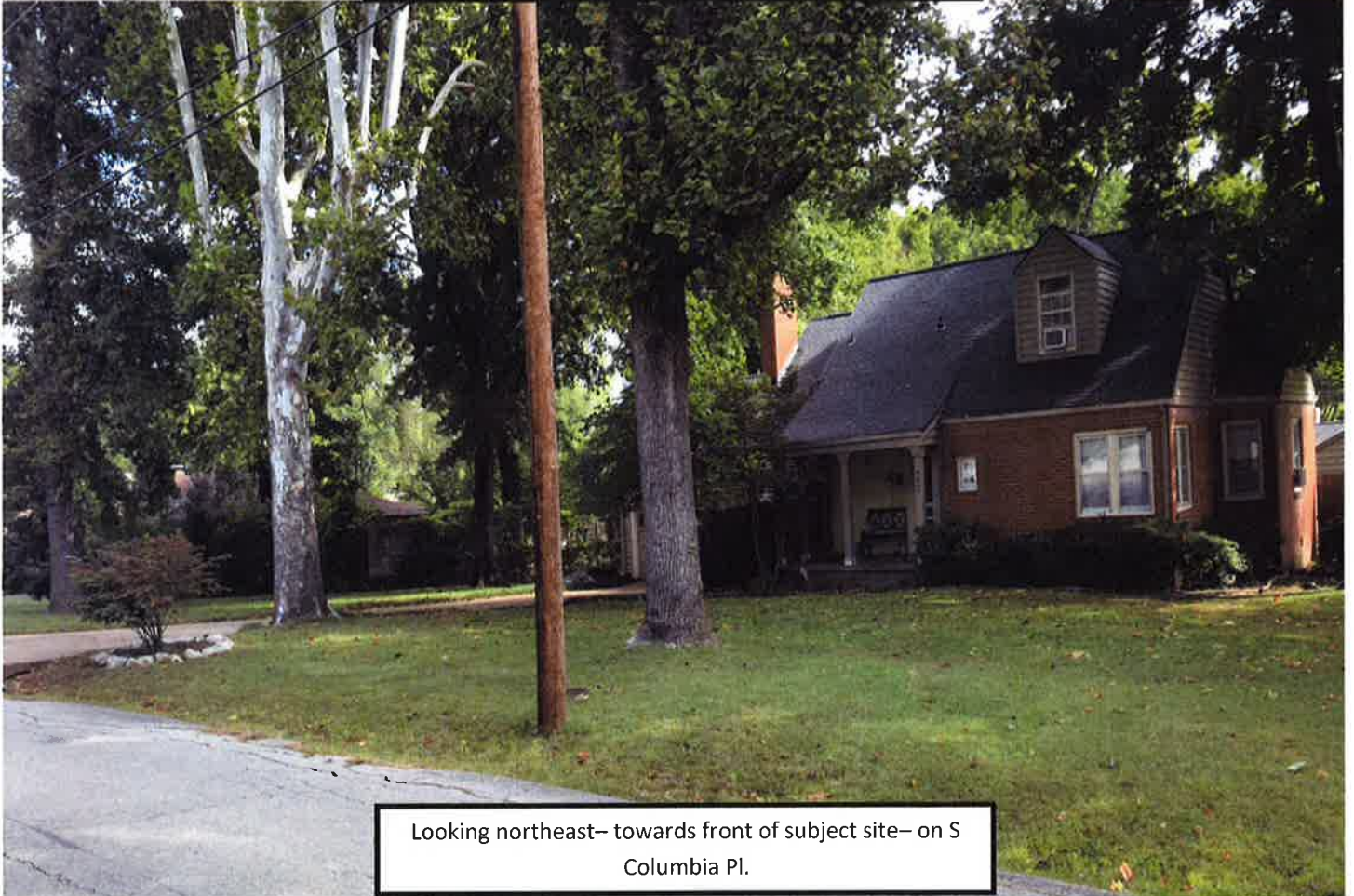
Aerial Photo Date: February 2018

7.10





Looking northeast— towards front of subject site— on S Columbia Pl.



Looking northeast— towards front of subject site— on S Columbia Pl.

7.11



Looking east— towards southern portion of subject site— on
S Columbia Pl.



WHITE SURVEYING COMPANY

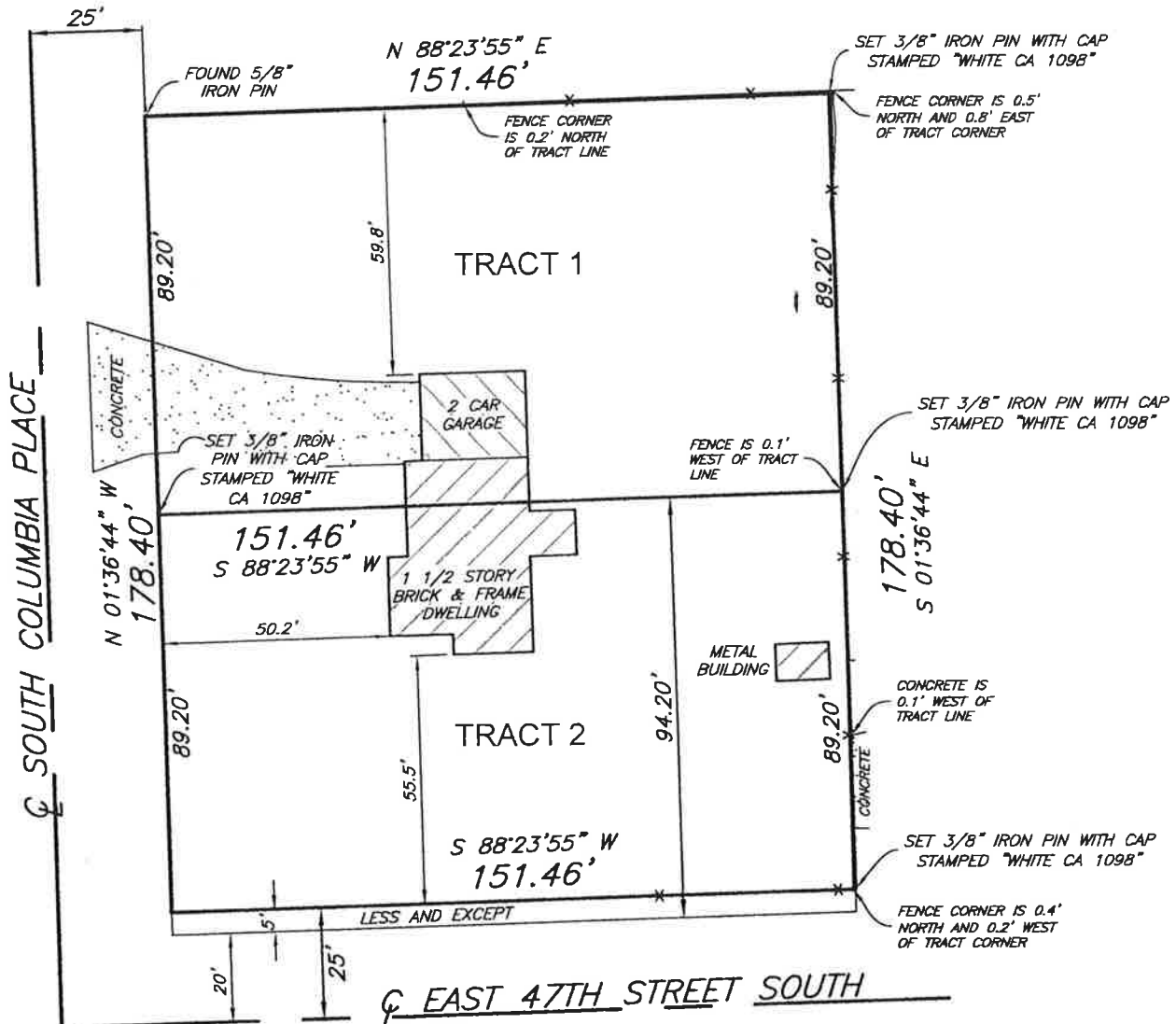
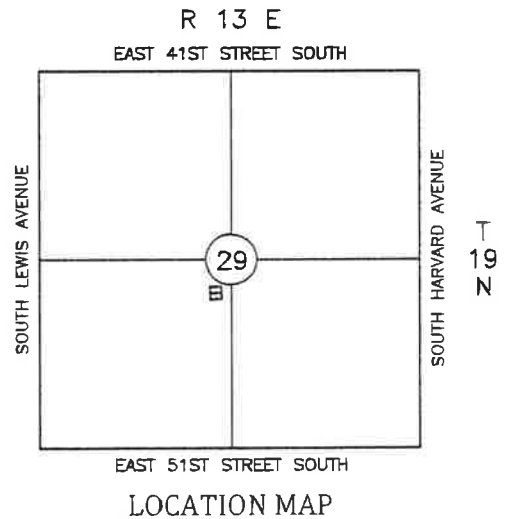
• 9936 EAST 55TH PLACE TULSA, OKLAHOMA 74146 • (918) 663-6924



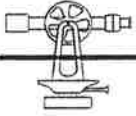
1" = 40'

EXHIBIT

PART OF LOT 3, BLOCK 5,
VILLA GROVE ADDITION,
CITY OF TULSA, TULSA COUNTY,
STATE OF OKLAHOMA



7.13



WHITE SURVEYING COMPANY

9936 East 55th Place • Tulsa, Oklahoma 74146 • (918) 663-6924 fax (918) 664-8366
mailing address: P.O. Box 471675 Tulsa, Oklahoma 74147-1675

LEGAL DESCRIPTION

UNDIVIDED LEGAL:

THE WEST HALF (W/2) OF LOT THREE (3), BLOCK FIVE (5), LESS THE SOUTH 5 FEET, VILLA GROVE, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

TRACT 1:

THE WEST HALF (W/2) OF LOT THREE (3), BLOCK FIVE (5), VILLA GROVE, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, LESS AND EXCEPT THE SOUTH 94.20 FEET THEREOF.

TRACT 2:


THE SOUTH 94.20 FEET OF THE WEST HALF (W/2) OF LOT THREE (3), BLOCK FIVE (5), VILLA GROVE, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, LESS AND EXCEPT THE SOUTH 5.00 FEET THEREOF.

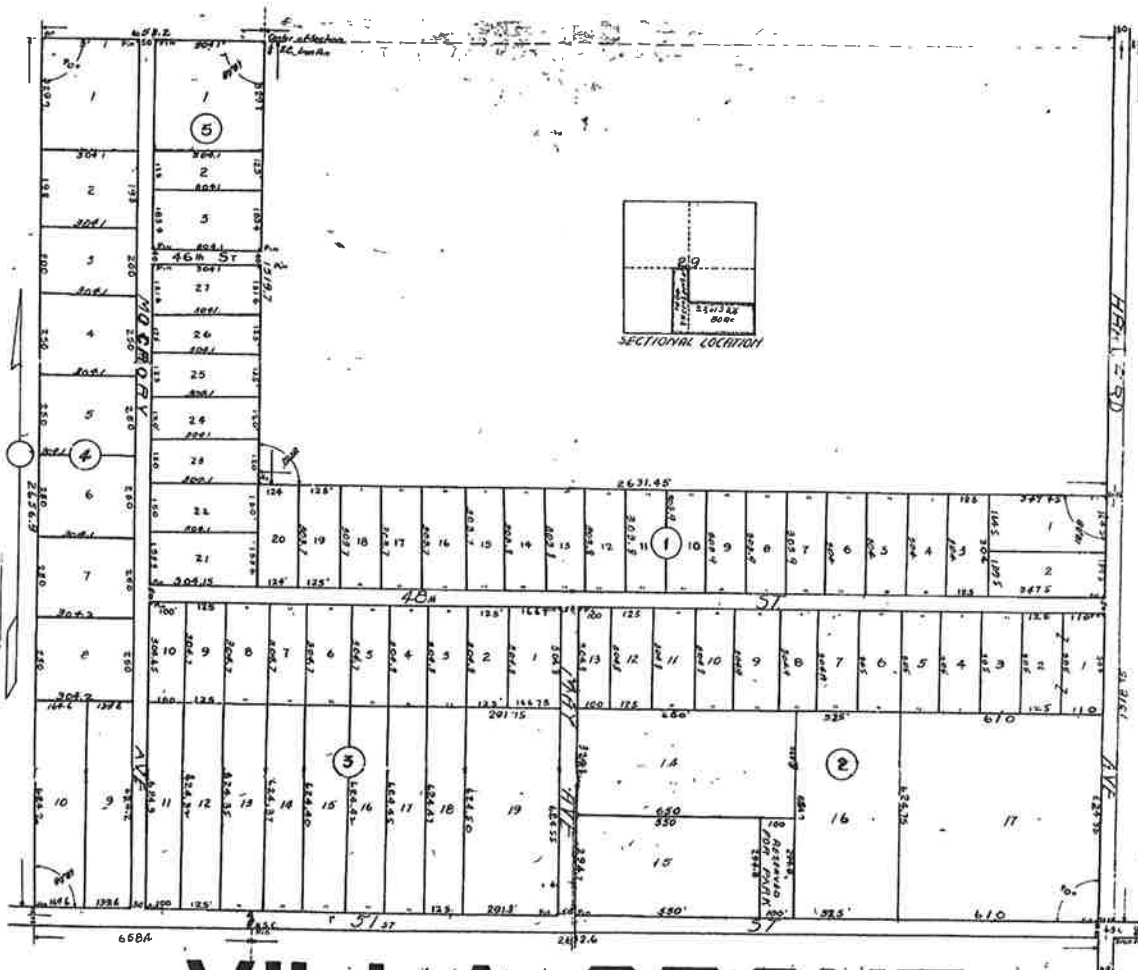
REAL PROPERTY CERTIFICATION

I, Tom A. Haynes of White Surveying Company, a Registered Professional Land Surveyor in the State of Oklahoma, certify that the attached legal description and drawing is a true representation of the real property as described, and meets the minimum technical standards for land surveying of the state of Oklahoma.

9/11/18
Date




Tom A. Haynes
RPLS No. 1052
White Surveying Company
C.A. No. 1098 Expires
6/30/19



VILLA GROVE SUBDIVISION

DESCRIPTION

The South 1/2 of the Southeast 1/4 and the East 1/2 of the East 1/2 of the Southwest 1/4 of Sec. 22, Township 19 North, Range 13 East, Containing 120 Acres, more or less.

ENGINEERS' CERTIFICATE

I, B. S. SMEDLEY, do hereby certify that I have Surveyed and Staked correctly the above described Property shown on the enclosed PLAT.
 Sig. B. S. Smedley C.E.

B. S. Smedley
 Notary Public
 My Comm. expires June 16 1927

DEDICATION

I, Basia T. Morley, the present owner, have caused the LAND embraced in the PLAT shown here on to be surveyed and subdivided and to be known as the VILLA GROVE SUBDIVISION and that I hereby dedicate to the public use forever all streets therein. The plat shown hereon being a true representation thereof.

Sig. Basia T. Morley
 owner
 Sig. Augusta M. Morley
 owner

The above CERTIFICATE was subscribed and sworn to before me on the 12th day of May 1923
Chubb
 Notary Public
 My Comm. expires 2-16-1925 M.F. Allen

THIS AGREEMENT made and executed this _____ day of April, 1939, by and between the several owners of tracts abutting against what is known on the record as McCrory Avenue, now Columbia Place, in connection with the city of Tulsa, and 48th Street, 51st Street, Harvard Avenue and May Avenue, in what is known as Villa Grove, a sub-division of the South half (S $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) and the East half (E $\frac{1}{2}$) of the East half (E $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section twenty-nine, (29), Township Nineteen (19) North, Range Thirteen (13) East, in Tulsa County, Oklahoma.

WITNESSETH: That for and in consideration of one dollar (\$1.00) and other valuable considerations, receipt of which is hereby acknowledged, and which are herein-after enumerated, and for the mutual benefits derived to owners of lots or tracts in this addition in assuring a high class residential district; and for the purpose of renewing and extending any restrictions now about to run out because of limitation; and to cancel and hold for naught any restrictions heretofore existing in conflict with any provisions in this instrument; and to impose any additional requirements herein enumerated in this sub-division on lots or tracts abutting the aforesaid streets and avenues, in what is now known as Villa Grove sub-division, this agreement is executed.

We the under-signed owners of tracts or lots in Villa Grove sub-division as aforesaid, agree and obligate ourselves that all lots or tracts in this sub-division shall be known and described and used only as residential lots or tracts, excepting tract Seventeen (17), in Block Two (2), which may be used for business purposes, and no structures shall be erected on any residential building plot other than one (1) detached single family dwelling not to exceed two (2) stories in height, and a one (1) or two (2) car garage.

There shall be a continuity of the front property line on all residences in front of tracts in this addition. All owners constructing residences must conform to the front property line of the residences already constructed, facing the street where they begin the construction of any residence. No residence shall be constructed nearer than ten (10) feet to any side lot or tract line. The side line restriction shall not apply to a garage located on the rear quarter ($\frac{1}{4}$) of a lot or tract, except that on corner lots or tracts no structures shall be permitted nearer than ten (10) feet to the side line.

No residential lot or tract shall be sub-divided into building plots having less than five thousand (5000) square feet of area or a width less than fifty (50) feet each, nor shall any building be erected on any residential building plot having an area of less than five thousand (5000) square feet or a frontage of less than (50) feet.

No noxious or offensive trade shall be carried on upon any lot or tract, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. All lots or tracts are intended for use by the Caucasian race, and no race or nationality other than those for whom the premises are intended shall use or occupy any buildings on said lot or tract, except that this covenant shall not prevent occupancy by domestic servants of a different race or nationality, employed by the owner or tenant.

No trailer, basement, tent, shack, garage, barn, or other out buildings erected in this tract shall at any time be used as a residence temporarily or permanently, nor shall any residence of temporary character be permitted.

No structure formerly used shall be moved on to any lot or tract.

No building shall be erected on any lot or tract until the design and location thereof have been approved in writing by the owner of the addition or a committee appointed for that purpose. In any case either with or without the approval as aforesaid, no dwelling costing less than five thousand dollars (\$5000.00) shall be permitted on any lot or tract of sub-division thereof abutting against what is known as McCrory Avenue, now Columbia Place; and no dwelling costing less than five thousand dollars (\$5000.00) shall be permitted on any tract or lot of sub-division thereof abutting against what is known as Fifty-first street (51st); and no dwelling costing less than Four thousand dollars (\$4000.00) shall be permitted on any tract or lot of sub-division thereof abutting against what is known as Forty-eighth Street; and no dwelling costing less than Four thousand dollars (\$4000.00) shall be permitted on any tract or lot of sub-division thereof abutting against what is known as Harvard Avenue; and no dwelling costing less than Four thousand dollars (\$4000.00) shall be permitted on any tract or lot of sub-division thereof abutting against what is now known as May Avenue; and no dwelling shall be permitted in said addition whose ground floor square feet area thereof be less than six-hundred and fifty (650) square feet, in the case of a one (1) story structure, nor less than five-hundred (500) square feet in the case of a one and one-half (1 $\frac{1}{2}$) or two (2) story structure.

These covenants and restrictions are to run with the land and shall be binding on all the parties and all persons claiming under them until January 1, 1965, at which time said covenants and restrictions shall terminate. (However, the covenants and restrictions herein contained, or any portion thereof, may be extended for additional periods of time by making appropriate provisions therefor.)

If the parties hereto, or any of them, or their heirs or assigns shall violate or attempt to violate any of the covenants or restrictions herein before January 1, 1965, it shall be lawful for any other person or persons owning any other lots in said development or sub-division to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant or restriction and either to prevent him or them from so doing or to recover damages or other dues for such violation.

Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

This contract and agreement shall be binding upon the parties of this contract, their heirs, administrators, executors and assigns.

Ulmer, Amy

From: Bernadette Smith <lbernadette@cox.net>
Sent: Monday, October 15, 2018 4:58 PM
To: Ulmer, Amy
Subject: BOA-22511

HISTORY:

I have been living in this neighborhood since my parents built their home here in 1955. Years later I was fortunate enough to afford to move back into it. This area has always been a desirable place to live for its many attributes which include the large property sizes within the city limits.

HERE WE GO AGAIN

I was disheartened to once again be subjected to non-residents wanting to come into and divide the lots to suit their financial gain and destroy the neighborhood ambiance. And once again, the timing to respond at the downtown meeting has been announced with a minimum notice time for resident neighbors to appear to make any objection. Which I do! Unfortunately, I have a previous commitment that I will be obliged to keep since there is not ample time to make other arrangements. I will be unable to participate to state all of my disagreements for this most recent appeal to the change of zoning. To say that I am disappointed is a grave understatement.

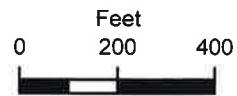
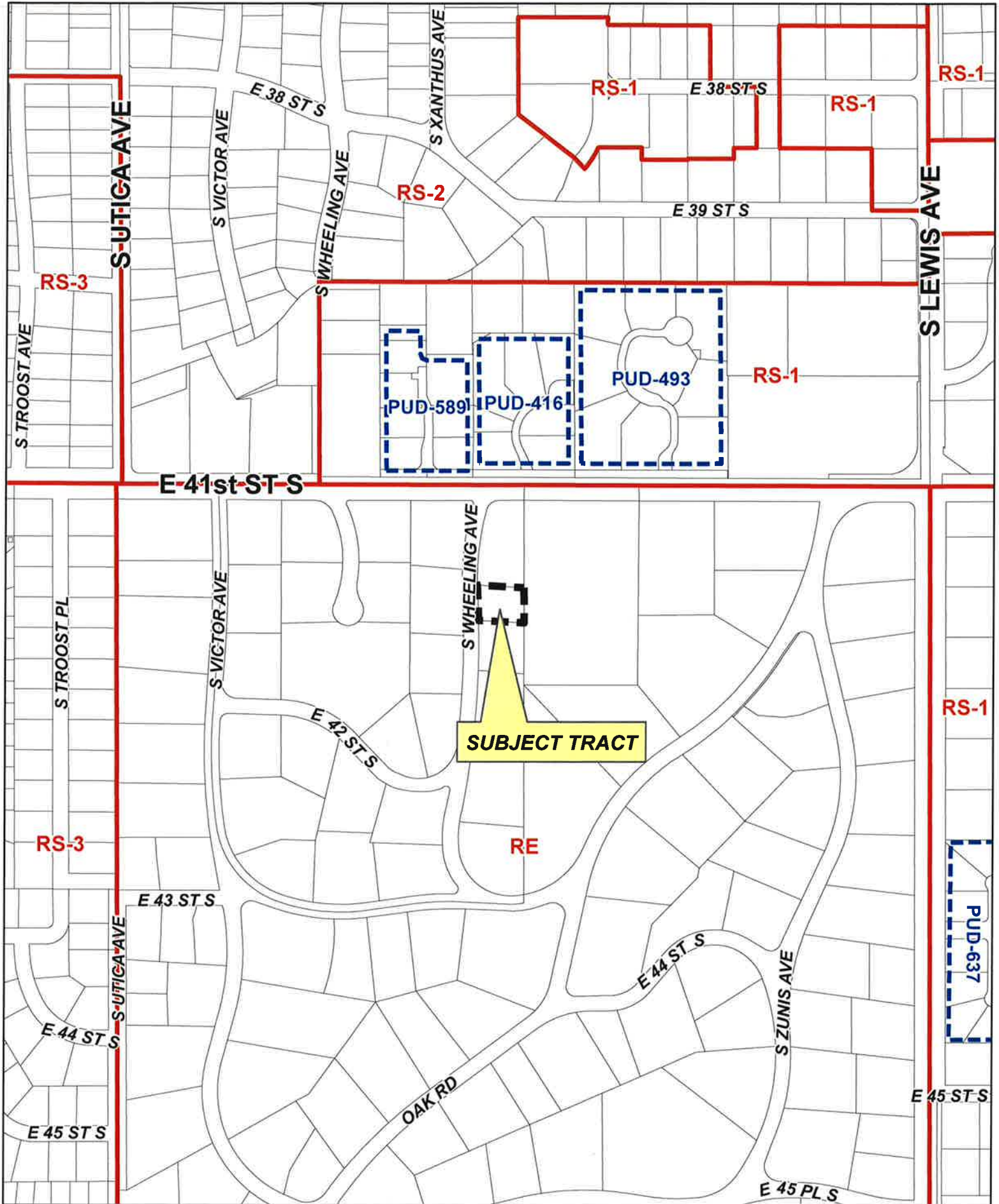
If possible, please express my solid disagreement with this proposal.

Thank you,

Bernadette Smith
4724 S. Columbia Place

Sent from my iPad

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BOA-22526

8.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9330

Case Number: **BOA-22526**

CZM: 47

CD: 9

A-P#:

HEARING DATE: 10/23/2018 1:00 PM

APPLICANT: Melissa Bruns

ACTION REQUESTED: Variance to reduce the side setback in an RE district to permit existing structure (Section 5.030, Table 5-3).

LOCATION: 4121 S WHEELING AV E

ZONED: RE

PRESENT USE: Residential

TRACT SIZE: 17232.41 SQ FT

LEGAL DESCRIPTION: N115 LT 2 BLK 1, OAKWOLD SUB

RELEVANT PREVIOUS ACTIONS:

Subject Property:

LS-17057; on 7.6.88, the Planning Commission **approved** a lot-split for this property.

Z-6395; on 2.03.93, the Planning Commission **approved** a *rezoning* from RS-1 to RE.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Neighborhood" and an "Area of Stability".

The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

The **Areas of Stability** includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RE zoned residences.

STAFF COMMENTS:

The applicant has requested a **Variance** to reduce the required side yard setback from 15ft. to \pm 5 ft. in an RE district (Section 5.030-A). The application is for an existing structure.

The applicant provided the following hardship statement: *"It was platted prior to the zoning code being implemented, rezoned since platting, consistent with other buildings in the neighborhood/ Wheeling Avenue."*

Sample Motion

Move to _____ (approve/deny) a **Variance** to reduce the required side setback in an RE district (Section 5.030-A)

- Finding the hardship(s) to be _____.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

The Board finds that the following facts, favorable to the property owner, have been established:

- "a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*

TMAPC Action; 9 members present:

On **MOTION** of **WILSON**, the TMAPC voted **8-0-1** (Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; Dick "abstaining"; Ballard, Broussard, "absent") to **APPROVE** Lot Split L-17647 as recommended by Staff, which does not include waiver of right-of-way dedication requirement.

* * * * *

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17655 (2793)	F & M Bank (PD-6)(CD-7)	4723 S. Yale	CH
L-17656 (1083)	Superior Fin. (PD-18)(CD-8)	7508 S. Hudson Pl.	RT
L-17658 (404)	Allphin (PD-15)(County)	6251 N. 131st E. Ave.	AG
L-17660 (1792)	Hamil (PD-23)(County)	6308 W. 22nd St.	RS
L-17661 (382)	Roberts (PD-8)(CD-2)	6939 S. 28th W. Ave.	RS-3
L-17662 (1292)	TDA (PD-1)(CD-4)	916, 918, 920 S. Denver Ave.	CBD

Staff Comments

Mr. Wilmoth advised that Staff has found the above-listed lot splits to be in conformance with the lot split requirements.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Buerge, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, "absent") to **RATIFY** the above-listed lot splits having received prior approval.

* * * * *

ZONING PUBLIC HEARING

Application No.: Z-6395

Applicant: TMAPC

Location: South of 41st Street South between Utica and Lewis Avenues

Date of Hearing: February 3, 1993

Present Zoning: RS-1

Proposed Zoning: RE

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Residential.

According to the Zoning Matrix the requested RE District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 200 acres in size and is located south of 41st Street South between Utica and Lewis Avenues. It is partially wooded, rolling terrain which contains single-family dwellings primarily on large lots and is zoned RS-1.

Surrounding Area Analysis: The tract is abutted on the north, east and south by single-family dwellings zoned RS-1; and on the west by single-family dwellings zoned RS-3.

Historical Summary: The area under consideration was originally zoned RS-1 when RS-1 had the largest lot requirements (13,500 SF) of the residential districts. Subsequent to that time, the RE zoning district was created which requires a minimum lot size of 22,500 SF. Most of the Bolewood Acres area was developed using septic tanks for sewage disposal and contains quite large lots. Since the original subdivision of the property, a number of lot splits have reduced the size of some of the original lots. Even after the lot splits most of the resultant lots still are large enough to meet RE standards.

At present, the northeastern portion of the area is sewered and there is a proposal being worked on by the City and area residents to sewer parts of the southern portion of the area. As of this writing, owners of 15 lots have responded that they are against the rezoning and 41 have responded in favor of the rezoning. Most of those against the rezoning are located in the northern portion of the area under consideration.

Conclusion: Under the present RS-1 zoning and with the availability of sewer service, extensive redevelopment of the existing lots could occur at a density 3 to 4 times greater than now exists. Under RE zoning the area could be redeveloped at approximately twice the present density. The proposed rezoning would not eliminate the subdividing of existing lots, but it would make the new lots more in keeping with the existing development.

Therefore, Staff recommends **APPROVAL** of Z-6395 for RE zoning except the westernmost lot on the south side of 47th Street which is bounded on two sides by RS-1 zoned lots not included in this rezoning request. The owner of this tract has requested that his lot not be included and Staff can support the request because of its location.

If the Planning Commission wishes to eliminate most of the property owners who object to the rezoning, but still have a reasonably cohesive area of RE zoning, Staff would recommend removing the following areas from the request:

All of Blocks 1, 2, 3 and 4, Oakwold Subdivision; All of Block 7, Lots 1 and 2, Block 7, and Reserve "B" all in Bolewood Acres Addition; and the unplatted parcel immediately west of Lot 1, Block 1 Darrell Wayne Addition which is on the south side of 47th Street.

By excluding these lots, all but three lots whose property owners are opposed to the request would be eliminated. Of these three lots, two are already too small to further subdivide under either the existing or the proposed zoning districts. The final lot is so large that under RE zoning it could still potentially be subdivided into 5 to 6 lots or if it remained RS-1, could be divided into 9 lots.

If the Planning Commission finds neither of these recommendations acceptable, Staff would caution the Commission to not simply eliminate from the rezoning those lots whose owners object. This would produce a pattern of spot zoning which would be very difficult to defend as a reasonable and logical exercise of the City's zoning powers.

Staff Comments

Ms. Matthews explained that this request is a result of the Infill Study Phase II of the TMAPC Work Program. She advised that Councilor Bartlett requested that the issue be examined due to concern expressed by constituents over lot splits occurring in older established neighborhoods. She explained that these neighborhoods were developed before there was any intensity for residential that was lower than RS-1. The City has since updated the Zoning Code to include a Residential Estates (RE) category that is substantially lower in intensity than RS-1. Ms. Matthews noted that some of these older neighborhoods have begun a transition, as evidenced by some of the lot splits. She emphasized that the lot splits are largely administrative actions, yet have the potential to change the fabric of the neighborhood. Ms. Matthews advised that this proposed less-intense zoning would not stop the splitting of lots, but could reduce the number of lots that could be split and the lots which could be split off would be larger in size, more in keeping with the overall character of the neighborhood. Ms. Matthews detailed the process followed in this neighborhood to inform residents of the proposed rezoning. One of the things done was to distribute a flyer describing the process, and a request to notify Staff of support or opposition to the project. Ms. Matthews announced receipt of 45 responses and of those only 15 expressed opposition.

Interested Parties

Robert LaFortune

4444 S. Oak RD 74105

Mr. LaFortune voiced support of RE zoning. He pointed out that the infrastructure of Bolewood is not compatible for RS-1 zoning. He stated that there are approximately 3.25 miles of streets, excluding 41st Street and Lewis Avenue frontage, of this 2.5 miles are low-grade asphalt covered without curbs or gutters. He added that 75% of streets are unpaved and about 20' in width, and some as little as 15'. Mr. LaFortune noted there is no storm sewer system; all of the drainage, with the exception of a minute portion on South Wheeling which has some catch basins, is surface drainage. Approximately half of the lots are sewered. Several area residents have been working in behalf of the sanitary sewer district. Mr. LaFortune expressed opposition to any higher intensity for this

neighborhood. He stated that the septic system requires a minimum lot area of 22,500 SF, the same standard is set for a septic system that is the same lot area proposed for RE zoning. An individual on a septic system cannot split his lot without getting 22,500 SF lot split; however, if your next door neighbor is on sewer, as is the case in parts of this addition, he can get 13,500 SF minimum lot areas. He noted the disparity that exists between the property rights of those in the unsewered area versus those in the sewered area. Mr. LaFortune reported that, at present, there are approximately 132 lots in this district; if this area were fully developed to RS-1 standards, it could be developed into approximately 560 lots. Under RE zoning this same district fully developed would be 330 lots, two and a half times the number of lots that currently exist. Mr. LaFortune declared that RS-1 lot splits would have an enormous impact on the neighborhood. Under RE zoning all lot owners would have the same rights for development, whether sewered or unsewered and offers the opportunity for very significant development. Mr. LaFortune pointed out that the northern portion, because of lack of sewers now and in the near future, will be under RE intensity zoning. He declared that to omit a section of Bolewood for RE zoning would be a mistake.

Pam Deatherage, District 6 Chair **1516 East 36th Street 74105**
Ms. Deatherage voiced support of RE zoning and noted that this would ensure preservation of the integrity of the neighborhood and rights of property owners to obtain a lot split and maintain the integrity of the existing neighborhood. Ms. Deatherage pointed out that under this zoning lot splits will still be allowed. She addressed the frustration of individuals buying in a spacious area putting up with lot splits, and variances reducing setbacks, side yards, and who ultimately have their homes abutting another house. Ms. Deatherage voiced her opinion that property values could decline, as has happened in other areas where zoning has changed to allow smaller homes and smaller lots. She encouraged the Planning Commission to approve the requested change in zoning.

Ms. Wilson asked Ms. Deatherage which of the two Staff recommendations she would favor.

Ms. Deatherage stated that she would consider the alternative, RS-1 on the northern section and RE in the southern portion, as a logical way of splitting the area.

Lind Wickersham **4736 S. Wheeling 74105**
Mr. Wickersham, president of Bolewood Manor Homeowners Association located southwest of the subject property, expressed concern over the effect density will have on Bolewood Manor if RE zoning is not approved. Mr. Wickersham declared that his addition is in a flood plain and does flood during heavy rains. A great deal of money has been spent to improve stormwater drainage for this area. He cited instances where street flooding into yards have been experienced. Mr. Wickersham expressed concern that RS-1 zoning would allow greater density and greater runoff, jeopardizing the properties south of the subject tract.

A.M Fuller

1956 E. 41st St. 74105

Dr. Fuller voiced opposition to RE zoning. He noted that across the street from his residence are RS-1 developments. Dr. Fuller pointed out that Woodycrest is zoned RS-1 and has septic tanks, and cited examples of other additions on septic which have RS-2 or RS-1 zoning. Dr. Fuller feels that during the nineteen years he has lived in the addition, the neighborhood has improved and he cannot conceive that it ever will deteriorate.

Henry Kolesnik

4161 Oak Rd. 74105

Mr. Kolesnik expressed support of RE zoning for the entire area.

Gerald Plost

3459 S. Florence Pl. 74105

Mr. Plost expressed opposition to RE zoning. Mr. Plost owns a lot on Victor Avenue that is nonconforming under the proposed RE zoning. He expressed concern over being allowed to construct a house on his lot which would be nonconforming.

Mr. Gardner advised that the lot would be nonconforming as to width, but exceed the RE standard substantially, and would not prohibit the owner from developing on the property. Mr. Gardner declared that Mr. Plost would only be nonconforming as to frontage. Mr. Plost would have to meet the 15' side yards requirement or go before the Board of Adjustment for a variance.

Therese Birkbeck

1218 E. 33rd St. 74105

Ms. Birkbeck owns a vacant lot in Bolewood. She stated her intention to build a home for herself and possibly split the lot to design a house for a client. She advised that an individual is interested in purchasing the other half of her lot. Ms. Birkbeck declared that if she splits her lot she would only do so after City sewer lines are in place, which is scheduled for May. She noted that each of her lots would be 192.75' by 92.6'; this is just under one full acre, which would make her lots fall short of RE requirements. Ms. Birkbeck presented drawings illustrating that the one curb cut off Lewis Avenue going into the development would, to the eye, not change what others are doing even under RE zoning. She noted the size homes designed and planned for this area would improve aesthetics of the neighborhood. Ms. Birkbeck presented the layout and gave a detailed description of how the proposed homes would be situated on the tract of land.

In response to questions from the Planning Commission, Mr. Gardner advised under present RS-1 zoning, he questions whether there is sufficient area to split this lot without a request for variance.

Ms. Birkbeck declared that once City sewer lines are in place, there will be sufficient area for a lot split.

Ms. Birkbeck reported that when the lot was purchased two years ago, she was informed by City departments that she could probably be granted a lot split once sewer is installed. She noted that her property is so close to meeting the RE requirements that she should be given an exception. It is not zoned RE currently or when she

purchased it, and it does more damage to her business and potential loss of income for the other lot.

Mr. Midget asked the impact of excluding this lot for RE zoning, considering of its location.

Mr. Gardner advised that would be encouraging all those properties which back up to Lewis and front Zunis to make the same request.

Ms. Birkbeck noted that she is the only one opposing the proposed zoning in her area, so if she is the only one given the exception, then others would be under RE zoning for the future.

Mr. Gardner cautioned against spot zoning.

Mr. Neely asked if front and rear yard setbacks are the same for RS and RE.

Mr. Gardner advised that widths and sideyards are different, but setbacks are the same.

Brad Fuller

1000 Oneok Plaza 74103

Mr. Fuller, representing Dr. A.M. Fuller, Dr. David Merifield, and Charles Kothe, noted that there has been no campaign in the area against the proposed rezoning. Mr. Fuller expressed their opposition to RE rezoning, while acknowledging if the southern portion of the neighborhood wishes to be rezoned RE, that they should be allowed to do so. He noted that they have no plans for further development of their properties.

J.M. Graves

2219 E. 45th Pl. 74105

Mr. Graves advised that he had originally expressed opposition to RE zoning because he did not fully understand it. He expressed that he would not like to see different classifications in Bolewood. Mr. Graves then withdrew his protest and expressed support of RE zoning.

David Merifield

4140 Oak Road 74105

Dr. Merifield advised that he resides in the northern portion of Bolewood and voiced support of the alternate plan, zoning only the southern portion RE. He feels this is an arbitrary outside imposition on the status quo. Dr. Merifield believes the status quo favors demographics of the neighborhood. Dr. Merifield reminded the Commission of the tax base involved in their decision, property rights involved, that any changes made would be subject to resolution of the sewage problems and subject to review of the Planning Commission. He advised of no immediate plans to divide his lot, but feels rezoning is an imposition that is arbitrary and outside of his property rights to be done.

Joe Craft /

4401 Oak Road 74105

Mr. Craft voiced concern over the restrictions of building on lots should RE zoning be approved, and advised that his concern was addressed earlier.

Sandy Bass

4447 Oak Road 74105

Ms. Bass advised that she has a contract pending on a lot in Bolewood. Ms. Bass voiced opposition to the alternative plan of changing only the southern portion to RE zoning. She expressed having no concern that current property owners will want to raze their homes to create a subdivision. However, she voiced concern over the possibility that in later years this could happen. Ms. Bass expressed support of rezoning all of Bolewood RE.

Eddie Carlin

4115 S. Zunis 74105

Ms. Carlin expressed concern over the alternate proposal of dividing Bolewood. She encouraged the Planning Commission that whatever the decision, it should be for the entire addition. Ms. Carlin also expressed concern over the drainage issue and resultant flooding problems that would occur, should additional development be allowed under RS-1 zoning.

Tony Lauinger

1923 E. 47th St. 74105

Mr. Lauinger expressed support of RE zoning. He supports treating all of Bolewood in the same manner rather than dividing it into two separate zoning categories. Mr. Lauinger feels the lot splits that have already occurred have not enhanced the neighborhood, but rather caused the three houses built to have a crowded effect.

Burdette Blue

2138 E. 30th Pl.

Mr. Blue expressed support of RE zoning. Mr. Blue advised that his mother's home is located at 4114 S. Zunis in the northeast portion of Bolewood. He noted that even though those living in Bolewood now would have no intention of changing the area, in the future owners may wish to create lot splits. He thinks it is foolish to have a higher density pattern for the northern section and a different zoning for the southern section. Mr. Blue also expressed concern over additional development contributing to the already-existing flooding problems south of Bolewood.

Councilor Dewey Bartlett

Councilor Bartlett accepted responsibility for initiating the RE zoning proposal. He expressed agreement with the point made by interested parties that if a decision is made, it should include the entire Bolewood area and not exclude the northern portion as the alternative suggests. Councilor Bartlett explained that he began this process because of numerous complaints received about the lot splitting process. He noted that when lot splits occur in older neighborhoods, it allows, for appearances, a spot zoned area which is different from the surrounding neighborhoods. He cited instances in Oklahoma City where developers have purchased large lots with homes in place, torn down the houses and then constructed several houses. Councilor Bartlett deems this to go against the integrity of these older neighborhoods. He encouraged the Planning Commission to support RE zoning for the entire Bolewood area.

Mr. Buerge wants all interested parties to be aware that even under RE zoning, there can be a number of lot splits.

Councilor Bartlett replied that he believes this is understood and that resulting lots would be more in character with the present neighborhood.

Also present was:

John R. Crain

4222 S. Victor 74105

Review Session

For the sake of discussion, Mr. Carnes made the motion that the entire Bolewood area be zoned RE. This was seconded by Buerge.

Mr. Carnes expressed support of keeping the zoning uniform throughout the Bolewood area.

Mr. Parmele advised understanding the reasons for the request to change this area to RE zoning. He advised seeing the problems with lot splits in older areas, and this is an attempt to preserve the integrity and character of the neighborhood. However, he expressed having a problem with rezoning an individual's property without that owner's permission. Mr. Parmele declared that he cannot support taking rights away, and perhaps taking value away, from property owners who do not want RE zoning. He advised that he would be more agreeable to going along with the alternate plan of excluding the northern portion of Bolewood from the rezoning.

Mr. Midget agreed with Mr. Parmele's comments. He advised appreciating the need to preserve the integrity of the neighborhood, but stressed that property rights are fundamental, and to rezone without the property owners' consent creates problems for him.

Commissioner Dick conveyed sharing a strong concern about property rights, but also shares a concern about the integrity of neighborhoods. He declared that in the best interest of the entire area, he perceives that it should be treated the same. Commissioner Dick voiced concern of the effects additional construction in Bolewood would have on flooding subdivisions to the south.

Mr. Buerge expressed support of infrastructure; the septic, stormwater, and street problems; and noted the limitations they present to the current property owners that are no different from limitations imposed by RE zoning. Mr. Buerge expressed support of RE zoning.

Mr. Neely stated that he believes the best interest of the area will be served by changing zoning to RE, and expressed support of the RE zoning for all of Bolewood.

Chairman Doherty expressed support that the entire area should be dealt with as a whole.

Ms. Wilson commented that the compatibility issue should be viewed by the Planning Commission as to what is best for the City overall.

Ms. Wilson believes that RE zoning would be appropriate for this area. She also agreed that the entire area should be dealt with and the area not divided.

Chairman Doherty declared there is a distinct difference of opinion, and rather than require the Planning Commissioners to go on record on one motion with which they may agree in part, or disagree in part he believes they owe it to the elected officials to give them a clear reading of where the Planning Commission stands. He advised that a motion to amend would be in order.

Mr. Parmele moved to amend the motion to approve Staff's alternative proposal which excludes from RE zoning those areas north, and exclude the corner property to the south, and the lot on Lewis belonging to Ms. Birkbeck because Ms. Birkbeck opposes the rezoning. Mr. Parmele stated the reason to amend the motion is because the majority of property owners opposed to rezoning are in the northern area. He feels the area will develop based on what infrastructure is available. The stormwater issue is a valid concern, but will be addressed through replatting during the lot split phase.

TMAPC Action; 9 present:

On MOTION of PARMELE, the TMAPC voted 3-6-0 (Horner, Midget, Parmele "aye"; Buerge, Carnes, Dick, Doherty, Neely, Wilson "nay"; no "abstentions"; Ballard, Broussard, "absent") to recommend APPROVAL of Staff's alternative proposal which excludes from RE zoning those areas north, exclude the corner property to the south, and the lot on Lewis belonging to Ms. Birkbeck.

MOTION FAILED.

* * * * *

TMAPC Action; 9 present:

On MOTION of CARNES, the TMAPC voted 7-2-0 (Buerge, Carnes, Dick, Doherty, Horner, Neely, Wilson "aye"; Midget, Parmele "nay"; no "abstentions"; Ballard, Broussard, "absent") to recommend APPROVAL of RE zoning for the entire area of Z-6395.

LEGAL DESCRIPTION

Bolewood Acres, Oakwold Subdivision, Bolewood Circle, Wentworth Acres, Lots 1 - 4, Block 1, Darrell Wayne Addition, The Cloister's; the East 3-1/3 acres of the SW/4, NE/4, SE/4, less the South 456.82', Section 30, T-19-N, R-13-E'; the E/2 of the West 2/3 of the N/2 of the NW/4, NE/4, SE/4 and the North 2/3 of the W/2 of the East 1/3 of the N/2 of the NW/4 of the NE/4 of the SE/4, Section 30, T-19-N, R-13-E; the South 300' of the E/2 of the West 1/3 of the N/2 of the NE/4 of the SE/4, Section 30, T-19-N, R-13-E; the West 220' of the North 330' of the NW/4 of the NE/4 of the SE/4, Section 30, T-19-N, R-13-E; the S/2 of the W/2 of the West 1/3 of the N/2 of the NE/4 of the SE/4 of Section 30, T-19-N, R-13-E; the SE/4 of the NE/4 of the NW/4 of the SE/4 of Section 30, T-19-N, R-

13-E; the SW/4 of the NE/4 of the NW/4 of the SE/4 of Section 30, T-19-N, R-13-E; the NW/4 of the NE/4 of the NW/4 of the SE/4, less the East 20' and Less the North 30' of Section 30, T-19-N, R-13-E; the East 20' of the N/2 of the W/2 of the NE/4 of the NW/4 of the SE/4, Less the South 156.84' and Less the North 30', Section 30, T-19-N, R-13-E; and the South 156.84' of the East 20' of the N/2 of the W/2 of the NE/4 of the NW/4 of the SE/4 of Section 30, T-19-N, R-13-E in the City and County of Tulsa, Oklahoma.

* * * * *

OTHER BUSINESS:

PUD 206-10 Minor amendment to increase building height - southwest corner of 91st Street South and Sheridan Road.

Staff Recommendation

The applicant is requesting an amendment to the maximum building height from 26' to 30' for a 235' x 243' tract at the southwest corner of 91st Street and Sheridan Road. This area has an underlying zoning of CS and is surrounded by CS-zoned areas. There is no height limitation in a CS-zoned area, except for the PUD's height limitation. Since this tract is planned to ultimately be surrounded by commercial development, Staff can support the increased building height requested. Therefore, Staff recommends **APPROVAL** of PUD 206-10 as requested.

* * * * *

DETAIL SITE PLAN

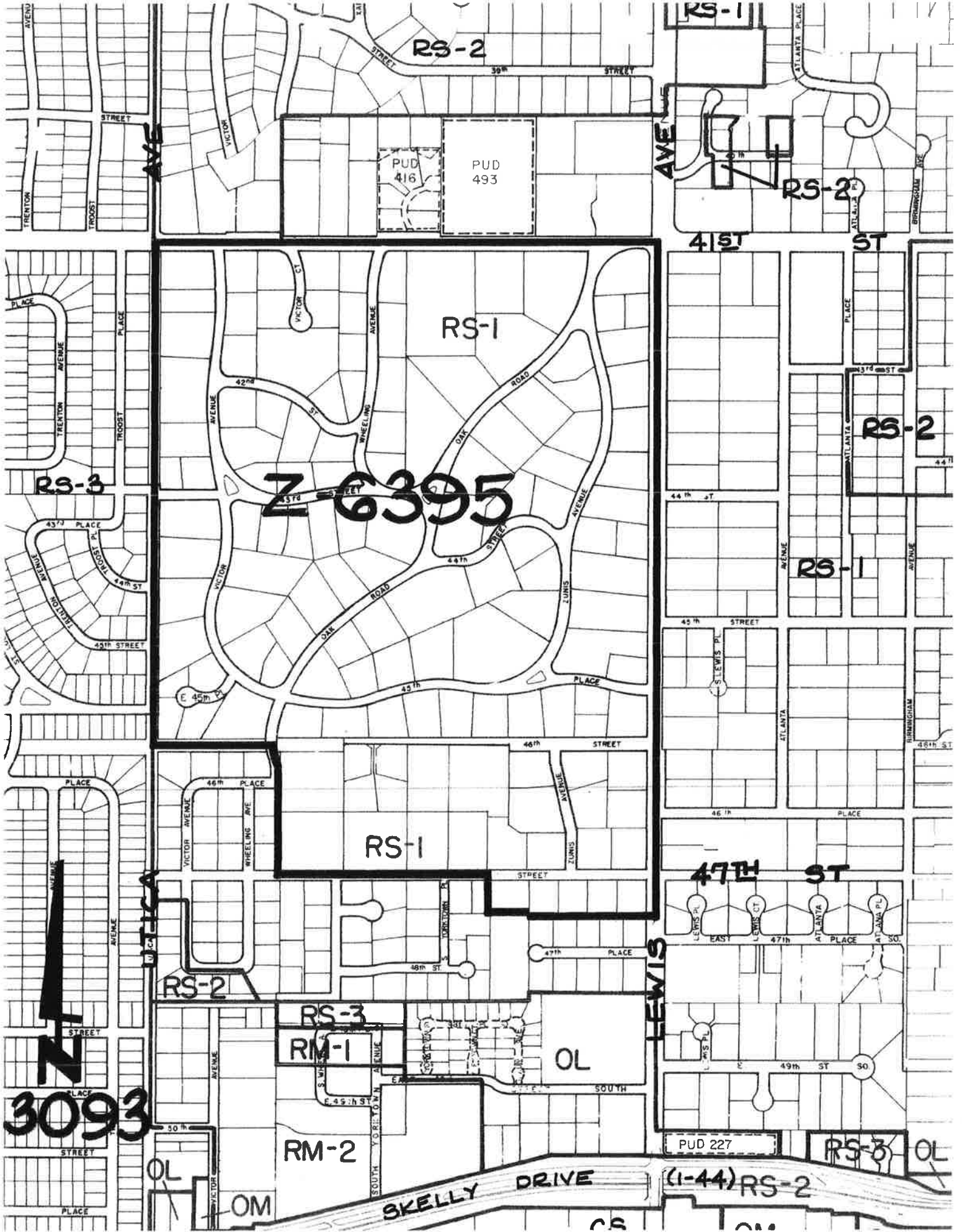
The applicant has submitted a site plan for a Walgreen's Drug Store on the same tract as considered in PUD 206-10. Staff has reviewed the plan and finds it in accordance with the PUD conditions. Therefore, Staff recommends **APPROVAL**. With this approval the following building floor area remains unused in Development Area A.

Maximum approved floor area for	
Development Area A	200,000 SF
Food Lion Store	-37,560 SF
Walgreen's Store	<u>-12,926 SF</u>
Remaining unused floor area	149,514 SF

Interested Parties

Jan Stafford 9229 S. Norwood
Ms. Stafford requested that a condition be added that lighting be shielded and directed down and away from residential.

Mr. Sack, representing the applicant, indicated agreement.



Z-6395

3093

TULSA METROPOLITAN AREA PLANNING COMMISSION
 LOT SPLIT APPLICATION
 201 West 5th Street, Suite 600
 Tulsa, Oklahoma 74127
 (918) 584-7526

LNO # 17057
 STR 3093

***** THE FOLLOWING INFORMATION TO BE SUPPLIED BY THE APPLICANT *****

RECORD OWNER: JOSEPH + PATRICIA SEIBERT PRESENT USE: RES.
 LEGAL DESCRIPTION OF THE EXISTING UNDIVIDED TRACT THAT YOU PROPOSE TO SPLIT, AS SHOWN OF RECORD AT THE COUNTY CLERK'S OFFICE:

LOT 2, Block 1 OAKWOLD.

THIS APPLICATION MUST BE ACCOMPANIED BY FOUR COPIES OF A PLOT PLAN THAT INCLUDES ALL EXISTING AND PROPOSED LOT LINES, ALL EXISTING BUILDINGS AND IMPROVEMENTS AND THEIR DISTANCES FROM LOT LINES, ABUTTING STREETS, STREET WIDTHS, EXISTING ACCESS LIMITATIONS, NORTH ARROW AND SCALE.

PROPOSED TRACT I	DEED	WATER SUPPLY:
<u>APPROX. N. 115' THEREOF</u> <u>(See legal attached)</u>	RELEASED <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER
		SEWAGE DISPOSAL:
		<input checked="" type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER
		STREET FRONTAGE: <u>So. Wheeling Ave.</u>
		USE: <u>RES</u> LOT SIZE X
PROPOSED TRACT II	DEED	WATER SUPPLY:
<u>REMAINDER</u>	RELEASED <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER
		SEWAGE DISPOSAL:
		<input checked="" type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER
		STREET FRONTAGE: <u>So. WHEELING Ave</u>
		USE: <u>RES</u> LOT SIZE X
PROPOSED TRACT III	DEED	WATER SUPPLY:
<u>Reference - See</u> <u>L-15344.</u>	RELEASED <input type="checkbox"/>	<input type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER
<u>This supersedes previous split.</u>		SEWAGE DISPOSAL:
		<input type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER
		STREET FRONTAGE:
		USE: LOT SIZE X
<u>2 DEEDS RELEASED</u> <u>ON PREVIOUS L-15344</u> <u>12-4-92</u>	DEED RELEASED <input type="checkbox"/>	WATER SUPPLY:
		<input type="checkbox"/> CITY <input type="checkbox"/> WELL <input type="checkbox"/> OTHER
		SEWAGE DISPOSAL:
		<input type="checkbox"/> SEWER <input type="checkbox"/> SEPTIC <input type="checkbox"/> OTHER
		STREET FRONTAGE:
		USE: LOT SIZE X

ARE THERE ANY RESTRICTIONS CONTROLLING THE SIZE OF THE LOTS?..... YES NO
 DOES RECORD OWNER CONSENT TO THIS APPLICATION?..... YES NO
 IF APPLICANT IS OTHER THAN OWNER, INDICATE INTEREST: _____

I HEREBY CERTIFY THAT THE INFORMATION SUBMITTED IS TRUE AND CORRECT:
 SIGNATURE Patricia Seibert DATE 6-10-88
 ADDRESS 4133 S. Wheeling ZIP CODE 74105 PHONE# 743-8348

***** FOR INTERNAL USE ONLY *****

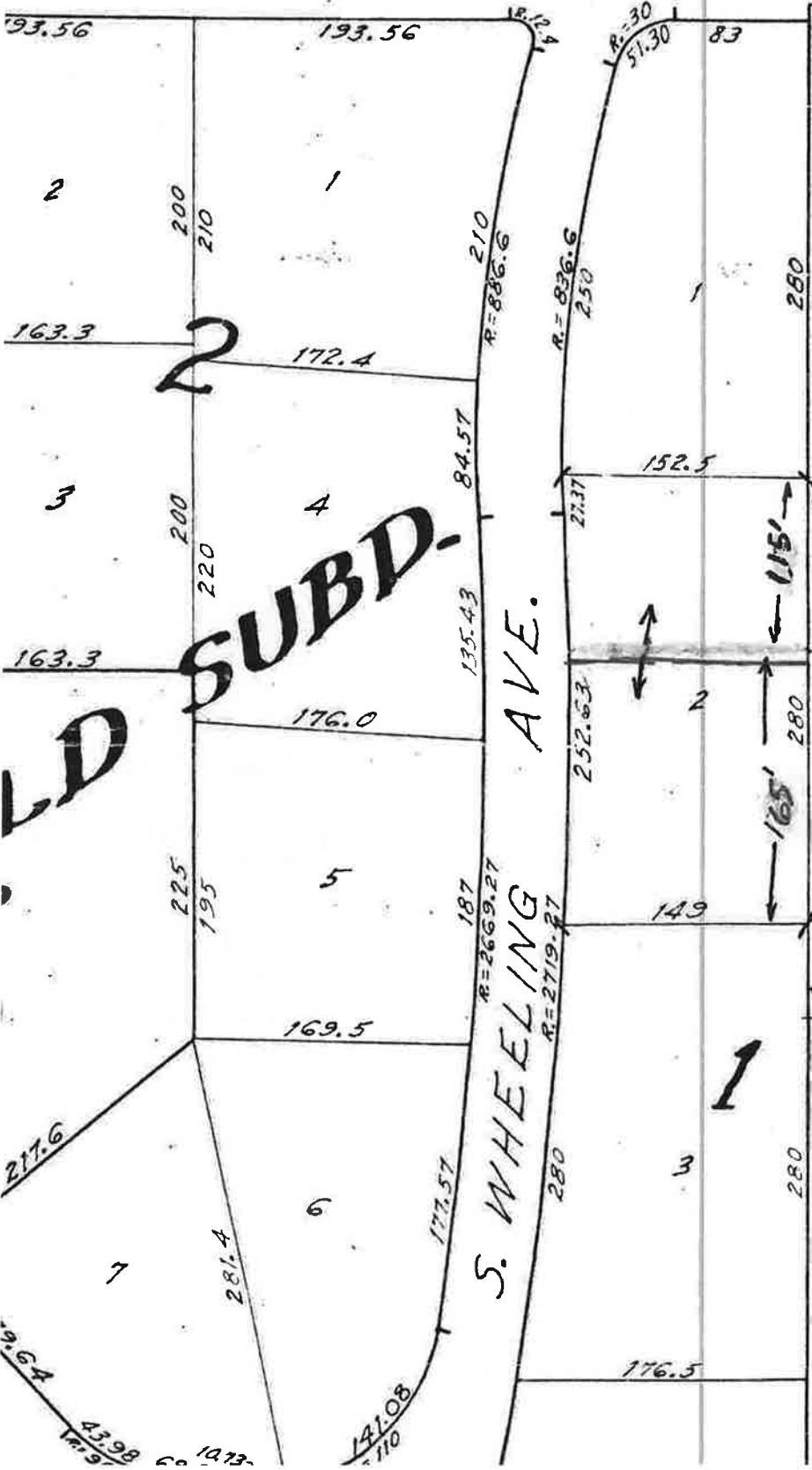
RECEIVED BY: <u>Kirk Mulrow</u>	ATLAS <u>314</u>	LOT WIDTH <u>115</u>	HOLD FOR RELEASE FROM:
SUBMITTAL DATE <u>5-13-88</u>	ZONING <u>RS-1</u>	LOT AREA <u>2K</u>	HEALTH DEPT. <input type="checkbox"/> R/W
FILING FEE \$ <u>15.00</u>	STP <u>N/D</u>	R/W REQ <u>OK</u>	W & S DEPT. <input type="checkbox"/> U/E
RECEIPT# _____	CZM <u>47</u>		PSO..... <input checked="" type="checkbox"/> BOA
			ONG..... <input type="checkbox"/> SWB

PRIOR APPROVAL: PC 7688 ACTION Approved
 FOR DISCUSSION: "ABUTTING OWNERS" PC _____ ACTION _____
 FOR WAIVER: TAC _____ ACTION _____
 PC _____ ACTION _____
 BOA _____ ACTION _____

3093
47
RS-1

247

E. 41ST ST. S.



RS-1

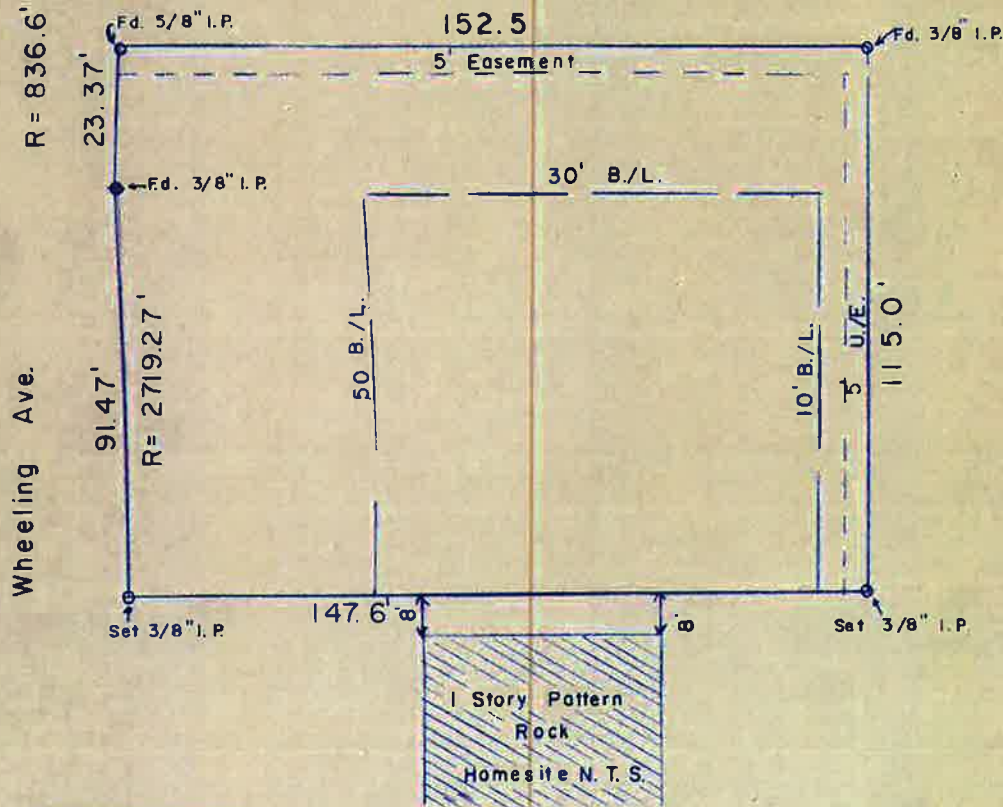


SCALE
1"=100'
RESERVE "B"

L-17057

Plat - of - Survey

NOTE: ABSTRACT OF TITLE AND/OR ATTORNEY'S TITLE
OPINION NOT AVAILABLE TO SURVEYOR
AT DATE OF SURVEY. TRACT SUBJECT TO
EASEMENTS OF RECORD.



LEGAL DESCRIPTION

Beginning at the Northwest corner of Lot 2 Block 1, Correction Plat of Oakwold Subdivision, (Plat #1738); thence in a Southerly direction and along a curve to the left with a radius of 836.6 feet and a arc length of 27.37 feet to a point of reverse curve; thence along a curve to the right with a radius of 2719.27 feet and an arc length of 91.47 feet to a point; thence in an easterly direction a distance of 147.6 feet to a point on the east line of Lot 2 Block 1 said point being 115.0 feet south of the Northeast corner of said Lot 2 Block 1; thence in a Northerly direction and along the East line of said Lot 2 Block 1 a distance of 115.0 feet to the Northeast corner of Lot 2 Block 1; thence in a Westerly direction and along the North line of said Lot 2 Block 1 a distance of 152.5 feet to the Point of Beginning.

CERTIFICATE

I, ALAN C. HALL a Registered Land Surveyor in the State of Oklahoma hereby certify that the adjoining plat and legal description represents a survey performed in the field under my direct supervision and are true and correct to the best of my knowledge and belief.

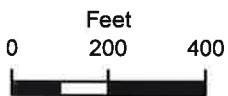
Alan C. Hall
Alan C. Hall R.L.S. #1283



June 3, 1988
Date of Certification

Surveyor:
A. C. Hall & Assoc. Surveying
102 North Elm Place
Suite D-1
Broken Arrow, OK 74012
918/258-3737

- LEGEND**
- U/E = Utility Easement
 - O.B.L. = Outbuilding Setback Line
 - B.L. = Building Setback Line
 - D/E = Drainage Easement
 - C = Centerline
 - M.A.E. = Mutual Access Easement
 - Enc. = Enclosure
 - Tel. = Telephone
 - R/W = Right of Way



Subject Tract

BOA-22526

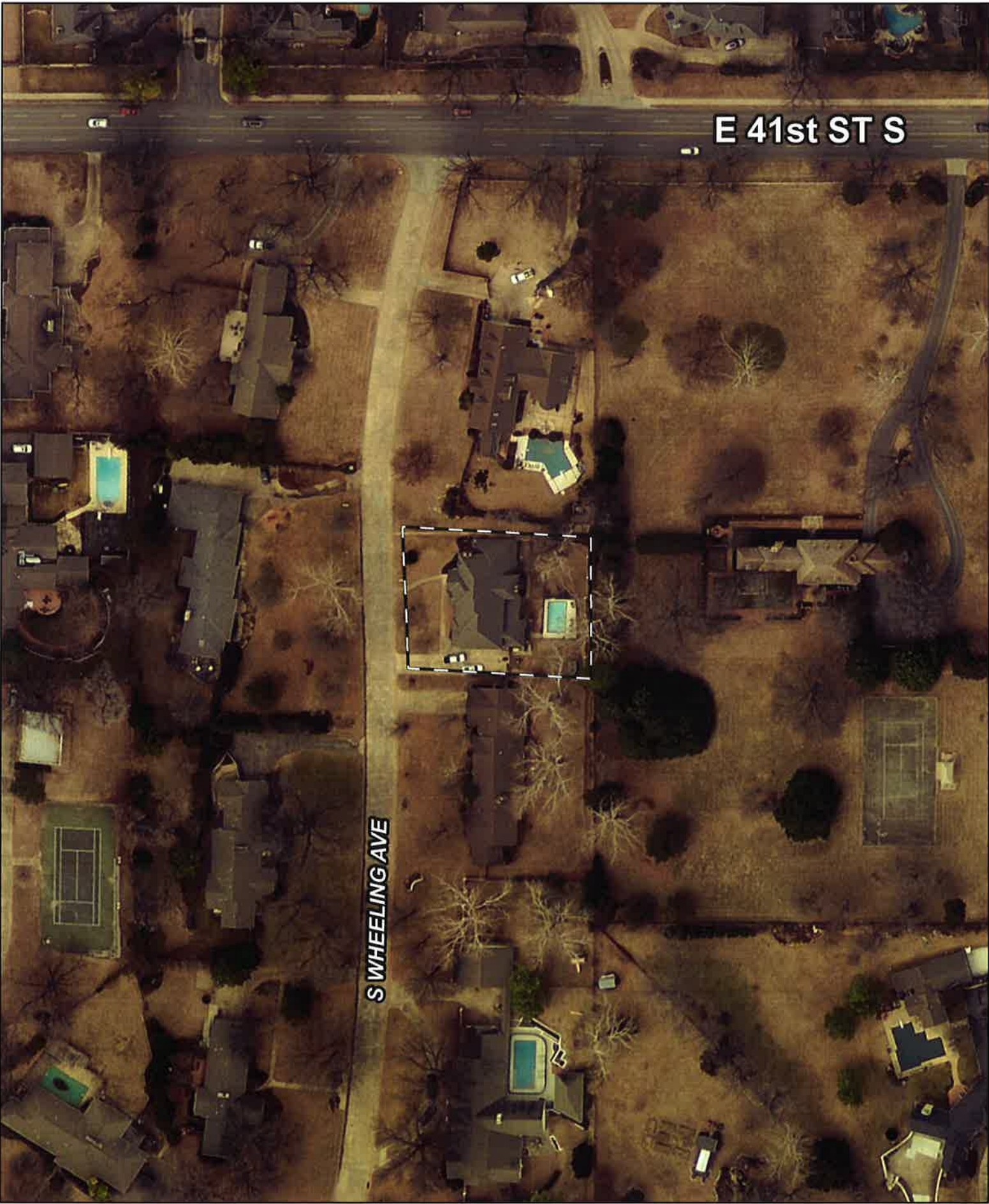
19-13 30

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

Aerial Photo Date: February 2018

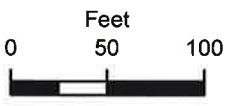
8.18





E 41st ST S

S WHEELING AVE



 Subject Tract

BOA-22526

19-13 30

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

Aerial Photo Date: February 2018

8.19





Looking east- towards north side of the subject site- on S. Wheeling Ave.



Looking southeast- towards front of the subject site- on S. Wheeling Ave.



WHITE SURVEYING COMPANY

9980 EAST 66TH PLACE TULSA, OKLAHOMA 74146 • (918) 863-8924

MORTGAGE INSPECTION BRUNS REPORT

INVOICE NO.: OKTC 17-90449
MORTGAGOR: BURNES, STEPHEN & MELISSA

CLIENT: OKLAHOMA TITLE & CLOSING COMPANY
FIRST AMERICAN TITLE INSURANCE COMPANY
17-10115

LEGEND

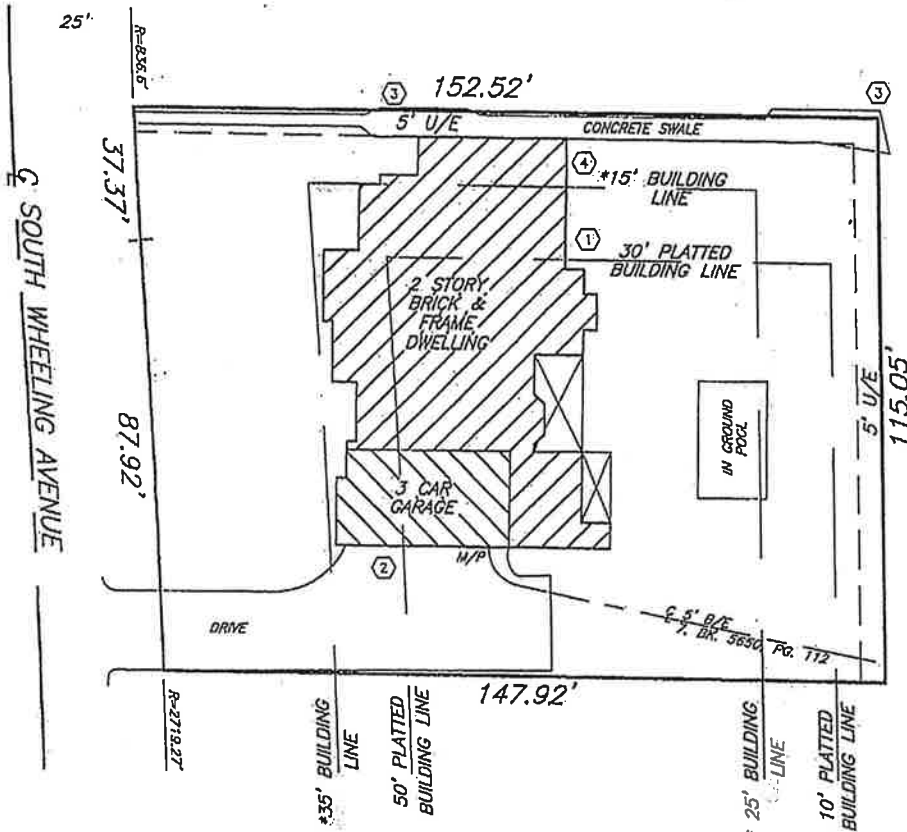
- X- FENCE
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- M/P METERING POINT
- B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)
- B.L. BUILDING LINE
- O.B.L. OUTBUILDING LINE



BEFORE YOU DIG,
CALL OKIE
1-800-522-8543

THIS PROPERTY LIES IN ZONE "X-UNSHADED" FLOOD HAZARD AREA PER F.I.R.M. MAP NUMBER 40143C0352L, AS LAST REVISED 10/16/12.

*BUILDING LINES SHOWN
PER RE-ZONING 1994



- ① - DWELLING OVER NORTH PLATTED BUILDING LINE.
- ② - DWELLING OVER WEST PLATTED BUILDING LINE.
- ③ - CONCRETE IS OVER LOT LINE AND IN U/E AS SHOWN.
- ④ - DWELLING IS OVER RE-ZONING BUILDING LINE AS SHOWN.

PLAT NO. 1738

LEGAL DESCRIPTION AS PROVIDED:

THE NORTH 115 FEET OF LOT TWO (2), BLOCK ONE (1), OAKWOLD, A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 1738, AND KNOWN AS 4121 SOUTH WHEELING AVENUE.

SURVEYOR'S STATEMENT

WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED LICENSED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION #CA1098 (RENEWAL DATE: JUNE 30, 2017), 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 PURPOSES 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 OR ABOVE GROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS INSPECTION PLAT UNLESS SPECIFICALLY REQUESTED BY THE CLIENT; THAT THIS INSPECTION PLAT IS PREPARED SOLELY FOR THE CLIENT LISTED HEREON AS OF THIS DATE AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION; AND THAT NO RESPONSIBILITY OR LIABILITY IS ASSUMED HEREIN OR HEREBY TO THE PRESENT OR FUTURE LAND OWNER OR OCCUPANT.

WITNESS MY HAND AND SEAL THIS DATE: 10/17/17

WARNING! If the seal on this document is not RED, it is an unauthorized copy which may have been altered or modified, and cannot be used for any purpose without the written permission of White Surveying Company.

REVISED: 10/26/17

Copyright 2015 by White Surveying Company. All Rights Reserved. No part of this plat may be reproduced, stored in a retrieval system, or transmitted in any form without prior written permission of White Surveying Company, P.O. Box 471975, Tulsa, Oklahoma.



8.21

JARWOLD SUBDIVISION

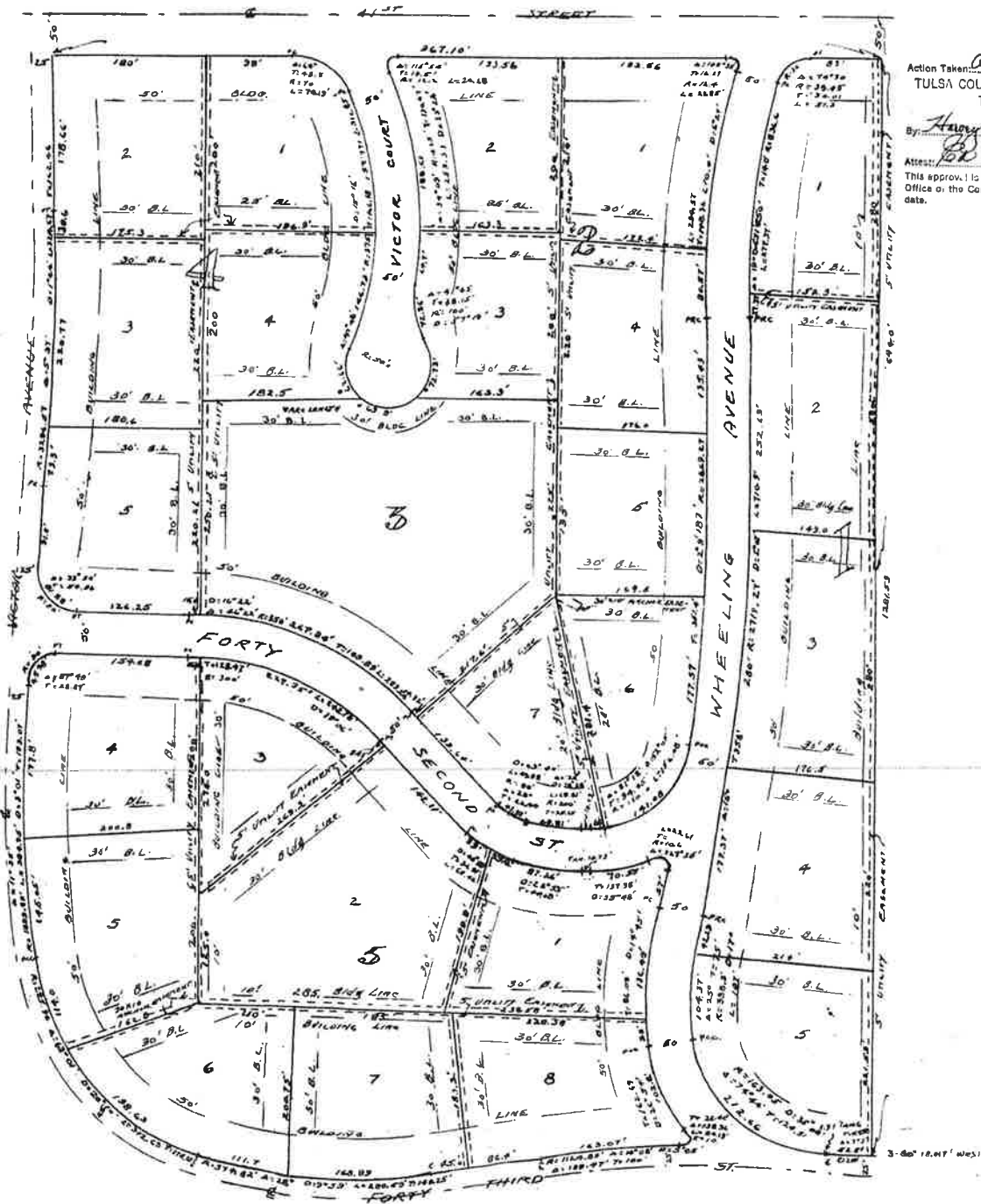
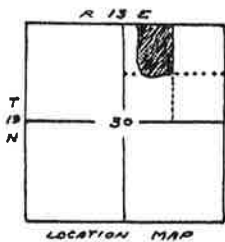
AN ADDITION IN TULSA COUNTY, OKLAHOMA,
BEING THE NORTHEAST PART 1 OF THE
WEST 1/4 OF THE NORTH EAST 1/4 OF SECTION 30
TOWNSHIP 19 NORTH, RANGE 13 EAST,
TULSA COUNTY, OKLAHOMA.

SCALE 1"=100'

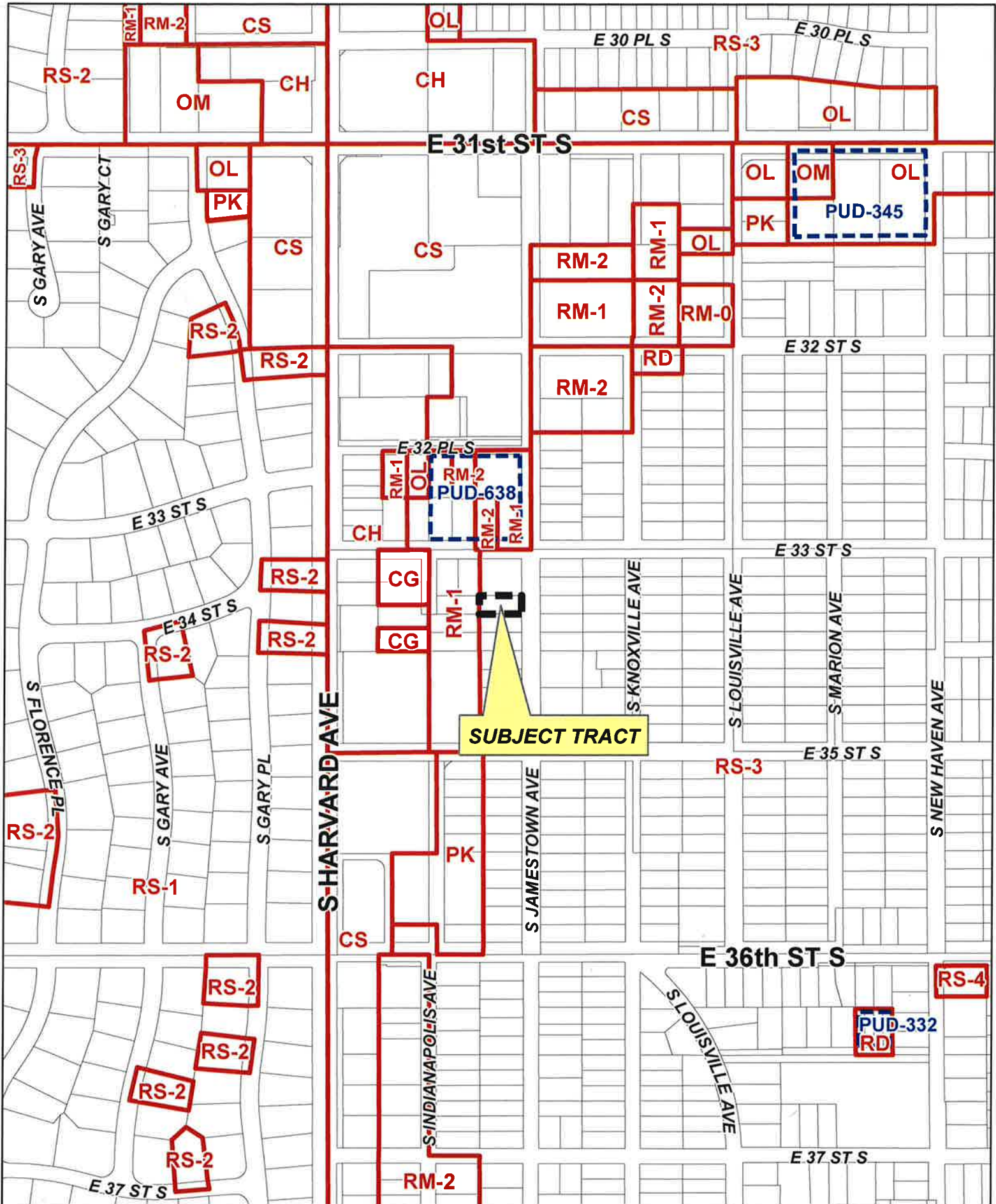
MARCH 1952 *Shuler*

SHIBLEY ENGINEERING CO.
TULSA, OKLA.

97847
Plot # 1729



Action Taken: *AP*
TULSA COUNTY
TU
By: *Shuler*
Attest: *Shuler*
This approval is void
Office or the Count
data.



SUBJECT TRACT



BOA-22528

9.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9321

Case Number: **BOA-22528**

CZM: 47

CD: 9

A-P#:

HEARING DATE: 10/23/2018 1:00 PM

APPLICANT: Christopher Parle

ACTION REQUESTED: Special Exception to exceed the allowable driveway width in the street right of way and in the street setback. (Sec. 55.090-F3)

LOCATION: 3318 S. Jamestown Ave. E.

ZONED: RS-3

PRESENT USE: residential

TRACT SIZE: 8250 sq. ft.

LEGAL DESCRIPTION: N60 S180 E137.5, LT 23, ALBERT PIKE SUB, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-13758; on 9.26.85, the Board **approved** a *special exception* to allow an existing day care center; **denied** a *variance* to expand a nonconforming use.

Surrounding Properties:

BOA-13792; on 10.10.85, the Board **approved** a *special exception* to all a children's nursery; **approved** a *special exception* to allow an existing day care center. Located: 3322 S. Jamestown Ave. & 3410 E. 33rd St. (immediately south and west of the subject property)

BOA-2944; on 5.8.57, the Board granted permission to allow a nursery and dance school. Located: immediately north of the subject site.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Existing Neighborhood" and an "Area of Stability".

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

9.2

The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

ANALYSIS OF SURROUNDING AREA: The subject property abuts RM-1 zoned properties to the west; RS-3 zoned properties to the north, south, and east.

STAFF COMMENTS:

On September 18, 2018 the below driveway width amendment to the City of Tulsa Zoning Code became effective:

55.090-F Surfacing

3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.123, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-I.2. (Refer to City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

Maximum Driveway Width					
Lot Frontage	75'+	60' – 74'	46' – 59'	30' – 45'	Less than 30' [2]
Driveway Within Right-of-Way (feet) [1]	27'	26'	22'	20'	12'
Driveway Within Street Setback (feet)	30'	30'	--	--	--

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.

[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.

It appears that the lot has 60 feet of frontage on S. Jamestown Ave. As shown on the attached aerials and pictures, it appears the driveway covers the entire front portion of the lot. The codes states, the applicant is allowed by right a driveway width of 26' within the right-of-way and 30 ft. within the street setback. The street setback requirement for an RS-3 zoned lot is 25 ft. The applicant is before the Board requesting a **Special Exception** to exceed the allowable driveway width in the street right of way and in the street setback.

Sample Motion

Move to _____ (approve/deny) a Special Exception to exceed the allowable driveway width in the street right-of-way and in the street setback. (Sec. 55.090-F.3)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions : _____

The Board finds that the requested Special Exception 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.

Case No. 13791 (continued)

to a point; thence, with a right deflection angle of 90° 209' to the point of beginning of said parking lot containing 75,449 sq. ft. more or less.

Case No. 13792

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow a children's nursery in an R zoned district, located at 3322 South Jamestown Avenue and 3410 East 33rd Street.

Presentation:

The applicant, W. C. Jones, was represented by Attorney Bob Nichols, 115 West 5th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit L-1) and informed that his client has property on 33rd Street where a day care center has been operating since the 1950's, and also, is proposing a child care facility on Jamestown. Mr. Nichols informed that Mr. Jones has owned the property in question for approximately 1 year.

Comments and Questions:

Ms. Wilson informed that when she viewed the area she counted 7 homes that have been converted to day care facilities.

Ms. Bradley asked Mr. Nichols to clarify the request for the property on 33rd Street. He replied that his client is asking for a special exception to allow a day care center at 3410 East 33rd.

Ms. Bradley asked if the day care center is in operation at at this time, and Mr. Nichols informed that it has been there since 1958 and evidently was overlooked.

Mr. Clugston asked if the two day care facilities are two different businesses. Mr. Nichols replied that they will both be run by the same business, but the operation on Jamestown will be a mother's day out program.

W. C. Jones, 331 South 185th East Avenue, Tulsa, Oklahoma, informed that the Jamestown facility will not be in competition with the other 5 buildings, but will be open from approximately 9 a.m. to 2:30 p.m. and is for mothers that need to leave their children for a short period of time. He pointed out that if this center is approved there will be 6 buildings for child care in the area. Mr. Jones noted that the Wingo family previously owned all of the child care centers, and after selling him 3 of the buildings, continue to operate the remaining two. Photographs and a petition of support were submitted (Exhibit L-2).

Mr. Clugston asked if the mother's day out program is required to be licensed, and Mr. Jones replied that the center does not need a license if the hours of operation are less than 8 hours each day.

10.10.85:449(26)

Case No. 13792 (continued)

Ms. Bradley asked how many employees would be on duty to care for the 28 children whose ages are from 3 to 4 years. Mr. Nichols informed that there will be 3 employees at the center.

Mr. Chappelle informed that Code Enforcement received a complaint (Exhibit L-3). Mr. Nichols pointed out that an open house was held to talk with the mothers in the neighborhood before attempting to open the center, and that, evidently, some of the residents thought the business was in operation and reported the owner.

Protestants:

Linda and Gary Wingo, 5919 East 87th Street, Tulsa, Oklahoma, submitted a petition of opposition (Exhibit L-4) and stated that they are owners of the property at 3311 South Indianapolis and 3318 South Jamestown. Ms. Wingo stated a concern that the clients of the proposed center will park on her parking lot and cause an inconvenience for her customers. She pointed out that there are no regulations for the number of children and believes the added traffic will be injurious to the neighborhood. Mr. Wingo added that the surrounding neighbors are opposed to another child care center in the area.

Applicant's Rebuttal:

Mr. Nichols stated that the neighbors are in support of the mother's day out center and that the house would retain its residential character and would be harmonious with the area.

Additional Comments:

Ms. Wilson stated that she is concerned with the growing number of nursery centers concentrated in the area and the traffic problem they may create.

Board Action:

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 4-1-0 (Bradley, Chappelle, Clugston, White, "aye"; Wilson, "nay"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205) to allow a children's nursery in an R zoned district; per plot plan; subject to the number of children being 25 and the hours of operation being from 9 a.m. to 2:30 p.m.; subject to Fire Marshall, Building Inspector and Health Department approval; and to APPROVE a Special Exception to allow an existing day care center in an R zoned district, located at 3410 East 33rd Street; on the following described property:

3322 South Jamestown

The north 60' of the south 120', Lot 23, Albert Pike Addition to the City of Tulsa, Tulsa County, Oklahoma.

10.10.85:449(27)

Case No. 13792 (continued)

3410 East 33rd Street

The east 70' of the east 140' of the west 165' of the north 120', Lot 23, Albert Pike Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13793

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1210 - Request a special exception to allow for parking in an RM-2 district.

Variance - Section 1211 - Off-Street Parking and Loading Requirements - Use Unit 1210 - Request a variance to allow for off-site parking, located east of the SE/c of 15th Street and Denver Avenue.

Presentation:

The applicant, Stuart Nyander, 4538 South 23rd West Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit M-1). Mr. Nyander explained that there is a 2 story office building and a house on the site at this time. He asked the Board to allow the use of the lot next door for a private parking lot. Mr. Nyander pointed out that all of the clients have to use the street for parking.

Comments and Questions:

Ms. Bradley asked the applicant what type of offices are located in the building. Mr. Nyander stated that a buyer of the tract has emptied the building and is going to refurbish the interior.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1210) to allow for parking in an RM-2 district; and to APPROVE a Variance (Section 1211 - Off-Street Parking and Loading Requirements - Use Unit 1210) to allow for off-site parking; per plot plan; subject to the execution of a Tie Contract; finding a hardship imposed on the applicant by the the multiple zoning in the older district; on the following described property:

Lot 10 and 16, Block 3, Stonebraker Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13794

Action Requested:

Variance - Section 270 - Major Street Plan - Use Unit 1221 - Request a variance to allow for 2 directional signs in City right-of-way, located at 2840 East 51st Street.

10.10.85:449(28)

Case No. 13757 (continued)

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to **APPROVE** a Special Exception (Section 440.2 - Special Exception Uses In the Residential Districts - Use Unit 1206) to allow a mobile home in an RS-3 zoned district; and to **DENY** a Variance (Section 440.6 (a,b,c) - Special Exception Uses In the Residential Districts) of the one year time limit, removal bond and contract for a mobile home; subject to removal bond; finding that there are other mobiles in the area and that the granting of the special exception request will not violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 6 and 7, Block "E", Joe's Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13758

Action Requested:

Special Exception - Section 410 - Permitted Uses in the Residential Districts - Use Unit 1205 - Request a special exception to allow an existing day care center in an RS-3 zoned district.

Variance - Section 1420(a) - Nonconforming Use of Buildings and Land in Combination - Use Unit 1205 - Request a variance to expand a nonconforming use, located on the SE/c of 32nd and Indianapolis.

Presentation:

The applicant, Jess Stout, was represented by Gary Wingo, 5919 East 87th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit P-1) for an addition to an existing day care center which is a part of Miss Helen's Private Schools. Mr. Wingo informed that he has owned the center since 1974. He pointed out that his mother previously operated three other schools adjacent to his center and they are now called Helen's Schools. Mr. Wingo informed that he is proposing to build on 400 sq. ft. to the east of the existing structure.

Comments and Questions:

Ms. White asked why the addition is being constructed and the applicant replied that increased enrollment necessitates the adding on of the 400 sq. ft.

Ms. Wilson asked Mr. Wingo to state the number of children enrolled at this time and the number expected after expansion. He answered that there are 29 students enrolled at this time and a maximum of 38 can be serviced after construction is complete. Mr. Wingo stated that the school will operate from 7:30 a.m to 6:00 p.m.

9.26.85:448(23)

Case No. 13758 (continued)

Ms. Wilson asked Ms. Hubbard if there is sufficient land to accommodate the new addition. Ms. Hubbard informed that a corrected set of plans has been submitted and she would need additional time to review the corrections and make that determination.

Mr. Jackere informed that the applicant is not in need of the variance requested.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a Special Exception (Section 410 - Permitted Uses in the Residential Districts - Use Unit 1205) to allow an existing day care center in an RS-3 zoned district; and to DENY a Variance (Section 1420(a) - Nonconforming Use of Buildings and Land in Combination - Use Unit 1205) to expand a nonconforming use; per plot plan submitted; subject to approval by the Building Inspector; finding that the day care center has been in operation for a long period of time and is compatible with the neighborhood and the surrounding area; on the following described property:

The north 60', south 180', east 137.5' of Lot 23, and north 60', south 180', east 137.5', of the west 162.5', Lot 23, Albert Pike Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13759

Action Requested:

Variance - Section 1213.4 - Off-Street Parking and Loading Requirements - Use Unit 1210 - Request a variance of the required number of parking spaces from 657 to 610, located on the SW/c of 31st Street and 93rd East Avenue.

Presentation:

The applicant, Alfred Osborn, 3100 Willcrest, Houston, Texas, submitted a plot plan (Exhibit Q-1). He stated that the owner of the property is expanding a shopping center and adding additional lease space at the above stated location. Mr. Osborn pointed out that the addition will close off a back portion of the property that was proposed for parking, but is now considered to be too remote to be utilized for this purpose. He informed that after the construction is complete the center will have 610 parking spaces instead of the required 659. Mr. Osborn pointed out that much of the leased area will be for office use.

Comments and Questions:

Ms. Wilson asked Mr. Osborn why he doesn't just put in the required parking since it is proposed and the space is available. Mr. Osborn replied that he would like to leave the area open.

9.26.85:448(24)

Case No. 2944-A ✓
George I. Wingo
N. 120' of E. 135' of
Block 23, Albert
Pike Subdivision

This being the date set down for public hearing on the application of George I. Wingo for permission to operate a nursery school and dance studio on the North 120 feet of the East 135 feet of Block 23, Albert Pike Subdivision. There appeared Mr. Wingo and several protestants.

Mr. Wingo explained his plans for the nursery school.

The protestants stated they were objecting because of the traffic hazard that would be created, the noise and confusion; and that it would effect the property values.

After considerable discussion from both sides it was,

MOVED by Galbreath (Cohen) that this matter be granted for a nursery up to Kindergarten.

All members voting yea.

Carried.

Case No. 2945-A ✓
Bellaire Christian
Church, Lots 1 & 2,
Southlawn Addition

This being the date set down for public hearing on the application of the Bellaire kChristian Church for permission to erect a church on Lots 1 & 2, Southlawn Addition. There appeared a Mr. R. T. Flannery on behalf of the church. There also appeared several protestants.

Mr. Flannery explained plans for the church a

The protestants requested that this matter be continued until a later date.

MOVED by Cohen (Norman) that the request for a continuance be denied.

All members voting yea.

Carried.

MOVED by Vinall (Galbreath) that this application be granted.

All members voting yea.

Carried.

Case No. 2947-A ✓
Brookside Building
Corp. Lot 2,
Rogers Sub.

This being the date set down for public hearing on the application of the Brookside Building Corporation for permission to establish off-street parking on Lot 2, Rogers Subdivision. There appeared Mr. H. G. Barnett on behalf of the applicant.

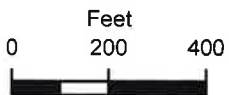
Mr. Barnett presented plans of the proposed parking lot.

There being no protest offered it was,

MOVED by Galbreath (Cohen) that this matter be granted subject to the rules and regulations for off-street parking set up by the Board of Adjustment.

All members voting yea.

Carried.



Subject Tract

BOA-22528

19-13 21

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

Aerial Photo Date: February 2018

9.10





E33 STS

S JAMESTOWN AVE

E35 STS



Subject Tract

BOA-22528

19-13 21

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

Aerial Photo Date: February 2018

9.11





Looking west- towards site- on S. Jamestown Ave.



Looking northwest- towards site- on S. Jamestown Ave.

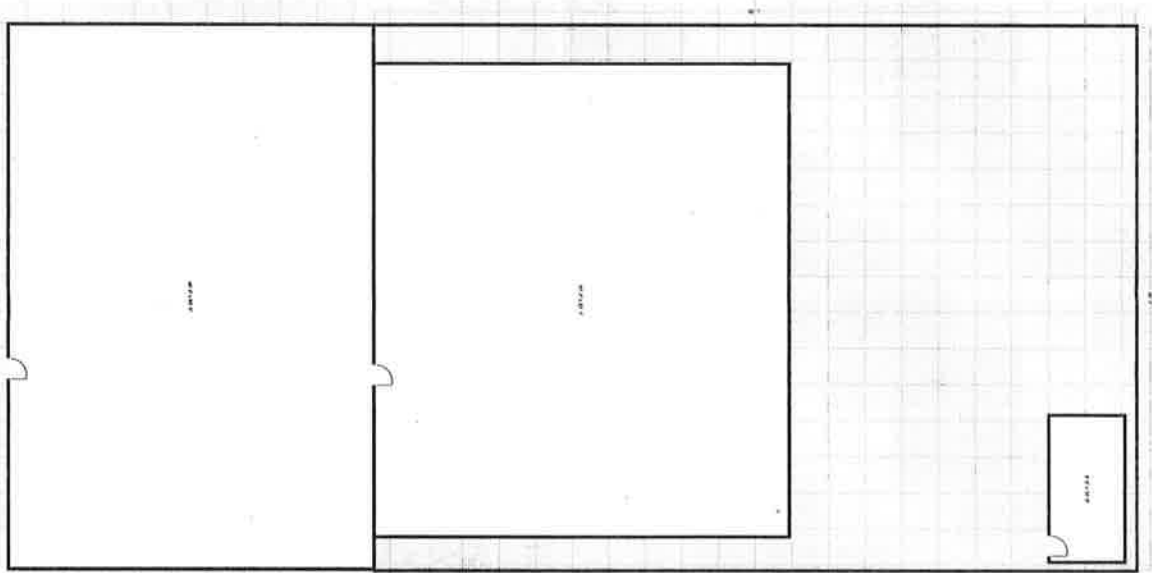


Looking southwest- towards site- on S. Jamestown Ave.



Looking west- towards site- on S. Jamestown Ave.

9.14



BOA - 22522



Neighborhood Investigations
WORKING IN NEIGHBORHOODS

ZONING NOTICE OF VIOLATION

The City of Tulsa To:
PARLE. CHRISTOPHER JAKE
3318 S JAMESTOWN AVE
TULSA, OK 741351825

Date: September 6, 2018

You are hereby notified that the violation (s) maintained, operated or permitted to exist by you at **N60 S180 E137.5 LT 23, ALBERT PIKE SUB** addition to the City of Tulsa, Tulsa County, State of Oklahoma.

And located at the address of: **3318 S JAMESTOWN AV E TULSA 741351825**

Consisting of: (Official Ordinance Cited Information (if any) is on reverse.)

Title 42, Chapter 55, Section 55.090-F-3

This Violation requires:

In an RS-3 District, residential driveway widths may not exceed twenty feet (20') within the right-of-way and thirty feet (30') on other portions of the lot, unless a Special Exception has been granted by the Board of Adjustment. Reduce the driveway size or seek a Special Exception to approve/allow the oversized driveway width.

To be in compliance with Municipal Codes, you will need to comply with this notice within 10 days. FAILURE TO COMPLY MAY RESULT IN THE ISSUANCE OF A CITATION OR CIVIL REMEDIAL PENALTIES NOT TO EXCEED \$1,000.00 PER DAY. You may appeal the administrative official's decision within 10 DAYS by filing a complete appeal application with the administrative official and INCOG located at Williams Tower II, 2 West 2nd Street, 8th Floor, Tulsa, Oklahoma, 74103. Appropriate fees must accompany your appeal application to INCOG. In addition, you may want to contact INCOG at 584-7526 to obtain information on filing an application for a special exception or variance related to your violation instead of appealing the decision.

Complaint No: NUZO-004640-2018

MICHAEL RIDER
Zoning Official
918-596-9878 Office phone
918-576-5468 Fax
mrider@cityoftulsa.org

Meetings with Inspectors require a scheduled appointment.

A copy of this notice has also been sent to (if applicable):

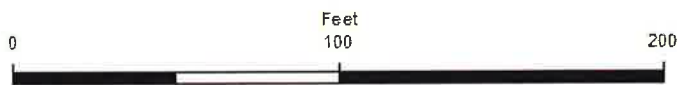
3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.010.1.2.

Maximum Driveway Width	RE	RS-1	RS-2	RS-3	RS-4	RS-5
Within Right-of-Way (feet)	20	20	20	20	20	12
On the Lot (Outside ROW) (feet)	30	30	30	30	20	12

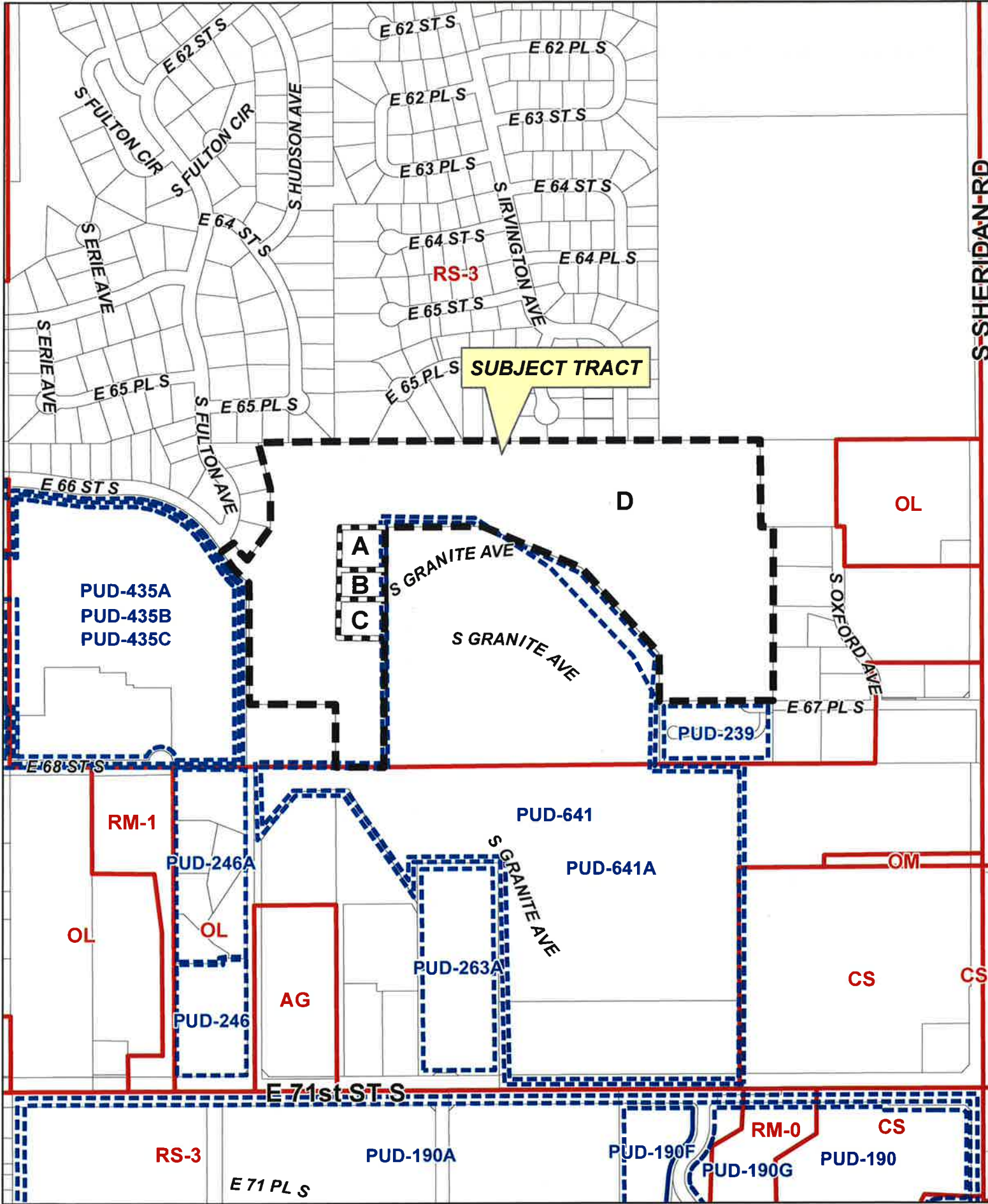
For approvals granted under the terms of the zoning code in effect prior to January 1, 2016, including (1) variances of maximum driveway coverage measured by width, square footage or percentage of yard and (2) establishment of PUD development standards that increase the maximum permitted driveway coverage measured by any such means, the foregoing maximums do not apply.



9.17



9.18



S-SHERIDAN-RD

SUBJECT TRACT

PUD-435A
PUD-435B
PUD-435C

A
B
C

D

OL

RM-1

PUD-246A

PUD-641

PUD-641A

OM

OL

OL

AG

PUD-263A

CS

CS

RS-3

PUD-190A

PUD-190F

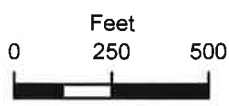
RM-0

CS

PUD-190G

PUD-190

E 71 PL S



BOA-22529



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 8303

Case Number: **BOA-22529**

CZM: 53

CD: 9

A-P#:

HEARING DATE: 10/23/2018 1:00 PM

APPLICANT: Montereau, Inc. (c/o Hall Estill- Chris Carter)

ACTION REQUESTED: Variance of the frontage requirement in an RS-3 district (Sec. 5.020); Special Exception to exceed the allowable driveway width in the street right of way and in the street setback. (Sec. 55.090-F3)

LOCATION: W of the NW/c of S. Sheridan Rd. & E. 67th Pl. S. (Immediately west of, and adjacent to, Lot One (1), Block One (1), MONTEREAU IN WARREN WOODS, a Subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 5608

ZONED: RS-3

PRESENT USE: vacant

TRACT SIZE: +37.12 acres
(overall parcel)

LEGAL DESCRIPTION: PRT SW & SE BEG NEC SW TH E1733.81 S353.83 E50 S709.20 W463.84 N196.65 NW472.49 NW433.71 W398.17 S978.81 W195.84 N258.29 W348.62 N494.53 CRV RT 130.18 NW50 NE60 SE50 CRV LF 52 NE167.84 N159.12 NW193.07 E307.78 POB SEC 3 18 13 37.121ACS

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

PUD-641; on 10.18.00, the Planning Commission **approved** a PUD rezoning request. Located: northwest of the northwest corner of Sheridan Rd. & 71st St. S.

BOA-16113; The Board **approved** a *special exception* to permit hospital use in a RS-3 zoned district Located: north of the northeast corner of East 71st Street South and South Granite Avenue.

BOA-13249; The Board **approved** a *variance* to permit a two-story structure in an OL zoned district. Located: north of the northeast corner of East 71st Street South and South Granite Avenue.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Existing Neighborhood" and an "Area of Stability".

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique

qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

ANALYSIS OF SURROUNDING AREA: The subject property is part of a larger 37-acre tract, which surrounds the proposed tracts to the north, south, and west; to the east is Montereau campus.

STAFF COMMENTS:

On September 18, 2018 the below driveway width amendment to the City of Tulsa Zoning Code became effective:

55.090-F Surfacing

3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.123, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-I.2. (Refer to City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

Maximum Driveway Width					
Lot Frontage	75'+	60' – 74'	46' – 59'	30' – 45'	Less than 30' [2]
Driveway Within Right-of-Way (feet) [1]	27'	26'	22'	20'	12'
Driveway Within Street Setback (feet)	30'	30'	--	--	--

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.

[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.

As shown on the attached exhibit, the proposed lots will have 0 ft. of frontage on a public street. Per the updated amendment, the applicant is allowed by right a driveway width of 12 ft. within the right-of-way and 12 ft. within the street setback. The applicant is before the Board requesting a **Special Exception** to allow a 30 ft. driveway width on all proposed lots.

As shown on the attached survey, the applicant is proposing to split the subject lot into three tracts. The Code requires that a RS-3 zoned lot have a minimum of 30 ft. frontage on a public street. Per the exhibit, the proposed tracts will have 0 ft. of frontage on a public street.

To permit the lot-split as proposed the applicant has requested a **Variance** to reduce the 30 ft. minimum frontage requirement in an RS-3 district.

Sample Motion for Special Exception

Move to _____ (approve/deny) a Special Exception to exceed the allowable driveway width in the street right-of-way and in the street setback. (Sec. 55.090-F.3)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions : _____

The Board finds that the requested Special Exception 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.

Sample Motion for Variance

Move to _____ (approve/deny) a **Variance** to reduce the minimum frontage requirement in an RS-3 district (Section 15.030-A) to permit a lot-split.

- Finding the hardship(s) to be _____.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

The Board finds that the following facts, favorable to the property owner, have been established:

“a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;

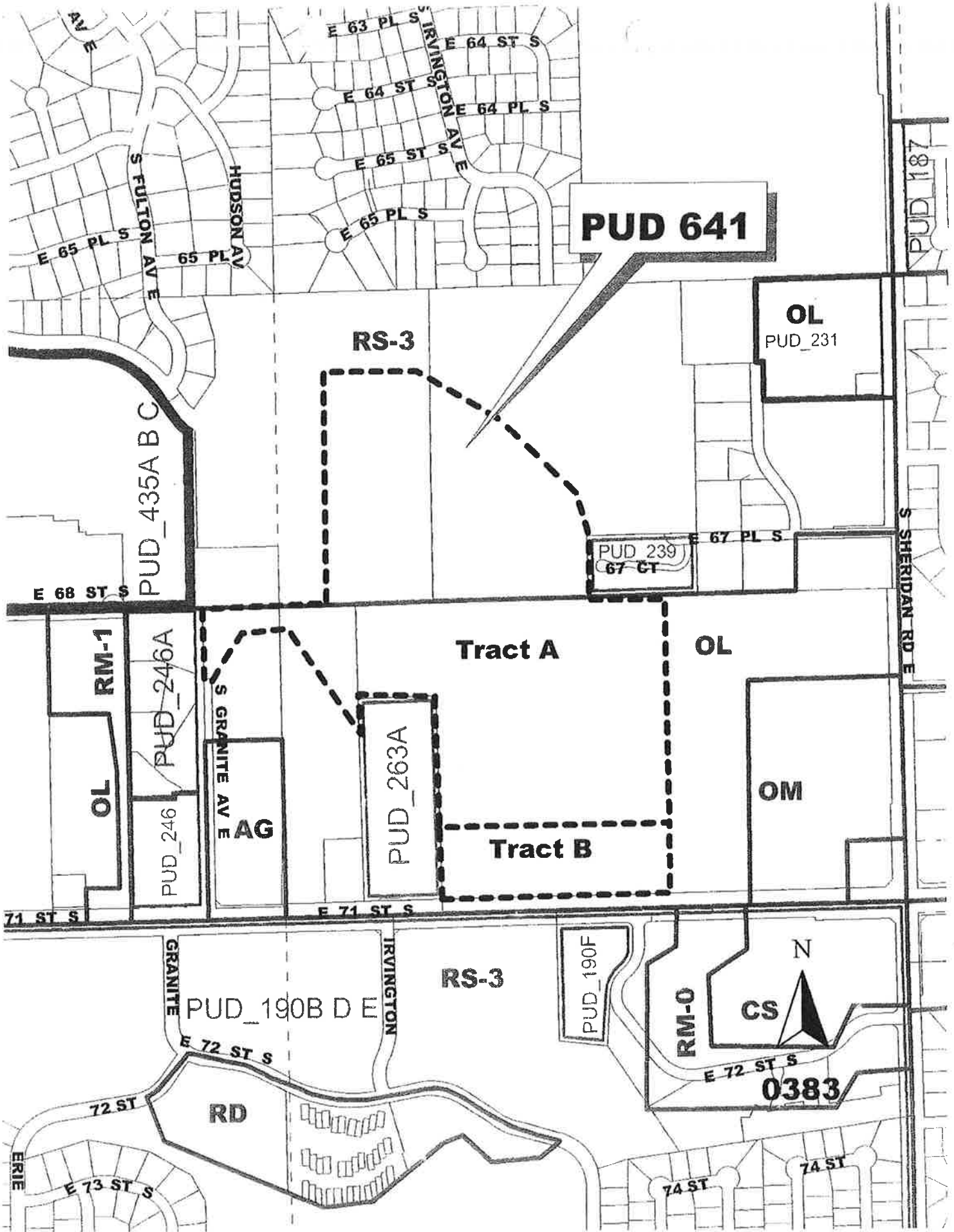
c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”



FILE COPY

13. **LC-125** – Tom McDermitt Co (0319)/Lot Combination (PD 2) (CD 3)
East of North Zunis Avenue and North of East 32nd Place North, 2215
East 32nd Place North,
14. **PUD-641 – Wallace Engineering** (PD-18) (CD-7)
Northwest of the northwest corner of Sheridan Road and 71st Street
South (Detail Site Plan for Phase II construction at Montereau in
Warren Woods/senior retirement care facility.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for Phase II construction at Montereau in Warren Woods a senior retirement care facility. The proposal is to add 55,215 square feet (SF) of assisted living facility floor space to the existing 71,992 SF, and 234 multi-family dwelling units to the existing 72 units. The PUD permits 158,000 SF of assisted living facility floor space and 346 multi-family dwelling units.

The submitted site plan meets all applicable building floor area, livability space, building height and setback limitations per established PUD standards and minor amendments (minor amendment PUD-641-2 permits eight-story buildings; minor amendment PUD-641-4 allows two-story or more buildings to be setback 85 feet from the eastern boundary only of the PUD). Parking has been provided per the Zoning Code and no additional landscaping is required per the landscape chapter of the Zoning Code. No additional sight lighting is being added at this time.

Therefore, staff recommends **APPROVAL** of the detail site plan for phase II construction at Montereau in Warren Woods, PUD-641.

(Note: Detail site plan approval does not constitute landscape and sign plan approval.)

15. **PUD-746 – Steve Bengé** (PD-18c) (CD-8)
West of the northwest corner of East 101st Street and South Garnett
Road (Detail Site Plan for a residential subdivision wall along 101st
Street South and gated entries from 107th and 108th East Avenues.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a residential subdivision wall along 101st Street South and gated entries from 107th and 108th East Avenues.

The submitted site plan meets applicable structure height and setback limitations. The proposed gated entries and guardhouses will receive the approval of the City

Code and adopted PUD development standards. All sight lighting will be limited to 25-feet in height and will be directed down and away from adjoining properties per application of the Kennebunkport Formula or the approval of the attached photometric plan. A trash enclosure will be provided per adopted development standards. Any mechanical areas, including building mounted will be screened from the view of a person standing at ground level at the periphery of the property.

Staff recommends **APPROVAL** of the detail site plan for Lot 2, Block 1 (Tract 2B) – Olympia Medical Park II.

(Note: Detail site plan approval does not constitute sign plan approval.)

TMAPC COMMENTS:

Mr. Ard stated that he would like Items 16 and 19 removed from the consent agenda.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, TMAPC voted **7-0-0** (Ard, Cantrell, Marshall, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, McArtor, Midget, Smaligo "absent") to **APPROVE** the consent agenda Items 1 through 15, 17 and 18 per staff recommendation.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

Mr. Sparks out at 1:41 p.m.

16. **PUD-756 – Crafton Tull Sparks/Kevin Vanover** (PD-4) (CD-4)
Northwest corner of 21st Street South and Harvard Avenue (Detail Site Plan for the redevelopment of the QuikTrip store.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for the redevelopment of the QT Store on the northwest corner of 21st Street South and Harvard Avenue. The plan includes demolition of the existing QT Store, and construction of a new 4,555 square foot building and associated fueling facilities further from Harvard Avenue. The proposed use unit – Use unit 13 – Convenience Goods and Services is an allowable use within PUD-756.

S 12°41'44" E FOR 83.23' TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 12°49'31" AND A RADIUS OF 432.96' FOR 96.92' TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 8; THENCE N 59°51'53" W ALONG SAID SOUTHERLY LINE FOR 613.59' TO THE SOUTHWEST CORNER OF LOT 8; THENCE DUE NORTH ALONG THE WESTERLY LINE OF LOT 8 FOR 200.00' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND, From RT (Residential Townhouse District) To RT/PUD (Residential Townhouse District/Planned Unit Development).

APPLICATION NO.: PUD-641

OL/RS-3 TO OL/RS-3/PUD
(PD-18) (CD-7)

Applicant: Roy D. Johnsen

Location: West of northwest corner of East 71st Street and South Yorktown

Staff Recommendation:

The PUD proposes a continuing care retirement community and an office park on 56.47 net acres located west of the northwest corner of South Sheridan Avenue. The subject tract is zoned RS-3 and OL. The tract is abutted on the north by vacant RS-3 zoned property; on the east by vacant OL property and a multifamily development zoned RS-3/PUD-239; and on the west by vacant RS-3 and OL property, a tract zoned OL/PUD-246-A that has been approved for office uses, and by multifamily uses zoned OL/PUD-263-A. To the south across 71st Street are multifamily uses zoned PUD-190-B-D-E and an elderly assisted living center zoned RS-3/PUD-190-F.

The PUD proposes two development areas. Development Area B contains 6.75 net acres located along the East 71st Street frontage. Office uses are proposed for this development area. Development Area A contains 49.74 net acres and is located north of Development Area B. Development Area A would allow single-family, apartment, assisted living facility, elderly/retirement housing, life care retirement center and nursing home uses.

The PUD proposes that Development Area B have access to East 71st Street and that Development Area A have one access point to South Granite Avenue. This proposed vehicular circulation system is not consistent with the Comprehensive Plan. The Comprehensive Plan calls for Granite Avenue to be extended as a collector street intersecting with 68th Street South which is also classified as a collector street, but because of previous platting (Corporate Oaks – recorded 2/10/82), 68th Street cannot be connected with Granite. The Comprehensive Plan also proposes that South Granite Avenue be developed to collector standards and extend to East 66th Street South. An additional collector street is also proposed that would connect with Granite Avenue at 68th Street South and

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would extend approximately through the middle of the PUD and then turn south to 71st Street South.

If the access and circulation is modified to be consistent with the Comprehensive Plan, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-641 as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-641 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. **Development Standards:**

DEVELOPMENT AREA A

Net Land Area: 49.74 AC

Permitted Uses:

Nursing Home as included within Use Unit 2; Single-Family Dwellings as included within Use Unit 6; and Apartments, Assisted Living Facility, Elderly/Retirement Housing and Life Care Retirement Center as included within Use Unit 8.

- ✓Maximum Single-Family Dwelling Units: 30 / 34 per 641-3
- ✓Maximum Multifamily Dwelling Units: 346
- ✓Maximum Building Floor Area of Assisted Living/Nursing: 158,000 SF
- ✓Maximum Land Coverage of Buildings: 30%
- ✓Livability Space per Dwelling Unit: As required by the underlying zoning.
- ✓Maximum Building Height: 8 six stories per 641-2
- ✓Minimum Building Setbacks:
 - One-story Buildings 50 FT
 - From Development Area Boundaries 20' / per 641-5
 - From W 390' of North Bound + N. 410' of W. Bound

✓ Two or More Story Buildings
 From Development Area B
 From other boundaries of the Dev. Area
From EAST (860.11') Boundary

Maximum Number of Lots: 50 FT
 135 FT
85' / per 641-4
 one*

Off-Street Parking: As required by the applicable Use Unit.

*More than one lot may be permitted if the standards for each lot are approved by TMAPC during the platting process.

Minimum Landscaped Area: 30% of Net Area.
 Signs: As allowed in the RM-2 district.

DEVELOPMENT AREA B

Net Land Area: 6.75 AC

Permitted Uses:
 Uses included within Use Unit 11 Office, Studios and Support Services, including drive-in banking facilities; and uses customarily accessory to permitted principal uses.

Maximum Floor Area Ratio Per Lot: .50

Maximum Building Height: ten stories

Minimum Building Setbacks:
 From Centerline of East 71st Street 110 FT
 From the North Development Area Boundary
 Ten feet plus two feet for each one-foot of building height exceeding fifteen feet.
 From Other Development Area Boundaries 25 FT

Maximum Number of Lots: one*

Off-Street Parking: As required by the applicable Use Unit.

Minimum Landscaped Area:	15% of Net Lot Area.
Signs:	As allowed in the OL district.

*More than one lot may be permitted if the standards for each lot are approved by TMAPC during the platting process.

3. ~~The access and circulation system shall satisfy the function prescribed by the Comprehensive Plan. This could include South Granite Avenue being developed to collector standards and extended to the northwest corner of the PUD; an additional collector street being provided that would connect with Granite Avenue at approximately East 68th Street South and would extend through the PUD and then turn south to East 71st Street South. The access to the PUD shall be principally from East 71st Street South. The private street entry shall not be located in the Granite right-of-way extension; there shall be a secondary service and emergency access from Development Area A through Development Area B to East 71st Street South. Collector Street right-of-way shall be dedicated on Granite to the north boundary of the subject property.~~
4. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
5. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

8. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas.
9. The Department Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.
10. Within a residential area a homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly-owned structures within the PUD.
11. All private roadways shall be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
12. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets or if the City will not inspect, then a registered professional engineer shall certify that the streets have been built to City standards.
13. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
14. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
15. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.

Applicant's Comments:

Roy Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing William K. Warren Foundation and Monroe, Inc., submitted an amended text and site plans (Exhibit B-1) and stated that he agrees with staff's recommendation except the access issues.

Mr. Johnsen cited the background information regarding the subject property and surrounding property. He indicated that the subject property is 56 acres and will be leased for the purposes of the retirement community. He described the surrounding zoning and the zoning of the subject property.

Mr. Johnsen stated that the design of the proposal and the circulation system has been cited to achieve the benefit of the views and amenities. He explained that his client is trying to achieve an attractive meandering access into the subject property past some of the lake area from Granite. Granite is on the Major Street and Highway Plan as a collector street and at its intersection of 71st it is signalized, which is one of the reasons he does not want to tie to it. He explained that 71st Street is a primary arterial and forms the south boundary of the subject property, which is six-lanes-divided. It is not intended for this proposal (retirement community) as its principal access point; however, Granite would be the principal access point. Staff believes that there should be a secondary access and he agrees, but only as an emergency type of access from the proposal to 71st Street. He stated that the location and design of the emergency access could be deferred to detail site plan and/or platting.

Mr. Johnsen stated that the extension of Granite to the north is an issue. Mr. Johnsen described the past developments in the subject area and the topography of the subject area. Staff has suggested that Granite be extended to the north boundary of the proposal and then the opportunity would be available in the future if it ever needs to be extended. Mr. Johnsen described the steep topography and how difficult it would be to extend Granite to the north. He commented that the subject proposal does not need Granite extended to the north. He suggested a modification to the staff recommendation that a requirement be made to dedicate the second half of the Granite right-of-way extending to the subject property's north boundary; however, it would not be paved at this time. He commented that staff would prefer that his client dedicate the rest of the right-of-way and pave it to the north boundary. However, he believes that dedicating the right-of-way is sufficient, given the facts that are in the subject area.

Mr. Johnsen stated that staff's standard regarding the internal streets is acceptable. He explained that the retirement community would have only one lot and there would not be any private streets with lots adjoining it.

TMAPC Comments:

In response to Mr. Ledford's concerns regarding access to the north lot of Corporate Oaks, Mr. Johnsen stated that he does not intend to cut off the access to the north lot of Corporate Oaks. Mr. Johnsen further stated that the location for the access to the north could be determined during the detail site plan review and the turnaround will be done within the subject property's ownership. Mr. Johnsen assured the Planning Commission that he has no intent to block the

access to the north lot. In response, Mr. Ledford stated that he wanted to bring this to Mr. Johnsen's attention.

Mr. Westervelt asked if there would be a problem with loitering or creating a problem if Granite is stubbed out to the north. In response, Mr. Stump stated that staff's concern is that there is a significant amount of land that is not included in this PUD, and the only access would be through some existing single-family residential stub streets to the north and northwest unless Granite coming from the south could provide access to these areas. If the access to Granite is preempted then whatever is developed on the remaining vacant tracts will be forced through the single-family residential areas.

Mr. Westervelt asked if the Planning Commission required the dedication of right-of-way and moved the private street off to the east so that it does not interfere with the Granite right-of-way, it would be better to leave it unpaved. In response, Mr. Stump stated that staff would have no problem with that proposal if the City is willing to accept an unimproved right-of-way.

Mr. Ledford stated that when Corporate Oaks was platted, half of the street right-of-way was dedicated to the north property line of Corporate Oaks. He explained that the adjacent owner would not dedicate right-of-way.

Mr. Stump stated that staff does not want to commit the City Public Works Department to accepting a right-of-way without the improvements built.

Mr. Stump stated that the secondary access proposed by Mr. Johnsen is acceptable; however, the access should be available for emergency use and service traffic. This type of facility would have a significant number of employees and a large tract of land that will require high maintenance and maintenance truck traffic.

There were no interested parties wishing to speak.

Mr. Ledford stated that one of the problems is not knowing where the right-of-way will go north of Corporate Oaks. The topography is difficult, and if a street is built it would be at the wrong grade. Mr. Ledford suggested that the right-of-way be dedicated until at such time it is positive where Granite would connect and place the correct grade.

Mr. Westervelt agreed with Mr. Ledford's suggestion regarding the dedication of right-of-way. He stated that the private street needs to be held back off of the Granite right-of-way and there should be a second emergency and service access onto 71st Street.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted 9-0-0 (Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Harmon "absent") to recommend **APPROVAL** PUD-641 subject to the conditions and modifications, and direct staff to modify the Comprehensive Plan regarding collector streets for the subject area. (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

Legal Description for PUD-641:

Commencing at the Southwest corner of the SE/4 of Section 3, T-18-N, R-13-E of the IBM; thence N 01°28'35" W a distance of 60.00' to a point on the North right-of-way line East 71st Street; thence N 88°42'46" E, a distance of 659.19', thence N 01°27'56" W a distance of 300.00', to the Point of Beginning, thence N 01°27'56" W a distance of 464.87' to the Northeast corner of the Argyle subdivision, thence S 88°42'15" W, along the North line of the Argyle subdivision a distance of 329.75', thence S 01°27'32" E, along the west line of the Argyle subdivision a distance of 164.53', thence N 31°50'13" W, a distance of 545.57', thence S 85°05'55" W a distance of 207.65', thence S 35°44'14" W, a distance of 242.82', thence S 88°41'58" W, a distance of 29.69', thence N 01°30'38" W, a distance of 297.58', thence N 89°12'12" E, a distance of 525.99', thence N 00°52'38" W, a distance of 978.81', thence N 88°39'24" E, a distance of 398.17', thence S 68°14'29" E, a distance of 433.71', thence S 43°26'30" E, a distance of 472.49'; thence S 01°24'56" E, a distance of 198.65' to the Northwest corner of Summit Place subdivision; thence S 01°24'56" E, a distance of 258.00' to the Southwest corner of Summit Place subdivision; thence N 88°41'15" E, along the South line of Summit Place subdivision a distance of 323.84'; thence S 01°24'56" E, a distance of 866.79'; thence S 88°42'46" W, a distance of 981.65' to the Point of Beginning; and Commencing at the Southwest corner of the SE/4, Section 3, T-18-N, R-13-E of the IBM; thence N 01°28'35" W, a distance of 60.00' to a point on the North right-of-way line of East 71st Street; thence N 88°42'46" E, along the North right-of-way line of East 71st Street South, a distance of 659.24' to the Point of Beginning, thence N 01°27'56" W, a distance of 300.00'; thence N 88°42'46" E, a distance of 981.65'; thence S 01°17'14" E, a distance of 300.00'; thence S 88°42'46" W along said North right-of-way, a distance of 980.71'; returning to the Point of Beginning, **From OL/RS-3 (Office Low Intensity District/Residential Single-family High Density District) To OL/RS-3/PUD (Office Low Intensity District/Residential Single-family High Density District/Planned Unit Development).**

APPLICATION NO.: Z-6791
Applicant: John Moody

RS-3/PUD TO OL/PUD
(PD-18) (CD-8)

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10.15

Case No. 16112 (continued)

Presentation:

The applicant, **Barbara Hewett**, 5607 South Lewis Avenue, Tulsa, Oklahoma, was represented by **Roy Johnsen**, 201 West 5th Street. He submitted a plat of survey (Exhibit L-2) and explained that the lot in question is irregular in shape and abuts Reserve Area A (open space) on the west and north boundaries. He informed that his client will access the garage across a portion of the reserve area. Mr. Johnsen pointed out that the reserve will remain a permanent grassy area. He stated that the proposed dwelling will not meet the required livability space; however, the reserve area causes the lot to appear to have more open space than any other lot in the subdivision. A location map (Exhibit L-1) was submitted.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Variance** of the required front yard from 25' to 22', **Variance** of the side yard requirement from 5' to 1', **Variance** of the required rear yard from 25' to 3', **Variance** of the required livability space, and a **Variance** to permit access via reserve area - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding a hardship imposed on the applicant by the cul-de-sac location and the irregular shape of the lot; and finding that the reserve will always be a permanent green space; on the following described property:

Lot 5, Block 2, Brookline Square, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16113

Action Requested:

Special Exception to permit hospital use in an OL/RS-3 zoned district - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 5, located north of the NE/c of East 71st Street and South Granite.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, Tulsa, Oklahoma, informed that the hospital use was approved on the property in May 1992 (Case No. 16052); however, at that time the Board limited the floor area to .5, or 83,000 sq ft, due to the size of the tract. Mr. Johnsen stated that the parcel has been expanded, and asked the Board to permit 60,000 sq ft of floor area on the first

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10.16

Case No. 16113 (continued)

floor and the basement, or a total of 120,000 sq ft. The applicant stated that previously approved uses and imposed conditions, such as the .5 FAR., will also apply to this case.

Protestants:

None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to APPROVE a Special Exception to permit hospital use in an OL/RS-3 zoned district - SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS - Use Unit 5; per plan submitted (Case No. 16052); limited to 120,000 sq ft (.5 FAR maximum); subject to the facility not being open for public use; subject to no medical services or patients; subject to the facility being used only in conjunction with St. Francis Hospital and its affiliated operations; and subject to the use being restricted to laundry services, inactive storage and an upholstery shop (maximum of 4 employees); finding the use to be compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property:

A tract of land, that is part of the Northerly 561.00' of the East Half of the East Half of the Southeast Quarter of the Southwest Quarter (E/2 E/2 SE/4 SW/4) of Section 3, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, State of Oklahoma, said tract of land being described as follows, to-wit: starting at the Northeast corner of the SE/4 of the SW/4 of Section 3, T-18-N, R-13-E; thence Southerly along the Easterly line of the SE/4 of the SW/4 of said Section 3 for 296.70' to the Point of Beginning of said tract of land: thence continuing Southerly along said Easterly line for 264.30'; thence Westerly along a deflection angle to the right of 90°09'46" and parallel to the Northerly line of the SE/4 of the SW/4 of said Section 3 for 299.74'; thence Northerly along a deflection angle to the right of 89°49'55" and parallel to the Westerly line of the E/2 of the E/2 of the SE/4 of the SW/4 of Section 3 for 264.30'; thence Easterly along a deflection angle to the right of 90°10'05" and parallel to the Northerly line of the SE/4 of the SW/4 of Section 3 for 299.76' to the Point of Beginning of said tract of land, containing 1.8187 acres, and a tract of land, containing 2.2462 acres, that is part of the Northerly 561' of the E/2 of the E/2 of the SE/4 of the SW/4 of Section 3, T-18-N, R-13-E, City of

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Case No. 16113 (continued)

Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Beginning at a Point, said point being the Northeast corner of the SE/4 of the SW/4 of Section 3, T-18-N, R-13-E; thence Southerly along the Easterly line of the SE/4 of the SW/4 of Section 3 for 296.70'; thence Westerly along a deflection angle to the right of 90°09'46" and parallel to the Northerly line of the SE/4 of the SW/4 of Section 3 for 299.76'; thence Westerly along a deflection angle to the right of 00°00'36" for 30.00' to a point on the Westerly line of the E/2 of the E/2 of the SE/4 of the SW/4 of Section 3; thence Northerly along a deflection angle to the right of 89°49'19" and along said Westerly line for 296.69' to a point on the Northerly line of the SE/4 of the SW/4 of Section 3; thence Easterly along a deflection angle to the right of 90°10'05" and along said Northerly line for 329.79' to the Point of Beginning of said tract of land and a tract of land that is part of the NE/4 of the SW/4 of Section 3, T-18-N, R-13-E, Tulsa County Oklahoma; thence Northerly along the Easterly line of said NE/4, SW/4 a distance of 255' thence Westerly parallel to the Southerly line of said NE/4, SW/4 a distance of 330'; thence Southerly parallel to the Easterly line of said NE/4, SW/4 a distance of 255'; thence Easterly along the Southerly line of said NE/4, SW/4 a distance of 330' to the Point of Beginning; City of Tulsa, Tulsa County, Oklahoma.

Case No. 16114

Action Requested:

Special Exception to amend a condition of approval in a previously approved case (BOA-15754) in order to add a canvas awning, located 3900 South Sheridan.

Presentation:

The applicant, **All World Enterprises**, 3900 South Sheridan, Tulsa, Oklahoma, was represented by **Brian Curthois**, 1408 South Denver, who informed that a sexually oriented business was approved at this location approximately one year ago. He requested permission to construct an awning over the entry to the building. Mr. Curthois pointed out that the use will not be increased. A plot plan (Exhibit M-1) was submitted.

Comments and Questions:

Ms. White asked if signage will appear on the awning, and Mr. Curthois replied that the name of the business is **Scarlett's** and an "S" will be placed on the awning.

Case No. 13248 (continued)

home they would like to put on the lot. They would like this for permanent use. There are no other mobile homes in this area. There are some oil wells across the street from the subject tract. He described the surrounding properties. The applicant plans to build a home on the property at some time in the future.

Discussion:

There was discussion concerning an expressway interchange proposed for the area. Chairman Smith was concerned about a precedent this could set in the area.

Protestants: None.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District under provisions of Use Unit 1209) to allow a mobile home in an AG district under the provisions of Section 1680, for a period of five years, subject to Health Department approval, on the following described property:

The Northeast 10 acres of Government Lot 5, Section 23, Township 20 North, Range 12 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13249

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1211 - Request for a variance of the building height requirement of 1-story to permit 2 stories in an OL district under the provisions of Section 1670, located at 68th Street and Granite Avenue.

Presentation:

Michael Taylor was represented by Ted Sack, 5359 South Sheridan Road, who informed they would like this variance because of the topography of the tract. They would like to retain as many of the mature trees on the lot as they can. A third reason they have is that on-site detention will be a requirement on the tract which will take up part of the property. He described surrounding land uses. There are buildings that have more than one-story. He submitted 6 photographs of the subject property and surrounding area and explained them (Exhibit "L-1"). He also submitted a site plan (Exhibit "L-2"). The zoning is subject to a plat and is in the process. He described the requirements of the plat.

Protestants: None.

Comments:

Mr. Gardner informed the zoning is more for the intensity of the land as opposed to limiting it to single-story construction. He thinks it would be appropriate that the applicant return with a plan that the Board could review that meets his intent.

Case No. 13249 (continued)

The applicant informed they have no definite site plan. They have no objection to bringing a real site plan back.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in the Office Districts under provisions of Use Unit 1211) of the building height requirements of 1-story to permit 2 stories in an OL zoned district under the provisions of Section 1670, subject to the applicant returning with a site plan prior to the issuance of a building permit, on the following described property:

The North 561 feet of the E/2, of the E/2, of the SE/4, of the SW/4 of Section 3, Township 18 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

Case No. 13250

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1209 - Request for an exception to allow a mobile home in an RM-2 district under the provisions of Section 1680.

Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the 1-year time limitation for a mobile home to 10 years, located west of the NW corner of West 10th Street and 51st West Avenue.

Presentation:

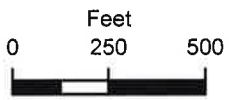
Debra Murr, 2015-C East 51st Place, informed she would like to move a mobile home on the subject tract. There are other mobile homes in the area. She described where the other mobile homes are located. She would like to purchase a mobile home that will be single-wide and will be about 60' or 70' x 14'. This is a vacant lot.

Protestants:

Weldon Brewer, 5144 West 10th Street, submitted a petition of protest against this application (Exhibit "M-1"). He is concerned that his property values will be decreased and about a precedent this could set. He told of the other mobile homes in the area. The people in the residences in the area do not want this in the area. He is concerned about the varying quality of mobile homes. He submitted six photographs (Exhibit "M-2"). This is a fairly stable area, and the people are trying to upgrade their homes.

Clyde Steel, 5142 West 11th Street, informed that he had a vacant lot he was thinking about putting a mobile home on but he decided not to because he was afraid it would devalue his property.

Lloyd Lewis, 5306 West 10th Street, described the neighborhood and informed he is concerned that if this is allowed it will decrease his property value. They would like to keep the neighborhood as it is.



Subject Tract

BOA-22529

18-13 03

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

Aerial Photo Date: February 2018

10.21





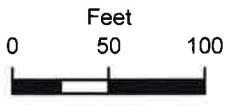
D

A

B

C

S GRANITE AVE



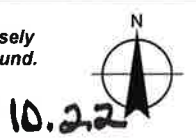
 Subject Tract

BOA-22529

18-13 03

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

Aerial Photo Date: February 2018



I. Descriptive Location – Immediately west of, and adjacent to, Lot One (1), Block One (1), MONTEREAU IN WARREN WOODS, a Subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 5608

III. Actions Requested / Hardship Statement

Request - The Applicant is requesting a **variance of the street frontage requirements in Section 5.030 (Table 5.030-A)** from 30' of street frontage to 0' of street frontage. The Applicant is also requesting a **special exception to the driveway width requirements in Section 55.090-F** to allow a 30' wide driveway on each of the lots comprising the Subject Property.

Project Summary - The Subject Property consists of three (3) tracts which are currently the subject of a pending lot split application before INCOG. The Subject Property is a part of a larger 37 acre tract which surrounds the Applicant's property to the West, North and East. The Subject Property and the Montereau property are both owned by The William K. Warren Medical Research Center, Inc., and leased to Montereau, Inc. ("Montereau").

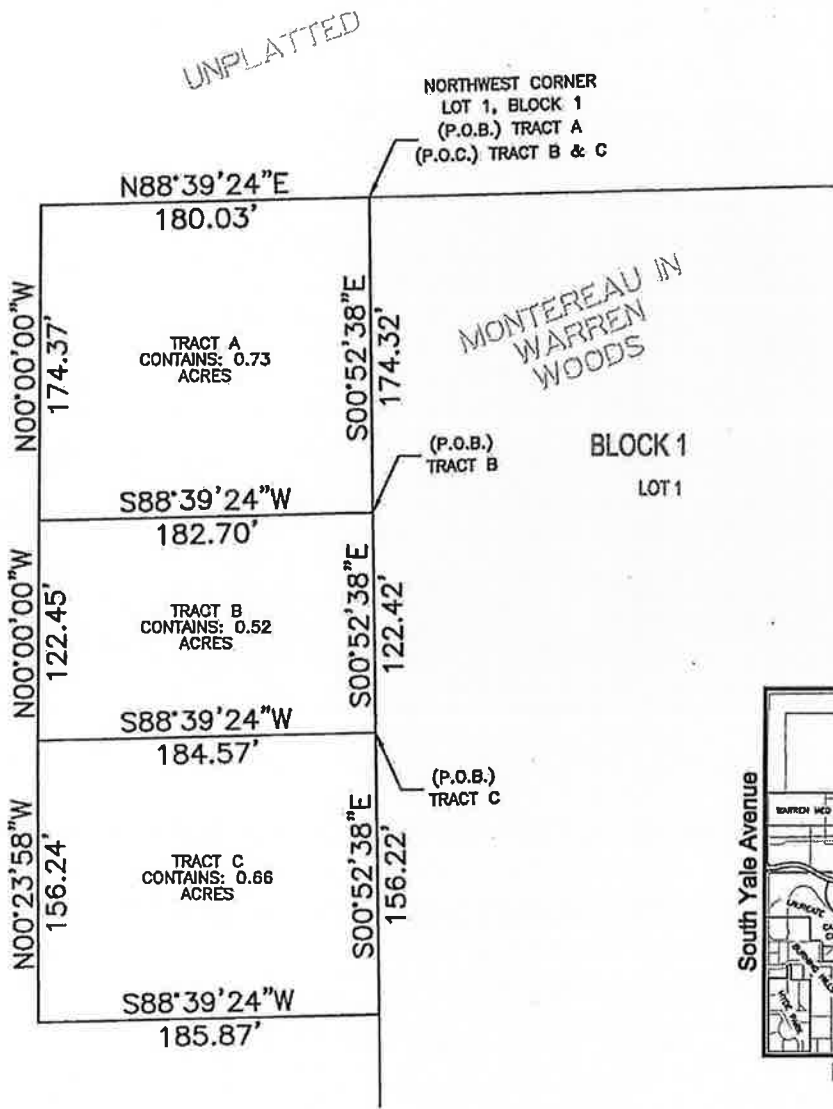
These three (3) lots, once split from the larger 37 acre tract, will be used by Montereau to expand its operations on the main Montereau campus by constructing three (3) custom residential houses which will be leased to Montereau clients in a manner similar to that which occurs on the main Montereau campus.

Variance - Because of the current plat and zoning of the Montereau tract (a PUD which may be amended but not geographically expanded), this Application is necessary as the Subject Property has no legal access to public streets. However, the Subject Property and the main Montereau campus are part of the same real estate lease which contains rights of access to public streets. Additionally, the parties have agreed to record an easement which provides access to the Subject Property via the main Montereau campus. The Applicant believes that the uniqueness of the property (i.e. (a) the size of the properties (approximately 90 acres consisting of the Montereau campus and the surrounding acreage), (b) the inability to expand the existing PUD, and (c) the lack of legal access but the availability of physical access via easements over private streets) presents a hardship that would justify the granting of the requested variance. Accordingly, the Applicant requests a variance of the street frontage requirements in Section 5.030 (Table 5.030-A) which would require 30' of street frontage to allow 0' of street frontage.

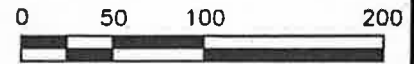
Special Exception - Given that the amount of legal street frontage is zero, the driveway width provisions of Section 55.090-F may inadvertently limit the Subject Property to driveways of no more than 12' in width. As the residential structures to be constructed on the Subject Property are being designed to comport with the surrounding Montereau cottages, larger driveways (similar to those on the street) are desired. Given the existing nature and use of the Montereau campus and the expanded services to be provided on the Subject Property in conjunction therewith, along with the secluded nature of the Subject Property from other neighboring uses, the requested special exception is (i) in harmony and spirit of the Zoning Code and the Comprehensive Plan, (ii) non-injurious to the neighborhood, and (iii) non-detrimental to the public welfare. Accordingly, the Applicant requests a special exception to the driveway width requirements in Section 55.090-F to allow a 30' wide driveway on each of the lots comprising the Subject Property.

LEGAL EXHIBIT

Page 1 of 5



Scale: 1"=100'



FILE: 184370LG

Notes

1. THE BEARING BASE FOR THIS EXHIBIT IS BASED ON THE NORTH LINE OF LOT 1, BLOCK 1 OF MONTEREAU IN WARREN WOODS AS N88°39'24"E.
2. SEE EXHIBIT PAGE 2 THRU 5 FOR LEGAL DESCRIPTION AND SURVEYOR'S CERTIFICATE.



BENNETT SURVEYING, INC.

P.O. BOX 848, CHOUTEAU, OK 74337
 PHONE: (918) 476-7484 FAX: (918) 476-7485
 C.A. NO.: 4502 EXP. DATE: 6/30/20

10.25



LEGAL DESCRIPTION

A TRACT OF LAND LYING IN THE SE/4 OF SECTION THREE (3), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

TRACT A

BEGINNING AT THE FURTHEST NORTHWEST CORNER OF LOT 1, BLOCK 1 OF MONTEREAU IN WARREN WOODS; THENCE S00°52'38"E AND ALONG THE WESTERLY LINE OF LOT 1, BLOCK 1 OF MONTEREAU IN WARREN WOODS FOR A DISTANCE OF 174.32 FEET; THENCE S88°39'24"W FOR A DISTANCE OF 182.70 FEET; THENCE N00°00'00"W FOR A DISTANCE OF 174.37 FEET; THENCE N88°39'24"E FOR A DISTANCE OF 180.03 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 0.73 ACRES MORE OR LESS.

TRACT B

COMMENCING AT THE FURTHEST NORTHWEST CORNER OF LOT 1, BLOCK 1 OF MONTEREAU IN WARREN WOODS; THENCE S00°52'38"E AND ALONG THE WESTERLY LINE OF LOT 1, BLOCK 1 OF MONTEREAU IN WARREN WOODS FOR A DISTANCE OF 174.32 FEET TO THE POINT OF BEGINNING; THENCE S00°52'38"E AND ALONG THE WESTERLY LINE OF LOT 1, BLOCK 1 OF MONTEREAU IN WARREN WOODS FOR A DISTANCE OF 122.42 FEET; THENCE S88°39'24"W FOR A DISTANCE OF 184.57 FEET; THENCE N00°00'00"W FOR A DISTANCE OF 122.45 FEET; THENCE N88°39'24"E FOR A DISTANCE OF 182.70 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 0.52 ACRES MORE OR LESS.

TRACT C

COMMENCING AT THE FURTHEST NORTHWEST CORNER OF LOT 1, BLOCK 1 OF MONTEREAU IN WARREN WOODS; THENCE S00°52'38"E AND ALONG THE WESTERLY LINE OF LOT 1, BLOCK 1 OF MONTEREAU IN WARREN WOODS FOR A DISTANCE OF 296.74 FEET TO THE POINT OF BEGINNING; THENCE S00°52'38"E AND ALONG THE WESTERLY LINE OF LOT 1, BLOCK 1 OF MONTEREAU IN WARREN WOODS FOR A DISTANCE OF 156.22 FEET; THENCE S88°39'24"W FOR A DISTANCE OF 185.87 FEET; THENCE N00°23'58"W FOR A DISTANCE OF 156.24 FEET; THENCE N88°39'24"E FOR A DISTANCE OF 184.57 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 0.66 ACRES MORE OR LESS.

LEGAL DESCRIPTION WAS PREPARED ON SEPTEMBER 19, 2018 BY CLIFF BENNETT, PLS #1815 WITH THE BEARINGS BASED ON THE NORTH LINE OF LOT 1, BLOCK 1 OF MONTEREAU IN WARREN WOODS AS BEING N88°39'24"E.

SURVEYOR'S CERTIFICATE

I, CLIFF BENNETT OF BENNETT SURVEYING, INC., CERTIFY THAT THE REAL PROPERTY HEREON CLOSES IN ACCORDANCE WITH CURRENT TOLERANCES AND IS A TRUE REPRESENTATION OF THE REAL PROPERTY DESCRIBED, AND THAT THE SURVEY OF THE REAL PROPERTY MEETS THE MINIMUM TECHNICAL STANDARDS AS ADOPTED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

WITNESS MY HAND AND SEAL THIS 19TH DAY OF SEPTEMBER, 2018.



Cliff Bennett

CLIFF BENNETT, PLS
OKLAHOMA NO.1815
CERT. OF AUTH. NO. 4502
EXP. DATE JUNE 30, 2020

CLOSURE REPORT TRACT A

North: 395102.2259' East: 2585397.1922'

Course: S00°52'38"E Length: 174.32'
North: 394927.9263' East: 2585399.8610'

Course: S88°39'24"W Length: 182.70'
North: 394923.6432' East: 2585217.2112'

Course: N00°00'00"E Length: 174.37'
North: 395098.0132' East: 2585217.2112'

Course: N88°39'24"E Length: 180.03'
North: 395102.2337' East: 2585397.1917'

Perimeter: 711.41' Area: 0.73acres
Error Closure: 0.0079 Course: N03°21'00"W
Error North: 0.00784 East: -0.00046

Precision 1: 90053.16

CLOSURE REPORT TRACT B

North: 394927.9225' East: 2585399.8607'

Course: S00°52'38"E Length: 122.42'
North: 394805.5168' East: 2585401.7350'

Course: S88°39'24"W Length: 184.57'
North: 394801.1899' East: 2585217.2157'

Course: N00°00'00"W Length: 122.45'
North: 394923.6399' East: 2585217.2157'

Course: N88°39'24"E Length: 182.70'
North: 394927.9230' East: 2585399.8655'

Perimeter: 612.14' Area: 0.52acres
Error Closure: 0.0048 Course: N83°52'39"E
Error North: 0.00051 East: 0.00474

Precision 1: 127529.17

CLOSURE REPORT TRACT C

North: 394805.5134' East: 2585401.7348'

Course: S00°52'38"E Length: 156.22'
North: 394649.3117' East: 2585404.1265'

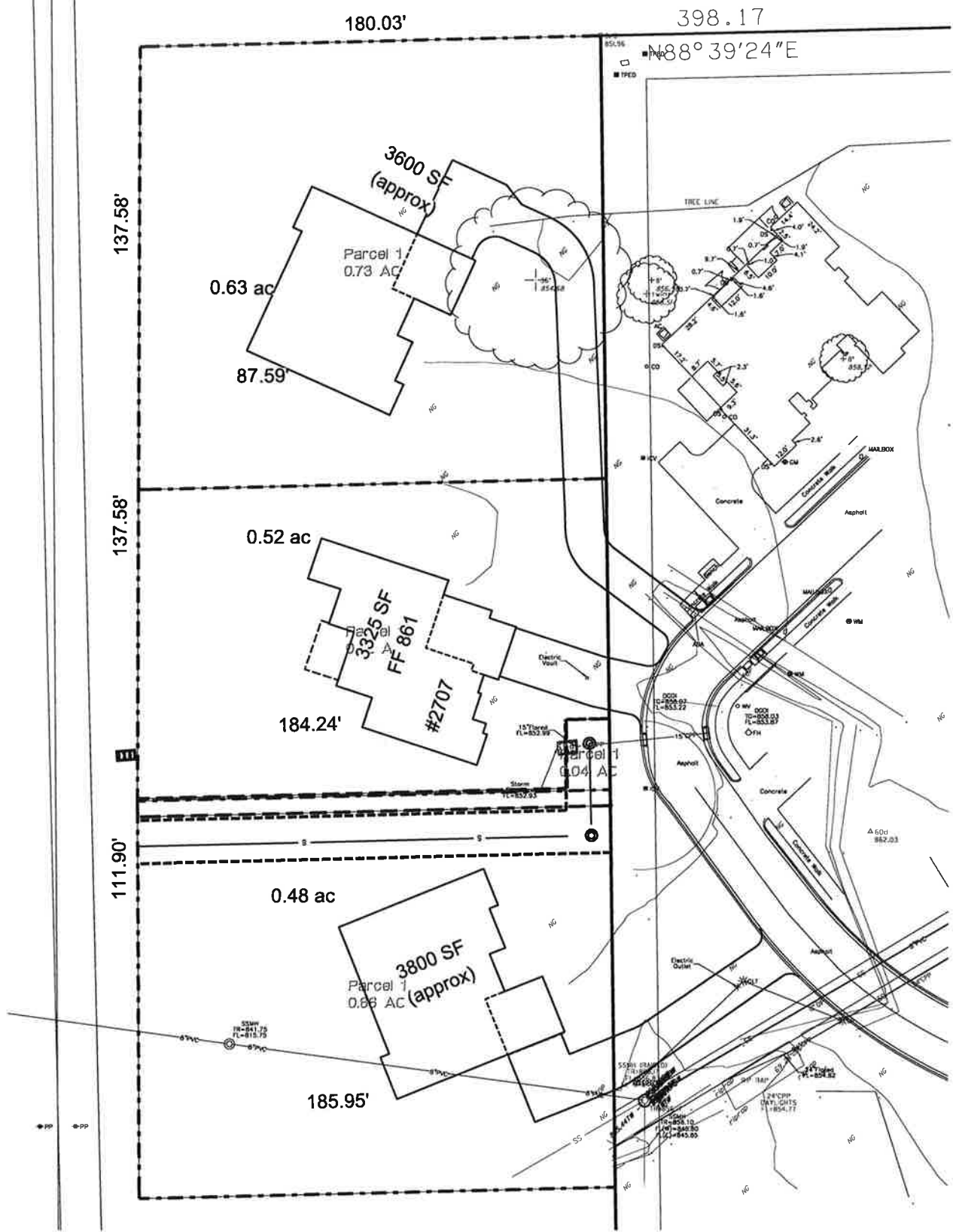
Course: S88°39'24"W Length: 185.87'
North: 394644.9543' East: 2585218.3076'

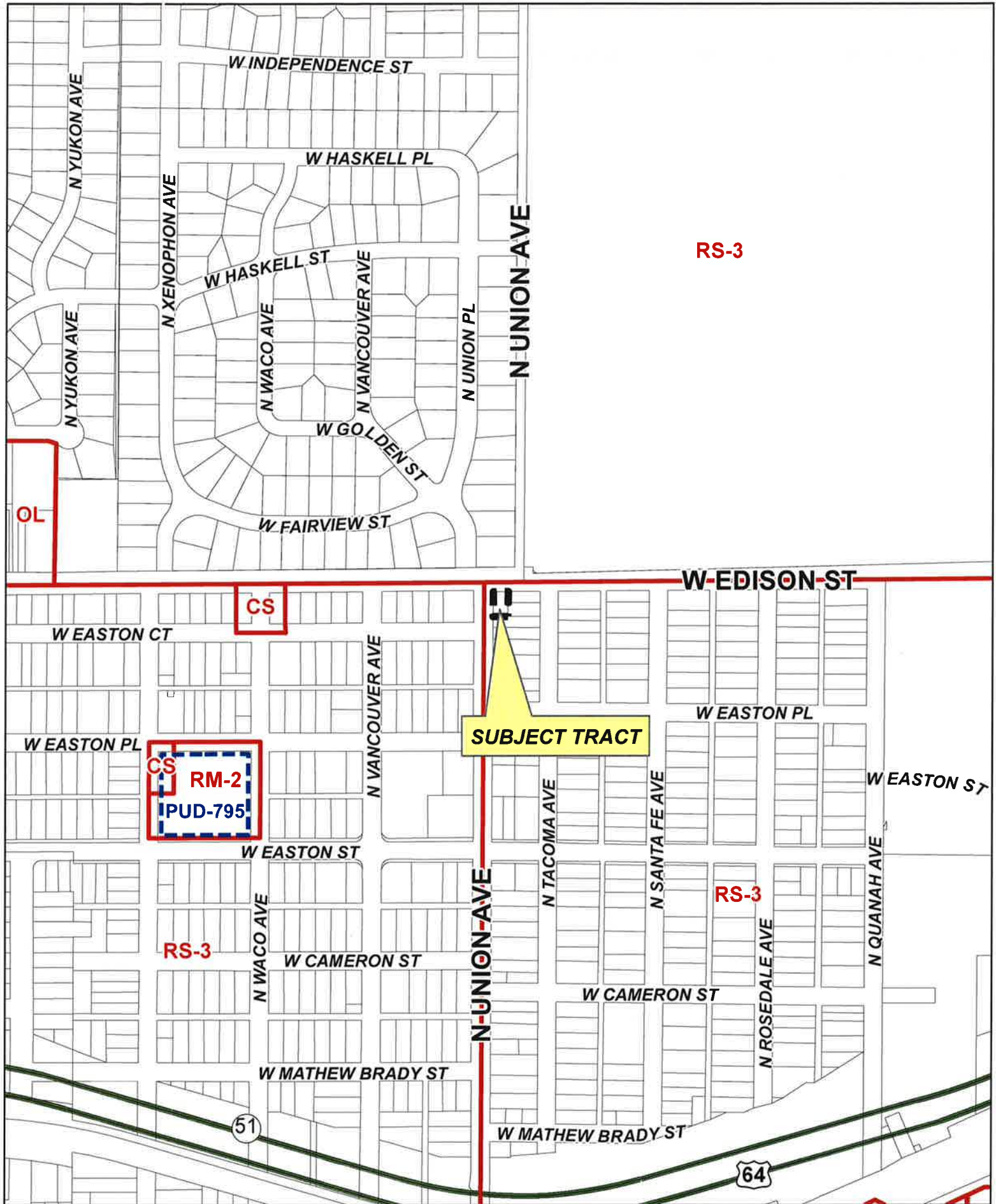
Course: N00°23'58"W Length: 156.24'
North: 394801.1905' East: 2585217.2183'

Course: N88°39'24"E Length: 184.57'
North: 394805.5175' East: 2585401.7376'

Perimeter: 682.91' Area: 0.66acres
Error Closure: 0.0049 Course: N34°56'28"E
Error North: 0.0040 East: 0.00282

Precision 1: 139367.35





BOA-22530

19-12 02

11.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9202

Case Number: **BOA-22530**

CZM: 36

CD: 4

A-P#:

HEARING DATE: 10/23/2018 1:00 PM

APPLICANT: William Wilkins

ACTION REQUESTED: Variance to reduce the required minimum lot area and lot area per unit(Sec. 5.030-A); Variance to reduce the required minimum lot width (Sec.5.030-A); Variance of the open space requirement (Sec. 5.030-A); Variance to reduce the side and front street setback (Sec. 5.030-A)

LOCATION: SE/c of N Union Ave & W Edison St

ZONED: RS-3

PRESENT USE: vacant

TRACT SIZE: 4099.01 SQ FT

LEGAL DESCRIPTION: W 50' OF LTS 1 2 & 3 BLK 4, PARK HILL ADDN AMD

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-19995; on 3.08.05, the Board **approved** a *variance* of the front yard requirement from 35 feet to 11 feet to allow for the establishment of a single-family dwelling in the RS-3 District.

Surrounding Property:

BOA-19296; on 2.26.02, the Board **denied** a *variance* to allow a detached accessory building in the front yard; a *variance* of the 25' required front yard; a *variance* of the required 5' side yard to 0'. Located: 1715 West Easton Court

BOA-16161; on 10.27.92, the Board **approved** a *variance* of the required side yard. Located: 1906 W. Easton Ct.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an 'Existing Neighborhood' and an 'Area of Stability'.

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality

of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by RS-4 zoned residences on the north, east and south; RM-1 zoning abuts the site on the west.

STAFF COMMENTS:

For a detached house use in the RS-3 district the Code requires a lot area and lot area per unit of 6,900 sq. ft; and a lot width of 60 ft. As shown on the attached exhibit, the existing lot area is 4,100 sq feet and the lot width is 50 ft. The applicant has requested a **Variance** to reduce the required minimum lot area and lot area per unit(Sec. 5.030-A) and a **Variance** to reduce the required minimum lot width .

The Code requires a open space per unit of 4,000 sq. ft. *Open space per unit refers to the amount of outdoor open space required to be provided on a lot for each dwelling unit on the subject lot. The following may be counted toward satisfying minimum open space-per unit requirements: (1) Outdoor areas that are not occupied by buildings, driveways or parking areas and are generally useable by residents; (2) Driveways and parking areas located in the rear yard of a detached house or duplex; and; (3) Green roofs covering 25% or more of the subject building's overall roof area.* The applicant has requested a **Variance** to reduce the open space per unit requirement to 2134 sq. ft. (lot area – building area).

Per Table 5-3, the street setback requirement along an arterial street is 35ft. For detached houses on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 ft. As shown on the attached exhibit, the side street setback along N. Union Ave. is 10 ft. and the front street setback along W. Edison St. is 25 ft. The applicant is requesting a **Variance** to reduce the side and front street setback.

Sample Motion

Move to _____ (approve/deny) a Variance to reduce the required minimum lot area and lot area per unit(Sec. 5.030-A); Variance to reduce the required minimum lot width (Sec.5.030-A); Variance of the open space requirement (Sec. 5.030-A); Variance to reduce the side and front street setback (Sec. 5.030-A)

- Finding the hardship(s) to be _____.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

The Board finds that the requested Special Exceptions 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.

The Board finds that the following facts, favorable to the property owner, have been established:

“a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”

Interested Parties:

Howard Joiner, 7015 East Haskell, stating he came to find out what were the applicant's plans. They were open to family oriented activities and advantageous to the community.

Tim Lewis, 7305 East Latimer Place, stated there has been a history of vandalism, when the bowling alley existed.

Mr. Dunham offered the applicant and interested parties time to discuss the application outside of the room to resolve any issues and be heard later in the meeting.

Board Action:

To be heard later in the meeting.

Case No. 19994

Action Requested:

Verification of required 300 ft distance from another family day care home (Section 402.B.5.g), located: 11866 East 36th Street South.

Presentation:

Jerry Ray, 4750 Hobbyhorse Lane, stated he is the father of the applicant. He added they did a survey and did not find another home day care within 300 ft.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On Motion of Stephens, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** a Verification of required 300 ft distance from another family day care home (Section 402.B.5.g), on the following described property:

LT 9 BLK 6, GARNETT PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 19995

Action Requested:

Variance of front yard requirement from 35 feet to 11 feet to allow for the establishment of a single-family dwelling in the RS-3 District, SECTION 4 - Use Unit 6, located: 1612 West Edison Street.

FILE COPY

Presentation:

Michael Simmons, 1719 West Easton Court, the subject property has been neglected with a history of code violations. They are trying to improve the neighborhood and he bought this property to improve it also. This property is unique, being the only lot facing Edison in Owen Park that would have a structure built under the current zoning code. He submitted photographs (Exhibits B-1 and B-2) to support his presentation. He pointed out one house is close to the street and the small lots. There would be no garage and the curb cut is on Union.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Stephens**, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** a **Variance** of front yard requirement from 35 feet to 11 feet to allow for the establishment of a single-family dwelling in the RS-3 District, SECTION 4 -- Use Unit 6, finding the lot was created prior to the current zoning code and created a substandard lot, on the following described property:

W 50' OF LTS 1 2 & 3 BLK 4, PARK HILL ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 19996

Action Requested:

Special exception to allow Use Unit 5 - Community Center- in an SR zoned district (Section 851), located: 11545 East 43rd Street South.

Mr. Dunham abstained from Case No. 19996.

Presentation:

Josh Fowler, stated he is the Executive Vice-President of the Home Builders Association of Greater Tulsa, 11545 East 43rd Street. They were not adding onto the structure or changing the use from what they have done for years. It was found that they were originally approved for office space, but they need a special exception to have the members meetings there and comply with the code.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 3-0-1 (Stephens, Stead, Henke "aye"; no "nays"; Dunham "abstained"; Paddock "absent") to **APPROVE** a **Special Exception** to allow Use Unit 5 - Community Center- in an SR zoned district (Section 851), on the following described property:

Comments and Questions:

Mr. Beach commented that the design is for an attached carport. Mr. White noted that the house is built on the building line. Mr. Beach stated that any size carport would extend across the building line. Ms. Perkins asked about the existing garage. Mr. Box responded that the overhead doors on the existing garage are too narrow for cars and a shop has been set up in the garage. Mr. White noted that the lot is only 90' deep compared to larger neighboring properties.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required front yard of 25' plus 1/2 the planned right-of-way to 29' from the centerline, for the addition of an attached carport, restricting the size of the carport to 20' x 20', finding it would be an attached carport and the depth of the lot would make it difficult to build otherwise, on the following described property:

Lot 1, Block 12, Ridgeview Addition, City of Tulsa, Tulsa County, State of Oklahoma.

*.*****.

Mr. White abstained from Case No. 19296.

Case No. 19296

Action Requested:

Variance to allow a detached accessory building in the front yard. SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6; a Variance of the 25' required front yard. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance of the required 5' side yard to 0'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 1715 W. Easton Ct.

Presentation:

Jeffrey C. Fitts, 1715 W. Easton Ct., stated he has partially built a carport without a building permit. He wants to protect a classic car he purchased. The Neighborhood Inspector asked him to stop construction. He submitted photographs (Exhibit C-1) of the carport as it exists and other carports in the neighborhood. Mr. Fitts stated he would have changed the carport to the required setback but it would have made it a 22' x 7' carport.

Interested Parties:

Robert Brasey, 1724 W. Easton Ct., stated he and the neighbors on the block have consistently made improvements. They are seeking national designation for

the historical structures in the neighborhood. He complained that the carport in question is not appropriate to the house or the neighborhood.

Gail Johnson, 1711 W. Easton Ct., stated that the applicant did not contact her regarding the new construction. She expressed concern that the structure might be partially on her property.

Allen Bates, 1715 W. Easton Ct., stated he lives on the subject property. He is in favor of the project. He stated that it was built over the driveway, not attached, and built on piers. He was confident that it was a sturdy structure, and would be complimentary to the house.

Applicant's Rebuttal:

Mr. Fitts stated that he owns eight pieces of real estate in the neighborhood. He has made substantial improvements to the house. He added there is not enough room in the back yard to put a carport. He assured the Board that the carport is on his property and not on the neighbor's lot.

Comments and Questions:

Ms. Turnbo asked for a hardship. Mr. Fitts indicated that the house does not conform to the Code, as it was built in 1925, and there are only 13' from the house to the lot line. The Board received a letter of opposition (Exhibit C-2).

Board Action:

On **MOTION** of Perkins, the Board voted 4-0-1 (Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; White "abstained"; no "absences") to **DENY** a **Variance** to allow a detached accessory building in the front yard; a **Variance** of the 25' required front yard; and a **Variance** of the required 5' side yard to 0', finding a lack of hardship on the following described property:

Lot 4, Block 1, Irving Place, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19297

Action Requested:

Variance of the required setback from an R zoned district for a changeable lettering sign from 200' to 80' on the west and 92' to the south. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 11, located SE/c E. Independence & N. Memorial.

Presentation:

Roger Lister, 533 S. Rockford, with Claude Neon Signs, stated the project is for Golden Eagle Credit Union. He informed the Board they propose to put in an electronic variable message sign. The neighboring church does not object to the sign. He suggested the hardship is the uniqueness of the property.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to APPROVE a Variance of the 25' setback from an abutting R district to 0' on the north and 5' on the west - SECTION 404.G.4. SPECIAL EXCEPTION USES IN THE RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 5, and to APPROVE a Special Exception to permit parking on a lot other than the lot containing the principal use - SECTION 1301.D. GENERAL REQUIREMENTS - Use Unit 10; per the plot plan submitted, subject to the execution of appropriate tie contracts tying the lots together, and subject to storm water management review of drainage finding the use to be in harmony with the Comprehensive Plan and area; on the following described property:

All of Block 13, less Lot 17, Eastmoor Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16161

Action Requested:

Variance of the required side yard from 5' to 9" to permit an existing carport - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, located 1906 W. Easton Court.

Presentation:

The applicants, Bill and Jeanette Ward, Route 8, Box 499, Tulsa, informed they would like to sell their house. Approximately seven years ago, the old garage on the property was torn down and a carport was erected in its place. Mr. Ward submitted a photo of the subject property (Exhibit J-1) which shows there is no other place to put a garage or a carport on the property. Jeanette Ward informed she has lived on the subject property for 14 years. The people she paid to build the carport did not receive a building permit or build the structure to Code.

Comments and Questions:

Mr. Doverspike asked if there is a gutter that runs on the east side of the carport, and Mrs Ward answered in the affirmative.

Mr. Doverspike asked if there are other carports in the immediate vicinity, and Mrs. Ward informed there are others existing on her block. She informed the carport is consistent with others in the area.

Protestants:

Cheryl Snow, 1904 West Easton Court, submitted a letter (Exhibit J-2) and some photographs (J-3) from the gentleman who lives just south of the subject property. Ms. Snow informed she lives on the east side of the subject property. She read her concerns which included a concern that the guttering is over their air space and a concern that drainage and/or overflow from the guttering could cause damage to their property or their existing garage. She informed they were not consulted when this was built so close to the property line. She informed she does not believe there is nine inches between the structure and the property line. She is concerned about selling her property in the future because of the proximity of the carport.

Don Snow, 1904 West Easton Court, informed the contractor who built the structure was the applicant's brother and father. They were not consulted about the construction of the carport.

Applicant's Rebuttal:

Mr. and Mrs. Ward discussed an easement for a shared driveway which they had released at the request of the Snow's.

Comments and Questions:

Mr. White site-checked this property and informed there are other carports on this street, and this is consistent with others in the area.

Board Action:

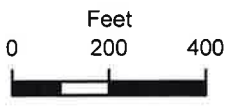
On MOTION of CHAPPELLE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to APPROVE a Variance of the required side yard from 5' to 9" to permit an existing carport - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; subject to proper drainage and finding that the carport is not injurious to the neighborhood on the following described property:

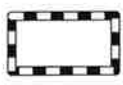
N100' of Lot 2, Block 6, Irving Place Addition to the City of Tulsa.

Case No. 16162

Action Requested:

Variance to permit 2 ground signs per 100' of lot frontage - SECTION 1221.C.9. GENERAL USE CONDITIONS FOR BUSINESS SIGNS - Use Unit 12, located 3245 S. Harvard.



 Subject Tract

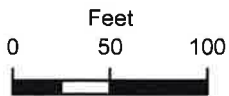
BOA-22530

19-12 02

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

Aerial Photo Date: February 2018





 Subject Tract

BOA-22530

19-12 02

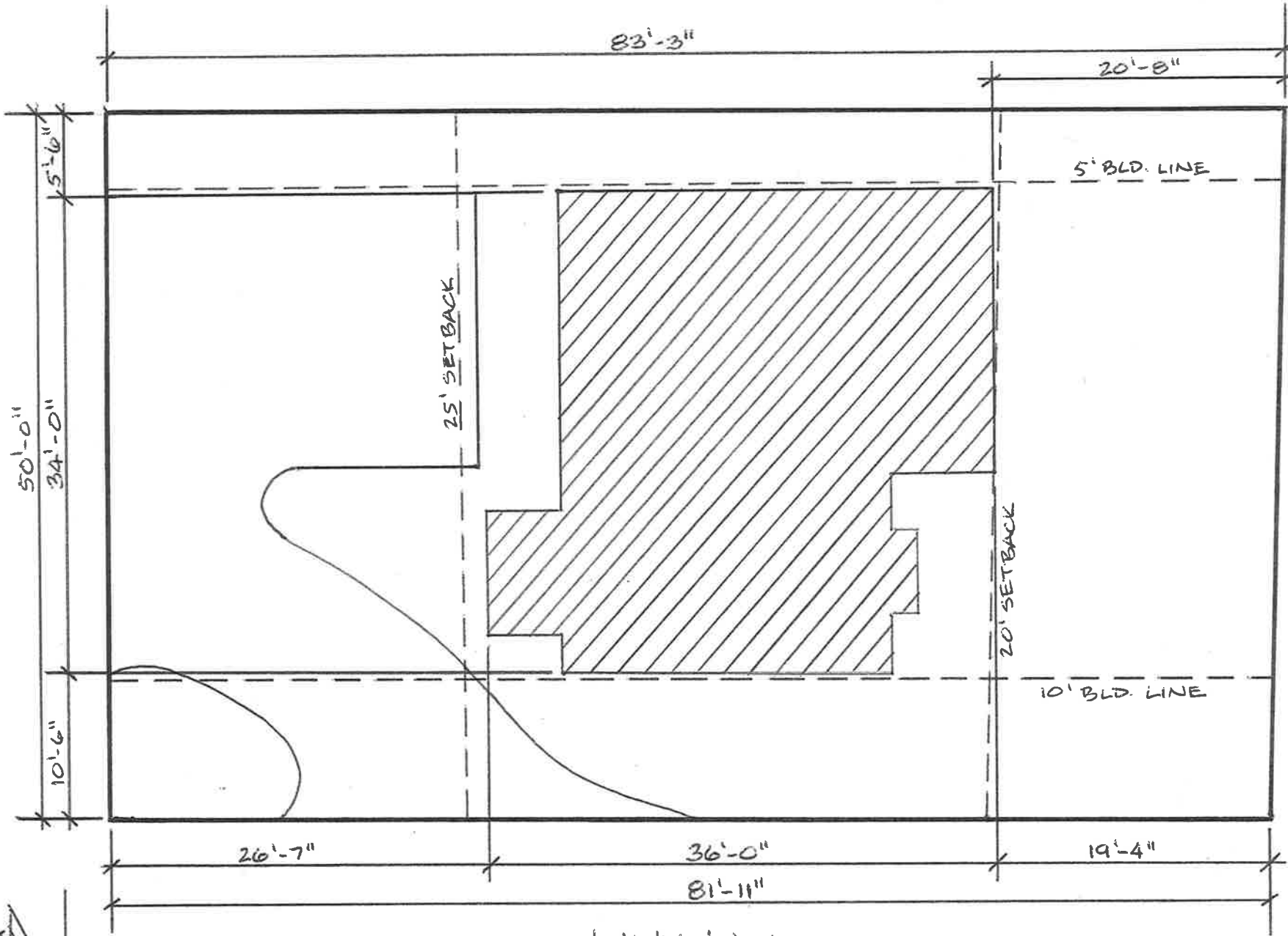
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018 11.12





W. EDISON ST.



N. UNION AVE.

11.13

Property Search


Disclaimer

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

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

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

Quick Facts

Account #	R31275920208480	
Parcel #	31275-92-02-08480	
Situs address		
Owner name	NOVUS HOMES LLC	
Fair cash (market) value	\$800	
Last year's taxes	\$6	
Legal description	Subdivision: PARK HILL ADDN AMD Legal: W 50' OF LTS 1 2 & 3 BLK 4 Section: 02 Township: 19 Range: 12	

General Information

Situs address:	
Owner name:	NOVUS HOMES LLC
Owner mailing address:	615 N CHEYENNE AVE TULSA, OK 741065121
Land area:	0.09 acres / 4,100 sq ft
Tax rate:	T-1A [TULSA]
	Subdivision: PARK HILL ADDN AMD
Legal description:	Legal: W 50' OF LTS 1 2 & 3 BLK 4 Section: 02 Township: 19 Range: 12
Zoning:	RES SINGLE-FAMILY HIGH DENSITY DISTRICT [RS3]

Tax Information

	2017	2018
Fair cash (market) value:	\$800	\$800
Total taxable value (capped):	\$413	\$434
Assessment ratio:	11%	11%
Gross assessed value:	\$45	\$48
Exemptions:	\$0	\$0
Net assessed value:	\$45	\$48
Tax rate:	T-1A [TULSA]	
Tax rate mills:	137.08	137.08*
Estimated taxes:	\$6	\$7*
Most recent NOV:	February 6, 2018	

* Estimated from 2017 millage rates

Values

	2017	2018
Land value:	\$800	\$800
Improvements value:	\$0	\$0
Fair cash (market) value:	\$800	\$800

Exemptions claimed

	2017	2018
Homestead	-	-
Additional homestead	-	-
Senior Valuation Limitation	-	-
Veteran	-	-

Tax detail (2017 millages)

	%	Mills	Dollars
City-County Health	1.9	2.58	\$0.12
City-County Library	3.9	5.32	\$0.26
Tulsa Technology Center	9.7	13.33	\$0.64
Emergency Medical Service	0.0	0.00	\$0.00
Tulsa Community College	5.3	7.21	\$0.35
School Locally Voted	22.4	30.66	\$1.47
City Sinking	16.4	22.44	\$1.08
School County Wide Bldg	3.8	5.15	\$0.25
School County Wide ADA	2.9	4.00	\$0.19
School County Wide General	26.3	36.05	\$1.73
County Government	7.5	10.34	\$0.50

(Continued on next page)

11.14

Improvements											
Bldg ID#	Property type	Condition	Quality	Year built	Livable	Stories	Foundation	Exterior	Roof	Baths	HVAC
Sales/Documents											
Date	Grantor	Grantee	Price	Doc type	Book-Page/Doc#						
May 30, 2018	SIMMONS, MICHAEL J AND DIEDRA G	SIMMONS, DIEDRA G	\$-	Affidavit Of Surviving Joint Tenant	2018052178						
May 30, 2018	SIMMONS, DIEDRA G	NOVUS HOMES LLC	\$5,000	General Warranty Deed	2018052179						
Sep 13, 2004	CONNER, JOE P	SIMMONS, MICHAEL J	\$-	General Warranty Deed	2004111012						

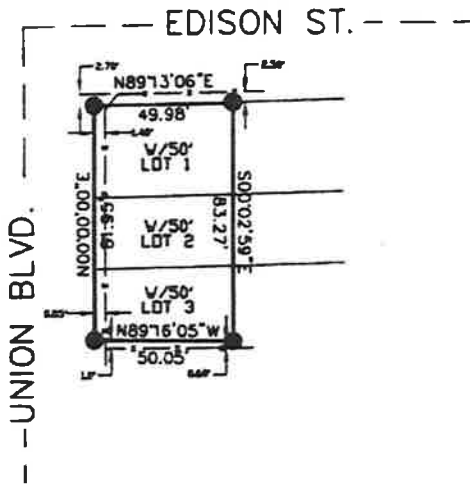
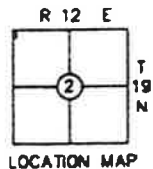
Images	
<p>Photo/sketch (Click to enlarge)</p> 	

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



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

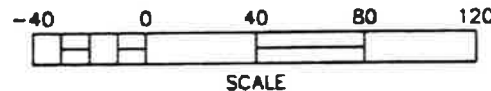
Ken Yazel — Tulsa County Assessor
 Tulsa County Administration Building, Room 215 | 500 S. Denver | Tulsa, OK 74103
 Phone: (918) 596-5100 | Fax: (918) 596-4799 | Email: assessor@tulsacounty.org
 Office hours: 8:00–5:00 Monday–Friday (excluding holidays)



PLAT OF SURVEY

LEGAL DESCRIPTION

The West 50' of Lots 1,2,3, of Block 4, Amended Plot of, "PARK HILL ADDITION", To The City of TULSA, Tulsa County, State of Oklahoma.



BASIS OF BEARINGS WEST LINE OF LOTS 1,2,3 = N 00°00'00" E

Distances are field measured.
For Record Distances see Plot # 12B

● Iron Pin Found Typical

CERTIFICATE OF AUTHORIZATION # 6
EXPIRATION DATE 06/30/05

THIS MAP OR PLAT MEETS OR EXCEEDS THE OKLAHOMA MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING, ADOPTED SEPTEMBER 17, 1993.
Revised September 21, 2001

PREPARED BY:
BREISCH & ASSOCIATES, INC.
CA # 6
16 SOUTH MAIN
SAND SPRINGS, OK. 74063
918-245-9533

PREPARED FOR:
MIKE SIMMONS
1719 W. EASTON COURT
TULSA, OKLA. 74019
918-587-0974

CERTIFICATE

I, the undersigned, a Registered Professional Land Surveyor, hereby state that I or others under my direct supervision have accurately surveyed, within acceptable standards of accuracy, the above described tract of land and that this Plat of Survey is a true and correct representation to the best of my knowledge and belief of said survey prepared from legal description and information supplied by the above party. No effort has been made to check the records of the County for any matters which may affect the title. Subject also to Easements and Rights of Way of record.

WITNESS my hand and seal this 15TH day of SEPTEMBER

William D. Talbot
Registered Land Surveyor



DWG. REG. NO. 58170

11.16

Doc# 04111012 Pgs 1
Receipt # 751055 09/13/04 15:49:52
Fee 13.00



FORM 6 - Copyright© by BURKHART'S Legal Forms (Since 1908) - Tulsa, OK

Mailing Address _____

(for Filing Only)

General Warranty Deed (with Survivorship Clause)



THIS INDENTURE, Made this 10 day of September, 2004
between Joe P. Conner

Parties of the first part, and Michael J. and Diedra G. Simmons

with the right of survivorship as hereinafter set out, parties of the second part.

WITNESSETH: That in consideration of the sum of TEN DOLLARS, and other good and valuable considerations, receipt whereof is hereby acknowledged, said party of the first part does by these presents grant, bargain, sell and convey unto Michael J. and Diedra G. Simmons

, as joint tenants, and not as tenants in common, on the death of one, the survivor, the heirs and assigns of the survivor, to take the entire fee simple title, the following described real estate situated in _____ County, State of Oklahoma, to-wit:

West 50th of Lots 1,2,3 - Block 4 PARK HILL ADDITION AMENDED

Considered a Gift.

TO HAVE AND TO HOLD the same as joint tenants, and not as tenants in common, with the fee simple title in the survivor, the heirs and assigns of the survivor, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.

And said Joe P. Conner, His heirs, successors, grantees, executors, and administrators, does hereby covenant and agree to and with said parties of the second part that, at the delivery of these presents, they is/are lawfully seized of an absolute and indefeasible estate of inheritance in fee simple, of and in, all and singular, the above granted and described premises, with the appurtenances; that the same are free, clear and discharged and unencumbered of and from all former and other grants, titles, charges, judgements, estates, taxes, assessments and encumbrances of whatsoever nature and kind, EXCEPT: Easements, building restrictions of record and special assessments not yet due;

and that party grantor will WARRANT AND FOREVER DEFEND the same unto said parties of the second part, their heirs, successors and assigns against said parties of the first part, his heirs, successors and assigns, and all and every person or persons whomsoever, lawfully claiming, or to claim the same.

IN WITNESS WHEREOF, party of the first part, has executed or caused to be executed this instrument the day and year first above written.

Joe P. Conner

STATE OF OKLAHOMA

County of Tulsa } ss

(Individual Acknowledgment)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 10 day of September, 2004, personally appeared Joe P. Conner

to me known to be the identical person who executed the within and 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.

IN WITNESS WHEREOF, I hereunto set my official signature and affixed my notarial seal and year last above written.

My commission expires:

March 15, 2008

Lakendra Carter
Notary Public



Michael Simmons 1719 W. Easton Ct. Tulsa, OK 74127

11.17

Jeff S. Taylor
Zoning Official
Plans Examiner

TEL(918) 596-7637
jstaylor@cityoftulsa.org



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

9/14/2018

~~William Wilkins~~
Novus Homes

APPLICATION NO: ZCO-010601-2018 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1614 W Edison St N

Description: Detached House

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS (4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED) OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" IS IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

3. 5.030-A Table of Regulations

The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

Review Comments: Per table 15-3 an RS-3 zoned lot requires a Minimum lot width of 60 feet. You are proposing a lot width of 50 feet for a Detached House. If you are unable to meet the Minimum lot width requirements mentioned above, then you will need to apply to the City of Tulsa Board of Adjustment (BOA) for a Variance to reduce the required Minimum lot width requirements.

4. 5.030-A Table of Regulations

The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

Review Comments: RS-3 zoned lots require a minimum open space of 4000 square feet on this lot. You are proposing 2134 sq ft which is less than the required amount. Revise plans to show compliance or apply to BOA for a variance to allow less than 4000 sq ft of open space on this lot.

5. **5.030-A – Setback(s) (Residential):** In the RS-3 zoned district, the minimum front yard setback requirement shall be 25 feet from the front property line, the minimum rear yard requirement shall be 20 feet from the rear property line, the minimum side yard requirement not abutting a public street shall be 5 feet, and the minimum side yard setback abutting a public street shall be 15 feet from the property line abutting the street (20' for the garage accessing the street).

Review Comments: Revise site plan to indicate a 15' side street setback along N Union street from the property line to the proposed detached house. If you are unable to meet the setback requirements mentioned above, then you will need to apply to the City of Tulsa Board of Adjustment (BOA) for a Variance to reduce the side street setback requirement(s). ^{- 25' ?} to 10'

6. **5.030-A :Setback(s) (Residential):** In the RS-3 zoned district abutting an arterial street, the minimum street setback shall be 35 feet from the front property line along Edison street.

Review Comments: Revise your plans to indicate a 35' front setback to the property line, or apply to INCOG for a variance to allow less than a 35' front setback.

END - 2014 CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT WWW.CITYOFTULSA-BOA.ORG

Application No. **ZCO-010601-2018**

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the general of the Zoning Code requirements identified in the review comments below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

- 1. Sec.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 principal residential buildings. Detached houses are not attached to and do not abut other dwelling units. 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.

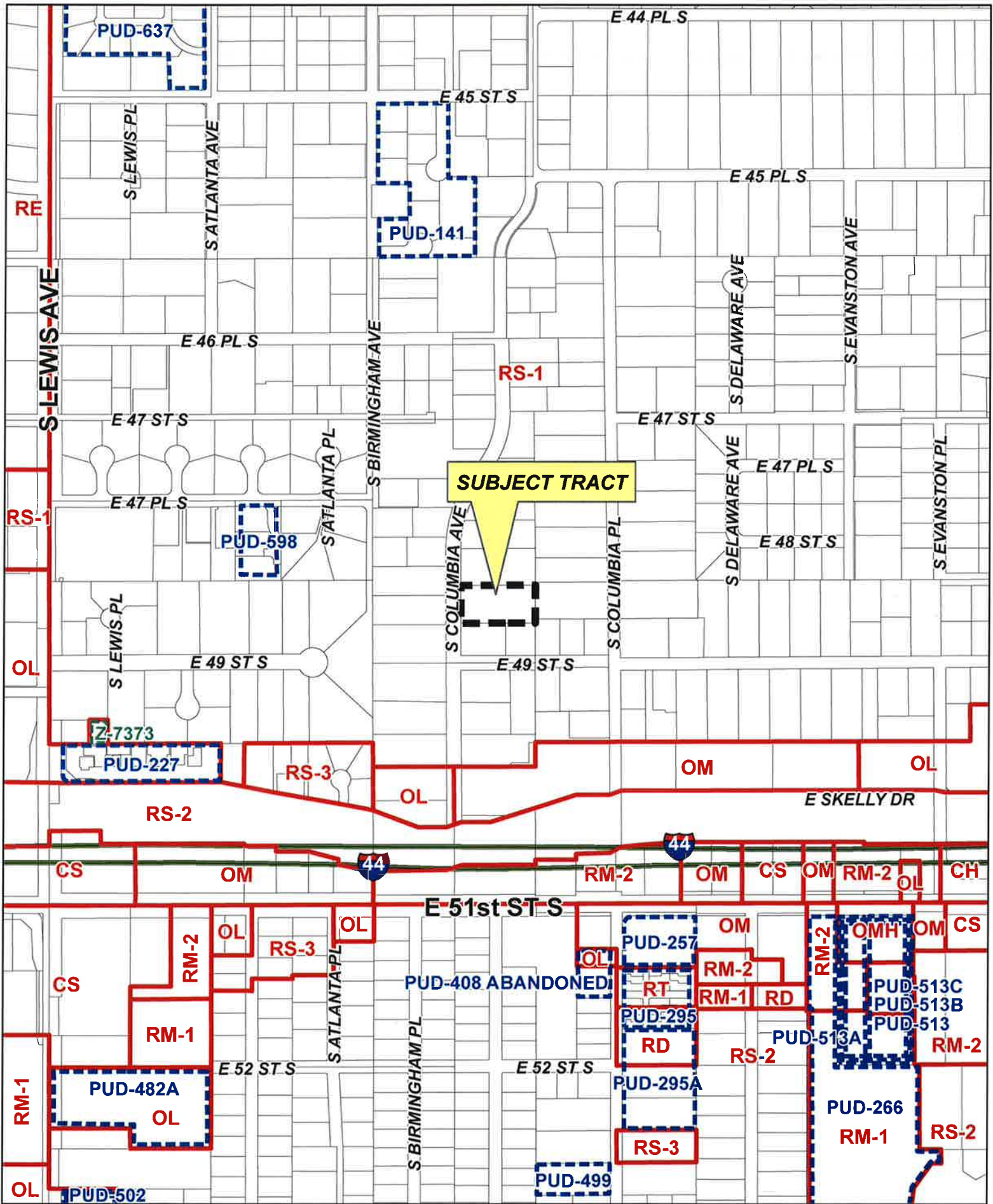
Review comments: A detached house must be located on a single lot. A lot split/combination is required for new buildings built across multiple lot lines.

1. Please apply for a lot split/lot combination for lots 1, 2 & 3 at INCOG located at Two West Second Street, Suite 800. Please direct all questions concerning lot split and all questions regarding TMAPC application forms and fees to an INCOG representative at 584-7526.
2. After you receive a copy of the lot split agreement from INCOG you will need to go to the Tulsa county clerk's office at 500 s. Denver and have the lot split agreement recorded.
3. Submit a copy of the lot split agreement with the Tulsa county clerk's recording sticker on it to this office as a revision.

2. 5.030-A Table of Regulations

The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

Review Comments: Per table 5-3 an RS-3 zoned lot requires a Minimum lot area of 6,000 sq ft. You are proposing 4100 sq ft of lot area for a Detached House. If you are unable to meet the Minimum lot area requirements mentioned above, then you will need to apply to the City of Tulsa Board of Adjustment (BOA) for a Variance to reduce the required Minimum lot area requirements.



SUBJECT TRACT

BOA-22531

12.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9329

Case Number: **BOA-22531**

CZM: 47

CD: 9

A-P#:

HEARING DATE: 10/23/2018 1:00 PM

APPLICANT: Gant Hinkle

ACTION REQUESTED: Variance of the minimum lot width in a RS-1 District to allow for a lot split.
(sec 5.030-A)

LOCATION: 4687 S COLUMBIA AV E

ZONED: RS-1

PRESENT USE: vacant

TRACT SIZE: 46173.79 SQ FT

LEGAL DESCRIPTION: BEG 658.4 E & 1144 N SW COR SE SW TH W 299.2 N 155 E 299.2 S
155 TO BEG SEC 29-19-13,

RELEVANT PREVIOUS ACTIONS:

None relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an 'Existing Neighborhood' and an 'Area of Stability'.

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by RS-1 zoned residences on all sides.

STAFF COMMENTS:

As shown on the attached site plans the applicant is proposing to split the subject lot into two tracts; both proposed tracts will be 23,188 sq. ft. and contain a lot width of 77.50 ft. The Code requires that a RS-1 zoned lot maintain a lot area and lot area per unit of 13,500 sq. ft.; and a lot width of 100 ft.

12.2

To permit both tracts as proposed the applicant has requested a **Variance** to reduce the permitted lot width from 100 ft. to 77.50' ft.

Sample Motion

Move to _____ (approve/deny) a Variance of the minimum lot width in a RS-1 District to allow for a lot split. (sec 5.030-A)

- Finding the hardship(s) to be _____.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

The Board finds that the following facts, favorable to the property owner, have been established:

“a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;

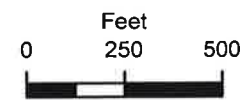
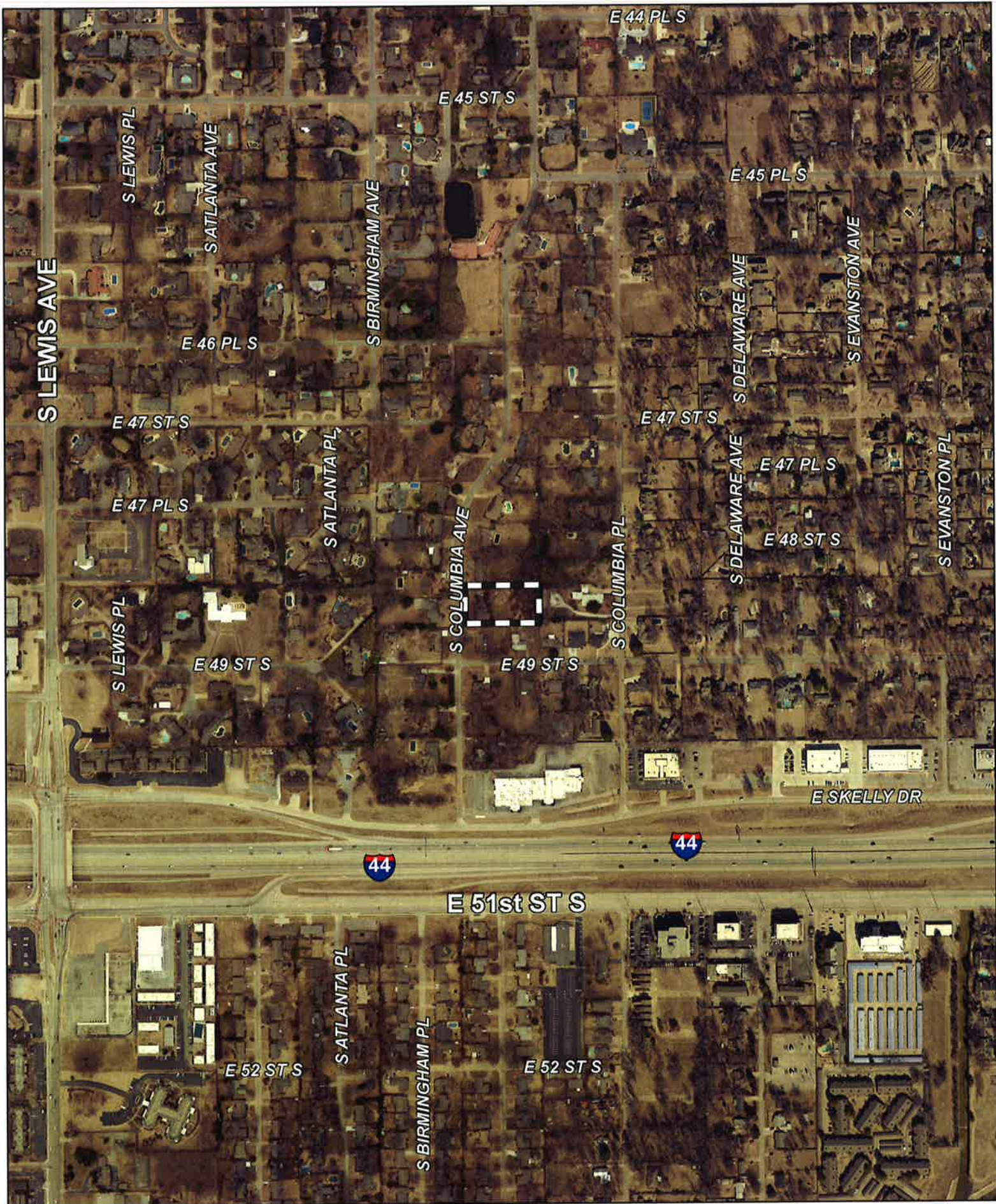
c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”



 Subject Tract

BOA-22531

19-13 29

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

Aerial Photo Date: February 2018

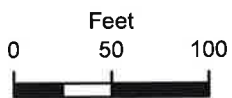
12.4





S COLUMBIA AVE

E 49 ST S



Subject Tract

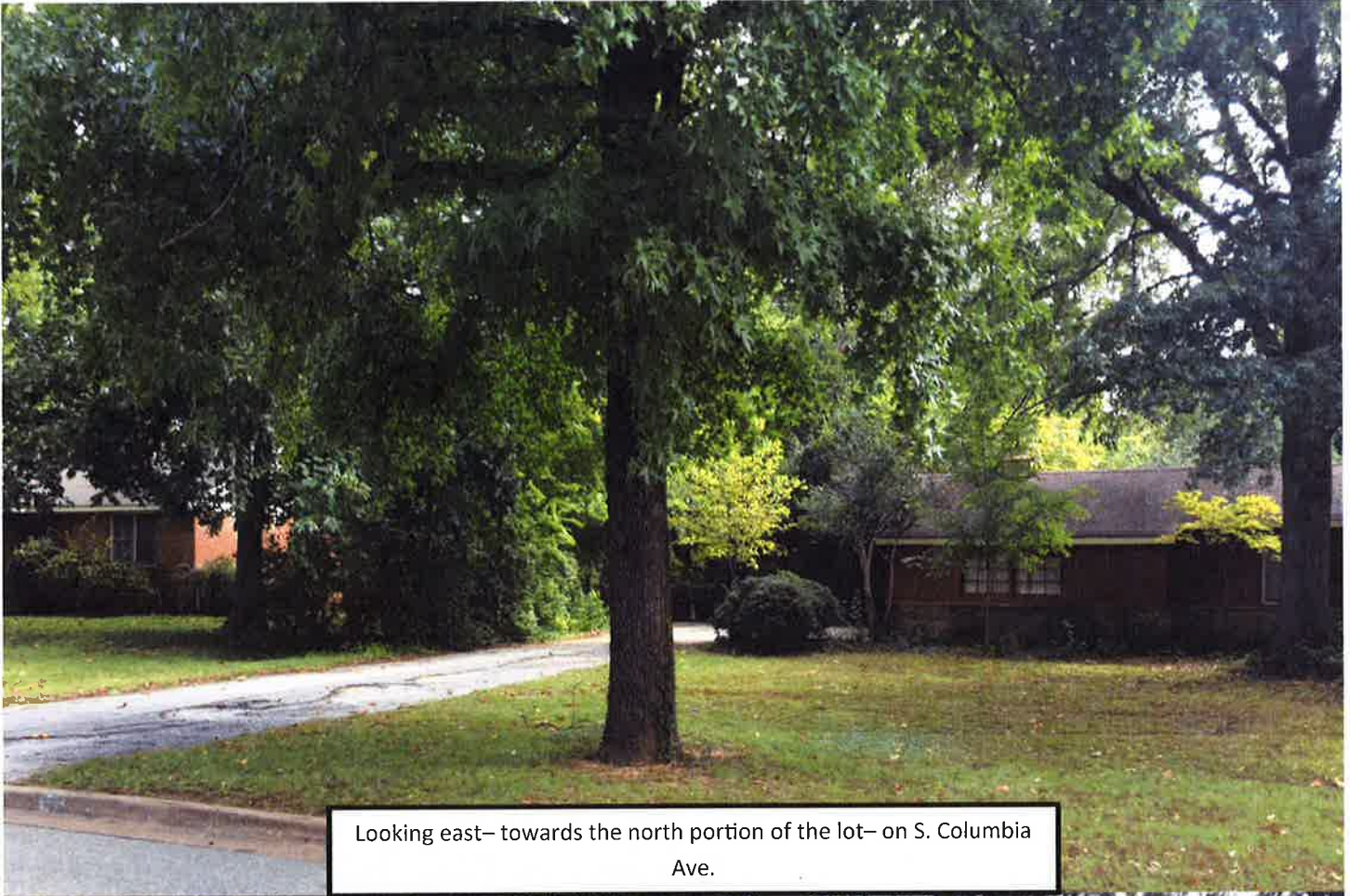
BOA-22531

19-13 29

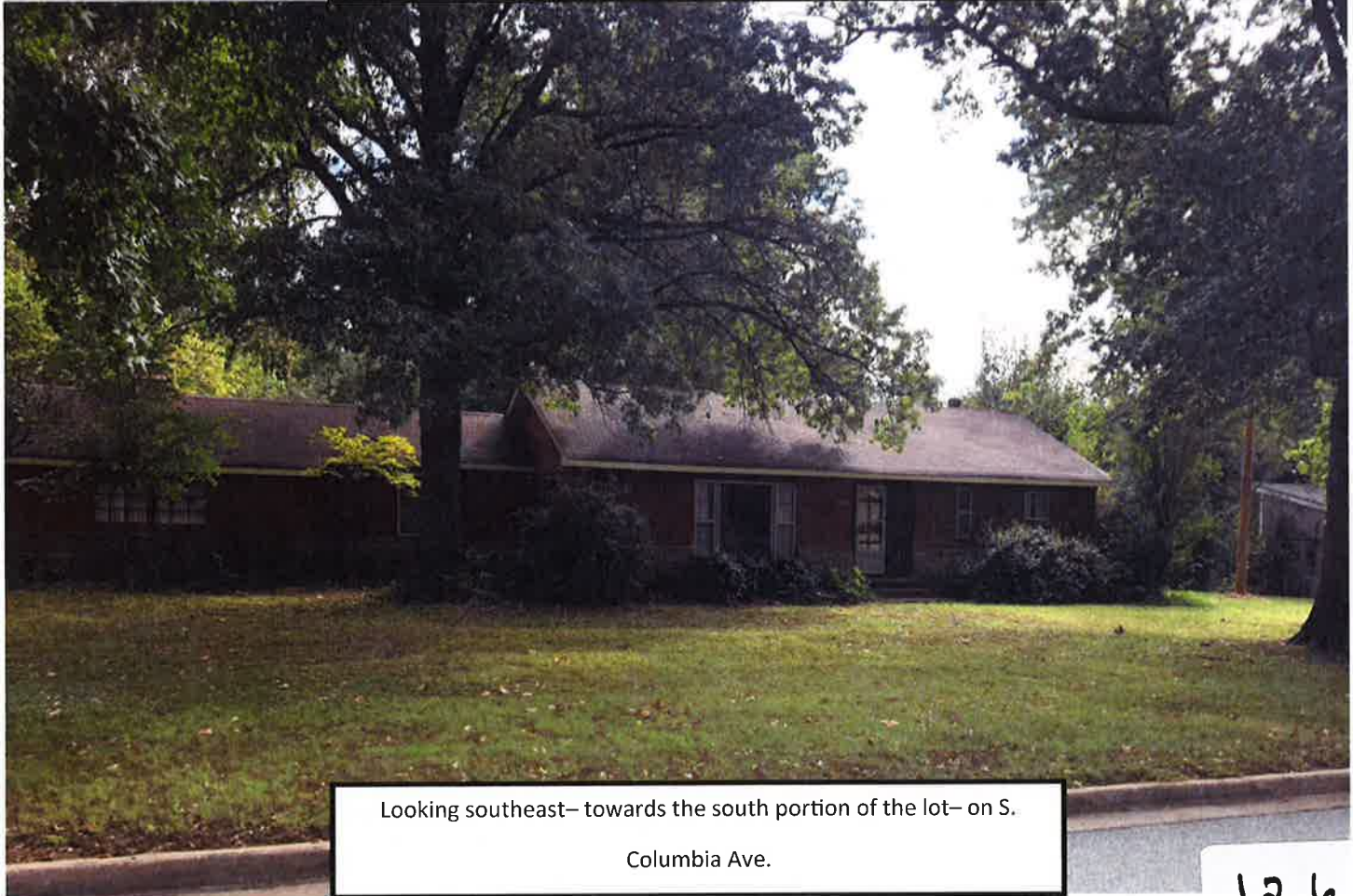
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018





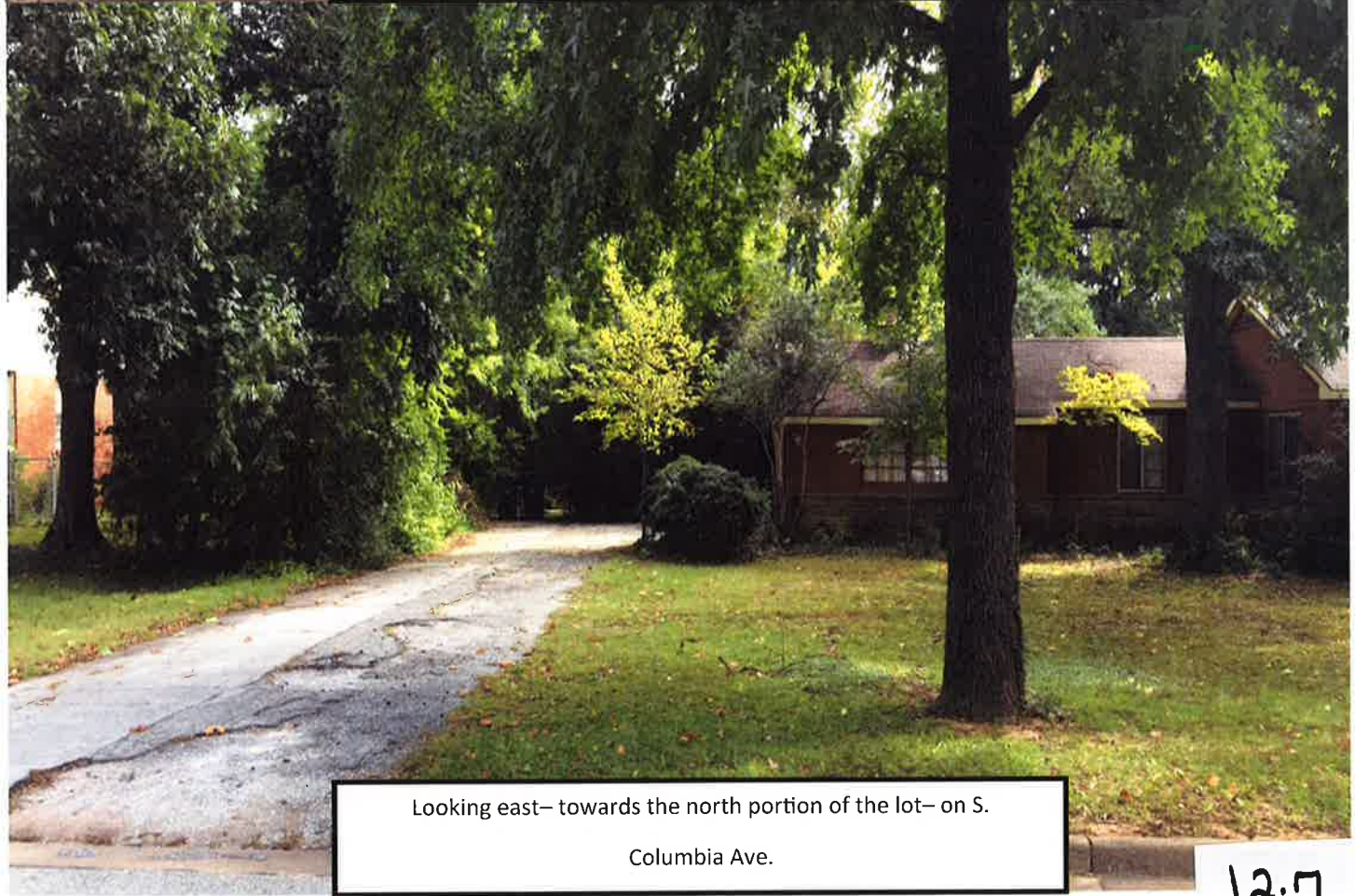
Looking east— towards the north portion of the lot— on S. Columbia Ave.



Looking southeast— towards the south portion of the lot— on S. Columbia Ave.

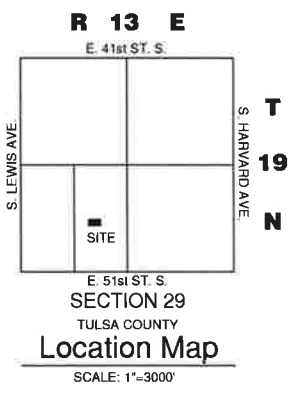
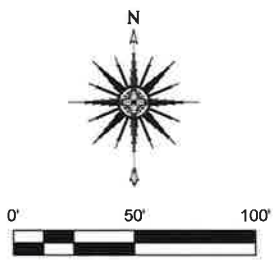
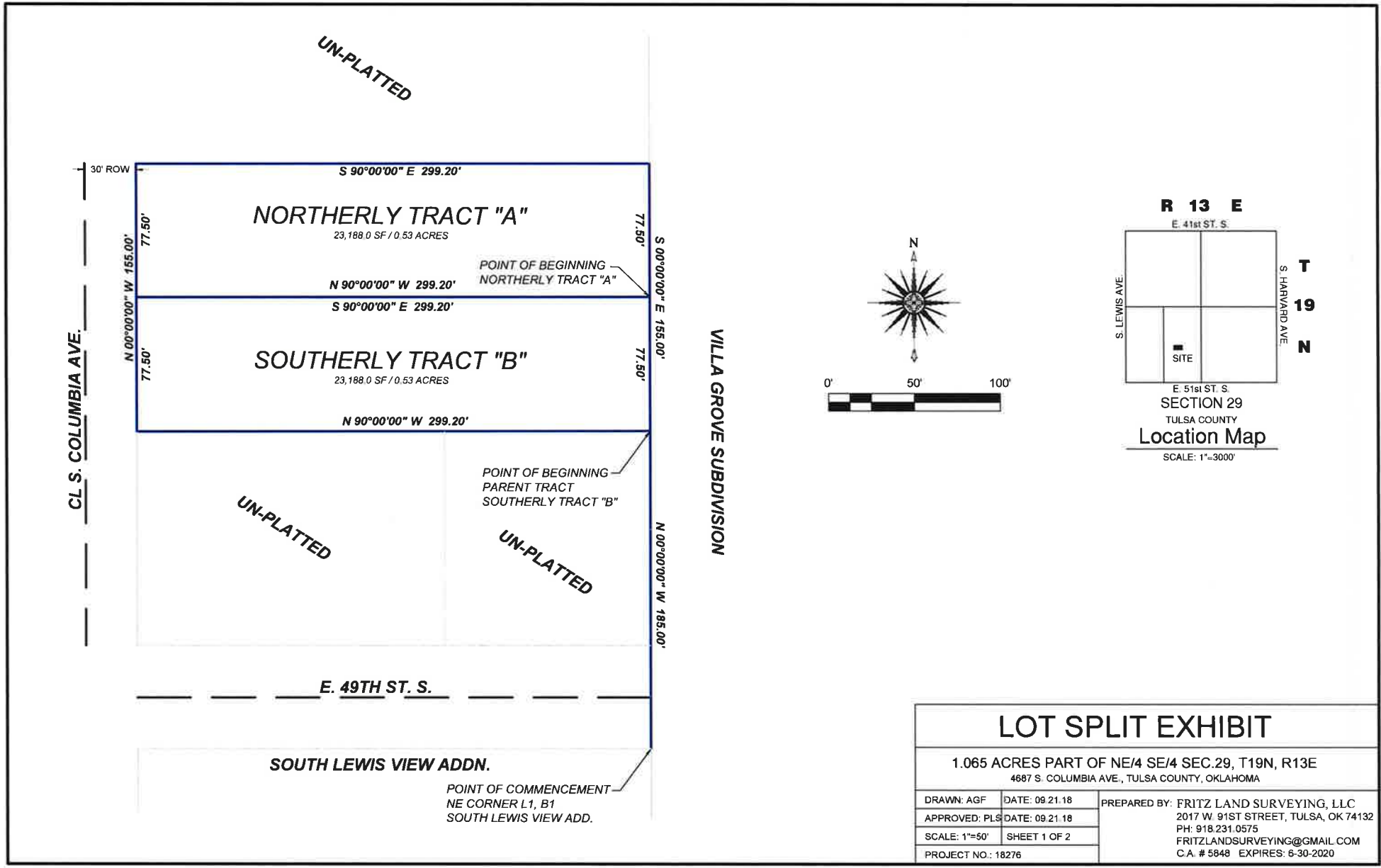


Looking southeast— towards the south portion of the lot— on S.
Columbia Ave.



Looking east— towards the north portion of the lot— on S.
Columbia Ave.

12.7



LOT SPLIT EXHIBIT		
1.065 ACRES PART OF NE/4 SE/4 SEC.29, T19N, R13E		
4687 S. COLUMBIA AVE., TULSA COUNTY, OKLAHOMA		
DRAWN: AGF	DATE: 09.21.18	PREPARED BY: FRITZ LAND SURVEYING, LLC 2017 W. 91ST STREET, TULSA, OK 74132 PH: 918.231.0575 FRITZLANDSURVEYING@GMAIL.COM C.A. # 5848 EXPIRES: 6-30-2020
APPROVED: PLS	DATE: 09.21.18	
SCALE: 1"=50'	SHEET 1 OF 2	
PROJECT NO.: 18276		

12.8

PARENT TRACT LEGAL DESCRIPTION - AS PROVIDED IN WARRANTY DEED FILED AS BOOK 4145, PAGE 735

A PART OF THE EAST HALF (E/2) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-NINE (29), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, IN THE COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF VILLA GROVE SUBDIVISION TO THE CITY OF TULSA, COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID POINT BEING ONE HUNDRED EIGHTY-FIVE (185) FEET NORTH OF THE NORTHEAST CORNER OF SOUTH LEWIS VIEW ADDITION AND ALSO THE NORTHEAST CORNER OF TRACT ONE (1), BLOCK ONE (1), SOUTH LEWIS VIEW ADDITION, SAID POINT ALSO DESCRIBED AS BEGINNING SIX HUNDRED FIFTY-EIGHT AND FOUR-TENTHS (658 4) FEET EAST AND ONE THOUSAND ONE HUNDRED FORTY-FOUR (1,144) FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-NINE (29), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST, WHICH POINT IS THE SOUTHEAST CORNER OF LOT HEREIN DESCRIBED; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID SOUTH LEWIS VIEW ADDITION. A DISTANCE OF TWO HUNDRED NINETY-NINE AND TWO-TENTHS (299 2) FEET MORE OR LESS TO A POINT; THENCE NORTH PARALLEL TO THE WEST LINE OF SAID VILLA GROVE SUBDIVISION, A DISTANCE OF ONE HUNDRED FIFTY-FIVE (155) FEET TO A POINT; THENCE EAST AND PARALLEL TO THE NORTH LINE OF SAID SOUTH LEWIS VIEW ADDITION, A DISTANCE OF TWO HUNDRED NINETY-NINE AND TWO-TENTHS (299 2) FEET TO A POINT, BEING THE WEST LINE OF VILLA GROVE SUBDIVISION; THENCE SOUTH ALONG THE WEST LINE OF SAID VILLA GROVE SUBDIVISION TO A POINT BEING THE SOUTHEAST CORNER OF THE LOT HEREIN DESCRIBED AND THE PLACE OF BEGINNING.

NORTHERLY TRACT "A" LEGAL DESCRIPTION - CREATED BY THIS SURVEY

THE NORTH ONE-HALF (N/2) OF A TRACT OF LAND DESCRIBED AS BEING A PART OF THE EAST HALF (E/2) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-NINE (29), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, IN THE COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF VILLA GROVE SUBDIVISION TO THE CITY OF TULSA, COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID POINT BEING ONE HUNDRED EIGHTY-FIVE (185) FEET NORTH OF THE NORTHEAST CORNER OF SOUTH LEWIS VIEW ADDITION AND ALSO THE NORTHEAST CORNER OF TRACT ONE (1), BLOCK ONE (1), SOUTH LEWIS VIEW ADDITION, SAID POINT ALSO DESCRIBED AS BEGINNING SIX HUNDRED FIFTY-EIGHT AND FOUR-TENTHS (658 4) FEET EAST AND ONE THOUSAND ONE HUNDRED FORTY-FOUR (1,144) FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-NINE (29), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST, WHICH POINT IS THE SOUTHEAST CORNER OF LOT HEREIN DESCRIBED; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID SOUTH LEWIS VIEW ADDITION. A DISTANCE OF TWO HUNDRED NINETY-NINE AND TWO-TENTHS (299 2) FEET MORE OR LESS TO A POINT; THENCE NORTH PARALLEL TO THE WEST LINE OF SAID VILLA GROVE SUBDIVISION, A DISTANCE OF ONE HUNDRED FIFTY-FIVE (155) FEET TO A POINT; THENCE EAST AND PARALLEL TO THE NORTH LINE OF SAID SOUTH LEWIS VIEW ADDITION, A DISTANCE OF TWO HUNDRED NINETY-NINE AND TWO-TENTHS (299 2) FEET TO A POINT, BEING THE WEST LINE OF VILLA GROVE SUBDIVISION; THENCE SOUTH ALONG THE WEST LINE OF SAID VILLA GROVE SUBDIVISION TO A POINT BEING THE SOUTHEAST CORNER OF THE LOT HEREIN DESCRIBED AND THE PLACE OF BEGINNING.

SOUTHERLY TRACT "B" LEGAL DESCRIPTION - CREATED BY THIS SURVEY

THE SOUTH ONE-HALF (S/2) OF A TRACT OF LAND DESCRIBED AS BEING A PART OF THE EAST HALF (E/2) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-NINE (29), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, IN THE COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF VILLA GROVE SUBDIVISION TO THE CITY OF TULSA, COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID POINT BEING ONE HUNDRED EIGHTY-FIVE (185) FEET NORTH OF THE NORTHEAST CORNER OF SOUTH LEWIS VIEW ADDITION AND ALSO THE NORTHEAST CORNER OF TRACT ONE (1), BLOCK ONE (1), SOUTH LEWIS VIEW ADDITION, SAID POINT ALSO DESCRIBED AS BEGINNING SIX HUNDRED FIFTY-EIGHT AND FOUR-TENTHS (658 4) FEET EAST AND ONE THOUSAND ONE HUNDRED FORTY-FOUR (1,144) FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-NINE (29), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST, WHICH POINT IS THE SOUTHEAST CORNER OF LOT HEREIN DESCRIBED; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID SOUTH LEWIS VIEW ADDITION. A DISTANCE OF TWO HUNDRED NINETY-NINE AND TWO-TENTHS (299 2) FEET MORE OR LESS TO A POINT; THENCE NORTH PARALLEL TO THE WEST LINE OF SAID VILLA GROVE SUBDIVISION, A DISTANCE OF ONE HUNDRED FIFTY-FIVE (155) FEET TO A POINT; THENCE EAST AND PARALLEL TO THE NORTH LINE OF SAID SOUTH LEWIS VIEW ADDITION, A DISTANCE OF TWO HUNDRED NINETY-NINE AND TWO-TENTHS (299 2) FEET TO A POINT, BEING THE WEST LINE OF VILLA GROVE SUBDIVISION; THENCE SOUTH ALONG THE WEST LINE OF SAID VILLA GROVE SUBDIVISION TO A POINT BEING THE SOUTHEAST CORNER OF THE LOT HEREIN DESCRIBED AND THE PLACE OF BEGINNING.

SURVEYOR'S NOTES

PREPARED FOR: TRUE NORTH HOMES / GANT HINKLE

PHYSICAL ADDRESS: 4687 S. COLUMBIA AVENUE, TULSA, OK

SUBJECT PROPERTY IS CURRENTLY ZONED RS1.

BEARINGS ARE BASED UPON THE RECORDED WARRANTY DEED BOOK 4145, PAGE 735.

PARENT TRACT GROSS LAND AREA AS DESCRIBED: 46,376.00 SQ. FEET OR 1.065 ACRES.

PROPOSED TRACT "A" LAND AREA AS DESCRIBED: 23,188.0 SQ. FT. OR 0.53 ACRES.

PROPOSED TRACT "B" LAND AREA AS DESCRIBED: 23,188.0 SQ. FT. OR 0.53 ACRES.

LAST SITE VISIT: N/A

ALL UTILITIES MAY NOT BE SHOWN - CALL OKIE 1-800-522-6543!

CERTIFICATE OF SURVEY

FRITZ LAND SURVEYING, LLC AND THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION CA #5848, DO HEREBY STATE THAT THIS EXHIBIT IS A TRUE AND ACCURATE REPRESENTATION OF THE EXISTING CONDITIONS AND THAT THE LEGAL DESCRIPTIONS CREATED BY THIS EXHIBIT WERE MADE IN ACCORD WITH EXISTING RECORDS AND DO MATHEMATICALLY CLOSE.

WITNESS MY HAND AND SEAL THIS 21st DAY OF SEPTEMBER, 2018

ANDY FRITZ, PLS
OK LIC. 1694
CA #5848



LOT SPLIT EXHIBIT

1.065 ACRES PART OF NE/4 SE/4 SEC.29, T19N, R13E
4687 S. COLUMBIA AVE., TULSA COUNTY, OKLAHOMA

DRAWN: AGF	DATE: 09.21.18	PREPARED BY: FRITZ LAND SURVEYING, LLC 2017 W. 91ST STREET, TULSA, OK 74132 PH: 918.231.0575 FRITZLANDSURVEYING@GMAIL.COM C.A. # 5848 EXPIRES: 6-30-2020
APPROVED: PLS	DATE: 09.21.18	
SCALE: 1"=1"	SHEET 2 OF 2	
PROJECT NO.: 18276		

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**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 219 Case Number: **BOA-22534**

CZM: 29

CD: 3

A-P#:

HEARING DATE: 10/23/2018 1:00 PM

APPLICANT: Scott Bangs

ACTION REQUESTED: Special Exception to allow for a bar within 150 feet of an R district (Section 15.020-G); and a Verification of the 300 foot spacing requirement for a bar from public parks, schools, other bars, religious assemblies, and sexually oriented business establishments; and the public entrance doors 50 ft. from an R-zoned lot. (Sec. 40.050).

LOCATION: 4302 E PINE ST N

ZONED: CH

PRESENT USE: Commercial Space

TRACT SIZE: 29616.57 SQ FT

LEGAL DESCRIPTION: PRT BLK 1 BEG SWC LT 8 BLK 1 TH N180 W139.54 S180 E139.54 POB & E25 VAC ST ADJ ON W, C A REESE

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA- 17945; on 2.24.98, the Board **approved** a *variance* to allow parking on a lot other than the lot containing the principal use.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Employment Area" and an "Area of Growth".

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.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts E. Pine St. to the north; a CH zoned lot to the east, IL zoned large parcels to the west; and RS-3 zoned lots to the south.

STAFF COMMENTS:

A bar is permitted in the CH district as a use by right – subject to complying with the spacing requirements provided in Sections 15.020-G and 40.050-A of the Code. The Code provides the following spacing requirements for a bar in the CH district:

1. Public entrance doors of bars may not be located within 50 feet of any R-zoned lot, as measured in a straight line from the nearest point on the R-zoned lot (not including R-zoned expressway right-of-way) to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area, whichever results in a greater setback.

2. Bars may not be located within 300 feet of a public park, school or religious assembly use; the separation distance must be measured from the nearest property line of such public park, school or religious assembly use to the nearest perimeter wall of the bar.

3. Bars may not be located within 300 feet of any other bar or sexually oriented business establishment, except in the CBD district. The required separation distance must be measured in a straight line between the nearest perimeter walls of the portions of the buildings occupied by the bar or sexually oriented business establishment.

The public entrance door of the bar appears to be 50 ft. from the R zoned district to the south of the site, which meets the stated spacing requirement in Section 40.050-A. The applicant has requested a **special exception** as Section 15.020-G of Code requires special exception approval for a bar if intoxicating beverages or low-point beer are sold or served and the subject lot is located within 150 feet of any residential zoning district other than R-zoned street right-of-way.

Attached is a map indicating a spacing radius of 300 ft. from the perimeter walls of the proposed bar. The attached exhibit from the applicant list uses within the 300 ft. spacing radius. Staff visited the site and there do not appear to be any bars, public parks, churches, schools, or sexually oriented business establishments within 300 ft. of the proposed bar.

Sample Motions:

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing for the proposed bar subject to the action of the Board being void should another conflicting use be established prior to this bar.

Move to _____ (approve/deny) a Special Exception to allow a bar within 150 feet of an R-zoned district (Section 15.020-G);

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

The Board finds that the requested Special Exception 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.

NEW APPLICATIONS

Case No. 17943

Action Requested:

Approval of amended site plan for building addition to existing school. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 2**, located at 525 East 46th St. N.

Presentation:

The Applicant, Dale Raglan, Jr., was not present.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **CONTINUE** Case No. 17886 to March 10, 1998 at 1:00 p.m.

Case No. 17944

Action Requested:

Approval of amended site plan for an addition to each school building. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS. Use Unit 2** located at 2010 East 48th Street North.

Presentation:

The applicant, Dale Raglan, Jr., was not present

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **CONTINUE** Case No. 17944 to March 10, 1998 at 1:00 p.m.

Case No. 17945

Action Requested:

Variance to allow parking on a lot other than the lot containing the principal use. **SECTION 1031.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS** located at 4302 East Pine Street.

Presentation:

The applicant, Jean Worford, 1825 North Atlanta Place, submitted site plan (Exhibit B-1) the applicant owns a club at 4302 East Pine and they are wanting to add on to the club and need more parking. Ms. Worford stated that she has a lease on the property at 4310 East Pine and she wants to use that property for parking.

Case No. 17945 (continued)

Comments and Questions:

In response to the Board's question, Mr. Beach answered that the requirements are one space for every 75 square feet or 57 parking spaces. They have provided a total of 58 spaces on both lots with 21 located on the other lot.

Mr. White stated that the creek isolates the property and he asked how long the lease on the other property is for. The applicant stated that they are in the process of buying the property.

In response to a question about a tie contract, Mr. Beach stated that the CH Zoning District allows parking by right so parking would be permitted as a principal use on the other lot. He noted that if the other lot goes away, the applicant would have to reappear before the Board for a parking Variance.

Interested Parties:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** to allow parking on a lot other than the lot containing the principal use. **SECTION 1031.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS** subject to the club always having access to the 21 spaces shown on 4310 East Pine Street, Lots 9 & 10, Block 1 C.A. Reese Addition either by perpetual lease or ownership on the following described property:

N 180', W/2, Block 1, C.A. Reese Addition, AND Lots 9 & 10, C.A. Reese Addition, and 25' on east of vacated street. City of Tulsa, Tulsa County, Oklahoma

Case No. 17946

Action Requested:

Variance of the required 6 parking spaces to 5 parking spaces. **SECTION 1211. USE UNIT 11. OFFICES, STUDIOS AND SUPPORT SERVICES & SECTION 1223. USE UNIT 23. WAREHOUSING AND WHOLESALING** and located at 1630 South Boston.

Presentation:

The applicant, **Joe Westervelt**, 2431 East 61st Street, Ste. 430 74136, submitted site plan (Exhibit C-1) the building is currently nearing completion and ready for a Certificate of Occupancy. When the initial plan was developed, just enough square footage was included to keep the building within the Office/Warehouse Use requirements of 5 parking places. The lot is 50' wide. After conversations with

02:24:98:744(4)



Subject Tract

BOA-22534

20-13 33

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

Aerial Photo Date: February 2018

13.6

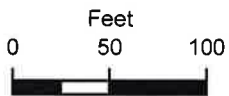




E PINE ST

EPINE PL

N SANDUSKY AVE



 **Subject Tract**

BOA-22534

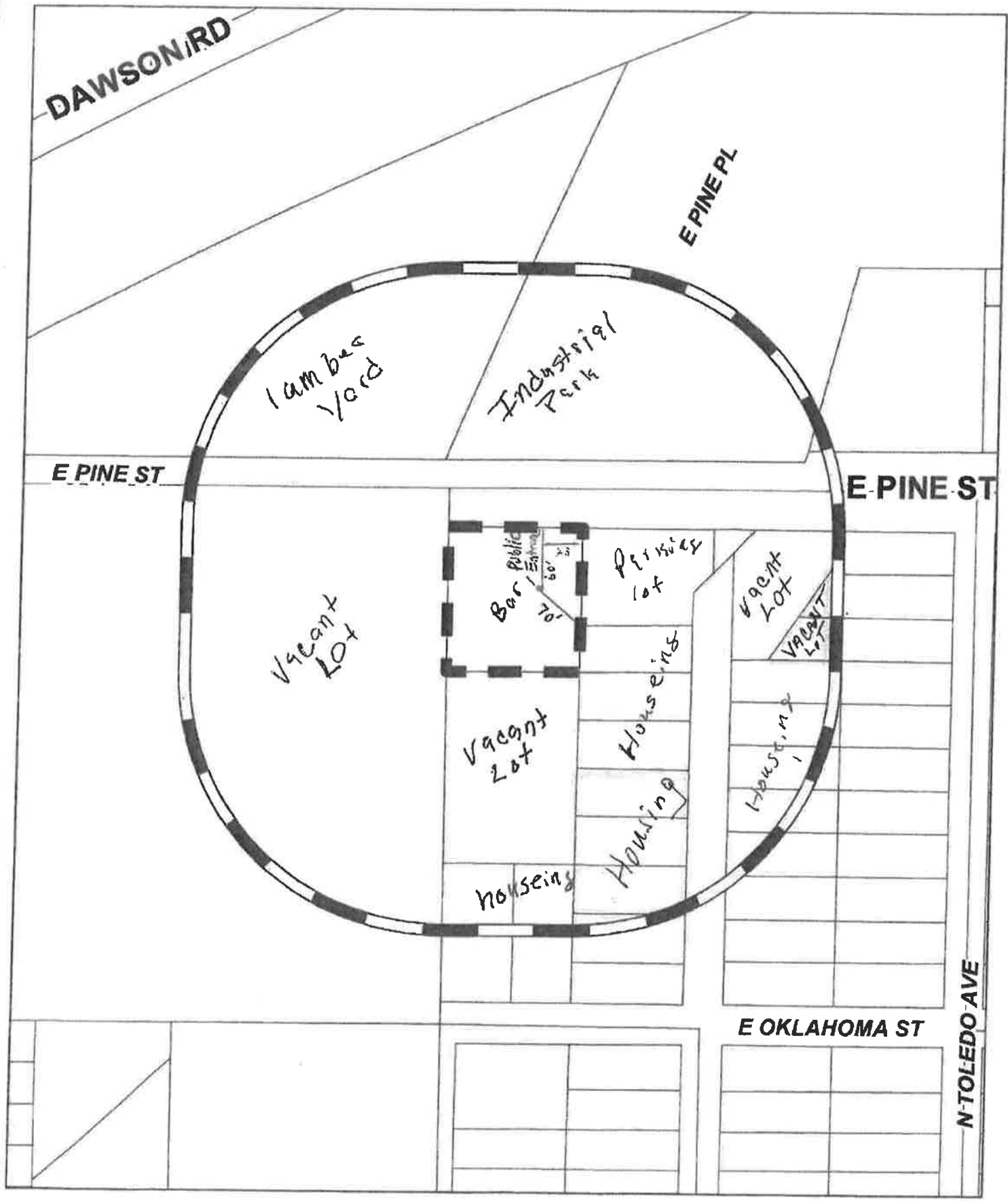
20-13 33

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

Aerial Photo Date: February 2018

13.7





CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

TEL (918)596-9688
clange@cityoftulsa.org



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

September 14th, 2018

Scott Bangs

Phone: 918.813.7834

APPLICATION NO: COO-011125-2018

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 4302 E Pine ST

Description: COO/Bar

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF DRAWINGS if SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" **[X] IS [] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT WWW.CITYOFTULSA-BOA.ORG

Application No. COO-011125-2018

4302 E Pine ST

September 14th, 2018

Note: Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, alternative compliance parking ratios and all questions regarding BOA application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. Sec.40.050-A: Your proposed bar is located in a CS zoning district and is subject to all of the following separation distance requirements: *(NOTE: Variances, reviewed and approved per Sec.70.130, are required if your proposed bar cannot comply with the following separation distance requirements.)*

1. Public entrance doors of bars may not be located within 50 feet of any R-zoned lot, as measured in a straight line from the nearest point on the R-zoned lot (not including R-zoned expressway right-of-way) to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area, whichever results in a greater setback.
2. Bars may not be located within 300 feet of a public park, school or religious assembly use. The separation distance required by this paragraph must be measured from the nearest property line of such public park, school or religious assembly use to the nearest perimeter wall of the bar.
3. Bars may not be located within 300 feet of any other bar or sexually oriented business establishment. The required separation distance must be measured in a straight line between the nearest perimeter walls of the portions of the buildings occupied by the bar or sexually oriented business establishment.
4. Religious assembly uses include all contiguous property owned or leased by the religious organization upon which the principal religious assembly building is located, regardless of any interior lot lines.
5. Schools include all contiguous property owned or leased by the school upon which the principal school building is located, regardless of any interior lot lines.

Review comment: Submit verification, reviewed and approved per Sec.70.110 that the separation distances are in compliance with requirements listed above. This verification will need to be submitted before your Certificate of Occupancy can be approved.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:

<http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf>

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

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OTHER BUSINESS:

**REVIEW OF 2019 PROPOSED
MEETING DATES**

PROPOSED MEETING DATES FOR 2019
CITY BOARD OF ADJUSTMENT

JANUARY

08
22

JULY

09
23

FEBRUARY

12
26

AUGUST

13
27

MARCH

12
26

SEPTEMBER

10
24

APRIL

09
23

OCTOBER

08
22

MAY

14
28

NOVEMBER

12
26

(Thanksgiving is 28 & 29)

JUNE

11
25

DECEMBER

10