

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, August 14, 2018, 1:00 P.M.

Meeting No. 1211

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of July 10, 2018 (Meeting No. 1209).
2. Approval of **Minutes** of July 24, 2018 (Meeting No. 1210).

UNFINISHED BUSINESS

None.

NEW APPLICATIONS

3. **22484—Deborah Richards**
Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Section 90.090-A); Special Exception to allow signs in the planned street right-of-way/right-of-way (Section 60.020-E). **LOCATION:** 1007 South Peoria Avenue East **(CD 4)**
4. **22485—Roberta Brown**
Special Exception to allow a Bed and Breakfast (short-term rental) in a RS-3 District (Section 5.020). **LOCATION:** 714 South Lakewood Avenue East **(CD 5)**
5. **22486—Claude Neon Federal Signs**
Special Exception to allow a dynamic display in a RS-2 District (Section 60.050.2.c). **LOCATION:** 12121 East 21st Street South **(CD 6)**
6. **22488—David Patz**
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-3 District (Section 55.090-F.3). **LOCATION:** 7426 East 77th Street South **(CD 8)**
7. **22489—TEP – Tim Teral**
Variance to reduce the building street setback from 20 feet to 5 feet in an RS-5 District (Section 5.030-A). **LOCATION:** NW/c of East Latimer Street North and North Boston Avenue East **(CD 1)**

8. **22490—Devin Meadows**

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:** 4131 South Peoria Avenue East – **TENANT SPACE** (CD 9)

9. **22491—Richard Morgan**

Special Exception to permit a moderate-impact manufacturing and industry facility in an IL District (Section 15.020). **LOCATION:** 11130 East 55th Place South (CD 7)

10. **22492—Justin Reed**

Verification of the 300-foot spacing requirement for a liquor store from other liquor stores, plasma centers, day labor hiring centers or pawnshops (Section 40.300-A). **LOCATION:** 1649 South Yale Avenue East – **TENANT SPACE** (CD 5)

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: www.cityoftulsa-boa.org

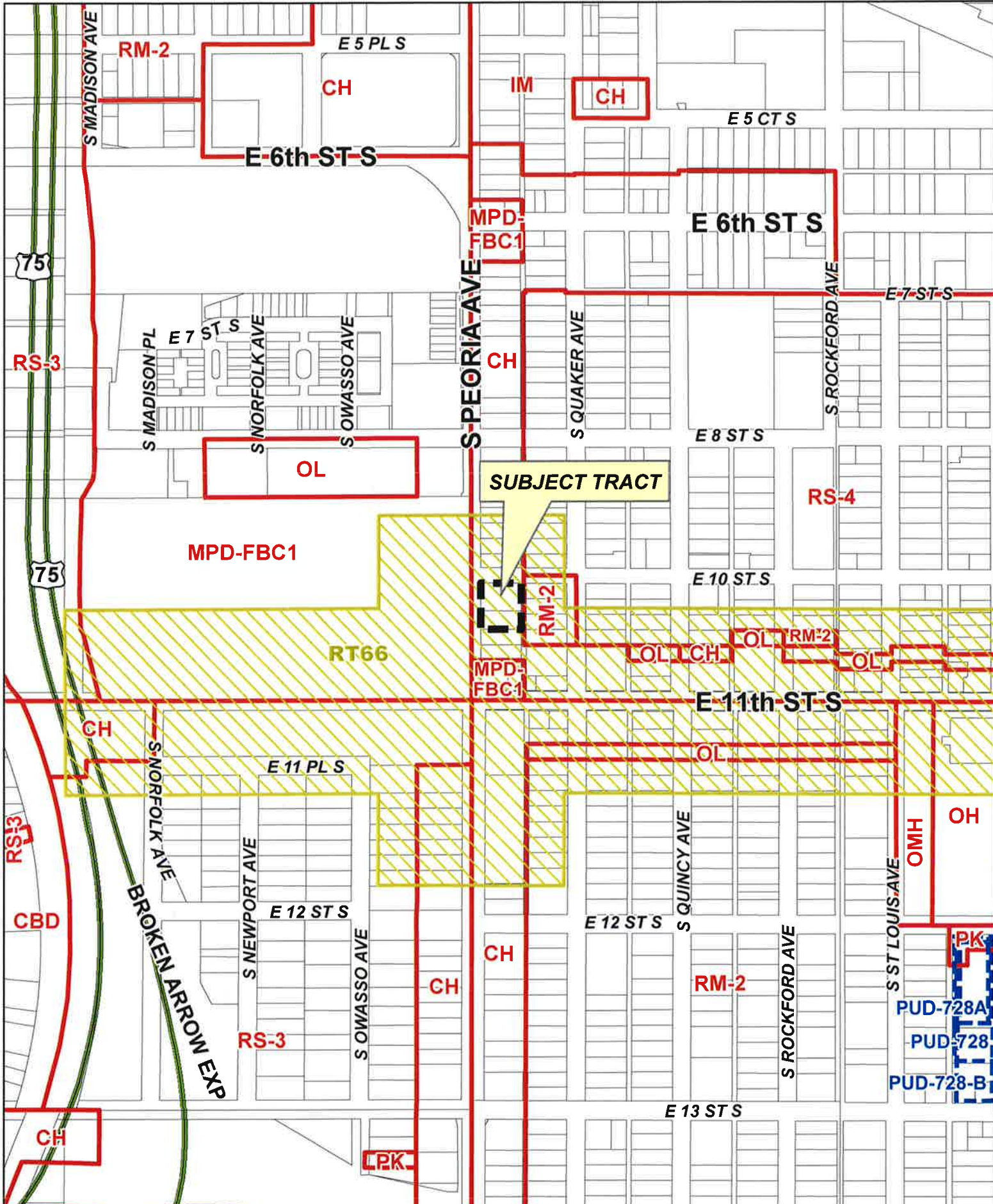
E-mail: esubmit@incog.org

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.

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BOA-22484

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9306

Case Number: **BOA-22484**

CZM: 37

CD: 4

A-P#:

HEARING DATE: 08/14/2018 1:00 PM

APPLICANT: Deborah Richards

ACTION REQUESTED: Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Sec. 90.090-A); Special exception to allow signs in the planned street right-of-way/right-of-way (Sec. 60.020-E).

LOCATION: 1007 S PEORIA AV E

ZONED: CH

PRESENT USE: Vacant Building

TRACT SIZE: 19501.89 SQ FT

LEGAL DESCRIPTION: N. 40 OF LT 13 ALL OF LOT 14 BLK 10; LT 12 S 10 FT LT 13 BLK 10, EAST LYNN ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA 16391; on 7.27.91 the Board **approved** a *Variance* of the required setback from the centerline of South Peoria Ave from 50' to 36' to permit a sign; per plan submitted.

BOA 2161; on 7.12.50 the Board **granted** a *variance* of the setback requirements to permit addition to present building approximately 10 1/2 feet beyond established setback line

BOA 1990; on 8.11.48 the Board **granted** a *waiver* of the setback requirements to permit construction of a frame building approximately 10 feet beyond established setback line.

BOA 1724; on 7.26.45 the Board **granted** a *waiver* of the setback requirements to permit construction of a frame building approximately 12 feet beyond established setback line.

Surrounding Property:

BOA 22410; on 3.27.18 the Board **approved** a *Variance* to allow required parking accessible parking spaces to be located off site from the principal use. Located; southwest corner of 10th Street and Quaker Avenue (directly east of the subject site).

BOA 20233; on 4.11.06 the Board **approved** a *Special exception* to allow off-street parking in an RM-2 district; a *Variance* of the required screening; and a *Variance* of the setback from S. Quaker from 50 ft to 25 ft. Located; southwest corner of 10th Street and Quaker Avenue (directly east of the subject site).

BOA 15650; on 2.26.1991 the Board **approved** a *Special Exception* to permit off-street parking in an RM-2 District; *Variance* of the required setback for unenclosed off-street parking,

as measured from the centerline of Quaker Avenue, from 50' to 25', and a *Variance* of the setback, as measured from the centerline of 10th Street, from 55' to 30'; *Variance* to waive the screening requirements along the property lines in common with R Districts for unenclosed off-street parking areas which are principal uses. Located; southwest corner of 10th Street and Quaker Avenue (directly east of the subject site).

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 site abuts an RM-2 zoned parking lot the east; CH zoning to the north and south; MPD-FBC1 zoned tracts to the west. The subject tract is within the Route 66 Overlay.

STAFF COMMENTS:

The total planned right-of-way along S. Peoria Ave. is 70 ft.; therefore, the required building and/or structure setback along S. Peoria Ave. is 35 ft. from the centerline of the street. Based on the proposed site plan it appears that the proposed building along S. Peoria Ave. will extend 2'-4" 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, signs are not allowed to project into the right-of-way or planned right-of-way of a public street, unless a special exception has been approved by the Board of Adjustment. As shown on the site plan, it appears that the proposed sign along S. Peoria Ave. will extend 3 ft into the planned street right-of-way (R-O-W).

The applicant is also requesting a **Special Exception** to permit a projecting sign to be located in the planned right-of-way of S. Peoria Ave. (Sec.60.020-E).

Per the code, signs and 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. 60.020-E; Sec. 90.090-A).

The applicant provided the following statement with their application: *We would like to have signage in the planned right of way. The signage projects from the face of the building approximately 6". The sign is over 10' above the ground level. This projection into the planned right of way will not inhibit any activity on the ground level. We would like to build the building into the planned right of way. The planned right of way is 35' from the center of the road and we would like to build the building 32'-6" from the center of the road. Other buildings nearby are also in the planned right of way. Our building will maintain the street edge along the neighboring buildings and also provide space necessary for the activities and transportation on an urban arterial street.*

Sample Motion for a Special Exception

Move to _____ (approve/deny) a Special exception to allow signs in the planned street right-of-way/right-of-way (Sec. 60.020-E).

- 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.

Sample Motion for a Variance

Move to _____ (approve/deny) a Variance to permit a structure to be located within the City of Tulsa 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.”

BOA-22410

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packet and that it does meet the permitting approval process. The Board has found the hardship to be that the alley separates the two properties, and the two properties have been used in conjunction with each other for over 20 years. The owner is to file a lot tie agreement to bring the two properties together and that one cannot be liquidated without the other. 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; for the following property:

N. 40 OF LT 13 ALL OF LOT 14 BLK 10; LT 12 S 10 FT LT 13 BLK 10; LT 1 BLK 10; LT 2 BLK 10; LT 3 BLK 10, EAST LYNN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22414—Mary Huckabee

Action Requested:

Variance to reduce the side setback from 15 feet to 10 feet in an RE District (Section 5.030-A). **LOCATION:** 2618 East 37th Street South (CD 9)

Presentation:

Mary Huckabee, 4001 Williams Center, Tulsa, OK; stated the requested Variance is for the west side yard setback. The home is currently constructed and sits about ten feet from the west property line. Her client is not seeking to encroach farther into the setback than the home already sits, they would just want to add a covered patio onto the back of the house. To do so the existing roofline would need to be extended farther south. Her client did not construct the house, so they were not aware of the existing encroachment until they applied for a building permit for the covered patio. The homeowner has had conversations with the neighbors including the neighbor to the west who would be most affected by the addition. No neighbors have had any

Action Requested:

Variance to allow required accessible parking spaces to be located off site from the principal use (Section 55.080-D-1). **LOCATION:** 1007 South Peoria Avenue East (CD 4)

Presentation:

Deborah Richards, Architect, 718 West Sheridan Avenue, Oklahoma City, OK; stated the property currently has a building on the west side of the alley and a parking lot on the east side of the alley. They have been used in conjunction with each other for over 20 years. Her client owns both properties and is planning a new building and to bring the existing parking lot up to code. The Code requires that parking be located on the same site as the building, but because of the location of the alley the client is unable to combine sites.

Mr. Van De Wiele asked staff if the Board should require a tie agreement to the properties? Mr. Van De Wiele stated he has no concern of the request itself, but he is concerned that in the future the parking lot is sold leaving the other property with no parking. Ms. Miller stated that in this case it is probably appropriate because the alley does separate the two and she does not know of any other way to join the two properties together.

Mr. Van De Wiele asked Ms. Richards where the front door of the current facility is located, and where the front door of the proposed facility will be located. Ms. Richards stated the front door of the current facility is facing the south. The new facility door will be facing the alley but opening up to the south, and it will be facing the landscaped lawn that will be there. Currently there are doors on all sides of the building, but she expects the one that will be used the most is the one that faces the oval green space because it is closest to the parking lot.

Mr. Flanagan asked Ms. Richards if her client had been using the existing parking lot as a parking lot. Ms. Richards answered affirmatively and stated that it has been like that for over 20 years.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; "abstaining"; Ross absent) to **APPROVE** the request for a Variance to allow required accessible parking spaces to be located off site from the principal use (Section 55.080-D-1), subject to conceptual plan 5.12 of the agenda

circumstances, which are peculiar to the land, structure or building involved, the finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LT 1 BLK 1 EASTLAND BAPTIST CHURCH, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20233

Action Requested:

Special exception to allow off-street parking in an RM-2 district; a Variance of the required screening; and a Variance of the setback from S. Quaker from 50 ft to 25 ft., located: 1010 South Quaker Avenue East.

Presentation:

Louis Levy, 5314 South Yale, represented Planned Parenthood. They purchased two lots, the houses were razed and were used as parking lots. They have agreed to put up a fence to the south. There are two entrances, one to the alley and one to Quaker Avenue. There would be fifteen parking spaces on the RM-2 parking lot making a total of fifty parking spaces. They see approximately 1200 to 1400 clients monthly and have thirty-five employees.

Comments and Questions:

Mr. Dunham asked for the hours of operation. Mr. Levy replied they are from 8:00 a.m. to 8:00 p.m. during the week and 9:00 a.m. to 2:00 p.m. on Saturday. He answered questions, including: the parking will have an all-weather surface; there would be two light poles, with lights directed down and away from the two houses on the east. The Eastland Neighborhood Association opposes a fence on the east, as they want to see what is happening on the parking lot. Mr. Levy stated they withdrew the request for a variance of the required screening to the south. Mr. Ackermann clarified that the variance of the setback South Quaker from 50' to 25' means 25' from the centerline of the street.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Henke**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special exception to allow off-street parking in an RM-2 district, finding 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, a Variance of the required screening

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on the east; and a Variance of the setback from S. Quaker from 50 ft to 25 ft. from the centerline, by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved; finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, contingent upon the two lights discussed be directed downward and away from the neighborhood; and with condition to replace the sidewalks, on the following described property:

LT 3 BLK 10, EAST LYNN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20234

Action Requested:

Modification of the conditions for a previous approval of office/warehouse uses to establish a new site plan; and approval of a required landscape and lighting plan from BOA-20146, located: Northwest of the Northwest corner of E 21st Street and 129th East Avenue.

Presentation:

Steve Coder, 11728 East 133rd Street South, explained to the Board that he has redesigned his proposed building and the site plan, with a landscape and lighting plan (Exhibit D-1). He planned to place a rectangular building at the center of the property with the same number of storage spaces.

Comments and Questions:

The Board questioned him about the number and placement of the storage units. Mr. Coder replied that it would be the same number of units he wanted originally and it would put more distance between them and the residential properties.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 4-0-0 (Dunham, Henke Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Modification of the conditions for a previous approval of office/warehouse uses to establish a new site plan; and approval of a required landscape and lighting plan satisfactory to the City of Tulsa requirements, according to the site plan submitted today (PFPI #2697) with conditions: no outside storage, sales or repairs of materials outside; no vehicles parked overnight; restricted to contract construction services (not disruptive to the neighborhood) only; height of building not to exceed 14 ft.; no

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Case No. 16391

Action Requested:

Variance of the required setback from the centerline of South Peoria Avenue from 50' to 36' to permit a sign - **Section 1221.C.6. General Use Conditions for Business Signs** - Use Unit 21, located 1007 South Peoria.

Presentation:

The applicant, **Barry Moydell**, 1221 Charles Page Boulevard, requested permission to install a 5' by 5' nonilluminated pole sign at the above stated location. He informed that the street setbacks have changed since the property was developed, and there is not sufficient space to install the sign and comply with the setback requirement. He pointed out that the sign could not comply with the setback requirement if it was placed on the building wall. A sign plan (Exhibit M-1) was submitted.

Comments and Questions:

In response to Mr. Bolzle, the applicant stated that the sign will not overhang the retaining wall more than 2'.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of South Peoria Avenue from 50' to 36' to permit a sign - **Section 1221.C.6. General Use Conditions for Business Signs** - Use Unit 21; per plan submitted; subject to City Council approval, if needed, and the execution of a removal contract; finding a hardship demonstrated by the fact that the ordinance has changed since the original commercial development was approved; and finding that approval of the variance request will not cause substantial detriment to the area, or violate the spirit and intent of the Code; on the following described property:

Lots 12, 13 and 14, East Lynn Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15650

Action Requested:

Special Exception to permit off-street parking in an RM-2 District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 10.

Variance of the required setback for unenclosed off-street parking, as measured from the centerline of Quaker Avenue, from 50' to 25', and a Variance of the setback, as measured from the centerline of 10th Street, from 55' to 30' - **Section 1302.B. SETBACKS** - Use Unit 10.

Variance to waive the screening requirements along the property lines in common with R Districts for unenclosed off-street parking areas which are principal uses - **Section 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10, located southwest corner of 10th Street and Quaker Avenue.

Presentation:

The applicant, **Louis Levy**, was not present.

Interested Parties:

Nancy Kachel, 1568 South Gillette, Tulsa, Oklahoma, stated that Mr. Levy is representing the Planned Parenthood organization, and does plan to attend the meeting.

Presentation:

The applicant, **Louis Levy**, 5314 South Yale, Tulsa, Oklahoma, submitted a plot plan (Exhibit B-2) and stated that he is representing Planned Parenthood. He requested Board approval to locate 26 additional parking spaces on RM-2 property adjacent to the principal office use on Peoria Avenue. Mr. Levy explained that the property is now vacant, as the two houses located on the lot have been razed to accommodate the parking area. A brochure (Exhibit B-3) and photographs (Exhibit B-1) of the surrounding area were submitted. The applicant stated that the residents of the three houses across the street from the proposed parking lot have not voiced a concern with the proposal, and the East Lynn Neighborhood Association are supportive of the application. Mr. Levy informed that the parking lot will be in use from 8:00 a.m. to 6:00 p.m., Monday through Friday, and Saturday from 9:00 a.m. to 12:00 noon, with evening classes being conducted on Tuesday and Thursday. He stated that the entrance to the parking lot will be from the alley, with no access points on 10th Street or Quaker Avenue. Mr. Levy informed that the parking lot will be lighted continuously, and a screening fence could be constructed, however, the neighborhood is somewhat divided on this issue.

Case No. 15650 (continued)

Comments and Questions:

Ms. White asked Mr. Levy if his client would be agreeable to the execution of a tie contract between the two lots, and he answered in the affirmative.

In regard to the screening requirement, Ms. White pointed out that this requirement is to protect the residential neighborhood.

Mr. Levy stated that a fence could conceal illegal activities that might take place on the parking lot, and the neighborhood did not want a solid fence.

Protestants: None.

Board Action:

On MOTION of FULLER, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzie, Chappelle "absent") to APPROVE a Special Exception to permit off-street parking in an RM-2 District - Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 10; to APPROVE a Variance of the required setback for unenclosed off-street parking, as measured from the centerline of Quaker Avenue, from 50' to 25', and a Variance of the setback, as measured from the centerline of 10th Street, from 55' to 30' - Section 1302.B. SETBACKS - Use Unit 10; and to APPROVE a Variance to waive the screening requirements along the property lines in common with R Districts for unenclosed off-street parking areas which are principal uses - Section 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS - Use Unit 10; per plot plan submitted; subject to all lighting being shielded and directed away from the residences; finding the use to be compatible with the area; and finding that the parking lot will not have a detrimental impact on the residential neighborhood, as there will be no access points on 10th Street or Quaker Avenue; on the following described property:

Lots 1 and 2, Block 10, East Lynn Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15655

Action Requested:

An appeal from the decision of the Building Inspector in determining that the existing signage is in violation of the Zoning Code - Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL - Use Unit 11.

Variance to permit more than one business sign on each street frontage of a lot, and variance to exceed the permitted square footage of display surface area per lineal foot of street frontage - Section 602.B.4. Signs - Use Unit 11, located 6711 South Yale.

02:26.91:581(4)

Case No. 2160
John F. Purdum
Lot 10, Block 8,
Hickory Manor \

John F. Purdum appeals from an order of the Building Inspector halting work on conversion of residence on Lot 10, Block 8, Hickory Manor Addition by erection of addition to rear of same, connecting with present garage on rear of lot and conversion of said garage into part of a two-family dwelling, account same being in violation of rear yard provisions of zoning ordinance.

John S. Carlson, Attorney, representing applicant.

G. C. Spillers, Attorney, representing owner of adjoining property, Mr. Phipps, who protests said construction.

Mr. Spillers requests permission to file motion to dismiss, which request was denied.

MOVED by Lashley (Bashaw) that this matter be set for a public hearing at the next regular meeting of the Board of Adjustment, which will be August 9, 1950. All members voting yea. Carried.

Case No. 2161
Wm. S. Brewster
Lots 13-14, Blk 10,
East Lynn \

William S. Brewster requests variance of major street building line along Peoria Avenue to permit erection of addition to present building on Lots 13 and 14, Block 10, East Lynn Addition, approximately ten and one-half (10½) feet beyond set-back line.

MOVED by Bashaw (Lashley) that application be granted, subject to the execution of the customary set-back contract. All members voting yea. Carried.

Case No. 2162
H. C. Bemis Co.
E-60' Lots 1 and 2,
Block 4, Oliver's
Addition \

H. C. Bemis Company, having recently been refused a change of zoning classification of the East 60 feet of Lots 1 and 2, Block 4, Oliver's Addition to permit business use of same in connection with business on adjoining property, petitions the Board of Adjustment for relief, alleging unusual hardship and practical difficulty as a result of the strict enforcement of the ordinances, and requesting a variance to permit commercial use of same.

MOVED by Wooten (Bashaw) that application be denied. All members voting yea. Carried.

Joe Moran, Attorney, requests that the record show that notice of appeal is given.

Case No. 2163
J. W. Winters
Lot 4, Block 13,
Hodge Addition \

J. W. Winters requests variance of Major Street set-back line along Fourth Street to permit erection of a building on Lot 4, Block 13, Hodge Addition approximately six feet beyond established building line.


MOVED by Wooten (Bashaw) that application be granted, subject to the execution of the customary set-back contract. All members voting yea. Carried.

✓ Case No. 1990
Wm. S. Brewster
Lot 14, Block 10,
East Lynn Add.

Wm. S. Brewster requests waiver of set-back requirements along Peoria Avenue to permit erection of addition to present building approximately 10 feet beyond the established set-back line on Lot 14, Block 10, East Lynn Addition. Addition to be 10½'x24')

MOVED by Wooten (Arnold) that application be granted, subject to the execution of the usual set-back contract, wherein the applicant agrees to remove said improvements at his own expense upon due notice from the City. All members voting yea. Carried.

Adjourned:


Secretary

APPROVED:


Chairman

Case No. 1723-A
O. L. Payne
Lot 22, Block 6,
Lynch & Forsythe

Committee report on application of O. L. Payne for waiver of set-back requirements along Admiral Boulevard to permit erection of a shed roof approximately twenty feet beyond established set-back line on Lot 22, Block 6, Lynch & Forsythe Addition, submitted, recommending that application be granted in accordance with representations of Mr. Payne, and subject to the customary set-back contract.

MOVED by Bashaw (Wooten) that report of committee be adopted and application granted, subject to the execution of the customary set-back contract. Roll call - All members voting yea. Carried.

Case No. 1724-A
Wm. S. Brewster
Lot 14, Blk. 10,
East Lynn Add'n.

Committee report on application of Wm. S. Brewster for waiver of set-back requirements along Peoria Avenue to permit erection of a 14'x24' frame building approximately twelve feet beyond the established set-back line on Lot 14, Block 10, East Lynn Add., submitted, recommending that application be granted subject to the customary set-back contract.

MOVED by Bashaw (Borochoff) that report of committee be adopted and application granted, subject to the customary set-back agreement. Roll call - all members voting yea. Carried.

Case No. 1725
Edmonds Motor Co.
Lot 7, Block 5,
Highlands Add'n.

Edmonds Motor Company requests waiver of set-back requirements along Eleventh Street to permit the erection of a signboard approximately twenty feet beyond the established set-back line on Lot 7, Block 5, Highlands Addition.

MOVED by Borochoff (Bashaw) that same be referred to a committee with power to act. Roll call - All members voting yea. Carried.

Committee:- Wooten, Chm., Bashaw, Widdows.

Re. enforcement of
zoning ordinance

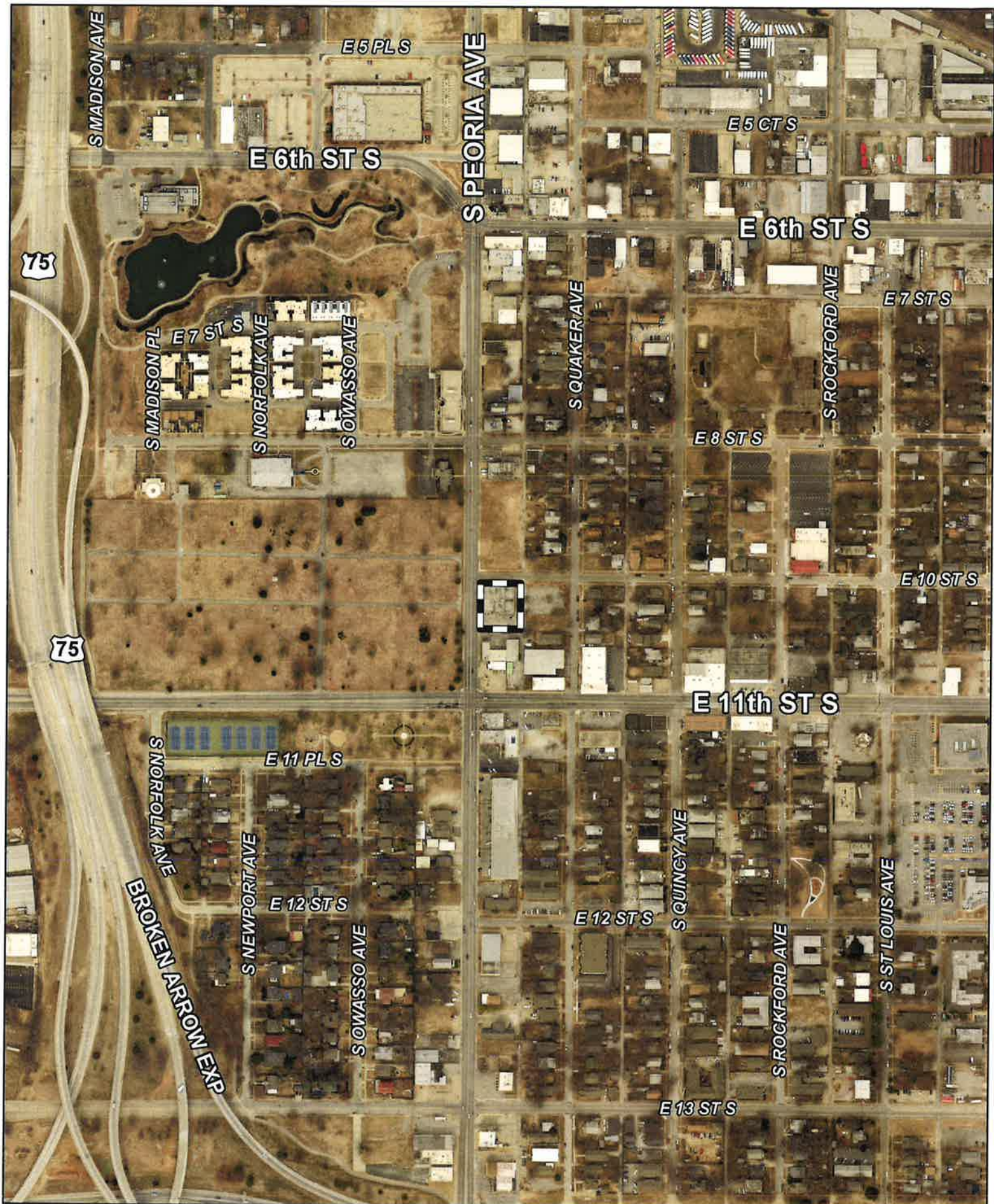
MOVED by Wooten (Borochoff) that Mr. Widdows be instructed to draft a resolution to the Board of Commissioners requesting the appointment of an assistant to the Building Inspector whose duties will be to devote his entire time to the enforcement of the zoning ordinance. Roll call - All members voting yea. Carried.

Adjourned:


Secretary

APPROVED:


Chairman



0 Feet 200 400



Subject Tract

BOA-22484

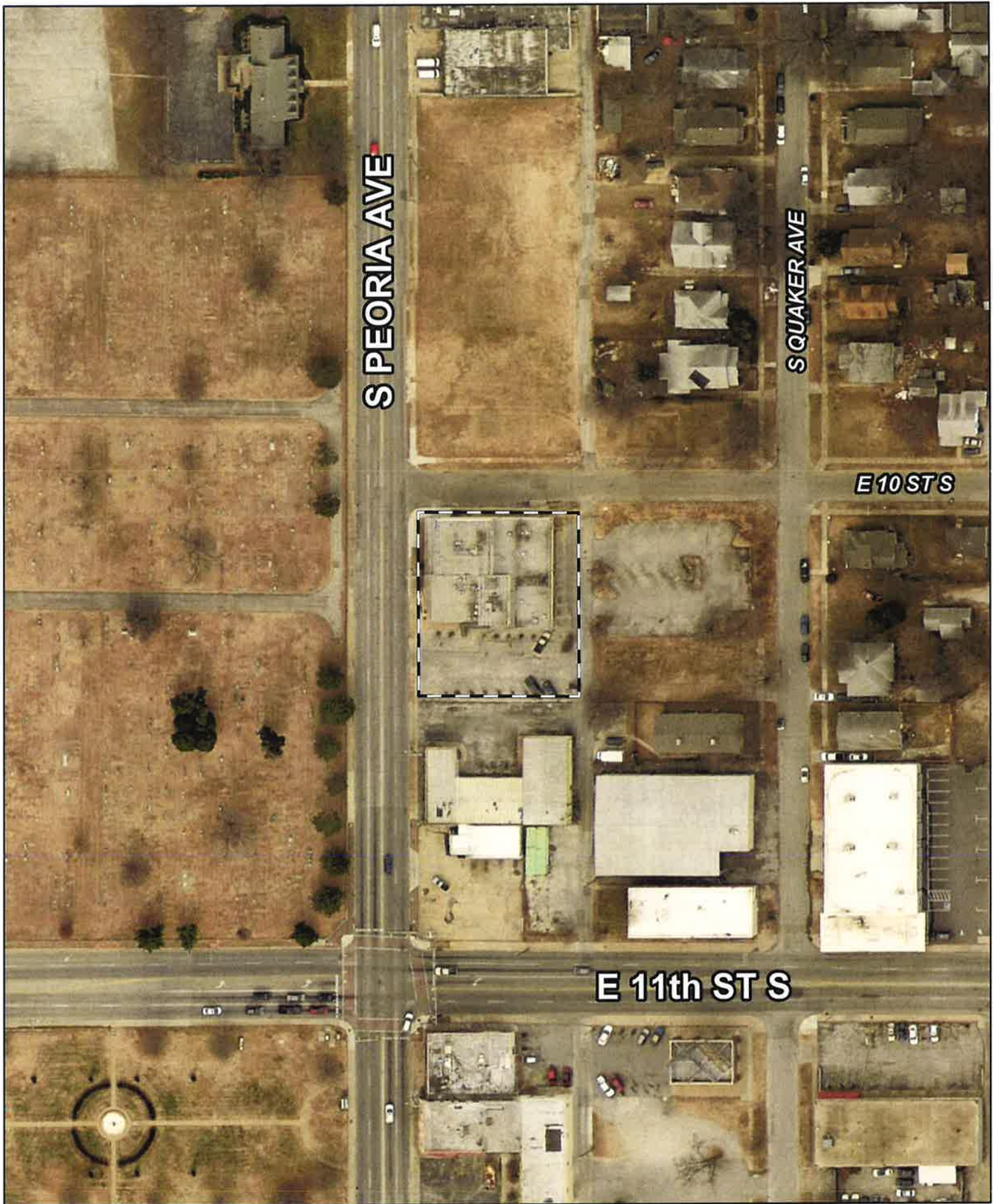
19-13 06

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

Aerial Photo Date: February 2018

3.16





0 50 100
Feet



Subject
Tract

BOA-22484

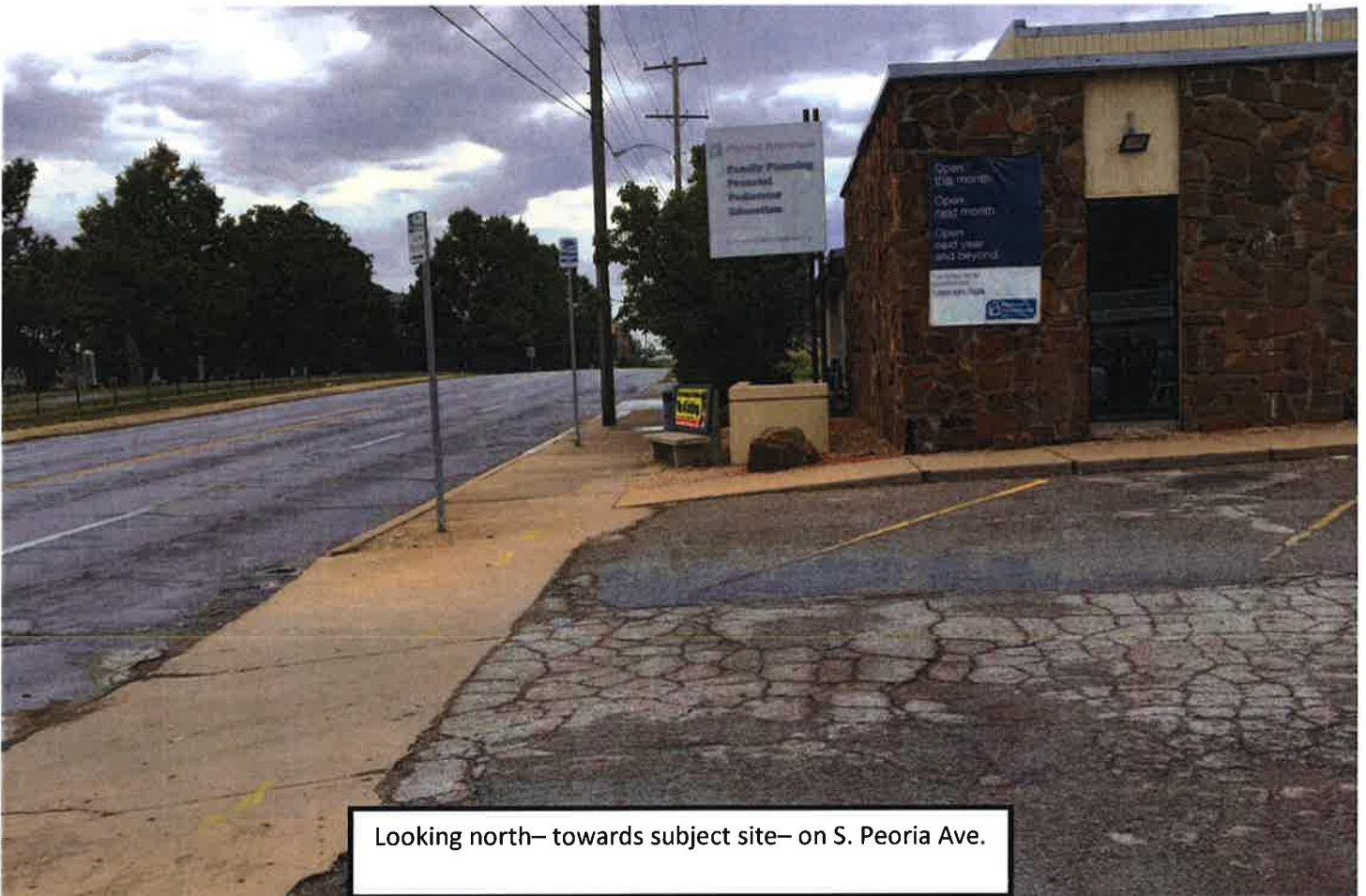
19-13 06

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

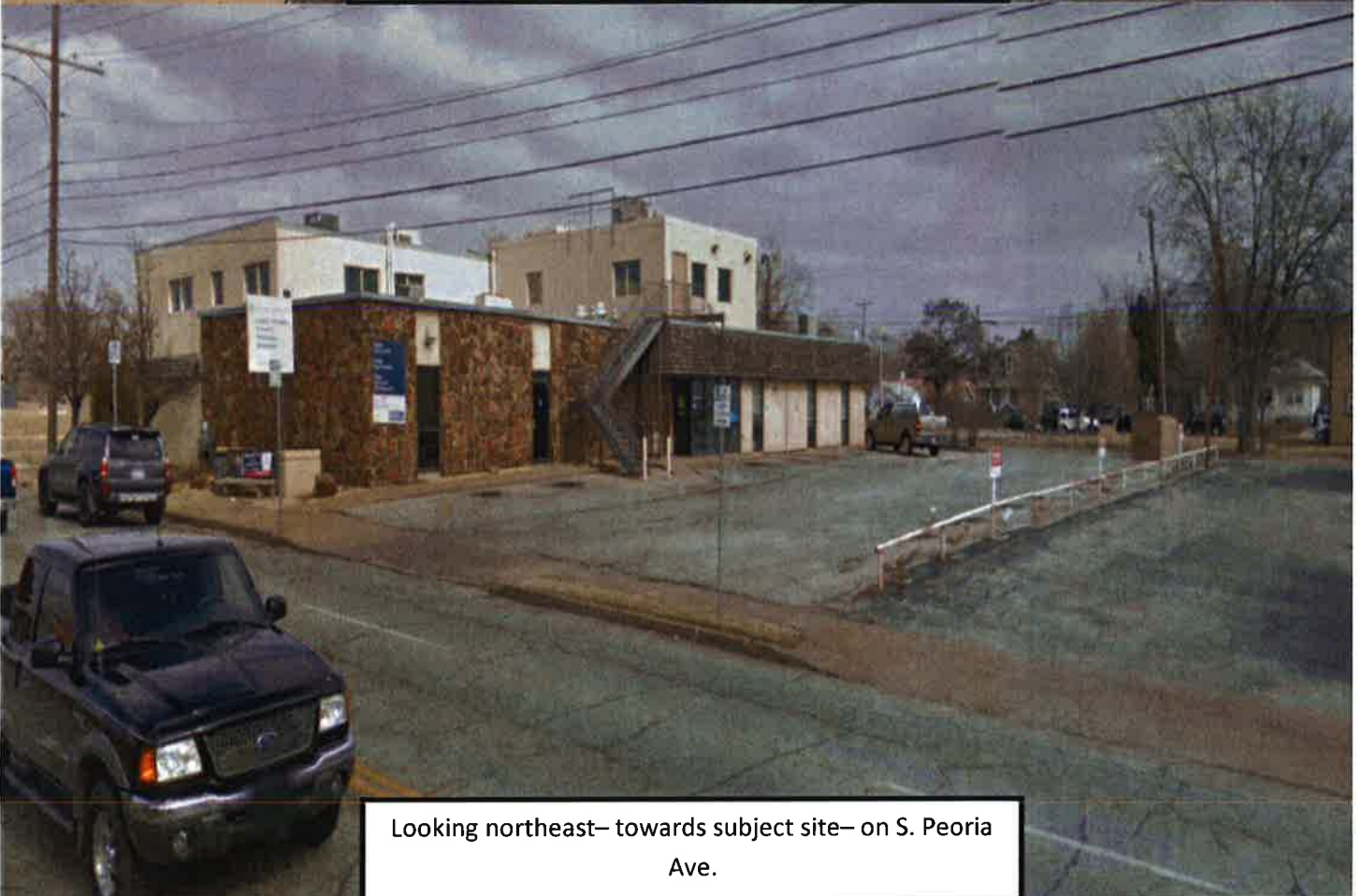
Aerial Photo Date: February 2018

3.17

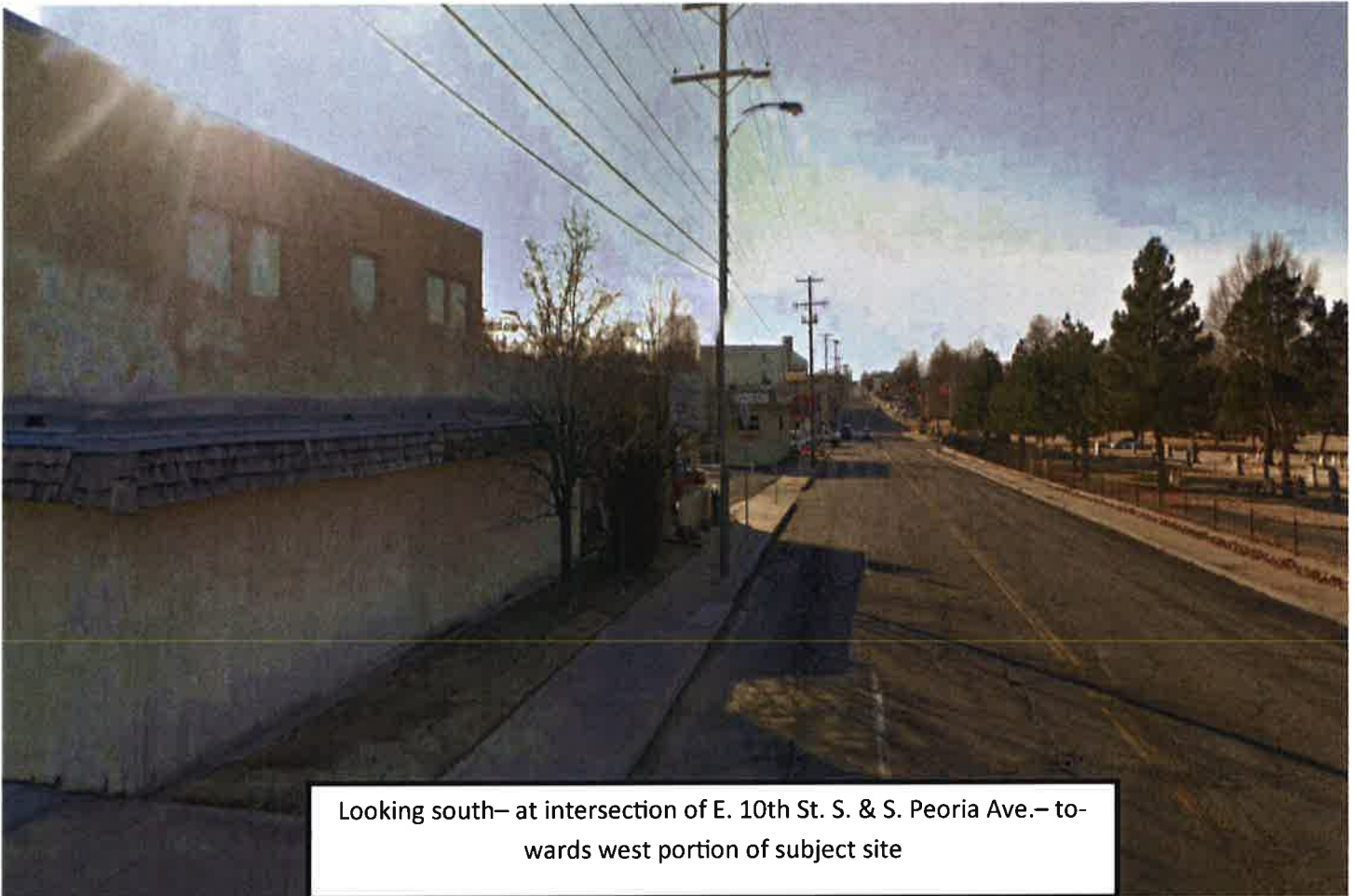




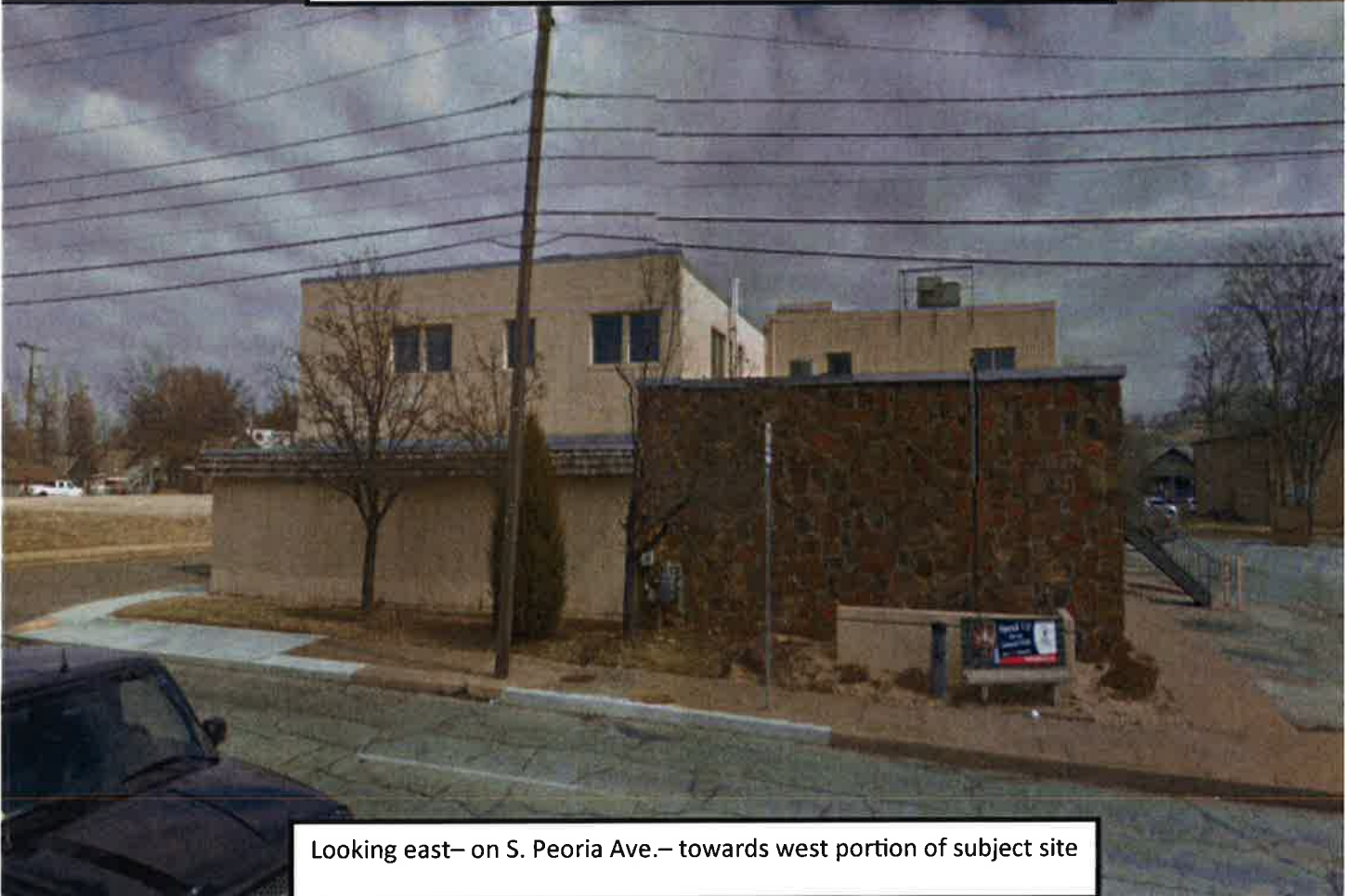
Looking north— towards subject site— on S. Peoria Ave.



Looking northeast— towards subject site— on S. Peoria Ave.



Looking south— at intersection of E. 10th St. S. & S. Peoria Ave.— towards west portion of subject site



Looking east— on S. Peoria Ave.— towards west portion of subject site

A100.1

۵۲

3.21

HEALTH CENTER

PROJECT
Health Center

1007 S. Pecos Ave
Tulsa, OK 74107

ARCHITECT
Inter-Projects Architecture, PLLC

710 N. Lincoln Ave.
Tulsa, OK 74103
Tel: 918.585.8888
Email: info@inter-projects.com

CLIENT
1007 S. Pecos, LLC

SCALE

Inter-Projects
Architecture, PLLC

Inter-Projects Architecture, PLLC
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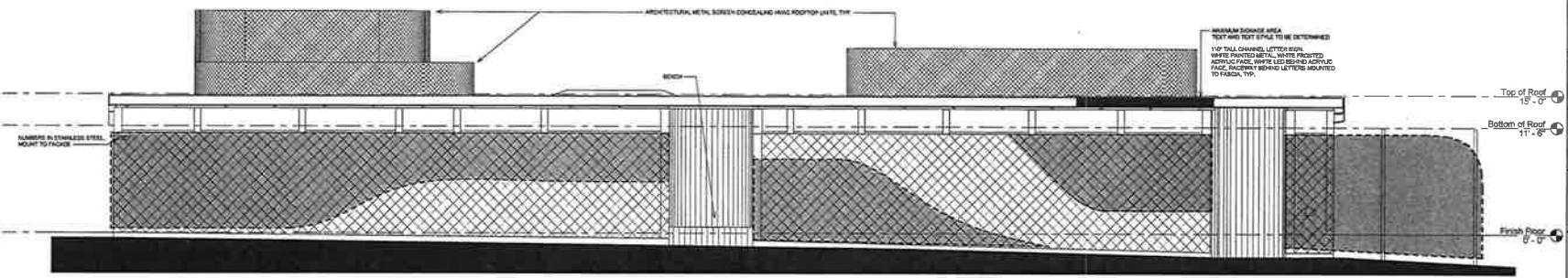
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10	ISSUED FOR PERMITTING

OUTDOOR TYLE EXTERIOR ELEVATIONS

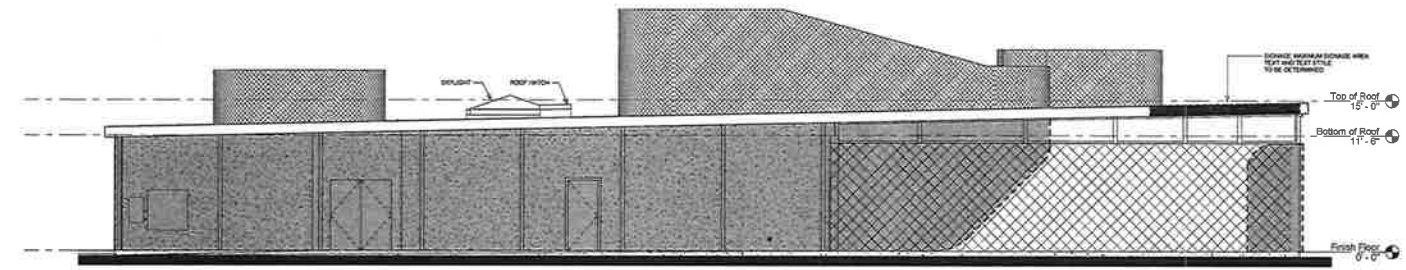
DESIGNED BY	DRAWN BY
SCALE	DATE

CONSTRUCTION NOTES

A-200



1 West
3/16" = 1'-0"



2 North
3/16" = 1'-0"

- TILE FACADE
- PERFORATED ARCHITECTURAL METAL SCREEN
- PERFORATED ARCHITECTURAL METAL SCREEN FRAME OUTLINE
- WOOD RAINSCREEN WALL
- EYE WALL

HEALTH CENTER

PROJECT
Health Center

1007 S. Peoria Ave.
Peoria, IL 61603

ARCHITECT
Inter-Projects Architecture, PLLC
114 W. Brown Ave.
Peoria, IL 61603
508.293.8888
info@interprojectsarch.com

CLIENT
1007 S. PEORIA, LLC

REAL

Inter-Projects
architecture, pllc
www.intproj.com Peoria, IL

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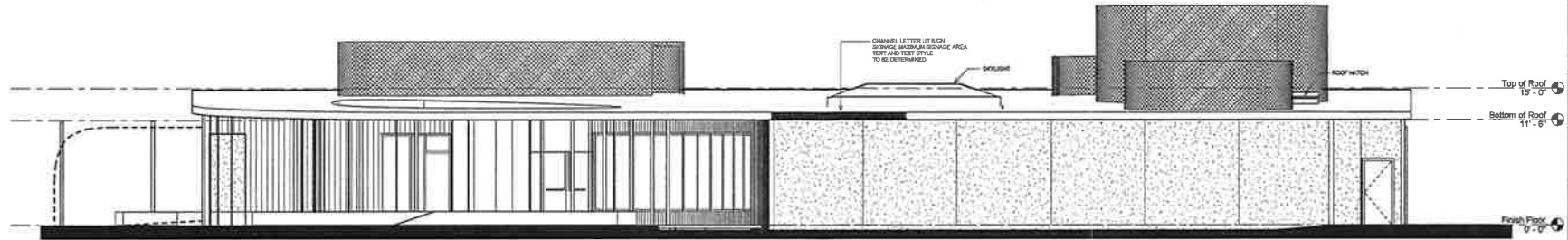
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6	ISSUED FOR PERMITTING	11/08/2018
7	ISSUED FOR PERMITTING	11/08/2018
8	ISSUED FOR PERMITTING	11/08/2018
9	ISSUED FOR PERMITTING	11/08/2018
10	ISSUED FOR PERMITTING	11/08/2018

EXTERIOR
ELEVATIONS

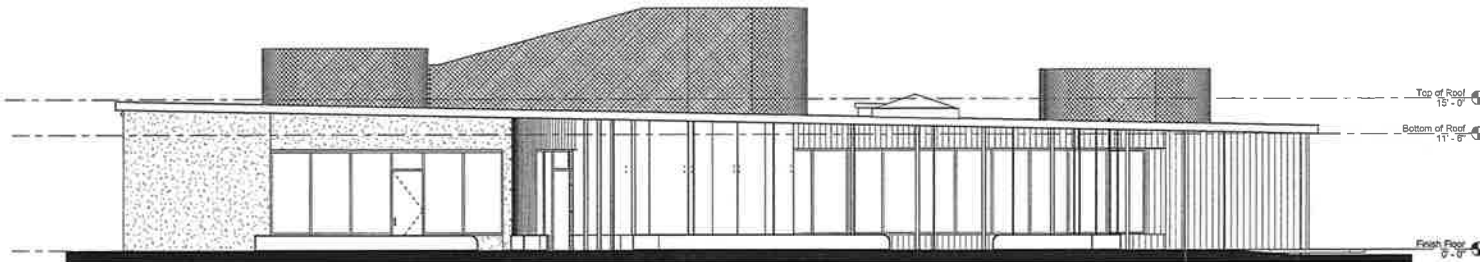
DESIGNED BY	DRAWN BY
CHECKED BY	DATE

CONTRACT NUMBER

A-201



1 East
3/16" = 1'-0"



2 South
3/16" = 1'-0"

	TILE FACADE
	PERFORATED ARCHITECTURAL METAL SCREEN
	PERFORATED ARCHITECTURAL METAL SCREEN FACADE OUTLINE
	WOOD HANDGREEN WALL
	CFS WALL

3.22

EXISTING CONDITIONS BOUNDARY SURVEY

OF LOTS ONE (1), TWO (2), THREE (3), TWELVE (12), THIRTEEN (13), AND FOURTEEN (14), BLOCK TEN (10) EAST LYNN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

1007 South Peoria Avenue



LEGAL DESCRIPTION OF THE REAL PROPERTY

LOTS ONE (1), TWO (2), THREE (3), TWELVE (12), THIRTEEN (13), AND FOURTEEN (14), BLOCK TEN (10) EAST LYNN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

GENERAL NOTES

- The bearings shown herein are based on Oklahoma State Plane Coordinate System, North Zone 3501, NAD 83 (1993).
- The property described herein contains 38,992.03 sq. ft. or 0.90 acres, more or less.
- There are 53 marked parking spaces and 1 handicapped space on the property described herein.
- The property described herein is located in flood zone "X-UNSHADED", as per Flood Insurance Rate Map, Community Panel No. 405381 0240L, effective date: October 16, 2012.
- Fieldwork completed March 19th, 2016.

NOTES

This Plat of Survey meets the Oklahoma Minimum Standards for the practice of Land Surveying as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors.

SYMBOL LEGEND

- ⊕ - Electric Box
- ⊕ - Gas Meter
- ⊕ - Gas Valve
- ⊕ - Guy Anchor
- ⊕ - Handicap Parking
- ⊕ - Irrigation Control Valve
- ⊕ - Light Pole (All Types)
- ⊕ - Power Pole
- ⊕ - Sign (All Types)
- ⊕ - Sign Post
- ⊕ - Sanitary Sewer Manhole
- ⊕ - Storm Sewer Inlet (Single)
- ⊕ - Storm Sewer Manhole
- ⊕ - Telephone Pedestal
- ⊕ - Water Meter
- ⊕ - Water Valve
- ⊕ - Condominium Type (All Types)
- ⊕ - Detached House (All Types)
- ⊕ - Bush (All Types)
- ⊕ - Property Line
- ⊕ - Natural Gas Line
- ⊕ - Overhead Electric
- ⊕ - Sanitary Sewer Line
- ⊕ - Storm Sewer Line
- ⊕ - Underground Telephone
- ⊕ - Bench Mark
- ⊕ - Survey Control Point Found
- ⊕ - Survey Control Point Set
- ⊕ - Reinforced Concrete Pipe
- ⊕ - Verified Clay Pipe
- ⊕ - Right of Way

CERTIFICATE

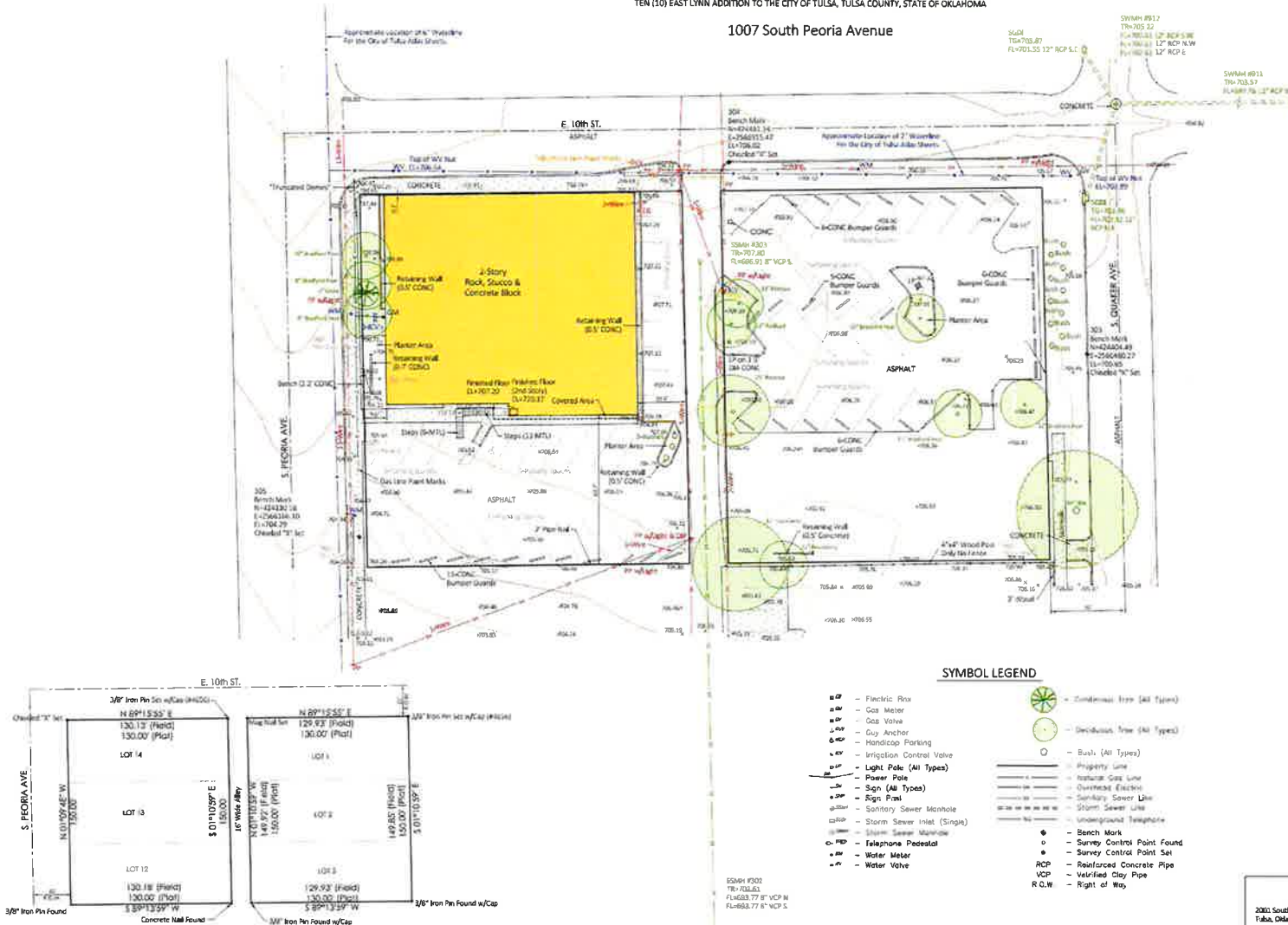
We, Harden & Associates Surveying and Mapping, P.C., in the State of Oklahoma, do hereby certify that the above shown survey is true and correct to the best of our knowledge.

WITNESS my hand and seal this 28th day of MARCH, 2016



2001 South 114th East Avenue Tulsa, Oklahoma 74128		HARDEN & ASSOCIATES SURVEYING AND MAPPING, P.C.		0148 254-4859 Office (918) 437-6561 Fax	
REVISIONS	BY	DATE	Certificate of Authorization No. 4554 Expires June 30, 2017		
BOUNDARY SURVEY					
Drawn By: JLB	Checked By: NLR	Proj. No.: 162026			
Date: 3/29/2016	Scale: 1"=20'	Sheet: 6 of 6			

48 HOURS BEFORE YOU DIG, CALL ONE
1-800-522-6543



INSET
Not to Scale

5.23

Ulmer, Amy

To: VanValkenburgh, Janine
Subject: RE: Proposed Sign In ROW - Board of Adjustment Hearing

From: McColpin, Gary
Sent: Monday, August 06, 2018 2:39 PM
To: VanValkenburgh, Janine; Swiney, Mark
Cc: Banks, Lamar; Kovac, Chris; McCorkell, Tim; Ball, Terry
Subject: Fwd: Proposed Sign In ROW - Board of Adjustment Hearing

Good afternoon,

We have received the attached from the board of adjustments about adding a sign in the ROW. We would like to object to the placement of this sign as we only have the minimum clearance for the existing sidewalk along N Peoria.

Would your area be able to convey this objection or do we need to be present to object?

Additionally it should be pointed out that we have had several of these board approvals come through and contractors are going to construction without the LA. Claiming that the board gave them approval so they don't need an LA. I would request that in the future the board not grant approvals. That they table their approvals until after the LA's are granted.

Please let me know if you would like to discuss.

Sent from my U.S. Cellular® Smartphone

----- Original message -----

From: "Kovac, Chris" <CKOVAC@cityoftulsa.org>
Date: 8/6/18 11:53 AM (GMT-06:00)
To: "McColpin, Gary" <GMcColpin@cityoftulsa.org>, "Banks, Lamar" <LBANKS@cityoftulsa.org>
Cc: "Liechti, Matt" <MLIECHTI@cityoftulsa.org>
Subject: RE: Proposed Sign In ROW - Board of Adjustment Hearing

We have nothing pertaining to this.

From: McColpin, Gary
Sent: Monday, August 6, 2018 10:58 AM
To: Banks, Lamar
Cc: Kovac, Chris; Liechti, Matt
Subject: Proposed Sign In ROW - Board of Adjustment Hearing

Streets and Stormwater received the attached notice because we are the care takers of the Oak Lawn Cemetery. The notice states that they are getting a variance to place a sign in the ROW.

Do you have a LA started for this work?
Do we need to send someone to object to the variance?
Does the Board of Adjustments usually require the LA?

Gary A. McColpin | Street Operations and Inspections Manager

City of Tulsa, Streets and Stormwater Department

175 E. 2nd Street., Suite 14-216

Tulsa, Ok. 74103

T: 918-576-5514

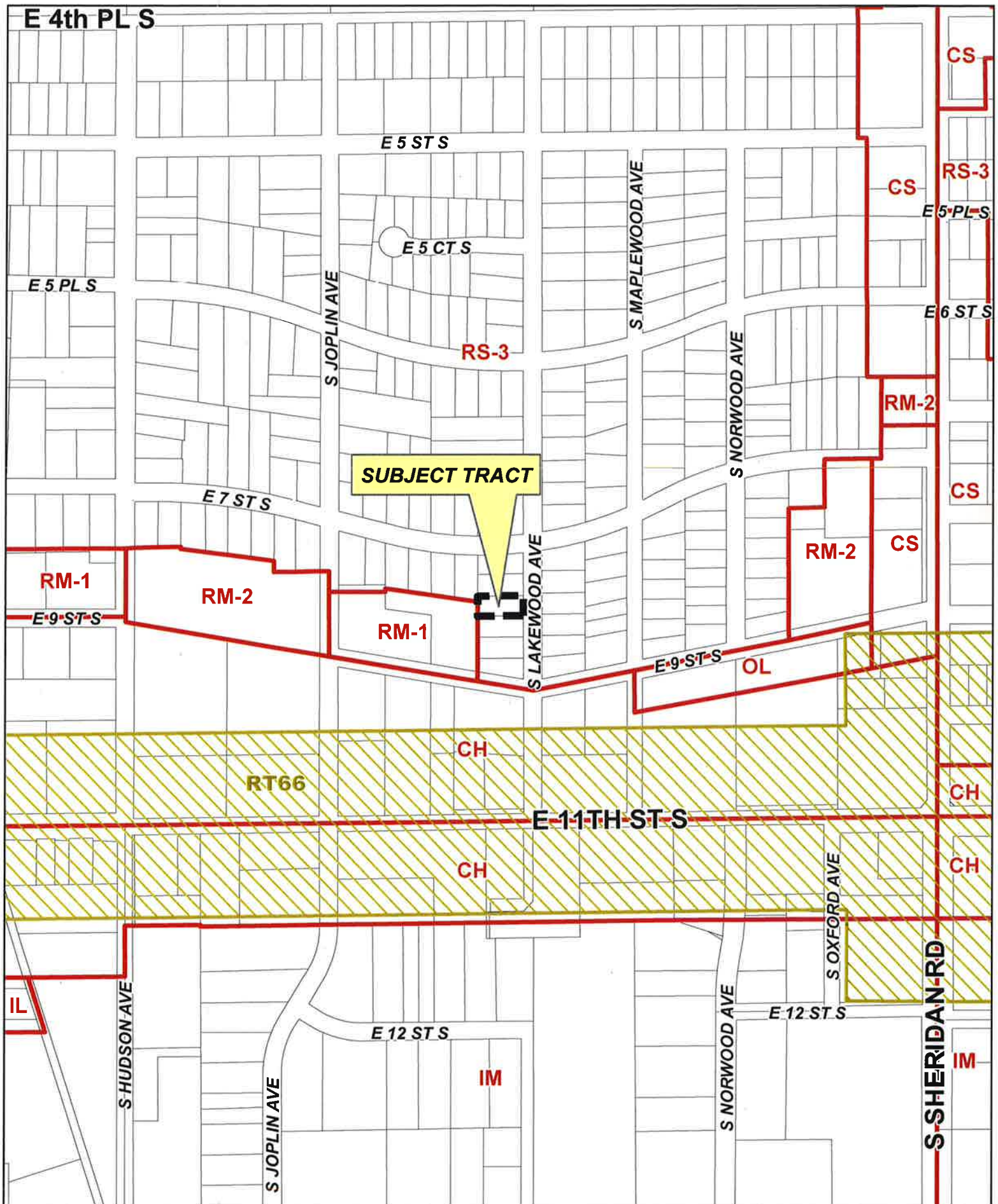
E: gmccolpin@cityoftulsa.org

www.cityoftulsa.org

Visit/Like/Follow/Watch/Subscribe:



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BOA-22485

19-13 03

4.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9303

Case Number: **BOA-22485**

CZM: 38

CD: 5

A-P#:

HEARING DATE: 08/14/2018 1:00 PM

APPLICANT: Roberta Brown

ACTION REQUESTED: Special Exception to allow a Bed and Breakfast (short-term rental) in a RS-3 District (Section 5.020).

LOCATION: 714 S LAKEWOOD AV E

ZONED: RS-3

PRESENT USE: residential

TRACT SIZE: 10419.59 SQ FT

LEGAL DESCRIPTION: LT 3 BLK 5, GLENHAVEN & GLENHAVEN AMD RESUB

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA- 17761; on 07.08.97 the Board **approved** a *special exception* to permit a lodge in an RM-1 district. Located; 5903 E. 9th St.

BOA-9091; on 06.17.76 the Board **approved** an *exception* to permit a home beauty shop. Located; 5904 E. 7th St.

BOA-2460; on 10.19.53 the Board **granted** permission to use the tract for lodge purposed. Located; 5929 E. 9th St.

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 residential uses on all sides.

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to permit a Bed & Breakfast in the existing house on the subject site. The request is to permit short-term (less than 30 days) lodging/rental on the site. Per the attached statement, no parties or special events will be held on the site; it appears that the site will be used for short-term lodging/rental only.

The following supplemental use regulations in **Section 40.060** apply to all bed and breakfast uses.

- Bed and breakfast are limited to a maximum of 12 guest rooms unless a lower limit is established by the board of adjustment as a condition of an approved special exception.
- The maximum length of stay for any guest is limited to 30 consecutive days.
- The owner/operator must maintain a register of bed and breakfast guests and on-site events for each calendar year and make the register available to city code enforcement upon request.
- Cooking facilities are prohibited in guest rooms.
- Signs are allowed in accordance with the sign regulations of the subject zoning district unless the board of adjustment establishes stricter conditions at the time of special exception approval.
- Public restaurants are prohibited. Meals may be served only to overnight guests and for on-site events expressly authorized by the board of adjustment at the time of special exception approval. The board of adjustment may authorize bed and breakfasts to be rented for events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc. The use of bed and breakfasts for on-site events requires ex-press authorization of the board of adjustment, in accordance with the special exception procedures of Section 70.120. As part of approval of the special exception, the board of adjustment is authorized to establish the maximum number of on-site events per year and the maximum number of guests per any single event, based on the availability of off-street parking and the facility's likely impacts on the area.

Sample Motion

Move to _____ (approve/deny) a Special Exception to allow a Bed and Breakfast (short-term rental) in an RS-3 district. (Section 5.020).

- 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.

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 730
Tuesday, July 8, 1997, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

FILE COPY

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle		Gardner	Ballentine, Code
Cooper		Beach	Enforcement
Dunham		Huntsinger	Parnell, Code
Turnbo			Enforcement
White, Chair			Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Thursday, July 3, 1997, at 2:13 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **CONTINUE** the minutes of June 24, 1997, (No. 729) to July 22, 1997.

Comments and Questions:

Mr. Beach stated that Case No. 17761 (Saba Grotto) was advertised as a special exception to allow a Lodge. However, the lodge was approved in 1953, Mr. Ballentine advised us that the Lodge was operating a bingo hall on the premises. The question at this point is whether or not the Bingo operation is an accessory use to the Lodge or a commercial Bingo operation? Mr. Beach requested the Board to determine if the Board has jurisdiction to hear this application. He explained that if the applicant is a commercial Bingo operation, then it is Use Unit 19 and is not permitted in the RM-1 district. The Board would not have jurisdiction if the Bingo operation was considered a commercial operation and a Use Unit 19. If the Board finds that the Bingo operation is an accessory use to the Lodge, then the application can be heard in its regular order today.

Mr. Ballentine stated that the complaint was an anonymous complaint with regards to the Bingo operation. Along with the complaint was included a copy of an advertisement advertising the Bingo operation and that it is open to the public.

Case No. 17761 (continued)

Mr. Gardner stated that some churches have Bingo every Friday night, which is an accessory use to the principal use because the principal use are the different church services held throughout the week and Sunday. The Board will need to determine if this is a private club, is the principal use or if the bingo hall is the principal use. The Bingo operation could be an accessory use to the private club if the Bingo operation is held only once a week. If this operation (bingo) is held several nights a week it is a commercial use and the Board has no jurisdiction in the matter.

Robert Howard, representing SABA Grotto, 15 West 6th Street, stated that SABA Grotto is an organization that is part of the Masonic Fraternity Organizations. He informed the Board that SABA Grotto is the current owner and occupant of the subject property, which has been in operation since 1953. He explained that Bingo is only four hours on Saturday nights, which would make it an accessory use to the principal function. The Bingo operation was for members only in the past, but recently the organization opened it up to the public in order to raise money for their charities.

In response to Mr. White, Mr. Howard explained that under the gaming law, the organization cannot vary from what has been approved by the State.

Chuck Davis, member representing SABA Grotto, stated that there is a regular meeting once a week and the organization meets two (2) or three (3) times a week for other reasons.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolze, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE**: Hearing Case No. 17761 in the order it appears on the Agenda.

UNFINISHED BUSINESS

Case No. 17736

Action Requested:

Variance of maximum permitted height for a ground sign from 40' to 60'. **SECTION 1221.D.1 USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**, located East of 165th East Avenue & Admiral Place.

Presentation:

The applicant, **Paul W. McKnight**, not present.

07:08:97:730(2)

Case No. 17760 (continued)

Comments and Questions:

Mr. Jackere informed the Board that they could act on the application without the applicant being present. He stated the Board could deny the application, because the Board would not be denying the application on any substantive issues, rather deny it for failure to appear. The applicant will have the opportunity to re-apply and notices will be sent out to the interested parties.

Mr. Beach informed the Board that the applicant has not advertised properly for an appeal, however he is advertised correctly for the variance requested. The applicant has asked the Board for an interpretation of the definition of a sign.

Mr. Jackere stated that the Board cannot make an interpretation, unless it is in an appeal. In this particular case the applicant does not have an appeal pending.

Mr. Gardner informed the Board that if they denied the application without prejudice, then the applicant can re-file for a variance.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-1 (Cooper, Dunham, Turnbo, White, "aye"; no "nays" Bolzle "abstention"; none "absent") to **DENY** the **Variance** of total wall signage as follows: E wall from 192 SF to 499 SF; N wall from 312 SF to 738 SF; W wall from 192 SF to 435 SF. **SECTION 1221.E.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**; finding that the applicant did not advertise correctly for an Appeal and that the applicant was not present for the hearing; on the following described property:

Lots 1 & 2, Block 3, Tommy Lee Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17761

Action Requested:

Special Exception to permit a lodge in an RM-1 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 5903 East 9th Street.

Presentation:

The applicant, **Charles P. Davis/ Saba Grotto**, represented by **Robert E. Howard**, 1500 Nations Bank Center, 15 West 6th Street, submitted a plat of survey (Exhibit E-1), zoning notice (Exhibit E-2) and literature regarding the organization (Exhibit E-4). Mr. Howard stated that the Saba Grotto helps with free dental work for handicapped children. This is the charity that Saba Grotto has undertaken as an organization and in order to offer the free dental care the club has to raise funds. The Saba Grotto organization started a Bingo operation through the Able Commission with a permit to operate on Saturday for four (4) hours in the evening. He explained that the lodge building has been used for over 40 years, but they recently moved the Bingo operation to the lodge. He requested the Board to approve the special exception to allow use of the lodge to conduct Bingo on Saturday evenings.

Comments and Questions:

Mr. Dunham asked the applicant to elaborate more with regard to the lodge and the Bingo operation? Mr. Howard stated that there are various meetings and activities that take place in the lodge. He explained that the organization meets approximately four (4) Wednesdays a month and two (2) Fridays a month. The lodge holds dances and other fraternal activities throughout the month. The Bingo operation is held only on Saturday evenings for four (4) hours, 6:00 p.m. to 10:00 p.m., which is restricted by the Able Commission. He explained that any changes in the hours and days will have to be approved by the Able Commission through application.

Mr. White asked the applicant if the organization has other fund raising activities that are conducted at the lodge? **Chuck Davis**, Treasurer of Saba Grotto, 1223 South 103rd East Avenue, stated that the organization does not have any other fund raisers other than Bingo on Saturday at this time. He explained that since 1949 the organization has been actively supporting cerebral palsy research and dentistry for the handicapped.

Mr. Dunham asked the applicant how long the Bingo operation has been conducted at the subject location? Mr. Davis stated that when the organization purchased the subject property in 1993, they were told that they had a special exception to allow a Bingo operation. He explained that the organization did not know that they were violating any ordinances. He stated that the organization has been playing Bingo at the subject property for two (2) years now.

Ms. Turnbo asked the applicant if the organization has luncheons, dinners, etc. during the month in the lodge? He answered affirmatively.

Mr. Cooper asked the applicant what the average attendance to the Bingo sessions are, Mr. Davis stated that the attendance runs usually between 70 and 80 people.

Case No. 17761 (continued)

Mr. Davis explained that when they have dinners and meetings, there are usually more people in attendance than the Bingo games.

Mr. Bolzle asked Mr. Davis how late the dinners last and meetings last? He stated that usually by 10:30 the dinners and meetings end.

Mr. Bolzle asked the staff what the least intensive zoning that would allow a Bingo use if it were not an accessory use? Mr. Beach stated that OMH would be the first zoning category that would allow a Bingo operation by exception and CS by right.

Mr. Beach read the definition of accessory use to the Board from the Zoning Code Book.

Mr. Cooper asked Mr. Davis if any of the neighbors to the subject property have ever complained of noise filtering out from the lodge associated with the Bingo operation? He stated that there have been no complaints of noise and there is no noise outside of the building. He described the subject property as a concrete block building and it does not have any windows.

Protestants:

The Board received a letter of protest (Exhibit E-3).

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** a **Special Exception** to permit a lodge in an RM-1 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; and it is the Board's finding that the charitable bingo, once a week on Saturday evening, no later than 11:00 p.m. is a use accessory to the lodge; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Lot 8, less N 63.1' & all Lots 9-11, and S 26' of Lot 12, Block 5, Glenhaven and Glenhaven Amended Resubdivision, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

9090 (continued)

be constructed at this time in order that they might be used for the tent for the 1977 Open, with the courts being completed after the golf tournament.

Protests: None

Interested Party:

John Sublett, attorney representing the property owner to the south, Bob Tyler, advised that his client had purchased his property and was concerned with the location of the lighted courts. Mr. Sublett then reviewed the plot plan with the applicant and it was pointed out that the proposed courts would be surrounded on three sides by existing courts.

Board Action:

On MOTION of SMITH, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for private club purposes and to permit the installation of two lighted tennis courts and a pro shop, per plot plan, in an RS-1 District on the following described tract:

A part of the N/2 of Section 5, Township 18 North, Range 13 East, Tulsa County, Oklahoma; more particularly described as follows: Beginning at a point 255' north and 258' west of the NE/c of Lot 4, Block 1, Vinson Addition; thence North 135'; thence West 195'; thence South 135'; thence East 195' to the point of beginning.

9091

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop in an RS-3 District located at 5904 East 7th Street.

Presentation:

Leta May, the applicant, was represented by her husband who submitted a plot plan (Exhibit "H-1"), advising that his wife is wishing to operate a beauty shop as a home occupation per the regulations of a home occupation. Upon questioning, he advised that they are planning to convert their garage into the shop and that they have a two-car driveway that can be utilized for the patrons' automobiles. She also would operate the shop five days per week.

Protests: None

Board Action:

On MOTION of SMITH, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop, the approval being

6.17.76:214(15)

9091 (continued)

granted to this applicant only, in an RS-3 District on the following described tract:

Lots 13 and 14, Block 5, Glen Haven Addition to the City of Tulsa, Oklahoma.

9092

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District) to locate a mobile home; a Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670) for a variance of the five acre minimum to permit a mobile home on a 2.3 acre tract; and a Minor Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630) for a variance of the lot area requirements to permit a lot-split (L-13732) in an AG District located southwest of 136th Street North and 95th East Avenue.

Presentation:

Mrs. J. D. Deason requested permission to locate a mobile home on the subject property until such time as a permanent residence can be constructed on the 2.3 acre tract. The Board was advised that 2.3 acres was all that could be purchased, that the sale was contingent upon the approval, and a variance of the five acre minimum was required.

The Staff pointed out that the lot-split had not yet been reviewed by the Planning Commission, due to the lack of a quorum on June 16, 1976.

Protests: None

Interested Party:

Connie Sexton, Route 3, Box 365, Collinsville, advised the Board that she owns property to the south of the subject tract. Mrs. Sexton advised that she was not objecting to the mobile home being placed on the property at the present time, but that she would like to see a time limit placed on the approval as the area is in a development stage and she felt that a mobile home being located in the area might devalue properties. She noted that she and her husband had trouble getting their home financed because of the mobile homes in the area.

Board Action:

On MOTION of PURSER, the Board (5-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District) to locate a mobile home for a period of three years; a Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670) for a variance of the five acre minimum to permit a mobile home on a 2.3 acre tract; and a Minor Variance (Section 330 - Bulk and Area Requirements in the Agriculture

6.17.76:214(16)

MINUTES OF THE REGULAR MEETING OF THE BOARD OF
ADJUSTMENT, MONDAY, OCTOBER 19, 1953.

PRESENT: Britton, Chairman; Davisson; Grubb; Lashley.

Case No. 2454-A
Barbra Srna
Lot 10, Block 5,
Maryland Gardens
Addition

This being the date set down for public hearing on the application of Barbra Srna for permission to erect a church on Lot 10, Block 5, Maryland Gardens Addition. There appeared several protestants. After considerable discussion it was,

MOVED by Grubb (Davisson) that this application be denied on the grounds that no sufficient plan was presented.
All members voting yea. Carried.

Case No. 2460-A
Chapter No. 500 Order
of the Eastern Star
S. 45' of Lot 3, All of
Lots 4, 5, 6, 7, 8, Block
4; Lots 7, 8, 9, 10, 11, &
S. 26' of Lot 12, Block
5, Glenhaven Addition
Resub.

This being the date set down for public hearing on the application of Chapter No. 500, Order of the Eastern Star for permission to use the South 45 feet of Lot 3, and all of Lots 4, 5, 6, 7, 8, Block 4; and Lots 7, 8, 9, 10, 11, and the South 26 feet of Lot 12, Block 5, Glenhaven Resubdivision for lodge purposes. There being no protest it was,

MOVED by Lashley (Grubb) that application be granted.
All members voting yea. Carried.

Case No. 2461-A
Lutheran Church
N. 150' of Block 17,
Riverview Village

This being the date set down for public hearing on the application of the Lutheran Church for permission to erect a church on the North 150 feet of Block 17, Riverview Village Addition. There being no protest it was,

MOVED by Lashley (Grubb) that application be granted.
All members voting yea. Carried.

Case No. 2465-A
Don E. Sullins
Lot 10, Block 17,
Oak Cliff Addition

Committee report on the application of Don E. Sullins for permission to erect a platform in the front yard out beyond swimming pool on Lot 10, Block 17, Oak Cliff Addition, recommending that applicant show plan to adjoining property owners.

MOVED by Lashley (Grubb) that the committee report be adopted and this matter carried over until the next meeting.
All members voting yea. Carried.

Case No. 2466-A
F. E. Bomar
Pt. Lot 4,
Clarence Lloyd Sub.

Committee report on the application of F. E. Bomar for permission to extend building 16 x 20 on rear of existing building on the West 69 feet of Lot 5, and South 15 feet of the West 69 feet of Lot 4, Clarence Lloyd Sub., except portion used for street purposes, recommending that this matter be carried over until the applicant can be present

MOVED by Grubb (Davisson) that the committee report be adopted and matter carried over until the next meeting.
All members voting yea. Carried.



0 Feet 200 400



Subject Tract

BOA-22485

19-13 03

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

Aerial Photo Date: February 2018





E7 STS

S LAKWOOD AVE

E9 STS

0 50 100
Feet



Subject
Tract

BOA-22485

19-13 03

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

Aerial Photo Date: February 2018

4.13



To: Board of Adjustments

From: Bobbie (Roberta) Brown

WSB Properties, LLC

RE: Permit for Airbnb Rental

714 South Lakewood Avenue

Housing out of town guests

No special events or parties will be allowed

I am applying for a special permit to operate an Airbnb at 714 South Lakewood Avenue.

No parties or special events will be booked at this property. The property will be marketed to the business traveler, concert goer, families here to attend weddings, funerals, loved ones in the hospital and events held all over Tulsa.

I have improved the property by doing a complete renovation. (Windows, electrical, plumbing, bathrooms, and upgraded flooring throughout). The property has plenty of parking with a double wide driveway. I have made a significant investment in the property and neighborhood.

The property is in a great location. Close to downtown, airport, BOK, Gilcrease, Phillbrook, Cherry Street, Route 66, Brady Theatre, PAC, Tulsa Ballet, Hillcrest and St John Hospitals. The list goes on and on. Tulsa has so much to offer.

The house will be properly owned and managed. My husband and I are successful business owners. We operate several Sonic Drive-Ins in Arkansas. We are very business minded and will operate and maintain the Airbnb as such. I have local cleaning and lawn care services to maintain the house. I have electrical, plumbing, and heat & air contractors available when those issues arise.

I was born and raised in Tulsa. I married and moved to Arkansas. However, I often travel back to visit family and friends. I attend events such as concerts at the BOK, events at PAC, Mayfest and 5K runs.

I purchased the house on Lakewood with the idea that it would be a great fixer upper and place for me and my family to stay when returning to Tulsa. Over the last several years, when I've traveled, I began staying in Airbnb properties. I love the experience of staying in a home. And it hit me, why don't I join the Airbnb movement. When I'm not here, I can rent out the home to travelers like myself.

Ulmer, Amy

From: Bobbie Brown <bobbie1855@icloud.com>
Sent: Tuesday, July 31, 2018 2:11 PM
To: Ulmer, Amy
Subject: BOA Case #BOA-22485

Photos of parking for
714 S Lakewood Ave
Tulsa, OK









Sent from my iPhone

Ulmer, Amy

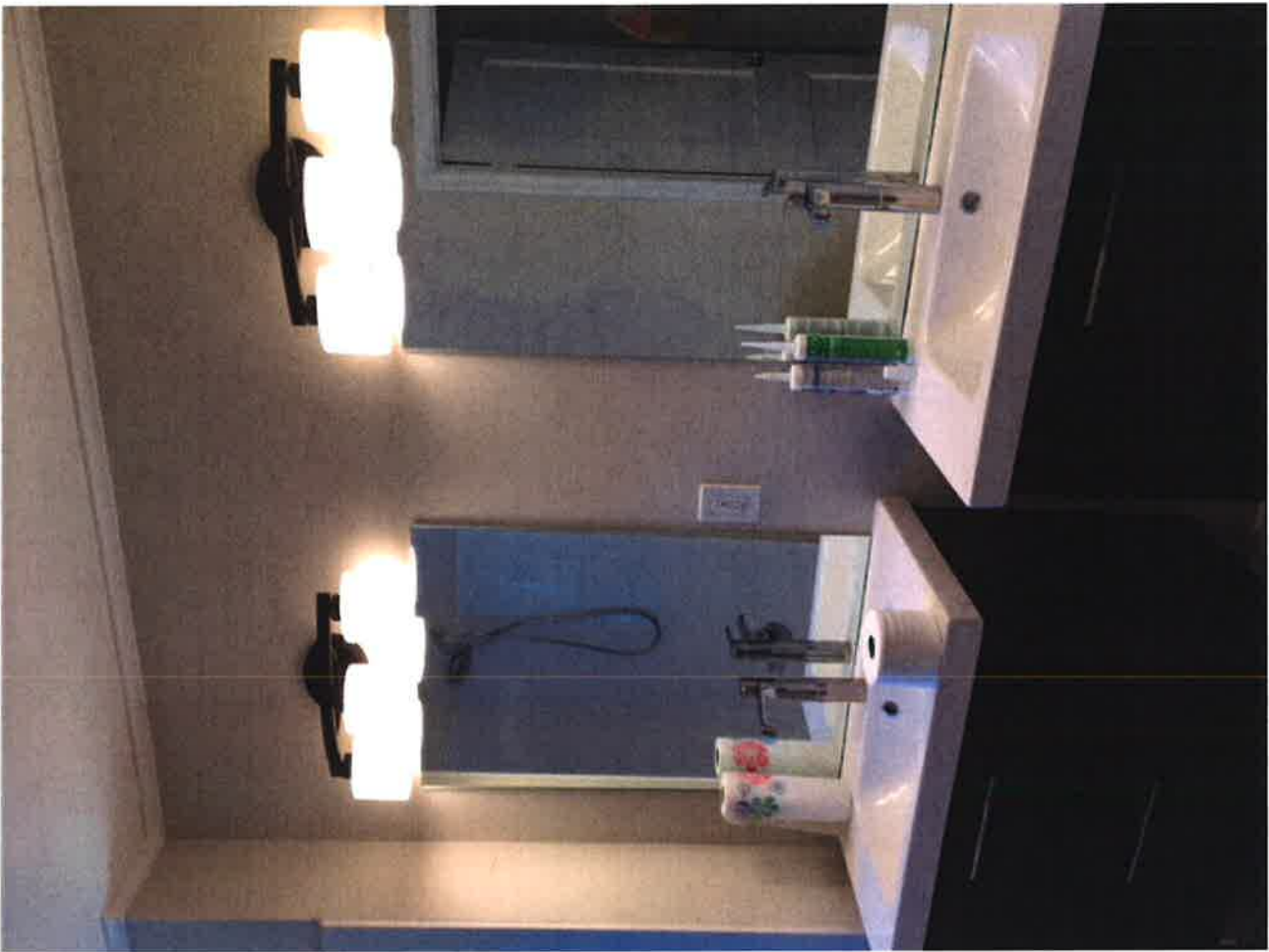
From: Bobbie Brown <bobbie1855@icloud.com>
Sent: Tuesday, July 31, 2018 2:19 PM
To: Ulmer, Amy
Subject: Case# BOA-22485

A few photos of the house before and after.





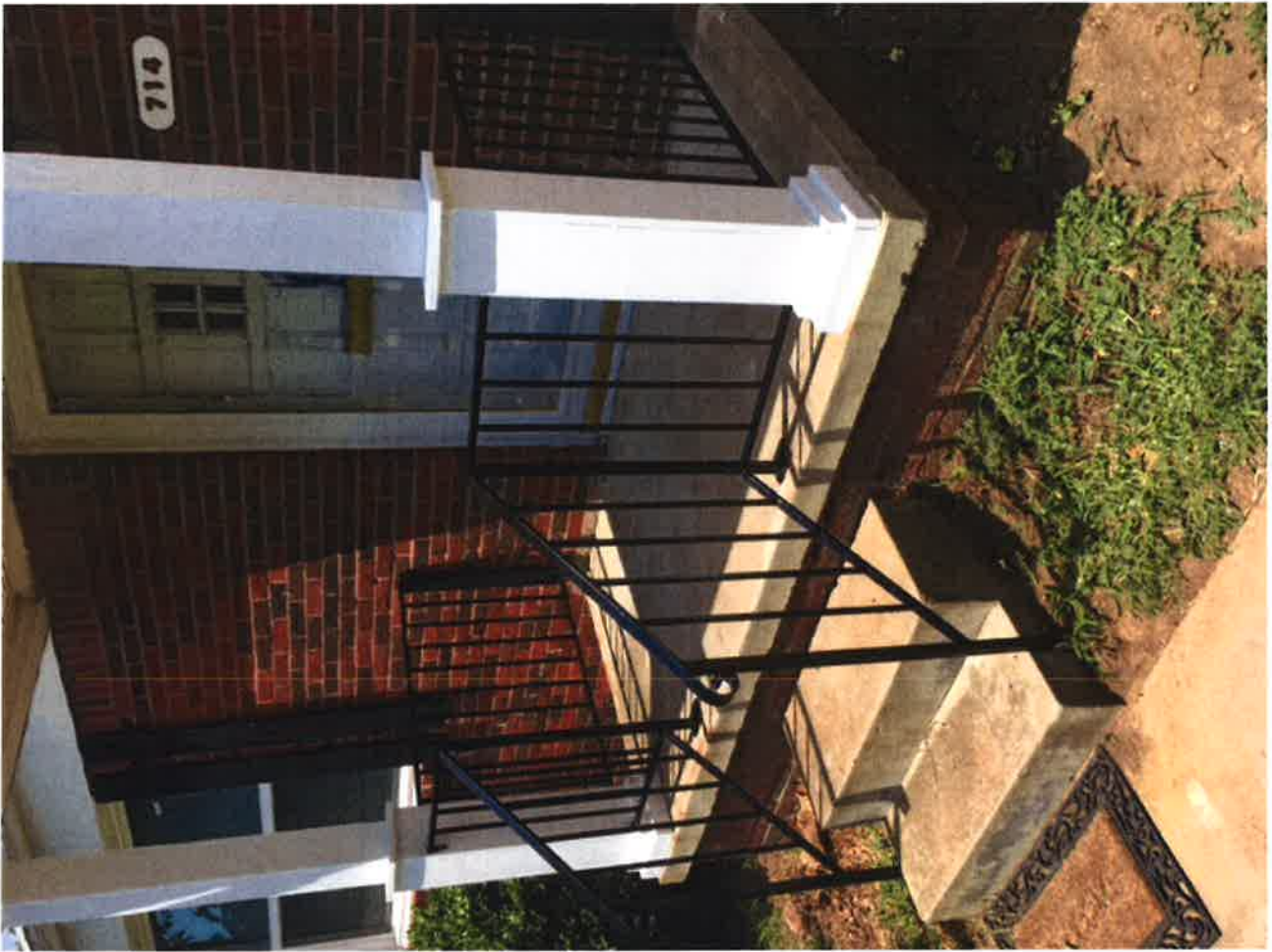


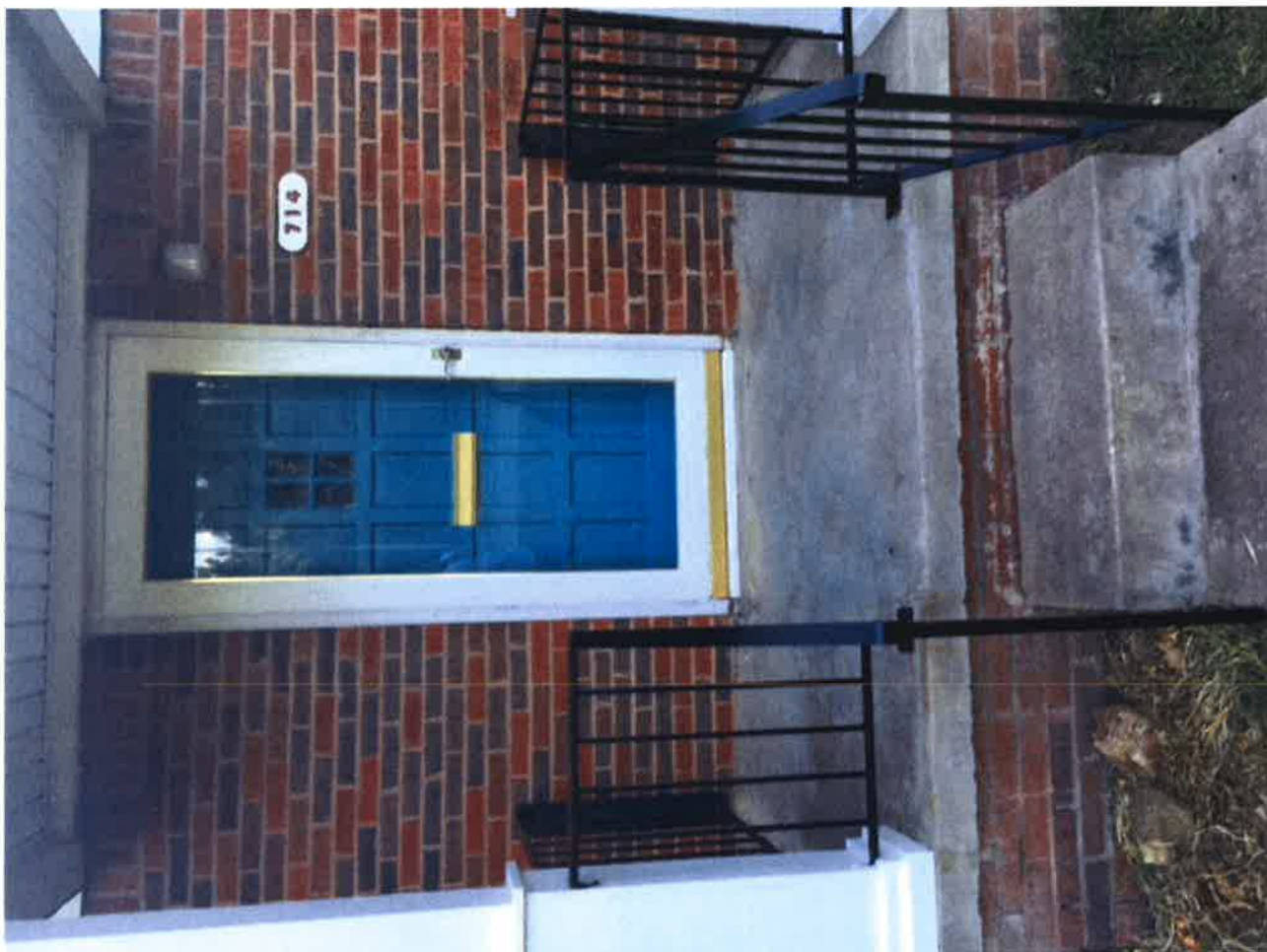












Sent from my iPhone

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: 1051306-1

February 02, 2018

ROBERTA BROWN
431 MANOR RD
PRESCOTT, AR 71857

Phone: (870)887-3430

APPLICATION NO: **9521** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **714 S LAKEWOOD AV E**
Description: **AIRBNB**

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. *Nikita*
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. 9521

714 S LAKEWOOD AV E

February 02, 2018

Note: Please direct all questions concerning special exceptions, platting and appeals of an administrative official decision and all questions regarding BOA application forms and fees to an INCOG representative at 918-584-7526. 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.35.050-G1: Your application is for a Bed & Breakfast which is located in an RS-3 zoning district. This use is allowed in the RS-3 district by Special Exception (*Table 5-2: R District Use Regulations*).

Review Comment: Submit a copy of the Special Exception reviewed and approved per *Sec.70.120* to allow a Bed & Breakfast in the RS-3 zoning district.

NOTE: The following supplemental use regulations of *Sec.40.060* apply to all bed and breakfast uses.

- **Sec.40.060-A:** Bed and breakfast are limited to a maximum of 12 guest rooms unless a lower limit is established by the board of adjustment as a condition of an approved special exception.
- **Sec.40.060-B:** The maximum length of stay for any guest is limited to 30 consecutive days.
- **Sec.40.060-C:** The owner/operator must maintain a register of bed and breakfast guests and on-site events for each calendar year and make the register available to city code enforcement upon request.
- **Sec.40.060-D:** Cooking facilities are prohibited in guest rooms.
- **Sec.40.060-E:** Signs are allowed in accordance with the sign regulations of the subject zoning district unless the BOA establishes stricter conditions at the time of Special Exception approval.
- **Sec.40.060-F:** Public restaurants are prohibited. Meals may be served only to overnight guests and for on-site events expressly authorized by the BOA at the time of Special Exception approval. The BOA may authorize bed and breakfasts to be rented for events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc. The use of bed and breakfasts for on-site events requires express authorization of the BOA, in accordance with the Special Exception procedures of *Sec.70.120*. As part of approval of the Special Exception, the BOA is authorized to establish the maximum number of on-site events per year and the maximum number of guests per any single event, based on the availability of off-street parking and the facility's likely impacts on the area.

2. Sec.70.080-B1b(5): In order to help ensure a proper arrangement of streets and the adequacy of open spaces for traffic, utilities and emergency vehicle access, commensurate with the intensification of land use customarily incident to a zoning map amendment, a platting requirement is established. Except as expressly stated in *Sec.70.080-B2*, no building permit or zoning clearance permit may be issued until that portion of the subject parcel for which the permit is sought has been granted a plat waiver (*Sec.70.080-B2a*), or has been included within a subdivision plat or replat (*Sec.70.080-B2b*) that has been submitted to and approved by the planning commission, and filed of record in the county clerk's office of the county

in which the property is located. This platting requirement applies to any property for which a special exception was approved for a Bed & breakfast.

Review comment: Submit a copy of a plat waiver, or a plat or replat that has been submitted to and approved by the planning commission, and filed of record in the county clerk's office of the county in which the property is located.

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.

BOARD OF ADJUSTMENT CASE REPORT

STR: 9408

Case Number: **BOA-22486**

CZM: 39

CD: 6

A-P#:

HEARING DATE: 08/14/2018 1:00 PM

APPLICANT: Claude Neon Federal Signs

ACTION REQUESTED: Special exception to allow a dynamic display in a RS-2 zoning district (Section 60.050.2.c)

LOCATION: 1808 S 123 AV E (overall parcel); 12121 E. 21st St. (East Central Junior High School)

ZONED: RS-2

PRESENT USE: school

TRACT SIZE: ± 19.23 acres

LEGAL DESCRIPTION: W/2 SW SE LESS S50 FOR ST & LESS BEG SWC LT 12 BLK 5 STACEY LYNN FOURTH TH W45 S10 E45 N10 POB SEC 8 19 14 19.23 ACS

RELEVANT PREVIOUS ACTIONS:

Subject Parcel – (both schools are located on the same parcel)

BOA-21435; on 07.10.12, the Board **approved** a variance of the requirement that illumination of a sign shall be constant light to permit an EMC on an existing sign for a school in the RS-3 district, per conceptual plans. Located: 12121E 21st St S (Cooper Elementary; north portion of site)

BOA-07359; on 03.16.72, the Board **approved** a *variance* to permit parking automobiles within 50 ft of the centerline of 21st Street, and a variance to permit new extension to align with existing school building. Located: 12121E 21st St S

BOA-04243; on 12.11.63, the Board **approved** a request to construct and operate a public school in a U-1-B District. Located: 12121E 21st St S

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 RS-3 zoning and residential uses with a elementary school located on the same parcel, to the north

STAFF COMMENTS:

According to the submitted site plan and drawings the proposed freestanding sign located in front of East Central Junior Highschool site will contain a 25.2 sq. ft. (3.5x7.2) dynamic display sign. The Code defines a dynamic display sign as a *sign capable of displaying words, symbols, figures, images or messages that can be electronically or mechanically changed by remote or automatic means. This also includes any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows a sign to present a series of images, messages or displays.*

Dynamic displays are prohibited in R districts except on a lot occupied by an allowed public, civic or institutional use; the Board is authorized to approve a special exception for the allowed freestanding sign to include a dynamic display. The permitted dynamic display in an R district is subject to the following regulations:

- (1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
- (2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
- (3) Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.
- (4) Dynamic displays are subject to the dynamic display regulations of Section 60.100.

The proposed freestanding sign with a dynamic display is located in an RS-2 zoning district. The applicant is requesting a **special exception** to allow a dynamic display in a RS-2 zoning district (Section 60.050.2.c).

Sample Motion

Move to _____ (approve/deny) a **Special Exception** to to allow a dynamic display in a RS-2 zoning district (Section 60.050.2.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.

a 2-story youth center building with a maximum building height of 35 feet (Section 603); Variance to waive the screening fence requirement along the east, west, and south property lines on subject site (Section 1303.E); Special Exception to allow use of up to 30 parking stalls on an off-site lot of record (Section 1301.D); Special Exception to allow use of up to 30 parking stalls in an RS-3 district (principle church parking lot) (Section 401); Special Exception to allow a 6 foot (cyclone) fence in a front yard for the easterly 220 feet of the site (Section 210.B) to the Board of Adjustment meeting on July 24, 2012; for the following property:

**LT 1 BLK 1, CARBONDALE ASSEMBLY OF GOD CHURCH PRT RSB RES A HILL
HAVEN ADD, HILL HAVEN ADDN, HILL HAVEN SECOND ADDN, MAY TERRACE,
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

* * * * *

UNFINISHED BUSINESS

FILE COPY

21435—Claude Neon Federal Signs

Action Requested:

Variance of the requirement that illumination of a sign shall be by constant light to permit an EMC on an existing sign for a school in the RS-3 district (Section 402.B.4); Variance from the 200 foot separation from an R district required for a digital sign (Section 1221.C.2.c); Variance of the requirement that EMC sign shall be located within 20 feet of the driving surface of a street (Section 1221.C.2.b). **LOCATION:** 12121 East 21st Street (CD 6)

Ms. Back stated the variance requests in this case have been advertised. Staff has determined that Section 1221 is not applicable in a residential district. A refund of \$200.00 has been requested by the applicant.

Presentation:

Gary Larsen, 1225 North Lansing, Tulsa, OK; stated he is representing Cooper Elementary School. All of Tulsa Public Schools are embedded in residential zoning, and this school wants to upgrade their messaging capabilities to the new digital technology.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

BOA-21435

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Stead absent) to **APPROVE** the request for a Variance of the requirement that illumination of a sign shall be by constant light to permit an EMC on an existing sign for a school in the RS-3 district (Section 402.B.4). Finding that the sign will be beneficial for transmitting information, i.e., safety issues, the weather conditions, school closings, school events, etc. and it has been the norm for schools around Tulsa for some time. This approval is with the conditions that the maximum hours of operation of the sign will be from 7:00 A.M. to 10:00 P.M. There will be no blinking, no flashing, no animation, no rolling and scrolling will be right to left only. This approval will be per conceptual plan on pages 2.8 and 2.9. This will be utilizing the existing sign and conceptual plans for size standards. 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:

W/2 SW SE LESS S50 FOR ST SEC 8 19 14, STACEY LYNN FOURTH, SHANNON PARK 4TH ADDN - WAINRIGHT SECTION, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

FILE COPY

21435—Claude Neon Federal Signs

Action Requested:

Request for a refund of \$200.00 for the Variance from the 200 foot separation from an R district required for a digital sign (Section 1221.C.2.c); Variance of the requirement that EMC sign shall be located within 20 feet of the driving surface of a street (Section 1221.C.2.b). **LOCATION:** 12121 East 21st Street **(CD 6)**

Presentation:

No presentation was made.

Interested Parties:

There were no interested parties present.

Comments and Questions:
None.

BOA-21435

FILE COPY

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Stead absent) to **APPROVE** the Request for a refund of \$200.00 for the Variance from the 200 foot separation from an R district required for a digital sign (Section 1221.C.2.c); Variance of the requirement that EMC sign shall be located within 20 feet of the driving surface of a street (Section 1221.C.2.b); finding that Section 1221 is not applicable in a residential district; for the following property:

W/2 SW SE LESS S50 FOR ST SEC 8 19 14, STACEY LYNN FOURTH, SHANNON PARK 4TH ADDN - WAINRIGHT SECTION, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21445—Claude Neon Federal Signs

Action Requested:

Variance of the requirement that illumination of a sign shall be by constant light to permit a digital sign on an existing sign for a school in the RS-3 district (Section 402.B.4.a); Variance of the maximum display surface area for a bulletin board sign from 32 square feet to 41 square feet in an RS-3 district (Section 402.B.4.a); Variance from the 200 foot separation from an R District required for a digital sign (Section 1221.C.2.c); Variance of the requirement that no digital sign shall be located within 20 feet of the driving surface of a street (Section 1221.C.2.b).

LOCATION: 1519 South Quincy Avenue (CD 4)

Ms. Back stated the variance requests in this case have been advertised. Staff has determined that Section 1221 is not applicable in a residential district. A refund of \$200.00 has been requested by the applicant.

Presentation:

Ed Horkay, Claude Neon Federal Signs, 1225 North Lansing, Tulsa, OK; stated he represents Marquette School and Christ the King Church. This variance request is for the client's sign on Quincy Avenue. The Marquette School and Christ the King property is surrounded by CS and OL zoning properties. The sign is 299 feet away from the closest residential area. The sign is also on a four-lane residential street as opposed to the typical two-lane residential street. The client is requesting a digital sign with a name on top of the sign which is in excess of the 32 square feet. The identity sign portion is 16 square feet, the message center is 21.55 square feet and the spacer in between is two square feet.

7359

Action Requested: Variance (Section 1130 - Setbacks - Under the Provisions of Section 1470) to permit parking automobiles within 90 feet of the centerline of 21st Street on a tract located at 12121 East 21st Street.

Presentation: Charles Harrington, representing Coleman-Ervin & Associates, architects, submitted a plot plan to the Board (Exhibit "C-1"), and stated that, if approved, the request would permit an addition to the school and 38 additional parking spaces which would align with the existing building and parking at Foster Junior High School.

Protests: None.

Board Action: On MOTION of JOLLY, the Board (3-0) approved a Variance (Section 1130 - Setbacks - Under the Provisions of Section 1470) to permit parking automobiles within 50 feet of the centerline of 21st Street, (Ordinance requires 60'), and Variance of (Section 430 - Bulk and Area Requirements in Residential Districts) to permit new extension to align with existing school building subject to the plot plan submitted, on the following described tract:

The S/2, W/2, SW/4, SE/4, of Section 8, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

7360

Action Requested: Variance (Section 610 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1470) to permit locating a mobile home in a CS District (no bond required) on a tract located south and west of Marshall Street and Mingo Road.

Presentation: James Cook, applicant, advised the Board that the subject tract is 180' x 155' in size. He stated that he is a mechanical contractor for heating and air conditioning and plans to erect a beauty shop in his spare time on the subject tract for his wife's use. The requested mobile home would serve both as living quarters for him throughout construction of the shop, as well as aid in security precautions. He estimated that the construction would be completed within 1 1/2 years and requested that the use be allowed for that length of time.

Remarks: Mr. Culver advised the Board that the City Commission has the authority to permit mobile homes to be located in such areas for security purposes on a temporary basis only (six months) during construction. He suggested

3.16.72:104(6)

5.8

No one appeared on behalf of the applicant. No protest was offered.

MOVED by Sublett (Shaul) that this application be approved.

All members voting yea.

Carried.

Case No. 4242-A

Independent School District No. 1, Tulsa County, Oklahoma
Part of the SE $\frac{1}{4}$ of Section 7-19-14

This being the date set down for public hearing on the application of Independent School District No. One, Tulsa County, Oklahoma for permission to construct and operate a public school in a U-1-B District on the following described property:

Point of beginning being more particularly described as follows: Beginning at the Southeast corner of the SE $\frac{1}{4}$ of Section 7, Township 19 North, Range 14 East, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof; thence due West and along the South line of said SE $\frac{1}{4}$ of Section 7 a distance of 983.72 feet to a point; thence due North a distance of 1152.81 feet to a point of beginning; thence due North from said point of beginning a distance of 481.95 feet to a point; thence Due West a distance of 615.53 feet to a point; thence along a curve to the left with a radius of 100 feet a distance of 192.02 feet to a point; thence South 20°-01' East a distance of 370.07 feet to a point; thence due West a distance of 582.82 feet to a point of beginning, and containing 7.298 acres more or less.

No one appeared on behalf of the applicant. No protest was offered.

MOVED by Sublett (Galbreath) that this application be approved.

All members voting yea.

Carried.

Case No. 4243-A

Independent School District No. 1, Tulsa County, Oklahoma
W $\frac{1}{2}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 8-19-14

This being the date set down for public hearing on the application of Independent School District No. One, Tulsa County, Oklahoma for permission to construct and operate a public school in a U-1-B District on the W $\frac{1}{2}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, of Section 8, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

No one appeared in behalf of the applicant. No protest was offered.

MOVED by Sublett (Galbreath) that this application be approved.

All members voting yea.

Carried.

Case No. 4156-A
Jennie Penuel
Lot 2, Block 7,
Villa Grove Gardens
Addition

Having filed a 100% petition of an affected area created by the Board - this being the date set down for public hearing on the application of Jennie Penuel for permission to operate a home beauty shop in a U-1-B District on Lot 2, Block 7, Villa Grove Gardens Addition. No one appeared in behalf of the applicant. No protest was offered.

MOVED by Galbreath (Sublett) that this application be approved.

All members voting yea.

Carried.

Case No. 4235-A
Billye Cedrone
Lot 5, Block 1,
Wagon Wheel Addition

Having filed a 100% petition of an affected area created by the Board - this being the date set down for public hearing on the application of Billye Cedrone for permission to operate a home beauty shop in a U-1-C District on Lot 5, Block 1, Wagon Wheel Addition. No one appeared in behalf of the applicant. No protest was offered.

MOVED by Galbreath (Sublett) that this application be approved.

All members voting yea.

Carried.

Case No. 4236-A
Harlis Martin
Lot 25, Block 1,
Southern Gardens
Addition

Having filed a 89% petition of an affected area created by the Board - this being the date set down for public hearing on the application of Harlis Martin for permission to operate a home beauty shop in a U-1-C District on Lot 25, Block 1, Southern Gardens Addition. There appeared Mr. Harlis Martin. No protest was offered.

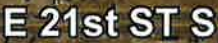
MOVED by Galbreath (Sublett) that this application be approved.

All members voting yea.

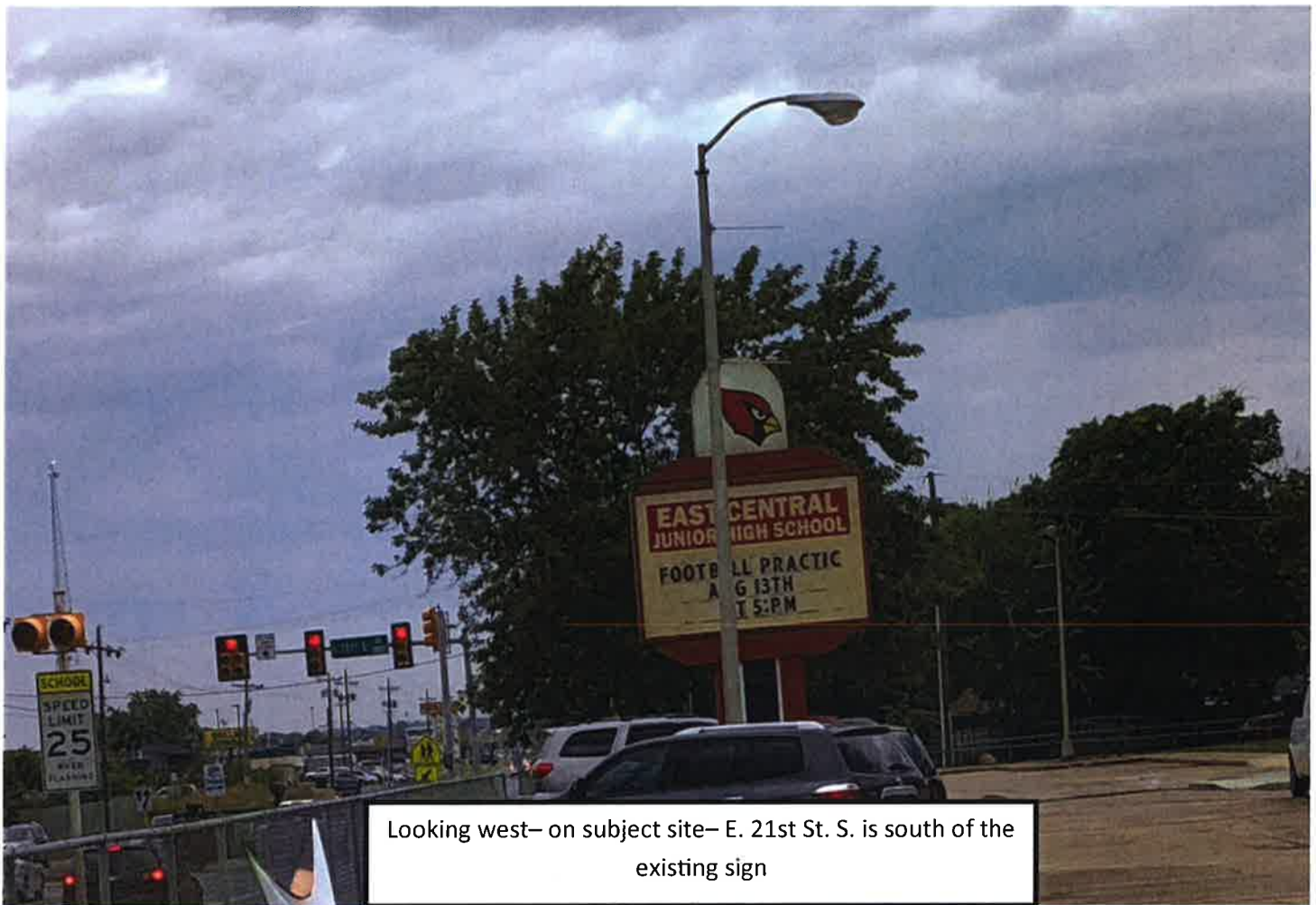
Carried.

Case No. 4237-A
Jess L. Olson
Lot 8, Block 3,
Robinwood Addition

Having filed a 100% petition of an affected area created by the Board - this being the date set down for public hearing on the application of Jess L. Olson for permission to operate a home beauty shop in a U-1-C District on Lot 8, Block 3, Robinwood Addition. There appeared Mr. Jess L. Olson. No protest was offered.



5.11



Looking west— on subject site— E. 21st St. S. is south of the existing sign



Looking west— on subject site— E. 21st St. S. is south of the existing sign





re-use existing mascot cabinet. Repaint and re-install

new ID top cabinet from steel angle frame with .063 aluminum skin. Paints Cardinal red to match 3M translucent vinyl overlay on face. Face is 3/16" white acrylic secured into cabinet with 1.5" retainers. Internally illuminated by white LEDs

3" reveal from pre-finished .063 black aluminum

new Optec 20mm RBG Display

sand and repaint existing pole cover, to match Cardinal red. Black and white vinyl overlay stripes added to each side

Total 38.81 sq. Ft.

24.48 sq. Ft.

EXISTING SIGN



These drawings are the exclusive property of Image Builders, and are the result of original work by it's employees. They are submitted for the sole purpose of your consideration of whether to purchase these plans, or to purchase from Image Builders. Signs manufactured in accordance to these plans. Distribution or utilization of these plans to others is expressly forbidden. © 2017 I.B.



IMAGE BUILDERS
image design • installation • maintenance • painting

☐ Approved as shown ☐ Approved as noted

X _____

Client Name _____

Date _____

PROJECT/CLIENT NAME:
East Central Junior High

LOCATION:
12121 E. 21st
Tulsa, OK

ACCOUNT EXECUTIVE:
JERRY COMPTON

DESIGNER:
JOE KESTERSON

DATE OF ORIGINAL DWG:
May 25, 2017

REVISION HISTORY:
05.25.17 UPDATE

SIGN TYPE/DESCRIPTION:
PRIMARY PYLON
IDENTIFICATION

SHEET NAME:
ST-1.0

h14

BOB KOLIBAS
SIGN PLANS EXAMINER
TEL (918)596-9664



DEVELOPMENT SERVICES
175 EAST 2ND STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

SIGN PLAN REVIEW

June 12, 2018

LOD Number: 1

Claude Neon Signs
1225 N. Lansing Ave
Tulsa OK 74106

Phone: (918)587-7171

APPLICATION NO: **SIGN-003196** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 12121 E. 21ST Street
Description: East Central Junior High School W/dynamic Display

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)

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 \$55 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 REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 WEST 2ND STREET, 8TH FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)

REVIEW COMMENTS

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

Application No. SIGN-003196

12121 E. 21st Street

June 12, 2018

This letter of deficiencies covers Sign Plan Review items only.

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

1.) Nonresidential Uses

The following regulations apply to all principal nonresidential uses in R districts and AG districts.

c. Dynamic Displays

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

- (1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
- (2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
- (3) Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.
- (4) Dynamic displays are subject to the dynamic display regulations of Section 60.100.

Review Comments: The proposed freestanding sign with a dynamic display is located in an RS-2 zoning district. You may pursue a special exception from the BOA to permit a 25.2 square foot dynamic display sign (3.5x7.2) located in an RS-2 zoning district for the East Central High School. **Note:** Please review conditions 1-4 that apply to dynamic display signs in R zoning districts.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application for a Sign Permit to our office 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.

END – ZONING CLEARANCE AND SIGN 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 CITY OF TULSA SIGN PERMIT.

BOARD OF ADJUSTMENT CASE REPORT

STR: 8311

Case Number: **BOA-22488**

CZM: 53

CD: 8

A-P#:

HEARING DATE: 08/14/2018 1:00 PM

APPLICANT: David Patz

ACTION REQUESTED: Special Exception to allow the driveway width to exceed 30ft on the lot and 20ft in the right-of-way in an RS-3 district (Sec.55.090-F.3)

LOCATION: 7426 E 77 ST S

ZONED: RS-3

PRESENT USE: residential

TRACT SIZE: 13329.41 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 7, SWEETBRIAR EAST EXT

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

BOA 10196; on 11.16.78, the Board approved a variance of the setback requirements from 25' to 21'. Located; NE/c of 77th St. & 74th E. Ave.

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 single-family residences.

STAFF COMMENTS:

6.2

The applicant is before the Board requesting a **Special Exception** to permit construction of a driveway greater than 30' in width on the lot (outside the right-of-way) and 20' within the right-of-way. A recent Code interpretation provided that the limitation on the maximum driveway width on the lot (outside the right-of-way) **shall only be applied to the portion of the driveway located with the street setback area**. Beyond the street setback, any applicable open space requirements will guide maximum lot coverage based on the size and location of buildings, driveways and parking areas on the lot.

The required street setback for an RS-3 zoned lot is 25 ft.; the driveway width within the 25-ft. street setback area is 37'-6" and exceeds the maximum allowed driveway width of 30ft. As shown on the attached plan the proposed driveway width within the right-of-way/to the curb is also 37'-6" and will exceed the 20ft driveway width requirement.

The driveway widths within the right-of-way and setback area exceeds the allowed driveway width in the RS-3 zoning district.

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:

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

Sample Motion

Move to _____ (approve/deny) a Special Exception to allow the driveway width to exceed 30ft on the lot and 20ft in the right-of-way in an RS-3 district (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.

10212

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1212 - Eating Places Other Than Drive-Ins - Section 1213 - Convenience Goods and Services - Section 1214 - Shopping Goods and Services) for permission to permit the following uses in an IL District: Eating Places Other Than Drive-Ins; Convenience Goods and Services; and Shopping Goods and Services at 3905 South Memorial Drive.

Presentation:

Mr. Jones advised that this Case had been continued in order to republish it. However, at this time, he has not heard from the applicant in Houston.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to continue Case No. 10212 to December 7, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

NEW APPLICATIONS:

10196

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 25' to 21' at the NE corner of 77th Street and 74th East Avenue.

Presentation:

Gary Wheeler, 4218 East 84th Place, presented a plot plan (Exhibit "E-1") and advised he held a contract to build a custom home on the corner lot. He wants to place the home on the lot to allow for a large back yard and in so doing will be encroaching on the 25' building line of the side yard.

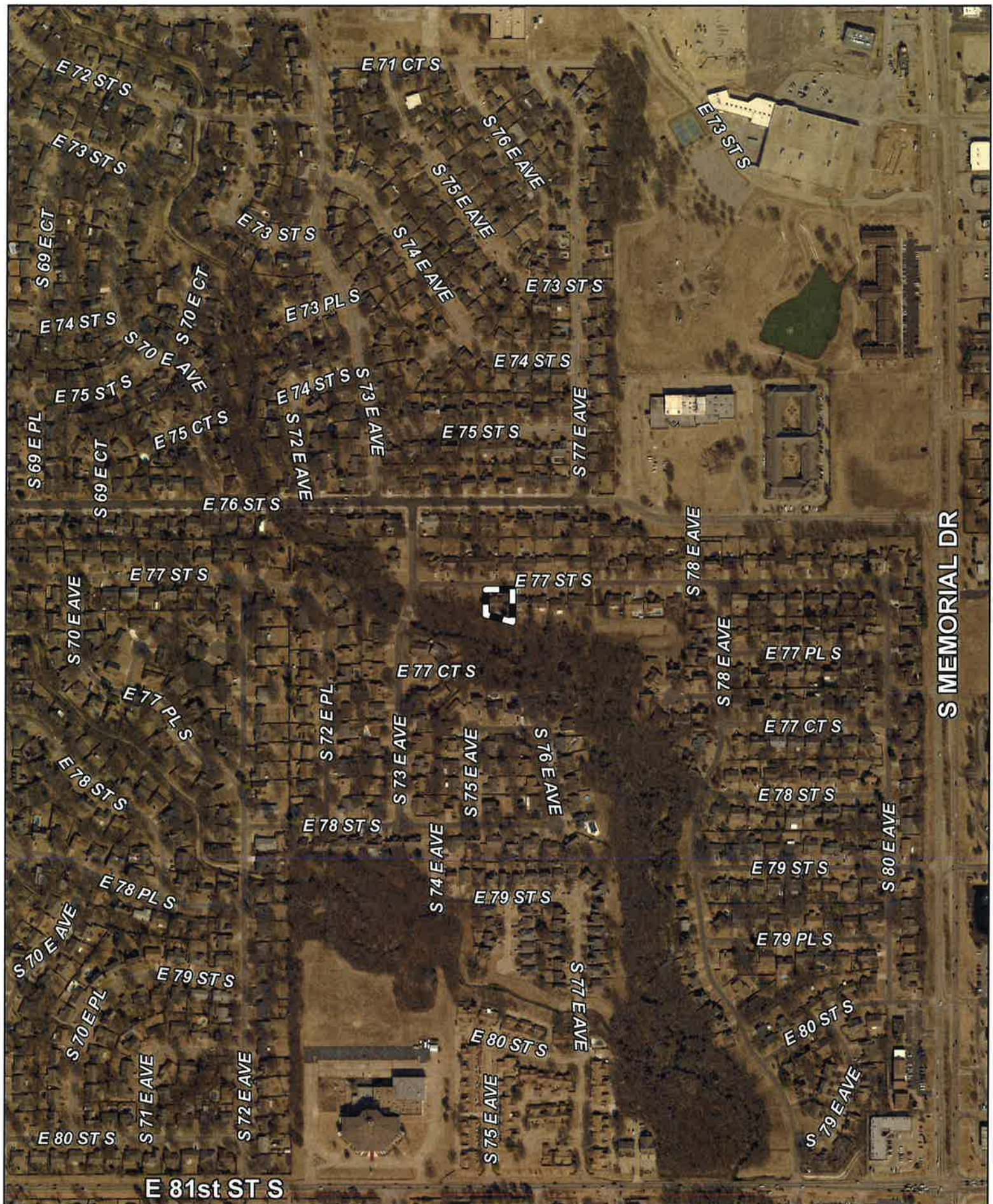
Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 25' to 21', per plot plan submitted, on the following described tract:

Lot 1, Block 8, Sweetbriar East Extended Addition to the City of Tulsa, Oklahoma.

11.16.78:273(5)



0 250 500
Feet



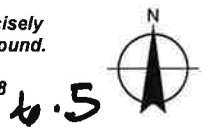
Subject
Tract

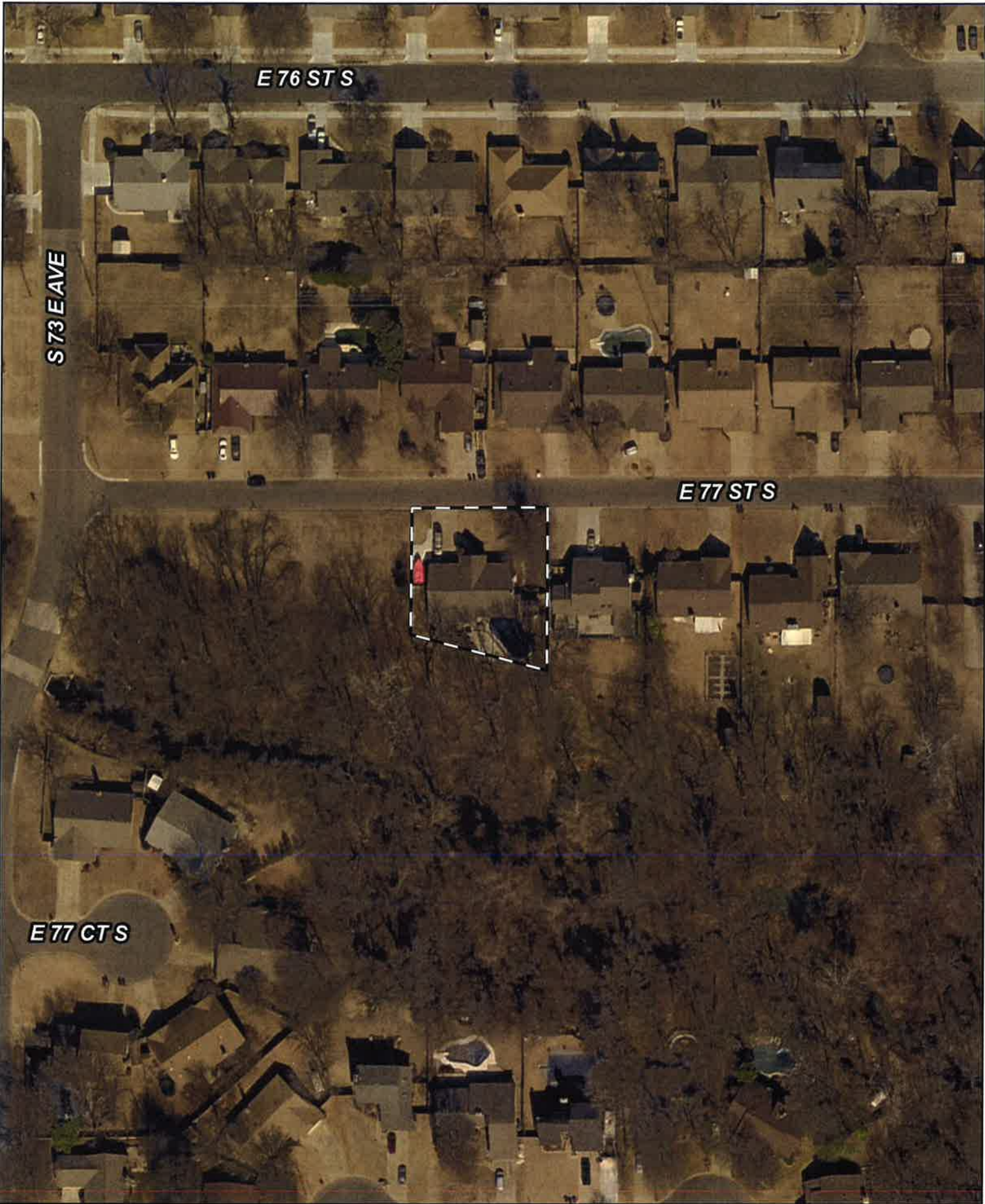
BOA-22488

18-13 11

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

Aerial Photo Date: February 2018





0 50 100
Feet



Subject
Tract

BOA-22488

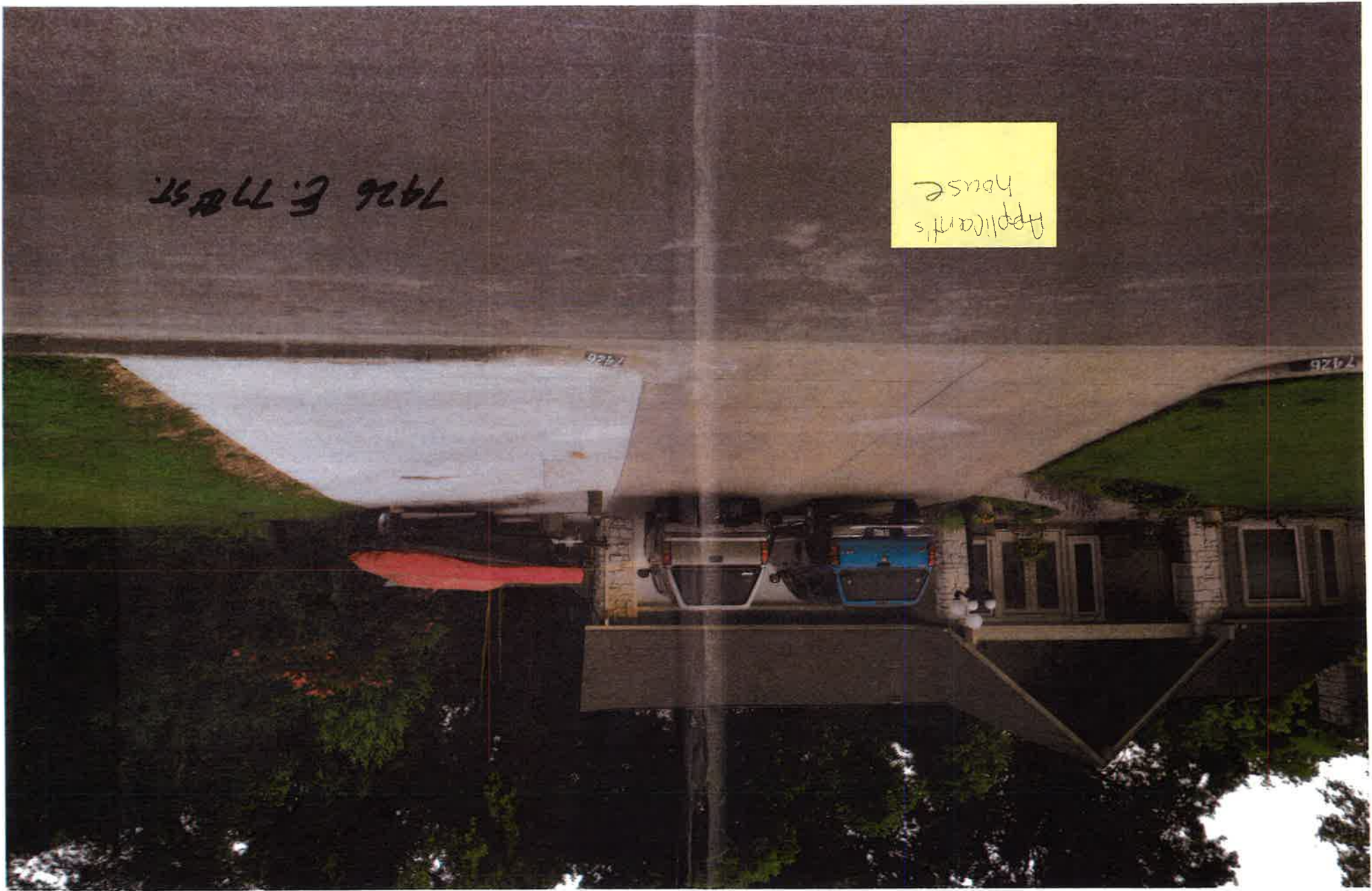
18-13 11

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

Aerial Photo Date: February 2018

6.6





7926 E. 77th St.

Applicant's house



Neighbor's
House

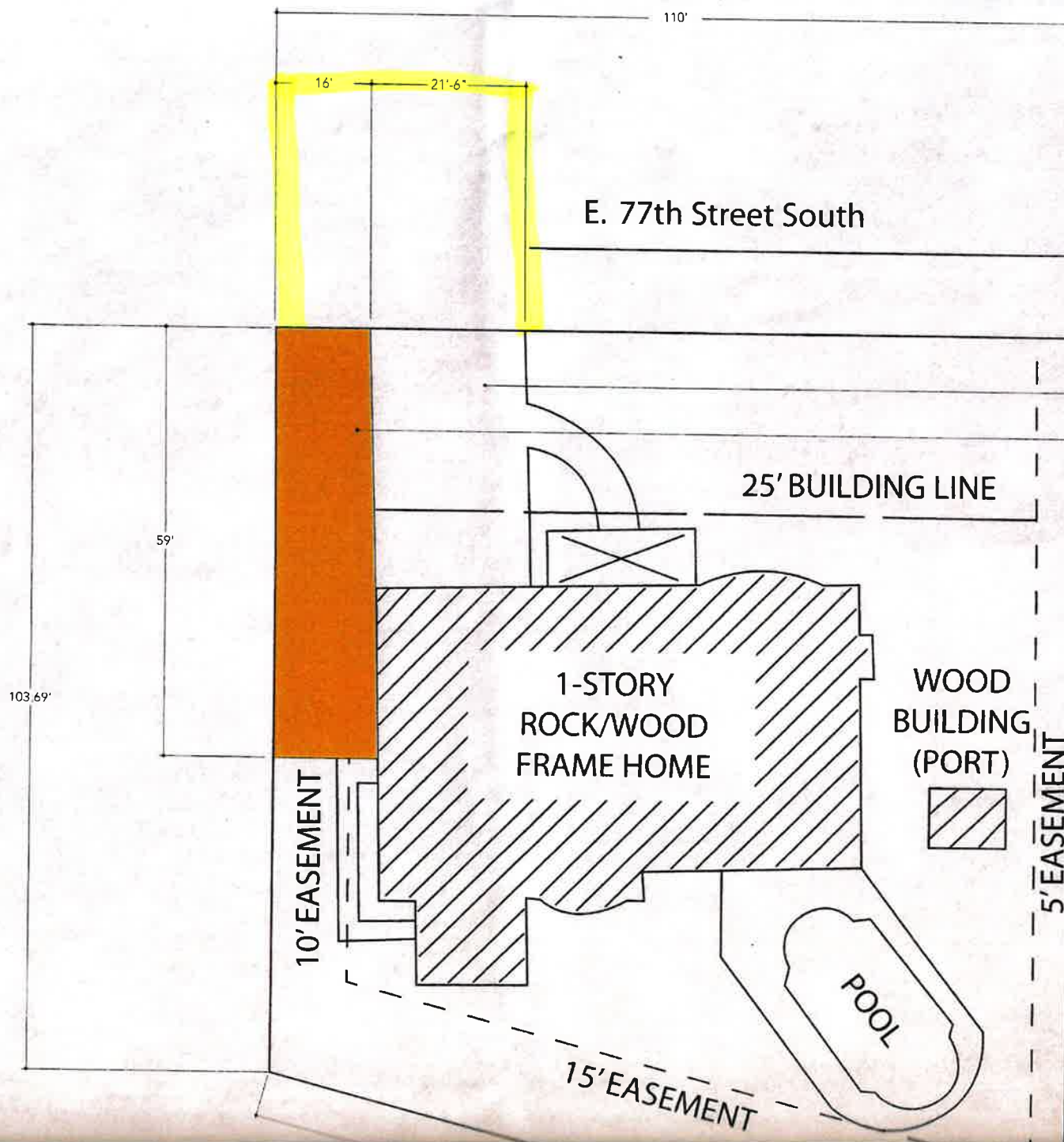
7508 E. 77th St.



7423 E. 77th St.



7426 E. 77th
TULSA, OK 74



EXISTING

ADDED

E 11.9

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

David Patz
7426 E 77 st s
Tulsa, OK. 74133

APPLICATION NO: ZCO-003400-2018 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location:
Description:

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 _____ 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

Application No. **BLDR-003400-2018**

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.

Your property line is approximately located 25' from the center of the street. You are proposing work both on your lot and in the Right-of-way.

55.090-F3 Surfacing. 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. Maximum Driveway Width in RS-1 is 20' within ROW and 30' outside of ROW on your lot.

Review Comments: The submitted site plan indicates a driveway width of more than 30' in width on the lot and more than 20' wide in ROW which exceeds the maximum allowable driveway width both within and outside of the ROW. Revise plans to indicate the driveway shall not exceed the maximum allowable width or apply to the BOA for a special exception, one for the driveway width within the ROW and also for the driveway width outside of the ROW.

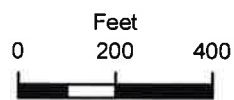
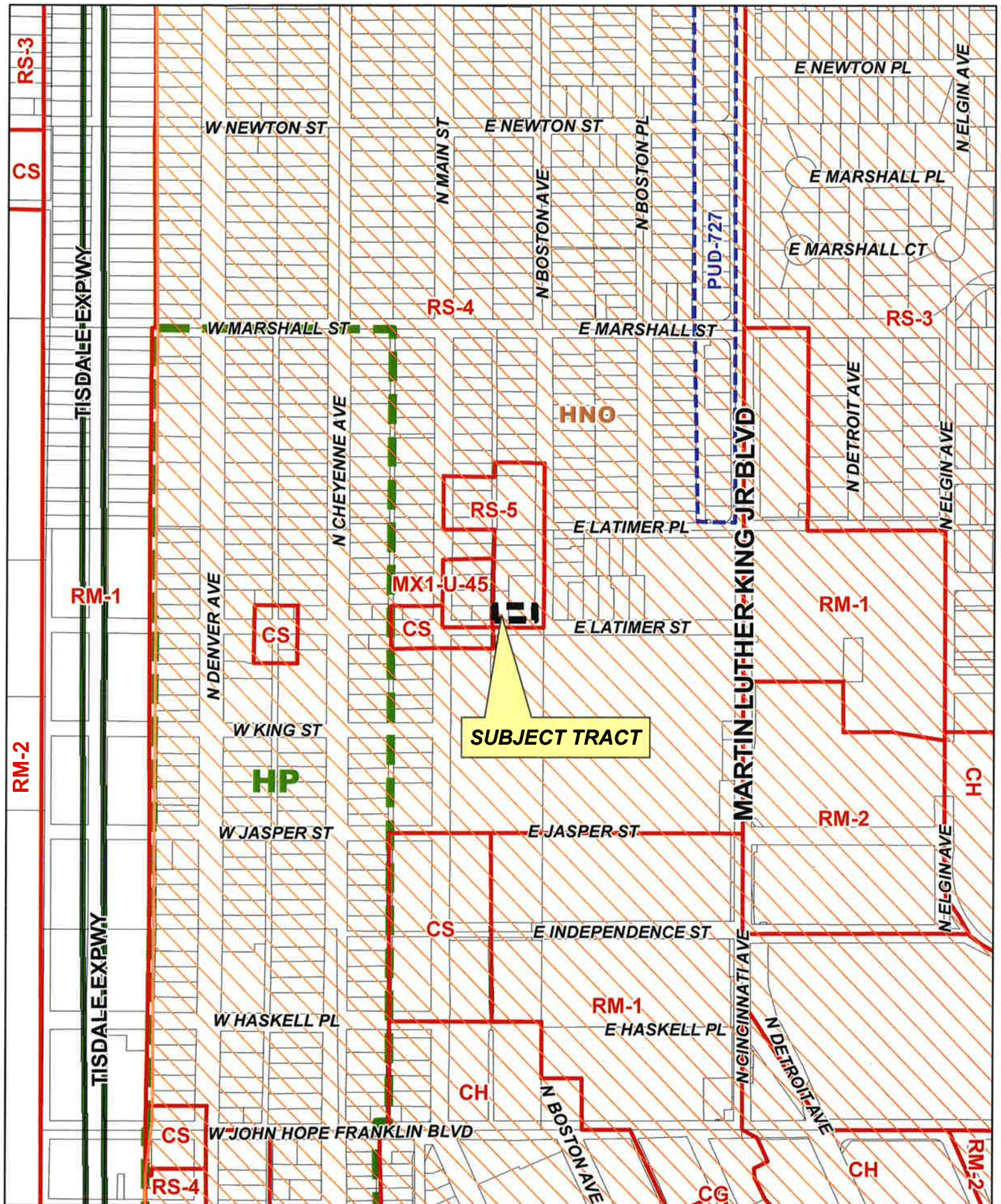
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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.



BOA-22489

20-12 35

7.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 157 Case Number: **BOA-22489**

CZM: 28

CD: 1

A-P#:

HEARING DATE: 08/14/2018 1:00 PM

APPLICANT: Tim Terral

ACTION REQUESTED: Variance to reduce the building street setback from 20 ft to 5 ft in an RS-5 district. (Section 5.030-A)

LOCATION: NW/c of E. Latimer St. & N. Boston Ave.

ZONED: RS-5

PRESENT USE: Residential

TRACT SIZE: 4116.44 SQ FT

LEGAL DESCRIPTION: LT 6 BLK 18, BURGESS HILL ADDN

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

Z-7427; on 12.6.17 the Planning Commission approved a rezoning from RM-3/CS/PUD-786 to MX1-U-45; per staff recommendation. Located; immediately to the east of the subject property. (plat waiver approved)

Subject Property:

Z-7426; on 12.6.17 the Planning Commission approved a rezoning from RM-3/CS/PUD-786 to RS-5, per staff recommendation. (plat waiver approved)

LS-21118, LS-21117& LC-994; on 3/7/18 the Planning Commission approved two lot-splits and a lot-combination for this property.

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

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 tract abuts RS-5 zoned lots to the north; RS-4 zoned lots to the east and south; and mixed- used zoned lots the west. The subject lot is within the Healthy Neighborhoods Overlay plan area.

STAFF COMMENTS:

As shown on the attached site plan, the applicant is proposing to construct a residence at the northwest corner NW/c of E. Latimer St. & N. Boston Ave. The proposed building will have a setback of 5 feet from E. Latimer St.

To permit the construction of the residence as proposed the applicant is before the Board requesting a **Variance** to reduce the building street setback in the RS-5 district from 20 feet to 5 feet E. Latimer St.

The applicant provided the following hardship statement: *"Lot 6/ Block 18 is part of Burgess Hill Addition (Plat No.15, recorded April 24, 1907) and has a lot width of 45 ft. Instituting the 20 ft. building setbacks off of North Boston Ave. and East Latimer St. and the 5 ft. internal side yard setback as required by the City of Tulsa Zoning Code, the developable area of the lot is only 20 ft. in width. Reducing the building setback off of E. Latimer to 5 ft. allows for a more workable developable area width of 35 ft. It should be noted that the building setbacks for the abutting property to the west (Lots 7-11/ Block 18, Burgess Hill Addition), currently zoned MX-1-U-45, have building setbacks abutting a public street of 0 ft.*

Sample Motion

Move to _____ (approve/deny) a Variance to reduce the building street setback from 20 ft to 5 ft in an RS-5 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.”



0 Feet 50 100



Subject
Tract

LC-994

20-12 35

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

Aerial Photo Date: February 2016



7.5



0 Feet 50 100



Subject
Tract

LS-21117

20-12 35

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

Aerial Photo Date: February 2016



7.6



0 Feet 50 100



Subject
Tract

LS-21118

20-12 35

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

Aerial Photo Date: February 2016



7.7

The Technical Advisory Committee met on November 16, 2017 and the following items were determined:

1. All required right-of-way has been dedicated and is in place.
2. Necessary easements and utilities are all in place and no additional easements will be needed at this time.
3. No further subdivision of the property is proposed at this time.
4. The property has a minor amount of floodplain present in the far northeast corner. Development will be restricted within the floodplain.

Staff recommends **approval** of the plat waiver with the following condition:
Per the Subdivision Regulations, plat waivers granted on unplatted properties will require the filing of a current ALTA/ACSM/NSPS survey with the County Clerk's office.

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**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **APPROVE** CZ-465 Plat Waiver per staff recommendation.

Items 28, 29, 30 and 31 were presented together.

28. Z-7426 Capital Homes Residential Group, LLC (CD 1) Location: Northwest corner of East Latimer Street and North Boston Avenue requesting rezoning from **RM-3/CS/PUD-786** to **RS-5** (Related to PUD-786-A, Z-7427 and Z-7426/Z-7427/PUD-786-A Plat Waiver)

STAFF RECOMMENDATION:

SECTION I: Z-7426

DEVELOPMENT CONCEPT:

The current zoning was a PUD prepared anticipating development of a senior living center however the center was never constructed. The site is immediately north of the Emmerson elementary site that is being renovated and expanded. The proposal is to construct detached houses on the original lot configuration.

DETAILED STAFF RECOMMENDATION:

Case Z-7426 requesting RS-5 zoning is consistent with the expected development pattern in the area and,

RS-5 zoning is non-injurious to the surrounding property owners and,

RS-5 zoning is consistent with the Tulsa Comprehensive Plan and,

RS-5 zoning is consistent with the Unity Heritage Neighborhoods Plan therefore,

Staff recommends Approval of Z-7426 to rezone property from RM-3, CS, PUD-786/ to RS-5.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The abandonment of the PUD and rezoning are consistent with the Existing Neighborhood designation in the Tulsa Comprehensive Plan and the rezoning request is consistent with the anticipated redevelopment of the area identified in the Unity Heritage Neighborhoods Plan.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

The Existing 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.

Areas of Stability and Growth designation: Area of Stability

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.

Transportation Vision:

Major Street and Highway Plan: None that affect the site.

Trail System Master Plan Considerations: None that affect the site

Sector Plan: Unity Heritage Neighborhoods Plan adopted November 2016

The neighborhood plan was recently adopted with seven goals in the implementation action matrix that are important to this redevelopment opportunity. Emerson school redevelopment was not specifically identified as a growth opportunity area however redevelopment of this school site along with Tulsa Development Authority collaboration has provided an opportunity to help transform and revitalize neighborhoods most impacted by vacancy or poor maintenance as identified in goal 3.

Special District Considerations: None

Historic Preservation Overlay:

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: All parcels included in the RS-5 zoning request are vacant. The lot configuration of the original Burgess Hill Addition has been manipulated over the years for purposes that are no longer valid. The developer has begun preparation of lot splits and lot combination to assemble the lots back to the original Burgess Hill lot configuration with an alley on the block.

Environmental Considerations: None that might affect site redevelopment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Boston Avenue	None	50 feet	2
East Latimer Street	None	50 feet	2
North Main Street	Residential Collector	60 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-4	Existing Neighborhood	Stability	Single Family Residential
East	RS-4	Existing Neighborhood	Stability	Single Family Residential
South	RS-4	Existing Neighborhood	Stability	Tulsa Public School Emmerson Elementary
West	RS-4/CS	Existing Neighborhood	Stability	3 story multifamily and single family residential

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11918 dated September 1, 1970, established zoning for the subject property.

Subject Property:

Z-7179 September 2011: All concurred in **approval** of a request for rezoning a 2.32± acre tract of land from RS-3/CS to RM-3/CS on property located north and east of the northeast corner of East Latimer Street and North Main Street on the subject property.

Z-7178 September 2011: All concurred in **approval** of a request for rezoning a .315± acre tract of land from RS-4 to RM-3/CS on property located north of the northeast corner of East Latimer Street and North Main Street on the subject property.

PUD-786 September 2011: All concurred in **approval** of a proposed Planned Unit Development on a 2.63± acre tract of land for on property located north and east of the northeast corner of East Latimer Street and North Main Street on the subject property.

Z-6373 October 1992: All concurred in **approval** of a request for rezoning a 195± acre tract of land from RM-2 to RS-4 on property located north of the northeast corner of East Latimer Street and North Main Street on the subject property as part of a larger blanket rezoning study.

Surrounding Property:

PUD-727 March 2006: All concurred in **approval** of a request for rezoning a 7.6± acre tract of land from RS-4 to RS-4/PUD-727 on property fronting North Cincinnati Avenue between East Oklahoma Street and East Latimer Place, east of the subject property.

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**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **APPROVE** Z-7426 rezoning from RM-3/CS/PUD-786 to RS-5 per staff recommendation.

Legal Description of Z-7426:

ALL OF LOTS ONE (1) THROUGH SIX (6), IN BLOCK EIGHTEEN (18), BURGESS HILL ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.
AND

ALL OF LOTS FOUR (4) THROUGH SEVEN (7), BLOCK EIGHT (8), POWDER AND POMEROY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF;
AND

ALL OF LOTS THREE (3) THROUGH SEVEN (7), BLOCK FOUR (4), POWDER AND POMEROY SECOND ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF;
AND

A TRACT OF LAND BEING A PART OF A VACATED ALLEY IN BLOCK EIGHTEEN (18), BURGESS HILL ADDITION AND BLOCK EIGHT (8), POWDER AND POMEROY ADDITION AND BLOCK FOUR (4), POWDER AND POMEROY SECOND ADDITION, ALL IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLATS THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT THREE (3), BLOCK FOUR (4), POWDER AND POMEROY SECOND ADDITION; THENCE SOUTH 01°04'54" EAST AND ALONG THE WEST LINE OF SAID BLOCK 4 IN POWDER AND POMEROY ADDITION AND THE WEST LINE OF LOTS 1 THROUGH 6, BLOCK 18 IN BURGESS HILL ADDITION, FOR A DISTANCE OF 513.40 FEET TO THE SOUTHWEST CORNER OF LOT 6, IN SAID BLOCK 18; THENCE SOUTH 88°55'06" WEST AND PERPENDICULAR TO SAID WEST LINE, FOR A DISTANCE OF 14.00 FEET TO THE SOUTHEAST CORNER OF LOT 7, IN SAID BLOCK 18; THENCE NORTH 01°04'54" WEST AND ALONG THE EAST LINE OF LOTS 7 THROUGH 10, IN SAID BLOCK 18,



0 50 100
Feet



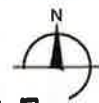
Subject
Tract

Z-7426

20-12 35

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

Aerial Photo Date: February 201



7.13

FOR A DISTANCE OF 195.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 10, BLOCK 18; THENCE NORTH 88°55'06" WEST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 7.00 FEET TO THE SOUTHEAST CORNER OF LOT 7, BLOCK 8, POWDER AND POMEROY ADDITION; THENCE NORTH 01°04'54" WEST AND ALONG THE EAST LINE OF LOTS 5 THROUGH 7, IN SAID BLOCK 8 FOR A DISTANCE OF 128.00 FEET TO THE NORTHEAST CORNER OF LOT 5, SAID BLOCK 8; THENCE NORTH 88°55'06" EAST AND PERPENDICULAR TO THE EAST LINE OF SAID BLOCK 8 FOR A DISTANCE OF 7.00 FEET; THENCE NORTH 01°04'54" WEST AND PARALLEL WITH SAID EAST LINE, FOR A DISTANCE OF 92.00 FEET; THENCE NORTH 88°55'06" EAST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 7.00 FEET TO THE POINT OF BEGINNING;

29. Z-7427 Capital Homes Residential Group, LLC (CD 1) Location: Northeast corner of North Main Street and East Latimer Street requesting rezoning from **RM-3/CS/PUD-786-A** to **MX2-U-45** (Related to PUD-786-A, Z-7427 and Z-7426/Z-7427/PUD-786-A Plat Waiver)

STAFF RECOMMENDATION:

SECTION I: Z-7427

DEVELOPMENT CONCEPT:

The current zoning was a PUD which was prepared anticipating development of a senior living center however the center was never constructed. The site is immediately north of Tulsa public school (Emerson elementary) that is being renovated and expanded. The application submitted includes proposal for MX2 zoning district however our correspondence seems to reference MX-1 zoning as recommended by staff. MX1-U-45 will replace CS zoning at the southwest corner of the PUD. MX-1 uses are intended to accommodate small scale retail, service, and dining uses that serve nearby residential neighborhoods. The district also allows a variety of residential uses and building types.

DETAILED STAFF RECOMMENDATION:

After several meetings with staff the applicant submitted a request for MX2 zoning. As the project concept has refined we have had further discussions with the applicant and determined that MX1 is the appropriate request at this location and still supports the goals of the Tulsa Development Authority and the developer.

Case Z-7427 requesting MX2-U-45 zoning may allow some uses that are not consistent with the expected development pattern in the area however MX1-U-45 removes those concerns and,

MX1-U-45 zoning is non-injurious to the surrounding property owners and,

MX1-U-45 zoning is consistent with the Tulsa Comprehensive Plan and,

MX1-U-45 zoning is consistent with the Unity Heritage Neighborhoods Plan therefore,

Staff recommends Approval of Z-7427 to rezone property from RM-3,CS to MX1-U-45.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The abandonment of the PUD and rezoning are consistent with the Existing Neighborhood designation in the Tulsa Comprehensive Plan and the rezoning request is consistent with the anticipated redevelopment of the area identified in the Unity Heritage Neighborhoods Plan.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

The Existing 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.

Areas of Stability and Growth designation: Area of Stability

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.

Transportation Vision:

Major Street and Highway Plan: None that affect the site.

Trail System Master Plan Considerations: None that affect the site

Sector Plan: Unity Heritage Neighborhoods Plan adopted November 2016

The neighborhood plan was recently adopted with seven goals in the implementation action matrix that are important to this redevelopment opportunity. Emerson school redevelopment was not specifically identified as a growth opportunity area however redevelopment of this school site along with Tulsa Development Authority collaboration has provided an opportunity to help transform and revitalize neighborhoods most impacted by vacancy or poor maintenance as identified in goal three.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: Two of the lots contained in the MX1-U zoning recommendation contain single family residential homes, two lots are vacant. All parcels included in the abutting RS-5 zoning request are vacant. The lot configuration of the original Burgess Hill Addition is largely the same as originally platted. The developer has begun preparation of lot splits and lot combination to reconfigure the lots back to the original Burgess Hill lot configuration. The plat was filed in 1909 with lots that are consistent with MX1-U zoning lot and building regulations and with the concurrent RS-5 zoning request abutting this site.

Environmental Considerations: None that might affect site redevelopment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Boston Avenue	None	50 feet	2
East Latimer Street	None	50 feet	2
North Main Street	Residential	60 feet	2

	Collector		
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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	RS-4	Existing Neighborhood	Stability	Single Family Residential
East	RS-4	Existing Neighborhood	Stability	Single Family Residential
South	RS-4	Existing Neighborhood	Stability	Tulsa Public School Emmerson Elementary
West	RS-4/CS	Existing Neighborhood	Stability	3 story multifamily and single family residential

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11918 dated September 1, 1980, established zoning for the subject property.

Subject Property:

Z-7179 September 2011: All concurred in **approval** of a request for rezoning a 2.32± acre tract of land from RS-3/CS to RM-3/CS on property located north and east of the northeast corner of East Latimer Street and North Main Street on the subject property.

Z-7178 September 2011: All concurred in **approval** of a request for rezoning a .315± acre tract of land from RS-4 to RM-3/CS on property located north of the northeast corner of East Latimer Street and North Main Street on the subject property.

PUD-786 September 2011: All concurred in **approval** of a proposed Planned Unit Development on a 2.63± acre tract of land for on property located north and east of the northeast corner of East Latimer Street and North Main Street on the subject property.

Z-6373 October 1992: All concurred in **approval** of a request for rezoning a 195± acre tract of land from RM-2 to RS-4 on property located north of the northeast corner of East Latimer Street and North Main Street on the subject property as part of a larger blanket rezoning study.

Surrounding Property:

PUD-727 March 2006: All concurred in **approval** of a request for rezoning a 7.6± acre tract of land from RS-4 to RS-4/PUD-727 on property fronting North Cincinnati Avenue between East Oklahoma Street and East Latimer Place, east of the subject property.

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**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **APPROVE** Z-7427 rezoning from RM-3/CS/PUD-786-A to MX1-U-45 per staff recommendation.

Legal Description of Z-7427:

LT 10 BLK 18; LT-9-BLK-18; LT-8-BLK-18; W/2 LT 7 BLK-18; E/2 LT 7 BLK 18, BURGESS HILL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

30. **PUD-786-A Capital Homes Residential Group, LLC** (CD 1) Location: Northwest corner of East Latimer Street and North Boston Avenue requesting to **Abandonment of PUD-786-A** (Related to Z-7426, Z-7427 and Z-7426/Z-7427/PUD-786-A Plat Waiver)

STAFF RECOMMENDATION:

SECTION I: PUD-786-A

ALL IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLATS THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AND

ALL OF LOTS THREE (3) THROUGH SEVEN (7), BLOCK FOUR (4), POWDER AND POMEROY SECOND ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

AND

A TRACT OF LAND BEING A PART OF A VACATED ALLEY IN BLOCK EIGHTEEN (18), BURGESS HILL ADDITION AND BLOCK EIGHT (8), POWDER AND POMEROY ADDITION AND BLOCK FOUR (4), POWDER AND POMEROY SECOND ADDITION, ALL IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLATS THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT THREE (3), BLOCK FOUR (4), POWDER AND POMEROY SECOND ADDITION; THENCE SOUTH 01°04'54" EAST AND ALONG THE WEST LINE OF SAID BLOCK 4 IN POWDER AND POMEROY ADDITION AND THE WEST LINE OF LOTS 1 THROUGH 6, BLOCK 18 IN BURGESS HILL ADDITION, FOR A DISTANCE OF 513.40 FEET TO THE SOUTHWEST CORNER OF LOT 6, IN SAID BLOCK 18; THENCE SOUTH 88°55'06" WEST AND PERPENDICULAR TO SAID WEST LINE, FOR A DISTANCE OF 14.00 FEET TO THE SOUTHEAST CORNER OF LOT 7, IN SAID BLOCK 18; THENCE NORTH 01°04'54" WEST AND ALONG THE EAST LINE OF LOTS 7 THROUGH 10, IN SAID BLOCK 18, FOR A DISTANCE OF 195.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 10, BLOCK 18; THENCE NORTH 88°55'06" WEST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 7.00 FEET TO THE SOUTHEAST CORNER OF LOT 7, BLOCK 8, POWDER AND POMEROY ADDITION; THENCE NORTH 01°04'54" WEST AND ALONG THE EAST LINE OF LOTS 5 THROUGH 7, IN SAID BLOCK 8 FOR A DISTANCE OF 128.00 FEET TO THE NORTHEAST CORNER OF LOT 5, SAID BLOCK 8; THENCE NORTH 88°55'06" EAST AND PERPENDICULAR TO THE EAST LINE OF SAID BLOCK 8 FOR A DISTANCE OF 7.00 FEET; THENCE NORTH 01°04'54" WEST AND PARALLEL WITH SAID EAST LINE, FOR A DISTANCE OF 92.00 FEET; THENCE NORTH 88°55'06" EAST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 7.00 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 114,586.79 SQUARE FEET, OR 2.631 ACRES MORE OR LESS.

31. Z-7426/Z-7427/PUD-786-A Plat Waiver (CD 1) Location: Northeast corner of North Main Street and East Latimer Street (Related to Z-7426, Z-7427 and PUD-786-A)

STAFF RECOMMENDATION:

The platting requirement for this property is being triggered by a rezoning request (Z-7426 & Z-7427) and an abandonment of an existing Planned Unit Development. The property is currently zoned RM-3 and CS. The property owner has proposed RS-5 on the majority of the property with MX2-U-45 at the hard corner of E Latimer St. & N. Main St. The intent of the zoning change is to

12:06:17:2759(48)

align the zoning with the underlying plat and ensure conformance of lots for single-family residential uses.

The Technical Advisory Committee met on November 16, 2017 and the following items were determined:

1. The property is previously platted under the Burgess Hill and Pouder & Pomeroy subdivision plats. The existing plats align with the proposed zoning and comply with all lot requirements.
2. Utilities are all available and no main line extensions are required.
3. Required right-of-way dedications have all been made by previous plat.
4. Lots proposed for MX zoning will be required to be combined if development is proposed across current lot lines.
5. Detention easements may be required by the City of Tulsa at the time of development.

Staff recommends **approval** of the plat waiver.

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**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **APPROVE Z-7426/Z-7427/PUD-786-A Plat Waiver** per staff recommendation.

32. Z-7410 Tanner Consulting, INC/Erik Enyart (CD 8) Location: North of the northeast corner of South Delaware Avenue and East 116th Street South requesting rezoning from **AG/RDO-3** to **RS-3/RDO-3** with optional development plan.

STAFF RECOMMENDATION:

SECTION I: Z-7410

APPLICANTS DEVELOPMENT CONCEPT:

Development plans are required with some property owner-initiated rezoning and are optional with other property owner initiated rezoning. The purpose is to depict a property owner's generalization plan for the type, amount and character of development proposed on the subject property. By providing certainty about

12:06:17:2759(49)



0 200 400
Feet



Subject
Tract

BOA-22489

20-12 35

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

Aerial Photo Date: February 2018

7.21





0 Feet 50 100



Subject Tract

BOA-22489

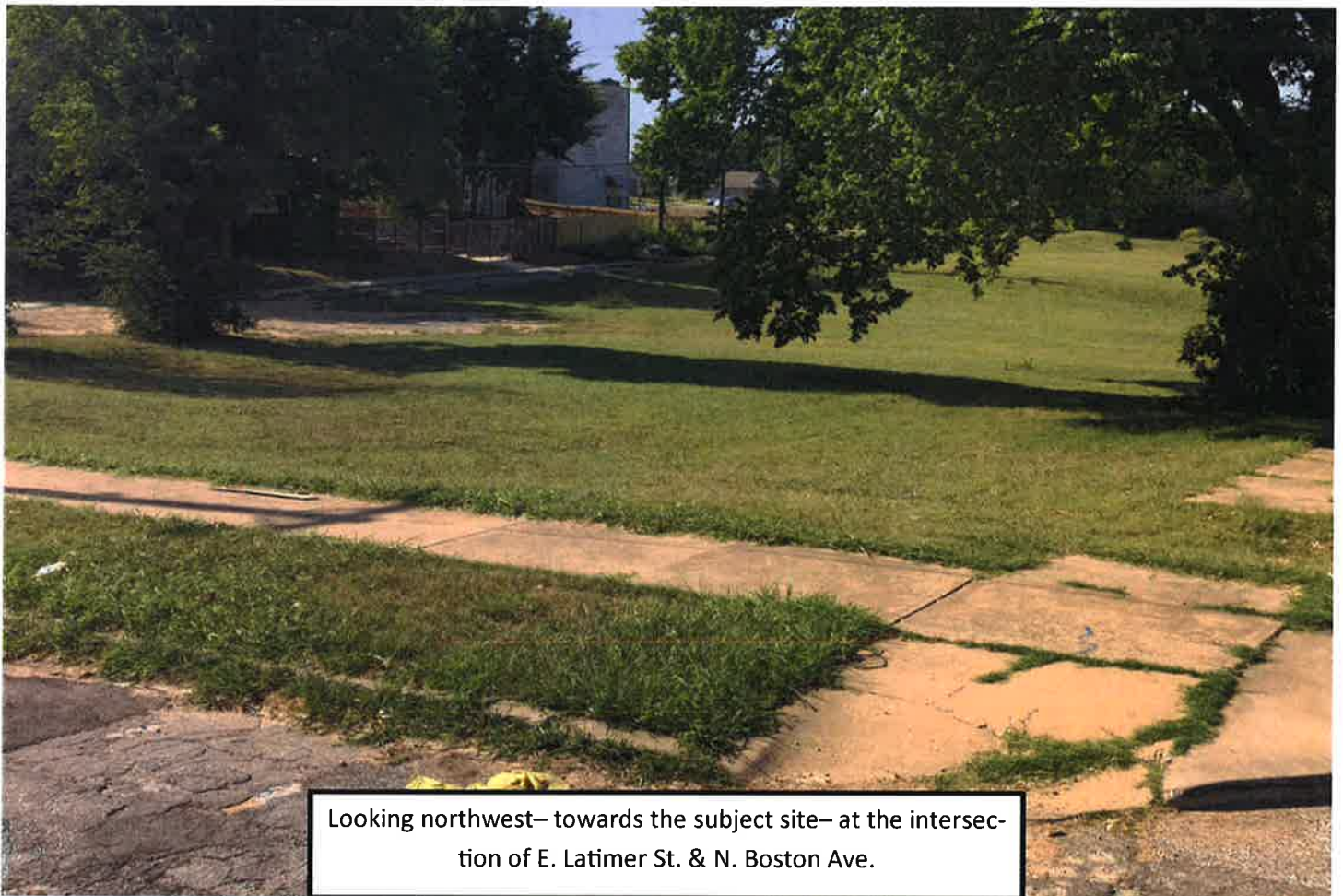
20-12 35

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

Aerial Photo Date: February 2018

7.22

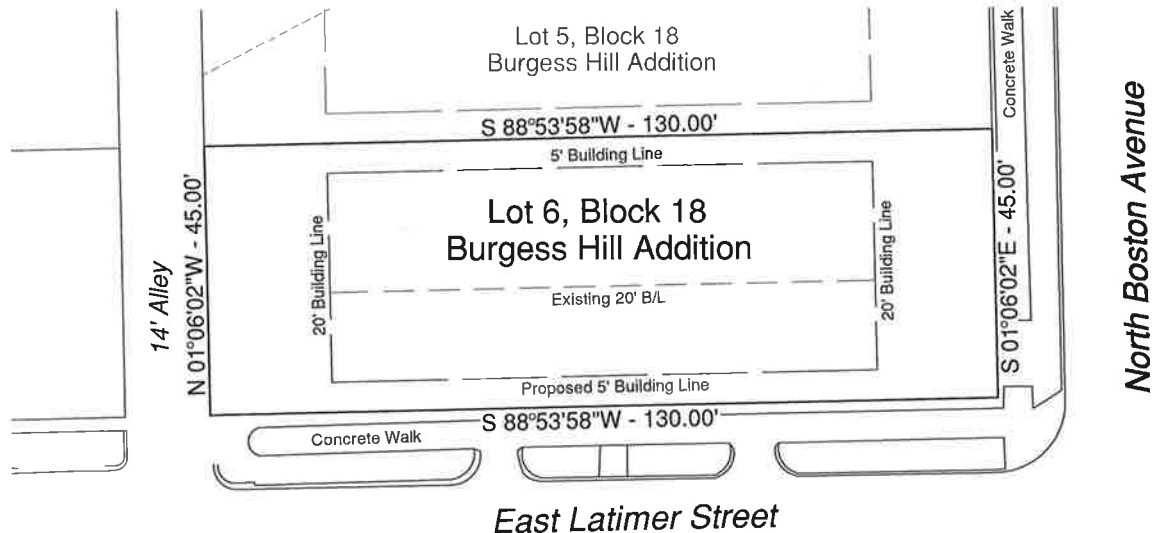
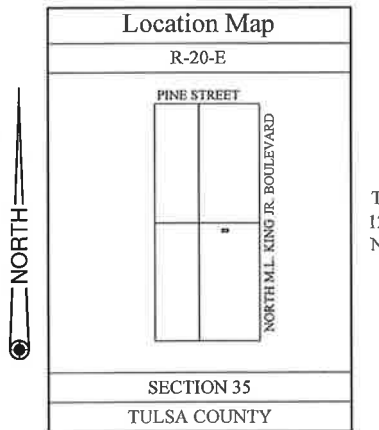




Looking northwest— towards the subject site— at the intersection of E. Latimer St. & N. Boston Ave.



Looking west— towards the subject site— at the intersection of E. Latimer St. & N. Boston Ave.



GENERAL NOTES:

1. ALL GAS METER LOCATIONS MUST BE APPROVED BY THE DEVELOPER PRIOR TO STARTING ANY CONSTRUCTION. DUE TO THE NEW CONSTRUCTION BEST PRACTICES, OKLAHOMA NATURAL GAS WILL ONLY INSTALL A GAS METER ON A SPECIFIC SIDE OF A STRUCTURE ON CERTAIN LOTS. THIS WILL MEAN THE BUILDER WILL BE RESPONSIBLE FOR INSTALLING THE CUSTOMER GAS PIPING TO A SPECIFIC LOCATION AT THE STRUCTURE. IF THIS METER LOCATION IS NOT ADHERED TO AND OKLAHOMA NATURAL GAS INCURS ADDITIONAL EXPENDITURES THE BUILDER WILL BE RESPONSIBLE FOR THOSE INCURRED

If the actual finish floor elevation is lower than one (1) foot above the top of rim elevation of the upstream manhole, it shall be the responsibility of the builder to install a Backflow Preventer Valve near the building.

PROPOSED FINISH FLOOR ELEVATION	TOP OF RIM ELEVATION OF UPSTREAM SANITARY MANHOLE
---------------------------------------	---

750.15

747.72

*** = Backflow Preventer Valve
is necessary.**

EXPENSES PRIOR TO GAS SERVICE BEING ESTABLISHED. IF A BUILDER SHOULD HAVE ANY QUESTIONS ABOUT A SPECIFIC GAS METER LOCATION THEY CAN CONTACT OKLAHOMA NATURAL GAS ON THE BUILDER HOT LINE IN TULSA AT 918-831-8333.

N O T I C E

1. FRANCHISE UTILITIES ARE NOT SHOWN ON THIS PLOT PLAN. IT IS THE OWNER'S/BUILDER'S RESPONSIBILITY TO FIELD VERIFY THESE LOCATIONS AT THE TIME OF CONSTRUCTION.
2. IF THERE ARE ANY DISCREPANCIES BETWEEN THIS PLOT PLAN AND THE RECORDED PLAT, THE RECORDED PLAT OF RECORD WILL ALWAYS GOVERN.



Tulsa Engineering & Planning Associates
6737 South 85th East Avenue Tulsa, Oklahoma 74133
Phone: 918-252-9621 Fax: 918-250-4566
Civil Engineering • Land Surveying • Land Planning

Burgess Hill Addition

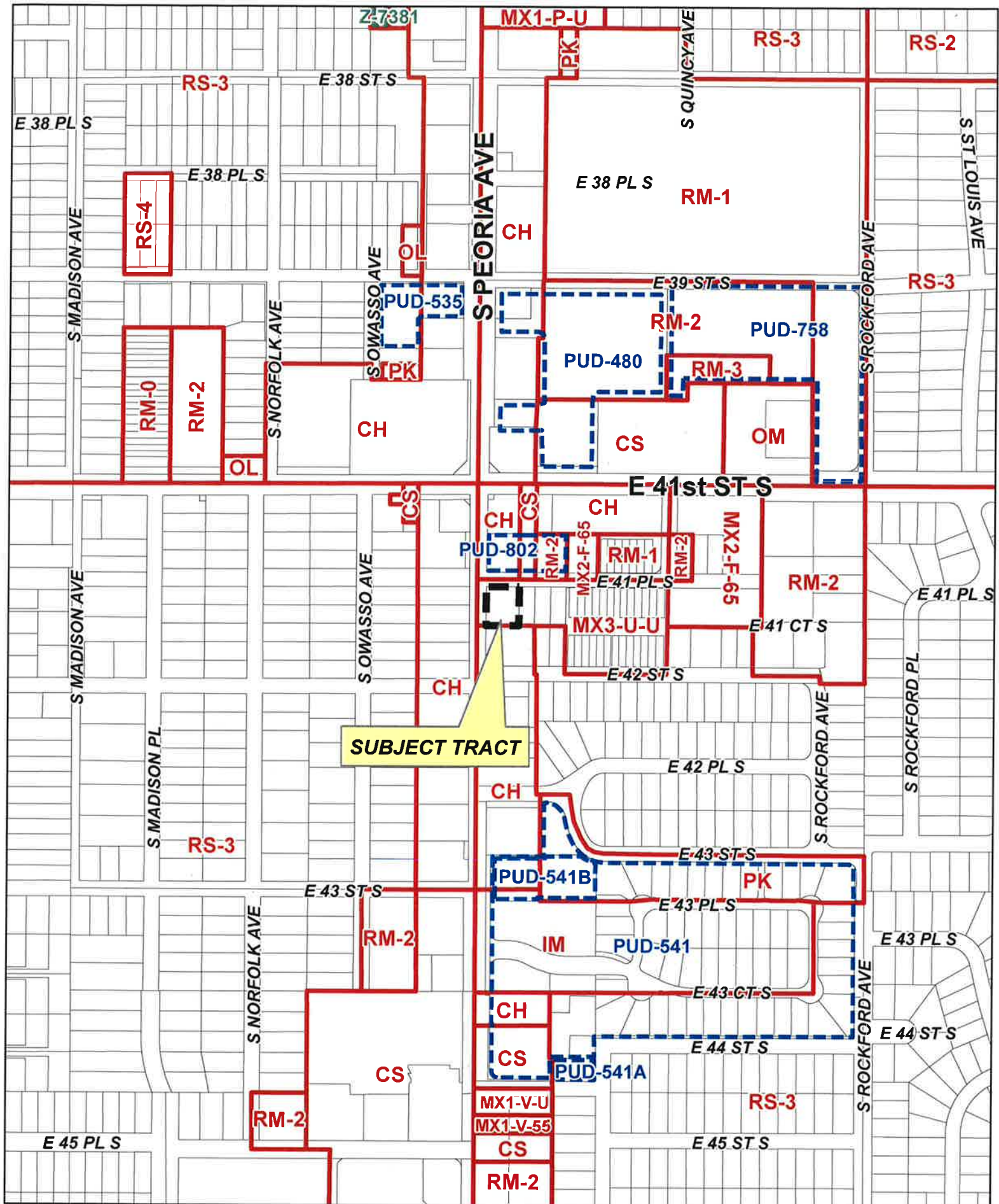
Lot 6 - Block 18

1104 North Boston Street



Scale: 1" = 20'

7.24



BOA-22490

8.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9330

Case Number: **BOA-22490**

CZM: 47

CD: 9

A-P#:

HEARING DATE: 08/14/2018 1:00 PM

APPLICANT: Devin Meadows

ACTION REQUESTED: Verification of the 300 foot spacing requirement for a bar from public parks, schools, other bars, religious assemblies, and sexually oriented business establishments; and 50 ft. from an R-zoned lot (Sec. 40.050).

LOCATION: 4131 S. Peoria Ave. (tenant space)

ZONED: MX3-U-U

PRESENT USE: bar

TRACT SIZE: 13760.66 SQ FT

LEGAL DESCRIPTION: LTS 1 & 2 BLK 4, JENNINGS-ROBARDS ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:

Z- 7422; on 1.10.18, the City Council **adopted** an amendment to the zoning map to re-zone Lts. 1-5, Blk 4, Jennings Robards Addn. from a RM-1, RM-2, CH, RS-3, classification to an MX-3-U-U classification.

BOA-21195; on 2.22.11, the Board **approved** a *Special Exception* to permit a bar (Use Unit 12a) on a lot within 150 ft. of R zoned land to the east (Section 701); a *Verification* of the spacing requirement for a Use Unit 12a - bar use of 50 ft. from an R district, 300 ft. from a public park, school, or church, and 300 ft. from any other adult entertainment establishment; a *Variance* of the parking requirement for a multi-tenant commercial building.

BOA-20356; on 10.10.06 the Board **approved** a *Special Exception* to permit a bar (Use Unit 12a) on a lot within 150 ft. of an R district (Section 701), with conditions for no outside activity on the east but parking; the special exception would be permitted for one space in this center not to exceed 1,500 sq. ft.; limiting approval to 3 years; hours of operation on Monday through Thursday would have a closing time of 12:00 midnight and on Friday, Saturday, and Sunday to close no later than 2:00am.

BOA-20335; on 9.12.06, the Board **approved** a *Verification* of the spacing requirements for an adult entertainment establishment (bar), dated August 2006, (Section 1212.a.C.3).

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a 'Mixed Use Corridor' and an 'Area of Growth'.

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multi-family housing, small lot, and townhouse developments, which step down intensities to

integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

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. 41. Pl. S. to the north and S. Peoria Ave. to the west; mixed-used zoning (MX3-U-U) to the east; CH zoned restaurant to the south.

STAFF COMMENTS:

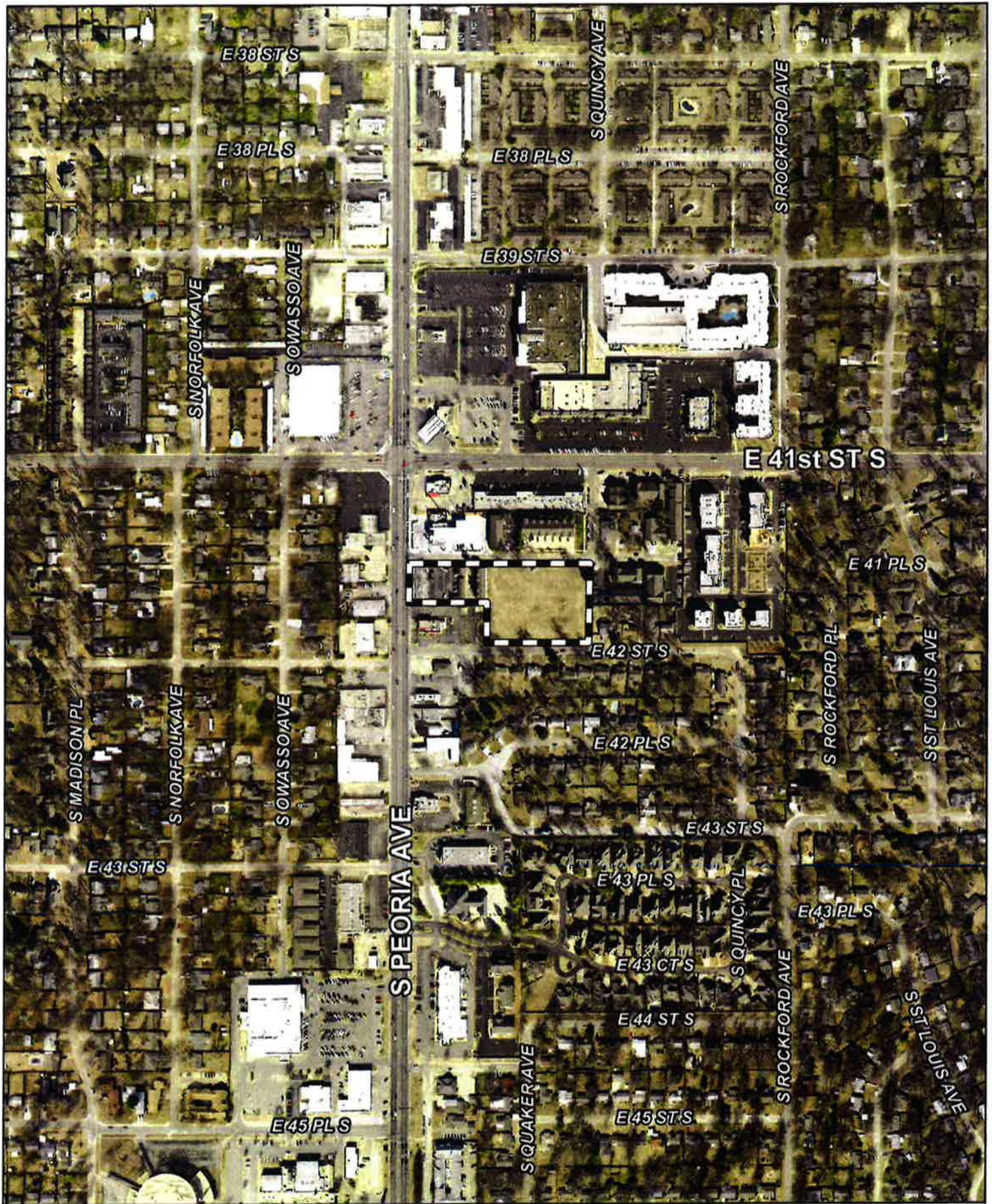
In BOA 21195, the Board approved a spacing verification and a special exception to allow a Bar in the existing commercial space. The applicant is proposing to add an outdoor patio area on the west side (front) of the existing bar; to permit the expansion of the existing bar the applicant is requesting verification of the 300 ft. spacing requirement. A bar is permitted in the MX-3-U-U district as a use by right – subject to complying with the spacing requirements provided in Sections 40.050-A of the Code. The Code provides the following spacing requirements for a bar in the MX-3-U-U 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 attached map illustrates a spacing radius of 300 ft. from the perimeter walls of the bar. The attached map and comments from the applicant list uses within the 300 ft. spacing radius. Staff visited the site and there do not appear to be any bars, sexually oriented businesses, public parks, churches, or schools within 300 ft. of the proposed bar. The building is separated from the nearest R district to the east by a 50 ft. lot containing a portion of the subject property's parking lot; it appears the bar expansion meets the stated spacing requirements for a bar.

Sample Motion:

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.



0 Feet 200 400



Subject Tract

Z-7422

19-13 30

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

Aerial Photo Date: February 2016

8.4



BOA-13626 June 1985: The Board of Adjustment **approved** a *special exception* to permit a mobile home in an AG zoned district, on property located west of the northwest corner of East 31st Street South and South 177th East Avenue.

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** (Adams, Covey, Dix, Fretz, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Doctor, "absent") to **APPROVE** Z-7419 rezoning from AG to RS-1 per staff recommendation.

Legal Description of Z-7419:

A TRACT OF LAND THAT IS A PART OF THE SOUTHWEST QUARTER OF SECTION FOURTEEN (14), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEROF, AND BEING MORE PATICULARY DESCRIBED AS FOLLOWS TO WIT:

COMMENCING AT THE SOUTHWEST QUARTER (SW/4) OF SECTION FOURTEEN (14), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14); THENCE N88°41'01"E A DISTANCE OF 650.24 FEET TO THE POINT OF BEGINNING; THENCE N01°11'02"W A DISTANCE OF 1320.49 FEET; THENCE N88°43'03"E A DISTANCE OF 1,562.34 FEET; THENCE S01°21'48"E A DISTANCE OF 1,319.56 FEET; THENCE S88°41'01"W A DISTANCE OF 1,566.48 FEET TO THE POINT OF BEGINNING

FILE COPY

25. **Z-7422 City Council/Nordic LLC** (CD 9) Location: South of the southeast corner of East 41st Street South and South Peoria Avenue requesting rezoning from **RM-1/RM-2/CH/ PUD-744/PUD-744-A** to **MX3-U-U**

STAFF RECOMMENDATION:

SECTION I: Z-7422

DEVELOPMENT CONCEPT: This request for rezoning is responsive to a City Council initiative to encourage mixed-use development along the proposed bus rapid transit system route. The current zoning on the site is CH, RM-1, RM-2 and PUD/RS-3. The site does not have any height restriction within the CH district

abutting South Peoria. The PUD will also be abandoned as part of a separate action and is currently planned for a December 6th TMAPC meeting.

DETAILED STAFF RECOMMENDATION:

Case Z-7422 request MX3-U-U is consistent with the expected development pattern in the area and,

MX3-U-U is not injurious to the surrounding property owners and,

The MX3 requested is considered more of a Regional Mixed-Use district intended to accommodate larger scale development and supports the anticipated uses in this area location along South Peoria. The rezoning request is consistent with the Bus Rapid Transit System study and its land use recommendations and,

MX3-U-U is consistent with the Brookside Infill Plan and,

MX3-U-U is consistent with the Mixed-Use Corridor land use vision in the Tulsa Comprehensive Plan therefore

Staff recommends Approval of Z-7422 to rezone property from RM-1, RM-2, CH, PUD-744, PUD-744-A / to MX3-U-U.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: MX3-U-U is consistent with the land use vision in the Tulsa Comprehensive Plan and is also consistent with the goals, objectives and strategies of the Brookside Infill Plan.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses include multifamily housing, small lot, and

townhouse developments, which step down intensities to integrate with single family neighborhoods.

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan:

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

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

Trail System Master Plan Considerations: None that affect site development however the Rivertrail system is less than ½ mile from this site. Pedestrian and

bicycle connectivity should be an important concept with any new redevelopment opportunity.

Small Area Plan: Brookside Infill Design Recommendations (Completed 2002)

Concept statement: "As Tulsa continues to mature as a city, infill development will become more important as land on the perimeter is no longer available for development. Infill will no longer be the exception; it will be the rule in terms of predominant types of development. Support and encouragement of infill development are strongly recommended and should be implemented through City regulations, policies and philosophies in order to ensure quality and consistency in future development".

Staff comment: This was a statement from the infill task force prepared by the Mayor's office and the Planning Commission in 1999 and continues to be more relevant today with implementation of the Bus Rapid Transit system and the construction of the Gathering Place. It has taken almost 20 years for the City to adopt zoning categories to support infill development strategies that will encourage design standards and building placement strategies to help create an urban fabric along Peoria from East 36th South street to I-44. Many design recommendations were restricted to the street right of way. Some of that has been implemented from 41st Street to Crow Creek.

Peoria from 38th Street South to 51st Street South (Skelly Drive) Goals:

- A. It is intended that the physical environment and services in the business areas are maintained and enhanced to benefit existing business, as well as to promote and encourage revitalization, redevelopment and reuse of undervalued, vacant lots and obsolete buildings.
- B. Improvements in the area will be made to help provide a continuity of image and to foster an improved emphasis on pedestrians. This is to be accomplished in part by providing sidewalk design and replacement crosswalks at selected locations, streetscape elements and other features will link this area and connect with the other portions of Brookside
- C. The historical context of business development patterns in this area is encouraged to continue, but with the additional emphasis of accommodating pedestrians and linking with the overall Brookside marketplace.
- D. Business in this area along Peoria Avenue and those streets intersecting with Peoria Avenue may develop with buildings constructed nearer to the abutting street property line. Developments with storefront parking should provide no more than one or two rows of double-loaded parking in the front of buildings. Zero-setback from the front property lines is encouraged.

E. Sufficient parking for all business land uses is intended to be provided for all new development and redevelopment.

Special District Consideration: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The east 2/3rds of the site is vacant and undeveloped property. The area was included in a PUD that was prepared for a townhome type development that never was completed. The middle section of the site is an existing three story multifamily residential site and the western portion abutting Peoria is a two-story mixed-use building. The PUD will be abandoned as part of a separate action and is currently planned for a December 6th TMAPC meeting.

Environmental Considerations: None that would affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Peoria Avenue	Secondary Arterial with Multi Modal Corridor	100 feet	4 lanes with a center turn lane
East 42 nd Street South	None	50 feet	2 lanes
East 41 st Place South	None	50 feet	2 lanes with on street parking on the north side of the street

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	PUD/RM-2 and RM-1	Mixed-Use Corridor	Growth	Multi-family and Townhomes
East	RM-2 and RS-3	Mixed-Use Corridor	Growth	Multi-family and single family

South	CH and RS-3	Mixed-Use Corridor and existing neighborhood	Growth along mixed-use corridor / Stability where RS-3 zoned properties abut	Restaurant with drive thru window and single family residential
West	CH	Mixed-Use Corridor	Growth	Commercial and auto repair

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

Subject Property:

PUD-744-A March 2009: All concurred in **approval** of a proposed Major Amendment to PUD on a 2± acre tract of land to amend the standards to allow for 14 single-family patio homes, on property located east of the northeast corner of east 42nd Place and south Peoria avenue and the subject property.

PUD-744 September 2007: All concurred in **approval** of a proposed Planned Unit Development on a 1.97± acre tract of land for town house development with 25 units on property located east of the northeast corner of east 42nd Place and south Peoria avenue and the subject property.

BOA-20356 October 2006: The Board of Adjustment **approved** a *special exception* to permit a bar (Use Unit 12a) on a lot within 150' of an R district (Section 701), with conditions for no outside activity on the east but parking; the special exception would be permitted for one space in this center not to exceed 1,500 square feet; limiting approval to 3 years, on the subject property.

BOA-20335 April 2006: The Board of Adjustment **approved** a *Verification of Spacing Requirements* for a Use Unit 12a- Adult Entertainment establishment, on the subject property.

Surrounding Property:

PUD-476-A October 2013: All concurred in **approval** of a request to abandon PUD-476 on property located south and east of southeast corner of east 41st Street and South Peoria Avenue.

Z-7097 / PUD-758 August 2008: All concurred in **approval** of a request for rezoning and proposed Planned Unit development on a 6.35± acre tract of land,

from RM-1/RM-2 to RM-3/PUD, for apartments, on property located east of southeast corner of South Peoria Avenue and east 39th Street.

BOA-20581 October 2007: The Board of Adjustment **approved** a *variance* of the maximum permitted height of 35 feet for buildings located in the RM-1 district to permit town homes up to 42 feet in height, on property located on the northwest corner of East 41st Place and South Quincy Avenue and north of the subject property.

PUD-480 April 1992: All concurred in **approval** of a proposed Planned Unit Development on a 5.35+ acre tract of land for a grocery store and restaurant (Albertson's) subject to no access from 39th Street on property located north and east of northeast corner of east 41st Street and South Peoria Avenue.

BOA-12311 December 1982: The Board of Adjustment **approved** a *special exception* for off-street parking on a tract in an RS-3 district; and a *special exception* for a temporary waiver of the screening requirement on the north boundary of the off-street parking location to allow for fan fence or shrubbery, in lieu of screening wall for one year, subject to no access to 42nd street and that the screening fence on the south and east boundary line be erected on the property immediately on property located at 4143 South Peoria Avenue.

BOA-14625 October 1987: The Board of Adjustment **approved** a *special exception* to allow off-street parking in an RM-2 zoned district; **approved** a *variance* to permit access through an RM-2 district to a commercial district; and **approved** a *special exception* of the screening requirements, per plan submitted, on property located at 1315-19 East 41st Place.

INTERESTED PARTIES:

George P. Garrick 4943 South Quincy Avenue, Tulsa, OK 74105

Mr. Garrick stated he has lived in this neighborhood for 15 years. Mr. Garrick stated the Brookside Neighborhood Association was formed 25 years ago because Albertson's grocery store opened at 41st and Peoria and the Neighborhood Association was concerned about parking. Mr. Garrick stated he is in support of this project because there is a great need for parking in the Brookside area. Mr. Garrick stated there is a park going in called The Gathering Place and there is not enough parking surrounding this park. The guests to this park will park on the lawns of Maple Ridge because of the shortage of parking. Mr. Garrick stated a multi-level parking facility is needed. Mr. Garrick stated every time private money has come to Brookside it has become more beautiful.

Janine Billings 4401 South Peoria Avenue, Tulsa, OK 74105

Ms. Billings stated she supports this application it will help all of Brookside. Ms. Billings stated Brookside does not end at 41st Street it continues to 51st Street

and Brookside needs some south development. She stated the Brookside Business Association and the Brookside Neighborhood Association support this development.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Fretz, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Doctor, "absent") to **APPROVE** Z-7422 rezoning from RM-1/RM-2/CH/ PUD-744/PUD-744-A to MX3-U-U per staff recommendation.

Legal Description of Z-7422:

Lots 1, 2, 3, 4 & 5, Block 4, Jennings-Robards Addition; All of The Retreat at Brookside South, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

26. **Refund Request**-BOA-17765 Plat Waiver, Dan Ashbaugh, PE in the amount of \$250.00. Staff determined that the plat waiver would not be required.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Fretz, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Doctor, "absent") to **APPROVE** the Refund Request of \$250.00 per staff recommendation.

27. Commissioners' Comments

Mr. Reeds asked Ms. Miller why TMAPC must approve refunds and why can't this be done at the staff level. Mr. Reeds stated he did not understand why staff had to ask for a refund when staff knows that a refund is needed.

Ms. Miller stated that is the INCOG accounting policy.

Mr. Reeds stated so much time is spent on streamlining the processes for zoning and other issues that this also could be improved.

Mr. Dix stated it removes the possibility of impropriety of staff.

Ms. Miller stated it doesn't delay the process by much

ADJOURN

Board Action:

On **MOTION of WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **CONTINUE** the case to March 8, 2011; for the following property:

LT 7 BLK 4, LT 8 BLK 4, OLIVERS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Case No. 21195-Tommy Huddleston

Action Requested:

Special Exception to permit a bar (Use Unit 12a) on a lot within 150 ft. of R zoned land to the east (Section 701); and a Verification of the spacing requirement for a Use Unit 12a - bar use of 50 ft. from an R district, 300 ft. from a public park, school, or church, and 300 ft. from any other Adult Entertainment Establishment (Section 1212a.C.3); and a Variance of the parking requirement for a multi-tenant commercial building (Section 1200) to utilize the existing parking area east of the building. **Location:** 4133 South Peoria Avenue East

Mr. White recused himself at 1:06 P.M.

Presentation:

Michael Dwyer, Architect, 8930 South Erie, Tulsa, OK; stated he represents Mr. Huddleston, the owner of the bar. In 2006, a Certificate of Occupancy was issued for the bar, and the certificate was good for three years. Mr. Huddleston purchased the bar in August 2010, unaware of the expired Certificate of Occupancy. In October 2010 Mr. Huddleston was renewing his liquor license and one of the requirements was to have the bar inspected by the Fire Marshal, and that is when the expiration date of the Certificate of Occupancy came to light. Mr. Huddleston has not changed the size of the bar since the purchase. The bar is located within a shopping center; on the east side of the bar there are 33 parking spaces to service the retail shopping, the second story offices, and the bar. The offices operate 8:00 a.m. to 5:00 p.m., and the bar opens at 7:00 p.m. Mr. Huddleston would request, if he is granted his Certificate of Occupancy, to have it issued with no time limitations.

Interested Parties:

Tim Clark, 4129 South Peoria, Tulsa, OK; stated he has owned the property for approximately 25 years, and the bar has been a great tenant and he is in favor of the bar continuing.

Comments and Questions:

None.

BOA - 21195

Board Action:

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, Van De Wiele, "aye"; no "nays"; no "abstentions") to **APPROVE** the Special Exception to permit a bar (Use Unit 12a) on a lot within 150 ft. of R zoned land to the east (Section 701); and to **ACCEPT** the Verification of the spacing requirement for a Use Unit 12a - bar use of 50 ft. from an R district, 300 ft. from a public park, school, or church, and 300 ft. from any other Adult Entertainment Establishment (Section 1212a.C.3); and to **APPROVE** the Variance of the parking requirement for a multi-tenant commercial building (Section 1200) to utilize the existing parking area east of the building. The Board has found that although there are 50 parking spaces required, there are 20 on the two lots that are to be combined and there are an additional 18 parking spaces, which are zoned RM-1 and cannot be actually counted toward the use. However, for the offices on the second story, their usual hours are 8:00 a.m. to 5:00 p.m., whereas the bar's busiest time will be outside of those hours. The Board moves, based on the facts in this matter as they presently exist, to accept the applicant's verification of spacing for the proposed Adult Entertainment establishment subject to the action of the Board being void should another adult entertainment establishment or other conflicting use be established prior to the expansion of this adult entertainment establishment. In granting the variance the Board has found that the multiple uses and varying hours of this property are reasons 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. In granting 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 following property:

**LTS 1 & 2 BLK 4, JENNINGS-ROBARDS ADDN, CITY OF TULSA, TULSA COUNTY,
STATE OF OKLAHOMA**

Mr. White reentered the meeting at 1:15 p.m.

Board Action:

On Motion of Dunham, to **APPROVE** a Variance to permit two dwellings per lot of record (Section 207), with condition for one tenant in the south house, finding the hardship to be, there are similar properties in the neighborhood; it is well maintained; and finding it meets the requirements for a variance, the motion failed for lack of a second.

Board Action:

On Motion of Stead, the Board voted 3-1-0 (Henke, Stead, Tidwell "aye"; Dunham "nay"; no "abstentions"; Stephens "absent") to **DENY** a Variance to permit two dwellings per lot of record (Section 207), finding it would cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LT 6 BLK 6, UNIVERSITY PARK, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Cuthbertson presented the request for a refund of \$250.00 for unneeded variances requested.

Board Action:

On Motion of Stead, the Board voted 4-0-0 (Henke, Stead, Tidwell, Dunham "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Refund for \$250.00 as recommended by staff.

Case No. 20356

Action Requested:

Special Exception to permit a bar (Use Unit 12a) on a lot within 150' of an R-district. (Section 701), located: 4133 South Peoria Avenue East.

Presentation:

Scott Brewer, 2224 East 24th Street, stated he came to this Board for spacing verification. There was an omission in the application requests. The new site does not fit the requirements in Section 701. He stated the distance from the front door to the lot line is 157 ft. but the property abuts RM-1-zoning separated by a fence. An apartment complex is located on the residential property. He reminded the Board that this was an existing business and they moved to allow Wild Oats to expand. He added that the Tulsa Health Department stated they were the cleanest bar they have inspected for the last two years. They proposed to reopen at the new site.

Interested Parties:

Herb Beattie, 3474 South Zunis, represented the Brookside Neighborhood Association. He stated this business has been a good neighbor. The association was in support and thought the spacing was correct when they came to the

previous hearing. They support the rule and want to be sure that all bars in the Brookside area have received a consistent application of the rule.

Comments and Questions:

Mr. Cuthbertson clarified this is not a spacing requirement as much as a buffer zone that triggers a check for the Board to review bars on a case by case basis.

Joe Moura, 300 West 111 Street, Jenks, Oklahoma, stated he owns the apartment complex behind the proposed establishment. He opposed the bar for the noise that would disturb his tenants. He did not consider the fence to be a buffer for the front of his complex.

Tim Clark, 4129 South Peoria, Suite 200, stated he is a principal with the corporation that owns the subject property. He pointed out the property is zoned CH. He has found these uses to mix well in this area and found it is consistent with the Brookside Infill Development Recommendations. He noted that 41st Place is the only ingress and egress for the bar and the apartment complex has a separate entrance.

Comments and Questions:

Mr. Dunham asked if there would be any outside seating or activities. Mr. Clark replied the parking lot would only be used for parking.

Applicant's Rebuttal:

Mr. Brewer stated the rear entrance would be only for service, delivery and an emergency exit. The front entry on the west side of the building will be for public entrance. They would not have live music just a jukebox. He responded to a question from Ms. Stead that there would be no parking at the front on Peoria.

Interested Parties:

Noemia Moura, 300 West 111th Street, Jenks, Oklahoma, stated she is Joe Moura's wife. They have worked hard to provide the best possible housing at the apartment complex. She added that her experience has shown that a bar is not quiet at night. She expressed concern for loitering in the bar parking lot after hours. She was in opposition to the application.

Mr. Tidwell asked for the hours of the bar. Mr. Brewer stated they would close at the bartender's discretion but usually around 11:00 p.m. on Sunday through Thursday and 2:00 a.m. on Friday and Saturday. Mr. Brewer did not want tight limitations on the hours but they wanted to compromise.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to permit a bar (Use Unit 12a) on a lot within 150' of an R district. (Section 701), with conditions for no outside activity on the east but parking; the

special exception would be permitted for one space in this center not to exceed 1,500 sq. ft; limiting approval to 3 yrs.; hours of operation on Monday through Thursday would have a closing time of 12:00 midnight and on Friday, Saturday and Sunday to close no later than 2:00 a.m.; finding that 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, on the following described property:

LTS 1 & 2 BLK 4, JENNINGS-ROBARDS ADDN, City of Tulsa, Tulsa County,
State of Oklahoma

There being no further business, the meeting was adjourned at 3:10 p.m.

Date approved: 10/24/06

Frank X. K. E.
Chair

Case No. 20334

Action Requested:

Variance of the maximum permitted square footage for a detached accessory building in an RS-3 district from 962 sq. ft. to 1,344 sq. ft. (Section 402.B.1.d), located: 7805 South Xenophon Avenue West.

Presentation:

Jay Menger, 7805 South Xenophon, stated the variance was for a semi-attached three-car garage with a breezeway. The property sits on 2.3 acres in an old wildcat neighborhood. He pointed out the vast majority of the properties are two or more acres and zoned RS-3. He submitted an exhibit packet (Exhibit E-1), which included photographs of surrounding properties. The existing garage is too far back on the property and has no driveway, but it is the reason for the relief request. Mr. Menger plans to finish a driveway to the new garage from Xenophon. Ms. Stead noted it is not on the site plan. He replied that he would extend it from the existing driveway. Mr. Menger stated the structure would be one-story with a 12 ft. pitched roof. Mr. Cuthbertson interjected that the top plate can be no higher than 10 ft. and 18 ft. in height at the top of the structure. It would be brick-faced, 2 x 4 framing, composition shingle roof, with matching color and styling with the house. He stated it would not have any commercial activity.

Comments and Questions:

Mr. Ackermann confirmed the applicant applied for an application and it was reviewed. He also checked to see that this was the only relief requested.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the maximum permitted square footage for a detached accessory building in an RS-3 district from 962 sq. ft. to 1,344 sq. ft. (Section 402.B.1.d), per plan, finding this 2.3 acre lot would be adequate and there are a number of other buildings in the immediate area of this size and larger, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

SE SW NE SE LESS N25 SEC 10 18 12, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20335

Action Requested:

Verification of the spacing requirements for an adult entertainment establishment (bar). (Section 1212.a.C.3), located: 4133 South Peoria Avenue East.

Mr. Cuthbertson reminded the Board this is for verification of spacing only.

Presentation:

Scott Brewer, 2224 E 24th Street, stated he is the owner of Hops and Grains. He stated when the Wild Oats store expanded they moved to the subject property. The general manager walked off the 300 ft. spacing. The verification information was included in the agenda packet. It was determined in mid-August.

Interested Parties:

Herb Beattie, 3474 South Zunis Avenue, stated he is the Co-President of the Brookside Neighborhood Association. One of their members walked off the area also and found no conflicting businesses within a 300 ft radius. Their association is in support of the application.

Nora Murrah, 300 West 111th Street, Jenks, Oklahoma, stated that she owns the apartment complex behind the subject property. They oppose the application. Mr. Dunham informed her that they already have a zoning clearance and this is just for spacing.

Mr. Ackermann asked the applicant if the public entrance door will be more than fifty feet from any residentially zoned district. Mr. Brewer replied it would be more than fifty feet. The back entrance is a service entrance only.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Verification of the spacing requirements for an adult entertainment establishment (bar), dated August 2006. (Section 1212.a.C.3), on the following described property:

LTS 1, BLK 4, JENNINGS-ROBARDS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

Mr. Tidwell out at 2:44 p.m.

Case No. 20336

Action Requested:

Special Exception to permit a Public Library/Community Center in an RS-2 district, located: Southwest corner East 51st Street and South Hudson Avenue.

Presentation:

Darin Akerman, 6111 East 32nd Place, is with Sisemore, Weisz and Associates, Inc. They represented Tulsa County for a Library/Community Center which is part of the Vision 2025 Plan for the City of Tulsa. He reviewed the surrounding uses. There will be 130-140 additional parking spaces and one entrance on Hudson.



0 Feet 200 400



Subject
Tract

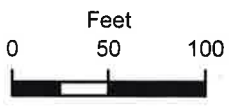
BOA-22490

19-13 30

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

Aerial Photo Date: February 2018





 Subject Tract

BOA-22490

19-13 30

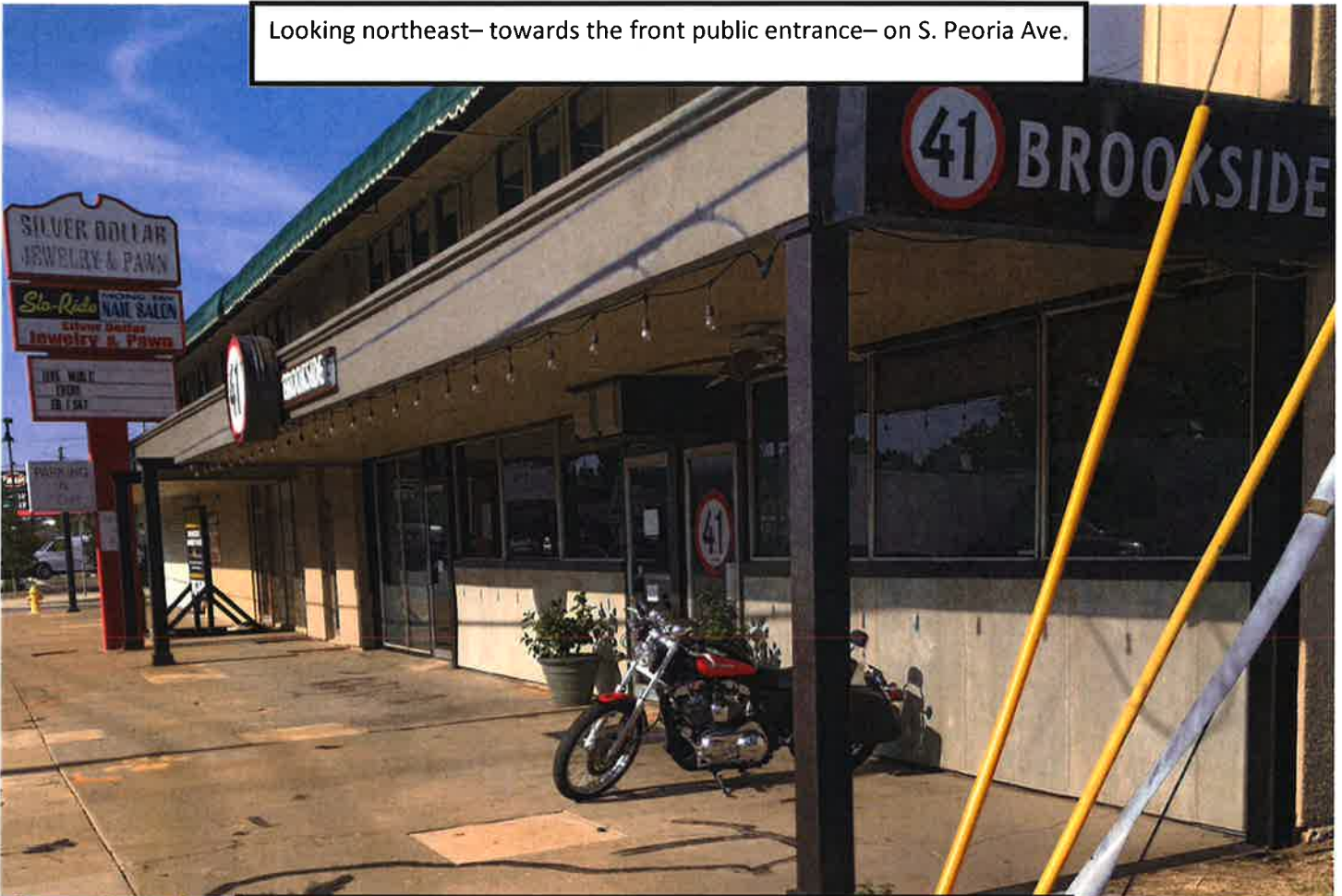
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

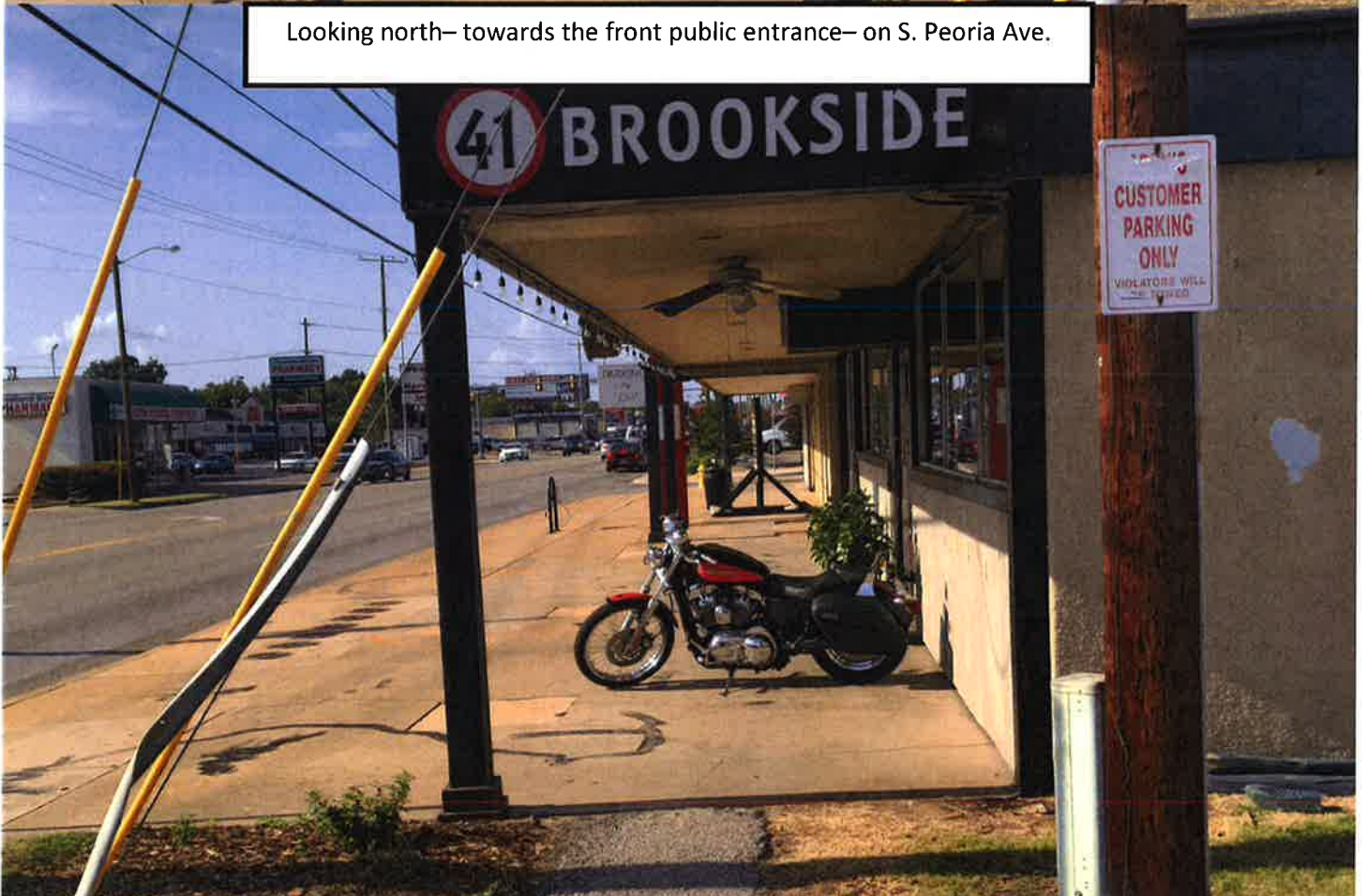
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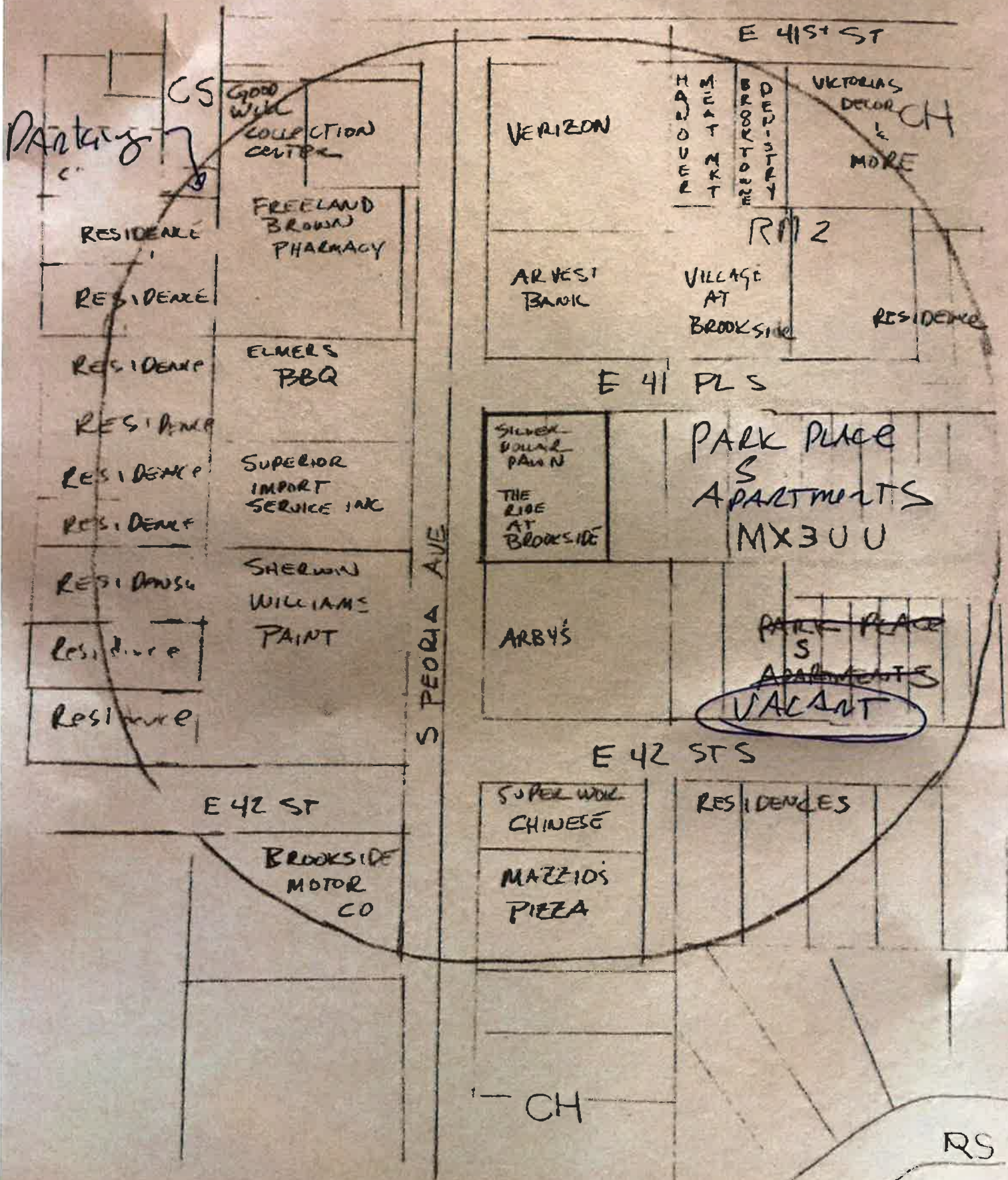


Looking northeast— towards the front public entrance— on S. Peoria Ave.



Looking north— towards the front public entrance— on S. Peoria Ave.





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

May 15, 2018

Devin Meadows
41 Brookside
4131 S Peoria Ave
Tulsa, OK 74105

Phone: 918-409-5678

APPLICATION NO: BLDC-000166-2018

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 4131 S Peoria Ave
Description: Patio addition

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" **[X]** **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. BLDC-000166-2018

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. Sec.70.080-C: Applications for a Building Permit shall include a site plan that provides zoning data for the Zoning review portion of the Building Permit application. The site plan you submitted is an Alta Survey that does not sufficiently cover all pertinent zoning data necessary for a complete review.

Review comment: The zoning site plan is required to provide the following:

- ✓ North arrow
- ✓ Appropriate drawing scale;
- ✓ Legal description of the lot;
- Actual shape and dimensions of the lot;
- Lot lines and names of abutting streets;
- Public rights-of-way;
- The location and dimensions of existing buildings including distances to lot lines;
- The location, dimensions and height of the proposed patio and fence structure;
- The floor area of the bar
- The intended use of the proposed patio. Will alcohol be served on the patio;
- ✶ • The setbacks from the proposed patio to the centerline of abutting Right-of-Way;
- Location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.

NOTE: The zoning review for your permit application will resume after a zoning site plan is submitted. Additional deficiencies may be found and are required to be resolved prior to approval of your application.

2. Sec.40.050-A: The proposed bar is located in the ^{MV 3 - U - U}~~CBD~~ zoning district and is subject to 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 as-assembly use. The separation distance required by this paragraph must be measured from the nearest property line of such public park, school or religious as-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.
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 a copy of the spacing verification that has been reviewed and approved per Sec.70.110.

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.

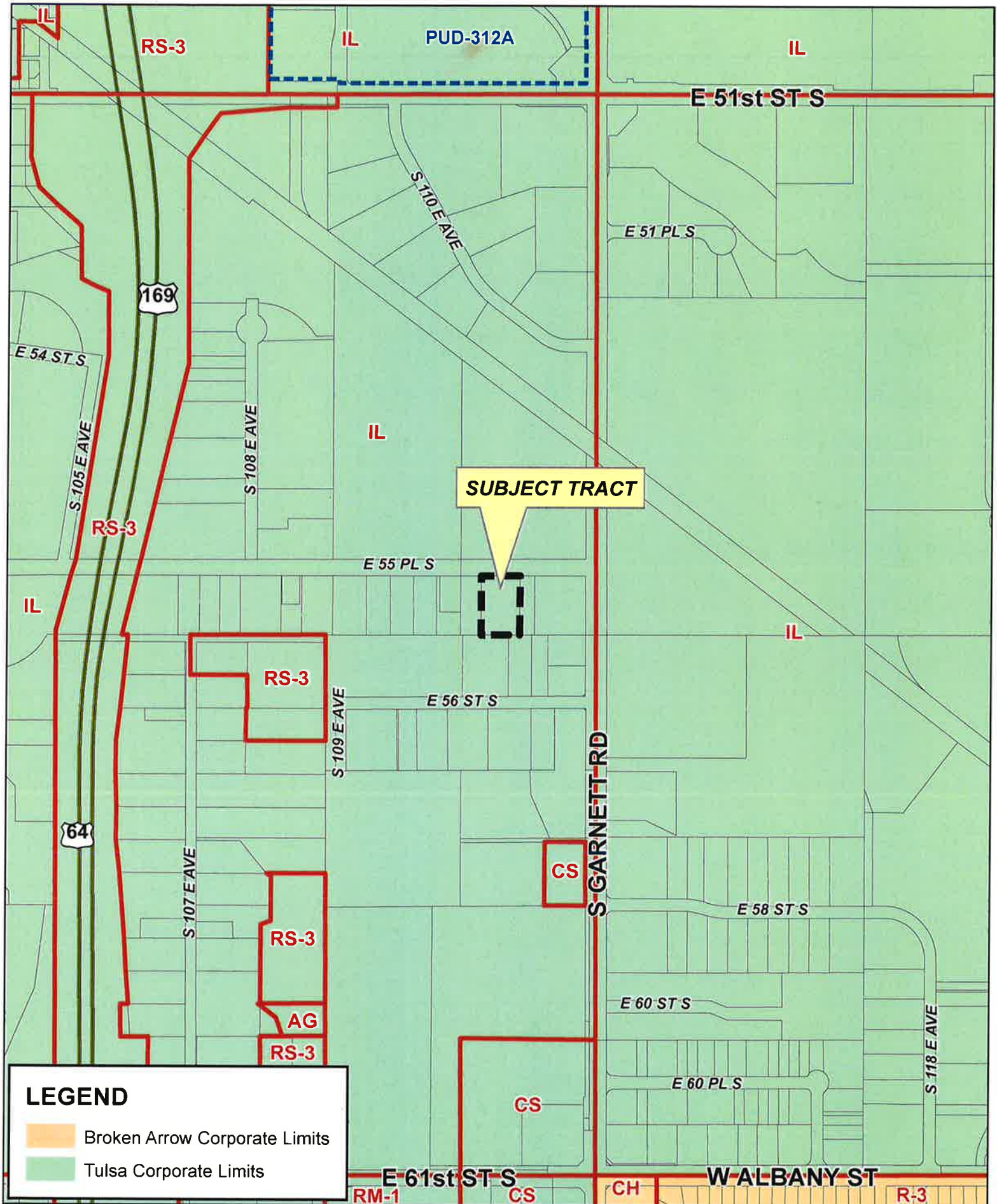
A hard copy of this letter is available upon request by the applicant.

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.

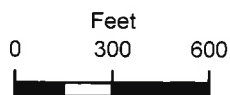
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

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BOA-22491

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9431

Case Number: **BOA-22491**

CZM: 49

CD: 7

A-P#:

HEARING DATE: 08/14/2018 1:00 PM

APPLICANT: Richard Morgan

ACTION REQUESTED: Special exception to permit a moderate-impact manufacturing and industry facility in an IL district (Section 15.020)

LOCATION: 11130 E 55 PL S

ZONED: IL

PRESENT USE: IL

TRACT SIZE: 55099.27 SQ FT

LEGAL DESCRIPTION: W190 E309.70 LT 3 BLK E, TULSA SOUTHEAST IND DIST EXT

RELEVANT PREVIOUS ACTIONS:

Surrounding properties:

BOA 12858; on 11.3.83, the Board **approved** a *special exception* to allow shopping goods and services in an IL zoned district. Located; west of the southwest corner of South Garnett Road and East 55th Place South (10934 East 55th Place South).

BOA 13424; The Board **approved**, per conditions, a *special exception* to permit use units 12, 13 and 14 in an IL zoned district. Located; at the southwest corner of East 56th Place South and South Garnett Road.

BOA 13914; on 2.06.86, the Board **approved** a *special exception* to permit an indoor recreation use, soccer facility, in an IL zoned district. Located; at the northeast corner of East 56th Street South and South 109th East Avenue (10909 East 56th Street South).

BOA 13914-A; on 1.11.11, the Board **approved** an *amendment* to a condition of a previous approval to expand the list of uses of an indoor recreational facility from 'soccer only'. Located; at the northeast corner of East 56th Street South and South 109th East Avenue (10909 East 56th Street South).

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

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by IL zoned lots on all sides.

STAFF COMMENTS:

The applicant has stated that there is an existing facility immediately to the west that manufactures heat exchangers and the new proposed building will be used to do the same.

A Special Exception is required as the proposed heat exchanger manufacturing building is a use which is not permitted by right in the IL district because of potential adverse affects, but which if controlled as to its relationship to the surrounding neighborhood may be permitted. Moderate-impact manufacturing and industrial uses are uses that, as part of their normal operations, generate noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration. Typical examples of moderate-impact manufacturing and industrial uses include: large breweries, distilleries and alcohol manufacturing (other than micro distilleries), coffee roasting with a roasting capacity of more than 45 kilograms per batch, dairy products manufacturing, foundries, chrome plating, crematoriums and animal rendering plants, electroplating, fiberglass manufacturing, flour mills and paper products manufacturing.

If inclined to approve the Board may consider any 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 area.

Sample Motion for a Special Exception

Move to _____ (approve/deny) a Special Exception to permit Moderate-Impact Manufacturing and Industry use in the IL district (Section 15.020).

- 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.

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1214 - Request for an exception to permit Shopping Goods and Services in an IL zoned district under the provisions of Section 1680, located west of the SW corner of 55th Place South and South Garnett Road.

Presentation:

James Reed, 1606 First National Bank Building, represented C. Clark Enterprises, the owner of the subject property. The property has been used for warehousing and wholesaling for about the last 6 years by the same owner. Mr. Clark has a small showroom on the premises which is available for retail type services; however, most of his work is done on a wholesale volume type business. The showroom is basically there for wholesale buyers. Mr. Clark entertains retail customers if they happen to come in which does not happen very often in this area. Across the street from the subject property is the Sears Warehouse which is probably 10 times as large as the applicant's warehouse. The Sears Warehouse also has a showroom and does basically the same type of business. He presented some pictures of the business location. The applicant was not aware that he was in violation of the zoning. He wants to conform and retail requires a special exception. He will not change the building or any of his activities that he had been carrying on for the last six years. They were not here because someone complained about the business. This was caught when they applied for a Certificate of Use and Occupancy and Zoning Clearance.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 910-Principal Uses Permitted in Industrial Districts - under the provisions of Use Unit 1214) to permit Shopping Goods and Services in an IL zoned district under the provisions of Section 1680, on the basis that the business continue as it has been and that the retail portion of the business not be enlarged, on the following described property:

The West 110 feet of Lot 12, Block 10, Tulsa Southeast Industrial District, Blocks Nine through 12 inclusive, a resubdivision of Block C and parts of Block A and B, Tulsa Southeast Industrial Extended, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit automobile sales in a CS zoned district under the provisions of Section 1680, located east of Memorial Drive and South Skelly Dr.

Presentation:

Kenneth L. Tate, 7706 South 73rd East Avenue, is a new automobile dealer in Tulsa. He submitted a plot plan and some drawings (Exhibit "L-1"). He described the property and informed they would like to

Case No. 13422 (continued)

day care facility across the street. He feels that any addition to the present facility could only create a further devaluation to the residential property around the subject property.

Merle Hoffman, 4115 South Detroit, Tulsa, Oklahoma, informed that his residence abutts the subject property on the south and he is in protest of the application.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Variance (Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts) of the rear yard setback from 20' to 6' to allow an addition to an existing structure in an RS-3 zoned district; finding that any expansion of the facility will cause substantial detriment to the public good and is not in the spirit and intent of the Code, or the Comprehensive Plan; on the following described property:

Lot 1, Block 1, less east 70', Demorest Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13423

Action Requested:

Special Exception—Section 310—Principal Uses Permitted in the Agricultural District—Use Unit 1205—Request an exception to allow a church in an AG zoned district, located 1/2 mile East of SE/c of Yale and 101st Street.

Presentation:

The applicant, Southern Hills Church of Christ, 2706 East 51st Street, Tulsa, Oklahoma, was not represented.

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to CONTINUE Case No. 13423 until January 24, 1985.

Case No. 13424

Action Requested:

Special Exception—Section 910—Principal Uses Permitted in the Industrial District—Request an exception to allow Use Units 12, 13, and 14 in an IL zoned district, located on the SW/c of 55th Place and Garnett.

Presentation:

The applicant, J.T.R., Inc., 5800 Skelly Drive, Suite 600, Tulsa, Oklahoma, was represented by Jack Hamilton, 6810 East 60th Street.

1.10.85:430(18)

Case No. 13424 (continued)

He explained that they are requesting use of the subject property as a strip center with retail uses. The subject property is vacant now, and the area surrounding it is retail oriented. J.T.R. proposes a convenience store on the corner of the property and other uses may include a tire store. Mr. Hamilton explained that they intend to conform to the uses in the area. He submitted a plot plan (Exhibit "L-1") and a perspective drawing (Exhibit "L-2") of the proposed center.

Protestants: None

Comments and Questions:

Mr. Gardner suggested that the applicant specify which uses under Use Unit 12 they intend to use. He informed that the Code has been amended to include some of the Use Unit 19 uses (e.g. bars, taverns, theatres, etc.) within Use Unit 12.

Mr. Victor read the uses listed under the former Use Unit 12 and asked Mr. Hamilton if he would be satisfied with approval limited to restaurant use. Mr. Hamilton pointed out that they do not plan to have a nightclub or a theatre, but asked if a small bar would be a problem with the Board. He informed that similiar strip centers in the area include small bars.

In answer to a question by the Board, Mr. Hamilton informed that they intend to meet the requirements of the Code in regard to off-street parking.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Special Exception (Section 910—Principal Uses Permitted in the Industrial Districts) to allow Use Units 12, 13 and 14 in an IL zoned district; subject to Use Unit 12 being approved for eating establishments such as cafeterias, coffee shops, delicatessens, or restaurants only (excluding bars as principal uses); per plot plan submitted; on the following described property:

Lots 1 and 2, Block E, Southeast Industrial District Extended,
an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13425

Action Requested:

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Use Unit 1206—Request a variance of the 50' setback from the centerline of East 33rd Place to 39' for an existing dwelling in an RS-3 zoned district, located at 3010 South 150th East Avenue.

1.10.85:430 (19)

Case No. 13914

Action Requested:

Special Exception - Section 910 - Principal uses permitted in Industrial Districts - Use Unit 1219 - Request a special exception to permit an indoor recreation use in an IL district, located at 10909 East 56th Street.

Presentation:

The applicant, Valley Properties, was represented by Richard Richards, 4129 South Peoria, Tulsa, Oklahoma, who submitted a plot plan (Exhibit B-2) for an indoor recreation center.

Comments and Questions:

Ms. Bradley asked the applicant if he intends to make any changes in the building. Mr. Richards replied that he has a building permit to increase the size of the warehouse, adding a 50' by 80' portion to the west.

Mr. Clugston asked Mr. Richards to state the exact nature of the proposed business. He answered that the operation will be soccer only and will be open from 5 p.m. to 11 p.m., Monday thru Friday and on the weekend. It was pointed out by the applicant that there are 71 parking spaces, which is ample parking for the business.

Mr. Jackere asked the applicant if there will be professional exhibition games played at the facility and he replied that the size of the building will not allow these type matches.

Mr. Jones informed that there is 1 other indoor soccer facility located in a corridor zoned area about 1 mile away.

Mr. Dukes, 304 South Burr, Broken Arrow, Oklahoma, owner of the business, stated that the business will have 6 eight-week seasons and the remainder of the year will be a repair period for the facility.

Mr. Gardner asked Mr. Dukes to state the amount of spectator seating that will be available in the building and he replied that a maximum of 80 people could be accommodated in the facility.

Mr. Clugston asked if there will be alcoholic beverages served and the owner answered that only 3.2 beer will be sold inside.

Ms. Wilson asked if both children and adults will use the soccer facility and Mr. Dukes answered in the affirmative.

2.06.86:457(4)

Case No. 13914 (continued)

Protestants:

Gene Womble, 2527 East 32nd Street, Tulsa, Oklahoma, stated that he represents a landowner in the complex and presented letters (Exhibit B-1) stating that they are not opposed to a soccer field, but are opposed to concert halls, massage parlors and billiard parlors being located in the area. He stated that he was not aware that added warehouse space was being constructed. Mr. Womble stated that he is concerned that the soccer patrons may park in the spaces allotted to other tenants, therefore, creating a problem. He voiced a concern that beer will be served at the games.

Charles Ewing, 2908 East 37th Street, Tulsa, Oklahoma, pointed out that he does not object to the soccer idea unless there is a conflict in parking. He stated that he has multi-tenant warehouses and would object to excessive traffic that would interfere with these tenants.

Additional Comments:

Mr. Clugston asked how many playing fields will be in the building and Mr. Richards stated that there will be only one field.

Mr. Clugston asked Mr. Richards to state the size of the building and he replied that the building has a total of 16,000 sq. ft., including the addition.

Mr. Richards explained that the 78 parking spaces will be adequate for the size of the building.

Board Action:

On MOTION of BRADLEY 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 910 - Principal uses permitted in Industrial Districts - Use Unit 1219) to permit an indoor recreation use in an IL district; subject to the building being used for soccer only, with spectator seating being a maximum of 80; on the following described property:

Lot 6, Block 1, Carter Industrial Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13915

Action Requested:

Variance - Section 1221.3 - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance to allow an identification sign within 10' of a freeway or highway right-of-way, located at 4455 East 31st Street.

Presentation:

The applicant, Cecil Jones, 1100 West Edgewater, Broken Arrow, Oklahoma, stated that he is property manager for Wright Properties.

2.06.86:457(5)

Case No.13914-A-Sportstech Properties

Action Requested:

Amendment to a condition of a previous approval to expand the list of permitted uses of an indoor recreational facility in an IL district from 'soccer only'. **Location:** 10909 East 56th Street

Presentation:

Dan McIntosh, 10909 East 56th Street, Tulsa, OK; stated he will be training athletes and it will not be a health club.

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, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Amendment to a condition of a previous approval to expand the list of permitted uses of an indoor recreational facility in an IL district from 'soccer only' to be an athletic training facility, expanding it to gymnasium, physical fitness, and athletic training activities; finding the 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 6 BLK 1, CARTER INDUSTRIAL PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

* * * * *

Case No. 18607-A-Keith Robertson

Action Requested:

Amendment to a previously approved site plan for a church use in the RS-3 district to permit site and building expansions. **Location:** 8707 East 51st Street

Presentation:

Keith Robertson, Architect, 5567 South Lewis, Tulsa, OK; stated he represents the client, The Regency Park Church of the Nazarene. The original site plan was given an approval in 1999, Case No. 18607. The expansion is proposed for the north side of the building, the vestibule on the east and west side, and the extension of the sanctuary. The client would also like to modify the parking by removing three houses and making that area parking; one house has been removed.



0 Feet 300 600



Subject Tract

BOA-22491

19-14 31

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

Aerial Photo Date: February 2018

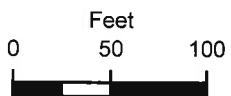
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E55 PLS

E56 STS



Subject
Tract

BOA-22491

19-14 31

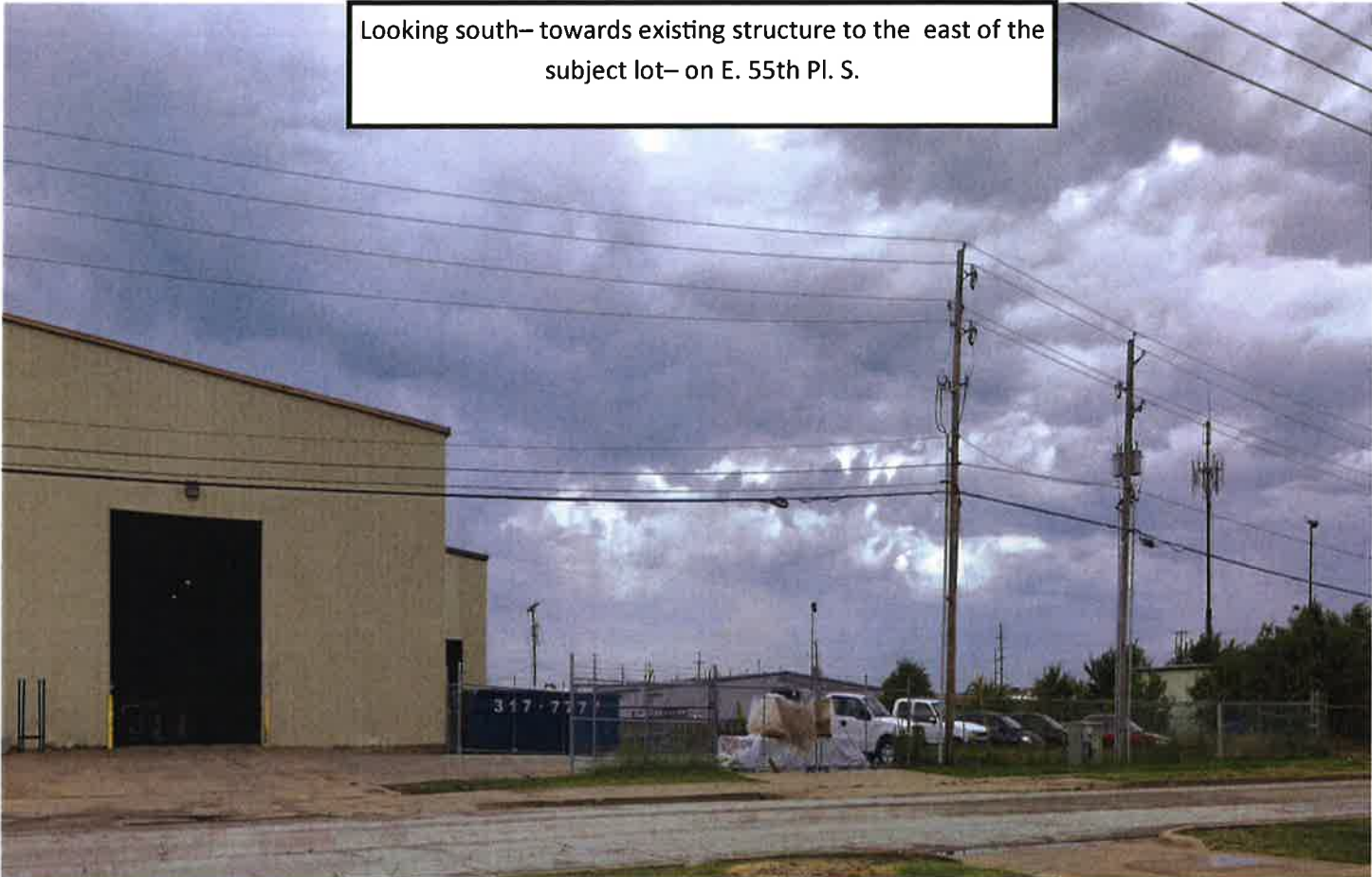
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

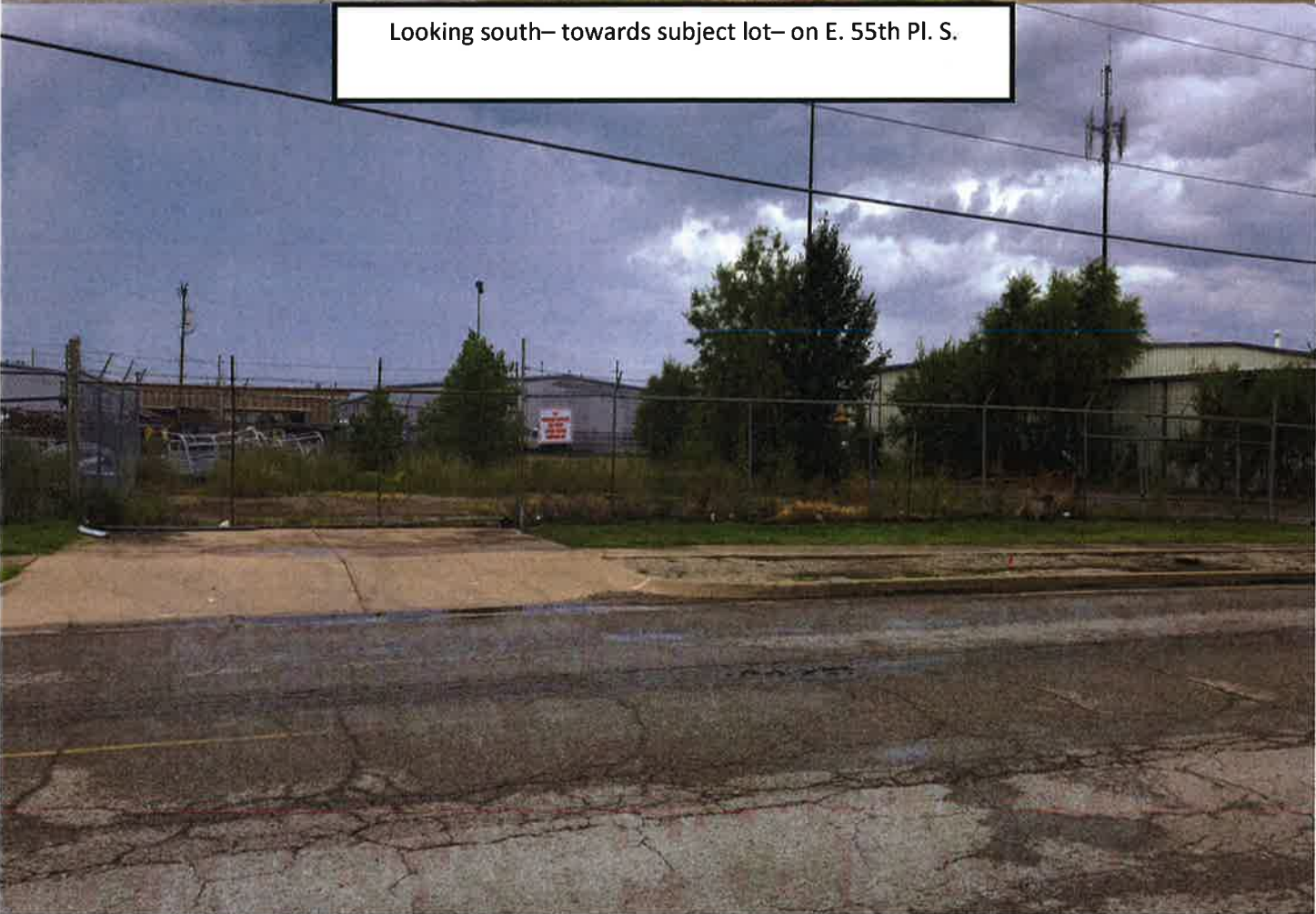


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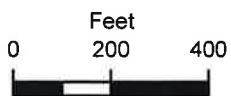
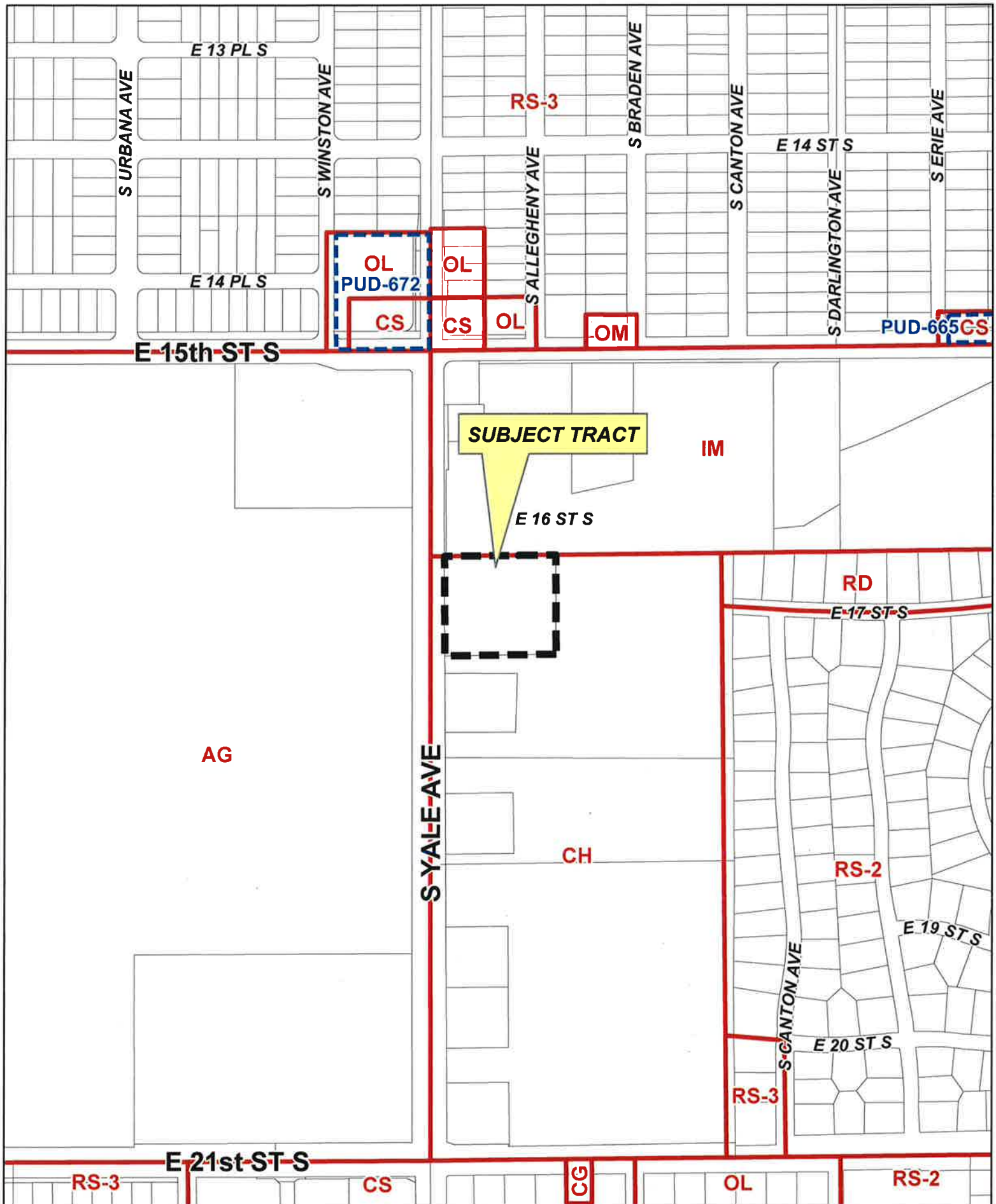
Looking south– towards existing structure to the east of the subject lot– on E. 55th Pl. S.



Looking south– towards subject lot– on E. 55th Pl. S.



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BOA-22492

19-13 10

10.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9310

Case Number: **BOA-22492**

CZM: 38

CD: 5

A-P#:

HEARING DATE: 08/14/2018 1:00 PM

APPLICANT: Justin Reed

ACTION REQUESTED: Verification of the 300-foot spacing requirement for a liquor store from other liquor stores, plasma centers, day labor hiring centers, bail bond offices or pawnshops (Sec. 40.300-A).

LOCATION: 1649 S. Yale Ave. E.(tenant space)

ZONED: CH

PRESENT USE: liquor store

TRACT SIZE: ± 2.73 acres

LEGAL DESCRIPTION: BEG 50E NWC SW NW SW TH E361.36 S329.64 W361.53 N329.5 POB SEC 10 19 13 2.73AC,

RELEVANT PREVIOUS ACTIONS:

Subject tract:

BOA-21760; on 8.12.14, the Board **approved** a *verification* of the spacing requirement for a liquor store of 300 ft. from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores.

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 exist 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

ANALYSIS OF SURROUNDING AREA: The subject tract abuts CH zoned retail and commercial uses to the south and east; IM zoned retail uses to the north; the subject tract abuts S. Yale. Ave. to the west.

STAFF COMMENTS:

The applicant is proposing to expand the south perimeter wall of the existing liquor store. To permit expansion of the existing liquor store the applicant is before the Board requesting a Spacing Verification for a liquor store in a CH district from other liquor stores, plasma centers, day labor hiring centers, bail bond offices or pawnshops (Sec. 40.300-A).

The property is zoned CH and a liquor store is permitted by right in the CH district as long as it meets the spacing requirement of 300 ft. from from other **liquor stores, plasma centers, day labor hiring centers, bail bond offices or pawnshops**. The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

The applicant submitted an exhibit indicating a radius around the subject property that contains the existing liquor store and has labeled all uses of property within the subject building and that radius in support of the verification. Staff did not notice any of the above-mentioned conflicting uses within 300 ft. of the subject site.

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 to permit expansion of the existing liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store.

FILE COPY

21760—Larry Wilson

Action Requested:

Verification of the spacing requirement for a liquor store of 300 feet from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3). **LOCATION:** 1700 South Yale Avenue East
– **TENANT SPACE:** 1649 South Yale Avenue (CD 5)

Presentation:

The applicant was not present.

Mr. Henke stated the Board is in receipt of the applicant's survey.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) based upon the facts in this matter as they presently exist, the Board **ACCEPTS** the applicant's verification of the spacing requirement for the proposed liquor store provided that the existing liquor store located at 1685 South Yale Avenue, Midtown Liquor, is demolished before the proposed liquor store opens for business. Subject to the action of the Board being void should another liquor store or other conflicting use be established prior to this liquor store; for the following property:

**BEG 50E NWC SW NW SW TH E361.36 S329.64 W361.53 N329.5 POB SEC 10 19 13
2.73AC, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

08/12/2014-1122 (16)



S URBANA AVE

E 13 PL S

S WINSTON AVE

S ALLEGHENY AVE

S BRADEN AVE

S CANTON AVE

S ERIE AVE

E 14 ST S

S DARLINGTON AVE

E 14 PL S

E 15th ST S

E 16 ST S

E 17 ST S

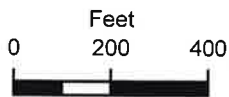
S YALE AVE

E 19 ST S

S CANTON AVE

E 20 ST S

E 21st ST S



Subject Tract

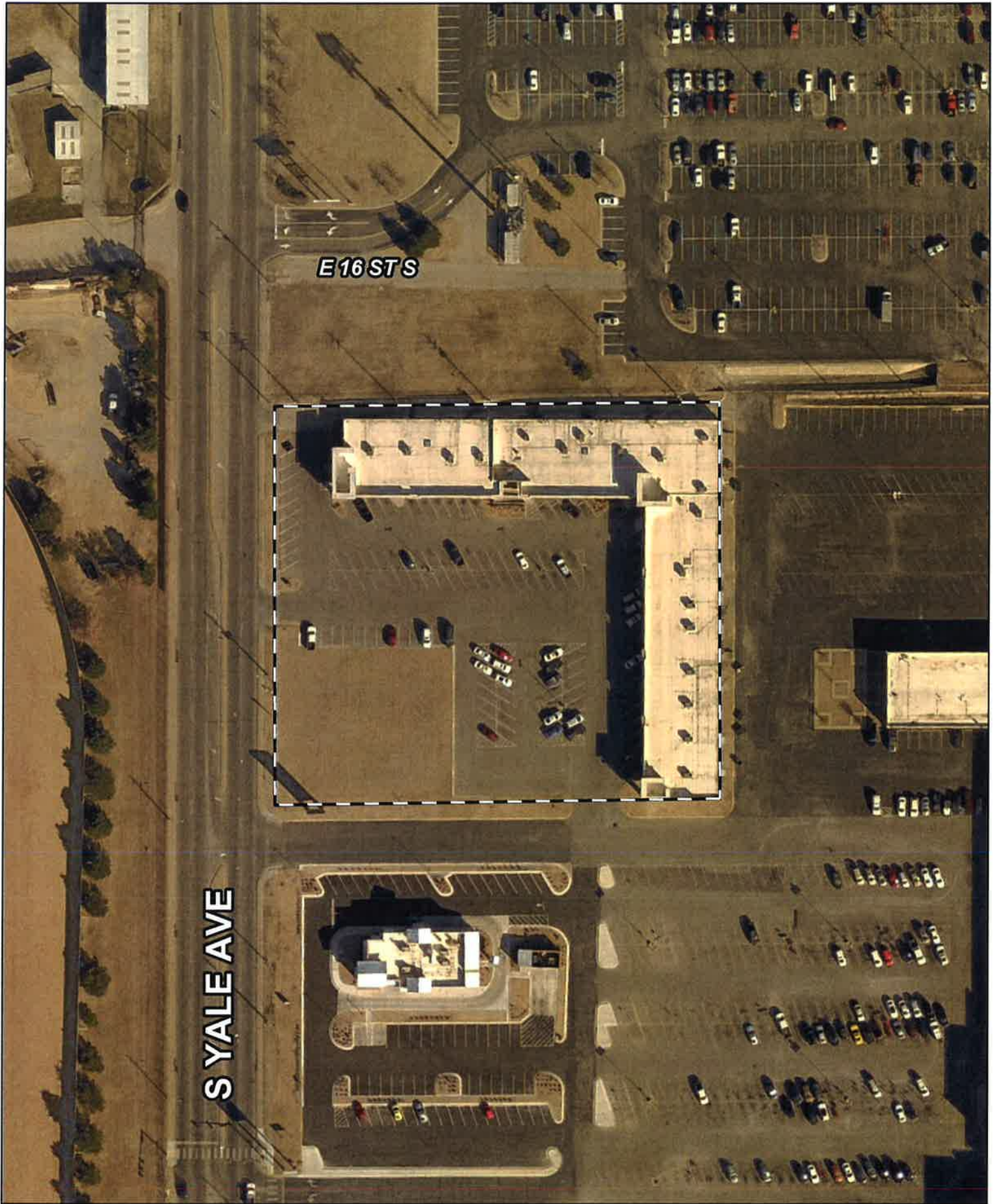
BOA-22492

19-13 10

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

Aerial Photo Date: February 2018





0 50 100
Feet



Subject
Tract

BOA-22492

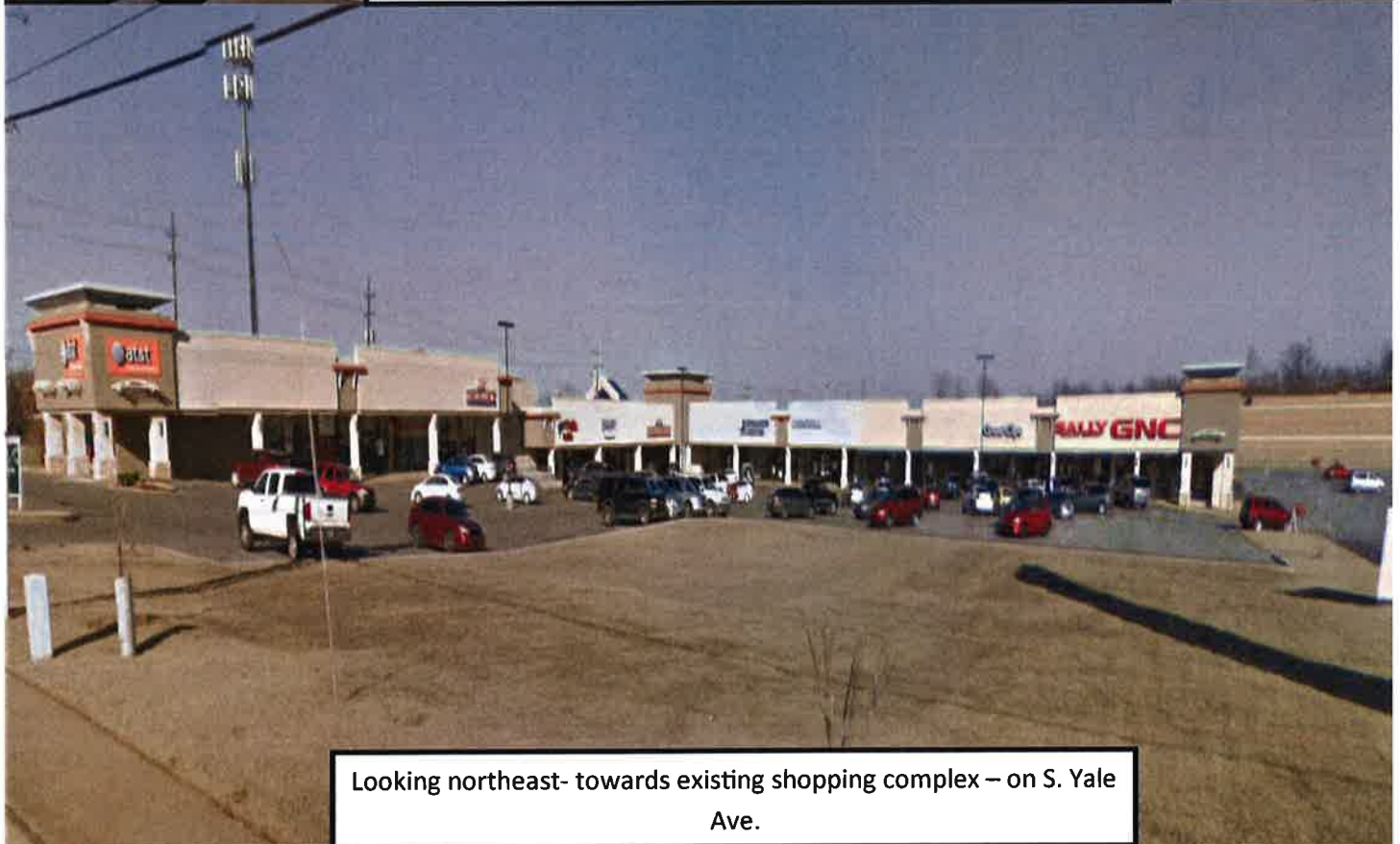
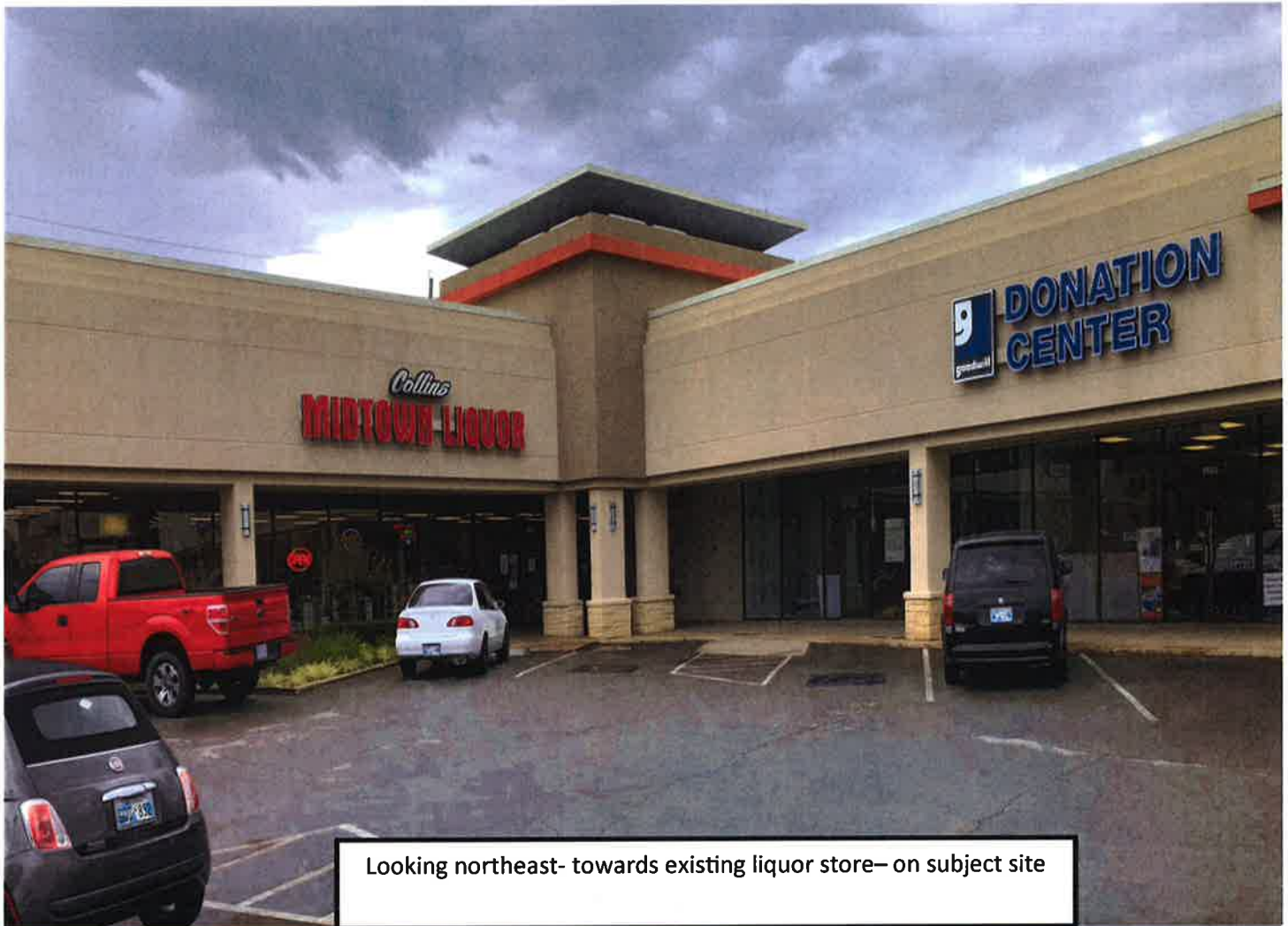
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Note: Graphic overlays may not precisely align with physical features on the ground.

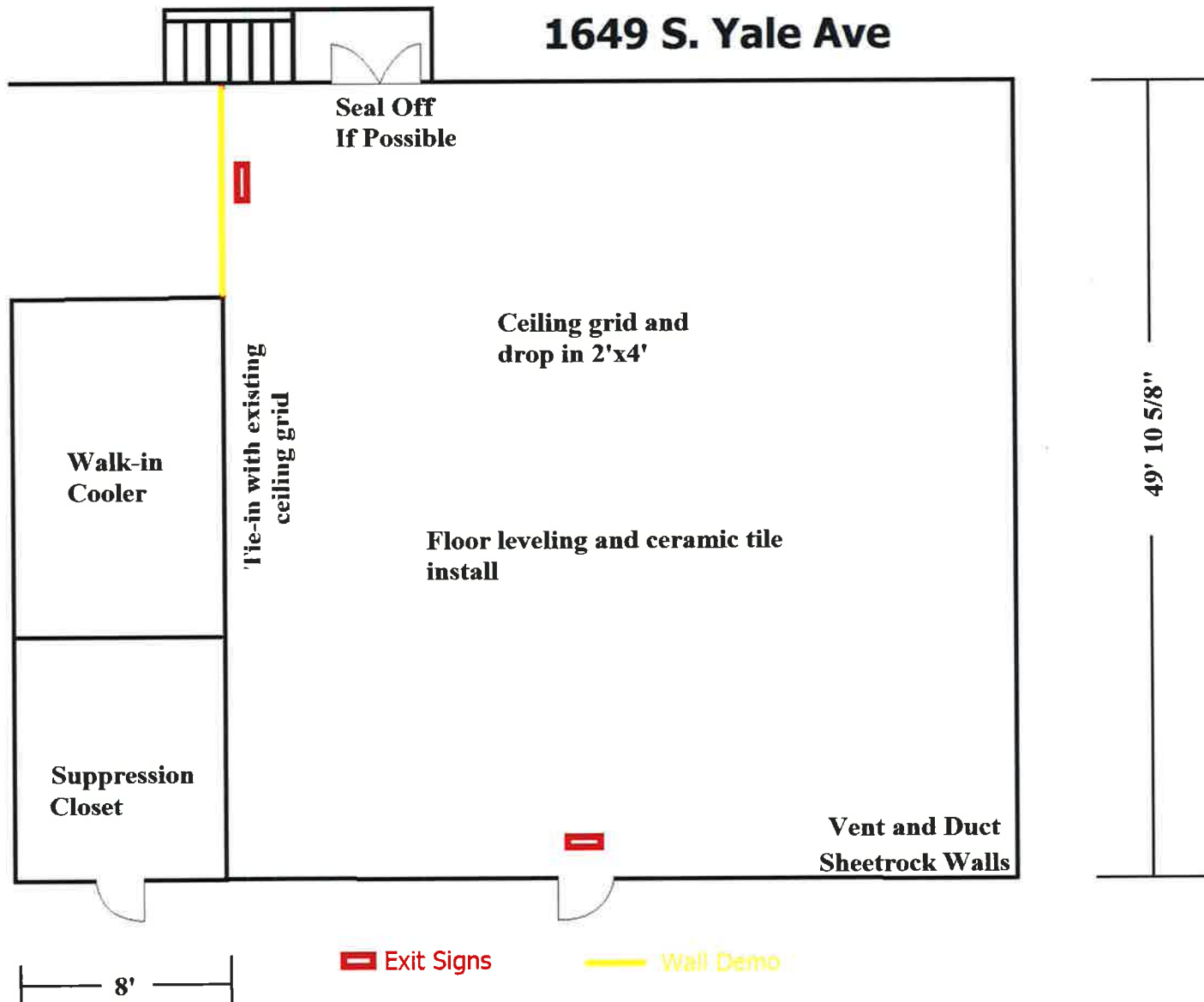
Aerial Photo Date: February 2018



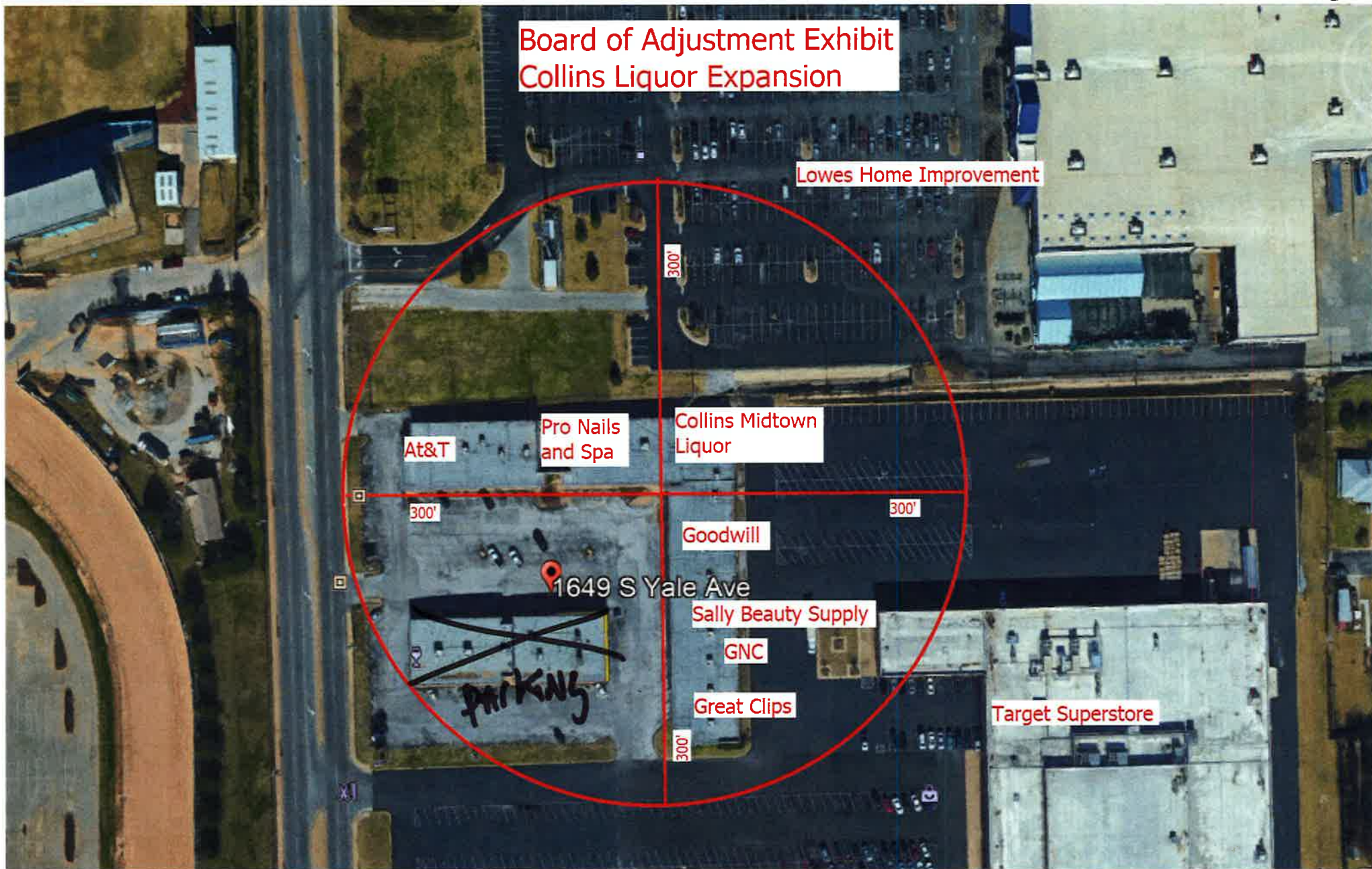
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10.8



Board of Adjustment Exhibit Collins Liquor Expansion



FOR
LEASE

1700 YALE MALL

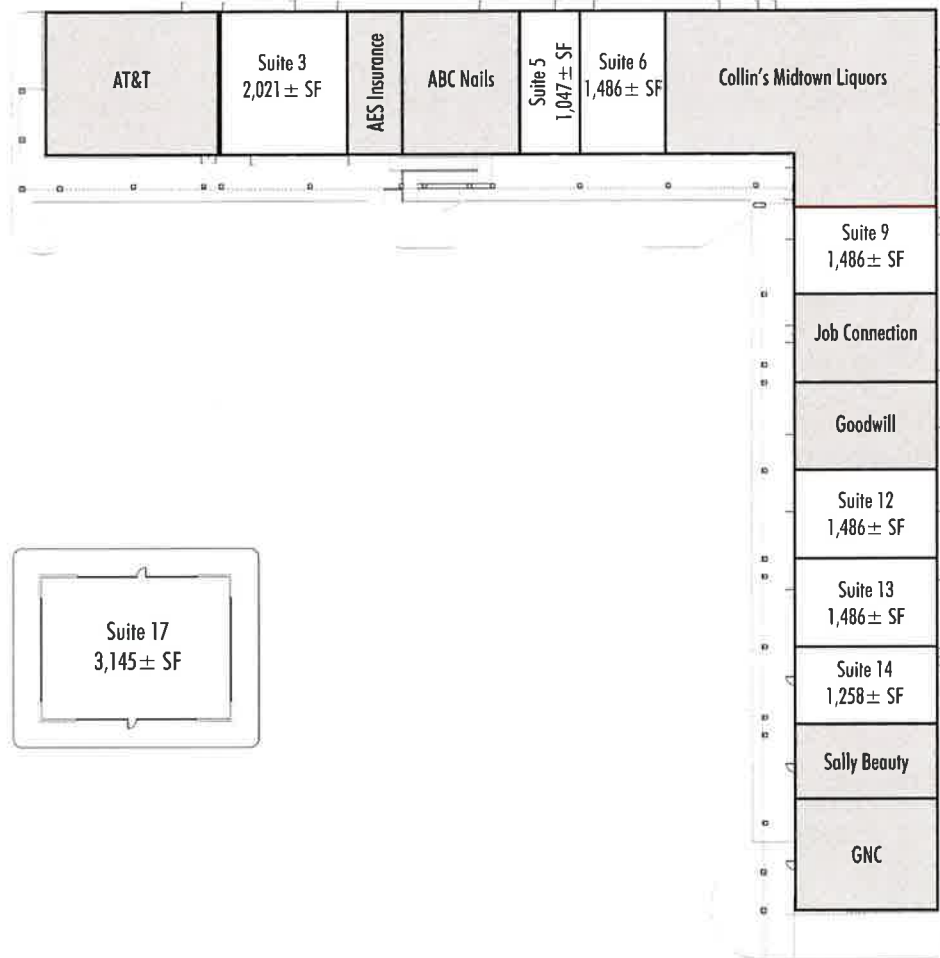
RESTAURANT/RETAIL SPACE

1649 S. YALE AVENUE :: TULSA, OK

Retail 24/7.

SITE PLAN

South Yale Avenue



FOR MORE
INFORMATION
PLEASE
CONTACT

Caitlin Boewe, CCIM

Sales Associate

+1 918 392 7207

caitlin.boewe@cbre-ok.com

Lindsey Morehead

Sales Associate

+1 918 392 7226

lindsey.morehead@cbre-ok.com

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CBRE | Oklahoma

Part of the CBRE affiliate network

10.10

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

July 7, 2018

JUSTIN REED
7033 E 40TH ST
TULSA, OK 74145

Phone: 918.830.4544

APPLICATION NO: COO-005401-2018

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1649 S YALE AVE
Description: LIQUOR STORE COO

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)

10.11

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-005401-2018

1649 S YALE AVE

JULY, 7 2018

Note: Please direct all questions concerning spacing verifications, appeals of an administrative official 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.

Sec.40.300-A: Plasma centers, day labor hiring centers, liquor stores, bail bond offices and pawn shops must be separated by a minimum distance of 300 feet, provided that bail bond offices located within the CBD district are not subject to this separation requirement.

Sec.40.300-B: For uses established after July 1, 2001, the separation distance requirement of *Sec.40.300-A* must be measured in a straight line from the nearest perimeter wall of the portion of the building occupied by one of the subject uses to the nearest perimeter wall of the portion of the building of any other subject use.

Review comment: The proposed expansion to the liquor store has relocated the south perimeter wall of the liquor store. This will require verification of the minimum 300' spacing between the liquor store and plasma centers, day labor hiring centers, other liquor stores, and pawn shops. **Submit a copy of the 300' spacing verification** reviewed and approved, per Sec.70.110

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.