

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 28, 2018, 1:00 P.M.

Meeting No. 1212

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of August 14, 2018 (Meeting No. 1211).

UNFINISHED BUSINESS

2. **22481—Mark Capron**
Special Exception to permit a school use in an RS-3 District (Section 5.020-C).
LOCATION: 3121 East Queen Street North **(CD 3)**

NEW APPLICATIONS

3. **22493—Rob Bingham**
Special Exception to permit Commercial/Vehicle Sales and Service/Personal Vehicle Sale and Rentals Use in a CS District (Section 15.020); Variance to allow outdoor storage and outdoor merchandise display within 300 feet of an abutting R District (Section 15.040-A). **LOCATION:** 7924 East 15th Street South **(CD 5)**
4. **22494—Brad McMains**
Special Exception to allow a Personal Improvement Service in an OL District (Section 15.020). **LOCATION:** 5119 East 81st Street South **(CD 8)**
5. **22495—Ricky Jones**
Special Exception to allow the driveway widths for the entire subdivision to exceed 20 feet on the lot and 20 feet in the right-of-way in an RS-4 District to permit a width of 35 feet on the lot and within the right-of-way (Section 55.090-F.3). **LOCATION:** Winchester Park Subdivision **(CD 2)**
6. **22496—Andrew Layson**
Special Exception to allow for a bar within 150 feet of an R District (Section 15.020-G); Verification of the 300-foot spacing requirement for a bar from public parks, schools, other bars, religious assemblies, and sexually oriented business establishments, and the public entrance doors 50 feet from an R-zoned lot

(Section 40.050). **LOCATION:** 6 South Gillette Avenue East & 2224 East Admiral Boulevard **(CD 4)**

7. **22499—Ryan Strode**

Variance of the minimum street setback requirement to permit an unenclosed accessory parking area (Table 55-4). **LOCATION:** 1408 South Harvard Avenue East **(CD 4)**

8. **22500—Wallace Engineering – Mike Thetford**

Special Exception to permit low-impact manufacturing and industry in the CBD District (Section 15.020). **LOCATION:** 9 West Mathew Brady Street North **(CD 4)**

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: www.cityoftulsa-boa.org

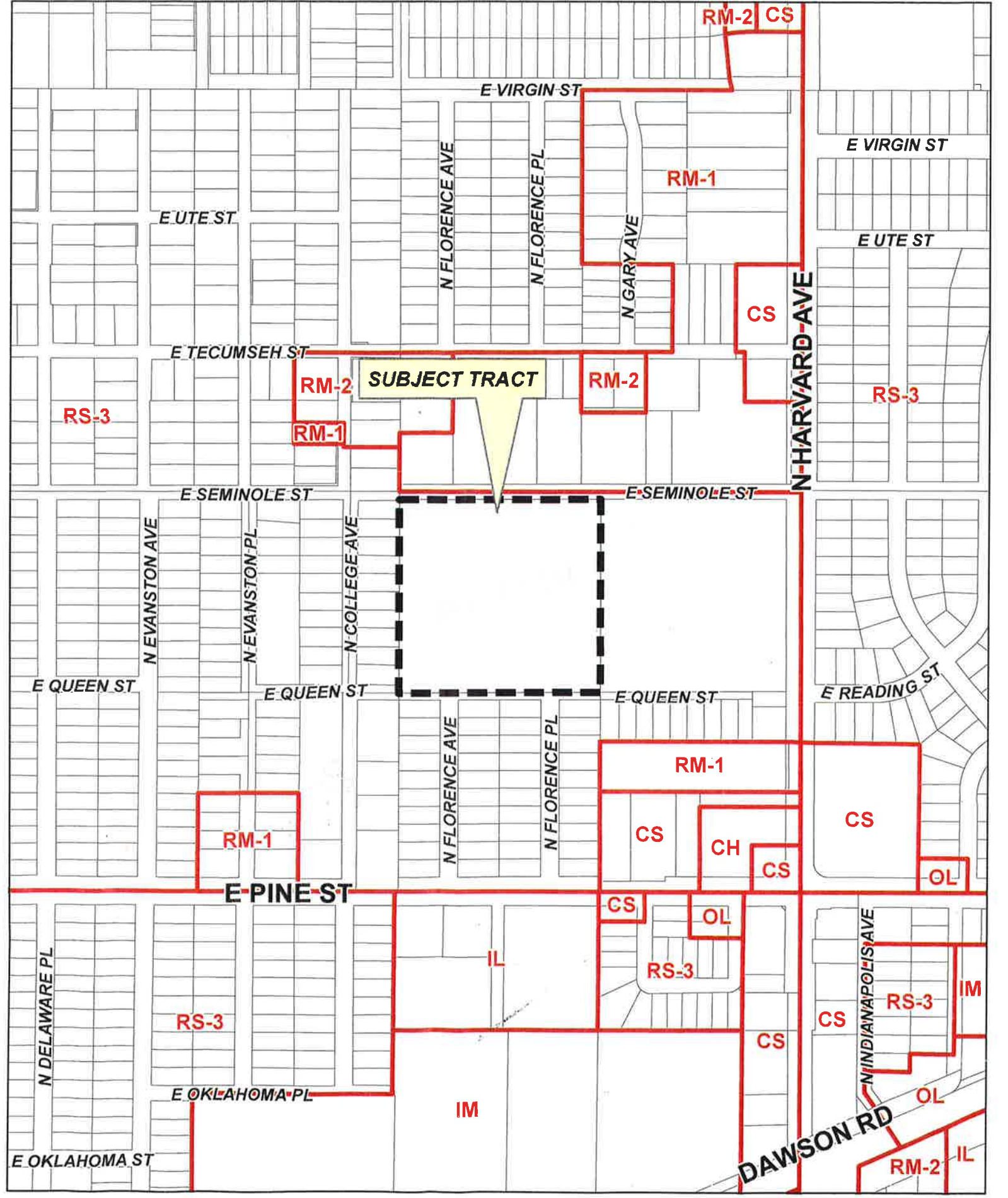
E-mail: esubmit@incog.org

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-22481

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BOARD OF ADJUSTMENT CASE REPORT

STR: 0329

Case Number: **BOA-22481**

CZM: 29

CD: 3

A-P#:

HEARING DATE: 08/28/2018 1:00 PM (continued from 7/24/2018)

APPLICANT: Mark Capron

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

LOCATION: 3121 E QUEEN ST N

ZONED: RS-3

PRESENT USE: Park.

TRACT SIZE: 419467.09 SQ FT

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

Fcf m

RELEVANT PREVIOUS ACTIONS:

Subject Parcel:

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

Surrounding Properties:

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

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

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

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

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

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

2.2

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

CURRENT STAFF COMMENTS:

The Board continued this application to 8/28/18. The Board requested that the applicant present the City of Tulsa's traffic plan, the traffic flow study for both Celia Clinton Elementary School and the proposed Educare site, and an implementation plan for the traffic signal at the corner of E. Seminole St. and N. Harvard Ave. Please see the attached documents provided by the applicant.

PREVIOUS STAFF COMMENTS:

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

The applicant is proposing a 6,000 SF charter school on the 5.4 acre site. A school use is permitted in the R district only by special exception. A special exception is required as the proposed use is not permitted by right due to potential adverse affect, but if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted.

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

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

Sample Motion

Move to _____ (approve/deny) a Special Exception to

- 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.

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

Board Action:

On **MOTION** of **BACK**, the Board voted 3-1-0 (Back, Radney, Van De Wiele "aye"; Ross "nay"; no "abstentions"; Bond absent) to **APPROVE** the request for a Special Exception to allow the driveway width to exceed 30 feet on the lot and 20 feet in the right-of-way in an RS-1 District (Section 55.090-F.3), subject to conceptual plans 4.9 and 4.10 of the agenda packet. The large tractor being stored on the site is to be removed 120 days from today's date, August 24, 2018. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

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

NEW APPLICATIONS

FILE COPY

22481—Mark Capron

Action Requested:

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

LOCATION: 3121 East Queen Street North (CD 3)

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

Presentation:

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

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

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

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

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

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

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

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

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

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

Interested Parties:

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

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

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

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

Rebuttal:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Comments and Questions:

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

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

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

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

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

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

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

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

Board Action:

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

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

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

22482—Keith Dalessandro

Action Requested:

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

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

Presentation:

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

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

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

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

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

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Case No. 21129-Tanner Consulting

Action Requested:

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

Presentation:

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

Interested Parties:

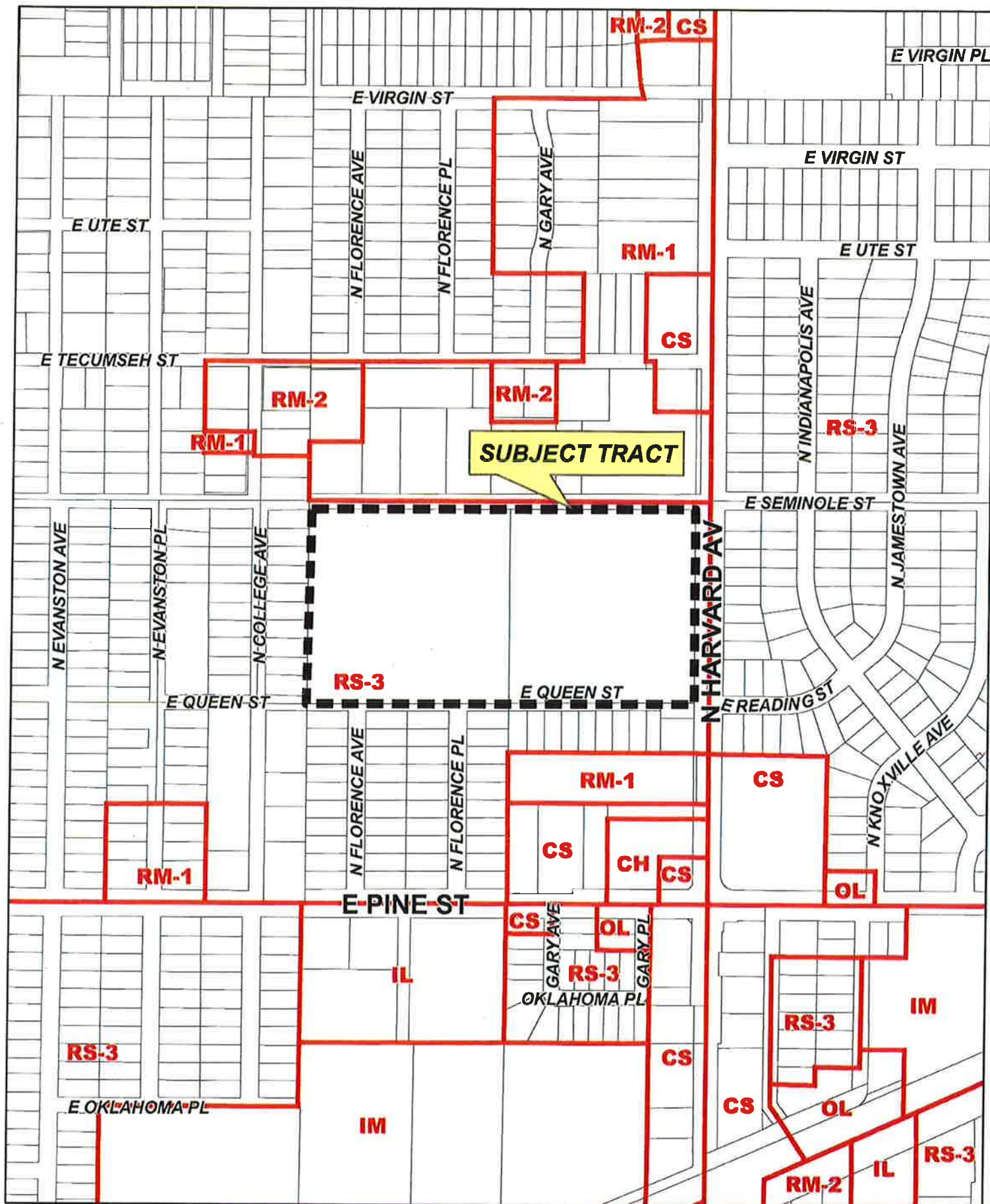
There were no interested parties present.

Comments and Questions:

None.

Board Action:

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



BOA-21129

20-13 29



2.12

Case No. 17781

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Action Requested:

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

Presentation:

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

Interested Parties: None.

Board Action:

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

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

Case No. 17782

Action Requested:

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

Presentation:

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

Comments and Questions:

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

07:22:97:731(12)

11202

Action Requested:

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

Presentation:

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

Protestants: None.

Board Action:

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

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

11203

Action Requested:

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

Presentation:

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

Protestants: None.

Board Action:

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

9.18.80:319(20)



0 200 400
Feet



Subject
Tract

BOA-22481

20-13 29

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

Aerial Photo Date: February 2018



2.15



E SEMINOLE ST

E QUEEN ST

N FLORENCE AVE

N FLORENCE PL

0 50 100
Feet



Subject
Tract

BOA-22481

20-13 29

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

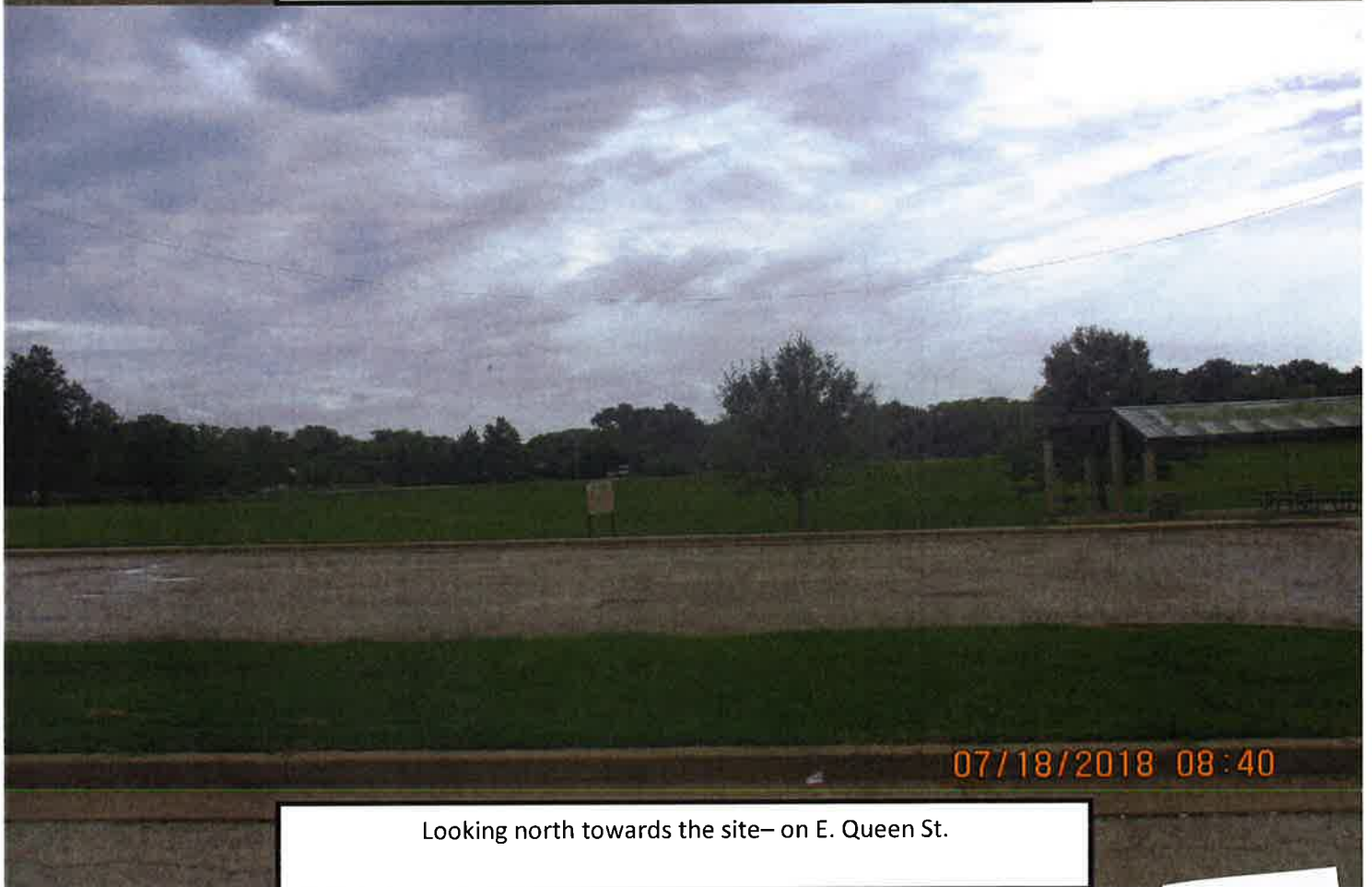
Aerial Photo Date: February 2018



2.16



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



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

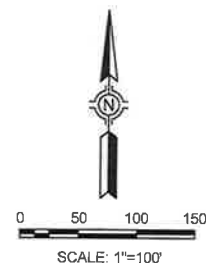


Looking northeast- towards the site— on E. Queen St.




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





City of Tulsa, Tulsa County, State of Oklahoma

		Sisemore Weisz & Associates, Inc. 805 EAST 32nd PLACE TULSA, OKLAHOMA 74105 CA, INO 2431		PHONE (918) 606-3600 FAX (918) 606-0008 EXP. DATE 6/30/92	
FILE:	2013.2822	SURVEY BY:		DATE:	7/2/16
ORDER:	18034.01	DRAWN BY:	LAD	SCALE:	1"=100'
BOOK:		CHECKED BY:	MC	SHEET	1 OF 1



TULSA EDUCARE 4

2.21

ARCHITECTS
PLANNERS
DESIGNERS



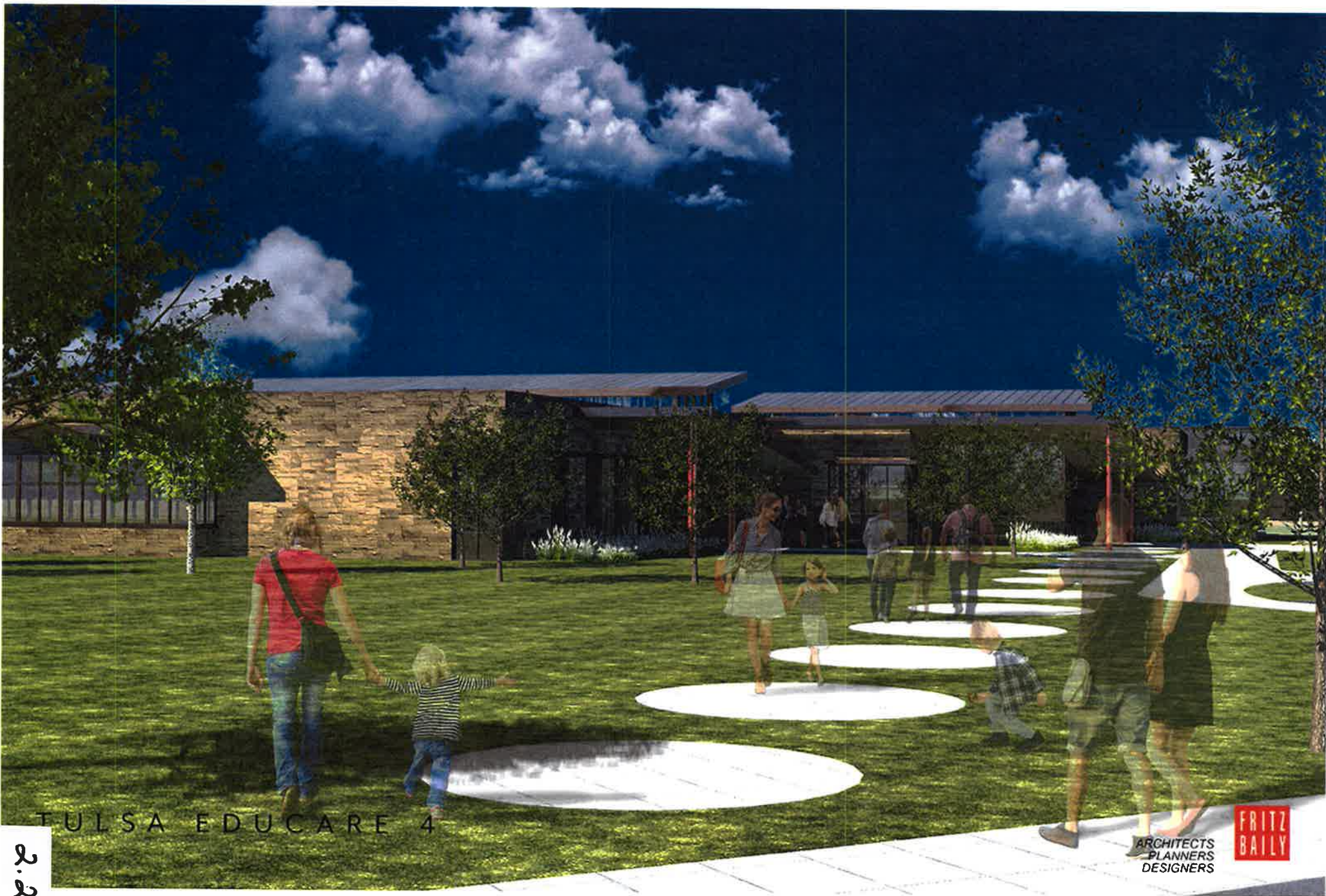


FRITZ
BAILY

ARCHITECTS
PLANNERS
DESIGNERS

ULSA EDUCARE 4

2.22



TULSA EDUCARE 4

ARCHITECTS
PLANNERS
DESIGNERS

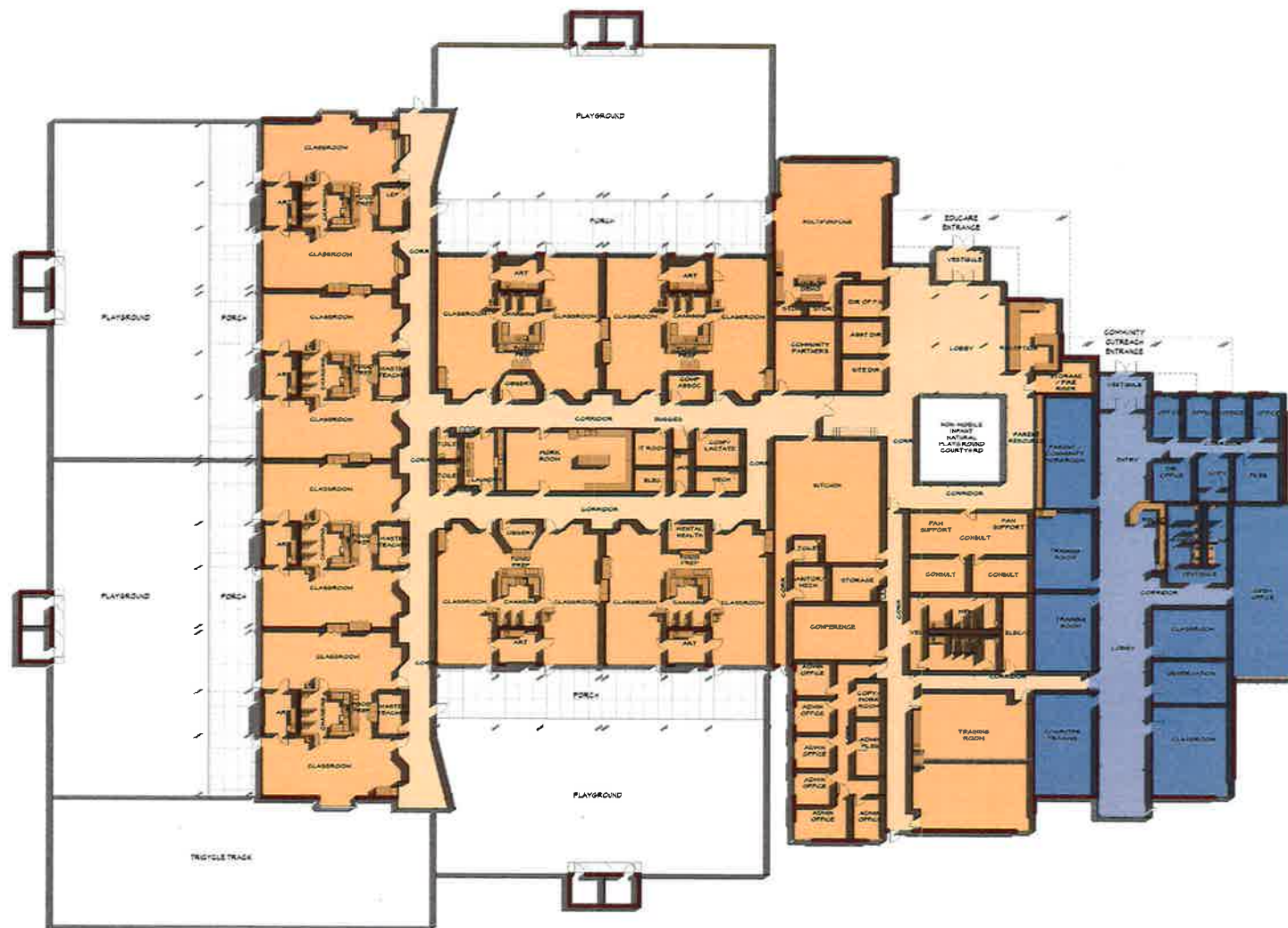
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ARCHITECTS
PLANNERS
DESIGNERS

ULSA EDUCARE 4

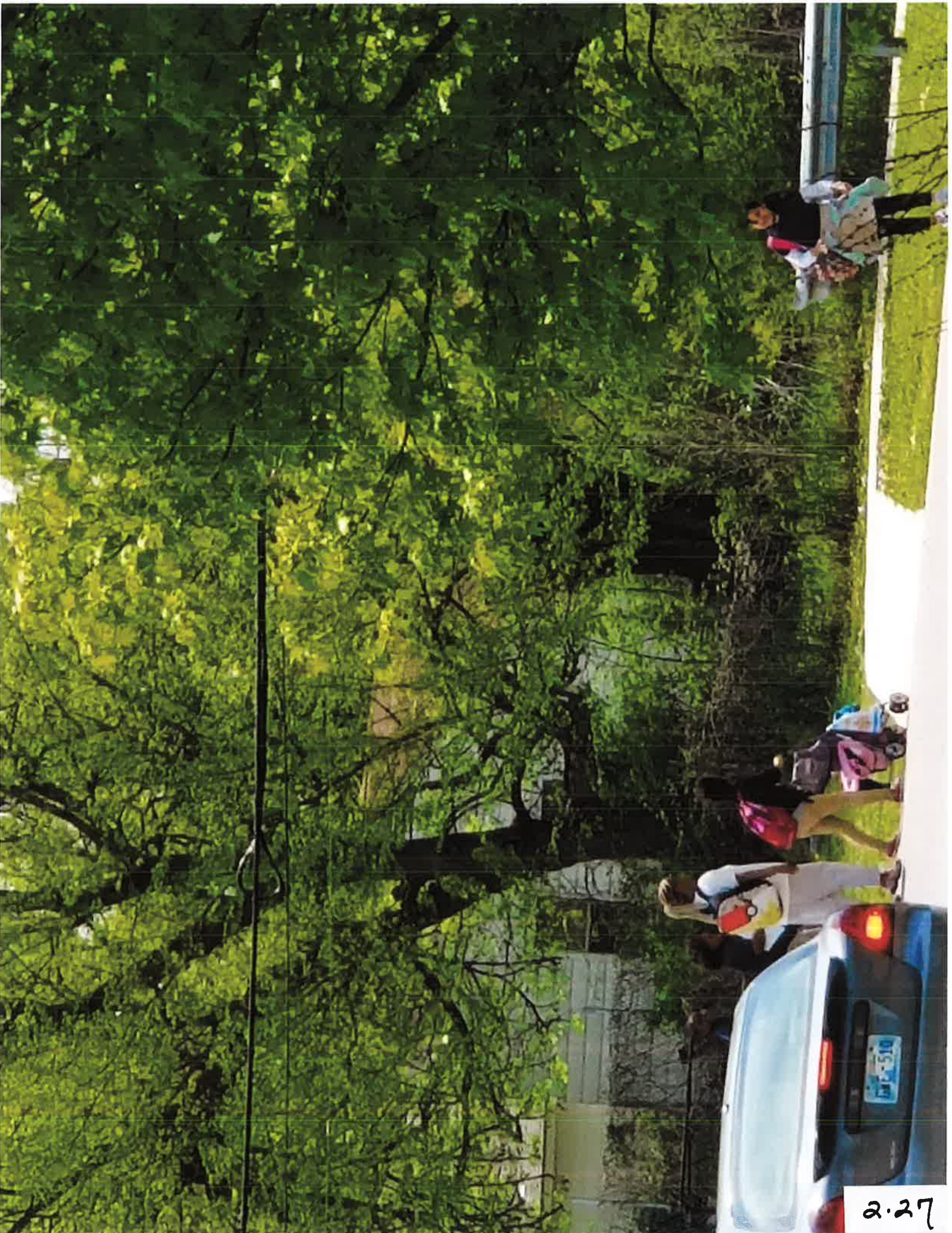


TULSA EDUCARE 4

2.25



2.26



2.27

2.28



Ulmer, Amy

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

All,

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

Amy Ulmer | Land Development Planner

2 West Second Street, Suite 800

Tulsa, OK 74103

918.579.9437

918.579.9537 fax

aulmer@incog.org



Ulmer, Amy

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

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

Thanks,



EQUITY CHARACTER EXCELLENCE TEAM JOY

Chris Hudgins | Executive Director, Bond & Energy Management

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

hudgich@tulsaschools.org
www.tulsaschools.org



VISION TULSA: SAFETY FIRST



CELIA CLINTON ELEMENTARY PRIORITY 1 SAFETY AUDIT REPORT

PREPARED BY



LEE ENGINEERING

SUBMITTED TO



APPROVALS

SUBMITTED BY:



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



A handwritten signature in black ink, reading "Justin R. Willis".

JUSTIN R. WILLIS, P.E.

OKLA. REG. NO. 27254

SUBMITTED TO:



Brent S. Stout, P.E., CFM
Senior Special Projects Engineer
Planning and Coordination
City of Tulsa Engineering Services Department
2317 S. Jackson Avenue, Room S221
Tulsa, OK 74107

DATE: 8/1/2018

REVIEWED BY:



Signatures acknowledge review and approval of recommended Safety 1st improvements for the school campus being assessed.

JORGE ROBLES

COO – TULSA PUBLIC SCHOOLS

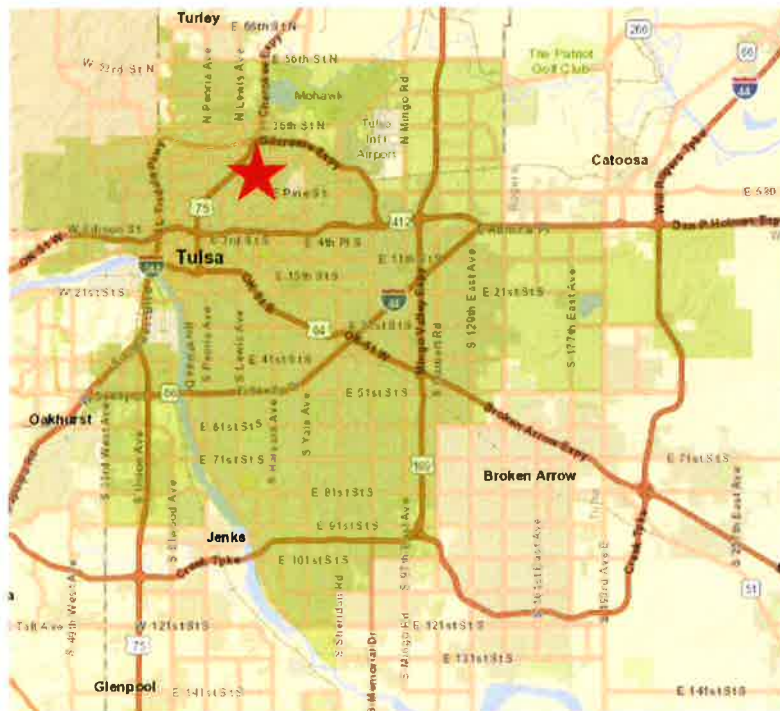
DATE: _____

LEE ENGINEERING

EXECUTIVE SUMMARY

As part of the *Vision Tulsa, Public Schools – Safety 1st Initiative*, Lee Engineering has completed a school safety assessment for Celia Clinton Elementary School. *Vision Tulsa* funds are planned to go toward infrastructure improvements such as sidewalks, lighting, crosswalk striping, and other school-by-school needs within City of Tulsa right-of-way. This school safety assessment is a method for evaluating the specific needs of individual schools to improve the overall safety of students, parents, and faculty as they travel to and from the school. This report provides a complete safety analysis, including operational observations, site visit findings, and improvement recommendations.

Celia Clinton Elementary School is located within Tulsa city limits at 1740 N Harvard Avenue. The school is situated two blocks north of E Pine Street in north Tulsa. Celia Clinton Elementary hosts 683 students in grades Pre-K through 6th grade with about 70 staff/faculty members.



Map Source: INCOG

In order to gather information about Celia Clinton Elementary, a meeting with school administrators was held on November 1, 2017. Additionally, a PTA meeting was held on November 15, 2017. The purpose of these meetings was to identify known issues related to traffic and/or student safety prior to the site observations and assessment. Concerns mentioned by school faculty included the location of the existing pedestrian signal, parents loading and unloading from Harvard Avenue, and pedestrian safety in surrounding areas. Lee Engineering was able to then discuss these issues, explain our scope of work, and select a date for our site visit and assessment.

Students are generally dropped-off and picked-up from the parent loop north of the school's main entrance. School buses and some parents utilize the bus loop southeast of the school to drop-off or pick-up students. Also, more than 100 students were observed walking to or from the school.

Lee Engineering conducted operational observations and a site and lighting assessment of the Celia Clinton Elementary School campus and surrounding roadway network. The site and surrounding area were studied for potential safety and accessibility improvements. Items to be addressed were prioritized into short-term and long-term improvement recommendations. Improvements were then further divided into improvements that can be implemented utilizing allotted funds from the current *Vision Tulsa, Public Schools - Safety 1st Initiative* and additional recommended improvements that could be addressed by the district. The *Safety 1st Initiative* improvements being recommended for implementation as part of the *Vision Tulsa, Public Schools - Safety 1st Initiative* are summarized as follows:

- Signing Improvements – New school related traffic signs are recommended for various locations around the school.
- New School Speed Zone Flashing Beacons – New school speed zone flashing beacons are recommended along Harvard Avenue on either side of the existing school grounds and along Pine Street on either side of the existing marked crosswalk near College Avenue.
- Pavement Marking Improvements – New and updated, reflective, high-visibility ‘zebra’-style pavement markings are recommended for marked crosswalks at several locations around the school.
- Relocate and Upgrade Traffic Signal (Seminole Street and Harvard Avenue) – It is recommended that the current pedestrian crossing traffic signal be removed and a new traffic signal be installed at the intersection of Seminole Street and Harvard Avenue, approximately 250-ft north of the existing pedestrian signal.
- Bus Shelter – A new bus shelter is recommended to be installed along the north side of Queen Street near Chittom Park for the current centralized bus stop location utilized by various TPS students.

The total estimated cost of these improvements is **\$302,820**.

Additional short-term improvements to be funded by the district include acquisition of new safety equipment for school staff, construction of a sidewalk connection near the parent loop entrance, and new gates for the parent loop driveways. The total estimated cost of these recommended short-term improvements is **\$18,660**.

Additional long-term improvements beyond the scope and funds of the existing *Vision Tulsa, Public Schools - Safety 1st Initiative* include ADA-compliant ramp improvements, updates to the existing parking lot striping in the parent loop area, and a new bicycle rack with concrete pad. The total estimated cost of these recommended long-term improvements beyond the scope of the current *Vision Tulsa, Public Schools - Safety 1st Initiative* program is **\$35,904**.

Furthermore, for parent pick-up, the school staff would benefit from the implementation of additional operational procedures. School staff should consider implementing placards for parent vehicles and a walkie-talkie setup where students’ names can be called as their parents enter the parent loop. This type of operation could speed up dismissal intervals and improve organization. Operations should continually be monitored as traffic patterns and/or student attendance changes over time.

Additionally, the existing ‘NO PARKING’ zones on Seminole Street and Queen Street should be enforced. This will help facilitate the movement of vehicles along these streets and reduce congestion around the school.

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INTRODUCTION

Lee Engineering was selected by the City of Tulsa to perform public school safety assessments as part of the *Vision Tulsa, Public Schools - Safety 1st Initiative* program. *Vision Tulsa*, passed by voters in 2016, is a tax renewal package that was created to address Tulsa's public safety and streets needs while also investing in economic development. As a part of the *Vision Tulsa* package, the *Public Schools - Safety 1st Initiative* provides funds targeted for safety improvements at 82 Tulsa Public Schools sites, 5 Jenks Public School locations, and 17 schools in the Union School District. These funds are planned to go toward sidewalks, lighting, crosswalk striping, and other school-by-school needs within City of Tulsa right-of-way. This school safety assessment is a method for evaluating the specific infrastructure needs of public schools to improve the overall safety of students, parents, and faculty as they travel to and from the school. This report will provide a complete safety analysis, including site visit findings, improvement recommendations, and any signal or flashing beacon warrant studies.

In order to gather information about Celia Clinton Elementary, a meeting with school administrators was held on November 1, 2017. Additionally, a PTA meeting was held on November 15, 2017. The purpose of these meetings was to identify known issues related to traffic and/or student safety prior to the site observations and assessment. Concerns mentioned by school faculty included the location of the existing pedestrian signal, parents loading and unloading from Harvard Avenue, and pedestrian safety in surrounding areas. Lee Engineering was able to then discuss these issues, explain our scope of work, and select a date for our site visit and assessment.

SCHOOL SITE DESCRIPTION

Celia Clinton Elementary School is located within Tulsa city limits at 1740 N Harvard Avenue. The school is situated on approximately nine (9) acres on the west side of Harvard Avenue between Queen Street and Seminole Street. Harvard Avenue has a posted speed limit of 40 MPH during normal, non-school hours. The neighborhood streets surrounding the school have a speed limit of 25 MPH during all hours. Pine Street, located two (2) blocks south of Celia Clinton Elementary, has a posted speed limit of 40 MPH during normal, non-school hours. Celia Clinton Elementary hosts students aged Pre-K through 6th grade. Approximately 680 students are currently enrolled at the school who are served by approximately 70 staff/faculty members.

The Celia Clinton Elementary School campus includes two parking lots for staff and visitors. The main parking lot, located on the north and west sides of the school, also features a three lane, one-way parent drop-off/pick-up loop. Access to the parent loop is provided from Seminole Street. Additionally, a smaller staff parking lot is located in the southeast corner of the school campus. This parking lot is used by school buses for drop-off/pick-up. Access to the bus loop is provided from both Queen Street and Harvard Avenue.

An aerial image of the school site is included in **Figure 1**.



Figure 1: Celia Clinton Elementary School Site

FUTURE EDUCARE 4 FACILITY

Tulsa Educare 4, an early childhood education facility, is currently being planned for the Chittom Park property located just west of the school. Construction is anticipated to begin in the summer of 2018 with a planned opening date of August 2019. The facility will have independent parent drop-off/pick-up procedures. However, since students are younger, parents will be expected to park and walk with their child to the facility. Access to the facility's parking lots will be provided from the newly constructed Florence Place, west of Celia Clinton Elementary School. Drop-off/pick-up times for Educare 4 will be different from those of Celia Clinton Elementary School, but undoubtedly there will be some overlapping traffic, especially with parents who have children attending both schools.

Congestion along Seminole Street is already a significant issue during school arrival and dismissal times. Careful planning and analysis of the proposed Educare 4 site and traffic operations is recommended. It is recommended that traffic operations for each school be separated as much as possible with the new Educare 4 facility utilizing primarily Queen Street and Florence Place while Celia Clinton Elementary School continues to utilize Seminole Street. A proposed site plan of the Educare 4 facility is provided in **Figure 2**. A proposed parent/bus traffic operations map for Celia Clinton Elementary School and the proposed Educare 4 facility is shown in **Figure 3**.

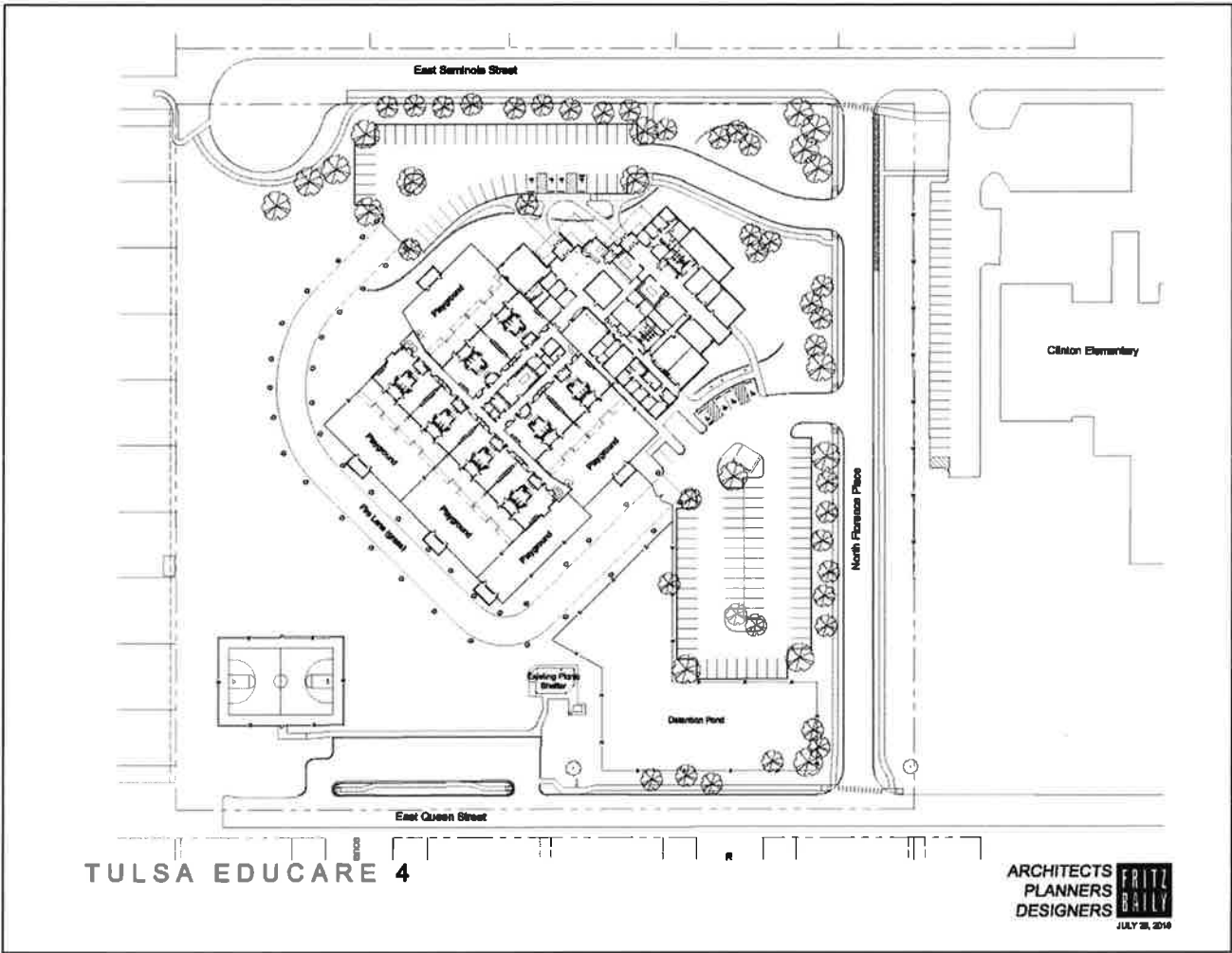


Figure 2: Educare 4 Site Plan



Figure 3: Proposed Traffic Operations for Celia Clinton Elementary and Educare 4

SCHOOL ATTENDANCE BOUNDARY

The Celia Clinton Elementary School attendance boundary was provided by Tulsa Public Schools and is presented in **Figure 4**. The location of Celia Clinton Elementary School in relation to the attendance zone boundary is also shown in the figure.

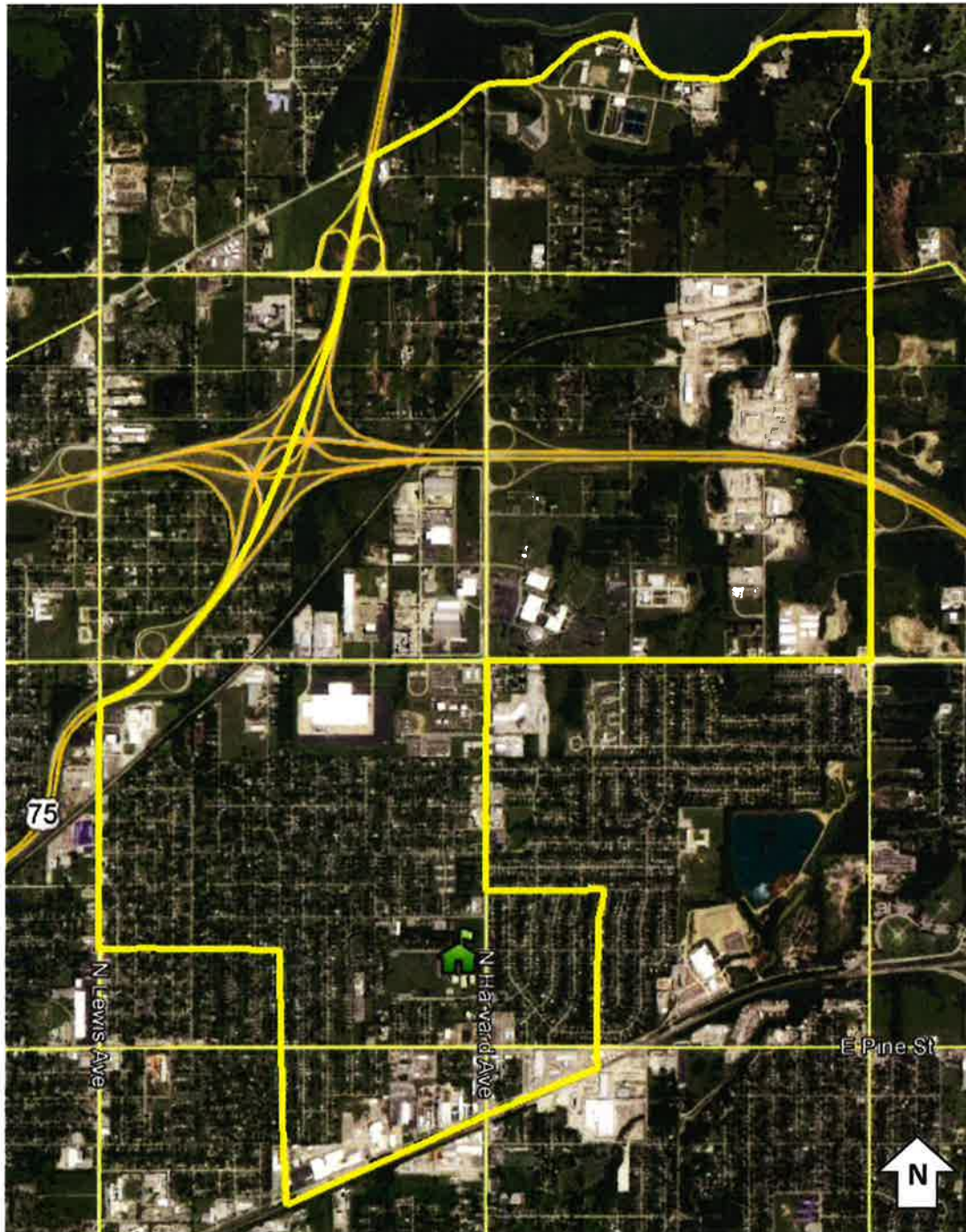


Figure 4: Celia Clinton Elementary School Attendance Boundary

STUDENT WALKING ZONE BOUNDARY

The Celia Clinton Elementary School student walking zone boundary was provided by Tulsa Public Schools. For Tulsa Public Schools, students within a 1.5-mile radius of the school are not provided bus service. Most students who attend Celia Clinton Elementary live within this 1.5-mile boundary in all directions and are encouraged to walk or bike to school. Two (2) buses are provided for students, one for students who live outside the walking zone boundary for Celia Clinton Elementary and one for special education students.

SCHOOL SPEED ZONE EVALUATION

As shown in **Figure 5**, there are two (2) school speed zone flashing beacons located on Harvard Avenue and two (2) located on Pine Street. These school speed zone flashing beacons have been installed on either side of existing marked crosswalks. The school speed zone flashing beacons operate from 6:50 AM to 8:00 AM and from 2:20 PM to 3:15 PM, Mondays through Fridays. Currently, the existing school speed zone flashing beacon times are appropriate.

Furthermore, the existing school speed zone flashing beacon locations were evaluated using the Manual on Uniform Traffic Control Devices (MUTCD) guidance, which is as follows:

07 *The beginning point of a reduced school speed limit zone should be at least 200 feet in advance of the school grounds, a school crossing, or other school related activities; however, this 200-foot distance should be increased if the reduced school speed limit is 30 mph or higher.*

Three (3) of the four (4) existing school speed zone flashing beacons were found to be located less than 200-ft from a marked school zone crosswalk. The southbound beacon along Harvard Avenue is located 200-ft from the marked crosswalk, but it is not in advance of school grounds. It is recommended that the beacon be relocated to the north to a location at least 200-ft north of Seminole Street. Student crossings were observed at Seminole Street and thus it should be included as part of the school speed zone along Harvard Avenue. The northbound beacon along Harvard Avenue should also be relocated. The recommended location for this beacon is 200-ft south of Queen Street to provide the recommended distance of 200-ft in advance of the school grounds. Extending the school speed zone to the north and south will also create more vehicle gaps along Harvard Avenue, making it easier for buses and parents to turn onto or out from Queen Street and Seminole Street.

It is recommended that both school speed zone flashing beacons along Pine Street be relocated farther from the marked crosswalk near the intersection of Pine Street and College Avenue to provide at least 200-ft from the beginning of the school speed zone to the marked crosswalk.



Figure 5: Existing School Speed Zone Flashing Beacon Locations

COLLISION ANALYSIS

Collision data along Harvard Avenue, Seminole Street, and Queen Street near Celia Clinton Elementary School was obtained for the most recent five (5) years, 2013-2017, via the Oklahoma Department of Transportation's SAFE-T collision database. Eleven (11) collisions were identified in the school's vicinity. Most of these collisions occurred near the intersection of Seminole Street and Harvard Avenue. Of these eleven (11) collisions, three (3) occurred on school days and during school hours. A summary of these collisions are shown in **Table 1**.

Table 1: Celia Clinton Elementary Vicinity Collisions (Possibly School Operations Related)

Date	Time	Day of Week	Lighting Condition	Street 1	Street 2	Type of Collision	Unsafe / Unlawful	Severity
2/14/2013	2:04 PM	Thurs	Daylight	HARVARD AVE	SEMINOLE ST	ANGLE-TURNING	Failure to Yield	Property Damage Only
7/2/2015	2:43 PM	Thurs	Daylight	HARVARD AVE	SEMINOLE ST	REAR-END	Failure to Stop	Property Damage Only
1/9/2017	7:45 AM	Mon	Daylight	HARVARD AVE	SEMINOLE ST	ANGLE-TURNING	Failure to Yield	Property Damage Only

Additionally, a pedestrian/bicycle collision analysis for the school attendance boundary was completed for the previous ten (10) years, 2008-2017. Within the school attendance boundary, 24 collisions involving pedestrians or bicycles were reported at various locations over the 10-year study period. Of these 24 collisions, seven (7) occurred on school days and involved school-aged children (elementary, middle, or high school). A summary of these collisions are shown in **Table 2**.

Table 2: Pedestrian/Bicycle Collisions Within School Boundary (Possibly School Operations Related)

Date	Time	Day of Week	Marked Crosswalk	Street 1	Street 2	Type of Collision	Severity	Age
12/14/2011	4:04 PM	Wed	No	EVANSTON PL	PINE ST	PEDAL-CYCLE	Possible Injury	16
2/3/2012	3:10 PM	Fri	Yes	COLLEGE AVE	PINE ST	PEDESTRIAN	N-I Injury	9
4/23/2012	4:03 PM	Mon	No	DELAWARE AVE	TECUMSEH ST	PEDESTRIAN	N-I Injury	16
5/2/2012	4:45 PM	Wed	No	HARVARD AVE	SEMINOLE ST	PEDESTRIAN	Possible Injury	15
10/31/2012	6:50 AM	Wed	No	HARVARD AVE	VIRGIN ST	PEDESTRIAN	Fatality	7
10/21/2016	4:12 PM	Fri	No	BIRMINGHAM AVE	VIRGIN ST	PEDAL-CYCLE	N-I Injury	13
4/11/2017	2:50 PM	Tues	Yes	HARVARD AVE	PINE ST	PEDAL-CYCLE	Incapacitating Injury	11/5

Of the collisions listed in **Table 2**, two (2) occurred at marked crosswalk locations. The crosswalk across Pine Street at College Avenue is within a school speed zone. The intersection of Pine Street and Harvard Avenue is signalized and has marked crosswalks on all approaches. The fatality collision from 2012 occurred early in the morning, before daylight and, although some street lighting is present along Harvard Avenue, a lack of visibility due to darkness was cited as a reason for the collision. The child struck in the collision was not a student at Celia Clinton Elementary, but was walking to the centralized bus stop. The collision occurred outside of the school speed zone, approximately ¼ mile north of the signalized crosswalk near the school. Due to the number and severity of collisions near the school, safety measures are recommended in subsequent sections of this report.

STUDY METHODOLOGY

Lee Engineering visited Celia Clinton Elementary School on Wednesday, November 15, 2017 in order to observe drop-off/pick-up operations and pedestrian/bus/vehicle interactions. In addition to these observations, site assessments were made of the condition of existing pedestrian and vehicular traffic controls, signs, and markings. Furthermore, lighting conditions were evaluated during non-daylight hours on that same day.

ARRIVAL / DROP-OFF OPERATIONS

On a typical school day, the morning bell rings at 7:35 AM, and classes begin at that time. The school generally begins letting students into the building at 7:20 AM, however, school staff is present outside of the building at 7:00 AM and parent drop-off begins at that time. Parents are allowed to drop-off students from the parent loop in front of the school's main entrance. The remaining students ride the bus, walk or ride bicycles to school. A map of the AM drop-off operations for vehicles and buses is provided in **Figure 6**.



Figure 6: AM Drop-Off Operations Map

PARENT DROP-OFF

Parent drop-off for students occurs primarily in front of the school's main entrance on the north side of the building. Parent arrivals were observed beginning at approximately 7:05 AM. A staff member was present in front of the school entrance beginning at 7:03 AM. Students congregate and wait in this area until the building opens at 7:20 AM. At this time, over 100 students were waiting outside of the building's main entrance.

Parents enter the parent loop from the entrance driveway located on Seminole Street. This entry is a one-way, entrance only driveway. Only right-turns are allowed into the entrance during drop-off. A staff member was present in the driveway during the drop-off period to enforce the right-turn only entrance procedure.

Parents entering Seminole Street from Harvard Avenue must proceed west to the cul-de-sac and make the U-turn in order to access the parent loop entrance driveway from the west. Cones were placed within the loop to block off the parking spaces closest to the building. A staff member was also present near the school entrance. This staff member assisted in directing loop traffic and encouraging parents to pull forward and utilize more of the loop for drop-off. This staff member did not assist students as they exited their vehicle. The staff member was not wearing a safety vest and did not have a STOP paddle to help control traffic.

Drop-off occurred all along the north side of the school from two (2) parent loop lanes. A third outside lane was used as a bypass lane for parked vehicles or parents who had already dropped off their students. However, this lane is narrow and more difficult to use so parents usually stayed within the two (2) parent drop-off lanes throughout the loop.



Figure 7: Parent Loop Drop-Off Operations (Approximately 7:23 AM)

Parking spaces within the parent loop parking lot were utilized for drop-off until both lanes of the parent loop were full at approximately 7:10 AM. At this point, parking became difficult as the two (2) lanes of loop traffic made entering the loop area to park more difficult. A significant increase in parent drop-off traffic was observed at approximately 7:18 AM. At this point stacked vehicles extended beyond the parent loop and spillback west onto Seminole Street occurred.

When many vehicles arrive at the school within a short-period of time, queueing, or stacking of vehicles in long lines, can become an issue. The maximum observed queue during the AM drop-off period occurred at 7:25 AM. At this time, approximately 25 vehicles were observed in the queue on Seminole Street west of the parent loop entrance.

The queue on Seminole Street was cleared at 7:36 AM, one (1) minute after the morning bell had rung. At 7:45 AM, a sign stating, 'YOUR CHILD IS NOW TARDY' was placed near the main entrance and all staff members had returned to the school building.



Figure 8: AM Queue on Seminole Street (Approximately 7:16 AM, 7:23 AM)

Motorists left the school site via either the exit driveway from the loop directly to Harvard Avenue or from the exit driveway back onto Seminole Street. The exit driveway to Harvard Avenue is signed and marked as right-turn only. Motorists desiring to turn left onto Harvard Avenue must use the exit driveway from the parent loop onto Seminole Street and then proceed on Seminole Street to its intersection with Harvard Avenue.



Figure 9: Motorists Leaving Parent Loop (Approximately 7:40 AM, 7:30 AM)

Parent drop-off was also observed along neighboring streets as some parents chose to park along Seminole Street or Queen Street and walk their students to the school entrance. Parking is prohibited on both sides of Seminole Street; however, vehicles were still observed parking along both sides of the street, making two-way traffic along Seminole Street increasingly difficult.

At least 13 drop-offs were observed from the outside southbound lane along Harvard Avenue. Many of these drop-offs occurred just before 7:35 AM as parents arriving at this time did not want to utilize the parent loop and instead found it quicker to drop-off their students directly from Harvard Avenue. This drop-off procedure has been discouraged by school staff in the form of a flyer sent home to parents, yet still occurs with regularity.

Additionally, more than 20 drop-offs were observed from the bus loop parking lot on the southeast side of the school building. This area is signed as staff and bus only, but parent drop-off was common during the morning arrival period.

Within the parent loop, the process works adequately with the help of staff members directing traffic. However, no staff members were observed assisting students as they crossed parent loop traffic.

BUS DROP-OFF

Currently, one (1) regular school bus and one (1) special education bus serve Celia Clinton Elementary students. During the morning arrival period, bus drop-off occurs from the parent loop on the north side of the school building. The special education bus was observed arriving at 7:13 AM, departing the parent loop at 7:19 AM, and proceeding north on Harvard Avenue. The regular bus was observed arriving to the parent loop at 7:17 AM and departing at 7:21 AM to Harvard Avenue. Bus unloading does not occur from the bus loop during the morning arrival period.



Figure 10: Bus Drop-Off (Approximately 7:18 AM)

PEDESTRIAN ARRIVALS

Students walking to school, sometimes with parents, siblings, or in groups, come to the school from all directions. Most walkers were observed using the existing sidewalk along both sides of Harvard Avenue and many crossed Harvard Avenue at the existing pedestrian signal just east of the school building. This crossing has a City of Tulsa crossing guard present from 7:00 AM to 8:00 AM. At least 53 students were observed crossing Harvard Avenue at this crosswalk during the AM arrival period. Over half of these students were observed walking from the north along the east side of Harvard Avenue (many from the neighborhood east of Harvard Avenue along Seminole Street) while the remaining students utilizing the crosswalk arrived from the south. A few students were dropped-off near the signal by parents along northbound Harvard Avenue. This practice should be discouraged.

The first students crossing Harvard Avenue at the pedestrian signal arrived at 7:08 AM. The crossing guard waited until a group of students were at the crosswalk to press the signal's push button to stop traffic on Harvard Avenue. Once the traffic signals were red and the WALK indication was activated, the crossing guard walked to the middle of Harvard Avenue with his STOP paddle raised and then signaled to the students to begin crossing. The guard stayed in the crosswalk until the students had fully completed the crossing before returning to the roadside. Pedestrian walk time and clearance intervals are sufficient for this crossing. Intermittent crossings were observed until 7:50 AM, however, after 7:40 AM all crossings were made by older middle school and high school students walking to the centralized bus stop.

Additionally, three (3) students were observed walking to the school from the south along the west side of Harvard Avenue and at least 12 were observed walking along the west side of Harvard Avenue from the north. A sidewalk connection from the cul-de-sac on Seminole Street to the neighborhood west of the school and Chittom Park is present and was observed being utilized by at least 16 students during the AM arrival period.

Motorist compliance at the signal and crosswalk was observed throughout the morning arrival period. Speeding along Harvard Avenue, both by parents leaving the school and by through traffic, was observed within the 25 MPH school speed zone.

Four (4) students were observed riding bicycles to school along the existing sidewalks. These students parked their bicycles at the bike rack near the school's main entrance. Most students did well to stay on the sidewalks, where available and were not observed cutting across the parking lot to reach the school building entrance or bike rack. One (1) bike rack was observed on the school campus. Several bicycles were parked at this rack and the rack was mostly full. The existing bike rack is located in the grass near the building entrance, but not adjacent to the sidewalk.

Most of the local neighborhood streets do not have sidewalks. Marked crosswalks are present at some of the intersections and driveway crossings along Harvard Avenue. The only marked crosswalks across Harvard Avenue are at the pedestrian signal just east of the school and at the signalized intersection at Pine Street, south of the school. There is also a marked crosswalk across Pine Street near College Avenue. Harvard Avenue and Pine Street are four-lane arterial roadways and both have adequate sidewalks along both sides of the street. Most other neighborhood streets have low traffic speeds, low volumes and stop-controlled intersections and are generally accommodating of walking students.

CENTRALIZED BUS STOP

Chittom Park, just west of Celia Clinton Elementary School is utilized as a centralized bus stop for other Tulsa Public Schools students. Students congregate at Chittom Park on the north side of Queen Street to wait for TPS buses. Some students walked to the bus stop location from the local neighborhoods and others were dropped-off by parents. Four (4) TPS buses arrived at Chittom Park to pick up students between 7:51 AM and 8:01 AM. These buses picked up approximately 31 students from the Chittom Park parking lot.

Chittom Park currently has a pavilion east of the parking lot that can be used by students for shelter. An additional bus shelter is recommended for the park closer to the actual bus loading zone on the north side of the parking lot along Queen Street. This would give students a clearly defined location to wait for bus arrivals and provide shelter from inclement weather.

DISMISSAL / PICK-UP OPERATIONS

For Celia Clinton Elementary, the final bell rings at 2:35 PM for student dismissal. Students are released from the main school entrance on the north side of the school building. Students waiting to be picked-up by parents in the parent loop are grouped by grade and wait together on the sidewalk on the north side of the school building. A map of the PM pick-up operations for parents and school buses is provided in **Figure 11**.



Figure 11: PM Pick-Up Operations Map

PARENT PICK-UP

Parent pick-up for students occurs primarily in front of the school's main entrance on the north side of the building. Parent arrivals were observed beginning prior to 1:30 PM and continued until students were dismissed at 2:35 PM. At dismissal, students are released and those being picked-up by parents were grouped by grade and waited outside of the building's main entrance along the sidewalk. Several staff members were present with each grade group to help facilitate parent pick-up.

Similar to morning drop-off, parents enter the parent loop from the entrance driveway on Seminole Street. This entrance continues to operate as a one-way, entrance only driveway with only right-turns allowed. Parents entering Seminole Street from Harvard Avenue must proceed west to the cul-de-sac and make the U-turn to access the parent loop entrance driveway from the west. Also, cones were still in place within the loop to block off the parking spaces closest to the building. Pick-up occurred all along the north side of the school from both parent loop lanes. Students were staged according to grade so parents proceeded to the grade specific area where their child was waiting. After picking up their student, parents sometimes attempted to use a third lane as a bypass lane to exit the parking lot, but mostly, parents stayed in their respective lanes and waited to exit the parent loop.



Figure 12: Parent Loop Pick-Up Operations (Approximately 2:36 PM, 2:45 PM)

By 2:00 PM, the parent loop had filled with waiting parents and the queue of vehicles began to extend beyond the parking lot and spillback occurred west onto Seminole Street. The maximum observed queue during the PM drop-off period occurred at 2:35 PM, when the dismissal bell rang. At this time, approximately 25 vehicles were observed in the parent loop, 35 vehicles were queued on Seminole Street west of the parent loop entrance, and at least 10 vehicles were parked along the gravel shoulder area on the south side of Seminole Street. No queuing was observed on Harvard Avenue.



Figure 13: PM Queue on Seminole Street (Approximately 2:26 PM)

Throughout the pick-up period, the parent loop was not fully utilized because of large gaps between cars due to the way students are staged by grade. School staff should consider implementing placards for parent vehicles, colored by grade, and a walkie-talkie setup where students' names can be called as their parents enter the bus loop. This type of operation could speed up dismissal intervals and improve organization.

Several staff members were present during the PM dismissal period to stage the students in groups and assist them as they load. A staff member was present within the parent loop lanes to direct traffic. Most staff stayed behind the curb on the sidewalk during pick-up.

The queue on Seminole Street cleared at 2:53 PM and the parent loop was clear at 2:57 PM.

Motorists left the school site via either the exit driveway from the loop directly to Harvard Avenue (right-turn only) or from the exit driveway back onto Seminole Street, then to Harvard Avenue. Exiting queues along eastbound Seminole Street were observed stretching back into the parent loop exit driveway. Motorists occasionally had to wait longer than usual for gaps along Harvard Avenue in order to turn left. Seminole Street is currently outside of the school speed zone on Harvard Avenue. If the school speed zone is extended farther north, vehicle gaps along Harvard Avenue would become more abundant and it would be easier for motorists to exit the school and proceed northbound along Harvard Avenue.

Parking Issues

Parking is prohibited on both sides of Seminole Street west of Harvard Avenue, however, vehicles were still observed parking along both sides of the street, making two-way traffic along Seminole Street difficult. During the PM pick-up period, the school's principal personally instructed parents to move to a designated parking area or join the parent pick-up queue. A considerable amount of parking was observed along both sides of Seminole Street east of Harvard Avenue. Parking is allowed in this area, however, parents should be reminded to cross Harvard Avenue by using the pedestrian signal and marked crosswalk. Several parents were observed crossing Harvard Avenue closer to Seminole Street, outside of any marked crosswalk.

Several parents were also observed parking in and around the bus loop. This parking area is signed for buses and staff only, however, parents filled all remaining parking spaces and also parked in the grass area north of the parking lot during dismissal time. This did not create an issue; however, parking spaces are limited in this area and not many parents are able to use this location for pick-up.

Approximately 30 vehicles were observed parking on Queen Street during the dismissal period. About ten (10) of these vehicles were parked in restricted 'NO PARKING' zones. This created a narrow roadway and made two-way traffic on Queen Street very difficult. Some parents in this area waited in their vehicles for their students to meet them, but others parked and walked to the school to pick-up their students.



Figure 14: Parking Congestion on Queen Street (Approximately 2:33 PM, 2:42 PM)

All 'NO PARKING' zones should be periodically enforced to promote compliance.

BUS PICK-UP

Currently, two (2) buses serve Celia Clinton Elementary students. Bus pick-up occurs from the bus loop in the parking lot on the southeast side of the school building. The buses depart the school by exiting the bus loop onto Queen Street. The first bus was observed arriving at 2:51 PM. A second bus arrived at 2:53 PM. Bus arrival and departure issues were not observed despite the presence of parent vehicles in the bus loop and on Queen Street. The bus arrived after most parents had left the area.



Figure 15: Bus Pick-Up Operations (Approximately 2:51 PM)

PEDESTRIAN DISMISSALS

Students walking from school primarily exit the main building entrance on the north side of the school. Some walking students were dismissed from the east building entrance, near the pedestrian signal and marked crosswalk. Many of the walking students proceed directly to the pedestrian signal shortly after dismissal at 2:35 PM. A City of Tulsa crossing guard wearing a safety vest and holding a STOP paddle leads groups of students across the crosswalk crossing Harvard Avenue using the pedestrian signal. Over 100 students were observed crossing Harvard Avenue at the pedestrian signal between 2:35 PM and 2:55 PM.

Additionally, some parents used the pedestrian signal prior to 2:35 PM to walk to the school and pick-up their student. The crossing guard was present at 2:00 PM and assisted these parents as they crossed. The school speed zone flashing beacons along Harvard Avenue began flashing at 2:20 PM and continued flashing until 3:15 PM. Vehicle speeds along Harvard Avenue were noticeably slower once the school speed zone flashing beacons were operating.

Traffic volumes along Harvard Avenue were moderate and vehicle queues at the pedestrian signal had no observed impact on operations at Seminole Street or Queen Street during either the AM or PM observation periods.

After crossing, most students proceeded north along the east side of Harvard Avenue. After this, most proceeded east onto Seminole Street either into the neighborhood or to one of the more than 20 vehicles that were parked on Seminole Street east of Harvard Avenue.

At least 20 students were observed walking north along the west side of Harvard Avenue. Also, four (4) students were observed riding bicycles in this direction. A staff member was present in the unmarked crosswalk across Seminole Street along the west side of Harvard Avenue to assist these students. Another staff member was present in the marked crosswalk across the parent loop exit lane that leads to Harvard Avenue. Neither staff member was wearing a safety vest nor did they have a STOP paddle. These students then proceeded north along the west side of Harvard Avenue to either the neighborhood located north of the school along Tecumseh Street or to the Dollar General store, where some parents had parked to pick-up their students.

On at least five (5) occasions during the PM dismissal period, parents (either with or without students) were observed crossing Harvard Avenue near Seminole Street, approximately 220-feet north of the marked crosswalk and pedestrian signal. This location is not presently marked as a crosswalk and is outside of the current school speed zone. Parents should be instructed to only cross Harvard Avenue at marked crosswalks.

ARRIVAL/DISMISSAL OPERATIONS RECOMMENDATIONS

Observed arrival and dismissal operations at Celia Clinton Elementary School were generally safe and efficient. No major issues were observed during the AM drop-off period. Staff is present within the parent loop and in front of the school's main entrance. Local traffic is moderate and parents were able to find gaps to exit the school site in a timely manner. Students walking to school and the centralized bus stop mostly use the designated crosswalks and the pedestrian signal and often walk in groups. During the PM pick-up period, approximately ten (10) staff members are present within and around the parent loop and assist students who are walking or are being picked-up. School staff members also assist students as they cross Seminole Street on the west side of Harvard Avenue.

For parent pick-up, the school staff would benefit from the implementation of additional operational procedures. School staff should consider implementing placards for parent vehicles, possibly colored by grade, and a walkie-talkie setup where students' names can be called as their parents enter the loop. This type of operation could speed up dismissal intervals and improve organization.

Once the adjacent Educare 4 facility is constructed and opened, further enforcement of existing operations for Celia Clinton Elementary parents is encouraged to ensure separation of the respective parent traffic for each school.

The existing 'NO PARKING' zones on Seminole Street and Queen Street should be enforced as much as possible. This will help facilitate the movement of vehicles along these streets and reduce congestion around the school.

During the drop-off and pick-up periods, the maximum vehicle queues are contained on Seminole Street and spillback onto Harvard Avenue was not observed. Operations should continually be monitored as traffic patterns and/or student attendance changes over time.

WALKING ROUTE MAP

Celia Clinton Elementary School is situated within residential neighborhoods that provide the opportunity to walk to school. Walking should be encouraged for most students.

A walking route map (**Figure 16**) was prepared to describe the existing paths a student may take to get to school. In the figure, arrows depict the direction students would walk to school. Red arrows, present on most of the neighborhood streets, represent a walking path that does not have sidewalk. However, most of these neighborhood streets have low vehicle speeds and low traffic volumes such that walking is still recommended. Green arrows represent a walking path which presently has sidewalk. Marked crosswalks and existing traffic signals with pedestrian push buttons are also shown on the map. This map should be updated as student populations, traffic patterns, or infrastructure improvements change.

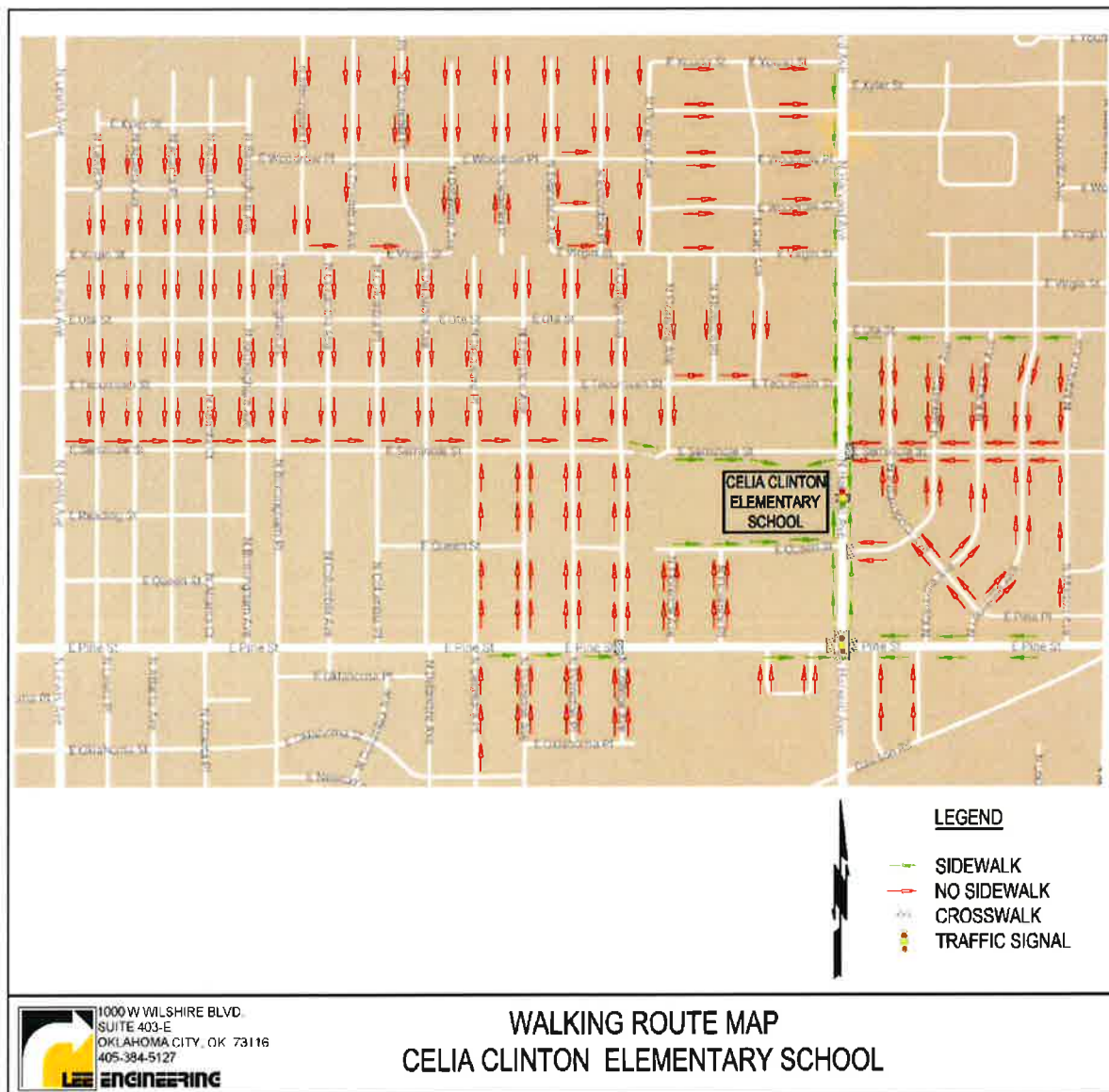


Figure 16: Celia Clinton Elementary Walking Route Map

THE 'FIVE E' APPROACH

The other sections of this report primarily focus on engineering and infrastructure solutions related to school-age pedestrian safety within the City of Tulsa. While infrastructure improvements facilitating improved pedestrian safety are important, many aspects of pedestrian and driver behavior fall outside the realm of engineering solutions. Pedestrian safety can be improved through the implementation of engineering solutions, but the utilization of a "Five E" approach can result in more significant gains in safety, pedestrian access, and the actual number of trips completed by walking or biking to and from school. The "Five E" approach represents the convergence of the following disciplines:

- Engineering
- Enforcement
- Education
- Encouragement
- Evaluation

While the engineering aspects of a composite pedestrian improvement plan are included elsewhere in this report, the other four "E" disciplines will be briefly highlighted in this section.

EDUCATION

A comprehensive pedestrian safety program could be developed by Tulsa Public Schools and the local police department for implementation at the elementary, intermediate, and middle school levels. This program could consist of a simple video shown in the classroom or posted on school websites, informational pamphlets passed out to students and parents, on-site presentations by local police officers, or some combination of these methods. The primary purpose of the program would be to educate the students as to the applicable laws regarding pedestrian travel through instruction in proper pedestrian behavior and practices and educate parents on site specific motorist behaviors that may be creating safety issues. Additionally, all crossing guards should be instructed on proper techniques and safety practices for crossing students and controlling traffic.

ENFORCEMENT

Law enforcement plays a major role in traffic safety in general. During field observations we did not observe a significant law enforcement presence in the study area in either the form of active patrol officer enforcement or the deployment of radar speed indicators in the study area. The location of the school is along a four-lane undivided arterial street, Harvard Avenue. A reduced speed school zone is present on Harvard Avenue, as is a pedestrian signal with a marked crosswalk. A reduced speed school zone is also present south of the school along Pine Street. School zone speed limits and crosswalk compliance on these streets should be continually enforced.

Various parking issues were prevalent during the AM and PM drop-off/pick-up periods. Designated 'NO PARKING' zones should be enforced as much as possible. Citations should be preceded by announcements from the school and written warnings from police to obtain voluntary compliance. The police department plays an important role in providing enforcement of traffic procedures and to ensure the safe crossing of students at the marked crosswalk across Harvard Avenue.

ENCOURAGEMENT

The fourth "E" is encouragement. Encouragement is intertwined with the education component and is best implemented through the school system. As part of a comprehensive pedestrian safety program, various programs can be implemented to encourage a higher percentage of the elementary, intermediate, and middle school students to walk to school. A higher level of walking to school promotes health and wellness among the students, and reduces vehicle emissions through the reduction in automobile trips to the school. A few examples of encouragement programs are briefly described below.

Walking School Bus

The school, often through the PTA or other parent volunteer efforts, will organize what is known as a walking school bus. Basically, a parent will escort a group of children to the school. This helps alleviate the safety concerns that prohibit many parents from allowing their students to walk to their schools. In some locations where a walking school bus has been implemented, as many as 40 students will participate and be "picked up" by the group as they walk to the school together in a large group.

Walking Wednesdays

Through the "Walking Wednesday" program the school heavily encourages students to walk to school that day. As a higher number of students walk to the school, more and more parents will feel comfortable allowing their students to participate. Some school districts have seen success where nearly 100% of the children will walk to school on Wednesdays. In addition, student walking may increase on other days as a result of program implementation.

Incentive Programs

Incentives or awards can be given to the class or grade level that has the most students walk to school on a given day. This encourages the students to participate and to walk to school. Various programs have been as simple as bracelets and other trinkets that are popular with elementary age school children.

EVALUATION

The fifth and final "E" is Evaluation. As part of a comprehensive school pedestrian safety program, efforts should be undertaken to document the program for evaluation purposes. Pedestrian counts should be collected as part of the program to determine the number of students that walked to school before any aspects of the program are implemented, and then as the various "E" efforts are implemented, additional pedestrian surveys should be undertaken to document the pedestrian participation levels. Using the pedestrian data collected the programs can be evaluated and modified accordingly to obtain the best results.

SITE & LIGHTING ASSESSMENT

Lee Engineering conducted a site assessment of the Celia Clinton Elementary School and surrounding roadway network on Wednesday, November 15, 2017. A lighting assessment of the school site and local roadways was completed during non-daylight hours on that same day. The site and surrounding area were studied for potential safety and accessibility improvements. Items to be addressed were prioritized as short-term or long-term improvements based on the desirability and necessity of the improvement. Furthermore, improvement recommendations were divided into *Safety 1st Initiative* improvements and school/other sourced funded improvements. *Safety 1st Initiative* improvements are improvements that can be implemented within the City right-of-way utilizing allotted funds from the current *Vision Tulsa, Public Schools - Safety 1st Initiative*. Additional school/other funded improvements are recommendations for items that could be addressed by the school district.

Portions of the parent loop and bus loop were found to be adequately lit. The west half of the parent loop, including the loop entrance from Seminole Street, featured adequate lighting for the parent loop and adjacent parking areas. However, east of the school building's main entrance, site lighting was insufficient. At least one (1) of the parking lot luminaires was not functioning and thus the east portion of the parent loop, including the exit driveway onto Seminole Street, was poorly lit. Additionally, the bus loop and adjacent parking area were not well lit. A luminaire in this area was also found to be nonfunctioning. The entryways to the school building were well lit. All nonfunctioning luminaires should be replaced as a part of ongoing site maintenance and all site lighting maintained to ensure consistent and adequate lighting.



Figure 17: Celia Clinton Elementary Lighting – Parent Loop (West & East)

Harvard Avenue presently has continuous roadway lighting along the east side of the roadway. This lighting is adequate for most of Harvard Avenue, but additional lighting is recommended at the intersection of Seminole Street and Harvard Avenue and at the pedestrian signal near the school. These areas are very busy during the morning school arrival period and increased lighting at these two (2) locations is recommended.

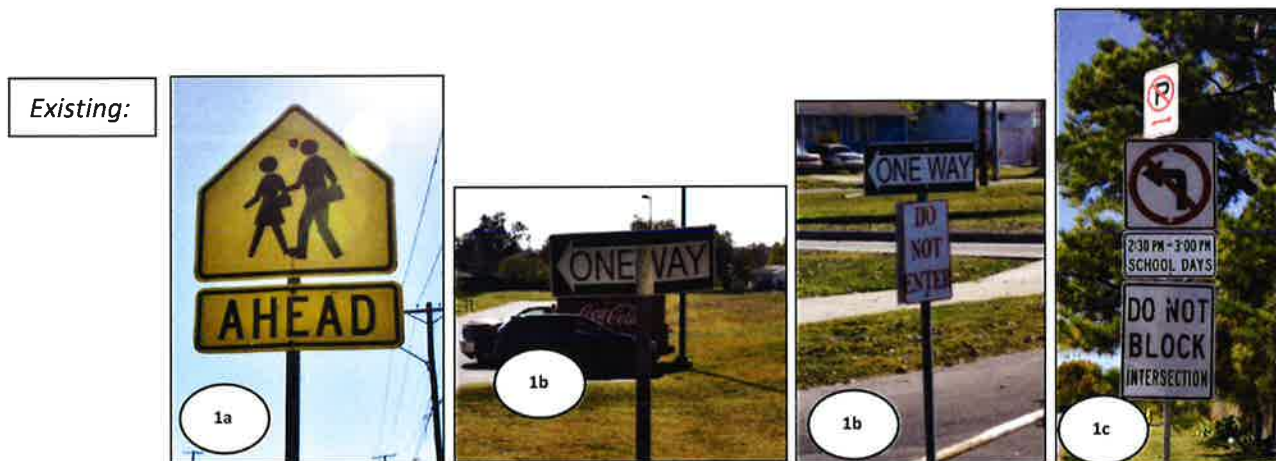
The local neighborhood streets surrounding the school do not have continuous roadway lighting. Light poles are generally present at intersections only and some driveways. Lighting along Seminole Street was found to be adequate near the school. However, the sidewalk along the south side of Seminole Street was not particularly well lit. Increased pedestrian lighting along this sidewalk would encourage more walking from the neighborhood west of the school. Along Queen Street, adequate lighting was present, especially at the parking area for Chittom Park, where other TPS students wait for the centralized bus stop. Continuous roadway lighting is not recommended for these local streets as they are residential, neighborhood streets with low speeds and low traffic volumes.

SHORT TERM IMPROVEMENTS

SAFETY 1ST INITIATIVE IMPROVEMENTS

1) Signing Improvements

- a. A new *MUTCD* compliant (S1-1) 'SCHOOL' zone sign with the (W16-9P) 'AHEAD' supplement is recommended along southbound Harvard Avenue, north of Seminole Street, on the existing sign post. A new (S1-1) 'SCHOOL' zone sign with (W16-9P) 'AHEAD' supplement is recommended for Seminole street, east of Harvard Avenue, approximately 200-ft in advance of the existing crosswalk. The existing school sign assembly on northbound Harvard Avenue is presently in good condition but should be relocated at least 100-ft south of the proposed school speed zone flashing beacon location. The school zone assembly signs along Pine Street are in good condition and placed in appropriate locations.
- b. New signs are recommended at the parent loop entrance and exit driveways. New (R6-1) 'ONE WAY' signs are recommended for both sides of the parent loop entrance driveway on the south side of Seminole Street. For the parent loop exit driveway, sign assemblies that feature (R5-1) 'DO NOT ENTER' signs and (R6-1) 'ONE WAY' signs facing Seminole Street are recommended for each side of the exit driveway. The existing signs in these areas that will be in conflict with the proposed signs should be removed. Also, a (R5-1) 'DO NOT ENTER' sign is recommended, facing Harvard Avenue, just south of the parent loop exit drive.
- c. The 'NO PARKING' sign on top of the existing sign assembly on the north side of Seminole Street near the parent loop entrance assembly should be moved to its own post and mounted east of its current location. Additionally, the supplemental sign showing the restricted left-turn times should appropriately reflect the drop-off/pick-up hours and read '7:00 AM–8:00 AM / 2:00 PM–3:00 PM / SCHOOL DAYS'. Recommended signs and locations are shown in the improvements map, **Figure 18**.



- d. New school speed zone flashing beacons with (S5-1) 'SPEED LIMIT WHEN FLASHING' signs are recommended along Harvard Avenue on either side of the existing school campus. The existing set of flashing beacons should be replaced with new, possibly solar powered, vertical flashing beacon assemblies that accompany the school zone speed limit sign. The locations of the beacons should be adjusted farther north and south of the existing locations when replaced. The locations of the new beacons should be at least 200-ft in advance of the school grounds, as shown in **Figure 18**.

A reduced speed school zone is also present on Pine Street, between Evanston Place and Florence Avenue. School speed zone flashing beacons along Pine Street provide a speed reduction for the marked crosswalk near College Avenue. This set of flashing beacons should also be replaced with new, possibly solar powered, vertical flashing beacon assemblies that accompany the school zone speed limit signs. Locations for the new flashing beacon installations should be 200-ft in advance of the crosswalk for both directions, as shown in **Figure 18**.

Additionally, the downstream 'END SCHOOL SPEED ZONE' signs should be relocated to match the new extents of the school speed zones.



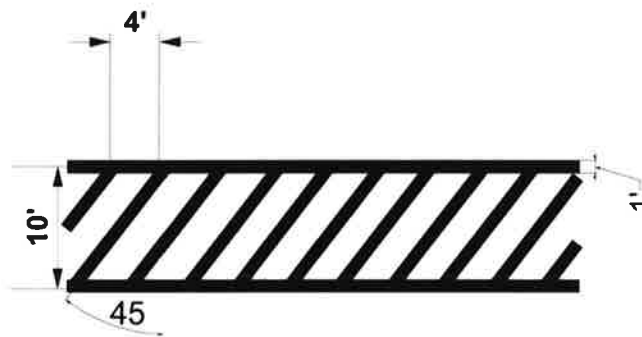
2) Pavement Marking Improvements

- a. New, reflective 'zebra'-style crosswalk pavement markings are recommended for several proposed crosswalks near Celia Clinton Elementary. This includes three (3) new crosswalks at the intersection of Seminole Street and Harvard Avenue, accompanying the proposed traffic signal at this location. The pavement markings on the east leg of the intersection are presently in good condition. The existing midblock crosswalk marking should be removed once the existing pedestrian signal has been removed and the new signal has been constructed.

New marked crosswalks across the parent loop exit driveway and across Queen Street for the sidewalk west of Harvard Avenue are also recommended.

The existing crosswalk across Pine Street near College Avenue should be updated to the high-visibility 'zebra'-style crosswalk design. Also, new crosswalk markings across College Avenue north and south of Pine Street should be added for the sidewalk along Pine Street.

A typical 'zebra'-style crosswalk design is shown below. Also, new stop bar pavement markings should be placed approaching each marked crosswalk that is installed at an existing 'STOP' sign.



3) Miscellaneous Improvements

- a. Relocate and Upgrade Traffic Signal (Seminole Street and Harvard Avenue) - It is recommended that the current pedestrian traffic signal be removed and a new traffic signal be installed at the intersection of Seminole Street and Harvard Avenue, approximately 250-ft north of the pedestrian signal's current location. Any equipment that meets design standards for a new signal may be relocated from the existing signal to the new intersection signal. The signal should include poles, mast arms, signal heads, and streetlights on all four corners as well as countdown pedestrian signals for all four (4) legs of the intersection along with pedestrian pushbuttons to call the signal.

The signal should be designed to only allow protected left-turns from northbound Harvard Avenue onto Seminole Street. Additionally, leading pedestrian intervals should be considered for pedestrian phases to give a head start on crossing the intersection before any conflicting vehicle movements are allowed. The crossing guard at the existing pedestrian signal should move to the south leg of the proposed traffic signal and students should be encouraged to cross Harvard Avenue along the south side of Seminole Street where the crossing guard is located.

- b. Bus Shelter - A new bus shelter is recommended to be installed along Queen Street for the current centralized bus stop location at Chittom Park. The location of the bus shelter should be along the north side of Queen Street near the park parking lot, as shown in **Figure 18**. The shelter should be sized to accommodate at least 20 students.

A map of the recommended short-term *Safety 1st Initiative* improvements is provided in **Figure 18**. The total cost for short-term *Safety 1st Initiative* improvements is estimated to be **\$302,820**. A breakdown of estimated costs is provided in **Table 3**.

The total estimated cost for short-term *Safety 1st Initiative* improvements exceeds the construction budget funds allotted from the *Safety 1st Priority List*. The cost of relocating the pedestrian signal on Harvard Street to the north was budgeted at \$75,000, however, the estimated cost of this item is \$190,000. Most of the signal equipment currently installed will not be able to be reused at the new signal location due to changes in design standards and construction feasibility. Therefore, additional funds should be considered in order to accommodate the cost of the new signal which is desired as part of the *Safety 1st Initiative* program.

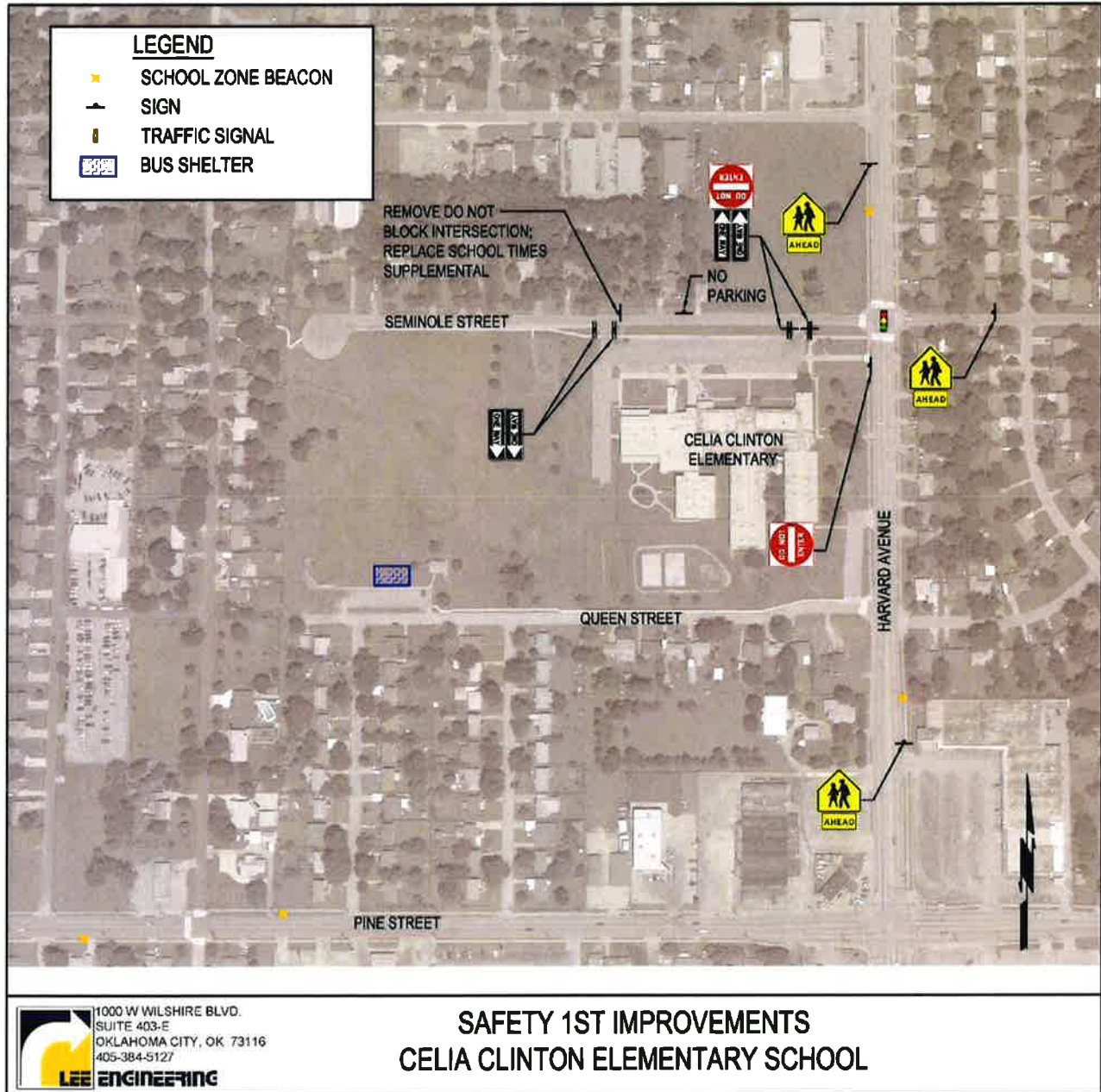


Figure 18: Safety 1st Initiative Recommended Improvements Map

SCHOOL/OTHER IMPROVEMENTS**4) Sidewalk Improvements**

- a. A connection from the City of Tulsa sidewalk along Seminole Street to the school building entrances is recommended. This sidewalk connection near the northwest corner of the school campus would also feature ADA-compliant ramps and a marked crosswalk across the parking lot, as shown below.

**5) Miscellaneous Improvements**

- a. New Gates for Parent Loop – New gates are recommended for the parent loop entrance and exit driveways onto Seminole Street. The current gates are old, not properly secured, and block the sidewalk when opened. The new gate should have reflective tape or other reflective markings to ensure visibility at night. Also, it should be securely locked in either the open or closed position so that it can't be opened or closed by students or others in the neighborhood and does not block the sidewalk.

**6) Safety Equipment**

- a. Any teacher/staff member directing traffic or crossing students within the parking lot or on city streets should a high-visibility retroreflective Class 2 safety vest. Vests increase visibility of the staff member and provide an extra measure of safety for children that are being escorted across crosswalks, driving lanes, or parking areas. Additionally, a red, octagonal STOP paddle at least 18 inches in size should be utilized by the staff members in crosswalks. This piece of equipment helps to reinforce the staff member's directions and provide clearly visible guidance to drivers.

The total cost for short-term school/other funded improvements is estimated to be **\$18,660**. A breakdown of estimated costs is provided in **Table 3**.

LONG-TERM IMPROVEMENTS

IMPROVEMENTS WITHIN CITY RIGHT-OF-WAY

7) Sidewalk/Accessibility Improvements

- a. Some of the crosswalks surrounding the school do not have ADA-compliant ramps. It is recommended that ADA-compliant ramps with concrete landings and tactile domes be placed at each end of the existing marked crosswalks at the intersection of Seminole Street and Harvard Avenue. Directional ramps are preferred. These ramps should be designed to accommodate the proposed traffic signal's pedestrian pushbuttons at this intersection.
- b. A new ADA-compliant ramp is recommended to replace the existing ramp on the south side of Queen Street, along Harvard Avenue.

The total cost for recommended long-term school improvements within City of Tulsa right-of-way is estimated to be **\$28,200**. A breakdown of estimated costs is provided in **Table 3**.

SCHOOL/OTHER IMPROVEMENTS

8) Pavement Marking Improvements

- a. It is recommended that white centerline markings and arrows be installed within the parent loop. New solid white centerline markings and white arrows, as shown in **Figure 19**, are recommended to reflect the one-way operation of the loop and provide better delineation between waiting vehicles and exiting vehicles within the loop.

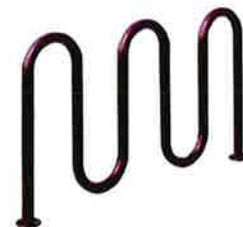
9) Miscellaneous Improvements

- b. Bicycle Rack and Concrete Pad – One (1) bike rack was observed on the school campus. Several bicycles were parked at this rack on the day of observation and the rack was mostly full. The existing bike rack is located in the grass near the building entrance, but not adjacent to the sidewalk. It is recommended that at least one (1) new bike rack be placed on a concrete pad connected to or adjacent to the existing sidewalk. Additionally, careful consideration should be given to the location and style of the bike racks for ease of use and security of the bikes. A bike rack, like the proposed below, allows students to securely lock the frame of their bike to the rack. An existing awning or overhang could provide protection from the elements to the bicycles and the bike rack. It is preferable to place bike racks in a location within view of school administrators or staff and out of clear, public view from the street.

Existing:



Proposed:



A map of the recommended long-term improvements is provided in **Figure 19**. The total cost for long-term school/other funded improvements is estimated to be **\$7,704**. A breakdown of estimated costs is provided in **Table 3**.



Figure 19: Additional Long-Term Improvements Map

ESTIMATED COSTS

Table 3: Estimated Costs



CELIA CLINTON ELEMENTARY
Tulsa Public Schools
Tulsa, OK
Preliminary Cost Estimate



CELIA CLINTON ELEMENTARY DESIGNATED FUNDS - \$180,500

SHORT-TERM IMPROVEMENTS

SHORT-TERM IMPROVEMENTS							
IMPROVEMENT NUMBER	IMPROVEMENT DESCRIPTION	ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	TOTAL COST
VISION TULSA - SAFETY 1ST INITIATIVE IMPROVEMENTS							
1	Signing Improvements	1A	SHEET SIGN	SF	65.00	\$ 60.00	\$ 3,900.00
		1B	SIGN POST	LF	105.00	\$ 10.00	\$ 1,050.00
		1C	REMOVE & RELOCATE SIGN AND POST	EA	5.00	\$ 600.00	\$ 3,000.00
		1D	SCHOOL ZONE BEACON	EA	4.00	\$ 4,000.00	\$ 16,000.00
2	Pavement Marking improvements	2	4" WIDE STRIPING	LF	4,200.00	\$ 2.00	\$ 8,400.00
3	Miscellaneous Improvements	3A	INSTALL TRAFFIC SIGNAL	EA	1.00	\$180,000.00	\$ 180,000.00
		3B	REMOVAL OF TRAFFIC SIGNAL EQUIPMENT	LSUM	1.00	\$ 10,000.00	\$ 10,000.00
		3C	BUS SHELTER	EA	1.00	\$ 30,000.00	\$ 30,000.00
					Contingency	20%	\$ 50,470.00

TOTAL ESTIMATE - VISION TULSA - SAFETY 1ST IMPROVEMENTS \$ 302,820.00

SCHOOL/OTHER FUNDING - RECOMMENDED IMPROVEMENTS							
4	Sidewalk Improvements	4A	SIDEWALK	SY	75.00	\$ 100.00	\$ 7,500.00
		4B	ADA RAMP	EA	2.00	\$ 2,500.00	\$ 5,000.00
		4C	4" WIDE STRIPING	LF	400.00	\$ 2.00	\$ 800.00
5	Miscellaneous Improvements	5	GATE	EA	2.00	\$ 1,000.00	\$ 2,000.00
6	Safety Equipment	6	SAFETY EQUIPMENT	LSUM	1.00	\$ 250.00	\$ 250.00
Contingency						20%	\$ 3,110.00

TOTAL ESTIMATE - SHORT-TERM SCHOOL/OTHER FUNDING IMPROVEMENTS \$ 18,660.00

LONG-TERM IMPROVEMENTS

CONSIDERED IMPROVEMENTS							
IMPROVEMENT NUMBER	IMPROVEMENT DESCRIPTION	ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	TOTAL COST
IMPROVEMENTS WITHIN CITY RIGHT-OF-WAY							
7	Sidewalk/Accessibility Improvements	7A	SIDEWALK	SY	10.00	\$ 100.00	\$ 1,000.00
		7B	ADA RAMP	EA	9.00	\$ 2,500.00	\$ 22,500.00
					Contingency	20%	\$ 4,700.00

TOTAL ESTIMATE - IMPROVEMENTS WITHIN CITY RIGHT-OF-WAY \$ 28,200.00

IMPROVEMENT NUMBER	IMPROVEMENT DESCRIPTION	ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	TOTAL COST
SCHOOL/OTHER FUNDING - RECOMMENDED IMPROVEMENTS							
8	Pavement Marking Improvements	8A	4" WIDE STRIPING	LF	810.00	\$ 2.00	\$ 1,620.00
		8B	ARROWS	EA	9.00	\$ 200.00	\$ 1,800.00
9	Miscellaneous Improvements	9A	BICYCLE RACK	EA	1.00	\$ 1,000.00	\$ 1,000.00
		9B	SIDEWALK	SY	20.00	\$ 100.00	\$ 2,000.00
					Contingency	20%	\$ 1,284.00

TOTAL ESTIMATE - LONG-TERM SCHOOL/OTHER FUNDING IMPROVEMENTS \$ 7,704.00

This total does not reflect engineering or technical services.

The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.

CONCLUSION

Observed arrival and dismissal operations at Celia Clinton Elementary School were generally safe and efficient. Maximum vehicle queues extend along Seminole Street during drop-off and pick-up operations, but do not create significant blocking issues for Harvard Avenue. Operations should continually be monitored as traffic patterns and/or student attendance changes over time.

For parent pick-up, the school would benefit from the implementation of additional operational procedures. School staff should consider implementing placards for parent vehicles and a walkie-talkie setup where students' names can be called as their parents enter the bus loop. This type of operation could speed up dismissal intervals and improve organization.

The existing 'NO PARKING' zones on Seminole Street and Queen Street should be enforced. This will help facilitate the movement of vehicles along these streets and reduce congestion around the school.

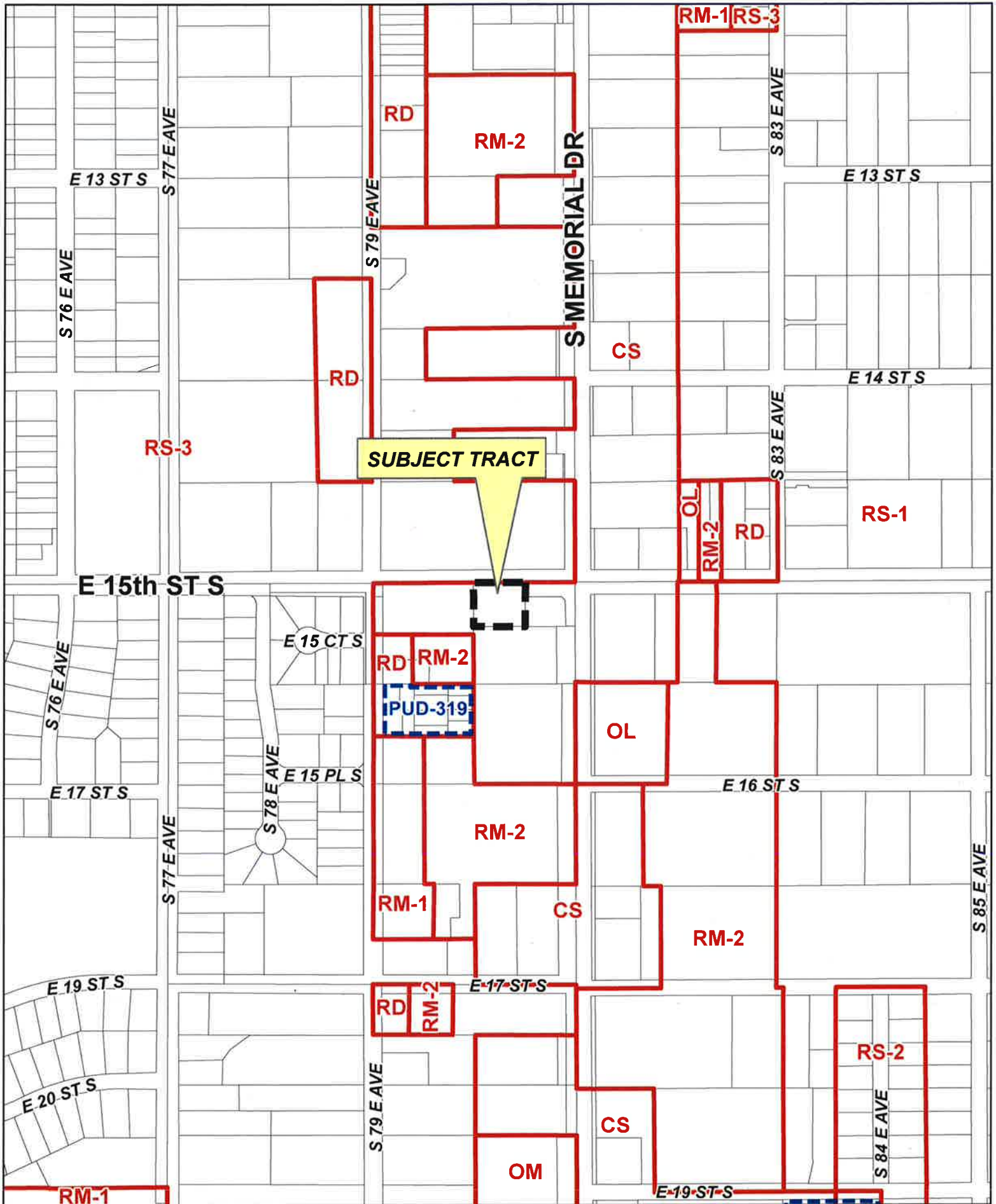
Short-term improvements totaling **\$302,820** are recommended to be constructed as part of the *Vision Tulsa, Public Schools - Safety 1st Initiative* program. These improvements include the relocation of the pedestrian signal to the intersection of Seminole Street and Harvard Avenue, new school speed zone flashing beacons on Harvard Avenue and Pine Street, new and updated crosswalk pavement markings, and new school related signs.

These recommended improvements will contribute to the overall safety of students, parents, and staff as the travel to and from Celia Clinton Elementary School.

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BOA-22493

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9311

Case Number: **BOA-22493**

CZM: 38

CD: 5

A-P#:

HEARING DATE: 08/28/2018 1:00 PM

APPLICANT: Robert Bingham, Jr.

ACTION REQUESTED: Special Exception to permit Commercial/Vehicle Sales and Service/ Personal Vehicle Sale and Rentals Use in a CS Zoning District (Sec. 15.020); Variance to allow outdoor storage and outdoor merchandise display within 300 feet of an abutting R district (Sec. 15.040-A)

LOCATION: 7924 E 15 ST S

ZONED: CS

PRESENT USE: vehicle sales and rental

TRACT SIZE: 22442.2 SQ FT

LEGAL DESCRIPTION: W170 N 1AC NE NE NE SE SEC 11 19 13,

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA-21522; on 01.08.13, the Board **approved** a *special exception* to allow Heat & Air contractor (Use Unit 15) in a CS District. LOCATED: 7902 E 15TH ST S; (immediately west of the subject site).

BOA-17620; on 01.28.97, the Board **approved** a *special exception* to allow automobile sales in a CS district. LOCATED: 7902 E 15TH ST S; (immediately west of the subject site).

BOA-08452; on 01.23.75, the Board **upheld** the decision of the Building Inspector and **approved** a *special exception* to operate a car wash. LOCATED: 7902 E 15TH ST S; (immediately west of the subject site).

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 multifamily 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 CS and RM-1 zoned tracts to the south; CS zoned tracts to the east and west; E. 15th St. S. is immediately north of the site.

STAFF COMMENTS:

The applicant is before the Board requesting a **Special Exception** to permit personal car sales in a CS district (Section 15.020-C); and **Variance** to permit open air storage and display of merchandise for sale within 300 ft of an abutting R district (Section 15.040-A).

Car sales are permitted in the CS district only by special exception. A special exception is required as the proposed use is not permitted by right in the CS district because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted.

The commercial lot currently contains what appears to be an office and shop space with a large parking area with cars on display. The subject property is surrounded by a mixture of land uses including automobile sales to the east; commercial space immediately south and a light industrial use on the west. As shown on the site plan the parking area will be located along E. 15th St. S. and the applicant will utilize the existing office and shop space on the site.

The applicant is also requesting a Variance of the requirement that no merchandise may be stored or displayed outside within 300 ft. of an abutting R district. The subject lot is within 300 ft of both a RM-2 and RD zoned area.

The applicant provided the following hardship statement: *"Movant has a Used Dealer license but is required by the Used Motor Vehicle Commission to obtain and provide them an exception to do business on CS zoned property. The current use restrictions on the property excludes the STORAGE AND DISPLAY OF MERCHANDISE (in our case, vehicles), thereby creating a hardship for a retail car lot that cannot be overcome without an exception for STORAGE AND DISPLAY of vehicle inventory parking. An exception would be consistent with the actual use of the property for more than 20 years, and consistent with the Zoning Code in its development of Anchor Corners. Finally, on Memorial Drive between 11th Street and 21st Street, there are approximately 20 used car lots, all on CS property, and denying an exception would be an inconsistent and unfair restraint on my business".*

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 neighborhood.

Sample Motion for the Variance:

Move to _____ (approve/deny) a Variance to allow outdoor storage and outdoor merchandise display within 300 feet of an abutting R district (Sec. 15.040-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 granting the Variance 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.”*

Sample Motion for a Special Exception

Move to _____ (approve/deny) a Special Exception to permit Personal Vehicle Sales and Rentals Use in a CS Zoning District (Sec. 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.

subject address is currently vacant and owned by the City of Tulsa. The City of Tulsa has leased the center to the Children's Museum. There was a special exception granted in 1975 for a community center in Owen Park that is a Use Unit 5 in a RS-3 District. The Children's Museum is similar to a community center for the activities for the children, except it is called a museum. The museum will be for children of all ages and will be a "hands on" creative learning center.

Mr. White asked Mr. Lilly if the museum would be expanding the building larger than the footprint currently exists. Mr. Lilly stated that it would not be expanded larger than the current building footprint.

Interested Parties:

Dee Simmons, 315 North Sante Fe, Tulsa, OK; stated that six years ago she became interested in the Children's Museum through the Tulsa World. She is a home owner in the Owen Park area and has lived there for 12 years. Six years ago she thought of the museum as a childrens museum without walls because they were traveling in a mobile center with their exhibits. She has mailed out letters to people of the neighborhood and she has received great support. The use of the community center is tried and true and is supported in every aspect by the community.

Brenda Barre, 568 North Guthrie, Tulsa, OK; stated that when she received her notification from the Board of Adjustment she contacted the neighbors, because they did not want any more social service organizations in their neighborhood. The neighborhood is in favor of the childrens museum going into the community center.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a Special Exception to allow a Childrens Museum (Use Unit 5) in an RS-3 District (Section 401). 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:

GOV LT 4 LESS TR BEG 664.4W OF NWC SE NW TH N150 E480 S TO EXPY NE ON EXPY 264.27 S TO SECR GOV LT 4 W TO POB SEC 2 19 12, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21522—Rob Coday

Action Requested:

Special Exception to allow Heat & Air contractor (Use Unit 15) in a CS District (Section 701, Table 1). **LOCATION:** 7902 East 15th Street South (**CD 5**)

FILE COPY

FILE COPY

BOA-21522

Presentation:

Rob Coday, P. O. Box 128, Kiefer, OK; stated wants to add a small addition to an existing building.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a **Special Exception** to allow Heat & Air contractor (Use Unit 15) in a CS District (Section 701, Table 1), subject to conceptual plan 19.13. 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:

N/2 NW NE NE SE LESS W30 THEREOF FOR ST SEC 11 19 13 1.13AC, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21523—Gregory Helms

Action Requested:

Variance of the Parking setback from the centerline of the road from 50 feet to 30 feet in an R District (Section 1302.B, Table 1). **LOCATION:** 1120 East 34th Street South (CD 9)

Presentation:

William R. Grimm, 110 West 7th Street, Tulsa, OK; stated he is before the Board today on behalf of Aberson Development. There is a proposed demolition plan for a proposed parking lot on the northeast corner near an existing church. The existing structure on the northeast corner will be razed for the parking lot and will be located in a RS-3 zone. In conjunction with the entire project there is going to be another retail structure built in Center One.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Action Requested:

Special Exception to allow automobile sales (Use Unit 17) in a CS zoned district.

SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 17, located 7092 East 15th Street.

Presentation:

The applicant, **Mike M. Naily**, represented by David W. Davis, 4606 South Boulder, Suite 416, submitted a site plan (Exhibit C-1) and photographs (Exhibit C-2). Mr. Davis stated Mr. Naily is proposing to use the subject property for automobile sales. He indicated the subject property is currently zoned CS district under Section 701. He stated the abutting property to the north and west are RS-3 zoned properties. Mr. Davis indicated that there is a church located to the north, duplexes to the west and a vacant lot to the northwest of the property. He explained that RD and RM-2 zoning is to the south of the subject property. He further explained that to the east there is property zoned CS, which is totally paved over as a parking lot with a business in the middle of the lot. He stated the CS property is owned by Cimarron Equipment, which is a heavy equipment dealership. Mr. Davis indicated that there are existing car wash bays on the subject property and the bays will not be opened to the public, but used for business solely. He stated that recently the subject lot has been used as a parking lot for the import sports business, which is at the corner of 15th and Memorial. He explained that unless Use Unit 17 is applied to this property, Mr. Naily will not be allowed to sell automobiles. He stated the subject property is well suited to the car sales business due to the car wash, the large lot and the sales office. He commented that the variance will not cause substantial detriment or impair the purpose of the zoning ordinance. He explained that there is currently a board fence, which separates this property from the residentially zoned properties. He indicated the owner will keep this fence in good repair. He commented that there will be lower traffic volume than a car wash or quick stop gas station, which has been used in the past on the subject property. Mr. Davis stated that lighting will be directed away from any residentially zoned areas and the hours of business will be primarily from 8:00 a.m. to 6:00 p.m., Monday through Saturday. He commented that since his client will be closed on Sundays he will not interfere with the church across the street.

Comments and Questions:

Mr. White asked Mr. Davis if the moving vans that are currently parked on the extra parking area of the subject property will be removed? Mr. Naily, 9113 East 74th, stated the moving van company rents the property to park their vans at this time. He further stated that there are two vans parked on the subject property currently.

Mr. Dunham asked the applicant if the moving van company will continue to use the parking lot? Mr. Naily stated the moving company will no longer park there once he purchases the property.

Case No. 17620 (continued)

Mr. Bolzle asked Mr. Davis if his client intends to only have 30 cars at any one time? He stated that his client has indicated he will only have 30 cars at one time.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott "absent") to **APPROVE** a **Special Exception** to allow automobile sales (Use Unit 17) in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to a maximum of 30 cars for sale at any one time; subject to days and hours of operation being 8:00 a.m. to 6:00 p.m., Monday through Saturday; subject to no outside loud speakers; subject to lighting being directed away from the residential areas and the screening fence shall continue to be provided/maintained along the west and south property lines abutting the residential area; subject to the car wash not being open to the public; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 1, N190', Lot 2, Block 1, Villa Grove Gardens Amended, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17621

Action Requested:

Special Exception to allow an 8' fence in the front yard in an AG district. **SECTION 210.B.3. YARDS; Permitted Obstructions in Required Yards** - Use Unit 6, located 10901 South Louisville.

Presentation:

The applicant, **Liberty Construction of Tulsa/John F. Weiss**, 3701 South Harvard, submitted a site plan (Exhibit D-1) and an architectural drawing (Exhibit D-2). Mr. Weiss stated the property belongs to Bill and Kathy Bartmen. He explained that the owners want an exception from an 8' to a 10' wall height. He further explained that the property is unique that it is 1316' deep and 661' wide (approximately 20 acres).

Comments and Questions:

Mr. White questioned Mr. Weiss if he wanted to go from 8' to 10'? He answered affirmatively.

Mr. White informed the applicant that he is not advertised for a 10' high fence.

NEW APPLICATIONS:

8452

Action Requested:

Exception (Section 610 - Principal Uses Permitted in Commercial Districts - Section 1017 - Automotive and Allied Activities) to operate a car wash; and an Appeal (Section 1470 - Appeals from the Building Inspector) for refusing to permit mini-storage in a CS District and RD District located at 7902 East 15th Street.

Presentation:

W. O. Smith submitted the plot plan (Exhibit "C-1") pointing out the location of the proposed four bay car wash and 38 unit mini-storage, advising that the property would be screened as required and that the proposed self-service gas station is permitted in the CS District by right.

The Staff submitted to the Board a copy of the journal entry (Exhibit "C-2") of the District Court case on this property which states that the east 240' of the subject property shall be permitted CS commercial use, with the balance (RD) to be permitted for duplex purposes, off-street parking purposes or ingress and egress purposes from 15th Street, that no fence shall be required between the CS and RD properties, but that a 6' screening fence shall be provided along the entire western boundary of the tract before off-street parking use takes place unless this requirement is waived by the proper City authority.

David Pauling, Assistant City Attorney, suggested that the application be continued to later in the meeting in order that he might have sufficient time to review the journal entry prior to any action being taken.

In presenting his plan, Mr. Smith felt that the Church, which is located to the north, would prefer this type of operation rather than fast food operations that are permitted by right in the CS District. He pointed out that the mini-storage operation would create a limited amount of traffic. He felt that this plan would be more favorable in this area, advising that he will be forced to develop the tract in other commercial uses should the mini-storage operation be denied.

Protests:

The pastor for Memorial Drive Christian Church, 7903 East 15th Street, expressed concern in regard to the increased robberies which might occur and the increased traffic that would be created by the proposed development of the tract, pointing out that

1.23.75:180(9)

the Church is in use every evening with the exception of Saturday and that it is open every day from 8 a.m. to 10 p.m. He was also concerned with the Church's parking lot being used by the tenants of the mini-storage operation. He expressed concern in regard to the safety of the pre-school children, the decreased value of the Church property should the application be approved, and felt that the plans should have been reviewed with the area residents prior to the hearing.

Tom Olzawski, 1530 South 79th East Avenue, advised the Board that the area residents had requested that he appear before the Board on their behalf. He submitted to the Board a protest petition (Exhibit "C-3"), containing the names of nine area residents who object to the development that has been proposed. Mr. Olzawski advised that the residential lots in the immediate area are large, pointing out that the nine signatures represent 95% of the property owners in the area. The area residents felt that the proposed development would create many problems, in that the development would be lighted, an assumption, and that the rural atmosphere of the residential area would be interrupted. Also, the residents were concerned with the possibility of the development being an all-night operation with traffic being brought in to the residential area during the night hours, advising that the area is at present experiencing traffic problems with the convenience grocery at the intersection during the peak hours of the day. Mr. Olzawski felt that the residents were more concerned with the car wash and service station than they were with the mini-storage operation, stating that they would favor the mini-storage operation over a fast food operation if given the choice, because the fast food operation would generate a greater volume of traffic.

Mr. Smith advised the Board and protestants of the zoning history of the subject tract in order that they might be aware of how the application was taken to District Court and the reasons for the zoning which was granted by the Courts. He pointed out that the CS zoning would permit taverns, pool halls, gasoline stations, convenience groceries, etc., all of which would be detrimental to the residential area. He pointed out that the mini-storage permits a night watchman's quarters, advising that a guard would be on duty and that the traffic would not be increased because of the nature of the operation. He stated he was not aware of any mini-storage robberies in the area, but he did recognize the problems that the U-Totem had experienced.

Mr. Smith again reviewed the plot plan, advising that a copy of the plan had been sent to each property owner within 300', including the Church. He advised that the gas station is a self-service operation with landscaping and that there are no service bays, tire sales, etc., in conjunction with this type of station, and that the station is in operation from 7:00 a.m. to 9:00 p.m. six days a week.

Mr. Gardner advised that the majority of this property is permitted CS development which includes bars, family recreation centers, fast food operations, etc., many of which are high traffic generators, while the mini-storage operation is a low traffic generator. Although the property is permitted commercial usage, it is felt that the proposed use of the property would be the most compatible development in regard to the residential neighborhood. Mr. Gardner pointed out that the plot plan shows an access point to 79th East Avenue, while the journal entry states that there will be a 6' screening fence on the entire western boundary, with access being provided solely to 15th Street. The car wash is permitted by exception and the Board should determine that it is acceptable and compatible with the area, and the Board should consider whether or not the facility would be more suitable on the frontage or on the rear portion of the tract, with the lighting and hours of operation also under control of the Board.

It was pointed out that the Ordinance requires screening between the CS and RD, however, the Court did not envision a screening wall at this particular location; also, screening is required on the southern boundary of the tract.

Mr. Pauling advised the Board that he had reviewed the Court's journal entry and the judgments are clear. He pointed out that the screening on 79th East Avenue was required to prohibit access into the residential area.

Board Action:

On MOTION of SMITH, the Board upheld the decision of the Building Inspector (4-0) and then approved an Exception (Section 610 - Principal Uses Permitted in Commercial Districts - Section 1017 - Automotive and Allied Activities) to operate a car wash between the hours of 8:00 a.m. and 9:00 p.m., and

determined that mini-storage was not specifically listed in the Ordinance prior to the filing of this application (although it is now), and found the operation acceptable and compatible with the neighborhood on this specific site to permit a mini-storage operation, subject to screening being required on the entire western and southern boundaries thereby prohibiting access to South 79th East Ave., that no screening be required between the RD and CS tracts, and that the lighting be directed toward the use and away from the residential area, subject to the plot plan and as modified herein in a CS and RD District on the following described tract:

The N/2 of the NW/4 of the NE/4 of the NE/4 of the SE/4 of Section 11, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, LESS and EXCEPT the North 40 feet thereof and the West 30 feet thereof heretofore dedicated for street purposes.

(Blessing out 3:45 p.m.)

8455

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agricultural District) to use property for church and parking facilities in an AG District located at 25th Street and Garnett Road.

Presentation:

Walter Headrick, trustee of Christview Christian Church, advised that the Church was not aware of the two year time period of an exception and is now again requesting church use and parking facilities on the subject property.

Mr. Gardner advised that should the Board require the platting of this property, that this is the only piece of property with the exception of the tract to the south which has not been platted. Mr. Gardner, in discussing the platting of the property, advised that if there is no need for utility easements, etc., that are normally obtained through the platting and the right-of-way on Garnett is all that is required, the Planning Commission could waive the platting requirement in lieu of dedication by separate instrument.

The applicant stated his only objection to the dedication would be that the Church property would be narrowed, but after discussing the process with the Staff, he advised he would have no objections.

1.23.75:180(12)



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Feet



Subject
Tract

BOA-22493

19-13 11

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

Aerial Photo Date: February 2018

3.13





E 15th ST S

S MEMORIAL DR

0 50 100
Feet



Subject
Tract

BOA-22493

19-13 11

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

Aerial Photo Date: February 2018

3.14



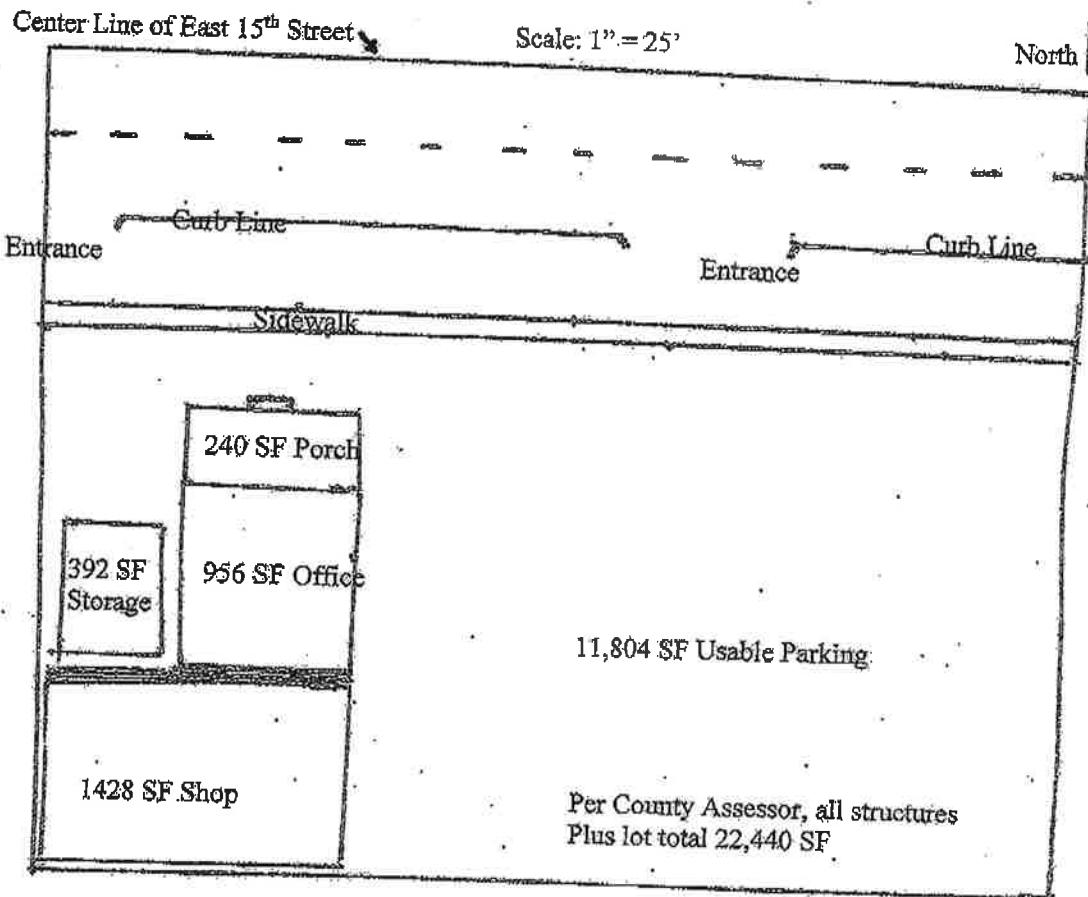


08/17/2018 10:43

Looking east- towards the west side of the subject site- on E. 15th St .
S.



Looking south - towards the subject site- on E. 15th St . S.

SITE PLAN7924 E. 15th St., Tulsa, OK 74112**Legal Description:**

The West One Hundred Seventy (170) feet of the North One (1) acre of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE/4 NE/4 NE/4 SE/4) of Section Eleven (11), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, LESS and EXCEPT the North Forty (40) feet thereof.

Zoning: CS**Exception Requested:** Used Automobile Sales.

Current use of usable parking is Used Car Sales.

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 14, 2018

BOB BINGHAM
7944 E 15TH ST
TULSA, OK 74104

Phone: 918.665.2296

APPLICATION NO: ZCO-005570-2018

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 7924 E 15TH ST
Description: USED AUTO SALES

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 [] 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. ZC0-005570-2018

7924 E 15TH ST

JULY 14, 2018

Note: Please direct all questions concerning special exceptions, variances and all questions regarding BOA application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **Sec.35.050-Q5:** Your proposed auto sale is designated a Commercial/Vehicle Sales & Service/Personal Vehicle Sales & Rentals Use and is located in the CS zoning district.

Review comment: A Special Exception, approved by the BOA, is required for auto sales at this location. This will require you to submit a Special Exception, reviewed and approved in accordance with the Special Exception procedures of Section 70.120, for Commercial/Vehicle Sales & Service/ Personal Vehicle Sales & Rentals to be allowed in the CS district.

2. **Section 15.040-A:** In the CS district, outdoor storage and outdoor merchandise display is prohibited within 300 feet of an abutting R district.

Review comment: The proposed car lot is located within 300 feet of an abutting R district and is not permitted. This will require you to submit a Variance reviewed and approved in accordance with the Variance procedures of Section 70.130, for outdoor storage and display of merchandise within 300 feet of an abutting R district.

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.

Ulmer, Amy

From: Mike Allred <mike.allred@tulsacoxmail.com>
Sent: Thursday, July 26, 2018 4:44 PM
To: Ulmer, Amy
Subject: FW: CS zoning hardship statement for Robert Bingham, Case # BOA-22493

Importance: High

Hello Amy,

I've been asked to provide you with a "hardship" statement/amendment to an application for Administrative Adjustment already on file with the Tulsa Board of Adjustment. The Application was filed on 7-17-18 by Robert Bingham, Jr for the property located at 7924 E 15th S in Tulsa, Case # BOA-22493.

Please accept the following additional language to be inserted as the required "hardship" statement:

Movant has a Used Dealer license but is required by the Used Motor Vehicle Commission to obtain and provide them an exception to do business on CS zoned property. The current use restrictions on the property excludes the STORAGE AND DISPLAY OF MERCHANDISE (in our case, vehicles), thereby creating a hardship for a retail car lot that cannot be overcome without an exception for STORAGE AND DISPLAY of vehicle inventory parking. An exception would be consistent with the actual use of the property for more than 20 years, and consistent with the Zoning Code in its development of Anchor Corners. Finally, on Memorial Drive between 11th Street and 21st Street, there are approximately 20 used car lots, all on CS property, and denying an exception would be an inconsistent and unfair restraint on my business.

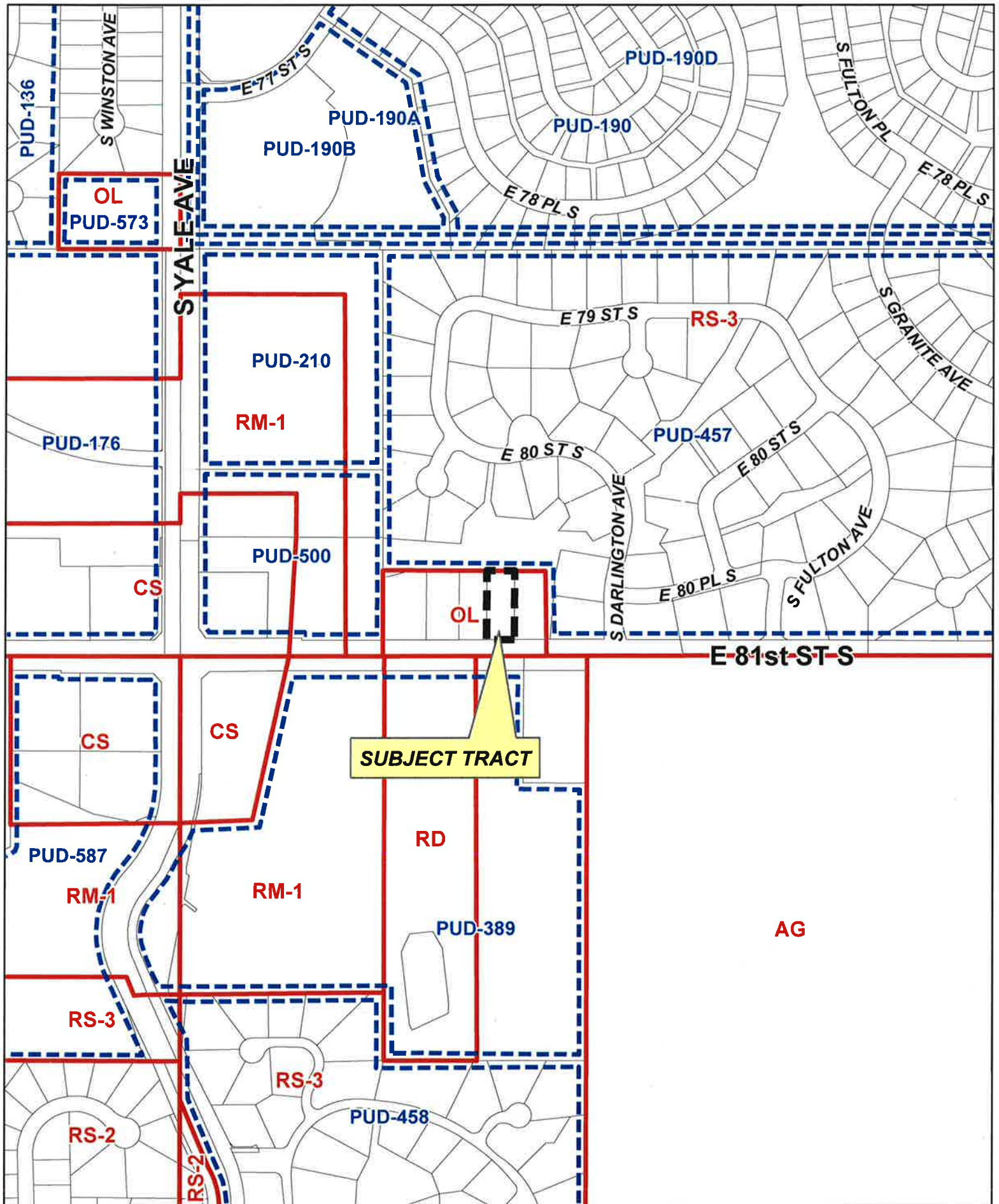
Please call if you have any questions and thanks.

Submitted on behalf of Robert Bingham,

Mike Allred

918-289-9591

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BOA-22494

18-13 10

4.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 8310

Case Number: **BOA-22494**

CZM: 53

CD: 8

A-P#:

HEARING DATE: 08/28/2018 1:00 PM

APPLICANT: Brad McMains

ACTION REQUESTED: Special Exception to allow a Personal Improvement Service in an OL Zoned District (Section 15.020)

LOCATION: 5119 E 81 ST S

ZONED: OL

PRESENT USE: vacant

TRACT SIZE: 20251.13 SQ FT

LEGAL DESCRIPTION: LOT 4 BLOCK 1, OFFICES AT HOLLAND LAKE, THE

RELEVANT PREVIOUS ACTIONS:

None relevant.

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".

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.

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 multifamily 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.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by vacant OL zoned lots to the east and west; PUD zoned residential area to the north; E. 81st St. S. abut the site to the south.

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to allow a Personal Improvement Use in an OL zoning district (Sec.15.020).

The applicant has stated that they intend to construct a $\pm 6,527$ sq. ft. building on the subject lot. The applicant has also stated that the intended user will be "Sandy Beaches Sun Spa" and services will include red light and ultra-violet light therapy; skin LED hydration therapy; botox and juvederm. A special exception is required due to the potential adverse effects of the proposed use in the OL district; however, if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted.

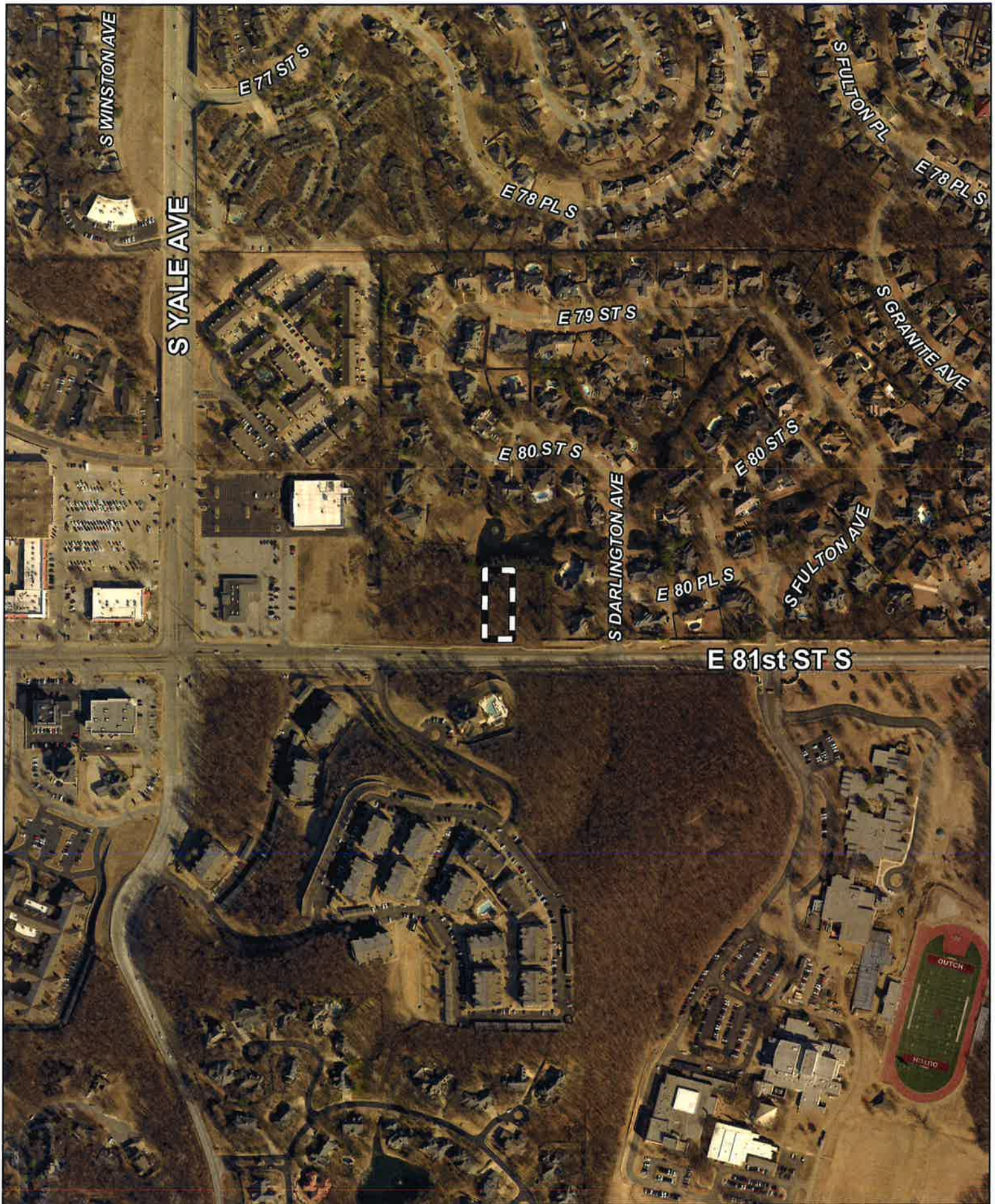
If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

Sample Motion

Move to _____ (approve/deny) a Special Exception to allow a Personal Improvement Use in an OL zoning district (Sec.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.



0 Feet 200 400



Subject Tract

BOA-22494

18-13 10

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

Aerial Photo Date: February 2018

4.4





E 80th ST S

S DARLINGTON AVE

E 81st ST S

0 50 100
Feet



Subject
Tract

BOA-22494

18-13 10

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

Aerial Photo Date: February 2018

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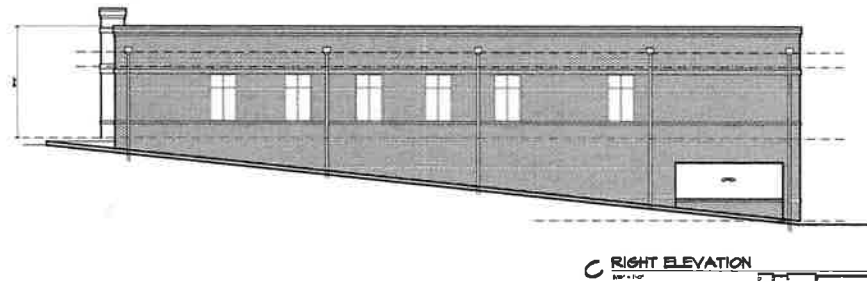




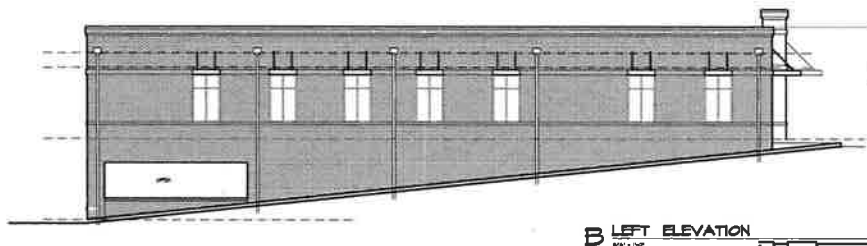


Looking south— towards subject site— on E. 81st St. S.

4.10



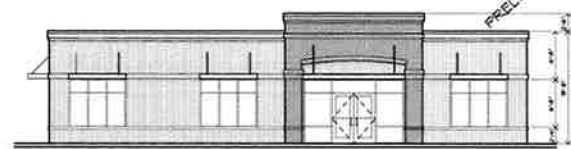
C RIGHT ELEVATION
1/8" = 1'-0"



B LEFT ELEVATION
1/8" = 1'-0"



D REAR ELEVATION
1/8" = 1'-0"



A FRONT ELEVATION
1/8" = 1'-0"

DR. VINSON, D.D.S.

TULSA, OKLAHOMA
CLIENT

PRELIMINARY NOT FOR CONSTRUCTION

Architects
Collective

PROJECT NUMBER
DATE
SHEET TITLE
BDC ELEVATIONS

A1

Ulmer, Amy

From: Bradford McMains <Brad@huntercompaniesinc.com>
Sent: Friday, July 27, 2018 11:37 AM
To: Loren Shepard; Ulmer, Amy
Cc: Mark Thomas
Subject: Re: BOA-22494

Thanks Loren, please see attached email regarding your questions on BOA-22494

All the Best and be Blessed,

Brad

"iPhone iUse"



Bradford A McMains, CM, GC
The Hunter Companies
10051 S. Yale Ave. Suite: 200
Tulsa, Ok. 74137
(cell) 918-830-3271

Remember, four boxes keep us free: the soap box, the ballot box, the jury box and the cartridge box.

On Jul 27, 2018, at 10:46 AM, Loren Shepard <lshepard@apid.net> wrote:

Brad,

The information for INCOG is as follows

Gross lot area = 21,074.9 Sq. Ft.

Open Area = 7,160.15 Sq. Ft.

Building Coverage = 6,527.7 Sq. Ft

Floor area Ratio: 0.31 (0.4 max. for 'OL' Zoning)

Lot area per unit (Sq. Ft.) 3.23:1 (min. 1:1)

Open space per unit (Sq. Ft.) 1.09:1 (min 1:1)

Mr. Loren J Shepard
Architects Collective
918-492-2987
lshepard@apid.net

From: Mark Thomas
Sent: Thursday, July 26, 2018 2:29 PM

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

August 8th, 2018

Brad McMains
10051 S Yale Ave
Tulsa, OK 74137

Phone: 918.299.5544

APPLICATION NO: **ZCO-008427-2018**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **5119 E 81st ST**

Description: **Personal Improvement Service**

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)

4.12

REVIEW COMMENTS

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

Application No. ZCO-008427-2018

5119 E 81ST ST

August 8th, 2018

Note: Please direct all questions concerning special exceptions and all questions regarding BOA application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **Sec.15.020 Table 15-2:** You are proposing a Commercial/Commercial Service/Personal Improvement Use. It is located in an OL zoned district. This will require a Special Exception approved by the BOA.
Review comment: Submit an approved BOA Special Exception to allow a Commercial/Commercial Service/Personal Improvement Use in an OL zoned district.

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.

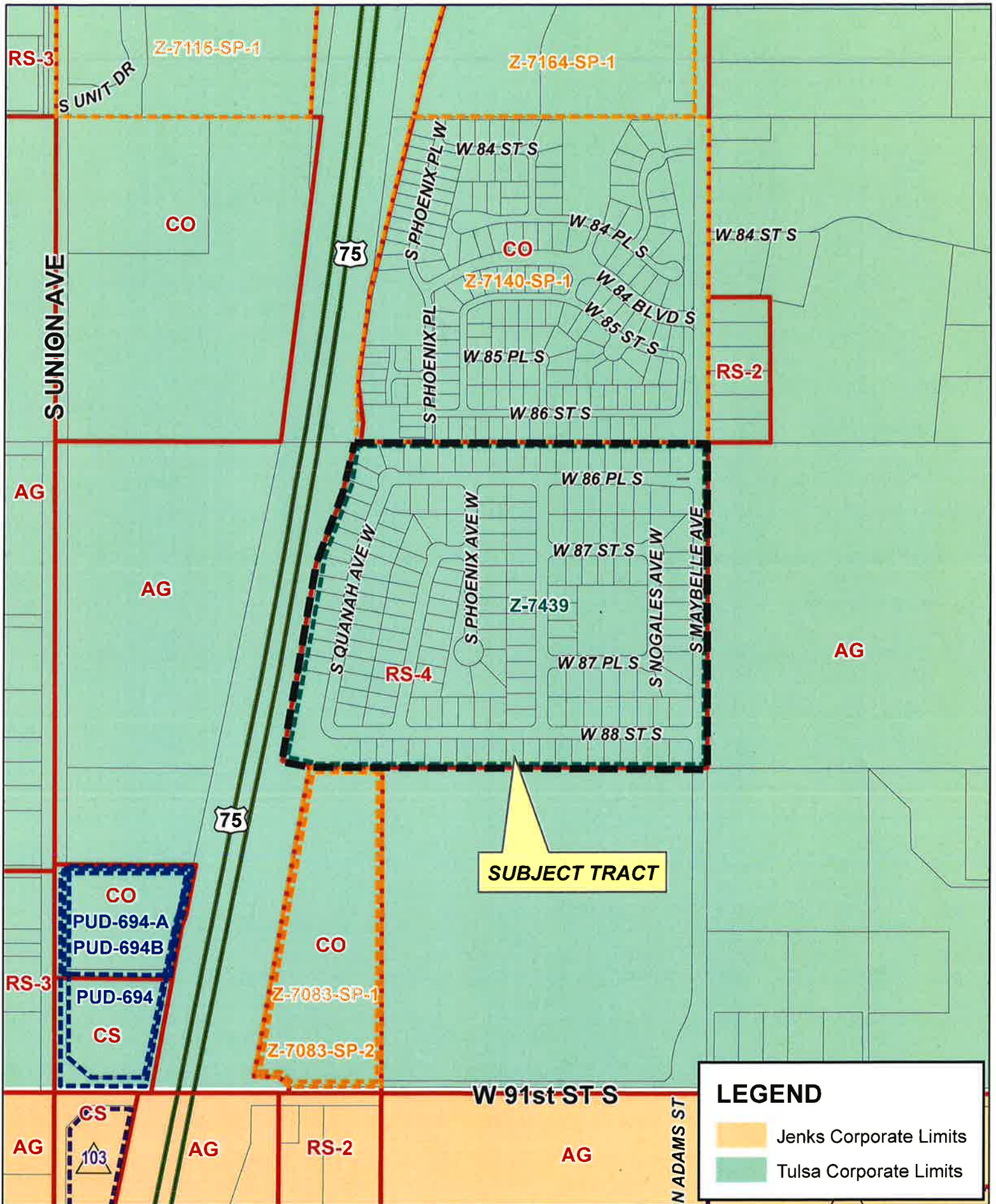
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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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-22495

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18-12 14

BOARD OF ADJUSTMENT CASE REPORT

STR: 8214

Case Number: **BOA-22495**

CZM: 51

CD: 2

A-P#:

HEARING DATE: 08/28/2018 1:00 PM

APPLICANT: Ricky Jones

ACTION REQUESTED: Special Exception to allow the driveway widths for the entire subdivision to exceed 20ft on the lot and 20ft in the right-of-way in an RS-4 district to permit a width of 35ft on the lot and within the right of way (Sec.55.090-F.3)

LOCATION: 8600-block of S. Maybelle Ave.

ZONED: RS-4

PRESENT USE: Residential Subdivision

TRACT SIZE: 2123597.47 SQ FT

LEGAL DESCRIPTION: All of Winchester Park, a Subdivison in the City of Tulsa, Tulsa County, State of Oklahoma.

RELEVANT PREVIOUS ACTIONS:

Subject Site:

Z-7439: on 5.02.18, the TMAPC **approved** a request for *rezoning* from RS-3 to RS-4 with an optional development plan.

Z-7259: on 4.02.14, the TMAPC **approved** a request for *rezoning* from AG to RS-3.

Surrounding Property:

BOA-21238: on 3.22.11, the Board **approved** a *special exception* to permit a public school in an AG district. Located: East of the NE/c of W. 91st St. & S. U.S. Highway 75.

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

The **New Neighborhood** residential building block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or New Neighborhood or Town Center.

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 a CO zoned single-family residential development to the north; a large undeveloped AG zoned tract to the east; Jenks School site to the south; Highway 75 abuts the area to the west. This site is in the West Highlands small area plan.

STAFF COMMENTS:

In June of 2018 the City Council approved a rezoning request to RS-4 at this site. The applicant is requesting that the Board approve a driveway width of 35 ft for all lots within the RS-4 zoned subdivision.

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-4 zoned lot is 20 ft.; the driveway width within the 20-ft. street setback area will be 35' and will exceed the maximum allowed driveway width of 20ft. The proposed driveway width within the right-of-way/to the curb will also be 35' and will exceed the 20ft driveway width requirement.

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

The proposed 35' driveway widths within the right-of-way and setback area will exceed the allowed driveway width in the RS-4 zoning district.

On August 8th, 2018 the City Council adopted new standards for residential driveway widths as shown below:

55.090-F Surfacing

3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.123, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-I.2. (Refer to City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

Lot Frontage	Maximum Driveway Width				
	75'+	60' - 74'	46'-59'	30' - 45'	Less than 30' [2]
Driveway Within Right-of-Way (feet) [1]	30'	28'	24'	20'	12'
Driveway Within Street Setback (feet)	30'	30'	--	--	--

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.

[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.

For approvals granted under the terms of the zoning code in effect prior to January 1, 2016, including (1) variances of maximum driveway coverage measured by width, square footage or percentage of yard and (2) establishment of PUD development standards that increase the maximum permitted driveway coverage measured by any such means, the foregoing maximums do not apply.

The driveway width amendment to the City of Tulsa Zoning Code will be effective as of September 18, 2018.

Sample Motion

Move to _____ (approve/deny) a Special Exception to allow the driveway widths for the entire subdivision to exceed 20ft on the lot and 20ft in the right-of-way in an RS-4 district to permit a width of 35ft on the lot and within the right of way (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.

Moore that the City of Owasso is widening 116th Street and the intersection will be improved.

Mr. Ritchey asked what the AG-R zoning designation allowed. Mr. Ritchey stated the properties surrounding this one is AG-R.

Staff answered AG-R is large lot agricultural residential zoning.

Mr. Ritchey asked if that zoning designation was still offered.

Staff stated "yes".

Mr. Ritchey asked what the minimum lot size was in AG-R.

Staff answered "1 acre".

TMAPC Action; 11 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **10-0-1** (Covey, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; Dix, "abstaining"; none "absent") to **APPROVE** CZ-471 rezoning from AG to RE per staff recommendation.

Legal Description of CZ-471:

A TRACT OF LAND LYING IN THE SOUTH HALF OF THE NORTHWEST QUARTER (S/2 NW/4) OF SECTION SIX (6), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS,

TO WIT:

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER (NW/4) SAID POINT ALSO BEING THE SOUTHWEST CORNER OF GOVERNMENT LOT 5; THENCE NORTH 00°06'48" WEST AND ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW/4) FOR A DISTANCE OF 647.85 FEET; THENCE SOUTH 89°42'19" EAST FOR A DISTANCE OF 660.02 FEET; THENCE SOUTH 00°06'48" EAST FOR A DISTANCE OF 645.19 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4); THENCE NORTH 89°56'11" WEST AND ALONG SAID SOUTH LINE FOR A DISTANCE OF 660.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 9.80 ACRES.

20. Z-7439 Tanner Consulting, LLC (CD 2) Location: South of the southwest corner of West 81st Street and South Maybelle Avenue requesting rezoning from **RS-3** to **RS-4** with optional development plan

STAFF RECOMMENDATION:

SECTION I: Z-7439

DEVELOPMENT CONCEPT: The property has previously been developed and platted as a RS-3 zoned property. The applicant has stated that the market for this area seems to support single story residential construction that covers more of the lot than allowed in a RS-3 district. The concept is simply to rezone the property which will allow a larger foot print on the lot. All setbacks, building heights and other development standards will meet or exceed RS-3 minimum standards except the open space. The developer has chosen to submit an optional development plan rather than ask for RS-4 zoning alone.

The summary below outlines the differences between zoning categories and the optional development plan standards:

- The current open space requirement for RS-3 zoning is 4000 square feet
- The minimum open space requirement for RS-4 zoning is 2500 square feet
- The minimum open space requirement for the optional development plan defined in Z-7439 is limited at 3500 square feet

DETAILED STAFF RECOMMENDATION:

Z-7439 request RS-4 zoning with an optional development plan for an existing single family residential development. Single family residential uses in this location are consistent with the Existing Neighborhood land use designation in the Comprehensive Plan and in the West Highlands Small Area Plan and,

Z-7439 is east of the rural residential area that was identified in the small area plan. RS-3 or RS-4 densities and land uses are not a threat to that concept in the small area plan area,

The property has previously been platted and the infrastructure is in place. It is unlikely that the site will be redeveloped to maximize RS-4 zoning density. RS-4 zoning allows a lot density that is similar to the abutting property owners north of this site. The optional development plan requires more open space per lot than was required in the abutting Corridor Development plan north of this site. The development style will be similar to surrounding property owners and this rezoning request is considered non-injurious to the proximate properties therefore,

Staff recommends Approval of Z-7439 to rezone property from RS-3 to RS-4.

SECTION II: Optional Development Standards

All uses, building types, lot and building regulations, along with all supplemental regulations as set forth in the City of Tulsa Zoning Code for

the RS-3 zoning district, and in particular, Section 5.030-A Table 5-3 except the following:

- Minimum Open Space per Dwelling Unit: 3,500 square feet

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The rezoning request for RS-4 zoning with an optional development plan is consistent with the Tulsa Comprehensive Plan and the West Highlands Small Area Plan.

Land Use Vision:

Land Use Plan map designation: New Neighborhood

The New Neighborhood residential building block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or New Neighborhood or Town Center.

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: None that would be affected by site rezoning.

Major Street and Highway Plan: South Maybell is considered a residential collector street. The street right of way has been dedicated to the City of Tulsa by the subdivision plat for this project.

Trail System Master Plan Considerations: None

Small Area Plan: This site is in the West Highlands small area plan. There are no special considerations at this location that would be affected by the rezoning approval.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site has been platted and infrastructure improvements are being installed.

Environmental Considerations: We have received complaints that silt is existing the site on to Jenks School property. Redevelopment must satisfy pollution prevention plans as approved by the City of Tulsa and maintained by the developer. Rezoning this site will not affect poor storm water pollution management practices. Enforcement measures regarding storm water pollution must be made outside the zoning process.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Maybelle Ave.	Residential Collector	60 feet	2 lanes under construction

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning</u>	<u>Existing Land Use</u>	<u>Area of Stability or Growth</u>	<u>Existing Use</u>
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		Designation		
North	CO (approved for single family residential development)	Existing Neighborhood	Growth	Single family residential
East	AG	New neighborhood	Growth	Undeveloped
South	AG and CO (approved commercial uses)	New neighborhood	Growth	Jenks School
West	AG west of highway 75	Mixed Use Corridor	Growth	Appears to be tribal land outside the jurisdiction of the Tulsa Zoning Code. Tribal schools and community centers are on site

SECTION IV: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 23111 dated May 8, 2014, established RS-3 zoning for the subject property

Subject Property:

Z-7259 April 2014: All concurred in **approval** of a request for *rezoning* a 48.5± acre tract of land from AG to RS-3 on property located northeast of West 91st Street South and Highway 75, the subject property. Ordinance number 11877 dated June 26, 1970, established AG zoning for the subject property.

Surrounding Property:

Z-7377 April 2017: All concurred in **approval** of a request for *rezoning* a 3.39± acre tract of land from AG to RS-2 on property located south of the southwest corner of South Maybelle Avenue and West 81st Street South.

Z-7164/ Z-7164-SP-1 March 2011: All concurred in **approval** of a request for *rezoning* and a request for a Corridor Development Plan on a 30± acre tract of land for commercial mixed use development, The Walk at Tulsa Hills, on property located on the southeast corner of U.S. Highway 75 and West 81st Street

Z-7140/ Z-7140-SP-1 December 2009: All concurred in **approval** of a request for *rezoning* a 41± acre tract of land from AG to CO and a Corridor Site Plan for residential use, garden and patio homes, on property located south of southwest corner of South Maybelle Avenue and West 81st Street and abutting south of

subject property. The TMAPC recommended approval per staff recommendation and subject to adding Use Unit 1, to impose the additional buffer along the north end across to the detention pond. City Council approved the applications per TMAPC recommendation with condition of Maybelle getting upgraded in accordance with the Major Street and Highway Plan and per City of Tulsa design standards within the project limits, and resurfaced to 22' wide with improved borrow ditch from the northern boundary of the subdivision to West 81st Street, on property located north of the northwest corner of West 91st Street South and South Maybelle Avenue.

Z-7083/ Z-7083-SP-1 January 2008: All concurred in **approval** of a request for a *Corridor Development Plan* on a 12± acre tract of land for The Tulsa Hills South development including multiple commercial, mixed use developments on property located on the northeast corner of West 91st Street South and U.S. Highway 75.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** Z-7439 rezoning from RS-3 to RS-4 with optional development plan per staff recommendation.

Legal Description of Z-7439:

All of Winchester Park, a Subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat (No. 6741) thereof.

22. **Z-7441 Tulsa City Council/Village at Brookside, LLC** (CD 9) Location: East of the southeast corner of South Peoria Avenue and East 41st Street South requesting rezoning from **RM-2 to MX2-F-65**

STAFF RECOMMENDATION:
SECTION I: Z-7441

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 RM-2.

FILE COPY

Winchester Zoning Comparison

Requirement	RS-3	RS-4/ODP
Lot Width	60 FT	60 FT
Front Setback	25 FT	25 FT
Rear Yard	20 FT	20 FT
Side Yard	5 & 5 FT	5 & 5 FT
Minimum Lot Area	6,900 SF	6,900 SF
Minimum Open Space	4,000 SF	3,500 SF

All other RS-3 development standards stay in place.

~~There were no interested parties wishing to speak.~~

~~The applicant indicated his agreement with staff's recommendation.~~

~~**TMAPC Action; 7 members present:**~~

~~On **MOTION** of **SHIVEL**, TMAPC voted **7-0-0** (Covey, Dix, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Reeds "absent") to **APPROVE** the preliminary plat for Nickel Creek Phase IV per staff recommendation, subject to special conditions and standard conditions.~~

FILE COPY

15. **Z-7259** – **Sisemore Weisz & Assoc., Inc./Darin Akerman**, Location: East side of Highway 75 and north of West 91st Street South, Requesting rezoning from **AG to RS-3**, (CD-2)

STAFF RECOMMENDATION:

SECTION I: Detailed Staff Recommendation:

Requested RS-3 zoning is consistent with the vision identified in the Tulsa Comprehensive Plan and the expected development pattern in the area.

The requested RS-3 zoning is harmonious with the existing development on the site and the existing surrounding properties.

Therefore **staff recommends APPROVAL** of Z-7259 for the rezoning from AG to RS-3.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

Z-7259 is included in a New Neighborhood and an Area of Growth. The rezoning request will complement the vision identified in The Plan. RS-3 zoning designation will provide opportunities for single-family residential development and allow density to match the long term vision for the area.

An important component of the Comprehensive Plan is to provide connectivity through many forms. The Jenks Intermediate School located immediately south of this property will be a prime pedestrian connectivity opportunity and will be an important consideration during the plat process.

Land Use Designation (New Neighborhood):

This entire site is defined as a New Neighborhood in the Comprehensive Plan and is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.

Growth and Stability Map: (Area of Growth)

The purpose of an Area of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreements 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 necessary, provide the stimulus to redevelop.

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

Transportation Vision:

Vehicular and Pedestrian transportation systems do not currently serve the site. Street improvements for South Maybelle will be required as part of the plat process.

The Comprehensive Plan designates West 91st South as a Secondary Arterial. There is no vision identified for a multimodal corridor component for this portion of West 91st. South Maybelle is not an improved street adjacent to the east boundary of this site. Right-of-way has been granted by the Jenks Public School System south of this site for an extension to 91st street. No street right of way has been granted for Maybelle Avenue on or adjacent to this property. Ultimately this site will require a connected street system from the dead end of South Maybelle at the north east corner of this property to West 91st Street south.

The alignment of Maybelle will be determined during the subdivision plat process. Alternate street alignment considerations in this area could provide meaningful traffic calming features for this site, the adjacent property east of this site and in the right of way adjacent to the Jenks school site.

Sidewalks will be required throughout the area as defined in the Subdivision Regulations for Tulsa. Pedestrian connections to the school site will be an important consideration for this project.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 49+ acres in size and is located north of northeast West 91st Street and Highway 75. The property appears to be vacant and is zoned AG.

SURROUNDING AREA: The subject tract is abutted on the east by undeveloped land, zoned AG; on the north by Hyde Park Subdivision, zoned CO; on the south by Jenks West Intermediate School, zoned AG and CO; and on the west by Highway 75, further west unplatted large residential tracts, zoned AG.

UTILITIES: The subject tract has municipal water and sewer available. Significant infrastructure improvements for all utilities will be required for water, sanitary sewer and storm water systems.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP RW</u>	<u>Exist. # Lanes</u>
Highway 75	Expressway	As required by ODOT	4
West 91 st Street	Secondary Arterial	100 feet	2
South Maybelle Ave.	Residential Collector	60 feet	0

SECTION III: Relevant Zoning History:

ZONING ORDINANCE: Ordinance number 11827 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7140/ Z-7140-SP-1 December 2009: All concurred in approval of a request for rezoning a 41+ acre tract of land from AG to CO and a Corridor Site Plan for residential use, garden and patio homes, on property located south of southwest corner of South Maybelle Avenue and West 81st Street and abutting north of subject property. The TMAPC recommended approval per staff recommendation and subject to adding Use Unit 1, to

impose the additional buffer along the north end across to the detention pond. City Council approved the applications per TMAPC recommendation with condition of Maybelle getting upgraded in accordance with the Major Street and Highway Plan and per City of Tulsa design standards within the project limits, and resurfaced to 22' wide with improved borrow ditch from the northern boundary of the subdivision to West 81st Street.

Z-7083/Z-7083-SP-1 January 2008: All concurred in approval of a proposed Corridor Site Plan on a 12+ acre tract of land for the Tulsa Hills South development including multiple commercial, mixed use developments on property located on the northeast corner of West 91st Street South and U. S. Highway 75 and abutting south of subject property.

BOA-21238 March 22, 2011: The Board of Adjustment approved a Special Exception to permit a public school (Use Unit 5) in an AG district, subject to conceptual plan presented March 22, 2011; with the conditions that sidewalks are to be constructed along the north side of 91st Street to the extent of the property boundaries. All parking or driving surfaces are to be concrete or asphalt; landscaping is to be per code; lighting is required and is to be per code, on property located east of the northeast corner of West 91st Street and South U.S. Highway 75 and abutting south of subject property.

TMAPC COMMENTS:

Mr. Covey asked staff if that is a condition that the applicant has to build the road. Mr. Wilkerson stated that the applicant will have to build the road, but it may be some kind of combination with the property owner on the east or the City may build some of the road. Mr. Wilkerson further stated that he doesn't really think the City will be involved. In response to Mr. Covey, Mr. Wilkerson stated that it will be a public road. Mr. Covey questioned the City not building the road and having the applicant pay for a public road. Mr. Wilkerson stated that he doesn't believe that they have gone that far into discussion to know one way or the other. Mr. Wilkerson stated that the road is a requirement and normally the City doesn't build a street and then let the developers come back and pay for it.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of MIDGET, TMAPC voted **7-0-0** (Covey, Dix, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Reeds "absent") to recommend **APPROVAL** of the RS-3 zoning for Z-7259 per staff recommendation.

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:

LT 4 BLK 4, SUNSET TERRACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Case No. 21238-Wallace Engineering

Action Requested:

Special Exception to permit a public school (Use Unit 5) in an AG district.

Location: East of the NE/c of West 91st Street and South U.S. Highway 75

Presentation:

Jim Beach, 200 East Brady, Tulsa, OK; stated he represents the applicant. The application is for a Special Exception to allow Jenks public schools to establish a 3rd and 4th grade center on the property. Across the street, to the south, is Jenks Intermediate School. One mile north is Tulsa Hills with a lot of new development stimulated by Tulsa Hills. The demand is present for a new school in this location. The applicant will soon be submitting a plat requirement. The building is approximately 80,000 square feet and will be a two-story structure. The parking requirement is 67 spaces at the rate of one per 1,200 square feet, and there will be approximately 180 spaces provided, which will provide parking for larger assembled groups at the school. The ingress and egress drives will be placed on the westerly side of the property, and they will fall between two drives that serve the intermediate school across the street per the City of Tulsa's Transportation Planning Division request. The parking on the northwestern side of the building is designed for car parking/stacking, and the bus loop is situated in front of the building on the southwest side. By situating the school on the west side of the highest point of the property, the topography of the land allows for the hill and trees on the east and the southeast parts of the property to be a buffer zone between the residential property and the school. Initially the school is expected to serve about 650 students with a capacity of about 800, and will service 18 square miles.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Special Exception to permit a public school (Use Unit 5) in an AG district, subject to conceptual plan presented

BDA-21238

March 22, 2011; with the conditions that sidewalks are to be constructed along the north side of 91st Street to the extent of the property boundaries. All parking or driving surfaces are to be concrete or asphalt; landscaping is to be per code; lighting is required and is to be per code. The Board is approving the use of this land as public school use. 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:

SE SW LESS S24.75 THEREOF FOR ST SEC 14 18 12, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Case No. 21239-Bill McCullough

Action Requested:

Special Exception to permit a duplex dwelling (Use Unit 7) in an RS-3 district (Section 401); and a Variance of the minimum required lot area for a duplex dwelling in the RS-3 district (Section 404.C.1) from 9,000 sq. ft. to 7,000 sq. ft.

Location: 1648 South Indianapolis Avenue

Presentation:

The applicant was not present; no presentation was made.

Interested Parties:

Barbara Nottingham, 1634 South Indianapolis Avenue, Tulsa, OK; stated she represents the homeowners in the area. She owns her home, which is three blocks north of the subject property. The homeowners in the area oppose the request for a special exception and variance and she presented the Board with signed letters from various residents. The residents have a concern that if the special exception and variance were granted for this duplex it will allow further infiltration of duplexes in the neighborhood. There are 194 single-family dwellings and 58 duplexes in the subdivision. The duplexes in the neighborhood are on larger lots and are owner-occupied. The area residents would not object to a single-family dwelling being built on the site as that is what existed previously. Another concern of the residents is that the proposed duplex is proposed by a large developer who will re-sell the duplex as investment property, and it will not be owner-occupied. The Sidney Lanier Elementary School is directly across the street from the proposed duplex, and duplexes tend to attract single renters who will be more transient in nature. A single-family dwelling will attract families. The variance of 2,000 square feet will set a precedent so that almost any lot in the neighborhood, of mostly 7,000 square foot lots, will be able to have a duplex built on it, and by increasing the number of rentals in the neighborhood it will drive the property values down which greatly concerns the area homeowners.

Mr. White asked Ms. Nottingham if she was aware that the structure directly west of the subject property is a duplex, and Ms. Nottingham affirmed that she knew it was a duplex



0 250 500
Feet



Subject
Tract

BOA-22495

18-12 14

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

Aerial Photo Date: February 2018





Location Map

Subdivision Statistics

SUBDIVISION CONTAINS ONE HUNDRED - SEVENTY TWO (172) LOTS IN SIX (6) BLOCKS AND FOUR (4) RESERVE AREAS.

BLOCK 1 20 LOTS
 BLOCK 2 31 LOTS
 BLOCK 3 41 LOTS
 BLOCK 4 31 LOTS
 BLOCK 5 31 LOTS
 BLOCK 6 31 LOTS

GRAND SUBDIVISION AREA: 48.548 ACRES (2,114,742 SQ. FT.)

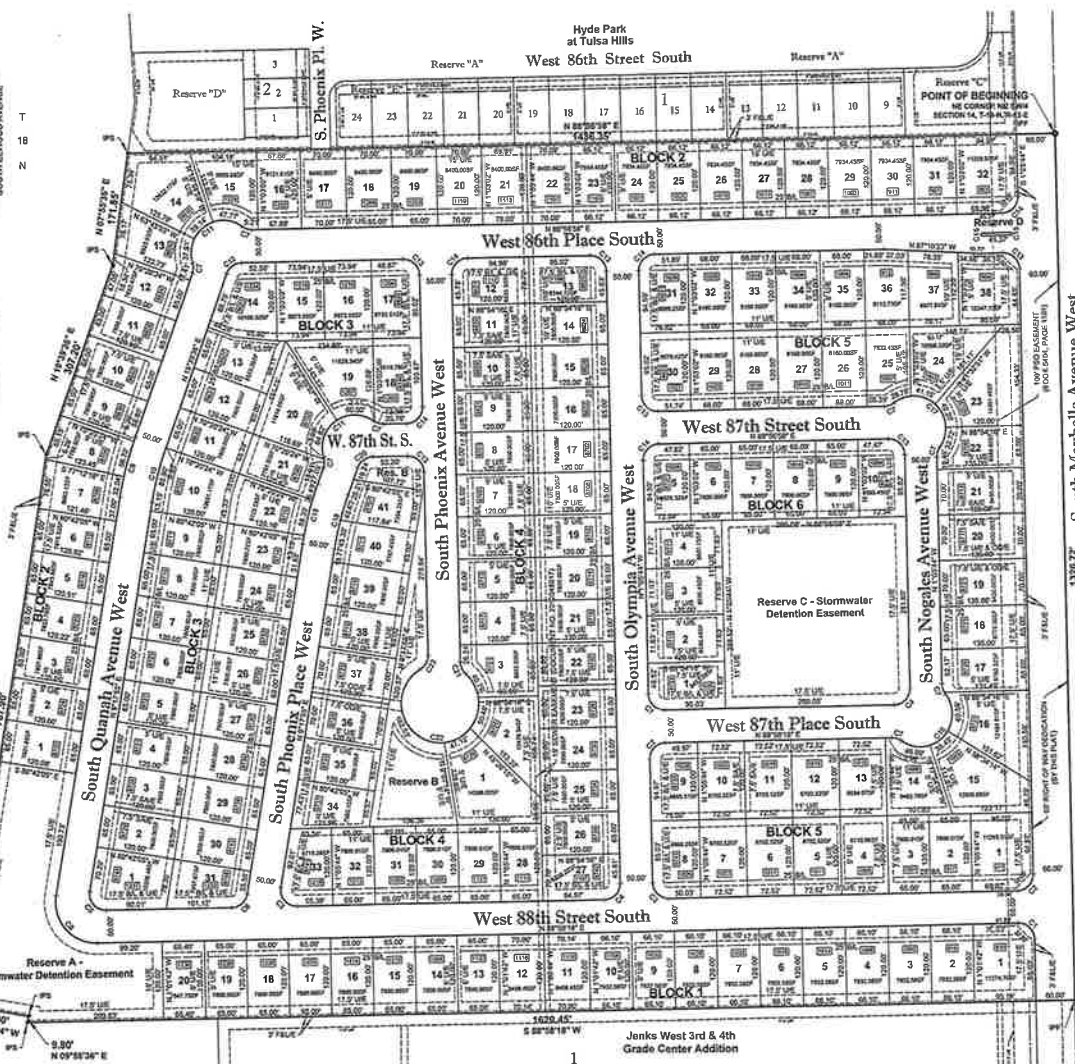


SCALE: 1"=80'

(U.S. Highway 75)
 Okmulgee Expressway

Legend

BL.....BUILDING LINE
 FALVE.....FENCE & LANDSCAPE EASEMENT
 IPI.....IRON PIPE TIE
 IPI.....IRON PIPE SET
 ORE.....OVERLAND DRAINAGE EASEMENT
 SWE.....SANITARY SEWER EASEMENT
 UIE.....UTILITY EASEMENT



FINAL PLAT **Winchester Park**

A SUBDIVISION OF THE NORTH HALF OF THE SOUTH-WEST QUARTER (N2 SW4), SECTION FOURTEEN (14), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

Owner / Developer

MAYBELLE HILLS, LLC
 10818 SOUTH WINSTON CT.
 TULSA, OK 74137
 PHONE: (918) 829-4372
 EMAIL: pmatt4011@yahoo.com

Engineer

THE BOB ENGINEERING GROUP, LLC
 4150 SOUTH 10TH EAST AVENUE - STE 109
 TULSA, OKLAHOMA 74145
 PHONE: (918) 352-8400
 EMAIL: carl@begg.com
 C.A. #0025 EXP. 6/30/17

Surveyor

ATLAS LAND OFFICE, LLC
 263 SOUTH MAIN STREET
 WAGONER, OKLAHOMA 74447
 PHONE: (918) 465-6667
 EMAIL: survey@atlaslandoffice.com
 C.A. # 0752 EXP. 6/30/18

Curve Table

CURVE	ARC LENGTH	PIRADIUS	DELTA ANGLE
C1	35.54'	23.00'	89°33'58"
C2	20.20'	23.00'	89°34'58"
C3	20.20'	23.00'	89°34'58"
C4	35.54'	23.00'	89°33'58"
C5	41.16'	23.00'	100°19'58"
C6	35.54'	23.00'	89°33'58"
C7	15.00'	25.00'	36°12'12"
C8	15.00'	25.00'	36°12'12"
C9	15.00'	25.00'	36°12'12"
C10	15.00'	25.00'	36°12'12"
C11	15.00'	25.00'	36°12'12"
C12	15.00'	25.00'	36°12'12"
C13	15.00'	25.00'	36°12'12"
C14	15.00'	25.00'	36°12'12"
C15	15.00'	25.00'	36°12'12"
C16	15.00'	25.00'	36°12'12"
C17	15.00'	25.00'	36°12'12"
C18	15.00'	25.00'	36°12'12"
C19	15.00'	25.00'	36°12'12"
C20	15.00'	25.00'	36°12'12"
C21	15.00'	25.00'	36°12'12"
C22	15.00'	25.00'	36°12'12"
C23	15.00'	25.00'	36°12'12"

Monumentation

ALL CORNERS SHOWN HEREON WERE SET USING A 3" x 3" x 18" STEEL PIN WITH A PLASTIC CAP STAMPED "ATLAS 6752" AT ALL CORNERS, UNLESS OTHERWISE NOTED.

Basis of Bearings

NON-ASTRONOMICAL GRID BEARINGS OF OKLAHOMA STATE PLANE COORDINATE SYSTEM - ZONE NORTH 30ST (QUAD), BEARING S 0°05'44" E ALONG THE EAST LINE OF THE RWA OF SECTION 14, T-18-N, R-12-E OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

Addresses

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

Aviation Notice

NOTICE IS HEREBY GIVEN THAT OWNERS AND USERS OF AIRCRAFT OF ALL TYPES OPERATE ON A FREQUENT BASIS IN THE AIRSPACE ABOVE THIS PLAT OF LAND. SAID AIRCRAFT, WHEN OPERATED IN A LAWFUL MANNER, ARE ALLOWED FREE AND UNOBSTRUCTED PASSAGE IN THE AIRSPACE ON UPON, OVER, ACROSS, ADJACENT TO, ABOVE AND IN THE VICINITY OF THIS PLAT OF LAND. THE LAWFUL OPERATION OF AIRCRAFT IS KNOWN TO GENERATE NOISE, VIBRATION, AND OTHER EFFECTS AS MAY BE INCIDENT IN THE OPERATION OF OR FLIGHT OR PASSAGE IN AND THROUGH SAID AIRSPACE WHICH RESULT DIRECTLY OR INDIRECTLY FROM THE OPERATIONS OF AIRCRAFT OR THE AIRPORT, NOW AND IN THE FUTURE, INCLUDING BUT NOT LIMITED TO, GROUND AND FLIGHT OPERATIONS OF AIRCRAFT AT, OVER, ON OR IN THE VICINITY OF THE AIRPORT, AND RESOURCES OF WHETHER ARRIVING, DEPARTING, MANEUVERING, OR EN ROUTE, AND IT MUST BE FURTHER RECOGNIZED THAT ALL SUCH OPERATIONS MAY INCREASE IN THE FUTURE. NOTICE IS ALSO GIVEN THAT RULES AND REGULATIONS DERIVED IN FEDERAL AVIATION REGULATIONS (FARs) INCLUDING BUT NOT LIMITED TO FAR PART 77, MAY LIMIT THE HEIGHT OF BUILDINGS, STRUCTURES, POLES, TREES OR OTHER OBJECTS WHETHER NATURAL OR OTHERWISE LOCATED OR TO BE LOCATED ON PROPERTY WITHIN THIS PLAT OF LAND, AND MAY REQUIRE, PRIOR TO CONSTRUCTION, THE SUBMISSION OF AN APPLICATION AS MAY BE REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION TO ENSURE THAT THE SAFE OPERATION OF AIRCRAFT IS NOT IMPACTED BY SAID OBJECT.

FINAL PLAT
ENDORSEMENT OF APPROVAL
 TULSA METROPOLITAN AREA PLANNING COMMISSION

APPROVAL DATE: 8/19/2017
 [Signature]
 [Signature]
 CITY ENGINEER

COUNCIL OF THE CITY OF TULSA, OKLAHOMA

APPROVAL DATE: 8/19/2017
 [Signature]
 [Signature]
 ATTORNEY AT LAW
 CITY ATTORNEY

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

CERTIFICATE

I hereby certify that all real estate herein involved in this plat have been paid as reflected by the current tax rolls. Security as required has been provided in the amount of \$87.00 per acre and no LESS is to be applied to 2017 taxes. This certificate is NOT to be construed as payment of 2017 taxes. The amount of 2017 taxes may exceed the amount of 2017 taxes shown on the tax rolls.

Dated: 8/19/2017
 Donald Smith
 Tulsa County Clerk
 By: [Signature]
 Deputy

RECEIVED

APR 28 2017

TULSA METROPOLITAN AREA PLANNING COMMISSION

Winchester Park

Sheet 1 of 3

5.19

DEED OF DEDICATION **KNOW ALL MEN BY THESE PRESENTS:**

THAT MAYBELLE HILLS, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HERINAFTER REFERRED TO AS THE "OWNER", of WINCHESTER PARK, IS THE OWNER OF THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE CITY OF TULSA, TULSA COUNTY, AND STATE OF OKLAHOMA:

A TRACT OF LAND THAT IS A PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER (N/2 SW/4) LYING EAST OF THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 75 IN SECTION FOURTEEN (14), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS THE NORTHEAST CORNER OF SAID N/2 SW/4, THE SAME BEING THE SOUTHEAST CORNER OF SOUTH MAYBELLE AVENUE WEST RIGHT-OF-WAY AS DEDICATED AND SHOWN ON THE RECORDED PLAT OF HYDE PARK AT TULSA HILLS, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE SOUTH 02°05'40" EAST ALONG THE EASTERLY LINE OF SAID N/2 SW/4 FOR 1336.72 FEET TO THE SOUTHEAST CORNER OF SAID N/2 SW/4, THE SAME BEING THE NORTHEAST CORNER OF SOUTH MAYBELLE AVENUE WEST RIGHT-OF-WAY AS DEDICATED AND SHOWN ON THE RECORDED PLAT OF JENKS WEST 3RD & 4TH GRADE CENTER ADDITION, A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE SOUTH 88°51'41" WEST ALONG THE SOUTHERLY LINE OF SAID N/2 SW/4, THE SAME BEING THE NORTHERLY LINE OF SAID JENKS WEST 3RD & 4TH GRADE CENTER ADDITION AND ITS WESTERLY EXTENSION THEREOF, FOR 1620.45 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 75; THENCE NORTH 09°59'36" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 8.80 FEET; THENCE NORTH 80°09'24" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 110.00 FEET; THENCE NORTH 09°59'36" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 64.90 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALSO A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 03°12'31", A RADIUS OF 34,490.50 FEET, A CHORD BEARING OF NORTH 09°52'42" EAST, A CHORD LENGTH OF 787.88 FEET, FOR AN ARC LENGTH OF 787.50 FEET; THENCE NORTH 10°59'36" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 307.20 FEET; THENCE NORTH 07°05'36" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 171.85 FEET TO A POINT ON THE NORTHERLY LINE OF SAID N/2 SW/4, THE SAME BEING THE SOUTHWEST CORNER OF RESERVE "D" OF SAID HYDE PARK AT TULSA HILLS; THENCE NORTH 88°59'36" EAST ALONG SAID NORTHERLY LINE, THE SAME BEING THE SOUTHERLY LINE OF SAID HYDE PARK AT TULSA HILLS, FOR 1436.30 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

THE OWNER HAS CAUSED THE SAME TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO LOTS, BLOCKS, ROWS, AND STREETS AS SHOWN BY THE ACCOMPANYING PLAT AND SURVEY THEREOF AND WHICH PLAT IS MADE A PART HEREOF; AND THE OWNER HAS GIVEN TO SAID PLAT THE NAME OF "WINCHESTER PARK," A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, UNLESS THE WORD "SUBDIVISION" APPEARS HEREIN THE SAME SHALL CONCLUSIVELY BE DEEMED TO MEAN "WINCHESTER PARK" UNLESS THE CONTEXT CLEARLY DICTATES OTHERWISE, UNLESS, WHEREVER THE WORD "CITY" APPEARS HEREIN THE SAME SHALL CONCLUSIVELY BE DEEMED TO MEAN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, UNLESS THE CONTEXT CLEARLY DICTATES OTHERWISE; NOW, THEREFORE, THE OWNER, FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION, AND FOR THE PURPOSE OF INSURING ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE OWNER, ITS SUCCESSORS, GRANTEES AND ASSIGNS, THE BENEHCFIARIES OF THE COVENANTS SET FORTH IN SECTION 1 BELOW, WITH RESPECT TO SUCH COVENANTS ONLY, DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS, WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND WHICH SHALL BE ENFORCEABLE BY THE OWNER OR OWNERS OF ANY PROPERTY WITHIN THE SUBDIVISION AND BY THE BENEHCFIARIES OF THE COVENANTS SET FORTH IN SECTION 1 BELOW, WITH RESPECT TO SUCH COVENANTS ONLY AND WHICH SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

SECTION 1. PUBLIC STREETS AND UTILITY EASEMENTS

1.1 THE OWNER HEREBY DEDICATES TO THE PUBLIC THE STREET RIGHTS-OF-WAY DEPICTED ON THE ACCOMPANYING PLAT. THE OWNER FURTHER DEDICATES TO THE PUBLIC THE UTILITY EASEMENTS DESIGNATED AS "UTL" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS, MANHOLES AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES STATED, PROVIDED THE OWNER RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND REPAIR OR REPLACE WATER LINES AND SEWER LINES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING, REPAIRING AND RELAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO AREAS DEPICTED ON THE PLAT. THE OWNER HERIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH STATED USES AND PURPOSES OF THE UTILITY EASEMENTS SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, DRIVEWAYS, CURBSIDE, LANDSCAPING AND CUSTOMARY SCENIC VIEWINGS WHICH DO NOT CONSTITUTE AN OBSTRUCTION.

1.2 UTILITY SERVICES

1.2.1 OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE UTILITY EASEMENTS ON THE PERIMETER OF THE SUBDIVISION. STREET LIGHT POLES MAY BE SERVED BY OVERHEAD OR UNDERGROUND CABLE, AND ELSEWHERE THROUGHOUT THE SUBDIVISION, ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICE AS SHOWN ON THE ACCOMPANYING PLAT. SERVICE PEDISTAL AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN GENERAL UTILITY EASEMENTS.

1.2.2 UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WITHIN THE SUBDIVISION MAY BE EXTENDED FROM THE NEAREST GAS MAIN, SERVICE PEDISTAL, OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE UPON THE LOT, PROVIDED UPON INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DERIVATIVE, PERMANENT, EFFECTIVE AND NON-EXCLUSIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET FROM EACH SIDE OF THE SERVICE CABLE OR LINE EXTENDING FROM THE GAS MAIN, SERVICE PEDISTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.

1.2.3 THE SUPPLY OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICE, THROUGH ITS AGENTS AND EMPLOYEES, SHALL BE GIVEN THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE

SUPPLIER OF THE UTILITY SERVICE.

1.2.4 THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON THE OWNER'S LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. EACH SUPPLIER OF THESE SERVICES SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER OF THE LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF THE LOT OR THE OWNER OF THE LOTS AGENTS OR CONTRACTORS.

1.2.5 THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY EACH SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF ANY LOT AGREES TO BE BOUND BY THESE COVENANTS.

1.3 GAS SERVICE

1.3.1 THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON THE PLAT OR AS OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSES OF INSTALLING, REMOVING, REPAIRING, OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.

1.3.2 THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED IN THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY OTHER CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE GAS SERVICE. THE SUPPLIER OF THE GAS SERVICE SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF GAS FACILITIES, BUT THE OWNER OF THE LOT SHALL PAY FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF THE LOT, OR ITS AGENTS OR CONTRACTORS.

1.3.3 THE FORGOING COVENANTS SET FORTH IN THE ABOVE PARAGRAPHS SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNERS OF THE LOTS AGREED TO BE BOUND BY THESE COVENANTS.

1.4 WATER, SANITARY SEWER, AND STORM SEWER SERVICE

1.4.1 THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS LOCATED ON THE OWNER'S LOT.

1.4.2 WITHIN THE UTILITY EASEMENTS, SANITARY SEWER, AND DRAINAGE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTIGUOUS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN, OR STORM SEWER OR ANY CONSTRUCTION IN THE UTILITY EASEMENTS OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF THE LOT, ITS AGENTS OR CONTRACTORS.

1.4.3 THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS BUT THE OWNER OF THE LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF THE LOT, ITS AGENTS OR CONTRACTORS.

1.4.4 THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS, SANITARY SEWER, AND DRAINAGE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER, OR STORM SEWER FACILITIES.

1.4.5 THE FORGOING COVENANTS SET FORTH IN THE ABOVE PARAGRAPHS SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNERS OF EACH LOT AGREES TO BE BOUND BY THESE COVENANTS.

1.6 SANITARY SEWER EASEMENT

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

1.7 OVERLAND DRAINAGE EASEMENTS

1.7.1 THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC PERPETUAL EASEMENTS ON, OVER, AND ACROSS THOSE AREAS DESIGNATED ON THE ACCOMPANYING PLAT AS "OVERLAND DRAINAGE EASEMENT" ("ODE") FOR THE PURPOSE OF PERMITTING THE OVERLAND FLOW, CONVEYANCE, AND DISCHARGE OF STORMWATER RUNOFF FROM VARIOUS LOTS WITHIN THE SUBDIVISION AND FROM PROPERTIES OUTSIDE THE SUBDIVISION.

1.7.2 DRAINAGE FACILITIES LOCATED WITHIN OVERLAND DRAINAGE EASEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ADOPTED STANDARDS OF THE CITY OF TULSA, OKLAHOMA, AND PLANS AND SPECIFICATIONS APPROVED BY THE CITY OF TULSA, OKLAHOMA.

1.7.3 NO FENCE, WALL, BUILDING OR OTHER OBSTRUCTION SHALL BE PLACED OR MAINTAINED WITHIN AN OVERLAND DRAINAGE EASEMENT NOR SHALL THERE BE ANY ALTERATION OF THE GRADE IN THE EASEMENTS UNLESS APPROVED BY THE CITY OF TULSA, OKLAHOMA, PROVIDED THAT THE PLACING OF TULF SHALL NOT REQUIRE THE APPROVAL OF THE CITY OF TULSA, OKLAHOMA.

1.7.4 OVERLAND DRAINAGE EASEMENTS LOCATED WITHIN A LOT SHALL BE MAINTAINED BY THE OWNER OF THE LOT AT THE OWNER'S EXPENSE IN ACCORDANCE WITH STANDARDS PRESCRIBED BY THE CITY OF TULSA, OKLAHOMA. IN THE EVENT THE OWNER OF THE LOT FAILS TO PROPERLY MAINTAIN THE EASEMENTS LOCATED THEREON OR, IN THE EVENT OF THE PLACEMENT OF AN OBSTRUCTION WITHIN SUCH EASEMENTS, OR THE ALTERATION OF GRADE THEREIN, THE CITY OF TULSA, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER THE EASEMENTS AND PERFORM MAINTENANCE NECESSARY TO ACHIEVE THE INTENDED DRAINAGE FUNCTIONS AND MAY REMOVE ANY OBSTRUCTION OR CORRECT THE GRADE, AND THE COSTS SHALL BE PAID BY THE LOT OWNER. IN THE EVENT THE LOT OWNER FAILS TO PAY THE COST OF MAINTENANCE AFTER RECEIPT OF A STATEMENT OF COSTS FROM THE CITY OF TULSA, OKLAHOMA, THE CITY MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS IN THE LAND RECORDS OF THE TULSA COUNTY CLERK, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST THE LOT, A LIEN ESTABLISHED AS PROVIDED ABOVE MAY BE FORECLOSED BY THE CITY OF TULSA, OKLAHOMA.

1.8 LOT SURFACE DRAINAGE

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

AND BY THE CITY OF TULSA, OKLAHOMA.

1.9 PAVING AND LANDSCAPING WITHIN EASEMENTS

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

1.10 SIDEWALKS

SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED ALONG SOUTH MAYBELLE AVENUE AND ALONG ALL INTERNAL STREETS WITHIN THE SUBDIVISION IN CONFORMANCE WITH SUBDIVISION REGULATIONS AND CITY OF TULSA DESIGN STANDARDS. THE OWNER (MAYBELLE HILLS, LLC) SHALL CONSTRUCT THE SIDEWALKS ALONG MAYBELLE AVENUE AND ALONG RESERVES, AND THE OWNER OF THE LOT SHALL CONSTRUCT THE SIDEWALK WITH THE RIGHT-OF-WAY ADJUTING THE LOT.

1.11 CERTIFICATE OF OCCUPANCY

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

1.12 RESERVES "A" & "C" - STORMWATER DETENTION EASEMENTS

1.12.1 THE USE OF RESERVES "A" AND "C" SHALL BE LIMITED TO OPEN SPACE AND STORMWATER DETENTION.

1.12.2 THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC PERPETUAL EASEMENTS ON, OVER, AND ACROSS THE PROPERTY DESIGNATED AND SHOWN ON THE ACCOMPANYING PLAT AS RESERVES "A" & "C" FOR THE PURPOSES OF PERMITTING THE FLOW, CONVEYANCE, RETENTION, DETENTION AND DISCHARGE OF STORMWATER RUNOFF FROM THE SUBDIVISION.

1.12.3 DETENTION, RETENTION AND OTHER DRAINAGE FACILITIES LOCATED WITHIN THE STORMWATER DETENTION EASEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPROVED BY THE CITY OF TULSA, OKLAHOMA.

1.12.4 NO FENCE, WALL, BUILDING, OR OTHER OBSTRUCTION SHALL BE PLACED OR MAINTAINED IN THE STORMWATER DETENTION EASEMENTS NOR SHALL THERE BE ANY ALTERATION OF GRADE IN SAID EASEMENTS UNLESS APPROVED BY THE CITY OF TULSA, OKLAHOMA.

1.12.5 DETENTION, RETENTION, AND OTHER DRAINAGE FACILITIES SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION PROVIDED IN SECTION 1 HEREOF TO THE EXTENT NECESSARY TO ACHIEVE THE INTENDED DRAINAGE, RETENTION, AND DETENTION FUNCTIONS INCLUDING REPAIR OF APPURTENANCES AND REMOVAL OF OBSTRUCTIONS OR SITUATION. DETENTION FACILITIES SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION IN ACCORDANCE WITH THE FOLLOWING MINIMUM STANDARDS:

- a. GRASS AREAS SHALL BE MOVED (ON SEASONS) AT REGULAR INTERVALS OF FOUR WEEKS, OR LESS.
- b. CONCRETE APPURTENANCES SHALL BE MAINTAINED IN GOOD CONCEPTION AND REPLACED IF DAMAGED.
- c. THE EASEMENTS SHALL BE KEPT FREE OF DEBRIS.
- d. CLEANING OF SITUATOR AND VEGETATION FROM CONCRETE CHANNELS SHALL BE PERFORMED TWICE YEARLY.

1.12.6 LANDSCAPING, APPROVED BY THE CITY OF TULSA, OKLAHOMA, SHALL BE ALLOWED WITHIN THE DETENTION EASEMENTS.

1.12.7 IN THE EVENT THE HOMEOWNERS' ASSOCIATION SHOULD FAIL TO PROPERLY MAINTAIN THE DETENTION, RETENTION, AND OTHER DRAINAGE FACILITIES OR, IN THE EVENT OF THE PLACEMENT OF AN OBSTRUCTION WITHIN, OR THE ALTERATION OF GRADE, THE CITY OF TULSA, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER AND PERFORM MAINTENANCE NECESSARY TO ACHIEVE THE INTENDED DRAINAGE FUNCTIONS AND MAY REMOVE ANY OBSTRUCTION OR CORRECT ANY ALTERATION OF GRADE, AND THE COSTS THEREOF SHALL BE PAID BY THE ASSOCIATION. IN THE EVENT THE ASSOCIATION FAILS TO PAY THE COSTS OF MAINTENANCE AFTER COMPLETION OF THE MAINTENANCE, THE CITY MAY STATEMENT OF COSTS, THE CITY OF TULSA, OKLAHOMA, MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS IN THE LAND RECORDS OF THE TULSA COUNTY CLERK, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST EACH LOT WITHIN THE SUBDIVISION, PROVIDED THE LIEN AGAINST EACH LOT SHALL NOT EXCEED 1/2% OF THE COSTS, A LIEN ESTABLISHED AS ABOVE PROVIDED MAY BE FORECLOSED BY THE CITY OF TULSA, OKLAHOMA.

1.13 RESERVE "B"

THE USE OF RESERVE "B" SHALL BE LIMITED TO OPEN SPACE, RECREATION, RECREATIONAL EQUIPMENT, LANDSCAPING, SCREENING FENCES, WALLS, COMMUNITY CENTER, SWIMMING POOLS AND AREAS AS APPROVED BY THE HOMEOWNERS' ASSOCIATION. THE RESERVE AREA SHALL SUBSEQUENTLY BE CONVEYED TO THE HOMEOWNERS' ASSOCIATION TO BE FORMED PURSUANT TO SECTION II.

1.14 RESERVE "D" - TRAFFIC MEDIAN

THE USE OF RESERVE "D" SHALL BE LIMITED TO OPEN SPACE, LANDSCAPING, ENTRY FEATURES INCLUDING DRIVE, LOT LOT OR DRIVEWAY, OR OTHER FACILITIES, SUBDIVISION IDENTIFICATION SIGNS AND UTILITIES. THE RESERVE AREA SHALL SUBSEQUENTLY BE CONVEYED TO THE HOMEOWNERS' ASSOCIATION TO BE FORMED PURSUANT TO SECTION II.

SECTION II. WINCHESTER PARK HOME OWNERS' ASSOCIATION

A. FORMATION OF HOMEOWNERS' ASSOCIATION

THE OWNER SHALL CAUSE TO BE FORMED THE WINCHESTER PARK HOME OWNERS' ASSOCIATION (THE "ASSOCIATION"), THE ASSOCIATION SHALL BE A PROPERTY OWNERS' ASSOCIATION COMPRISED OF THE OWNERS OF THE LOTS WITHIN "WINCHESTER PARK" TO BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, AND TO BE FORMED FOR THE GENERAL PURPOSES OF MAINTAINING RESERVES AND ANY OTHER PROPERTY AND FACILITIES THAT ARE FOR THE COMMON USE AND BENEFIT OF THE LOTS AS THE SAME MAY BE AGREED TO BY THE MEMBERS OF THE ASSOCIATION.

B. MEMBERSHIP

EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST OF A LOT SHALL BE A MEMBER OF THE ASSOCIATION. MEMBERSHIP SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT.

C. ASSESSMENT

EACH LOT OWNER SHALL BE SUBJECT TO ANNUAL AND SPECIAL ASSESSMENTS BY THE ASSOCIATION FOR THE PURPOSE OF IMPROVEMENT AND MAINTENANCE OF RESERVES "A", "B", "C", "D" AND ANY OTHER PROPERTY AND FACILITIES THAT, FROM TIME TO TIME, ARE FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF THE LOTS AS THE SAME MAY BE AGREED TO BY THE MEMBERS OF THE ASSOCIATION.

D. ASSOCIATION TO BE BENEFICIARY

WITHOUT LIMITATION OF SUCH OTHER POWERS AND RIGHTS AS THE ASSOCIATION MAY HAVE, THE ASSOCIATION SHALL BE DEEMED A BENEFICIARY OF THE VARIOUS COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THIS DEED OF DEDICATION TO THE SAME EXTENT AS ALL OTHER BENEHCFIARIES THEREOF, INCLUDING EACH LOT OWNER, AND SHALL HAVE THE RIGHT TO ENFORCE THESE COVENANTS AND AGREEMENTS.

E. FENCE AND LANDSCAPE EASEMENTS

THE OWNER DOES HEREBY ESTABLISH AND RESERVE FOR SUBSEQUENT ASSIGNMENT TO THE WINCHESTER PARK HOMEOWNERS' ASSOCIATION TO BE FORMED PURSUANT TO SECTION 2, A PERPETUAL EASEMENT TO EFFECTUATE AND MAINTAIN FENCES, WALLS AND LANDSCAPING ALONG THE BOUNDARIES OF THE SUBDIVISION ADJACENT TO US HIGHWAY 75 AND MAYBELLE AVENUE AND THE NORTH AND SOUTH BOUNDARY OF THE SUBDIVISION WITHIN THE FENCE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT AS "FENCE". THE FENCE EASEMENTS ARE FOR THE LIMITED PURPOSE OF CONSTRUCTION AND MAINTAINING PERIMETER DECORATIVE FENCES AND ENTRY FEATURES INCLUDING BUT NOT LIMITED TO FENCES, DRIVEWAY SYSTEMS AND LANDSCAPING, AND FOR THE PURPOSES OF MAINTAINING AND REPAIR THEREOF, TOGETHER WITH THE RIGHT OF ACCESS OVER, ACROSS AND ALONG SUCH EASEMENTS AND OVER, ACROSS AND ALONG LOTS IN "WINCHESTER PARK, WHICH CONTAIN SUCH EASEMENTS. FURTHER USES AND RESTRICTIONS MAY BE PERMITTED BY THE "WINCHESTER PARK" HOMEOWNERS' ASSOCIATION UPON THE APPROPRIATE APPROVAL AND DOCUMENT BEING FILED OF RECORD WITH THE TULSA COUNTY CLERK.

SECTION III. PRIVATE RESTRICTIONS

THE OWNER HEREBY IMPOSES THE FOLLOWING RESTRICTIONS AND COVENANTS FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN, WHICH SHALL BE APPLICABLE TO THE LOTS AND SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

3.1 ARCHITECTURAL COMMITTEE - PLAN REVIEW

3.1.1 PLAN REVIEW. NO BUILDING, STRUCTURE, FENCE, WALL, PAVING, SWIMMING POOL, EXTERIOR LIGHTING, EXTERIOR ANTENNAE, OR FREE STANDING MAIL BOX SHALL BE ERECTED, PLACED OR ALTERED (INCLUDING EXTERIOR PAINTING) ON ANY LOT, AND NO SIDEWALKS SHALL BE CONSTRUCTED UPON OR ADJACENT TO ANY LOT, UNTIL THE PLANS AND SPECIFICATIONS HAVE BEEN APPROVED IN WRITING BY THE OWNER OR ITS AUTHORIZED REPRESENTATIVES OR SUCCESSORS, WHICH ARE HERINAFTER REFERRED TO AS THE "ARCHITECTURAL COMMITTEES". FOR EACH BUILDING, THE REQUIRED PLANS AND SPECIFICATIONS SHALL BE SUBMITTED IN DUPLICATE AND INCLUDE A SITE PLAN, FLOOR PLAN, EXTERIOR ELEVATIONS, DRAINAGE AND GRADING PLANS, SIDEWALK LOCATION AND DESIGN PLAN, EXTERIOR MATERIALS AND COLOR SCHEME. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE PLANS AND SPECIFICATIONS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN TWENTY (20) DAYS AFTER SUBMISSION, THE PLANS SO SUBMITTED SHALL BE DEEMED APPROVED. THE APPROVAL AND USE OF THE SUBJECT LOT SHALL THEREAFTER BE IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED PLANS OR APPROVED AMENDMENTS THEREIN. IN THE EVENT NO SUIT TO ENJOIN THE ERECTION OF THE BUILDING OR STRUCTURE OR THE MAKING OF AN ALTERATION HAS BEEN COMMENCED PRIOR TO THE 30TH DAY FOLLOWING COMPLETION THEREOF, APPROVAL OF THE ARCHITECTURAL COMMITTEE SHALL NOT BE REQUIRED AND THIS COVENANT SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH.

5.20

3.1.2 COMMITTEE PURPOSE. THE ARCHITECTURAL COMMITTEE'S PURPOSE IS TO PROMOTE GOOD DESIGN AND COMPATIBILITY WITHIN THE SUBDIVISION AND IN ITS REVIEW OF PLANS OR DETERMINATION OF ANY WAIVER AS HEREINAFTER AUTHORIZED MAY TAKE INTO CONSIDERATION THE NATURE AND CHARACTER OF THE PROPOSED BUILDING OR STRUCTURE, THE MATERIALS OF WHICH IT IS TO BE BUILT, THE AVAILABILITY OF ALTERNATIVE MATERIALS, THE SITE UPON WHICH IT IS PROPOSED TO BE ERECTED AND THE HARMONY THEREOF WITH THE SURROUNDING AREA. THE ARCHITECTURAL COMMITTEE SHALL NOT BE LIABLE FOR ANY APPROVAL, DISAPPROVAL OR FAILURE TO APPROVE HEREUNDER, AND ITS APPROVAL OF BUILDING PLANS SHALL NOT CONSTITUTE A WARRANTY OR RESPONSIBILITY FOR BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR CODE VIOLATIONS. THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION, NOTHING HEREIN CONTAINED SHALL BE DEEMED TO PREVENT ANY LOT OWNER IN THE SUBDIVISION FROM PROSECUTING ANY LEGAL ACTION RELATING TO IMPROVEMENTS WITHIN THE SUBDIVISION WHEN THEY WOULD OTHERWISE BE ENTITLED TO PROSECUTE.

3.1.3 THE POWERS AND DUTIES OF THE ARCHITECTURAL COMMITTEE SHALL ON THE 1ST DAY OF JANUARY, 2018, BE DEEMED TRANSFERRED TO THE HOMEOWNERS' ASSOCIATION, OR UPON WRITTEN ASSIGNMENT TO THE APPLICABLE HOMEOWNERS' ASSOCIATION BY THE OWNER, WHICHEVER EVENT FIRST OCCURS, AND THEREAFTER THE FOREGOING POWERS AND DUTIES SHALL BE EXERCISED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS' ASSOCIATION.

3.2 FLOOR AREA
SINGLE STORY DWELLINGS SHALL HAVE A MINIMUM OF 2,000 SQUARE FEET OF FINISHED HEATED LIVING AREA, ONE AND ONE-HALF (1-1/2) OR TWO (2) STORY DWELLINGS SHALL HAVE A MINIMUM OF 2,600 SQUARE FEET OF FINISHED HEATED LIVING AREA; THE COMPUTATION OF SQUARE FEET OF LIVING AREA SHALL EXCLUDE GARAGES, OPEN SPACES AND BREZEWAYS.

3.3 GARAGES
EACH DWELLING SHALL HAVE AN ATTACHED ENCLOSED GARAGE PROVIDING SPACE FOR A MINIMUM OF TWO AUTOMOBILES. CARPETS ARE PROHIBITED. GLASS IN VEHICULAR ENTRY DOORS IS PROHIBITED.

3.4 FOUNDATIONS
THE EXTERIOR SURFACE OF ANY EXPOSED FOUNDATION, INCLUDING STEM WALLS, SHALL BE OF BRICK, STONE OR STUCCO.

3.5 MASONRY
A MINIMUM OF 100% OF THE EXTERIOR SURFACE OF EXTERIOR WALLS (EXCLUDING WINDOWS AND DOORS) OF THE FIRST STORY SHALL BE OF BRICK, NATURAL ROCK OR STUCCO. VINYL SIDING OF ANY EXTERIOR WALL IS PROHIBITED. THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, APPROVE A WAIVER OF THE RESTRICTIONS SET FORTH IN THIS SUBSECTION.

3.6 WINDOWS
NO MILL FINISHED WINDOWS SHALL BE PERMITTED ON ANY HOME IN WINCHESTER PARK; HOWEVER, THE ARCHITECTURAL COMMITTEE MAY IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST APPROVE A WAIVER OF THE RESTRICTION SET FORTH IN THIS SUBSECTION.

3.7 ROOF FLASHING
EXPOSED ROOF FLASHING, VENT PIPES AND CHIMNEY COVERS SHALL BE PAINTED TO MATCH THE COLOR OF THE SHINGLES.

3.8 ROOF PITCH
NO DWELLING SHALL HAVE A ROOF PITCH OF LESS THAN 4/12. PROVIDED HOWEVER, THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, APPROVE A WAIVER OF THIS RESTRICTION TO PERMIT A DWELLING HAVING A FLAT ROOF AREA EQUAL TO NO MORE THAN TWENTY PERCENT (20%) OF THE AREA COVERED BY ALL ROOF SURFACES.

3.9 ROOFING MATERIALS
ROOFS SHALL BE COMPOSITION SHINGLE ROOF - HERITAGE II, PROVIDED HOWEVER, IF FEDERAL, STATE, OR LOCAL LAWS PROHIBIT SUCH ROOFING OR SUBSTANTIALLY IMPAIR THE ENFORCEMENT OF THIS RESTRICTION OR IF HERITAGE II ROOFING IS NOT REASONABLY AVAILABLE, THE ARCHITECTURAL COMMITTEE MAY APPROVE FOR THE SUBDIVISION, SPECIFICATIONS FOR ALTERNATIVE ROOFING THAT IS HEAVY DUTY ORGANIC OR INORGANIC COMPOSITION SHINGLE AND WHICH SIMULATES A "WEATHERED WOOD" LOOK.

3.10 ON-SITE CONSTRUCTION
NO DUSTING OR OFF-SITE BUILT DWELLINGS MAY BE MOVED ONTO OR PLACED ON ANY LOT.

3.11 OUTBUILDINGS
OUTBUILDINGS ARE PROHIBITED; PROVIDED HOWEVER, THE ARCHITECTURAL COMMITTEE MAY IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST APPROVE A WAIVER OF THE RESTRICTIONS SET FORTH IN THIS SUBSECTION.

3.12 SWIMMING POOLS
ABOVE GROUND SWIMMING POOLS ARE PROHIBITED.

3.13 FENCING OR WALLS OR RETAINING WALLS WITHIN THE LOT OR ALONG LOT LINES.
FENCING OR WALLS WITHIN THE LOT OR ALONG LOT LINES SHALL NOT EXTEND BEYOND THE FRONT BUILDING LINE OF THE LOT, AND IF A DWELLING IS BUILT BEYOND THE FRONT BUILDING LINE OF A LOT, NO FENCE OR WALL MAY EXTEND BEYOND THAT POINT NEAREST THE STREET AT EACH END CORNER OF THE DWELLING. WITHIN CORNER LOTS, FENCING OR WALLS IN THE SIDE YARD ADJOINING THE STREET SHALL BE SET BACK A MINIMUM OF 15 FEET FROM THE SIDE LOT LINE. ELSEWHERE, FENCES OR WALLS WITHIN THE LOT SHALL BE OF WOOD, BRICK, STUCCO, NATURAL STONE OR WROUGHT-IRON CHAIN LINK, BARBED WIRE, MESQUITE OR OTHER METAL FENCING IS SPECIFICALLY PROHIBITED. NO FENCE OR WALL WITHIN THE LOT SHALL EXCEED SIX FEET IN HEIGHT, THE ARCHITECTURAL

COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, APPROVE A WAIVER OF THE FOREGOING RESTRICTIONS. NOTWITHSTANDING THE ABOVE, NOTHING WITHIN THIS MANAGEMENT SHALL BE DEEMED A RESTRICTION UPON FENCING OR WALLS CONSTRUCTED WITHIN THE AREAS DEPICTED UPON THE ACCOMPANYING PLAT AS "FENCE EASEMENT" OR "FIVE".

WALLS WHERE THERE IS A VERTICAL DROP OF TWO FEET OR GREATER IN FINISHED GRADE FROM ONE SIDE OF THE WALL TO THE OTHER SHALL BE CONSIDERED RETAINING WALLS. RETAINING WALLS SHALL BE MANUFACTURED BY VESCO-LUX RETAINING WALL SYSTEMS. THE SIZE, COLOR, AND TEXTURE OF THE RETAINING WALL SYSTEM SHALL BE APPROVED BY THE ARCHITECTURAL COMMITTEE. RETAINING WALLS GREATER THAN FOUR FEET IN HEIGHT SHALL BE DESIGNED BY AN OKLAHOMA LICENSED PROFESSIONAL ENGINEER. RETAINING WALLS MAY EXTEND TO THE FRONT LOT LINE OF THE LOT, REGARDLESS OF THE LOCATION OF THE DWELLING.

3.14 ANTENNAS
EXTERIOR TELEVISION, "CB" RADIO OR OTHER TYPES OF ANTENNA SHALL BE PROHIBITED, PROVIDED HOWEVER, SATELLITE DISHES OR SMALL OUTSIDE ELECTRONIC RECEPTION DEVICES NOT EXCEEDING 20 INCHES IN DIAMETER MAY BE AFFIXED TO A REAR BUILDING WALL OR CORNER IF BELOW THE EAVE AND NOT VISIBLE FROM THE STREET VIEW OF THE DWELLING, AND THE SPECIFIC LOCATION OF THE SAME IS APPROVED BY THE ARCHITECTURAL COMMITTEE. THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, APPROVE A WAIVER OF THE FOREGOING RESTRICTIONS.

3.15 LOT MAINTENANCE
NO INOPERATIVE VEHICLE OR MACHINERY SHALL BE STORED ON ANY LOT, AND EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION FREE OF RUBBISH, TRASH, OR OTHER DEBRIS AND SHALL BE CUT, TRIMMED OR MOWED TO PREVENT UNSIGHTLY GROWTH OF WEEDS OR TALL GRASS.

3.16 RECREATIONAL VEHICLES AND EQUIPMENT
NO BOATS, RECREATIONAL TRAILERS, PERSONAL WATER CRAFT, CAMPER, MOTOR HOMES OR OTHER RECREATIONAL VEHICULAR EQUIPMENT, SHALL BE STORED, PLACED OR PARKED ON ANY STREET WITHIN THE SUBDIVISION OR ON ANY LOT, EXCEPT WITHIN AN ENCLOSED GARAGE.

3.17 TRAILERS, MACHINERY AND EQUIPMENT, COMMERCIAL VEHICLES
NO TRAILERS, MACHINERY OR EQUIPMENT, OR COMMERCIAL VEHICLES, SHALL BE STORED, PLACED OR PARKED ON ANY STREET WITHIN THE SUBDIVISION OR ON ANY LOT, EXCEPT WITHIN AN ENCLOSED GARAGE, PROVIDED HOWEVER, NOTHING HEREIN SHALL PROHIBIT THE PARKING OF VEHICLES, TRAILERS, MACHINERY OR EQUIPMENT WHEN BEING UTILIZED IN CONNECTION WITH SERVICES PERTAINING TO A RESIDENCE IN THE SUBDIVISION, FURTHER PROVIDED THAT NOTHING HEREIN SHALL PROHIBIT THE PARKING OF LIGHT TRUCKS WITHOUT COMMERCIAL SIGNAGE (MAXIMUM SIX TONS).

3.18 CLOTHESLINES AND TRASH RECEPTACLES
EXTERIOR CLOTHESLINE POLES OR OTHER OUTDOOR DRYING APPARATUS ARE PROHIBITED. GARBAGE CANS AND OTHER TRASH RECEPTACLES SHALL BE OUT OF VIEW FROM ANY ADJOINING STREET OR FROM ANY ADJOINING LOT EXCEPT DURING REASONABLE TIMES NECESSARY TO PERMIT CURBSIDE PICKUP.

3.19 MAILBOXES
AS LONG AS A RURAL TYPE MAILBOX IS IN USE IN THE SUBDIVISION FOR U.S. POSTAL SERVICE, ALL MAILBOX RECEPTACLES SHALL CONFORM IN DESIGN TO SPECIFICATIONS ESTABLISHED BY THE ARCHITECTURAL COMMITTEE. THE MAILBOX SHALL BE POSITIONED SO THAT THE FRONT FACE IS APPROXIMATELY SIX (6) INCHES IN FROM THE BASE OF THE CURB AND SIX (6) FEET FROM THE "INSIDE EDGE" OF THE DRIVEWAY. "INSIDE EDGE" SHALL MEAN THE EDGE OF THE DRIVEWAY WHICH FOLLOWS THE LARGEST CONTIGUOUS LOT AREA. THE TOP OF THE MAILBOX SHALL BE FORTY-TWO (42) INCHES FROM STREET LEVEL.

3.20 GARAGE SALES/YARD SALES
GARAGE/YARD SALES WILL BE ALLOWED TWICE EACH CALENDAR YEAR. THE DATES THEREOF SHALL BE SET BY THE BOARD OF DIRECTORS OF THE ASSOCIATION.

3.21 ANIMALS
NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND MAY BE MAINTAINED, BRED, SOLD OR KEPT IN THE SUBDIVISION EXCEPT THAT TWO DOGS, TWO CATS AND OTHER HOUSEHOLD PETS MAY BE KEPT PROVIDED THAT THEY ARE NOT USED FOR COMMERCIAL PURPOSES.

3.22 NOBODIOUS ACTIVITY
NO ACTIVITY OF A NOBODIOUS OR OFFENSIVE NATURE SHALL BE CARRIED OUT OR ALLOWED BY ANY RESIDENT FOR ANY PURPOSE UPON ANY LOT, NOR SHALL ANY COMMERCIAL OR TRADE ACTIVITY TAKE PLACE OR BE ALLOWED THEREON THAT MIGHT BE OR MIGHT BECOME AN ANNOUNCEMENT OR NUISANCE TO THE NEIGHBORHOOD.

3.23 SIGNAGE
NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT ONE SIGN OF NOT MORE THAN SIX SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR RENT OR SIGNS BY A BUILDER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD.

3.24 BASKETBALL GOAL
NO BASKETBALL GOAL OR STRUCTURES ARE ALLOWED IN THE STREETS RIGHTS-OF-WAY.

SECTION IV. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

4.1. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNERS, THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, WITHIN THE PROVISIONS OF SECTION I. EASEMENTS AND UTILITIES ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERE TO, AND ADDITIONALLY THE COVENANTS WITHIN SECTION I WHETHER OR NOT SPECIFICALLY THEREIN SO STATED SHALL, INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA. THE COVENANTS CONTAINED IN SECTION II OF THE WINCHESTER PARK HOMEOWNERS' ASSOCIATION AND SECTION III PRIVATE RESTRICTIONS SHALL

INURE TO THE BENEFIT OF ANY OWNER OF A LOT IN "WINCHESTER PARK" AND THE ASSOCIATION, IF THE UNDERSIGNED OWNERS OR THEIR SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTIONS I OR II, IT SHALL BE LAWFUL FOR ANY OWNERS OF A LOT IN "WINCHESTER PARK" OR THE ASSOCIATION TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE RESIDOR OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT, TO ADEQUATE REMEDY AT LAW, IS HEREBY WAIVED. IN ANY JUDICIAL ACTION BROUGHT BY ANY OWNER OF A LOT IN WINCHESTER PARK OR THE ASSOCIATION, WHICH ACTION SEEMS TO ENFORCE THE COVENANTS CONTAINED IN SECTION II AND/OR TO RECOVER DAMAGES FOR THE BREACH THEREOF, THE PREVAILING PARTY SHALL BE ENTITLED TO RECEIVE REASONABLE ATTORNEY FEES AND COSTS AND EXPENSES INCURRED IN SUCH ACTION.

4.2. DURATION

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

4.3. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I, PUBLIC STREETS AND EASEMENTS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSORS, AND THE CITY OF TULSA, OKLAHOMA. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AND RESTRICTIONS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

THE COVENANTS CONTAINED WITHIN SECTION II, PRIVATE RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF MORE THAN SIX (6) OF THE LOTS WITHIN THE SUBDIVISION. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AS ABOVE SET FORTH SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

4.4. SEVERABILITY

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

IN WITNESS WHEREOF, MAYBELLE HILLS, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY HAS EXECUTED THIS INSTRUMENT ON THIS 26 DAY OF April, 2017.

MAYBELLE HILLS, LLC
AN OKLAHOMA LIMITED LIABILITY COMPANY

BY: *[Signature]*
JACQUE MARSHALL

STATE OF OKLAHOMA }
COUNTY OF TULSA }

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS 26 DAY OF April, 2017, PERSONALLY APPEARED *[Signature]* TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF MAYBELLE HILLS, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY THEREOF TO THE FOREGOING INSTRUMENT, AS ITS MANAGER AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED AND AS THE FREE AND VOLUNTARY ACT AND DEED OF SUCH COMPANY FOR THE USES AND PURPOSES THEREIN SET FORTH THE DAY AND YEAR LAST ABOVE WRITTEN.

[Signature]
NOTARY PUBLIC

10-18-2010
MY COMMISSION EXPIRES

CERTIFICATE OF SURVEY

I, ALBERT JONES II, A REGISTERED LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND HEREIN DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "WINCHESTER PARK", AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE REPRESENTATION OF A SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES, AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING.

WITNESS MY HAND AND SEAL THIS 26 DAY OF April, 2017.

BY: *[Signature]*
LICENSED PROFESSIONAL LAND SURVEYOR
OKLAHOMA LICENSE NO. 1380



STATE OF OKLAHOMA }
COUNTY OF TULSA }

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THE 26 DAY OF April, 2017, PERSONALLY APPEARED TO ME ALBERT JONES II KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS A LICENSED PROFESSIONAL LAND SURVEYOR TO THE FOREGOING CERTIFICATE, AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

[Signature]
NOTARY PUBLIC

2/13/2021
MY COMMISSION EXPIRES



**Optional Development Plan for
Winchester Park Rezoning**

Tulsa Zoning Code Section 70.040-A Purpose

Development plans are required with some property owner-initiated rezonings and are optional with other property owner initiated rezonings. 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 development proposals, development plans provide review and decision-making bodies with additional information on which to base a rezoning decision.

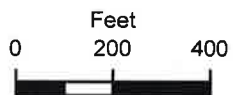
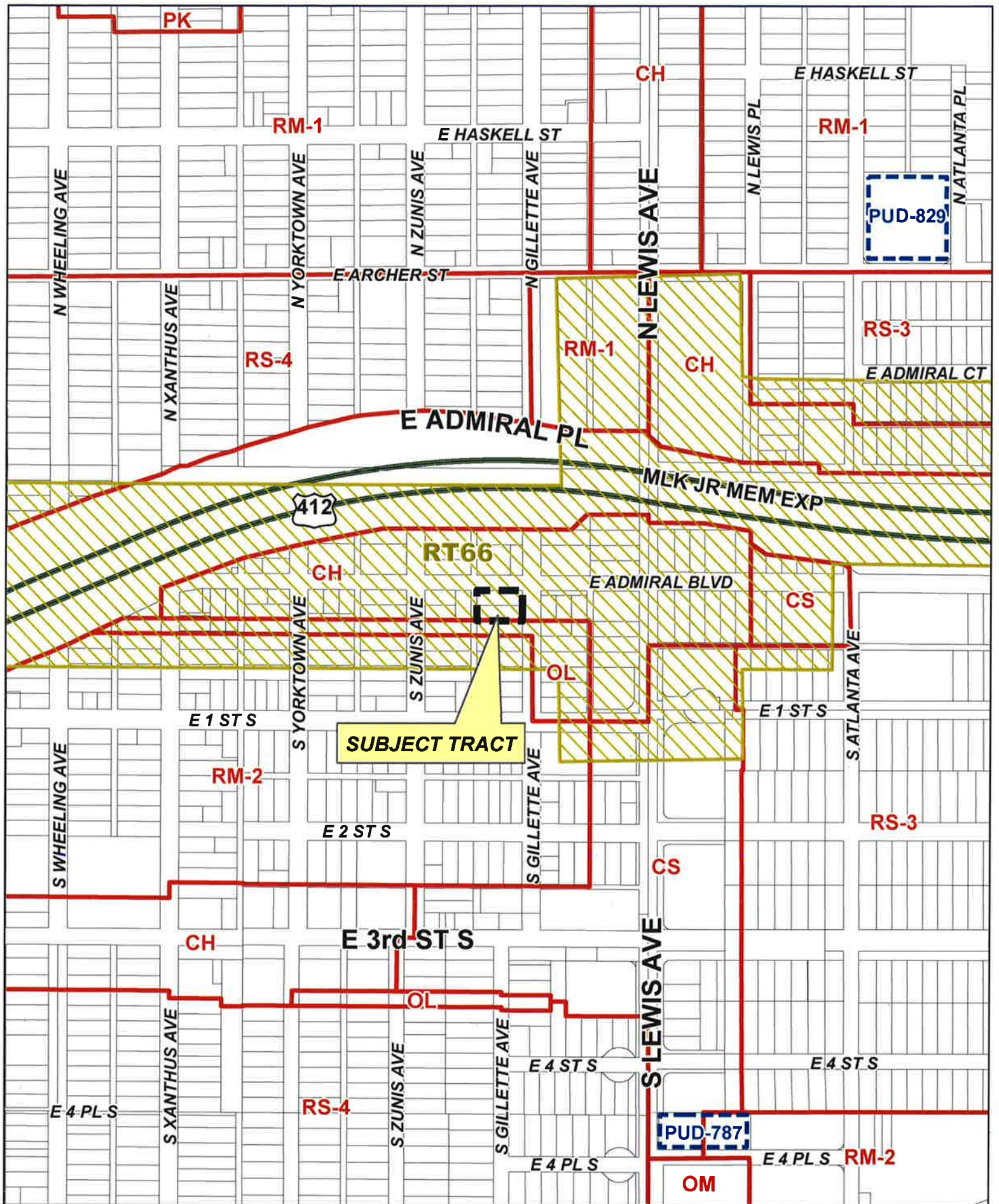
Property Description:

All of Winchester Park, a Subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat (No. 6741) thereof.

Development Standards:

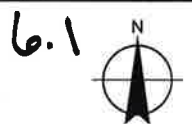
All the use and lot and building regulations as set forth in the City of Tulsa Zoning Code for the RS-3 zoning district, and in particular, Section 5.030-A Table 5-3 except the following:

- Minimum Open Space per Dwelling Unit:
3,500 square feet



BOA-22496

19-13 06



BOARD OF ADJUSTMENT CASE REPORT

STR: 9306

Case Number: **BOA-22496**

CZM: 37

CD: 4

A-P#:

HEARING DATE: 08/28/2018 1:00 PM

APPLICANT: Andrew Layson

ACTION REQUESTED: Special Exception to allow for a bar within 150 feet of an R district (Section 15.020-G); and a Verification of the 300 foot spacing requirement for a bar from public parks, schools, other bars, religious assemblies, and sexually oriented business establishments; and the public entrance doors 50 ft. from an R-zoned lot. (Sec. 40.050).

LOCATION: 6 S GILLETTE AV E; 2224 E ADMIRAL BV S **ZONED:** CH

PRESENT USE: vacant

TRACT SIZE: 15002.13 SQ FT

LEGAL DESCRIPTION: LT 2 BLK 21; LT 1 BLK 21, GILLETTE-HALL ADDN

RELEVANT PREVIOUS ACTIONS:

None relevant.

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

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

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 CH zoned tracts to the east and west; OL zoned residence to the south; E. Admiral Blvd is directly north of the site.

STAFF COMMENTS:

A bar is permitted in the CH district as a use by right – subject to complying with the spacing requirements provided in Sections 15.020-G and 40.050-A of the Code. The Code provides the following spacing requirements for a bar in the CH district:

1. Public entrance doors of bars may not be located within 50 feet of any R-zoned lot, as measured in a straight line from the nearest point on the R-zoned lot (not including R-zoned expressway right-of-way) to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area, whichever results in a greater setback.

2. Bars may not be located within 300 feet of a public park, school or religious assembly use; the separation distance must be measured from the nearest property line of such public park, school or religious assembly use to the nearest perimeter wall of the bar.

3. Bars may not be located within 300 feet of any other bar or sexually oriented business establishment, except in the CBD district. The required separation distance must be measured in a straight line between the nearest perimeter walls of the portions of the buildings occupied by the bar or sexually oriented business establishment.

The public entrance door of the bar appears to be 50 ft. from the R zoned district to the south of the site, which meets the stated spacing requirement in Section 40.050-A. The applicant has requested a **special exception** as Section 15.020-G of Code requires special exception approval for a bar if intoxicating beverages or low-point beer are sold or served and the subject lot is located within 150 feet of any residential zoning district other than R-zoned street right-of-way.

Attached is a map indicating a spacing radius of 300 ft. from the perimeter walls of the proposed bar. The attached exhibit from the applicant list uses within the 300 ft. spacing radius. Staff visited the site and there do not appear to be any bars, public parks, churches, schools, or sexually oriented business establishments within 300 ft. of the proposed bar.

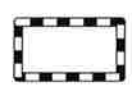
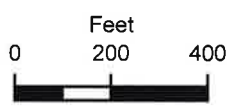
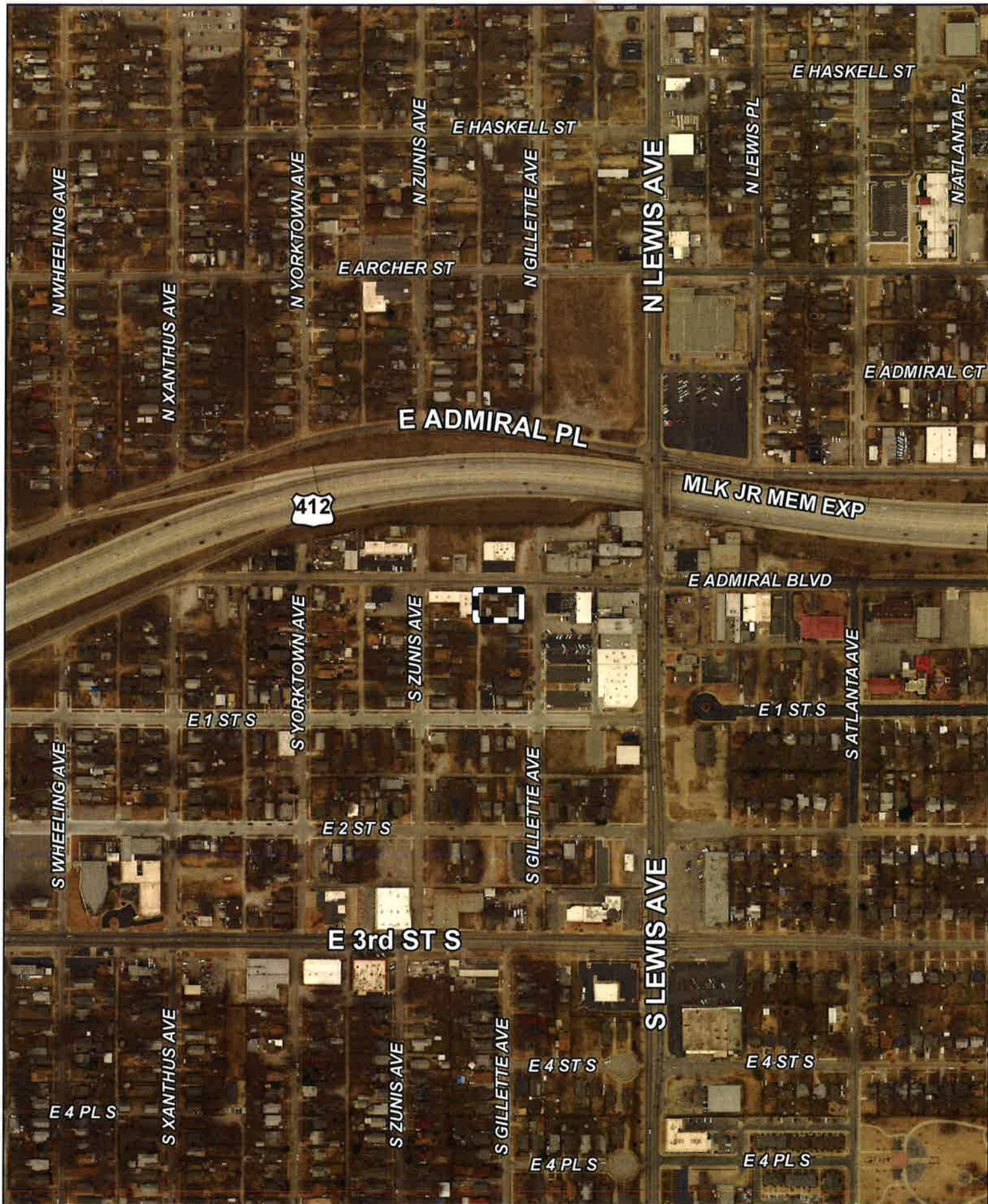
Sample Motions:

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing for the proposed bar subject to the action of the Board being void should another conflicting use be established prior to this bar.

Move to _____ (approve/deny) a Special Exception to allow a bar within 150 feet of an R-zoned district (Section 15.020-G);

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

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



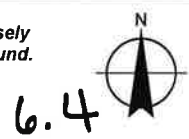
Subject
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BOA-22496

19-13 06

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

Aerial Photo Date: February 2018



MLK JR MEM EXP

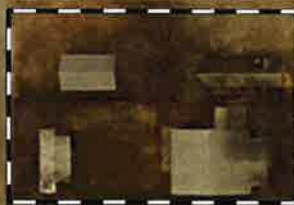
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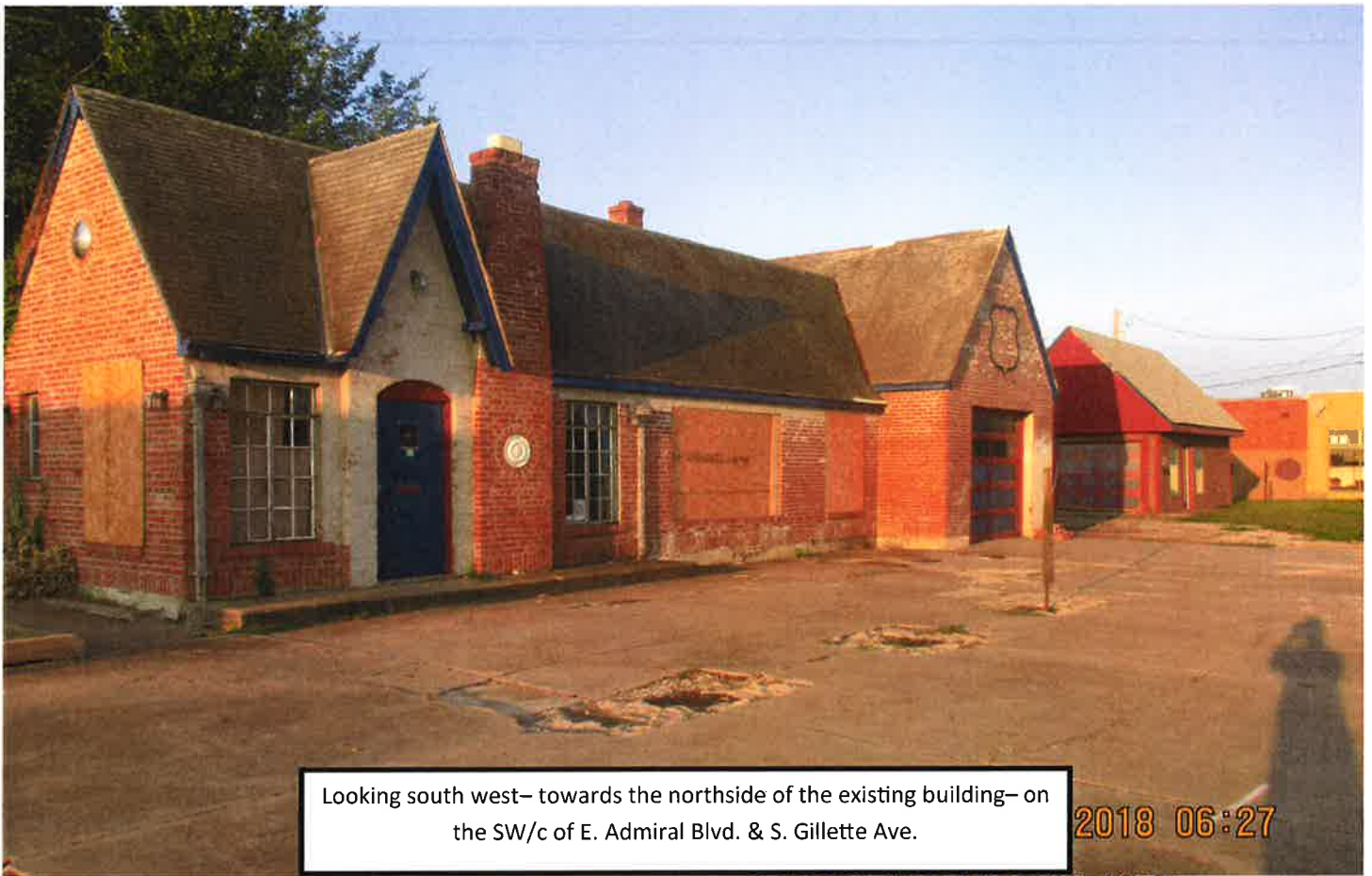
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19-13 06

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

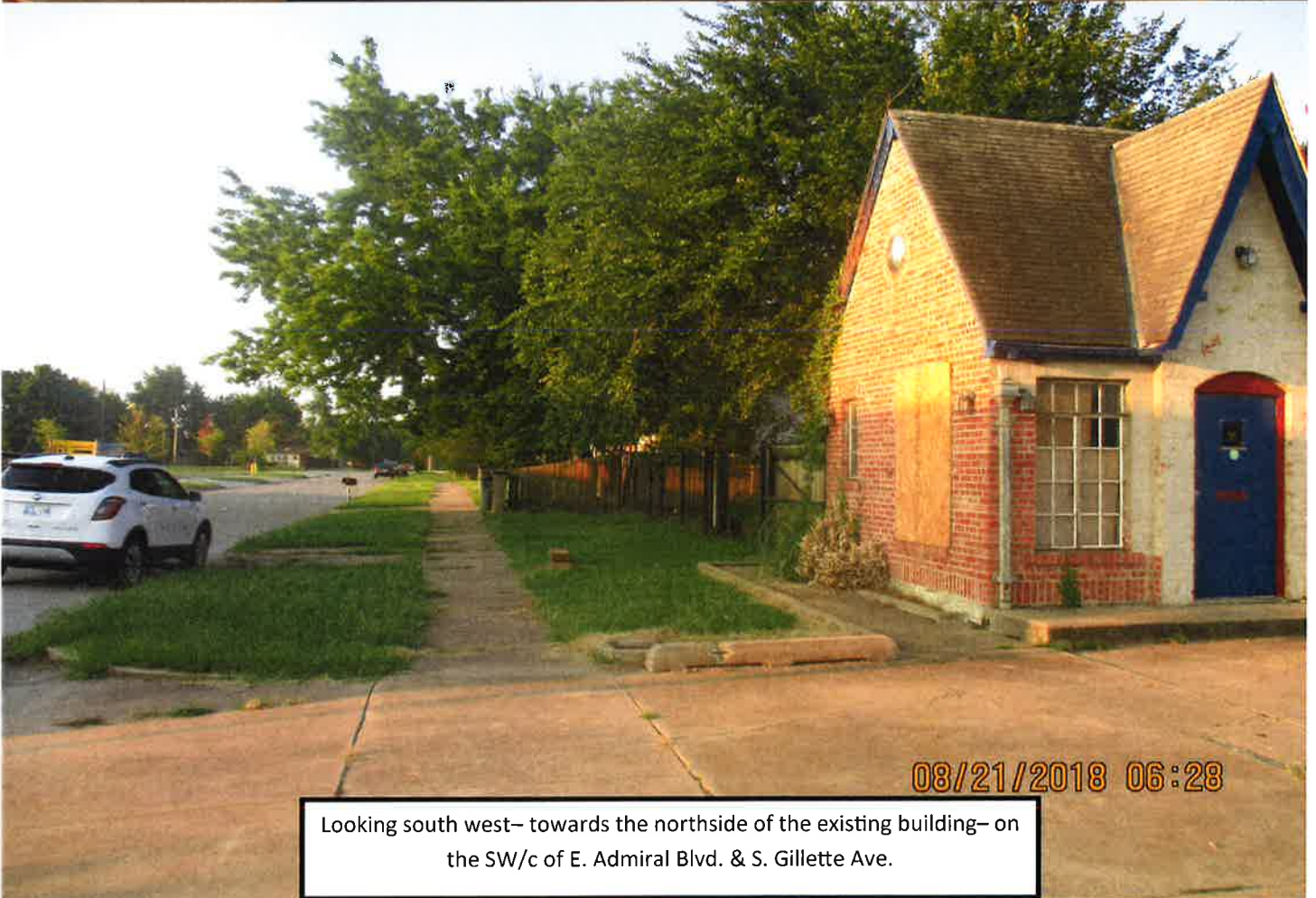
Aerial Photo Date: February 2018





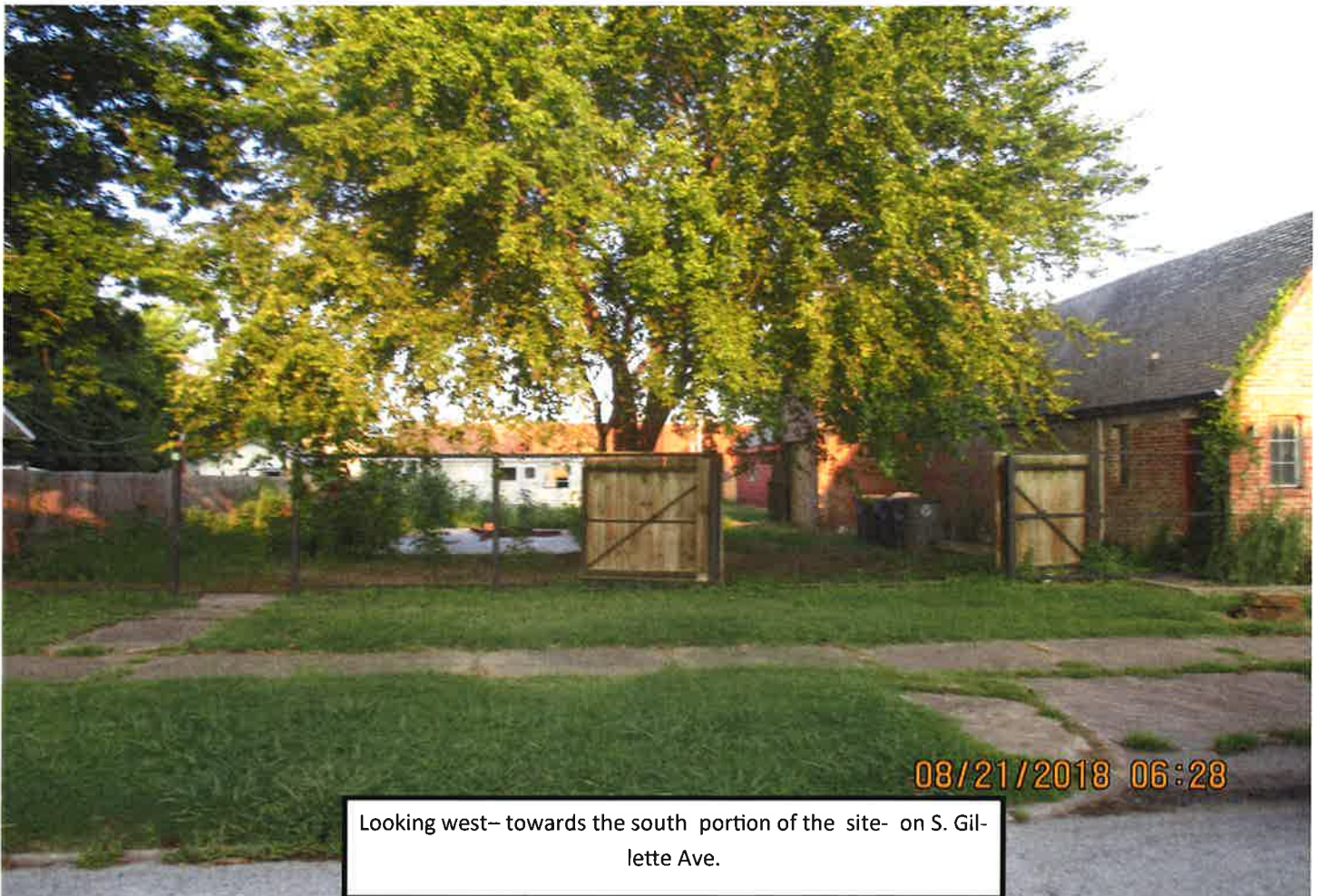
Looking south west- towards the northside of the existing building- on the SW/c of E. Admiral Blvd. & S. Gillette Ave.

2018 06:27



Looking south west- towards the northside of the existing building- on the SW/c of E. Admiral Blvd. & S. Gillette Ave.

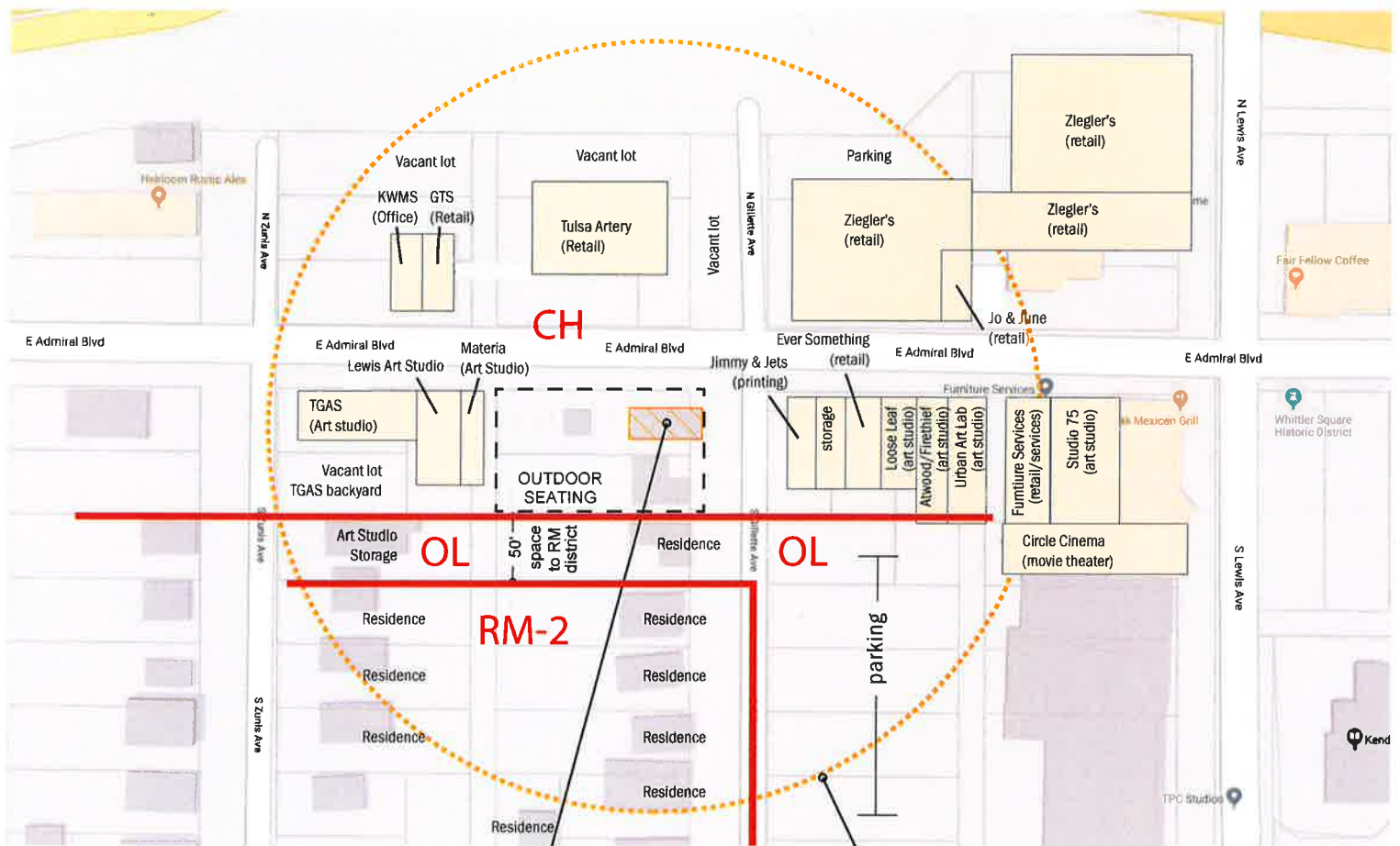
08/21/2018 06:28



Looking west— towards the south portion of the site- on S. Gillette Ave.



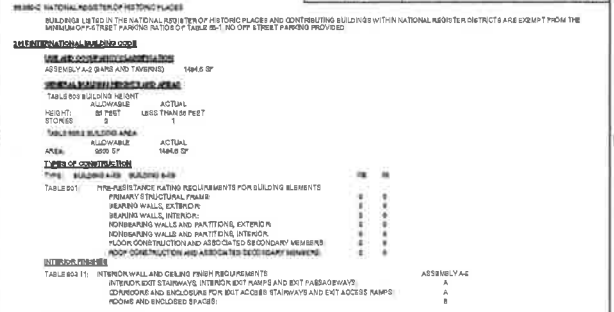
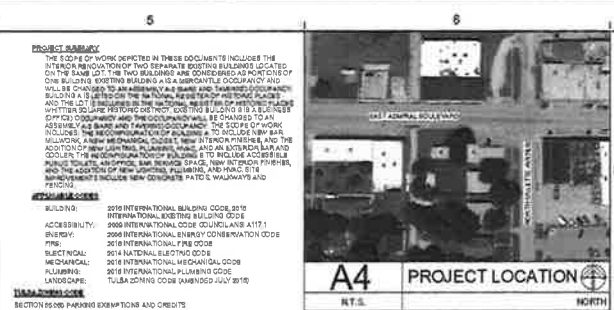
Looking south— towards area immediately south of the subject site- on S. Gillette Ave.



PROPOSED BAR
2224 EAST ADMIRAL BOULEVARD
TULSA, OKLAHOMA 74104

300' RADIUS

SPACING VERIFICATION



ANDREW AND
 NERTLA LAYSON
 BAR 473
 22M ST ADMIRAL
 SQUARE
 TULSA, OKLAHOMA
 74104
 ISSUE 01
 RELEASED
 06.23.18
 REQUESTED
 FBI, LOS
 ANGELES
 DIVISION
 BY
 JIB
 CREDITED BY
 NW
 157675
 CODE ANALYSIS,
 9 SCHEDULE 1A,
 AND FLOOR PLAN
 STATE OF OKLAHOMA
 157675
 CIVIL DIVISION
 05/20/2018
 A101

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 6, 2018

Janet Selser
Selser Schaefer Architects
2002 E 6th ST
Tulsa, OK 74104

Phone: 918.587.2282

APPLICATION NO: BLDC-002617-2018
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 2224 E Admiral BLVD
Description: Interior remodel

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 [] 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-002617-2018

2224 E Admiral BLVD

July 6, 2018

Note: Please direct all questions concerning spacing verifications, special exceptions, appeals of an administrative official decision and all questions regarding BOA application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **Sec.40.050-A:** The proposed bar is designated a Commercial/Bar use and is located in a CH zoning district. It 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.

- 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.
- 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.

3. Bars may not be located within 300 feet of any other bar or sexually oriented business establishment. The required separation distance must be measured in a straight line between the nearest perimeter walls of the portions of the buildings occupied by the bar or sexually oriented business establishment.

Review comment: Submit a spacing verification that has been reviewed and approved per Sec.70.110.

2. **Sec.15.020-G [2]:** A Bar use requires special exception approval if intoxicating beverages or low-point beer are sold or served and the subject lot is located within 150 feet of any residential zoning district other than R-zoned street right-of-way.

Review comment: The proposed bar is located within 150 feet of a residential zoning district. A Special Exception, reviewed and approved per Sec.70.120, is required. Submit a copy of the Special Exception, reviewed and approved per Sec.70.120

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:
<http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf>

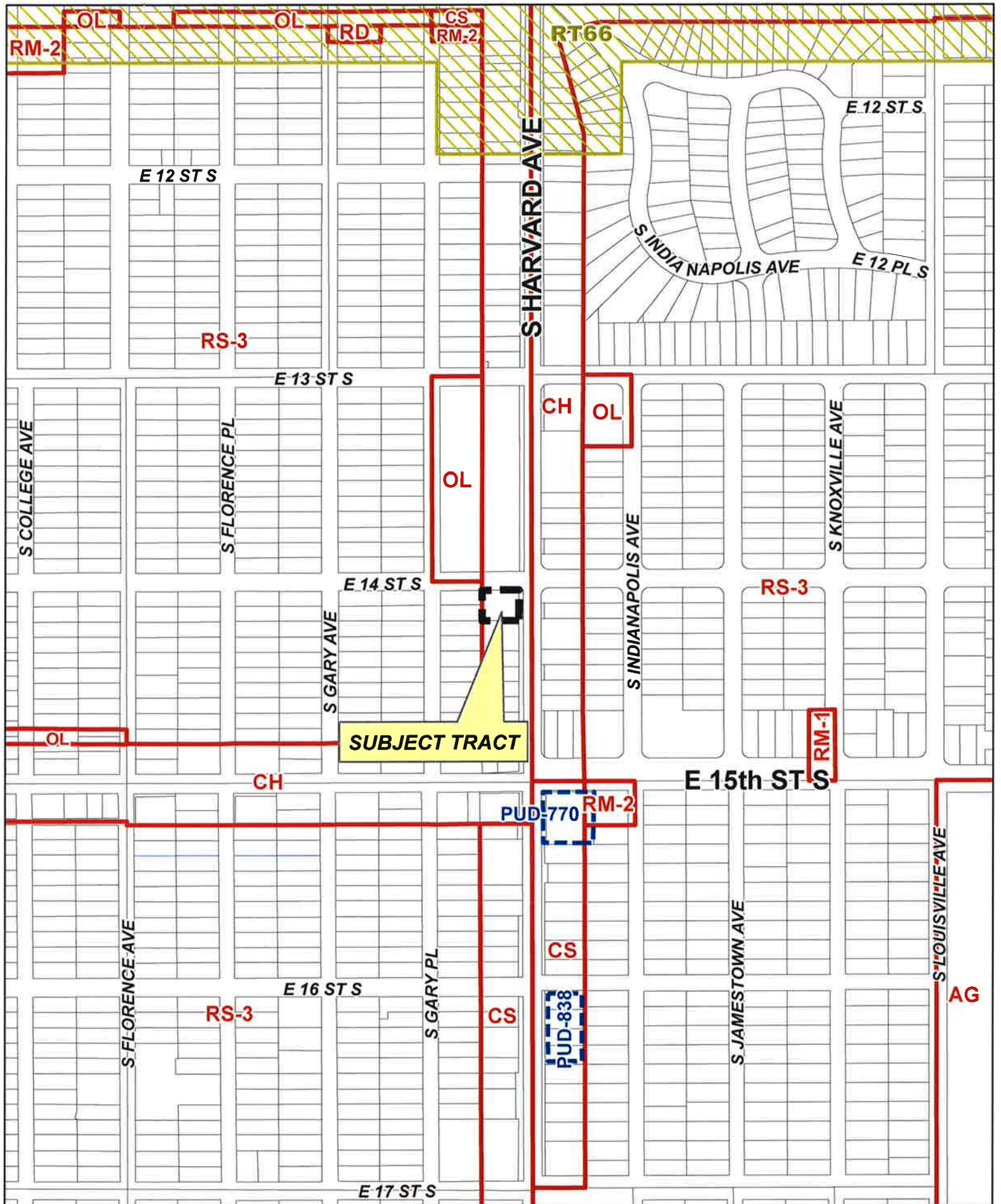
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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.

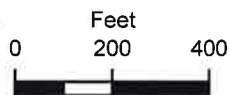
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.



BOA-22499

7.1

19-13 08



BOARD OF ADJUSTMENT CASE REPORT

STR: 9308

Case Number: **BOA-22499**

CZM: 37

CD: 4

A-P#:

HEARING DATE: 08/28/2018 1:00 PM

APPLICANT: Ryan Strode

ACTION REQUESTED: Variance of the minimum 15 ft. street setback requirement to permit a unenclosed parking area with 5 parking spaces along E. 14th St. S (Table 55-4).

LOCATION: 1408 S HARVARD AV E

ZONED: CH

PRESENT USE: office

TRACT SIZE: 12501.77 SQ FT

LEGAL DESCRIPTION: LTS 1 & 2 LESS E15 THEREOF FOR ST BLK 12, EAST LAWN ADDN

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA- 14929: on 9.01.88, the Board **approved** a *special exception* to allow for a drive-in banking facility in an OL district; **denied** a *variance* of the setback from Gary Place from 25' to 10'. Located: NW/c of E. 14th St. S. and S. Harvard Ave.

BOA-11227: on 10.16.80, the Board **approved** a *variance* of the setback requirements from the centerline of E. 13th St. S. to be from 50' to 40'-6". Located: NW/c of E. 14th St. S. and S. Harvard Ave.

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

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

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 RS-3 zoned residences to the west; a CH zoned immediately to the south; E. 14th St. S. to the north; S. Harvard Ave. to the east.

STAFF COMMENTS:

The applicant is proposing an unenclosed off-street parking area with 5 parking spaces along E. 14th St. S. The subject lot is in a CH zoning district and abuts RS-3 zoned lots to the west. Table 55-4 shows the setback requirements for unenclosed off-street parking areas:

Table 55-4: Parking Space Setback Requirements

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

Per the code, the minimum street setback requirement for a parking area, with 1 to 5 parking spaces, within 50 feet of a residential district is 15 ft (Table 55-4). As shown on the exhibit, there are 5 parking spaces abutting the property line along E. 14th St. S. that will be within the required 15 ft. street setback. The applicant is proposing 9 parking spaces that abut the existing building that are more than 25 ft. from the property line.

The applicant is requesting a **Variance** of the minimum 15 ft. street setback requirement to permit a unenclosed parking area with 5 parking spaces along E. 14th St. S (Table 55-4).

Sample Motion

Move to _____ (approve/deny) a Variance of the minimum 15 ft. street setback requirement to permit a unenclosed parking area with 5 parking spaces along E. 14th St. S (Table 55-4).

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

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

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

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

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

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

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

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

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

Case No. 14928 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-1-0 (Bradley, Chappelle, Smith, White, "aye"; Quarles, "nay"; no "abstentions"; none "absent") to **DENY** a **Special Exception** (Section 420 - Accessory Uses Permitted - Use Unit 1211) for a home occupation to allow a photographer's office in an RS-3 zoned district; finding that the business is not compatible with the neighborhood and that the granting of the request would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 8, Burns Subdivision of Lots 5 and 6, Block 28, Park Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Mr. Smith asked Mr. Chappelle if the Board can request that the Building Inspector conduct a survey to determine if the lot meets the required livability space.

Ms. Hubbard explained that legally the owner is required to obtain a zoning clearance permit in order to pave the front yard. She stated that an application for this permit was not made. Ms. Hubbard pointed out that the entire yard could be paved and still meet the livability space, but the paving cannot be used for parking or access to parking. She stated that the photographs submitted have indicated that the yard is being used for parking, so the applicant will be required to obtain a zoning clearance permit, at which time the determination will be made on livability space, and the application will then be routed to Stormwater Management for their review.

Mr. Moody requested that the record reflect the fact that he was not given an opportunity for rebuttal.

Case No. 14929

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1211 - Requests a special exception to allow for a drive-in banking facility in an OL District.

Variance - Section 630 - Bulk and Area Requirements in Office Districts - Use Unit 1211 - Request a variance of setback from Gary Place from 25' to 10', located NE/c 14th Street and Gary Place.

Presentation:

The applicant, F & M Bank and Trust, was represented by Bill Stoskopf, Stoskopf Architects, 1717 South Boulder, Tulsa, Oklahoma, who submitted a site plan (Exhibit L-2) for the proposed construction. He stated that F & M Bank is planning to demolish an existing six lane drive-in facility and build a new eight lane drive-in near the corner of 14th and Gary Place. He explained that the west portion of the property and the location of the new facility is zoned OL, while the existing drive-in is zoned CH and the use is allowed by right. Mr. Stoskopf noted that the existing drive-in has three east bound lanes, with access from Gary Place, and three west bound, accessed from Harvard. He stated that traffic backs up on Gary, as well as Harvard, during peak banking days. It was noted that the new proposal will alleviate some of the problems, in that all traffic will enter from 14th Street or Harvard, with no new curb cuts. He stated that the south curb cut on Gary will be closed. Mr. Stoskopf noted that the one story teller building will not be taller than the surrounding residences and will be detailed to blend with the residential neighborhood.

Comments and Questions:

Mr. Quarles inquired as to the reason for the setback from 25' to 10', and Mr. Stoskopf replied that the request for 10' was needed to allow as much driveway length from Harvard as possible.

Ms. Bradley asked if there will only be egress on Gary, and the applicant answered in the affirmative.

Protestants:

Don Revelis, 1344 South Gary Place, Tulsa, Oklahoma, submitted a petition of opposition (Exhibit L-1) signed by neighborhood residents, and stated that he lives directly across the street from the existing drive-in windows. He explained that he had attempted to acquire a drawing from Mr. Stoskopf, but he was unable to do so.

Mr. Quarles remarked that one curb cut is to be closed on Gary Place which should lessen the impact on the street.

Mr. Revelis pointed out that the proposed building will be only 10' from the sidewalk, will be 38' wide and 25' high and directly in front of his home. He stated that any building this close to the street would pose a traffic hazard and cause an unsafe situation for the elderly and the children walking in the neighborhood. Mr. Revelis pointed out that the drive-in teller will be left open 24 hours a day and cars will be using the facility at all hours.

Mr. Chappelle asked Mr. Revelis if his concerns would be satisfied if the south curb cut on Gary Place was closed, and he replied that the building would still detract from the residential character of the area. He pointed out that he is protesting the new location of the drive-in facility, which will practically be in his front yard.

Case No. 14929 (continued)

To clarify, Mr. Gardner pointed out that at the present time Mr. Revelis' front door is approximately 215' from the nearest bank building, while the distance from his front door to the new building will be 85', or over 100' closer. He informed that the area was first zoned 3A for off-street parking until the Zoning Code change in 1970 when there was no longer a parking classification. Mr. Gardner stated that the property was then designated as OL, which was the nearest zoning category to the previous 3A classification.

Ms. White remarked that the bank does have another large drive-in facility across the street to the northeast.

Jerry Vanhooser, 1340 South Gary Place, Tulsa, Oklahoma, stated that he does not have a problem with the bank, but has a problem with the proposed construction. He stated that lights from cars using the night depository will be annoying for those directly across the street from the facility, and the litter from the bank patrons discarding excess paper would be a problem for the neighborhood.

Rosemary Revelis, 1344 South Gary Place, Tulsa, Oklahoma, stated that she is concerned with the traffic hazard that will be caused by the new construction. She stated that the children's safety will be endangered and property values will be adversely affected by the new facility.

Leonard Sutterfield, 1335 South Gary Avenue, Tulsa, Oklahoma, stated that all houses in the neighborhood have a 25' setback and the proposed building will be out of alignment with the existing homes. He asked the Board to deny the application.

Board Action:

Ms. White's motion for denial of the application was withdrawn to allow the applicant's rebuttal.

Applicant's Rebuttal:

Lucy Mullin, 2836 South 86th East Avenue, Tulsa, Oklahoma, Vice-President of Operations, stated that the night depository will be used for commercial deposits or envelope deposits for customers that are unable to visit the bank during regular hours. She stated that a depository is now in place at the east end of the existing facility.

Ms. Bradley asked Ms. Mullin if the plans were discussed with the neighborhood, and she replied that the facility has been in the planning process for three years, but there was no discussion with the neighborhood.

Mr. Quarles asked Ms. Mullin if the plans can be altered to satisfy some of the concerns of the residents of the area, and Mr. Stoskopf stated that the building can be moved back, but the bank was attempting to get as many cars stacked off the street as possible.

Case No. 14929 (continued)

Mr. Gardner asked how many cars can be stacked on all lanes with the present plan, and Mr. Stoskopf replied that 54 cars can be accommodated. Mr. Gardner pointed out that, if the building was moved back to the required setback, only the length of one car in each lane, or eight fewer cars could be stacked on the bank property.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-1-0 (Bradley, Chappelle, Quarles, "aye"; White, "nay"; no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1211) to allow for a drive-in banking facility in an OL District; and to **DENY** a **Varlance** (Section 630 - Bulk and Area Requirements in Office Districts - Use Unit 1211) of setback from Gary Place from 25' to 10'; per architectural drawing submitted; subject to the facility (design and building materials) blending architecturally with the existing bank structures and the neighborhood; on the following described property:

Lots 13, 14 and 15, Block 6, Eastlawn Addition, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments from the Protestant:

Mr. Revelis stated that he does not want to look at a 25' commercial building from his home. He informed that he does business with the bank and has nothing personal against the banking business, but is concerned with the traffic congestion in the neighborhood.

Case No. 14933

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1213 - Request a special exception to allow a retail (seafood) market in an IL zoned district, located 14 West Brady.

Presentation:

The applicant, John K. Laur, 1716 South Phoenix, Suite 102, Tulsa, Oklahoma, was not present.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **CONTINUE** Case No. 14933 to September 15, 1988 to allow Staff to contact the applicant.

11227 (continued)

Board Comments:

Mr. Smith asked Reverend Millender if the quality of this future home would be equal to those in the neighborhood, to which Reverend Millender replied that it was above the quality of the other homes.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from the centerline of East 13th Street South to be from 50' to 40' & 6" for the construction of a residential three-bedroom home as presented (Exhibit "F-1"), on the following described property:

Beginning at a point 1,500' South and 50' West of the NE corner of Section 8, Township 19 North, Range 13 East; thence 140' West; thence 140' South; thence 140' East; thence 140' North to the point of beginning.

11229

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) request for a variance to allow a detached accessory building in the rear yard with 1,152 square feet of floor area (two-story). (Ordinance permits 580 square feet.)

Presentation:

Ruth Loche, 1420 South Florence Place, was present to address the Board. Ms. Loche stated that she had lived at this address for 32 years; her husband has passed on, as well as her parents, and she has a considerable amount of their belongings that she doesn't wish to part with. She plans to house two of her three cars in the first story of this two-story garage, and those belongings in the upper story. She stated that entrance to the second story will be gained from the inside, and that the quality and appearance of this two-story garage will be compatible with the surrounding neighborhood homes. Ms. Loche submitted plans of the proposed building (Exhibit "G-1"), as well as a list of signatures from area residents stating "no objection to construction" (Exhibit "G-2").

Protestants: None.

Board Comments:

Mr. Smith asked Ms. Loche if plumbing would be installed in the upper floor and Ms. Loche replied that there would be none. Mr. Lewis asked if the structure would be livable and Ms. Loche again replied that it would not.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) to allow a detached accessory building in the rear yard with 1,152 square feet of floor area (two-story) on the condition that the structure will not be used as a habitable area, on the following described property:

10.16.80:321(9)

11226

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback from 35' to 25' from the property line in order to build a porte cochere.

Presentation:

Tully L. Dunlap, Jr., 8649 South 66th East Avenue, was present to address the Board.

Protestants: None.

Board Comments:

Mr. Smith asked if the part that would face 88th Street would be open except for the supportive columns. Mr. Dunlap indicated that there would be two supportive columns and the remaining portion would be open.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback from 35' to 25' from the property line in order to build a porte cochere, per plot plan (Exhibit "E-1"), on the following described property:

Lot 1, Block 3, Woodhill Estates, an addition to the City of Tulsa, Oklahoma.

11227

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback requirements from the centerline of East 13th Street South to be from 50' to 40' & 6".

Presentation:

Reverend Fred Millender was present to address the Board. He stated that a foundation was started by the Crockett Development Company in 1969 and he plans to build a three-bedroom home on the property.

Interested Party Comments:

Guy Duffield, 12808 East 13th Street, stated that the piece of property in question was a large, double lot, so Reverend Millender was not talking about "squeezing" a home onto a small piece of land. He further stated that the applicant owns land one block long facing 129th Street which gives him ample land on which to build a home. Mr. Duffield informed the Board that the foundation is in its beginning stages and there would be no trouble moving it. He indicated that his only concern would that he wanted to make certain the building would be used as a residence and that there are no plans to utilize it for a day-care center.



0 Feet 200 400



Subject
Tract

BOA-22499

19-13 08

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

Aerial Photo Date: February 2018

7.11





0 50 100
Feet



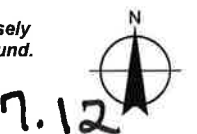
Subject
Tract

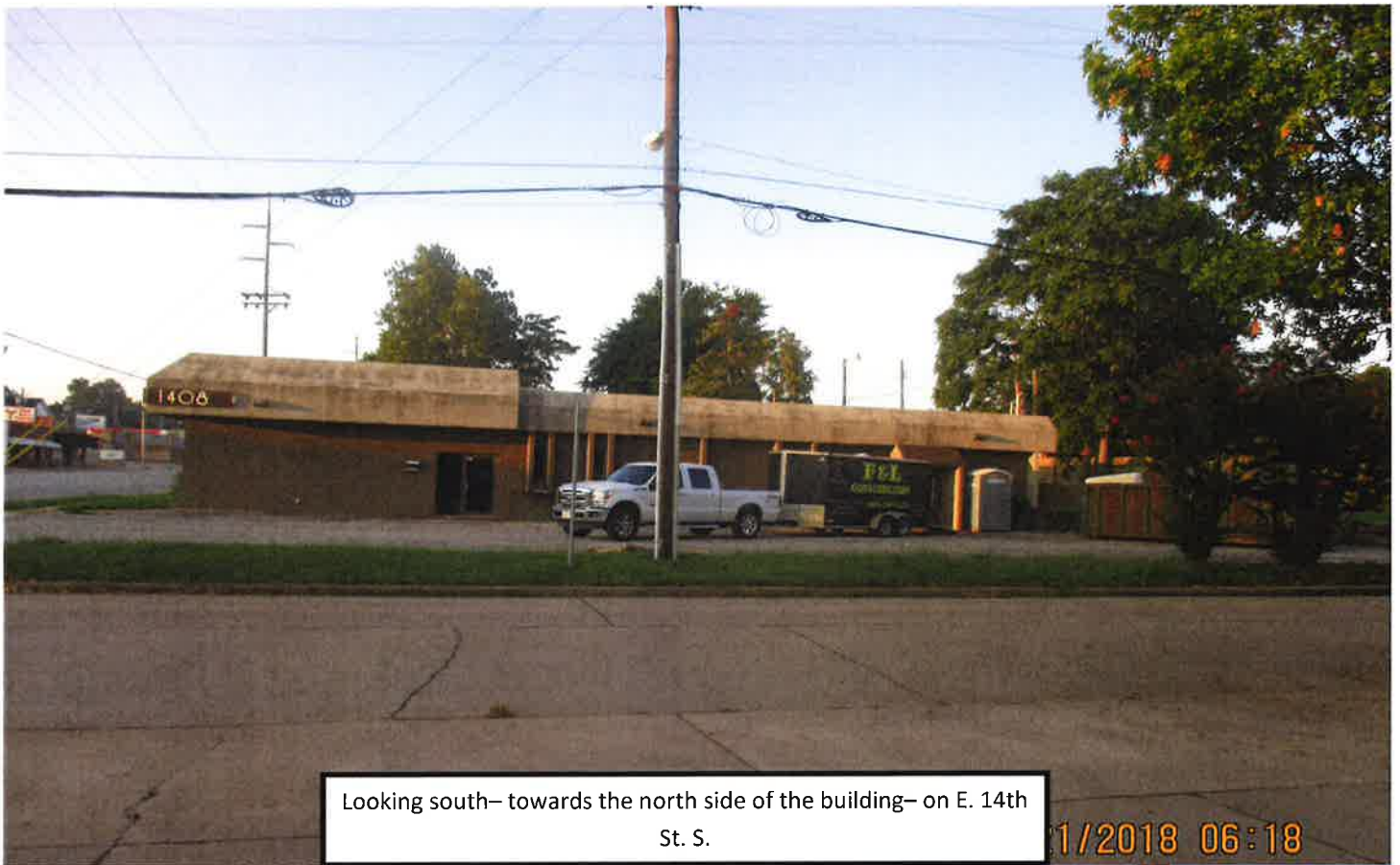
BOA-22499

19-13 08

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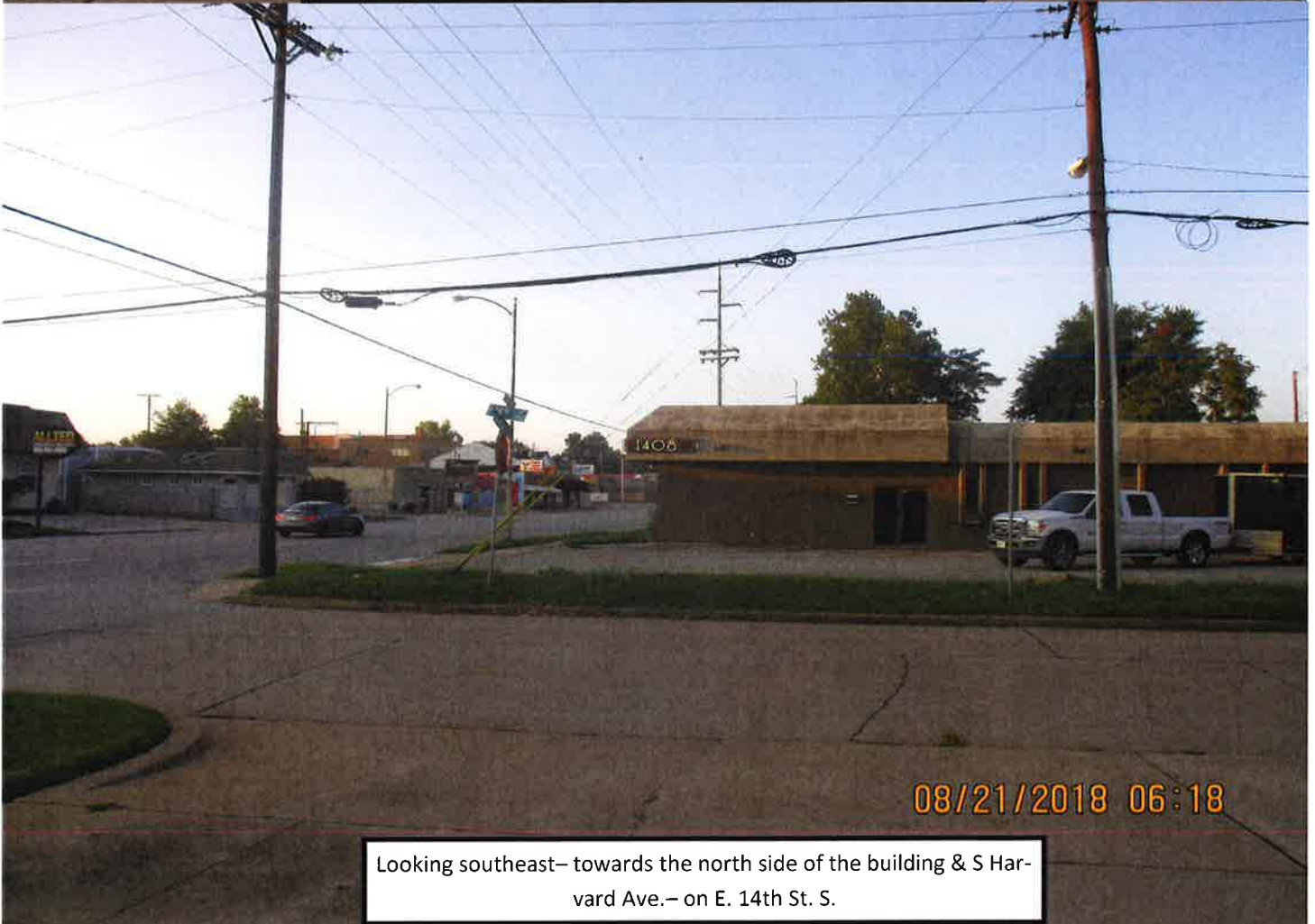
Aerial Photo Date: February 2018





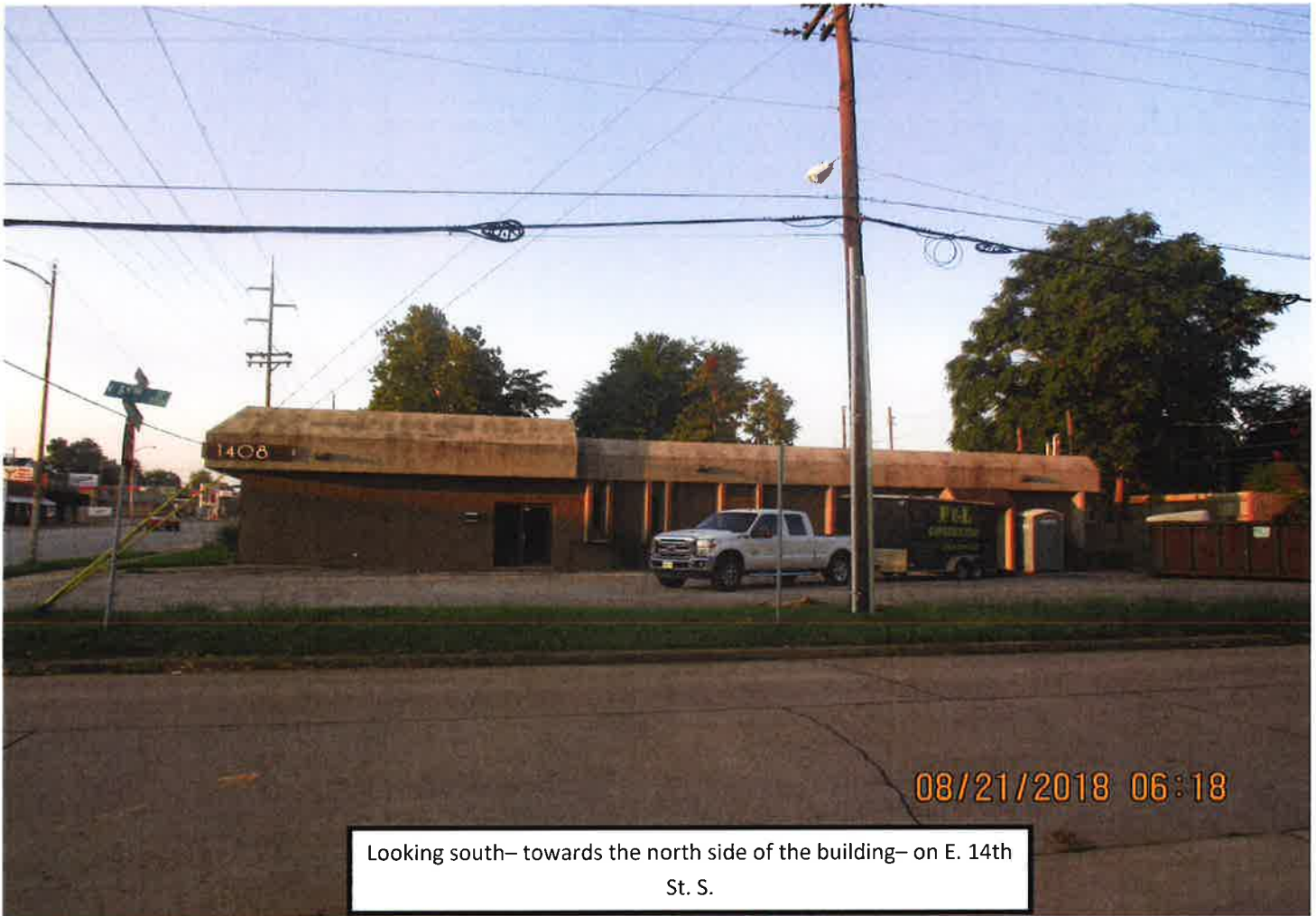
Looking south— towards the north side of the building— on E. 14th
St. S.

1/2018 06:18

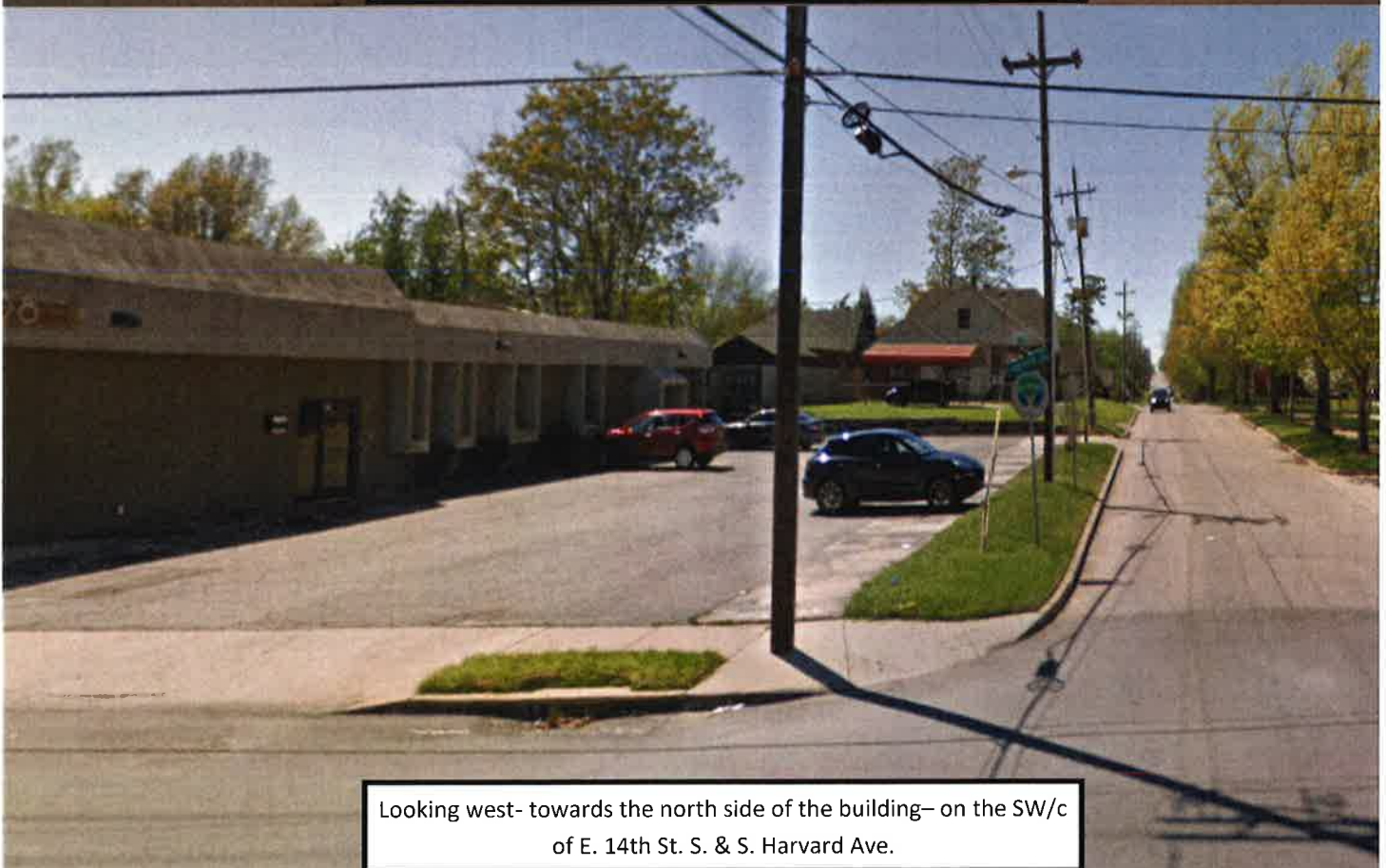


08/21/2018 06:18

Looking southeast— towards the north side of the building & S Har-
vard Ave.— on E. 14th St. S.



Looking south- towards the north side of the building- on E. 14th
St. S.



Looking west- towards the north side of the building- on the SW/c
of E. 14th St. S. & S. Harvard Ave.

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-004941-2018

1408 S HARVARD AVE

JULY 18, 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, alternative compliance landscape and screening plans and all questions regarding BOA application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. Sec.55.010-B1&2: Off-street parking must be provided and maintained in accordance with the provisions of this chapter. Unless otherwise expressly stated, the regulations apply to all zoning districts and uses. The parking regulations of this chapter apply to all new buildings constructed and *all new uses established in all zoning districts.*

Review comment: The proposed pizza pick-up and delivery is designated a Commercial/Retail Sales/Convenience Goods use. This is a change from the previous business office use and is therefore subject to the current parking area requirements.

2. Sec.55.080-C1: Unenclosed parking areas must be setback from abutting streets as indicated in Table 55-

Review comment: Your parking area contains more than 6 spaces and is located within 50' of the Residential (RS-3) zoning district to the west. This will require the parking spaces to be setback 25' from E 14th street.

3. Sec.55.080-C4: All unenclosed, accessory off street parking areas containing 6 or more spaces must be screened from abutting RS-zoned lots by an F1 screening fence or wall, in accordance with Sec.65.060-C2.

Review comment: Your parking area contains more than 6 spaces and is located within 50' of the Residential (RS-3) zoning district to the west. This will require the parking spaces to be screened from abutting lot to the west by an F1 screening fence or wall, in accordance with Sec.65.060-C2.

4. Sec.65.040-B1: The following parking lot landscaping requirements apply in surface off-street parking lots that are not located in the CBD zoning district.

a. Off-street parking areas located within 25 feet of a street right-of-way, residential zoning district or residential development area must be separated from the abutting rights-of-way, residential districts and abutting residential development areas by a landscaped area that is at least 10 feet in width and that contains an S1 screen (see Sec.65.060-C1) containing at least 3, 5-gallon shrubs per 10 linear feet. This area may be counted towards satisfying the minimum street landscaping requirements of Sec.65.030-B1 if it is located within the street yard.

b. All parking spaces must be located within 50 feet of a tree. Required parking lot trees must be located in a landscaped area that is at least 64 square feet in area and that has a minimum width or diameter of 8 feet.

Review comment: Your off-street parking area is within 25' of the 14th street right and the RS-3 zoned district to the west. The following apply:

1. A 10' wide landscape buffer shall be provided in addition to F1 screening along the west lot line of the parking area abutting the RS-3 district to the west.
2. A 10' wide landscape buffer containing at least 3, 5-gallon shrubs per 10 linear feet shall be provide along the lot line abutting E 14th street.
3. All parking spaces must be located within 50 feet of a tree. Required parking lot trees must be located in a landscaped area that is at least 64 square feet in area and that has a minimum width or diameter of 8 feet.

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.

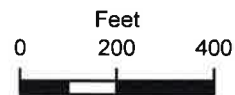
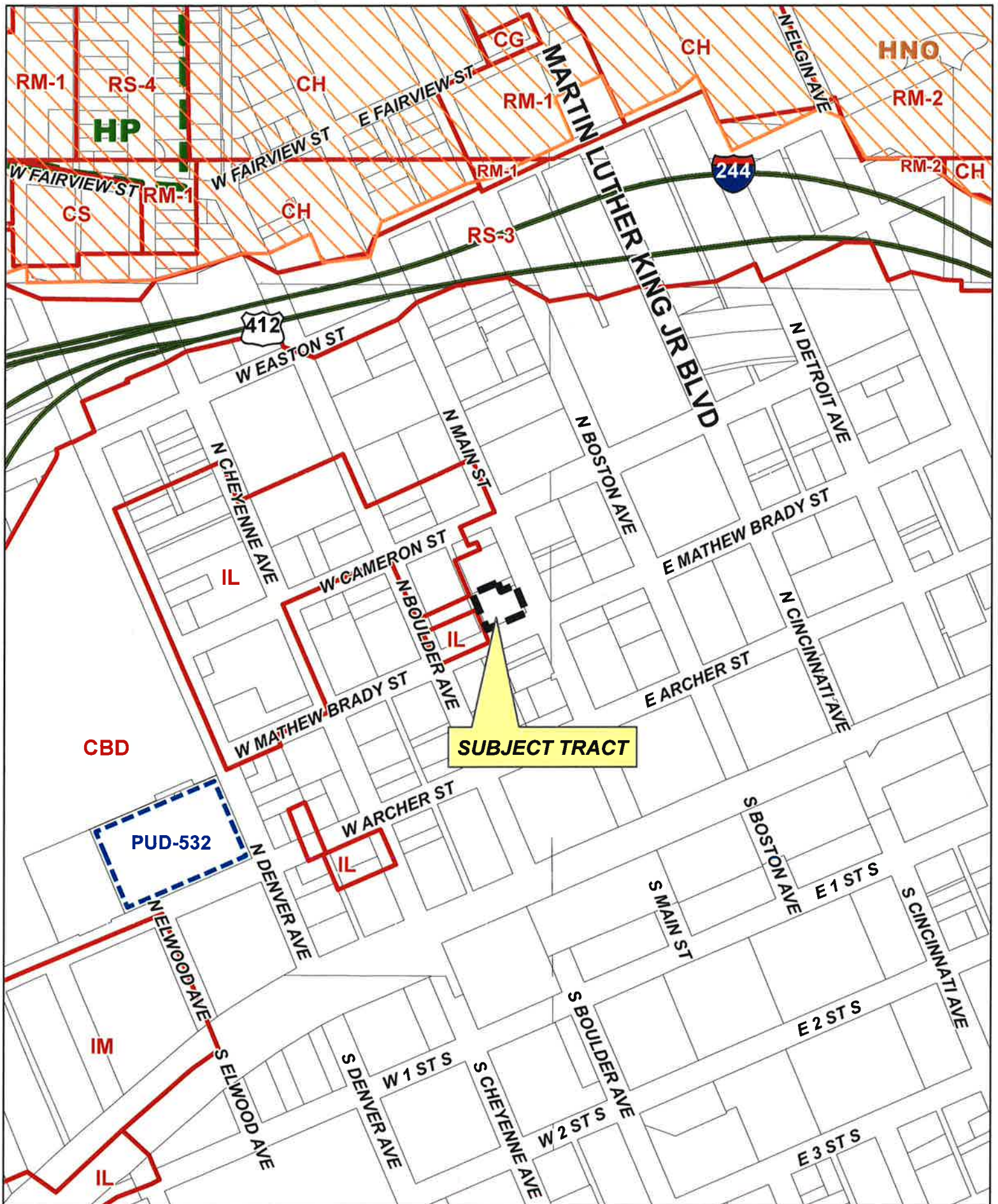
A hard copy of this letter is available upon request by the applicant.

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-22500

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9202

Case Number: **BOA-22500**

CZM: 36

CD: 4

A-P#:

HEARING DATE: 08/28/2018 1:00 PM

APPLICANT: Mike Thedford

ACTION REQUESTED: Special Exception to permit low-impact manufacturing and industry in the CBD district. (Section 15.020)

LOCATION: 9 W MATHEW BRADY ST N

ZONED: CBD

PRESENT USE: vacant

TRACT SIZE: 16700.06 SQ FT

LEGAL DESCRIPTION: S30 LT 2 & ALL LT 3 LESS E50 S30 LT 2 BLK 29, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:

Subject Property:

Z-7346: on 6.15.16, the TMAPC **approved** a *rezoning* request from IL to CBD (plat waiver approved concurrently).

Surrounding Property:

BOA-21833: on 1.27.15, the Board of Adjustment **accepted** a *Verification of spacing requirements* for an Adult Entertainment Establishment of 300 ft. from a church, school, or park and 50 ft. from an R district, on property located at 209 N. Boulder Ave.

BOA-20207; on 2.28.06, the Board of Adjustment **accepted** a *Verification of spacing requirements* for a bar/nightclub – public entrance doors located at least 50 feet from R district and use located a minimum 300 feet from public park, school or church, on property located at 222 N. Main St.

BOA-16443: on 9.14.93, the Board of Adjustment **approved** a *Special Exception* to permit a restaurant use in an IL zoned district; a *Variance* to permit required parking on a lot other than the lot containing the principal use, on property located at 14 W. Brady St. N.

BOA-6902; on 2.4.71, the Board of Adjustment **approved** a *Variance* to permit a dance hall; a self-service laundry; and a restaurant in an IL district, on property located at 218-224 N. Main St.

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

8.2

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.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted on the north, south, and east by Central Business District (CBD) commercial properties; to the west by a small warehouse and industrial building, zoned IL.

STAFF COMMENTS:

The applicant is proposing to expand the existing John Martin building to the west. The applicant is requesting a Special Exception as the proposed expansion of the Baird Manufacturing operation is a use that is not permitted by right in the CBD district because of potential adverse effects, but which if controlled as to its relationship to the surrounding neighborhood may be permitted. Low-Impact Manufacturing and industrial uses are uses that do not, as part of their normal operations, generate noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration. Please see the attachment provided by the applicant for a detailed description of the proposed site.

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 Low-Impact Manufacturing and Industry in the CBD 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.

cold food. Mr. Aberson spoke with City originally he received a Zoning Clearance Permit saying the zoning was fine but was held up during the building permit process.

Mr. Covey asked if it is an existing building with the same footprint.

Mr. Grimm stated yes, the doorway was shifted from the north side to the west side to face the parking lot.

Ms. VanValkenburgh stated the Optional Development Plan authorizes an additional 2500 square feet so if the owner wanted to build something additional, he could.

Mr. Grimm stated that there were no plans to build currently.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of DIX, TMAPC voted **9-0-0** (Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Reeds "absent") to **APPROVE** item 17 Z-7345 with Optional Development Plan and item 18 Plat Waiver per staff recommendations.

Legal Description of Z-7345:

Lot 6, Block 3, Oliver's Addition, City of Tulsa, Tulsa County, State of Oklahoma

Items 19 and 20 were taken together

19. Z-7346-Wallace Engineering/Jim Beach-(CD 4) Location: Northwest corner of North Main Street and East Brady Street requesting rezoning from **IL** to **CBD**.(related to Plat Waiver Z-7346)

SECTION I: Z-7346

DEVELOPMENT CONCEPT:

DETAILED STAFF RECOMMENDATION:

The requested CBD zoning is consistent with the Downtown Neighborhood vision of the Comprehensive Plan which includes the Downtown Master Plan and;

Uses as allowed by right in the CBD district are non injurious to the proximate properties and;

CBD zoning is consistent with the anticipated development of the surrounding properties therefore:

Staff recommends Approval of Z-7346 to rezone property from IL to CBD.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This site is within the inter dispersal loop in an area that historically has been considered the Central Business District. The existing structures appear to have been constructed as part of an industrial facility. This particular project will renovate that building into an affordable multifamily project. Central Business District zoning will prohibit future industrial uses except that light manufacturing uses may be used when allowed by the Board of Adjustment through the special exception process defined in the Zoning Code. This rezoning request complements the vision identified in the Downtown Tulsa Master Plan.

Land Use Vision:

Land Use designation:

The site is located in a Downtown Neighborhood. Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

Growth and Stability:

The site is located in 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. 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:

All streets surrounding this block are Commuter Streets. The vision for those streets and are included in the Downtown Master Plan and include a broad mix of public transit, pedestrian and vehicular uses.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The existing site is a light industrial site and surrounded by a wide mix of Central Business District uses including surface parking, mixed use buildings, restaurant and hotel properties.*

Site Analysis: The subject property is approximately 1± acre in size and is located north of the railroad tracks two blocks east of the Brady Theater. The property appears to be unoccupied and is zoned IL. A small area of IL zoning will remain on the remainder of the block when this project is rezoned. CBD zoning does not indirectly affect the remaining IL zoned property.

Surrounding Properties: The subject tract is abutted on the east and west by Central Business District (CBD) properties, on the north by small warehouse and industrial buildings, zoned IL; on the south by the railroad and further south a wide mix of property uses all zoned CBD;

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Main Street	Downtown Collector	80 feet	2 with angled parking both sides
East Brady Street	Downtown Collector	80 feet	2 with parallel parking on north and angled parking out south

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing	Existing Land Use	Area of Stability	Existing Use
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	Zoning	Designation	or Growth	
North	CBD	Downtown Neighborhood	Growth	Restaurant and surface parking lot
West	IL	Downtown Neighborhood	Growth	Surface parking lot
South	CBD	Downtown Neighborhood	Growth	Mixed Use Building
East	CBD	Downtown Neighborhood	Growth	Mixed use Building

SECTION III: Relevant Zoning History

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

Surrounding Property:

BOA-20207 February 28, 2006: The Board of Adjustment **accepted** a *Verification of spacing requirements* for a bar/nightclub – public entrance doors located at least 50 feet from R district and use located a minimum 300 feet from public park, school or church, on property located at 222 N. Main St.

BOA-6902 February 4, 1971: The Board of Adjustment **approved** a *Variance* to permit a dance hall; a self-service laundry; and a restaurant in an IL district, on property located at 218-224 N. Main St.

There have been many rezoning actions in the downtown area since 1980 that involved rezoning to CBD designation. The pattern of redevelopment, for all of those zoning requests, has been consistent with the Tulsa Comprehensive Plan.

20. Z-7346 – Plat Waiver, Location: Northwest corner of North Main Street and South Brady Street, (CD 4)(related to rezoning Z-7346)

The platting requirement is being triggered by a rezoning from IL to CBD.

Staff provides the following information from TAC for their June 2, 2016 meeting:

ZONING: TMAPC Staff: The property has been previously platted. The property is in IL zoning with pending CBD (commercial business district) zoning.

STREETS: No comment.

SEWER: No comment.

WATER: No comment.

STORMWATER: No comment.

FIRE: No comment.

UTILITIES: No comment.

OTHER/GENERAL: No comment.

Staff can recommend **APPROVAL** of the plat waiver for the platted property.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

	Yes	NO
1. Has Property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?	X	
3. Is property adequately described by surrounding platted properties or street right-of-way?	X	

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X

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- | | | |
|-----|---|---|
| | b) Does the property contain a F.E.M.A. (Federal) Floodplain? | X |
| 8. | Change of Access | |
| | a) Are revisions to existing access locations necessary? | X |
| 9. | Is the property in a P.U.D.? | X |
| | a) If yes, was plat recorded for the original P.U.D. | |
| 10. | Is this a Major Amendment to a P.U.D.? | X |
| | a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | X |
| 11. | Are mutual access easements needed to assure adequate access to the site? | X |
| 12. | Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? | X |

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 **Midget**, TMAPC voted **9-0-0** (Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Reeds "absent") to **APPROVE** item 19 Z-7346 for rezoning from IL to CDB and item 20 Plat Waiver per staff recommendations.

Legal Description of Z-7346:

S30 LT 2 & ALL LT 3 BLK 29, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

- 21. Z-7347-Nathan Cross**-(CD 6) Location: West of the Northwest corner of East 21st Street and South 145th East Avenue requesting rezoning from **CS** to **CG** with Optional Development Plan.

SECTION I: Z-7347

DEVELOPMENT CONCEPT:

Background

The Subject Property consists of six (6) parcels within the existing Eastland Plaza development located at is at 14207 E 21st St. The property was developed as traditional "strip center" type mall in 1987 to house retail space with "big box" stores as anchor tenants. Starting in the early 2000s, retail tenancy

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elevated so there is no access to the rear lot from the east; the only access is the alley. There is no practical way to access the rear.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a **Variance** to reduce the required off-street parking requirement to 0 in an CH District (Section 1214.D) to permit a commercial retail use. The Board has found that the age of this subdivision did not allow for an additional area for parking spaces and there is barely enough room to get two cars in the rear of the subject building. Many of the commercial structures in the area have similar parking problems and have come before the Board of Adjustment seeking relief the same which has been granted. 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:

W50 S5 LT 11 & W50 LTS 12 THRU 14 LESS S2.5 THEREOF FOR ST BLK 12, PARK DALE AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21833—John Gaberino

FILE COPY

Action Requested:

Verification of the spacing requirement for an Adult Entertainment Establishment (Bar) of 300 feet from a church, school, or park in the CBD District (Section 1212a.C.3.b). **LOCATION:** 209 North Boulder Avenue **(CD 4)**

Presentation:

John Gaberino, 1629 East 37th Street, Tulsa, OK; no presentation was made but the applicant was available for any questions.

Mr. Henke stated the Board is in receipt the applicant's survey which is Exhibits 10.9 and 10.10 in the Board's packet.

Interested Parties:

There were no interested parties present.

BOA-21833

FILE COPY

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing for the proposed adult entertainment establishment subject to the action of the Board being void should another conflicting use be established prior to the expansion of this adult entertainment establishment; for the following property:

N25 LT 5 S25 LT 6 BLK 29, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21834—Rex McCracken

Action Requested:

Variance to enlarge a non-conforming structure (Section 1405.A); Variance to reduce the required west side yard setback; Variance to reduce the required rear yard setback; Variance from the land area per dwelling unit requirement to allow an addition to the existing house (Section 403, Table 3). **LOCATION:** 4169 East 48th Place (CD 9)

Presentation:

Rex McCracken, 4606 West 90th Street, Tulsa, OK; stated he is the contractor for the owner. The way the street curves and the position of the house causes the problem. Initially he believed that area had five foot easements and now they are ten feet on the sides and 15 feet from the rear. The house is in a RS-2 zoned area.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a Variance to enlarge a non-conforming structure (Section 1405.A); Variance to reduce the required west side yard setback; Variance to reduce the required rear yard setback; Variance from the land area per dwelling unit requirement to allow an addition to the existing house (Section 403, Table 3), per Exhibit on page 11.11. The Board has found that the configuration of the lot, both on the street frontage and the side lot lines restrict the buildable area on the rear of the house, and that is which is going to be added per

Verification of the spacing requirement for a bar in the CBD (Use Unit 12a), on the following described property:

E50 LT 3 BLK 86, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20207

Action Requested:

Verification of spacing requirements for a bar/nightclub - public entrance doors located at least 50 feet from R district and use located a minimum 300 feet from public park, school, or church Section 1212a.C.3 & 5 1601 & 1603, located: 222 North Main Street.

Presentation:

Steve Schuller, 1100 ONEOK Plaza, 100 West 5th Street, stated he has verified there are no churches, parks or schools within the 300' radius. His map of the 300' radius was in the agenda packet.

Interested Parties:

There were no interested parties who wished to speak.

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 spacing requirements for a bar/nightclub - public entrance doors located at least 50 feet from R district and use located a minimum 300 feet from public park, school, or church Section 1212a.C.3 & 5 1601 & 1603, as submitted this day, on the following described property:

S50 LT 1, N70 LT 2 BLK 29, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20208

Action Requested:

Special Exception to allow Use Unit 17 - to permit sales of used cars in a CS zoned district and a Variance of the 300 foot distance from an R district to display merchandise on the property, located: 523 South Sheridan Road East.

Presentation:

Richard Howard, 2431 East 61st Street, Suite 306, proposed a used car lot on the subject property. He responded to questions in the staff report. There is a curb cut for access to the property on the southwest corner of the lot and one on the north side.

Action Requested:

Special Exception to permit restaurant use in an IL zoned district, and a variance to permit required parking on a lot other than the lot containing the principal use - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 12, located 14 West Brady.

Presentation:

The applicant, **W. Douglas Jones**, 4400 One Williams Center, stated the property in question is in the heart of the Brady Village area which has been designated on current City plans as the arts and entertainment district for the downtown area of Tulsa. He added they have another restaurant in mind for the area and that is what this application is all about. He stated the Board has before them several letters (Exhibit T-1) from our friends and neighbors in the area including Tulsa Development Authority (TDA) and Downtown Tulsa Unlimited (DTU). He stated he has another letter of support from Roger Randle at the University Center of Tulsa. All of the property involved in their petition is included in the single lease with the respective restaurant companies so that the variance on the parking does coincide with the restaurant lease.

Comments and Questions:

Mr. Jackere asked if the owners would object to tying the lots together so that one could not be encumbered, sold or leased separately, and Mr. Jones stated that was part of the lease negotiations, they are a unit.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; Chappelle, T. White, "absent") to **APPROVE** a **Special Exception** to permit restaurant use in an IL zoned district, and a **variance** to permit required parking on a lot other than the lot containing the principal use - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 12; per plan submitted; subject to the execution of a tie contract; finding the restaurant use to be consistent with the area; on the following described property:

Lots 1, 6 and 7, Block 40, Original Town of Tulsa, Tulsa County, Oklahoma.

6901

Action Requested: Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts) to permit erecting a church in an AG district, on a tract located at the 5600 Block West of 30th Street.

Presentation: Mr. O. E. Bryant, representing South Tulsa United Pentecostal Church presented a sketch of the proposed building and stated that they plan to seat approximately 300. He stated that they have entrance to the tract and have started proceedings through the County Commissioners office to obtain additional dedicated properties for the purpose of opening 57th West Avenue.

Protests: None.

Remarks: Mr. Johnsen pointed out that the lot does not meet the minimum lot width requirements.

Board Action: On MOTION of REEDS, the Board of Adjustment (3-0) granted an exception (Section 310 - Principal Uses Permitted in the Agriculture Districts and a variance of Section 330 - Bulk and Area Requirements in AG District) waiving the 200' minimum lot width requirements, to permit erecting a church in an AG district, on the following described tract:

The East 250' of the West 280' of the North 500' of the South 925' of the W/2 of the SE/4, of Section 17, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

6902

Action Requested: Appeal (Section 1450 - Appeals from the Building Inspector) for refusing to permit a dance hall; a self-service laundry; and a restaurant in an IL district, on a tract located at 218-224 North Main Street.

Presentation: Russell Hickock, applicant, stated that this property is approximately one block South of Cain's Ballroom and in the area within two blocks there are five hotels, a restaurant, etc., all retail sales or commercial uses. Prior to July 1, 1970 the property could have been used commercially and last summer I obtained a permit to remodel the building, and now find it cannot be used.

Protests: Gordon Cecil, representing Vincent Supply Company, stated that they object to the application for the reason that this is a light industrial area and there are critical parking problems. There is a great risk

2.4.71:76(14)

6902 (continued)

in that customers will avail themselves of parking on our lot that is used to store equipment. There is no parking on the street except on Main Street. We have a transit area for the loading and unloading of trucks and therefore our parking area is not fenced. We have shipments coming in 24 hours a day.

Remarks: The Chair pointed out that the tract could have been used commercially prior to July 1, 1970.

Board Action: On MOTION of REEDS, the Board of Adjustment (3-0) upheld the decision of the Building Inspector and granted a variance of Section 710 - Principal Uses Permitted in Industrial Districts, to permit a dance hall; a self-service laundry; and a restaurant in an IL district, on the following described tract:

The North 25' of the East 90' of Lot 1; and the South 50' of Lot 1; and the North 70' of Lot 2, ALL in Block 29, Original Townsite of Tulsa, Oklahoma.

6903

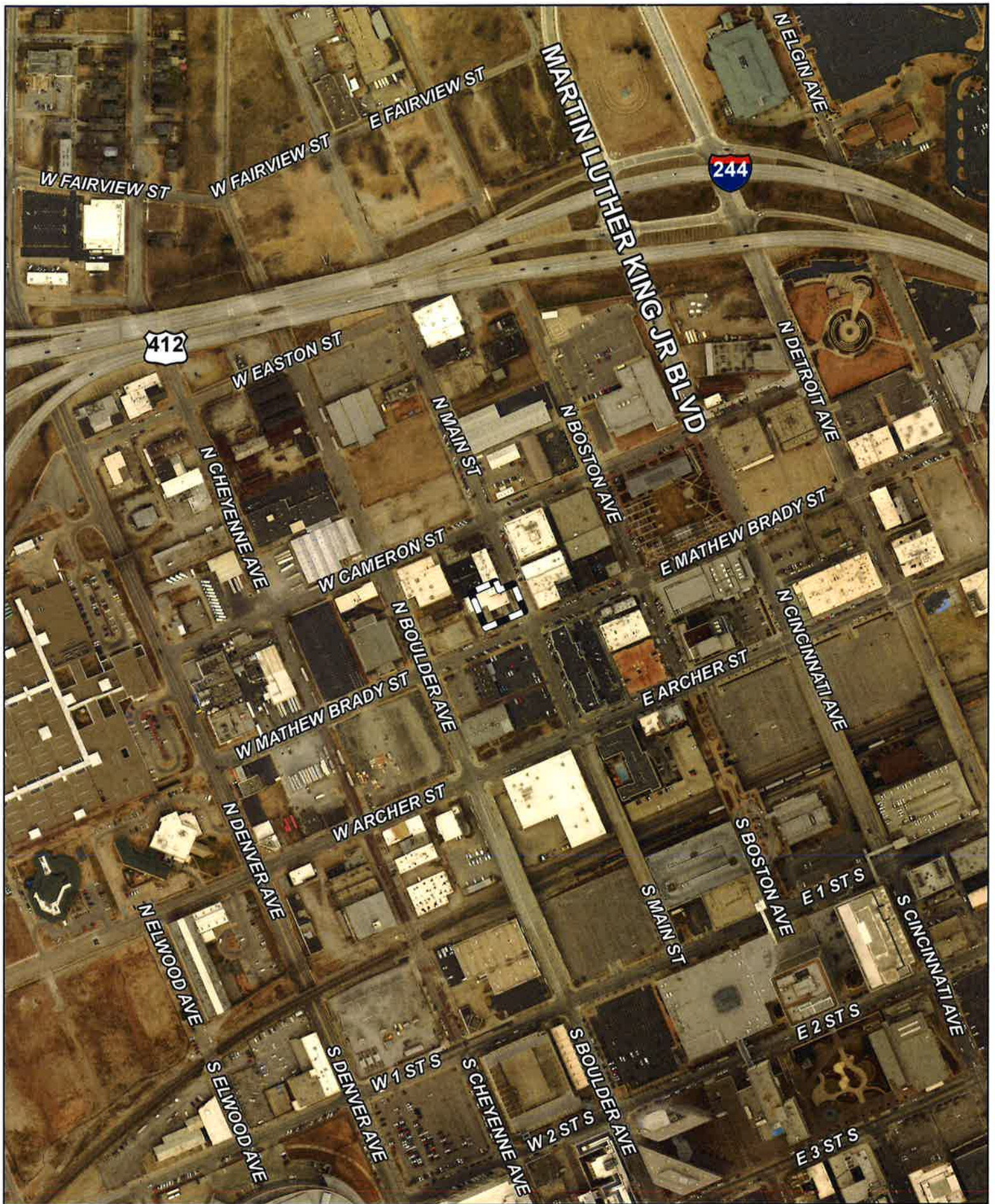
Action Requested: Appeal (Section 1450 - Appeals from the Building Inspector) for refusing to permit a grocery store and service station to operate in an RS-1 district, on a tract located at 12905 East 131st Street.

Presentation: Mr. Gardner stated that there is a zoning application pending before the Planning Commission, but the Commission recommended that the applicant apply to the Board for relief.

C. A. Rhoads, applicant, stated that this property was annexed to Broken Arrow in 1968, and the facility was constructed at that time. Then it was de-annexed by Broken Arrow on March 18, 1968. He presented a petition signed by 58 people in the area requesting that the use be granted.

Protests: None.

Remarks: Mr. Johnsen stated that if the use was lawful when it was under Broken Arrow's jurisdiction and before it was de-annexed then they have a nonconforming use.



0 Feet 200 400



Subject Tract

BOA-22500

19-12 02

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

Aerial Photo Date: February 2018



8.16



0 50 100
Feet



Subject
Tract

BOA-22500

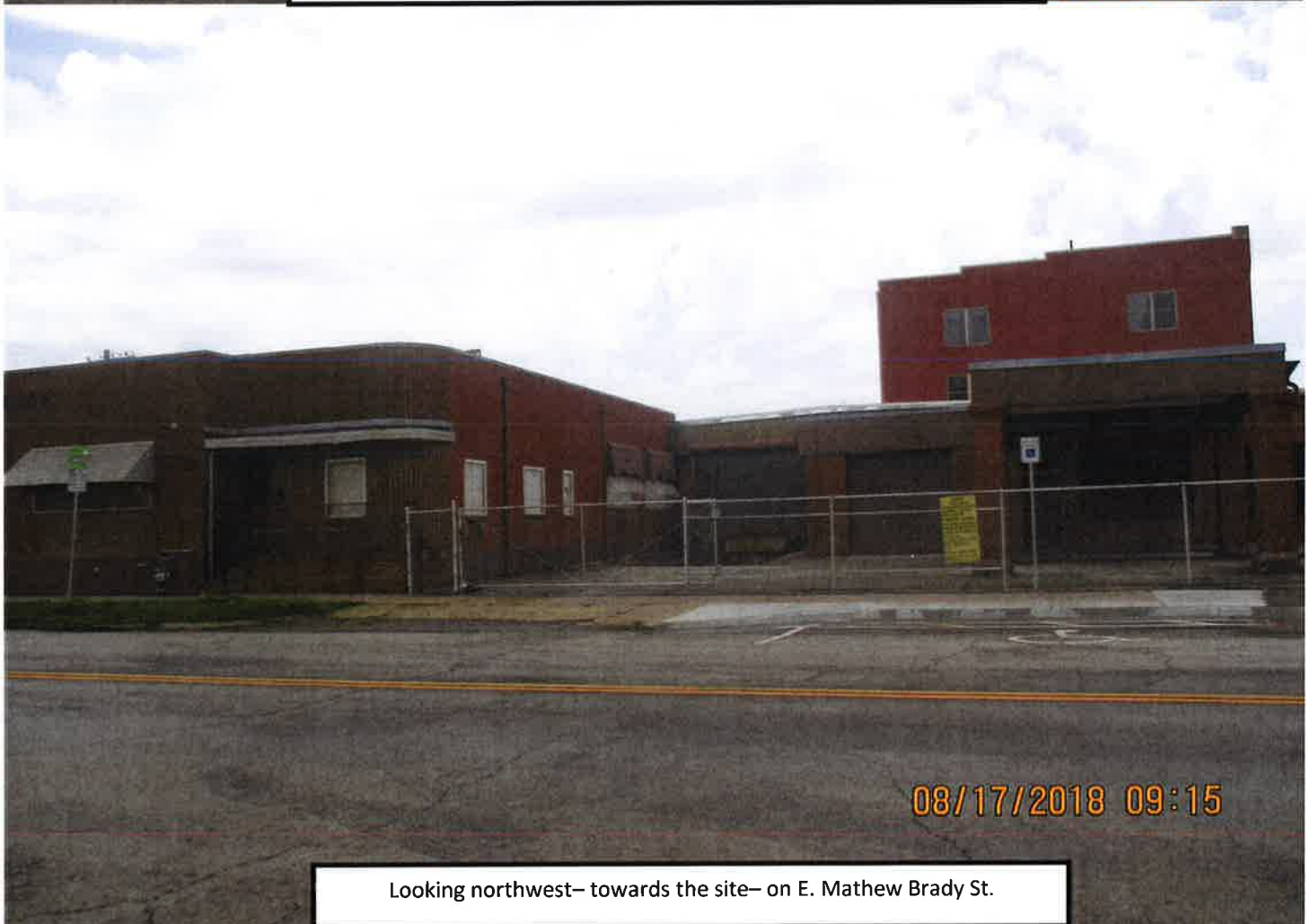
19-12 02

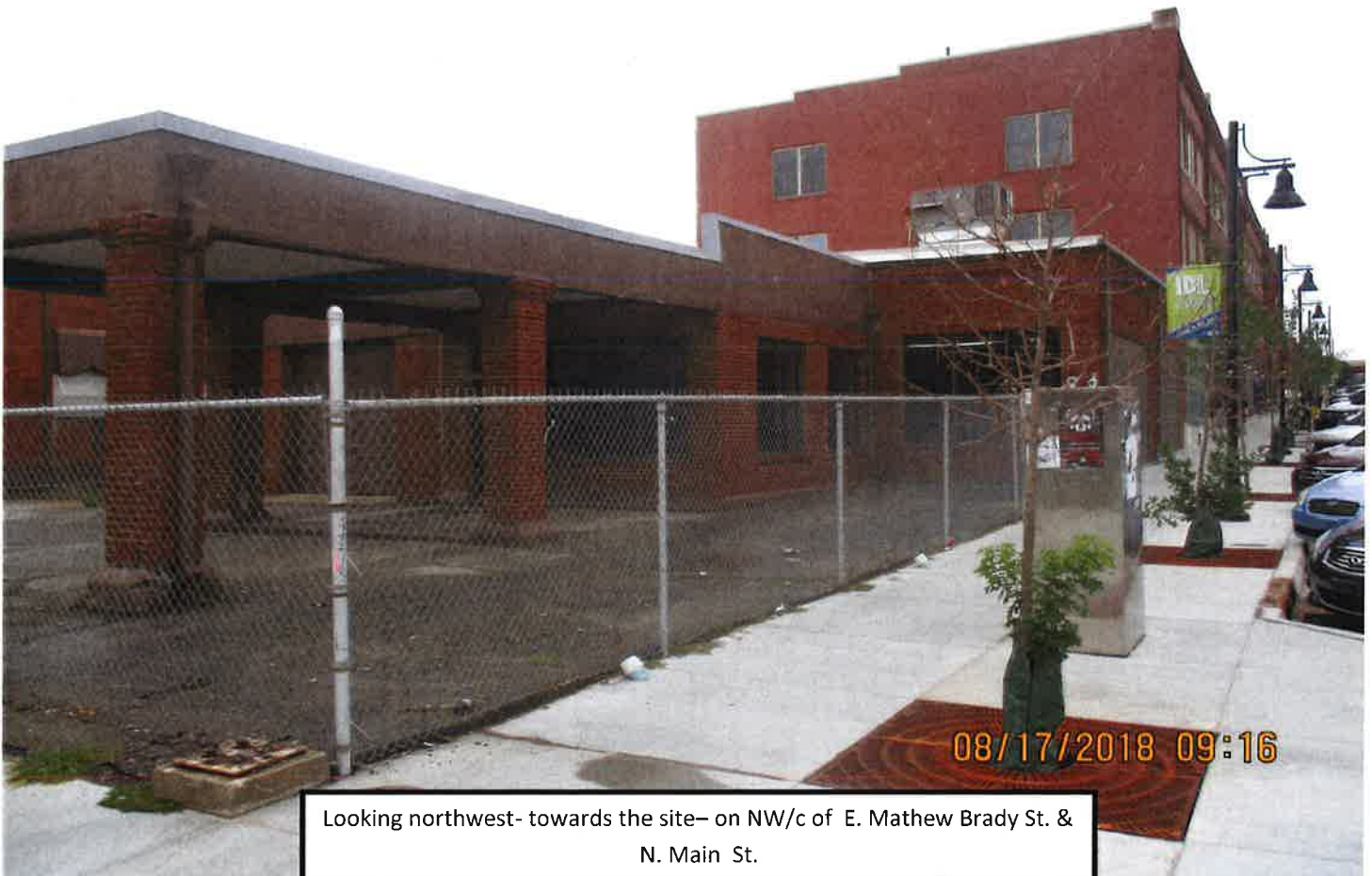
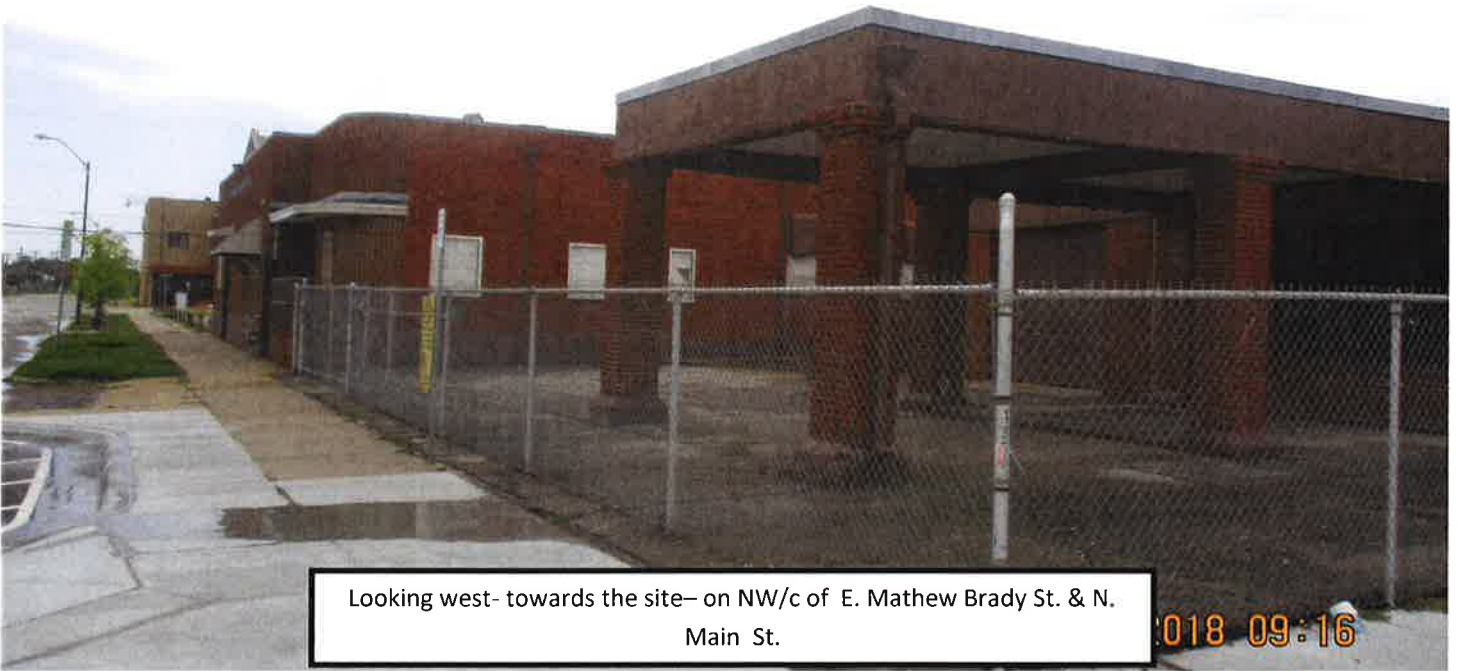
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018

8.17





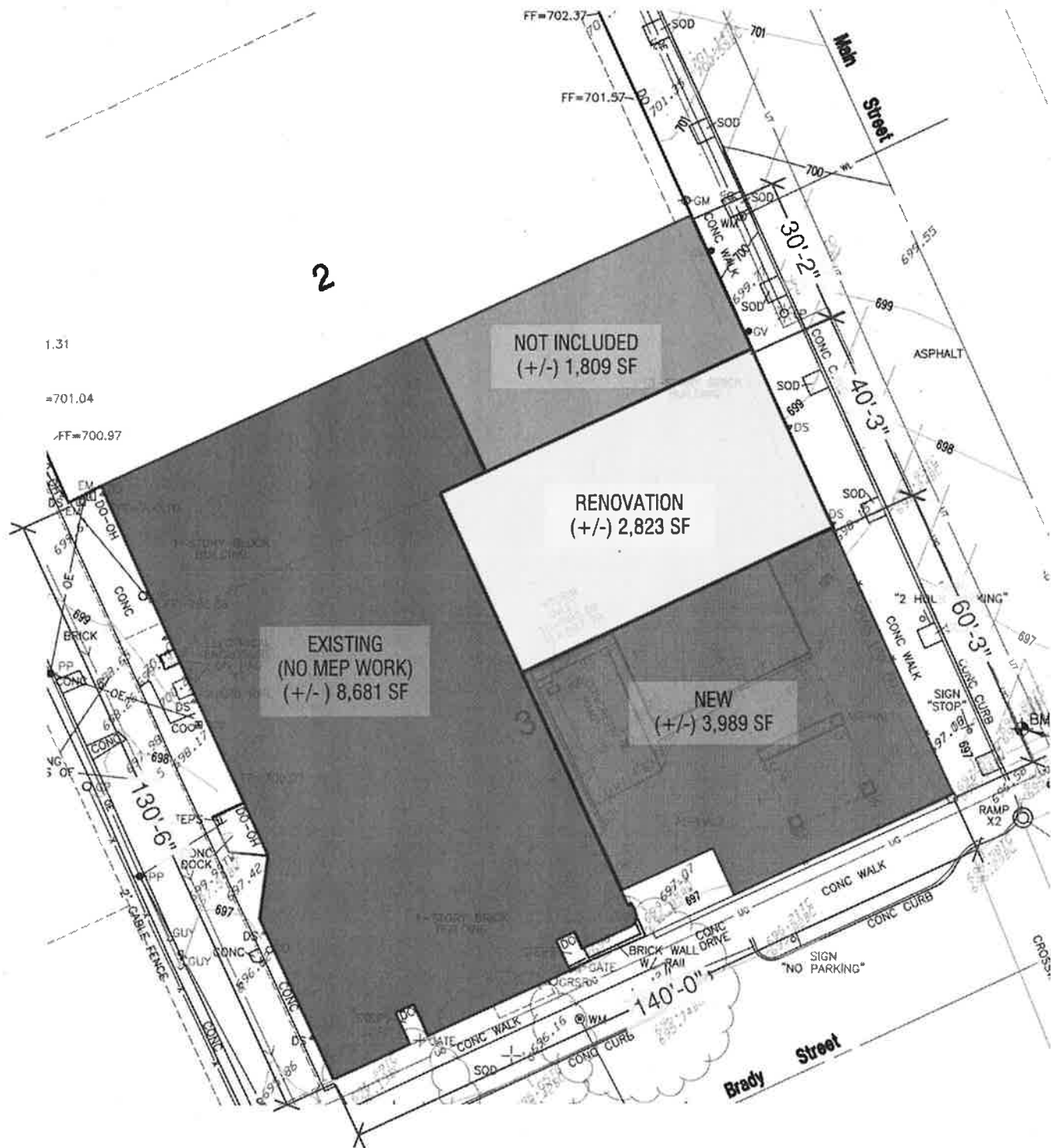


DETAILED DESCRIPTION:

Approximately 4,000 s.f. expansion of existing facility for 4-6 additional CNC (Computer Numeric Control) machines. Continued use for low-impact manufacturing of small scale oil and gas valves, regulators and other metal parts. Low-decibel, clean and completely closed off from public sight, smell or sound. This facility has been in operation for over 90 years.

The proposed use is for Low-Impact Manufacturing in a CBD. This application is preceding a planned expansion of the existing Baird Manufacturing operation in what is known as the John Martin building. This expansion will increase the square footage of the floor from approximately 11,500 to 15,500. The additional 4,000 will allow for the addition of 6-8 more CNC (Computer Numerical Control) machines used to manufacture small scale oil and gas regulators, valves and other small parts. Literature for the product line has been uploaded. This facility has been in operation for over 90 years. This operation will not change from its present use which is low decibel level machinery completely closed from public view and no impact on sight, smell or sound. The operation of this low-impact manufacturing facility has not/will not be conspicuous to the public.

Special Exception for Low-Impact Manufacturing in a CBD zoning district. Plans for the building expansion will be submitted at a later date.



	NEW	RENOVATION
HVAC	$\$15 \times 3,989 \text{ SF} = \$59,835$	$\$5 \times 2,823 \text{ SF} = \$14,115$
PLUMBING	$3,989 \text{ SF} / 2,000 = 2 \text{ DRAINS}$ $2 \text{ DRAINS} \times \$4,500 = \$9,000$	
TOTAL:	\$ 82,950	

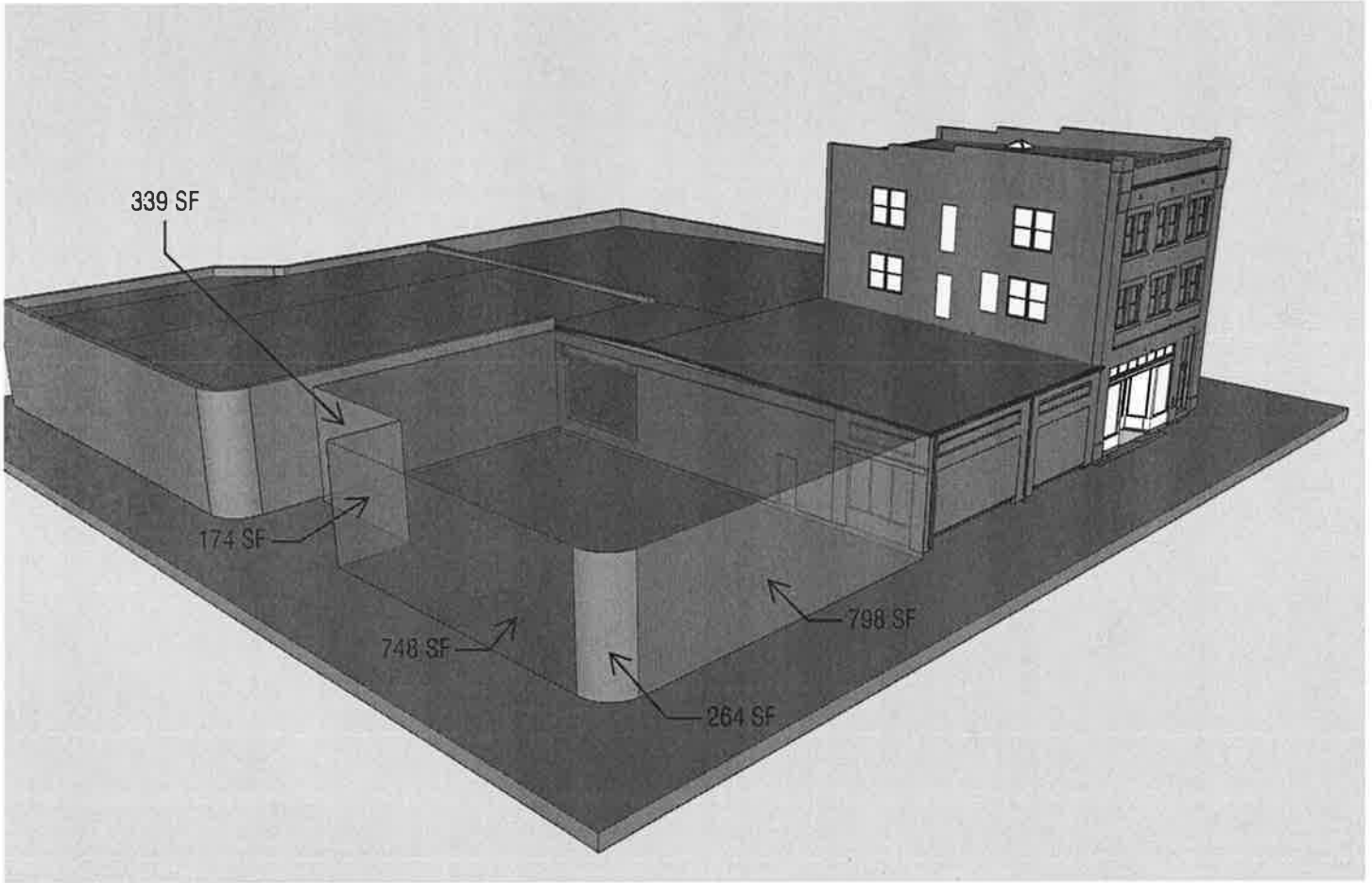
9 West Mathew Brady Street North, Tulsa, OK 74103

2018.05.21

John Martin Manufacturing_Areas and Mechanical Costs

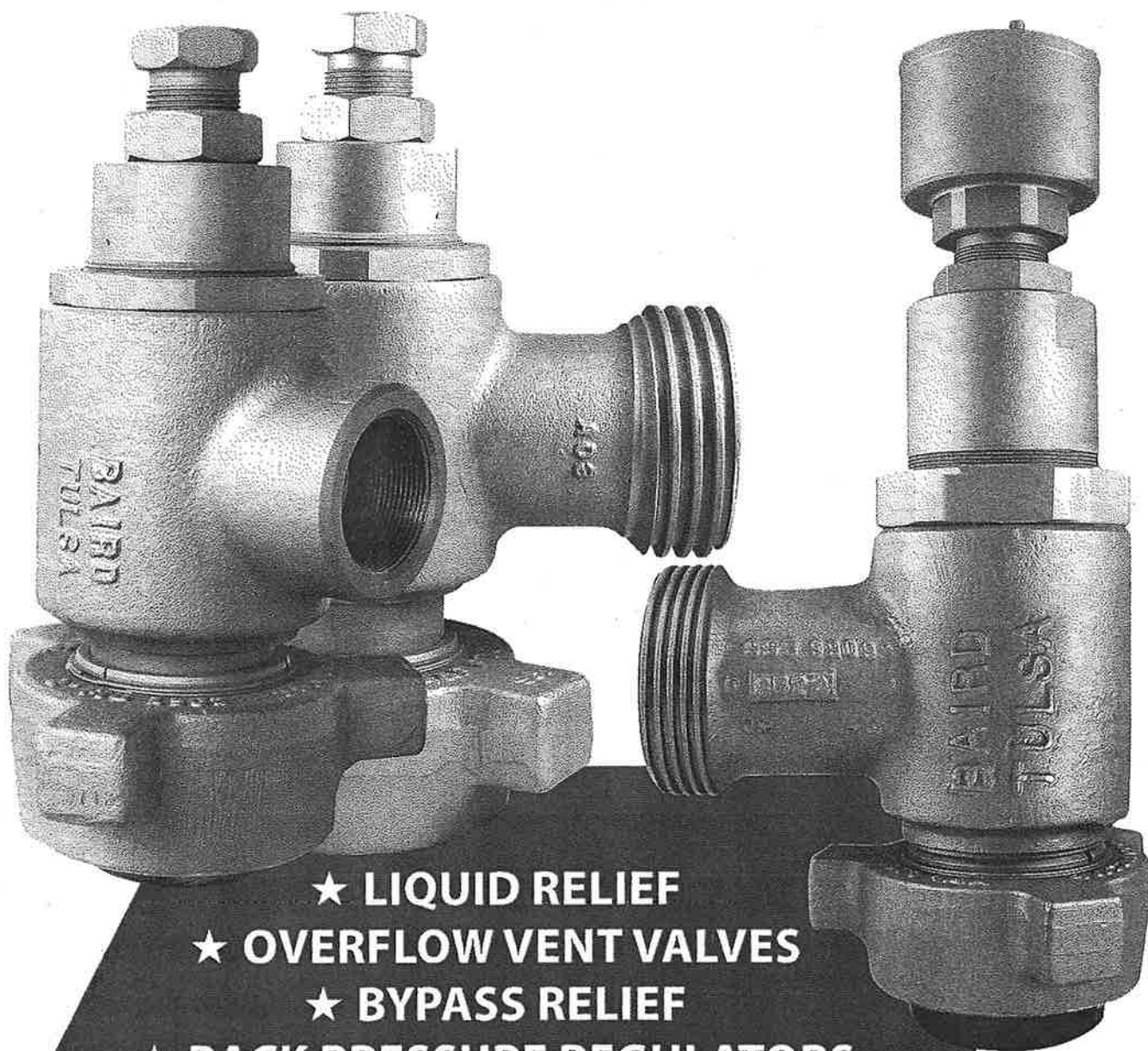
LILLY ARCHITECTS

8.21



EXTERIOR WALL AREA OF ADDITION: 2,323 SF

Baird®

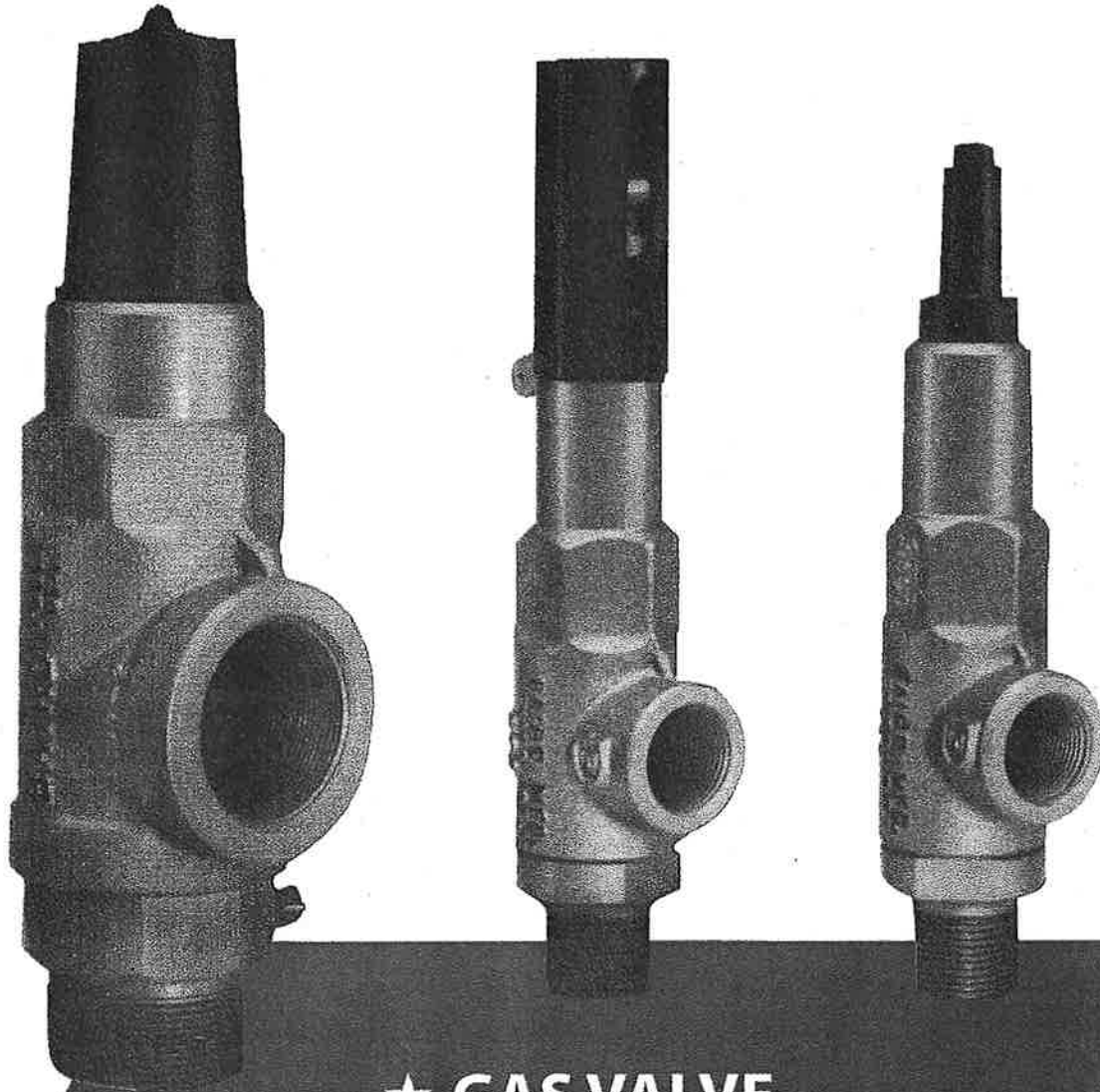


- ★ LIQUID RELIEF
 - ★ OVERFLOW VENT VALVES
 - ★ BYPASS RELIEF
 - ★ BACK PRESSURE REGULATORS
 - ★ HYDRAULIC FRACTURING VALVES
- CATALOG**

BAIRD VALVE AND REGULATOR, LLC

8.23

Baird®



★ GAS VALVE
★ LPG RELIEF VALVE
CATALOG

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8.24

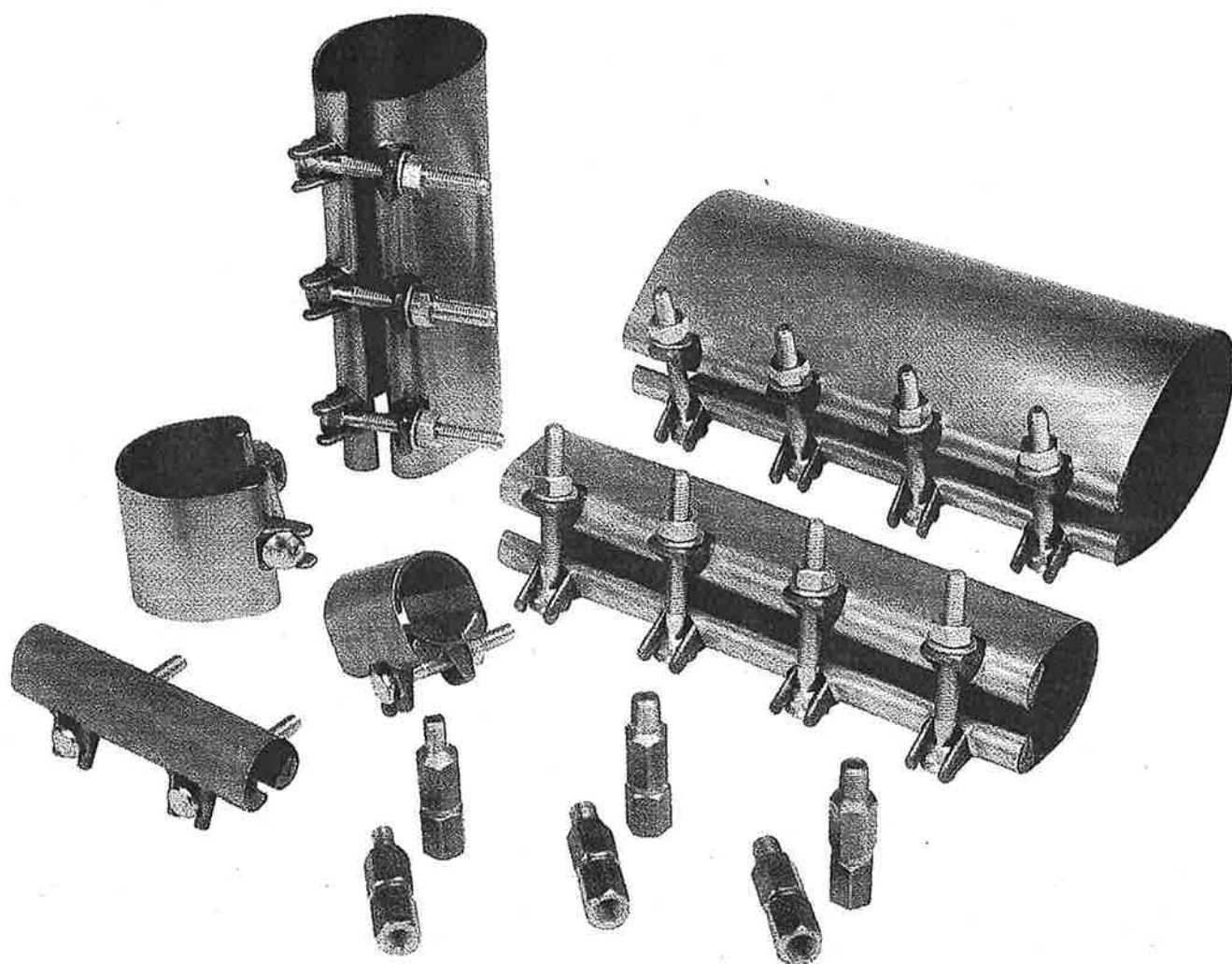


Scientific Services

Baird[®]

EFFECTIVE 08-15-2014

CATALOG 14-0815



BAIRD VALVE AND REGULATOR, LLC

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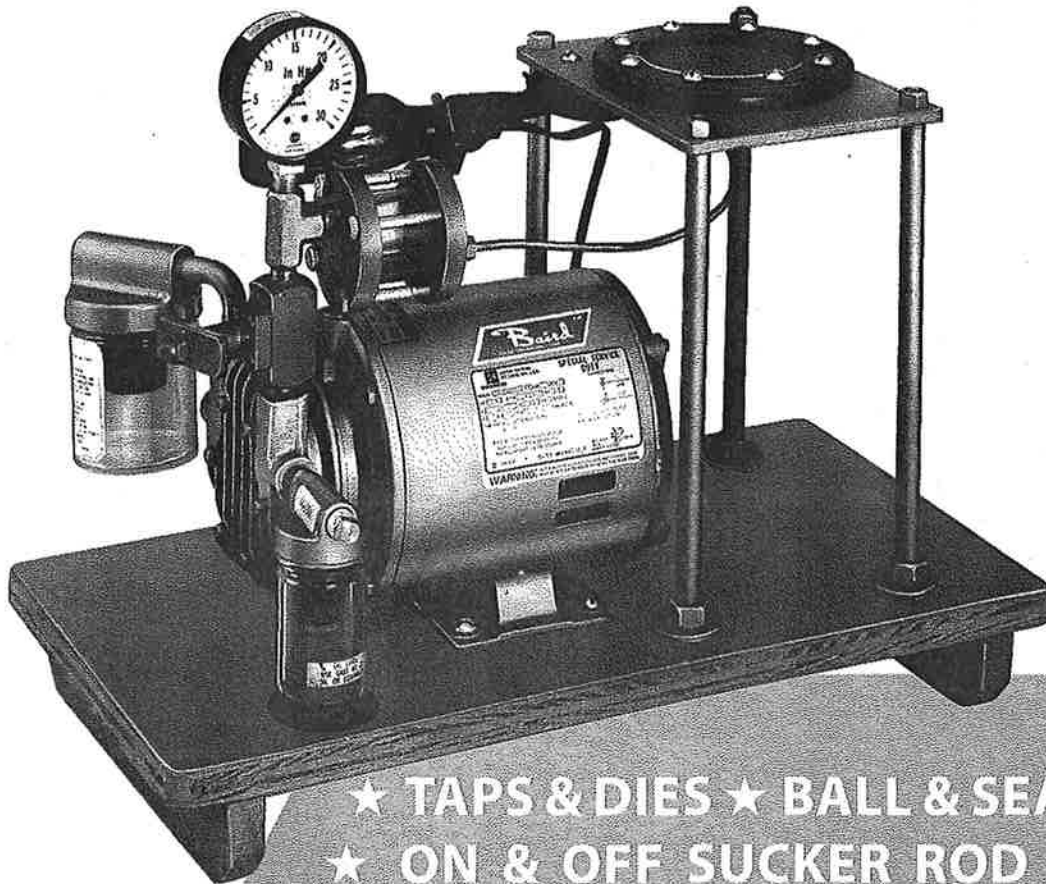
★ BALL AND SEATS
★ SNUBBER CAGES
CATALOG

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8.26

Baird®



★ TAPS & DIES ★ BALL & SEAT TESTERS
★ ON & OFF SUCKER ROD COUPLER
★ PIPE GRIPPER ★ POSITIVE LIFT
TRAVELING VALVE ★ OFF COUPLERS
★ DROP VALVES ★ POLISH ROD
LUBRICATOR ★ SAFETY WHEEL
WRENCH ★ ROD SPLICER ★ HUB
PULLER ★ TAPERED FISHING TAP ★
CATALOG

BAIRD VALVE AND REGULATOR, LLC

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8.27

Ulmer, Amy

From: Charlie Cantrell <charlie@cmgadv.com>
Sent: Sunday, August 19, 2018 2:29 PM
To: Ulmer, Amy
Subject: Main & Brady Zoning issue

Dear Ms Ulmer,

It has come to my attention through zoning notification that the property at Main and Brady is under consideration for a zoning variance compatible for manufacturing? Really!? Please don't. As a lifelong Tulsan I have watch with great pride and joy at the revitalization of the downtown area, especially the Arts District. I can't imagine why anyone would want to change the zoning to manufacturing in what has become an entertainment mecca for Northeastern Oklahoma. But I'm pretty sure mixing in manufacturing into an area dominated by world-class entertainment venues, art galleries, fine dining, and the Guthrie Green is simply ludicrous. Please don't let this happen. There are other places for manufacturing. Not the Art District. (The only exception would be if Gibson or Fender Guitars, etc. wants to set up shop in the District. That would work.)

Charlie Cantrell

Ulmer, Amy

From: Kelly Barrow <ytheart@yahoo.com>
Sent: Sunday, August 19, 2018 5:41 AM
To: Ulmer, Amy
Subject: THE LAST INTACT HISTORIC BLOCK OF MAIN. c. 1925

Something listed in the National Register of Historic Places should NOT be under consideration for demolition. Please inform the BOA that they would be making a grave error to make an exception in this area.

Kelly Barrow

Semper Pesco - Always Fish

Semper Venor - Always Hunt

918-906-4131

ytheart = White Heart

"A successful marriage requires falling in love many times,
always with the same person."

Ulmer, Amy

From: Terry Kellam <tkellam@me.com>
Sent: Monday, August 20, 2018 11:00 AM
To: Ulmer, Amy
Subject: Deny Special Exception for 1925 gas station on Main & MB Brady

Good morning Amy,

I would like to express my deepest concern to the Board of Adjustment prior to the August 28th public hearing. **Please share my email with all board members.**

I am opposed to destroying the historic gas station on the corner of Main and MB Brady. Please do not allow the special exception which would allow for it's destruction. What a lost opportunity it would be to tear down this historic building. This once thriving gas station and corner has much more potential and usefulness as a pedestrian-friendly restaurant, patio, small boutique store, or even a bistro than it would as a faceless warehouse. This district has been thriving and this would only stand as a lost opportunity to continue the progress we've made to attract people and community to our downtown.

Let's embrace our beautiful historic buildings and showcase them with new life, instead of tearing them down.

What the applicant is requesting is in direct contradiction with the adopted small area plan, it is not necessary nor is it their only option - they certainly don't need to do this in this location, removing a contributing historic building on the very last intact Historic block of Main Street to expand an industrial operation on the one block that was never industrial and was always the heart of the District is irreparably harmful to the Historic fabric of all of Tulsa. There's no reason to grant a special exception. That is not the highest and best use of the property by far.

Thank you,
Terry Kellam

Ulmer, Amy

From: Kimberly Bowen <kimberlydbowen@gmail.com>
Sent: Monday, August 20, 2018 10:13 AM
To: Ulmer, Amy
Subject: Deny Special Exception for 1925 gas station on Main and MB Brady

Good morning Amy,

I would like to express my deep concern to the Board of Adjustment prior to the August 28th public hearing. Please share my email with the board members.

I am opposed to destroying the historic gas station on the corner of Main and MB Brady. Please do not allow the special exception which would allow for it's destruction. There is so much opportunity to utilize these beautiful pieces of our history. New construction for manufacturing can be built in non-historic places. Can't you see the existing potential for a corner diner with patio space? Look at how Kansas City is preserving it's historic buildings and their downtown is flourishing.

Sincerely,
Kimberly Bowen

Ulmer, Amy

From: Paul Moses <paul-moses@utulsa.edu>
Sent: Monday, August 20, 2018 5:53 PM
To: Ulmer, Amy; BOA
Subject: Public comment - BOA 22500 (9 W Mathew Brady St N)

Hi,

I feel strongly that the BOA should not allow an exception for the zoning change on 9 W Mathew Brady St N.

What the applicant is requesting is in direct contradiction with the adopted small area plan, it is not necessary nor is it their only option - they certainly don't need to do this in this location, removing a contributing historic building on the very last intact Historic block of Main Street to expand an industrial operation on the one block.

The existing structure has historical significance, and removing it would greatly hurt the potential of the Arts District. Please do not allow this structure to be torn down.

Paul Moses
817-739-0541

Ulmer, Amy

From: Anne Pollard James <apollard@pollardrealtors.com>
Sent: Tuesday, August 21, 2018 3:30 PM
To: Ulmer, Amy
Subject: Please NO on BOA-2250

Hi Amy,

Thank you for all your good works!

As a former Preservation Commissioner and historic home protector and champion of all things downtown, please ask the board to vote NO on this special exception...

I so appreciate that there is a company that has been such a part of this neighborhood, but this expansion onto THIS space is absurd and sad in equal measure.

This is all that we have....this space downtown is it. We cannot make more. Tulsa has made such amazing efforts to bring people and life and community downtown and walling off one of the most pedestrian traveled corners to expand a building that will cut off all contact with the people coming here should not happen.

Thank you for your time.

<http://www.cityoftulsa-boa.org/boacases/BOA-22500.pdf>

--
Anne Pollard James

Pollard & Associates Realtors
203 North Main Street
Suite 215
Tulsa, OK 74103
918.289.4043

Ulmer, Amy

From: Kevin Symcox <kevin.symcox@gmail.com>
Sent: Tuesday, August 21, 2018 11:11 PM
To: Ulmer, Amy
Subject: 9 W Mathew Brady / BOA 22500

Amy,

I'm writing to ask that you forward my letter to the members of the Board of Adjustments regarding BOA 22500, or the special exception for the former gas station at the intersection of Main and Brady in the Arts District.

Tulsa has lost most of the small buildings that made downtown an interesting, beautiful, and vibrant place to be. They saw the wrecking ball to make parking lots, or to save money on property tax, or because their owner didn't have the vision to save them. Today, we deeply regret that era and mourn their loss.

The districts at the center of downtown's current revitalization - largely the Arts and Blue Dome districts - became so because the small buildings still existed. The areas were so forgotten for so long that it was never worth anyone's time to tear the buildings down, so the buildings were still standing when artists and investors came back. Compare that to the southern and western ends of downtown, where widescale demolition have left a barren landscape reminiscent of Detroit.

After enormous public and private development in the area, the intersection of Main and Brady is arguably the premier street corner in the whole metropolitan area. This is where residents take out of town guests. It's where young kids at TU and TCC go out, have fun, and decide to stay in Tulsa after they graduate. It is our only truly walkable, historic street that survived urban renewal. It is one of the only places where you can routinely see Tulsans sitting outside people watching, like a tiny piece of Europe.

CBD zoning is expansive and encompasses many uses. Whatever is envisioned for that building should be accommodated by CBD zoning. The citizens of Tulsa have expressed through our zoning code, our small area plan, and our city comprehensive plan the kind of development and community we want to build downtown. Industrial uses, especially at that location, are not compatible with that vision. It is contrary to all the monetary and emotional investment put in by surrounding property owners and the citizens over the last decade as we have fought to rebuild downtown. This is multiplied by x100 if the existing historic structure is demolished for a new industrial building, understanding that downtown Tulsa has no design standards and the owners are free to build as ugly and utilitarian an industrial structure as they please. There is nothing in our code preventing it from being a windowless, metal shell building.

Tulsa has lost so much of its architectural heritage. Let's not lose any more. Downtown is full of vacant space for this business to expand - just not here, on a site where our city has invested so much, and that could become so much if we let it.

I strongly encourage you to stick with CBD zoning and reject the special exception. The voters put it there for a reason.

Best regards,
Kevin