

**AMENDED AGENDA  
CITY OF TULSA BOARD OF ADJUSTMENT  
Regularly Scheduled Meeting  
Tulsa City Council Chambers  
175 East 2<sup>nd</sup> Street, 2<sup>nd</sup> Level, One Technology Center  
Tuesday, October 9, 2018, 1:00 P.M.**

**Meeting No. 1215**

**CONSIDER, DISCUSS AND/OR TAKE ACTION ON:**

1. Approval of **Minutes** of September 11, 2018 (Meeting No. 1213).
2. Approval of **Minutes** of September 25, 2018 (Meeting No. 1214).

**UNFINISHED BUSINESS**

3. **22484—Deborah Richards**  
Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Section 90.090-A); Special Exception to allow signs in the planned street right-of-way/right-of-way (Section 60.020-E). **LOCATION:** 1007 South Peoria Avenue East **(CD 4)**

**The applicant has withdrawn the application.**

4. **22505—Mark Capron**  
Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Section 90.090-A); Variance of the removal agreement requirement with the City of Tulsa for structures in the planned street right-of-way (Section 90.090-A). **LOCATION:** 1202 & 1206 East 3<sup>rd</sup> Street South **(CD 4)**
5. **22481—Mark Capron** **(Reconsideration from 08/28/2018)**  
Special Exception to permit a school use in an RS-3 District (Section 5.020-C). **LOCATION:** 3121 East Queen Street North **(CD 3)**

**NEW APPLICATIONS**

6. **22514—Nathan Cross**  
Special Exception to permit a school use in the AG District (Section 25.020). **LOCATION:** East of the NE/c of West Edison Street North & North 57<sup>th</sup> Avenue West **(CD 1)**

7. **22515—Linda Rollins**  
Special Exception to permit a carport in the street side setback and street yard (Section 90.090-C.1). **LOCATION:** 903 South Urbana Avenue East **(CD 4)**
8. **22516—Heritz Blendowski**  
Special Exception to allow a manufactured housing unit on an RM-2 zoned lot; Special Exception to extend the time limit to allow a manufactured home on the site for more than one year (Sections 5.020 & 40.210-A). **LOCATION:** 1227 South 51<sup>st</sup> Avenue West **(CD 1)**
9. **22517—Judy Ann Walrath**  
Special Exception to exceed the allowable driveway width in the street right-of-way and in the street setback (Section 55.090-F3). **LOCATION:** 5927 East 79<sup>th</sup> Street South **(CD 8)**
10. **22518—Alya Thierry**  
Verification of the 300-foot spacing requirement for a liquor store from other liquor stores, bail bonds offices, plasma centers, day labor hiring centers, or pawnshops (Section 40.300-A). **LOCATION:** 1532 East Apache Street North **(CD 1)**
11. **22519—Hall Estill – Kenyon Williams**  
Appeal of an Administrative Decision request of assignment of address. **LOCATION:** West of the SW/c of East 96<sup>th</sup> Street South & South Garnett Road East **(CD 7)**

**The applicant has withdrawn the application.**

12. **22520—Eddie James**  
Appeal the Determination of an Administrative Official to deny a Historic Preservation Permit (Section 70.070); Modification of a previously approved Special Exception (BOA-21460). **LOCATION:** 1591 East Swan Drive South **(CD 4)**

**Staff requests a continuance to October 23, 2018 to seek additional relief.**

13. **22521—Lanette Genike**  
Special Exception to allow a fence to exceed 4 feet in height within the required street setbacks (Section 45.080). **LOCATION:** 1213 South Oswego Avenue East **(CD 4)**
14. **22522—Azazul Fikar**  
Special Exception to allow a duplex use in a CS District (Section 15.020, Table 15-2); Variance to reduce the required amount of parking for a duplex (Section

55.020, Table 55-1). **LOCATION:** 5912 West Charles Page Boulevard South (CD 1)

15. **22525—Wallace Engineering**

**Special Exception** to allow a Public, Civic & Institutional/ Religious Assembly Use in an RS-3 zoned district (Table 5-2). **LOCATION:** 14611 & 14615 East 21st Street South (CD 6)

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

**Website:** [www.cityoftulsa-boa.org](http://www.cityoftulsa-boa.org)

**E-mail:** [esubmit@incog.org](mailto:esubmit@incog.org)

CD = Council District

**NOTE:** If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918)584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Land Development Services, INCOG. **ALL** electronic devices **MUST** be **silenced** during the Board of Adjustment meeting.

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

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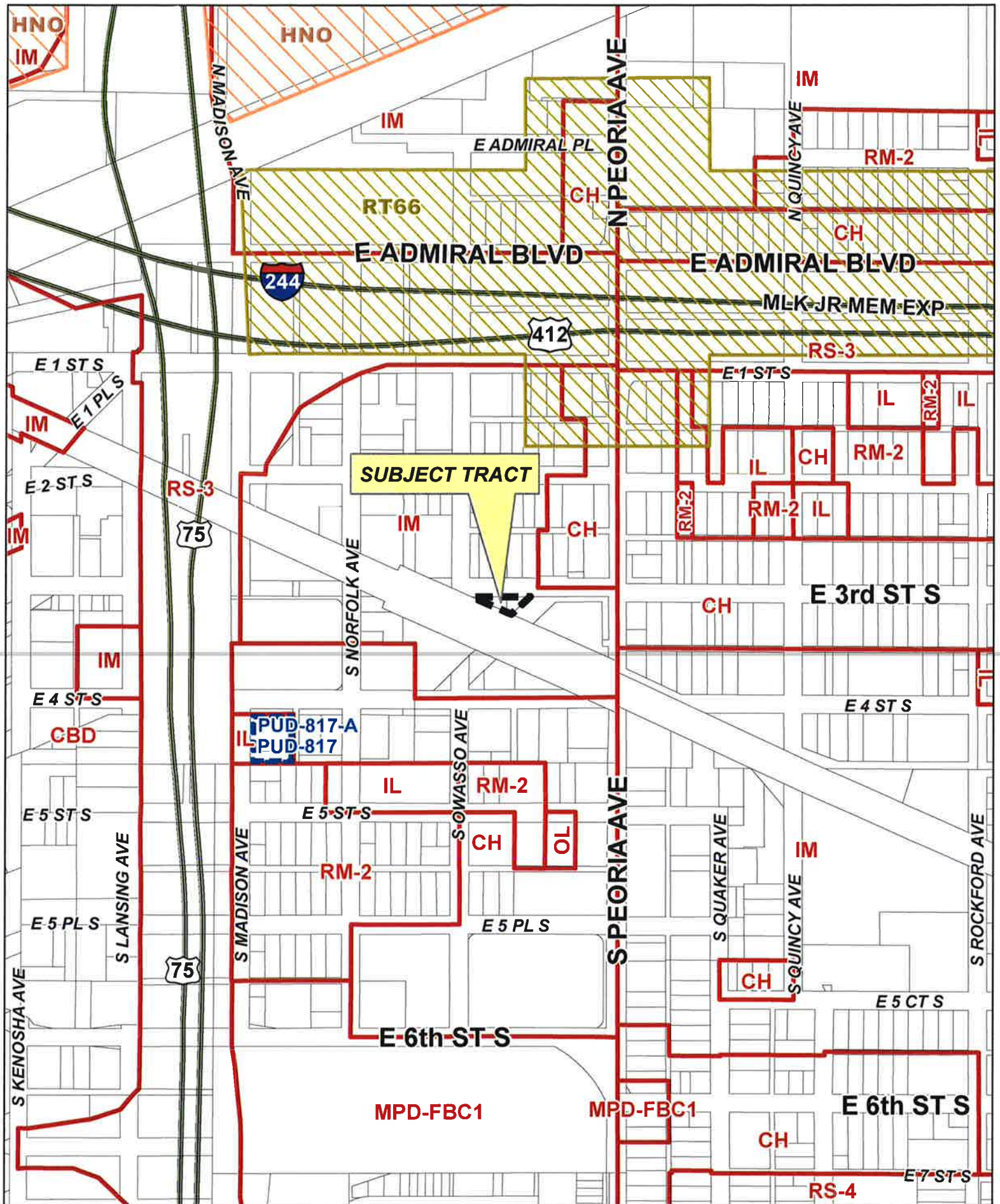
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**BOA-22484 – DEBORAH RICHARDS**

**THE APPLICATION WAS WITHDRAWN  
BY THE APPLICANT**

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BOA-22505

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: **BOA-22505**

CZM: 36

CD: 4

A-P#:

**HEARING DATE:** 10/09/2018 1:00 PM (continued from 9/25/18)

**APPLICANT:** Mark Capron

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

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

**ZONED:** IM

**PRESENT USE:** vacant

**TRACT SIZE:** 5871.91 SQ FT

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

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

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Property:**

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

### **Surrounding Property:**

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

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

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

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

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

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

**CURRENT STAFF COMMENTS:**

The applicant requested a continuance to the 10/09/18 hearing date to submit additional information from City Engineering Services regarding a waiver of the removal agreement requirement.

**PREVIOUS STAFF COMMENTS:**

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

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

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

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

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

**Sample Motion for a Variance**

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

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

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

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

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

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

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

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

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

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



**Legal Description of CZ-475:**

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

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

AND

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

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

**STAFF RECOMMENDATION:**

**SECTION I: Z-7455**

**DEVELOPMENT CONCEPT:**

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

## DETAILED STAFF RECOMMENDATION:

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

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

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

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

## SECTION II: Supporting Documentation

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

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

### Land Use Vision:

#### *Land Use Plan map designation:* Downtown Neighborhood

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

#### *Areas of Stability and Growth designation:* Area of Growth

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

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

Transportation Vision:

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

*Trail System Master Plan Considerations:* None

*Small Area Plan:* None

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

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

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

Environmental Considerations: None that affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 3 <sup>rd</sup> Street South	CBD/Industrial Collector	80 feet	4
South Owasso	CBD/Industrial Collector	80 feet	2



Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	IM	Downtown Neighborhood	Growth	Assembly and Entertainment
East	IM	Downtown Neighborhood	Growth	Vacant
South	Railroad ROW (IM)	Downtown Neighborhood	Growth	Railroad
West	Railroad ROW (IM)	Downtown Neighborhood	Growth	Railroad

**SECTION III: Relevant Zoning History**

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

**Subject Property:** No relevant history

**Surrounding Property:**

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

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

**PUD-817/Z-7277 August 2014:** All concurred in **approval** of a proposed *Planned Unit Development* on a 0.5± acre tract of land for a micro-brewery and approval of a request for *rezoning* from CH to IL/PUD-817 on property located on the southeast corner of East 4<sup>th</sup> Street and South Madison Avenue.

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

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

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

**TMAPC Action; 9 members present:**

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

**Legal Description of Z-7455:**

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

AND

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

\* \* \* \* \*

**OTHER BUSINESS**

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

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

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

**21942—Malcolm Rosser**

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**Action Requested:**

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

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

**Presentation:**

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

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

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

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

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

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

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

**Interested Parties:**

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

**Rebuttal:**

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

**Comments and Questions:**

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

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

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

BOA-21942

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

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

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

**Board Action:**

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



BDA-21942

FILE COPY

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

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

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

**Both Motions FAILED due to lack of a majority vote.**

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

\*\*\*\*\*

#### **NEW APPLICATIONS**

#### **21943—Lamar Outdoor Advertising – Lorinda Elizando**

##### **Action Requested:**

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

##### **Presentation:**

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

09/08/2015-1147 (25)

# FILE COPY

Case No. 17032 (continued)

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

**Protestants:**

None.

**Board Action:**

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

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

**Case No. 17033**

**Action Requested:**

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

**Presentation:**

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

**Comments and Questions:**

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

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

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

Case No. 17033 (continued)

**Protestants:**

None.

**Board Action:**

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

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

**Case No. 17034**

**Action Requested:**

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

**Presentation:**

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

**Protestants:**

None.

**Board Action:**

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



Chris,

We generally concur with their proposed modification with the following thought process:

AASHTO sight triangles for the two prevalent turning movements thru the intersection:

- NB Owasso (4<sup>th</sup>), Left onto WB 3<sup>rd</sup>:
  - Case B1 calls for 335' from the assumed driver's eye. This is met by the applicant's layout.
- EB 3<sup>rd</sup>, Right onto SB Owasso (4<sup>th</sup>):
  - Case C2 calls for 355'. This is not met with the proposed layout; however,
    - The volume on Owasso (4<sup>th</sup>) is relatively low, significantly decreasing the likelihood of two opposing vehicles meeting in the Case C2 scenario,
    - A right-turning vehicle from 3<sup>rd</sup> will have slowed to a speed much lower than the posted 30 mph limit that the triangle is based upon,
    - The building layout *does* meet the COT 35' x 35' Sight Triangle, which provides for clear visibility of the immediate intersection vicinity,
    - Finally, the railroad underpass intersects the AASHTO Sight Triangle, thereby precluding the applicant's ability to meet the requirement with any layout.

For the reasons stated above, I believe we can concur with the proposed layout.

Thank you for the revision and attention to this ,matter.

Doug

---

**D. Douglas Helt, P.E. | Lead Engineer Transportation Design**

City of Tulsa Engineering Services Department  
2317 S. Jackson, Suite S103. Tulsa, OK 74107  
T: 918-596-9636  
F: 918-596-9881  
M: 918-237-9618  
E: [dhelt@cityoftulsa.org](mailto:dhelt@cityoftulsa.org)  
[www.cityoftulsa.org](http://www.cityoftulsa.org)

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**From:** Kovac, Chris

**Sent:** Friday, September 14, 2018 8:02 AM

**To:** Helt, Donald (Doug)

**Subject:** FW: Third Street Development - AASHTO sight lines

Doug,

The response for 5-8-18-71 is in the email below and the attachment. Does this satisfy your objection?

Thank you,

**Christopher J. Kovac | Utilities Coordinator**

City of Tulsa Engineering Services Department  
2317 S Jackson Ave. Suite S211 Tulsa, OK 74107  
T: 918-596-9649  
C: 918-695-2516  
E: [CKOVAC@cityoftulsa.org](mailto:CKOVAC@cityoftulsa.org)  
[www.cityoftulsa.org](http://www.cityoftulsa.org)

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**From:** Subha Sridharan [<mailto:subha@ffttrees.com>]  
**Sent:** Thursday, September 13, 2018 11:23 AM  
**To:** Kovac, Chris  
**Cc:** Jon Eshelman; Frantz Davies  
**Subject:** Third Street Development - AASHTO sight lines

Chris

We have consulted with Jon Eshelman of Traffic Engineering Consultants with respect to the objection raised by Doug Helt:

Doug Helt / Transportation Lead Engineer - Object, Check AASHTO sight triangles for acute intersection angle. The building likely conflicts with this requirement. Ultimate ROW for CBD - collector is 80' minimum. 3rd Street has 60' existing ROW. Owasso / 4th has 70' existing ROW. Both streets are planned to have cycling routes.

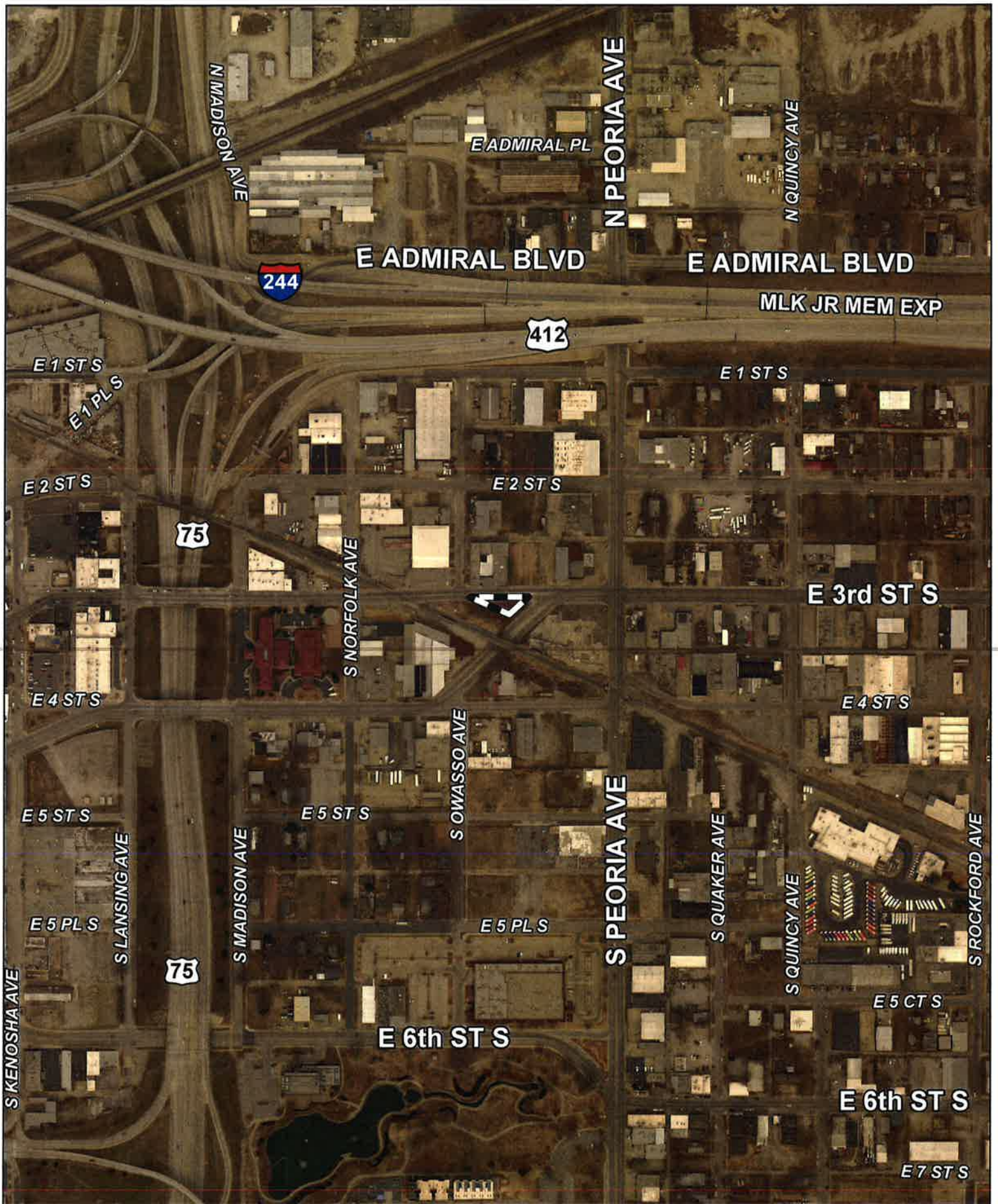
Please find attached an exhibit based on AASHTO green book. This provides evidence that the building does not pose an obstruction to sight lines based on the driver's eye location, as stipulated by AASHTO. I have copied Jon on this email.

Thanks  
Subha



Subha Sridharan  
Architect / Principal . FOREST FOR THE TREES . (o) 918 814 7694 . (c) 918 810 3022  
[www.ffttrees.com](http://www.ffttrees.com) . [LinkedIn](#)





0 Feet 200 400



Subject  
Tract

**BOA-22505**

19-12 01

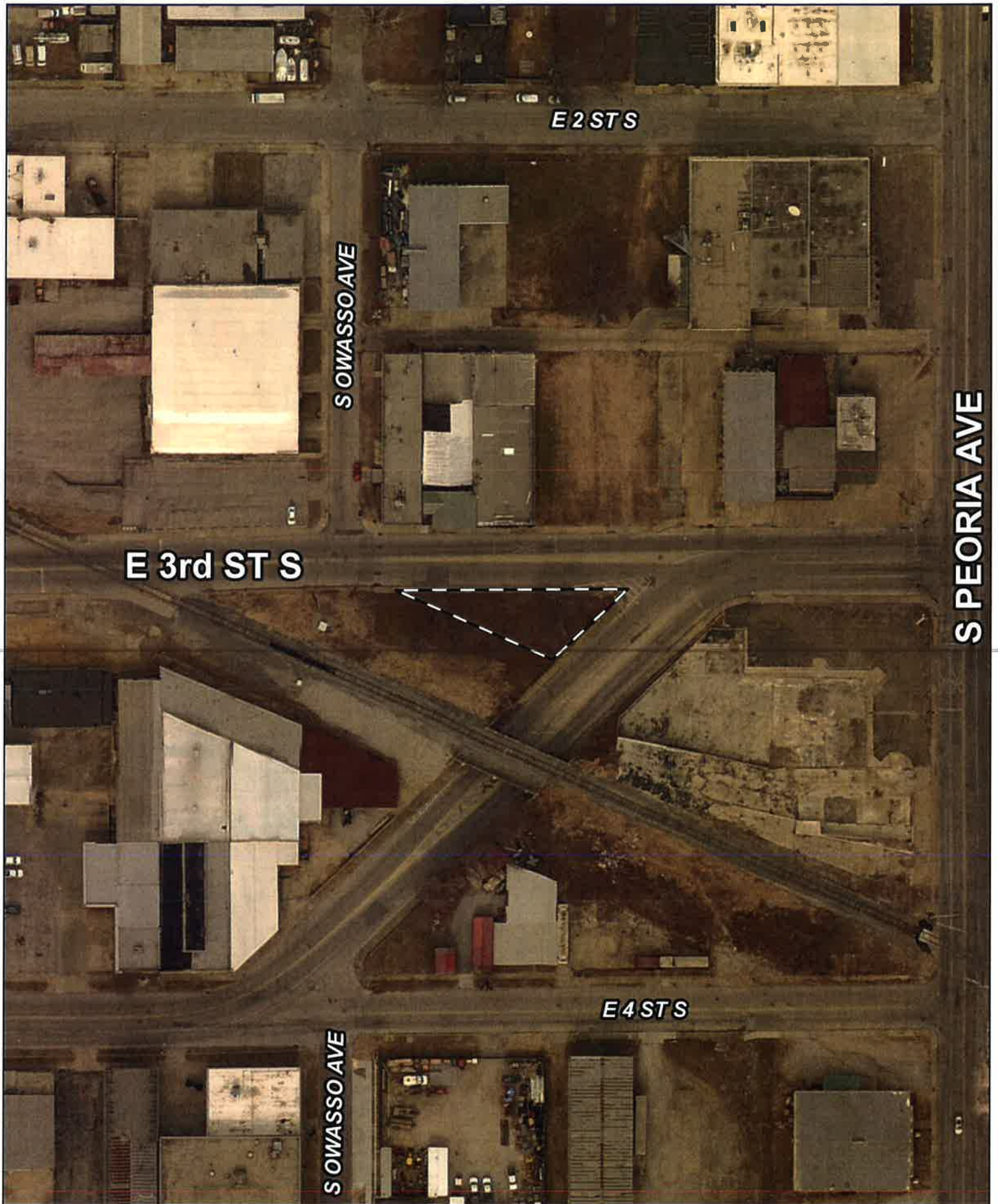
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2011



4.33





0 50 100  
Feet



Subject  
Tract

**BOA-22505**

19-12 01

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

Aerial Photo Date: February 2018

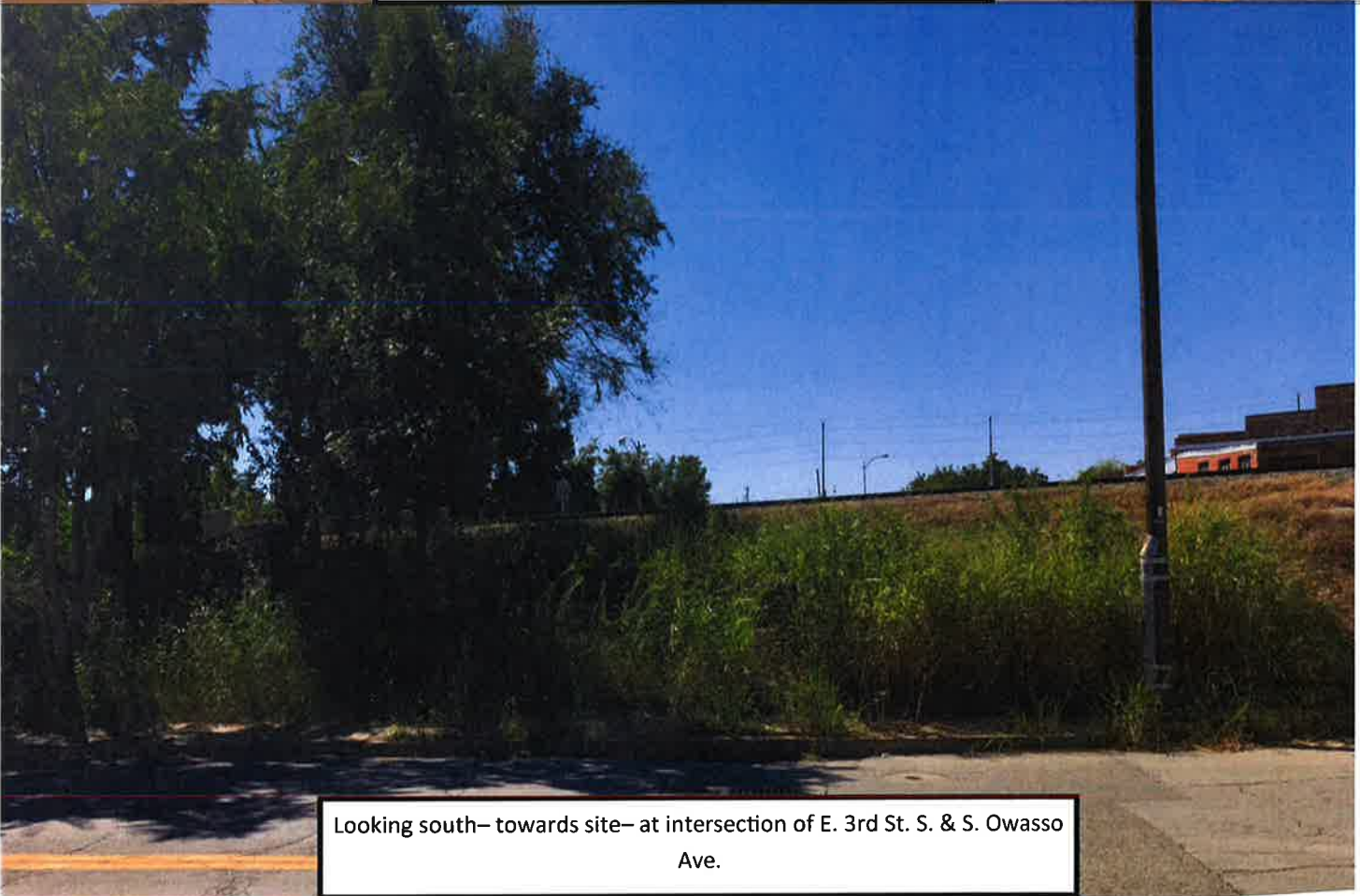


4.34





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



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



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



## request for variance

**REQUEST FOR VARIANCE TO CITY OF TULSA BOARD OF ADJUSTMENT****THIRD STREET DEVELOPMENT**

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

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

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

**Hardship:**

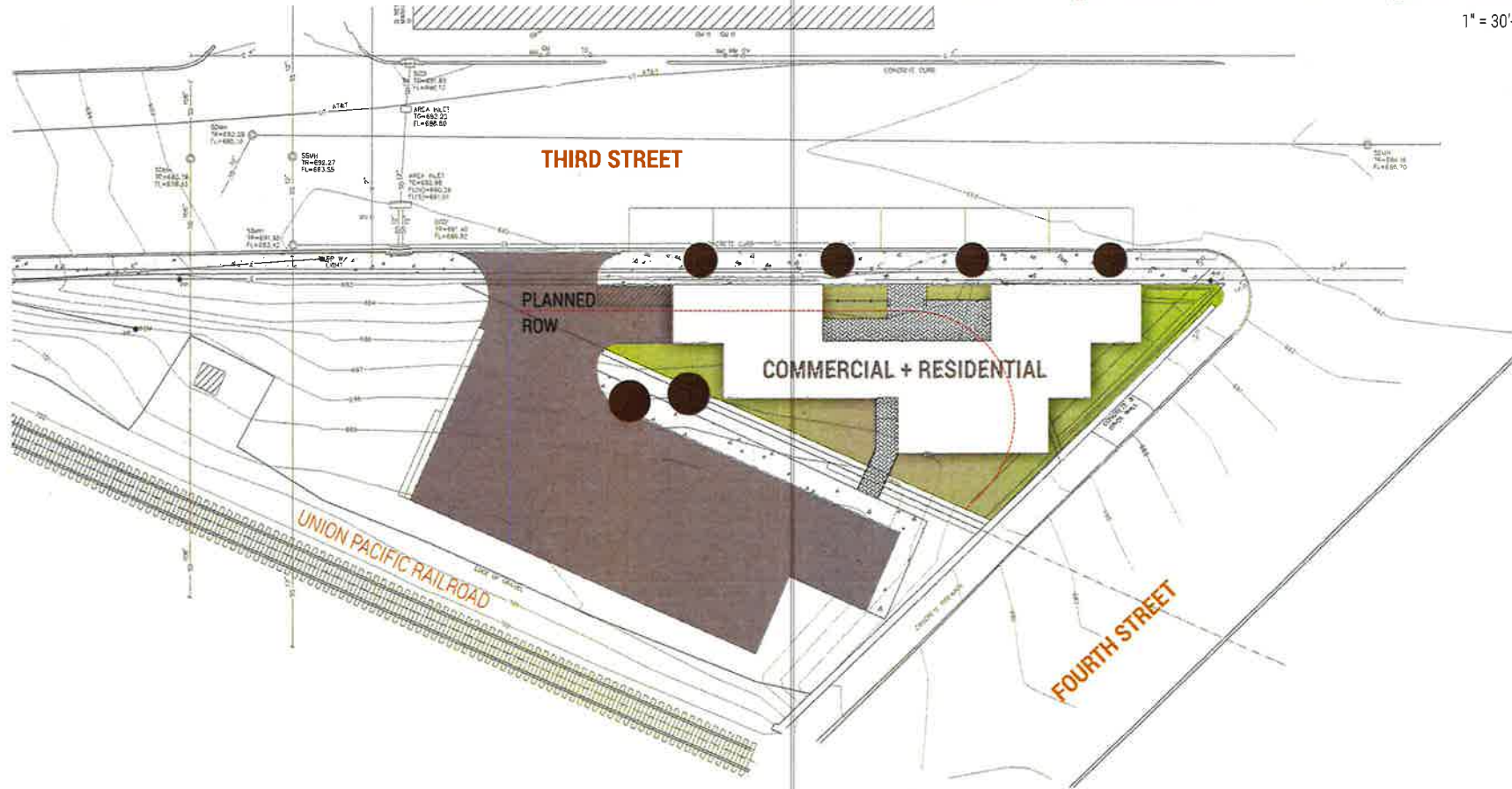
The triangular site is inaccessible on two sides, the southwest boundary being the railroad, and the southeast boundary is the 4th Street railroad underpass, making the north boundary the only direction available for public access. The north property line is also the longest at 181.75 feet. Setting back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

August 8 2018



# conceptual site plan

1" = 30'-0"

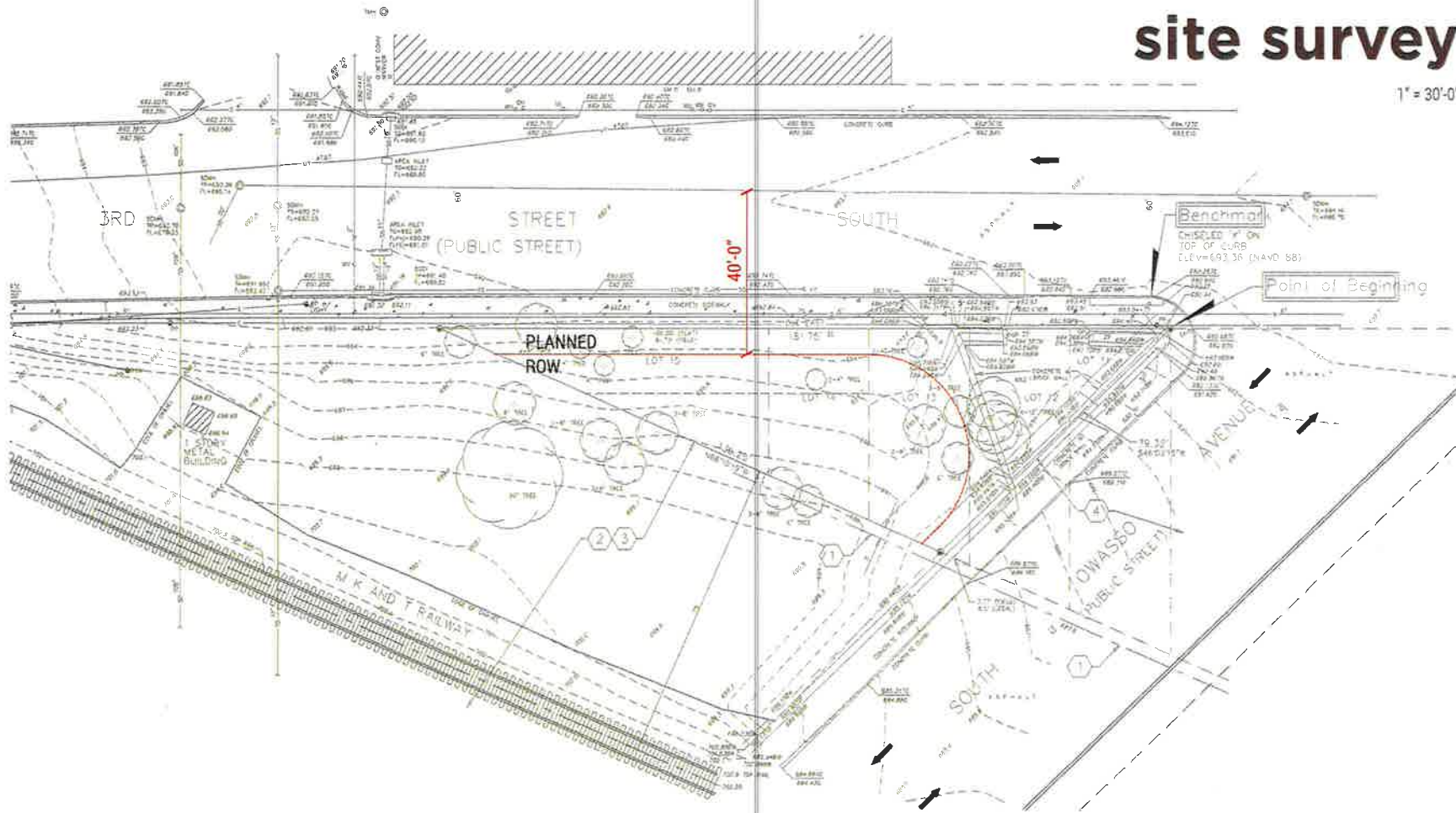


August 8 2018

4.39

# site survey

1" = 30'-0"



August 8 2018

4.40





1 h'h



**Ulmer, Amy**

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

Dear Amy Ulmer,

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

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

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

Thank you for your consideration.

---

Regards,

Bill Glossen  
[glossenb@gmail.com](mailto:glossenb@gmail.com)  
405-996-6903



## Ulmer, Amy

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

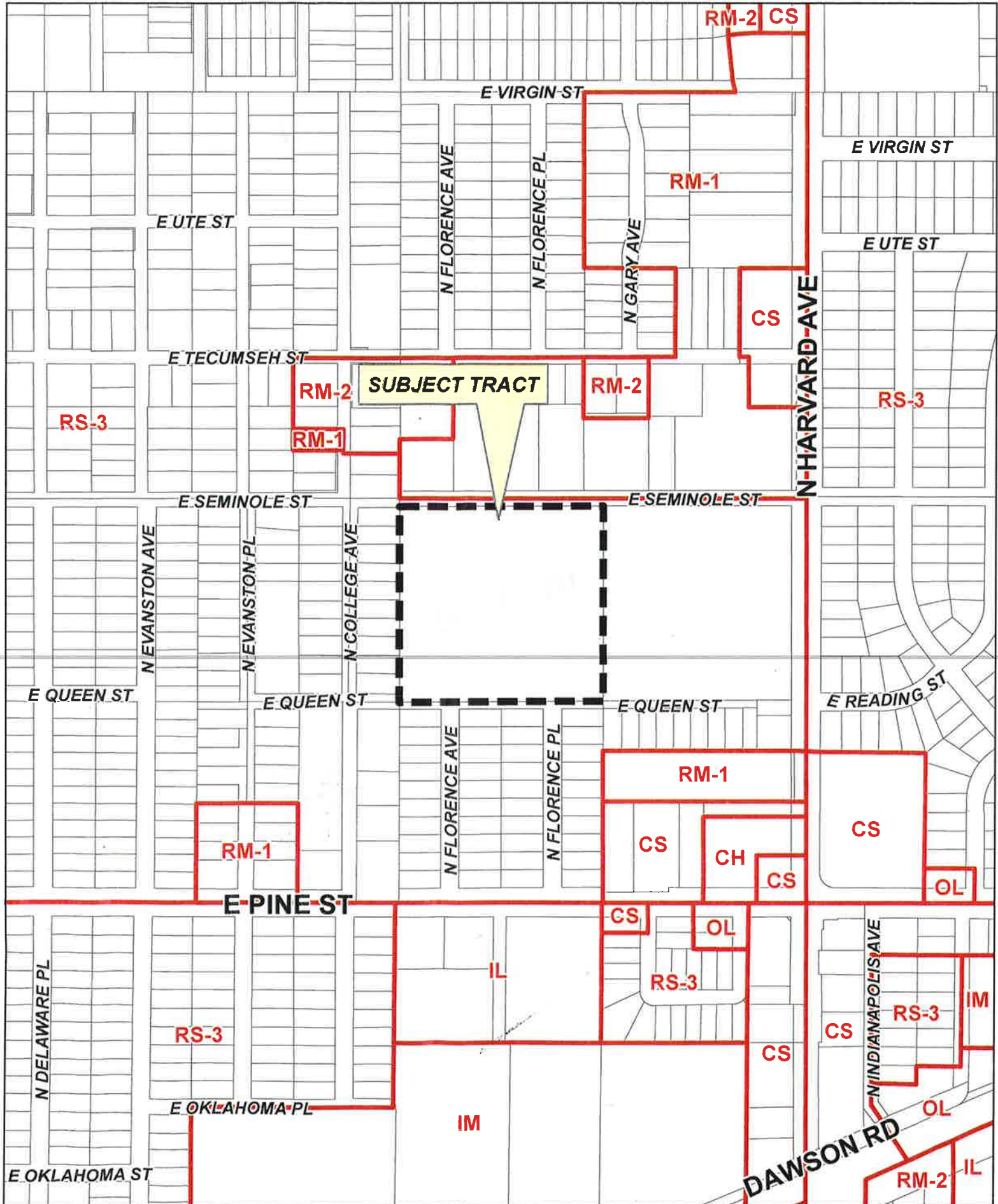
I am in full support of the above action . Great project .  
I own the SW corner of 3 and Peoria .

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

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**BOA-22481**

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20-13 29



# BOARD OF ADJUSTMENT CASE REPORT

STR: 0329

Case Number: **BOA-22481**

CZM: 29

CD: 3

A-P#:

**HEARING DATE:** 10/09/2018 1:00 PM (reconsideration from 8/28/2018)

**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:** ± 9.62 acres

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

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Parcel:**

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

### **Surrounding Properties:**

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

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

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

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

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

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

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

**CURRENT STAFF COMMENTS:**

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

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

**PREVIOUS STAFF COMMENTS:**

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

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

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

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

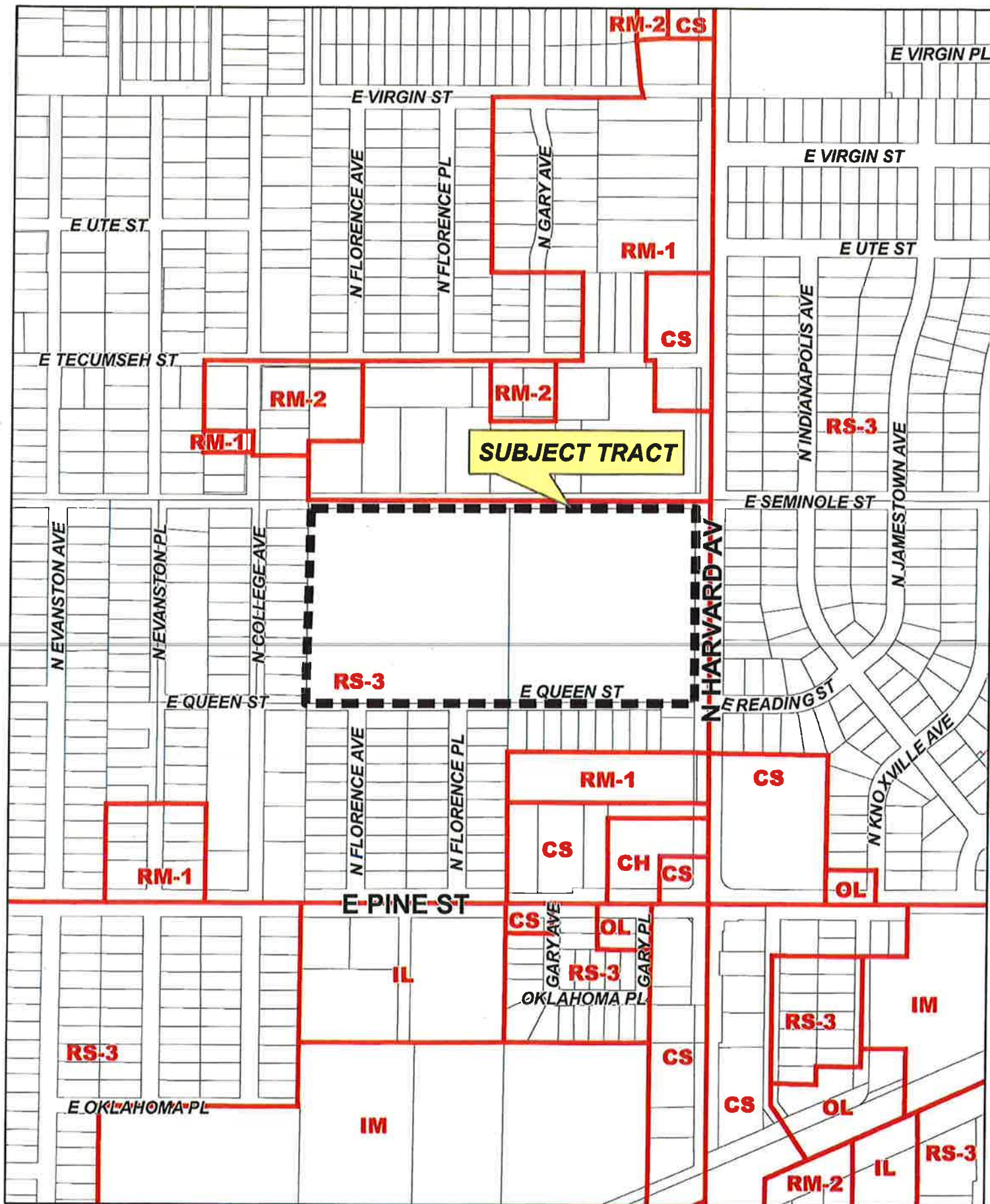
**Sample Motion**

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

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

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





**BOA-21129**

20-13 29



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

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

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

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

\*\*\*\*\*

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

\*\*\*\*\*

**MINUTES**

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

\*\*\*\*\*

**UNFINISHED BUSINESS**

**22481—Mark Capron**

**Action Requested:**

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

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

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BOA-22481  
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**Presentation:**

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

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

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

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

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



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

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

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

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

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

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

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

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

BOA-22481

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

**Interested Parties:**

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

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

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



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

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

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

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

**Rebuttal:**

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

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

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

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

**Comments and Questions:**

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

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

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

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

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

BOA-22481

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

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

**Board Action:**

On **MOTION** of **BACK**, the Board voted 2-3-0 (Back, Ross "aye"; Bond, Radney, Van De Wiele "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to permit a school use in an RS-3 District (Section 5.020-C), subject to the conceptual plan 2.39 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

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

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

BOA-22481

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

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

\*\*\*\*\*

### NEW APPLICATIONS

#### 22493—Rob Bingham

##### Action Requested:

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

##### Presentation:

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

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

##### Interested Parties:

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



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

**Board Action:**

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

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

\* \* \* \* \*

**NEW APPLICATIONS**

**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 widen 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 89<sup>th</sup> 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 20<sup>th</sup> 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.

\*\*\*\*\*

FILE COPY

**Case No. 21129-Tanner Consulting**

**Action Requested:**

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

**Presentation:**

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

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

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

Case No. 17781

FILE COPY

**Action Requested:**

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

**Presentation:**

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

**Interested Parties:** None.

**Board Action:**

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

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

Case No. 17782

**Action Requested:**

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

**Presentation:**

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

**Comments and Questions:**

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

07:22:97:731(12)



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



**5.23**





**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**

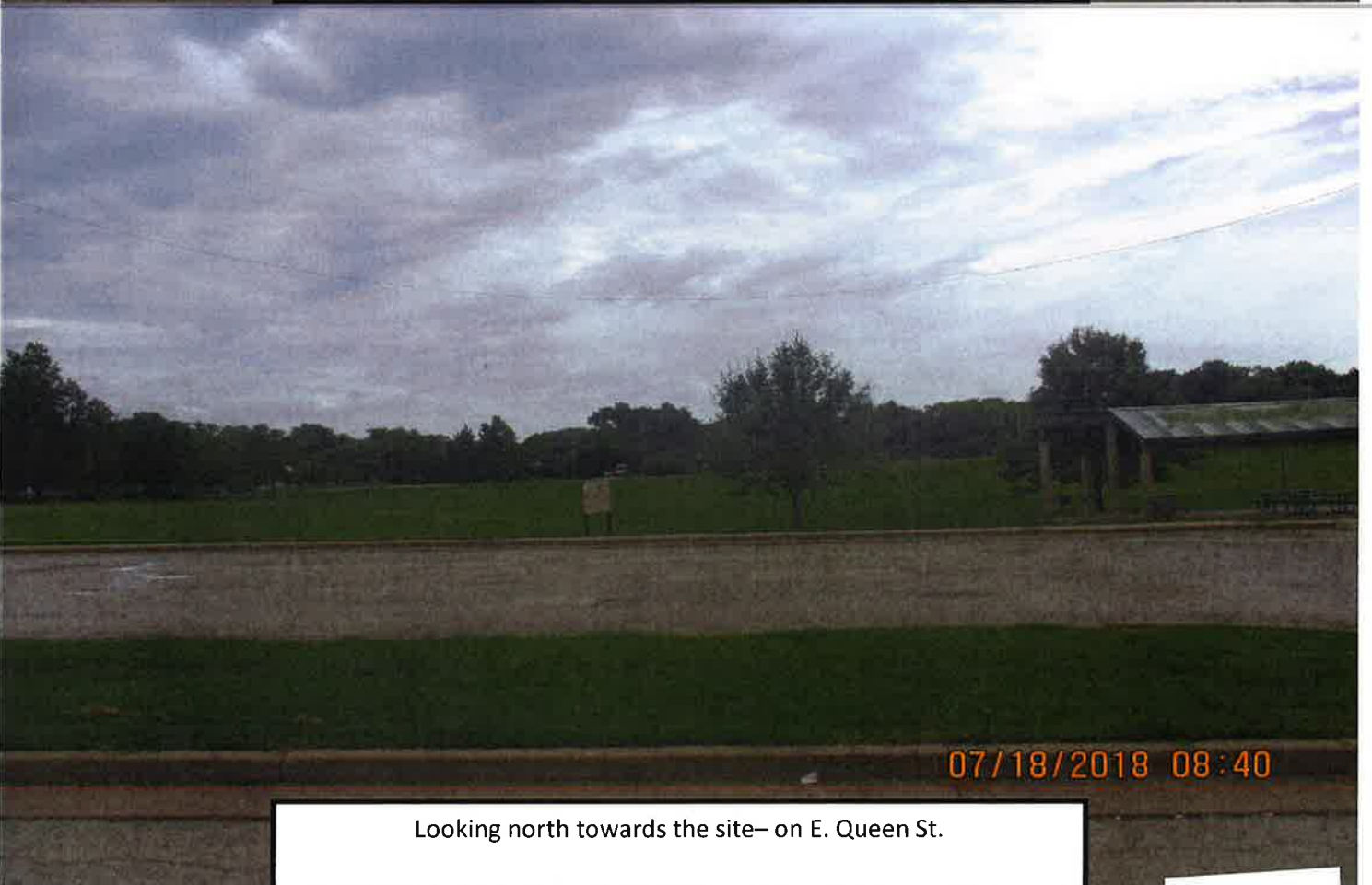


**5.24**





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



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

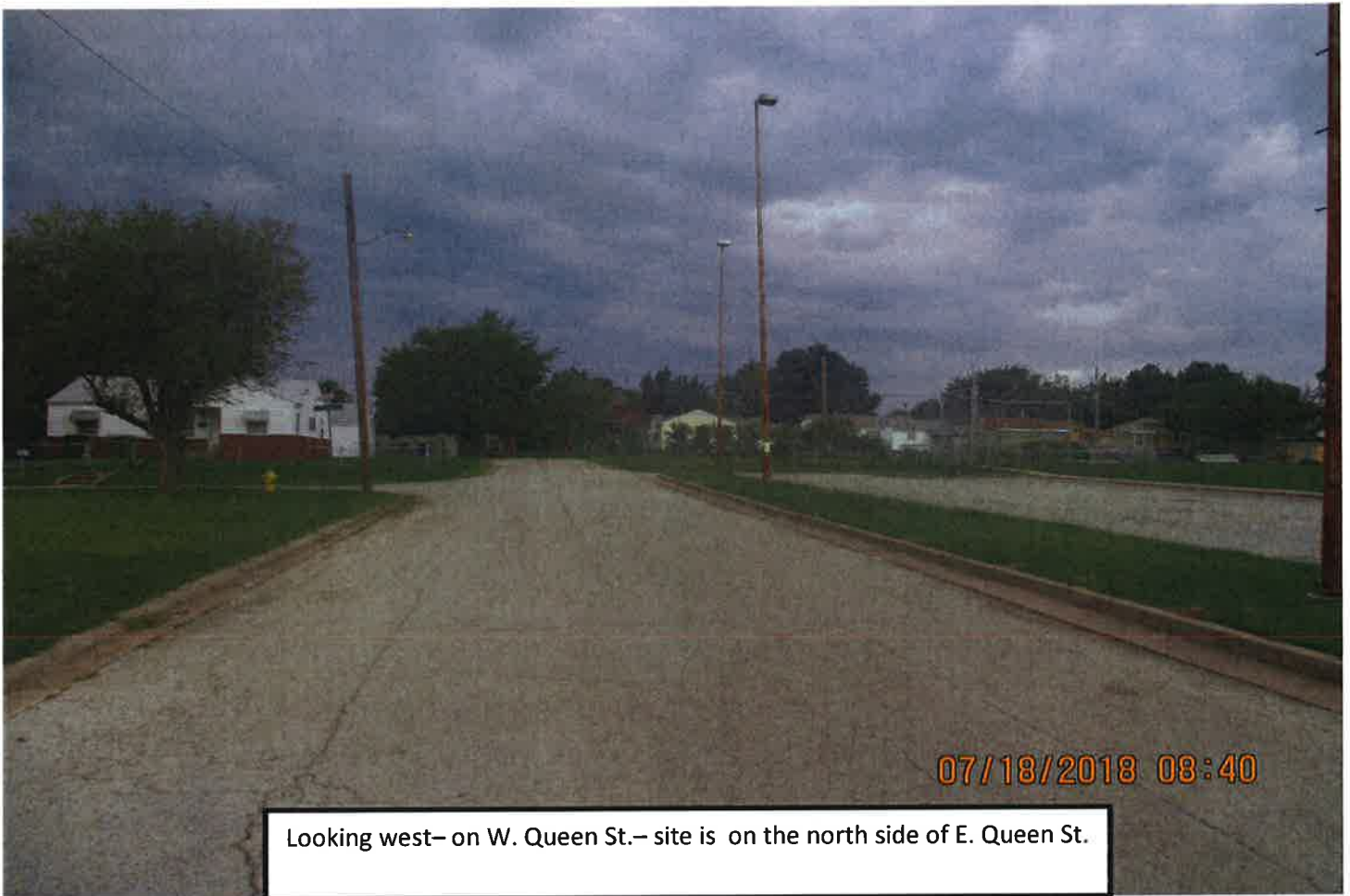




Looking northeast- towards the site- on E. Queen St.



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



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

**Prepared for:**

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

**Prepared by:**

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



**October 2018**

**OK357.01**

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## INTRODUCTION

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

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



**Figure 1: Study Area**





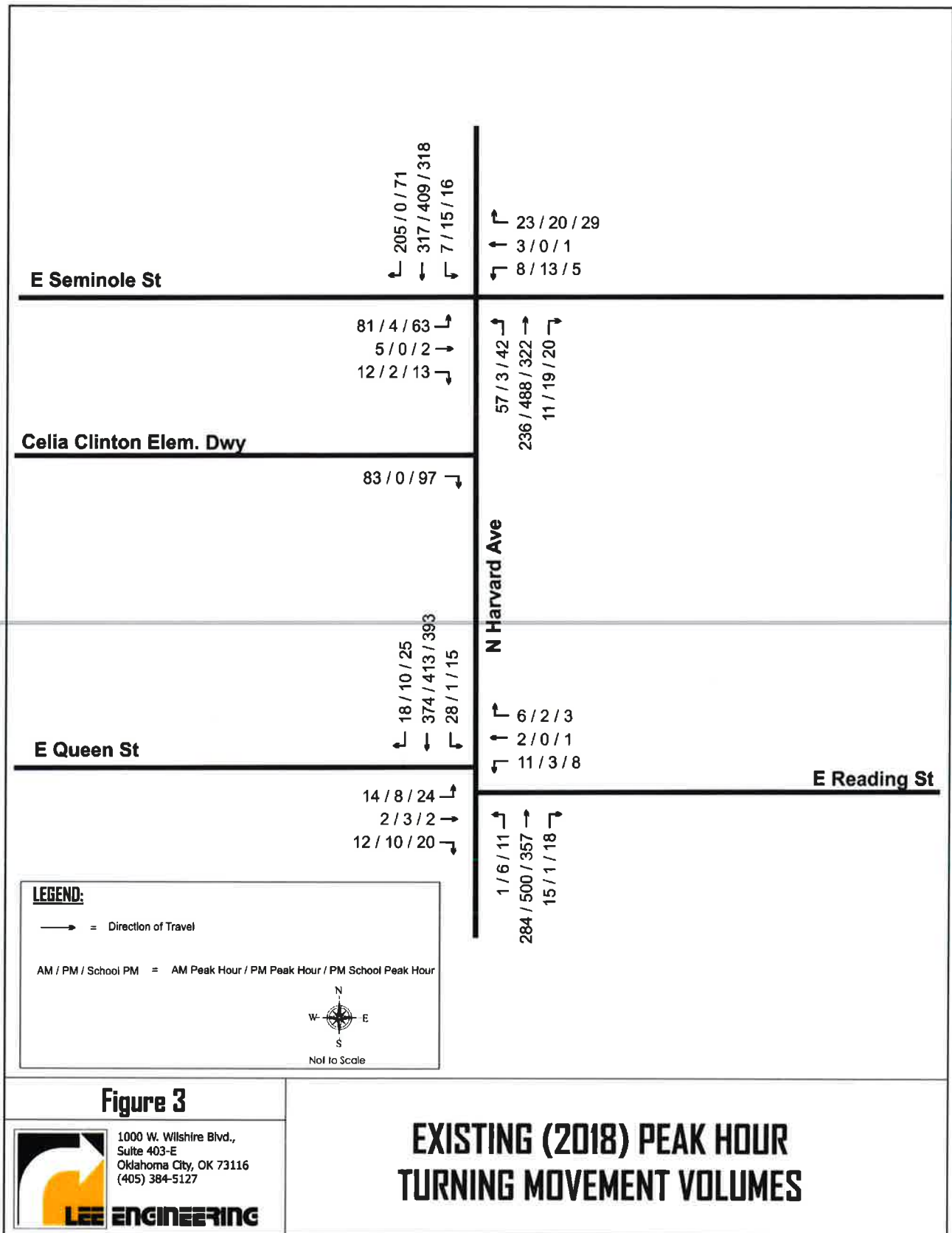
## TRAFFIC VOLUMES

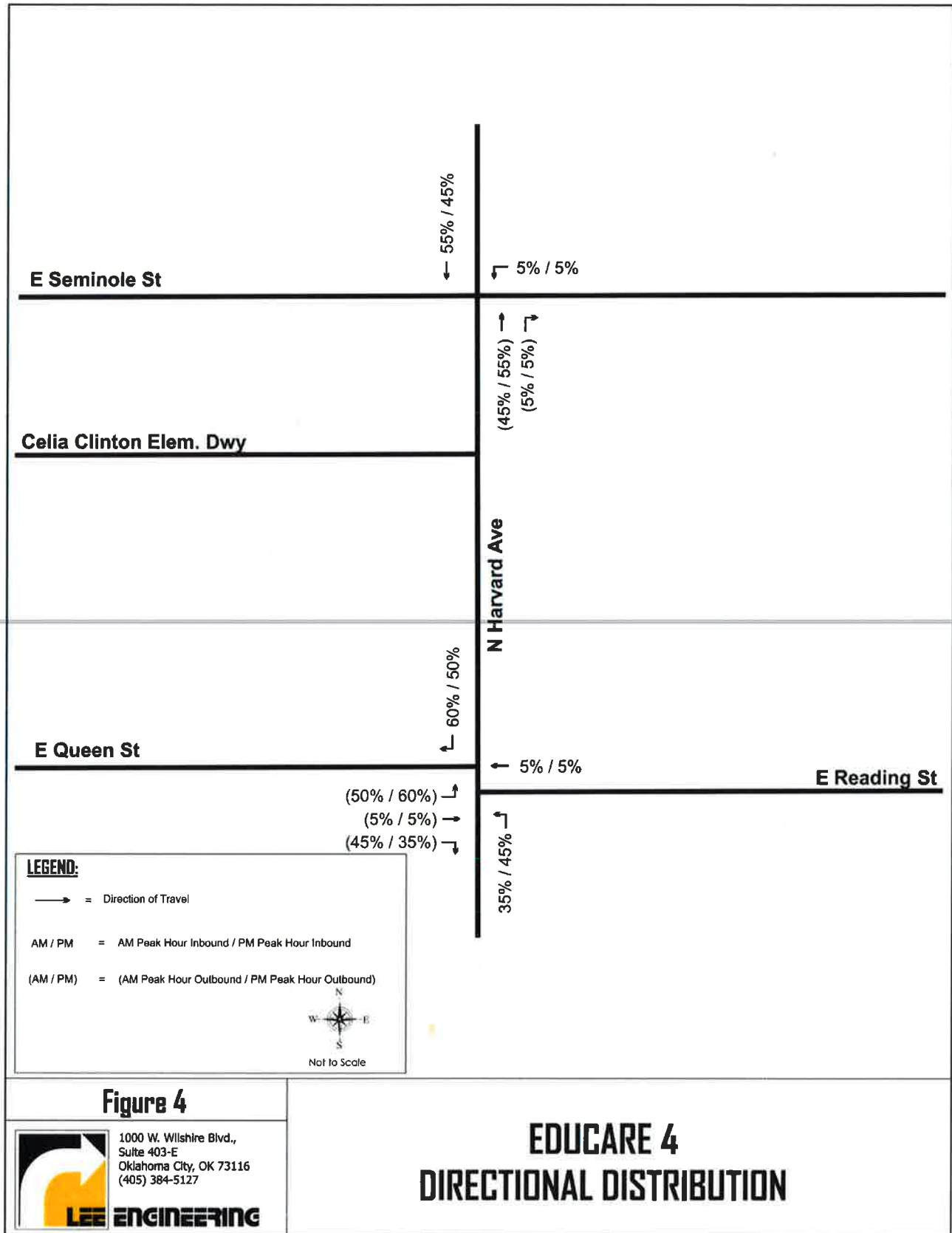
Existing turning movement volumes were collected at the intersections of N. Harvard Avenue & E. Seminole Street and N. Harvard Avenue & E. Queen Street on Tuesday, September 18, 2018. The AM peak period for the intersections was determined to be from 7:00 AM to 8:00 AM. The PM peak period for the intersections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

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

## TRIP DISTRIBUTION

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





## TRIP GENERATION

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

**Table 1: Trip Generation Equations/Rates for Educare 4**

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

<sup>1</sup>X = Number of Students

**Table 2: Estimated Trip Generation for Educare 4**

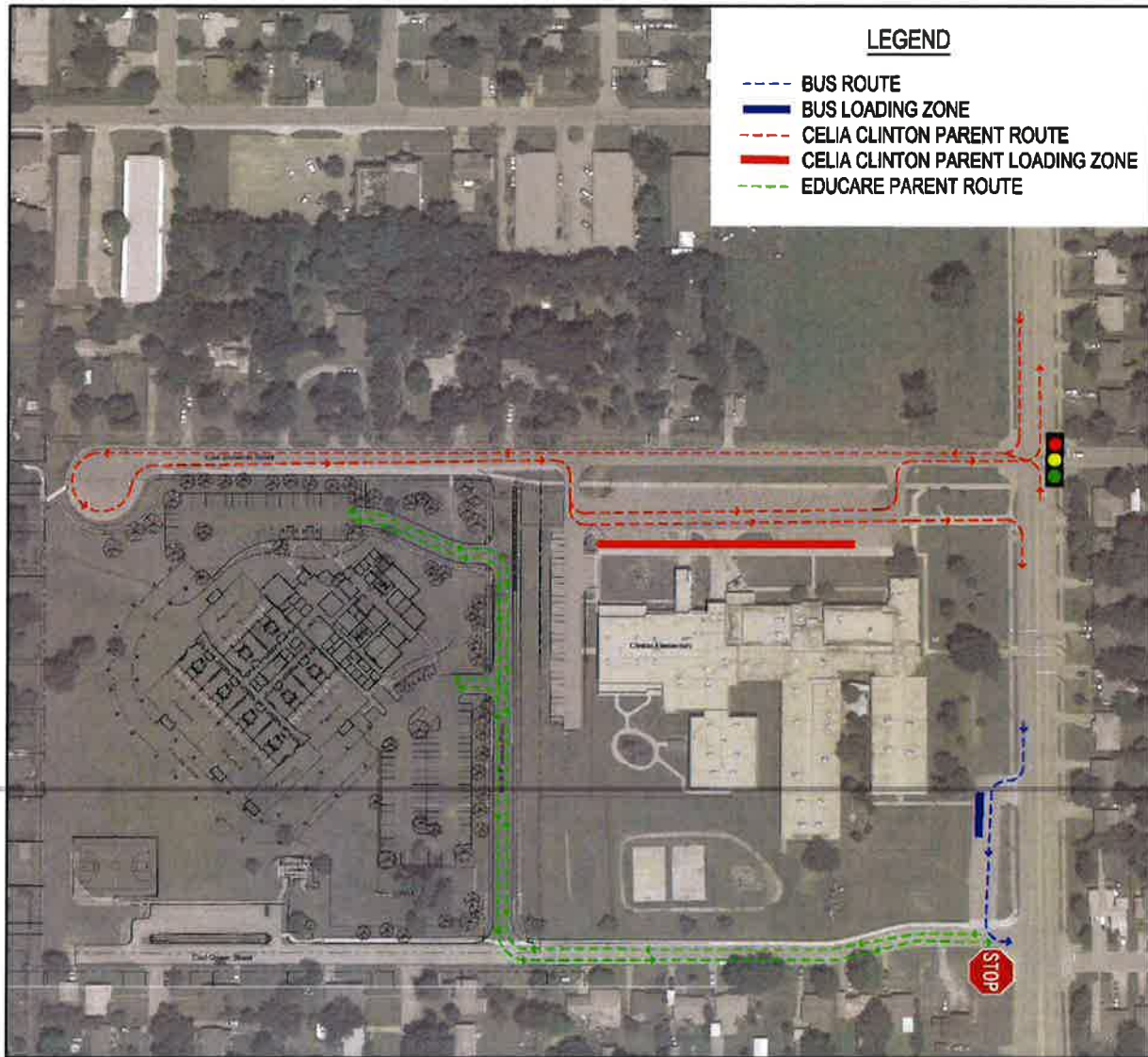
	Daycare Center (164 Students)		
	Total	In	Out
Average Weekday	672	336	336
AM Peak Hour	117	62	55
PM Peak Hour	113	53	60

## OPERATIONAL PATTERNS

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

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





**Figure 5: Proposed Traffic Operations for Educare 4 and Celia Clinton Elementary**

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

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

## SITE GENERATED VOLUMES

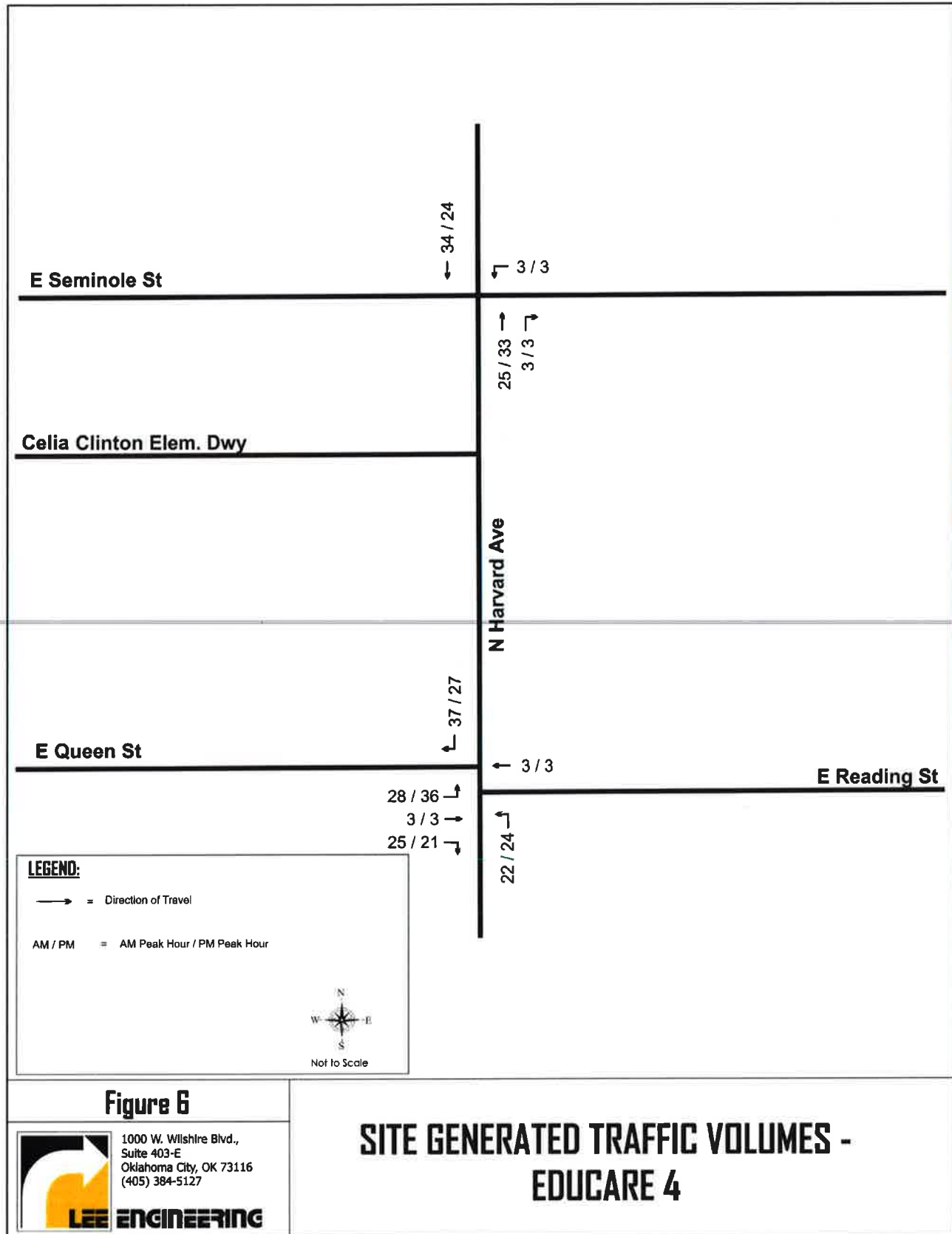
Traffic volumes expected to be generated by the proposed Educare 4 (Table 2) were assigned to the area roadways based on proposed operations from Figure 5. The site-generated traffic volumes at Build-Out for Educare 4 are provided in **Figure 6**.

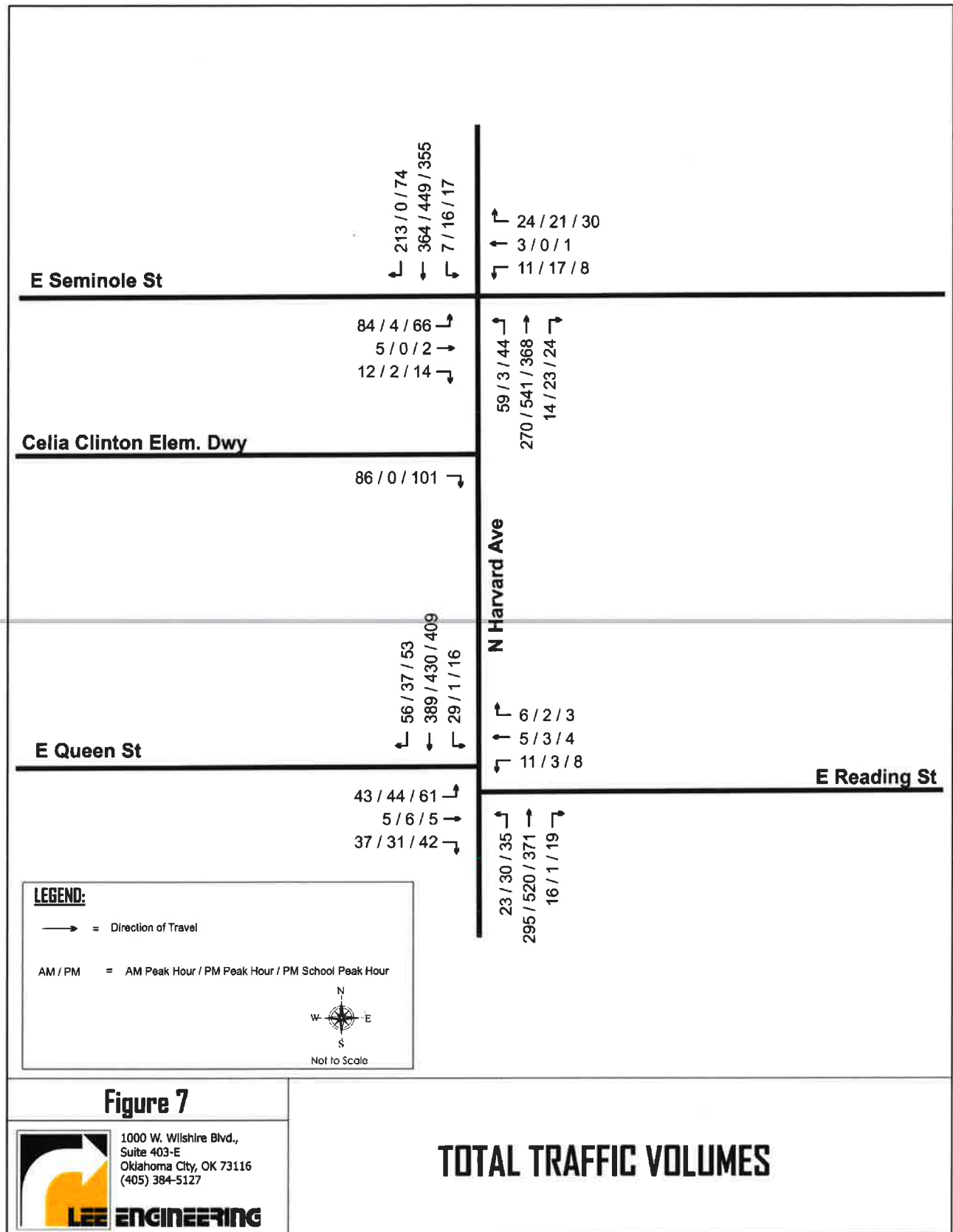
## TOTAL TRAFFIC VOLUMES

To obtain the projected total traffic volumes under Build-Out conditions of the proposed development, the existing background traffic volume conditions (Figure 3) were grown to Year 2020 assuming a conservative 2% annual growth rate and the traffic volumes generated by Educare 4 at Build-Out (Figure 6) were added. The projected total traffic volumes under Build-Out conditions are shown in **Figure 7**.

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

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







**Table 3: Level of Service Criteria for Unsignalized Intersections**

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

SOURCE: *Highway Capacity Manual, 6<sup>th</sup> Edition*, Transportation Research Board, 2016

**Table 4: Level of Service Criteria for Signalized Intersections**

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

SOURCE: *Highway Capacity Manual, 6<sup>th</sup> Edition*, Transportation Research Board, 2016

**Table 5: Intersection Capacity Analysis Results**

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

<sup>1</sup> Delay in seconds/vehicle (Level of Service)

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

## PARKING ANALYSIS

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

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

This study assumes an average parking time of five (5) minutes per drop-off, random arrivals, and 50 available parking spaces. **Table 6** shows the peak 15-minute parking evaluation and shows that the peak parking demand will be approximately 21 vehicles during a peak five-minute period. Based on Figure 2, 50 parking spaces are located within the visitor parking lot and will meet the predicted parking demand.

**Table 6: Peak 15-Minute Parking Evaluation**

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

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

## QUEUING ANALYSIS

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

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

**Table 7: Maximum Queue Length**

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

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

## CIRCULATION EVALUATION

### N. Florence Place Connection

Currently, N. Florence Place does not exist between E. Seminole Street and E. Queen Street. As part of the development, Educare 4 will construct N. Florence Place that will connect the two roadways and separate the Educare 4 from Celia Clinton Elementary School. This connection will provide two access points for Educare 4 visitor and staff parking lots. Due to existing traffic operations on E. Seminole Street related to Celia Clinton Elementary School, it is recommended that the northern connection of N. Florence Place at E. Seminole Street be blocked with traffic cones during Celia Clinton Elementary School's arrival and dismissal periods. This connection will also serve as a supplemental access route for emergency vehicles.



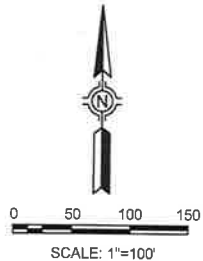
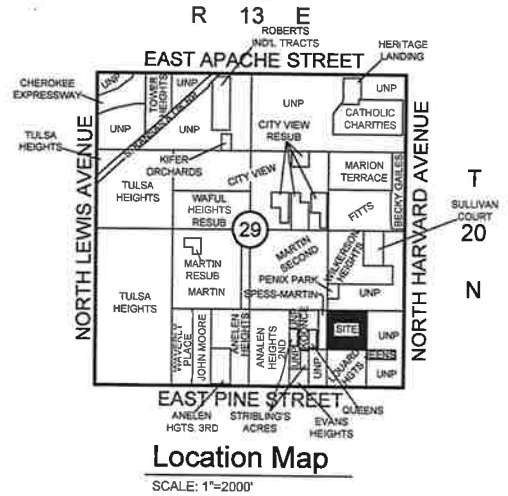
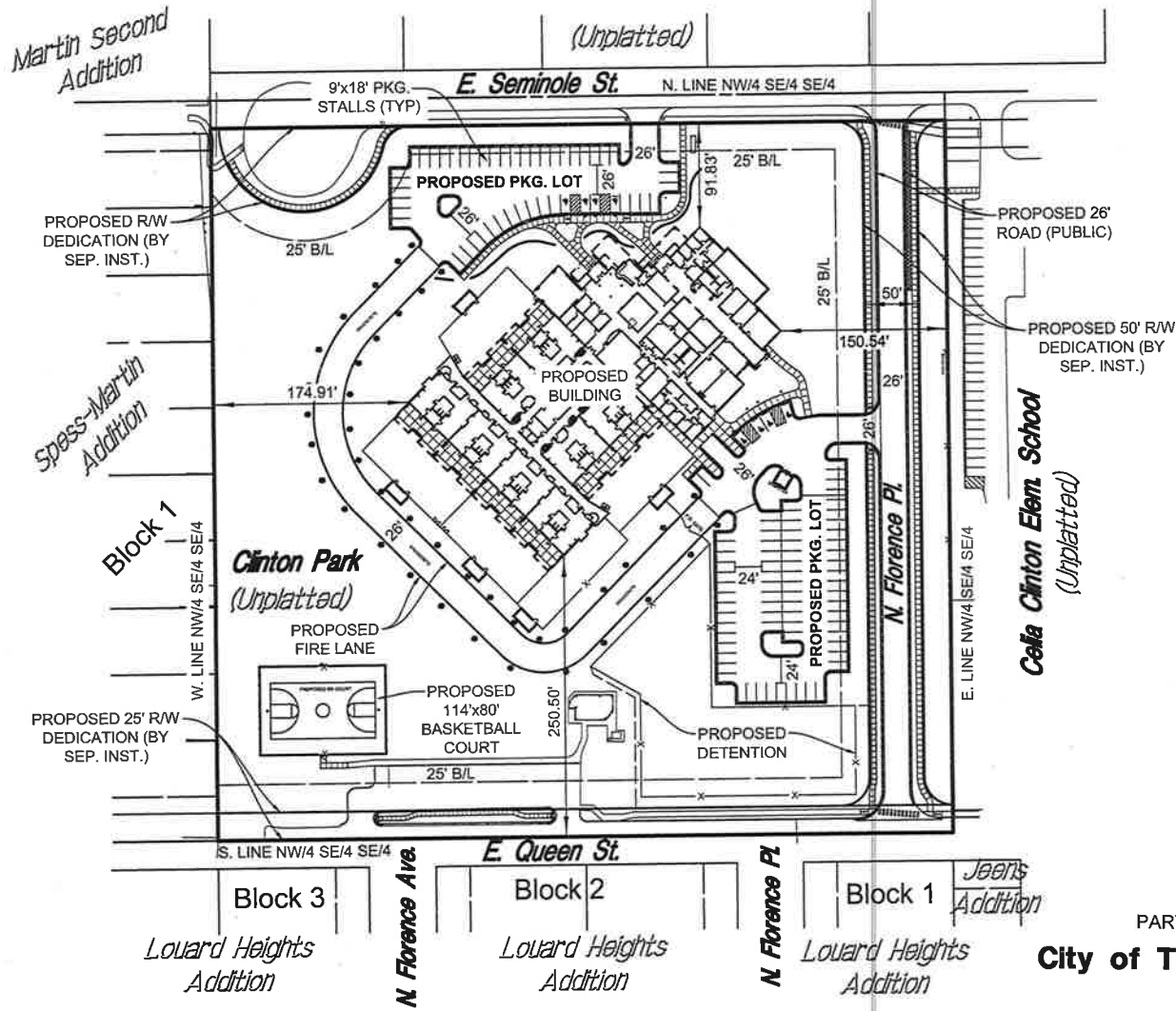
## CONCLUSIONS AND RECOMMENDATIONS

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

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

247

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**BOA-22481**  
**Board of Adjustment Exhibit**  
of  
**Proposed Tulsa Educare 4**  
PART OF THE NW/4 SE/4 SE/4 SECTION 29, T-20-N, R-13-E  
**City of Tulsa, Tulsa County, State of Oklahoma**

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

<b>SWA</b> Sisemore Weisz & Associates, Inc. 811 EAST 32nd PLACE TULSA, OKLAHOMA 74105 CA. NO. 2421			
FILE:	2013 2922	SURVEY BY:	DATE: 7/2/18
ORDER:	18034.01	DRAWN BY: LAD	SCALE: 1"=100'
BOOK:		CHECKED BY: MC	SHEET 1 OF 1



TULSA EDUCARE 4

5.48

ARCHITECTS  
PLANNERS  
DESIGNERS







EDUCARE 4

ARCHITECTS  
PLANNERS  
DESIGNERS

FRITZ  
BAILY





FRITZ  
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ARCHITECTS  
PLANNERS  
DESIGNERS

TULSA EDUCARE 4



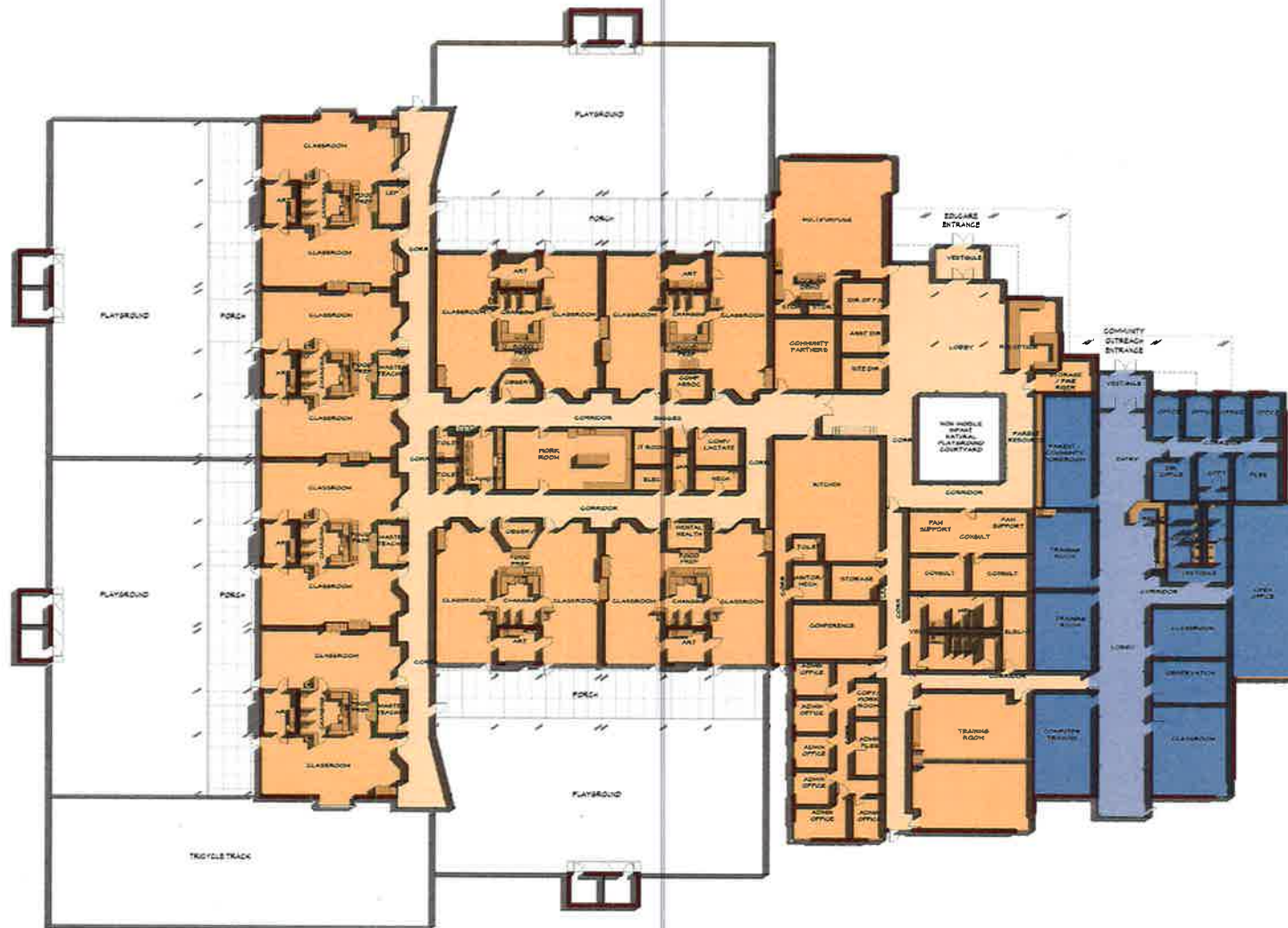


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ULSA EDUCARE 4

ARCHITECTS  
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DESIGNERS

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TULSA EDUCARE 4

5.52

ARCHITECTS  
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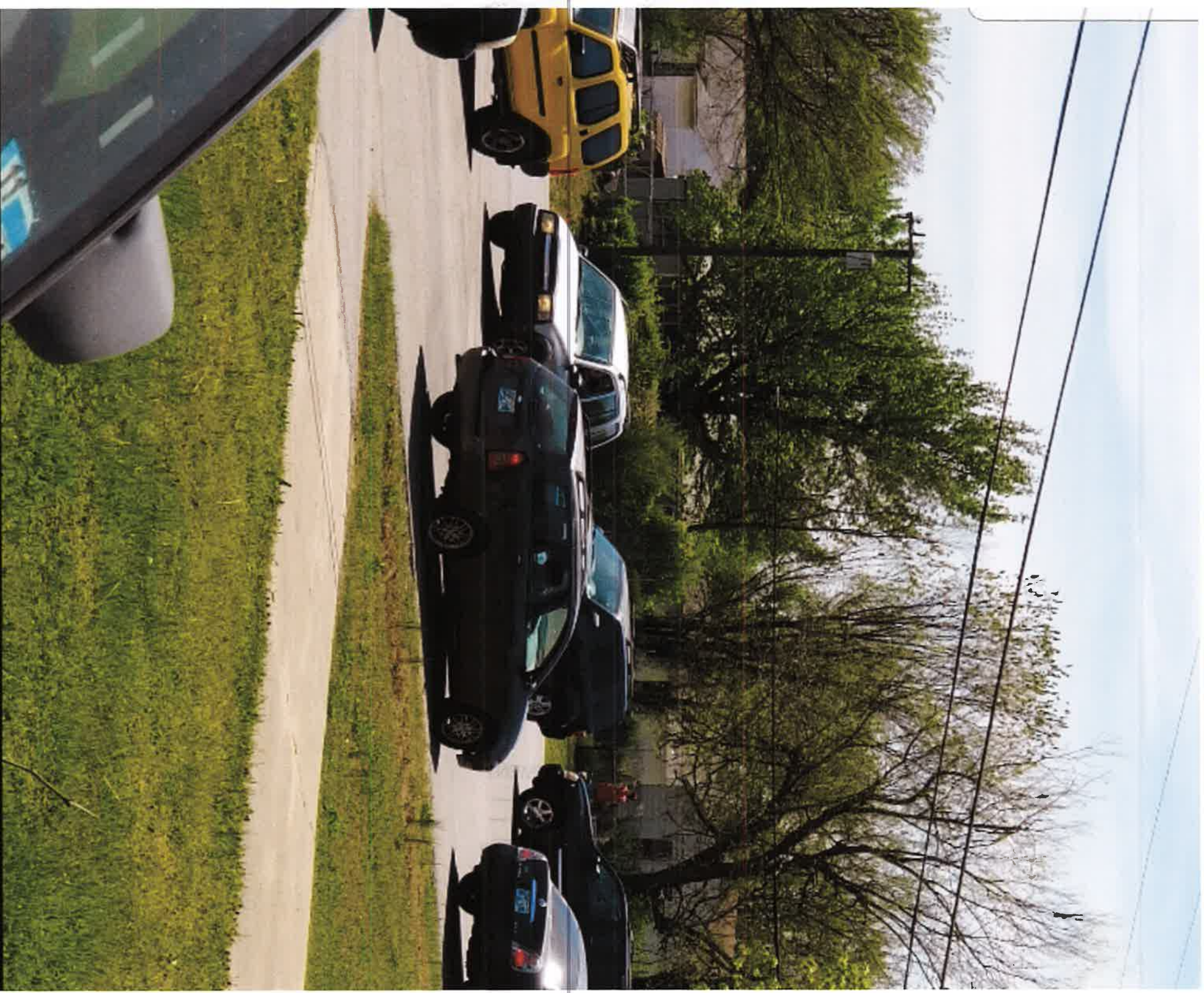






5.54





## Ulmer, Amy

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**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](mailto:aulmer@incog.org)



**Ulmer, Amy**

---

**From:** Hudgins, Chris <Hudgich@tulaschools.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@tulaschools.org](mailto:hudgich@tulaschools.org)  
[www.tulaschools.org](http://www.tulaschools.org)

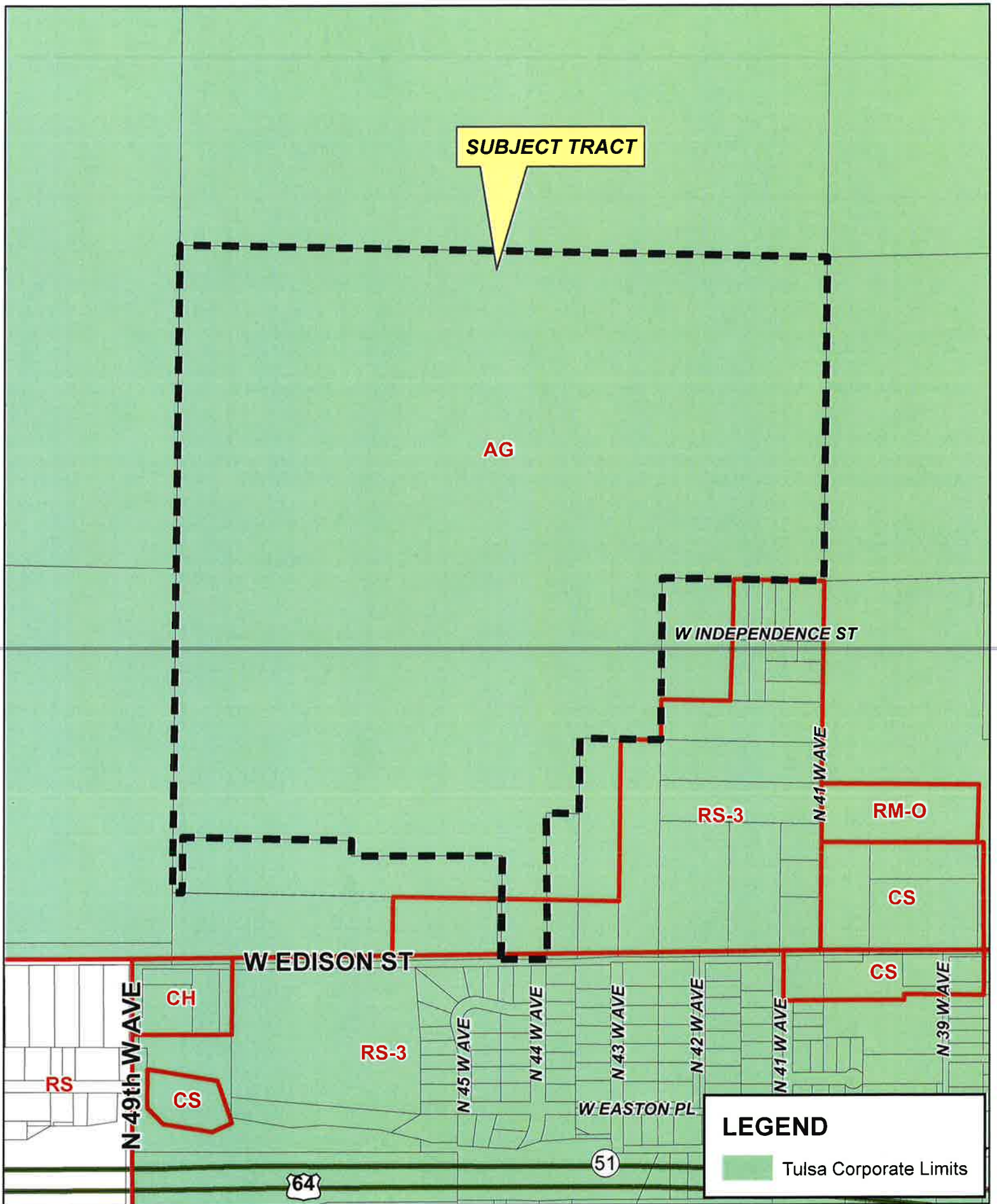




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SUBJECT TRACT

AG

W INDEPENDENCE ST

RS-3

RM-O

CS

CS

W EDISON ST

CH

RS

CS

RS-3

N-45 W AVE

N-44 W AVE

N-43 W AVE

N-42 W AVE

N-41 W AVE

N-39 W AVE

W EASTON PL

### LEGEND

Tulsa Corporate Limits

BOA-22514

20-12 32

6.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 0232

Case Number: BOA-22514

CD: 1

A-P#:

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

**APPLICANT:** Nathan Cross

**ACTION REQUESTED:** Special exception to permit a school use in an AG district (Section 25.020).

**LOCATION:** E of the NE/c W Edison Street & N 57th West Ave      **ZONED:** AG

**PRESENT USE:** Vacant

**TRACT SIZE:** ± 128 acres

**LEGAL DESCRIPTION:** S/2 NE/4 AND NW/4 SE/4 AND NW/4 NE/4 SE/4 AND NW/4 SW/4 NE/4 SE/4 AND THE WEST 190.82 FEET OF THE SW/4 SW/4 NE/4 SE/4 AND THE WEST 190.82 FEET OF LOT 4 (SE/4 SE/4) ALL IN SECTION 32, TOWNSHIP 20 NORTH, RANGE 12 EAST OF THE INDIAN BASE AND MERIDIAN, OSAGE COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT: A TRACT LOCATED IN LOT 4 (SE/4 SE/4) AND THE N/2 SE/4 OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 12 EAST OF THE INDIAN BASE AND MERIDIAN, OSAGE COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND FURTHER DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT 40 FEET EAST OF THE SOUTHWEST CORNER OF THE NW/4 SE/4 OF SAID SECTION 32; THENCE N 00°12'17" E A DISTANCE OF 226.00 FEET; THENCE S 88°27'33" E A DISTANCE OF 685.00 FEET; THENCE S 00°12'17" W A DISTANCE OF 63.00 FEET; THENCE S 88°27'33" E A DISTANCE OF 613.15 FEET; THENCE S 00°49'28" W A DISTANCE OF 373.32 FEET; THENCE N 89°49'18" W A DISTANCE OF 30.00 FEET; THENCE N 00°49'28" E A DISTANCE OF 211.06 FEET; THENCE N 88°27'33" W A DISTANCE OF 1266.39 FEET TO THE POINT OF BEGINNING

## **RELEVANT PREVIOUS ACTIONS:**

None relevant.

**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** 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 tract is abutted by large AG zoned tracts to the north, east, and west; a mixture of AG and RS-3 zoned properties abut the site on the south. This property is in Osage County.

6.2

## **STAFF COMMENTS:**

The applicant is before the Board requesting a **Special Exception** to permit a school use in the AG district (Section 25.020).

The applicant has provided the following statement: *"The property at issues in the this request (the "Subject Property") is a parcel of vacant land located in northwest Tulsa. The developer plans to redevelop the entirety of the lot into a new urbanist housing and mixed-use development. Within that plan, is a plan to construct and operate a school. As part of the application process for the school, the developer has to demonstrate that the obtain approval a school use on the Subject Property."*

A school use is permitted in the R district only by special exception. A special exception is required as the proposed use is not permitted by right due to potential adverse effect, but if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted.

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.

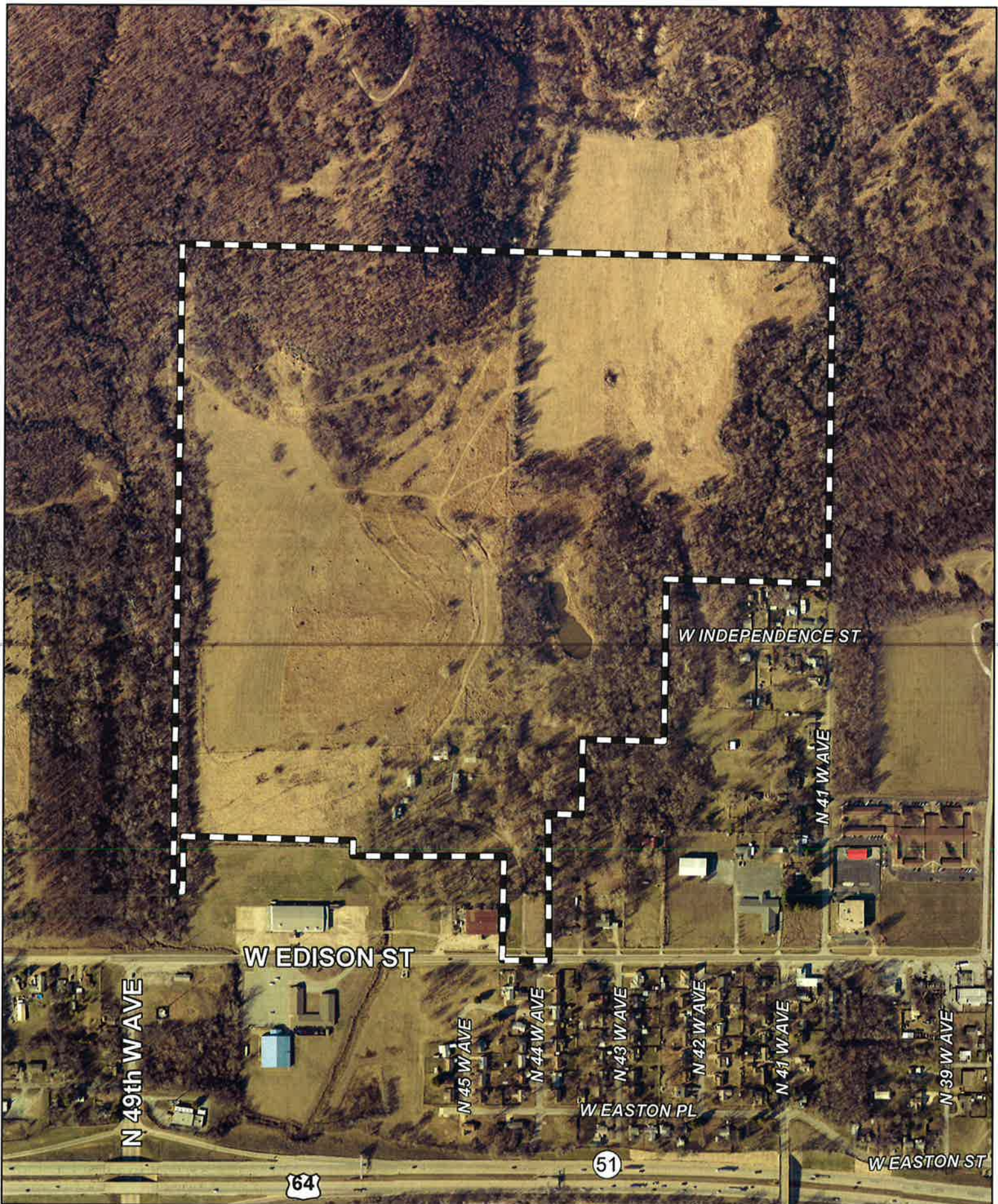
### **Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit a school use in an AG district (Section 25.020).

- Subject to the following conditions (including time limitation, if any): \_\_\_\_\_.

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





0 Feet 250 500



Subject Tract

**BOA-22514**

20-12 32

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

Aerial Photo Date: February 2018

6.4





## **EXHIBIT "B"**

### **BACKGROUND OF DEVELOPMENT:**

The property at issue in this request (the "Subject Property") is a parcel of vacant land located in northwest Tulsa. The developer plans to redevelop the entirety of the lot into a new urbanist housing and mixed-use development. Within that plan, is a plan to construct and operate a school. As part of the application process for the school, the developer has to demonstrate that the obtain approval a school use on the Subject Property.

### **REQUESTED RELIEF:**

The developer is requesting a Special Exception allowing a school use in an AG district pursuant to Section 25.020(B)(2), Table 25-1.

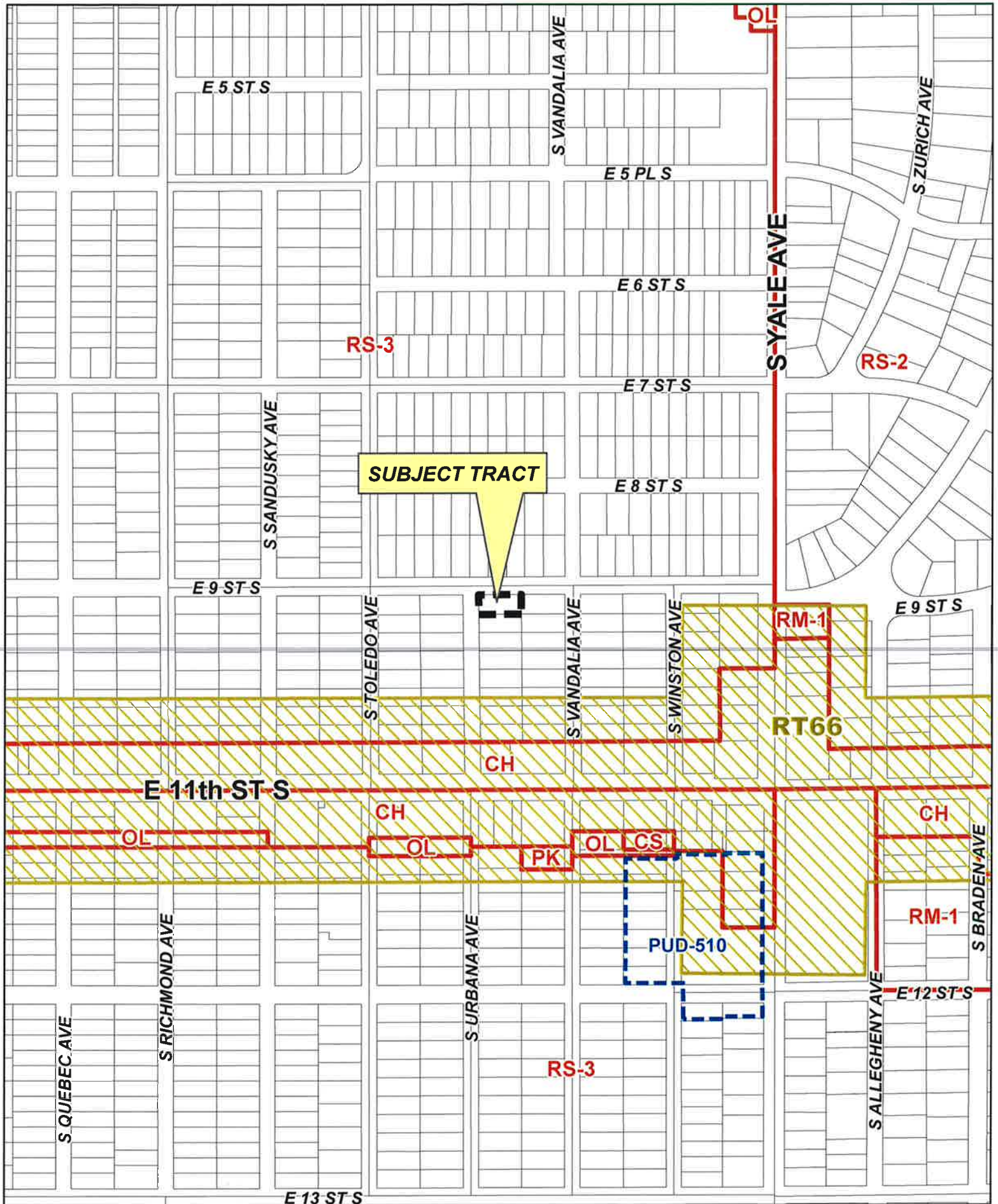
**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

S/2 NE/4 AND NW/4 SE/4 AND NW/4 NE/4 SE/4 AND NW/4 SW/4 NE/4 SE/4 AND THE WEST 190.82 FEET OF THE SW/4 SW/4 NE/4 SE/4 AND THE WEST 190.82 FEET OF LOT 4 (SE/4 SE/4) ALL IN SECTION 32, TOWNSHIP 20 NORTH, RANGE 12 EAST OF THE INDIAN BASE AND MERIDIAN, OSAGE COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

**LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT:**

A TRACT LOCATED IN LOT 4 (SE/4 SE/4) AND THE N/2 SE/4 OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 12 EAST OF THE INDIAN BASE AND MERIDIAN, OSAGE COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 40 FEET EAST OF THE SOUTHWEST CORNER OF THE NW/4 SE/4 OF SAID SECTION 32; THENCE N 00°12'17" E A DISTANCE OF 226.00 FEET; THENCE S 88°27'33" E A DISTANCE OF 685.00 FEET; THENCE S 00°12'17" W A DISTANCE OF 63.00 FEET; THENCE S 88°27'33" E A DISTANCE OF 613.15 FEET; THENCE S 00°49'28" W A DISTANCE OF 373.32 FEET; THENCE N 89°49'18" W A DISTANCE OF 30.00 FEET; THENCE N 00°49'28" E A DISTANCE OF 211.06 FEET; THENCE N 88°27'33" W A DISTANCE OF 1266.39 FEET TO THE POINT OF BEGINNING



BOA-22515

19-13 04





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9304

Case Number: **BOA-22515**

**CZM:** 37

**CD:** 4

**A-P#:**

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

**APPLICANT:** Linda Rollins

**ACTION REQUESTED:** Special Exception to permit a carport in the street (side) setback and street yard (Sec. 90.090-C.1).

**LOCATION:** 903 S URBANA AV E

**ZONED:** RS-3

**PRESENT USE:** residential

**TRACT SIZE:** 8398.4 SQ FT

**LEGAL DESCRIPTION:** LT 18 BLK 1, RIDGELAWN

**RELEVANT PREVIOUS ACTIONS:**

None relevant.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by RS-3 zoned residences on all sides.

**STAFF COMMENTS:**

The applicant is requesting a **Special Exception** to allow a 20' x 20' carport to be located in the required street (side) setback and street yard in an RS-3 zoned dsitric (Section 90.090-C.1). As

7.2

shown on the attached plans, the applicant is proposing to construct a carport along E. 9<sup>th</sup> St. S., within the required street (side) setback and street yard of the site.

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

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

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

### **Sample Motion:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit a carport in the street (side) setback and street yard (Sec. 90.090-C.1).

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

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





0 200 400  
Feet



Subject  
Tract

**BOA-22515**

19-13 04

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

Aerial Photo Date: February 2018



7.4





E8 STS

E9 STS

S VANDALIA AVE

S URBANA AVE



Subject  
Tract

**BOA-22515**

19-13 04

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

Aerial Photo Date: February 2018

7.5







Looking south— towards north side of subject property-on E. 9th  
St. S.



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

GA 93-1041

WHITE

SURVEYING COMPANY

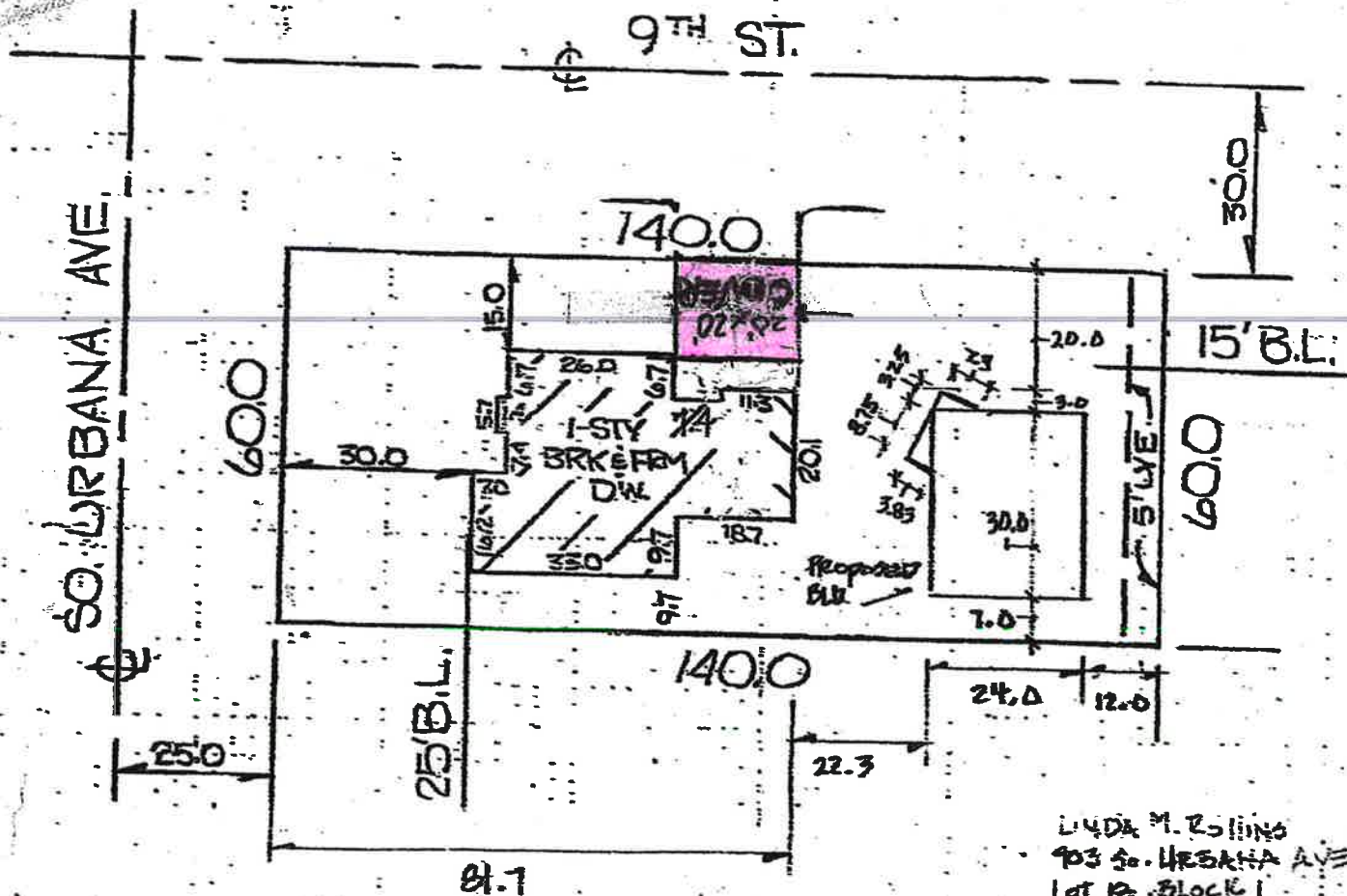
P.O. BOX 471615, TULSA, OKLAHOMA 74147-1615  
(918) 683-6924

LEGEND  
UE - UTILITY EASEMENT  
OBL - OUTBUILDING  
SETBACK LINE  
BL - BUILDING SETBACK  
LINE  
DWE - DRAINAGE EASEMENT  
DW - DWELLING  
GAR - GARAGE  
ELEC - ELECTRIC  
TEL - TELEPHONE  
BTE - BURIED TELEPHONE &  
ELECTRIC CABLE EASE-  
MENT (APPROXIMATE  
LOCATION)  
MP - METERING POINT

CUSTOMER:  
GUARANTY ABSTRACT COMPANY/  
FIRST FINANCIAL BANK  
BORROWER:

Rollins, LINDA MARLENE

NOTE: THIS PROPERTY LIES IN FLOOD ZONE "C", PER F.I.R.M.  
COMMUNITY PANEL NO. 405381 0040E, REVISED 10-15-82.



LINDA M. ROLLINS  
903 So. URBANA AVE  
LOT 18, BLOCK 1  
RIDGE LAWN ADDITION

6/20/98

REVISOR 10/31/98

PLAT # 1152

CERTIFICATE

THIS PLAT IS MADE FOR AND AT THE REQUEST OF: GUARANTY ABSTRACT COMPANY/FIRST FINANCIAL BANK

FOR MORTGAGE LOAN PURPOSES ONLY COVERING PROPERTY DESCRIBED AS FOLLOWS:

Lot Eighteen (18); Block One (1); RIDGELAWN; an Addition to  
the City of Tulsa, Tulsa County, State of Oklahoma, according  
to the Recorded Plat above and to the

7.7



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

GA 93-1041

WHITE



SURVEYING COMPANY

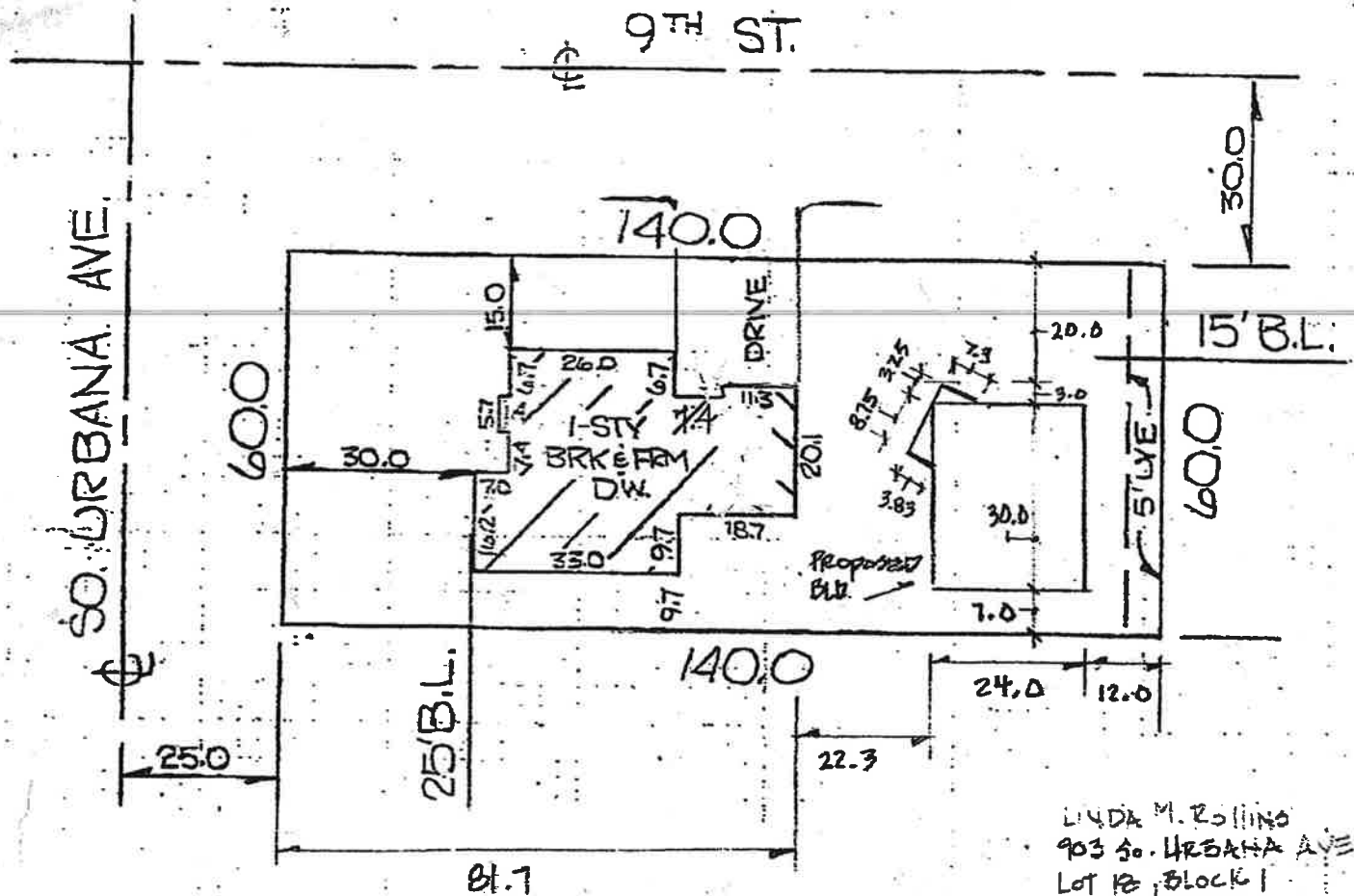
P.O. BOX 471675, TULSA, OKLAHOMA 74147-1675  
(918) 853-8928

- LEGEND
- WE - UTILITY EASEMENT
  - OBL - OUTBUILDING
  - SETBACK LINE
  - BL - BUILDING SETBACK LINE
  - DVE - DRAINAGE EASEMENT
  - DW - DWELLING
  - GAR - GARAGE
  - ELEC - ELECTRIC
  - TEL - TELEPHONE
  - B/E - BURIED TELEPHONE & ELECTRIC CABLE EASEMENT (APPROXIMATE LOCATION)
  - M/P - METERING POINT

CUSTOMER:  
GUARANTY ABSTRACT COMPANY/  
FIRST FINANCIAL BANK  
BORROWER:

Rollins, LINDA MARLENE

NOTE: THIS PROPERTY LIES IN FLOOD ZONE "C", PER F.I.R.M.  
COMMUNITY PANEL NO. 405381 0040E, REVISED 10-15-82.



LINDA M. ROLLINS  
903 So. URBANA AVE  
LOT 18, BLOCK 1  
RIDGE LAWN ADDITION  
6/20/98  
REVISED 10/31/98  
PLAT # 1152

## CERTIFICATE

THIS PLAT IS MADE FOR AND AT THE REQUEST OF GUARANTY ABSTRACT COMPANY/FIRST FINANCIAL BANK

FOR MORTGAGE LOAN PURPOSES ONLY COVERING PROPERTY DESCRIBED AS FOLLOWS:

Lot Eighteen (18), Block One (1), RIDGELAWN, an Addition to  
the City of Tulsa, Tulsa County, State of Oklahoma, according

7.8



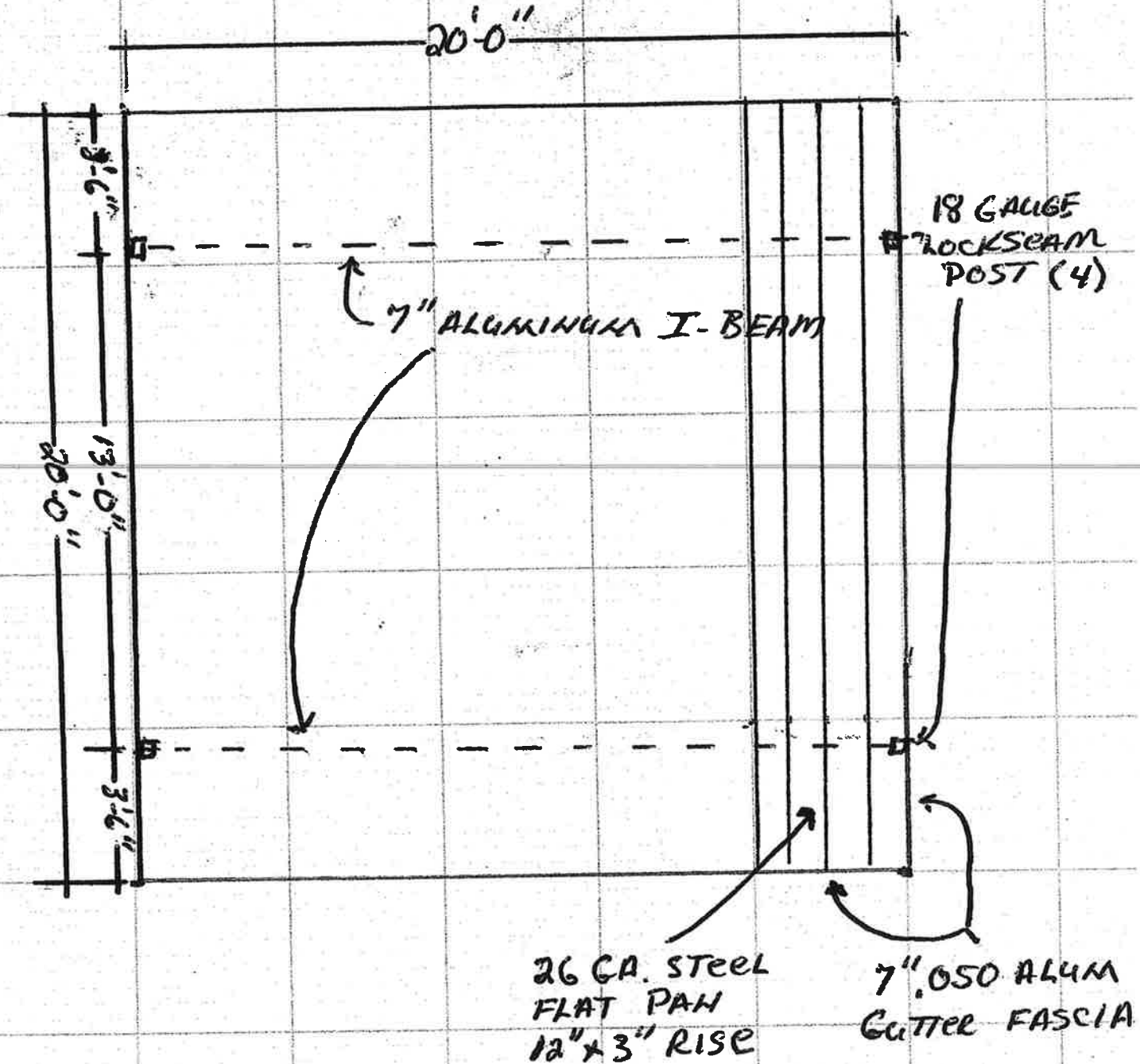


**GLAZIERS  
RESOURCE  
INC.**

210 North State St.  
Concord, NH 03301  
P - 603.856.0193  
F - 603.856.0196

Date: 8/20/2018  
Customer: Linda Rollins  
Job Name: Rollins

Scale  $\frac{1}{4}" = 1'$

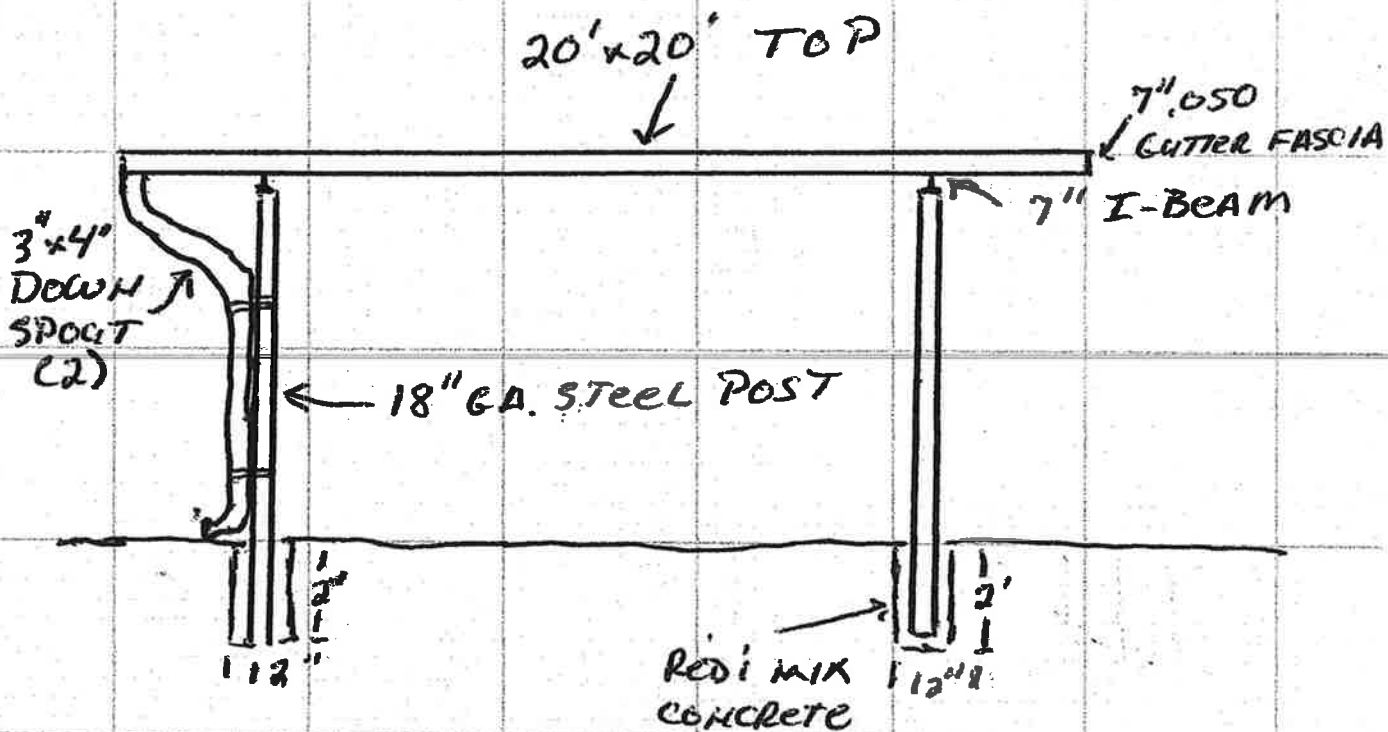




**GLAZIERS  
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Concord, NH 03301  
P - 603.856.0193  
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Date: 8/20/2018  
Customer: Linda Rollins  
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# BALLEW'S

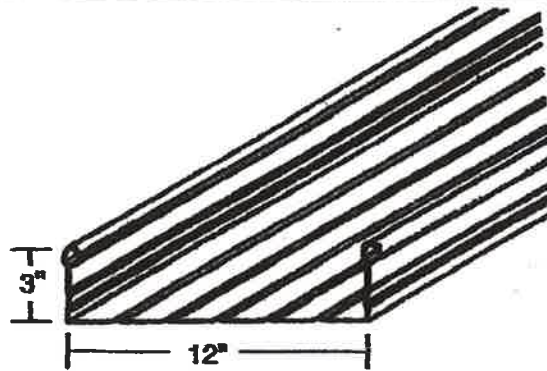
Office  
(864) 272-4453

Toll Free  
(800) 231-6666

Fax  
(864) 272-4456

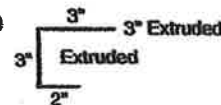
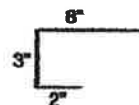
2 Shelter Drive  
Greer, SC 29650

## ALUMINUM PRODUCTS



High Rise Flat Pans are cut to length up to 40 feet.

Item No.	Description	Gauge
40-25BZ	Bronze 12" x 3" High Rise Pans	.025
40-25IV	Ivory 12" x 3" High Rise Pans	.025
40-25WW	White 12" x 3" High Rise Pans	.025
40-32BR	Brown 12" x 3" High Rise Pans	.032
40-32BZ	Bronze 12" x 3" High Rise Pans	.032
40-32IV	Ivory 12" x 3" High Rise Pans	.032
40-32WW	White 12" x 3" High Rise Pans	.032
40-32GR	Gray 12" x 3" High Rise Pans	.032
40-32BL	Black 12" x 3" High Rise Pans	.032
40-32CL	Clay 12" x 3" High Rise Pans	.032
40-32CA	Clear Anodized 12" x 3" High Rise Pans	.032
39-26WW	White 12" x 3" 26 Ga. Steel High Rise Pans	.040
39-26IV	Ivory 12" x 3" 26 Ga. Steel High Rise Pans	
40-40XX	White, Bronze, Ivory 12" x 3" High Rise Pans	
70-0098	Styrofoam Plugs for High Rise Pans	.032
70-2100	Gutter Hangers	
70-8001	Leaf Guard for High Rise Pans	
72-2002	10' Gutter Clip for High Rise Pans	
51-12BZ	12' Brakeform Header Bronze	.032
51-12IV	12' Brakeform Header Ivory	
51-12WW	12' Brakeform Header White	
52-XXBZ	24' & 30' Extruded Header Bronze	.032
52-XXWW	24' & 30' Extruded Header White	
52-24IV	24' Extruded Header Ivory	





# BALLEW'S

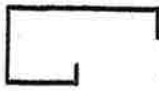




Office  
(864) 272-4453

Toll Free  
(800) 231-6666

Fax  
(864) 272-4456

2 Shelter Drive  
Greer, SC 29650

## ALUMINUM PRODUCTS

Item	Item No.	Item Description	Gauge	Leng
	43-80WW	Extruded White Gutter 6" x 3"	.080	25'
	43-80BZ	Extruded Bronze Gutter 6" x 3"	.080	25'
	43-80CA	Extruded Clear Anodized 6" x 3"	.080	25'
	431-125	Extruded White 8" x 3"	.125	24'
	433-125	Extruded Bronze 8" x 3"	.125	24'
	43-50IV	7" Ivory Rollform Gutter	.050	Cut to Length
	43-50BZ	7" Bronze Rollform Gutter	.050	
	43-50BR	7" Brown Rollform Gutter	.050	
	43-50WW	7" White Rollform Gutter	.050	
	43-50BL	7" Black Rollform Gutter	.050	
	43-50TC	7" Terra Cotta Rollform Gutter	.050	
	43-50GR	7" Gray Rollform Gutter	.050	
	43-50G	7" Ivy Green Rollform Gutter	.050	
	43-50CL	7" Clay Rollform Gutter	.050	Cut to Length
	43-32WW	7" White Rollform Maxi Gutter	.032	
	43-32BZ	7" Bronze Rollform Maxi Gutter	.032	
	43-32BR	7" Brown Rollform Maxi Gutter	.032	
	43-32IV	7" Ivory Rollform Maxi Gutter	.032	Cut to Length
	47-32IV	7" Ivory Rollform Side Fascia	.032	
	47-32BR	7" Brown Rollform Side Fascia	.032	
	47-32BZ	7" Bronze Rollform Side Fascia	.032	
	47-32WW	7" White Rollform Side Fascia	.032	Cut to Length
	47-32GR	7" Gray Rollform Side Fascia	.032	
	44-50WW	White Gutter Corners	.050	
	44-50BZ	Bronze Gutter Corners	.050	
	44-50IV	Ivory Gutter Corners	.050	
	44-50BR	Brown Gutter Corners	.050	
	44-50GR	Gray Gutter Corners	.050	
	44-50BL	Black Gutter Corners	.050	
	44-50TC	Terra Cotta Gutter Corners	.050	
	44-50G	Ivy Green Gutter Corners	.050	
	44-50CL	Clay Gutter Corners	.050	

# BALLEW'S

Office  
(864) 272-4453






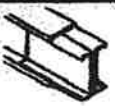
Toll Free  
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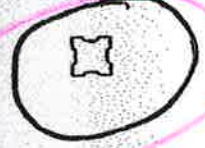

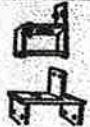



## ALUMINUM PRODUCTS

### SUPPORT PACKAGES

Item	Item No.	Description	Material	Finish	Length
<b>BEAMS</b>  	53-24XX	2" x 4" Slanted Box Beam	Aluminum	Bronze White	24' 24'
	61-24XX	2" x 4" Self Mating Beam	Aluminum	Bronze White	24'-3"
	61-24XX	2" x 7" Self Mating Beam	Aluminum	White Ivory Bronze	24'-3" 24'
	630-30X	2" x 9" Self Mating Beam	Aluminum	White Bronze	30'
	55-20XX	7" I Beam	Aluminum	Bronze White Ivory	20' 24' 30'
	550-30X	10" I Beam	Aluminum	White	24' 30'
	54-20XX	7" C Beam	Aluminum	Bronze Ivory White	20' 24'
	54-54XX	10" C Beam	Aluminum	Bronze Ivory White	20' 24' 30'
<b>BEAM SLICE KIT</b> 	54-00MF	Splice Kit for 10" C Beam		Anodized	24'
	55-0000	Splice Kit for 7" I Beam		Bronze	24'
	55-0001	Splice Kit for 7" I Beam		White	24'
	55-00WW	Splice Kit for 10" I Beam		Anodized	



2 Shelter Drive  
Greer, SC 29650**ALUMINUM PRODUCTS****SUPPORT PACKAGES**

Item	Item No.	Description	Material	Finish	Length
<b>POSTS</b>					
	56-10XX	3" x 3" Extruded Fluted Post	Aluminum	Bronze Ivory White	8', 10' 12', 20' 24'
	57-10XX	3" x 3" Clover Post Extruded	Aluminum	Bronze White	10' 24'
	60-20XX	3" .110 Post Extruded Square	Aluminum	Bronze White Ivory Clay	20' 24' 24'
	93-10XX	3" Lockseam Steel Post	Steel	Bronze White Ivory Brown Gray Black Clay	10' 12' 14' 24'
	65-20XX	4" .125 Post Extruded Square	Aluminum	Bronze White Ivory	20' 24'
	065-24W	6" .180 Smooth Post	Aluminum	Clr Anodized White	24' 24'
	70-3006 70-3007 70-3008 70-3009	Chair Bracket for 3" Square Post Chair Bracket for 3" Chair Bracket for 3" Chair Bracket for 4" Square Post	Aluminum	White Bronze Ivory Anodized	
	70-3001	3" Bracket for Lock Seam Steel and Clover Leaf Posts	Aluminum	Mill	
	70-3005	3" Universal Bracket for all 3" Square Posts	Aluminum	Mill	
	70-3004	3" Hidden Bracket	Aluminum	Mill	
	70-3014	4" Universal Bracket	Aluminum	Mill	
	70-9200	Overhead Rod Component Kit (1 1/2 tubing not included)	Aluminum	Mill	
	70-9100	Wall Mount Bracket for 1 1/2" tube	Aluminum	Mill	
	99-HBRK	Saddle Bracket	Aluminum	Mill	
	70-9170	1 1/2" Overhead Bracket	Aluminum	Mill	
	70-3030	3" Cast Brackets with ears	Aluminum	Mill	



Jeff S. Taylor  
Zoning Official  
Plans Examiner

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



DEVELOPMENT SERVICES  
175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

## ZONING CLEARANCE PLAN REVIEW

8/27/2018

Linda Rollins  
903 S Urbana Ave  
Tulsa, OK. 74112

APPLICATION NO: BLDR-009738-2018  
OFFICE)

Project Location: 903 S Urbana Ave E  
Description: Carport

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR

### 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
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601, OR YOU CAN SUBMIT REVISIONS ONLINE. 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 REVISIONS ONLINE OR SUBMIT TWO (2) PAPER SETS OF REVISED OR ADDITIONAL PLANS TO THE PERMIT CENTER. 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" ☒ **IS** ☐ **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. **ZCO-009738-2018**

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

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

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

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

- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.

g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed

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

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.



Hi Amy,

I have applied for a permit to install a carport over our driveway on our side yard at 903 So Urbana Ave. I have an appointment with the Board of Adjustment on 10/9 at 1:00.

My case number is BOA-22515.

I have enclosed 22 pictures of carports within a 4 Block radius of our house with the address. Hope this helps!

Please call with any questions 918-838-2984

- 1- 932 So Winston
- 2- 928 So Winston
- 3- 904 So Winston
- 4- 938 So Urbana
- 5- 907 So Urbana
- 6- 904 So Toledo
- 7- 822 So Toledo
- 8- 712 So Toledo
- 9- 928 So Sandusky
- 10- 924 So Sandusky
- 11- 745 So Sandusky
- 12- 738 So Sandusky
- 13- 703 So Sandusky
- 14- 925 So Richmond
- 15- 922 So Richmond
- 16- 915 So Richmond
- 17- 4741 E. 9<sup>th</sup>

- 18- 4733 E 9<sup>th</sup>
- 19- 4719 E 9<sup>th</sup>
- 20- 4507 E 9<sup>th</sup>
- 21- 4528 E 8<sup>th</sup>
- 22- 4524 E 8<sup>th</sup>

Thank you for  
your help!

Linda Rollins

Would you email me  
when you get this please?  
rellinsr@att.net

Thanks 7.18

①



②



7.19

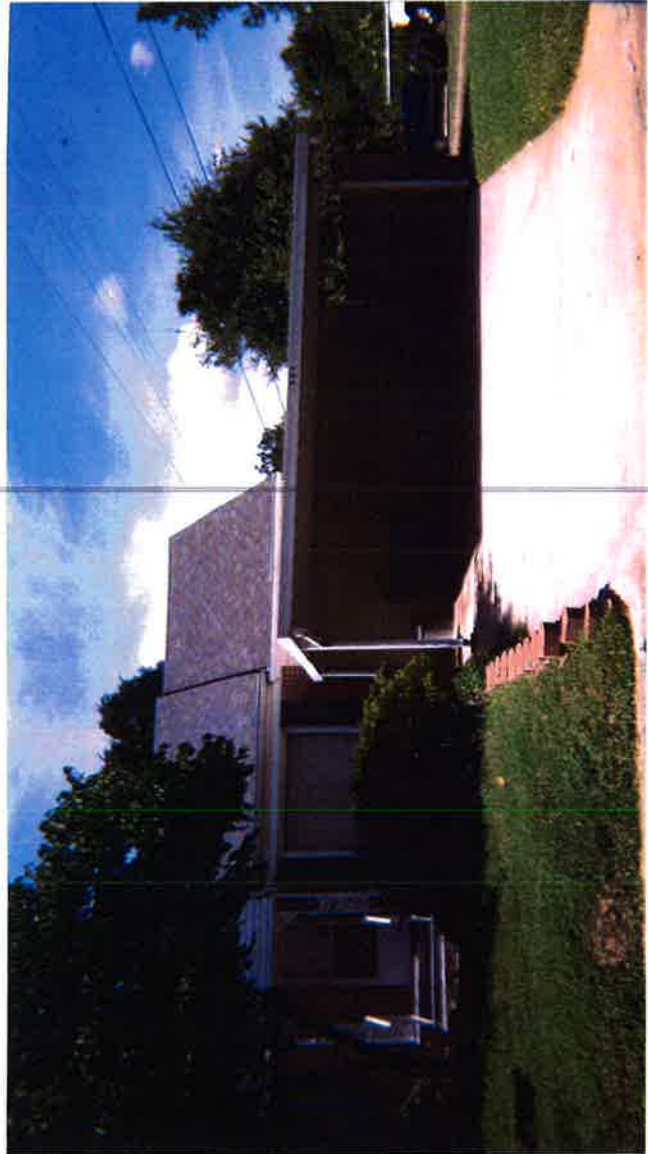
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④







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(4)





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(12)



(13)







18



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22



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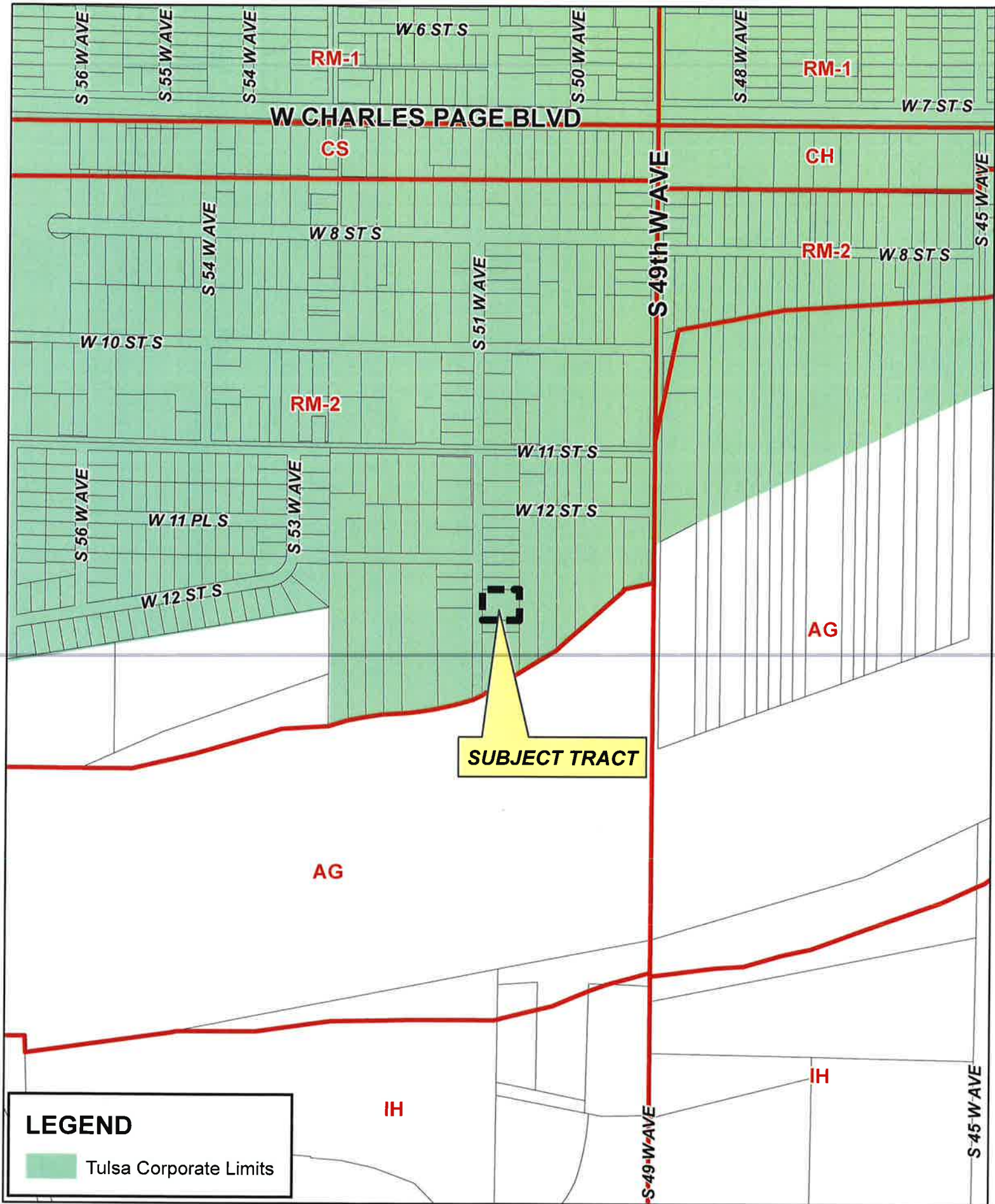
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## LEGEND

 Tulsa Corporate Limits



**BOA-22516**

19-12 08

8.1



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9208

Case Number: **BOA-22516**

**CZM:** 35

**CD:** 1

**A-P#:**

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

**APPLICANT:** Heritz Blendowski

**ACTION REQUESTED:** Special Exception to allow a manufactured housing unit on an RM-2 zoned lot; Special Exception to extend the time limit to allow a manufactured home on the site for more than 1 year (Sections 5.020 ; Section 40.210-A)

**LOCATION:** 1227 S 51 AV W

**ZONED:** RM-2

**PRESENT USE:** Vacant

**TRACT SIZE:** 18748.3 SQ FT

**LEGAL DESCRIPTION:** PT OF LTS 8 & 9 BLK 4 S 125 N 425 EA OF LTS 8 & 9, VERN SUB NUMBER 2

**RELEVANT PREVIOUS ACTIONS:**

None relevant.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts RM-2 zoned lots on all sides.



**STAFF COMMENTS:**

The applicant is requesting a special exception to permit a 14'Wx56'L manufactured housing unit . A special exception is required as a manufactured home is a use which is not permitted by right in the RM-2 district because of potential adverse effect.

The Code requires that a manufactured housing unit in an R district be removed from the lot within one year of the special exception approval (Section 40.120-A). The applicant has requested a special exception to extend the time limit and permit a manufactured housing unit on the site for a period of more than 1-year.

As the writing of this case report staff has not received any comments from the surrounding neighbors or property owners.

**Sample Motion for a Special Exception**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to allow a manufactured housing unit on an RM-2 zoned lot; **Special Exception** to extend the time limit to allow a manufactured home on the site for more than 1 year (Sections 5.020 ; Section 40.210-A)

- 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.



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Subject Tract

**BOA-22516**

19-12 08

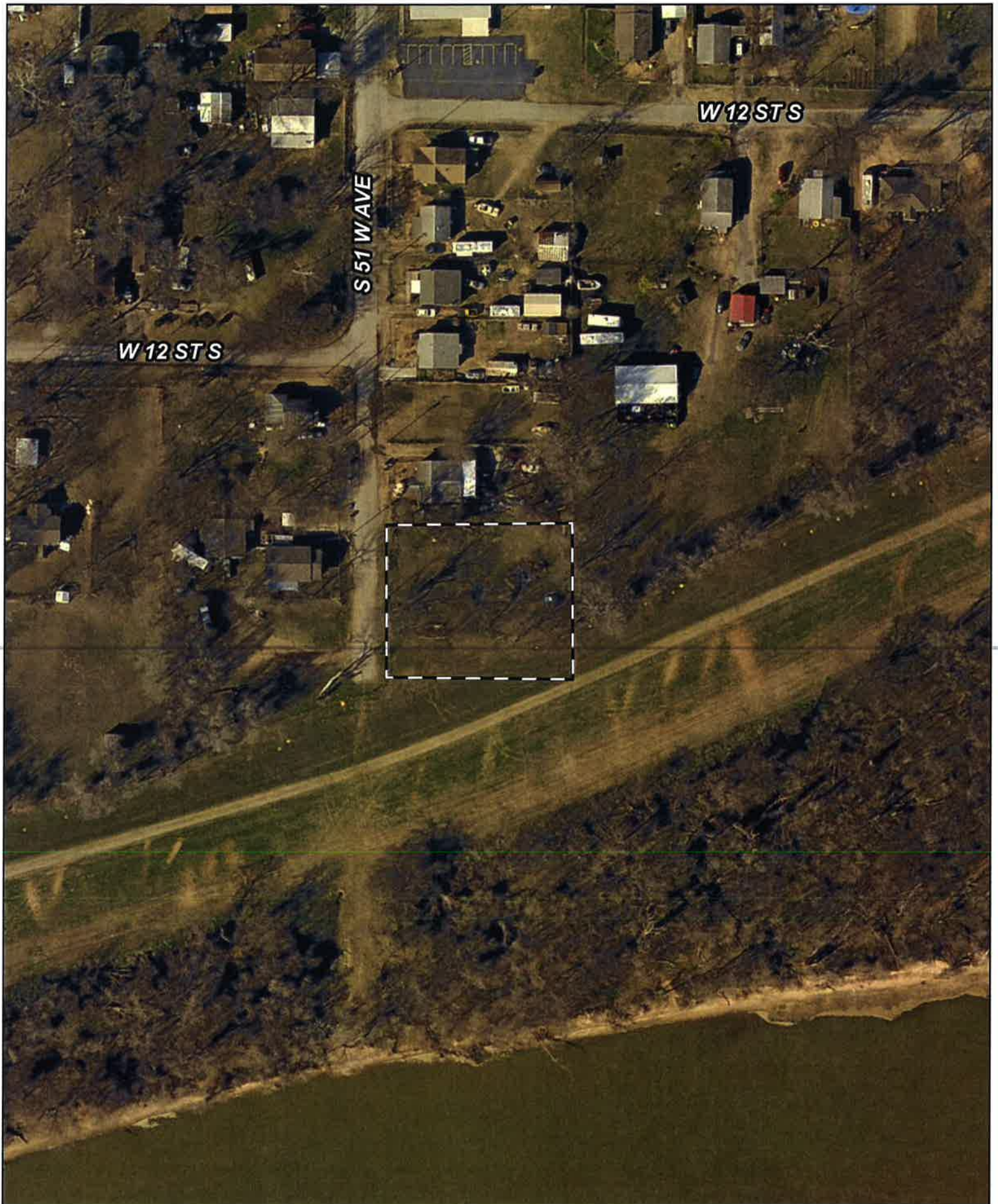
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

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W 12 ST S

S 51 W AVE

W 12 ST S



Subject  
Tract

**BOA-22516**

19-12 08

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

Aerial Photo Date: February 2018

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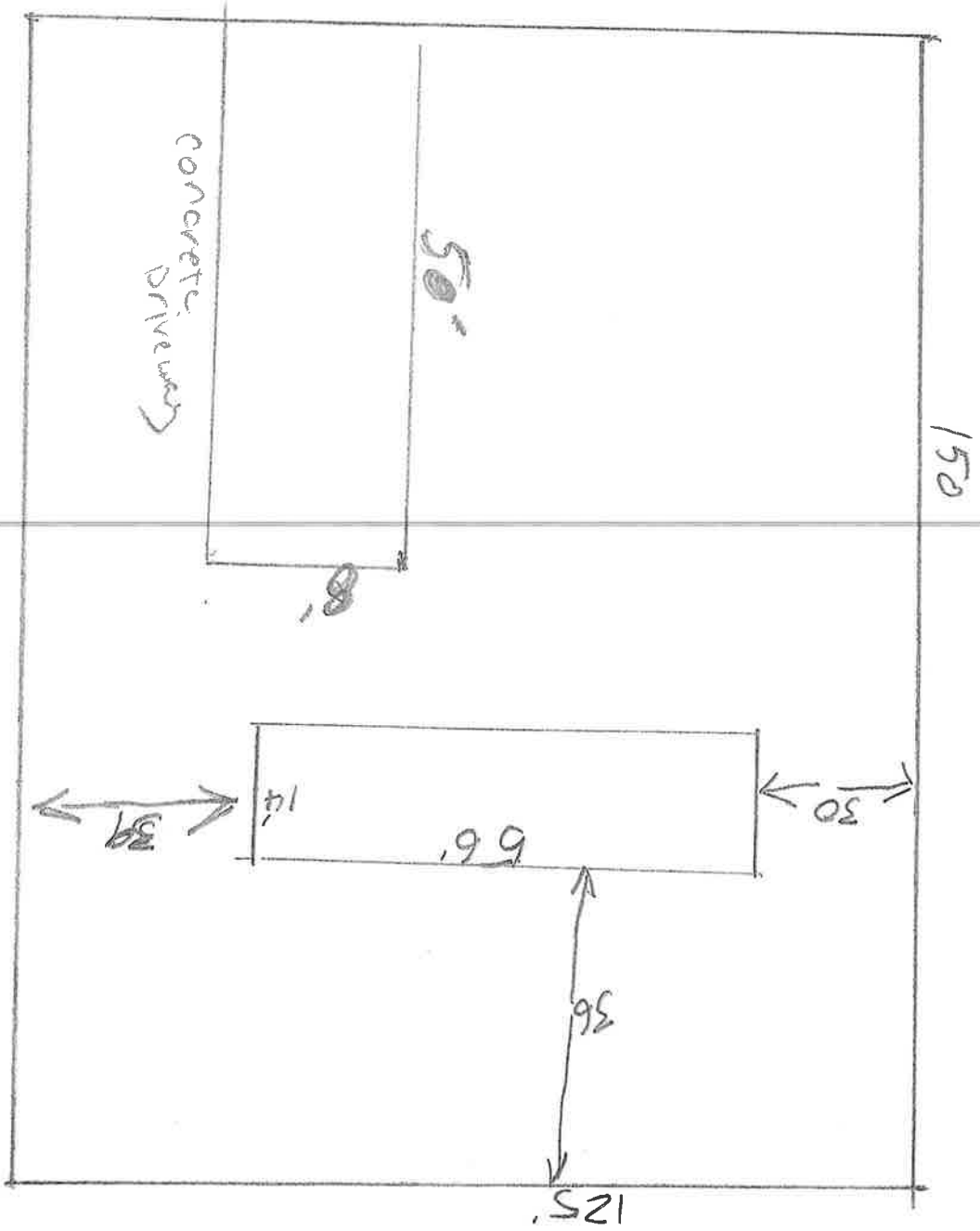
Concrete base

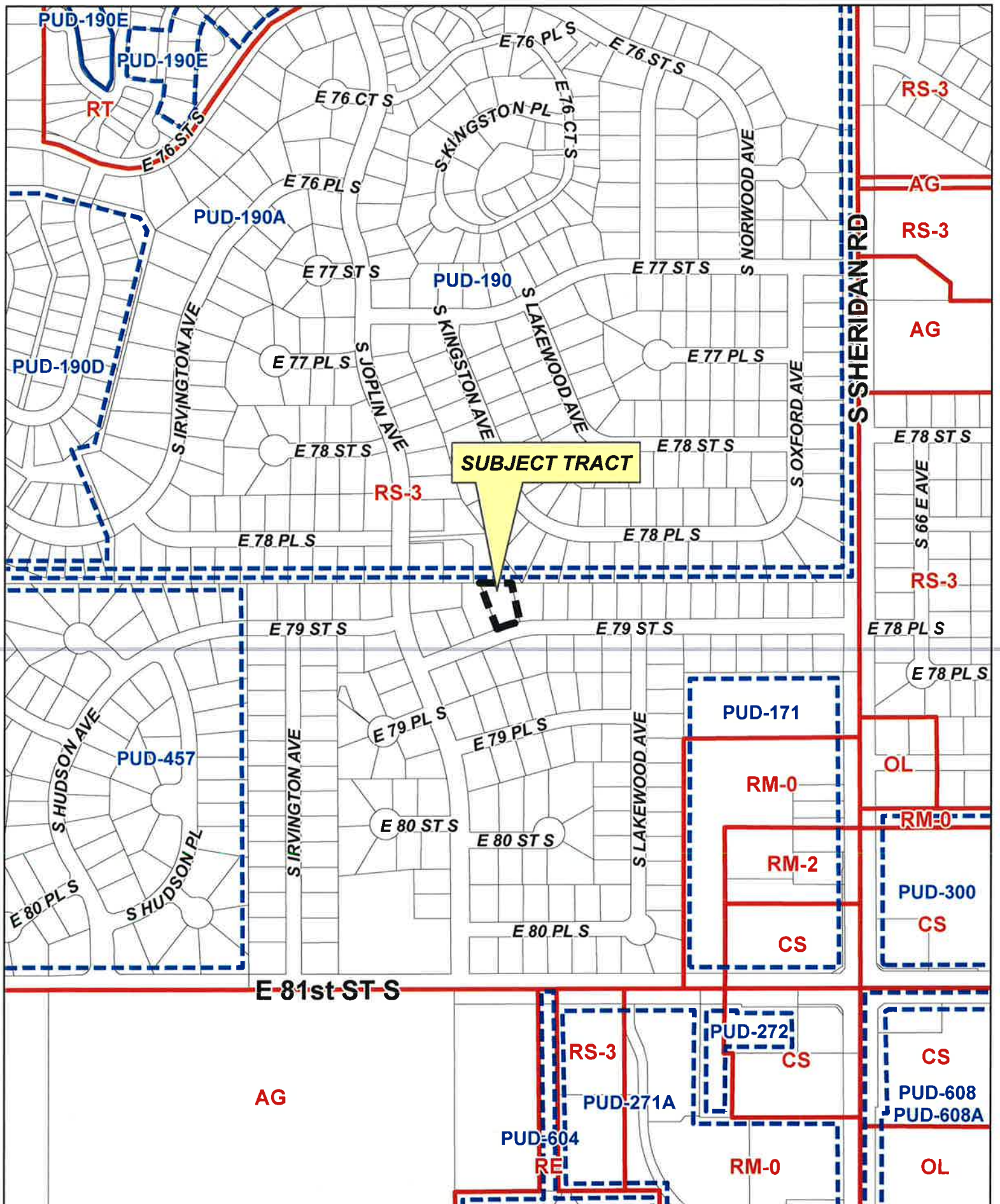
4"



5/8 rebar

S 51<sup>ST</sup> WEST AVE





BOA-22517

18-13 10

9.1



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 8310

Case Number: **BOA-22517**

**CZM:** 53

**CD:** 8

**A-P#:**

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

**APPLICANT:** Judy Ann Walrath

**ACTION REQUESTED:** Special Exception to exceed the allowable driveway width in the street right of way and in the street setback. (Sec. 55.090-F3)

**LOCATION:** 5927 E 79 ST S

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 12458.21 SQ FT

**LEGAL DESCRIPTION:** LT 14 BLK 1, PLEASANT VALLEY ESTATES

**RELEVANT PREVIOUS ACTIONS:**

None relevant.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by RS-3 zoned residences on all sides.



## **STAFF COMMENTS:**

On September 18, 2018 the below driveway width amendment to the City of Tulsa Zoning Code became effective:

### **55.090-F Surfacing**

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

Maximum Driveway Width					
Lot Frontage	75'+	60' – 74'	46' – 59'	30' – 45'	Less than 30' [2]
Driveway Within Right-of-Way (feet) [1]	27'	26'	22'	20'	12'
Driveway Within Street Setback (feet)	30'	30'	--	--	--

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

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

As shown on the attached exhibit, the lot has 68.72' of frontage on E. 79<sup>th</sup> St. S. Per the updated amendment, the applicant is allowed by right a driveway width of 26' within the right-of-way and 30' within the street setback. The applicant is before the Board requesting a **Special Exception** to allow a driveway to be greater than 26' in width within the right-of-way and 30' in the street setback..

### **Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to exceed the allowable driveway width in the street right-of-way and in the street setback. (Sec. 55.090-F.3)

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

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





0 200 400  
Feet



Subject  
Tract

**BOA-22517**

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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Feet



Subject  
Tract

**BOA-22517**

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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C/E	CHIEF
D/E	DRAIN
M/P	METE
B/E	BURIE
	TELEF
	EASEM
	(APPF
	LOCAT
B.L.	BUILD
O.B.L.	OUTBU

INVOICE NO.: FATA 15-78678  
MORTGAGOR: WALRATH, RONALD GEORGE & JUDY ANN

  BEFORE  
CALL  
1-800

[illegible]

4. DEED OF DEDICATION TO THE  
PUBLIC RECORDED IN BOOK 3843  
PAGE 61.

PLAT NO. 3859

LOT FOURTEEN (14), BLOCK ONE (1), PLEASANT VALLEY ESTATES, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 3859, AND KNOWN AS 5927 EAST 79TH STREET.

9.6

Jeff S. Taylor  
Zoning Official  
Plans Examiner

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



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

8/20/2018

Ronald Walrath

**APPLICATION NO: BLDR-008686-2018** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 5927 E 79<sup>th</sup> St**

**Description: Driveway expansion**

#### 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
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601, OR YOU CAN SUBMIT REVISIONS ONLINE.

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 REVISIONS ONLINE OR SUBMIT TWO (2) PAPER SETS OF REVISED OR ADDITIONAL PLANS TO THE PERMIT CENTER. 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" ☐ IS ☒ IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. **BLDR-008686-2018**

**Note:** As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

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

**55.090-F3 Surfacing.** In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120. Maximum Driveway Width in RS-3 is 20' within ROW and 30' outside of ROW on your lot.

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

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

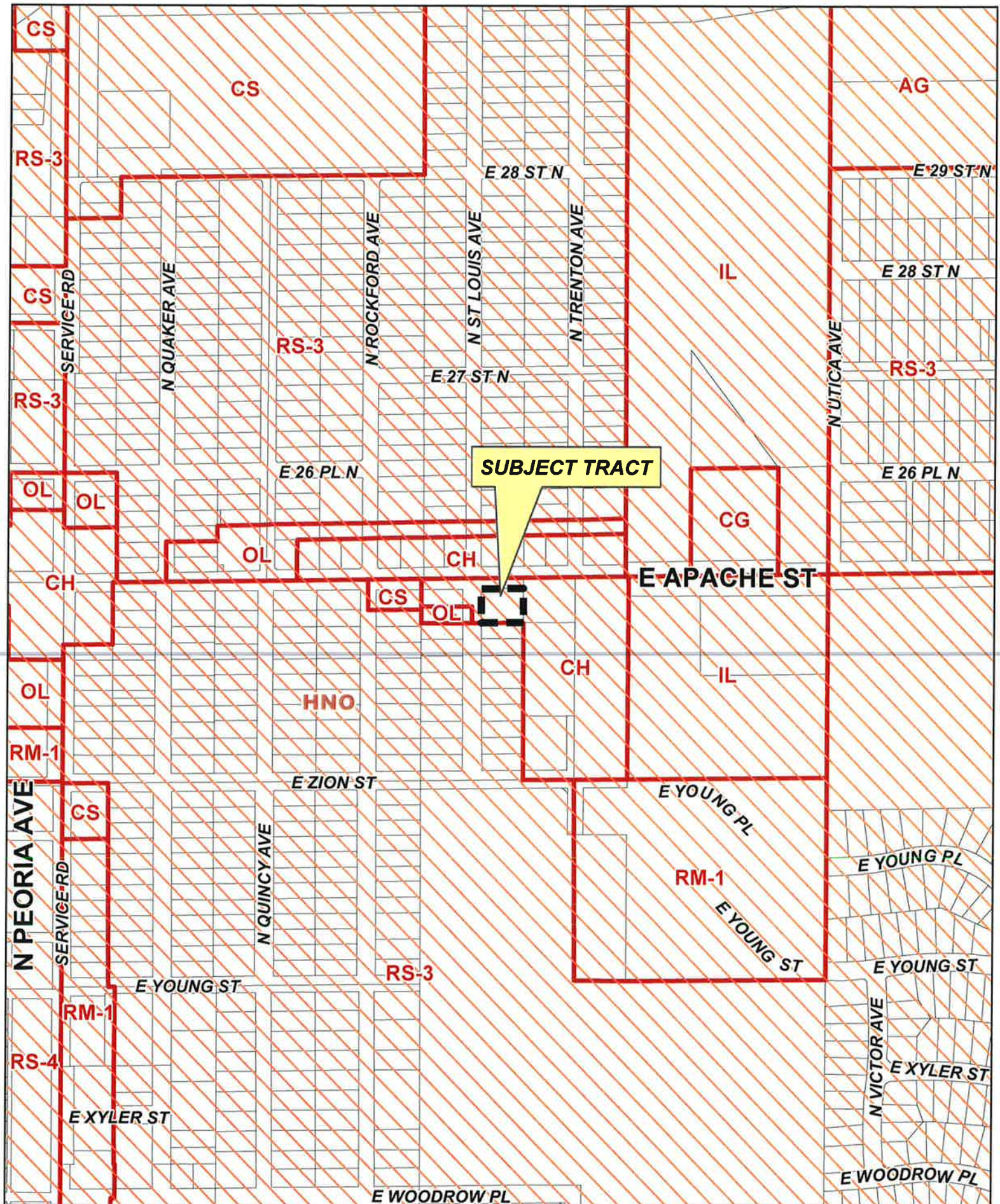
A hard copy of this letter is available upon request by the applicant.

## END -ZONING CODE REVIEW

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

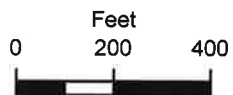
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.





BOA-22518

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20-13 30





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 216 Case Number: **BOA-22518**

**CZM:** 29

**CD:** 1

**A-P#:**

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

**APPLICANT:** Atya Theirry

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

**LOCATION:** 1532 E APACHE ST N

**ZONED:** CH

**PRESENT USE:** commercial use

**TRACT SIZE:** 14714.63 SQ FT

**LEGAL DESCRIPTION:** LTS 1 & 2 BLK 2, COLLEGE INN ADDN

**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".

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts CH zoning to the north and east; to the south are RS-3 zoned lots; both OL and CH zoned parcels are to the west. The property is in the Healthy Neighborhoods Overlay boundary.

**STAFF COMMENTS:**

The applicant is proposing to a liquor store in an existing commercial building. To allow the proposed liquor store the applicant is before the Board requesting a Spacing Verification for a liquor store in a CH district from other liquor stores, plasma centers, day labor hiring centers, bail bond offices or pawnshops (Sec. 40.300-A).

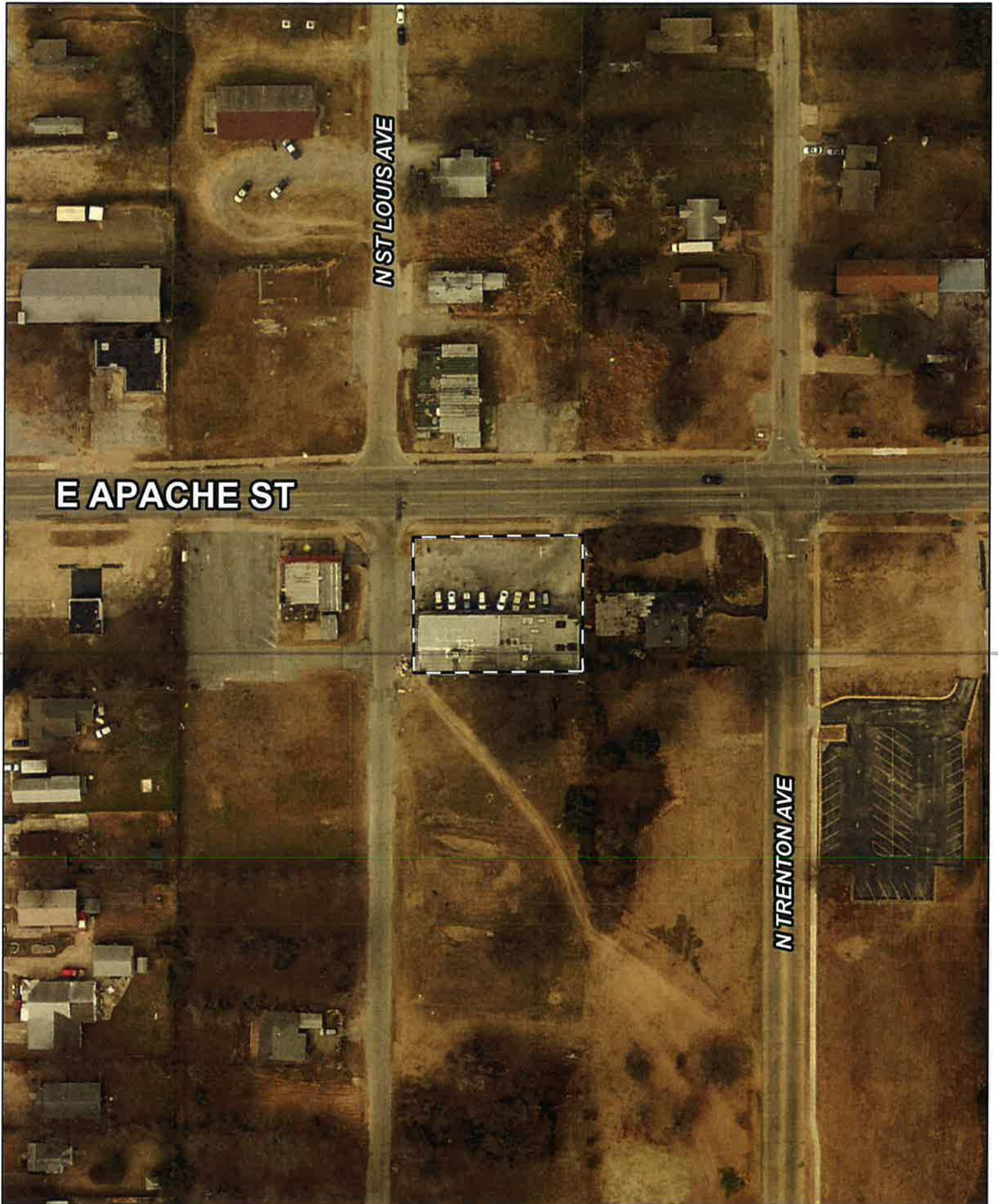
The property is zoned CH and a liquor store is permitted by right in the CH district as long as it meets the spacing requirement of 300 ft. from from other **liquor stores, plasma centers, day labor hiring centers, bail bond offices or pawnshops**. The spacing requirement must be verified before the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

The applicant submitted an exhibit measuring 300 ft from the boundaries of the commercial building that will contain the proposed liquor store. The existing businesses and uses of the properties within 300 ft of the site were labeled in support of the verification. Staff visited the site and did not notice any of the above-mentioned conflicting uses within 300 ft. of the subject site.

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

**I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing to permit expansion of the existing liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store.**





**E APACHE ST**

**N ST LOUIS AVE**

**N TRENTON AVE**



0 Feet 50 100



Subject  
Tract

**BOA-22518**

20-13 30

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

Aerial Photo Date: February 2018

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0 Feet 200 400



Subject  
Tract

**BOA-22518**

20-13 30

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

Aerial Photo Date: February 2018

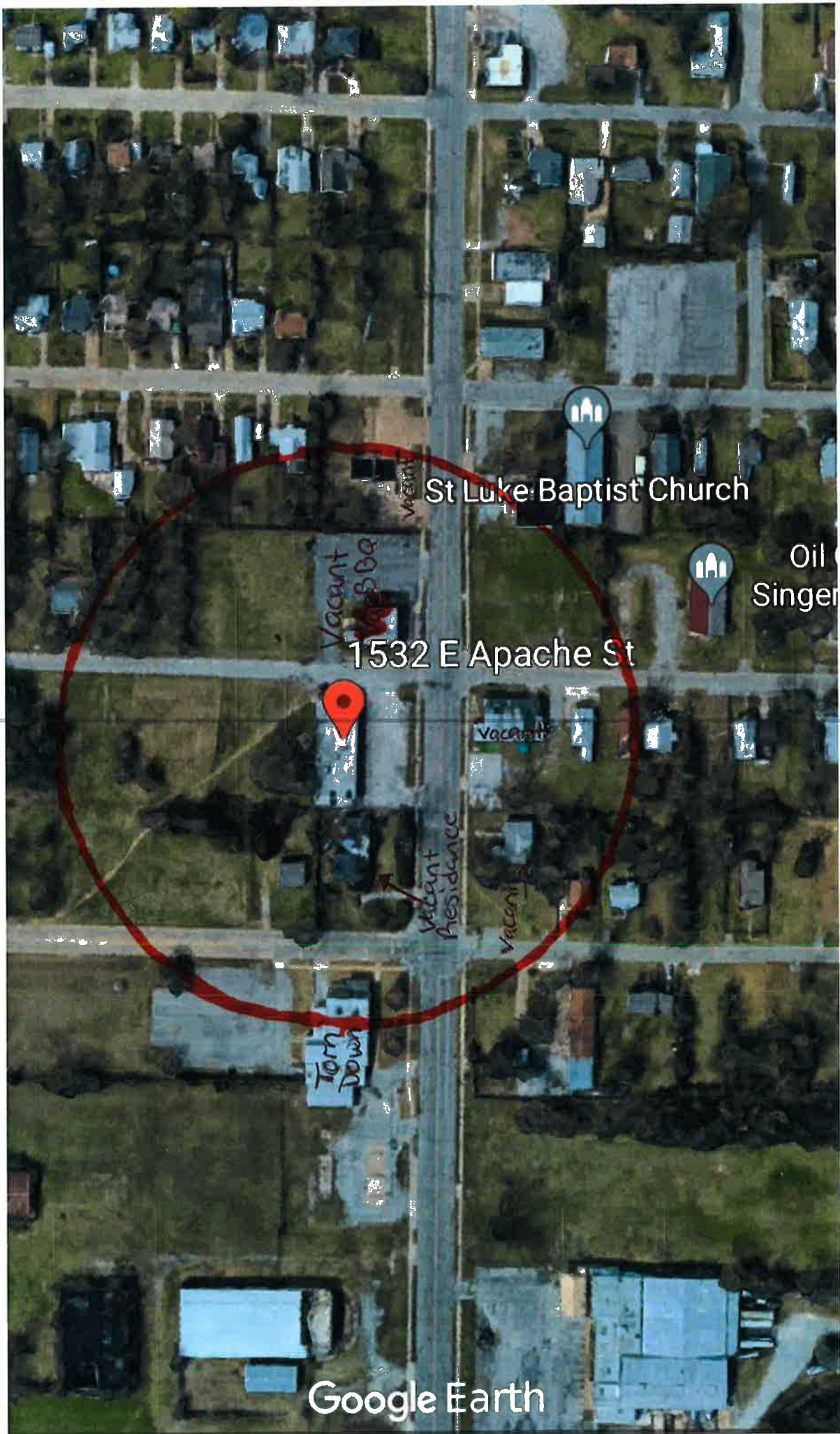


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**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

TEL (918)596-9688  
clange@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

August 8<sup>th</sup>, 2018

Atya Thierry  
1532 E Apache ST  
Tulsa, OK 74106

Phone: 918.523.0120

APPLICATION NO: **COO-007867-2018**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1532 E Apache ST  
Description: COO

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" ☒ **IS** ☐ **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No.

Address

Date

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

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

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

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

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

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

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

## END – ZONING CODE REVIEW

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

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



**BOA-22519 – HALL ESTILL –  
KENYON WILLIAMS**

**THE APPLICATION WAS WITHDRAWN  
BY THE APPLICANT**

**THIS PAGE**  
**INTENTIONALLY**

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**BOA-22520 – EDDIE JAMES**

**STAFF REQUESTS A CONTINUANCE TO  
OCTOBER 23, 2018 TO SEEK  
ADDITIONAL RELIEF**

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9309

Case Number: **BOA-22521**

CZM: 37

CD: 4

A-P#:

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

**APPLICANT:** Lanette Jenike

**ACTION REQUESTED:** Special Exception to allow a fence to exceed 4 ft. in height within the required street setbacks.(Section 45.080)

**LOCATION:** 1213 S OSWEGO AV E

**ZONED:** RS-3

**PRESENT USE:** residential

**TRACT SIZE:** 7801.63 SQ FT

**LEGAL DESCRIPTION:** LT-23-BLK-6, MAYO ADDN

**RELEVANT PREVIOUS ACTIONS:**

None relevant.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by RS-3 zoned lots on all sides.

**STAFFCOMMENTS:**

The applicant has an existing fence that is within the required street setback on the northern portion of the property, along S. Oswego Ave. As shown on the attached exhibits, the existing fence is 6 ft. in height in the front street setback. The required street setback in an RS-3 zoned district is 25 feet.

The Code (Section 45.080-A) limits fence and wall heights in the required front setback to 4 feet; however, the Code permits the Board of Adjustment to increase the permitted height through special exception approval. The applicant has requested a **Special Exception** to allow a fence to exceed 4 feet in height in the front street setback.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a fence to be greater than 4 feet within the street setback (Sec. 45.080-A)

- 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  
Tract

**BOA-22521**

19-13 09

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

Aerial Photo Date: February 2018

13.4







S NEW HAVEN AVE

E 12 ST S

SOSWEGO AVE

S PITTSBURG AVE

E 13 ST S



Subject  
Tract

**BOA-22521**

19-13 09

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

Aerial Photo Date: February 2018

13.5

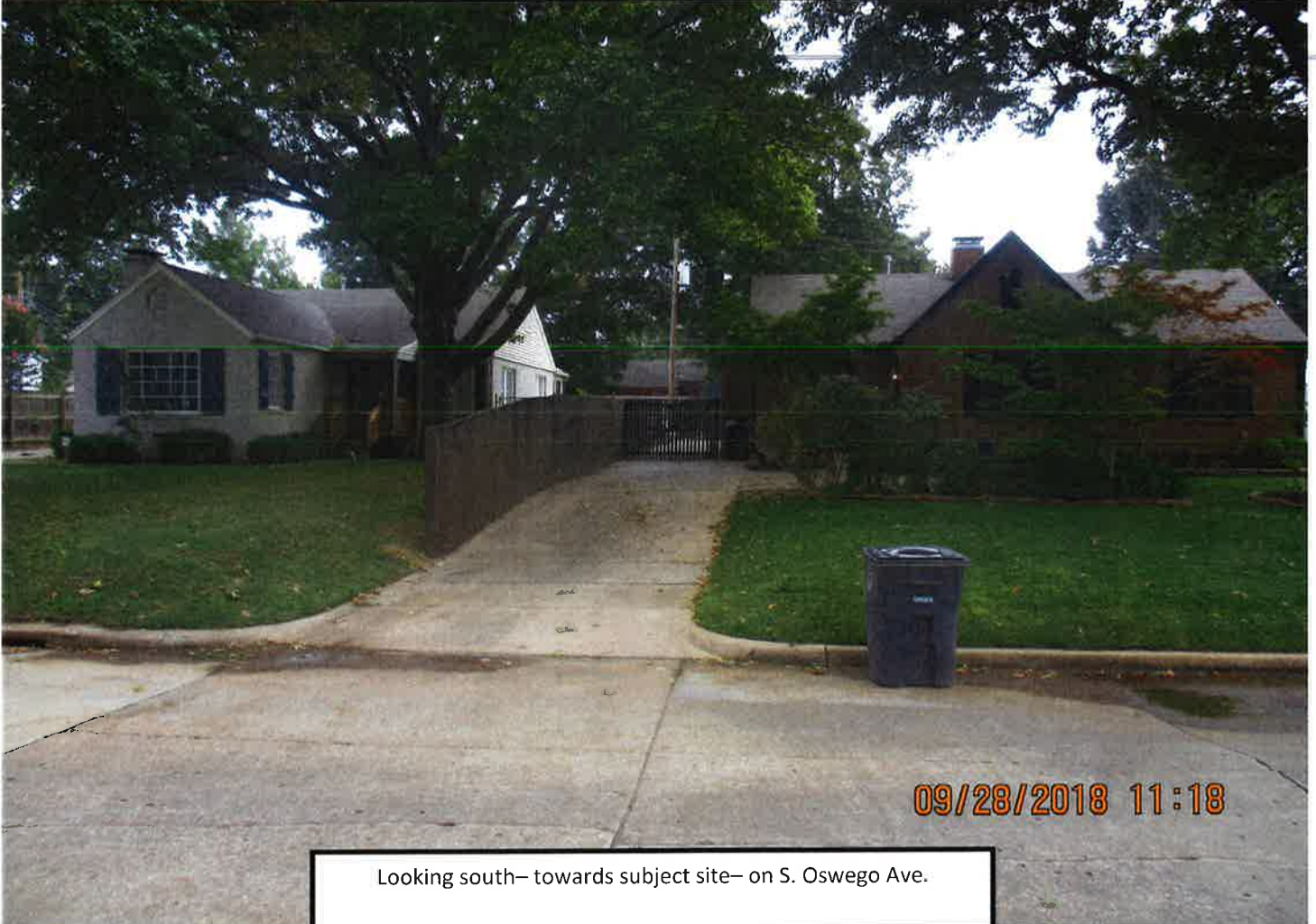






Looking southeast— towards subject site— on S. Oswego Ave.

/2018 11:18

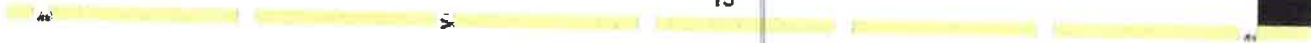
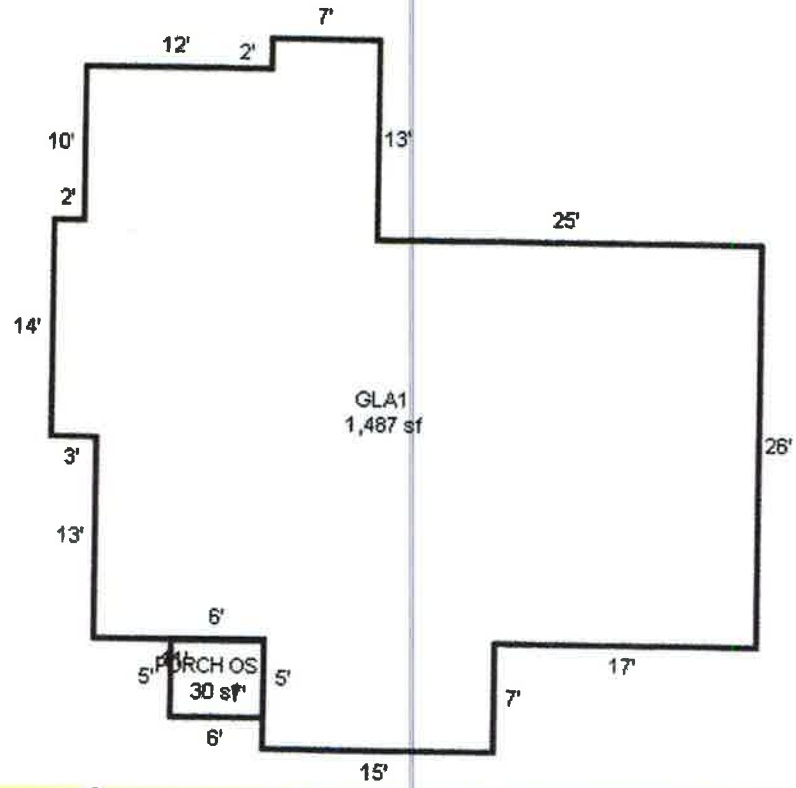
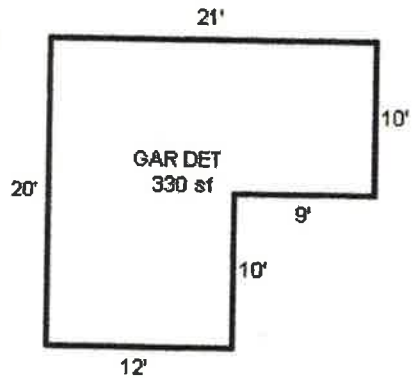


Looking south— towards subject site— on S. Oswego Ave.

09/28/2018 11:18



PREV





6 foot fence





13.10

6 foot fence





6 foot fence



Neighborhood Investigations  
WORKING IN NEIGHBORHOODS

**Case Number:** ZONV-005116-2018  
**Case Type:** Zoning  
**Notice Date:** 08/29/2018  
**Compliance Deadline:** 09/13/2018

### ZONING NOTICE OF VIOLATION

The City of Tulsa To:

JENIKE TRUST  
C/O LANETTE J JENIKE TTEE 1213 S OSWEGO AVE  
TULSA OK 741125133

You are hereby notified that the violation(s) maintained, operated or permitted to exist by you at:  
LT-23-BLK-6, MAYO ADDN City of Tulsa, Tulsa County, State of Oklahoma;

And located at the address of: 1213 S OSWEGO AVE E

Consisting of: (Official Ordinance Cited Information is included.)

**Title 42, Chap. 65, Sect. 060-C, 2**

This Violation requires:

Fencing in a front yard may not exceed four (4) feet in height. Remove or lower fence to 4 ft, from the set back line of house to the street.

A Final Inspection Is Set For 9/13/18.

To be in compliance with Municipal Codes, you will need to comply with this notice within 10 days business. FAILURE TO COMPLY MAY RESULT IN THE ISSUANCE OF A CITATION OR CIVIL REMEDIAL PENALTIES NOT TO EXCEED \$1,000.00 PER DAY. You may appeal the administrative official's decision within 10 BUSINESS DAYS by filing a complete appeal application with the administrative official and INCOG located at Williams Tower II, 2 West 2nd Street, 8th Floor, Tulsa, Oklahoma, 74103. Appropriate fees must accompany your appeal application to INCOG. In addition, you may want to contact INCOG at 584-7526 to obtain information on filing an application for a special exception or variance related to your violation instead of appealing the decision.

CASE NO. ZONV-005116-2018

Tim Cartner  
Neighborhood Inspections Supervisor  
918-596-7218

Meetings with inspectors require a scheduled appointment.

A copy of this notice has also been sent to (if applicable):

FIRST MORTGAGE COMPANY, LCC  
6501 N BROADWAY SUITE 250  
OKLAHOMA CITY OK 73116

**Title 42, Chap. 65, Sect. 060-C, 2**

Fence in Front Yard - When located in the required street setback, fences and walls may not exceed 4 feet in height.





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9208

Case Number: BOA-22522

CZM: 35

CD: 1

A-P#:

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

**APPLICANT:** Azazul Fikar

**ACTION REQUESTED:** Special Exception to allow a duplex use in a CS District (Sec.15.020;Table 15-2); Variance to reduce the required number of parking spaces for a duplex (Sec.55.020;Table 55-1).

**LOCATION:** 5912 W CHARLES PAGE BV S

**ZONED:** CS

**PRESENT USE:** residential/ vacant

**TRACT SIZE:** 6160.02 SQ FT

**LEGAL DESCRIPTION:** LT 13 LESS BEG NWC THEREOF TH E50 S20.07 NW50.50 N13.51 POB BLK C, MEDIO SUB

**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".

**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. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts CS zoned parcels to the east and west; RM-2 zoned lots to the south; Charles Page Blvd. is immediately north of the site.

### **STAFF COMMENTS:**

The applicant proposes to remodel the existing structure on the subject site and convert it to a duplex. A special exception is required as the proposed duplex is a use which is not permitted by right in the CS district because of potential adverse effect, but which if controlled as to its relationship to the neighborhood and to the general welfare, may be permitted. The subject site is surrounded by a mixture of uses including commercial on the west, a CS zoned vacant lot to the east, and single-family residential to the south.

In the code, a Duplex is defined as a principal residential building occupied by 2 dwelling units. In the CS district, a Duplex is required to have 2 parking spaces per dwelling unit; 4 parking spaces overall. As shown on the exhibit, the garage will have 2 parking spaces that can be accessed from the rear alleyway. The applicant has stated that 2 additional parking spaces will be available on the proposed concrete driveway to the west of the duplex.

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 allow a duplex use in a CS District (Sec.15.020;Table 15-2); Variance to reduce the required number of parking spaces for a duplex (Sec.55.020;Table 55-1).

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

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

### **Sample Motion for Variance**

Move to \_\_\_\_\_ (approve/deny) a Variance to reduce the required number of parking spaces for a duplex (Sec.55.020;Table 55-1).)

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

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

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

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



- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*





0 Feet  
250  
500



Subject  
Tract

**BOA-22522**

19-12 08

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

Aerial Photo Date: February 2018







CHARLES PAGE BLVD

S 60 WAVE

S 59 WAVE

W 7 STS

S 59 WAVE

W 8 STS

0 50 100  
Feet



Subject  
Tract

**BOA-22522**

19-12 08

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

Aerial Photo Date: February 2018

14.6









Looking west- towards east portion of the site- on intersection of  
Charles Page Blvd. & S. 59th W. Ave.



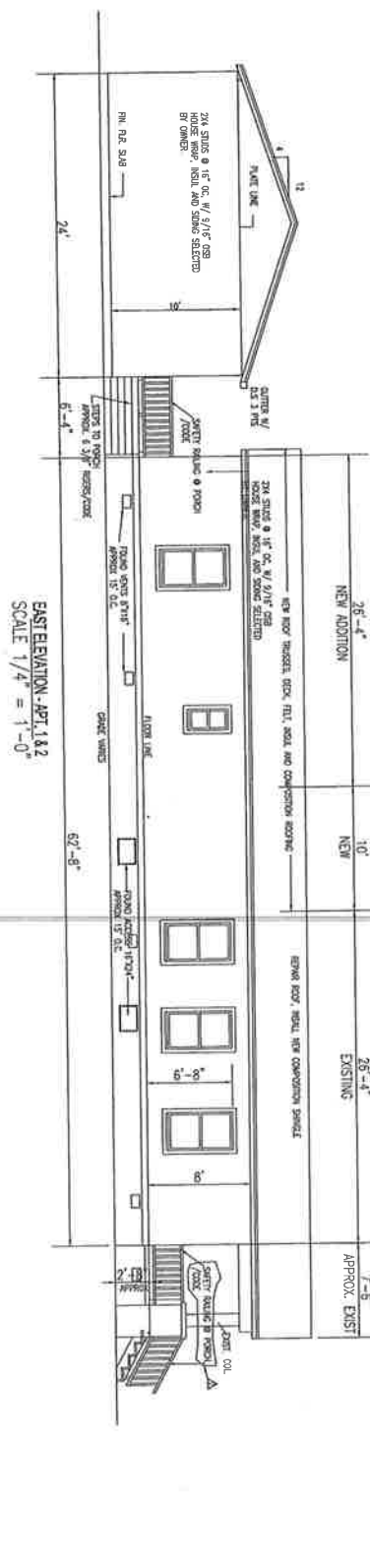
Looking west- towards east portion of the site- on intersection of  
Charles Page Blvd. & S. 59th W. Ave.



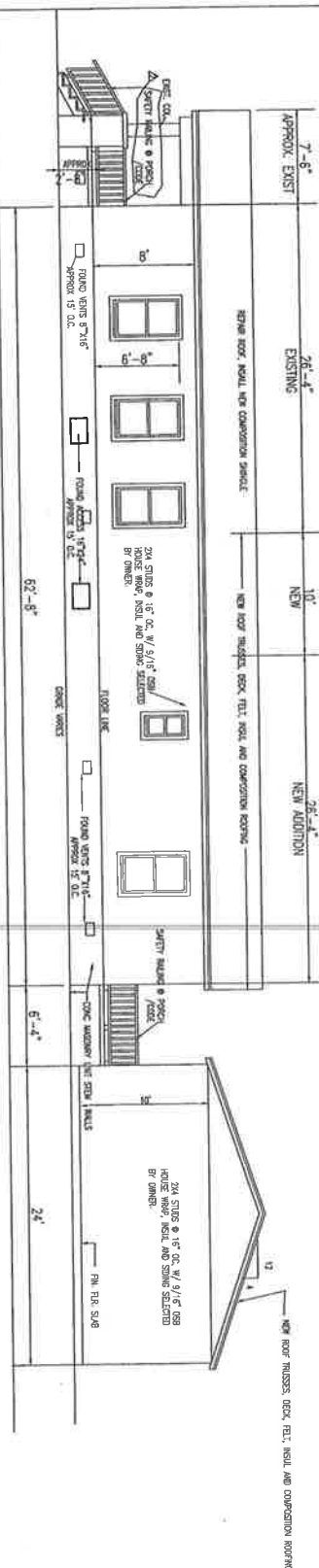




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EAST ELEVATION - APT. 1.8.2  
SCALE 1/4" = 1'-0"



WEST ELEVATION - APT 1 & 2  
SCALE 1/4" = 1'-0"

APPLICATION BUILDER	JOB # 2016- 77
006675-2018	9/5/2018
8/19/18 PER CITY OF TULSA	REVISIONS
REVIEW DATED 8/4/18	7/27/18 PER

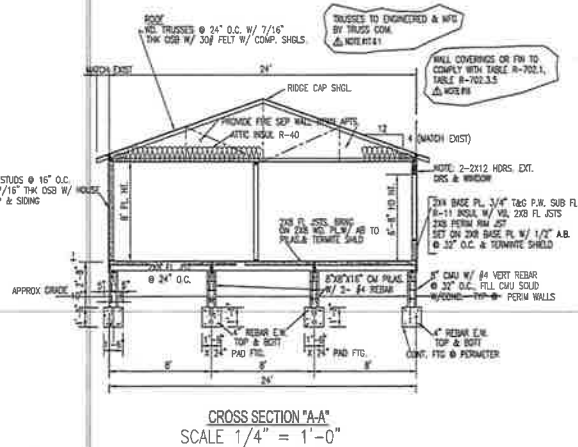
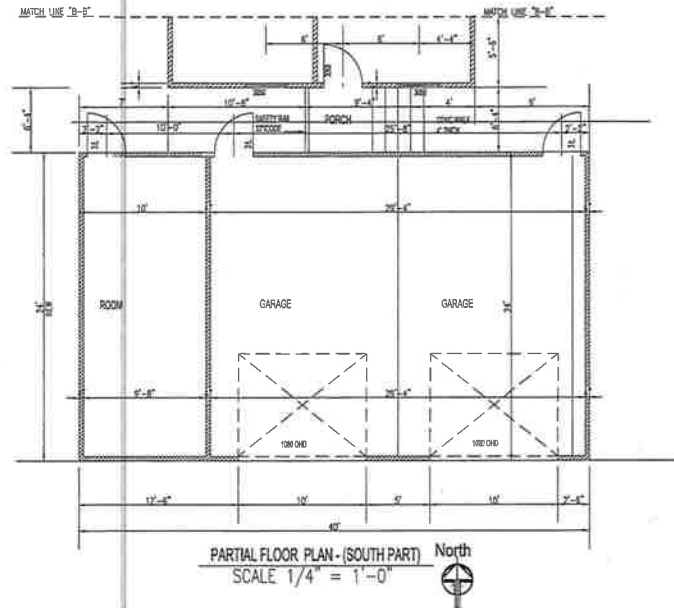
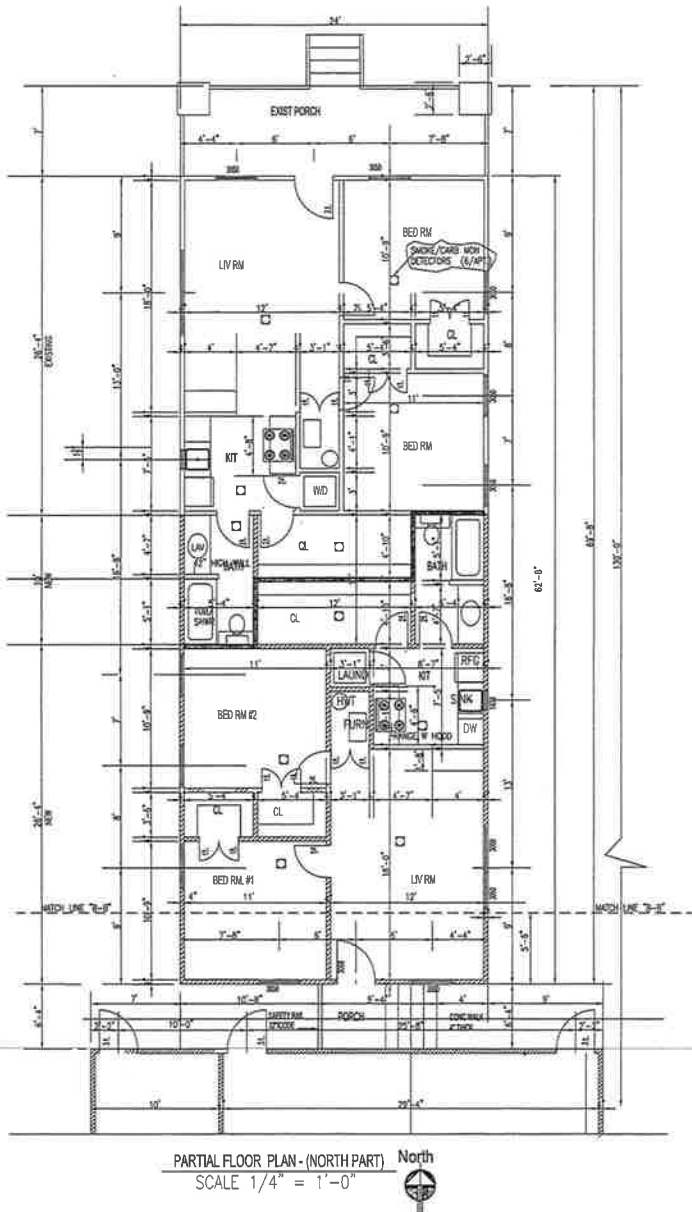
## ELEVATIONS

NEW APARTMENT & GARAGE FOR JAZZ AZAZ  
5912 W. CHARLES PAIGE BLVD, ULSA, OK. 74127  
(918) 896-4000

**D. LEON RAGSDALE - ARCHITECT**  
1615 N. 24TH WEST AVE. - TULSA, OK 74127  
(918) 814-6265 - leonr711@gmail.com



3 of 3



APPLICATION BUILDER  
006675-2018  
BY 01/18 PER CITY OF TULSA  
REVIEW DATED 04/18

JOB # 2018-77  
9/5/2018  
REVISIONS  
7/27/18 PER  
PER CITY OF  
TULSA  
REVIEW  
DATED 6/20/18  
APPLICATION BUILDER  
006675-2018

FLOOR PLAN - CROSS SECTION

NEW APARTMENTS & GARAGE FOR JAZZ AZAZ  
5912 W. CHARLES PANGE BLVD, TULSA, OK 74127  
(918) 886-4000

D. LEON RAGSDALE - ARCHITECT  
1615 N. 24TH WEST AVE. TULSA, OK 74127  
(918) 814-5265 - leonr711@gmail.com



2  
OF  
3

14.11

Jeff S. Taylor  
Zoning Official  
Plans Examiner

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



## DEVELOPMENT SERVICES

175 EAST 2<sup>ND</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

8/24/2018

Azazul Fikar

**APPLICATION NO: BLDR-006675-2018** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 5912 W Charles Page BLVD**

**Description: Addition to Create Duplex**

#### 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
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>ND</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601, OR YOU CAN SUBMIT REVISIONS ONLINE.

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 REVISIONS ONLINE OR SUBMIT TWO (2) PAPER SETS OF REVISED OR ADDITIONAL PLANS TO THE PERMIT CENTER. 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>ND</sup> ST., 8<sup>TH</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" ☐ IS ☒ IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.)

(continued)



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. **BLDR-006675-2018**

**Note:** As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

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

**Section 15.020 Table 15-2:** The proposed duplex Use is located in a CS zoned district. This will require a Special Exception approved by the BOA.

**Review comment:** Submit an approved BOA Special Exception to allow a duplex Use in a CS district.

**Sec.15.030 -A Table 15-3:** The lot and building regulations of Table 15-3 apply to all principal uses and structures in office, commercial and industrial districts, except as otherwise expressly stated in this zoning code. General exceptions to lot and building regulations and rules for measuring compliance can be found in Chapter 90. Additional regulations governing accessory uses and structures can be found in Chapter 45.

*Table 15-3: O, C and I District Lot and Building Regulations*

Regulations	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH
Minimum Lot Area (sq. ft.)	-	-	-	10,000	-	-	-	-	-	-	-
Minimum Street Frontage (feet)	50	50	50	-	50	50	-	-	50	50	50
Maximum Floor Area Ratio (FAR)	0.40	0.50	2.00	8.00	0.50	0.75	-	-	-	-	-
Minimum Lot Area per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	-	-	[2]	[2]	[2]
Min. Open Space per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	-	-	[2]	[2]	[2]
Building Setbacks (feet)											
Street [4]	10	10	10	10	10	10	-	-	10	10	10
From AG or R district	10	10[5]	10[5]	10	10[5]	10[5]	-	-	75[6]	75[6]	75[6]
From O district	-	-	-	-	-	-	-	-	75[6]	75[6]	75[6]
Max. Building Coverage (% of lot)	-	-	-	-	-	-	-	-	-	-	-
Maximum Building Height (feet)	35	-	-	-	-	-	-	-	-	-	-

### 15.030-B Table Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in Table 15-3:

[1] Same as required in RT district. [2] Same as required in RM-2 district. [3] Same as required in RM-3 district. [3] Same as required in RM-3 district.

[4] Garage doors must be set back at least 20 feet from back of sidewalk.

[5] When abutting RE-, RS- or RD-zoned lot, 2 feet of add'l building setback required for each foot of building height above 15 feet.

5] Minimum building setback abutting freeway right-of-way that is zoned AG, R or O is 10 feet.

**Review Comments:** The proposed Duplex is located in a CS zoning district. The following BOA action is required:

1. The proposed garage rear setback is 3 ft. The required setback is 10 ft. You are required to obtain a Variance from the BOA, reviewed and approved per Sec.70.030, to reduce the street setback from 10 ft to 3 ft. Submit a copy of the approved Variance as a revision to this application.

**Sec.55.020 Table 55-1:** The proposed duplex use requires 2 parking spaces per dwelling unit.

EXIST  
DRIVE

**Review Comments:** Provide 2 all-weather parking spaces for each dwelling unit or pursue a variance from the BOA to reduce the required amount of parking for a duplex. Submit a copy of the approved Variance as a revision to this application.

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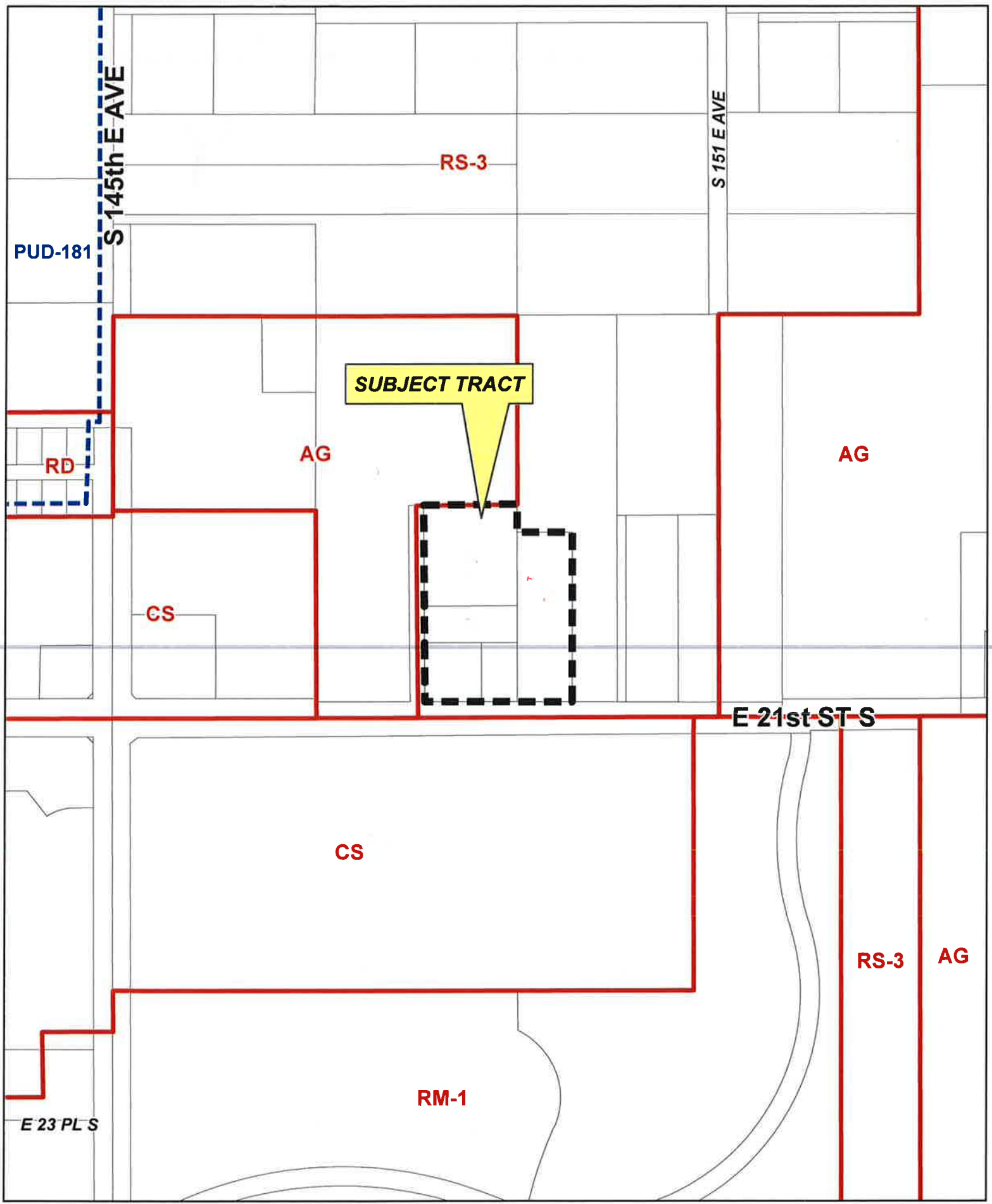
**This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.**

**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-22525**

15.1



19-14 10





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9410

Case Number: **BOA-22525**

CZM: 40

CD: 6

A-P#:

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

**APPLICANT:** Wallace Engineering

**ACTION REQUESTED:** Special Exception to allow a Public, Civic & Institutional/ Religious Assembly Use in an RS-3 zoned district (Table 5-2)

**LOCATION:** 14905 E 21 ST S; 14615 E 21 ST S; 14611 E 21 ST S

**ZONED:** RS-3

**PRESENT USE:** church

**TRACT SIZE:** ± 7.38 acres

**LEGAL DESCRIPTION:** A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER OF (SW/4) OF SECTION TEN (10), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHEAST CORNER OF SAID SW/4, THENCE S 88°42'58" W, ON THE SOUTH LINE OF SAID SW/4, FOR A DISTANCE OF 1141.00 FEET TO THE POINT OF BEGINNING; THENCE S 88°42'58" W ON SAID SW/4 FOR A DISTANCE OF 485.22 FEET; THENCE N 01°15'04" W, FOR A DISTANCE OF 694.03 FEET; THENCE N 88°46'05" E, FOR A DISTANCE OF 305.22 FEET; THENCE S 01°15'04" E, FOR A DISTANCE OF 84.75 FEET; THENCE N 88°42'58" E, FOR A DISTANCE OF 180 FEET; THENCE S 01°15'04" E, FOR A DISTANCE OF 609.00 FEET TO THE POINT OF BEGINNING, CONTAINING 7.38 ACRES MORE OR LESS

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Property:**

**BOA-22245;** on 5.23.17, the Board **approved** a Special Exception to allow a institutional/religious assembly use in a RS-3 zoned district. (Plat waiver denied)

**BOA 19966;** on 01.11.05 the Board **approved** a Minor Special Exception to amend a previously approved site plan to add a storage building; located immediately east of the subject site.

**BOA 19783;** on 03.23.04 the Board **approved** an amendment to a previously approved site plan; located immediately east of the subject site.

**BOA 17475;** on 08.27.96 the Board **approved** a special exception to allow an existing church in a RS-3 district, variance to allow an expansion of a lobby entrance to a non-conforming structure and variance to allow parking within the front yard per plan submitted; located immediately east 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. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by RS-3 to the north and east; AG zoning on the west; E 21 St S and CS zoning abuts the site on the south.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Special Exception to allow a religious assembly use in the RS-3 district to permit expansion of an existing church. The Preliminary Plat was approved by the TMAPC on 05.16.18 and a Draft Final Plat has been submitted to INCOG to combine the subject lots with the existing church site.

As shown on the submitted site plan the applicant is proposing to construct an additional church building and rectory with an accessory parking area on the subject site. A Special Exception is required as the church is a use which is not allowed by right in the RS-3 district because of potential adverse effect, but which if controlled in its relationship to the RS-3 zoned district may be permitted.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a institutional/religious assembly use in a RS-3 zoned district. (Section 70.120)

- 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.

S 145th E AVE

S 151 E AVE

E 21st ST S

E 23 PL S



Subject  
Tract

**BOA-22525**

19-14 10

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

Aerial Photo Date: February 2018



15.4





**E 21st ST S**

0 Feet 50 100



*Subject  
Tract*

**BOA-22525**

19-14 10

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

*Aerial Photo Date: February 2018*

**15.5**



**Presentation:**

**Ronnie Herron**, KRK Properties, P. O. Box 303, Jenks, OK; stated he represents Dr. & Mrs. Dave Malone who he is building a custom residence for. The 1.6 acre lot is unplatted and located at 61<sup>st</sup> and Harvard. Mr. Herron stated that he has a long standing relationship with the subject property because it was his grandmother's property before the Malone's purchased it. The previous structure was razed and the driveway is existing and has been there since 1990. In order to easily access the detached garage and the attached garage from the motor court the 30 foot new Code maximum is not adequate. The elevation from 61<sup>st</sup> Street and from Harvard Avenue does not allow anyone to see whether the driveway is 80 feet wide or 20 feet wide. Dr. Malone has a brother living with him that is terminally ill and the reason for the house being built on level and flat property is so the brother can have access via wheelchair vehicles to come and go.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to **APPROVE** the request for a Special Exception to allow a driveway outside the right-of-way to exceed 30 feet in width to 48 feet, in the RS-1 District (Section 55.090-F3), per conceptual plan on page 13.10 in the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**PRT NE NE BEG NEC NE TH W355 SW120.61 SE145 E335 N265.07 POB LESS  
BEG NEC NE TH S265.07 S50 N193.26 NW32.42 CRV RT TO PT ON NL SEC E TO  
POB SEC 5 18 13 1.65AC, City of Tulsa, Tulsa County, State of Oklahoma**

**22245—Wallace Engineering – Jim Beach**

**FILE COPY**

**Action Requested:**

Special Exception to allow an institutional/religious assembly use in the RS-3 District (Section 5.020). **LOCATION:** 14905 East 21<sup>st</sup> Street South (CD 6)

**Ms. Back recused and left the meeting at 4:14 P.M.**

BoA-22245

FILE COPY

**Presentation:**

**Jim Beach**, Wallace Engineering, 200 East Brady, Tulsa, OK; stated there is an existing building which is a church and has been in existence since the 1980s. On pages 14.15 and 14.16 shows an expansion to the west to accommodate an additional church building and additional parking. The new building will be in the northern portion of the property while parking and a shrine are located in the southern portion.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

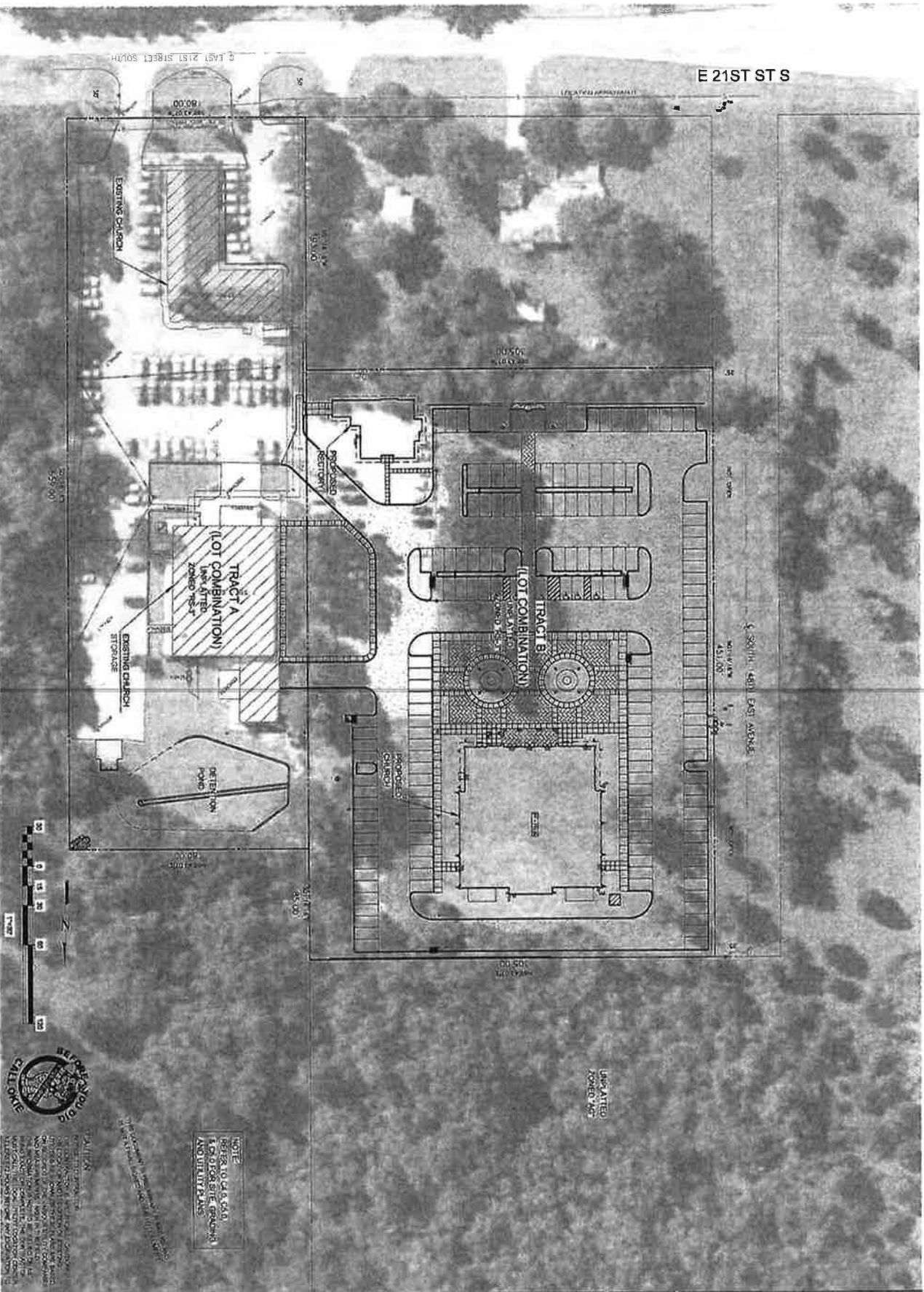
On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to **APPROVE** the request for a **Special Exception** to allow an institutional/religious assembly use in the RS-3 District (Section 5.020), per conceptual plans on pages 14.15, 14.16, 14.17, 14.18, 14.19 and 14.20 in the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**BEG 363N SECR SW SW TH N331 W330 S331 E330 POB LESS W25 THEREOF FOR RD SEC 10 19 14 2.31ACS; N120 S363 OF E330 E/2 SW SW LESS W25 THEREOF FOR RD SEC 10 19 14 .77ACS, City of Tulsa, Tulsa County, State of Oklahoma**

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



BOH-20245



NOTES:  
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
2. THE CHURCH IS TO BE CONSTRUCTED ON THE LOT SHOWN.  
3. THE CHURCH IS TO BE CONSTRUCTED ON THE LOT SHOWN.  
4. THE CHURCH IS TO BE CONSTRUCTED ON THE LOT SHOWN.

NOTE:  
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
2. THE CHURCH IS TO BE CONSTRUCTED ON THE LOT SHOWN.  
3. THE CHURCH IS TO BE CONSTRUCTED ON THE LOT SHOWN.  
4. THE CHURCH IS TO BE CONSTRUCTED ON THE LOT SHOWN.

DATE	10/10/14
BY	CH
CHECKED BY	CH
APPROVED BY	CH
DATE	10/10/14
BY	CH
CHECKED BY	CH
APPROVED BY	CH

ST. JOSEPH VIETNAMESE CATHOLIC CHURCH

TULSA, OKLAHOMA



CNK ARCHITECTS, INC.  
1000 N. LINCOLN BOULEVARD, SUITE 100  
TULSA, OKLAHOMA 74103  
918.438.1234  
www.cnkarchitects.com



work out the parking issues. He considered the requested for relief of 18 spaces to be a lot, not including what they might want in the future.

**Board Action:**

On **Motion of Dunham**, the Board voted 3-1-0 (White, Dunham, Stephens, "aye"; Paddock "nay"; no "abstentions"; no "absences") to **DENY** a **Variance** of the distance required for an Adult Entertainment Establishment from any other Adult Entertainment Establishment from 300 ft to 210 ft, Section 1212a.C.3.c and a **Special Exception** to meet parking requirements on another lot other than where the principle use is located, Section 1301.E and a **Variance** of the required number of parking spaces for a U.U.12a from 76 to 58, Section 1212a.D, finding a lack of hardship for the variances, on the following described property:

LT 7,8,9,10, & 11 BLK 2, HARBOUR ADDN, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*.

**Case No. 19966**

**Action Requested:**

Minor Special Exception to amend a previously approved site plan to add a storage building, 14905 East 21<sup>st</sup> Street South.

**Presentation:**

The applicant was not present. Mr. White noted this was an amendment of a previously approved site plan. Mr. Alberty responded that with the information presented, the Board could take action in the absence of the applicant.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Minor Special Exception** to amend a previously approved site plan to add a storage building, per plan, though applicant is absent, on the following described property:

S609 W180 W/2 W/2 SE SW LESS S50 THEREOF FOR ST SEC 10 19 14  
2.31ACS, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*.

**Case No. 19968**

**Action Requested:**

Variance of the required lot width from 100 ft to 75 ft in an RS-1 district for a lot split, located: 2632 South Columbia Place East.

**Case No. 19782**

**Action Requested:**

Variance of required side yard from 15' to 9' to permit an addition to an existing garage. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located: 2131 East 29<sup>th</sup> Street.

**Presentation:**

**Kurt Barron**, 1424 S. Harvard, stated he represented Bob and Jackie Poe, regarding their personal residence. They propose to add to the rear of an existing garage. The addition would not encroach any further than the existing structure. A site plan was provided (Exhibit H-1).

**Interested Parties:**

**There were no interested parties present who wished to speak.**

**Board Action:**

**On Motion of Dunham, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to APPROVE a *Variance* of required side yard from 15' to 9' to permit an addition to an existing garage, per plan, finding this is a continuation of a non-conforming existing structure; and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:**

**Lot 9, Block 9, Forest Hills, City of Tulsa, Tulsa County, State of Oklahoma.**

● ● ● ● ● ● ● ● ● ● ● ●

**Case No. 19783**

**Action Requested:**

Amendment of previously approved site plan (BOA 17475). SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located: 14905 East 21<sup>st</sup> Street.

**Presentation:**

**Sy Pham**, 11500 N. Stemmons Frwy. #144, Dallas, Texas, stated he is the architect engineer for St. Joseph Catholic Church. They propose to build a fellowship hall for the church. They plan to remove the existing house and garage. This project would not increase the size of the sanctuary. A site plan was provided (Exhibit I-1).

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** an Amendment



of a previously approved site plan (BOA 17475), on the following described property:

W 180' of S 609' of W/2 W/2 SE SW S 10-19-14, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Case No. 19784**

**Action Requested:**

Special Exception to approve a change in a previous site plan. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5; and a Variance of no parking permitted within a required front yard. SECTION 1205.B.1.b. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, located: 10310 South Sheridan Road.

**Presentation:**

**Jerry Ledford, Jr.**, 6737 S. 85<sup>th</sup> E. Ave., stated he represented South Tulsa Baptist Church. The church has a new Master Site Plan (Exhibit J-1). The 16.6 acre tract was platted. Additional building plans are for the land closer to the commercial property on the north rather than toward the residential property. They have acquired the tract to the north, about 8.68 acres. It is in PUD 431 and is unplatted and will go through a separate process for a minor amendment and PUD site plan approval. They will have two plats in the future, Lot 1, Block 1, South Tulsa Baptist Church and the 8.68 acres. Everything to the west, south and east would not change much except for the way they dove-tail the new parking lot on the north into the existing lot. He asked that this master plan to be accepted until the PUD to the north is approved, and then allow them to replace it with a new plan that includes both properties.

**Comments and Questions:**

Ms. Perkins noted the plan was named a conceptual site plan. She asked if the foot print would remain the same. Mr. Ledford stated that the plans for the proposed structures are still the same within a couple of feet.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On Motion of Dunham, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to approve a change in a previous site plan; and a **Variance** of no parking permitted within a required front yard, per plan submitted today, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Case No. 17474 (continued)

**Protestants:** None.

**Comments and Questions:**

Ms. Turnbo stated she had no problem with this application.

Mr. White concurred with Ms. Turnbo.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Box "absent") to **APPROVE** an amendment to a previously approved site plan. **SECTION 601. and 401. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS AND PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per amended plan submitted; finding that the approval of this request will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

E/2, E/2, NE/4, NW/4, Sec. 16, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17475**

**Action Requested:**

Special Exception to allow an existing church in a RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**; Variance to allow an expansion of a lobby entrance to a non-conforming structure. **SECTION 1402.A. NONCONFORMING USE OF BUILDINGS, OR BUILDINGS AND LAND IN COMBINATION**, Use Unit 2; and a Variance to allow parking within the required front yard. **SECTION 1202.C.5.b. USE UNIT 2, AREA-WIDE SPECIAL EXCEPTION USES**; Use Conditions, located 14905 East 21st Street.

**Presentation:**

The applicant, **Sy Pham**, 14905 East 21st Street, representing St. Joseph Catholic Church, submitted a site plan (Exhibit F-1), plat of survey (Exhibit F-2) and stated the church was purchased approximately seven (7) years ago and due to increase of membership, the church would like to expand to provide for 100 additional people.

**Comments and Questions:**

Ms. Abbott asked the staff if the church meets the parking requirement? Mr. Beach stated according to the plan submitted he exceeds the parking requirement.

Mr. White asked the applicant if the building to the rear of the church is the Minister's home? He stated the building is the residence of the Minister's.

Case No. 17475 (continued)

Ms. Abbott asked if the applicant if the parking will be over the front or rear setback line? Mr. Beach stated the parking would be across the front setback line.

Ms. Abbott asked if the applicant would still meet the parking requirements if the parking across the front setback line were not allowed? Mr. Beach answered affirmatively.

Ms. Turnbo asked the staff if they are requesting the Board not to approve the variance for the parking in the front yard? Mr. Beach stated the variance for the front yard parking is unnecessary to meet the parking requirement and asked that the Board not approve the variance.

Mr. White asked if the variance could be approved with a removal contract? Mr. Beach answered affirmatively.

Mr. Gardner asked the applicant if the parking spaces on the plan in front of the existing church are existing? He answered affirmatively.

Mr. Pham stated he is not expanding the parking, it already exists.

Mr. Gardner stated the applicant bought a previous church where the parking in the front yard already existed and now he wants to clear up the record by requesting a variance to allow the front yard parking.

Ms. Abbott asked if the Board denied the variance for the front yard parking could it remain as nonconforming? Mr. Gardner answered affirmatively.

Mr. Gardner stated if the existing parking in the front yard was built without a permit or proper relief then it is illegal. He further stated the church does not have a legal nonconforming use. He explained the church is asking the Board to approve what is physically already existing so the church can keep the parking as it is and not be an issue in the future. He further explained it amounts to nine (9) spaces.

Mr. Beach stated 21st Street is a primary arterial with 120' planned right-of-way, 21st Street may or may not ever be expanded, the staff was concerned about the approval of the variance for the front yard parking, which would allow the parking spaces to always be there. He explained if the parking spaces should ever be removed, the parking spaces should be removed and never replaced.



Case No. 17475 (continued)

Mr. Gardner stated churches are often located in residential areas and that is why the parking is not allowed in the front yard. He further stated having the parking setting behind the building and around the sides would harmonize better with residences that might be on either side. He explained the subject church has commercial property across the street and the commercial property does not have any setback on their parking. He stated the Board will have to look at the particular area and see if that aspect of the Code is being accomplished.

Mr. Bolzle stated with CS zoning across the street he did not see why the Board would not approve the front yard parking spaces.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to allow an existing church in a RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS; Variance** to allow an expansion of a lobby entrance to a non-conforming structure. **SECTION 1402.A. NONCONFORMING USE OF BUILDINGS, OR BUILDINGS AND LAND IN COMBINATION**, Use Unit 2; and a **Variance** to allow parking within the required front yard. **SECTION 1202.C.5.b. USE UNIT 2, AREA-WIDE SPECIAL EXCEPTION USES**; Use Conditions; per plan submitted; finding the area consists of commercial and office zoning which allows parking to the property lie and finding that the approval of this application will not be injurious to the area, nor harmful to the spirit or intent of the Code; on the following described property:

W 180', S 609', W/2, W/2, SE, SW, Sec. 10, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17477**

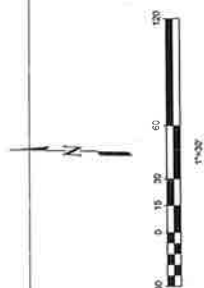
**Action Requested:**

Special Exception to permit a home occupation, water pump repair, in a RM-1 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 136 North Delaware Avenue.

**Comments and Questions:**

Mr. Bolzle asked the staff if this application is where the Board needs to make a determination whether this use is a Use Unit 15 before it hears the case? Mr. Beach answered affirmatively. He further stated that the Code excludes Use Units 15-28 as possible home occupations.

PARKING SUMMARY	
PROPOSED STANDARD PARKING	142
PROPOSED ADA SPACES	6
EXISTING STANDARD PARKING	137
EXISTING ADA SPACES	2
TOTAL STANDARD PARKING	286
TOTAL ADA PARKING	8



## LEGAL DESCRIPTION

[illegible]

## ZONING INFORMATION

PROPERTY WILL BE PLATTED AS A PART OF THIS PROJECT.

PROPOSED ZONING	RS-3
PROPOSED USE (CHURCH)	PUBLIC, CIVIC & INSTITUTIONAL/ RELIGIOUS ASSEMBLY
PROPOSED USE (RECTORY)	RESIDENTIAL/ HOUSEHOLD LIVING/ DETACHED HOUSE

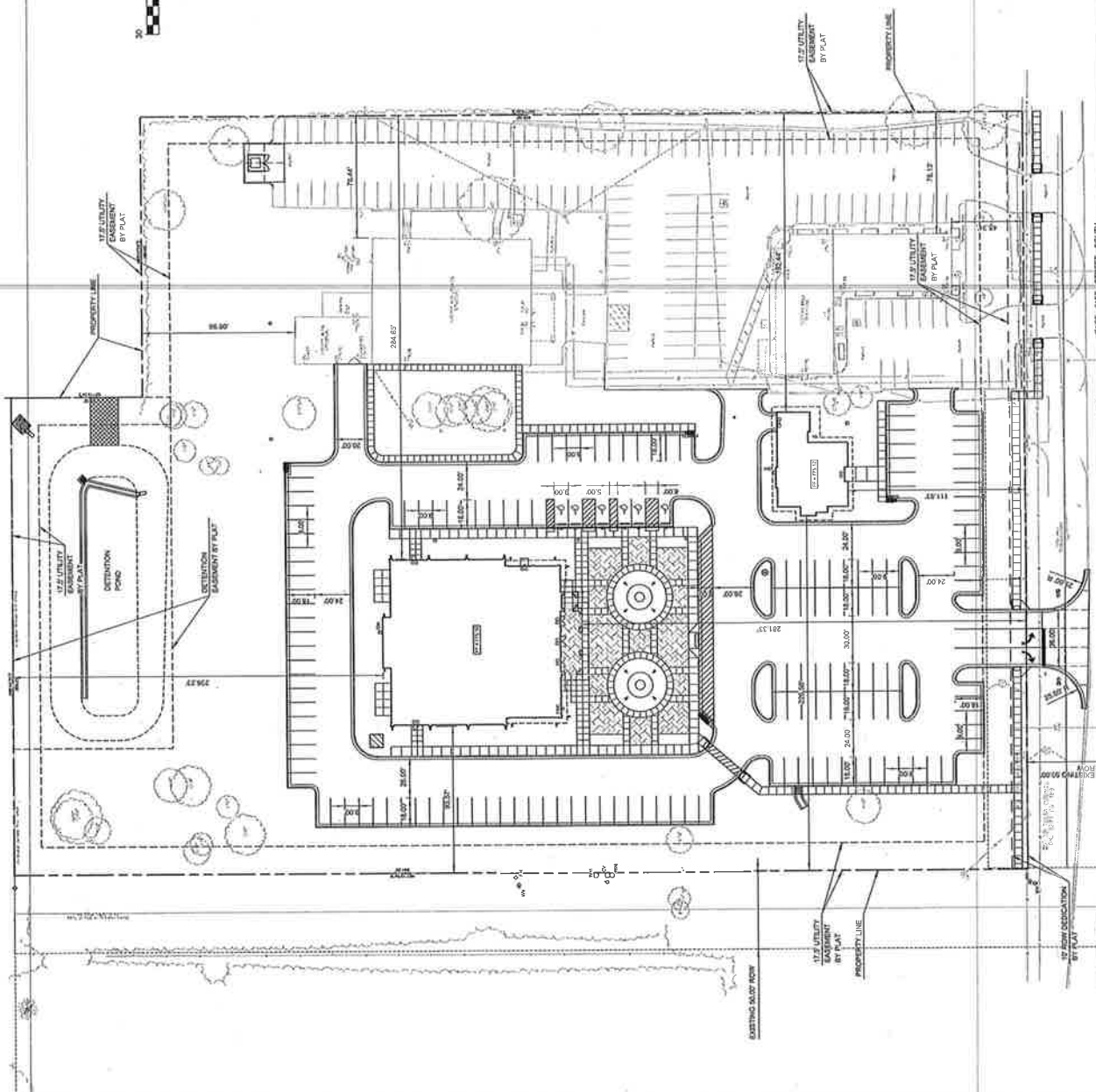
## IMPERVIOUS AREA TABLE

TOTAL DISTURBED AREA	4.29 ACRES
EXISTING IMPERVIOUS AREA	97,041 SQ FT
PROPOSED IMPERVIOUS AREA	171,255 SQ FT
INCREASE IN IMPERVIOUS AREA	74,214 SQ FT

## SURVEY DATA TABLE

EXISTING TOPOGRAPHY IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED BY BENNETT SURVEYING, INC. DATED FEBRUARY 27, 2018			
BENCHMARK #1	BENCHMARK #2	BENCHMARK #3	
SET MAG NAIL	FOUND AT IRON PIN	SET 38" IRON PIN	
ELEV 674.22	ELEV 676.02	ELEV 670.13	
N=420385.2710	N=420525.9400	N=420291.4600	
E=261139.0540	E=261419.7410	E=261302.6690	

THE VERTICAL DATUM FOR THIS SURVEY IS BASED ON NAVD89 GPS DATA.  
THE HORIZONTAL DATUM FOR THIS SURVEY IS BASED ON OKLAHOMA STATE  
PLANE NAD83.



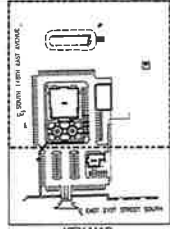
**CAUTION**

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND DEPTH OF EXISTING UTILITIES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXIST-FIELD LOCATIONS OF THE UTILITIES.



1000

15.16



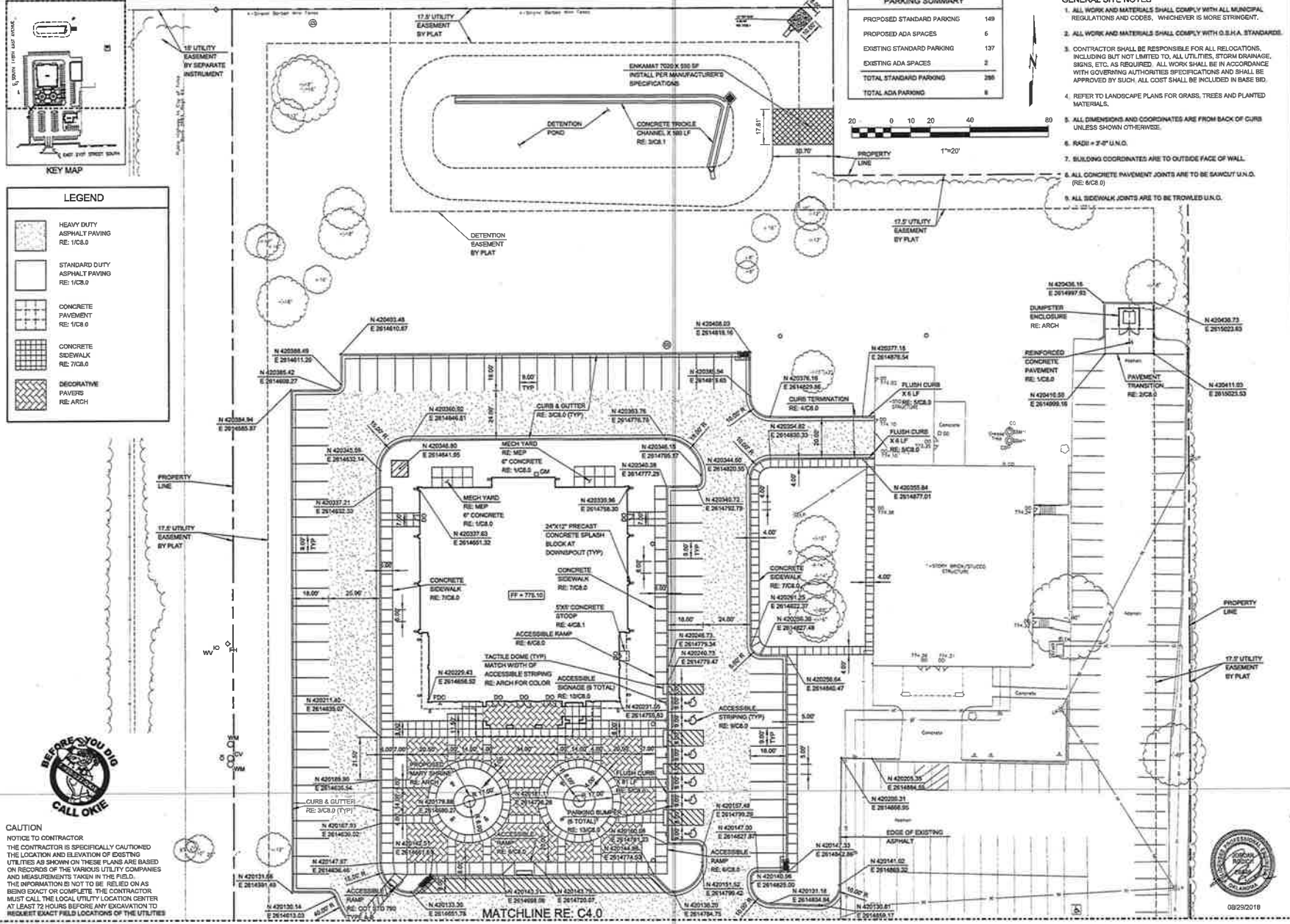
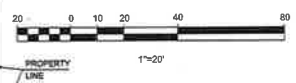
**LEGEND**

	HEAVY DUTY ASPHALT PAVING RE: 1/C8.0
	STANDARD DUTY ASPHALT PAVING RE: 1/C8.0
	CONCRETE PAVEMENT RE: 1/C8.0
	CONCRETE SIDEWALK RE: 7/C8.0
	DECORATIVE PAVERS RE: ARCH

**PARKING SUMMARY**

PROPOSED STANDARD PARKING	149
PROPOSED ADA SPACES	6
EXISTING STANDARD PARKING	137
EXISTING ADA SPACES	2
TOTAL STANDARD PARKING	286
TOTAL ADA PARKING	8

- GENERAL SITE NOTES**
1. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL MUNICIPAL REGULATIONS AND CODES, WHICHEVER IS MORE STRINGENT.
  2. ALL WORK AND MATERIALS SHALL COMPLY WITH O.S.H.A. STANDARDS.
  3. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
  4. REFER TO LANDSCAPE PLANS FOR GRASS, TREES AND PLANTED MATERIALS.
  5. ALL DIMENSIONS AND COORDINATES ARE FROM BACK OF CURB UNLESS SHOWN OTHERWISE.
  6. F&D = 7'-0" U.N.G.
  7. BUILDING COORDINATES ARE TO OUTSIDE FACE OF WALL.
  8. ALL CONCRETE PAVEMENT JOINTS ARE TO BE SAWCUT U.N.G. (RE: 6/C8.0)
  9. ALL SIDEWALK JOINTS ARE TO BE TROWEL U.N.G.



**ST. JOSEPH VIETNAMESE CATHOLIC CHURCH**  
TULSA, OKLAHOMA

**CNK ARCHITECTS, INC.**

STATION: 08292018

DATE: MAY 16, 2018

SHEET: SITE PLAN NORTH

SCALE: AS SHOWN

**CAUTION**

NOTICE TO CONTRACTOR

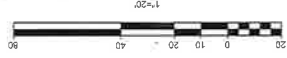
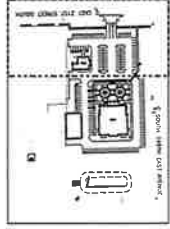
THE CONTRACTOR IS SPECIFICALLY CAUTIONED THE LOCATION AND ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES.





- GENERAL SITE NOTES**
1. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL MINIMUM REGULATIONS AND CODES, WHICHEVER IS MORE STRINGENT.
  2. ALL WORK AND MATERIALS SHALL COMPLY WITH OSHA STANDARDS.
  3. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AGENCY'S SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
  4. REFER TO LANDSCAPE PLANS FOR GRASS, TREES AND PLANTED MATERIALS.
  5. ALL OVERSIGHTS AND CORRECTIONS ARE FROM BACK OF CURB UNLESS SHOWN OTHERWISE.
  6. ROAD = 3'-0" U.N.O.
  7. BUILDING CONCRETE ARE TO BE SAWCUT U.N.O. (SEE PLAN).
  8. ALL CONCRETE PAVEMENT JOINTS ARE TO BE SAWCUT U.N.O.

- LEGEND**
- HEAVY DUTY ASPHALT PAVING RE. VC2.0
  - STANDARD DUTY ASPHALT PAVING RE. VC3.0
  - CONCRETE PAVEMENT RE. VC3.0
  - CONCRETE SIDEWALK RE. VC3.0

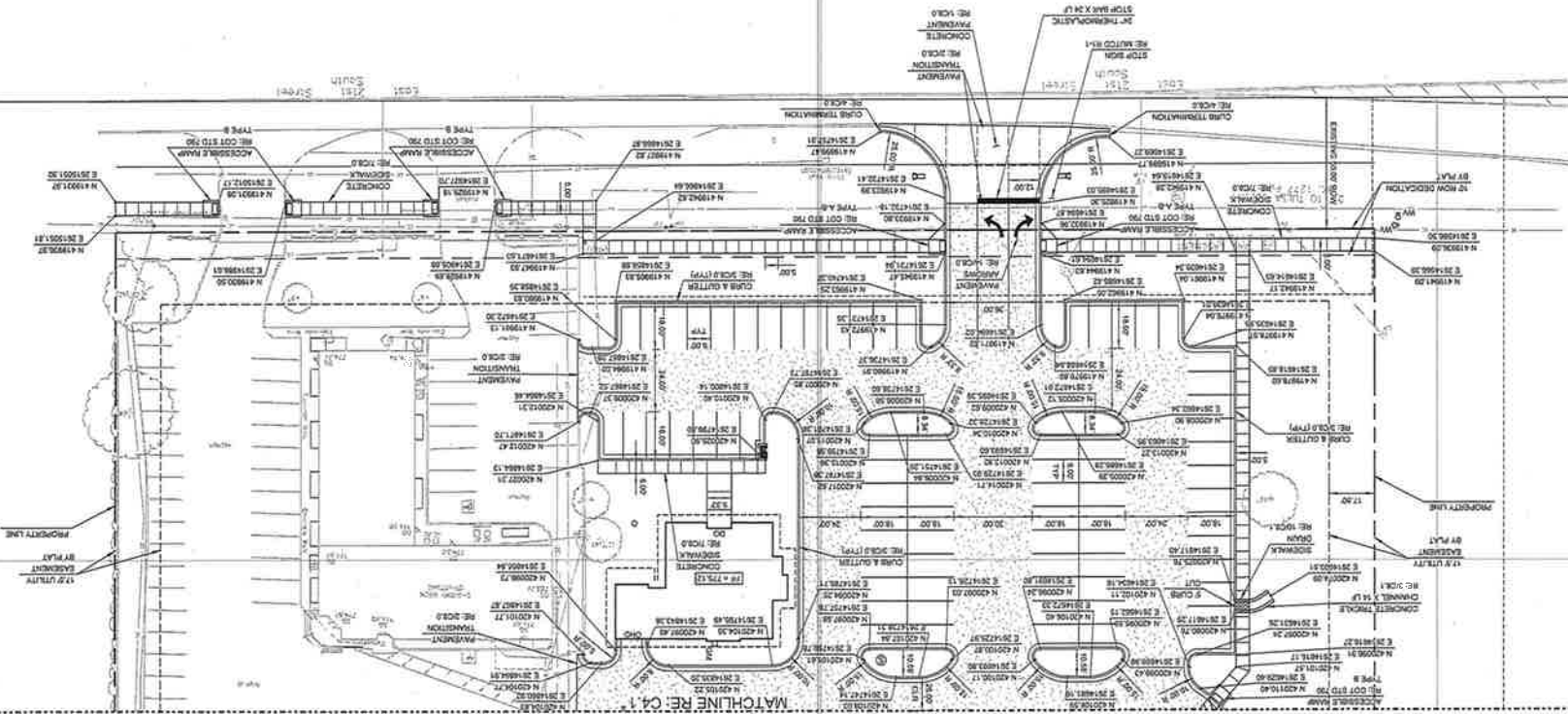


**CAUTION**  
BEFORE YOU DIG  
CALL OR  
BEFORE YOU DIG

REQUEST EXACT FIELD LOCATION OF THE UTILITIES  
AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO  
AVOID THE LOCATION OF THE UTILITIES  
AND RELOCATIONS TAKEN IN THE FIELD.  
THE LOCATION AND ELEVATION OF EXISTING  
UTILITIES AS SHOWN ON THESE PLANS ARE BASED  
ON RECORDS OF THE VARIOUS UTILITY COMPANIES.  
THE CONTRACTOR IS SPECIFICALLY CAUTIONED  
NOT TO CONSTRUCTION

**PARKING SUMMARY**

PROPOSED STANDARD PARKING	149
EXISTING ADA SPACES	6
EXISTING ADA SPACES	127
TOTAL STANDARD PARKING	285
TOTAL ADA PARKING	6



DATE: MAY 14, 2018  
SITE PLAN SOUTH  
C4.0

ST JOSEPH VIETNAMESE CATHOLIC CHURCH  
TULSA, OKLAHOMA

**cnk architects, inc.**

1000 N. UNIVERSITY AVENUE, SUITE 200  
TULSA, OKLAHOMA 74106  
TEL: 918.438.1111  
WWW.CNKARCHITECTS.COM

**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

TEL (918) 596-9688  
clange@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

**LOD Number: 1**

**August 13, 2018**

**Jordan Rodich**  
**Wallace Engineering**  
**200 E Matthew Brady**  
**Tulsa, OK 74103**

**Phone: 918.584.5858**

**APPLICATION NO: BLDC-006249-2018**

*(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*

**Location: 14905 E 21<sup>st</sup> ST**

**Description: New bldg**

#### 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 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> 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](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. BLDC-006249-2018

14905 E 21<sup>st</sup> ST

August 13, 2018

**Note:** As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

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

1. **Sec.5.020 Table 5-2:** The proposed Church is designated a Public, Civic & Institutional/Religious Assembly Use. It is located in an RS-3 zoned district. This will require a Special Exception approved by the BOA. (Please note the previous Special Exceptions were approved for parcel # 99410941024440. The proposed church is located on parcel # 99410841025640 and # 99410941023340)

**Review comment:** Submit an approved BOA Special Exception to allow a Public, Civic & Institutional/Religious Assembly Use in an RS-3 zoned district.

2. **IBC Sec.105.3.2:** To obtain a permit, the applicant shall first file an application that describes the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work. The address for the proposed Church is 14905 E 21<sup>st</sup> ST. There are three parcels/lots with this address:

- 99410941024440
- 99410841025640
- 99410941023340

The proposed church is located on parcel # 99410841025640 and # 99410941023340.

**Review comment:** A lot combination is required for new buildings built across multiple lot lines. Submit a lot combination approved by the TMAPC, stamped and signed by the County Clerk, and filed at the County Courthouse.

3. **Sec.70.080-C:** Applications for a Building Permit shall include a site plan that provides zoning data for the Zoning review portion of the Building Permit application.

**Review comment:** Submit a site plan for zoning review providing the following:

- North arrow
- Appropriate drawing scale;
- Legal description of the lot;
- Actual shape and dimensions of the lot;
- Lot lines and names of abutting streets;



- Public rights-of-way;
- The location and dimensions of existing buildings or structures, including distances to lot lines;
- The location, dimensions and height of proposed buildings or structures;
- Architectural projections for existing and proposed buildings and structures, i.e. stairs, porches, balconies, fireplaces, roof overhangs, etc.;
- The intended use of existing and proposed buildings, structures or portion of the lot;
- The setbacks from the proposed new buildings or structures and alterations of existing buildings or structures to the centerline of abutting Right-of-Way;
- Location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.

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

4. **Sec.55.020 Table 55-1:** Off-street motor vehicle parking spaces must be provided in accordance with the minimum ratios established in Table 55-1.

**Review Comment:** The minimum off-street parking ratio for Public, Civic & Institutional/Religious Assembly Use is 24.25 spaces per 1000 ft<sup>2</sup> of sanctuary floor area or 1 per 3 seats, whichever is greater. The proposed sanctuary floor area is 7950 ft<sup>2</sup> with 785 seats. The parking requirement based the sanctuary floor spaces is 193 spaces. Based on the seating the requirement is 262 spaces. This parking requirement is therefore 262 spaces. Provide a site plan that is compliant with this section and *Sec.55.090-A, B, C & D*:

- **55.090-A:** The parking area design regulations of this section apply to all off-street parking lots for motor vehicles, whether containing required parking spaces or non-required parking spaces.
  - **55.090-B:** All parking areas must be designed to allow vehicles to enter and exit a street and cross public sidewalks in a forward motion, except that this requirement does not apply to lots with access on a minor street.
  - **55.090-C:** Parking spaces must be at least 8.5 feet in width and 18 feet in length, exclusive of access drives and aisles. In parking areas where permanent wheel stops have been installed, 2.5 feet of the parking space length (depth) beyond the wheel stop may be counted as part of the required stall length if that area is unobstructed and not part of another parking stall, drive aisle or sidewalk.
  - **55.090-D Figure & Table 55-5:** Parking areas which include the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas must be designed in accordance with the standards of *Figure & Table 55-5*.
5. **Sec.55.080-A:** Except as otherwise expressly stated in this chapter, required off-street parking areas must be located on the same lot as the building or use they are required to serve.  
**Review Comment:** Provide a site plan with accessible parking facilities that are compliant with this section. (**NOTE:** Refer to *Sec.55.080-D* for off-site parking options)
  6. **Sec.55.130:** The pedestrian circulation system must provide safe, direct and convenient pedestrian access connecting main entrances of buildings and uses with all other such entrances and with available access points including parking, streets, sidewalks and transit stops. In the case of building or site additions, these requirements apply only to the new or expanded areas.

within 120 days after issuance of a certificate of occupancy or temporary certificate of occupancy.

- **Sec.65.070-E:** Within 120 days of the issuance of a certificate of occupancy or temporary certificate of occupancy, written certification by the owner of the property, an architect, landscape architect or engineer licensed to do business in the State of Oklahoma must be submitted to the city stating that all landscaping and appurtenances have been installed in accordance with the approved landscape plan.
  - **Sec.65.080-A:** All building permit applications for sites requiring landscaping must include a landscape plan that includes at least the following information:
    1. The date, scale, north arrow, and name of the owner;
    2. The location of property lines and dimensions of the site;
    3. The approximate center line of existing water courses, the approximate location of significant drainage features, the location and size of existing and pro-posed streets and alleys, existing and proposed utility easements and over-head utility lines on or adjacent to the lot, and existing and proposed sidewalks on or adjacent to the lot;
    4. The location, size and type (tree, shrub, ground cover) of proposed landscaping and the location and size of the proposed landscape areas;
    5. Planting details and/or specifications;
    6. The method of protecting any existing trees and vegetation proposed to be preserved, including the identification of existing and finished contours illustrating the limits of grading near the drip line of any trees;
    7. The schedule of installation of required trees, landscaping and appurtenances;
    8. The location of al proposed drives, alleys, parking and other site improvements;
    9. The location of all existing and proposed structures on the site;
    10. The existing topography and proposed grading;
    11. The area in which grading and vegetation removal will occur; and
    12. The area and dimensions of each landscape area and the total landscape area provided on the site.
  - **Sec.65.080-B:** Required landscape plans for sites that have an area of more than 50,000 square feet and that are occupied by buildings with a combined gross floor area of more than 15,000 square feet must be prepared and sealed by an architect, landscape architect or engineer licensed to practice in the State of Oklahoma. All other required landscape plans must meet the same requirement or be accompanied by written certification from an architect, landscape architect or engineer licensed to practice in the State of Oklahoma, that the landscape plan is in conformance with the minimum requirements of this chapter.
- Review comment:** Submit your landscape plan in compliance with the sections listed above.

**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.