

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, March 26, 2019, 1:00 P.M.

Meeting No. 1225

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of March 12, 2019 (Meeting No. 1224).

UNFINISHED BUSINESS

2. **22595—Chuck Mitchell**
Special Exception to allow a fence to exceed 4 feet in height within the required street setback (Section 45.080); Variance of the required parking area dimensional standards (Section 55.090). **LOCATION:** 2415 North Lewis Avenue East **(CD 3)**

NEW APPLICATIONS

3. **22598—Lawrence E. Morrison**
Special Exception to permit a religious assembly in an RM-1 District (Table 5-2); Special Exception to allow a barbed-wire fence (Section 45.080-C). **LOCATION:** SW/c of North Harvard Avenue East and East Tecumseh Street North **(CD 3)**
4. **22599—Jerry Atchison**
Special Exception to allow for Wholesale, Distribution & Storage/Warehouse use in a CS District (Section 15.020, Table 15-2). **LOCATION:** 2136 East 69th Street South **(CD 2)**
5. **22601—Eller & Detrich – Lou Reynolds**
Variance to increase the allowable number of signs in an OM District (Section 60.060-B); Variance of the allowable display surface area for signs in an OM District (Section 60.060-C). **LOCATION:** 2424 East 21st Street South **(CD 4)**
6. **22602—Zachary Rahman**
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:** 4802 East 31st Street South **(CD 9)**

7. **22603—John Duvall**
Special Exception to exceed the allowable driveway width within the street setback (Section 55.090-F). **LOCATION:** 4469 South Oak Road East **(CD 9)**
8. **22604—Acura Neon**
Variance to increase the allowable number of signs in an OM District to permit two signs per street frontage (Section 60.060-B). **LOCATION:** 7700 South Lewis Avenue East **(CD 2)**
9. **22605—Theophilus Brown**
Special Exception to allow a fence to exceed 4 feet in height within the required street setback (Section 45.080). **LOCATION:** 4040 North Elgin Avenue East **(CD 1)**
10. **22606—Mary Huckabee**
Variance of the street setback requirement (Section 15.030); Variance of the parking space requirement (Section 55.020); Variance of the landscaping requirement (Section 65.030-B). **LOCATION:** 540 South Victor Avenue East **(CD 4)**
11. **22608—Johnny Herrington**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** *Tenant Space* – 10330 East 21st Street South **(CD 5)**

OTHER BUSINESS
NEW BUSINESS
BOARD MEMBER COMMENTS
ADJOURNMENT

Website: www.cityoftulsa-boa.org

E-mail: esubmit@incog.org

CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify Tulsa Planning Office @ (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 Tulsa Planning Office, 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 Tulsa Planning Office at (918) 584-7526 if you require an official posted agenda.

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BOARD OF ADJUSTMENT CASE REPORT

STR: 0329

Case Number: BOA-22595

CZM: 29

CD: 3

A-P#:

HEARING DATE: 03/26/2019 1:00 PM (continued from 03/12/2019 meeting)

APPLICANT: Chuck Mitchell

ACTION REQUESTED: Special Exception to allow a fence to exceed 4 ft. in height within the required street setback (Section 45.080); Variance of the required parking area dimensional standards (Section 55.090).

LOCATION: 2435 N LEWIS AV E; 2415 N LEWIS AV E **ZONED:** IM

PRESENT USE: Bama Frozen Dough

TRACT SIZE: ± 11.768 acres

LEGAL DESCRIPTION: BEG 849.35S&50E NWC NW TH S50 E230.5 S420 E210.37 NE442.92 N495.76 W165.02 SW365.49 SW267.23 S149.32 POB SEC 29 20 13 9.546ACS; S420 E230.5 W280.5 NW NW SEC 29 20 13,

RELEVANT PREVIOUS ACTIONS:

None Relevant.

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

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

Employment Areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

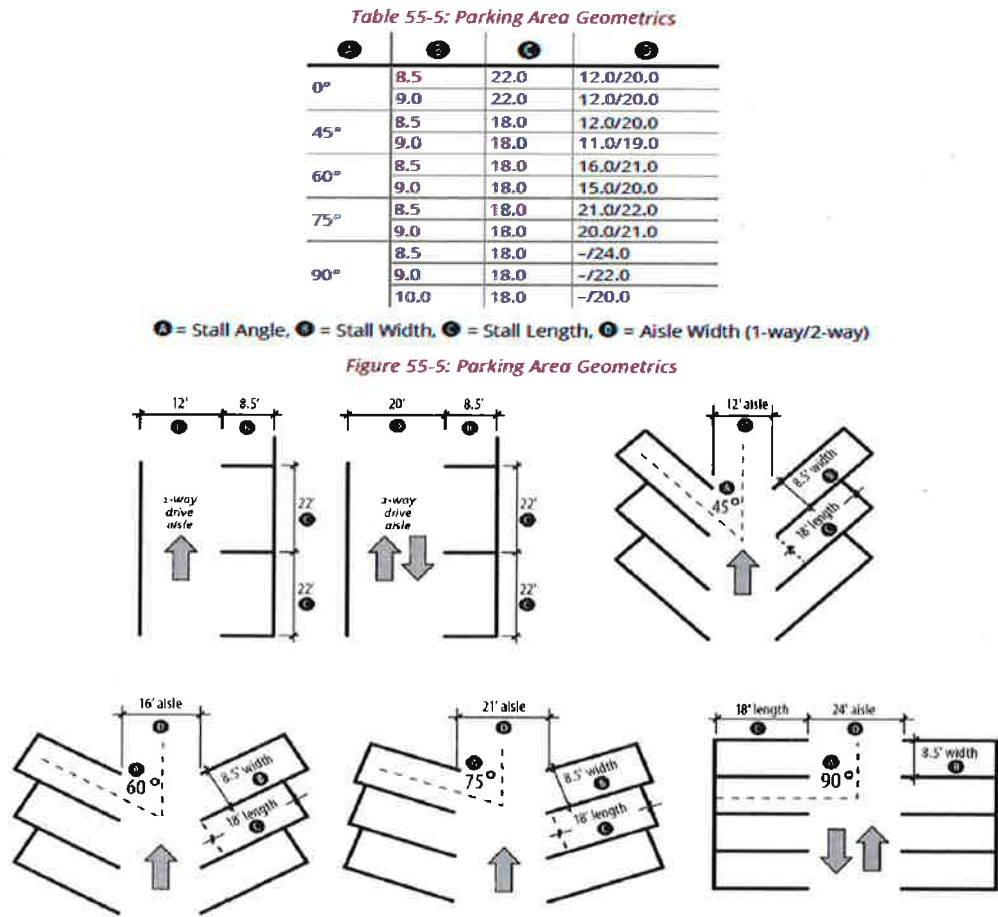
ANALYSIS OF SURROUNDING AREA: The subject tract abuts IM zoned lots to the east and west; HWY 75 is to the north; SKO trail is immediately to the south of the subject parcel.

STAFF COMMENTS:

The proposed parking lot addition on the subject site is required to comply with the parking area design and layout standards of Section 55.090-D, Table 55-5 of the Code. The applicant has stated that, “some of the new parking is 90 degrees and some is 60 degrees. The security fence is chain link”.

The 60° angled parking stalls must contain a minimum stall width of 8.5 ft., a minimum stall length of 18 ft., and a minimum 1-way drive aisle of 15 ft. As shown on the attached plan the proposed stall lengths for the 60° angled parking spaces, with 9 ft. stall widths, are less than the required 18 ft, which will require a Variance from the minimum stall length of 18 ft.

The 90° angled parking stalls must contain a minimum stall width of 8.5 ft., a minimum stall length of 18 ft., and a minimum drive aisle of 22 ft. As shown on the attached plan the proposed 1-way drive aisles for the 90° angled parking spaces, with 9ft. stall widths, are ± 16 ft., which will require a variance from the 22 ft. drive aisle requirement.



The applicant is proposing to construct a security fence that is within the required street setback on the west portion of the property, south of the asphalt drive, along N. Lewis Ave. The required street setback in an IM zoned district is 10 feet. As shown on the attached exhibit, the proposed security fence will be 8 ft. in height in the front street setback; 3.5 ft. from the property line.

The Code (Section 45.080-A) limits fence and wall heights in the required front setback to 4 feet. 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 to 8 feet in height in the front street setback along N. Lewis Ave.

Sample Motion

Move to _____ (approve/deny) **Special Exception** to allow a fence to exceed 4 ft. in height within the required street setback (Section 45.080); **Variance** of the required parking area dimensional standards (Section 55.090).

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.

- 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 200 400



Subject Tract

BOA-22595

20-13 29

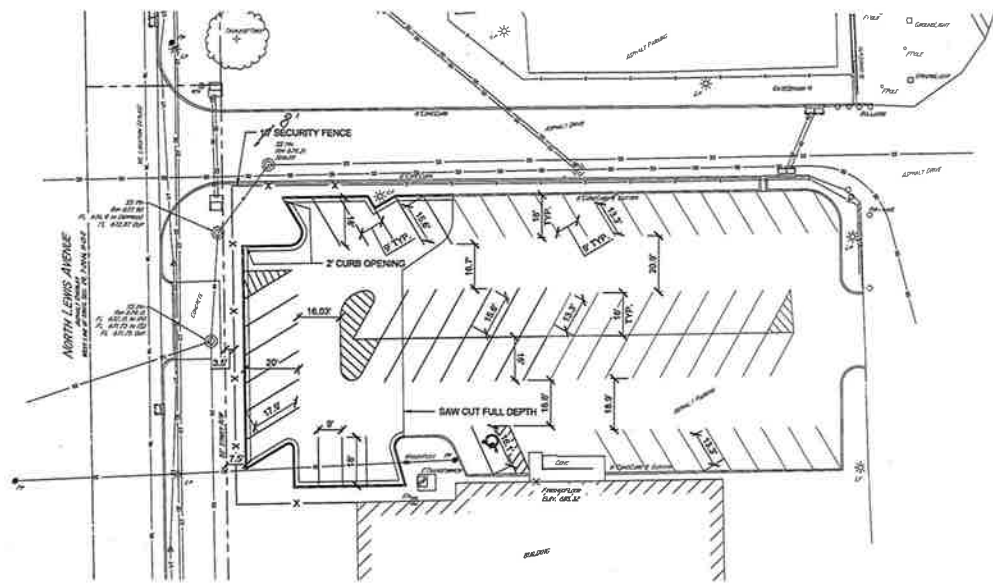
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

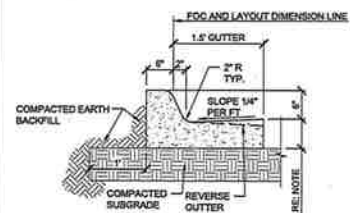


2.5

2.6



1 SITE PLAN
SCALE: 1" = 20'-0"



DETAIL NOTE:
THIS CURB AND GUTTER DETAIL APPLIES IN TWO CONDITIONS:
1. STANDARD CURB AND GUTTER
2. STANDARD CURB WITH REVERSE GUTTER
FOR REVERSE GUTTERS, REVERSE THE GUTTER SLOPE 1/4" IN AREA WHERE WATER IS TO SHEET FLOW TO THE OUTFALL POINT. REFER TO THE GRADING AND DRAINAGE SHEET FOR REVERSE GUTTER LOCATIONS. BOTH (STANDARD AND REVERSE) GUTTERS SHOULD MAINTAIN A 6" MINIMUM CONCRETE GUTTER DEPTH.

2 CURB DETAIL
SCALE: NOT TO SCALE

| PARKING TABLE | |
|----------------------------------------|--|
| EXISTING PARKING SPACES = 43 | |
| EXISTING ACCESSIBLE PARKING SPACES = 1 | |
| NEW PARKING SPACES = 28 | |
| TOTAL PARKING SPACES = 86 | |
| TOTAL ACCESSIBLE PARKING = 1 | |

SITE PLAN NOTES

1. THE CONTRACTOR SHALL CONTACT "ONE" AT 811 OR 888-522-6843, THREE (3) WORKING DAYS BEFORE BEGINNING ANY WORK, SO EXISTING UNDERGROUND UTILITIES CAN BE LOCATED AND MARKED.
2. EQUIPMENT AND MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND SPECIFICATIONS.
3. THIS PROPERTY IS LOCATED IN ZONE "X", "FLOOD HAZARD AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN", PER FEMA F.I.U.M. COMMUNITY PANEL NO. 401430022H, EFFECTIVE DATE: OCTOBER 18, 2012.
4. ALL CONSTRUCTION AND METHODS TO BE IN STRICT ACCORDANCE WITH CURRENT CITY OF TULSA STANDARD SPECIFICATIONS AND DETAILS.
5. THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND WILL NOT BE LIMITED TO NORMAL WORKING HOURS. MAINTAIN ALL BARRICADES, WARNING SIGNS, FLASHING LIGHTS AND TRAFFIC CONTROL DEVICES DURING CONSTRUCTION. CONTRACTOR SHALL COMPLY WITH ALL O.S.H.A. REGULATIONS AND SAFETY REQUIREMENTS.
6. THIS SET OF CONSTRUCTION DOCUMENTS SHALL BE CONSIDERED AS A WHOLE IN THAT THE GENERAL CONTRACTOR AND ALL SUB-CONTRACTORS ARE RESPONSIBLE FOR INFORMATION PRESENTED ON ALL SHEETS OF THIS SET OF DRAWINGS.
7. CONTRACTOR IS TO BE RESPONSIBLE FOR OBTAINING ANY REQUIRED STATE OR LOCAL PERMITS. CONSTRUCTION MEANS AND METHODS SHALL COMPLY WITH ALL APPLICABLE GOVERNING CODES AND BE CONSTRUCTED TO SAME.
8. IF ANY EXISTING STRUCTURES TO REMAIN ARE DAMAGED DURING CONSTRUCTION, IT IS THE CONTRACTOR'S RESPONSIBILITY TO REPAIR AND/OR REPLACE THE EXISTING STRUCTURE, AS NECESSARY, TO RETURN IT TO THE EXISTING CONDITION OR BETTER. CONTRACTOR SHALL REPAIR AND RESTORE ANY AREAS DAMAGED DURING CONSTRUCTION AT HIS OWN EXPENSE.
9. CONTRACTOR SHALL PROVIDE AND MAINTAIN EROSION CONTROL MEASURES PER THE SITE GRADING PLAN (D010).
10. THE CONTRACTOR SHALL PERFORM THE WORK ACCORDING TO ALL CITY, COUNTY, STATE AND FEDERAL SAFETY AND HEALTH REGULATIONS. IN PARTICULAR THE "TRENCHING AND OPEN EXCAVATION" OPERATIONS SHALL COMPLY WITH ALL CURRENT O.S.H.A. REGULATORY REQUIREMENTS.
11. ALL PAVEMENT MARKING OF STRIPES TO BE 4" WIDE, WHITE AND APPLIED IN TWO COATS, UNLESS OTHERWISE NOTED.
12. PARKING LOT STRIPPING AND REQUIRED ADA ACCESSIBLE AISLES SHOWN ON PLAN SHALL BE MARKED IN ACCORDANCE WITH CURRENT ADA GUIDELINES.

ADA NOTES

1. ANY REQUEST BY THE GOVERNING AUTHORITY OR INSPECTOR TO ALTER ADA COMPLIANCE DETAILS OR REQUIREMENTS DEPICTED ON AND IN THESE PLANS AND SPECIFICATIONS MUST BE DIRECTED TO THE OWNER'S CONSTRUCTION MANAGER FOR AUTHORIZATION. ANY CHANGES MADE WITHOUT PROPER AUTHORIZATION AND LATER FOUND TO BE NON-COMPLIANT WITH THE DETAILS AS SHOWN ON AND IN THESE PLANS AND SPECIFICATIONS WILL BE REMOVED AND REPLACED TO BE MADE FULLY COMPLIANT, REGARDLESS OF MAGNITUDE, AT THE CONTRACTOR AND/OR SUB-CONTRACTOR'S EXPENSE. THE CONTRACTOR MUST FOLLOW THE "REQUEST FOR INFORMATION" (RFI) PROCESS IN ADDRESSING THE APPROVAL OF CHANGES TO ADA RELATED ITEMS.
2. RE: GRADING PLAN SHEET (D010) FOR FINAL GRADES.
3. 1/8" MAXIMUM DEPTH TO TOP OF SEALANT AND 1/8" MAXIMUM PROTRUSION TO TOP OF SEALANT ALONG ADA ACCESS ROUTES.

PAVING NOTES

1. ALL CONCRETE SHALL BE 3000 PSI, AND ALL REINFORCING STEEL SHALL BE GRADE #6, UNLESS OTHERWISE NOTED.
2. TRAFFIC CONTROL MEASURES SHALL BE IN ACCORDANCE WITH CITY OF TULSA AND THE LATEST VERSION OF THE MUTCD.
3. PROVIDE A SMOOTH TRANSITION BETWEEN EXISTING PAVEMENT AND ANY NEW PAVEMENT.



810 SOUTH HENDON
SECOND FLOOR
TULSA, OK 74119
PH: 877-850-
WWW.CYNTHIAK.COM

THIS DOCUMENT IS
PRELIMINARY
IN NATURE AND IS NOT
A FINAL, SIGNED AND
SEALED DOCUMENT

CONTROR ENGINEERING, PLLC
CA #257
CDEP: 800586
W. CHARL MITCHELL, PE
SINCE: 12/1/10

PARKING LOT EXPANSION
BAMA CO., INC.
PROJECT NO. 17115

| NO. | DESCRIPTION | DATE |
|-----|-------------|------|
| 1 | REVISION | |
| 2 | REVISION | |
| 3 | REVISION | |
| 4 | REVISION | |
| 5 | REVISION | |
| 6 | REVISION | |
| 7 | REVISION | |
| 8 | REVISION | |
| 9 | REVISION | |
| 10 | REVISION | |

W. CHARL MITCHELL, PE
PROJECT NO. 17115
DATE: 12/1/10
DRAWN BY: JLM

SHEET NAME
SITE PLAN

SHEET NUMBER
CS101

Ulmer, Amy

From: Chuck Mitchell <cmitchell@cyntergy.com>
Sent: Monday, February 25, 2019 1:29 PM
To: Ulmer, Amy
Subject: RE: BOA-22595
Attachments: Bama Security Fence.PNG

Amy,

Some of the new parking is 90 degrees and some 60 degrees. The security fence is chain link. Refer to attachment for picture.

Thanks
Chuck

CHUCK MITCHELL
DIRECTOR OF CIVIL ENGINEERING

O: 918.877.6000 +325

WWW.CYNTERGY.COM | IT'S RELATIONSHIPS WE BUILD

From: Ulmer, Amy [mailto:aulmer@incog.org]
Sent: Monday, February 25, 2019 1:12 PM
To: Chuck Mitchell
Subject: BOA-22595

Hello,

Could you indicate on the attached site plan that was originally submitted what the angels of the parking stalls will be? (i.e. 90 degrees, 60 degrees, etc..) Also, what will the material of the security fence be? Let me know if you have any questions.

Amy Ulmer
Planner
Current Planning
Tulsa Planning Office
918.579.9437
aulmer@incog.org





CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1 Revised

March 18, 2019

Chuck Mitchell
810 S Cincinnati
Tulsa, OK 74119

Phone: 918.877.6000

APPLICATION NO: **BLDC-025389-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **2435 N Lewis Ave**
Description: **Parking area 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 (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. 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

BLDC-025389-2019

2435 N Lewis Ave

March 18, 2019

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.45.080-A:** Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. The board of adjustment is authorized to modify fence and wall regulations in accordance with the special exception procedures of Sec. 70.120.

Review comment: The proposed 8' fence is located on a lot in an IM zoning district and is located in the required street setback (10' from the N Lewis Ave Right-of-Way). This will require a special exception, reviewed and approved, per Sec.70.120, to increase the height from 4' to 8'.

2. **Sec.55.090:** You are proposing 60° and 90° parking angles with a 9' width. For 60° the minimum stall length 18' with a 15' drive aisle. For 90° the minimum stall length is 18' with a 22' drive aisle. Not all of your proposed dimensions meet the minimum design standards in the section.

Review comment: Submit a site plan providing a parking area that meet the minimum standards in this section. You may consider a variance to allow parking stall and drive aisle dimensions that do not meet the minimum standards of this section.

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

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

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

Review comment: Submit a landscape plan providing landscaping along the parking area that abuts N. Lewis Ave. You may consider an Alternative compliance landscape plan per Sec.65.080-D.

- **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-proposed 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 proposed irrigation plan for each required landscape area, point of connection, backflow prevention assembly size, make and model;
 8. The schedule of installation of required trees, landscaping and appurtenances;
 9. The location of all proposed drives, alleys, parking and other site improvements;
 10. The location of all existing and proposed structures on the site;
 11. The existing topography and proposed grading;
 12. The area in which grading and vegetation removal will occur; and
 13. 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.

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

Please notify the reviewer via email when your revisions have been submitted

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

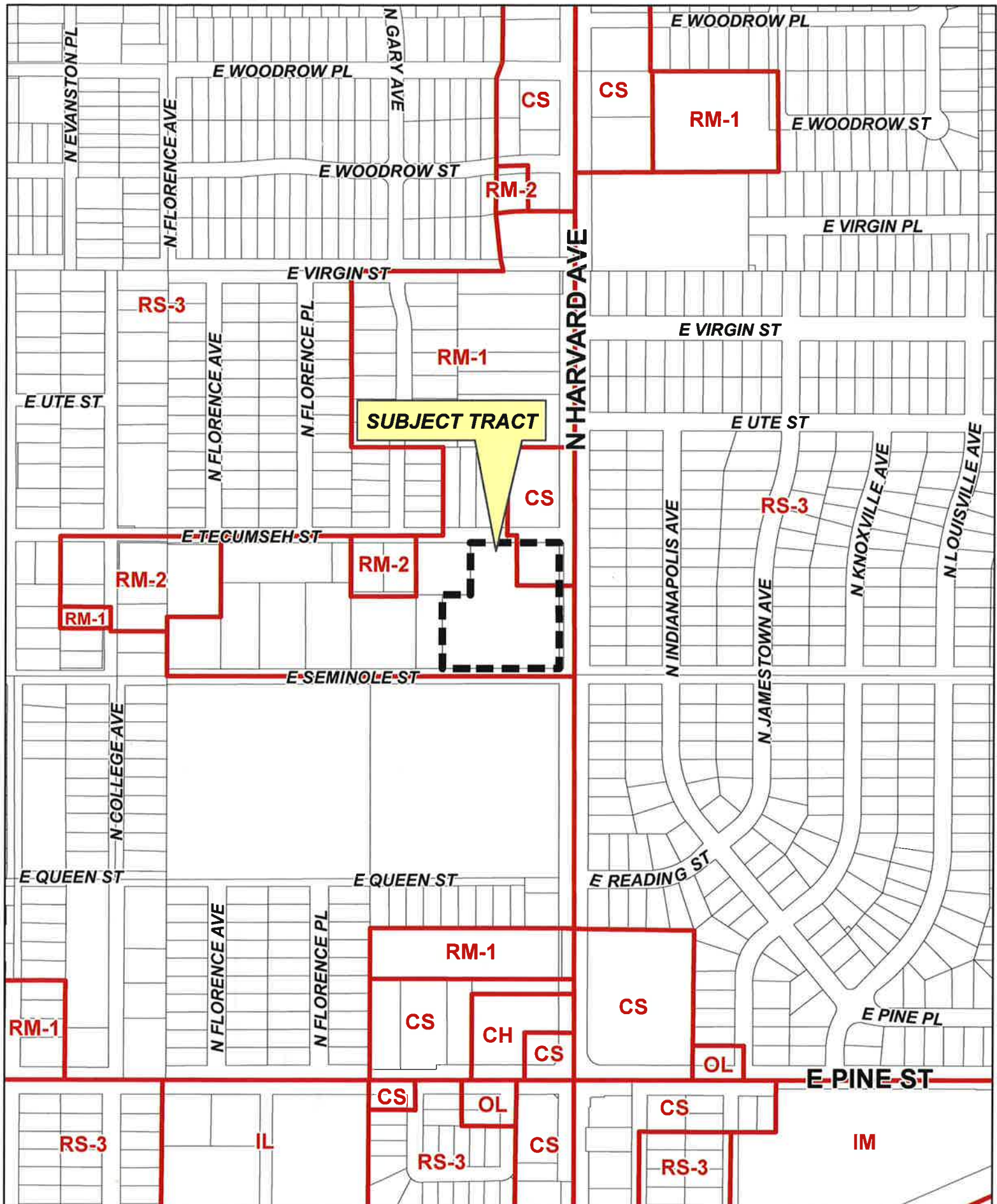
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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

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

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BOA-22598

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BOARD OF ADJUSTMENT CASE REPORT

STR: 0329

Case Number: BOA-22598

CZM: 29

CD: 3

A-P#:

HEARING DATE: 03/26/2019 1:00 PM

APPLICANT: Lawrence Morrison

ACTION REQUESTED: Special Exception to permit a religious assembly in an RM-1 District (Table 5-2); ~~Variance~~ Special Exception to allow a barbed-wire fence (Section 45.080-C); ~~Variance of the street yard landscaping and parking lot landscaping requirements (Sections 65.030 & 65.040); Variance from the underground irrigation system requirement for required landscaped areas (Section 65.070).~~

LOCATION: SW/c of N. Harvard Ave. & E. Tecumseh St. **ZONED:** CS,RM-1

PRESENT USE: Vacant

TRACT SIZE: ± 3.2 acres

LEGAL DESCRIPTION: BEG 35W & 25N SECR NE SE TH N410 W302.5 S170 W90 S240 E392.5 POB LESS E15 THEREOF SEC 29 20 13 3.202ACS

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-15233; on 11.16.89, the Board **approved** a *special exception* to permit church use in a RM-1 and CS zoned district; a *variance* of the 1-acre lot minimum; a *special exception*; a *variance* of the required screening; a *variance* of the required number of parking spaces from 50 to 46.

Surrounding Properties:

BOA-22481; on 10.23.18, the Board approved a *special exception* to permit a school use in an RS-3 district, per plan and with conditions. Located; 3121 E. Queen St. N. (immediately south of the subject property).

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. Located; 1740 N. Harvard Ave. (immediately south and west of the subject property).

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. Located; 1740 N. Harvard Ave. (immediately south and west of the subject property).

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. Located; 1740 N. Harvard Ave. (immediately south and west of the subject property). (BOA meeting minutes not available).

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. 1740 N. Harvard Ave. (immediately south and west of the subject property).

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

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

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts RM-2 zoned lots to the west; RM-2 and CS zoned properties to the north; Celia Clinton Elementary to the south; and N. Harvard abuts the property to the east.

STAFF COMMENTS:

The applicant is before the Board requesting a **Special Exception** to allow a religious assembly use in the RM-1 district to permit the construction of a church.

As shown on the submitted site plan the applicant is proposing to construct a 13,854 sq. ft. sq. ft. church building and 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 RM-1 district because of potential adverse effect, but which if controlled in its relationship to the RM-1 zoned district may be permitted.

Section 45.080-C in the code states, barbed-wire and razor-wire fencing is prohibited in all districts except agricultural and industrial districts unless also approved in accordance with the special exception procedures of Section 70.120. The applicant is requesting a **Special Exception** to allow an existing barbed-wire fence along E. Seminole St. This specific relief request was originally noticed as a Variance however staff later found that a Special Exception was the correct request per code.

As part of the original application, the applicant also requested a variance from the landscaping requirements. After discussion with staff, the applicant is revising the landscape plan to alleviate the landscape variance that has been submitted to the BOA. The applicant has stated they intend to submit an Alternative Landscape Compliance Plan application to staff.

Sample Motion

Move to _____ (approve/deny) a **Special Exception** to permit a religious assembly in an RM-1 District (Table 5-2); **Special Exception** to allow a barbed-wire fence (Section 45.080-C)

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

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

Case No. 15233

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request a special exception to allow a church in an RM-1 zoned district.

Variance - Section 1205.3(a)1 - Use Conditions - Request a variance of the required 1 acre lot area to .70 acre.

Special Exception - Request a special exception to permit a manufactured building to be used for church use until permanent building is constructed.

Variance - Section 1205.3 - Use Conditions - Request a variance of the required screening.

Variance - Section 1205.4 - Off-Street Parking and Loading Requirements - Use Unit 1205 - Request a variance of the required number of parking spaces from 50 to 46, located 3231 East Seminole Street North.

Presentation:

The applicant, **Lawrence Morrison**, 1730 West Latimer Place, Tulsa, Oklahoma, stated that, due to some confusion as to the exact location of the church property, he has appeared before the Board on three different occasions. He pointed out that the plot plan has not been revised since the first hearing, and requested that the variance of the screening requirements be waived until such time as the church is financially able to install a fence. Mr. Morrison pointed out that screening is in place between the church property and the apartment complex to the west, with the remainder of the property being surrounded by open space. It was noted that the resident to the south was supportive of the project, but has moved since the initial Board meeting. The applicant stated that, although one area resident was concerned that the walkway for the school children would no longer be available, those concerns are not warranted, as the church building will not interfere with the path across the property. A plot plan (Exhibit A-1) was submitted.

Comments and Questions:

Mr. Jones explained that the location of the church is to the west and out of the CS zoned area.

There was Board discussion as to the exact location of the church property.

Ms. Hubbard explained that the submitted plot plan is correct; however, it is confusing because the lines seem to indicate that the lot dimensions are measured up to Harvard, which would create a corner lot.

Case No. 15233 (continued)

In response to Mr. Bolzle, the applicant stated that the lot in question is not located on Harvard, and submitted a location map (Exhibit A-2) depicting the exact location of the property.

Ms. Bradley pointed out that the Board has already approved a portion of the application, and Mr. Jones stated that the complete application was advertised a second time to prevent any misunderstanding as to the location of the property, and prevent further delay on Mr. Morrison's project.

Ms. White asked when the building will be completed and the fence installed, and the applicant replied that construction on the church structure will begin in April of 1990 and the fence will be installed after the building is completed. He further noted that a condition of the previous approval stated that the new building would be constructed within one year from April 1, 1990. Ms. Hubbard pointed out that the Board gave the applicant one year to construct the permanent building because the Building Inspector can only issue a permit for a temporary building for a period of 9 months, with a 3 month extension. She informed that the applicant has posted the required \$1000 removal bond.

Protestants:

R. L. Decorte, 1904 North Gary, Tulsa, Oklahoma, stated that he has lived across the street from the subject property for many years. He pointed out that he would like to know the exact location of the proposed building in order to determine the impact it will have on the community.

In answer to a question concerning screening, Ms. Hubbard advised that solid fencing is required along the west 50 to 70' of the north property line.

Charles Castle, 2135 East 24th Street, Tulsa, Oklahoma, stated that he owns the four-acre tract which includes the subject property, and the exact location of the lot is the northwest corner of the tract. He stated that he has no objection to the children crossing his land, as there are no present plans for the balance of the tract.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205) to allow a church in an RM-1 zoned district; to **APPROVE** a **Variance** (Section 1205.3(a)1 - Use Conditions) of the required 1 acre lot area to .70 acre; to **STRIKE** the **Special Exception** to permit a manufactured building to be used for church use until permanent building is constructed; to **APPROVE** a **Variance** (Section 1205.3 - Use Conditions) of the required screening; and to **APPROVE** a **Variance** (Section 1205.4 - Off-Street Parking and Loading Requirements - Use Unit 1205) of the required number of parking spaces from 50 to 46; subject to building being for church use only, a paved parking lot being provided, and construction of a permanent building being

Case No. 15233 (continued)

started no later than one year from the date the manufactured building is moved to the property in question; and subject to a \$1000 removal bond; finding that church use is compatible with the surrounding neighborhood, and that there are other lots in the area that are similar in size to the lot in question; and finding that a permit for the use of a manufactured home for church use is controlled by the City Building Code and is not a matter to be decided by the Board of Adjustment; on the following described property:

The west 175' of the north 170' of the following;

Beginning 35; west and 25' north of the SE/c, NE/4, SE/4, thence north 410', west 477.5', south 170', east 85', south 240', east 392.5', Section 29, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15275

Action Requested:

Special Exception - Section 710 - Permitted Uses in the Commercial Districts - Use Unit 1217 - Request a special exception to permit automobile sales, service and accessory body shop in a CS zoned district, located 40 South Garnett.

Presentation:

The applicant, **Frank Moskowitz**, PO Box 2875, Tulsa, Oklahoma, stated that he has continued the application several times in order to complete a business transaction on the subject property. It was noted that the 12,000 sq ft building, located on a 3 1/2-acre tract, will be used for restoration purposes, as well as new and used car sales. Mr. Moskowitz explained that there will be no painting of automobiles on the property. A plot plan (Exhibit B-1) was submitted.

Comments and Questions:

Mr. Chappelle asked Mr. Moskowitz if all automobile work will be completed inside the building, and he answered in the affirmative.

In response to Mr. Bolzie's inquiry, the applicant explained that there is inside storage, but some automobiles could occasionally be parked outside.

Kenny Trotter, 2438 East 20th Street, Tulsa, Oklahoma, stated that he is representing the buyers of the property, and pointed out that the parts for the automobiles are expensive and will not be stored outside.

Protestants: None.

Action Requested:

(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)

Presentation:

Josh Miller, 7030 South Yale, Suite 600, Tulsa, OK; stated he represents the applicant Educare. Mr. Miller stated the City has made the transfer of the park to Tulsa Public Schools and all the recommendations will be implemented of City parks with regard to moving the sport court, renovation, making a multi-use sports court to accommodate soccer, basketball and volleyball. There will be 1.6 acres of open space preserved to allow all the existing uses as well as consideration will be given to renovating the shelter as needed. The City has made a commitment towards safety improvements. There is an overall need for the Educare facility and there will be benefits to the neighborhood. Mr. Miller stated he has met with the neighbors four times; twice since the last hearing. He feels like all the neighborhood input has been incorporated and they have addressed all their concerns and are leaving the traffic condition better than when the proposed project started.

Esther Shaw-Smith, Lee Engineering, 1000 West Wilshire, Suite 403-E, Oklahoma City, OK; stated Lee Engineering was contracted by TPS to study queueing, parking, and the traffic impact that Educare would have on the existing roadway network. Lee Engineering did look at all that and used industry standard computation methods; methodologies that are readily approved by the City of Tulsa. Lee Engineering presented two options. The first option would be to separate the traffic that is coming for Educare versus the existing Celia Clinton traffic. Lee Engineering has already been contracted with the City of Tulsa to perform the school's safety first initiative school safety audits, and the firm has already been to Celia Clinton to observe drop off and pick up operations, do a full site assessment of the campus, look at the ADA paths, and routes that kids can use to get to and from the school safely whether walking or biking. Celia Clinton was one of the City's top priority schools to look at, so the school safety had been completed when the firm was contracted by TPS to do the Educare impact study. It was acknowledged in Option #1 that the traffic needed to be separated from Celia Clinton and Educare, and it was recommended to have an operational plan that would keep Celia Clinton traffic in the pattern that it is today, on Seminole, and Educare would use Queen Street and the newly built Florence for access to Educare. This plan would entail the school increasing their operational procedures at their site during pick up because several like to pick up their children from school. There were over 150 parents that came to pick up their children on a regular basis at the school, and they do use Seminole for the pick-up operation. It was also recommended to have a traffic signal be installed at Harvard and Seminole so there would be a full signal actuated for cars and pedestrians. That will speed up exiting traffic from Seminole and the school. Ms. Shaw-Smith stated that it has also been recommended to increase enforcement of

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the no parking signs that are along Seminole. Tulsa Police Department and the school have been asked to have periodic enforcement of the no parking zones as well. Option #2 was based solely on the need to help the neighbors and to try to get Celia Clinton traffic off Seminole. So, another option was looked at where both schools would use Florence, and Florence would be made wider to accommodate a lane to go to Educare and a lane that would go to Celia Clinton. With this existing traffic would be taken off Seminole. With Option #2 there is plenty of stacking room, 1,600 feet of stacking room before impacting Harvard, for Educare and Celia Clinton. The maximum queues, if everyone should arrive at the same time, would be about 1,100 feet for Option #2. Educare should not significantly impact Seminole. The number of cars in the peak hour for Educare is just over 100 peak hour trips.

Mr. Van De Wiele asked Ms. Shaw-Smith if it was known which option the two facilities have opted for at this point. Ms. Shaw-Smith stated that right now they are proceeding with Option #2.

Mr. Van De Wiele asked Ms. Shaw-Smith how the plan will be implemented and enforced. Ms. Shaw-Smith stated the best thing is to get the parents and the kids on board, the school has to give out the operations plan at the very beginning of the school year. It is all about the education of the parents and the students and having enough staff members outside for the first two or three weeks to make sure everyone is following the pattern. There will always be the 1% or 2% that rules don't apply to but overall if the parents are given a good plan on what to do, they will follow it.

Ms. Radney asked Ms. Shaw-Smith if a queuing analysis had been done for the Celia Clinton population. Ms. Shaw-Smith stated that Celia Clinton had been observed previously in the school safety study, and a queueing analysis was done on Seminole during pick up because that the longest queue length; morning drop off time tends not to be as long as the pick-up time. There were queues almost to Harvard, but they did not encroach upon Harvard; they used the entire parking lot frontage where there are three lines to maximize the parking lot space. Ms. Radney asked if there had been a numerical analysis done. Ms. Shaw-Smith stated the cars were counted, there were 45 in the queue for the peak at five-minute queue counts for the Celia Clinton school safety study. The analysis was observational for Celia Clinton and the analysis for Educare was computational because they are estimates for the number of trips that are generated.

Ms. Shaw-Smith stated that queue length is determined at 25 feet per car, and the estimate for Celia Clinton was about 1,100 feet leaving about 500 feet to be used if needed.

Ms. Radney asked Ms. Shaw-Smith how many dedicated parking spaces are there for parents? Ms. Shaw-Smith stated that right now there is the front row that visitor type parents which is about 20 spaces, and the side lot is used mostly by staff members.

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Ms. Radney asked Ms. Shaw-Smith if the existing parking for Celia Clinton is less than what is allocated parking for Educare. Ms. Shaw-Smith stated the pick-up operations is a lot different for Educare. All of the Educare parents are required to park and walk in. At an elementary school that provides a pick-up operation the parents do not have to park and come into the school. It is a different scenario as to why Educare is going to need more spaces than Celia Clinton.

Tanya Davis, Principal of Celia Clinton Elementary School, 1740 North Harvard, Tulsa, OK; stated she is very excited for the opportunity for Educare to go in because the children will be educated from six weeks to age three, then they will come into Celia Clinton much more prepared. The drop off is a lot easier because there is staff outside at 7:00 A.M., there are three lanes with Teacher Assistants, there is a safety patrol on the sidewalk, and the children are walked into the door. If the children arrive before 7:20 A.M. there are two adults outside on the sidewalk that monitor the children. At 7:20 A.M. the school doors open, and the Teacher Assistants are still outside bringing the children in from the parking lot. Drop off in the morning is not as big a problem as dismissal. For dismissal the parents have a placard in the windshield, so the staff know those cars go into the third lane. School dismisses at 2:35 and everyone is back in the building at 2:50 P.M., after that the parents must park, come inside and pick up their child.

Mr. Van De Wiele asked Ms. Davis how the school kept the parents from stacking up early to the west down to the dead end on Seminole. Ms. Davis stated that the cul-de-sac was installed a few years ago because of the back up on Harvard. Some of the issues are the parents that like to get out of the car and find their child and walk back to the car with their child, because it takes that parent longer, but it is their preference. The gravel was poured along the side of the street for the cars that park and all other cars keep moving.

Mr. Van De Wiele asked Ms. Davis if the new Florence were installed is it her commitment to the neighbors that stacking will be on Florence and not on Seminole. Ms. Davis stated she cannot control every parent even though she does her best. The way the traffic pattern would go the parents should not even be going down Seminole. Ms. Davis stated when the cul-de-sac was completed there was a map handed to every parent, in English and in Spanish, and there was a meeting with interpreters to explain the traffic pattern. That is what will have to be done again; retraining of the parents and children.

Deborah Gist, Superintendent of Tulsa Public Schools, 6232 South Jamestown Avenue, Tulsa, OK; stated these changes will mean safer access for the children, less congestion, and improved access to greenspace. Campus Police can bring in additional officers to help the schools get the traffic flow patterns into place, and it would be done in this instance. This is creating an incredible high-quality early childhood education center for the community. Tulsa is a model for the country in terms of quality early childhood experiences. Early childhood matters for the children. This center will make a difference for Celia Clinton and for the young children who are able to

participate in the Educare experience, but it will also make a difference for the children around them because overall it lifts up the experience that every child in the school receives. A lot of research has been conducted in Tulsa that is used nationally, and it demonstrates not only does it affect the children who have the experience and the children around them. Not only does it affect their readiness and their quality of experience in elementary school, but it actually has benefits that demonstrate the children are more likely to stay in school, to graduate, to rely less on social services, and to contribute to society in different ways. Overall, this has a massive impact on Tulsa. Ms. Gist stated there about 1,500 children under the age of five living within a mile of the school. This is a need and Educare would serve a fraction of those. This is a very positive thing for the families, for the children, and for the community overall.

Interested Parties:

Rachel Stagner-Farrell, 7304 South 99th East Avenue, Apt. 711, Tulsa, OK; stated she is a parent of Tulsa Educare and her daughter was in the program for four years and has graduated to public school. She was a parent that was hesitant of putting her daughter into any type of daycare or early learning academy. A friend steered her toward Educare. Being in the program has changed her daughter's life and hers as well. Ms. Stagner-Farrell stated that she just had her first parent-teacher conference and her daughter has excelled in every category. This is what Educare is about, getting the early childhood education and giving the children a step ahead of the rest in today's world. Ms. Stagner-Farrell stated there have been so many things that Educare has brought to her life and to have the opportunity to service even a fraction of the 1,500 children, how can the community not do this?

Ms. Radney congratulated Ms. Stagner-Farrell for seeing the civics homework that needed to be done. As one of the volunteers on this panel for the Board of Adjustment she would applaud Ms. Stagner-Farrell. Democracy is not a spectator sport.

Nick Doctor, Chief of Community Development for Mayor Bynum's Office for the City of Tulsa, 175 East 2nd Street, Tulsa, OK; stated that part of the Vision Tulsa package that voters approved in 2016 had \$14.5 million dollars for a safety first initiative, and it was a partnership between the City of Tulsa and Tulsa Public Schools to ensure there were safe routes to elementary schools in particular. Celia Clinton is one of the Tier 1 schools for the City of Tulsa and one of the locations the City is prioritizing for that work. A lot of that work has begun now, and Lee Engineering was one of the firms that was contracted with the City of Tulsa to perform the analysis of the school sites, and they have done 40 of the studies for the City for Tier 1 and Tier 2 schools. The implementation phases of those studies are beginning now. To speak to Celia Clinton specifically, the City is in the middle of the design phase for the improvements that were presented in Option #1, in particular, and Option #2 has the third lane added to it. The infrastructure that is required for that is being considered as part of the design work now. The City expects the design work to be complete by January or February 2019 and going through all the construction required for those improvements by the summer of 2019. There is a little over \$300,000 in improvements that will entail and that includes \$180,000 for a new traffic signal at Seminole and Harvard; \$30,000 for a new

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bus shelter; \$16,000 for four new school zone beacons to calm traffic on Harvard; \$8,400 for new crosswalks at Seminole and Harvard and at Queen and Harvard; and \$8,000 for new signs directing traffic. The no parking signs have already been installed and TPS and TPD are beginning to enforce those.

Ms. Radney asked Mr. Doctor if there was a way the City could stripe the areas in front of the resident's driveways to keep the wayward parents from blocking driveways. Mr. Doctor stated he could investigate that further, but it has not been discussed.

Fran Trujillo, 6812 South 230th East Avenue, Broken Arrow, OK; stated she is a nurse educator and is one of the nurses that taught classes at Educare I. The program started in 2008 and it made a great impact on one of the mothers. Some of the mothers became nurses and one is in the nursing program to be a Nurse Practitioner while another is going to get her Master's Degree in Nursing. This is the impact that has been brought by the programs being offered at Educare. Ms. Trujillo stated that the maternal mortality rate is number one in Oklahoma and Educare has a program that has been focused on improving the health of the child bearing woman. Educare makes not just an impact on the children by educating them but by providing them healthy mothers.

Ms. Radney thanked Ms. Trujillo for her service, and she agreed with Ms. Trujillo that Educare is a great model for helping parents to see that they can have hope for more for their children. That is a wonderful gift.

Molly Bryant, 4911 South Madison Avenue, Tulsa, OK; stated she is the representative for Domestic Violence Intervention Services which is located at Harvard and Apache, a half mile from Celia Clinton. This connects families to the community and the more connection parents have to service providers the greater chance they will actually access services from DVIS and other services. It also reduces child abuse. When the children are in Educare and pre-school there are parents that are able to have a break. What matters most to the survivors of domestic violence is that it increases economic stability; 74% of survivors of domestic violence stay in abusive relationships because they are not financially able to leave. If there is more access to affordable or free child care and pre-K, especially mothers who are able to work outside of the home, they are able to be financially independent and leave the abusive relationship. There are a lot of reasons Educare would improve the livelihood of DVIS clients. On behalf of DVIS staff, they will gladly spend an extra five or ten minutes at any point in the day to wait in traffic if that means there is more affordable child care in the community. There is no way to create safety in the community unless there is opportunity for economic stability for DVIS clients.

Bob Buchanan, P. O. Box 54339, Tulsa, OK; stated he is fully in agreement with Educare and thinks it is real important. The real issue is traffic. Springdale Park is about one mile from Celia Clinton, and it also has three or four schools around it which includes Celia Clinton that have as high a need as Celia Clinton. If Educare is allowed to come it will add 700 car trips daily; there is 160 people coming in and leaving twice a day. He noticed in the traffic report there is no allowance made for shift changes. After

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a 12-hour work day at the school and there will be 50 or 60 employees that will be in a shift change, so that is possibly another 120 trips in and out that has not been accounted for. The neighborhood is not against Educare, but the neighbors are trying to grasp some sense of sanity in the traffic. In the original report that was done in August for the different conditions of people parking wherever they want on Queen, there is about 40 cars on Queen while about 150 cars are queued on Seminole. It was not the neighborhood's suggestion to take traffic off Seminole and he does not think it is a good idea because people will be queued out on Harvard. Mr. Buchanan believes that Springdale Park has no residents in the area, there is an entry and an exit, and there is no issue of blocking people in from the traffic congestion; it is the perfect situation and it is still within the center of an area that the students will be served by it and there are three other schools that could also be served.

Ms. Ross stated that she heard Mr. Buchanan say it was not the neighborhood's goal to get the traffic off Seminole, but that is not what she has heard at the prior meetings, so she is confused. Ms. Ross stated that what she sees TPS, the City and Educare doing is trying to get the traffic off Seminole so that residents can back out of their driveways, enforce the parking with TPD and through the use of the TPS security, and they are installing a traffic signal so people turning left onto Harvard can get out of the area quicker. Ms. Ross asked Mr. Buchanan for clarification. Mr. Buchanan stated that he does not see how traffic will not be queued onto Harvard. The traffic coming and out of Educare already has 40 people parking along the street on Queen, run all the traffic that is queued on Seminole which ends up being about 60 cars which does not include what is in the parking lot; there are three lines of traffic on Seminole to go into the school. There is another 30 or 40 cars lined up to go out, then there are 45 cars on Queen Street that completely plug up the street. Now there will be 700 cars a day coming and going, which is double what is there now. Mr. Buchanan stated that traffic getting out onto Queen Street to turn onto Harvard is a bad intersection because traffic crests a hill and people are trying to get out; that area makes him nervous. What he would really like to see is have Educare someplace else and not compound the traffic problems, leaving the residents with the park.

Mr. Bond asked Mr. Buchanan if he was opposed to any school on the subject property because of the traffic. Mr. Buchanan stated he is being honest and be a good community person.

Connie Page, 3025 East Seminole Street, Tulsa, OK; stated she has lived in the neighborhood most of her life. Ms. Page stated that when Celia Clinton was doubled in size and the problem came up of the queueing on Harvard, the large circle at the end of the street was to be solution. The big circle at the end of the drive caused the present traffic issues. The residents are not against Educare and she believes in early education, but that is not the point. The point here is that she believes the residents have been told certain things that are not true. Ms. Page stated there were "Do Not Block Driveways" signs erected along the street in the past couple of weeks, but it has not stopped driveways being blocked. Ms. Page stated she has not seen any officers issuing tickets. Ms. Page stated this is an enforcement problem. If Educare is put in

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and everything is required to go in off Queen it will set up another queueing out onto Harvard, and everyone will have the same problem when Celia Clinton was doubled in size. If Option 2 is chosen and everything is run to Celia Clinton with a third lane and the traffic signal being installed that will allow the traffic to move faster. The residents have open minds and they are not against Educare, they are against traffic and the chaos that is caused. The science of the traffic looks great except it is our contention that there are many variables left out of their analysis due to the limitations of the methodology when applied to urban streets. Ms. Page quoted, "Urban street speed is computed by HCS, which is the methodology that was used for the traffic study, is computed but not delay. Mean and total facility delay can be estimated manually by the analyst using the HCS outputs as described for freeway facilities. She has no way of knowing if the people that did the traffic study manually computed the grades that were so glowing with traffic safety. The HCS does directly compute delay for each individual signalized intersection as described above under speed estimation for urban streets. Unsignalized intersection delay is computed by HCS using an intersection approach delay formula similar to the one described above for signalized intersections"; HCS being the Highway Capacity Manual. Ms. Page quoted several more sections from *Traffic Analysis Toolbox Volume VI, Calculations of MOEs by Traffic Analytical Tools*. Ms. Page stated she has problems with their methodology. Ms. Page quoted from *Livable Streets Connecting People and Places, Traffic Engineering Myths Revealed*, dated August 21, 2009 by Steven Miller and from *Project for Public Spaces*. Ms. Page stated that it is time for communities and transportation professionals to accept that we have been using the wrong tools for the wrong job. They can come up with traffic modeling all they want, she has lived through their version of traffic modeling for several years and for the past several years she has not been able to get out of her driveway. Ms. Page stated she does not trust traffic engineers and she thinks she has shown why she does not trust them, and she believes that the residents do not have much power. Ms. Page stated she is not against Educare and thinks there are several other viable options that would prevent the park from being taken away leaving the green space for the community and could alleviate the traffic issues.

Luwanna Horn, 3107 East Seminole Street, Tulsa, OK; stated that none of the residents are against education because education is good. Ms. Horn stated the residents do not want a school to replace the park. There are over 165 parents and children and 40 employees that are part of the traffic issues. When Option #2 was suggested at the neighborhood meeting it was big juicy carrot for residents. That option promised to take all of the traffic issues away that have been dealt with on Seminole for years, especially the last four or more years since the traffic circle was installed. The residents do not want the traffic issues to be moved to Queen Street for those neighbors to deal with. Ms. Horn stated she spoke with the residents living on Queen Street, Florence Place and Florence Avenue about the proposed plans and they do not want the traffic. Ms. Horn presented pictures that she took today of traffic in the neighborhood and stated the signs that were erected do not work because driveways are still blocked.

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Rebuttal:

Josh Miller came forward and stated that Celia Clinton does not have shift changes and Educare has four or five employees that leave a little past lunch. The turn right leaving the Educare parking lot isn't recommended. Educare has a drop off time of 7:00 A.M. to 9:00 A.M. and 4:00 P.M. to 6:00 P.M. is the pick-up time which is nonconflicting. The TPS Police have been in the neighborhood a couple of times a week over the last few weeks and has issued one ticket trying to enforce. Obviously, the neighbors are highly frustrated with the existing condition, and he certainly understands that, but it will all change with the improvements as well as the school safety. The sidewalks and the crosswalks have not been installed as of yet. The traffic signal will be installed this summer, so the school traffic will have an opportunity to adjust to the light almost an entire school year before Educare is even built. The City and TPS sat together, analyzed all the schools within the area of need before choosing the subject site. Mr. Miller stated that Option #2 is clearly the option being proposed in this case and there would be a third lane for traffic. The third lane will be a full regulation lane width and will comply with all City regulations because it will be a city street. There will also be a median installed to insure the Educare traffic turns left into their parent parking lot.

Esther Shaw-Smith came forward and stated the research presented to the Board was done in 2005 with HCS software which is Highway Capacity Software. Lee Engineering did not use HCS for this analysis, they used Synchro SemTraffic which is a software package developed by Traffic Ware. It is based on the latest edition of the highway capacity manual that was issued in 2016. The document the neighbors provided is an old HCM version in 2000. The HCM has been cognizant that people are changing the way they drive, and it is not vehicle centric anymore. The HCM 2016 does a very good job incorporating the multi-modal uses of urban streets. Lee Engineering does not want to just rely on the traffic, they want to make things safer for pedestrian and students. Levels of service and the queueing can be intimidating but it is her job. It is what she has to do to get this approved by the City so that it is a reputable traffic study that is using industry standard methodologies.

Comments and Questions:

Ms. Back stated this is a very delicate matter for the neighbors and Tulsa Public Schools for the subject property. Celia Clinton is a Tulsa Public School and that is not before the Board, and it is unfortunate that the traffic has impacted the neighbors as it has. At the last meeting the Board encouraged Tulsa Public Schools to step up to the plate and do something. Tulsa Public Schools has the Superintendent and other staff in attendance today. The City has installed signs. Superintendent Gist has stated that the Tulsa campus police will be at the site to help enforce the new traffic pattern, and Ms. Back stated she has to trust Ms. Gist by doing what she says she will do. Things are happening to help the residents with relief in the neighborhood. The site has been redesigned, again, and she believes Option #2 with the third lane being submitted today is an excellent design and an excellent addition to the community.

Ms. Ross stated that she agrees with Ms. Back. Ms. Ross understands from the resident's perspective is the traffic issue, but what she is not hearing is any

acknowledgment of how the new design is actually going to help the traffic situation. What is being ignored is that Florence Place is going to relieve a lot of the congestion and it will not be in front of any houses or driveways. There has actually been created a lot more ways of getting in and out of Celia Clinton and Educare with this design.

Mr. Bond stated that he voted no at the last meeting, because he felt like the traffic situation was abhorrent and needed to be addressed. He believes that the City and the school system has come back with a better solution. He would be inclined to vote for Option #2 with the third lane. He thinks the situation the residents are facing now will be alleviated. No traffic plan is perfect, but the City has traffic engineers that are here now to present the plan. The contention that no school can go on the subject property he does not agree with in any way. The better relationship everyone has with the school, the more invested the neighbors are in the success of both Celia Clinton and Educare the better the residents will have the ability to pick up the telephone and call to talk about ways to fix the traffic problems and make it a safer place.

Ms. Radney stated that her opinion of the current Option #2 plan is that it is a vast improvement over the first. She also acknowledges that it likely would have never come about except for the objection of the neighborhood. Ms. Radney thanked the neighbors for being steadfast in their position. She is a little less forgiving of the City and the Tulsa Public Schools; Educare is a captive tenant of Tulsa Public Schools. The issues that have been before the Board have had one primary stake holder. Ms. Radney stated she is still going to vote no. She is for the school and the Educare facility being in the district, she still thinks that Seminole and Queen don't have the capacity to bear this much traffic. She concurs with the residents, this is not the best use of this land, but the neighborhood will benefit by having Educare.

Mr. Van De Wiele stated that he does not think it was the intention of TPS or Educare, but from the Board's standpoint collectively, there was not an insinuation that the neighbors were against the mission of Educare. The one thing that he would say to Tulsa Public Schools, and he has been on the Board for nine years, we have seen things like this at other schools and he is hoping it is eye opening and ear opening for the schools. The schools are a wonderful service for the City and for the students but in these neighborhoods where schools are, where parents now drive to pick up their children more than they did 20 or 30 years ago there is an opportunity to become less than a good neighbor. Mr. Van De Wiele implored the school to be a good neighbor, and if that means walking down Seminole and telling parents to move their car and doing it everyday until they continue to not do it. It's not as simple a fix as handing the parents a flyer, the school will have to be firm until the parents correct their behavior. The neighbors need to continue to be a thorn in the school's side and the Mayor's side. The Board has heard from the City, the school, and the Mayor's office that they all support this request, but it doesn't need to be at the resident's cost. It shouldn't be at the resident's cost. He thinks the Board has seen a better plan put before them and he does not think that would have come about, but for the residents being the thorn in everybody's side.

BOA-22481

FILE COPY

Board Action:

On **MOTION** of **BACK**, the Board voted 4-1-0 (Back, Bond, Ross, Van De Wiele "aye"; Radney "nay"; 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 conceptual plans submitted today known as Option #2 with the third lane. The street is to be installed at Seminole and Harvard this coming summer of 2018, and per the City's financial commitment as noted today on the record by Mr. Nick Doctor from the Mayor's office. 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 9.62 ACS, City of Tulsa, Tulsa County, State of Oklahoma

22505—Mark Capron

Action Requested:

Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Section 90.090-A); Variance of the removal agreement requirement with the City of Tulsa for structures in the planned street right-of-way (Section 90.090-A). **LOCATION:** 1202 & 1206 East 3rd Street South (CD 4)

Presentation:

Mark Capron, 6111 East 32nd Place, Tulsa, OK; stated this request is for a small awkward small piece of property. Anytime there is a right-of-way closed down it goes through a process through Mr. Kovak's office who is the utilities coordinator at 23rd and Jackson. There is an alleyway closing right now. The proposal is staying out of the existing right-of-way, but the planned right-of-way encroaches into the property. The planners are excited about the project and do not have a problem with the right-of-way staying where it is. Mr. Capron stated that there have been meetings with all the utilities and all the concerns have been addressed.

Mr. Van De Wiele asked Mr. Capron if he had crossed any hurdles regarding the site lines with the traffic department. Mr. Capron stated that is one of things that came up with the City of Tulsa and it has been addressed.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a

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.

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

08/24/2010-1031 (11)

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-22598

20-13 29

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

Aerial Photo Date: February 2018

3.21





N GARY AVE

E TECUMSEH ST

N HARVARD AVE

E SEMINOLE ST

0 50 100
Feet



Subject
Tract

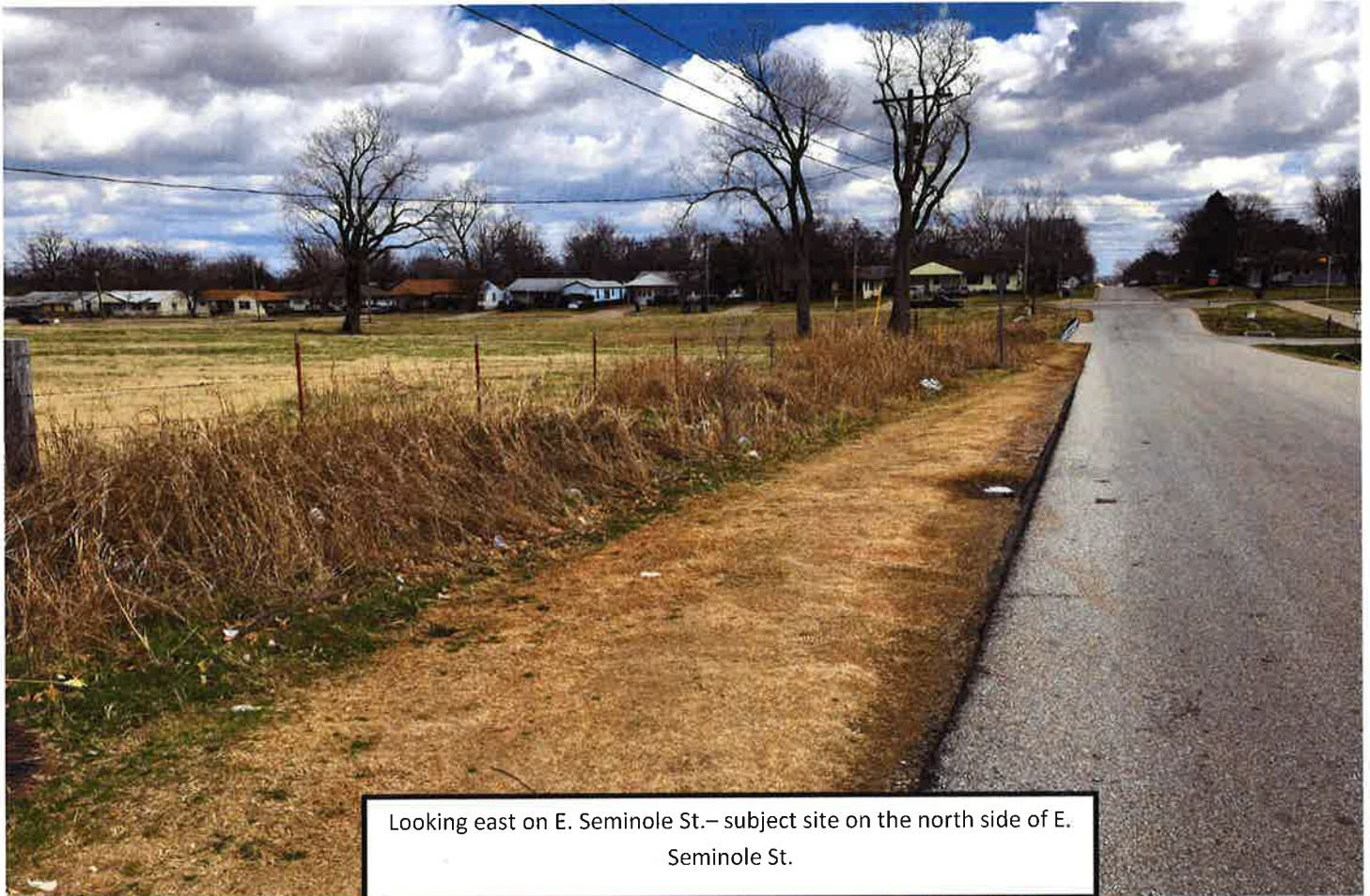
BOA-22598

20-13 29

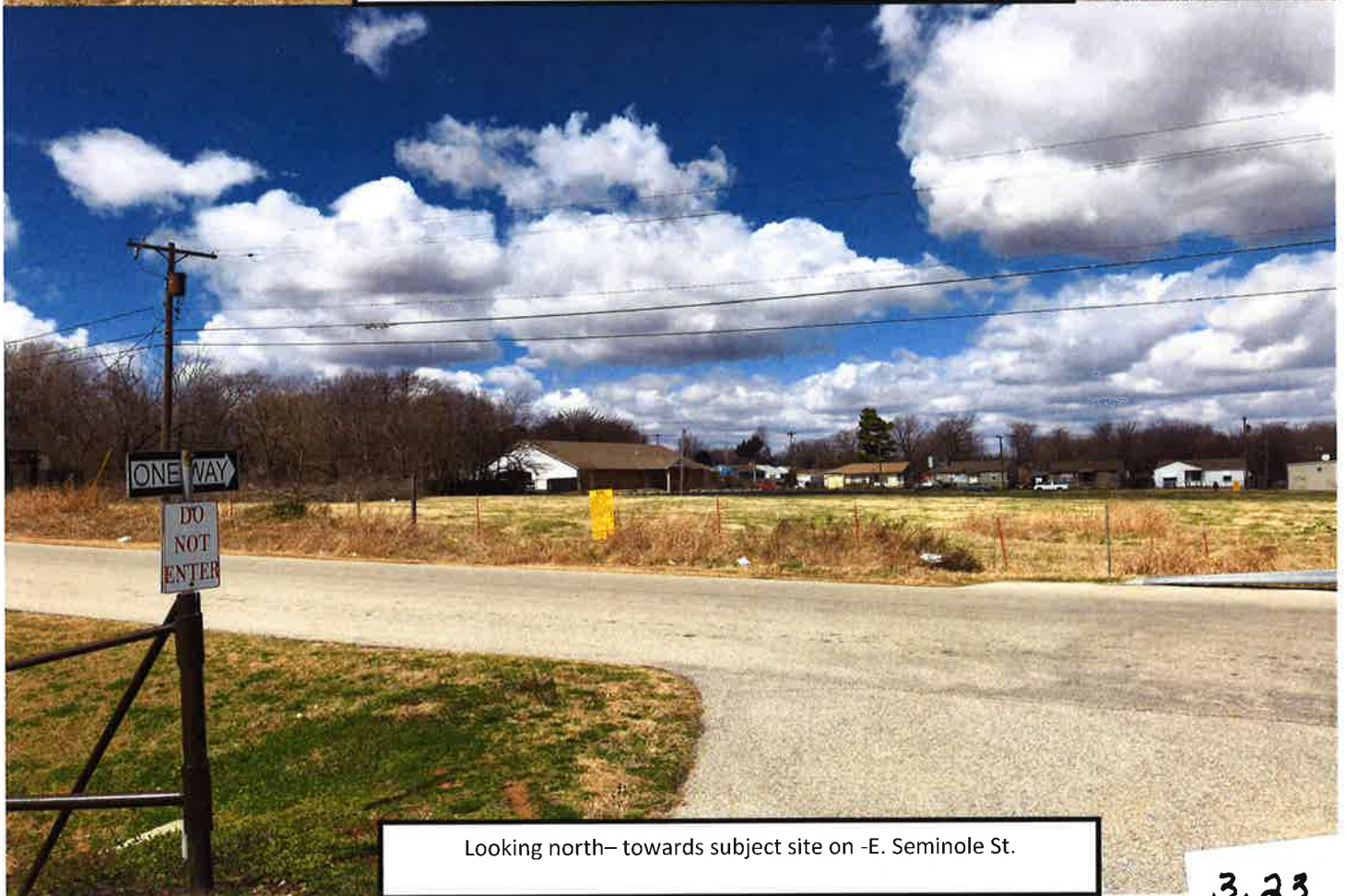
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018

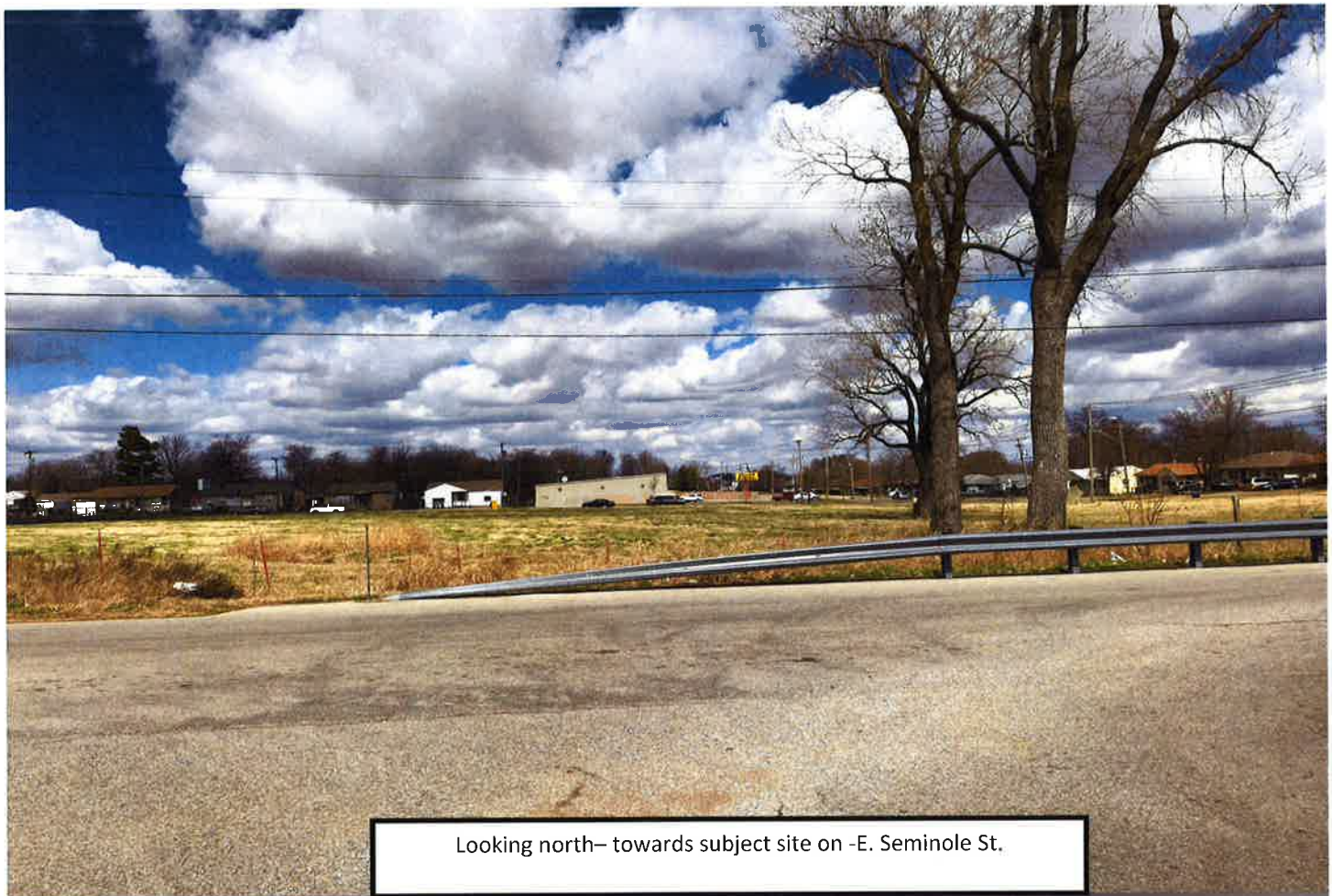




Looking east on E. Seminole St.— subject site on the north side of E. Seminole St.



Looking north— towards subject site on -E. Seminole St.



Looking north— towards subject site on -E. Seminole St.



Looking south— towards subject site on -E. Tecumseh St.

3.24

New Birth Tabernacle

A TRACT OF LAND IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE/4 SE/4) OF SECTION TWENTY-NINE (29), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TULSA LAND SURVEYING LLC
1501 EAST 8TH STREET
TULSA, OK 74120
(918) 794-6777
CA 8008
EXPIRES 6/30/2018



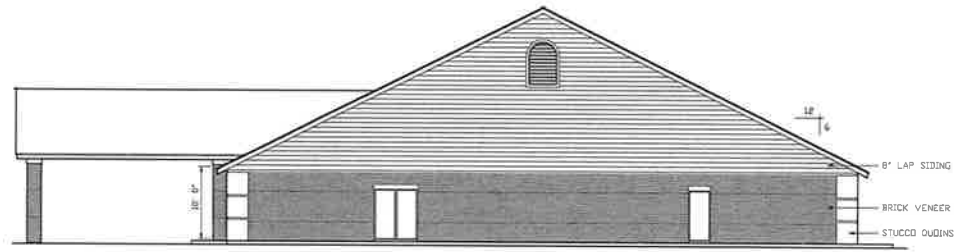
BRIAN J. HALL, ARCHITECT
(918) 605-5142
500 W MIAMI STREET



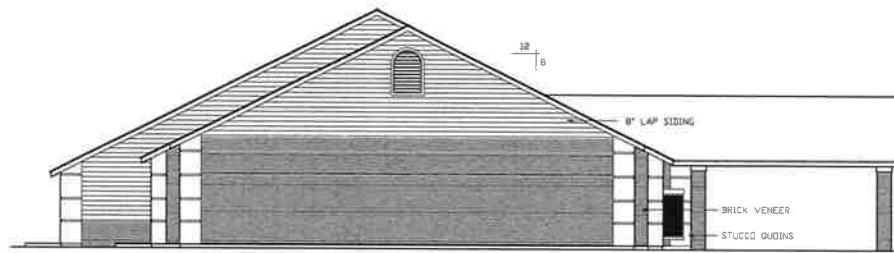
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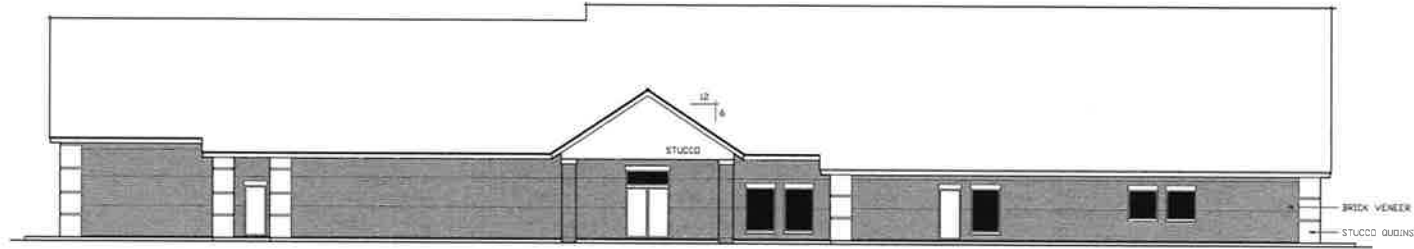
3.27



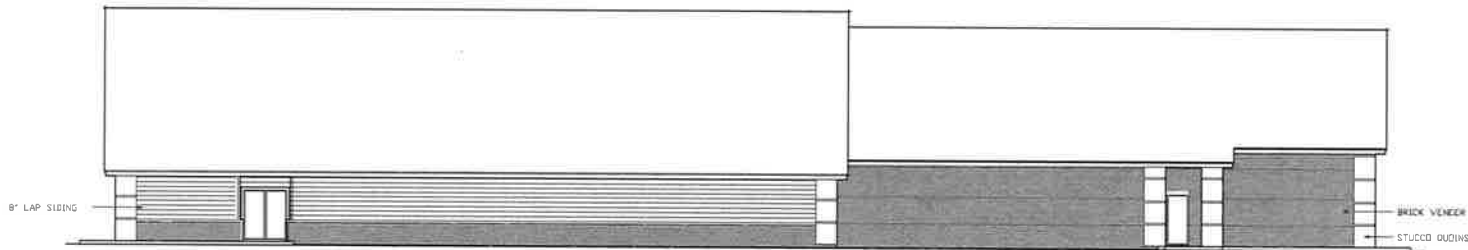
NORTH ELEVATION
1/8"=1'-0"



SOUTH ELEVATION
1/8"=1'-0"



EAST ELEVATION
1/8"=1'-0"



WEST ELEVATION
1/8"=1'-0"



brianhallwfa@cox.net
BRIKEN ARROW, OKLAHOMA 74001

NEW BIRTH TABERNACLE - LAWRENCE E. MORRISON PASTOR

BRIAN J. HALL, ARCHITECT
(918) 605-5142
500 W MIAMI STREET

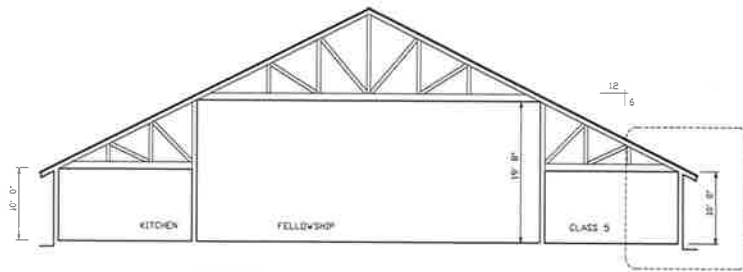


19-23

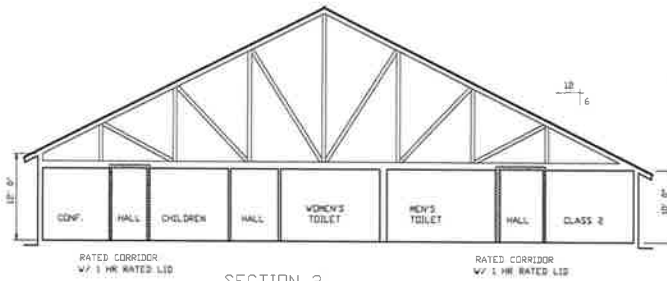
03/21/19

2

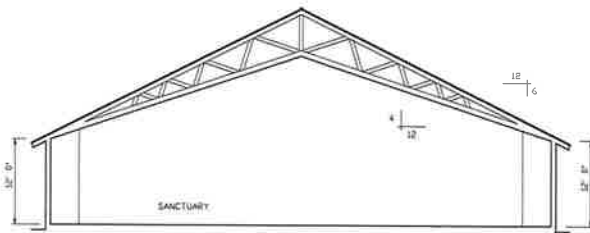
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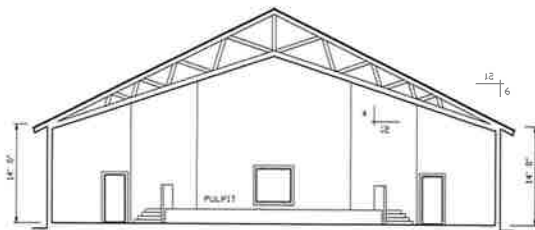
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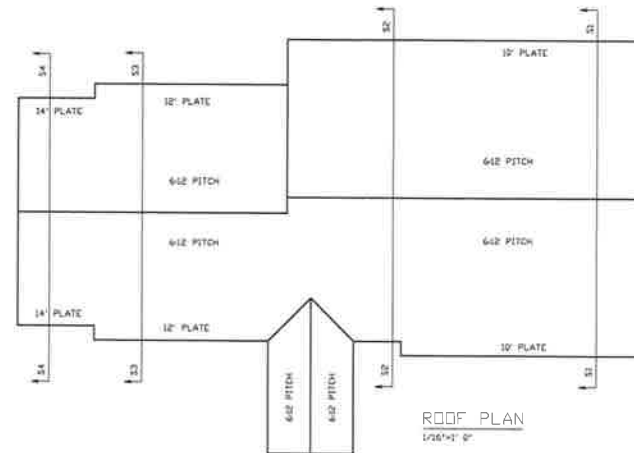
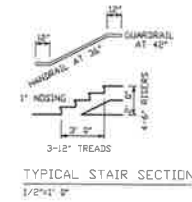
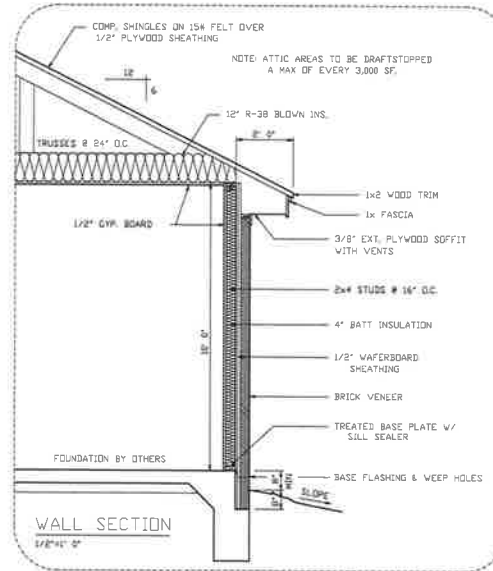
SECTION 2
1/8"=1' 0"



SECTION 3
1/8"=1' 0"



SECTION 4
1/8"=1' 0"



brimallw@cox.net
BROKEN ARROW, OKLAHOMA 74011

NEW BIRTH TABERNACLE - LAWRENCE E. MORRISON PASTOR
BRIAN J. HALL, ARCHITECT

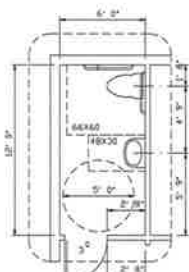
(918) 605-5142
500 W. MIAMI STREET



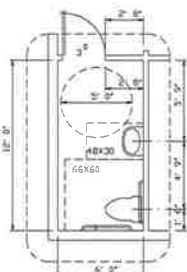
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03/21/19

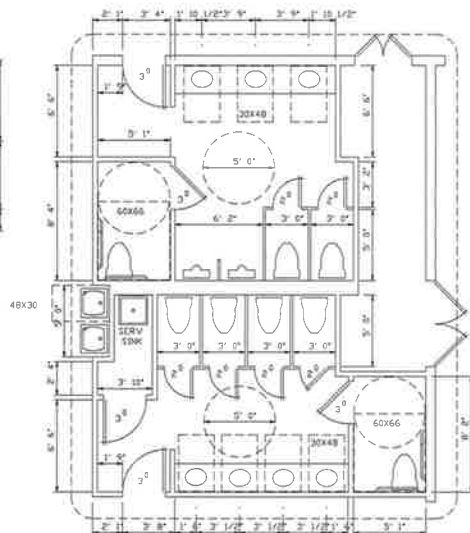
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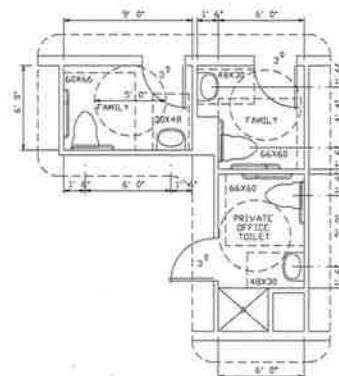
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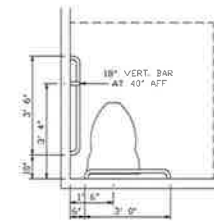
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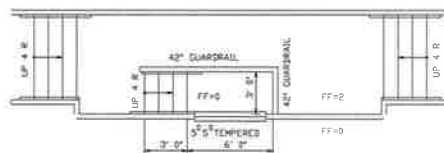
TOILETS 3 & 4
1/4"=1' 0"



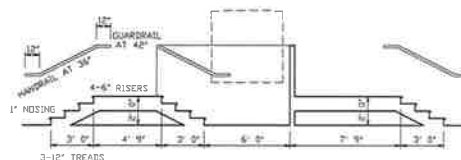
TOILETS 5 & 6
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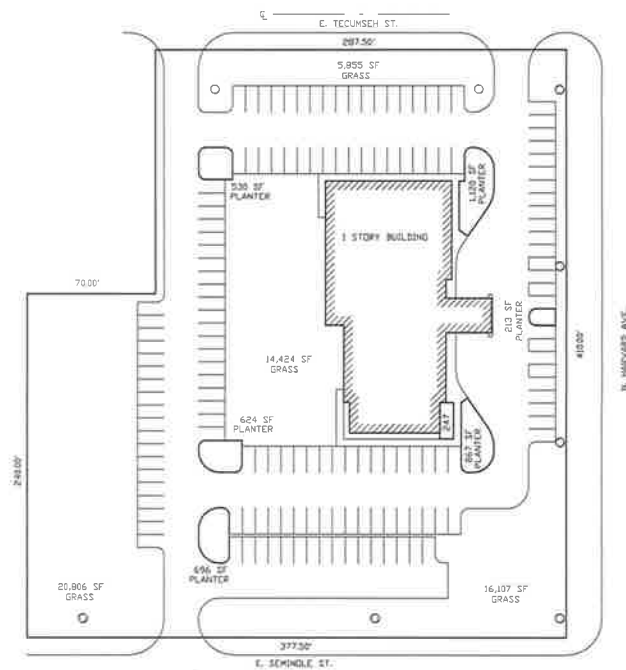
GRAB BAR DIMENSIONS
1/2"=1' 0"



BAPTISTERY PLAN
1/2"=1' 0"



BAPTISTRY SECTION
1/2"=1' 0"



LANDSCAPE PLAN
1"=40'

129,475 SF WITHIN PROPERTY LINES
= 57,270 SF GRASS AREAS
= 4,297 SF PLANTERS
77,906 SF IMPERVIOUS SURFACE



NEW BIRTH TABERNACLE - LAWRENCE E. MORRISON PASTOR

BRIAN J. HALL, ARCHITECT
(918) 605-5142
300 W MIAMI STREET



19-23

03/21/19

4

3.29

brianhall@bexc.com
BROCKEN ARROY, OKLAHOMA 74011

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

February 2, 2019

Lawrence Morrison
3917 W Orlando ST
Broken Arrow, OK 74011

Phone: 918.402-2131

APPLICATION NO: **BLDC-020609-2018**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **3220 E Tecumseh**
Description: **Description of work**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. 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

BLDC-020609-2018

3220 E Tecumseh

February 2, 2019

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:** You are proposing a Church in an RM-1 & CS zoning district. The church itself is in the RM-1 district. This is only allowed by a Special Exception approved by the Board of Adjustment (BOA).

Review comment: Submit two copies of the Special Exception as a revision to this application.

2. **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. You have submitted a site plan that does not sufficiently cover all pertinent zoning data necessary for a complete review.

Review comment: The zoning site plan is required to provide the following: Submit a revised site plan that provides the additional information listed in *italics*

- *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 as designated on the Major Street and Highway Plan (MSHP) (Contact INCOG @ 918-584-7526 for Right-of-Way information on the MSHP) or follow the link below:*
<https://incog.maps.arcgis.com/apps/webappviewer/index.html?id=c688593e48564a81af1fc2609846e587>
- 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 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: There may be additional comments regarding your parking area location regarding the Tecumseh ST and Harvard Ave street yards and rights-of-way as designated on the MSHP.

3. **Sec.55.020 Table 55-1:** The parking requirement for a church is 1 space for 3 seats or 24.25 spaces per 1000 sqft of sanctuary floor area, whichever is greater. You are proposing 400 seats. This would require 134 seats. The floor area of the sanctuary is 5952 sqft. This require 145 spaces which is greater than the number calculated using the seating. The parking requirement is therefore 145 spaces. There 133 spaces provided on your site plan (first page).

Review comment: Revise and resubmit this site plan providing 145 parking spaces. You may consider a special exception, reviewed and approved for an alternative parking ratio.

4. **Sec.65.030-B:** Street yard landscaping is required to comply with the following requirements:
 1. At least 20% of the required street setback area must be established and maintained as landscaped area. At least one tree must be preserved or planted and maintained or replaced in required street yard landscape areas for each 1,200 square feet of area, or fraction thereof.
 2. The landscaped area must be at least 5 feet in width and extend along the entirety of abutting street right-of-way, except at points of vehicular or pedestrian access. This area may be counted towards satisfying the minimum landscaped area requirements of *Sec.65.030-B1*.

Review comment: The required street set back along Tecumseh is 25' and runs the length of the property line. The area is calculated by multiplying the width of the required street set back by the length of the property line abutting Tecumseh. The required street set back along Harvard is 35' and runs the length of the property line. The area is calculated by multiplying the width of the required street set back by the length of the property line abutting Harvard. Twenty (20) percent of these areas require landscaping. One tree is required each 1200 sqft. The landscaped area must be at least 5 feet in width and extend along the entirety of abutting street right-of-way, except at points of vehicular or pedestrian access. Revise and submit your landscape plan (p. 5) providing street yard landscaping in accordance with this section. See Landscape plan requirements listed on in *Sec.65.080-A* below.

5. **Sec.65.040-B:** The following parking lot landscaping requirements apply in surface off-street parking lots.
 1. Off-street parking areas located within 25 feet of a street right-of-way, residential zoning district or residential development area must be separated from the abutting rights-of-way, residential districts and abutting residential development areas by a landscaped area that is at least 10 feet in width and that contains an S1 screen containing at least 3, 5-gal-lon shrubs per 10 linear feet. This area may be counted towards satisfying the minimum street landscaping requirements of *§65.030-B1* if it is located within the street yard.
 2. All parking spaces must be located within 50 feet of a tree. Required parking lot trees must be in a landscaped area that is at least 64 square feet in area and that has a minimum width or diameter of 8 feet.

Review comment: You are proposing off-street parking areas located within 25 feet of the Tecumseh and Harvard rights-of-way, these areas must be separated from the abutting rights-of-way, by a landscaped area that is at least 10 feet in width and that contains an S1 screen containing at least 3, 5-gal-lon shrubs per 10 linear feet. This area is located within the street yard and may be counted towards satisfying the minimum street landscaping requirements of *Sec.65.030-B1* if it is located within the street yard. All parking spaces must be located within 50 feet of a tree. Required parking

lot trees must be in a landscaped area that is at least 64 square feet in area and that has a minimum width or diameter of 8 feet. Revise and submit your landscape plan (p. 5) providing street yard landscaping in accordance with this section.

6. **Sec.65.070-A:** An underground irrigation system must be provided for all required landscape area.

Review comment: Submit a landscape plan providing an underground irrigation system for all required landscape areas.

7. **Sec.65.070-C:** Required landscaping must be installed in accordance with an approved landscape plan.

1. All landscaped areas that are adjacent to pavement must be protected with curbs or equivalent barriers. Flush curbs, curb cuts, or other methods must be used to direct storm water to landscape areas that abut paved areas.
2. Landscaping may not obstruct traffic visibility at street intersections or at access points to streets.
3. Required landscaping must be maintained in a live and healthy condition. Dead or diseased plants must be replaced with equivalent plantings.
4. Required landscaped areas must be maintained free of debris and litter.
5. The owner of the property for which landscaping is required is responsible for the maintenance of all required landscaping. Landscaping that dies or is damaged must be removed and replaced by the owner of such property.

Review comment: Install landscaping per your landscape plan. The criteria are listed below under Sec.65.080-A.

8. **Sec.65.070-D1&2:** All required landscaping and appurtenances, except trees, must be installed prior to the issuance of a certificate of occupancy. All required trees must be installed within 120 days after issuance of a certificate of occupancy or temporary certificate of occupancy.

9. **Sec.65.080-A:** All building permit applications for sites requiring landscaping must include a landscape plan that includes at least the following information: (**Note:** this will require a major revision to page 5)

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 proposed 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 proposed irrigation plan for each required landscape area;
8. The schedule of installation of required trees, landscaping and appurtenances;
9. The location of all proposed drives, alleys, parking and other site improvements;
10. The location of all existing and proposed structures on the site;
11. The existing topography and proposed grading;
12. The area in which grading, and vegetation removal will occur; and

13. The area and dimensions of each landscape area and the total landscape area provided on the site.

Review comment: Revise and resubmit your landscape plan (p.5) in accordance with criteria listed above.

10. **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: Revise and submit a landscape plan with the appropriate certification as listed in this section.

11. **Sec.65.090-B** All outdoor lighting must comply with the following general standards:

1. Recessed fixtures must be used in all under-canopy lighting. No lamps, reflectors, refractors or focusing or diffusing may extend below the underside of the canopy surface.
2. Light sources must be concealed or shielded with cutoffs so that no more than 2.5% of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle of more than 90 degrees above nadir and no more than 10% of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle of more than 80 degrees above nadir.
3. Light trespass along the lot line of the subject property may not exceed 0.5 foot-candles when abutting an agricultural or residential zoning district and may not exceed 3.0 foot-candles when abutting any other zoning district or public right-of-way. Maximum illumination levels are measured 3 feet above grade or from the top of any opaque screening fence or wall along the property line.

12. **Sec.65.090-C:** Outdoor lighting plans demonstrating compliance with the standards of this section are required with the submittal of a site plan. If no outdoor lighting is proposed, a note must be placed on the face of the site plan indicating that no outdoor lighting will be provided.

Review comment: If there are no plans for site lighting provide a statement to that effect on your site plan. If site lighting is to be provided you have 2 options for the format of the required lighting plan:

Option 1: Fixture Height Standard Lighting Plans establishes maximum light fixture heights but does not require submittal of a detailed photometric plan.

a. Information Required:

- 1) Fixture height standard lighting plans must include at least the following:
- 2) A scale drawing of the site with all outdoor lighting locations shown;
- 3) Fixture specifications, including catalog cut-sheets or generic standards;
- 4) Pole type and height of fixture;
- 5) Lamp type and size; and
- 6) Fixture mounting and orientation.

- b. Allowable heights of light fixtures must be measured from the light-emitting surface to finished grade at the base of the pole. Maximum allowed light fixture heights are based on the (ground-level) horizontal distance between the light fixture and any agricultural or residential zoning district or public right-of-way, as established in *Table 65-1*:

Table 65-1: Maximum Light Fixture Heights

| Distance from AG District, R District or Public Right-of-Way | Maximum Fixture Height (feet) |
|--------------------------------------------------------------|-------------------------------|
| 0 – 50 | 16 |
| 50.01 – 250 | 20 |
| More than 250 | 35 |

Option 2: Under option 2 (Photometric Study Lighting Plan) no maximum fixture heights are established, but applicants are required to submit a photometric study in enough detail to demonstrate that all applicable outdoor light standards will be met. The photometric study must include at least the following:

- A scale drawing of the site with all outdoor lighting locations shown;
- Fixture specifications, including catalog cut-sheets or generic standards;
- Lamp type and size;
- Fixture mounting heights, mounting orientation, and tilt angles if applicable; and
- A representative point-by-point illumination array for the site showing property lines and all off-site lighting impacts.

13. Sec.65.090-D: Light levels must be measured with a direct-reading, portable light meter, calibrated annually by an independent laboratory regularly engaged in the calibration of such instruments. The meter's sensor must be located at the top of the visual screening fence or wall along on the property line (or at a height of 3 feet above finished grade at the property line if there is no fence or wall), aimed towards the subject property in horizontal position. Readings must be recorded after the value has stabilized. Measurements are made after establishment of darkness with the light sources to be measured illuminated, and then with those light sources extinguished. The difference between these 2 readings must then be compared to the maximum allowed illumination at the property line. In this way, contributions to light levels by the moon and other ambient light sources are eliminated and the light intensity from the subject light sources can be accurately determined.

14. Sec.40.080-C: Barbed-wire and razor-wire fencing is prohibited in all districts except agricultural and industrial districts.

Review comment: The proposed church is in an RM-1. It is not permitted in this district. Revise and resubmit your site plan (page one) removing all references to "Barbed Wire Fence".

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:

<http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf>

Please notify the reviewer via email when your revisions have been submitted

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

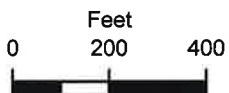
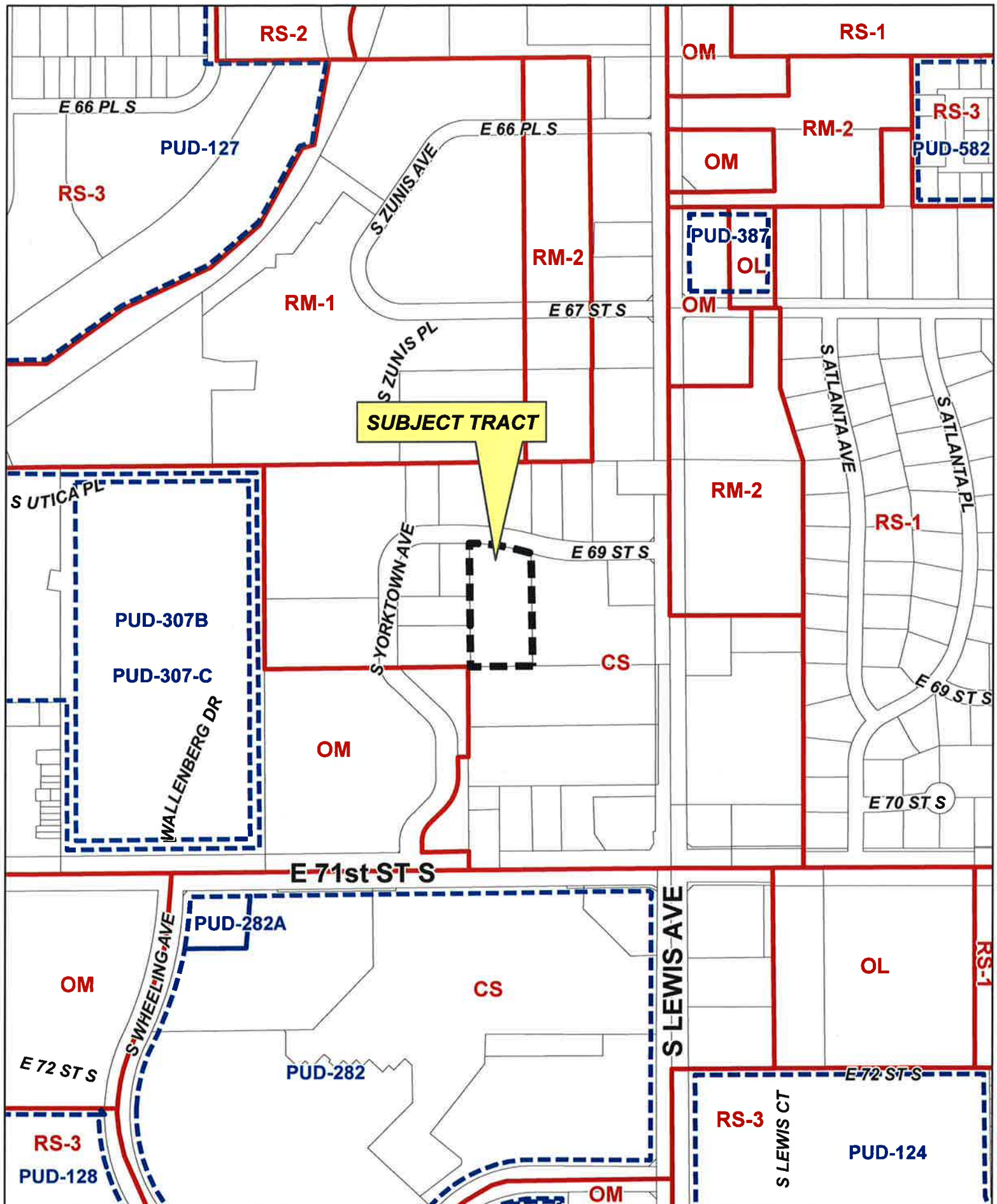
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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

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

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BOA-22599

18-13 06

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BOARD OF ADJUSTMENT CASE REPORT

STR: 8306

Case Number: BOA-22599

CZM: 52

CD: 2

A-P#:

HEARING DATE: 03/26/2019 1:00 PM

APPLICANT: Jerry Atchison

ACTION REQUESTED: Special Exception to allow for Wholesale, Distribution & Storage/Warehouse use in a CS district. (Section 15.020; Table 15-2)

LOCATION: 2136 E 69 ST S

ZONED: CS

PRESENT USE: Warehouse

TRACT SIZE: 1.84 acres

LEGAL DESCRIPTION: E206.58 LT 2 BLK 2, LEWIS VILLAGE

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-18269; on Board approved a special exception to allow Computer Software production and Distribution, Use Unit 15, in a CS district, per plan submitted and subject to the use being limited to the computer software use.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by CS zoned commercial uses on all sides.

STAFF COMMENTS:

The applicant is proposing to construct an additional storage/warehouse building at the existing facility that is currently used to store a private car collection. The applicant is requesting a **Special Exception** as the proposed warehouse/ storage facility is a use only allowed by a special exception in the CS district due to the potential adverse affects.

The applicant has stated, *"The existing building was originally a skating rink, and is now used for a private car collection. The proposed building will be an accessory building used to secure and park the automobile transport trailers."*

Sample Motion

Move to _____ (approve/deny) a Special Exception to allow for Wholesale, Distribution & Storage/Warehouse use in a CS district. (Section 15.020; Table 15-2)

- 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.

Case No. 18269**Action Requested:**

Special Exception to allow Computer Software Production and Distribution, Use Unit 15, in a CS District. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15**, located 2136 E. 69th St. S.

Presentation:

The applicant, **Gale Plummer**, 2105 N. Yellowwood, Broken Arrow, submitted a site plan (Exhibit C-1) and stated that he is representing the owner of the property. Mr. Plummer mentioned to the Board that this application is for the conversion of the old SkateWorld facility into a warehouse for a software business. The business is the duplication, processing and distribution of manuals for their software. The operation is currently only 400' or 500' away in the old Silo building on South Lewis Avenue. This business has been there for the last four years operating as US Business Forms. Mr. Plummer stated that this is exactly the same operation and that they are only moving it 400' or 500' feet.

Comments and Questions:

Mr. Dunham asked if there are a lot of trucks coming into the site. Mr. Plummer replied that there will be a number of trucks such as UPS type trucks. There is preparation for a tractor trailer truck dock. There will generally be three to four trucks a week in the dock. There will be more of the smaller UPS or Federal Express type trucks.

Mr. Dunham asked the applicant if he has access to the gated parking lot to west of the building. Mr. Plummer replied that the parking lot is across the street from a two story office building. This office building is the primary user of the lot. The parking will be used for both the office building and the warehouse.

Mr. Dunham asked if a truck coming to the warehouse could exit through the parking lot. Mr. Plumer replied that yes, they could but that is not the intention. The primary access point will be off of 69th Street.

Mr. White asked how the size of the SkateWorld building compares to the size of the Silo building. Mr. Plummer answered that they essentially have the same square footage. The Silo building is 26,000 square feet and the SkateWorld is about 24,000 square feet. Mr. Plummer mentioned that their lease will be expiring in about a year and they had the opportunity to purchase this building and convert it and that is the reason for this application.

Mr. Dunham pointed out that there was probably more traffic congestion when SkateWorld was operating than would be now. Mr. Plummer pointed out that they will only have about 25 to 30 employees maximum.

Case No. 18269 (continued)

Mr. Stump suggested to the Board that if they decide to approve this, they should only approve this particular use instead of all of the uses in Use Unit 15.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to allow Computer Software Production and Distribution, Use Unit 15, in a CS District, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15** per plan submitted and subject to the use being limited to the Computer Software use (as previously described) being applied for, on the following described property:

E 206.58', Lot 2, Block 2, Lewis Village Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma

Case No. 18270

Action Requested:

Variance of setback from 50' to 40' to allow a sign on existing poles. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 25**, located 61 N. Peoria.

Presentation:

The applicant, **Oklahoma Neon, Inc.**, was represented by Terry Howard, 6550 E. Independence. Mr. Howard submitted a site plan (Exhibit D-1), a sign plan (Exhibit D-2) and mentioned that the poles are on their property but the major right-of-way for that area is 50'. The sign will be low profile and will be placed low on the poles. The property is on a hill and the applicant does not need a tall sign.

Comments and Questions:

Mr. Dunham stated that because it is in the planned right-of-way it is subject to a removal contract. The applicant agreed to a removal contract.

Mr. Stump mentioned that this is one of the arterial streets that is being considered for reduction of planned right-of-way.



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Feet



Subject
Tract

BOA-22599

18-13 06

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

Aerial Photo Date: February 2018

4.6





0 50 100
Feet



Subject
Tract

BOA-22599

18-13 06














































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

Aerial Photo Date: February 2018



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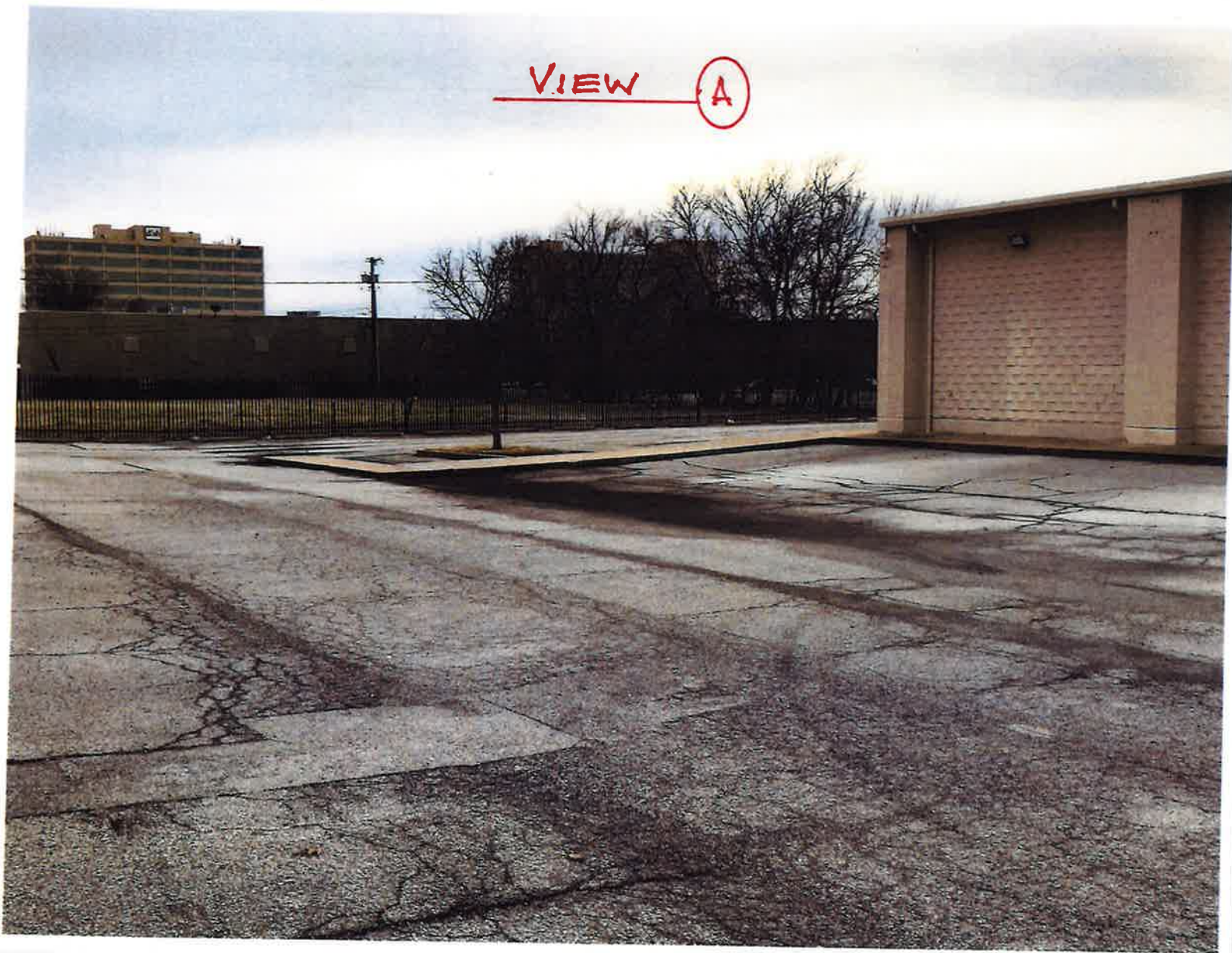


- | EXISTING FEATURES LEGEND | | | |
|-------------------------------------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------|---------------------|
|  | Ac. Acoustic |  | Ec. Entry |
|  | Bc. Bedroom |  | Ft. Family Room |
|  | Cc. Corridor/Entry |  | Gc. Guest Room |
|  | Dc. Dining Cabinet |  | Hc. Hall |
|  | Ec. Electric Main |  | Ic. Island Pantry |
|  | Fc. Fireplace |  | Jc. Janitor Room |
|  | Gc. Guest Room |  | Kc. Kitchen |
|  | Hc. Hall |  | Lc. Living Room |
|  | Ic. Island Pantry |  | Mc. Master Bedroom |
|  | Jc. Janitor Room |  | Nc. Nursery |
|  | Kc. Kitchen |  | Oc. Office |
|  | Lc. Living Room |  | Pc. Porch |
|  | Mc. Master Bedroom |  | Qc. Quonset |
|  | Nc. Nursery |  | Rc. Rear Porch |
|  | Oc. Office |  | Sc. Staircase |
|  | Pc. Porch |  | Tc. Terrace |
|  | Qc. Quonset |  | Uc. Utility Room |
|  | Rc. Rear Porch |  | Vc. Vaulted Ceiling |
|  | Sc. Staircase |  | Wc. Walk-in Closet |
|  | Tc. Terrace |  | Xc. Extra Room |
|  | Uc. Utility Room |  | Yc. Yards |
|  | Vc. Vaulted Ceiling |  | Zc. Zero Lot |
|  | Wc. Walk-in Closet | | |
|  | Xc. Extra Room | | |
|  | Yc. Yards | | |
|  | Zc. Zero Lot | | |

- 
- Know what's below.
Call before you dig.

| | |
|--------------|------------|
| drawn by: | NAV |
| checked by: | TL |
| approved by: | TL |
| DAIGC by: | ESJ |
| project no.: | 018-3384 |
| drawing no.: | |
| date: | 01/08/2018 |

SHEET
C-100



4.10

VIEW (B)



4.11

VIEW (C)



4.12

VIEW (D)



4.13



4.14

BOB KOLIBAS
ZONING PLANS REVIEWER
TEL (918)596-9664



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

ZONING REVIEW

February 11, 2019

LOD Number: 1

Jerry Atchison
9578 Ridgeview Street
Tulsa OK 74146

Phone: (918)637-6048

APPLICATION NO: 21675-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 2136 E. 69th Street

Description: New Warehouse Building

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A \$55 RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

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

(Continued)

REVIEW COMMENTS

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

Application No. 21675-2019

2136 E. 69th Street

February 11, 2019

This letter of deficiencies covers zoning Review items only.

You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

1. Section 15.020 Use Regulations: Principal uses are allowed in office, commercial and industrial districts in accordance with Table 15-2.

15.020-B Permitted Uses identified with a "P" are permitted as-of-right in the subject zoning district, subject to compliance with any supplemental regulations identified in the final column of Table 15-2 and with all other applicable regulations of this zoning code.

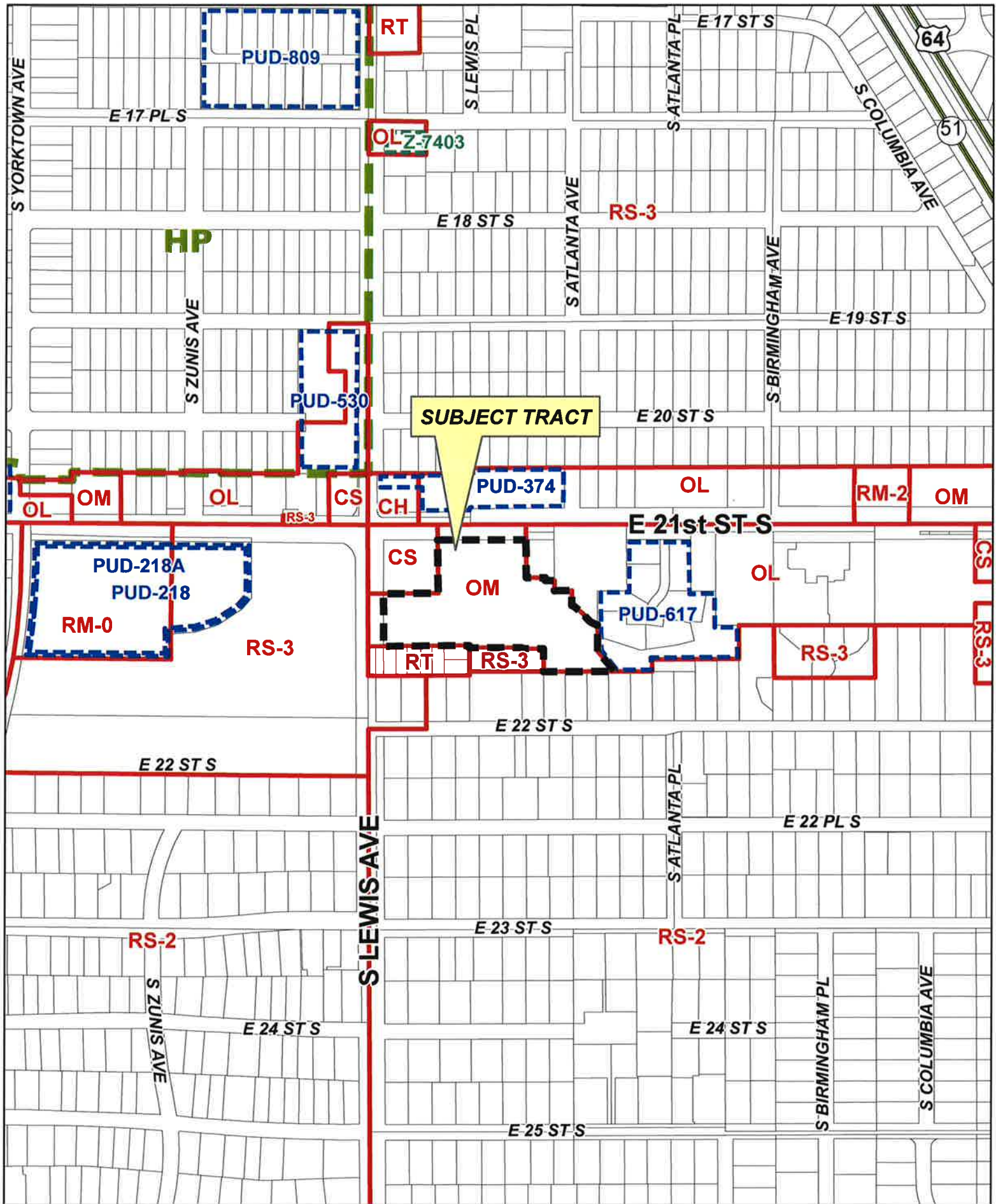
Review Comment: The proposed Warehouse Use requires a special exception to be in a CS zoning district. See notes below to contact an INCOG representative.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application to our office, so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

END – ZONING CLEARANCE 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.



SUBJECT TRACT

BOA-22601

5.1



19-13 17



BOARD OF ADJUSTMENT CASE REPORT

STR: 9317

Case Number: **BOA-22601**

CZM: 37

CD: 4

A-P#:

HEARING DATE: 03/26/2019 1:00 PM

APPLICANT: Nathalie Cornett

ACTION REQUESTED: **Variance** to increase the allowable number of signs in an OM District (Section 60.060-B); **Variance** of the allowable display surface area for signs in an OM District (Section 60.060-C).

LOCATION: 2424 E 21 ST S

ZONED: OM

PRESENT USE: office

TRACT SIZE: ± 4.355

LEGAL DESCRIPTION: Lot Two (2) THE AMENDED PLAT OF TEXACO CENTER ADDITION, Tulsa County, State of Oklahoma, according to the recorded Plat No. 2627; AND, The South Ten (10) feet of the North One Hundred Sixty (160) feet of the West Thirty (30) feet of the East Eighty-Six and four-tenths (86.4) feet of Lot Thirty-One (31) HARTER'S SECOND SUBDIVISION to Tulsa County, State of Oklahoma, according to the recorded Plat No. 341

RELEVANT PREVIOUS ACTIONS:

Subject Site:

BOA- 20526; on 6.26.07, the Board **approved** a *Modification* of the previously approved variance of the maximum number of signs in an OM district to permit an additional sign; a *Modification* of the previously approved variance of display surface area for signage in an OM district.

BOA-19411; on 9.10.02 the Board **approved** a *Variance* of permitted signage in an OM district, per plan, finding that the property was platted into two lots instead of three, which would have met the standard and the requested signage would have been permitted; located on the subject property.

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

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

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

ANALYSIS OF SURROUNDING AREA: The subject tract is The subject tract is surrounded by OL zoned office and parking structure to the north; RT and RS-3 zoned residential to the south; OL zoned office to the east; and CS zoned commercial to the west.

STAFF COMMENTS:

Lots in office districts are allowed one on premise sign per street frontage (Section 60.060-B). The applicant is proposing an additional tenant panel sign along E. 21st. St. S.

In BOA-20256, the Board approved a Modification of a previously approved variance to allow 4 on-premise signs. There is presently one wall sign and one ground sign oriented toward E. 21st St. S. and two wall signs oriented toward S. Lewis Ave. on the subject site. The proposed tenant panel sign exceeds the maximum of four on-premise signs per street frontage in an OM zoning district. The proposed tenant sign will be oriented toward E. 21st St. S.

The applicant is requesting a **Variance** to increase the allowed number of signs in an OM district to permit five signs total (Section 60.060-B); two freestanding signs and one wall sign oriented towards E. 21st St. S. and two wall signs oriented toward S. Lewis Ave.

Signs allowed in an OM district may not exceed 32 SF in area or 0.30 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area (Section 60.060-C). The additional tenant panel sign will have 150 sq. ft. of total display surface area along E. 21st. St. S.

The proposed tenant panel sign appears to have 287 ft. of street frontage along E. 21st St. S. Based on the street frontage calculation (287x.30) signs are permitted to have 86 sq. ft. of sign display surface area along E 21st St. S. The proposed 150 square foot tenant panel sign, 12 sq. ft. freestanding sign, and 40 sq. ft. wall sign exceeds the permitted display surface area by 116 sq. ft. along E. 21st St. S. In addition, the two existing wall signs along S. Lewis Ave. appears to have 171 feet of street frontage along S. Lewis Ave. Based on the street frontage calculation (171x.30) signs are permitted to have 52 sq. ft. of sign display surface along S. Lewis Ave. The existing wall signs, one 40 sq. ft. and one 45 sq. ft., exceeds the permitted display surface area by 33 sq. ft.

In BOA-20256, the Board also approved a Modification of a previously approved variance to increase the total display surface area to 145 sq. ft.

The applicant is also requesting a **Variance** to increase the permitted square footage of display surface area per linear foot of street frontage from 145 sq. feet. to 275 sq. ft.

Sample Motion

Move to _____ (approve/deny) a **Variance** to increase the allowed number of signs in an OM district to permit five signs total (Section 60.060-B); **Variance** of the allowable display surface area for signs in an OM District to be increased to 275 sq. ft. (Section 60.060-C).

- 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."*

Board Action:

On **Motion of Tidwell**, to **APPROVE** a Variance of the setback from the centerline of E. 2nd St. from 50 ft. to 30 ft. to permit a small parking structure (Section 703); There was discussion on the motion, then the motion was withdrawn.

On **Motion of Stephens**, the Board voted 4-1-0 (White, Stephens, Henke, Tidwell "aye"; Stead "nay"; no "abstentions"; no "absences") to **APPROVE** a Variance of the setback from the centerline of E. 2nd St. from 50 ft. to 30 ft. to permit a small parking structure (Section 703), finding the literal enforcement of the terms of the code would result in an unnecessary hardship, by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LT 10 BLK 2, WAGON WHEEL TRADE CENTER, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20526

Action Requested:

Variance of the maximum number of signs permitted in the OM district (Section 602.B.4.b) to permit an additional wall sign and a Variance of the maximum permitted display surface area for signage in the OM district (Section 602.B.4.c), located:

Presentation:

Lou Reynolds, 2727 East 21st Street, stated there was a previous BOA case and this is to ensure compliance with the zoning code. He listed the existing signs and proposed to add 145 sq. ft. to the wall sign and to add a fourth sign to the east wall. A plan was provided (Exhibit H-1). He pointed out the mature trees and that the building is not visible from the streets until you get right to the building. They are asking for less than the maximum signage that is allowed, which 150 sq. ft. He stated this is a high rise building on OM property with OL type regulations that were written for many small lots, and this is just one big lot.

Comments and Questions:

Mr. Henke noted if they modify the previously approved site plan that would resolve the issue. He commented that the problem with the variances would cause a precedent setting issue.

Interested Parties:

There were no interested parties who wished to speak. A letter of protest for more commercial lighting was provided to the Board (Exhibit H-2).

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Modification of the previously approved variance of the maximum number of signs in an OM district; to permit an additional wall sign; and approve a modification of previously approved variance of display surface area for signage in an OM district, which was granted in Case No. 19411, on September 10, 2002; on the following described property:

S10 N160 W30 E86.4 LT 31 HARTER'S 2ND & LT 2 TEXACO CENTER AMD,
TEXACO CTR ADDN AMD RESUB PRT L18-19 & 30-31 HARTER'S SEC, City
of Tulsa, Tulsa County, State of Oklahoma

There being no further business, the meeting adjourned at 5:25 p.m.

Date approved: _____

7/24/07



Chair

UNFINISHED BUSINESS

Case No. 19411

Action Requested:

Variance of permitted signage in an OM district. SECTION 602.B.4. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions, located 2424 E. 21st St.

Presentation:

Charles E. Norman, 2900 Mid-Continent Tower, stated he represented the owner of the building on the subject property and the Oklahoma National Bank. He submitted a packet including the site plan (Exhibit A-1). The proposed signage includes a wall sign, a ground sign and a small logo over the canopy of the new entry on the north entrance of the building. The permitted signage is 90.8 square feet and they requested a total signage of 96 square feet. Mr. Norman pointed out that if the property had been platted into three lots instead of two, they would have been permitted 96 square feet by right.

Comments and Questions:

Mr. Dunham asked for the hardship. Mr. Norman stated that the property was platted as two lots instead of three.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of permitted signage in an OM district, per plan, finding that the property was platted into two lots instead of three, which would have met the standards and the requested signage would have been permitted, on the following described property:

Lot 2, Block 1, Amended Plat of Texaco Center Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19429

Action Requested:

Variance to reduce the number of required parking spaces from 22 to 14 for a 1,600 square foot building. SECTION 1212a.D. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Off-Street Parking and Loading Requirements and SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 12a, located 2630 E. 15th St. S.

BoA 2ES26



0 Feet
200
400



Subject
Tract

BOA-22601

19-13 17

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

Aerial Photo Date: February 2018

5.8



Exhibit "A"

Lot Two (2) THE AMENDED PLAT OF TEXACO CENTER ADDITION, Tulsa County, State of Oklahoma, according to the recorded Plat No. 2627;

AND

The South Ten (10) feet of the North One Hundred Sixty (160) feet of the West Thirty (30) feet of the East Eighty-six and four-tenths (86.4) feet of Lot Thirty-One (31) HARTER'S SECOND SUBDIVISION to Tulsa County, State of Oklahoma, according to the recorded Plat No. 341.

Exhibit "B"

Applicant requests a variance from Sections 60.060-B and 60.060-C of the Tulsa Zoning Code (the "Code") to (1) increase the number of on-premise signs permitted on the property to five (5) from four (4), as previously approved by this Board; and (2) increase the permitted square footage of display surface area per linear foot of street frontage to 275 square feet from 145 square feet, as previously approved by this Board. The purpose of the requested variances is to permit a 150 SF tenant panel freestanding sign, as shown on the attached site plan.

The Board previously approved a variance (BOA-20526) to allow four (4) signs to be erected on the property, with a total of 145 square feet of display surface area. There are presently three (3) wall signs and one (1) ground sign on the property. The existing signs have the following display surface area:

| | | |
|----|---------------------------------------------------------|---------------|
| 1. | Wall Sign (Central Bank) facing Lewis: | 45 SF |
| 2. | Wall Sign (Tulsa Retina) facing Lewis: | 40 SF |
| 3. | Wall Sign (Tulsa Retina) facing 21 st St.: | 40 SF |
| 4. | Ground Sign (Central Bank) facing 21 st St.: | 12 SF |
| | Total Existing Signage: | <u>137 SF</u> |

The subject property is 4.35 acres with approximately 487 feet of street frontage – 170 feet on Lewis Ave. and 287 feet on 21st Street. The 5-story, 64,204 SF office building on the property is set back significantly from the street – approximately 75 feet from 21st Street and over 250 feet from Lewis, and is surrounded by mature trees and landscaping.

The building houses a variety of offices and quasi-commercial tenants including Central Bank, Tulsa Retina Consultants, Gilbert's Audiology Center and several other medical offices. The quasi-commercial uses are open to the public and typically have walk-in customers or clients referred for specialty medical purposes. However, aside from the wall signs and small ground sign, there is no tenant identification signage for the project.

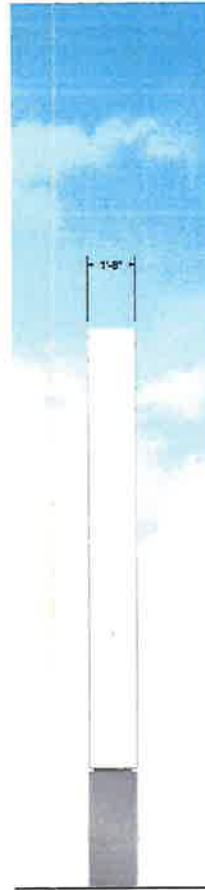
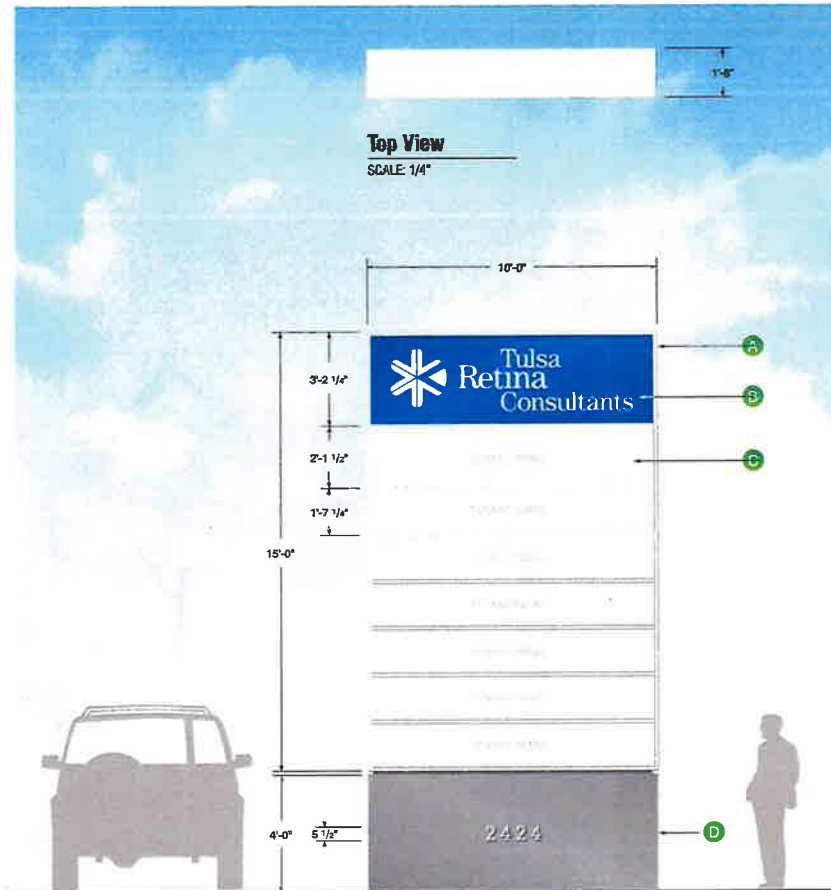
Due to the setback of the building and mature landscaping coupled with the unique shape and size of the property, the requested 150 SF sign is the minimum variance necessary for relief. Furthermore, the property is located in a mixed-use commercial corridor along a major arterial street and the requested variance will not alter the essential character of the neighborhood nor impair the spirit and intent of the Code.





5.12





1.0 DF Illuminated Tenant Pylon

SCALE: 1/4"

- A** Fabricated aluminum cabinet w/ 1 1/2" retainers and divider bars. Paint White, Satin finish.
- B** 3/16" polycarbonate face w/ digital print vinyl overlay w/ luster laminate.
- C** 3/16" polycarbonate changeable tenant panels.
- D** Fabricated aluminum base. Painted Dark Metallic Gray. 1/2" thick acrylic address numerals applied to base Paint White, satin finish



a
a-max
SIGN COMPANY, INC.
www.amaxsign.com
9520 E. 55th Place
Tulsa, Oklahoma 74145
ph. (918)622-0651 ... fax. (918)622-0659

QUALITY VALUE ASSURANCE

SCALE: As Shown WHEN PRINTED 11 x 17

DATE: 08-22-18

FILE: Tenant Pylon

SALES REP: Bruce Anderson

DRAWN BY: Jonathan Buck

PROJECT: 21 Lewis Plaza

LOCATION: Tulsa, OK

ADDRESS: 2424 E 21st St

CLIENT APPROVAL SIGNATURE & DATE:

UL Listed
Signs will be built to meet UL specifications as required.
nec
All signs and outline lighting must comply with Article 600 of the N.E.C. standards, including proper grounding and bonding.

REVISIONS:

| | |
|----|--|
| 1. | |
| 2. | |
| 3. | |
| 4. | |
| 5. | |

These drawings are the property of A-Max Sign Company, and should not be copied, reproduced or displayed in any fashion other than for the purchase of the product illustrated.
Distribution or other use of these drawings are strictly prohibited.
© A-Max Sign Company, 2018

FINAL APPROVAL FOR PRODUCTION

Project Manager:

SHEET NUMBER

1

DWG
082218-04

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



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

SIGN PLAN REVIEW

February 8, 2019

LOD Number: 2

Amax Sign Company
9520 E 55th Place
Tulsa OK 74145

Phone: (918)622-0651

APPLICATION NO: SIGN-010407-2018 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 2424 E 21st Street
Description: Tenant Panel Sign

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A \$55 RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

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

(Continued)

REVIEW COMMENTS

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

Application No. SIGN-010407-2018

2424 E. 21st Street

February 8, 2019

This letter of deficiencies covers Sign Plan Review items only.

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

Section 60.060 Signs in Office Zoning Districts

60.060-B Signs Allowed

In addition to any sign exceptions allowed pursuant to Section 60.030, lots in office zoning districts are allowed a maximum of one on premise sign per street frontage. The allowed on premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.

Review Comments: Previously approved BOA case 20526 permitted four signs with a total display surface area of 145 sq. ft. The proposed tenant panel sign exceeds the maximum of four on premise signs per street frontage in an OM zoning district. You may pursue a variance from the BOA to permit five signs total, two freestanding signs and one wall sign oriented toward E. 21st street and two wall signs oriented toward S. Lewis Avenue in an OM district.

60.060-C Maximum Area

Signs allowed in the OH district may not exceed 48 square feet in area or 0.50 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may a sign in an OH district exceed 225 square feet in area. Signs allowed in all other O districts may not exceed 32 square feet in area or 0.30 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

Review Comments: Previously approved BOA case 20526 permitted four signs with a total display surface area of 145 sq. ft. The proposed tenant panel freestanding sign appears to have 287 feet of street frontage along E. 21st Street and 171 feet of street frontage along S. Lewis Avenue. Based on the street frontage of 287 feet times .3 the street frontage will permit 86 square feet of sign display surface area. The proposed 150 square foot tenant panel sign, 11 sq. ft. freestanding sign and 40 sq. ft. wall sign exceeds the permitted display surface area by 115 square feet along E. 21st Street. In addition, the two wall signs (One 45 sq. ft. and one 40 sq. ft) along S. Lewis Avenue appears to have 171 feet of street frontage along S. Lewis Avenue. Based on the street frontage of 171 feet times .3 the street frontage will permit 52 square feet of sign display surface area. As an option you may pursue a variance from the BOA to increase the display surface for three signs along E. 21st Street be increased from 86 sq. ft. to 201 sq. ft. and permit two wall signs along S. Lewis Avenue be increased from 52sq. ft to 85 sq. ft. in an OM district.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application for a Sign Permit to our office so we may continue to process your application. INCOG does not act as your legal or responsible

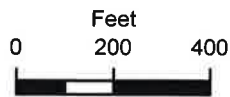
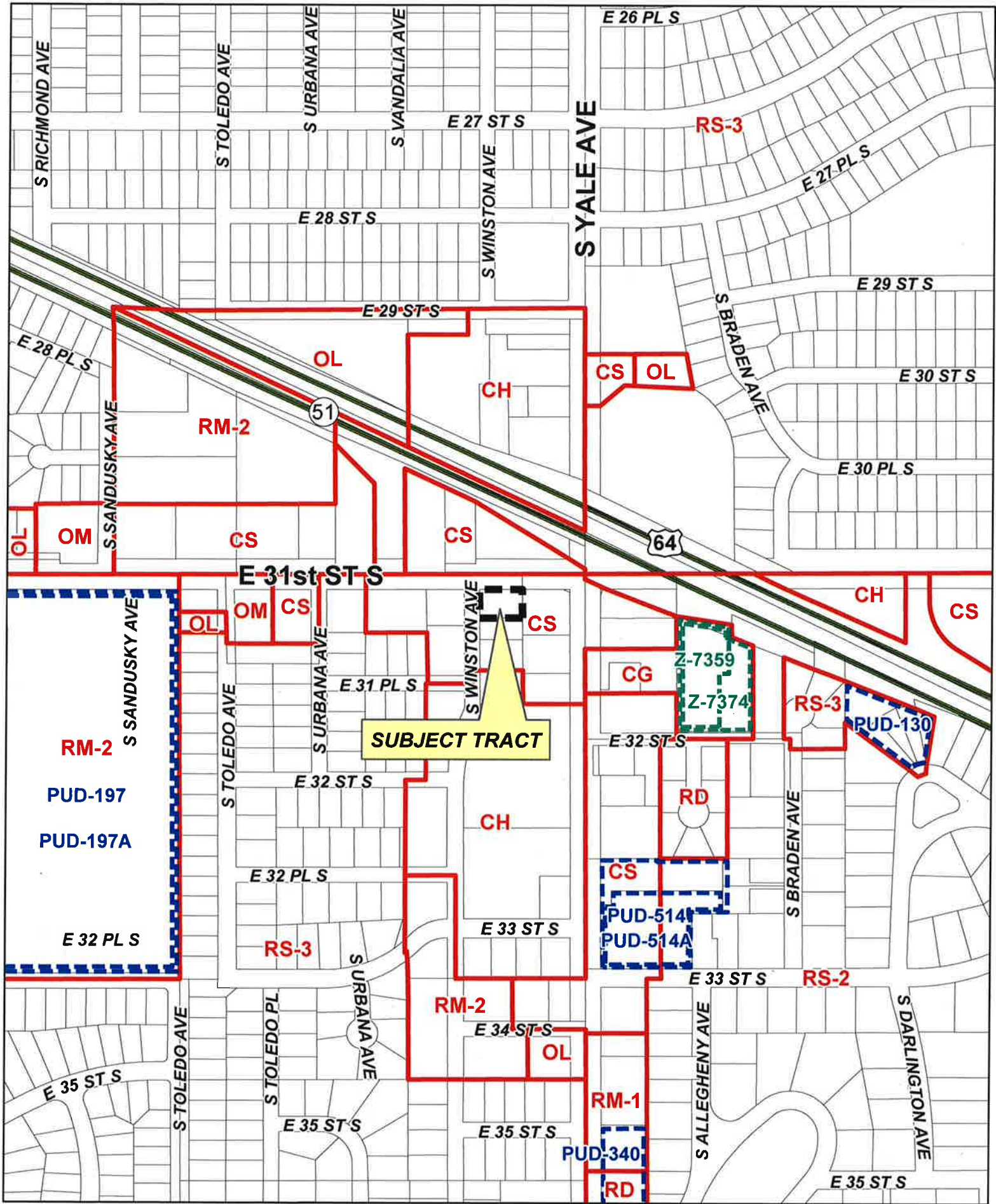
agent in submitting documents to the City of Tulsa on your behalf.

END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

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

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BOA-22602

19-13 21



6.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9321

Case Number: BOA-22602

CZM: 47

CD: 9

A-P#:

HEARING DATE: 03/26/2019 1:00 PM

APPLICANT: Zachary Rahman

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

LOCATION: 4802 E 31 ST S

ZONED: CS

PRESENT USE: Auto repair

TRACT SIZE: 12972.22 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 1, CONWAY PARK

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-10150; on 10.5.78, the Board **approved** an *Exception* to permit a muffler shop.

BOA-10150; on 7.8.82, the Board **approved** a *Variance* of the setback requirements from 100 ft. to 90 ft., per plot plan (Variance request was not included in the original #BOA-10150 approval).

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

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

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts CS zoned parcels to the south, east and west; E. 31st St. S. abut the property to the north.

6.2

STAFF COMMENTS:

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

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

The commercial lot currently contains an existing building and an outdoor display area with cars parked to the north and west of the existing building. Per the Code, a personal vehicle and repair and maintenance use is permitted by right in a CS district. As shown on the site plan the parking area will be located along E. 131st St. S. & S. Winston Ave.

The applicant is also requesting a Variance of the requirement that no merchandise may be stored or displayed outside within 300 ft. of an abutting R district. The subject lot appears to be within 300 ft of an RS-3 zoned area to the southwest. Section 40.400-B of the Code, states that whenever commercial or personal vehicle sales or rentals are within 300 ft. of an R-zoned lot, off-street parking and vehicle display areas must comply with the parking area design standards of Section 55.090.

Sample Motion:

Move to _____ (approve/deny) a **Special Exception** to permit Personal Vehicle Sale and Rentals Use in a CS Zoning District (Sec. 15.020); a **Variance** to allow outdoor storage and outdoor merchandise display within 300 feet of an abutting R district (15.040-A)

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

The 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.

In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

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

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

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

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

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

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

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

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to locate a muffler shop in a CS District at 4802 East 31st St.

Presentation:

The applicant, J. A. Looney, 2508 East 20th Street, stated that this property has been operated as a Texaco service station since 1958. Mr. Looney presented a plot plan (Exhibit "D-1") and advised that OTASCO would operate a muffler shop on this location. He stated there would be a new bright yellow marquee on the front and a storage building back of the station. The existing building is of red brick. The applicant stated that all work would be done inside the building.

The Staff advised that the applicant needs additional actions by the Board which he did not know about at the time he filed the application. The applicant is requesting the Board act on the exception today and continue the variance portion of the application to October 19, 1978, so it can be advertised properly.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to locate a muffler shop in a CS District, subject to the following conditions:
1) All work being conducted inside the bays, 2) no outside storage of materials, and 3) a continuance of the case for further action at the the October 19, 1978 meeting, on the following described tract:

Lot 1, Block 1, Conway Park Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District; and a Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the five-acre minimum for a mobile home in an AG District, located SW of 101st Street and 177th East Avenue.

Presentation:

Cecil Hamilton, 202 East College Avenue, Broken Arrow, Oklahoma, stated the mobile home was located on his father's land, 6 1/2 acres; he wanted permission to leave the home in place until his father retires in approximately five to ten years. Mr. Hamilton advised there were

Mark Ambrosius, 6804 South Toledo, owner, told the Board he had not considered a restrictive covenant and would like time to consider that. He stated this building is a medical office building not to be used as an emergency room; the building could accommodate as many as seven physicians. Mr. Ambrosius advised that to replace the existing chain link fence would represent about 2% of the total project cost and he felt it was an undue hardship. The owner stated that perhaps a continuance was in order so he might consider a restrictive covenant and also return to the Board with pictures of the screening fence and the area.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to continue Case No. 10148 to November 2, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10150

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to locate a muffler shop in a CS District; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variance) of the setback requirements from 100' to 90' at 4802 East 31st Street.

Presentation:

Jerry Goodman, representing Rapid Muffler, Inc., advised that the Board had approved a muffler shop use on October 5, 1978; however, at that time the application did not include a request for a variance to the existing setback requirement on the property. The present structure is setback 92' from 31st Street; after the building was in place a 100' setback requirement was imposed on the property in 1970. The applicant plans to extend the present structure approximately 18' east and have it line up with the face of the currently existing station. Therefore, an exception is needed in order to set the additional structure in line with the existing building on the property. Mr. Goodman presented a plot plan (Exhibit "A-1") showing the existing structure and the proposed addition.

Protests: None.

The Chair advised the exception had been approved on October 5, 1978 and a motion for the variance was needed at this time.

Board Action:

On MOTION of SMITH, the Board voted 3-0 (Lewis, Purser, Smith "aye"; no "nays"; Jolly "absent") to grant a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 90' in accordance with the plot plan submitted, and to line up with the existing building on the following described tract:

10.19.78:271(2)

Lot 1, Block 1, Conway Park Addition to the City of Tulsa, Oklahoma.

10153

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to operate a car care center in a CS District; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 100' to 60' from the center-line of Utica Avenue, north and east of 15th Street and Utica Avenue.

Mr. Jones presented a letter (Exhibit "B-4") sent to Mr. Oden by Murrel Wilmoth, advising the applicant of a need for a plot plan to be submitted to TMAPC for the subdivision plat waiver requested. He also submitted 20 letters of protest (Exhibit "B-5") listing three reasons the protestants felt would be detrimental to the 15th and Utica area.

Presentation:

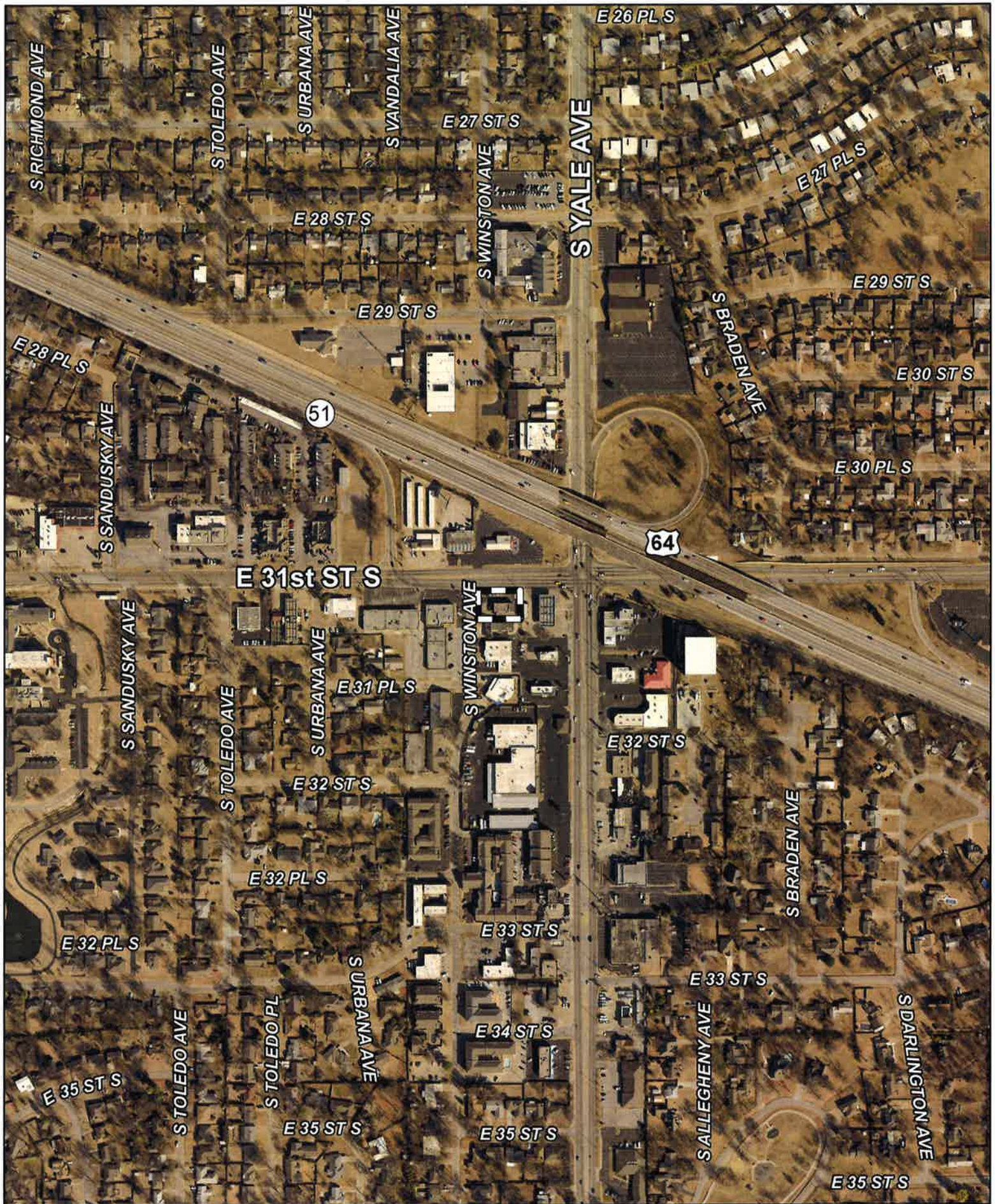
The applicant, Don Oden, presented a plot plan (Exhibit "B-1") and advised that the City Engineer had approved the drainage plan for the property. Drawings by the architect, Joe Coleman, (Exhibit "B-2") were exhibited showing the retainer wall on the east of the property, 12" above the parking area, with a 6' wooden screening fence built on the wall. Mr. Oden stated the type of work would include general automotive work, brakes, tuneups, and tires - light maintenance work; the hours of operation will be 7:00 a.m., to 7:00 p.m., Monday through Friday, 8:00 a.m., to 2:00 p.m., on Saturday and closed on Sunday. Pictures (Exhibit "B-3") were presented showing the volunteer trees along the fence line which the applicant cut back. The 10 bays are to run east and west with doors on both sides of the building; all washing of cars will be done inside the bays.

Protestants:

Eunice Blazenby, 1711 E. 15th Street, stated that the water runoff was her main complaint since the water runs down her driveway and sidewalk. She advised that the proposed 12" retaining wall with a 6' wooden screening fence would be agreeable with her.

A. B. Webster, friend of Mrs. Blazenby, expressed concern about increased traffic in the area of 14th Place especially during peak periods.

C. O. Clark, sector representative, stated that the District 6 Planning Team had not been advised that a waiver of setback would be sought. He also expressed concern with visibility at 15th Street and Utica Avenue if the waiver was approved.



Feet

0 200 400



**Subject
Tract**

BOA-22602

19-13 21

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-22602

19-13 21

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

Aerial Photo Date: February 2018







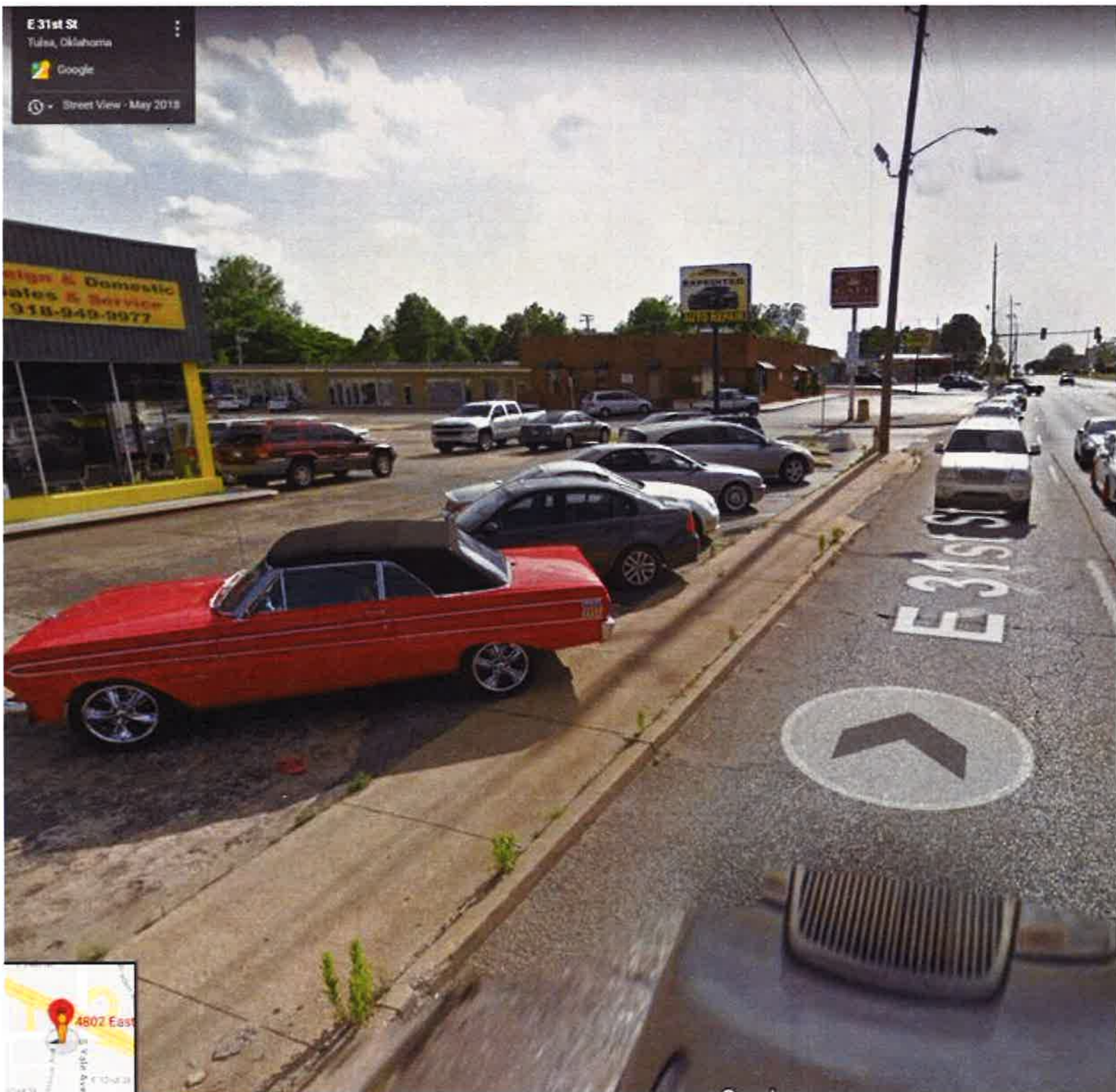
6.11



3105 S Winston Ave
Tulsa, Oklahoma
Google
Street View - May 2018



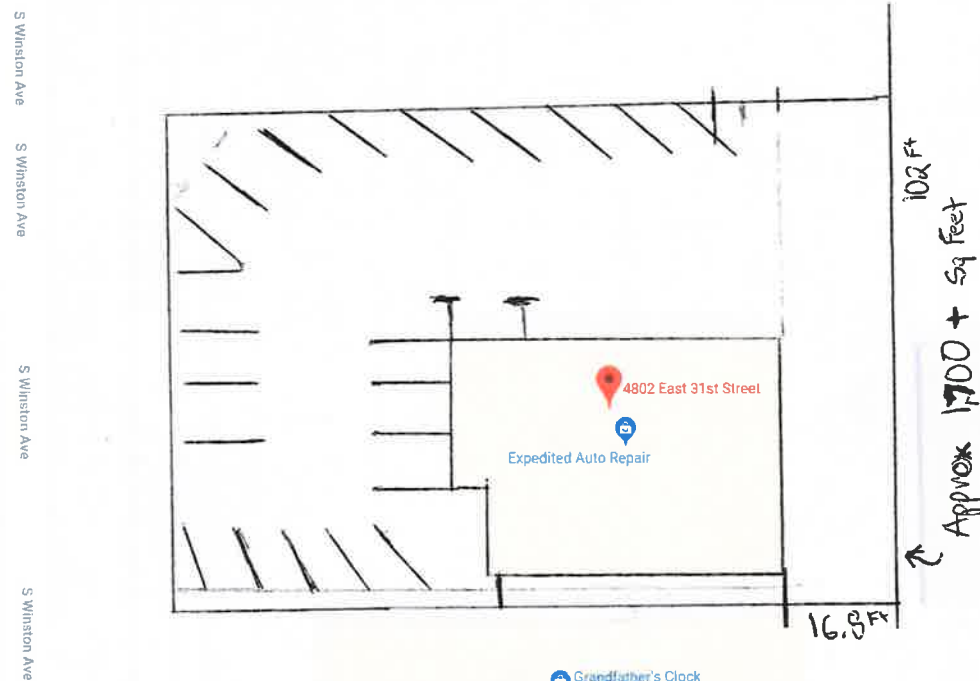
Looking East- Towards the subject site- on S. Winston Ave.



6.13

Google Maps 4802 E 31st St

E 31st St E 31st St E 31st St E 31st St E 31st St E 31st St E 31st St E 31st St E 31st St E 31st St



Can be used
as a display
area, or for our
Repair & service
clientele.

Should accommodate
9-10 more parking
spaces.

Google

Map data ©2019 Google 20 ft

6.14

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

February 14, 2019

Zach Rahman
5043 S 195 EA
Broken Arrow, OK 74014

Phone: 918.8129331

APPLICATION NO: **ZCO-022796-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **4802 E 31 ST**
Description: **Used car sales**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. 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

ZCO-022796-2019

4802 E 31 ST

February 14, 2019

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

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

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

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

Please notify the reviewer via email when your revisions have been submitted

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

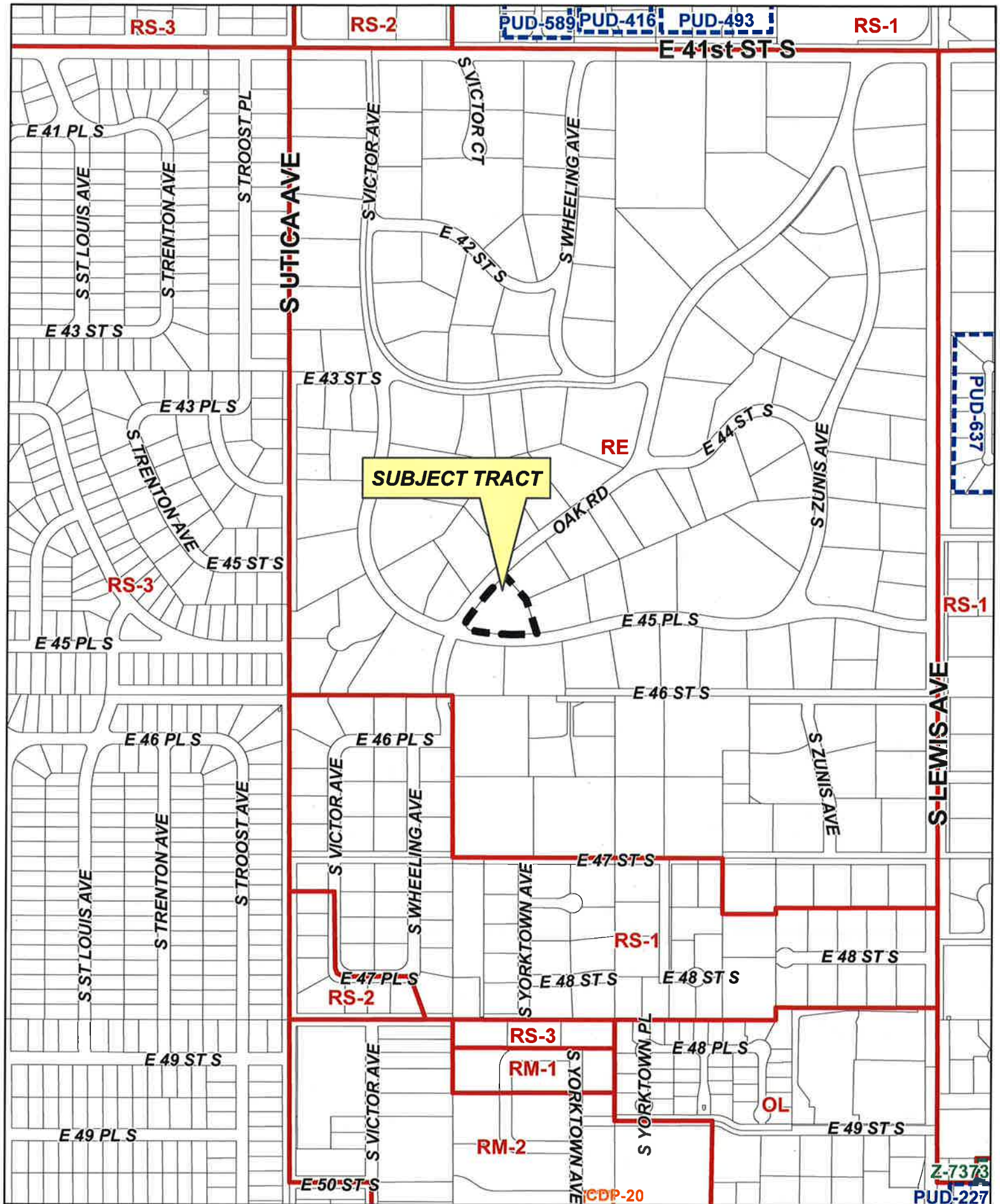
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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

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

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BOA-22603

19-13 30

7.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9330

Case Number: **BOA-22603**

CZM: 47

CD: 9

A-P#:

HEARING DATE: 03/26/2019 1:00 PM

APPLICANT: John Duvall

ACTION REQUESTED: Special Exception to exceed the allowable driveway width within the street setback. (Sec. 55.090-F)

LOCATION: 4469 S OAK RD E

ZONED: RE

PRESENT USE: Residential

TRACT SIZE: 43,333.67 SQ FT

LEGAL DESCRIPTION: LT 7 LESS BEG SEC TH NW ON EL LT 7 188.36 NW ON EL 190 TO NEC SW ON NL 195 SE 135.55 SE 140.39 TO SL NE ON SL 195 BG BLK 4, BOLEWOOD ACRES

RELEVANT PREVIOUS ACTIONS:

Subject Property:

None

Surrounding Property:

BOA-17939; on 2.10.98, the Board **approved** a *Variance* of the side yard and rear yard setbacks to allow a detached garage. Located; 4389 S. Victor Ave.

BOA-16821; on 10.25.94, the Board **approved** a *Variance* of the required 25' rear yard to allow an addition to an existing residence per plan. Located; 4476 Oak S. Road E.

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 RE 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 site plan, the proposed driveway will be along E. 45th Pl. S. The subject lot has \pm 233.25 ft. of frontage on E. 45th Pl. S. The applicant is allowed by right a driveway width of 27 ft. within the right-of-way and 30 ft. within the street setback.

The applicant is before the Board requesting a **Special Exception** to exceed the allowable driveway width within the street setback from 30 ft. to \pm 43 ft. along E. 45th Pl. S.

Sample Motion

Move to _____ (approve/deny) a **Special Exception** to exceed the allowable driveway width within the street setback along E. 45th Pl. S. (Sec. 55.090-F.3).

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

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

Case No. 17938

Action Requested:

Special Exception to allow outdoor sales of flowers and produce utilizing one tent for a period of five years (March 15 to July 15 and October 1 to October 31) **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 2** located at 5340 East 41st Street.

Presentation:

Craig Bay, 1137 E. 25th, stated that this is the same request as the previous application but without the additional 25 days in December.

Board Action

On **MOTION** by **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Bolzle "absent") to **APPROVE** Special Exception to allow outdoor sales of flowers and produce utilizing one tent for a period of five years (March 15 to July 15 and October 1 to October 31) **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 2** finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare on the following described property:

E 225', w 410' of a tract of land beginning 1686' E and 90'S of the NW/c of Sec. 27, T-19-N, R-13-E, thence S 249.91', E 770', N 249.53, W 770' to POB, City of Tulsa, Tulsa County, Oklahoma.

Mr. Stump noted that the site plan reflects a setback of 90' but it should be 110' from the centerline in order to meet the zoning code.

Case No. 17939

Action Requested:

Variance of the required 15' side yard to 8.4' and a Variance of the required 25' rear yard to 23' to allow remodeling to attach a detached garage to an existing dwelling unit **SECTION 403. BULK AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICT – Use Unit 6** located at 4389 South Victor Avenue.

Presentation:

Kevin O'Sullivan, 4389 S. Victor, stated he is remodeling his residence and wishes to attach the garage to the house. It is currently detached and, if attached, would no longer meet the required setbacks. He stated that, if this were approved, there would be no apparent difference to any of the surrounding properties because the garage is existing.

Board Action

On **MOTION** by **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Bolzle "absent") to **APPROVE** Variance of the required 15' side yard to 8.4' and a Variance of the required 25' rear yard to 23' to allow remodeling to attach a detached garage to an existing dwelling unit **SECTION 403. BULK AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICT – Use Unit 6** to allow the attaching of the detached garage per plan finding that the garage is existing at the current setbacks and approval would not cause substantial detriment to the public good or impair the spirit or intent of the Code on the following described property:

Part of Lot 4, Block 6, Bolewood Acres, a Subdivision in Tulsa County, Oklahoma, according to the recorded plat number 1181, being more particularly described as follows, to-wit: Beg. Wly corner of said Lot 4; thence NEly along the NWly line for 253.35' to a point; thence on an assumed bearing of S 33°00' E for 116.90' to a point (the extension of the aforesaid line would intersect the SEly line of said Lot 4 for 125.50' SWly of the Ely corner thereof); thence S 29° 22' W for 160.00' to a point, thence S 12° 19' W for 74.14' to a point of SWly line of said Lot 4; thence NWly along the SWly line of said Lot 4, around a curve to the right, with a radius of 372.18', for 263' to the point of beg. and known as 4389 S. Victor Ave., City of Tulsa, Tulsa County, Oklahoma.

Case No. 17940

Action Requested:

Special Exception to allow an in-door soccer facility in an IL zoned district **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 19** and a Variance of the 50' frontage requirement for the S/2 of property to allow a lot split **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** located North & East of the NE/c of East 61st Street & South 118th East Avenue.

Presentation:

Roy Johnsen, 201 W. 5th St. Suite 440, explained that the property's panhandle is approximately 7.8 acres. When the lot is split, the south lot will include the southern 10' (about 3.8 acres) of the panhandle and will be retained by the owner. The north lot will include the north 40' (about 4 acres) of the panhandle and will contain an indoor soccer field. A mutual access easement will run along the panhandle but there will be ownership of the 10' strip.

Case No. 16821 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; White, "absent") to **WITHDRAW** Case No. 16821, as requested by the applicant.

NEW APPLICATIONS

Case No. 16827

Action Requested:

Variance of the required 25' rear yard - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICT** - Use Unit 6, located 4476 Oak Road.

Presentation:

The applicant, **Rosalind Cook**, 4476 Oak Road, was represented by **Keith Winfrey**, Winfrey Construction, who submitted a site plan (Exhibit A-1) and letters of support (Exhibit A-2) for the project. He explained that the application involves the construction of an addition to an existing dwelling, and the irregular shape of the lot causes one corner to encroach approximately 10' into the required rear yard.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** of the required 25' rear yard - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICT** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the irregular shape of the lot and the fact that the dwelling is existing; finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit, purpose and intent of the Code; on the following described property:

Part of Lot 4, Beginning 125.60' southwest SE/c Lot 4, thence northwest 161.65', southwest 160', southerly 74.14', southeast 57.89' easterly on curve 92.4' northeast 84.79' to POB, Block 6, Bolewood Acres, City of Tulsa, Tulsa County, Oklahoma.



0 250 500
Feet



Subject
Tract

BOA-22603

19-13 30

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

Aerial Photo Date: February 2018



7.7



S WHEELING AVE

OAK RD

E 45 PL S

0 50 100
Feet



Subject
Tract

BOA-22603

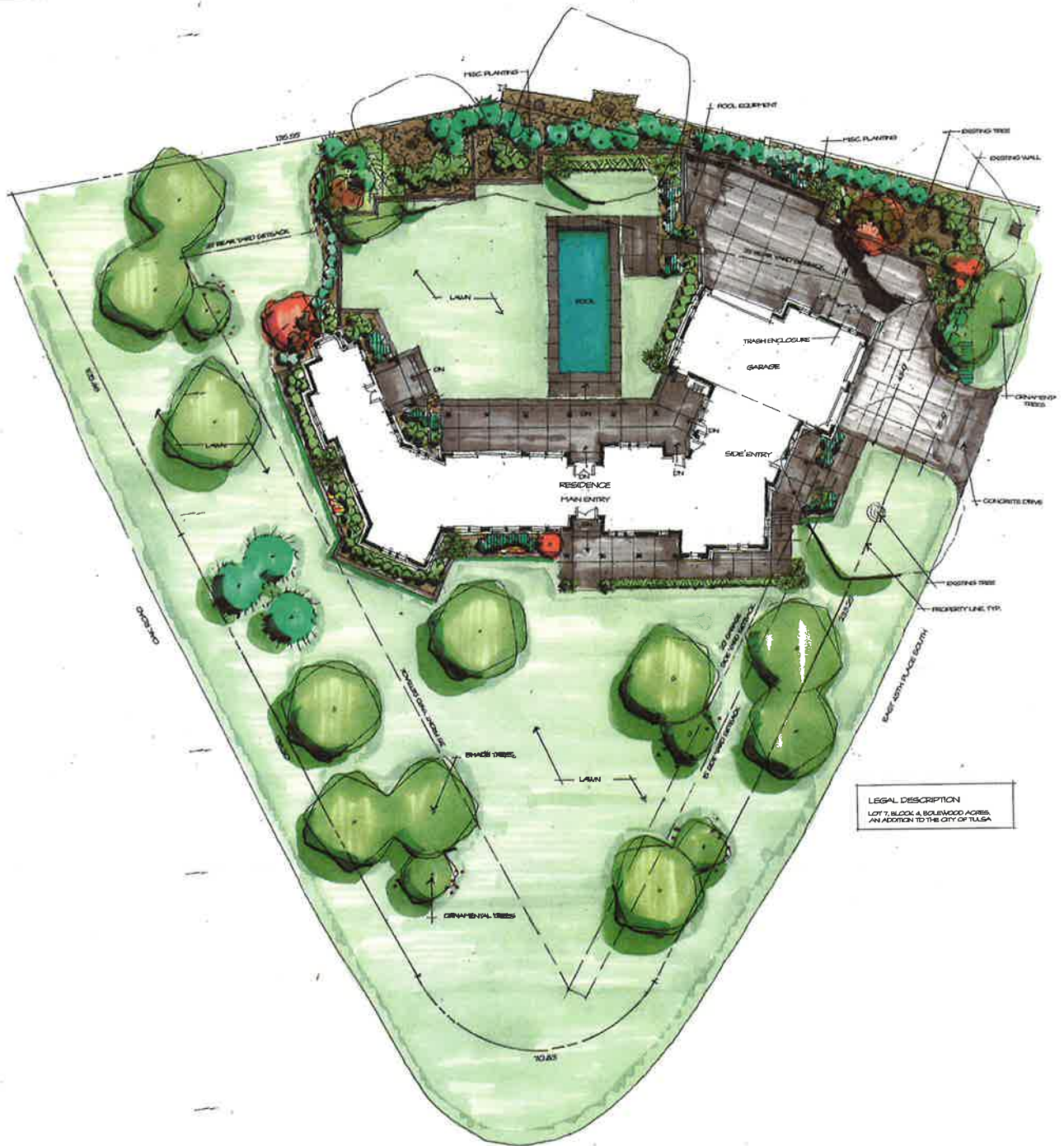
19-13 30

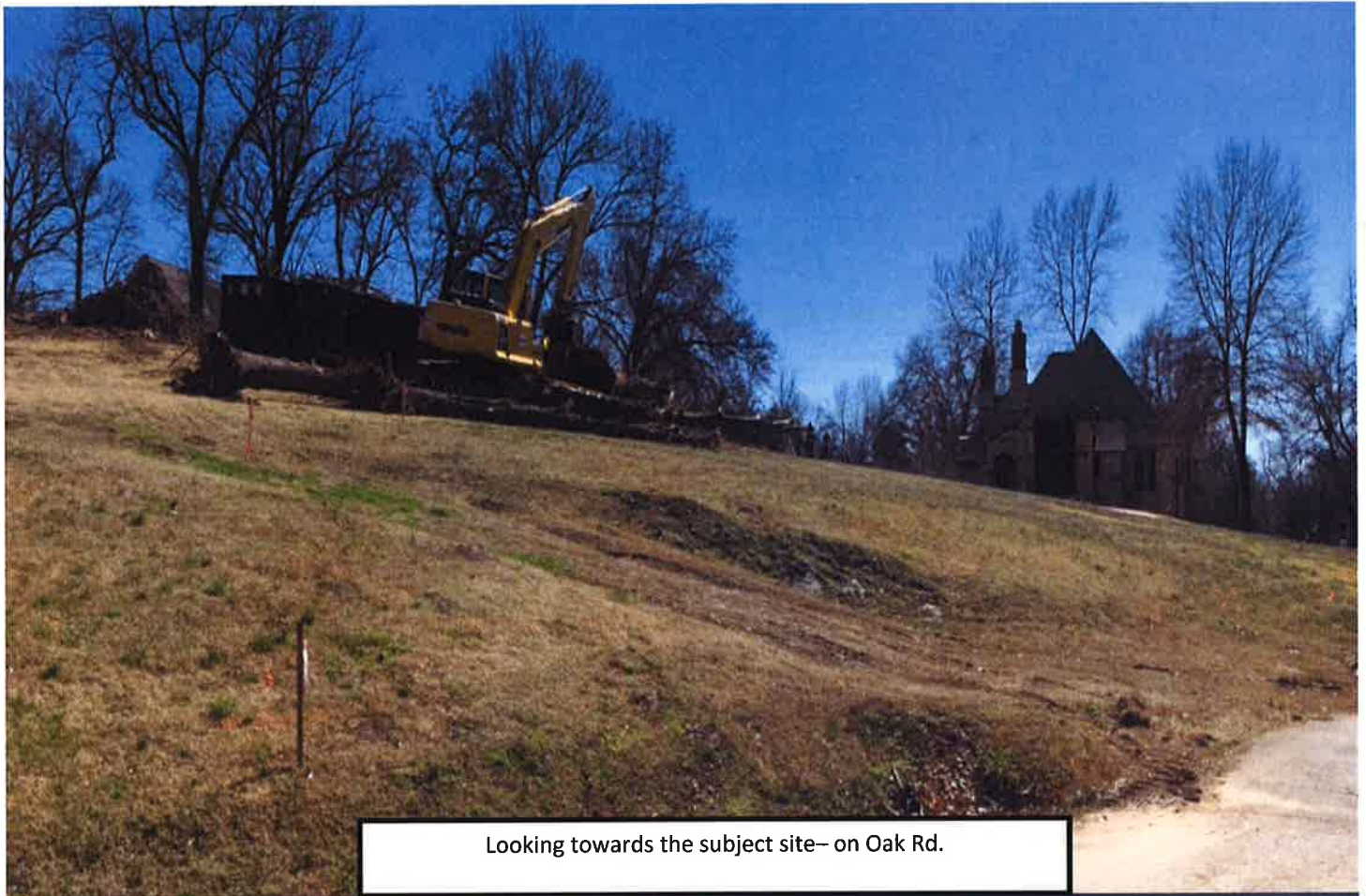
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018

7.8







Looking towards the subject site— on Oak Rd.



Looking towards the subject site— on E. 45th Pl. S.

Jeff S. Taylor
Zoning Official
Plans Examiner

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

Tony Jordan

1/30/2019

APPLICATION NO: BLDR-22389-2018 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 4469 S Oak Rd E

Description: New House

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

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

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

IMPORTANT INFORMATION

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

(continued)

1.
7.11

REVIEW COMMENTS

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

Application No. **BLDR-22389-2018**

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-F Surfacing. 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 70.120

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' | -- | -- | -- |

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 is 27' 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 27' 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 widths 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.

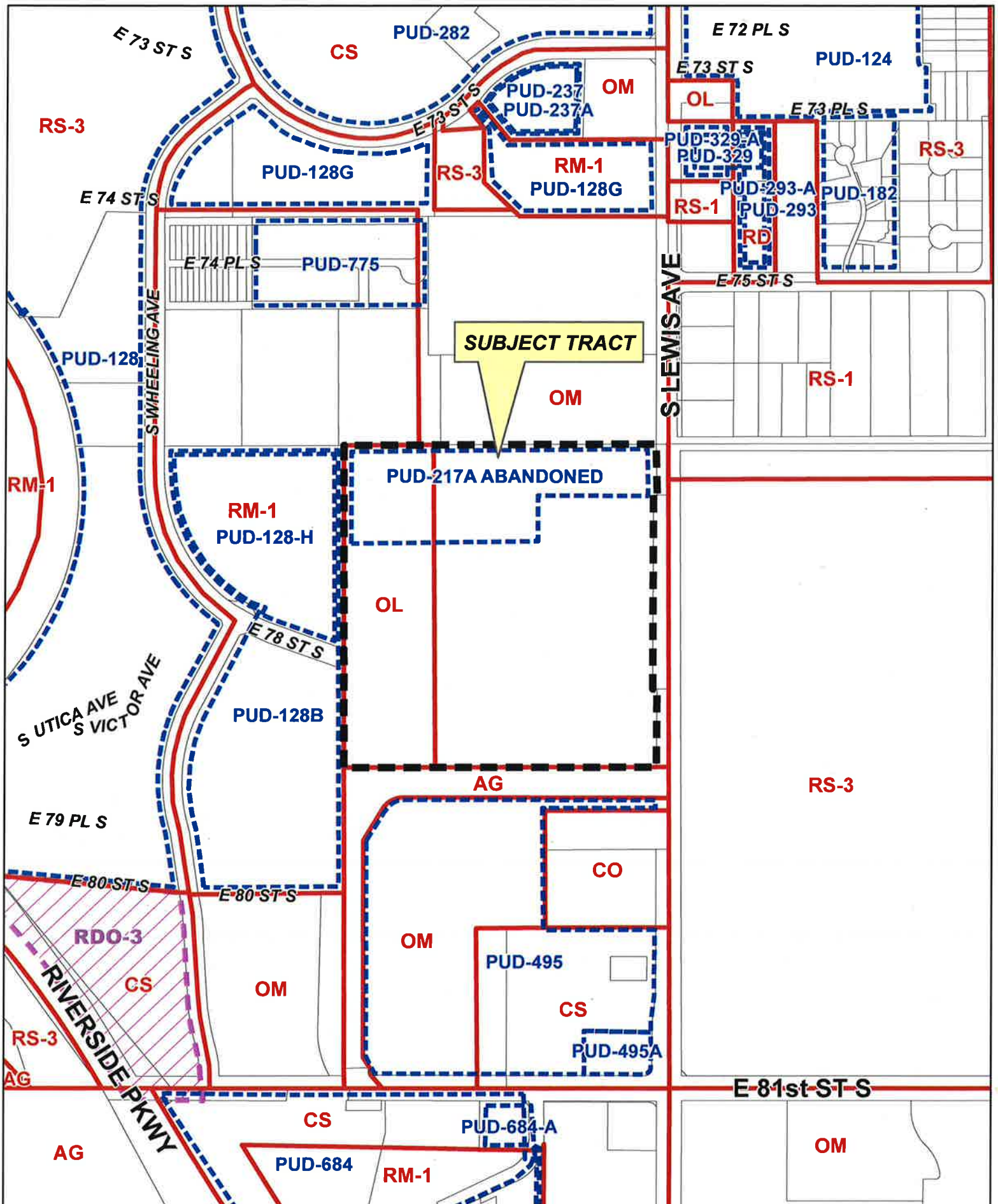
Please Notify Plans Examiner By Email When You Have Submitted A Revision.

END -ZONING CODE REVIEW

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

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

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BOA-22604

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18-13 07

BOARD OF ADJUSTMENT CASE REPORT

STR: 8307

Case Number: **BOA-22604**

CZM: 52

CD: 2

A-P#:

HEARING DATE: 03/26/2019 1:00 PM

APPLICANT: Acura Neon Signs

ACTION REQUESTED: Variance to increase the allowable number of signs in an OM district to permit 2 signs per street frontage (Section 60.060-B).

LOCATION: 7700 S LEWIS AV E

ZONED: OL

PRESENT USE: school

TRACT SIZE: ± 38.213 acres

LEGAL DESCRIPTION: S/2 NE SE LESS E50 THEREOF SEC 07 18 13 9.20 ACS & LT 1 BLK 1 VICTORY CHRISTIAN CENTER

RELEVANT PREVIOUS ACTIONS:

Subject Lot

BOA- 22083; on 6.14.16, the Board **approved** a *Variance* to exceed the permitted display area of a sign to allow a 72 square foot dynamic display sign in an O zoning district.

BOA 18509; on 10.12.99 the Board **approved** a *Variance* to exceed the maximum display area of a sign from 150 SF to 307 SF; and a *Variance* of the requirement of constant light to allow an electronic message center.

Surrounding Properties:

BOA 17831-A; on 12.08.15 the Board **approved** a request to *Modify* a previously approved plan to allow a digital sign; subject to the digital part of the sign not exceeding 317 SF. Located: 7777 S LEWIS AVE (Oral Roberts Campus).

BOA 17831; on 9.23.97, the Board **approved** an *Amendment* to a previously approved special exception., variance of the maximum 5 SF of sponsor sign, per plan submitted. Located: 7777 S LEWIS AVE (Oral Roberts Campus)

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by S Lewis Ave and Oral Roberts University on the east; OM and RM-1 zoning abuts the site on the north; commercial areas are to the south of the subject property.

STAFF COMMENTS:

Lots in office districts are allowed a maximum of one on premise sign per street frontage. Signs allowed in an OL district may not exceed 32 SF in area or 0.30 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area.

In BOA- 22083, the Board approved a Variance to exceed the permitted display area of a sign to allow a 72 square foot dynamic display sign in an O zoning district at this location along S. Lewis Ave. The proposed 60 sq. ft. Victory Christian School wall sign exceeds the maximum of one on premise sign per street frontage in an OM zoning district. The applicant has requested a **Variance** to permit two signs per street frontage; one freestanding sign and one wall sign oriented towards S. Lewis Ave.

The applicant has provided the following statement: *"There is no sign on the building that shows where the entrance to the school is. This proposed sign will help students and parents to identify school entrance easier."*

Sample Motion for a Variance

Move to _____ (approve/deny) a **Variance** to increase the allowable number of signs in an OM district to permit 2 signs per street frontage (Section 60.060-B).

- 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."

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

LT 9 BLK 5, MAPLE PARK ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

22083—Victory Christian Church

FILE COPY

Action Requested:

Variance to exceed the permitted display area of a sign to allow a 72 square foot dynamic display sign in the O District. **LOCATION:** 7700 South Lewis Avenue East (CD 2)

Presentation:

Sarah Dillard, 7700 South Lewis Avenue, Tulsa, OK; stated the new board will be five square feet smaller than the existing board. It usually takes about ten years before a board needs to be replaced and the existing board is significantly over ten years, and lately there have been issues with trouble shooting. Across the street is Oral Roberts University and they recently were approved for a dynamic display board and the proposed board for Victory will be similar but smaller. The proposed 72 square feet will allow Victory to get out more information and it will be easier for drivers to read. The proposed sign will only take up 23% of the allotted amount of the 307 square feet of signage that was granted. In updating the dynamic display the mainstream structure of the sign will not be changed.

Mr. Van De Wiele asked Ms. Dillard if she said the new proposed sign would be smaller than the existing sign. Ms. Dillard answered affirmatively. Mr. Van De Wiele asked Ms. Dillard why she was before the Board if the new sign is smaller. Ms. Dillard stated it is because the old sign is an electronic message center and the new sign will be a dynamic display.

Interested Parties:

There were no interested parties present.

BOA-22083

FILE COPY

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 3-0-0 (Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke, Snyder absent) to **APPROVE** the request for a **Variance** to exceed the permitted display area of a sign to allow a 72 square foot dynamic display sign in the O District, subject to per plans on 6.12 and 6.13. The Board determines that the following facts, favorable to the property owner, have been established:

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

**LT 1 BLK 1, KENSINGTON, VICTORY CHRISTIAN CENTER, CITY OF TULSA,
TULSA COUNTY, STATE OF OKLAHOMA**

22084—Ana Moreno

Action Requested:

Special Exception to allow the proposed Event Center within 150 feet of a R zoned district (Section 15.020). **LOCATION:** 11115 East 21st Street South – **Tenant Space:** 1938 South Garnett Road East (CD 6)

Presentation:

Ana Moreno, 1328 North 80th East Avenue, Tulsa, OK; stated she represents the applicant and will be her interpreter. The applicant is fully aware of everyone's concerns and if she lived in the area she would also be concerned herself. She tried to talk to the neighbors and could see the fear in their faces when she approached the door to speak to them. She understands this fear because she knows the area is

Case No. 18509

Action Requested:

Variance of maximum display surface area of a sign from 150 square feet to 307 square feet. **SECTION 604. SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS – Use Unit 5** and a Variance of the requirement of constant light to allow an electronic message center. **SECTION 604. SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS**, located 7800 South Lewis.

Presentation:

The applicant, **Brian Ward**, 9520 East 55th Place, submitted a site plan (Exhibit C-1) and stated that Victory Christian Center would like to construct a new sign. The current sign was installed as a temporary sign. Victory Christian Center has approximately 1,400 lineal feet along Lewis Avenue. Mr. Ward explained that the electronic message center is similar to what is on the Oral Roberts property down the street. Mr. Ward submitted photos of the sign and the property (Exhibit C-2).

Comments and Questions:

Ms. Perkins asked Mr. Ward if they will remove the old sign? Mr. Ward replied affirmatively.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, "absent") to **APPROVE** a **Variance** of maximum display surface area of a sign from 150 square feet to 307 square feet. **SECTION 604. SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS – Use Unit 5** and a **Variance** of the requirement of constant light to allow an electronic message center; finding that the Board had approved a similar sign at ORU which is across the street and to the south **SECTION 604. SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS**, per plan submitted and subject to the removal of the existing sign, finding that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

S/2, NE, SE, less E 50', City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18523

Action Requested:

Variance of the required rear yard from 25' to 15' in an RS-1 District to permit new construction. **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts – Use Unit 6**, located 2600 Block of 33rd Street East of Birmingham Avenue.

10:12:99:782 (4)

Ms. Rodriguez asked what she is to do after this, will she receive a letter? Mr. Henke stated that if the Board denies the Special Exception requests the manufactured home will have to be removed. Ms. Rodriguez stated that she has lived in Tulsa all her life and could not find a house in her neighborhood, and she is a single parent with two children and she has done everything that the permit center has told her. This is not the first time a mobile home is going to be on a lot in the State of Oklahoma. Mr. Henke said he was sorry that the Board could not be more helpful but Ms. Rodriguez needs to find another location. Ms. Rodriguez stated that is her lot and it is her home. Ms. Rodriguez informed Ms. Rodriguez that she could build a house on the lot but in terms of having permission to have a manufactured home on the lot he does not think the permission will be given by the City of Tulsa. Ms. Rodriguez stated that this is outrageous and she is confused.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 3-0-1 (Henke, Flanagan, Snyder "aye"; no "nays"; White "abstaining"; Van De Wiele absent) to **DENY** the request for a **Special Exception** to permit a mobile home in the RS-3 District (Section 401, Table 1); **Special Exception** to extend the one-year time limit on a mobile home (Section 404.E.1) based on this out of character with the neighborhood and it would be injurious and detrimental to the public welfare and the existing homes in the neighborhood; for the following property:

LT 1 BLK 4, OAK RIDGE ADDN - TULSA, NEW HAVEN ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. White re-entered the meeting at 3:49 P.M.

FILE COPY

17831-A—A-MAX Sign Company

Action Requested:

Modification of a previously approved plan (BOA-17831). **LOCATION:** 7777 South Lewis Avenue (CD 2)

Presentation:

Brian Ward, 9520 East 55th Place, Tulsa, OK; stated that in the early 1970s when ORU Mabee Center was built there was an accompanying sign structure. When it was built it had light bulb technology. As technology progresses there is a need to replace the boards every 10 to 12 years. The first sign lasted until approximately 1980 and it was replaced, and about every ten years the sign is being replaced. In 1997 the sign came before the Board and that was the last case on this particular sign, and what was approved was a 317 square foot message board and that is basically what is there now.

BOA-17831-A

FILE COPY

Mr. Ward stated sometime, and he is not sure when, the configuration of the sign is different in physical shape although it is about the same square footage. When he applied for a permit application it was denied based on the physical size being different from what was approved in 1997. Although the sign is five square feet less in the application than what was approved in 1997 the permit center denied the application based on the Board's approval of the plans submitted. What he is asking for is approval of a new message board to be installed and for the Board to approve 317 square feet of message board so when this technology become obsolete the sign can be replaced without needing to come back before the Board.

Mr. Henke left the meeting at 3:50 P.M.

Mr. Flanagan asked Mr. Ward to confirm that he wants approval for the square footage that exists but was not corrected from the 1997 plan. Mr. Ward stated the plan was approved in 1997 for 317 square feet and the sign is now approximately 315 square feet. So he is asking for approval for the square footage rather than approval per plan so in ten years when the equipment becomes obsolete it is not necessary to appear before the Board.

Mr. Henke re-entered the meeting at 3:53 P.M.

Mr. Ward stated that if the Board is to approve this request he would like to motion to stipulate that the digital portion of the sign is not exceed 317 square feet.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 4-0-0 (Henke, Flanagan, Snyder, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a **Modification** of a previously approved plan (BOA-17831) to approve the sign that says Mabee Center on Exhibit 8.14, that would be a 12 x 26 foot digital sign. The digital part of the sign will never exceed 317 square feet. This insures that the modification is compatible with and not injurious to the surrounding area and meets the previously granted Board relief other than what was just stipulated and it meets the zoning requirements per Code; for the following property:

**BLK 1 LESS BEG SWC TH N22 SE31.19 W22 POB, ORAL ROBERTS UNIVERSITY
HGTS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

Case No. 17830

Action Requested:

Special Exception to permit church use on property zoned RS-3. **SECTION 1217.C.1. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES;** Use Conditions, located 10023 East 39th Place South.

Presentation:

The applicant, **Rick L. Frie**, withdrew his case prior to the hearing.

Case No. 17831

Action Requested:

Approval of an amendment to a previously approved special exception. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 2 and a Variance of the maximum 15 SF of sponsor sign. **SECTION 1202.c.12 USE UNIT 2 AREA-WIDE SPECIAL EXCEPTION USES;** Use Conditions, located East side of South Lewis Avenue, North of East 81st Street.

Presentation:

The applicant, **Charles E. Norman**, 2900 Mid-Continent Tower, representing Oral Roberts University ("ORU"), submitted a site plan (Exhibit L-1), a computer generated photograph (Exhibit L-2) and photographs (Exhibit L-3). Mr. Norman stated the existing message sign was approved as an accessory use to the University 25 years ago. He indicated that the message sign has become obsolete and worn out. He proposes to replace the electronic component center and leaving the stone columns in place. Mr. Norman requested the Board's approval of the new electronic component as an amendment to the previously approved special exception. The message sign is adjacent to the Mabee Center, which is located on 40 acres of the 200 acres of ORU campus. Mr. Norman described the local businesses located across the street from the ORU campus, which had been constructed since the Mabee Center was constructed. He commented that when the ordinance was written dealing with signs associated with educational institutions, which limit the sign of the sponsor name and logo to only 15 SF, was actually suppose to be 15% of the size of the sign. He stated that he suspects that every stadium scoreboard and sponsor logo in the City are considerably larger than the 15 SF. Mr. Norman indicated that the proposal replacement will have four (4) sponsor locations. He explained that the replacement cost of the message board is in excess \$400,000 and obviously it is necessary for ORU to secure more than one (1) sponsor to obtain the contribution for the facility. The sponsor logos are 5' x 9' or 45 SF for the total of 180 SF, which when compared to the size of the sign (approximately 1150 SF) is 15% of the face of the sign. Mr. Norman indicated that the height of the sign will be reduced approximately 2' and the total size of the sign is approximately 50' less than its present configuration.

Comments and Questions:

Mr. White asked the applicant to address the concerns of the staff that the video display might be a distraction to the traffic? Mr. Norman stated that experience has proven that the changeable signs are not distracting in a dangerous way. The Board recently approved a similar sign for the Performing Arts Center, much smaller in size, but has rapidly changing messages and has potential for displays to reflect the event that is going on. This proposed sign will be operated in accordance with considerations of liability, which has been discussed by ORU. The sign will not be operated in a way that will be distractive to drivers along south Lewis. There will not be any live videos of the activities going on, except maybe a one (1) or two (2) second replay of a basketball going into a hoop. He assured the Board that there will not be a message component that will have a continual message, which would attract driver's attention as they drive by the sign.

In response to the Board's concerns with the video image components creating a traffic problem or distraction, Mr. Norman stated that the typical driving speed is approximately 30 mph and the message board will not be visible for more than two (2) or three (3) seconds by any particular vehicle driving by. He commented that you rarely see the end of the message from the typical traffic speed. He concluded that the message board will be primarily used to advertise the next event taking place at the Mabee Center. If there are any problems with the operation, he is sure that there will be discussion with the traffic engineer and ORU's insurance underwriters about the operation of the sign.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** an amendment to a previously approved special exception. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 2 and a **Variance** of the maximum 15 SF of sponsor sign. **SECTION 1202.c.12 USE UNIT 2 AREA-WIDE SPECIAL EXCEPTION USES**; Use Conditions; per plan submitted; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

N 200', S 1000', Block 1, Oral Roberts University Heights Addition, City of Tulsa, Tulsa County, Oklahoma.



0 250 500
Feet



Subject
Tract

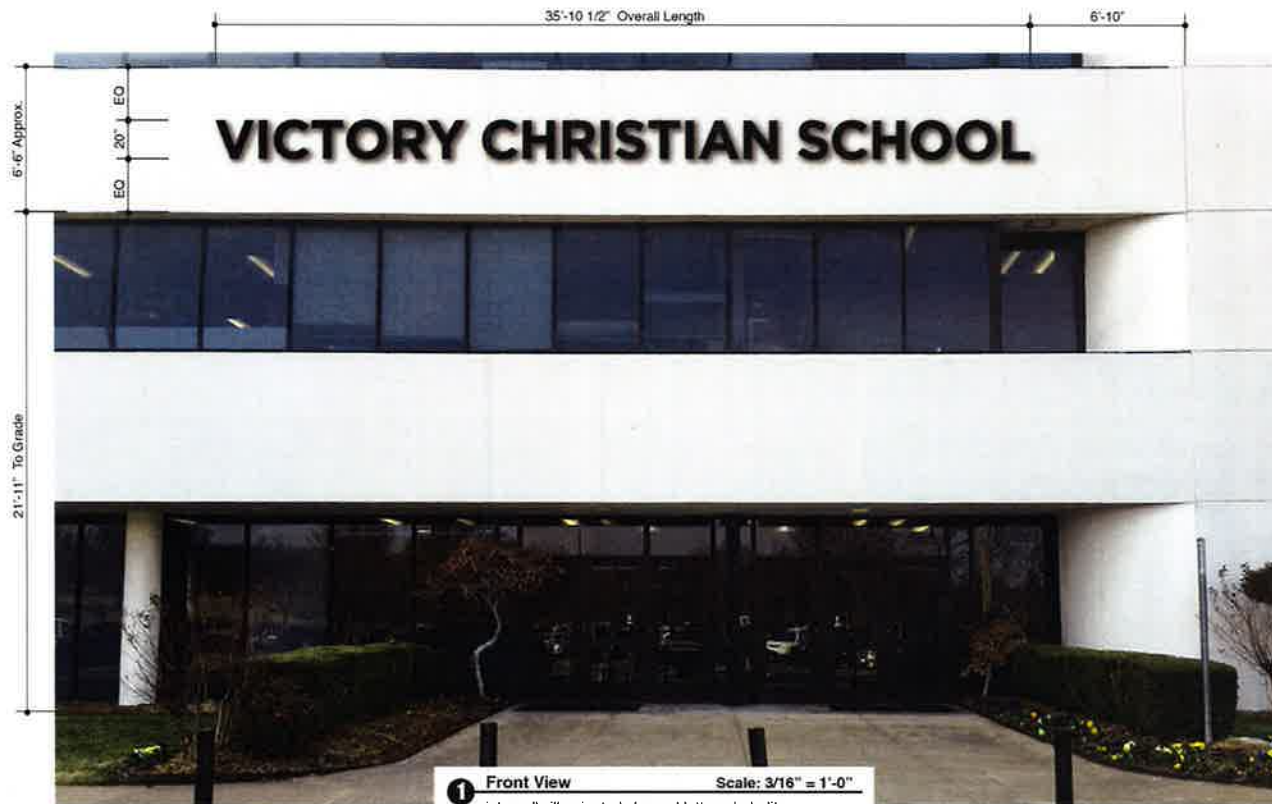
BOA-22604

18-13 07

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

Aerial Photo Date: February 2018





1 Front View Scale: 3/16" = 1'-0"
 -internally illuminated channel letters, halo-lit,
 illuminate with white LED's



Routed channel letter with
 3" deep returns paint semi-
 gloss Black, Halo illuminate
 with White LED's, install
 with 1" stand-off from wall
 surface

2 Detail View

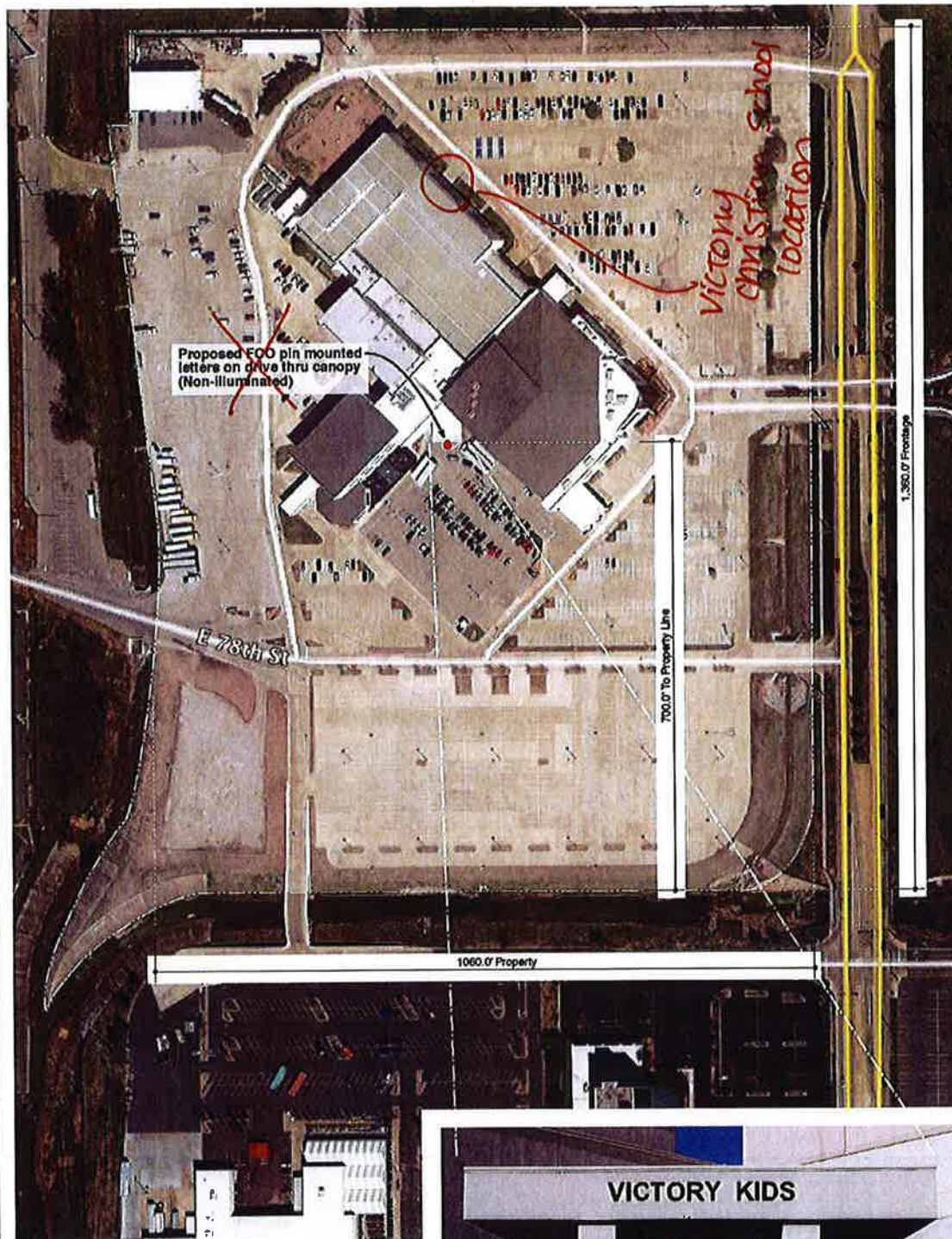


3 Night View Scale: NTS



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| | | | |
|--------------------------------------------------------|-----------------------|--------------------------|--|
| Client: <i>Victory Christian Center - Victory Kids</i> | | Approved By: | |
| Job Location: <i>7700 S. Lewis Ave. - Tulsa, OK</i> | | Date: | |
| Rep: <i>Yoko Lam</i> | Dwn: <i>J. Harley</i> | File: <i>VICKIDS-07A</i> | |
| Dwg No: <i>012419-01</i> | Scale: <i>Noted</i> | Date: <i>1-24-2019</i> | |



2 South Elevation Scale: 1/8" = 1'-0"
-Routed FOO 1/8" thick aluminum letters, paint semi-gloss Black, Stud mount to wall with 1/2" spacers from wall surface



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| | | |
|-------------------------------------------------|----------------|------------------|
| Client: Victory Christian Center - Victory Kids | | Approved By: |
| Job Location: 7700 S. Lewis Ave. - Tulsa, OK | | Date: |
| Rep: Yoko Lam | Dwn: J. Harley | File: VICKIDS-03 |
| Dwg No: 033016-03 | Scale: Noted | Date: 3-30-2016 |

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



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

SIGN PLAN REVIEW

February 20, 2019

LOD Number: 1

Acura Neon Sign
7700 S. Lewis Avenue
Tulsa OK 74136

Phone: (918)252-2258

APPLICATION NO: **SIGN-022870-2019** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 7700 S. Lewis Avenue
Description: Victory Christian School

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A \$55 RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

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

(Continued)

REVIEW COMMENTS

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

Application No. SIGN-022870-2018

7700 S. Lewis Avenue

February 20, 2019

This letter of deficiencies covers Sign Plan Review items only.

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

Section 60.060 Signs in Office Zoning Districts

60.060-B Signs Allowed

In addition to any sign exceptions allowed pursuant to Section 60.030, lots in office zoning districts are allowed a maximum of one on premise sign per street frontage. The allowed-on premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.

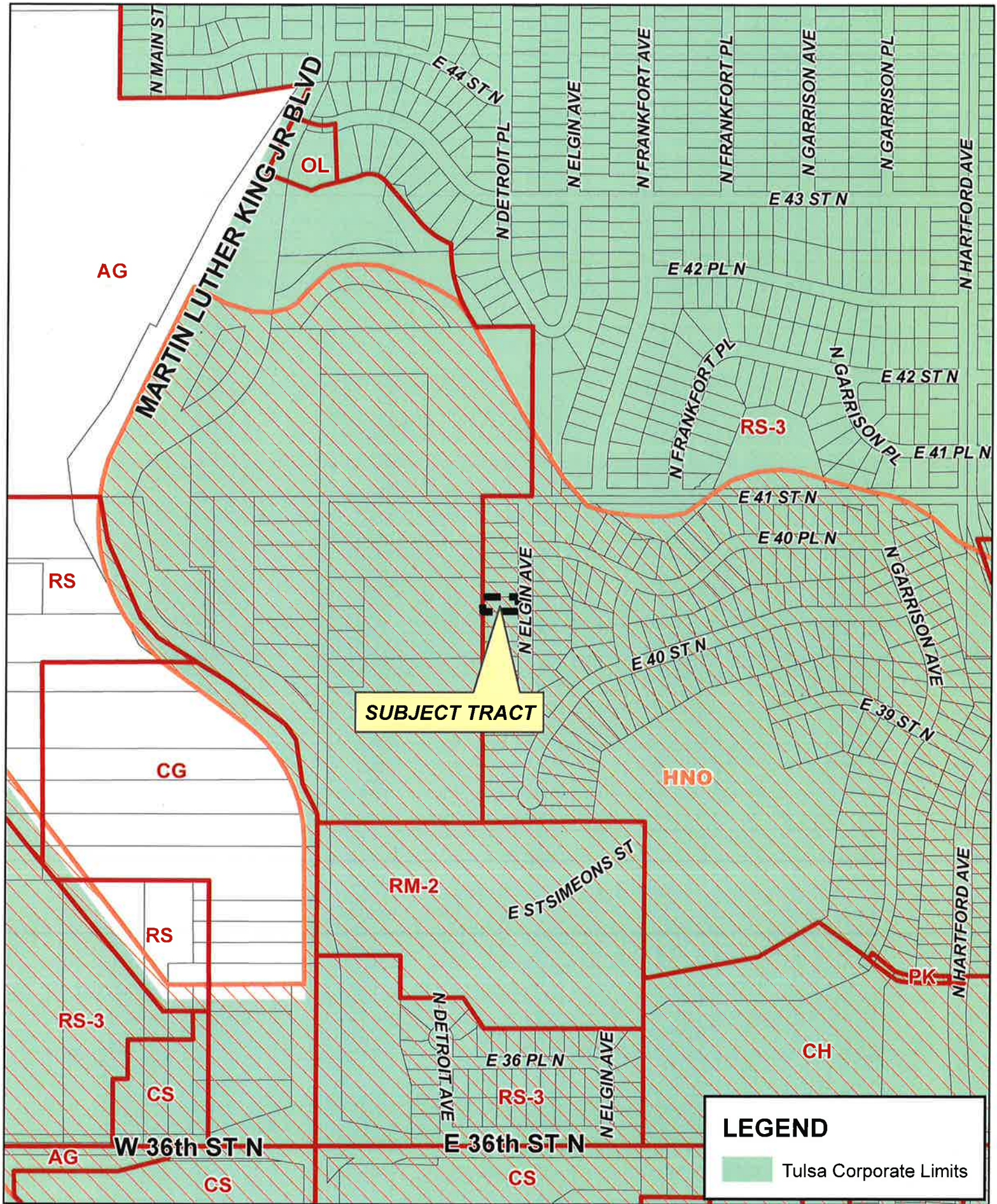
Review Comments: Previously approved BOA case 22083 on 6/14/2016 permitted a freestanding sign with a total display surface area of 72 sq. ft. The proposed 60 sq. ft. Victory Christian School wall sign exceeds the maximum of one on premise sign per street frontage in an OM zoning district. You may pursue a variance from the BOA to permit two signs per street frontage, one freestanding sign and one wall sign oriented toward S. Lewis Avenue in an OM zoning district.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application for a Sign Permit to our office so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

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



BOA-22605

20-12 13

9.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 139 Case Number: **BOA-22605**

CZM: 21

CD: 1

A-P#:

HEARING DATE: 03/26/2019 1:00 PM

APPLICANT: Theophilus Brown

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

LOCATION: 4040 N ELGIN AV E

ZONED: RS-3

PRESENT USE: residential

TRACT SIZE: 8698.97 SQ FT

LEGAL DESCRIPTION: LT 7, CHANDLER-FRATES 4TH ADDN RESUB L1-20 B7

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

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

STAFFCOMMENTS:

The applicant has an existing fence that appears to be within the required street setback along one side of her property, abutting N. Elgin Ave. As shown on the attached exhibit, the existing fence extends 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, in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on double frontage lots. The Code permits the Board of Adjustment to increase the permitted height through special exception approval.

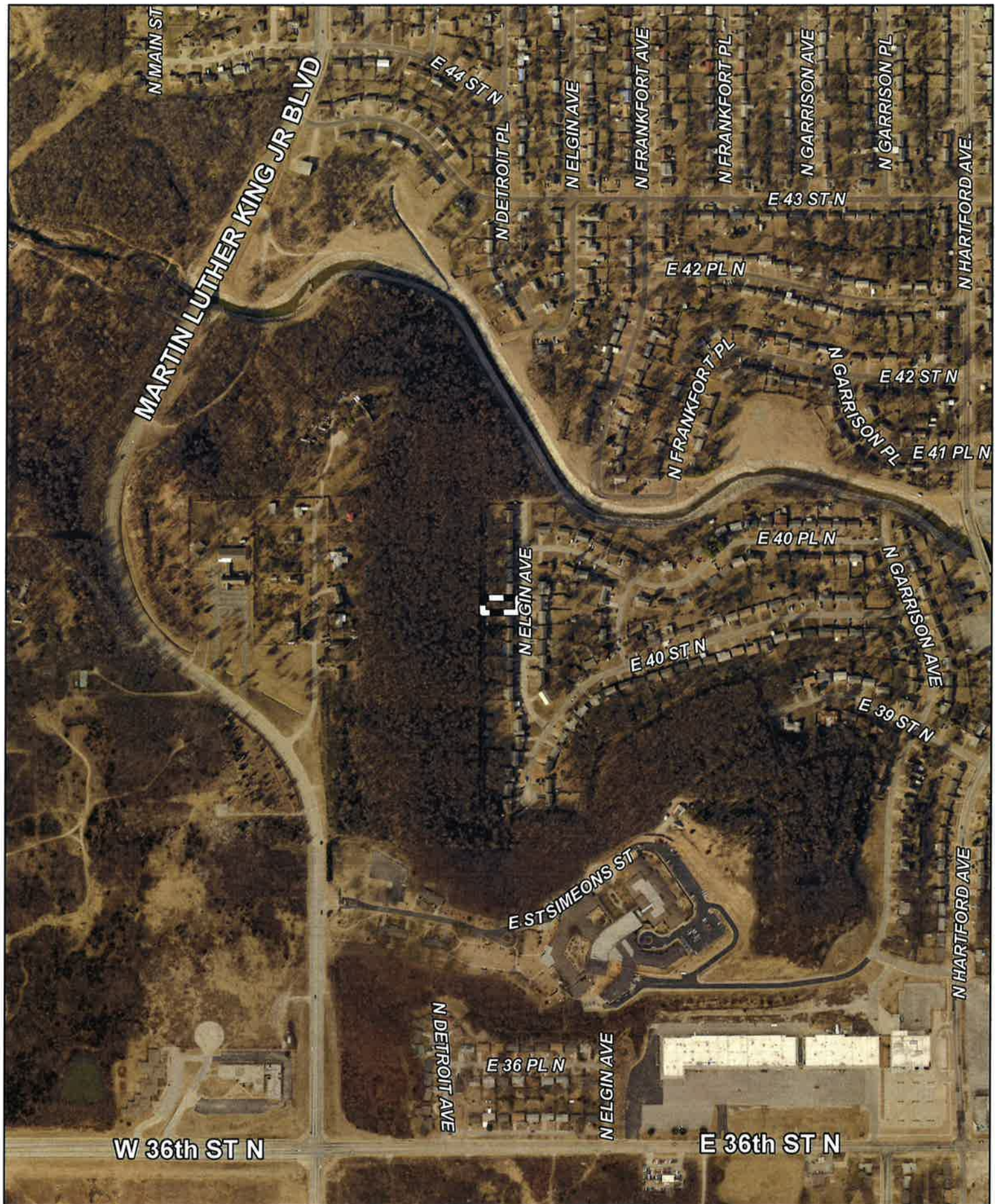
The applicant has requested a **Special Exception** to allow a fence to exceed 4 feet in height to 6 feet in height in the front street setback along N. Elgin Ave.

Sample Motion

Move to _____ (approve/deny) a **Special Exception** to allow a fence to exceed 4 ft. in height within the required front street setback.(Section 45.080)

- 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.



0 250 500
Feet



Subject
Tract

BOA-22605

20-12 13

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

Aerial Photo Date: February 2018

9.4

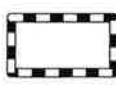
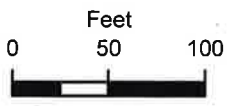




E 40th St

N ELGIN AVE

E 41st St



Subject Tract

BOA-22605

20-12 13

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

Aerial Photo Date: February 2018

9.5



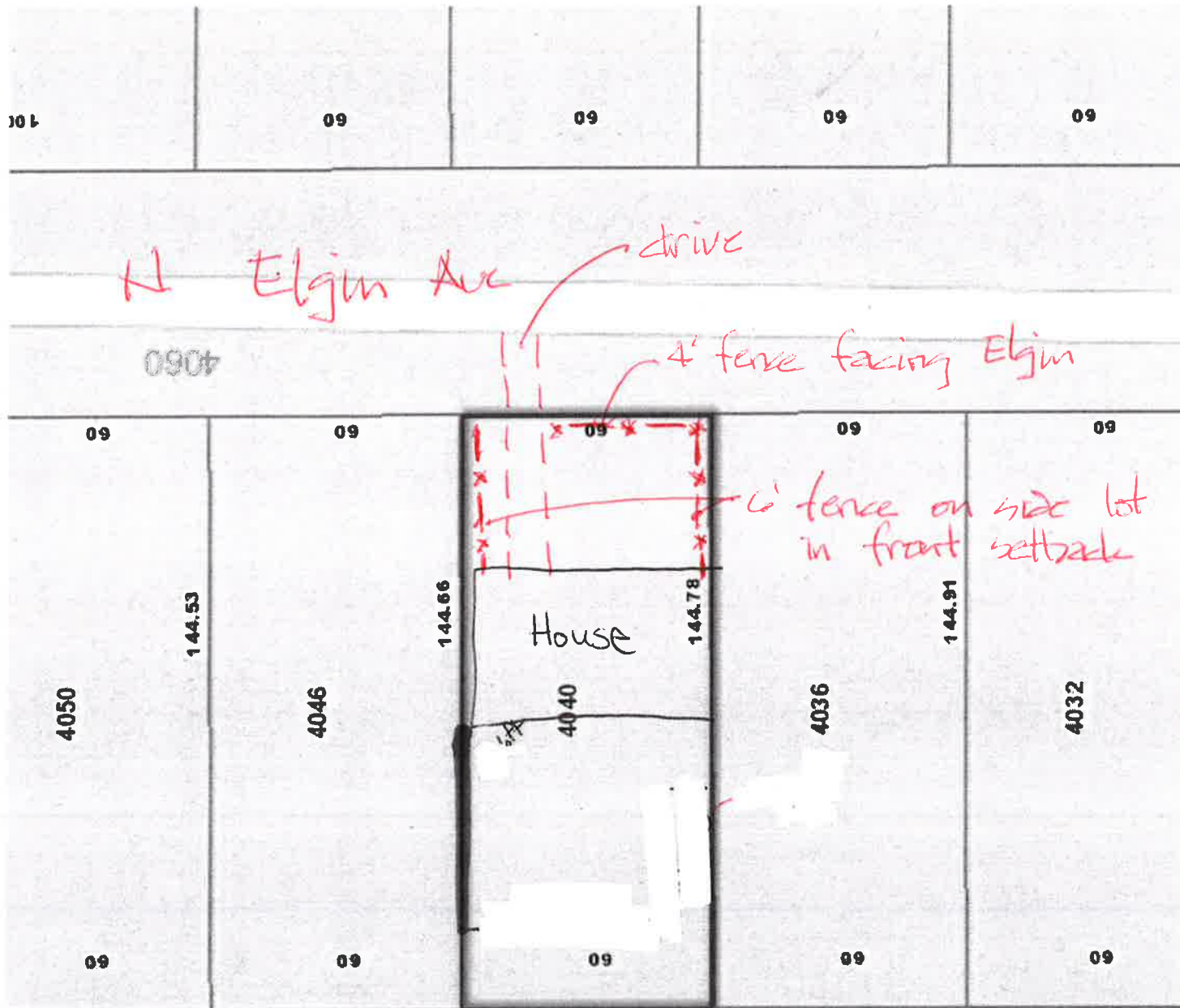
Looking west— towards the subject site— on N. Elgin Ave.



Looking west— towards the subject site— on N. Elgin Ave.



Brown, Joy
4040 N. Elgin Ave
Tulsa, OK 74106



Joy Brown - 918-850-0790
4040 N. Elgin
Tulsa, OK 74106

1. The fence would be beneficial to protect my property- The physical surrounding that could hinder would be that my neighbor on the right of me has destroyed my property yard before by hauling something from my their back yard. Grass from my yard had to regrow and dirt was everywhere.
2. I want to ensure the safety of my infant son, my only child. My neighbors to the right of me have been at odds with me for years now. They have use threatening words. They have beat on my door at 10:40 pm at night. A grown man and 3 teenage boys in my yard threatening me to come move a car parked in front of my house. My son at the time was 3 months old.
3. My son is now able to walk and he walked over by there drive way. Same grown man that's my neighbors alleged boyfriend that was yelling and threatening me was speaking to my son smiling at him (my son doesn't know any better) I have to Protect my son.
4. They have threw items like trash, food and empty bottles in my front and back yard. I have a small dog and they don't know any better to eat food they find on the ground. I personally feel like. What if it is poisoned?
5. On Christmas Eve 2016, there was a shot pit bull right in front of my house. I strongly believe the neighbor I have issues with shot the dog allegedly. She has confessed to have a gun.
6. I have had these same neighbors have 4 grown adults standing in my yard while 6 or 7 kids were running around in my yard, on my property.
7. The daughter of that same neighbor I saw with my own eyes digging something that was on my property.
8. A year ago that same neighbor her son was shot close to his head (grazed). That same year they would have groups of people in their cars arguing with this family in a violent and very aggressive manner. The mom stated and I heard clear " Oh you don't know I have a gun." To whomever the family was arguing with. I was extremely loud arguing that I thought I would need to take cover and hide with my son.
9. I have called the police several times on the people that live next door to me for disturbances.
10. This fence will ensure my families safety especially my infant son. I am all he has. I am a single mother raising my child by myself.

Thank you for your time regarding this matter



Neighborhood Investigations
WORKING IN NEIGHBORHOODS

Case Number: NUZO-010960-2019
Case Type: NUZO
Notice Date: 01/30/2019
Compliance Deadline: 02/14/2019

ZONING NOTICE OF VIOLATION

The City of Tulsa To:

BROWN, THEOPHILUS AND CLAVERN
4040 N ELGIN AVE
TULSA OK 741061517

You are hereby notified that the violation(s) maintained, operated or permitted to exist by you at 11
7, CHANDLER-PRATES 4TH ADDN RESUB L1-20 B7 City of Tulsa, Tulsa County, State of
Oklahoma;

And located at the address of 4040 N ELGIN 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 setback
line of house to the street. The grass is marked with orange paint where the setback is. From this mark to the
street the fence cannot be any taller than 4ft.

A final inspection is set for 2-14-19.

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. NUZO-010960-2019

Devin Lucas
Neighborhood Inspector
918-596-7580

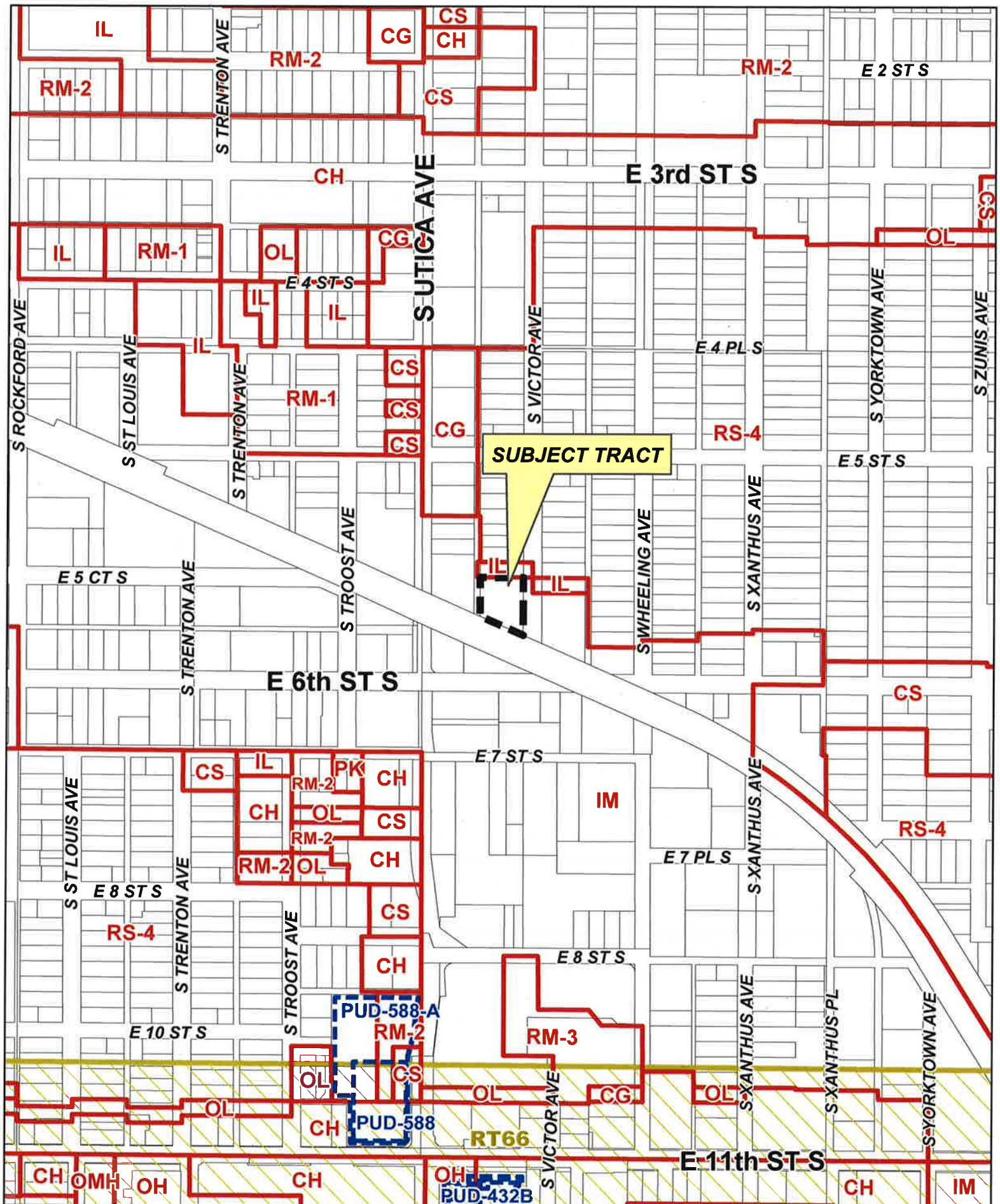
Meetings with inspectors require a scheduled appointment.

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.

Called Thursday 1/31/19
called 2/5/19

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BOA-22606

10.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9306

Case Number: BOA-22606

CZM: 37

CD: 4

A-P#:

HEARING DATE: 03/26/2019 1:00 PM

APPLICANT: Mary Huckabee

ACTION REQUESTED: Variance of the street setback requirement (section 15.030); Variance of the parking space requirement (Section 55.020); ~~Variance of the landscaping requirement (Section 65.030-B)~~

LOCATION: 540 S VICTOR AV E

ZONED: IM

PRESENT USE: warehouse

TRACT SIZE: 22119.86 SQ FT

LEGAL DESCRIPTION: LTS 16 17 18 19 20 BLK 11, ABDO'S ADDN

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA-21466; on 8.28.12, the Board **approved** a *Variance* of the north setback from an abutting R District; a *Variance* of the east setback from an abutting R District setback; a *Variance* of the building setback from centerline; a *Special Exception* to remove the screening requirement from the north and east property lines. Located; immediately west of the subject property.

BOA-13213; The Board approved a variance of the required 100 feet setback from the centerline of South Utica Avenue to 67 feet in an IM zoned district. Property being located north of the northeast corner of East 6th Street South and South Utica Avenue

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

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

Employment Areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design,

screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts IL and IM zoned industrial uses to the east and west; a vacant IL lot to immediately to the north; railroad ROW is directly to the south of the subject property.

STAFF COMMENTS:

The applicant is proposing to renovate the existing building and parking area to allow for a personal vehicle repair shop. The applicant has stated that, *"the existing building will be used for a low-volume, non-public auto restoration shop. No auto sales will take place on the property, and work on the vehicles will be performed inside the building. The shop will not open to the public and activities inside the shop will require fewer than five employees"*. Per the Code, a personal vehicle repair and maintenance use is permitted by right in the IM district (Section 15.020).

Based on the submitted site plan, the existing building directly abuts the lot line along Victor Ave. The IM district requires a street setback of 10 ft. The applicant has requested a **Variance** to reduce the required street setback from 10 ft. to 0 ft.

The applicant is also before the Board requesting a **Variance** to reduce the required on-site parking spaces from 25 to 13 spaces. The Code states the parking requirement for a personal vehical repair and maintenance use is 1.8 spaces per 1,000 sq. ft. of floor space; with a minimum of 5 spaces. As shown on the attached plan, the parking area will be to the south of the existing building.

As part of the original application, the applicant also requested a variance from the landscaping requirements. After discussion with staff, the applicant is revising the landscape plan to alleviate the landscape variance that has been submitted to the BOA. The applicant has stated they intend to submit an Alternative Landscape Compliance Plan application to staff.

Sample Motion

Move to _____ (approve/deny) a Variance of the street setback requirement from 10 ft. to 0 ft. (section 15.030); Variance of the parking space requirement from 25 spaces to 13 spaces (Section 55.020);

- 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."*

Action Requested:

Variance of the north setback from an abutting R District from 75 feet to 3 feet; Variance of the east setback from an abutting R District setback from 75 feet to 65 feet; Variance of the building setback from centerline from 50 feet to 30 feet (Section 903); Special Exception to remove screening requirement from north and east property lines (Section 212.C). **LOCATION:** 543 South Victor Avenue, 539 South Victor Avenue, 537 South Victor Avenue, 533 South Victor Avenue (CD 4)

Mr. White recused himself and left the meeting at 2:03 P.M.

Presentation:

Robert Hefley, 508 South Troost, Tulsa, OK; stated he has an electrical contracting business and it has operated out of the South Troost address since 1984. Mr. Hefley has expanded his business on South Troost so much that he no longer has room for expansion. He bought the subject property about two years ago, and it had two existing structures on it. One of the structures is a two-story building that was built in 1921 and the other structure is a metal building that was built about 20 years ago. He would like to add another building to the subject property which would be a warehouse for storing equipment and parking his company vehicles in. He is currently using the existing metal building on the subject property for storing equipment. Mr. Hefley hired a architect and that is when it was discovered that the subject property on the north side has an IL zoning and the other portion has an IM zoning. The front façade of the existing building will be mimicked for the new expansion with overhead doors for trucks. The existing 1921 building will be the future offices of his business. The 1921 building now sits on the property line and to be able to match the line of that building he would like to build the new building on the property line. There is an alley on the east side of the property. The subject property is surrounded by commercial businesses. Mr. Hefley stated that his hardship is that the IL zoning for the last lot while the others are in an IM zoning, but all the lots have just recently been combined through INCOG.

Mr. Van De Wiele asked if the property immediately to the north was a business or residence. Mr. Hefley stated that it is a residence. When he bought the subject property he met the owner of the residence, and he asked the owner to let him know if he were interested in selling he would be interested in purchasing the residence.

Mr. Van De Wiele stated that the request for the variance of 75 feet to 3 feet is the one request that is giving him concerns, because he thinks 3 feet is too close to the property line. Mr. Hefley stated that there is a driveway for the residence between the residence and the property line.

BOA-21466

Mr. Van De Wiele asked Mr. Hefley if he was going to have a space between the two-story building and the proposed warehouse. Mr. Hefley stated there is a proposed breezeway between the existing two-story building and the proposed warehouse. Mr. Van De Wiele asked Mr. Hefley if he could move the proposed warehouse five feet to the south, making less of a breezeway. Mr. Hefley stated that it would be possible but he would like to maintain as much of the breezeway as possible because there are windows on that side of the two-story building.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-1 (Henke, Tidwell, Van De Wiele "aye"; no "nays"; White "abstaining"; Snyder absent) to **APPROVE** the request for a Variance of the north setback from an abutting R District from 75 feet to 8 feet; Variance of the east setback from an abutting R District setback from 75 feet to 65 feet; Variance of the building setback from centerline from 50 feet to 30 feet (Section 903); Special Exception to remove screening requirement from north and east property lines (Section 212.C), subject to conceptual plans on pages 10.11 and 10.12, specifically noting that the proposed one-story warehouse building is to be redesigned and relocated approximately five feet to the south. The Board has found that these lots are of a unique character and that the proposed to match the existing front façade of the existing two-story building would be desirable for this improvement. Finding for the variances 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 variances 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. Finding for the special exception the Board has found that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LTS 27 & 28 BLK 8, LTS 29 & 30 BLK 8, LTS 31 & 32 BLK 8, LTS 33 & 34 BLK 8, ABDO'S ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. White re-entered the meeting at 2:27 P.M.

Case No. 13213

Action Requested:

Variance--Section 930--Bulk and Area Requirements in the Industrial Districts--Use Unit 1226--Request a variance of the 100' setback from the centerline of Utica to 67' to permit construction in an IM district under the provisions of Section 1670, located south of the southeast corner of 5th Street and Utica.

Presentation:

The applicant, William J. Stava, Jr., 3052 East 83rd Street, submitted a map of the area and gave the background of this property (Exhibit "G-1"). When he bought the property, he thought it had a 50' setback. He does not feel that this request is out of character with the existing terrain.

Protestants: None.

Comments and Questions:

Ms. Purser asked the applicant if the proposed building will be used to work on cars. Mr. Stava informed the building will be used as an operations building to run during the day. Half of the 8,000 sq. ft. building will be dedicated to garage space. Most of the vehicles will be parked inside at night. There will be a security fenced yard for additional parking if required.

Mr. Gardner described other relief that the Board has granted in this area. He informed the applicant needs to demonstrate if there are any new buildings that the Board has allowed that would be less than 75' from the centerline.

Ms. Purser asked the applicant why the proposed building has to be of the shown configuration, and Mr. Stava described why they need the building as shown. He informed that the layout is very critical to this operation.

Mr. Victor asked what kind of garage this is, and Mr. Stava informed it is a storage garage for armored cars.

The Board members did not feel that the applicant had shown a hardship. Ms. Purser informed she is in favor of giving some relief. Mr. Victor informed he would see no problem in granting relief to 75 feet. There was discussion about how much relief should be granted.

Mr. Stava told the Board how he could change the location of the building so that he would just need relief to 70 feet.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to approve a Variance (Section 930--Bulk and Area Requirements in the Industrial Districts--under the provisions of Use Unit 1226) of the 100 foot setback from the

7.12.84:417(9)

Case No. 13213 (continued)

centerline of Utica to 70 feet to permit construction in an IM district under the provisions of Section 1670, on the following described property:

Lots 21 through 25, Block 11, ABDO Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13217

Action Requested:

Variance--Section 730--Bulk and Area Requirements in the Commercial Districts--Use Unit 1211--Request a variance of the 100' setback from the centerline of 31st Street to 74' to permit construction of a temporary branch banking facility in a CS district under the provisions of Section 1670, located at the northeast corner of Garnett and 31st Street.

Presentation:

The applicant, Charles Norman, 909 Kennedy Building, requested by letter (Exhibit "H-1") that Case No. 13217 be withdrawn.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to withdraw Case No. 13217.

Case No. 13218

Action Requested:

Special Exception--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1205--Request an exception to permit expansion of an existing building on church property in an RS-2 district under the provisions of Section 1670, located at the southeast corner of 38th Street and Lewis.

Presentation:

The applicant, Charles Norman, 909 Kennedy Building, represented the Southside Christian Church and the Project Get Together. On the campus of the church is located the Lighthouse School for the Visually Impaired. To the rear of the church site is an older building which has been used for community services since before 1975. They would like to expand this older building. He submitted three pictures (Exhibit "1-1") and described them. He also submitted two plot plans (Exhibits "1-2", "1-3"), a plat (Exhibit "1-4"), two floor plans (Exhibit "1-5") and a map (Exhibit "1-6"). They would like to add about 1,600 sq. ft. to the east side of the structure and would like to remodel the remaining part of the facility. Mr. Norman described the setbacks on the property that will be maintained. They have talked to the people in the neighborhood and they have their support of the project. Mr. Norman submitted two elevation plans (Exhibits "1-7", "1-8").



0 200 400
Feet



Subject
Tract

BOA-22606

19-13 06

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

Aerial Photo Date: February 2018



10.9



0 50 100
Feet



Subject
Tract

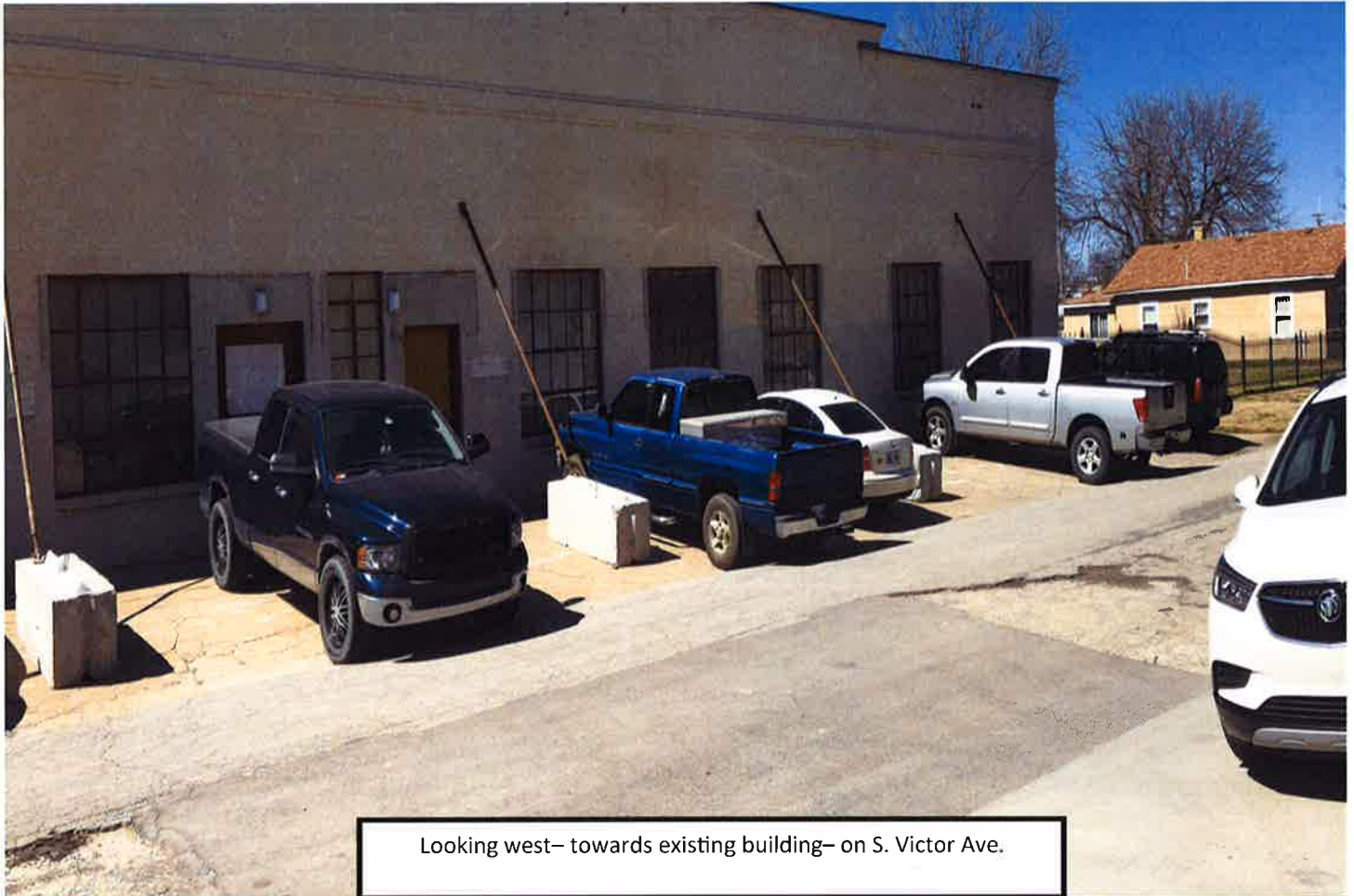
BOA-22606

19-13 06

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

Aerial Photo Date: February 2018



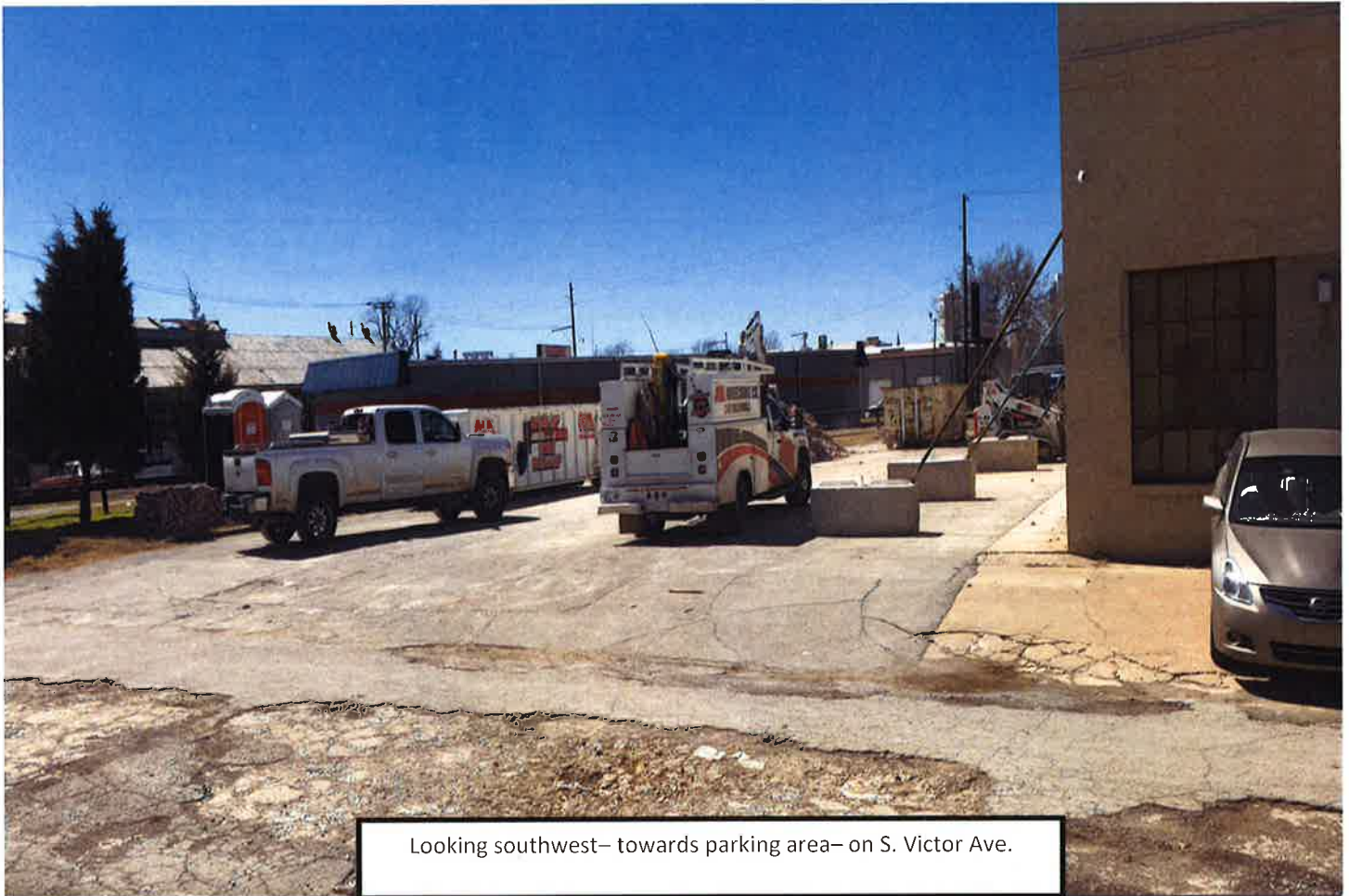


Looking west- towards existing building- on S. Victor Ave.

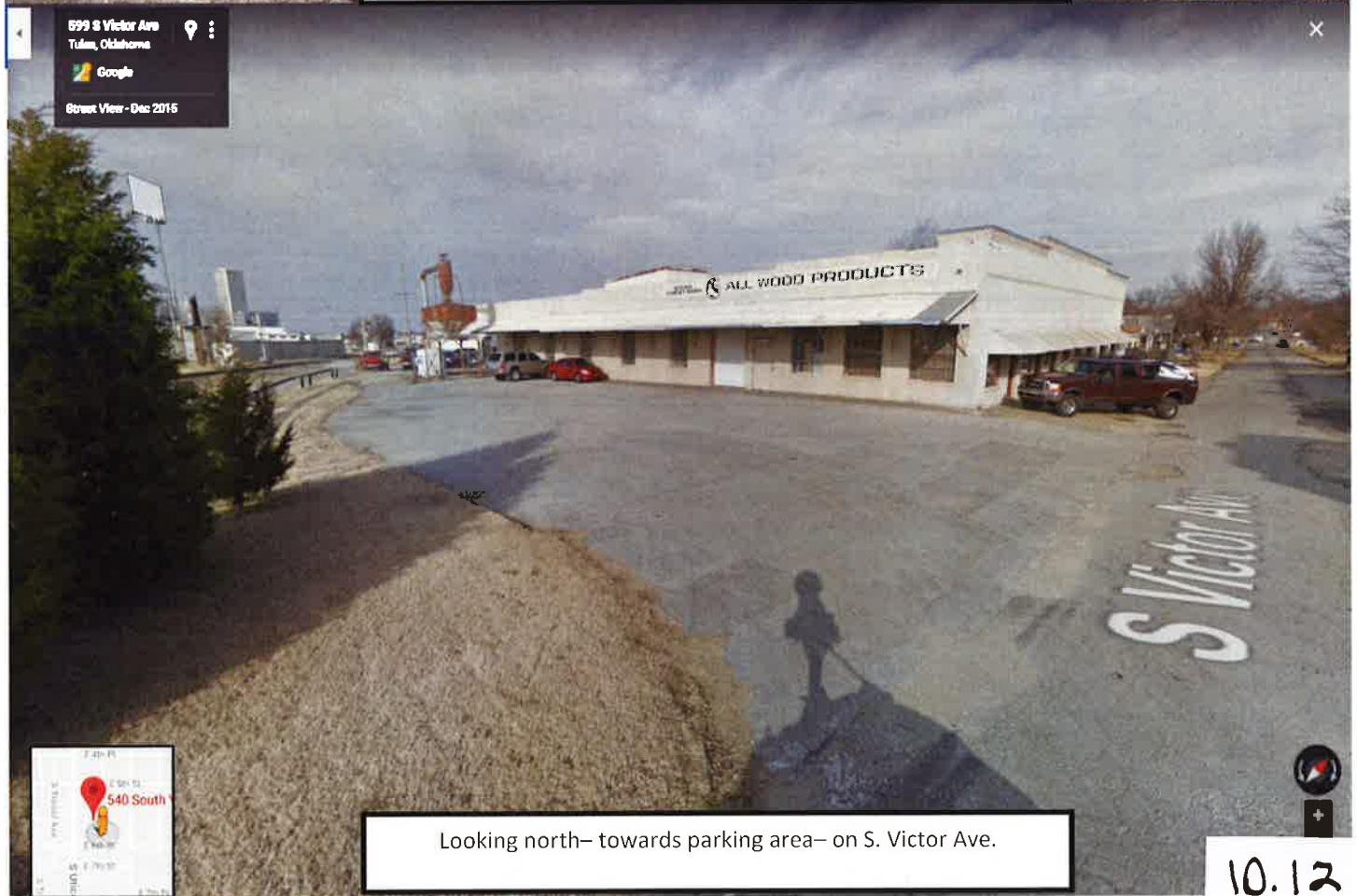


Looking west- towards existing building- on S. Victor Ave.

10.11



Looking southwest— towards parking area— on S. Victor Ave.



Looking north— towards parking area— on S. Victor Ave.

10.12

Ulmer, Amy

From: Mary Huckabee <MHuckabee@cwlaw.com>
Sent: Monday, February 25, 2019 2:00 PM
To: Ulmer, Amy
Subject: Description of Use of Property (BOA 22606)

Amy-

You asked for a description of the use of the existing building at 504 S. Victor Ave. post renovation.

The existing building will be used for a low-volume non-public auto restoration shop. No auto sales will take place on the property, and work on the vehicles will be performed inside the building. The shop will not be open to the public and activities inside the shop will require fewer than five employees.

If there's more information that would be helpful, just let me know.

Mary Huckabee | Attorney at Law

CONNER & WINTERS, LLP

4000 One Williams Center | Tulsa, OK 74172-0148

P 918.586.5715 | F 918.586.8677

MHuckabee@cwlaw.com | [v-card](#) | [bio](#) | [cwlaw.com](#)

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If you have received this message in error, please notify the sender immediately.

BOARD OF
ADJUSTMENT
EXHIBIT
C01

Board of Adjustment Case Number: _____ Date: Tuesday _____, 1:00 p.m.

Tulsa City Council Room, 2nd Level, One Technology Center, 175 East 2nd Street

A person knowledgeable of the application and the property must attend the meeting to represent the application.

Site Plans must be submitted at the time of application. Other drawings, photographs or exhibits may be submitted at the hearing.

VARIANCES:

The applicant must prove a hardship to the Board. The Board of Adjustment is allowed to approve variances only after determining that the following conditions exist. Please be ready to describe how your request satisfies each of these conditions at the hearing:

1. That the physical surroundings, shape, or topographic 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;
2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
3. 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;
4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
5. That the variance to be granted is the minimum variance that will afford relief;
6. 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
7. 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.

In granting a variance, the Board may make appropriate conditions or safeguards and may require a bond or other guarantee necessary to enforce compliance with the conditions.

Please state your hardship:

Setback- The building, which was constructed in 1935, directly abuts the lot line along Victor Avenue. The current as-constructed setback (0 feet) will remain unchanged, but the property owner seeks this variance to address the risk that non-conforming structure status will be lost through the change in use. To comply with the 10-foot setback would require demolition of the 84-year-old building, which is an integral part of the character of the neighborhood.

Parking- This space will not be open to the public and less than five people will come and go on a daily basis. Even the 13 spaces provided are many more than will be used on any given day. This building pre-dates any parking ratio or landscaping requirements of the Zoning Code, so there is little room available on the tract for parking or landscaping. Only the southern-most portion of the property is available for parking, and that area accommodates only the 13 spaces provided for in the site plan for a ratio of 0.94 parking spaces per 1,000 sf. Providing further parking along the Victor Avenue side of the tract would place more of a traffic burden on the neighborhood and is not necessary to accommodate the intended use.

Landscaping- As discussed above, there is only a small area on the southern side of the tract available for parking and landscaping due to the way the existing building is situated on the tract, and there is no setback at all between the building and the lot line for street yard landscaping. The site plan provides the maximum landscaped buffer possible while preserving sufficient space for parking. It will not be possible to provide irrigation to the landscaped area, so even if it were possible to fit a tree on the 9' of landscaped area, it would be possible to properly maintain it.

Applicant Signature: _____

May Huckabee

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

February 6, 2019

Mary Huckabee
4000 One Williams Center
Tulsa, OK 74172

Phone: 918.586.5715.

APPLICATION NO: **ZCO-020690-2018**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **520 S Victor Ave**

Description: **New Building**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

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

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" ☒ **IS** ☐ **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

10.16

REVIEW COMMENTS

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

BLDC-020690-2018

520 S Victor Ave

February 6, 2019

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:** You are proposing a Commercial/Vehicle Sales & Service/Personal Vehicle Repair and Maintenance and Vehicle Body and Paint Finishing use in an RS-4 zoning district.
Review comment: This use is not permitted in this zoning district. You are planning on rezoning to IL which would allow this use to become a use by right. Submit a copy of the documentation of the approved rezoning as a revision to this application.
2. **Sec.70.080-B2:** This is a property owner-initiated rezoning. No building permit or zoning clearance permit may be issued until the subject lot or parcel for which the permit is sought has been determined to follow all applicable design and improvement requirements of the Tulsa Metropolitan Area *Subdivision and Development Regulations*, as evidenced by submittal of a recorded subdivision plat or ALTA/ACSM survey and separately recorded legal instruments.
Review comment: Submit a copy of the recorded subdivision plat or ALTA/ACSM survey and separately recorded legal instruments. You may consider an early release permit for a foundation or earth-change per *Sec.70.080-B2* or an Accelerated Release of a Building permit per *Subdivision and Development Regulations Sec.10-110*. Contact Nathan Foster (INCOG) for more information procedures for application and approval process.
3. **Sec.70.080-A:** You are proposing to build across lots 12, 13, 14, 15, 16, 17, 18, 19, & 20 on block 11 of the Abdo's Addition. This will require a lot combination reviewed and approved by the TMAPC and recorded at the county courthouse.
Review comment: Submit a copy of the lot combination as a revision to this application.
4. **Sec.15.030-A Table 15-3:** The following setbacks are based on this site being rezoned to IL:

 - S Victor = 10': *This will require a Variance from 10' to 0'.*
 - From the RS-4 zoning district to the north = 75': *This require a Variance from 75' to 5'.*
 - IL zoning district to the west and south = 0'.
5. **Sec.55.020 Table 55-1:** The parking ratio for a Commercial/Vehicle Sales & Service/Personal Vehicle Repair and Maintenance and Vehicle Body and Paint Finishing use is 1.8 spaces per 1000 sqft of floor

area. The proposed floor area is 13,300 sqft. This will require 24 spaces. If the warehouse is to be converted to this use an additional 26 spaces will be required. This brings the total parking requirement to 40 spaces. Your site plan provides 22 parking spaces; 15 off-street parking spaces and 7 on-street parking spaces.

Review comment: Revise your site plan providing 40 parking spaces. You may consider an Alternative Compliance Parking ratio per Sec.55.050-K (code reference provided below).

- **Sec.55.050-K Alternative Compliance**

The motor vehicle parking ratios of this chapter are not intended to prevent development and redevelopment or to make development and redevelopment economically impractical. To allow for flexibility in addressing the actual expected parking demand of specific uses, alternative compliance parking ratios may be approved through the special exception procedures of Section 70.120 only if:

- 1. The applicant submits a parking study demonstrating that the motor vehicle parking ratios of Section 55.020 do not accurately reflect the actual day-to-day parking demand that can reasonably be anticipated for the proposed use based on field surveys of observed parking demand for similar use within the city or on external data from credible research organizations, such as the Urban Land Institute (ULI) or the Institute of Transportation Engineers (ITE);*
- 2. The board of adjustment determines that the other allowed parking reduction alternatives of Section 55.050 are infeasible or do not apply; and*
- 3. The board of adjustment determines that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.*

6. Sec.65.040-B: The following parking lot landscaping requirements apply in surface off-street parking lots.

- Off-street parking areas located within 25 feet of a street right-of-way, residential zoning district or residential development area must be separated from the abutting rights-of-way, residential districts and abutting residential development areas by a landscaped area that is at least 10 feet in width and that contains an S1 screen containing at least 3, 5-gallon shrubs per 10 linear feet. This area may be counted towards satisfying the minimum street landscaping requirements of Sec.65.030-B1 if it is located within the street yard.
- All parking spaces must be located within 50 feet of a tree. Required parking lot trees must be in a landscaped area that is at least 64 square feet in area and that has a minimum width or diameter of 8 feet.

Review comment: Your off-street parking area is located within 25 feet of the S Victor Ave right-of-way. Submit a Landscape plan in compliance with this section. (See Landscape plan requirements below)

- **Sec.65.070-A:** An underground irrigation system must be provided for all required landscape area.
- **Sec.65.070-C:** Required landscaping must be installed in accordance with an approved landscape plan that includes at least the following information:
 - The date, scale, north arrow, and name of the owner;
 - The location of property lines and dimensions of the site;
 - The approximate center line of existing water courses, the approximate location of significant drainage features, the location and size of existing and proposed 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;
 - 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 proposed irrigation plan for each required landscape area;
 8. The schedule of installation of required trees, landscaping and appurtenances;
 9. The location of all proposed drives, alleys, parking and other site improvements;
 10. The location of all existing and proposed structures on the site;
 11. The existing topography and proposed grading;
 12. The area in which grading, and vegetation removal will occur; and
 13. 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.
 - **Sec.65.070-D:** Timing of Installation
 1. All required landscaping and appurtenances, except trees, must be installed prior to the issuance of a certificate of occupancy.
 2. All required trees must be installed within 120 days after issuance of a certificate of occupancy or temporary certificate of occupancy.
 3. 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.
6. **Sec.65.090-C Lighting Plans:** Outdoor lighting plans demonstrating compliance with the standards of this section are required with the submittal of a site plan. Applicants have 2 options for the format of the required lighting plan; (1) Fixture Height Standard Lighting Plan; or (2) Photometric Study Lighting Plan. If no outdoor lighting is proposed, a note must be placed on the face of the site plan indicating that no outdoor lighting will be provided.
- Review comment:** Provide outdoor lighting compliant with Sec.65.090-C or a note on the face of the site plan indicating no outdoor lighting will be provided. Applicants have 2 options for the format of the required lighting plan:
- Option 1:** Fixture Height Standard Lighting Plans establishes maximum light fixture heights but does not require submittal of a detailed photometric plan.
- a. Information Required:
 - 1) Fixture height standard lighting plans must include at least the following:
 - 2) A scale drawing of the site with all outdoor lighting locations shown;

- 3) Fixture specifications, including catalog cut-sheets or generic standards;
 - 4) Pole type and height of fixture;
 - 5) Lamp type and size; and
 - 6) Fixture mounting and orientation.
- b. Allowable heights of light fixtures must be measured from the light-emitting surface to finished grade at the base of the pole. Maximum allowed light fixture heights are based on the (ground-level) horizontal distance between the light fixture and any agricultural or residential zoning district or public right-of-way, as established in *Table 65-1*:

Table 65-1: Maximum Light Fixture Heights

| Distance from AG District, R District or Public Right-of-Way | Maximum Fixture Height (feet) |
|--------------------------------------------------------------|-------------------------------|
| 0 – 50 | 16 |
| 50.01 – 250 | 20 |
| More than 250 | 35 |

Option 2: Under option 2 (Photometric Study Lighting Plan) no maximum fixture heights are established, but applicants are required to submit a photometric study in enough detail to demonstrate that all applicable outdoor light standards will be met. The photometric study must include at least the following:

- a. A scale drawing of the site with all outdoor lighting locations shown;
- b. Fixture specifications, including catalog cut-sheets or generic standards;
- c. Lamp type and size;
- d. Fixture mounting heights, mounting orientation, and tilt angles if applicable; and
- e. A representative point-by-point illumination array for the site showing property lines and all off-site lighting impacts.

Sec.65.090-C Lighting Plans: Outdoor lighting plans demonstrating compliance with the standards of this section are required with the submittal of a site plan. Applicants have 2 options for the format of the required lighting plan; (1) Fixture Height Standard Lighting Plan; or (2) Photometric Study Lighting Plan. If no outdoor lighting is proposed, a note must be placed on the face of the site plan indicating that no outdoor lighting will be provided.

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- c. Lamp type and size;
- d. Fixture mounting heights, mounting orientation, and tilt angles if applicable; and
- e. A representative point-by-point illumination array for the site showing property lines and all off-site lighting impacts.

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

Please notify the reviewer via email when your revisions have been submitted

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

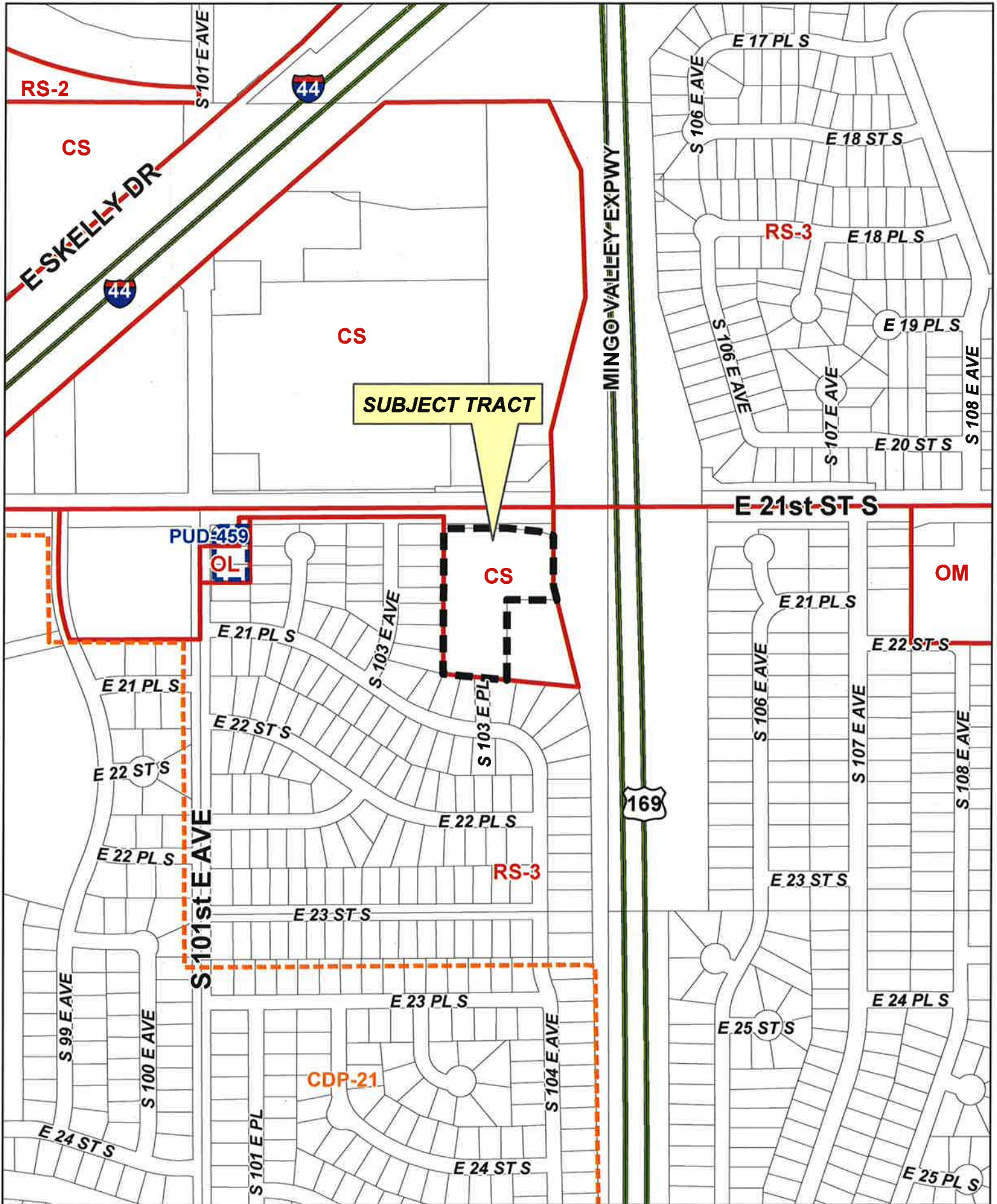
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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

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

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BOA-22608

19-14 18

BOARD OF ADJUSTMENT CASE REPORT

STR: 9418

Case Number: BOA-22608

CZM: 39

CD: 5

A-P#:

HEARING DATE: 03/26/2019 1:00 PM

APPLICANT: Johnny Herrington

ACTION REQUESTED: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 10330 E. 21st St. S. (tenant space);
10388 E. 21st St. S. (overall parcel)

ZONED: CS

PRESENT USE: commercial center

TRACT SIZE: \pm 3.08 acres

LEGAL DESCRIPTION: LT 1 LESS BEG NEC S40 NWLY40.73 W118.11 TO WL N15 TO NL E150 POB & LT 2 LESS BEG SECR LT 2 TH NWLY296.46 W161.80 S264.03 SELY240.30 POB & LESS N15 LT 2 BLK 1, CIRCLE PLAZA CENTER RESUB RES CHARYL LYNN ACRES

RELEVANT PREVIOUS ACTIONS:

None Relevant.

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

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts RS-3 zoned parcels to the west and south; E 21st St. S. is to the north of the property; and HWY 169 abuts the lot to the east.

STAFF COMMENTS:

The applicant is proposing to convert an existing storefront within a larger commercial center into a medical marijuana dispensary. To permit the dispensary the applicant is before the Board requesting a Spacing Verification for medical marijuana dispensary in a CS district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the CH district as long as it meets the spacing requirement of 1,000 ft. from from other medical marijuana dispensaries (Section 40.225-D). 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.

In Section 40.225-I, the separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

The applicant submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of property within the subject building and that radius in support of the verification.

Sample Motion:

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.



**Subject
Tract**

BOA-22608

19-14 18

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

Aerial Photo Date: February 2018



11.4



E 21st ST S

MINGO VALLEY EXPWY

169

S 103 E AVE

E 21 PL S

S 103 E PL



Subject
Tract

BOA-22608

19-14 18

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

Aerial Photo Date: February 2018

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street, Tulsa, OK, USA

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10330 E 21st St



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- ▼ Temporary Places
 - ▼ 10330 E 21st St., T...



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 - ▼ Roads
 - ▼ 3D Buildings
 - ▼ Ocean
 - ▼ Weather



Map Options ▼

Resolution: Current (753x587) ▼

Save Image... X

Sign In

10330 E 21st Street 1000 ft radius

Legend

- 10330 E 21st St
- 10330 E 21st St., Tulsa, OK 1000 ft
- Comfort Suites Airport
- E 21ST St S&S
- El Chico Cafe
- Express Rentz
- Feature 1
- Kmart
- Latinos Auto Sales
- Marina Animal Clinic Inc



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330 E 21st St



Places

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buildings

Temporary Places

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Primary Database

Boundaries and Lab...

Places

Photos

Roads

3D Buildings

Ocean

Weather

11.7



BOB KOLIBAS
ZONING PLANS REVIEWER
TEL (918)596-9664



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

ZONING REVIEW

February 15, 2019

LOD Number: 1

Lincoln Brown
409 S. Oakdale Drive
Stillwater OK 74074

Phone: 918-698-7654

APPLICATION NO: 21795-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 10388 E. 21st Street

Description: Medical Marijuana Dispensary

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.

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3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)

REVIEW COMMENTS

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

Application No. 21795-2019

10388 E. 21st Street

February 15, 2019

This letter of deficiencies covers zoning Review items only.

You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

1. Section 40.225 Medical Marijuana Uses: The supplemental uses of this section apply to medical marijuana sales.

40.225-D A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.

40.225-1 The separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

Review Comment: Provide a spacing verification from the City of Tulsa BOA for the proposed medical marijuana dispensary.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application to our office, so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

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