AGENDA<br>CITY OF TULSA BOARD OF ADJUSTMENT<br>Regularly Scheduled Meeting<br>Tulsa City Council Chambers<br>175 East $2^{\text {nd }}$ Street, $2^{\text {nd }}$ Level, One Technology Center<br>Tuesday, July 9, 2019, 1:00 P.M.<br>Meeting No. 1232<br>CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of June 11, 2019 (Meeting No. 1230).
2. Approval of Minutes of June 25, 2019 (Meeting No. 1231).

## UNFINISHED BUSINESS

3. 22626-Barbara Carson

Variance to reduce the required street setback in an RS-3 District (Table 5-3). LOCATION: 252 South Quebec Avenue East (CD 4)
4. 22661—City of Tulsa - Jackie Bubenik

Special Exception to permit a parks and recreation use in an AG District (Table 25-1). LOCATION: 7301 South Riverside Drive East (CD 2)
5. 22667-Debbie Leonard

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). LOCATION; 6914 East Admiral Place (CD 3)
6. 22668-1 Architecture, LLC - Nick Denison

Special Exception to allow a High-Impact Medical Marijuana Processing Facility in an IM (Industrial-Moderate) District (Section 15.020). LOCATION: 1316 South Sheridan Road East (CD 5)

The applicant requests a continuance to July 23, 2019.

## NEW APPLICATIONS

7. 22672—Mohammed Ibbini

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). LOCATION: 3747 South Harvard Avenue East, Suite D (CD 9)
8. 22674-Allie Ogden

Special Exception to permit a single household detached house in the CBD District (Section 15.020, Table 15-2). LOCATION: 306 South Kenosha Avenue East (CD 4)
9. 22675-A-Max Sign Company

Special Exception to allow a free-standing sign with dynamic display in RS-3 District (Section 60.050); Variance to permit a dynamic display sign to be located closer than 20 feet to the edge of the curb/roadway (Section 60.100-e). LOCATION: 6727 South Sheridan Road East (CD 7)
10. 22676-A-Max Sign Company

Special Exception to allow a free-standing sign with dynamic display in RS-1 District (Section 60.050); Special Exception to permit a digital dynamic display sign to be located within 200 feet of RS-1 District (Section 60.100). LOCATION: 2906 East $41^{\text {st }}$ Street South (CD 9)
11. 22677-Saul Resendiz

Modification of a previously approved site plan to allow the expansion of the Indoor Assembly and Entertainment Use approved in BOA-22280 (Section 15.020, Table 15-2). LOCATION: 4955 South Memorial Drive East (CD 7)

## OTHER BUSINESS

NEW BUSINESS

## BOARD MEMBER COMMENTS

## ADJOURNMENT

Website: www.cityoftulsa-boa.org
E-mail: esubmit@incog.org

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C D=\text { Council District }
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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 <br> CASE REPORT 

STR: 9304
Case Number: BOA-22626
CZM: 37
CD: 4
A-P\#:

HEARING DATE: 07/09/2019 1:00 PM (continued from 05/14/2019, 06/11/2019 and 6/25/2019)
APPLICANT: Barbara Carson
ACTION REQUESTED: Variance to reduce the required street setback in an RS-3 District (Table 53)

LOCATION: 252 S QUEBEC AV E
ZONED: RS-3
PRESENT USE: residential
TRACT SIZE: 7501.06 SQ FT
LEGAL DESCRIPTION: LT 281 BK 1, RODGERS HGTS SUB

## RELEVANT PREVIOUS ACTIONS:

None relevant.
RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an 'Existing Neighborhood' and an 'Area of Stability'.

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

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

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

## CURRENT STAFF COMMENTS:

The Board continued \#BOA-22626 to the 6/11/19 meeting to allow time for the applicant to present a structural engineer's report regarding the front addition of the existing house.

## PREVIOUS STAFF COMMENTS:

As shown on the attached exhibits, the existing building encroaches into the required 25 ft . building setback in an RS-3 district. Please see the attached statement provided by the applicant detailing the history of the request.

The applicant is requesting a Variance to reduce the front street setback from 25 ft . to approximately 9 ft . along S. Quebec Ave. Based on the submitted exhibits, S. Quebec Ave. is indicated as the front setback. The Major Street and Highway Plan considers this a non-arterial street and would therefore be required by code to maintain a building setback of 25 feet in an RS-3 zoned district (Table 5-3).

## Sample Motion

Move to $\qquad$ (approve/deny) a Variance to reduce the required street setback (Table 5-3).

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

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 selfimposed 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."






# CARSON LAW FIRM, PLLC 

624 S. Denver, Suite 202
Tulsa, OK 74119
Office: (918) 605-8862/Fax: (918) 582-5022
barbaracarsonlaw@gmail.com
April 9, 2019
City of Tulsa Board of Adjustment INCOG

ATTN: Amy Ulmer
Re: Case No. BOA-22626
Variance

## To Whom It May Concern:

My clients, Dave Thompson and Stephanie Thompson, purchased the real property located at 252 S. Quebec Ave., Tulsa, Oklahoma on February 22, 2019. The property was vacant at the time, and after purchase my clients found a Zoning Notice of Violation posted on the property dated February 18, 2019. We were finally able to contact the Neighborhood Inspectors, who met with agents of my clients at the property to determine exactly what was needed to bring everything into compliance. It was then determined that the client would be able to satisfy the requirement of the structure in the 5 -foot building set back line from the side by tearing down the structure. The issue remained with the addition built on the primary structure in the 25 -foot building set back in the front of the house. There is no feasible way to tear down this addition without damaging the integrity of the house itself.

This home was built in 1928 according the records of the Tulsa Assessor. The home has had an addition built although we cannot determine exactly when. I have been informed from Shannon Perry at the Permits Library that the addition would have happened too long ago for the library to retain a copy of any permits potentially pulled.

My clients have spoken with some neighbors in the area and we can verify through one neighbor who moved into his residence in 1993 that the addition existed at that time. Therefore, because of the length of time the addition has been on this property and the hardship it would cause to tear it down, we are asking for a variance of the required 25 foot street setback in an RS-3 District.



From:
Sent:
To:
Subject:
Attachments:

Barbara Carson [barbaracarsonlaw@gmail.com](mailto:barbaracarsonlaw@gmail.com)
Wednesday, May 1, 2019 2:01 PM
Ulmer, Amy
Re: BOA-22626 Site Plan Inquiry
252 S Quebec Sketch 2019-05-01.pdf

Amy:
Attached is the information from the surveyor.
Let me know if you have any other questions.
Thank you.

Barbara,
Here is a pdf showing the distance from the front of the building to the front property line.
Thanks, John

Barbara L. Carson, Esq.<br>Carson Law Firm, PLLC<br>624 S. Denver, Suite 202<br>Tulsa, OK 74119<br>(918) 605-8862

On May 1, 2019, at 1:01 PM, Ulmer, Amy [aulmer@incog.org](mailto:aulmer@incog.org) wrote:
Hello,
Could you indicate on the attached site plan the distance from the front of the build to the front property line? I believe this information would make this more clear to the Board. Let me know if you have any questions.

Neighborhood Investigations
WORKING IN NEIGHBORHOODS

## ZONING NOTICE OF VIOLATION

The City of Tulsa To:
FNMA
PO BOX 650043
DALLAS TX 752650043
You are hereby notified that the violations) maintained, operated or permitted to exist by you at: LT 281 BK 1,RODGERS HGTS SUB City of Tulsa, Tulsa County, State of Oklahoma;

And located at the address of: 252 S QUEBEC AVE E
Consisting of: (Official Ordinance Cited Information is included.)

## Title 42, Chap. 5, Sect. 30

This Violation requires:
There is a 25 - foot building set back starting at the end of the right of way. The addition built on to the primary structure in the front will have to be removed.

There is a 5 -foot building set back from the side of the property line. The structure built to the fence line will have to be removed or cut back from the property line.

You may also seek a variance with the Board of Adjustment.
A final inspection is set for 04/12/2019.
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-010421-2019

## Gale Perm

- Caleb Perkins

Neighborhood Inspector
918-596-2518
Meetings with inspectors require a scheduled appointment.
A copy of this notice has also been sent to (if applicable):
OCCUPANT
252 S QUEBEC AVE E
Tulsa OK 74112
BARBARA CARSON
624 S DENVER AVE W SUITE 202
TULSA OK 74119

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THOMPSON, DAVID AND STEPHANIE
2802 E LOS ALAMOS CT
GILBERT AR }8529
```

Section 5.030 Lot and Building Regulations
5.030-A Table of Regulations

The lot and buildng regulations of Table 5 -3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptlons to these regulations and rules for measuring compllance can be found in Chapter. 90 . Regulations governing accessory uses and structures can be found in Chapter. 45.

| Table 5-3: R District Lot and Bullding Reguiations |  |  |  |  |  |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Regulatians | RE | RS-1 | R5-2 | RS-3 | R5-4 | RS-5 | RD | RT | [RM-D | RM-1 | RM-2 | RM-3] | RMH |
| Minimum Lot Area (sq. ft.) |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Detached house | 22,500 | 13,500 | 9,000 | 6,900 | 5,500 | 3,300 | 5,500 | 5,500 | 5,500 | 5,500 | 5,500 | 5,500 | 5,500 |
| Patio house | - | - | - | 6,900 | 5,500 | 3,300 | 5,500 | 5,500 | 5,500 | 5,500 | 5,500 | 5,500 | - |
| Townhouse | - | - | - | 4,500 | 4,500 | 2,200 | 2,750 | 1,600 | 1,600 | 1,600 | 1,600 | 1,600 | - |
| Cottage house deve | - | - | - | - | - | 15,000 | 15,000 | 15,000 | 15,000 | 15,000 | 15,000 | 15,000 | - |
| Duplex | $\cdots$ | - | - | 9,000 | 9,000 | 3,300 | 6,900 | 6,900 | 6,900 | 6,900 | 6,900 | 6,900 | - |
| Multi-unit house | - | $\cdots$ | - | - | - | 3,300 | 6,900 | 5,500 | 5,500 | 5,500 | 5,500 | 5,500 | - |
| Apartment/condo | - | - | - | - | - | - | - | - | 10,000 | 10,000 | 6,000 | 24,000 | - |
| Mobile home park | - | - | - | - | - | - | - | - | - | - | - | - | [1] |
| Other allowed buildings/uses |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Permitted by right | 22,500 | 13,500 | 9,000 | 6,900 | 5,500 | 5,500 | 5,500 | 5,500 | 5,500 | 5,500 | 5,500 | 5,500 | 5,500 |
| Special exceptions | 22,500 | 13,500 | 12,000 | 12,000 | 12,000 | 12,000 | 12,000 | 12,000 | 12,000 | 12,000 | 12,000 | 12,000 | 12,000 |
| Min. Lot Area per Unit (sq.ft) |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Detached house | 22,500 | 13,500 | 9,000 | 6,900 | 5,500 | 3,300 | 5,500 | 5,500 | 5,500 | 5,500 | 5,500 | 5,500 | - |
| Patio house | - | - | - | 6,900 | 5,500 | 3,300 | 5,500 | 5,500 | 5,500 | 5,500 | 5,500 | 5,500 | - |
| Townhouse | - | - | - | 4,500 | 4,500 | 2,200 | 2,750 | 1.600 | 1,600 | 1,600 | 1,600 | 1,600 | - |
| Cottage house devt | - | - | - | - | - | 2,750 | 2,750 | 2,750 | 2,750 | 2,750 | 2,750 | 2,750 | - |
| Duplex | - | - | - | 4,500 | 4,500 | 1,650 | 3,450 | 3,450 | 3,450 | 3,450 | 3,450 | 3,450 | - |


| Regulations | RE | RS. 1 | RS-2 | RS-3 | RS. 4 | RS. 5 | RO | RT | RM.0 | RM-1 | RM-2 | RM-3 | RMH |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Multi-unit house | - | - | - | - | - | 1,100 | 1,800 | 1,800 | 1,800 | 1,375 | 1,100 | 900 | - |
| Apartmenticondo | - | - | - | - | - | - | - | - | 2,900 | 1,750 | 1,100 | 400 | - |
| Other allowed buildings/uses |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Permilted by right | - | - | - | - | - | - | - | - | 5,500 | 5,500 | 5,500 | 5,500 | 5,500 |
| Speciat exceptions | 22,500 | 13,500 | 12,000 | 12,000 | 12,000 | 12,000 | 12,000 | 12,000 | 12,000 | 12,000 | 12,000 | 12,000 | 12,000 |
| Minimum Lot Width (f.) |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Detached house | 150 | 100 | 75 | 60 | 50 | 30 | 50 | 50 | 50 | 50 | 50 | 50 | - |
| Patio house | - | - | - | 60 | 50 | 30 | 50 | 50 | 50 | 50 | 50 | 50 | - |
| Townhouse | - | - | - | 30 | 30 | 20 | 25 | 20 | 20 | 20 | 20 | 20 | - |
| Cottage house devt | - | - | - | - | - | 75 | 75 | 75 | 75 | 75 | 75 | 75 | - |
| Duplex | - | - | - | 75 | 75 | 30 | 60 | 60 | 60 | 60 | 60 | 60 | - |
| Mult-unit house | - | - | - | - | - | 30 | 50 | 50 | 50 | 50 | 50 | 50 | - |
| Apartmenticondo | - | - | - | - | - | - | - | - | 100 | 100 | 50 | 100 | - |
| Other allowed bulldings/uses |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Permitted by right | 150 | 100 | 75 | 60 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Special exceptions | 150 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| Minimum Street Frontage |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Residential bdgs/uses [2] | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| Min. Building Setbacks (it.) |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Street (3) |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Arterial or fwy servicerd. | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 |
| Other streets | 35 | 35 | 30 | 25 | 20 | 20 | 25 | 10 | 25 | 25 | 10 | 25 | 25 |
| Side (interior) [4] | 15 | 5 | 5 | 5 | 5 | 5 | 5 | 5[5] | 5(6) | 5[6] | 5[6] | $5[7]$ | 10 |
| Rear (4) | 25 | 25 | 25 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 10 | 20 | 15 |
| Min. Open Sp./Unit (sq. ft.) | 12,000 | 7.000 | 5,000 | 4,000 0 | 2,500 | 600 | 2,000 | 1,200 | 1,200 | 600 | 200 | - | 2,500 |
| Max. Bullding Helght (feet) | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 35 | - | 35 |

$5.030-8$ Table Notes
The following notes refer to the bracketed numbers (e.g.," [1]") in Taple.5-3:
[1] See Sestipn. 40.240 for detailed regulations governing mobile home parks.
[2] Minlmum street frontage requirements apply to townhouse developments, not to Individual townhouse units. Cottage house developments require minimum street frontage of 75 feet. Minimum street frontage requirements do not apply to nonresidential uses.
[3] For detached houses and duplexes on corner lots, the minimum slde street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5-3 applies along the other street.

## REQUEST FOR WAIVER OF LETTER OF DEFICIENCY REQUIREMENT

If the Board staff waives the requirement that an LOD accompany an application to the Board, the Applicant is responsible for requesting all necessary relief and for citing the sections of the Zoning Code pertinent to the relief sought. (The waiver of the requirement that an LOD accompany an application to the Board shall not be considered a waiver of the necessity to apply for a building permit or a zoning clearance permit, as may be required by the particular proposed use or construction.) In the event that the applicant does not request all necessary relief, additional BOA action may be required resulting in significant delays during the building permit process.

I hereby certify that I have read and understand the above requirements and that I request that the LOD requirement be waived for the subject property in case number: BOA- 22626


## Approved by:

From:

## Sent:

To:
Subject:

Miller, Susan
Thursday, May 9, 2019 3:49 PM
Ulmer, Amy; Sparger, Janet
FW: BOA 22626

## Susan Miller, AICP

Director
Tulsa Planning Office
2 W. 2nd St., 8th Floor I Tulsa, OK 74103
918.579.9470
smiller@incog.org

From: Diane Denham [ddenham67@gmail.com](mailto:ddenham67@gmail.com)
Sent: Wednesday, May 8, 2019 1:50 PM
To: Miller, Susan [SMiller@incog.org](mailto:SMiller@incog.org)
Subject: BOA 22626

I am writing about the board of adjustments decision on the property at 252 South Quebec in Tulsa, Ok. I live caddy corner to this property, and have for 40 years. The man who owned it until recently having lost in a reverse mortgage, built all the extensions without permits. The north side of the driveway and carport are on the neighbor's property. I can't say when they were built, as they went up little by little over time. My partner and I are registered voters, and want the request to leave it as is denied! It slowly grew to be a monstrosity, and is an eyesore in the neighborhood. Sincerely, Diane Denham and Michelle Richison 257 S Quebec. If you need photos before the Tuesday meeting, I would be happy to provide them. Thank you!

Sent from Mail for Windows 10



Mr. Metzler requested a continuance.

## Board Action:

On MOTION of BACK, the Board voted 3-0-0 (Back, Radney, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond, Ross absent) to CONTINUE the request for a Variance to allow a detached accessory structure to exceed 500 square feet or $40 \%$ of the of the floor area of the principal structure (Section 45.030-A); Variance to permit an accessory building to exceed $30 \%$ coverage of the floor area in the rear setback (Section 90.090-C-2); Variance to allow an accessory structure to exceed 10 feet in height to the top of the top plate (Section 90.090.C-2); Special Exception to exceed the allowable driveway width within the right-of-way (Section 55.090-F.3) to the June 11, 2019 Board of Adjustment meeting; for the following property:

## LOT-14-BLK-10, PAMELA ACRES, City of Tulsa, Tulsa County, State of Oklahoma

## *.*.*.*.*...........

## NEW APPLICATIONS

## 22626-Barbara Carson

## FILE COPY

## Action Requested: <br> Variance to reduce the required street setback in an RS-3 District (Table 5-3). LOCATION: 252 South Quebec Avenue East. (CD 4)

## Presentation:

Barbara Carson, 624 South Denver, Tulsa, OK; stated her client purchased the subject house in February, and it was vacated at the time of purchase. After closing her client found the posted zoning notice violation, and it was posted prior to the closing but her client was not aware of it. Her client lives in California and want to move here because they have family here. There are two zoning violations in the original violation; one is the carport and she is not here for that, and the second violation is regarding the building setbacks in the front. The house is over those building setbacks.

Mr. Van De Wiele asked Ms. Carson if that was the brown wood structure on the front of the house. Ms. Carson answered affirmatively. Mr. Van De Wiele asked Ms. Carson how much the structure was over the setbacks. Ms. Carson stated that she thinks it is 20.7 feet.

Ms. Carson stated that what her client has found out by talking to a neighbor that has lived in the neighborhood since 1993, that structure was already existing at that time. Ms. Carson stated she has not been able to find any permits for the structure so she cannot be precise. What she is asking for is a Variance on that structure because if the structure has to be removed it will affect the structural integrity of the main house.

Mr. Van De Wiele asked Ms. Carson where the front door of the house is located. Ms. Carson stated that it is the right side. Mr. Van De Wiele asked Ms. Carson if the carport is to be removed. Ms. Carson answered affirmatively. Mr. Van De Wiele asked Ms. Carson if the carport can be removed without any structural issues but removing the front addition will cause the house to fall. Ms. Carson answered affirmatively.

Mr. Van De Wiele asked Ms. Carson to state her hardship. Ms. Carson stated the hardship is that the structure has been in existence for so long, at least 20 years.

Ms. Radney asked Ms. Carson if she has a structural engineer's report. Ms. Carson stated that she does not. Ms. Radney asked Ms. Carson who inspected the property and advised her that the front section is actually an integral part of the structured house. Ms. Carson stated that no contractor has gone to the house, but her client has renovated other houses but there has been no structural engineer. Ms. Radney asked Ms. Carson if the house had been purchased with cash or was it financed? Ms. Carson stated that she does not know.

Mr. Van De Wiele stated that he finds it hard to believe that this box (addition) could not be pulled off the house with very little issue. He guesses that it is a square footage issue for Ms. Carson's client.

## Interested Parties:

There were no interested parties present.

## Comments and Questions:

Ms. Radney stated that in the absence of having an engineer's report she does not think the Board has enough information to be able to make a judgment about removing the structure is going to do damage to the property. A licensed engineer would be able to tell Ms. Carson and the Board that, and also be able to show the Board what might have to be done to remediate any damage that was done to the structure.

Ms. Back stated the Board is to stay with the Code and what is the hardship to reduce the setback, and the hardship is that the removal would cause structural damage. There is no evidence to that, and she thinks it would cause a financial hardship.

Mr. Van De Wiele stated that there is a balance in some of what the Board does between the pure aesthetics of it and the hardship get blended together. Part of what is working in the applicant's disfavor is that somebody put a brown box on the front of the Craftsman style house, and it is not a good looking addition. If somebody had bumped the front of this property out by a few feet and it had a pitched roof with white clap board and pretty front porch the odds would be much better for the applicant. That is some of what works in the applicant's favor or disfavor in these types of settings.

Ms. Radney stated she would be more inclined to be more supportive if the applicant would present something that would allow the Board to understand that the addition is actually structurally sound.

Ms. Back stated that if the client were to modify the structure to make it enhance the house and was a part of the house instead of the brown box, she would be more inclined to support this request.

## Board Action:

On MOTION of BACK, the Board voted 3-0-0 (Back, Radney, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond, Ross absent) to CONTINUE the request for a Variance to reduce the required street setback in an RS-3 District (Table 5-3) to the June 11, 2019 Board of Adjustment meeting; for the following property:

LT 281 BK 1, RODGERS HGTS SUB, City of Tulsa, Tulsa County, State of Oklahoma

## 22627-Amanda Prickett

## Action Requested:

Verification of the 1,000 -foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). LOCATION: 3735 South Harvard Avenue East, Unit A (CD 9)

## Presentation:

Amanda Prickets, 3735 South Harvard Avenue, Suite A, Tulsa, OK; no formal presentation was made at this time.

Travis Horton, 2021 South Lewis Avenue, Suite 520, Tulsa, OK; no formal presentation was made at this time.

Mr. Van De Wiele stated the Board has the spacing exhibit on page 5.6. What has thrown this into a different situation is the existence of another licensed dispensary, but the dispensary does not have a Certification of Occupancy or it has not had its spacing verified from another dispensary in the same strip center. Mr. Van De Wiele asked the applicant to shed some light on the situation and from what is understood about the timeline of the competing dispensary.

Travis Horton came forward and stated that neither entity is grandfathered in, they are both after the December date, so a Variance is required. Both obtained a license in February of this year. Ms. Prickett's Certificate of Occupancy was obtained in March.

Mr. Van De Wiele asked if this was the same landlord for both dispensaries. Ms. Prickett answered no. Mr. Van De Wiele asked if the dispensaries were in the same center. Ms. Prickett stated the very large part of the shopping center is detached from


BOA-22661

# BOARD OF ADJUSTMENT <br> CASE REPORT 

STR: 8307
Case Number: BOA-22661
CZM: 52, 51
CD: 2

HEARING DATE: 07/09/2019 1:00 PM (Continued from 6/25/2019)
APPLICANT: Jackie Bubenik
ACTION REQUESTED: Special Exception to permit a parks and recreation use in an AG District ( Table 25-1)

LOCATION: 7500 S RIVERSIDE DR E; 7301 S RIVERSIDE DR ZONED: AG (RD-1/RDO-2)
PRESENT USE: Park
TRACT SIZE: 2615170.16 SQ FT

## LEGAL DESCRIPTION:

A PART OF SECTION SEVEN (7), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN AND A PART OF SECTION TWELVE (12), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12;THENCE NORTH $89^{\circ} 58^{\prime} 40^{\prime \prime}$ WEST ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 63.51 FEET TO A POINT;
THENCE SOUTH $0^{\circ} 01^{\prime} 20^{\prime \prime}$ WEST PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 75.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF THE RIVERSIDE PARKWAY, SAID POINT BEING THE POINT OF BEGINNING.
THENCE SOUTH $9^{\circ} 27^{\prime} 33^{\prime \prime}$ EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 914.16 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF $29^{\circ} 20^{\prime} 00^{\prime \prime}$, A RADIUS OF 1,348.24 FEET, FOR AN ARC DISTANCE OF 690.25 FEET TO A POINT;
THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF $1^{\circ} 01^{\prime} 18^{\prime \prime}$, A RADIUS OF $44,789.56$ FEET, FOR AN ARC DISTANCE OF 798.66 FEET TO A POINT;
THENCE CONTINUING ALONG SAID RIGHT-OF-WAY South $37^{\circ} 46^{\prime} 15^{\prime \prime}$ East A DISTANCE OF 924.29 FEET TO A POINT;
THENCE South $52^{\circ} 13^{\prime} 45^{\prime \prime}$ W, A DISTANCE OF 798.66 FEET TO A POINT;
THENCE South $37^{\circ} 46^{\prime} 15^{\prime \prime}$ East, A DISTANCE OF 550.00 FEET TO A POINT;
THENCE North $52^{\circ} 13^{\prime} 45^{\prime \prime}$ East, A DISTANCE OF 162.06 FEET TO A POINT;
THENCE South $37^{\circ} 46^{\prime} 15^{\prime \prime}$ East, A DISTANCE OF 248.40 FEET TO A POINT;
THENCE South $82^{\circ} 46^{\prime} 15^{\prime \prime}$ East, A DISTANCE OF 242.68.00 FEET TO A POINT;
THENCE North $52^{\circ} 13^{\prime} 45^{\prime \prime}$ East, A DISTANCE OF 465.00 FEET TO A POINT
ON THE WEST RIGHT-OF-WAY OF RIVERSIDE PARKWAY;
THENCE CONTINUING South $37^{\circ} 46^{\prime} 15^{\prime \prime}$ East ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 53.88 FEET TO A POINT ON THE NORTHERLY LINE OF BLOCK 20, "KENSINGTON" AN ADDITON TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE OFFICIAL RECORDED PLAT THEREOF;
THENCE South $41^{\circ} 06^{\prime} 06^{\prime \prime}$ West ALONG SIAD NORTHERLY LINE OF BLOCK 20 , A DISTANCE OF 359.52 FEET TO A POINT;
THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF $69^{\circ} 00^{\prime} 00^{\prime \prime}$, A RADIUS OF 521.28 FEET, FOR AN ARC DISTANCE OF 627.77 FEET TO A POINT;
THENCE North $69^{\circ} 53^{\prime} 54^{\prime \prime}$ West A DISTANCE OF 157.40 FEET TO A POINT;
THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF $43^{\circ} 30^{\prime} 00^{\prime \prime}$, A RADIUS OF 1,100 FEET, FOR AN ARC DISTANCE OF 835.14 FEET TO A POINT;
THENCE NORTH $26^{\circ} 23^{\prime} 54^{\prime \prime}$ West A DISTANCE OF $1,157.22$ FEET TO A POINT;
THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF $13^{\circ} 49^{\prime} 13^{\prime \prime}$, A RADIUS OF 599.98 FEET, FOR AN ARC DISTANCE OF 144.72 FEET TO A POINT;
THENCE North $12^{\circ} 34^{\prime} 41^{\prime \prime}$ West A DISTANCE OF $2,376.43$ FEET TO A POINT, SAID POINT BEING 125.00 FEET SOUTH AND PERPENDICULAR TO THE NORTH LINE OF SAID SECTION 12;
THENCE South $89^{\circ} 58^{\prime} 40^{\prime \prime}$ East PARALLEL TO SAID NORTH LINE, A DISTANCE OF 149.05 FEET TO A POINT;
THENCE North $19^{\circ} 17^{\prime} 04^{\prime \prime}$ West A DISTANCE OF 52.98 FEET TO A POINT;
THENCE South $89^{\circ} 58^{\prime} 40^{\prime \prime}$ East PARALLEL TO SAID NORTH LINE OF SECTION 12, A DISTANCE OF 370.21 FEET TO THE POINT OF BEGINNING;

LESS AND EXCEPT A TRACT OF LAND CONTAININIG 12.3131 ACRES (PUD 128-E-5 MINOR AMENDMENT) DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE NORTH $89^{\circ} 58^{\prime} 40^{\prime \prime}$ WEST ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 63.51 FEET TO A POINT;
THENCE SOUTH $0^{\circ} 01^{\prime} 20^{\prime \prime}$ WEST PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 75.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF THE RIVERSIDE PARKWAY, SAID POINT BEING THE POINT OF BEGINNING.
THENCE SOUTH $9^{\circ} 27^{\prime} 33^{\prime \prime}$ EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 914.16 FEET TO A POINT;
THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 08ㅇ́13'31", A RADIUS OF 1,348.24 FEET, FOR AN ARC DISTANCE OF 193.55 FEET WITH A CHORD BEARING OF SOUTH $13^{\circ} 34^{\prime} 19^{\prime \prime}$ EAST FOR A CHORD DISTANCE OF 193.39 FEET TO A POINT;
THENCE SOUTH $80^{\circ} 32^{\prime} 27^{\prime \prime}$ WEST A DISTANCE OF 454.86 FEET TO A POINT;
THENCE NORTH $12^{\circ} 34^{\prime} 41^{\prime \prime}$ WEST A DISTANCE OF 1142.07 FEET TO A POINT, SAID POINT BEING 125.00 FEET SOUTH AND PERPENDICULAR TO THE NORTH LINE OF SAID SECTION 12;
THENCE SOUTH $89^{\circ} 58^{\prime} 40^{\prime \prime}$ EAST PARALLEL TO SAID NORTH LINE, A DISTANCE OF 149.05 FEET TO A POINT;
THENCE NORTH $19^{\circ} 17^{\prime} 04^{\prime \prime}$ WEST A DISTANCE OF 52.98 FEET TO A POINT;
THENCE SOUTH $89^{\circ} 58^{\prime} 40^{\prime \prime}$ EAST PARALLEL TO SAID NORTH LINE OF SECTION 12 , A DISTANCE OF 370.21 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 2,341,048 SQUARE FEET OR 54.98 ACRES, MORE OR LESS.

## RELEVANT PREVIOUS ACTIONS:

SA-1 August 2016: All concurred with in the approval of the River Design Overlay.
PUD-128-I/ Z-7314 October 2015: All concurred in the approval of a request to abandon part of PUD-128 and re-zone a 54.94 -acre tract of land to AG. This property includes all the property included in this board action.

Z-6313 June 1991: All concurred in approval of a request for rezoning a $5.25 \pm$ acre tract of land from RS-2 to RS-4, for single-family use, on property located north of the northeast corner of E. $75^{\text {th }}$ PI. and S. Quincy Ave.

PUD-128-E September 1987: All concurred in approval for a Major Amendment to PUD-128-D to reallocate floor area, revise development areas, and redistribute uses; uses including office and retail, office, multifamily with accessory commercial and open space. On a $96 \pm$ acre tract located on the southwest corner of East $71^{\text {st }}$ Street and Riverside Parkway.

Z-6079/ PUD-128-D December 1985: All concurred in approval of a request for rezoning a $91 \pm$ acre tract of land from AG/ RM-2/ FD to RM-1/ OMH/ CS and a Major Amendment to PUD to add property and to redefine Development Areas and Development standards, on property located on the southwest corner of $\mathrm{E} .71^{\text {st }} \mathrm{St}$. and the proposed Riverside Parkway.

PUD-128-A December 1979: All concurred in approval of a proposed Major Amendment to PUD on a $160 \pm$ acre tract of land to exclude $6 \pm$ acres and reallocate the permitted residential densities on property located south of $71^{\text {st }} \mathrm{St}$. and west of Joe Creak Channel.

Z-5598 October 1981: All concurred in approval of a request for rezoning a tract of land from AG to RM-2 on property located on the southeast corner of East $75^{\text {th }}$ Place and Riverside Drive and is also a part of the subject property.

PUD-128 October 1972: All concurred in approval of a proposed PUD allowing a total of 4,441 residential units on a $278 \pm$ acre tract located between Lewis Avenue and the Arkansas River and between $71^{\text {st }}$ Street and $8{ }^{\overline{\text { st }}}$ Street.

Z-4245 October 1972: All concurred in approval of a request for rezoning a $348 \pm$ acre tract of land from AG to RS-3/ RM-1/ RM-2 on property located between $71^{\text {st }}$ St. to $81^{\text {st }} \mathrm{St}$. and from Lewis Ave. to the east boundary of the Arkansas River and a part of the subject property.

## Surrounding Property:

PUD-128-E-5 May 20, 2015: All concurred in approval of a proposed Minor Amendment to PUD on a $36 \pm$ acre tract of land to reallocate floor area within Development Areas A, B and C; amend Development area boundaries between $A$ and $B$ and to amend the standards in $A, B$ and $C$, subject to the detail site plan returning to TMAPC for approval, and that transparency is greater than $15 \%$ along the River/Trail sides of the building in the north 75 ft . of the west wall, and subject to the three amendments submitted by Mr. Reynolds (Exhibit B-1) on property located on the southwest corner of E. $71^{\text {st }} \mathrm{St}$. and Riverside Drive.

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

The Arkansas River Corridor is located along the Arkansas River and scenic roadways running parallel and adjacent to the river. The Arkansas River Corridor is comprised of a mix of uses residential, commercial, recreation, and entertainment - that are well connected and primarily designed for the pedestrian. Visitors from outside the surrounding neighborhoods can access the corridor by all modes of transportation.

This Corridor is characterized by a set of design standards that support and enhance the Arkansas River Corridor as a lively, people-oriented destination. The Corridor connects nodes of high-quality development with parks and open space. The natural habitat and unique environmental qualities are amenities and are respected and integrated as development and redevelopment occur. The future development of this Corridor is intended to complement the residential character of adjacent thriving neighborhoods by providing appropriate transitions and connections to the Arkansas River.

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.

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 smallscale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is Helmerich Park which is a part of the City of Tulsa Parks Department. The property is bounded by the Arkansas River to the West, undeveloped property containing the vested zoning rights in PUD-128- E, Riverside Parkway to the East and apartment complex to the South.

STAFF COMMENTS: This application is meant to re-establish the parks and recreation use on the property to allow future improvements to the park. In October of 2015 the subject property was rezoned in cases PUD-128-I and Z-7314 in order to abandon the existing PUD-128 and establish AG zoning on the subject property. This was done in order to restrict further development of non-park uses on the property. In doing so the City Council allowed Helmerich Park to become a nonconforming use since the approval of the park was included in the PUD. The request in front of the Board today does not included the property for which the PUD still exists which was reserved for a proposed retail use which has become a point of contention among many citizens in Tulsa and has yet to be developed. In approving this use the Board is allowing the City of Tulsa Parks Department to make future improvements to the property accessory to the park use. As a part of this application the Parks Department is requesting an approval that would afford them to right to make future improvements to the park without requiring Board of Adjustment review. The sample motion below would allow future improvements on the park to be granted permits without requiring site plan revisions in front of the Board of Adjustment.

Note regarding property ownership: The continuance requested at the $6 / 25 / 2019$ meeting was to confirm that the Tulsa Public Facilitates Authority has consented to the application as owner of Helmerich Park. Attached to this staff report are the minutes of the 09.24.15 meeting of the Tulsa Public Facilities Authority which indicated their consent to this application.

## Sample Motion:

Move to $\qquad$ (approve/deny) the requested Special Exception to permit a Parks and Recreation Use in an AG District (Sec. 25.020-B, Table 25-1):

- Per the Conceptual Plan(s) shown on page(s) $\qquad$ of the agenda packet.
- And to include future modifications and improvements commensurate with park amenities, with no further Board of Adjustment approval required.
- Subject to the following conditions $\qquad$ .

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.

# TULSA PUBLIC FACILITIES AUTHORITY 

Regular Meeting: September 24, 2015
MINUTES
Trustees of the Tulsa Public Facilities Authority met for a Regular Meeting on Thursday September 24, 2015 at 4:30 PM in RM 10-205 at City Hall at One Technology Center. Due notice was posted at 4:44 PM on September 22, 2015 with the City Clerk's Office, Suite 260, City Hall at One Technology Center, Tulsa, Oklahoma. Amended notice was posted at 2:04 PM on September 23, 2015 with the City Clerk's Office, Suite 260, City Hall at One Technology Center, Tulsa, Oklahoma.

## 1. Call to Order.

Upon obtaining a quorum, Mr. Cremin, Chairman, called the meeting to order at approximately 4:34 PM.

## TRUSTEES PRESENT

J. Patrick Cremin, Chairman

Chuck Blue, Secretary Arrived a $4: 36$ PM
George Sartain
Jim Twombly, Mayoral Designee

## TRUSTEES ABSENT

Marcia MacLeod, Vice Chairman Dewey F. Bartlett, Mayor

| OFFICERS | Melissa Stice, Assistant Secretary |
| :--- | :--- |
| PRESENT: | Michael Kier, City Finance |
| OTHERS | Herb Beattie; Tom Simpson, SMG; Christy Basgall, City |
| PRESENT: | Finance; Jean Lu, City Finance; Shirley Twilley, City Finance; <br> Mark Hogan, City Asset Management; Ellen Hinchee, City <br> Legal; Steve Jackson, City Internal Auditing; Susan Miller, <br>  <br>  <br>  <br>  <br> INCOG; Rick Maranon, Fox 23 |

## 2. Approval of Minutes from the July 23, 2015 Regular Meeting

No changes to the minutes were requested.
Motion: Twombly moved approval of the minutes of the July 23, 2015 Regular Meeting.
Second: Sartain
Vote: The motion carried with the following votes:
Aye: Sartain, Twombly, Cremin
Nay: None
3. Approval of Minutes from the July 29, 2015 Special Meeting

No changes to the minutes were requested.

Motion: Twombly moved approval of the minutes of the July 29, 2015 Special Meeting.
Second: Sartain
Vote: The motion carried with the following votes:
Aye: Sartain, Twombly, Cremin
Nay: None

## 4. Approval of Minutes from the August 11, 2015 Special Meeting

Mr. Beattie requested to speak on the contents of the August 11, 2015 minutes. He believed that the City's Attorney, Mr. Cremin and Ms. MacLeod all expressed concern about the Authority's ability to sell the property listed on item \# 3. The trustees noted that they remembered the City Attorney stating that they did have the authority to sell the property. They also stated that the concerns of Mr. Cremin and Ms. MacLeod were noted in the minutes.

No changes to the minutes were requested.
Motion: Twombly moved approval of the minutes of the August 11, 2015 Special Meeting.
Second: Sartain
Vote: The motion carried with the following votes:
Aye: Blue, Sartain, Twombly, Cremin
Nay: None

## 5. Election of 2015-2016 Officers

The Trustees discussed potential individuals who could serve in the Secretary position.

Motion: Twombly moved that the current officers remain in their current positions for the fiscal year 2015-2016.
Second: Sartain
Vote: The motion carried with the following votes:
Aye: Blue, Sartain, Twombly, Cremin
Nay: None

## 6. Consider development of a policy for public comments at Tulsa Public Facilities Authority Meetings (Mike Kier, City of Tulsa)

Mr . Kier brought forward the opportunity for the Trustees to set a procedure on how they would like to handle public comments. Mr. Kier offered a number of potential options, including allowing no comments, restricting comments to the agenda items listed, and an open general public comments option. Discussion ensued between the trustees on how they would like to handle public comments.

Motion: Blue moved to adopt a procedure to allow public comments to be taken
up at the beginning of each agenda item, with the comments specifically addressing that agenda item and a limit of 30 minutes total per agenda item, 5 minutes per comment and the ability to extend the times if the trustees so chose.
Second: Twombly
Vote: The motion carried with the following votes:
Aye: Blue, Sartain, Twombly, Cremin
Nay: None
7. Discussion and potential action on rezoning applications brought forward by the City Council and to be heard by TMAPC on October 7, 2015. (Susan Miller. (NCOG)
a. PUD-128-I - City Council, Location: South of southwest corner of South Riverside Drive and East 71st Street South, requesting a PUD Major Amendment to abandon a portion of the PUD, (CD 2) (Related to Z-7314)
b. Z-7314 - City Council, Location: South of southwest corner of South Riverside Drive and East 71st Street South, requesting, requesting rezoning from RS-4/RM-2/PUD-128-E to AG, (CD 2) (Related to PUD-128-I)

Ms. Miller presented these items together. She informed the Trustees that the applications were initiated by City Council and request to abandon a portion of the existing PUD and rezone the RS-4, RM-2 and PUD-128-E to AG. She noted that abandoning the PUD would remove the allowable park use for Helmerich Park and would make it a legal non-conforming use. To make the park a legal conforming use an application would need to be brought before the Board of Adjustment to allow the special exception. Susan suggested that the Parks Department submit the application.

Motion: Sartain moved to concur with the proposed changes.
Second: Twombly
Mr. Blue requested to amend the motion to request initiation of an application to seek a special exception to add the park use. Discussion ensued

Motion: Blue motioned to amend the motion to request initiation of an application to seek a special exception to add the park use.
Second: Sartain
Vote: The motion carried with the following votes:
Aye: Blue, Sartain, Twombly, Cremin
Nay: None
After voting on amending the motion the Trustees voted on the initial motion as amended.

Vote: $\quad$ The motion carried with the following votes:
Aye: Blue, Sartain, Twombly, Cremin
Nay: None

## 8. Update on the One Technology Center leases (Mark Hogan, City of Tulsa).

Mr. Hogan noted that the building was at $98 \%$ capacity in June. BOK has since downsized their occupancy and will vacate completely as Of October $31^{\text {st }}$. Deloitte will also vacate completely as of October $31^{\text {st }}$. The building is expected to be at $88 \%$ occupancy in November.
9. Consider a motion and vote to enter Executive Session pursuant to Title 25 O.S. Section 307(B)(4) to discuss the Master Lease Agreement for One Technology Center, for the purpose of allowing confidential communications between a public body and its attorney concerning a pending claim. investigation, or litigation. (Mike Kier, Ellen Hinchee and Mark Hogan, City of Tulsa).

Motion: Twombly moved to enter executive session pursuant to pursuant to Title 25 O.S. Section 307(B)(4) to discuss the Master Lease Agreement for One Technology Center, for the purpose of allowing confidential communications between a public body and its attorney concerning a pending claim, investigation, or litigation.
Second: Blue
Vote: The motion carried with the following votes:
Aye: Blue, Sartain, Twombly, Cremin
Nay: None
The members entered Executive Session at 5:08 PM. Mr. Kier, Mr. Hogan, Mrs. Hinchee, and Ms. Stice were also present. Mr. Kier, Mr. Hogan and Mrs. Hinchee presented the item.
10. Leave Executive Session on discussion of One Technology Center for the purpose of taking any appropriate related actions.

Upon conclusion of the discussion, the meeting was opened to the public.
Motion: Twombly moved that the members of TPFA affirm that the information presented did support the need for an executive session, that nothing other than the Master Lease Agreement for One Technology Center was discussed, and that the members leave executive session.
Second: Blue
Vote: $\quad$ The motion carried with the following votes:
Aye: Cremin, Sartain, Blue, Twombly
Nay: None

## 11. New Business

No new business
12. Discussion of potential upcoming agenda items.

Mr. Kier noted that an amendment to the SMG management agreement regarding extraordinary events would be forthcoming.

## 13. Next Regular Meeting: October 22, 2015

14. Adjournment

Motion: Twombly moved to adjourn
Second: Blue
Vote: The motion carried with the following votes:
Aye: Blue, Sartain, Twombly, Cremin
Nay: None

Without objection, the meeting adjourned at approximately 5:53 PM.


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10 / 22 / 15
$$

Date Approved by Authority

Applicant stated no he did not.
Mr. Dix asked how many drivers there were. The applicant/stated there were 3 drivers.

Mr. Dix asked applicant if he lived on this property.
Applicant answered no.
Staff stated the Zoning Code states that any truck registered as commercial cannot be stored on a residential lot.

Mr. Shivel stated he admired the applicants desire to create a business to make a living but his main concern is something the Planning Commission saw on the west side of the city a few months ago. The applicant was trying to create a parking structure for trucks in a residential area and that was spot zoning and the Planning Commission couldn't allow it. Mr. Shivel stated he couldn't support this in RS-3 zoning.

Mr. Dix asked staff if this application was created because of a complaint.
Staff stated "yes."
TMAPC Action; 8 members present:
On MOTION' of DIX, TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker Willis "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Stirling, "absent") to DENY the rezoning from RS-3 to CG.

Mr. Walker out at 3:02 p.m.
Mr. Walker returned 3:04 p.m.
Mr. Fretz out 3:04 p.m.
Mr. Fretz returned 3:06 p.m.
Mr. Midget out at 3:07 p.m.
16. SA-1 River Design Overlay, Tulsa City Council-(CD 2,4,8,9) Location: Multiple properties east and west of the Arkansas River extending from West $11^{\text {th }}$ Street South to East $121^{\text {st }}$ Street South, applying River Design Overlay (RDO-1/ RDO-2/ RDO-3) on 709 properties.

## STAFF RECOMMENDATION:

SECTION I: SA-1

## River Design Overlay (RDO)

The RDO is the first Special Area (SA) overlay district incorporated into the City of Tulsa's Zoning Code. Section 20.050 was added into the Zoning Code (effective on July 11, 2016), to establish the regulations of a Special Area Overlay district (River Design Overlay - RDO) pertaining to uses and site and building design for properties to be supplementally rezoned RDO-1, RDO-2 or RDO-3.

1. Purpose and Intent

The RDO, River Design Overlay regulations of this section establish regulations governing form, function, design and use for properties located within the boundaries of the River Design Overlay district. The regulations are generally intended to maintain and promote the Arkansas River corridor as a valuable asset to the city and region in terms of economic development and quality of life. The regulations are also intended to:
a. Support and enhance the river corridor as a lively people-oriented destination, connecting nodes of high-quality development with parks and open spaces;
b. Protect the city's investment as well as the investments of property owners, developers and others who enjoy the benefits of the Arkansas River corridor;
c. Encourage development that enhances the appearance of the Arkansas River corridor and the surrounding area;
d. Ensure development and redevelopment that is sensitive to the area's natural resources and environmental qualities;
e. Establish the area as an interconnected, pedestrian-oriented, cultural and recreational destination, attracting both residents and visitors to the Arkansas River, and
f. Foster a sense of community and civic pride.
2. Districts

Three RDO districts are established, as follows:
a. The RDO-1 district is primarily intended to apply to park, recreation and open space uses adjacent to the river. RDO-1 regulations help promote development that is compatible with public parks and green space and that complements park uses.
b. The RDO-2 district is primarily intended to apply to other (non-RDO-1) properties with direct access to the river. RDO-2 regulations help to ensure safe, attractive and activated pedestrian areas by requiring that new development is oriented to the river and abutting streets. The regulations also promote integration with the River Parks trail system and avoidance of adverse environmental impacts.
c. The RDO-3 district is primarily intended to apply to properties that do not have direct access to the river but that are visible from riverfront areas. These areas benefit from proximity to the river and contribute to the overall visual environment of the riverfront area.
[See Attachment I for full Section 20.050]

There are minor, although important, differences in the RDO-1, RDO-2 \& RDO-3 district regulations.

- There are minor differences in prohibited uses in RDO-1, RDO-2 and RDO-3;
- RDO-1 and RDO-2 have a river build-to zone; RDO-3 does not since it has no trail or river frontage;
- RDO-2 envisions greater density of development than RDO-1 by requiring river-facing façade occupy at least $70 \%$ of the build-to zone length and street-facing façade occupy at least $50 \%$ of the build-to zone length prior to building outside of the build-to zone;
- Since RDO-3 does not have trail or river frontage, only street-facing façades must occupy at least $50 \%$ of the build-to zone length prior to building outside of the build-to zone;
- RDO-1 and RDO-2 require building entrances facing the river and the parking/common open space area, RDO-3 does not; and
- No more than one driveway is allowed per 300 linear feet of public right-of-way in RDO-1 and RDO-2.

Concurrently with the adoption of the RDO into the Zoning Code, the Comprehensive Plan was amended to include a new land use category, Arkansas River Corridor. The Land Use and Areas of Stability and Growth Maps were also amended to align with proposed RDO designations. Areas proposed for RDO-1 not already designated as Parks and Open Space and an Area of Stability were amended accordingly. Areas proposed for RDO-2 and RDO-3 received designations of Arkansas River Corridor and an Area of Growth.

## RDO Background

There is extensive background leading to the development of the proposed River Design Overlay, as evidenced by the process and events documentsed in this staff report. Initially design guidelines for development along the river were recommended in the Arkansas River Corridor Master Plan, which was adopted over 10 years ago (2004). In 2010, the City of Tulsa Comprehensive Plan, or PlaniTulsa, was adopted and contained policies regarding enhancing the Arkansas River, orienting new development toward the river \& creating design guidelines.

In February, 2015, a joint Mayor and City Council retreat was held where they identified a shared goal of "drafting regulatory tools to guide river development"
and "adopting river corridor design guidelines." As a result, a steering committee was established in early 2015 to begin working on design guidelines for the area surrounding the Arkansas River.

INCOG/TMAPC staff has been the primary lead on the drafting of the overlay, with significant input and guidance from the steering committee. Beginning in March 2015, the steering committee met regularly over the course of a year. The steering committee members were:

- Robert Gardner, the Mayors appointed Director of River Development
- Councilor Jeanne Cue, District 2
- Councilor Blake Ewing, District 4
- Councilor Phil Lakin, Jr., District 8
- Councilor GT Bynum, District 9
- Clay Bird, representative from the Mayor's Office
- Susan Miller, AICP, INCOG
- Dwayne Wilkerson, ASLA, INCOG
- Rich Brierre, Executive Director of INCOG
- Dawn Warrick, AICP, Director of Planning and Development, City of Tulsa
- Warren Ross, Developer
- Ken Klein, Developer/Builder
- Matt Meyer, Executive Director of RiverParks
- Ted Reeds, Architect, Planning Commissioner
- Shawn Schaefer, Architect, Urban Design Studio at OU-Tulsa
- Shelby Navarro, Architect
- Shane Fernandez, Nabholz Construction
- Jeff Stava, project manager for the Gathering Place


## RDO Public Process Summary

During the adoption process of the new code, provisions were incorporated to ensure that any future overlays "be based on an adopted plan or be prepared following an inclusive, transparent, and equitable planning and public involvement process that includes opportunities for affected property owners and residents to participate in the formulation of the district regulations or otherwise offer recommendations and provide input." The following section outlines the public process to date.

In early, 2016, the steering committee produced a summary of the RDO and draft boundary map to distribute and discuss with various groups. The materials were either distributed prior to or at the meetings and were posted on www.tmapc.org on January 28, 2016. The following meetings were held:

- Tulsa Regional Chamber of Commerce (approx. 10 in attendance)
Friday, January 22, 2016 at $1: 30 \mathrm{pm}$
Tulsa Regional Chamber Office, $1 \mathrm{~W} .3^{\text {rd }}$ Street
Flintco Conference Room (13th floor)
- Home Builders Association of Greater Tulsa (approx. 35 in attendance)
Tuesday, January 26, 2016 at 3:30 pm
Developers Council
11545 E 43rd Street
- American Institute of Architects,

Eastern Oklahoma Chapter (approx. 15 in attendance)
Thursday, January 28, 2016 at 12:00 pm
Community Affairs Committee
2210 S. Main Street

- TMAPC Work Session \#1 (approx. 18 in attendance)

Wednesday, February 3, 2016 at 1:30 pm
City Hall, $10^{\text {th }}$ Floor North

- Greater Tulsa Area Realtors (approx. 25 in attendance)

Thursday, February 11, 2016 at 9:00am
Urban Affairs Committee
11505 E. 43rd Street

- NAIOP (approx. 15 in attendance)

Friday, February 12, 2016 at 11:00am
Public Affairs Committee
Cyntergy Building
810 S Cincinnati Avenue, first floor conf. room

- Stormwater Drainage and

Hazard Mitigation Advisory Board (approx. 18 in attendance)
Thursday, March 17, 2016 at 1:00pm
420 W. $23^{\text {rd }}$ Street, Room S-213
On April 6, 2016, the initial draft of the proposed River Design Overlay and draft boundary map were posted online at www.tmapc.org. Also on April 6, all property owners within the proposed overlay boundary (506 in total) were sent notices of City Council sponsored Town Hall meetings.

- City Council initiation of River Design Overlay map, text and Comprehensive Plan amendments
Thursday, April 14, 2016, 6:00 pm

City Hall, One Technology Center- $2^{\text {nd }}$ floor Council Chambers 175 East and Street

- City Council Town Hall meeting (approx. 70 in attendance) Monday April 18, 2016, 6:00pm
Charles Schusterman Jewish Community Center - Sylvan Auditorium
2021 E 71st Street
- City Council Town Hall meeting (approx. 35 in attendance) Tuesday April 19, 2016, 6:00pm OSU Center for Health Sciences Center - Dunlap Auditorium 1111 W 17th Street
- TMAPC Work Session \#2 (approx. 16 in attendance) Wednesday April 20, 2016, 11:00am
City Hall, One Technology Center- $3^{\text {rd }}$ floor presentation room 175 East 2nd Street
- RiverParks Authority (approx. 15 in attendance)

Thursday, May 12, 2016, 8:00am
2424 E. 21st St., Suite 300

- TMAPC Public Hearing to provide recommendation on RDO text and Comprehensive Plan amendments Wednesday May 18, 2016, 1:30pm
City Hall, One Technology Center- $2^{\text {nd }}$ floor Council Chambers 175 East 2nd Street
- City Council - 1st reading RDO text and Comprehensive Plan amendments
Thursday May 26, 2016, 6:00pm
City Hall, One Technology Center- $2^{\text {nd }}$ floor Council Chambers 175 East 2nd Street
- City Council adopts RDO text w/emergency and approves Comprehensive Plan amendments
Thursday June 9, 2016, 6:00 pm
City Hall, One Technology Center- $2^{\text {nd }}$ floor Council Chambers 175 East and Street
- RDO ordinance is published in the Tulsa World and takes effect
Monday, July 11, 2016


## City Council initiation of map amendments as proposed by River Design Steering Committee <br> Thursday, July 14, 2016, 6:00pm <br> City Hall, One Technology Center- $2^{\text {nd }}$ floor Council Chambers 175 East 2nd Street

On July 25, 2016, approximately 2,100 notices were mailed to property owners and those within 300' of affected area and final proposed map was posted online at www.tmapc.org. Also by July 28, a public notice was published in the Tulsa World and 12 signs were posted along the corridor to notify people of the affected area.

INCOG/TMAPC staff has kept a log of all phone calls and emails from property owners inquiring as to how the overlay impacts their property. As of the printing of this report, approximately 59 phone calls and/or emails have been received. Most are inquiries of a general nature, not necessarily in support or opposition. In addition, there were written comments submitted in response to the proposed overlay. One property owner has specifically requested to be removed from the boundaries of the proposed overlay. Although this particular amendment does not apply the River Design-Qverlay to the Zoning Map, Section 20.0010-D.3.d of the Zoning Code requires "A map showing the boundaries of the proposed overlay, including all lots included within the boundaries and identifying those owners of property within the proposed overlay who have indicated, in writing, their support or opposition to the overlay district text or map amendment." Written comments, as well as the required map are attached to this report. [see Attachment II]

## DETAILED STAFF RECOMMENDATION:

Staff recommends Approval of SA-1 to apply supplemental RDO-1/ RDO-2/ RDO-3 (River Design Overlay) zoning to properties as depicted on maps in Attachment III based on the following:

The proposed River Design Overlay began at the direction of the Mayor and City Council and has been a collaborative process, with multiple steering committee meetings and subsequent public meetings;

The properties and land uses along the river corridor were carefully evaluated to determine the most relevant and appropriate boundary for the overlay;

The properties within the proposed overlay boundary are key development sites that will contribute to protecting public and private investments along
the river corridor through the implementation of regulations contained in Section 20.050 of the City of Tulsa Zoning Code;

The proposed River Design Overlay zoning is constent with the vision for the river in the Arkansas River Corridor Master Plan; and

The proposed River Design Overlay zoning is consistent with the Land Use vision of Arkansas River Corridor and Parks and Open Space categories assigned to these properties in the Tulsa Comprehensive Plan.

## SECTION II: Supporting Documentation

## RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The proposed RDO-1 district is represented on the Land Use Map with a Parks and Open Space category and are shown on the Stability and Growth Map as an Area of Stability. Although the parks contained in RDO-1 are mostly destination parks (as defined below), such as RiverParks, and draw residents and visitors from the region, these parks are expected to remain stable. The Comprehensive Plan describes it "equally important to enhance those qualities that attracted people here in the first place." This is especially true for RiverParks.

The proposed RDO-2 and RDO-3 districts are designated as Arkansas River Corridor and an Area of Growth. It is envisioned that properties in these districts may experience redevelopment over time and, as they do, it is important that they adhere to design standards that respect the built and natural environment that surrounds the river corridor.

## Land Use Vision:

Land Use Plan map designation: Arkansas River Corridor \& Parks and Open Space [see Attachments V \& VI]

The Arkansas River Corridor is located along the Arkansas River and scenic roadways running parallel and adjacent to the river. The Arkansas River Corridor is comprised of a mix of uses - residential, commercial, recreation and entertainment - that are well connected and primarily designed for the pedestrian. Visitors from outside the surrounding neighborhoods can access the corridor by all modes of transportation.

This Corridor is characterized by a set of design standards that support and enhance the Arkansas River Corridor as a lively people-oriented destination. The Corridor connects nodes of high quality development with parks and open spaces. The natural habitat and unique environmental qualities are amenities and are respected and integrated as development and redevelopment occur. The
future development of this Corridor is intended to complement the residential character of adjacent thriving neighborhoods by providing appropriate transitions and connections to the Arkansas River.

Parks and Open Space are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

## Destination and Cultural Parks

These areas include Turkey Mountain Urban Wilderness Area, Woodward Park, RiverParks, the Gathering Place, Mohawk Park \& Zoo, LaFortune Park and similar places. These parks offer a range of amenities over a large contiguous area. Amenities at these parks include not only outdoor facilities, but also event spaces, museums, club houses, zoos, and parkcomplementing retail and service establishments which do not egregiously encroach into protected natural areas. These parks draw visitors from around the metro area, and have the highest tourism potential. Ensuring public access (and appropriate infrastructure investments) is a major facet of planning for these establishments. Destination and cultural parks are large scale dynamic parks that draw residents and visitors from the region and may be designated as an area of growth.

## Local Parks

This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publically used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

## Open Space

Open spaces are the protected areas where development is inappropriate, and where the natural character of the environment improves the quality of life for city residents. These include environmentally sensitive areas (e.g., floodplains or steep contours) where construction and utility service would have negative effect on the city's natural systems. Open space tends to have limited access points, and is not used for recreation purposes. Development in environmentally sensitive areas is uncharacteristic and rare, and should only occur following extensive study which shows that development will have no demonstrably negative effect. Open space also
includes cemeteries, hazardous waste sites, and other similar areas without development and where future land development and utility service is inappropriate. Parcels in the city meeting this description of open space are designated as areas of stability.

## Areas of Stability and Growth designation: Areas of Growth \& Areas of Stability

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

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

Shaping Tulsa's future involves more than deciding where and how new development will take place. It is equally important to enhance those qualities that attracted people here in the first place. In recognition of how strongly Tulsa's citizens feel about their neighborhoods, the comprehensive plan includes tools for the maintenance of valued community characteristics in older and stable neighborhoods. These new measures provide tools that address rehabilitation of property and help shape where and how redevelopment occurs.

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

## ANALYSIS OF RIVER DESIGN OVERLAY (RDO) BOUNDARY BY MAP

The proposed boundary for the River Design Overlay was initially defined based on the following analysis:

- Parcels must have direct relationship to the river
- Generally respectful of parcel boundaries
- At least 300' of depth to ensure adequate redevelopment potential
- Excluded areas identified in the National Register of Historic Places
- Reviewed topography and floodplain maps for affected areas
- Reviewed for conformance with the Arkansas River Corridor Master Plan

The proposed boundary was field checked, reviewed and adjusted by the steering committee continuously throughout the process. To recognize geographic differences and the use of appropriate design concepts for differing physical characteristics, the steering committee identified three districts for varying regulations - RDO-1, RDO-2 \& RDO-3 [see Attachment I]. In assigning these designations, the committee looked for consistency in application throughout the RDO. For example, floodplains were determined to not impact the assignment of the specific RDO designation, but levees were a factor in differentiating RDO-2 and RDO-3 boundaries on the west side of the river.

The following is a map by map analysis of factors that were considered in defining the RDO boundary. [see Attachments III, IV, V \& VI]

Map 1 of 8: The northern proposed RDO boundary is Southwest Boulevard/Nest $11^{\text {th }}$ Street South. RiverParks is identified as RDO-1 to the east and west of the river. On the east side of Riverside Drive, properties on the National Register of Historic Places were not included. Also, due to its recent approval and 99 -year land lease, Phase I \& II of the Gathering Place were left out of the boundary.

On the west side of the river, land abutting the trail (Westport Apartments and the concrete batch plant) received an RDO-2 designation since the build-to-zone requirements are measured from the trail, with the intent that development be oriented toward the river and the trail where possible. Properties on the west side beyond that were identified with RDO-3. South of the City Facility located at West $23^{\text {rd }}$ Street South and Jackson Avenue is the City of Tulsa jurisdictional boundary; therefore, RDO did not extend beyond West $25^{\text {th }}$ Street South.

Both Southwest Boulevard and West $11^{\text {th }}$ Street South are identified on the Major Street and Highway Plan (MSHP) as Secondary Arterials. On the MSHP, Riverside Drive is designated as a Commercial/CBD/Industrial Collector north of West $14^{\text {th }}$ Street South, then as a Secondary Arterial to West $21^{\text {st }}$ Street South. West $21^{\text {st }}$ Street South/West $23^{\text {rd }}$ Street South and West $31^{\text {st }}$ Street South are
designated as Urban Arterials. The MSHP designates Riverside Drive south of West $21^{\text {st }}$ Street South to just south of the I-44 overpass as a Special Trafficway.

Map 2 of 8: RiverParks is identified as RDO-1 east of the river and west of Riverside Drive. The northernmost property on Map 2 is Phase III of the Gathering Place. There have been no approvals or development scenarios yet identified for that site, therefore it was included in RDO-3. Also, on east side of Riverside Drive, the remainder of this map shows RDO-3 at varying depths, all intended to be a minimum of 300 feet and respectful to existing parcel boundaries. The intent of the minimum 300-foot depth is to ensure adequate redevelopment potential. Almost all of the property east of Riverside Drive, from east $47^{\text {th }}$ Street South to I-44 is owned by the City of Tulsa or the Oklahoma Department of Transportation.

On the MSHP, Riverside Drive is designated as a Special Trafficway the full extent of this map. East $41^{\text {st }}$ Street South is designated as an Urban Arterial.

Map 3 of 8: RiverParks is identified as RDO-1 east of the river, with the addition of Johnson Park as RDO-1 at East $61^{\text {st }}$ Street South and Riverside Drive. The area between $51^{\text {st }}$ Street South and East $56^{\text {th }}$ Street South is identified as RDO3. A significant amount of this land that fronts Riverside Drive on the east between East $51^{\text {st }}$ Street South and East $56^{\text {th }}$ Street South, and the area south of East $61^{\text {st }}$ Street South are under the ownership of the Oklahoma Department of Transportation.

The residential neighborhood south of East $56^{\text {th }}$ Street South was not included because of its internal orientation. There is no pedestrian or vehicular access to this neighborhood from Riverside Drive.

On the MSHP, Riverside Drive is designated as a Parkway south of I-44. East $61^{\text {st }}$ Street South is designated as a Secondary Arterial and East $71^{\text {st }}$ Street South is designated as a Primary Arterial.

Map 4 of 8: A small southern portion of Turkey Mountain Urban Wilderness on the north side of West $71^{\text {st }}$ Street South is included as RDO-1. The property south of West $71^{\text {st }}$ Street South on the west side of the river is primarily owned by the City of Tulsa and Tulsa Airports Improvement Trust and is identified as RDO2. The property on the east side of the river, south of East $71^{\text {st }}$ Street South is identified as RDO-2 and owned by the Tulsa Public Facilities Authority. This area, known by many as Helmerich Park, was identified as RDO-2 because of development approvals that existed on the property at the beginning of the RDO process and due to decisions by the City to allow future development on this site in conjunction with recreational uses.

On the MSHP, Riverside Drive is designated as a Parkway in this location. East $71^{\text {st }}$ Street South is designated as a Primary Arterial and East $81^{\text {st }}$ Street South is designated as a Secondary Arterial.

Map 5 of 8: The Northern part of this map is Joe Creek, south of which begins a significant amount of land ownership by the Muskogee Creek Nation west and east of Riverside Drive. Therefore, this land was not included. South of the Creek owned land, on the west side of Riverside Drive is a bald eagle preserve owned by the City of Tulsa, designated RDO-1, which will likely remain untouched. North and south of Joe Creek on the east side of Riverside Drive are single family and multi-family residential developments that were not included in the overlay boundary because of the configuration, depth and orientation of the developments.

On the MSHP, Riverside Drive is designated as a Parkway in this location. East $81^{\text {st }}$ Street South and East $91^{\text {st }}$ Street South are designated as Secondary Arterials.

Map 6 of 8: Map 6 also shows the RDO-1 site (bald eagle preserve) owned by the City of Tulsa between the river and Riverside Drive, north of $96^{\text {th }}$ Street Bridge. Immediately south of the bridge is a small City of Tulsa park, also designated as RDO-1. South of this area is a significant length of privately owned river-fronting property designated as RDO-2.

On the east side of Riverside Drive, there are a significant amount of properties that have existing commercial/office development. South of East $101^{\text {st }}$ Street South is an existing residential development that was left out of the overlay boundary. Similar to the residential neighborhood south of East $56^{\text {th }}$ Street South, this neighborhood is internally oriented and has limited pedestrian and vehicular access from Delaware Avenue.

Also on the west side of Delaware Avenue, south of East $105^{\text {th }}$ Street South, is the Torchia-Oliver Soccer Park, identified as RDO-1.

On the MSHP, the Parkway designation of Riverside Drive is uninterrupted as it transitions into Delaware Avenue. East $91^{\text {st }}$ Street South and East $101^{\text {st }}$ Street South are designated as Secondary Arterials.

Map 7 of 8: Map 7 continues south and includes largely underdeveloped properties. Several new residential developments south of East $111^{\text {th }}$ Street South on the east side of Delaware Avenue are not included in the overlay boundary because they are oriented internally, similar to other residential developments with the same characteristics.

On the MSHP, Delaware Avenue has a Parkway designation. East $111^{\text {st }}$ Street South on the MSHP does not extend to Delaware Avenue.

Map 8 of 8: Map 8 shows Cousins Park, identified as RDO-1. On the MSHP, Delaware Avenue dead ends on the north end of Cousins Park. East $121^{\text {st }}$ Street South is designated as an Urban Arterial.

## SECTION III: Relevant Zoning History

There are 709 properties within the boundaries of the proposed River Design Overlay with various zoning designations. Within the boundary are 10 existing Planned Unit Developments (PUDs), all at various stages of development (not built with no approved site plan, not built with an approved site plans, partially built and fully built out).

## Applicant's Comments:

Mr. Covey asked if the area at $71^{\text {st }}$ and Riverside Drive known as Helmrich Park, shown as RDO-2, is that what the steering committee recommended and what INCOG staff feels is appropriate.

Ms. Miller stated there are people here today who feel like this should be RDO-1. However, we looked at the Arkansas River Corridor Master Plan and there are recreational uses and development in the park, both appropriate for RDO-2. There is already development that is approved in the northern part of that piece of property. Recreational uses are appropriate there also, so it is envisioned that there be a mixture of those two things. Therefore the staff and steering committee felt RDO-2 was more appropriate.

Mr. Walker asked if the City of Tulsa property at the $21^{\text {st }}$ street bridge is the plan still for that to be abandoned and vacated.

Ms. Miller answered that is the long term plan but the issue is money but that is still something that is being discussed but nothing immediate.

## INTERESTED PARTIES COMMENTS:

Terry Young 5311 South Zunis Place Tulsa OK 74105
Mr. Young would like to address the designation of RDO-2 on Helmerich Park. This is the only publicly owned piece of ground in the 11 mile stretch from $11^{\text {th }}$ Street to $121^{\text {st }}$ Street that is a public park recommended for RDO-2. All the land he is speaking of is between the bank of the river and Riverside Drive. He stated that TMAPC staff made the recommendation based on the information that existed at the time the RDO process began almost 2 years ago. There are changes that have occurred since this process originally began. Mr. Young stated some of the conditions that have changed include the City Economic Development Department once designated Helmerich Park as the site of the national BMX Headquarters but the City Attorney's office made everyone aware that the statutory section line on the southern portion of Helmerich Park made it unavailable for construction of permanent structures. This supports the position the highest and best use of this tract is for park and recreation purposes. In May

2015 the TMAPC board sent a Comprehensive Plan Amendment to City Council recommending that the almost 36 acres of this parcel be changed from park and open space to mixed corridor use. At the June 2015 meeting City Council disapproved the TMAPC recommendation and returned it to the board with instructions to modify it. In July of 2015 the Tulsa City Council reaffirmed the Comprehensive Plan designation of Park and Open Space on more than 55 acres of the 67 acre park. After this board recommended modifying the 12.5 acre Comprehensive Plan amendment, the City Council then recommended TMAPC change the zoning of the 55 plus acres to AG. The City Council unanimously approved that zoning change to AG in November 2015. In addition to the AG zoning, the City Council directed this board to hold hearings to abandon the then existing PUD on the 55 acres and City Council approved the PUD Abandonment last November. It has been publicly affirmed in the last few weeks that a majority of the Tulsa City Council does not support abandoning and vacating any portion of the public ownership of Helmerich Park. He stated that, in other words, the City Council wishes Helmerich Park to continue to be publicly owned. This is a prerequisite for RDO-1 designation. Mr. Young stated he is authorized to report to TMAPC today that City Councilor Jeannie Cue, the district councilor for the area, does not support designating Helmerich Park RDO-2 as suggested. Instead, Councilor Cue supports a map designation of RDO-1 for all of Helmerich Park. Therefore, Mr. Young suggests the board act today to change the RDO-2 designation on Helmerich Park to RDO-1 and send that to the City Council.

## Edward Bridgman 5657 South Boston Avenue Tulsa OK 74105

Mr. Bridgman stated he has questions about the $56^{\text {th }}$ and Riverside area. In the area from I-44 to $71^{\text {st }}$ Street, Mr. Bridgman is concerned about how the area will be protected. It now has a wood fence and chain link fence. He asked if these fences were going to be replaced with concrete walls such as on $71^{\text {st }}$ street. This is a very high traffic area. He asked how pedestrians get across Riverside Drive at this location and if there would be a bridge, Mr. Bridgman is in support of expansion, ecology and common sense. He respectfully asks that common sense be used.

## Eric Gomez 611 West $15^{\text {th }}$ Street \# A5 Tulsa OK 74127

Mr. Gomez stated he owns numerous units in The Olympian Homeowner's Association. There are 36 owners and represents about 10 million dollars in real estate and Mr. Gomez would like to ask on behalf of the homeowner's association that the condominiums known as The Olympian be excluded from the overlay district. They would not welcome further regulation over and above the city's permitting process.

Mr. Covey asked Mr. Gomez where the property is located.
Mr . Gomez stated it is one continuous city block bordered by $14^{\text {th }}$ Place, $15^{\text {th }}$ Street, Galveston Avenue and Guthrie Avenue.

Mr. Covey asked if Mr. Gomez's property backed up to the RDO-1 designation or if it is separated by Riverside Drive.

Mr. Gomez answered his property is directly across the street from RDO-1.
Ms. Millikin asked if Mr. Gomez property is visible from the riverfront area.
Mr. Gomez stated yes, the property sits up on a hill.
Mr. Covey asked the name of the condominiums.

## Mr. Gomez stated The Olympian.

Craig Immel 4203 South Cincinnati Avenue Tulsa OK 74105
Mr. Immel stated he lives about 2 blocks from the trail on Riverside. Mr. Immel is concerned about the RDO-2 designations for Helmerich Park. Helmerich Park is consistent with all the other River Park properties that is designated RDO-1. Across $71^{\text {st }}$ where the bear statue sits is RDO-1 and the underlying zoning is RS3. The majority of the park is now zoned AG and the 30-40 year old portion of the PUD has been abandoned. That is according to a map, but Mr. Immel doesn't remember which map because he doesn't know which map supersedes which map in this case. The southernmost parcel in Helmerich park which is supposed to be RDO-2 has about 67 years remaining on a 99 year deed restriction which Mr . Helmerich put on the property about 4 years before the donation of the park. This means nothing can be built on this tract until 2087 other than recreational related structures. The intensity of development of RDO-2 is inconsistent with Tulsa's Comprehensive Plan. Ms. Miller mentioned earlier that in the Arkansas River Corridor Master Plan there is some light development in a stretch that was adopted into the Comprehensive Plan. That is about 25000 square feet of rooftop spread over about 40 to 50 acres in the wider portions of the park. But it's pretty clear that the intent of those structures is for park and recreation related structures, so restrooms, fitness or maybe community center and maybe a small restaurant. He stated that he believed this is what was adopted in the Comprehensive Plan. With all that being said he stated that he hoped we can all agree Helmerich Park is indeed a park and if that is the case it would be a misrepresentation to recommend to City Council that they adopt a map that treats the land in Helmerich as anything other than a park. Mr. Immel asked TMAPC to adopt the RDO but with Helmerich Park being covered by RDO-1 and not RDO-2.

## Bill Leighty 410 West $7^{\text {th }}$ Street \#1925 Tulsa OK 74119

Mr. Leighty stated he is here as director of Smart Growth Tulsa an Oklahoma nonprofit corporation with hundreds and hundreds of members and thousands of followers many of whom are interested in the issue before you today. Mr. Leighty stated Smart Growth Tulsa supported the RDO process but we are here
advocating that TMAPC remove the larger tract known as Helmerich park nearly 60 acres to be designated on the map as RDO-1 not RDO-2. It is a public park; it is maintained by the parks department; it's in the middle of the Riverparks system. Mr. Leighty asked why this property was never down zoned after being acquired by the city of Tulsa. He stated that we have seen this dozens of times, decades old PUD's sit undeveloped, never abandoned, only to come back and threaten unsuspecting neighborhoods and property owners and cause havoc. Mr. Leighty would ask TMAPC to put in place a sunset clause to take care of these old PUD's. Mr. Leighty would encourage TMAPC to let the court decide the matter at $71^{\text {st }}$ and Riverside without the Planning Commission taking a stand on the matter. Mr. Leighty doesn't understand how the steering committee could conclude that Helmerich Park should be in an RDO-2 district.

## Millie York 3020 South Boston Place Tulsa, Ok 74114

Ms. York stated she is concerned about some zoning issues around the Gathering Place. Ms. York stated the area that connects the park to $31^{\text {st }}$ Street is designated park but it is in yellow and is zoned for multi housing. This is a piece of county land that has been donated to the park and would like to know why this piece of property is still showing up as Multi housing instead of park.

Ms. Miller answered there is no park zoning designation; therefore, underlying zoning for parks through the city vary

Michael B. Pinksy 4754 South Boston Place Tulsa, OK 74105
Mr. Pinksy stated in the 60's the turnpike was going to be built where Riverside Drive is currently so the property was bought up and the houses were torn down.
This land now sits vacant except for the little ghost driveways and it is in RDO-3.
Mr. Pinksy would like to know what the plan is for RDO-3 and what is going to happen to that land. People in the neighborhood are saying it's going to be turned into parking lots but the stated designation says existing structures will not be affected. This is vacant land and no longer has structures.

Charles Schuller 9432 East $94^{\text {th }}$ Street Tulsa, OK 74133
Mr . Schuller stated he is a property owner he has owned property himself and family for over 100 years. Mr. Schuller's property is south of $101^{\text {st }}$ Street and North of $121^{\text {st }}$ Street. Mr. Schuller had owned property for years on the east of Delaware Avenue, which is now developed as the Scissortail subdivision. It contains very high priced single family homes and is a real asset to that area. Tiny Thompson and Mr. Schuller worked very hard for years to get water in this area to generate a tax structure for the city of Tulsa. Mr. Schuller believes an asset to the City of Tulsa is being overlooked, the Arkansas River. Mr. Schuller is not objecting to or supporting all that is going on presently. Mr. Schuller does not want to see a blockade in development on the west side of Delaware Avenue that could be an asset to the City of Tulsa. He stated that we don't need any more parks. There is going to be some structures in there that can develop tax
generated money that can help the city of Tulsa and Mr. Schuller thinks that should be considered.

Dave Brennan 3027 S Boston Place Tulsa, Ok
Mr. Brennan stated he has some concerns about the environment changes and the landscape changes that would be affected with brick and mortar commercial operations. Last year there was a 4\% growth in that area and a 40\% growth in online purchases. He stated that if we develop the river based on commercial revenues that are going down and don't consider were the revenues are really coming from, perhaps this plan may be flawed in 10 years just like the PUD's.

Ms Miller stated she would like to clarify that people who don't work in the planning process sometimes get the sequencing of all the pieces a little confused. In response to Mr. Leighty's comment about the process that visioning process where maps are put out on the table where ideas are shared, that is the planning process and that was done on the Arkansas River Master Plan. The overlay implements the Arkansas River Corridor Master Plan. The overlay is an implementation tool, so this was not the place to go through that exercise. We had town Hall meetings and a lot of public engagement but it's a little bit of a different process. Mr. Young talked about the different changes of Helmerich Park and Ms. Miller was there and was aware of those changes. The northern part still has the remainder of the PUD with development potential, and the City Council did remove the southern portion from the PUD. The intent was that development in the future - whether it is development or park - would need to come through City Council before anything could happen. The City Council was very clear about that point. Ms Miller stated Helmerich Park now is designated as Arkansas River Corridor in the Comprehensive Plan and this designation is not intended to support highly intense commercial development. It is meant to allow appropriate development along the river using the design standards that are set in place in the River Design Overlay, which could include recreational uses. Since the process has started the steering committee was asked at least twice if they still thought the appropriate designation for $71^{\text {st }}$ and Riverside Drive was RDO-2 and they agreed that it was based on the fact that there will be some development on this site and potential future development - whether it be commercial or recreation - on the remainder. The Arkansas River Corridor is an appropriate land use for a mixture of recreation and commercial uses.

Ms. Miller acknowledged that from a planning perspective, the Olympian Condominiums could be removed from the overlay based on the lack of frontage on a major street and the fact that it does not break up continuity of the overlay. However, it is visible and does relate directly to the river corridor.

Mr. Dix asked why were there areas not included in River Design Overlay along $14^{\text {th }}$ Street and Riverside Drive.

Ms. Miller answered that properties on the National Register of Historic Places were not included in the River Design Overlay.

Mr. Dix asked why the apartments along Riverside Drive between $14^{\text {th }}$ and $19^{\text {th }}$ were included in the River Design Overlay.

Ms. Miller answered those were not on the National Register of Historic Places and they have major frontage on Riverside Drive.

Mr. Dix asked if TMAPC removed Mr. Gomez's property- what about these other owners.

Ms. Miller stated those properties are different physically, they have major street frontage on Riverside Drive, and the Olympian has less direct frontage to Riverside Drive.

Mr. Dix asked if the new apartment development at Riverside Drive and Denver Avenue could be excluded if ever desired.

Ms. Miller answered they are vested in their PUD approval because they have an approved site plan. Therefore, they are not subject to the guidelines unless they make a major change in the PUD. Ms. Miller stated that Riverside Drive and Denver Avenue is a very important corner in the river corridor. Ms Miller believes the project as currently designed would meet the standards for the River Design Overlay.

Ms. Millikin asked if it was reasonable to include Mr. Gomez's property in the RDO-3. When asked, Mr. Gomez stated his property was viewable from the riverfront area, and he would benefit from the proximity to the riverfront so it seems reasonable.

Ms Miller answered if it doesn't have major street frontage that dictates the build to zone regulations, it would have some regulations that would apply but is less important than others just south of The Olympian that do have major street frontage.

Ms. Miller stated there are not any plans to develop the vacant property Mr. Pinksy referred to north of I-44. This land is a combination of City of Tulsa and Oklahoma Department of Transportation owned properties and in time could evolve into something.

Mr. Dix asked Ms Miller how a piece of land behind the sound wall on $51^{\text {st }}$ Place gets included in the River Design Overlay. Ms. Miller answered the sound wall does not block those parcels and the visibility of the River. There is a possibility of it combining with the other nearby properties.

Ms. Miller responded to Mr. Schuller's comment about blockading development on the west side of Delaware Avenue. She clarified that is not the intent, rather to ensure that River Design Overlay standards are in place as development occurs.

Mr. Covey asked Ms. Miller if the City Council initiated this. Has City Council seen this map with Helmerich Park designated as RDO-2.

Ms. Miller stated "yes", there were four City Councilors that were on the steering committee and a part of the conversation of Helmerich Park as RDO-2.

Mr. Covey asked if they voted on this map at a committee meeting or regular meeting.

Ms. Miller stated that they voted at a regular 6:00 meeting to initiate it, to send it through the process.

Mr. Dix asked if it would be in the best interest to designate Helmerich Park as RDO-1 with a lawsuit pending and what effect would this action have on the lawsuit.

Ms. VanValkenburgh answered if TMAPC would prefer to recommend Helmerich Park be RDO-1, then that needs to happen in a separate zoning case. Unlike our standard zoning where we can drop down in zoning designation, that is not the case in River Design Overlay. Should TMAPC want to give Helmerich Park RDO-1, it would need to be renoticed and come back to TMAPC. The way to do this is to recommend denial of RDO-2 on this property. As to what affect it would have on the lawsuit is unknown but the overlay zoning is not an issue in the lawsuit now. There is not anything in the lawsuit that prohibits TMAPC from taking any action.

Mr. Covey asked Ms. VanValkenburgh where the lawsuit was in litigation.
Ms Vanvalkenburgh answered there is no action occurring in the lawsuit presently. It's pending.

Mr. Covey asked Ms. VanValkenburgh if TMAPC could recommend that Mr. Gomez's property come out of the River Design Overlay.

Ms. Vanvalkenburgh answered "yes".
Mr. Covey asked for clarification - if TMAPC could recommend that all of Helmerich Park come out but cannot recommend RDO-1.

Ms. VanValkenburgh stated "yes". She stated that TMAPC can't recommend any changes that have not been noticed. TMAPC doesn't have jurisdiction to assign another RDO category.

Ms. Millikin asked how much latitude does TMAPC have recommending RDO-2 versus RDO-1 on the property south of $71^{\text {st }}$ Street when there has already been development approved.

Ms. VanValkenburgh answered TMAPC can only recommend approval or denial of RDO-2 on that piece of property. But, whatever overlay you adopt eventually, there are vested rights in PUD's where site plans have been approved and on the corner there has been a site plan approved for that development. No matter what the designation is they have a right to build what has been approved with the site plan.

Mr. Covey asked if TMAPC approves this today with RDO-2 on Helmerich Park it goes to City Council and they decide to change it does it all have to be renoticed again and has to come back to TMAPC.

Ms. Vanvalkenburgh stated this was correct.
Mr. Covey stated regardless of which body TMAPC or City Council recommends changing the designation it has to be renoticed if that were to happen.

Ms. Vanvalkenburgh stated this was correct.
Mr. Dix stated if TMAPC were to say today we think Helmerich Park should be removed from the overlay.

Ms. Vanvalkenburgh stated you could do that.
Ms Miller stated the recommendation you give will be relayed by Ms Miller to City Council. If the recommendation was to remove Helmerich Park, Ms. Miller would explain that to City Council.

Mr. Terry Young stated those who are involved in the lawsuit understand that the RDO concept will not affect anything associated with the proposed development on the north end of Helmerich Park. If the lawsuit is successful you may get a minor amendment to that site plan, there are no illusions that anything advocated here will have an impact on that development. There can be development in the middle part of that park it is zoned AG currently anything that would happen then would require a Board of Adjustment action or a new zoning category. Then the more restrictive guidelines would apply to the new development and RDO-1 would require river facing development as opposed to a small shopping center facing Riverside Drive. So removing would give a clean slate and give the opportunity to return to make the case another time.

Mr. Dix stated yes it gives a clean slate but it also exposes it to other issues.

Ms. Miller stated "yes", it would have no design standards in place.
Mr. Dix stated TMAPC must consider if they want to expose the property or leave the RDO-2 in place.

Mr. Young stated he would suggest TMAPC defer to the City Council.
Ms. Miller reminded Planning Commissioners that the land use in the Comprehensive Plan is not Parks and Open Space, it is Arkansas River Corridor.

Mr. Dix asked if we take the RDO-2 out of it to get it to something else it goes back to be noticed and whole process would start over.

Ms. Miller answered "yes".
Mr. Willis stated he sees a fair amount of merit to remove the property bordered by Guthrie Avenue, Galveston Avenue, $14^{\text {th }}$ Place and $15^{\text {th }}$ Street, known as The Olympian from the RDO.

Mr. Dix stated he believes Helmerich Park and The Olympian should be removed from the RDO designation.

Ms. Millikin stated she is in favor of approving the River Design Overlay as presented, Ms. Millikin believes it's reasonable to keep Mr. Gomez's property in RDO-3 and agrees with the steering committee's decision in designating Helmerich Park as RDO-2.

## Mr. Rich Brierre Director of INCOG, 2 West $2^{\text {nd }}$ Street

 Mr. Brierre stated for the record there is also a privately owned tract of vacant land north of Joe Creek besides the apartment complex.
## TMAPC Action; 7 members present:

On MOTION of DIX, TMAPC voted 5-2-0 (Dix, Fretz, Shivel, Walker, Willis "aye"; Covey, Millikin "nays"; none "abstaining"; Carnes, Midget, Reeds, Stirling, "absent") to recommend APPROVAL of SA-1 with the removal of 1) Olympian Condominiums bordered by W. 14th PI., S. Guthrie Ave., S. Galveston Ave. and W. 15th St. and 2) publically owned land south of E. 71st St., north of Joe Creek and west of Riverside Dr., known as Helmerich Park, excluding privately owned properties.
23. Cadent Park = Minor Subdivision Plat, Location: West of the northwest corner of East $91^{\text {st }}$ Street South and South Yale Avenue, (CD 8) (Staff requests a continuance to 10/21/2015)

There were no interested parties wishing to speak.
TMAPC Action; 7 members present:
On MOTION of DIX, TMAPC voted 7-0-0 (, Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Stirling, Willis "absent") to CONTINUE the minor subdivision plat for Cadent Park to October 21, 2015.

Mr. Wilkerson stated that he will be presenting Items 25 and 26 together.
25. Z-7314 - City Council, Location: South of southwest corner of South Riverside Drive and East $71^{\text {st }}$ Street South, requesting, requesting rezoning from RS-4/RM-2/PUD-128-E to AG/PUD-128-I, (CD 2) (Related to PUD-128-I) (Continued from 9/2/15)

## STAFF RECOMMENDATION:

 DEVELOPMENT CONCEPT:
## DETAILED STAFF RECOMMENDATION:

The existing PUD 128-E and its underlying residential zoning as defined in development areas B,C,D,E is not consistent with the Tulsa Comprehensive Plan; and

The existing PUD $128-E$ with RS-4 and RM-2 single family zoning is not consistent with the expected development pattern for the site; and

Rezoning request from RS-4 and RM-2 to AG in conjunction with the abandonment of PUD 128-E will allow redevelopment possibilities that may be consistent with the Tulsa Comprehensive Plan; and

Rezoning request from RS-4 and RM-2 to AG in conjunction with the abandonment of PUD 128-E is non injurious to the surrounding properties; and

Abandonment of PUD 128-I will remove the park approval for Helmerich Park near Riverside on the north side of the existing apartment project leaving the site as a legally non conforming use.

Staff recommends a follow up with the City of Tulsa Board of Adjustment to request a special exception for Use Unit 5 requesting approval for the park use on the remainder of the 55 acre tract that will be abandoned with PUD 128-I; therefore

## Staff recommends Approval of Z-7314 to rezone property from RM-2,

 RS-4/ to AG.Tulsa Public Facilities Authority (TPFA) Recommendation: At the September 24, 2015, TPFA meeting, the TPFA made a motion to concur with the changes proposed in PUD-128-1 and Z-7314 and to initiate a Special Exception to allow for a park use once the rezoning actions become effective.

## SECTION II: Supporting Documentation

## RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The abandonment of the existing PUD is supported by the Tulsa Comprehensive plan. The Tulsa Comprehensive Plan currently illustrates this area as an area of stability and a Park and Open Space area.

## Land Use Vision: Park and Open Space

This building block designates Tulsa's park and open space assets. These are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exist alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publically used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

Destination and cultural parks:
These areas include Turkey Mountain Urban Wilderness Area, Woodward Park, RiverParks, the Gathering Place, Mohawk Park \& Zoo, LaFortune Park and similar places. These parks offer a range of amenities over a large, contiguous area. Amenities at these parks include not only outdoor facilities, but also events spaces, museums, club houses, zoos, and park-complementing retail and service establishments which do not egregiously encroach into protected natural areas. These parks draw visitors from around the metro area, and have the highest tourism potential. Ensuring public access (and appropriate infrastructure investments) is a major facet of planning for these establishments. Destination and cultural parks are large scale, dynamic parks that draw residents and visitors from the region and may be designated as an area of growth.

## Local parks

This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publically used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

Open space:
Open spaces are the protected areas where development is inappropriate, and where the natural character of the environment improves the quality of life for city residents. These include environmentally sensitive areas (e.g., floodplains or steep contours) where construction and utility service would have negative effect on the city's natural systems. Open space tends to have limited access points, and is not used for recreation purposes. Development in environmentally sensitive areas is uncharacteristic and rare, and should only occur following extensive study which shows that development will have no demonstrably negative effect. Open space also includes cemeteries, hazardous waste sites, and other similar areas without development
and where future land development and utility service is inappropriate. Parcels in the city meeting this description of open space are designated as areas of stability.

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

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

## Transportation Vision:

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

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

Trail System Master Plan Considerations:
The existing trail will is an integral part of the trail system along the banks of the Arkansas River. Abandonment of the PUD and rezoning will allow future redevelopment considerations that were not part of the considerations in the 1980's approval process. Future development will be encouraged and can provide an opportunity to integrate stronger design components that consider
the river, the trail system and the transportation system into any redeveiopment pian.

## Small Area Plan: None

Special District Considerations: Arkansas River Corridor master plan illustrates this area as a Park. Rezoning to AG and abandoning the PUD will not adversely impact the vision identified in the Arkansas River Corridor plan.

Historic Preservation Overlay: None

## DESCRIPTION OF EXISTING CONDITIONS:

## Staff Summary: Public Park and Open Space

Environmental Considerations: None that would affect redevelopment opportunities.

Streets:

| Exist. Access | MSHP Design | MSHP R/W | Exist. \# Lanes |
| :--- | :--- | :---: | :---: |
| Riverside Parkway | Parkway | 150 feet | $4+$ |

## Utilities:

The subject tract has municipal water and sewer available.
Surrounding Properties: The subject tract is abutted on the east by Riverside Parkway, east of the Parkway a wide mix of commercial, office, medical, community services and residential properties zoned CS, OL, RS-2, RS-4, OM and RM-1; on the north by a commercial development in development area $A$ and $B$ that will remain in PUD 128-E, zoned RM-2, CS and OMH; on the south by an apartment project in development area F/G of 128-E, zoned RM-2; and on the west by the Arkansas River.

## SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 17523 dated June 27, 1991 (RS-4), and 16898 dated October 2, 1987 (PUD-128-E), and 16521 dated December 23, 1985 (RM-2), and 15154 dated October 6, 1981 (RM-2), and 12614 dated October 18, 1972 (RM-2) established zoning for the subject property.

## Subject Property:

Z-6313 June 1991: All concurred in approval of a request for rezoning a $5.25 \pm$ acre tract of land from RS-2 to RS-4, for single-family use, on property located north of the northeast corner of $\mathrm{E} .75^{\text {th }} \mathrm{PI}$. and S. Quincy Ave.

PUD-128-E September 1987: All concurred in approval for a Major Amendment to PUD-128-D to reallocate floor area, revise development areas, and redistribute uses; uses including office and retail, office, multifamily with accessory commercial and open space. On a 96 $\pm$ acre tract located on the southwest corner of East $71^{\text {st }}$ Street and Riverside Parkway.

Z-6079/ PUD-128-D December 1985: All concurred in approval of a request for rezoning a $91 \pm$ acre tract of land from AG/ RM-2/ FD to RM-1/ OMH/ CS and a Major Amendment to PUD to add property and to redefine Development Areas and Development standards, on property located on the southwest corner of E. $71^{\text {st }} \mathrm{St}$. and the proposed Riverside Parkway.

PUD-128-A December 1979: All concurred in approval of a proposed Major Amendment to PUD on a $160 \pm$ acre tract of land to exclude $6 \pm$ acres and reallocate the permitted residential densities on property located south of $71^{\text {st }}$ St. and west of Joe Creak Channel.

Z-5598 October 1981: All concurred in approval of a request for rezoning a tract of land from AG to RM-2 on property located on the southeast corner of East $75^{\text {th }}$ Place and Riverside Drive and is also a part of the subject property.

PUD-128 October 1972: All concurred in approval of a proposed PUD allowing a total of 4,441 residential units on a $278 \pm$ acre tract located between Lewis Avenue and the Arkansas River and between $71^{\text {st }}$ Street and $81^{\text {st }}$ Street.

Z-4245 October 1972: All concurred in approval of a request for rezoning a $348 \pm$ acre tract of land from AG to RS-3/ RM-1/ RM-2 on property located between $71^{\text {st }} \mathrm{St}$. to $81^{\text {st }} \mathrm{St}$. and from Lewis Ave. to the east boundary of the Arkansas River and a part of the subject property.

## Surrounding Property:

PUD-128-E-5 May 20, 2015: All concurred in approval of a proposed Minor Amendment to PUD on a $36 \pm$ acre tract of land to reallocate floor area within Development Areas A, B and C; amend Development area boundaries between $A$ and $B$ and to amend the standards in $A, B$ and $C$, subject to the detail site plan returning to TMAPC for approval, and that transparency is greater than $15 \%$ along the River/Trail sides of the
building in the north 75 ft . of the west wall, and subject to the three amendments submitted by Mr. Reynolds (Exhibit B-1) on property located on the southwest corner of $\mathrm{E} .71^{\text {st }} \mathrm{St}$. and Riversicle Drive.

## Related Item:

26. PUD-128-I - City Council, Location: South of southwest corner of South Riverside Drive and East $71^{\text {st }}$ Street South, requesting a PUD Major Amendment to abandon a portion of the PUD, RS-4/RM-2/PUD-128-E, (CD 2) (Related to Z-7314) (Continued from 9/2/15)

## STAFF RECOMMENDATION:

DEVELOPMENT CONCEPT:
PUD 128-E was originally a 92 acre site that was approved in 1987 for a large office, commercial, multifamily mixed use project and divided into eight development areas.

| Development Area A: | Office and Retail |  |
| :--- | :--- | :--- |
| Development Area B: | Office |  |
| Development Area C and D: | Office and Retail |  |
| Development Area E: | Office |  |
| Development Area F\&G:  <br> commercial Multifamily with accessory <br> Development Area H: Open Space |  |  |

In summary the original PUD permits more than 1,900,000 square feet of office space, approximately 85,000 square feet of retail commercial development and 552 multi-family dwelling units. The multi family area was limited to Areas $F$ and $G$ which has been combined to a single development area with a minor amendment PUD-128-E-1 in 1994.

Two additional minor amendments PUD-128-E-2 (1994) and PUD-128-E-3(1995) were approved regarding signage in the combined development areas $F$ and $G$ where the apartments are now located.

Minor amendment PUD-128-E-4 (1997) was approved to allow a public park and related facilities on 67.29 acres in Development Areas A, B, C, D, E and H. Development Area F/G was excluded from that use.

Abandonment of PUD 128-E Development Areas B, C, D, E and H will not have an effect on the previous approvals except the existing Helmerich Park which will become a legally non-conforming use.

Development Areas $A$ and $B$ on the north side of the project were approved 2015 and are excluded from this abandonment request.

The area that is included in the abandonment request includes a 55 acre +/- tract that includes a portion of PUD 128-E including Development areas currently known as Development Areas B, C, D, E and H .

## DETAILED STAFF RECOMMENDATION:

The existing PUD 128-E as defined in development areas B,C,D,E is not consistent with the Tulsa Comprehensive Plan and is not consistent with the expected development pattern for the site; and

Abandonment of a portion of PUD 128-E will allow redevelopment possibilities that may be consistent with the Tulsa Comprehensive Plan and will require that all redevelopment approvals will be routed through the City Council except where special exceptions may allow some uses through the Board of Adjustment ; and

Abandonment of a portion of PUD 128-E is non injurious to the surrounding properties; and

Abandonment of a portion of PUD 128-E will remove the park approval for Helmerich Park near Riverside on the north side of the existing apartment project leaving the site as a legally non conforming use. Staff recommends a follow up with the City of Tulsa Board of Adjustment to request a special exception for Use Unit 5 requesting approval for the park use on the remainder of the 55 acre tract that will be abandoned with PUD 128-I.

Staff recommends Approval of PUD-128-I which will abandon development areas B, C, D, E and H within PUD 128-E.

Tulsa Public Facilities Authority (TPFA) Recommendation: At the September 24, 2015, TPFA meeting, the TPFA made a motion to concur with the changes proposed in PUD-128-1 and Z-7314 and to initiate a Special Exception to allow for a park use once the rezoning actions become effective.

## SECTION II: Supporting Documentation

## RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The abandonment of the existing PUD is supported by the Tulsa Comprehensive plan. The Tulsa Comprehensive Plan currently illustrates this area as an area of stability and a Park and Open Space area.

## Land Use Vision: Park and Open Space

This building block designates Tulsa's park and open space assets. These are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exist alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publically used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.
Destination and cultural parks
These areas include Turkey Mountain Urban Wilderness Area, Woodward Park, RiverParks, the Gathering Place, Mohawk Park \& Zoo, LaFortune Park and similar places. These parks offer a range of amenities over a large, contiguous area. Amenities at these parks include not only outdoor facilities, but also events spaces, museums, club houses, zoos, and parkcomplementing retail and service establishments which do not egregiously encroach into protected natural areas. These parks draw visitors from around the metro area, and have the highest tourism potential. Ensuring public access (and appropriate infrastructure investments) is a major facet of planning for these establishments. Destination and cultural parks are large scale,
dynamic parks that draw residents and visitors from the region and may be designated as an area of growth.

Local parks
This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publically used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

Open space
Open spaces are the protected areas where development is inappropriate, and where the natural character of the environment improves the quality of life for city residents. These include environmentally sensitive areas (e.g., floodplains or steep contours) where construction and utility service would have negative effect on the city's natural systems. Open space tends to have limited access points, and is not used for recreation purposes. Development in environmentally sensitive areas is uncharacteristic and rare,_ and should only occur following extensive study which shows that development will have no demonstrably negative effect. Open space also includes cemeteries, hazardous waste sites, and other similar areas without development and where future land development and utility service is inappropriate. Parcels in the city meeting this description of open space are designated as areas of stability.

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

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

## Transportation Vision:

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

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

## Trail System Master Plan Considerations:

The existing trail will is an integral part of the trail system along the banks of the Arkansas River. Abandonment of the PUD will allow future redevelopment considerations that were not part of the considerations in the 1980's. Future development will be encouraged and can provide an opportunity to integrate stronger design components that consider the river, the trail system and the transportation system into any redevelopment plan.

## Small Area Plan: None

Special District Considerations: Arkansas River Corridor
Historic Preservation Overlay: None

## DESCRIPTION OF EXISTING CONDITIONS:

## Staff Summary: Public Park and Open Space

Environmental Considerations: None that would affect redevelopment opportunities.

Streets:

| Exist. Access | MSHP Design | MSHP RW | Exist. \# Lanes |
| :--- | :---: | :---: | :---: |
| Riverside Parkway | Parkway | 150 feet | $4+$ |

## Utilities:

The subject tract has municipal water and sewer available.
Surrounding Properties: The subject tract is abutted on the east by Riverside Parkway, east of the Parkway a wide mix of commercial, office, medical, community services and residential properties zoned CS, OL, RS-2, RS-4, OM and RM-1; on the north by a commercial development in development area A and B that will remain in PUD $128-\mathrm{E}$, zoned RM-2, CS and OMH; on the south by an apartment project in development area F/G of 128-E, zoned RM-2; and on the west by the Arkansas River.

## SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 17523 dated June 27, 1991 (RS-4), and 16898 dated October 2, 1987 (PUD-128-E), and 16521 dated December 23, 1985 (RM-2), and 15154 dated October 6, 1981 (RM-2), and 12614 dated October 18, 1972 (RM-2) established zoning for the subject property.

## Subject Property:

Z-6313 June 1991: All concurred in approval of a request for rezoning a $5.25 \pm$ acre tract of land from RS-2 to RS-4, for single-family use, on property located north of the northeast corner of E. $75^{\text {th }} \mathrm{PI}$. and S. Quincy Ave.

PUD-128-E September 1987: All concurred in approval for a Major Amendment to PUD-128-D to reallocate floor area, revise development areas, and redistribute uses; uses including office and retail, office, multifamily with accessory commercial and open space. On a $96 \pm$ acre tract located on the southwest corner of East $71^{\text {st }}$ Street and Riverside Parkway.

Z-6079/ PUD-128-D December 1985: All concurred in approval of a request for rezoning a $91 \pm$ acre tract of land from AG/ RM-2/ FD to RM-1/ OMH/ CS and a Major Amendment to PUD to add property and to redefine Development Areas and Development standards, on property located on the southwest corner of $\mathrm{E} .7 \mathrm{7}^{1 \text { st }} \mathrm{St}$. and the proposed Riverside Parkway.

PUD-128-A December 1979: All concurred in approval of a proposed Major Amendment to PUD on a $160 \pm$ acre tract of land to exclude $6 \pm$ acres and reallocate the permitted residential densities on property located south of $71^{\text {st }}$ St. and west of Joe Creak Channel.

Z-5598 October 1981: All concurred in approval of a request for rezoning a tract of land from AG to RM-2 on property located on the southeast corner of East $75^{\text {th }}$ Place and Riverside Drive and is also a part of the subject property.

PUD-128 October 1972: All concurred in approval of a proposed PUD allowing a total of 4,441 residential units on a $278 \pm$ acre tract located between Lewis Avenue and the Arkansas River and between $71^{\text {st }}$ Street and $81^{\text {st }}$ Street.

Z-4245 October 1972: All concurred in approval of a request for rezoning a $348 \pm$ acre tract of land from AG to RS-3/ RM-1/ RM-2 on property located between $71^{\text {st }}$ St. to $81^{\text {st }}$ St. and from Lewis Ave. to the east boundary of the Arkansas River and a part of the subject property.

## Surrounding Property:

PUD-128-E-5 May 20, 2015: All concurred in approval of a proposed Minor Amendment to PUD on a $36 \pm$ acre tract of land to reallocate floor area within Development Areas A, B and C; amend Development area boundaries between $A$ and $B$ and to amend the standards in $A, B$ and $C$, subject to the detail site plan returning to TMAPC for approval, and that transparency is greater than $15 \%$ along the River/Trail sides of the building in the north 75 ft . of the west wall, and subject to the three amendments submitted by Mr. Reynolds (Exhibit B-1) on property located on the southwest corner of E. $71^{\text {st }}$ Street and Riverside Drive.

Mr. Midget asked if staff has had any comments from the property owners about the requested down zoning. Mr. Wilkerson stated that this is actually owned by the Tulsa Public Facility Authority and the reason it was continued to this date was to make sure that they were on board with the down zoning. Mr. Wilkerson indicated that the TPFA is okay with this application.

## There were no interested parties wishing to speak.

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

TMAPC Action; 7 members present:
On MOTION of DIX, TMAPC voted 7-0-0 (Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Stirling, Willis "absent") to recommend APPROVAL of the AG/PUD-128-I zoning for Z-7314 and recommend APPROVAL of the major amendment for PUD-128-I per staff recommendation.

## Legal Description for Z-7314/PUD-128-I:

A PART OF SECTION SEVEN (7), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN AND A PART OF SECTION TWELVE (12), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12;THENCE NORTH $89^{\circ} 58^{\prime} 40^{\prime \prime}$ WEST ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 63.51 FEET TO A POINT; THENCE SOUTH $0^{\circ} 01{ }^{\prime} 20^{\prime \prime}$ WEST PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 75.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF THE RIVERSIDE PARKWAY, SAID POINT BEING THE POINT OF BEGINNING. THENCE SOUTH $9^{\circ} 27^{\prime} 33^{\prime \prime}$ EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 914.16 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF $29^{\circ} 20^{\prime} 00^{\prime \prime}$, A RADIUS OF 1,348.24 FEET, FOR AN ARC DISTANCE OF 690.25 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF $1^{\circ}$ 01' 18 ", A RADIUS OF 44,789.56 FEET, FOR AN ARC DISTANCE OF 798.66 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY South $37^{\circ} 46^{\prime} 15$ " East A DISTANCE OF 924.29 FEET TO A POINT; THENCE South $52^{\circ} 13^{\prime}$ 45" W, A DISTANCE OF 798.66 FEET TO A POINT; THENCE South $37^{\circ} 46^{\prime} 15^{\prime \prime}$ East, A DISTANCE OF 550.00 FEET TO A POINT; THENCE North $52^{\circ} 13^{\prime} 45^{\prime \prime}$ East, A DISTANCE OF 162.06 FEET TO A POINT; THENCE South $37^{\circ} 46^{\prime} 15^{\prime \prime}$ East, A DISTANCE OF 248.40 FEET TO A POINT; THENCE South $82^{\circ} 46^{\prime} 15^{\prime \prime}$ East, A DISTANCE OF 242.68.00 FEET TO A POINT; THENCE North $52^{\circ} 13^{\prime} 45^{\prime \prime}$ East, A DISTANCE OF 465.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF RIVERSIDE PARKWAY; THENCE CONTINUING South $37^{\circ} 46^{\prime} 15^{\prime \prime}$ East ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 53.88 FEET TO A POINT ON THE NORTHERLY LINE OF BLOCK 20, "KENSINGTON" AN ADDITON TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE OFFICIAL RECORDED PLAT THEREOF; THENCE South $41^{\circ} 06^{\prime} 06^{\prime \prime}$ West ALONG SIAD NORTHERLY LINE OF BLOCK 20, A DISTANCE OF
359.52 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF $69^{\circ} 00^{\prime} 00^{\prime \prime}$, A RADIUS OF 521.28 FEET, FOR AN ARC DISTANCE OF 627.77 FEET TO A POINT; THENCE North $69^{\circ} 53^{\prime} 54^{\prime \prime}$ West A DISTANCE OF 157.40 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF $43^{\circ} 30^{\prime} 00^{\prime \prime}$, A RADIUS OF 1,100 FEET, FOR AN ARC DISTANCE OF 835.14 FEET TO A POINT; THENCE NORTH $26^{\circ} 23$ ' $54^{\prime \prime}$ West A DISTANCE OF 1,157.22 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF $13^{\circ} 49^{\prime} 13^{\prime \prime}$, A RADIUS OF 599.98 FEET, FOR AN ARC DISTANCE OF 144.72 FEET TO A POINT; THENCE North $12^{\circ} 34^{\prime} 41^{\prime \prime}$ West A DISTANCE OF 2,376.43 FEET TO A POINT, SAID POINT BEING 125.00 FEET SOUTH AND PERPENDICULAR TO THE NORTH LINE OF SAID SECTION 12; THENCE South $89^{\circ} 58^{\prime}$ 40" East PARALLEL TO SAID NORTH LINE, A DISTANCE OF 149.05 FEET TO A POINT; THENCE North $19^{\circ} 17^{\prime} 04^{\prime \prime}$ West A DISTANCE OF 52.98 FEET TO A POINT; THENCE South $89^{\circ} 58^{\prime} 40^{\prime \prime}$ East PARALLEL TO SAID NORTH LINE OF SECTION 12, A DISTANCE OF 370.21 FEET TO THE POINT OF BEGINNING; LESS AND EXCEPT A TRACT OF LAND CONTAININIG 12.3131 ACRES (PUD 128-E-5 MINOR AMENDMENT) DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE NORTH 8958'40" WEST ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 63.51 FEET TO A POINT; THENCE SOUTH $0^{\circ} 01^{\prime} 20^{\prime \prime}$ WEST PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 75.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF THE RIVERSIDE PARKWAY, SAID POINT BEING THE POINT OF BEGINNING. THENCE SOUTH 9²7'33" EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 914.16 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 08ำ13'31', A RADIUS OF 1,348.24 FEET, FOR AN ARC DISTANCE OF 193.55 FEET WITH A CHORD BEARING OF SOUTH $13^{\circ} 344^{\prime} 19^{\prime \prime}$ EAST FOR A CHORD DISTANCE OF 193.39 FEET TO A POINT; THENCE SOUTH $80^{\circ} 32^{\prime} 27^{\prime \prime}$ WEST A DISTANCE OF 454.86 FEET TO A POINT; THENCE NORTH $12^{\circ} 34{ }^{\prime} 41^{\prime \prime}$ WEST A DISTANCE OF 1142.07 FEET TO A POINT, SAID POINT BEING 125.00 FEET SOUTH AND PERPENDICULAR TO THE NORTH LINE OF SAID SECTION 12; THENCE SOUTH $89^{\circ} 58^{\prime} 40^{\prime \prime}$ EAST PARALLEL TO SAID NORTH LINE, A DISTANCE OF 149.05 FEET TO A POINT; THENCE NORTH $19^{\circ} 17^{\prime} 04^{\prime \prime}$ WEST A DISTANCE OF 52.98 FEET TO A POINT; THENCE SOUTH $89^{\circ} 58^{\prime} 40^{\prime \prime}$ EAST PARALLEL TO SAID NORTH LINE OF SECTION 12, A DISTANCE OF 370.21 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 2,341,048 SQUARE FEET OR 54.98 ACRES, MORE OR LESS.

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TMAPC ACTION, 6 members present:
    On MOTION of CARNES, the TMAPC voted 6-0-0 (Carnes,
    Doherty, Draughon, Horner, Parmele, Wilson, "aye"; no
    "nays"; no abstentions"; Coutant, Harris, Midget, Neely,
    Woodard "absent") to APPROVE the Major Amendment to PUD
    388-A according to the staff recommendations as amended.
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Legal Description


#### Abstract

A tract of Land, containino 6.2707 acREs. that is part of the sw $2 / 4$ of THE SE $1 / 4$ OF THE SH $1 / 4$ OF SECTION-6. T-18-N. R-13-E, CITY OF TULSA. TULSA COUNTY. OKLAHOMA, SAID TRACT OF LAND BEINO DESCRIBED AS FOLLOWS. TO-HIT: STARTINO AT THE SOUTHEAST CORNER OF TTEE SH $1 / 4$ DF THE SE $1 / 4$ OF THE SW $2 / 4$ OF SAID SECTION-6; TIENCE \& $89^{\circ}-51^{\prime \prime}-35^{\prime \prime} \mathrm{H}$ ALONO THE SOUTHERLY LINE OF SECTION-6 FOR 25.00': THENCE N O"-00'-42"E AND PARALLEL WITH THE EASTERLY LINE OF THE SW 1/4 OF THE SE $1 / 4$ OF THE SW 1/4 FOR 80.00' TO THE "POINT OF BEOINNING" OF SAID TRACT OF LAND: THONCE CONTINUINO N O 0 OOT-42n E FOR 581.77' TO A POINT ON THE NORTHERLY LINE OF THE SW 2/4 OF THE SE $1 / 4$ OF THE SW 2/4, SAID POINT BEINQ 25.00' WESTERLY OF THE NORTHEAST CORNER THEREOF; I' THENCE S 89'-52'-03" H ALONO SAID NORTIERLY LINE FOR 635.14' TO THE NORTHWEST CORNER OF THE SW $1 / 4$ OF THE SE $1 / 4$ OF THE SW $1 / 4:$ THENCE S $0^{\circ}-00^{\circ}-50^{\prime \prime} \mathrm{W}$ ALONO THE WESTERLY LINE OF THE SW $1 / 4$ OF THE SE $1 / 4$ OF THE SW $1 / 4$ FOR 300.35' TO A POINT THAT IS 361.50' NORTHERLY OF THE SOUDHWEST CORNER OF THE SW $2 / 4$ OF TKE SE $1 / 4$ OF THE SW $2 / 4^{\prime}$ 'THENCE N $89^{\prime \prime}-51^{\prime \prime}-35^{\prime \prime} E$ AND PARALLEL WITH THE SOUTHERLY LINE OF SECTION-6 FOR 361.50': XFENCE $50^{\circ}-00^{\circ}-50^{\prime \prime} \mathrm{H}$ AND PARALLEL WITH THE WESTERLY LINE OF THE SH 1/4 OF THE SE $1 / 4$ OF THE SH $1 / 4$ FOR $301: 50^{\prime}$ : THENCE N $89^{\circ}-51^{\prime}-35^{\prime \prime}$ E, PAPALLEL WITH AND 60.00' NORTHERLY OF THE SOUTHERLY LINE OF SECTION-6 FOR 263.67: THENCE $N 26^{\circ}-32^{\prime-46^{\prime}}$ E POR 22.38' T0 THE "POINT OF BEOINNINO". OF EAID THACT OE LAND.


Application No.: Z-6313
Present Zoning: RS-2
Applicant: Bchuller Proposed Zoning: RS-4
Location: North of Riverside Drive on the east and west sides of Quincy
Date of Hearing: April 10, 1991
Presentation to TMAPC: Mr. J. Donald Walker, 9168 S. Florence Place
Relationship to the Comprehensive Plan:
The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low intensity - No Specific Land Use.

According to the Zoning Matrix the requested RS-4 District is in accordance with the Plan Map.

## Staff Recommendation:

8ite Analysis: The subject tract is approximately 5.25 acres in size and is located on a dead end street ont he north side of Riverside on both the east and west sides of South quincy Ave. It is partially wooded, flat, contains both vacant property and single-family dwellings on large tracts and is zoned RS-2.

Surrounding Area Analysis: The tract is abutted on the north and south by similar single-family dwellings on large tracts zoned RS-2; on the east by a developed single-family and duplex subdivision zoned RM-1 \& PUD 128; and on the wet across Riverside by vacant property zoned RM-2 and PUD 128-D.

## Zoning and BOA Historical summary:

Conclusion: Staff is supportive of the requested RS-4 zoning and would view the residential area south of 71 st street and north of Riverside, along South Quincy Avenue as a transition area from large lot, septic system type residential to a higher intensity conventional residential development. The requested RS-4 zoning would support approximately 33 dwelling units which is not inconsistent with existing development to the east.

Therefore, Staff recommends APPROVAL of RS-4 zoning as requested.
Comments \& Discussion:
Mr. Stump advised that planning Commission that this was a noteworthy application in that it was the first RS-4 proposal. It is basically the redevelopment of large lot residential.

TMAPC ACTION, 6 members present:
On MOTION of DOHERTY, the TMAPC voted 6-0-0 (Carnes, Doherty, Draughon, Horner, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Coutant, Harris, Midget, Neely, Woodard "absent") to APPROVE the RS-4 zoning for z-6313 as recommended by staff.

Legal Description
RS-4 Zoning: Lots 4 and 5, Block 1; Lots 6 and 7, Block 2 (less deeds and dedications for Riverside Parkway), River Grove Subdivision to the City and County of Tulsa, Oklahoma.

## Additional Comments and Discussion:

Ms. Kempe stated she could not support the amended OL motion as she felt some CS was approprlate In vlew of the surrounding zoning. Mr. Carnes inquired, in light of the amended motion, If the applicant concurred with a or if he would prefer to come back before the Commlssion with a PUD. Mr. Keleher advised that, due to the tIme requirements to flle a PUD, he would not be in favor of this course of actlon, and he could rework the proposal to accommodate the OL zonlng. Ms. Kempe conflrmed that the applicant was, In essence, agreeable to and could work with the OL zonling. Chalrman Parmele stated that he would be voting agalnst the motion, not because he was opposed to $O L$, but becayse of the lack of CS zoning based on the surrounding zoning patterns.

## TMAPC ACTION: 10 members present

On MOTION of DOHERTY, the TMAPC yoted or $1=0$ (Carnes, Doherty, Draughon, Kempe, Paddock, Selph, VanFossen, WIIson, Woodard, "aye"; Parmele, "nay"; no "abstentlons"; Crawford, Rice, "absent") to APPROVE 2-6173 Keleher for al zonling.

Legal Description: $\mathbf{O L}$
Lot 2, Block 13, CLARLAND ACRES ADDITION, to the Clty of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereot.

*     *         * ${ }^{*}$ * *

Application No.: PUD 128-E Present Zoning: CS, OMH, RM-2 Applicant: Westervelt (The Riverside Company) Proposed Zoning: Unchanged Location: SW/c of East 71st Street end RIverside Parkway Size of Tract: 92 acres, approximate
Date of Hearlng: September 9, 1987
Presentation to TMAPC by: Mr. Joe Westervelt, 320 South Boston, 1025
[PUD 128-D-1: The TMAPC ruled PUD 128-D-1 should be a Major Amendment and not a Minor Amendment. This number is now obsolete and PUD 128-E . Is in effect in place of PUD 128-D-1.]

## Staff Recommendation: Major Amendment to Reallocate Floor Area, Rovise Dovelopment Areas, and Redistribute Uses

The subject tract has an approximate area of 92 acres and is located at the southwest corner of the Riverside Parkway and East 71st Street South. PUD 128 has underlying zoning of CS, OMH, and RM-2 and is referred to as The Riverside Project (previously Harbour Polnte). The applicant is requestling approval to reallocate floor areas, revise development areas and redistribute uses.

A summary of the proposed Development Areas and uses is as follows:

| A | Office and Retail |
| :--- | :--- |
| B | Office |
| C \& D | Office and Retail |
| E $\&$ Office |  |
| F \& | Multifamily with accessory commercial |
| H Open Space |  |

As a contingency for the TMAPC finding that the request is a major amendment, the applicant has published notice in the legal news, posted the required signs, and notified property owners within 300'. Staff review, based upon the Development Standards which follow, Indicates that this amendment was a major amendment and TMAPC action should be continued from August 19, 1987 until September 9, 1987 at which time a public hearing could be held.

Staff review of PUD 128-E (as a major amendment) finds it to be: consistent with the Comprehensive Plan; In harmony with the existing and expected development of surrounding areas; a unified treatment of the development possibilities of the site; and consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends APPROVAL of PUD 128-E as a major amendment as follows:

1) That the applicant's Outline Development Plan and Text be made a condition of approval, unless revised herein.
2) Development Standards:

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PUD 128-E Major Amendment - Cont'd
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Area A:
MinImum Building Setbacks:

| from center line of RIverside Pkwy | $175{ }^{\prime}$ |
| :--- | :--- |
| from the boundary of Area B | $0{ }^{\prime}$ |
| from center line of East 71 st | $175 \prime$ |
| from the west boundary | Per approved Detail site Plan |

Maximum Building Height: $\quad 60^{\prime}$
Off-Street ParkIng: As required by the applicable permitted Use Units.
MInImum Internal Landscaped Open Space:

$$
158,340 \text { sf }
$$

* Internal landscaped open space Includes arterial street landscaping, interior landscape buffer, landscaped yards and plazas and pedestrian areas, but does not Include any parkIng, building or driveway areas.
MOTE: Development Area A was Increased from 14.21 to 14.54 acres; Use Units 12, 13 and 14 added; office floor area reduced from 284,000 to 274,000 sf; 42,500 sf of commercial uses were added; and FAR was Increased from . 46 to . 50.


## AREA B

Land Area:
Permitted Uses:

$$
9.89 \text { acres } \quad 430,808 \text { sf }
$$

Uses permitted as matter of right in the OM Office Medium district and accessory uses customarily Incident to a principal use permitted in the OM district, restaurants and private clubs, berber and beauty shops. Restaurants and clubs which are located within a buIlding having offices as its principal use shall be considered as permitted accessory uses if such restaurants and clubs do not occupy more than $5 \$$ of the gross floor area of the principal building in which located.
MaxImum BuIlding Floor Area:

$$
\text { Office } \quad 396,000 \text { sf }
$$

Minimum Building Setbacks:
from centeriline of Riverside Pkwy 175
from the boundary of Area $A$ and $C$ 01
from the west boundary
Per approved Detail Site Plan
Max Imam Building Height: 154' (to the top of parapet) ${ }^{\text {H }}$
W" Maximum building heights shall be subject to the Jurisdiction of the Federal Aviation Administration (FAA) and the Tulsa Airport Authority and the process for granting additional height for development areas $B, C$ and $D$ up to a maximum of 199: be estabilshed as by processing of a minor amendment via the TMAPC and subject to FAA approval.

Area B:
Off-Street ParkIng: As required by the applicable permitted Use Units.
MInImum Internal Landscaped Open Space: 25\% 107,702 sf *

* Internal landscaped open space Includes arterial street $\because$ landscapIng, interior: landscape buffer, landscaped yards and plazas and pedestrian areas, but does not include any parking, building or driveway areas.

NOTE: Development Area B was reduced from 10.25 to 9.89 acres and Use Units 12, 13 and 14 were deleted; 12,500 sf of commercial uses were deleted; FAR Increased from . 91 to .92.

## AREA C



Maximum BuIlding Floor Area:

| Office | $432,000 \mathrm{sf}$ |
| :--- | :--- |
| Commercial | $\underline{21,250} \mathbf{~ s f}$ |
| Total | $453,250 \mathrm{sf}$ |

Minimum Building Setbacks:
from centerllne of Riverside Pkwy 175'
from the boundary of Area B and D from the west boundary
Maximum BuIlding Height:
Off-Street ParkIng:

## 01

Per approved Detail Site Plan

154 ' (to the top of parapet) \#
As required by the applicable permitted Use Units.

* Maximum building heights shall be subject to the jurisdiction of the FAA and the Tulsa Airport Authority and the process for granting additional height for development areas B, C and D up to a maximum of 199' be established as by processing of a minor amendment via the TMAPC and subject to FAA approval.

Area C:
MInImum Internal Landscaped Open Space:

25\%
124,799 sf *

* Internal landscaped open space Includes arterlal street - landscaping, Interlor landscape buffer, landscaped yards and plazas and pedestrian areas, but does not Include any parking, bullding or drlveway areas.
NOTE: Development Area $C$ was Increased from 8.52 to 11.46 acres; commerclal floor area was reduced from 30,000 to 21,250 sf; and FAR was reduced from 1.24 to . 91 .


## AREA D

Land Area:
Permitted Uses:

$$
12.94 \text { acres } \quad 563,666 \text { sf }
$$

Uses permitted as a matter of right in the OM Office Medium district and accessory uses customarlly Incident to a princlpal use permitted In the OM district, restaurants and private clubs, barber and beauty shops, and conventence goods and services, and shoppling goods and services as permitted in Use Units 12, 13 and 14. Restaurants and clubs which are located within a bullaling having offices as its prilnelpal use shall be considered as permitted accessory uses If such restaurants and clubs do not occupy more than 58 of the gross floor area of the principal bullding in which located.
Maximum Bullding Floor Area:
Office 522,000 sf

Commercial
Total

$$
\begin{aligned}
& 522,000 \mathrm{sf} \\
& 21,250 \mathrm{sf} \\
& 543,250
\end{aligned}
$$

MInImum Bullding Setbacks:
from centerilne of RIverside Pkwy 1751
from the boundary of Area H 301
from boundary of Areas C \& E O1
from the west boundary:

Maximum Bullding Helght:
Off-Street ParkIng:

154' (to the top of parapet) \#
As required by the applicable permitted Use Unlts.

* Maximum building heights shall be subject to the Jurisdiction of the FAA and the Tulsa Alrport Authority and the process for granting additional height for development areas B, C and D up to a maximum of $199{ }^{\prime}$ be established as by processing of a minor amendment via the TMAPC and subject to FAA approval.

PUD 128-E Major Amendment - Cont'd
Area D:
Minimum Internal Landscaped Open Space:

* Internal landscaped open space Includes arterial street - landscapIng, InterIor landscape buffer, landscaped yards and plazas and pedestrian areas, but does not Include any parking, - building or driveway areas.

MOTE: Development Area D was Increased from 10.14 to 12.94 acres; commercial floor area was reduced from 30,000 to $21,250 \mathrm{sf}$; and FAR was reduced from 1.25 to . 96 .


Maximum Building Floor Area:
Office 285,117 sf
MInImum Building Setbacks:
from center line of Riverside Pkwy 175!
from the boundary of Area H 30:
from the boundary of Area D $0^{\prime}$
from the boundary of Area $F$ 30'

Maximum Building Height:
Off-Street ParkIng:

Minimum Internal Landscaped Open Space: $25 \%$ 142,005 sf *W
** Internal landscaped open space includes arterial street landscaping, Interior landscape buffer, landscaped yards and plazas and pedestrian areas, but does not Include any parking, building or driveway areas.
MOTE: Development Area E was reduced from 13.05 to 13.04 acres; office floor area was Increased from 216,000 to 285,117 sf; a commercial area of 12,500 sf was deleted; and FAR was Increased from .40 to . 50.

## AREA F

| Land Area: | 11.03 acres $\quad 480,467$ sf |
| :---: | :---: |
| Permitted Uses: | Uses permitted as a matter of right in the RM-2 |
|  | Residential Multifamily district Including garden |
|  | apartments, townhouses and patio homes, |
|  | clubhouses, recreational facllitles, swimming |
| - . | pools and other uses which are customarlly |
|  | accessory to multifamlly dwellings. The |
|  | permitted accessory uses shall Include |
|  | convenlence goods and services and shopping goods |
|  | and services as permitted by a Speclal Exception |
|  | in the OM and OMH zoning districts and shall be |
|  | designed and located for the convenlence of the |
|  | occupants of the multifamily dwelling units. The |
|  | commercial accessory uses in Development Area $F$ |
|  | shall not occupy more than $10 \%$ of the gross floor |
|  | area of the principal bullding in which located. |

Maximum number of DU's: 347
MinImum Bullding Setbacks: from centerllne of Rlverside Pkwy 175!
from the boundary of Area H Per approved Detall Site Plan
from the boundary of Areas E \& G $30^{\prime}$
MaxImum Bullding Height: $\quad 50^{\circ}$ or 3 storles
Llvablllty Space:
Off-Street Parking:

200 sf per dwelling unit
As required by the applicable permitted Use Units.

MOIE: 700 apartment dwelling unlts were originally allocated to one development area at a density of 31.5 dwelling units per acre; apartment unlts have been reduced from 700 to 552 with 347 dwelling unlts to Development Area $F(31.5$ unlts per acre) and 205 to Development Area G ( 31.5 units per acre); the total original area for apartments has been reduced from 22.23 to 17.55 acres; and the apartment area relocated to a Parkway frontage from a river bank locatlon.

## AREA G


and services as permitted by a Special Exception In the OM and OMH zoning districts and shall be deslgned and located for the convenlence of the occupants of the multifamily dwelling unlts. The commerclal accessory uses In Development Area G shall nct occupy more than $10 \%$ of the gross floor area of the princlpal building in which located.
Maximum number of DU's: 205
MInImum Bullding Setbacks: from centerllne of Riverside Pkwy 1751
from the boundary of Area $F$ 301
from the boundary of Area H
Per approved Detall Site Plan
MaxImum Bullding HeIght:
501
Livabllity Space:
Off-Street ParkIng:

200 sf per dwellling unit
As required by the applicable permitted Use Unlts.

MOTE: 700 apartment dwelling unlts were originally allocated to one development area at a density of 31.5 dwelling unlts per acre; apartment units have been reduced from 700 to 552 with 347 dwelling units to Development Area F (31.5 units per acre) and 205 to Development Area G ( 31.5 units per acre); the total original area for apartments has been reduced from 22.23 to 17.55 acres; and the apartment area relocated to a Parkway frontage from a river bank location.

## AREA H



MInImum Bullding Setbacks:
from centerline of Rlverside Pkwy 175'
from boundary of Areas D, E, F\& G $10^{\prime}$
from the west and south boundary Per approved Detall Site Plan
Maximum Bullding Height:
Of $f$-Street ParkIng:
As required by the applicable permitted Use Units.

Minimum Internal Landscaped Open Space: 96\% 518,538 sf \#

* Internal landscaped open space Includes arterial street landscaping, Interlor landscape buffer, landscaped yards and plazas and pedestrian areas, but does not Include any parking, bullding or driveway areas.
MOIE: The open space area has been reduced from 13.42 to 12.40 acres; which results from calculation on a net basls as opposed to a gross basis (the usable open space area is ldentical to PUD 128-D).

3) Sign Standards: Signs within The Riverside Project shall comply with the restrictions of the Planned Unit Development Chapter of the Tulsa Zoning Code and the following additional restrictions:
a). Ground SIgns: A maximum of four ground signs on the Riverside Parkway frontage of The Riverside Project shall be permitted. The display surface area of each sign shall not exceed 90 square
-- feet.
b) Wall or Canopy SIgns: Aggregate display surface area not exceeding one square foot per each lIneal foot of the building wall to which the sign or signs are affixed shall be permitted for retail uses within the office buildings or within a residential building having accessory commercial uses. Aggregate display surface area not exceeding 1.5 square feet per each Ilneal feet of the building wall to which the sign or signs are affixed shall be permitted for retail uses within detached or freestanding buildings. Lettering on wall or canopy signs shall not exceed 2' In height. No portable signs shall be permitted. Projecting signs shall be permitted only beneath a canopy. The design of wall or canopy signs shall be uniform with ln each development area.
c) Directional SIgns: Directional signs within the Interior of The Riverside Project which are intended to Inform the visitor as to the location within the center of tenants may be freestanding, If not exceeding 10 ' in height and If, in the aggregate, the directory signs do not exceed the I Imitations of the Tulsa Zoning Code. The design of directional signs shall be uniform within each development area.
4) That all trash, mechanical and equipment areas shall be screened from public view.
5) That all parking lot lighting shall be directed downward and away from adjacent residential areas. No freestanding lIght within 1751 from the centerline of Riverside Parkway shall exceed 201 In height.
6) That a Detail Landscape Plan shall be submitted to the TMAPC for rev lew and approval and Installed prior to Issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continued condition of the granting of an Occupancy Permit. The 175' setback along the west side of Riverside Parkway shall be used to provide a generous landscaped area which will Include berms, treed areas and shrubbery areas with a variety of landscaping materials.
7) Subject to review and approval of conditions, as recommended by the Technical Advisory Committee.
8) That a Detail Site Plan shall be submitted to and approved by the TMAPC prior to issuance of a Building Permit. Phasing of the development will be permitted based on a plan to be approved by the TMAPC at the time of submission of the initial Detail Site Plan.
9) That no Building Permit shall be issued untll the requirements of Section 260 of the Zoning Code has been satisfled and approved by the TMAPC and flled of record in the County Clerk's office, Incorporating within the Restrictive Covenants the PUD conditions of approval, making CIty of Tulsa beneficlary to sald Covenants. The filing of amended deeds of dedication or restrictlve covenants approved by the TMAPC and City Commission will satisfy this requirement and is a condition of approval of a minor or major amendment.
10) Maximum building helghts shall be subject to the Jurisdiction of the FAA and the Tulsa Alrport Authorlty and the process for granting additional helght for development areas $B, C$ and $D$ up to a maximum of $199^{\prime \prime}$ be established as by processing of a minor amendment vla the TMAPC and subject. to FAA approval.

## Comments \& Discussion:

Chalrman Parmele advised recelpt of letters from Mr. Jackle Bubenik, Executlve Director of the RIver Parks Authority, Mr. Herb Beattle of The Nature Conservancy, and Mr. Chester Cadleux, Chalrman of the River Parks Authority, all stating support and requesting approval of this project.

## Appllcant's Comments:

In reply to Chairman Parmele, Mr. Joe Westervelt stated agreenent to the Staff recommendation. Mr. Westervelt clarifled, In response to Mr. Doherty, that pedestrian access along the river, whlle not currently on the map exhlbit, had been addressed with this River Park Authority and was a part of this project.

Mr. Paddock advised he had served with Mr. Westervelt on the Mayor's Arkensas River Corridor Task Force, and he felt assured thls project was In good hands as far as carrying out the objectlves of the Task Force. He commented that the revised plan, Indicating the green space and open space, further carrled out the goals of the Task Force.

## Interested Parties:

Mr. KInney Baxter of the Tulsa Alrport Authority (7777 East Apache) addressed the Issue of buliding helght in Development Area B in regard to the close proximity of the Riverside Alrport. He advised that the Alrport Authorlty was in the process of conductIng an Alrport Master Plan which would show future runway development and extensions. Mr. Baxter suggested the buliding height issue in Area B be deferred until completion of the Alrport Master Plan.

Discussion followed among the Commission members, with the consensus being that this project should not be helid up while the Alrport Master Plan was beling studied as that could be a lengthy process. Mr. Westervelt advised of meetings with the Federal Avlation Administration representatives, both locally and in Washington, and the Issue has been reviewed and addressed In the PUD text. He added that, during these meetings, the applicant was made aware of the planned runway extenslons and all the calculations done regarding bullding height were based on the planned extensions.

Commissioner Selph commented that he had every confldence in the Tulsa Alrport Authority's abllity to work with the developer; therefore, he moved approval of the Staff recommendation.

## TMAPC ACTION: 8 members present

On MOTION of SELPH, the TMAPC voted B-0-0 (Carnes, Doherty, Kempe, Paddock, Parmele, Selph, Vanfossen, Wilson, "ayé"; no "nays"; no "abstentlons"; Crawford, Draughon, Woodard, "absent") to APPROVE the Major Amendment to PUD 128-E (formerly PUD 128-D-1), as recommended by Staff, and early transmittal of these minutes to the Clty Commission.

## Legal Description:

A part of Section 7, $\mathrm{T}-18-\mathrm{N}, \mathrm{R}-13-\mathrm{E}$, and a part of Section 12, $\mathrm{T}-1 \mathrm{~B}-\mathrm{N}$, R-12-E, Tulsa County, Oklahoma being more particularly described as follows: Commencing at the northeast corner of sald Section 12 as the polnt of beginning. Thence, along the centerline of the proposed Riverside Parkway $59^{\circ} 271$ 33"1 East a distance of 977.671 to point of curvature; thence along a 1,273.24' radius curve to the left having a central angle of $20^{\circ} 20^{\prime} 00^{\prime \prime}$ for an arc distance of 651.85 to a point of tangency; thence $538^{\circ} 471331$ East a distance of 39.011 to a point of curvature; thence glong a $44,864.561$ radlus curve to the right having a central angle of $1^{\circ} 011^{\prime \prime} 18^{\prime \prime}$ for an arc distance of 800.001 to a point of tangency; thence $537^{\circ} 46^{\prime} 15^{\prime \prime}$ East parallel with Block 8, Kensington II amended a distance of $1,933.421$ to a point on the northerly line of Block 20, Kenslngton; thence $541^{\circ} 06^{\prime} 06^{\prime \prime}$ West aiong the boundary of sold Block 20 a distance of 435.96' to a point; thence along a 521,281 radius curve to the right having a central angle of $69^{\circ} 00^{\prime} 00^{\prime \prime}$ for an arc distance of 627.77 feet to a point of tangency; thence N69 $533^{\prime} 54^{\prime \prime}$ West a distance of 157.401 to a point of curvature; thence along a $1,100.00$ ' radlus curve to the right having a central angle of $43^{\circ} 30^{\prime} 00^{\prime \prime}$ for an arc distance of 835.141 to a point of tangency; thence N26 ${ }^{\circ} 23154$ " West a dlstance of 1,157.22' to a polnt of curvature; thence along a 599.981 radlus curve to the right having a gentral angle of $13^{\circ} 49^{\prime} 131$ for an arc distance of 144.72's thence $\mathrm{N} 12^{8} 34^{\prime \prime} 41^{\prime \prime}$ West a distance of $2,376.431$ to a polnt which is 125.001 South of the North Section Line of Section 12, $\mathrm{T}-18-\mathrm{N}$, R-12-E, thence 100011 20" East a distance of 125.00 1 to a point on the north Boundary of sald Section 12; thence $589^{\circ} 581$ s0"' East along sald north boundary a distance of 565.251 to the northeast corner of sald Section 12 which is the point of beginning.

Sald tract contalning 3,999,906.57 square feet or 91.825 acres, more or less. Legal description of Riverside tract to centerline of adjacent streets using State plane bearings.

Application No.: Z-6079 \& PUD 128-D Present Zoning: RM-2, AG, FD
Applicant: Norman (Riverside Company) Proposed ZonIng: CS, OMH, RM-2
Location: South \& East of list Street, East of Arkansas RIver
Date of Hear Ing: September 11, 1985
Size of Tract: 91.8 acres, more or less
Presentation to TMAPC by: Charles Norman, 909 Kennedy Building

## Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the entire subject tract Development Sensitive; Low Intensity - No Specific Land Use/Public on the northerly portion, and the southerly portion Medium Intensity - No Specific Land Use.

According to the M Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested zoning's relationship. to the Comprehensive Plan is as follows: CS - not in accordance; OMH not in accordance; and OMP and RJP - not In accordance on the north and In accordance on the south portion. The Development Sensitive classification would address the possible need for FD zoning. (Note: Stormwater Management is recommending that FD zoning ordinance be repealed.)

## Staff Recommendat Ion - Z-6079:

Site Analysis: The subject tract has an area of approximately 91.82 acres and is located at the southwest corner of the proposed Riverside Parkway and East 71st Street South. The parkway will form the east boundary of this tract and the Arkansas River, the west boundary. The tract is comprised mainly of ground that has been reclaimed by filling the east bank of the River. It is abutted on the north by East 71st Street and the Intersection of the Parkway, Peoria and East list Street. It is basically flat, non-wooded, vacant and zoned a mixture of RS-3, RM-1 and CS on the north; RS-2 on the interIor, RM-2 on the southern portion and $A G / F D$ on the southwesterly portion bounded by the Arkansas River.

Surrounding Area Analysis: The tract is abutted on the north by the Intersection of East 71 st Street and Peoria and property zoned CS, on the east by property zoned CS, RS -2, RM-1 and RM-2, on the south by the Joe Creek Channel, zoned FD and on the west by the Arkansas River zoned AG and FD.

Zoning and BOA Historical Summary: The Riverside Expressway was initially planned in this area and, subsequently, downgraded to he Riverside Parkway. Although the zoning classifications are mixed in this general area, recent zoning cases have boon medium intensity in nature.

Conclusion: Although the Comprehensive Plan, as adopted, does not support medium intensity at the intersection of the proposed RIverside Parkway and East 71st, this classification was more of a reflection of the arterial's previous designation as an Expressway with no land on the west near 71 st or access roads. The present Parkway could be considered a Primary Arterial, which is the classification of East 71 st Street. The emInent construction of the Parkway causes the Staff to be supportive of nodal type development; however, supportive only to the point of recommending enough medium Intensity zoning to accomplish what is planned In the companion PUD and confined to a ten acre node.

The "public" designation on the north portion of the Low Intensity Development Sensitive area, was for the purposes of supporting a park type development along the narrow strip of land west of the proposed expressway, which is no longer the case. The proposed plans, however, provide public access along the river and the applicant has donated additional land to the River Parks Authority. The present zoning and Comprehensive Plan (southern portion) does recognize medium intensity development west of the Parkway in this area provided the area meets ali of the CIty and Federal Flood Regulations.

Therefore, the Staff recommends APPROVAL of 3.9 acres of CS on the north with 5.6 acres of OMH on the south portion of the ten acre node, consistent with the Development Guidelines, less and except any area needed for the alignment of the Riverside Parkway, less and except any FD zoning, as needed and with RM-2 zoning on the balance. The applicant will| be responsible for corrected legal descriptions.

If the Commission supports this recommendation, the staff further recommends the the subject tract will be redesigrated in the Comprehensive Plat: to Medium intensity - Ne Specific land Use, with the Development sensitive designation as needed te support possible FD zoning.

## PUD 1128-D - Background:

This request is described as a Major Amendment to PUD \#128, which adds land to the original PUD, deletes approved development standards from Development Areas 29, 30, 31, 32 and 35, and formulates new development standards for these areas under PUD $\# 128-D$. Development Area 29 was the original $300^{\prime}$ wide corridor for the Riverside Expressway, which has been reduced to 150' wide and will be built as the Riverside Parkway. This reduced the original area of the Parkway from 16.8 acres to 13 acres (more or less), which has been conveyed to the City. Development Areas 30,31 and 32 were originally 64.3 acres and allocated 2,572 dwelling units - 2,296 units from PUD $128-A$, and 276 units transferred from the PUD $\$ 128-\mathrm{B}$. These development areas would be: (1) abandoned by the approval of PUD $1128-D$ and reestablished per the new Development Standards for Areas A through G, (2) underlying zoning would be retained, (3) the dwelling units allocated to the subject ares of PUD 128-D would be reduced from 2,572 units to 700 snits, and (4) land would be added to the PID which, subject to commercial and office zoning, would be partially converted to floor area for office space.

## PUD Revlon:

The subject request is a major amendment to PUD $128(A-C)$ that would facilitate construction of 700 units of multifamily development, 85,000 square feet of retall/commercial development and 1,850,000 square feet of office development. The site has approximately 5001 of frontage on East 71 st and 4,400 feet along the Riverside Parkway. The subject tract has an area of 91.82 acres and is located on the east bank of the Arkansas River, south of East 71st, west of the proposed Riverside Parkway, and north of the Joe Creek Channel. The Staff is supportive of the underlying zoning requested to the extent of limiting the medium Intensity CS and OMH zoning to the ten acre node at East 71st and the proposed Parkway, and as discussed under Z-6079. The proposed development will be divided into Development Areas A through $G$ as discussed under the Development Standards. The height profile of the development at 71 st and the Riverside Parkway Is proposed to be four to five stories, Increasing to approximately twelve stories in the middle portion (Increased height is requested with approval of the Federal Aviation Authority and Detail Site Plan), and decreasing in height on the south. The 1751 buIlding setback proposed in the Text from the centerline of Riverside will cause the present residential structures on the east to be approximately $300^{\prime}$ away.

The design and Intensity of the development will require structured parking throughout the development; however, an average of $25 \%$ of landscaped open space is proposed per Development Area. Development Area "Fl, 13.42 acres, will be devoted solely to open space. Open space wIll also Include a dedicated pedestrian trail along the Arkansas River and a link connecting the south end of Harbour Point along the Joe Creek Channel to Kensignton Park. A park site is also proposed along the riverbank south of the Joe Creek Channel which will be donated by applicant. The Parkway design will allow access to the various Development Areas along Riverside; however, this access will be granted only with approval of the City of Tulsa Traffic EngIneer. The design of the proposed Parkway presently Indicates that traffic on Riverside south of 71 st will not be able to directly access the southwest corner of 71 st and Riverside due to the roadway being divided by a raised median for several hundred feet south of 71 st. Four points of access are proposed from Riverside with an Internal street system running the length of the tract, cul-de-saced on the north. The proposed Internal street will have a 48 foot wide paving section. Drainage from the site will be directed to the abutting Arkansas River.

The Staff has reviewed the proposed major amendment and finds it to be (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of the area; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the Zoning Code.

Therefore, the Staff recommends APPROVAL of PUD $128-\mathrm{D}$, subject to the following conditions:
(1) That the applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
(2) Development Standards: (NOTE: Due to the length of this documentation, the Staff recommends these be made a matter of record via "Exhibits" by the TMAPC if and/or as adopted.)

STATISTICAL SUMMARY: (Attached as an ExhIbit)
DEVELOPMENT STANDARDS: (Attached as an Exhibit)
(3) That a Detail Landscape Plan shall be submitted for each Development Area for review and approval by the TMAPC and installed prior to Issuance of an Occupancy Permit for any units within said area. The 1751 setback along the west side of the Riverside Parkway shall be used to provide a generous landscaped area which will include berms, treed areas, and shrubbery areas with a variety of landscaping materials.
(4) That Detail Site Plan approval shall be required by the TMAPC for each Development Area prior to issuance of a Building Permit.
(5) That all equipment and utility areas shall be screened from public view.
(6) Subject to review and conditions of the TAC, including approval of all access points and traffic concerns by the City of Tulsa Traffic EngIneer.
(7) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and approved by the TMAPC and flied of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to ald covenants.
(8) That the process for granting additional height in the various areas be established as by processing of a minor amendment via the TMAPC and subject to Federal Aviation Administration approval.

## Applicant's Comments:

Mr. Charles Norman, representing the applicant, gave a thorough background description and the intention of uses in each of the proposed areas (A through G). Mr. Paddock asked for clarification of the proposed height in Areas B, C and D, and Inquired if there were any plans for a pedestrian overpass over Riverside Parkway that might connect the development. Mr. Norman stated the building height proposals had been reviewed by the FAA and he did not know of any planned pedestrian overpasses.

## Comments \& Discussion:

Mr. Draughon stated he would be opposed to any high-rise buildings along the entire river front. Mr. Draughon inquired as to a flood plain determination. Mr. Norman stated they had received flood plain development permits from the City of Tulsa (Issued 3/17/84). Chairman Kemp advised the hydrology reports arrived late and Staff had the flood plain information at the meeting. Mr. Carnes complimented the project but voiced concern over the high-rises being in the Jones/Riverside Airport fight area. ChaIrman Kempe Informed that condition $/ 8$ required FAA approval. Discussion and debate followed among the Commission, Legal and Mr. Norman as to the high-rise limits, FAA approval and notification to the Tulsa Airport Authority. It was suggested changing item of the PUD to set a maximum building height of 1991 in areas B, C and $D$; and making it a Jurisdiction of the Tulsa Airport Authority. Mr. Paddock voiced objections to recognizing the Tulsa Airport Authority's jurisdiction, as he felt FAA approval would be adequate.

## Interested Parties:

Mr. Almond Allen Address: 7731 South Trenton Avenue
Mr. David Henderson 7756 South Trenton Avenue
Mr. Allen stated, after seeling and hearing the proposals, he feels this Is a well planned project. Mr. Allen did, however, voice concerns over future traffic on Trenton Avenue.

Chairman Kempe read a letter from Mr. Henderson voicing oppositions to the proposed rezoning.

## Additional Comments \& Discussion:

Mr. Norman stated support of the homeowners concerns and added efforts would be made to meet the potential traffic problems pointed out by homeowners in this area. Ms. Wilson suggested sending Mr. Henderson's letter to Commissioner Metcalf to advise him of the street/traffic concerns in the Trenton area. Mr. Paddock offered his compliments to Mr. Norman on this project and the Commission, as a whole, applauded the efforts made by Mr. Norman and the Riverside Company.

TMAPC ACTION: 9 members present
On MOTION of CARNES, the Planning Commission voted 7-1-0 (Cares, Connery, Higgins, Kempe, Paddock, WIlson, Woodard, VanFossen, "aye; Draughon, "nay"; no "abstentions"; (Harris, Young, "absent") to APPROVE Z-6078 as recommended by Staff, and APPROVE PUD 1128-D, with item \$8 to be amended, and the addition of Item as follows:
(8) Maximum building heights shall be subject to the Jurisdiction of the FAA and the Tulsa Airport Authority and the process for granting additional height for development areas B, C and D up to a maximum of $199^{\prime}$ be established as by processing of a minor amendment via the TMAPC and subject to FAA approval.
(9) Due to the length of the Development Standards, these standards shall be made a matter of record via attachments as Exhlt ts to these minutes.

## Legal Description:

A part of Section 7, T-18-N, R-13-E, and a part of Section 12, T-18-N, R-12-E, Tulsa County, Oklahoma being more particularly described as follows: Commencing at the northeast corner of said Section 12 as the point of beginning. Thence, along the centeriline of the proposed Riverside Parkway $59^{\circ} 277^{\prime} 33 n$ East a distance of 977.671 to point of curvature; thence 8 long a $1,273.24$ ' radius curve to the left having a central angle of $20^{\circ} 20^{\prime} 00^{\prime \prime}$ for an arc distance of 651.851 to a point of tangency; thence $538^{\circ} 47133^{\prime \prime}$ East a distance of $39.01{ }^{\prime}$ to a point of curvature; thence along a $44,864.56$ ' radius curve to the right having a ceritrai angle of $1^{\circ}$ of' $18^{\mathrm{cc}}$ for an are distance of 800.001 to a point of tangency; thence $537^{\circ} 46^{1} 15^{\prime \prime}$ East parallel with Block 8, Kensington 11 amended a distance of $1,933.42$ ' to a point on the northerly line of Block 20, Kensington; thence $541^{\circ} 06^{\prime} 05^{\prime \prime}$ West along the boundary of said Block 20 a distance of $435.96^{\prime}$ to a point; thence along a $521.28^{\prime}$ radius curve to the right having a central angle of $69^{\circ} 00^{\prime} 00^{\prime \prime}$ for an arc distance of 627.77 feet to a point of tangency; thence N69 ${ }^{\circ} 53154^{\prime \prime}$ West a distance of $157.40^{\prime}$ to a point of curvature; thence along a 1,100.00' radius curve to the right having o central angle of $43^{\circ} 30^{\prime} 00^{\prime \prime}$ for an arc olstance of $835.14^{\prime}$ to a point of tangency; thence $N 26^{\circ} 23154^{\prime \prime}$ West a distance of $1,157.22$ ' to a point of curvature; thence along a $599.98^{\prime}$ radius curve to the right having a central angle of $13^{\circ} 491$ 13" for an arc distance of 144.72'; thence $\mathrm{N} 12^{\circ} 34^{\prime \prime} \mathrm{A1}^{11}$ West a distance of $2,376.43^{\prime}$ to a point which is 125.00 ' South of the North Section Line of Section 12, T-18-N, R-12-E, thence NO O1' $20^{\prime \prime}$ East a distance of 125.00 ' to a point on the north Boundary of said Section 12; thence S89 $58^{\circ} \mathbf{1}^{\prime \prime \prime} 40^{\prime \prime}$ East along said north boundary a distance of 565.25 ' to the northeast corner of said Section 12 which is the point of beginning.

Said tract containing 3,999,906.57 square feet or 91.825 acres, more or less. Legal description of Riverside tract to centerline of adjacent streets using State plane bearIngs.

Application No. PUD \#128-A
Present Zoning: (R M-1)
Applicant: Charles Norman (The Riverside Co.)
Location: South of 71st Street and West of the Joe Creek Channel
Date of Application: August 24, 1979
Date of Hearing: October 10, 1979
Size of Tract: . 118 acres
Presentation to TMAPC by: Charles Norman
Address: 1100 Philtower Building
Phone: 583-7571
Applicant's Comments:
Charles Norman presented an amended plan for PUD 128-A (Exhibit "D-1") and advised that this application is to amend the previous application filed in 1972 by the Riverside Company. The Joe Creek was realigned and channelized with the assistance of the City of Tulsa. The project was divided into three phases; the first phase was a multifamily development just to the east of the Joe Creek Channel and has been completed; the second phase included approximately 78 acres lying west of the Joe Creek Channel and east of the proposed extension of the Riverside Expressway; the third portion is to the west of the proposed right-of-way and fronting on the banks of the Arkansas River. The amendment applies to 78 acres of the original PUD, which was approved for multifamily development with densities of approximately 17 dwelling units per acre. A residential collector street has been included in the project. Mr. Norman requested the Commission approve the deletion of a six-acre tract, immediately west of the-Groek Channel and east of the residential collector street. He also proposed deleting 80 dwelling units from those allowed in the original PUD. - The area on the Arkansas River has been zoned RM-2 for a number of years and the original PUD took some of the high-density, approved along the River bank, and moved it to the east; the applicant requested that the reduction in dwelling units in that area be permitted to be transferred to the west along the River bank. An area of green space was planned along the realigned Joe Creek Channel as a part of the recreational amenities serving the multifamily residential areas on both sides of the channel; however, the channel design standards reduced the desirability and Mr. Norman asked that this area be deleted as open space and proposed the tract be developed as single-family residences.

Protestants: Larry Williamson Paul Louvier Betty Rather

Address: 7131 South Quincy Avenue 7134 South Quincy Avneue 7208 South Quincy Avenue

## Protestant's Comments:

Larry Williamson, 7131 South Quincy Avenue, questioned if the residential collector street in the project will be connected immediately with 75th Place. He stated he did not understand the need to open this PUD to the existing neighborhood.

Mr. Norman advised that the collector street would be constructed to the property line and would connect with East 75th Place and also to Quincy Avenue. He noted that this street plan was not a proposal of the applicant, but a requirement of the Technical Advisory Committee.

## PUD \#128-A (continued)

Paul Louvier, 7134 South Quincy Avenue, questioned the sewage storage tanks and the construction process. He stated the Riverside development through the years, has pumped a tremendous amount of water out of the water table and he felt this has affected the quality of the water supply in the area. Mr. Louvier asked if the developer had any plans or suggestions as to how they could get City water in the area.

Mr. Norman stated that he had been advised by the City Water Department, that before any connections will be permitted to the project, it will be necessary to construct an off-site loop along Peoria and down 71 st Street due to existing water pressure problems.

Betty Rather, 7208 South Quincy Avenue, asked the applicant how long it would be before Section $D$ was developed.

Charles Norman advised that he could not answer that. He stated that the Riverside Company had felt that the development of that area was dependent upon an extension of Riverside Drive, either as an expressway or a parkway.

Staff Recommendation:
Planned Unit Development \#128-A is located south of 71 st Street and west of the Joe Creek Channel. The requested amendment includes 160.84 acres of land of which 16.80 acres has been reserved for the Riverside Expres-: sway. The area under application for amendment has been approved for a total of 2,929 dwelling units to include various densities and types of residential units as a part of PUD \#128 which comprised 352.887 acres. The requested amendment is to accomplish the exclusion of a 5.97-acre tract from the controls of the PUD, and the reallocation of the permitted densities. The requested reallocation of residential densities involves the increase of two areas due to the reduction of the density on the interior portion of the development.

The Staff has reviewed the requested amendment and find that the requested amendment is appropriate based upon the previous approval, the subsequent development and rezoning adjacent to the tract. The Staff also finds that the requested amendment is consistent with the purposes and intents of the PUD Ordinance, and therefore, recommend APPROVAL subject to the following conditions:

1. That the 5.97 -acre tract (Block 2, Kensington II), be excluded from the controls of PUD \#128, thereby reducing the total number of dwelling units of PUD \#128-A by 80.
2. That the total number of dwelling units of PUD 128-A shall not exceed 2,849 to be allocated as hereinafter specified.
3. Development Area "A" (proposed Block 1, Kensington II)
a. That the net land area be 11.20 acres.
b. That the permitted uses shall include garden apartments with customary accessory uses such as clubhouses, pools, parking facilities, tennis courts, laundry facilities, etc.
c. That the maximum number of dwelling units be 280 .
d. That the bulk and area requirements of the RM-1 District shall apply in regards to building height, off-street: parking and livability space.
e. That the following standards shall apply regarding perimeter yards:

North Boundary -- 35 feet
West Boundary -- 50 feet
South Boundary =- 35 feet
East Boundary -- 25 feet
4. Development Area "B" (proposed Blocks 3, 4, 5\& 7, Kensing'ton II)
a. That the net land area be 25.33 acres.
b. That the permitted uses by single-family and duplex.
c. That the maximum number of dwelling units not exceed 138.
d. That the development standards shall be as follows:

Livability Space per D.U. (Min.) -- Duplex 2,000 sq. ft.
Yards------------------------Front, 25 feet
Rear, 20 feet
Side, One 10 feet the other 5 . feet
Parking--------------------Two enclosed off-štreet spaces per dwelling untt.
5. Development Area "C" (proposed Blocks 6, 8, 9 \& 10, Kensington II)
a. That the net area be 35.14 acres.
b. That the proposed uses be single-family residences, and the existing sanitary sewer lift station.
c. That the maximum number of dwelling units be 101 .
d. That the development standards be as follows:

Lot Width (Min.) -------------------- 72 feet
Lot Size (Min.)--------------------8, 200 sq. ft.
Building Height (Max.) --e----------- 26 feet
Livability Space per D.U. (Min.) --- 5,000 sq. ft.
Yards---As required in RS-3 District.
Parking---Two enclosed off-street spaces per D.U.
10.10.79:1281(16)

## PUD \#128-A (continued)

e. That the site of the sanitary sewer lift station be platted as a separate lot and dedicated to the City of Tulsa.
6. Development Area "D"
a. That the net land area be 64.30 acres
b. That the permitted uses be single-family detached or attached, townhouses, garden apartments and high-rise apartments.
c. That the maximum number of dwelling units be 2,327. The actual number of dwellings shall be determined through the site plan review process, and shall be contingent upon the completion of the dedicated collector loop as proposed, thereby, providing two points of access to 7lst Street.
d. That the maximum height of the building shall not exceed 15 stories (elevation 775 feet) providing a height clearance is obtained from the Federal Aviation Administration (FAA).
e. That the minimum livability area shall be 348,800 square feet (8.00 acres).
f. That all other bulk and area requirements not specifically addressed shall be as required in the RM-2 District.
7. Development Area "E"
a. That the net land area be 16.80 acres.
b. That the area be reserved for the right-of-way for the proposed Riverside Expressway.
8. That a detailed site plan for each development area or portion thereof, be approved by the TMAPC prior to the request for a building permit.
9. That a subdivision plat be approved by the TMAPC and filed of record in the County Clerk's Office, incorporating within the restrictive covenants those conditions of approval and making the City of Tulsa beneficiary to said covenants, prior to the request for any building permit.

Special Discussion For The Record:
Commissioner Dowie expressed concern with the lack of open space in the application.

Mr. Norman advised her that the application provided the livability space, in the single-family area, required for an RS-2 District although the subject property was zoned RS -3. The multifamily area will be subject to a detailed site plan and open space will be provided, similar to other developments in the immediate vicinity.

TMAPC Action: 8 members present.
On MOTION of YOUNG, the Planning Commission voted 8-0-0 (Downie, Eller, Gardner, Hyne, Keith, Kempe, Young "aye"; no "nays"; no "abstentions"; Avey, Inhofe, Keleher, Rice "absent") to recommend to the Board of City Commissioners that the following described property be approved, subject to the Staff Recommendation:

All that part of Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at a point in the Easterly Boundary of said Section 7, 1,394.84' from the NE corner thereof; thence South $00^{\circ}-30^{\prime}-28^{\prime \prime}$ East along the Easterly Boundary of said Section 7 a distance of 300.00'; thence South 89 -30'-47" West parallel to the Southerly Boyndary of the NE/4 of said Section 7, 2,080.00'; thence South $00^{\circ}-30^{\prime}-28^{\prime \prime}$ East parallel to the Easterly Boundary of said Section 7, $880.00^{\prime}$; thence North $89^{\circ}-30^{\prime}-47^{\prime \prime}$ East $760.22^{\prime}$ to a point on the Westerly Boundary of the $E / 2, E / 2$, of said Section 7 , also being 1,319.78' from the Easterly Boundary and 2,668. $63^{\prime}$ ' from the Southerly Boundary of said Section 7; thence South $00^{\circ}-30^{\prime}-35^{\prime \prime}$ East along the Westerly Boundary of the $E / 2, E / 2$, of said Section 7, 1,468.63' to a point $800.00^{\prime}$ from the Southerly Boundary of said Section 7; thence South $89^{\circ}-47^{\prime}-24^{\prime \prime}$ West parallel to the Southeriy Boundary of said Section 7, 680.00 '; thence North $83^{\circ}$ -45'-17" West 1,106.88'; thence South $36^{\circ}-42^{\prime}-36^{\prime \prime}$ East $1,150^{\prime}$ to a point in the Southerly Boundary of said Section 7, 2,339.70' from the SE corner thereof; thence South 89-47'-24" West along the Southerly Boundary of said Section 7, 284.87'; thence North $47^{\circ}$ -33'-23" West 1,318.10'; thence North $34^{-19 '-38 " ~ E a s t ~ 585.52 ' ; ~}$ thence on a curve to the left having a radius of $2,697.80$, a distance of $1,645.20^{\prime}$; thence North $00^{\circ}-36^{\prime}-50^{\prime \prime}$ West $1,524.28^{\prime}$ to a point 775' Soutb of the Northerly Boundary of said Section 7; thence North 89-14'-12" East parallel to the Northerly Boundary of said Section ${ }^{7}, 750^{\prime \prime}$; thence South $36^{\circ}-49^{\prime}-57^{\prime \prime}$ East $766.83^{\prime}$; thence North $89^{\circ}-14^{\prime}-12^{\prime \prime}$ East paralle1 to the Northerly Boundary of said Section 7, 1,550.00' to the point of beginning, containing $5,558,604.48$ square feet, or 127.608 acres; AND, all that part of the W/2, Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wlt:

Beginning at the Southeasterly corner of Lot 3, Block 3, River Grove Subdivision, a subdivision in Tulsa Coynty according to the official recorded plat thereof; thence North $00^{\circ}-12^{\prime}-13^{\prime \prime}$ West along the Easterly Boundary of Lot 3, Block 3 of River Grove Subdivision, 611.60'; thence South $89^{\circ}-30^{\prime}-47^{\prime \prime}$ West along the Northerly Boundary of Lots 3 gnd 4, Block 3 of River Grove Subdivision, 356.00 '; thence North $00-12^{\prime}-13^{\prime \prime}$ West along the Easterly Boundary of Lots 8, 7, and 6, Block 2 of River Grove Subdivision, 542.00' to the Northeast cgrner of Lot 6, Block 2, of River Grove Subdivision; thence South 89 -30'47" West along the Northerly Boundary of Lot 6, Block 2 of River Grove Subdivision, 468.20 ' to a ${ }_{0}$ point on the meander line of the Arkansas River; thence South $64^{\circ}-42^{\prime}-47^{\prime \prime}$ West $260.00^{\prime}$; thence South

AND, all the North $250.00^{\prime}$ of the East $910.00^{\prime}$ of the South $1,480.00^{\prime}$ of the E/2, NE/4 of Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, containing 227,500 square feet, or 5.223 acres; AND, all that part of the NE/4, NW/4, and NW/4, NE/4 of Section 7, Township 18 North; Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at a point in the North Boundary of said NW64, NE/4, 1,810' from the NE corner of said Section 7; thence South 00 -30'-28" East, parallel to the Easterly Boundary of said Section 7, 656.21'; thence South $57^{\circ}-51^{\prime}-27^{\prime \prime}$ West $228.14^{\prime}$; thence South $89^{\circ}-14^{\prime}-12^{\prime \prime}$ West, parallel to the Northerly Boundary of said Section 7, 750.00'; thence North $00-36^{\prime}-50^{\prime \prime}$ East 775' to a point in the Northerly Boundary of said NE/4, NW/4; thence North $89^{\circ}-14^{\prime}-12^{\prime \prime}$ East along the Northerly Boundary of said Section 7, $945.68^{\prime}$ to the point of beginning, containing 720,806 square feet, or 16.547 acres.
10.10.79:1281(20)

## ZONING PUBLIC HEARING：

Application No．Z－4236 \＆PUD 非127 \＆ Application No．Z－4245 \＆PUD 非128

Applicant：Clarke Ford

Present Zoning：RS－2（Z－4236 \＆PUD 非127）<br>Present Zoning：AG（Z－4245 \＆PUD 非128）<br>Proposed Zoning：RM－1，RD and RS－3 （Z－4236 \＆PUD 非127）<br>Proposed Zoning：RS－2，RM－2，RM－1，CS \＆OM （Z－4245 \＆PUD 非128）

Location：Z－4236 \＆PUD 非127－West of the NW corner of 71 st Street and Lewis Ave． Location：Z－4245 \＆PUD 非128－South of the SW corner of 71st Street and Lewis Ave．

Date of Application：Z－4236－June 30， 1972
Date of Applications：PUD 非127，PUD 非128 and Z－4245－August 3， 1972
Date of Hearing：August 23， 1972
Size of Tract：$\quad Z-4236 \&$ PUD $⿰ ⿰ 三 丨 ⿰ 丨 三 一 127=67.993$ Acres
Size of Tract：$\quad 2-4245 \quad=348.086$ Acres and
PUD 非128 $\quad=275.481$ Acres
Presentation to TMAPC By：Clarke Ford
Address： 1414 dst National Bank Building Phone：587－2422
Comments：
Mr．Ford began his presentation by presenting maps for clarification and information（Exhibit＂ $\mathrm{C}-1$＂）to the Commission members．He then requested that the zoning applications and Planned Unit Developments be heard at the same time．Mr．Ford stated that RD and RM－1 low density units will be included in the Planned Unit Development which would allow slightly higher densities between Peoria and Utica．He requested an extension of CS zoning at 71 st and Lewis Avenue which will be buffered by $O M$ to the west and south． Two OM Districts are included in the request and would provide buffering to the CS development west on 71 st and south on Lewis．He also stated that there are requested CS and $O M$ zoning at $81 s t$ Street and the proposed River－ side Expressway which appear to be on an irregular tract．He stated that a major part of the proposed development includes the realignment of Joe Creek，which will be done in accordance with the Corps of Engineers．This realignment would straighten the Creek and take it into the Arkansas River north of $81 s t$ Street．Zoning lines for residential are for RS－3 on all residential portions to the east of Joe Creek and RM－1 from flat Street to the Riverside Expressway on the west of Joe Creek．RM－2 zoning will be placed to the south and west of the proposed Riverside Expressway between the Expressway and the Arkansas River．The realignment of Joe Creek will be an immense undertaking with $11 / 2$ miles of new channel to be constructed at a cost of $\$ 1,000,000$ ．The key part of the realignment is the present bridge structure at 7 list Street，which the City Engineer is preparing specifications for to coincide with the realignment of the Creek．The plan for development of PUD $⿰ ⿰ 三 丨 ⿰ 丨 三 一 127$ provides that Block A，containing 35 acres，be developed at 10 units per acre．Also，each Block will join Utica，single－family development and the realigned creek．Blocks $B$ and $C$ ，containing 10 acres，allow 263 units or an average density of 25 units per acre．The development standards are the same as RM－1 requirements．On the portion of the tract south of 71 st

Street, areas $A, B \& C$ are all medium density areas and have approximately 25 units per acre. Blocks $D, E \& F$, will contain multifamily development but will be predominately single family development at an overall density of 12 units per acre. High-density development is planned to the west of the Creek, and to the southwest side of Riverside Expressway is planned high-rise development, approximately 15 stories. Mr. Ford stated the realignment and alterations to the Creek would be of benefit to the residents. He stated that the dirt removed from the channel would be used for the extension of the Arkansas River bank, the tract to be developed high-rise. The widening and deepening of the creek channel would solve part of the flooding problems in the area by increasing the carrying capacity and flow into the Arkansas River. He also stated that access points in the development will be provided through stub streets into the properties that are now in place. He said that they planned to extend Utica to 7lst Street.

## Staff Recommendation: Z-4236

The subject application contains approximately 68 acres located on the north side of 71 st Street South, east of Trenton Avenue. The property is vacant, zoned $R S-2$, and the requested zoning change is for a combination of RM-1, RD and RS-3.

The applicant is requesting a combination of RM-1, RD and RS-3 zoning and is also requesting approval of PUD 127 covering the same area, to permit the development of 726 units including single-family duplexes, townhouses and apartments for a total density of 10.7 units per acre. Although the RM-1 and RD patterns extend northward into the interior of the section, the densities permitted are equivalent to RM-2 zoning on 71st Street aligning with the RM-2 to the east and west, and RS-3 on the balance which we feel is merited. The proposed $\mathrm{RM}-1$ and $R D$ rezoning does not abut any singlefamily subdivisions, and therefore, the choice between the proposed zoning pattern and RM-2 (on 7lst Street) and RS-3 is insignificant. The vacant area abutting the northern boundary of the subject tract remains RS-2 and is to be developed in conventional single-family homes. Drainage problems in the area will be corrected by the proposed realignment, widening and deepening of the Joe Creek Channel which is also a part of the overall development plan.

The proposed density and development is justified on the basis of the surrounding zoning and land use development patterns in the area, and accordingly the Staff recommends approval of RM-1, RD, and RS-3 as requested.

## Staff Recommendation: PUD 非127

The subject application represents a 67.9 acre tract located east of Trenton Avenue north of 71 st Street extending north to approximately 65 th Street. The tract is presently undeveloped, and the applicant is requesting $R M-1, R D$ and $R S-3$ zoning. The zoning pattern will locate multifamily zoning adjacent to the major arterial, duplex zoning adjacent to duplex development, and single-family zoning in the interior.

This PUD is a companion to PUD 非128，which is located immediately south of 71 st Street．The major features of these two PUDs include the realign－ ment and channelization of Joe Creek．In doing so，the developer will be able to reclaim land that was rendered undevelopable due to the flooding of Joe Creek．

The development plan calls for varied dwelling types to include： Single－family detached and attached，townhouses and garden apartments．A 16.4 acre open space area to include the creek channel and recreational facilities will be provided．

The Staff has reviewed the PUD text and plot plan，and although detailed plans as to internal street alignments and location of structures was not provided，the information concerning dwelling types，land use relation－ ships and the densities of the individual blocks was sufficient for evalua－ tion．The Staff recommends APPROVAL of PUD 非127，subject to the approval of the zoning and the following conditions：

1．That the PUD text and plot plan be incorporated as conditions of approval unless modified herein．

2．That the maximum number of dwelling units shall not exceed the requested 726.

3．That the maximum structure height be 35 feet or $21 / 2$ stories．
4．That zero lot lines be permitted in the aingle－family areas providing that no detached structures shall be closer than 10 feet to any ad－ jacent dwelling structure．

5．That the areas designated open space on the plot plan be assigned specific lot and block numbers on the subdivision plat and preserved for same．

6．That detailed plot plans of individual areas showing structure type and location，parking spaces，recreational areas and street alignments be submitted in the platting process for review by the Technical Advisory Committee and approval by the Planning Commission prior to the release of any subdivision plat．

7．That the internal street circulation system meet the approval of the TAC，and that dedicated streeta shall be provided as required in the platting process．

8．That a neighborhood or homeowners association be responsible for the maintenance of all open space areas，or that open space be dedicated to the public providing the City Park Department will accept the maintenance of such areas．

2-4236 \& PUD 非127 and
Z-4245 \& PUD 非128 (continued)
9. That no commercial facilities be permitted within the PUD except the customary laundry and vending machine services.
10. That Sections 910 through 970 of the Tulsa Zoning Code shall apply.
11. That off-street parking spaces for all dwelling areas be provided in accordance with Sections 1006.4, 1007.4, and 1008.4 of the Tulsa . Zoning Code.
12. That subdivision plats be approved by the Planning Commission prior to the issuance of any building permits, incorporating within the restrictive covenants those conditions not specifically covered by the Ordinance, and that the City of Tulsa be made beneficiary to those covenants as set forth in Section 970.5 of the Tulsa Zoning Code.

Staff Recommendation: Z-4245
The subject application, approximately 348 acres in size, is located between 71 st Street and 81st Street South and between Lewis Avenue and the Arkansas River. The property is zoned AG, vacant, and the applicant is requesting a combination of CS, $O M$, RM -2, RM -1 and RS- 3 zoning.

Concerning the requested CS retail commercial zoning, the applicant is requesting an extension of the CS district at the southwest corner of 71st and Lewis. The requested commercial extension aligns with the CS district to the east and is an integral part of the total development plan for the area. The applicant is also requesting CS zoning at the major intersection of the future Riverside Expressway and 81st Street South. The CS location and patterns appear to be sound and appropriate and accordingly the Staff recommends approval of CS as proposed.

Concerning the requested $O M$ professional office districts, the applicant is requesting three $0 M$ office district buffers adjacent to the proposed CS commercial to prohibit retail stripping. This concept is an accepted and practiced planning and zoning tool and accordingly the Staff recommends approval of $O M$ as requested.

Concerning the requested RM-2, RM-1 and RS-3 multifamily and single-family zoning districts, the applicant has limited the multifamily zoning west of Joe Creek realignment and adjacent to the future Riverside Expressway and the Arkansas River, consistent with accepted and practiced zoning policy, and consistent with the existing RM-1 zoning located to the northwest. The more intensive $\mathrm{RM}-2$ is restricted west of the expressway between the expressway and the River. The RS -3 is proposed for the balance of the application ( 127.6 acres) located east of the creek realignment, and south of the proposed commercial and office at 71st and Lewis. The overall gross density excluding the expressway right-of-way and the Arkansas River is 12.6 units per acre. The proposed density does not appear to be excessive or improperly located considering the existing RM-1 zoning and virtually undeveloped state of the section, presence of the top and drainage problems brought about by Joe Creek, the presence of the future Riverside Expressway and the excellent access which it will provide, and the presence of the Arkansas

2－4236 \＆PUD 非127 and
Z－4245 \＆PUD 非128（continued）
River and the development problems it brings about．Based on these reasons， the Staff recommends APPROVAL of RM－2，RM－1 and RS－3 as requested．

In summary，the Staff supports all requested zoning changes．

## Staff Recommendation：PUD 非128

The subject application represents a 278 acre tract located between Lewis Avenue and the Arkansas River and between 71 st and 81 st Streets South． The tract remains undeveloped with the exception of a drive－in theatre and several scattered residences．This PUD will be a companion to PUD 非127 which is located immediately to the north of 71 st Street．

The main feature of these two PUDs is the realignment and channelization of Joe Creek．In doing so the developer will be able to reclaim land that was rendered undevelopable due to the flooding of Joe Creek．The plan also includes the extension of the Arkansas River bank using soils removed from the creek channel．

The zoning pattern requested will locate multifamily zoning west of the creek channel，with high－density development between the expressway and the river，medium－density located adjacent to the expressway and low－density in the interior．Single family residential zoning is requested on the area east of the creek channel with the medium－density development adjacent to the major street and abutting the comercial and office development，and low－ density development oriented towards the interior．

The development plan calls for varied dwelling types to include： Single family detached and attached，townhouses，garden apartments and high－ rise apartments．A large amount of open space， 159.2 acres which includes the creek channel and recreational facilities，will be provided．

The Staff has reviewed the PUD text and plot plan，and although detailed plans as to internal street alignments and location of structures was not provided，the information concerning dwelling types，land use relationships and the densities of the individual blocks was sufficient for evaluation． The Staff recommends APPROVAL of PUD 非128，subject to the approval of the zoning and the following conditions：

1．That the PUD text and plot plan be incorporated as conditions of approval unless modified herein．

2．That the maximum number of dwelling units shall not exceed the requested 4，441．

3．That $15-s t o r y$ structures be permitted in Blocks $G$ and $H$ only，and that the maximum structure height in the remaining blocks shall not exceed 35 feet or $21 / 2$ stories．
4. That zero lot lines be permitted in the single-family area providing that no detached dwelling structure shall be closer than 10 feet to any adjacent dwelling structure.
5. That the areas designated open space on the plot plan be assigned specific lot and block numbers on the subdivision plat and preserved for same.
6. That detailed plot plans of each development area showing structure type and location, parking spaces, recreational areas and street alignments be submitted during the platting process for review by the Technical Advisory Committee, and approval by the Planning Commission, prior to the release of any subdivision plata.
7. That the internal street circulation system meet the review requirements of the TAC, and that dedicated streets shall be provided as required in the platting process.
8. That a nelghborhood or homeowners association be responsible for the maintenance of all open space areas, or that open space be dedicated to the public providing the City Park Department will accept the maintenance of such areas.
9. That no comercial facilities be permitted within the PUD except the customary laundry and vending machine services.
10. That Sections 910 through 970 of the Tulsa Zoning Code shall apply.
11. That off-street parking spaces for all dwelling areas be provided in accordance with Sections $1006.4,1007.4$ and 1008.4 of the Tulsa Zoning Code.
12. That subdivision plats be approved by the Planning Commission prior to the issuance of any building permits, incorporating within the restrictive covenants those conditions not specifically covered by the Ordinance, and that the City of Tulsa be made beneficiary to those covenants as set forth in Section 970.5 of the Tulsa Zoning Code.

Interested Party: Del Fusse11, 6225 South Victor Avenue
Comments:

Mr. Del Fussell, expressed concern about the removal of the dirt from the creek channel. He referred to a past application where the applicant constructed a dike with the dirt which was removed from the creek. He asked if the applicant had any plans for constructing a dike similar to this and was told that the dirt would be used to level other tracts of land. He also expressed concern as to the access points from the development to the schools in the area.

Protests：C．O．Clark
Address： 2121 East 22nd Place

Comments：
Mr．C．O．Clark，expressed concern about the elevation of the streets and whether or not they would be dedicated and maintained as levees．He felt that planned development in the Creek area was wrong．He stated that in 1955 on the recommendation of the Planning Commission a study was made of keeping streets higher than the flood line．He said he did not know，as a matter of information，if the Riverside Expressway would ever be above the flood line．

Mr．Glen Turner，engineer for the applicant，explained to Mr．Clark that the 1955 study was prior to the Keystone Reservoir．Mr．Clark said that the Keystone Lake Dam was to be used for water release，and that if the Lake should be full and the water released，that the waters would flood the area to Lewis Avenue，thereby still making the flood district hazardous．

Instruments Submitted： 3 maps of the subject tract（Exhibit＂ $\mathrm{C}-1$＂）
Zoning Committee Recommendation：CONCURRED with the Staff on each recommendation．
TMAPC Action： 6 members present．
On MOTION of LEAVITT，the Planning Commission voted unanimously to recom－ mend to the Board of City Commissioners that Z－4236，PUD 非127，Z－4245 and
 subject to the conditions outlined in the Staff Recommendations，on the following described properties：

## Z－4236 \＆PUD 非127

All that part of the $E / 2, \mathrm{SE} / 4, \mathrm{SW} / 4$ ，Section 6 ，Township 18 North， Range 13 East of the IBM，Tulsa County，Oklahoma，LESS and EXCEPT： A tract being more particularly described as follows，to－wit：

Beginning at the $S E$ corner of said $E / 2, S E / 4, S W / 4$ ，thence South $89^{\circ}-51^{\prime}-35^{\prime \prime}$ West along the southerly boundary of said $\mathrm{E} / 2, \mathrm{SE} / 4$ ， SW／4，a distance of $115.00^{\prime}$ ；thence North $00^{\circ}-00^{\prime}-33^{\prime \prime}$ East parallel to the easterly boundary of said $E / 2, \mathrm{SE} / 4, \mathrm{SW} / 4$ ，a distance of 821．53＇；thence on a curve to the right having a radius of 741．75＇， a distance of $418.57^{\prime}$ to a point on the easterly boundary of said $E / 2$ ， SE／4，SW／4；thence South $00^{\circ}-00^{\prime}-33^{\prime \prime}$ West along the easterly boundary of said $E / 2, \mathrm{SE} / 4$ ，SW／4，a distance of $1,218.24$＇to the point of begin－ ning．Total area contained in said part of Section 6：745，788 square feet or 17.121 acres；AND，The E／2，SE／4，NE／4，SW／4，Section 6，Town－ ship 18 North，Range 13 East of the IBM，Tulsa County，Oklahoma，con－ taining 217,800 square feet or 5.000 acres；AND，A11 the $\mathrm{SW} / 4$ ，NE／4， LESS and EXCEPT：The East $150.00^{\prime}$ thereof；AND LESS and EXCEPT：The

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Z-4236 & PUD 非127 and
Z-4245& PUD 非128 (continued)
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North $930.00^{\prime}$ thereof; AND A11 that part in the $S E / 4$ and the $S E / 4, S W / 4$ of Section 6, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at the $S E$ corner of said $S E / 4, \mathrm{SW} / 4$; thence South $89^{\circ}-51^{\prime}-35^{\prime \prime}$ West along the southerly boundary of said SE/4, SW/4, a distance of 115.00'; thence North $00^{\circ}-00^{\prime}-33^{\prime \prime}$ East parallel to the easterly boundary of said SE/4, a distance of $821.53^{\prime}$; thence on a curve to the right having a radius of $741.75^{\prime}$, a distance of $418.57^{\prime}$ to a point in the Westerly boundary of said SE/4, SW/4; thence North $00^{\circ}-00^{\prime}-33^{\prime \prime}$ East along the Westerly boundary of said SE/4, a distance of $1,428.47^{\prime}$ to the NW corner of said SE/4; thence North $89^{\circ}-53^{\prime}-26^{\prime \prime}$ East along the Northerly boundary of said SE/4, a distance of $1,527.09^{\prime}$; thence South $52^{\circ}-36^{\prime}-15^{\prime \prime}$ East a distance of $24.80^{\prime}$; thence South $11^{\circ}-03^{\prime}-09^{\prime \prime}$ West a distance of $254.76^{\prime}$; thence South $41^{\circ}-32^{\prime}-01^{\prime \prime}$ West a distance of $121.33^{\prime}$; thence South $33^{\circ}-47^{\prime}-49^{\prime \prime}$ West a distance of $188.70^{\prime}$; thence South $45^{\circ}$ -25'-59." West a distance of 227.47'; thence South $63^{\prime}-53^{\prime}-35^{\prime \prime}$ West a distance of $96.18^{\prime}$; thence South $59^{\circ}-22^{\prime}-55^{\prime \prime}$ West a distance of 142.73'; thence South $55^{\circ}-34^{\prime}-42^{\prime \prime}$ West a distance of $348.02^{\prime}$; thence North $86^{\circ}$ -45'-20' West a distance of 90.77'; thence South $86^{\circ}-45^{\prime}-34^{\prime \prime}$ West a distance of $113.38^{\prime}$; thence South $10^{\circ}-43^{\prime}-38^{\prime \prime}$ West a distance of $175.52^{\prime}$; thence South $40^{\circ}-32^{\prime}-28^{\prime \prime}$ East a distance of $60.78^{\prime}$; thence South $21^{\circ}$ -25'-12' East a distance of 42.79'; thence South $24^{\circ}-23^{\prime}-25^{\prime \prime}$ East a distance of $88.9^{\prime \prime}$; thence South $89^{\circ}-52^{\prime}-30^{\prime \prime}$ West a distance of 257.43'; thence South $53^{\circ}-17^{\prime}-40^{\prime \prime}$ West a distance of $0.00^{\prime}$; thence on a curve to the left having a radius of $626.75^{\prime}$ a distance of $582.88^{\prime}$ to a point on the Westerly boundary of said SE/4, SW/4; thence South $00^{\circ}-00^{\prime}-33^{\prime \prime}$ West along the Easterly boundary of sald $\mathrm{SE} / 4, \mathrm{SW} / 4$ a distance of $821.53^{\prime}$ to the point of beginning. Total area contained: 1,998,173 square feet or 45.872 acres.

Z-4245
A11 that part of Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at a point in the Easterly boundary of said Section 7, $1,394.84^{\prime}$ from the Northeast corner thereof; thence South $00^{\circ}-30^{\prime}-28^{\prime \prime}$ East along the Easterly boundary of sald Section 7 a distance of 300.00'; thence South $89^{\circ}-30^{\prime}-47^{\prime \prime}$ West parallel to the Southerly boundary of the NE/4 of said Section 7, 2,080.00'; thence South $00^{\circ}-30^{\prime}-28^{\prime \prime}$ East parallel to the Easterly boundary of said Section 7, $880.00^{\prime}$; thence North $89^{\circ}$ -30'-47' East 760.22' to a point on the Westerly boundary of the E/2, E/2, of said Section 7, also being 1,319.78' from the Easterly boundary and $2,668.63^{\prime}$ from the Southerly boundary of said Section 7; thence South $00^{\circ}-30^{\prime}-35^{\prime \prime}$ East along the Westerly boundary of the $E / 2, E / 2$, of said Section 7, 1,468.63' to a point $800.00^{\prime}$ from the Southerly boundary of

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Z-4236 & PUD 非127 and
Z-4245 & PUD 非128 (continued)
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said Section 7; thence South $89^{\circ}-47^{\prime}-24^{\prime \prime}$ West parallel to the Southerly boundary of said Section $7,600.00^{\prime}$; thence North $83^{\circ}$ -$4^{\prime}-17^{\prime \prime}$ West $1,106.88^{\prime}$; thence South $36^{\circ}-42^{\prime}-36^{\prime \prime}$ East $1,150^{\prime}$ to a point in the Southerly boundary of said Section 7, 2,339.70' from the Southeast corner thereof; thence South $89^{\circ}-47^{\prime}-24^{\prime \prime}$ West along the Southerly boundary of said Section 7, $264.87^{\prime}$; thence North $47^{\circ}-33^{\prime}-23^{\prime \prime}$ West 1,318.10'; thence North $34^{\circ}-19^{\prime}-38^{\prime \prime}$ East 585.52'; thence on a curve to the left having a radius of $2,697.80^{\prime}$, a distance of $1,645.20^{\prime}$; thence North $00^{\circ}-36^{\prime}-50^{\prime \prime}$ West $1,524.28^{\prime}$ to a point $775^{\prime}$ South of the Northerly boundary of said Section 7; thence North $89^{\circ}-14^{\prime}-12^{\prime \prime}$ East parallel to the Northerly boundary of said Section 7, $750^{\prime}$; thence South $36^{\circ}-49^{\prime}-57^{\prime \prime}$ East $766.83^{\prime}$; thence North $89^{\circ}-14^{\prime}-12^{\prime \prime}$ East parallel to the Northerly boundary of said Section 7 , $1,550.00^{\prime}$ to the point of beginning, containing 5,558,604.48 square feet or 127.608 acres; AND, All that part of the $W / 2$, Section 7 , Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at the Southeasterly corner of Lot 3, Block 3, River Grove Subdivision, a subdivision in Tulsa County according to the official recorded plat thereof; thence North $00^{\circ}-12^{\prime}-13^{\prime \prime}$ West along the Easterly boundary of Lot 3, Block 3 of River Grove Subdivision, 611.60'; thence South $89^{\circ}-30^{\prime}-47^{\prime \prime}$ West along the Northerly boundary of Lots 3 and 4, Block 3 of River Grove Subdivision, $356.00^{\prime}$; thence North $00^{\circ}-12^{\prime}-13^{\prime \prime}$ West along the Easterly boundary of Lots 8, 7, and 6, Block 2 of River Grove Subdivision, $542.00^{\prime}$ to the Northeast corner of Lot 6, Block 2, of River Grove Subdivision; thence South $89^{\circ}-30^{\prime}-47^{\prime \prime}$ West along the Northerly boundary of Lot 6, Block 2 of River Grove Subdivision, $468.20^{\prime}$ to a point on the meander line of the Arkansas River; thence South $64^{\circ}-42^{\prime}-47^{\prime \prime}$ West $260.00^{\prime}$; thence South $09^{\circ}-56^{\prime}-03^{\prime \prime}$ West $255.25^{\prime}$; thence South $39^{\circ}-03^{\prime}-23^{\prime \prime}$ East $665.00^{\prime}$; thence South $01^{\circ}-03^{\prime}-23^{\prime \prime}$ East $350.00^{\prime}$; thence South $14^{\circ}-03^{\prime}-23^{\prime \prime}$ East $560.00^{\prime}$; thence South $39^{\circ}-03^{\prime}-23^{\prime \prime}$ East $480.00^{\prime}$; thence South $54^{\circ}-03^{\prime}-23^{\prime \prime}$. East $1,210.00^{\prime}$; thence North $34^{\circ}$ -19'-38' East 487.40'; thence North $36^{\circ}-42^{\prime}-36^{\prime \prime}$ West $1,629.41^{\prime}$ to a point on the South boundary of River Grove Subdivision; thence South $89^{\circ}-30^{\prime}$ - , 47' West along the Southerly boundary of River Grove Subdivision, 36.98' to the point of beginning, containing $2,230,689$ square feet or 51.209 acres; AND, All that part of the W/2, Section 7, Townahip 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at a point in the North boundary of said W/2, $115.00^{\prime}$ from the Northeast corner thereof; thence South 00 ${ }^{\circ}-36^{\prime}-50^{\prime \prime}$ East 2,299.28'; thence on a curve to the right having a radius of $2,697.80^{\prime}$, a distance of $1,645.20^{\prime}$; thence South $34^{\circ}-19^{\prime}-38^{\prime \prime}$ West $98.12^{\prime}$; thence North $36^{\circ}$ -42'-36' West $1,629.41^{\prime}$ to a point on the Southerly boundary of River Grove Subdivision, a subdivision in Tulsa County according to the official recorded plat thereof; thence North $89^{\circ}-30^{\prime}-47^{\prime \prime}$ East along the Southerly boundary of River Grove Subdivision, 293.02' to the Southeast corner thereof; thence North $00^{\circ}-30^{\prime}-50^{\prime \prime}$ West along the

Easterly boundary of River Grove Subdivision and along the Easterly boundary of Valley Bend, a subdivision in Tulsa County according to the official recorded plat thereof, $2,605.73^{\prime}$ to a point in the North boundary of said $\mathrm{W} / 2$; thence North $89^{\circ}-14^{\prime}-12^{\prime \prime}$ East along the Northerly boundary of sald $\mathrm{W} / 2,1,204.89^{\prime}$ to the point of beginning, containing $4,210,692$ square feet or 96.664 acres; AND, All that part of the SW/4, SE/4, and the SE/4, SW/4, Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at a point in the Southerly boundary of said $\mathrm{SW} / 4, \mathrm{SE} / 4$, $600^{\prime}$ from the Southeast corner thereof; thence South $89^{\circ}-47^{\prime}-24^{\prime \prime}$ West along the Southerly boundary of said $\mathrm{SW} / 4, \mathrm{SE} / 4,420.00^{\prime}$; thence North $36^{\circ}-42^{\prime}-36^{\prime \prime}$ West $1,150.00^{\prime}$; thence South $83^{\circ}-45^{\prime}-17^{\prime \prime}$ East 1,106.88'; thence South $00^{\circ}-30^{\prime}-35^{\prime \prime}$ East parallel to the Easterly boundary of said $\mathrm{SW} / 4, \mathrm{SE} / 4,800.00^{\prime}$ to the point of beginning, containing 633,798 square feet or 14.550 acres; AND, A11 that part of the NE/4, Section 7, Township 18 North, Range 13 East, of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at the Northeast corner of said NE/4; thence South $00^{\circ}-30^{\prime}$ 28' East along the Easterly boundary of said NE/4, 1,144.84'; thence South $89^{\circ}-14^{\prime}-12^{\prime \prime}$ West parallel to the Northerly boundary of said NE/4, $910.00^{\prime}$; thence South $00^{\circ}-30^{\prime}-28^{\prime \prime}$ East para11el to the Easterly boundary of said NE/4, $250.00^{\prime}$; thence South $89^{\circ}-14^{\prime}-12^{\prime \prime}$ West paralle1 to the Northerly boundary of said NE/4, 640.00'; thence North $36^{\circ}-49^{\prime}-57^{\prime \prime}$ West 766.83'; thence North $57^{\circ}-51^{\prime}-27^{\prime \prime}$ East 228.14 feet; thence North $00^{\circ}-30^{\prime}-28^{\prime \prime}$ West paralle1 to the Easterly boundary of said NE/4, 656.21' to a point in the Northerly boundary of said NE/4; thence North $89^{\circ}-14^{\prime}$ 12" East along the Northerly boundary of said NE/4, $1,810.00^{\prime}$ to the point of beginning, LESS and EXCEPT: The East 1,810.00' of the N/2, N/2 of the NE/4, containing $1,100,586.96$ square feet or 25.266 acres; AND, A11 the South $800.00^{\prime}$ of the East $600.00^{\prime}$ of the $\mathrm{SW} / 4, \mathrm{SE} / 4$, Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, containing 480,000 square feet or 11.019 acres; AND, All the North $250.00^{\prime}$ of the East $910.00^{\prime}$ of the South $1,480.00^{\prime}$ of the $E / 2$, NE/4 of Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, containing 227,500 square feet or 5.223 acres; AND, All that part of the NE/4, NW/4, and NW/4, NE/4 of Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at a point in the North boundary of said NW/4, NE/4, 1, $810^{1}$ from the Northeast corner of said Section 7; thence South $00^{\circ}-30^{\prime}-28^{\prime \prime}$ East, parallel to the easterly boundary of said Section 7, 656.21'; thence South $57^{\circ}-51^{\prime}-27^{\prime \prime}$ West 228.14'; thence South $89^{\circ}-14^{\prime}-12^{\prime \prime}$ West, parallel to the Northerly boundary of said Section 7, $750.00^{\prime}$; thence North $00^{\circ}-36^{\prime}-50^{\prime \prime}$ East 775' to a point in the Northerly boundary of said NE/4, NW/4; thence North $89^{\circ}-14^{\prime}-12^{\prime \prime}$ East along the Northerly boundary of said Section $7,945.68^{\prime}$ to the point of beginning, containing 720,806 square feet or 16.547 acres.

Z－4236 \＆PUD 非127 and
Z－4245 \＆PUD 非128（continued）

## PUD 非128

All that part of Section 7，Township 18 North，Range 13 East of the IBM，Tulsa County，Oklahoma，more particularly described as follows， to－wit：

Beginning at a point in the easterly boundary of said Section 7 ， $1,394.84^{\prime}$ from the Northeast corner thereof；thence South $00^{\circ}-30^{\prime}-28^{\prime \prime}$ East along the Easterly boundary of said Section 7 a distance of 300．00＇；thence South $89^{\circ}-30^{\prime}-47^{\prime \prime}$ West parallel to the Southerly boundary of the NE／4 of said Section 7， $2,080.00^{\prime}$ ；thence South $00^{\circ}$－ 30＇－28＇East parallel to the Easterly boundary of said Section 7， $880.00^{\prime}$ ；thence North $89^{\circ}-30^{\prime}-47^{\prime \prime}$ East $760.2^{\prime \prime}$ to a point on the Westerly boundary of the $\mathrm{E} / 2, \mathrm{E} / 2$ of said Section 7，also being 1，319．78＇from the Easterly boundary and 2，668．63＇from the Southerly boundary of said Section 7；thence South $00^{\circ}-30^{\prime}-35^{\prime \prime}$ East along the Westerly boundary of the $E / 2, E / 2$ of said Section $7,1,468.63^{\prime}$ to a point $800.00^{\prime}$ from the Southerly boundary of said Section 7；thence South $89^{\circ}-47^{\prime}-24^{\prime \prime}$ West parallel to the Southerly boundary of said Section 7，600．00＇；thence North $83^{\circ}-45^{\prime}-17^{\prime \prime}$ West $1,106.88^{\prime}$ ；thence South $36^{\circ}-42^{\prime}-36^{\prime \prime}$ East 1， $150^{\prime}$ to a point in the Southerly boundary of said Section $7,2,339.70^{\prime}$ from the Southeast corner thereof； thence South $89^{\circ}-47^{\prime}-24^{\prime \prime}$ West along the Southerly boundary of ald Section $7,264.87^{\prime}$ ；thence North $47^{\circ}-33^{\prime}-23^{\prime \prime}$ West $1,318.10^{\prime}$ ；thence North $34^{\circ}-19^{\prime}-38^{\prime \prime}$ East $585.52^{\prime}$ ；thence on a curve to the left having a radius of $2,697.80^{\prime}$ ，a distance of $1,645.20^{\prime}$ ；thence North $00^{\circ}-36^{\prime}-50^{\prime \prime}$ West $1,524.28^{\prime}$ to a point $775^{\prime}$ South of the Northerly boundary of said Section 7；thence North $89^{\circ}-14^{\prime}-1^{\prime \prime}$ East parallel to the Northerly boundary of said Section 7，750＇；thence South $36^{\circ}-49^{\prime}-57^{\prime \prime}$ East 766．83＇； thence North $89^{\circ}-14^{\prime}-12^{\prime \prime}$ East parallel to the Northerly boundary of said Section $7,1,550.00^{\prime}$ to the point of beginning，containing $5,558,604.48$ square feet or 127.608 acres；AND，A11 that part of the W／2，Section 7，Township 18 North，Range 13 East of the IBM，Tulsa County，Oklahoma，more particularly described as follows，to－wit：

Beginning at the Southeasterly corner of Lot 3，Block 3，River Grove Subdivision，a subdivision in Tulsa County according to the official recorded plat thereof；thence North $00^{\circ}-12^{\prime}-13^{\prime \prime}$ West along the Easterly boundary of Lot 3，Block 3，River Grove Subdivision，611．60＇；thence South $89^{\circ}-30^{\prime}-47^{\prime \prime}$ West along the Northerly boundary of Lots 3 and 4， Block 3 of River Grove Subdivision， $356.00^{\prime}$ ；thence North $00^{\circ}-12^{\prime}-13^{\prime \prime}$ West along the Easterly boundary of Lot 8，7，and 6，Block 2 of River Grove Subdivision，542．00＇to the Northeast corner of Lot 6，Block 2 of River Grove Subdivision；thence South $89^{\circ}-30^{\prime}-47^{\prime \prime}$ West along the Northerly boundary of Lot 6，Block 2 of River Grove Subdivision，468．20＇ to a point on the meander line of the Arkansas River；thence South $64^{\circ}$－ $42^{\prime}-47^{\prime \prime}$ West $260.00^{\prime}$ ；thence South $09^{\circ}-56^{\prime}-03^{\prime \prime}$ West $255.25^{\prime}$ ；thence

Z-4236 \& PUD 非127 and Z-4245 \& PUD 非128 (continued)

South $39^{\circ}-03^{\prime}-23^{\prime \prime}$ East $665.00^{\prime}$; thence South $01^{\circ}-03^{\prime}-23^{\prime \prime}$ East 350.00'; thence South $14^{\circ}-03^{\prime}-23^{\prime \prime}$ East 560.00'; thence South 39 ${ }^{\circ}-03^{\prime}-23^{\prime \prime}$ East $480.00^{\prime}$; thence South $54^{\circ}-03^{\prime}-23^{\prime \prime}$ East $1,210.00^{\prime}$ thence North $34^{\circ}-19^{\prime}-$ 38' East 487.40'; thence North $36^{\circ}-42^{\prime}-36^{\prime \prime}$ West $1,629.41$ feet to a point on the South boundary of River Grove Subdivision; thence South $89^{\circ}-30^{\prime}-47^{\prime \prime}$ West along the Southerly boundary of River Grove Subdivision $36.98^{\prime}$ to the point of beginning, containing $2,230,689$ square feet or 51.209 acres; AND, All that part of the $W / 2$, Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at a point in the North boundary of said W/2 $115.00^{\prime}$ from the Northeast corner thereof; thence South $00^{\circ}-36^{\prime}-50^{\prime \prime}$ East 2,299.28'; thence on a curve to the right having a radius of $2,697.80^{\prime}$, a distance of $1,645.20^{\prime}$; thence South $34^{\circ}-19^{\prime}-38^{\prime \prime}$ West $98.12^{\prime}$; thence North $36^{\circ}$ -42'-36' West $1,629.41^{\prime \prime}$ to a point on the Southerly boundary of River Grove Subdivision, a subdivision in Tulsa County according to the official recorded plat thereof; thence North $89^{\circ}-30^{\prime}-47^{\prime \prime}$ East along the Southerly boundary of River Grove Subdivision, 293.02' to the Southeast corner thereof; thence North $00^{\circ}-30^{\prime}-50^{\prime \prime}$ West along the Easterly boundary of the River Grove Subdivision and along the Easterly boundary of Valley Bend, a subdivision in Tulsa County according to the official recorded plat thereof, $2,605.73^{\prime}$ to a point in the North boundary of said $W / 2$; thence North $89^{\circ}-14^{\prime}-12^{\prime \prime}$ East along the Northerly boundary of said $W / 2,1,204.89^{\prime}$ to the point of beginning, containing $4,210,692$ square feet or 96.664 acres.

TMAPC Members Present

## Staff Present

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Cox
Dubie
Leavitt
Leibowitz
Sears
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Williams

Alberty Allen, Mrs. Gardner Wilmoth

- Areas with special opportunities such as where major public or private investments are planned"

This proposal meets several of the criteria. An Area of Growth designation is consistent with that recently assigned to the RiverParks between Southwest Boulevard and East $71^{\text {st }}$ Street South. The intent of this area, like RiverParks, is that it is a dynamic, active and utilized amenity for the City of Tulsa. The City wishes to move forward with development of this underutilized area, while continuing to provide the recreational facilities (sand volleyball courts) currently at the park, either further south on Helmerich Park or at another nearby park. As evidenced by the Gathering Place to the north and numerous commercial ventures further south, this is clearly an area undergoing positive change which is expected to continue. Also, a mix of uses - retail and recreational- on this site at E. $71^{\text {st }}$ Street South and S. Riverside Drive allows the City to implement a portion of the Arkansas River Corridor Master Plan.

## STAFF RECOMMENDATION

## FILE COPi <br> Staff recommends Approval of the Mixed-Use Corridor and Area of Growth designations.

Related Item:
13.PUD-128-E-5 - Elier \& Detrich/Lou Reynolds, Location: Southwest corner of East 71st Street South and South Riverside Drive, requesting a PUD Minor Amendment to reallocate floor area within Development Areas $A, B$ and $C$; amend Development Area boundaries between A and B and to amend Development Standards in A, B and C, CS/OMH/RM-2/PUD-128-E, (CD-2) (Related to CPA-34)

## STAFF RECOMMENDATION:

Amendment Request: To reallocate floor area within Development Areas A, B and C; amend Development Area boundaries between A and B and to amend Development Standards in A, B and C.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 1107.H.1 PUD Section of the City of Tulsa Zoning Code.
"Adjustment of intemal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered."
"Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered.

## DEVELOPMENT CONCEPT

PUD Minor Amendment 128-E-5 ("PUD 128-E-5") is located at the southwest corner of East $71^{\text {st }}$ Street South and South Riverside Parkway. PUD 128-E is comprised of 92 acres and this Minor Amendment is comprised of the northerly 35.89 acres thereof. See the Aerial PhotoLand U'ses Plan attached hereto as Exhibit "A".

The purpose of PUD 128-E-5 is to reallocate floor area within Development Areas "A", " $B$ " and " $C$ " and amend the boundaries between Development Areas "A" and "B" of PUD 128-E in order to establish the Development Standards for the development of "new" Development Area "A" for commercial purposes.

Except for the reallocation of the floor area, the only other Development Standards amended within Development Areas "B" and "C" are the removal of the commercial uses from the Permitted Uses of Development Area "C" as a result of the reallocation of the commercial floor area to "new" Development Area " $A$ " from Development Área " $C$ ". Otherwise, there are not any amendments to the Development Standards of Development Areas " $B$ " and " $C$ ".

As shown on the Conceptual Site Plan (Exhibit "B"), the proposed commercial center will create a sense of place, space and community between South Riverside Parkway, East $71^{\text {st }}$ Street South, the River Parks traii and the Ârkansas River.

Using sophisticated design with a "lifestyle" feel, the Project will tie in to the River Parks trail, the Arkansas River and the arterial streets through building design, articulation, massing, and generous landscaping. Along the River Parks trail, where hard architectural lines meet the trail, special attention to landscaping details will help soften the experience. Even without including Reserve Area A and Reserve Area B, the landscaping within the Project will exceed $15 \%$.

The Project will be anchored by a $\pm 27,000$ square foot hiking, biking and outdoor store while accommodating smaller uses in an adjacent building and another building on the hard corner of East $71^{\text {st }}$ Street South and

South Riverside Parkway. The building will have direct access to the River Parks trail and at its northwest corner such building has windows and other inviting architectural features to welcome visitors from the River Parks trail to the Project. Conceptual Building Elevations of the outdoor store are attached hereto as Exhibit " C ".

Finally, the Project seeks to further embrace its location by allowing for the development of a restaurant with an indoor/outdoor musical venue enjoying the view of as well as the views from the River Parks trail and Arkansas River.

Throughout the Project, pedestrian pathways allow for easy access to and from one building to another, as well as the River Parks trail. Bicycle storage will be provided in several locations within the Project.

The Project's design, landscaping and tenant mix seek to create a sense of community as a hub in Tulsa's trail system. The Project will provide additional parking that is well connected to both the Project and the River Parks trail which enhances the connectivity to both the center and the adjacent trail.

No rezoning is necessary to support PUD 128-E-5 and all the proposed uses are Permitted Uses within the underlying CS, OMH and RM2 Zoning Districts. See the Area Zoning Map attached hereto as Exhibit "D".

## DEVELOPMENT STANDARDS

## "NEW" DEVELOPMENT AREA "A"

LAND AREA:

| Gross: | 668,440 | SF | 15.35 AC |
| :--- | :--- | :--- | :--- |
| NET: | 536,357 | SF | 12.31 AC |

## PERMITTED USES:

Uses permitted as a matter of right in the OM - Office Medium District and accessory uses customarily incident to a principal use permitted in the OM District, restaurants, barber shops and beauty and convenience goods and services, and shopping goods and services and restaurant and music concert, with indoor / outdoor dining, bar and music area indoor and outdoor commercial, with-accessory baf as permitted in Use Units 12, 13, and 14 and 20 and accessory uses customarily accessory thereto. Restaurants, private clubs, barber and beauty shops which are located within a building having offices as its principal use shall be
considered as permitted accessory uses if such restaurants and clubs do not occupy more than $5 \%$ of the gross floor area of the principal building in which it is located.

## MAXIMUM BUILDING FLOOR AREA:

Office and Commercial:

| Office | 270,750 | SF |
| ---: | ---: | ---: |
| Commercial | $\underline{63,250}$ | SF |
| Total | 334,000 | SF |

## MINIMUM BUILDING SETBACKS:

From the centerline of South Riverside Parkway 120
From the centerline of East 71 ${ }^{\text {st }}$ Street South 120

FT
FT
-0- FT

From the west boundary per approved Detail Site Plan

## SIGNS:

Signs within "new" Development Area "A" shall be as foiiows:
(a) $\quad 71^{\text {ST }}$ Street Project Signs.

Ground signs shall be permitted as follows: Two (2) ground signs on East $71^{\text {st }}$ Street South. The westerly sign shall not exceed 20 FT in height and 100 SF of surface display area. The easterly sign shall not exceed 10 FT in height and 36 SF of surface display area.
(b) Riverside Parkway Project Signs.

Two (2) project signs shall be permitted on South Riverside Parkway. The northerly sign shall not exceed 20 FT in height and 100 SF of surface display area. The southerly sign shall not exceed 10 FT in height and 24 SF of surface display area.

The approximate locations of the Project Signs are shown on the Conceptual Site Plan attached hereto as Exhibit "B".
(c) WALL SIGNS.

Wall signs shall be permitted not to exceed 2.0 SF of surface display area per linear foot of building wall to which attached. The length of a wall sign shall not exceed $75 \%$ of the frontage of the building.
(d) Directional Signs.

Directional signs within the interior of "new" Development Area "A" which are intended to inform
the visitor as to the location within the Project of tenants may be freestanding if not exceeding 4 FT in height and 4 SF of surface display area.

Directional signage that provides information to trail access locations must meet the standards defined in the Riverparks Authority Design Guidelines adopted by the RPA Board of Trustees in December 2008. Those signs will not be counted against the sign budget defined in the PUD.

## LANDSCAPED AREA:*

A minimum of $15 \%$ of the net land area of "new" Development Area "A" shall be improved as internal landscaped open space in accordance with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

For the determination of the street yard the setback from right-of-way will be calculated using 50 FT for both East $71^{\text {st }}$ Street South and South Riverside Parkway.

## "NEW" DEVELOPMENT AREA "B"

LAND AREA:
$\begin{array}{lll}\text { Gross: } & 395,826 \mathrm{SF} & 9.09 \mathrm{AC} \\ \text { Net: } & 384,851 \mathrm{SF} & 8.84 \mathrm{AC}\end{array}$
Net: 384,851 SF 8.84 AC
MAXIMUM BUILDING FLOOR AREA:
Office:
364,000 SF
LANDSCAPED AREA:*
A minimum of $15 \%$ of the net land area of "new" Development Area "A" shall be improved as internal landscaped open space in accordance with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

For the determination of the street yard the setback from right-of-way will be calculated using 50 FT for both East $71^{\text {st }}$ Street South and South Riverside Parkway.

## DEVELOPMENT AREA "C"*

LAND AREA:
Gross:
499,198 SF
11.46 AC

Net:
456,167 SF
10.47 AC
*Neither the boundary nor the land area of Development Area "C" are amended as a result of PUD-128-E-5.

## PERMITTED USES:

Uses permitted as a matter of right in the OM - Office Medium District and accessory uses customarily incident to a principal use permitted in the OM District, restaurants and private clubs, barber and beauty shops. Restaurants and clubs which are located within a building having offices as its principal use shall be considered as permitted accessory uses if such restaurants and clubs do not occupy more than $5 \%$ of the gross floor area of the principal building in which it is located.

## MAXIMŪM̄́ BŪILDING FLOOOR ÁREÁ:

Office:
453,250 SF

## MISCELLANEOUS

## BUILDING TRANSPARENCY:

Transparency is considered the percentage of a River/Trail facing building façade that must be covered by transparent windows and or doors. The transparency will only be required within 125 feet of the pavement edge on the trail

## BUILDING WALLS FACING THE ARKANSAS RIVER AND TRAIL SYSTEM

Development Area A:
A minimum transparency area greater than of $15 \%$ is required along the northern 75 feet of the building façade measured between 3 feet and 15 feet above the trail elevation.

Development Àrea $\overline{\mathrm{B}}$ and C :
A minimum transparency of $40 \%$ is required along the length of the building façade measured between 3 feet and 8 feet above the trail elevation.

## VEHICULAR ACCESS AND CIRCULATION:

Vehicular Access to the Project will be provided by East $71^{\text {st }}$ Street South and South Riverside Parkway.

The Project will have four (4) points of vehicular access: One (1) to East $71^{\text {st }}$ Street South and three (3) to South Riverside Parkway together with an internal drive system running throughout the length of the Project. The internal
drive system will also provide access to the south for future development.

The Access and Circulation Plan for the Project is attached hereto Exhibit "E".

Pedestrian and Bicycle circulation paths will be integrated into the existing trail and sidewalk system.

## PARKING:

Vehicular parking for public access to the Trail and Riverparks shall be encouraged. Limitations on the location and amount of public access parking will not be allowed.

Bicycle parking areas will be conveniently located near the main entrance of any building within a Development Area.

An aggregate total of storage/parking areas for a minimum of 20 bicycles will be provided in each Development Area. Smaller groupings of storage areas are allowed near each building entrance

Specific design details will be shown on the detailed site plan.

## LANDSCAPING:

In addition to the required landscaping as defined in the Tulsa Zoning Code a minimum 10 foot wide green space adjacent to the street right-of-way for Riverside Drive and $71^{\text {st }}$ Street will be provided. Within the 10 foot green space, shrubs with sufficient density and height will be installed and maintained to provide a $3^{\prime}$ tall effective visual screen from Riverside and $71^{\text {st }}$ street within a three year growing cycle.

Along the trail system a large tree will be installed with a quantity calculation assuming a maximum spacing of 30 feet measured along the trail edge through the entire lot. The trees may be equally spaced or grouped. The minimum size at planting will be a 3 " caliper and $10^{\prime}$ \& 12' height. Those trees will be within 10 foet of between the building and the edge of the trail and are not caleulated as part of the tandscape-Standards defined in the Zoning Code.

During detailed site plan review the applicant will be required to make a reasonable effort to save existing large healthy trees on the site. Tree protection plans and standards will
be provided as part of the detailed site plan and the landscape plan. Utility trenches will not be allowed under the drip line of trees that will be saved.
*Because of the age of PUD-128-E, internal landscape open space was amended to be consistent with the Tulsa Zoning Code.

## UTILITIES:

All utilities are available at the site except sanitary sewer which will be extended to the site from the south. The storm sewer system for the Project will not create any new penetrations to the Arkansas River bank.

See the Site Miap, Topograpiny, Existing and Proposed Utilities and FEMA Floodplain Map attached hereto as Exhibit "E".

## ZONING:

See the Zoning Map attached hereto as Exhibit "F".

## LEGAL DESCRIPTIONS:

The Legal Descriptions of "new" Development Area "A" and "new" Development Area "B" and existing Development Area " C " are attached hereto, respectively, as Exhibit " G ", Exhibit "H", and Exhibit "I".

## STAFF RECOMMENDATION

Staff has reviewed the request and determined:

1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
2) All remaining deveiopment standards defined in PūD-128-E and subsequent minor amendments shall remain in effect.

With the considerations listed above, staff recommends APPROVAL of the minor amendment request to:

1) Reallocate floor area within Development Areas $A, B$ and $C$
2) Development Area boundaries between $A$ and $B$ and
3) Amend Development Standards in A, B and C.

Mr. Wilkerson pointed out the additional requirements that staff has requested for landscaping, number of trees and transparency along the
trail edge. Mr. Wilkerson stated that he would like to open up for discussion regarding parking being allowed for the trail.

## TMAPC COMMENTS:

Mr . Shivel stated he has concerns where the patio area is located and wonder if that piece of development could be further removed from the trail and possibly lose a few parking spaces. Mr. Wilkerson stated that this is all conceptual in nature and it isn't known exactly who the user will be. There are a lot of details that haven't fully addressed the best use of the subject area possibly.

Mr. Stirling asked Mr. Wilkerson what percentage he would be more comfortable with. Mr. Wilkerson stated that originally he requested a minimum of $40 \%$.

## Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, stated that the subject property is owned by the Tulsa Public Facilities Inventory. Mr. Reynolds cited the surrounding areas and the various development areas within the PUD. Mr. Reynolds explained the exchange of floor area from other development areas in order to bring the PUD up to modern times.

Mr. Reynolds stated that he has been having conversations about this project for several months and there has been a lot of give and take between the City, INCOG and the developer regarding the proposed use. Mr . Reynolds stated that there has been a comment or suggestion of an esplanade on the subject property and that can be done without any issues. Mr. Reynolds suggested that this could be worked out during detail site plan. Mr. Reynolds described the proposed conceptual plan and landscaping proposed. Mr. Reynolds stated that it has been a lot of work to get the future tenant to agree to the conceptual site plan due to their retailing operations. Mr. Reynolds proposes to soften the edge through landscaping with berms and grass, etc. Mr. Reynolds stated that his client designed and landscaped for the trail, allowed access to the trail and there is a slight difference with staff regarding the parking. Mr. Reynolds indicated that his client has no problem with sharing the parking because it is significantly over parked, but he believes that if it became detrimental to the shopping center, then it may have to be controlled and try to control it with as light of a hand as possible. Mr. Reynolds cited a scenario where the shared parking could be an issue and feels that the shared parking has be done in a harmonious way. Mr. Reynolds stated that there needs to be some rights and balance between the shared parking. Mr. Reynolds proposed that in the beginning to not have any ideas or limits on the parking and see how it works out.

Mr. Reynolds stated that the subject proposal is close to staff's recommendation and there are three things that he is not in agreement with staff on. Mr. Reynolds submitted modifications to the language (Exhibit B-1). Mr. Reynolds requested the Planning Commission to approve the request with the submitted three changes.

## TMAPC COMMENTS:

Mr. Midget asked if he heard Mr. Reynolds state that staff is in agreement with modification number one. Mr. Reynolds answered affirmatively. Mr. Midget asked if he heard that Mr. Reynolds wanted to have the trees between the building and the edge of the trail and count it toward their landscaping.

Mr. Dix asked about the access on $71^{\text {st }}$ Street. Mr. Reynolds indicated that he wili work with the City of Tuisa Traffic Engineering and prevent cars darting out and around the center median.

Ms. Millikin asked Mr. Reynolds to eiaborate on what type of controis he might need for parking. Mr. Reynolds stated that he hopes it never has to be done. Mr. Reynolds further stated that there are no plans at this time for control, but if that situation arose it would be minimal as possible. Mr. Reynolds commented that he hopes the parking is never an issue, but he doesn't want his client's hands tied if a problem should present itself. Mr. Reynolds stated that his client's business needs the parking to have facility to work and he believes there is plenty of parking for it and the park. If needed, it would be handled lightly as possible because his client wants a harmonious relationship with the trail users and the center.

Mr. Reeds asked if the subject property would be purchased or leased. Mr. Reynolds stated that it is being ground leased and paying fair market for it. Mr. Reeds stated that he would like to see this development to attain the same level of quality that is happening in downtown Tulsa, in Jenks, Broken Arrow, Bixby and Owasso. Mr. Reeds stated that the submitted preiminary proposai is ciose, but not quite there in his opinion. He believes that the applicant needs to emphasize and embrace the River, rather than putting up a blank wall. Mr. Reeds commented that the design could be adjusted to make this work.

In response to Mr. Liotta, Mr. Reynolds stated that when Keystone Dam was shaking and everyone was nervous, the subject property was dry.

No interested parties wishing to speak.
Mr. Carnes stated that since Mr. Reeds is working on this park anyway, he would feel comfortable with whatever motion he makes.

Mr . Reeds stated that he supports the designation of mixed-use corridor, but he is concerned about the general layout. There are some nice things, but they haven't shown how it would look facing from the trail and that is what staff was addressing regarding the openness. Mr. Reeds mentioned that he doesn't understand why a loading dock is 30 feet from the running trail and why not turn it 90 degrees and have the other restaurant adjoining an esplanade to create a nice transition between the trail and the buildings, which would still be presented well off of Riverside Drive and might offer more flexibility. Mr. Reeds suggested that the Planning Commission support this application, but with a right to approve the final site plan.

Mr. Carnes stated that if that is a motion he would second it.
Mr. Covey asked Mr. Reeds if that is a motion. Mr. Reeds answered affirmatively.

Mr. Covey asked Legal if the motion was in order. Ms. VanValkenburgh asked if the motion was for the PUD portion only. Mr. Reeds answered affirmatively. Ms. VanValkenburgh stated that it leave it open and she doesn't know if the developer would be comfortable with that. Ms. VanValkenburgh stated that the Planning Commission can require detail site plan approval. Mr. Reynolds stated that he would accept that condition.

Mr. Covey stated that there needs to be a separate motion for Item 12 (CPA-34).

## There were no interested parties wishing to speak.

TMAPC Action; 10 members present:
On MOTION of REEDS, TMAPC voted 10-0-0 (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to recommend APPROVAL of the amendment to the Comprehensive Plan for Land Use Designation from "Park and Open Space" to "Mixed Use Corridor" for CPA-24 per staff recommendation.

Mr . Reeds moved to approve the minor amendment with the condition that the detail site plan return to the TMAPC for approval and subject to the amendments submitted by the applicant.

Mr. Covey asked Mr. Wilkerson if staff agrees with the amendments submitted by the applicant. Mr. Wilkerson stated that he doesn't support the amendments. Mr. Wilkerson stated that the landscape edges are important and separate from landscape standards, because this would get
more trees. Mr. Reeds stated that he understood that the applicant already provided landscaping and buffering along Riverside and $81^{\text {st }}$ Street. Mr. Wilkerson stated that that is true, but in addition the staff recommendation was to add trees along the east side of the trail in addition to the minimum standards that are in the Landscape Chapter. Mr. Wilkerson further stated that the applicant is agreeing to the trees, but they want the trees to count toward the required landscaping. Mr. Wilkerson stated that he would like to hear more discussion regarding the additional transparency.

Mr. VanValkenburgh stated that she believes that the percentage has to be stated today and can't be change at detail site plan.

Discussion ensued on the percentage of transparency that should be required.

Mr. Reynolds stated that the tenant can't have more than $15 \%$ transparency and run their retail business.

Mr. Dix stated that he finds it difficult to impose certain limitations on an architectural consideration to a developer. The site plan approval is plenty and he is struggling with making somebody design it to our arbitrary limitations. If they have agreed to $15 \%$, then let them put the $15 \%$ where they want to.

Mr. Reeds stated that some of this could be addressed by reorienting the buildings to the trail. Mr. Reynolds stated that he supposed that is a possibility, but the tenant has agreed to this layout and location and this is what the developer is working toward.

Mr. Dix stated that the Planning Commission is trying to design a building by telling somebody that they need to have at least $15 \%$ or $40 \%$ whatever and that is none of our business. We need to approve the PUD and let them design their building and let them build it. Mr. Dix stated tinat the use is the important part.

Mr. Reeds stated that he couldn't disagree with Mr. Dix more and he has disagreed with him in the past. This is our business as docents of our City and particularly of this first construction along the River. As the first one would want to set a good standard and embracing the River with design is critically important. Mr. Reeds stated that he knows the tenant and he knows that they embrace the cities where they are currently located and he would only ask that they do the same to Tulsa. Right now he does not see this design doing the same. Today's proposal is a typical 1980's shopping center and located on the Arkansas River on a great piece of
land, with very little adjustments. Mr. Reynolds stated that he would relay Mr. Reeds' comments to the tenant.

Mr. Reeds moved to approve minor amendment for PUD-128-E-5 per staff recommendation, subject to the detail site plan returning to the TMAPC for approval, subject to a minimum of transparency along the River/Trail sides of the building, subject to the three amendments submitted by Mr . Reynolds (Exhibit B-1).

Seconded by Mr. Carnes
Mr. Dix stated that he can't support this motion with a $40 \%$ transparency requirement.

Mr. Covey stated that if the Planning Commission is going to require the $40 \%$ he has a problem with that. Mr. Covey further stated that he has a problem with the motion dictating $40 \%$ and it could possibly come back with $25 \%$.

Mr. Reynolds stated that he talked with the developer and they can go up to $20 \%$, but beyond that they can't get the building like the tenant would like it to be to run their facility. Mr. Reynolds stated that he needs to know what that number is so that the lease can be signed and approved.

Mr. Dix suggested that the motion could say a transparency greater than $15 \%$. Mr. Reynolds stated that would work for his client.

Mr. Reeds stated that he would support that amendment to his motion. Mr . Reeds agreed with Mr. Reynolds that the transparency he is addressing is the north 75 feet of the west wall.

Mr. Midget stated that he understands the concerns and he hopes that the applicant maximizes the transparency as much as possible. Mr. Midget further stated that he hopes that the developer understands the intent of the motion and not return with $16 \%$.

Mr. Midget seconded Mr. Reeds' amended motion.

## TMAPC Action; 10 members present:

On amended MOTION of REEDS, TMAPC voted 10-0-0 (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to recommend APPROVAL of the minor amendment for PUD-128-E-5 per staff recommendation, subject to the detail site plan returning to the TMAPC for approval, subject to a transparency greater than $15 \%$ along the River/Trail sides of the building
in the north 75 feet of the west wall, subject to the three amendments submitted by Mr. Reynolds (Exhibit B-1).

## PUBLIC HEARINGS:

18. Bent River - Preliminary Plat, Location: South of the southwest corner of East $121^{\text {st }}$ Street South and South Sheridan Road, (CD 8)

## STAFF RECOMMENDATION:

This plat consists of 103 Lots, 5 Blocks, on 30 acres.
The following issues were discussed May 7, 2015, at the Technical
Advisory Committee (TAC) meeting:

1. Zoning: The property is zoned Planned Unit Development 828.
2. Streets: Provide street names. Rrovide existing right of way width along East $126^{\text {th }}$ Street with document number. In the Deed of Dedication, Section 1.7 Sidewalks, modify to read "provide along all streets" not just S . Sheridan. Include standard sidewalk langyage forresidential subdivision plats.
3. Sewer: Indicate what the reserve areas are specifically for, within in covenants. If sanitary sewe is located in reserves a, c and e, and easement is required and reserve Janguage in covenants. Between lot 13 and 14 indicate maintain adequate separation for sanitary sewer. 15 foot minimum width with pipe centered in easement. Provide contours on conceptual utility plan.
4. Water: Install proposed waterline on the south side of roadway. install vaives and hydrants.
5. Storm Drainage: Storm drainage easement required across lot 4 and lot 5, block 1, and lot 11 and lot 12, block 1.
6. Utilities: Telephone, Electric, Gas, Cable, Pipeline Others: No comment.
7. Other: Fire: Fire hydrant spacing will need to meet the requirement of IFC 2009 Segtion 507. This includes the adjacent Sheridan Road and $126^{\text {m }}$ Street along the developed area.






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# BOARD OF ADJUSTMENT <br> CASE REPORT 

STR: 9302
Case Number: BOA-22667
CZM: 38
CD: 3
A-P\#:

HEARING DATE: 07/09/2019 1:00 PM (Continued from 6/25/2019)

## APPLICANT: Jay Borchgardt

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: 6914 E ADMIRAL PL S ZONED: CH
PRESENT USE: Commercial TRACT SIZE: 19044.51 SQ FT

## LEGAL DESCRIPTION: LTS 12 BLK 1, 3RD CRESTVIEW ESTATES

## RELEVANT PREVIOUS ACTIONS: None

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is Located at the SW/c of E. Admiral Place and 70 E . Ave. The site is formerly a Guitar store located inside a strip center and currently there is not business operating out of the space.

REVISED6/28/2019

STAFF COMMENTS: The applicant is proposing to convert a vacant commercial property 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 CH district from other medical marjuana dispensaries (Section 40.225-D).

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 that radius in support of the verification. Staff has not seen any evidence disputing their exhibits.

## Sample Motion:

I move that based upon the facts in this matter as they exist presently, 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.

ubject BOA-22667

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



View from Sidewalk


View of Admiral Pl. facing West

DEVELOPMENT SERVICES
175 EAST $2^{\text {nd }}$ STREET, SUITE 450 TULSA, OKLAHOMA 74103-3227 <br> \section*{\title{
ZONING REVIEW
}} <br> \section*{\title{
ZONING REVIEW
}}

May 17, 2019
LOD Number: 1
Jay Borchgardt
Phone: 832-758-0015
6914 E. Admiral Place
Tulsa OK 74115
Tulsa OK 7115

APPLICATION NO: BLDC 30309-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 6914 E. AdmIral Place
Description: Medical Marljuana Retail 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)

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST $2^{\text {nd }}$ 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 $2^{\text {ND }}$ STREET, $8^{\text {TH }}$ 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.

## 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. 30309-2019
6914 E. Admiral Place
May 17, 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 $\mathbf{4 0 . 2 2 5}$ 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-E Drive-through windows and drive-through lanes are prohibited for medical marijuana grower operations, processing facilities, dispensaries and research facilities.
40.225-F Medical marijuana grower operations, processing facilities and dispensaries must provide the following: A ventilation/air filtration system that prevents odor from being detectible at the boundaries of the lot within which the building housing the medical marijuana grower operation, processing facility or dispensary is located, except that if such use is located in multiple-tenant building, the ventilation/air filtration system must prevent odor from being detectible outside the tenant space housing the use. An electronic security system and surveillance camera.
40.225-G Medical marijuana grower operations, processing facilities, dispensaries and research facilities must be conducted and maintained in compliance with the license issued by the Oklahoma State Department of Health and in compliance with Oklahoma law, including but not limited to all applicable statutes, rules and regulations.
40.225-H No medical marijuana grower operation, processing facility, dispensary or research facility shall be permitted or maintained unless there exists a valid license, issued by the Oklahoma State Department of Health for the particular use at the particular location.
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 location.

Review Comment: Review comment: A spacing verification is required under Sec.40.225-D. Contact an INCOG representative at 918-584-7526 for information on applying for a spacing verification with the BOA.
2.) Section 55.020 Minimum Parking Ratios: off-street required parking.

Review Comments: Provide a parking area (site plan) for the proposed medical marijuana dispensary in compliance with 55.090-D.

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.

## Google Maps 6914 E Admiral PI



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BOA —22668 - 1ARCHITECTURE, LLC

THE APPLICANT REQUESTS A CONTINUANCE TO JULY 23, 2019



STR: 9321
Case Number: BOA-22672
CZM: 47
CD: 9

HEARING DATE: 07/09/2019 1:00 PM
APPLICANT: Mohammad Ibbini
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: 3747 S HARVARD AV E
PRESENT USE: Medical Marijuana Dispensary

## ZONED: CS

TRACT SIZE: 21314 SQ FT
LEGAL DESCRIPTION: PRT LT 9 BEG 69E SWC TH E8.8 N0.4 W8.8 S0.4 POB \& ALL LTS 10 THRU 12 BLK 2, 36TH STREET SUBURB

## RELEVANT PREVIOUS ACTIONS:

Subject Property: None

## Surrounding Property:

BOA-22627; On May $14^{\text {th }}$, 2019 the Board Rejected a spacing verification on the tract of land immediately North of the subject property. This rejection was done because the medical marijuana dispensary Canna Club, which is the applicant in BOA-22672, was operating without a city permits at the time BOA-22627 was heard.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract abuts CS zoned commercial uses to the south and north; RM-2 zoned lots to the east; and S. Harvard Ave. is immediately to the west of the subject property.

STAFF COMMENTS: The applicant is currently operating a medical marijuana dispensary without an Occupancy Permit from the City of Tulsa. 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 marjuana dispensaries (Section 40.225-D).

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

## 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.

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DEVELOPMENT SERVICES
175 EAST $2^{\text {nd }}$ STREET, SUITE 450
TULSA, OKLAHOMA 74103

## ZONING CLEARANCE PLAN REVIEW

April 16, 2019
Phone: 916.758.9999

Greg Norris
6380 E 31 ST, Ste A Tulsa, OK 74132
APPLICATION NO:

Location:
Description:

COO-028655-2019
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
3747 S Harvard Ave
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.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST $2^{\text {nd }}$ 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. $2^{\text {nd }}$ ST., $8^{\text {th }}$ FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" [ $X$ IIS $11 S$ 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

COO-028655-2109
3737 S Harvard Ave
April 16, 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 responslbility 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 appllcation. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behaif.
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 avallable to address the noncompliance and submit the selected compliance option for review. Staff review makes nelther representiation nor recommendation as to any optimal method of code solution for the projact.

1. Sec.40.225-D: A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.
2. Sec.40.225-H: The separation distance required under Sec. $40.225-D$ 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 dispensary.
Review comment: Submit a copy of the BOA accepted separation distance of $1000^{\prime}$ from other dispensaries.

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 vour revisions have been submitted

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

A hard copy of this letter is avallable 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.

Ms. Radney stated she would be more inclined to be more supportive if the applicant would present something that would allow the Board to understand that the addition is actually structurally sound.

Ms. Back stated that if the client were to modify the structure to make it enhance the house and was a part of the house instead of the brown box, she would be more inclined to support this request.

## Board Action:

On MOTION of BACK, the Board voted 3-0-0 (Back, Radney, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond, Ross absent) to CONTINUE the request for a Variance to reduce the required street setback in an RS-3 District (Table 5-3) to the June 11, 2019 Board of Adjustment meeting; for the following property:

LT 281 BK 1, RODGERS HGTS SUB, City of Tulsa, Tulsa County, State of Oklahoma

## 22627-Amanda Prickett

## Action Requested:

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). LOCATION: 3735 South Harvard Avenue East, Unit A (CD 9)

## Presentation:

Amanda Prickett, 3735 South Harvard Avenue, Suite A, Tulsa, OK; no formal presentation was made at this time.

Travis Horton, 2021 South Lewis Avenue, Suite 520, Tulsa, OK; no formal presentation was made at this time.

Mr. Van De Wiele stated the Board has the spacing exhibit on page 5.6. What has thrown this into a different situation is the existence of another licensed dispensary, but the dispensary does not have a Certification of Occupancy or it has not had its spacing verified from another dispensary in the same strip center. Mr. Van De Wiele asked the applicant to shed some light on the situation and from what is understood about the timeline of the competing dispensary.

Travis Horton came forward and stated that neither entity is grandfathered in, they are both after the December date, so a Variance is required. Both obtained a license in February of this year. Ms. Prickett's Certificate of Occupancy was obtained in March.

Mr. Van De Wiele asked if this was the same landlord for both dispensaries. Ms. Prickett answered no. Mr. Van De Wiele asked if the dispensaries were in the same center. Ms. Prickett stated the very large part of the shopping center is detached from
the other two buildings. Mr. Van De Wiele asked Ms. Prickett if she was on the far left side of the center. Ms. Prickett answered affirmatively, near where the old barber shop was located. Mr. Van De Wiele asked Ms. Prickett if that was a separate building from the rest of the center. Mr. Horton stated that it appears as one building but it is not. Ms. Prickett stated that the buildings are very close and are the same color. Mr. Van De Wiele asked Ms. Prickett if she was the only occupant of the building beside the tattoo parlor. Ms. Prickett answered affirmatively.

Mr. Van De Wiele asked Ms. Prickett if she had her Certificate of Occupancy and has her license from OMMA. Ms. Prickett answered affirmatively. Mr. Van De Wiele asked if those were received after December $1^{\text {st }}$. Ms. Prickett answered affirmatively. Mr. Van De Wiele asked Ms. Prickett if the only other dispensary that she is aware of is the one under discussion today. Mr. Horton answered affirmatively. Mr. Horton stated that his client has even stated that she went through the OMMA website and searched for any other dispensary in the area. Mr. Horton stated that his client thought they had a location with the proper 1,000-foot spacing requirement and have made their investment.

Mr. Van De Wiele asked Mr. Horton if the dispensary was up and running at this point. Mr. Horton stated the dispensary is not selling at this time and only doing pre-business type business.

Mr. Van De Wiele asked Mr. Horton if the dispensary located to the south is open to public. Mr. Horton answered affirmatively and stated they are actually selling.

## Interested Parties:

Nancy Johnson, 12929 East 21 ${ }^{\text {st }}$ Street, Suite F3, Tulsa, OK; stated she is the secretary for the company and is the bookkeeper that has the 3747 location.

Mr. Van De Wiele asked Ms. Johnson what the name of that entity is. Ms. Johnson stated the actual entity is Natural Leaf Corporation, the name of that location is Canna Club Dispensary.

Mr. Van De Wiele asked Ms. Johnson if Canna Club has a license from OMMA. Ms. Johnsons answered affirmatively and stated that it was obtained on February $12^{\text {th }}$. Ms. Johnson stated the occupancy license has been applied for, but it has not been received as of yet.

Mr. Van De Wiele asked Ms. Johnson if the spacing verification has been applied for. Ms. Johnson stated that it has not. Mr. Van De Wiele asked why the spacing verification had not been applied for. Ms. Johnson stated that she did not know to do so.

Mr. Van De Wiele asked Ms. Johnson if the dispensary was open to the public and selling products. Ms. Johnson answered affirmatively and stated the dispensary opened on April $18^{\text {th }}$.

Mr. Van De Wiele asked Ms. Johnson if she was the only one in attendance from Natural Leaf Corporation or Canna Club. Ms. Johnson stated that she was not, the President of the corporation is here also.

Mohammed Ibbini, 3747 South Harvard, Suite D, Tulsa, OK; no formal presentation was made by the interested party.

Mr. Van De Wiele asked Mr. Ibbini how he was able to open his business without a Certificate of Occupancy and without a spacing verification. Mr. Ibbini stated he rented the space a year ago and when he posted the sign "Opening Soon" the Fire Marshal (a lady) came and told him he had to have a Certificate of Occupancy and he sent it to them, and he was told he could open.

Mr. Van De Wiele asked Mr. Ibbini when he received his OMMA license. Mr. Ibbini stated that it was February $12^{\text {th }}$, and it will expire February 17, 2020.

Mr. Van De Wiele asked Mr. Ibbini if he opened for business on April $18^{\text {th }}$. Mr. Ibbini answered affirmatively.

Mr. Van De Wiele asked Mr. Ibbini what he has been doing on the property since he has been leasing it for a year. Mr. Ibbini stated he had a smoke shop business. Mr. Ibbini stated the landlord knew he was going to open a dispensary as soon as he received his license, so she increased the insurance on the building, and he pays it. Mr. Ibbini stated that he has a signed five-year lease. Mr. Ibbini stated he even placed a sign in the window, "Coming Soon - Canna Club Dispensary".

Mr. Van De Wiele asked Mr. Ibbini when the sign was posted in the window. Mr. Ibbini stated that it was two or three months ago.

Greg Norris, 8840 North 300 Road, Okmulgee, OK; stated he is assisting in obtaining the Certificate of Occupancy and he is a real estate broker in Tulsa. Mr. Norris stated that it seems like there is a problem with the State, they seem to be able to figure out the 1,000 feet from a school, but they keep issuing licenses to businesses next to one another. He hopes the Board can convey that to the State. It is a hardship not only the applicants but a hardship on the public. These people are putting their life savings into these businesses, and then they find out they cannot open because there is a problem. It is really a matter of the State not issuing a license to someone that is located three doors away.

Mr. Van De Wiele stated that the 1,000-foot spacing is not the State of Oklahoma, it is the City of Tulsa. Mr. Norris stated that he knows that, but the State is aware of it. Mr. Van De Wiele stated that he did not know if the State was aware of this, but there is certainly the concept that all citizens are charged with knowing the law whether or not they actually know it. He cannot imagine the Board will ever be in the position to tell the State of Oklahoma that they have to police the 1,000 -foot spacing in the City of Tulsa.

Mr. Norris asked if that means the City of Tulsa is not going to protect the public from that issue. Mr. Van De Wiele stated that is what the City Board of Adjustment is for, and the City of Tulsa cannot make the State of Oklahoma police the 1,000-foot spacing. Mr. Van De Wiele stated that he understands the frustration. Mr. Norris stated a lot of these cases are going to come up because of the indiscriminate giving of the licenses.

David Hall, 3805 South Gary Place, Tulsa, OK; stated he lives in the neighborhood adjacent to the subject site, and he represents the residents in the adjacent neighborhood, and everyone advocates that the Board honor the 1,000-foot spacing. The residents see the new environment of the dispensaries as uncertain as for the quality of the business and the longevity. Ranch Acres is the neighborhood that is adjacent to the subject site and it has been added to the National Historic Places register in 2007, and the residents wish to preserve that to the best of their ability. The residents have done research and see that residential resale values are affected negatively by the presence of a dispensary. While there is not a lot of data available for that there is data that suggests it and that is a concern to the residents. Mr. Hall presented a list of signatures from many of the residents that are in proximity to the subject site.

Mr. Van De Wiele stated that this case is unique because of the two competing interests. The Board is not here to grant or deny any of the spacing verifications, it is really a matter of whether there is another dispensary within a 1,000-foot radius. On this type of application that is all the Board is being asked to do and it is all the jurisdiction the Board has to do. The Board verifies spacing on liquor stores, bars, billboards, day care centers, and all kinds of things. It is really just a factually driven question of is there anything else in that 1,000-foot donut that would cause the Board not to accept the verification of spacing. Mr. Van De Wiele thinks that what the residents of Ranch Acres are saying is that they do not want two dispensaries, and he appreciates that they do not want any one dispensary. Mr. Van De Wiele asked Mr. Hall if he had an opinion as to the one that is before the Board today. Mr. Hall stated that there is uncertainty regarding the new laws and what the affects will be ultimately, so it is the unknown. During this period of the unknown there are laws that govern where the dispensaries can be placed in relation to each other, so the residents ask the Board to uphold that statute.

## Rebuttal:

Travis Horton came forward and stated that in regard to the competing interests and the neighborhood, if the standard were to stick a sign saying "dispensary" what a potential businessperson would do is go around the neighborhood and place signs everywhere to preserve there 1,000 feet. It sounds cold and harsh, but people are always taught that ignorance of the law is no excuse. His clients came to him with this very issue saying that when they rented the property, and their first payment was in January 2019, they asked what they needed to know and what the proper process was. The INCOG website there is a sample that could be followed exactly and know what needed to be done. Mr. Horton stated that he instructed his clients on that and they
followed that process. He is sympathetic to the other party's investments, but his client has also made investments financially into the business and has followed the ordinances and the laws of the state. His client has not dispensed any marijuana until they were able to do so. Mr. Horton believes his clients have followed the process and were first in line and it needs to be recognized as that. It may have been the notices that were sent on his client's behalf that actually caused the other interested party to realize there was something more they needed to do.

Ms. Radney asked Mr. Horton when his clients leased the building. Mr. Horton stated the first payment to the landlord was January 17, 2019, and that was based on research.

Mr. Van De Wiele asked Ms. Prickett to describe her process for finding the location. Ms. Prickett stated she drove around areas that she liked and felt that it would be a good spot for a dispensary. She would then drive around checking the 1,000-foot radius to make sure there were no schools or churches or other dispensaries. She would then check Google Maps for any conflict.

## Comments and Questions:

Mr. Van De Wiele stated the Board is being asked to verify spacing from one dispensary from another, and he asked Mr. Swiney if the Canna Club Natural Leaf Corporation smoke shop is a medical marijuana dispensary without having a Certification of Occupancy and not having a spacing verification accepted. Mr. Van De Wiele asked how the Board could accept one verification of spacing if there is another dispensary selling medical marijuana within a 1,000 feet other than to say what the interested party is doing is not a medical marijuana dispensary. Mr. Swiney stated the Zoning Code states a medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary; it does not say within 1,000 feet of another legally operating medical marijuana dispensary. He thinks that is presumed, that any other medical marijuana dispensary has to be legally in operation. There are three elements that have to be observed before a medical marijuana dispensary can be opened; a license from the State, a Certificate of Occupancy from the City, and have the 1,000foot radius verified by the Board of Adjustment. Mr. Swiney stated that the Canna Club has one of three items, and he does not think there is any question that he does not have a Certificate of Occupancy and does not have the 1,000-foot spacing verification. There is no question, Mr. Ibbini is not lawfully open or not ready to open because he has not observed the three items. Mr. Swiney stated that Ms. Prickett is in the process of obtaining the 1,000 -foot spacing verification. If the Board believes that this rule applies to any medical marijuana dispensary, legal or illegal, then the result will be a denial of Ms. Prickett's verification and essentially Ms. Prickett will be out of business; Ms. Prickett will have to go some place else. That vote would have sided Mr. Ibbini's operation, The Canna Club, and allow him to operate even though he does not have a Certificate of Occupancy or his 1,000 -foot spacing verification. Mr. Swiney stated that would result in an unfair result, if the Board supports his operation and deny Ms. Prickett's operation.

Mr. Van De Wiele stated that he guesses the Fire Marshal inspected the sprinkler system and other items maybe related to the processing.

Mohammed Ibbini came forward and stated that he has been in business for ten years, and he started with the license. As soon as he received the license in February, he placed the open soon sign in the window. Then he paid fees for the occupancy. Mr. Van De Wiele asked Mr. Ibbini if he had applied for a spacing verification through INCOG. Mr. Ibbini stated that he does not know what that is, but he did go online, and it showed that there was no one around him. Mr. Ibbini stated that he has been in his location for almost a year, and he has done everything legally.

Greg Norris came forward and stated that his clients did apply for a Certification of Occupancy on April 8 ${ }^{\text {th }}$.

Ms. Radney asked for the date the Fire Marshal completed the inspection. Mr. Norris stated that it would have been prior to April $8{ }^{\text {th }}$.

Ms. Back asked Mr. Norris if his client (Mr. Ibbini) has not applied for a spacing verification at INCOG as of yet. Mr. Norris answered affirmatively.

Mr. Van De Wiele stated that Mr. Horton very eloquently stated that ignorance of the law is no excuse, and this applied to any business. It is beyond just getting a lease. There are other things that have to be done and if a person wants to get into a particular business knowing all the ins and outs of the procedure is required.

Ms. Back stated that a person also needs to know what their zoning is and what is required of that use in that zoning district.

Mindy Hall, no address stated and did not sign in; stated that she lives in Ranch Acres. Clearly, she thinks because of the new law there is a lot of uncertainty and she does not see this being the first case before the Board, especially given the large number of applicants in the City. What she has a problem with is that this is not at 900 feet, not at 800 feet, and to skirt around the Variance issue is that this is within about 100 feet.

Mr. Van De Wiele stated that if the Board accepts the verification of spacing today, that is not necessarily going to permit two dispensaries within the 1,000 -foot radius. The Canna Club, if the verification of spacing is accepted, will be operating outside of the bounds of the Zoning Code and it would not be allowed to operate there unless a Variance of that 1,000-foot spacing were granted by this Board. That has not been asked for and cannot be asked for at this meeting.

Ms. Hall stated that she does not know where it is valuable in Tulsa to have such an oversaturation of a business in a neighborhood.

Ms. Radney asked Ms. Prickett where she starts for her business, is it at the application for the license with the State? Ms. Radney also asked if there had to be a location
before the application for the license. Ms. Prickett stated that the State does ask for a location address and then it is either approved or denied, and a person can always change the address of the location afterward. Ms. Radney asked Ms. Prickett if she had a physical location in mind when she made her application for her license. Ms. Prickett answered affirmatively and stated that it is the address in question. Ms. Radney asked Ms. Pricket what date she did that. Ms. Prickett stated she applied on February $1^{\text {st }}$ and she was approved on February $26^{\text {th }}$. Ms. Radney asked Ms. Pricket when she leased the building. Ms. Prickett stated that she started leasing the building in January. Ms. Radney asked Ms. Prickett when she applied for the lease. Ms. Prickett stated that it was in January; she found the property before she applied with the State of Oklahoma because she wanted to make sure that she had a building within her zoning. Ms. Radney asked Ms. Prickett when she executed the lease. Ms. Prickett stated she signed a check on January $17^{\text {th }}$. Ms. Radney asked Ms. Prickett if that was earnest money or the lease. Ms. Prickett stated that it was the lease.

Ms. Radney stated that as she sees it, all of these people have made investments in preparation to be able to operate businesses, but neither of these two businesses are any more entitled today to sell medical marijuana than the other. Ms., Radney stated that the way she is looking at it is, is there an operating business, a legal entity, that is selling medical marijuana within the 1,000 feet.

Mr. Van De Wiele stated that the conversation he has had with INCOG within the last 24 hours, and the term "land run" was used, the Zoning Code seems to stand for the proposition that having more than one of these dispensaries every 1,000 feet isn't necessarily a good thing. The Board is not here to agree or disagree with that. His struggle is whether through the lack of understanding the law or purposeful ignoring of the law, and he guesses it more of not knowing the law rather than a willful violation of the law. There is a facility selling medical marijuana that should not be because it does not have a Certification of Occupancy and it has not had the spacing verified. Mr. Van De Wiele stated that he does not want to have something the Board does end up with two dispensaries in a location. He does not want to encourage the land run type behavior. He does not know that he sees an answer that satisfies all those wishes.

Ms. Radney stated that as she thinks about the timeline of these cases, locations were secured, licenses were applied for and granted, separate and apart from whether the Canna Club is entitled to be dispensing, there are really narrow timelines. One approval came through on the $22^{\text {nd }}$ and the other apparently being granted on the $12^{\text {th }}$. The missing step for the existing business is that, though they have apparently been engaged in some capacity with the City as it relates to securing an occupancy permit, and as part of that occupancy permit step that is when the spacing verification would occur. She does not think the question before the Board is whether they are dispensing legally or not, she thinks it is a question of which of the two dually applied for licenses and locations has standing. The activity going on at the businesses is irrelevant to her. If neither one was dispensing anything, and they both showed up today with the same spacing map, which entity would the Board approve?

Mr. Van De Wiele stated that if there were two applicants in a strip mall and the left end was leased by one person and another person leases the right end, both have OMMA licenses, both have a lease, both have started the Certificate of Occupancy process, and both have filed with INCOG for verification of spacing what does the Board do? Mr. Wilkerson stated that when INCOG takes an application INCOG is looking at the time stamp.

Ms. Back stated this is new to all of the Board, and the Board wants to do what is right. She thinks that the established business was a previous smoke shop and had an established lease, did apply for his OMA license, and she thinks there may have been some confusion when the Fire Marshal gave permission to open but not communicating the full requirement of obtaining a spacing verification. She personally would err on the side of caution, and believe the established business is in the process of getting all of their licensing finalized. She does not think they were knowingly doing anything against what was required. Ms. Back stated that she does not like rewarding bad behavior but in this case, she believes that it was innocent.

Mr. Van De Wiele stated that he thinks there was no ill intent, but he is coming to a different conclusion. He tends to believe that the Canna Club probably did this out of a lack of fully understanding the zoning ordinances. But that is not an excuse. There is an applicant, to their detriment, went through all of the steps in the right order with an attorney that was telling what to do and that there is not another valid medical marijuana dispensary within the 1,000 -foot radius, and now the Board is going to tell them no because that is not what he wants to reward. Mr. Van De Wiele stated that he would intend to accept the verification of spacing.

Ms. Radney stated that the process is location, application, license, Certificate of Occupancy, the fact that Canna Club has not completed all of those steps really just goes to the fact that they are not legally conducting business. This is a small community, and everyone is hearing the Board say they are not legally conducting business. That having been said, that does not mean that they are not legally entitled to potentially conduct business in that spot. So, the lease, the application, and the license in that order give the existing business priority. As such she would not be prepared to accept the spacing verification because there is another entity that is licensed within the envelope.

Mr. Swiney stated that the advice is that it would have to be a lawfully operating dispensary, not just any dispensary. If the Board wants to go in a different direction the Board is free to do that. Mr. Swiney stated that he has been looking through the Zoning Code and to grant a Variance requires three votes, to grant a Special Exception requires three votes, but he does not see the requirement of three votes when verifying a spacing requirement. He thinks, in this case, with a three-person Board today a simple majority could pass or defeat the verification.

## Board Action:

On MOTION of VAN DE WIELE, 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; for the following property:

## LT 9 LESS BEG 69E SWC TH E8.8 N0.4 W8.8 S0.4 POB BLK 2, 36TH STREET SUBURB, City of Tulsa, Tulsa County, State of Oklahoma

## MOTION FAILED There was no second to the motion.

On MOTION of BACK, the Board voted 2-1-0 (Back, Radney, "aye"; Van De Wiele "nay"; no "abstentions"; Bond, Ross absent) I move that based upon the facts in this matter as they presently exist, we REJECT 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; for the following property:

LT 9 LESS BEG 69E SWC TH E8.8 No.4 W8.8 S0.4 POB BLK 2, 36TH STREET SUBURB, City of Tulsa, Tulsa County, State of Oklahoma

## 22628-Meenakshi Krishnasamy

## Action Requested:

Verification of the 1,000 -foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). LOCATION: 2811 East $15^{\text {th }}$ Street South \& 1442 South Delaware Place East (CD 4)

## Presentation:

Meenakshi Krishnasamy, 815 East $3^{\text {rd }}$ Street, Tulsa, OK; no formal presentation was made by the applicant.

Mr. Van De Wiele stated the Board has the applicant's spacing map as shown page 6.6.
Mr. Van De Wiele asked Mr. Krishnasamy if he was aware of any other medical marijuana dispensaries within the 1,000-foot radius. Mr. Krishnasamy answered no.

## Interested Parties:

There were no interested parties present.


Canna Club Currently in operation without City Permits


Canna Club from South Harvard facing South


Feet
$\begin{array}{lll}0 & 200 & 400 \\ \\ & \\ \end{array}$


Sparger, Janet

| From: | Chapman, Austin |
| :--- | :--- |
| Sent: | Tuesday, July 2, 2019 11:33 AM |
| To: | Sparger, Janet |
| Subject: | FW: BOA-22672 |
| Attachments: | herballlc.jpg |

From: Jennifer Harmon [greyrobedsr@gmail.com](mailto:greyrobedsr@gmail.com)
Sent: Tuesday, July 2, 2019 10:11 AM
To: Chapman, Austin [AChapman@incog.org](mailto:AChapman@incog.org)
Subject: BOA-22672
Austin,
With regards to BOA Case 22672 (verification of 1000 ft spacing requirement for dispensaries), sec.40.225-D of the zoning code states "a medical marijuana dispensary may not be located within 1000 feet of another." According to http://omma.ok.gov/ there is already a licensed dispensary 194 feet South at 3801 S. Harvard. See attached photo. As such, Sonoma-Midtown NA requests the BOA reject Mr. Ibbini's application.

Respectfully, Jennifer Harmon, EcOSB, M.Div Sonoma-Midtown NA 918-557-4581

| NAME BOA -22672 |  | CITY | ZIP | COUNTY |
| :---: | :---: | :---: | :---: | :---: |
| DOCTOR GREEN LABS LIC <br> 31515 179TH EAST AVE STE P |  | TULSA | 74134 | TULSA |
| : 1 Rev For GR COMPANIES ORE UC 40245 Yale A.ve |  | TULSA | 74135 | TULSA |
|  GREEN MEDS PUS LLC doby e lisf |  | TULGA | 74135 | TLISAA |
|  HEREAL IUNCTION MABKET LLC 33015 SA4Fidaid. AVE |  | TUL5A | 74135 | TULSA |
|  HATURAL LEAF COAPORATION 37475 HA MA ND AVL |  | TULGA | P4135 | TULSA |
|  <br> ONCD CORP <br>  |  | 1UL4 | P4135 | ILISA |
|  R 8 TH:LLC 35*2 3135 |  | TULSA | 74135 | TULSA |
|  ROGEMARY FARMS LLC 1774 © 11575 |  | 1ULSA | 7413 | 14154 |
| hanco er.anumberat TP DAEAMS LLC 3870 E 51555 |  | TUL5 | 74135 | TUL5A |

194 feet south of applicant there is another licersed dispensary

## Herbal Junction LLC.

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STR: 9201
Case Number: BOA-22674
CZM: 36
CD: 4
HEARING DATE: 07/09/2019 1:00 PM
APPLICANT: Allie Ogden
ACTION REQUESTED: Special Exception to permit a Single Household Detached House in the CBD district (15.020 Table 15-2)

LOCATION: 636E3STS
ZONED: CBD
PRESENT USE: Mixed use
TRACT SIZE: 3297.51 SQ FT
LEGAL DESCRIPTION: N40 LT 9 BLK 113, TULSA-ORIGINAL TOWN

## RELEVANT PREVIOUS ACTIONS:

Subject Property: None

## Surrounding Property:

BOA-20928; On June 9 ${ }^{\text {th }}, 2009$ the Board Approved a Special Exception to permit a duplex dwelling in the CBD at 814 East $3^{\text {rd }}$ St.

BOA-20927; On June 9th, 2009 the Board Approved a Special Exception to permit a single-family dwelling unit in the CBD at 804 East $3^{\text {rd }}$ Street.

BOA-20642; On March 11 ${ }^{\text {th }}$, 2009 the Board Approved a Special Exception to permit two singlefamily dwelling units in the CBD at 820 East $3^{\text {rd }}$ Street.

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

Downtown Core is Tulsa's most intense regional center of commerce, housing, culture, and entertainment. It is an urban environment of primarily high-density employment and mixed-use residential uses, complemented by regional-scale entertainment, conference, tourism, and educational institutions. Downtown Core is primarily a pedestrian-oriented area with generous sidewalks shaded by trees, in-town parks, open space, and plazas. The area is a regional transit hub. New and refurbished buildings enhance the pedestrian realm with ground-floor windows and storefronts that enliven the street. To support downtown's lively and walkable urban character, automobile parking ideally is located on-street and in structured garages, rather than in surface parking lots.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by CBD zoning and sits at the SW/c of East $3^{\text {rd }}$ Street South and South Kenosha Avenue in Downtown's East Village. The structure is an existing brick building being converted into a single-family detached house.

STAFF COMMENTS: The Applicant is requesting a special exception to permit a Single Household Detached House in the CBD, which is allowed per Sec. 15.020 Table 15-2.

Table 15-2.5: O, C and I District Building Type Regulations for Household Living

| USE CATEGORY |
| :--- |
| Subcategory <br> Specific use <br> Building Types |
| RESIDENTIAL |
| Household Living <br> Single household OL OM OMH OH CS CG CH CBD IL IM IH |
| Detached house |

Per Sec.15.010-B.9 The CBD is defined by the following traits:
CBD District
The CBD district is primarily intended to:
a. Accommodate and encourage the most desirable, most productive, most intense use of land, without regard to the regulation of building height, floor area, land coverage and parking requirements, within the central core area of the city.
b. Encourage a diversity of high-intensity uses that mutually benefit from close proximity to, and from the available services of, the high transportation carrying capacity afforded by locations within the boundaries of the Inner Dispersal Loop.
c. Preserve and promote the public and private investment of the existing central core area.

## SAMPLE MOTION:

Move to $\qquad$ (approve/deny) a Special Exception to permit a Single Household Detached House in the CBD district (15.020 Table 15-2)

- Per the Conceptual Plan(s) shown on page(s) $\qquad$ 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. 20927

## Action Requested:

Special Exception to permit a single family dwelling (Use Unit 6) in the CBD (Section 701), located: 804 East $3^{\text {rd }}$ Street.

## Presentation:

Micah Alexander, 1773 East $31^{\text {st }}$ Street, Tulsa, Oklahoma, stated he is the property owner. He proposed to build a four-story, single-family dwelling on the subject property (Exhibit G-1). He pointed out the surrounding properties that he owns. He plans to market it for sale. It was approved by the permit office pending one foundation correction.

## Interested Parties:

Janet Padler-Davy, 808 East $3^{\text {rd }}$ Street, Tulsa, Oklahoma, stated she and her husband own the building next door on the east. Their building was constructed in 1916. They are in support of development and just wanted to know how close it is to their lot line.

## Applicant's Rebuttal:

Mr . Alexander declined to make a rebuttal.

## Board Action:

## FILE CRP"

On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit a single family dwelling (Use Unit 6) in the CBD (Section 701), finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, per plan as shown on page 10.6 of the agenda packet, on the following described property:

PRT LT 12 BEG 7NE SWC LT 12 TH E59 N39 SWLY TO POB BLK 12, HODGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## Case No. 20928

## Action Requested:

Special Exception to permit a duplex dwelling (Use Unit 7) in the CBD (Section 701); in the existing building, located: 814 East $3^{\text {rd }}$ Street.

## Presentation:

Micah Alexander, 1773 East $31^{\text {st }}$ Street, stated this is an existing building with a small footprint of approximately $1,800 \mathrm{sq}$. ft . He planned to split it in half for two, two-story duplexes, to lease initially and sell in the future.

## Case No. 20927

## Action Requested:

Special Exception to permit a single family dwelling (Use Unit 6) in the CBD (Section 701), located: 804 East $3^{\text {rd }}$ Street.

## Presentation:

Micah Alexander, 1773 East $31^{\text {st }}$ Street, Tulsa, Oklahoma, stated he is the property owner. He proposed to build a four-story, single-family dwelling on the subject property (Exhibit G-1). He pointed out the surrounding properties that he owns. He plans to market it for sale. It was approved by the permit office pending one foundation correction.

## Interested Parties:

Janet Padler-Davy, 808 East $3^{\text {rd }}$ Street, Tulsa, Oklahoma, stated she and her husband own the building next door on the east. Their building was constructed in 1916. They are in support of development and just wanted to know how close it is to their lot line.

## Applicant's Rebuttal:

Mr . Alexander declined to make a rebuttal.

## Board Action:

On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit a single family dwelling (Use Unit 6) in the CBD (Section 701), finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, per plan as shown on page 10.6 of the agenda packet, on the following described property:

PRT LT 12 BEG 7NE SWC LT 12 TH E59 N39 SWLY TO POB BLK 12, HODGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## Case No. 20928

## Action Requested:

Special Exception to permit a duplex dwelling (Use Unit 7) in the CBD (Section 701); in the existing building, located: 814 East $3^{\text {rd }}$ Street.

## Presentation:

Micah Alexander, 1773 East $31^{\text {st }}$ Street, stated this is an existing building with a small footprint of approximately $1,800 \mathrm{sq}$. ft . He planned to split it in half for two, two-story duplexes, to lease initially and sell in the future.

## Interested Parties:

There were no interested parties who wished to speak.

## Board Action:

On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit a duplex dwelling (Use Unit 7) in the CBD (Section 701); in the existing building, finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:
W. 40 OF LT 1 BLK 12, HODGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## Election of Officers

On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to retain Frazier Henke as Chair.

On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to retain Clayda Stead as Vice Chair.

On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to retain Michael Tidwell as Secretary.
*.*.*.*.*.........

There being no further business, the meeting adjourned at 3:24 p.m.

building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

## LT 34 LESS BEG SECR TH W16.50 NE23.33 S16.50 POB FOR ST BLK 3 WINDSOR PARK SOUTH, City of Tulsa, Tulsa County, State of Oklahoma

## Case No. 20642

## Action Requested:

Special Exception to permit two single family dwellings (Use Unit 6) on a lot in the CBD district (Section 701), located: 820 East $3^{\text {rd }}$ Street South.

## Presentation:



Brian Freese, 1634 South Boston, Tulsa, Oklahoma, 74119, represented his client. He proposed a two-unit condominium dwelling on a single lot in a CBDzoned district. He provided a site plan (Exhibit F-1). He added that it would be in harmony and in the spirit and intent of the code and the comprehensive plan. He indicated this would be downtown revitalization by the improvement of an abandoned building. The plans include off-street parking, although parking is not required in a CBD district.

## Interested Parties:

There were no interested parties who wished to speak.

## Board Action:

On Motion of White, the Board voted 5-0-0 (White, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit two single family dwellings (Use Unit 6) on a lot in the CBD district (Section 701), finding the special exception will be in the harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, per plan, as shown on pages 7.6, 7.7 and 7.8 in the agenda packet,

Question on the motion by Mr. White.
Mr. White asked the applicant if he was in agreement to an approval per the plans submitted. Mr. Freese replied that he did not have a problem with per plan submitted. He added that the applicant considers this a single, two unit condominium development. He stated the distinction is that these are not two separate residences. Mr. Alberty referred to it as single-family attached dwellings on a single lot. He added that the definition of a townhouse would be three units.

## FILE COPY

On Amended Motion of White, the Board voted 5-0-0 (White, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit two single, attached family dwellings (Use Unit 6) on a lot in the CBD district (Section 701), per plan, as shown on pages 7.6, 7.7 and 7.8 in the agenda packet, finding the special exception will be in the 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:

E46 LT 1 BLK 12, HODGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## Case No. 20647

## Action Requested:

Special Exception to permit required parking on a lot not containing the principal use (Section 1301.D); Variance of the design standards for required parking to permit linear or stacked parking spaces (Section 1301.F \& 1303); and a Variance of the loading berth requirement (Section 1211.D), located: Southeast and Southwest corners of East Admiral Place and North Sandusky Avenue.

## Presentation:

Charles Norman, 2900 Mid-Continent Tower, represented the applicant/owners of the subject property. He proposed the church was to become a funeral home chapel in the CG district. This is an existing church building no longer in use. He reviewed the property with the use of photographs (Exhibit G-2). He suggested a tie agreement for all three parcels. He informed the Board of the proposed uses for the buildings. The applicant has no objection to repair and maintenance of the sidewalks. Mr. Norman stated that the calculations for parking was based on square footage including the basement space. He pointed out the plan for linear or stacked parking.

## Interested Parties:

Gwen Chancey, 4179 East Admiral Boulevard, Tulsa, Oklahoma 74115, was concerned about being surrounded by the applicant's proposed uses. She asked about the parking. She was not opposed to the application.

## 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 Special Exception to permit required parking on a lot not containing the principal use (Section 1301.D); Variance of the design standards for required parking to permit linear or stacked parking spaces (Section 1301.F \& 1303); and a Variance of the loading berth requirement (Section 1211.D), subject to the narrative submitted as exhibit $A$, pages 8.7 and 8.8 of the agenda packet, and the site plan exhibit $B$, page 8.9; and subject to the repair, reconstruction or new construction of sidewalks as shown on the site plan; asphalt or concrete parking surface on the northern

## CITY OF TULSA BOARD OF ADJUSTMENT

INCOG - 2 West $2^{\text {nd }}$ Street, Suite 800 - Tulsa, Oklahoma 74103-(918) 584-7526
www.cityoftulsa-boa.org

## APPLICATION INFORMATION

received by: Kd__date filed: 06/04/19 hearing date: 07/09/2019 1:00 PM case number: BOA-22674
[ X ] RESIDENTIAL [ ] NON-RESIDENTIAL [ ] COMBINATION REFERRAL CITIES:
neighborhood associations: IDL Association SUBJECT PROPERTY INFORMATION
address or descriptive location: 636 E 3 ST S
LEGAL DESCRIPTION: (email to boa@incog.org) N40 LT 9 BLK 113,TULSA-ORIGINAL TOWN PRESENT USE: Mixed use ZONING ATLAS:___LAND USE DESIGNATION: Downtown
$\begin{array}{llllll}\text { CURRENTZONING: CBD HPD: CRM: } 36 & \text { T-R-S: } 9201 & \text { CD: } 4\end{array}$

AREA PREVIOUS CASE NUMBERS: SUBJECT: $\qquad$ SURROUNDING: $\qquad$
INFORMATION ABOUT YOUR REQUEST
A SITE PLAN IS REQUIRED TO ILLUSTRATE YOUR REQUEST.
ACTION(S) REQUESTED: Special Exception for residental use in CBD district (15.020 Table 15-2) VARIANCE SECTIONS: $\qquad$ SPECIAL EXCEPTION SECTIONS: $\qquad$ USE UNIT: $\qquad$
LIST THE SPECIFIC SECTIONS OF THE ZONING CODE THAT APPLY TO EACH ACTION YOU'RE REQUESTING.

| APPLICANT INFORMATION | PROPERTY OWNER INFORMATION |
| :---: | :---: |
| name: Allie Ogden | SMITH, CHAD E REV TRUST |
| ADDRESS 815 E 3rd St, STE C |  |
| CITY, st, ZIP Tulsa, OK 74120 | PO BOX 52340 |
| DAYTIME PHONE 918-794-6616 |  |
| EMAIL allie@wdesignsite.com | TULSA OK |
| I, THE UNDERSIGNED APPLICANT, CERTIFY THA | ON THIS APPLICATION IS TRUE AND CORREC |
| signature \& date: - Qleo Offer | -19 |

dOES OWNER CONSENT TO THIS APPLICATION [ $\sqrt{ }$ Y I I NN. WHAT IS APPLICANT'S RELATIONSHIP TO OWNER? Architect

| APPLICATION FEES (Make checks payable to INCOG) |  |  |  |  |  |  |  |
| :--- | :--- | :--- | :--- | :--- | :---: | :---: | :---: |
| BASE REQUEST | $\$ 250$ |  |  |  |  |  |  |
| ADDITIONAL REQUESTS | $\$ 0$ |  |  |  |  |  |  |
| NEWSPAPER PUBLICATION | $\$ 60$ |  |  |  |  |  |  |
| SIGN (Special Exception Uses in CITY Only) | $\$ 130 \times 1=$ | $\$ 130$ |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
| 300' PROPERTY OWNERS MAILING \& POSTAGE <br> (Minimum Mailing will be to 15 Property Owners) | $\$ 45+\$ 23=$ | $\$ 68$ |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
| [ ]APPLICANT PROVIDED MAIL LIST |  |  |  |  |  |  |  |

APPLICATION FEES IN WHOLE OR PART WILL NOT BE REFUNDED AFTER NOTIFICATION HAS BEEN GIVEN.

## DISPOSITION

BOARD ACTION:
FINAL DATE: $\qquad$ VOTE: $\qquad$ PLAT INVOKED [ ]Y [ ]N PLAT NAME: $\qquad$ WAIVER[ ]Y[ ]N


## View from Opposing Corner



View from Across Kenosha



## NOTES:


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3 SILTHENCE DETAIL










2 HAY BALE DIKE DETAIL

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BOA-22674

1 ARCHITECTURAL SITE PLAN

## EVISIONS:

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SHEE1 \#:
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6 PARTITION DETAIL



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SMITH RESIDENCE

PROJECT \#
19058
306 S. KENOSHA
ULSA, OK
74120

## CONSULTAN:

REVISIONS:
$\frac{\infty}{\sigma}$


ESIDENCE


306 S. KENOSHA

EVIIIONS

| ISSUE DATE: |
| :---: |
| SHEE NAMEE <br> FLOORPLAN <br> ROOFTOP |
| SHEG \#: |
| A. |





## Chad Smith

Allie Ogden, W Design
APPLICATION NO: BLDR-031542-2019
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 306 S Kenosha
Description: Residential Interior Remodel

## INFORMATION ABOUT SUBMITTING REVISIONS

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

## REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT
175 EAST $2^{\text {nd }}$ 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. $2^{\text {nd }}$ ST., $8^{\text {th }}$ FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" [ ]IS [ $\mathbf{x}$ ]IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).
(continued)

## REVIEW COMMENTS

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

Application No. BLDR-031545-2019

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.

Section 15.020 Table 15-2: The proposed Detached House Use is located in a CBD zoned district. This will require a Special Exception approved by the BOA.
Review comment: Submit an approved BOA Special Exception to allow a detached House Use in a CBD district.

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. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online.

## END -ZONING CODE REVIEW

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

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


# BOARD OF ADJUSTMENT <br> CASE REPORT 

STR: 8302
Case Number: BOA-22675
CZM: 53
CD: 7

HEARING DATE: 07/09/2019 1:00 PM
APPLICANT: A-max Sign Company, Inc.
ACTION REQUESTED: Special Exception to allow free standing sign with dynamic display in RS-3 zoning district (60.050) And a Variance to permit a dynamic display sign to be located closer than 20 ft to the edge of the curb/ roadway. (60.100-E)

LOCATION: 6727 S SHERIDAN RD E
PRESENT USE: Church

## ZONED: RS-3

TRACT SIZE: 161926.25 SQ FT

## LEGAL DESCRIPTION: LT 14 BLK 12, PARK PLAZA SOUTH ADDN

## RELEVANT PREVIOUS ACTIONS:

## Subject Property:

BOA-20736; on 7.22.2008 the Board approved a modification of a previously approved site plan and a variance the required 35 ' setback from South Sheridan to 32 'to permit additions to the church.

BOA-20225; on 3.28 .06 the Board denied a modification of a previously approved site plan finding the modular additions would too closely resemble a mobile trailer.

BOA-18093; on 7.14.98 the Board approved a Special Exception to amend a previously approved site plan to permit the addition of a 10 ' X 12 ' accessory building for an existing church; per plan submitted, subject to the building being no closer than 35 ' east of the west property line.

BOA-17841; on 1.13 .98 the Board denied a Special Exception to amend a previously approved site plan; finding that the approval of the application will be injurious to the neighborhood and will not be in harmony with the spirit and intent of the Code.

BOA-17312; on 2.27.96 the Board approved a Special Exception to amend a previously approved site plan; and a Variance of the required setback from the centerline of Sheridan Rd. from 85 ' to 80' per plan submitted; finding that only minor changes were made to the originally approved plot plan.

BOA-16708; on 6.16.94 the Board approved an amended site plan; and denied a Variance of the required setback from the centerline of S. Sheridan Rd.; per plan, revised to move the encroaching building 5' to the east to maintain the required building setback from Sheridan Rd.

BOA-10087; 4.4.85 the Board approved a revised site plan for a new addition.

BOA-10087; on 6.21.79 the Board approved the Plans for 10087, with the storage building to be removed from the site within two weeks from this date.

BOA-10087; on 8.3.78 the Board approved a Special Exception as per plot plan submitted to use property for church use and related activities provided the applicant be required to bring back the detailed plans prior to issuance of a building permit; on the subject property.

## Surrounding Property:

BOA-22193; on 1.24.2017 the Board approved a Special Exception to allow a dynamic display in an RS-3 District at Bethany Christian Church located 6730 South Sheridan Road.

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

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.

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 used for a church that was established in 1978. Currently is bounded by the Park Plaza South Subdivision (Zoned RS-3) on the North and East. Commercial and Office uses and zoning to the South (zoned CS and OL) and undeveloped property immediately across Sheridan that is zoned OL.

STAFF COMMENTS: The applicant is requesting a Special Exception to allow a free standing sign with dynamic display in RS-3 zoning district (sec. 60.050) and a Variance to permit a dynamic display sign to be located closer than 20 ft to the edge of the curb/ roadway (sec. 60.100-E).

The Special Exception approval would be subject to the following conditions per Sec. 60.050-B.2-C:
c. Dynamic Displays

Dynamic displays are prohibited in R districts and AG districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.
(1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
(2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
(3) Dynamic displays in $R$ districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.
(4) Dynamic displays are subject to the dynamic display regulations of Section 60.100.
The applicant is also seeking a variance of the general guidelines for a Dynamic Display Sec. $60.100-E)$ which states the following:
60.100-E Dynamic displays may not be located within or within 20 feet of the driving surface of a street, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled roadway marked or understood as such.

In making their decision to approve/ deny the Special Exception/ Variance the Board may look to the General Purpose of the Sign code outlined in Sec. 60.010-A of the Zoning Code:
60.010-A Purpose

The sign regulations of this section are intended to balance the following differing, and at times, competing goals:

1. To support the desired character of the city, as expressed in adopted plans, policies and regulations;
2. To promote an attractive visual environment;
3. To encourage the effective use of signs as a means of communication for businesses, organizations and individuals;
4. To provide a means of way-finding for visitors and residents;
5. To provide for reasonable business identification, advertising and communication;
6. To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the city and its residents, property owners and visitors;
7. To protect the safety and welfare of the public by minimizing hazards for motorized and nonmotorized traffic;
8. To minimize the possible adverse effects of signs on nearby public and private property; and
9. To provide broadly for the expression of individual opinions through the use of signs on private property.

## SAMPLE MOTION:

Move to $\qquad$ (approve/deny) a Special Exception to allow a free standing sign with dynamic display in RS-3 zoning district (sec. 60.050); Variance to permit a dynamic display sign to be located closer than 20 ft to the edge of the curb/ roadway (sec. 60.100-E).

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

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 selfimposed 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."
reduce the required side yard to permit a carport to align with existing dwelling (Section 403), per plan as shown on pages 4.7 and 4.8 , finding the re-configured lots dictates the placement of the house and the carport, finding these are extraordinary or exceptional conditions, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; and it is specifically noted that the side yard distance when the carport is built would be 3.2 ft ., on the following described property:
N. 20 OF LT 16 S. 40 OF LT 17, PEEBLES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## Case No. 20736

## Action Requested:

An Amendment to a previously approve site plan and a Variance of the required setback from an ajoining arterial street from 35 feet to 32 feet (Section 403); to permit additions to an existing church, located: 6727 South Sheridan Road.

## Presentation:

Kevin Coutant, 320 South Boston, Suite 500, Tulsa, Oklahoma, represented Fellowship Lutheran Church. He reviewed the surrounding uses for the Board. The church was built in the late 1970's on a platted lot, with an odd shape. The church needs to expand. The newest site plan (Exhibit C-1) displays the setback from the R district. It is 25 ft . to the north and the east, not 20 ft . as shown on the previous plan. They propose to build an education wing to the east and an activity wing to the north. The applicants have had good interaction with the neighborhood association, with meetings, correspondence and emails. The variance is specific only to the setback from Sheridan, which is a secondary arterial. The sanctuary already encroaches at approximately 32.1 ft . from the centerline. Mr. Coutant stated there were discussions with the neighborhood regarding the dumpster on $69^{\text {th }}$ Street, surrounded by a privacy fence with gates. Also they discussed the Boy Scout trailers for their camping gear. The church has committed to build a threesided privacy fence around the dumpster, open to the north. They considered the recycle bins near the dumpster, which will remain for public use. He stated the church has included measures to improve the drainage with berms and curves for surface water. He pointed out the fully developed neighborhood without sidewalks, and he suggested a sidewalk on $69^{\text {th }}$ Street is not necessary for good public policy reasons.

## Comments and Questions:

Ms. Stead asked for the height of the educational wing, which he replied would be less than a 35 ft . height. She asked if they planned for any additional screening on the sides abutting residential property. Mr. Countant responded that all of those sides are currently screened with one minor exception that the one closest to $69^{\text {th }}$ Street is a low brick fence. The church does not have a specific landscape plan. They would like to plant some more trees over time. Ms. Stead mentioned the city insists on the requirement of sidewalks according to the subdivision regulations.

## Interested Parties:

Peter Maroney, 6752 South $66^{\text {th }}$ East Avenue, Tulsa, Oklahoma, stated his property abuts the subject property. He expressed concern about the drainage. He thought trees would be a nice addition. He stated the church is a good neighbor. He submitted a petition and photographs of the subject property (Exhibits $\mathrm{C}-2$ and $\mathrm{C}-3$ ).

Jim Melton, 320 South Boston, Suite 500, Tulsa, Oklahoma, stated he served as a liaison between the church board and the neighbors. They discussed trees with the neighbors on the north side and agreed to plant some.

The Chair reopened the hearing from Board discussion for one more interested party.

Francie Bomer, President of the homeowners' association, 6718 East $66^{\text {th }}$ Place, Tulsa, Oklahoma, 74133, stated she has been involved with the church and neighbors in meetings. She repeated the items they discussed with the church and trust they will be a good neighbor. She stated the association would be all for the tree plantings. She suggested that the Re-green Tulsa Program would be a way to accomplish that easily, quickly, and with very little expense to anyone.

## Board Action:

On Motion of Stead, the Board voted 4-0-0 (White, Stephens, Henke, Stead, "aye"; no "nays"; no "abstentions"; Tidwell "absent") to APPROVE an Amendment to a previously approve site plan and a Variance of the required setback from an ajoining arterial street from 35 feet to 32 feet (Section 403); to permit additions to an existing church, subject to conceptual plan dated July 21, 2008, showing a building setback of the new activity wing of 25 ft ; that sidewalk along South Sheridan will be maintained and sidewalks of concrete will be constructed and maintained on the south side of the property along East $69^{\text {th }}$ Street South to the limits of the church property; any lighting shall be shielded from the abutting residences; finding the variance of less than three feet to be granted is extraordinary or exceptional conditions on this odd-shaped lot, and that existing developments need relief; that these conditions are peculiar to the land, structure or buildings involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district;
and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan;

Mr. Cuthbertson asked for more specific wording regarding the landscaping for the permit officer. He suggested perhaps having the applicant return to the Board later with a landscape plan. He added that the Board could provide some measurable standards, by which the permit office could evaluate. Mr. Cuthbertson stated they could revert to the zoning code, which does not require much in the form of landscaping. The Board members discussed this matter. Ms. Stead asked Mr. Coutant to give some input. He noted there is 800 ft . along the property line. He suggested a tree planting of approximately every 50 ft . The Board determined no additional specific landscape requirements would be applied.

## Motion continued:



And in amending the site plan, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

LT 14 BLK 12, PARK PLAZA SOUTH ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## Case No. 20566-A

Action Requested:
Modification of a previously approved site plan for an approved church use, located: Southeast corner of North $67{ }^{\text {th }}$ East Avenue and East Oklahoma Place.

## Presentation:

Steve Olsen, 324 East $3^{\text {rd }}$ Street, Tulsa, Oklahoma, Olsen Coffey Architects, stated they already have been approved for a property on this parking lot. They have been revising it slightly and asked the Board to approve it as a conceptual plan (Exhibit D-1).

## Comments and Questions:

Ms. Stead referred to the staff recommendations and asked Mr. Olsen about screening on the north and south. He replied they will have the landscape plan, sidewalks, and lighting will be directed away from the neighbors' yards. He was aware they would be required to build a six to eight foot fence on the east.

## Interested Parties:

There were no interested parties who wished to speak.

W115 LT 1 \& PRT VAC ST BEG NWC LT 1 TH N20 E TO PT SW TO PT W115 POB BLK 5, BROOKSIDE ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma
*.....................*.

## NEW APPLICATIONS

## Case No. 20225

Action Requested:
Modification of a previously approved site plan, located: 6727 South Sheridan Road.

## Presentation:

Roger Coffey, with Olsen-Coffey Architects, repreşented the Fellowship Lutheran Church. They proposed to add a portable building for classrooms. It is $24^{\prime} \times 72^{\prime}$. Mr. Dunham stated the Board received a letter of opposition with a petition from neighbors. They expressed concern that the building is a used trailer. He asked for a description of the building. Mr. Coffey offered, to let Steve Camp, the business manager of the church, respond to Mr. Dunham.

Steve Camp, Parish Administrator of Fellowship Lutheran Church, 4117 South Birmingham, stated they plan to lease the building from G.E. Capitol. It will have a similar exterior of the church with a painted stucco type material. They proposed to use the building for three years.

## Comments and Questions:

Ms. Stead commented that it was not a modular building as Mr. Camp indicated but a mobile trailer. She asked if they would be building an addition during that time. Mr. Camp replied there were no plans to build during that time, but they are discussing additions to the church. Mr. Stevens asked about the age group that will use the trailer. Mr. Camp responded that it will be adults.

## Interested Parties:

Francie Bomer, 6718 East $66^{\text {th }}$ Place, stated she is the President of the Park Plaza South Homeowners' Association. She informed the Board they actively participate in the improvements of their neighborhood. The property values in this neighborhood have increased $15 \%$ from 1999-2005. They consider this church a good neighbor but they are opposed to this application. She pointed out the trailer would be visible from neighboring homes and Sheridan Avenue. They were concerned that the site map did not give detail regarding access, drainage information, elevations, architectural appearance, or lighting plans. She submitted exhibits to the Board that included photographs (Exhibit B-1).

Bob Person, 6746 South $66^{\text {th }}$ East Avenue, stated he has been a resident here for 30 years. They supported the original plan and the formal second addition to the
church because of the filing of the plan presented to them. This would not be in keeping with the agreements the church made with the neighborhood in the beginning of the whole church project. He pointed out that $100 \%$ of the property owners abutting the church are in opposition to the trailer. He was in opposition for similar reasons listed previously.

Gary Butler, 6707 South $72^{\text {nd }}$ East Avenue, indicated it is a much larger building that demands more permanent plans. He added there are no trees to screen it and it would detract from a beautiful neighborhood. He asked the Board to deny this application.

## Applicant's Rebuttal:

Jim Milton, 220 East $20^{\text {th }}$ Street, stated he is an attorney, member of the church and a member of the church Board. He commented that he emailed Ms. Bomer, as the president of the association, about a meeting regarding this application, but they did not pursue a date and time with him. He did not receive any previous communication from the other interested parties. He informed the Board that one of the first things he did when he was put on the council, was to put shields on the church lighting to protect the neighborhood. He added they have not received many communications from the neighborhood. Mr. Milton stated the neighborhood association has not asked for details of their plans. He would Welcome the opportunity to share their future building plans. The church approved the master plan but they have not completed it. The church is complying with the City requirements to construct a firewall. He informed the Board that the church chose to pay off debt and pay as they go to complete their plans. He added that they sought the architectural firm and have 3-D's, drawings and cost estimates already. They believe they can open the doors to a new addition in three years.

## Comments and Questions:

Mr. Stevens asked why they proposed to place the building close to Sheridan Avenue. Mr. Milton replied that they use all of their parking space and with construction of the addition this is the only place where they could place it and leave it until it is removed from the property.

Mr. Coffey responded to the Board questions regarding the site plan. He stated the plan is on file at INCOG and is to scale. The long range plan is to build a fairly sizeable activity wing to the east of the existing building. Part of the reason not to place the temporary building on the east is they expect it to be a construction site within a year. Mr. Coffey observed that the church has made plenty of effort to communicate with the neighbors. He added this was the first he heard of any dissatisfaction. He had sent a copy of the plan to Ms. Bomer but he did not have any feedback from the association. He simply provided the footprint until they receive approval. Board members suggested the applicant needed to provide elevations, and photographs or sketches to show the neighborhood the expected appearance of the trailer.

Ms. Bomer stated the neighborhood never received the plans that the applicant sent. She suggested it would be better if the applicant present their proposals to the association board before they apply to the Board of Adjustment.

## Board Action:

On Motion of Stead, the Board voted 5-0-0 (Duhham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to DENY a Modification of a previously approved site plan, finding it incompatible with the neighborhood, on the following described property:

LT 14 BLK 12, PARK PLAZA SOUTH ADDN, City of Telsa, Tulsa County, State of Oklahoma

## Case No. 20226

## Action Requested:

Modification of a previously approved plan to expand the existing facility, located: 17717 East Admiral Place.

## Presentation:

Roger Eldredge, 2900 Mid-Continent Tower, for Aberdine Dynamics, requested to modify the plan to increase the building size another 16,800 square feet. A site plan was provided (Exhibit C-1).

## Interested Parties:

There were no interested parties who wished to speak.

## Board Action:

On Motion of Henke, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE the Modification of a previously approved plan to expand the existing facility, per plan, on the following described property:

LT 1 BLK 1, HALL BROTHERS SUB, City of Tulsa, Tulsa County, State of Oklahoma
*.*.*.*.*.*.*......*.

## Case No. 20227

Action Requested:
Variance of the requirement that illumination of a sign shall be by constant light (Section 402.B.4.b) to permit an LED message board, located: 12424 East $31^{\text {st }}$ Street.

## Comments and Questions:

Mr. Beach stated that the site plan is not adequate as to the setback from Sheridan, it may or may not be in violation of the setback from Sheridan. Mr. Grundmann stated that it is located north of the existing facility and it is no further west toward Sheridan that the existing facility. Mr. Grundmann does not know how many feet it is exactly. Mr . Stump stated that there is a $35^{\prime}$ setback from Sheridan.

## 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 Minor Special exception to amend a previously approved site plan to permit the addition of a $10^{\prime} \times 12^{\prime}$ accessory building for an existing church. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5, per plan submitted, subject to the building be no closer than 35 ' east of the west property line, on the following described property:

Lot 14, Block 12, Park Plaza South, City of Tulsa, Tulsa County, Oklahoma.

## Case No. 18094

Action Requested:
Variance of required side yard from $5^{\prime}$ to $3.5^{\prime}$ on west side and from $5^{\prime}$ to $1.5^{\prime}$ on east side. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, Variance of required rear yard from $20^{\prime}$ to $5^{\prime} 10^{\prime \prime}$. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 240 East $28^{\text {th }}$ Street.

## Presentation:

Rick Stuber, who is an architect with Wilbanks and Associates, 1221 East 33rd, represented the applicant, John R. Connolly. Mr. Stuber submitted a site plan (Exhibit $\mathrm{E}-1$ ) and mortgage inspection papers (Exhibit E-2). Mr. Stumer stated that this is an existing two story home with a two story detached garage and the owners would like to construct an addition to connect the garage and the house. By connecting the two structures they are required to seek a variance for the existing garage which will not change in its exterior shape or function, other than some interior remodeling. The addition on the second floor will consist of a family room, a breakfast room and a master bedroom. They will be putting the addition in the middle of the backyard deepening the existing driveway to the west. Because of the way the Zoning Code is written, they are required to seek the variance in order to continue to use the existing garage and remodel the apartment, which is currently used for storage.

## 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 a home occupation (beauty shop) in an RS-4 zoned district. SECTION 402.B.6. ACCESSORY USES IN RESIDENTIAL DISTRICTS, subject to the application meeting all home occupation guidelines and that the hours of operation not exceed 9 a.m. to 5 p.m., Monday through Saturday, and there be only one customer at a time and a minimum of fifteen minutes between appointments and no signage and no tanning beds on the following described property:

Lot 2, Block 11, Burgress Hill Addition, City of Tulsa, Tulsa County, Oklahoma.

## Case No. 18093

## Action Requested:

Minor Special Exception to amend a previousily approved site plan to permit the addition of a $10^{\prime} \times 12^{\prime}$ accessory building for an existing church. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5, located 6727 South Sheridan Road.

## Presentation:

The applicant, Paul A. Grundmann, 5102 East $86^{\text {th }}$ Place, submitted a site plan (Exhibit D-1) and stated that he represents Fellowship Lutheran Church. He is asking for a special exception to allow a $10^{\prime} \times 12$ ' steel accessory building to be used for the storage of lawn equipment. The location of the building will be at least $40^{\prime}$ from the neighbor's property line. Mr. Grundmann stated that there is no easy viewing from the residences of the storage building. Mr. Grundmann stated that he is not aware of any objections because they tried to take reasonable steps to make contact with the association to let them know what their intentions were and give them option to have input as to where the building would be located.

## Comments and Questions:

Mr. White asked the applicant if he was involved with the previous case before the Board. Mr. Grundmann said yes. Mr. White stated that the primary concern before was the storage container that was existing. Mr. Grundmann stated that it has now been removed.

## Interested Parties:

Janet Person, 6746 South $66^{\text {th }}$ East Avenue, stated that the notice did not specify exactly where they wanted to locate the building. She has no problem with the building or its location.

Case No. 17841 (continued)

## Presentation:

The applicant, Diane Gollnick, representing Fellowship Lutheran Church, 6727 South Sheridan Road, submitted a site plan (Exhibit A-1) and photographs (Exhibit A2). Ms. Gollnick stated that the issue is a location of a storage unit, which is currently behind the church. She explained that the storage unit measures $20^{\circ} \times 10^{\prime}$ and is a railroad metal container. She indicated that the container has been painted the same color as the church. Ms. Gollnick stated that the neighbors objected to the storage unit because it was visible from their back yard. She further stated that the storage unit was too close to the church and is a fire hazard. After lengthy discussion with officials, it was suggested to move the storage unit to a black top area on the church property. She indicated that the storage unit will be out of view of the Perssons, who were the protestors of the current location. Ms. Gollnick stated that the storage unit is a temporary building and houses their lawn equipment. The church intends to build a garage in the future to house the lawn equipment and vehicles. She stated that the Building Inspector stated the storage unit has to be tied down into the asphalt to secure the building. She indicated that she is waiting for an Engineering Report that was requested by the Building Inspector. She explained that she circulated a letter to the neighborhood indicating the new plans and future plans to build a permanent garage. After the letter was circulated the church did not receive any calls or complaints.

## Interested Parties:

Bob Persson, 6746 South $66^{\text {th }}$ East Avenue, submitted a letter of protest (Exhibit A-3) and a petition (Exhibit A-4). Mr. Persson stated he lives directly behind the church. He explained that all of the neighbors that signed the petition back up to the church and are opposed to having the shipping container defined as a building. He explained that he has gone to every church within one mile of his home, through his neighborhood and he did not find any properties with a shipping container as an outbuilding. He stated that the shipping container was moved in while construction was underway at the church. He explained that he thought it was part of the construction trailers and would be removed once construction was completed. Mr. Persson commented that the shipping container has a negative effect on the neighborhood. He stated that the church should draw up plans and submit the plans to the Board for a storage building that blends in with the existing church structure. He requested the Board to reaffirm their original decision to deny this application.

## Comments and Questions:

Mr. Dunham asked Mr. Persson if he received the letter dated December 22, 1997? He stated he received the letter on December 29, 1997. He explained that the letter infers that he came to an agreement with the church on the placement of the storage container. He stated that all of the neighbors can see this storage container and do not want it in their view. He explained that all of the neighbors have a $6^{\circ}$ stockade fence, but can still see the storage container.

Case No. 17841 (continued)
Mr. Cooper asked Mr. Persson if he had any communication with the church prior to the Board's previous ruling? He explained that once he realized that the storage container was not going to be removed with the completion of the construction, he called the church. He stated that he was told the storage container wil, be a temporary structure. He indicated that he asked the church if the storage container had been approved by the Building Inspector. He stated that he filed a complaint and the communication did not happen until after the previous Board of Adjustment meeting.

Mr. Bolzle asked Mr. Persson if his primary concern is that the storage container is not a traditional looking storage building? He stated that by his definition it is not considered a building.

In response to Mr. Bolzje, Mr. Persson stated that if the Building Inspector approved the proposed location, then he will have to accept that location, but he would prefer the building being a properly constructed building. He commented that previously the neighbors offered to pay for all of the materials if the church would provide the labor and the church turned down their offer. Mr. Persson reiterated that the neighbors are opposed to the storage container setting on the subject property for the next two or three years.

Mr. Romig read the definition of a building from the Code Book. He stated that if the storage container is permanently attached to the ground then it would become a building. He reminded the Board that the only issue before the Board is the amendment to the site plan.

## Interested Parties:

John Blessing, 6763 South $66^{\text {th }}$ East Avenue, stated he lives directly across the street from the houses that abut the church. He explained that he is a member of the church and on the council. He commented that the church is a good neighbor to the surrounding area.

## Applicant's Rebuttal:

Ms. Gollnick, stated that the reason for the building is for storage of lawn equipment. She reiterated that the neighbors will not be able to see the storage container from the new location, because they all have stockade fences. She indicated that other churches in the surrounding area have outbuildings ranging from shabby to actual garages from the submitted photographs. She commented that the storage container is painted the same color as the church and is compatible for the area.

Case No. 17841 (continued)

## Board Action:

On MOTION of COOPER, to APPROVE a Special Exception to amend previously approved site plan. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 2, subject to the new site being the site designated on the site plan (Exhibit A-1) for the storage container, subject to the storage containing being a temporary building not to exceed one year; subject to the storage container being replaced with a building more compatible with the neighborhood.

## MOTION FAILED DUE TO LACK OF SECOND

## Board Action:

On MOTION of TURNBO, the Board voted 4-1-0 (Bolzle, Dunham, Turnbo, White, "aye"; Cooper "nays", no "abstentions"; none "absent") to DENY a Special Exception to amend previously approved site plan. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 2; finding that the approval of this application will be injurious to the neighborhood and will not be in harmony with the spirit and intent of the Code, on the following described property:

Lot 14, Block 12, Park Plaza South, City of Tulsa, Tulsa County, Oklahoma.

## Case No. 17886

## Action Requested:

Minor Special Exception to reduce the required front yard from $35^{\circ}$ to $30^{\circ}$. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, located $34^{\text {th }}$ \& Atlanta Place.

## Presentation:

The applicant, Carol Mersch, submitted a letter requesting a continuance to date uncertain (Exhibit B-1).

## Comments and Questions:

Mr. Beach explained that the case has been before the Board two previous times. At this point the applicant has requested a continuance in order to allow for additional time to work on her house plans. The applicant is not looking for a specific date and would like to leave it open-ended. Mr. Beach suggested that it would be more appropriate to strike the application from the Agenda and allow the applicant to reapply when she is ready. The applicant did not give any indication when she would be prepared to appear before the Board.

## Case No. 17312

## Action Requested:

Special Exception to amend a previously approved site plan; and a variance of the required setback from the centerline of Sheridan Road from 85' to 80' - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 2, located 6727 South Sheridan Road.

## Presentation:

The applicant, Stephen Olsen, 324 East 3rd Street, submitted a revised plot plan (Exhibit $\mathrm{N}-1$ ) and explained that the master plan for the church was previously approved by the Board; however, minor changes have been made since that time.

## Comments and Questions:

Ms. Turnbo asked if the parking plan remains the same, and Mr. Olsen answered in the affirmative.

## Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to APPROVE a Special Exception to amend a previously approved site plan; and a variance of the required setback from the centerline of Sheridan Road from $85^{\circ}$ to $80^{\circ}$ - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 2, per plan submitted; finding that only minor changes were made to the originally approved plot plan; on the following described property:

Lot 14, Block 12, Park Plaza South, City of Tulsa, Tulsa County, Oklahoma.

## Case No. 17313

## Actron Requested:

Special Exception to amend and clarity Condition No. 4 imposed by the Board of Adjustment in Case No. 16528 to read "to limit the business to a machine shop" SECTION 1405.A. STRUCTURAL NONCONFORMITIES - Use Unit 26; located 18420 East Admiral Place.

## Presentation:

The applicant, Joseph Hull, III, 1717 South Cheyenne, stated that he is representing the owner of the subject tract and explained that the property has previously been used as an automobile bumper rechroming shop, as well as a shop that repaired rubber bumpers. He pointed out that a machine shop was in operation at this location until one year ago. Mr. Hull informed that in 1993 an application was filed and approved, per conditions, to permit additions to the existing buildings. Mr. Hull advised that all conditions have been complied with; however, the business has

## FILE COPY

## Action Requested:

Variance of the required rear yard from $25^{\prime}$ to $17.5^{\prime}$ to permit an addition to an existing structure - SECTION 403. BULK AND ARIEA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, located 6070 East 104th Street South.

## Presentation:

The applicant, Steve Olsen, 324 East 3rd Street, submitted a plot plan (Exhibit P-1) and explained that his client supplied a preliminary plan, which depicted the rear yard setback as $20^{\prime}$. He informed that it was later discovered that the setback should have been $25^{\prime}$ at this location.

## Protestants:

None.

## Board Action:

On MOTION of BOLZLE, the Board voted 3-0-0 (Bolzle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to APPROVE a Variance of the required rear yard from 25' to 20 ' to permit an addition to an existing structure - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6 , per plan submitted; finding that approval of the request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 2, Forest Park South 2nd, City of Tulsa, Tulsa County, Oklahoma.

## Case No. 16708

## Action Requested:

Approval of an amended site plan and a variance of the required setback from the centerline of South Sheridan Road - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 5; located 6727 South Sheridan Road.

## Presentation:

The applicant, Fellowship Lutheran Church, 6727 South Sheridan Road, was represented by Leon Ragsdale, who submitted a plot plan (Exhibit R-1) and explained that the church has been at the current location since 1979 and is planning an expansion project.

## Comments and Questions:

Mr. Doverspike informed that a letter of protest (Exhibit R-2) was received from the Traffic Engineering Department requesting that the required setback be maintained, and asked Mr . Ragsdale if the church could comply with the required setback. He replied that the building could be redesigned and moved 5 ' to the east if that is a Board requirement.

Case No. 16708 (continued)

## Protestants:

None.

## Board Action:

On MOTION of BOLZLE, the Board voted 3-0-0 (Bolzle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to APPROVE an amended site plan, and DENY a variance of the required setback from the centerline of South Sheridan Road SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS Use Unit 5; per plan, revised to move the encroaching building $5^{\prime}$ to the east to maintain the required building setback from Sheridan Road; on the following described property:

Lot 14, Block 12, Park Plaza South, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16709

## Action Requested:

Special Exception to permit retail sales in an IL zoned district - SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS - Use Unit 14, located SW/c of East 61st Street and South 104th East Avenue.

## Presentation:

The applicant, Leon Newton, 2633 East 15th Street, was not present.

## Comments and Questions:

Ms. Russell advised that the property owner has informed Staff (Exhibit S-1) that Mr. Newton no longer has permission to request the variance, and he has requested withdrawal of the application.

## Case No, 16710

## Action Requested:

Variance of the maximum 3000 sq ft for a dry cleaners to 4100 sq ft - SECTION 1215.B.3. Included Uses - Use Unit 14, located East 39th Street and South Peoria Avenue.

## Presentation:

The applicant, Dwayne Wilkerson, 9936 East 55th Place, submitted a plot plan (Exhibit T-1) and stated that he is representing Yale Cleaners. He stated that a proposed expansion to the existing dry cleaning business will cause it to exceed the 3000 sq ft limitation. Mr. Wilkerson explained that the business is a typical dry cleaning operation and is not an industrial plant.

CIIY BOARD OP ADJUSTMENT
MINUIES of Meeting No. 436
Thursday, April 4, 1985, 1:00 p.m.
City Comission Room, Plaza Level
Tulsa Civic Center

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENI | OIHERS PRESENT |
| :--- | :--- | :--- | ---: |
| Chappelle | Clugston | Baker | Jackere, Legal |
| Purser |  | Gardner | Department |
| Smith, |  | Jones | Hubbard, Protective |
| Chairman |  | Moore | Inspections |
| Victor |  |  | Noe, Code Enforcement |

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, April 2, 1985, at 11:10 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman smith called the meeting to order at 1:04 p.m.

MIMUTES:
On MOIION of VICIOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE the Minutes of March 21, 1985.

## OLFINISHED BUSINESS:

Case 110. 10087
Action Requested:
Approval of revised site plan (proposed addition) - Approved August 3, 1978 - Fellowship Lutheran Church - 6727 South Sheridan.

Presentation:
Charles Chief Boyd, 502 South Main Mall, submitted plot plans (Exhibit A-1) of a two-story addition with a screening fence, located at 6727 South Sheridan.

## Protestants:

None.
Board Action:
On MOIION of VICTOR and SECOND by CAAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPRONE the new addition presented by apolicant per the plans submitted.

## 10524 (continued)

Board Action:
On MOTION of LEWIS, the Board voted $5-0$ (Lewis, Purser, Smith, Thompson, Wait "aye") to grant a Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from $50^{\prime}$ to $34^{\prime}$ from the centerline of 15 th Street and from $40^{\prime}$ to $36^{\prime}$ from the centerline of Main Street to permit the erection of a sign, subject to removal contract, on the following described property:

The North $85^{\prime}$ of Lots 1, 2 and 3, Block 1, Brentwood Heights Addition to the City of Tulsa, Oklahoma.

10526

## Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) for permission to build across a lot line in an RS-3 District at 3525 West 42 nd place.

## Presentation:

Gerald Snow, 7509 East 53 rd Street, advised that he had purchased four 25' lots and the house he proposed to build is $33^{\prime}$; therefore, he would need to use two lots for the house. Mr. Snow stated he would like to build two bedroom brick houses on each pair of lots.

Protestants: None.
Boaró Action:
On MOTION of SMITH, the Board voted 5-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to build across a lot line in an RS-3 District, on the following described property:

Lots 27 and 28, Block 21, Yargee Addition and Lots 31 and 32, Block 21, Yargee Addition to the City of Tulsa, Ok]ahoma.

UNFINISHED BUSINESS:
10087 - Plans - 6727 South Sheridan Road:
Leon Ragsdale, architect for Fellowship Lutheran Church, 6727 South Sheridan Road, submitted plans for the building (Exhibit "A-l"); however, through a misunderstanding the building has been built prior to the Board's review of the final plans. There is a storage building on the site which will be removed.

On MOTION of SMITH, the Board voted 5-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve the Plans for 10087, with the storage building to be removed from the site within two weeks from this date.

Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to use property for other trades and services (Use Unit 15) on the following described tract:

The North 509.81' of Lot 2, Block 4, Metro Park Addition, Tulsa County, Oklahoma.

## 10086

## Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) for a variance of the rear yard requirements from $25^{\prime}$ to $5^{\prime}$; and request for a variance of the 5,000 square-foot minimum of livability space at 3316 South Birmingham Avenue.

## Presentation:

Roy Comer, 1730 South Norfolk Avenue, applicant, was present. He stated that he is the contractor adding a utility room to the present structure. He advised the Board that they are requesting a variance of the rear yard requirement to $5^{\prime}$ which is the same as the existing building, and are not extending the new room any closer to the property line than the present building. He submitted a plot plan (Exhibit "P-1") for the Board's review.

Mr. H. A. Mahex, owner, was also present requesting the application be approved.

## Protests: None.

## Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard requirements from $25^{\prime \prime}$ to 5'; and a variance of the 5,000 square foot minimum of livability space, as per plot plan submitted on the following described tract:

Lot 1, Block 2, Timberland Addition to the City of Tulsa, Okla.
10087
Action Requested:
Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use property for church use and related activities located at 6727 South Sheridan Road.

## Presentation:

The applicant was not present. Bob Gardner, TMAPC Staff, explained that a plot plan had been submitted (Exhibit "Q-1") and felt this was a proper exception.

Protests: None.

## 10087 (continued)

## Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the Exception (Section 410 - Principal Uses Pemitted in Residential Districts - Section 1205 - Come munity Services, Cultural and Recreational Facilities) as per plot plan submitted to use propaxty for church use and related activities provided the applicant be required to bring back the detailed plans prior to issuance of a building permit, on the following described tract:

Lot 14, Block 12, Park Plaza South Addition to the City of Tulsa, Oklahoma.

10088

## Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) for a variance of the side yard requirements from $25^{\prime}$ to $17^{\prime \prime}$ located NE of 45th Street and Detroit Avenue.

## Presentation:

The Board was advised that the applicant, Mr. Eichhorn, had been present, but had to leave since this item was so late on the agenda. A plot plan (Exhibit "R-1") was submitted. Bob Gardner, TMAPC Staff, explained that the application is a request to build within $17^{\prime \prime}$ of the property ine (side yard) and that the structure imediately to the south has the same setback as requested.

Protests: None.

## Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Purser, Smith and Walden "aye"; Lewis "absent") approved the Variance (Section 430-Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances), as per plot plan submitted, of the side yard requirements from $25^{\prime}$ to $17^{\prime \prime}$ on the following described tract:

The south $83^{\prime}$ of the West $72.55^{\prime}$ of Lot 4, Block 5, Demorest Addition to the City of Tulsa; together with the Weet 67.55' of the $25^{\prime}$ wide vacated 45 th Street being contiguous to the South of said Lot 4, Block 5, the West 11ne of sald vacated 45 th Street, being $5^{\prime \prime}$ East of the SW corner of said Lot 4, Block 5, Demorest Addition, to the City of Tulaa, Oklahoma.

## Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1202 - Area-Wide Special Exception Uses - Governmental Services) for permission to operate a street maintenance facility which will include an office for City amployees, equipment storage and servicing, and storage of street maintenance material, located North and East of 36th Street North and Harvard Avenue.

## Board Action:

On MOTION of BACK, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to APPROVE the request for a Variance of the rear setback from $20^{\prime}-0^{\prime \prime}$ to $7^{\prime}-11^{\prime \prime}$ to permit a garage addition attached by a breezeway (Section 5.030-A), subject to conceptual plan 3.7. The Board finds the hardship to be the property is located within the City regulatory flood plain area, therefore, a detached garage would not have worked for the applicant; they need to attach the garage and that goes to the building setback and not the accessory structure setback. The Board finds that the following facts, favorable to the property owner, have been established:
a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
$e$. That the variance to be granted is the minimum variance that will afford relief;
f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
g . That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

LT 8 BLK 2, GLENDALE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## 22193-Crown Neon Signs - Gary Haynes

Action Requested:
Special Exception to allow a dynamic display in the RS-3 District (Section 60.050.2.c). LOCATION: 6730 South Sheridan Road East (CD 5)

## Presentation:

Gary Haynes, Crown Neon Signs, 5676 South $107^{\text {th }}$ East Avenue, Tulsa, OK; stated the dynamic display portion of the sign will be installed underneath the existing the current sign.

Mr. Van De Wiele asked Mr. Haynes if the top part of the sign is going to remain the same. Mr. Haynes answered affirmatively.

Mr. Van De Wiele asked Mr. Haynes what type of sign is there now. Mr. Haynes stated that it is a metal sign with stickers on it.

## Interested Parties:

Kelley Driscoll, Pastor, Bethany Christian Church, 6730 South Sheridan Road, Tulsa, OK; stated the sign is for the church to be able to communicate with the community more effectively, in particular with the parents of the pre-school children.

## Comments and Questions:

None.

## Board Action:

On MOTION of BOND, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wield "aye"; "nay"; no "abstentions"; White absent) to APPROVE the request for a Special Exception to allow a dynamic display in the RS-3 District (Section 60.050.2.c), subject to conceptual plans 5.12 and 5.13. The sign will be subject to the Zoning Code sign 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; for the following property:

BEG 518S \& 50W NEG SE TH S393.44 W385.82 CRV LF27.10 NW103.52 CRU RT135.85 N168.27 E515.01 TO PCB SEC 31813 4.405ACS, SHERIDAN MEDICAL PARK, City of Tulsa, Tulsa County, State of Oklahoma

## 22194-Jackie Price

## Action Requested:

Variance from the required parking area dimensional standards in Section 55.090D to permit an under-ground parking garage, per conceptual plan. LOCATION: SW/c of South Main Street West and West $6^{\text {th }}$ Street South (CD 4)

## Presentation:

Larry Vorba, Cyntergy, 810 South Cincinnati, \#200, Tulsa, OK; stated he represents Ms. Jackie Price and Kanbar Properties; his firm are the architects and the engineers for the project. Kanbar Properties has renovated the old Transok Building located at $6^{\text {th }}$ and Main to apartments. There are 42 occupants in the tower while maintaining main spaces one and two as office spaces. The intent is to provide secure on site for the tenants in the Transok space. Some of the tenants are medical students, nursing staff and single ladies who prefer secure parking. Kanbar Properties own all three properties and are in the process of getting a lot combination approved. The project is to bring parking into the basements of the three buildings.


Existing Sign on Sheridan facing North


[^0]

Church Frontage along East 69 ${ }^{\text {th }}$ Street South


BOA-22675



$\stackrel{\rightharpoonup}{0}$

BOB KOLIBAS
SIGN PLANS EXAMINER
TEL 918-596-9664

## DEVELOPMENT SERVICES

175 EAST $2^{\text {nd }}$ STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

## SIGN PLAN REVIEW

June 5, 2019

LOD Number: 1
Amax Sign Company
Phone: (918)622-0651
9520 E $55^{\text {th }}$ Place
Tulsa OK 74145

APPLICATION NO: BLDC-32367-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 6727 S. Sheridan Rd
Description: FELLOWSHIP LUTHERAN CHURCH MONUMENT SIGN /Dynamic Display ground 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 $2^{\text {nd }}$ 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, DRAVINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SHOULD YOU REQUIRE FURTHER CLARIFICATION, PLEASE CONTACT THE PLANS EXAMINER NAMED ABOVE. IF YOU DISAGREE WITH THE CODE INTERPRETATIONS OR COMMENTS, YOU MAY REQUEST AN ADMINISTRATIVE REVIEW OF YOUR APPEAL.

## REVIEW COMMENTS

COMMERCIAL PLAN REVIEW: YOUR APPLICATION WAS REVIEWED UNDER THE PROVISIONS OF THE INTERNATIONAL BUILDING CODE 2015 AND REFERENCED CODES AND ORDINANCES ADOPTED BY THE CITY OF TULSA.

Application No. 032367-2019
6727 S. Sheridan Rd
June 5, 2019

## 1.) Section 60.050 Signs in $R$ and $A G$ Zoning Districts

## 2. Nonresidential Uses

The following regulations apply to all principal nonresidential uses in $\mathbf{R}$ districts and AG districts.

## c. Dynamic Displays

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

Review Comments: The proposed freestanding sign with a 32 sq . ft. dynamic display is in an RS-3 zoning district and requires a special exception from the BOA prior to issuance of a sign permit.
2.) 60.100-E Dynamic displays may not be located within or within 20 feet of the driving surface of a street, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled road-way marked or understood as such.

Review Comments: The proposed dynamic display appears to be within 20 feet of the driving surface of the road along S. Sheridan Rd. You may relocate the dynamic display sign 20 feet from the edge of the curb/roadway or you may pursue a variance from the BOA to permit a dynamic display sign to be located closer than 20 feet to the edge of the curb/roadway.

## END - COMMERCIAL ARCHITECTURAL CODE REVIEW

This constitutes a Plan Review to date in response to the information submitted with and after 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 client. Any code items not reviewed are still in force, and it shall be the responsibility of the owner and design professional(s) to ensure that all building code requirements are satisfied.

From: Kolibas, Robert [RKolibas@cityoftulsa.org](mailto:RKolibas@cityoftulsa.org)
Sent: Monday, July 1, 2019 9:54 AM
To:
Chapman, Austin
Subject:
RE: BLDC-32367-2019

Hi Austin,
Yes, it appears the WSD department has sent an LOD to the applicant.

From: Chapman, Austin [AChapman@incog.org](mailto:AChapman@incog.org)
Sent: Monday, July 01, 2019 9:44 AM
To: Kolibas, Robert [RKolibas@cityoftulsa.org](mailto:RKolibas@cityoftulsa.org)
Subject: BLDC-32367-2019

Bob,

We have a Board application on an LOD you wrote for the Lutheran Church near $69^{\text {th }}$ and Sheridan. Their site plan shows that the sign is in a UE. Will they need to get some type of license/construction agreement or do they already have that in place?

Austin Chapman
Planner, City of Tulsa Board of Adjustment
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9471
achapman@incog.org
Determining compliance to zoning or building code requirements is not a function of this office.
The Building Permits Division will address compliance upon application for a building permit or occupancy $F$
planNing office $\{(918) 596-9456\}$

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# BOARD OF ADJUSTMENT <br> CASE REPORT 

STR: 9329
Case Number: BOA-22676
CZM: 47
CD: 9
A-P\#:

HEARING DATE: 07/09/2019 1:00 PM
APPLICANT: A-max Sign Company, Inc.
ACTION REQUESTED: Special Exception to allow free standing sign with dynamic display in RS-1 zoning district (60.050-B.2-C) And a Special Exception to permit a digital dynamic display sign to be located within 200 ft of RS-1 District (60.100-F)

LOCATION: 2906 E 41 ST S

## PRESENT USE: School

LEGAL DESCRIPTION: NW NE SEC 29-19-13

## ZONED: RS-1

TRACT SIZE: 1619828.79 SQ FT

## RELEVANT PREVIOUS ACTIONS:

## Subject Property:

BOA-21933; on 08.11.15, the Board approved a variance to reduce the required building setback to 80ft subject to the submission of a Parking Compliance Plan. On 8.25.15 the Board approved the Parking Compliance Plan imposed in BOA-21933.

BOA-21789; on 11.12.14, the Board approved a variance to reduce the total number of required offstreet parking spaces for a new classroom addition from 661 spaces to 652 spaces subject to a conceptual plan.

CV-2011-00051; 2.24.11; Appeal of the decision of the Board in case BOA-21185 increased the original required 600 spaces to 645 spaces.

BOA-21185; on 12.14.10, the Board approved a variance of the required parking for a public-school campus to permit a multi-purpose athletic facility.

BOA-20606; on 11.27.07, the Board approved a special exception to permit accessory structures to an existing school athletic facility in an RS district.

## Surrounding Property:

BOA-22577; on 11.22.19 the Board approved a special exception to permit a dynamic display sign to be located 200 feet of an R district and to allow the Dynamic Display to be in an RS-2 district at Patrick Henry Elementary School roughly a half mile East of the subject property.

REVISED6/28/2019

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is sits along $41^{\text {st }}$ Street which is classified as a Secondary Arterial Street per the Major Street and Highway Plan. The property immediately South, East and West of the subject property is zoned RS-1 and the property North across $41^{\text {st }}$ Street South is zoned RS-1 as well.

## STAFF COMMENTS:

The applicant is requesting a Special Exception to allow free standing sign with dynamic display in RS-1 zoning district (60.050-B.2-C) and a Special Exception to permit a digital dynamic display sign to be located within 200 ft of RS-1 District (60.100-F).

The Special Exception approval would be subject to the following conditions per Sec. 60.050-B.2-C:

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

The applicant is also seeking a Special Exception of the general guidelines for a Dynamic Display Sec. 60.100-F) which states the following:
60.100-F Dynamic displays may not be located within 200 feet of any of the following: (1) an $R$ district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R and AG districts if approved through the special exception process. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an $R$ district or residential development area boundary.

In making their decision to approve/ deny the Special Exception/ Variance the Board may look to the General Purpose of the Sign code outlined in Sec. 60.010-A of the Zoning Code:
60.010-A Purpose

The sign regulations of this section are intended to balance the following differing, and at times, competing goals:

1. To support the desired character of the city, as expressed in adopted plans, policies and regulations;
2. To promote an attractive visual environment;
3. To encourage the effective use of signs as a means of communication for businesses, organizations and individuals;
4. To provide a means of way-finding for visitors and residents;
5. To provide for reasonable business identification, advertising and communication;
6. To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the city and its residents, property owners and visitors;
7. To protect the safety and welfare of the public by minimizing hazards for motorized and nonmotorized traffic;
8. To minimize the possible adverse effects of signs on nearby public and private property; and
9. To provide broadly for the expression of individual opinions through the use of signs on private property.

## SAMPLE MOTION

Move to $\qquad$ (approve/deny) a Special Exception to allow free standing sign with dynamic display in RS-1 zoning district (60.050-B.2-C) And a Special Exception to permit a digital dynamic display sign to be located within 200 ft of RS-1 District (60.100-F)

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

The Board finds that the requested Special Exceptions will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
use in the AG District (Section 301); Variance to permit Recreational Vehicles parked on the site during construction of the facility to be used for dwelling purposes and to be connected to utilities (Section 302.B.3.b); Variance to permit the RV's to be parked on a non-all-weather surface (Section 222), per the proposed site plan submitted today, August 11, 2015 showing the temporary gravel lot for the RVs and the eight foot tall 80'0 " long screening fence along $177^{\text {th }}$ East Avenue. This is subject to the further conditions, on that location, that an additional $80^{\prime}-0^{\prime \prime}$ of eight foot tall screening fence be erected during the time the RVs are on the site and be located south of the drive entrance to the site and in line with the screening fence that is shown on the site plan. This is subject to the further condition that there are no more than nine RVs on the site at any given time and subject to the following schedule:

- From the commencement of construction there be no more than one (1) RV on site for a 75 day period following the construction start date
- On the $75^{\text {th }}$ day following the construction start date there be no more than nine (9) total RVs on site for the 120 days thereafter
- Following the $195^{\text {th }}$ day after construction commences there be no more than three (3) RVs on site
- All RVs be removed within 365 days from the commencement of construction 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. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the 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; for the following property:

COMM 1976.15SW \& 660N \& 660SW \& 275.44N SECR SW TO POB TH N275 NE635.05 S275 SW635.06 POB LESS W50 THEREOF SEC 251914 3.694ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA


## NEW APPLICATIONS

## 21933-Kevin Vanover

## Action Requested:

Variance to reduce the required building setback from the centerline of East $41^{\text {st }}$ Street South from 85 feet to 80 feet to permit the expansion of school facilities (Section 403, Table 3). LOCATION: 2906 East $41^{\text {st }}$ Street South (CD 9)

Mr. Hence left the meeting at 2:01 P.M.


FILE Copy

## Presentation:

Kevin Vanover, Impact Engineering, 109 North Birch, Owasso, OK; stated the purpose of this Variance is really a housekeeping step for the school. The project was submitted to the City of Tulsa for review for code compliance prior to submitting another permit application. The building layout was designed to match up with the library/media center. During the code compliance review it was missed that the setback was exceeded by the building approximately 2.7 feet. The City issued the permit with the caveat that the school seek the Variance.

Mr. Van De Wiele asked if it was just the one portion of the bump out that exceeds the setback. Mr. Vanover answered affirmatively but the media center also violates the setback by roughly the same distance.

## Mr. Hence re-entered the meeting at 2:03 P.M.

Mr. Van De Wiele asked Mr. Vanover how long the library and media center had been in existence. Mr. Vanover stated that he is not aware but he thinks it is about five to seven years.

## Interested Parties:

Kenneth Guertin, 2929 East $44^{\text {th }}$ Place, Tulsa, OK; stated he lives directly south of the campus. The Tulsa Public Schools and the architect are incompetent regarding everything that has been on the subject property. When is the City going to stop enabling Tulsa Public Schools to continue this time after time. The last project was installing artificial turf on the football field. Now he is one of the residents on the south side that is watching his property disappear because Tulsa Public Schools completely bull dozed the property improperly. It is always after the fact, that automatically everyone is to sign off on their incompetence. At some point it needs to stop. The Board of Adjustment will either be part of the solution or will they continue to be part of the problem.

Jon McGrath, 4139 South Florence Avenue, Tulsa, OK; stated he has lived there for 22 years and is on the east side of Edison High School. The neighborhood residents want to be ensured that the 645 parking spaces are maintained. He knows that has been before the Board on several occasions.

Mr. Hence asked if the parking has been a problem since the last meeting regarding the school. Mr. McGrath stated the issued has only increased. There are people driving through the yards and drive around because of the excess traffic.

Mr. Henke stated that at the last meeting regarding the school the Chief of Police for the Tulsa Public Schools, Mr. Robert Swain, was in attendance and he gave people a number for the residents to call. He was even asked if he could ticket cars that had been parked illegally. Mr. McGrath stated that Tulsa Public Schools has been unresponsive to the resident's requests. They have not returned telephone calls. Residents have even been asked to call the Tulsa Police for enforcement and have refused to enforce the parking issues.

Mr. Tidwell asked if the school has lost parking spaces since the last meeting regarding the school parking. Mr. McGrath stated that because the school is under construction no one has been to the lot to count the spaces, but there still continues to be an issue.

Mike Koch, 4311 South Florence Avenue, Tulsa, OK; stated he just wants to be make sure that Tulsa Public Schools maintains the 645 parking spaces. Right there is a lot less than that because the construction trailer is taking up spaces to the east.

## Rebuttal:

Mr. Vanover came forward and stated that the Tulsa Public Schools intends to comply with the 645 parking spaces. The plan to meet that requirement is still in place and will be taken care prior to the completion of construction on this project.

Mr. Henke asked when this project would be completed. Mr. Vanover stated the original goal was to have it over before the start of school, but construction is two months behind.

Mr. Van De Wiele asked what the impact of the construction was on the 645 parking spaces. Mr. Vanover stated the spaces shown as "proposed" on the plan are not in place because that is part of the staging area. Mr. Van De Wiele asked if those were included in the 645. Mr. Vanover answered affirmatively. Mr. Vanover stated that the staging area on the west side of the campus, which is the same staging area that was in use for the field house, that will slowly condition back to parking. The problem the school is having is that the east side is the student parking and once it is saturated no one wants to park on the west side then walk.

Mr. Van De Wiele asked Mr. Vanover how many parking spaces there are today if school were open. Mr. Vanover stated that he would guess that there are between 575 and 600 parking spaces.

Mr. Hence asked Mr. Vanover if he could shed any light the comments from the neighbors today, because there seems to be a disconnect between the school and the residents. Mr. Vanover stated that he would take today's information back to the school officials, but the parking variance is what is at issue today. Mr. Hence stated it was an issue when the Board granted the relief in the first place, and the residents are still bringing that up. Mr. Hence stated that at the last meeting he had the impression that everyone was working in good faith, and everyone left feeling good about the future but
now the comments from neighbors it seems the problems have only been exacerbated. That is a concern to him.

Mr. Van De Wiele informed the Board and the audience that after reviewing the site plan that he calculated a total of 652 parking spaces.

Mr. Hence asked Mr. Vanover what the hardship is for the Variance request. Mr. Vanover stated that the hardship goes back to the fact that the permit was issued without the knowledge of the Variance needed. Construction began with the direction from the City of Tulsa to seek the Variance relief in an at risk position. For aesthetic reasons the building was lined and will not go any farther than the existing library building is currently. To have the three feet removed would compromise the building design and construction.

Mr. Hence asked Mr. Vanover if he knew who replaced Mr. LaBasse upon his retirement. Mr. Vanover stated that he thought it was Ms. Hudgins handling his duties, but was not aware of anyone officially being named to the position.

## Comments and Questions:

Mr. Van De Wiele stated that he is not inclined to make Tulsa Public Schools rip off three feet of brick, but the conditions or problems that were around a year ago when the additions were approved there are promises that may not being met. School is starting next week, and this could be a big problem very quickly. It sounds like the school needs to figure out a way to make their high school students park on the west side of the building. The fact that there is a middle school next to a parking lot where there are students that are not old enough to drive sounds foolish. The school needs to figure out a way to keep the students from parking in the neighborhood.

Mr. Hence suggested that the case be continued in order to have school representatives attend the next meeting, at least Robert Swain who spoke at the last meeting. The Board granted relief and this relief is related to the previous relief. It is related to a building that the Board granted relief to build and it was built without the complete amount of relief needed.

Mr. White stated the compliance is not being followed up on so he does not think it is the Board's problem, shouldn't that go to the City for a resolution or to the public school system. Mr. Hence stated this Board is charged with making a decision as to whether the Variance is going to be granted or not, and how that impacts the neighbors. Mr. Van De Wiele agreed with Mr. Hence.

Mr. Van De Wiele stated the Board has repeatedly granted growth to this school which is appropriate as the school needs changes, but if the school or district is not compliant with that he is not inclined to give them any further relief until they adhere to what has been required of them in the past.

Mr. Tidwell agreed with Mr. Van De Wiele.

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Mr. White agreed and that conditions need to be enforced, and holding this construction problem for approval is not going to solve problems.

Mr. Swiney stated that if the Board places a condition on the Variance and the condition is not met that should void the Variance.

Ms. Miller stated that could be stated in the conditions; it is an enforcement issue and that does not necessarily void the Variance if the school does not comply.

Mr. Henke asked Mr. Vanover what the timeline is for completion of the project. Mr. Vanover stated that he is not part of the construction but he would estimate two months out. Mr. Vanover stated that the Board seems to be attempting to enforce a past Variance that has not even been completed, as far as the parking numbers. Getting to the requirements of that Variance is still in process. As far as the enforcement on site, the school came before the Board and stated what they were going to do and what they will do and what they are willing to do. If they are not being compliant with that, he thinks it is a code compliance issue and not an issue for the Board to take up time and time again. The Variance being sought today has nothing to do with parking, has nothing to do with enforcement off campus, or someone driving through somebody's yard. That seems to be a larger problem.

Mr. Hence stated the Board granted relief with the spirit of cooperation and had the Board known, this directly relates to the project that the school sought relief for, then what is known now the Board would have been less likely to grant the relief.

Mr. Van De Wiele stated this is no different than a Special Exception that the Board has given a timeline on and it is back before the Board for renewal, and the neighbors say it has been a horrible situation then the Board is less likely to extend the Special Exception. It is not an enforcement issue, it is more of should the Board be granting this relief. The standard is whether it is going to cause detriment to the public good. This encroachment, which is part of an approval that the Board previously granted, and if the Board is going to continue to grant this Variance or any Variance with the thought that it is going to be detrimental to the public good he will not vote for it. He relaizes this is just a foot of brick and he is inclined to give the relief that is being requested but the Board needs to see how the Variances are being complied with.

Mr. Vanover asked the Board, to make it clear, that the main issue is the parking off campus. Mr. Van De Wiele stated that it is how the school is providing the 652 parking spaces that are required and enforcing the restriction of off campus parking that has been discussed previously. Mr. Hence stated the school needs to provide a plan on how they are going to prevent the issues.

## Board Action:

On MOTION of VAN DE WIELE, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the
request for a Variance to reduce the required building setback from the centerline of East $41^{\text {st }}$ Street South from 85 feet to 80 feet to permit the expansion of school facilities (Section 403, Table 3). The relief granted is applicable to only the amount of encroachment as shown on page 6.32 and 6.33 for the existing library and media center as well as the addition directly to the noth of the proposed safe room and class room addition to the extent that those facilities, as constructed or as being constructed, encroach over the setback line. This is subject to the condition that the school or the school district provide a parking compliance plan to evidence how the school is satisfying the 652 parking spaces that were previously required as well as how the school is restricting or dealing with off campus parking by the students. The compliance plan will be required to be provided by the August 25, 2015 Board of Adjustment meeting. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

# NW NE SEC 29-19-13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA 

## 21934-Duit Construction Company - Justin Bruce

## Action Requested:

Special Exception to permit a temporary concrete plant (Use Unit 26) in an IL District for the length of 12 months (Section 901). LOCATION: 4535 East Apache Street North (CD 1)

## Presentation:

Justin Bruce, Duit Construction Company, 2303 East County Road 70, Mulhall, OK; stated he is the project manager for Duit Construction and this request pertains to the I244 Phase I reconstruction project. This facility is for temporary only and this site is the main yard for the I-244 project. The project is on a crucial timeline and is scheduled to be complete in the spring of 2016. At this point time the concrete plant is functioning. When the project was first started the company went to the City for all the permits, and he was told that this temporary facility met all the needs of air quality, DEQ, stormwater, etc. Then it was discovered that there was a zoning issue and so he is before the Board for a Special Exception. After speaking with Development Services and the City he has mitigated any type of dust issues, i.e., weekly sweeping on the roadway. He will also be erecting screening to mitigate any noise issues that has been happening.

Mr. White asked Mr. Bruce if the site depicted in the Board's packet is what he currently occupies. Mr. Bruce answered affirmatively and stated that the facility occupies ten acres of the 35 acre parcel.
freeway right-of-way. Quik Trip is within 660 feet of the freeway but they are not abutting the highway.

## Interested Parties:

There were no interested parties present.

## Comments and Questions:

Mr. Van De Wiele stated that he does not see the hardship. He does not have an issue with the placement of the sign, but he thinks the height is not necessarily for a safety issue but a commercial issue.

Mr. White stated there were similar considerations for the McDonald sign that is on the northeast corner of the subject intersection.

## Board Action:

On MOTION of WHITE, the Board voted 4-1-0 (Henke, Snyder, Tidwell, White "aye"; Van De Wiele "nay"; no "abstentions"; none absent) to APPROVE the request for a Variance to permit a 45 foot sign in an CH District (Section 1221.E.1); Variance to reduce the required setback from the centerline of South Memorial Drive to 70 feet to permit a 45 foot sign in an CH District (Section 1221.E), subject to conceptual plan on pages 5.11 and 5.12. The hardship is the topography from I-244 as it approaches the Memorial Drive exit. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the 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; for the following property:

## LT 1 LESS BEG NEC TH S25 NW35.43 NE25 POB BLK 1, TOMMY-LEE RESUB B1, TOMMY-LEE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

## 21789-Kevin Vanover



## Action Requested:

Variance to reduce the total number of required off-street parking spaces for a new classroom addition to 645 spaces (Section 1201.D). LOCATION: 2906 East $41^{\text {st }}$ Street (CD 9)

## Presentation:

Kevin Vanover, Impact Engineering \& Planning, 109 North Birch, Owasso, OK; stated there will be what is considered a classroom addition. It is actually two auditorium style classrooms that are being constructed on the front of the north side of the existing Edison Prep School. It will be a multi-purpose building because it is not just classroom but also a FEMA certified safe room. It will be the first certified safe room on this

## $B \triangle A-21789$

campus and it house up to 600 students during a tornado or violent event. The current location for the proposed facility is a parking lot that has approximately the same number of parking spaces as the proposed parking lot. The proposed parking lot will replace the displaced parking, and it will not reduce the number of parking spaces but there is not the opportunity to increase the parking spaces either. The parking lot that is being added is not something that is normally done as far as a dead end parking lot. This parking lot is something that Tulsa Public Schools is adamant about, they want the parking at the proposed location. The problem with having the full 16 spaces that would be required for the addition is there no land available that is not currently dedicated to something on campus. All of the existing open land area on the south side of the campus is set aside for athletic or playground areas. Every other space on the campus that is available is parking. This case came before the Board regarding parking when a new field house on the south side, and at that time there were 645 spaces as a required minimum and with this remodel and restripping there are now 650 spaces.

Mr. Van De Wiele asked how many spaces were being removed for the proposed class addition and how many spaces are going in on the proposed parking lot. Mr. Vanover stated there is a net change of five spaces, or taking out 20 spaces and replacing them with 25 spaces making for 650 parking spaces.

Mr. Vanover stated that the proposed facility is not intended to increase student numbers nor increase any population on campus. It is simply adding two auditorium style classrooms to be used by the existing student count. The student count is not going up. These are not classrooms that will be used everyday but as a special event or presentation type classroom.

Mr. Van De Wiele asked Mr. Vanover if he knew what the population of the faculity and driving age students is. Mr. Vanover stated that he did not have those numbers.

Mr. Tidwell asked how many square feet are provided per student in the shelter. Mr . Vanover stated he was not sure what the numbers are because he is a civil person and does get involved in that process, but he believes the FEMA requirements are three or four square feet per student.

Mr. Van De Wiele asked if the proposed addition is big enough for the entire student population. Mr. Vanover stated it is not 100\% of the students. He believes that there will be another addition in the future to encompass all the students.

## Interested Parties:

Mike Koch, 4311 South Florence, Tulsa, OK; stated that 2010-2011 Tulsa Public School Edison did not want to comply with the City of Tulsa zoning requirements in the last construction project. The neighbors objected at the Board of Adjustment meetings indicating the school should provide adequate parking for school events and that was Board of Adjustment case 21185. If Edison does not provide adequate parking for an event the result will be that people attending the event must park in a residential neighborhood. At the previous protest neighbors provided photographic examples of
vehicles and school buses parking on the street along Florence Avenue. The neighbors also provided an example of an UPS truck that had to back up an entire block to allow another truck to pass because there is not enough space on the street. When people park on the street it creates access problems for the residents by limiting access, introducing traffic problems, and increasing security concerns due to unknown people walking the streets and parking in front of houses. It is both a potential safety problem for the neighbors and the school because emergency vehicles cannot service the neighborhood due to the two-way traffic issue.

Mr. Henke stated that all current five Board members were present at the referred to meeting so that case does not need to discuss it again. Mr. Koch did not realize that and continued with his presentation.

Mr. Koch stated that the end result of the neighbors protest is documented in a court action and Edison never complied with that order. In this application it appears that Edison has 650 parking spaces but as of last evening there are 610 marked parking spaces accessible to the public, there are 25 marked parking spaced behind a locked fence. Edison has the space available for additional parking but they choose not use that space. He would request the Board enforce the previous agreement requiring Edison to provide 645 usable parking spaces, not including the parking spaces behind the locked fence.

Mr. Van De Wiele asked Mr. Koch to point out on the map displayed on the overhead projector the parking spaces behind the locked fence. Mr. Koch did so. Mr. Koch stated that the gate stays locked because it is a gate that actually goes out into the neighborhood. Mr. Tidwell stated that he thought the Board required that gate to stay locked.

Mr. Van De Wiele asked Mr. Koch if he believed the parking spaces behind the locked fence were not used during the day. Mr. Koch stated that he went over there right after school time and the gate was locked. He believes it is only open to access when the school is released.

Mr. Van De Wiele asked Mr. Koch if he actually counted the parking spaces. Mr. Koch stated he personally counted every one of the spaces and counted 610 marked parking spaces that are not behind the fence and 25 spaces that are behind the fence.

Mr. Van De Wiele asked Mr. Koch if the City had erected the No Parking/Tow Away Zone signs. Mr. Koch stated they had been erected but they are ignored. People park on both sides of the street. There are even Tulsa Public School Security personnel that stand on the street and people still park.

Dorothy Ellen Burgess, 4247 South Columbia Place, Tulsa, OK; stated she lives on the west side of Edison and has lived there since 1980. She was curious as to how much of the new parking was used so she walked her side of the school property during school time, and she also consulted with a couple of neighbors who live there, and she

## BOA-21789

was told by the neighbors that they have never seen cars on the parking lot that is inside the locked area. The school does open that gate about 7:00 A.M. leaving it open all day and securing it again about 5:00 P.M. When the gate is not secured the neighborhood does get people parking using the access road as a parking lot. During a recent scrimmage the school failed to lock the gate and there were more than 70 cars parked on the access road, and she have never seen that many cars on that access road as long as she has lived there. An emergency vehicle could not have been able to get through if there had been a problem at the game because of all the people and cars. She called the TPS Security about the problem and nothing happened. She believes part of the problem is the enforcement of the rules that are in effect, and she does not know if they can be fixed. If the residents are still having problems on the east side it is because people prefer to park closer to the event they are attending, because the majority of the time the parking lots on the west side are not utilized. Ms. Burgess stated that she does not know where Edison could add parking because so much of the property is allocated to various athletic activities. Ms. Burgess stated that on the presented site plan the proposed classrooms are titled "College Counseling Center", she would like Mr. Vanover to give some more explanation about the building. Is it a two-story building or a one story building; is it a college counseling center; is it classrooms or exactly what it is.

## Rebuttal:

Mr. Vanover came forward. Mr. Henke asked Mr. Vanover to answer the questions about the building, but more importantly, Mr. Koch raised questions about the number of spaces.

Mr. Vanover stated that the 645 spaces is a court mandated number. One of the things his company can do in their service to Tulsa Public Schools is to look at the existing spaces and compare that to the plan that was approved calling out any inefficiencies. As for as the enforcement of the No Parking signs, that is not something that Tulsa Public Schools can enforce off school property but it is something that can addressed through the school liasion officer and the City of Tulsa Traffic Operations Department. As for the overall number of spaces, when classes are in session there has not been an abundance of parking issues because all the parking spaces are not used on the east or west side. The parking is east side heavy because that is where all the students are, and he would imagine there is some energy deficiency that requires the students to park in the street instead of using the west side parking lot. Mr. Henke translated to students not wanting to walk.

Mr. Van De Wiele stated the court order stipulates that Tulsa School Campus Police Department will monitor the parking on South Florence Avenue, and ticket and seek to tow away. Mr. Van De Wiele asked if the Campus Police Department had the authority to ticket. Mr. Vanover stated that it is his understanding that the Campus Police Department is an agent of the City of Tulsa, and would have the authority to do so. This is something that can be discussed with the Tulsa Public School representatives. Tulsa Public Schools recognize there is an issue with the parking on the street during events.

Mr. Vanover stated that the roadway on the west side was not intended for parking and is intended for access only during school hours, and the parking lot is locked when school is not in session. This is something that needs to be addressed with Tulsa Public Schools.

Mr. Henke asked Mr. Vanover who he coordinates with at the school or Tulsa Public School. Mr. Vanover stated that Robert LaBass is the coodinating person he works with at the bond office. Mr. Henke stated that this should be continued because there are no Tulsa Public School representatives in attendance, and he is uncomfortable making an adjustment today because there is no accounting to the number of spaces.

Mr. Van De Wiele stated he would like to see a drawing with the number of parking spaces on each individual lot, and showing the lot as it is striped not as it was planned to be striped or constructed.

## Comments and Questions:

None.

## Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to CONTINUE the request for a Variance to reduce the total number of required off-street parking spaces for a new classroom addition to 645 spaces (Section 1201.D) to the November 12, 2014 Board of Adjustment meeting which is a Wednesday because the regularly scheduled meeting falls on Veterans Day; for the following property:

NW NE SEC 29-19-13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

## 21790-Jeremiah Bradshaw

## Action Requested:

Variance to reduce the required front yard from 35 feet to 25.5 feet to permit an addition (Section 403, Table 3); Variance to reduce the required north side yard to 3.3 feet (Section 403, Table 3). LOCATION: 2736 South Victor Avenue (CD 4)

## Prosentation:

Lou Reynolds, 2727 East 21 ${ }^{\text {st }}$ Street, Tulsa, OK; stated he represents the applicant, Jeremiah Bradshaw. Mr. Reynolds had Ms. Moye place page 7.1 and page 7.22 from the Board's agenda packet on the overhead projector to show the location of the property on Victor Avenue. In the packet there are five separate letters from the adjacent neighbors that are in support of the application. Mr. Reynolds presented another letter of support to the Board. Mr. Reynolds asked Ms. Moye to display page 7.11 on the overhead projector to show where the neighbors that presented the letters of support live in relation to the subject property. On the north side of the lot there is basically the lot line of the rear lot so there is not an established site line that is broken

# IN THE DISTRICT COURT IN AND FOR TULSA COUNTY STATE OF OKLAHOMA 

In the Matter of the Appeal of JON M. ) McGRATH and JOFIN MLCHAEL ) KOCH, from the Decision of the BOARD ) OF ADJUSTMENT OF THE CITY OF ) TULSA, OKLAHOMA, in Board of ) Adjustment Case No. 21185, to APPROVE a) Variance to the required number of parking ) spaces for a Use Unit 1, an existing public ) school, to permit a multi-purpose athletic ) facility addition, requested by ) INDEPIENDICNT SCHOOL DISTRICT ) NUMBER ONE OF TULSA COUNTY, ) OKLAHOMA.

## AGREED JOURNAL ENTRY OF JUDGMENT

This matter comes before this court on February 24, 2011, on an appeal by two homeowners from a decision of the Board of Adjustment of the City of Tulsa (the "Board") in case number 21185. There are only two issues involved in the appeal of the Board's decision to this court: (1) the grant of a variance to the required number of parking spaces in connection with the construction of a multi-purpose athletic facility (the "New Gym") at an existing public school, and (2) the construction of a fence on the west side of the school property closing access to the school by sidewalk from South Columbia Place,

The court, having reviewed the record of proceedings before the Board, the agreement' and stipulations of the parties, and being fully apprised of the relevant circumstances, finds as follows:

# IN THE DISTRICT COURT IN AND FOR TULSA COUNTX STATE OF OKLAHOMA 

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Adjustunent Case No. 21185, to APPROVE a) Variance to the required number of parking ) spaces for a Use Unit 1, an existing public ) school, to permit a multi-purpose athletic ) facility addition, requested by INDEPENDENT SCHOOL DISTRICT ) NUMBER ONE OF TULSA COUNTY, ) OKLAFOMA.

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The court, having reviewed the record of proceedings before the Board, the agreement and stipulations of the parties, and being fully apprised of the relevant circumstances, finds as follows:

1. Independent School District No. I of Tulsa County, Oklahoma the "Tulsa School District"), applied for a zoning variance in the required number of parking spaces for the New Gym addition to Thomas Edison High School and Middle School, an existing public school ("Edison"). See Application for Variance, attached as Exhibit 1.
2. Following a hearing, the Board voted on November 14, 2010, to approve the requested variance "subject to the condition that the Board receive a modified site plan with no less than 600 parking spaces" (issue 1), and subject to the closure and fencing off of the sidewalk access (issue 2). See Minutes of Hearing and Decision in Case Number 21185, attached as Exhibit 2.
3. Jon M. McGrath and John Michael Koch ("McGrath and Koch") are homeowners who reside near Edison, and they have appealed the Board's decision to this court.
4. The court finds that the variance as granted by the Board should be granted by this court, subject to the following amendments:

- As a part of the construction of the New Gym at Edison, the Tulsa School District will add at least 115 additional vehicle spaces. This means that the parking requirement at Edison will now be "no less than 645 parking spaces" instead of the current Board requirement of "no less than 600 parking spaces."
- The parking on the west side of South Florence Avenue will be a $24 / 7$ "no parking" and "tow away" zone along the entire east side of the Edison property. It is currently only "no parking." This would add the "tow away" language.
- The parking on the east side of South Florence Avenue from 41st street to 45th street will be a "no parking" zone and "tow away" zone Monday through Friday from 8 arm. to $5 \mathrm{p} . \mathrm{m}$. and during all public events.
- During public events at the New Gym at which more than $\quad \therefore 600$ persons are expected to attend, the Tulsa School District Campus Police:'Department will
monitor parking on South Florence Avenue and will ticket and seek to tow away all violators. The Edison site principal or designee will notify the Chief of the Tulsa School District Campus Police wheaever a New Gym public event in excess of 600 persons is anticipated.
- At no time will both the old (existing) gym and the New Gym have public events on the same date and time.
- The Tulsa School District, McGrath, and Koch will engage in good faith efforts with the City of Tulsa to implement the resolution of this matter with regard to the South Florence Avenue parking issues, recognizing that the implementation of all parking issues is subject to the final authority and complete discretion of the City of Tulsa and not the Tulsa School District.

5. McGrath and Koch waive their right to appear at the hearing scheduled for February 24, 2011, and consent to the entry of this Agreed Journal Entry of Judgment.
6. McGrath and Koch have no objection to the sidewalk access on the west side of the Edison property that connects to South Columbia Place remaining open to the public, contrary to the condition imposed by the Board (see paragraph 2 above), and they understand that decision of that issue will be reserved and will be the subject of a separate Supplemental Journal Entry of Judgment to be entered upon resolution of that issue.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that
Independent School District No. 1 of Tulsa County is hereby granted a:
Varlance of the parking requirement for a public school campus to permit a multi-purpose athletic facility addition (Section 1205); subject to the condition that the Board receive a modified site plan with no less than 645 parking spaces ...; and subject to the conditions that:

The parking on the west side of South Florence Avenue will be a 24/7 "no parking" and "tow away" zone along the entire enst side of the Edison property;

The parking on the east side of South Florence Avenue from 4ist street to 45th street will be a "no parking" zone and "tow away"
zone Monday through Friday from 8 arm. to 5 p.m. and during all public events;

During public events at the New Gym at which more than 600 persons are expected to attend, the Tulsa School District Campus Police Department will monitor parking on South Florence Avenue and will ticket and seek to tow away all violators. The Edison site principal or designed will notify the Chief of the Tulsa School District Campus Police whenever a New Gym public event in excess of $\mathbf{6 0 0}$ persons is anticipated;

At no time will both the old (existing) gym and the New Gym have public events on the same date and time;

The Tulsa School District, McGrath, and Koch will engage in good faith efforts with the City of Tulsa to implement the resolution of this matter with regard to the South Florence Avenue parking issus, recognizing that the implementation of all parking issues is subject to the final authority and complete discretion of the City of Tulsa and not the Tulsa School District;
finding that the proposed athletic facility will be located as shown on page 15.11 and the property will be utilized at non-peak times or different times than the general use of the existing school facilities which would result in a lesser number of parking spaces than the 645 the Board has required. As used in this order, "utilized" means that it is unlikely regular school activities and athletic events will peak simultaneously. Finding that by reason the of the extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, for the following property:

NW NE SEC 29-19-13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the automatic stay imposed by OKLA. STAT. tit. 11, §44-110(E) (2001) as to all proceedings
in furtherance of the action by the Board that is the subject of this appeal is immediately lifted in all respects.

## P. THOMAS THORNBRUGH

Dated: Fe h 24,2011
Judge of the District Court

## APPROVED AS TO FORM AND CONTENT:



John Michael Koch
4311 South Florence Avenue
Tulsa, Oklahoma 74105-3742


Patrick T. Boulden, OBA\# 10210
Sr, Assistant City Attorney
175 East Second Street, Suite 685
Tulsa, Oklahoma 74103-3203
Attomey for the City of Tulsa

1. Douglas Mann, OB \& No. 5663

125 S. Main, Suite 700
Tulsa, OK 74103
Attorneys for the Tulsa School District

## Board Action:

On MOTION of WHITE, the Board voted 6-0-0 (Henze, Stead, Tidwell, Van De Wile, White "aye"; no "nays"; no "abstentions") to ACCEPT the Verification of the spacing requirement for an outdoor advertising sign of $1,200 \mathrm{ft}$. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2); subject to the action of the board being void should another outdoor advertising sign be constructed within 1,200 feet prior to this sign; for the following property:

## Lot 1, Block 1, FORD MOTOR CO TULSA GLASS PLANT, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

## Case No.21185-Impact Engineering and Planning

## Action Requested:

Variance of the parking requirement for a public school campus to permit a multipurpose athletic facility addition (Section 1205). Location: 2906 East $41^{\text {pt }}$ Street

## Presentation:

David Reed, 1831 East $71^{\text {st }}$ Street, Tulsa, OK. and Kevin Vanover, 109 North $1^{\text {st }}$ Street, Owasso, OK; Mr. Vanover stated currently on campus there are 554 parking spaces. The events in the athletic facility would not be held at the same time that school is in session so there is an overlapping of use. The softball facility is going to be relocated and an additional 25 parking spaces will be added for the softball facility.

## Interested Parties:

Bob LaBass, Tulsa Public Schools, 3027 South New Haven, Tulsa, OK; stated Edison was built in two stages; the middle school was bull in 1956, followed by the high school with the parking completed in stages.

Thomas Hill, 4214 South Columbia Place, Tulsa, OK; stated he has an issue with an access walkway that connects Columbia Place to the school, which walkway. he would like to see permanently closed because it creates a traffic hazard and a pedestrian hazard during events.

Jon McGrath, 4139 South Florence Avenue, Tulsa, OK; stated Edison does not currently have enough parking to conduct business as it ls. The lack of adequate parking is a quality of life issue and it is a safety issue.

Mike Koch, 4311 South Florence Avenue, Tulsa, OK; stated he is opposed to the Board of Adjustment granting a parking space variance to Edison for a now sports facilly. He asked why an RS-1 zoned neighborhood should need to take on the Edison's parking burden for the commercial event center. Edison currently does not have enough parking spaces for the current facilities; they have special events held on Saturdays or at night, and the neighborhood deals with the overflow. Mr. Koch

prasented pictures showing a multtude of cars parked throughout the neighborhood with one car in partcular parked across the sidewalk and a tuck parked in the grass that attended a Saturday school function. Mr. Koch stated the car parked across the sldewalk is actually parked in the main entrance into Edison. Mr. Koch atated he calculated the parking space requiremente and it would need 1,108 parking spaces at a minimum, using a ratlo of, 923 parking spaces per seat, not the four seats per parking space the Clity uses for calculatlon. To allevlate the parking problem Mr. Koch proposed the addiltonal parking spaces be bullt above the buliding, in a multllevel parking garage or underground. The current open grassy spaces could also be utllized as parking.

Mr. Cuthbertson stated that the parking ratio for athletic facilities is a function of the seating capacity plus the floor area of the faclitity, therefore, seating requires 300 for the new athietic center and the floor area requires an additional 71 spaces.

Mr. Van De Wiele asked Mr. Cuthbertson what the current number of required parking spaces is. He answered it would be 491 spaces and with the proposed facility, it would come to 862 spaces, which includes the new athletic facility and the existing facility.

Dorothy Ellen Burgess, 4247 South Columbia Place, Tulsa; OK; stated she takes issue with the statement "...no new parking is proposed with the development..."; howaver, on the slie plan the area below the sidewalk does not currently exist. The proposed parking for that area backs up to four houses and there have never been cars or parking in that area, so screening would be required. Also, it has been stated that the access ahown is typlcally olosed during school and that is not the case since Tulsa Public Schools established its own securlty force; only since the construction traller has been placed is the access now closed, at least temporarily.

Mr. Cuthbertson stated the statement of "no new parking" was an oversight and was his statement. It is inaccurate and he apologized to the Board and the audience. This is a amall addition; it is a new parking lot within 25 feet of an R district, and there will be a requirement that a screening fence be constructed on the western boundary between the.parking lot and the residential propertles.

Chip Atkins, 1638 East $17^{\text {th }}$ Place, Tulsa, OK; stated the geographical area of the school has grown immensely since it was bult in 1956; the east and weat lots were added in the late 1970's and 1980's and he suggests the hours of use of the new athletle facility be ilmitad, and compettive avents should not be held during school hours. If the school is hald to this limitation there would be no traffic lssue and no emergency vehicle access igsue.

Bob LaBass stated that normally events are held after hours. He has also been speaking with Mark Brown with the Traffic Department, and there will be a counter installed to monitor the fraffic flow on the side street. Mr. LaBass stated he will also check wilth the school regarding the opening and closing of the gate in that area, and have steps taken to cure the problem.


#### Abstract

Mr. Boulden asked about the use of the athletic center, because the school already has


 a gym. He asked if the athletic center is to be considered a lot more than a gymnasium. Mr. Vanover stated the current gymnasium will become a P.E. gymnaslum for the school and the new facility will be a sports center to support the football team, basketball team, and will have a lockar room.Holly Svingleberg, 4214 South Columbla Place, Tulsa, OK; stated the walkway is a safety iseue now and if the proposed parking is placed next to the walkway, safety will be a blgger lssue.

## Comments and Questions:

None.

## Board Action:

On MOTION of VAN DE WIELE, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wleis, White "aye"; no "nays"; no "abstentions") to APPROVE the Varlance of the parking requirement for a public school campus to permif a multi-purpose athletic facility addition (Section 1205); subject to the conditton that the Board reoelve a modlified silte plan with no less than 600 parking spaces; sublect to the further condilion that the sidewalk access on the west side of the property that connects to South Columbia Place be fenced off and closed; finding that the proposed athletlc facility will be located as shown on page 15.11 and the property will be utilized at non-peak times or different times than the general use of the existing school facillites which would result in a lesser number of parking spaces required than the 600 the Board has required. Finding that by reason of the extraordinary or exceptional conditions or circuinstances, which are peculiar to the land, structure or bullding Involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional condilions 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, splrit, and Intent of the Code, or the Comprehensive Plan; for the following property:

## NW NE SEC 29-19-13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHDMA

Mr. Kevin Vanover came forward and requested a clarification on the word "utillzed" in the motion made by the Board. That word can be interpretted as being used in any form, such as, occuplad by students whille class is in session.

Mr. Tidwell left the room at 5:00 P.M.

## Board Action:

On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Henze, Stead, Van De While, White "aye"; no "nays"; no "abstentions") to RECONSIDER the previously made motion on Case No. 21185,

Mr. Van De Whee clarified his use of the word utilized to mean that it is unlikely regular school activities and athletic events will peak simultaneously.

Board Action:
On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Henke, Stead, Van De Wile, White "aye"; no "hays"; no "abstentions") to APPROVE the clarified motion in Case No. 21185

Mr. Tldwell reentered the room at E:04 P.M.
*.................

## Case No, 21186-Impact Engineering and Planning

## Action Requested:

Variance of the parking requirement for a public school campus to permit a multipurpose athletic facility addition (Section 1205). Location: 1514 East Zion Street

## Presontaflon:

Kevin Vanover, 109 North $1^{\text {st }}$ Street, Owasso, OK; stated there had been a variance passed that required 875 parking spaces when the high school was reconstructed and that has been maintained. There was an existing field house that has been demolished to make room for the new field house. There will be no new activities and no new sports. The new facility does have more seats than the older facility. Originally there were 883 parking spaces and the lot has been restriped to now have 912 parking spaces. The overall intent is the same. The use is not changing from the existing use and it is a staggered-use facility.

## Interested Parties:

There were no interested parties present.

## Comments and Questions:

None.

## Board Action:

On MOTION of STEAD, the Board voted 5-0.0 (Hence, Stead, Tidwell, Van Da Wile, White "aye"; no "nays"; no "abstentions") to APPROVE the Variance of the parking


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circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantlal detriment to the public good or impair the purposes, spirlt, and intent of the Code, or the Comprehensive Plan on the following described property:

LT 1 LESS BEG 65W NEC TH W375 S381.90 E375 N381.90 POB \& LESS BEG 375E \& 381.90S \& 375W \& 345.46S NWC LT 1 TH E95 NE55 SE115 SE70 SE80 E86 S80 W440 N213.85 POB BLK 1, HATHAWAY CENTER, City of Tulsa, Tulsa County, State of Oklahoma

## Case No. 20606

## Action Requested:

Special Exception to permit accessory structures to an existing school athletic facility in an RS district (Use Unit 5) (Section 401), located: 2906 East 41 ${ }^{\text {st }}$ Street.

## Presentation:

Bob LaBass, 3027 South New Haven, stated the facility is for restrooms and concessions. They are improving the cinder track with an all-weather track. He added that they were open to changes in the exterior lighting. The plan was Exhlbit C-1.

## Interested Parties:

Mike Cook, 4311 South Florence Avenue, stated he lives just east of the baseball field. He added that he would like to see a Master Facilities Plan. He indicated they had built various items without permits. He informed the Board the applicant needs to redirect the ball fields, as he collects $35-50$ baseballs per year in his yard and this year one went through his front window.

Dorothy Ellen Burgess, 4247 South Columbia Place, stated she likes the improvements. She expressed concern about light pollution and security for the new school facilities. She considered the new traffic lights to be helpful but the street lights are a problem for the neighbors.

## Applicant's Rebuttal:

Mr. LaBass assured the Board they would secure the facilities whenever they are not in use.

## Board Action:

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:

NW NE SEC 29-19-13, City of Tulsa, Tulsa County, State of Oklahoma
*."......"................

## Case No. 20028-A

## Action Requested:

Amend the previously approved site plan (BOA-20028) to permit a building expansion, located: NE/c of N Mingo Fid and E Admiral PI

## Presentation:

Gale Plummer, 2105 North Yellowood, Broken Arrow, Oklahoma, stated he is the contractor for the applicant. He informed the Board of the addition to an existing bullding in CG zoning that allows for industrial type use. The site plan was Exhibit D-1.

## Comments and Questions:

Ms. Stead asked if they intend to access the northernmost gate. Mr. Plummer replied that the access would not change from the existing. She reminded him of the conditions they have previously made. He mentioned they have some outside storage but it is temporary.

## Interested Parties:

There were no interested parties who wished to speak.

## Board Action:

On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE an Amendment to the previously approved site plan (BOA-20028) to permit a building expansion, per plan as shown on page 6.6 of the agenda packet; all parking and driving surfaces to be concrete or asphalt; and no outside storage per the original 1996 approval, on the following described property:

PRT LT 1 BEG NWC TH S400 NELY200 N400 SWLY200 POBBLK 1, VAN ESTATES NO 2 AMD, City of Tulsa, Tulsa County, State of Oklahoma

## Case No. 20608

Action Requested:
Variance of the setback requirement for a commercial parking lot within 50 ft . of an $R$ district from 50 ft . to 33 ft . from the centerline of an abutting street (Section 1302.B), located: 4401 South Peoria Avenue.


BoA zole 0.6

## Comments and Questions:

None.

## Board Action:

On MOTION of BOND, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the Variance to allow a detached accessory structure to exceed 18 feet in height to $22^{\prime}-1$ " and exceed 1 -story to two stories in the rear setback in an RS-2 District (Section 90.090-C), subject to conceptual plans 7.11 and 7.12 of the agenda packet. The Board finds the hardship to be the house predates the Comprehensive Zoning Code. 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 selfimposed 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:

## ALL OF LT 14 \& W1/2 OF LT 15 BLK 7, BRENTWOOD HGTS, City of Tulsa, Tulsa County, State of Oklahoma

## BOA-22577-A-Max Sign Company

## Action Requested:

Special Exception to permit a dynamic display sign to be located within 200 feet of an R District (Section 60.100-F); Special Exception to allow a dynamic display sign to be located in an RS-2 District (Section 60.050-B.2). LOCATION: 3820 East $41^{\text {st }}$ Street South (CD 9)

## Presentation:

Bruce Anderson, 9520 East $55^{\text {th }}$ Place, Tulsa, OK; stated this request is to allow an electric message center for Patrick Henry Elementary School. The sign meets all the Code requirements set forth by the City of Tulsa. The sign will be 21 square feet in
size. The school has been informed about the restrictions regarding the sign, and the school has agreed to comply to the Code.

Mr. Van De Wiele asked Mr. Anderson if the new sign would be the same overall height as the old sign. Mr. Anderson answered affirmatively.

Mr. Bond asked Mr. Anderson if the new sign would be 65 feet from the street. Mr. Anderson answered affirmatively.

Mr. Van De Wiele stated in the e-mails the Board has received, a packet of e-mails some of which had been sent to the Board and all of which have been copied and presented to the Board, there was one that referenced an opportunity for the neighbors to see the proposed sign, was that presentation at the school? Mr. Anderson stated that he was not at that meeting.

## Interested Parties:

Charles Ryan Neurohr, 4132 East $41^{\text {st }}$ Street, Tulsa, OK; stated he lives right down the street from the school, so he is not only with the sign company, but he lives in the neighborhood of the proposed project. He drives by the site everyday and believes it will be an asset for the school and the neighborhood as a whole. The meeting in question was held at the school a few weeks ago and there was a demonstration of the proposed sign. The PTA and the residents of the neighborhood were invited to attend to see the board first hand to know what was being proposed. The sign will be turned off at 9:00 P.M. every evening and will come back on at 7:00 A.M. every day. The dimming capabilities were shown; during the daylight the sign will be brighter, if it is a cloudy day the sign will automatically dim, morning and evening hours the sign will automatically dim based on the sunlight. The meeting went very well and there was no conflict from the residents in attendance.

Sue Ann Bell, 6004 South 73 rd, Tulsa, OK; stated she is the Facilities Director for Tulsa Public Schools. She works with a lot of the schools as they try to bring some modernization to them. The custodian is usually challenged with the task of changing the old sign at Patrick Henry, so the school is limited to the messages that can be sent home to the parents and to the community because not all parents have access to the internet and the technology. The new sign would give the school the opportunity to share the message from the school community and for the neighborhood community; Patrick Henry is a neighborhood school. A former student and a parent of a former student stepped forward and gave a check to the school to pay for this proposed sign, so the school will be the recipient of a wonderful gift.

Terry Jakober, 3910 East $37^{\text {th }}$ Place, Tulsa, OK; stated good things are really happening at the school, however, the missing link is pulling people into the school to get them active and involved with the students. The school marquee does that; it reminds them of parent/teacher conferences, reminds them of PTA, and reminds them that the school is a polling place. The principal has worked very closely with the Patrick Henry Neighborhood Association and the Whiteside Neighborhood Association and
wants to be very comforting to those organizations that the school will not impose the school's will. The sign is a small sign, but the problem seems to be that the sign lights up. She understands this because she lives in the neighborhood where there is a monster lighted sign, and this may be some of the backlash to the proposed sign. Patrick Henry is going to benefit from bond issues that may affect the neighborhood short term because they will be building a library and a tornado shelter that will block the southern portion of the houses from seeing the sign. She sees nothing but benefits for the community.

Josh McCormick, 3424 East $41^{\text {st }}$ Street, Tulsa, OK; stated he lives two houses down from Patrick Henry. Mr. McCormick stated that for the most part the school has been a great neighbor, so when this came up he was surprised. He purchased his house at the end of 2001, and it is completely residential in character and surrounded by residential properties. He had neighbors who both run their businesses out of their house and after he objected, they moved and sold the house as a residential property. To the northwest of him a priest's rectory was presented to this Board as an office to which was turned into a bank, and to the west of him two houses were demolished, and the property was turned into a commercial center. Mr. McCormick stated he is constantly fighting the invasion of commercialization of his property and the surrounding area. At some point there needs to be a line drawn and this is where he draws the line. He noticed a number of problems with the application and what the school is asking for. To start with the application, the website that was referred to at the bottom of the notice did not exist until about four hours ago, and that was upon his request to have the application put online. He objects to proper notice being given. Mr. McCormick stated that in Chapter 70.010.F.5.a, "Constructive Notice" which talks about minor defects. A minor defect is grammar, spelling, etc. but the actual omission of important information is not considered a minor defect.

Mr. Bond asked Mr. McCormick if he had requested a copy of the application. Mr. McCormick stated that he did not. Mr. McCormick stated that in this day and age most people go online for their information and if the information is not there they go back later or give up. It is an important thing; a website that was to contain important information did not and this is more than just a spelling error.

Mr. McCormick stated the second item he has is one of standing. Mr. McCormick stated that when he was finally able to pull up the application only four hours ago, he saw there was an applicant and a property owner, and below that there is an area that states, "I, the undersigned applicant, certify that the information on this application is true and correct" and "Does the owner consent to the application" and "What is the applicant's relationship to the owner?", all of which were blank. Mr. McCormick stated that he does not know whether the applicant has standing to represent the owner or to submit this application on their behalf. These are things he noticed when he started to look into this case. The actual concerns with the request are the intrusion into the residential character of the properties, and his primary concern is when he sees the Zoning Code and he sees all the information about digital display devices where it meets new additions. There are whole sections added for dynamic display devices,
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which indicates, and he thinks the Board recognizes these are incompatible with residential properties. The burden according to the ordinance is on the applicant to show that it is not a burden. The Board has to look at two things in deciding the requested Special Exception; one is that it is in harmony with the spirit and intent of the Zoning Code. The intent and spirit of the Zoning Code is to keep these as far away from residential properties as is reasonably possible. Putting this in a section that is completely surrounded by residential properties is not compatible with the spirit and intent of the Zoning Code; they are actually asking the Board to undo the Zoning Code for them. Secondly, that the Special Exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In front of the school is a school zone with a 25 mile per hour speed limit, and that is to get people's attention and to slow people down in case there is an accident. In addition to that, there is also a traffic light with a crosswalk. The Zoning Code gives special attention to what happens at intersections with traffic lights, it doesn't cover this specific situation of what to do in a crosswalk, but he would argue that the spirit of the Code prevents this because any crosswalk and a 25 mile per hour school zone the City does not want people attention distracted. When the Code talks about how the Special Exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare, it seems that this fails both tests. It is both injurious to the character of the neighborhood and detrimental to the public welfare as far as being a distraction in a school zone. Mr. McCormick stated that Patrick Henry has been a great neighbor and he has no problem with them until now, but what the school is asking for has serious problems as far as safety and character of the neighborhood. The burden of proof is on the applicant to prove that they are not, so unless the applicant is able to address these issues, he would ask the Board to reject the application.

Ms. Ross asked Mr. McCormick to point out his residence on the map that is displayed on the overhead projector. Mr. McCormick stated the problems with the application do not necessarily deal directly with his house, although he does have a direct line of sight to the sign and he certainly does not like it because it's not a residential kind of thing. If it were, he would be happy to have one on his own property. Mr. McCormick pointed out his property on the map that was placed on the overhead projector.

Mr. Van De Wiele asked Mr. McCormick if he could see the sign from his property. Mr. McCormick answered affirmatively. Mr. Van De Wiele stated that he went online to Google maps and used the measuring device, and the sign is about 560 feet from the closest point of Mr. McCormick's house. Mr. McCormick stated that is why he was not arguing the distance to his house specifically, and the ones more impacted are probably the ones to the north. This is something the Code specifically tries to protect neighborhoods from, and the school is asking to place one right in the middle of the neighborhood.

Mr. Van De Wiele asked Mr. McCormick if he was aware of anything where the existing sign has or has not contributed to vehicle accidents, and how these types of signs would exacerbate that kind of problem. Mr. McCormick stated it is because the sign code specifically prevents something around intersections, and the spirit of it is that we
don't want to distract people's attention near traffic intersections. That distraction is potentially fatal, so he thinks the same thing applies certainly in a crosswalk.

Mr. Van De Wiele asked Mr. McCormick when he received the paper notice that he provided to the Board. Mr. McCormick stated he received it in the mail Thursday or Friday, a little late but he is not complaining about that but is complaining about the bottom of the notice having incorrect information and only having four hours' notice as opposed to ten days.

Mr. Van De Wiele asked staff if there was an issue with distance from a signalized intersection. Mr. Wilkerson stated there is not.

## Rebuttal:

Bruce Anderson came forward and stated that as far as the safety aspects, he has been through this for many, many years. There is no study that says these cause any more accidents than anything else. These signs are at a lot of schools and hospitals and there is no indication anywhere that says these signs cause wrecks.

Mr. Van De Wiele stated that is part of the reason for the restriction, as he understands it, for the blinking, twinkling, dwell time, etc. Mr. Anderson stated there is an eight second hold time for each message displayed on the sign. The restrictions are in place so it could be controlled, and it can be controlled. There has been many, many years in writing the Code and now there is a good system in place. He cannot think of any school where there has been a problem, or that anyone can say the sign caused a wreck.

Sue Ann Bell came forward and Mr. Van De Wiele stated that one of the issues Mr. McCormick raised in e-mail and in his presentation was standing to file this application. Mr. Van De Wiele asked Ms. Bell if the school district owns the subject real estate and the facility. Ms. Bell answered affirmatively. Mr. Van De Wiele asked Ms. Bell if it was her understanding that the school district authorized the sign company to file this application on its behalf. Ms. Bell answered affirmatively.

## Comments and Questions:

Mr . Van De Wiele asked staff as to the standing, if it is not a straight requirement that the land owner file the application, that the land owner merely needs to authorize the filing of the application. Mr. Wilkerson stated that Ms. Ulmer just displayed the actual application on the overhead projector with all the completed information, and yes, the land owner can authorize someone on his behalf. Mr. Van De Wiele asked if the one that Mr. McCormick may have seen would have been the reprint of the original application. Mr. Wilkerson stated that is correct, it is part of the digital process that should be automatically on line, but it does not always work like staff would like.

Mr. Van De Wiele asked Ms. Blank if the full application, the full agenda packet is not what is sent or is required to be sent. Ms. Blank answered affirmatively. Mr. Van De Wiele asked if it was simply a notice of the address, legal description, time, date of
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hearing, and the relief being sought. Ms. Blank answered affirmatively and stated it also will contain who conducts the hearing and indicate where additional information can be obtained. So, if the link was broken the notice provided contact information.

Mr. Van De Wiele stated the Board has approved a lot of these signs, and he does not know if Patrick Henry is the last school in the district to have one of these signs, but he has been on the Board for about ten years and there have been a lot of signs at a lot of locations approved. While he is sure there are car accidents on $41^{\text {st }}$ Street and other streets abutting school districts he has never heard anything within the confines of these meetings or otherwise to suggest these signs are any more or less dangerous than any other sign at any other facility. There are provisions in the Code which are designed to make them less distracting than if they were blinking and twinkling. Mr. Van De Wiele stated his only question was the closeness of the intersection, and if it were the school would need relief from that. The way the houses are lined up and down $41^{\text {st }}$ Street, there are trees out on $41^{\text {st }}$ on the Patrick Henry side that he thinks block this from being seen or intrusive on the north side of 41st, to the east the houses along the north side of $41^{\text {st }}$ have fences and they are the backs of houses. There is the time limitation, and the two closest houses are those that are located on Marion, given the orientation of the sign and the viewing angle he tends to believe those are not detrimentally impacted either. Mr. Van De Wiele stated that he does believe this to be in harmony with the spirit and intent of the Code, and he does not find it to be injurious to the neighborhood or detrimental to the welfare of the public. Mr. Van De Wiele stated that he would be in favor of this request.

Ms. Radney stated that she read the comments from Sarah Kobos, and she thinks that some her observations about ways in which the images could be managed, she does not think that it is nothing that there is crosswalk and it is a signalized crosswalk; that is a busy street and there is a consistent need to consistently slow the traffic through the area and she thinks some of the things Ms. Kobos says about the imagery might relevant especially during the times when the crosswalk is active.

Mr. Van De Wiele stated the hours of operation are already in the Code. The static images, no animation, no moving transition he believes that is already part of the Zoning Code. Mr. Wilkerson stated he is confident that the no animation and no moving transition is in the Code. Mr. Van De Wiele stated that the dwell time of 30 seconds is currently 8 seconds in the Code, and the Board can certainly talk about longer dwell times. The level of brightness, the way the sign will dim when it is cloudy and brighten when it is bright outside that may be in the Code as well. The big distraction is the animation and there are certainly signs around town that do it even though they are not supposed to do it. Mr. Wilkerson stated that at a glance he does not see anything in the Code that limits the dwell time in a residential district. Mr. Wilkerson stated there is a provision for non-residential uses in an R District limiting the operation hours. Mr. Van De Wiele stated that the regulations are a result of months, if not years, of the City and the people in the sign industry working together.

Ms. Ross and Mr. Bond both stated they would approve this request as it is.

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Ms. Back stated that the Board has approved these signs, back when she was on staff with INCOG, and they were approved in the middle of neighborhoods not even facing arterial streets. The Board was careful to approve them and drill down the hours and the light. With this request she has no problem.

## Board Action:

On MOTION of BOND, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the Special Exception to permit a dynamic display sign to be located within 200 feet of an $R$ District (Section 60.100-F); Special Exception to allow a dynamic display sign to be located in an RS-2 District (Section 60.050-B.2), subject to conceptual plans 8.6 and 8.7 of the agenda packet. The Board finds that the requested Special Exceptions will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

PT NE NW \& NW NW BEG 50S \& 670W NEC NE NW TH W865 S262.13 SE 250 SW180 SE88 NE258 SE262.57 SE 145 NE307.54 TH CRV LEFT POB SEC 2819 13, City of Tulsa, Tulsa County, State of Oklahoma

## BOA-22578 - Eller \& Detrich - Nathalie Cornett

## Action Requested:

Special Exception to exceed the allowable driveway width within the right-of-way and within the street setback (Section 55.090-F.3). LOCATION: 676 West 77 ${ }^{\text {th }}$ Place South (CD 2)

## Presentation:

Nathalie Cornett, Eller \& Detrich, 2727 East $21^{\text {st }}$ Street, Tulsa, OK; stated this request is to permit a $36^{\prime}-2^{\prime \prime}$ wide driveway in a residential neighborhood around $81^{\text {st }}$ and Highway 75. As she learned after she filed the application, and as noted in the staff report, there was a Variance granted in 2005 for the entire subdivision, which permits $30^{\prime}-0^{\prime \prime}$ wide driveways. All of the houses have very wide driveways and some of them are more than 30 feet. The house across the street has a three-car garage with a driveway to accommodate all the garage entries, and the proposed driveway will look just like the one across the street. The subject property is the last lot in the subdivision to be developed, and the people that will live there plan to make this their home to retire in so the house has been designed to age in place which is becoming very popular. The two-car garage door is standard, $7^{\prime}-0^{\prime \prime}$ high and $16^{\prime}-0^{\prime \prime}$ wide; the one-car garage is a little bigger than standard, it is $10^{\prime}-0^{\prime \prime}$ wide which is to accommodate a pickup truck with a tow package. The driveway itself will go the edge of the garages.

## Interested Parties:

There were no interested parties present.


Existing Sign Facing West


Existing Sign Facing East




REFURBISH EXISTING DOUBLE SIDED MAIN ID SIGN SCALE： $1 / 2^{\prime \prime}=1$
（A）Repaint Cabinet and Retainers Silver．Install New Lexan Faces with Digital Print（Luster Laminate）．New White LED Illumination
（B）New Green LED In Existing Reverse Channel Letters
（C）New Customer Provided Message Center
（D）Paint Brick Accents Silver

EXISTING
SCALE： $1 / 4^{\prime \prime}=1^{\prime}$


PROPOSED－Simulated Night View SCALE： $1 / 4^{\prime \prime}=1$ 1＇


THOMAS A. EDISON 2906 E 41ST TULSA, OK

1250

## |h'O|

## DEVELOPMENT SERVICES

175 EAST $2^{\text {nd }}$ STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

## SIGN PLAN REVIEW

May 30, 2019
LOD Number: 1
Amax Sign Co
5520 E 55 ${ }^{\text {th }}$ Place
Tulsa OK 74145
Phone:(918)622-0651

APPLICATION NO: SIGN-32324 (PLEASE REFERENCE WHen CONTACting our office)
Location:
Description:

2906 E 41 ${ }^{\text {st }}$ Street
Thomas A. Edison School/Dynamic Display

## INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST $2^{\text {nd }}$ 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 $2^{\text {ND }}$ STREET, $8^{\text {TH }}$ 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-032324 2906 E. 41 st Street May 30, 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.

## 1.) Section $\mathbf{6 0 . 0 5 0}$ Signs in $R$ and AG Zoning Districts

## 2. Nonresidential Uses

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

## c. Dynamic Displays

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

Review Comments: The proposed freestanding sign with a $30 \mathrm{sq} . \mathrm{ft}$. (10.0x3.0) dynamic display is located in an RS-1 zoning district and requires a special exception from the BOA prior to issuance of a sign permit. See additional requirements 1-4.

## 2.) Section 60.100 Dynamic Displays

1.) $\mathbf{6 0 . 1 0 0 - F}$ Dynamic displays may not be located within 200 feet of any of the following: (1) an $R$ district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R and AG districts if approved through the special exception process.

Review Comments: The proposed dynamic display sign appears to be located within 200 feet of an RS-1 Residential zoning district. You may pursue a special exception from the BOA to permit a digital sign (dynamic display) to be located within 200 feet of an RS-1 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.


# BOARD OF ADJUSTMENT <br> CASE REPORT 

STR: 9325
Case Number: BOA-22677
CZM: 48
CD: 7

HEARING DATE: 07/09/2019 1:00 PM
APPLICANT: Saul Resendiz
ACTION REQUESTED: Modification of a previously approved site plan to allow the expansion of the Indoor Assembly and Entertainment Use approved in BOA-22280 (Sec.15.020, Table 15-2) .

LOCATION: 4960 S 83 AV E
PRESENT USE: Retail.

ZONED: IL
TRACT SIZE: 122452.02 SQ FT

LEGAL DESCRIPTION: LTS 68 \& 9 LESS W110 S150 LT 6 BLK 4, SECOND RESEARCH \& DEVELOPMENT CTR RESUB

## RELEVANT PREVIOUS ACTIONS:

BOA-22280; 07.11.17 the Board approved a special exception to allow a an Indoor Commercial/Assembly and Entertainment Use (Event Center) in the IL District subject to a conceptual plan currently asking to be revised. This approval was subject to a business closing time of $2: 00 \mathrm{am}$.

BOA 21544; 03.26.13 the Board approved a special exception to permit an event center in the IL district; approval expired on March 26, 2016.

BOA 16395; on 07.27.93, the Board approved a variance of the setback from E 51ST ST from 100 ft to 94 ft and a special exception to permit retail sales in an IL zoned district.

BOA 8262; on 05.16.74, the Board approved a variance to operate a commercial family recreation center in an IL district.

BOA 7805; on 03.01.73, the Board approved a special exception to allow a retail sales shopping center in an IL district.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is a part of an IL retail strip center located at the NE/c of E. 51 ${ }^{\text {st }}$ St. S. and S. Memorial Drive. Other tenants in the Strip center include a donut shop, the existing event space, a medical marijuana dispensary, a store specializing in the sale of medical marijuana growing accessories, a smoke and vape shop, a liquor store, a massage parlor, a
barber shop, clothing stores and a styling salon. Walgreens is on a separate lot, but it shares access and parking with the subject property.

## STAFF COMMENTS:

The applicant is requesting a modification of a previously approved site plan to allow the expansion of the Indoor Assembly and Entertainment Use approved in BOA-22280 (Sec.15.020, Table 15-2). Assemby and Entertainment uses are only allowed by Special Exception inside IL districts.

| USE CATEEORY |  |  |  |  |  |  |  |  |  |  |  | Supplemental |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Subcategory Specific use | OL | OM | OMH | OH | CS | CG | CH | CBD | IL | IM | IH | Regulations |
| COMMERCIAL |  |  |  |  |  |  |  |  |  |  |  |  |
| Animal service |  |  |  |  |  |  |  |  |  |  |  | Section 40,020 |
| Boarding or shelter | - | - | - | - | 5 | P | P | P | P | P | P |  |
| Grooming | - | - | - | - | P | P | P | P | P | P | P |  |
| Veterinary | - | - | - | - | P | P | P | P | P | P | P |  |
| Assembly and Entertainment |  |  |  |  |  |  |  |  |  |  |  | Section 40,040 |
| Indoor gun club | - | - | - | - | 5 | S | 5 | 5 | 5 | 5 | 5 | Section 40.040 |
| Other indoor |  |  |  |  |  |  |  |  |  |  |  |  |
| Small (up to 250-person capacity) | - | - | - | - | $\mathrm{P}[2]$ | P[2] | P[2] | P[2] | 5 | 5 | 5 | Section 40.040 |
| Large (>250-person capacity) | - | - | - | - | 5 | 5 | S | S | 5 | 5 | 5 | Section 40.040 |

Approval of this revision would allow the applicant to occupy additonal tenant space in the exisiting strip center. The photos proviced with this report show the two separate facades of the spaces occupied by the event center.

## SAMPLE MOTION:

Move to $\qquad$ (approve/deny) the requested Modification of a previously approved site plan to allow the expansion of the Indoor Assembly and Entertainment Use approved in BOA-22280 (Sec.15.020, Table 15-2):

- Per the (Site/Conceptual) Plan(s) shown on page(s) $\qquad$ of the agenda packet.
- Subject to the following conditions $\qquad$ .

The Board finds that the requested Modification 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.

# W 100 LT 9 BLK 14, ORCUTT ADDN, City of Tulsa, Tulsa County, State of Oklahoma 

## 22280—D-A-C Events

## FILE COPY

## Action Requested:

Special Exception to allow an Indoor Commercial/Assembly and Entertainment Use (Event Center) in the IL District (Section 15.020). LOCATION: 4955 South Memorial Drive East, Unit F (CD 7)

## Presentation:

Saul Resendiz, 105 East Granger Street, Broken Arrow, OK; stated the request is to be able to use the facility for small birthday parties, showers, and weddings.

Mr. White asked Mr. Resendiz if he wanted to continue doing what he is already doing in the facility. Mr. Resendiz answered affirmatively. Mr. White asked if there would be any changes to the operation. Mr. Resendiz stated there would not be any changes.

Ms. Back asked Mr. Resendiz if he was the previous owner or if he had just purchased the property recently. Mr. Resendiz stated that he is a new owner.

## Interested Parties:

There were no interested parties present.

## Comments and Questions:

None.

## Board Action:

On MOTION of FLANAGAN, the Board voted 4-0-0 (Back, Bond, Flanagan, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to APPROVE the request for a Special Exception to allow an indoor Commercial/Assembly and Entertainment Use (Event Center) in the IL District (Section 15.020), subject to conceptual plan 10.11, 10.12 and 10.13 in the agenda packet. The approval is subject to the business closing no later than 2:00 A.M. In granting a Special Exception, the Board finds 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 68 \& 9 LESS W110 S150 LT 6 BLK 4, SECOND RESEARCH \& DEVELOPMENT CTR RESUB, City of Tulsa, Tulsa County, State of Oklahoma

## Comments and Questions:

None.

## Board Action:

On MOTION of VAN DE WIELE, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a Variance of the building setback from the centerline of an abutting arterial street from 100 feet to 75 feet in the CS District to permit an ice kiosk (Section703, Table 2). This approval will be per conceptual plan 4.6. Finding that the layout of the subject parking lot and the configuration of the entrance and the curbing layout around the kiosk will create a hardship to locating it 100 feet from the centerline. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

## BEG 50W \& 250S NEC NE TH S1012.56 W630.88 N1211.54 E440 S200 E200 POB SEC 151913 16.76ACS, MARY FRANCES ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

## 21544-Jennifer Andres

## Action Requested:

Special Exception to permit an event center (Use Unit 5) in an IL district (Section 901). LOCATION: 4960 South $83^{\text {rd }}$ Avenue East (Tenant space 4955 South Memorial Drive, \#F) (CD 3)

## Presentation:

Jennifer Andres, 8922 East $60^{\text {th }}$ Street, Tulsa, OK; stated that she had been operating a restaurant out of this space and she has now converted the space to a special event center. She converted the space to a special event center about $11 / 2$ years ago, and did not know that she would need to obtain a special exception to do so. The center is booked for private parties, i.e., birthday parties. The parties are usually in the evening and on a weekend, starting around 5:00 P.M. until 2:00 A.M. Occasionally there will be a private meeting held in the center during the week.

Mr. White asked Ms. Andres if alcoholic beverages were served during the events or meetings. Ms. Andres stated that the clients provide their own beverages; she does not supply or sell them.

## Interested Parties:

There were no interested parties present.

## Comments and Questions:

None.



## Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Hence, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a Special Exception to permit an event center (Use Unit 5) in an IL district (Section 901). This approval will be for tenant space 4955 South Memorial Drive, Suite F. The hours of operation will be no later than 2:00 A.M., and will be for a period of no more than three years from today's date of March 26, 2013. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

## UTS 68 \& 9 LESS W110 S150 LT 6 BLK 4,SECOND RESEARCH \& DEVELOPMENT CTR RESUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

## 21545-Lowell Peterson

## Action Requested:

Variance to allow a 2.25 foot $\times 7.66$ foot electronic message center in an AG district (Section 302.B.2.a); Variance to allow an electronic message center within 200 feet of a residential development area boundary line (Section 1221.C.2.c). LOCATION: 840 West $81^{\text {st }}$ Street (CD 2)

## Presentation:

Lowell Peterson, Attorney, P. O. Box 70, Glenpool, OK; stated he is representing Rev. Jim Thornton. No presentation was made, but the applicant's representative was available for questions.

## Interested Parties:

Wayne Allen, 728 West $79^{\text {th }}$ Street, Tulsa, OK; stated he is representing five homeowners that live in the same block. All the homeowners purchased their property specifically to that location so that they would abutt two water retention ponds with lighted fountains and a beautiful view. All these homeowners feel that a digital sign will detract from the beauty of the area and destroy the view. Mr. Allen stated that he will be able to see the proposed digital sign from his living room window.

Mr. Van De Wiele asked Mr. Allen what side of the detention pond the houses are located. Mr. Allen stated the houses are located on the north side of the detention ponds.

Mr. White asked Mr. Allen if he was aware that the sign would be facing east and west. Mr. Allen answered affirmatively.

Case No. 16394 (continued)
awning and seating extending into the required setback; and finding that approval of the requests will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

East 100' of Lots 1 and 2 and all of Lot 3, Block 5, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

## Case NO. 16395

Action Requested:
Special Exception to permit retail sales (Use Units 13 and 14 ) in an $I I$ zoned district, and a variance of the required setback from the centerline of East mist street from 100' to $94^{\prime}$ to permit a $6^{\prime}$ canopy - section 901. PRINCIPAL USE B PERMITTED IN THE INDUSTRIAL DISTRICTS Section 903. BULK RND RREA REQUIREMENTS IN THE INDUETRIAL DIETRICTS - Use Units 13 and 14, located 4971 South Memorial.

## presentation:

The applicant, Larry Rester, 4200 East skelly Drive, Suite 750 , was represented by Joe McCormick, who submitted a site plan (Exhibit $R-1$ ) and explained that an existing gas station will be replaced with a new building, which will house a Wallgreens Drugstore. He stated that an $L$-shaped shopping center wraps around the property. Mr. McCormick stated that the encroaching portion of the building consists of a 6' canopy, which will be attached to the building.

## Protestants:

None.
Board Action:
On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to APPROVE a special Exception to permit retail sales (Use Units 13 and 14) in an IL zoned district, and a variance of the required setback from the centerline of East 51st Street from 100' to $94^{\prime}$ to permit a $6^{\prime}$ canopy - section 901. PRIMCIPAL UAES PERHITTED IN THE INDHSTRIRL DIETRICTS - section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS Use Units 13 and 14; per plan submitted; finding that the use is compatible with the area and in harmony with the spirit and intent of the code; on the following described property:

Lot 7, Block 4, Resub of Second Research and Development Center, City of Tulsa, Tulsa County Oklahoma.

Action Requested：

Presentation：


Protests：
Board Action：

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Exception（Section 710 －Principal Uses Permitted in Industrial Districts－Section 1020 －Commercial Recreation：Intensive）to operate a commercial family recreation center in an IL District located northeast of 51st Street and Memorial Drive．

John Sublet advised that the subject property contains the Valley Glen Center in an IL District， stating that most of the frontage properties in this area have developed in some type of retail operation．He pointed out that the Board previously permitted by exception the construction and opera－ tron of the Center which was recently constructed． The subject application was filed because the Build－ ing Inspector＇s Office did not feel that a family recreation center was included within Use Units 12 ， 13 and 14 in the IL District．The Building Inspec－ tor felt that Use Unit 20 was the appropriate cate－ gory for the use intended as family recreational center with soft drinks as the only beverages being served on the premises．

In reviewing the subject application，Mr．Gardner stated that the use without question would be per－ witted within Use Unit 19，Hotel，Motel and Recrea－ cion Facilities，which permits commercial amusement establishments ordinarily not requiring large sites and which have use characteristics permitting their location in or near developed commercial trade areas． Use Unit 20，Commercial Recreation：Intensive，he advised permitted commercial recreation facilities， the principal activities of which are usually open－ air，located in undeveloped，outlying sections of the City．

David Pauling，Assistant City Attorney，advised the Board that Use Unit 19 is not permitted in an IL District by exception at present，although an amend－ mont to the Zoning Code to permit same will be pro－ cased in the future．He advised that they could find the proposed use to be appropriate in this instance without making a blanket interpretation that the use is a permitted use by right in an IL District．

None．

On MOTION of SMITH，the Board（3－0）approved a Vari－ ance（Section 710 －Principal Uses Permitted in the Industrial District）to operate a commercial family recreation center in an IL District on the follow－ ling described tract：
$\therefore \quad$ Lots 6，8，\＆9，Block 4，Second Research and Development Center Addition to the City of
．：－－－Tulsa，Oklahoma．
$5.16 .74: 164$（9）

## 7805

Action Requested:

Presentation:

Protests:
Board Action:

Exception (Section 710 - Principal Uses Permitted in Industrial Districts) for permission to have retail sales in an II District located at the northeast corner of $51 s t$ Street and Memorisl. (Proposed strip shopping center - 40,000 square feet)

Bob Parmalee, Jr., representing Par Development Company, presented the plot plan to the Board and edvised that the property is zoned IL and the Company proposes to construct a 40,000 square foot shopping center.

None.
On MOTION of COHEN, the Board ( $4-0$ ) approved an Exception (Section 710 - Principel Uses Permitted in Industrial Districta) for permission to have retail sales shopping center, (Use Units 12; 13 and 14) per plot plan, in an II District on the following described tract:

Lots 6, $8 \& 9$, Block 4, Second Research and Development Center to the City of Tulsa, Oklahoma.

Action Requested:

Presentation:

Protests:
Board Action:

Exception (Section 250.3 - Madification of the Screening Wall or Fence Requirements) for a waiver of the screening requirements on the south and east in a CS District located southwest of 62nd Street and Peorla Avenue.

John Sublett, the applicant, presented the plot plan to the Board and explained his request for a waiver of the screening requirements.

None .
On MOTION of BLANKENSHIP, the Board ( $4-0$ ) approved an Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) for a waiver of the screening requirements on the east of the property and on the resub. portion of Lots 7 and 8 to the south in a CS District on the following described tract:

The West 488.68 feet of Lots 5 and 6, Block 2, Valley View Addition to the City of Tulea, Ok lahoma.


Proposed expansion Space from East 51 ${ }^{\text {st }}$ Street South


Proposed Expansion Space


Existing Event Space



1.1 .14


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[^0]:    Existing Sign on Sheridan facing South

[^1]:    c. Dynamic Displays

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

