

**AGENDA**  
**CITY OF TULSA BOARD OF ADJUSTMENT**  
**Regularly Scheduled Meeting**  
**Tulsa City Council Chambers**  
**175 East 2nd Street, 2nd Level, One Technology Center**  
**Tuesday, June 22, 2021, 1:00 P.M.**

**Meeting No. 1275**

The City Board of Adjustment will be held in the Tulsa City Council Chambers and by videoconferencing and teleconferencing.

Board of Adjustment applicants and members of the public are encouraged to attend and participate in the in the Board of Adjustment meeting via videoconferencing and teleconferencing by joining from a computer, tablet, or smartphone.

Join **Videoconference**: <https://www.gotomeet.me/CityOfTulsa/boa-gotomeeting-in-council-chambers-june-22nd>

Join **Teleconference** by dialing: +1 (571) 317-3112 then entering  
Access Code 256-946-541

Download the GoToMeeting app now to be ready when the meeting starts:  
<https://global.gotomeeting.com/install/256946541>

If you wish to present or share any documents, written comments, or exhibits during the hearing, please **submit them by 9:00 AM the day of the hearing**. Remember to reference the case number and include your name and address.

**Email:** [esubmit@incog.org](mailto:esubmit@incog.org)

**Mail or In Person:** City of Tulsa BOA c/o INCOG, 2 W. 2nd St., Suite 800, Tulsa, OK 74103

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**INTRODUCTION AND NOTICE TO THE PUBLIC**

At this Meeting the Board of Adjustment, in accord with and pursuant to applicable Board of Adjustment Policies and Procedures, will review, consider, discuss, and may take action on, approve, amend, modify, approve with amendment(s) or modification(s), deny, reject, or defer any action on any item listed on this Agenda.

*Review and possible approval, approval with modifications, denial or deferral of the following:*

1. Approval of **Minutes** of June 8, 2021 (Meeting No. 1274).

## **UNFINISHED BUSINESS**

*Review and possible approval, approval with modifications, denial or deferral of the following:*

**2. 23114—Raul Cisneros**

Variance of the required 5-foot side street setback in an RS-4 District for a non-conforming lot (Section 80.020-B); Variance to allow a building to be located inside the City of Tulsa right-of-way or planned right-of-way (Section 90.090-A).

**LOCATION:** 1642 North Madison Avenue East **(CD 1)**

## **NEW APPLICATIONS**

*Review and possible approval, approval with modifications, denial or deferral of the following:*

**3. 23142—Una Vang**

Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:**

12911 East 31st Street South **(CD 6)**

**4. 23143—Keith Robertson**

Variance to allow a drive-through lane on a street-facing side of a property (Section 55.100-C.2). **LOCATION:** 11240 East 17th Place South **(CD 6)**

**5. 23144—Mark Wayne**

Variance to reduce the minimum lot width in the AG District to permit a lot-split (Section 25.020, Table 25-2). **LOCATION:** 18518 East 11th Street South **(CD 6)**

**6. 23146—Wallace Engineering – Mike Thedford**

Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use (Community Center/Caring Center Downtown) in the CBD District (Section 15.020, Table 15-2). **LOCATION:** 305 South Detroit Avenue East **(CD 4)**

**7. 23148—Wallace Engineering – Mark Capron**

Special Exception to modify a previously approved site plan for a school in a RS-2 District (BOA-13745-B); Variance of the dustless, all-weather parking surface requirements for a parking lot (Section 55.090-F). **LOCATION:** 6363 South Trenton Avenue East **(CD 2)**

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

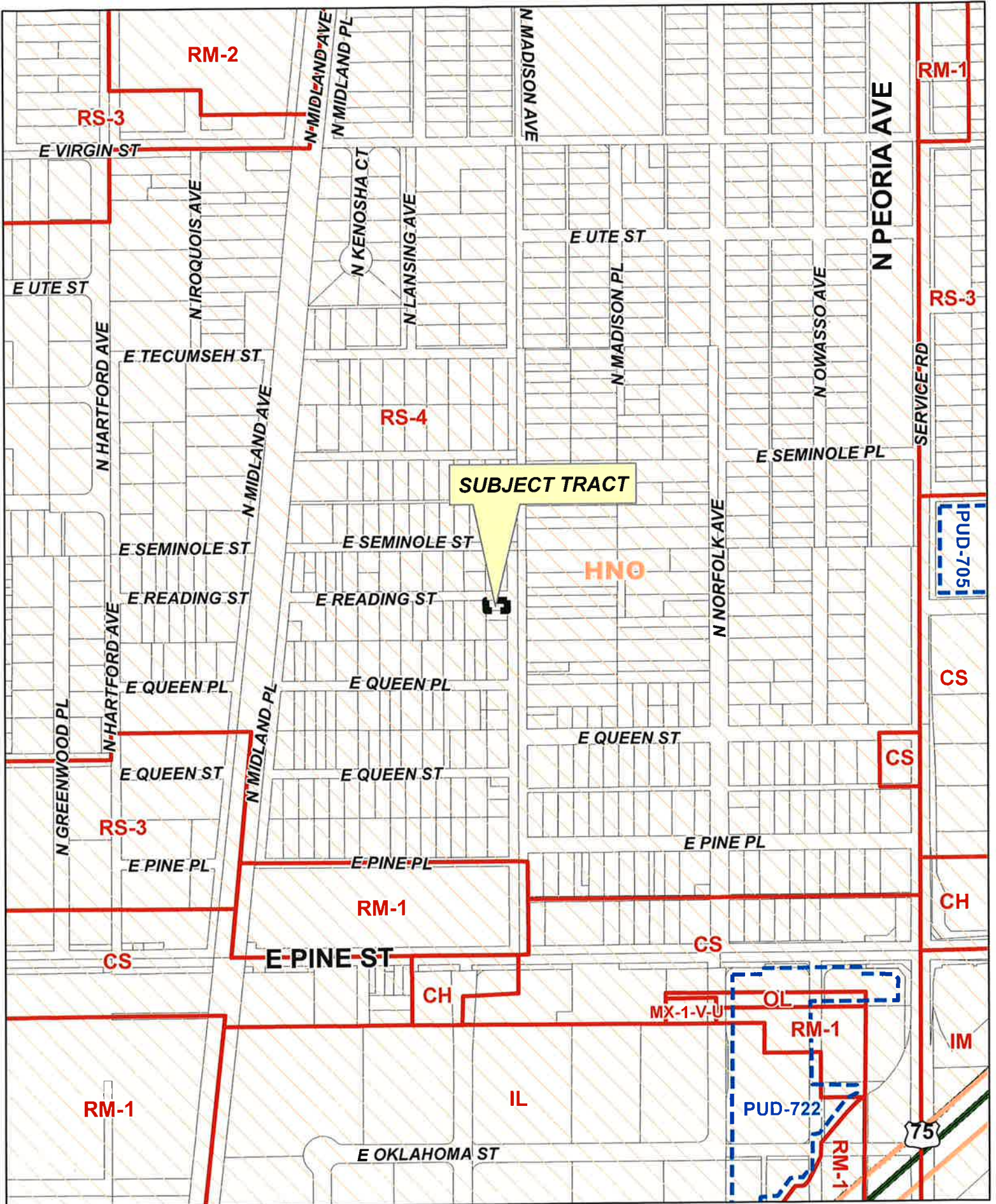
**Website:** tulsaplanning.org

**E-mail:** esubmit@incog.org

CD = Council District

**NOTE:** If you require special accommodation pursuant to the Americans with Disabilities Act, please notify Tulsa Planning Office at 918-584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained by the Tulsa Planning Office at INCOG. All electronic devices must be silenced.

**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.



**BOA-23114**

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 0225

Case Number: **BOA-23114**

CZM: 28

CD: 1

**HEARING DATE:** 05/11/2021 1:00 PM

**APPLICANT:** Raul Cisneros

**ACTION REQUESTED:** Variance of the required 5 foot side street setback in an RS-4 District for a non-conforming lot (Sec. 80.020-B) Variance to allow a building to be located inside the City of Tulsa right-of-way or planned right-of-way (Sec. 90.090-A)

**LOCATION:** 1642 N MADISON AV E

**ZONED:** RS-4

**PRESENT USE:** Vacant

**TRACT SIZE:** 2308.69 SQ FT

**LEGAL DESCRIPTION:** N 33' OF TH N 1/2 OF LT 1 BLK 3, ROOSEVELT ADDN

**RELEVANT PREVIOUS ACTIONS:** None.

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

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 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.

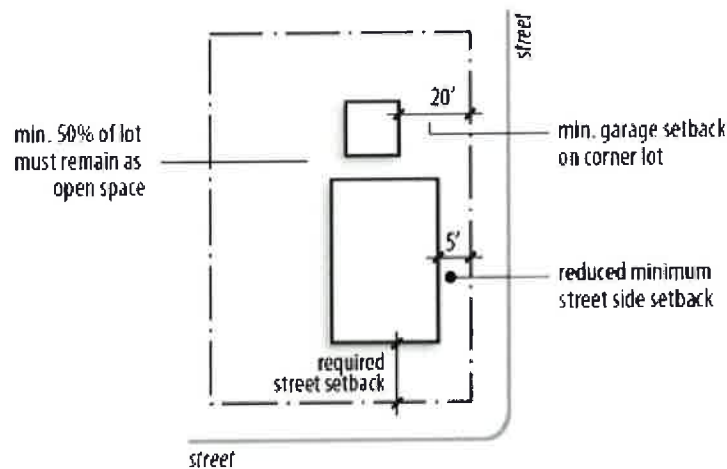
**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the SW/c of E. Reading Street and N. Madison Ave.

**STAFF COMMENTS:** The applicant is requesting Variance of the required 5 foot side street setback in an RS-4 District for a non-conforming lot (Sec. 80.020-B) Variance to allow a building to be located inside the City of Tulsa right-of-way or planned right-of-way (Sec. 90.090-A)

#### 80.020-B Nonconforming Lots in Residential Zoning Districts

In residential zoning districts, a single detached house may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, provided that at least 50% of the lot area remains as open space. All other lot and building regulations apply, except that detached houses may be erected on corner lots that are nonconforming with regard to lot width, subject to a reduced minimum street side building setback of **5 feet**. Garages that are accessed through a side yard abutting a street must be set back at least 20 feet.

Figure 80-1: Detached House on Nonconforming Lot in R District



#### 90.090-A Measurement

Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See §90.090; C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. **Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan.** If a variance of the prohibition against location of a structure within the right of way or planned right of way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

Currently the Reading Street. right-of-way is platted at 30'. The applicant is seeking a setback line that would place the structure 23' 3" away from the center of E. Reading Street. The setback would be defined by the planned right-of-way which would call for 50' on Reading Street or 25' from the center. The built structure 1' 9" inside the planned right-of-way. This item was continued from the May 11<sup>th</sup> hearing when staff realized the structure had been built and mor relief has would be needed. Included in your packet is an as built site plan. If approved the applicant would be required to sign a removal agreement with the City of Tulsa. Currently the structure is unoccupied, should the city need to utilize the right-of-way and the building is removed there would be no way to warn future tenants of that risk.

**STATEMENT OF HARDSHIP:** The lot is too small for the house we are proposing.

**SAMPLE MOTION:** Move to \_\_\_\_\_ (approve/deny) a **Variance** of the required 5 foot side street setback in an RS-4 District for a non-conforming lot (Sec. 80.020-B) **Variance** to allow a building to be located inside the City of Tulsa right-of-way or planned right-of-way (Sec. 90.090-A)

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

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

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



***Subject property, structure has been built without permits.***



***View from Reading***



Source: *Journal of the American Statistical Association*, 1997, 92, 1031-1042.

Jeff S. Taylor  
Zoning Official  
Plans Examiner III  
TEL(918) 596-7637  
jstaylor@cityoftulsa.org



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

Raul Cisneros  
raul@rcjdesigns.com

2/4/2021

**APPLICATION NO: ZN LOD 74078-2020** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 1642 N Madison Ave E**

**Description: Detached House**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

#### IMPORTANT INFORMATION

1. 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

A COPY OF A "RECORD SEARCH" **[X] IS [ ] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

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## REVIEW COMMENTS

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

**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.

3rd Letter

1. **5.030-A :Setback(s) (Residential):** On existing non-conforming lots the minimum side street setback shall be 5 feet from the property line plus 25' measured from the centerline of Reading street. The minimum ROW width from center of street for streets not shown on the major street and highway plan is 25' per zoning code section 90.090-A.

**Review Comments:** Revise your plans to indicate a 30' side street setback from center of Reading street or apply to INCOG for a variance to allow less than a 30' setback from center of Reading street.

If assistance is needed to find review comments or upload revisions contact Ashley Chaney 918-694-4196 or email at [ACHaney@cityoftulsa.org](mailto:ACHaney@cityoftulsa.org)

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.

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

**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.

The Board members and staff members attending in person are as follows:

Mr. Austin Bond, Chair  
Ms. Burlinda Radney, Secretary  
Mr. Tomas Barrientos  
Mr. Steve Brown, Board Member  
Ms. Jessica Shelton, Board Member  
Ms. Audrey Blank, City Legal  
Mr. Austin Chapman, Tulsa Planning Office  
Mr. Dwayne Wilkerson, Tulsa Planning Office  
Ms. Janet Sparger, Tulsa Planning Office

\*\*\*\*\*

Mr. Bond announced that the City has suffered a cyber attack and City staff is doing the best they can. The meetings are noticed publicly, and the public has a right to attend the meeting and that obligation is taken very seriously. People are told they can participate online, and it is necessary to make sure that can be done before the meeting can move forward. Mr. Bond thanked everyone for their patience and called the meeting to order.

\*\*\*\*\*

Mr. Bond welcomed Mr. Tomas Barrientos to the City Board of Adjustment who is filling Mr. Stuart Van De Wiele's position on the Board. Mr. Barrientos brings a wealth of knowledge and professionalism to the Board. Mr. Barrientos extended his thank you to Mr. Bond and the Board members.

\*\*\*\*\*

### MINUTES

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Shelton "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Minutes** of the April 27, 2021 Board of Adjustment meeting No. 1271.

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### NEW APPLICATIONS

**23114—Raul Cisneros**

#### Action Requested:

Variance of the required 5-foot side street setback in an RS-4 District for a non-conforming lot (Section 80.020-B). LOCATION: 1642 North Madison Avenue East (CD 1)

**FILE COPY**

05/11/2021-1272 (2)



BOA-23114

FILE COPY

**Presentation:**

Mr. Chapman stated that Staff requests a continuance to June 22, 2021.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Shelton "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a **Variance** of the required 5-foot side street setback in an RS-4 District for a non-conforming lot (Section 80.020-B) to the June 22, 2021 Board of Adjustment meeting; for the following property:

**N 33' OF TH N 1/2 OF LT 1 BLK 3, ROOSEVELT ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**23115—April M. McConnell**

**Action Requested:**

**Variance** to allow a driveway to be located in the City of Tulsa right-of-way (Section 90.090-A). **LOCATION:** 2410 West Admiral Boulevard North (CD 6)

**Presentation:**

**April M. McConnell**, 2410 West Admiral Boulevard, Tulsa, OK; stated she would like to have a Variance for a driveway. Ms. McConnell stated that she has judicially vacated both rights-of-way that are located on the property and she has completed a lot combination on the property and the property has been rezoned. The property is in the Crosbie Heights Sector Plan and she would like to have a driveway so it could be accessed from Gilcrease.

Mr. Bond asked Ms. McConnell if she had spoken with the neighbors. Ms. McConnell answered affirmatively stating that there has been no opposition.

Ms. Shelton asked Ms. McConnell if she planned a commercial use on the property. Ms. McConnell answered affirmatively stating that she had the property rezoned to IM, so it is like the neighboring properties.

Ms. Shelton asked Ms. McConnell about the traffic her business would have. Ms. McConnell deferred to her husband.





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Feet



Subject  
Tract

**BOA-23114**

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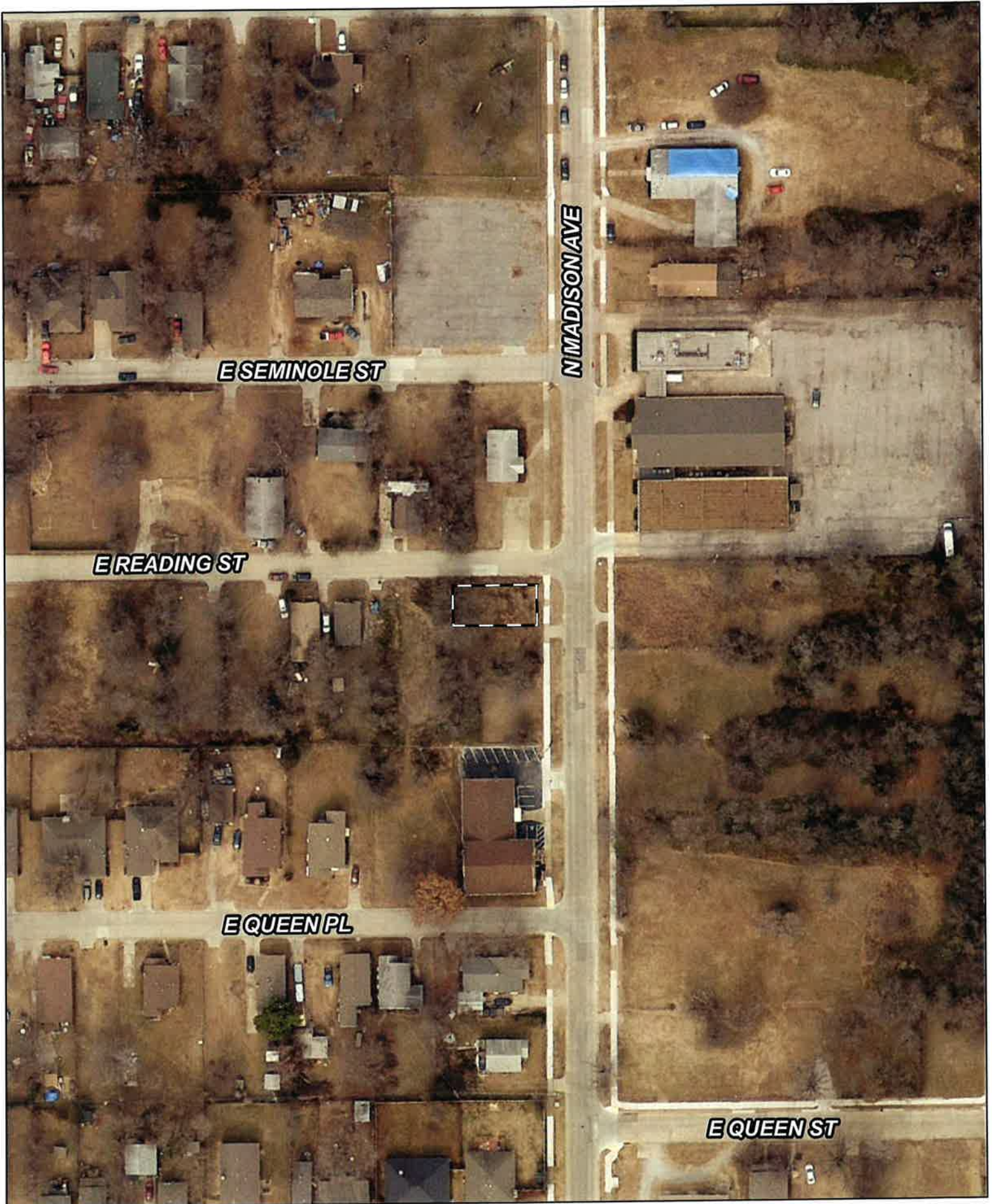
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



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Feet



Subject  
Tract

**BOA-23114**

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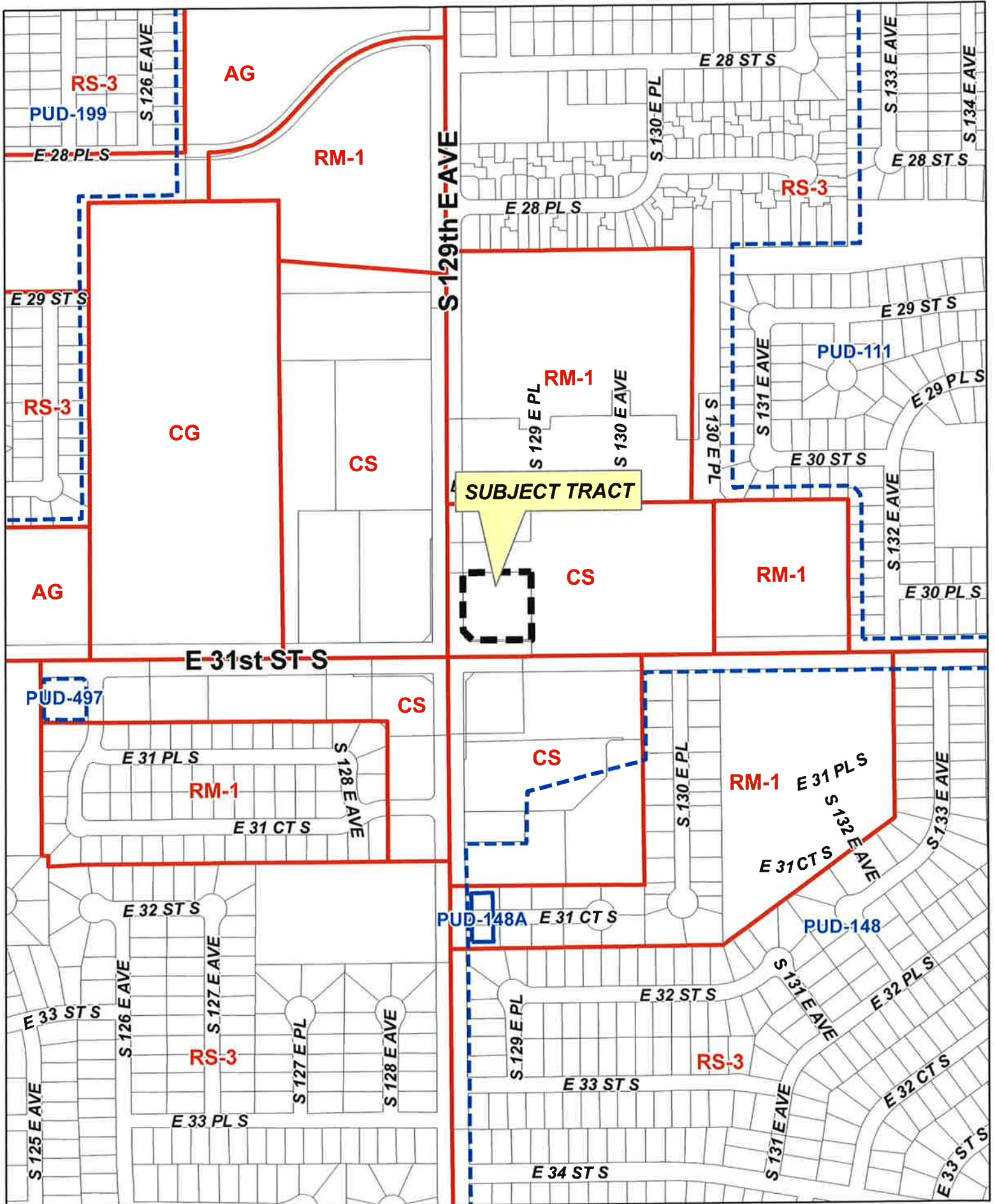
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2018



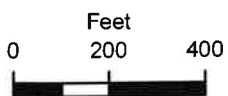
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**BOA-23142**

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# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9416

Case Number: **BOA-23142**

**CZM:** 39

**CD:** 6

**HEARING DATE:** 06/22/2021 1:00 PM

**APPLICANT:** Una Vang

**ACTION REQUESTED:** Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

**LOCATION:** 12911 E 31 ST S

**ZONED:** CS

**PRESENT USE:** Retail Space

**TRACT SIZE:** 48839.67 SQ FT

**LEGAL DESCRIPTION:** LT 1 LESS BEG SECR TH W194.96 CRV RT 47.17 N5 SE41.74 E194.97 S6 POB BLK 1, SOONER ACRES

## **RELEVANT PREVIOUS ACTIONS:**

**Subject Property:** None.

## **Surrounding Properties:**

**BOA-22690;** On 7.23.19 the Board accept a spacing verification for a medical marijuana dispensary. Property located 3151 S. 129<sup>th</sup> E. Ave. This is the conflicting dispensary space within 1,000' of the subject property.

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

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

**Neighborhood Centers** are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the NE/c of E. 31<sup>st</sup> St. S. and S. 129<sup>th</sup> E. Ave.

3.2

**STAFF COMMENTS:** The applicant is seeking a variance to be located within 1'000 feet of another dispensary located at 3151 S. 129<sup>th</sup> E. Ave. E. Per the applicant the distance between the two dispensaries as 670.41 feet. Staff is unaware how the applicant's stated hardship would not be considered self-imposed.

**STATEMENT OF HARDSHIP:**

I am requesting this variance due to many reasons. One reason was when we went into the lease, the closest dispensary to us which was Doctor Green seemed to have gone out of business because they took their sign down and everything was taken down in their dispensary. We knew of this because we did stop by to see to make sure. So we went along with the lease and got some renovations done. In doing so, we were then told that The City of Tulsa has regulations that all dispensaries need to be 1000 ft away from each other. Yes, we weren't aware of that in the first place but we weren't too worried at the time because we assume Doctor Green wasn't doing business there and that was the closest dispensary to us. But a week later there was a banner stating that in the place of Doctor Green, a new dispensary was coming. That was when we knew that we couldn't do much but try to apply for a variance. We are about 650ft from each other and they are in a small shopping center while we are right by the corner. I believe that we won't interfere with each other's business. Please Please reconsider this hardship for a variance. We have spent money and lots of time trying to make this work which we believe it can still work.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Variance** of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

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

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

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*

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

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

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



***Subject property***



***Conflicting dispensary visible from the parking lot of the conflicting dispensary.***



**LT 38 BLK 3, MEMORIAL INDUSTRIAL PARK CORR, City of Tulsa, Tulsa County, State of Oklahoma**

**22690—Paul Bush**

**FILE COPY**

**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:** 3151 South 129<sup>th</sup> Avenue East, Suite P (CD 6)

**Presentation:**

**Paul Bush**, 1533 South Owasso Avenue, Tulsa, OK; stated this dispensary the only dispensary on the OMMA list within the zip code 74134. The closest dispensary on the list that he could find is not currently operating, so there is nothing within the 1,000-foot radius that is operating.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **ROSS**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) 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; for the following property:

**PRT LT 1 BLK 1 & PRT LT 1 BLK 2 BEG 100N NWC BRIARGLEN MINI STORAGE TH N225 E525 S5 W35 CRV LF 39.27 S85.78 SW154.47 W355 POB LESS BEG 25S MOST W NWC LT 1 BLK 1 TH S58 E8 N58 W8 POB FOR ST,BRIARGLEN PLAZA ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22691—Zach Downing**

**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:** 2220 East 6<sup>th</sup> Street South (CD 4)

**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

April 28, 2021

LOD Number: 1  
Jeremy Cannon  
3167 Castle Creek  
Newcastle, OK 73065

Phone: 405.550.6388

APPLICATION NO: **BLDC-084979-2021**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **12911 E 31 ST**

Description: **Medical Marijuana Dispensary**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

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 THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT [TULSAPLANNING.ORG](http://TULSAPLANNING.ORG); IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
4. A COPY OF A "RECORD SEARCH" ☒ IS ☐ IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

## REVIEW COMMENTS

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

BLDC-084979-2021

12911 E 31 ST

April 28, 2021

**Note:** As provided in Section 70.130 you may request the Board of Adjustment (BOA) 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 a representative at the Tulsa Planning Office at 918-584-7526 or [esubmit@incog.org](mailto:esubmit@incog.org). It is your responsibility to submit to our office documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

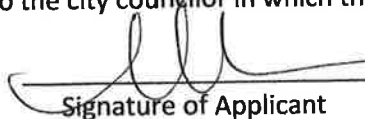
1. **Sec.40.225-D:** A medical marijuana dispensary may not be located within 1000 ft of another medical marijuana dispensary. The BOA is no longer processing Spacing Verifications.

**Review Comment:** Submit the following documentation so that your application may continue to be processed.

1. An aerial photograph identifying the location of the proposed dispensary at the center of a circle with a 1,000-foot radius, which is the required separation distance from another dispensary; and
2. Locate and identify the nearest dispensary on the map, including the distance from the proposed dispensary; and
3. Verification of having provided a copy of the Permit Application to the City Councilor for the city council district in which the subject property is located. (A copy of an e-mail will suffice.) To find the councilor for your district, click here. (<http://maps.cityoftulsa.org/citycouncil/>); and
4. A copy of the following affidavit:

### Affidavit as to Spacing Verification

I, (Applicant) Una Yang, being duly sworn upon oath, state that I have researched and examined or caused to be researched and examined, the spacing verification requirements and have provided a copy of the Permit Application to the city councilor in which the subject property is located.

  
Signature of Applicant

Subscribed and Sworn to Before Me this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public \_\_\_\_\_ My Commission Expires: \_\_\_\_\_

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

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

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

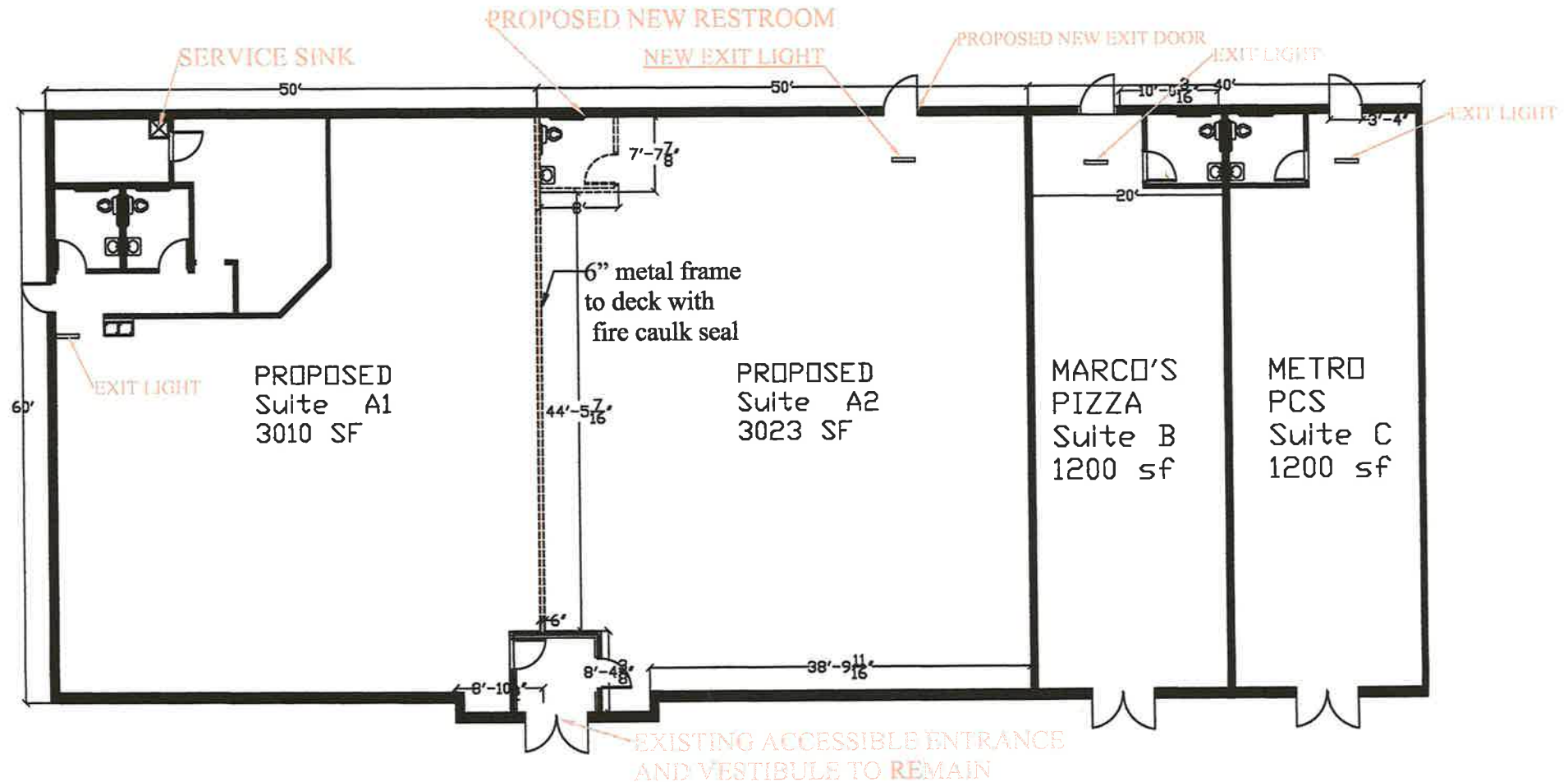
**A hard copy of this letter is available upon request by the applicant.**

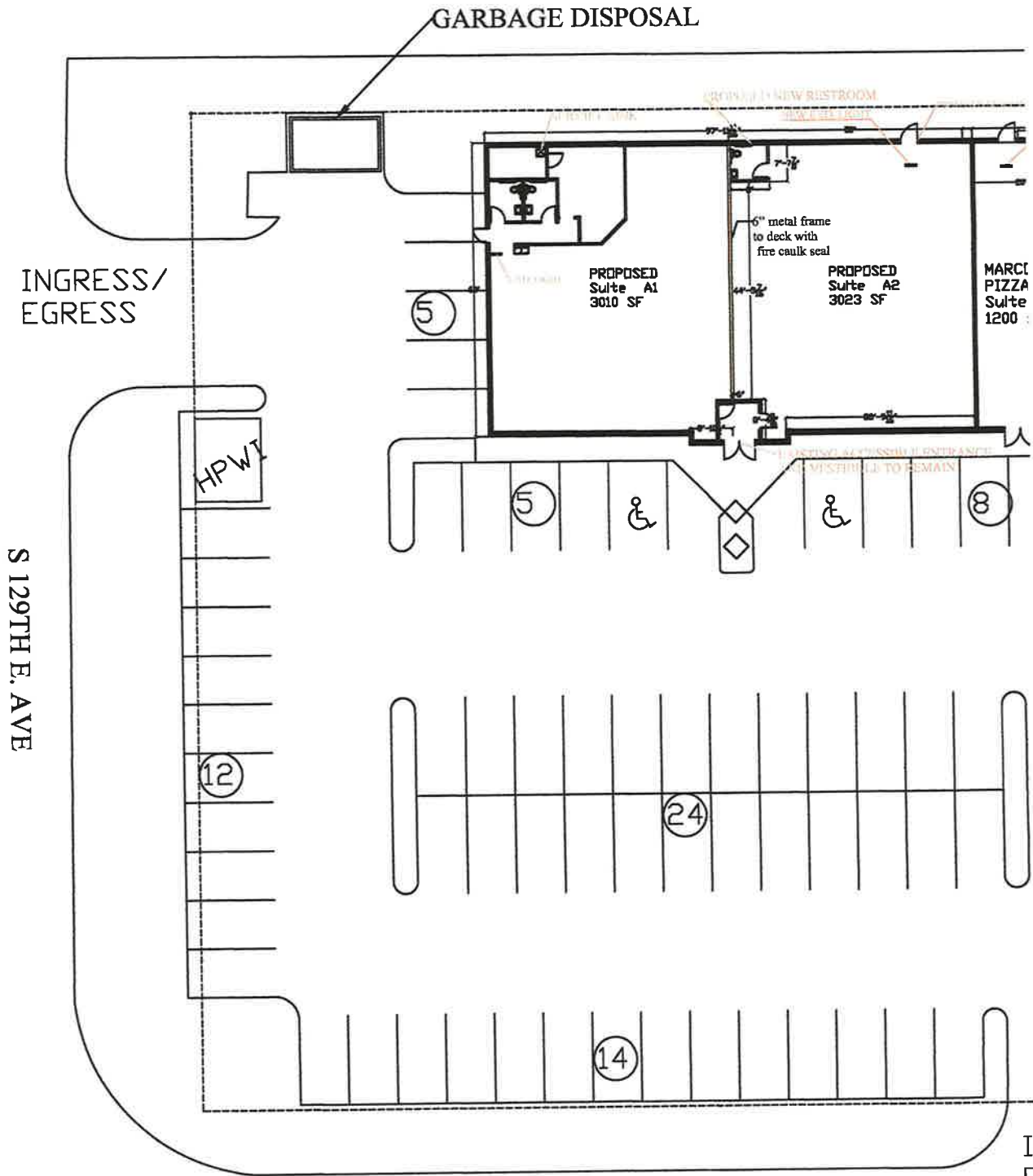
### **END – ZONING CODE REVIEW**

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

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







## Google Maps dispensary



Rating ▼ Hours ▼ More filters

### A Plus Dispensary

4.5 ★★★★★ (82)

Cannabis store · 10330 E 21st St

Temporarily closed · (918) 340-5555



👤 "Very good dispensary."

### Mellow Mountain Dispensary

4.7 ★★★★★ (54)

Alternative medicine practitioner ·

10301 E 51st St Ste. F

Open until 10:00 PM · (918) 815-0451



👤 "My new go to dispensary."

### J & J Buds and Dispensary

5.0 ★★★★★ (11)

Cannabis store · 10660 E 31st St S

Open until 7:00 PM · (918) 508-2824



✓ In-store shopping · ✓ In-store pickup

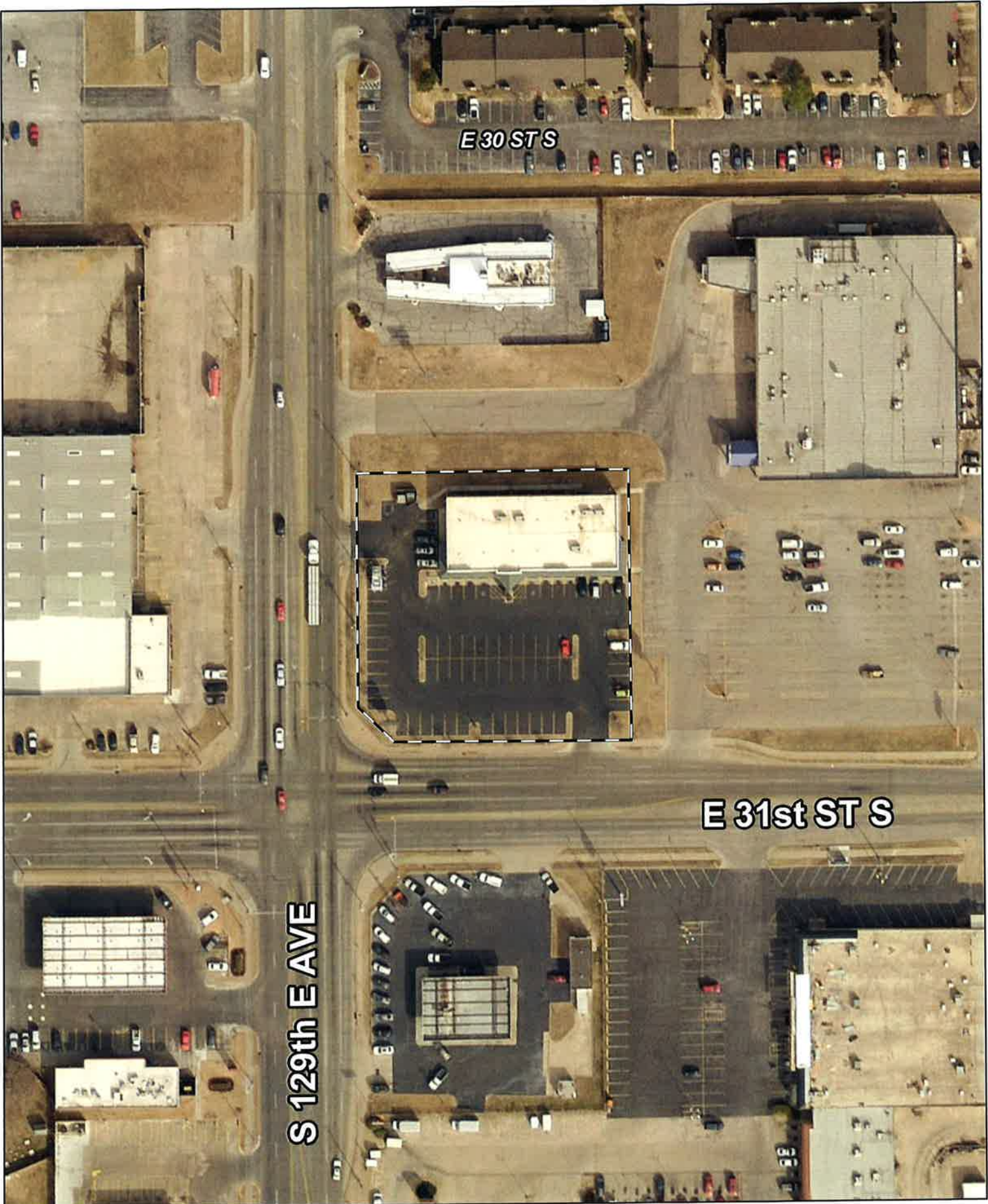
670.41 ft  
From Another  
Dispensary

3.12









0 Feet 50 100



Subject Tract

**BOA-23142**

19-14 16

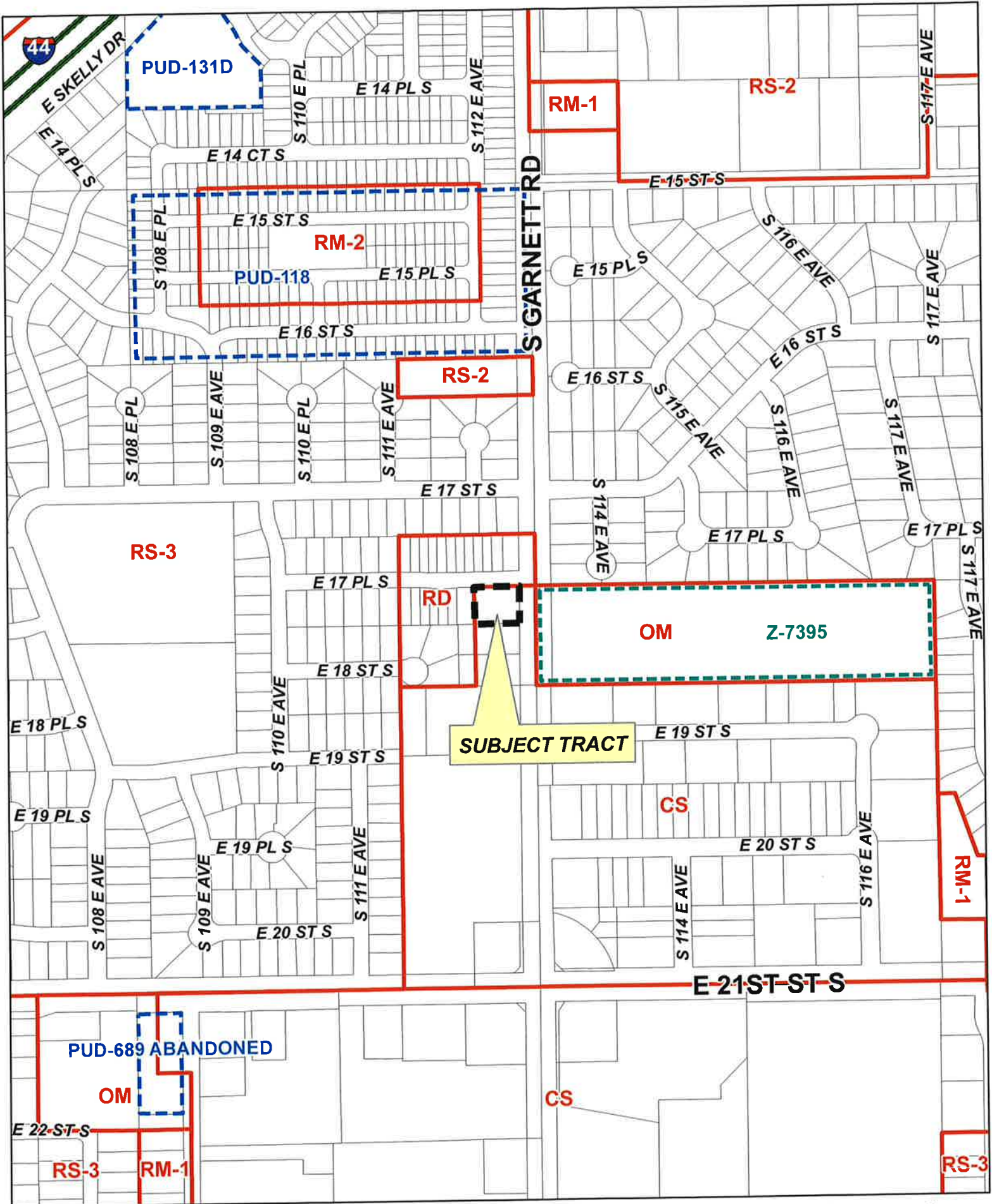
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

3.14







BOA-23143

4.1



19-14 07



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9407

Case Number: **BOA-23143**

CZM: 39

CD: 6

**HEARING DATE:** 06/22/2021 1:00 PM

**APPLICANT:** Keith Robertson

**ACTION REQUESTED:** Variance to allow a drive-through lane on a street-facing side of a property (Section 55.100-C.2).

**LOCATION:** 11240 E 17 PL S

**ZONED:** CS

**PRESENT USE:** Vacant

**TRACT SIZE:** 17990.35 SQ FT

**LEGAL DESCRIPTION:** LT 1 BLK 1, WENDY ACRES

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:**

**Z-7454;** On 09.05.18 the TMAPC recommended **denial** of a re-zoning from OL to CS. The decision was appealed to City Council and the re-zoning **approved** the re-zoning on 11/7/2018.

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

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 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. 17<sup>th</sup> Pl. S. and S. Garnett Ave.

**STAFF COMMENTS:** The applicant is requesting **Variance** to allow a drive-through lane on a street-facing side of a property (Section 55.100-C.2)

4.2

REVISED 6/14/2021

The applicant has provided an alternate site plan that appears to meet code with their application materials for comparison.

## 55.100-C Location and Design

1. Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street.
2. All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property. Drive-through lanes must be set back at least 10 feet from abutting R- or AG-R- zoned lots, and a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.070-C.

### STATEMENT OF HARDSHIP:

Drive thru window access in non-street side hardship: 1. Causes more incoming traffic flow from 17<sup>th</sup> Pl. and increases egress two way traffic onto S. Garnett Rd. from the site. Main Parking and egress drive thru parking will become congested converging together to exit onto S. Garnett Rd. Orginal Site Layout shows only egress traffic from drive thru onto 17<sup>th</sup> Pl. 2. Increase in cost for additional asphalt parking lot to extend around entire building in lieu of landscape originally shown. 3. Dumpster Enclosure will become more diffilcult to access for servicing.

### SAMPLE MOTION:

Move to \_\_\_\_\_ (approve/deny) a **Variance** to allow a drive-through lane on a street-facing side of a property (Section 55.100-C.2).

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

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

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

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

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

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

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

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

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





***Subject property***



***Facing West on E. 17<sup>th</sup> Pl.***





**Facing North on Garnett Rd.**

**PUD-256/Z-5523 May 1981:** Request to *rezone* and develop a 6 acre tract located north and east of the northwest corner of East 91st Street South and South College Avenue from RS-3/0L and RM-O to CS, RM-2 and RM-O. All concurred in **approval** of the request.

**Z-4560 March 1974:** All concurred in **approval** of a request for *rezoning* a tract of land from AG to CS on property located on the southeast corner of East 91<sup>st</sup> Street South and South Delaware Avenue.

**Z-4603 May 1974:** All concurred in **approval** of a request for *rezoning* a tract of land from AG to CS on property located on the southeast corner of Riverside Parkway and East 91<sup>st</sup> Street South.

**Applicant's Comments:**

The applicant stated the vision for this property could entail, commercial retail, restaurant, nail salon, mail service, bicycle rental, apartments, garden style apartments, 4-story exposed exterior stairs enclosed parking garage and what is unique is the parking garage is hidden by the apartments in the conceptual drawing. The applicant stated this is a rundown of some of the uses being looked at by the developers.

Mr. Dix asked the applicant if she had an idea how many stories the apartments would be?

Applicant stated 4-stories for the apartments and the parking garage.

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Fretz, Ritchey, "absent") to **APPROVE** Z-7453 rezoning from IL to MX2-V-U per staff recommendation.

**Legal Description of Z-7453:**

W815 E990 S497.67 BLK 1 LESS BEG SWC TH N497.67 E100 S497.67 W100 POB BLK 1, DELAWARE SQUARE, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**15. Z-7454 Robert Wright** (CD 6) Location: Southwest corner of East 17<sup>th</sup> Place South and South Garnett Road requesting rezoning from **OL** to **CS**

**STAFF RECOMMENDATION:**

09:05:18:2777(36)

## **SECTION I: Z-7454**

### **DEVELOPMENT CONCEPT:**

Rezoning request to support small commercial business development between existing duplexes and commercial development along Garnett Ave.

### **DETAILED STAFF RECOMMENDATION:**

Existing OL zoning and Z-7454 requesting CS zoning are not consistent with the existing neighborhood land use designation. The land use map designation apparently did not recognize the existing zoning however it did recognize the opportunity for growth at this corner. Staff will initiate a land use designation change as part of a future land use map revision and,

Uses allowed in a CS zoning district are consistent with the anticipated future development at this location and,

The uses allowed by CS zoning are non-injurious to the surrounding property owners therefore,

**Staff recommends approval of Z-7454 to rezone property from OL/ to CS.**

## **SECTION II: Supporting Documentation**

### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The existing land use category identifies this area as an existing neighborhood. Unfortunately, there is nothing about this site or properties abutting this site that is consistent with the definition of what an existing neighborhood looks like in our comprehensive plan. The Town Center designation immediately south of this site is consistent with the long term expected development pattern in this area. The comprehensive plan recognized the potential for growth which seems to be in conflict with the concept of preserving an existing neighborhood*

### **Land Use Vision:**

*Existing Land Use Plan map designation: Existing Neighborhood*

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

09:05:18:2777(37)



transit so residents can better access parks, schools, churches, and other civic amenities.

*Anticipated future land use plan map: Town Center*

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.

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

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

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

Transportation Vision:

*Major Street and Highway Plan: Multi-modal Corridor*

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of

travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

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

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is an empty field with very little terrain. There is no evidence of previous development.*

Environmental Considerations: None that would affect site development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP RW</u>	<u>Exist. # Lanes</u>
South Garnett Avenue	Secondary Arterial with Multi Modal Corridor	100 feet	5  2 lanes each direction with center turn lane
East 17 <sup>th</sup> Place South	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>

North	RD	Existing Neighborhood	Growth	Residential Duplex
East	OM with optional development plan	Town Center	Growth	Religious Assembly, Cultural Community Center and Office
South	CS	Town Center	Growth	Restaurant
West	RD	Existing Neighborhood	Growth	Vacant

### **SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 12619 dated October 13, 1972, established zoning for the subject property.

#### ***Subject Property:***

**Z-4186 October 1982:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-2 to OL on property located on the southwest corner of East 17<sup>th</sup> Place South and South Garnett Road; the subject property. (Ordinance 12619 amended Ordinance #11817 dated June 26, 1970)

#### ***Surrounding Property:***

**Z-7395 July 2017:** All concurred in **approval** of a request for *rezoning* a 9.82+ acre tract of land from RS-2 to OM with an Optional Development Plan on property located north of the northeast corner of South Garnett Road and East 19<sup>th</sup> Street South.

**Z-5430 October 1980:** All concurred in **approval** of a request for *rezoning* a tract of land from RM-1 and RM-2 to CS on property located north of the northeast corner of South Garnett Road and East 19<sup>th</sup> Street South.

**Z-4470 August 1973:** All concurred in **approval** of a request for *rezoning* a tract of land from RM-1 to CS on property located on the northeast corner of South Garnett Road and East 19<sup>th</sup> Street South.

#### **Applicant's Comments:**

The applicant stated this rezoning is needed to accommodate a pharmacy. The applicant stated he has been in the property development business for a lot of



years and has his projects has never had a negative impact only positive on surrounding area.

**INTERESTED PARTIES:**

**Neil Hunsberger** 1112 East 17<sup>th</sup> Street South, Tulsa, OK 74128

Mr. Hunsberger stated he is against changing the zoning of the subject property because there is enough traffic in this area now. Mr. Hunsberger stated if this is changed to CS this would require another entrance on to 17<sup>th</sup> Place to allow the traffic that's wants to go north to 110<sup>th</sup> and over to 17<sup>th</sup> Street to light. Mr. Hunsberger stated there is a K-6 school at 110<sup>th</sup> and these kids are walking to school and there also a line of traffic of parents picking kids up from school in the afternoons. Mr. Hunsberger stated there are a lot of open retail space in the plaza to the south for a pharmacy location. He stated there are 4 pharmacies in this area and the area doesn't need another. Mr. Hunsberger stated if this is approved 17<sup>th</sup> Place will be blocked.

**David Kelley** 10912 East 19<sup>th</sup> Street South, Tulsa, OK 74128

Mr. Kelley stated he echoes Mr. Hunsberger comments about a traffic increase not being good for this neighborhood for all the reasons he just stated. Mr. Kelley stated there is a neighborhood meeting tomorrow night with the applicant to discuss this project and Mr. Kelley believes at this time it would not be good for this application to be approved.

**Erin Benuex** 1733 South 110<sup>th</sup> East Avenue, Tulsa, OK 74128

Ms. Benuex stated she agrees with her neighbors. She stated she lives at 17<sup>th</sup> Place and 110<sup>th</sup> and there is no traffic light or sidewalk to help keep the children who are walking safe and out of the road. Ms. Benuex stated there are many empty available buildings in which to locate a pharmacy. Ms. Benuex stated she is concerned a child will be hurt or hit by a driver not paying attention.

The applicant stated the subject property is on the corner and he doesn't see the children crossing the street at this corner. The applicant stated there would not be any reason for traffic to go west when exiting the pharmacy.

**Kay Saucedo** 11030 East 17<sup>th</sup> Tulsa, OK 74128

Ms. Saucedo stated she has lived in the neighborhood for 30 years and retired from Tulsa Public Schools and she worked at the school in the neighborhood. Ms. Saucedo stated she is against this application. She stated it is not needed in this area where children will be crossing and walking. Ms. Saucedo stated this is where weed will be sold and there is another one less than a half a mile from the subject property. Ms. Saucedo stated there are a lot of empty retail spaces in the area where this could be located, and they would not be within the walking area of the school. Ms. Saucedo stated cars park on both sides of the street and cars must take turns to proceed down the street it is very dangerous, and she is against this rezoning.

**TMAPC COMMENTS:**

Mr. Reeds asked if the applicant knew what portion of the 2200 square feet would be retail?

Applicant stated 25 or 30 percent.

Mr. Reeds asked if it was like an Apothecary.

Applicant stated "yes".

Mr. Reeds asked if the applicant was looking to the future change of laws.

Applicant stated "yes". The applicant stated Mr. Kelley asked him to check if this would be affiliated with the marijuana law. The applicant stated he checked with the Pharmacy Board and was told marijuana would only be sold through distributors.

Mr. Dix asked staff if side street exit could be prevented without an optional development plan.

Staff stated "no".

Mr. Dix stated what he hears is the neighbors are not opposed to the use or the located they are opposed to the access on 17<sup>th</sup> Place.

Mr. Dix asked Ms. VanValkenburgh if Planning Commission had the authority to restrict that access.

Ms. VanValkenburgh answered there are engineering standards about the distance from an intersection where access is allowed but Ms. VanValkenburgh doesn't know what that limitation would be in this instance. Ms. VanValkenburgh stated unless there is an optional development plan there couldn't be any zoning related restrictions.

Mr. Dix asked if they could require an optional development plan.

Staff stated Planning Commission could deny the request for straight zoning and have applicant return with an optional development plan.

Staff stated if Planning Commission chooses to deny and require an optional development plan a sidewalk would be required along 17<sup>th</sup> Place.

Mr. Covey asked staff if this was New Neighborhood or Existing Neighborhood?

Staff answered, "Existing Neighborhood".

Mr. Covey stated he was looking at the Land Use Plan and he could make an argument for either one. Mr. Covey stated he could see it being a Town Center because of the area to the east or if you look at 17<sup>th</sup> Place an argument could be made for Existing Neighborhood.

Staff stated if you look at the Growth and Stability Map it clearly recognizes this as an Area of Growth and recognizes there is an opportunity for future redevelopment in the area.

Mr. Covey asked staff what would be allowed with the current zoning of OL. Staff answered any doctor's office or professional office would work with OL zoning.

Mr. Covey asked why the applicant needed to change the zoning?

Staff answered the applicant has been to the permit office with a request to put a pharmacy in this location and this pharmacy is not a typical Walgreens type store and the Zoning Code classifies pharmacy as retail and retail is not allowed in OL zoning districts.

Mr. Reeds asked if a Pharmacy and an Apothecary Pharmacy was the same thing.

Staff stated under the Zoning Code they are the same.

Mr. Covey asked staff if the applicant put in a professional service could they exit on 17<sup>th</sup> Place by right.

Staff answered "yes", unless there is an engineering reason such as view obstruction from terrain or another engineering reason, otherwise an exit on 17<sup>th</sup> Place is allowed.

Mr. Reeds asked if there were minimum distances from the corner before curb cuts are allowed.

Staff stated there are guidelines and during site plan reviews that is looked at but there is nothing limiting that distance.

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Fretz, Ritchey, "absent") to **DENY Z-7454** rezoning from OL to CS.

**Legal Description of Z-7454:**

09:05:18:2777(43)

**OTHER BUSINESS**

**16. Commissioners' Comments**

Mr. Dix spoke about the importance of communication between a developer and contractor and how that can affect the finished project if the site plan is not followed.

**ADJOURN**

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Fretz, Ritchey, "absent") to **ADJOURN** TMAPC meeting 2777.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 3:40 p.m.

Date Approved:

\_\_\_\_\_

\_\_\_\_\_

Chairman

ATTEST:

\_\_\_\_\_

Secretary



**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

April 26, 2021

LOD Number: 1  
Keith Robertson  
PO BOX 9829  
Tulsa, OK 74157

Phone: 918.694.3543

APPLICATION NO:

**BLDC-21802-2019/2021**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

**4323 S Elwood Ave.**

Description:

**New Pharmacy**

**11240 E. 17th Pl.**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

#### IMPORTANT INFORMATION

1. 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 THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT [TULSAPLANNING.ORG](http://TULSAPLANNING.ORG); IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
4. A COPY OF A "RECORD SEARCH" ☒ IS ☐ IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

4.16

## REVIEW COMMENTS

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

BLDC-081346-2021

4323 S Elwood Ave

April 26, 2021

**Note:** As provided for in Section 70.130 you may request the Board of Adjustment (BOA) 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 a representative at the Tulsa Planning Office at 918-584-7526 or [esubmit@incog.org](mailto:esubmit@incog.org). It is your responsibility to submit to our office documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

**Sec.55.100-A:** In addition to the parking required for each use, establishments with drive-through facilities must provide stacking spaces for each drive-through station as indicated in [Table 55-6](#):

*Table 55-6: Drive-through Stacking Space Requirer*

Use	Minimum Spaces (per lane)
Automated teller machine	2 (measured from ATM)
Bank	3 (measured from teller or service area)
Car wash, automated or customer-operated	2 (measured from vehicle entrance)
Car wash, attendant hand wash	3 (measured from vehicle entrance)
Drug store	2 (measured from pick-up window)
Restaurant drive-through	3 (measured from order board)
Kiosks	2 (measured from service window)
Other	As determined by the development administrator

**Sec.55.100-B:** Each lane of stacking spaces must be at least 8 feet in width and at least 18 feet in length. Stacking lanes must be delineated with pavement markings.

**Sec.55.100-C: Location and Design**

1. Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street.
2. All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property. Drive-through lanes must be set back at least 10 feet from abutting R- or AG-R- zoned lots, and a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of [§65.070-C](#).

**Sec.55.100-D:** The principal pedestrian access to the entrance of the use from a public sidewalk may not cross the drive-through facility stacking lane.

**Review comment:** The proposed drive-through lane is on a street facing side of the property. Submit a site plan that places the drive-through lane on a non-street-facing side of the property. You may wish to consider a variance to allow the drive-through lane on a street-facing side of the property.

**Note:** All references are to the City of Tulsa Zoning Code. Link to Zoning Code:  
<http://tulsaplanning.org/plans/TulsaZoningCode.pdf>

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

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

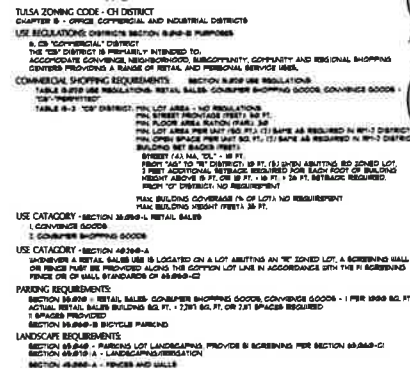
**A hard copy of this letter is available upon request by the applicant.**

### **END – ZONING CODE REVIEW**

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

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

STREET LIGHTS:



AND 10' TO 20'.

AND 1/2" TO 1" THICKNESS SHALL MEET FLOOR SURFACES.

AND 1) GENERAL FLOOR SURFACES SHALL BE STABLE, FIRM, AND SLIP RESISTANT AND SHALL COMPLY WITH SECTION 185. CHANGES IN LEVEL IN FLOOR SURFACES SHALL BE LIMITED TO 1/4" PER 10'.

AND 2) 1/2" TO 1" THICKNESS ACCESSIBLE RAMP SHALL COMPLY WITH SECTION 403.

AND 1/2" TO 1" THICKNESS COMPONENTS

AND 1) GENERAL SURFACES SHALL BE ONE OF THE FOLLOWING COMPONENTS: WALKING SURFACES OR A SLOPE NOT STEEPER THAN 1:20. DOORS AND CURTAINS SHALL BE OPENED AND CLOSED SMOOTHLY, WITHOUT SHOCKS OR VIBRATIONS. ALL COMPONENTS OF AN ACCESSIBLE RAMP SHALL COMPLY WITH THE APPLICABLE PORTIONS OF THIS STANDARD.

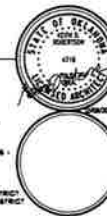
AND 1/2" TO 1" THICKNESS WALKING SURFACES

AND 1) GENERAL WALKING SURFACES THAT ARE A PART OF AN ACCESSIBLE RAMP SHALL COMPLY WITH SECTION 403.

AND 2) 1/2" TO 1" THICKNESS SLOPES OF WALKING SURFACES SHALL NOT BE STEEPER THAN 1:20. THE CROWN SLOPE OF A WALKING SURFACE SHALL NOT BE STEEPER THAN 1:48.

AND 1/2" TO 1" THICKNESS TIE-IN FLOOR SURFACES

TRANSITION SPACES AND ACCESS WALKS SHALL COMPLY WITH SECTION 185 AND ACCESS WALKS SHALL BE AT THE SAME LEVEL AS THE PLACING SPACES.



**KEITH D. ROBERTSON ARCHITECT A.I.A. PLLC**  
IN ASSOCIATION WITH ROBERT WRIGHT  
48733 HWY. 81/0.0 (OLD ROUTE 141)  
TULSA, OKLAHOMA 74117  
TEL: 918-749-2510 FAX: 918-444-3276

NEW PHARMACY

AC1

**SITE PLAN**  
1/8"=1'-0"  
DECEMBER 07 2021  
REV PER CITY OF TULSA COMMENTS APRIL 08 2021

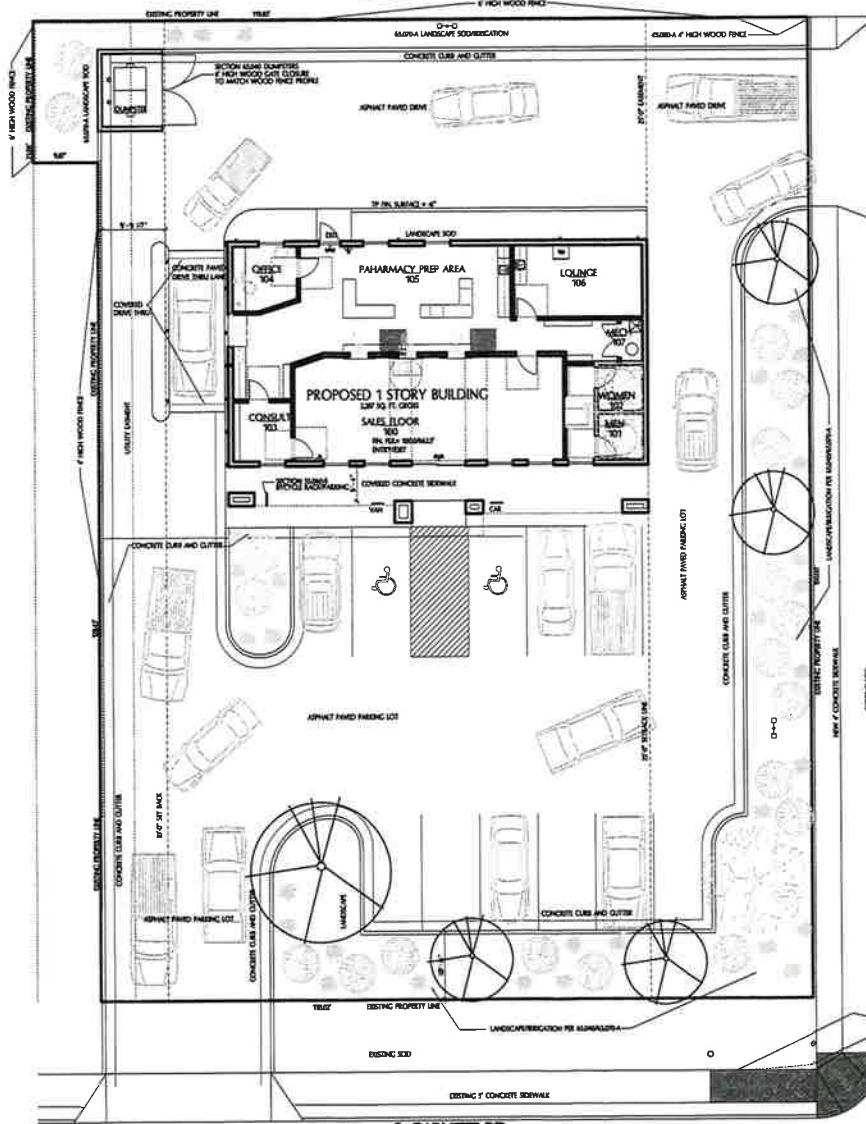
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4.20

CS ZONING

RD ZONING



S. GARNETT RD.

SITE PLAN

1/8"=1'-0"

E. 7TH PL. SOUTH

REMOVE EXISTING CURBING AS SHOWN  
PER AS QUOTE SUBMITTED TO ACCEPT NEW  
ADVANCING TOLL BROW COT EOL



ALTERNATE SITE PLAN

1/8"=1'-0"  
MAY 11 2021

AC1

TULSA ZONING CODE - CH DISTRICT  
CHAPTER 8 - OFFICE, COMMERCIAL AND INDUSTRIAL DISTRICTS  
USE REGULATIONS DISTRICTS SECTION 8.000-B PURPOSES  
A. OR "COMMERCIAL" DISTRICT  
THE "C" DISTRICT IS PREPARATION INTENDED TO:  
ACCOMMODATE COMMERCIAL, NEIGHBORHOOD, SUBCOMPLANT, COMPLYMENT AND REGIONAL SHOPPING  
CENTERS PROVIDING A RANGE OF RETAIL AND PERSONAL SERVICE USES.  
COMMERCIAL SHOPPING REQUIREMENTS: SECTION 8.000 USE REGULATIONS  
TABLE 8.000 USE REGULATIONS: RETAIL SALES, CONSUMER SHOPPING GOODS, CONVENIENCE GOODS -  
"C" - "RESIDENTIAL"  
TABLE 8.0-3 "C" DISTRICT: MIN. LOT AREA - NO REGULATIONS  
MIN. STREET FRONTAGE: FEET: 140 FT.  
MIN. FLOOR AREA: BATH: 5000 SQ. FT.  
MIN. LOT AREA PER UNIT: 1500 SQ. FT. (1) SAME AS REQUIRED IN R-1.3 DISTRICT  
MIN. OPEN SPACE PER UNIT: 500 SQ. FT. (1) SAME AS REQUIRED IN R-1.3 DISTRICT  
BUILDING SET BACKS: STREET  
STREET (ALL) MIN. 10' - 10' FT.  
FROM 140' TO 10' (CIRCUMFERENCE) 10' FT. (1) WHEN ADJUTING ADJUTED LOT  
1' FEET ADDITIONAL SETBACK REQUIRED FOR EACH FOOT OF BUILDING  
HEIGHT ABOVE 8' FT. OR 10' FT. - 10' FT. 1' 10' FT. SETBACK REQUIRED  
MIN. 10' DISTRICT: NO REQUIREMENT  
MAX. BUILDING HEIGHT: IN (1) LOT: NO REQUIREMENT  
MAX. BUILDING HEIGHT: FEET: 35 FT.  
USE CATEGORY - SECTION 8.000-1 RETAIL SALES  
1. CONVENIENCE GOODS  
2. CONSUMER SHOPPING GOODS  
USE CATEGORY - SECTION 8.000-2  
WHENEVER A RETAIL SALES USE IS LOCATED ON A LOT ADJUTING AN "R" ZONED LOT, A SCREENING WALL  
OR FENCE MUST BE PROVIDED ALONG THE COMMON LOT LINE IN ACCORDANCE WITH THE F. SCREENING  
FENCE OR OF WALL STANDARDS OF 8.000-2 C  
SCREENING REQUIREMENTS:  
SECTION 8.000-2 RETAIL SALES, CONSUMER SHOPPING GOODS, CONVENIENCE GOODS - 1 PER 1000 SQ. FT.  
ACTUAL RETAIL SALES BUILDING SQ. FT. 1.375' SQ. FT. OR 1.21' UNLESS REQUIRED  
1 SPACES PROVIDED  
SECTION 8.000-2 BICYCLE PARKING  
LANDSCAPE REQUIREMENTS:  
SECTION 8.000-2 PARKING LOT LANDSCAPE: PROVIDE 6 SCREENING PER SECTION 8.000-2 C  
SECTION 8.000-2 A - LANDSCAPING/REGULATION  
SECTION 8.000-2 A - FENCES AND WALLS

### GENERAL NOTES :

ANSI 101.1, 2005

- ANSI 101.1, 2005 SECTION 101.1 FLOOR SURFACES  
101.1 GENERAL FLOOR SURFACES SHALL BE STABLE, FIRM, AND SLIP RESISTANT AND  
SHALL COMPLY WITH SECTION 101.1. CHANGES IN LEVEL IN FLOOR SURFACES SHALL  
COMPLY WITH SECTION 101.1.
- ANSI 101.1, 2005 SECTION 101.1 ACCESSIBLE ROUTES SHALL COMPLY WITH SECTION 101.1  
ACCESSIBLE ROUTES SHALL COMPLY WITH ONE OR MORE OF THE FOLLOWING  
COMPONENTS: WALKING SURFACES WITH A SLOPE NOT GREATER THAN 1:50, DOORS AND  
DOORWAYS, STAIRS INCLUDING THE PLANNED STAIRS, ELEVATORS AND PLATFORM LIFTS.  
ALL COMPONENTS OF AN ACCESSIBLE ROUTE SHALL COMPLY WITH THE APPLICABLE  
PORTIONS OF THIS STANDARD.
- ANSI 101.1, 2005 SECTION 101.1 BALDING SURFACES  
101.1 GENERAL WALKING SURFACES THAT ARE A PART OF AN ACCESSIBLE ROUTE  
SHALL COMPLY WITH SECTION 101.1.
- ANSI 101.1, 2005 SECTION 101.1 BALDING SURFACES THAT ARE A PART OF AN ACCESSIBLE ROUTE  
SHALL COMPLY WITH SECTION 101.1.
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- ANSI 101.1, 2005 SECTION 101.1 BALDING SURFACES THAT ARE A PART OF AN ACCESSIBLE ROUTE  
SHALL COMPLY WITH SECTION 101.1.

KEITH D. ROBERTSON ARCHITECT A.I.A. PLLC  
IN ASSOCIATION WITH ROBERT WRIGHT

NEW PHARMACY

GARNETT WOODS LOT 1, BLOCK 1

TULSA, OKLAHOMA



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0 200 400  
Feet



Subject  
Tract

**BOA-23143**

19-14 07

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

Aerial Photo Date: February 2018

4.21







S 111 E AVE

E 17 ST S

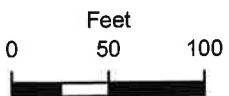
S 112 E AVE

S 114 E AVE

E 17 PL S

E 18 ST S

S GARNETT RD



Subject  
Tract

**BOA-23143**

19-14 07

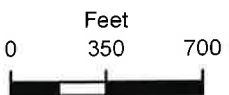
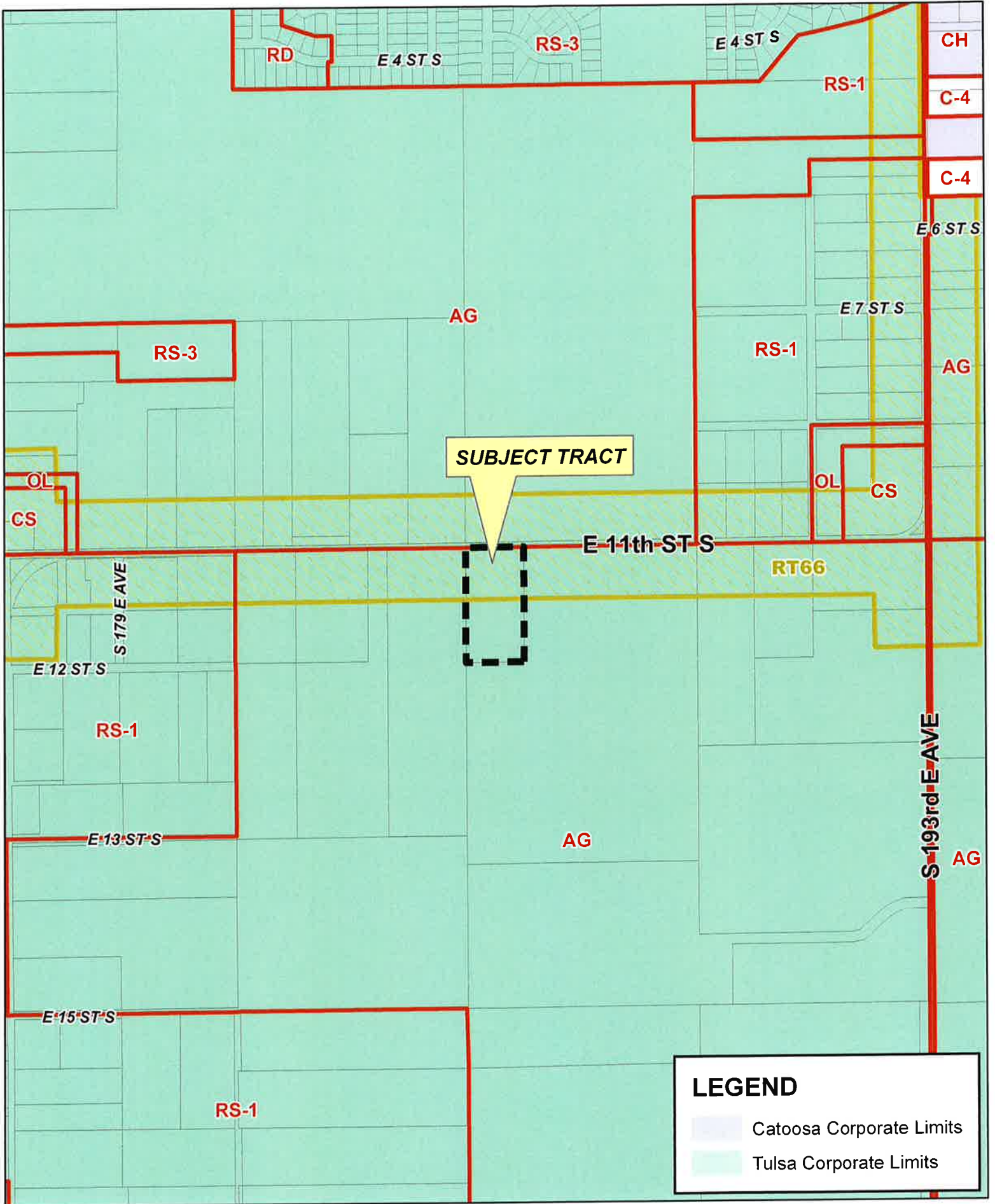
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



4.22





**BOA-23144**

**5.1**





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9412

Case Number: **BOA-23144**

CZM: 40

CD: 6

**HEARING DATE:** 06/22/2021 1:00 PM

**APPLICANT:** Mark Wayne

**ACTION REQUESTED:** Variance to reduce the minimum lot width in the AG district to permit a lot split (Section 25.020, Table 25-2).

**LOCATION:** 18528 E 11 ST S

**ZONED:** AG

**PRESENT USE:** Residential

**TRACT SIZE:** 217800.89 SQ FT

**LEGAL DESCRIPTION:** W/2 NW NW NE SEC 12 19 14

**RELEVANT PREVIOUS ACTIONS:** None.

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located West of the SW/c of S. 193<sup>rd</sup> E. Ave. and E. 11<sup>th</sup> St. S.

**STAFF COMMENTS:** The applicant is requesting Variance to reduce the minimum lot width in the AG district to permit a lot split (Section 25.020, Table 25-2).

5.2

*Table 25-2: AG District Lot and Building Regulations*

Regulations	AG	AG-R
Min. Lot Area	2 acres	1 acre
Min. Lot Area per Unit	2 acres	1 acre
Minimum Lot Width (feet)	200	150
Min. Lot Frontage (feet)	30	30
Min. Building Setbacks (feet)		
Street	25	25

The applicant is seeking to reduce the lot width from 200' to 162.62'. There are several buildings on the site, compliance to other portions of the zoning code will be reviewed as a part of the lot split application. City of Tulsa Development Services provide the comments below regarding the lot split application LS-21337 related to this variance application.

- **Building Code:** Okay.
- **Stormwater:** Okay / Note: Property drains to Center Creek. May need on-site detention for future development on either lot.
- **Sanitary Sewer:** Public sanitary sewer not available for service connection in the vicinity of the site.  
(This does not require action for lot split approval – but please note you are responsible for obtaining permits from ODEQ for any septic/aerobic systems)
- **Water:** Conditional approval – Each tract with existing buildings cannot share a single water service meter. Each tract must have a water service meter issued for the existing building structures.
- **Right-of-way:** All lots will have access to ROW. 24.5' statutory ROW is shown on plat. Total of 50' of ROW is required for approval.
- **Fire:** OK

**STATEMENT OF HARDSHIP:** We are trying to split 5 acres into 2 equal 2.5 acre lots. We have 165' of road frontage, which is just short of the 200' in the zoning requirements. We feel like 165' of frontage for each lot is plenty, as we don't plan on changing anything. My dad wants to pass this property on to his 2 sons. This is a fair and equitable way to divide the property, which is perfectly divided by a fence down the middle.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a Variance to reduce the minimum lot width in the AG district to permit a lot split (Section 25.020, Table 25-2)

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

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

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





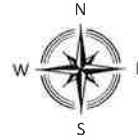
***Subject Property***

# PLAT OF SURVEY

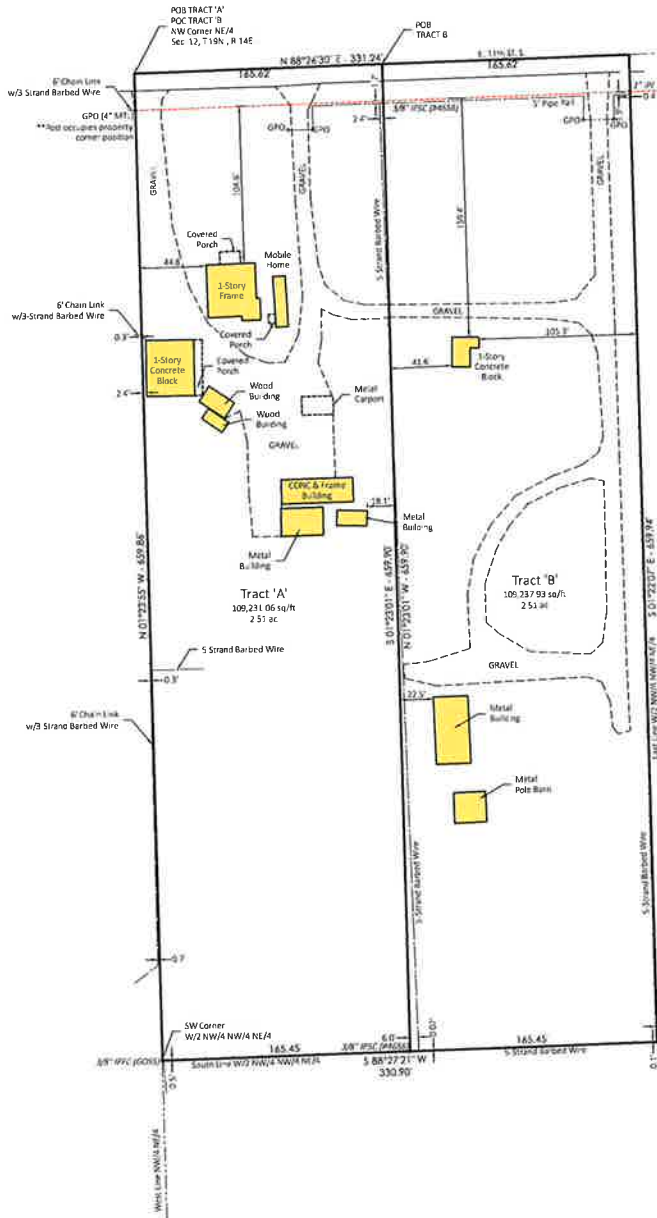
OF: The W/2 of the NW/4 of the NW/4 of the NE/4 of Section 12,  
Township 19 North, Range 14 East, Tulsa County, Oklahoma.  
18518 EAST 11th STREET SOUTH

## GENERAL NOTES

- The grid bearings shown hereon are based upon the Oklahoma State Plane Coordinate System, North Zone 3501, NAD 83 (1993).
- The properties described hereon contains:  
Undivided Tract = 218,468.99 sq ft, or 5.02 acres, more or less.  
Tract A = 109,231.06 sq ft, or 2.51 acres, more or less.  
Tract B = 109,237.93 sq ft, or 2.51 acres, more or less.
- The property described hereon is located in flood zone "X-UNSHADED", as per Flood Insurance Rate Map, Community Panel No. 405381 0350L effective date: September 30, 2016.
- Fieldwork completed September 16, 2020.



0 40 80 120



## LEGAL DESCRIPTION OF THE REAL PROPERTY

### UNDIVIDED TRACT:

The W/2 of the NW/4 of the NW/4 of the NE/4 of Section 12, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

### TRACT A:

A tract of land being the West Half of the West Half of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (W/2 W/2 NW/4 NW/4 NE/4) of Section Twelve (12), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows:

**BEGINNING** at the Northwest corner of the Northwest Quarter (NW/4), thence North 88°26'30" East and along the North line of said NE/4, for a distance of 165.62 feet; thence South 01°23'01" East, for a distance of 659.90 feet to a point the South line of said W/2 NW/4 NW/4 NE/4; thence South 88°27'21" West and along said South line, for a distance of 165.45 feet to the Southwest corner of said W/2 NW/4 NW/4 NE/4; thence North 01°23'55" West and along the West line of said W/2 NW/4 NW/4 NE/4, for a distance of 659.86 feet to the POINT OF BEGINNING

### TRACT B:

A tract of land being the East Half of the West Half of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (E/2 W/2 NW/4 NW/4 NE/4) of Section Twelve (12), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows:

**COMMENCING** at the Northwest corner of the Northwest Quarter (NW/4), thence North 88°26'30" East, for a distance of 165.62 feet to the POINT OF BEGINNING; thence continuing North 88°26'30" East and along said North line, for a distance of 165.62 feet to the Northeast corner of said W/2 NW/4 NW/4 NE/4; thence South 01°23'01" East and along the East line of said W/2 NW/4 NW/4 NE/4, for a distance of 659.94 feet to the Southeast corner of said W/2 NW/4 NW/4 NE/4; thence South 88°27'21" West and along the South line of said W/2 NW/4 NW/4 NE/4, for a distance of 165.45 feet; thence North 01°23'01" West, for a distance of 659.90 feet to the POINT OF BEGINNING

## NOTES

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

## SURVEYORS CERTIFICATE

I, Nathaniel J. Reed of the State of Oklahoma, and a Professional Surveyor, do hereby certify that the above shown survey was made and is correct to the best of my knowledge.

WITNESS my hand and seal this 16th day of SEPTEMBER, 2020.



## SYMBOL LEGEND

- Case Post
- Fence Line (A) Types
- Survey Control Point Found
- Survey Control Point Set
- Section Corner
- POB - Point of Beginning
- POC - Point of Commencement
- IPF - Iron Pin Found
- IPFC - Iron Pin Found w/Cap
- IPSC - Iron Pin Set w/Cap

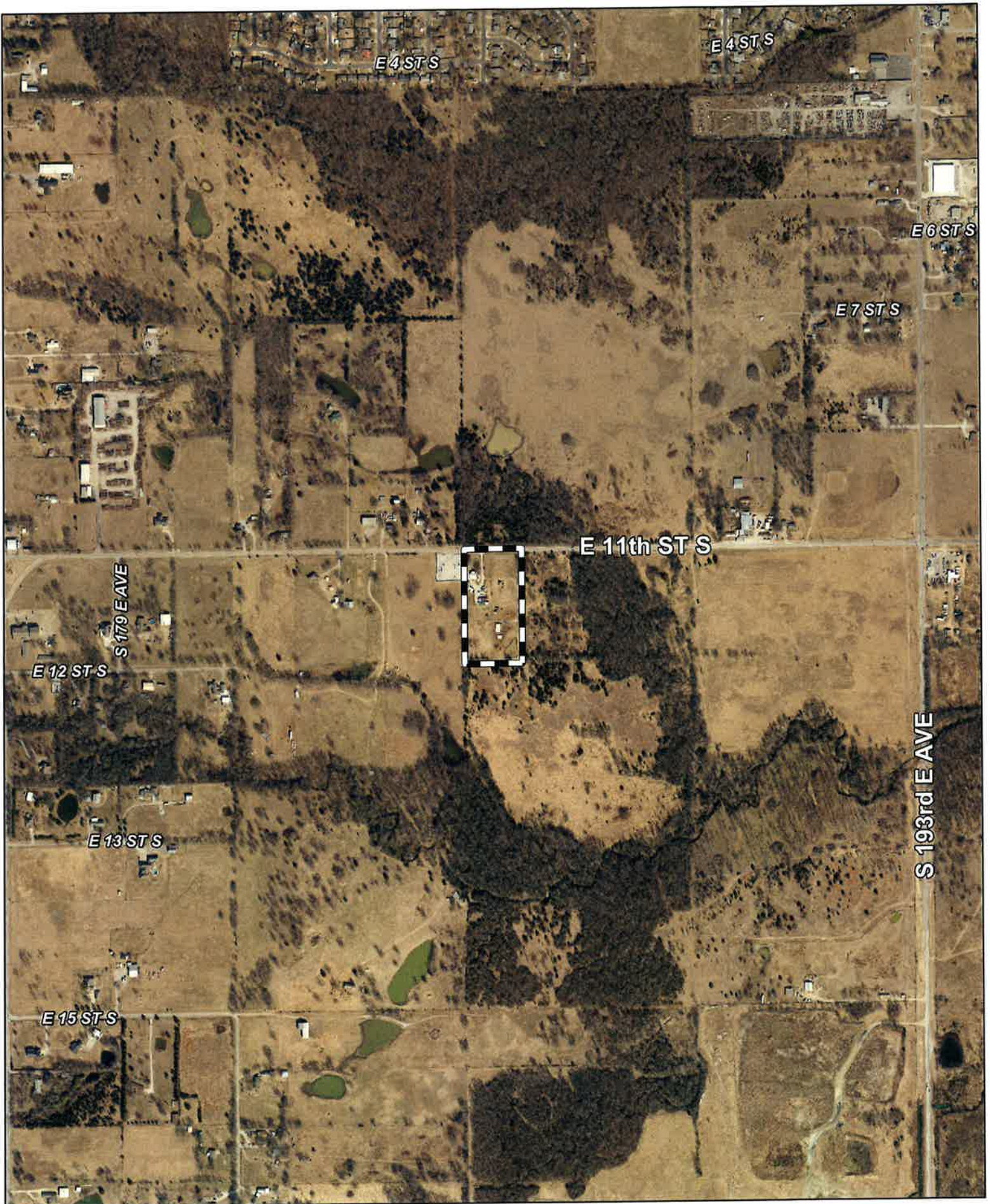


48 HOURS BEFORE YOU DIG, CALL OKIE  
1-800-522-6543  
HARDEN ASSOCIATES, INC.

5807 South Garrett Road, Suite K, Tulsa, Oklahoma 74116		REVISIONS		BY	DATE	Certificate of Authorization No. 4834		Expires June 30, 2021	
HARDEN ASSOCIATES, INC.		SURVEYING AND MAPPING, INC.		PLAT OF SURVEY		Drawn By: JLN		Checked By: NOK	
Date: 09/16/2020		Scale: 1"=80'		Sheet: 1 of 1		Proj. No.: 201051			

5.6





0 Feet 350 700



Subject Tract

**BOA-23144**

19-14 12

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

Aerial Photo Date: February 2018

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E 11th ST S



0 Feet 50 100



Subject Tract

**BOA-23144**

19-14 12

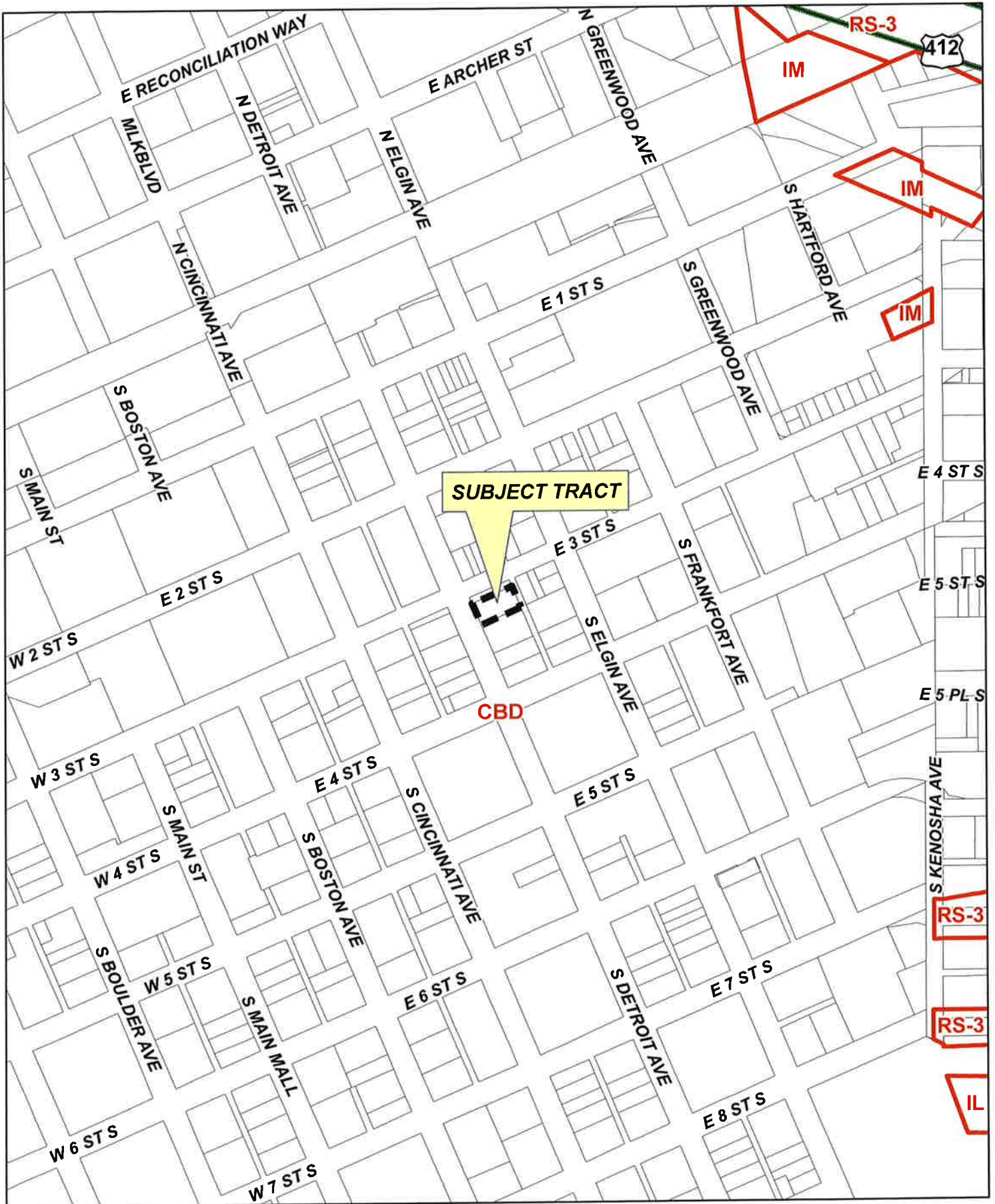
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Aerial Photo Date: February 2018

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**BOA-23146**

19-12 01

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: **BOA-23146**

CZM: 36

CD: 4

**HEARING DATE:** 06/22/2021 1:00 PM

**APPLICANT:** Mike Thedford

**ACTION REQUESTED:** A Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use (Community Center/Caring Center Downtown) in the CBD District (Sec. 15.020, Table 15-2)

**LOCATION:** 305 S DETROIT AV E

**ZONED:** CBD

**PRESENT USE:** Governmental Service or Similar Functions **TRACT SIZE:** 11199.32 SQ FT

**LEGAL DESCRIPTION:** S80 LT 8 BLK 116, TULSA-ORIGINAL TOWN

**RELEVANT PREVIOUS ACTIONS:** None.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of "Downtown " 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 located at the SW/c of E. 3<sup>rd</sup> Street and S. Detroit Ave.

**STAFF COMMENTS:** The applicant is requesting a **Special Exception** to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use (Community Center/Caring Center Downtown) in the CBD District (Sec. 15.020, Table 15-2)

6.2

Chapter 15 | Office, Commercial and Industrial Districts  
Section 15.020 | Use Regulations

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory Specific use												
<b>PUBLIC, CIVIC AND INSTITUTIONAL</b>												
Airport	S	S	S	S	S	S	S	S	S	S	S	
Cemetery	S	S	S	S	S	S	S	S	S	S	S	<a href="#">Section 40.150</a>
College or University	S	P	P	P	P	P	P	P	S	S	S	<a href="#">Section 40.070</a>
Day Care	S	P	P	P	P	P	P	P	S	S	S	
Detention and Correctional Facility	S	S	S	S	S	S	S	S	S	S	S	<a href="#">Section 40.130</a>
Fraternal Organization	S	S	S	S	S	S	S	S	S	S	S	
Governmental Service or Similar Functions	S	S	S	S	S	S	S	S	S	S	S	

The applicant is representing First Baptist Church which currently owns and operates the Care Center of the subject lot. The applicant is wishing to make improvements on the site, but there has never been a special Exception granted on the site.

**SAMPLE MOTION:** Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use (Community Center/Caring Center Downtown) in the CBD District (Sec. 15.020, Table 15-2)

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

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



***Subject property***



## **DOWNTOWN CARING CENTER – VISION STATEMENT**

First Baptist Church's Downtown Caring Center is an integral part of the ministry and life of the church, and serves as a place where members can practice the service to others that the Bible calls for.

Our mission as a church is to "Glorify God in all we do." Serving the under-resourced by providing food, clothing, help with utility bills, and prayer, and doing so in the name of Jesus fulfills that mission by bringing glory to God.

Our vision as a church is "To develop Jesus-followers who become difference makers for a world of people far from God." The ministry of the Caring Center allows our people to develop personally as Jesus-followers, allows them to make a difference for one person or one family at a time, and draws others to know Jesus and become followers, too.

FBC has five stated values—Worship, Community, Service, Scripture, and Transformation. The ministry of the Caring Center fulfills three of those values. There is real community that happens among those that volunteer on a regular basis. Deep friendships are formed, and the serving groups care for and pray for one another—community. Service is the value that is most exemplified by the work of the Caring Center in the Tulsa community. And we get to witness transformation in ourselves and others when we act more like Jesus through our service, and also when others' lives are radically transformed through meeting Jesus for the first time.

The Caring Center helps with basic necessities for anyone that comes through the doors. That includes food, clothing, and utility assistance. We also help, as we are able, with transportation needs, reading glasses, obtaining identification cards, prescriptions, Bibles, and various other needs that arise. With every person that comes through the door, we offer to pray with and for them about their needs.

The current location of the Caring Center Downtown, which has been in operation for more than 20 years, is not adequately sized to meet the current or future demand for services. There are two separate waiting rooms, both of which are cramped and don't allow for social distancing and comfort. This also cuts into the space used for clothing and food. The ministry rooms are cramped, and there is no place for a private conversation or a place to pray with someone out of the way of others. Some of our clients suffer from mental illness, while others deal with substance abuse. Some come from a fixed income and need help, while others are suffering temporary setbacks such as job loss or other circumstances that lead them to seek help. To all, we want to provide a welcoming environment that provides dignity, a certain level of anonymity if they desire it, and some level of comfort. While our people are certainly welcoming, none of those other things exist in our current space.

We are seeking to build a building that is about 70% larger than the current space, and with that added space we can more effectively be the Church and minister to those that seek help in a number of ways.

Also, the pending City of Tulsa right-of-way closure is an important factor in the decision to build a new facility. This will provide an additional 15 feet of buildable land and provide the extra space for a more effective layout.

With more room on the grocery side, we can:

- Give clients more room to “shop” for their own groceries
- Allow for more variety, shelf space, and cold storage for what we give away
- Pray for clients without being in the way of others trying to shop or get help
- Allow for social distancing

With more room on the clothing side, we can:

- Give clients more room to “shop” for their own clothing
- Allow us to put out more clothes to choose from
- Pray with clients without being in the way of others
- Allow for social distancing

With more room in our storage area, we can:

- Receive and store more donations from the community
- Allow for efficiency and organization of goods to give away

With more room in our waiting area, we can:

- Provide dignity and serenity to people waiting to be served
- Allow for social distancing
- Provide a better area for holding worship services, Bible Studies, community education classes, or other meetings as the needs arise

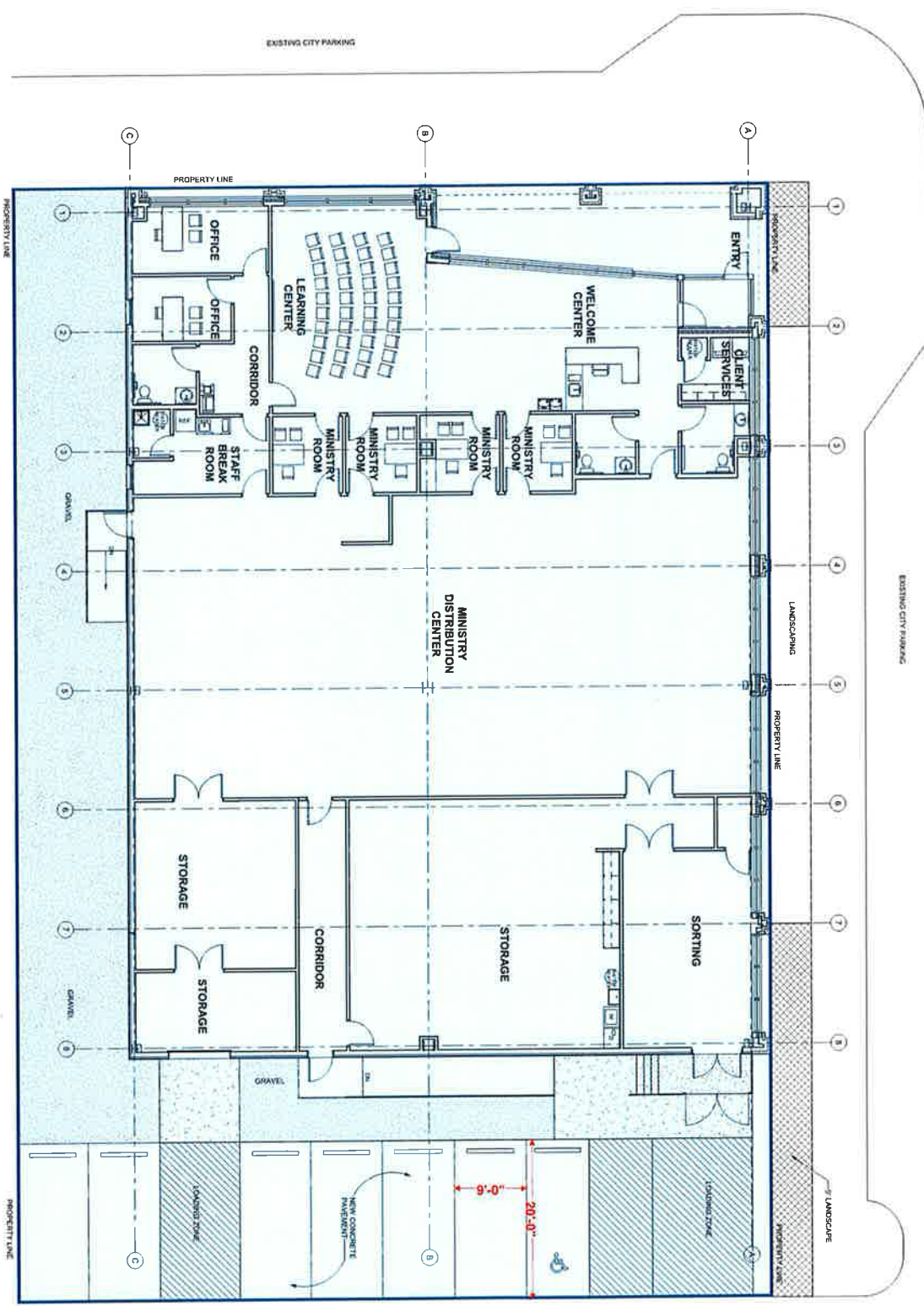
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SOUTH DETROIT AVENUE

EAST 3RD STREET

ZONING TABLE

ZONING DISTRICT: CBD  
PARKING REQUIRED: 0 SPACES  
BUILDING SETBACK: 0' ALL SIDES



ALLEY

First Baptist Church Tulsa  
FBC Outreach Center

305 S. Detroit, Tulsa, OK 74120  
SCHEMATIC DESIGN

**Dewberry**  
Dewberry & LeBoeuf Inc.  
1000 N. Lincoln  
Tulsa, OK 74103  
Tel: 918.592.1111  
Fax: 918.592.1112  
www.dewberry.com  
Dewberry Engineers, Inc.  
1000 N. Lincoln  
Tulsa, OK 74103  
Tel: 918.592.1111  
Fax: 918.592.1112  
www.dewberry.com  
William Engineering  
1000 N. Lincoln  
Tulsa, OK 74103  
Tel: 918.592.1111  
Fax: 918.592.1112  
www.dewberry.com  
Greenly Mason, LLC  
1000 N. Lincoln  
Tulsa, OK 74103  
Tel: 918.592.1111  
Fax: 918.592.1112  
www.dewberry.com  
Hovnan & Associates Inc.  
1000 N. Lincoln  
Tulsa, OK 74103  
Tel: 918.592.1111  
Fax: 918.592.1112  
www.dewberry.com

SCALE  
PRELIMINARY DOCUMENTS  
NOT FOR CONSTRUCTION

KEY PLAN

SCALE

NO.	DESCRIPTION	DATE
1	REVISIONS	
2		
3		
4		
5		
6		
7		
8		
9		
10		

DRAWN BY: ALAN  
APPROVED BY: ALAN  
CHECKED BY: CHAD  
DATE: 09.11.2014  
TITLE: FLOOR PLAN  
OPTION B

PROJECT NO: 301194  
A-1011B

SHEET NO









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Subject  
Tract

**BOA-23146**

19-12 01

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

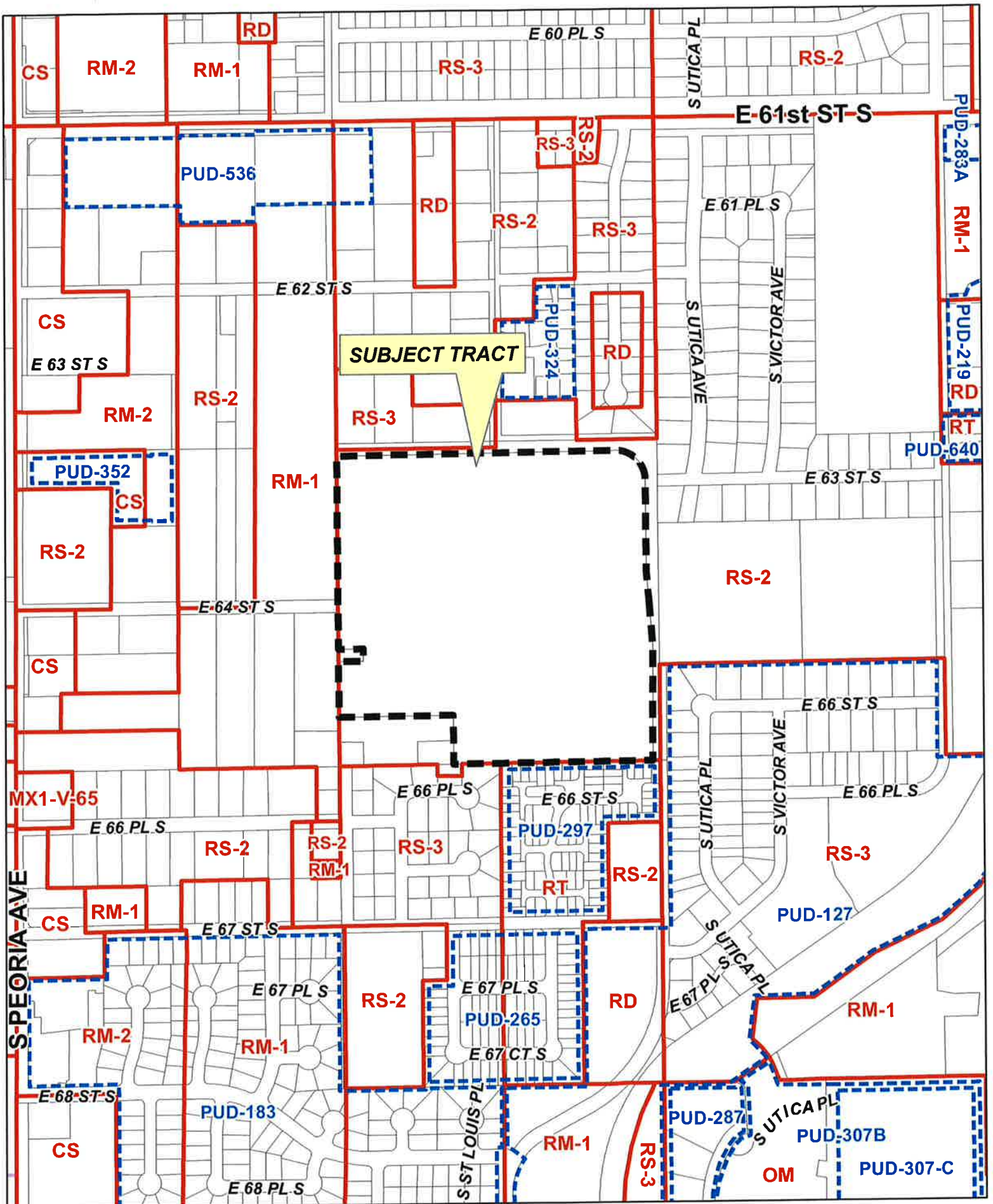
Aerial Photo Date: February 2018



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**BOA-23148**

18-13 06





# BOARD OF ADJUSTMENT CASE REPORT

STR: 8306

Case Number: **BOA-23148**

CZM: 52

CD: 2

**HEARING DATE:** 07/13/2021 1:00 PM

**APPLICANT:** Mark Capron

**ACTION REQUESTED:** Special Exception to modify the approved site plan in BOA-13745-B for a school facility in a RS-2 district (Sec. 70.120) Variance of the dustless, all-weather parking surface requirements for a parking lot (Section 55.090-F)

**LOCATION:** 6363 S TRENTON AV E

**ZONED:** RS-2

**PRESENT USE:** School (Metro Christian Academy)

**TRACT SIZE:** 1533492.52 SQ FT

**LEGAL DESCRIPTION:** See attached.

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject property:**

**BOA-13745-B;** On 2.24.15 the board **approved** a modification of a previously approved site plan and variance to increase the permitted height from 35 to 39 feet.

**BOA-13745-A;** On 11.10.09 the Board **approved** a Minor Special Exception to permit amend a previously approved site plan to add a track and field facility to the football stadium.

**BOA-13745;** On 9.26.85 the Board **approved** a Special exception to add stadium seating and lighting to the football field at Metro Christian Academy and a variance of the all-weather parking requirements.

**BOA-6294;** On 5.6.69 the Board **approved** a Special Exception for a school.

### **Surrounding properties:**

**BOA-20397;** On 12.12.06 the Board **approved** a modification of the previously approved site plan in BOA-20062.

**BOA-20062;** On 06.28.05 the Board **approved** a Special Exception for a school use on the lot abutting the subject lot for a baseball practice facility.

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

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,

7.2

REVISED 6/14/2021

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is South of the SW/c of S. Trenton Ave. and E. 64<sup>th</sup> St. S.

**STAFF COMMENTS:** The applicant is requesting a **Special Exception** to modify the approved site plan in BOA-13745-B for a school facility in a RS-2 district (Sec. 70.120) **Variance** of the dustless, all-weather parking surface requirements for a parking lot (Section 55.090-F)

#### **55.090-F Surfacing**

1. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of Section 55.090-F.4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.
2. All motorized vehicles designed for travel upon public streets and that are being parked, stored or displayed for sale must be parked, stored or displayed on dustless, all-weather surface. This surfacing requirement does not apply to junk or salvage yards. The board of adjustment is authorized to grant a special exception permitting the storage or display of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface if the location complies with all applicable minimum building setbacks.

Per the applicant the building and parking areas will be temporary.

**STATEMENT OF HARDSHIP:** The subject building and proposed gravel parking relocation is temporary and will be removed.

#### **SAMPLE MOTION:**

##### ***Special Exception:***

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to modify the approved site plan in BOA-13745-B for a school facility in a RS-2 district (Sec. 70.120)

- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.

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

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

**Variance:** Move to \_\_\_\_\_ (approve/deny) a **Variance** of the dustless, all-weather parking surface requirements for a parking lot (Section 55.090-F)

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

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

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





***Subject property***

6289 (continued)

Lot 17, Block 3, Virginia Lee Addition, to  
the City of Tulsa, Tulsa County, Oklahoma.

6293

Action Requested: Exception (Section 5 (d) (2)), to permit erecting a school in a U-1C district, on a tract located at 27th Street and 101st East Avenue.

Presentation: H. H. Edwards, representing the School Board, stated that an elementary school was to be built on the site.

Protests: None.

Board Action: On MOTION of REEDS, the Board of Adjustment (5-0) granted an Exception (Section 5 (d) (2)), to permit erecting a school in a U-1C district, on the following described tract:

All that part of the SE/4, NW/4 and the E/2, SW/4 of Section 18, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at the Southwest corner of said SE/4, NW/4; thence North  $0^{\circ}-06'-52''$  East along the West boundary of said SE/4, NW/4 a distance of 50.31 feet; thence due East a distance of 30.00 feet; thence South  $85^{\circ}-12'-29''$  East a distance of 132.28 feet; thence South  $62^{\circ}-59'-55''$  East a distance of 352.41 feet; thence South  $73^{\circ}-08'-03''$  East a distance of 230.93 feet; thence South  $84^{\circ}-57'-55''$  East a distance of 109.93 feet; thence South  $04^{\circ}-46'-48''$  West a distance of 27.15 feet; thence Southwesterly on a curve to the right having a radius of 810.00 feet a distance of 313.73 feet; thence South  $26^{\circ}-58'-18''$  West a distance of 145.11 feet; thence North  $61^{\circ}-53'-12''$  West a distance of 192.90 feet; thence North  $77^{\circ}-54'-08''$  West a distance of 229.03 feet; thence due West a distance of 260.00 feet to a point in the West boundary of said E/2, SW/4; thence North  $0^{\circ}-06'-52''$  East along the West boundary of said E/2, SW/4 a distance of 514.74 feet to the point of beginning, containing 8.528 acres, to the City of Tulsa, Tulsa County, Oklahoma.

6294

Action Requested: Exception (Section 5 (c) (2)), to permit erecting a public school in a U-1B district, on a tract located at 63rd Street and Utica Avenue.

6294 (continued)Presentation:

H. H. Edwards, representing the School Board, was present.

Protests:

None.

Board Action:

On MOTION of DISLER, the Board of Adjustment (5-0) granted an Exception (Section 5 (c) (2)), to permit erecting a public school in a U-1B district on the following described tract:

- A. The North Half (N/2) of the SE/4 of the NW/4 of Section 6, Township 18 North, Range 13 East, of the Indian Base and Meridian, comprising 20 acres, more or less, and designated on the attached survey of the Tulsa Metropolitan Area Planning Commission, dated February 13, 1953 and revised January 3, 1955.
- B. The South Half (S/2) of the SE/4 of the NW/4 of Section 6, Township 18 North, Range 13 East, of the Indian Base and Meridian, EXCEPT the following described parcels:

Parcel No. 1

Beginning at a point in the West line of said SE/4 of the NW/4, 425 feet from the Southwest corner thereof; thence Easterly and parallel to the South line of said SE/4 of the NW/4 a distance of 100 feet; thence Northerly and parallel to the West line of said SE/4 of the NW/4 a distance of 50 feet; thence Westerly parallel to the South line of said SE/4 of the NW/4 a distance of 100 feet to the West line of said SE/4 of the NW/4; thence Southerly along said West line a distance of 50 feet to the point of beginning.

Parcel No. 2

Beginning at the Southwest corner of said SE/4 of the NW/4; thence Easterly along the South line of said SE/4 of the NW/4 a distance of 100 feet; thence Northerly parallel to the West line of said SE/4 of the NW/4 a distance of 100 feet; thence Westerly parallel to the South line of said SE/4 of the NW/4 a distance of 100 feet to the West line of said SE/4 of the NW/4; thence Southerly along said West line a distance of 100 feet to the point of beginning.

5.6.69:31(16)



Case No. 13744 (continued)

a proposed addition to the North Sheridan Church of Christ. Mr. Martin explained that the church is planning the removal of an existing 1 story building which is located between 2 other buildings on the tract. He stated that a new educational facility will replace the demolished portion and will line up with the existing sanctuary which is 5' over the setback on Sheridan Avenue. Mr. Martin noted that the church across the street from the subject property is also encroaching on the setback. Mr. Martin noted that a hardship is imposed by the 3 different zonings on the church property.

Comments and Questions:

Ms. Wilson asked Ms. Hubbard if the church site has adequate parking and Ms. Hubbard replied that there is ample parking on the lot.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a Variance (Section 630 - Bulk and Area Requirements in the Office District - Use Unit 1205) of the floor area ratio from 30% to 77% and a variance of the height restriction from 1 story to 2 stories to allow for an addition to an existing church under the provisions of Section 1670; and to APPROVE a Variance (Section 241(c) - Existing Building encroachment on Front Yards or Building Setbacks - Use Unit 1205) of the setback from the east of Sheridan Avenue from 78' to 73' to allow for church use, under the provisions of Section 1670; per plot plan; finding a hardship imposed on the applicant by multiple zoning on the tract; on the following described property:

Lots 1 - 4, Block 8, St. Peter and Paul Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13745

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request an exception to allow stadium seating and lighting for an existing football field in an RS-2 zoned district.

Variance - Section 1340(d) - Design Standards for Off-Street Parking Areas - Request a variance of the required all weather for parking, located on the northeast corner of 63rd Street and Utica Place.

Presentation:

The applicants, Joe Coleman and Bruce Ervin, 610 South Main, Tulsa, Oklahoma, represented Metro Christian School which is constructed on a 40 acre tract at the above stated location. Mr. Ervin submitted a plot plan (Exhibit E-1) and a packet (Exhibit E-2) containing

9.26.85:448(8)

*[Handwritten signature]*

Case No. 13745 (continued)

Information on parking, lighting and seating for the existing football field. He explained to the Board that the school has been working with the Hydrology Department and has approval from that office. He explained that the drainage from the parking lot has been directed south to a new storm sewer that the city has constructed. Mr. Ervin noted that the school has concrete parking spaces for 520 automobiles and asked the Board to permit 213 cars to park on the grass during ballgames played on the home field. He pointed out that the school only has 3 home games during the ball season. The applicant asked permission for installation of stadium seating and lighting for the field.

Comments and Questions:

Mr. Chappelle asked Mr. Ervin what effect the lighting would have on the residential neighborhood. He informed that the lighting has been placed as far away as possible from the nearby residences and they would receive a minimal amount of light from the field.

Interested Parties:

Carla Campbell, 6239 South Victor, Tulsa, Oklahoma, stated that she is a member of the Southern Hills View Neighborhood Association. She pointed out that the neighborhood is pleased to have the school in the area and have not experienced any adverse effects by its presence. Ms. Campbell stated that there was no overflow parking in the neighborhood during the ballgame.

Ms. Wilson asked Ms. Campbell when the lights were turned off after the game. She informed that 1/2 of the lights were turned off immediately after the game and the other 1/2 were off approximately 30 minutes after the game ended.

Mr. Jackere informed that the Code is written to permit customary accessory uses in association with the principal use; therefore, the school does not need relief for the football field, stadium or lighting for the stadium. Mr. Jackere asked if people were encouraged to park on the paved parking first and then the grassy area used for the overflow.

Rod Goodsell, 8715 South 68th East Avenue, Tulsa, Oklahoma, who is Superintendent of Metro School, stated that security officers were present to direct traffic to the paved lot first and only had 8 cars parked on the grass area.

Ms. Wilson asked why the variance is needed if there was only an overflow of 8 cars. Mr. Ervin stated that seating on the east side of the stadium is not complete and the stadium will have a capacity of 3,000 when completed.

Ms. Wilson stated that she is opposed to parking on the grass and feels that the school should provide proper parking surface for the automobiles.

9.26.85:448(9)

Case No. 13745 (continued)

Mr. Jackere pointed out that the purpose of the Code is to prevent dust, mud, etc., created by gravel or dirt parking lots, from being a problem in the area.

Protestants: None.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205) to allow stadium seating and lighting for an existing football field in an RS-2 zoned district; and to APPROVE a Variance (Section 1340(d) - Design Standards for Off-Street Parking Areas) of the required all weather for parking; per plot plan; subject to the grassy area being used only for overflow parking during the games; finding that the minimal parking on the grassy portion of the tract will not create a dust problem for the residential neighborhood; and finding that the parking lot is an accessory to the principal use; on the following described property:

Part of the SE/4 of the NW/4 of Section 6, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows: Beginning at the NE/c of the said SE/4 of the NW/4; thence south 89°45' west a distance of 1319.6 feet to a point, said point also being the SW/c of Valley View Center Addition to the City of Tulsa; thence south 0°13' east a distance of 847.2 feet to a point thence north 89°44' east a distance of 100 feet; thence south 0°13' east a distance of 50 feet; thence south 89°44' west a distance of 100 feet; thence south 0°13' east a distance of 325 feet; thence north 89°44' east a distance of 100 feet; thence south 0°13' east a distance of 100 feet; thence north 89°44' east a distance of 225 feet; thence north 0°13' west a distance of 100 feet; thence north 89°44' east a distance of 150 feet; thence south 0°13' east a distance of 100 feet; thence north 89°44' east a distance of 844.6 feet to the SE/c of said SE/4 of the NW/4; thence north 0°13' west a distance of 1321.8 feet to the point of beginning.

Case No. 13746

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1211 - Request a use variance to allow a Use Unit 11, accounting and tax preparation office in an RS-1 district.

9.26.85:448(10)



LOT 1 BLK 1, TWENTY-FIRST AND SHERIDAN CENTER 5TH ADDN RESUB  
PRT L1, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 13745-A**

**Action Requested:**

Minor Special Exception to amend a previously approved site plan to permit a track and field facility in and around an existing lighted football stadium adjacent to an existing permitted school in the RS-2 district, located: 6363 South Trenton Avenue.

**Presentation:**

**Roger Gerstenberger**, 6363 South Trenton Avenue, Tulsa, Oklahoma, 74136, represented Metro Christian Academy. The previously approved site plan included this proposed track around the existing football field. The plan has changed just enough to need the minor special exception. Nothing is changing with the other existing structures or lighting.

**Interested Parties:**

There were no interested parties.

FILE COPY

**Board Action:**

On **Motion of White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Minor Special Exception to amend a previously approved site plan to permit a track and field facility in and around an existing lighted football stadium adjacent to an existing permitted school in the RS-2 district, 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:

A TRACT OF LAND THAT IS PART OF THE SE/4 OF THE NW/4 AND THE SW/4 OF THE NE/4 OF SECTION-6, T-18-N, R-13-E, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: "BEGINNING AT A POINT" THAT IS THE NORTHEAST CORNER OF THE SE/4 OF THE NW/4 OF SAID SECTION-6; THENCE S 00°03'41" W ALONG THE EASTERLY LINE OF SAID SE/4 OF THE NW/4 FOR 350.00' TO A POINT THAT IS THE SOUTHWEST CORNER OF "SOUTHERN HILLS VIEW ADDITION", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA; THENCE N 89°57'29" E ALONG THE SOUTHERLY LINE OF SAID "SOUTHERN HILLS VIEW ADDITION" FOR 585.03'; THENCE S 00°03'33" W FOR 580.00' TO A POINT ON THE NORTHERLY LINE OF "COLLEGIATE SQUARE", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA; THENCE S 89°57'29" W ALONG THE NORTHERLY LINE OF "COLLEGIATE SQUARE" FOR 585.05' TO THE NORTHWEST CORNER THEREOF, SAID POINT ALSO BEING ON THE EASTERLY LINE OF THE SE/4 OF THE NW/4; THENCE

11:10:09:1013(10)

7.11

FILE COPY

13745-A

S 00°03'41" W ALONG SAID EASTERLY LINE AND ALONG THE WESTERLY LINE OF "COLLEGIATE SQUARE" FOR 393.35' TO A POINT THAT IS THE SOUTHEAST CORNER OF THE SE/4 OF THE NW/4, SAID POINT ALSO BEING THE NORTHEAST CORNER OF "INNOVARE PARK", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA; THENCE S 89°56'34" W ALONG THE NORTHERLY LINE OF "INNOVARE PARK" AND THE SOUTHERLY LINE OF THE SE/4 OF THE NW/4 FOR 845.12'; THENCE N 00°03'58" E AND PARALLEL WITH THE WESTERLY LINE OF THE SE/4 OF THE NW/4 FOR 200.00'; THENCE S 89°56'34" W AND PARALLEL WITH THE SOUTHERLY LINE OF THE SE/4 OF THE NW/4 FOR 475.00' TO A POINT ON THE WESTERLY LINE OF THE SE/4 OF THE NW/4; THENCE N 00°03'58" E ALONG SAID WESTERLY LINE FOR 225.00'; THENCE N 89°56'34" E FOR 100.00'; THENCE N 00°03'58" E FOR 50.00'; THENCE S 89°56'34" W FOR 100.00' TO A POINT ON THE WESTERLY LINE OF THE SE/4 OF THE NW/4; THENCE N 00°03'58" E ALONG SAID WESTERLY LINE FOR 848.71' TO THE NORTHWEST CORNER OF THE SE/4 OF THE NW/4, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF "VALLEY CENTER ADDITION", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA; THENCE N 89°57'29" E ALONG THE NORTHERLY LINE OF THE SE/4 OF THE NW/4 FOR 1320.02' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

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**Case No. 20995**

**Action Requested:**

Special Exception to permit school use (Use Unit 5) in an RS-3 district (Section 401), located: 4821 South 72<sup>nd</sup> East Avenue.

**Presentation:**

**Steve Olsen**, 324 East 3<sup>rd</sup> Street, Tulsa, Oklahoma, 74120, represented Discovery School, Tulsa, which has been at this location about three months. The history of use has been churches and schools. Ms. Stead noted that because there have been intervening uses since the facility was last used, as a school the legal non-conforming use status has expired.

**Interested Parties:**

**Glen Hogard**, 7228 East 47<sup>th</sup> Street, Tulsa, Oklahoma, 74145, listed numerous crimes in the area. He stated that since this school has moved in things have improved. He was in support of this application. He added it is a good use of the property.

**Board Action:**

On **Motion** of **White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit school use (Use Unit 5) in an RS-3 district (Section 401), finding the Special Exception will be in harmony with the spirit and intent of the

11:10:09:1013(11)

7.12

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:

**PRT LT 5 BEG 116.13E SWC TH E68.61 CRV LF 86.68 NW111.50 SW110.27 SE146.44 POB BLK 5, VILLA GROVE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**13745-B—Sack & Associates – Ted Sack**

FILE COPY

**Action Requested:**

Modification to a previously approved site plan (BOA-13745-A); Variance to increase the permitted height from 35 feet to 39 feet (Section 403, Table A). **LOCATION:** 6363 South Trenton Avenue (CD 2)

**Presentation:**

**Ted Sack**, Sack & Associates, 3530 East 31<sup>st</sup> Street, Tulsa, OK; stated he represents Metro Christian and what they have is an indoor practice facility. Metro Christian does own the property adjacent property that is north. The height variance is needed to get as much height as possible because the facility is for indoor football practice.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a Modification to a previously approved site plan (BOA-13745-A); Variance to increase the permitted height from 35 feet to 39 feet (Section 403, Table A). The Board has found that on the modification the condition is necessary and reasonably related to the request to ensure the proposed modifications are compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements per code. 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:



**BOA-13745-B**

**SE NW LESS S200 W475 & LESS N50 S475 W100 & LESS N500 THEREOF & LESS ELY1.039AC FOR RD SEC 6 18 13 35.204ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21854—Midtown Land & Development**

**Action Requested:**

Variance of the allowed driveway coverage in the required front yard from 34% to 44% (Section 1303.D); Variance to allow two (2) unconnected parking areas (Section 1301.C). **LOCATION:** 1428 South Evanston Avenue **(CD 4)**

**Mr. Tidwell and Mr. White recused themselves at 4:32 P.M.**

**Presentation:**

No presentation was made due to a loss of quorum.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **SNYDER**, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **CONTINUE** the request for a Variance of the allowed driveway coverage in the required front yard from 34% to 44% (Section 1303.D); Variance to allow two (2) unconnected parking areas (Section 1301.C) to the Board of Adjustment meeting on March 24, 2015; for the following property:

**LTS 13 THRU 16 BLK 6, ROSEMONT HGTS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. Tidwell and Mr. White re-entered the meeting at 4:33 P.M.**

**21855—Acura Neon Signs – Yoko Lam**

**Action Requested:**

Variance to permit a digital sign to be located within 200 feet of an R District (Section 1221.C). **LOCATION:** 3515 South Harvard Avenue **(CD 9)**

injurious to the neighborhood, or otherwise detrimental to the public welfare, with condition: there be no access from the property adjacent to the south;  
On **Amended Motion of Henke**, the Board voted 4-0-0 (Dunham, Paddock, Henke, Stead "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a **Variance** of the maximum square footage of display surface area of a sign for a bank logo on the front building wall (Section 602.B.4), with conditions for a 2' x 8' unlighted wall sign and a monument sign 12' ht. limited to 40 sq. ft. and no changeable copy; finding due to extraordinary or exceptional circumstances to this land, the literal enforcement of the code would result in an unnecessary hardship; finding it will not cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan,

And the staff found the last special exception requested to be unnecessary, on the following described property:

S100 N500 E/2 E/2 SE SE LESS W25 & E60 THEREOF FOR RD SEC 16 18 13 .562AC, S100 N400 E/2 E/2 SE SE LESS W25 & E60 THEREOF FOR RD SEC 16 18 13 .562AC, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 20062**

**Action Requested:**

Special Exception to allow a school related use (Use Unit 5) in an RS-2 district and approval of an amendment to an approved site plan, located: 6410 South Yorktown Avenue.

**Presentation:**

**Steve Holloway**, 2825 East 56<sup>th</sup> Place, represented Metro Christian Academy. They built a park on their eastern property with two baseball fields. The Tulsa Parks Department and Metro Christian Academy made a mutual lease agreement. The school is growing and they proposed to build a small indoor practice building. The Parks Department had no objection. The building would be 3,200 square foot building for baseball practice.

**Comments and Questions:**

Mr. Dunham asked if they have discussed the plans with the neighborhood. Mr. Holloway replied that Tim Cameron discussed with the neighborhood association. There were concerns they were going to sell the property. Those concerns seemed to subside when they realized the school was going to maintain the property. Mr. Dunham asked if they proposed screening along the north line between the building and the neighborhood to the north. Mr. Holloway noted there are already a number of trees in this area and the school is willing to add more trees as needed. Mr. Dunham asked what activities would go on in the building. Mr. Holloway responded it would be for baseball practice. There would be netting all the way around the walls to keep the balls from hitting the walls. Ms. Stead

asked if they expect to have enough parking. Mr. Holloway replied that this would not add to their population in any way. They have asked for permits for additional parking already. He added that they intend to put in security lighting on a motion detector system and it will be pointed down and away from the neighborhood.

Mr. Paddock emphasized the school owns the land and is leasing it to the park.

**Interested Parties:**

**Gerald LaVoy**, stated he represented his mother **Gertrude LaVoy**, 1751 East 53<sup>rd</sup> Street. He stated there is a delicate balance in this square mile. There is a lot of multi-family housing and a lot of commercial. He commented on the use of the property for school and park. He stated parks need land and schools need buildings. He added that Ms. LaVoy would strongly object to another building taking up park space.

**Carla Schilman**, 1804 East 63<sup>rd</sup> Street, stated that her property backs up to the baseball field. She understood Mr. Holloway to say if they removed any trees they would replace them. She was concerned that it would take many years for the new trees to reach the size of the existing trees. She suggested they build on the school campus proper, such as on the southwest side. Ms. Schilman stated the neighborhood already has issues with the storm water drainage, lights on the ball field noise and gang activity.

**Joel Cantor**, 4504 South Louisville, expressed concern that the plans included an access road that would bring more traffic into the neighborhood. He otherwise was in support of the application.

**Nancy Wells**, 6221 South Yorktown, in Cambridge Square, noted changes in the neighborhood over the last several years, including the addition of Metro Christian School and Headstart South School. She added that from Rockford to Yorktown on 61<sup>st</sup> Street the traffic backs up when school lets out. She stated it makes it very difficult for the neighbors to get out of the neighborhood going north. She pointed out the need for emergency vehicles to enter and exit the neighborhood in a timely fashion.

**Deborah Early**, 6311 South Utica, complained that the proposed building would tower over her backyard. She was concerned about the neighborhood losing its appeal and decreased property value.

**Carl Oakley**, 6253 South Victor, stated his concern that this project would lead to similar projects.

**Greg Warren**, Data Resource Manager for Tulsa Parks Department, stated they have met with Mr. Holloway. They have no concerns with this application. He added that a condition for Mr. Holloway to attend the Parks Department Board



meeting on July 12<sup>th</sup>, and the Board of Adjustment approval be contingent on the Parks Board approval.

**Steve Steiner**, 1817 East 63<sup>rd</sup>, commented that he is a long time resident of this area. He is somewhat concerned that this would decrease the size of the park. He indicated that tends to open the door to other development until the park is gone. He suggested locating the building to the west of the school.

**Chris Medlock**, 2919 East 82<sup>nd</sup>, City Councilor, District 2, stated he was familiar with the area. He is in agreement with what the school is doing to keep the youth occupied. He also stated that the neighbors have legitimate concerns for lighting, noise and crime. He pointed out that the 61<sup>st</sup> and Peoria is a high crime area. He stated he has had numerous meetings with the business associations of the area and the police department regarding their efforts against crime.

Mr. Dunham suggested a continuance for the applicant and neighborhood to discuss and resolve issues.

**Applicant's Rebuttal:**

Mr. Holloway responded that the school was trying to complete construction during the summer as it is harder after school starts. He stated the building height is only 20'. They have offered to allow people using the park to use their facilities. They are not changing the road system. He pointed out why they cannot relocate the site for the building because of easements and storm sewer. He also stated it is supposed to be near the practice field to coordinate the use of the field and the practice building.

**Comments and Questions:**

Ms. Stead asked for specifics regarding the activity in the proposed building. Mr. Holloway replied there will be netting all the way around the interior. There will be pitching on one side and a couple of batting cages. The construction will be metal with insulated exterior walls and the netting will stop the balls from actually hitting the walls. Mr. Henke asked about the compliant of cutting down trees and the lighting. Mr. Holloway replied that they have not planned to cut down any trees. The Parks Department is responsible for any outdoor lighting in the park. Mr. Paddock asked if anyone from the neighborhood contacted the applicant to meet with them for any reason other than concern that the applicant might be selling the property. Mr. Holloway did not know of any.

Ms. Stead stated she was familiar with such practice places and that this would not increase traffic in the neighborhood. She stated the school owns this property and have numerous restrictions to protect the neighborhood. Mr. Dunham suggested a continuance for a landscape and a lighting plan. Mr. Paddock wanted a restriction to not cut down any large trees.

**Board Action:**

On **Motion of Paddock**, the Board voted 4-0-0 (Dunham, Paddock, Henke, Stead "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a **Special Exception** to allow a school related use (Use Unit 5) in an RS-2 district and approval of an amendment to an approved site plan based on the following conditions: lighting be directed downward on a motion detector and away from the neighborhood; subject to a lighting plan and a landscaping plan, which would include the direction of the lighting; that no trees greater than one foot in diameter be removed; and approval conditioned upon approval of the Parks Department at their Board meeting on July 12, 2005; the special exception be for baseball use only and the special exception be approved for phase one only, which is the construction of a 3,200 square foot facility, 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.

Mr. Dunham **QUESTIONED** if they were going to set a date for a hearing to look at the landscape plan and the lighting plan. He suggested the meeting on July 26, 2005 and to encourage the applicant to get input from the neighborhood.

Mr. Paddock **CONTINUED** with the motion: the Board requested the applicant to come before the Board at the meeting on July 26, 2005 to discuss the landscaping and lighting plan approval, which has been discussed with the neighborhood and the applicant has discussed and gathered input from the neighbors.

Ms. Stead asked for **DISCUSSION** on the motion. She was sensitive to the statement that the use is for baseball only. She asked if the girls play softball and if they can use the facility. She stated they could not limit it to baseball.

Mr. Paddock asked to **MODIFY** the motion to strike the condition for baseball use only and to replace it with a condition for athletic facility use only. All of the above on the following described property:

PRT SW NE BEG 305S NWC SW NE TH E585.03 S580 W585.05 N580 POB SEC 6 18 13 7.79AC, PRT SW NE BEG 350S & 585.03E NWC SW NE TH E555.03S580 W555.03 N580 POB SEC 6 18 13 7.39ACS, COLLEGIATE SQUARE, SOUTHERN HILLS VIEW B5-6, City of Tulsa, Tulsa County, State of Oklahoma

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Mr. Ackermann gave a point of information. The building permit review will be contingent upon the approval from this Board on the lighting plan and landscape plan. It would be incumbent upon the applicant to present the plan to the Board to clear that condition on his building permit.

\*\*\*\*\*

34-20-12 PART LOT 3 OF 35-20-12, PART NE SE 34-20-12 DESC AS:BEG  
301.5' N & 103' W OF SE/C OSAGE COUNTY-W 256.49'-N 287.51'-E 128.87'-  
S~E TO A PT 130' W OF 96 TH MERIDIAN-S 139.77' TO POB, City of Tulsa,  
Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 20397**

**Action Requested:**

Modification of a previously approved site plan to add to an existing recreational building, located: East of 6363 South Trenton Avenue.

**Presentation:**

**Roger Gerstenberger**, 6363 South Trenton, represented Metro Christian Academy. They proposed to modify the building with an addition of 3,200 sq. ft. to the existing structure for an indoor practice facility for athletic teams. It would be a seamless modification. He submitted plans and photographs (Exhibits K-1 and K-3). The Board approved the existing structure in 2005 and it has been in operation since it was completed. The applicants met with the neighborhood association, approximately 25 residents attended. Rick Westcott, City Councilor and the Parks Department representative attended. He submitted the letter from the Southern View Neighborhood (Exhibit K-2).

**Interested Parties:**

**Ronnie Early**, 6311 South Utica Avenue, stated he does not object to the building. He expected it to be a good addition to the neighborhood. He indicated he has had some problems with electrical power since construction of the existing building. He suggested the applicant should deal with that issue. He mentioned some drainage issues that they need to address. He expressed concern regarding existing lighting issues. Mr. Early was in support of the security fencing.

**Applicant's Rebuttal:**

Mr. Gerstenberger responded that this was the first time he heard about an electrical issue. He stated they would contact the electric company. He assured the Board they would deal with any drainage issues. He added there would be no change of grade and no fill.

**Board Action:**

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Modification of a previously approved site plan to add to an existing recreational building, marked 15.5 and 15.6 in the agenda packet, per plan, on the following described property:

PRT SW NE BEG 305S NWC SW NE TH E585.03 S580 W585.05 N580 POB  
SEC 6 18 13 7.79AC, City of Tulsa, Tulsa County, State of Oklahoma



\*\*\*\*\*

There being no further business, the meeting adjourned at 5:17 p.m.

Date approved: 2/13/07

Frank X. McNulty  
Chair



SCALE: 1"=200'



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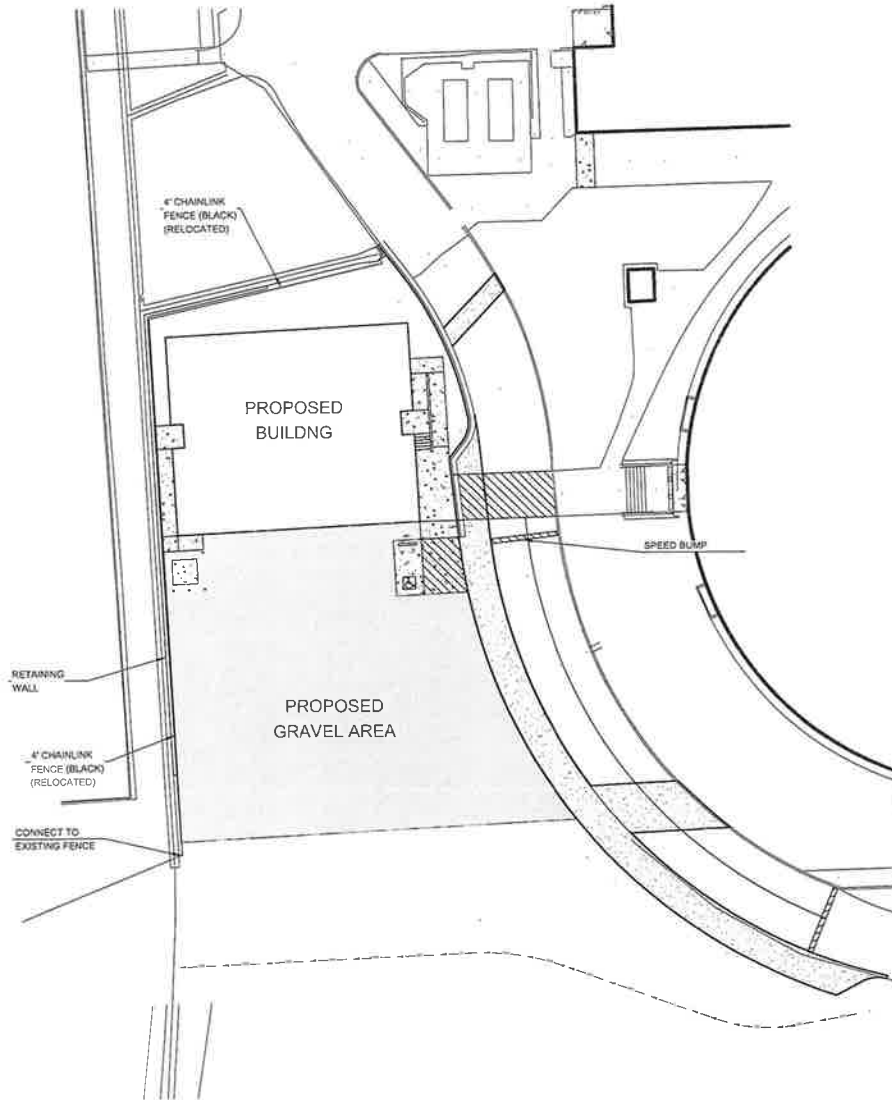
**BOA-1**

ISSUE DATES:		
Permit Set	05/06/2021	
No.	Description	Date



**METRO MODULAR  
BUILDING**  
6363 S Trenton Ave  
Tulsa, OK 74136  
Aerial Map

**GH2**  
**ARCHITEC** 7.21



SCALE: 1"=40'



**METRO MODULAR  
BUILDING**  
6363 S Trenton Ave  
Tulsa, OK 74136  
Site Plan Exhibit B

*wallace*  
Wallace Engineering  
3000 W. 10th St., Suite 100  
Tulsa, Oklahoma 74107  
Tel: (918) 438-1111  
Fax: (918) 438-1112  
www.wallace-engineering.com

PROJECT #:

ISSUE DATES:		
Permit Set	05/06/2021	
No.	Description	Date

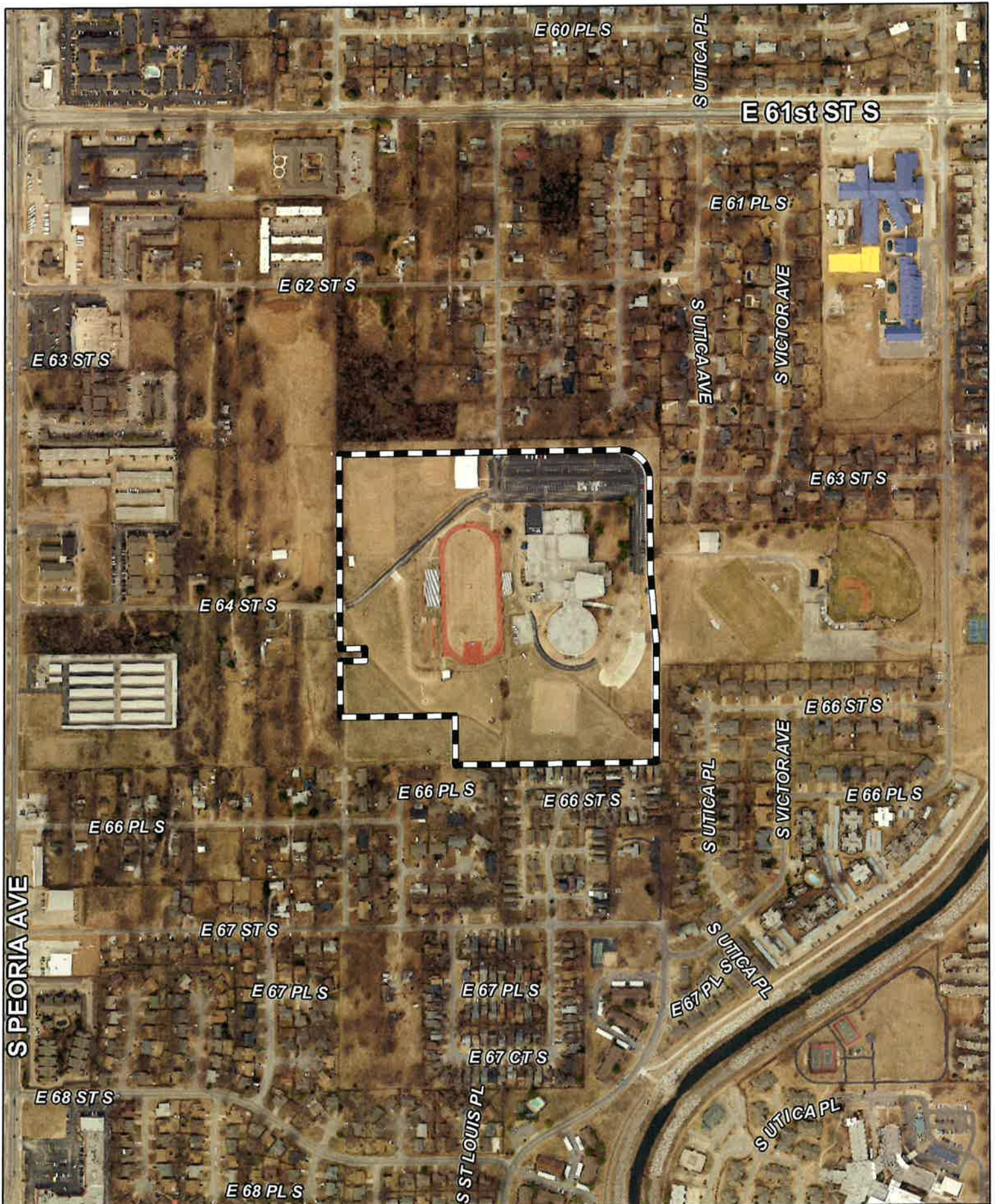
SHEET NUMBER:

**BOA-2**

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**GH2**  
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0 250 500  
Feet



Subject  
Tract

**BOA-23148**

18-13 06

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

Aerial Photo Date: February 2018

7.23

