BOARD OF ADJUSTMENT
CASE REPORT

STR: 9407
CZM: 39
CD: 5
HEARING DATE: 03/24/2020 1:00 PM
APPLICANT: Lou Reynolds

ACTION REQUESTED: Special Exception to allow Outdoor Equipment and Storage in a CS district. (Section 15.020, Table 15-2)

LOCATION: 9955 E 21 ST S
ZONED: CS

PRESENT USE: Commercial
TRACT SIZE: 199827.96 SQ FT

LEGAL DESCRIPTION: LTS 1 & 2 LESS W447.79 LT 1 BLK 2, MAGIC CIRCLE SOUTH ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-12211; On 09.30.82 the Board approved a Special Exception to sell motor homes, travel trailers, 5th wheel trailers (Use Unit 17) in a CS District.

BOA-11899; On 04.01.82 the Board approved a Special Exception to allow an outdoor recreational facility in a CS District.

Surrounding Property:

BOA-22696; On 07.23.2019 the board approved a Special Exception to permit a wholesales and distribution use in a CS District. Property located 10131 East 21st Street South.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the NW/c of S 101st E Ave and E 21st Street S.

**STAFF COMMENTS:** The applicant is requesting a Special Exception to allow Outdoor Equipment and Storage in a CS district. (Section 15.020, Table 15-2)

**SAMPLE MOTION:**

Move to ________ (approve/deny) a Special Exception to allow Outdoor Equipment and Storage in a CS district. (Section 15.020, Table 15-2)

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

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

  ____________________________________________

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Case No. 12209 (continued)

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in the Industrial Districts) to allow Use Units 12, 13, and 14 in an IL District, on the following described property:

Lot 3, Block 5A, Tulsa Southeast Industrial District in the City of Tulsa, Oklahoma.

Case No. 12210

Action Requested:
Variance - Section 710 - Principal Uses Permitted in the Commercial District - Request to locate a mobile home in a CS District and utilize it as an office and residence. This property is located at 4433 North Peoria Avenue.

Presentation:
LaRue Carlson, 4433 North Peoria Avenue, was present and submitted a plat (Exhibit "K-1") and a petition in support of the application signed by four (4) businessmen in the subject area (Exhibit "K-2"). Mr. Carlson, owner and operator of the North Tulsa Garden Center, requested that a mobile home be placed on the subject property to be used as an office and his residence and it would be placed in back of the existing building. The mobile home will be landscaped and will serve as a display for his customers. The mobile home will serve as security for the businesses in the area because of crime such as theft and vandalism in the subject area.

Protestants: None.

Board Action:
On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 710 - Principal Uses Permitted in the Commercial District) to locate a mobile home for security purposes in a CS District and utilize it as an office and residence, on the following described property:

The North 300' of the South 400' of the North 555' of the South 772.5' of the East 190' of the West 240' of the West 14.86 acres of Lot 1, Section 18, Township 20 North, Range 13 East in Tulsa County, Oklahoma, and the North 155' of the North 555' of the South 772.5' of the East 190' of the West 240' of the West 14.86 acres of Lot 1, Section 18, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

Case No. 12211

Action Requested:
Special Exception - Section 710 - Principal Uses Permitted in the Commercial District - Request to sell motor homes, travel trailers, 5th wheel trailers (Use Unit 17) in a CS District. This property is located at the NW corner of 21st Street and 101st East Avenue.

Presentation:
Charles Ford, 4100 East 51st Street, was present representing Dennis Dean, who wants to continue his business at Dean Camper Service located at 6110 East 11th Street. The applicant proposes to purchase the subject property.

9.30.82:372(18)
Case No. 12211 (continued)

for the purpose of creating a second lot for sales and maintenance services of motor homes, travel trailers and 5th wheel trailers. Mr. Ford stated that the application falls under the Use Unit 17, but all of those services included in that unit will not be exercised. The maintenance service includes a full service unit which allows customers to come in for refurbishing of the units and provides services for plumbing, air conditioning, electric and power...for the units.

Protestants: None.

Board Comments:
Mr. Smith asked if any outside storage would be placed on the subject property and Mr. Ford stated that there would be no outside storage other than the units for the purpose of display. Mr. Smith also asked if any mobile homes would be sold at this location and Mr. Ford answered no.

Board Action:
On MOTION of PURSER and SECOND by CHAPPELLLE, the Board voted 4-0-0 (Chappelle, Pursor, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to sell motor homes, travel trailers, 5th wheel trailers, plus accessories and services thereof, and not to include any other items under Use Unit 17, and that no outside storage be permitted and no mobile home sales be allowed, on the following described property:

Lots 1 & 2, Block 2, Magic Circle South Addition, LESS the West 447.79' thereof, in the County of Tulsa, Oklahoma.

Case No. 12212

Action Requested:
Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from the centerline of South 84th East Avenue from 50' to 38'. This property is located at 5658 South 84th East Avenue.

Presentation:
Paul Sallee, 3812 South 120th East Avenue, was present representing the property owner, Marvin McDonald, and submitted a plot plan and floor plan (Exhibit "L-1"), a copy of the protective covenants for the subject area (Exhibit "L-2"), and four (4) photographs of the subject area (Exhibit "L-3").

Mr. Sallee stated that Mr. McDonald is proposing to construct a carport in front of the existing residence to park his vehicles under as he has already enclosed his garage and added a bathroom to the existing residence. The proposed carport will match the existing residence and will be constructed of plywood and trimmed in cedar. One of the photographs which was submitted shows a carport within 2 blocks west of the subject property. On the north end of the carport the applicant plans to add a 5' x 12' storage closet, which will extend into the setback line. Mr. Sallee also submitted a letter (Exhibit "L-4") from Robert Kaiser, 5664 South 84th East Avenue, and Paul Suttle, 5652 South 84th East Avenue, who support the application.

The front line of the carport will be 25' from the curb and the applicant is asking a variance of 12' of the required 50' setback from the centerline of 81st Street.

9.30.82:372(19)
Case No. 11897 (continued)
Lot 1, Block 1, Diversified Industrial Park, an Addition to the City of Tulsa, Tulsa County, Oklahoma, LESS the South 202 feet thereof.

Case No. 11898
Action Requested:
Special Exception - Section 910 - Principal Uses Permitted in Residential Districts - Request to allow a transmitting tower in an OM District located at the SW corner of 71st Street and Yale Avenue.

Presentation:
Roy Johnsen, attorney, 324 Main Mall, was present to address the Board and submitted a site plan (Exhibit "AA-1") and a drawing (Exhibit "AA-2"). Mr. Johnsen, representing Swanson Broadcasting, Inc., advised that a five-story office building is being constructed with a portion of it being leased to the Broadcasting Company. They are proposing to locate their transmitting tower on top of the building.

The transmitting tower is 50' high and the building is approximately 63' high. Two dishes will be located on the tower; one will be used for receiving and the other for transmitting.

Mr. Johnsen advised that the Board approved a similar request for KRMG, which was north of 71st Street (Case No. 11365). If this new application is approved, they do not intend to build both; instead, they will terminate the old proposal.

Protestants: None.

Board Comments:
Mr. Lewis was concerned that the transmitting tower would interfere with surrounding television reception. Mr. Johnsen advised that they have never had any problems with the reception because the tower is above any frequency or any interference.

Board Action:
On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-1 (Lewis, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; Purser, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in Residential Districts) to allow transmitting tower in an OM District, and that when this tower is constructed, Case No. 11365 will lapse, on the following described property:

Lot 1, Block 1, Executive Center Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11899
Action Requested:
Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to allow restricted outdoor recreational facility in a CS District. This property is located at the NW corner of 101st East Avenue and 21st Street.

4.1.82:359(28)
Presentation:
Larry Kester, 4960 South Memorial Drive, was present to address the Board and submitted a site plan (Exhibit "BB-1"), 5 pictures of the property (Exhibit "BB-2"), a handout consisting of 7 letters from various states who have a similar operation (Exhibit "BB-3"), and a booklet explaining the proposal (Exhibit "BB-4").

Mr. Kester stated that the subject property is surrounded by I-44, K-Mart, East 101st Street, 21st Street and by single-family residences. The applicant had two (2) intended uses for the property. The first one is permitted by right and the other is a request for a miniature golf course. It will be neatly landscaped and will be an asset for the property.

Protestants: None.

Board Comments:
Mr. Smith asked if the parking lot would be lighted and the applicant answered in the affirmative. He also advised that there would be 148 parking spaces which would be adequate.

Mr. Lewis inquired about the other use and Mr. Kester advised that it would be an indoor recreation center.

Board Action:
On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to allow a restricted outdoor recreational facility in a CS District, per plot plan submitted, and in accordance with the other plans, subject to the drainage plans and the Health Department approval on the following described property:

A part of Lot 1, Block 2 and all of Lot 2, Block 2 of Magic Circle South Addition to the City of Tulsa, Tulsa County, Oklahoma; said part of Lot 1, Block 2 being more particularly described as follows: Lot 1, Block 2, Magic Circle South Addition to the City of Tulsa, Tulsa County, Oklahoma, LESS and EXCEPT the West 447.79 feet thereof.

Case No. 11900

Action Requested:
Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the setback from 25' to 16' & 4" from 49th Street North located at 1624 East 49th Street North.

Presentation:
The applicant was not present.

Protestants: None.

Board Action:
On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue this item to April 15, 1982.
Presentation:
Steve Dotson, 1402 South Peoria, Tulsa, OK; stated he represents TJD Natural Supplements. There are no licensed and no operating dispensaries within the 1,000-foot radius. There is one licensed dispensary at 1236 South Peoria which is at 1,144 feet.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of BOND, 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:

LT 1 LESS BEG 109.30NE & NELY CRV LF23.52 SWC LT 1 TH N35.89 NELY CRV RT 20.47 NELY CRV LF 8.44 S10.50 SW 0.36 S29.80 SELY CRV RT 24.79 POB BLK 1, ZANMAI, City of Tulsa, Tulsa County, State of Oklahoma

22696—Eller & Detrich—Lou Reynolds

Action Requested:
Special Exception to permit a wholesale and distribution use in a CS District (Section 15.020, Table 15-2). LOCATION: 10131 East 21st Street South (CD 5)

Presentation:
Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated he represents Elliott Electrical Supply Company. The site is a former K-Mart that has been vacant for about two years and it is located at 21st Street and Highway 169. The triangle the site is in is mostly vacant. The only businesses that remain open in that triangle are the billboard, the cell tower, and the used car dealer. Immediately to the east of the site is about nine acres that is owned by the State of Oklahoma, and behind the site is another four acres that is owned by the State of Oklahoma. Currently the site is a transient camp and the property is broken into quite often. Elliott Electrical Supply is primarily an electrical wholesale supplier selling multiple electrical items, selling mainly to commercial. The building is approximately 90,000 square feet on 12 acres of land.
Mr. Van De Wiele asked Mr. Reynolds if anything would be warehoused outdoors. Mr. Reynolds stated there is some outside storage accessory use on the east side which is shown on page 21.15 of the agenda packet.

Mr. Van De Wiele asked Mr. Reynolds what would be stored in that area. Mr. Reynolds stated that it will be primarily conduit.

Ms. Radney asked Mr. Reynolds what the building is that is immediately to the north of the site. Mr. Reynolds stated that it is a motel that has been closed for about two years and is vacant; it is heavily vandalized now.

Ms. Shelton asked Mr. Reynolds if Elliott planned on doing any landscaping of the property. Mr. Reynolds stated the case has not reached that point as of yet.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of BOND, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a Special Exception to permit a wholesale sales and distribution use in a CS District (Section 15.020, Table 15-2), subject to conceptual plan 21.15 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

PRT LT 1 BEG 150E SWC TH E617 NE22.36 N200 NE169.64 N345 W736.95 S103.95 W160 S451.02 E150 S130 POB LESS BEG 150E SWC LT 1 TH E617 NE22.36 W59.62 S10 W567.38 S10 POB BLK 1, MAGIC CIRCLE SOUTH ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22698—Josh Kunkel

Action Requested:
Modification of a previously approved site plan to permit improvements to Woodland Acres Baptist Church approved in BOA-19904 (Section 5.020, Table 5-2). LOCATION: 5511 South Harvard Avenue East (CD 7)

Presentation:
Andrew Sedersten, Architect, 2417 East Admiral Boulevard, Tulsa, OK; stated this is a modification request for a previously approved plan in 2004 for Woodland Baptist
Facing North on Subject property

Facing West on Subject property
Facing West on 21st Street

Facing North on 107th E Ave
Intersection of 107th E Ave and E 21st Street S
Subject Tract

BOA-22880

19-14 07

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

Aerial Photo Date: February 2018