

BOA-23046

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**BOARD OF ADJUSTMENT
CASE REPORT**

STR: Case Number: **BOA-23046**

CZM: 46

CD: 9

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: Josh Miller

ACTION REQUESTED: Variance to allow the continued use of a non-all weather parking surface previously approved in BOA-22557 and BOA-22336 (Section 55.090-F)

LOCATION: South of the SE/c of E. 31st St. S. and Riverside Parkway (Gathering Place South of Crow Creek)

ZONED: RM-2

PRESENT USE: Parking

TRACT SIZE: 441754.22 SQ FT

LEGAL DESCRIPTION: Lots 1, 2 and 3 Block 1, 3200 Riverside Drive Addition

RELEVANT PREVIOUS ACTIONS:

Related to the Gathering Place:

BOA-22810: On 12.10.19 the Board **approved** a variance of the height requirement and signage limitation in an R zoning district for the Children's museum approved in BOA-22774.

BOA-22774: On 11.12.2019 the Board **approved** a Special Exception to allow a Parks and Recreation Use and a Cultural Exhibit to permit the expansion of the Gathering Place and Construction of the Children's Museum in a RM-1, RM-2, and RS-3 District.

BOA-22557; On 12.11.18 the Board **approved** a request for a *Modification* of the conditions of a previously approved Special Exception, BOA-22336, to extend the allowable time limit from October 31, 2019 to December 31, 2020. Property located South of the SE/c of East 31st Street South and Riverside Drive.

BOA-22336; On 10.10.17 the Board **approved** a *Special Exception* to allow a Parks and Recreation use in an R district to permit a temporary accessory parking lot for the Gathering Place (Section 5.020), a *Variance* to allow a non all weather parking surface (Section 50.090-F) subject to the conceptual plan modified at today's meeting. The approval is subject to the following conditions: no parking within 30 feet of the property line on the south side of the property; on the southeast corner removal of three rows of parking as shown as etched out on the exhibit modified today, on the east side north of Crow Creek the removal of four rows of parking as shown on the exhibit today, on the northeast side of the property the removal of one row of adjacent parking along the fence line to 31st Street, enhance screening to be installed abutting residentially used properties to the south and east, the parking lot will be maintained and staffed while open for parking, gravel to be sparingly used for maintenance only, and the parking lot will not be lit. Property located South of the SE/c of East 31st Street South and Riverside Drive.

18.2

BOA-21784; On 09.23.14 the Board **approved** a *Special Exception* to permit offsite construction facilities (Use Unit 2) including staging and storage of construction equipment and materials (Section 401, Table 1 and Section 1202.B), a *Variance* of 2-year time limitation on construction facilities to allow 5 years (Section 1202.C.4.a) with the condition that at the end of the five year period the construction office facility will be removed, *Variance* to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner (Section 1204.C.4.c), *Variance* from the bulk and area requirements set forth in Section 404.F. Property located NW/c of East 31st Street and South Boston Place and SE/c of Riverside Drive and East 31st Street.

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

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is a part of the Gathering Place and specifically includes the existing gravel parking lot South of Crow Creek.

STAFF COMMENTS: The applicant is requesting **Variance** to allow the continued use of a non-all weather parking surface previously approved in BOA-22557 and BOA-22336 (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.

Applicant is requesting to use the gravel parking areas for an additional 5 years.

STATEMENT OF HARDSHIP: See attached statement from applicant included in a mailing to neighbors.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to allow the continued use of a non-all weather parking surface previously approved in BOA-22557 and BOA-22336 (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.”



Dear Gathering Place Neighbor,

In the coming days, you will receive a Board of Adjustment notice from INCOG requesting a five-year extension to allow Gathering Place to continue to operate the temporary parking lot south of Crow Creek until 12/31/25. The previous Board of Adjustment approval expires on 12/31/20.

As we discussed during the last Board of Adjustment process, the Children's Museum construction is now underway removing the use of the temporary lot north of Crow Creek. Gathering Place still has the permanent paved parking all around the park plus the temporary lot south of Crow Creek. In addition, Gathering Place installed an ADA accessible ramp and pathway under Riverside Drive to ensure visitors can safely walk from the temporary parking lot into the park and relieve the pedestrian congestion at the 31st Street intersection.

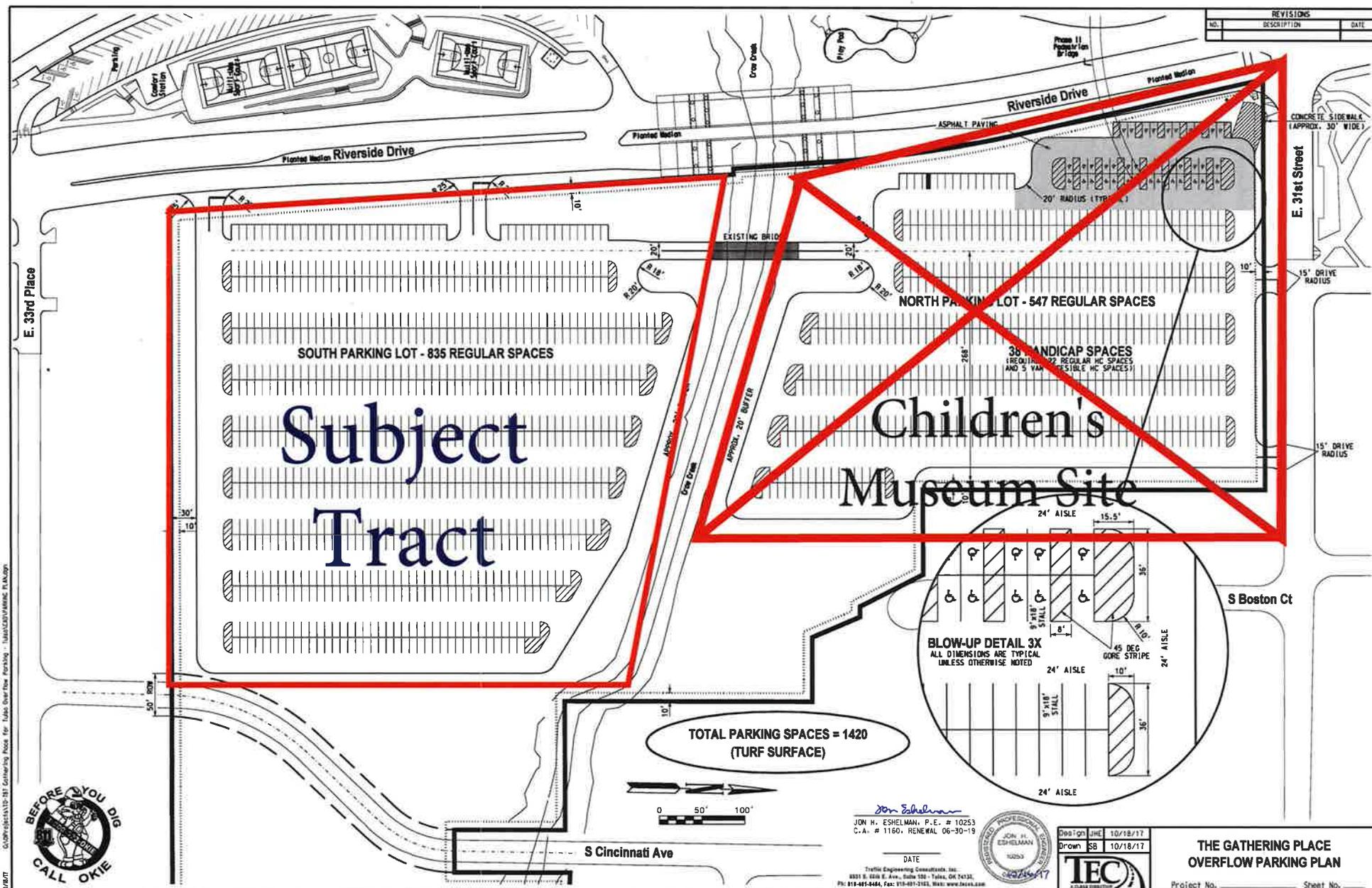
We feel continuing the operation of this temporary lot is critical to providing ample parking on the park's busiest days, thus, keeping as many cars out of the neighborhood as possible. And, since there are still no definitive long-term plans for this temporary parking lot land, we are requesting to extend its use an additional five (5) years until 12/31/25. Gathering Place will continue to maintain and operate the lot to a high standard.

Thanks as always for your patience and consideration. Please let Josh Miller (josh@gkff.org) or me (jstava@tulsacf.org, 918-629-1878) know if you have any questions.

Sincerely,

Jeff Stava

18.7



8/20/07 CORRECTED TO GETTING PLACES FOR TULSA OVERFLOW PARKING - TURF SURFACE PLAN.RVT



REVISIONS	
NO.	DATE



Design: JHE 10/18/17
Drawn: SB 10/18/17



THE GATHERING PLACE OVERFLOW PARKING PLAN

Project No. _____ Sheet No. _____

TULSA COUNTY



Subject Parking Lot

Comments and Questions:

None.

Board Action:

On **MOTION** of **RADNEY**, 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 presently exist, we **ACCEPT** the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

LT 7 LESS W5 HWY & N7 E133 LT 8 BLK 4, WALNUT PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22810—KKT Architects

FILE COPY

Action Requested:

Variance to increase the maximum 35-foot building height in a Residential District (Section 5.030, Table 5-3); Variance to increase the maximum 32 square feet display area for sign serving a non-residential use in an R District (Section 60.050-B-2a). **LOCATION:** 131 East 31st Place South and 3137 South Boston Court East (CD 4)

Presentation:

Nicole Watts, KKT Architects, 2200 South Utica Place, Suite 200, Tulsa, OK; stated this request was before the Board at the last meeting to receive a Special Exception for the use on the residentially zoned property. Ms. Watts stated she is back before the Board today for a Variance for the building height and sign requirements. If the building were in a commercial zoning the building and the signs would be in conformance. The sign is about 200 square feet and it is made of glass.

Ms. Shelton asked Ms. Watts why she did not present this at the last meeting. Ms. Watts stated there was a miscommunication among all the parties when GKFF put the first packet together. The intention was for it all to be together but there was a communication that was dropped.

Ms. Shelton asked Ms. Watts if there would be any additional request? Ms. Watts stated there would not.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

BOA - 22810

FILE COPY

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Ross, Shelton, Van De Wiele "aye"; Radney "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Variance** to increase the maximum 35-foot building height in a Residential District (Section 5.030, Table 5-3); **Variance** to increase the maximum 32 square feet display area for sign serving a non-residential use in an R District (Section 60.050-B-2a), subject to conceptual site plan 21.33, 21.32, 21.34 and 21.35 of the agenda packet using 21.32, 21.34 and 21.35 for the conceptual elevations. The Board has found the hardship to be the nature of the building and the pre-approval for the entire surrounding area that has been planned for the Gathering Place Children's Museum. 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; for the following property:

A Tract of Land that is part of the vacated plat of RIVER ACRES, an addition to the City of Tulsa filed as Plat #1416; AND a part of the vacated plat of RIVERDALE, an addition to the City of Tulsa filed as Plat #2626; AND a part of Lot 1 of Block 1 of 3200 RIVERSIDE DRIVE ADDITION, an addition to the City of Tulsa filed as Plat #2917; AND Lot 7, of the AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION, an addition to the City of Tulsa, filed as Plat #1387, said plats filed at the office of the Tulsa County Clerk; AND a part of an unplatted tract lying adjacent thereto in the East Half (E/2) of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section 24, Township 19 North, Range 12 East of the Indian Base and Meridian in the City and County of Tulsa, State of Oklahoma, according to the U.S. Government Survey thereof, all of which being more particularly described by metes and bounds as follows : Commencing at the Northeast corner of said NW/4 of the NW/4 of the NE/4 of Section 24; thence due West along the North section line of said Section 24 a distance of 247.50 feet to a point; thence South 0°09'37" West a distance of 40.00

BOA-22810

feet to the Point of Beginning, said point of beginning being the point of intersection of the Southerly right of way line of East 31st Street South and the East boundary line of said vacated plat of RIVER ACRES; thence due West along the said Southerly right of way line of East 31st Street South a distance of 478.15 feet to a point on the Easterly right of way line of South Riverside Drive, said point also being the Northwest corner of Block 1 of said vacated plat of RIVER ACRES; thence South 12°37'00" East along said Easterly right of way line of South Riverside Drive a distance of 288.29 feet to a point of curve; thence continuing along said Easterly right of way line of South Riverside Drive, along a curve to the right having a radius of 1519.39 feet and a central angle of 8°55'59" a distance of 236.89 feet to a point of tangency; thence continuing along said Easterly right of way line of South Riverside Drive, South 3°41'00" East, a distance of 75.00 feet; thence on a curve to the right having a length of 156.95 feet, a radius of 432.00 feet, a central angle of 20°48'58", a chord bearing of South 83°16'31" East, and a chord length of 156.09 feet to a point of tangency; thence South 72°52'02" East a distance of 487.75 feet to a point on the East line of line of Block 1, of said 3200 RIVERSIDE DRIVE ADDITION; thence North 00°16'26" East a distance of 221.35 feet to the Southeast corner of Lot 7, of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION; thence North 00°16'26" East a distance of 50.00 feet to the Northeast corner of said Lot 7; thence North 56°59'58" West a distance of 88.26 feet to the North corner of said Lot 7; thence along a curve to the right having a length of 56.82 feet, a radius of 40.00 feet, a central angle of 81°23'19", a chord bearing of South 72°06'00" West, and a chord length of 52.16 feet to the Northwest corner of said Lot 7; thence North 26°42'52" West a distance of 54.02 feet to the Southeast corner of of Lot 8, of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION; thence North 89°56'52" West a distance of 98.78 feet to the Southwest corner of said Lot 8; thence along the East boundary line of said vacated RIVER ACRES being the same as the West boundary line of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION, North 0°09'37" East a distance of 400.66 feet to the Point of Beginning., City of Tulsa, Tulsa County, State of Oklahoma

22811—Roberta Rutledge

Action Requested:

Special Exception to permit a Bed and Breakfast use in an RS-3 District (Section 5.020, Table 5-2). LOCATION: 3615 East 15th Street South (CD 4)

Presentation:

Roberta Rutledge, 535 South Peoria, Tulsa, OK; stated the request is for a second family residence in an RS-3 District, sleeping up to eight for an Airbnb short term rental.

Mr. Van De Wiele asked Ms. Rutledge if she had any contact with neighboring property owners or neighboring property occupants. Ms. Rutledge stated she has spoken with the neighbors to the west and to the east, and there were no complaints.

Action Requested:

Special Exception to allow a Parks and Recreation Use and a Cultural Exhibit to permit the expansion of The Gathering Place and construction of the Children's Museum in a RM-1, RM-2, and RS-3 Districts (Section 5.020). **LOCATION:** 131 East 31st Place South and 3137 South Boston Court East (CD 4)

Presentation:

Jeff Stava, 7030 South Yale Avenue, Tulsa, OK; stated this is for a cultural exhibit for the children's museum of Phase II of the Gathering Place. There has been a lot of active community and neighborhood engagement through this process. Letters, maps and drawings of the children's museum were taken door-to-door to the adjacent property owners. There was a public meeting held at the Gathering Place for all the neighbors. The information was posted on the adjacent neighborhood Facebook pages and answered questions on those Facebook pages. There were also a lot of questions answered via e-mail and telephone. Mr. Stava stated community engagement is very important and it is a high priority. During the public engagement he learned two very important things that were a concern for the neighborhood. Number one was continuing to monitor the temporary parking spaces on the southeast corner of 31st and on the south side of Crow Creek; these temporary lots have been used very heavily. The last year has been spent actively looking at solutions for mid and long-term parking. The other concern the neighborhoods had was the pedestrian congestion at 31st and Riverside. Mr. Stava had drawings placed on the overhead projector showing the site and how the parking would be adjusted. There have been many conversations over the last five years and intensely over the last six months with MTTA. MTTA had a downtown circulator program that was really going to just run downtown, and one of the early ideas was to allow the Gathering Place to be on the southern leg of that circulator. Throughout all the conversations it was determined that it would be better to have a dedicated shuttle that runs between downtown and the Gathering Place. Mr. Stava stated he has worked with TCC and Boston Avenue United Methodist Church to have 1,500 parking spaces between the church and TCC that are unused on the weekends; there will be a downtown circulator that goes between the downtown MTTA bus station to those parking spaces and drops everyone at the door of the lodge; these will run every 15 minutes. The buses will run Friday through Sunday, September through May then everyday from June through August. The circulator frequency will be every 15 minutes. It will be the responsibility of the Gathering Place to do the promotion; there is about a \$40,000 budget allocated for marketing to the community. In addition, there has been 600 parking spaces constructed at 23rd Street and east of Jackson with a dedicated shuttle. That shuttle started running this fall and will continue to run as long as there is access to the 23rd and Jackson lot; eventually this lot will be converted to lay down for the dam and bridge project at the end of next summer. All in all, the parking spaces have been increased about 2,000 spaces. There will be access created underneath Riverside Drive for pedestrians; there will be sidewalk built from the south parking lot to allow pedestrians to walk underneath Riverside Drive and connect to the main trail. The Special Exception requested today is to allow the Parks and Recreation

BOA-22774

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and Children's Museum, and next month there will a Special Exception requested for the building height for the museum and signs.

Mr. Van De Wiele asked Mr. Stava if the drop offs for the circulator buses were at the main park or if there were at children's museum. Mr. Stava stated the drop offs are at the lodge.

Mr. Van De Wiele asked Mr. Stava if the lodge would still be the drop off location after the children's museum is complete. Mr. Stava stated the children's museum will open in the summer of 2021, and that has not been visited with MTTA on the shuttle stops.

Mr. Van De Wiele asked Mr. Stava if the 1,000-space parking lot was going to remain gravel. Mr. Stava answered affirmatively; the Board permitted the temporary use through the end of December 2020.

Ms. Shelton asked Mr. Stava what is planned for pedestrian connectivity to the south. Mr. Stava stated as part of the City infrastructure improvements that were made around the site, the Crow Creek bridge was actually demolished and now the bridge is raised about 14 feet. There has been enough space created underneath to allow pedestrians underneath the bridge.

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"; "abstaining"; none absent) to **APPROVE** the request for a **Special Exception** to allow a Parks and Recreation Use and a Cultural Exhibit to permit the expansion of The Gathering Place and construction of the Children's Museum in a RM-1, RM-2, and RS-3 Districts (Section 5.020), subject to conceptual plan 8.29 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:

A Tract of Land that is part of the vacated plat of RIVER ACRES, an addition to the City of Tulsa filed as Plat #1416; AND a part of the vacated plat of RIVERDALE, an addition to the City of Tulsa filed as Plat #2626; AND a part of Lot 1 of Block 1 of 3200 RIVERSIDE DRIVE ADDITION, an addition to the City of Tulsa filed as Plat #2917; AND Lot 7, of the AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION, an addition to the City of Tulsa, filed as Plat #1387, said plats filed at the office of the Tulsa County Clerk; AND a part of an unplatted tract lying adjacent thereto in the East Half (E/2) of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of the Northeast

11/12/2019-1240 (10)

18.13

BOA-22774

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Quarter (NE/4) of Section 24, Township 19 North, Range 12 East of the Indian Base and Meridian in the City and County of Tulsa, State of Oklahoma, according to the U.S. Government Survey thereof, all of which being more particularly described by metes and bounds as follows :

Commencing at the Northeast corner of said NW/4 of the NW/4 of the NE/4 of Section 24; thence due West along the North section line of said Section 24 a distance of 247.50 feet to a point; thence South $0^{\circ}09'37''$ West a distance of 40.00 feet to the Point of Beginning, said point of beginning being the point of intersection of the Southerly right of way line of East 31st Street South and the East boundary line of said vacated plat of RIVER ACRES; thence due West along the said Southerly right of way line of East 31st Street South a distance of 478.15 feet to a point on the Easterly right of way line of South Riverside Drive, said point also being the Northwest corner of Block 1 of said vacated plat of RIVER ACRES; thence South $12^{\circ}37'00''$ East along said Easterly right of way line of South Riverside Drive a distance of 288.29 feet to a point of curve; thence continuing along said Easterly right of way line of South Riverside Drive, along a curve to the right having a radius of 1519.39 feet and a central angle of $8^{\circ}55'59''$ a distance of 236.89 feet to a point of tangency; thence continuing along said Easterly right of way line of South Riverside Drive, South $3^{\circ}41'00''$ East, a distance of 75.00 feet; thence on a curve to the right having a length of 156.95 feet, a radius of 432.00 feet, a central angle of $20^{\circ}48'58''$, a chord bearing of South $83^{\circ}16'31''$ East, and a chord length of 156.09 feet to a point of tangency; thence South $72^{\circ}52'02''$ East a distance of 487.75 feet to a point on the East line of line of Block 1, of said 3200 RIVERSIDE DRIVE ADDITION; thence North $00^{\circ}16'26''$ East a distance of 221.35 feet to the Southeast corner of Lot 7, of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION; thence North $00^{\circ}16'26''$ East a distance of 50.00 feet to the Northeast corner of said Lot 7; thence North $56^{\circ}59'58''$ West a distance of 88.26 feet to the North corner of said Lot 7; thence along a curve to the right having a length of 56.82 feet, a radius of 40.00 feet, a central angle of $81^{\circ}23'19''$, a chord bearing of South $72^{\circ}06'00''$ West, and a chord length of 52.16 feet to the Northwest corner of said Lot 7; thence North $26^{\circ}42'52''$ West a distance of 54.02 feet to the Southeast corner of of Lot 8, of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION; thence North $89^{\circ}56'52''$ West a distance of 98.78 feet to the Southwest corner of said Lot 8; thence along the East boundary line of said vacated RIVER ACRES being the same as the West boundary line of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION, North $0^{\circ}09'37''$ East a distance of 400.66 feet to the Point of Beginning., City of Tulsa, Tulsa County, State of Oklahoma

11/12/2019-1240 (11)

18.14

Board Action:

On **MOTION** of **RADNEY**, the Board voted 4-1-0 (Back, Bond, Radney, Ross, "aye"; Van De Wiele "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to allow a manufactured housing unit on an RS-3 zoned lot; **Special Exception** to extend the time limit to allow a manufactured home on the site for more than 1 year (Sections 5.020 & 40.210-A); **Variance** to reduce the lot width requirement for a manufactured housing unit use in the RM-1 District (Table 5-3), subject to conceptual plan 18.7. The Board finds the hardship to be the unusual shape and proportions of the existing site. The manufacturing housing unit will be required to be resubmitted for approval after five years, expiring December 2023. The manufactured home is to be tied down and skirted. The Special Exception to permit the carport in the street setback and street yard has been withdrawn by the applicant. 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. The Board finds that the following facts, favorable to the property owner, have been established:

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

LT 1 BLK 5, GLEN ACRES SUB-WEKIWA, City of Tulsa, Tulsa County, State of Oklahoma

22557—Josh Miller

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Action Requested:

Modification of the conditions of a previously approved case (BOA-22336) to extend the allowable time limit and revise the surfacing requirements for a temporary, non-all-weather surface parking area. **LOCATION:** South of the SE/c of East 31st Street South & Riverside Drive **(CD 9)**

.12/11/2018-1218 (28)

18.15

BOA - 22557

Mr. Bond announced that he is on the Maple Ridge Neighborhood Association Board and does leave the room and recuse himself when necessary, but he is also at the park twice a week with his children.

Presentation:

Jeff Stava, George Kaiser Foundation, 7030 South Yale Avenue, Suite 600, Tulsa, OK; stated he came to the Board in October 2017 about utilizing the Phase II and Phase III site for temporary parking for the Gathering Place. The Gathering Place opened September 8, 2018 and has had phenomenal amount of attendance and parking has been that has been incredibly important. In October it was intended to have a rock aggregate parking area, but when he met with the neighbors in the hallway they were concerned about dust and how it would look and work. The neighbors were more interested in a grass parking lot. With the amount of use the park has had the grass has deteriorated to dirt so if it rains or there is inclement weather anytime during the week or weekend those lots are basically closed, and it forces people to drive to the satellite lots and use the shuttle buses or they dodge into the neighborhood and look for a place to park. The park has partnered with the Home Owners Association, Tulsa Police Department, the Mayor's Office, and parking enforcement is being worked on really hard. The City has a long-term view of maybe parking permits for the neighborhoods, so there is a lot of short term, mid-term and long-term solutions. To lessen the impact of parking quicker for the neighborhood would be to make the parking area all-weather use. What is proposed is to use a Geotech fabric laid down with 4" gravel and compressing it. There is a product from Ramco, called Risonater, which is an application which is sprayed on top of the gravel to reduce the dust by 95%. These products were referred to the park by someone who lives in Maple Ridge who works for Williams, Williams uses it on all their haul roads in neighborhoods and in agricultural areas where dust affects crops and neighbors. It will really substantially reduce the amount of dust. This will allow the park to get the maximum 1,400 cars parked in the area. The 30-foot setback and fence line will stay. GKF sent letters out to all the adjacent neighbors explaining this and referencing the INCOG letter that was sent. Mr. Stava stated he has talked to about six neighbors and there has been about three e-mails, and through that engagement he has learned things about the lights so the lights will be removed from the fence line. This will go a long way to reduce the amount of impact the park is having on the neighborhood.

Ms. Radney asked if there were implications for the spray being used on the gravel for the watershed of the river. Mr. Stava stated the product is environmentally friendly. Ms. Radney asked how long of a time period does it take for the product to break down. Mr. Stava stated that it is recommended to have a single application and after six months another application which should last three to five years. The park would be mindful that if dust were seen there would be watering trucks used or another application of the product would be applied. Based on the amount of volume of eighteen wheelers on the haul roads the manufacturer thinks a parking lot would be fine.

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Mr. Van De Wiele asked if the Geotech fabric is a landscaping fabric. Mr. Stava answered affirmatively but it is harder than the typical landscaping fabric. It prevents the rock from pushing down into the dirt so there is a barrier between the aggregate gravel and the soil. Mr. Stava stated it will be necessary to excavate about four inches of soil off the top of the site to keep the grade right. Water will be conveyed over to Crow Creek so there will be swales built.

Mr. Van De Wiele asked Mr. Stava to explain where this would be done and the amount of time it would be used. Mr. Stava stated that it will be done in the area on the north side of Crow Creek excluding the ADA parking area, and the south side of Crow Creek 30 feet off the fence line and all the way around. There are two curb cuts on 31st Street and one curb cut on Riverside Drive which will remain.

Mr. Van De Wiele asked Mr. Stava how long of a time frame he would like to extend the request. Mr. Stava stated that he would like to extend to the end of 2021, December 2021. Mr. Stava stated he anticipates attendance to subside and then when Spring arrives attendance is anticipated to be heavy for the first full season. The park experts on the team think things will start to subside in the second and third year for a new normal. The parking lot is to keep people parked near the site rather than inside the neighborhoods. The neighborhood parking has been problematic, the streets are narrow and there has been a lot of illegal parking on both sides of the street. Mr. Stava stated if the parking lots could be made more weatherproof, he thinks a lot of parking would be stemmed from the neighborhoods.

Mr. Bond asked Mr. Stava if the parking lots would be used for different purposes after 2021. Mr. Stava stated the Phase II and Phase III projects are still being worked on and have been paused to see how successful the parking opening would be; see what features are being used and what features are not being used. Those ideas will be folded into the Phase II and Phase III development. Mr. Stava stated he knows that any choice he has there have to be additional parking options. Parking options are also being looked at up and down the river corridor by working with the Tulsa Parking Authority. The west bank is also being looked at for a possibility for parking and a new pedestrian bridge to bring people into the park.

Interested Parties:

Nick Doctor, City of Tulsa, 175 East 2nd Street, Tulsa, OK; stated he would like to let the Board know about what the City of Tulsa is doing for the larger parking solutions, specifically the residential permit parking program and the role this will play as part of that equation. One the bigger challenges and concerns the City has heard from the residents is happening in the neighborhood right now, the surface lot being just a grass lot right now causes concern in terms of its availability and access for the public due to weather concerns or its over use. By having this lot be permanently available regardless of weather conditions increases the use of this lot. The City is hoping it will prevent residents from choosing the neighborhood as their first option. That allows the City to know this lot is available going forward as the City looks at traffic patterns to

determine whether or not residential permit parking program is appropriate and applicable here.

Dena Rankins, P. O. Box 33384, Tulsa, OK; stated her physical address is 3148 South Cincinnati Avenue. Ms. Rankins would like to request a continuance; she did not receive a formal notice, but she did receive one from the Gathering Place. Several of the neighbors were in attendance at the last meeting when the Gathering Place asked to turn the subject property into a temporary lot, and concerns were voiced. At that time the neighbors were very opposed to it being a sod lot, and we were assured it would be fine and it is not fine. The Gathering Place is a wonderful one of a kind gift to the City, and everybody is grateful to George Kaiser and the Foundation. It's lack of planning on the parking cannot be overstated. The park is an A+ and the parking is a fail. Ms. Rankins stated she cannot get out of her driveway, so it has ruined her livelihood. Ms. Rankins stated that she asked people if they were aware there were shuttles available or if they had tried the parking lot and was always told no. These are people that do not have the patience and do not want to fight the traffic and they are just finding a place to park anywhere they can. It is a serious problem. She does not think the neighbors have had an opportunity to come together as a neighborhood and talk about this before the Board of Adjustment rules, so she would like a continuance giving the residents the opportunity to get together.

Mr. Bond asked Ms. Rankins if she thought it would help the parking situation if the lot were made an all-weather surface. Ms. Rankins a mother with a stroller and a two-year-old is not going to use a gravel parking lot because she will want to stroll on pavement. There are things that have not been thought out and the neighbors have not had the opportunity to collaborate. The Gathering Place means well but they have damaged the neighborhood, damaged the entire neighborhood. This should not be an afterthought for a development like this.

Ms. Radney asked Ms. Rankins if her request for a continuance is because she would like to see some additional amenities or improvements. Ms. Rankins stated she would like to have the opportunity to speak with her neighbors. She did not receive a notice and she does not know that everyone did. And she does not know if the residents have had a chance to collaborate on this and discuss this. This is something that has literally been the worst situation for all the residents.

Mr. Van De Wiele stated the next meeting is January 8th. Mr. Bond stated the Neighborhood Association President Colin Koger was here for about ten minutes. Mr. Van De Wiele asked Ms. Rankins if she thought the interested residents would be willing to continue to the January 8th meeting? Would give enough time to gather the information needed. Ms. Rankins answered affirmatively.

Jane Haden, 3026 South Cincinnati, Tulsa, OK; stated that she would like to know why an endeavor this size and the amount of money that has been spent not attend to parking? Why now are the residents looking at Phase I, Phase II, and Phase III? Why

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was there not a parking plan to begin with? Why can't the people be held accountable to get the parking plan now, not in stages but permanent?

John Huffines, 256 East 46th Street, Tulsa, OK; stated he is in attendance on behalf of the Brookside Neighborhood Association where the Gathering Place is located.

Mr. Bond asked Mr. Huffines if he was the President or just a spokesperson for Neighborhood Association. Mr. Huffines stated he is called the Tulsa liaison. He is here for the Brookside Neighborhood Association, the new President Cindy Woodward, asked him to attend the meeting today.

Mr. Huffines stated the Neighborhood Association is asking for a continuance on this item until the second February meeting so the association can communicate thoroughly with the Brookside residents. This will allow time to schedule the Brookside Neighborhood Association meeting and have a representative attend to explain this particular exception to the zoning code.

Ms. Radney asked Mr. Huffines if he would have any concerns about such a short period between the February decision that might be made by the Board and the actual roll out of the spring season in March? There have been representatives from the park and the neighborhood speaking about how the anticipation of the spring season when attendance is expected to ramp up. Mr. Huffines stated he is simply here as a representative and is communicating what the President has shared with him.

Mr. Van De Wiele stated that Mr. Koger, President of the Maple Ridge Neighborhood Association, has provided a hand-written letter to the Board. Mr. Van De Wiele read the letter to the audience and had it placed in the exhibits for the record. The letter stated that Maple Ridge Neighborhood Association is in support of the revised surfacing requirements to an all-weather material with a proper dust suppression agent applied.

Jim LeClair, 1123 East 36th Street, Tulsa, OK; stated he represents the LeClair Family Trust. The trust owns property at 3210 South Cincinnati which borders the parking lot off Riverside. He is happy to hear that the generators will be turned off because they run all night. The other concern he has is the section of the parking lot where Crow Creek comes in because there has been a lot of material removed for drainage which was established in the 1930s. His concern is that just upstream from this point the City has two large water stations that collect water and empties into the creek, and those have eroded the banks of his property because it injects so much water during high water. There is no protection and the water will just fill up the creek and go across the lot so that is a concern. It is very dangerous to walk down Cincinnati on a weekend because there are so many cars, and people backing out of their driveways cannot see.

Rebuttal:

Jeff Stava came forward and stated he totally sympathizes and understands the concerns. By putting this all-weather material in will help alleviate the parking concerns and congestion that there is in the neighborhood. We came to the Board of Adjustment

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a little over a year ago with the idea of putting in a gravel parking lot, and as part of the negotiations with the neighborhood, they were concerned about the dust and the impact it would have, so the lot was switched to grass. In hindsight that was a mistake. It will take the contractor six to ten weeks to do the entire project which includes excavating. That needs to be done in January and February. If the project is not started in the next few weeks after the holidays are over, then the parking lot will not be installed before March 1st. Mr. Stava stated all the notices were sent. The Gathering Place sent a separate notice to all the same people that INCOG sent their notices to explaining in a more concrete and granular way what was being requested, so we feel this is something we need to do and need to get it done as quickly as possible.

Ms. Radney asked Mr. Stava if he will actually compact the surface before or after the fabric is laid. Mr. Stava stated that the lot will be compacted before the fabric is laid, then the gravel is laid down and then the gravel will be steam rolled to compact it. Ms. Radney asked if that process was done to prevent rutting. Mr. Stava answered affirmatively. Mr. Stava stated at the very last there is a spray application.

Nick Doctor came forward and stated the step that will help alleviate the larger parking concerns in the neighborhood is the residential parking permit program. As the City has looked at other models across the country, the City is doing everything it can to get that program in place prior to the spring rush that was mentioned. A delay of another month or two in this process would hinder the City to have the lot in place.

Ms. Radney asked Mr. Doctor if the City had already performed parking surveys of the neighborhood. Mr. Doctor stated the City has not. This is a brand new program for the City and it is something the City of Tulsa has never done before, but the urgency and the larger parking challenges that have been seen is causing the City to look at some more innovative solutions looking at cities like Houston and Austin, but the City is still in the development phase of the program. Ms. Radney asked Mr. Doctor if the lot were fully utilized how much load would be taken off the neighborhood, especially if there is not a capacity here. Mr. Stava stood and stated there are going to be 1,400 parking spaces.

Mr. Van De Wiele asked Mr. Stava how many cars will be seen when the lots are operable. Mr. Stava stated there will be 1,400 cars on the grass lot if all the area is open and there is nothing saturated. There has been so much rain at odd times, and even a quarter of an inch of rain causes large areas to hold water thus closing areas of the lot, so generally there would be an 800 or 900 car range for the lot, so it significantly limits the amount of utilized area for parking. The lot should be able to hold between 1,200 and 1,400 cars with no issue. There are parking attendants that guide people in and parking the people car by car to maximize the amount of space used.

Ms. Back asked Mr. Stava when he received the statistics about the parking lot product, how smooth will parking lot surface be? Mr. Stava stated it is not an ADA compliant lot; there is an asphalt ADA compliant lot for those customers. The lot will not be like loose gravel because there is a binder, so when it is compacted and rolled it becomes a pretty

flat solid surface. All the parks built in the last 25 years, most parks have parking less than two parking spaces per acre and this lot will have a little over eight parking spaces per acre. Some of the main parking lot has been closed for food trucks allowing people to use the area on the far back side of the main site, and the food trucks have been taken and those parking spaces are open thus utilizing all the parking spaces on the site now.

Mr. Van De Wiele asked Mr. Stava to what end is the public educated as to the shuttle service, the hours, where to pick up the shuttle service, etc. Mr. Stava stated the park does a lot of social media and advertising in the Tulsa World, and it has been included in the coverage articles. It is not a news worthy item, so it has to be a paid placement. Other things that are being worked on for next year is there will be a bus service provided direct to the site so people that do not have the ability to get to the site or don't want to have the hassle of finding parking there will be a way to get to the site. Also, coming out will be the BRT System which come up and down Peoria which starts next summer or fall. There will be a downtown circulator which will connect to the site. Then there is Bike Share and the scooters, so there is a lot of things that are being worked on in all modes of transportation.

Dean Rankins came forward and stated that if a hospital were being built would the hospital be required to have a hard surface lot for tens of thousands visitors? Why is the standard set so low because there are literally up to a 100,000 people in a weekend and it is not going to slow down. This is not a park, it is a free amusement park. This is not a place where someone comes to swing on a swing, it's a place where people are coming from all over to visit and they are not going to stop. Ms. Rankins stated that she does not feel that it is fair to have one person who knows about the meeting, and all the neighbors aren't here today because there were several in attendance before. She again would request a continuance.

John Huffines came forward and stated that the Neighborhood Association would be okay with a one-month continuance.

Comments and Questions:

Mr. Bond stated that he does not see where a continuance is going to help, if there is a problem and the neighbors are asking for a solution for parking. It seems like if there were a continuance in this matter it would be exacerbating the problem. Mr. Bond stated he is opposed to the continuance.

Ms. Rankins stood and asked Mr. Bond to recuse himself from this case. Mr. Bond acknowledged the request and stated that he does not think he is incapable of rendering an objective decision on this request. Mr. Bond stated that Ms. Rankins is in opposition with her neighborhood association right now.

Ms. Ross stated that she is in favor of a continuance to the first part of January for the reason that she finds it odd that there are not more neighbors in attendance. She has heard so many complaints about the parking and she finds it odd that there are not

more people in attendance today. She thinks it is only fair to give the residents time to congregate and she would encourage a meeting with the George Kaiser Foundation and the City of Tulsa to answer questions.

Mr. Bond stated there are two issues, one is what is going to be done today to fix this parking problem and the quickest answer is to utilize the parking that is not being utilized. He does not want to slow down what can be done in the fastest way, which is the short-term approval of this.

Ms. Back stated she believes the point is being missed that this is a temporary parking lot, and the park is asking for it to be approved through December 31, 2021. This is 2018 so it is a temporary fix to help the neighbors with the dust and to get a lot of parking off the street. She is hoping the George Kaiser Foundation would be doing a permanent solution in the future. This is a temporary fix to address a problem of dust and a problem of people parking on the street.

Ms. Radney stated she is not inclined toward a continuance, although she does agree that more neighborhood input would probably be very helpful. She does not necessarily know from an engineering standpoint what additional information the neighbors would be bringing to the dialogue. This seems to be mostly an engineering fix and for that reason she is not as inclined to have a continuation. Ms. Radney stated that she did not catch that this was a request for a temporary surface that would effectively be in use through 2021, and she thinks that is entirely too long. She might be persuaded if she had more engineering specs about the product being discussed, and the durability of that product; this is a discussion about a parking lot being used in all types of weather and from an engineering point that is a challenging use of the product.

Ms. Back stated that she too is not inclined to continue this case. Ms. Back stated that she went on line and looked up Ramco's Risonater, and it says that the product is applied once and applied again in six months. Mr. Stava did say that if staff noticed dust the product would be applied again, so that would be a condition that could be included in a motion to approve. That is why she would be more inclined to go with the date that was requested but she would be open to an earlier date.

Mr. Van De Wiele stated that he would have liked for there have been tons of neighborhood involvement and meetings on this case, the 300-foot notices were sent and there were more sent than there are people in attendance today. Likewise, to the extent that this be continued into spring, which is generally the wettest time of year, the Board would not be doing the situation any better. From a continuation standpoint, Mr. Van De Wiele stated he is not inclined to support a continuation. This original approval from a timing standpoint was granted through October 31, 2019 so there are ten months left on the existing temporary nature of the parking lot without gravel. Mr. Van De Wiele stated he would be inclined to approve the request to put down the grading, compaction, the fabric, the gravel, etc. but a December 31, 2021 is three years. To Ms. Rankins point, Mr. Van De Wiele stated he does not want this to be a permanent gravel lot, so he does think there is a time period that a permanent parking solution for the

main park proper and whatever is going to happen in Phase II and Phase III there is plenty of time for that to happen or to come back to request a continuation. He would certainly have no issue with the current October 31, 2019 and could be convinced to extend it to December 31, 2020 to give it two seasons.

Ms. Radney stated that she would not agree on two seasons. She thinks this is an emergency and agrees with the exception for the period of time that was originally allowed for a temporary use, but she thinks that a better neighborhood sensitive permanent plan needs to be before this Board within the next year. It may require an extension of this exception to be granted in order to implement that, but an open-ended opportunity to continue the parking situation is unacceptable.

Jeff Stava came forward and stated the Phase II and Phase III timing is really 2021/2022, so the park wants to use the site for temporary parking to alleviate the impact on the neighborhood. There is a substantial cost to putting gravel in; it is not a cheap deal, it is an expensive deal. Only allowing the park to use the site for one year, the park may not do that for one year. The park really needs at least two years and would like three years of use on it to get the long-term solutions conceived and built. He does not think a year is enough time to be able to use the site.

Mr. Van De Wiele stated that a year ago the request was gravel through October 31, 2019. He personally may be inclined to go a little farther than 2019 but three years is too long.

Ms. Radney stated that for her a product that needs to be applied at least at six-month intervals, and maybe possibly more frequently, that isn't persuasive enough that the solution is going to resolve that problem on this particular lot. Ms. Radney suspects that the neighbors are suggesting they would rather have a more permanent surface in place. Speaking as person who occasionally does walk with a cane, she acknowledges that there are many times that she will elect to choose someplace that might not necessarily be the designated parking spot, but if she thinks she will be walking on uneven surfaces the lot will not be fully utilized. She thinks that between now and the end of 2019 it may very well be that this solution works perfectly, and the Board could see you again and agree to extend the request, but she is not prepared to say it is an acceptable resolution barring a better understanding of how the product is going to perform.

Mr. Stava stated there is no other alternative and his mind this is the alternative. So, if it is not this it is grass and dirt, and there will continue to be the parking problems in the neighborhood. This is the only thing that can be had that is affordable, reasonable for a temporary use. Ms. Radney stated that in a year from now, if the product is performing in the way it is expected to be the Board would probably agree to an extension.

Ms. Ross stated that the thing that is concerning her is that she is not hearing that there are plans to develop a permanent plan. This is a temporary fix, and she wants to know within a year what is going to be the permanent parking situation even if it is not built

yet. Mr. Stava stated that it is going to take longer than a year to come up with what those concepts will be. Not even all the concepts for Phase II are complete. There is a lot of more work, and the Foundation put a hold on that because they wanted to see how successful or not successful components of the park are. The park has only been open 100 days; it is the most intense time. When a new venue is opened the most intense time is the first four to six months. He does anticipate spring and summer being busy, but he feels that he does not want to over react. He does not believe that a 1,400-space parking lot on the corner is the right thing for the park or for the City or for the neighborhood. That is why he is trying to come up with an economical yet solid solution in the inbetween time when a better and bigger plan can be developed. Ms. Radney stated that she concurs with all of that, but the park is not the only property owner in this neighborhood, and the injury to the equity that some of the adjoining property owners have suffered is real. The uncertainty in the real estate market, just from the standpoint of having an idea of what the 2019 season is going to look like from a parking standpoint, is real. Again, indifference to the concerns of the neighborhood which Ms. Radney thinks are somewhat mitigated by agreeing not to continue this resolution so there can at least be something that would be better than the existing lot is a little like splitting the baby. Ms. Radney stated that she thinks people should under value the fact that the impact on the neighborhood is more than just inconvenience, it is actually material.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-1-0 (Back, Bond, Radney, Van De Wiele "aye"; Ross "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Modification** of the conditions of a previously approved Special Exception, BOA-2233, to extend the allowable time limit from October 31, 2019 to December 31, 2020. The conditions of a previously approved Variance, BOA-22336, to revise the surfacing requirements to allow for additional rock and gravel for a temporary, non-all-weather surface parking area, subject to conceptual plan 19.22 of the agenda packet and is to be in the same general location as restricted on Exhibit 19.8. The applicant has proposed to use a Geotech fabric with four inches of gravel layer compressed and sprayed with Ramco's Risonater Stabilization Dust Suppression Product, which is said to be a safe non-toxic product for aquatic life and water usage; it is supposed to reduce the dust up to 90%. This would be approved up to and through December 31, 2020; for the following property:

PRT GOV LT 1 & PRT NW NE BEG 24.7S & 410.6E NWC NW NE TH W481.57 SE303.97 TH ON RT CRV 236.89 SE104.61 E371.67 N635.3 POB SEC 24 19 12 6.22ACS; AND BEG 570S NEC E/2 NW NW NE W75 NW60.8 W12 NW82.84 W98.75 S250 E247.5 SECR E/2 NW NW NE N120 POB SEC 24 19 12 AND BLOCK 1, 3200 RIVERSIDE DRIVE ADDN SUB L9-10 PEBBLES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Interested Parties:

Doris Green, 3232 North Hartford Place, Tulsa, OK; stated she is in favor of the day care center. She thinks it will be a nice fit for the area because there are apartments with several children living in it.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to **APPROVE** the request for a **Special Exception** to allow a Day Care Center for children in an R District (Section 5.020). The Board finds that the requested Special Exception is not in harmony with the spirit and intent of the Code and would possibly be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

E 100 LT 4 BLK 1, PERSHING ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22336—Josh Miller

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Action Requested:

Special Exception to allow a Parks and Recreation use in an R district to permit a temporary accessory parking lot for the Gathering Place (Section 5.020); **Variance** to allow a non-all weather parking surface (Section 50.090-F). **LOCATION:** South of the SE/c of East 31st Street South and Riverside Drive (CD 9)

Presentation:

William Jay Stava, III, 624 West 79th Street, Tulsa, OK; stated the planning process for the Gathering Place started about five years ago followed by a series of community meetings. One of the large concerns that came out of that was the concern for parking within the neighborhoods. There is a total of 525 paved spaces on the property with lighting and storm water. In the second year of the opening the Gathering Place has been looking at other parking options. There has been a three-tier parking system developed, which is one on site, two utilizing the Phase II and the Phase III area as a temporary parking and the third is off-site parking with shuttle service to the Gathering Place. Those are the three steps of parking that will be employed upon the opening of the park for at least the first year and possibly the full two years. Mr. Stava stated that he met with the neighborhood and there was a lot of concern of the proximity of the parking to the houses on the east side and the south side and the park is incredibly sensitive to that. There was a parking study performed and it showed a maximum 1,652 parking spaces, 36 of which are paved on the corner of 31st and Riverside for handicap parking. The park did not want to light the parking lot, did not want the storm water because this area will eventually become additional park land, so the park has

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BOA-22336

looked at having a maintained grass lot. There is a staff of 40 management personnel with 50 maintenance personnel that will be in the park, so the proposed lot will be a maintained lot. After speaking with the neighbors today in the hallway, he has agreed to not have anything within 25 feet of the construction fence which will curtail the spaces, deleted on the south side three parking rows, and on the north side have deleted four parking rows and deleted all the parking spaces along the fence to 31st Street making the parking away from the fence and closer to Riverside Drive. Mr. Stava stated that there had been discussion about not using gravel, but he would like to be able to use gravel for the repair or filling of low spots. There was concern about the fence, so he is going to look at installing another layer of mesh to prevent people from seeing through the fence or some sort of material that cannot be seen through. The neighbors were concerned about the two-year time request, so the compromise was until October 31, 2019 so that would be the only time for the parking lot request. The lot will be staffed and supervised when there are cars in the parking lot and it will not be lit.

Mr. Van De Wiele asked staff if there were lighting requirements for a parking lot. Mr. Stava stated that it is his understanding that if the lot is not paved lighting or stormwater is required. Ms. Miller stated that landscape requirements are also not necessary with an unpaved lot. Ms. Miller stated there are a lot of parking lot requirements if it is improved but otherwise no.

Mr. Bond stated that in full disclosure he was the former President of the neighborhood association and the neighborhood association is not present for this presentation today, so if anyone feels that there is a conflict he will address that. Mr. Bond believes he can look at this request objectively.

Mr. Bond asked Mr. Stava what happens to the parking lot after two years. Mr. Stava stated that if the parking load still requires the parking there will be offsite parking with shuttle buses available. What kicks in around 2021 or 2022 is a downtown circulator that brushes the park, so people can park downtown and get to the site.

Mr. Van De Wiele asked Mr. Stava what is the current anticipated time schedule for opening the facility. Mr. Stava stated it is scheduled for the summer of 2018.

Ms. Back asked Mr. Stava if he would be using grasscrete. Mr. Stava stated that he would either use a grasscrete in the driving lanes or fortified soils.

Interested Parties:

There were interested parties present, but no one came forward to speak.

Comments and Questions:

Mr. Bond stated this is a herculean project and this is a two-year fix until they can figure things out. The applicant has made real concessions to the neighbors, so he would be in favor of this application.

BDA-22336

Mr. Van De Wiele reiterated the conditions that were conceded by the applicant to the neighbors to verify everyone was clear on what was being proposed.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to **APPROVE** the request for a **Special Exception** to allow a Parks and Recreation use in an R district to permit a temporary accessory parking lot for the Gathering Place (Section 5.020); **Variance** to allow a non-all weather parking surface (Section 50.090-F)m subject to the conceptual plan modified at today's meeting. The approval is subject to the following conditions: no parking within 30 feet of the property line on the south side of the property; on the southeast corner removal of three rows of parking as shown as etched out on the exhibit modified today; on the east side north of Crow Creek the removal of four rows of parking as shown on the exhibit today; on the northeast side of the property the removal of one row of adjacent parking along the fence line to 31st Street; enhance screening to be installed abutting residentially used properties to the south and east; the parking lot will be maintained and staffed while open for parking; gravel to be sparingly used for maintenance purposes only; and the parking lot will not be lit. This approval is granted through October 31, 2019. 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. The Board finds that the following facts, favorable to the property owner, have been established:

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

PRT GOV LT 1 & PRT NW NE BEG 24.7S & 410.6E NWC NW NE TH W481.57 SE303.97 TH ON RT CRV 236.89 SE104.61 E371.67 N635.3 POB SEC 24 19 12 6.22ACS; 12 and BLK 1 3200 RIVERSIDE DRIVE ADDN SUB L9-10 PEBBLES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Mr. White asked if this was a private playground that is open to the public. Mr. Beach answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to permit a playground (Use Unit 5) in an OL District (Section 601, Table 1). This approval will be as located on pages 6.6 and 6.14. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

S132 OF N264 E/2 NE SE SE SEC 23 20 12; N198 OF S396 E/2 NE SE SE SEC 23 20 12; S198 E/2 NE SE SE LESS S30 & E16.5 FOR ST SEC 23 20 12 1.209ACS,HIGHLAND HILLS AMD, DEVONSHIRE PLACE FOURTH RESUB BOULEVARD ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21784—Roy Johnsen

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Action Requested:

Special Exception to permit offsite construction facilities (Use Unit 2) including staging and storage of construction equipment and materials (Section 401, Table 1 and Section 1202.B); **Variance** of 2-year time limitation on construction facilities to allow 5 years (Section 1202.C.4.a); **Variance** to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner (Section 1204.C.4.c); **Variance** from the bulk and area requirements set forth in Section 404.F. **LOCATION:** NW/c of East 31st Street and South Boston Place **AND** SE/c of Riverside Drive and East 31st Street (CD 4, 9)

Ms. Snyder recused herself and left the meeting at 1:17 P.M.

Presentation:

Roy Johnsen, 1 West 3rd Street, Suite 1010, Tulsa, OK; stated he is representing the Kaiser Family Foundation. A PUD was approved by the City Council and Tulsa Metropolitan Area Planning Commission in July 2013 for the subject property with no objections. Now is the time to prepare for the construction and this will be a large

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difficult job with tremendous detail. In the Zoning code Use Unit 2 provides for Special Exceptions in any district, and one of the Special Exceptions is the use of off-site property for construction purposes. Mr. Jeff Stava held a neighborhood meeting last evening and presented a good outline of the project. The Gathering Place project will be a wonderful project for the City of Tulsa.

Jeff Stava, 7030 South Yale, Suite 600, Tulsa, OK; stated this is an incredibly complex project. There will be a 100 acre park built between a river and a neighborhood. The project has been in planning for almost seven years and publicly engaged for two years. The contractor was hired in early May 2014 and through that process it was learned that a very large layout area was needed in order to stage construction for the project. The fences will be erected this week for the project site and it will take about two weeks to get the site fully contained. In preconstruction the lay down yard will be located on the south side of 31st Street across Crow Creek to the back of the homes located on 33rd Place across Cincinnati. This will include all of the Legacy Apartment Complex and the Sundance Apartment Complex. There is also a lot on the corner of 31st and Boston Place that is owned for the Gathering Place. The apartments located on the east side of Cincinnati will not be torn down in this phase. There are several tenants that have special needs and it will be at least a year as the transition is begun for those tenants. Everything on the west side of Cincinnati including the Sundance Apartment Complex will be razed and the Variance request is to allow the preconstruction yard in that area. At this point Mr. Stava used pictures on the overhead projector to give a visual of the subject area and the proposed fencing. Many of the residents asked for a parking lot or storage in the area closest to the houses, it was determined that with all the morning noise it would be ill advised so by placing the building in that location it will shield the residents from a lot of the noise that will occur. In the second stage of the project there will be approximately 7,000 trees and 50,000 plants will be brought in for storage before planting. It is very important that the contractors be adjacent to the site to be able to evaluate and see the condition and quality of the project as it progresses. If there is a problem they need to be able to immediately go back to the sample and models that have been approved so progress can smoothly continue. There will also be a designated area for parking and construction trailers for all the subcontractors. There will be anywhere from 50 to 100 workers at the beginning of the project and go up to approximately 500 workers on the site. Some of these workers will park on the subject site but it is also anticipated that some off site parking locations will be needed as well for the workers. Mr. Stava stated that his company had sent out a six page packet notice to the all of the residents within 300 feet, they visited door to door with the residents that live within 100 feet, and they sat down with each of the homeowners that are immediately adjacent to the site. All of the residents concur that the building is the best and most passive use to be next to the project.

Mr. Van De Wiele asked Mr. Stava if he worked with the residents on the layout of the project. Mr. Stava answered affirmatively.

Mr. Stava had a picture of the proposed project building placed on the overhead projector. The building is 11'-6" from the edge of the curb line, and it sits 20 feet from

the front edge of an adjacent house. The fencing will be run behind the building on the east side then block Boston Place to prevent construction traffic on the street, and proposing to block 31st Street west of Boston Court and at Riverside Drive. This will prevent any detour traffic on Riverside from using 31st Street and traveling through the neighborhood to go downtown. It will also prevent construction workers from parking on the street. The back of the construction site will be with the neighborhood and not have the front of the construction site into the neighborhood. The street closures chosen work for many reasons. The City must run a new major stormwater line which will cross Riverside Drive to dump into the Arkansas River, and it will allow the 440,000 cubic yards of dirt to be moved. The City hosted a neighborhood meeting with Maple Ridge and some of the other neighbors regarding Riverside Drive, and he attended that meeting. A lot of the concerns of the residents was what happens to the detour traffic if the road is not closed, and that aided in the decision to recommend the street closure.

Mr. Henke reminded Mr. Stava and the audience that the Board of Adjustment does not deal with street closures. Mr. Stava acknowledged the statement and stated that it is important in context because the building is facing west and the back of the building is facing the neighborhood. There will be no construction entrances or exits anywhere along the neighborhood side of the project site.

Interested Parties:

Mark Graham, 2551 South Owasso Avenue, Tulsa, OK; stated he has lived in Maple Ridge for 35 years. This \$300 million to the City is the result of a lot of community conversation, a lot of empathy with the neighborhood, and there has been no hiding of that fact. In the last year in Maple Ridge the neighborhood has had gas lines replaced, water lines being prepared for replacement, and in his neighborhood they have been maneuvering detours for months. It is a reality what people go through in order to have a better city. This iconic gift will set Tulsa apart from any other city in the United States. He would ask the Board not handcuff the construction with a requirement that will potentially be more costly, more time consuming and could create more inconvenience for the neighborhood and the city.

Blake Ewing, City Councilor, 175 East 2nd Street, Tulsa, OK; stated that as a Councilor he becomes the complaint line for the citizens of Tulsa. People are concerned about this project and how it might affect the way they live in the Maple Ridge neighborhood. What he can attest to is that he knows Paul Zachary and the City staff, as it relates to the City of Tulsa's part of this project, are doing everything they can to mitigate the imposition to the citizens of Tulsa and the affected neighborhoods. He feels Mr. Stava was quite thorough in his presentation at the meeting last evening. As Councilor he know numbers matter, and the sentiment of the public matters as decisions are being made in land use. There was frustration voiced in the meeting last evening but his sentiment is that it was overwhelmingly positive. There is no way around what is coming. Streets are going to be closed and people will need to take a different route to and from work. There are things in the city that are taken for granted, and at some point those things caused great imposition. The Broken Arrow Expressway was not always in existence. Those were just neighborhoods that it now splits into two. As community

things like this have been dealt with before with the understanding that it was for the long term greater good of the community. The citizens have been able to see that such investments have made the city better, and the short term sacrifice was worth it in the long run. The proposals presented today are worth it. This type of investment on this scale requires a great deal of space in order to stage the project, and they are already short on space. The hardship, in his words, is the issue of how to make this enormous project happen with the limited area utilized. Mr. Ewing thinks this is a justified request and he believes his constituents would that statement.

Adam Burney, 3016 South Boston Place, Tulsa, OK; stated he objects to the building and the Variances. He thinks the park is a positive thing for Tulsa. He thinks it is something that will be a world class destination. He objects to the building because it is a commercial entity entering a residential neighborhood. It is so close to the curb and he believes it will constitute a public nuisance. It is so close to the street that it blocks the sight triangle into the intersection of South Boston Place and 31st Street. Allowing a building that large on a lot that small will constitute a problem for traffic flow. He thinks that the spirit and intent of the zoning regulations are being exceeded in this instance because of the five year request. It has been stated that Phase I will take three or four years so he thinks the Variance should only be for four years not five. He attended the meeting last evening and he heard information that he has not heard before, i.e., from the City Engineer regarding drainage. The drainage projects are going to be happening concurrently with the construction of the park. One of the projects will be the drainage on 30th Street which deadends into the park. The Engineer stated that at times the street will be closed and that creates a problem for the residents of South Boston Place. Because of the street plan that has been laid out by the applicant for closing 31st Street, if they also close 30th Street the residents will essentially be marooned. There has to be an alternate plan for traffic because of the building, and he would like to hear about an alternate plan. He believes this process could have been a lot simpler if the lot had been included in a PUD. It is not included in the park plan. It is a separate lot and that is why there are all the Variances being requested. He has only heard a lot of this information in the last week and he lives six houses away from the project, and he did not know it was going up until there were signs placed in the subject property. He understands the 300 foot rule, but if they want to go above and beyond to communicate with the community they need go past 300 feet to inform everyone. Mr. Burney quoted Section 1202.C.4.b, "the ingress and egress of this building must be from an arterial or collector street". The applicant has stated that the entrance will be from the west side. There is no arterial or collector street on the west side of the building, it is part of the construction site. He feels that since the building is oriented as it is the applicant will be in violation of the zoning code. He thinks the park objectives can be met without the building. They can construct a world class park without having the building in a residential neighborhood.

David Brennan, 3020 South Boston Place, Tulsa, OK; stated he has lived in the neighborhood for five years. On September 9th he received a letter in the mail from the management team regarding the project, stating that the building would be erected. That is the first he knew about it. There have been a lot of things that have come up

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and the neighborhood was not aware of just recently. There was a meeting with the management team on September 12th to discuss what the options were for the neighborhood and what was the neighborhood willing to compromise on. The neighborhood was informed that the building would be on the site for the duration of the project. His first concern is the impact this project will have on his property value. He did some research and it is not clear the benefits that will come from the park. Most of the economic benefit will be from the quality of the park and for the dwellings that are within 500 feet of the park. In his research he found that problematic parks decrease property value by 5% for dwellings within 500 feet. A problematic park is a park that has noise, lights, and parking. For the next five years The Gathering Place project will be assumed and profiled as a problematic park thus decreasing the value of his home even if it is transitory for the next five to eight years. He will not be able to sell his house. He is 60 years old and he could retire in five years and not be able to sell his house because of the devalued price. He believes there was a fabulous job done in selling the park, but it could have been done better when it comes to the residents within 500 feet of the project. He thinks there should have been a proportional consensus from the community because this is a huge park, and what he saw at the meeting last evening was minimal. This is a hardship on the neighborhood. He would ask on behalf of the neighborhood that they be allowed more time to consider other options, like reduce the building size. There is a 1,000 square foot conference room with a second conference room. He has never seen a construction building like this. The building is huge and it does not fit the property. It is 7,000 square feet being erected on a 9,000 square foot piece of property. This building is ill conceived and he thinks it can be done better.

James Daniel "Dan" Simpson, 2916 South Detroit, Tulsa, OK; stated he will be inconvenienced by all of this for the next four to five years as will any of his neighbors. There will be a building that people may not want to look at, however, it is a temporary construction building. A temporary building that will be used by the safety officers; site management keeping as close to the project as possible. As for the street closures he would like to hear the option of moving the barriers when 30th Place is closed and when they will be open and the installation of a gate. All of the neighbors will not agree with him but they will all agree that when this project is completed Tulsa will have a world class park. It is the largest gift to a city in the history of this nation, not just the state of Oklahoma. He would encourage the Board to move forward and minimize the inconvenience where possible and get started.

Casey Robinson, 3026 South Boston Place, Tulsa, OK; stated he lives three houses away from the subject site and has lived there for four years. He did not purchase the house ever thinking that a commercial building would be allowed in a residential neighborhood. Forget how many millions are going into this park. If this were any other project a commercial building would not be allowed in a residential neighborhood. He attended the meeting last evening and heard information that had never been heard before. He would like some more time to review the information presented. He would like the Board to consider that this is not the right place for the proposed building. He also has concerns over whether the building will be temporary, because when he looks

at a building like that he does not think temporary. As a neighborhood they would like to have some assurance, something in writing, that the building will be temporary.

Debbie Saunders, 3116 South Boston Court, Tulsa, OK; stated she learned something today that she did not know, and she was not invited to the meeting of last evening. Her back yard backs up to the project site, and she pointed to an area on the map that was on the overhead projector. She knew the staging would be placed in that area designated on the map but she did not know the parking would be staged next to her fence. This will be horrifying and she does not know if she will be able to stay. She and her sister share in the care of their aging disabled mother. The noise will be unbearable and will drive her dogs crazy. She would like to see the parking and the noisier operations moved to another area.

Anita Saunders, 3126 South Boston Court, Tulsa, OK; stated she has been looking forward to the start of this project, and she realizes there will be pains along the way. Ms. Saunders stated that the neighborhood was not informed as to how things were going to be laid out. She is concerned over the road closure because her street is a dead end street. She thinks that once the street is blocked off it will become a turn around area. She understands that there will be noise associated with the project but she wishes they would move the parking or create some kind of barrier between the back of the houses and the activity. She would like to have the Board give the neighborhood additional time to work with Mr. Stava.

Millie York, 3020 South Boston Place, Tulsa, OK; stated she filed a formal letter of protest against the building. In doing research she understands the applicant must prove hardship to receive an approval. When she asked Mr. Stava what the hardship was he answered \$350 million dollars. She does not think that is a hardship. There is one hundred acres to place this building on and having one hundred acres is not a hardship. There are plenty of places away from a single family neighborhood for the building to be placed, it is just where the applicant wants it to go. In spite of the applicant saying this is for five years she knows the Board can grant them an additional five years. Mr. Stava told her that the proposed building would be the first building up and the last building down when Stage II is completed. Ten years is not temporary. A ten year construction building at the end of the neighborhood block is going to cause the residents a hardship. Blocking both ends of the street causes response time delays. That is a public safety hazard and needs to be addressed. She wants to have this meeting continued to next month because the neighbors were not given all the information and the neighbors need more time to gather data.

Mr. Van De Wiele asked Ms. York where she was getting the ten year time frame. Ms. York stated the ten year time frame comes from the fact that Mr. Stava told her in his office on September 12th that the proposed building will be the first building up and the last building down when Phase II is complete. She understands that and is not against the building because she agrees it is being placed in the best place, if the building is built to the style, rhythm and size of the neighborhood. She is very concerned about the road closures at both ends of the street because it really is a safety issue. She would

request more time be given so the neighbors can gather data of the impact of this oversized building on the little neighborhood.

Mr. Henke asked Ms. York if she was objecting to the number of square feet. Ms. York stated that she was not objecting to that but is objecting to the amount of space it occupies on the lot. Another construction company has donated the metal building to Manhattan Construction so they are saving money. This is about the residents lives, our peace, our quiet and inconveniences.

Mr. Henke stated the Board must focus on this piece of property and the relief requested for the building. Some of the neighbors may disagree with the height at 20 feet and some may be supportive with the design. Ms. York stated that if Manhattan Construction wants the building to look like a tin construction building then reduce the size of the building. If they don't want to reduce the size and have the option of making it something that will not devalue the homes over the next ten years that should be considered. Mr. Henke stated the request today is for five years.

Jennifer Kisamore, 137 East 34th Street, Tulsa, OK; stated she lives at the corner of 34th Street and Cincinnati. She would like to have the Board continue this request because the size of the building and the closing of 31st Street. Traffic will be routed down Cincinnati because it is a through street which is a narrow residential street that people already run the stop sign at 34th Street. The community needs more time to consider the issue.

Millie Clark, 3025 South Boston Place, Tulsa, OK; stated she is one of the elderly people that lives on Boston Place which will be blocked off on both ends. Due to visual and ambulatory difficulties she has she objects to the street closing because she will not be able to get in or out. She also has reservations made to enter a retirement center and if the street is blocked off and the neighborhood is marooned as an island how will she be able to move. How will her property values be affected? Her moving into a retirement center is totally contingent upon the sale of her house. She would prefer something else be done for a short period of time. Mr. Henke stated the Board does not have the ability to open and close street but he understands her concern. Mr. Henke stated he will ask the City about marooning the neighbors.

Brooke Caviness, Senior Engineer, City of Tulsa, 175 East 2nd Street, Tulsa, OK; stated the City is planning on performing drainage improvements to the neighborhood at 30th Street. The plan is to parallel a line with another 48 inch line. When the construction starts the City need to cut across Boston Place but the City will maintain access. There may 20 feet of rock but the City will maintain access. If there is a situation where the City cannot maintain the access they will open 31st Street. The City will not maroon any residents. The City anticipates the project to last approximately two weeks to perform the work across Boston Place.

Herb Beattie, 3474 South Zunis Avenue, Tulsa, OK; stated he has been representing the Brookside Neighborhood Association for over a decade. Projects like this are

associated with street closings. He has attended many meetings with Mr. Stava, the City Engineering Department, City Councilors and the neighbors for the last two or three years on related matters to this project. They have been consistently responsive, considerate and gone out of their way to understanding the needs and concerns of the neighbors and to make adjustments where it is appropriate.

Jason Brimer, 3045 South Boston Place, Tulsa, OK; stated he lives directly east of the proposed construction office site. He is in favor of moving forward with the project. He understands the reluctance of some of the neighbors and their concerns. He appreciates what GKFF and Manhattan has done in turning the building and the whole construction area so the backend faces the neighborhood. The look and feel of the building will blend in as well as possible considering in the southwest portion there is going to be nothing but construction machinery.

Mr. Van De Wiele asked Mr. Brimer if his preference is the mock up presented today. Mr. Brimer answered affirmatively.

Mr. Henke left the meeting at 2:21 P.M. and re-entered the meeting at 2:22 P.M.

Jeff Stava came forward. The original concept that was submitted there was a 14 foot eave with a 20 foot peak on the building. There was an eight foot cedar fence with plantings in front of it. As they went around the neighborhood there were some people that did not want the fence and some people did not want the plantings. Mr. Stava recommended that the fencing around the building be vetoed, and just have the fencing from the corner of the building across Boston Place and plantings elsewhere. So there would be fencing on the north and east sides and plantings across it so the building will fit more into the fabric of the neighborhood. On the south side of the building there will be doorway and no fence, and the site will be open to 31st Street. On the west side there will be a doorway and no fence. The building would consist of stone and painted shake style hardie board with a galvanized metal roof. There are two houses in the neighborhood with metal roofs and he plans to match the metal to the house that is the farthest north on the block.

Mr. White informed Mr. Stava that if he should need to go beyond the five year period being requested he would need to come back before the Board for permission of an extension. Mr. Stava stated that he was not aware of that until last evening.

Mr. White asked Mr. Stava if it would be a problem for him if the Board were to make a condition that at the end of a five year period the subject building were to be removed, if the Board approves today's request. Mr. Stava stated that at the end of Phase I there will be a pocket park that opens up to the neighborhood. That construction phase is expected to end in 2017. So the building would stay up to five years then be replaced by the pocket park.

Mr. Van De Wiele asked Mr. Stava if construction of Phase II were to start early what would happen to the building. Mr. Stava stated there will not be a requirement for as large a building for Phase II and Phase III so the construction office building will be scaled down.

Mr. Tidwell asked if the construction office building would be moved to a different location during Phase II and Phase III. Mr. Stava answered affirmatively.

Jana Monforte, 3041 South Boston Place, Tulsa, OK; stated she is thrilled about the park. She feels that GKFF has done a great job in keeping the neighborhood informed on what is going to happen. At times the residents are going to be frustrated but in the end there be a park right across the street from her house. Sometimes you must give up something to gain something.

Rebuttal:

Roy Johnsen came forward. The meeting last evening was packed and most of the people at that meeting are here today. The Board of Adjustment is dealing with two issues, Special Exceptions and Variances. The Board must find "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". It seems like this project is right on the money in a situation of an extraordinary circumstance. Many times a Variance being sought is a small thing but this project is a large thing. There is nothing else like this in the entire city. In Use Unit 2, it does not make any distinction from retail or industrial or office or any other category. It is a document that was written that says construction activities can be on site. This is far past that simplicity. For example, there is an office building on the north side of 31st Street and there is no parking on site. It is as good a neighbor as anyone can have. This company is going to do the best they can to keep the dust down and reduce the noise level. Use Unit 2 does not work for the present situation because it is a very large project that will take a very long to complete. The conditions for the hardship are met by looking at the facts. The neighbors have agreed with the proposal. There are provisions in Use Unit 2, i.e., the length of time is two years. That two year time limit simply will not work so a Variance is being requested. There is also a provision that within 100 feet the resident's permission must be received. That statement does not make sense, and the Board has the power to grant the Variance requested for that. In the zoning code there is a section that addresses the ingress and egress from a collector street, and that collector street is 31st Street. Section C under the Use Unit 2 states that a site shall not be located within 100 feet of an occupied dwelling without permission, but as a practical matter people will sign a statement such as that. Mr. Johnsen did say that the four residents that are within 100 feet of the project are in support of the project. A Use Unit 2 Special Exception in the residential district is one of the things the Board can approve. This project is in a residential district. In the zoning code it specifies certain things, i.e., maximum floor area ratio of .5, maximum lot size of 12,000 square feet, minimum frontage of 100 feet, a minimum building setback and these items simply cannot be met with the situation presented.

The lot is smaller than the 12,000 square feet. The minimum frontage of 100 feet is not there. That is why the Variance for those items has been requested.

Mr. Van De Wiele asked Mr. Johnsen to speak to the need of the size of the building. Mr. Johnsen stated there will be a lot of offices for meetings and the larger building will provide greater protection to the people to the north of the subject site. The contractor thinks the building size is appropriate for the leadership of the construction project.

Mr. Tidwell asked Mr. Johnsen if there would be work performed on the site on Saturdays. Mr. Johnsen stated there would be work all day during the daylight hours.

Comments and Questions:

Mr. Henke thinks there is a valid hardship for the Variance requests. The Special Exception clearly needs to be not detrimental to the neighborhood, and there will be arguments on both sides to that, but what has been discussed today is probably the most attractive temporary construction office building he has seen.

Mr. Van De Wiele agreed. Everyone is going to be inconvenienced to some degree. The closer one is the more inconvenience, and he certainly has already started looking for another route into downtown. When this project is finished it will be a great improvement and asset.

Mr. Tidwell agreed there is a valid hardship, and believes the Foundation will be responsive to problems that may arise during the construction.

Mr. White agreed with the other Board members. He would suggest that after the five year time frame is complete that the building be removed from the site. He understands the applicant has stated that the building would be removed but the Board has not stated that condition in a motion as of yet.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a Special Exception to permit offsite construction facilities (Use Unit 2) including staging and storage of construction equipment and materials (Section 401, Table 1 and Section 1202.B); Variance of 2-year time limitation on construction facilities to allow 5 years (Section 1202.C.4.a), with the condition that at the end of the five year period the construction office facility be removed; Variance to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner (Section 1204.C.4.c); Variance from the bulk and area requirements set forth in Section 404.F. The Board has found that the project in question is an exceptional size and undertaking as part of the City. The facilities to be constructed on the lot in question are located at the optimal and most efficient location to provide the least amount of detrimental impact. The applicant has agreed as part of the approval given today that the north and east side of the construction office will be covered by a stone and painted shake style hardie board siding as presented at today's meeting. The south and west sides of the building

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will be of typical construction material and will not be required to be fenced. Also, along the north and east sides of the building there will be landscaping and plantings. The Board has found in conjunction with the Special Exception that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the 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:

S17 LT 11 & ALL LT 12 BLK 11, TRAVIS PARK ADDN; ALL 3200 RIVERSIDE DRIVE ADDN; PRT GOV LT 1 & PRT NW NE BEG 24.7S & 410.6E NWC NW NE TH W481.57 SE303.97 TH ON RT CRV 236.89 SE104.61 E371.67 N635.3 POB SEC 24 19 12 6.22ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

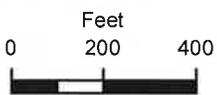
OTHER BUSINESS

Review and Approval of the 2015 City Board of Adjustment meeting dates.

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the 2015 City Board of Adjustment meeting date schedule provided with the exception of the removal of the November 24th meeting and the December 22nd meeting.

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Subject Tract

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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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