

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1299  
**Tuesday, July 26, 2022, 1:00 P.M.**  
Tulsa City Council Chambers  
One Technology Center  
175 East 2nd Street

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Bond, Chair Radney, Vice Chair Wallace Brown	Barrientos	D. Wilkerson S. Tauber J. Banes A. Chapman	A. Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk’s office, City Hall, on July 22, 2022, at 8:02 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Bond called the meeting to order at 1:05 p.m. Ms. Radney entered the meeting at 1:08. Mr. Bond noted that they are a 5-person board, and that the Mr. Barrientos is absent. Applicants can request a continuance to a future meeting when they have a full board.

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Mr. Chapman read the rules and procedures for the Board of Adjustment Public Hearing.

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

- Mr. Austin Bond, Chair
- Ms. Burlinda Radney, Vice Chair
- Mr. Steve Brown, Secretary
- Mr. Tyler Wallace
- Ms. Audrey Blank, City Legal
- Mr. Dwayne Wilkerson, Tulsa Planning Office
- Mr. Austin Chapman, Tulsa Planning Office
- Ms. Sherri Tauber, Tulsa Planning Office
- Mr. Jeromy Banes, Tulsa Planning Office

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**MINUTES**

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace “ayes”, no “nays” ; no “abstentions”, Barrientos “absent”) to **APPROVE** the **Minutes** of June 14, 2022 (Meeting No. 1296).

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace “ayes”, no “nays” ; no “abstentions”, Barrientos “absent”) to **APPROVE** the **Minutes** of June 28, 2022 (Meeting No. 1297).

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**UNFINISHED BUSINESS**

**23309 - Ryan Neuhor, Image Builders**

Special Exception to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) **Location:** 3909 E. 5th Pl. S. (Rogers) **(CD 4)**

**Presentation:**

Withdrawn by applicant

## **23319 - Jason Evans**

Variance to allow the floor area of a detached accessory building to exceed five hundred square feet and 40% of the floor area of the principal residential structure (Sec. 45.030-A.2) Variance of the 35-foot setback from an arterial street. (Sec. 5.020, Table 5-2) Variance to permit a Detached Accessory Building exceeding 10-feet in height to the top of the top plate in the rear setback (Sec. 90.090-C)

**Location:** 4217 East 15th St. S. (CD 4)

### **Presentation:**

**Jason Evans**, 4217 East 15<sup>th</sup> Street, Tulsa, OK 74112, stated this is a continuation of the last meeting. There were questions about the aesthetics of a metal building next to an existing residential structure. He stated that he had brought a rendering of how the metal building would look and that it looked like the existing residential structure with windows and shutters that match the house. The finish is indistinguishable. It is color matched, cedar shutters to match the house on the window and gray roof to match as well.

Mr. Bond asked if there any issues from the neighbors. Mr. Evans stated that no one has had any objections. He also showed a picture of the improvements that have been made to the residence. It was a derelict property prior to his improvements.

Mr. Bond asked if the hardship was gone over at the last meeting. Mr. Evans stated that is a 25-foot by 24-foot building would be six hundred square feet and that does exceed the 40% of the main residence which is about 1,100 square feet. It also is on a long skinny lot. It does not infringe upon the setback of 15<sup>th</sup> Street any more than the current home does. The home has been there for 50 years. There had been a structure there before, but it was too small for a modern car.

### **Interested Parties:**

No interested parties were present.

### **Comments and Questions:**

Mr. Brown congratulated Mr. Evans for providing the information that the Board has asked of him. Mr. Brown still did not like it, that it was out of scale with the neighborhood, but he was tending to approve the Variances.

Mr. Wallace stated that he appreciated the visuals too and that the property looked great. He asked what the setback of the residence was from 15<sup>th</sup> Street. Mr. Chapman stated that it was 10 to 15-feet.

Ms. Radney stated that she supported it. The property is non-conforming already and that he could add on to his house and get this much square footage.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace “ayes”, no “nays”, no “abstentions”, Barrientos absent) to **APPROVE** the Variance to allow the floor area of a detached accessory building to exceed 500 square feet and 40% of the floor area of the principal residential structure (Sec. 45.030-A.2), and the Variance of the 35-foot setback from an arterial street. (Sec. 5.020, Table 5-2), and the Variance to permit a Detached Accessory Building exceeding 10-feet in height to the top of the top plate in the rear setback (Sec. 90.090-C) finding the hardship to be that the existing is non-conforming and was constructed at a time that pre-dates the present Code as well as the size and shape of the existing lot. Per the Conceptual Plans that were presented today and on 4.18 through 4.20 of the agenda packet and subject to the new detached garage be constructed that is consistent with presentation today and that also matches in color, style, and roof pitch of the existing structure.

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:*

**LT 10 BLK 4,ELECTA HGTS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

### **23386 - Precision Sign & Design**

Variance to allow more than one sign per street frontage in the OM District (Sec. 60.060-B.1); Variance to increase the maximum allowable sign area in the OM district (Sec. 60.060-C) **Location:** 5151 East 51st St. **(CD 5)**

#### **Presentation:**

**Steve Ballard, Precision Sign**, 195 South 122<sup>nd</sup> East Avenue, Tulsa, OK 74128, stated that Meal on Wheels is constructing a large distribution center at 51<sup>st</sup> and Darlington. They applied for four sign permits for this location. One would be an illuminated sign on the south elevation of the building and that permit was approved and is being processed. One wall sign facing Darlington "Together We can Deliver" sign was denied based on the size and quantity of signs on that frontage. Then we had the two non-illuminated signs on the container which is equivalent to a monument sign. The Hardesty Center sign on the south side of building was approved and the Hardesty Center sign on the monument structure was approved. We applied for Variances to increase the quantity of signs to two signs per frontage and increase the size limitation to over 150-square feet. Since the last meeting and the Boards concern about the overall size of signage and the quantity of signs, the owner has voluntarily modified some of the signage. The illuminated sign on the front/south of the building has been reduced in size and eliminated some of the words Metro Tulsa and as well as the two non-illuminated signs on the containers. They have also agreed to reduce the overall size of the Together We Can Deliver sign to under 150-square feet. That will eliminate the need for the second Variance. At this point, we are looking for the Variance in the quantity of signs per frontage.

Mr. Bond asked if 5.14 was prior to changes and Mr. Ballard stated that it was. Metro Tulsa was eliminated. Together We Can Deliver on the Darlington frontage will be about 35% smaller coming in at about 147-square feet.

Ms. Radney asked if the additional verbiage had already been removed. Mr. Ballard stated that they had already decided to not to move forward with that.

Ms. Radney stated that they had permission for one side of the monument sign and the illuminated sign, and you needed an additional signage for Together We Can Deliver and a non-illuminated text on the west side of the container.

Mr. Ballard stated that their priority is the westside of the container as it is important for traffic coming from the west.

Ms. Radney asked if the container signage priority was for both side. Mr. Ballard stated that for serving the purpose of finding the location, having a sign on both sides of the container is priority. The row of text "Metro Tulsa" was removed and from the illuminated sign on the front and the two sides of the container. The lot runs north and south. They are concerned that you are not going to see a sign at all until you get to the corner. Ms. Radney asked where the two permitted signs are they both on the structure or are they on the monument.

Mr. Chapman stated that a business is approved for one side of the monument and the Variance would allow a second sign on the other side of the monument and additionally the two signs on the building. Mr. Chapman stated that Danny Whiteman was here from the permit center if you want further clarification, but with the monument sign the sign is oriented toward two separate street and that is why it creates the issue of needing more than one sign per street frontage.

Ms. Radney stated for the purposes of this discussion, even though the second sign that is on the building which is "Together We Deliver" does not say Meals on Wheels, is it not still part of the sign budget regardless of what it says.

Mr. Chapman stated that it is one sign on Darlington and the second sign on Darlington is the second side of the container. The signs on 51<sup>st</sup> are the big wall sign that says "Hardesty Center" and the side of the container.

Ms. Radney stated that the only reason she was being pedantic is that we were talking about whether a container is a building structure that was permitted as a part of the building permit or whether it is a monument. There are directional signs that would be permitted by right for way finding.

Mr. Ballard stated that he understood that they are allowed one sign per frontage; one for Darlington and one for 51<sup>st</sup>. Each of those signs would be 150-square feet.

Mr. Chapman stated that he would defer to Danny Whiteman, since he does the review so he would be able to answer technical questions.

Mr. Ballard stated that the container is setback from the corner. It does not impede visibility. It was his understanding that with the reduction of the size of the sign, they only need approval for having two signs on each frontage.

Ms. Radney stated that what the Board must contemplate and what she was debating are two signs on your building as apposed to a sign on the building and sign on the lot.

Mr. Bond stated that normally he would agree with Ms. Radney, but where we have made exceptions begs the question of hardship. On these cases where it is a service organizations that need increased signage to get people there. The need that these organizations have are not self-imposed and not there for profit.

Ms. Radney stated that she appreciated the nuance of this, but her problem with it is serving for the purpose of way finding. This is a divided street. You can only make a left at the light.

Mr. Bond stated that there is a curb cut on the site plan on 51<sup>st</sup> Street.

Ms. Radney stated that there are a lot of children that live in the residential neighborhood to the north, there are children that are in and out of the Y, there are people on bicycles

and foot traffic. She would like to hear from the city and why they elected to approve the signs in this manner.

Mr. Whiteman, with the sign and zoning plan review for the City of Tulsa. To clear up one thing that is being discussed is that on the container building, we are viewing those as wall signs because that container is getting it a building permit. When this came up the container was considered two separate signs and not one free standing sign. Two wall signs on the container and two on the building. We were able to approve two of them; one on 51<sup>st</sup> Street and one to face Darlington, so one sign per each frontage. The other two are signs per frontage. There will be two per frontage. Two were approved with no issues from us and the other two are before you.

Mr. Wallace asked Mr. Chapman to pull up the rendering (5.4) and asked if the images of people are considered signs. Mr. Whiteman stated that they would be considered signs based on the sign definition which is broad. Those were not proposed or applied for on the documents that were submitted to the city.

Mr. Wallace asked Mr. Ballard if those two signs were part of the signage package. Mr. Ballard stated that the faces are in their blended scope of work. We viewed the faces more as murals and not in an advertising capacity.

Mr. Wallace stated for the record that the Board is not passing this rendering.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Bond stated that he wants to have this discussion here and he does not want the Board to an encumbrance on encouraging Tulsa fulfilling its' social services in one place. We have done this for other social service organizations particularly for signage and for this one it thrives on people using their cars, volunteers driving, delivering meals to people as an outreach. It gives a lot of latitude to hardship. It is something that we have consistently done since he has been on this Board.

Ms. Radney stated that as she is reading the Variances, it states that the applicant is seeking two signs. She felt that they really are asking for four wall signs and two murals. Mr. Bond stated that the murals are of two elderly Tulsans, and he could use that reminder. This is a unique case because of what it does, and he felt like language of the Variance gives us that latitude. This is different from a commercial use where he would be opposed to additional signage.

Ms. Radney stated hardship is that it is not functionally branded and that is self-imposed. You know I believe that all businesses have self-imposed hardships. The sticking point for her was that to be functionally branded, that the container is required.

Mr. Bond stated that he was comfortable with the Board deciding of what the sign budget is and if they can go over it, but what constitutes that sign is a decision that gets made before it gets to us. When the City has questions, they will be able to send it to us to be the final arbiter which is why we are supposed to be here. I do not know if this is a mural, but it could be a statement.

Mr. Wallace stated that mural aside because that is not technically approving those pieces. He did think that it was a beautiful building, and the architectural elements say Meals on Wheels on the south façade. It is a busy and dangerous intersection. He was still trying to decide what the additional signage achieves that the building does not already do. The safety factor of the intersection is a priority for him.

Mr. Brown stated that he followed Ms. Radney's argument, but the greater good of this organization is an over riding factor to him.

Ms. Radney stated that the Board should decide how many signs they are approving, and where those signs are located.

Mr. Chapman recommended that the Motion state that per 5.17 (site plan) and per the revised plan showing reduced sign areas. Neither of those exhibits show the signs that are being discussed whether they are signs or not and that will put that conversation between the contractor and the permit center.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 3-0-1 (Bond, Brown, Wallace "ayes", no "nays", Radney "abstained", Barrientos "absent") to **APPROVE** a Variance to allow more than one sign per street frontage in the OM District (Sec. 60.060-B.1); Variance to increase the maximum allowable sign area in the OM district (Sec. 60.060-C) finding the hardship to be the need for increased visual acuity due to the location of this service at what is a busy, multi-module corner, and the need to elevate the unique uses of this particular building as it relates to it's delivery of public services and it's volunteers per the conceptual plans shown on 5.13 through 5.17 subject to the following conditions that the additional signage that we are approving is explicitly limited to that is attached to the front face of the upper container structure of the main building that is on the eastern side and as well as two sides of the monument container as it is currently located on the property.

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.”*

**PRT LT 1 BEG SWC LT 1 TH N429.10 E304.52 S429.10 W304.57 POB BLK 1,  
LINCOLN CTR RESUB L1 B1 SE YMCA & L16 CANFIELD SUB, CITY OF TULSA,  
TULSA COUNTY, STATE OF OKLAHOMA**

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## **NEW APPLICATIONS**

### **23391 - Raul Cisneros**

Variance to reduce the required 20-foot rear setback in the RS-3 District (Sec.5.030-A, Table 5-3) **Location:** 2647 South 90th East Ave. **(CD 5)**

### **Presentation:**

**Fred Montes**, 2647 S. 90<sup>th</sup> East Ave., Tulsa, OK, 74129. Mr. Montes built a covered porch in his backyard and the backyard is only about 20-feet wide. He has about 8-foot clearance and the city has a limit of 20-feet towards the back.

Mr. Bond asked Mr. Chapman for the conceptual plan numbers. Mr. Chapman stated that is 6.8. It is a corner lot. They are encroaching onto the rear lot line. They are asking to go from 20-feet to 8-feet.

Mr. Bond asked about the neighbors. Montes stated that the neighbor was okay with the porch.

Ms. Radney asked Mr. Chapman if the house faced the other corner on 26<sup>th</sup> Court if he would be able to have this structure by right. Mr. Chapman stated that he would not.

Mr. Brown asked about the hardship. Mr. Montes stated that they have a large family and there is no shade the backyard for the children to play.

Mr. Wallace asked if the porch were built in Code how much would that cover. Mr. Montes stated that the porch would only be 5-feet.

Ms. Radney asked if it was safer for the children to play in the backyard than the front yard. Mr. Montes stated that yes it was since it is a corner lot.

Mr. Brown stated that he had driven by, and the structure is large, but not intrusive.

### **Interested Parties:**

No interested parties were present.

### **Comments and Questions:**

Ms. Radney stated that if you were driving down the street that it would not look illegal and this is unique to this property.

**Board Action:**

On **MOTION** of **WALLACE**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace “ayes”, no “nays”, no “abstentions”, Barrientos “absent”) to **APPROVE** the Variance to reduce the required 20-foot rear setback in the RS-3 District (Sec.5.030-A, Table 5-3) finding the hardship to be the uniquely shaped corner lot and no other place to build the porch safely, per the conceptual plan shown on pages 6.7 through 6.12.

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:*

**LT 12 BLK 14, LONGVIEW ACRES FOURTH EXT, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

### **23392 - Bradley Pirpich**

Modification to remove or extend the three year-time limit for a Special Exception to permit a Low-Impact Medical Marijuana Processing Use in the CH District (Sec. 15.020, Table 15-2) **Location:** 916 West 23rd St. South (**CD 2**)

#### **Presentation:**

**Bradley Pirpich**, 2808 E. 26<sup>th</sup> Place, Tulsa, OK, 74112, and **Cheryl Cohenour**, 2809 East 28<sup>th</sup> Street, Tulsa, OK 74114 stated that Ms. Cohenour is the building owner and stated that they were given three years on a Special Exception and would like to have it removed or extend the three year-time limit. She stated that they had great relationships with their neighbors. They do not have any foot traffic; it is a medicinal kitchen that makes candy, and we would like a Variance, so we do not have to come back again in three years if possible.

Mr. Bond stated that the Board's concern was Eugene Fields Elementary School being so close. He asked if Ms. Cohenour had any communications with neighbors. She stated that she had spoken with their immediate neighbors, and we all look out for each other, and they sent in letters of support. The property is fully fenced.

Mr. Brown asked if there had been any police reports on this property. Ms. Cohenour stated that there had not been any.

#### **Interested Parties:**

No interested parties were present.

#### **Comments and Questions:**

Mr. Bond stated that he appreciated them coming back and this next to a neighborhood that is undergoing a great revival.

Ms. Radney agreed, and it is also important for the record for other members of the public to get a sense of what actual operations of these types of this business and their impact are on the local neighborhoods.

Mr. Wallace stated that he is prepared to support it as well, mostly for the fact that he is familiar with the area and the school across the street, and he had no idea what type of business what type of business it was. The building looks great, and it is respectful in its CH zoning.

Mr. Brown stated that he supports this and sees no need continue with an additional time frame requirement and believed that the Board could modify to as a Special Exception.

#### **Board Action:**

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace "ayes", no "nays", no "abstentions, Barrientos "absent") to **APPROVE** the Modification to remove the three year-time limit for a Special Exception to permit a Low-Impact Medical Marijuana

Processing Use in the CH District per the conceptual plans 7.9 shown in 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:

**S137.75 LT 1 WESTDALE ADD & S110 LTS 1 & 2 BLK 41 WEST TULSA ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**23393 - Jacob King**

Special Exception to permit Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL district (Sec. 15.020, Table **Location:** 4133 South 87th E. Ave. **(CD 7)**)

**Presentation:**

**Jacob King**, 3916 South 201<sup>st</sup> East Avenue, Broken Arrow, OK, 74014, stated that they wanted to put in an ice water extraction facility in their business. There would be no gas, no solvent, and no orders as it is all frozen.

Mr. Bond asked if he had any conversations with his neighbors. Mr. King stated that he had and emails with them. No one had any objections to what he was doing because there is no order or risk of danger. Their maximum staff will be 5 to 6 people and plenty of parking to service their building.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Brown stated there is adequate parking in the back and front of this business. He tends to support it.

Mr. Bond asked Mr. King what type of product he will be producing. Mr. King stated that they will be producing hash rosin which is just an ice water product that is pressed with heat pressure afterwards. It is then dried out and it is all kept frozen and cold to keep it fresh. The plant material is mixed with water and the dry crumbs fall off which is like a paste and it's a concentrate. It is like a paste and then dried out, then pressed and that is the final product. It will be sold in dispensaries, but no public interaction at this facility.

Ms. Radney asked if it was a business-to-business product. Mr. King agreed with that statement.

Ms. Radney stated that there are no exhibits and asked the Board if they needed to add anymore constraints to the request.

Mr. Bond stated that 8.7 is in the packet.

**Board Action:**

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace "ayes", no "nays", no "abstentions", Barrientos 'absent') to **APPROVE** the Special Exception to permit Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL district per conceptual plan 8.7 in 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: **LT 20 BLK 2,SOUTHPLACE INDUSTRIAL PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.**

**23394 - Garcia Martinez Zuniesky**

Special Exception to permit a Personal Vehicles Sales and Rental Use in the CS District (Sec. 15.020, Table 15-2); Variance to allow outdoor merchandise display within 300-feet of an abutting R- or AG-R district (Section 15.040-A); Special Exception to permit the storage of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface outside of the required building setbacks to permit a gravel parking lot (Sec. 55.090-F-2)  
**Location:** 6520 East Latimer Place North **(CD 3)**

**Presentation:**

**Garcia Martinez Zuniesky**, 6520 East Latimer Place North, Tulsa, OK, and **Julian Perez**, 6520 East Latimer Place North, Tulsa, OK stated that they wanted to open a car dealership. We provided pictures, we made all arrangements for the vehicles in the pictures to be removed, and we enclosed the fence panels. We prepared the office and the bathroom. We have insurance and have prepared the parking lot. We would like your approval for a car dealership.

Ms. Radney asked what kind of business was located here previously. Mr. Perez stated that he did not know. Ms. Radney also asked if one of the things they were asking for was to park vehicles without having to have a dustless surface to park them on. Mr. Perez stated that they have a concrete area in front to park the cars.

Ms. Radney asked when they got a car and were preparing it to sell do they do minor things to get it ready to sell, no painting. Mr. Perez stated that she was correct, they do everything to the car to make sure it is ready to sell except for painting.

Mr. Bond asked how long they had been in operations. Mr. Perez stated they had been operating for five months. They had worked for eight years selling and repairing cars before this.

Ms. Radney asked if there was space to store cars inside the building. Mr. Perez stated that there was space inside the building. Ms. Radney asked how they get the cars inside the building. Mr. Perez stated that you can drive in from Latimer on concrete into the back of the building.

Mr. Perez stated that when the cars are being test driven, they have them drive onto Sheridan Road and out to the highway.

Ms. Radney asked how many spaces they planned to have to park the cars to be sold. Mr. Perez stated that there are spaces for 12 to 14 cars. We have a tow truck that I usually take it home.

**Interested Parties:**

**Crista Patrick, City Councilor District 3**, 1918 N. Joplin Avenue, Tulsa, OK 74115 stated that this is an inappropriate place for a car dealership. It butts up against a residential neighborhood and two schools, so if anyone tries to test a car down horseshoe hill it could be disastrous. I heard them say they are not going to let people go out that way, but it

could happen. There is no light there on Sheridan to turn left, so the likelihood is they would want to go through the neighborhood to get to a stop light. They have not maintained property in the past few months but have cleaned it up in the last two weeks. It was a day care previously. Previously, the neighbors have been against additional car related industries.

Mr. Bond thanked the Councilwoman for being at the meeting. None of the business are as far into the neighborhood as this one.

Ms. Patrick stated that she is opposed to the request.

**Rebuttal:**

Mr. Perez stated that they have been working very hard to keep everything cleaned up and he is aware of the children in the neighborhood. The neighbors have not complained to him, and they are trying to be good neighbors. The people who will be test driving have drivers licenses and know the rules of the road.

Ms. Radney asked if they were aware that you would need to come before a board like this before you began your business operation. Mr. Perez stated that they did not, this is the first time they have started a business before. Ms. Radney stated she had owned a business before and there were things that she did not know about beforehand either. People want a quality neighborhood that does not have a business at the beginning of it that it could be a hardship to the neighbors. Mr. Perez stated they are talking about closing the gate to the east side and only let people drive in and out of the west side. Most people want to test drive on the highway to make sure the car is good. They will make it a policy that they can not test drive in the neighborhood.

**Comments and Questions:**

Mr. Bond stated that it looks like it is a significant improvement from what we saw with the tennis screening and the clean up and we appreciate the plan. If they had not brought the pictures of before and after, he would not be supportive of a business that is a block off the main street. Mr. Bond did not feel that this was the right location, and he could not support this.

Mr. Radney stated that there a lot of small, low-impact car dealership that abut neighborhoods all through there. She felt it would not have a negative impact on the neighborhood.

Mr. Brown suggested a time limit to make sure they are operating the business as they say they will. Ms. Radney would support that as well.

Ms. Radney stated that limiting the number of vehicles they can have on the lot to sell. They will be happy if they are giving one test drive a day and the impact to the neighborhood can be mitigated. It is notable that there is no one from this neighborhood at the meeting. She would agree to a time limit of a business cycle of 3 to 5 years, with a limitation to the number of vehicles and the prohibition of parking anything other than in a



temporary manner such as a towing truck or trailer on the dustless surface. She stated that there was a way to be a good neighbor.

Mr. Wallace stated that the car dealership, but he was not sure about the dustless, all-weather surface.

Mr. Bond stated that there are two issues: First, is the Special Exception that is for the dust-less surface and the second is for outdoor merchandise. The first for the dust-less surface is problematic and not something that we grant within the city. The second of the Variance to allow outdoor merchandise display. This is not a self-imposed hardship.

Ms. Radney stated that the hardship was the pre-existing boundary for the zoning. It is a commercial corner that turns into Latimer Place. The fact that this lot abuts the AG land, and they need to park somewhere on the lot, and we would be restricting them from most of the part that pavement already exist. She would strike the ability to store motorized vehicles on the dustless surface in exchange for the Variance for the outdoor merchandise because we would be constraining them to where the existing dustless surface is which would either be in the front or the back. On all but the eastern side of this lot which is CS, it is bounded by commercial, and it sits within a commercial district.

Mr. Bond stated that he respectfully disagreed with Ms. Radney stating that he does not think it is in a commercial district. The North Sheridan corridor is commercial, but it is immediately bounded by residence and that is where this encroaching onto. It is certainly everyone's individual vote, but he would still say these are people who have elected to make this type of business within 300-feet of a R district, and it is self-imposed, it is for profit, and what is the hardship based on that. He thought the definition of a Variance should give them pause.

Ms. Radney though that if they were to permit this Special Exception, that if we do not grant the hardship, then tenant A is violated, we would be imposing more hardship to be able to use the Special Exception that we granted by not allowing them to park anywhere on the property. Everywhere within that boundary is within 300-feet. It is mute to give them one without giving them the other.

Mr. Wilkerson stated that anything abutting residential should have screening.

Ms. Radney asked if the screening they described sufficient. Mr. Wilkerson stated that what they showed today looked like a fabric screen and is not consistent with our zoning code requirements. The screening should be something more typical with metal or wood and landscaping and other things that are required. There is a requirement for vehicular use area buffer abutting a street and there is a screening requirement with a fence and trees on the east and north sides (residential areas).

Ms. Radney stated that she was leaning toward approval, but the Board must get to three votes.

Mr. Wallace stated that he would tend to approve on the personal vehicles sales and the Variance to allow outdoor merchandise display but would not approve the Special Exception to permit the storage on another surface other than dustless.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 3-1-0 (Brown, Radney, Wallace “ayes”, Bond “nay, no “abstentions”, Barrientos “absent”) to **APPROVE** the Special Exception to permit a Personal Vehicles Sales and Rental Use in the CS District (Sec. 15.020, Table 15-2) per the conceptual plan shown on page 9.9 of the agenda packet subject to the following condition that Special Exception be granted for a period limited to five years from the date of this approval.

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.

Further on **MOTION** of **RADNEY**, the Board voted 3-1-0 (Brown, Radney, Wallace “ayes”, Bond “nay, no “abstentions”, Barrientos “absent”) to **APPROVE** a Variance to allow outdoor merchandise display within 300-feet of an abutting R- or AG-R district (Section 15.040-A) finding the hardship to be the historical pattern of zoning that directly places commercial activity adjacent to historically residential properties on what otherwise is a heavily utilized commercial corridor per the conceptual plan found on 9.9 of the agenda packet subject to the following conditions that all surface be strictly enforced by code be strictly adhered to that the number of cars to displayed to not exceed twelve vehicles and that there be no storage of non-operable vehicles on the outdoor premises and that no vehicles are to be stored on the gravel surface on this property. The Variance will be granted for a period limited to five years from the date of this approval.

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 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.”*

Also, on **MOTION** of **RADNEY** the Board voted 4-0-0 (Bond, Brown, Radney, Wallace “ayes”, no “nays”, no “abstentions”, Barrientos “absent”) to **DENY Special Exception** to permit the storage of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface outside of the required building setbacks to permit a gravel parking lot (Sec. 55.090-F-2); for the following property:

**E162.5 LT 4 LESS N5 ST BLK 2, AVIATION VIEW SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**23395 - Jesse Bucelluni**

Variance to permit a dynamic display sign within 200-feet of a Residential District (Sec.60.100-F) **Location:** 6611 South Memorial Dr. **(CD 7)**

**Presentation:**

**Jesse Bucelluni**, 1225 N. Lansing Avenue, Tulsa, OK 74103, stated that on the corner of 66<sup>th</sup> and Memorial there is a new Kum N Go being constructed and we want to put a pole sign at the northwest corner of the property and gas stations are now using digital gas pricing, so they do not have to change them manually. The digital gas pricing signs are considered dynamic displays. This dynamic display will be within 200-feet of a Residential District, so we are requesting a Variance to have the have the digital gas price sign next to the gas pumps.

Mr. Bond asked if could articulate a hardship. Mr. Bucelluni stated that anywhere we put a pole sign on this property will be within 200-feet. They are considered dynamic displays, but he considers them static because they do not change often. The rest of the signage on the pole is static.

Mr. Brown asked if the sign itself had already been approved. Mr. Bucelluni stated that he believed it was.

Mr. Bond stated that the 40-foot sign was by right. We are only looking at the dynamic display signage.

Mr. Bond asked if it was LED lighting. Mr. Bucelluni stated that it was LED diodes, and they are low K value, so they are not super bright. They are not animated at all.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Bond stated that if deny this motion, the static signage will still be there by right. The code was designed to limit the intrusion on residential neighborhoods, and this will be the least intrusive of all the signs.

Mr. Wallace asked if the Board could limit the dynamic sign to display price sign only.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 3-1-0 (Bond, Radney, Wallace “ayes”, Brown “nay”, no “abstentions”, Barrientos “absent”) to **APPROVE** a Variance to permit a dynamic display sign within 200-feet of a Residential District finding the hardship to be that the sign as proposed is that which is most functional for the use that the applicant needs and it also is per the existing code the least intrusive option to be able allow the necessary business function, per the conceptional plans on 10.9 through 10.10 of the agenda packet and specifically limiting to the following condition that the display to show the price sign section of that illustration.

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:*

**N200 LT 1 BLK 3, WOODLAND HILLS MALL, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**23396 - Jeremy Perkins**

Variance to allow a detached accessory building to exceed 25% of the rear setback area for this RS-2 zoned lot. (Sec. 90.090- C, Table 90-2)  
(Sec.90.090) **Location:** 1252 East 25th Street **(CD 4)**

**Presentation:**

**Jeremy Perkins**, 20 South Lewis Avenue, Tulsa, OK 74104, stated that they have an existing accessory building/garage in the rear setback. It was designed for two-cars with sleeping quarters, but only one car can fit in it at this time. The scope of the work is to repurpose the building. It is over the percentage that can be built new in that space, so we are looking to remove the exterior walls of the existing storage area and add a narrower roof line adjacent to the pool for an outdoor, open-air cabana type space. The garage would still be used as a one car garage and storage in that space. We are taking 10-feet of existing space, removing those exterior walls, and requesting a smaller addition around the pool as can be seen in the site plan of about two hundred square feet. All of this will be open air. So, the 20 x 18-foot garage space will stay and used as a one-car garage.

Ms. Radney stated that part of the issue is that it is all under one roof line and you are still covering the yard. Mr. Perkins agreed.

Ms. Radney asked if there were ever any intentions to ever enclose that structure under that roof line. Mr. Perkins stated that there were not any plans to enclose it.

Mr. Perkins stated that to build a two-car garage, you would be unable to do that on this lot due the setbacks and the way the house is sited. The house is built 10-feet from the front setback and the lot is the minimum this RS-2.

Mr. Bond asked if there had been any issues from neighbors and Mr. Perkins stated that there had not been any that he was aware of.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Wallace stated that this Board is not case precedence, but did not we approve something similar to this at our last meeting.

Mr. Bond stated that they usually are looking at increasing the size of the garage to accommodate today's vehicles. Here they are trying to make it a useable one-car garage and add the eleven square feet.

Ms. Radney stated that there is a nuance in the code that did not anticipate that people would have covered outdoor living areas that are in the backyard but are not inside four walls or in a screened porch. It is being treated as like it is a pool that is covering some of the backyard, but it is a living space. If this were a bedroom, we might be able to approve it as an accessory dwelling unit.

Mr. Chapman stated that if it were enclosed as a building it would also be covering the lot. The intent of the code is not to cover 25% of the rear setback and that is just from a scaling perspective. There is more room to build in the front.

Mr. Wallace stated that the existing garage is a non-conforming structure because it is in the setback.

**Board Action:**

On **MOTION of RADNEY**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace “ayes”, no “nays”, no “abstentions”, Barrientos “absent”) to **APPROVE** a Variance to allow a detached accessory building to exceed 25% of the rear setback area for this RS-2 zoned lot. (Sec. 90.090- C, Table 90-2) finding the hardship to be the unusual dimension of the existing lot which was plotted before the current zoning code as well as the siting of the existing home and the existing non-conforming garage in the rear yard. Per the conceptual plans shown on pages 11.7 through 11.12 of the agenda packet and per the documents that were presented to us and per the restriction that the covered outdoor space to remain open air and is not to be enclosed as a permanent structure.

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: **LT 4 BLK 10,SUNSET TERRACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA***

**23399 - Bryan Broaddrick**

Special Exception to amend a previously approved site plan for a school use in the RS-3 District (Table 5.020, Table 5-2; Sec.70.120) **Location:** 3909 East. 5<sup>th</sup> Place South. **(CD 4)**

**Presentation:**

**Bryan Broaddrick**, 7550 South Toledo Avenue, Tulsa, OK 74136, stated that he was there as a representative of Reed Architect on behalf of Tulsa Public Schools requesting a Special Exception to amend a previously approved site plan. The proposed site plan shown on 12.2 of the agenda packet along Pittsburg Avenue, we are proposing two curb cuts to allow bus drop off lanes to be relocated to Pittsburg Avenue to alleviate traffic flow on 4<sup>th</sup> Place. In addition to that, there is a proposed practice gym being added to the existing Rogers Athletic Center on the north side of the site between the existing building and the baseball field. There is also a proposal for visitors bleachers and a 1,500 square foot ticket/concessions/restroom facility to be added on the west side of the existing football stadium. In addition to that building there is also a fire land proposed in reaction to fire code requirements. The hardship faced by Tulsa Public Schools is the fact that this school campus is surrounded by residential zoning, and they do not have the ability to expand their property, so these uses must be incorporated onto the existing site. Regarding the bleachers and the small building located to the west of the property line in Turner Park, the football field is in a detention pond and the elevation is approximately 710-feet above sea level and the flood plain is 724 feet which would require a building to be raised 15-feet in the air which resulted in the shifting of the bleachers and the building to the west to more suitable ground.

Mr. Bond asked if the football field/soccer/tract complex is in a bowl. Mr. Broaddrick agreed.

Ms. Radney asked if he would speak more about the changes to Pittsburg Avenue. Mr. Broaddrick stated that the busses would be on a street with less traffic than where they currently drop off.

Mr. Brown asked where the fire department access was. Mr. Broaddrick that the fire trucks would enter by the visitors building on a paver area that would look like grass from a distance.

Mr. Bond stated that to the west of the bleacher is a Turner Park.

Ms. Radney asked if the new entrance would encroach on the park. Mr. Broaddrick agreed. He also stated that Chris Hutchins, Executive Director of Bond, and Energy Management has been in discussions with the Tulsa Parks Department.

Mr. Bond stated that this will come before us again. Mr. Chapman stated that this request is dealing with the school property, and they are related, and it is worthwhile to take comments on both, but the park property will be a further request in front of this Board before they can start work on that portion.



Mr. Brown asked if this required any additional parking and Mr. Broaddrick stated that it did not. Mr. Chapman stated that they had previously received a Variance on the parking requirement, but since that time the city has reduced parking requirements for high schools across the city.

Ms. Radney asked where most of the bus traffic travel. Is it east bound or west bound? Mr. Broaddrick stated that he did not know the answer to that question. I would have to defer to the civil engineer on this topic.

**David Reed**, 4144 Dogwood Lane, Sapulpa, Ok 74066, stated that the bus lane coming off Pittsburg was to stack ten busses to try to get them off 4<sup>th</sup> Street to the north. One of the issues is that they stack into that and then into the parking lot and there are a lot of high school students that park in that lot, and it can be dangerous. The fire lane was requested by the fire marshal to come off 4<sup>th</sup> Street is green grass pavers. There was concern about the routing goes over an oak tree and we want to adjust the routing to go around the tree. It is a great partnership between Tulsa Public Schools and the City of Tulsa Parks Department to have this new facility in their park that allows restroom access to the park patrons as well. We also have a letter from the Turner Park Neighborhood Association speaking to their approval the facility.

Mr. Brown asked what type of fence or barrier there will be between the field and Turner Park. Mr. Reed stated it is a chain link fence as of now. It is Tulsa Public Schools desire to put an Ameristar picket fence across there and the way the building is designed is that the park will have access to the restrooms, but they will have to buy a ticket to come through the gate to get to the concession stand and the bleachers.

Mr. Wallace asked where the visitor parking is located. Mr. Reed stated that it is along 4<sup>th</sup> and 5<sup>th</sup> Streets as well as small parking lot to the west in the park.

Ms. Radney asked what the traffic circle along 5<sup>th</sup> Place is used for. Mr. Reed stated that it was for parent/student drop-off. Ms. Radney stated that parent drop-off will be on the south side, the bus traffic will be on the east side, and student parking and other parking are on the north side. Mr. Reed agreed.

**Interested Parties:**

**Nelson Monhollon**, 3519 East 4<sup>th</sup> Place, Tulsa, OK 74112, and **Perla Monhollon**, 3519 East 4<sup>th</sup> Place, Tulsa, OK 74112, stated that they grew up across from Turner Park and they are opposed to the proposal, particularly to the Turner Park portion of the request. The building will not be used 90% of the time and will be a target for vandalism. The new construction will make the small park even smaller. The neighbors use this park often for the walking trails. They could have a concession cart to take food and drink around without this structure. They could invite food trucks as well. **Perla Monhollon** stated that she had a statement from a fellow neighbor that she wanted to read: The overwhelming majority of the people in this conversation object to anything being built on the park grounds unless it is for beautification of the park or more playground equipment for the kids. This is a park

that is well attended by all Turner Park residents. The school has their own grounds, and they need to make do with what have and not encroach the park area in any way. Please take this into consideration.

**Mark Monhollon**, 3519 East 4<sup>th</sup> Place, Tulsa, OK, 74112, stated that there was a discrepancy in the application. The legal description is not where the concession will be, and the property owner shows it is owned by Tulsa Public Schools. He stated that he would like to read a statement: He has lived next to the park for 39 years, his children grew up playing in the park, attended the high school, and participated in competitive sports there. When we first moved there, the park had a recreation center where they had little league basketball games, they offered classes for martial arts and ballet. They offered adult volleyball league, they had mini-concerts and potluck dinners. There was a day care and summer activities for children and a community storm shelter. These facilities were all removed and replaced with a walking trail and picnic gazebo's. This project would be another slap in the face to the park. It is disparaging. I urge the Board members to go to the park and walk around the trail as many people do every day and imagine a structure sticking into the park on the east side 84-feet across the existing trail including a security fence, a concession stand that would be locked up and unusable with restrooms, most of the time. It will be a target for vandalism. Surely there are better options. The new stadium is beautiful, and the kids love it, but they do not need to put a concession stand in the park.

Ms. Radney asked Mr. Monhollon if the amenities and utility of the park has diminished over time as a community asset. Mr. Monhollon stated that what she said was true. Ms. Radney asked if the boundary was any smaller than in the past. Mr. Monhollon stated that he did not believe it was. The amenities are much more limited than they once were.

**Susan Socha**, 5435 Pittsburg Avenue, Tulsa, OK, 74115 stated that she is the secretary of the Turner Park Neighborhood Association and we met at the school with Mr. Hutchins, the athletic department, and the principal of Will Rogers on May 26<sup>th</sup>. They presented this to us, and we had several questions about the use of the park being interfered with or becoming smaller or not being accessible any longer. One of our main concerns was the fire truck lane and have ask that the tree not be removed, and we feel that the Parks Department will not let that happen. Also, there is already a road leading up the hill to the short access to where the truck will go to the pump station. They have promised us that they would use those pavers so it will look like a grass again and that it will also be landscaped to keep unwelcomed vehicles from using that as access to the park. They also promised us that during construction, the walking path will be relocated so people can continue to use it. A permanent walking path will go back in place when the building is completed. They also promised us was that they will be opening the track at Will Rogers in the evenings for the public to use and the fence around the concession stand and restroom building will separate the concession stand area and the bleacher area from the park. The restroom area will be open so that we can use it. We cannot leave it open all the time because of vandalism, but four times a year the neighbor associated will be able to use it rent free. The rest of the time individuals groups arrange to use them for a fee through the Tulsa parks. We felt that with them being so amenable to our needs and to the

needs of the neighborhood and giving us extra tract usage that this was a good deal for us. We feel it will improve the use of the park.

Mr. Radney asked Ms. Socha if there is lighting in the park. Ms. Socha stated that there is adequate lighting in the park. It is along the path and along the parking on Jamestown. It is a nice little neighborhood park.

**Rebuttal:**

Mr. Broaddrick stated on behalf of Tulsa Public Schools, the current bleachers on the east side and the issue with several of our games there are some bitter rivalries. Trying to keep the fans separated is a safety concern for TPS and why they want to get the visitors side on the west side, so they are not altogether. Mr. Reed stated that in addition to that, building code dictates that you can travel the maximum of five hundred feet until you get to the nearest restroom facility. With the bleachers located on the west side of the field it dictates that the building of the restrooms be required.

Ms. Radney asked if other schools beside Rogers used the facility. Mr. Davis replied that the junior high also get to play there and some middle-schools. They rent out the field to other independent soccer and other teams.

**Comments and Questions:**

Mr. Bond stated that he agreed with Mr. Molhollon that this used to be a thriving park and it is not any longer. That is why we have insisted that when the parks system wants to redo something that they come to us for approval every chance we can because this Board has echoed strong feelings in the past about not further eroding our park system. What I do disagree with some of the interested parties, is that this would not benefit everyone, I think it would. I think a strong public school system benefits every citizen in Tulsa and I think that is well within our bailiwick being within the spirit and intent of the code. I do not think this would be injurious to anyone, I think it would bring value to it. A strong Rogers High School is going to be good for a stronger Tulsa. These improvements are allottable and the entire community can use too. The uses of the park will be address at a future date and he encouraged everyone to come back for that too. The future of this park is important to this neighborhood. We will deal with that portion at a future hearing.

Mr. Wallace stated TPS, and architects have done an excellent job with property TPS continues to improve it. This is one of the oldest high schools in Tulsa, so it must change as well. TPS is trying to find an avenue to repair some of the problems as the programs have grown. The parks department is trying to better utilize our park systems now and the whole parks department is working through different partnerships. He thought this is the start of something that is going to be great for our community. When you have an independent school district teaming with the city trying to create better uses of property and facilities, it is an amazing thing.

Mr. Brown stated that the benefit to both the city and the school is enormous and that is also shown in the cooperation that is indicated between TPS, Rogers, and the

neighborhood. There is a concerted effort to solve the problems and not take away from the neighborhood park.

Ms. Radney stated that she is still an equal opportunity objector, and she is looking forward to seeing a bit more of a fleshed-out plan on the parks side of this development. She agreed with the neighborhood in that although these are both public assets, they really do serve different purposes for the community and a school is not a publicly accessible community gathering place. The more that we talk about walkable neighborhoods and bikeable neighborhoods, having places inside neighborhoods that people can access readily and safely is important. These neighborhood parks are something that distinguishes Tulsa in many ways and so to the extent that we can continue to support them and make them really viable for the future including adding new amenities back into these spaces is important. In this case, she was surprised about the lack of comments about traffic flow on Pittsburg. We have had a lot of comments about this in the past when we were discussing parking and traffic issues in terms of ingress and egress from this facility, but she would trust that the neighborhood association has had a good chance to vet that and you all know better than most about the ways that traffic needs to flow to not burden the neighborhood. The impact on the adjacent park can be discussed later. Democracy is not a spectator sport. We do listen to you. She appreciated all of those who spoke. She would be inclined to support it.

Ms. Blanks stated that she would like to remind the Board that the only legal description that was noticed was of the school property and so any motion concerning this application would only apply to improvements shown on the school property.

**Board Action:**

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace “ayes”, no “nays”, no “abstentions”, Barrientos “absent”) to **APPROVE** the Special Exception to amend a previously approved site plan for a school use in the RS-3 District (Table 5.020, Table 5-2; Sec.70.120) per conceptual plan shown on pages 12.24 through 12.30 subject to this approval for improvements on the school property only.

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

**BEG 1219.4E & 25S NWC OF SW TH S791 SW40.03 E1437.1 N826 TH W1417.08 POB LESS S35 FOR ST SEC 4 19 13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

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**OTHER BUSINESS**

None.

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**NEW BUSINESS**

None.

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**BOARD MEMBER COMMENTS**

Mr. Brown asked that in the upcoming Board Work Session that the subject of the small print on the plans could be enlarged up so they can be read.

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There being no further business, the meeting adjourned at 4:48pm.

Date approved: 8-23-22

A. Bow  
Chair