Introduction and Notice to the Public

The City of Tulsa Board of Adjustment (BOA) is empowered by state law to grant variances due to hardships, and special exceptions to the zoning code. At this meeting, BOA, in accordance with and pursuant to applicable policies and procedures, will review, consider, discuss, and may take action on, approve, approve with conditions, amend or modify, deny, reject, or defer action on any item listed on the agenda.

How to Participate

You may attend the hearing to express your opinions, or have someone appear on your behalf. If you wish to present documents or exhibits during the hearing, please submit them by 9:00 a.m. the day of the hearing. Please reference the case number and include your name and address. Any exhibits presented will become part of the public record of the case.

To comment on cases, email planning@cityoftulsa.org.
Mail: Tulsa Planning Office, 175 E. 2nd St., Suite 480, Tulsa, OK 74103

All electronic devices must be silenced during the hearing. Note: If you require special accommodations pursuant to the Americans with Disabilities Act, please notify the Tulsa Planning Office at 918-596-7526.

Call to Order

Approval of Minutes

1. Minutes from Meeting 1331, February 13, 2024

Unfinished Business

2. BOA-23557
   Location: 1110 E. 45th Pl. S.
   City Council District: 9
   Applicant: Lou Reynolds
   Action(s) Requested: Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3)

3. BOA-23630
   Location: 3923 N. Lansing Pl.
   City Council District: 1
   Applicant: Raul Cisneros
   Action(s) Requested: Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5); Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)
New Applications

4. **BOA-23642**
   - **Location:** 126 E. Latimer Pl.
   - **City Council District:** 1
   - **Applicant:** Dewite Dugger
   - **Action(s) Requested:** Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

5. **BOA-23643**
   - **Location:** 5119 E. 81st St.
   - **City Council District:** 8
   - **Applicant:** Lyndsey Bigheart
   - **Action(s) Requested:** Variance to permit more than one on premise sign per street frontage in the OL District (Sec. 60.060-B.1)

6. **BOA-23644**
   - **Location:** 1100 E. 4th St.
   - **City Council District:** 1
   - **Applicant:** Trent Harris
   - **Action(s) Requested:** Variance to eliminate the Street Tree and the Interior Parking Lot Landscaping required for a building addition (Sections 65.040 and 65.050)

7. **BOA-23645**
   - **Location:** 765 N. Mingo Rd.
   - **City Council District:** 3
   - **Applicant:** Lou Reynolds
   - **Action(s) Requested:** Special Exception to permit a College or University Use in the IL District (Sec. 15.020, Table 15-2)

8. **BOA-23646**
   - **Location:** 4143 S. Peoria Ave.
   - **City Council District:** 9
   - **Applicant:** Lou Reynolds
   - **Action(s) Requested:** Special Exception to permit a drive-through facility in the MX3-U-U District (Sec. 10.020, Table 10-2).

9. **BOA-23647**
   - **Location:** 10100 E 61st St.
   - **City Council District:** 7
   - **Applicant:** Mike Thedford, Wallace Design Collective
   - **Action(s) Requested:** Minor Special Exception to modify a previously approved site plan for a school use in the RS-3 District (Table 5.020, Table 5-2; Sec.70.120)

Other Business

Board Members' Comments

Adjournment
**Case Number:** BOA-23557

**Hearing Date:** 2/27/2024  
(Continued from 1/23/23 Hearing)

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**Case Report Prepared by:**  
Austin Chapman

**Owner and Applicant Information:**  
**Applicant:** Lou Reynolds  
**Property Owner:** Independent School District No. 1

**Action Requested:** Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3)

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**Location Map:**

![Location Map](image)

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**Additional Information:**

**Present Use:** School  
**Tract Size:** 3.87 acres  
**Location:** 1110 E. 45 Pl. S.  
**Present Zoning:** RS-3

**Case History:**

08/08/23: First appearance on agenda, Board continued item until the next hearing.

08/22/23: Board approved item in a vote of 3 yea's (Stauffer, Barrientos, Wallace) and 1 abstention (Radney).

08/30/23: Notice of appeal of this case was filed with the Board of Adjustment staff.

09/12/23: Stauffer motioned to reconsider item at the 9/26 Hearing, all 3 Board member present voted in favor of reconsideration (Stauffer, Radney, and Bond).

09/26/23: Board move to continue reconsideration until 11/09/23 on advice of City of Tulsa Legal Counsel.

11/14/23: Board moved to continue reconsideration until 12/12/23 on advice of City of Tulsa Legal Counsel.

12/12/23: Board moved to continue reconsideration until 1/09/24 on advice of City of Tulsa Legal Counsel.

01/09/24: Board moved to continue reconsideration until 1/09/24 on advice of City of Tulsa Legal Counsel.

01/23/24: Board moved to continue reconsideration until 2/27/24 on advice of City of Tulsa Legal Counsel.
SUBJECT TRACT

BOA-23557

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

Aerial Photo Date: 2021

Subject Tract

19-12 25

2.3
HEARING DATE: 2/27/2024

APPLICANT: Lou Reynolds

ACTION REQUESTED: Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3)

LOCATION: 1110 E 45 PL S

ZONED: RS-3

PRESENT USE: School

TRACT SIZE: 168591.83 SQ FT

LEGAL DESCRIPTION: See attached.

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-21380; On 02.28.12 the Board approved a Variance to permit a digital sign to have non-constant light and a Variance to permit a digital sign within 200-feet of a residential district.

BOA-12091; On 08.19.82 the Board approved a Special Exception to permit a daycare use accessory to Wright Elementary School.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Neighborhood".

Neighborhoods are "Mostly Residential Uses" which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

STATEMENT OF HARDSHIP: See attached exhibits.

STAFF ANALYSIS: The applicant is requesting a Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5);

35.040-1 Library or Cultural Exhibit

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art or library collections of books, manuscripts and similar materials for study and reading. Includes aquariums and planetariums.

and a Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3):
Applicant is requesting to reduce the street setback from 25-feet to 15-feet for non-arterial streets.

**Facts staff finds favorable for variance request:**

- The presence of the storm easement on the site as identified on the property does present a physical limitation of the building area of the site.

**Facts Staff find unfavorable for the variance request:**

- None.

**SAMPLE MOTION:**

**Special Exception:**

Move to _________ (approve/deny) a Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5);

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

  ____________________________________________________________________________.

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

**Variance:**

Move to _________ (approve/deny) a ____________________________

- Finding the hardship(s) to be____________________________________
- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.
- Subject to the following conditions ____________________________.

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

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

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

c. *That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

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

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

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

A tract of land located in the City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit:

The East 995 feet of the South 474 feet of the Annie May Grant Tract "B" of the L.J.F. Rooney Survey of Annie May Grant (née Abdo) and Harry N. Abdo lands in Section 25, Township 19 North, Range 12 East, according to the recorded plat thereof, the East boundary thereof being the center of the Section line between said Section 25, T-19-N, R-12-E, and Section 30 T-19-N, R-13-E; and the East 995 feet of the Annie May Grant Tract "C" of the L.J.F. Rooney Survey of Annie May Grant (née Abdo) and Harry N. Abdo lands in Section 25, Township 19 North, Range 12 East, according to the recorded plat thereof, the East boundary thereof being the center of the Section line between said Section 25, T-19-N, R-12-E, and Section 30, T-19-N, R-13-E, LESS a tract of ground in the Southwest corner of the Annie May Grant "C" Tract (which is part of the N/2 of NE/4 of SE/4 of 25-19-12) specifically described as: Beginning at a point in the center of the Section line on the East side of said Section 25 at the Southeast corner of the Annie May Grant "C" Tract, according to the recorded plat and running thence North in the center of said Section line along the East boundary of said Section 25 a distance of 160 feet, thence due West and parallel with the South boundary line of said Section 25 a distance of 170 feet, thence South and parallel with the East boundary line of said Section 25 a distance of 160 feet, thence East along the South boundary line of said Annie May Grant "C" Tract a distance of 170 feet to the Point of Beginning.
Exhibit “B”

The Applicant requests (1) a Special Exception pursuant to Table 5-2 of the Tulsa Zoning Code (the “Code”) to permit a Library in the RS-3 district; and (2) a Variance to reduce the minimum non-arterial street setback from 25 feet to 15 feet, all for property located at 1110 E. 45th Place S. (the “Property”).

The Property is comprised of approximately 9 acres, with Collegiate Hall, a public charter school, located on the northern half of the Property. The Tulsa City-County Library Commission desires to build a new Brookside Library at the southwest corner of the Property. A Conceptual Site Plan of the new library facility is attached hereto. Currently, Brookside Library is located just north of the Property, across E. 45th Place. The proposed 15,000 SF library will be a much needed upgrade to the current 7,000 SF library built in 1970.

Given the existence of a library in this neighborhood just a couple of blocks away for over 50 years, the proposed Library use will not be injurious to the neighborhood and the Special Exception is in harmony with the spirit and intent of the Code.

The RS-3 zoning district requires a 25 foot building setback from non-arterial streets. Due to an existing storm sewer easement crossing the northern portion of the Property, the location of the proposed Library is confined to the area of the Property to the south of the easement. In order to accommodate the building on the site, the Applicant requests a Variance to reduce the 25 foot street setback to 15 feet.

Taking into account the existing 50 feet of right-of-way of E. 47th Street, the Library building will be setback 65 feet from the residential property boundary to the south and 85 feet from the nearest residential building wall to the south. Accordingly, the literal enforcement of the setback established by the Code is not necessary to achieve its intended purpose and the Variance will not impair the use of the adjacent property or the spirit and intent of the Code.
Sidewalk Extending North

Requesting 15' Setback

T20" Storm Sewer Easement

New TPS Fence Line

TCCL Property Line

Drive-Thru Book Service

Walking Trail on TPS and City Easement
Re: Brookside Library, 1110 E. 45th Place South, Tulsa, Oklahoma 74105
Board of Adjustment Case No. BOA-23557

Dear Mr. and Ms. Abdo:

If you have not already, you will be receiving a notice in the mail from the Tulsa Planning Office regarding our application for Case No. BOA-23557, which will be heard by the City of Tulsa Board of Adjustment on Wednesday, August 8, 2023, at 1:00 p.m.

The Tulsa City-County Library Commission is in the design process for a new Brookside Library facility. The existing Brookside Library, on the north side of 45th Place, was built over fifty years ago in 1970 and, with approximately 7,000 square feet, simply does not have the space or amenities of a modern library.

The new Brookside Library facility is proposed to be built on the south side of Collegiate Hall, on South Madison Place. The new building on Madison will be approximately 15,000 square feet and in addition to a larger book selection, will have meeting areas, computers and multi-media resources available to the public.
The purpose of this Board of Adjustment application is for a Special Exception for the library use to be in a residential district and, due to a large storm sewer bisecting the Property, a Variance to reduce the street setback by 10 feet (from 25 feet to 15 feet) along E. 46th Place. Attached to this letter are a Conceptual Site Plan and Building Elevation that will be provided to the Board.

We are excited for the new Brookside Library and think it will be a wonderful, much needed upgrade for the community and you, as its neighbors. If you have any questions about the project, please do not hesitate to call me at (918) 747-8900.

Yours very truly,

ELLER & DETRICH
A Professional Corporation

Lou Reynolds
Counsel for Tulsa-City County Library Commission

Enclosure
Greetings,

I am writing regarding Case BOA-23557 and the Brookside Library’s planned new location. I wrote an earlier letter of concern to the Tulsa Library. Since writing that letter, I have spoken with some nearby residents. I have heard concerns that the project is unnecessary (regardless, the planned residential location seems very poor, all things considered). I have heard some strong concerns about the loss of green space. The large field has been in use for recreation and relaxation by many community members for decades (and would continue to be if left intact). Its size should not be substantially diminished, as it will be if this project proceeds. I have also become aware of concerns about this project contributing to the unnecessary existence of what the EPA calls a “heat island” in our neighborhood, which seems quite a serious consideration. There are other concerns as well. I agree with the statement that to grant the Special Exception/variance would do more harm than good for the local community. It seems that this project needs serious reconsideration.

Best wishes,

Jonathan Pinkey

4754 S Boston PL
Tulsa OK 74105-4418

P.S. Why not move the library somewhere else, perhaps on Peoria? (Possibly where the old Arby’s was—there is a big field behind it that could provide plenty of parking. There are other possible locations that might be considered as well.)

CAUTION: This email originated from outside of the organization. Do not reply, forward, click links, or open attachments unless you recognize the sender and know the content is safe. Please report using the Phish Alert button in the Outlook Desktop Client if this message contains potentially unsafe content.
Good afternoon,

Per our conversation, I am requesting a continuance for BOA-23557 which is scheduled for August 8, 2023. A continuance is appropriate for the reason that it coincides with an election and would overburden residents who might have to make a choice between the two for reasons of personal or work-related obligations.

To date, no mail has been received notifying those of us living within 300 feet (or distance otherwise specified by law) that a variance has been requested for this project. I would also ask that a public hearing be held so that those of us who have concerns may bring them before the body that governs these changes.

If there are any other steps to be taken in order to ensure that affected residents are able to engage and fully participate in this process, please advise.

Regards,

Kelsey Royce
918-955-5007

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Members of the Board,

I am a resident of the affected neighborhood and strongly oppose granting the applicant’s request in Case No. BOA-23557. I urge the Board to deny the requested special exception and variance because it is a commercial endeavor that is inappropriate for our quiet neighborhood and would be deleterious to our community.

Sincerely, Anique Swanson

Sent from my iPhone
CAUTION: This email originated from outside of the organization. Do not reply, forward, click links, or open attachments unless you recognize the sender and know the content is safe. Please report using the Phish Alert button in the Outlook Desktop Client if this message contains potentially unsafe content.
We are the owners of property located within 300 ft of the proposed Brookside Library. We strongly oppose this proposal and urge the BOA to deny the applicant’s request.

As we understand it, there are two requests that the library is making of the BOA:
1) to be granted a special exception
2) to be granted a variance in the event that the exception is approved.

No variance can be granted.

The criteria for BOA approval of an exception are:

1) the exception will be in harmony with the spirit of the zoning code to the current residential zoning (RS-3)

2) it will not harm community or public welfare

We contend that the exception is not in harmony and will harm us. Therefore, an exception and resultant variance must be denied.

There is no proof that the library needs an “upgrade” and the Library Commission, as a fiduciary, must give the public evidence of such need.

We believe in and support the public library system! As residents of the Brookside area, as well as owners of numerous properties in same neighborhood (that we pay real estate taxes on, and, in turn, support the library’s existence), we want a safe and healthy environment for our neighborhood that protects the community’s right to quiet enjoyment.

The applicant’s proposal for a special exemption and the request for a variance that is to be brought before the BOA on Tuesday (8/22/23) is incomplete, confusing, and unprofessional.

We oppose the proposal and urge the BOA to deny the Applicant’s request.

Sincerely,

Gary & Marianne Haddad
4128 S Norfolk Avenue
Tulsa, Ok 74105
Members of the Board,

I am a resident of the affected neighborhood and strongly oppose granting the applicant’s request in Case No. BOA-23557. I urge the Board to deny the requested special exception and variance because it is a commercial endeavor that is inappropriate for our quiet neighborhood and would be deleterious to our community.

Sincerely, Callan Swanson

Sent from my iPhone
CAUTION: This email originated from outside of the organization. Do not reply, forward, click links, or open attachments unless you recognize the sender and know the content is safe. Please report using the Phish Alert button in the Outlook Desktop Client if this message contains potentially unsafe content.
From: Cherry swanson <cherlei1969@gmail.com>
Sent: Monday, August 21, 2023 6:52 PM
To: Tulsa Planning Office
Subject: Case No. BOA-23557 - Opposition to Request for Special Exception and Variance

Ch Members of the Board,

I am a resident of the affected neighborhood and strongly oppose granting the applicant’s request in Case No. BOA-23557. I urge the Board to deny the requested special exception and variance because it is a commercial endeavor that is inappropriate for our quiet neighborhood and would be deleterious to our community.

Sincerely, cherry Swanson

Sent from my iPhone
CAUTION: This email originated from outside of the organization. Do not reply, forward, click links, or open attachments unless you recognize the sender and know the content is safe. Please report using the Phish Alert button in the Outlook Desktop Client if this message contains potentially unsafe content.
QUESTIONS FROM OUR NEIGHBORHOOD COMMUNITY


1) The proposed building is a very large 15,000 square feet and requests setback of 15 feet instead of existing legal minimum of 25 feet. To accommodate the storm easement, the proposed setback is designated for the side and rear portions of the building, which are adjacent to multi-family dwellings.

   1.1) Does this imperil adjacent buildings, and residents of those buildings, due to proximity in case of fire or emergency event?

   1.2) What remedies exist in the case of fire, or emergency event? How will a fire truck and other emergency vehicles access the side and back of building with such limited space to navigate or turn?

2) This proposed new 15,000 square foot library is part of a developed parcel which houses a Charter School and serves our most vulnerable and treasured community members- our children. 2.1) Are we placing them at risk in the event of fire or, God forbid, armed hostility, by reducing clear and navigable access by emergency vehicles to all parts of the building?

   2.2) Are there security risks and vulnerabilities due to the reduced easement of minimum 25 feet to proposed 15 feet?

3) Documents ask if there are any, “Facts staff find unfavorable,” and in advance of tomorrow’s hearing expressly answer, “None.”

   3.1) Where are the surveys of traffic flow, studies which identify impacts upon neighborhood residents, adjoining properties and existing infrastructure (i.e., roads, sewer, electrical, technology, etc.)?

   3.2) Where are the studies and findings, including impacts upon community and taxpayers due to increased use and consumption of resources, as well as how hours of operation and after-hours special events may negatively impact individuals and families in a neighborhood predominantly of pre-existing single-family dwellings?

   3.3) Will there be disruption of our quiet, tranquil neighborhood and how will it negatively affect our property values as tax paying homeowners?

   3.4) If there are studies, who, or which company, conducted them?

   3.5) Were there any Environmental Impact Reports requested, conducted and/or filed for this proposed use of the soccer and playground parcel?

   3.6) Were impacts upon the loss of carbon-processing ancestral oaks and trees of large diameter identified and considered?

   3.7) Were the impacts and devastation of habitat of resident and protected wildlife identified or considered? If so, how?
3.8) Most importantly, were the devastating impacts upon our most treasured community members - our children - identified and considered? When so many children in the world do not have a safe place, or chance, to play, breathe clean air and interact with God’s Creation, why would we take one that already exists and is beloved here in Tulsa?

3.9) What were the methodologies, criteria, analysis and dates of any studies?

4. Was there Notice of Proposed Changes to Easement?

4.1) If so, how was legal Notice given and when?

4.2) Was each property owner and resident within the adjoining buildings and communities given Notice or asked how the new library would affect them positively or negatively?
TRAFFIC ON MADISON PLACE AFTERSCHOOL

August 22, 2023
STREET VARIOUSLY NAMED BY APPLICANT 47th & 46th PL
I own the apartments at 4611-4623 S. Madison Place. My property is located across the alley/46th Place to the south of the proposed location for the new library.

I am opposed to the applications to both allow from he library to be build and to reduce the setback from he the street from 25 to 15 feet.

Reasons are:
-This large commercial building will be huge change to the look and feel to what is now a residential neighborhood. It is not an appropriate use of the space.
-We purchased the property assuming that the open green space to the north would be protected by zoning requirements. The current park-like setting is a big draw for our tenants.
-What will basically be a two story building will loom over our property, especially if it allowed to be built 10 feet closer to the street than what is normal.
-Added car and foot traffic is bound to create a nuisance for all that live in the neighborhood, especially those adjacent to the property.
-In its current form, 46th Place is basically an alley; not a real street. There is no way that it can handle the extra curb cuts and traffic in existing form.
-According the plan, the curb cut located at the SE corner of the new building will be primarily used by trucks for deliveries and trash collection. That could cause extra noise and disruption for my tenants.
-Covering the current green space with a building and parking is bound to lead to water run-off problems for all adjacent property owners.
-If allowed, the project has the potential to REDUCE my property value.
At a minimum, if the project is allowed to move forward, we would expect that the alley on the south perimeter (46th PL) be totally brought up to current standards. This would require removal of the existing material, re-grading, addition of curbs and gutters, curb cuts on the south side to provide access to my tenant parking, etc. All of the cost of improving the alley into a real street should be borne by the project/library system.

Thanks for your time. Please don’t hesitate to contact me if you have questions.

Jim Diacon  
Owner and Managing Member  
JNP, LLC

Jim Diacon  
jdiacon@me.com  
918-688-8950

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Members of the Board,

I am a resident of the affected neighborhood and strongly oppose granting the applicant’s request in Case No. BOA-23557. I urge the Board to deny the requested special exception and variance because it is a commercial endeavor that is inappropriate for our quiet neighborhood and would be deleterious to our community.

Sincerely,
Evan Inman
Members of the Board,

I am a resident of the affected neighborhood and strongly oppose granting the applicant’s request in Case No. BOA-23557. I urge the Board to deny the requested special exception and variance because it is a commercial endeavor that is inappropriate for our quiet neighborhood and would be deleterious to our community. I have lived across the street from the school/greenspace since 1988 and the greenspace has been used and enjoyed by countless numbers of Tulsa residents to exercise their dogs, meet for ball practice and basketball and walk the perimeter for exercise. The greenspace is even a stop for the local geese on their way to the Arkansas River. I would like to see these activities continue in our little neighborhood. I think it's important to the residents' overall enjoyment with the area of town we live in.

Thank you,

Mary Campbell
331 East 45th Court
Tulsa, OK 74105
Hello. I oppose this case! We use that are to play, walk and socialize. Please do not make it a parking lot!
Sincerely
Katera Roberts
918-636-5393
4762 S Boston Pl
Tulsa OK 74105
Date: 8/22/2023

Case No. BOA - **23557**

Name: Luka Gogibedashvili

Address: 4712 South Boston Avenue, Tulsa, OK, 74105

Contact Information: 202-227-7902; Email: lukagog@gmail.com

To the distinguished board members of Tulsa City Hall,

My name is Luka Gogibedashvili, I am a resident near the Collegiate Hall and the public park of the same, located at the intersection of S. Madison Pl and E 45th PL.

In this letter I would like to briefly convey my interest and reasoning in favor of keeping the public green space for the use of the local community. I do ask that the interests of residents be considered when ruling regarding the starting of a construction project that would pave away the lovely green space that has become so dear to us.

My wife, April Elise Gordon, and I visit the park every day, we have met and have become friends with people that also frequent the park. I see residents there that bring their children to play in the field and the playgrounds, I regularly see my former student playing basketball with his friends on the basketball court, a girls’ soccer team uses the property to train for their games. I know people that have met, become friends, and started dating, all from meeting at this park. Many people bring their dogs, and the latter have formed a cheerful community of their own. The passers-by say hello and stop by for a chat, exchanging local news and to complain about the weather.

Speaking of the weather, the greenery acts as a heat sink, which is a welcome reprieve in hot Oklahoma summers. While the construction, which would bring even more cement than the area already has, would do the opposite. The green space does also, as one would imagine, serve as a failsafe against flooding, a benefit that extends far beyond the immediate vicinity of the surrounding houses.

As for the construction of the library itself, we welcome it, but surely an alternative location could be found that is not as important for the mental, physical, and social well-being of the community.

I regret that my work does not let me attend the hearing on August 22nd, 13:00, and I have to send this letter instead, I hope it will find you well. I implore you to consider the interests of the community and not deprive us of a public space that we use daily.

Respectfully Yours,
DOA Case No. 23557
August 22, 2023
Looking North from SW Corner

2.34
Existing school fence line to Remain (pink dotted lines)

New sidewalk to extend and connect to the school

All playground equipment remains

Existing walking trail is maintained and becomes publicly accessible (no longer behind the school’s fence)

Adjusted Fence Line

New Soccer Goals and baseball backstop added to school property
1-story Brick Building

Tulsa City-County Library

My Library, Our Future

May 17, 2023
Zoning Discussion

120" Storm Pipe - Per Third Party Locate

T20" Storm Sewer Easement

New TPS Fence Line

TCCL Property Line

Drive-Thru Book Service

Walking Trail on TPS and City Easement

Requesting 15' Setback

15,000sf

Sidewalk Extending North
NOTICE OF INTENT TO APPEAL
FROM CITY OF TULSA BOARD OF ADJUSTMENT

This constitutes notice of Intent to Appeal the decision of the Board of Adjustment (City of Tulsa) BOA-23557
August 22, 2023, to District Court CV-2023-1809

Sept. 1, 2023

Kelley Morgan
3360 E. 45th Ct.
IN AND FOR THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

KELSEY ROYCE and Others, Home Owners and Residents
Petitioners,

Vs.

CITY OF TULSA BOARD OF ADJUSTMENT
Defendants,

CV-2023-01809

Caroline Wall

IN RE: Appeal from the City of Tulsa Board of Adjustment meeting decision of August 8th and continued on August 22, 2023 on Agenda No. 1322, Case No. BOA-23557 when the BOA approved the special exception for the Tulsa City-County Library Commission to build a library on Tulsa Public Schools property in a residential neighborhood (RS-3) and resultant variance to the setback to 15ft.

NOTICE OF APPEAL FROM CITY OF TULSA BOARD OF ADJUSTMENT

COMES NOW, Kelsey Royce and Other Home Owners and Residents, the Petitioners vs. The City of Tulsa Board of Adjustment Agenda No. 1322, in Case No. BOA-23557, hereby appeal the decision of said Board of Adjustment rendered on said application. In support of this Appeal, Petitioners state the following:

Filed
CITY OF TULSA
SEP 01 2023
A.M. 4:15 PM
OFFICE OF THE CITY CLERK

Filed
CITY OF TULSA BOARD OF ADJUSTMENT
DATE: 9/1/23 TIME: 4:14 (A.M.)
RECEIVED BY: CLERK OF THE BOARD: Austin Chapman

Page 1
1. The City of Tulsa Board of Adjustment ("BOA") is a quasi-judicial body organized under the authority of (11 O.S. 44-10) for the purpose of issuing final decisions on findings of fact in City land use zoning, special exceptions, and variances.

2. Pursuant to Tulsa Zoning Code 70.120-F approval of a special exception requires an affirmative vote of at least 3 members of the board of adjustment.

3. Pursuant to Tulsa Zoning Code 70.130-G approval of a variance requires an affirmative vote of at least 3 members of the board of adjustment.

4. On August 22, 2023, BOA approved Case No. BOA-23557 to build a Library on 1110 with the following votes: 3 - yea; 1 - absent; 1 - abstain.

5. On August 22, 2023, conflicted BOA Member, Whitney Stauffer, did not recuse from discussion and voted to approve BOA-23557.

6. Pursuant to Tulsa Zoning Code 70.120-B Authority to File - Applications for special exception approval may be filed only by the owner of the subject property or by the property owner's authorized agent.

7. Pursuant to Tulsa Zoning Code 70.130-C Authority to File Variance applications may be filed only by the owner of the subject property or by the property owner's authorized agent.

8. The property owner of 1110 E. 45th Place ("the Property") is Independent School District No. 1 Tulsa, Tulsa County ("Property Owner").

9. The governing body of the Property Owner is a body of 7 elected members of the local Board of Education (BOE).

10. The governing body of the Property Owner did not approve the application for BOA-23557 and did not retain Lou Reynolds to represent them in the aforementioned case.

11. Lou Reynolds (Eller & Detrick) was retained as Counsel for the Tulsa City-County Library Commission ("TCCL") to apply for a special exception and variance for property that is not owned by TCCL.
12. The BOA is held to standards outlined in its Ethics Policy which instruct members to avoid what a reasonable person would understand to be a conflict of interest or appear to be a conflict of interest (General Policy & Procedures, Section III).

13. The Property Owner is currently under investigation by state and federal authorities.


**BOA Member Conflict of Interest**

15. City of Tulsa Board of Adjustment (“BOA”) Member, Whitney Stauffer, was appointed to the BOA on April 12, 2023.

16. BOA member, Whitney Stauffer, is Chairman of the Board of Directors of the Foundation for Tulsa Schools (FTS), a charitable entity organized to support the mission of the Property Owner.

17. The interests of FTS have become so confused with the operations of the Property Owner that it is inconceivable that Whitney Stauffer in her role as BOA Member and simultaneously Chair of FTS could make an unbiased decision when it comes to BOA-23557.

18. Moises Echeverria-Ashworth is the President and CEO of FTS and is a TCCL Commission Member.

19. Ellen Duecker is a TCCL Commission Member and is employed by the Property Owner as Special Bond Projects manager.

20. BOA Member, Whitney Stauffer, works closely with Moises Echeverria-Ashworth at FTS.

21. BOA Member, Whitney Stauffer, worked closely with TCCL Commission Member, Ellen Duecker on the 2021 Bond Committee for the Property Owner.
22. On August 15, 2023, BOA Member, Whitney Stauffer, presided over a meeting of FTS which included the Property Owner's Chief Financial Officer and now-resigned former superintendent Deborah Gist.

23. The interests of FTS have become so confused with the operations of Independent School District No.1, Tulsa, Tulsa County, that it is inconceivable that Whitney Stauffer in her role as BOA Member and simultaneously Chair of FTS could make an unbiased decision when it comes to BOA-23557.

**BOA Failed to Consider the Concerns Brought Forth by Neighborhood**

24. Questions and concerns emailed to Austin Chapman, Senior Planner at the Tulsa Planning Office in charge of BOA-23557, were not raised to the BOA.

25. Comments from residents and property owners all opposed the special exception and variance.

26. Findings of fact for approval were not made pursuant to 70.120G as required.
WHEREFORE, Kelsey Royce and others were deprived of their rights to an impartial public hearing before the City of Tulsa Board of Adjustment. The District Court should stay all proceedings on BOA-23557 and conduct a trial de novo to show that there was not only a conflict of interest when Whitney Stauffer was allowed to vote to approve the special exception for the construction for the building of library and variance; but also violated the rules when Lou Reynolds was allowed to represent the Library Commission because they aren’t the property owner.

CERTIFICATE OF SERVICE

This is to certify that on this 30th day of August, 2023 the above was filed with the Tulsa County Court Clerk with a request that a filed and stamped copy be forwarded and sent to the Judge Presiding over this case and the City of Tulsa Board of Adjustment.

Kelsey Royce
336 E. 45th Ct.
Tulsa, OK 74105
Board Meeting Minutes and Notes  
Tuesday, August 15, 2023

The Foundation for Tulsa Schools held its Board of Directors Meeting in person on August 15, 2023.

Board members present: 20 board members present, which represents quorum.

Attended: Dr. Deborah Gist, Daniel Regan, Larry Faulkner, Brad White, Lachelle King, Jared Kuykendall, Annie Tomecek, Joey Wignarajah, Whitney Stauffer, Drew France, Maggie Hille Yar, Mary Spears, Sarah Gould, Emily Fuller, Rick Kelly, Shanese Slaton, Molly Aspan, Judie Hackerott, Steffanie Bonner, Tei Blackshare, Lauren Sherry

Staff present: Moises Echeverria, Brena Meadows Thrash, Joey Oneal, Sam Tinker

- Welcome & Call to Order – Whitney Stauffer, Board Chair
  - Call to Order [Whitney Stauffer] – 7:35AM
    - Board portal will be available on FTS website this week. Link will be sent out by staff
  - New board members
    - Lachelle King, City of Tulsa
    - Jared Kuykendall, JP Morgan
    - Emily Fuller, Intern & Reading Partners
  - Addressing issues brought up by State Superintendent.
- Board Member Spotlight
  - Lachelle King, City of Tulsa
  - Jared Kuykendall, JP Morgan
  - Emily Fuller, Intern & Reading Partners
- Consent Agenda – 7:41
  - (MOTION) To approve [Joey Wignarajah]. Seconded [Molly Aspan], passed unanimously.
  - Consent agenda items:
    - Finance Report
    - Committee Reports
      - Partners in Education
      - Program Evaluation & Development
  - Tulsa Public Schools Update - Dr. Deborah Gist speaks (7:42)
    - Accreditation
      - Accreditation officer visits each school as well as the district for the accreditation process annually.
      - Originally the district had 1 accreditation deficiency when process concluded in May, due to report late by 1 week
• 2nd deficiency was added by state after Dr. Gist had reviewed and signed document
• Deficiencies are not cumulative, start over each year, if deficiency is resolved
• The accreditation process does not look at student outcomes

• Accountability
  • Student outcomes measured by school report cards.
  • When schools with failing grades consolidate, their grades start over, examples can be seen by districts like Oklahoma City
  • Two major goals in Strategic Plan for TPS—literacy for all ages and college/career readiness. Plan available for review.

• Audit
  • Misconduct found internally by TPS
  • Reported the employee immediately to authorities once discovered and district has been as transparent as possible throughout the process as there is an open investigation
  • TPS does have strong internal controls
  • Dr. Gist and CFO met with State Superintendent to discuss the new requests for documentation

• Additional Information Discussed
  • Claims that TPS disregard religious liberties—Opposite of what is established in law.
  • 65 school districts with the same or lower accreditation status than TPS.

• Open to questions.
  • Timeline for accreditation? (7:54AM)
    o Accreditation status remains same until state issues changes.
    o State board meeting Thursday, August 24 and accreditation has been stated to be on agenda
    o If tabled again, State Superintendent must address TPS accreditation by Dec.
    o If OSDE votes for accreditation with probation, the state has the ability to make leadership changes within the district
  • What happens to the kids? (8:05AM)
    o We will not know the long-term impact to students, but schools will still be open with instruction continuing
    o TPS has already lost teachers due to the accreditation question and will lose more if accreditation changes
    o There has not been public discussion from OSDE to change leadership in the 6 districts that are currently accredited with probation.
    o State Superintendent falsely claimed that 52% of TPS budget were administrative costs. The figure he used contained nutrition, buses, counselors, reading interventionists which are not administrative costs.
    o There is a cap by the state for every school district’s administrative costs of 5% and there is dollar for dollar penalty if over 5%.
    o TPS; administrative costs are 4%
• What is the strategy moving forward for TPS? (8:14AM)
  o Launching landing page tulsapublicschools.org/facts
  o Would love to see business leaders take on addressing facts and media miscommunications.

• Has anyone spoken to legislators to address checks and balances in OSDE? (8:23AM)
  o Statutes need to be written more tightly to strengthen procedures and clarify step-by-step processes for accreditation

• Anything FTS can do to be proactive to address conversations relating to programs? (8:29AM)
  o Addressing it, but hard to plan for something that is unprecedented.
  Gathering data, we have strong arguments to show impact of our programs that support community.

  Dr. Gist meets with Chamber board members today (Aug 15th, 2023).

• President’s Report – Moises Echiverria, President & CEO (8:39AM)
  o Discussing long-term strategies, current issues might create a temporary pause in philanthropic support.
  o Discussing worst-case scenarios while continuing to support schools.
  o Moving forward with what is already scheduled.
  o Outreach to officials is critical.
  o ProtectTPS.com – most organized support effort.
  o Letter campaign, draft included in packet.

• Other Updates — Whitney Stauffer
  o Calendar in board packet.
  o Board social networking at Driller’s game September 16th.
  o Next Board Meeting: October 17th at 7:30AM at Memorial MS
  o Magic City Books have T-Shirts in support of TPS

• Adjourn
  o (MOTION) To Adjourn [Drew France]. Seconded [Larry Falkner], passed unanimously.
  o Adjourned 9:03AM
12:00 p.m.

Central Library
Executive Conference Room on Level "L"
400 Civic Center
Tulsa, OK 74103

1. Opening of Meeting
A. Call to Order - Leanne Helmerich, Chair
B. Roll Call/Announcement of a Quorum

2. Chief Executive Officer's Monthly Report
A. CEO Remarks - Kimberly Johnson, CEO
B. Employee Recognition

3. Committee Report
A. Physical Facilities Committee Discussion and vote to Adopt, Reject or Modify an Agreement for Naming Rights for the new Brookside Library. Ellen Duecker (Action)

B. Personnel Committee - Vote to Adopt, Reject or Modify the Proposed 2024 Library Commission Meeting Schedule-Dr. Wimberly (Action)

4. Consent Agenda
A. Approval of Consent Agenda
B. Approval of June 2023 Minutes
C. TCCL June Financial Reports
D. Resolution: Declaring IT Surplus Property

5. Nominating Committee
A. Appointment of commissioners to the Nominating Committee - Leanne Helmerich, Chair (Report)

6. Closing of Meeting
A. Announcement of Next Meeting: August 17, 2023 at Rudisill Regional Library - 1520 N. Hartford Avenue, Tulsa, OK - Leanne Helmerich, Chair
B. Adjournment - Leanne Helmerich, Chair
General Policies and Rules of Procedure
Board of Adjustment of the City of Tulsa

SECTION I – RULES OF PROCEDURE
A. Name

The name of this board shall be "Board of Adjustment of the City of Tulsa". hereinafter referred to as the "Board".

B. Membership

The Board shall consist of five members, who shall be appointed by the Mayor and confirmed by the City Council. Members of the Board shall serve without pay for a term of three years and shall continue to serve until their successors are appointed. Vacancies shall be filled for an unexpired term of any member in the manner set forth for appointments to a full term.

C. Removal

A Board member may be removed for cause by the City Council after notice, written charges and a public meeting. Three consecutive absences from regular and/or special called meetings, or absences totaling 2/3 of the regularly called or special called meetings held during any six month period, shall be sufficient cause for removal from the Board.

D. Officers

The Board shall elect annually from its appointed members a Chairman, a Vice-Chairman and Secretary. The Vice-Chairman shall serve as Chairman in the absence of the Chairman. Any vacancy in office shall be filled by the Chairman for the unexpired term only. The election shall take place on the first regularly scheduled meeting of the Board in the month of June.

1) The duties of the Chairman shall include:

a) Presiding over meetings with all powers under parliamentary procedure, unless the Chairman designates another member to preside;

b) Signing official documents of the Board;

c) Appointing a Vice-Chairman and Secretary in the event the said officers are absent from the meeting.

2) The duties of the Vice-Chairman shall include:

a) Presiding over all meetings in the absence of the Chair and shall have full powers of the Chair in matters that come before the Board; and

b) Assuming the duties of the Secretary in the event that the Secretary is absent from the meeting.

3) The duties of the Secretary shall include:

a) Assuming duties of the Chair in the event that the Chair and Vice-Chair are absent from the meeting; and

b) Collecting and stamping exhibits of each meeting for the official record.

E. Quorum

A numerical majority of three Board members shall constitute a quorum for the conduct of any Board business.

F. General Procedures

1. If inclined, the Board may grant a continuance of a scheduled public meeting at the request of the applicant, interested parties, or Board staff.

2. A motion to reconsider any action of the Board can be made by a Board member who voted for the prevailing party.
a) The Board may take a vote to reconsider an action of the Board during the meeting or at the next regularly scheduled meeting of the Board.
b) The action to be reconsidered will be placed on the subsequent meeting agenda and written notice must be given to all interested parties at least five working days in advance of the scheduled meeting.

3. When the public wishes to communicate with Board members, the appropriate way is through a letter or e-mail correspondence to Board staff, who will in turn distribute it to the Board members and the applicant.

G. Public Meeting Procedures

1. The Board shall consider only public meeting items which have been properly advertised as required by law and only those where all fees have been paid, including fees for legal advertising.

2. The Chair can modify the order in which the cases will be considered from the order in which they are listed on the agenda. The procedure for each case shall normally be as follows:

a) Staff will announce the case by reading the item number, case number and applicant’s name.

b) Staff will read the location of the subject tract and the action requested from the case report.

c) The Chair calls on the applicant for a presentation, not to exceed fifteen (15) minutes. If the applicant presents a significantly changed application from that submitted for BOA staff review (as determined by BOA staff and at the BOA at the time of the presentation), such action is considered grounds for continuance.

d) Any member of the public may address the Board at a regular or special meeting after signing in for a specific item. When recognized by the Chair, a member of the public should state his or her name and address. Speakers will be given five (5) minutes to speak on an item; however, the Chair may further limit that time based on the number of speakers for an item or impose an aggregate time for all speakers.

e) The Chair may rule a comment out of order if it is redundant, irrelevant, indecorous or untimely.

f) The applicant is given the opportunity to rebut and is allowed no more than ten (10) minutes to speak. If the applicant, in the Chair’s opinion, should present new facts or information, the Chair may allow the protestants time to rebut same.

g) The Chair announces the public hearing is closed on the case and opens the review session, during which the Board members will discuss the case among themselves and make a recommendation.

h) BOA members shall address only the presiding Chair for recognition and shall confine their remarks to the question under discussion.

i) During the review session, which shall be open and public, no new evidence shall be admitted unless specifically requested by a member of the Board and permitted by the Chair. However, any Board member may make a motion at any point in time when he/she feel they have sufficient information to do do.

j) Before a motion is made, there shall be an opportunity for discussion of the case by the Board and for each Board member to make comments. After a motion is made, there shall be further opportunity for discussion by the Board, and the maker of the motion may refine the terms of the motion pursuant to such discussion. When the motion is formalized, the Chair shall restate the motion, state the name of the maker of the motion and the member seconding the motion, and call for a vote. If a Board member desires to amend the motion following the Chair’s restatement of the motion but prior to the Chair’s call for a vote, the Board member suggesting the amendment may ask unanimous consent to modify the motion. If any Board Member objects to the modification of the motion, the Board Member proposing the amendment shall move that the motion be amended. The motion to amend must be seconded, is debatable, and must be adopted by a majority vote of the members present.

3. A second is required on all motions in order to bring the question to a vote of the Board.
II. Findings Relating to the Financial Statement Audit as Required to be Reported in Accordance with Government Auditing Standards

A. Internal Control

Finding 2020-001
Significant deficiency in internal control over financial reporting

Finding: The Foundation for Tulsa Schools (the Foundation) is a legally separate not-for-profit organization whose purpose is to enhance the educational programs of the District by providing a permanent entity through which contributions can be received and distributions made for the benefit of the District and its students. During the course of performing the FY 2020 audit, we noted the following matters with regards to the Foundation:

- District management did not perform a timely review to determine whether the Foundation met the reporting requirements of a component unit, as defined in GASB Statement No. 39, Determining Whether Certain Organizations Are Component Units, an Amendment of GASB Statement No. 14.

- The District did not adequately review contribution funds received from the Foundation in both FY2019 and FY2020 as described in the condition below. The misstatement was corrected by the District and recorded in its 2020 financial statements.

Criteria: Effective internal controls should be established and maintained to prevent, or detect and correct material misstatements in the annual financial statements on a timely basis. In addition, monitoring procedures should be established to ensure that potential component units are evaluated at least annually as to whether inclusion in the District's financial statements is required.

Condition: The Foundation is a legally separate but related organization. As such, transactions with them need to be subject to the same review and scrutiny as all other transactions. In the current year, certain Foundation receipt journal entries were posted in the financial statements incorrectly resulting in:

1. An overstatement of 2020 other local revenue in the government-wide activities financial statements (of approximately $1.5 million) as there were revenues related to 2019 that were incorrectly recognized in 2020; and

2. An understatement of 2020 other local revenue in the government-wide activities financial statements (of approximately $1.6 million) as there were receipts related to 2020 that were incorrectly recognized in 2021. This misstatement was corrected by the District and recorded in its 2020 financial statements.

In addition, U.S. GAAP requires that certain legally separate not-for-profit organizations be evaluated for potential inclusion in the primary government financial statements as a component unit. The District did not perform a timely review to determine whether the Foundation met those requirements. Although District management ultimately concluded that inclusion in the District's financial statements was not required, this is an accounting policy that needs to be reviewed in a timely manner in order to facilitate accurate financial reporting.
Tulsa Public Schools
Independent School District No. I-1, Tulsa County, Oklahoma

Schedule of Findings and Questioned Costs (Continued)
Year Ended June 30, 2020

Cause: With regards to the inappropriate revenue recognition related to transactions with the Foundation, the errors were caused by a combination of factors, including lack of review and scrutiny of Foundation-related transactions. With regards to the consideration of whether the Foundation financial statements should be included in the District’s CAFR, this is the result of not having an accounting policy that specifically addresses monitoring of potential component units.

Effect: Preliminary fund financial statements, government-wide financial statements and note disclosures contained errors that were significant to its 2020 financial statements. Such errors were corrected and revised by the District, and are properly reflected in its 2020 financial statements.

Although it was ultimately determined that the Foundation did not meet the reporting requirements of inclusion in the District’s financial statements as a component unit, failing to include a discrete component unit in accordance with U.S. GAAP would result in the District’s financial statements being materially misstated.

Recommendation: We recommend that the District implement procedures to ensure that Foundation transactions are reviewed for proper cutoff. We also recommend that the District establish an accounting policy that requires regular review, at least annually, of all organizations that could meet the requirements for inclusion in the District’s financial statements as a component unit.

District Management’s Response: The District agrees with the finding and recommendation.
Finding 2020-002
Significant Deficiency in Internal Control Over Financial Reporting

Finding: The District's internal controls over financial reporting failed to detect significant errors in the District's financial statements in the recording of the Net Pension Liability and Deferred Inflows of Resources and Deferred Outflows of Resources related to the District's participation in employees' retirement system sponsored by Oklahoma Teachers' Retirement System (OTRS). The District's internal control system also failed to detect errors in the recording and disclosures of the Net OPEB Asset and Deferred Inflows of Resources related to the District's participation in the post-employment benefits sponsored by OTRS.

Criteria: Effective internal controls should be established and maintained to prevent, or detect and correct material misstatements in the annual financial statements on a timely basis.

Condition: The District's financial statements as originally prepared contained significant misstatements in the financial statement amounts, specifically Deferred Inflows and Deferred Outflows of Resources related to the District's participation in the OTRS defined benefit pension plan. In addition, recorded amounts and disclosures related to the District's participation in the OTRS other Post-Employment Benefit Obligation were also misstated.

Cause: District personnel understand the financial reporting requirements of GASB Statement No. 68 and GASB Statement No. 75; however due to lack of experienced accounting personnel, there was not an adequate review of the supporting schedules maintained by the District to determine that the amounts reported by the District were correct.

Effect: Amounts reported for Deferred Outflows and Deferred Inflows of Resources were misstated in the original financial statements. The District subsequently corrected its June 30, 2020 financial statements.

Recommendation: More than one member of the District's financial reporting staff should be trained to have a deeper knowledge of the accounting and reporting requirements of GASB 68 and GASB 75, and an independent review of the supporting schedules and journal entries prepared by the District should be performed.

District's Management Response: The District agrees with the finding and recommendation.

B. Instance of Noncompliance
No matters to report.

Findings and Questioned Costs for Federal Awards

A. Internal Control
No matters to report.

B. Instances of Noncompliance
No matters to report.
September 6, 2023

Re: BOA-23557 Request for Reconsideration

Dear Mr. Chapman:

This letter serves as the Applicant’s request for the Board of Adjustment to reconsider its decision in BOA Case No. BOA-23557 on August 22, 2023. The Applicant requested a Special Exception for a Library in the RS-3 District and a Variance to reduce the required 25-foot street setback to 15 feet.

After hearing from the Applicant and interested parties and following robust Board discussion, the Board voted to approve the Special Exception and the Variance. However, without explanation, acting Chairperson Radney abstained from the vote, resulting in a 3(aye) - 1(abstain) vote.

Following the Board’s decision, a Notice of Appeal was filed by Kelsey Royce alleging that Board Member Stauffer had a conflict of interest and should not have voted. Because only four of the five Board members were present, acting Chairperson Radney’s abstention has made the allegation of Board Member Stauffer’s conflict of interest material to the resolution of the case.
Accordingly, the Applicant requests that Case No. BOA-23557 be placed on the September 12, 2023 Board agenda to be reconsidered by the full membership of the Board in order to resolve any potential impact of such alleged conflict of interest.

Sincerely,

ELLER & DETRICH
A Professional Corporation

[Signature]
Lou Reynolds
Board of Adjustment

Staff Report
Special Exception Case BOA-23630

Hearing Date: February 27, 2024
Prepared by: Dylan Siers
email@cityoftulsa.org
918-596-7584

Owner and Applicant Information
Applicant: Raul Cisneros
Property Owner: That’s Goud Investments LLC

Property Location
3923 N. Lansing Pl.
Tract Size: ±0.26 acres

Location within the City of Tulsa
(shown with City Council districts)

Request Summary
Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5); Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

Zoning
Zoning District: RS-3
Zoning Overlays: None

Comprehensive Plan Considerations
Land Use
Land Use Plan: Neighborhood
Small Area Plans: 36th Street North
Development Era: Early Automobile

Transportation
Major Street & Highway Plan: None
planitulsa Street Type: None
Transit: TOD Area
Existing Bike/Ped Facilities: None
Planned Bike/Ped Facilities: None

Environment
Flood Area: FEMA 500-year floodplain
Tree Canopy Coverage: 30-50%
Parks & Open Space: None

Case History:
02/13/2024: First time on agenda, the Board continued item because the applicant was not present.

Elected Representatives
City Council: District 1, Vanessa Hall-Harper
County Commission: District 1, Stan Sallee

Public Notice Required
Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance
Posted Sign – min. 10 days in advance
**Staff Analysis**
The applicant is proposing a Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5); Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

The zoning code allows for a driveway width of 30’ within the setback and 27’ within the right of way. The applicant is requesting a 40’ driveway width.

**Relevant Case History**
- None

**Comprehensive Plan Considerations**

**Land Use Plan**
The subject property is designated as Neighborhood.

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

**Surrounding Properties:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Single Family home</td>
</tr>
<tr>
<td>East</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Single Family home</td>
</tr>
<tr>
<td>South</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Single Family home</td>
</tr>
<tr>
<td>West</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Single Family home</td>
</tr>
</tbody>
</table>

**Small Area Plans**
The subject properties are within the 36th Street North Small Area Plan.

This plan aims to identify major capital improvements and public/private investments that will spur positive change and help draw attention to the area’s many attractions. The goal is that 36th Street North is known as a bustling commercial center, minutes from downtown, and a diverse, attractive place to live and invest.

**Development Era**
The subject property is located in an area developed during the Early Automobile Era.

The Early Automobile Era area includes those parts of the city that developed prior to and after World War II but prior to the major annexations of the 1960s. These neighborhoods developed during the rise of the automobile, but generally maintain a rectilinear street grid with homes on smaller lots.

**Transportation**

- **Major Street & Highway Plan:** None
- **Comprehensive Plan Street Designation:** None
- **Transit:** TOD Area
- **Existing Bike/Ped Facilities:** None
Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: N/A

Environmental Considerations
Flood Area: The subject property is within the FEMA 500-year floodplain

Tree Canopy Coverage: Tree canopy in the area is 30-50%. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: None

Sample Motion
I move to approve or deny a Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5); and a Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)
- per the conceptual plan(s) shown on page(s) _____ of the agenda packet.
- subject to the following conditions (including time limitation, if any): ________________________________.

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

Property Description
LT 8 BLK 2, CAWILL ADDN RESUB PRT B8-10 CHANDLER FRATES 5TH ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA
Photos:

Subject Property

Exhibits
Case map
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Applicant Exhibits
3. Review Comment: There is no Grading & Drainage Plan. Required Revision: Provide a Grading & Drainage Plan with drainage arrows that clearly identify how stormwater will be routed around buildings, prevent ponding, downspout locations and direction of flow and where stormwater will exit the property and convey to a private or public storm drainage system. Site drainage must be directed to the street. Directing site drainage to adjacent properties is not allowed.

Section 55.090-F.3, Surfacing. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-1.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704). Review Comment: The maximum driveway width allowed at this location is 30' on the lot and 27' in the right of way. Please request a special exception from the Board of Adjustment for a driveway 40' wide in the right of way and on the lot.

2. Review Comment: There is no Sidewalk shown on the Site Plan. Required Revision: Revise the Site Plan to show a new sidewalk running north/south centered between the curb and the property line.

According to the neighborhood plat and county assessors map, the ROW way width for N. Lansing Pl. is 60' wide; please revise so that the property line is 30' from the center of the right of way.

1. Review Comment: According to the city engineering atlas, a portion of the property is covered by the Tulsa Regulatory Floodplain and FEMA Floodplain. Required Revision: Call 311 and request a Floodplain Determination letter for the property and submit with your revised drawings. Add a note to the Site Plan that says, "Tulsa Regulatory Floodplain and FEMA Floodplain cover the property with Base Flood Elevation of ______ NAVD 1988" and fill in the blank with the Base Flood Elevation indicated on the Floodplain Determination letter. In an effort to verify if the proposed building is in the Floodplain, hire a surveyor and shoot the Lowest Adjacent grades at the four corners of the proposed building. Revise the Site Plan to show the Lowest Adjacent Grades, if any of the Lowest Adjacent Grades are at or lower than the Base Flood Elevation provided on the Floodplain Determination letter, there will be additional Floodplain design requirements.

Section 5.020 Use Regulations - Principal uses allowed in R districts in accordance with Table 5.2. Review Comments: Duplexes are only allowed on an RS-3 zoned lot by special exception. Please request a special exception from the Board of Adjustment to allow a duplex on a RS-3 zoned lot.
3.10
2. RIGHT SIDE ELEVATION
1/4" = 1'-0"

1. LEFT SIDE ELEVATION
1/4" = 1'-0"
### Owner and Applicant Information
**Applicant:** Dewite Dugger  
**Property Owner:** Dewite Dugger

### Property Location
- **Address:** 126 E. Latimer  
- **Tract Size:** ±5154 sq ft

### Location within the City of Tulsa
*(shown with City Council districts)*

![City Council Districts Map](image)

### Request Summary
- **Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)**

### Zoning
- **Zoning District:** RS-4
- **Zoning Overlays:** NIO/HNO

### Comprehensive Plan Considerations
#### Land Use
- **Land Use Plan:** Neighborhood  
- **Small Area Plans:** Unity Heritage  
- **Development Era:** Streetcar

#### Transportation
- **Major Street & Highway Plan:** None  
- **planitulsa Street Type:** None  
- **Transit:** N/A  
- **Existing Bike/Ped Facilities:** None  
- **Planned Bike/Ped Facilities:** None

#### Environment
- **Flood Area:** N/A  
- **Tree Canopy Coverage:** 10-20%  
- **Parks & Open Space:** N/A

### Elected Representatives
- **City Council:** District 1, Vanessa Hall-Harper  
- **County Commission:** District 1, Stan Sallee

### Public Notice Required
- **Newspaper Notice** – min. 10 days in advance  
- **Mailed Notice to 300’ radius** – min. 10 days in advance
Staff Analysis
The applicant is proposing Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3).

Applicant is seeking to increase their allowed width from 27-feet to 35.5-feet.

Relevant Case History
- None

Comprehensive Plan Considerations
Land Use Plan
The subject property is designated as Neighborhood.

Neighborhoods are mostly residential uses, which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low intensity uses that support residents' daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access from a lower-order street separated from the arterial, then it would be considered Neighborhood.

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-4/NIO/HNO</td>
<td>Neighborhood</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>East</td>
<td>RS-4/NIO/HNO</td>
<td>Neighborhood</td>
<td>Vacant</td>
</tr>
<tr>
<td>South</td>
<td>RS-4/NIO/HNO</td>
<td>Neighborhood</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>West</td>
<td>RS-5/NIO/HNO</td>
<td>Neighborhood</td>
<td>Single Family Residential</td>
</tr>
</tbody>
</table>

Small Area Plans
The subject properties are within the Unity Heritage Neighborhood Plan.

Development Era
The subject property is located in an area developed during the Streetcar Era.

The subject property is in an area developed during the Streetcar Era (1910s-30s), prior to the proliferation of automobiles, when streetcars facilitated growth beyond downtown. Land uses range from fully integrated to somewhat separated, on a half-mile grid, with a mix of housing options. Priorities in these areas include walkability,
bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, transit-oriented development, commercial districts, and well-designed streetscapes.

**Transportation**

**Major Street & Highway Plan:** None

**Comprehensive Plan Street Designation:** None

**Transit:** None

**Existing Bike/Ped Facilities:** None

**Planned Bike/Ped Facilities:** None

**Arterial Traffic per Lane:** N/A

**Environmental Considerations**

**Flood Area:** The subject property is not within a flood area.

**Tree Canopy Coverage:** Tree canopy in the area is 17%. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

**Parks & Open Space:** N/A

**Sample Motion**

I move to **approve or deny** a Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

- per the conceptual plan(s) shown on page(s) _____ of the agenda packet.
- subject to the following conditions (including time limitation, if any): ____________________________________________________________________.

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

**Property Description**

**Subdivision:** KIRKPATRICK HGTS (21500)

**Legal:** LT 6 & E29 LT 7 LESS N25 THEREOF FOR RD BLK 1

**Section:** 35 **Township:** 20 **Range:** 12
Photos:

Subject Property

Exhibits
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
CITY OF TULSA
CORRECTIONS SUMMARY

Subject: WSD Comment
Page Label: 2
Author: James Henley
Date: 8/29/2023 1:15:24 PM
Status:
Color: ▬
Layer:
Space:

Review for residence only. Pool requires separate permit.

Zoning Review (1)

Subject: Zoning Review
Page Label: 2
Author: DWhiteman
Date: 9/14/2023 4:06:10 PM
Status:
Color: ▬
Layer:
Space:

Section 55.090-F.3, Surfacing. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-1.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).
Review Comment: Per the table in this section, the maximum driveway width allowed on this lot is 30' and 27' in the right of way. Revise plans to show compliance or apply to the Board of Adjustment for a special exception to allow a driveway width to exceed the maximum widths.
**Staff Report**  
**Variance Case BOA-23643**

**Hearing Date:** February 27, 2024  
**Prepared by:** Dylan Siers  
  dsiers@cityoftulsa.org  
  918-596-7584

<table>
<thead>
<tr>
<th><strong>Owner and Applicant Information</strong></th>
<th><strong>Request Summary</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant: Lynsey Bigheart</td>
<td>Variance to permit more than one on premise sign per street frontage in the OL District (Sec. 60.060-B.1)</td>
</tr>
<tr>
<td>Property Owner: SJV LLC</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Property Location</strong></th>
<th><strong>Zoning</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>5119 E 81st St S</td>
<td>Zoning District: OL</td>
</tr>
<tr>
<td>Tract Size: ±20,251.13 square feet</td>
<td>Zoning Overlays: None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Location within the City of Tulsa</strong></th>
<th><strong>Comprehensive Plan Considerations</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>(shown with City Council districts)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Elected Representatives</strong></th>
<th><strong>Land Use</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>City Council: District 8, Phil Lakin Jr</td>
<td>Land Use Plan: Local Center</td>
</tr>
<tr>
<td>County Commission: District 3, Kelly Dunkerley</td>
<td>Small Area Plans: Choose an item.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Transportation</strong></th>
<th><strong>Environment</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Street &amp; Highway Plan: Multimodal Corridor</td>
<td>Flood Area: N/A</td>
</tr>
<tr>
<td>planitulsa Street Type: None</td>
<td>Tree Canopy Coverage: 30-50%</td>
</tr>
<tr>
<td>Transit: N/A</td>
<td>Parks &amp; Open Space: N/A</td>
</tr>
<tr>
<td>Existing Bike/Ped Facilities: None</td>
<td></td>
</tr>
<tr>
<td>Planned Bike/Ped Facilities: Bike Corridor</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Public Notice Required</strong></th>
<th><strong>5.1</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Newspaper Notice – min. 10 days in advance</td>
<td></td>
</tr>
<tr>
<td>Mailed Notice to 300’ radius – min. 10 days in advance</td>
<td></td>
</tr>
</tbody>
</table>
Staff Analysis
The applicant is proposing a Variance to permit more than one on premise sign per street frontage in the OL District (Sec. 60.060-B.1)

60.060-B Signs Allowed
1. In addition to any sign exceptions allowed pursuant to Section 60.030, and any development identification sign allowed pursuant to 60.060-B.2, lots in office zoning districts are allowed a maximum of one on-premise sign per street frontage. The allowed on-premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.

Relevant Case History
- BOA-22494, 8/28/2018, Special Exception to allow a Personal Improvement Service in an OL Zoned District.

Statement of Hardship
"Recently, Twenty Twenty Eyecare opened a satellite clinic at 5119 E. 81st Street dedicated to the specialized fitting of scleral lenses for patients with abnormal corneas. Twenty Twenty Eyecare is leasing this space from Dr. Chris Vinson, who uses the west half of this property to conduct his dental practice. Dr. Vinson has wall signage facing south on the west side of the building in connection with his dental practice, while Twenty Twenty Eyecare does not have any signage on the building. Section 60.060-B(l) of the Tulsa Zoning Code, specifically applicable to all office zoning districts, only allows for one on-premise sign per street frontage. This presents a substantial hardship for Twenty Twenty Eyecare, as the absence of adequate signage severely inhibits their very low vision patients' ability to locate the clinic from the street."

Comprehensive Plan Considerations

Land Use Plan
The subject property is designated as Local Center.

Local Centers serve the daily needs of those in the surrounding neighborhoods. This designation implies that the center generally does not serve an area beyond the nearby neighborhoods. Typical uses include commercial or retail uses that serve the daily needs of nearby residents. In order to introduce a regional trip generator, the entire local center designation should be amended to be Regional Center with significant input from all affected properties and nearby neighborhoods.

Surrounding Properties:
<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-3/PUD-457</td>
<td>Neighborhood</td>
<td>Reserve Area</td>
</tr>
<tr>
<td>East</td>
<td>OL</td>
<td>Local Center</td>
<td>Office</td>
</tr>
<tr>
<td>South</td>
<td>RD/PUD-389</td>
<td>Neighborhood</td>
<td>Apartments</td>
</tr>
<tr>
<td>West</td>
<td>OL</td>
<td>Local Center</td>
<td>Parking Lot</td>
</tr>
</tbody>
</table>

Small Area Plans
The subject properties are not within a small area plan.
Development Era
The subject property is located in an area developed during the Late automobile era.

The subject property is in an area developed during the Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

Transportation
Major Street & Highway Plan: Multimodal Corridor

Comprehensive Plan Street Designation: Multimodal

Transit: N/A

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: Bike Corridor

Arterial Traffic per Lane: 7500 or more per lane

Environmental Considerations
Flood Area: The subject property not within a flood area.

Tree Canopy Coverage: Tree canopy in the area is 30-50%. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: N/A
Sample Motion
I move to **approve or deny** a Variance to permit more than one on premise sign per street frontage in the OL District (Sec. 60.060-B.1)
- per the conceptual plan(s) shown on page(s) _____ of the agenda packet.
- subject to the following conditions (including time limitation, if any): ____________________________.
The board finds the hardship to be ____________________________________________________________.

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.

Property Description
Subdivision: OFFICES AT HOLLAND LAKE, THE (76463)
Legal: LOT 4 BLOCK 1
Photos:

Subject Property

Exhibits
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Applicant's Exhibits
Attachment to the Variance Request of Twenty Twenty Eyecare
Before the Tulsa Board of Adjustment

Twenty Twenty Eyecare is the trade name of Bigheart Morgans, LLC, owned by Lynsey Bigheart, O.D., and Shannon Morgans, O.D. Dr. Bigheart, Dr. Morgans, and the other optometrists employed by Twenty Twenty Eyecare are primary eye care physicians trained to treat eye infections, injuries, and diseases, as well as provide routine vision and ocular healthcare. Twenty Twenty Eyecare strives to provide the best comprehensive eye care for all ages and has been in business since 2013. Twenty Twenty Eyecare's clinic, optical shop, and offices are located at 7408 South Yale Avenue.

Response to #1:

Recently, Twenty Twenty Eyecare opened a satellite clinic at 5119 E. 81st Street dedicated to the specialized fitting of scleral lenses for patients with abnormal corneas. Twenty Twenty Eyecare is leasing this space from Dr. Chris Vinson, who uses the west half of this property to conduct his dental practice. Dr. Vinson has wall signage facing south on the west side of the building in connection with his dental practice, while Twenty Twenty Eyecare does not have any signage on the building. Section 60.060-B(1) of the Tulsa Zoning Code, specifically applicable to all office zoning districts, only allows for one on-premise sign per street frontage. This presents a substantial hardship for Twenty Twenty Eyecare, as the absence of adequate signage severely inhibits their very low vision patients' ability to locate the clinic from the street.

Response to #2:

Section 110.1 of the Tulsa Zoning Code states its purpose is to promote health, safety, peace, morals, comfort, convenience, prosperity, order, and general welfare. In this instance, granting the requested variance specifically promotes public health by helping Twenty Twenty Eyecare provide essential medical services to its patients. Granting the variance also provides a safety benefit, as Twenty Twenty Eyecare's patients driving to this location could cause traffic problems while searching to find the specific address. The literal enforcement of zoning code provisions regarding signage is not necessary in this instance to achieve the intended purposes of the code. Nor will granting the variance cause substantial detriment to the public good or the purposes, spirit, and intent of the zoning code or the comprehensive plan. In fact, in this instance, the granting of the variance is not only consistent with but promotes the purposes, spirit, and intent of the zoning code.
Response to #3:

Twenty Twenty Eyecare is providing services at the subject property that are unique even within the eye care industry. Accordingly, the requested variance is unique to this particular business. The needs of Twenty Twenty Eyecare and its patients in this regard are generally not applicable to other businesses or properties within the same zoning classification.

Response to #4:

The hardship for Twenty Twenty Eyecare and its patients, in not having adequate signage on the property, was not created by Twenty Twenty Eyecare. Twenty Twenty Eyecare's lease with the current owner specifically provides that Twenty Twenty Eyecare, as the tenant, can place a sign consistent with the rest of the building. The signage requested by Twenty Twenty Eyecare is consistent with those lease provisions. Accordingly, there are no self-imposed restrictions or limitations in this regard from the current property owner.

Response to #5:

The signage to be posted by Twenty Twenty Eyecare on the building is consistent with the existing signage on the building and is the minimum necessary to afford relief and meet the needs of Twenty Twenty Eyecare and its patients in this instance. It is necessary for Twenty Twenty Eyecare patients to see the signage from the street, and the proposed signage is the minimum in that regard.

Response to #6:

The requested variance granted will not have any effect on the essential character of the neighborhood where the subject property is located or cause any kind of impairment to the use or development of any adjacent property.

Response to #7:

The response with respect to this particular condition is discussed thoroughly in response to #2 above. Again, the granting of the variance in this instance will not cause substantial detriment to the public good or the purposes, spirit, and intent of the zoning code or the comprehensive plan. In fact, in this instance, the granting of the variance is not only consistent with but promotes the purposes, spirit, and intent of the zoning code.
60.060-B Signs Allowed. In addition to any sign exceptions allowed pursuant to Section 60.030, lots in office zoning districts are allowed a maximum of one on-premise sign per street frontage. The allowed on-premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.

Review Comments: only one sign is allowed on this Office zoned lot. Their appears to be a sign already on this building, which is on the same lot, for Tulsa Precision Dental. You may apply to the Board of Adjustment for a variance to allow more than one sign on an Office zoned lot.
REVERSE CHANNEL LETTERS

SCALE: 3/4” = 1'-0"

Fabricated Alum.,
2" Deep Returns w/ Clear Polycarbonate Backs,
Letters - White LED Halo Illumination,
Logo / Capsule - White LED Halo (Logo / Text Cut Out) Face Illumination,
Stud Mount w/ 1-1/2" Spacers.
Finish: Fab Alum. (SAC Clear Semi Gloss Satin Alum.),
Horizontal Grain On Faces.

3.5’ X 5.09’ = 17.81 SQFT
### Owner and Applicant Information

**Applicant:** Trent Harris  
**Property Owner:** Sisu Investments

### Property Location

**Address:** 1100 E. 4th Street  
**Tract Size:** ±0.31 acres

### Location within the City of Tulsa

*(shown with City Council districts)*

![City Council Districts Map](image)

### Elected Representatives

**City Council:** District 1, Vanessa Hall-Harper  
**County Commission:** District 2, Karen Keith

### Request Summary

Variance to eliminate the Street Tree and the Interior Parking Lot Landscaping required for a building addition (Sections 65.040 and 65.050)

### Zoning

**Zoning District:** CH  
**Zoning Overlays:** NIO

### Comprehensive Plan Considerations

**Land Use**  
**Land Use Plan:** Employment  
**Small Area Plans:** Pearl District  
**Development Era:** Streetcar

**Transportation**  
**Major Street & Highway Plan:** N/A  
**planitulsa Street Type:** None  
**Transit:** N/A  
**Existing Bike/Ped Facilities:** None  
**Planned Bike/Ped Facilities:** Bike Lane

**Environment**  
**Flood Area:** N/A  
**Tree Canopy Coverage:** 0-10%  
**Parks & Open Space:** N/A

---

### Board of Adjustment

**Hearing Date:** February 27, 2024  
**Prepared by:** Dylan Siers  
**dsiers@cityoftulsa.org**  
**918-596-7584**
Staff Analysis
Variance to eliminate the Street Tree and the Interior Parking Lot Landscaping required for a building addition (Sections 65.040 and 65.050)

Relevant Case History
- None

Statement of Hardship
The property located at 1100 E. 4th St. in Tulsa (corner of 4th & Norfolk) is requesting a variance to the landscaping zoning code for this project due to hardship associated with the lots preexisting conditions. This property is currently all concrete. The property owner Phillip Childers (SISU Investments) purchased this property in this condition and did not add any of the concrete to the lot. The building and lot used to serve as an armored security truck company and that is why it is all concrete and has all of the higher security chain link fencing. Also, with the heavy trucks the previous owner had they made the concrete very reinforced and excessively thicker than normal to support the weight of the vehicles. In order to accommodate the landscape zoning code it would require major concrete excavation and removal and this also poses other challenges.

We have met with Planning and discussed several possible options such as concrete removal, planters, etc.. We even looked into requesting a licensing agreement to plant trees within the City of Tulsa right of way. After further consideration, planting in this right of way would impede the traffics ability to see well around the corner when turning and the tree growth would also be going into overhead lines. We then looked into removing concrete on the lot. The North side trees would grow into overhead lines. If moved to the South some, then the property owner would be removing the concrete to the only parking area that he has accessible. We also entertained the option of removing concrete from the driveway on Norfolk, this also would be near powerlines and would decrease his entryway into the only gate accessing the South side of the lot.

The conditions on this lot are unique to just this property due to utility challenges, the building layout, and preexisting construction methods of making the entire lot an impervious surface. The variance, if granted, would not cause detriment to the public or the surrounding neighbors or businesses. This lot has appeared the same way for many years and by being granted this variance it would not harm the character of the neighborhood. This will actually make the lot look better due to improvements that the property owner intends to make both to the structure and by adopting the nuisance code by removing the razor wire on the top of the security fencing.

SISU Investments wants to make this lot and property appear better to the public and also be of a better use to them on their needs. This hardship was acquired when the property was purchased in this condition and the property owner is not trying to bypass any zoning codes. We are respectfully asking permission from this Board and the public to be allowed to improve the use, condition, and looks of this lot and this structure.

Comprehensive Plan Considerations
Land Use Plan
The subject property is designated as Employment.

Employment is intended to accommodate offices, warehousing and storage, manufacturing and assembly, and industrial processes. The Industrial Site Suitability map corresponds to the Employment land use designation and indicates where uses that are potentially incompatible with sensitive land uses are best suited to locate. This directs industrial uses to particular areas of the city while discouraging industrial in close proximity to Neighborhood areas.
**Surrounding Properties:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>CH/IM</td>
<td>Employment</td>
<td>Industrial</td>
</tr>
<tr>
<td>East</td>
<td>CH</td>
<td>Employment</td>
<td>Multiple Uses</td>
</tr>
<tr>
<td>South</td>
<td>IL</td>
<td>Employment</td>
<td>Vacancy</td>
</tr>
<tr>
<td>West</td>
<td>CH</td>
<td>Employment</td>
<td>Tool Shop</td>
</tr>
</tbody>
</table>

**Small Area Plans**
The subject properties are located within the Pearl District Small area plan.

**Development Era**
The subject property is located in an area developed during the Streetcar era.

The subject property is in an area developed during the Streetcar Era (1910s-30s), prior to the proliferation of automobiles, when streetcars facilitated growth beyond downtown. Land uses range from fully integrated to somewhat separated, on a half-mile grid, with a mix of housing options. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, transit-oriented development, commercial districts, and well-designed streetscapes.

**Transportation**

- **Major Street & Highway Plan:** N/A
- **Comprehensive Plan Street Designation:** None
- **Transit:** N/A
- **Existing Bike/Ped Facilities:** N/A
- **Planned Bike/Ped Facilities:** Bike Lane
- **Arterial Traffic per Lane:** N/A

**Environmental Considerations**

- **Flood Area:** The subject property not within a flood area.
- **Tree Canopy Coverage:** Tree canopy in the area is 0%. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.
- **Parks & Open Space:** N/A
Sample Motion
I move to approve or deny a Variance to eliminate the Street Tree and the Interior Parking Lot Landscaping required for a building addition (Sections 65.040 and 65.050)
- per the conceptual plan(s) shown on page(s) _____ of the agenda packet.
- subject to the following conditions (including time limitation, if any): ____________________________.
The board finds the hardship to be ____________________________________________________________.

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.

Property Description
Subdivision: HODGE ADDN (18875)
Legal: S30 LT 1 LESS E45 THEREOF & ALL LT 3
LESS E45 THEREOF & LESS S16 LT 3 BLK 16
Photos:

Exhibits
Sections 65.040 and 65.050 of the zoning code.
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Applicant’s Exhibits
65.020-C The design of landscape areas to promote low-impact development practices (e.g., bioretention basins, rain gardens, filter strips, and grassed swales) is strongly encouraged and may be used to satisfy the landscaping regulations of this zoning code, subject to compliance with all applicable standards of the Stormwater Management Criteria Manual.

65.020-D The alternative compliance provisions of §65.100-D are intended to accommodate creativity in landscape and screening design and address site-specific barriers that prevent strict compliance with the regulations of this chapter.

Section 65.030 Applicability
The landscaping and screening regulations of this chapter apply as set forth in the individual sections of this chapter. The following are expressly exempt from the landscaping and screening regulations of this chapter:

65.030-A Agricultural uses;
65.030-B Public parks and open spaces;
65.030-C Household living uses consisting of a single household on one lot or 2 households on one lot (existing or proposed); and
65.030-D Reconstruction of any building that is damaged or destroyed by tornadoes, straight-line winds, ice storms, accidental fire, floods, hail, lightning, or other forces beyond the reasonable control of the property owner.

Section 65.040 Street Trees

65.040-A Purpose
Street trees help maintain and enhance the appearance of the city, contribute to pedestrian safety and comfort and offer environmental benefits by allowing the infiltration of stormwater, reducing urban heating and improving air quality.

65.040-B Applicability
The street tree planting requirements of this section apply to all the following, except as otherwise expressly stated:

1. Construction of any principal building or non-accessory parking;
2. Any addition to or enlargement of an existing principal building when the addition or enlargement exceeds 20% of the building’s existing floor area; and
3. Any increase in impervious coverage on the subject lot that exceeds 20% of the lot’s existing impervious coverage.

65.040-C Requirements

1. Number
At least one large tree is required per 30 feet of street frontage. If large trees are not appropriate due to the presence of overhead lines, other obstructions or site visibility considerations, as determined by the land use administrator, at least one small tree is required per 25 feet of street frontage. Street tree
requirements may be satisfied by the installation of new trees or by the preservation of existing trees (see §65.080-B4 to determine available incentives for preservation of existing trees). The tree list prepared by the planning director (see §65.080-A2) identifies and classifies street trees by size.

2. Location

a. Required street trees must be located on the subject property within 20 feet of the planned street right-of-way unless the land use administrator determines that the presence of buildings or obstructions or other factors prevent viable tree planting within this area, in which case required street trees must be installed in the first 7 feet of the planned street right-of-way, as measured from the outer edge of the right-of-way. Street tree planting in the right-of-way must comply with the regulations of Title 35, Chapter 6 of the Tulsa Revised Ordinances.

b. The land use administrator is expressly authorized to approve an alternative compliance landscape plan for installation of street trees in alternative locations when circumstances prevent tree planting within the areas described in §65.040-C2.a or when compliance with §65.040-C2.a would result in a poor growing environment for the tree or damage to public or private improvements.

3. Spacing

Street trees are not required to be evenly spaced, but the distance between street trees may not exceed 75 feet.

4. Materials, Installation and Maintenance

See Section 65.080 and Section 65.090.
Section 65.050 | Interior Parking Lot Landscaping

65.050-A Purpose
The interior parking lot landscaping regulations of this section are intended to help mitigate the visual and stormwater runoff impacts of parking lots and provide shade for parked vehicles and pedestrians.

65.050-B Applicability
Unless otherwise expressly stated, the interior parking lot landscaping regulations of this section apply to all the following:

1. The construction of any new principal building or addition to a principal building that increases the floor area of principal buildings on the subject lot by more than 20%;
2. The construction or installation of any new parking lot containing 10 or more parking spaces; and
3. The expansion of any existing parking lot that increases the number of parking spaces or amount of paved area by more than 33%.

65.050-C Exception
Parking areas used solely for the display of motor vehicles for sale, lease or rental are exempt from the interior parking lot landscaping requirements of this section.

65.050-D Requirements
1. Landscape Area
   a. At least 35 square feet of interior parking lot landscape area must be provided for each parking space. If compliance with this regulation would result in the loss of required parking spaces, the amount of parking required is automatically reduced by the amount needed to accommodate the required interior parking lot landscape area.
   b. When at least 50% of interior parking lot landscape area consists of depressed bioretention areas used for stormwater management, the minimum interior parking lot landscape area requirement is reduced from 35 square feet per parking space to 28 feet per parking space. To receive this bioretention credit, the stormwater harvesting area must be at least 6 inches and not more than 18 inches in depth and planted with vegetation that can withstand periodic inundation.

2. Trees and Plant Material
   Required interior parking lot landscape areas must include at least one large tree per 10 parking spaces. Small trees may be substituted for large trees if the land use administrator determines that the presence of overhead lines or other obstructions make the installation of large trees unsafe or impractical or would result in poor growing conditions. Minimum tree planting requirements may be satisfied by the installation of new trees or by the preservation of existing trees (see §65.080-B4 to determine available incentives for preservation of existing trees).
3. **Location and Design**

   a. Interior parking lot landscaping must be reasonably distributed throughout the parking lot and provided in landscape islands or medians that comply with all the following requirements:

      (1) They must be bordered by a paved surface on at least 2 sides;

      (2) They must be at least 7 feet wide, as measured from the back of the curb;

      (3) They must include at least one tree per island and be covered with ground cover plants or mulch;

      (4) They must be protected by curbs or other barriers, which may include breaks or inlets to allow stormwater runoff to enter the landscape island; and

      (5) They must be located so that every parking space is within 100 feet of a tree.

   b. Parking rows that end abutting a paved driving surface must have a landscape terminal island (end cap) at that end of the parking row. All other parking lot landscape islands must be located to comply with all applicable regulations of this section. The regulations of §65.050-D3.a apply to the landscape terminal island.

   c. The land use administrator is expressly authorized to approve landscape plans that do not provide terminal islands at the end of each parking row or that otherwise provide for reduced dispersal of interior parking lot landscape areas when proposed landscape planting areas are combined to form functional bioretention areas or to preserve existing trees and vegetation.

4. **Vehicle Overhangs**

   A portion of a motor vehicle parking space may be landscaped instead of paved to meet interior parking lot landscaping requirements. The landscaped area may be up to 2.5 feet of the front of the space, as measured from a line parallel to the direction of the bumper of the vehicle using the space. Groundcover plants or mulch must be provided in the allowed overhang area.

5. **Relationship to Vehicular Use Area Buffer Regulations**

   Landscape areas and plant material provided to satisfy the vehicular use area buffer regulations of Section 65.060 may not be counted toward satisfying the interior parking lot landscaping regulations of this section (Section 65.050).

6. **Materials, Installation and Maintenance**

   See Section 65.080 and Section 65.090.
Section 65.060  Vehicular Use Area Buffers

65.060-A  Purpose
The vehicular use area buffer regulations of this section are intended to help mitigate the visual and operational impacts of parking lots and other vehicular use areas when such areas are adjacent to streets, highways, residential zoning districts, or agricultural-residential zoning districts.

65.060-B  Applicability
A “vehicular use area” is an area on a lot that is not contained within a garage or similar enclosed or partially enclosed structure that is designed and intended for use by motor vehicles, including parking lots, vehicle storage and display areas, loading areas; and driveways and drive-through lanes. Unless otherwise expressly stated, the vehicular use area buffer regulations of this section apply to all the following:

1. The construction or installation of any new vehicular use area with a contiguous paved area of 3,500 square feet or more; and

2. The expansion of any existing vehicular use area that results in the addition of 3,500 square feet of paved area, in which case the vehicular use area perimeter landscaping requirements of this section apply only to the expanded area.
Sec. 70.080-C: Applications for Zoning Clearance must be accompanied by a legal description of the lot and plans, drawn to scale. Review comment: Submit a site plan with the following information:

- Actual shape and dimensions of the lot;
- Location and dimensions of all easements;
- Lot lines and names of abutting streets;
- The location, size and height of any existing buildings or structures to be erected or altered, including distances to lot lines;
- The location, dimensions and height of proposed buildings or structures to be erected or altered;
- The intended use of existing and proposed buildings, structures or portion of the lot;
- Location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.

Section 65.030 Applicability

The landscaping and screening regulations of this chapter apply as set forth in the individual sections of this chapter. Review Comment: Provide a Landscape Plan according to the regulations stated in Chapter 65 of the Tulsa Zoning Code.
Hall Engineering has determined that the foundation system, as described herein, satisfies applicable “Structural Design Considerations” as set forth by 2021 International Business Code (2021 IBC) and is suitable to serve its intended purpose.

General Notes

1. The retrofit, concrete pile foundation system described herein is specifically intended to support the client-provided, pre-engineered, “stand alone” steel metal building design plan.

2. It is the responsibility of the land-owner or delegated contractor to acquire all necessary city permits prior to the start of construction.

3. Coordinate with utility master as required to mark all active utilities.

4. For property limits and easements, if available, refer to current land survey accomplished by registered Professional Land Surveyor.

5. Remove all trees, and undergrowth that may impede the construction and/or damage the foundation after construction.

6. Design considerations and select views, as referred throughout were made in consideration of client-provided Engineered Steel Building Design Plan further described as Job 22-163WB as developed by Whitney Steel Building Systems, and as dated 1/05/23.

THE UNDERSIGNED PROFESSIONAL ENGINEER IS NOT THE ENGINEER OF THE RECORD FOR THE OVERALL PROJECT. THIS CERTIFICATION COVERS FOUNDATION DESIGN ONLY. PRIMARY STRUCTURE METAL FRAMING, SECONDARY STRUCTURE, PANELS, FLANGE BRACING, CLIPS, STRUTS, AND PARTS SUCH AS DOOR, WINDOWS, AND OTHER AS REQUIRED FOR ERECTION/CONSTRUCTION ARE TO BE PROVIDED BY OTHER.

Figure 1: Schematic Showing Subject Expansion/Retrofit
Sheet 3 indicates soil bearing of 2000 psf was used for design for the 1.5 ft x 1.5 ft piers. An allowable load of 4.5k would be presumed, yet some of the vertical reactions exceed -4.5k. Please provide brief description of how to interpret these reactions for verification.
General Notes

1. Footing design was developed without the aid/insight of a soil report, that would have otherwise been developed/provided by a duly qualified and licensed geotechnical engineer. As such, foundation design is based on a bearing pressure of 2000 PSF for sand, silty sand, clayey sand, silty gravel, and sandy gravel (SW, SP, SM, SC, GM and GC). If other soil conditions are known to exist or the existing soil at bottom of pile excavation is soft or unsuitable, it will be necessary to over excavate to suitable material and replace with flowable fill or crushed stone. If crushed stone is used, it shall be placed in 6-8” lifts and compacted to 95%.
1. The following requirements apply for the concrete pile footing.
   a. Concrete shall have a 28-day cure compressive strength of 3500 PSI or stronger.
   b. Do not install footings in backfill; they are to be drilled/dug in undisturbed soils.
   c. Reinforce with #5 (5/8") rebar cage approximately as shown using 3 vertical sticks, evenly spaced every 8" along each formed edge of the footing.
   d. Maintain 4" between rebar and formed edge of footing.
   e. Box rebar cage with ½" rebar every 10-12" vertically.

2. Set 18" sq. rebar grid in the upper 4-5" of existing slab/foundation system using #4 (1/2") rebar.

3. Pin 18" sq. rebar grid into cut edges of existing slab. Maintain 18" of overlap and epoxy bond each pin 8-12" deep into the cut edge of the existing slab. To accomplish, fill drilled hole for pins completely by inserting injection tube at full depth and inject epoxy while slowly removing the injection tube. Use ½ diameter rebar pins.

NOTE: Where possible/If possible, utilize and tie-in to the existing rebar of the existing slab. To accomplish, score and jack-hammer slab section to be removed making efforts to expose the existing rebar of existing slab.

**Figure 4: Reinforced Concrete Pile Footing Detail**

**Figure 5: Pinning Detail**

Drawing is NOT to Scale
Staff Report
Special Exception Case BOA-23645

Hearing Date: February 27, 2024
Prepared by: Sean Wallace
swallace@cityoftulsa.org
918-596-7585

Owner and Applicant Information
Applicant: Lou Reynolds
Property Owner: Phillips Theological Seminary

Property Location
765 N Mingo Rd E
Tract Size: ±3 acres

Location within the City of Tulsa
(shown with City Council districts)

Request Summary
Special Exception to permit a college or university use in the
IL District (Sec. 15.020, Table 15-2).

Zoning
Zoning District: IL
Zoning Overlays: None

Comprehensive Plan Considerations
Land Use
Land Use Plan: Multiple Use
Small Area Plans: None
Development Era: Late Automobile

Transportation
Major Street & Highway Plan: N/A
planitulsa Street Type: N/A
Transit: N/A
Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: Mohawk/Port of Catoosa Trail
Shared-use path

Environment
Flood Area: FEMA 500-year floodplain
Tree Canopy Coverage: 20-30%
Parks & Open Space: Mingo Creek borders property

Elected Representatives
City Council: District 3, Crista Patrick.
County Commission: District 2, Karen Keith.

Public Notice Required
Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance
Posted Sign – min. 10 days in advance
Staff Analysis
The applicant is proposing an expansion/new building for student housing, dining, offices, and conference rooms. The Tulsa zoning code requires a special exception for this use in an IL district.

Comprehensive Plan Considerations

Land Use Plan
The subject property is designated as Multiple-use. These areas are mostly commercial or retail uses, which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>IL</td>
<td>Multiple-use</td>
<td>Phillips Seminary</td>
</tr>
<tr>
<td>East</td>
<td>IL</td>
<td>Employment</td>
<td>RV park</td>
</tr>
<tr>
<td>South</td>
<td>CG</td>
<td>Multiple-use</td>
<td>Warehouse</td>
</tr>
<tr>
<td>West</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
</tbody>
</table>

Small Area Plans
The subject properties are not inside a small area plan.

Development Era
The subject property is in an area developed during the Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the
intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

**Transportation**

*Major Street & Highway Plan*: N/A

*Comprehensive Plan Street Designation*: N/A

*Transit*: N/A

*Existing Bike/Ped Facilities*: None

*Planned Bike/Ped Facilities*: Mohawk/Port of Catoosa Trail Shared-use path is recommended in the Tulsa GO Plan.

*Arterial Traffic per Lane*: 2,646 vehicles per lane on Mingo Rd.

**Environmental Considerations**

*Flood Area*: The subject property is located in a FEMA 500-year floodplain.

*Tree Canopy Coverage*: Tree canopy in the area is 23%. For areas between 20% and 50% canopy coverage, significant effort should be given to the preservation of mature stands of trees. Tree canopy removal should be minimized, and replacement of trees that need removing should be encouraged. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

*Parks & Open Space*: Mingo Creek borders property to the east – planned trails.

**Sample Motion**

I move to approve or deny a Special Exception to permit a college or university use in the IL District (Sec. 15.020, Table 15-2),

- per the conceptual plan(s) shown on page(s) _____ of the agenda packet.
- subject to the following conditions (including time limitation, if any): ____________________________.

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

**Property Description**

*Subdivision*: EXPRESSWAY VILLAGE CENTER RESUB PRT W200 VAN EST NO 1 AMD (13630)

*Legal*: LTS 1 THRU 5 BLK 2

*Section*: 31 Township: 20 Range: 14
Exhibits
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Applicant’s Exhibits
Land Use Plan Categories

- Arkansas River Corridor
- Downtown
- Employment
- Local Center
- Multiple Use
- Neighborhood
- Park and Open Space
- Regional Center

BOA-23645

19-14 04

0 200 400 Feet

7.8
ZCO-159105-2023 (765 N MINGO RD E Tulsa, OK 74116) Markup Summary #2

Note (1)

Subject: Note
Page Label: [3] C2.01 SITE PLAN
Author: danabox
Date: 1/30/2024 3:37:41 PM
Status:
Color: 
Layer:
Space:
Responsibility:

Sec.15.020 Table 15-2: The proposed facility is designated a Public, Civic or Institutional/College or University Use and is located in an IL zoned district. This will require a Special Exception approved by the Board of Adjustment (BOA).

Review comment: Submit an approved BOA Special Exception, reviewed and approved per Sec.70.120, to allow a Public, Civic or Institutional/College or University Use in an IL zoned district. Call the Tulsa Planning Office at 918-596-7526 for next steps and further instruction.
EXHIBIT “A”

LEGAL DESCRIPTION

Lots Two (2), Three (3), Four (4) and Five (5), Block Two (2) EXPRESSWAY VILLAGE CENTER, an Addition in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.
EXHIBIT “C”

CONCEPTUAL SITE PLAN
Subject: Note
Page Label: [3] C2.01 SITE PLAN
Author: danabox
Date: 9/14/2023 9:37:55 AM
Status:
Color: 
Layer:
Space:
Responsibility:

Sec.15.020 Table 15-2: Your building contains three uses, an Event Center which is designated a Commercial/Assembly & Entertainment/Other Indoor Use; Lodging facility which is considered a Commercial/Lodging/Hotel/Motel; and Public, Civic and Institutional/Religious Assembly use. This facility is in the IL zoned district. The Event Center, Commercial/Assembly & Entertainment Use; the Lodging use and the Religious Assembly use will all require Special Exceptions approved by the BOA.

Review comment: Submit approved BOA Special Exceptions, reviewed and approved per Sec.70.120, to allow Commercial/Assembly & Entertainment Use; Commercial/Lodging/Hotel/Motel; and Public, Civic and Institutional/Religious Assembly use in the IL district. Contact the Tulsa Planning Office, 918-596-7526, to schedule your appearance before the Board of Adjustment to apply for and receive the Special Exceptions required for the uses in the IL district. You may wish to consider rezoning the property to a commercial use.

This constitutes a Plan Review to date in response to the information submitted with and after the above referenced application. Additional issues may develop when the review continues upon receipt of additional information requested in this letter or upon additional submittal from the client. Any code items not reviewed are still in force, and it shall be the responsibility of the owner and design professional(s) to ensure that all code requirements are satisfied.
Board of Adjustment

Staff Report
Special Exception Case BOA-23646

Hearing Date: February 27, 2024
Prepared by: Sean Wallace
swallace@cityoftulsa.org
918-596-7585

Owner and Applicant Information
Applicant: Lou Reynolds
Property Owner: 4143 LLC & Brookside LLC Attn: Tim Clark

Property Location
4143 S Peoria Ave
Tract Size: ± .6 acres

Location within the City of Tulsa
(shown with City Council districts)

Request Summary
Special exception to permit a drive-through facility in the MX3-U-U District (Sec. 10.020, Table 10-2).

Zoning
Zoning District: MX3-U-U
Zoning Overlays: None

Comprehensive Plan Considerations
Land Use
Land Use Plan: Multiple Use
Small Area Plans: Brookside
Development Era: Early Automobile

Transportation
Major Street & Highway Plan: N/A
planitulsa Street Type: N/A
Transit: BRT Route
Existing Bike/Ped Facilities: None
Planned Bike/Ped Facilities: None

Environment
Flood Area: City of Tulsa Regulatory Floodplain
Tree Canopy Coverage: 10-20%
Parks & Open Space: River Parks ½ mile

Elected Representatives
City Council: District 9, Jayme Fowler.
County Commission: District 2, Karen Keith.

Public Notice Required
Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance
Posted Sign – min. 10 days in advance

8.1
Staff Analysis
The applicant is requesting a Special exception to permit a drive-through facility in the MX3-U-U District.

Relevant Case History
- Z-7723, 08/09/23, Tulsa City Council approved re-zoning for a portion of the subject tract from RS-3 to MX-3-U-U.
- Z-7422, 12/20/2017, Tulsa City Council approved re-zoning for a portion of the subject tract from RM-1, RM-2, CH and PUD-744-A to MX-3-U-U.

Comprehensive Plan Considerations
Land Use Plan
The subject property is designated as Multiple Use. These areas are mostly commercial or retail uses, which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>MX3-U-U</td>
<td>Multiple-use</td>
<td>Mixed commercial</td>
</tr>
<tr>
<td>East</td>
<td>RS-3</td>
<td>Multiple-use</td>
<td>Single-family Subdivision</td>
</tr>
<tr>
<td>South</td>
<td>CH/ RS-3</td>
<td>Multiple-use/ Neighborhood</td>
<td>Fast-food restaurant near Peoria, Single-family Subdivision further East</td>
</tr>
<tr>
<td>West</td>
<td>CH</td>
<td>Multiple-use</td>
<td>Paint store</td>
</tr>
</tbody>
</table>

Small Area Plans
The subject properties are in the Brookside Infill Development Plan Area adopted in 2002.

Development Era
The subject property is in an area developed during the Early Automobile Era (1930s-50s), which retained a high degree of the connectivity from neighborhood streets to the arterial network, with mostly commercial, office, industrial, and other active uses along major streets and a mix of housing options and neighborhood-based uses like schools, churches, and libraries in the interior sections. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, commercial revitalization, compatibility of scale for neighborhood development, and transitions between commercial corridors and residential areas.
Transportation
Major Street & Highway Plan: N/A

Comprehensive Plan Street Designation: Secondary Arterial (S. Peoria Ave.)

Transit: BRT Route

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: 5,447 vehicles per lane on S. Peoria.

Environmental Considerations
Flood Area: The subject property is located within the City of Tulsa Regulatory Floodplain.

Tree Canopy Coverage: Tree canopy in the area is 14%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

Parks & Open Space: River Parks is half-mile west of property.

Sample Motion
I move to approve or deny a Special Exception to permit a drive-through facility in the MX3-U-U District (Sec. 10.020, Table 10-2).

- per the conceptual plan(s) shown on page(s) _____ of the agenda packet.
- subject to the following conditions (including time limitation, if any): ________________________________.

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

Property Description
A tract of land being ALL of Block Three (3) and Block Four (4) and a portion of Reserve A of THE RETREAT AT BROOKSIDE SOUTH (PLAT #6215), according to the recorded plat thereof, TOGETHER WITH a portion of the Northwest Quarter (NW/4) of Section Thirty (30), Township Nineteen North (T19N), Range Thirteen East (R13E) of the Indian Meridian, City of Tulsa, County of Tulsa, State of Oklahoma, all together being more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of said NW/4, marked by a MAG Nail found in place; thence S01°17'55"E along the West line of said NW/4 a distance of 464.51 feet; thence N89°16'08"E a distance of 35.62 feet to a point on the Eastern Right of Way line of South Peoria Avenue marked by a 5/8" Rebar found in place, same being the POINT OF BEGINNING; thence N89°16'11"E along the South line of JENNINGS-ROBARDS ADDITION (PLAT #705), according to the recorded plat thereof, a distance of 253.66 feet to a point on the Westerly line of Plat #6215; thence N89°16'06"E along said line a distance of 2.50 feet; thence N89°16'11"E a distance of 332.50 feet to a point on the East line of said Plat #6215; thence
S01°00'27"E along the East line of said Plat #6215 a distance of 128.16 feet to the Southeast corner of said plat marked by a MAG Nail with shiner stamped "Blew & Assoc. OK COA5387" set in place; thence S88°58'49"W along the South line of said Plat #6215, same being the North Right of Way line of East 42nd Street South a distance of 335.00 feet to the SW corner of said plat, marked by a 5/8" Rebar with cap stamped "Blew & Assoc. OK COA5387" set in place; thence S88°58'44"W along said R/W line a distance of 253.66 feet to its intersection with the East R/W line of said South Peoria Avenue, marked by a 3/8" Rebar with illegible cap found in place; thence N01°00'26"W along said East line a distance of 131.14 feet to the POINT OF BEGINNING.

Said Tract having an area of 76,321 Square Feet or 1.75 Acres, more or less.

Photos:

(Subject property looking north on Peoria)
(Subject property looking east on 42nd St)

**Exhibits**

Case map  
Aerial (small scale)  
Aerial (large scale)  
Tulsa Comprehensive Plan Land Use Map  
Applicant’s Exhibits
E 39TH ST S
E 42ND ST S
S NORFOLK AVE
E 43RD ST S
S OWASSO AVE
E 42ND PL S
E 43RD CT S
E 38TH PL S
E 45TH PL S
S ST LOUIS AVE
E 41ST PL S
E 44TH ST S
E 45TH ST S
S ROCKFORD AVE
S ROCKFORD PL
S ROCKFORD AVE
S ROCKFORD PL
S QUINCY AVE
S QUINCY PL
S QUAKER AVE
S QUAKER AVE
E 41ST PL S
E 44TH ST S
E 43RD ST S
E 38TH PL S
S ROCKFORD AVE
E 43RD PL S
S PEORIA AVE
E 41ST ST S

BOA-23646

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2021

8.7
Summary of Comments on Layout1

Page: [1] Layout1

Number: 1  Author: danabox  Subject: Note  Date: 1/25/2024 8:38:24 AM
Sec. 55.060-8 Spaces Required
1. Short term Bicycle Parking
Short-term bicycle parking spaces must be provided in accordance with the
minimum ratios established in Table 55-3: Minimum Required Bicycle Parking
Ratios
Review Comment: Provide a plan with Bicycle Parking in accordance with Sec. 55.060-8 of the Tulsa Zoning Code.

Number: 2  Author: danabox  Subject: Note  Date: 1/25/2024 8:29:56 AM
Sec. 10.020 Use Regulations Table 10-2 MX District Use Regulations Drive-in or Drive-through Facility (as a component
of an allowed use) requires a Special Exception in MX3 zoning. Review Comment: Provide a Special Exception
reviewed and approved by the Board of Adjustment. The paperwork, once complete, should be resubmitted as a
revision to this permit application.

Number: 3  Author: danabox  Subject: Note  Date: 1/25/2024 8:32:52 AM
Section 65.030 Applicability
The landscaping and screening regulations of this chapter apply as set forth in the individual sections of this chapter.
Review Comment: Provide a landscape plan as detailed in Chapter 65 of the City of Tulsa Zoning Code. See https://tulsaplanning.org/plans/

Number: 4  Author: danabox  Subject: Note  Date: 1/25/2024 8:26:35 AM
Sec. 40.330-B Whenever a restaurant is located on a lot abutting an R- or AG-R- zoned lot, a screening wall or fence
must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.070-C.
Review Comment: Provide a site plan that indicates an F1 screen on the lot line abutting R zoning to the South and
East.

Number: 5  Author: danabox  Subject: Note  Date: 1/25/2024 8:35:48 AM
Sec. 65.070-B Features Required to be Screened 2. Dumpsters
All dumpsters must be screened from view of all street rights-of-way and R zoned property, and AG-R zoned property.
Review Comment: Provide a site plan with the dumpsters screened as detailed in Sec. 65.070-B 2.
Exhibit “B”

The Applicant requests a Special Exception, pursuant to Table 10-2 of the Tulsa Zoning Code to permit a Drive-Through Facility in the MX3-U-U District, for property located at the northeast corner of S. Peoria Ave. and E. 42nd Street (the “Property”).

The Property is approximately two (2) acres and is a former Arby’s location. The existing, unoccupied building addresses Peoria and the remainder of the site is currently vacant. The Property is located within two zoning districts, CH (Commercial Heavy) abutting Peoria, and MX3-U-U (Regional Mixed Use-Urban-Unlimited Height) for the remaining, vacant portion of the tract.

The site is intended to be developed as a Chick-fil-A restaurant with a drive-through. The Chick-fil-A restaurant building will be located entirely within the CH district, similarly oriented as the existing building. The associated drive-through facility will be located in the MX3 district. A Conceptual Site Plan is attached hereto.

Restaurants are permitted by right in both the CH and the MX3 districts. Drive-through facilities are permitted by right in the CH district but require a Special Exception in the MX3 district. Because a portion of the drive-through facilities for the proposed restaurant use will be located in the MX district, the Applicant requests this Special Exception and proposes the following, additional conditions:

1. The drive-through facility, including all speakers, ordering stations, and service windows shall be located on the northern side of the Property, as shown on the Conceptual Site Plan;

2. No signage shall be permitted on the rear (east) side of the building;

3. Only two (2) access points shall be permitted on 42nd Street, as shown on the Conceptual Site Plan;

4. A “pork chop” restricting left-hand turns onto 42nd Street shall be installed within westerly access point, as shown on the Conceptual Site Plan;

5. A six-foot (6’) tall opaque screening fence with masonry base and columns shall be installed along 42nd Street, as shown on the Conceptual Site Plan;

6. Dumpsters shall be screened from view with a masonry screening wall made of similar materials as the principal structure and enclosure doors with at least 95% opacity;

7. Along the southern boundary of the Property, required street trees shall be at least 14 feet tall with a 4” caliper at planting. Evergreen shrubs shall be planted on both sides of the screening wall.

As the former use of the Property was a restaurant with drive-through facilities, the proposed restaurant with drive-through use is not new to the site or the neighborhood. Additionally, with the above conditions, any potential adverse effects of the drive-through facility for the restaurant will be substantially mitigated or eliminated. Accordingly, the Special Exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
TRAFFIC IMPACT ANALYSIS

Chick-fil-A
Northeast Corner of Peoria Avenue and 42nd Street
Tulsa, Oklahoma

Prepared for:
Greyden Engineering
December 2023

Prepared by:
Traffic Engineering Consultants, Inc.
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1.0 INTRODUCTION

Traffic Engineering Consultants, Inc. (TEC) was retained to conduct a traffic impact analysis (TIA) for a proposed Chick-fil-A development to be constructed in Tulsa, Oklahoma. The analysis was requested to determine the effects the proposed development would have on the adjacent street system, to review the available access to the development, and to provide recommendations for improvements that may be necessary to accommodate the traffic expected to be generated by the development.

2.0 BACKGROUND

2.1 PROPOSED DEVELOPMENT

The site of the proposed development is located north of 42nd Street and east of Peoria Avenue as shown in Figure 1. The current site location is a combination of a closed fast-food restaurant and undeveloped land. Access to the new development as shown in Figure 2 is proposed via two full-access drives that connect onto 42nd Street and an exit only drive onto Peoria Avenue.

2.2 ADJACENT ROADWAY NETWORK

Peoria Avenue is a five-lane north/south primary arterial with a posted speed limit of 35 mph. 41st Street is a four-lane east/west primary arterial with a posted speed limit of 35 mph. 41st Place is a two-lane east/west local street with a statutory speed limit of 25 mph. 42nd Street is a two-lane east/west local street with a posted speed limit of 25 mph.

The intersection of 41st Street and Peoria Avenue is signalized. The north and southbound approaches have a shared through + right-turn lane, an exclusive through lane, and an exclusive left-turn lane. The eastbound approach has the same lane configuration as the north and southbound approaches. The westbound approach has an exclusive right-turn lane, an exclusive through lane, and an exclusive left-turn lane. The left turns operate as a “permissive + protected” turn phase and the westbound right turn operates with an “overlap” turning phase.
FIGURE 2. Site Plan
Chick-fil-A
Tulsa, Oklahoma
3.0 BACKGROUND TRAFFIC

3.1 EXISTING TRAFFIC

Existing traffic volume data was collected adjacent to the proposed site in November 2023. 24-hour turning movement volumes were collected at the intersections of 41st Street and Peoria Avenue, 41st Place and Peoria Avenue, and 42nd Street and Peoria Avenue. The traffic volume data indicated that the a.m. peak hour occurred from 10:00-11:00, the midday peak hour occurred from 11:45 – 12:45, and the p.m. peak hour occurred from 5:00 – 6:00. Given the traffic characteristics in the area and the anticipated trip generation for the proposed site, the weekday peak periods would represent a “worst-case scenario” with regards to traffic impact on the surrounding roadway network. If traffic operations are acceptable during these weekday peak hours, it can be reasoned that conditions would be acceptable throughout the remainder of the day and week. The 2023 existing traffic is summarized in Figure 3 and detailed printouts of the traffic count data are included in the appendix.

3.2 FUTURE BACKGROUND TRAFFIC

The 2023 existing traffic volumes were utilized to determine the background traffic for 2024. The 2024 year was selected as the future design year the development is estimated to be completed. The background traffic was determined for the 2024 future design year by applying an average annual growth rate of 2.00% to the 2023 existing traffic volumes. The 2024 projected background traffic is summarized in Figure 4.

4.0 PROPOSED SITE TRAFFIC

To determine the effects a new development will have on an existing street system, the new or additional traffic must be projected. Historic Chick-fil-A site trips from other similarly sized restaurants was used to determine the amount of traffic the development is expected to generate. A summary of the trip generation data analyzed is provided in the appendix. The resulting traffic volumes projected to be generated by the proposed site once fully constructed and occupied are indicated in Table 1.
FIGURE 3. 2023 Existing Traffic
FIGURE 4. 2024 Future Background Traffic
The proposed site would be expected to generate 3,006 vehicles on a daily basis with 157 entering and 152 exiting vehicles during the a.m. peak hour, 174 entering and 173 exiting during the midday peak hour, and 162 entering and 149 exiting vehicles during the p.m. peak hour.

4.1 DISTRIBUTION OF PROJECTED SITE TRAFFIC

The traffic expected to be generated by the proposed site was distributed among the points of access and the adjacent study intersections for the a.m., midday, and p.m. peak hours. The distribution of the proposed site traffic was based on the anticipated destination of the future customers and the traffic patterns in the area which were obtained from the traffic data collected and field observations made for this study. The directional distribution of the site generated traffic for the proposed site is expected to be:

- 30% to/from Peoria Avenue north of the site
- 30% to/from Peoria Avenue south of the site
- 20% to/from 41st Street east of the site
- 20% to/from 41st Street west of the site

It was assumed that site traffic would redistribute as necessary to the path of least resistance coming to and exiting the site. The traffic expected to be generated by the proposed site is summarized in Figure 5.

4.2 DIVERTED LINK TRIPS

Diverted link trips occur when trips are attracted from roadways in the study area that do not have direct access to the proposed site. These trips divert from their original path and travel onto the roadway that...
A.M. EXITING = 76 VPH
P.M. EXITING = 75 VPH
NOON EXITING = 87 VPH

LEGEND

A.M. ENTERING = 79 VPH
P.M. ENTERING = 81 VPH

NOON ENTERING = 87 VPH

SITE GENERATED TRAFFIC PEAK HOUR

A.M. PEAK HOUR

P.M. PEAK HOUR

PORTION OF DEVELOPMENT

A CLEAR DIRECTION

Projected Site Trips

FIGURE 5, Projected Site Trips
provides direct access. Therefore, diverted link trips add traffic to the roadway adjacent to the proposed site as well as the site driveways, but would remove traffic from the roadway from which it was diverted.

Based on guidance provided by the *Trip Generation Handbook* as published by the Institute of Transportation Engineers (ITE) for this land use, it was assumed that 50 percent of trips in the a.m., 50 percent of the trips in the midday, and 50 percent of trips in the p.m. originating from Peoria Avenue would divert to Chick-fil-A on the way to their destination. Alternatively, it was also assumed that 50 percent of trips in the a.m., 50 percent of the trips during the midday, and 50 percent of trips in the p.m. originating from Chick-fil-A would divert to the proposed site enroute to Peoria Avenue. The projected diverted link trips are summarized in Table 1 and shown in Figure 6.

4.3 TOTAL TRAFFIC

The projected site traffic with the diverted link reduction was added to the future background traffic for the 2024 design year. The 2024 total traffic (2024 future background traffic + proposed site traffic with diverted link trips) for each access point to the proposed site as well as the adjacent study intersections are summarized in Figure 7.

5.0 CAPACITY ANALYSIS

5.1 METHODOLOGY

The capacity analyses were conducted using Synchro 11, which is a software package for modeling and optimizing traffic signal timings at signalized intersections and analyzing unsignalized intersections in accordance with the methodology of the *Highway Capacity Manual*. The *Highway Capacity Manual* is published by the Transportation Research Board of the National Research Council, Washington, D.C. The information has been widely accepted throughout the U.S. as a guide for defining and solving transportation challenges. The information is approved and distributed by the U.S. Department of Transportation, Federal Highway Administration.

The capacity analysis provides a measure of the amount of traffic that a given facility can accommodate. Traffic facilities generally operate poorly at or near capacity. The analysis is intended to estimate the maximum amount of traffic that can be accommodated by a facility while maintaining prescribed operational qualities. The definition of operational criteria is accomplished using levels-of-service.
FIGURE 6. Diverted Link Trips
concept of levels-of-service is defined as a qualitative measure and describes operational conditions in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. Six levels-of-service are defined for each type of facility for which analysis procedures are available. They are given letter designations, from “A” to “F”, with level-of-service “A” representing the best operating conditions and level-of-service “F” the worst.

The average control delay for signalized intersections is estimated for each lane group and aggregated for each approach and for the intersection as a whole. The level-of-service for this type of traffic control is directly related to the control delay value. The criteria for stop-controlled or unsignalized intersections have different threshold values than do those for signalized intersections. A higher level of control delay has been determined to be acceptable at a signalized intersection for the same level-of-service. Longer delays for side streets are generally acceptable if gaps in traffic are prevalent. Generally, a gap acceptance threshold for longer delay values (LOS “E” or “F”) is defined when v/c ratios are less than 0.80. The level-of-service criteria are summarized in Table 2. The Highway Capacity Manual considers an overall intersection level-of-service “D” or better and a critical approach (approach with the lowest level-of-service) level-of-service “E” or better to be acceptable regarding vehicular traffic delay.

### TABLE 2
Level-of-Service Criteria

<table>
<thead>
<tr>
<th>Level of Service</th>
<th>Average Delay (seconds/vehicle)</th>
<th>Traffic Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unsignalized</td>
<td>Signalized</td>
</tr>
<tr>
<td>A</td>
<td>≤10</td>
<td>≤10</td>
</tr>
<tr>
<td>B</td>
<td>&gt; 10 - 15</td>
<td>&gt; 10 - 20</td>
</tr>
<tr>
<td>C</td>
<td>&gt; 15 - 25</td>
<td>&gt; 20 - 35</td>
</tr>
<tr>
<td>D</td>
<td>&gt; 25 - 35</td>
<td>&gt; 35 - 55</td>
</tr>
<tr>
<td>E</td>
<td>&gt; 35 - 50</td>
<td>&gt; 55 - 80</td>
</tr>
<tr>
<td>F</td>
<td>&gt; 50</td>
<td>&gt; 80</td>
</tr>
</tbody>
</table>

5.2 SCENARIOS
Capacity analyses were conducted for the a.m., midday, and p.m. peak hours at each access point to the proposed site as well as the adjacent study intersections. The intersections were analyzed and reviewed under the 2023 existing traffic, 2024 future background traffic, and 2024 total traffic. The site traffic was analyzed entering and exiting the site via two full access drives on 42nd Street and one exiting drive on Peoria Avenue. Existing signal timings for 41st Street and Peoria provided by the City of Tulsa were utilized.
for the scenarios listed above. The results of the capacity analyses conducted are summarized in Table 3 and the raw data sheets have been included in the appendix.

### 5.2.1 2023 EXISTING TRAFFIC

The analyses conducted under the 2023 existing traffic indicated that the critical approach at the intersections currently operate at a level-of-service “C” or better during the a.m. midday and p.m. peak hours. The intersections currently operate at an overall level-of-service “B” or better during the peak hours.

### 5.2.2 2024 FUTURE BACKGROUND TRAFFIC

The analyses conducted under the 2024 future background traffic indicated that the critical approach at the intersections would be expected to continue operating at a level-of-service “C” or better during the peak hours. The intersections would be expected to continue operating at an overall level-of-service “B” or better during the peak hours.

### 5.2.3 2024 TOTAL TRAFFIC

Once the proposed site traffic with diverted link trips are added to the 2024 future background traffic, each intersection's critical approach would be expected operate at level-of-service “D” or better during the peak hours. The study intersections would be expected to continue operating at an overall level-of-service “B” or better during both peak hours.

### TABLE 3

**CAPACITY ANALYSIS SUMMARY**

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Type of Traffic Control</th>
<th>AM Peak Hour</th>
<th>Midday Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Critical Approach Delay (sec/veh) LOS</td>
<td>Critical Approach Delay (sec/veh) LOS</td>
<td>Critical Approach Delay (sec/veh) LOS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Approach</td>
<td>LOS</td>
<td>Approach</td>
</tr>
<tr>
<td>41st Street &amp; Peoria Avenue</td>
<td>Signalized</td>
<td>NB 14.8 B</td>
<td>14.0 B</td>
<td>EB 15.5 B</td>
</tr>
<tr>
<td>41st Place &amp; Peoria Avenue</td>
<td>East/Westbound Stop</td>
<td>WB 17.1 C</td>
<td>1.0 A</td>
<td>EB 23.4 C</td>
</tr>
<tr>
<td>42nd Street &amp; Peoria Avenue</td>
<td>East/Westbound Stop</td>
<td>WB 15.3 C</td>
<td>0.4 A</td>
<td>EB 17.2 C</td>
</tr>
<tr>
<td>41st Street &amp; Peoria Avenue</td>
<td>Signalized</td>
<td>NB 14.8 B</td>
<td>14.1 B</td>
<td>EB 15.8 B</td>
</tr>
<tr>
<td>41st Place &amp; Peoria Avenue</td>
<td>East/Westbound Stop</td>
<td>WB 17.5 C</td>
<td>1.0 A</td>
<td>EB 24.2 C</td>
</tr>
<tr>
<td>42nd Street &amp; Peoria Avenue</td>
<td>East/Westbound Stop</td>
<td>WB 15.5 C</td>
<td>0.4 A</td>
<td>EB 17.5 C</td>
</tr>
</tbody>
</table>

**2024 Future Background Traffic**

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Type of Traffic Control</th>
<th>AM Peak Hour</th>
<th>Midday Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Critical Approach Delay (sec/veh) LOS</td>
<td>Critical Approach Delay (sec/veh) LOS</td>
<td>Critical Approach Delay (sec/veh) LOS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Approach</td>
<td>LOS</td>
<td>Approach</td>
</tr>
<tr>
<td>41st Street &amp; Peoria Avenue</td>
<td>Signalized</td>
<td>NB 15.0 B</td>
<td>14.7 B</td>
<td>EB 17.6 B</td>
</tr>
<tr>
<td>41st Place &amp; Peoria Avenue</td>
<td>East/Westbound Stop</td>
<td>WB 19.8 C</td>
<td>1.0 A</td>
<td>EB 27.8 D</td>
</tr>
<tr>
<td>42nd Street &amp; Peoria Avenue</td>
<td>East/Westbound Stop</td>
<td>WB 20.5 C</td>
<td>2.6 A</td>
<td>EB 34.9 D</td>
</tr>
<tr>
<td>Drive 1 &amp; Peoria Avenue</td>
<td>Westbound Stop</td>
<td>WB 12.2 B</td>
<td>0.8 A</td>
<td>EB 13.6 B</td>
</tr>
<tr>
<td>Drive 2 &amp; 42nd Street</td>
<td>Southbound Stop</td>
<td>SB 8.7 A</td>
<td>5.7 A</td>
<td>SB 8.8 A</td>
</tr>
<tr>
<td>Drive 3 &amp; 42nd Street</td>
<td>Southbound Stop</td>
<td>SB 8.4 A</td>
<td>7.4 A</td>
<td>SB 8.5 A</td>
</tr>
</tbody>
</table>
6.0 CONCLUSIONS

6.1 SUMMARY

TEC was requested to conduct a traffic impact analysis for a proposed Chick-fil-A development in Tulsa, Oklahoma. Existing traffic volume data was collected adjacent to the proposed site. The existing traffic was utilized to determine the background traffic for 2024 by applying an average annual growth rate of 2.00% to the 2023 existing traffic volumes. The 2024 design year was selected as the year the development is estimated to be completed. The proposed site traffic was determined and added to the 2024 future background traffic for conducting site reviews and analyses.

The analyses conducted under the 2023 existing traffic and 2024 future background traffic indicated that the study intersections currently operate and would be expected to continue operating at acceptable levels-of-service during the a.m., midday, and p.m. peak hours. Once the proposed site traffic was added to the 2024 future background traffic, each study intersection and site driveway would be expected to continue operating at an acceptable level-of-service during the peak hours.

6.2 RECOMMENDATIONS

Based on the results of the analyses conducted, no geometric roadway improvements are necessary as a result of the proposed site development for traffic to operate at an acceptable level-of-service.
Staff Report  
Minor Special Exception Case BOA-23647

Hearing Date: February 27, 2024  
Prepared by: Sean Wallace  
swallace@cityoftulsa.org  
918-596-7585

Owner and Applicant Information
Applicant: Mike Thedford  
Property Owner: Independent School District No 9

Property Location
10100 E 61st St S  
Tract Size: ±6.6 acres

Location within the City of Tulsa  
(shown with City Council districts)

Request Summary
Minor special exception to modify a previously approved site plan for a school use in the RS-3 District (Table 5.020, Table 5-2; Sec.70.120).

Zoning
Zoning District: RS-3  
Zoning Overlays: N/A

Comprehensive Plan Considerations
Land Use
Land Use Plan: Multiple Use  
Small Area Plans: None  
Development Era: Late Automobile

Transportation
Major Street & Highway Plan: N/A  
planitulsa Street Type: N/A  
Transit: N/A  
Existing Bike/Ped Facilities: None  
Planned Bike/Ped Facilities: Bike lane proposed on 101st St.

Environment
Flood Area: N/A  
Tree Canopy Coverage: 10-20%  
Parks & Open Space: Proposed building site is within a large open space.

Elected Representatives
City Council: District 7, Lori Decter Wright.  
County Commission: District 3, Kelly Dunkerley.

Public Notice Required
Newspaper Notice – min. 10 days in advance  
Mailed Notice to 300’ radius – min. 10 days in advance

9.1
Staff Analysis
The applicant is proposing to construct a “Central Plant” consisting of 2 chiller units for the 6th and 7th Grade Center.

Relevant Case History
- BOA-10684, Sept. 1979, Special Exception to permit a public school and related uses in a RS-3 district.
- BOA-20611, Dec. 2007, Special Exception to permit public school accessory uses in an RS-3, OL/OM district.
- BOA-16011-A, June 2012, Modification to a previously approved plan to permit an addition to the school.
- BOA-16011-B, March 2013, Modification to a previously approved site plan to construct a 14,000 sq ft addition.

Comprehensive Plan Considerations
Land Use Plan
The subject property is designated as **Multiple Use**. These areas are mostly commercial or retail uses, which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-3</td>
<td>Multiple-use</td>
<td>Middle school</td>
</tr>
<tr>
<td>East</td>
<td>RS-3</td>
<td>Multiple-use</td>
<td>Elementary school</td>
</tr>
<tr>
<td>South</td>
<td>RS-3</td>
<td>Multiple-use</td>
<td>Residential</td>
</tr>
<tr>
<td>West</td>
<td>RS-3</td>
<td>Multiple-use</td>
<td>Athletic fields</td>
</tr>
</tbody>
</table>

Small Area Plans
The subject properties are not inside a Small Area plan.

Development Era
The subject property is in an area developed during the **Late Automobile Era** (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

Transportation
Major Street & Highway Plan: N/A

| Comprehensive Plan Street Designation | N/A |

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: On-street bike lane is recommended on 101st St in the Tulsa GO Plan.
Arterial Traffic per Lane: 6,758 vehicles per lane on E. 61st St.

Environmental Considerations
Flood Area: The subject property is not in a flood zone.

Tree Canopy Coverage: Tree canopy in the area is 11%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

Parks & Open Space: Site proposed for Central Plant contains much of the open natural space in the area.

Sample Motion
I move to approve or deny a Special Exception to modify a previously approved site plan for a school use in the RS-3 District (Table 5.020, Table 5-2; Sec.70.120),

• per the conceptual plan(s) shown on page(s) _____ of the agenda packet.
• subject to the following conditions (including time limitation, if any): ________________________________.

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

Property Description
Subdivision: RE-UNION (76755)
Legal: LT 1 BLK 1
Section: 06 Township: 18 Range: 14

Photos:

(Subject property)
Exhibits
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Applicant’s Exhibits
Land Use Plan Categories
- Arkansas River Corridor
- Downtown
- Employment
- Local Center
- Multiple Use
- Neighborhood
- Park and Open Space
- Regional Center

SUBJECT TRACT

BOA-23647

19-14 04

9.8
Union 6th and 7th Central Plant
Union 6th and 7th Central Plant