

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1292  
Tuesday, April 12, 2022, 1:00 p.m.  
Tulsa City Council Chambers  
One Technology Center  
175 East 2nd Street

**MEMBERS PRESENT**

Bond, Chair  
Radney, Vice Chair  
Barrientos  
Brown, Secretary

**MEMBERS  
ABSENT**

Wallace

**STAFF  
PRESENT**

D. Wilkerson  
S. Kelvington  
K. Davis  
A. Chapman

**OTHERS  
PRESENT**

A. Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on April 6, 2022, at 12:29 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Bond called the meeting to order at 1:00 p.m.

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

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**MINUTES**

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney, "aye"; no "nays"; no "abstentions"; Wallace absent) to **APPROVE** the **Minutes** of the March 8, 2022, Board of Adjustment meeting No. 1290.

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney, "aye"; no "nays"; no "abstentions"; Wallace absent) to **APPROVE** the **Minutes** of the March 22, 2022, Board of Adjustment meeting No. 1291.

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Mr. Bond notes that they are a 5-person board, and they are missing one today. Applicants can request a continuance to a future meeting when they have a full board.

**23297- Happy Hour Medicinals**

**Action Requested:**

**Appeal of the Administrative Decision** by a Neighborhood Inspector in Case NUZO-054682-2022 that the subject property is in violation Sec. 40.225.F of the City of Tulsa Zoning Code

**LOCATION:** 147 S 122 AV E (CD 3)

**Presentation:**

**Interested Parties:**

Trevor Henson-110 W. 7<sup>th</sup> St. Suite 900 Tulsa, OK 74101

We have requested a continuance until April 26<sup>th</sup> , 2022.

**Comments and Questions:**

No additional comments.

**Board Action:**

On **MOTION** of **Radney**, the Board voted 4-0-0 (Bond, Brown, Radney, Brown, "aye"; "nays"; no "abstentions"; Wallace absent,) to **CONTINUE** the **APPEAL OF THE ADMINISTRATIVE DECISION** by a Neighborhood Inspector in Case NUZO-054682-2022 that the subject property is in violation Sec. 40.225.F of the City of Tulsa Zoning Code to April 26, 2022 meeting  
For the following property:

**LT 6 BLK 3, EASTGATE INDUSTRIAL PARK THIRD ADDN RESUB**

**23305- Stuart VanDeWiele**

**Action Requested:**

**Special** Exception to permit a School Use in the AG District (Sec. 25.020-B, Table 25-1)

**LOCATION:** 9801 S SHERIDAN RD E (CD 8)

**Presentation:**

**Michael Palmer-** 9615 South 67th East Avenue, Tulsa, Oklahoma, 7133

Mr. Palmer stated that the issue is that they were only given a two-week notice of the proposal and they find that objectionable because not only was it a two-week notice, but

04/12/2022-1292 (2)

the signs were very small. Some were turned in a way that you couldn't see them if you were coming from the North, you couldn't see them if they were coming from the south. And as far as mailing, he understand, that it was sent out just to the adjoining properties.

**Stuart Van De Wiele-** 320 South Boston, Suite 200 Tulsa, 74103

Mr. Van De Weile stated he is the applicant, and there are a lot of people here today, both from the neighborhood and from the school applicant. I'm not sure what the issue that would give rise to the request for continuance, but we're prepared to move forward today.

**Comments and Questions:**

Mr. Bond asked if there were any noticing issue with this case and Mr. Chapman stated there was not. Mr. Bond asked for a show of hand indicating they were present for BOA-23305. I will leave it up to the board. My preference would be. We have this many people here. It seems like we are going to get a better census now of hearing this issue than later. I do not know that we'll be able to accommodate anyone else who wants to come in for this space. So I prefer to hear it today. So by voice vote, do we have a motion to continue this matter?

**Board Action:**

On **MOTION** of **Brown**, the Board voted 2-2-0 (Brown, "aye"; Radney, Barrientos and Bond "nays"; no "abstentions"; Wallace absent) to **DENY a CONTINUANCE** for the request for a **SPECIAL EXCEPTION** to permit a School Use in the AG District (Sec. 25.020-B, Table 25-1) until the April 26<sup>th</sup>, 2022 Board of Adjustment Hearing; for the following property:

**S508 NW SW LESS W50 THEREOF SEC 23 18 13 14.807ACS,**

Mr. Bond stated that the Board would move BOA-23305 to the front of the agenda.

Mr. Chapman stated there was another continuance for BOA-23309.

**23309- Ryan Neurohr, Image Builders**

**Action Requested:**

**Special Exception** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) **Special Exception** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

**LOCATION:** 3909 E 5 PL S (Rogers) **(CD 4)**

**Presentation:**

Mr. Chapman explained the applicant is requesting a continuance until the May 24<sup>th</sup> Board of Adjustment Hearing.

**Interested Parties:**

No interested parties.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **Radney**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; no "abstentions"; Wallace absent) to **CONTINUE** the request for **SPECIAL EXCEPTION** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) **SPECIAL EXCEPTION** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) to the May 24, 2022 meeting; for the following property:

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

**23305- Stuart VanDeWiele**

**Action Requested:**

**Special** Exception to permit a School Use in the AG District (Sec. 25.020-B, Table 25-1)

**LOCATION:** 9801 S SHERIDAN RD E (CD 8)

**Presentation:**

**Stuart Van De Wiele-** 9801 S. Sheridan Rd. E.

Mr. Van De Weile stated the following: I have Nathan Phelps and others from the school with me here today if there are specific school related questions that you might have. At the outset I would like to frame the issue, remind the board that the sole question is whether the subject property can be used for a school. More specifically, whether it's in harmony with the spirit intent of the zoning code and whether it is or is not injurious to the neighborhood or detrimental to the public welfare. The question's not about stormwater management, it's not about traffic generally or locally. Certainly not a question about whether the Jenks schools are good or bad or better or worse than a charter school and it's not a referendum on charter schools in general. And like I said, it's not specifically about stormwater management either. As to communications with neighbors, I think you have in your packet a log of the one on one face to face meetings and phone calls that the school has had with neighbors, to copies of two rounds of letters that went to nearby neighbors, a copy of the PowerPoint that was presented to

the neighbors at a neighborhood meeting last Thursday, where we had approximately 100 folks show up and heard questions, heard comments, obviously mostly about traffic. I recite all that only to emphasize how much the school wants to be a good neighbor in this area, how open they want to be and have been to the neighbors throughout the process. I do want to point to two emails that I think are in your packet or may have made their way to your packet. I'll give these to Austin.

Just to point out that not everybody that lives around there is opposed to this. There's a neighbor that sent an email in that was at the neighborhood meeting that is for it, and indicated that she was intimidated to get up to speak because of some of the louder voices in the room, so that there are those folks that you may not be hearing from loudly and proudly that are for it. The other email is from the attorney for Mill Creek Pond HOA. And while they still have concerns about traffic, they have pulled their opposition to the application. They are wanting to work with the school, the school is committed to work with them to address traffic issues, other issues, etcetera, that may come up.

You are likely to hear about stormwater management. I know that you're aware we've attempted to let neighbors know that this board is not a stormwater management board, but stormwater management and traffic will be addressed in the permitting and development process through the city. Traffic is going to be the big thing that you hear about today. Almost everything that you've read about in your packet, everything you're going to hear about is going to be about traffic on Sheridan Road. And I'm not going to dispute that there is traffic on Sheridan Road, but there are a number of things I do want to point out to you. Do you have the traffic count map? Go down to that other one, and then we'll go back up. You're not going to be able to read that, but that's from the city's website. It's the latest 2014 and the 2017 traffic counts. And then if you will scroll back up to the exploded version of this area, it's going to show you that in 2017, which are the top numbers, that approximately 21,400 cars go through the north end of the 101st intersection on a daily basis, and a little bit less than that go through the south end of the intersection at 81st and Sheridan.

The number today is slightly higher than that, in part because of more development in South Tulsa, but more recently because there's roadwork, I don't know how often you get out to that part of town. There's roadwork on Memorial, a mile to the East. The intersection at 81st and Sheridan is still under improvement. Yale has recently been closed from basically 91st to 81st, it's being widened to six lanes. But all of those will be completed before this school opens next fall. And all of those will help alleviate traffic from Sheridan. The school has engaged traffic engineering consultants here in Tulsa to provide a traffic impact projection. You'll see this report concludes that based on their analysis of school body count and national statistics specific to schools, driving patterns, that sort of thing, that there will be an average of 321 cars dropping off in the morning in year one. That will go up to 422 in year five when it's full K-12. An average of 235 picking up in the afternoon in year one and up to 309 picking up in the afternoon in year five.

So why aren't those one-on-one equal to student enrollment? One answer is that, on average, charter schools have larger family enrollment, and another is items such as car pooling. All of that goes into these factors. But we do know, from the intent-to-enroll expressions of interest that the school has received, that there's an average of 1.8 kids per family. So it's not every kid one per car, it's going to be considerably less than that. But despite these numbers, you're going to hear numbers of 850, you're going to hear numbers of 1000 to 2000. There's an email in your packet where somebody has suggested that the population of the school is going to be 8500 kids, which is two-and-a-half times the size of the University of Tulsa. So none of that being true.

While it's not scientific, I do want to share the following kind of anecdotal experience with you. So over the last handful of business days, I made a point to go north and south over this two-mile stretch, 81st to 101st, both north in the morning, south in the afternoon. So last Thursday, which was the day that we had our neighborhood meeting, it took me about seven minutes, a little over that, to go through the light at 81st and turning right on 101st last Friday morning, that's the picture you see here. Took me a little over four minutes to go two miles on Sheridan. Same thing yesterday morning, a little over four minutes over that stretch at about 8:10. Yesterday afternoon, 3:30 in the afternoon, about six-and-a-half minutes going south on that same direction. This morning, I left earlier, about 7:45, took me a little over eight minutes, most of which being the stretch from 91st to 81st. And my point is not to diminish anyone's personal experiences or thoughts on traffic, but I know that 5 o'clock rush hour is the thing that is probably the worst situation, really anywhere but here in particular.

But my point is that the traffic's manageable. It will get better when Memorial construction is completed, when Yale is opened back up, when 81st and Sheridan intersection is complete. And that off peak hours are workable for this type of use, but this additional traffic count of 1% to 2% from those daily traffic rates do not rise to the level of an injury to the neighborhood or detriment to the public welfare. As to traffic mitigation there are several items that we believe mitigate the impact that the traffic... What additional cars will be in the area. Some of the vehicles are already there. If you've got a kid in that area and you're driving them to a Jenks school, a union school, someplace else, and you're choosing to go to this school, you're already there, you're not adding to the problem. Some of the cars will be traveling in the opposite direction from heavier traffic flow. And although we don't think it will be necessary to the extent that it becomes necessary, the school can hire off duty police, that happens at other schools, around to direct traffic when and if necessary.

Will you put up the site plan? So one thing I do want to point out to you from a site plan standpoint is that the design has a double loop, a two-lane loop around the school for queuing, if you can get that all the way out to Sheridan. So Sheridan's over here on your left. You'll come in, if it's a long enough line, queue through the parking lot and then around two lanes of that. The architects and engineers that are involved in the design of this site tell us that that is more than enough queuing for afternoon pickup, which is usually worse than morning drop offs, but certainly more than enough for both those. I will also tell you, this is more queuing link than Jenks elementary a mile or so to the

south and west of this property. The school has, you can see it on the screen and can see it on your page, designed the deceleration lane here on the East side of Sheridan, they'll move a deceleration lane, reinstall the sidewalk to the right of that deceleration lane to get cars more quickly off the street.

We've also committed to working with the Street and Traffic Department when we get to that point in the process. If there are other things that can happen, need to happen on Sheridan, these folks are committed to listening and to doing what they can to help that situation. Also, the school is very interested in having start and end times outside of peak driving times. We don't want our parents sitting in traffic anymore than the neighbors want our parents adding to traffic.

But like I said, when the construction at 81st and Yale Memorial and Yale Widening, all of those things will help alleviate traffic. One other email that I'd like to put on the record, so you may have this, this is from Counselor Laking's office, "The intersection at 101st in Sheridan is already on the books to be widened construction in 2027, the funds have been appropriated, the design and right of way utility acquisition is underway this year, but ultimately, there will be a much bigger \$12 Million intersection enlargement there just south of this property at a 101st in Sheridan" and it's, generally speaking, the intersections that help deal with traffic. If you'll put the site plan back up. The only other thing that I want to mention, and this was talked about at our neighborhood meeting... Maybe scroll that out a little bit. There are three stub streets that connect into this property, one on the north, there's one over here on the East, and neither of these two have been used by either the neighborhoods or by the Equestrian School. There's also one over here on the south side that has been used, connects into, basically a dirt road onto the stable property that has been used by the Equestrian School. Our application and the request that we would have for you today would be that those points of access on the north and on the East would not be used by this application, would not be used by this use.

The stub street here on the south would be a emergency access for emergency vehicles, fire, ambulance, police and would be crash gated. You've seen those kind of gates in other developments around town. The one thing that I... 'Because I do want to mention, Dwayne and I have talked about this. From a city street perspective, it's possible. We'll push against it if we have to, but the city may make us put a hammerhead dead end in here on the north one and a hammerhead dead end here on the East one. If that's required we will fence those off to restrict access. We don't want... You'll hear comments, concerns about parents dropping kids off, jumping fences, picking up there so they don't have to queue. That's not what we want. We don't want our parents there. We'll do everything we can to prevent that, including fencing those off. But if we have to put basically just a 'T' right here on our side of the property and then fence it off to satisfy the subdivision regulations. But it's not something that we want to do.

I appreciate your time and attention here, you're going to hear a lot. The development of the charter school in this location would be anything but a detriment to the public



welfare. To the contrary, it would be a valuable asset to the education of the city's kids, giving families an alternative to traditional public schools or to expensive private schools. There will be some inconvenience to some neighbors. How large of an inconvenience that is is largely in the mind of the beholder. But it doesn't... That level of inconvenience doesn't rise to the level of an injury to prevent the approval of this application. The use fits squarely within the special exception use contemplated by the zoning code and I would ask that you grant the special exception subject to a conceptual site plan with the understanding that the traffic and street review processing the permitting and developing may require some treatment of these dead ends, but if it does, those will be fenced on the North one here, the East one here and crash gated to the south. And that also may apply, there may be some additional traffic features that the city may require that we have contemplated and are going to share. So at this point, I will stand for questions that you have. If you've got questions specifically about the school, I can certainly bring somebody up to talk to you about it.

Mr. Brown asked "Are you far enough along at this point to know how the kids will get to the cars?"

Mr. Van De Weile stated the following: generally, you'll see here on the North side that there's the drop off pickup, so they will come into the property off of Sheridan through this one way loop. If it's a long enough line through the parking lot, which is also one way here, counterclockwise around the property, this is your drop-off and pickup area. So in the afternoon, which is where you see more people queuing up for school, pickup rather than drop off in the morning, that will get the most amount of cars off of Sheridan over here for student pickup, put them in the car and send them on their way.

Mr. Brown asked "The pickup will be on the west side of the school?"

Mr. Van De Weile stated the North side.

Mr. Barrientos asked "Have you guys calculated how many vehicles can fit in through from Sheridan all the way to the pickup?"

Mr. Van De Wiele stated the following: What I can tell you is that this is more than 3,500, a little less than 4,000 linear feet. So based on what the traffic engineering consultant's folks said. Their anticipation is maybe 30% of your traffic may queue up at the end of the school. Early at the end of the school day, it's more sufficient then to provide for them. The engineers and the architects have a niche in schools and charter schools are all saying that this is more than sufficient for keeping space. And it's a double lane all the way around.

Mr. Bond asked if there were any interested parties and stated the following: We have a large number of people here and I would request if we have representatives from the neighborhood association or other associations that represent more than just one person to get them up here first. I will let that representative speak unrestricted, other interested parties, we're going to put a three-minute limit on what they have to say.



Obviously, we'll extend that if we need to engage them and ask them questions at that time. Otherwise, we will be here all day. Alright, so we'll go to the first interested party.

### **Interested Parties:**

**Michael Palmer-** 9615 S 67<sup>th</sup> E. Ave.

Mr. Palmer stated the following: I am co-president of the Southbrook Neighborhood Association. And to start, I generally disagree with Mr. Van De Wiele's figures. We are co-presidents, my wife and I, of the homeowner's association of South Tulsa. We are North of the KJM horse farm. We attended the meeting set up at Tulsa Classical Academy. Nathan Phelps, president of the school and Mr. Stuart Van De Wiele, former BOA member, and our eighth district representative, Phil Larkin. We met twice previously, my wife and I with Nathan Phelps, president of the school, in our home and he explained to me that he tried to lease only to other places, but couldn't reach a satisfactory agreement to meet his expectations. He received an offer from KJM owner and began as it seems in haste to move forward without any true consideration to the others. More traffic infrastructure capabilities and the multiple issues objections that you will hear from our 20 neighborhoods.

Concerns not addressed by Nathan Phelps and Stuart Van De Wiele with assurance are as follows: Number one, informing surrounding residents in areas for ample and more visible notice, impact the infrastructure and resources available, the amount of space needed to handle single cars upwards of 700 daily and service and supply trucks needed to support school. Again, they greatly differ with Mr. Van De Wiele's figures. The current existing traffic problems, which again, he is not a resident in that neighborhood, he has no idea what we face it daily with traffic on Sheridan. Environmental impact on current resident transition species such as the American bald eagle, red-tailed hawk, Peregrine Falcon, Prairie Falcon, American Kestrel, owls, brown bats, Gray Fox, and all the species that have been seen in our area. Will the natural spring water, he didn't mention that, the natural spring water, will it be diverted into the Southbrook neighborhood? As he mentioned multiple times about water runoff, we are the downhill neighbor.

The three existing entrances within a few hundred feet currently exist, 4700 cars trying to enter and exit daily, we have three entrances to three different neighborhoods right there where they are, they would be number four. Number eight, connecting Saddlebrook for purposes of staging cars for pick-up and drop-off of students. I would like to expand on concern number eight. During the public meeting Van De Wiele and Phelps said they had no intention at this time of annexing Saddlebrook. The mundacity of their answers and refusal to give assurances made clear that they were planning to connect Saddlebrook to their school. The annexation will have multiple negative effects on Saddlebrook and nearby neighborhoods. Saddlebrook is a 47-home single entrance neighborhood that's enjoyed by resident children and adults, not only by the residents but by adjoining neighbors.

Mr. Bond asked "What do you mean by annexation?"

Mr. Palmer stated "That they would open up our road to their school project."

Michael Palmer: To filter their cars through our neighborhood, Saddlebrook being closed, through traffic, allows us to utilize it as a park-type atmosphere and it is a safe place to walk, run, ride bicycles, treat, basketball, walking dogs, dog's pawn and other various activities. We have no sidewalks, so all the activities are done in the street. We have a steep hill and a rolling, which can present a challenge for walkers and runners, bicyclers, parents walking and pushing the strollers with their children. The effects of annexing Saddlebrook would eliminate the use and safety of our neighborhood streets to be used as described in the previous paragraph by residents and neighbors and the disappearance of the immediate area of wildlife, decrease our property values, increase litter, damage to the property and of course an increase in crime.

Michael Palmer: We find this totally unacceptable as we have invested in our homes, some for over 28 years, and those new to Saddlebrook who chose this neighborhood for the benefits, offered living and raising their children in safety and harmony with her neighbors. We are a small neighborhood of hardworking Linden residents consisting of black, white, Hispanic, Asian, Europeans, Africans and other nationalities who all work together for the collective good of our neighborhood. We ask the Board of Adjustments protect Saddlebrook from the poor planning proposed for the school project. Encourage Mr. Phelps to do his due diligence, seek out one of the many currently close locations more centrally located in Tulsa to accommodate his school or you are not against school, a school if it were properly sized plan and executed, but not at this time considering infrastructure collateral damage and impact that the area residents of our life and a total lack of assurances for all concerns expressed by us and other affected neighborhoods. My background is, I am licensed by the State of Oklahoma as a special head teacher, a K-12 teacher, I'm also licensed by the Federal Aviation Administration to do instruction and power plant and aircraft maintenance. Thank you.

Mr. Bond asked "When you say more centrally located, can you give me an idea what you mean by that?"

Mr. Palmer stated: Well, there's a lot of businesses that have closed due to COVID and other reasons, and I think if they were to look for commercial buildings and such, there's more than plenty available. I don't know what their bonding situation is to be able to pay for this, but I would think if I myself were an owner of a large building that wasn't being rented... There are shopping centers around, I've seen them, they're closed. If I had one of those properties, I'd say, hey, let's get together. Let's work this out, you're saying you can pay for this through the state funding, through enrollment for each student, let's get together and work this out. I am not a businessperson in the sense that I know where the money comes from, but I do understand the basics. We as taxpayers pay for the students to go to his school, therefore their money is available, find someone who's

willing to take his money in another location that has the infrastructure and lack of traffic problems.

**David Heritage-** 9724 South 71<sup>st</sup> East Ave., Tulsa, OK 74133

Mr. Heritage stated the following: I'm in Spring Valley neighborhood that is basically landlocked at this time, we only have one exit and that is through South 72nd East avenue, that drives us through Sheridan hills south, where we're forced to either exit onto 101st or exit James Place onto Sheridan. My personal difficulties with traffic, notwithstanding, I believe that some of the math that is being pulled forth on students and student to car ratios and things that are used while they may work in other places, one of the things that, at least, I'm going to use the word disingenuous because I just don't feel like road signs are being thrown out.

This is a charter school and it acts as a magnet, the whole point is that students are not allowed to enroll like traditional school, they won their space by lottery. So we're a traditional community school, I may be able to take in three kids that might be in third and fifth grade, put them in my car and deliver three children through one car trip, that is not the way children get delivered to these kind of schools. They approach more a one-to-one ratio as opposed to the 1.4 or 1.6 ratio as you see in community driven schools. because of that, the numbers that they're talking about for traffic are artificially low, they're drawing from other schools that come with different ratios, they're not built for this. If you look at exactly what the purpose of attending the school... Which don't get me wrong, I love the idea.

I love this school. I love that they can have a classical school. This is not the spot for it, though. It doesn't take a rocket scientist to realize that Sheridan isn't going to be expanded for another 20 to 30 years. It's already congested. With the closure of these other roads around, it's basically absorbing all of the traffic that's south of 101st right now, it is a nightmare. If you try to go out of James's Place at 7:45 in the morning, traffic is backed up all the way from 91st. I don't technically have to stop 'because you're already stopped, the cars are right there. So if we just take the numerics of what they're saying, they're saying that they have an expectation of 65 students per grade, that's just nine grades.

At a student teacher ratio of 14, that is at an initial start at open, that's 585 students and a minimum proposed teaching staff of 42. That is no support staff, that's no custodial staff and as the gentleman before me, that is no one bringing in or exiting supplies. Considering each student has to be both dropped off and retrieved any single day, that doubles the daily traffic load per student. So with the staff of 42 and 585, the daily traffic load at Sheridan from this one entrance, one entrance, is over 1200 cars. That's 120% of the traffic that's generated from the surrounding five neighborhoods that exit on there. That's 120% of the five neighborhoods that could exit on the Sheridan today from one exit, it gets worse as the school grows. Assuming even though if you just assume that every 10th, 11th and eighth grade student drives themselves so that they're only doing

one trip themselves a day, that way their similar to staff, the total student body raises to 845 of which 195 are drivers.

60 teachers, that is 1,555 entrances out of that one exit every single day. Now my second point, in your own packet that is available on the website, it says this project's relationship to the comprehensive plan, the Tulsa comprehensive plan identifies this subject property as to be part of a new neighborhood or an area of growth. A new neighborhood is specifically for residential use, growth is for commercial development. Neither of which are these four, this is public use funds for a public school, it drives no economic availability for interested parties that are outside of the state system and it provides no new housing. It effectively eliminates all of these abilities for these neighborhoods to be further connected. And if you look at the stumps, which is what everybody's talking about, the plan is that a neighborhood goes there and these streets get connected so that more people can move more freely through the state or, excuse me, through this area. Thank you for your time.

Mr. Bond asked "Sir, what school district is this?"

Mr. Heritage stated "This is Jenks."

**Eric Hanson-** 6621 East 99<sup>th</sup> St.

Mr. Hanson stated the following: Can you pull up the slide of the school please? Just to set things forward, what that gentleman said, his numbers are all correct. Mine were actually a little lower but his were pretty spot on. I came in with... When they get max capacity, it'll be 708, it's 65 students per class. And he said, no offense, he said might carpool together, might. He said, this would not be injurious to this neighborhood. If you guys can turn around and look, that parking lot for the school is not figuratively going to be in my backyard, it'll literally be back... I don't know if any of you where you live, if you want a parking lot in your backyard with people coming and going, the noise that's generated from that into my home is going to be tremendous. I work midnights, I sleep during the day. This is a quiet place, it's been a quiet place. I have owned this house for 32 years. The people that own this property, the grandmother, the sons that lived there, when I went to speak to her, almost 32 years ago today, she said, "son," she said, "I've raised my two boys on this property and she goes, "We're not going anywhere. You don't have anything to worry about." Now I have something to worry about. Do you have any questions?

**David Harder-** 7077 E. 110<sup>th</sup> Pl.

Mr. Harder stated the following: I am the current president of the Sheridan Hills South Homeowners Association. We have 197 homes, seven of which are mostly the Southern and Eastern corner of the property. Our neighborhood is very concerned about the traffic. We do appreciate the school has been quite open with their plans and we appreciate that they want to close the entrance because we could remember when there were heavy trucks coming through to service, the stables when it was operating

there quite a bit more. My family, we moved to this part of Tulsa, the Southern neighborhood actually in 1978 when there were only two neighborhoods along this route. Now there are eight or nine depending on how you count them and Sheridan has not expanded and the traffic is really bad. And I have some pictures also that... Can I show? I didn't realize we could add...

Okay. Fair enough. But I can tell you at 3:45 how bad traffic is in trying to turn onto Sheridan. And we're quite concerned about getting onto Sheridan and even on the 101st, it's getting worse and worse and it... The road is the same as when I was a kid in 1978 and having that many cars twice a day is going to 'because a lot of problems and people who bought the property are also concerned, it really should be zoned residential. And with the promise of the gate being closed, my friend from Spring Valley, there were promises that were made to other members of our board that when that neighborhood was put in eventually, they would get a western access.

And it's never happened and they have to drive through our neighborhood, and so adding more traffic on Sheridan, not giving them access, it really should be residential. I mean, everywhere, all sides around are residential, other areas are commercial, we do have schools. And in every place where there's been a school, there are traffic problems, that's why they widened over on Yale, south of 101st, they had a big problem there, they widened it, they put in lights. A person was killed where the Creek turnpike crosses there, they were hit by a car and the city has not put any lights there, so we'll be adding kids as well as more cars. Our neighborhood is not unanimous, there are some people on our board, a sizable group that are neutral, feeling that an apartment complex would be worse, but I don't think it's accurate to say that a housing neighborhood would be worse, because as much traffic 'because you could only fit maybe 100 houses, it's hard to even imagine that many. Like 60, 50 to 60 houses. So you're talking about maybe 100 cars, maybe 150, maybe 200 cars totaled forever, not the numbers that the school is talking about. So our neighborhood is concerned about the traffic and we would prefer to see it, most of us would prefer to see it residential, although some would prefer... Are okay with it so long as it stays closed to our neighborhood, hoping that the traffic will not be that bad. Thank you.

**Dee McNeil-** 9632 S. 67<sup>th</sup> E. Ave.

Ms. McNeil stated the following: I also submitted written comments, they're too long, but I hope you'll read them anyway, I've been giving this a lot of thought. I looked at the Saddlebrook addition, which again is just to the south of the proposed property. I won't repeat what I put in my written comments, I really do hope that you will take a look at them, but there are a few things that Mr. Van De Wiele mentioned in his comments that I think we are addressing. The first is that he said that the addition of these, I think he had a number less than 400, 370 something cars, would only be a 1% or 2% addition to the traffic that goes through the intersection at 101st and Sheridan. A couple things about that. Those don't all go through at the same time of day. We don't have a traffic problem on Sheridan between six in the evening and seven in the morning. We really don't have much of a problem between 10 in the morning and two in the afternoon. This

is a traffic, this is a school traffic, especially when school is on, and commuting, rush hour traffic. So to say that it's only a 1% or 2% increase doesn't really represent the impact that this is going to be.

The second thing, he took this picture showing the traffic down, I think it was going north on Sheridan from the 101st and Sheridan intersection. The thing about this location is that there's only one way to get to the gate, and that is at 98th street in Sheridan. Let's say they're going to have 400 cars, he used those smaller numbers, some of my neighbors have used a large one, I think 400 is fair, it might be more than 400. Let's say 200 of those cars are coming from the north and 200 are coming from the south, every single car coming from the north has to turn across the one northbound lane of Sheridan. So everything from 98th street all the way back to 131st, that's not always packed all the way back there, but that's one lane of Sheridan all the way up there, is going to have to wait for 200 cars to turn left if they're split half and half.

And then great that they have this circular route around their building where the parents could wait, but then they're going to dump all those cars back on Sheridan and then half them are going to want to turn left to go south and half of them are going to go north. This is not just adding 2%, representing it that way, I think is, shows that even though they say they want to be good neighbors, we're not always sure they're acting in good faith. If you were to try to find the worst place in this city, the worst arterial spot, 98th and Sheridan would probably be winner, it's a narrow road, it's only two lanes, there's no turn lane, there's no sidewalk south of James Place.

There's no shoulder, the road round the west side, right across the street from there is very narrow and starting to crumble, probably going to need some work as well. You couldn't find a worse place to add 400, 500 cars during the busiest time of day on South Sheridan, which is the sad orphan of the Tulsa arterial traffic system. What else? He said something about, there's been a school here for 50 years and the... This is just a different kind of school. There are clown schools, there are DUI schools, there are bartender schools, I think if he's saying that we're just replacing with an old school, with a different kind of school, sounds a little disingenuous, he didn't quite make that argument.

But I think it goes to the point that this shouldn't be at the Board of Adjustment, this is not an inconsistent use. This is something that changes the traffic flows and the nature of this neighborhood, it is not consistent with the spirit and intent of the city's plan. It provides all the burdens... It puts all the burdens of this on the neighbors and the traffic on Sheridan provides all the benefits for people who would come and then go home. I think it's the wrong form. The 300-foot notice, the notice that neighbors should be 300-feet of the fence line is adequate for people, for projects where you're adding, and some of this was on the agenda today, a sign in front of a school, a fence that's a little higher than the code will allow, that sort of thing. 300-feet around that, everyone who's impacted has notice.



The 300-foot notice requirement didn't provide notice to anything on the West side of Sheridan or me, even on the South side or the North side of the South subdivision or most of the people in Spring Valley or most of the people in Sheridan Hill South.

**Kim Koleber**- 6731 E. 99<sup>th</sup> St. S.

Ms. Koleber stated the following:

I'm a resident of Sheridan Hills South at 6731 East 99th Street. It will impact our home, my family's home for the last 34 years directly. As the plans have changed in the four days, we received the first packet of information from a parking lot directly behind my home to a two-lane, one-way traffic morning and night around my home. We moved to Sheridan Hills South for one reason and one reason only, that was for Jenks Public Schools system, an exemplary school in Oklahoma. My parents as well, I speak for them, moved to Sheridan Hills South eight houses away so that they could be close to their grandchildren. I hear everything and I also share some interesting facts that I feel have not been brought about. We're not here to disagree about the great education. Education is a wonderful and I mean wonderful and necessary opportunity for the future growth and development of our nation with our children.

We're blessed in Tulsa, I don't have to go into that, that Jenks is the school that we have alumni that do great things across not only our city but out of state. We also have private education available to us. So it raises the question once again, why does this school think or claim that it wants to provide a better education to students and place it in an open land surrounded by homes with no easy access? This is my point. If truly the school wants to serve our community, then why not take this school to a more underserved community of East, North, West Tulsa? There were plenty of existing buildings and that was brought up about. One that hasn't been talked about is an emergency. We all too many times have heard a crisis has happened at a school. Heaven forbid this happened during morning and afternoon traffic areas.

It's been mentioned, Sheridan, as well as a 101st, has no median and has no shoulder. There's no way a fire truck, an ambulance, a police officer could get to those children. We could not pull off the road and simply go down into the ditch and let them pull forward. After hearing the applicant's attorney, I did add a couple remarks thinking about what was necessary for this forum to hear. We've only had two weeks to think about this and investigate and find out what is possibly happening in our community. And Thursday night we did as a family attend this meeting and we were told that the school master plan had been changed once again.

There was going to be this little rolling lawn. Mr. Phelps said, "Oh, it'd be simply a little red rover playground area." And yet when I returned to my pages and looked at what they were talking about, a question and answer said, "Do you intend to have a football stadium? No, we do intend to have a soccer field." And that was one thing Mr. Phelps directly said, we do not plan to have a soccer field Thursday evening. My question is, are they going to be good neighbors? Are they going to be trustworthy neighbors? I



understand, in closing, you all have a finite set of guidelines you can follow to simply flip the egg property into the school, but I would think first is volunteer leaders of Tulsa, you would look at the broader impact each of your decisions. First, the safety, the security of the students, the safety and the security of our neighborhoods, the accessibility to underserved students in our community. Not to mention the impact of the traffic. Thank you so very much. And I'm open for questions.

**Shelly Gwartney- 909 N. Hemlock Ave.**

Ms. Gwartney stated the following: Hello, I'm Shelly Gordon, 909, North Hemlock Avenue, and I'm here on behalf of my family, we have four kiddos, and the hundreds of families who have signed the intent to enroll our students at Tulsa Classical Academy. As a working mom, when I first heard of TCA, I was super excited that there would be another option from public school and then private school that many people can't afford and then homeschooling, which is simply not an option for many families, including mine. I was very excited to see that Oklahoma could have the first of its kind classical education, which is not something that my kids get at Union. It was very exciting to see that my kids could go to a school where it's going to be heavy on classical literature and getting back to the basics of education. So yes, while Union may graduate 90% of their students, 29% can't read at the eighth-grade level and I wanted more for my students. What I really appreciate about TCA's planning is the fact that we can get off the main road and circle around the building. That's not available at many of Union sites, we are on the main road on 71st walking traffic for a long direction.

I know that we've looked at 20 different properties, pursued those and just been very hard to find land that could facilitate this building. I appreciate your consideration in this and I appreciate TCA's planning and trying to provide safe environments for their neighborhoods. I'm very excited that Tulsa could be a leader again in education and providing this type of classical education, a providence school like this in our city, which we've had applicants from across Tulsa, North and South, in Broken Arrow, in Collinsville, even out of state families want to come here for this school. It's not just an investment in being the leaders in education in Oklahoma, but it's also an investment in future generation. I appreciate your consideration. Thank you.

**Danny Meyers- 6712 E. 97<sup>th</sup> St.**

Danny Meyers, 6712 East, 97th Street. I appreciate you guys volunteer service as I do, Mr. Van De Wiele, 'because he served on the board until February of last year, I believe, and I appreciate the voluntary service. First thing I did, you can even... Please go back to the site plan if you can. I was going to show you my house right here, see where it says home? You can go back to my picture again, I'm sorry. I promise I'll be less than two minutes. You see where it says home, that big green patch below that is the school so if you go back to site plan up all the way up, all those red lines there is traffic, it's almost current. I took a snapshot of it. My house is one of the top roofs up there. One thing you really can't see in this is how much it slopes down, that's why you hear about water control and all that kind of stuff.

Danny Meyers: I think the biggest concern we have has obviously been addressed, so I'm not going to try to readdress that, but I really think that Mr. Van De Wiele and the school owes it to us to give us some more time to look over that, but I haven't even seen the traffic plan. This site plan was handed to the school last Monday, they had it ready for us on Thursday, they didn't... This was not filed or not given to us and it wasn't even available to the school until last Monday, so the architects gave it to them last Monday, they brought to the meeting last Thursday and here we are today, which is kind of the reason why I was asking for more time, 30 days, to kind of look over this, for you guys to think about it. You're probably like me, volunteer, I have to work the weekend now that I took today off, so... But I appreciate you guys and I hope... Thank you

**Ryan Hess-** 12414 S. 73<sup>rd</sup> E. Ave.

Mr. Hess Stated the following:

Hi, I'm Ryan Hess, my address is 12414 South 73rd East Avenue, Bixby Oklahoma. I wanted to address something that's probably not been on your minds, kind of an economic driving factor here. I personally work remotely and my company is based out of Texas, and we currently homeschool three children because we had less than a satisfactory experience with Bixby Public Schools, and so we literally have nothing holding us to the Tulsa metropolitan area, and so if we wanted to sell our home and pick up and leave tomorrow, we could. And I think it should be taken into consideration that with these changing times and with what happened with COVID and a lot of people going remote now, education in schools are going to be a very, very high driving, determining factor into where people relocate. Professionals that take good jobs and they bring their children with them, this is going to be one of the highest things that they at look in where to relocate.

And so that being said, with us, this would definitely keep us rooted in the Tulsa metropolitan area, and I do think that this would drive, economically this would drive more families to consider Tulsa 'because if you think about the cost of living here in Tulsa versus, say, my company is based in Dallas, instantly I'm paying more for everything if I moved to Dallas to be closer to my job, so I have that luxury of choosing to stay here, but my children's education is very important to me, and as I know it's very important to every family, you know, this is something that everyone takes into account and that's why we wanted to originally stay in Tulsa or the Tulsa metropolitan area, is because we have this we have this thought that we were staying in some of the best schools in the state, that we had less than a ideal experience with remote learning, and as a result two full-time professional people, we're homeschooling three children, which is less than ideal. And so I think that you should take that into account, that this will drive professionals to the Tulsa metropolitan area and it's definitely an economic factor to consider.

**Vicki Seibenaler-** 9909 S. 67<sup>th</sup> E. Ave. Tulsa, OK 74133

Ms. Seibenaler stated the following: We've lived there for 47 years. We moved there because of the area and of the schools, Jenks Public Schools, but right now the traffic really is the number one concern. If you look at the roads, they just go like that off. We've had some pretty major accidents, just right across on our exit and entrance into Sheridan, James Place. We also have four bus stops on Sheridan, one at the apartment building, another one down towards the crossover, the turnpike, and one past the turnpike and one up into Sheridan. That doesn't include the buses that just use those roads to get from one place to the other, so you will have a stoppage twice a day, pick up and delivering kids. We have very impatient drivers, I know that shouldn't have to be a bother to think about, but we have drivers that go past school buses, they're just not going to stop. We also have children trying to get over to the park, and there's only a sidewalk from James Place down, up above that to a 101st, there's nothing. You try to get out of anywhere on 101st and Sheridan and you almost take your life in your hands, you have to goose it to get going. 101st, we have two major hills that you can't see traffic coming up or down from the first hill towards Memorial.

Memorial has eight stoplights nowadays. People don't like to do the stoplight thing, they take Sheridan or Mingo and try to go around all that into Bixby. So Bixby streets are really... They're over use and I'm sure they're not happy about that. But we have at Sheridan one entrance and exit on Sheridan, one entrance and exit on 101st, that's it. That's all we have. And without the proper widening of the streets, and it only takes a few years to get that going. That's a major concern for anybody trying to pull out to go to work or pull back in, out of work. I counted seven cycles from 81st street to 91st street to get through 91st street, seven cycles of the stoplight.

And that was at 4:15 in the afternoon, closer to six o'clock, it's pure nuts. 'Because you got Yale problems, you got Memorial problems. I don't choose to go to Memorial because eight stoplight, I choose Sheridan and Mingo, a lot of people have to do that nowadays and it's... I love Classical Academy, I have a daughter who teaches and two grandchildren in Louisville, the original building that was built. They have six lanes going one street, they have five lanes on the other side, so they don't have as big a problem. They have a big problem parking and we are basically landlocked and that school is landlocked. There's not much farther you can go. Thank you.

**Dee DeLapp-** 6732 E. 97<sup>th</sup> E. St. S., Tulsa, OK 74133

Ms. DeLapp stated the following: We've lived there for 28 years, we built the house. Just a couple of color comments relative to some of the traffic statistics. The entrance, this particular entrance into KJM property is at the apex of a very steep hill. So all the traffic in winter time, it requires a ton of sanding, it requires plowing and the slope alone is dangerous. They just had an accident here this last weather path. And then you have the city plan, the trail system crosses right by and over Sheridan. It is another death waiting to happen. I think one of my neighbors mentioned they had an accident and they were hit by a car and they've never found that car, but that trail system, you cannot get across the street.

There's no light system for it, for bicycles or walking. And the last point I wanted to make was Mr. Van De Wiele's comment about 2017. I called and spoke about the traffic pattern two weeks ago when I first got notice of this and he cited 16,000 and 25,000. Well, five years ago, the homes passed 121st, south to 131st of Bixby didn't exist, and now Memorial is open folks. I mean, it's not closed, it's not getting any construction. So the traffic that takes Memorial is going to keep taking Memorial. The folks that live south, and some of the families do and I respect their right for the education of their children just like mine, there's nowhere to go to come down Sheridan. And yes, they're having traffic on Yale on a hillside between 91st and 81st but that doesn't really impede people using Harvard or Memorial or some other alternative.. So we're getting it all and we'll continue to get it all. And it is despite his assurance, it's not a safety hazard or harm to the community but it is, it is a safety issue. At the core crux of this is traffic and kids getting on public buses and getting off public buses and standing out on the curbs and waiting, it's an accident and a severe issue waiting to happen. Thank you for your time.

**Robert Hall**-1804 S. Delaware Ave.

Mr. Hall stated the following: I just wanted to let you all know that I have three young kids. We live in Midtown Tulsa currently and we are very excited about this school opening, we've been excited about it since we knew that this type of charter school was going to be opened, and the two comments that I would add; So personally my family, we are planning to move to the neighborhoods around this area. Wherever the school goes in, our plan is to move, to be close to this school. So I think the idea that it is a certainty that it would affect property values in a negative way is not certain. I think it could increase property values with families, like such my own, wanting to move in close proximity to the school.

The other comment I'm... I do not know anything about the legalities and the technicalities of zoning and all that stuff, but one of the thoughts that I've had is that it seems like that a lot of the traffic concerns that the pressure could be more properly applied to either the city or the county or whoever handles the road situation, as opposed to tying that pressure to the school and the property owners, the current owners that are trying to sell it, the perspective owners that are trying to buy it. Tulsa Classical Academy can't do anything about Sheridan. There are other people that can and so I don't know, again, the purview of what everything is taken into consideration for your all's decision, but that's just the thought that I had, is that there are other entities that could provide solutions to the traffic, but it's not going to be the school. I don't know if it's you all as well. So in my mind, this is a fair use of this land and other circumstances that that creates, I think, again, the pressure should be more properly applied elsewhere. So thank you for all your time.

**Shawn McCorkle**- 9801 S. Sheridan Rd.

Mr. McCorkle stated the following: On the south side of the property was about 30 acres of old-growth oak trees and on the very southwest corner was a log cabin that used to

be a hunting lodge. My grandfather, grandmother and her parents moved into that hunting lodge and he worked the fields and eventually put in a fruit and vegetable stand at 95th in Sheridan, and I'm pretty certain that he didn't have to go through the Board of Adjustment to do that. Throughout the years we've had to sell off various parcels of property, because we've had illness in the family and we've had to pay medical bills. There's been turnpikes that came through that we've had to sell the land and this is the last 15 acres that we have. We know what happens when developers come into the land, they bring their bulldozers, they knock down the trees, they level a lot and they knocked down the trees. When we have 15 acres left with old-growth oak on it. This property has never been put up for sale since we've owned it. I've had developers coming before who want to buy the property and I think about the bulldozers and knocking down those streets and I shake my head no. Then one day, Nathan comes knocking at the door and says he wants to put in a school, a Charter School, a free tuition Charter School. This guy must be a nut.

But the more I listened to him, the more I found out that my first impression was wrong. That what Nathan's going to do and the Tulsa Classical Academy is going to do will be good for the community, will be good for Tulsa. I feel like I've been a good steward of that property and I think that Nathan and Tulsa Classical Academy will also be a good steward of that property. My name is Sean McCorkle, my phone number is on the sign out front of our property. You can call me anytime you want. Thank you so much for your time.

**Ann Parish-** 10033 S. 69<sup>th</sup>. E. Ave. Tulsa, OK 74133

I live at the very first house at the main entrance of Sheridan Hill South. My concern is from time to time there's been work done on 101st Street and they've rerouted the traffic through our neighborhood and the people go crazy, they're speeding like Indianapolis 500. My grandson was hit by a car. Not seriously, thank God, but it was dangerous and it's dangerous to every child in that neighborhood who rides a skateboard, rides a bike, plays baseball. And like she said, we don't have sidewalks so our street is our playground. I am afraid that people coming to the school and needing to turn off of a 101st Street onto Sheridan are going to be frustrated and come through my neighborhood passing my house over through James Place and cut off all that at a 101st and Sheridan as a shortcut and they're not going to do it slowly. They haven't done it slowly, I've been there 32 years. And every time there's any kind of problem on 101st, they sip through our neighborhood like it's a freeway, that's all. Oh, and one other question, when these high school kids come where are they going to park?

**Tim Aitkin-** 6603 E. 99<sup>th</sup> E. Ave.

I live three houses off of Sheridan, there in James Place in the back up to where the curve is going to be there on that little parking lot. I just want to say that yes, cars speed down 99th Street in James Place regularly, but that's not an issue for the school, that's not an issue for the Board of Adjustment. That's an issue for city streets putting in speed



bumps or slowdown signs or all kinds of other manner of traffic control. My kids, I have two young kids, they're going to Jenks currently, they play on that street all the time. We tell them to watch for cars, we teach them how to pay attention and how to look for them. But having a school here and having a classical education school right up my back door where my kids can walk to school, that is something that I think would be beneficial more than it's detrimental and that's all I have to say.

**Jessica Bailey**- 9718 E. 99<sup>th</sup> E. Ave., Tulsa, OK 74133

I don't live in this area, but I felt compelled to speak because I live at 97th in Mingo right behind the Cedar Ridge Elementary School, Union, and it's right where we go down to two lanes. I was looking up the numbers of kids in the school and it's approximately the same as the number of kids that are going to be in this school. The neighborhood I live in has a single entrance right before the Elementary School, right after four lanes, go down to two lanes and then there's a neighborhood to the south of us that has a southern entrance. So we don't have that many entrances either. We don't have half of this for a union. Like our queuing area is literally maybe a third to two thirds of that parking lot and it's single lane. And the traffic issue that we have around three o'clock is basically none. You have maybe a little bit in the left hand lane for a short period, maybe 15, 20 minutes. But considering that all this traffic is going down to two lanes, it's minimal. Now we have terrible traffic at five o'clock, like it backs up all the way to 91st Street, but the school really doesn't present a problem with the way that the traffic goes.

Jessica Bailey: And I've been there for 14 years. I think at one point we had some people that parked in our neighborhood to try to get their kids. We wrote a letter to the school and it stopped. The parents try to work with the neighborhoods to keep them happy because they want their kids to be happy at this school. And I'm in full support of this school. My daughter... I've had two kids go all the way through Union and then I've got my third child who I would love... She's in Elementary School and I would love to have her walk out our back gate and go to Cedar Ridge, but it has failed to provide her with a good education. She's a gifted child. They wouldn't skip her a grade. We finally went to epic, skipped a grade, now we're working at another grade up.

Jessica Bailey: And so I'm trying to work with her during the day and then work as a nurse at night and we need a good school for these gifted kids, somewhere else that they can go. And as far as the noise level, I mean, I sleep during the day as well and the back door literally opens up to a basketball court where all the kids come out after lunch and then there's our fence and our backyard, and I am fully able to sleep during the day. I may be here and about once in a while when the wind is right but the noise is minimal. So I think if they'll compare the situation of these streets versus Cedar Ridge Elementary and look at those traffic patterns, I think that you'll find that it's not going to be as much traffic as you think it's going to be. They really have accommodated to get the parents off the road.

Ms. Radney asked the following to Ms. Bailey: Do you think that Cedar Ridge is a relatively newer school, I mean, when we sort of contemplate the age of the existing

infrastructure, particularly in Tulsa Public Schools, do you think that that traffic is handled better because that school was actually constructed during a time period when more parents were actually physically picking their children up and dropping them off than the model that used to be in place when I was a little kid, where you either took the school bus or you might have walked or ridden your bicycle. But it was unheard of that your parent would meet you in the parking lot to pick you up at the end of the school day. I mean do you find that the way that the building is actually oriented or the site is developed, that that has helped with that issue, with traffic flow at Cedar Ridge?

Ms. Bailey stated the following: I don't know that Cedar Ridge, when they built it, really took that into consideration. So I've been there for 14 years. We didn't have a Costco, we didn't have the Target, we didn't have the QuikTrip, it was much more residential area when I went there, and so I don't think they were as concerned about the amount of traffic. Also 91st is the last drop off for 169. It splits going east and west so a lot of people exit there and then go down Mingo or Garnet to get to South Bixby area. So we have heavy traffic, but back then, it wasn't, when I first moved there, it wasn't as bad. And that they've had to change the way that they've queued the cars and they did add about, seven years ago, a traffic light so that parents could turn left out of the school. That's the only reason I think we get any backup, it's because when that light hits and parents turn left, it backs up for a second, but then when the light opens it flows through. So I don't think they may near the investment in determining how that would work because the infrastructure hasn't gone up that much then, this is much better planned. I wish we could go around our school, I think it would be... That would really clear everything.

**Corbin McGuire** - 12001 S. Oswego Ave., Tulsa, OK 74137

I live in South Tulsa around 21st and Yale. And I don't want to repeat what's been said. They've shown you their plan for the school, they've shown a map and how they would do it. Where I live, I can go down Memorial to go north on a four lane, I can go down Yale to go north to the four lane. We've talked about the start times, they're not picking kids up at five o'clock. Now having said that, I want to validate what's been said because I'm in the cheat seats. It's not my backyard where something's getting ready to be built so I hear them loud and clear, I get it. The only thing I want to add that hasn't been mentioned is the Phelps factor, Nathan Phelps. I've known him for 20 years. And as the president of the board, the person who has their fingerprints on everything around the school, something's going to go there. And what I would tell you is if you know him, like I know, whatever concern people have about congestion and this thing causing a problem, trust me, he wears that times 100.

Corbin McGuire: He's got his identity and his pride and his name and everything is on there, and this notion that we're going to get two years down the timeline and he's going to be at dinner and everyone is going to be going, oh, you're the guy, Nathan Phelps, that because all the congestion and all the problems on Sheridan, no way it's not going to happen, he wouldn't allow it. So I would just tell you that you've got somebody that is so intentional and is so caring. And man, he doesn't want to inconvenience his next



door neighbor and his neighborhood. The idea that he would bring pain, so... Something is going there. I would just rethink what you've got with Nathan Phelps. I think in two years, you'll be so happy that it was Nathan Phelps, President of Board, that got that land. I think everybody will be really, really pleased with this property. Thank you so much.

Mr. Bond asked the applicant to present a rebuttal.

**Stuart Van De Weile- 9801 S. Sheridan Rd. E.**

Mr. Van De Weile stated the following: 1:28:28.9 Speaker 27: I will try to be brief and I'll just flip through the notes that I took from some of the interested parties that spoke. And I want to lump in kind of all of the infrastructure related issues. And if you're not in the real estate development, permitting developing world, the idea of doing a use first with all of those things to follow can seem maybe disingenuous at worse or bad planning maybe at best. But that's just the way that real estate development goes. As far as infrastructure on Yale we've had some conversations, I've had some personal conversations with our city counselor as to whether there can be funding that is found for any... Absolutely, there's no way that we're going to widen this entire length of Sheridan. It's not going to happen.

But things that might be able to be done right there where the school empties out onto Sheridan, there are possibilities there, but all of that is well within the purview of the city during the development and the permitting process. All of the considerations, as far as wildlife and environmental impact, that is also a part of that cycle, water retention, detention ponds, how big, how deep, volume, all of those things will be considered. One thing that I do want to mention there that seem to take hold in our meeting, and there was a comment about it today about special exception being some kind of in and around or not the right process, and I know that you know this, but that's what this process is here for. I did look at the zoning map just kind of in the area, I will tell you Jenks Southeast Elementary, which by the way, when it was built was built on two-lane roads at a stop sign intersection, just a little over a mile from here.

It's zoned in a multi-family district, so it's zoned for apartments, but it has a school permitted use. Jenks East Elementary, a couple miles away from here, is an AG zoning district, Jenks Eastern immediate, which is right next door to that, AG zoned district. Holland Hall a mile or so couple miles north, AG zoned district, Region Preparatory School over 87th or so in Memorial, AG zoned district. You very often see schools located in AG zoned districts with this type of special exception, it fits within the zoning category. The area of growth land use map questions, the designation of a "new neighborhood", new neighborhood schools have historically been included in that concept, the area of growth. If you read the comprehensive plan, it cites an area that will benefit from an infusion of people, activity and investment.

And that is exactly what this does. But let me flip through that, I don't know if there's any... There was a suggestion that we only looked at two properties, Nathan tells me

that over 30 sites were considered. The idea of forcing this this into a vacant office or a commercial space, that's not why this site was selected. Part of the educational process at this type of school is to enjoy and to take advantage of the natural park like setting and part of our request for site plan approval includes those natural areas to remain. There was a question about there only being one kid, there is a sibling preference in this charter school, so if you make an application and kid number one gets in, there's a preference for the remainder of the kids in that family. I talked about wildlife concerns.

As far as the notice process goes, I know this goes without saying, but I want to say it. The notice process was followed here. The signs were put up by INCOG, there's a very formal notice that goes up by INCOG. But this school sent out a round of letters, got some questions in from neighbors, sent out another round of letters saying, "Hey, we've heard these kind of questions. Here are our responses, so you can think about it." Had a neighborhood meeting, there were over 100 people there, you see how many people are here. Clearly, getting the word out that this was requested did not fall short.

Again, I will reiterate our request as to the treatment of those stub streets. There is no desire and there have been some focus on words like intention and might to the extent that somebody's seeing something nefarious there, all that is is that you guys don't have the ability to kill a dead end street or to kill a stub street at this board. That's a traffic issue. We will deal with the traffic folks at that next cycle in the development process. But absolutely fine with our special exception request, having that as a condition on.

Ms. Radney asked the following question "So is the traffic, at that point where you'd be dealing with the ingress and egress from those streets, is that a public process?"

Mr. Van de Wiele stated the following: No, but I will tell you, I did put the letter or the email in from the council for the Mill Creek Pond, HOA. They are forming a subcommittee, part of their board. The conversation I had is that with their council is that they want to work with us not against us. That's not a dead end for these HOAs either. At the meeting, Counselor Laken asked these folks, encouraged these folks to come to City Council, beg for money, yell for money. Absolutely willing to work with all of those as to any of these issues. And we want good parents, we want good students. I don't think you're going to have the issues that you're hearing about. Those are not likely to come to fruition.

Ms. Radney stated the following: So to the extent that the counselor is aware of particularly that problem as it relates to traffic.

Mr. Van De Wiele responded in the affirmative. .

Ms. Radney stated the following: You feel like they would have a good conduit to be able to reach... Though it's a political conduit, but still nonetheless that is the direct contact, that they would be able to have that kind of engagement with their counselors...

Mr. Van De Wiele responded with the following: Absolutely. And he was at our meeting. Absolutely. Ongoing and certainly willing to include those HOA presidents in that discussion with Mill Creek Pond as well. Somebody had suggested that we needed to get a traffic study. I think I mentioned this and we verified this with our consultant. Given the level of current construction that's going on, there's a concern that that data would be skewed. Yale is going to be a six-lane road from effectively 101st through the city up past St. Francis, et cetera. That's a massive project around that hill. To suggest that once that's opened, that it wouldn't alleviate traffic off of Sheridan is just inaccurate. That's exactly what it's designed to do, is to funnel traffic from that part of town onto one larger arterial, that being Yale. There was a comment about school buses. There's not school buses at the charter school. And I appreciated the one gentleman that stood up that... Cars that are speeding through here now, that's not the school, that's the neighbors or that's other people that are driving in around the area. At the end of the day, as I suggested, we're asking for the special exception to be approved with those conditions relevant to the dead ends, the stub streets and potential additional road infrastructure right there at the entrance on Sheridan. But if you've got other questions, I'm happy to address it more. If we need to bring somebody up from the school, we can do that as well.

Mr. Barrientos asked the applicant to address concerns about high school driver and the current site plan.

**Nathan Phelps-** 12006 S. Granite Ave.

Mr. Phelps responded with the following: So first, I want to address the question about the change in the site plan. So we've been working with an architecture firm who builds charter schools around the nation. And when they brought the first site plan to us, it looked a lot like this and we didn't like the fact that there was concrete so close to the school. Again, as he has mentioned, we liked the idea of the kids running in green grass and playing games on fields. And so we asked them if they could route the street much further back, but when we got that plan, which is the one we had to submit at the time, we were disappointed to know that we still had to have a fire lane, which obviously is important. And so after we realized that we were going to have to have concrete next to the school anyway, it didn't make sense for us to spend our funds on that road, on the back there when we could easily accommodate all the queue with that existing structure.

As to high school students. So these are K-12 schools. However, they do exhibit a pattern that's pretty common in charter schools because we don't have broken arrows band or Jenks football team. In fact, we won't have a football team. And that means that a lot of kids do what's called melt out as they get into high school. So you tend to have a much smaller high school class than you have a middle school or elementary school class. And so the number of kids in your high school is relatively small and therefore the number of those kids that drive is not commensurate with what you would expect, I think

you just said 65 kids per grade. The average high school class size for a whole grade is 40 students not 65. And so there ends up being fewer students.

Now, when we did change the plan, we did lose some parking and that is concerning to us. We may have to address that by eliminating some of the trees in the parking lot right there. We really like those trees. If you can tell, we really like green space, that's why we've selected this particular site, and so we may have to add more parking there to accommodate for the ones that we removed. But I just want to make it clear that this is a development process and things do change. As you look at the, the budget and how much something cost and turns out that concrete all the way around the whole process, it's pretty expensive. So this is a more efficient use of our money and a more efficient use of the space.

Mr. Van De Wiele further explained the following: Two things, that's the part that I wanted to mention. By the way, the trees that he's talking about are these here in this median space here. There was a comment on that soccer field. That question was asked Thursday. This is a flat area of grass where you could play soccer against one another. It's not a soccer stadium, it's not a soccer complex, it's not a full regulation FIFA soccer field. It's just a playground. Other questions?

Mr. Bond stated that the Board I now in discussion.

#### **Discussion:**

Mr. Bond states the following: We see regularly in this board applications for just about every modification you can think of; For a parking lot, for a change in the school, for development of schools. We see good ones and we see bad ones, we've had to deal with schools that have resulted in a tragic death of a young Tulsan in this town. We're very familiar with traffic patterns and parking, even though that's not part of what we do. And what do we do? Well, we're a quasi-judicial board. We don't make policy, it's not our job. You didn't elect us. If we made policy, you'd need the ability to kick us out of office. We're appointed here by the mayor and confirmed to the City Council and we're here to decide some narrow issues. I do my best as Chair to try to keep us on track to make sure we decide those narrow issues and in deciding those, it's critical, not just as Tulsans but as Americans, that we make sure that we maintain that same standard for everyone in this community. It's not about where you live, it's not about what kind of car you drive, it's not about where you can and can't send your kid to school, it's about the same standard under the law and the same standard under the zoning code. So under that zoning code, with the relief that the applicant has asked for, there are two critical issues that we need to address.

One, is this going to be harmful in an actual way to the neighborhood? And two, is it violative of the spirit and intent of the zoning code? And for my vote, and you have three more here, I'll tell you that I do not believe that allowing a school to be established, that gives children from all over this community a chance to learn and better themselves to be violative of the spirit and intent of the zoning code. And I gotta tell you, I take issue

with people that think that starting a school will increase crime, will increase vagrancy. We live in the same town, but to hear someone else say that truly just hurts my heart. You live in an area of town where your traffic is horrible. It is. I live in another area of town where my traffic is horrible too. I wish I could tell you I can fix that but we can't. I will tell you that this is where the City Council meets. And I would encourage you highly to talk to those folks about getting something done with your traffic. It's already a problem. It's been a problem for a long time. As a kid, I grew up playing in some of these woods out there that are now houses. I've seen how this area of town, the growth has been tremendous. It's been great. It's been great for our city.

The establishment of Jenks Public Schools has been amazing too, but a school, which the only evidence I have here, and I'd like to take note in part of our packet, which is written by the applicant of the traffic engineering consultants, is that this increase in the traffic is going to be minimal. You got a problem, and the amount that's it's going to increase this is not going to be enough where I think it's violative. That's my vote and it's the same answer I'd give to someone else, whether... To quote one of the interested parties, whether they were from the north, the west or the east of this community, it's the same answer I'll give you. I don't think the school is violative of the spirit and intent of this code. We need it in Tulsa, and those are my two cents. I'll leave it to my fellow board members to add in their two pieces.

Ms. Radney stated the following: I do appreciate that, as I too live in the neighborhood that is riddled with construction-related traffic and then narrowing of streets and the installation of bike lanes, and I will say that I live within walking distance of the Mother Road Market, which within a very short number of years is about to have 250 some-odd new homes that are created in an apartment complex, which is going to completely change the way that that corridor operates. And it most definitely will affect my neighborhood, which is going on 80 years old. I am really sensitive to these issues, but what I do have to say is that I do appreciate Mr. McCorkle's observation that as a steward of the land for below these 90 years or so, his concern about seeing some kind of development that doesn't involve a lot of intensity and removal of some of the green habitat that's on the site.

As the Chair has said, for a parcel of this size that is within this boundary of the city, this is a very comparatively low intensity use of this much land, 13 acres or 14 acres. The traffic portion of it, I agree is problematic and it is partly because of some of these logistical issues that we see in terms of the way that there's a bottleneck that's created here. But truthfully, all of the property owners, including the residents, are not responsible for the fact that at the time that this entire area of town was developed, it was developed within inappropriate roadways created. I'm from California, we would never have allowed this level of residential development without creating the appropriate infrastructure at that time. That's what planning's for.

So unfortunately, we're playing catch up, but I do think that the applicant has been consistent or has been considerate of some of the concerns which I share about maintaining as much of the tree scape as possible. I do think that in terms of this type of

use, they have gone to inordinate steps to stack that traffic on their property. We just don't ever see that, ever see that. And that is a serious, financial commitment to actually build that much roadway for the purpose of, you know, during those impulses when the parents and teachers are there, or students are there, to put as much as they can on their property. Assuming that that effort is consistent with the manner in which the site proposed property owner would move as a considerate neighbor to the existing residential homes, I'm inclined to support it. I do also have concerns about the one-way streets and making sure that the ingress and egress is limited to what's necessary for fire.

I say that as a person who, also... In my neighborhood in front of, a 100 yards, a 100 feet from my house, on a little short residential street, came out and found a car upside down on its roof that had been struck by a car avoiding traffic. And then not four weeks later, one on its end 90 degrees that had also been struck by a car on a short little residential neighborhood. And that means the issues about managing construction traffic are something that we really do need to show up at City Hall with torches and pitchforks about because it is, absurdly mismanaged. But that having been said, I think that there are remedies for the through traffic that can help to address some of those concerns about this. So I would be inclined to support it.

But I do want to say as a person, in closing, I wouldn't even be on this board but for the fact that at one point in time I was sitting in on the other side in chairs, you know, really passionately advocating for my neighborhood, which I also love. And so I do want everyone to understand that we hear you, and sometimes we can't always accommodate everything that people are asking for of us in a particular decision, but it most certainly informs the way that we think, especially for neighborhoods that don't have the resources to bring this many people together, to advocate for something that's in their neighborhood's interest. So whether it appears that we are respecting your concerns, we are hearing your concerns and then we take those voices and we apply them, just as the chair said, to advocate for all the neighborhoods of the city. But that having been said, I'm inclined to support it.

Mr. Brown stated the following: I tend to agree with Ms. Radney that this is a good thing for Tulsa and it's a good thing that everyone is showing up, showing concern about development in their neighborhood. I agree there's a traffic problem, that all the world is not a traffic problem. And I live in a busy part of the city too. When I get on the main street, I don't know if somebody's going 40 miles an hour or eight. So we have a different perspective to stop traffic. I tend to think this is a good idea, my drawback is details on how this whole project shakes out. And I too would support this case and I would encourage everybody to follow through with this vigor to City Hall, to the traffic department and follow this project, if it goes forward, to follow it continuously. So I tend to support this.

Mr. Barrientos stated the following: We also may appreciate all the neighbors that showed up today to share their opinions about the issues and the traffic problems are going to happen. I know the school is going to be a good addition to the area, just giving



the opportunity to kids to attend to this type of school, it's going to be something good for the community. So I also tend to support it.

Mr. Bond stated the following: I want to echo again what my fellow members have said. I too have been in your shoes. I was also the president of my neighborhood association who had to deal with some massive changes, some of the biggest we've ever dealt with in this county. I understand it's tough, I understand that there are concerns that some major traffic problems worse than I vehemently want to encourage you to keep pushing the city to make it better, I really do. But the evaluator standard with what would be a harm with the standard that we have in the spirit and intent of the code. I think this is going to be a good thing. I also think that expanding your streets, your intersections is a needed thing. That would be a good thing too. Unfortunately, we know it's going to take time. I do appreciate you coming out. You are welcome to sit here for the next several hours, but if not, we may vote to take and then we'll do a quick recess to get out of here. Do we have a motion on this matter?

Ms. Radney stated the following: I had one question before you can make the motion. The applicant had made some references to some conditions that related to the site traffic and street reviews. Did we have some language that we wanted to add to that or related to that?

Mr. Chapman stated the following: One comment that I might make, just to make clear the applicant, this would trigger either a new subdivision plat or conformance. I think just the fact that it's unplatted, it would probably be expedient to file a new subdivision plat and that's the point that those access points would be reviewed by city engineering as well. But I think to his point, fire code is going to require some type of turnaround if we're going dead in those streets. And that's what he is seeking to accommodate on the site plan.

Ms. Radney asked if the turn around would be for the neighborhood.

Mr. Chapman replied with the following: So at the dead end streets that exist now, the stub streets, it's a permanently dead end, those, they're going to have to either go through the city to come up with some resolve or build turnarounds, which would be a hammerhead or some type of cul-de-sac. At this point they would permanently be dead-end, the stubs were built with the intention that there would be some kind of connection. And so to dead end that permanently, that's when that requirement's going to come in.

Ms. Radney asked "Which is to say that the regional developers didn't have to make those accommodations because they advocated for the idea that the streets would be through going?"

Mr. Chapman responded with following: At the time you file a subdivision plat you were accommodating connections somehow. They're going to maximize their lots and so they're going to dead end under the assumption that there'd be a through street built



there at a later point. I mean, that condition is around most subdivisions that are built. There's going to be a second phase coming in later on.

**Board Action:**

On **MOTION** of **Radney**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; no "abstentions"; Wallace absent) to **APPROVE** a **SPECIAL EXCEPTION** to permit a School Use in the AG District (Sec. 25.020-B, Table 25-1) per the conceptual plans submitted at the meeting. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. For the following property:

**S508 NW SW LESS W50 THEREOF SEC 23 18 13 14.807ACS,**

**UNFINISHED BUSINESS**

**23246-Sam Cook**

**Action Requested:**

**Special Exception** to permit a Carport in the street setback and the street yard with modifications to its allowable dimensions and setbacks (Sec. 90.090-C1);

**LOCATION:** 4113 W 5<sup>th</sup> Street (**CD 1**)

**Presentation:**

**Sam Cook-** 4113 W. 5<sup>th</sup> St.

Mr. Cook stated the following: All I wanted to do was get a permit for my carport and I got sent here. The carport is 18- feet by 20-feet and he acknowledged that the car port shown in the picture on screen is what he was trying to get permitted.

**Interested Parties:** None.

**Discussion:**

Ms. Radney stated the following: I want to acknowledge that we don't typically rubber stamp these things. We have a lot of conversations about carports because neighbors have a lot of concerns about carports. So in this particular case, we don't have neighbors here, maybe they just gave up. But I do acknowledge that this carport is not obscuring really the view of the corner because it's on the north side. So in that regards I will be inclined to support it as well.

Mr. Bond stated the following: The only little question I have for the motion, I'm not sure what the measurements on this. Maybe if we tied this to the carport as existing at the time of the, as opposed to per site plan.

**Board Action:**

On **MOTION** of **Radney**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; no "abstentions"; Wallace absent,) to **APPROVE** a **SPECIAL EXCEPTION** to permit a Carport in the street setback and the street yard with modifications to its allowable dimensions and setbacks (Sec. 90.090-C1); per the conceptual plan shown on page 3.7 of the agenda packet and subject to the following condition that this approval be limited to the, the current location and position of the carport as built at the time of this hearing. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare for the following property:

**W 82' OF LT 11 & TH W 82' OF LT 12 BLK 1,VERNDALE**

**23260- Nate Nebergall, 5 Points Council, LLC**

**Special Exception** to permit a Moderate-impact Medical Marijuana Processing (Moderate-impact Manufacturing and Industry) Use in the IL District (Sec. 15.020, Table 15-2)

**LOCATION:** 3153 N LEWIS AV E; 3147 N LEWIS AV E; 3139 N LEWIS AV E; 3131 N LEWIS AV E; 3123 N LEWIS AV E (**CD 1**)

**Presentation:**

**Nate Nebergall-** 5800 S. Lewis Ave, Suite 266 Tulsa, OK 74105.

Mr. Nebergall stated the following: I'm here for the issue that we had brought before the board in February with regards to the permitting for a change from IL to moderate impact with regards to cannabis use. Last time there were some individuals here that we used those 60 days to go communicate with them, their issues, and I'm going to have Brian who is an investor in this project speak to that.

**Brian Humphrey-** 6043 E. 56<sup>th</sup> St. S. Tulsa, OK 74135

Mr. Humphrey stated the following: I'm one majority owners in this project here, Five Points Council here, went and spoke with all the residents, people were living in the area, because that was really our focus. Based upon the last meeting there with Nate, which I wasn't able to attend, but lived and spoke within specifically actually to the Smith family who was within 300 feet, I believe of the property there. Talked to them and their

point person was Janette, Janette Smith and she's not here because they're not contesting anymore. We did talk to them, went to visit them and called them and had numerous conversations with them over, about four or five different conversations, and came to some ground there that they would not contest us with the zoning change here. One of their concerns that we had to address was because security, security is something that is important to us. Also making a huge investment that we're looking to make into the area there, that was one thing that we did talk about there to try to make sure that we can alert them that we would have security cameras, that we would be making investments for that, to make sure the area is secure there. Another thing was also, talking about, was the smell which we're talking about carbon filters and note telling about the technology we're going to be using for the facility and to assure them that we would actually make sure that they would be taken care of from that aspect there. There was another party also, some investors in the area, I believe one of them may be here today. We did talk to him also and tried to share also the things we're going to be making for the area and investments there, to also ease his concerns there too also. So we did make every effort to contact all the parties that were available to speak.

Ms. Radney asked which of the building they were wishing to conduct the use and if they would have an issue if there were an expiration on this Special Exception.

Mr. Nebergall explained that he would be okay with a 3-year expiration date and he indicated the buildings on the screen which they intend to use for medical marijuana processing.

#### **Interested Parties:**

**Raymond Courtney, Ray Star Properties, LLC- 9404 S. Delaware Ave., Tulsa, OK 74133**

Mr. Courtney stated the following: My issue is on this map here, and I'm having to bend over to get into the microphone, is where you see the cul-de-sac that's just west of Lewis, I own almost that whole block. I'm one of the closest neighbors and I really appreciate the chairman's comments about standards. It's, if we were talking about simply cultivation or if we were simply talking about putting in a school right here, I would have no objections to this particular variance, but I'm wanting to build brand new houses next door across the street. I don't know of anybody who's going to be willing to purchase a brand new house in North Tulsa right next door to a marijuana processing facility. I don't know of any person in this room who wants to wake up in the morning, go, ahh, walk out their front door and go, man, I love this smell of weed.

Raymond Courtney: I mean, yes, some people think I'm being a little sarcastic but I'm not. If this were next door to me in South Tulsa, honestly there would be hell to pay. The community would be here just like they were here for this school, which is an amazing project. But we're not talking about a school, we're talking about a processing facility. Yes, they have the right to cultivate by right but not process. And so I'm worried about

an air quality issue, I'm also worried about, why would we do this in north Tulsa and it's okay, but in South Tulsa would we really consider this in a residential neighborhood? Honestly, I don't think we would. That's just my opinion. But I think by allowing this in North Tulsa that there presents a double standard. So I spoke with this gentleman over the phone and he asked me what my angle was. And I told him very honestly, we bought this for development.

My wife and I have been developing properties in North Tulsa for almost 20 years. We want to see better neighborhoods and better housing in North Tulsa, all over north Tulsa and there is a lot of development going on, nice properties, nice houses that are being developed all over North Tulsa. I don't know if you guys have traveled through that area lately, but it's booming. And that was put into zoning probably 60, 70 years ago. Is this what we want to continue in this modern time? My office, like I told you, is at 94th and Delaware, South Delaware, next to the Jenks Bridge. There was an old light manufacturing facility at 91st and Delaware. It was owned by the Conley Corporation and it had a humongous green middle building that looked a lot like this.

I don't know the existing zoning, but I do know it was sitting on eight acres. Here recently within the last 18 months, a corporation came in called Oklahoma PWP and turned that old facility into a basketball gym, something that's beneficial for the whole entirety of the community. That place is packed every single weekend with people from all over Oklahoma to play sports, to play basketball. I'm okay with that. I'm not okay with the processing facility. I didn't want to have to resort to this and it puts quite a pressure on me.

Mr. Bond asked if Mr. Courtney understood that the applicant has the right grow marijuana without any action by the Board.

Mr. Courtney stated his issue is not with cultivation but marijuana processing and air quality and asked if processing facilities have been approved in South Tulsa.

Ms. Radney stated the following: You'd be surprised where they are. If anything, we probably hear more complaints about air quality around growing. Because at the time of harvesting, that's when it... And I don't know that much about cannabis, but I do know that that's mostly what we hear, the air quality issues around. So for me, to your point, the fact that this is an industrial use that's right up against residential is problematic from the beginning, but that also has to go with... That goes to the nature and history of zoning in areas like this. And so we are... We have a conundrum because there are things that could be done there by right, related to cannabis that are potentially even more intrusive upon you than the processing.

Mr. Bond explained that his intent in granting the continuance would be for the community to bring this to the City Council and request a zoning change.

Mr. Courtney indicated he didn't understand that was the intent and it wasn't clearly stated in the previous meeting.

Mr. Courtney stated the following: Well, to the point though, is that I feel like I'm going to be damaged, my investment's going to be damaged. I don't see realistically how I can continue my investment in that particular part of the town. And I even told this gentleman, if he wants to buy me out, he's welcome to. Okay. But it leaves me little choice but to, if this variance is approved, to seek litigation against all parties that are involved, 'because I'm damaged.

Mr. Bond asked the applicant if they would like to provide a rebuttal.

Mr. Nebergall stated the following: Yes, thank you. Just to speak to the previous gentleman's issues, as you guys brought up, the smell issue is typically... Is always with the cultivation, not with the processing as this is not even approving combustible processing, it's just non-combustible processing. So there's no scent associated with that. And then as far as the property, I don't know if you guys have seen this property, it's in really rough shape. Only thing we're going to do is go in there and make this property better. It's going to look better, it's going to be more secure. It's going to be top notch.

Mr. Humphrey also responded with the following: I did talk to Mr. Courtney also there, he did offer us a buy amount on course there. But like we said, the change, it's already zoned light-industrial. As you've mentioned before, the change is not going to actually change, I guess, from cultivating, that doesn't prevent cultivating, which actually because the smell. So I couldn't figure out that kind of satisfying, where he's at with that. But yeah, definitely, just wanted to say that there, and he did offer, like he said, we could buy him for \$200,000, but that was more of a, I don't know if that was his motive was for the community or more from financially, personally. There were some concerns about it there. The biggest concern was that who was going to buy it, more about the who than about what. I think it was out there, because we did express also that because of the zoning, because of the nature of the area, looking at you, look at also, you can pull the picture of the other buildings, some north that are all industrial, and also the property would have environmental issues possibly if you were trying to change to something else either, which basically is a case for what's the best use of that area there. So we did talk about that there and going through that, I think the biggest thing was trust in the neighborhood knowing that we were going to put an investment in neighborhood there and that it would increase the value of that neighborhood.

Ms. Radney stated the following in regard to the amount of public notice: But however, we're only talking 300-feet and you pretty much only impacted one family and pretty significantly impacted them. So I take your point about how many people are here, but you would not have been. The city was not required to notice the new habitat for humanity houses that are just immediately to the North. All of that is being intended to be developed as residential, and to the gentleman's part point, there are a fair number of vacant lots that are immediately to the West that are also being looked at seriously for in field buildings. And in addition to the other resident, potentially residential parcels that are back behind the larger homes that face the city's water pond thing or whatever

that is and those are some fairly substantial homes that are of newer construction. There's blight back there to be sure.

### **Discussion:**

Ms. Radney acknowledged for the record that several properties owned by Habitat for Humanity were not within the noticing radius for this request.

Ms. Radney also disclosed that she and Mr. Humphrey serve together on the Greater African American Affairs Commission together and if there were a full Board she would recuse from this item, but beyond the commission they do not have a personal relationship.

The applicant indicated they would like several of the building approved for this use, but Ms. Radney indicated she would not be willing to approve the use in three of the building.

Mr. Nebergall agreed to the use being limited to building four as described in the packet.

### **Board Action:**

On **MOTION** of **Radney**, the Board voted 3-1-0 (Bond, Brown, Radney "aye"; Barrientos "nays"; no "abstentions"; Wallace absent,) to **APPROVE Special Exception** to permit a Moderate-impact Medical Marijuana Processing (Moderate-impact Manufacturing and Industry) Use in the IL District (Sec. 15.020, Table 15-2) per the conceptual plans 4.5, 4.7-4.8 of the agenda packet. The approved special exception applies to only Building #4 as shown in the agenda packet and with a 3-year expiration date from the day the exception was granted.

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

**TR BEG 30S & 50E NWC S/2 SW NW TH S153.62 E999.11 N153.61 W998.97  
POB SEC 20 20 13 3.524ACS; N18.75 S/2 N/2 S/2 SW NW LESS E271.27  
THEREOF & LESS W50 THEREOF FOR RD SEC 20 20 13 .429AC; TR BEG  
317.13N & 50E SWC NW TH E998.46 N140.31 W998.71 S139.87 POB SEC 20  
20 13 3.216ACS; BEG 50E & 158.62N SWC SW NW TH N158.62 E610.19  
S94.21 SW334.06 W287.9 POB SEC 20 20 13 2.039ACS; BEG 158.62N & 50E  
SWC SW NW TH S71.37 NELY298.43 TH W287.9 POB SEC 20 20 13,**

### **NEW APPLICATIONS**

**23298- A-Max Sign Company, Inc**

**Action Requested:**

**Variance** to permit a second freestanding sign in an R zoned district (Section 60.050 B-2.b)

**LOCATION:** West of the SW/c E. Seminole St. and N. Harvard Ave. **(CD 3)**

**Presentation:**

**Chris Krohn, A-Max Signs-** 9520 E. 55<sup>th</sup> Pl. S., Tulsa, OK 74145.

Mr. Krohn explained that they are requesting an additional sign because there are two facilities on the property being served by different entrances and addresses. The signs would serve as a matter of way finding for each address. The hardship is the two separate addresses on the site.

**Interested Parties:**

No interested parties.

**Discussion:**

The Board members indicated they were in support of the request.

**Board Action:**

On **MOTION** of **Radney** the Board voted 4-0-0 (Bond, Barrientos, Radney, Brown "aye"; "nays"; no "abstentions"; Wallace absent) to **APPROVE** a **VARIANCE** to permit a second freestanding sign in an R zoned district (Section 60.050 B-2.b) Finding the hardship to be hardship to be the size of the lot and the confusion about proper entrances for the property. Per the conceptual plans 6.18-6.20 of the agenda packet. 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 because substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan, for the following property

For the following property:

**PRT NW SE SE BEG 25S & 179.19E NWC NW SE SE TH E481.65 S608.76  
W285.26 N99.18 NW15.95 W86.66 NW217.02 CRV RT 211.03 NE47.65 N106.66  
CRV RT 32.95 POB SEC 29 20 13 6.653ACS; NW SE SE LESS BEG 25S &  
179.19E NWC NW SE SE TH E481.65 S608.76 W285.26 N99.18 NW15.95  
W86.66 NW217.02 CRV RT 211.03 NE47.65 N106.66 CRV RT 32.95 POB &  
LESS N25 THEREOF FOR RD SEC 29 20 13 2.976ACS**

**23299- Kip Huddleston**

**Action Requested:**

**Variance** to allow a Detached Accessory Building to exceed 40% of the floor area of the principal residential structure (Sec. 45.030-A.2) **Variance** to permit a parking area for motorized vehicles on a surface that is not a dustless all-weather surface (Sec 55.090.F)

**LOCATION:** 1209 S. 77th E. Ave (CD 5)

**Presentation:**

Kip Huddleston-13232 N. Yale Ave.

Mr. Huddleston explained that he is to replace an existing building that has galvanized steel or tin and stuff on it, built back in the 1970s' and he's wanting to make it a little bigger. The property owner had businesses and he's retired shut it and now he's having to move out into where he was at, so he has got all this stuff that he's acquired and he's wanting to put it in there. As far as the driveway, it sits, lateral lines, sit all through that backyard. So he isn't going to drive on it, he rarely ever has, he just uses it to park his equipment in lawnmowers, and he has got like a Gator that he uses to get around on his property. We did set it 20-foot off the back fence, which is the setback and five-foot off of the side fence already. And the water, we had checked on that and it isn't going to interrupt water, it's pretty much going in the exact same spot where the old one is. The existing building is 20-feet by 30- feet and he is requesting 40-feet by 60-feet.

Ms. Radney indicated she would not be inclined to allow more than 1,200 square feet of accessory building on this lot.

Mr. Chapman explained that the requested variance to allow a non-all weather parking surface was because a vehicle would need to traverse the property to load and unload into that building.

**Interested parties:** None.

**Discussion:**

None.

**Board Action:**

On **MOTION Radney** of ,the Board voted 4-0-0 (Bond, Barrientos, Radney, Brown "aye"; "nays"; no "abstentions"; Wallace absent) to **APPROVE** a **VARIANCE** to allow a Detached Accessory Building to exceed 40% of the floor area of the principal residential structure (Sec. 45.030-A.2) **APPROVE** a **VARIANCE** to permit a parking area for motorized vehicles on a surface that is not a dustless all-weather surface (Sec 55.090.F) Finding the hardship to be the need to maintain equipment for the property and the difficulty to maintain the function of the septic system due to the unique topographical layout of the property. Per the conditions it is limited to non-business use and subject to the size of the building does not exceed 1200 sq ft and the all-weather surface expires if they cease using the septic system. 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 because substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan, for the following property  
For the following property:

**S/2 NW SW NE NE LESS W30 FOR ST SEC 11 19 13 1.136ACS,**

### **23300-OSAGE-Damacho Ousley**

**Action Requested:**

**Special Exception** to permit duplexes in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5)

**LOCATION:** 1305 and 1307 N. Tacoma Ave. **(CD 1)**

**Presentation:**

**Damacho Ousley-** 1142 N. Union Pl. Tulsa, OK 74127

Mr. Ousley indicated that he is requesting permission to build two duplexes, one on each lot, for a total of 4 dwelling units.

**Interested Parties:** None.

**Discussion:**

Mr. Barrientos and Ms. Radney indicated they supported the request.

**Board Action:**

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Barrientos, Brown, Radney, Bond) "aye"; no "nays"; no "abstentions"; Wallace "absent" to **APPROVE** a **SPECIAL EXCEPTION** to permit duplexes in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5) per the conceptual plans 8.5-8.9 of the agenda packet.

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

**The North 75 feet of the West 100 Feet of the SW/4 of Lot Two (2), Block Six (6), Lombard Subdivision in OSAGE COUNTY, STATE OF OKLAHOMA, According to the recroded Plat Thereof.**

**AND**

**The South 75 feet of the West 100 Feet of the SW/4 of Lot Two (2), Block Six (6), Lombard Subdivision in OSAGE COUNTY, STATE OF OKLAHOMA, According to the recroded Plat Thereof.**

### **23301- Lori Worthington**

**Action Requested:**

**Variance** to increase the permitted sign display area from 88.5 square feet to 144 square feet in the OM District (Sec. 60.060-C)

**LOCATION:** 5314 S YALE AV E **(CD 9)**

**Presentation:**

Chris Krohn, A-Max Signs- 9520 E. 55th Pl. S., Tulsa, OK 74145.

Mr. Krohn explained that this is the 9-feet by 16-feet rectangle off portion of the we are looking to modify that top section. From a construction standpoint, it is easier to remove the top portion of the sign, you just build your cabinet and slip it back in place. But we are looking to have more of a heavier panel on it for one other circumvents at this location. He stated they are allowed 88 square feet and they are requesting 124.

The Board discussed inconsistencies in the number of signs on site as indicated in the staff report.

The applicant was in agreement with a continuance until the April 26<sup>th</sup> Board of Adjustment Hearing to look into the matter.

**Interested Parties:**

There were no interested parties.

**Comments and Questions:**

N/A

**Board Action:**

On **MOTION** of **Brown**, the Board voted 3-0-1 (Bond, Barrientos, Brown "aye"; "nays"; Radney "abstentions"; Wallace absent) to **CONTINUE** the requested **VARIANCE** to increase the permitted sign display area from 88.5 square feet to 144 square feet in the OM District (Sec. 60.060-C) to the April 26, 2022 meeting; for the following property:

**LT 1 BLK 1, LA FORTUNE PARK PLAZA,**

**23302- Brian Blott**

**Action Requested:**

**Special Exception** to permit a Low-impact Medical Marijuana Processing Use in the CH District (Sec. 15.020, Table 15-2)

**LOCATION:** 1417 S HARVARD AV E (**CD 4**)

**Presentation:**

**Brian Blott**-1417 S. Harvard Ave. Tulsa, OK 74112

Mr. Blott explained that they are not doing any type of extraction and that they are allow to pre-roll marijuana currently under their OMMA Dispensary license. They are seeking only seeking the ability to buy and sell extracts and marijuana products from a business and sell them to third party businesses. Per OMMA rules this requires a processor license.

Ms. Radney asked about the difference between their business and a case that was approved a few months back on the same area.

Mr. Blott explained that they are baking and making edibles using extracts purchased elsewhere.

**Interested Parties:**

No interested parties.

**Discussion:**

No additional comments or questions.

**Board Action:**

On **MOTION** of **Barrientos**, the Board voted 3-0-1 (Barrientos, Bond, Brown, "aye"; no "nays"; Radney "abstentions"; Wallace absent) to **APPROVE** a **SPECIAL EXCEPTION** to permit a Low-impact Medical Marijuana Processing Use in the CH District (Sec. 15.020, Table 15-2)

Per the conceptual plans 10.8-10.9 of the agenda packet and subject to the condition it is only to allow resale and that extraction will not take place.

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

**LOT-9-BLK-3,SUMMIT HGTS ADDN**

**23303- Pedro Quintero**

**Action Requested:**

**Special Exception** to permit a fence or wall exceeding 4-feet in height inside the required front street setback (Sec. 45.080-A)

**LOCATION:** 10109 E 4 PL S (CD 3)

**Presentation:**

Applicant not present, the chair moved this item to the end of the agenda.

**23304- Eliot Nelson**

**Action Requested:**

**Special Exception** to permit an Outdoor Assembly & Entertainment use in the CBD district (Sec. 15.020, Table 15-2)

**LOCATION:** 521 E. 2nd Street S. (CD 4)

**Presentation:**

**Eliot Nelson-** 1008 Sunset Dr., Tulsa, OK 74114

Mr. Nelson stated the following: I'm one of the developers of the Santa Fe Square project, which is two square city blocks bound by Elgin, Greenwood 1st and 2nd street, just on the east side of downtown here. What we're looking to do is, as we develop this site, the part that is going up now, as you can see is the cranes in the air just to the east of us here, is a 12-story structure. The first six floors other than the office and lobby are structured parking and then there's six floors of Class A office space on top of that. As we developed the building we always kind of intended to screen the garage portion that sits underneath those office floors. And as we looked at the screening options for the garage, we looked at certain types of mesh that allow you to project things onto them, which would be, we talked about maybe doing art there or maybe you have the possibility of projecting a game or something else, and then as we kind of got into that and saw the costs and it's a west-facing facade, we got away from it a little bit.

And in large part because we found an LED screen system that we think would be better. And so on the west side of our building there's a plaza, it's about 22,000 square feet of plaza space. We're going to have restaurants that are in the plaza and spill out with patio seating, it'll be a large kind of public gathering spot. We intend to have a lot of festivals and other things that you can imagine. Tulsa Tough is going to go right by there, and so we expect it to be activated a lot, and so one of the things we'd now like to do is put a screen on the side of the parking garage there, instead of the mesh that we would project on, this would actually be an LED screen system. The intention would be to use it for special events, whether that be Tulsa Tough or the Iron Man when it's downtown or you text the scans, where I can imagine, the last time they ended up doing the masters or whatever.

And then also use it for intermittent art displays. I do not know if you've ever seen the AT&T plaza downtown Dallas or the screens that they use in Millennium Park in Chicago, where they have these kinds of rotating faces that go on. So it's something that we think will help activate that public plaza space on the west side of the office building. And then ringing that will be... Around the plaza, it will be retail space on the ground floor and then multifamily above it. We'll be the developer of that as well so we kind of control all those parts. And so, I am here today because when I asked development services how to permit this, the answer was, 'Why don't you go to the Board of Adjustments?' We don't really have a permit for a 30-foot tall by 50-foot-wide TV screen, so you're in.



Mr. Chapman explained that if this were deemed a sign there would be no way to permit it. This is the closest use for what has been described and it is our understanding it will not be for advertising.

Mr. Nelson explained the orientation and the intended operational time of the screen and the future plans with the development. Mr. Eliot explained that future tenant in both the office space and the multi-family property the development will be aware of the screen prior to sign in their leases.

### **Interested Parties:**

No interested parties.

### **Discussion:**

Ms. Radney indicated she felt concern regarding the intensity of the pedestrian traffic, and the compared size and scale of the proposed use.

### **Board Action:**

On **MOTION** of **Barrientos**, the Board voted 3-1-0 (Barrientos, Bond, Brown, Radney "aye"; Radney "nays"; no "abstentions"; Wallace absent) to **APPROVE** a **SPECIAL EXCEPTION** to permit an Outdoor Assembly & Entertainment use in the CBD district (Sec. 15.020, Table 15-2) per the conceptual plans 12.6-12.9 of the agenda packet.

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

**ALL OF LOTS ONE (1), TWO (2), THREE (3), AND EIGHT (8), ALL OF THE VACATED ALLEY, AND A PART OF LOTS FOUR (4), FIVE (5), SIX (6), AND SEVEN (7), ALL IN BLOCK EIGHTY-FOUR (84) ORIGINAL TOWN, NOW CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER (NE/COR) OF LOT ONE (1), BLOCK EIGHTY-FOUR (84), ORIGINAL TOWN; THENCE SOUTHEAST ALONG THE EAST LINE OF SAID BLOCK EIGHTY-FOUR (84), A DISTANCE OF 300.00 FEET TO THE SOUTHEAST CORNER (SE/COR) OF SAID BLOCK EIGHTY-FOUR (84); THENCE SOUTHWEST ALONG THE SOUTH LINE OF SAID BLOCK EIGHTY-FOUR (84), A DISTANCE OF 211.39 FEET; THENCE NORTHWEST PARALLEL TO THE EAST LINE OF SAID BLOCK EIGHTY-FOUR (84), A DISTANCE OF 29.34 FEET; THENCE NORTHEAST PARALLEL TO THE SOUTH LINE OF SAID BLOCK EIGHTY-FOUR (84), A DISTANCE OF 5.80 FEET; THENCE NORTHWEST PARALLEL TO THE EAST LINE OF SAID BLOCK EIGHTY-FOUR (84), A DISTANCE OF 102.70 FEET; THENCE NORTHEAST PARALLEL TO THE SOUTH LINE OF SAID BLOCK EIGHTY-**

FOUR (84), A DISTANCE OF 17.45 FEET; THENCE NORTHWEST PARALLEL TO THE EAST LINE OF SAID BLOCK EIGHTY-FOUR (84), A DISTANCE OF 167.96 FEET TO THE NORTH LINE OF SAID BLOCK EIGHTY-FOUR (84); THENCE NORTHEAST ALONG THE NORTH LINE OF SAID BLOCK EIGHTY-FOUR (84), A DISTANCE OF 188.14 FEET TO THE POINT OF BEGINNING.

**23306- Amy Main**

**Action Requested:**

**Variance** to allow a non-conforming lot to have less than 50% of the lot area as open space (Sec.80.020-B)

**LOCATION:** 1136 S NEWPORT AV E (CD 4)

**Presentation:**

**Amy and Doug Main-** 1136 S. Newport Ave., Tulsa, OK 74120

We are the owners of a vacant lot there in Tracy Park, and we are looking to build a home and we are wanting to build a home with a big front porch and a detached garage in the back. These are really narrow lots, 50-feet wide. This would match with what is built. There's about 68 homes in Tracy Park, and most of them are that way. The long driveway to the back has increased or decreased the green space. I did get some late breaking news, it's not as much as we thought. We're still asking for a variance, but our architect, Justin Quick with Bainbridge Designs, he was not able to be here because he's ill today. But he did have a conversation this morning with Austin Chapman and if it's okay, I just wanted to read the note that he sent to us this morning that deals with it.

He said, "I spoke with Austin at this morning, he pointed out an area of the code dealing with open space that I haven't seen before. If our interpretation of this is correct, then you are much closer to meeting the required open space than I originally calculated. It states that any parking areas located in the rear yard can be counted towards satisfying the required open space," and then he references in the Zoning Code Section 90.080-E, "The following may be counted towards satisfying minimum open space per unit requirements; Driveways and parking areas located in the rear yard of the detached house or duplex et cetera," Then he went on to say, "I have attached an updated plot plan with this parking area removed from the calculations." The plan as is still requires a variance, but with these calculations, it is only over the open space requirement by 280.5 feet instead of 877.5.

If we didn't have the long driveway with the detached garage, we would lose our big front porch and we would have to put our garage right there attached to our house, which there's no house like that in Tracy Park.

We've talked to the architect over about different configurations. I do want to also address, this is not the issue, it's the hardship is what we're dealing with in this 50% green space. When this property went on the market in August of 2020 and before

Doug and I made the offer on the lot, I actually went upstairs to Braden Cole because there was a dilapidated house on the property. Doug and I have restored houses in the past and we love historical places. We've restored one in White City and others, Owen Park, but it was so far gone that we weren't sure that we would be able to rehab it. And so we talked to Braden and he said it's not on the preservation overlay. Your setbacks are 25 feet. You can do whatever you want. And so... Okay. So that's when we made the offer on the property and after we got that, we became the owners and that was almost a year later, it was a short sale. We went to Justin and drew the plans based on the 25-foot per code. And it wasn't actually until this past week we attended an HOA meeting and several of the people there said, oh, well, we're all 40 feet back. I just double checked and there was the revision in the building code in 2015 that allows the 25 setback and our plans were all based on that. There are also quite a few supporters here. We have had at least half a dozen emails in our support and our builder was here, he had to leave because of the late hour, but there are several people here... Oh. And here's another one that just came in to support us. But anyway, our whole plan was based on that 25-foot setback and so yeah, that is the only way it's going to work, again wanting to do a big porch and a detached garage in the back.

I think you have an overhead that was sent to you by our architect that shows all the houses on the block and none of 'em really have that 40-foot setback. As you can see by the drawing they're 31, 30, and there's one at 28 feet. So there's really not that 40-foot setback being enforced in that neighborhood right now.

**Interested Parties:**

**Jenifer Cavarra** - 1218 S. Newport Ave., Tulsa, OK 74120

Ms. Cavarra stated the following: I am the Tracy Park neighborhood president and we did a petition and walked the neighborhood and got feedback from everyone and their biggest concern is the setback. Current... Their current building plans don't make meet the deed restrictions. Per our restrictions, the main portion of the residents, except for open porches, shall be built or extended within or shall not be built or extended as 40 feet front of the line. So the reference setback is including porches and not the front of the house. We're just saying if they built per their deed restriction, they wouldn't meet the requirements of the city.

Mr. Bond asked the following: So if we grant their request for relief, which is to go below 50% of the lot areas and open space and that relief is restricted to their backyard, is that going to... Assuming, and we don't do this here, but assuming that they're going to follow whatever caveat may or not be there, is that going to put them in conformity with the rest of the neighborhood as far as a front looking setback?

Ms. Cavarra replied with the following: None of our restrictions say anything about the back. We all have exterior garages, we all have the long driveways. Even as... According to the HP overlay, which we just voted in at the beginning of the year, he's only concern, Judge Porter's only concern is this matching the setback of the house.

And then I have another resident, the Vice President of the board wasn't able to attend due to a family emergency. He gave me something to read. He's actually the next door neighbor of this house. Note from Jeff Richardson says, "We live directly north of the property on which the Maines will be building their future home. My wife and I support their building the house they desire, primarily because it is not currently under the HP overlay in our neighborhood that would prevent this. I have no issue with them using more than 50% of their lot for building in concrete, the caveat being that it should not violate the deed restriction, such as I have signed the petition against the variance in its current state, because it does not appeal to the concurrent plan, sorry, to call for the setback of 25 feet from the street and all of the other houses have a 40 foot setback plus a porch. None of us could think that any of this happened, but anything other than she didn't know that there was... They didn't know that there was a deed restriction and now we're just kind of in this predicament trying to figure it out.

**Michael Brecht-Smith-** 1148 S. Owasso Ave. Tulsa, OK 74012

Mr. Brecht-Smith stated the following: I'm here to speak in support of the Maines' request for variance. Tracy Park is an eclectic neighborhood, and my front door is less than 20 feet from the street and the front door of my driveway is also less than 20 feet from the street because I'm on an angle on my property, on a corner a lot. And so to say that this design is going to somehow alter the character or style of the neighborhood is not supportable. As for deed restrictions, that shouldn't be this body's concerned, those are enforceable in court, so I don't know why we would be talking about that. There are several dilapidated properties in the neighborhood and the only way Tracy Park is going to be able to move forward and clean up those dilapidated properties is through progress like this, like the construction that the Maines have proposed. So I and my husband that live at 1148 South Newport Avenue support the variance and request that you approve it. Thank you.

**Terry Shackelford-** 1123 N. Norfolk Ave. Tulsa, OK 74012

Mr. Shackelford stated the following: I'm a real estate worker with Coral Banker, and I'm a homeowner with Tracy Park for almost twenty years. And in those twenty years I've had this type of property that the Maines have torn down next to me until just recently and they've come in rebuilding what at the end will be a \$500,000 house. The house that the Maines are building will probably be more than \$500,000. As Mr. Smith said, our neighborhood is eclectic of a lot of different houses, from Spanish to early revival, to craftsmen. This does nothing to harm our neighborhood in any shape or form. I have been a rural state recruit for 42 years, 25 years of that has been here in Tulsa. I have done everything I can to protect the integrity of our neighborhood everyday that I've lived there.

I bought this house with the vision of what's happening downtown knowing full well that my property was going to do nothing but increase in value. These properties are an asset to our neighborhood. As Mr. Smith has previously spoke, we're getting rid of houses that have been neglected that are empty, that are falling to the ground, that we

constantly fought with the city to do something about, had to file lawsuits, call the police. It's been one thing after another. I fully support this. I don't know why we're off on setback variance. It's not on the agenda today, it's irrelevant. I strongly oppose any petition that was sent around to the neighbors. We have no idea if a minor child, a house guest, a house sitter, or a homeless person in Tracy Park tennis court or in the park was paid to sign those. I have no... I guess what I'm trying to say, there's no validity to any petition that went around.

There's no way to verify those signatures and I object to them being brought in or entered into the record for this meeting. That being said, I firmly again believe that this brings value to our properties, makes it more aesthetic, more pleasing. I see no value, I've also sat on the historical preservation board in two different states. I see no harm and I fully support the Maines' project and their developing of this property and I ask that the board pass the variance.

**Jefferey Nofscar-** 1233 S. Newport Ave. Tulsa, OK 74102

Mr. Nofscar stated the following: I am the current secretary and historian and a past president of the Tulsa, of the Tracy Park Historical Neighborhood Association. I come before this board today to express Tracy Park Historical Neighborhood's and my own personal passionate concerns and thoughts concerning the BOA application number 23306, with regards to 1136 South Newport Avenue and to elaborate on those concerns and reasons we feel the application should be denied today.

Several reasons behind why Tracy Park homeowners and the residents feel this application should be denied are for the following; Tracy Park deed restrictions, current city ordinances, along with pending historical preservation overlay, zoning guidelines considered inappropriate anvil for the Tracy Park Historical Neighborhood, it does not adhere to scale, height, build in the original footprint at the former house with similar 1920s craftsmen, architectural elements, brick, aesthetics, etcetera. Setback ordinance and deed restrictions, fence ordinances and restrictions, privacy, line of sight, criminal activity factors decrease the property values for adjacent properties and the historical neighborhood itself. Size, scale, rhythm and proportion have not been met.

The Tracy Park setback is one part of that rhythm that is not met. The house structure is against the intent spirit and does not comply with the essence of the building structure nor the initial essence of the 1919 builder, developer, Tracy Park homeowner, Theodore Cox. It threatens to destroy the integrity, intent, character and the spirit of the Tracy Park Historical Neighborhood, and according to the Tulsa zoning code ordinances 70.13O-H, standards and review criteria states where no variance may be approved unless the Board of Adjustment determines that the following facts favorable to the property owner have been established: 1A, that the physical surroundings shape or topographical conditions of the subject property would result in unnecessary hardship or practical difficulties for the property owner and distinguished from a mere inconvenience if a strict litter of the regulations were carried out. Does not. 1D, that the alleged practical difficulty or unnecessary hardship was not curated or self-imposed by the

current property owner. It was. 1E, that the variance to be granted is the minimum variance that will afford relief. Not. 1F, 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 of development or adjacent property. It does.

Although we come before this board today to present and request the BOA application number 23306 to be denied, it's not our intention to because any ill feelings or dissension with this board, property owners, Amy and Doug Maine or anyone else. We have nothing personally against the property owners. We actually honestly and truly welcome them as new and hopefully long term Tracy Park homeowners and friends, but they were fully conscious and made aware of the historical significance of the Tracy Park Historical Neighborhood prior to the property's purchase, post purchase, and at the time they made the decision and choice to have the existing original historical bungalow structure demolished versus renovations, and to rebuild in the spirit of historical essence of historical trace of the Tracy Park architecture.

I would also like to bring to the attention of the board today that Tracy Park Historical Neighborhood currently has historical preservation overlay proceedings pending, which will only coincide to enhance and assist with the current deed restrictions, city ordinance and zoning. Also reminding you that the original city residential neighborhood overlay was designed and meant to protect our neighborhoods from inappropriate infill, adhere to scale height and build in the original footprint of the former house with similar architecture elements, brick, aesthetics, etcetera. In closing today, I would just like to reiterate, Tracy Park Historical Neighborhood is seeking to have this application denied today. We sincerely hope, strive to have a positive and constructive working relationship with the property owners, Amy and Doug Maine, city planners, this board and City Council in this situation and all matters. Unless the board members have any additional questions, on behalf of myself and Tracy Park Historical Neighborhood, I would like to truly thank this board for their time today, and I should probably say extended time. Thank you.

Mr. Chapman explained at the request of the chair that the City Council will be voting on April 20<sup>th</sup>, 2022 regarding the initiation of a a Historic Preservation Overlay in Tracy park. It would only be in effect later in the year the Overlay may be in effect it it is approved.

**Nicholas Cavarra-** 1218 S. Newport Ave., Tulsa, OK 74120

My name is Nicholas Kavara, I live at 1218 South Newport Avenue. I was the one that went door to door talking to people, trying to be as neutral as possible to just get a feel from everyone, so I would like to give a little bit of that results to you, based off of talking to all the neighbors, the renters, and everyone in that area. The main concern is the 40 feet and we want them to be aligned with everyone else. As far as that affect this 50/50 rule, people are okay with it. People were more, the majority people didn't really care if they added a little bit more cement, it's just more about being in line with the rest of the



neighborhood so that all the houses were exactly where they should be. That's all I want to say. Thank you for your time.

**Michael Crabbe-** 1135 S. Norfolk Ave., Tulsa, OK 74120.

They'll be my backyard neighbors. All I have to say is I've lived in this neighborhood for over 40 years, owned my property for over... And I am the largest property owner in Tracy Park. I have no problem with what the Maines are doing, nor anybody else in my neighborhood for that fact. But one thing I want you to understand is not a single house in Tracy Park is on that 40-foot setback. Everyone of them is a lot less than that, some of them are just, 15-20 feet. I've lived in the neighborhood, no problem, and I don't see any problem with what the Maines are doing. The houses on that street, most of them have property that are damaged from the construction of the inner dispersal lane, so that means they're all set then, my house is no exception. And I'll be real surprised if I can fix my house, the damage that was done by them, in order to keep it so far so good. [chuckle] But it's a fight and I know that the housing that they tore down was... You could not have done anything with it other than to tear it down, it was in really bad shape. That's all I have to say.

**Linda Lichty-** 1135 S. Newport Ave. Tulsa, OK 74120

I am directly across the street from where they want to build. My family moved into Tracy Park in 1959, so I think probably I've been there longer than anybody. I don't know where the gentleman who spoke previously got his figures or what kind of tape measure he used. We don't have anybody with that low of a setback, 15, 20 feet. I would say nearly every house has a 40-foot setback. Personally, I don't really like the idea of that much concrete going in, but I'll go with what everyone else says. But some of the things that have been said haven't really been real truthful. I just oppose a lot what's being proposed for that property right across that I'm going to be looking at. And when they had to tear it down, there were a lot of us in the neighborhood who came to watch the teardown of the beautiful house that was there. And we were told at that time, "Oh, we're going to build something that really fits the neighborhood and we'll have this nice porch and stuff" and that's not what they're doing. And I guess that's all I have to say, I'm just kind of sad. Thank you.

Ms. Main provided the following rebuttal: Thank you. I don't think there was a single person here on either side that objects to the 50%. And many who were objecting to the setback said the 50% was okay. And that's what we're here for. So I would respectfully ask to please make a decision on that. We are ready to move forward with our build, we've been waiting quite a long time. This was kind of our last milestone. So what is before you is the hardship. We would love to build a big, huge front porch on our house, a detached garage on the back like the rest of the neighborhood. Otherwise we're faced with something that would not look like the neighborhood.

### **Discussions:**

Mr. Brown stated the following: I grew up in the neighborhood. Well, 1345 South Newport, which is 20-feet above the broken area or the broken area where the fence is now. And I left the neighborhood in 1957 or '58 as a kid. I have fond memories of the quirky houses that were all so different, but that was the uniqueness to me. I went on to become an architect and I'm retired now. I like the quirkiness of the neighborhood and I think this would add to it. So I tend to support this.

Mr. Barrientos indicated his support.

Ms. Radney explained that she would not support the request based on it being a self-imposed hardship.

**Board Action:**

On **MOTION** of **Barrientos**, the Board voted 3-1-0 (Barrientos, Bond, Brown, "aye"; Radney "nays"; no "abstentions"; Wallace absent) to **APPROVE** a **VARIANCE** to allow a non-conforming lot to have less than 50% of the lot area as open space (Sec.80.020-B) Finding the hardship to be the topographical size of the lot. Per the conceptual plans 14.7-14.15 of the agenda packet. 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 because substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan, for the following property:

**LT 5 BLK 2,RIDGEWOOD ADDN OF TRACY PARK ADDN**

**23307- Ryan Neurohr, Image Builders**

**Action Requested:**

**Special Exception** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) **Special Exception** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) **LOCATION:** 6703 E KING ST N (McKinley Elementary School) **(CD 3)**

**Presentation:**

Ryan Neurohr- 4132 E. 41<sup>st</sup> St Tulsa, OK

Mr. Neurohr explained that this is a similar request that the Board has seen several times this year.

**Interested Parties:**

No interested parties.

**Discussion:**

Mr. Bond stated "Go Eagles" in support of the school.

**Board Action:**

On **MOTION** of **Radney**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; no "abstentions"; Wallace absent) to **APPROVE** a **SPECIAL EXCEPTION** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) and a **SPECIAL EXCEPTION** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) per the conceptual plans 15.11-15.17 of the agenda packet.

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

**N120 S300 E290 NW NW SW & E290 N360 NW NW SW & N510 W517 NE NW  
SW SEC 35 20 13**

**23308- Ryan Neurohr, Image Builders**

**Action Requested:**

**Special Exception** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) **Special Exception** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

**LOCATION:** 2703 N YORKTOWN PL E. (Felicita Mendez Elementary School **(CD 1)**)

**Presentation:**

Ryan Neurohr-4132 E. 41<sup>st</sup> St Tulsa, OK

Mr. Neuhror explained that this is a similar request that the Board has seen several times this year.

**Interested Parties:**

No interested parties.

**Discussion:**

None.

**Board Action:**

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; no "abstentions"; Wallace absent) to **APPROVE** a **SPECIAL EXCEPTION** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) **SPECIAL EXCEPTION** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F). Per the conceptual plans 16.9-16.17 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. For the following property:

**BEG A PT 320E SWC OF SE SE TH N990 E660 S990 W660 TO POB SEC 19 20 13,**

**23310- Ryan Neurohr, Image Builders**

**Action Requested:**

**Special Exception** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) **Special Exception** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

**LOCATION:** 6646 S 73 AV E (Grissom Elementary) **(CD 7)**

**Presentation:**

**Ryan Neurohr-4132 E. 41<sup>st</sup> St Tulsa, OK**

Mr. Neuhror explained that this is a similar request that the Board has seen several times this year.

**Interested Parties:**

**Rocky Pulsinelli- 7305 E. 66<sup>th</sup> Pl. Tulsa, OK 74133**

Mr. Pulsinelli requested the lighted sign be off by 9:00 pm. Staff indicated it would be required to per code.

**Comments and Questions:**

Mr. Bond stated "Go Stars" in support of the school.

**Board Action:**

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; no "abstentions"; Wallace absent) to **APPROVE a SPECIAL EXCEPTION** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) **SPECIAL EXCEPTION** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) Per the conceptual plans 18.8-18.17 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. For the following property:

**LT 1 LESS TR.84X383X302 & PT LT 2 NE COR.53X89X72 & STRIP IN SEC 15X290 BLK 1, PARK PLAZA SOUTH ADDN**

**23311- Ryan Neurohr, Image Builders**

**Action Requested:**

**Special Exception** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) **Special Exception** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

**LOCATION:** 5702 S IRVINGTON AV E (Key Elementary) **(CD 9)**

**Presentation:**

**Ryan Neurohr-4132 E. 41<sup>st</sup> St Tulsa, OK**

Mr. Neurohr explained that this is a similar request that the Board has seen several times this year.

**Interested Parties:**

No interested parties.

**Discussion:**

Ms. Radney Brought to the attention of the Board and applicant the letters of objection that were included in their packet.

**Board Action:**

On **MOTION** of **Brown**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; no "abstentions"; Wallace absent) to **APPROVE** a **SPECIAL EXCEPTION** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) and a **SPECIAL EXCEPTION** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) per the conceptual plans 19.12-19.18 of the agenda packet. The Board finds that the requested Special Exceptions will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. For the following property:

**NW NW SE LESS E 30 FOR ST SEC 34-19-13,**

**23312- OSAGE-Scott Pardee**

**Action Requested:**

**Special Exception** to allow a Bed and Breakfast Use in the AG District (Sec. 25.020-B, Table 25-1)

**LOCATION:** 921 N. 57th W. Ave. (CD 1)

**Presentation:**

**Scott Pardee-** 9802 E. 85<sup>th</sup> Pl. Tulsa, OK 74133

Mr. Pardee explained that he is seeking approval of a bed and Breakfast for a 6,00 square foot home that is currently being used as a short-term rental. Adding additional rental units changes the use from a short-term rental into a bed and breakfast.

**Interested Parties:**

No interested parties.

**Discussion:** None.

**Board Action:**

On **MOTION** of **Radney**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; no "abstentions"; Wallace absent) to **APPROVE** a **SPECIAL EXCEPTION** to allow a Bed and Breakfast Use in the AG District (Sec. 25.020-B, Table 25-1) per the conceptual plan 20.5 of the agenda packet.

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

**THE NW/4 OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 12 EAST, OF THE INDIAN BASE AND MERIDIAN, OSAGE COUNTY, STATE OF OKLAHOMA,**



ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT: BEGINNING AT THE NORTHWEST CORNER OF SAID NW/4; THENCE N 89° 39' 36" E ALONG THE NORTH LINE OF SAID NW/4 A DISTANCE OF 2641.66 FEET TO THE NORTHEAST CORNER OF SAID NW/4; THENCE S 00° 56' 02" E ALONG SAID EAST LINE OF SAID NW/4 A DISTANCE OF 105.00 FEET; THENCE S 89° 36' 36" W A DISTANCE OF 119.71 FEET; THENCE S 49° 40' 48" W A DISTANCE OF 101.27 FEET; THENCE S 89° 36' 36" W A DISTANCE OF 50.00 FEET; THENCE N 45° 52' 43" W A DISTANCE OF 94.14 FEET; THENCE S 89° 36' 36" W A DISTANCE OF 545.43 FEET; THENCE S 63° 14' 36" W A DISTANCE OF 193.65 FEET; THENCE S 89° 36' 36" W A DISTANCE OF 164.57 FEET; THENCE N 62° 43' 57" W A DISTANCE OF 198.11 FEET; THENCE S 89° 36' 36" W A DISTANCE OF 780.30 FEET TO A LIMIT OF NO ACCESS (LNA) POINT; THENCE S 89° 36' 36" W A DISTANCE OF 81.60 FEET; THENCE S 16° 36' 13" W A DISTANCE OF 175.62 FEET; THENCE S 04° 06' 58" W A DISTANCE OF 220.44 FEET; THENCE S 76° 59' 40" E A DISTANCE OF 402.72 FEET; THENCE S 17° 17' 23" E A DISTANCE OF 106.62 FEET; THENCE S 42° 11' 49" W A DISTANCE OF 730.10 FEET TO A (LNA) POINT; THENCE S 0° 37' 47" W A DISTANCE OF 395.00 FEET; THENCE S 15° 04' 10" E A DISTANCE OF 313.21 FEET; THENCE S 07° 20' 25" W A DISTANCE OF 251.25 FEET; THENCE S 12° 24' 24" E A DISTANCE OF 309.23 FEET; THENCE S 01° 37' 47" W A DISTANCE OF 210.63 FEET TO A POINT ON THE SOUTH LINE OF SAID NW/4; THENCE N 89° 59' 21" W ALONG THE SOUTH LINE OF SAID NW/4 A DISTANCE OF 302.90 FEET TO THE SOUTHWEST CORNER OF SAID NW/4; THENCE N 01° 31' 32" W ALONG THE WEST LINE OF SAID NW/4 A DISTANCE OF 2676.67 FEET TO THE POINT OF BEGINNING, OSAGE COUNTY, STATE OF OKLAHOMA

**23313- Ruth Delacerda**

**Action Requested:**

**Special Exception** to allow a fence to exceeding 4-feet in height in the front street setback. (Sec. 45080-A)

**LOCATION:** 7359 E 25 PL S (CD 5)

**Presentation:**

**Ruth Delacerda-** 7359 E. 25<sup>th</sup> Pl. Tulsa, OK 74129

Ms. Delacerda explained that she is requesting a fence that is 5-feet in height in the front and she presented examples of other fences of similar height in the Johansen Acres area. She explained that the fence would not be a screening fence. Ms. Delecerda did address the letters or opposition received in her case, she believed there

was not much compromise to be made because the neighbors did not want a fence even at the allowed height of 4-feet.

**Interested Parties:**

No interested parties.

**Discussion:**

Ms. Radney indicated she would not be supporting the relief

**Board Action:**

On **MOTION** of **Barrientos**, the Board voted 3-1-0 (Barrientos, Bond, Wallace, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE a SPECIAL EXCEPTION** to allow a fence to exceeding 4-feet in height in the front street setback. (Sec. 45080-A). Per the conceptual plans on page 21.9 through 21.2 of the agenda packet, and further that fence not exceed 5-feet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. For the following property:

**LT 13 BLK 10, JOHANSEN ACRES EXT**

**23315- Wayne Cates**

**Action Requested:**

**Special Exception** to allow a fence to exceed 4-feet in height inside the required street setback (Sec. 45.080-A); **Special Exception** to allow a barbed-wire fence in an OM district (Section 45.080-C)

**LOCATION:** W of the intersection of E. 75th St. S. & S. Lewis Ave. **(CD 2)**

**Presentation:**

**Wayne Cates-** 2705 N. 197 Rd. Beggs, OK 74421

Mr. Cates explained the requested relief which included increasing the permitted height to 6-feet in the street setback and allowing barbed-wire fencing around the rear perimeter. The property I used for a sports field and there is a undeveloped portion on there rear that they regular remove homeless individual who are sleeping on their property.

**Interested Parties:**

No interested parties.

**Discussion:**

Ms. Radney and Mr. Brown indicated they did not support the barbed-wire.

In order to avoid a full denial of the request the applicant agreed to splitting the vote between the two Special Exceptions so the request for the height and the request for the barbed-wire were voted on separately.

**Board Action:**

On **MOTION** of **Barrientos**, the Board voted 3-0-1 (Barrientos, Brown, Radney "aye"; no "nays"; Bond "abstentions"; Wallace absent) to **APPROVE** a **Special Exception** to allow a fence to exceed 4-feet in height inside the required street setback (Sec. 45.080-A) per the conceptual plans 22.7- 22.10 of the agenda packet and per the conditions that the requirements are met for storm water and flood plans. The exception is for the height and setback. 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.

On **MOTION** of **Barrientos**, the Board voted 3-0-1 (Barrientos, Brown, Radney "aye"; no "nays"; Bond "abstentions"; Wallace absent) to **DENY** a **SPECIAL EXCEPTION** to allow a barbed-wire fence in an OM district (Section 45.080-C) For the following property:

**PRT S/2 NE BEG 50W & 370N SECR NE TH W930 N560 E930 S560 TO POB  
SEC 7 18 13 11.956ACS**

**23318- Andy Scurto, Tulsa Oilers**

**Action Requested:**

**Special Exception** to allow a Large (>250 person capacity) Commercial Assembly & Entertainment Use in the CH district to permit a Tulsa Oilers facility (Sec.15.020, Table 15-2)

**LOCATION:** 4143 S YALE AV E (CD 5)

**Presentation:**

**Danny Fields-** 123 MLK Boulevard. Tulsa, OK 74103

Ms. Fields explained this is a former Macy's department store and the Tulsa Oiler is seeking to permit this facility as an Assembly and Entertainment space that the Oilers would use for practice and recreation space. The property would have access through an agreement for up to 2,500 parking spaces but per code they would only 410 would be required. The building will still be open to the mall, the outside will have minimal changes, the hours of operations will be 7:00 AM to midnight with peak hours in September through April, from about 3:30 PM to 9:00 PM. And then they do not plan to use the parking lot from promotions or anything like that, that could be a noise concern.

They want to try to push people into the building to see the rinks. They have done a very good job of neighborhood communication. They've sent out letters, they've had a few people come back with questions and comments, but everything seems to be pretty positive.

**Andy Scurto, Tulsa Oilers-** 6002 S. Atlanta Ct, Tulsa, OK 74105.

Mr. Scurto indicated the communication with the neighbors was all positive or was informational in nature. Mr. Scurto explained there would be multiple rinks and they would continue to play their regular season games at the BOK Center.

**Interested Parties:**

No interested parties.

**Comments and Questions:**

All Board members indicated their support for this request.

**Board Action:**

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; no "abstentions"; Wallace absent) to **APPROVE** a **SPECIAL EXCEPTION** to allow a Large (>250 person capacity) Commercial Assembly & Entertainment Use in the CH district to permit a Tulsa Oilers facility (Sec.15.020, Table 15-2) per the conceptual plans provided at the meeting. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. For the following property:

**A tract of land which is part of the NW/4 of Section 27, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, being described as follows, to-wit:**  
**Commencing at the Northwesternly Corner of said NW/4 of Section 27; thence due south along the Westerly line of the NW/4 of Section 27 for 1195.04'; thence due East for 403.60' to a point on the Northerly Right-of-Way Line of East 43rd Street South and the 'Point of Beginning of said tract of land; thence N00°00'14"E for 344.49'; thence S89°59'46"E for 46.20'; thence due North for 43.73'; thence S89°59'46"E for 286.50'; thence N0°00'14"E for 64.25'; thence S89°59'46"E for 165.25'; thence S17°25'10"E for 386.91 to a point on said Northerly Right-of-Way Line of East 43rd Street South; thence along said Northerly Right-of-Way Line as follows: S72°34'51"W for 149.29' to a point of curve, and along a curve to the right having a central angle of 17°25'09" and a radius of 405.00' for 123.13'; thence due West for 350.12' to the 'Point of Beginning' of said tract of land; City of Tulsa, Tulsa County, State of Oklahoma**

**23303- Pedro Quintero**

**Action Requested:**

**Special Exception** to permit a fence or wall exceeding 4-feet in height inside the required front street setback (Sec. 45.080-A)

**LOCATION:** 10109 E 4 PL S (CD 3)

**Presentation:** Applicant was not present.

**Board Action:**

On **MOTION** of **Radney**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; no "abstentions"; Wallace absent) to **CONTINUE** the requested **Special Exception** to permit a fence or wall exceeding 4-feet in height inside the required front street setback (Sec. 45.080-A) to the April 26,2022 meeting.  
For the following property:

**LT 16 BLK 8,ROSEWOOD ADDN**

DRAFT

**OTHER BUSINESS**

None.

\*\*\*\*\*

**NEW BUSINESS**

None.

\*\*\*\*\*

**BOARD MEMBER COMMENTS**

Mr. Bond thanked everyone for getting through the hearing.

\*\*\*\*\*

There being no further business, the meeting adjourned at 6:43 pm.

Date approved: \_\_\_\_\_

\_\_\_\_\_  
Chair

DRAFT