

**BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1315
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center Tuesday,
May 9, 2023, 1:00 P.M.**

Meeting No. 1316

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS
Barrientos Bond, Chair Radney, Vice Chair Stauffer Wallace		A. Chapman S. Tauber D. Wilkerson J. Banes	A. Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on May 3, 2023, at 3:25 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

Mr. Bond called the meeting to order at 1:00 p.m.

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

MINUTES

On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Barrientos, Bond, Radney, Stauffer, Wallace "ayes", no "nays"; no "abstentions") to **APPROVE** the **Minutes** of April 11, 2023 (Meeting No. 1314).

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NEW APPLICATIONS

23520 - Trisha W. White

Action Requested:

Special Exception to permit a duplex in the RS-4 district (Sec.5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 2,500 square feet of open space per unit in the RS-4 District (Sec. 5.030, Table 5-3)

Presentation:

Trisha W. White, 1447 North Boston Avenue, Tulsa, Oklahoma, 74106, stated that she came before them months ago and asked that we rezone this from an RS3 to RS4 to build these duplexes. She was back with the second part of this process is to ask that we get permission to construct these duplexes on this lot. But in doing so we need to get a Variance to deal with the open space requirements. We are also asking for a Variance for that reason.

Mr. Bond asked if she had the chance to talk with your neighbors to this lot.

Ms. White stated that when we initially sent out notifications to us to make the change for the zoning, we notified them that we would be coming back asking for this special exception to do the duplex.

Mr. Barrientos asked if she could please explain the hardship is for the Variance.

Ms. White stated that the hardship in this area is that older neighborhood and these lots are small. We want to maximize this space because the Unity Heritage Neighborhood Plan is asking for several types of units. We want to put this duplex there. To do that, we would not be able to meet the open space requirement because of the size of the lot. This is an in lot, so it is not a corner lot where we have any extra room. This is all with which we must work.

Mr. Barrientos asked what the square footage for the duplex is.

Ms. White stated that the square footage is two thousand square feet.

Ms. Radney asked if are vintage duplexes that were built around the time that the rest of these houses were built in this neighborhood. Do you know approximately where they are in relation to where this lot is?

Ms. White stated that there was one that was across the street. It has been torn down recently. She did not know what they were going to do with that lot, but there were several within a mile of there. There is one on Ute Street in the 500 block, and it was rehabbed. So, it is a nice new-looking structure. It is a duplex as well. The address is 517. There are several closer to Martin Luther King.

Ms. Radney stated that your thesis is that this is not necessarily something that is unusual for this neighborhood. It is just that the size of the lot and the modern restrictions of the code would make it difficult for you to be able to build something that is already organically in the neighborhood.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Wallace stated that he did not have any issues with this application. This looks like a great project for the neighborhood.

Ms. Stauffer stated that she agreed.

Mr. Bond stated that in this neighborhood he thought it is something which is with the character and spirit of the neighborhood. There were historic duplexes here. There is even one in Zion and Cincinnati too. It is a large one as well. He did not have an issue with this.

Mr. Barrientos stated that he did not have any issues with this one.

Mr. Bond stated that before we had a Motion, Ms. White had been through the wringer of applications and got a whole civics lesson on it and we thank her for patience.

Board Action:

On **MOTION** of **Wallace**, the Board voted 5-0-0 (Barrientos, Bond, Radney, Stauffer, Wallace “ayes”, no “nays”; no “abstentions”) to **APPROVE** the Special Exception to permit a duplex in the RS-4 district (Sec.5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 2,500 square feet of open space per unit in the RS-4 District (Sec. 5.030, Table 5-3), per the Conceptual Plans shown on pages 2.9 through 2.12 of the Agenda packet. Finding the hardship to be the duplex being in character historically with the existing neighborhood and the lot line.

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.

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

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

For the following property:

LOT-3-BLK-2, RESERVOIR VIEW ADDN SUB B3 ACRE GARDENS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23523 - Terrell Ellison

Action Requested:

Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5); **Location:** 2206 North Main St. and 2/2142 North Denver Blvd.

Ms. Radney stated that before the applicant begins his presentation, she wanted to make a quick disclosure. She had absolutely no foreknowledge about this item that is in front of us on the agenda today, but she was familiar with Mr. Ellison's development efforts in the city of Tulsa. She wanted to disclose that she was not going to recuse, but she did want to make that clear. Thank you.

Presentation:

Terrell Ellison, 8120 East 112 Street North, Owasso, Oklahoma, 74055, stated that the purpose of this hearing is to get a Variance on a lot. One of the four lots that he purchased was all one lot. It was sale lot 12, 11, 10 and 9. Lot 9, which is in question is going to be a duplex, a three-story duplex, all modern. For lots 12 and 11, he has distributed exhibits. He wanted to open by saying that he understands the concerns that my neighbors had. My signs say Ellison Development, E.I.G, but he plans on living in that. He is a developer trying to build in North Tulsa, creating homes that young professionals can move to. He has partnered with TDA and other sources to develop these properties. He and his wife make up E.I.G. We purchased this land, getting intent on building our family home, which is going to be on lots 12 and 11. It is a three story, and it is one of the exhibits is going to be 5000 plus square feet and a multi-million-dollar project. We sold Lot 10 to Charles Harper, to build a similar modern three-story home, which you will see in the exhibit as well. It will be a 5000 plus square feet structure as well. These projects are going to undermine or compromise this neighborhood. It is going to increase home value, and it is going to change that whole corner. That corner has been an eyesore. It has been woods, and with rodents. He has gotten approval for the two homeowners that will be directly affected. One would be Charles Harper, who is going to build a million-dollar house. Then the other homeowner next door who is directly affected, Brian Hopkins, sent a letter of approval as well. On the duplex, one side would be my daughter, who currently works for Visa and there is executive program in San Francisco will live in one and the other one will be designated for corporate living. He currently works for Williams. They moved us here six years ago, and they had to live in an apartment for six months. He saw a need. The need is for a larger home, which has good proximity to downtown. Where, executives can move temporarily for four to six months while they build or find somewhere else. They can permanently stay. The intent is to keep that property within our family. We are trying to create a legacy. His company wants to move him back to Houston. He said no thank you because Tulsa is a unique place. The hills are beautiful. He cannot wait to build our home on that property.

Mr. Bond asked him to use the pointer to point out which one is 9, 10, and 11, and which one is going to be the duplex in your proposal.

Mr. Ellison pointed to lots 12 and 11, which is this is going to be his house, and this is ten and then this is nine and a half agar that I will do the duplex on. All these structures will be modern. He did not think that he would get any objections as far as creating a multimillion-dollar property that has created tax income for Tulsa. He saw the emails, he wanted to make sure that his neighbors understood that we were moving to this neighborhood. If he were an investment company building multifamily homes and living somewhere else, he would understand. He is building his own personal home, he has no plans to derogate the neighborhood, bringing affordable housing, or any of that. In this process of building in North Tulsa, he is trying to address those issues as well. Because it is a need, and that is a whole other story. He has quite a few neighbors of support and he has neighbors who do not understand our vision in creating this. The development group is he and his wife. The supporters are Katie, and Derrick Carpenter, who sent in emails. Brian Hopkins and Charles Harper are the neighbors who would be directly affected. In that area there are several duplexes. He used the pointer to show where the other duplexes were located. He spent a lot of money clearing the lots. Once he started clearing it Mr. Hopkins thanked me for clearing it. He has talked to the neighbors, and he responded to their concerns. The single-family home and the duplex will be three stories. The floor plan is in the package. You can see the garage is on the backside.

Mr. Bond asked that on page 3.8 there is the topographic overlay, could you tell me what the vertical gain is from the top of the three-story roof. Where is that going to be in reference to the height of the house and the lot above you?

Mr. Ellison stated that the topography is a 210-foot variance.

Mr. Wallace asked what the end is when you get to the top of the property. You are thirty-two feet from the top of your property to the finished floor, but he did not know how tall the building was. Also, how tall are you proposed duplexes?

Mr. Ellison stated that it is going to be within the requirements of thirty-five feet.

Interested Parties:

Joyce G. Smith Williams, 14 East Woodrow Place, Tulsa, Oklahoma, 74106, stated that her property is kitty corner to where this duplex is supposed to be. She has lived there for 44 years. She observed when the trees were cut down and the brush was taken down, but that patch that had been spoken about was not a dumping ground and there was no observable trash in it and had lived there for 44 years. She has not had a problem with rodents either. And there has been no attempt for anyone to speak with her. Mr. Ellison said he had a letter from Mr. Hopkins, but Sunday Mr. Hopkins spoke

about opposition to this duplex being built next to him. Jarrell Key also spoke against it. Rashida Caldwell at 2125 which is directly across the street from it, spoke in opposition. Valerie Pervy, who owns the house at Seven East Woodrow Place, opposed it and there are other neighbors in the area who have also spoken of opposition. She is not in any way opposed to a single-family home being built there. She had not talked to Charles Hoffer, but she would be curious to talk with him about his position on this property and she does not live in the area now. Be curious about that. When we welcome development, even though we all hate to see the additional trees being torn down, that is all that was a tree line bushy area. It was not a dumping ground. In terms of Mr. Ellison's desire to build single family housing. He could take and have that even though that three story right there on that corner, you know that this is designed, I do not know how that would fit. For my interest, but a single-family home versus a duplex situation is a whole other story and these addresses that he is given as it relates to this area. When you talk about duplexes on North Denver St., you are going around the corner and down the street, away and closer to Pine with most of those duplexes, which he is referencing. All the neighbors she has spoken are in total opposition, including Brian Hopkins, from whom he says he has a letter.

Charles David Crisp, 2303 North Osage, Ave., Tulsa, Oklahoma, 74106, stated that he wanted to clarify the record a little bit here. A little misleading. It is not an approved complex that he could find anybody has ever had noticed that was a special exemption or anyway. It was a current complaint with the city of Tulsa that it is in non-compliance with the City Code. Another thing that clarifies the record, nobody lives in these properties. The fact that property talked about first time he heard that name with an individual it is under United Kingdom Investments, LLC. He did not even know who that was. These properties are empty. Now, the intent of this is it in the spirit of this property? This property is in Oak Cliff, plat edition. That is where my property's located. It is all RS2 on top of the hill. It is not subject to duplex Special Exemption per the 380-page codebook state that. The first two lots are RS2 demarcation RS3 is right in the middle. This is RS3, yet the RS3 as you read your code to stay in the spirit of harmony and intent of the zoning code. RS2 is bigger and wider lots versus RS3 zone codes. RS3 codes are a half-acre lot. Where is the RS2 is quarter acre lot. He did not know when this was developed but the intent of the neighborhood was single family. If he wants to build a single-family property, he is all for it. He has been in this business too. It is all about cash flow. You make an investment you must get cash flow. Two revenue streams are better than one. Everyone knows that especially when you are making a major investment. He wanted to remind you that he currently has a building permit and is building a new house on this hill.

Stanford Pape, 2422 North Denver Place, Tulsa, Oklahoma, 74106, stated that he thought one of the things that has come out is the duplex thing. But where this property is located, to get up to where it is flat, you have, you are talking almost 15 to 20 feet. The driveway will have to be about a 30-degree angle going up. Second, when you add

thirty-five feet onto another twenty feet, now you have a fifty-five, tall foot building. Anybody who lives a little above that, now looking at the top of it of a roof, they did not want to look back. Now, if you live in New York City, he could certainly understand that looking at someone else's roof. But when you live on Reservoir Hill, you tend to want to look out at the view, not at someone else's roof. He thought one of the considerations which is coming, which has not been addressed is the fact of how tall this thing is going to be. Once it is set up on a piece of property, that is already going to be about 15 to 20 feet above the street. You are not going to level it to street level and then build a three story. The second thing is all the duplexes that have been mentioned are all single-story duplexes on the flat layer. We are not talking about it, a 35-foot story or a 35-foot duplex set, going straight up, blocking other people view.

Jenny Roby, 2109 North Main Street, Tulsa, Oklahoma, 74106 stated that the northwest portion of my property is across the intersection from Mr. Ellison's proposed project. She has had the privilege to live in this community for 14 years, which is a shadow of the amount of time of many of my neighbors here. The homes in this neighborhood are single family homes. These owners have lived in this neighborhood for twenty plus years, they have enjoyed living in this tight knit, single family home community. We take pride in our homes; we take care of our properties. She could say that she is wholeheartedly in favor of developing these vacant lots that are across the street from me. She was very hesitant to feel good about a duplex.

A big part of her hesitation is as you look at this property, she agrees with what Mr. Crisp said, and she agrees with what my other neighbors have said about the elevation change and what that means to the development of a house. The way that the star intersection is set up, if you are going to have multiple families with multiple independent cars coming and going, there is no safe way for street parking to occur. There are already blind spots. If the driveway and the garage are not amenable to, you know, multiple individuals coming in and out independently of each other. That is going to be a large problem in that intersection that already has plenty of blind spots. It could be a dangerous situation. There are a few things that Mr. Ellison has said that make me feel hopeful. The fact that he has said that he wants to live there and that he needs to develop it for his own family and his daughter to live in part of the duplex. She loved all of that, but she agreed with Mr. Crisps here, that if he were to turn around and sell this property and this exemption go with the property and we end up with a with a duplex that is not in keeping with the other homes with the desired continued progress of this neighborhood. She thought they were going to regret it. As we look at this neighborhood, and as you are making this decision, she wanted them to consider that Oak Cliff neighborhood is one of the few historical neighborhoods remaining in North Tulsa. We want to preserve and protect the integrity of that neighborhood.

Ms. Radney asked what exactly a duplex represents to you that you feel is so disturbing.

Ms. Roby stated that she was concerned specifically about the amount of traffic that will happen at an already complicated type of intersection. She was a little bit concerned about the idea of it being rented out with a lot of change and a lot of turnovers. That does not happen a lot in our neighborhood. We have people that move there, live there, stay there. She did appreciate Mr. Ellison's transparency; she had not had the chance to hear what his plans were. It does give me a little bit of hope. She would want strict guidelines as to what he can and cannot do. She would really hate it if this could travel with the property if he just been determined he did not want to build and decided to sell.

Kim Dixon, 2416 North Denver Place, Tulsa, Oklahoma, 74106, stated that she agreed with what everybody has said. If he wants to build a home and live there that is great. If you can build a five thousand square foot house, you will have plenty of room for your daughter to live.

Bruce Ketchum, 2211 North Denver Place, Tulsa, Oklahoma, 74106, stated that he also sent an email in opposition to this duplex. He is directly west, adjacent to the subject He would look directly down upon a three-story rental property if it were to be built. He spent 30 years growing the forest down below me. It is expensive to build in these areas. That is why there was hesitancy to build on a hillside. Everything wants to go down the hill. He did not hear from Mr. Ellison regarding any of this. He just picked it up on the yellow side and word spread. That is why so many people from Reservoir Hill in the Oak Cliff tradition are here. The people there would not have the pride of ownership that he had when he bought the house three, four years ago. That is why the neighborhood is in such tip top shape.

Chris Kallenberger, 221 W. Woodrow Place, Tulsa, Oklahoma, 74106, stated that he had been a homeowner there at the Oak Cliff neighborhood since 1988. This neighborhood has retained its desirability and distinctiveness since it was first developed in the 1920s due in large part to its distinctive architecture. More importantly to the fact that it is single-family owner-occupied residences. It stands in stark contrast to the surrounding areas of North Tulsa. It has maintained healthy property values and new construction in recent years has included exceptional single-family residences, not rental infill. The residents of Reservoir Hill have worked for decades to maintain and improve this unique neighborhood. It would be a tragedy to have those efforts undermined by the city if there were to be a careless decision about this. He had no doubt that the developer Mr. Ellison intends to make the best project that he can. But what we all learn after living in our homes or in any building for a long time is that we are one person. The decisions that you all make today not only exceed his lifetime, or the lifetime of his residence in that duplex, it is available for him to sell. But by then the toothpaste is not going back in the tube. He would welcome his building his own home on that lot. He drives by it all the time and wonders why somebody has not built there,

but there are implications for the long term. He hoped we could all consider those and decline this request.

Rebuttal:

LaShawn Ellison, 8120 East 112 Street North, Owasso, Oklahoma, 74055, stated that the common theme is our soon to be neighbors are concerned that we are going to undermine the integrity of this neighborhood. We plan to move into this neighborhood, and we have the utmost desire to improve upon, at the very least maintain the integrity of the neighborhood. We are at the top of the hill with our single-family dwelling within walking distance would be temporary housing along with housing for my daughter. She underscores temporary housing, there is a difference between temporary housing for professional corporate residents versus what she believed her future neighbors understand this to be as a rental property. She does not want any riffraff within walking distance from my home as well as they do not. We have every intention of moving into this property. All we want to do is move in and continue to preserve the integrity of this neighborhood. We have zero intention to do anything less.

Terrell Ellison, 8120 East 112 Street North, Owasso, Oklahoma, 74055, stated that Charles Harper who lives next door to this property was with him.

Charles Harper, 1125 East 30th Street North, Tulsa, Oklahoma, 74100, stated that he was always for great things that full of great things that is going to be happening in North Texas, and he would not get a house built there if he thought it was going to be any things that will be going on it will not be suitable. He had trust in him and what he was trying to do to ensure that neighbors and the community and everyone were okay, and what we would be doing there.

Terrell Ellison stated that he wanted to address a couple of comments. The height code, we are in compliance. He is building into for the view as well. Directly behind me is woods. He does not have a neighbor behind me.

Mr. Bond stated that when he heard regulated height, which is not something that is being asked for today. The people behind you when they look out are they going to see your house and your roof?

Mr. Ellison stated that there is no one behind me, it is hills. It is all wooded. So that that That means a house that is the back of that up on top of the hill. He is concerned that do they maintain their yard maintain the trees? So that is my concern, if we are if anyone is going to have concerns about what is going to come off those woods and are they going to maintain and cut down trees, but he was not here to dispute that right now. Another thing Mr. Crisps states that he has a building the house and with a secondary house for his daughter would not be considered you know, to occupancy

help home. To him, building a second residents on one lot, how is that any different? You want to have two residents on one lot. We have addressed the height. As for the driveway, and as far as that corner he would agree that that corner creates an area where there's blind spots, but that is regarding if it is one driveway, with one home or one driveway with two homes. You are still going to have that issue. His proposal is to make sure that the driveway is twenty feet wide. So that will accommodate two cars going out or in. In conclusion, he really hoped that after seeing the plans and hearing about the vision that my neighbors, you know, would support what we are trying to do on this acre and a half tract of land, which is highly wooded, and overgrown. And to address when we were cleaning that lot. We pulled out tires and, and parts of cars, and everything else in there. He was just trying to address all the questions and concerns. Thank you.

Mr. Bond stated that the principal thing that we hear, and this is what I want everyone to be clear, we are not devoid of taste that no one wants that. We are not here to decide what looks good, what does not, things like that. It is that such as actually was with the harmony and spirit intended to code, and it is not injurious to the neighborhood or otherwise detrimental to the public welfare. The central question he is hearing is Reservoir Hills and Oak Cliff, is this something where a duplex would be out of character?

Mr. Ellison stated that if it were a one thousand square foot duplex that was going to create the word income for that area, he would agree. A \$750,000 house or duplex, he has no intent on bringing anything less than professionals, executive professionals on one side, and my daughters on the other side. It is not about the money. It is about making sure that that whole block is family oriented. That ties into the neighborhood. That is the intent.

Comments and Questions:

Mr. Bond stated that he loved this neighborhood. It is eclectic, and in a great way. The views are great, and the history of the neighborhood is amazing, too. This is a tough one for me because does he think this would be right for any duplex because he wished we had more left and right limits on here other than deciding what is injurious to the neighborhood or not. Because it would be an easy case for me if this were a small duplex or something which was not in keeping with the spirit of Oak Cliff, you bet. That would be an open and shut case, in his mind, that Oak Cliff would not be the place for that. What gives me pause and where he can truly not decide on this is the magnitude of this project. We have a large, nice house, which in and of itself, any one of these three houses, duplex or not, would be something which I think anyone would think would be a good contribution to the neighborhood. We also have a stakeholder here. It also gives me pause that this does run with the land. Once it is sold, you will have a

duplex. You would have a large duplex though. He was interested to see if anyone had an opinion on the board to see if they could pull me one way or the other.

Mr. Barrientos stated that he sees that it is going to be injurious to the neighborhood. That is what we are voting for. On a duplex. This might be a question to the city. By right can you build a single family with an ADU on it?

Mr. Chapman stated that it would require a Special Exception If they wanted to, this lot is well beyond the size limits of RS2 that they could split it if they chose to do two single family homes on it.

Mr. Wallace stated that he thought the terrain limits that unless you have separate structures for one reason, they went up too.

Ms. Radney stated that this is the least injurious way to accomplish what you are getting at Mr. Barrientos. She had thoughts on this. Those who know me will know that she advocates strongly for historic preservation. She believes in the integrity of neighborhoods. She believes in the necessity for style guides, which we do not have outside of historical overlays in the City of Tulsa. She says that as a person who grew up in California. When people talk about Thousand Oaks, it is because you cannot cut the oak trees down. When you go to Santa Barbara, you see the red clay tile, but that is a style guide. As a child of Ventura County, she has always referred to the new construction at the top of Reservoir Hill as the mountain style houses. She calls them that, because as a realtor, when people from out of town come here and they are having a good time downtown, they look up and they see those mountain style houses. One of the things that she also known as a Californian, is that when you are building on steep banks and she is a geophysicist by training, a geotechnical engineer, specifically, when you are building on steep banks like this, oftentimes you do have to build vertically. And it is not just because you want the height, sometimes it is because that is what you need to get a good stable footing for that structure on a steep hill, and it is quite steep here. She had asked the applicant about a different property. And it turns out it is not on this section, but it is down near where Elwood comes up, and it hits Victoria. The way that property that is sits there, it has a garage on the ground floor and has a walkout deck and then two-story house above it. It is quite different from the bungalow style houses that are just below it on Elwood, and she imagines that the folks in those bungalows were not ecstatic about it. This is Oklahoma, where property rights reign, king or queen, for better for worse. She would also say that typology, like the type of structure, does not make for a neighborhood. As an African American person sitting on this Board, she was keenly aware of the ways in which we have used the zoning code and the categories in the zoning code to include or exclude people, as opposed to matters of living. She wanted to say that, and then add that a duplex is still a home to somebody. The fact that one might live in a home for six months versus 60 years does not make it any less of a home to them. She thought that we as Tulsans, are

envisioning the growth and development of North Tulsa where there is a huge abundance, often not for the good, of buildable land. It is a mere happenstance that there is as much raw land and vacant lots in this part of the city. That is also by design. As we look at the development of that has old and new citizens of the district, we must consider the fact that we do not want to repeat the same mistakes that we made before. She says that to say that there's real estate, and then there's housing, which is a category of a structure. And then there are homes and neighborhoods made by the people who live in the houses in a neighborhood. She does not agree with the idea that duplexes by nature degrade a neighborhood. I live in a neighborhood that is extremely eclectic and has always been eclectic. It is near Parkside. One of the things that we have always understood about our eclectic neighborhood, which is made up of all diverse kinds of typologies. You know, she lives in a single-family home, they are duplexes in quad plex's and its historic. We welcome all the people, and the rest of the city probably appreciates the fact that we are very gracious to many of the people who would otherwise be homeless or suffering from some kind of chronic mental illness who have who live in housing has contracted by many of the mental health associations and those neighborhoods are perfectly fine. She loves her neighborhood and would not want to live anyplace else. Whether the house is five thousand square feet, a million dollars, one thousand square feet, or \$10. The question in this case is does it suit the land? Is it a good plan in terms of the kind of construction that they are proposing? She did hear the question about the safety issues. Those who follow this board know that she does have a concern about congestion when we are putting duplexes, and small neighborhoods. But outside of that, the massing of this duplex is going to look so much and so like the houses that are actually adjacent to it, that are being built by the same developer. They are going to be complementary in design. If we were to really zoom out and look up at the hill, they are going to be more in keeping with what has been new construction, that does not comport to the interesting bohemian style of construction at the top of the hill. We are not here to judge the aesthetics of it. She still does not see that it is detrimental to the neighborhood. Then lastly, yes, we have approved a large, second building. That was a structure that was housing for a family member, not far away from here, but she thought the ADU was bigger than the house. What we recognized in that discussion, and what we recognize here is just like we have all watched the HGTV show where you know out of Canada, where people have the income property in the basement, and everyone thinks it is great. The millennials of this day, who are often unable to buy a house, because of the way in which we build houses and price houses today would probably be here, if we had invited them saying I would love to buy a house with an income property attached to it, because that is the wave of the future for housing. Again, when she asked herself, does it, even in terms of the way that people would live in the neighborhood, does a duplex, even if it were sold to a non-family member, is that still by definition of changing the character of the neighborhood? She is back at No. And then as variants were pointed out, week after week, we approve mother-in-law suites, and ADU because that is the direction that the city has suggested to us that makes sense in a modern city where we would have more density, not in

small measure to sort of overturn the legacy of single family residence zoning. So that is my opinion about all of that, Mr. Chair.

Mr. Wallace asked if the renderings that we had a chance to see had been shown to the public.

Mr. Chapman stated that he thought that the only thing in here that really was not included in your packet was the actual floor plans. The rendering was included in what was available for the public model, but not the single-family homes.

Mr. Wallace stated that kind of changed my perspective a little bit, personally. Because that is one thing that he struggled with, because we talk about ADU's, and we talk about duplexes. At the end of the day, they are the same thing, but it is terminology and buzzwords here, and it is a large unit or residence. He did not know what the square footage was on this, but it was three- or four-bedroom, with a garage. The rent is not going to be low. He thought by saying all those things and in a different way that were presented. It is the perceptions of what multifamily resident, residential duplexes, and accessory dwelling units' how that lean is just perceived differently. There is nice contemporary modern architecture around it, and he does have any issues with that. That is not what we are here to look at. He still honestly was on the fence on this, but because he was not hearing support from the neighborhood from one side, this is something that Tulsa desperately needs right now. We need a movement in this direction. And we need people to see how it is going to benefit our city. That is where he was standing now.

Ms. Stauffer stated that she felt like Tyler and felt a little bit on the fence about it. The fact that the plot of land is so large, and that two houses to two separate houses could easily fit on it in her mind helps her think that a duplex is fine. She did not think that the duplex was injurious to the neighborhood in and of itself. We are not talking about multifamily here. How they intend to use the duplex is not what we are here to talk about today, which is mostly where we heard the opposition. But that is not really what we are here to discuss.

Mr. Bond stated that the vice-chair, as she often does, has made a persuasive argument to me. He lives in an over 100-year-old house, he knows all your pain of remodeling what it takes to keep one of those going. We are under HP. He can think of five duplexes in my neighborhood, that they do not really notice, because they have been tastefully maintained. He would not support something which would be out of character for the size, the trajectory of this house in this neighborhood. If something comes up here, that would not be to the scale and character that this design is he would not support that. On this board. We have seen what the City Council has wanted, but as was pointed out, more infill. One of the ways we have seen that is through the code being modified to allow for accessory dwelling units, and people live there. We can sit

here imagine how not trying to be in any way insensitive to the kinds of concerns of the neighborhood something which could really be worse here. That would not come in front of us that they could do by right. He thought compared to what someone else can do. It makes sense to me, and he thought it was a great plan. He did want to note it in the minutes that he would view any kind of future proposals for Oak Cliff, Reservoir Hill, very skeptically when it comes to any type of multifamily housing, for duplexes. He did think for this case, the applicants put work in here. There is time, investment, and he did not think it would be injurious to the neighborhood. He hoped in a few years after a couple of Fourth of July barbecues with the neighbors he hoped you all agree with me too.

Someone in the audience said out of order that there is just not a single duplex on top.

Mr. Bond asked him politely to stop talking and ask for Staff to see security please.

Ms. Radney stated that she was a yes, but she was going to defer to someone else on the board to make a Motion.

Mr. Bond stated that people are enthusiastic about this because it is a great neighborhood. It really is. The thing to worry about would be if people were not here. Given it is a great neighborhood he wished nothing but the best for you whatever this vote turns out to be.

Mr. Wilkerson stated that before it gets to the actual motion, he thought that including the basic idea that the site plan shown on 3.9 is okay. He liked where you are headed with that, but he would like to just raise caution to the idea that the grading concept as shown here, is not likely to be actually accurate for what could be built there. If part of this conversation is to define the finish for the first floor, and then let them figure out how to deal with grading and retaining walls and all that there is detail that is not accurately shown on 3.9. He would just throw that out there. He was happy to dig deeper if the Chair would like to, but he thought the idea of not allowing a finished floor above what is shown on the conceptual plan, and then ignoring the rest of the grading illustrations that are shown would be helpful to the Building Permit Office.

Mr. Bond stated that he thought it was a great point. He said that his vote is tied to the magnitude of this project, and the level of investment on this project. If you can help us encapsulate that in a Motion, for what exhibits to include conceptually at least, would you have any suggestions on how to include that?

Ms. Radney asked Mr. Wilkerson she was assuming that that was why we do not actually have a site plan showing all three on it.

Mr. Wilkerson stated that he thought the idea of the site plan for all three lots is not really part of this conversation, we need to keep our focus on the site where the duplex is shown. That site plan is in your packet in the packet on page 3.9.

Mr. Wallace asked if Mr. Chapman would pull up page 3.8.

Mr. Wallace asked Mr. Wilkerson if he was basing it off this finished floor.

Mr. Wilkerson stated that the idea of referencing a site plan that illustrates the footprint of the building is fine. Showing the driveway and that kind of stuff was super important for this concept. The finished floor elevation that is shown here is good. But he would hate to see the building permit office or developer, or anybody look at this grading plan, and think that is how it is going to be built. Maybe if you want to reference 3.8 and identified the floor elevation but exclude any concept illustration of the finished grading. I do not want the building permit off to think that the grading must look like that. There could be less grading. We do not like you just mentioned, we do not do a lot of hillside development. He did not want to put the perception that this is the grading plan that is going to happen. The retaining walls can be taller, like how multiple retaining walls there are solutions that can be integrated into the site that I just to be careful about how we do that.

Ms. Radney asked to let her make sure that she understands this. On 3.3, this is the boundary just for lot nine, or is this the boundary for the other lines as well?

Mr. Chapman stated that it was for only lot nine.

Board Action:

On **MOTION** of **Wallace**, the Board voted (Bond, Stauffer, Wallace, all “ayes, Barrientos’s “nay”, Radney “abstained”) to **Approve** a Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5); per the Conceptual Plans shown on pages 3.7 and 3.9 of the Agenda packet of which the site plan on 3.8 illustrates the approximate footprint and elevation of the new structure.

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 9 BLK 3, OAK CLIFF ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23524 - Lorena Medrano

Action Requested:

Special Exception to allow a Large (Greater than 250 person-capacity) Commercial Assembly & Entertainment Use in the IL District (Sec.15.020, Table 15-2)

Presentation:

Lorena Madrona, 5833 21st, Tulsa, Oklahoma, stated that they did not know what happened or why they were there or why the facility was closed. Victor Gaitan and she are coaches, and he also rents the facility. The only thing that we do in that facility is play soccer. We help the kids to get off the streets to come in and play soccer. She thought that the most concern was that there were other people going through them to the other neighbors. But we did not know that was happening until the lady brought it up. She came over and told us that that was happening. That is when she brought it up to you here to the City of Tulsa. That is when they came to shut it down. Now we are waiting for the approval if we can come back and play in the facility. The biggest concern was that somebody was going through the back. She thought it was the people beside us. There are people hanging around there. She did not know if it was homeless going back there. To be honest with you, it is not us. We come in we park, we get dressed, and we go to the field. It is not just the kids that come but also adults who come out there and we just play soccer. That is all we do there. We do not cause any trouble. We do not do anything else or people stay inside the facility, which is 250 capacity that can be in there. We only have sometimes probably like sixty people less maybe. She is coaching on one side, and then the other coaches on the other side, or we all divide up, or half of the field we have half of the field just depends on the other days, because sometimes it rains. We use the facility. When it gets cold outside, we use the facility. Whenever the time changes, we use the facility. It is really affecting us when all these rainy days, or kids have slowed down. They are playing video games again. We are also trying to help them to get out of the streets and fight against obesity. We are not doing anything wrong. We are playing soccer, trying to stay healthy, trying to get our stress out. We just want to help the Hispanic community. There are a lot of kids that play at high school, and they come out there and just have fun. We had a case that one of the kids that he was doing drugs, somewhere else. We try to help them. He was a great soccer player. Then he started doing drugs that we brought him back. Now he is doing great. Now he is staying away from the games and all other things from crimes and stuff like that. We are trying to help the kids to just stay away from trouble, stay away from doing bad things out for them, and to stay in good shape and everything.

Mr. Bond asked if they regularly have more than 250 people.

Ms. Medrano stated that they did not. Sometimes they get like twenty-three kids or less, it just depends on their parents too. The other coach sometimes gets about fifteen kids,

and then maybe the parents. Sometimes the parents come, sit there and watch. Nobody else is going back there. She did apologize for what was going on. We are trying to help. The neighbor said that she loves what we are doing with the kids. She has had conversations with this neighbor. She said she approves of what we are doing with the kids around there. If we do get the approval again, we are going to try our best to help with what is going on in the back, we can put a thicker fence or something to prevent them going back there. It has a gate they just keep jumping over it. We are going back there.

Ms. Radney asked if she could show us on the map where that activity is that you think has caused the problem.

Ms. Medrano pointed to the building and stated that it was in the back. There are only two houses and a gas station behind the facility. There were homeless people at the gas station asking for money. We cannot prevent from them jumping. We can try to do our best to put something on the top or we can produce something. It is not the kids jumping.

Victor Gaytan, 1166 North Birmingham Pl., Tulsa, Oklahoma, 74110 was there speaking with Ms. Medrano.

Interested Parties:

Katie Morgan, 1443 North College Avenue, Tulsa, Oklahoma, 74110, stated that the house belongs to her mother, and she has health issues, and she was her Power of Attorney. She came to speak on both of their behaves because this is directly behind this and really, she was not understood what they were asking. She did not want to 250 people directly on this property straight up to our backyard. Her concerns were vehicle traffic and crime. If there is going to be a large group there, it is an invasion of our privacy to be that close to this and have that many people.

Mr. Bond asked if she could show him with the pointer where your house is located. Are you aware that your back fence line borders RS3, and on the east side of your back fence line is Light Industrial.

Ms. Morgan stated that she did understand that zoning. She did not understand any of it. Our biggest concern is the number of people going back there. It is quite right there. Next to this building is a John 3:16. There is the riffraff on the corner with the gas station. But we do not want to be affected by noise and traffic. Anytime you have a large group of people, you there is a potential for violence. She just was saying one of the kids was on drugs. She did not want that behind my house either. She understood that they were trying to help the kids.

Rebuttal:

Ms. Medrano stated that we have helped all these kids. The kids that she coaches are small. They are not doing drugs. We did help this kid, but it was just one kid. He is no longer doing all any of that stuff. We helped to get him away from bad things like thinking about doing bad things. We are a very healthy club. None of the other kids do any drugs. She and Victor Gaytan have been in this for a long time. She has been playing soccer for almost 16 years. She also is a referee, so she gets background checked, he gets background checks and to work around the kids is like a serious thing with the State of Oklahoma and she thought she understood where Ms. Morgan was coming from, that she does not want 250 people around her. We never have 250 people, which is just the capacity for that building. We randomly have 36 to 37 people there. If she is concerned about the noise, we just come in, we play inside the building, and there is no noise. There are a car lot there, and they do play music, but it is not us.

Mr. Wallace stated you are doing is great with the kids, and we really appreciate it. We understand your perspective on that, or at least I do. To follow the story, you all have been playing in here and then got a citation or how did that work? How did you all end up here?

Mr. Gaytan stated that the last time we came here was for the capacity building, because we play with only a few players. He thought needs to change to set what most people will want can proceed. We usually do not have twenty people there; we play with only a few people.

Mr. Bond asked if the City could weigh in on this. We understood it, is there a reason they need 250?

Mr. Chapman stated it is zoned industrial. They will require a Special Exception whether the capacity is above or less than 250-person capacity. This building, just by the size of it, the capacity is rated for over 250-persons. Commercial Assembly Entertainment use requires a Special Exception industrial.

Ms. Blank asked Mr. Wallace if he was asking whether you could condition, and she thought that would be possible.

Mr. Chapman stated that it is awkward, but he thought that would be fine.

Mr. Wallace stated that if they ever do, they come back.

Ms. Radney asked how long you have been playing soccer at this location.

Ms. Medrano stated that they had been there about three years. We started at Springdale, the one that was over here, and then we moved to max Maxwell Park. Then

he decided to get this building so we can have it for the winter, and for all other occasions.

Ms. Radney stated the biggest reason that this was this building itself was attractive is that it was big enough to play in. There are not a whole lot of parks or other facilities that you would have access to that are big enough for soccer that these kids could walk to, is that correct? Would you feel comfortable if we were to limit the period for your Special Exception to say 10 years where at the end of a decade, you would have to come back and ask again? She was not necessarily as concerned about a few people as she was the type of use because you could have a nightclub. You do not want a nightclub. We specifically talked about youth and young adult sports.

Ms. Medrano stated that yes, she would agree to 10 years. We play against other teams, which are recreational from Mannford and all-around Oklahoma. This weekend, we are going into a tournament. We are trying to get prepared. But those rainy days affected us. People have asked when are you open indoors?

Ms. Radney asked if they will be trying to have tournaments there where you might have other teams come into play or is it just going to be a practice?

Ms. Medrano stated that it is just a practice facility.

Comments and Questions:

Mr. Bond stated that he would be highly inclined to support it if they did not have tournaments there. He had to say, the irony is not lost on the air. If you talk to the homeless folks that are at issue right now, on the corner or behind you, he could almost guarantee you that they did not have a Coach Medrano or Coach Gaytan in their lives and that is why they are there. He had no problem at all voting for something that is saving kids' lives, it is great. Youth competitive sports is what is lacking in this country, and he could not thank you enough for doing what you are doing. He did not see that this would be larger than the 250-person capacity. If you look to the south, that looks like there is a very large-scale industrial facility everywhere here to the south, and the southeast. This would be less invasive to the back of a neighborhood there and would be something which would be great for that neighborhood to give those kids an outlet. If we tie it to the use of a Youth Sports Complex, he will support this.

Mr. Barrientos stated that he was in support of this and appreciated what you all do.

Ms. Stauffer stated that she would agree. She was supportive of this. She thought that industrial buildings that are not being used are perfect for this type of use. We have seen it in gymnastics gyms and other places and other industrial areas that she has taken her kids to. She did not think this was out of character. It would be prohibitive cost wise to build a similar facility. That is not lost on me.

Ms. Radney stated that she wanted to make one more comment, because in the packet, it does outline the building that they are in. It would apply to the whole property. She would not be inclined if we were all in agreement not to limit it to this building per se, but to limit it to youth and amateur sports uses commonly. Are they required to screen the back?

Mr. Chapman stated that they are required to screen with a six-foot privacy fence at the minimum.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Barrientos, Bond, Radney, Stauffer, and Wallace all “ayes”, no “nays, no “abstentions”) to **APPROVE** a Special Exception to allow a Large (Greater than 250 person-capacity) Commercial Assembly & Entertainment Use in the IL District (Sec.15.020, Table 15-2), per the Conceptual Plans shown on page 4.8 of the Agenda packet. The conditions are that it will be a 10-year term and it is for a Youth and Amateur Sport complex.

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:

E10 N166 W331.24 & S240.5 W331.24 BLK 1, HAW INDUSTRIAL SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23525 - Jason Mills

Action Requested:

Special Exception to allow a college or university use in the RM-1 District (Sec.5.020, Table 5-2) **Location:** 8408 S. Delaware Ave.

Presentation:

Jason Mills, 8903 South 39th West Avenue, Tulsa, Oklahoma, 74132, stated that he was representing Oral Roberts University. We have an existing 27,000 square foot vacant building on the south end of campus, just southeast of City Plex Towers. It is bound on the south and west by multifamily. It is just an extension of campus. That is looking forward to the future. We are repurposing this for the biology department, relocating them from basement facilities in the General Learning Center, and bringing them across the street so that they can have their own building. It has five lecture labs, and one large lecture environment with a shared area. They are going to be bringing students across by bus on a day-to-day basis to fit their schedules. It is just a combination of faculty and student space and reusing this building. It was previously an Early Learning Center, and then two business uses. By building code, we are not changing the use is a zoning code issue where we are just trying to allow it. This piece of property is not yet part of the campus zoning, if you will. It is still part of the multifamily that was originally planned to grow north.

Mr. Bond asked if there has been any progress made on the zoning change for the campus.

Mr. Mills stated that they have worked on, but he did not know anything about the timeline. They have gotten processes underway, but this project has come before unfortunately, they got everything taken care of.

Mr. Wilkerson stated that this site is outside of the boundary of the Master Plan Development, that City Council have approved that Master Plan Development. They are the last part of that is the subdivision compliance part. Now they are working through that process now that the zoning is in place for the primary campus footprint that was not part of that.

Interested Parties:

No interested parties were present.

Comments and Questions:

Ms. Radney stated as a former Natural Sciences major it is always wonderful to get out of the basement to be able to be able to see the sun. Like the philosophy majors and English majors. It is a wonderful thing.

Mr. Wallace and Ms. Stauffer both stated that they had no objections to this matter.

Mr. Wilkerson stated that he kept going back to page 5.8, he thought it would be best if we excluded it from the Motion. The reason is there is a large PSO power station that is included on that site plan, and we are not trying to approve that are only. So, 5.7 shows the area about which we are talking.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Barrientos, Bond, Radney, Stauffer, and Wallace all “ayes”, no “nays, no “abstentions”) to **APPROVE** a Special Exception to allow a college or university use in the RM-1 District (Sec.5.020, Table 5-2), per the Conceptual Plans shown in the agenda packet.

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

PRT LT 1 BEG 663W & 986.05N SECR TH E320 S500 W320 N500 POB BLK 1; PRT LT 1 BEG SECR TH W663 N986.05 E663 S986.05 POB LESS BEG 663W & 986.05N SECR TH E320 S500 W320 N500 POB BLK 1, ORAL ROBERTS UNIVERSITY HGTS 2ND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23526 - Conner Von Holten

Action Requested:

Special Exception to allow a Large (Greater than 250 person-capacity) Commercial Assembly & Entertainment Use in the Central Business District (CBD) (Sec.15.020, Table 15-2) **Location:** 924 S. Boulder Ave. **(CD 4)**

Presentation:

Corey Taylor, 924 South Boulder Avenue, Tulsa, Oklahoma, 74119, stated that they to convert this historic 100-year-old property into a venue. We have 126 parking spaces and there is a 14,000 square foot facility. We have spoken with all our neighbors in the area. They are excited about what we plan to do. We have a large, unhoused population in the area. This property has kind of been sitting, not necessarily vacant, but the church was only using it one day out of the week. They see opportunities to increase that amount of activity in the area and the traffic in the area with what we plan to do, which is to convert it into a venue. venue space.

Mr. Bond stated that they were saving the building.

Mr. Taylor stated that they were saving the building, keeping all its architectural integrity, nothing is changing inside. We are just adding technology, repainting it, bringing in new flooring and bringing it up to code.

Mr. Bond asked if they thought there would be any issue with parking.

Mr. Taylor stated that our events will be happening after business hours, and we have 126 spaces in the other parking lot and parking lots in the area that we would also be able to utilize.

Ms. Radney asked if all the activities would be inside.

Mr. Taylor stated that the activity would be inside.

Mr. Bond stated that like the discussion on the previous item if we grant relief to use this for the venue there will be other additional permits per event if you do something outside or something else like that.

Ms. Stauffer stated that we do two letters in favor.

Interested Parties:

No interested parties were present.

Comments and Questions:

Ms. Radney asked if they wanted to do this in perpetuity.

Mr. Bond stated that he thought it was a church and whatever use they have with that will continue. He did not have a problem with it being in perpetuity. Anything less than 10 years would give him heartburn.

Ms. Stauffer stated that she did not have any issues with it being in perpetuity.

Mr. Barrientos stated that he would not either.

Mr. Wilkerson stated that indoor and outdoor gathers, the only reason he would bring it up is that there is a distinction in our zoning code between the two and it is helpful to be clear that it is either one or both. The concept plan referenced both.

Mr. Bond asked Mr. Taylor if there was an outdoor portion to this.

Mr. Mills stated that there was an outdoor portion to this. Outside we have an area for pre-hosting and post-hosting. We would like to be able to do both if it is well within our business plan to do both.

Mr. Bond stated that he did not have any objections to this matter. He would support outdoor use of this as well.

Ms. Blank stated that she and Mr. Wilkerson were discussing the outdoor portion being noticed.

Mr. Chapman stated that it was noticed it as a as a 250+ person capacity.

Ms. Radney stated that we do not approve of the parking lot area for an outdoor assembly. We are just approving the boundary that was noted that was included in the grassy area, but not the parking lot itself.

Mr. Chapman stated that it was just the lot with the building. They noted that they have access to the other lot. They are under the same ownership, but they are two separate lots.

Board Action:

On **MOTION of Stauffer**, the Board voted, 4-0-1 (Barrientos, Bond, Radney, Stauffer all "ayes", no "nays", Wallace "abstained") to **APPROVE** a Special Exception to allow a Large (Greater than 250 person-capacity) Commercial Assembly & Entertainment Use in the Central Business District (CBD) (Sec.15.020, Table 15-2), per the Conceptual Plans shown on page 6.5 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:

LTS 3 & 4 LESS ST BLK 192, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

DRAFT

OTHER BUSINESS

None

NEW BUSINESS

None

BOARD MEMBER COMMENTS

Ms. Radney stated that the Board really do appreciate that the public cares about these matters that impact their neighborhoods and the city. We do want to acknowledge we hear all their voices. We do not always agree with them, but without having heard them we would not be able to form their decisions.

There being no further business, the meeting adjourned at 3:17 p.m.

Date approved: _____

Chair

OTHER BUSINESS

NEW BUSINESS

DRAFT