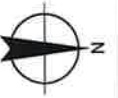


BOA-23019

19-13 26

6.1



PUD 661

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E 53 ST S

S 77 E AVE

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RS-3

CDP-53

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PUD 661

SUBJECT TRACT

BOARD OF ADJUSTMENT CASE REPORT

STR: 9326

Case Number: **BOA-23019**

CZM: 48

CD: 5

HEARING DATE: 10/27/2020 1:00 PM

APPLICANT: Carolyn Back

ACTION REQUESTED: Amendment to remove Lot 1, Block 11 Park Plaza Seventh Amended Addition from Community Development Project -53 (Sec. 30.020-C)

LOCATION: 4821 S 72 AV E

ZONED: RS-3

PRESENT USE: School (Dove Academy)

TRACT SIZE: 378202.54 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 11, PARK PLAZA SEVENTH AMD

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-20995; on 11/10/2009 the Board **approved** a *Special Exception* to permit school use (Use Unit 5) in an RS-3 district;

BOA-17486; on 8.27.96 the Board **approved** a *Special Exception* to permit a church in an RS-3 district to occupy an abandoned school; per plan submitted.

BOA-12618; on 6.2.83 the Board **approved** a *Special Exception* to permit Bates Elementary School to be used as a junior college by the Oklahoma College of Business and Technology.

BOA-11909; on 4.29.82 the Board **approved** a *Special Exception* to permit a children's day care nursery in an RS-3 district.

BOA-6173; on 04.07.70 the Board **approved** CDP-53 which identified this property to be used as institutional use to include an elementary school.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Neighborhood" and an "Area of Stability".

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area

while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c of S 72nd E. Ave and E. 49th St. S.

STAFF COMMENTS: The applicant is requesting an Amendment to remove Lot 1, Block 11 Park Plaza Seventh Amended Addition from Community Development Project -53 (Sec. 30.020-C)

Section 30.020 CDP, Community Development Projects

30.020-A General

CDP was the predecessor of PUD zoning. Before adoption of the city's 1970 zoning code, which created the PUD district, the board of adjustment had authority to approve site-specific CDPs.

TULSA ZONING CODE | July 1, 2020
page 30-7

Chapter 30 | Legacy Districts
Section 30.020 | CDP, Community Development Projects

30.020-B Expiration and Lapse of Approval

Pursuant to Section 204 of the 1970 zoning code, all CDPs approved by the board of adjustment before 1970 effectively expired on June 30, 1975 except those extended by the board of adjustment or for which building permits had been issued or construction had commenced in accordance with the terms and conditions approved by the board of adjustment. The following CDPs have expired pursuant to this provision and are now governed by the zoning district regulations that apply to the subject property: CDP01, CDP02, CDP03, CDP04, CDP05, CDP06, CDP07, CDP08, CDP09, CDP10, CDP11, CDP12, CDP13, CDP14, CDP15, CDP16, CDP17, CDP18, CDP19, CDP23, CDP24, CDP25, CDP26, CDP27, CDP28, CDP30, CDP31, CDP32, CDP34, CDP35, CDP36, CDP37, CDP38, CDP39, CDP40, CDP41, CDP42, CDP43, CDP44, CDP45, CDP46, CDP47, CDP48, CDP49, CDP50, CDP51, CDP52, CDP55, CDP56, CDP57, CDP58, CDP59, CDP60, CDP61, CDP62, CDP64, CDP65, CDP66, CDP67, CDP68, CDP69, CDP70, CDP71, CDP72, CDP73, CDP74, CDP75, CDP76, CDP77, CDP78, CDP79, CDP81, CDP82, CDP83, CDP84, CDP85, CDP86, and CDP87

30.020-C Active CDPs

The following CDPs remain active and are governed by the terms of the CDP approval granted by the board of adjustment: CDP20, CDP21, CDP22, CDP29, CDP33, CDP53, CDP54, CDP63, and CDP80. Proposed changes and amendments to active CDPs require a public hearing and approval by the board of adjustment.

The applicant is seeking to repurpose this property for various senior services. In researching this property staff became aware that CDP-53 was still active on this property and is governing its uses. Should the Board choose to amend this CDP, the subject property would become non-conforming and be subject to the use regulations of the RS-3 District. The applicant has made an application to re-zone this property from RS-3 to OM with an Optional Development Plan and is requesting the amendment be contingent on that zoning approval. Included in your packet are comments from the applicant.

SAMPLE MOTION:

Move to _____ (approve/deny) an **Amendment** to remove Lot 1, Block 11 Park Plaza Seventh Amended Addition from Community Development Project -53 (Sec. 30.020-C)

Subject to the following conditions:

- That the amendment only go in to effect should the related zoning case, Z-7582, be approved by City Council (condition requested by applicant).
- _____.

S 00°03'41" W ALONG SAID EASTERLY LINE AND ALONG THE WESTERLY LINE OF "COLLEGIATE SQUARE" FOR 393.35' TO A POINT THAT IS THE SOUTHEAST CORNER OF THE SE/4 OF THE NW/4, SAID POINT ALSO BEING THE NORTHEAST CORNER OF "INNOVARE PARK", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA; THENCE S 89°56'34" W ALONG THE NORTHERLY LINE OF "INNOVARE PARK" AND THE SOUTHERLY LINE OF THE SE/4 OF THE NW/4 FOR 845.12'; THENCE N 00°03'58" E AND PARALLEL WITH THE WESTERLY LINE OF THE SE/4 OF THE NW/4 FOR 200.00'; THENCE S 89°56'34" W AND PARALLEL WITH THE SOUTHERLY LINE OF THE SE/4 OF THE NW/4 FOR 475.00' TO A POINT ON THE WESTERLY LINE OF THE SE/4 OF THE NW/4; THENCE N 00°03'58" E ALONG SAID WESTERLY LINE FOR 225.00'; THENCE N 89°56'34" E FOR 100.00'; THENCE N 00°03'58" E FOR 50.00'; THENCE S 89°56'34" W FOR 100.00' TO A POINT ON THE WESTERLY LINE OF THE SE/4 OF THE NW/4; THENCE N 00°03'58" E ALONG SAID WESTERLY LINE FOR 848.71' TO THE NORTHWEST CORNER OF THE SE/4 OF THE NW/4, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF "VALLEY CENTER ADDITION", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA; THENCE N 89°57'29" E ALONG THE NORTHERLY LINE OF THE SE/4 OF THE NW/4 FOR 1320.02' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

Case No. 20995

Action Requested:

Special Exception to permit school use (Use Unit 5) in an RS-3 district (Section 401), located: 4821 South 72nd East Avenue.

Presentation:

Steve Olsen, 324 East 3rd Street, Tulsa, Oklahoma, 74120, represented Discovery School, Tulsa, which has been at this location about three months. The history of use has been churches and schools. Ms. Stead noted that because there have been intervening uses since the facility was last used, as a school the legal non-conforming use status has expired.

Interested Parties:

Glen Hogard, 7228 East 47th Street, Tulsa, Oklahoma, 74145, listed numerous crimes in the area. He stated that since this school has moved in things have improved. He was in support of this application. He added it is a good use of the property.

FILE COPY

Board Action:

On **Motion of White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit school use (Use Unit 5) in an RS-3 district (Section 401), finding the Special Exception will be in harmony with the spirit and intent of the

11:10:09:1013(11)

6.5

FILE COPY

Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare on the following described property:

LT 1 BLK 11, PARK PLAZA SEVENTH AMD, City of Tulsa, Tulsa County, State of Oklahoma

There being no further business, the meeting adjourned at 2:56 p.m.

Date approved: 11-24-09

Clay M. Steel
Vice Chair

Case No. 17485 (continued)

Comments and Questions:

Mr. Bolzle asked the applicant if the subject property abuts the main commercial runway? He answered affirmatively.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to allow airport use. **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 2; per plan submitted, finding the request is consistent with the airport comprehensive plan and that the approval of this request will not be injurious to the area, nor harmful to the spirit and intent of the Code, on the following described property:

All of Block D of "Woodland Park", a subdivision of the N/2, NW/4, Sec. 24, and N/2, NE/4, Sec. 23, and E/2, SE/4, S of the AT&SF Railroad, Sec. 14, T-20-N, R-13-E, and a tract of land that is part of the W/2, W/2, W/2, Sec. 13, T-20-N, R-13-E, said tract of land being described as follows, to wit: Beginning at a point that is the SW/c, Sec. 13, T-20-N, R-13-E, thence N00°00'24"W and along the Wly line of Sec. 13 for 2639.63' to a point, said point being the W/4 corner, Sec. 13, T-20-N, R-13-E; thence continuing N00°00'24"W long the Wly line of Sec. 13 for 306.37'; thence N45°44'22"E for 922.01' to a point on the Ely line of the W/2, W/2, W/2, Sec. 13, T-20-N, R-13-E; thence S00°00'30"E along said Ely line for 3590.72' to a point on the Sly line of said Sec. 13; thence N89°53'37"W and along said Sly line for 660.50' to the POB of said tract of land, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17486

Action Requested:

Special Exception to permit a church in a RS-3 district to occupy an abandoned school. **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 2, located 4821 South 72nd East Avenue.

Presentation:

The applicant, **Clarence E. Lambert**, 6218 North 129th East Avenue, Owasso, representing Heritage Central Assembly of God, submitted a site plan (Exhibit L-1) and stated zoning ordinance requirements to this particular property will create unnecessary hardship. He further stated Heritage Central Assembly of God is an established church since 1907, however it is presently in a lease facility and the lease expires September 30, 1996. He informed the Board that the church's bid for the subject property was approved August 5, 1996. He stated the subject property was a school from 1973 into 1995. He further stated the facility was erected for usage which is limited, but ideal for the church's needs. He explained the school is now unoccupied and vandals have broken windows. He further explained the church will be very compatible to the original intent and utilization of this property. He commented that when this property is renovated, occupied and maintained, will enhance property values in the surrounding area and dissuade vandalism.

Comments and Questions:

Mr. Gardner informed the Board that he had received a call of support on this application. He stated the neighbors did raise the question that in the past the school had been a *poling place* and was wondering if the practice could continue.

Interested Parties:

George Butler, 7117 East 48th Place, stated he lives directly across from the subject property. He announced that he is strongly in favor of this application.

Comments and Questions:

Mr. Bolzle asked the applicant if the facility will be used as it is or will the church expand the building? He answered negatively. He stated the building has been vacant and the building needs to be renovated with the usual maintenance.

Ms. Abbott asked the applicant if the church would be leasing or buying the property? He stated the church will be buying the property.

Case No. 17486 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to permit a church in a RS-3 district to occupy an abandoned school. **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit; per plan submitted; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 1, Block 11, Park Plaza 7th Amended, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:20 p.m.

Date approved: 10 Sept 1996


Chair

08:27:96:710(31)

Case No. 12617 (continued)

Board Action:

On MOTION of WAIT and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in the Residential Districts) to maintain the five existing dogs in an RM-1 District, and when the dogs are reduced by attrition the number of dogs should never exceed three (3) and subject to no commercial activity permitted, on the following described property:

Lot 19, Block 5, Reddin Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12618

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Section 440.7 - Request to allow Bates Elementary School to be utilized by Oklahoma College of Business and Technology, Inc., as a junior college located at 4821 South 72nd East Avenue.

Presentation:

Mrs. Nobel Manion, 835 South Knoxville Avenue, president of the Advisory Board of Regents for the Oklahoma College of Business and Technology, requested that this Board allow Bates Elementary School be utilized for the college. Mrs. Manion advised the Board concerning the history of the school.

David Stephenson, president of the Oklahoma College of Business and Technology, reviewed briefly various aspects of the College. A plot plan was presented to the Board for their reviewing of the proposal. The addition of Bates Elementary School will provide may improvements to the College and will prove to be a great asset to the community. Approximately \$5,000 will be spent on re-landscaping the 72nd Street area and the 3800 sq. ft. modern library, which will be a community asset, as well as for the college. Mr. Stephenson requested that the application be approved.

Protestants: None.

Comments and Questions:

Chairman Smith was concerned with the adequacy of the parking area and Mr. Stephenson advised the original parking lot provided spaces for 125 cars, but the school intends to add 100 additional parking spaces which would exceed the square-footage requirement. The parking lot will be illuminated as it is a part of the parking structure itself.

The Board inquired if any additional buildings will be constructed and Mr. Stephenson answered in the negative. Chairman Smith advised if there are any new structures, the applicant would be required to receive this Board's approval. Mr. Chappelle requested that a plot plan be submitted.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-1 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; Purser, "abstaining";

6.2.83:388(10)

6.10

Case No. 12618 (continued)

none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Under the Provisions of Use Unit 1206 and Section 440.7) to allow Bates Elementary School to be utilized by Oklahoma College of Business and Technology, Inc., as a junior college, per plot plan, including 100 additional parking spaces as represented and subject to the applicant returning to the Board if and when any expansion is proposed, on the following described property:

Lot 1, Block 11, Park Plaza Seventh Amended, A Resubdivision of Blocks 1 through 11 Inclusive, Park Plaza Seventh, an Addition to the City of Tulsa, Tulsa County, Oklahoma, and part of the NE/4 of the SW/4 of Section 26, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 12619

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Use Unit 1209 - Section 440.6 - Request to locate a mobile home in an RS-1 District located at the NW corner of 13th Street and 173rd East Avenue.

Presentation:

Chere Ellard, 11724 South 85th East Avenue, was present and requested permission to locate a mobile home on the 2 1/2 acre subject tract. Ms. Ellard advised there are two other mobile homes in the surrounding area.

Protestants:

Mrs. Carl Turner, 1213 South 173rd East Avenue, submitted a map of the subject area indicating the residences in the area (Exhibit "G-1"); seven (7) photographs corresponding with the indicated locations on the map (Exhibit "G-2") and a protest petition bearing approximately 21 signatures of surrounding neighbors (Exhibit "G-3").

Mrs. Turner referred to Section 1680.3 of the Zoning Code and advised if the application is approved it would be injurious to the neighborhood and detrimental to the public welfare. On May 24, 1983, Mrs. Turner contacted the Health Department concerning this matter and was informed that the perk test on the subject tract had failed and a lagoon system would be the only possible means of sewage disposal on the tract. On May 19, 1983, a request was made for mobile homes and lagoon systems on AG zoned property and the City Commission denied that application.

Carolyn Fellers, 1121 South 173rd East Avenue, was present in protest to the application. She advised she and her family have invested a lot of time and money in cleaning up the property and upgrading the area. Mrs. Fellers was opposed to permitting more mobile homes in the surrounding area as it would decrease property values. She was also concerned with the sewage disposal for the property.

Discussion:

Discussion ensued concerning a previously approved mobile home located at 12th Street and 173rd East Avenue. That mobile home was approved at the March 24, 1983 meeting for a one-year time period. Dorothea Miller

Case No. 11907 (continued)

corner of Garnett and Admiral. They also plan to gravel most of the ground.

Protestants:

C. W. Sweetman, commander of the American Legion, 11328 East Admiral, was present to address the Board requesting that a fence be erected around the subject property so as not to encroach on his property if the case were approved.

Board Comments:

Mr. Gardner advised that a mobile home park is located west of the southwest corner of the subject property and a sales lot on the northeast corner. There have been several mobile home parks in the surrounding area in the past. The area is presently being upgraded.

Mr. Smith felt that another mobile home sales or park was not needed in the area because it is being upgraded.

Mr. Victor inquired as to the appearance of the property and the use. Mr. Gubser stated that there would be one permanent mobile home on the property used as an office and approximately 25 or 30 mobile homes displayed for sale.

Board Action:

On MOTION of SMITH, and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to deny a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to allow a mobile home sales in a CS District, on the following described property:

Beginning at a point 90' South and 50' West of the Northeast corner of Lot 5, Section 5, Township 19 North, Range 14 East, Tulsa County, Oklahoma; thence South 260'; thence East 250'; thence North 260'; thence West 250' to the point of beginning.

Case No. 11909

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for a childrens nursery in an RS-3 District. This property is located at 4821 South 72nd East Avenue.

Presentation:

Ruthann Casebeer, 1127 East Haskell Place, was present to address the Board requesting permission to locate a children's day care center in Bates Elementary School. The School wants to rent Ms. Casebeer a space in the school for the day care center. It will be for school aged children for before and after school care. She stated that there would be no sign for the operation.

Protestants: None.

Board Comments:

Mr. Smith inquired about the playground use and Ms. Casebeer stated that the School is allowing her space for her own fenced-in playground.

Case No. 11909 (continued)

Mr. Lewis inquired about the hours of operation and Ms. Casebeer stated that it would be in operation from 6:30 a.m. to 6:30 p.m., to allow for working parents. Mr. Lewis asked how many children would be allowed and Ms. Casebeer stated that she would have no more than 25 children.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) for a children's day care center in an RS-3 District, that no sign be allowed, subject to a maximum of 25 children, and that the hours of operation be from 6:30 a.m. to 6:30 p.m., on the following described property:

Block 1, Lot 11, Park Plaza 7th Amended Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11914

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for a gymnasium and related parking as an accessory to a church; and a
Variance - Section 1205.3 - Use Conditions - Request for a variance of the one acre minimum to .8 acre. This property is located at the SE corner of 2nd Street and 66th East Avenue.

Presentation:

Roy Johnsen, attorney representing the Sheridan Christian Center, 205 South Sheridan Road, was present to address the Board and submitted a map of the subject area (Exhibit "D-1"), a plot plan and elevation plan (Exhibit "D-2") and twelve (12) pictures of the subject property (Exhibit "D-3").

Mr. Johnsen advised that the proposed use is a youth center for the youth who attend the Church at this location. The property north of the north boundary and south of the south boundary of the subject property is presently owned by the Church.

Mr. Johnsen advised that an earlier application was filed dealing with an expansion to this Church which was denied. Since that time, the Church has been divided and the intensity of the Church has changed substantially.

Mr. Johnsen advised that if the application were approved that there should be six (6) conditions placed on it: 1) the proposed setback from the east boundary line would be changed from 10' to 25', which would meet the requirement, 2) that 10% of the site area will be used for landscaping, 3) that mechanical equipment be located on the ground as opposed to the roof, 4) that no lighting would be needed on the rear of the buildings because there are presently vapor lights there, 5) to provide a minimum of 28 on-site parking spaces on one side, and 6) subject to a site plan.

Mr. Johnsen stated that a medal building is proposed for economical reasons. He said that the building would not be inconsistent with the surrounding area.

6627 (continued)Protests:

None present.

Remarks:

Mr. Johnsen advised that this application was before the Board on a compliant. There is a neighborhood association which is concerned with numerous alleged zoning violations in the area.

Board Action:

On MOTION of LANGAN, the Board of Adjustment (5-0) granted a variance (Section 23) of the permitted use provisions of U-2B (Section 5 (f) (3)), to permit a six unit apartment on the following described tract:

The East 20 feet of Lot 65, ALL of Lot 66, Block 3, College View Addition to the City of Tulsa, Oklahoma.

COMMUNICATIONS:6548Remarks:

Mr. Jones stated that this application was before the Board at the request of the Building Inspector. The applicant did not submit the required names and addresses in order to process the application.

Board Action:

On MOTION of JOLLY, the Board of Adjustment (5-0) denied application no. 6548, on the following described tract:

Lots 9, 10, 11, 12, Block 8, Morningside Addition to the City of Tulsa, Oklahoma.

6173Remarks:

Charles Norman, representing Elmer Anderson, requested a clarification of the previously approved CDP No. 53. Mr. Norman stated that the building standards for the approved multifamily area were inadvertently left out of the recommendations and minutes. We completed our detailed building plans and applied for a building permit and the Building Inspector raised the question of building standards in the multifamily area as related to the building height, setback and parking. The Staff has reviewed our site plan (Exhibit "D-1"), and found it to be in keeping with the intent of the approved CDP. We are asking you to certify that the site plan meets the usual multifamily building standards and parking standards of U-2B and we need your approval of a club house facility and laundry facility which are standard related facilities.

4.7.70:54(14)

6173 (continued)

Board Action:

On MOTION of JOLLY, the Board of Adjustment (5-0) corrected the minutes of CDP #53 to include the site plan (Exhibit "D-2"), and to include recreational and laundry facilities and that the development standards of U-2B as relates to building setback, height, and parking requirements shall apply.

There being no further business, the Chair declared the meeting adjourned at 3:30 p.m.

Date Approved May 5, 1970



Chairman

4.7.70:54(15)

an elementary school site to the North. The proposed duplexes either back to the single-family or U-4A industrial zoning and are so located as to provide a transitional buffer between the single-family and apartment development. There are no instances where apartments would front, back or side to single-family development.

The Staff has examined the CDP plot plan and text and recommends approval, subject to the following conditions:

1. That the total number of dwelling unit not exceed 400.
2. That single-family, duplex and apartment units be permitted as designated in the CDP text, also an elementary school, excluding any commercial or nonresidential uses.
3. That Block 9 permit a maximum of 180 multifamily units.
4. That the specifications of the CDP text and plot plan be incorporated as conditions of approval.
5. That CDP approval be subject to the filing of a satisfactory subdivision plat.

TMAPC Action: 6 members present.

On MOTION of LEAVITT, the Planning Commission voted unanimously to recommend to the City Board of Adjustment that CDP No. 53 be approved, subject to the conditions recommended by the Staff (above) on the following described tract:

Park Plaza Seventh Amended Addition to the City of Tulsa,
Tulsa County, Oklahoma.

TMAPC Members Present

Bartlett
Dubie
Forrester
Leavitt
Martin
Miller

Staff Present

Gardner
Hunt
Osgood
Wilmoth
Martin

There being no further business, the Chair declared the meeting adjourned at 2:50 p.m.

Date Approved _____

Attest:

Chairman

Secretary

1.22.69:739(12)

6.17

PRELIMINARY

SUBJECT TO REVISION
ANNEXED PLAT OF

PARK PLAZA SEVENTH

A N ADDITION TO THE CITY OF TULSA, OKLAHOMA

PART OF THE SW/4 SECTION 26 T 19 N R 13 E

ANDERSON DEVELOPMENT CO. ... OWNER

5032 E. SHELLEY DRIVE PH. SA. 7-2484

MANSUR - STEELE - WILLIAMS, INC.
CONSULTING ENGINEERS

1448 S BOSTON AVE. TULSA, OKLAHOMA
SEPT. 30, 1968 REG. NO. 68-12894 - 7781

SCALE: 1"=100'

- Existing
- Proposed
- Utility
- Proposed
- Sample front



LIMITS OF NO ACCESS

CDP-53-54-1



COMMUNITY DEVELOPMENT PROJECTS (CDP) HISTORICAL EXECUTIVE SUMMARY FOR BOA-23019

Before the adoption of the City's 1970 zoning code, which created the Planned Unit Development (PUD) district, the Board of Adjustment had authority to approve site-specific Community Development Projects (CDP)'s.

In 1970, CDP-53 remained active and is now governed by the terms of the CDP approval granted by the Board of Adjustment. Any proposed changes and amendments to active CDP's require a public hearing and approval by the Board of Adjustment.

We now find ourselves asking how does one define "changes and amendments" when it comes to what the Board of Adjustment is empowered to hear and make rulings on as a quasi-judicial board? When the CDP's were being phased out, if one wanted to make changes, they would have to move their CDP into a Planned Unit Development (PUD) and it would go before the Tulsa Metropolitan Area Planning Commission (TMAPC) and the City of Tulsa City Council..

However, the current City of Tulsa Zoning Code has done away with creating new PUD's and that leaves us with the question: What does a legal non-conforming CDP do when they want to modify? The current zoning code (Section 30.020-C) says, '*... Proposed changes and amendments to active CDP's require a public hearing and approval by the Board of Adjustment.*'

Being one of the few remaining legal non-conforming Community Development Projects (according to Section 30.020-C); coupled with a complete rewriting of the City of Tulsa Zoning Code, modifications to CDP's are a bit more complicated. However, in working with INCOG Staff, City legal, and our client's legal team we believe we have come up with a solution.

We have applied to the Board of Adjustment for a Modification to a previously approved Community Development Project (CDP-53) to allow for various senior services, not to include overnight care or living facilities.

Additionally, we have applied to the Planning Commission for a Rezone to Office Medium (OM) to allow for various senior services to include Adult Day Care and active senior - social and physical activity services.

We believe we have covered our current zoning code requirements by going before the BOA for a public hearing and requesting a modification to the CDP-53 to allow for various senior services to include Adult Day Care and active senior – social and physical activity services.

However, the City prefers this portion of CDP-53 be removed from the existing CDP-53 and states the modification is triggering their request for removal. Therefore, in the interest of

time for our client's feasibility contingency on the purchase of this property, we are proceeding as directed and applying for a Rezone to Office Medium (OM) with an Optional Development Plan. This requires an additional application before the Planning Commission and City Council.

If inclined to approve, we ask the Board to include within their motion a statement making their approval contingent upon Rezone and Optional Development Plan approval from the City of Tulsa City Council.



6.20



Subject property



Facing East on 49th St.



Facing North on 72nd E. Ave.



E 48 STS

S72 E AVE

S73 E AVE

E 48 PLS

E 49 STS



Subject Tract

BOA-23019

19-13 26

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

Aerial Photo Date: February 2018

6.24

