



CITY OF  
**Tulsa**  
Board of Adjustment

**Case Number:** BOA-23596

**Hearing Date:** 11/14/2023 1:00 PM

**Case Report Prepared by:**

Sean Wallace

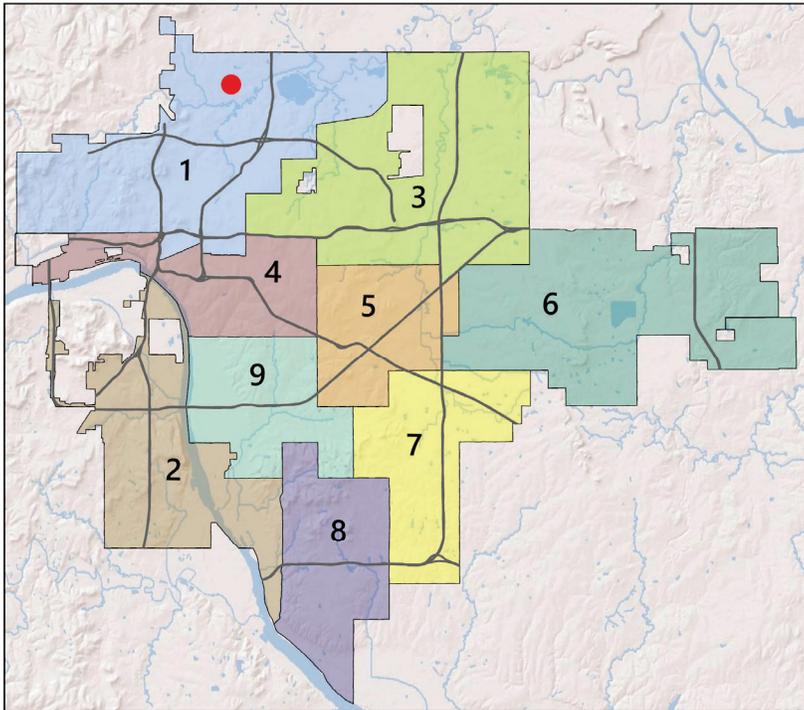
**Owner and Applicant Information:**

**Applicant:** Gary Schellhorn

**Property Owner:** City of Tulsa

**Action Requested:** Special Exception to to modify a previously approved site plan for a Parks use in the RS-3 District (Table 5.020, Table 5-2; Sec.70.120)

**Location Map:**



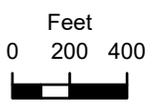
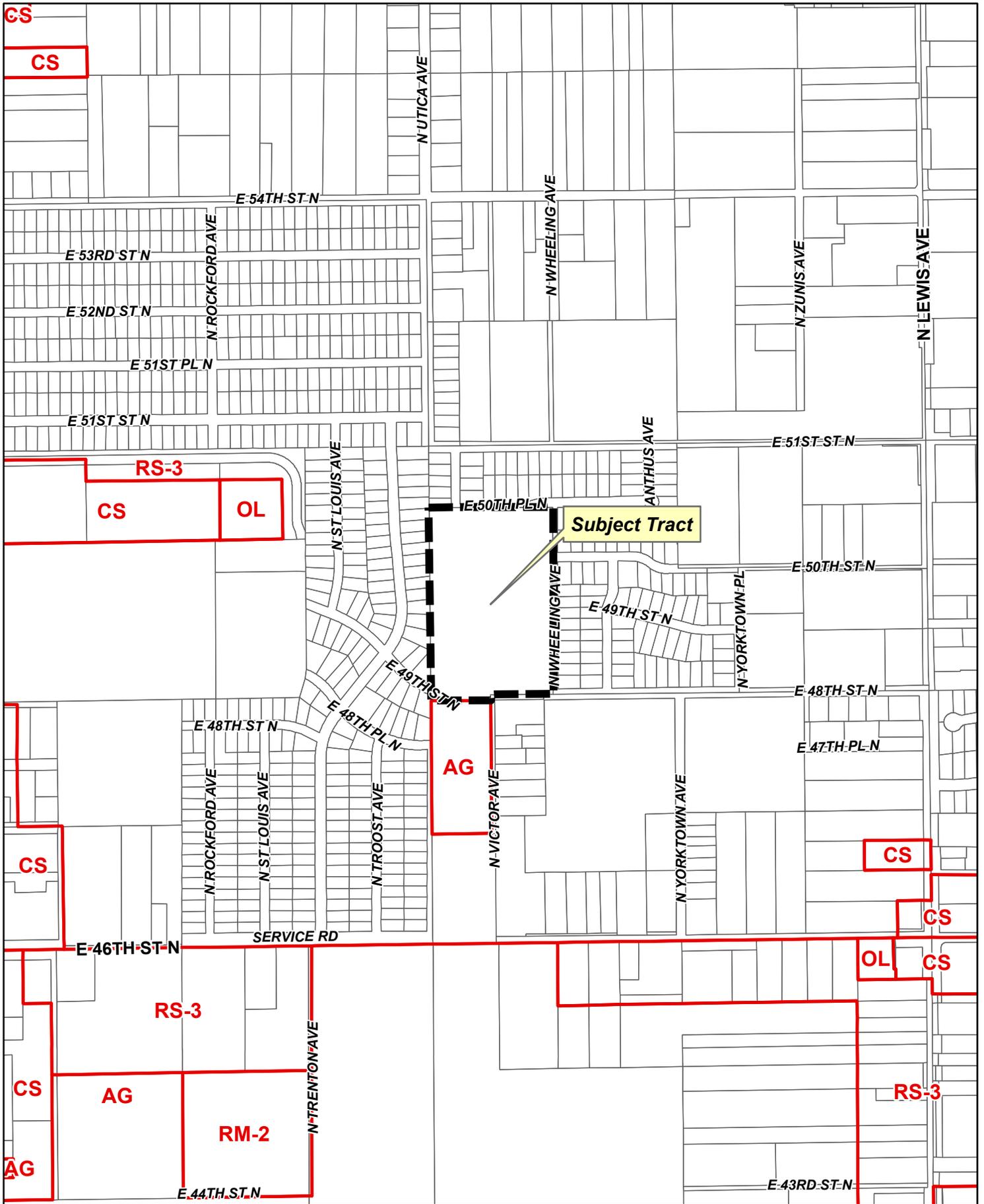
**Additional Information:**

**Present Use:** City Park (Berry Park)

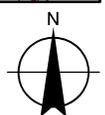
**Tract Size:** 15.01 acres

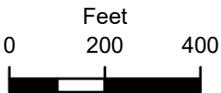
**Location:** 5002 N. Wheeling Ave E

**Present Zoning:** RS-3



**BOA-23596**



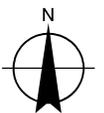


 Subject Tract

**BOA-23596**

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

Aerial Photo Date: 2021



6.3



E 50TH PL N

E 50TH ST N

N WHEELING AVE

E 48TH ST N

N VICTOR AVE

E 49TH ST N



Subject **BOA-23596**  
Tract

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

Aerial Photo Date: 2021



6.4

**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 199  
**CD:** 1

Case Number: **BOA-23596**

**HEARING DATE:** 11/14/2023 1:00 PM

**APPLICANT:** Gary Schellhorn

**ACTION REQUESTED:** Special Exception to modify a previously approved site plan and conditions for a parks use in the RS-3 District (Table 5.020, Table 5-2; Sec.70.120)

**LOCATION:** 5002 N. Wheeling Ave E (Berry Park)

**ZONED:** RS-3

**PRESENT USE:** City Park

**TRACT SIZE:** 654016.87 SQ FT

**LEGAL DESCRIPTION:** SW NW SE & S/2 NW NW SE SEC 7 20 13, NORTHRIDGE SECOND ADDN AMD, NORTHRIDGE ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:**

**BOA-9602** – 07/1977: Board approved an exception to permit a public park on site.

**BOA-17107** – 07/25/1995: Board approved an amendment to a previously approved site plan. Additionally the Board conditioned their approval on no lighting being allowed on the playing courts.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as “Park and Open Space.”

The Park and Open Space designation includes parks, trails, public sports complexes, country clubs, stormwater facilities, forests, and cemeteries. While these individual uses differ greatly, the general goal of this designation is to ensure these areas remain in their current undeveloped state, and that new development in near proximity does not encroach in ways that undermine the purpose of the property. Active parks and open space should be further activated by development that faces these uses.

**STAFF ANALYSIS:** The Applicant is requesting a Special Exception to modify a previously approved site plan for a Parks use in the RS-3 District (Table 5.020, Table 5-2; Sec.70.120) and to permit lighting at the park per city ordinances.

**35.040-K** **Parks and Recreation**

Recreational, social or multi-purpose uses associated with public parks and open spaces, including playgrounds, playfields, play courts, community centers and other facilities typically associated with public parks and open space areas. Also includes public and private golf courses and tennis clubs.

**SAMPLE MOTION:**

***Special Exception:***

Move to \_\_\_\_\_ (approve/deny) a Special Exception to modify a previously approved site plan and conditions for a parks use in the RS-3 District (Table 5.020, Table 5-2; Sec.70.120).

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

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



***(Subject Property)***

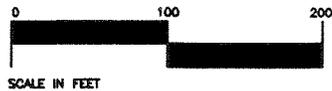
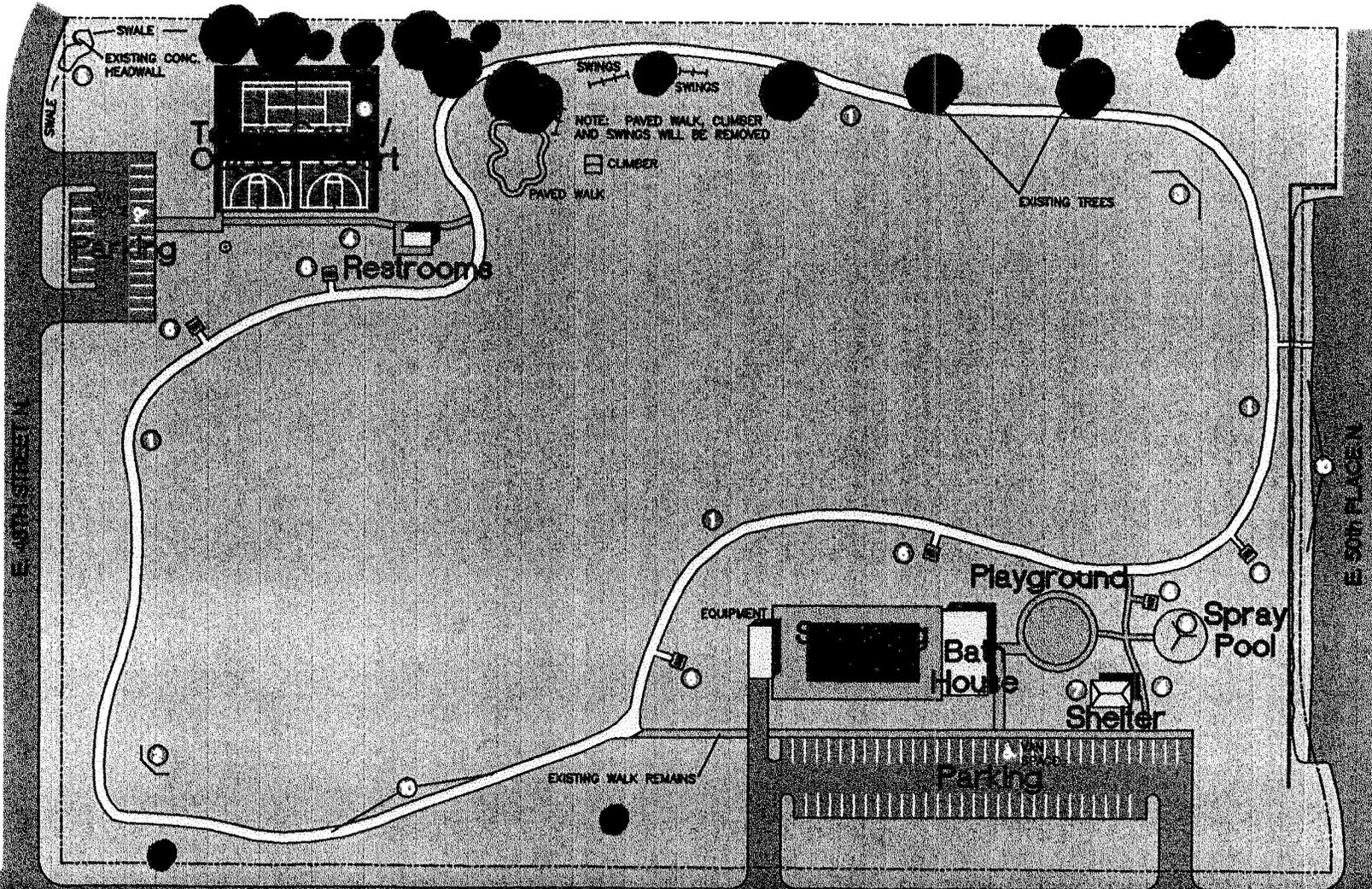


***(Subject Property)***

### 10 Year Development Plan Legend

- |                                      |                              |
|--------------------------------------|------------------------------|
| ① 10' WIDE TRAIL (SCREENINGS)        | ⑥ PICNIC TABLES W/GRILLS (6) |
| ② PORTABLE BACKSTOP                  | ⑦ SHELTER                    |
| ③ PERMANENT BACKSTOP                 | ⑧ SPRAY POOL/SPRAY COURT     |
| ④ CONCRETE SIDEWALKS/HANDICAP ACCESS | ⑨ SPORTS COURT RESURFACING   |
| ⑤ EROSION CONTROL/RIP-RAP            | ⑩ ASPHALT REMOVAL            |

CASE NO. 17107  
 OFFICIAL RECORD EXHIBIT S-1  
 ENTERED IN THE 7/25/95  
 MINUTES OF THE TULSA BOARD OF  
 ADJUSTMENT.



# BERRY PARK

10 YEAR DEVELOPMENT PLAN

JANUARY 1995



# FILE COPY

Case No. 17105 (continued)

Commencing at the SW/c, S/2, N2/3, N/2, NE/4, Section 14, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma; thence north for 227' to POB; thence east for 1559.28'; thence north for 215.57'; thence west for 912.58'; thence south for 202.07'; thence west for 646.70'; thence south for 13.50' to POB.

## **Case No. 17107**

### **Action Requested:**

Amendment to previously approved site plan.

### **Presentation:**

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, Suite 201, who submitted a plot plan (Exhibit G-1) and informed that City representatives met with the neighborhood homeowners association concerning the application. He stated that the major aspect of the development is the walking trail around the park. Mr. Weller informed that additional funded development includes back stops, erosion control and picnic tables. He stated that future additions include the construction of a shelter and the removal of asphalt to the north.

### **Comments and Questions:**

Mr. Bolzle asked if the tennis and basketball courts will have lighting, and Mr. Weller advised that they are too close to the residential area to have lights

### **Protestants:**

David Paton, 1908 East 50th Place North, stated that he received a notice regard the meeting and is concerned about the extent of the project and if dwellings will be removed.

### **Board Action:**

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** an Amendment to the previously approved site plan; per amended plan submitted (funded portion), and the balance of the plan being conceptual, with final shape and location of improvements being determined during the final design and not subject to further Board approval; and subject to no lighting on the playing courts; finding the proposed improvements to be compatible with the neighborhood; on the following described property:

SW/4, NW/4, SE/4 and S/2, NW/4, NW/4, SE/4, Section 7, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.



