

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 704
Tuesday, May 28, 1996, 1 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Abbott, Vice Chair Bolzle White	Turnbo, Chair Box	Beach Gardner Huntsinger	Ballentine, Code Enforcement Linker, Legal Department Romig, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, May 20, 1996, at 12:46 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Bolzle, White, "aye"; no "nays"; Box, Turnbo "abstentions"; none "absent") to **APPROVE** the minutes of May^o 14, 1996 (No. 703)

UNFINISHED BUSINESS

Case No. 17350

Action Requested:

Special Exception to permit a Transitional Living Center in a CH zoned district.
SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 2, located 523 North Boulder.

Interested Parties:

Mr. Delbert Brock, representing Tulsa Action Group, requested the application to be continued to June 11, 1996 at 1:00 p.m. to enable all Board members to be present.

Ms. Abbott explained to Mr. Brock that this application is under unfinished business and a portion of this case has already been heard. She stated the case should be heard today.

Case No. 17350 (continued)

Mr. White and Mr. Bolzle concurred with Ms. Abbott that the application should be heard today.

Presentation:

The applicant, **Gary Davis**, 8225 E. 94th Street, representing Tulsa Action Group ("TAG") and stated he would like to amend his application to 50 clients. He further stated he has talked with Urban Development on several occasions and was told the acquisition of this property will not be happening for the next 12 to 15 years. Mr. Davis commented the building can be rebuilt at 75%, less than the cost of a new building.

Comments and Questions:

In response to Mr. White, the applicant responded the capacity before the building burned down was at 34 clients but had the capacity for 50 clients. He explained he was in the process of remodeling at the time of the fire to accommodate the 50 clients and that is still their goal.

Ms. Abbott asked the Staff prior to the building burning where they considered a non-conforming use? Mr. Gardner explained they were non-conforming because the ordinance had changed. He further explained that when TAG originally opened they were permitted as a matter of right in a commercial district. He stated if the building is destroyed by more than 50%, then they have to receive approval to rebuild and this building has been determined 75% or more destroyed, by the Building Inspector, therefore, they have lost their non-conformity.

Interested Parties:

Mr. Delbert Brock, 423 South Main, Suite 900, attorney for TAG, stated it has been determined that the building can be restored for less than 75% of the replacement value. He further stated the building is a historical building and the plans are to restore the frontage as before. He explained the land to the south can be used for parking and would provide more than ample parking for the facility. He stated TAG was a legally operating program and served a wide number of people. He read a letter from Councilman, David Patrick (Exhibit A-6). Mr. Brock read Mr. Walden's statement from the minutes of a previous meeting regarding TAG's application.

Protestants:

Jim Norton, President of Downtown Tulsa Unlimited ("DTU"), Chairman of Planning District 1, stated this is a land use issue and a zoning ordinance issue, not opposition to the type of work TAG is proposing. Mr. Norton explained the neighborhood has changed and is rapidly changing and therefore this application should be denied. He further explained in 1991 DTU began a process of revising the neighborhood development plan and the urban renewal plan and the City's Comprehensive Plan was amended as well as the neighborhood development plan. Mr. Norton submitted copies of the amended Comprehensive Plan dated July 7, 1993 (Exhibit D-1). Mr. Norton read the final paragraphs of the amendments that relate to use unit 2. He stated no security information had been submitted to the Board and therefore you cannot determine based on the information submitted that the District 1 Comprehensive Plan conditions has been met. He submitted the Urban Renewal Plan map dated July 1993 (Exhibit A-3) and noted the area of the map shown to the west of Denver and the north of 6th Street surrounded by the inter-dispersal loop on the west is an area which the Comprehensive Plan recognizes as an area appropriate for social service agencies to be clustered within and for correctional and emergency shelters. He submitted a Tax Increment Financing Plan (Exhibit A-7) that the City Council adopted in December 1993. He stated the District 1 Master Plan and the Comprehensive Plan recognize this area as an arts and entertainment district. He read the first page of the Tax Increment Financing Plan (Exhibit A-7). He stated the State law, which authorizes tax increment financing requires the tax increment financing plan indicate that the redevelopment of the area specifically into an arts and entertainment district has to conform to a City's Comprehensive Plan and the City's zoning ordinance or you have to show a cause in your tax incrementing financing plan why it doesn't. Mr. Norton submitted the March 1994 current zoning code was amended. He recited paragraph 10 of the amended zoning code. Mr. Norton said, because of the amended zoning code, that area west of Denver is an area that is appropriate for clustering. He further stated that since 1994, four applications have been approved for use unit 2 that have been supported by the neighborhood group, by the property owner's group and by DTU. He submitted a map that shows the property on 523 North Boulder, which shows a 1/4 mile radius around the site and there are four other use unit 2 currently located within that 1/4 mile spacing and this would make the 5th. He pointed out that there are three other facilities located outside the 1/4 mile but within the immediate neighborhood. He stated in addition with what has happened from the public side, there has been new commercial development in the area. He listed the following developments: Mexicali Border Cafe, Theater Tulsa, three (3) art studios, Caz's Restaurant & Pub, The Snooty Fox Restaurant & Pub and if the State allows casino's in Oklahoma, there are plans for a casino to go in. Mr. Norton stated he contacted Mr. Ray Mildrum, who is in charge of acquisitions for the Urban Development Department, and indicated the property in question is scheduled for acquisition. Mr. Norton explained that if the property is redeveloped and improvements made than: a.) this property will not be acquired by Urban

Development or; b.) it will cost a great deal more tax payers dollars to acquire this property. He submitted the Master Plan for the Osage/Emerson Sector (Exhibit A-2), which clearly indicates by the circle that the property in question is shown as future institutional (UCAT) campus area for the City. Mr. Norton stated the development of a use unit 2 facility at this location would have chilling effect on the further redevelopment of the area into arts and entertainment district as called for in the master plan. He further stated DTU would work with TAG to find an appropriate location west of Denver. He explained TAG does not have a lease contract with the adjacent lot for parking requirements. Mr. Norton requested the application be denied.

Cherokee Pettis, 708 North Cheyenne, President of Brady Heights Association, stated the association has had several meetings concerning this application. She further stated the association has 74 paying members and none of the members are in support of TAG redeveloping. She explained the following social services are not indicated on the map created by INCOG, which are the same use units: Madonna House 700 block of North Denver, Migration and Refugee Service 700 block of North Denver and St. Joseph's Residence 1000 block of North Denver. She stated the map proves there is a great deal of clustering of social services. Ms. Pettis further stated Urban Development has attended the homeowner's association meeting and stated the third penny sales tax has made the acquisition for this property possible in October. Ms. Pettis explained there is not adequate parking and the lot south of the building is not an all weather surface, which is in violation of the code. She stated in May 1994, the Baptist Women's Shelter, which was located in the 600 block of North Boulder, wanted to locate a new facility three (3) blocks to the west of the current location and implement the same type of program, but it was denied and they eventually found a suitable site.

Doug Jones, 2102 N. Vancouver, representing business owners in the Brady area, and stated he agrees with the previous protestants. He further stated the reason TAG wants to stay in the downtown area is because of job source for the clients they serve. He suggested there are better sub-commercial areas in the City of Tulsa, such as 31st & Harvard, 61st & Lewis, 71st & Yale, 61st & 71st along memorial, where there is a great deal more concentrated commercial product that might serve their clients better.

Applicant's Rebuttal:

Mr. Brock stated one of the reasons TAG feels it is necessary to try to rebuild in the same location is financial situation. He explained TAG is a non-profit, private organization. He further explained the owners of the property, Steven & Jody Johnson, have executed a contract of sale (Exhibit A-4) for this property to TAG. He stated the development in this area is located south of Interstate 75 and 244. He further stated the property in question is north of the development area discussed by the Protestants. He explained there has not been any new development in the area and he doesn't expect any new development in this area. He further explained the reason TAG wants to be located in the downtown area is because it is where the clients end up being and there is a hub of transportation available to get the clients where they need to go. He stated TAG wants to rebuild their building and continue their work. He further stated the businesses downtown have hired TAG clients in the past because they would rather have them working than sleeping in their parking lots.

Additional Comments:

Mr. Bolzle stated the map prepared by Staff shows clustering in the Brady Village area and extending to the cross-town expressway. He further stated to re-approve this application would seriously hamper the realization of the Comprehensive Plan as detailed by Mr. Norton, DTU. Mr. Bolzle stated he is not in favor of this application.

Mr. White concurred with Mr. Bolzle. He stated clustering is a concern and the 1/4 mile spacing would be in violation if the Board re-approved this application.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Abbott, Bolzle, White, "aye"; no "nays"; no "abstentions"; Turnbo, Box "absent") to **DENY** a **Special Exception** to permit a Transitional Living Center in a CH zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, finding the use to be injurious to the neighborhood; and finding that approval of the special exception would violate the spirit and intent of the Code and would not be in harmony with the Comprehensive Plan; on the following described property:

N 50' Lot 12, Block 11, North Tulsa Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17366

Action Requested:

Special Exception to permit a 6' high fence in the required front yard in a RS-3 zoned district. **SECTION 210.B.3. YARDS** - Use Unit 6, located 1011 East 37th Place.

Presentation:

The applicant, **C.W. Daimon Jacobs**, 1011 East 37th Place, asked Mr. Beach if the ordinances in place now allow a 4' fence in the front yard. Mr. Beach answered affirmatively. Mr. Jacobs stated that he is asking for an exception for the 2' extension of the fence already installed. He indicated the Board has granted exceptions for property in the neighborhood for 6' fences. He asked Mr. Beach if the property was located on a corner there would not be a problem with a 6' fence? Mr. Beach stated that is not correct. Mr. Beach explained to Mr. Jacobs that fencing in the front yard can be up to a maximum of 4' high. Mr. Jacobs submitted a site plan (Exhibit B-1) and stated that the property is located near a condominium association where there are 6' fences 300' from his property. He further stated there are 45 homeowners there and to his knowledge no one has objected to his 6' fence in the front. He explained the necessity for a 6' fence is to protect a water garden in the front yard. He submitted photographs (Exhibit B-2) and stated the fence is necessary for public security and protection. He further stated children would wonder into his yard and water garden before the installation of the fence. Mr. Jacobs explained a large security light posted directly across the street from his property creates an enormous amount of light in the bedroom windows and with the 6' fence he is able to obscure the light shining into the windows. He further explained that since the installation of the fence he has stopped the flow of children and the flow of traffic in his yard. Mr. Jacobs stated that he is an attorney and the fence is for a personal security from angry clients. He further stated both of his neighbors on both sides of his property has 6' fences and he wanted to keep continuity. He expressed there is no detriment to the neighborhood and it does not obscure anyone's view. He stated it has been a very pleasant, secure environment for himself and the children in the neighborhood. He further stated the fence will also prevent people coming and going to the Riverparks from becoming a nuisance or becoming involved with the water garden. He requested the Board to grant his request for 2' extension on top of the allowable 4' fence.

Protestants:

Nancy Apgar, 3914 South Norfolk, representing Brookside Neighborhood Association Board of Directors and Ms. Deathridge, District 6 Chairman. She requested the Board to deny this application because the zoning ordinance allows 4' and 6' is aesthetically undesirable in the neighborhood. Ms. Apgar explained the street Mr. Jacobs lives on ends on Madison Avenue and there is no through traffic to Riverside on this street. She requested the Board to deny the request and have Mr. Jacobs remove the 6' fence that is already installed across the front of the property. She stated if the Board grants this request it will lead to other neighbors installing 6' fences in the front yards. She explained that this neighborhood does not have any 6' fences in the front yards.

Interested Parties:

Glenda Chaviz, 1011 E. 37th Pl., stated she understands the neighborhood does not have 6' fences in the front yard, but this is a security factor for the children in the area, as well as, Mr. Jacobs. She further stated because the neighbors do not like the size of the fence is not a good reason to deny this application. She requested the Board to grant this application.

Applicant's Rebuttal:

Mr. Jacobs addressed the protestant's statement of the 6' fence being undesirable because of aesthetic reasons. He reiterated he has 6' fences on both sides of his property. He explained one neighbor's fence is 4' in the front yard and the other neighbor is on a corner with a 6' fence in the front yard. He stated the Board is not here to decide if his fence should come down due to aesthetic reasons, but to determine if he is allowed 2' extension of the 4' allowable fencing. He explained the house on 39th Street was granted an exception in January to install a 6' fence and there are numerous 6' fences within 300' and none of those people appeared to protest. He requested the Board to grant the exception for the additional 2' for the reasons given.

Comments and Questions:

Ms. Abbott asked the Staff if Case No. 15033 installed a wooden fence? Mr. Beach responded the minutes do not specify if the fence was wooden or chain link.

In response to Mr. White and Ms. Abbott, Mr. Beach read the minutes for Case No. 15033: To approve a Special Exception to vary the fence height in the front yard from 4' to 6' for an existing fence; finding that the 6' fence slopes to a height of 4' toward the front of the lot and that the granting of the request will not be detrimental to the neighborhood on the following described property: (legal description).

Mr. Bolzle stated the merits of this case have to stand on its own. He further stated the issue of the water garden is largely self-imposed and the issues related to security are no different than any neighbor in the area would choose to have were they so inclined. He expressed the 6' fence is detrimental to the public good and harmful to the character of the neighborhood. He stated the purpose of the 4' fence maximum has been well proven in the Code.

Mr. White concurred with Mr. Bolzle and stated the fence as it exists already encroaches 4' into the City right-of-way.

Case No. 17366 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Abbott, Bolzle, White, "aye"; no "nays"; no "abstentions"; Turnbo, Box "absent") to **DENY** a **Special Exception** to permit a 6' high fence in the required front yard in a RS-3 zoned district. **SECTION 210.B.3. YARDS** - Use Unit 6; finding the use to be injurious to the neighborhood; and finding that approval of the special exception would violate the spirit and intent of the Code and would not be in harmony with the Comprehensive Plan; on the following described property:

Beginning at the SW/c Lot 10, Block 2, Riverlawn Addition, City of Tulsa, Tulsa County, Oklahoma; thence W 67.9'; thence N 135'; thence E 67.9' to the NW/c said Lot 10; thence S along the W line said Lot 10 for 135' to POB.

Case No. 17374

Action Requested:

Special Exception to reduce the parking requirements in a shopping center to permit expansion of an adult entertainment establishment. **SECTION 1408.B.4. NONCONFORMITIES; ADULT ENTERTAINMENT ESTABLISHMENTS** - Use Unit 12a, located 6214 South Sheridan Road.

Presentation:

The applicant, **Bullwinkles Bar & Grill**, represented by Charles Barsh, 6214 South Sheridan, stated the club is an upper scale, unique club that carries 100 different beers from around the world. He submitted a site plan (Exhibit C-3) and stated there are three pool tables, two shuffle boards, three dart machines, a fooseball table and a vending game besides the bar and two restrooms. Mr. Barsh read a letter from Master Kong (Exhibit C-5) and stated there are only two tenants in the building. Mr. Barsh stated the letter points out that the peak hours of the club and the school do not conflict, so Bullwinkles can use the schools parking as needed. Mr. Barsh informed the Board he originally started on the expansion back in November 1995. He stated he built a deck last summer without a permit and was fined, so he contacted the City when he started the recent expansion and received a temporary letter of compliance. He stated when he opened on March 15, 1996, he was fined for not being legal. He further stated he received a letter of denial from the City on March 30, 1996, stating the total establishment of 4800 SF would require 64 parking spaces and the remaining retail space of 17,775 SF would require 79 parking spaces bringing the total required parking to 143 spaces (Exhibit C-4). He submitted a proposed site plan for the expansion (Exhibit C-2) and stated the expansion is for a retail/sales office to sell kegs to go. He further stated that during the day he is cleaning up and receiving deliveries. He explained the bar's busiest hours are 9:30 to 10:30 p.m. and the other tenant (Kong's school) is closed by 7:30 p.m.

Protestants:

Terry Doverspike, City Council, District 7, 200 Civic Center, stated 61st and Sheridan is currently the stopping point for most traffic coming from the north or west of Tulsa. He explained there are four (4) and five (5) lane roads at 61st and Sheridan dropping to a two (2) lane road going south and east from this intersection. He stated the Public Works Department has informed him that, with the advance of federal funding, the widening of 61st from Sheridan to Memorial will begin this Fall. He explained that will result in the tearing down the highest hill at 61st and Sheridan and the widening of the intersection at 61st and Sheridan will begin the first of January 1997. He further explained that once the widening is completed the next project is to widen Sheridan from 61st to 71st to a five (5) lane road. Mr. Doverspike addressed this particular part of town will be a traffic disaster for some period of time. He stated this particular tract will be in the center of the widening activity and should be considered in the decision. He further stated the building for this application is rather large for the size of the lot it is located on and the number of parking spaces is somewhat stretched and thin for its current operation. He explained he counted the spaces after the restriping and counted 107 spaces, which two were blocked by a dumpster device, so actual available spaces on sight were 105. He stated 21 spaces are located south of the building that abuts the hill. He further stated his office has received several calls protesting this application due to the concerns of the parking issues.

Mr. Bill Darnell, 6124 South Sheridan, business owner directly across from Bullwinkles Bar & Grill, submitted photographs (Exhibit C-6) and stated the expansion plan includes a dance floor, stage and an area for retail sales. He further stated the parking spaces in the rear of the building shows it to be a one way lane for deliveries and you are not able to exit the alleyway. He related it is virtually impossible to go around the building, it would require backing up and turning around. He further related the parking spaces in front of his deck states harley parking only that is striped for six (6) car spaces. He informed the Board that the first two parking spaces are occupied by gas meters and some other sort of utility box, in addition, two parking spaces the dumpsters are occupying. He related he has been located in the area for 12 years and has had problems with bar clients and Kang's clients parking in his parking lot as late as 9:00 to 11:00 p.m. He revealed his business is closed at this time of evening and that is not problem, however, during the day there are times they use his parking while he is opened. He stated the parking in the area has really become congested with the new restaurants that have moved in and the overflow of parking has always been a problem before Bullwinkles moved in. He further stated if Bullwinkles is allowed to expand the parking problem will become worse. He explained the business owners try to be neighborly and friendly, but the parking issue is a problem.

Case No. 17374 (continued)

Lonnie Davis, 1516 South Boston, an attorney representing the business owners located at 6149 S. Sheridan, stated he agrees with the two previous protestants. He asserted the 21 parking spaces in the rear of the building are not practical uses for parking. He expressed the need for the fire department to examine the site for fire safety before any approval is made on expanding the parking in the rear. He stated the full use of the shopping center should be considered in any variance application and the property is currently listed with a broker to lease the empty space. He requested the Board to consider the full use of the property in their decision.

Dale Dawson, representing the Southeast Homeowner's Association, stated the homeowners strongly oppose this application.

Virginia Poe, 5808 East 63rd Street, stated Mr. Doverspike requested that she notify the neighbors of the changes requested. She submitted two letters to the Board (Exhibit C-7) and petitions with 322 signatures (Exhibit C-8). She explained her concern is that the area was never intended to be this densely developed. She expressed concerns that the applicant is not legally permitted in the area. She explained the applicant abuts a RS-3 district and is directly across the street of an RM-1 and RM-2 district. She requested the Board to deny this application and to inquire if he is legally permitted in the area.

Tom Harrison, Pastor Asbury United Methodist Church, stated he is speaking more as a Dad who has a son enrolled at Kong's and cannot find parking in the parking lot. He is against this application because of the moral issue as well as the parking issue.

Norman Rizer, representing homeowner's association, stated the tract of land is very boxed in and parking is a problem. He further stated the applicant is asking for a 33% increase in parking space that is not available. He expressed bars do not have a good reputation being in neighborhoods that are well established. He further expressed concerns about the litter, noise and greater possibility of crime. He stated the City has laws on parking space for business and he asked that the Board uphold these laws that are on the books. He requested the Board to deny this application.

Lloyd Hobbs, Chairman Planning District 18, stated this applicant is in District 18 and he has received several phone calls regarding this application. He explained most calls were not sure if it was a sexually oriented bar or adult entertainment. He further explained as a bar it is an adult entertainment facility. He stated the business wants to expand and there is simply not enough parking spaces, so he is asking for an exception. He further stated the business does not have a hardship, but a hardship would exist for the surrounding areas if the board approves this application. He requested the Board deny this application.

Applicant's Rebuttal:

Mr. Barsh stated since the Full Moon Cafe moved in he has experienced overflow parking into his required parking spaces. He further stated that 62nd street has enough space to park about 25 cars. He submitted a letter from Shadow Mountain Institute (Exhibit C-5) and stated they do not oppose his business. He explained it is not a sexually oriented business, it is an upper scale club that serves alcohol.

Comments and Questions:

Ms. Abbott asked the applicant how long he had been in business? He responded he has been in business for 2 years and in that two years the police have been called to his business twice.

In response to Ms. Abbott, the applicant stated he bought the business already established. He stated he has spent \$40,000.00 remodeling the expansion and hasn't been able to use it without being closed down by the State of Oklahoma.

Mr. Gardner stated the applicant is operating with 2800 SF, but when he went to get a permit to expand by 2,000 SF to have 4800 SF, the parking issue was raised. Bars are required to have one (1) parking space for each 75 SF and that may not be enough if you have special events occurring at the bar.

In response to Ms. Abbott, Mr. Gardner responded he did not know if the building inspector has raised an issue of the parking for the 2800 SF, but the primary purpose of the application is the expansion and if you deny the request, he has to operate within the 2800 SF. Mr. Gardner explained the building inspector would have to determine if the applicant is in violation of the existing 2800 SF.

Mr. Barsh stated he understands he would need 143 parking spaces if he expanded to 4800 SF and he knows he is legal for the 2800 SF. Mr. Barsh asked if he could use the expanded 2000 SF to use as a retail/office only? Mr. Gardner explained that would be up to the building inspector to decide if there is enough parking.

Mr. Bolzle stated he has a concern that a number of the parking spaces marked are not usable and I am not in favor of the expansion.

Case No. 17374 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Abbott, Bolzle, White, "aye"; no "nays"; no "abstentions"; Turnbo, Box "absent") to **DENY** a **Special Exception** to reduce the parking requirements in a shopping center to permit expansion of an adult entertainment establishment. **SECTION 1408.B.4. NONCONFORMITIES; ADULT ENTERTAINMENT ESTABLISHMENTS** - Use Unit 12a, finding the use to be injurious to the neighborhood; and finding that approval of the special exception would violate the spirit and intent of the Code and would not be in harmony with the Comprehensive Plan; on the following described property:

Lots 3 & 4, Block 2, Deborah Jean Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 17381

Action Requested:

Variance of the required setback from the centerline of 11th Street from 50' to 35' to permit a sign. **SECTION 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 21, located 1808 East 11th Street.

Presentation:

The applicant, **Russell Mason/Masign**, not present.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Abbott, Bolzle, White, "aye"; no "nays"; no "abstentions"; Turnbo, Box "absent") to **CONTINUE** Case No. 17381 to June 11, 1996 at 1:00 p.m. and re-notify the applicant.

Case No. 17382

Action Requested:

Special Exception to permit church use in a RS-1 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located Southeast corner of 15th and Lynn Lane.

Presentation:

The applicant, **Edward W. Davison**, 1732 East King Place, submitted a site plan (Exhibit E-1) and stated the church requested church approval 10-12 years ago in an attempt to build and experienced financial difficulties, which halted construction of the Church. He further stated the church now has the finances to proceed and requested the exception be approved to permit the church construction.

Interested Parties:

Dr. Richard Cress, Pastor, stated he could not conceive anyone protesting when it had been previously granted and a nice aesthetic church building would be an improvement to the area. He further stated the church will be a small structure measuring 5,000 SF situated on 4 acres. He explained the church meets the required parking codes. He further explained there will be a sufficient buffer between the church and the neighborhood. He requested the Board approve this application.

In response to Mr. White, the applicant stated he had not met with the neighbors concerning the church's plans to build.

Interested Parties:

Ross Hunt, 17910 East 15th Street, stated he lives on 5 acres directly east of the subject property. He further stated he opposes any multi-use or heavily used facility in this area. He informed the Board that the ground will not perk and there is no city sewer available. He stated the lateral lines in this area do not work when it rains and there is no way a perk test will pass. He further stated any run off from the church property will flow across the front of his property. He explained he has lived there 23 years and when it is wet any septic/waste runs on top of the ground. He requested this application be denied.

Carol Matheson, stated she recently bought the property across the subject property and she seconds Mr. Hunt's concern about the sewer system. She further stated the perk test is questionable and seriously protest the use of an open lagoon system due to the odor.

In response to Ms. Abbott, Ms. Matheson stated she is building a 2600 SF home on the 7 acres she recently acquired across from the proposed site.

Applicant's Rebuttal:

Mr. Davison stated that since he does not live in the area he did not know about the sewer problems and assumed the designers will address the problems of the drainage and perk test.

Comments and Questions:

Mr. Bolzle advised that the land use is entirely appropriate, but asked the Staff since there is serious concerns about sewage disposal will the Health Department be aware of these problems brought up by the protestants. Mr. Gardner stated the Health Department will have to satisfy the Planning Commission as to the method of proper sewage disposal. It will be up to the church to meet the Health Departments regulations.

Mr. Bolzle asked Mr. Gardner if he was confident the issues expressed today will be adequately dealt with through the Planning Commission. He answered affirmatively.

Ms. Abbott stated the issue before the Board today is to permit church use and the Planning Commission and Health Department will determine if the site can be developed for church use, specifically relating to proper sewage disposal.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Abbott, Bolzle, White, "aye"; no "nays"; no "abstentions"; Turnbo, Box "absent") to **APPROVE** a **Special Exception** to permit church use in a RS-1 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; subject to no waiver of the sub-division plat requirement to insure an adequate sewage disposal system and that storm water issues are adequately addressed because of the concerns of the neighborhood; finding the approval of the request will not be detrimental to the neighborhood or violate the spirit and intent of the Code; on the following described property:

N 301.50' of the N/2 of the NW/4. NW/4, SW/4, Sec. 12, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17383

Action Requested:

Special Exception to waive the screening requirements along the NE boundary fronting the Broken Arrow Expressway. **SECTION 1223.C. USE UNIT 23. WAREHOUSING AND WHOLESALING;** Use Conditions, located 7337 East 38th Street.

Case No. 17383 (continued)

Presentation:

The applicant, **Wallace O. Wozencraft**, 5801 East 41st Street, representing Sooner Freight, submitted a site plan (Exhibit F-1) and an Architects drawing (Exhibit F-2). Mr. Wozencraft stated the north side of the building has no truck access and it backs up against the Broken Arrow Expressway and consequently would have no need to have any screening. He further stated the building is located on 5.17 acres and have 462.11' of distance along the Broken Arrow Expressway. He explained there is a 60' wide corridor that connects the main body of the property to 38th Street and it is bordered on both sides by IL zoned district. He stated the property has been issued a building permit subject to the resolution of the fencing issue. He described the building as 23' tall, made of solid concrete tilt up panels , which will be about 200 lineal feet of the building and then the adjacent 40', which will be totally glass will be the office structure. He further stated the total building footage will be 28,000 SF. He informed the Board that all of the truck access will be from the south side of the property. He stated the property is fully landscaped and will meet all of the requirements of the zoning code with a full tree exposure all along the Broken Arrow Expressway. He further stated the property averages about 18' above the Broken Arrow Expressway and requested approval of the waiver of the screening requirements because the building would be more attractive than the screening. He explained the purpose for the glass in the end of the building, which is the office, is to take advantage of the view and exposure Sooner Freight Company would like to have.

Comments and Questions:

In response to Bolzle, the applicant stated there is no outside storage on this property. He explained most of the storage in the building is there for only a very short term.

In response to Bolzle, the applicant responded the land slopes from west to east and the distance from the property line is approximately 40'. He stated the tree line will be on the property line along the north side.

Protestants:

Mike Morris, 2650 South Columbia Pl., stated he owns the 38th Street Mini-Storage, which is the property adjacent to the south side of Sooner Freight Company. He further stated his property is considerably lower in elevation than the subject property. He commented that the applicants description of the screening with the trees and the pre-fabricated concrete walls is preferable to him. He explained he was concerned of the screening blocking his exposure for the mini-storage. He further explained in 1985 he donated a substantial amount to up with trees to landscape the freeway right-of-way to make it very attractive and with Mr. Wozencraft's trees it will make a nice addition. He expressed concerns about water run off since he is in a lower evaluation. He stated the borrowing of dirt done in the past by ODOT has caused a lake in the higher property and as water builds up it eventually flows through his property. He expressed he would like to know how the applicant expects to discharge the run off water.

Case No. 17383 (continued)

Applicant's Rebuttal:

Mr. Wozencraft stated he has been working on the water run off problem for 6 months with the Storm Water Management Department. He further stated he is creating a series of retention ponds within the property. He explained the area is also restricted by easements that can not be changed without approval by the City of Tulsa. He further explained the water will be metered out of the retention ponds in an appropriate manner consistent with the Storm Water Management Department regulations.

Additional Comments:

Ms. Abbott stated she didn't have a problem with waiving the screening requirement.

Mr. White stated with the retention facility it would prevent the lower property from flooding.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Bolzle, White, "aye"; no "nays"; no "abstentions"; Turnbo, Box "absent") to **APPROVE** a **Special Exception** to waive the screening requirements along the NE boundary fronting the Broken Arrow Expressway. **SECTION 1223.C. USE UNIT 23. WAREHOUSING AND WHOLESALING**; Use Conditions; per plan submitted; finding approval of the special exception will be in harmony with existing development; and finding that approval of the request will not be detrimental to the existing neighborhood or violate the spirit and intent of the Code; on the following described property:

Beginning at a point on the E boundary of NW/4, SE/4, Sec. 23, T-19-N, R-13-E, I.B.M., City of Tulsa, Tulsa County, Oklahoma said point being 30' N of SE/c thereof; thence N89°57'42"W for 530.54' to POB; thence N0°02'23"E for 1091.09'; thence S57°09'04"E for 195.99'; thence S68°27'40"E for 76.49'; thence S57°09'04"E for 350.57'; thence S0°02'23"W for 202.88'; thence N89°57'42"W for 462.11'; thence S45°00'00"W for 26.07'; thence S0°02'23"W for 376.40'; thence S15°00'00"E for 57.77'; thence S0°02'23"W for 113.38'; thence N89°57'42"W for 65.00' to POB.

Case No. 17384

Action Requested:

Special Exception to permit a manufactured home in a RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and a Variance to permit 2 dwelling units on 1 lot of record. **SECTION 205. NUMBER OF DWELLING UNITS ON A LOT.** - Use Unit 9, located 2931 East Mohawk Boulevard.

Case No. 17384 (continued)

Presentation:

The applicants, **Charles and Nancy Cagle**, represented by Jim Doherty, 616 South Boston, submitted a site plan (Exhibit G-1), tax receipt (Exhibit G-2), building application (Exhibit G-3) and photographs (Exhibit G-5). Mr. Doherty stated there are several mobile homes in the immediate area and submitted a letter of approval from several neighbors (Exhibit G-4). He further stated that the manufactured home would be keeping with development in the area and would not cause a problem. He explained the large lot is a very long slender lot and it would be impossible to split the long narrow lot into two lots and have the necessary frontage on an arterial street. He stated the applicant wants to put his mother in the house already existing on the lot and move the manufactured home on the back of the property for the applicant and his wife to live in so they can assist their mother who is 74 years old.

Comments and Questions:

Mr. White asked the applicant if the property has a mobile home on it now? He answered affirmatively, but the mobile home will be moved out and the new manufactured home will replace it.

Ms. Abbott asked the applicant if the home will be on a permanent foundation? It will be placed on a platform with tie downs and skirting.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Abbott, Bolzle, White, "aye"; no "nays"; no "abstentions"; Turnbo, Box "absent") to **APPROVE** a **Special Exception** to permit a manufactured home in a RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and a **Variance** to permit 2 dwelling units on 1 lot of record. **SECTION 205. NUMBER OF DWELLING UNITS ON A LOT.** - Use Unit 9, per plan submitted; subject to the existing mobile home being removed; subject to Health Department approval and a building permit; finding that there had previously been two dwelling units on the property; finding the property is a large narrow tract and that approval of the request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

Lot 6, Block 9, less S 20' and less beginning NW/c E 5.3 Swly 26.1 to pt on WL N 25.6 to beg., Lake View Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17385

Action Requested:

Special Exception to permit a private school (preschool only) in association with a previously approved church. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 6730 South Sheridan Road.

Presentation:

The applicant, **Kathryn A. Herwig**, 6730 South Sheridan Road, submitted a site plan (Exhibit H-1) and stated the pre-school had never been granted a special exception and it has been in operation since 1971. She further stated there has never been any complaints from neighbors. She explained the pre-school operates on Monday, Tuesday, Wednesday and Friday from 9:00 a.m. to 2:30 p.m. She further explained that there are 150 students enrolled and on a full day have 92 students present. She stated the original plot plan that was submitted to the Board in 1966 and resubmitted with this application shows 110 parking spaces, however four (4) of the spaces have been converted to a loading area. She further stated the sanctuary measures 3100 SF. She explained the classrooms for pre-school are the same classrooms used for Sunday school.

Comments and Questions:

Mr. Bolzle asked the applicant if she anticipated the enrollment to increase? She stated the enrollment is expected to stay at 150 students.

Board Action:

On **MOTION** of **WHITE**; the Board voted 3-0-0 (Abbott, Bolzle, White, "aye"; no "nays"; no "abstentions"; Turnbo, Box "absent") to **APPROVE** a **Special Exception** to permit a private school (preschool only) in association with a previously approved church. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, per plan submitted; subject to the enrollment for pre-school only; finding that the approval of this special exception will not be injurious to the neighborhood nor harmful to the spirit and intent of the Code; on the following described property:

Beginning at a point 518' S of the NE/c NE/4, SE/4, Sec. 3, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma; thence S along the E. line said Sec. 3 for 543.49'; thence W and parallel to the N line said Sec. 3 for 406.95'; thence N and parallel to E line said Sec. 3 for 50' to PC; thence Nwly along curve w/radius of 187.86' for 132.63'; thence N40°27'W for 103.52' to PC; thence Nly along curve right w/radius of 192.43' for 135.65'; thence N and parallel to E line said Sec. 3 for 168.27'; thence E and parallel to N line said Sec. 3 for 564.84' to POB.

Case No. 17386

Action Requested:

Special Exception to permit a child care center in an AG zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 2, located 1/2 mile East of the Northeast corner of 91st Street and South Memorial Drive.

Presentation:

The applicant, **Charles E. Norman**, requested this application be continued to June 11, 1996 at 1:00 p.m. Mr. Norman explained the lease agreement for this property is still pending and would prefer this application be heard when the lease agreement is concluded.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Abbott, Bolzle, White, "aye"; no "nays"; no "abstentions"; Turnbo, Box "absent") to **CONTINUE** Case No. 17386 to June 11, 1996 at 1:00 p.m. to allow the applicant to conclude the lease agreement.

Case No. 17387

Action Requested:

Special Exception to permit the Student Life and Convocation Center. **SECTIONS 401., 601., 701. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, OFFICE DISTRICTS, COMMERCIAL DISTRICTS;** a Variance to permit the multiple lots and vacated rights-of-way within the site to be considered as a single lot for the purpose of establishing and measuring building and parking setbacks and calculating the amount and locating signage within the site. **CHAPTERS 2 & 13;** a Variance of the maximum building height in an RS-3 and OL districts from 35' and single story to a maximum of 90'. **SECTIONS 403. & 603. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL & OFFICE DISTRICTS;** a Variance to permit off-street parking and loading areas within a R district and within 50' of a R district as follows: 63' from centerline of Harvard, 30' from the centerline of 8th Street, 45' from the centerline of 11th Street, **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS & SECTION 1302. SETBACKS;** a Special Exception to remove the screening requirements of off-street parking areas along a lot line or lines in common with an R district along 8th Street. **SECTION 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS;** and a Variance to permit 1,800 off-street parking spaces required for the facility to be located off-site but within the Harvard, 11th Street, Delaware and northern boundaries of the University campus. **SECTION 1202.D. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES;** Off-Street Parking and Loading Requirements, located Northwest corner East 11th Street and South Harvard Avenue.

Presentation:

The applicant, **Charles E. Norman**, 2900 Mid-Continent Tower, stated this is the 5th in a series of applications to the Board for the expansion of the University of Tulsa with respect to its physical facilities. He further stated in 1987 the comprehensive plan indicated the site for this project, which is approximately 12 acres at the northwest corner of 11th street and Harvard Avenue, to be recreation facilities for TU. He submitted photographs (Exhibit J-6) and stated the photographs accurately depict the site itself and the uses that exist presently on the east and south borders, as well as the campus itself to the west and to the north. He submitted a resolution dated March 9, 1994 and explained the 1987 Comprehensive Plan was amended to reflect this specific planning process that has been going on at TU and within the neighborhood in the intervening years (Exhibit J-3). He further explained the plan as it now stands shows the existing site as appropriate for intercollegiate activities, recreation sports for students and for varsity teams, as well as a number of other University activities, including student body and faculty convocations, banquets, speakers and graduation. He informed the Board that the amendment to the comprehensive plan recognizes the five new buildings that are proposed as a part of the capital campaign of TU and one of those is the building under application, which is called recreation, sports & convocation center, now known as the convocation center and student life facility. He stated the Comprehensive Plan amendment also recognizes a circulation loop internal to the campus that utilizes South Delaware Avenue, 8th Street on the north boundary of the proposed site, a new internal street and Gary Place up to 4th Place in order that circulation can occur inside the campus boundaries without traffic internal to TU going out on 11th and Harvard Avenue. He further stated the amendments to the plan also approve certain street closings, including Gary Avenue and Gary Place, which are within the subject site and applications for the formal closing are now pending before the City Council and have been recommended for approval by the Department of Public Works and the various utilities that use those streets. He explained the current parking supply on campus excludes University owned apartments and those apartments that have been approved by this Board in the last year. He stated the amendments discuss the reorganization of the existing parking supply in accordance with the comprehensive plan documents that were produced. He further explained the amendments include the concept of gradually moving the parking to the exterior of the campus and making the heart of the campus more pedestrian oriented in order that the conflicts between pedestrian travel and vehicles can be eliminated and create a more university like and park like setting within the heart of the university. Mr. Norman submitted a site plan (Exhibit J-2) and stated this involves a number of platted residential lots and vacated streets rights-of-way. He further stated the subject site abuts the east wall of Skelly Stadium and the complexity of all of those property descriptions makes it desirable that TU be allowed to use this as a single lot for determination of setbacks, calculations of allowed signage. He explained TU owns the property on the north side of 8th Street and the east side of Harvard Avenue that is zoned as a residential district and he requested the board to waive the screening

requirement on TU's own boundaries. He further explained the height of the building will exceed the 35' limitation in a residential zoned district and requested a variance be approved for the 35' height. He stated the two most important requests before the Board is the special exception for the use of the property for the purposes that are outlined in this application and for an approval of a variance to permit 1800 of the required off-street parking spaces associated with this building to be located off-site within the Harvard, 11th St., Delaware and northern boundaries of the campus. He explained that if all of the streets within the campus of the university were closed there would be no need for the application of the variance because the university would have parking as required by the zoning code. He asserted there is no application for reduction of the off-street parking required in connection with the building. He stated TU is aware parking is a concern to the neighborhoods adjacent to the campus and last year commissioned a parking and traffic analyst of the site plan by the Deshazo, Tang & Associates firm in Dallas (Exhibit J-1). He further stated there are presently on campus, not including parking associated with apartments owned by the university or not including parking that will be provided as part of the northwest housing project, 2924 off-street parking spaces and there are additional 158 spaces that are on public streets that have been vacated and closed, which are now owned and controlled by TU. Therefore he concluded TU presently has 3,082 parking spaces counted by the DeShazo firm, plus 389 spaces that are available and legal on the streets within the campus that are still publicly owned and opened. He stated the parking requirements for TU are established on the basis of the number of square feet of classroom floor area and it is required one (1) space for each 600 SF. He cited there are 480,000 SF classroom area and it requires 800 parking spaces. He explained one (1) parking space is required for each dormitory bed and TU has 1200 dormitory beds presently on the campus, which adds another 300 parking spaces required. He further explained Skelly Stadium was expanded to its present capacity in 1960 when there was no parking requirement for the stadium. He stated Skelly Stadium is a lawful non-conforming use and has never and will probably never meet the required parking spaces. He further stated excluding Skelly Stadium the university is required to have 1100 off-street parking spaces and it now has 2900 plus. He explained the new facility with 8,000 permanent seats will require 2,000 off-street parking spaces and after completion of the facility there will be 99 spaces on site lost, those are spaces adjacent to the ticket office, and there will be 205 spaces added on the site, which will bring the spaces up to 3,188 (not counting any spaces created in the future). He stated this will be a surplus over the code requirements of 88 spaces and if you add the additional on street spaces of 389 within the campus, there will be a substantial surplus for a building containing 8,000 maximum attendees. He estimated the proposed building will be utilized 100 times a year for events that are as little as 500 people up to the maximum capacity of 8,000. He further estimated less than 15% or 15 times a year will the building be filled to 8,000. He stated the history of the TU basketball program during its most successful years didn't average 7,000 people in attendance and they average even less in the past two years. He further stated the

graduation attendance will come close to 8,000 and the rest of the occasions are estimated to be 1,000 to possibly 3,000. Mr. Norman reported the survey was based on actual counts of vehicles on the campus on a weekday during the school year and on Saturday last fall when TU was playing the University of Louisville, which was attended by 15,000 people. He further reported the study indicates that even with 15,000 people in attendance there were still a surplus of parking spaces available within the campus and within the neighborhoods to the south there were no more than 750 to 800 spaces occupied more than or typically occupied on a week day by the neighborhood residents and visitors. He stated TU has designed the site plan to discourage parking off campus. He detailed the building is located more than 300' from Harvard Avenue and more than 150' from 11th Street. He explained with the design feature you are required to come to one location to enter the center. He further explained that parking in the neighborhoods to the east would be a considerable long walk than parking in the designated areas within the campus. He further explained TU will do everything possible to encourage season ticket holders and hurricane club boosters to park to the north and east of the facilities within a 7 1/2 minutes maximum walk. He stated once people learn there is parking within the campus and enjoy the internal beauty of the campus they will not park anywhere else. He further stated the DeShazo firm made recommendations, which have been reviewed by John Eshelman, City Traffic Engineer, at the request of the Mayor's office and he made recommendations that additional right-of-way be granted on Harvard and some additional on 11th Street. He revealed the recommendations are agreeable with TU and will be before the Planning Commission as a part of the plat waiver process which TU has applied for on this site. He stated a recommendation for an additional right hand turn lane at 11th and Harvard and an additional right turn lane at 8th Street for provisions to turn left out and right turn in. He explained there is no access points from Harvard into or out of the site and that was a recommendation of TU's engineer to get the access points as far away from the intersection of 11th and Harvard as possible. He further explained the only access point on 11th Street is approximately 600' to the west of the intersection and the recommendation is to restrict it to right turn exists only during larger events. He summarized the intent is to move the traffic circulation to the interior of the campus and make parking much more convenient inside the campus. He stated the proposed application is necessary for TU and has been needed for several years. He further stated the largest accommodation building presently holds 700 people at the Alan Chapman Event Center and it does not meet the needs of the student body nor the needs of a vibrant and growing university. He requested the Board to consider all of the factors stated and take appropriate action at the right time to approve what has been requested.

Interested Parties:

Bob Cunningham, 1324 South Gary Place, stated human nature being what it is, the people attending the events will park on the side streets as they are currently doing now. He requested the Board to require the number of parking spaces that are required by the Code. He further stated human nature will take the least path of resistance and park along the neighboring streets.

Scott Cole, 1303 S. Florence, stated he read through the information that Mr. Norman submitted. He further stated he owns several properties in the area of the university and he would like to see the neighborhoods stay strong. He commented the encroaching commercial property has brought the neighborhoods down. He further commented the TU expansion plan could have provided better parking. He stated 200 parking spaces will not be adequate to accommodate the expansion and stop some of the damage to the adjacent areas that have taken place because of other similar types of decisions.

THE FOLLOWING PROTESTANTS EXPRESSED SIMILAR CONCERNS:

Sheila Swearingen, 1131 South College Avenue
Roxanna Chamberlain, 1135 South Evanston
Maura Robertson, 1320 S. Florence Avenue
Scott Swearingen, 1131 South College Avenue
Paul Thomas, 216 South Florence
John Massey, 1236 South College
Fran Pace, 1326 South Florence Avenue
Greg Warren, City Development Department
Mr. Heidebracht, 1203 Gary Place

THE FOLLOWING REPRESENT PROTESTANTS WHO DID NOT SPEAK:

Ben & Tracy Calliccoat, 1240 S. Marion
Tony Blackfox, 1236 S. College Avenue
Carol Arledge, 1331 S. College Avenue
Harold & Margaret Baker, 1347 S. Evanston Avenue
Young & Margaret Mitchell, 1438 S. Florence Avenue
Sam Fullteron, 1202 S. Marion
Charles & Joan Brandenburgh, 1336 S. Florence Pl.
Mary Burkholder, 1128 S. Delaware Pl.
Joseph & Virginia Rohr, 1228 S. Florence Ave.
Ken McIntosh, 2839 E. 5th
Christopher Smith, 323 S. Yorktown Ave.
J.D. Mason, 1123 S. Evanston
Bob L. Cunningham, 1324 S. Gary Pl.
Mark & Lius Thng, 3525 E. 12th St.
J. Barnard, 2825 E. 1st Pl.

Case No. 17387 (continued)

Jacqueline Brown, 2740 E. 13th Pl.
Grace Reed, 1131 S. Delaware Pl.
Sybil Ferguson, 1140 S. Delaware Pl.

Comments and Questions:

In response to Mr. White, Ms. Pace stated no parking signs in the area did help some with the football games six times out of the year and neighbors were able to plan their own activities around the events. She further stated if there are 100 events or more with no parking during events, the neighbors have no place to park or their visitors.

In response to Ms. Abbott, Mr. Warren responded people would still park on the street because people do not know the parking setup available inside the campus and it will take twice as long to park inside the campus and difficult to get out.

Ms. Abbott acknowledged several letters of protest (Exhibit J-5) and read the City Traffic Engineer's letter completed May 24, 1996 (Exhibit J-4).

Applicant's Rebuttal:

Mr. Norman stated that Mr. John Eshelman, City Traffic Engineer, is present and would be able to answer any questions the Board may have about the traffic study and report. Mr. Norman read the last paragraph of Mr. Eshelman's report (See Exhibit J-4).

Additional Comments:

Mr. John Eshelman, City Traffic Engineer, stated City of Tulsa was not able to do any in depth traffic and parking study of their own, but reviewed the work of the DeShazo Firm. He further stated he did not find any problem with the inventory or methods used in the study. He informed the Board that DeShazo admitted in spite of the efforts the University will make to encourage on campus parking and the steps the University would take to encourage on campus parking doesn't guarantee that parking will not spill over into the neighborhood. He commented that the University has several confusing signs regarding parking and difficulty in finding the lots, which the University needs to improve. He stated his report is mostly recommendations that the consultant made, which he clarified for the Mayor's office. He further stated the 100 events the University propose to hold at the new site will not be 100 events with 8,000 people in attendance.

In response to Mr. Bolzle, Mr. Eshelman responded that a parking garage facility concentrates the traffic in one area and a new analysis would need to be done before considering this option. He stated filling and emptying a garage is a major issue for events because people usually do not choose large structure parking for events unless there is no other option. He further stated people will not park in the garage for an event because they do not empty fast enough.

Case No. 17387 (continued)

In response to Mr. Bolzle, Mr. Eshelman explained that the ORU Mabee Center was built on a more open area and I presume at the time they met their parking requirements. Mr. further explained it use to be fed only by Lewis and 81st Street, but now there is Riverside Drive and beginning to get some streets in from the South. He stated if you are entering the Mabee Center you still have to follow one of the main routes to get into the parking lot and they have circulation and emptying problems all of their own. He further stated there is no other choice of where to park unless you park across the street at the hotel and walk across, but there are no neighborhood streets around the area to park like TU. He explained that TU and the fairgrounds do have surrounding neighborhoods and they encounter the parking on streets.

In response to Ms. Abbott, Mr. Eshelman responded that if the University provided the 100% parking required for the proposed site with a five (5) story parking garage some people would choose to walk ten (10) minutes due to the problems of emptying a parking garage.

Ms. Abbott stated the only way she could see the parking problem solved is to make it more visible.

Mr. White asked Mr. Eshelman if he encountered this problem in other studies and has it been successfully dealt with in other ways? He responded he is not aware of other ways to deal with when you have urban universities surrounded by neighborhoods. He commented to his knowledge TU did not charge for parking and if you do charge for parking that would only compound the parking problem because people would seek parking alternatives that are free.

Mr. White informed the Board that last year TU did charge for parking on their own lots.

Mr. Eshelman stated that signage can be confusing to the public when university lots are signed with faculty only, student only, permit required, etc. but the signs do not indicate after 5:30 p.m. the parking is open to the public for events. He further stated the university could improve their signs to make it more attractive to park on campus.

Ms. Abbott asked Mr. Eshelman if the City has ever done a study on eliminated some of the ingress/egress points off of 11th between Harvard and Delaware. He stated they have not done any studies and that is a larger subject than a Traffic Engineer could handle.

Applicant's Rebuttal:

Mr. Norman stated that this is not an application to reduce the number of off-street parking spaces required for the total campus utilization. He further stated the whole point is to supply all that is required by the zoning code for all of the uses, but within the larger area not on the subject site and that these decisions were made when the circulation plan was approved by the Planning Commission and the City Council which directs traffic internally. He explained that when the circulation plan was adopted there is no way to assemble a site that would provide for a building of this size and 2000 parking spaces surrounding the new building. He stated to provide the 2000 parking spaces it would require 10 to 15 more acres, so when the approval of the circulation plan was adopted it was known that the facility could never provide the needed parking on the same block and that possibility is not available to TU. He further stated if you closed all of the streets within the campus, this facility would be conforming as to parking. He explained there are 3,000 parking spaces available on campus and the walk is about 7 1/2 minutes to the door of the proposed site. Mr. Norman requested this application be continued for two (2) weeks to enable all Board members to be present and to study the parking report.

Additional Comments:

Mr. Bolzle stated the continuance is appropriate because this is a complex issue. He further stated his concerns of having to implement heavy restrictions on the usage of the proposed building to permit the special exception that it might not be economically feasible. He specified that the parking problem will have to be dealt with, because people are going to park in the neighborhood. He expressed concerns that without some greater effort toward providing a greater number of spaces in the immediate proximity of the center that he would be compelled to limit the usage of the building heavily and that would defeat the purpose of the Master Plan and the approvals the university has received previously.

In response to Mr. Bolzle, Mr. Norman asked Mr. Bolzle to review the study that at the Louisville game there 1700 spaces occupied on the campus and there were still 40% available. He stated there was a crowd of 15,000 people attending the game and this event is twice the amount of the maximum that could ever occur here. He commented it would be appropriate for the Board to consider requirements that signage be changed within the campus and to consider that a lot of the people who will attend the events live on campus do not require additional parking. He further commented that it could take up to 30 minutes to empty a garage provided for parking and people will not utilize the garage unless there is no other alternative.

Case No. 17387 (continued)

Ms. Abbott asked Mr. Norman about surface parking on the east side of Harvard? He responded TU has acquired lots that have been cleared that are not included in the Master Plan and could be paved for events if necessary. He stated that presently the study doesn't indicate that it is necessary to meet the code or the practical situation. He further stated TU is open to any ideas to help solve the parking issues and will cooperate with the neighborhoods. He commented there are a lot of good reasons to live close to the university such as cultural and amusement events that are usually free or very low costs.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Abbott, Bolzle, White, "aye"; no "nays"; no "abstentions"; Turnbo, Box "absent") to **CONTINUE** a Case No. 17387 to June 11, 1996 at 1:00 p.m.; finding the request to be complex and that there were two (2) Board members absent, the applicant requested the meeting to be continued to enable all Board members to be present to consider the application.

Case No. 17388

Action Requested:

Special Exception to permit a 100' communications tower in an AG zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** and a Variance of the required all-weather surface to permit a gravel access drive. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS - Use Unit 4, located 1410 West 71st Street South.**

Presentation:

The applicant, **Wanda L. Anderson, Sprint Spectrum, L.P.**, submitted a site plan (Exhibit K-1), plot plan (Exhibit K-2) and stated that the application has been modified to lower the tower to 55' to be under the 60' height limitation. She further stated the only issue is the variance request for the all-weather surface to permit a gravel access drive. She explained the drive is on Mr. Martindale's property and there is already an existing gravel drive over 1200' and Sprint will be extending the drive approximately 265'. She further explained there will be a weed barrier over the existing drive and add additional gravel when the extension is made. She commented the reason for lowering the tower was because the FAA required Sprint to do so.

Protestants:

No name given, stated he is an adjoining property owner to the south and objects to the appearance of the tower, but understands that since the applicant modified the tower to 55' he has nothing to debate.

Case No. 17388 (continued)

Mr. Beach explained the applicant can be there by right since they modified the tower to 55', which is under the 60' height requirement and is permitted by right.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Bolzle, White, "aye"; no "nays"; no "abstentions"; Turnbo, Box "absent") to **APPROVE** a **Variance** of the required all-weather surface to permit a gravel access drive. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 4; per plan submitted, finding a gravel drive already exists and will only be extended to the location of the tower; finding the approval will not be harmful to the spirit and intent of the Code on the following described property:

Commencing at the NW/c NW/4, NW/4, Sec. 11, T-18-N, R-12-E, I.B.M., City of Tulsa, Tulsa County, Oklahoma; thence N89°08'14"E for 943.09'; thence S0°51'46"E for 1038.36' to POB; thence N88°44'27"E for 50.00'; thence S1°15'33"E for 50.00'; thence S88°44'27"W for 50.00'; thence N1°15'33"W for 50.00" to POB and a 20' wide access easement commencing at the NW/c NW/4, Nw/4, Sec. 11, T-18-N, R-12-E, I.B.M., Tulsa County, Oklahoma; thence S41°21'09"E for 23.45'; thence S65°00'05"E for 139.62'; thence S 23°34'20"E for 56.16'; thence S1°09'35"E for 430.00'; thence S7°15'34"E for 232.89'; thence S2°36'42"W for 77.87'; thence S12°43'00"W for 177.28'; thence S0°11'42"E for 47.22"E for 47.22'; thence S25°15'38"W for 28.23'; thence S83°32'42"W for 20.03'; thence N59°32'33"W for 196.65'; thence S88°44'27"W for 68.62' to an ending point on the E side of the 50'x50' lease site 29.86' S1°15'33"E of NE/c said site.

Case No. 17389

Action Requested:

Variance to permit required parking to be located in the street right-of-way or in the planned street right-of-way on East 33rd Street and South Yale Avenue. **SECTION 1302.B. OFF-STREET PARKING AND OFF-STREET LOADING; SETBACKS. SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS**, located 3259 South Yale Avenue.

Presentation:

The applicants, **Jef Falling/John Stava**, John Stava representing Saied Music Company, submitted a site plan (Exhibit L-1) and stated he is a building contractor currently renovating the Saied Music Company at 3259 South Yale. He further stated the issue today is about the parking that abuts Yale along the frontage of the building. He explained there are currently 13 parking spaces along Yale that orient to the northwest on a 45° angle. He further explained the location of the entrance to the parking lot is being relocated approximately 25' or 30' to the north, which leaves a surplus of land to the north of the existing parking places and he would like to utilize the space for three (3) more parking spaces along the frontage of Yale Avenue. He stated that would locate the new spaces in front of the door to the building, which is more desirable place for retail parking. He further stated it does not make any business or logical sense to turn the area into a landscape area since the entire site already meets the PUD requirements for landscaping. He indicated the existing parking encroaches into the public right-of-way only 3' and the remainder of the parking is on the site. He further indicated the requested additional three spaces will encroach only 3' as the other parking that is already in existence. He stated there are two existing parking spaces on 33rd Street that have been in existence for 32 years, which are on the public right-of-way and he requested approval to retain the two existing parking spaces.

Comments and Questions:

Mr. White asked the Staff if the applicant had to get permission from the City Council after the Board approved this application. Mr. Gardner answered affirmatively and explained they would need a license agreement to extend into the right-of-way.

Mr. Gardner stated to his knowledge the approval has never been acquired for the existing parking that encroaches 3' into the public right-of-way and that is why this application is before the Board. You can not have any parking in the planned major street right-of-way under the code without a variance.

Case No. 17389 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Abbott, Bolzle, White, "aye"; no "nays"; no "abstentions"; Turnbo, Box "absent") to **APPROVE** a **Variance** to permit required parking to be located in the street right-of-way or in the planned street right-of-way on East 33rd Street and South Yale Avenue. **SECTION 1302.B. OFF-STREET PARKING AND OFF-STREET LOADING; SETBACKS. SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS;** per plan submitted, finding existing parking spaces extend 3' in the public right-of-way and the additional new spaces will line up with the existing spaces; finding that approval of this request will not be injurious to the area, or violate the spirit and intent of the Code; on the following described property:

W 400' Lot 1 and W 300' Lot 2, Block 2, Yorkshire Estates, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17390

Action Requested:

Special Exception to waive the screening requirement. **SECTION 1219.C.1. USE UNIT 19. HOTEL, MOTEL AND RECREATION FACILITIES;** Use Conditions, located 3310 South 79th East Avenue.

Presentation:

The applicant, **Lloyd Fruchtman**, 3310 South 79th E. Avenue, represented by Sam Bealer, submitted a site plan (Exhibit M-1) and stated the screening fence that goes along the west property line which is just south of the Embassy Suites project. He requested approval to waive the required screening.

Comments and Questions:

~~Mr. White stated the building will be several stories high and the screening fence will have no purpose.~~

Mr. Bolzle stated to his knowledge none of the other business or structures in the area have screening.

Case No. 17390 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Bolzle, White, "aye"; no "nays"; no "abstentions"; Turnbo, Box "absent") to **APPROVE** a **Special Exception** to waive the screening requirement. **SECTION 1219.C.1. USE UNIT 19. HOTEL, MOTEL AND RECREATION FACILITIES**; Use Conditions; per plan submitted; finding that approval of this request will not be injurious to the area nor violate the spirit and intent of the Code; on the following described property:

Commencing at the SW/c Lot 3, Interchange Place, City of Tulsa, Tulsa County, Oklahoma; thence N18°34'40"W for 256.12'; thence N06°09'05"E for 55.34' to POB; thence N06°09'05"E for 179.22'; thence N27°07'25"E for 146.06'; thence S62°52'35"E for 228.12'; thence N89°57'52"E for 243.00'; thence S00°02'08"E for 204.00'; thence S89°57'52"W for 531.95' to POB.

Case No. 17391

Action Requested:

Variance of the requirement that a corridor development's access shall be principally from internal collector streets. **SECTION 804. ACCESS REQUIREMENTS** and a Variance of the required setback from the centerline of Mingo Road from 200' to 102'. **SECTION 803. BULK AND AREA REQUIREMENTS IN THE CORRIDOR DISTRICT** - Use Unit 20, located South of the Southeast corner East 91st Street and South Mingo Road.

Presentation:

The applicant, **Tulsa In-Line Hockey League**, represented by Wayne Alberty, 201 W. 5th Street, submitted a site plan (Exhibit N-1) and stated the property as an area approximately 3 1/2 acres in size located on the east side of south Mingo Road, which would be south of 91st Street. He further stated the property is very long, narrow and is approximately 1/4 mile deep from Mingo Road moving east with 220' of frontage along Mingo Road. He explained there are three reasons for the variance: 1.) the fact that it is a very narrow, deep and long piece of property; 2.) it is surrounded on two sides by flood plain; and 3.) there is a 40' sanitary sewer easement. He informed the Board that on May 22, 1996, TMAPC heard the application for zoning and for a site plan, which both were approved subject to this Board's action on two items. He explained that one of the items is that the ordinance requires a 200' building setback from the centerline of Mingo Road and the proposed building is 235' deep with 90' across the frontage. He further explained in order to build this structure, which is

Case No. 17391 (continued)

required for an in-line hockey league court, the building is having to be reduced by 5' on the east side in order to accommodate the easement. He stated the ordinance requires a 200' setback and the building is able to setback 102', which is consistent with the buildings on the north side of the north property line. He further stated that the T-Town Gulf complex to the south, which is already set closer than 100' of the centerline. He explained the 200' setback would not serve any purpose since there are already existing structures set closer than 100'. He stated the second variance requested is that the ordinance requires that the principal access be from an interior collector street and the property only has 200' frontage. He further stated a bridge would have to be built across Haikey Creek in order to get access if there could be an internal collector street. He informed the Board that TMAPC has considered this and recommended approval. He requested the Board to grant the two variances.

Comments and Questions:

Mr. Bolzle was concerned with the setback issues and understands the farther it is moved back the narrower the building would have to be because the easement narrows.

Mr. Gardner stated the corridor district was not to be used to strip out the arterial streets commercially and so restaurants and other commercial uses were required to setback 200', the Planning Commission wouldn't be over taxed with applications to strip out the frontage. He further stated other uses such as offices are permitted to setback only 100'.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Bolzle, White, "aye"; no "nays"; no "abstentions"; Turnbo, Box "absent") to **APPROVE** a **Variance** of the requirement that a corridor development's access shall be principally from internal collector streets. **SECTION 804. ACCESS REQUIREMENTS** and a **Variance** of the required setback from the centerline of Mingo Road from 200' to 102'. **SECTION 803. BULK AND AREA REQUIREMENTS IN THE CORRIDOR DISTRICT** - Use Unit 20; per plan submitted; finding a hardship exists due to the narrow shape of the land and abutting Haikey Creek; finding that the approval of this request will not be harmful to the area; nor violate the spirit and intent of the Code; on the following described property:

Beginning at a point 50' E of SW/c N330' of the S660', Gov't. Lot 1, Sec. 19, T-18-N, R-14-E I.B.M., City of Tulsa, Tulsa County, Oklahoma; thence N01°09'30"W for 223.77'; thence S82°35'46"E for 86.22'; thence S74°57'32"E for 101.70'; thence S86°53'10"E for 86.34'; thence S79°34'35"E for 171.73'; thence N86°28'51"E for 122.03'; thence S78°55'39"E for 92.99'; thence S68°32'06"E for 81.25'; thence N64°03'00"E for 40.81'; thence S89°29'03"E for 107.20'; thence S71°05'02"E for 236.74'; thence S52°21'25"E for 49.39'; thence S88°58'08"W for 1130.13' to POB.

Case No. 17392

Action Requested:

Special Exception to permit a mobile home in an AG zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** and a Variance of the required frontage from 30' to 0'. **SECTION 206. STREET FRONTAGE REQUIRED** - Use Unit 9, located 7201 West Edison Street.

Presentation:

The applicant, **Bernard R. Hecht**, 7201 West Edison, submitted a site plan (Exhibit O-1) and stated he has a live stock breeding operation on approximately 50 acres and would like to add security to his operation. He explained he would like to install a mobile home for a full-time security person. He further explained the area is annexed to the City of Tulsa, but it is in Osage County and law enforcement is not readily available, nor do you know if Osage County, Tulsa County or Sand Springs will respond to the call. He stated there substantial vandalism, garbage dumping and stray animals that interfere with his herd. He commented if there were security 24 hours a day, he felt he could eliminate a big percentage of the problems. He stated the mobile home will be in the center of his property and will front on an easement that leads to his residence. He further stated the mobile home would be totally invisible from any of the surrounding properties and roads. He explained there are several mobile homes in the surrounding area.

Comments and Questions:

Mr. White asked the applicant if the dedicated driveway was by separate instrument. He answered affirmatively.

Mr. Gardner stated the County Code permits a mobile home as a matter of right in an AG district but the City Code requires a special exception.

Mr. White asked the Staffs concerns about the lots and platting? Mr. Beach stated the Staff was concerned that this didn't develop as a sub-standard single family sub-division.

Mr. Hecht stated he owned all of the property and the title would not be transferred. He further stated the property is his and whoever is hired for security will live in the mobile home as a hired manager.

Mr. Gardner stated by tying the lots together you assure that a sub-division is not being created.

Mr. Linker asked the applicant if the tracts were described separately? He answered affirmatively.

Case No. 17392 (continued)

Mr. Beach stated that several of the tracts are land locked and couldn't be issued building permits without further actions from this Board.

Mr. Bolzle suggested that lots 4,5,6 and 7 be tied since they did not have access to a dedicated street, where the other three lots do have access to a dedicated street.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Abbott, Bolzle, White, "aye"; no "nays"; no "abstentions"; Turnbo, Box "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an AG zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** and a **Variance** of the required frontage from 30' to 0'. **SECTION 206. STREET FRONTAGE REQUIRED** - Use Unit 9; per plan submitted; subject to a tie contract for tracts 4, 5, 6 and 7; subject to the approval of the Health Department and a building permit; finding 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:

N/2, SE/4, Gov't. Lot 3, Sec. 31, T-20-N, R-12-E, City of Tulsa, Osage County, Oklahoma.

Case No. 17393

Action Requested:

Special Exception to amend a previously approved site plan. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** and a Variance of the required setback from the centerline of East 101st Street from 85' to 65' to permit expansion of an existing church. **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 2, located East of the Northeast corner East 101st Street and South Yale Avenue.

Presentation:

The applicant, **Tanner Consulting**, represented by Dan Tanner, submitted a site plan (Exhibit P-1), architect drawing (Exhibit P-2) and stated this property was approved for the use in 1981 and in 1991 a Master Plan was approved. He further stated he would like to amend the Master Plan to build onto the facility. He explained the church would like to build a bell-tower in front of the building to enhance the architectural relief and give the church more identity along the frontage.

Comments and Questions:

Mr. Bolzle asked the applicant if the dotted line between the bell-tower and the church indicates a porte-cochere? He stated there is an open structure there currently.

Case No. 17393 (continued)

Mr. Bolzle asked the applicant if the bell-tower would be at the end of the existing structure? He answered affirmatively.

Mr. Bolzle commented that the right-of-way is already being encroached with the porte-cochere? He responded the church is encroaching approximately 7' over the building line.

Mr. Bolzle asked the Staff if the church was allowed to build the bell-tower, can the church encroach half the distance on their own lot? Mr. Gardner stated that if the Board approved the request per plot plan it would keep the church from building any other structures that would also encroach but would effect other adjoining lots to allow further encroachments.

Mr. Bolzle asked the applicant what their hardship would be to require the bell-tower? He responded the architectural style of the building was established some years ago and it is an effort to update the building to the 90's.

Mr. Gardner stated the porte-cochere does not add any cubic content, it is opened on three sides that allows a practical function. He further stated the bell-tower has no practical function.

Mr. Bolzle stated the bell-tower was presented as a design reason and if the Board approved this it would be allowing 900' of undeveloped frontage to encroach an additional 10' by right to allow an architectural element that esthetic benefits are debatable.

Mr. Bolzle asked the applicant if he would like to continue this application to review other options? He stated the church will drop the request for the bell-tower from their application.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Abbott, Bolzle, White, "aye"; no "nays"; no "abstentions"; Turnbo, Box "absent") to **APPROVE** a **Special Exception** to amend a previously approved site plan. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 2; subject to the removal of the proposed bell tower; subject to the City Hydrologist relative to on-site detention; affirming that the applicant withdrew the bell-tower variance request; finding that the approval of this request will not be injurious to the area; nor violate the spirit and intent of the Code; on the following described property:

E/2, SW/4, SE/4, SW/4, Sec. 22, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

—Request for new Board of Adjustment policy regarding certain temporary tents will be continued to June 11, 1996 at 1:00 p.m.

There being no further business, the meeting was adjourned at 5:45 p.m.

Date approved: 6-11-96

Norma Lumbis
Chair