

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 735
Tuesday, September 23, 1997, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
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Bolzle
Cooper
Dunham
Turnbo
White, Chair

Beach
Huntsinger
Matthews

Ballentine, Code
Enforcement
Linker, Legal
Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, September 19, 1997, at 8:35 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **DUNHAM**, the Board voted 4-0-1 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" Cooper "abstention"; none "absent") to **APPROVE** the minutes of August 26, 1997, (No. 733).

UNFINISHED BUSINESS

Case No. 17799

Action Requested:

Appeal from the decision of the Code Enforcement Officer that property cannot be used for storage of vehicles. **SECTION 1606.A. INTERPRETATION** - Use Unit 11, located 13th & Harvard.

Presentation:

The applicant, **Paul E. Swain**, 500 Oneok Plaza, representing the F&M Bank of Tulsa, submitted a site plan (Exhibit A-1) and stated that in this particular matter the Code Enforcement Department has issued F&M Bank an order stating that OL zoned property cannot have a Use 23 (storage of vehicles) on the subject property. He indicated that the Bank feels that the use by the bank is a permitted use and that the Board should interpret the Code and over rule the Code Enforcement Officer. Mr. Swain submitted a case map (Exhibit A-3) indicating the subject property. He stated that the bank has owned the subject property since 1962 and established the drive-in

bank in 1966. He indicated that the subject property has been used for temporary parking of repossessed vehicles since 1968 or 1969. He explained that the bank uses the subject property to hold repossessed cars until they can be sold. If someone is interested in buying one of the vehicles they have to make an appointment with the bank in order to view the car. He stated that the bank does not have signs, balloons or banners advertising the cars, and sometimes the vehicles are taken to an auction to be sold. He stated that in his opinion the use of the subject property is an accessory use, which should be allowed by the Board of Adjustment. Mr. Swain read Section 1211.E. and Section 1800 of the Zoning Code. He indicated that the subject property is fenced with screening materials, however some of the material has been removed to allow security personnel to see into the lot for security reasons. The lighting on the lot has been redirected to point directly down onto the lot, landscaping can be added to the east side of the subject lot and there is a strip of grass between the lot and the street on the east side. He commented that the current use on the subject lot is not injurious to the neighborhood and has been used for many years. He described the lot as being striped for 17 vehicles, however the lot is rarely full. He stated that on an average there are 10 vehicles on the lot at any one time. He reiterated that the subject lot is not open to the public without an appointment.

Protestants:

Jim Rainey, 1307 Indianapolis, stated he opposes the application and the subject property is being misused for a storage facility. He commented that it was wrong for F&M Bank to have established this high security storage facility next to a residential neighborhood. He informed the Board that for many years the storage facility has been a blight and hazard to the adjacent homeowners. He explained that the use of the adjacent bank parking lot after hours by the neighborhood kids has grown and he fears that one of the kids will try to scale the fence. He informed the Board that the facility is surrounded by concertina wire and is a hazard. Mr. Rainey stated that there are numerous break-ins to the facility. He reminded the Board that the subject property is zoned OL and does not allow storage of vehicles. Mr. Rainey concluded that the vehicles often overflow the facility and are moved into the Bank's own parking lot.

Comments and Questions:

Mr. White asked Mr. Rainey if he has ever met with the Bank with regard to the facility? He stated he wrote the Bank a letter and it was never answered.

Mr. Bolzle asked Mr. Rainey where he lived in relationship to the storage facility? He stated he lives directly across the street from the storage facility on Indianapolis. Mr. Rainey indicated his property on the case map.

Mr. White read a letter of support from J. Ed Hanson and G. Joyce Hanson, 1320 South Indianapolis (Exhibit A-2).

Applicant's Rebuttal:

Mr. Swain stated that the letter Mr. Rainey sent to the Bank was carbon copied to the Code Enforcement Office and once the Code Enforcement was involved he did not see any reason to answer the letter. He indicated that he knew he would have to work the problem out with the City of Tulsa and by working something out with Mr. Rainey would not make the Code Enforcement Office go away. Mr. Swain commented that he was informed that Mr. Rainey lives in California and does not live in Tulsa. He reiterated that the use is an accessory use to the Bank because they lend money for vehicles. Mr. Swain requested that the Board rule that the accessory use may continue and the Bank be allowed to continue the temporary storage of repossessed vehicles.

Comments and Questions:

Ms. Turnbo asked the applicant how long the vehicles stay in the storage facility on an average? He stated that the cars are there for approximately 45 days. He explained that the Bank has to give the customer a certain amount of time to reclaim their vehicle by paying it off. He stated the notice given to the customer is 15 days for reclaiming. He indicated that once the 15 days has passed the Bank can dispose of the car.

Mr. Bolzle asked the applicant how many cars the lot is striped for? He stated the lot is striped for 17 cars, if you park two cars along the north end parallel.

Mr. Bolzle asked the applicant if the application is for the entire drive-in facility and the storage lot? He stated that the legal description is for the entire tract, which he received from Code Enforcement. He indicated that the subject property is a portion of Lot 16.

In response to Mr. Bolzle, Mr. Swain stated that the bank would be willing to limit the storage facility use to Lot 16 and limit the number of cars to 15 or 17.

Mr. Bolzle asked the applicant if there is a reason why the eastern fence is chain linked opposed to a screening fence or opaque material? Mr. Swain stated that it is his understanding that the storage facility did have screening fencing previously but part of the screening was removed to improve visibility for security.

Mr. White asked the applicant if there are security personnel on duty for the storage facility? He stated that during office hours there is security on duty.

Mr. Dunham asked the applicant if the razor wire that is wrapped around the top of the fence is necessary for security? He explained that the razor wire was installed because people were trying to scale the fence to steal the cars or break into the cars. The Bank would be willing to take the razor wire off if necessary.

Case No. 17799 (continued)

Ms. Turnbo asked the applicant if there was any reason why the cars could not be stored on the CH portion of the Bank property? Mr. Swain stated that if the lot was moved to the CH portion it would block the entrance of the drive-in Bank on the east side of the subject property and would be visible from Harvard.

Ms. Turnbo stated that the CH portion of the Bank property would not intrude on the neighborhood. Mr. Swain agreed with Ms. Turnbo's statement.

Mr. Beach stated that there is a substantial parking lot across Harvard where the main bank is located, which is zoned CH. The facility could be placed in the CH zoned property and would not interfere with the drive-in bank. In a CH zoned district the use would be permitted by right. The security issues would be resolved if the facility was moved to the CH portion of the property out in the open versus being hidden behind the drive-in bank.

Mr. Bolzle asked the staff if the Board was to consider the storage facility an accessory use, would it be allowed by right? Mr. Beach answered affirmatively.

Mr. Linker reminded the Board that the only issue is the appeal.

Mr. Beach informed the applicant that a chain link fence with slats in it is not considered to be a screening fence.

Ms. Turnbo stated she did not think that the storage facility is an accessory to the Bank.

Mr. Dunham stated he did feel that the storage of repossessed cars is an accessory to the Bank. He commented that the razor wire and the lack of screening next to a residential neighborhood is inappropriate. The facility has been in the subject location for a number of years and it is an accessory to the Bank. He stated he did not know how appropriate it would be to have the storage facility by the main bank.

Mr. White commented that the storage facility being placed in the CH portion of the Bank property would be appropriate according to zoning. He stated that the security would take on a different aspect, it would be more within sight of the main bank security personnel, but it would not be as attractive.

Mr. Dunham stated that if the present storage facility was offensive there would be more than one protestant.

In response to Ms. Turnbo, Mr. Linker read the definition of accessory use from the Zoning Code. He indicated that it would be proper for the Board of Adjustment to determine whether the storage facility is an accessory use or not.

Case No. 17799 (continued)

Mr. Dunham stated that the facility has been in the present location for a long time and if it is a real nuisance there should be an outpouring from the neighborhood and that is not the case.

Mr. Bolzle stated that he thinks that the storage facility meets the definition of accessory use because it is customary and incidental to the Bank.

Mr. White stated he agrees that it is an accessory use, but the lack of screening and the razor wire on top of the fence is inappropriate. He commented that the Board would have no control over the lack of screening fence or the razor wire if the Board deems this to be an accessory use.

In response to Mr. Beach, Mr. Linker stated that if the storage facility is an accessory to a Use Unit 11, Office Use, he does not see how the Board could say the Bank would have to screen this facility. He commented that unless the Bank would have to screen for other office uses they would not have to screen the storage facility. Mr. Linker stated that if the Board decides that the storage facility is an accessory to the bank, then it would be an accessory to all banks. He concluded that there will be no distinction on the facts in OL districts.

Mr. Beach quoted the Zoning Code, Use Unit 11; Use Conditions, which indicated that when it is located on a lot abutting an R district it shall be screened from the abutting R district. Mr. Beach stated he feels that there is a screening requirement according to the Zoning Code.

In response to Ms. Turnbo, Mr. Beach stated that there are landscaping requirements for the storage facility.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-1-1 (Bolzle, Dunham, White, "aye"; Turnbo "nays" Cooper "abstention"; none "absent") to **OVERTURN** the decision of the Code Enforcement Officer that property cannot be used for storage of vehicles. **SECTION 1606.A. INTERPRETATION** - Use Unit 11, and **UPHOLD** the appeal, on the following described property:

Lots 10-16, LESS W 10' of Lots 10 & 11 and LESS part of Lot 12. Summit Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17801

Action Requested:

Variance to allow parking in the required front yard. **SECTION 1201.C.5.b. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Use Conditions**, located 6621 East Latimer Place.

Comments and Questions:

Mr. Beach informed the Board that the request was continued for approval of final site plan. Mr. Beach stated that he has the final site plan and it appears to meet all of the requirements for landscaping, parking relative to residential areas and screening. He further stated that Staff suggests that the plan meets all of the requirements and should be approved.

Presentation:

The applicant, **Byron D. Salsman**, submitted a site plan (Exhibit B-1) and stated he was in agreement with Mr. Beach.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Variance** to allow parking in the required front yard. **SECTION 1201.C.5.b. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES, Use Conditions**, per revised site plan; finding that the request has met Section 1607. of Zoning Code, on the following described property:

Lot 9 AND the W 71' of Lot 8, Block 3, Aviation View Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17805

Action Requested:

Special Exception to allow an existing auto body repair shop in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Units 17**, located 439 South Sheridan.

Presentation:

The applicant, **Merl A. Whitebook**, 2431 East 51st, Suite 200, representing Sunbelt Automotive, Inc., stated that the Board does not have the authority to grant what is actually needed by his client. He explained that he needs a special exception, which will allow the auto bodywork and the painting. He explained that currently, IL zoning would be required to allow painting and the rezoning application is pending. He indicated that the City Council will decide on a revision, which will allow the auto painting along with auto body repair shop, in October. Mr. Whitebook requested a continuance for 30 days to allow time for the City Council to act on this revision.

Case No. 17805 (continued)

Comments and Questions:

Mr. Linker stated that the ordinance has been prepared and is before the City Council. He indicated that the City Council will act on the revision the first part of October. He stated that one of the possible changes is adding automotive painting to the automotive body repair shop.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **CONTINUE** Case No. 17805 to October 28, 1997, at 1:00 p.m.

NEW APPLICATIONS

Case No. 17819

Action Requested:

Amended site plan previously approved and a Variance of the required 35'-height limit to 47'-6" to allow steeple with cross in an RS-3 zoned district. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 2, located: 1430 South 131st East Avenue.

Presentation:

The applicant, **Wen-Dyi Chang**, 7517 South 83rd East Avenue, representing Tulsa Chinese Christian Church, submitted a site plan (Exhibit D-1) and stated the church was established in 1982. He explained that in 1986 the church moved to the current location and planned to build the church in phases. Mr. Chang indicated that the church has expanded two (2) previous times and in 1991 the church submitted a site plan for the sanctuary, which was approved. He stated the footprint of the sanctuary has changed from the original site plan submitted in 1991. He requested a variance for the steeple, which will be approximately 47'. He explained that the church is one (1) block away from 129th Street and would like to be visible from the street, which is why the steeple is 47' in height.

Comments and Questions:

Mr. White asked the applicant what are the primary amendments to the site plan other than the footprint on the ground? Mr. Chang stated that the square footage has not changed, but the footprint has changed. He explained that the portion of the building that ran east and west has been angled.

Case No. 17819 (continued)

Mr. Beach stated that he is not sure that the steeple should be included in this application. It may fall under the same category as a belfry or other similar towers that are not restricted to height.

The Board agreed with Mr. Beach's statement.

Protestants:

Cecil Allen, 1437 South 131st East Avenue, stated that he was under the impression that the applicant was building a new church. He asked if the steeple is for the old church or new church? Mr. Allen asked if the addition is part of the existing church or an addition to the church that is supposed to be built?

Mr. Bolzle stated that as he understands the application, the existing building will remain and they will make an addition to the south, which will include a new sanctuary and the tower is on the new sanctuary.

Mr. Allen wanted to know if the church will be hooking up to a sewer or expanding the septic system?

Mr. Bolzle stated that according to the amended site plan the church will be expanding the existing septic system.

Mr. Allen expressed concerns that there would be enough room to expand the septic system to accommodate the 5,000 SF expansion.

Mr. Bolzle informed Mr. Allen that the septic system would have to meet the Health Department's requirements, as well as the building and permitting requirements.

Mr. Allen informed the Board that there is a sewer system available south of the subject property at an apartment complex. He questioned if the church has looked into tapping into the sewer system available to the south?

Rebuttal:

Mr. Chang stated that he has contacted the Health Department regarding the septic system. He indicated that the Health Department gave the church their recommendations for the number of lateral lines to add and the size of the septic system. He stated the church will follow the Health Department's recommendation and it is included in the plan.

Case No. 17819 (continued)

Comments and Questions:

Mr. White asked the applicant if the church has looked into tying into the sanitary sewer system to the south? Mr. Chang stated the church inquired about the sanitary sewer system to the south, but their answer was that there is not a close enough line to tie into.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** the amended site plan previously approved and a Variance of the required 35' height limit to 47'-6" to allow steeple with cross in an RS-3 zoned district. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 2, per amended site plan submitted; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

- Lots 3 & 4, Block 12, Romoland Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17824

Action Requested:

Approval of an amended site plan previously approved to construct an accessory building. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located 1630 South 101st East Avenue.

Presentation:

The applicant, **William Carl Sexton**, 3702 South 51st Street West, representing the Masonic Lodge, Delta 425, submitted a site plan (Exhibit E-1) and an architectural drawing (Exhibit E-2). Mr. Sexton stated the Lodge did not allow for storage when they relocated on the subject property. He explained that there are four (4) acres of grass to mow, but there is no storage to keep the equipment in. He indicated that the storage building will be behind the existing lodge and will have landscaping. The proposed storage building will not be visible from the street.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** the amended site plan previously approved to construct an accessory building. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2; per amended site plan; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Case No. 17824 (continued)

Lot 1, Block 1, Delta Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17825

Action Requested:

Variance for a carport in the side yard. **SECTION 210.B.5. YARDS** - Use Unit 6, located 3224 West 56th Street.

Presentation:

The applicant, **Charles Gruse**, 3224 West 56th Street, submitted a site plan (Exhibit F-1) and an architect's drawing (Exhibit F-2). Mr. Gruse stated that the subject property is unique because it sets in the corner of Mountain Manor Addition, however the subject property is not platted in Mountain Manor. He explained that the subject property was previously used as a dump. He indicated that he cleaned up the subject property and built the house, which sets on the side of a hill. Mr. Gruse submitted photographs (Exhibit F-4) and stated the photographs illustrate the placement of the house. He indicated that there is a small flat area east of the existing garage where he would like to construct a patio cover or carport. He explained that for the most part the cover will be used for a patio, but he will park his car under the cover from time to time. Mr. Gruse stated the car port or patio cover will be banded and will compliment the existing house.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Variance** for a carport in the side yard. **SECTION 210.B.5. YARDS** - Use Unit 6; per plan submitted; finding that the topography does not permit the carport to be placed in the rear yard; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

N 180', W/2, NW, NW, SW, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17826

Action Requested:

Variance of required 5' landscaping strip between parking lot and an R zoned district. **SECTION 1002.A.3. LANDSCAPE REQUIREMENTS** - Use Unit 10, a Variance of required 50' setback from abutting street. **SECTION 1302.B. OFF-STREET PARKING AND OFF-STREET LOADING; SETBACKS** and a Variance of screening required along property lines abutting an R district. **SECTION 504.B. GENERAL USE CONDITIONS IN THE PARKING DISTRICT**, located 1128A & 1128B East 37th Place South.

Case No. 17826 (continued)

Presentation:

The applicant, **R.L. Reynolds**, 2727 East 21st Street, submitted a site plan (Exhibit G-1) and stated he requested the variances because the screening to the south and the landscaping to the south abuts another parking area. He explained that he has asked for the variance from East 37th Place because his client has agreed not to access 37th Place through the subject lot. He indicated that there will be screening and landscaping along East 37th Place. He commented that since his client will not be accessing East 37th Place, that would be the basis for the hardship to allow his client to setback closer to the centerline. He stated the proposal is consistent with the Comprehensive Plan with regard to maximizing the utilization of parking facilities.

Comments and Questions:

Mr. Dunham asked the applicant if he will be removing the existing duplexes? He answered affirmatively.

Mr. Beach asked the applicant if the parking lot intended is to satisfy the parking requirement for another use on Peoria? He commented that he discussed this proposal with Jay Stump and it was agreed that if he tied the lot to the east lot, it could be used for required parking and additional parking for the property to the east.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Variance** of required 5' landscaping strip between parking lot and an R zoned district. **SECTION 1002.A.3. LANDSCAPE REQUIREMENTS** - Use Unit 10, a **Variance** of required 50' setback from abutting street. **SECTION 1302.B. OFF-STREET PARKING AND OFF-STREET LOADING; SETBACKS** and a **Variance** of screening required along property lines abutting an R district. **SECTION 504.B. GENERAL USE CONDITIONS IN THE PARKING DISTRICT**; per plan submitted; subject to execution of a tie agreement between the subject lot and the parking lot & use to the east; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

Prt. S/2, SE/4, NE/4, SE/4, Sec. 24, T-19-N, R-12-E, IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beg. 27.05' S, 238' W, NE/c of said S/2, SE/4, NE/4, SE/4, thence W 62'; thence S 137'; thence E 62'; thence N 137', to the POB, according to the US Government Survey thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17827

Action Requested:

Special Exception to permit a trade-vocational school in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15, located 14002 East 21st Street.

Presentation:

The applicant, **George Kennedy**, P.O. Box 463, Catoosa, 4325 East 51st Street, Tulsa, representing the Center for Professional Studies, submitted a site plan (Exhibit H-1) and letter of support (Exhibit H-2). Mr. Kennedy stated he would like to move his training school to Eastland Mall.

Comments and Questions:

Mr. White asked the applicant what type of business is the Center of Professional Studies? Mr. Kennedy stated that it is a private training school for private security officers.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a trade-vocational school in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15; per plan submitted; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Part of Lot 1, Block 1, Eastland Acres, an Addition in the City of Tulsa, Tulsa County, Oklahoma, according to the official recorded plat thereof; more particularly described as follows, to-wit: Beg. N line of said Lot 1, 1,562.55' from NE/c thereof; thence due S for 80.87'; thence due E for 175.36'; thence N 58°51'40" E for 11.60'; thence N 57°52'24"E for 0.00'; thence on a curve to the right having a radius of 214.40' for 120.22' (Chord N 73°56'12"E for 118.65'); thence due E for 234.74'; thence due S for 148.38'; thence due W for 50.00'; thence due S for 99.00'; thence due W for 150.00'; thence due S for 300.17'; thence due W for 178.17'; thence due N for 243.17'; thence due W for 182.88'; thence due N for 346.42' to a point in the N line of said Lot 1, 1,589.55' from the NE/c thereof; thence due W along the N line for 690.45' to the NW/c thereof; thence S 0°00'18"E along the W line for 1,175.00'; thence along W line on a curve to the right having a radius of 1,036.81' for 85.10' (Chord S 2°20'47"W for 85.08') to the SW/c thereof; thence due W along the S line for 2,283.49' to the SE/c thereof; thence N 0°00'18"W along the E line for 234.50' to a point 1,025.50' from the NE/c thereof; thence S 89°59'42" W for

Case No. 17827 (continued)

609.91'; thence due N for 231.60'; thence due E for 8.00'; thence due N for 362.00'; thence due E for 16.00'; thence due N for 255.04'; thence due E for 370.51'; thence S 41°49'33" E for 102.15'; thence N 62°19'54" E for 0.00'; thence on a curve to the right having a radius of 157.67' for 76.13' (Chord N 76°09'48" E for 75.39'); thence N 89°59'42" E for 75.00' to a point on the E line, 1,025.00' from the SE/c thereof; thence N 0°00'18" W along the E line for 215.00' to a point 20.00' from the NE/c thereof; thence N 45°00'09" W for 28.29' to the N line for 20.00' from the NE/c thereof; thence due W along the N line for 1,542.55' to the POB.

Case No. 17828

Action Requested:

Special Exception to allow classic car sales in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, a Variance to allow open-air display of merchandise offered for sale within 300' of an adjoining R district. **SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES**; Use Conditions; and a Variance of screening from an abutting R district. **SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES**; Use Conditions; located 6570 East 71st Street.

Presentation:

The applicant, **S.D. McKenzie**, represented by Bill Satterfield, 1 West 81st Street, submitted a site plan (Exhibit I-1) and photographs (Exhibit I-2). Mr. Satterfield stated he owns a business called Classic Autos of Tulsa and would like to relocate on the subject property for a short-term lease. The subject property was formerly a "TOTAL" gas station and is currently vacant. He stated that the subject property is in the 71st Street Corridor, which is being expanded to six (6) lanes. He explained that the residential district that he is adjacent to has been purchased by the City and the buildings have been removed. Mr. McKenzie indicated that there are some duplexes within 1,000' of the subject property, which already have screening. He stated that it is his understanding that the City and State are going to install additional screening during their widening process of the 71st Street Corridor. He commented that he will only be located on the subject property for one (1) year. Mr. Satterfield stated he did not see any need to screen the back of the subject lot because there will be nice cars on the lot. He indicated that he planned to use the existing building and lighting as it is currently. Mr. McKenzie concluded that if the requests are approved, he will take into consideration the protestants concerns.

Comments and Questions:

Ms. Turnbo asked the applicant, if the Board was inclined to grant the variance of the screening, would he have a problem with limiting his occupancy to one (1) year? He stated at this time there is no problem with the one (1) year limit and if the owner of the subject lot decided to extend his lease, he would come back before the Board for an extension of time.

Ms. Turnbo asked the applicant if the cars will be repaired on the subject lot? He answered negatively.

In response to Ms. Turnbo, Mr. Satterfield stated that he will be doing strictly automotive sales. He explained that the hours of operation will be Monday through Friday 10:00 a.m. to 6:00 p.m., Saturday 10:00 a.m. to 4:00 p.m. and closed on Sunday.

Mr. White announced that Mr. Bolzle will be abstaining from Case No. 17828

Protestants:

Dan Danner, 7140 South 69th East Avenue, stated he owns the property immediately to the south, which abuts the subject property. He commented he has mixed emotions with regard to the proposal. Mr. Danner had questions with regard to property the City had purchased.

Comments and Questions:

Mr. Beach stated he could not answer that question because he is not aware of the City's plans.

Protestants: (continued):

Neil Brown, 7120 South 69th East Avenue, representing Security Protection of Tulsa, stated that there is an access street on the south side, which goes from the bank to 69th East Avenue. He continued that 69th East Avenue will have an "S" curve and go over into the first lot to connect up with the street by Yale Cleaners. He stated that there will not be any type of sound barriers put on 71st Street. He explained that currently they are widening the street and the street will be torn up for approximately one (1) more year. The entrance to 69th East Avenue from 71st Street has been torn up and new waterlines were installed. The three lanes narrow down to one lane in the subject area and the traffic is stacked up on 71st Street. He commented that a used car sales lot in the subject location will not have good access either from 69th East Avenue or 71st Street. He expressed the view that a car lot will be undesirable at the subject property because of the difficult access. He stated he opposes the variance for screening, because he will have to look into the lot if it is not screened.

Case No. 17828 (continued)

Richard Stewart stated his family owns the duplexes to the east of the subject property. He expressed concerns with future accesses on 69th East Avenue because of the neighborhood. He commented that if the screening was waived, it would set a precedent for the subject area.

Interested Parties:

Mike Dodson stated he is the managing partner for Ozark Resources, which is the property owner of the subject property. He reiterated that the application is for a temporary use for one (1) year. He indicated that the future plans for the subject property will be a Texaco Express Lube, which will take place in the next six (6) months to one (1) year. He commented that by having the subject property occupied by a business that will be there everyday and being clean is far better than the current construction that exists at the subject property. Mr. Dodson stated that having the subject property occupied will improve the area. He informed the Board that the lease will be terminated when the development begins on the Texaco Express Lube.

REBUTTAL:

Mr. Satterfield reiterated that the business will only be located at the subject property for one (1) year. He stated that anyone who wants to buy a Rolls-Royce will cross the construction area to see the display. Mr. Satterfield informed the Board that he is building a new car lot at 61st and Mingo in the next two (2) years.

Comments and Questions:

Mr. Cooper asked the applicant what is the maximum number of cars that will be displayed on the lot? Mr. Satterfield stated that he currently has approximately 40 cars and he could live with a maximum of 40 cars on display.

Mr. Beach stated he was not sure if 40 cars would fit on the subject lot by looking at the submitted site plan.

Mr. Cooper asked the applicant if he intended to park the cars anywhere other than the paved areas? Mr. Satterfield stated that he has not stepped off the property to see how many cars will fit on the subject lot. He indicated he would only park the amount of cars that will fit on the paved areas. He reiterated that he does not plan to change anything, with regard to the subject lot, because he will only be there for one (1) year. Mr. Satterfield stated he does not anticipate a great deal of traffic.

Case No. 17828 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-1 (Cooper, Dunham, Turnbo, White, "aye"; no "nays" Bolzle "abstention"; none "absent") to **APPROVE** a **Special Exception** to allow classic car sales in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, a **Variance** to allow open air display of merchandise offered for sale within 300' of an adjoining R district. **SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES**; Use Conditions; and a **Variance** of screening from an abutting R district. **SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES**; Use Conditions; subject to the special exception not exceeding one (1) year, days and hours of operation be Monday through Friday, 10:00 a.m. to 6:00 p.m.; Saturday, 10:00 a.m. to 4:00 p.m.; subject to the vehicles being parked on a hard surface; subject to there being no loud speakers and no auto repairs on the subject lot; subject to automobile sales only; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Lot 1, Block 2, Kirkdale Commercial Center, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17829

Action Requested:

Special Exception to permit storage of vehicles on a gravel surface other than all-weather surface. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, located 12215 East 61st Street.

Presentation:

The applicant, **John Petreikis**, represented by **R.L. Reynolds**, 2727 East 21st Street, stated Mr. Petreikis has authorized him to request the Board to continue this application to October 14, 1997. He explained that he actually represents a neighbor to the subject property and Mr. Petreikis and the neighbors are trying to work out an agreement.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **CONTINUE** Case No. 17829 to October 14, 1997 at 1:00 p.m.

Case No. 17830

Action Requested:

Special Exception to permit church use on property zoned RS-3. **SECTION 1217.C.1. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES;** Use Conditions, located 10023 East 39th Place South.

Presentation:

The applicant, **Rick L. Frie**, withdrew his case prior to the hearing.

Case No. 17831

Action Requested:

Approval of an amendment to a previously approved special exception. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 2 and a Variance of the maximum 15 SF of sponsor sign. **SECTION 1202.c.12 USE UNIT 2 AREA-WIDE SPECIAL EXCEPTION USES;** Use Conditions, located East side of South Lewis Avenue, North of East 81st Street.

Presentation:

The applicant, **Charles E. Norman**, 2900 Mid-Continent Tower, representing Oral Roberts University ("ORU"), submitted a site plan (Exhibit L-1), a computer generated photograph (Exhibit L-2) and photographs (Exhibit L-3). Mr. Norman stated the existing message sign was approved as an accessory use to the University 25 years ago. He indicated that the message sign has become obsolete and worn out. He proposes to replace the electronic component center and leaving the stone columns in place. Mr. Norman requested the Board's approval of the new electronic component as an amendment to the previously approved special exception. The message sign is adjacent to the Mabee Center, which is located on 40 acres of the 200 acres of ORU campus. Mr. Norman described the local businesses located across the street from the ORU campus, which had been constructed since the Mabee Center was constructed. He commented that when the ordinance was written dealing with signs associated with educational institutions, which limit the sign of the sponsor name and logo to only 15 SF, was actually suppose to be 15% of the size of the sign. He stated that he suspects that every stadium scoreboard and sponsor logo in the City are considerably larger than the 15 SF. Mr. Norman indicated that the proposal replacement will have four (4) sponsor locations. He explained that the replacement cost of the message board is in excess \$400,000 and obviously it is necessary for ORU to secure more than one (1) sponsor to obtain the contribution for the facility. The sponsor logos are 5' x 9' or 45 SF for the total of 180 SF, which when compared to the size of the sign (approximately 1150 SF) is 15% of the face of the sign. Mr. Norman indicated that the height of the sign will be reduced approximately 2' and the total size of the sign is approximately 50' less than its present configuration.

Comments and Questions:

Mr. White asked the applicant to address the concerns of the staff that the video display might be a distraction to the traffic? Mr. Norman stated that experience has proven that the changeable signs are not distracting in a dangerous way. The Board recently approved a similar sign for the Performing Arts Center, much smaller in size, but has rapidly changing messages and has potential for displays to reflect the event that is going on. This proposed sign will be operated in accordance with considerations of liability, which has been discussed by ORU. The sign will not be operated in a way that will be distractive to drivers along south Lewis. There will not be any live videos of the activities going on, except maybe a one (1) or two (2) second replay of a basketball going into a hoop. He assured the Board that there will not be a message component that will have a continual message, which would attract driver's attention as they drive by the sign.

In response to the Board's concerns with the video image components creating a traffic problem or distraction, Mr. Norman stated that the typical driving speed is approximately 30 mph and the message board will not be visible for more than two (2) or three (3) seconds by any particular vehicle driving by. He commented that you rarely see the end of the message from the typical traffic speed. He concluded that the message board will be primarily used to advertise the next event taking place at the Mabee Center. If there are any problems with the operation, he is sure that there will be discussion with the traffic engineer and ORU's insurance underwriters about the operation of the sign.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** an amendment to a previously approved special exception. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 2 and a **Variance** of the maximum 15 SF of sponsor sign. **SECTION 1202.c.12 USE UNIT 2 AREA-WIDE SPECIAL EXCEPTION USES**; Use Conditions; per plan submitted; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

N 200', S 1000', Block 1, Oral Roberts University Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17832

Action Requested:

Special Exception to permit a public school including 2 mobile classroom trailers. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 2, located 3656 South 103rd East Avenue.

Presentation:

The applicant, **Ken North**, 5656 South 129th East Avenue, representing Union Public Schools, submitted a site plan (Exhibit M-1) and stated the school would like to move the subject prefab portable classrooms from the Education Service Center on 129th to Roy Clark Elementary.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a public school including 2 mobile classroom trailers. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 2; per plan submitted; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Commencing at SW/c, Sec. 19, T-19-N, R-14-E, Tulsa County, Oklahoma, thence N 89°54'02" E, 1263.43' along the S Sec. line, thence Due N 1,739.62' to the POB, thence due N, 551.58', thence due E 674.85', thence S 7°20'06" E, 509.47', thence S 85°48'00" W, 45.87', thence S 71°34'00" W, 22.00', thence N 18°26'00" W, 70.00', thence S 85°06'00" W, 465.00' to the POB, said tract lies all in Sec. 19, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17833

Action Requested:

Special Exception to allow Use Unit 17 (auto detail) on Lot 29. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** – Use Unit 17; a Special Exception to allow a single family home in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** – Use Unit 6 and a Variance of the front setback from Lewis to 3'. **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS**, located 2255 East 7th Street & 650 South Lewis.

Presentation:

The applicant, **John R. Morrow**, 2255 East 7th, submitted a site plan (Exhibit N-3) and stated that the subject property is Lot 29 and Lot 30. He explained that Lot 30 currently has Use Unit 17 and was a used car lot for over 30 years. Mr. Morrow submitted a property owner identification form (Exhibit N-1) and indicated he attempted to visit with the neighbors notified, however due to his current job he was out of town and unable to meet with his neighbors. He stated that he met with the protestants, present for today's hearing, and discussed his proposal. Mr. Morrow stated that Lot 29 is zoned CS and he would like to live in the house that is existing on the subject property. He informed the Board that he has invested over \$20,000 in the subject property, which included remodeling the existing home. He stated that he will need a building to operate the proposed business of auto detailing. He explained that he will actually be picking up the vehicles and maintain the vehicles on a contract basis, rather than trying to pull business in off of the street. Mr. Morrow submitted photographs (Exhibit N-4) and stated the photographs show the location of a garage and metal storage building. He explained that he plans to install a three (3) bay building where the garage and storage building is currently existing. He stated that the cars will be on the paved property and the cars will be stored only for the day of service. The carport is a place to do the final touches to the vehicles before they are parked on the lot. He commented that the carport will also allow shade for the employees while they are working on the cars. He indicated that he installed a fence for security reasons and later made changes after talking with the Traffic Engineers. He concluded that the three (3) things that he is asking for today are to allow him to live in the existing home, run his business out of a new building and install a carport. He explained that he cannot set the proposed buildings back 50' and still have the structure in the middle of the lot.

Comments and Questions:

Mr. Bolzle asked the applicant why he could not set the structure on the west edge of the lot? Mr. Morrow stated he could set it back, but Lot 29 is 2' higher than Lot 30 and he would have to abut it against Lot 29.

Mr. Beach informed the Board that Lewis Avenue currently has a 60' right-of-way and the planned right-of-way is 100'. An additional 20' could ultimately be taken on the subject property. The applicant will need to move the carport out of the planned right-of-way and preferably as far to the west as possible.

Interested Parties:

Greg Warren, Urban Design Planner for the City of Tulsa, 110 South Hartford, Suite 200, stated he has concerns with the setback issue. He requested the Board to deny the variance of the front setback from Lewis to 3'. He informed the Board that the Major Street and Highway Plan calls for a 50' right-of-way from the centerline and the carport falls within this area. He stated he has been working in the Kendall/Whittier area since 1988 and there are a lot of improvements planned for the subject area. Mr. Warren informed the Board that the 1991 plans were approved in the 1994 Bond Issue for renovating the Lewis Street Corridor in this area. The plans are approved and construction bids are being made. He explained that the plans fall within the perimeter of the subject property and the City will have to buy the subject property when the construction begins. Mr. Warren concluded that he does not have any problems with the first two components of the application, but he does have concerns with the variance for the setback from Lewis.

Allen Stewart, 2244 East 7th Street, submitted a letter of protest (Exhibit N-2). Mr. Stewart expressed concerns that the special exception will stay with the land and Mr. Morrow could sell the land. Mr. Stewart indicated that he is opposed to the Use Unit 17, but has no objections to any other part of the plan. He strongly urged the Board to grant the residential use of the subject property. He informed the Board that the applicant cleaned up the property and made it suitable for single family housing again. Mr. Stewart commented that the Use Unit 17 would be a detriment to the area and the lot size is insufficient for the proposed activity. He stated that the applicant does not have a hardship that would warrant granting the variance. In the last fifteen years the surrounding area has become saturated with Use Unit 17 through granting special exceptions. Mr. Stewart expressed the opinion that the area is saturated with used car sales and the lots are insufficient to handle the activity. He cited an earlier case that the Board denied with regard to Use Unit 17, Case No. 16238 and indicated that nothing has transpired since Case No. 16238 that would cause the Board to reverse itself.

Comments and Questions:

Mr. Bolzle informed Mr. Stewart that the Board regularly limits the uses that are allowed on a lot. He asked Mr. Stewart if he is opposed to the auto detail shop? Mr. Stewart stated he is opposed to any Use Unit 17, because if a Use Unit 17 is granted, it stays with the land.

Mr. Bolzle stated that if the Board grants auto detailing for the subject property, then auto sales is not allowed nor is auto repair.

Mr. Bolzle asked Mr. Stewart what his opinion is on the auto detailing proposal? Mr. Stewart stated that the auto detailing shop he uses off of Sheridan is a very high volume operation and is concerned that this proposal will be the same.

Interested Parties:

Dave Keener, 2239 East 8th Street, stated he owns property at 2255 East 8th Street. He commended on the good job Mr. Marrow has done cleaning up the subject property. He expressed concerns with the subject property being used for auto detailing, because the neighborhood has had a bad experience with car related businesses in the past. Mr. Keener concluded he did not see the reason for allowing the applicant to develop the subject property. He explained that the City has enough money to purchase property up to 7th Street, which will include the subject property. He stated he did not see the point in letting the applicant develop the subject property when the City plans to purchase the property and put in a green strip.

Applicant's Rebuttal:

Mr. Morrow stated that when someone comes in and improves the property it encourages other property owners to improve their property. He reiterated that the business he is proposing is not a used car lot, but an auto detailing business. He stated that by right he could detail cars on Lot 30 because it has Use Unit 17 approval now. Mr. Morrow stated that his business will not be a high volume business and it will not generate a great deal of traffic. He intends to start the business professionally and that is why he has made this application. Mr. Morrow pointed out to the Board that the two gentlemen who are opposing his application do not live near the subject property. He stated that there are no buffer zones in the immediate area. He pointed out that Lot 29 has a 6' screening fence and it is at the end of the neighborhood. Mr. Morrow stated he installed the 6' fence to screen the subject property from the house behind him, which is a fire trap.

Comments and Questions:

Mr. Bolzle asked Mr. Linker if the Board was inclined to approve the use and restrict both lots to auto detailing per plan, would that preclude the use of the corner lot for auto sales or other Use Unit 17 uses in the future? Mr. Linker stated the Board can limit the use to auto detailing for both lots.

Mr. Bolzle asked Mr. Linker if that would forever limit the two lots to auto detailing? Mr. Linker stated that the lot would be limited until someone else makes an application to change the use.

Mr. Cooper stated that the house the applicant has remodeled does buffer the neighborhood from the current use on the corner. Mr. Cooper suggested that the Board should approve the application per plan so that the house cannot be removed and have a large building replacing it.

Discussion regarding the size of the building and its placement was not audible.

Case No. 17833 (continued)

Mr. Bolzle stated that the auto detailing use could be limited to Lot 30 and the north 54' and east 40' of Lot 29.

In response to Mr. Bolzle, Mr. Morrow stated that the business will begin at 7:00 a.m. to allow clients to park their cars on the lot for detailing. He indicated that he could handle 20 cars a day at the most. He stated the paved lot is 50 x 150 and will hold more than 20 cars. He reiterated that he is not storing cars overnight.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to allow Use Unit 17 (auto detail) on Lot 29. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** – Use Unit 17; a **Special Exception** to allow a single family home in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** – Use Unit 6; per modified plan submitted; subject to the auto detailing being limited to Lot 30 and the N 54' of the E 40' of Lot 29; subject to the carport on Lot 30 is moved to west as far as possible, which would be 65' from the centerline of Lewis; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code,

AND

DENY a **Variance** of the front setback from Lewis to 3'. **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS**, finding that the applicant failed to present a hardship unique to the property that would warrant the granting of the variance request; on the following described property:

Legal Description: Lots 29 & 30, Block 5, Hillcrest Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17834

Action Requested:

Special Exception to allow a sign in a R district. **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** and approval of an amended previously approved site plan. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, located West SW/c of the East 61st Street & South Memorial.

Case No. 17834 (continued)

Presentation:

The applicant, **Mark A. Thomas/Shadow Mountain Racquet & Athletic Club**, 4200 East Skelly Drive, represented by Viviana Vanado, submitted a site plan (Exhibit O-1) and photographs (Exhibit O-2). Ms. Vanado stated that the new owner has decided to remodel the interior as well as the exterior. She explained that part of the exterior enhancement included a canopy that sets approximately 250' from the centerline of 61st Street. She stated that Mr. Thomas is requesting an approval to include a sign that will be installed on the canopy itself. She concluded that the special exception is needed because the racquetball club is in an RS-3 district and was previously approved through a special exception.

Comments and Questions:

Mr. White asked the applicant if the existing front sign will remain in place? She answered affirmatively.

Board Action:

On **MOTION** of **COOPER**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to allow a sign in a R district. **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** and an amended previously approved site plan. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**; per plan submitted; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Legal Description: Block 1, Shadow Mountain Racquet Club Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17835

Action Requested:

Special Exception to permit a 90' monopole cellular antenna supporting tower in an AG district. **SECTION 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** – Use Unit 4, located South, SW/c 101st & Memorial.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, Suite 440, representing AT&T Wireless, submitted a plat of survey (Exhibit P-1) and a site plan (Exhibit P-2). Mr. Johnsen stated that the subject property is approximately 5 acres and immediately to the north is an area zoned CS. He explained that the property to the north zoned CS was part of PUD 378 and the actual commercial area to the north extends west from Memorial approximately 800'. The actual lease site for the tower is 60' x 60' and is

Case No. 17835 (continued)

approximately 403' east of the west line of the 5 acre tract. He indicated that the monopole will be approximately 256' from the centerline of Memorial. The commercial line to the north goes far west of the proposed monopole location. The Comprehensive Plan identifies the Memorial frontage back to a depth of 330' as being within a medium intensity linear development area. He stated that under the plan the frontages along Memorial will likely be commercial developments. The location for the proposed monopole is likely to be zoned commercial in the future. The monopole will be permitted by right if the proposed location becomes a commercially zoned district. He stated that on this interim basis he is seeking the special exception to allow the cellular monopole. Mr. Johnsen stated that it is significant that of all of the findings that are supposed to be made under the new ordinance, the findings are largely addressed and resolved by the fact that this property will probably be zoned commercial in the near future. He assured the Board that the application exceeds the 110% setback, which is now required for cellular towers. A South Western Bell monopole was approved in PUD 370-A that is approximately 1700' to the south, however it is not high enough to collocate on. He stated that AT&T Wireless' policy is to construct a monopole that is designed for collocation. Mr. Johnsen concluded that his client has met all of the requirements of the new ordinance for cellular towers. Mr. Johnsen submitted suggested findings to the Board for the approval of the special exception (Exhibit P-3). Mr. Johnsen read the findings he submitted.

Comments and Questions:

Mr. Linker reviewed the findings submitted by Mr. Johnsen and determined that the findings were very well prepared.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a 90' monopole cellular antenna supporting tower in an AG district. **SECTION 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** – Use Unit 4; per plan submitted; adopting the submitted proposed findings (Exhibit P-3); finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Legal Description: N/2, SE/4, NE/4, NE/4, Sec. 26, T-18-N, R-13-E, IBM, City of Tulsa, Tulsa County, Oklahoma according to the US Government Survey

Case No. 17836

Action Requested:

Special Exception to permit a FAR of .32, 5300 SF. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** – Use Unit 11, located SE/c 54th & Lewis.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, Suite 440, representing 54th & Lewis L.L.C., submitted a site plan (Exhibit Q-1) and stated that the subject property was zoned OL and within an OL district the permitted floor area is based on a ratio of .3. He indicated that 4800 SF would be permitted under .3 FAR and he is seeking 5,300 SF, which computes to .32 FAR. He commented that the request is modest and consistent with the ordinance. He pointed out to the Board that there is an OM to the south, which would permit .5 FAR. Mr. Johnsen informed the Board that he is not seeking any variances for parking or landscaping and this is consistent with the Board's past action.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-1 (Bolzle, Cooper, Turnbo, White, "aye"; no "nays" Dunham "abstention"; none "absent") to **APPROVE** a **Special Exception** to permit a FAR of .32, 5300 SF. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** – Use Unit 11; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Legal Description: Lot 18, Block 2, Lewis Crest Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17837

Action Requested:

Variance of maximum allowable wall sign from 312 SF on E & W to 585 SF & from 192 SF on N & S to 448 SF. **SECTION 1221.E.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**, located NE/c 21st & Yale.

Presentation:

The applicant, **Ralph Sigler/Oklahoma Neon**, 6550 Independence, representing Hollywood Video, submitted a site plan (Exhibit R-1) and elevations (Exhibit R-2) Mr. Sigler stated that the proposal is in a conceptual stage. He informed the Board that the plans have changed to turn the building 180°, which means that E & W would read N & S and N & S would read E & W. He explained that according to Jim Garriott the allowed display surface area for wall signs and words for a Commercial Heavy district is 3 SF per lineal foot of wall length to which the sign is affixed. The proposal has neon extending in a mountain scape or zigzag line. He indicated that Hollywood Video currently has two other locations in Tulsa and the store located on Peoria exceeds the allowed amount of display surface area by virtue of the zigzag line. He stated he is asking for a variance because the Sign Inspector is including the zigzag line within the rectangular method of computing the sign square footage. The Sign Inspector is taking the entire length of the wall and the highest point of the zigzag to the lowest point of the zigzag to compute the square footage. If the neon is in a straight line the Sign Inspector assesses it as accent banding and it is not used in any square foot computations. He stated that there is a \$25.00 fee and it is approved in every case as long as you don't exceed 25 foot-candles. Mr. Sigler informed the Board that in this application he is not exceeding 25 foot-candles and in fact there will be one stripe of neon creating the mountain scape. He indicated the only sign that will be on the building of any significance is the Hollywood Video channel letters. Mr. Sigler submitted photographs depicting a day and night shot of the zigzag line (Exhibit R-3). He stated the neon illumination is insignificant as far as illumination or causing any trouble from over illuminating the building. He informed the Board that his client is asking for the east and west elevations of the building to be lengthened by 10'. Mr. Sigler read minutes from the TMAPC regarding a PUD 535, which a Hollywood Video store is located. The minutes have a determination that the zigzag line is not a sign, but an accent band. However, when the permit was applied for the subject property the Sign Inspector wanted to address the zigzag line as a total sign.

Comments and Questions:

Mr. Bolzle agreed with Mr. Sigler that the zigzag line should not be considered a part of the total signage.

Mr. Cooper asked the staff if there was any way to send a message to the Sign Inspector that the Board views this as an accent band and not a sign. He commented that it would prevent Hollywood Video from having to come back before the Board each time they build a new store.

Case No. 17837 (continued)

Interested Parties:

Graig Gridlaw, Hollywood Video, stated he would appreciate anything the Board could do to prevent his company from having to come before the Board for every store. He indicated that Hollywood Video will be building approximately 400 stores this year nationwide and there will be an additional five to six stores in Tulsa.

Comments and Questions:

Mr. Bolzle stated he did not know how to change the opinion of the Sign Inspector other than to make a formal interpretation.

Mr. Linker stated that he agreed that it is an interpretation question and he would like to look at the issue more before making a formal interpretation. He commented that an interpretation would be the best way to take care of this issue.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Variance** of maximum allowable wall sign from 312 SF on E & W to 585 SF & from 192 SF on N & S to 448 SF. **SECTION 1221.E.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**, per plan and elevations submitted; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

Legal Description: A tract of land in the SW/4, SW/4, Sec. 10, T-19-N, R-13-E, said tract of land being more particularly described as follows, to wit: Beg. 50' N and 50' E; thence Nly, parallel with & 50' from the W line, for 535' to the POB; thence Ely and perpendicular to said W line, for 225'; thence Nly, parallel, for 180'; thence Wly, perpendicular, for 225'; thence Sly, parallel with and 50' from said W line, for 180' to the POB, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 17785

Action Requested:

Correction of the minutes from August 12, 1997.

Comments and Questions:

Mr. Beach stated that the incorrect minutes simply stated that the Board denied the case and the corrected minutes list the request that the Board actually denied.

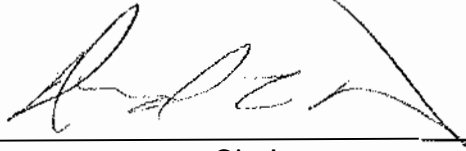
Case No. 17758 (continued)

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-1 (Dunham, Cooper, Turnbo, White, "aye"; no "nays" Bolzle "abstention"; none "absent") to **APPROVE** the corrected minutes of August 12, 1997, Case No. 17785.

There being no further business, the meeting was adjourned at 4:00 p.m.

Date approved: October 14, 1997

A handwritten signature in cursive script, appearing to read "R. Turner", is written over a horizontal line.

Chair

