

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 762
Tuesday, November 24, 1998, 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
Cooper Dunham Turnbo White	Perkins	Arnold Beach	Ballentine, Code Enforcement Parnell, Code Enforcement Jackere, Legal Department

The notice and agenda of said meeting was posted in the Office of the City Clerk on Friday, November 19, 1998, at 3:08 p.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 3-0-1 (Dunham, Turnbo, White "aye"; no "nays", Cooper "abstentions"; Perkins "absent") to **APPROVE** the Minutes of October 27, 1998 (No. 760).

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Perkins "absent") to **APPROVE** the Minutes of November 10, 1998 (No. 761).

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UNFINISHED BUSINESS

Case No. 17792

Action Requested:

Review site plan as required by previous conditional approval, located at the SW/c of E. 61st St. & S. 89th E. Ave.

Presentation:

The applicant, **Danny Mitchell**, 4111 S. Darlington, submitted a site plan (Exhibit A-1) and stated that when the case was before the Board on September 9, 1997 and as part of the condition of approval the Board wanted to see a final site plan. Mr. Mitchell stated that they have met with Stormwater Management concerning the adjoining neighbors. They have come up with a solution that is satisfactory with the neighbors and Stormwater Management. There is a letter in the packets showing approval from the adjoining neighbors. Mr. Mitchell stated that Dr. Hewitt is now in approval of the project.

Comments & Questions:

Ms. Turnbo asked Mr. Mitchell if there is a tie contract and Mr. Mitchell answered affirmatively and stated that it is a part of the general warranty deed that was filed on the property.

Interested Parties:

Dr. Barbara B. Hewitt, 8819 E. 62nd Street, stated that the Burning Tree neighbors have submitted a letter of conditions. Dr. Hewitt stated that they did not accept the church's letter of conditions and wrote their own letter (Exhibit B-2) and the church has accepted those.

Mr. Mitchell stated that the church has accepted the letter of conditions from the Burning Tree neighbors.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Perkins "absent") to **APPROVE** Review site plan as required by previous conditional approval, subject to a tie agreement and subject to the conditions submitted in the letter dated November 2, 1998 - attached, on the following described property:

A part of the NE/4, NW/4, Sec. 1, T-18-N, R-13-E, IBM, Tulsa County, Oklahoma, being more particularly described as follows, to wit: Beg. at the NW/c; thence S89°56'00"E for 175.00', to the POB; thence N0°05'51"E for 500'; thence S89°56'00"E for 100'; thence S0°05'51"W for 500'; thence N89°56'00"W for 100' to the POB, City of Tulsa, Tulsa County, Oklahoma

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5607 SOUTH LEWIS AVENUE
TULSA, OK 74105-7106
November 2, 1998

Tulsa Bible Church
8720 East 61st Street
Tulsa, OK 74133

Danny Mitchell
Mitchell Architects
4111 South Darlington, Suite 140
Tulsa, OK 74135-6334

Regarding the proposed new paving of parking areas for Tulsa Bible Church adjacent to several residences abutting the south side of TBC the following summary of improvements is agreed to by the signees:

A drainage swell and new inlet into the existing stormwater drain is to be constructed in the platted "Utility Easement" of these residences, following the drawings prepared by Mr. John Duncan, P. E. It is our understanding that a new 18 inch square drainage grate will feed into a new 15 inch inlet pipe which will feed into the existing stormwater drainage system. The surface grade of the drainage on the "Utility Easement" will meet City of Tulsa code requirements for good west to east water flow across the back of all residences abutting TBC.

Additionally, a trench will be dug by TBC contractors in the "Utility Easement" above the stormwater drainage, sloping from east and west to the new drainage inlet to allow Burning Tree residents of the involved properties to install a 4 inch west to east pipe with connections to existing property north/south drainage pipes and to provide the possibility for future residents who do not have such existing gutter drainage to tie into this 4 inch system. TBC contractors will be responsible for connecting this four inch drain to the new 15 inch inlet pipe. Danny Mitchell will need to provide written one week notification to all signees so that signees can do their part of the installation on a Saturday, excluding November 28, 1998, prior to December 15, 1998. If extreme weather conditions exist on the Saturday for expected work, another Saturday would need to be allowed.

A new eight foot (8') cedar or treated wood (posts, crosspieces, and pickets) fence will be installed along the south property line of the Tulsa Bible Church property, with the pickets facing the Burning Tree neighbors as agreed in the previous meeting with residents. Tulsa Bible Church agrees to maintain this fence in good condition in perpetuity. Any resident wishing for the TBC contractor to remove that specific resident's back fence and, if desired, to use wood from the back fence to connect existing side fences to the TBC fence will provide this direction in writing to Danny Mitchell within ten days of his notification of residents concerning the readiness of the trench per above. Excess fencing materials will be removed by the TBC fencing contractor for any resident who authorizes its removal in his/her written statement pertaining to the existing

Burning Tree Neighbors next to TBC: Page 2

fence. The Burning Tree residents own and are responsible for future maintenance of the "Utility Easement" north of the new eight foot fence.

The basketball backstop that was adjacent to the Burning Tree residences has been removed and no other recreational equipment will be installed on the south side of the TBC property at any future time. Tulsa Bible Church agrees to install notices that recreational facilities are not to be used between 10:00 p. m. and 6:00 a. m. daily to protect Burning Tree neighbors from unreasonable night time noise. [At midnight on two occasions this fall a very vocal gathering of young people around the new basketball backstop have had to be asked to leave, once by the police.]

All lighting will be directed so that it does not shine directly into neighborhood yards as required by the City of Tulsa codes.

The new paving, curb and gutter will be installed per the plans approved by the City of Tulsa.

APPROVED AND ACCEPTED

This 2nd day of November, 1998

<u>Signatures</u>	<u>Printed Resident Name</u>	<u>Address</u>
By: <u>Cyndee Cornell</u>	<u>Cyndee Cornell</u>	<u>8813 E 62nd St. South</u>
By: <u>Paul Rietzke</u>	<u>PAUL RIETZKE</u>	<u>8825 E 62nd St</u>
By: <u>Barbara B Hewett</u>	<u>BARBARA B HEWETT</u>	<u>8819 E 62nd St.</u>
By: _____	_____	_____
By: _____	_____	_____

Case No. 18237

Action Requested:

Variance of the number of off-street parking spaces required to permit tandem parking.
**SECTION 1208.D. USE UNIT 8. MULTIFAMILY DWELLING AND SIMILAR USES,
Off-Street parking and Loading Requirements – Use Unit 8, located SW/c E. 73rd
St. & S. Sheridan.**

Presentation:

The applicant, **Liz Muratet**, 2000 NationsBank Building, submitted a site plan (Exhibit B-1) and stated that she represents the developer, Prias, Inc. Ms. Muratet stated that the property currently has 23 living units, that were built in the 1980's. When Prias acquired the property the 23 units were already in on the site. Prias is wanting to go forth with the development by adding an additional 73 units to the property. Ms. Muratet stated that the property has a significant slope to the south. Because of the topography all of the parking for the entire project has been concentrated to the middle. A unique feature to the project is that each of the units would have its own garage. They have support from the neighbors. Because of the new units, the parking would be 146 spaces under the Code. Excluding the tandem parking or stacked parking that is provided by the existence of a driveway and the garage, there are 122 parking spaces for Phase 2 which leaves them 24 parking spaces short. However, if you include a consideration for the tandem parking, that gives them an additional 81 parking spaces for a total of 203. That then leaves them with 57 extra spaces above and beyond what is required by the Code. Ms. Muratet stated that they are trying to consider the tandem parking spaces in the overall calculations in connection with the plan. Normally tandem parking is allowed or utilized in a single family type residence. This plan has been designed with that intent in mind. Several safeguards have been put in place that would avoid problems that would arise if you have tandem parking in a common parking lot. In the development every unit will have assigned parking and it will be required in the rules of the development that a person use the parking assigned to them. The open parking, for visitors, is in very close proximity to each of the buildings. The community will be gated and the gate will be located at the 73rd Street exit. In light of all the safeguards, the possibility of overflow parking is highly unlikely and there should be no negative impact. The project has been designed to work with the topography and the residential neighborhood to the south. They have communicated with all of the neighbors and have had overwhelming support for the plan. There will be significant landscaping and the plans will be presented for approval.

Comments and Questions:

Mr. Cooper asked Ms. Muratet how the assigned parking would be controlled. Ms. Muratet responded that because there is stacked parking and because they want the condos to operate as individual units they consider this an upgrade to the area. They want each individual unit to have assigned parking right outside its door just like you would in a single-family home. Mr. Cooper asked where the visitors will park and Ms. Muratet stated that they will park in the visitor spots which are located adjacent to the

buildings. They will mark the visitor parking with "visitor only" signs. There will also be on-site management for the property.

Ms. Turnbo believes the stacked parking is similar to a home. If you have a one car garage, you put a car in the garage and another one in the driveway. Ms. Turnbo believes that this will enhance the area.

Mr. Cooper asked Ms. Muratet what the total number of new visitor parking is. Ms. Muratet answered 41 and they will all be assigned as visitor parking.

Mr. Jackere, City Legal Department, asked if the units will be individually owned. Ms. Muratet answered that at this time the project has not been condominiumized. It will be treated as if it were a condominium and each unit will have individual assigned parking. Mr. Jackere asked if he visits the complex and accidentally parks in front of someone's unit and there is a car in their garage that cannot get out – what will be done about it? Ms. Muratet replied that someone would have to come and find you to move it or the car will be towed. Ms. Turnbo stated that it would be the same if someone parked in front of her driveway at her house.

Mr. Cooper stated that he thinks the parking is light and he believes that the assigned parking makes it worse. Ms. Turnbo stated that she owns a condo and it has assigned parking and it works very well. Ms. Turnbo and Mr. Dunham do not believe that anyone will park on the street. Mr. White noted that the facility will be gated and that will eliminate many problems.

Mr. Cooper asked where the gates are going to be and where will the vendors and delivery trucks park until they gain entrance into the property. Ms. Muratet stated that the gates will be on the 73rd St. entrance and two of them will be exit only gates.

Mr. Cooper asked where uninvited guests park. Ms. Muratet stated that they will park in the open areas. Mr. Cooper asked where the guests will park who have not gained entrance into the property. Ms. Muratet replied that she is not sure how the gates will operate whether it will be voice boxes or cards but she believes that delivery trucks will have easy access into the property.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Perkins "absent") to **APPROVE** Variance of the number of off-street parking spaces required to permit tandem parking. **SECTION 1208.D. USE UNIT 8. MULTIFAMILY DWELLING AND SIMILAR USES, Off-Street parking and Loading Requirements – Use Unit 8**, per plan submitted, on the following described property:

Case No. 18237 (continued)

Lot 1, Block 1, South Slope Condominiums, City of Tulsa, Tulsa County,
State of Oklahoma.

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NEW APPLICATIONS

Case No. 18238

Action Requested:

Special Exception to permit a convenience store (QuikTrip) in an IL District. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 13,** located NW/c Pine & N. Mingo Road.

Presentation:

The applicant, **Steve A. Powell**, was represented by Stephen A. Schuller, 100 West 5th Street, Suite 500, who submitted a site plan (Exhibit C-1). Mr. Schuller stated that he represents QuikTrip Corporation. This application is for a convenience store on the NW/c of Pine and Mingo. The tract is about 2 3/4 acres in size and is part of a large IL zoned district that extends west to Memorial and north to the railroad tracks. The area has a variety of commercial and industrial uses scattered throughout. The Zoning Code provides for convenience stores to be located in IL zoned districts by exception. Mr. Schuller stated that the convenience store (as shown on the site plan) complies with all the provisions and requirements of the Zoning Code. They are not asking for any other zoning relief. Mr. Schuller stated that this use is in harmony with the spirit and intent of the Code which provides for this use in the Industrial Light District. In addition, QuikTrip will have to dedicate some additional right-of-way for Pine Street to make it conform to the Major Street and Highway Plan. They will also make some improvements to the storm sewers in the area.

Interested Parties:

Eric Bulosky, 406 S. Boulder, Suite North Mezzanine, Tulsa, 74103, stated that he represents Mike Batman who owns the property across the street to the south of the subject property. Mr. Bulosky asked what the rest of the land will be used for since the store will only take up about 3% of the property. Mr. Bulosky does not believe that the QuikTrip will conform with the District 16 Plan. Mr. Bulosky asked the Board to not approve the application at this time and to take into consideration the desires expressed in the District 16 Plan and the fact that the Planning Staff is not sure if the project meets all the requirements.

Comments & Questions:

Mr. Schuller stated that some of the newer QuikTrip stores are larger and have more parking and more landscaping. There will be no other activities on the property.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-0-1 (Dunham, Turnbo, Perkins, White "aye"; no "nays"; Cooper "abstentions"; Perkins "absent") to **APPROVE** Special Exception to permit a convenience store (QuikTrip) in an IL District. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 13**, on the following described property:

A tract of land lying in the E/2 of the SE/4 of the SE/4 of Section 25, T-20-N, R-13-E of the IBM, Tulsa County, Oklahoma, being more particularly described as follows, to-wit: Beginning at the SE/c of said E/2, SE/4, SE/4, thence S 89°58'39" W and along the S line of said E/2, SE/4, SE/4 for a distance of 350.00', thence N 00°07'01" W and parallel with the E line of said E/2, SE/4, SE/4 for a distance of 340.00' thence N 89°58'39" E and parallel to the S line of said E/2, SE/4, SE/4, for a distance of 350.00' to a point on the East line of said E/2, SE/4, SE/4, thence S 00°07'01" E and along said E line for a distance of 340.00' to the point of beginning and containing 119,000 SF or 2.731 acres, more or less.

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Case No. 18239

Action Requested:

Variance of the allowable square footage for an accessory building from 750 SF to 2,160 SF. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6** and a Variance of allowable coverage of required rear yard of 20%, which would be 240 SF to 536.4 SF. **SECTION 210.B. YARDS, Permitted Obstructions in Required Yards**, located 6216 E. Oklahoma St.

Presentation:

The applicant, **Earl W. Brantley**, 6216 E. Oklahoma St., submitted a site plan (Exhibit D-1) and stated that his existing garage is getting old and he would like to tear it down and construct a larger one to store his motor home.

Comments and Questions:

Mr. Dunham asked Mr. Brantley if the building is actually 1,440 SF or is it 2,160 SF? Mr. Brantley stated that it has been reduced to 1,440 SF.

Mr. White asked the applicant if there are any commercial activities planned for this garage and the applicant answered negatively.

Mr. White asked if the existing building and garage will come down and Mr. Brantley answered yes, the wood is rotten and they will come down.

Case No. 18239 (continued)

Mr. Cooper asked what the hardship is. Mr. Brantley stated that he cannot get his motor home on his property and it is currently being parked on the City easement. Mr. Cooper asked what kind of easement it is and Mr. Brantley replied that it is a utility easement.

Mr. Brantley stated that he has spoken with his neighbors and none of them have any opposition.

Ms. Turnbo stated that the hardship could be the fact that he is currently parking the motor home on a City easement.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Perkins "absent") to **APPROVE** Variance of the allowable square footage for an accessory building. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6** and a Variance of allowable coverage of required rear yard of 20%. **SECTION 210.B. YARDS, Permitted Obstructions in Required Yards**, per plan submitted subject to the square footage not exceeding 1,440 SF and there shall be no commercial activities on the property and the existing two buildings will have to be removed, on the following described property:

Lot 1, Block 8, Maplewood Addition to the City of Tulsa, Tulsa County,
State of Oklahoma.

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Case No. 18240

Action Requested:

Variance to permit a sign from the centerline of Harvard from the required 50' to 42'. **SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs** and a Variance of square footage of display surface area from 44 SF to 64 SF. **SECTION 602.B.4.c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions**, located 2140 S. Harvard.

Presentation:

The applicant, **David Rich**, 3515 E. 66th Street, submitted a site plan (Exhibit E-1) and a sign plan (Exhibit E-2) and stated that he is the owner of the property in question. The request to enlarge an existing sign, (which is nonconforming) is because the building is a split level building. The appearance of the building would suggest that the only tenant in the building occupies the frontage of the building and this limits the exposure that the other tenants in the building have. They are asking for the sign to

be enlarged to provide a directory sign. There is ample evidence of such signs appearing along Harvard and Mr. Rich submitted photos to show that such signs exist (Exhibit E-3).

Comments and Questions:

Mr. White asked Mr. Rich if there are two poles. Mr. Rich answered that there will be another pole added to the existing pole to support the additional sign. Mr. White asked if it would be placed to the east of the existing pole and Mr. Rich replied affirmatively.

Steve Gray, 9902-B E. 43rd Street, stated that he is with Hightech Signs. Mr. Gray stated that the sign that is existing is grandfathered in before the current sign code.

Interested Parties:

Loyle McKay, 3205 and 3207 E. 22nd Street, stated that he owns the property adjoining the subject property on the south side. Mr. McKay stated that his wife has her sign out and it is very small sign which is about 4'x4'. The sign stands about 5' tall. Mr. McKay believes that if the applicant's sign comes out 8' it could block some of the view of their sign. Mr. McKay suggested putting a larger sign on top of the building to get around the trees on the north side of the building.

Applicant's Rebuttal:

Mr. Rich stated that his sign will be about 6' off the ground and does not believe that it will block Mr. McKay's sign.

Comments and Questions:

Mr. Dunham asked if there is going to be a 3'x8' sign in addition to an 8' x5' sign on the pole. Mr. Gray answered affirmatively.

Mr. Cooper asked why it has to have the extra bracing pole. Mr. Gray stated that the reason they did it that way is because the existing pole would not support that structure. Mr. Dunham asked about removing the existing pole and replacing it with a new pole.

Mr. Jackere stated that the sign is in the right-of-way but the existing pole is not. Mr. Jackere suggested replacing the existing pole with a new L-shaped pole so that the new pole is still out of the right-of-way and can support the new sign.

Case No. 18240 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Perkins "absent") to **APPROVE** Variance to permit a sign from the centerline of Harvard from the required 50' to 42'. **SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs** and a Variance of square footage of display surface area from 44 SF to 64 SF. **SECTION 602.B.4.c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions**, subject to the sign being placed on the existing "L" shaped pole in the existing location and subject to a removal contract, on the following described property:

Lots 2-4, Block 2, Bonnie Brae Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18241

Action Requested:

Special Exception to permit a flower shop as a home occupation. **SECTION 404.B. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS – Use Unit 13**, located 1641 E. Independence St.

Presentation:

The applicant, **George Sullivan**, 1641 E. Independence St., submitted a site plan (Exhibit F-1) and photos (Exhibit F-2) and is asking to be allowed to operate a flower shop in his home until they can locate a commercial building. Mr. Sullivan realize that the parking is limited but 85% of their customers are over the phone. They pick up their own flowers so there are no deliveries made to the home.

Comments and Questions:

Mr. White asked the applicant how long he is considering. Mr. Sullivan suggested six months to a year to locate a new building.

Ms. Turnbo stated that there can be no signs in a home occupation business.

Mr. Dunham asked if the property to the east of this is zoned RM-1 as well. Mr. Beach answered yes.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Perkins "absent") to **APPROVE** Special Exception to permit a flower shop as a home occupation. **SECTION 404.B. SPECIAL**

Case No. 18241 (continued)

EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS – Use Unit 13
for the length of one year, on the following described property:

Lots 3 and 4, Block 1, Baird Addition amended, City of Tulsa, Tulsa
County, State of Oklahoma.

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Case No. 18243

Action Requested:

Variance of parking requirement for a dance studio of 1 per 150 SF to 1 per 400 SF.

SECTION 1211. USE UNIT 11. OFFICES, STUDIOS AND SUPPORT SERVICES –
Use Unit 11, located 5567 E. 41st St. S.

Comments and Questions:

Mr. Dunham suggested continuing the case since the applicant was not present. Mr.
White stated that the legal description given was for the entire shopping center.

Interested Parties:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo White
"aye"; no "nays", no "abstentions"; Perkins "absent") to **CONTINUE** Case No. 18243 to
December 8, 1998.

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Case No. 18244

Action Requested:

Variance of setback from an abutting street from 50' to 30' to permit a monument sign.

SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS
and **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS – Use**
Unit 11, located 1519 S. Utica.

Presentation:

The applicant, **Steve Gray**, HighTech Signs, 9902-B E. 43rd Street, submitted a site
plan (Exhibit G-1) and sign plan (Exhibit G-2) stated that his client is Herb Elias, 7719
S. Erie Ave. Mr. Elias has recently moved his business to 1519 S. Utica. The building
is a house that has been zoned for business use and is very close to Utica. They
cannot meet the setback requirement because it would place the sign in the middle of
the house. Mr. Gray proposes a monument sign to be placed in the grassy area in
front of the house. Mr. Gray submitted photos (Exhibit G-3).

Case No. 18244 (continued)

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Perkins "absent") to **APPROVE** Variance of setback from an abutting street from 50' to 30' to permit a monument sign. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** and **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS – Use Unit 11** subject to a removal contract, on the following described property:

Lot 12, Block 1, Orcutt Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18245

Action Requested:

Variance of the setback from Lewis for a structure (decorative entry feature or fence) from 50' to 46'. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS – Use Unit 14**, located 6923-6975 S. Lewis Ave.

Presentation:

The applicant, **Mark Thomas**, 3508 E. 75th Street, submitted a site plan (Exhibit H-1) and stated that he represents the owners of the property. Mr. Thomas stated that the owners have just recently purchased and renovated the property. The owners would like to construct a landscaped entry feature in the front of the property that will average about 2½' tall and the purpose is to carry the continuity of the property out to the street. Mr. Thomas stated that he has met with Max Sutter and they have been granted a license agreement.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Perkins "absent") to **APPROVE** Variance of the setback from Lewis for a structure (decorative entry feature or fence) from 50' to 46'. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS – Use Unit 14** subject to a license agreement with the City of Tulsa and per plan submitted, on the following described property:

Case No. 18245 (continued)

The S 120' of Lot 2 and all of Lots 3 and 4, Block 1, Amended Abdo Commercial Heights, Tulsa County, State of Oklahoma.

Case No. 18246

Action Requested:

Special Exception of the required 30' front yard to 25.5'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** and a Variance of the required side yard from 15' to 5.5'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located 2105 E. 25th St.

Presentation:

The applicant, **Kathleen Page**, 2105 E. 25th St., submitted a site plan (Exhibit I-1) and stated that she is co-owner of the property at 2105 E. 25th Street and she is requesting approval of the application in order to construct a garage. This is a corner lot and there is about 6' of elevation between the street and the house. The house was originally constructed with 7½' of setback on one side. The neighbor to the north encroaches toward the property line by 5' and the neighbor to the south also encroaches 5'. She is very limited in where she can locate a garage on this property because of the elevation of the property and because of the street. The City has curbed off the driveway that entered off of Yorktown. Ms. Page submitted photos of the house (Exhibit I-2).

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Perkins "absent") to **APPROVE** Special Exception of the required 30' front yard to 25.5'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** and a Variance of the required side yard from 15' to 5.5'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** per plan submitted, on the following described property:

Lot 12, Block 3, Wildwood Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18247

Action Requested:

Variance of the off-street parking spaces required for health club on the third floor of The Consortium building or an exception modifying the required parking from 40 spaces to 13. **SECTION 1407.C. PARKING LOADING AND SCREENING NONCONFORMITIES** – Use Unit 11, 12, 13 and 14 and a Variance deleting the requirement of loading berth for a health club having a floor area between 5,000 and 10,000 SF subject to hours of operation of the health club approved by the Board. **SECTION 1219.D. USE UNIT 19. HOTEL, MOTEL AND RECREATION FACILITIES, Off-Street Parking and Loading Requirements**, located SE/c E. 35th & S. Peoria.

Presentation:

The applicant, **Charles E. Norman**, submitted a site plan (Exhibit J-1) and stated that he represents the owners of The Consortium who are headed by Ed Calay. Mr. Calay and his associates have acquired many properties in the Brookside Area over the past few years. The purpose of this application is to permit the development of the third floor of The Consortium building into a health club. Mr. Norman stated that the third floor space, which contains 6,000 SF, was approved three years ago by the Board for conversion into a radio station with a variance of the parking requirements for the radio station. That conversion never occurred and the parking variance never used. This is not requesting an additional variance but it is for the same space that was before the Board three years ago. The Staff stated in the Staff Comments that there is a health club that is located one block to the north that was granted a partial variance of the parking requirements about three years ago. That health club is within the old Brook Theater Building and it is that health club that will be moved to The Consortium. The approval of that application will not result in there being two health clubs within one block. It will be the relocation of the 34th Street Gym into this building and the expansion of the club. The 6,000 SF on the third floor of this building was used for tenant storage of supplies and is not an actual 6,000 SF of gross floor area. It contains two stairways and an elevator; Mr. Norman stated that these three elements occupy about 800 SF. Mr. Norman stated that when the Board heard this application about three years ago, it was represented to them that there were originally 77 parking spaces available to the buildings and the Board approved the Variances that if the radio station would go in that an additional 11 spaces would be added for that purpose and in actuality, the ownership added 13 spaces. There are now 90 spaces that are reflected on the As-built survey. Mr. Norman stated that their application is to relocate the 34th Street Gym and they have no objection to the requirement of closing the gym on 34th Street and the abandonment of that particular space as a health club as a condition of approval of this one. Mr. Norman stated that this property has always been nonconforming as to parking and he feels that it comes under Section 1407 of the Code that requires that if an existing structure is nonconforming as to parking, then it does not require a variance but the Board may approve a special exception to modify the parking if they find that the new use will not substantially change the existing relationship of the property to the neighborhood. Mr. Norman submitted a parking

analysis of the area (Exhibit J-2). Mr. Norman stated that the health club operator, Danny Kennedy, mentioned that his peak hours are between 6:00 and 7:30 A.M. and there is a slight rise in the noon hour and the other peak occurs between 4:30 and 6:30 P.M. Mr. Kennedy is agreeable to restrictions on closing time. Mr. Norman stated that the club is not open after 3:00 P.M. on Saturday afternoons and he is not open on Sundays. Mr. Norman asked the Board to consider this as a Special Exception, reducing the number of parking spaces from 40 to 13 subject to the hours of operation the Board sees fit to impose.

Comments and Questions:

Mr. Cooper stated that the gym is moving and expanding and Mr. Cooper asked if the old location will ever be used as a gym. Mr. Norman stated that the old building will no longer be used as a gym. Mr. Jackere asked if that property is currently under advertisement and Mr. Norman answered no but the Board can make that a condition to the use of this property.

Ms. Turnbo asked what the square footage of the current gym is. Mr. Norman replied 3,000 SF. Ms. Turnbo asked if the owner of the health club will be advertising for more new members since there is more floor room and Mr. Norman replied yes.

Mr. Norman believes that the Brookside area has become more pedestrian oriented and people tend to walk from area to area such as in a large shopping mall.

Ms. Turnbo stated that the parking analysis does not show anything from 9:00 or 9:30 P.M. when the area is the busiest. Mr. Norman assumes that the Board will require the club to shut down around 8:00 or 8:30 P.M. Mr. Norman stated that the trouble times for the area are Friday and Saturday nights and this facility will close at 3:00 P.M. on Saturday and Mr. Kennedy would request staying open to 8:30 on Friday nights.

Interested Parties:

Nancy Apgar, 3914 S. Norfolk, Vice President of Zoning for the Brookside Neighborhood Association, stated that she is not protesting the project. Ms. Apgar mentioned that 31 people were notified of the application and nobody called the Association to complain. Ms. Apgar stated that she called Karen Keith and she lives close to the proposed health club and she has no objection and may be happy because it is moving closer to her. Ms. Apgar visited the parking lot several different times during the day and the lot was full at all of those times. Ms. Apgar has no objection to any of the morning hours but her concern is with the overflow parking in the neighborhood. The neighborhood association has tried to balance the business association with the neighborhood. They are starting to have problems with the sushi bar and Crow Creek overflow parking. Ms. Apgar asked the Board to carefully consider the parking situation and the hours of operation.

Ms. Turnbo asked Ms. Apgar where the Crow Creek bar is located and Ms. Apgar stated that it is on the west side of Peoria but she is not sure what block.

Cheryl Scroggs, stated that she owns the building that City Bites is in and she also owns that parking lot. That property is across the street from The Consortium. They have had a problem with people parking on their lot and they have to monitor it. 35th Street is very congested and is hard to navigate the area.

Mr. White stated that he had in the file one letter of opposition (Exhibit J-3).

Applicant's Rebuttal:

Charles Norman stated that Mr. Calay is one of the younger real estate developers and is trying to invest in this area and he has a major investment in not allowing any tenant use that will not adversely affect any of his other tenants or the neighborhood. His properties will be the closest to any excessive uses. Mr. Norman stated that the Mayor's Infill Task Force is currently writing some final conclusions that he believes will include some proposals to solve some of the parking. Mr. Norman believes that this use is complimentary to the other uses in the area. Mr. Norman mentioned that they are asking for a deletion of the requirement for the loading dock because there is no loading dock necessary in connection with the operation of a health facility.

Comments and Questions:

Mr. Dunham referred to the Staff Comments and asked Mr. Norman if there will be any classes conducted in the health club and at what times. Mr. Norman replied that the classes that are being conducted generally occur in mid-morning or mid-afternoon. You are more likely to have individual people working out in the morning and late in the day. Mr. Dunham asked Mr. Norman if there would be any problem with restricting the classes to daytime hours only and Mr. Norman replied that it would be hard to monitor. He suggested that the Board regulate the closing time instead of trying to monitor the class schedule inside the building. Mr. Norman suggested an 8:30 p.m. closing time but would be okay with an 8:00 p.m. closing time. By 7:00 p.m. most people are finishing their workouts and heading home, the usage declines dramatically after 6:00 or 7:00.

Mr. Cooper asked Mr. Norman what the plan is for the other health club facility. Mr. Norman responded that the health club is a second story use and it will either revert to office storage or office use. It will not be a health club. If it is converted to office use, the parking requirement drops to 1 per 300 SF, if it is commercial the parking requirement is 1 per 225 SF. The health club is 1 per 150 SF – you are gaining parking under any future use. Mr. Norman suggested making a condition on the current health club that the property can no longer be used as a health club.

Mr. Jackere stated that generally he would have no problem with that except that the Board has no jurisdiction because it has not been advertised. Mr. Norman suggested the granting of the Certificate of Occupancy on this property subject to the closing of the other one.

Mr. Jackere suggested removing the special exception on parking that was granted on the other property and let any other application in the future come to the Board on its own merits. Mr. Norman suggested approving the application subject to an application being filed to repeal the parking variance that was granted in connection to the 34th Street Gym three years ago. That would allow them to go ahead with the architectural planning. Mr. Dunham suggested removing BOA No. 17036 and also BOA No. 17090.

Mr. Jackere stated that his only concern is that the Board gain the jurisdiction over the property that they are putting the conditions on and right now they do not have that jurisdiction.

Ms. Turnbo stated that she has a real problem about when they did the gym before they went from 19 required parking spaces down to 10 and they are going to increase the square footage by 2,200 and they are going from 40 spaces to 13 spaces. Ms. Turnbo mentioned that naturally they are going to ask for more membership there are going to be classes there. She does not believe 13 parking spaces are enough. Mr. Dunham stated that they do have 90 parking spaces available. Ms. Turnbo believes that will suffice in the morning but not over the lunch hour and in the evening.

Mr. Cooper stated that he lives near the subject property and is familiar with the plans and with the neighborhood. He believes that the curfew is a problem and the hours should be regulated. Mr. Cooper stated that the parking is worse where the current gym is located. Mr. Cooper believes that the usage of the club is going to go way down after 6:00 p.m.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Perkins "absent") to **APPROVE** Variance of the off-street parking spaces required for health club on the third floor of The Consortium building or an exception modifying the required parking from 40 spaces to 13. **SECTION 1407.C. PARKING LOADING AND SCREENING NONCONFORMITIES – Use Unit 11, 12, 13 and 14** and a Variance deleting the requirement of loading berth for a health club having a floor area between 5,000 and 10,000 SF subject to hours of operation of the health club approved by the Board. **SECTION 1219.D. USE UNIT 19. HOTEL, MOTEL AND RECREATION FACILITIES, Off-Street Parking and Loading Requirements** subject to the hours of operation being 6:00 a.m. to 8:00 p.m. Monday through Friday, 6:00 a.m. to 3:00 p.m. on Saturday and no hours on Sundays and that the applicant submitting an application and the Board granting a repeal of the

Case No. 18247 (continued)

variances providing parking on the existing health club (BOA 17090 and BOA 17036) on the following described property:

The N 2' of Lot 2 and all of Lots 3, 4, 5, 6 and the W 35' of Lot 11 and the E 50' of Lot 12, Block 3, Olivers Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

Case No. 18248

Action Requested:

Special Exception to modify the required setback from an R district from 550' to approximately 90' to permit a communications tower. **SECTION 1204.C.3.g.1. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions – Use Unit 4;** a Special Exception to not camouflage with architectural treatment. **SECTION 1204.C.3.b.1. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES** and a Special Exception to allow a self-support tower instead of a monopole in an IL district. **SECTION 1204.C.3.b.a. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES,** located 1000 Block of E. Archer.

Presentation:

The applicant was **Cimarron Land Services, Inc.** David Baker with Titan Towers, 1500 Industrial Boulevard, Suite 300E, Abilene, TX 79602, submitted a site plan (Exhibit K-1) and photos (K-2). Cimarron Land Services, Inc. is their agent assisting in acquiring land for this process. Titan Towers is a communications site development, management and marketing company and are a little different from the typical applicant in cases like these. They are not a carrier and they do not provide two-way or broadcast communication services. They construct communication sites and lease space on those sites to a variety of different users. Mr. Baker stated that their desire in this application is to construct a 500' communication tower for high definition television. Mr. Baker is asking for the variances today for several reasons. The first one is for height. Television as opposed to other two-way communication services requires a higher elevation in order to get the proper signals to a larger population. A 150' tower does not give them the elevation that they need. They are planning a 500' tower near downtown to give the coverage required. The variance of the setback is necessary because they were unable to find sufficient property to meet the setback requirement. To get a 600' setback would require 15 acres of industrial property which in the areas that they are restricted to is very difficult to find. This particular piece of property has Industrial zoning on three sides and the residential area only affects one side of the property. Mr. Baker stated that the variance to camouflage the structure is requested because it would be very difficult to do since it is over 500' tall. They do intend to fence the entire property with a screen fence. There will be some landscaping on the property and they intend to make it look as attractive as possible. Mr. Baker stated that the third variance came about because it is impossible to

construct a monopole type tower at this height. Ms. Brown of Cimarron Land Services, Inc. has interviewed neighbors in the area. **Beverly Brown**, 1600 Southeast 19th Street, Suite 302, Edmond, OK 73013, stated that she is the project coordinator for the project and stated that this is an unusual area because of the amount of industrial. Many of the lots close to the proposed tower are vacant. Ms. Brown went door to door in the neighborhood and out of 75 dwellings, they got 42 people to respond and they got 40 signatures of people who have no opposition (Exhibit K-5) to the proposed development.

Comments and Questions:

Mr. Dunham stated that every adjoining property owner was contacted or attempted to be contacted. There were only three responses of the 42 contacted businesses.

Mr. Cooper asked Mr. Baker why this tower could not be located across the highway to the west. Mr. Baker responded that it was their intent to locate property east of the downtown area but not too far away. They would have better area coverage on the east side of the City. Ms. Brown stated that they made an exhaustive search of this area. This is a very efficient use of the property and it was the only thing available that met their target coordinates. Ms. Brown mentioned that they are not going to add noise pollution, odor pollution or traffic congestion to this neighborhood.

Ms. Turnbo asked the applicant about Exhibit "B" – FAA Regulations for Towers (Exhibit K-4) and if the Board were to approve the application, would they mind the condition of regulation by the FAA. Mr. Baker stated that this is an absolute requirement. Mr. Baker stated that they will have a dual light warning system.

Mr. White asked what the size of the base is and Mr. Baker replied that it is 49' across.

Mr. Baker stated that they looked at several other properties in the area and many were not for sale or the owner was not willing to do a lot split or had other development projects in mind. This site seems to be the best. They have to look very carefully at existing Industrial areas to see if there are contaminants that would harm the tower.

Mr. Dunham asked about the safety aspects and what would happen if the tower were to blow over? Mr. Baker stated that there are no existing, occupied houses in the fall zone. The tower is designed to fall just like a high rise or commercial building in that it will collapse on itself. There is a federal standard that you have to design the structure to in terms of wind loading and ice loading. It is designed to withstand just about any condition that would occur.

Ms. Turnbo asked if a condition imposed regarding Exhibit "A" – Radiation Standards (Exhibit K-4) would be okay and Mr. Baker agreed.

Interested Parties:

None.

Comments and Questions:

Mr. White stated that he is surprised that there is no opposition here and it is impressive that they received the number of signatures on the petition that they did.

Mr. Dunham mentioned that if there were any protestors at all here, he would not vote to approve this. This is a neighborhood that is different from most of the neighborhoods that they have had these towers in.

Mr. Cooper agreed that the number of signatures is impressive but he believes the fact that the people are not here in protest does not mean they are in agreement with it.

Mr. Dunham agreed with Mr. Cooper but they have to look at the people who signed the petition agreeing with this.

Mr. Dunham asked if this tower falls into the same category as cellular towers as far as requirements are concerned. Mr. Beach answered yes, all the conditions of 1204 apply to this tower. Mr. Dunham asked if they have the right to waive those conditions and Mr. Beach answered yes, if you find that it is not injurious to the area and serves the purpose and intent of the Code.

Mr. Cooper asked if the tower were to fall directly over where would the radius of that fall be. Mr. White and Mr. Dunham pointed on the map where it would be. Mr. Baker stated that the setback requirement is to make sure that if the tower falls its full length it does not fall on a residential area. Typically, towers of this type do not fall in that type of way, they collapse on themselves.

Ms. Turnbo is concerned but she also feels that by saying they don't know about protestors because nobody came, they can say that about every case before Board. Ms. Turnbo looks at the signatures and the map and she believes that Mr. Baker and Ms. Brown have done their homework and have the support of a majority of the neighborhood behind them. Ms. Turnbo stated that this tower is going to have to meet very strict guidelines from the FAA and several other agencies.

Mr. Cooper asked the applicant if there is any tangible benefit to the neighborhood for having the tower located there? Mr. Baker answered that right now this property is a vacant lot that is overgrown. They plan to improve the property considerably in landscaping. Just developing the property could possibly stimulate other development in the area. There will be traffic in and out of the property on a periodic basis (monthly, quarterly) and they will be buying gasoline in the area and possibly eating at the local café, etc.

Case No. 18248 (continued)

Mr. White asked if there will be other two-way sites located on this tower? Mr. Baker replied that there could possibly be but they have not marketed this site that way but it is intended to be multi-user.

Mr. White stated that when he drove by and looked at this site he did not believe that the tower would pass because of protest from the neighbors. It is very shocking because there are no protestors. The applicants have presented the case well and this is the coming thing for television. It is co-locatable.

Mr. Cooper believes that there are a lot of places in the area that this could go and he thinks that it is unacceptable to put it in a residential neighborhood. Mr. White stated that a tower of this type is never wanted by the neighbors. Mr. Cooper believes that it is injurious to the neighborhood. Mr. Dunham agreed that it could be injurious to most neighborhoods but he thinks this is a transitional neighborhood.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-1-0 (Dunham, Turnbo, White "aye"; Cooper "nays", no "abstentions"; Perkins "absent") to **APPROVE** Special Exception to modify the required setback from an R district from 550' to approximately 90' to permit a communications tower. **SECTION 1204.C.3.g.1. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions – Use Unit 4;** a Special Exception to not camouflage with architectural treatment. **SECTION 1204.C.3.b.1. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES** and a Special Exception to allow a self-support tower instead of a monopole in an IL district. **SECTION 1204.C.3.b.a. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES**, subject to FAA approval (Exhibit "B") and subject to the radiation standards (Exhibit "A") on the following described properties:

W/2 Lot 8, Block 10, Sheridan Industrial District B4-13, City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

Case No. 18249

Action Requested:

Variance of setback from abutting arterial street from 50' to 49';. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS – Use Unit 11** and a Variance of required parking from 82 spaces to 81 spaces and requirement of one loading berth to 0. **SECTION 1211.D. USE UNIT 11.** And a Variance of required parking from 82 spaces to 81 spaces and requirement of one loading berth to 0. **SECTION 1211.D. USE UNIT 11. OFFICES, STUDIOS AND SUPPORT SERVICES, Off-Street Parking and Loading Requirements**, located 45th & Harvard.

Case No. 18249 (continued)

Presentation:

The applicant, **John W. Moody**, 7146 S. Canton, submitted a site plan (Exhibit L-1) stated that he represents the owners of the property, Par Partners Limited Partnership. The property is subject to a contract of sale and an As-built survey was done and it was discovered that the building encroaches approximately 6" over the required building line.

Comments and Questions:

Mr. Dunham stated that this is an existing building and they are basically trying to clean up property lines.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Perkins "absent") to **APPROVE** Variance of setback from abutting arterial street from 50' to 49;. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS – Use Unit 11** and a Variance of required parking from 82 spaces to 81 spaces and requirement of one loading berth to 0. **SECTION 1211.D. USE UNIT 11.** And a Variance of required parking from 82 spaces to 81 spaces and requirement of one loading berth to 0. **SECTION 1211.D. USE UNIT 11. OFFICES, STUDIOS AND SUPPORT SERVICES, Off-Street Parking and Loading Requirements** per plan submitted, on the following described property:

S 117.6' of Lot 1 and N/2 of Lot 2, Block 3, Villa Grove Park, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

COOPER OUT AT 3:40 P.M.

Case No. 18250

Action Requested:

Special Exception to allow meeting parking requirements for day care on a lot other than where the principle use is located. **SECTION 1300.D. APPLICABILITY OF REQUIREMENTS**, located 17th St. & Boulder.

Comments and Questions:

Mr. Beach stated that this case needs to be continued because notice was not properly given. The lot that would contain the parking lot was not advertised as part of this application.

Presentation:

The applicant, **Leslie Peterson**, stated that the legal description was included.

Case No. 18250 (continued)

Mr. Beach agreed that the legal was submitted and it was Staff's mistake because the lot was not included in the mailing list.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Perkins "absent") to **CONTINUE** Case No. 18250 to December 8, 1998.

Case No. 18251

Action Requested:

Variance of the maximum height limit in an RS-2 district from 35' to 62' to permit new school buildings. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 3**, located 2520 S. Yorktown.

Presentation:

The applicant, **Brian L. Freese**, 5319 S. Lewis, submitted a site plan (Exhibit M-1) stated that he is the architect for Cascia Hall Preparatory School. Mr. Freese is requesting a variance of the height limitation of 35'. The entire 40 acre campus is zoned RS-2. The school was started in 1926 and the buildings that were constructed at that time area as tall as 80'. Over the years other classroom buildings have been added and all classroom buildings exceed the 35' height limitation. Mr. Freese stated that this addition is an addition to the existing middle school building. In 1984, Cascia Hall opened its middle school and they took an old dormitory building and converted it to a classroom building. That building, since it was never intended to be a classroom building has never served the purpose completely and correctly to be a classroom. This addition essentially replaces all of the very small classrooms and cramped hallways. They are worried about the safety of the building now. This addition replaces the classrooms. The new addition will have nine new classrooms, offices and has very wide corridors and brings the middle school facilities up to the same level as the high school facilities. This addition is approximately 130' away from the curb of Yorktown. Mr. Freese submitted photos to the Board (Exhibit). All classroom buildings have a 20/12 pitched roof and it is their intent and desire to match the existing architecture.

Interested Parties:

John Stevens, 3963 Calculus Road, Dallas, TX 75244, stated that he owns 2676 S. Utica which is occupied by his mother and is across the street from Cascia Hall. Mr. Stevens stated that his question was about the application as filed and the application asked for a variance for new school buildings and it was his concern that it did not reference the subject building that is apparently the subject. Mr. Stevens

Case No. 18251 (continued)

agrees with the matching of the existing architecture. Mr. Stevens has no problem with the variance.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, Perkins "absent") to **APPROVE** Variance of the maximum height limit in an RS-2 district from 35' to 62' to permit new school buildings. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 3** per plan submitted, on the following described property:

SW/4 of the NE/4 of Section 18, T-19-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18252

Action Requested:

Variance from landscape requirements. **SECTION 1002. LANDSCAPE REQUIREMENTS – Use Unit 12**, located SE/c 11th St. & Garnett Road.

Presentation:

The applicant, **Mike Hughes**, 8301 E. 51st Street, Suite 203, Tulsa, submitted a site plan (Exhibit N-1) and photos (Exhibit N-2) and stated that he is architect for the property and they are requesting a variance from the landscape requirements. Mr. Hughes stated that they have met all the other requirements on the building. The property has some existing, mature landscaping including large trees. As a result of the road widening of the intersection, 15' of the landscaping existing is right-of-way and they would like to replace the old existing building. They would replace the old building with a new one and cleaning up the property. Mr. Hughes stated that they will be adding some landscaping to the property. They cannot meet the tree requirement on the east side of the building because there is a motel located there.

Comments and Questions:

Mr. White stated that the motel to the east of the building sits on the property line and you could not do anything with it.

Rex Hall, 4441 S. 72nd E. Ave., stated that he is with the Mazzio's Corporation in Tulsa. Mr. Hall stated that Mazzio's has been at this location for a long time. The intersection improvements have helped the traffic flow. They are proposing to stay within the bounds of the existing parking area and they are going to abandon one of the driveways and that will turn into a small grassy area.

Board Action:

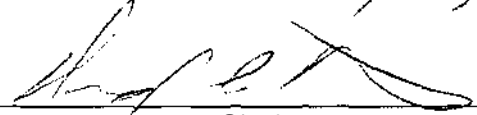
On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo White "aye"; no "nays", no "abstentions"; Cooper, Perkins "absent") to **APPROVE** Variance from landscape requirements. **SECTION 1002. LANDSCAPE REQUIREMENTS – Use Unit 12** per plan submitted, on the following described property:

A part of the W/2 of the NW/4 NW/4 NW/4 of Section 8, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows, to wit: Beginning at the junction of the S right-of-way line of 11th St. and the E right-of-way line of S. Garnett Rd.; thence along the E right-of-way line of Garnett Rd. S 165'; thence E 175'; thence N to S right-of-way line of 11th St. a distance of 165'; thence W along the S right-of-way line of 11th St. a distance of 175' to the point of beginning.

There being no further business, the meeting was adjourned at 3:56 p.m.

Date approved: _____

JANUARY 12, 1999



Chair