

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 963
Tuesday, August 28, 2007, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Henke, Chair
Stead, Vice Chair
Stephens
Tidwell, Secretary
White

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Alberty
Butler
Cuthbertson

**OTHERS
PRESENT**

Ackermann, Legal
Boulden, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, August 24, 2007, at 9:28 a.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

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

Mr. Cuthbertson read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

There were no minutes presented for approval.

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 20546

Action Requested:

Appeal the determination of the Neighborhood Inspector that permits are required for construction on the accessory/ garage building and inspections are needed, located: 2209 South Yale Avenue East.

Presentation:

The applicant made a timely request for continuance to September 25, 2007. This would be the third continuance.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **CONTINUE** Case No. 20546 to the meeting on September 25, 2007, on the following described property:

LT 1 BLK 3, GRACEMONT 1ST ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Mr. White noted this was the third continuance for this case. Mr. Cuthbertson advised the applicant, that this would probably be the last continuance.

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UNFINISHED BUSINESS

Case No. 20539

Action Requested:

Appeal the determination of an administrative official denying a permit for a digital display billboard; or in the alternative a Variance of the requirement that Outdoor Advertising Signs shall be illuminated by constant light (Section 1221.F.14), located: 3003 East 51st Street South.

Presentation:

Bill Hickman, 7777 East 38th Street, asked to continue the request for variance when the full Board is present and go forward with the appeal today.

Mr. Ackermann reminded the Board that the appeal is of a decision of the Zoning Official that the proposed sign did not meet Section 1221.F.14, requiring that the illuminated sign must be by constant light. The Board decided to hear the appeal first.

Mr. Stephens arrived at 1:07 p.m.

Mr. Hickman summarized the issues presented in previous hearings before this Board, regarding constant light and flashing lights. He submitted an exhibit (Exhibit A-1). He referred to Section 1221.F.11, dealing with off-premise signs or billboards, providing for animation with restrictions. He pointed out a citation that zoning ordinances are to be strictly construed and not extended by implication and any ambiguity or uncertainty should be decided in favor of the property owner. He went on to say if the ordinance does not specifically prohibit something, the property owner should be allowed to engage in the activity. He informed the Board that the Sign Advisory Board unanimously voted that the existing code allows

these type of digital signs. The ordinance was intended to prevent strobe-type lights from flashing onto the advertising copy. He provided an exhibit from the Sign Advisory Board (Exhibit A-4).

Comments and Questions:

Ms. Stead commented that the Board has not received a recommendation from the Sign Advisory Board or an approved copy of minutes. Mr. Hickman replied that Mr. Ackermann and Mr. Cuthbertson attended the meeting when the vote was taken. In the minutes of that meeting, Mr. Boatman made a motion stating the ordinance on digital displays as intended to be used by Lamar, are in conformance with the applicable provisions of the ordinance, contingent on five conditions. Lamar adopted those conditions as their plan, per his letter to Mr. Sansone, dated May 18, 2007 for this location.

Interested Parties:

Greg Jennings, 2260 South Troost, stated the applicant is indicating a discrepancy in the zoning code. He stated this is a repetition of the same definitions, such as animation and the illusion of motion (Exhibit A-3). He suggested this case should go either to court or to the Sign Advisory Board for an ordinance that will cover these issues. This new technology requires new regulation.

Pat Boulden, City Legal Department, questioned Mr. Jennings about his comments on animation being the illusion of motion. Mr. Jennings replied with two illustrations of a spiral moving or two tires appearing to teeter across each other. It gives the illusion of motion when it is not, which is essentially a progression of frames. Discussion ensued between Mr. Jennings and Board members regarding changing frames, static changing messages, frequency of changes, tri-vision signs and the absence of regulations.

Kurt Ackermann, asked Mr. Jennings if he would submit to this Board that any use not mentioned in the code is prohibited by the code. Mr. Jennings replied that he would not but there are specific definitions that say any illumination must be constant. He suggested the City should address this issue for business signs as well.

Navid Mirsaeidi, Sign Advisory Board, stated there is nothing in the code for this technology. He added they need direction and language for a new ordinance. They submitted an ordinance to the Tulsa Metropolitan Area Planning Commission (TMAPC). The digital image changes in a second, whereas the tri-vision boards change in eight seconds or more. Ms. Stead replied that until their recommended ordinances are approved by the City Council, the Board has only the zoning code on which to make a decision. In response to several questions from Board members, Mr. Mirsaeidi stated that even though there are color changes in the digital signs the light is still a constant light.

Mr. Alberty informed the Board that to his knowledge, Shannon Bengé, with the City of Tulsa, is still researching through the Sign Advisory Board. This is a very complicated and technical subject and to date the TMAPC and Board of Adjustment have not received any recommendation from the Sign Advisory Board.

Applicant's Rebuttal:

Mr. Hickman stated that if the zoning code does not prohibit this type of signage and it is not regulated, then it has to be allowed. He indicated the legal principal would be to allow it and take the risk that regulations would be made later. He submitted letters from Daktronics and his firm (Exhibit A-2) and read portions of them in response to various questions by the Board members.

Board discussion ensued regarding the appeal.

Board Action:

On **Motion of Stead**, the Board voted 3-2-0 (White, Stephens, Stead "aye"; Henke, Tidwell "nay"; no "abstentions"; no "absences") to **DENY** the Appeal the determination of an administrative official denying a permit for a digital display billboard, on the following described property:

PRT LTS 15 & 16 & RESERVED FOR PARK BEG NWC LT 15TH E550 S35
E163.08 SW184.82 W308.83 N95 W130 S50W119.11 NW117.98 N50 POB
LESS BEG 181.55 E & 60N S WC LT 15 TH W119.05 TH NW TO PT TH
E156.55 S60 POB BLK 2, VILLA GROVE SUB, City of Tulsa, Tulsa County,
State of Oklahoma

Next Action Requested:

Variance of the requirement that Outdoor Advertising Signs shall be illuminated by constant light (Section 1221.F.14), located: 3003 East 51st Street South.

Presentation:

Mr. Hickman mentioned the ambiguities and vagueness of the code on these issues and made the point that approval of the variance will not impair the purpose and intent of the zoning code. The existing code was written before the use of this technology. He stated the hardship is the literal enforcement of the code would be violative of their use of this technology as it would cause an unnecessary hardship.

Comments and Questions:

Mr. White asked what is the extraordinary or exceptional condition or circumstance peculiar to the land, structure, or building that the literal enforcement would be a hardship. Mr. Hickman indicated the hardship would be in general since the code was written before the technology. He also pointed out the unique shape of the property and the private bridge going over the property. Ms. Stead stated she has to use what is written in the code at this time and constant light is the issue.

Interested Parties:

Greg Jennings, 2260 South Troost, stated the applicant has used a section of the hardship statement as the hardship itself, but did not point out what the peculiar, unique or exceptional about the land, structure or building. He noted there is an existing billboard on the property, so the code does not prevent them from having one there.

Pat Selzer, 7777 East 38th Street, stated he works with Lamar Advertising. He added that the code allows for animation and changing of frames. He asked for an interpretation of constant illumination. Mr. Henke reminded him that would have been decided under the appeal.

Applicant's Rebuttal:

Mr. Hickman stated that the literal enforcement of the code is a hardship on the property owner. He reiterated the state law of the Oklahoma Supreme Court says that any ambiguity or uncertainty should be decided in the favor of the property owner and is a consideration of this Board.

A brief Board discussion ensued.

Board Action:

On **MOTION** of **Stead**, the Board voted 4-1-0 (White, Stead, Henke, Stephens "aye"; Tidwell "nay"; no "abstentions"; no "absences") to **DENY** a Variance of the requirement that Outdoor Advertising Signs shall be illuminated by constant light (Section 1221.F.14), finding lack of a hardship, regarding the following described property:

PRT LTS 15 & 16 & RESERVED FOR PARK BEG NWC LT 15TH E550 S35 E163.08 SW184.82 W308.83 N95 W130 S50W119.11 NW117.98 N50 POB LESS BEG 181.55 E & 60N S WC LT 15 TH W119.05 TH NW TO PT TH E156.55 S60 POB BLK 2, VILLA GROVE SUB, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20550

Action Requested:

Special Exception to permit a juvenile treatment center (Use Unit 2) until January 2008 and a women's transitional living center (Use Unit 2) thereafter; in an AG district; and a Verification of the spacing requirement for a residential treatment center and a transitional living center (Section 1202.C.7), located: 1616 North Gilcrease Museum Road.

Presentation:

Jason Charles, 2 Mathis Park Drive, Tahlequah, Oklahoma, stated they have made some efforts to communicate with the neighborhood. He thought there was

some misunderstanding about the programs they will operate. He covered some of the history of the property. It has been used as a Human Services organization since the early 1950's, as the Francis Willard Home for Girls. In 2004 they relocated the girls to Tahlequah. They have continued with other programs at the subject property, such as housing victims of Hurricane Katrina.

Comments and Questions:

Ms. Stead stated she was informed that the facility was not continuously used as a residential treatment center for thirty-six months and the three-year term had expired. She noted the applicant indicated it has been used continuously. Mr. Cuthbertson replied that his contact person with the United Methodist Circle of Care along with the Permit Office could not establish a principle use that qualified them under Use Unit 2 as a legal, non-conforming use, by the information they gave him. Ms. Stead questioned Mr. Ackermann about this issue. He referred to the code, that a non-conforming use, if that use ends for 36 months continuously or for 36 months in a four-year period, the non-conforming status is lost. Mr. White wanted to know what staff was told about the use ending in June 2004. Mr. Cuthbertson read the definitions of residential treatment center and transitional living center and asked the contacts of the application if they had used the property since June 2004 in a manner that meets the definitions. The answer was no. Mr. Charles agreed that was true, though they have had other programs, it has not been a residential use.

Mr. Tidwell out at 2:20 p.m.

Mr. White stated that by asking for this relief they are acknowledging the fact that they lost the non-conforming status.

Mr. Charles stated they proposed to provide a short-term lease for Palmer Drug and Alcohol Treatment Program. Ms. Stead informed him the Board received letters from two councilors that they cannot support a variance to allow Palmer Continuum of Care, a drug treatment program. Mr. Charles stated the proposal is for an adolescent drug and alcohol treatment residential program until January 2008. He described it as a highly supervised program and is not an alternative to incarceration.

Chris Herroux, 502 West 6th Street, Counsel for Palmer Continuum of Care, stated he was prepared to present the uses by Palmer. They do not serve adolescents in the criminal justice system or those held against their will. It is a voluntary program with professional staff and security. It is not a detox or young people in trouble. The program provides a safe environment for adolescents to receive training to deal with the stresses that led them to drug use. They would use one large cottage on a temporary basis.

Mr. Charles stated they propose to open the Circle of Care program in January 2008 for women. It is not a pre-release or drug treatment center. It would allow

the women to have their children with them as a transitional home. They would operate around the clock, seven days per week. Staffing ratio would be an Administrator in a home on the campus, a social worker and a campus supervisor.

Interested Parties:

Larry Duke, 1919 West Seminole, represented the Gilcrease Homeowner's Association. He stated they have 901 home owners. He stated they already have plenty of Human Service organizations in the area and this would be detrimental to the neighborhood. He added that the applicant stated it would be inappropriate to have both programs on campus at the same time and likewise, they do not want drug offenders near their wives and children. Mr. White asked if they had any problems with the Francis Willard home when it was operating. Mr. Duke replied that they did not.

Rose Pratwick, 2318 West Woodrow Street, expressed concern for current problems with crime in the neighborhood. She did not want to bring in more crime or juvenile delinquents.

Ray Tullius, 1428 North Waco Avenue, was concerned for the risk of violence when former husbands and boyfriends come into the neighborhood going to the facility. He had questions about the ages of children and the number of children that would live there. He also asked about the security plans.

Pat Creman, 1717 Gilcrease Museum Road, stated confusion about the timing of the plans.

Mr. Henke out at 2:49 p.m.

Mr. Creman stated the neighbors need more definition of the programs planned for this facility.

Mr. Henke returned at 2:52 p.m.

Patty Mandrell, 1171 North 27th West Avenue, stated she went to the facility for information was in support of a program for women but wanted more detail. She wanted to know more about the plans for security.

Dr. Jerome Wade, 1919 North 24th West Avenue, has a practice with another doctor on Gilcrease Museum Road. They are concerned for families in the neighborhood. They are interested in the safety of pedestrians in the area. He asked for more definition for long-term benefits.

R.H. Ladd, 2014 North Yukon, did not think they could build a facility in four months. He did not think they needed another such facility in the neighborhood.

Dr. Suzanne Thompson, 2131 West Xyler, stated she just built a home two blocks from the Francis Willard Home, at 2545 Gilcrease Museum Road. She is familiar with programs for women in transition. Dr. Thompson thought the applicant contradicted himself in his presentation. She has experienced three break-ins by juveniles into her car and home recently. She stated she could not support this application. She expressed concern for juvenile delinquents and the violent husbands or boyfriends of women in transition in the neighborhood.

Leslie Wade, 1919 North 24th West Avenue, stated she wanted to re-emphasize what the other interested parties have said. There is a need to communicate with the neighborhood. They are not unreasonable people and they need clarification of the plans for this neighborhood.

Chad Taylor, 1919 West Seminole, stated he is Counsel for Gilcrease Hills Homeowner Association. The materials circulated by the applicant stated the program would be licensed by the Oklahoma State Department of Mental Health. In the application process it was stated they would not treat the mentally ill. He noted the inconsistent information

Tommy C. Jones, 2306 West Reading Place, stated she is a Board member of the Gilcrease Homeowners Association. She asked for information to be communicated to the neighborhood.

Mr. Cuthbertson responded to Ms. Stead, stating that two notices were mailed to property owners within a 300 ft. radius of the subject property.

Jim Jarvis, 1711 North Gilcrease Museum Road, expressed concern for the vagueness of the proposal. He was opposed to the juvenile drug treatment program but not necessarily to the women's program.

Applicant's Rebuttal:

Mr. Herroux heard the neighbors speak of confusion, vagueness and complaints of mis-information and no information. He noted there were only a few homes in the 300 ft. radius.

Mr. White out at 3:11 p.m.

Mr. Herroux presented information regarding the drug treatment program. He described the Palmer treatment program as a well-planned program. They serve the Tulsa Metropolitan area and their schools with outpatient services to adolescents. They are a United Way Agency that receives the bulk of their funding from donations and grants. This program would be for boys, 12 to 18 years of age as a voluntary entry program. He described staff, hours of operation and security plans.

Mr. White returned at approximately 3:13 p.m.

Mr. Charles responded to the concerns of the interested parties. He stated they would rule out applicants with criminal backgrounds, active protective orders. There would be an interview process and the number of children would fluctuate by how many are residing there.

Mr. Henke commented that the Board received letters from City Councilors Jack Henderson and Roscoe Turner (Exhibit B-1), stating they could not support the Palmer drug treatment.

Ms. Stead suggested that the Board vote separately on the juvenile treatment center and the women's transitional living center. She stated she was uncomfortable with making a special exception for a four-month period. She thought it was not feasible to expect them to buy and house a facility needed for the number of children they plan to treat in that length of time. Ms. Stead added that she is familiar with women's transitional living centers. She thought the people may be upset because they are thinking of Domestic Violence Intervention Services (DVIS). In those cases the women need to be protected. This is not the same type of center. Mr. Stephens stated that Palmer has done a very good job of managing their program. He would be in favor of allowing them the four months only because of their good history. Mr. Tidwell could not support either program at this facility based on the statements of the interested parties. Mr. White stated the applicant has raised the bar considerably on the Francis Willard Home concept. He noted the two types of programs and stated that security was terrible. He stated it would be difficult to set up security to protect the residents in these programs. He added that security for the neighbors is basically non-existent. Mr. Henke commented that he could support the transitional living center. He asked the applicant if they would be opposed to having a CLEET certified security officer. Mr. Charles replied they would not be opposed to it.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20550 to the meeting on September 25, 2007, so the applicant may meet with the homeowners and give them a better explanation of the proposed programs, on the following described property:

NE SE SEC 28 20 12, City of Tulsa, Osage County, State of Oklahoma

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NEW APPLICATIONS

Case No. 20552

Action Requested:

Special Exception to permit a children's nursery in the RS-3 district (Section 401); and a Variance of the 25 ft. minimum building setback from abutting properties in an R district (Section 404.F.4), located: 2151 East 29th Street North.

Presentation:

Lashawna Smith, 1946 East 29th Street North, stated her request for relief.

Mr. Stephens out at 3:40 p.m.

Comments and Questions:

Ms. Stead asked how many children she wanted to care for in the nursery. She would like to have thirty but they would not all be there at the same time. Mr. White noted the site plan shows 2,200 sq. ft. in the house. Ms. Stead asked how she intends to provide the five parking spaces. She stated that she and her mother would be working there and would park under the carport. Ms. Smith replied there is one parking space graveled beside the driveway and two in the drive behind the carport. Mr. Cuthbertson interjected that he thought she referred to stacking spaces behind the carport. He stated that she might not understand that a children's nursery is required to provide five parking spaces that you cannot pass through one to get to another. Ms. Stead asked for a hardship for a variance of the setback. Ms. Smith was not prepared to respond.

Mr. Stephens returned and Mr. Tidwell out at 3:45 p.m.

Mr. Tidwell returned at 3:47 p.m.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20552 to the meeting on September 11, 2007, on the following described property:

LTS 6 & 7 BLK 3, FRED THOMPSON 2ND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20557

Action Requested:

Special Exception to permit church use and an accessory church parking lot in an RS-3 district (Section 401); and a Special Exception to modify the screening requirement between a parking lot and adjoining R properties (Section 212.C), located: 5900 South 32nd West Avenue.

Presentation:

Lavern Tolvert, 4571 West 64th Place, represented Summit Park Full Gospel Church. They need the lot in the RS-3 district for additional parking. They cannot construct an addition to the church without more parking. Mr. Henke asked if she received a copy of the letter from City Councilor Westcott (Exhibit C-1). The pastor contacted some of the neighbors but they objected to the application.

Interested Parties:

Kay Price, 5815 South 31st West Avenue, stated she represented Summit Park Homeowners' Association, West of the River Tenants and Homeowners, and herself. The neighbor next door has a driveway abutting the parking lot and she does not want it to be used as access. Neighbors across the street are concerned about car lights shining in their houses. They request the Board not to approve a six-foot fence in the front.

Jeffrey Case, 5911 South 32nd West Avenue, purchase one of the new homes across the street. He complained of narrow streets, traffic congestion and failure to deliver mail because of on-street parking.

Ray Morales, stated he lives across the street. He purchased one of the new homes. He added it is inappropriate for the neighborhood.

John Hanson, 5920 South 32nd West Avenue, stated his house was next to the subject property. He objected to paving the lot for parking.

Ralph Caske, 5919 South 32nd West Avenue, stated he lives one house down and across the street from the proposed lot. He objected to the parking lot.

Pat Jones, 6005 West 60th Street, stated she attends the church. The church has grown and they need the room. She stated it would benefit the youth.

Pastor William Hall, 5841 South 33rd West Avenue, stated he was informed they would be required to build the fence around three sides of the perimeter of the parking lot. They want to comply with the zoning code. He stated the church always adds to the community not take away from it. He added that they minister to the community and so it needs to be located among the people and not off to a distance. They do not want the church people to have to walk across the street for

parking. He stated they would not use the entrance on 32nd Street for the main entrance. It would be for emergency vehicles.

Comments and Questions:

Mr. White asked if the church owns the lots on 32nd Street. Pastor Hall replied that they had a contract to purchase. Mr. White asked how many services they hold on Sundays. Pastor Hall replied that they hold two on Sunday, morning and evening. Ms. Stead asked if they had considered having two Sunday morning services rather than increase the parking, to which he replied they had considered it.

Applicant's Rebuttal:

Ms. Tolvert responded that they planned to plant shrubs to screen car lights on the front.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** the Special Exception to permit church use and an accessory church parking lot in an RS-3 district (Section 401); and a Special Exception to modify the screening requirement between a parking lot and adjoining R properties (Section 212.C), finding it would not be in harmony with the spirit and intent of the code and would be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

N 50' LT 23 & S 50' LT 24 BLK 1, N 25' LT 24 ALL LT 25 BLK 1, SUMMIT PARKS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20558

Action Requested:

Variance of the maximum permitted size for a detached accessory building in an RS-1 District from 1468 sq. ft. to 1600 sq. ft. (Section 402.B.1.d), located: 17119 East 14th Street.

Mr. Stephens out at 4:20 p.m. for the rest of the meeting.

Presentation:

Everett Cox, 30175 East 36th Street South, requested additional square footage for storage of a 5th Wheeler and large truck. A site plan was provided (Exhibit D-1).

Comments and Questions:

Mr. Cuthbertson mentioned for clarification that this property is only Lot 6, which is two and one-half acres. Mr. Ackermann asked if they have built the house. Mr.

Cox replied that it would be all new construction. Mr. Cox stated they planned to pour the foundations at the same time.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Variance of the maximum permitted size for a detached accessory building in an RS-1 District from 1468 sq. ft. to 1600 sq. ft. (Section 402.B.1.d), with conditions: for no commercial activities with the accessory building and not to be used for living quarters, per site plan, finding the exceptional size of the lot involved is peculiar to this area; finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; and the variance would not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LTS 3 THRU 6 BLK 6, LYNN LANE ESTATES, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20559

Action Requested:

Special Exception to permit University Uses (including a football stadium renovation and reconstruction) in the RS-3 and OL districts (Section 401); and a Variance of the maximum permitted height in the RS-3 district from 35 ft. to 80 ft. (Section 403), located: North of East 11th Street, South of East 8th Street, and East of South College Avenue.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, represented the University of Tulsa. He referred to the plans and narrative (Exhibits E-1 and E-2). They are taking in two properties of former restaurants to be a mini-park for the students. He covered the renovation and reconstruction of the stadium with increased height to 80 ft. although the new structure would be lower than the existing stadium. He referred to the exhibits in the agenda packet, pages 8.7, 8.8, 8.9, and 8.10. It will include the new scoreboard, suites and press boxes.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to permit University Uses (including a football stadium renovation and reconstruction) in the RS-3 and OL districts (Section 401), finding the special exception will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and a Variance of the maximum permitted height in the RS-3 district from 35 ft. to 80 ft. (Section 403), per pages 8.7, 8.8, 8.9, 8.10, narrative, including applicant exhibits C through H, noting exhibit D is conceptual only, finding the original and amended Master Plans, specifically that of 02-06 have been approved by the TMAPC and the City Council; finding the hardship is the unique campus location in an R-district; and by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

A TRACT OF LAND THAT IS PART OF BLOCK 28 AND ALL OF BLOCKS 29 AND 30 INCLUDING ALLEYWAYS OF "COLLEGE ADDITION", AN ADDITION TO THE CITY OF TULSA AND PARTS OF VACATED SOUTH FLORENCE AVENUE, VACATED 10TH STREET SOUTH, AND VACATED SOUTH GARY AVENUE ADJACENT TO SAID BLOCKS, ALL IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: "BEGINNING AT A POINT" THAT IS 30.00' WESTERLY OF THE SOUTHWEST CORNER OF SAID BLOCK 29, SAID POINT BEING THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 11TH STREET AND THE CENTERLINE OF VACATED SOUTH FLORENCE AVENUE; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF EAST 11TH STREET AND THE SOUTHERLY LINE OF SAID BLOCK 28 FOR 330.00' TO THE SOUTHWEST CORNER OF BLOCK 28; THENCE NORTHERLY ALONG THE WESTERLY LINE OF BLOCK 28 FOR 150.00' TO THE NORTHWEST CORNER OF LOT 9 IN SAID BLOCK 28; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 9 AND THE NORTHERLY LINE OF LOT 4 IN BLOCK 28 FOR 330.00' TO A POINT ON THE CENTERLINE OF VACATED SOUTH FLORENCE AVENUE; THENCE NORTHERLY ALONG SAID CENTERLINE OF VACATED SOUTH FLORENCE AVENUE FOR 510.00' TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 8TH STREET; THENCE EASTERLY ALONG SAID SOUTHERLY LINE FOR 655.00' TO A POINT IN VACATED SOUTH GARY AVENUE, SAID POINT BEING 25.00' EASTERLY OF THE NORTHEAST CORNER OF SAID BLOCK 30; THENCE SOUTHERLY AND PARALLEL TO AS MEASURED 25.00' FROM THE EASTERLY LINE OF SAID BLOCKS 29 AND 30 FOR 660.00' TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF BLOCK 29; THENCE WESTERLY ALONG SAID EASTERLY EXTENSION AND ALONG THE SOUTHERLY LINE OF BLOCK 29 AND A WESTERLY EXTENSION THEREOF FOR 655.00' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20560

Action Requested:

Special Exception to permit a three-story hotel (Use Unit 19) in an IL District (Section 901), located: North of the Northeast corner of East Admiral Place and 67th East Avenue.

Presentation:

John Sanford, P.O. Box 33186, Tulsa, Oklahoma, proposed to build a LaQuinta Hotel on the subject property. The neighboring properties are commercial. A site plan was provided (Exhibit F-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 4-0-0 (White, Henke Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to permit a three-story hotel (Use Unit 19) in an IL District (Section 901), limited to hotel/motel use only, per plan, finding the special exception will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

S11.2 LT 2, LT 3, LT 4, LTS 10 & 11 & S11.2 LT 12 , POLSTON THIRD SUB, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20563

Action Requested:

Special Exception to permit an existing church and church expansion in the RS-3 district (Section 401), located: 1720 East Apache Street.

Presentation:

Jim Andrew, 5711 West Skelly Drive, represented St. Augustine Roman Catholic Church. They propose to construct a youth center on approximately eleven acres, with frontage on Apache. He stated it is a true residential construction with metal studs and trusses and a roof with a 4/12 pitch. The church has gone to the neighborhood and found support with the neighbors. Site plans were provided (Exhibit G-1).

Comments and Questions:

Ms. Stead asked if the applicant would maintain the sidewalk. Mr. Andrew replied they would repair any damage to the sidewalk.

Interested Parties:

Deacon Deville, Chairman of the Parish Board at the church, stated he owns four properties next to the churchyard. He found support among the neighbors. He informed the Board the church opens the gymnasium to the community. He stated there would be classrooms for a computer tutoring program for the neighborhood and other activities.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to permit an existing church and church expansion in the RS-3 district (Section 401), per plans on pages 10.6, 10.7 and 10.8 of the agenda packet, with a condition that the church repair any damage to the sidewalk along Apache Street and maintain this sidewalk on a permanent basis, finding the special exception will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

NW NW NE & N1.5A N/2 SW NW NE LESS .76 FOR RD SEC30 20 13
10.74ACS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20564

Action Requested:

Modification of a previously approved plan to permit a restaurant remodel, located: 10901 East 41st Street.

Presentation:

Michael Ratliff, National Restaurant Designers, 2805 Meridian Parkway, Durham, North Carolina stated they proposed to add a drive-through to an existing restaurant. A site plan was provided (Exhibit H-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absents") to **APPROVE** a Modification of a previously approved plan to permit a restaurant remodel, per plan submitted today, on the following described property:

A tract of land 200 ft. (east/west) by 150 ft. (north/south) in the SW/c of: a tract of land that is part of Lt 1, Block 1, Crossbow Center Addition, located in the S/2 SE/4 SE/4 Sec 19 T-19-N, R-14-E in the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, being described as follows: Beginning at a

point that is the SW/c of Lt 1; Thence northerly along the westerly line of said Lt 1 for a distance of 609.93 ft to the northwest corner thereof; thence easterly along the northerly line thereof a distance of 660.77 ft; thence southerly along a straight line through said Lt 1 a distance of 609.86 ft to a point on the southerly line thereof; thence westerly along the southerly line of said Lt 1 a distance of 660.99 ft to the point of beginning of said tract, said tract being further described as all of former Block 1 of Chris-Dee II Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof

Case No. 20569

Action Requested:

Special Exception to permit a Circus (temporary event) in a CS district (Section 701); and a Variance to temporarily cover required parking and a Variance of the setback requirement from 21st St. (Section 1202.C), located: Northeast corner of 116th East Avenue and East 21st Street South.

Presentation:

Frank Osorio, 4088 Pleasant Road, Las Vegas, Nevada, proposed to have a small family circus at the front of the flea market. This is an effort to promote the flea market. The dates are September 6th – 10th for a temporary event. A site plan was provided (Exhibit I-1).

Comments and Questions:

Ms. Stead reminded him of the need for other permits with police, fire, tent permit, health department and parking. Mr. Osorio understood and stated he had taken care of all but the BOA approval. There are no exotic animals or any animals, just human acrobats.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to permit a Circus (temporary event) in a CS district (Section 701), finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and a Variance to temporarily cover required parking and a Variance of the setback requirement from 21st St. (Section 1202.C), finding the duration of the circus, which is limited to September 6 – 10, 2007, finding by reason of extraordinary circumstances which are peculiar to the land, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the

public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, per plan, noting this approval in no way authorizes any activities, concessions, etc. that must be approved by other agencies, on the following described property:

LT 21 BLK 3, 21 GARNETT PLACE RESUB PRT L1 & L2-3 GARNETT PLAZA,
City of Tulsa, Tulsa County, State of Oklahoma

There being no further business, the meeting adjourned at 4:57 p.m.

Date approved: 10/9/07

Frank X. W. W.
Chair