

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1124
Tuesday, September 9, 2014, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Henke, Chair Snyder Tidwell, Secretary Van De Wiele White, Vice Chair		Miller Moye Foster Sparger	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, September 4, 2014, at 9:22 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

Ms. Moye read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **TIDWELL**, the Board voted 4-0-1 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; Snyder "abstaining"; none absent) to **APPROVE** the **Minutes** of the August 26, 2014 Board of Adjustment meeting (No. 1123).

UNFINISHED BUSINESS

None.

NEW BUSINESS

21767—Mark Petrich

Action Requested:

Special Exception to permit a heat exchanger fabrication/manufacturing plant (Use Unit 26) in an IL District (Section 901, Table 1). **LOCATION:** 5555 South 129th East Avenue **(CD 6)**

Mr. Van De Wiele recused himself at 1:04 P.M.

Presentation:

Mark Petrich, Hall Estill, 320 South Boston Avenue, Suite 200, Tulsa, OK; stated he is representing the tenant and owner of the subject property, Harsco Corporation. Their plan is to transform one of the existing buildings of the former Ford Glass Plant. The current property is zoned light manufacturing industrial, Use Unit 25. In order for Harsco to use the property they need approval of a Special Exception to allow a Use Unit 26 which is moderate manufacturing. Harsco will be fabricating metal, welding the metal and painting some of the units. The new use will be in harmony with the new code. The Ford Glass Plant has been closed for about four years, and is bordered by the Broken Arrow Expressway. There is no residential development in the immediate area. There are manufacturing facilities to the east and south of the subject property. This area is consistent with what Harsco Corporation has plans for. The effects of the Harsco production will be no different than what was present when the Ford Glass Plant was operating, or what is present with the other manufacturing facilities that are currently operating. There will no emissions of odors, smoke, noise or vibrations. All of the operations are confined to buildings. In order to alleviate any traffic concerns, on the east side of the property there will be a four-lane road from the facility connecting to 61st Street which is a five-lane road. The Harsco Corporation will be very beneficial to the City of Tulsa from an economic standpoint.

Mr. Tidwell asked Mr. Petrich how much of the building Harsco was going to occupy. Mr. Petrich stated the company will occupy the entire building on the subject tract. There is an adjacent building that will not be occupied but may be occupied in the future.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Snyder, Tidwell, White “aye”; no “nays”; Van De Wiele “abstaining”; none absent) to **APPROVE** the request for a Special Exception to permit a heat exchanger fabrication/manufacturing plant (Use Unit 26) in

an IL District (Section 901, Table 1). 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; for the following property:

LT 1, BLK 1, FORD MOTOR CO TULSA GLASS PLANT, LESS & EXCEPT THAT PART KNOWN AS METRO PARK EAST, PLAT #5674, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Van De Wiele re-entered the meeting at 1:10 P.M.

21769—Roy Johnsen

Action Requested:

Variance to reduce the parking requirement to 22 spaces for a retail book store (Use Unit 14) and restaurant/café (Use Unit 12) (Sections 1212.D and 1214.D).

LOCATION: 3314 East 11th Street (CD 4)

Presentation:

Roy Johnsen, 1 West 3rd Street, Suite 1010, Tulsa, OK; stated he is before the Board today representing Tulsa University. The property in question is located at 11th Street and Harvard Avenue on the southeast corner. The property is zoned CH and currently vacant. Tulsa University purchased the former video store last fall and would like to rehab it to a bookstore and restaurant/café primarily for the TU students. Most of the students walk and the students also have access to a shuttle bus thus reducing the need for parking.

Mr. Van De Wiele asked if the subject property was going to be tied to the University property by a tie agreement. Mr. Johnsen stated there was no tie agreement planned.

Mr. Van De Wiele asked if the bookstore was for text books that are to be purchased by the students. Mr. Johnsen stated that will be the principal use.

Mr. White asked if the store would be open to the public. Mr. Johnsen answered affirmatively.

Mr. Tidwell asked how many employees would be in the store. Mr. Johnsen stated there would be three to five, with the five being mostly at the beginning of the school year.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Variance to reduce the parking requirement from 40 spaces to 22 spaces for a retail book store (Use Unit 14) and restaurant/café (Use Unit 12) (Sections 1212.D and 1214.D), subject to the property as constructed depicted on page 3.16. The Board has found that the subject property is intended to be used as a bookstore and restaurant/café primarily for students at the University of Tulsa and the neighborhood. The primary patrons of the facility will largely be foot or bicycle traffic which will alleviate the typical parking requirement. Finding 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; for the following property:

LTS 21 & 22 BLK 1, HARVARD HGTS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21770—Ngwana Asana

Action Requested:

Special Exception to permit auto sales and car/truck rental in the CS District (Section 701, Table 1). **LOCATION:** 2455 East 36th Street North **(CD 1)**

Presentation:

Ngwana Asana, P. O. Box 13464, Oklahoma City, OK; stated he wants to be able to have used car sales and truck rentals. Most of the area around the subject property is open land.

Mr. Henke asked Mr. Asana if he was planning on paving around the building, because automobiles cannot be on a gravel surface. Mr. Asana stated that he intends to pave in front of the building for the parked cars, and in the rear of the building he was going to leave gravel.

Ms. Miller stated that there will need to be an all-weather surface for all the parked vehicles. Mr. Asana asked if he would be able to use asphalt for the parking surface. Mr. Henke answered affirmatively.

Ms. Snyder asked Mr. Asana if he planned on a fence around the building or in the rear of the building. Mr. Asana stated that he planned a wire fence in the rear.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Special Exception to permit auto sales and car/truck rental in the CS District (Section 701, Table 1). The approval is with the condition that all driving and parking surfaces be an all-weather surface. This approval is “as built” except for the paving. 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; for the following property:

BEG 660E SWC SW TH W110 N205 E110 S205 POB LESS S50 & LESS E25 FOR RD SEC 17 20 13 .302ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21771—Eller & Detrich – Lou Reynolds

Action Requested:

Special Exception to permit a public park (Use Unit 5) in an RM District (Section 401, Table 1). **LOCATION:** NE/c of East 12th Street South and South Rockford Avenue **(CD 4)**

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated that there are some interested parties present but he does not think they wish to speak. The interested parties are Ms. Lucy Dolman with the City Parks Department, three of the neighbors from Forrest Orchard including the President of the property owners association, and Mr. Palmer and Mr. Peterson with Hillcrest Hospital. This is a culmination of a project that the Hillcrest representatives and the neighborhood representatives have been working for approximately five years to allow them to have a park in the interior off an arterial street. The property consists of five lots that Hillcrest has donated to the City of Tulsa as part of an agreement they have to build the park. Hillcrest will also pay for the park improvements. There are no plans as of today because there are still discussions as to the type of park they would like to have, but it has been agreed that it will be a Level II park. Mr. Reynolds stated there was a letter presented to the Board, which is in their agenda packet on page 5.12, showing a condition of the donation of the land to the City. The City requires a Special Exception for a park preceding the transaction. The park will be built to the City standards and Hillcrest will maintain the park.

Mr. Van De Wiele asked if Hillcrest was providing the land and the initial funding. Mr. Reynolds answered affirmatively. Mr. Van De Wiele asked if the City would be providing the ongoing maintenance. Mr. Reynolds stated the City may provide the maintenance but Hillcrest will pay for that maintenance.

Mr. Tidwell asked how long the maintenance agreement would last. Mr. Reynolds stated the maintenance agreement between Hillcrest and the City of Tulsa will remain in effect as long as the subject property is a park.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a **Special Exception** to permit a public park (Use Unit 5) in an RM District (Section 401, Table 1). The approval is subject to the land being dedicated to and accepted by the City of Tulsa with all park improvements to be constructed thereon as approved by the City of Tulsa. 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; for the following property:

LTS 17 TO 26 BLK 1, ORCHARD ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21772—Ray Toraby

Action Requested:

Variance to permit a 4'-0" x 8'-0" digital sign in an OM District (Section 602.B.4.f).

LOCATION: 7307 South Yale Avenue **(CD 8)**

Presentation:

Ray Toraby, 7115 East 81st Place, Tulsa, OK; stated that for many years the subject property was a one tenant building, and has been vacant for many years. The new owners have spent a considerable sum of money to rehab the building, and designed it to have three tenants from the medical field. The tenants will be a medical spa, a walk-in clinic, and the third one will be a allergy doctor. In order for the building to be a successful business the names of the tenants need to be displayed to the public. The problem with a static sign is that traffic moving at 40 or 50 miles per hour cannot read it without creating a traffic hazard. The alternative is to have a high tech sign that will change copy approximately every six seconds without flashing, scrolling or animation.

The new sign will be installed on the existing sign pole with an architectural wrap around the pole.

Mr. Tidwell asked Mr. Toraby what size the existing sign is. Mr. Toraby stated that the existing sign is a 4'-0" x 8'-0" which is the same size as the proposed sign.

Mr. White asked staff if the sign conditions that have been signed by applicants in the past will apply to this sign. Ms. Miller stated this sign is a little different. The sign operating conditions was developed for signs located in either R or AG Districts, and this subject property is located in an OM District.

Mr. Toraby stated that the code addresses constantly lit signs, and in a sense this is a constantly lit sign because there will be no flashing. The proposed accommodates the three tenants without any distraction.

Mr. Van De Wiele asked staff, based on street frontage, how large a sign can be allowed for the subject property. Mr. Toraby stated the code allows 2/10 a square foot for the front. Ms. Miller stated that based on the Yale street frontage he would be allowed a 35 square foot sign, and his sign calculates at approximately 33 square feet. The sign could also be 20 feet tall. Mr. Toraby stated that the proposed sign will only be 12 feet tall.

Ms. Snyder asked Mr. Toraby if the sign would be displaying the name of the tenant. Mr. Toraby stated the name or the company logo would be displayed. The change from tenant name to the next will not be actually seen because there is not a detectable copy change. Ms. Snyder asked if this sign was different from the other electronic signs. Mr. Toraby stated the proposed sign has the capabilities of the other signs but a high resolution has been chosen for the high tech advanced sign.

Mr. Van De Wiele asked if there would be signage on the building. Mr. Toraby stated there will be an internally halo lit permanent sign on the side of the tower that will adhere to the code.

Ms. Snyder asked Mr. Toraby what his hardship is. Mr. Toraby stated the hardship is that if the proposed sign is not allowed the displayed names of the tenants will be so small that no one will be able to read them.

Mr. White asked Mr. Toraby if the height of the proposed sign will be the same height as the existing sign. Mr. Toraby answered affirmatively.

Mr. Van De Wiele asked which street the sign would be fronting. Mr. Toraby stated the sign will be on Yale Avenue. The tenant is using the pole sign allowance for the Yale side of the building and the building sign will be used for the 73rd East Avenue side of the building.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Snyder is concerned that if this sign is approved then every business in that area will want a similar sign.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-1-0 (Henke, Tidwell, Van De Wiele, White “aye”; Snyder “nay”; no “abstentions”; none absent) to **APPROVE** the request for a Variance to permit a 4'-0” x 8'-0” digital sign in an OM District (Section 602.B.4.f). The proposed sign will be located in the location of the existing sign on the property. The proposed sign will be the same overall height as the existing sign. The proposed sign will have the same overall display area as the existing sign. The conditions imposed will be those on page 6.4 in the Board’s agenda packet with the exception of the first sentence is paragraph number one. The hardship is the change of occupancy of the building from one tenant to multiple tenants, making it necessary for the proper notification to the public that these businesses are actually incorporated within the structure. Finding 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 variances 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; for the following property:

**LT 10 LESS BEG NWC LT 10 TH E20.89 SW29.55 N20.89 POB BLK 2, NOB HILL,
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 1:53 p.m.

Date approved: 9/23/14

Frank X. Hernandez
Chair