

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1125
Tuesday, September 23, 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 18, 2014, at 9:15 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 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Minutes** of the September 9, 2014 Board of Adjustment meeting (No. 1124).

UNFINISHED BUSINESS

None.

NEW BUSINESS

21768—Bill LaFortune

Action Requested:

Special Exception to allow Off-Street Parking in an RM-2 District (Section 401, Table 1). **LOCATION:** 1234 North Wheeling Avenue **(CD 1)**

Presentation:

The applicant has requested a continuance to October 14, 2014 for additional relief needed.

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 **CONTINUE** the request for a Special Exception to allow Off-Street Parking in an RM-2 District (Section 401, Table 1) to the October 14, 2014 meeting; for the following property:

LT 1 & N 30 LT 2 BLK 2, BERRY-HART ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21773—Thanh Nguyen

Action Requested:

Special Exception to permit a nail salon (Use Unit 13) as a home occupation in a RS-3 District (Section 402.B.6.b). **LOCATION:** 1516 East 41st Street **(CD 9)**

Presentation:

Staff is requesting a continuance to October 14, 2014 because the notification sign was posted on the wrong property.

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 **CONTINUE** the request for a

Special Exception to permit a nail salon (Use Unit 13) as a home occupation in a RS-3 District (Section 402.B.6.b) to the October 14, 2014 meeting; for the following property:

LOT 1 BLK 4, WARREN HGTS L1-17 B1, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21775—J. R. Donelson

Action Requested:

Variance to permit a 4-sided ground sign (Section 1221.E.4). **LOCATION:** 10313 East 47th Street **(CD 7)**

Presentation:

Staff is requesting a continuance to October 14, 2014 to allow the applicant to receive a revised Letter of Deficiency from the City Permit Office.

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 **CONTINUE** the request for a Variance to permit a 4-sided ground sign (Section 1221.E.4) to the October 14, 2014 meeting; for the following property:

LT 17 & S/2 VAC ALLEY ADJ ON N & N30 VAC 47 ST ADJ ON S BLK 15; LT 18 & S/2 VAC ALLEY ADJ ON N & N30 VAC 47 ST ADJ ON S BLK 15; LT 19 & S/2 VAC ALLEY ADJ ON N & N30 VAC 47 ST ADJ ON S BLK 15; LTS 20 THRU 22 LESS BEG NEC LT 22 TH W62.50 SE103.62 TO PT ON EL LT 22 N POB & S/2 VAC ALLEY ADJ ON N & N30 VAC 47 ST ADJ ON S BLK 15, AND A PORTION OF LOTS 5, 6, 7, 8, AND 9, BLOCK 15, TULSA COUNTY, STATE OF OKLAHOMA, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

21775—J. R. Donelson

Action Requested:

Variance to permit a 4-sided ground sign (Section 1221.E.4). **LOCATION:** 10313 East 47th Street **(CD 7)**

Staff is requesting a refund of \$125.00. The client was inadvertently charged for a notification sign.

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 Refund of \$125.00; for the following property:

LT 17 & S/2 VAC ALLEY ADJ ON N & N30 VAC 47 ST ADJ ON S BLK 15; LT 18 & S/2 VAC ALLEY ADJ ON N & N30 VAC 47 ST ADJ ON S BLK 15; LT 19 & S/2 VAC ALLEY ADJ ON N & N30 VAC 47 ST ADJ ON S BLK 15; LTS 20 THRU 22 LESS BEG NEC LT 22 TH W62.50 SE103.62 TO PT ON EL LT 22 N POB & S/2 VAC ALLEY ADJ ON N & N30 VAC 47 ST ADJ ON S BLK 15, AND A PORTION OF LOTS 5, 6, 7, 8, AND 9, BLOCK 15, TULSA COUNTY, STATE OF OKLAHOMA, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

21774—Danny Mitchell

Action Requested:

Special Exception to allow contractor construction services (Use Unit 15) in a CS District (Section 701, Table 1). **LOCATION:** South of the SW/c of East 21st Street and South Highway 169 **(CD 5)**

Presentation:

Danny Mitchell, Architect, 5110 South Yale, Suite 510, Tulsa, OK; no presentation was made but the applicant was available for any questions.

Mr. White asked the applicant about the type of business noises would emitted from the establishment and the business hours. Mr. Mitchell stated that the services that are

typical in this type of facility have the same hours as a commercial business, approximately 7:00 A.M. to 6:00 P.M., Monday through Friday. There is some minor Saturday morning activity. There will be no outdoor storage of vehicles after business hours. It is a small business that has outgrown the pickup in the driveway stage, and the offices will be bookkeeping. The facility is not large enough for major storage. The owner does not desire a tenant that would be a noise generator because he owns the residence and facility near the subject property.

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 **Special Exception** to allow contractor construction services (Use Unit 15) in a CS District (Section 701, Table 1), subject to the conceptual plans on pages 4.8 and 4.9 specifically noting the landscaping and wood fence on the southern edge of the subject property. 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 2 LESS W202.68 & LESS N123.55 BLK 1, CIRCLE PLAZA CENTER RESUB RES CHARYL LYNN ACRES, CHARYL LYNN ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21782—Chris Beach

Action Requested:

Special Exception to permit a playground (Use Unit 5) in an OL District (Section 601, Table 1). **LOCATION:** 2750 North Martin Luther King Boulevard **(CD 1)**

Presentation:

Chris Beach, 2750 North Martin Luther King, Jr. Boulevard, Tulsa, OK; stated this playground is for the Wesley United Methodist Church and Cornerstone Assistance Network.

Mr. White asked if the playground is to be part of the church or just on the church property. Mr. Beach stated that it is part of the church but it will be open for community participation.

Mr. Tidwell asked if the church would maintain the playground. Mr. Beach answered affirmatively because it is part of the requirement in the grant that was received.

Mr. White asked if this was a private playground that is open to the public. Mr. Beach answered affirmatively.

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 playground (Use Unit 5) in an OL District (Section 601, Table 1). This approval will be as located on pages 6.6 and 6.14. 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:

S132 OF N264 E/2 NE SE SE SEC 23 20 12; N198 OF S396 E/2 NE SE SE SEC 23 20 12; S198 E/2 NE SE SE LESS S30 & E16.5 FOR ST SEC 23 20 12 1.209ACS,HIGHLAND HILLS AMD, DEVONSHIRE PLACE FOURTH RESUB BOULEVARD ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21784—Roy Johnsen

Action Requested:

Special Exception to permit offsite construction facilities (Use Unit 2) including staging and storage of construction equipment and materials (Section 401, Table 1 and Section 1202.B); **Variance** of 2-year time limitation on construction facilities to allow 5 years (Section 1202.C.4.a); **Variance** to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner (Section 1204.C.4.c); **Variance** from the bulk and area requirements set forth in Section 404.F. **LOCATION:** NW/c of East 31st Street and South Boston Place **AND** SE/c of Riverside Drive and East 31st Street **(CD 4, 9)**

Ms. Snyder recused herself and left the meeting at 1:17 P.M.

Presentation:

Roy Johnsen, 1 West 3rd Street, Suite 1010, Tulsa, OK; stated he is representing the Kaiser Family Foundation. A PUD was approved by the City Council and Tulsa Metropolitan Area Planning Commission in July 2013 for the subject property with no objections. Now is the time to prepare for the construction and this will be a large

difficult job with tremendous detail. In the Zoning code Use Unit 2 provides for Special Exceptions in any district, and one of the Special Exceptions is the use of off-site property for construction purposes. Mr. Jeff Stava held a neighborhood meeting last evening and presented a good outline of the project. The Gathering Place project will be a wonderful project for the City of Tulsa.

Jeff Stava, 7030 South Yale, Suite 600, Tulsa, OK; stated this is an incredibly complex project. There will be a 100 acre park built between a river and a neighborhood. The project has been in planning for almost seven years and publicly engaged for two years. The contractor was hired in early May 2014 and through that process it was learned that a very large layout area was needed in order to stage construction for the project. The fences will be erected this week for the project site and it will take about two weeks to get the site fully contained. In preconstruction the lay down yard will be located on the south side of 31st Street across Crow Creek to the back of the homes located on 33rd Place across Cincinnati. This will include all of the Legacy Apartment Complex and the Sundance Apartment Complex. There is also a lot on the corner of 31st and Boston Place that is owned for the Gathering Place. The apartments located on the east side of Cincinnati will not be torn down in this phase. There are several tenants that have special needs and it will be at least a year as the transition is begun for those tenants. Everything on the west side of Cincinnati including the Sundance Apartment Complex will be razed and the Variance request is to allow the preconstruction yard in that area. At this point Mr. Stava used pictures on the overhead projector to give a visual of the subject area and the proposed fencing. Many of the residents asked for a parking lot or storage in the area closest to the houses, it was determined that with all the morning noise it would be ill advised so by placing the building in that location it will shield the residents from a lot of the noise that will occur. In the second stage of the project there will be approximately 7,000 trees and 50,000 plants will be brought in for storage before planting. It is very important that the contractors be adjacent to the site to be able to evaluate and see the condition and quality of the project as it progresses. If there is a problem they need to be able to immediately go back to the sample and models that have been approved so progress can smoothly continue. There will also be a designated area for parking and construction trailers for all the subcontractors. There will be anywhere from 50 to 100 workers at the beginning of the project and go up to approximately 500 workers on the site. Some of these workers will park on the subject site but it is also anticipated that some off site parking locations will be needed as well for the workers. Mr. Stava stated that his company had sent out a six page packet notice to the all of the residents within 300 feet, they visited door to door with the residents that live within 100 feet, and they sat down with each of the homeowners that are immediately adjacent to the site. All of the residents concur that the building is the best and most passive use to be next to the project.

Mr. Van De Wiele asked Mr. Stava if he worked with the residents on the layout of the project. Mr. Stava answered affirmatively.

Mr. Stava had a picture of the proposed project building placed on the overhead projector. The building is 11'-6" from the edge of the curb line, and it sits 20 feet from

the front edge of an adjacent house. The fencing will be run behind the building on the east side then block Boston Place to prevent construction traffic on the street, and proposing to block 31st Street west of Boston Court and at Riverside Drive. This will prevent any detour traffic on Riverside from using 31st Street and traveling through the neighborhood to go downtown. It will also prevent construction workers from parking on the street. The back of the construction site will be with the neighborhood and not have the front of the construction site into the neighborhood. The street closures chosen work for many reasons. The City must run a new major stormwater line which will cross Riverside Drive to dump into the Arkansas River, and it will allow the 440,000 cubic yards of dirt to be moved. The City hosted a neighborhood meeting with Maple Ridge and some of the other neighbors regarding Riverside Drive, and he attended that meeting. A lot of the concerns of the residents was what happens to the detour traffic if the road is not closed, and that aided in the decision to recommend the street closure.

Mr. Henke reminded Mr. Stava and the audience that the Board of Adjustment does not deal with street closures. Mr. Stava acknowledged the statement and stated that it is important in context because the building is facing west and the back of the building is facing the neighborhood. There will be no construction entrances or exits anywhere along the neighborhood side of the project site.

Interested Parties:

Mark Graham, 2551 South Owasso Avenue, Tulsa, OK; stated he has lived in Maple Ridge for 35 years. This \$300 million to the City is the result of a lot of community conversation, a lot of empathy with the neighborhood, and there has been no hiding of that fact. In the last year in Maple Ridge the neighborhood has had gas lines replaced, water lines being prepared for replacement, and in his neighborhood they have been maneuvering detours for months. It is a reality what people go through in order to have a better city. This iconic gift will set Tulsa apart from any other city in the United States. He would ask the Board not handcuff the construction with a requirement that will potentially be more costly, more time consuming and could create more inconvenience for the neighborhood and the city.

Blake Ewing, City Councilor, 175 East 2nd Street, Tulsa, OK; stated that as a Councilor he becomes the complaint line for the citizens of Tulsa. People are concerned about this project and how it might affect the way they live in the Maple Ridge neighborhood. What he can attest to is that he knows Paul Zachary and the City staff, as it relates to the City of Tulsa's part of this project, are doing everything they can to mitigate the imposition to the citizens of Tulsa and the affected neighborhoods. He feels Mr. Stava was quite thorough in his presentation at the meeting last evening. As Councilor he know numbers matter, and the sentiment of the public matters as decisions are being made in land use. There was frustration voiced in the meeting last evening but his sentiment is that it was overwhelmingly positive. There is no way around what is coming. Streets are going to be closed and people will need to take a different route to and from work. There are things in the city that are taken for granted, and at some point those things caused great imposition. The Broken Arrow Expressway was not always in existence. Those were just neighborhoods that it now splits into two. As community

things like this have been dealt with before with the understanding that it was for the long term greater good of the community. The citizens have been able to see that such investments have made the city better, and the short term sacrifice was worth it in the long run. The proposals presented today are worth it. This type of investment on this scale requires a great deal of space in order to stage the project, and they are already short on space. The hardship, in his words, is the issue of how to make this enormous project happen with the limited area utilized. Mr. Ewing thinks this is a justified request and he believes his constituents would that statement.

Adam Burney, 3016 South Boston Place, Tulsa, OK; stated he objects to the building and the Variances. He thinks the park is a positive thing for Tulsa. He thinks it is something that will be a world class destination. He objects to the building because it is a commercial entity entering a residential neighborhood. It is so close to the curb and he believes it will constitute a public nuisance. It is so close to the street that it blocks the sight triangle into the intersection of South Boston Place and 31st Street. Allowing a building that large on a lot that small will constitute a problem for traffic flow. He thinks that the spirit and intent of the zoning regulations are being exceeded in this instance because of the five year request. It has been stated that Phase I will take three or four years so he thinks the Variance should only be for four years not five. He attended the meeting last evening and he heard information that he has not heard before, i.e., from the City Engineer regarding drainage. The drainage projects are going to be happening concurrently with the construction of the park. One of the projects will be the drainage on 30th Street which deadends into the park. The Engineer stated that at times the street will be closed and that creates a problem for the residents of South Boston Place. Because of the street plan that has been laid out by the applicant for closing 31st Street, if they also close 30th Street the residents will essentially be marooned. There has to be an alternate plan for traffic because of the building, and he would like to hear about an alternate plan. He believes this process could have been a lot simpler if the lot had been included in a PUD. It is not included in the park plan. It is a separate lot and that is why there are all the Variances being requested. He has only heard a lot of this information in the last week and he lives six houses away from the project, and he did not know it was going up until there were signs placed in the subject property. He understands the 300 foot rule, but if they want to go above and beyond to communicate with the community they need go past 300 feet to inform everyone. Mr. Burney quoted Section 1202.C.4.b, "the ingress and egress of this building must be from an arterial or collector street". The applicant has stated that the entrance will be from the west side. There is no arterial or collector street on the west side of the building, it is part of the construction site. He feels that since the building is oriented as it is the applicant will be in violation of the zoning code. He thinks the park objectives can be met without the building. They can construct a world class park without having the building in a residential neighborhood.

David Brennan, 3020 South Boston Place, Tulsa, OK; stated he has lived in the neighborhood for five years. On September 9th he received a letter in the mail from the management team regarding the project, stating that the building would be erected. That is the first he knew about it. There have been a lot of things that have come up

and the neighborhood was not aware of just recently. There was a meeting with the management team on September 12th to discuss what the options were for the neighborhood and what was the neighborhood willing to compromise on. The neighborhood was informed that the building would be on the site for the duration of the project. His first concern is the impact this project will have on his property value. He did some research and it is not clear the benefits that will come from the park. Most of the economic benefit will be from the quality of the park and for the dwellings that are within 500 feet of the park. In his research he found that problematic parks decrease property value by 5% for dwellings within 500 feet. A problematic park is a park that has noise, lights, and parking. For the next five years The Gathering Place project will be assumed and profiled as a problematic park thus decreasing the value of his home even if it is transitory for the next five to eight years. He will not be able to sell his house. He is 60 years old and he could retire in five years and not be able to sell his house because of the devalued price. He believes there was a fabulous job done in selling the park, but it could have been done better when it comes to the residents within 500 feet of the project. He thinks there should have been a proportional consensus from the community because this is a huge park, and what he saw at the meeting last evening was minimal. This is a hardship on the neighborhood. He would ask on behalf of the neighborhood that they be allowed more time to consider other options, like reduce the building size. There is a 1,000 square foot conference room with a second conference room. He has never seen a construction building like this. The building is huge and it does not fit the property. It is 7,000 square feet being erected on a 9,000 square foot piece of property. This building is ill conceived and he thinks it can be done better.

James Daniel “Dan” Simpson, 2916 South Detroit, Tulsa, OK; stated he will be inconvenienced by all of this for the next four to five years as will any of his neighbors. There will be a building that people may not want to look at, however, it is a temporary construction building. A temporary building that will be used by the safety officers; site management keeping as close to the project as possible. As for the street closures he would like to hear the option of moving the barriers when 30th Place is closed and when they will be open and the installation of a gate. All of the neighbors will not agree with him but they will all agree that when this project is completed Tulsa will have a world class park. It is the largest gift to a city in the history of this nation, not just the state of Oklahoma. He would encourage the Board to move forward and minimize the inconvenience where possible and get started.

Casey Robinson, 3026 South Boston Place, Tulsa, OK; stated he lives three houses away from the subject site and has lived there for four years. He did not purchase the house ever thinking that a commercial building would be allowed in a residential neighborhood. Forget how many millions are going into this park. If this were any other project a commercial building would not be allowed in a residential neighborhood. He attended the meeting last evening and heard information that had never been heard before. He would like some more time to review the information presented. He would like the Board to consider that this is not the right place for the proposed building. He also has concerns over whether the building will be temporary, because when he looks

at a building like that he does not think temporary. As a neighborhood they would like to have some assurance, something in writing, that the building will be temporary.

Debbie Saunders, 3116 South Boston Court, Tulsa, OK; stated she learned something today that she did not know, and she was not invited to the meeting of last evening. Her back yard backs up to the project site, and she pointed to an area on the map that was on the overhead projector. She knew the staging would be placed in that area designated on the map but she did not know the parking would be staged next to her fence. This will be horrifying and she does not know if she will be able to stay. She and her sister share in the care of their aging disabled mother. The noise will be unbearable and will drive her dogs crazy. She would like to see the parking and the noisier operations moved to another area.

Anita Saunders, 3126 South Boston Court, Tulsa, OK; stated she has been looking forward to the start of this project, and she realizes there will be pains along the way. Ms. Saunders stated that the neighborhood was not informed as to how things were going to be laid out. She is concerned over the road closure because her street is a dead end street. She thinks that once the street is blocked off it will become a turn around area. She understands that there will be noise associated with the project but she wishes they would move the parking or create some kind of barrier between the back of the houses and the activity. She would like to have the Board give the neighborhood additional time to work with Mr. Stava.

Millie York, 3020 South Boston Place, Tulsa, OK; stated she filed a formal letter of protest against the building. In doing research she understands the applicant must prove hardship to receive an approval. When she asked Mr. Stava what the hardship was he answered \$350 million dollars. She does not think that is a hardship. There is one hundred acres to place this building on and having one hundred acres is not a hardship. There are plenty of places away from a single family neighborhood for the building to be placed, it is just where the applicant wants it to go. In spite of the applicant saying this is for five years she knows the Board can grant them an additional five years. Mr. Stava told her that the proposed building would be the first building up and the last building down when Stage II is completed. Ten years is not temporary. A ten year construction building at the end of the neighborhood block is going to cause the residents a hardship. Blocking both ends of the street causes response time delays. That is a public safety hazard and needs to be addressed. She wants to have this meeting continued to next month because the neighbors were not given all the information and the neighbors need more time to gather data.

Mr. Van De Wiele asked Ms. York where she was getting the ten year time frame. Ms. York stated the ten year time frame comes from the fact that Mr. Stava told her in his office on September 12th that the proposed building will be the first building up and the last building down when Phase II is complete. She understands that and is not against the building because she agrees it is being placed in the best place, if the building is built to the style, rhythm and size of the neighborhood. She is very concerned about the road closures at both ends of the street because it really is a safety issue. She would

request more time be given so the neighbors can gather data of the impact of this oversized building on the little neighborhood.

Mr. Henke asked Ms. York if she was objecting to the number of square feet. Ms. York stated that she was not objecting to that but is objecting to the amount of space it occupies on the lot. Another construction company has donated the metal building to Manhattan Construction so they are saving money. This is about the residents lives, our peace, our quiet and inconveniences.

Mr. Henke stated the Board must focus on this piece of property and the relief requested for the building. Some of the neighbors may disagree with the height at 20 feet and some may be supportive with the design. Ms. York stated that if Manhattan Construction wants the building to look like a tin construction building then reduce the size of the building. If they don't want to reduce the size and have the option of making it something that will not devalue the homes over the next ten years that should be considered. Mr. Henke stated the request today is for five years.

Jennifer Kisamore, 137 East 34th Street, Tulsa, OK; stated she lives at the corner of 34th Street and Cincinnati. She would like to have the Board continue this request because the size of the building and the closing of 31st Street. Traffic will be routed down Cincinnati because it is a through street which is a narrow residential street that people already run the stop sign at 34th Street. The community needs more time to consider the issue.

Millie Clark, 3025 South Boston Place, Tulsa, OK; stated she is one of the elderly people that lives on Boston Place which will be blocked off on both ends. Due to visual and ambulatory difficulties she has she objects to the street closing because she will not be able to get in or out. She also has reservations made to enter a retirement center and if the street is blocked off and the neighborhood is marooned as an island how will she be able to move. How will her property values be affected? Her moving into a retirement center is totally contingent upon the sale of her house. She would prefer something else be done for a short period of time. Mr. Henke stated the Board does not have the ability to open and close street but he understands her concern. Mr. Henke stated he will ask the City about marooning the neighbors.

Brooke Caviness, Senior Engineer, City of Tulsa, 175 East 2nd Street, Tulsa, OK; stated the City is planning on performing drainage improvements to the neighborhood at 30th Street. The plan is to parallel a line with another 48 inch line. When the construction starts the City need to cut across Boston Place but the City will maintain access. There may 20 feet of rock but the City will maintain access. If there is a situation where the City cannot maintain the access they will open 31st Street. The City will not maroon any residents. The City anticipates the project to last approximately two weeks to perform the work across Boston Place.

Herb Beattie, 3474 South Zuni Avenue, Tulsa, OK; stated he has been representing the Brookside Neighborhood Association for over a decade. Projects like this are

associated with street closings. He has attended many meetings with Mr. Stava, the City Engineering Department, City Councilors and the neighbors for the last two or three years on related matters to this project. They have been consistently responsive, considerate and gone out of their way to understanding the needs and concerns of the neighbors and to make adjustments where it is appropriate.

Jason Brimer, 3045 South Boston Place, Tulsa, OK; stated he lives directly east of the proposed construction office site. He is in favor of moving forward with the project. He understands the reluctance of some of the neighbors and their concerns. He appreciates what GKFF and Manhattan has done in turning the building and the whole construction area so the backend faces the neighborhood. The look and feel of the building will blend in as well as possible considering in the southwest portion there is going to be nothing but construction machinery.

Mr. Van De Wiele asked Mr. Brimer if his preference is the mock up presented today. Mr. Brimer answered affirmatively.

Mr. Henke left the meeting at 2:21 P.M. and re-entered the meeting at 2:22 P.M.

Jeff Stava came forward. The original concept that was submitted there was a 14 foot eave with a 20 foot peak on the building. There was an eight foot cedar fence with plantings in front of it. As they went around the neighborhood there were some people that did not want the fence and some people did not want the plantings. Mr. Stava recommended that the fencing around the building be vetoed, and just have the fencing from the corner of the building across Boston Place and plantings elsewhere. So there would be fencing on the north and east sides and plantings across it so the building will fit more into the fabric of the neighborhood. On the south side of the building there will be doorway and no fence, and the site will be open to 31st Street. On the west side there will be a doorway and no fence. The building would consist of stone and painted shake style hardie board with a galvanized metal roof. There are two houses in the neighborhood with metal roofs and he plans to match the metal to the house that is the farthest north on the block.

Mr. White informed Mr. Stava that if he should need to go beyond the five year period being requested he would need to come back before the Board for permission of an extension. Mr. Stava stated that he was not aware of that until last evening.

Mr. White asked Mr. Stava if it would be a problem for him if the Board were to make a condition that at the end of a five year period the subject building were to be removed, if the Board approves today's request. Mr. Stava stated that at the end of Phase I there will be a pocket park that opens up to the neighborhood. That construction phase is expected to end in 2017. So the building would stay up to five years then be replaced by the pocket park.

Mr. Van De Wiele asked Mr. Stava if construction of Phase II were to start early what would happen to the building. Mr. Stava stated there will not be a requirement for as large a building for Phase II and Phase III so the construction office building will be scaled down.

Mr. Tidwell asked if the construction office building would be moved to a different location during Phase II and Phase III. Mr. Stava answered affirmatively.

Jana Monforte, 3041 South Boston Place, Tulsa, OK; stated she is thrilled about the park. She feels that GKFF has done a great job in keeping the neighborhood informed on what is going to happen. At times the residents are going to be frustrated but in the end there be a park right across the street from her house. Sometimes you must give up something to gain something.

Rebuttal:

Roy Johnsen came forward. The meeting last evening was packed and most of the people at that meeting are here today. The Board of Adjustment is dealing with two issues, Special Exceptions and Variances. The Board must find “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”. It seems like this project is right on the money in a situation of an extraordinary circumstance. Many times a Variance being sought is a small thing but this project is a large thing. There is nothing else like this in the entire city. In Use Unit 2, it does not make any distinction from retail or industrial or office or any other category. It is a document that was written that says construction activities can be on site. This is far past that simplicity. For example, there is an office building on the north side of 31st Street and there is no parking on site. It is as good a neighbor as anyone can have. This company is going to do the best they can to keep the dust down and reduce the noise level. Use Unit 2 does not work for the present situation because it is a very large project that will take a very long to complete. The conditions for the hardship are met by looking at the facts. The neighbors have agreed with the proposal. There are provisions in Use Unit 2, i.e., the length of time is two years. That two year time limit simply will not work so a Variance is being requested. There is also a provision that within 100 feet the resident’s permission must be received. That statement does not make sense, and the Board has the power to grant the Variance requested for that. In the zoning code there is a section that addresses the ingress and egress from a collector street, and that collector street is 31st Street. Section C under the Use Unit 2 states that a site shall not be located within 100 feet of an occupied dwelling without permission, but as a practical matter people will sign a statement such as that. Mr. Johnsen did say that the four residents that are within 100 feet of the project are in support of the project. A Use Unit 2 Special Exception in the residential district is one of the things the Board can approve. This project is in a residential district. In the zoning code it specifies certain things, i.e., maximum floor area ratio of .5, maximum lot size of 12,000 square feet, minimum frontage of 100 feet, a minimum building setback and these items simply cannot be met with the situation presented.

The lot is smaller than the 12,000 square feet. The minimum frontage of 100 feet is not there. That is why the Variance for those items has been requested.

Mr. Van De Wiele asked Mr. Johnsen to speak to the need of the size of the building. Mr. Johnsen stated there will be a lot of offices for meetings and the larger building will provide greater protection to the people to the north of the subject site. The contractor thinks the building size is appropriate for the leadership of the construction project.

Mr. Tidwell asked Mr. Johnsen if there would be work performed on the site on Saturdays. Mr. Johnsen stated there would be work all day during the daylight hours.

Comments and Questions:

Mr. Henke thinks there is a valid hardship for the Variance requests. The Special Exception clearly needs to be not detrimental to the neighborhood, and there will be arguments on both sides to that, but what has been discussed today is probably the most attractive temporary construction office building he has seen.

Mr. Van De Wiele agreed. Everyone is going to be inconvenienced to some degree. The closer one is the more inconvenience, and he certainly has already started looking for another route into downtown. When this project is finished it will be a great improvement and asset.

Mr. Tidwell agreed there is a valid hardship, and believes the Foundation will be responsive to problems that may arise during the construction.

Mr. White agreed with the other Board members. He would suggest that after the five year time frame is complete that the building be removed from the site. He understands the applicant has stated that the building would be removed but the Board has not stated that condition in a motion as of yet.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the request for a Special Exception to permit offsite construction facilities (Use Unit 2) including staging and storage of construction equipment and materials (Section 401, Table 1 and Section 1202.B); Variance of 2-year time limitation on construction facilities to allow 5 years (Section 1202.C.4.a), with the condition that at the end of the five year period the construction office facility be removed; Variance to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner (Section 1204.C.4.c); Variance from the bulk and area requirements set forth in Section 404.F. The Board has found that the project in question is an exceptional size and undertaking as part of the City. The facilities to be constructed on the lot in question are located at the optimal and most efficient location to provide the least amount of detrimental impact. The applicant has agreed as part of the approval given today that the north and east side of the construction office will be covered by a stone and painted shake style hardie board siding as presented at today’s meeting. The south and west sides of the building

will be of typical construction material and will not be required to be fenced. Also, along the north and east sides of the building there will be landscaping and plantings. The Board has found in conjunction with the Special Exception that 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. 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:

S17 LT 11 & ALL LT 12 BLK 11, TRAVIS PARK ADDN; ALL 3200 RIVERSIDE DRIVE ADDN; PRT GOV LT 1 & PRT NW NE BEG 24.7S & 410.6E NWC NW NE TH W481.57 SE303.97 TH ON RT CRV 236.89 SE104.61 E371.67 N635.3 POB SEC 24 19 12 6.22ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

Review and Approval of the 2015 City Board of Adjustment meeting dates.

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to **APPROVE** the 2015 City Board of Adjustment meeting date schedule provided with the exception of the removal of the November 24th meeting and the December 22nd meeting.

* * * * *

NEW BUSINESS

None.

* * * * *

BOARD MEMBER COMMENTS

None.

* * * * *

There being no further business, the meeting adjourned at 2:52 p.m.

Date approved: 10/14/14

Frank J. [Signature]
Chair