

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1287
Tuesday, January 25, 2022, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bond, Chair Barrientos Wallace Radney, Vice Chair Brown, Secretary		Wilkerson Chapman S. Kelvington K. Davis	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on January 20, 2022, at 1:14 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

The Board members and staff members attending in person are as follows:

- Mr. Austin Bond, Chair
- Mr. Tomas Barrientos
- Ms. Audrey Blank, City Legal
- Mr. Steve Brown, Secretary
- Ms. Burlinda Radney
- Mr. Tyler Wallace
- Mr. Dwayne Wilkerson, Tulsa Planning Office
- Mr. Austin Chapman, Tulsa Planning Office
- Ms. Sandra Kelvington, Tulsa Planning Office
- Mr. Kendal Davis, Tulsa Planning Office

UNFINISHED BUSINESS

23213---A-Max Sign Company

Action Requested:

Variance to allow an internally illuminated sign enclosed in frames, increase the permitted height for a monument sign from 6 feet to 22 feet and to increase the permitted display surface area from 50 square feet to 220 square feet inside the River Design Overlay (Section 20.050-D.5.b.(1) (2) (4)).

LOCATION: 10133 South Delaware Avenue East (CD 2)

Presentation:

Joe McCormick- 6440 South Lewis Suite 100

The previously discussed property does not fit the RDO overlay. The hardship for the applicant is how the property sits behind the buildings to the north and south, the deep and wide drainage ditch on the Riverside drive and it makes it invisible from the street. You must be directly in front of the building to be able to see the building and the businesses.

Ms. Radney asks what the speed limit is on Riverside Drive. Mr. McCormick is unaware specifically, but believes it is 40 mph. Ms. Radney asks about a traffic danger due to the lack of signage on the street for those trying to enter the shopping center. She also inquires about the sidewalk being the only pedestrian crossing in that location, to which Mr. McCormick responds yes and further states that he has been at this location several times and has not witnessed any pedestrians using the sidewalk.

Interested Parties:

There are no interested parties.

Comments and Questions:

Mr. Brown comments that he does not like large signs, and this is an example of a very large sign. He believes that once you have visited the area and building, you then know where you are coming back to. He sees little to no reason to add such a large sign, one that is larger than other signs in the area, and he tends to not support the requested variance.

Ms. Radney tends to support. She does believe the sign is tall, but she is compelled by conceptual plan 1.11 of the agenda packet that shows the distance from the road and with the speed limit on the road. She believes that the RDO is not appropriate for this segment and that this location is not developed according to RDO.

Mr. Wallace states he is still trying to find a reason to overrule the overlay and sees there is great existing signage on the front of the building.

Mr. Barrientos is inclined to support it due according to the hardships they state, the setback of the building and lack of visibility from the street.

Mr. Bond position is the same, that what is the hardship? He believes the board does not have the authority to override the RDO and believes this is a zoning issue that should be brought before the TMAPC. He acknowledges the setback and the drainage ditch, but he feels this is not enough to override the RDO zoning. He is not in support.

Ms. Radney is still inclined to support and believes that they could possibly get there. She agrees that the intent of the city with the overlay and vision but believes that there is a hardship on that site that will continue to persist. She feels that you can not truly see the building signs from the roadway.

Board Action:

On **MOTION** of **WALLACE**, the Board voted 3-2-0 (Brown, Bond, Wallace "aye"; Radney, Barrientos "nays"; no "abstentions"; none absent) to **DENY** the **Variance** to allow an internally illuminated sign enclosed in frames, increase the permitted height for a monument sign from 6 feet to 22 feet and to increase the permitted display surface area from 50 square feet to 220 square feet inside the River Design Overlay (Section 20.050-D.5.b.(1) (2) (4))

LT 1 BEG NEC THEREOF TH S220 W225 N220 E225 TO POB BLK 1, RETAIL CENTER II

23229- Josh Clark

Action Requested:

Variance to increase the number of allowed signs per street frontage in the OL District from 1 sign to 4 signs along South Harvard Ave. (Sec.60.060-B.1)

LOCATION: 4555 S HARVARD (CD 9)

Presentation:

Jonathan Cowan- 1777 S Boulder Ave Suite 106

He is representing Mr. Clark today and is there on behalf of the owners of the property. At the time of the last hearing did not have the exhibits from a previously approved variance for similar use for the Utica Park Clinic and they sent those in for today. It shows that the property they are here for today has 75% more frontage than the previously approved property. The building is 60ft back from the road and the property also has a topography change which causes the building to sit 2 – 3ft below the road. The design of the monument sign and the size was intentional to be harmonious with

the wall channeled letter signage and integrates with the building. He would consider it a way finding sign rather than a traditional monument sign.

Mr. Cowan appreciates the board feedback on other sign denials, but he believes this is current property is like a previously approved case for Utica Park. He also states that he believes everything that was designed is harmonious with the design of this corridor.

Interested Parties:

William Beichler- 1717 S Boulder Ave Suite 100

Mr. Beichler is one of the owners of the property and states that when they look at corridors and properties for development it is not easy to obtain national clients, however they were able to secure national tenants with this property. They did not spare in any expense in the build and design of the property. It was designed to be a high-end property and intentional, which includes the signs. Mr. Beichler believes the building and signs will enhance the area and they signs will assist with the flow of traffic in and out of the property.

Comments and Questions:

Mr. Wallace likes the signage on the building and the renderings look very nice. The monument sign and the burden of the code is where he has questions. He can support the signs on the building, but really trying to process the monument signs.

Mr. Bond states that this board does not work on a precedent, that they are not bound by other cases, they review each case on a new basis, and they strive to keep continuity when they make decisions on the cases. He acknowledges that they Utica decision is there, and it weighs on them. He recognizes and has no issues with the multi-tenant signs for the building, but not the monument sign.

Mr. Brown agrees with Mr. Bond. The monument sign is a deal breaker for him.

Mr. Barrientos is inclined to support if the tenants are all used for medical purposes only. He states that it is a beautiful building.

Ms. Radney is in support, but would like more detail about the sign budget, etc. She states she appreciates the comments from the property owner, Mr. Beichler. That as the city grown some of the zoning code is not keeping up with growth and the city's vision for securing national brands / clients, in its corridors.

Mr. Bond is inclined to support if it is truly medical.

Ms. Blank questions that if one of the medical businesses leave that the new tenant would not be able to have a sign? She states that if it is an OL use and not another kind of zoning, you could possibly have OL use tenants in this building.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Wallace, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the **Variance** to increase the number of allowed signs per street frontage in the OL District from 1 sign to 4 signs along South Harvard Ave. (Sec.60.060-B.1) to the February 8, 2022, meeting.

LOCATION: 4555 S HARVARD (**CD 9**)

For the following property:

LT 7 BLK 2,VILLA GROVE HGTS NO 1

23233- Jesse Bucelluni

Action Requested:

Special Exception to permit a projecting sign to project into the planned right-of-way of S. Harvard Ave. (Sec. 60.020-E)

LOCATION: 1427 S Harvard (**CD 4**)

Presentation:

Jesse Bucelluni- 1225 N. Lansing Ave.

He is representing tenants. They were commissioned to create a new sign for the business, and they are seeking the special exception to project into a new planned right of way. He did receive the approval from the planned right of way committee. It is a replacement of an existing sign with modern technology.

They have not heard from neighbors, but it is his understanding that the planned right of way committee may have contacted neighbors.

Ms. Radney asks about the size of the sign. Mr. Bucelluni responds that it is 2' shorter in width and 18" shorter in height.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Wallace is in support, notes that is smaller than the existing sign and it is a nice design.

Mr. Brown is in support.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Wallace, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Special Exception** to permit a projecting sign to project into the planned right-of-way of S. Harvard Ave. (Sec. 60.020-E) Per the conceptual plans 3.5 & 3.6 of the agenda packet and subject to the following condition that this approval will run parallel to the right of way agreement as presented in the meeting. The Board finds that the requested 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 area for the following property:

LOT-7-BLK-3; LOT-6-BLK-3,SUMMIT HGTS ADDN

23241- Jim Thomason

Action Requested:

Variance to permit a detached accessory building to exceed 1 story or 18 feet in height and 10 feet to the top of the top plate (Sec. 90.090.C)

LOCATION: 2152 S Owasso Ave **(CD 4)**

Presentation:

Jim Thomasson- 19225 S. 49th West Ave

Mr. Thomasson is representing the homeowners and his client is requesting to build a two-story detached accessory building. They have an existing garage, but the size is not feasible for their needs. The homeowner restores antique cars as a hobby, and they would like to build a 3-car garage and add a lift. There is an existing sewer line that prevents expanding into another area in the yard. There are similar accessory buildings in the neighborhood.

The applicant did speak with a neighbor that was in objection and they have offered to place a screen of juniper trees between the buildings. He was still in objection but was pleased to know that there would not be additional space on the 2nd floor.

There was another neighbor to the north of the property that objected, however the applicant spoke with her and showed her the plans for the building, and she rescinded her objection.

Interested Parties:

David Dinelli- 2152 S. Owasso Ave

Mr. Dinelli is the homeowner. They have spent a lot of time to engineer this building, so it matched the architecture of the house. There is not a full second floor, just a bathroom and a changing area. They are using the additional height for the car lifts.

Comments and Questions:

Mr. Wallace thinks it looks nice and appreciates the documentation that has been presented. He is in support.

Mr. Brown visited the site, and he could not see the project from the street or the adjacent street, so he walked the backyard. He states that it fits the lot and the design of the neighborhood.

Ms. Radney thinks it is a beautiful design. But she needs more details for the hardship and that it is not self-imposed.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Wallace, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Variance** to permit a detached accessory building to exceed 1 story or 18 feet in height and 10 feet to the top of the top plate (Sec. 90.090.C). Finding the hardship to be the location of the sewer line, the historic nature and style of construction, the neighborhood and home predates the existing zoning code. Per the conceptual plans 4.9-4.14 of the agenda packet. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose.
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification.
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner.
- e. That the variance to be granted is the minimum variance that will afford relief.
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan, for the following property:

LOT 7 BLK 13,SUNSET PARK AMD

NEW APPLICATIONS

23245- Cyntergy / Stefan Tittjung

Action Requested:

Minor Special Exception to amend a previously approved site plan for a School Use (Bishop Kelley High School) in an RS-2 District (Sec. 5.020, Table 5-2; Sec. 70.120-E)

LOCATION: 3905 S. Hudson Ave. E. (CD 5)

Presentation:

Steffan Tittjung- 810 S Cincinnati Ave, 2nd Floor

Mr. Tittjung represents his client, Bishop Kelley, they are adding a new cafeteria in an open space and removing an art room to allow for an open-air eating area. It is in an addition to an existing building.

Mr. Brown asked about how many additional parking spaces they added. Mr. Tittjung responds 62, he also adds they parking spots were needed for extra parking during special events.

No comments for neighbors or property owners.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Chapman states that they are in a residential zoning district and when the applicant needs to modify and amend plans, they need to come to the board for approval.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 4-0-1 (Barrientos, Brown, Radney, Wallace "aye"; no "nays"; one "abstentions", Bond; none "absent") to **APPROVE** the **Minor Special Exception** to amend a previously approved site plan for a School Use (Bishop Kelley High School) in an RS-2 District (Sec. 5.020, Table 5-2; Sec. 70.120-E). Per the conceptual plans shown on 5.19-5.20 of the agenda packet. The Board finds that the requested 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 area for the following property:

**BEG 674.75N & 85E SWC SW SE TH E360 S200 E340 S125 E352.24 SE99.17 TO
NWLY R/W SKELLY DR TH NELY ALG R/W TO PT ON EL SW SE N TO PT 463N SL
SEC NW50.98 N1502 NW106.01 W447.54 S200 W700 S1215.25 POB SEC 22 19 13
41.17ACS,**

23246- Sam Cook

Action Requested:

Special Exception to permit a Carport in the street setback and the street yard with modifications to its allowable dimensions and setbacks (Sec. 90.090-C1);

LOCATION: 4113 W 5 St. (CD 1)

Presentation:

Applicant was not present

Interested Parties:

No interested Parties

Comments and Questions:

No additional comments or questions.

Board Action:

On **MOTION** of **BROWN**, the Board voted 5-0-0 (Barrientos, Bond, Wallace, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE Special Exception** to permit a Carport in the street setback and the street yard with modifications to its allowable dimensions and setbacks (Sec. 90.090-C1); to the February 8, 2022, meeting. For the following property:

W 82' OF LT 11 & TH W 82' OF LT 12 BLK 1,VERNDALE

23247- BARK Entertainment, LLC

Action Requested:

Special Exception to allow a Large (>250-person capacity) Commercial Assembly & Entertainment Use in the CS District to permit a Comedy Club with alcohol service (Sec.15.020, Table 15-2). **LOCATION: 5978 S. Yale Ave. (CD 9)**

Presentation:

Adam Norwest- 1309 27th Street Ct NW Gig Harbor, WA 98335
Owner of Bark Entertainment, which is a family-owned restaurant and comedy entertainment company. They are based out of Tacoma Washington, and have a

location in Oklahoma City, which opened in 2020. They believe Tulsa would be an incredible location for them to add an A-List comedy club. Once they met the King family and saw the location, they felt this was a perfect match, to join two family-owned businesses. The square footage of the location is over 12,000, but due to the entertainment and alcohol service that will be taking place, they are seeking the special exception to allow more than 250-person capacity. They would be able to seat 300 people in the show room and have an additional lobby and bar area for before and after shows that can seat an additional 50 people. Mr. Norwest notes that if they had two different restaurants moving into this area, they could both exist without the need of this special exception, but because they are just one business it is required. They have sent out letters to the neighbors and they have received both positive and negative feedback from the community. He recognizes and shares with the neighbor's concerns with having a night club as a neighbor, however Mr. Norwest clarifies that they are not a night club; they are a restaurant that has a performer on the microphone. It is the same as a musician playing music during a dinner. They bring in national performers that provide an intimate evening of entertainment for their customers. As a comedy club they are mainly an adult establishment that provides their customers a good time via a 90-minute comedy show. Mr. Norwest shares that they are there to support the arts, support the community through fundraising events, to provide free tickets to first responders. They may not technically count as a medical use, but Mr. Norwest believes that laughter is the best medicine.

Mr. Norwest also states that this building has been vacant for over 10 years, which has caused a massive hardship for the King family not only financially, but with vagrancy and loitering in the area. They have had to repair broken lights, graffiti, etc. He believes bringing in his business, a successful and proven business, would be helpful to the area and to the King family.

Ms. Radney asks the applicant what area their OKC establishment in. Mr. Norwest responds that it is in Bricktown district, which is a downtown neighborhood, but it is on the outskirts that also has apartments that surround it. Most of his customers are locals that make it a date night, birthday party, etc. Their target radius for guests is within a 30-mile area.

Mr. Barrientos asks the applicant about the hour of operations. Mr. Norwest responds that they open at 6:00pm and have one show per day Sunday-Thursday from 7:30-9 and they close by 10:00 pm. On Friday and Saturday, they have two shows with the second show ending at midnight.

Mr. Bond asks the applicant when construction will begin on this project. Mr. Norwest responds that they started demolition on the project, and they have their sign fully made and ready for installation but then they found out about the special exception that was required, so all construction has been placed on hold pending the approval of the special exception.

Ms. Radney asks if the establishment will have a full-service bar? Mr. Norwest responds yes; it is a full bar. They will have full liquor, beer on tap, wine, as well as a full

food menu with burgers, steaks, salads, etc. It is closer to a dinner theatre, but they refer to it as a cabaret style. They can seat 4 people to a table. Ms. Radney further questions the price of an admission ticket, what is their demographic? Mr. Norwest replies that they have an open mic night which is free, but their weekend shows vary depending on the comedian coming in. They begin at \$20 per ticket, but can go up to \$50 per ticket depending on the celebrity that comes in. Ms. Radney also asks what their average per person food and beverage ticket is, to which Mr. Norwest responds on average \$24. Ms. Radney asks what time they lock the doors to the establishment. Mr. Norwest responds it closes by 12:30 on Friday and Saturday. Ms. Radney asks which side of the building they will be located? The applicant answers they are on the east side of the building and only 10% of the parking is on the back side of the building which is closest to the neighborhood street. The other 90% of parking is within the shopping center and that is the direction their main entrance and exits are located.

Interested Parties:

Robert Biederman- 4618 E 59th Street

He would like to give a bit of a different perspective as a homeowner. He is against the comedy club. He states there are a lot of families that live in the neighborhood with small children, and they moved in this neighborhood due to it being in Carnegie Elementary's district. Mr. Biederman states these children, and their families need sleep, and they need to be able to rest well and not have that disrupted by noise and commotion related to the comedy club and full-service bar. He states that he has spoken with this comedy club there will be trash pickup at night. That he has spoken to a neighbor that is awakened two to three times a week with trash service in the middle of the night. Mr. Biederman is also concerned about the parking availability for the venue and the traffic that may impose and overflow into the neighborhood.

Mr. Biederman is opposed to the alcohol being sold in the comedy club and the disruptions this will cause the neighborhood. He wants this to be a good and safe community and he believes the comedy club will be detrimental to the neighborhood. He wishes there would be more time to be given for this hearing so neighbors would have the time to express their opinion and concerns. He asks the applicant to please take this venue to a different location. He asks the board to say no to the alcohol service, no to the special exception and no to the comedy club.

Joe Creider- 4606 E 59th Street

Mr. Creider has lived in this neighborhood for twenty-five years. He submitted a letter to the board and would like to summarize the letter. Mr. Creider mentions that this is difficult for him to contradict the King family and acknowledges that they have been a great corporate neighbor and he has appreciated that over the years. However, Mr. Creider is strongly opposed to the establishment. He echoes the statements from Mr. Biederman, he is concerned about the noise, traffic, quality of life for residents and property values. Mr. Creider is concerned about the parking availability especially with Society Burger moving into the building as well. He is concerned about the parting patrons stating that in the past there will be activity in the northwest parking lot, especially when they have sold out shows. He is concerned if this special exception is

granted, they will need to endure the consequences as neighbors. He feels this is not the appropriate tenant for this space. He does believe Tulsa could use a comedy club but feels this is not the space.

Ms. Radney asks what type of screening is currently in place between the building and the neighborhood? Mr. Creider replies that it is just a cedar privacy fence, there are dumpsters along that area. Ms. Radney further asks if a more harden barrier would be helpful to reduce the noise in the area. Mr. Creider responds no. Ms. Radney asks if it is fair to summarize his primary objections are the hours and the alcohol? Mr. Creider says he is just stating the obvious when it comes to the alcohol and being a comedy club is that you are going to have noise and cars leaving at late hours, potentially daily. Ms. Radney clarifies that Mr. Creider is also worried about the intensity. Ms. Radney says she appreciates and understands what he means about the intensity.

Caren Norrid- 4624 E. 59th Street

Ms. Norrid is opposed to the comedy club. Ms. Norrid has lived in other entertainment areas in Tulsa and moved to her current location to get away from the crime that was associated with those venues. Ms. Norrid is worried about the property values, parking availability, noise. Ms. Norrid mentioned that in the past they have held concerts in the shopping center that caused issues with parking for the event and that it pushed parking and traffic into the neighborhood, and she feels that no parking signs do not work. She feels that parking in the neighborhood will bring crime and burglaries to the area. Ms. Norrid says she does not understand why they can not bring in a low impact business to the neighborhood. She feels that people who purchase homes next to shopping centers should not be penalized and feels they need to choose homeowners over businesses. Mr. Brown asks Ms. Norrid about the previous music events she mentioned? Ms. Norrid says that it was like those held at Utica in the summer and she is mentioning that because of the parking issues it caused. Mr. Brown asks if the parking lot has lighting? Ms. Norrid responds yes. Ms. Radney asks if the music events were open air or indoors? Ms. Norrid responds that they were outdoors. Ms. Radney clarifies that since it was an outdoor event that it probably took up some of the available parking space for the event itself. Ms. Norris agreed with that Ms. Radney's statement.

Sharon King Davis- 4662 E 59th Street

Ms. Davis is the owner of Kings Pointe Village with her family. She states that she does appreciate the time and the questions neighbors brought so they can better understand the case. Ms. Davis gives some of the background and history of the shopping center, which began retail services in 1960. Kings Pointe Village was built in 2000. Ms. Davis states that they have had vacancies the past few years and they are thrilled with the new businesses moving into the center. They are excited about the entertainment venue and found similarities between their businesses and their dedication to their family operated businesses.

Ms. Davis would like to apologize to Mr. Biederman about the trash services coming in the middle of the night. Ms. Davis states that if she had known this was happening, she would have called their contracted trash companies because they are not supposed to pick up late at night or in the middle of the night. However they can come early in the

morning. She asks that when it happens, please call the office, and let them know. They want to be good neighbors with the surrounding neighborhood.

Ms. Davis states that Hideaway Pizza, Pei Wei, and McGill's has a bar and they were never opposed. She admits this is a larger venue, but they will have security that is inside and will help move people out of the building at the end of the night.

Ms. Davis states that Urbana is a very wide street due to it being an abandoned airport. There has been traffic dashes up and down the road, not due to the shopping center's traffic, but traffic that occurred in general for the past sixty years. She says the City of Tulsa came in and placed speed bumps to deter the speeding.

Ms. Davis says for the past two years they have been chasing around the vagrants, the homeless and those that have been sleeping all over and break into their buildings. She states that this behavior does cause property values to go down and that with new tenants these problems will become less prevalent in the area.

Ms. Davis has also created a 61st and Yale property owner's coalition with property owners and managers. They communicate through an app to let others know when there is activity in the area, and they notify the police so they can help move people out of the area. In closing Ms. Davis states that she feels this comedy club will be an asset to the Tulsa community. She also states that the retail has been there for sixty years and those that move into the area have known that and they have strived to be a good neighbor to them. She also adds that she will take care of the trash pick-up time issue.

Mr. Brown says to Ms. Davis she mentioned other restaurants in the shopping center that serve alcohol and he asks if there any other clubs in the shopping area that are just bars? Ms. Davis responds no they have personally chosen not to do that. She says that they have previously had parking lot concerts and the most they had was three in one summer, and that it was a huge turnout of people. She never had any complaints about the concerts.

Ms. Radney asks about the coalition Ms. Davis had established and if they added neighbors, it would be helpful with the neighbors in answering their concerns? Ms. Davis says that she is always willing to listen to anything they need to do to improve what Kings Pointe is doing, but at the same time they have a lease signed and that progress has been halted as they wait for a decision and that time is of the essence for them as business owners.

Frasier Henke- 6060 American Plaza

President and CEO of American Bank and the manager of the American bank office building which is immediately adjacent to the property in the application. Mr. Henke says that in light of today's discussion he feels that a continuance would be beneficial due to the concerns about parking. Mr. Henke is concerned about where the 300+ people will park and when he was out of town his co-worker took a picture of the parking lots on a Friday night which shows the corner of their property of American Bank and shows the parking availability on that evening. He asks where are 300+ people going to park? He can sympathize and understand the neighbors' concerns. Would like to ask for a continuance to February 22nd to allow for time to meet with the applicant and neighbors.

Ms. Davis wanted to add that Kings Pointe Village is required by code to have 423 spaces, but they have 630 that are available. There is parking down by 61st street and people will park on the North and South side and walk over if it is necessary. They have ample parking, and they have met the requirements per city code.

Ms. Radney asks what space is allocated for the comedy club? Ms. Davis replies that they have leased 13,000sq ft and Society Burger is leasing 6,000 sq ft. The building was previously used by as a grocery store, and it was 21,000 sq ft.

Mr. Norwest says that they have previously not had to hire private security at other venues, but he is willing to do that to help the neighbors feel safe and to help with clearing out the patrons at closing. He still feels that parking would be adequate especially with the number of patrons that use ride share options such as Uber.

The applicant has not had a community outreach meeting, they have only sent a letter with their contact information and the King family information. They only heard from one neighbor, which also sent an email to the board.

Comments and Questions:

Ms. Radney is inclined to support, but not because she is not concerned about the neighbors, and she feels they should be part of the discussion. She says that businesses do not pick a location that does not have the potential to be successful for example not enough parking, etc. She believes there are other options that could be helpful to block noise and privacy, such as a masonry wall. She is inclined to think they can find a way to help the shopping center to become more of an asset to the neighborhood. Ms. Radney asks the neighbors to consider that it is zoned commercial and that if it does not produce cash flow and has to sell that they may not have an owner that works as hard to be successful for everyone.

Mr. Wallace is inclined to support. He states that Kings Pointe always allows for great tenants and when the tenant is not, they have them move on to a different location. Mr. Wallace feels this comedy club is no different than watching a football game at Hideaway Pizza.

Mr. Barrientos is inclined to support and feels it is a great asset to the location and he frequents Hideaway. He does wish to see them have a meeting with the neighbors to continue discussions about their concerns.

Mr. Brown supports. He views this as an improvement to the community. He hears the neighbors' but sees it as a plus to Tulsa. He is not in favor of a continuance. He believes time is of the essence. Mr. Brown also states he likes the idea of additional security to be hired mainly for inside, but occasionally outside.

Mr. Bond generally supports because of Ms. Davis, the King Family and Mr. Henke because they fix problems in the community, and they do not cause them. Mr. Bond

would like to see a continuance, but if others are on board and do not support a continuance then he will vote in support of the special exception.

Board Action:

On **MOTION** of **BROWN**, the Board voted 5-0-0 (Barrientos, Bond, Wallace, Brown, Radney "aye"; "nays"; no "abstentions"; none absent) to **APPROVE** the **Special Exception** to allow a Large (>250-person capacity) Commercial Assembly & Entertainment Use in the CS District to permit a Comedy Club with alcohol service (Sec.15.020, Table 15-2). Per the conceptual plans 7.9-7.16 of the agenda packet with an expiration of 5 years from the date granted. The Board finds that the requested 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:

PRT BLK 1 BEG 447.36N SWC BLK 1 TH E373.03 APPR N TO PT ON N LN BLK 1 SW1.54 NW240.33 W149.79 S403.43 POB, HOLLIDAY HILLS CTR ADDN RESUB RES A HOLLIDAY HILLS ADDN

23250- Ryan Neuhor, Image Builders

Action Requested:

Special Exception to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

LOCATION: 2327 S Darlington Ave. **(CD 5)**

Presentation:

Ryan Neuhor- 4132 East 41st Street

Seeking a special exception to allow a dynamic display in a residential area for Tulsa Public Schools. They have installed these signs at other TPS sites. The new signs have a new cloud-based software which allows the IT department to oversee of all the message boards across the district and the IT department can build the framework to make sure they are all reaching the city's guidelines. It also allows the specific site to update the signs to display their specific school events without disrupting the framework the IT department establishes.

Ms. Radney asks the applicant about the need for the height of the sign. Mr. Neuhor states they have corrected the site of the sign in the plans, it was not calculated correctly.

They have had little to no complaints from neighbors about the signs.

Interested Parties:

Ellen Decker- 3027 S New Haven Ave

Ms. Decker works for TPS, and they are excited about the district's plan to update their school signs and that this was part of their bond packet! They will have a total of 45 new dynamic display signs across the district. It allows them to reach their community's needs and allows them to be able to display messages in several languages. She considers the sign projects as an asset to the community and to Tulsa Public Schools. Ms. Decker offers to be available to anyone with additional questions during the process of approving the sign applications for their sites.

Comments and Questions:

No additional comments or questions.

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 5-0-0 (Barrientos, Bond, Wallace, Radney, Brown "aye"; "nays"; no "abstentions"; none absent) to **APPROVE** the **Special Exception** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) and the **Special Exception** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) per the conceptual plans 8.12-8.17 of the agenda packet. The Board finds that the requested 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 NWC W/2 SE NW TH E641.59 TO PT 20W NEC W/2 SE NW TH S931.84 W145 S97.5 W465.99 S290 W30 N1317.95 POB LESS N30 W586.59 E611.59 & E25 N931.84 FOR STS SEC 15 19 13 14.08ACS

23251 Ryan Neuhor, Image Builder

Action Requested:

Special Exception to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

LOCATION: 733 N. 73rd E. Ave. (CD 3)

Presentation:

Ryan Neuhor- 4132 East 41st Street

Seeking a special exception to allow a dynamic display in a residential area for Tulsa Public Schools. They have installed these signs at other TPS sites. The new signs have a new cloud-based software which allows the IT department to oversee of all the message boards across the district and the IT department can build the framework to make sure they are all reaching the city's guidelines. It also allows the specific site to update the signs to display their specific school events without disrupting the framework the IT department establishes.

Interested Parties:

There were no interested parties

Comments and Questions:

No additional comments or questions.

Board Action:

On **MOTION** of **WALLACE**, the Board voted 5-0-0 (Barrientos, Bond, Wallace, Radney, Brown "aye"; "nays"; no "abstentions"; none absent) to **APPROVE** the **Special Exception** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) and the **Special Exception** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) per the conceptual plans 9.11-9.17 of the agenda packet. The Board finds that the requested 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:

W831.48 N535 OF N/2 SW SE SEC 35 20 13 TR IN CITY

23252- Ryan Neuhor, Image Builders

Action Requested:

Special Exception to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

LOCATION: 2137 N Pittsburg Ave. E. (CD 3)

Presentation:

Ryan Neuhor- 4132 East 41st Street

Seeking a special exception to allow a dynamic display in a residential area for Tulsa Public Schools. They have installed these signs at other TPS sites. The new signs have a new cloud-based software which allows the IT department to oversee of all of the message boards across the district and the IT department can build the framework to make sure they are all reaching the city's guidelines. It also allows the specific site to

update the signs to display their specific school events without disrupting the framework the IT department establishes.

Interested Parties:

There were no interested parties

Comments and Questions:

No additional comments or questions

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent to **APPROVE** the **Special Exception** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) and the **Special Exception** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) per the conceptual plans 10.8-10.13 of the agenda packet. The Board finds that the requested 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 1 2 3 & N300 LTS 5 6 7 8 & E210 LTS 10 11 12 BLK 2,NORTH HIGHLAND ACRES ADDN

23253- Ryan Neuhor, Image Builders

Action Requested:

Special Exception to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

LOCATION: 2137 N Pittsburg Ave. E. (CD 3)

Presentation:

Ryan Neuhor- 4132 East 41st Street

Seeking a special exception to allow a dynamic display in a residential area for Tulsa Public Schools. They have installed these signs at other TPS sites. The new signs have a new cloud-based software which allows the IT department to oversee of all the message boards across the district and the IT department can build the framework to make sure they are all reaching the city's guidelines. It also allows the specific site to update the signs to display their specific school events without disrupting the framework the IT department establishes. This is like the other signs in regard to locations and size.

Interested Parties:

There were no interested parties.

Comments and Questions:

No additional comments or questions.

Board Action:

On **MOTION** of **WALLACE**, the Board voted 5-0-0 (Barrientos, Bond, Wallace, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Special Exception** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) and the **Special Exception** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) per the conceptual plans 11.7-11.13 of the agenda packet. The Board finds that the requested 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:

SW SW NE SEC 28 20 13 10AC

23255-Ryan Neuhor, Image Builders

Action Requested:

Special Exception to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c)

LOCATION: 4132 W Cameron St. (CD 1)

Presentation:

Ryan Neuhor- 4132 East 41st Street

Seeking a special exception to allow a dynamic display in a residential area for Tulsa Public Schools. They have installed these signs at other TPS sites. The new signs have a new cloud-based software which allows the IT department to oversee of all the message boards across the district and the IT department can build the framework to make sure they are all reaching the city's guidelines. It also allows the specific site to update the signs to display their specific school events without disrupting the framework the IT department establishes. This is like the other signs in regard to locations and size.

Interested Parties:

There are no interested parties.

Comments and Questions:

No additional comments or questions.

Board Action:

On **MOTION** of **BROWN**, the Board voted 5-0-0 (Barrientos, Bond, Wallace, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Special Exception** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) per the conceptual plans 12.7-12.8 of the agenda packet. The Board finds that the requested 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 1027.15S & 25W NEC NW TH W800 S1048.75 TO N R/W MK&T RR R/W TH NE853.63 TO PT 25W EL NW TH N749.34 POB LESS BEG 25W NEC THEREOF TH W553.91 S25 E368.91 SE309.19 E60 S TO NL RR R/W NE10.65 N POB SEC 4 19 12 14.955ACS

23256- Ryan Neuhor, Image Builders

Action Requested:

Special Exception to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

LOCATION: 7502 E 57th St. (CD 7)

Presentation:

Ryan Neuhor- 4132 East 41st Street

Seeking a special exception to allow a dynamic display in a residential area for Tulsa Public Schools. They have installed these signs at other TPS sites. The new signs have a new cloud-based software which allows the IT department to oversee of all the message boards across the district and the IT department can build the framework to make sure they are all reaching the city's guidelines. It also allows the specific site to update the signs to display their specific school events without disrupting the framework the IT department establishes. This is like the other signs in regard to locations and size.

Interested Parties:

There were no interested parties present.

Comments and Questions:

No additional comments or questions.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Wallace, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Special Exception** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) and the **Special Exception** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) per the conceptual plans 12.7-12.8 of the agenda packet. The Board finds that the requested 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:

NW NW SE & NE NW SE & W/2 NW NE SE SEC 35-19-13

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

There being no further business, the meeting adjourned at 4:01 pm.

Date approved: 8 Mar 2022

Chair