

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1300  
**Tuesday, August 9, 2022, 1:00 P.M.**  
Tulsa City Council Chambers  
One Technology Center  
175 East 2nd Street

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Bond, Chair	Radney, Vice Chair	D. Wilkerson	M. Swiney, Legal
Wallace		S. Tauber	
Barrientos		K. Davis	
Brown		A. Chapman	

The notice and agenda of said meeting were posted in the City Clerk’s office, City Hall, on August 4, 2022, at 10:12 a.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 1:05 p.m. Mr. Bond noted that they are a 5-person board, and that the Ms. Radney is absent. Applicants can request a continuance to a future meeting when they have a full board.

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

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**MINUTES**

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Bond, Barrientos, Brown, Wallace “ayes”, no “nays”; no “abstentions”, Radney “absent”) to **APPROVE** the **Minutes** of June 14, 2022 (Meeting No. 1296).

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**UNFINISHED BUSINESS**

**23309 - Ryan Neuhor, Image Builders**

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:** 3909 E. 5th Pl. S. (Rogers) **(CD 4)**

**Presentation:**

Request for continuance by the applicant.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

**Board Action:**

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Bond, Barrientos, Brown, Wallace all “ayes”, no “nays”, no “abstentions”, Radney absent) to **CONTINUE** until October 11, 2022, a request for a 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); for the following property:

**NE NE NW SEC 8 19 13**

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## NEW APPLICATIONS

### 23398 - Diane Wells

Variance to reduce the required 15-foot side setback in the RE District (Sec. 5.030-A, Table 5-3) **Location:** 3442 S. Atlanta Place **(CD 9)**

### Presentation:

Request for a continuance until September 13, 2022, by applicant.

### Interested Parties:

No interested parties were present.

### Comments and Questions:

### Board Action:

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Wallace all "ayes"; no "nays"; no "abstentions"; Radney "absent") to **CONTINUE** the requested Variance to reduce the required 15-foot side setback in the RE District (Sec. 5.030-A, Table 5-3) until the September 13, 2022 ; for the following property:

**Lot Four (4), Block Four (4), OAKVIEW ESTATES, Tulsa County, State of Oklahoma, according to the recorded Plat thereof. AND Lot Five (5), Block Four (4), OAKVIEW ESTATES, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, LESS AND EXCEPT the following Two (2) tracts of land described as follows, to-wit: A tract of land that is part of Lot Five (5), Block Four (4), OAKVIEW ESTATES, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, being more particularly described as follows; to-wit: BEGINNING at a point on the Westerly line of said Lot 5, said point being 83 feet Northerly of the Southwest comer thereof; thence Easterly and parallel to the Northerly line of Lot 5 for 10 feet; thence Northerly and parallel to the Westerly line of Lot 5 for 52 feet; thence Easterly and parallel to the Northerly line of Lot 5 for 90 feet: thence Southerly and parallel of the Westerly line of Lot 5-to a point that is 30 feet Northerly 'of as measured, perpendicular to the Southerly line of Lot 5; thence Easterly and parallel to said Southerly line to a point on the Easterly line of Lot 5 and also being on the Westerly right-of-way line of South Atlanta Place; thence Northerly along said Easterly line and along the right-of-way line to a point that is 60 feet Northerly of as measured perpendicular to the Southerly line of Lot 5; thence Westerly and parallel to said Southerly line to a point that is 220 feet Easterly of the Westerly line of said Lot 5, said 220 feet being measured parallel to the Northerly line of Lot 5; thence Northerly and parallel to**

**the Westerly line of Lot 5 to a point on the Northerly line thereof, said point being 249.1 feet Westerly of the Northeast corner of Lot 5; thence Westerly along said Northerly line for 220 feet to the Northwest corner thereof; thence Southerly along the Westerly line of Lot 5 for 62 feet to the POINT OF BEGINNING. AND A tract of land that is part of Lot Five (5), Block Four (4), OAKVIEW ESTATES, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, being more particularly described as follows, to-wit: BEGINNING at a point on the Westerly line of said Lot 5, said point being 62 feet Southerly of the Northwest corner thereof; thence Easterly and parallel to the Northerly line of Lot 5 for 10 feet; thence Northerly and parallel to the Westerly line of Lot 5 for 52 feet; thence Easterly and parallel to the Northerly line of Lot 5 for 90 feet; thence Southerly and parallel to the Westerly line of Lot 5 to a point that is 30 feet Northerly of as measured perpendicular to the Southerly line of Lot 5; thence Easterly and parallel to said Southerly line to a point on the Easterly line of Lot 5 and also being the Westerly right-of-way line of South Atlanta Place; thence Southerly along said Easterly line and along said right-of-way line to the Southeast corner of Lot 5; thence Westerly along the Southerly line of Lot 5 for 390.1 feet to the Southwest corner thereof; thence Northerly along the Westerly line of Lot 5 for 83 feet to the POINT OF BEGINNING.(The property herein lies wholly within and constitutes a part of the SW/4 of the NW/4 of Section 20, Township 19 North, Range 13 East, Tulsa County, State of Oklahoma.)**

## **23402 - Stuart Van De Wiele**

Special Exception to permit an Apartment/Condo Residential Building Type in the OL District (Sec. 15.020-H, Table 15-2.5) **Location:** Northwest Corner of S. 136th E. Ave. and E. 51st St. S. **(CD 7)**

### **Presentation:**

**Stuart Van De Wiele**, 320 South Boston, Suite 200, Tulsa, OK, 74103, stated that normally he would be inclined to agree to a continuance, however, under the circumstances my client is not inclined to do that for a couple of reasons. We are the purchaser of the property, and this will compress timelines for due diligence and that will make things more difficult as we move forward. We have a communications on this continuance issue. We were made aware of the request last Thursday by an email from Tracy Long with the other property owner asking for a continuance. I reached out to Ms. Long and Mr. Ed Leinbach, who is the principal of that company, asking what their questions were and would be happy to answer them. I received an email back Mr. Leinbach stated that he did not know what his questions were, but that he wanted a continuance and copied his attorneys. I contacted him back that day again to see what his questions were and sent him the plans and ask for his questions. He got a note back from Mr. Weger that their biggest concern was flood water retention. I responded that storm water is not an issue that goes to this board and that the permitting process address storm water. Also, in the drawings I sent him shows a large storm water retention pond in the middle of the property. If the storm water retention is all he is concerned with I do not see a need to continue this case until the next meeting. The property is zoned OL, multi family use in OL District is by right. The only Special Exception we need is for the building type, so if we want to put an apartment building or a condo on that property, we need a Special Exception, but only for the type, not for the underlying use of the property. It is a 26-acre tract that fronts onto 51<sup>st</sup> Street and the buyer is reserving about a 5-acre tract on the street frontage for potential commercial development and the other acreage will be developed as the multi-family property. There is a multi-family property next door that Ms. Smith's client developing. This part of town has large tracts of land. The building type will be a traditional multi-family development, so our request would be to approve the Special Exception to allow the building type shown on the exhibits in the agenda.

Mr. Brown asked if all the buildings will be 2-story. Mr. De Wiele stated that they will be 2 to 3 story. Mr. Brown then asked how many units. Mr. De Wiele was not certain of the number, but part of the request is linked to a zoning category for the setbacks and heights. The RM-1 designation has limits.

Mr. Bond asked if other issues had been heard from the neighbors. One of the neighbors stated that there was not a water main on the north side of 51<sup>st</sup> Street. That is something that our clients will have to deal with in planning. The buildings around it have water, so they will be able to access water.

### **Interested Parties:**

**Morgan Smith**, 15 East 5<sup>th</sup> Street, Suite 3800, Tulsa, Oklahoma, 74105, stated that she represented Crown at Seven Oaks a neighboring property. The owner received notice of this

approximately August 4<sup>th</sup> of this meeting and he will not return until August 15<sup>th</sup>. We have reached out to the applicant to see if they would consider continuing this case until the next date to allow my client to review everything. He has some concerns and wants to be able to address and fully participate in this request. The applicant was not agreeable.

**Comments and Questions:**

Mr. Bond stated that it is generally applicants' choice to ask for a continuance and Mr. De Wiele does not want to continue it and want it to be heard today.

Mr. Bond stated that this Board does not deal with water issues. Our giving relief here that will not circumvent or short circuit any other permitting process from the city, county, or state.

Mr. Barrientos and Mr. Wallace stated that they did not have any issues and Mr. Brown asked that they plant trees.

**Board Action:**

The Board chose not to continue this case.

On **MOTION** of **BARRIENTOS**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Wallace "ayes"; no "nays"; no "abstentions"; Radney "absent") to **APPROVE** the Special Exception to permit an Apartment/Condo Residential Building Type in the OL District (Sec. 15.020-H, Table 15-2.5) ) per the Conceptual Plans shown on pages 7.4 – 7.8 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:

**The South Half of the Southwest Quarter (S/2 SW/4) lying East of the Easterly boundary line of DOWELL RESEARCH CENTER, an Addition in Tulsa County, State of Oklahoma, according to the recorded Plat thereof, in Section Twenty-eight (28), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof. LESS the South 50 feet thereof and LESS AND EXCEPT all the part of SPRINGS AT EAST FIFTY-FIRST, an Addition to the City of Tulsa, lying within said South Half of the Southeast Quarter (S/2 SE/4).**

**23397 - James Okudo**

Special Exception to permit Low-Impact Medical Marijuana processing (Low-impact Manufacturing & Industry Use) in the CH district (Sec. 15.020, Table 15-2)

**Location:** 725 N. Lewis Ave (CD 3)

**Presentation:**

**James Okudo**, 8405 East 126<sup>th</sup> Street, Bixby, OK 74008, stated that he had asked his neighbors if they objected to his request, and they did not have any issues.

Mr. Bond asked if there would be any kind of extraction and Mr. Okudo stated there would not be any.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Wallace stated that in the last meeting we had one similar and there was a time limit set with it.

Mr. Mark Swiney asked if there was a dispensary included on-site. Mr. Okudo stated that it was at a different location.

Mr. Bond stated that there are new laws and confusing and all that we would grant for relief today would be for the marijuana processing not for any type of retail sales. He stated that Ms. Radney would push for a longer limited period for review.

Mr. Wallace stated that Ms. Radney would want five to seven years based on the financial obligation.

Mr. Bond stated that there have been a few come back for review and have not had any issues. We like to look at them.

**Board Action:**

On **MOTION** of **WALLACE**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Wallace “ayes”; no “nays”; no “abstentions”, Radney “absent”) to **APPROVE** a Special Exception to permit Low-Impact Medical Marijuana processing (Low-impact Manufacturing & Industry Use) in the CH district (Sec.15.020, Table 15-2) per the Conceptual Plans shown on pages 3.4 – 3.6 in the agenda packet, subject to the following condition that the Special Exception be limited to 7 years.

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:

**LT 21 BLK 3, OHIO PLACE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

### **23400 - Daybreak Boys, LLC**

Special Exception to permit High-Impact Medical Marijuana processing (High-impact Manufacturing & Industry Use) in the IM district (Sec. 15.020, Table 15-2) **Location:** 6940 E. 12th St. S. **(CD 5)**

### **Presentation:**

**Nate Nebergall, The Nebergall Law Firm, PLLC**, 5800 S. Lewis Ave., Suite 266 Tulsa, OK 74105, stated that he was representing of Daybreak Boys, LLC to request a Special Exception to increase their Moderate Impact Medical Marijuana processing to High Impact Manufacturing and Industrial Use.

Mr. Brown asked what High Impact Manufacturing and Industrial Use means. Mr. Nebergall stated they can use CO-2 and butane to extract cannabis and cannabinoids from the plants. There are no residential areas around and this in an industrial park.

Mr. Brown asked if the building was sprinkled, and Mr. Nebergall stated that it was fully sprinkled.

Mr. Nebergall stated that he had one email concerning security and he stated that there are thirty cameras on site, three locked keypads with steel doors to get into the processing room, eight locked keypads, key code cards, an alarm system, and exterior motion lights. It has a Certificate of Occupancy and an application in for regular processing. This is to get it to High Impact.

Mr. Brown asked how much of the building will they use. Mr. Nebergall stated that it was under 750 square feet.

Mr. Barrientos stated that there had been email about the filtration system. Mr. Nebergall stated that he had passed that along to his client with regards to the ventilation system. They are in the process of getting an additional ten carbon filters to offset the smell.

Mr. Bond stated that he did not have any issues and none of the other Board members did either.

Mr. Chapman stated that he wanted to clarify that we do not have a solid site plan, they have only identified the building. There is not a location inside the building or square footage to tie the room to. The it is requested is to use the entire building, but it sounds like that is not his intent. That is up to your discretion if you want to make that part of your motion on some type of limitation.

Mr. Nebergall submitted an exhibit to Mr. Chapman showing an area within the building where the high-impact processing will be. The room shows to be 168 square feet instead of 750 square feet.

### **Interested Parties:**

No interested parties were present.



**Comments and Questions:**

Mr. Bond stated that with the plan that was submitted will help them set a limit on square footage. We are not closing the door; they would have to come back if they wanted to modify the square footage.

**Board Action:**

On **MOTION** of **BARRIENTOS**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Wallace “ayes”; no “nays”; no “abstentions”; Radney “absent”) to **APPROVE** the Special Exception to permit High-Impact Medical Marijuana processing (High-impact Manufacturing & Industry Use) in the IM district (Sec. 15.020, Table 15-2) per the Conceptual Plans shown on the exhibit presented today.

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:

**W15 LT 2 & ALL LT 3 & E60 LT 4 LESS BEG 50.50W NEC LT 4 TH W9.50 S205.90  
E8.40 N205.91 BLK 5, SHERIDAN INDUSTRIAL DISTRICT B4-13, City of Tulsa, Tulsa  
County, State of Oklahoma**

### **23401 - Mark Capron**

Special Exception to allow a Public, Civic & Institutional/Governmental Service of Similar Functions Use in the RS-3 and OL districts (Sec. 5.020, Table 5-2; 15.020, Table 15-2) **Location:** 2815 S. Sheridan Rd. E. **(CD 5)**

### **Presentation:**

**March Capron**, Wallace Design Collective, 123 Martin Luther King Jr. Blvd., Tulsa, OK, 75103, stated that he was representing the Child Abuse Network. With us today are representatives of the Child Abuse Network and the architect is here for questions. This used to be one property and is before you now the north part of the Child Abuse Network. Not much is physically going to change is the renovation on the outside. We are going to replace the pavement, we adding this turn around/drop off center, fencing and screening. The landscape is going to be upgraded to meet the standard code of today, which is significantly more than when this building was built. There is going to be screening in back and a fenced in area. Inside, there will be evaluation for the children and no treatment will not take place in this building nor will housing. The building has been vacant for a while, so this will be a significant upgrade for the neighborhood.

Mr. Bond asked what the previous use of the building was.

**Maura Guten**, CEO and President of the Child Abuse Network. We own the entire 6-acres. Presently, the facility is located on southern side of the property, so we are relocating our services to this larger building. Previously, that was the OU Bedlam Clinic and Physician site. We are excited to expand our services as child abuse has increased dramatically during the pandemic. We have lived in a copacetic manner for over 30 years. The neighbors are delighted and many of them support our organization and make donations frequently. We want to remain quiet and confidential for the clients and families that come through.

### **Interested Parties:**

No interested parties were present.

### **Comments and Questions:**

Mr. Bond stated that this does not have any of the issues that previous social service agencies have had. This is a big win for the people and children of Tulsa.

Mr. Wallace stated that this Board has approved property to the south, which has a similar function with the knowledge of this coming.

### **Board Action:**

On **MOTION** of **WALLACE**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Wallace “ayes”; no “nays”; no “abstentions”; Radney “absent”) to **APPROVE** a Special Exception to allow a Public, Civic & Institutional/Governmental Service of Similar Functions Use in the RS-3 and OL districts (Sec. 5.020, Table 5-2; 15.020, Table 15-2) per Conceptual Plan shown on 6.9 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:

**A tract of land in the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section Fourteen (14), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, and being more particularly described as follows, To-Wit: Beginning at the Northwest Comer of Lot Nine (9), Block Fifteen (15), BOMAN ACRES THIRD AMENDED; Thence S01° 17' 47" E for a distance of 52.71 feet; Thence S01° 19'59"E for a distance of 58.00 feet; Thence N88°43'53"E for a distance of 11.72 feet; Thence S01° 18'42"E for a distance of 89.28 feet; Thence S88°41'18"W for a distance of 612.40 feet; Thence N01°15'07"W for a distance of 200.00 feet; Thence N88°41'18"E for a distance of 600.47 feet to the Point of Beginning, said tract containing 2.78 acres more or less**

Mr. Barrientos left the room at 1:40 p.m.

**23403 - Mark Bahlinger/ Whitney Wehmeyer**

Special Exception to permit a Small (up to 250-person capacity) Event Center (Commercial/ Indoor Assembly & Entertainment) Use in an IM District (Sec. 15.020, Table 15-2) **Location:** 1920 E. 6th St. S. **(CD 4)**

**Presentation:**

**Mark Bahlinger**, 5747 South 70<sup>th</sup> East Ave., Tulsa, OK 74145 stated that they were asking for a Special Exception for a small event center in an IM District. The space has been used as a meeting space and a co-working space for over a year. There are similar businesses in the area, and there is a brewery next door that draws in more people with a lot of traffic. They have an outdoor seating area with an outdoor stage. Our space has minor outdoor seating. Since submitting this, they have added thirty parking spaces next door and around the corner on Zanthus. Their occupancy has been set by the city at 98. We have reduced the square footage inside the building.

Mr. Bond asked if the parking lot to the west part of the owners property. Mr. Bahlinger stated that it was.

Mr. Brown asked if the building is sprinkled. Mr. Bahlinger stated that it is not. That is why we reduced the floor space to get down under ninety-nine.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Bond stated that the ninety-eight number was easier to accept than the 250. He did not see any issues with this case.

Mr. Wallace asked if Mr. Bond would like to see a condition with the number change. Mr. Bond stated that they could go ahead and put the ninety-eight number in since it goes along with what the Fire Department recommends.

**Board Action:**

On **MOTION** of **BROWN**, the Board voted 3-0-0 (Bond, Brown, Wallace “ayes”; no “nays”; no “abstentions”; Barrientos and Radney “absent”) to **APPROVE** a Special Exception to permit a Small (up to 250-person capacity) Event Center (Commercial/ Indoor Assembly & Entertainment) Use in an IM District (Sec. 15.020, Table 15-2) per Conceptual Plans shown on pages 8.3, and 8.6 – 8.9, subject to 98 occupancy per Fire Department recommendations.

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:

**LT 3 BLK 4,ABDO'S ADDN**

### **23404 - Malcolm E. Rosser IV**

Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use in the CH & CS District (Sec. 15.020, Table 15-2) **Location:** 12000 E. Skelly Dr. and 12303 E. 11th St. **(CD 3)**

#### **Presentation:**

**Malcolm Rosser**, 321 South Boston, Suite #500, Tulsa, OK, 74103, stated that he was the applicant, but he was there representing the Board of County Commissioners for Tulsa County. Also here today are Mike Craddock, Chief Deputy to Commissioner Stan Sallee , and Jim Rae, Assistant to the District Attorney who is managing this matter. These parcels are part of a larger parcel that is located near the northeast corner of 11st Street and Skelly Drive to relocate the Tulsa County Election Board. There are other parcels in the overall property being purchased zoned CO. There are also parcels that are zoned RS-3 that the county may auction off as surplus property.

The operations of the elections board usually operates Monday – Friday, 8-5, but they could have occasional longer hours during election time. It is possible that other county agencies might move into that building that may affect operating hours. It will be office use with some of the space to store voting machines and voting equipment. This is an employment land use designation as an area of growth. We did set up a meeting with everyone that received notice of the hearing at the Martin Regional Library this past Saturday, but no one showed up. We think this would be a great location for this service. The proposed use is in harmony with the spirit and intent of the code and will not be injurious to the neighborhood.

We understand that we need to perhaps establish parking under the terms of the code, and we are looking the parking requirements for professional use and office. There are two different calculation methods. One of those involved CH zoned property, but it is not all CH zoned so I do not think we would be able to use that.

Mr. Chapman stated that it is at the discretion of the Board, and it may as a part of this Special Exception. If the Board wanted to it could be tied the parking ratios for business or professional office in a CH zoned district for both parcels if that is what you want.

Mr. Rosser stated that the other parcel is on CS. If we do not go with the laxer CH requirements, our current parking is still sufficient, so I will leave that to the discretion of the Board. I do think that business and professional would be appropriate. Some of this space will be warehouse for machines and equipment.

Mr. Brown asked where the front door was located. Mr. Rosser stated that on the west end of the building. There is another access point off 11<sup>th</sup> Street just west of the CS portion. Then along the access road to I-44 is another entrance.

Mr. Brown asked what is the adjacent property that the Board is being asked to consider.

Mr. Rosser stated that on page 9.4, the areas outlined in yellow are collectively the entire property that the county has under contract. There are multiple parcels with different zoning designations. The areas that we are here for the Special Exception are the ones shown in red. The triangle to the west is the one zoned CH. The square to the bottom right is on CS.

Mr. Brown asked what the plans for development on the adjacent properties are to the southeast. Mr. Rosser stated that he did not know if there were any specific plans for that other than it is part of the package.

Mr. Brown asked if the entire building be occupied.

**Mr. Craddock**, Chief Deputy of Tulsa County, 218 West 6<sup>th</sup> Street, Tulsa, OK 74119, stated that yes, that the election board will take up the 1<sup>st</sup> floor. There is a 2<sup>nd</sup> floor mezzanine and office area toward the northeast section of the building that we do not have any one for currently.

Mr. Brown asked what the primary access point was. Mr. Craddock stated that it off the I-44 frontage for guest. Currently, the tenant uses the 11<sup>th</sup> Street entrance for employees, and we will most likely do the same.

Mr. Bond asked if it would give them enough latitude if we said for office space, election related uses, or office storage. What is tripping us up is the "other county services" which is vague. Mr. Craddock stated that there putting a jail there is a different code issue and we do not get to sneak that in. We do not want to do that. Anything that is government services we would want to maintain that ability to use there. Our focus is the Election Board and the secure election aspect of elections. The secure election aspect of elections in our environment is our primary focus on this building. With the high fenced yard, the security that is already at this building because of the current tenant, and their security with the gaming machines has intrigued us with this property.

Mr. Bond asked if there was any intention of using this as a shelter. Mr. Craddock stated that there was not.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Wallace asked if the parking requirements were tied to the zoning. Mr. Bond stated that there are at times larger requirements for parking necessary for government function for elections and he wanted to approve the largest possible use for that so we can treat it as business or commercial for parking purposes.

Mr. Wilkerson stated that if you start mixing uses in the parking calculation that might be different than what is in the governmental service. It makes it somewhat problematic with the building permit office. He recommended saying two spaces per 1000 square feet and

not tying it to an office use calculation. Just be specific to the number and from his perspective we do not want to require more parking than they need.

Mr. Rosser stated that they were fine with two parking spaces per 1000 square feet.

Mr. Wallace asked if the other board members were okay with the "other uses" such as soup kitchens, or detention facilities. We just need to clarify.

Mr. Bond stated that the Board's concern is making sure that this is going to be limited a particular type of use.

Mr. Chapman stated if there are concerns about a detention facility, which would be a different use classification that would require another Special Exception and the same with a residential shelter and it would be another Special Exception. They could be social services or people come in to get benefits. I think a broad brush might be a better approach for the County, but it is at your discretion.

**Board Action:**

On **MOTION** of **WALLACE**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Wallace "ayes"; no "nays"; no "abstentions"; Radney "absent") to **APPROVE** the Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use in the CH & CS District (Sec. 15.020, Table 15-2) per the Conceptual Plans shown on page 9.4 of the agenda packet subject to the following conditions that the parking requirements shall meet two to 1,000 square feet.

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:

**PARCEL 1:**

**Lot Three (3), Block One (1), LOWRANCE SQUARE, a Resubdivision of Morgan Square and a part of the SE/4 of the SW/4 of Section-5, T-19-N, R-14-E, Tulsa County, State of Oklahoma, according to the recorded Plat No. 3031, LESS AND EXCEPT the South Fifty (50) feet thereof, and LESS AND EXCEPT the East One Hundred Thirty (130) feet thereof, and LESS AND EXCEPT a strip, piece or parcel of land lying in part of Lot Three (3), Block One (1), LOWRANCE SQUARE, being more particularly described as follows, to-wit: Beginning at a point on the present Easterly Right of Way line of Interstate Highway No. 44, a distance of 142.42 feet Northeasterly of the point where said Right of Way line intersects the South line of said Lot 3; THENCE Northeasterly along said Right of Way line and the West line of said Lot 3, a distance of 100.00 feet; THENCE South 41°30'16" West a distance of 99.42 feet to the Point of Beginning; also LESS AND EXCEPT Beginning at a point on the Easterly right of Way line of Interstate Highway No. 44 and the West line of said Lot 3, a distance of 432.87 feet East and 449.92 feet North of the Southwest Corner of said Lot 3; THENCE Northeasterly along said Right of Way and Lot line a distance of 15.00 feet to a jog in said Right of Way and Lot line; THENCE Southeasterly along said jog a distance of 40.00 feet; THENCE South 47°39'49" West a distance of 15.00 feet; THENCE North 42°20'11" West a distance of 40.00 feet to the Point of Beginning.**

A tract of land lying in Lot Three (3), Block One (1) LOWRANCE SQUARE, a Resubdivision of Morgan Square and a part of the SE/4 of the SW/4 of Section-5, T-19-N, R-14-E, Tulsa County, State of Oklahoma, according to the recorded Plat No. 3031, being more particularly described as follows, to-wit; Beginning at the Northeast Corner of said Lot 3, Block 1, of LOWRANCE SQUARE; THENCE South 00°37'33" East along the East line of said Lot 3, a distance of 50.00 feet; THENCE South 89°22'27" West a distance of 57.93 feet to a point on the Westerly line of said Lot 3; THENCE North 48°34'30" East along the Westerly line of said Lot 3, a distance of 76.52 feet to the Point of Beginning.

**PARCEL 2:**

Lot One (1), Block One (1), ELEVEN TRADE CENTER, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

**OTHER BUSINESS**

None.

\* \* \* \* \*

**NEW BUSINESS**

None.

\* \* \* \* \*

**BOARD MEMBER COMMENTS**

Mr. Brown asked that in the upcoming Board Work Session that the subject of the small print on the plans could be enlarged up so they can be read.

\* \* \* \* \*

There being no further business, the meeting adjourned at 2:16 p.m.

Date approved: \_\_\_\_\_

9/13/2022



Chair