

CITY OF TULSA BOARD OF ADJUSTMENT
Minutes of Meeting No. 1319
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, July 11, 2023, 1:00 P.M.

Meeting No. 1319

Members Present

Radney, Vice Chair
Wallace
Barrientos
Stauffer

Members Absent

Bond, Chair

Staff Present

A. Chapman
S. Wallace

Others

A. Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk’s office, City Hall, on July 6, 2023, at 4:45 p.m.

Ms. Radney called the meeting to order at 1:04 p.m.

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

MINUTES

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Stauffer, Barrientos, Wallace, Radney “ayes”, no “nays”; no “abstentions”, bond “absent”) to **APPROVE** the **Minutes** of April 25, 2023 (Meeting No. 1315)

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Wallace, Barrientos, Stauffer, Radney “ayes”, no “nays”; no “abstentions”, Bond “absent”) to **APPROVE** the **Minutes** of May 9, 2023 (Meeting No. 1316)

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Wallace, Barrientos, Stauffer, Radney “ayes”, no “nays”; no “abstentions”, Bond “absent”) to **APPROVE** the **Minutes** of May 23, 2023 (Meeting No. 1317)

Unfinished Business

23530 – Nathalie Cornett

Action Requested:

Special Exception to permit a Small (up to 250-person capacity) Indoor Commercial Assembly and Entertainment use in the CS District serving alcohol within 150-feet of a residential zoning district (Sec.15.020, Table 15-2); Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces (Sec. 55.050-K) Location: 1330 E. 15th St. (CD 4)

Presentation:

Nathalie Cornett, 2727 E. 21st St., Ste. 200, stated that last meeting was a little robust but with there being two new board members present she would keep her comments brief and try to give an overview of what is happening. The first special exception pertains to the Lincoln Plaza at the southeast corner of 15th Street and Peoria Avenue, where Jason's Deli, Chimi's, and Nola's are located. On the second floor above Nola's, they want to open an event center. It is permitted there by right because of its size; however, it is located within 150 feet of an RM2 district directly east of it and Marquette School. That had triggered a Special Exception for the event center to serve alcohol.

The second special exception is to permit an alternative parking ratio for the entire Lincoln Plaza of 230 parking spaces, which is what currently serves the center. For retail centers like this, required parking is always a moving target because parking spaces depend on use. Each tenant had its own number of parking spaces and that required parking number changes as the tenant changes. This parking lot had had numerous variances and special exceptions granted in the past to address parking in the entire center and parking for individual tenants, so instead of seeking another parking variance for the center, they would like to establish an alternative parking ratio of 230 parking spaces.

Ms. Cornett indicated that she was asked at the last meeting to bring a letter of agreement to the board to show that the parking situation would be able to be resolved. She brought an agreement from Christ the King Church to use one of the parking lots to use for the valet parking.

Ms. Cornett indicated that there were concerns from neighbors with even having an agreement with Christ the King Church, since they already struggle with parking, asking what would happen if they had a funeral or a service on the day of an event. To address that, another letter of agreement was given to the event center from the Tulsa Fertility Center at 15th and Boston, which would allow traffic to be away from Cherry Street.

Ms. Radney asked Ms. Cornett what events would be happening at the event center.

Ms. Cornett stated that it would be private events that would be booked through a third party (Watershed Hospitality). Some of the things that may be booked include catered business lunches, cocktail parties in the evening, or a reception.

Tom Prikner, 1336 E. 15th St., with Watershed Hospitality, stated that that this will be a small event center that is only about 2,500 square feet of usable space that people would be in. He stated that it was originally an office building, so there is a small catering kitchen. The other rooms would be for storage, and the part that they would be using frequently is a small conference room where business lunches will be held.

Ms. Cornett stated that she is happy to answer any further questions that the board may have.

Mr. Wallace thanked Ms. Cornett for bringing the letter of agreement to the board.

Interested Parties:

Terry Eichor, 1601 S. Quaker Ave., stated that he would like to look at the agreement that was given to the board, because he never heard anything about this. He mentioned that in looking at the agreement, he does not see a signed agreement and asked if it had been filed with the county clerk land management division.

Ms. Cornett stated that it had not been filed with the county clerk.

Mr. Eichor stated that it is not enforceable then, which brings up a concern to him. He reiterated that there is an overflow of traffic in that area and in the neighborhood. He appreciates that Ms. Cornett took the time to get these agreements but believes that since it is not signed nor filed that it is not enforceable. Another concern of his is that the Tulsa Fertility Center is a long uphill walk and people would not want to park there and then walk all the way to the event center. He stated that he is still opposed to it.

Denise Da Ros-Voseles, 1308 E. 16th St., stated that in the neighborhood there are duplexes, single family dwellings, and other dwelling places that allow for parking to already be an issue. She stated that she walks in that area with her dogs three times a day and she has seen the workers from the different areas park in the street, which causes a safety problem. Not only is she concerned about parking but also about the trash that is in that area.

Shelby Navarro, 1434 S. Quincy Ave., stated that there is a real issue with parking as well as noise issues in that area. He stated that there is already an event center that is about 700 feet away from this one. He stated that he is grateful for the plan parking plan that Ms. Cornett presented but added that he is concerned about the allowance of alcohol. He stated that there are already several businesses in this area that serve alcohol, and just adding more and more is a bit scary for him. He stated that he is also concerned about the noise that this may bring. He stated that if everything goes through and there are problems with parking agreements, or the event center is a problem, it is hard to fix anything, especially if it goes through a process such as this.

Rebuttal:

Ms. Cornett clarified that the fertility center would not be a place for the people to park to then walk to the event center, but that valet would be parking the cars at the center, or shuttle service would be provided. She stated that speaking to the owner of many of the businesses on Cherry Street, she understands that there are problems with parking. While that is true, the owner would like to see the area continue to prosper. She stated that problem with parking in this area is not something that is just a recent thing, but it has been for decades. She stated that we should not just freeze or become paralyzed by the parking issues to state that nothing else should be in this location.

She stated that she does feel like everything that was brought to the table does satisfy what is required for an alternative compliance parking.

Comments and Questions

Ms. Radney asked Ms. Cornett if she is now requesting that the alternative compliance parking ratio be limited to the event center, and to clarify the address to the event center.

Ms. Cornett stated that yes, it is limited to the event center and the address is 1336 E. 15th St., but she does not know what the suite number is.

Ms. Radney asked if everything will be contained on the third floor.

Mr. Cornett stated that yes, everything is on the third floor.

Ms. Radney asked if there are any other binding agreements other than what is provided.

Ms. Cornett stated the letters that were given to each board member is all that she had.

Ms. Radney asked how many parking spots the church would provide for the event center.

Ms. Cornett stated they would make the east parking lot available at any time if it is not used by the church at the time.

Mr. Wallace stated he had a hard time with the parking lot at the church, but he does feel the other parking lot is more of an agreement which can be binding.

Ms. Cornett stated that her conversation with the pastor of the church was that they offer this accommodation to a lot of businesses in the area, so they do not have written agreements with the other businesses as far as she knows, but it is something they will offer.

Ms. Radney asked if the fertility center had agreements with any other businesses that she knows of.

Ms. Cornett stated that they do not.

Ms. Radney stated to the board that she does not feel like the church is a good option for this agreement, but it would be more convenient for everyone who would be visiting this site.

Mr. Barrientos stated he would like to see more of a binding agreement than what had been provided.

Ms. Stauffer stated that she would be inclined to allow the exception because the alternative is that people would then not go to these spaces and then the area fails, which would be more of a detriment to the area. Ms. Stauffer closed by stating everything that was presented by Ms. Cornett sounds reasonable.

Mr. Barrientos asked the board staff if they could limit the event center to 100 people.

Mr. Chapman stated that yes it can be limited to that number of people, but that the board would need to make sure the applicant would agree.

Ms. Radney stated that it should probably be limited to 150 maybe 200 to include staff and caterers.

Ms. Cornett stated that she would be inclined to 120 being the minimum and that 150 people would cover what would be at the event.

Mr. Wallace asked the board staff if they could make it a requirement to have a binding agreement with the Fertility Center.

Ms. Blank stated that it can be referenced as the conceptual sight plans are referenced, but it is not something that the city would be enforcing.

Mr. Wallace stated that he would feel more comfortable with allowing this, but it would need to be more binding. He stated that he understands the neighbors on the parking situation, since he has parked here. It is a thriving location and with all the known situations regarding parking, he would feel more comfortable if there were a binding agreement that could be made on the terms of allowing this to happen. He continued to say that there must be something that needs to happen with the parking situation, especially if this area is going to continue to thrive, as well as make the neighbors happy and the businesses happy.

Mr. Barrientos stated that he agrees with the statements made by Mr. Wallace on needing something more concrete to do with the parking situation.

Ms. Radney stated that if there is an agreement for at least three years with the fertility center, then she would be inclined to allow the special exception.

Ms. Cornett stated that she would be happy to get an agreement that is more of a contractual agreement than the letter agreement that was given to the board. She stated that if she needed to provide something more concrete and binding, she would ask the board to state in the motion that they would need to get this contract before a permit is allowed to be given to start the project. This way they are not held up with something that would cause them to have to come back to the board.

Ms. Radney stated that if they can put something in motion which allows them to have a contractual plan, then she would be willing to vote today.

Mr. Barrientos stated that he would be willing to vote today as well.

Ms. Stauffer stated that as they write the motion, she would like to thank all those who have come multiple times to speak on this case, and to thank the applicants for being creative in coming up with different solutions to try to help with the parking situation.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 3-1-0 (Stauffer, Barrientos, Radney, “ayes”; Wallace “nay”; no “abstentions”; Bond “absent”) to **APPROVE** a Special Exception to permit a Small (up to 250-person capacity) Indoor Commercial Assembly and Entertainment use in a CS District serving alcohol within 150 feet of a residential zoning district per conceptual plans shown on page 4.10 of the agenda packet, limiting occupancy to 160 people, and subject to the property at 1336 E. 15th St. on the third floor.

On **Motion** of **Barrientos**, the Board voted 4-0-0 (Stauffer, Barrientos, Wallace, Radney, “ayes”; no “nays”; no “abstentions”; Bond “absent”) to **APPROVE** a Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces per the conceptual plans shown on page 4.10 of the agenda packet, limited to the address 1336 E. 15th St. on the third floor, limited to three years, and subject to providing a fully executed contractual agreement providing 30 spaces at any time and accommodations for a parking shuttle and/or valet services over 50 occupants.

The Board finds that the requested Special Exceptions would 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:

Lots Three (3), Four (4), Five (5) and Six (6), Block Six (6), AMENDED PLAT OF MORNINGSIDE ADDITION to the City of Tulsa, Tulsa county, State of Oklahoma, according to the Recorded Plat thereof; AND Lots One (1) through Sixteen (16) inclusive, Block Eight (8), and the vacated alley lying within said Block Eight (8), ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa county, State of Oklahoma, according to the Recorded Plat thereof; AND The West Half (30') of Vacated Quaker Avenue lying adjacent to the East line of Block Eight (8) from 15th Street to 16th Street, ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof; AND The West Fifteen (15) feet of Lots Nine (9), Ten (10) and Eleven (11), Block Seven (7), ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, AND the East Half (E/2) of Vacated South Quaker Avenue between 15th Street and 16th Street lying adjacent to the West line of said Lots 9, 10, and 11, Block 7.

23541 – Twister Concrete Work

Action Requested:

Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) **Location:** South of the SE/c of E. Tecumseh St. and N. Xanthus Ave. **(CD 1)**

Presentation:

Luis Garza, 1815 S. Xanthus Ave., speaking through an interpreter, stated that his client is requesting a double entrance into the residence, and is asking for a special exception since it would be over the amount that is permitted.

Ms. Radney asked if the extended driveway would look like the conceptual plans shown on 5.7.

The interpreter clarified that the properties are side by side.

Ms. Radney asked if the board members had any questions for the applicant.

Mr. Barrientos asked for the purpose of the second entrance.

Mr. Garza stated that the reason for the other entrance is because in the future he wants to build a shop on the property. The shop would be for extra storage.

Mr. Wallace asked if there is an existing curb cut.

Mr. Garza stated that there is one.

Comments and Questions

Mr. Wallace stated that he would be fine with them approving the special exception since they would just be resurfacing the driveway that was already there at one point.

Mr. Barrientos asked if the applicant would need any licensing with the city.

Mr. Chapman stated that they there were in the process of getting the licensing when they were told that they needed to go to the board to ask about the special exception for the driveway.

Ms. Radney asked Mr. Chapman regarding comments on the plans to lengthen the driveway.

Mr. Chapman stated that he wrote that in the plans so nothing would be confused about what exactly they wanted. They would be extending the driveway and utilizing what is already there from the previous driveway.

Board Action:

On **MOTION** of **Wallace**, the Board voted 4-0-0 (Barrientos, Radney, Stauffer “ayes”; no “nays”; no “abstentions”; Bond “absent”) to **APPROVE** a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) per the conceptual plans shown on page 5.6 of the agenda packet.

The Board finds that the requested Special Exception would 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:

W 140 OF S 200 LT 8 & E 60 OF S 200 LT 9 BLK 5, CONSERVATION ACRES SUB CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

New Applications

23542 – Dodson Building Group Inc

Action Requested:

Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) **Location:** 4339 S. Atlanta Ave. **(CD 9)**

Presentation:

Rick Dodson stated that the applicant/address that he is representing for is Micheal Manley. The property had been with the Manley family since 1957. The house was then removed in 2022 due to several safety concerns, and a civil engineer was hired to draw the plans for the new home which would sit 3 to 4 feet above the street level. For safety purposes, a circle driveway had been drawn out for the home that would allow vehicles to enter and exit safely. The hardship is that with the zoning code in place it would not allow them to extend the driveway to allow for safety and convenience for the home.

Comments and Questions

Ms. Bradley asked Mr. Dodson if double curb cut is something that is a normal practice in the neighborhood.

Mr. Dodson stated that there are several properties that indeed do have double curb cuts that were probably done in the 50's and 60's.

Mr. Wallace stated that he had no issue with allowing them to receive the exception, since there are several other properties who have the same layout that Mr. Dodson is requesting.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Stauffer, Barrientos, Wallace, Radney “ayes”; no “nays”; no “abstentions”; Bond “absent”) to **APPROVE** a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3), per the conceptual plans shown on pages 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 would not be injurious to the neighborhood or otherwise detrimental to the public welfare, for the following property:

LTS 7 8 BLK 1, SKYVIEW ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23544 – Chris Stevens

Action Requested:

Special Exception to permit a Small (up to 250-person capacity) Indoor Commercial Assembly and Entertainment use in an IL District (Sec.15.020, Table 15 2) **Location:** 6504 E. 44th St. **(CD 5)**

Presentation:

Chris Stevens, 6504 E. 44th St., stated that he is requesting an indoor commercial assembly and entertainment facility that would include archery. He stated that this would not be a nuisance to any of the other businesses that are currently surrounding the building. Mr. Stevens stated that during the daily business hours he is not planning on more than 50 to 60 people at a time. The busy hours would be during evenings and on weekends, while all the other businesses surrounding the property would be closed. The facility would provide four rows for archery, corn hole, and shooting simulators. The hours of operation would be 9 a.m. to 9 p.m. Tuesday through Friday, 8 a.m. to 9 p.m. on Saturday, and noon to 6 p.m. on Sunday. Steven stated that the owner of the unit is the property owner for the whole complex, which means customers would be able to park wherever they choose.

Ms. Radney asked how many parking spaces are on the property.

Mr. Stevens stated that there are about 100 parking spots.

Mr. Wallace asked if there would be 250 people in the facility at one time.

Mr. Stevens stated that there would probably never be that many people inside the facility.

Mr. Chapman clarified that there are only two classifications for (person capacity) and that is either (up to 250) or over (250). A special exception is required since this property is zoned industrial.

Comments and Questions

Ms. Radney stated that she is inclined to support the exception but that it would be limited to what it is described as.

Board Action:

On **MOTION** of **Stauffer**, the Board voted 4-0-0 (Wallace, Barrientos, Stauffer, Radney “ayes”; no “nays”; no “abstentions”; Bond “absent”) to **APPROVE** a Special Exception to permit a Small (up to 250-person capacity) Indoor Commercial Assembly and Entertainment use in the IL District (Sec.15.020, Table 15 2), described as an indoor sports facility per the conceptual plans shown on pages 7.8 and 7.9 of the agenda packet, limited to suite B.

The Board finds that the requested Special Exception would 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 58 THRU 68 BLK 1, KATY FREEWAY INDUSTRIAL PARK ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23545 – Raul Cisneros, Jr.

Action Requested:

Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5) **Location:** 1746 S. Jamestown Ave. (CD 4)

Presentation:

Jose Gomez, 8306 N. 52nd W. Ave., stated he is requesting a special exception for a duplex in an RS-3 District. Gomez stated that they have several duplexes north and south of where this property is located. With them building these duplexes, they would be following RS-3 district variances and zoning laws that would apply if it was to be a house. Mr. Gomez stated that these duplexes would be 3-bedroom 2 bath on each side with more than likely two cars per unit.

Ms. Radney asked the city if it was okay for the cars to be stacked one behind another or that one be in the driveway and one be on the street.

Mr. Chapman stated that if the 2 cars are serving the one unit, then both would be acceptable.

Ms. Radney asked if the current house is going to be demolished or if it already is.

Mr. Gomez stated that it would have to be demolished to construct the duplex, but it currently is not.

Mr. Barrientos asked if the duplex would have one story or two.

Mr. Gomez stated that it would be a two story.

Mr. Barrientos asked if there are any two-story homes in this area.

Mr. Gomez stated that yes there are two story homes in this area, and even the home that is north to this property is a two-story home, which was built by his company.

Ms. Stauffer confirmed that there are several two-story duplexes in that area.

Ms. Radney asked Mr. Chapman if all that is required is two parking spaces per unit.

Mr. Chapman confirmed, stating that duplexes require two parking spaces per unit, so in total, four parking spaces are required for each duplex.

Interested Parties:

Carolyn Harris, 1747 S. Knoxville Ave. stated that her concern is that this home was built as a single-family household but now with almost the same layout, it would be a duplex with several family members. It is a concern of hers that there probably won't just be two cars per home, and that there is a school close to this property.

Comments and Questions:

Mr. Wallace stated that he knows people who live in this area as well as knows the area well, and this area had for the most part always had duplexes. He is in support of the duplex but would like to hear the others view.

Ms. Radney stated that well-constructed duplexes are much needed in our town as the pricing of property had risen, but that she also had concerns about parking, especially with the size of unit that is presented.

Mr. Wallace stated that in some of the letters that he read, people mentioned that Tulsa is running out of dwelling places, and we need duplexes for our town, especially if they are affordable.

Ms. Stauffer stated that she is leaning toward saying yes to the special exception, and that she does not feel as though duplexes are a hurt to the neighborhood. There are several duplexes in this neighborhood and parking requirements are met. She stated that we cannot predict how many cars are going to be at each property, and that it is not what the board is there to do.

Mr. Barrientos stated that he is personally involved with a duplex close to this area and he does not see any issues with it being built as a duplex.

Ms. Radney closed the discussion by saying that at the time we are living in, especially the younger generation, people are tending to have fewer and fewer cars. So, with that in mind, she is inclined to grant the special exception.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Stauffer, Barrientos, Wallace, Radney “ayes”; no “nays”; no “abstentions”; Bond “absent”) to **APPROVE** a Special Exception to permit a duplex in the RS-3 district per conceptual plans on page 8.7 of the agenda packet.

The Board finds that the requested Special Exception would 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 11 BLK 1, SUNRISE TERRACE SECOND ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23548 – Joseph L. Hull, IV

Action Requested:

Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot (Sec. 50.030-F.2.C) **Location:** 35 E. 18th St. **(CD 4)**

Board Action:

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Stauffer, Barrientos, Wallace, Radney, “ayes”; no “nays”; no “abstentions”; Bond “absent”) to **Continue** the requested Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot (Sec. 50.030-F.2.C) until the August 8th meeting, for the following property:

LT 7 BK 2, STUTSMAN ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23549 – Criminal Justice and Mercy Ministries of Oklahoma, Inc.

Action Requested: Special Exception to permit a Transitional Living Center Use in the RS-3 (Table 5.020, Table 5-2); **Location:** 5707 S. Memorial Dr. (CD 7)

Presentation:

Meredith Monaco, 1200 Sovereign Row, Oklahoma City, stated that the subject property was formerly a nursing home, and that the property has been vacant and in bad condition for several years now. The owner of this property stated that no one has inquired about this property or is even interested in doing anything with it. She explained that their business has existed for 30 years, and it offers a 6-month program for a small group of people who have applied and then recommended by the Department of Corrections. They are non-violent offenders, or sexual offenders but are people who truly have a desire to change. The rate for reoffending offenders for this program is 3.1%.

She stated that she is a board member of this program and had been a real estate attorney for 12 years and worked in multi-family housing property management for 20 years. She explained that what she has seen through evictions is that people end up moving into an apartment originally not on the lease. They have no way of getting into an apartment after they were released from prison, so they end up being homeless or finding a friend's couch, because they do not have many housing options.

She explained that people who are accepted into the program are they not only highly screened on whether or not they would like to complete the program but while they are in the program for the 6 months, they live rent free, but they provide \$450 per month into a savings account that they will get back after they complete the program successfully. If they leave early, they will still get their money. There are a few requirements that they must meet to stay in the program; have a job, go to a religious service twice a week, and attend meetings for AA, etc.

She stated that she manages three apartment complexes in Tulsa, and they do not accept those with felonies or criminal backgrounds, but they do accept those who have been through this program. She stated that they have never had a problem with them personally or even with paying rent but rather they have been examples to the neighbors around them. She stated that this program has allowed them to not only be good neighbors but to also begin the process of getting their children back.

She explained that there is a great need for programs such as these in Tulsa. The building they are looking at is dilapidated and many people are not looking to even spend their money on bringing it back up. She stated that it is located next to a funeral home and a cemetery and that behind the property there is a large piece of land which gives a buffer to the homes, which would not cause any type of problems for the neighborhood, but instead, it would help the area since they would be revamping the property. She stated that they have several transitional living locations in other places, and they have never been a hurt to the neighbors surrounding the area.

Ms. Radney asked if they want to revamp the building but not necessarily build or construct anything new.

Ms. Monaco indicated that is correct, but if they were given the special exception, they would have to add an additional five parking spaces to the property. There is additional pavement already in place, it just doesn't have the lines present.

Ms. Radney asked how many beds/people they thought that would be there.

Ms. Monaco stated that there would be around 30 to 40 beds. They have several people getting their children back, so they may need a couple more spaces that could be more like family rooms.

Ms. Radney asked if there were going to be different genders at this location.

Ms. Monaco stated there would be different genders, but they would be separated by the 3 wings. There would be a female wing, a male wing, and a family wing. She stated that most of their locations are mixed but separated into different areas, and they have never had issues with it.

Ms. Stauffer asked Ms. Monaco to show where the additional parking spots would be.

Ms. Radney asked whether they were to add the additional parking spots, there would still be enough room for a playground or an area where a family could gather.

Ms. Monaco stated there would still be plenty of room for a playground.

Mr. Wallace asked if Ms. Monaco would be able to explain the process that occurs when someone gets released, and how they find this service.

Ms. Monaco stated that Keith Dobbs, the executive director, would be the one to answer these types of questions.

Keith Dobbs, 2624 E. Newton St., stated that when an individual is a year out from being discharged from prison, they must do an interview with CJAMM while they are still incarcerated. They are required to meet all the criteria established by the program, then they are given an offer letter, and once they arrive at the facility, they do a UA instantly. They are required to be clean and sober for a year before they are accepted and are given random drug tests the entire 6 months that they are in the program. They are then taken to get their ID, food stamps, and a government phone. Mr. Dobbs stated that they have identified employers who would allow those with felonies to be hired. They are required to work 40 hours a week, perform community service, attend two faith meetings and three support meetings per week, and complete one-on-one counseling.

Mr. Dobbs stated that the requirements that they have there are stricter than if they were just to live in an apartment once they got out of jail.

Mr. Dobbs stated that they work with the court to help those that have fees, and many times the court will defer the payments or even forgive them when they graduate from the program, because the court understands how intense the program is.

Mr. Dobbs stated that as participants are ending their time in this program, they begin to look for permanent housing. Mr. Dobbs referred to what Ms. Monaco stated about giving back the money they have saved in that last 6 months to use as a down payment.

Mr. Dobbs stated that most of the people that are in the program do not have a vehicle, but they use public transportation to get around. He stated that there is a bus stop right across the street from the facility they are inquiring about. He indicated that they also have a 10 p.m. curfew, and if participants are not there on time or if they test positive for drugs, there is zero tolerance, and they are removed from the program.

Mr. Wallace asked where they go if they are removed from the program.

Mr. Dobbs answered that they help them transition to another location that had a different program, and that go to Oxford houses in Tulsa. They are taken to this location by staff if they decide they want to go. He stated that the apartments are not government owned but are sponsored by churches or even nonprofit groups so whatever content that they had they are able to take it with them.

Mr. Wallace asked where the Oklahoma City location is located.

Mr. Dobbs stated they are in the Paseo District (433 NW. 25th St.), adding that they have been there for 25 years.

Ms. Radney asked what the recidivism rate is.

Mr. Dobbs answered that the recidivism rate is 3.1%, which is better than any program in the state of Oklahoma, and maybe in the whole country.

Ms. Radney stated that she understands that this program offers a reuniting of children, and asked if it offers a reuniting of couples as well.

Mr. Dobbs stated that very rarely do they see a reuniting of couples, but mostly custody of the child since they work very closely with DHS.

Ms. Radney asked if they offer therapeutic services for the children.

Mr. Dobbs stated that they do not, but they contract out if they are needed, adding that the site manager and case manager are always there, working closely with getting the children back to their parents when they are in the program.

Frankie Long, 2624 E. Newton St., the case manager for the program, stated that she works with others to help with any kind of treatment that the children may need.

Ms. Long stated that she works very closely with the DHS managers to find other programs to unite families to come back together.

Ms. Radney stated that it seems the program is a community-based place where they are a part of a wrap around 360° set of services.

Ms. Long stated that is more or less how they try to do it. She stated that they work with the parole officer making sure that they are on site, as well as ensuring the clients understand that they are accountable for their actions.

Mr. Barrientos asked what they have heard from the neighbors in the area that are surrounding this facility that they are requesting an exception for.

Mr. Dobbs stated that he had not heard from anyone behind the property, but he had heard from the people across the street. He explained that he has heard comments about this building being a place people have used to sleep and charge their cell phones, so the owner has turned off the electricity.

Mr. Barrientos asked if he knows how many transitional living locations there are in Tulsa.

Mr. Dobbs stated that he does not know, but when he had gone to the prisons and done interviews, he had learned that they are one of the few places that do reunification with children.

Mr. Wallace stated that he is trying to understand 3.1% of the people they mentioned before.

Ms. Radney answered by saying that percentage is those who reoffend.

Mr. Wallace asked what the dropout rate is.

Mr. Dobbs stated they do have a dropout rate, and there are those that do reoffend or go back to using drugs, but if they began using, they would be asked to leave the program and taken to a different location if they choose.

Interested Parties:

April Hubler, 5630 S. Memorial Dr., stated that she does not disagree with what the program is providing but her concern is whether the city will give the businesses extra protection. She stated that Key Elementary School is down the street, she calls the police about 3 times a week to remove homeless

people that are around the school. She stated that her main concern is about what happens when 3.1% of people do not make it through the program or drop out, and asked what will then happen. She stated that it would not help the area but make it worse. She stated that as of now they do not get the relief that they need, so if this were to come in, she does not feel that they would get more relief.

Ms. Radney responded to Ms. Hubler, stating that she empathizes with her. She stated that where she lives, she is very close to several hospitals and for some time they have dealt with transients with mental health issues. She continued, stating that too much isolation is not therapeutic but also those that are close and even adjacent to this property would like to provide moral support, but on the other hand do not want to be an any danger. She stated that if the property is no longer vacant it changes the environment of the area and alleviates some of the concerns that were brought to the board's attention.

Ms. Hubler stated that the city has the power to take this property back, but if the city gives this opportunity to these types of people, and the area does get worse, then it should be granted more protection for the adjacent properties.

Ms. Radney stated that is why it is very important that people come out and give their opinion. She stated that she knows it is a sacrifice to be there and she thanked her for coming.

Frederic Schneider, 5111 S. Memorial Dr., stated that Memorial Park Cemetery was opened in 1927 on a 250-acre lot north of the facility. There are more than 90,000 Tulsans who have been buried at this location, hundreds of markers, and monuments that families have invested in to commemorate their loved ones. He stated that he is concerned that residents of this facility would enter the park from the south, because of the easy access shown on PowerPoint. He mentioned that Memorial Park is non-profit open to the public every day of the year during the day, but at night it is locked. There are security cameras that are present to make sure that no one comes onto the facility to do mischief to the markers, etc. He stated that they are experiencing quite a bit of people wandering through the park, but they have done their best in minimizing that by having bright lights to drive away people. He stated that with a facility such as what is proposed would cause this to worsen, because they would be able to jump over the fence and walk throughout the premises. He stated that he was the director of 12&12 for over 12 years, which he stated was also a transitional living facility. They had a problem with the participants coming in with contraband, drugs, and in violation of the rules that were set. He stated that he does not know much about the program, since they did not reach out to the cemetery. He stated that this is just in the wrong place and would adversely affect the public welfare of the institution that has been around for the past 100 years. He stated that currently the residents would have easy access to the cemetery, because the fence is down on the prosed property.

Ms. Radney asked if there was fencing on the proposed property.

Mr. Schneider stated that there was one but now it is down.

Ms. Radney asked if the fence was maintained by the property owner of the nursing home.

Mr. Schneider responded that the property owner of the nursing home did maintain the fence.

Ms. Radney asked if there is a fencing requirement for the cemetery.

Mr. Schneider stated that there is not a requirement, but they do maintain a fence that is further down east.

Ms. Radney asked if there are any other places where the fence is required to be.

Mr. Schneider stated that there is not but that there is fencing in some areas, hedges and other things that would impede people from coming through. He stated that if this were to go through then he would think that the board would require them to put a 10-foot fence, but more than even having a fence he stated that this kind of program or any such things should be in places that they belong, not in this area.

He stated that the applicant stated that there is a 3.1 recidivism rate, but the applicants have not mentioned the number of those that do not complete the program. When working with 12&12, he stated, unfortunately there were a lot of people who did not complete the program.

Carter Fox, 5757 S. Memorial Dr., stated that the funeral home objects the special exception. He stated that the zoning code does not allow for a transitional living facility to house participants for longer than 120 consecutive days. He stated that the applicant stated that the program is for 6 months, and it is not uncommon for it to go beyond the 6 months, which is a contradiction to what their request is for. He stated that the purpose of the program is noble and necessary in the city of Tulsa, and Oklahoma at large, but not appropriate right next to a funeral home and cemetery. He stated the framers of the zoning code understood that there were certain parts of the city where maybe these types of programs should not be located at.

Mr. Fox stated that the applicant has not shown how the special exception would be in harmony with the code. He stated that it is injurious to the neighborhood and detrimental to the public welfare as it relates to the neighborhood. Mr. Fox stated that he has been to Board of Adjustment meetings in the past and he understands that the board likes seeing what the applicant has done to gauge concerns, hear what the neighborhood have thought, but there was no communication, only the notice of the hearing. He stated that the first time he has heard the substance of the program is when the applicant had spoken.

Mr. Fox stated that the applicant stated that there have not been residents that have had problems, but there was no proof given to the board. Also, the applicant stated that residents do not have vehicles, and on the side of where the facility is on Memorial, there are no sidewalks. He stated there is no place for someone to walk but he is certain that they would be walking through the paved areas on their property. He stated that the funeral home conducts services on the property where the public mourn and grieve their loved ones. He stated that the applicant has stated that they are wanting to build a playground and have kids there with their families playing, but it would be only several feet away from the funeral home. He concluded by stating that it does not seem that the notice was given 10 days in advance of the meeting, but they were notified about 6 to 7 days before the meeting. He stated that he does not even know if the sign was even up 10 days in advance, as it is required.

Mr. Chapman addressed Ms. Radney and stated that it would be only right to hear from the applicant now, because if they are wanting for the residents to stay longer than what the code requires than it was misrepresented not in malice but a misunderstanding. He stated that the application may have to be withdrawn and re-noticed.

Ms. Radney thanked Mr. Chapman for the clarification and asked Mr. Fox what a funeral home is typically zoned as.

Mr. Fox stated that he does not know, but the funeral home has been there for a significant amount of time. He stated that before it was Schaudt's Funeral Service it was operated by another funeral home.

Rebuttal:

Ms. Monaco stated that she tried to write down all the concerns that the interested parties had and would do her best in responding to those. She stated that she would first like to take the concerns of the residents and the cemetery concerning the fence that is down. She stated that they would be fixing the fence and it was in their plans to do so. She stated that with the building being in operation and functional it would help rather than hurt the transients in that area.

Mr. Wallace asked Ms. Monaco if she could just jump to the 120 days portion.

Ms. Monaco stated that when she submitted the application, she was confused on which application to choose from and so she spoke to Nathan Foster in the planning office who guided her with what was submitted.

Mr. Chapman asked Ms. Monaco if the residents would be residing in the facility for more than 120 days.

Ms. Monaco stated that 6 months is the standard.

Mr. Chapman stated that he would recommend it to be continued until the August 8th meeting. He apologized for what happened but feels like it is necessary for the meeting to be continued. He stated that the notices will be sent in a timely manner. He told Ms. Monaco that he can speak to her tomorrow to go through the correct process, so the board can act properly on the matter.

Board Action:

On **MOTION** of **Stauffer**, the Board voted 4-0-0 (Wallace, Barrientos, Stauffer, Radney, "ayes"; no "nays"; no "abstentions"; Bond "absent") to **Continue** the requested Special Exception to permit a Transitional Living Center Use in the RS-3 (Table 5.020, Table 5-2) to the August 8th meeting for the following property:

BEG NWC SW TH E620.64 SW349.40 SW479.64 W104.88 N646.57 POB LESS BEG NWC SW TH S646.57 E60 N5 W10 N125 W5 N311.57 W10 N205 W35 POB & LESS BEG 45E & 250S NWC NW SW TH E332.21 SW.89 SW479.64 W44.88 N5 W10 N125 W5 N266.57 POB SEC 36 19 13 2.65ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23550 – Cyntergy/ Linda Waytula

Action Requested:

Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2) **Location:** NE/c of S. Braden Ave. and E. 51st St. S. **(CD 5)**

Presentation:

Linda Waytula, 810 S. Cincinnati Ave., stated that they are seeking a variance so that the drive-through would be able to face Braden. She stated that they have tried multiple layouts that would meet all the codes but with it being a drive-through facility they cannot meet the code. She stated that the layout that they are proposing minimizes the impact on neighbors, because it keeps the ordering point internal to the site. The order point to the building is on the east side and so the queueing would wrap around back to the north and then the drive through pickup window would be on the west side which then faces south Braden. She stated that the hardship is if they cannot get the variance, there would be no way the site could work. She stated that the layout of the plan would ensure that all the drive-through queueing would be off the street, and that that they heard from the apartment owner on the north, and they are in favor of this because of the transient issues. She stated that she drove by the property and there were quite a bit of tents against the retaining walls on the north.

Ms. Radney asked if there is a site plan that Ms. Waytula could provide that would show what it looks like if everything was up to code.

Ms. Waytula stated that she does not have one provided in the packet but that they have gone through at least a dozen site plan layouts, and no matter how the building is rotated there is no way for the drive-through to not be facing one of the streets. She stated that they felt as though this minimized the impact on the street by having the pickup window facing Braden.

Mr. Barrientos stated that there is an exhibit that has two businesses, and he would like to know if they are just looking at the building on the left.

Ms. Waytula responded by stating that it is only the business on the left that they want the board to look at, but what they have shown is the entire development that is going to take place.

Ms. Radney asked if there would be only one curb cut off 51st St. onto the property.

Ms. Waytula responded that there is already a curb cut in place and that they would just be widening it, that way there would be a right- and a left-hand turn.

Ms. Radney stated what she finds objectionable about the site plan is the two curb cuts on Braden as opposed to the two on 51st St., and asked Ms. Waytula to explain the logic.

Ms. Waytula stated that the curb cuts on Braden are already existing, and they are just being widened slightly, and she believes that if they were to add another curb cut on 51st St., they would be too close to the corner to allow for a curb cut that could serve both sites.

Ms. Radney stated that it just seems it would make the exits more problematic for the second building.

Ms. Waytula stated that their traffic would be entering and exiting off the 51st St. exit, but also adding that there is a center median issue which would cause the entrance and the exit to be right-in and right-out only.

Ms. Radney asked if the lot had already been divided, and if the properties were rotated at 90 degrees what would that look like.

Ms. Waytula stated that it has not been divided, and if they rotate 90 degrees, the ordering point would be on 51st St., and that option is a tight fit. She stated when trying that option, it is a very tight fit. In addition, the patio would be out in the front rather than the pickup line.

Mr. Barrientos asked Ms. Waytula to speak more on the hardship, and why the site orientation is unique.

Ms. Waytula stated that as mentioned before she had tried rotating the building and flipping it, but every orientation would have a drive-through facing a street. She stated that the orientation that they have presented meets most of the codes and is less intrusive.

Comments and Questions:

Mr. Wallace stated that the way that the code was written does not align with how fast-food restaurants have evolved. At the time the code was written, it was a one-sided perspective and written a lot simpler to accommodate what was used. He stated that now there are three-sided drive-throughs, and we are living in a different world. He stated that he does not like to go against what the code states, but in situations such as these there needs to be a more contemporary look at how fast foods operate. He stated he agrees with the variance, and that this would be a great infill to this side of town. He indicated that there are several similar restaurants in this area, and he understands that it is a little complicated with how the curb cuts are proposed, but he feels as though where the lot sits makes this kind of development difficult.

Ms. Stauffer stated that she agrees with Mr. Wallace about it being a little complicated, but it seems that it was very well thought out and it seems to be the least intrusive. She stated that she cannot see another way in which this would be able to work. She agrees that the code does not support the ever-evolving fast food restaurants and stated that she is inclined to support this.

Ms. Radney stated that this is a creative accommodation which she does not particularly care for, because of the concerns of the traffic flow. She stated that the drawings that were submitted only show one exit point on E. 51st St., which is an arterial street that has quite a bit of very fast-moving traffic. She stated that the board was not provided with different ways in which it would be up to code. She stated that the board has given exceptions to other locations, but they were provided with other ways in which it could be laid out. She understands that there are other fast-food locations that may be even more congested than what this would be, but all she sees is a safety hazard. She stated that currently she is a no, but she could be persuaded.

Mr. Barrientos stated that he agrees with Ms. Radney. He stated that his office is not very far from this location and from his observation he sees a lot of traffic collisions along 51st St. He stated that he would like to see other options for the site plan, especially the street side of 51st St., which now looks complicated.

Ms. Radney stated that there is a lot of traffic on S. Braden and a good amount on E. 51st St.

Mr. Barrientos stated that this is a perfect lot to build something since it has been vacant for a while now, but he wants to make sure that it would not affect the safety of the drivers in the area.

Ms. Stauffer stated that even if someone exits on Braden, it is almost impossible to turn going E. 51st St.

Mr. Barrientos stated that he would be inclined to continue this item, so they could give the applicant enough time to show different plans as well as getting the fifth vote in.

Board Action:

On **MOTION** of **Wallace**, the Board voted 4-0-0 (Stauffer, Barrientos, Wallace, Radney, “ayes”; no “nays”; no “abstentions”; Bond “absent”) to **Continue** the request for a Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2) to the August 8th meeting for the following property:

PRT LTS 17 & 18 BEG SWC LT 18 TH N22.41 SE19.60 SE216.56 E69.07 S7.42 W304.50 POB; LTS 17 & 18 LESS PRT BEG SWC LT 18 TH N22.41 SE19.60 SE216.56 E69.07 S7.42 W304.50 POB, CANFIELD SUB CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 4:45 p.m.

Date approved: 10-10-23

Chair: Alan Bond