



City of Tulsa Board of Adjustment

Minutes of Meeting No. 1345

Tuesday, September 10, 2024, 1:00 p.m.

Tulsa City Council Chambers, 175 E. 2nd St., Tulsa, OK 74103

The notice and agenda of said meeting were posted in the City Clerk's office on August 6, 2024 at 10:33 a.m.

Members Present: Barrientos, Bond, Radney, Stauffer, Wallace

Members Absent: None

Staff Present: Audrey Blank, Rebecca Surber-Cantu, Nathan Foster, Kim Sawyer

Speaker Key:

(+) indicates a speaker generally supportive of an item;

(-) indicates a speaker generally opposed to an item; and

(=) indicates a speaker generally neutral or who has questions about an item.

Motions and actions require an affirmative vote of three members. When there is less than a full Board, the Board may consider a request to continue agenda items to a later meeting date.

After declaring a quorum present, Mr. Bond called the meeting to order at 1:06 p.m.

Approval of Minutes

None

New Applications

BOA-23762

Location: 3740 East Admiral Place South

City Council District: 3

Applicant: Demarcus Bennett

Action(s) Requested: Special Exception to permit a large assembly and entertainment use in the CH district (Section 15.020, Table 15-2).

Board Comments

Ms. Radney disclosed that she and Ms. Lee, the applicant's architect, have been business acquaintances in the past but that she has no prior knowledge of this application, and she would not recuse herself from this item.

Presentation by Applicant

Kayla Lee, 616 South Main Street, Suite 112, explained that she and Demarcus Bennett are the architects for the project. Ms. Lee said that their client would like to serve alcohol in the new business and the City required them to obtain special exception approval because they are within one thousand feet of a residential area.

Speakers

None

Board Comments

Board members stated that they have no concerns about the application.

Board Action

Motion: Approve a Special Exception to permit a large assembly and entertainment use in the CH district, per the conceptual plans shown on pages 1.9-1.13 of the agenda packet.

Motion By: Barrientos

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

The Board finds that the special exception will be in harmony with the spirit and intent of the zoning code and that it will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Property Description

BLK 10 LESS W17.5 & ALL VAC ADMIRAL BLVD ADJ ON S LESS W13.6 THEREOF, MORGAN HEIGHTS FIRST ADDN

BOA-23763

Location: 3909 East 5th Place South

City Council District: 4

Applicant: James Griffin

Action(s) Requested: Special Exception to permit a dynamic display sign in a residential district containing a school use (Section 60.050-B.2.c); Special Exception to permit a dynamic display sign within 200 feet of residentially zoned lots (Section 60.100-F).

Presentation by Applicant

James Griffin, 11760 Skyline Drive, Collinsville, a representative of the sign company working on behalf of Tulsa Public Schools, explained that after the previous case for this sign was denied, Tulsa Public Schools worked to redesign the sign to match the architecture of the school. Upon questions by board members regarding the sign's brightness, Mr. Griffin explained that the sign will automatically adjust the brightness based on the outside light conditions, and that school personnel will have the ability to control the sign.

Speakers

None

Board Comments

The board reviewed written comments from neighbors, who had expressed concerns about brightness and hours of operation. Board members expressed concerns about the brightness of the sign as it relates to the houses across the street from the school. Ms. Radney asked if neighbors had been engaged in the design of the sign. Mr. Griffin said that he did not know of any such engagement. The board discussed the placement and orientation of the sign and expressed a desire to hear from school district representatives or their architect about the need for and location of the sign.

Mr. Griffin explained that representatives from the school district were delayed due to a scheduling conflict but could be at the meeting later in the afternoon.

To allow representatives from the school district time to arrive and respond to any questions or concerns, Mr. Bond asked the board if they would agree to continuing the case and moving the case to the end of the day's agenda, and hearing no objections, the case was continued.

Discussion of the case began again after case BOA-23767. Ms. Stauffer and Mr. Barrientos had been present for the first part of the case, but both had left the meeting by the time the case discussion resumed.

Applicant Comments

Ellen Duecker, 4444 South Oak Road, on behalf of Tulsa Public Schools, explained that the new sign will allow the school to communicate with parents in multiple languages, and the location of the sign was chosen because it is where most parents pass by. She explained that the signs automatically adjust the brightness according to ambient light and they selected a smaller sign for this location because of its proximity to homes.

Board Comments

Board members discussed neighbors' request for reduced hours of illumination for the sign, and Ms. Duecker said the school was open to reduced hours of illumination.

Board Action

Motion: Approve the Special Exception to permit a dynamic display sign in a residential district containing a school use; and Approve a Special Exception to permit a dynamic display sign within 200 feet of residentially zoned lots, per the conceptual plans shown on pages 2.11-2.14 of the agenda packet, subject to the condition that the hours of operation for the sign shall be from 7 a.m. to 8 p.m.

Motion By: Wallace

Ayes: Bond, Radney, Wallace

Nays: None

Abstentions: None

Absent: Barrientos, Stauffer

The Board finds that the special exceptions will be in harmony with the spirit and intent of the zoning code and that it will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Property Description

BEG 1219.4E & 25S NWC OF SW/4 TH S791 SW40.03 E1437.1 N826 TH W1417.08 POB LESS S35 FOR ST SEC 4 T-19-N R-13-E,
City of Tulsa, State of Oklahoma

BOA-23764

Location: 5310 South Peoria Avenue

City Council District: 9

Applicant: Brenton Wilson

Action(s) Requested: Special Exception to permit outdoor assembly and entertainment in the CS district (Section 15.020, Table 15-2); Variance to permit wall signs to exceed 3 square feet per linear foot of building wall to which they are attached (Section 60.080-B.1).

Presentation by Applicant

Brenton Wilson, 1418 East 53rd Place, and Heath Sharp, 13620 Lansing Avenue, Glenpool, explained that they work at Quickie Mart and that they received code violations and are applying for a special exception to continue to use the skateboard ramps on their property and a variance to allow their existing wall signs.

Board members asked Mr. Foster questions about the sizes of the signs and asked the applicant to provide a hardship for the variance. Mr. Wilson stated that he does not consider the graphics to be signs because they feature local skaters. Mr. Sharp explained that the graphics are replaced as needed, when they get ripped or graffitied over. Mr. Foster explained that they are considered signs in the zoning code and by code enforcement, and that there are many such violations across the city.

At the board's request, Mr. Sharp discussed fencing options, hours of operation, noise, lighting, and code violations. When asked by Ms. Radney what their hardship is, Mr. Sharp said that the windows were repeatedly broken so they were replaced with walls, and they added the graphics to make it look nicer.

Ed Taylor, 5310 South Peoria Avenue, stated that he is the owner of Quickie Mart, and that he considers the graphics on the wall as art and not a sign because they depict local skaters. Mr. Taylor explained that when he bought the building, there were glass panes where the graphics are now, but vandals kept breaking the glass, so he decided to put the graphics there instead and highlight local athletes.

Speakers

- (-) Marcel Eijkelenboom, 5327 South Owasso Avenue, stated that he is the neighbor west of the ramps. He stated when he moved into the neighborhood six years ago, the skate shop had very small ramps, but they have since installed larger ramps, and now the sound from the ramps is very loud, and when skaters are at the top of the ramp, they can see over the fence into his backyard. He stated that the skaters throw trash into his yard, play loud music, and yell at his family. Mr. Eijkelenboom stated that he has records demonstrating that he has called Tulsa Police Department and Code Enforcement at the City of Tulsa, both of which have given the owner citations.
- (+) Jacquallynn Maddox, 5345 East 95th Street South, stated that she supports Quickie Mart. She said that she has three sons and all of them have used the ramps at Quickie Mart. She stated that Quickie Mart does a lot of good for youth. She said that she understands it is loud and that sometimes things may get thrown into people's backyards, but if everyone works together, it can be made better.
- (-) Babar Saeed, 5308 South Peoria Avenue, said that he owns the building immediately north of Quickie Mart. He stated that he has owned the building for 13 years and has reached out to the Quickie Mart owner several times about the graffiti, trash, ramps, and all the other activities surrounding this property. He stated that the Quickie Mart owner and employees have said that those issues are out of their control. Mr. Saeed stated that his biggest concern is that Quickie Mart's parking lot is filled with skate ramps, which prevents their customers from parking in their own lot, and they then instead park on his property.

Applicant Comments

The applicant stated that he has trouble believing that there is that much interaction between the neighbors and the skaters. He explained that he has looked at their security cameras and cross-referenced the videos with the police report times and there were no skaters present.

Board Comments

Board members discussed the need for several improvements on the site. They expressed support for the Variance but wanted to continue the Special Exception to October 22, 2024 to allow the applicant time to create a site plan demonstrating where ramps and screening will be placed, along with a plan to address the nuisance complaints.

Board Action

Motion: Continue the Special Exception case to October 22, 2024, at which time the applicant must show a professional site plan design which includes a plan for screening, and that the applicant must address additional issues related to intensity of use such as number of skaters at site, the hours of operation, a plan for mitigating sound, and security at the site, including after hours.

Motion By: Radney

Ayes: Radney, Stauffer, Wallace

Nays: Barrientos, Bond

Abstentions: None

Absent: None

Board Action

Motion: Approve the Variance to permit wall signs to exceed 3 square feet per linear foot of building wall to which they are attached, from 240 square feet to 701.69 square feet on the east façade and from 180 square feet to 200 square feet on the north façade, on the condition that any future graphics must be the same type as shown on page 3.11 of the agenda packet and must not contain the Quickie Mart logo. The Board finds the hardship to be that the building was originally constructed with a significant amount of glazing on the outside surface, and the occurrence of vandalism.

Motion By: Radney

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

In granting the Variance, the Board finds that the following facts, favorable to the property owner, have been established: 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; that literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose; 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; that the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner; That the variance to be granted is the minimum variance that will afford relief; 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 that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code or the comprehensive plan.

Property Description

N 70' LT 20 & ALL LT 21, BLK 4, Houstonia Home Sites, City of Tulsa, Tulsa County, State of Oklahoma

Because of quorum concerns, agenda items were taken out of sequence. BOA-23768 was heard next.

BOA-23765

Location: 123 South Gilcrease Museum Road

City Council District: 4

Applicant: Whitney Finch

Action(s) Requested: Variance to permit parking of recreational vehicles on a surface other than one consisting of a dustless, all-weather surface (Section 55.090.F.2).

Presentation by Applicant

None

Speakers

None

Board Comments

None

Staff Comments:

None

Board Action

Motion: Continue the case to October 22, 2024.

Motion By: Radney

Ayes: Bond, Radney, Wallace

Nays: None

Abstentions: None

Absent: Barrientos, Stauffer

BOA-23766 was heard after this item.

BOA-23766

Location: 6262 South Sheridan Road

City Council District: 9

Applicant: Aristocrat Manor, LLC

Action(s) Requested: Special Exception to permit an Assisted Living Facility in the RS-3 district (Section 5.020, Table 5-2).

Presentation by Applicant

None

Speakers

None

Board Comments

None

Board Action

Motion: Continue the case to October 8, 2024.

Motion By: Radney

Ayes: Bond, Radney, Wallace

Nays: None

Abstentions: None

Absent: Barrientos, Stauffer

BOA-23767 was heard after this item.

BOA-23767

Location: Southeast corner of East 36th Street North and North 141st East Avenue

City Council District: 3

Applicant: Peter Schultze, Waste Management of Oklahoma

Action(s) Requested: Special Exception to permit a major utility in the IH district to allow a sanitary landfill and renewable natural gas facility (Section 15.020, Table 15-2).

Presentation by Applicant

Karl Fritschen, with Wallace Design Collective, 123 Martin Luther King, Junior Boulevard, explained that the request to allow a sanitary landfill is in harmony with the spirit and intent of the zoning code, and detailed operations of the facility that would allow the operator to recapture natural gas. He indicated that the comprehensive plan supports the proposed use and that there is an existing landfill north of this site.

Speakers

- (-) Jack Seawright, 6738 West Cameron Avenue, stated that once the landfill is issued a permit, they can haul in waste from other states. He would like to know the intent of enlarging the facility.
- (+) Guy Campbell, 4041 North 141st East Avenue, stated that he is the Engineering Manager for Waste Management of Oklahoma. He stated they have been operating for 35 years and that the intent is to expand the landfill to the south of the existing operation. He explained that they can haul in up to 200 tons of waste from other states per day, and that limit is approved by the Oklahoma Department of Environmental Quality (ODEQ). Mr. Campbell stated that the intent is to do business with the surrounding communities they currently serve.

Board Comments

The Board expressed concern about whether the City of Tulsa needed another landfill and expressed a desire to continue the case to allow the City to attend and answer questions.

Board Action

Motion: Continue the case to October 22, 2024.

Motion By: Radney

Ayes: Bond, Radney, Wallace

Nays: None

Abstentions: None

Absent: Barrientos, Stauffer

Case BOA-23763 was heard after this case.

Mr. Wallace recused himself from BOA-23768.

BOA-23768

Location: 3910 North Park Road East

City Council District: 1

Applicant: Travis Hulse, City of Tulsa

Action(s) Requested: Special Exception to allow a Residential/Household Living/Group Living/Transitional Living Center in the RM-2 zoning district (Section 5.020, Table 5-2).

Presentation by Applicant

Travis Hulse, City of Tulsa, 175 East 2nd Street, gave a presentation and addressed the City of Tulsa's process for choosing the location and the partner agency to operate the transitional living facility.

Speakers

- (-) Janice Gibson, 5223 East 41st Street North, stated that she is the Executive Director of First Tee, a golf-focused youth development program that has been located at the Mohawk Park golf course for 23 years. Ms. Gibson expressed concern about potential loitering by the residents of this facility, and the safety of the children.
- (-) Jesse Harris, 3636 North New Haven Avenue, stated that north Tulsa is already saturated with social service organizations and City and County sites. He said that the City presented this project to the neighborhood by saying that they needed to be good citizens and try to accommodate the needs of the less fortunate. He expressed concern that north Tulsa is already doing that, and he said that the City should put the transitional living center in another part of the city. Mr. Harris stated that north Tulsa has done their part, and they are simply asking that others do their part, as well. He expressed that he is also concerned about property values falling if the application is approved.
- (-) Eddy Tee, 4949 East 39th Street North, said that he is concerned about arsonists because his property has a lot of trees and brush, and he believes that is the type of people who will be living in this facility. Mr. Tee said that this facility will look like the area around Archer and Denver with homeless camps.
- (-) Curtis Thurman, 4938 East 41st Street North, stated that the City wants to run a commercial facility in residential zoning. He said that the definition of medium-density housing 7-13 dwellings per acre, and that this project would be high-density housing.
- (-) Don Hampton, 5050 East 39th Street North, stated that everyone thinks that since federal and state money is involved, this development cannot be stopped. He stated that if that is the case, the City should install a fence around all four sides of the facility instead of around two sides, as proposed. He stated that he is concerned because there are no amenities in this area, and that he would like assurances that the neighbors in the area will be safe.
- (-) Jack Seawright, 6738 West Cameron Avenue, asked if this was going to be a non-smoking facility and if it would be gated.
- (-) Thomas Moore, 4010 East Park Road North, stated that he is concerned about the application and questioned whether there is a valid agreement between the property owner and the City of Tulsa. He said that he is also concerned that there are no amenities in the area to serve the residents of the proposed facility. He stated that the reason that a homeless person would need to stay in a low barrier shelter is because they cannot stay in any other shelter for various reasons, such as animals not being allowed, or their partners not being allowed to stay with them. He stated that this application does not meet the criteria for a Special Exception.
- (-) Debbie Hampton, 5050 East 39th Street North, said that she is concerned about the safety of her goats from any dogs the residents may bring with them. She stated that she wants assurance that the neighbors will be protected from dogs and from the residents.

Mr. Barrientos left the meeting at 3:56 p.m.

(-) Stephen Adwell, 3646 North New Haven Avenue, explained why he bought his home in this neighborhood. He stated that at the last community meeting, his neighbors asked questions of City official, such as what a low barrier shelter is, and that the answers from the City were insufficient.

Mr. Bond left the meeting at 3:57 p.m. During this time, quorum was lost, and the meeting was paused. Mr. Bond re-entered at 4:02 p.m.

Mr. Adwell continued, saying that he believes this is a shelter that lacks drug testing and proper vetting, though he believes that statistics indicate that most cases of homelessness are due to addiction or mental health issues. He shared an example of a similar shelter in Overland Park, Kansas that he believes was located in a more suitable area, followed by a personal story about a family member with an addiction. He expressed concerns over the lack of nearby amenities and asked that the City find a new location for the facility.

The following people signed up to speak but did not speak:

Johnny Wilson, 3702 North Winston Avenue

Ken MacLeod, 3120 East 84th Place South

Cynthia Tee, 4949 East 39th Street North

Izetta Gibson, 11438 East 6th Street South

Lou Sifou, 3926 North Winston Avenue

Board Comments

Mr. Bond stated that the Board has been tasked with approving what he calls a homeless shelter. He asked Mr. Harris where the Board should put these types of social services because the citizens of north Tulsa have overserved these types of uses.

Ms. Radney stated that another issue is accessibility to these services. She stated that in the past, the idea has been to put all services in one area, which led to concentrated poverty and concentrated homelessness. Ms. Radney stated that the best way to re-enter society is to live in neighborhoods.

Mr. Harris stated that to him, it seems that the whole point of the facility is to help people, and he is concerned about putting people in a food desert with a lack of commercial businesses. He stated that this area lacks the amenities to help the homeless with obtain jobs and transportation. Mr. Harris stated that if this proposal were to put this facility in Maple Ridge area, that would never happen.

Applicant Comments

Mr. Hulse responded to some of the questions that have been asked by stating that the facility will be smoke-free, that they are not cutting off access to 39th Street, just the driveway into the subject property, and that sexual offenders and violent felons will not be allowed in the facility. He invited partner agencies to the podium to speak and answer questions from the Board.

Sarah Grounds, City Lights Foundation of Oklahoma, 216 South 23rd West Avenue, stated that they will have 24/7 CLEET-certified security at the facility, as they do at other facilities. In addition, multiple staff members, including those they call "neighbor advocates," will be on-site 24 hours a day, and on-site managers and case workers will be there during the day. Ms. Grounds stated that residents will be at the facility for 120 days and then will be moved to permanent housing, where City Lights will continue to provide wrap-around services. Ms. Grounds stated that transportation with Tulsa Transit has already been arranged, and that there are volunteers who will help get people where they need to go.

When asked by Mr. Bond about their success rate, Ms. Grounds stated that during COVID, City Lights housed 130 people at a former hotel for 2 years. 30 of those people have since passed away due to medical issues, but all 100 of the rest remain in permanent housing.

When asked by Ms. Radney why they selected a facility in north Tulsa, Ms. Grounds explained that certain criteria that needed to be met for them to operate effectively, such as the ability to have ADA-accessible rooms, having only one floor, and having one main entrance, and this facility met all those needs. She stated that the residents who can work will have employment support, such as filling out job applications and transportation. She explained that those who cannot work will get help filing for disability or any other benefits they may need.

When asked by Ms. Radney about criminal behavior, Ms. Grounds stated that their security has had to protect program participants from crime, rather than participants causing crime. She said that they have high expectations of their participants, who are required to agree to specific terms, and if an issue arises, it is addressed immediately. Ms. Grounds discussed the stigma associated with homelessness and recalled an incident at the former hotel site wherein a nearby business accused program participants of committing a crime, but in reviewing security footage, it turned out to be untrue.

In response to a question from Ms. Radney about visitors, Ms. Grounds indicated that there are specific rules around visitors, including conduct and visiting hours. She said there would be rules regarding pets and pet immunizations. Ms. Radney asked why this location is appropriate for children, to which Ms. Grounds explained that there are many homeless families that include children, and this facility would include space for families. She said that this would be a safe place for children and would include kids' activities and space for them to play.

When asked by Ms. Radney whether a six-month time limit on the approval of the requested Special Exception would impede City Lights operating the facility, Ms. Grounds stated that it would, because that is not enough time to make sure that all residents could find permanent housing.

Mark Smith, Housing Solutions of Tulsa, 907 South Detroit Avenue, explained that Housing Solutions is the lead agency that organizes the non-profits involved in addressing homelessness in Tulsa. He stated that this facility will be by referral only and will not take walk-in clients. Mr. Smith stated that having the residents in this facility will make it easier to get them the resources they need, because if a person is living on the street, providers have no way of finding them when housing becomes available. He mentioned that they will work with City Lights to ensure participants receive the services that they need, and that they will conduct background checks for participants. He stated that Housing Solutions works with Tulsa Housing Authority and others to have units set aside for referrals.

Mack Haltom, Tulsa Day Center, 2822 East 13th Street, stated that City Lights has been a great partner for helping the homelessness. He stated that he understands the neighbors' concerns, and that the Day Center heard similar concerns before they opened Hudson Villas, permanent supportive apartments for people who were formerly homeless; however, he said, the apartments and residents are now a part of the neighborhood, and they have not lowered property values. Mr. Haltom stated that the Tulsa Day Center is not just a shelter for people experiencing homelessness, but like City Lights, they are dedicated to helping people get rehoused and the support they need, and that they have a 93% retention rate over the past two years.

Board Member Comments

Mr. Bond discussed the housing and homelessness crisis and the need for action. He and the other board members said that they understand and are sensitive to the concerns of the neighbors, but that they would support approval of the application with a time limit. Board members discussed various time limits and determined that three years would be appropriate.

Board Action

Motion: Approve the Special Exception to allow a Residential/Household Living/Group Living/Transitional Living Center in an RM-2 zoning district, per the site plan presented at the September 10, 2024 Board of Adjustment meeting, with the following conditions: that the facility have 24 hour, 7 days a week, CLEET-certified security, that there be no sex offenders or violent felons, that the operator of the facility must be the RFP awardee, City Lights, and that the Special Exception approval is good for three years from the time the Certificate of Occupancy (CO) is issued.

Motion By: Radney

Ayes: Bond, Radney, Stauffer

Nays: None

Recusals: Wallace

Abstentions: None

Absent: Barrientos

The Board finds that the special exceptions will be in harmony with the spirit and intent of the zoning code and that it will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Property Description

ALL BLK 1, Kennedy Park Addition Resub B1, City of Tulsa, Tulsa County, State of Oklahoma

Ms. Stauffer left the meeting at 4:57 p.m.

Case BOA-23765 was heard after the above case, followed by BOA-23766, BOA-23767, and BOA-23763.

Other Business

None

New Business

None

Board Member Comments

Ms. Radney expressed the importance of hearing from the public on cases.

Staff Comments

None

Adjournment

There being no further business, the meeting was adjourned at 5:50 p.m.

Date approved: 10/18/24

Chair: AKR