

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 764  
Tuesday, January 12, 1999, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
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Cooper  
Dunham, Vice Chair  
Turnbo, Secretary  
Perkins  
White, Chair

Arnold  
Beach  
Stump

Ballentine, Code  
Enforcement  
Parnell, Code  
Enforcement  
Romig, Legal  
Department

The notice and agenda of said meeting was posted in the Office of the City Clerk on Thursday, January 7, 1999, at 11:38 a.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-2 (Dunham, Turnbo, White "aye"; no "nays", Cooper, Perkins "abstentions"; no "absent") to **APPROVE** the Minutes of November 24, 1998 (No. 762).

On **MOTION** of **DUNHAM**, the Board voted 3-0-2 (Dunham, Perkins, Turnbo, "aye"; no "nays", Cooper, White "abstentions"; no "absent") to **APPROVE** the Minutes of December 8, 1998 (No. 763).

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**UNFINISHED BUSINESS**

**Case No. 17585**

**Action Requested:**

Approval of detail site plan as required by previous approval of Special Exception for Use Unit 2 (Church Use) in an RS-1 and OL zoned district. **SECTIONS 401. & 601. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS AND OFFICE DISTRICTS – Use Unit 2**, located E of NE/c E. 21<sup>st</sup> St. & S. 84<sup>th</sup> E. Ave.

**Comments and Questions:**

Mr. Beach mentioned to the Board that this case was heard on December 10, 1996. At that time the Board granted approval of the application subject to the applicant returning with a detail site plan.

**Presentation:**

The applicant, **Alvin McCreary**, 5814 E. 25<sup>th</sup> Place, submitted a site plan (Exhibit A-1) and stated that he is the architect of record for Metro Christian Church.

**Comments and Questions:**

Ms. Turnbo asked the applicant if there would be any problem with not having any access to 19<sup>th</sup> Street. Mr. McCreary stated that the problem with that suggestion is that across the street from the church is the new post office. There is a center median and it would prohibit the church members' access. They would like to have the secondary access come off of 19<sup>th</sup> Street.

Mr. White asked Staff if Traffic Engineering has anything to say about this application. Mr. Beach replied negatively.

Mr. White asked Mr. McCreary if the Board would be approving only Phase I or both Phase I and Phase II. Mr. McCreary responded that he would like the Board to approve both Phase I and Phase II.

Mr. McCreary stated that the church has about 176 members and anticipate 300. The maximum that they will design the church for is 750 members. Mr. Stump stated that with 750 members would be about 250 cars if they were at a maximum service. Typically, the maximum number of members would be at the church only once a week and then twice a week a significant number of members.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** a detail site plan as required by previous approval of Special Exception for Use Unit 2 (Church Use) in a RS-1 and OL zoned district, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, **SECTIONS 401. & 601. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS AND OFFICE DISTRICTS – Use Unit 2**, per plan submitted, on the following described property:

E 330', W 635', Block 10 O'Connor Park, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the Plat thereof less street right-of-way and containing approximately 193,380 SF, more or less.

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**Case No. 18247**

**Action Requested:**

Repeal and rescission of the variance granted May 9, 1995 in Case No. 17036 of the required number of parking spaces from 19 to 10 to permit a gymnasium to be located at the southeast corner of E. 34<sup>th</sup> St. and S. Peoria Ave. and Repeal and rescission of the variance granted June 27, 1995 in Case No. 17090 of the required number of parking spaces from 20 to 11 to permit the third floor of The Consortium to be converted for use as offices for a radio station, located at the southeast corner of E. 34<sup>th</sup> St. and S. Peoria Ave.

**Presentation:**

The applicant, **Charles E. Norman**, stated that this application was a condition of approval in the renovation application with respect to The Consortium building at 35<sup>th</sup> Street.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Request to Repeal and rescind the Variance granted May 9, 1995 in Case No. 17036 of the required number of parking spaces from 19 to 10 to permit a gymnasium to be located at the southeast corner of E. 34<sup>th</sup> St. and S. Peoria Ave. and Repeal and rescind the variance granted June 27, 1995 in Case No. 17090 of the required number of parking spaces from 20 to 11 to permit the third floor of The Consortium to be converted for use as offices for a radio station located at the southeast corner of E. 34<sup>th</sup> St. and S. Peoria Ave., on the following described property:

The N 2' of Lot 2 and all of Lots 3, 4, 5, 6 and the W 35' of Lot 11 and the E 50' of Lot 12, Block 3, Olivers Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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**NEW APPLICATIONS**

**Case No. 18267**

**Action Requested:**

Special Exception to allow a sexually oriented business in an IL zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS**, located 3208 W. 43<sup>rd</sup> Place.

**Comments & Questions:**

Mr. Beach advised the Board that this application has been withdrawn by the applicant.

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Case No. 18268

Action Requested:

Variance of setback requirement from 20' to 0' to permit an existing underground garage in an RS-3 District. **SECTION 403.A.5. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, Bulk and Area Requirements in the RS, RS, RD, RT and RM Districts – Use Unit 6 and a Variance to permit a residential accessory structure on an abutting lot under common ownership. **SECTION 1608.A.11. SPECIAL EXCEPTION, General**, located 844 S. 69<sup>th</sup> E. Ave.

Presentation:

The applicant, **Tammy Mattox**, was represented by **Mike Ormond**, 27108 E. 84<sup>th</sup> Street, Broken Arrow. Mr. Ormond submitted a site plan (Exhibit B-1).

Comments and Questions:

Mr. Dunham asked if this is an existing garage. Mr. White answered affirmatively and mentioned that the workshop is also existing.

Mr. White asked when the existing garage was constructed and Mr. Ormond replied 1949. Mr. White asked the applicant when the workshop was constructed and the applicant replied in 1949.

Mr. Dunham asked Staff if a license agreement is really necessary since the building has been there for over 50 years. Mr. Romig replied that it will depend on when the right-of-way was acquired. If the right-of-way was acquired prior to the garage being there, then the license agreement is necessary. Mr. White stated that this is a platted subdivision so the dedication would be prior to 1949 and Mr. Romig agreed and stated that a license agreement will be required.

Mr. Stump suggested a tie agreement for the two lots. The Board agreed.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of setback requirement from 20' to 0' to permit an existing underground garage in an RS-3 District, subject to a license agreement, if necessary,. **SECTION 403.A.5. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, Bulk and Area Requirements in the RS, RS, RD, RT and RM Districts – Use Unit 6 and a Variance to permit a residential accessory structure on an abutting lot under common ownership. **SECTION 1608.A.11. SPECIAL EXCEPTION, General**, finding that the variances meet the requirements of Section 1607.C., subject to a tie agreement, per plan submitted, on the following described property:

Lots 21 and 22, Block 22, Sheridan Hills, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 18269**

**Action Requested:**

Special Exception to allow Computer Software Production and Distribution, Use Unit 15, in a CS District. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15**, located 2136 E. 69<sup>th</sup> St. S.

**Presentation:**

The applicant, **Gale Plummer**, 2105 N. Yellowwood, Broken Arrow, submitted a site plan (Exhibit C-1) and stated that he is representing the owner of the property. Mr. Plummer mentioned to the Board that this application is for the conversion of the old SkateWorld facility into a warehouse for a software business. The business is the duplication, processing and distribution of manuals for their software. The operation is currently only 400' or 500' away in the old Silo building on South Lewis Avenue. This business has been there for the last four years operating as US Business Forms. Mr. Plummer stated that this is exactly the same operation and that they are only moving it 400' or 500' feet.

**Comments and Questions:**

Mr. Dunham asked if there are a lot of trucks coming into the site. Mr. Plummer replied that there will be a number of trucks such as UPS type trucks. There is preparation for a tractor trailer truck dock. There will generally be three to four trucks a week in the dock. There will be more of the smaller UPS or Federal Express type trucks.

Mr. Dunham asked the applicant if he has access to the gated parking lot to west of the building. Mr. Plummer replied that the parking lot is across the street from a two story office building. This office building is the primary user of the lot. The parking will be used for both the office building and the warehouse.

Mr. Dunham asked if a truck coming to the warehouse could exit through the parking lot. Mr. Plumer replied that yes, they could but that is not the intention. The primary access point will be off of 69<sup>th</sup> Street.

Mr. White asked how the size of the SkateWorld building compares to the size of the Silo building. Mr. Plummer answered that they essentially have the same square footage. The Silo building is 26,000 square feet and the SkateWorld is about 24,000 square feet. Mr. Plummer mentioned that their lease will be expiring in about a year and they had the opportunity to purchase this building and convert it and that is the reason for this application.

Mr. Dunham pointed out that there was probably more traffic congestion when SkateWorld was operating than would be now. Mr. Plummer pointed out that they will only have about 25 to 30 employees maximum.

Case No. 18269 (continued)

Mr. Stump suggested to the Board that if they decide to approve this, they should only approve this particular use instead of all of the uses in Use Unit 15.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to allow Computer Software Production and Distribution, Use Unit 15, in a CS District, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15** per plan submitted and subject to the use being limited to the Computer Software use (as previously described) being applied for, on the following described property:

E 206.58', Lot 2, Block 2, Lewis Village Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma

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**Case No. 18270**

**Action Requested:**

Variance of setback from 50' to 40' to allow a sign on existing poles. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 25**, located 61 N. Peoria.

**Presentation:**

The applicant, **Oklahoma Neon, Inc.**, was represented by Terry Howard, 6550 E. Independence. Mr. Howard submitted a site plan (Exhibit D-1), a sign plan (Exhibit D-2) and mentioned that the poles are on their property but the major right-of-way for that area is 50'. The sign will be low profile and will be placed low on the poles. The property is on a hill and the applicant does not need a tall sign.

**Comments and Questions:**

Mr. Dunham stated that because it is in the planned right-of-way it is subject to a removal contract. The applicant agreed to a removal contract.

Mr. Stump mentioned that this is one of the arterial streets that is being considered for reduction of planned right-of-way.

Case No. 18270 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of setback from 50' to 40' to allow a sign on existing poles. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 25** , finding that it meets the requirements of Section 1607.C., per plan submitted and subject to a removal contract, on the following described property:

Beginning 30' E and 150' N, SW/c Lot 4, thence E 220', N241.54' SWly on SL RR ROW 239.47' S 149.3 POB, City of Tulsa, Tulsa County, Oklahoma

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**Case No. 18271**

**Action Requested:**

Special Exception to allow a carpet retail business in an IL zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 14**, located 6845 E. 40<sup>th</sup> St.

**Presentation:**

The applicant, **Dunn Law Firm, P.C.**, was represented by John Foghts, 2828 E. 51<sup>st</sup> Street, Suite 400. Mr. Foghts submitted a site plan (Exhibit E-1) and stated that in March 31, 1998, under a zoning plan review, from Kurt Ackermann, it was determined that Mill Creek Lumber needed to come before the Board for a special exception for a carpet retail business in an IL district. In the past three years while Mill Creek Lumber has been occupying the building their uses have changed from Use Unit 15 to Use Unit 14. Under Use Unit 15, a carpet store is a use by right.

**Comments and Questions:**

Mr. Dunham asked the applicant if the expansion process has been completed. Mr. Foghts responded by saying that the expansion process was completed almost three years ago. The building is mostly used as a warehouse but there is a carpet retail located at the front of the building.

**Interested Parties:**

None.

Case No. 18271 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to allow a carpet retail business in an IL zoned district, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 14**, per plan submitted, on the following described property:

Lot 14, Block 2, Expressway Industrial Commercial Center, City of Tulsa, Tulsa County, Oklahoma.

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**Case No. 18272**

**Action Requested:**

Variance of maximum height limit of 50' to 65' for a pole sign. **SECTION 1221.D.1. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CS District Use Conditions for Business Signs** and a Variance of required 40' setback to 1' to permit a 65' high sign. **SECTION 1221.D.1. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CS District Use Conditions for Business Signs**, located 5150 S. 33<sup>rd</sup> W. Ave.

**Presentation:**

The applicant, **James Adair**, 7508 E. 77<sup>th</sup> Ave., submitted a site plan (F-1), a sign plan (Exhibit F-2) and stated that he represents Arkansas Valley Petroleum. Mr. Adair stated that approximately 10 years ago, Claude Neon manufactured the existing sign which is currently 50' high and meets the setback for that location. That sign is a 12'x12' Phillips logo sign and below it is a 4'x28' neon price sign. Mr. Adair stated that the sign was a very expensive sign and the trees around it have grown and matured and now cover the sign. Arkansas Valley Petroleum would like to put a new sign up. The current sign is 256 square feet and the sign that they are requesting is just a logo sign as opposed to a sign with a logo and gasoline prices. They are not trying to gain any square footage by erecting a new sign. In the past, when travelers were going east, they were able to see the logo and exit quickly to buy gasoline. Now, the sign cannot be seen. Mr. Adair mentioned to the Board that since they are requesting a variance for the height they are willing to forego any additional square footage.

**Comments and Questions:**

Ms. Perkins asked the applicant if the existing sign is 50' tall and the applicant responded affirmatively.

Case No. 18272 (continued)

Mr. Beach clarified that the action requested states that the variance for the setback is from 40' down to 1'. That is incorrect and was a misinterpretation of the handwriting on the application and should be from 40' to 7'. Mr. Adair agreed with Mr. Beach.

Mr. Dunham asked if the sign will be in the same location and Mr. Adair replied affirmatively and the sign will just be raised 15'.

Mr. Stump asked Mr. Adair if there are any utility easements where the pole is located now. Mr. Adair replied that he is not aware of any.

Mr. Cooper stated that if this was a new site then he would believe that the hardship is self imposed but the fact that the sign is already there he does not see a hardship. The only issue for him is the height variance and not the setback.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of maximum height limit of 50' to 65' for a pole sign finding the hardship to be the fact that trees have grown and the sign cannot be seen. **SECTION 1221.D.1. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CS District Use Conditions for Business Signs** and a Variance of required 40' setback to 7' to permit a 65' high sign. **SECTION 1221.D.1. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CS District Use Conditions for Business Signs** finding that the variances meet the requirements of Section 1607.C., per plan submitted, on the following described property:

Lots 10, 11 and 12, Block 1, Richmond Acres Addition, less and except a tract beginning at the NE/c of Lot 10; thence S along the E line of said Lots 10 and 11 to a point, said point being 8' S of the NE/c of said Lot 11; thence NW to a point on the N line of said Lot 10, said point being 32.25' W of the NE/c of said Lot 11; thence continuing NWly to a point on the W line of said Lot 10; thence N along the said W line a distance of 24.02' to the NW/c of said Lot 10; thence E along the said N line, a distance of 150' to a point of beginning, and less and except the E 10' of Lot 12, Block 1, and a portion of Lot 11, of said Block 1, being more particularly described as follows: Beginning at the SE/c of said Lot 11; thence N along the E line of Lot 11, a distance of 45'; thence NWly to a point, said point being 10' west and 47.84' N of the SE/c of said Lot 11; thence S parallel to and 10' W of the E line of said Lot 11, to a point on the S line of said Lot 11; thence E a distance of 10' to the point of beginning, all in Richmond Acres Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18273**

**Action Requested:**

Variance of the required rear yard from 25' to 5' to permit an addition to a nonconforming structure. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS and SECTION 1405. STRUCTURAL NONCONFORMITIES – Use Unit 6** and a Variance of required lot area to permit a nonconforming lot. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS and SECTION 1404. NONCONFORMING LOTS**, located 2652 E. 34<sup>th</sup> St.

**Presentation:**

The applicant, **Steve Baker**, 2652 E. 34<sup>th</sup> St., submitted a site plan (Exhibit G-1) and stated that he is the owner of the property. This lot is at an unusual corner location and brings up two ways to interpret the side yard and setbacks. The property itself is a nonconforming lot. The lot area requirement is 13,500 SF in an RS-1 district and this lot has approximately 11,500 SF. Upon conferring with INCOG and working with an architect. It was determined that the setback lines were also nonconforming. It was also agreed that the best way to look at this property is that the north side of the lot would be the front yard and the south side would become the back yard. In that case, the existing setback is 16½'. In that location Mr. Baker would like to expand the bedroom and add a bathroom. They would have to move to a 5' variance and would leave the side yards with the 5 and 10 requirements. The side yards would be in compliance and the back would not. The other interpretation would be if the front yard were considered to be the east side of the property, then the back yard would only be 7' deep and it would be nonconforming and he would have to ask for more relief.

**Comments and Questions:**

Mr. Dunham asked Mr. Baker if the two variances would take care of his need on the lot. Mr. Baker answered affirmatively.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of the required rear yard from 25' to 5' to permit an addition to a nonconforming structure. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS and SECTION 1405. STRUCTURAL NONCONFORMITIES – Use Unit 6** and a Variance of required lot area to permit a nonconforming lot. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS and SECTION 1404. NONCONFORMING LOTS** finding the hardship to be the configuration of the lot, per plan submitted, on the following described property:

Case No. 18273 (continued)

Lot 1, Block 5, Timberland Addition, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 18274**

**Action Requested:**

Special Exception to allow elderly housing in an OL and CS zoned district. **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS AND SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 8**, located 650 S. Memorial Drive.

**Presentation:**

The applicant, **Ronald E. Smith**, was represented by Bill Major who submitted a site plan (Exhibit H-1). Mr. Major stated that he is the executive director for Tulsa Senior Services and Vintage Housing. Mr. Major mentioned that they moved into this area because of the tremendous need for affordable elderly housing in this area. Their plans include a one building design with two stories and 48 units. 46 units will be one bedroom and 2 will be two bedroom units. The building will have inside access and corridors for increased security and social contact and an emergency panic system in all rooms. There will be many rooms for socializing and various activities. The number of vehicles and traffic loads are all less than those for normal apartment complexes. Pioneer Village in Jenks is a similar facility.

**Comments and Questions:**

Mr. Dunham stated that Staff makes mention in its report that there is a 35'x90' piece in the southeast corner. Mr. Beach said that the piece is no longer a problem. The piece would displace 10 or 12 parking spaces. As it turns out, the applicant meets or exceeds the parking requirement and would not need the parking spaces.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE**, Special Exception to allow elderly housing in an OL and CS zoned district, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS AND SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 8** per plan submitted, on the following described property:

Case No. 18274 (continued)

Tract "C" South tract of land. A tract of land located in the NE/4 of the SE/4 of Section 2, T-19-N, R-13-E, Tulsa County, Oklahoma more particularly described as follows: Commencing at the SE/c of said NE/4 SE/4 Section 2; thence N 00°05'28" W along the E line of said NE/4 SE/4 a distance of 35', thence N 90°00'00" W a distance of 100.00' to the True Point of Beginning, thence N 90°00'00" W a distance of 257.00', thence N 00°05'28" W a distance of 399.09', thence S 90°00'00" E a distance of 307.00', thence S 00°05'28" E a distance of 101.86', thence N 90°00'00" W a distance of 15.00', thence S 00°05'28" E a distance of 207.23', thence N 90°00'00" W a distance of 35.00' thence S 00°05'28" E a distance of 90.00 to the True Point of Beginning, Less the E 10' of the N 101.86' thereof, containing 2.61 acres or 113,893 SF, more or less, AND beginning SE/c NE/4 SE/4 thence N 125.00' thence W 100.00' thence S 125.00', thence E 100.00' to the Point of Beginning, LESS E 65.00' of the N 90.00' and the S 35.00' for streets, containing .07 acres or 3,150 SF, more or less, Section 2, T-19-N, R-13-E

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**Case No. 18275**

**Action Requested:**

Special Exception to allow Use Unit 20 outdoor skating facility in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 20** and a Variance of the required parking spaces from 108 to 80. **SECTION 1220.D. USE UNIT 20. COMMERCIAL RECREATION INTENSIVE; Off-Street Parking and Loading Requirements**, located 11665 E. 21<sup>st</sup> Street.

**Presentation:**

The applicant, **Ron Davis**, was represented by John Midtetes, 6106 S. Florence Place, who submitted a site plan (Exhibit I-1). Mr. Midtetes stated that they are asking for a change to the front part of the property to a Use Unit 20. This has come about because Mr. Davis is wanting to put inline skating ramps outside on the front of the property. Mr. Midtetes believes that this would be a great asset for the City of Tulsa. There is nothing else like this in the City. Mr. Midtetes mentioned that there has been roller skating at this facility for the past 27 years and Mr. Davis wants to take the front part of the parking lot to place the ramps in. In regard to the parking, the building has never needed the 108 parking spaces. The people who come to the skating center are mostly under the age of 16 and do not drive. Their parents drop them off and come back in a few hours and pick them up. Mr. Midtetes mentioned that by placing the ramps in the front of the property they will be taking up 28 of the 108 parking spaces. The access to 21<sup>st</sup> Street is still there and the flow of the traffic is the same as it has always been. Mr. Midtetes submitted photos of the skating ramps (Exhibit I-2).

**Comments and Questions:**

Mr. White asked the applicant if the ramps are in place now as they will finally be and Mr. Midtetes replied that they are not as they will finally be but they are in the spot where they will be located for storage at this time. They are not in use now.

Mr. Ballentine asked Mr. Midtetes if the Fire Marshall's concerns regarding getting a fire truck up to the building has been addressed. Mr. Midtetes answered affirmatively.

Mr. Dunham asked if there is going to be any change to the building and Mr. Midtetes replied negatively, they are only placing skating ramps outside the building. Mr. Midtetes pointed out that the ramps will primarily be used only during the spring and summer months.

Mr. White asked if the ramps will be visible from 21<sup>st</sup> Street and the applicant responded affirmatively. Mr. White asked if there will be bleachers for people to observe and the applicant replied no. Mr. White believes that this will be a large draw for spectators. Mr. Midtetes responded that people would not be standing there three or four deep at a time.

Ms. Perkins asked Staff what type of screening would be required. Mr. Beach replied that there would be none except where it might abut a residential district. Mr. Beach mentioned to the Board that they have the right to impose a screening fence as a condition of approval. Mr. White asked if Traffic Engineering should have a recommendation on this or is it left up to the Board. Mr. Stump responded that Traffic Engineering would probably not say anything about it. Mr. Stump suggested to the Board that they might put a time limit on the approval and see how the public reacts to it and if traffic becomes a problem.

Mr. Beach asked the applicant why the ramps could not be moved to the back of the property and away from 21<sup>st</sup> Street. Mr. Midtetes responded that you want to take a business and let people know it is there. Mr. Davis stated to the Board that they had originally intended to put the ramps at the back of the property but there are too many ramps and they would not fit, so they placed them in the front.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to allow Use Unit 20 outdoor skating facility in a CS district, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 20** and a Variance of the required parking spaces from 108 to 80, finding that it meets the requirements of Section 1607.C.,. **SECTION 1220.D. USE UNIT 20. COMMERCIAL**

Case No. 18275 (continued)

**RECREATION INTENSIVE; Off-Street Parking and Loading Requirements** for a period of three years, on the following described property:

Lot 21, Block 3, 21<sup>st</sup> Garnett Place, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18276**

**Action Requested:**

Minor Variance to reduce the minimum 10' side yard in an RM-2 district to 5' to permit the construction of single family homes. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, located 61<sup>st</sup> St. & S. Madison Pl.

**Presentation:**

The applicant **James H. Beale**, 6933 S. 66<sup>th</sup> E. Ave., submitted elevation plans (Exhibit J-1), floor plans (Exhibit J-2) and stated that he is purchasing the property from the City of Tulsa and the Tulsa Housing Authority. Mr. Beale stated that there are 82 lots and he is planning on constructing homes on the lots. If Mr. Beale is approved for the 5' variance request, the homes will have 11' between each one. Mr. Beale stated to the Board that the houses will be approximately 1,200 square feet and will have a two car garage. The homes will also have three bedrooms, two baths with a brick front. Mr. Beale believes that this will be a big benefit for this neighborhood. Mr. Beale has had a lot of interest in the home and has many prospective buyers, provided he receives this variance.

**Interested Parties:**

**Jacquelyn Bridges**, 6148 S. Madison Place, stated that she is concerned with the appearance of some cluttering that may occur. Ms. Bridges understands that the developer is wishing to enhance the appearance of the neighborhood. The homes will be surrounded by condominiums, duplexes and some apartments. She believes that the homes will be squeezed into a small space and cause crowding.

Ms. Turnbo asked Ms. Bridges if she was aware that the property is zoned RM-2, which means that the developer could build multifamily houses on the property. Ms. Turnbo also mentioned that the property with the single family homes on it will be less dense than if they developed it as an RM-2 zoned property. Ms. Bridges stated that she was not aware of the different factors of the property or what the houses will look like. After some discussion about the design of the houses with the developer, Ms. Bridges stated that she does not have a problem with the development.

Mr. Stump mentioned to the Board that the 10' side yard was intended for apartment buildings which are bigger than a single family home.

Case No. 18276 (continued)

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-1 (Cooper, Perkins, Turnbo, White, "aye"; no "nays", Dunham "abstentions"; no "absent") to **APPROVE** Minor Variance to reduce the minimum 10' side yard in an RM-2 district to 5' to permit the construction of single family homes. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** finding that it meets the requirements of Section 1607.C., on the following described properties:

Lots 1-19, Block 1, Towne Park Addition; Lots 1-6, Block 1, Towne Park II; Lots 2-9, Block 3, Towne Park 2<sup>nd</sup>; Lots 1-8, Block 2, Towne Park Addition; Lots 1-12, Block 2, Towne Park 2<sup>nd</sup>; Lots 2-12, Block 7, Towne Park Addition; Lots 1-14, Block 8, Towne Park Addition; Lots 1-5, Block 6, Towne Park Addition; Lots 5 & 6, Block 9, Towne Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18277**

**Action Requested:**

Variance of required setback from centerline of Charles Page Boulevard from 100' to 42'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 25** and a Variance from all weather surface requirement for loading/parking. **SECTION 1304.C. DESIGN STANDARDS FOR OFF-STREET LOADING AREAS**, located 3511 W. Charles Page Boulevard.

**Presentation:**

The applicant, **Dennis Patterson**, was represented by Jim Dougherty, 616 S. Boston, who submitted a site plan (Exhibit K-2), photos (Exhibit K-1) and stated that this application has grown out of the Brownfield grants. Mayor M. Susan Savage has obtained a grant from the EPA to consider and stimulate redevelopment in vacant industrial areas. Mr. Dougherty submitted photos of the property. Mr. Dougherty mentioned that this is an old industrial area and the original development crowded Charles Page Blvd. The white building in the photos is exactly 42' from the centerline which is the same distance that is being proposed in the application. This property is zoned Industrial as is all of the other surrounding property with the exception of the riverbed which is AG. The building is proposed to be constructed on a slab of the previous building which has been demolished. There will be no encroachment other than what the previous building had. Mr. Dougherty pointed out that since this area is in close proximity to the river, it is prone to flooding. The concrete slab is elevated above the flood plain. Mr. Dougherty pointed out that gravel is a standard in this area for many reasons. There is a sand base under the gravel and it is hard to put concrete on a sand base with heavy truck and heavy equipment moving across it all the time. The property has had a gravel loading/parking surface since the 1920's. Mr. Dougherty stated that the hardship on the setback variance is the original development

pattern, the proximity to Charles Page Blvd. The hardship on the all-weather surface is because it is a medium to heavy industrial area and there are many gravel surfaces and because of the difficulty of getting pavement to hold on the sand. The dust off of the Arkansas River exceeds the dust created by the industrial area.

**Comments and Questions:**

Mr. White asked Mr. Dougherty if he would agree to a removal contract. Mr. Dougherty responded that he did not have a problem with the removal contract.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of required setback from centerline of Charles Page Boulevard from 100' to 42', subject to a removal contract, **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 25** and a Variance from all weather surface requirement for loading/parking. **SECTION 1304.C. DESIGN STANDARDS FOR OFF-STREET LOADING AREAS**, finding that the variances meet the requirements of Section 1607.C., on the following described property:

A parcel of land in Lot 5, Section 4, T-19-N, R-12-E, of the IBM, Tulsa County, State of Oklahoma, being more particularly described as follows: Beginning at a point on the Sly right-of-way line of the Sand Springs Railway Company 684.8' SWly as measured on said Sly right-of-way line from the E line of said Section 4, said Sly right-of-way line being parallel with and 58.5' perpendicularly distant in a Sly direction from the centerline of W bound main track of said railway company thence SWly on said Sly right-of-way line a distance of 157.64'; thence along a deflection angle to the left of 95°05'27" for a distance of 145.59' more or less to a point on the Nly right-of-way line of Charles Page Blvd.; thence NEly along said Nly right-of-way line parallel to and 40' distant from the center line of said Charles Page Blvd. for a distance of 145.04', more or less; thence NWly perpendicular to the Sly right-of-way line of the Sand Springs Railway Company for a distance of 135.40' to the point of beginning

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**Case No. 18278**

**Action Requested:**

Approval of site, landscape and drainage plan. **PERSUANT TO APPROVAL OF THE FOLLOWING REQUESTED ACTIONS:** a Special Exception to permit Use Unit 13, Convenience Goods and Services and Use Unit 14, Shopping Goods and Services in an IL district **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS – Use Units 13 and 14;** a Variance of the required building setback line from the centerline of E. 61<sup>st</sup> St. from 100' to 93'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS;** a Variance of the required building setback line from the north property line from 75' to 15'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS;** a Variance to delete the required 5' wide landscaped area along E. 61<sup>st</sup> St. for a distance of approximately 65' per the site and landscape plan. **SECTION 1002.A.2. LANDSCAPE REQUIREMENTS;** a Variance of the required setback of off-street parking areas from the centerline of S. 100<sup>th</sup> E. Ave. to permit 5 standard off-street parking spaces and 2 handicapped spaces to be 30' from the centerline of S. 100<sup>th</sup> E. Ave. per the site plan. **SECTION 1302.B. OFF-STREET PARKING AND OFF-STREET LOADING; SETBACKS;** a Variance of the required 5' setback of off-street parking areas abutting a residential district to permit 5 parking spaces 3' from the north property line per the site and landscape plan. **SECTION 1002.A.3. LANDSCAPE REQUIREMENTS** and a Variance of the required minimum width of driveway aisles from 24' to 20' along E. 61<sup>st</sup> St. and from S. 100<sup>th</sup> E. Ave. per the site and landscape plan. **SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS,** located NW/c E. 61<sup>st</sup> St. & S. 100<sup>th</sup> E. Ave.

**Presentation:**

The applicant, **Charles E. Norman**, stated that he represents Mr. Carrol Culp. Mr. Culp has owned the property since 1980. The existing building on the property was constructed in or around 1955 when the area was platted. Mr. Norman reminded the Board that this application was submitted to the Board last June by Joe Donnelson and the request was turned down. The Board's comments in the minutes from that meeting reflect their feeling that the building was too large for the property. Mr. Norman mentioned that this property is very unusual in shape because it is 90' deep (north and south) and 170' wide (east to west). The property has been zoned in the Industrial Light District for many years and Staff believes that the property must have been zoned that way since the 1950's when the existing building was constructed on it. There is a requirement for any structure to be setback 100' from the centerline of an arterial street. There is also a requirement in the IL District that if it is adjacent to an R District then any building must be setback 75'. With a 90' depth there is no way that any structure, under today's Code could be constructed on the property without coming before the Board for some type of relief. Mr. Norman stated that this is one of the most technical applications he has ever presented and it all deals with the size and depth of the lot. Mr. Norman submitted photos (Exhibit L-2) showing the existing conditions on 61<sup>st</sup> Street and the building to the west (Roy and Candy's Music Store) which was approved by the Board several years ago and has a total floor area of

5,800 square feet. The plan that was submitted to the Board last year and was turned down also proposed about 5,900 total square feet. Mr. Norman also submitted a copy of the proposal from last June and the new site and landscape plan which shows the variances and special exceptions being asked for (Exhibit L-1). Mr. Norman mentioned that there were several concerns stated in the minutes from the June hearing and one of the major ones was size. Another concern was parking spaces. The present plan provides parking as required by the Code and there is no variance requested for the parking requirement. The other concern of the previous hearing was the closeness to the adjoining residences and a concern about drainage. Mr. Norman stated that the property is not connected to a sanitary sewer system. The system has been constructed and is available on 99<sup>th</sup> Street to the west. When 61<sup>st</sup> Street was widened, it was done so with a grade change allowing water from 61<sup>st</sup> Street to run away from this property. The site plan presented shows that a drainage curb will be constructed along the entire west side of the property to force the stormwater to flow to the east to another storm drain. Mr. Norman stated that by reducing the size of the building they are trying to comply with as many of the Zoning Code requirements as possible. Mr. Norman asked the Board to approve the site and landscape plan as submitted. Mr. Norman also asked the Board to approve Use Unit 13 and Use Unit 14 in an IL zoned district which are the typical retail type uses. Office uses are permitted by right in an IL zoned district. Mr. Norman pointed out that they are not asking for approval of Use Unit 12 which is the restaurant use because they could not meet the parking requirement. They are asking for a variance of the required building setback from the centerline of 61<sup>st</sup> Street from 100' to 93'. The original building and Roy and Candy's building to the west are both within 65' from the centerline. The requested variance of the required building setback from the north property line is from 75' to 15'. If this property was zoned in the CS district for Use Unit 13 and Use Unit 14, the required setback would be 10' if the building were not higher than 15'. On the site plan, there is a limitation on the building height to 15'. Mr. Norman indicated that they are planning to meet the landscape requirement of the Code but in order to provide sufficient parking, they are asking for a variance deleting the 5' landscape strip on the street frontage for a distance of 65' as shown on the site plan. There are six trees that are proposed to be planted which is in accord with the landscape ordinance. This property is within 50' of an R zoned lot. Therefore any parking spaces on that side must be 50' from the centerline of 100<sup>th</sup> Street. They are asking that the requirement be reduced to 30' to permit the parking layout as on the site plan. Mr. Norman mentioned that they have two parking spaces on the east corner of the lot that are within 3' of the north property line instead of 5'. In order to eliminate all of the parking spaces backing out they had to locate those 2' closer than permitted by the Code. Mr. Norman stated that this is a complicated application but he feels that they have complied with the spirit and intent of all of the requirements.

**Comments and Questions:**

Mr. Cooper asked Mr. Norman about his comment about meeting all the landscape requirements. Mr. Norman responded that the property will meet all of the landscape requirements except the 5' strip along the driveway entrance. Mr. Stump mentioned to the Board that they do not meet the tree requirement of eight trees and they show six. Mr. Norman replied that they have no problem planting two more trees.

Mr. White asked Mr. Norman if he or Mr. Donnelson have spoken with any of the neighbors? Mr. Norman answered negatively.

**Interested Parties:**

**Dan Kidd**, 5948 S. 100<sup>th</sup> E. Ave., stated that he owns the residential property that is directly north of the subject property. Mr. Kidd has no problem with the development of the property. The problem is the way that they are going about it because there are a lot of variance requests. Mr. Kidd believes that the owners of the property are trying to build too much on too small of a lot. The proposed drainage plan will make the water problem worse because they are going to construct a curb that will make the water drain into his front yard. Mr. Kidd submitted photographs (Exhibit L-3) of his house and the lot. Mr. Kidd mentioned to the Board that he has had to construct ditches all the way around his house to keep the water run-off from going under his house. Mr. Kidd is also concerned about the variance to allow the parking spaces 3' from his front yard. Mr. Kidd is more than willing to sit down with the property owner and work out the problems and try to work with each other. Mr. Kidd requested the Board to turn down the application until the owner can change the approach to the development of the lot.

**Winston Rourke**, 5933 S. 99<sup>th</sup> E. Ave., stated that he applauds Mr. Culp for trying to address the concerns of the neighborhood that were expressed last June. Mr. Rourke believes that Mr. Culp has many good ideas and is headed in the right direction. There is still a concern about run-off water. Mr. Rourke mentioned that his property has soggy land because of the run-off from 61<sup>st</sup> Street. Mr. Rourke would like for the property to be connected to City sewer and stormwater drainage. The subject property is currently on a septic system. Mr. Rourke agreed to sit down with Mr. Culp and discuss the neighborhood's concerns about the property and try to come to a solution.

**Karen Hicks**, 5845 S. 99<sup>th</sup> E. Ave., mentioned that the drainage is her major concern. Ms. Hicks spoke about her neighborhood and how nice it is. Her property is directly behind Roy and Candy's store. Ms. Hicks does not believe that all of the uses in Use Unit 13 and Use Unit 14 should be allowed in this location.

**Applicant's Rebuttal:**

Mr. Norman stated that the drainage curb can be extended to the east property line to prevent any water from running north into Mr. Kidd's front yard. Mr. Kidd has dug ditches around his property. Mr. Norman mentioned that this property cannot be developed as proposed without being connected to the sanitary sewer. They have no problem with that being a condition of approval. Mr. Norman indicated that the building's north/south dimension is 30' and that is about the minimum depth of any building that could be configured for any of the requested uses. Mr. Norman stated that the condition of limiting the uses to specific ones would be acceptable and it would take away the possibility of industrial uses.

**Comments and Questions:**

Mr. Cooper asked Mr. Norman what the specific use is of the property. Mr. Norman replied that there are no specific plans for the building right now.

Mr. Cooper asked about the flow of water down 100<sup>th</sup> E. Ave. Mr. Norman responded that the way the sidewalk was designed by the City, all of the water will flow straight to the north and northwest. This plan would take that water around the building and by elevating the northwest part of the site, force it to flow to the east and contain it within the curb indicated on the plan.

Mr. Cooper asked Mr. Norman if he believes that the drainage will be improved with the paving of the property. Mr. Norman replied that he does believe the drainage will be improved for the two houses to the north because they will be eliminating the drainage flowing to the northwest.

Mr. Norman informed the Board that it is not the intent of the property owner to allow a liquor store or food service on this property and Mr. Norman would agree to a condition limiting the use of the property.

Mr. White mentioned that the drainage swale on the east side of the parking lot would clear the water immediately from the front yard of the property to north but it would only delay it. There is no drainage structure or bar ditch until you reach at least two lots north of the property and you are just displacing the water. Mr. Cooper agreed.

Mr. Cooper is not convinced that the problems have been solved.

Mr. White stated that he believes that there is too much project for too small a lot.

Mr. Cooper could approve waiving the setback from 75' to 15' because that would make the site unable to be developed.

Case No. 18278 (continued)

Mr. White voiced a concern about the sanitary sewer problem and Mr. Dunham stated that the sewer problem is not a concern of his because they will have to connect to it because they cannot put a septic system on it.

Mr. Dunham believes that for this property to be developed it is going to take meetings with the developer and the neighbors to come up with a solution. Mr. Dunham said that this is a vast improvement over what they saw last time but there are still some problems.

Mr. Stump believes that the only hardship he can see is the 75' setback from the north and the 75' setback from the south leaving a lot that cannot be built on. If the Board approves anything it should be those variance for only Use Units 13 and 14. The rest of it appears to be self-imposed by trying to get too much on the lot.

Mr. Cooper does not feel comfortable approving anything without seeing a site plan. Mr. Cooper asked Mr. Norman if it would help his client if the Board approves the variance from 75' to 15' and the setback from 100' to 93'. Mr. Norman replied that the approval of those would establish the building envelope and they would need to know how much building would be permitted. Mr. Norman asked the Board to give them some guidance and continue this for a few weeks and let them try to meet with the neighbors. Mr. Norman stated that he does not know the history behind Roy and Candy's store but there is 5,800 square feet there and they are asking for 4,000 square feet. Mr. Cooper stated that it would be a great advantage to the owner of the property to solve the issue of the drainage problem. As long as the Board feels that there is a problem with the drainage they may not go for the project.

Ms. Turnbo asked the Board if they would be willing to make a motion to continue the case to allow Mr. Norman to meet with the homeowners. Mr. Dunham asked the homeowners what their feelings are. The neighbors were willing to work with Mr. Norman and the owner. Mr. Cooper voiced his concern about getting ready to turn something down and then the applicant saying that they are willing to meet with the opposition. He does not like that approach. Mr. Cooper believes that they should have met with the opposition before they came before the Board because they knew there would be opposition. Mr. Norman stated that is a good way to go to court. Mr. Norman reminded the Board that meeting with neighbors is a two-way street. The file is public record and is available to anyone wishing to view it. The neighbors could have initiated contact with the property owner. Mr. Norman mentioned that he has tried to be respectful of everything that was reflected in the minutes from last June and has addressed everyone of their concerns. Mr. Cooper replied that he is not trying to challenge Mr. Norman but this is a case where both sides rolled the dice and did not meet with each other and it is apparently going to be turned down.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 4-1-0 (Cooper, Turnbo, Perkins White "aye"; Dunham "nays", no "abstentions"; no "absent") to **DENY** Approval of site, landscape and drainage plan. **PERSUANT TO APPROVAL OF THE FOLLOWING REQUESTED ACTIONS:** a Special Exception to permit Use Unit 13, Convenience Goods and Services and Use Unit 14, Shopping Goods and Services in an IL district **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS – Use Units 13 and 14;** a Variance of the required building setback line from the centerline of E. 61<sup>st</sup> St. from 100' to 93'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS;** a Variance of the required building setback line from the north property line from 75' to 15'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS;** a Variance to delete the required 5' wide landscaped area along E. 61<sup>st</sup> St. for a distance of approximately 65' per the site and landscape plan. **SECTION 1002.A.2. LANDSCAPE REQUIREMENTS;** a Variance of the required setback of off-street parking areas from the centerline of S. 100<sup>th</sup> E. Ave. to permit 5 standard off-street parking spaces and 2 handicapped spaces to be 30' from the centerline of S. 100<sup>th</sup> E. Ave. per the site plan. **SECTION 1302.B. OFF-STREET PARKING AND OFF-STREET LOADING; SETBACKS;** a Variance of the required 5' setback of off-street parking areas abutting a residential district to permit 5 parking spaces 3' from the north property line per the site and landscape plan. **SECTION 1002.A.3. LANDSCAPE REQUIREMENTS** and a Variance of the required minimum width of driveway isles from 24' to 20' along E. 61<sup>st</sup> St. and from S. 100<sup>th</sup> E. Ave. per the site and landscape plan. **SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS,** on the following described property:

Lot 8, Block 2, Guy Cook Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18280**

**Action Requested:**

Variance of the required 75' setback from an R zoned district on the N, S and E. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 25;** a waiver of the screening requirements, **SECTION 1215.C. USE UNIT 15. OTHER TRADES AND SERVICES, Use Conditions** and a Variance of the all-weather surface for parking. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS,** located N of NE/c E. 61<sup>st</sup> St. & S. 107<sup>th</sup> E. Ave.

**Presentation:**

The applicant, **Alan Roark**, of Roark Landscape Corporation, 3704 E. 28<sup>th</sup> St., submitted a site plan (M-1), stated that his company is in preparation of putting up a 40'x80' building structure to house both office and storage facilities. Mr. Roark pointed out that they have 159' of frontage along 107<sup>th</sup> Street and they want to turn the building around so that it is 80' long and there is not enough left over to meet the setback. To the north of the property is zoned commercial and behind that is residential but there are not any houses on the residentially zoned part. In the back is a detention facility and the south is zoned residentially. Mr. Roark would like a variance for the all-weather parking for a certain amount of time. It is their intention to pave the surface but because of a financial hardship they can not afford to do so at this time.

**Comments and Questions:**

Ms. Turnbo asked the applicant when he would be able to put in the all-weather surface pavement. Mr. Roark replied five years. Mr. White pointed out that they usually granted them for six months to one year.

Mr. Stump mentioned that to the east of this property is a stormwater detention facility, where there won't be any residences and this area is in transition to Industrial. Mr. Dunham mentioned that there are quite a few gravel drives in the immediate area.

Mr. Dunham suggested allowing the applicant 18 months to put in the gravel parking. Ms. Turnbo suggested allowing the applicant two years, taking into consideration the time to get a building permit.

Mr. Cooper does not see a hardship for the all-weather surface. It is a new building and it should be required. Mr. Cooper pointed out that the Board has sometimes allowed a nonprofit the opportunity to raise the money for the hard surface parking but this is a new business in a new building and the money should be factored into the cost of new building construction.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; "absent") to **APPROVE** Variance of the required 75' setback from an R zoned district on the N, S and E, finding that it meets the requirements of Section 1607.C.,. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 25**; a waiver of the screening requirements. **SECTION 1215.C. USE UNIT 15. OTHER TRADES AND SERVICES, Use Conditions**;

**AND**

On **MOTION** of **COOPER**, the Board voted 2-3-0 (Cooper, White "aye"; Dunham, Perkins, Turnbo "nays", no "abstentions"; no "absent") to and **DENY** a Variance of the all-weather surface for parking. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS;**

**AND**

On **MOTION** of **TURNBO**, the Board voted 3-2-0 (Dunham, Perkins, Turnbo "aye"; Cooper, White "nays", no "abstentions"; "absent") to and **APPROVE** a Variance of the all-weather surface for parking, finding that it meets the requirements of Section 1607.C., **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** for a period of two years, on the following described property:

Lot 10, Block 1, Golden Valley, a subdivision of the W/2 of the SE/4 of Section 31, T-19-N, R-14-E, IBM, Tulsa County, State of Oklahoma, less and except: Beginning at the NE/c of said Lot 10; thence S 01°21'01" E a distance of 160.24' along the E line of Lot 10 to the SE/c of said Lot 10; thence S 88°40'50" W a distance of 317.22' along the S line of Lot 10; thence N 01°21'08" W a distance of 160.23' to a point on the N line of Lot 10; thence N 88°40'36" E a distance of 317.23' to the Point of Beginning.

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**Case No. 18281**

**Action Requested:**

Special Exception for drive-in use within CS zoned property. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 18,** located SW/c 59<sup>th</sup> St. & S. Lewis.

**Presentation:**

The applicant, **Sack and Associates, Inc.**, 111 S. Elgin Ave., was represented by Ted A. Sack who stated that this property will be used for a Sonic Drive-in.

**Comments and Questions:**

Mr. White referred to Staff Comments while asking Mr. Sack about the 150' of frontage on a major arterial street. Mr. Sack responded that this has been a commercial site for a long time. They do have 203' of frontage on the collector street (59<sup>th</sup> Street) but in a drive-in restaurant it does say that it needs 150' of frontage on an arterial street and they only have 145'. They are going to readvertise for the frontage variance but would like approval today for the special exception.

Case No. 18281 (continued)

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception for drive-in use within CS zoned property, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 18** per plan submitted, **CONTINUE** the balance of the application until January 26, 1999, on the following described property:

The E 253' of the N 175' of the SE/4 of the SE/4 of Section 31, T-19-N, R-13-E of the IBM, less the N 30' and the E 50' of the N 155' and the E 40' of the S 20'.

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**Case No. 18282**

**Action Requested:**

Variance to permit parking structure to be located in planned right-of-way. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS – Use Unit 13**, located SW/c Pine and North Lewis.

**Presentation:**

The applicant, **Sack and Associates, Inc.**, 111 S. Elgin Ave., who was represented by Ted A. Sack, submitted a site plan (Exhibit O-1), stated that this property is for a proposed Walgreen's store. Mr. Sack proposes a variance of the Major Street and Highway Plan. Mr. Sack pointed out that they are dedicating some right-of-way and these will be the new standards for the urban arterial that are being talked about as being part of the new infill projects. They are proposing 40' of arterial on each side of this intersection.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance to permit parking structure to be located in planned right-of-way. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS – Use Unit 13**, finding that it meets the requirements of Section 1607.C., per plan submitted, on the following described property:

Case No. 18282 (continued)

A tract of land that is part of Lots 1 through 9, and all of Lots 14, 15 and 16 of Block 1 of "B. F. Jacobs Subdivision" of Lots 1, 2, 25, 26 and 27 in "Springdale Acre" Lot Addition, City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: starting at the NW/c of Lot 9 in Block 1 of "B. F. Jacobs Subdivision"; thence due S along the Wly line of said Lot 9 for 9.50' to the point of beginning of said tract of land; thence N 89°28'15" E and parallel with the Nly line of Block 1 of "B. F. Jacobs Subdivision" for 254.00' to a point that is 6.00' Wly of the Ely line of said Block 1; thence due S and parallel with said Ely line for 275.50' to a point on the Sly line of Block 1, said point being 6.00' Wly of the SE/c of Lot 6 in Block 1 of "B. F. Jacobs Subdivision"; thence S 89°28'15" W along the Sly line of said Block 1 for 254.00' to a point that is the SW/c of Lot 14 in said Block 1; thence due N along the Wly lines of Lot 14 and Lot 9 in Block 1 for 275.50' to the point of beginning of said tract of land

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Case No. 18283

Action Requested:

Special Exception to allow a greenhouse in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15;** a Variance of the 63 required parking spaces to 20. **SECTION 1215.D. USE UNIT 15. OTHER TRADES AND SERVICES, Off-Street Parking and Loading Requirements;** and a Waiver of the screening requirement on the north and west property line that abuts an R district to allow natural vegetation and trees to serve as the buffer. **SECTION 1215.C. USE UNIT 15. OTHER TRADES AND SERVICES, Use Conditions,** located 9020 S. Lewis.

Presentation:

The applicant, **Joseph R. Schulte**, 4127 E. 49<sup>th</sup> St., submitted a site plan (Exhibit P-1) and stated that he wants to construct a storage greenhouse on CS zoned property. There will be no mercantile work being done in the structure and the applicant is requesting a reduction in the number of parking spaces. Mr. Schulte mentioned that they will be growing plants and storing plants that they have received in this location. The retail facility is directly across the street from this site. Mr. Schulte stated that the vegetation along the creek would not be removed and there is about 175' to the nearest residence.

Comments and Questions:

Mr. Dunham suggested approving the special exception to allow the greenhouse but limiting the approval to no retail business may be conducted. The applicant agreed with the suggestion.

Case No. 18283 (continued)

Mr. Stump suggested attaching the limitation of no retail sales to the parking variance instead of the special exception so the applicant does not have to return to the Board if he wants to make the greenhouse retail, he only has to comply with the parking requirement of 63 spaces. The Board agreed to do that instead.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to allow a greenhouse in a CS zoned district, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15**; a Variance of the 63 required parking spaces to 20, subject to no retail business being conducted on the property, finding that it meets the requirements of Section 1607.C., **SECTION 1215.D. USE UNIT 15. OTHER TRADES AND SERVICES, Off-Street Parking and Loading Requirements**; and a Waiver of the screening requirement on the north and west property line that abuts an R district to allow natural vegetation and trees to serve as the buffer, subject to a 25' buffer being maintained from the edge of the creek. **SECTION 1215.C. USE UNIT 15. OTHER TRADES AND SERVICES, Use Conditions** on the following described property:

Beg. 111.35' W 672.60' N 25' W of the SW/c SE SW thence S 392.93' W 215.89' NW 39.12' on a curve with a radius of 472.12' to a point SL Southern Villa Mobile Home Park thence E to the POB of Section 17, T-18-N R-13-E containing 3.40 acres

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**Case No. 18284**

**Action Requested:**

Special Exception to allow a mobile home in an RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Special Exception to extend the one-year time limit to permanent. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, located 3519 E. 32<sup>nd</sup> Pl. N.

**Presentation:**

The applicant, **Wynetta D. Phipps**, 982 E. 61<sup>st</sup> St, Apt. 7-J, submitted building plans (Exhibit Q-1) and stated that she would like to place a modular home on the subject property. Ms. Phipps submitted a packet of information showing drawings of the home. The home will be 2,240 square feet and will be placed on a block foundation. The home will meet all City and County codes and they also meet HUD requirements. Ms. Phipps pointed out that the property she would like to put the home on is currently being used as a dumping ground and by placing the home there it will improve the property and the area.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to allow a mobile home in an RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Special Exception to extend the one-year time limit to permanent. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, finding that the special exceptions 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, per plan submitted, subject to the home being placed on a permanent foundation, on the following described property:

Lots 17 and 18, Block 3, Mohawk Harvard Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18285**

**Action Requested:**

Variance to allow a roof sign. **SECTION 1221.C.11. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 14**, located 2198 S. Sheridan.

**Presentation:**

The applicant, **Oklahoma Neon, Inc.**, was represented by Ralph Sigler, 6550 E. Independence. Mr. Sigler submitted sign plans (Exhibit R-1) and photos (Exhibit R-2) and stated that the existing sign on the building extends above the roof. There are two 8" thick I-beams on the roof and that is where they would like to place the sign. Even though the poles run through the ground, Mr. Garriott of Development

Case No. 18285 (continued)

Services, did not want to sign off on the sign because the it touches the building. Mr. Sigler read the definitions of both a roof and a ground sign and explained that this sign applies to both definitions.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance to allow a roof sign. **SECTION 1221.C.11. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 14**, finding that it meets the requirements of Section 1607.C., per plan submitted, on the following described property:

~~Beg. 50' W 250' S of the NE/c NE thence S 1012.56' W 630.88' N 1211.54' E 440' S 200' to the POB.~~

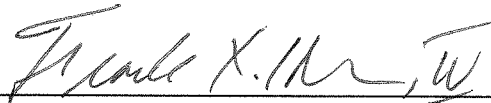
Beg. 50' W 250' S of the NE/c NE thence S 1012.56' W 630.88' N 1211.54' E 440' S 200' E 200' to the POB, Section 15 T-19-N R-13-E

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There being no further business, the meeting was adjourned at 3:53 p.m.

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

2/27/07



Chair

