

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 213
Thursday, June 3, 1976, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Blessing
Guerrero
Jolly, Chairman
Purser, Mrs.
Smith

STAFF PRESENT

Edwards
Etter, Mrs.
Gardner
Jones

OTHERS PRESENT

Jenkins, Building Inspector's Office
Pauling, Legal Department

Charman Jolly called the meeting to order at 1:35 p.m. and declared a quorum present.

MINUTES

Regarding the Minutes of applications #8977 and #9007, dated May 6, 1976, Board Member Purser advised that Paragraph 2 of Page 13 should be amended as she did in fact amend the motion of Smith rather than make a suggestion, which would also amend the actual motion. Line 5 of Paragraph 2 of Page 13 should read: "submitted. PURSER amended this motion to include the closing . . .". Line 1 of Paragraph 3 of Page 13 should read: "on MOTION of PURSER, the Board (3-0) . . .".

Mr. Gardner pointed out that the applicants and attorney for the protestants may have questions regarding the screening requirements. He reviewed the screening discussed with regard to the northern boundary of the surface parking lot to the west of the parking garage, noting that nothing had been discussed with regard to screening along the western boundary of the 25' strip granted parking approval and the access from the St. John's parking lot to the Utica National Bank driveway, both as provided on the applicant's landscape plan for the St. John's parking lot.

The Chair noted that the Board did discuss, in public hearing, the screening along the northern boundary of the St. John's parking lot, but that he did not recall discussing the screening along the western boundary of the 25' strip. Board Member Smith agreed.

Ron Raynolds, attorney representing the Swan Lake Homeowners Association, advised of his concerns regarding the screening on the extreme western edge of the driveway between the commercial and residential zoning and the screening on the western boundary of the 25' strip approved for the St. John's parking lot. Mr. Raynolds noted that it was his understanding that the driveway was to be utilized by the lower level traffic of the Bank only and that there was to be no access from the St. John's parking lot to the driveway.

MINUTES (continued)

Upon questioning, Board Members Smith and Purser advised that it was their intent that the driveway was to be utilized by Utica National Bank's lower level traffic only with a physical barrier being provided between the surface parking lot to the west of the parking structure and the driveway. Mr. Gardner pointed out that portion of the western boundary of the driveway which is required to be screened between the CH and RS-3. He also suggested that the Board might wish to require an amendment to the landscape plan that no access is to be provided from the St. John's parking lot via the Bank driveway, with the amendment being initialed by both the applicant and the proestants' attorney, and that a barrier of some type be required to discourage persons from the parking lot from utilizing the driveway for access purposes.

Mr. Raynolds requested that the Minutes be amended to reflect that it was the Board's intent that there was to be no access from the St. John's parking lot to 19th Street via the Bank driveway. In further discussion, it was pointed out that the question of waiving the screening between the CH and RS-3 was not a question before the Board at the time the applications were presented, therefore, the screening requirement is to be met by the applicant at that location.

On MOTION of PURSER, the Board (5-0) clarified the Minutes regarding applications #8977 and #9007 in that it was not the intent of the Board to permit access from the St. John's parking lot (the 25' strip approved for parking) to 19th Street via the Utica National Bank driveway and required that a curb, a minimum of eight inches in height, be constructed along the western boundary of the parking lot to prohibit access from the parking lot to the Bank driveway.

On MOTION of GUERRERO, the Board (5-0) approved the Minutes of May 6, 1976 (No. 211) as amended this date.

UNFINISHED BUSINESS

8461

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) to permit off-street parking; and a Variance (Section 1670.1 - Variances - General) to establish off-street parking in an RM-1 District located at 912 West 24th Street; and

8770

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial District - Under the Provisions of Section 1670) for a variance of the side yard requirements from 25' to 1' 7" in an IL District located at 3920 East Pine Street; and

Unfinished Business (continued)

8799

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) to cease the operation of a salvage yard; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670) for a variance to allow the operation of a salvage yard and to permit automobile repair in an RM-2 District located at 4320 West 8th Street.

Presentation:

Lee Roy Dunn, L. A. Helms, and James Davidson, the applicants, were not present.

The Chair advised that a continuance of the applications had been requested by the Legal Department as they are directly related to a case pending in the Supreme Court.

Protests: None

Board Action:

On MOTION of SMITH, the Board (3-0) continued applications 8461, 8770 and 8799 to August 19, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9049

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office District - Section 1208 - Multifamily Dwelling and Similar Uses) to erect multifamily use; a Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 85' to 48' from the centerline of Peoria Avenue; and a Variance (Section 1208.4 - Off-street Parking and Loading Requirements - Under the Provisions of Section 1670) for a variance of the parking spaces from 10 to 5 spaces in an OM District located at 1616 South Peoria Avenue.

Presentation:

Ray LeCrone, the applicant, was not present.

The Chair advised that the applicant had not yet paid his advertising fees and that the application would need to be continued to June 17.

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board (5-0) continued application 9049 to June 17, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

NEW APPLICATIONS:

9068

Action Requested:

Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1225 - Light Manufacturing and Industry - Under the Provisions of Section 1670) to permit storage of salvage materials without expansion of use; in the alternative, a determination that the use is a legal nonconforming use, in an IL District located at 3816 North 78th East Avenue.

Presentation:

Steven M. Booth, the applicant, was not present.

The Staff advised that the application required readvertising and should be continued to June 17.

Protests:

Unnamed protestants were present and the Chair advised that the application could not be heard with an improper advertisement.

Board Action:

On MOTION of SMITH, the Board (3-0) continued application 9068 to June 17, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9084

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's nursery in an RD District located southeast of 120th East Avenue and 21st Street.

Presentation:

David Kennedy, the applicant, was not present.

The Staff submitted a request (Exhibit "A-1") from the applicant for a continuance of the subject application to June 17 as all supportive data for the application had been lost in the recent flood.

Protests:

An unnamed protestant present advised that she would be out-of-town on June 17 and requested a continuance to July 1, 1976.

Board Action:

On MOTION of GUERRERO, the Board (5-0) continued application 9084 to July 1, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9031

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to erect mini-storage buildings in a CS District; an Exception (Section 410 -

Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 (g)) to establish off-street parking in an RM-1 District adjoining an OL District; and Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) to remove the screening requirement where the purpose of the screening cannot be achieved; a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) for a variance of the floor area ratio of 50% in a CS, OL and RM-1 District located at the southwest corner of 31st Street and South 108th East Avenue.

Presentation:

Herb Looney submitted a plot plan (Exhibit "B-1") requesting permission to erect mini-storage buildings on the CS portion of the application, to establish off-street parking in the RM-1 portion of the application, and to utilize the OL portion of the application for access and circulation. He advised that no development is planned for the OL and RM-1 portions of the property and requested that he be permitted to include these portions of the property within his calculations for floor area ratio as his floor area would be well over the 50% permitted if he were not permitted to include these portions of the tract. With regard to his request for a waiver of the screening requirement, Mr. Looney pointed out that the Mingo Valley Expressway is located to the west and a screening fence would then abut the existing chain link fence and would not achieve any specific purpose.

Mr. Gardner advised that the 50' of OL zoning had been established as a buffer between the commercial to the north and the multifamily to the south and the applicant is requesting that this OL buffer area, which is proposed to be utilized as access and circulation rather than off-street parking, be included within the floor area ratio calculations. If the construction proposed on the CS is calculated on that portion of the property only, the floor area ratio would well exceed the 50% permitted. However, by not building in the OL, the total floor area proposed is less than the total floor area permitted in the combined OL and CS. Mr. Gardner pointed out the drainage concerns in the area, suggesting that any approval be subject to the City Engineer's approval of drainage plans. He felt that the waiver of the screening to the west was a valid request since the expressway will be elevated and nothing would be achieved by the screening.

Upon questioning by the Board, Mr. Looney advised that he would not permit parking or storage on the OL portion of the property--that it would be used for access and circulation only. He noted he would like to pave the entire 50' for maintenance purposes, but that only approximately 30' of pavement is absolutely necessary for circulation for those storage units facing the south. Board Member Purser expressed opposition to the entire 50' being paved, after which Board Member Smith advised that approximately 40' of pavement would be required in order that automobiles with trailers could negotiate a turn to utilize the storage units on the south.

Protests: None.

Board Action:

GUERRERO moved to approve the application, subject to the City Engineer's approval of drainage plans and subject to the OL portion of the property being utilized for access and circulation only, per plot plan submitted. The motion was then amended as follows.

On MOTION of SMITH, the Board (5-0) approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to erect mini-storage buildings in a CS District; an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680 (g)) to establish off-street parking in an RM-1 District adjoining an OL District; an Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) to remove the screening requirement on the west where the purpose of the screening requirement cannot be achieved; a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) for a variance of the floor area ratio of 50%, per plot plan submitted, subject to the City Engineer's approval of drainage plans and subject to the OL portion of the property being utilized for access and circulation only with no storage of automobiles, lake vehicles, etc. being permitted within the OL District, in a CS, RM-1 and OL District on the following described tract:

South 179 feet of Lot 1, Block 1, Tri Angle Square Addition
to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and parking in an RM-2 District located at 10th Street and Rockford Avenue.

Presentation:

J. D. Stringfellow, representing the Tenth and Rockford Church of Christ, submitted nine photographs (Exhibit "C-1") of the Church and surrounding properties in addition to his plot plan (Exhibit "C-2"), advising that the Church had recently purchased the subject property which contains a small storage building, a four-car garage and a two-story apartment structure. He noted that they are proposing to remove the two smaller structures and remodel the two-story structure (Lots 1 and 2, Block 7) for classrooms in connection with the Church located to the north. The remainder of the property is proposed to be utilized for additional off-street parking.

Mr. Gardner advised that all of the Church property including the Church building and parking north of 10th Street is under application at this time for church use since only portions of the property have been approved to date and they may want to add some additional improvements to the north of the existing facilities.

Protests: None.

9064 (continued)

Board Action:

On MOTION of PURSER, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205-Community Services, Cultural and Recreational Facilities) to use property for church use on Lots 1-8, Block 6 and for church use and parking on Lots 1 and 2, Block 7, per plot plan, in an RM-2 District on the following described tract:

Lots 1 and 2, Block 7; and Lots 1 thru 8, inclusive, Block 6, all in East Lynn Addition to the City of Tulsa, Oklahoma.

9065

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670) for a variance of the land area per dwelling unit requirements on all lots in Palos Verdes Estates Addition in an AG District located at 111th Street between Union Avenue and Elwood Avenue.

Presentation:

E. D. Snapp advised the Board that the subject property had been subdivided and platted as Palos Verdes Estates, an AG District, and it was thought that the properties as platted met all the requirements of the Zoning Code. Many of the lots have been sold and many lots are being developed at the present time; however, one of the contractors was not issued a building permit recently as there was not sufficient land area. He requested a variance for the entire addition in order that the properties might be developed.

Mr. Gardner advised that the property is platted and meets all of the requirements with the exception of the land area requirements, pointing out that the Board had, since the filing of the subject application, added to its list of Minor Variances and Special Exceptions a minor variance for land area, within the AG District. Land area includes the lot area plus 1/2 of the dedicated street which is supposed to add up to 2 1/2 acres or more. Physically this is impossible and therefore the Zoning Code must be amended.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) approved a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670) for a variance of the land area per dwelling unit requirements on all lots in Palos Verdes Estates Addition in an AG District on the following described tract:

All of Palos Verdes Estates Addition to Tulsa County, Oklahoma.

Action Requested:

Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1220 - Commercial Recreation: Intensive) to operate a golf driving range with related facilities in an AG District located at 8503 South Sheridan Road.

Presentation:

Joe Adwon submitted his plan (Exhibit "D-1") to the Board requesting permission to operate a golf driving range with storage for golf balls and clubs on the subject property as an interim use prior to development of the property. Approximately 25 to 30 persons would be utilizing the range at any one time and he noted he is not yet sure about the exact location of the light poles that would be erected; however, the plan submitted shows the area in which the lights would be projected. With regard to surrounding development, Mr. Adwon advised that the nearest development is one-half mile to the north, while Chimney Hills is platted to the south but has not yet been developed. Upon questioning, Mr. Adwon advised that the eventual development of the property would be residential, but that this would not be occurring for approximately five to ten years.

Mr. Gardner cited the Zoning Code, noting that this area is undeveloped but that he did not feel that it could be considered an outlying area. He noted that the area to the south is in the final stages of platting and that the area to the east is in the preliminary stages of platting, in addition to other properties in the area that are being platted at present.

Protests:

Don McCorkell, representing Hope Unitarian Church, advised that the Church is in opposition to the subject application as the proposed use is one which should be confined to outlying undeveloped areas not within a fast developing area. The use is one which is permitted by right in IM and IH areas which shows that it is a high-intensity use permitted in few areas. He referred to the Development Guidelines which provide guidance to the Board for variances and special exceptions as well as providing guidance for rezoning for the TMAPC.

Mr. McCorkell pointed out that the Guidelines do not permit this type of development in this particular area. He felt the Board should recognize that the application is not within the Guidelines and that it is incompatible with the existing and future development of the area.

W. H. Allen, 4323 East 72nd Street, Chairman of the Greater Tulsa Council, advised that the subject property is located within District 18 and that the District 18 Plan indicates nodes at intersections of arterial streets for commercial uses. The applicant is proposing commercial use within a noncommercial area which does not correspond with the District 18 Plan. Mr. Allen felt the proposed use would create additional traffic in the area and questioned whether or not the applicant had considered drainage and retention. He requested the subject application be denied.

9066 (continued)

With regard to access, Mr. Adwon advised that only one curb cut is planned for the entire 20 acre tract, that less traffic would be generated by this use than a conventional residential development, that the parking area is proposed to be gravel rather than paving, that the pond would be retained, and that the use as proposed would not add to the drainage problems in the area.

Board Action:

On MOTION of GUERRERO, the Board 4-0-1 (with Smith "abstaining") denied application 9066 in an AG District on the following described tract:

S/2, SW/4, NW/4, of Section 14, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

9067

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home in an RS-3 District located at 3740 South 32nd West Avenue.

Presentation:

Don Wilkinson requested an extension of the Board's previous approval to maintain a modular home on the subject property, advising that his mother's original home was not fit for residential purposes and that the modular home was purchased as a residence for her for economic reasons. Upon questioning, he advised that he was not aware of other mobile homes being located in the area.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) approved an Exception (Section 410-Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home for a period of one year subject to the customary removal bond in an RS-3 District on the following described tract:

Lot 2, Block 22, Red Fork Addition to the City of Tulsa, Oklahoma.

9069

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and parking in an RS-3 District located southwest of 28th Street North and Lewis Avenue.

Presentation:

Bob Brown, representing the House of Prayer for all People, submitted the plot plan (Exhibit "E-1") requesting permission to use the subject property for church use and parking. He advised that the property to the north is owned by the Christ Temple C.M.E. Church and that his Church has an opportunity to enter into a joint venture with Christ Temple for paving on the property to the north for off-street parking for both of

9069 (continued)

the churches. In reviewing his plot plan, Mr. Brown noted that parking is provided on either side of the structure and that the oval areas shown are to be utilized for landscaping purposes.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and parking, per plot plan, in an RS-3 District on the following described tract:

The North 200' of the East 340' of the South 810' of the SE/4, of the SE/4 of Section 19, Township 20 North, Range 13 East, Tulsa County.

9070

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 60' to 50' to permit a lot-split (L-13722) in an RS-3 District located at 1004 East 35th Place.

Presentation:

Marvin Parker, the applicant, was not present. The Staff advised that the lot-split had been approved by the TMAPC, subject to the approval of the Board.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 60' to 50' to permit a lot-split (L-13722) in an RS-3 District on the following described tract:

The East 50' of the N/2 of Lot 1, Block 4, Peoria Gardens Addition to the City of Tulsa, Oklahoma.

9071

Action Requested:

Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirement where the purpose of the screening requirement cannot be achieved in a CS District located at 6523 East 71st Street.

Presentation:

Fred Chadsey submitted a plat (Exhibit "F-1") advising that the CS zoned subject property is bounded by East 71st Street on the south, South Sheridan on the west and South 66th East Avenue to the north and north-east and provides access to all street frontages, including South 66th East Avenue. The commercial complex is to be comprised of small commercial shops and a McCartney's food store. He requested a waiver of the screening requirement along South 66th East Avenue as access is proposed along South 66th East Avenue to serve the residential area without requiring the customers to utilize the major arterial streets. He noted that he could see no purpose in erecting a screening fence which would become a maintenance problem and possible eyesore. Mr. Chadsey advised that he is requesting a waiver as was approved to the north and southeast of the subject property, after which the Chair pointed out that previous applications do not set a precedent.

Upon questioning by the Board, Mr. Chadsey advised that there will be no back doors facing South 66th East Avenue, that McCartney's would front 71st Street, and that a service area will be provided in conjunction with the strip center at the corner. A screened service court area at the rear of the structures will contain the trash receptacles, and because of the architectural design and decor of the McCartney's structure screening was felt to be unnecessary. In discussion of the proposed application, Mr. Chadsey advised that he would provide screening if the Board so desired and that he would have no objection to screening the entire boundary to the east and northeast to within 20' of the access points, noting that the exterior of the McCartney's would then be changed to a less decorative material in those areas that would be screened from the public. He advised that free circulation is required in the McCartney's service area for the semi-trailer trucks, pointing out that there is no outside storage of garbage--an incinerator and bailer are utilized at all McCartney's locations.

Mr. Gardner pointed out that the Staff would prefer a landscaped berm decreasing in height at the access points rather than a screening fence, noting that the subdivision was designed in such a way that screening was never intended.

Protests: None.

Board Action:

BLESSING moved to waive the screening requirement for a period of one year, at which time the Board would again review the request with relation to the completed development. Board Member Smith suggested that a berm be provided on the McCartney's portion of the South 66th East Avenue boundary decreasing in height at the access points and remaining development, with the screening waived on the southernmost portion of the eastern boundary. Mr. Chadsey advised that he could not provide a 100% berm because of circulation, but that he would be willing to provide a combination of berm and landscaping. The original motion dying 1-4 (with Guerrero, Jolly, Purser and Smith voting nay),

On MOTION of PURSER, the Board (5-0) approved an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirement where the purpose of the screening requirement cannot be achieved, with the exception of a landscaped berm

9071 (continued)

and decorative fencing being provided along South 66th East Avenue (the McCartney's service area) decreasing to a point 20' north of the access opening, per plan to be submitted by June 17, with any trash receptacles being screened locally in a CS District on the following described tract:

Lot 3, Block 1, Plaza Village Addition to the City of Tulsa, Oklahoma.

9072

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 60' to 46' and a variance of the lot area requirements from 6,000 square feet to 2,300 square feet and 5,200 square feet to permit a lot-split (L-13724) in an RM-2 District located at the northeast corner of 10th Street and Birmingham Avenue.

Presentation:

B. Keith Lyle, the applicant, was not present.

The Staff advised that the lot-split had not yet been reviewed by the Planning Commission.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) continued application 9072 to June 17, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9073

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a day care center in an RS-3 District located at 4901 South Mingo Road.

Presentation:

Mrs. Gary Wingo advised the Board that she is in the process of purchasing the subject property in order that she might remodel the existing structure and utilize it as a day care center, pointing out that she also owns the day care center located two lots to the north which has been in the family for years. She advised that both of the centers would be operated from one office and that the subject property is entirely fenced as required by the law governing day care centers.

Protests:

Frank Rowell, owner of the industrial property to the east and the lot between the subject tract and the day care center to the north, presented an aerial photograph of the area and expressed his concern with the operation devaluing his property which would be located between two day

care centers. He also advised that the operations so near to one another would hinder his access to Mingo Road from the industrial tract via the lot between the two centers, after which David Pauling, Assistant City Attorney, advised that the access from the industrial property to Mingo Road via the RS-3 tract is illegal.

Mrs. Wingo advised that the nursery also contains a dance school and that the proposed operation would contain the same activities for two and three year olds, noting that this operation will be licensed for less children than the operation on the northern tract. Upon questioning, Mrs. Wingo stated that each of the operations has its own supervisor and teachers and the only person going from operation to operation will be herself. She also pointed out that there is adequate parking on each lot.

Board Action:

On MOTION of BLESSING, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205- Community Services, Cultural and Recreational Facilities) to operate a day care center in an RS-3 District on the following described tract:

The East 25.25' of the West 50' of that part of the SW/4 of Section 30, Township 19 North, Range 14 East, Tulsa County, Oklahoma, more particularly described as follows: Beginning at a point 733' North of the Southwest corner of said SW/4, SW/4; thence North 104'; thence East 208'; thence South 104'; thence West 208' to the point of beginning.

9075

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for a public park with improvements to consist of parking, a decorative fountain and landscaping in an RM-2 District located at 21st Street and Boulder Avenue.

Presentation:

Randy Nicholson, representing the City of Tulsa Park and Recreation Department, submitted the plot plan (Exhibit "G-1") requesting park use of the subject property with improvements on the northern end of the park area as provided on the plan. Improvements include a 33 space parking facility with access to Boulder replacing the existing dirt parking area, and a decorative fountain, each of which will be developed and maintained by Mapco per the lease agreement between the City and Mapco which is to be presented to the City Commission on June 4, 1976.

In Board discussion, Mr. Nicholson pointed out that the parking area would not be used by employees of Mapco.

Protests:

Virginia McKay, 1906 South Boston, advised that her home abuts the park and expressed concern with regard to additional property to the east being taken for park purposes. The Chair advised that the property under application this date is owned by the City and that no additional property is being obtained.

Mary Caroline Cole, 15 East 21st Street, advised the Board that her property sides Boulder Park and expressed concern with the Park Board's future decisions to take greater parts of the Park property for additional parking which might be utilized by Mapco.

Interested Party:

Dr. David Leibowitz, 1722 South Carson, District 7 Chairman, cited Chapter 6 of the District 7 Plan, noting that the improvements of the Park are in conformance with the District 7 Plan. He advised that the District has no objections to the lighting of the pedestrian paths with appropriate conditions and commended Mapco for its contribution to the Park.

Board Action:

On MOTION of GUERRERO, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 Community Services, Cultural and Recreational Facilities) to use property for a public park with improvements to consist of a parking area, a decorative fountain and landscaping per plot plan in an RM-2 District on the following described tract:

All of Blocks 1 thru 4 Boulder Park Addition and a strip and a parcel of ground being 36' wide by 435' long joining on the West Lot 16 to 23, inclusive, of Block 1 of Boston Addition and said strip of land being part of reserve more particularly described as beginning at the SW corner of Lot 26, Block 1, Boston Addition, extending North along the West side of Block 1, Boston Addition a distance of 488' to the NW corner of Lot 16 of said Addition; thence West a distance of 36'; thence Southerly along the East line of Block 4 of Boulder Park Addition to the SE corner of said Lot 4, Boulder Park Addition; thence East in a straight line to the place of beginning, to the City of Tulsa, Oklahoma.

9077

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate a car wash facility and gasoline facility from the hours of 7:00 a.m. to midnight in a CS District located at 2126 South 117th East Avenue.

Presentation:

Tom Tannehill, representing prospective purchasers of the subject property, advised the Board that approval for a car wash facility had been granted in December, 1973 on this subject tract waiving the screening requirements on the east and subject to the hours of the operation being 7 a.m. to 9 p.m. The owner of the property at that time sold the operation to the present owner who then developed gasoline pumps on the subject property after a clarification by the Board to permit the location of the pumps on the property. The prospective purchasers of the property were considering adding additional pumps and operating the facility as a gasoline facility, by right, on a 24-hour basis rather than from 7 a.m. to midnight as the application states for economic purposes. However, if they are permitted to operate between 7 a.m. and midnight, the operation will not need to be altered and the car wash facility will remain.

He advised of the many uses in the area, pointing out those which have been permitted via Board approval. He also submitted a booklet of photographs (Exhibit "H-1") of the subject property, pointing out the screening which has been erected between the operation and the residential area to the south.

Protests:

Lewis Dillon, 2142 South 117th East Avenue, submitted a protest petition (Exhibit "H-2") containing the signatures of 38 residents who oppose the existing and proposed operation. Mr. Dillon advised that the southernmost car wash bay is located 27' to the north of his property line, that he has experienced runoff from the operation and overspray from the facility onto his patio. The original approval granted by the Board permitted the operation until 9 p.m.; however, the operation has been open until late at night and on many occasions all night. Mr. Dillon submitted four photographs (Exhibit "H-3") of the operation, advising of the many adverse effects that the use has had on the residential neighborhood and requesting that the Board deny the application and rescind its original approval.

John Stroud, 2148 South 117th East Avenue, advised the Board that he agreed with Mr. Dillon's statements even though he had not personally observed all that Mr. Dillon had with regard to the operation. Upon questioning by the Board, Mr. Stroud advised that the operation has been open as late as 10 p.m., but that he was not aware of a 24-hour operation.

Mrs. Jack Lowe, 2202 South 117th East Avenue, advised of the low water pressure that the residents experience because of the car wash operation.

Mr. Tannehill noted that not all statements mentioned fall within the authority of the Board, such as the zoning patterns in the area which permit the subject uses and the uses that were developed prior to the multifamily and single-family developments. He did note that the Board has the authority to restrict the use of the car wash bays, and modified his application to a request to operate the entire facility from 7 a.m. to midnight during Daylight Savings Time and a modification that the southernmost bays would be closed after 9 p.m. and an attendant would be required to be on duty during the operating hours if the Board so desired. Upon questioning by the Board, Mr. Tannehill advised that the lighting of the southern four bays can be regulated separate from the lighting of the northern bays.

Upon questioning by the Board, Mr. Dillon did not feel that the closing of the southern four bays would help alleviate the problems presently experienced. He submitted a flyer (Exhibit "H-4") which he received in 1974 which advises that the operation will be a 24-hour operation even after the Board granted the usage between the hours of 7 a.m. and 9 p.m.

Mr. Tannehill, upon questioning by Board Member Smith, advised he would have no objection to providing a screen extending to the west of the southernmost bay to prevent overspray from being directed to the south.

David Pauling, Assistant City Attorney, suggested that the application be continued due to the number of modifications offered by the applicant and that a plot plan be presented with the modifications noted including the Board's request for a screening to the west of the southernmost bay in order that the Board might have a clear understanding of the application before the Board at this time.

Board Action:

On MOTION of BLESSING, the Board (5-0) continued application 9077 to June 17, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

6.3.76:213(15)

9079

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts-
Section 1217 - Automotive and Allied Activities) to operate a used car
sales lot in a CS District located at 9430 East 31st Street.

Presentation:

Dave Rich, the applicant, was not present.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) continued application 9079 to
June 17, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa
Civic Center.

9080

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts-
Section 1212 - Eating Places Other than Drive-Ins) to operate a restaurant
in an IL District located north and east of 51st Street and Memorial.

Presentation:

Phillip Reeves advised that the subject property fronts Memorial just
north of East 51st Street and that it is surrounded by commercial de-
velopment. He advised that he is proposing to locate a McDonald's
restaurant on the property and requested an exception to permit the
restaurant on the property until such time as the property can be re-
zoned for that purpose, after which the Chair noted that the rezoning
would not be necessary if the Board approved the application.

Mr. Gardner suggested that the access and circulation plans be approved
by the Traffic Engineer because the use is a heavy traffic generator.

Mr. Reeves advised that one central access point was recently approved
by the TMAPC which was aware of the location of the proposed structure
at the time the access change was approved. In discussion, the Board
determined that the plans would not need to be approved by the Traffic
Engineer since the access had recently been approved.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (5-0) approved an Exception (Section
910 - Principal Uses Permitted in Industrial Districts - Section 1212 -
Eating Places Other than Drive-Ins) to operate a restaurant in an IL
District on the following described tract:

North Half of Lot 5, Block 4, Resubdivision of Second Research
and Development Center to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use in an RD District located at 27 South Urbana Avenue.

Presentation:

Byron Todd advised that he is proposing to locate a 10,000 square foot church structure on Lots 4 and 5 with parking to be provided to the south. He deleted the south 20' of Lots 6 and 8 and the west 20' of Lot 6 in order that the parking would be setback from the residential properties to the south and west of the proposed parking area. The church has been located within the neighborhood for some 30 years and is requesting to be able to relocate on the subject property.

Mr. Gardner in reviewing the applicant's request, noted that the Board should satisfy itself that the facility would have sufficient access and setback to insure that the use is compatible with the surrounding neighborhood.

The Chair felt that a plot plan should be provided the Board prior to approval being granted, after which Mr. Gardner noted that a concept plan might be provided rather than a specific plan and advised that the property would be required to be platted since it was zoned RD under the terms of the new Zoning Code.

Protests:

Charles McKee, 1329 North Sheridan, owner of property in the area, expressed concern with the drainage problems in the area, advising that he was not protesting the church use.

Mrs. Charles Drury, 4631 East 2nd Street, advised that there are drainage problems in the area and expressed concern with exact location of the church structure and the proposed parking as the parking would be located to the north of her property. She pointed out that paved parking would create additional runoff.

Mr. Todd advised that the natural drainage of the property is toward the storm sewer located between Urbana and Vandalia to the northwest and that there would be no runoff directed to the south. He pointed out that the church structure is proposed to be located on Lots 4 and 5, while the parking will be setback 20' from her property line.

Gertrude Lavoy, address unknown, questioned whether or not the City and State could work together to provide a storm sewer parallel to the Expressway which would solve the drainage problems in the area, after which the Chair noted that an answer to the question would have to be obtained from the State as the Board had no jurisdiction in that matter.

Upon questioning by the Board, the Pastor of the church advised that his architect is working on the plans at present and that he felt that they would be ready for the Board by the July 1 meeting.

Board Action:

On MOTION of SMITH, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205-Community Services, Cultural and Recreational Facilities) to use property for church use, subject to a conceptual plot plan being furnished to the Board by July 1, 1976, subject to the approval of the drainage plans by the City Engineer, subject to screening being provided on the southern property line and subject to parking ^{only for structures or other uses} being permitted on the southernmost lots ~~only~~, in an RD District on the following described tract:

*amended
7/1/76
settle
see minutes*

Lots 3, 4, 5, 6, 8 & 9, Block 3, less the south 20' of Lots 6 & 8 and the west 20' of Lot 6, Sanford Heights Addition to the City of Tulsa, Oklahoma.

9099

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in the Residential District - Under the Provisions of Section 1630) for a variance of the rear yard setback from 25' to 20' 4" in an RS-1 District located at 4717 South Lewis Court.

Presentation:

Don Kihle submitted the plot plan (Exhibit "I-1") requesting a minor variance of the rear yard setback in order that he might expand the existing structure as proposed.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in the Residential District - Under the Provisions of Section 1630) for a variance of the rear yard setback from 25' to 20' 4", per plot plan, in an RS-1 District on the following described tract:

Lot 7, Block 1, Regency Manor Addition to the City of Tulsa, Okla.

ADDITIONAL ITEMS:

ELECTIONS:

On NOMINATION of SMITH, the Board elected Dr. E. T. Guerrero Chairman by acclamation.

There being no further business, the Chair declared the meeting adjourned at 5:13 p.m.

Date Approved

July 1, 1976

[Signature]

Chairman

6.3.76:213(18)