

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 251
Thursday, January 5, 1978, 1:30 p.m.
Langenheimer Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Jolly Smith, in at 1:32 p.m. Walden Purser, Chairman	Guerrero	Edwards Gardner Dyer, Mrs.	Jackere, Legal Dept. Miller, Mrs., Building Inspector's Office

The notices of said meeting were posted in the Office of the City Auditor, 9th Floor, Room 919, City Hall, Tulsa Civic Center, on January 3, 1978 at 3:40 p.m., as well as the Reception Area of the TMAPC Offices, 3rd Floor, City Hall.

The Chairman called the meeting to order at 1:30 p.m. and declared a quorum present.

MINUTES:

On MOTION of JOLLY, the Board 4-0 (Jolly, Smith, Walden and Purser "aye", Guerrero, "absent") approved the Minutes of December 1, 1977 (No. 249).

UNFINISHED BUSINESS:

9724

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a senior citizens' home as an accessory use to a church in an RS-2 District; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1208-Multifamily Dwelling and Similar Uses - Under the Provisions of Section 1670) to use property for a senior citizens' home as an accessory use to a church located SE of 36th Street and Yale Avenue.

Presentation:

John C. Cassidy, 5325 East 26th Place, advised that he is a representative and a member of the St. Andrew Presbyterian Church and they requested a variance to the zoning of RS-2 at 36th and Yale to build a senior citizens' home on the subject property, which is an eight-acre tract. Mr. Cassidy advised that the proposed senior citizens' home is a nonprofit religious organization which would be a subsidiary organization of the Church to overlook the financial operation of the unit and would hire the necessary personnel to operate the home. Mr. Cassidy advised that the subject tract is eight acres, with an additional two acres which includes the Church site for a total of 10 acres. He also added that they are proposing 100 units, with approximately 120 occupants, beginning at an age of approximately 55 years. Mr. Cassidy stated that it is anticipated that the facility will be occupied by 75% single women, 13% single men and 12% couples. Mr.

Cassidy added that the facility will be arranged in three dormitory type units of four and sixplexes, ranging from 467 to 672 square feet of space. He advised that the proposed plan includes a village concept unit. Mr. Cassidy informed that the units will house approximately 115 to 120 people and will be self contained. Mr. Cassidy stated that the purpose of the home is to house those retired senior citizens who prefer to live alone and have their own privacy and reside in a Christian type atmosphere. He added that the occupants will be recommended to the senior citizens' home by their own church and will be ambulatory people who will face financial problems living alone. However, they have no intentions of housing those who cannot afford normal rent. Mr. Cassidy submitted a site plan (Exhibit "A-1") of the proposal and advised that the surrounding areas to the north, east and south are zoned RS-2 and to the west of the subject property is zoned RS-3. Mr. Cassidy further stated that they would agree to make some reasonable adjustments to the plan but felt the proposed entrance east of 36th and Yale would not create a traffic congested area. He informed that the property will be separated by a 6' screening fence on top of a 6' retaining wall which means the cars will be 12' below the houses to the east. Mr. Cassidy stated that in the RS-3 zoning, 40 houses can be built on the 10-acre tract and they felt that the proposed project would mean less noise and traffic because most of the occupants are retired.

Interested Parties:

Beth Macklin, a Tulsa World Reporter, advised that she felt the project is much needed and she has had a number of calls from those in favor of the project who have expressed an interest in establishing residence there. Mrs. Macklin stated that those that have contacted her expressed a desire to live in a senior citizens' home which is operated under a church type atmosphere. She also felt that the home would be convenient for those occupants who do not drive or have cars.

Bob Farrill stated that he is a member of St. Andrews Presbyterian Church and has been on the Board there for five years and is speaking in favor of the project. Mr. Farrill added that they have given much thought and consideration to the project and have decided not to use federal funding because it would require the taxpayers' money. He also stated that they felt the project could be financed in a successful manner. Mr. Farrill advised that he was representing the congregation of the Church and felt it could be accomplished and asked the Board for approval of the application. Upon questioning, Mr. Farrill stated that the Church was built twenty-three years ago. A storm drain was later built to handle the drainage problem. This project will not cause any flooding problems for the neighbors. Mr. Farrill stated that the Church will sell bonds to finance the home. Board Member Walden questioned the change of the plans of the entrance on 36th Street. Mr. Farrill stated that the plans are not concrete and can be changed, but much thought and consideration have gone into the planning of the entrance as well as the entire project.

Protestants:

Mildred Anderson, 3618 South Braden Place, advised that she has lived in the area for eleven years and the subject property is adjacent to her property and she fears the project will create more traffic. Mrs. Anderson stated that the streets are not through streets. A portion of her rear yard is a utility easement and a fence cannot be erected. She stated that if traffic from other streets came onto Braden and wished to get onto Yale, adding another entrance to those that already exist would cause over-congestion and the project would make the area too over populated. Mrs. Anderson stated that the service drainage would be further aggravated due to the increased volume of the project and the entrance at 36th Street. This would be very detrimental to her property. She stated that her home is a big investment and the project will damage her investment. Mrs. Anderson also felt that if the project is not properly maintained it will create an eyesore to the neighborhood. She added that the plan in its entirety is not included, therefore, they are not sure the project will be completed and not delayed.

Clay Henderson, 3618 South Braden Place, opposed the senior citizens' home, stating that with the age starting at 50, he felt this would only be another moneymaking project. He felt the age limit was discrimination and that one could live there only if they are able to care for themselves. Mr. Henderson stated that the area residents should not have to sacrifice their homes for this type of business and prefer that the zoning not be changed.

The Chairman advised that the Board does not change zoning.

Tom Jenkins, 3804 South Braden Place, questioned the disruption of the utility lines and the roadway easement on the plot plan. He stated that the plot plan is detrimental to the adjoining property owners because of the traffic flow. Mr. Jenkins advised that the exit from Yale will be locked; therefore, he questioned the entrance for emergency vehicles and felt all traffic will be shifted to 36th and he felt this would create a traffic problem. Mr. Jenkins also expressed concern with the density on the eight acres, advising that there will be 100 occupants in addition to those who will be residing there overnight as visitors. He also expressed concern with the financial status of the project, stating that with other unfinished projects over the City, the applicant should be required to furnish financial evidence of its ability to finance the project in its entirety. Mr. Jenkins informed that a street is needed at Allegheny and if constructed there, it would disperse the traffic. He stated that he was in favor of the Church making use of the property but does not want to see the Church start a project that may not be completed and cause an eyesore to the neighborhood. Therefore, he recommended that the Board decline the application.

Mary Bowen, 3617 South Braden Place, advised that she has lived at her address since 1964 and added that there are more people opposing the application than are present. She stated that they are presently trying to prevent high-density apartments. Mrs. Bowen informed that

with Hudson School located in the immediate area they already have a traffic problem at 36th Street and asked the Board to consider the protestant's plea.

Roger Buyers, 3713 South Braden Place, stated that the homes in the area are developed at three homes per acre, which range from \$60,000 to \$70,000 in value. Developers would like to use the area for single-family development and they would like to see single-family homes built.

Board Action:

On MOTION of WALDEN, the Board 4-0 (Jolly, Smith, Walden and Purser "aye", Guerrero, "absent") approved a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1208 - Multi-family Dwelling and Similar Uses - Under the Provisions of Section 1670) to use property for a senior citizens' home as an accessory use to a church; provided that there be no more than one-hundred units and that the applicant provide the Board with final detailed plans in a form similar to the requirements of a PUD that meet the Concept Plan submitted, that the traffic engineer approve the traffic plans, that the Fire Marshal approve the access, that the nonprofit project be developed as presented and that the project cannot be used as a conventional apartment project in the future and so stated and filed of record in the County Clerk's Office to run with the property, that the City Engineer approve the surface drainage plans, and a screening fence be required along the entire east and south property lines to be constructed to screen each phase as development occurs, on the following described tract:

The West 585' of the North 585' of the SW/4, Section 22,
Township 19 North, Range 13 East of the IB & M, Tulsa County,
Oklahoma, LESS and EXCEPT the West 384' of the North 220' thereof.

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector - Appeal from a decision of the Building Inspector for refusing to recognize a business office at 1119 South Owasso Avenue in an RS-3 District.

Presentation:

Tom Ledbetter, 1220 South Owasso, representing his wife Patricia, advised that he has complained to the Building Inspector's Office regarding a house at 1119 South Owasso Avenue being used as an office. The telephone book lists a business at this address. Mr. Ledbetter advised that he assumed that an advertisement in the phone book is enough evidence to believe that a business is located there. He submitted an advertisement (Exhibit "B-1") of Thixton and Associates located in the yellow page section of the phone book. Mr. Ledbetter added that Mr. Thixton works as a consultant to a contractor and if he is using the subject address as his business, he should be required to obtain approval. Others in the area who have come to the Board for a zoning exception, use Mr. Thixton's business as an example and a precedent for granting other zoning exceptions.

Interested Party:

Tom Thixton, 1119 South Owasso Avenue, advised that he has resided at the subject location for four years and also owns a residence at 1202 East 29th Street that has been occupied by his family since their separation. Mr. Thixton added that he works full time as a consultant to a construction contractor and a phone book advertisement is for the purpose of reaching him at home after hours. Mr. Thixton also advised that he has no associates, employees or vehicles, adding that the on-street parking to the north of his property is in no way connected with him.

Building Inspector's Office submitted a correspondence (Exhibit "B-2") from Mr. Thixton clarifying the discrepancy of a business thought to be operated at the subject address.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Smith, Walden and Purser "aye"; Guerrero "absent") denied the Appeal (Section 1650 - Appeals from the Building Inspector) for refusing to recognize a business office at 1119 South Owasso Avenue since the Board found no office and upheld the decision of the Building Inspector's Office in an RS-3 District on the following described tract:

Lot 16, Block 4, Ridgewood Addition to the City of Tulsa, Okla.

NEW APPLICATIONS:

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 420 - Accessory Uses in Residential Districts) to maintain a mobile home for classrooms for a church in an RS-2 District located at 5502 South Harvard Avenue.

Presentation:

Roger Stark, 5709 East 58th Street advised that he is a member of the Harvard Avenue Christian Church and applied for an extension to maintain the mobile home on the subject property for use as classrooms. Mr. Stark advised that they are only requesting the mobile home be located there temporarily until they can construct a permanent classroom. He also stated that the permanent location has been selected as well as the architect. Mr. Stark informed that the project is in its first stage of design and the financial drive and construction is scheduled to begin this spring, with plans for completion in approximately six months.

Protests: None.

Board Action:

On MOTION of WALDEN, the Board 4-0 (Jolly, Smith, Walden and Purser "aye"; Guerrero "absent") approved the Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Section 420 - Accessory Uses in Residential Districts) to maintain a mobile home for classrooms for a church for a period of one year with a removal bond required on the following described tract: 1.5.78:251(5)

9795 (continued)

That part of the NE/4 of Section 32, Township 19 North, Range 13 East, described as follows: Beginning at a point 466.69' South of the NE corner of the SE/4, NE/4 of Section 32; thence West parallel with the North line of said SE/4, NE/4, 466.69' to a point; thence South 300' to a point; thence East 466.69' to a point on the East line of said Section 32; thence North along said line 300' to the point of beginning, City of Tulsa.

9799

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements on corner lots from 25' to 15' in an RS-3 District located NW of 66th Street and Garnett Road.

Presentation:

E. O. Summer, 6002 South 66th East Avenue, representing the Wedgewood Development Corporation applied for a variance of 10' in setback for corner lots within the subdivision. Mr. Summer advised that the lots within the subdivision are zoned RS-3. He submitted a plat (Exhibit "C-1") showing the proposed corner lot locations and stated that the variance would permit more building room and would allow a larger back yard. Mr. Summer informed that the variance would not affect the future of the neighborhood but would be of value to the owner.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 3-0-1 (Jolly, Smith and Purser "aye"; Walden "abstaining"; Guerrero "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements on corner lots from 25' to 15' per plat submitted on the following described tract:

Lot 14, Block 1; Lots 1 and 22, Block 2; Lots 1, 17, 18 and 35, Block 3; Lots 1 and 39, Block 4; Lots 1, 21, 22 and 43, Block 5; Lot 12, Block 6; and Lots 1, 26 and 27, Block 7; ALL in Wedgewood VI Addition to the City of Tulsa, Tulsa County, Oklahoma.

9801

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 307 East 31st Street North.

Presentation:

Charles Carpenter, P. O. Box 6024, applied for an extension to maintain a mobile home on the subject property for his daughter and son-in-law. Mr. Carpenter informed the Board that if the application is granted this would be the final extension because application has been made for a building permit to build a home.

1.5.78:251(6)

9801 (continued)

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Smith, Walden and Purser "aye"; Guerrero "absent") approved the 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 with a removal bond required on the following described tract:

Lot 9, Block 3, Chevy Chase Addition to the City of Tulsa, Okla.

9802

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements on corner lots from 25' to 15' in an RS-3 District located SE of 24th Street and 129th East Avenue.

Presentation:

Jim Birkes, 2712 West College Avenue, applied for a variance of 10' in setback for corner lots. Mr. Birkes submitted a plot plan (Exhibit "D-1") showing the building line and the proposed setback and advised that if granted, would allow for a larger rear yard.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Smith, Walden and Purser "aye"; Guerrero "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements on corner lots from 25' to 15' subject to the plot plan submitted as initialed by the applicant on the following described tract:

Lots 1 and 9, Block 1; and Lots 3, 4, 10, 11, and 17, Block 2, ALL in Brandon Park Addition to the City of Tulsa, Oklahoma.

9803

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 440 (6) - Mobile Homes) to maintain a mobile home in an RS-2 District located at 1501 East 61st Street North.

Presentation:

Lawrence Hickman, 1501 East 61st Street North, applied to maintain a mobile home on the subject property. Upon questioning by the Board, the applicant stated that when the Board granted the application in August 1975, he was hospitalized and was given controversial information that once the Board approved the application to locate the mobile home on the property, it could remain there.

Protests: None.

9803 (continued)

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Smith, Walden and Purser "aye"; Guerrero, "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 440 (6) - Mobile Homes) to maintain a mobile home for a period of one year with a removal bond required on the following described tract:

Lots 1, 2, 3, and 4, Block 1, East Turley Addition to the City of Tulsa, Oklahoma.

9804

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate an automobile repair shop in an RS-3 District located at 5607 South Quincy Place.

Presentation:

The applicant, M. H. Bullock, was not present and the Staff advised that the applicant's attorney Roy Hinkle, submitted a letter (Exhibit "E-1") requesting the application be withdrawn.

Protests: None.

Board Action:

The Chairman advised that the applicant's attorney withdrew the application, therefore, the application would not be heard.

9805

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front setback requirements from 35' to 19' to permit the erection of a porte cochere in an RS-1 District located at 3209 East 62nd Street.

Presentation:

Charles Welch, 3209 East 62nd Street, applied for a variance of 16' of the front setback to erect a porte cochere. Mr. Welch advised that he does have an unusual shaped lot and submitted a plot plan (Exhibit "F-1") showing the lot. He stated that he has contacted the adjoining property owner, Mr. McMahon, and he has no objections to the variance being granted. Mr. Welch submitted a letter (Exhibit "F-2") from Mr. McMahon advising that he did not object to the applicant building 16' over the 35' building line.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Smith, Walden and Purser "aye"; Guerrero "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front setback requirements from 35' to 19' to permit the erection of a porte cochere, per plot plan, on the following described tract:

1.5.78:251(8)

9805 (continued)

Lot 4, Club Terrace Addition to the City of Tulsa, Oklahoma.

9806

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the frontage requirements from 100' to 20' in an RS-1 District located at 111th Street and Hudson Avenue.

Presentation:

The applicant, Larry Campbell, was not present but the Staff advised that he has written a letter (Exhibit "G-1") requesting a continuance of the application until January 19, 1978, to allow final approval of zoning by the City Commission.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Smith, Walden and Purser "aye"; Guerrero "absent") continued application #9806 until January 19, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9807

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) of the setback requirements from 75' to 0' in an IL District located at 58th Street and Garnett Road.

Presentation:

The applicant was not present.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Smith, Walden and Purser "aye"; Guerrero "absent") continued application #9807 until January 19, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9808

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) to allow construction of duplex dwelling units on 12 lots located in an RS-3 District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) to permit 15' front yard setbacks on 12 lots; and to permit 15' side yards on Lots 1, 6, 7 and 12, abutting Birmingham Avenue located SW of 74th Street and Birmingham Avenue.

Presentation:

Tom H. Gudgel, 2705 East Skelly Drive, applied for an exception to allow duplex dwelling units to be erected on 12 lots in an RS-3 District. He also applied for an approval to permit 15' front yard

setback on 12 lots and to permit 15' side yard setbacks on Lots 1, 6, 7 and 12 abutting South Birmingham Avenue. Mr. Gudgel submitted a plot plan (Exhibit "H-1") showing the proposed duplex dwelling units and their setbacks. Mr. Gudgel also submitted elevation plans (Exhibits "H-2 and H-3") showing the proposed elevation on all sides. He advised that the subject property is six lots on the northwest corner of South 76th Street and Birmingham Avenue. The applicant also submitted a plat (Exhibit "H-4") of the subject location and advised that the abutting land use to the north and south is high-quality duplexes, and across 75th Street is ORU campus, and to the east is a single-family residence on a lot with a depth of 500'. He stated that the setbacks will not create any alignment problems and submitted 4 photos (Exhibit "H-5") of the subject property and those abutting and surrounding the subject property. The hardship results from the cul-de-sac streets and slope of the lots.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Smith, Walden and Purser "aye"; Guerrero "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) to allow construction of duplex dwelling units as presented on 12 lots located in an RS-3 District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) to permit 15' front yard setbacks on 12 lots; and to permit 15' side yards on Lots 1, 6, 7 and 12, abutting Birmingham Avenue with a completion date of the project to be January 5, 1980 on the following described tract:

Leisure Court Addition to the City of Tulsa, Tulsa County, Okla.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-1 District located at 30th Street and 54th West Avenue.

Presentation:

Tim Harrell, 3636 South Galveston, applied to locate a mobile home on the subject property for a temporary time period of approximately six months until he can build his home. Mr. Harrell stated that construction of the home has begun. He further advised that the mobile home will front on 54th West Avenue during construction, which is the front of the property. Mr. Harrell advised the Board of other mobile homes in the area.

Protests:

Lawrence Hurst, 3033 South 54th West Avenue, advised that he resides adjacent to the subject property which is in the Berryhill Addition and that area is restricted from mobile homes. Mr. Hurst advised that his home is estimated at approximately \$50,000. He also stated that the mobile homes in the area are gradually being vacated from the area and he would not like others to be allowed in the area. Mr. Hurst

added that he was informed that once a mobile home is located in an area it is difficult to have it removed.

Board Member Jolly, informed the applicant and protestant that the Board does have the authority and does set a time limitation on a mobile home as to how long it can remain on the property. Mr. Jolly stated that to locate a mobile home in a residential district requires a removal bond, which assures the City that the mobile home will be removed at the end of the year.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Smith, Walden and Purser "aye"; Guerrero "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 440 (6) - Mobile Homes) to locate a mobile home for a period of one year with a removal bond required, on the following described tract:

A tract of land in Section 17, Township 19 North, Range 12 East, Tulsa County, Oklahoma, described as follows: Beginning at a point on the East line of the SW/4 of the SE/4 of Section 17; said point being 444.24' North of the SE corner; thence West 475.42' to a point; thence North 2°-0'-3" East a distance of 100.06' to a point; thence East a distance of 471.46' to a point on the East line of the SW/4 of the SE/4 of said Section 17; thence South along the East line of the SW/4 of the SE/4 of Section 17 a distance of 100' to the point of beginning and containing 1.087 acres, more or less.

Action Requested:

Variance (Section 910 - Principal Uses Permitted in the Industrial Districts - Under the Provisions of Section 1670) to permit in an IR District a teaching hospital as a part of the City of Faith Medical Complex to be constructed as a part of the campus of Oral Roberts University; and an Interpretation (Section 1660) of the Zoning Text, all located SE of 81st Street and Lewis Avenue.

General Comments:

The Chairman advised that Mr. Warren Finn, had submitted a letter (Exhibit "I-1") requesting a continuance of the subject application pending adequate study, similar to the special studies that were compiled at the intersections of 71st and 81st Streets and Yale Ave.

Warren Finn, Chairman and Representative of District 18 Planning Team, requested a continuance of the subject application advising that the Planning Team had not had sufficient time to meet and make an adequate review and recommendation of the proposal.

Maryetta Allen, 4323 East 72nd Street, stated that the District 18 Planning Team submitted to the City Commission on December 27, 1977, a request asking for an amendment in the Tulsa Zoning Code as relates to the Board's process. That matter has not yet been considered, and

until a reply is received from the City Commission, she felt a continuance is in order.

Board Member Walden agreed that a continuance should be granted, because he felt that those citizens that would be affected by the variance had not had sufficient time to prepare themselves to appear before the Board.

Attorney, Charles Norman, representing the Oral Roberts City of Faith, objected to a continuance, advising that he is prepared to present the case today. He further added that the special studies mentioned by Mr. Finn were the results of rezoning requests and he is not making a request for change in zoning. Mr. Norman added that he is prepared to present the case and is operating under a tight schedule in order to meet the construction program. He said his intentions are to advise the Board of the impacts that the project might have upon the public facilities in the area to which Mr. Finn has expressed concern in his letter. Mr. Norman further stated that he is prepared to advise of the impacts in connection with the presentation of the application and if after conclusion of his presentation, the Board feels that additional information is needed to make their decision, then he would agree that a continuance is in order.

Board Member Jolly stated that he would like to hear the proposal. He stated that he had read a written explanation of the proposal submitted by the applicant; however, he would like to hear the application and then decide whether additional time is needed to make a special study. Therefore, Jolly moved that the case be heard today.

On MOTION of JOLLY, the Board 3-1-0 (Jolly, Smith and Purser "aye"; Walden "nay"; Guerrero "absent") moved to hear case #9810.

Presentation:

Attorney, Charles Norman, stated that the proposed development is located south and east of 81st and Lewis Avenue and all of the property is owned by Oral Roberts University. He advised that the property to the east is vacant except for the offices of Oral Roberts Association, located at the southwest corner of 81st and Delaware. To the south of the property is the University Village complex, a retirement facility which is affiliated with the Oral Roberts University and the ministry of Oral Roberts. He advised that the subject property is included in Special District #4, established by the District 18 Plan. Mr. Norman stated that the text of the District 18 Plan provides that uses within Special District #4 should be compatible and consistent with the goals of the District as a whole and consistent with the development of the University. Mr. Norman stated that the zoning classification to the west is CS, to the south is RM-1, to the east of Delaware is RD, and to the north and northwest is the campus of Oral Roberts University. Therefore, he advised that the boundaries of the property under consideration do not abut any homes or conflict with any existing or proposed uses.

Mr. Norman stated that approximately five or six years ago an application was submitted to the City Commission and Planning Commission for rezoning of the entire area to IR industrial research in hopes of developing a research center for scientific type organizations that would have a need for campus type, office location to be affiliated academically with a University. He advised that plans for the University have changed and increased in dimensions with the establishment of schools of medicine, law, dental and a school of nursing. Mr. Norman advised that those new facilities have created a need for a clinical and medical complex associated with the academic facilities of the dental, nursing and medical school. This lead the University to the development of the City of Faith, which will educate and provide for the total man.

He advised that under the IR zoning, the principal uses permitted are parking, offices, studios, research and development. Within the existing IR zoning, a floor area ratio of .5 or 50% of the land area may be constructed in floor area. Therefore, within the 87.6-acre tract is a total of 3,900,000 square feet of land area which means that over 1,950,000 square feet of office and research space may be constructed. Mr. Norman submitted a rendering (Exhibit "I-2") of the City of Faith. He also submitted a copy of the application (Exhibit "I-3") with an attached copy of a resolution adopted by the Board of Regents which approved the proposed construction. The City of Faith medical complex consists of a 4-story base building, which is a service module which will include the mechanical equipment and supporting facilities for a medical complex and a hospital. He advised that above the base on the east side is a 20-story tower which is 17 stories above the base that will be the medical research, dental clinic and continuing education building. Mr. Norman advised that the center building is the medical office building which is 57 stories above the base and will be used for diagnostic purposes and offices of associated physicians. He further added that the west building is 27 stories above the base and is the City of Faith Hospital. Mr. Norman submitted a concept plan (Exhibit "I-4") of the proposal. He added that the hospital building from the western face of the base is 740' from Lewis, the complex from the front of the base is 1,030 feet south of 81st and 1,230 feet from Delaware to the eastern side of the base and 320 feet north of the property line of University Village.

Mr. Norman stated that all of the buildings can be constructed under IR zoning without the approval of the Board of Adjustment, or any other Board. He stated that the hospital and medical research are identical buildings on the exterior except for height. The medical office building and clinic is 57 stories and requires no action except a building permit. Mr. Norman informed that the buildings do meet the requirements of the zoning, and the reason for requiring a variance is that under the Zoning Code the medical office, clinic, and laboratories are permitted but the hospital is not allowed in the IR District. Therefore, the terms of the Zoning Code impose a hardship that is peculiar to this property. He submitted a copy of the Use Units - Zoning Districts Table (Exhibit "I-5") to better acquaint the Board with the most recent amendment to the Zoning Code. Mr. Norman advised that the IR District was added to the Zoning Code in 1970, which was created to establish a location for industrial and scientific research and developments. Mr. Norman reiterated that under the IR zoning district the

medical and scientific building on the east side of the complex and the 60-story tower which contains the medical offices and the clinic facilities is permitted, but the IR District does not permit the hospital. If we were to rezone the property to OM we could have the hospital and the clinic facility but not the scientific or medical research facilities.

Mr. Norman advised that the total square footage will be in the area of 1,900,000 square feet, plus or minus. When the complex is completed and in full operation, it will create approximately 5,000 jobs. Mr. Norman stated that the exterior surface of the structure will be a non-mirrored, non-glare surface that will not interfere with the air traffic. He advised that the metal screening over the windows prevents any glare. Mr. Norman informed that the available water and sewer facilities are more than adequate, in terms of capacity, to serve the proposal. He also advised of the rechanneling of Joe Creek which will carry the 100-year flood. Upon questioning by Board Member Walden, Mr. Norman stated that the floodplain has been studied and no building permits can be issued until the City Engineering Department has approved the drainage plans.

Mr. Norman advised that he is requesting the variance as a means of constructing the complex which is not otherwise permitted under the Code because of what he considers an oversight in the drafting of the Code. He stated that based on the proposed use and the present uses in the area, he can see no reason why the application can not be granted and feels that the hardship is the literal enforcement of the terms of the Zoning Code. A rezoning would not accomplish the project since it would not permit the development as it has been proposed; therefore, he is requesting that the variance be granted.

Protestant's Comments:

Warren Finn, Chairman and representative of District 18 Planning Team, stated that he had written a letter requesting a continuance of the case until the zoning variance could be adequately studied. Mr. Finn stated that he was concerned with the zoning situation which is a City-wide issue and they have not had ample time to adequately review the request. He does object to the proposed project because he felt it is too far reaching. Mr. Finn advised that the hospital could not be built without the approval of the variance and he opposes adding the hospital which will require 5 employees per bed. Mr. Finn added that the Board should consider what it is committing itself to and should consider the City-wide impact and should be aware of the consequence of what the project would entail before it is granted. Mr. Finn further added that the Planning Team could not make a decision until a detailed analysis has been made and felt the Board should respond in the same manner.

Maryetta Allen, stated that there are no provisions in the Code to grant a hospital use in an IR District. She advised that the matter could be resolved if the applicant would go before the Planning Commission and seek a rezoning of the subject tract to OM, then the proposed complexes would be legal. She stated that a study was made which proved that the City of Tulsa is adequately staffed with hospitals. Mrs. Allen questioned why a 60-story building was necessary.

Larry Rainey, 8309 South Sandusky, advised that he chose the area to live in because of the new residential construction and advised that the Board should be aware of the far reaching impact the project would have on the new homes to be constructed in the area. Mr. Rainey further added that he does not have any objections to the University, but this proposal is out of context with the residential area. He felt that buildings 30 and 60 stories in height should be in a downtown area or along a major highway. Mr. Rainey was also concerned with the complete financing of the project.

Mrs. Hugh Watson, 7015 East 67th Street, questioned why Mr. Norman was seeking a variance stating that she was of the opinion that Mr. Norman was citing various areas where changes in the Code should be made. Mrs. Watson added that ORU is a business and it should be viewed that way. She stated that she could see no hardship and felt the taxpayers would be paying for some of the facilities built. Mrs. Watson said that it was obvious even without a study that the proposed project would be a detriment to the public good for the entire area of the City of Tulsa and possibly will cause taxes to go up. Mrs. Watson also felt that the project could be a contributing factor to the rising cost of hospitals.

Board Action:

On MOTION of JOLLY, the Board 3-1-0 (Jolly, Smith, Purser "aye"; Walden "nay"; Guerrero "absent") approved the Variance (Section 910 - Principal Uses Permitted in the Industrial Districts - Under the Provisions of Section 1670) to permit in an IR District a teaching hospital as a part of the City of Faith Medical complex to be constructed as a part of the campus of Oral Roberts University, that this action does not set a precedent for other IR Districts, subject to the applicant meeting F.A.A. requirements and specifications relating to lighting and that a copy of the F.A.A. approved lighting plans be submitted to and on file with the Board of Adjustment, and subject to the filing of a detailed plot plan with the Board of Adjustment which meets the Concept Plan as presented this date, on the following described tract:

A tract of land that is part of Block 1, Oral Roberts University Heights 2nd Addition, an Addition of part of the NW/4 of Section 17, Township 18 North, Range 13 East, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Beginning at a point on the Easterly line of said Block 1, said point being 986.05' Northerly of the Southeast corner thereof; thence North $0^{\circ}-24'-38''$ East along said Easterly line for 1,028.90' to a point that is 577.61' Southerly of the Northeast corner of Block 1; thence North $89^{\circ}-48'-06''$ West and parallel to the Northerly line of Block 1 for 472.00'; thence North $0^{\circ}-24'-38''$ East and parallel to the Easterly line thereof for 577.61' to a point on the Northerly line of Block 1; thence North $89^{\circ}-48'-06''$ West along said Northerly line for 2,077.93' to the Northwest corner of Block 1; thence South $0^{\circ}-00'-34''$ East along the Westerly line of Block 1 for 1,610.61' to a point of curve; thence Southeasterly along a curve to the left, with a central angle of $0^{\circ}-00'-59''$ and a radius of 350.00' for 0.10' to the Northwest corner of University Village, a Resubdivision of part of said Block 1; thence South $89^{\circ}-53'-47''$ East along the Northerly line of University Village and along an extension thereof, for 2,538.15' to the point of beginning of said tract of land, containing 3,819,704 square feet.

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The Chair instructed the Staff to correct the Minutes of May 5, 1977 to reflect the proper number of lots and their respective frontages as the figures were reversed in the Minutes.

There being no further business, the Chair declared the meeting adjourned at 6:15 p.m.

Date Approved

February 2, 1978

Kathryn Q. Purser
Chairman