

**CITY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 614**  
**Tuesday, August 11, 1992, 1:00 p.m.**  
**City Council Room, Plaza Level**  
**Tulsa Civic Center**

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Chappelle	Bolzle	Gardner	Jackere, Legal
S. White	Doverspike	Jones	Department
T. White		Moore	Garriott, Sign Inspections

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, August 7, 1992, at 10:38 a.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** the Minutes of July 28, 1992.

**UNFINISHED BUSINESS**

**Case No. 16076**

**Action Requested:**

Special exception to permit Use Unit 14 (shopping goods and services) in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICT** - Use Unit 14, or in the alternative,

Special exception to permit a sexually oriented business in an Industrial District - **SECTION 705. LOCATION OF SEXUALLY-ORIENTED BUSINESSES** - Use Unit 14, located 7925 East 41st Street South.

**Comments and Questions:**

Mr. Jones informed that a letter (Exhibit A-1) requesting a continuance was received from Mr. Floyd's attorney. She stated that a previous engagement in Oklahoma City prevents her appearance at the regularly scheduled Board meeting. Mr. Jones noted that there was discussion at the last meeting concerning required frontage and, after research, it was found that the lot was split prior to 1970 and is a legal nonconforming lot.

Case No. 16076 (continued)

**Presentation:**

The applicant, Robert Floyd, 6117 Sudbury Drive, Oklahoma City, Oklahoma, was not present.

**Board Action:**

On MOTION of T. WHITE, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to CONTINUE Case No. 16076 to August 25, 1992, as requested.

**Case No. 16077**

**Action Requested:**

Special Exception to permit Use Unit 15 in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 15, located 2-20 South 91st East Avenue.

**Presentation:**

The applicant, Joe McGraw, 4564 South Harvard Avenue, Tulsa, Oklahoma, stated that his tenant has been operating his business in the shopping center for 14 years, and there have been no complaints. He explained that the business consists of small tool repair, with no manufacturing of any kind.

**Protestants:**

None.

**Board Action:**

On MOTION of CHAPPELLE, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to APPROVE a **Special Exception** to permit Use Unit 15, small tool repair only, in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 15, finding that the business has been operating at the current location for approximately 14 years, and there are mixed uses in the area; and finding that the small tool repair operation will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lots 1, 2, 3 and 4, Block 7, Meadowood Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16080**

**Action Requested:**

Special exception to permit, in a CS and CH District, Use Unit 20 (Commercial Recreation) including outdoor miniature golf, batting cages, bumper boats, go-karts and kiddie rides - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 20, and a Variance of the required frontage in a CS District from 150' to 0' to permit a lot split - **BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS**; on property located west of the southwest corner of South Yale Avenue and I-44.

**Presentation:**

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, stated that he is presenting a proposal to construct a Celebration Station, which will be the 15th in a chain of virtually identical facilities throughout the mid-west. He informed that the property in question was the site of the former Ramada Inn, which was removed, and a water slide was later constructed on the tract. Mr. Norman submitted a brochure and site plan (Exhibit B-1), and explained that the outdoor activities are before the Board at this time; however, the indoor activities are all permitted by right under the current zoning classifications. He asked the Board to approve the proposed outdoor uses and their location. Aerial photographs (Exhibit B-4) of the proposed site and other Celebration Station locations were submitted. Mr. Norman stated that the miniature golf course will be located on the west side of the development, the go-kart and the batting cage area in the center and the children's rides will be located on the north side of the site. It was noted by the applicant, that the complex is designed to include a hotel and restaurant, which are not a part of this application. Mr. Norman informed that the parcel is isolated from Yale Avenue and 51st Street; however, it does have access by a private road to 51st Street and an access easement to Yale. He stated that neighborhoods to the north of the expressway, as well as the apartment complex to the west, have been advised of the plan, and operating standards (Exhibit B-3) have been reviewed. Mr. Norman pointed out that a sound limitation will be imposed and enforced. He explained that the go-kart engines are similar to those used in golf carts, and they do not generate an excessive amount of noise, or emit large amounts of smoke. It was noted by the applicant, that the sound study (Exhibit B-2) found that the residents to the north of the expressway will not hear noise from Celebration Station. He stated that the study indicated the sound levels on the expressway range from a low of 64 decibels to a high of 89. Mr. Norman pointed out that the sound of 20 go-karts measured 100' away produces sound levels of 69 decibels, with the sound

Case No. 16080 (continued)

diminishing by half as the distance is doubled from the point of origin. He noted that the apartments on the west are 320' away from the project, and would not be negatively impacted by the noise. The applicant stated that no sound will be permitted that exceeds 70 decibels 100' from the point of origin. It was noted by the applicant, that lighting along the expressway will not exceed the height of existing lights and will be directed down and away from the neighborhood to the north. He added that the height of the lights within the miniature golf area, near the apartments to the west, will be limited to 12', and the row of existing trees along the west boundary will be maintained, if possible, and a screening fence will also be installed along the west lot line. Mr. Norman requested that the complex be permitted to remain open until 11:00 p.m., Monday through Thursday, 1:00 a.m. on Friday and Saturday and 11:00 p.m. on Sunday. He also requested that Celebration Station be permitted to extend the hours of operation for 10 special events during the year. The applicant stated that there will be no alcoholic beverages served on the premises, other than 3.2 beer served inside as a part of the pizza operation. He informed that all kiddie rides will be limited to 23' in height. Letters (Exhibit B-6) from other cities where Celebration Stations are located were submitted.

**Protestants:**

**Steve Gray** submitted a petition of opposition (Exhibit B-5) and stated that he is representing the homeowners in the area. He pointed out that other similar operations in the City close at an earlier hour, and none of them stay open until 1:00 a.m. (Exhibit B-8). Mr. Gray stated that the neighborhood is opposed to the extended hours of operation on 10 special nights, as well as the proposed closing hours. Mr. Gray informed that residents in the area feel that Celebration Station will have a negative impact on residential property values.

**Dorothy Hickerson**, 4685 South Winston, Tulsa, Oklahoma, stated that she is opposed to the application, because she is convinced that the proposed amusement park will lower property values in the area.

**Janice Pruitt**, 4691 South Winston, Tulsa, Oklahoma, stated that her fence is approximately 270' from the proposed business, and the lights will shine directly into her home every night. She also voiced a concern with the late hours of operation.

Case No. 16080 (continued)

**Joe Schulte**, 4127 East 49th Street, Tulsa, Oklahoma, suggested that children will be enticed to walk across the expressway to gain access to Celebration Station. He stated that a safe access should be provided if the application is approved.

**Anita Kabrick**, 4147 East 49th Street, Tulsa, Oklahoma, stated that she has children that would want to cross the expressway to get to Celebration Station, and feels this would be a disruption in her life. She asked if the neighborhood will be forced to pay for an attorney every time the noise level exceeds the maximum or if the business chooses to expand. She stated that Mr. Norman has informed the neighborhood that Celebration Station will conduct, and share the cost of, a study if 25 neighbors sign a petition. Ms. Kabrick requested that this proposal be upheld. She asked that hours of operation be no later than 10:00 p.m. on week days, and midnight on weekends.

**William Jones**, 3800 First National Tower, Tulsa, Oklahoma, stated that he is representing the owners of the Yacht Club apartment complex, which abuts the proposed Celebration Station to the west. He pointed out that his client does not object to the variance of the required frontage; however, he is opposed to intensive recreational use at this location. Mr. Jones pointed out that the proposed use is classified under Use Unit 20, which states that commercial recreational facilities are usually located in undeveloped outlying sections of the city. He informed that the Code also states that permitted uses should not detrimentally affect any adjoining residential property, and all ingress and egress points must have Traffic Engineering approval. He pointed out that Celebration Station will dump additional traffic on an intersection that is already overloaded. Mr. Jones noted that several of the apartments in the apartment complex to the west will have patios that face the project. He stated that the number of decibels is not necessarily the problem, but it is the sudden sounds and the pitch that cause problems for the nearby residents. Mr. Jones commented that the concept is good, but the location is not appropriate.

**Ed Franklin Casey**, 3140 South Winston, Tulsa, Oklahoma, stated that he is representing property owners at 4848 South Yale, and the proposed development is to the west of his clients facilities. He pointed out that access from the development is on a private road extending from 51st Street to Yale Avenue, and the magnitude of traffic on the private street, with no police protection, would be detrimental to the area.

Case No. 16080 (continued)

Letters of protest (Exhibit B-7) from surrounding property owners were submitted.

**Interested Parties:**

Bob Parmele, 1919 East 51st Street, Tulsa, Oklahoma, stated that he is speaking on behalf of James Dunn, an adjoining property owner, who owns several businesses in the area and is supportive of the application. He added that Mr. Dunn is not opposed to the hours of operation, or the proposed decibel levels.

**Applicant's Rebuttal:**

Mr. Norman stated that the Celebration Station in New Orleans is located nearer to a residential neighborhood than the one proposed for Tulsa. He pointed out that letters (Exhibit B-6) from homeowners associations in New Orleans and other areas indicate that there have been no concerns with the operations. Mr. Norman stated that Mr. Jones is apparently not aware of the fact that a sound cannot be heard if the background noise is louder than the sound. He pointed out that the outdoor activities will not be heard in the residential areas, and it is on that basis that the application is submitted. Mr. Norman noted that bars and taverns, with longer hours than Celebration Station, can operate in this area by right. He stated that the miniature golf course is located near the apartments to the west, and the closest apartment is more than 320' from the nearest point of the go-kart track. In an effort to cooperate with the neighbors, Mr. Norman informed that he is amenable to accepting an 11:00 p.m. closing time on Sunday through Thursday, and midnight on Friday and Saturday. In regard to the noise level, Mr. Norman informed that, if a 70 decibel maximum is exceeded, a petition with 25 signatures will initiate a sound study by Celebration Station and they will share the cost.

**Comments and Questions:**

Ms. S. White asked if the New Orleans Celebration Station is the same size as the one proposed for Tulsa, and Mr. Norman replied that both facilities will contain approximately six acres. He explained that the Tulsa tract is comprised of seven acres; however, one acre is required for stormwater detention.

Mr. Jackere inquired as to the number of security guards on the premises, and Mr. Norman stated that the number of guards is determined by the number of customers in attendance.

Ms. S. White stated that she is not supportive of later hours on the special days referred to by the applicant.

Case No. 16080 (continued)

Mr. Gardner stated that the reason for locating some Use Unit 20 uses in outlying areas is the fact that numerous uses under this classification are extremely intense; however, it is stated under the use conditions that some Use Unit 20 uses may abut an R District and, therefore, require a screening fence. He pointed out that it is contemplated that some of these uses will be in the city, and the Board should determine if the proposed Celebration Station is compatible with the surrounding area.

Mr. Chappelle stated that the developer has designed the facility in such a way that the impact on the residential area will be minimal or nonexistent, and many of the activities are permitted by right.

It was the consensus of the Board that the applicant should be required to file a new application for extended hours of operation for any special event.

**Board Action:**

On **MOTION** of **T. WHITE**, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Special Exception** to permit commercial recreation uses, per the plan submitted, which include outdoor miniature golf, batting cages, bumper boats, go-karts and kiddie rides - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 20, and a **Variance** of the required lot frontage in a CS District from 150' to 0' to permit a lot split - **BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS**; subject to the owner sharing 50% of the cost of a sound study in the event a petition of protest is signed by 25 nearby property owners alleging a violation of the 70 decibel restriction; subject to the following operating standards and restrictions:

1. Sounds produced by the operation of outdoor recreational facilities including miniature golf, batting cages, bumper boats, go-karts, adolescent and kiddie rides and from amplified music or announcements measured at a distance of 100' from the point of origin shall not exceed 70 decibels measured by a sound level meter using A-weighted scaling.
2. A maximum of 20 go-karts shall be in operation on the track at any given time.

Case No. 16080 (continued)

3. No light standard within the Celebration Station property shall exceed 30' in height or the height of the light standards on I-44 adjacent to the property, whichever is lower. Light fixtures shall direct outdoor lighting downward and away from the northerly and westerly boundaries of the property. Light standards along the west property line and within the miniature golf course, as shown on the Celebration Station site plan shall not exceed 12' in height.
4. Existing trees along the south 500' of the west boundary of the site having a diameter of 6" or greater shall be protected and preserved to the extent reasonably possible.
5. Hours of operation shall be Sunday through Thursday, 10:00 a.m. to 11:00 p.m., Friday and Saturday 10:00 a.m. to midnight.
6. No outdoor concerts or group entertainment shall be permitted. Clowns, animal characters, strolling minstrels and similar performers may be permitted subject to the outdoor sound limitations applicable to the property.
7. No alcoholic beverages other than beer with an alcoholic content not exceeding 3.2% shall be permitted. Beer, if offered, shall be consumed only within enclosed structures. Outdoor consumption of beer shall not be permitted on the premises.
8. A minimum of two security guards shall be on the premises during any period of time that the outdoor recreational uses are in operation.
9. Upon a written request signed by at least 25 residents of properties in the neighborhood of the Green Hills Addition, Patrick Henry Estates Addition, Patrick Henry Fourth Addition, Patrick Henry Blocks 24-37 Addition, Patrick Henry Blocks 38-47 Addition and the Max Campbell Fifth Addition Blocks 7, 8, 9, 10 and 11, the owners of the Celebration Station and/or their successors in interest agree to equally share the costs of a noise study with the neighborhood petitioners to measure compliance of Celebration Station with the requirement that sounds produced by Celebration Station shall not exceed 70 decibels 100' from the sound source as set forth in Section 1 above.



Case No. 16080 (continued)

The Board found that the use, per conditions, is compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property:

Lot 3, Interstate Central, a subdivision to the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded Plat thereof, and Lot 4, Interstate Central, a subdivision to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, and a tract of land, containing 2.4055 acres, that is part of Lot 6 of Interstate Central Extended, an Addition to the City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Beginning at a point on the Westerly line of Lot 6, said Point being 367.00' Northerly of the Southwest corner thereof; thence due North along said Westerly line for 27.00' to the Northwest corner of Lot 6; thence N 54°13'22" E along the Northwesterly line of Lot 6 for 450.00' to the most Northerly corner of Lot 6; thence S 35°46'38" E along the Northeasterly line of Lot 6 for 280.00' to the most Easterly corner of Lot 6; thence S 54°13'22" W along the Southwesterly line of Lot 6 for 250.52' to a point of curve; thence Southwesterly and Southerly along the Southeasterly line of Lot 6, on a curve to the left, with a central angle of 54°13'22" and a radius of 230.00', for 217.66' to a point of tangency; thence due South along an Easterly line of Lot 6 on said tangency for 97.46' to the Southeast corner of Lot 6; thence N 89°51'01" W along the Southerly line of Lot 6 for 30.00'; thence due North for 97.38' to a point of curve; thence Northerly, and Northeasterly along a curve to the right, with a central angle of 45°24'29" and a radius of 260.00' for 206.06'; thence N 35°46'38" W for 104.75'; thence due West for 216.22' to the Point of Beginning; City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16094**

**Action Requested:**

Special exception to permit a church in a residential district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5.

Variance of the one acre lot area for a church in an R district - **SECTION 1205.C. Use Conditions** - Use Unit 5.

Variance of the parking requirements - **SECTION 1205.D. Off-street Parking and Loading Requirements** - Use Unit 5.

Variance to permit parking within a required front yard - **SECTION 1205.C. Use Conditions** - Use Unit 5, located 439 East Ute.

**Presentation:**

The applicant, **Joe White**, 4801 North Lewis, Tulsa, Oklahoma, requested permission to utilize his property for church use for a period of two years. He explained that there are approximately 10 people in attendance, and no more than five cars will be parked at this location.

**Comments and Questions:**

Mr. Gardner asked the applicant if he will live on the premises, and Mr. Joe White replied that he lives at another location, and the property will be used for church purposes only.

Ms. S. White inquired as to the hours of operation, and the applicant stated that the group will meet two times on Sunday, and any large group meeting is held at a hotel.

**Protestants:**

**Corinne Alexander**, 431 East Ute Street, Tulsa, Oklahoma, stated that Mr. White is operating the church illegally in a single-family residence. Ms. Alexander informed that she can hear the services from her home and asked the Board to deny the application.

**Blossom Wilson** stated that she has lived in the neighborhood for approximately 31 years, and is opposed to the applicant changing the residential appearance of the dwelling. She pointed out that the street is narrow and additional traffic could prove to be hazardous to the residents of the area.

**Interested Parties:**

**Homer Moore**, 504 North Ute Street, Tulsa, Oklahoma, stated that church will have a positive influence on the neighborhood, and that he is supportive of the application.

Case No. 16094 (continued)

**Additional Comments:**

Mr. Chappelle stated that a church is inappropriate at this location, due to the small size of the house and the lot.

**Board Action:**

On MOTION of CHAPPELLE, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **DENY** a **Special Exception** to permit a church in a residential district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; to **DENY** a **Variance** of the one acre lot area for a church in an R District - **SECTION 1205.C. Use Conditions** - Use Unit 5; to **DENY** a **Variance** of the parking requirements - **SECTION 1205.D. Off-street Parking and Loading Requirements** - Use Unit 5; and to **DENY** a **Variance** to permit parking within a required front yard - **SECTION 1205.C. Use Conditions** - Use Unit 5; finding that the applicant failed to present a hardship for the variance requests; and finding the existing building and the lot to be too small to support church use; on the following described property:

Lot 23, Block 3, Meadowbrook Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16096**

**Action Requested:**

Special Exception to permit a church in an R District - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 13240 East 21st Street.

**Presentation:**

The applicant, **Bill Retherford**, 5408 East Princeton, Broken Arrow, Oklahoma, informed that he was instructed at the last meeting to return with a site plan for the proposed church facility. He submitted a plan (Exhibit D-1) for Board review.

**Protestants:**

None.

**Board Action:**

On MOTION of CHAPPELLE, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Special Exception** to permit a church in an R District - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per site plan submitted; subject to TMAPC approval of the plat or waiver of plat; finding the use to be compatible with the area, and in harmony

Case No. 16096 (continued)

with the spirit and intent of the Code; on the following described property:

NE/4, NE/4, NW/4 of Section 16, T-19-N, R-14-E, less the north 50' and east 25' and Lot 6, Smittle Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16101**

**Action Requested:**

Variance of the required side yard from 5' to 4'; variance of the lot width from 60' to 43'6"; variance of lot area from 6,900 sq ft to 5,089 sq ftf; variance of land area; and a Variance of livability space from 4,000 sq ft to 2,347 sq ft to permit a lot split - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6.

**Presentation:**

The applicant, Honey Karr, was not present.

**Comments and Questions:**

Mr. Jones informed that the applicant has requested by letter (Exhibit E-1) that Case No. 16101 be continued, to permit further negotiations with the neighborhood.

**Board Action:**

On MOTION of CHAPPELLE, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to CONTINUE Case No. 16101 to August 25, 1992, as requested by the applicant.

**NEW APPLICATIONS**

**Case No. 16102**

**Action Requested:**

Special Exception to permit a church in an RS-3 zoned district - SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 5, located 4301 South Union.

**Presentation:**

The applicant, Living Waters Church, PO Box 9602, Tulsa, Oklahoma, was represented by Glen Short, who submitted a plot plan (Exhibit F-1) for a new building.

**Comments and Questions:**

Ms. White asked if the church will operate a day care center, and he replied that there will only be church services on Sunday and Wednesday, with no day care proposed.

Case No. 16102 (continued)

**Protestants:**

None.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Special Exception** to permit a church in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plot plan submitted; subject to no compulsory school; finding church use to be compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property:

West 150' of Lots 7 and 8, Block 1, Rosehill Ranch,  
City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16104**

**Action Requested:**

Special Exception to permit an existing school in an R District - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 541 South 43rd West Avenue.

**Presentation:**

The applicant, **Tulsa Public Schools**, 541 South 43rd West Avenue, Tulsa, Oklahoma, was represented by **Jim Choate**, who requested that the existing school be permitted at the above stated location. He informed that three mobile units will be installed for additional classrooms.

**Interested Parties:**

**M. A. Phelps**, 508 South 40th West Avenue, Tulsa, Oklahoma, stated that he received a notice stating that the request is to permit the school to exist. He informed that the Mark Twain School was constructed before the City annexed the area.

**Comments and Questions:**

Mr. Gardner explained that the houses around the school are zoned for residential use; however, there is no zoning classification for a school, and each one is approved by the Board. He stated that there was no evidence that the school had been initially approved at this location, which initiated the filing of the application.

In reply to Mr. Phelps, Mr. Jackere advised that the school would not be before the Board at this time if it had been established that the school was nonconforming.

Case No. 16104 (continued)

**Protestants:**

None.

**Board Action:**

On MOTION of CHAPPELLE, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Special Exception** to permit an existing school in an R District - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; finding that the school has been at the current location for many years and is compatible with the area; on the following described property:

Blocks 15 and 16, Verndale Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16105**

**Action Requested:**

Variance of the aggregate display surface area of 3 sq ft per lineal foot of building wall to permit a backlit awning - **SECTION 1221.D.1. CS District Use Conditions for Business Signs** - Use Unit 12, located NW/c South 164th East Avenue and East Admiral Place.

**Presentation:**

The applicant, **Oklahoma Neon**, 6550 East Independence, Tulsa, Oklahoma, was not represented.

**Comments and Questions:**

Mr. Jones informed that amendments to the Sign Code are being considered by the City Council, and this request is similar to other recent applications concerning backlit awnings. He stated he has had no contact with Oklahoma Neon since the application was filed, and suggested the case be continued to permit Staff sufficient time to contact the applicant.

**Board Action:**

On MOTION of CHAPPELLE, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **CONTINUE** Case No. 16105 to August 25, 1992.

**Case No. 16106**

**Action Requested:**

Variance of the aggregate display surface area from 486 sq ft to 858 sq ft to permit a backlit awning - **SECTION 1221.D.1. CS District Use Conditions for Business Signs** - Use Unit 12, 1443 South Memorial Drive.

**Presentation:**

The applicant, **Oklahoma Neon**, 6550 East Independence, Tulsa, Oklahoma, was not represented.

**Comments and Questions:**

Mr. Jones informed that amendments to the Sign Code are being considered by the City Council, and this request is similar to other recent applications concerning backlit awnings. He stated he has had no contact with Oklahoma Neon since the application was filed, and suggested the case be continued to permit Staff sufficient time to contact the applicant.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **CONTINUE** Case No. 16106 to August 25, 1992.

**Case No. 16107**

**Action Requested:**

Variance of the aggregate display surface area from 400 sq ft to 1712 sq ft to permit a backlit awning - **SECTION 1103.B.2.c. Signs** - Use Unit 12, 7201 South Memorial Drive.

**Presentation:**

The applicant, **Oklahoma Neon**, 6550 East Independence, Tulsa, Oklahoma, was not represented.

**Comments and Questions:**

Mr. Jones informed that amendments to the Sign Code are being considered by the City Council, and this request is similar to other recent applications concerning backlit awnings. He stated he has had no contact with Oklahoma Neon since the application was filed, and suggested the case be continued to permit Staff sufficient time to contact the applicant.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **CONTINUE** Case No. 16107 to August 25, 1992.

**Case No. 16108**

**Action Requested:**

Special Exception to permit a mobile home in an RM-1 district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, and a Variance of the one year time limitation - **SECTION 404.E. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9, located 2111 North Fulton.

**Presentation:**

The applicant, **George Miller**, 10705 East 99th Street North, Owasso, Oklahoma, stated that he bought the subject property with the intent of installing a mobile home for his daughter. He informed that there is an existing dwelling on the tract, which will be used for rental purposes. A plot plan (Exhibit G-1) was submitted.

**Comments and Questions:**

In response to Mr. Chappelle, Mr. Jones advised that it appears the applicant may need additional relief to permit two dwellings on one lot of record. He suggested that, if the Board is inclined to approve mobile home use, the remainder of the application can be continued to permit the applicant to file for additional relief.

Mr. Miller stated that he has considered filing for a lot split.

Mr. Gardner advised that a hearing is scheduled before the Planning Commission to amend the Code to require that there can be only one dwelling on one lot of record, whether the dwelling unit is a mobile home or a stick built home.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RM-1 district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, and a Variance of the one year time limitation - **SECTION 404.E. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9; and to **CONTINUE** the remainder of the application to permit the applicant to file for two dwelling units on one lot of record, or file for a lot split ; finding that mobile home use is appropriate for the area, and approval of the



Case No. 16108 (continued)

special exception will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 2 of the resubdivision of that part of Industrial Addition to the Town of Dawson marked "Reserve", City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16109**

**Action Requested:**

Variance of the setback requirement of 500' from an R District to permit a sexually oriented business.

**Presentation:**

Mr. Jones informed that the applicant, J. D. Hunt, 321 South 28th Street, Tulsa, Oklahoma, has requested by letter (Exhibit H-1) that Case No. 16109 be withdrawn.

**Board Action:**

On MOTION of CHAPPELLE, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **WITHDRAW** Case No. 16109, as requested by the applicant.

**Case No. 16110**

**Action Requested:**

Variance of the spacing requirement between residential treatment and transitional living centers to permit a 250 bed residential treatment center - **SECTION 1205.C.4 - Use Conditions - Use Unit 5**, and for a Special Exception to allow Use Unit 2 to permit 12 and 12 Transitional House, Inc. - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS - Use Unit 2**, located 705 South Elgin.

**Comments and Questions:**

Mr. Jones informed that an interested party has requested by letter (Exhibit J-1) that Case No. 16110 be continued to August 25, 1992, to permit further research of the proposal. He informed that the applicant is agreeable to a continuance.

**Board Action:**

On MOTION of T. WHITE, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **CONTINUE** Case No. 16110 to August 25, 1992.

**Case No. 16111**

**Action Requested:**

Variance of the required 55' setback from the centerline of South Lewis Avenue to 48' to permit the construction of a single-family dwelling - **SECTION 403. BULK AND AREA REQUIREMENT IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located SW/c East 24th Street and South Lewis Avenue.

**Presentation:**

The applicant, **Rick Braselton**, 5319 South Lewis, Tulsa, Oklahoma, submitted a plot plan (Exhibit K-1) and stated that he is representing the owner of the property. Mr. Braselton informed that the proposed dwelling will replace a house that burned and was removed from the lot. He stated that the corner lot location and setbacks from two streets reduce the amount of buildable space to 37'.

**Protestants:**

None.

**Board Action:**

On MOTION of **T. WHITE**, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Variance** of the required 55' setback from the centerline of South Lewis Avenue to 48' to permit the construction of a single-family dwelling - **SECTION 403. BULK AND AREA REQUIREMENT IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding a hardship demonstrated by the corner lot location and building setbacks on two streets; on the following described property:

Lot 1 and the east 30' of Lot 2, Block 4, Wildwood, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16112**

**Action Requested:**

Variance of the required front yard from 25' to 22', variance of the side yard requirement from 5' to 1', variance of the required rear yard from 25' to 3', variance of the required livability space, and a variance to permit access via reserve area - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; located NE/c of East 86th Street and South Pittsburg.

Case No. 16112 (continued)

**Presentation:**

The applicant, **Barbara Hewett**, 5607 South Lewis Avenue, Tulsa, Oklahoma, was represented by **Roy Johnsen**, 201 West 5th Street. He submitted a plat of survey (Exhibit L-2) and explained that the lot in question is irregular in shape and abuts Reserve Area A (open space) on the west and north boundaries. He informed that his client will access the garage across a portion of the reserve area. Mr. Johnsen pointed out that the reserve will remain a permanent grassy area. He stated that the proposed dwelling will not meet the required livability space; however, the reserve area causes the lot to appear to have more open space than any other lot in the subdivision. A location map (Exhibit L-1) was submitted.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Variance** of the required front yard from 25' to 22', **Variance** of the side yard requirement from 5' to 1', **Variance** of the required rear yard from 25' to 3', **Variance** of the required livability space, and a **Variance** to permit access via reserve area - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding a hardship imposed on the applicant by the cul-de-sac location and the irregular shape of the lot; and finding that the reserve will always be a permanent green space; on the following described property:

Lot 5, Block 2, Brookline Square, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16113**

**Action Requested:**

Special Exception to permit hospital use in an OL/RS-3 zoned district - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 5, located north of the NE/c of East 71st Street and South Granite.

**Presentation:**

The applicant, **Roy Johnsen**, 201 West 5th Street, Tulsa, Oklahoma, informed that the hospital use was approved on the property in May 1992 (Case No. 16052); however, at that time the Board limited the floor area to .5, or 83,000 sq ft, due to the size of the tract. Mr. Johnsen stated that the parcel has been expanded, and asked the Board to permit 60,000 sq ft of floor area on the first

Case No. 16113 (continued)

floor and the basement, or a total of 120,000 sq ft. The applicant stated that previously approved uses and imposed conditions, such as the .5 FAR., will also apply to this case.

**Protestants:**

None.

**Board Action:**

On MOTION of CHAPPELLE, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a Special Exception to permit hospital use in an OL/RS-3 zoned district - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 5; per plan submitted (Case No. 16052); limited to 120,000 sq ft (.5 FAR maximum); subject to the facility not being open for public use; subject to no medical services or patients; subject to the facility being used only in conjunction with St. Francis Hospital and its affiliated operations; and subject to the use being restricted to laundry services, inactive storage and an upholstery shop (maximum of 4 employees); finding the use to be compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property:

A tract of land, that is part of the Northerly 561.00' of the East Half of the East Half of the Southeast Quarter of the Southwest Quarter (E/2 E/2 SE/4 SW/4) of Section 3, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, State of Oklahoma, said tract of land being described as follows, to-wit: starting at the Northeast corner of the SE/4 of the SW/4 of Section 3, T-18-N, R-13-E; thence Southerly along the Easterly line of the SE/4 of the SW/4 of said Section 3 for 296.70' to the Point of Beginning of said tract of land; thence continuing Southerly along said Easterly line for 264.30'; thence Westerly along a deflection angle to the right of 90°09'46" and parallel to the Northerly line of the SE/4 of the SW/4 of said Section 3 for 299.74'; thence Northerly along a deflection angle to the right of 89°49'55" and parallel to the Westerly line of the E/2 of the E/2 of the SE/4 of the SW/4 of Section 3 for 264.30'; thence Easterly along a deflection angle to the right of 90°10'05" and parallel to the Northerly line of the SE/4 of the SW/4 of Section 3 for 299.76' to the Point of Beginning of said tract of land, containing 1.8187 acres, and a tract of land, containing 2.2462 acres, that is part of the Northerly 561' of the E/2 of the E/2 of the SE/4 of the SW/4 of Section 3, T-18-N, R-13-E, City of

**Case No. 16113 (continued)**

Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Beginning at a Point, said point being the Northeast corner of the SE/4 of the SW/4 of Section 3, T-18-N, R-13-E; thence Southerly along the Easterly line of the SE/4 of the SW/4 of Section 3 for 296.70'; thence Westerly along a deflection angle to the right of 90°09'46" and parallel to the Northerly line of the SE/4 of the SW/4 of Section 3 for 299.76'; thence Westerly along a deflection angle to the right of 00°00'36" for 30.00' to a point on the Westerly line of the E/2 of the E/2 of the SE/4 of the SW/4 of Section 3; thence Northerly along a deflection angle to the right of 89°49'19" and along said Westerly line for 296.69' to a point on the Northerly line of the SE/4 of the SW/4 of Section 3; thence Easterly along a deflection angle to the right of 90°10'05" and along said Northerly line for 329.79' to the Point of Beginning of said tract of land and a tract of land that is part of the NE/4 of the SW/4 of Section 3, T-18-N, R-13-E, Tulsa County Oklahoma; thence Northerly along the Easterly line of said NE/4, SW/4 a distance of 255' thence Westerly parallel to the Southerly line of said NE/4, SW/4 a distance of 330'; thence Southerly parallel to the Easterly line of said NE/4, SW/4 a distance of 255'; thence Easterly along the Southerly line of said NE/4, SW/4 a distance of 330' to the Point of Beginning; City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16114**

**Action Requested:**

Special Exception to amend a condition of approval in a previously approved case (BOA-15754) in order to add a canvas awning, located 3900 South Sheridan.

**Presentation:**

The applicant, All World Enterprises, 3900 South Sheridan, Tulsa, Oklahoma, was represented by Brian Curthois, 1408 South Denver, who informed that a sexually oriented business was approved at this location approximately one year ago. He requested permission to construct an awning over the entry to the building. Mr. Curthois pointed out that the use will not be increased. A plot plan (Exhibit M-1) was submitted.

**Comments and Questions:**

Ms. White asked if signage will appear on the awning, and Mr. Curthois replied that the name of the business is Scarlett's and an "S" will be placed on the awning.

Case No. 16114 (continued)

Mr. Jackere asked if the awning is lighted, and the applicant stated that the awning will be placed over a metal frame and there will be no lights.

**Protestants:**

None.

**Board Action:**

On MOTION of CHAPPELLE, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Special Exception** to amend a condition of approval in a previously approved case (BOA-15754) in order to add a canvas awning; finding that the awning will not be illuminated, and the covering over the entry to the building will not be detrimental to the area; on the following described property:

Part of the Southeast Quarter of the Southeast Quarter (SE/4, SE/4) of Section 22, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. government survey thereof, being more particularly described as follows, to-wit: Commencing at a point 528.18' North of the Southeast corner of the SE/4 of the SE/4 of said Section 22, being the Southeast corner of the North 24 acres of the Southeast Quarter of the Southeast Quarter of said Section 22; thence Westerly along the South line of the North 24 acres of the SE/4, SE/4 of said Section 22, a distance of 35' to the point of beginning, thence Westerly along, the South line of the North 24 acres of the SE/4, of the SE/4 of said Section 22 to a point on the Southerly right-of-way line of the U. S. Highway 66 By-Pass, thence North 48°34'30" E along the Southerly right-of-way line of the U. S. Highway 66 By-Pass to a point, said point being 35' West of the East line of said Section 22; thence Southerly and parallel to the East line of said Section 22 to the point of beginning, less and except a tract beginning at the point of beginning; thence West 320'; thence North 220', thence East 320', thence South 220' to the point of beginning; City of Tulsa, Tulsa County, Oklahoma.

**OTHER BUSINESS**

**Case No. 16109**

**Comments and Questions:**

Mr. Jones advised that the applicant, J. D. Hunt, 321 South 28th Street, Broken Arrow, Oklahoma, has requested withdrawal of Case No. 16114 and a refund of filing fees. He informed that the case has been processed, except for the public hearing portion, and recommended a refund of \$25.00.

**Board Action:**

On MOTION of CHAPPELLE, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **REFUND** filing fees in the amount of \$25.00 to J. D. Hunt.

There being no further business, the meeting was adjourned at 3:10 p.m.

Date Approved

8/25/92

Chairman

