

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 683
Tuesday, June 27, 1995, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT

Abbott
Bolzle
Doverspike
Turnbo, Chair
White

MEMBERS ABSENT

STAFF PRESENT

Gardner
Beach
Moore

OTHERS PRESENT

Jackere, Linker,
Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, June 26, 1995, at 9:15 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Bolzle, "absent") to **APPROVE** the minutes of June 13, 1995 (No. 682) with a correction on the members voting on Case No. 17048.

UNFINISHED BUSINESS

Case No. 17046

Action Requested:

Variance of the required setback from the centerline of West 37th Place from 50' to 30' and a variance of the required setback from an abutting R District from 75' to 30' - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 23, located 1010 West 37th Place.

Presentation:

The applicant, **Jack Allen**, 1010 West 37th Place, was represented by **Michael Harrington**, 1304-A West Detroit, and **Mike Walker**, 1010 West 37th Place. Mr. Harrington submitted a plot plan (Exhibit A-1) and informed that the actual variance will be 10' instead of the 20' figure that appears on the case report. Photographs (Exhibit A-2) were submitted.

Case No. 17046 (continued)

Comments and Questions:

Mr. Doverspike inquired as to the reason for construction at the proposed location, and Mr. Walker advised that the existing building encroaches into the required setback.

In reply to Mr. Doverspike, Mr. Harrington advised that the new construction, which expands the office area on the front of the building, will add another 15' to the existing encroachment and will be 40' from the centerline of the street.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE** the Board voted 4-0-0 (Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of West 37th Place from 50' to 40' and a **variance** of the required setback from an abutting R District from 75' to 40' - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 23; per plan submitted; finding that the existing building encroaches into the required setback and approval of the small addition will not be injurious to the neighborhood; on the following described property:

Commencing at the SE/c, NE/4, SW.

Sec 23, T-19-N, R-12-E; thence N 1°00'41" W a distance of 240'; thence S 89°21'14" W a distance of 140' to the P.O.B.; thence S 89°21'14" W a distance of 347.5'; thence S 1°00'41" E a distance of 719.75'; thence N 89°21'14" E a distance of 100.0'; thence N 36°00'37" E a distance of 411.03'; thence N 89°21'14" E a distance of 280.0'; thence N 1°00'41" W a distance of 50.0'; thence S 89°21'14" W a distance of 280.0'; thence N 1°00'41" W a distance of 340.0' to the P.O.B.

NEW APPLICATIONS

Case No. 17080

Action Requested:

Variance of the required setback from the centerline of Owasso Avenue from 45' to 35' to permit an addition to the existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1226 East 31st Court.

Case No. 17080 (continued)

Presentation:

The applicant, **Wiley Parsons Jr.**, 1226 East 31st Court, submitted a plot plan (Exhibit B-1) and informed that a new addition is proposed at the south end of the existing dwelling. He pointed out that the new construction will align with the existing building wall on the west, as well as his neighbor's home to the south. Mr. Parsons stated that the hardship is the fact that the 50' of street right-of-way is disproportionate, with his side of the street having 20' and the other side 30'. He pointed out that, if his dwelling had been constructed across the street, this variance would not be required.

Comments and Questions:

Ms. Turnbo asked if the new addition will extend only to the building wall of the existing dwelling, and Mr. Parsons answered in the affirmative.

In reply to Mr. Doverspike, the applicant stated that the new addition will have one and one-half stories.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of Owasso Avenue from 45' to 35' to permit an addition to the existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the existing dwelling encroaches into the required setback and the new addition will not extend closer to the street than the existing building wall; and finding that approval of the request will not be injurious to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 2, of the Amended Plat of Lots 1 - 7, Block 1 and Lots 1 - 14, Block 2, Westview Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17081

Action Requested:

Special exception to permit a temporary "Tropical Sno" facility in a CS zoned district June 27, 1995 through September 31, 1995 - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located 5948 South Yale Avenue.

Case No. 17081 (continued)

Presentation:

The applicant, **Dale Baccus**, 9901 East 117th Place, Bixby, Oklahoma, was not present.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** without prejudice Case No. 17081; finding that the applicant failed to appear.

Case No. 17082

Action Requested:

Variance of the required setback from an abutting R District from 75' to 65' to permit a day care center - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 11, located 4849 South Mingo Road.

Presentation:

The applicant, **Gary Wingo**, 4849 South Mingo, submitted a plot plan (Exhibit C-1) and explained that he is proposing to construct a new facility that will overhang 10' into the required 75' setback from the R District. He informed that he owns the R^c tract.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from an abutting R District from 75' to 65' to permit a day care center - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 11; per plan submitted; finding that the new construction will overhang the property 10' and that approval of the request will not be detrimental to the area; on the following described property:

Commencing at the SW/c Section 30, T-19-N, R-14-E, thence north a distance of 733' to the POB; thence north for 227.81'; thence east for 208'; thence south 227.81'; thence west for 208' to the POB; less the west 24.74' statutory right-of-way and the east 25.25' of the west 50' for right-of-way and utility easement; City of Tulsa, Tulsa County, Oklahoma.

Case No. 17083

Action Requested:

Variance of the required rear yard from 25' to 14' and a variance of the required front yard from 30' to 28' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 4816 East 84th Street South.

Presentation:

The applicant, **Jack Slankard**, 2336 South 102 East Avenue, submitted a plot plan (Exhibit D-3) and explained that his building lot is irregular in shape and that only a corner of the dwelling encroaches into the required front yard. He asked that a rear yard setback of 14' be approved.

Comments and Questions:

Mr. Doverspike inquired as to the total square footage of the proposed dwelling, and Mr. Slankard replied that it will contain approximately 2900 sq ft of floor space.

In reply to Mr. Doverspike, the applicant stated that the proposed structure is comparable in size to existing dwellings in the neighborhood, and could be smaller.

Protestants:

Patty Basnett, 4810 East 84th Street, stated that she is not opposed to the variance in the front yard, but is opposed to the building line moving closer to her dwelling in the rear. She informed that a variance has already been granted to her neighbor and their house is two and one-half feet from her fence. Ms. Basnett submitted an appraisal report (Exhibit D-2) stating that approval of the variance would diminish the value of her property approximately 10%.

Photographs (Exhibit D-1) were submitted.

Comments and Questions:

Mr. Gardner advised that, because of the street frontage, the applicant could choose 84th Street as his front yard and no relief would be required for the side yard (southwest boundary).

Applicant's Rebuttal:

Mr. Slankard stated that he does not feel that the construction of a \$200,000 home on a vacant wooded lot would devalue his neighbor's property value.

Mr. Doverspike asked the applicant if he is amenable to designating the yard on 84th Street as the front yard, and he replied that this is the street address the City assigned and he has no objection to calling that yard his front yard, per Code.

Case No. 17083 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-1 (Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; Bolzle, "abstaining"; none "absent") to **APPROVE** a **variance** of the required front yard from 30' to 28' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; determining the 84th Street frontage as the front yard, with the result being that a setback variance is not needed on the southwest side; and finding that only the corner of the dwelling encroaches into the required front yard; finding a hardship imposed by the curvature of the street, the irregular shape of the property and street setbacks on three sides of the lot; on the following described property:

Lot 9, Block 3, Brookwood II, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17084

Action Requested:

Variance of the required setback from the centerline of East 15th Street from 50' to 34' to permit a sign - **SECTION 1221.C.6. General Use Conditions for Business Signs** - Use Unit 21, located 1639 East 15th Street.

Presentation:

The applicant, **Gary Quiggle**, 1639 East 15th Street, submitted a plot plan (Exhibit E-2) and requested permission to install a small sign (20" by 24") in the flower bed in front of his business. He pointed out that the sign will be no closer to the street than others in the area and is smaller than most existing signs.

Comments and Questions:

In reply to Ms. Turnbo, the applicant stated that the bottom of the sign will be 2' from the ground and the entire structure will be between 4' and 5' in height.

Mr. Doverspike inquired as to the number of parking spaces required, and Mr. Quiggle stated that 12 spaces are provided and the installation of the sign in one of these require spaces would result in a violation. He pointed out that the building is set back and clients have difficulty in locating the business.

Mr. Beach stated that the sign could obstruct the view of motorists toward the intersection, and Mr. Quiggle stated that he is amenable to changing the height of the sign if necessary.

Ms. Abbott asked if parking spaces are located in front of the business, and the applicant answered in the affirmative.

Case No. 17084 (continued)

Interested Parties:

Jared Bruce, 1602 East 15th Street, informed that he owns a business across the street and is supportive of the request.

In reply to Mr. Bolzle, Mr. White stated that his concerns would be satisfied if the application was approved per Traffic Engineering approval in regard to height and whether it would obstruct the view of motorists in the area.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of East 15th Street from 50' to 34' to permit a sign - **SECTION 1221.C.6. General Use Conditions for Business Signs** - Use Unit 21; per plan submitted; and subject to Traffic Engineering approval; finding that numerous buildings and signs in the older area do not comply with current setback requirements; and finding that approval of the sign, per conditions, will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

East 47.5' Lots 13 & 14 and east 47.5' S/2, Lot 15, Block 4, and west 10' of vacated alley on east in Lake View Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17085

Action Requested:

Special Exception to permit an indoor shooting range in an IM zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS**, a variance of the required building setback from the centerline of South Zunis from 50' to 25' - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** and a variance of the required number of parking spaces from 55 spaces to 45 spaces - **SECTION 1219.D. Off-Street Parking and Loading Requirements** - Use Unit 19, located 1115 South Zunis.

Presentation:

The applicant, **Robert Hinds**, 2215 South St. Louis, requested that a shooting range be permitted on the subject property. He pointed out that the existing building was previously constructed 25' from the centerline of the street, which is the reason for the variance of the required setback. Mr. Hinds noted that 45 parking spaces are available on the lot. He informed that the building will be renovated, and all openings will be sealed and sound proofed to eliminate 90% of the sound. Photographs (Exhibit F-1) were submitted.

Case No. 17085 (continued)

Comments and Questions:

In reply to Ms. Turnbo, Mr. Hinds informed that the shooting range will be utilized by a private club, which has 1100 members. He stated that they currently have an outdoor shooting range at another location. Mr. Hinds informed that the use of the range will vary from four or five members per day to 40 or 50 per day.

Ms. Turnbo inquired as to the number of bays, and the applicant replied that the range area will have approximately 30 firing bays, with the remainder of the building being dedicated to office and classroom use.

In reply to Ms. Turnbo, Mr. Hinds stated that there will be approximately one or two individuals employed at this site.

Ms. Abbott asked the applicant to state the days and hours of operation, and he replied that the shooting range usually operates seven days each week, 10 a.m. to 10 p.m. He informed that the club will assist various groups in the use of the shooting range.

Ms. Turnbo asked if these groups will be scheduled to prevent overcrowding, and Mr. Hinds answered in the affirmative.

In reply to Mr. Doverspike, the applicant stated that doors will not be left open and all activities at this location will be conducted inside the building.

In reply to Mr. Bolzle, Mr. Gardner stated that the use would be permitted by right in a CS District.

Protestants:

Suzanne Mordhorst, PO Box 4335, stated that she owns a house at 1132 South Zunis, and is concerned with a shooting range being so close to her dwelling. She stated that she is opposed to the use operating every day from 10 a.m. to 10 p.m. and noted that the individuals visiting the building will park in front of her house. Ms. Mordhorst advised that other residents of the neighborhood are also opposed to the use.

Applicant's Rebuttal:

Mr. Hinds advised that the shooting range is a safety conscious operation and guns are always cased when outside the building. He stated that the neighborhood should support the renovation of the dilapidated building and proper maintenance of the lot. He informed that the organization is attempting to lease the railroad right-of-way behind the property, but is not sure of the outcome of that possibility.

Mr. Bolzle stated that he would be more supportive of the application if the entrance was not on Zunis.

Case No. 17085 (continued)

Ms. Turnbo asked the number of members in attendance at monthly meetings, and Mr. Hinds replied that approximately 80 to 100 members attend these meetings, but many of those attending are couples.

In reply to Ms. Turnbo, Mr. Gardner informed that that the use requires 55 parking spaces and the applicant has stated that he can supply 50 spaces.

Mr. White stated that he feels the neighborhood would be safer with the range operating at this location.

After a lengthy discussion concerning access to the facility, it was the consensus of the Board that the application should be continue to permit the applicant to relocate the access and provide a more detailed plot plan.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 17085 to July 11, 1995 to permit the applicant sufficient time to attempt to relocate the access point away from Zunis and provide a detail site plan.

Case No. 17086

Action Requested:

Special Exception to permit a mobile home in an RS-3 zoned district and a variance of the one year time limitation to permanent - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 430 South 38th West Avenue.

Presentation:

The applicant, **Walter Watts**, 10936 East 28th Street, informed that he is purchasing the lot in question to install a mobile home for his daughter-in-law's residence. He informed that mobile home use was previously approved in 1990; however, the approval has now lapsed because it was not utilized within the three-year approval period. A plot plan (Exhibit P-1) was submitted.

Protestants:

None.

Case No. 17086 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS-3 zoned district and a **variance** of the one year time limitation to permanent - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; and subject to the mobile unit being skirted and tied down; finding the use to be appropriate for the area; on the following described property:

Lot 8, Block 9, Park View Place Addition, City of Tulsa, Tulsa County, Oklahoma, and Lot 5, Sherwood Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17087

Action Requested:

Appeal the decision of an administrative official that the applicant is tutoring more than one student at a time and is conducting a home occupation of cooking and preserving - **SECTION 402.6.a Home Occupations Permitted by Right** - Use Unit 6, located 2519 South Cincinnati Avenue.

Special Exception to permit tutoring of more than one student at a time - **SECTION 402.6.a Home Occupations Permitted by Right** - Use Unit 6.

Comments and Questions:

Mr. Beach advised that Mr. Tips has requested by letter (Exhibit G-1) that Case No. 17087 be continued to September 12, 1995.

Mr. Gardner informed that the applicant is out of the country and the use is not ongoing during her absence.

Presentation:

The applicant, **Robert Tips**, 427 South Boston, Suite 509, was not present.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Bolzle, "absent") to **CONTINUE** Case No. 17087 to September 12, 1995.

Case No. 17088

Action Requested:

Special Exception to permit a beauty school in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15.

Variance of the screening requirement from an abutting RS-2 District along the north boundary - **SECTION 1215.C. OTHER TRADES AND SERVICES** - Use Unit 15, located 2238 East 56th Place.

Presentation:

The applicant, **Phil Borden**, 4611 East Admiral Boulevard, informed that he owns the shopping center in question and requested permission for his tenant to operate a beauty school on his property. He advised that the shopping center fronts on 56th Place and a church and parking lot are located on the RS-2 property across the street to the north. He pointed out that screening along that boundary would cut off his access and would only screen the street and parking lot. Photographs (Exhibit H-1) were submitted.

Comments and Questions:

In reply to Mr. Bolzle, the applicant stated that there will be 2340 sq ft of classroom space and 23 students will be enrolled.

Mr. Gardner advised that the request for a new use causes the fencing requirement to be addressed at this time. He pointed out that there were no screening requirements when the center was constructed.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a beauty school in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15; and a **Variance** of the screening requirement from an abutting RS-2 District along the north boundary - **SECTION 1215.C. OTHER TRADES AND SERVICES** - Use Unit 15; subject to a maximum of 23 students; finding the use to be compatible with the area; finding a hardship demonstrated by the fact that the access to the property is on the north boundary along 56th Place; and finding that a parking lot and church are located on the RS-2 zoned property across the street to the north; on the following described property:

West 323', east 608', south 125', north 543', NE/4, SE/4, Section 31, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17089

Action Requested:

Special Exception to permit two identification signs on Riverchase Apartments and two identification signs for Riverpark at Kensington - **SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 8, located 7910 South Victor and 7903 South Wheeling.

Presentation:

The applicant, **Jack Easley**, 5588 South Garnett Road, was represented by **Monte Morgan**, who submitted a plot plan (Exhibit J-1) and requested that two signs be approved for each site.

Comments and Questions:

Mr. Gardner advised that a two-sided sign would be permitted by right; however, one entrance sign is located on each end of the entrance wall, which would result in the same amount of signage.

Mr. White noted that the signs have been installed.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-1-0 (Abbott, Bolzle, Turnbo, White, "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit two identification signs on Riverchase Apartments and two identification signs for Riverpark at Kensington - **SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 8, per plan submitted; finding that approval of the request would not result in more display surface area than a double-faced sign, which is permitted by right; on the following described property:

Blocks 16 and 17 Kensington Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17090

Action Requested:

Variance of the required number of parking spaces from 20 to 11 to permit additional parking for a new tenant, and to correct a deficit of 5 spaces on a previously approved site plan (BOA 16244) - **SECTION 1211.D. Off-Street Parking and Loading Requirements** - Use Unit 11, located SE/c 35th Street and South Peoria Avenue.

Case No. 17090 (continued)

Presentation:

The applicant, **Scott Coulson**, 502 West 6th Street, was represented by **Jim Stephens**, who submitted a plot plan (Exhibit K-1) and requested that the number of required parking spaces be reduced to allow the warehouse area on the second floor to be converted to office space. Mr. Stephens informed that he has purchased all available property (35' by 145' strip) and added 12 spaces to the existing parking lot. He informed that the proposed tenant operates a radio station that has regular business hours of 9 a.m. to 5 p.m., with a skeleton crew operating during the evening hours.

Interested Parties:

Ms. Turnbo advised that several letters of support (Exhibit K-2) were received.

Comments and Questions:

In reply to Ms. Abbott, Mr. Stephens clarified that there was a total of 77 spaces at the time he purchased the property, and not a total of 82 as was approved in a previous Board case (BOA-16224). He informed that twelve spaces were added to this number when the additional land was purchased.

Mr. Gardner advised that, if approved, the use should be limited to office use, since nighttime activities create a parking problem in the area.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required number of parking spaces from 20 to 11 to permit additional parking for a new tenant, and to correct a deficit of 5 spaces on a previously approved site plan (BOA 16244) - **SECTION 1211.D. Off-Street Parking and Loading Requirements** - Use Unit 11; per plan submitted; finding that the use (radio station) is primarily a daytime operation with a limited nighttime crew; and finding that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

North 2' Lot 2, all Lots 3, 4, 5 and 6, west 35' Lot 11 and east 50' Lot 12, Block 3, Oliver's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17091

Action Requested:

Special Exception to permit community administrative offices, meeting room, auditorium and cultural and heritage center in an AG zoned district - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 2, located one-half mile south of West 81st Street and South Union Avenue.

Presentation:

The applicant, **Stan McGilbray**, 6363 East 31st Street, Suite 105, stated that he is representing Tulsa Creek Indian Community, and requested that a community center be permitted on the subject property. He informed that administrative headquarters, meeting room, auditorium and cultural center will be provided at this location. A preliminary site plan (Exhibit L-1) and a packet (Exhibit L-2) containing the constitution, by-laws and Certificate of Charter were submitted.

Comments and Questions:

In reply to Mr. Doverspike, the applicant stated that the building will contain 5000 to 6000 square feet of floor space, with approximately 120 parking spaces (paved) on the east and an additional 40 spaces (asphalt) to the north.

Interested Parties:

Jerry Hoffmeister stated that he is representing the **Manger Baptist Church** and **Jack Brown**, an area homeowner. He informed that his clients are not concerned with the proposed use, but are concerned with future use of the property. He stated that they are concerned that a smoke shop business or gaming would be conducted on the tract.

In reply to Mr. Hoffmeister, Mr. Jackere advised that the Board would have no jurisdiction if the land was trust land for the Creek Tribe.

Mr. Hoffmeister asked that the land remain as currently represented in this proposal.

Applicant's Rebuttal:

Mr. McGilbray advised that the Creek Community plans do not include gaming, and gaming is not permitted, because funds will be received through a HUD Block Grant.

In reply to Mr. Doverspike, the applicant stated that an individual is required to have a certain degree of Creek blood to be a member of the Creek Community. He pointed out that the community activities would not be open to the general public.

Case No. 17091 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit only community administrative offices, meeting room, auditorium and cultural and heritage center in an AG zoned district - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 2; per preliminary plot plan; subject to any gaming or gambling activities on the site not being accessible to the general public; finding the use to be compatible with the area; on the following described property:

All that part of N/2, SW/4, Section 14, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17092

Action Requested:

Variance to permit medical offices and clinic and an outpatient Indian health care facility in an RM-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 11, located NW/c East 6th Street and South Peoria Avenue.

Presentation:

The applicant, **Craig Paine**, 4138 East 85th Street, was represented by **Charles Norman**, 2900 Mid-Continent Tower, who submitted photographs (Exhibit M-2) and informed that the Longfellow School site is under contract to be purchased by the Indian Health Care Resource Center. Mr. Norman submitted a conceptual site plan (Exhibit M-1) and a 1994 Annual Report (Exhibit M-3) provided by the Center. He informed that the organization is proposing to relocate and construct a new out-patient facility on the three-acre tract. The applicant stated that the school has been vacant for more than 25 years. Mr. Norman advised that residential care or group living will not be provided by the Center. He noted that there are multiple zoning classifications in the area and the Corridor Revitalization Study (Exhibit M-8), which was prepared by TMAPC and Urban Development and approved by the City Council, states on Page 11 that the first use priority is as a museum and the second priority is a community type use. Mr. Norman informed that Phase I of the project will be 26,500 sq ft, with the total maximum building area (Phase I and Phase II) being 53,000 sq ft. He stated that only Phase I of the project is under application at this time, and noted that the minimum landscaped area will be 15%, which complies with office development requirements. Mr. Norman advised that the budget for the new project is more than three and one-half million dollars and the proposed facility will be an asset to the neighborhood.

Case No. 17092 (continued)

Comments and Questions:

Mr. Doverspike asked if there is sufficient parking to accommodate Phase I and Phase II, and Mr. Norman replied that the requirements may be met if Phase II is two stories.

In reply to Mr. Bolzle, the applicant stated that landscaping will be installed instead of a wood screening fence.

Mr. Bolzle asked if emergency services will be provided, and Mr. Norman replied that the medical center will be open during normal clinic hours, with no emergency service.

Protestants:

Four letters of protest (Exhibit M-6) were received from business operators in the area.

J. D. Smith informed that he is representing the Veteran of Foreign Wars, Post No. 577, 1109 East 6th Street, and voiced a concern that patients will park in their parking lot. He stated that a similar facility was visited and it was found that their parking lot was littered with several discarded items.

H. M. Blackwell, 9822 East 7th Street, stated that the proposed use will not upgrade the neighborhood and will compound existing problems. He noted that the area residents were told that commercial shopping would be at this location and asked the Board to deny the application.

Fred Kumpf, 1221 South Newport Avenue, advised that he is representing the Tracy Park neighborhood, and suggested that the site be developed like the corner of 15th Street and Peoria Avenue.

Jim Norton, Downtown Tulsa Unlimited, advised of their involvement in the creation of the tax increment district and the development of that plan. He pointed out that this plan calls for retail in this area. Mr. Norton stated that he is supportive of Indian health care, but feels the Tax Increment Plan should be considered by the Board.

Ann Thrasher, president of the Central Park Neighborhood Association, submitted a packet (Exhibit M-7) including Central Park Tax Increment District No. Two Project Plan, a letter to the Board and newspaper articles concerning City development. She informed that the neighborhood association has been working toward development in this area for approximately eight years and retail growth in the area is vital. Ms. Thrasher advised that a medical clinic is not the highest and best use for this site.

Case No. 17092 (continued)

Milford Carter advised that he is a resident of the area, as well as a property owner, and is pastor of the Sanctuary Evangelistic Church. He stated that he is supportive of the health care facility, but feels that commercial development of the corner is necessary for the revitalization of the neighborhood. Mr. Carter advised that this corner can be developed similar to other commercial ventures in the area, and commercial use is the highest and best use of the subject property.

Farrell Thrasher, 560 South Quaker, president of the 6th Street Merchants Association, advised that his copy of the 11th Street Corridor Study states that the first priority for the use of the school is commercial retail development. He informed that citizens of the area have had input in the Home Depot project and are concerned with future development in the vicinity. Mr. Thrasher stated that the proposed health care facility will have a detrimental impact on the neighborhood.

In reply to Ms. Turnbo, Mr. Thrasher stated that the Tax Increment Plan was approved by the City Council.

Allan Stewart, 2244 East 7th Street, advised that he is the planning chair for District 4 and noted that the school in question is located in a highly visible and key position for revitalization. He informed that the first priority for its reuse is commercial, which could be similar to the development at 15th Street and Peoria Avenue.

Dave Strader, 812 South Quincy, informed that the area is inundated with 22 social service operations (Exhibit M-5) and voiced a concern with patients being treated for mental problems, drugs and AIDS using the park where the children play. He informed that many hours of work have gone into the approved plan for the area and asked the Board to deny the request.

A copy of the 11th Street Redevelopment Plan (Exhibit M-4) was submitted.

Approximately 10 individuals in the audience indicated opposition to the request, but did not choose to speak.

Applicant's Rebuttal:

Mr. Norman clarified that the proposed facility will provide outpatient services and will be no different than any other clinic operating in the community. He informed that Dane Matthews, INCOG staff, provided the Corridor Revitalization Study referred to in his previous presentation. Mr. Norman noted that Hillcrest Hospital and the Tulsa Psychiatric Center have been operating very successfully across the street from a park. He pointed out that a similar facility was approved at 12th Street and Denver Avenue and there was no objection from Mr. Norton or the neighborhood. Mr. Norman noted that other medical facilities, such as Children's Medical Center and Springer Clinic, are operating adjacent to very nice residential neighborhoods. He pointed out

Case No. 17092 (continued)

that there has been no objection to the site plan and it has not been asserted that the land use is incompatible with the nearby CH and IL zoning. Mr. Norman noted that it is very unusual that area residents prefer a commercial use over less intense office use. The applicant stated that the proposed use would be permitted by right in a commercially zoned district.

Additional Comments:

In reply to Mr. Bolzle, Mr. Norman informed that a detail site plan has not been prepared at this time.

In response to Ms. Abbott's concern regarding the access on 5th Place, Mr. Norman stated that the access point on 5th Place is across from the CH zoned property.

Mr. Bolzle stated that he finds the use to be compatible with the area.

Ms. Turnbo noted that the Comprehensive Plan and the Tax Increment Plan, which were both approved by the City Council, seem to have conflicting information as to the uses preferred at this location.

Mr. Bolzle asked if Staff would support an application for office use in an area designated as CH in the Comprehensive Plan, and Mr. Gardner advised that, if zone CH, the use would be permitted by right.

In reply to Ms. Turnbo, Mr. Gardner advised that the Comprehensive Plan states uses that would seem to be compatible with the area, but the Zoning Code designates uses that are permitted at this time.

Mr. Doverspike remarked that each vacant school in the City is unique, as is the character of the surrounding area. He stated that it is his opinion, based on the studies presented and the information provided by the protestants, that the proposed use would be injurious to the neighborhood.

Ms. Abbott asked if this site could feasibly be developed commercial, and Mr. Gardner advised that the Code would permit one-half of the property to be developed as a one-story building for commercial use (approximately 30,000 sq ft could be constructed and meet parking requirements).

Mr. Bolzle pointed out that the Board is to determine land use and a health care facility is an appropriate use at this location.

Case No. 17092 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-2-0 (Doverspike, Turnbo, White, "aye"; Abbott, Bolzle, "nay"; no "abstentions"; none "absent") to **DENY** a **Variance** to permit medical offices and clinic and an outpatient Indian health care facility in an RM-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 11; finding the use to be incompatible with the neighborhood; on the following described property:

All of Block 9 of the Central Park Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17094

Action Requested:

Minor Variance of the required rear yard from 25' to 21' to construct a new residence - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located east of the NE/c Winston Avenue and 113th Place South.

Presentation:

The applicant, **Michele Dillingham**, 11126 East 75th Place, was represented by **Mike Dillingham**, who informed that the rear portion of their proposed dwelling will extend into the required rear yard. He informed that the loan has been obtained and the builder is ready to proceed with construction plans. A plot plan (Exhibit N-1) and a brochure (Exhibit N-2) were submitted.

Steve Murphy, 3023 East 74th Place, informed that he is the builder and that a 16' portion of the proposed dwelling will extended 4' into the required yard. He explained that he previously constructed this home on a slightly irregular lot; however, after selling Mr. Dillingham the subject property, it was discovered that the same house cannot be constructed on this lot without a minor variance. Mr. Murphy informed that he, as well as the architect and the lending institution, failed to notice the error.

Comments and Questions:

Mr. Gardner noted that the irregular shape of the lot caused the dwelling to fit on the other lot, but the same plan cannot be constructed on the rectangular shaped lot in question without Board relief.

Mr. Murphy informed that the entire subdivision was permitted to build 5' closer to the street than required by Code to eliminate front loading garages.

Mr. Bolzle stated that the applicant has not presented a hardship for the minor variance.

Case No. 17094 (continued)

In reply to Ms. Abbott, Mr. White explained that the lot in question is the same size as the lot previously built on; however, the other lot was able to accommodate the same house because of the slanting lot lines.

Mr. Bolzle noted that there is sufficient space in the side yard to redesign the rear portion of the dwelling.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-1-0 (Abbott, Doverspike, Turnbo, White, "aye"; Bolzle, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Minor Variance** of the required rear yard from 25' to 21' to construct a new residence - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that approval of the request will not be detrimental to the neighborhood; on the following described property:

Lot 17, Block 2, Lexington Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 17065

Action Requested:

The applicant, **Jack Stacy**, 2329 South Delaware Court, requested a refund of fees.

Comments and Questions:

Mr. Beach advised that the case has been fully processed and suggested that the \$25.00 hearing portion of the fees be refunded.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **REFUND** fees in the amount of \$25.00, finding that the case was processed prior to withdrawal.

Note: Due to Staff error a full refund of \$224.00 was made.

Case No. 17078

Action Requested:

The applicant, **Wayne Knight/Cynthia Woodson**, 6015 South Peoria Avenue, requested a refund of fees.

Comments and Questions:

Mr. Beach advised that the case has not been fully processed and suggested the \$130.00 be refunded.

Case No. 17078 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **REFUND** fees in the amount of \$130.00, finding that the application was withdrawn prior to the completion of processing.

There being no further business, the meeting was adjourned at 4:45 p.m.

Date Approved

7/11/95

Norma Lussier

Chairman

