

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 717
Tuesday, December 10, 1996, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
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Abbott, Chair
Bolzle
Dunham
Turnbo
White

Gardner
Beach
Huntsinger

Ballentine, Code
Enforcement
Linker, Legal
Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, December 6, 1996, at 1:11 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Bolzle "absent") to **APPROVE** the minutes of November 12, 1996 (No. 715).

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Bolzle "absent") to **CONTINUE** the minutes of November 26, 1996 (No. 716) to January 14, 1997 at 1:00 p.m.

UNFINISHED BUSINESS

Case No. 17560

Action Requested:

Variance of the required 100' setback from the centerline of Harvard to 75'. **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit, located 1545 South Harvard.

Presentation:

The applicant, **Gene Shaw**, 1503 E. 53rd Street, submitted a site plan (Exhibit A-1) and stated he would like to extend the building 15' west toward Harvard, which wouldn't be any further then the rest of the building. Mr. Shaw indicated the extension will not intrude toward Harvard any further then the building south. Mr. Shaw stated that some of the buildings along Harvard are built 3' to 4' from the sidewalk.

Comments and Questions:

Mr. Beach explained to the Board that at the last meeting it was discovered that Mr. Shaw was not properly advertised. He further explained that the site plans did not indicate new construction and therefore the Staff could not determine the amount of variance that was necessary. Mr. Beach stated that since the last meeting, Mr. Shaw has submitted a new site plan showing the amount of the new construction, which indicates the specific amount of relief needed. He further stated that the application has been properly advertised.

Ms. Turnbo asked the Staff if the applicant will have the required parking with this addition? Mr. Gardner stated that the applicant may be nonconforming as to parking currently. He further stated that with the new addition he would need 8 spaces with today's parking requirements. Mr. Gardner indicated that the applicant technically has 6 spaces, because the one space back along the east property line is not usable. Mr. Gardner stated that the specific use is a low traffic generator, but other uses would require 8 spaces and he can only provide 6 under this layout. He further stated that if indeed he is nonconforming that all he would need is two additional spaces for the new addition.

In response to Mr. Gardner, Mr. Shaw stated that there are 8 parking spaces and he is taking two for handicap parking.

Mr. Gardner stated that the applicant has 8' spaces, but you have to have 8 1/2' to meet the requirement and so he is 1/2' short on each of the spaces and the end space is not usable. Mr. Gardner suggested that the applicant may be able to provide another space in the front.

Ms. Abbott asked the applicant how many spaces are in the back currently? He stated that there is no parking in the rear because it has all been remodeled.

Mr. Gardner stated that the applicant is currently nonconforming as to parking. He further stated that the applicant will need two additional spaces. Mr. Gardner indicated that the applicant will not need a variance of the parking requirement if he can satisfy the Board that he has at least six spaces.

Mr. Beach asked Mr. Shaw if he has applied for a building permit for the new construction? He answered affirmatively.

Mr. Beach asked Mr. Shaw if he has received the permit? He stated he is making changes to the plan because his client changed his mind. He further stated that he is currently preparing the plan to submit for the building permit.

Case No. 17560 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Abbott, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Bolzle "absent") to **APPROVE** a **Variance** of the required 100' setback from the centerline of Harvard to 75'. **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit; per plan submitted; subject to obtaining a building permit; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 9, Less & Except W 10' thereof, Block 1, Sunrise Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17577

Action Requested:

Special Exception to permit off-street parking as a principal use in an RM-2 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 10, located NW/c North Elgin Avenue & East Independence.

Presentation:

The applicant, **Charles Chief Boyd**, submitted a site plan (Exhibit B-2) and stated the subject property is across the street from Tulsa Housing Authority. Mr. Boyd further stated that the land is presently vacant and is owned by UCT. UCT has given the Tulsa Housing Authority permission to use the land for an employee parking lot.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit off-street parking as a principal use in an RM-2 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 10; per plan submitted; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lots 21-24, Block 2, Sunset Hill Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 17585

Action Requested:

Special Exception for Use Unit 2 (Church use) in a RS-1 and OL zoned district.

SECTIONS 401. & 601. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS AND OFFICE DISTRICTS - Use Unit 2, located East of NE/c East 21st Street & South 84th East Avenue.

Presentation:

the applicant, **Phillip K. Smith**, representing Metro Faith Christian Church, no address given, submitted a site plan (Exhibit C-1) and photographs (Exhibit C-2). Mr. Smith stated the Church has the subject property under contract for purchase. He indicated the property is located at East 21st Street South and 85th East Avenue. He further indicated that the property is presently vacant and unimproved. Mr. Smith stated the subject property has two zonings, which are RS-1 & OL. He requested a special exception allowing church use, even though it may be three or four years away from actual construction. Mr. Smith stated the congregation is currently located approximately 1 1/2 miles from the subject property. He further stated the subject property is approximately 4.39 acres. Mr. Smith explained that there are four issues of concern with the neighbors surrounding the subject property, which are setback requirements, landscaping requirements, signage and storm water drainage. He stated the concerns are pre-mature today since the church is simply asking for a special exception for use as a church. He further stated that as the issues surface and as the church reapplies at a future date for the building permits, it is his understanding that he will have to replat the present property.

Comments and Questions:

Mr. Dunham asked the applicant if the proposed church building is within the OL zoning area? He answered affirmatively. He reminded Mr. Dunham that the site plan is a preliminary site plan and it will be three or four years from completing the project before turning any soil. He indicated the preliminary site plan does appear to be in conformance with the issues that have been raised.

Mr. White asked the applicant if he had any problem with the staff comments, which state the site plan is labeled "concept" which usually means that the plans are not final and will probably change. If the Board is inclined to approve the use, Staff would suggest instead of "per plan", limiting the building and parking lot to the southern portion of the property as shown on the conceptual site plan and limiting the size of the building to 12,000 SF with an option porte cochere and limiting the parking lot to approximately 53,000 SF of paving, and final plan being returned for approval? Mr. Smith stated he wouldn't have any problem with complying with parking requirements once a fixed size of the church building was established.

Case No. 17585 (continued)

Mr. Gardner stated that the Board could approve the application in concept with the requirement that he returns with a detailed site plan.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Abbott, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Bolzle "absent") to **APPROVE** a **Special Exception** for Use Unit 2 (Church use) in a RS-1 and OL zoned district. **SECTIONS 401. & 601. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS AND OFFICE DISTRICTS** - Use Unit 2; subject to a review of a more detailed site plan for the building and parking; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

E 330', W 635', Block 10, O'Connor Park, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the Plat thereof Less street right-of-way and containing approximately 193,380 SF (4.39 Acres), more or less.

Case No. 17586

Action Requested:

Appeal from the decision of an Administrative Official that a 58 1/2' outdoor advertising sign is in violation of the maximum height limit or in the alternative, a Variance to allow an outdoor advertising sign to be 58 1/2' in height. **SECTION 1221.F.15.**, located 585 North Memorial Drive.

Presentation:

The applicant, **Stephen A. Schuller**, 320 South Boston Avenue, representing Outdoor Advertising, no address given, submitted a City Occupant Permit (Exhibit D-1) and stated that the subject property is an irregularly shaped parcel of land along the west side of State Highway 11, which is also referred to as the Gilcrease Expressway on the north side of the intersection with Interstate 244. He further stated his client maintains an outdoor advertising sign on the subject property adjacent to the expressway right-of-way. He explained that the north bound lanes of the expressway along the subject property are elevated at least 10' above the grade. Mr. Schuller read the zoning Code regarding outdoor advertising signs along expressways. He explained that on August 1, 1996, the City of Tulsa approved construction of this outdoor advertising sign for a height of 60', which was issued by Jim Garriott of the Department of Public Works. He further explained that the height of his client's sign is 58 1/2' and is well within the 60' height limitation approved by the City of Tulsa's Public Works. He stated the sign is also within the 60' of the zoning Code as adjacent to an expressway, which is elevated 10' or more above grade. The base of the subject sign is below the surface of the road of the north bound lanes. He indicated

that his client's sign does not violate the zoning Code and it is wholly in compliance with the permit issued by the City of Tulsa. He commented that the order of the Code Official should be overruled by the Board of Adjustment. He further commented that he has requested in the alternative, a Variance to allow an outdoor advertising sign to be 58 1/2' in height. Mr. Schuller stated that if the Board determines that the expressway adjacent to the subject property is not elevated 10' or more above the grade, the Board should grant the variance because the height limitation without the elevated expressway adjacent to the subject property would be 50'. He further stated the City of Tulsa approved the height of the sign at 60' and his client constructed the sign in reliance on the City's approval of the 60' height. He explained that the adjacent expressway at that location is elevated 10' or more above the grade and his client therefore has a vested right in the sign for which the permit has been issued for the 60' height. He expressed the opinion that to force his client to remove the sign and reconstruct the sign would be an unnecessary hardship for his client. He stated the sign is at 58 1/2' instead of 50' does not cause any detriment to the public good. He further stated that to the south of the property it is an IL district and to the west is a large automobile dealership in a CS district. He indicated that to the north of the property is a vacant AG district and you cannot see the sign from the west along Memorial until you are a few blocks north of the subject property. He stated the height of the sign does not impair the spirit, intent or purposes of the Code. He further stated the Code specifically provides for such a situation next to an expressway. He requested the Board to grant this variance if the Board chooses to uphold the Administrative Official's decision.

Comments and Questions:

In response to Ms. Turnbo, Mr. Schuller stated that the expressway is constructed 10' above grade and his client's sign is adjacent to the property on a slightly elevated hill, but the base of the sign is still below the level of the expressway.

Ms. Abbott asked the applicant if at the time the sign permit was issued was the sign located where the permit was issued? He stated the sign has been constructed at the location for which the sign permit was issued.

Mr. Dunham asked the applicant at what point did the City change their decision? Mr. Schuller stated he did not know. He further stated his client wanted to construct the sign at 60' and called Jim Garriott to request an amendment of the sign permit, which he granted. He explained that his client built the sign at 58 1/2' instead of the 60', which is in compliance with the permit.

Mr. Dunham asked the applicant if the sign is in compliance, then where does this problem come about? Mr. Schuller stated the Code Official has cited his client with a notice stating the sign was in violation of Sec. 1221.F.15.

Case No. 17586 (continued)

Mr. Beach informed the Board that the notice was issued by Code Enforcement and it demanded that the applicant correct the height of the sign.

Mr. Gardner read the Code regarding outdoor signs near expressways. Mr. Gardner stated that if it is determined that the expressway is elevated 10' higher than where the sign is to be located, then he is entitled to be 10' higher.

Mr. Schuller stated that he did not believe that the ordinance states that the expressway is elevated 10' or more above the grade where the sign is located, but simply states the grade.

Mr. Gardner stated that if the adjoining land next to the expressway begins to elevate, then if you build on a hill that is 400' away, can you build a sign 60' in height or are you entitled to just 50'? Mr. Gardner further stated that the 10' relief that is intended is where you are close to the expressway and your at a disadvantage because you are lower than the expressway and the sign cannot be seen from the expressway.

Ms. Turnbo asked Mr. Linker for an interpretation of the Code regarding signs located near an expressway that is elevated above the grade.

Mr. Linker stated that the sentence states that where you have the expressway 10' above grade you can have the sign at 60' height.

Mr. Dunham stated he felt that there is a hardship due to the fact that the City granted a permit and then changed their minds.

Mr. White stated that when you are on Memorial you cannot see the sign until you are north of the property and look back at the sign. He further stated that from the east, coming in on I-244, the sign is actually a little bit lower than the Builders Square sign. Mr. White indicated the sign is very large, but having been given a permit to construct the sign and any alteration after the fact in regard to the height requirement will indeed create a undue hardship on the applicant. Mr. White stated he is in favor of upholding the Administrative Official, but he is also in favor of granting the variance.

Ms. Turnbo stated that the Board needs to understand what the sentence really means before anymore permits are issued. She suggested that the Chairwoman of the Board see that a letter is sent to the Department of Public Works for an interpretation of the sentence.

Case No. 17586 (continued)

Mr. Gardner stated that the applicant cannot go more than 450' from the expressway or otherwise you will be out of the expressway corridor and you cannot have an outdoor advertising sign out on memorial, which is beyond 450' from the expressway. He further stated that if the right-of-way is elevated then you need to have a sign taller so it can be seen, but if the sign is pushed a long ways back from the right-of-way (450' and put it on a mountain) you might be on highest ground and why would you be entitled to 10' more in height? Mr. Gardner stated that in this particular instance, there is probably some physical facts that would support a variance of the height. Mr. Gardner commented he would be concerned if the Board was to make an interpretation or a finding of the ordinance that the building inspector was wrong in his interpretation of the ordinance and substitute the Board's judgment. He further commented that maybe there is a need to make an amendment to the zoning Code to clarify where the sign is to be located.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Bolzle "absent") to **UPHOLD** the decision of the Administrative Official that a 58 1/2' outdoor advertising sign is in violation of the maximum height limit.

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Bolzle "absent") to **APPROVE** a **Variance** to allow an outdoor advertising sign to be 58 1/2' in height. **SECTION 1221.F.15**; as requested; finding that the City of Tulsa issued a permit for a 60' sign and the expressway is elevated 10' or more above the grade; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

All of Rice Center, a Resubdivision of Lots 4-8, Block 1, Mingo Heights Addition, an addition in Tulsa County, Oklahoma, according to the recorded plat thereof, AND Lot 3, Block 1, Mingo Heights Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof; Less the following described property sold to the State of Oklahoma: Beg. at the SE/c, Lot 3, thence W 50' along the S. line, thence NE 213.13' to a point in the N line, thence E 93.21' to the NE/c, thence S 203.88' to the POB.

Case No. 17587

Action Requested:

Special Exception to allow used car sales in an OL zoned district with CS zoning pending. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 4403 North Peoria Avenue.

Presentation:

The applicant, **J. Lyon Morehead**, submitted a site plan (Exhibit E-1) and stated he is representing the owner of the property. Mr. Morehead stated he is seeking a special exception to allow used car sales (Use Unit 17) in zoning OL with a CS zoning pending. He further stated he understands that if the special exception is granted today it will be with the condition that the CS zoning be granted in the pending application before the TMAPC. He explained that the property is currently a small office building, which was used for an auto parts store. Mr. Morehead described the property

Comments and Questions:

Mr. White asked the applicant if the owner's were going to pave any of the side of rear portion for additional display of the used cars? Mr. Morehead stated he didn't believe that is contemplated.

Mr. White asked the applicant if the display area would be on the front asphalt portion? He answered affirmatively.

Mr. White stated that there was a single-family residence to the south, even though it is AG zoning. Mr. White asked the Staff if there is a screening fence situation or should the Board wait for the CS zoning? Mr. Beach stated that the case probably should be continued to enable the Staff to get more input from someone who can speak to the issues of the Comprehensive Plan. Mr. Beach explained that he recently received a document regarding the North Peoria Corridor Study, which was approved in November 1995. He further explained that the study states that the team recommended that no further automotive uses be approved in this area. Mr. Beach stated that there are a considerable number of car lots and various car repair shops up and down North Peoria, which are in various stages of repair and disrepair. He further stated the North Peoria Corridor Study indicates concerns of more automotive uses coming into the area. He commented that it would be best to have someone from the North Peoria Corridor Study Committee to come to the next meeting and address this issue, as well as more information from TMAPC regarding the zoning. Mr. Beach suggested a continuance of this case to January 14, 1997 at 1:00 p.m.

Mr. Gardner informed the applicant that he needed a copy of the Comprehensive Plan that deals with this issue and be prepared to address the Board on that issue. Mr. Gardner stated he did not know if the Committee meant that they did not want anymore car sales in the area.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Bolzle "absent") to **CONTINUE**: Case No. 17587 to January 14, 1997 at 1:00 p.m. to enable a member of the North Peoria Corridor Study Committee to address the car sales issue and to hear from the TMAPC regarding the zoning change to CS.

Case No. 17588

Action Requested:

Variance of required 200' setback from an R district for an outdoor advertising sign with display surface area greater than 300 SF. **SECTION 1221F.4.b.**, located 12221 East Admiral Place.

Presentation:

The applicant, **Curtis G. Holsted**, 12221 East Admiral Place, submitted a site plan (Exhibit F-1), plot plan (Exhibit F-2) and stated he owns the land along I-244 up to the Cooley Creek Detention Pond. He further stated he is zoned IL which is adjacent to the City's detention area. He requested a 200' variance from the detention area because there will not be anything ever developed in that area. Mr. Holsted submitted a letter from Project Administration Engineering Services Division (Exhibit F-3) stating that currently there are no plans for any usage but floodwater storage in the Cooley Detention Pond.

Comments and Questions:

Mr. Dunham asked the applicant where he planned to locate his sign? He stated that the sign will be located on I-244 to the west end 100' from where the detention dam starts.

Mr. Dunham asked the applicant how wide the property will be from the north property line and the south property line? He stated that the width will be 517.62'.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Abbott, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Bolzle "absent") to **APPROVE** a **Variance** of required 200' setback from an R district for an outdoor advertising sign with display surface area greater than 300 SF. **SECTION 1221F.4.b.**, per plan submitted; finding that the Cooley Detention Pond will not be developed residentially as zoned; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Case No. 17588 (continued)

A tract of land lying in the E/2, SW/4, Sec. 32, T-20-N, R-14-E, I.B.M., according to the U.S. Government Survey thereof, Tulsa County, Oklahoma, more particularly described as follows: Beg. at a point on the E line of said E/2, SW/4, said point lying 980.0' N, SE/c; thence N01°01'49"W for 404.15' to a point on the S ROW line of I-244; thence S85°01'14"W for 1316.51' to a point W line of said E/2, SW/4; thence S03°41'28"E for 517.62'; thence N86°18'32"E for 740.75'; thence N01°01'49"W for 83.66'; thence N86°18'32"E for 250.00'; thence N01°01'49"W for 60.00'; thence N86°18'32"E for 300.00' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17589

Action Requested:

Special Exception for Use Unit 2 (Church Use) in a RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located East 27th Place & South Yale Avenue.

Presentation:

The applicant, **Phillip K. Smith**, 8906 East Skelly Drive, submitted a site plan (Exhibit G-1) and stated he is representing the Church of Christ at 29th & Yale. He further stated the application is requesting church use on two identical City lots in an RS-3 neighborhood. Mr. Smith indicated that Lot 1, Block 10 of the Grandview Manor is currently a vacant lot. He stated that adjacent to the lot to the east is a lot owned by the church, which has a dwelling on the lot. He requested that both lots, which abut to the north of the main church facility at 29th & Yale be granted a special exception for church use. He explained that the primary use of the dwelling will be for a youth house for the kids from the church to have supervised activities, as well as bible studies. He further explained that the vacant lot would be used for overflow parking and this would eliminate the need as the church continues to grow for any parking on surrounding neighborhood streets, which would cause congestion.

Protestants:

William R. Davis, 4917 East 27th Place, read a petition that was circulated in the neighborhood (Mr. Davis did not submit the petition). Mr. Davis commented that there are covenants that cover the Grand View Manor area. Mr. Davis read the covenants. He indicated that there is already a parking lot in the neighborhood (west side of Yale) and he did not feel that the neighborhood needed another parking lot. He explained that the parking lots and commercial facilities are starting to encroach into the residential neighborhood. Mr. Davis stated the house in question is a single-family residence. Mr. Davis commented he is very much opposed to this variance and he represents everyone on the signed petition, which is approximately 20 to 25 signatures.

Comments and Questions:

In response to Mr. Dunham, Mr. Linker stated that technically the Board is not suppose to consider the restrictive covenants that run to private property owners. He further stated that if the Board grants the relief there is still a chance that the covenants will still be enforced by the property owners in court if they are valid.

Protestants:

Esther White, 4911 East 27th Place, which is directly across the street from Lot 2. Ms. White stated a few years ago the Youth Director lived in the home and used the home as a youth center. She explained that when the youths would exit from the youth center they would make a lot of noise with their cars. She commented that this type of activity is not conducive to good family housing.

Applicant's Rebuttal:

Mr. Phillip Smith, stated that the property has been owned and maintained by the church for probably 20 to 30 years. He further stated that the property has been rented in the past and when there has been a problem the church has fixed the problem. Mr. Smith explained that the church has maintained the grounds and fence area. Regarding the parking situation, the church is simply asking to be allowed to use the subject property for church purposes, which currently under the zoning is not allowed. He explained that the church is reaching the point where the need for overflowing parking is necessary, depending on the size of the audience for certain services. He further explained that the church is hemmed in by the Broken Arrow Expressway and other surrounding homes of the neighborhood, the alternative is to park the automobiles in front of the homes of the neighbors and cause more congestion on East 27th Street then is currently the case. He stated the Board did recently approve, directly across the street west of Yale, the application of Memorial Baptist Church to build an asphalt parking lot.

Comments and Questions:

Ms. Abbott asked the applicant if he had a problem of accessing the new parking lot from the existing parking lot? He stated that currently there is access from the main church property by way of an alleyway that goes along the north side of the property to Yale. He further stated the alleyway can also be used as an exit and can also be used as access to Lot 1 for the parking. He explained that there is presently a City Bus Stop on Lot 1 and that would be the most likely exit for Yale. Mr. Smith stated the number of cars on the subject lot, simply because of the small size of Lot 1, will be low in number (10 to 20 cars at the most).

Mr. Dunham asked the applicant what type of activities are proposed for the house and what would be the hours of operation? He stated the house is proposed for youth studies and Bible classes. He further stated the meeting days will be Sunday mornings, Sunday evenings, Wednesday evenings. He commented that there may be activities in the evenings throughout the week, which will all be church related activities. He further commented that the activities will be adult supervised.

Mr. Dunham stated the only concern he would have is the noise, music, etc. He asked the applicant if he could live with restrictions? Mr. Smith stated he cannot speak to every single activity that would take place anymore then he could in a residential neighborhood with teenage children.

Mr. Dunham commented that the church will have a greater number of children for one activity then a family with two or three kids (maybe five or six at the most) would have. He further commented that the church could have up to 30 kids at one time.

Ms. Abbott stated that she has no problem with the use, but there should be some type of screening (landscaping with trees) along 27th Place and there should not be any point of ingress/egress off of 27th Place.

Mr. White stated that if this application was approved it would need screening along the north side of Lot 1. He further stated that there should be no access from Lot 1 onto either 27th Place or Yale Avenue.

Ms. Turnbo stated that there should not be any driveways along 27th Place and should be landscaped where the property would look like it all belonged facing Yale Avenue. She further stated the lot should be paved to prevent a dust problem.

In response to Mr. Smith, Ms. Turnbo stated the church could have a small fence with landscaping in front of the fence so people cannot park on 27th Place and walk through the bushes.

Ms. Turnbo stated it would be injurious to the neighborhood if 27th Place is accessible.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Dunham, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle "absent") to **APPROVE** a **Special Exception** for Use Unit 2 for Church Use in a RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; subject to the applicant returning with a site plan that shows paving, fencing & a landscaping plan on 27th Place; subject to there being no driveways in or out of Lot 1, along 27th Place & along Yale Avenue; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lots 1 & 2, Block 10, Grandview Manor Addition, City of Tulsa, Tulsa County, Oklahoma.

Comments and Questions:

Mr. Dunham suggested the applicant should meet with the neighborhood regarding the site plan and screening plan before returning to the Board.

Mr. Bolzle in at 2:10 p.m.

Case No. 17590

Action Requested:

Special Exception to permit a mini-storage, a residence & office in a CS/RSM-2/RM-1 zoned districts to include a reduction of the perimeter setback to 5' & to use the perimeter buildings to meet the screening requirement. **SECTIONS 701 & 401. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS AND IN RESIDENTIAL DISTRICTS** - Use Unit 16, located 6400 South Peoria.

Presentation:

The applicant, **Wayne Alberty**, 201 West 5th, Suite 570, submitted a site plan (Exhibit H-1) and stated there are two properties involved in this application, Lot 6 and Lot 7 with exception to the western portion. He further stated Lot 6 is owned by Hood Construction Company and Lot 7 is owned by Frank and Bonnie Wang. He explained that the actual applicant is Mr. & Mrs. Wang who have Lot 7 under contract. He further explained that Lot 6 is owned out right by the Wangs and they have owned the property for a number of years. Mr. Alberty stated that Lot 6 currently has two vacated buildings and the balance of the property has not been developed. He further stated the Wangs would like to develop a mini-storage use on the subject property. He explained that the RM-1 portion, which would be the south lot, was recently recommended for approval by the Planning Commission and City Council November 14, 1996. He further explained that at that time, before both hearings and before the Planning Commission and the City Council, he represented to the Boards and

protestants in the neighborhood, that the intent was not to develop it into multi-family, but apply for zoning that would allow the applicant to file for this special exception to permit the intended use. Mr. Alberty stated the net area will be approximately 4 acres with 30' of dedication along the frontage. The property will be replatted into one ownership and dedicate the necessary right-of-way for Peoria frontage and also to grant any easements that the City of Tulsa would request and require. He indicated that there is a total of 82,820 SF of building that is proposed with 81,000 SF of storage area. He stated the frontage will be landscaped according to the ordinance with concrete tilt up panels on the backside of the mini-storage facilities, which in effect there will be a solid concrete wall that will abut all common boundaries to adjacent properties. The proposed office and living quarters on the frontage will contain approximately 770 SF. The office and mechanical area necessary for maintaining the storage area will also include a resident quarters and there will be a resident/manager on this property at all times. In addition, the quarters will house an area (a suite) for Mr. & Mrs. Wang when they are in town.

Protestants:

Cynthia Woodsen, Vice-President of the South Peoria Neighborhood Connection Foundation (SPNCF), Chairman of the long range Planning Committee, Submitted a map (Exhibit H-2) and stated the area is in the process of coordinating and planning a 10 year development plan for the SPNCF (jurisdiction maps & a retail/revitalization plan). Ms. Woodsen commented that Mr. Wang lives in California and is not actively involved in the community. She further commented that Mr. Wang has planned without regard to what the neighborhood is trying to accomplish. Ms. Woodsen listed several concerns: Eight mini-storage facilities within one mile of the vicinity; she would prefer to have more than one tax payer for this large section of land; penetration of 618' into the only 20 acres of contiguous land that is developable; maintain and enhance the property values; storm water run-off. Ms. Woodsen explained that her objective is to have the 20 acre tract into a contiguous development project that will not be harmful to the community and will bring together both commercial and residential to enhance the growth of the community. Ms. Woodsen requested the Board to consider delaying this application until a long range plan is in effect.

Comments and Questions:

Ms. Abbott asked Ms. Woodsen when her long range plan will be completed? She stated that hopefully within the next year.

Protestants:

Elizabeth Burnson, 1309 East 66th Place, stated she has concerns regarding the development of the mini-storage facility. Ms. Burnson addressed the following concerns: screening; lighting (prefer hooded or shielded lighting); drainage in the area, (presently rain water run off accumulates in the drainage ditches along Peoria, 66th Street and 66th Place); mosquito infestation from standing water; application area is slightly elevated from the surrounding lots and will be paved, what impact will a 4 1/2 acre area of impermeability have on surrounding property; has stormwater management addressed the drainage problems with the applicant? Ms. Burnson requested the Board to continue this application until stormwater management can address the concerns of the neighborhood and address the affect this facility will have on the drainage problem in the neighborhood.

Comments and Questions:

Ms. Abbott asked Ms. Burnson if she knew what floodzone the subject property lies in? She stated she believes it is in the Joe Creek flood plan.

Applicant's Rebuttal:

Mr. Alberty, stated that Mr. Wang certainly has an interest as to what develops in this area. He further stated that a precedent is well evident by looking at the zoning map. Mr. Alberty explained that the planning that has been done prior to this application is what he is trying to comply with. The mini-storage that has been approved approximately 1/2 block to the north does extend back to the same depth as this application. The multi-family zoning exists to the east and this property is compatible with high density residential housing. Mr. Wang has made the decision to develop this property and has made the decision that this is a viable use. Mr. Alberty stated that the engineering reports will not be completed until the applicant knows the property will be approved for the use. He further stated that the City's requirements will be complied with and all utilities are available. Stormwater Management Department has told him that on sight detention will not be required, but the applicant will pay a fee in lieu of. This proposed application is an investment decision and Mr. Wang takes the full responsibility for that investment decision, it should not be made by any public body or any planning agency.

Comments and Questions:

Ms. Abbott asked the applicant to respond to the concerns of the protestants regarding lighting, drainage and storm sewers? Ms. Abbott asked the applicant if he provided a copy of the report from the Stormwater Management? Mr. Alberty stated he did not provide a copy, but he will provide a copy for the file.

In response to Ms. Abbott, Mr. Alberty stated the subject property is in Floodzone C, which is not a flood hazard. He further stated that the intent will be to cause all of this property to drain west to the bar ditches on Peoria. In response to the concerns about lighting, the only need for lights will be to illuminate the interior of the compound. He explained that the majority of the lights will be served by wall-pack lighting and there will not be any installed on high poles like you would find on a parking lot or stadium light.

Ms. Abbott asked the applicant why he needed to reduce the perimeter setback to 5'? He explained that due to the fact that the basic wall of the building on the perimeter, it would set in according to the ordinance and the ordinance anticipated this kind of solution rather than installing a screening fence and then setting the building back. The building will setback 5' from the property line and that is the area that will be landscaped.

Mr. White asked the applicant if the tilt up walls will be 8'? Mr. Alberty stated the exterior walls will be 9'.

Mr. Bolzle expressed concerns about developing commercial use in mid-block or mid-mile on a relatively low traffic street and extending the CS zoning back that far. I realize the precedent has been set or there is another facility existing with the same depth. Mr. Bolzle explained that although there is another facility already existing with the same depth it may have been a bad decision and the Board should not perpetuate bad decisions. Mr. Bolzle asked the applicant if it is good planning to allow something to extend so deep into this neighborhood?

In response to Mr. Bolzle, Mr. Alberty stated that he felt this application represented good planning, as did the Planning Commission approximately a year ago when they amended their ordinance to no longer refer to a mini-storage as strictly a commercial use. Mini-storage goes by special exception in a multi-family district and by that decision alone the Planning Commission has determined that a mini-storage use is as compatible as a multi-family use. Mr. Alberty commented he would go a step further and say that in this case it is probably more compatible, because all of the activities will be confined within a 9' solid surface screening that is a concrete tilt-up paneling that is designed to go for at least 20 years without any serious maintenance. This property does not abut single-family zoning, but it does abut an area that is sparsely developed single-family that has been zoned for a number of years as multi-family. If you go right across the street from the subject property you will see where a mini-storage abuts right up to an existing single-family use. Mr. Alberty affirmed that this proposed application is a good planning decision and it is a very low intensity use, which the Planning Commission has determined the use is compatible with multi-family as it is zoned.

Mr. Dunham concurred with the applicant that the use is compatible with the area and feels that it would be unfair to the property owner to delay two or three years for the neighborhood association to come up with a development plan.

Ms. Abbott asked what portion of the subject site is being utilized by the mini-storage? Mr. Alberty stated less than 50% of the site will be covered by mini-storage buildings. He further stated that almost the entire site will be covered by either pavement or building, but only less than 50% will actually be mini-storage buildings. The site area is 174,000 SF and he is proposing a total building area, which will include the residence, office, mechanical rooms and the mini-storage, of 82,000 SF. The remaining area will be paved less the landscaped areas. The required parking, according to the ordinance, will be met.

In response to Mr. Bolzle, Mr. Gardner stated that the platting requirement was triggered by the zoning change and if this is a concern the Board can make the platting a condition of the approval.

Mr. Beach stated that Mr. Alberty mentioned he was going to be platting the property and at that time the stormwater issues will need to be resolved.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a mini-storage, a residence & office in a CS/RM-2/RM-1 zoned districts to include a reduction of the perimeter setback to 5' & to use the perimeter buildings to meet the screening requirement. **SECTIONS 701 & 401. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS AND IN RESIDENTIAL DISTRICTS** - Use Unit 16; subject to a platting requirement; subject to the requirements of 404.I for the RM portion and per site plan for the CS portion; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 6, Block 3, Valley View Addition, and Lot 7, Block 3, Less and Except the W. 155.0' of the S. 147.2' of Lot 7, Block 3, Valley View Addition , City of Tulsa, Tulsa County, Oklahoma.

Case No. 17591

Action Requested:

Approval of an amended site plan originally approved (BOA-15406 & CDP78) to allow completion of development. **SECTION 403. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit, located North of NE/c East 31st Street South & South 129th East Avenue.

Presentation:

The applicant, **Harry Toliver**, President of Southland's Development Corporation, P.O. Box 54611, submitted a site plan (Exhibit I-1) and case map of subdivision (Exhibit I-2). Mr. Toliver stated that this project is the Tamarac Subdivision, which is a group of garden homes that was developed in 1980's. Mr. Toliver explained that 81 of the homes were developed, but 19 lots were left undeveloped. He requested approval to finish the subdivision along the lines that was originally started in the 1980's. The homes will be architecturally compatible with the existing units within the vicinity. The Homeowner's Association has approved and endorsed this application. He explained that at this time there will be 17 lots utilized until an application is made for lot splits on the remaining 2 lots. All the homes will be single-family, detached, garden homes and wherever possible the 10' separation minimum between units will remain. The homes will have brick, color and shingles as the existing homes. He explained that the siding will appear the same, however the new homes will have a hardy paneled board that is made of concrete, which keeps it from warping and deteriorating. He further explained the paneling has zero flame spread for this type of application.

Comments and Questions:

Mr. White asked the applicant if a new subdivision plat was required on Tamarac with the changes that he has made? He responded negatively.

Mr. Gardner explained that the old CDP Community Development Project was the forerunner to the Planning Unit & Development and at that time Board of Adjustment had sole jurisdiction. When the ordinance was approved for changing that, to give the Planning Commission and the City Commission jurisdiction, the CDP projects were to be completed within five years and several were extended for five more years. This is one that was never finished and therefore they are back before the Board for a site plan amendment.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** an amended site plan originally approved (BOA-15406 & CDP78) to allow completion of development. **SECTION 403. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Case No. 17591 (continued)

Lots, 20-22, 28, 30, 34-43, Part 44 & 45, 47-48 & 66, All in Block 2, Tamarac Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17592

Action Requested:

Variance of the maximum height allowed for a business sign from 50' to 60' to permit replacement of a nonconforming sign. **SECTION 1221.D.1. CS DISTRICT Use Conditions for Business Signs** - Use Unit 21, located 11720 East 11th Street.

Presentation:

The applicant, **Barry Moydell**, represented by Mike Moydell/Oil Capital Neon, submitted a site plan (Exhibit J-1) and architect drawing (Exhibit J-2). Mr. Moydell explained that he is representing Denny's Restaurants, which is in the middle of changing their signs. The structure is an existing structure and has been there for approximately 20 years. He explained that the large neon sign will come down and be replaced with a new flex face sign (no neon). Mr. Moydell indicated the new signs are easier to maintain and will be a better looking sign.

Comments and Questions:

Mr. Bolzle asked the applicant if the height of the sign will be the same? He stated the height will not increase from the existing sign and the area of the sign is smaller.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** a **Variance** of the maximum height allowed for a business sign from 50' to 60' to permit replacement of a nonconforming sign. **SECTION 1221.D.1. CS DISTRICT Use Conditions for Business Signs** - Use Unit 21; per plan submitted; finding that the new sign will be replacing an existing sign; finding that the new sign is the same height as the existing sign and will be smaller in area; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

NE/c, W/2, W/2, NE, NW, Sec. 8, T-19-N, R-14-E, S to R/W line E 11th St. To POB thence S 244', W 140', N 100', NE 31.51', N 125', E 114.87' to POB, Less N 70' for road, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17593

Action Requested:

Variance to replace existing sign from 25' height to 29'-10" with a 60' setback rather than 65' required setback. **SECTION 1221.D.1. CS DISTRICT Use Conditions for Business Signs** - Use Unit 21, located 4810 South Yale.

Presentation:

The applicant, **Barry Moydell**, represented by Mike Moydell/Oil Capital Neon, representing Denny's Restaurant, submitted a site plan (Exhibit K-1) and architectural drawing (Exhibit K-2). Mr. Moydell stated this application is to replace an existing structure that is non-conforming. He requested approval to replace the existing sign with a setback of 60' and height of 29'-10".

Protestants: None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** a **Variance** to replace existing sign from 25' height to 29'-10" with a 60' setback rather than 65' required setback. **SECTION 1221.D.1. CS DISTRICT Use Conditions for Business Signs** - Use Unit 21; per plan submitted; finding that the new sign will replace an existing, non-conforming sign; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 2, Block 1, Interstate Central, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17594

Action Requested:

Special Exception to allow retail sales (automotive parts) in an IL district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 14, located NE/c East Admiral Place & North 67th East Avenue.

Presentation:

The applicant, **Kathy Fer/O'Reilly Auto Parts**, represented by Allen Hall, 11002 East 51st Street, submitted a site plan (Exhibit L-1) and stated the subject property is on the Northeast corner of East 67th & Admiral Place, which is a vacant lot that is surrounded by motels. He requested approval for a special exception to allow an automotive parts store. Mr. Hall affirmed that there will not be any on-sight repair of vehicles.

Case No. 17594 (continued)

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to allow retail sales (automotive parts) in an IL district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 14; per plan submitted; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

All Lot 9, W 54.25' of Lot 8, Polston Third Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17595

Action Requested:

Variance of required parking from 35 to 25 for proposed assisted living facility (pending approval of PUD 190F). **SECTION 1208. USE UNIT 8. MULTI-FAMILY HOUSING**, located West of SW/c 71st & Sheridan.

Presentation:

The applicant, **Roy D. Johnsen**, representing Sterling House Corporation, 201 West 5th Street, Suite 440, submitted a site plan (Exhibit M-1) and stated this application is for an assisted living center on the subject property of 71st Street & Lakewood. This particular tract was identified for office use in PUD 190F. Mr. Johnsen explained that to the immediate east of the subject property and across Lakewood, all of the property is a commercial center. The subject property is approximately three acres and falls sharply to the south (a slope of 18% to 20%). Mr. Johnsen stated there is a problem with parking and he has filed an application with the Planning Commission for a major amendment to the PUD to permit the assisted living use and it will be heard by the City Council December 19, 1996. Mr. Johnsen explained that he is before the Board in conjunction with his PUD amendment to reduce the parking requirement. He further explained that assisted living uses are not precisely defined in the ordinances, but nursing homes are defined as Use Unit 2, which the parking requirement is .35 per nursing bed. Mr. Johnsen stated that elderly retirement parking requires .75 per unit. He further stated that assisted living falls somewhere between nursing home and elderly retirement.. Mr. Johnsen indicated that there will be 46 dwelling units that are limited to assisted living with a floor area of 30,000 SF maximum. He stated that if the assisted living center is considered the same as elderly housing then it will be required to have 35 parking spaces, but if it was considered a nursing home, then it will be

required to have 16 parking spaces. He explained that the site plan indicates 25 parking spaces. He further explained that the topography of the subject land will make parking difficult and expensive to build. Mr. Johnsen stated that the parking lots at the existing facilities are never full and the need is minimal. He explained that there might be five to six employees at this site and the maximum would be seven. Mr. Johnsen requested the Board not to approve the application subject to site plan, because the site plan will change slightly and since this is a PUD there will be a detailed site plan approval required. He explained that the number of units will not change and the number of parking spaces will not change.

Comments and Questions:

Mr. Bolzle asked the applicant if parking is allowed on Lakewood? He stated he did not see any signs restricting parking.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** a **Variance** of required parking from 35 to 25 for proposed assisted living facility (pending approval of PUD 190F). **SECTION 1208. USE UNIT 8. MULTI-FAMILY HOUSING**; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

A tract of land, that is part of the NE/4, Sec. 10, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: starting at the NE/c of said Sec. 10, thence due W. along the Nly line for 1,184.68', thence due S. for 60.00' to the POB, thence due E. for 0.00' to a point of curve, thence Ely, SEly, and Nly, along a curve to the right, with a central angle of 89°57'03" and a radius of 30.00', for 47.10' to a point of tangency, thence S 0°02'57" E along said tangency for 71.33' to a point of curve, thence Sly and SWly along a curve to the right, with a central angle of 55°33'37" and a radius of 100.00' for 96.97' to a point of reverse curve, thence S SWly along a curve to the left, with a central angle of 49°39'23" and a radius of 150.00' for 130.00', thence S 5°51'20" W for 228.61', thence N 83°15'09" W for 199.75', thence N 0°04'09" W for 496.10', thence due E parallel to and 60.00' Sly of the Nly line of Sec. 10, for 299.88' to the POB of said tract of land, W, SW/c, E 71st St. S. and S. Sheridan Rd, Tulsa, Oklahoma.

Case No. 17596

Action Requested:

Special Exception to allow retail sales (automotive parts) in an IL district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 14, located 4363 Southwest Boulevard.

Presentation:

The applicant, **Kathy Fer/O'Reilly Auto Parts**, represented by Adrian Smith, submitted a site plan (Exhibit N-1) and stated the subject property previously had a bank with a drive-in facility, which will be removed in order to build a new building for the O'Reilly Auto Parts Store. The building will be set back further from the street than the existing building. He explained that there are many multi-uses in this particular area and it is zoned IL.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to allow retail sales (automotive parts) in an IL district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 14; per plan submitted; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Tract I: Lot 8, Block 8, Less the NWly 10' thereof, Park Addition to Red Fork, Tulsa County, Oklahoma, according to the recorded Plat thereof, AND, Lot 7, Block 8, Less the NWly 10' thereof, Less the following described tract beg. NE/c of said Lot 7, Block 8; thence SWly along the Nly line of Lot 7 for 25'; thence SEly parallel with the Ely line of Lot 7 to a point on the Sly line of Lot 7, said point being 25' SWly, SE/c, Lot 7; thence NEly along the Sly line of Lot 7 for 25'; said point being the SE/c of Lot 7; thence NWly along the Ely line for 140' to POB. Tract II: Lots 9 & 10, Block 8, Less the NWly 10' thereof, Park Addition of Red Fork, Tulsa County, Oklahoma according to the recorded Plat thereof. Tract III: Lots 15-18, Block 8, Park Addition to Red Fork, Tulsa County, Oklahoma, according to the recorded Plat thereof. Tract IV: Lot 11, Block 8, Park Addition to Red Fork, Tulsa County, Oklahoma, according to the recorded Plat thereof. Tract V: Lot 14, Block 8, Park Addition to Red Fork, Tulsa County, Oklahoma, according to the recorded Plat thereof, LESS AND EXCEPT the SEly 5' (adjacent to S 32nd W. Ave.) of said Lot 14, Block 8, Park Addition to Red Fork, Tulsa County, Oklahoma, according to the recorded Plat thereof, more particularly described as follows: Beg. SE/c, Lot 14; thence NEly along the Ely lot line of said Lot 14 to the most NE/c thereof; thence NWly along the Nly line of said Lot 14 for 5'; thence SWly parallel to and 5' from the Ely line of said Lot 14 to a point on Sly line of said Lot 14, 5' from the SE/c thereof; thence SEly along the Sly line of said Lot 14 for 5', SE/c thereof and the POB, City of Tulsa, Oklahoma.

OTHER BUSINESS

Case No. 17584

Action Requested:

Clarification of Motion from November 26, 1996 (No. 716).

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, stated that he learned after the hearing on this application that the building inspector includes parking areas within the definition of a structure. Mr. Norman explained that he was not aware of this, but he was aware that he had to change the required setback under Chapter 13, Off-Street Parking in the PUD. The PUD standards as recommended by the Staff, required a 40' setback for the off-street parking areas from the centerline of South Utica and that was necessitated by the request from Public Works for additional right-of-way on South Utica. He commented it was not clear to the Staff or to him whether the final action by the Board included the 45' setback for the building and the 40' setback for the off-street parking area as indicated on the plan and as modified by the additional 5'. The PUD was approved by the Planning Commission with a 40' setback might not be accurately reflected in the Board minutes. Mr. Norman requested that the minutes reflect that the Motion is for an approval of a 45' building setback on South Utica and East 15th Street and a 40' setback for from South Utica for Off-Street Parking areas.

Comments and Questions:

Mr. Gardner stated the Board just needs something specifically in the minutes that addresses the parking as a structure. He further stated that the Board concentrated on the building and did not include specific language on the parking, which is 5' closer then the building.

Restate the Motion:

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-1 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", Abbott "abstentions"; none "absent") to **APPROVE** a Variance of the major street setbacks, Section 215, to permit a building to be constructed within 45' of the centerline of E. 15th St. within 35' from the centerline of S. Utica Avenue pursuant to the provisions of PUD No. 553. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 11; subject to a 45' building setback from both the centerline of 15th Street and South Utica Avenue and the parking lot within 40' of the centerline on South Utica Avenue; subject to conditions of the TAC and TMAPC; subject to an approved site plan; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Case No. 17584 (continued)

A tract of land located Sec. 7, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, being more particularly described as follows: All of Lots 1-8, Block 2, Lots 12-16, Block 2, Orcutt Addition, together with 20' public alley adjacent to Lots 12-16, Block 2, less and except the N 10' of Lots 1 & 16, Block 2, Orcutt Addition, further described by metes and bounds as follows: Commencing at a point 10' S, NE/c, Lot 1, Block 2, Orcutt Addition, thence S0°0'00"W, along the Wly R-O-W of S Utica Ave for 390.00' to the SE/c of Lot 8, Block 2, Orcutt Addition; thence N89°40'00"W along the N R-O-W of E 16th Street, for 140.00'; thence N0°0'00"E for 150.00'; thence N89°40'00"W for 160.00' to the SW/c of Lot 12, Block 2, Orcutt Addition, thence N0°0'00"E along E R-O-W of S. Troost Ave. for 240.00' to the present R-O-W of E 15th St.; thence S89°40'00"E parallel with said R-O-W, for 300.00' to the POB.

There being no further business, the meeting was adjourned at 3:17 p.m.

Date approved: JANUARY 14, 1997



Chair