

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 721
Tuesday, February 25, 1997, 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

Abbott, Chair
Bolzle
Dunham
Turnbo
White

Beach
Huntsinger

Ballentine, Code
Enforcement
Parnell, Code
Enforcement
Romig, Legal
Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, February 21, 1997, at 2:40 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 4-0-1 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" Abbott "abstention"; none "absent") to **APPROVE** the minutes of February 11, 1997 (No. 720).

UNFINISHED BUSINESS

Case No. 17621

Action Requested:

Special Exception to permit a 10' high fence instead of the 8' high maximum allowable along the rear and side property lines and a 10' high fence instead of the 4' high maximum allowable in the required front yard in an AG district. **SECTION 210.B.3. YARDS**, Permitted Obstructions in Required Yards - Use Unit 6, located 10901 South Louisville.

Presentation:

The applicant, **Liberty Construction of Tulsa/John F. Weiss**, 3701 South Harvard, stated he is representing Bill and Kathy Bartmen, owners of the subject property. Mr. Weiss stated the Bartmens are proposing to build a 10' high perimeter brick wall surrounding the subject property. Mr. Weiss indicated the property is 1320' deep and 660' wide. He explained that the front wall could be 8' if the wall were setback 6', however in order to prevent from moving the entrance farther back the owners would like to erect the wall 10' instead of the 4' allowed.

Comments and Questions:

Mr. Dunham asked Mr. Weiss if the new wall will be in the same location as the existing fence? He stated there is an existing fence in the front and an existing entry. He further stated that according to the City of Tulsa the fence and entry will be moved back 6' to comply with the normal building setback of the front guard house at the entrance. He explained that on the side he is pulling the proposed wall in 7 1/2' for perimeter maintenance. He further explained that the wall will not interfere with the existing fence lines.

Ms. Abbott asked the applicant what the total distance from the street to the proposed 10' fence in the front will be? He stated it will be approximately 62' from the centerline of the road to the fence, which is mandated by the Code.

Mr. Bolzle stated the legal description does not include the street and there is a potential to have fences lining the street. He further stated that there are two separate legal descriptions and neither include the street.

Mr. Beach stated if the Board's motion was per plot plan it would eliminate wrapping separate properties with fences.

In response to Mr. Bolzle, Mr. Weiss explained that the residence is comprised of three (3) parcels, which go around the complete perimeter of the property.

Mr. Beach stated the case map's legal description is not the same as the site plan and it appears to have excluded the property containing the house.

Mr. Bolzle asked the staff if the north and east property lines, which contain the house, would need the same relief? Mr. Beach answered affirmatively.

Mr. Weiss stated that there is an error in the City showing that the Bartmen's entrance driveway is a road.

Mr. Bolzle asked Mr. Weiss if the lot, in which the residence is located, is included in the legal description he provided INCOG? He answered affirmatively.

Ms. Abbott asked staff if the legal description Mr. Weiss provided is the same legal description that was advertised? Mr. Beach answered affirmatively.

In response to Mr. Bolzle, Mr. Beach explained that the notices were given within 300' of the property that is depicted on the case map and the house was not included.

Mr. Bolzle stated that there is likely to be additional properties that did not receive notice.

Case No. 17621 (continued)

Mr. Bolzle asked Staff if the legal description is only pertinent if the Board is inclined to approve the case or is it flawed if the Board intends to deny this case? Mr. Romig stated that if the Board is inclined to deny the case the legal description being incomplete would make no difference.

Protestants:

David Jorgenson, representing two homeowners, Steve & Nancy Jay, 10928 South Quebec Place, and Kirk & LaDawn Chalmers, 10918 South Quebec Place. He explained that the two homeowners are adjacent to the subject property directly to the east. He stated his clients will probably be the most effected homeowners because their homes set back on their lots and there is not a great deal of lot left behind their home and the Bartmens. Mr. Jorgenson submitted photographs (Exhibit A-3) and pointed out the view that will be blocked if the proposed 10' wall is erected. He explained that the wall will also shade the homeowners' pool earlier in the evening then what they had anticipated when they moved into their home. He commented his clients would not have bought the property had the 10' wall already been installed and his clients have expressed concerns regarding the value of their homes deteriorating because of the wall. Mr. Jorgenson stated the height restrictions exist for a purpose and the photographs show case in point of why the restrictions exists. Mr. Jorgenson described the area as a country lane neighborhood and the whole atmosphere of the neighborhood will be substantially affected by this structure. He pointed out that the fence will be a completely different type of structure from other fences in the neighborhood and will be detrimental to the area.

Comments and Questions:

Ms. Abbott asked Mr. Jorgenson if there is a decline from his clients property to the subject property? Mr. Jorgenson stated that there is a very slight decline.

Protestants: (continued)

Larry Trimble, 10945 South Louisville Avenue, stated he lives directly adjacent to the subject property in the front south west corner. Mr. Trimble further stated the entire area is noted for the large lots and open spaces. He commented that the general esthetics and appearance of the area will be harmed by the construction of this 10' wall. Mr. Trimble pointed out that none of the immediate surrounding areas have fences this size. He indicated the property directly across the street from the subject property fronts Louisville Avenue has a 5'10" tall wall. Mr. Trimble recited a detailed listing of fences and addresses in which none of the fences measured 10' and of the highest fences, 7'10", the fences face major thoroughfares. He stated the new high traffic, four lane intersection at 71st and Harvard, which contains noise and traffic wall bearers measuring 9' 10", are 2" short of the proposed wall in a residential area. Mr. Trimble further stated that his understanding of the current plan calls for a building at the entrance housing, and an armed guard with security cameras around the

perimeter. He commented that there is no need nor hardship present for the additional 2' high fence. He revealed that with an 8' high fence, the fence will still be the highest fence in the area. Mr. Trimble concluded his protest with a demonstration of how tall a 10' wall would be by holding up a 10' piece of PVC pipe next to him. Mr. Trimble stated that 26 property owners surrounding the fence on all sides is represented by signing a petition (Exhibit A-1) and 25 of the names are directly adjacent to the subject property.

Thelma Boot, Route 1, Box 85, Depew, representing Joan & Ted Klepp, 3828 East 108th Street South, stated her clients property abut on the north side of the subject property. Ms. Boot submitted a letter of protest and photographs (Exhibit A-2). She indicated that her clients property is down hill from the subject property and it would be basically a 15' drop. She stated the wall will cut off the south breezes and her clients are concerned about water drainage. Ms. Boot indicated that the letter is also signed by another neighbor in the area, Susan Handrahan, 4004 East 108th Street South.

Comments and Questions:

Ms. Abbott asked Ms. Boot to clarify where the 15' drop would be? She indicated from the top of the fence it would be a 15' drop because of the incline.

Applicant's Rebuttal:

Mr. Weiss reiterated that the request is for a special exception to go from 8' to 10' in height. Mr. Weiss stated the 2' will be nominal to the protestant who commented the wall will block the sunset. He explained that the wall was designed to follow the topography of the ground so that it would not stair step and end up with large sections that seem higher than it actually is. He stated the drainage has been addressed through the City of Tulsa and Tulsa Engineering is doing the drainage analysis/planning. He indicated that almost all of the properties that are affected by this wall view the Bartmen's property and the properties facing west from the Bartmens are the back of the houses at Louisville. He explained that the ground is a rolling topography throughout the property, but the wall is designed to run with the property.

Comments and Questions:

Mr. White asked Mr. Weiss why the 10' was selected opposed to the 8'? He stated his clients requested 10'.

Mr. White asked the staff at what distance back from Louisville, on the front of the property, could the wall be 8' high? Mr. Beach stated the wall would have to be behind the building setback line, which is 30' behind the property line.

Case No. 17621 (continued)

In response to Mr. Weiss, Mr. Beach stated that if Louisville is a 60' right-of-way, then the setback line is 25' and the wall would have to be 55' from the centerline of Louisville.

Mr. Bolzle asked the applicant if his clients intend to subdivide the subject property for additional lots? He answered negatively.

Mr. White asked the applicant if there will be a guard house of some sort at the entrance gate? He stated there will be a double entrance gate and a guard house.

Mr. White asked the staff if the entrance guard house could be closer than the 55' setback? Mr. Beach answered negatively.

In response to Mr. White, Mr. Weiss stated the guard house could be setback 56'.

Mr. Beach informed the Board that he went back through the file thoroughly and checked the advertisement, legal description on the case report and the legal description that was submitted by the applicant. He stated all three legal descriptions coincide and they match up with the case map and it appears that the applicant is not advertised for the portion that contains the house.

Ms. Turnbo commented the 10' wall will be injurious to the neighborhood. She stated the wall will be solid and 10' is too tall for a solid brick wall.

Mr. White stated the applicant can put up an 8' wall on the sides and back. He further stated that if the applicant moved back 55' from the centerline they can put another 8' wall across the front and that is where the guard house will be. He commented 8' is quite adequate.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **DENY** a Special Exception to permit a 10' high fence instead of the 8' high maximum allowable along the rear and side property lines and a 10' high fence instead of the 4' high maximum allowable in the required front yard in an AG district. **SECTION 210.B.3. YARDS**, Permitted Obstructions in Required Yards - Use Unit 6; finding that the approval of this application will be injurious to the neighborhood and will not be in harmony with the spirit and intent of the Code, on the following described property:

Case No. 17621 (continued)

A tract of land in the N/2, SE/4, SW/4, Sec. 28, T-18-N, R-13-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government survey thereof, and being more particularly described as follows to wit: Beg. SW/c of said N/2, SE/4, SW/4; thence N0°12'14"E, along the W line for 310.33'; thence S89°53'25"E, parallel to and 20.0' perpendicularly S of the S line for 987.38'; thence S0°52'57"W for 47.96'; thence S89°54'31"E, parallel to the N line for 329.99' to a Point in the E line; thence S0°15'40"W, along the E line for 262.62' to SE/c ; thence N89°52'48"W, along the S line for 1316.47' to POB; AND a tract of land in the N/2, SE/4, SW/4, Sec. 28, T-18-N, R-13-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government survey thereof, and being more particularly described as follows to-wit: Beg. NW/c of said N/2, SE/4, SW/4; thence S89°54'31"E, along the N line for 991.81'; thence S0°52'57"W for 310.79'; thence N89°53'25"W, parallel to and 20.0' perpendicularly N of the S line of the N/2, N/2, SE/4, SW/4, for 987.87', to a point in the W line; thence N0°12'14"E, for 310.34' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17622

Action Requested:

Variance to allow a ground sign of 108 SF in an OMH district. **SECTION 602.B.4.c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** and a Variance of the 20' maximum allowable height to 30' for a ground sign in an OMH district. **SECTION 602.B.4.e. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21, located 3355 East Skelly Drive.

Presentation:

The applicant, **Amax Sign Company**, represented by Doug Beatt, 9520 East 55th Place, submitted a site plan (Exhibit B-1) and stated at the last Board meeting the sign was approved for 108 SF, however it was not advertised properly for the additional height requested. He informed the Board that he has re-advertised for the additional height from 20' to 30'.

Comments and Questions:

Mr. White stated the sign is already in place and there doesn't seem to be any problem with compliance.

Mr. Bolzle stated the Board was aware of the height differentiation when it was approved previously and this application is more administrative.

Case No. 17622 (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 **Variance** to allow a ground sign of 108 SF in an OMH district. **SECTION 602.B.4.c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** and a **Variance** of the 20' maximum allowable height to 30' for a ground sign in an OMH district. **SECTION 602.B.4.e. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21; per plan submitted; finding the tract is surrounded by CS which permits greater signage and that the new sign will be replacing an existing sign and the height will be the same as the existing 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:

Part of W/2, SE/4, SW/4, SW/4, Sec. 28, T-19-N, R-13-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, and being more particularly described as follows, to-wit: Beg. at a point 66.77' S of the NW/c, SE/4, SW/4, SW/4 of said Sec; thence S89°55'18"E, 150.00'; thence S00°03'17"E, 150.00'; thence N89°55'18"W, 150.00'; thence N00°03'17"W, 150.00' to the POB, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 17636

Action Requested:

Variance of the required rear yard from 25' to 12.25' or in alternative (site #2) a Variance of the side yard from Utica Avenue from 35' to 11' to construct new garage addition. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1708 East 30th Street.

Presentation:

The applicant, **Rick Martin**, representing Renovations, Inc., 8500 East Admiral Place, submitted a #1 site plan (Exhibit C-1) and a #2 site plan (Exhibit C-2). Mr. Martin stated he represents Mr. & Mrs. Sutterhome and the proposal is for a garage addition. He explained that the existing garage will be turned into a bedroom and bathroom toward the rear of the garage. He stated this bedroom is proposed to allow access to a primary bedroom downstairs. He explained that due to the size and the arrangement of the setbacks and building lines it is necessary for the requested variance. He stated that he submitted a site plan as an alternative to the first plan (#2 site plan).

Comments and Questions:

Mr. Bolzle asked the applicant if the driveway in the rear yard would still come off of 30th Street in the first alternative site plan? He stated the driveway presently comes off of 30th Street and would be an extension of the existing driveway to the new garage.

In response to Mr. Bolzle, Mr. Martin stated he did not think an access to Utica could be achieved because of the elevation being 12' to 13' higher than Utica.

Protestants: None.

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 the required rear yard from 25' to 12.25' to construct new garage addition. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per site plan listed as #1; subject to there being no access to Utica; finding that the hardship is the shape of the lot and the location of the house on the lot and the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code.

AND

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 **DENY** a **Variance** of the side yard from Utica Avenue from 35' to 11' to construct new garage addition. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the applicant failed to present a hardship unique to the property that would warrant the granting of the variance request; on the following described property:

Lot 1, Block 1, Avalon Place, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17637

Action Requested:

Special Exception to permit used car sales in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located SW/c 41st and Garnett.

Presentation:

The applicant, **Troy Higgins**, represented by Gerald Wyatt, OK. Central C.U., 3815 South 135th East Place, submitted a location map (Exhibit D-1), site plan (Exhibit D-2) and a plot plan (Exhibit D-3). Mr. Wyatt stated the Credit Union is undergoing a major renovation and adding 7500 SF, relocating the drive-in and installing eight (8) lanes. He indicated the Credit Union would like to sell repossessed cars on their lot to members only. He stated the Credit Union is not trying to set up a car lot that would sell to the general public. Mr. Wyatt assured the Board that the Credit Union will not be positioning the cars for market to the general public. He indicated the parking lot for the cars will be behind the building and there will not be a used car sale sign on the lot.

Comments and Questions:

Mr. Bolzle asked the applicant how many cars would be on the lot at any one time? Mr. Wyatt stated he has 29 cars currently and he is requesting 30 cars be allowed on the lot.

In response to Mr. Dunham, Mr. Wyatt stated there is enough parking for staff and clients. He explained that with the new eight (8) lane drive through the members will more than likely use the drive through instead of parking and coming into the facility.

Mr. Wyatt stated that all of the Credit Union's plans have been approved by the City of Tulsa.

Ms. Abbott asked the applicant for the square footage of the building? Mr. Wyatt stated 17,000 SF.

Mr. Beach stated the Credit Union would be required to have 57 parking spaces. Mr. Beach commented that if the renovations have been approved by the City then they have checked the parking and must be in compliance.

Protestants:

Chris Darden, 9 East 4th Street, Suite 800, stated he is representing the property owner directly east of the subject lot. He commented that the car lot is not in harmony with the spirit of the Code and could be injurious to the neighborhood. Mr. Darden stated that the use is not consistent with current surroundings and current uses. He explained that the Credit Union is surrounded by RM-1 zoning with a PUD Use 11 for office space. He stated the surrounding neighborhood has a convenience store, houses, apartment buildings, a bank and various other office uses. He commented the car lot would be competing on a City wide basis for used cars with their large number of members. Mr. Darden indicated that the car lot is a use that will increase the traffic and possibly people coming in after hours to look at the cars. He stated that there are no other used car lots in the area and this is inconsistent with the area.

Applicant's Rebuttal:

Mr. Wyatt stated that one of the reasons the Credit Union asked to have a car lot is because they liquidate their assets to their members on a bidding process. He explained that when the Credit Union is able to sell to their membership their average deficiency balance is around \$2,000 to \$2,500 versus taking the cars to an auction and having over a \$4,000 deficiency balance. He stated it is very inconvenient to transport the cars back and forth to car auctions. Mr. Wyatt stated the cars will not be advertised nor will there be any signs on the cars or the street. He reiterated the cars will be for the members of the Credit Union only. He explained that the members know the Credit Union has cars and they call inquiring about the cars. He stated the Credit Union has cars on their lot every weekend from the people in the area parking their cars with a sign on it for sale. He indicated the cars for sale by the Credit Union will be behind the building without any for sale signs.

Comments and Questions:

In response to Mr. Dunham, Mr. Wyatt stated the lighting will be the normal parking lot lighting, which is already existing.

Mr. Wyatt stated there will not be any indication to the public that there are cars for sale on the Credit Union lot. He explained that when a car is repossessed it has to stay on the lot 10 days before selling and so there are cars on the lot from week to week.

In response to Mr. Dunham, Mr. Wyatt stated he has never had more than 38 cars in his portfolio. He explained that he asked for 30 cars because the Credit Union is growing.

Ms. Turnbo asked the applicant for his hours of operation? He stated the hours are 9:00 a.m. to 4:30 p.m. Monday through Wednesday, 9:00 a.m. to 6:00 p.m. Thursday and Friday and 9:00 a.m. to 1:00 p.m. on Saturday.

Mr. White inquired about the screening fence on the east side? Mr. Wyatt stated the screening fence has been in place since 1984.

In response to Mr. White, Mr. Wyatt stated that there is a screening fence on the west and a tree line on the north with a large green belt.

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 permit used car sales in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to there being no signage indicating cars for sale on the property and that the area where the cars are located for sale be limited to the area indicated on the site plan submitted by applicant (marked in blue); subject to there being no special characteristics associated with this lot (fencing, increased lighting, additional striping, balloons, flags, etc.); subject to the days and hours of operation match the days and hours of operation of the Credit Union; provided that the lot is limited to 30 cars and provided that this use does not use required parking; subject to sales of assets of the Credit Union to members only; 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 part of Lot 2, Block 1, East Vue Center, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, being more particularly described as follows: Beg. SE/c of said Lot 2, Block 1; thence due W along the S line thereof, for 202.00'; thence N0°16'00"W for 610', N line of said Lot 2, Block 1; thence due E along said N line for 202.00' to NE/c of said Lot 2, Block 1; thence S0°16'00"E, E line thereof for 610.00' to the POB. and Part of Lots 1-2, Block 1, East Vue Center, an addition in the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, more particularly described as follows, to-wit: Beg. NW/c, Lot 2, Block 1; thence E 610.00', NE/c, Lot 2; thence S00°16'00"E for 610.00', SE/c of Lot 2; thence due W for 460.00'; thence N00°16'00"W for 350.00', thence W 150.00' to W line of Lot 2; thence N00°16'00"W for 260.00' to the POB, less a part of Lot 2, Block 1, being more particularly described as follows: Beg. NW/c, Lot 2, Block 1; thence due E along N line thereof for 408.00'; thence S00°16'00"E, for 212.00'; thence due W for 408.00', W line said Lot 2, Block 1; thence N00°16'00"W for 212.00' to the POB, containing 1.986 acres or 86496.06 SF, more or less, and less beginning at the SE/c, Lot 2, Block 1; thence W, S line for 202.00'; thence N00°16'00"W for 610.00', to a point on the N Line; thence due E, N line for 202.00' to the NE/c of said Lot 2, Block 1; thence S00°16'00"E, E line thereof for 610.00' to a POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17638

Action Requested:

Special Exception to allow a ground sign on a non-arterial street. **SECTION 1221.C.9.a. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**, located 3211 South 79th East Avenue.

Presentation:

The applicant, **Hesh Jaber**, 1226 South Hudson, submitted a location map (Exhibit E-1) and stated he is requesting a special exception to allow a Super 8 sign on a non-arterial street.

Comments and Questions:

Mr. Bolzle asked Staff if the sign depicted meet the requirements that are normally associated with a CS district? Mr. Beach stated that it appears to comply.

Ms. Turnbo asked the applicant if the sign is 40' tall? He stated it will be 40' to the top of the sign and 55' from the centerline.

Protestants: None.

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 a ground sign on a non-arterial street. **SECTION 1221.C.9.a. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**; per plan submitted; subject to all of the aspects related to the sign meeting the requirements of a sign in a CS district abutting an arterial street; 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 part of Lot 3, Block 1, Interchange Center, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the official recorded plat thereof, NE/4, Sec. 23, T-19-N, R-13-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government survey thereof, more particularly described as follows; to-wit: Beg. S boundary of said Lot 3, Interchange Center, 710.00' from the SE/c thereof; thence N89°58'30"W for 146.87'; thence N0°01'30"E for 340.29' to a point in the S ROW line of S 79th E. Ave; thence N88°03'09"E for 0.00'; thence on a curve to the right having a radius of 310.00' for 10.67'; thence S89°56'27"E for 136.20'; thence S0°01'30"E for 340.39' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17639

Action Requested:

Variance of the front setback from 59th Street to 15' to construct a carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 5910 South Delaware Avenue.

Presentation:

The applicant, **Thomas Sitrin**, 5910 South Delaware Avenue, submitted a site plan (Exhibit F-1) and a drawing (Exhibit F-2). Mr. Sitrin stated he is the owner of the subject property and the existing dwelling was constructed over the setback line in the 1950's. He explained that the variance is needed to clear the title and to construct a carport. Mr. Sitrin stated the subject property has streets on three sides with major setbacks required from each of the streets.

Comments and Questions:

Mr. Beach asked the applicant if this case was heard by the Board in 1989 and approved? He answered affirmatively.

In response to Mr. Beach, Mr. Sitrin stated he never constructed the carport after the approval in 1989 and he was not aware that there was a three year time limit.

In response to Mr. Bolzle, Mr. Sitrin stated the carport is 100% identical to the previously approval in 1989.

Protestants: None.

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 the front setback from 59th Street to 15' to construct a carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, per plan submitted; finding that the variance was approved in 1989 by the Board of Adjustment, but was never constructed and the applicant was not aware of the three year time limit; finding the lot borders streets on three (3) sides and 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 18, Block 8, Southern Hills Manor Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17640

Action Requested:

Special Exception to permit a foundation repair business in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15, located SW/c East 11th Street South and South Mingo Road.

Presentation:

The applicant, **Larry V. Sanders**, 5424 South Mingo, representing Perma Jack, stated he was previously approved for this use, but he did not follow through with building the business at that time.

Comments and Questions:

Mr. Dunham asked the applicant if he planned to install a screening fence along the south property line? Mr. Sanders stated he intended to install a screening fence along the back of the property.

Mr. Bolzle informed the applicant that in 1984 the application was approved subject to a site plan and no outside storage of equipment other than vehicles, screening being erected and the applicant return with a landscaping plan before applying for a building permit.

Mr. Sanders stated that there will not be any outside storage except maybe a trailer. He explained that the vehicles will all be stored inside because they have expensive equipment. He stated he plans to fence around the property. He commented the building will be a 50' x 100' steel building.

Mr. Beach stated the screening fence is only required on the south property line, which is where the detention facility is located.

In response to Mr. Bolzle, Mr. Sanders stated he has discussed his plans with the owner of the trailer park adjacent to the subject property and they are in agreement with the proposal. He explained that the trailer park has one of their units on the subject property and it seems to be permanently attached to the ground. He stated that instead of going to the expense of moving the trailer he will allow the trailer to stay in its present location.

Mr. Bolzle asked the applicant if the building would be a metal building with storage? He stated the building will have approximately six (6) offices in the front with a rock facing on the front. He further stated the property will be landscaped and definitely an improvement from its present appearance.

Case No. 17640 (continued)

Mr. Dunham asked the applicant if the only outside storage he will have will be a couple of trailers? He stated he really doesn't want to store anything outside because of vandalism, but there will be times when there will be a couple of trailers stored outside.

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 **Special Exception** to permit a foundation repair business in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15, subject to the applicant returning with a site plan; subject to a screening fence installed on the south property line; subject to there being no permanent outside storage; 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:

Part of NE/4, NE/4, NE/4, Sec. 12, T-19-N, R-13-E, I.B.M., Tulsa County, Oklahoma, according to the US Government survey thereof, more particularly described as follows, to-wit: Beg. at a point 50' S, 25' W, NE/c, Sec. 12; thence 280'; thence W 140'; thence N 280'; thence E 140' to the POB , City of Tulsa, Tulsa County, Oklahoma.

Case No. 17641

Action Requested:

Variance to permit an "outdoor advertising" sign to be located outside of an expressway corridor. **SECTION 1221.F. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**, located NW/c South Memorial and East 31st Court South.

Presentation:

The applicant, **Phil Tomlinson/31st & Memorial L.L.C.**, 5780 South Peoria, submitted a site plan (Exhibit G-1) and a sign plan (Exhibit G-2). Mr. Tomlinson stated that in August the Board approved a directional sign on this corner for the Cracker Barrel Restaurant. Mr. Tomlinson proposed a business sign (see sign plan Exhibit G-2) which is a metal brushed aluminum sign with router cut out letters. He indicated the sign will measure approximately 14' x 8'. He stated that the Cracker Barrel sign will go on this sign.

Comments and Questions:

Mr. Bolzle asked the applicant how large the Cracker Barrel sign was? He stated he thought the sign measured 2' x 2'. He commented the Cracker Barrel will trade the 2' x 2' for a position on the proposed sign.

Mr. Bolzle requested that this case be continued and ask Mr. Tomlinson to submit to the Planning Commission a site plan for the whole development that shows all of the signs currently in place and their square footage including monument signs, outdoor advertising signs, signs for the restaurants. He indicated the staff should evaluate the site plan requested as if it were individual lots.

Mr. Bolzle asked the Staff if the requested site plan would be helpful in giving the Board better direction? Mr. Beach stated the requested site plan would need to include future proposed signs.

Ms. Turnbo stated she agreed with Mr. Bolzle's request.

Mr. Tomlinson stated that all of the property in the business park is zoned CS, all the property is platted (Interchange Center and Interchange Place) and all of the users (12) have had to have a sign variance to have a sign on the interior streets. He further stated that other than to have a variance for a ground sign, each of the signs comply with the requirements of the CS district. He explained that all of the signs, except the Super 8 sign, have been erected on their buildings.

Mr. Bolzle stated the proposed corner also has a berm and a retaining wall with a sign that states "Landmark".

In response to Mr. Bolzle, Mr. Tomlinson stated the Landmark sign will be removed off of the proposed corner.

Ms. Abbott asked the applicant if the proposed sign is 1200' from another outdoor advertising sign?. Mr. Tomlinson stated he did not know if the sign was 1200' from another outdoor sign.

Mr. Dunham stated that if the Board approved this application, the applicant would have to meet all of the requirements of an outdoor advertising sign, which requires that the proposed sign be 1200' from another outdoor advertising sign.

Protestants:

Ms. Abbott announced that there was a protest from James W. & Donna Real, 8105 East 31st Court.

Case No. 17641 (continued)

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 **CONTINUE** Case No. 17641 to March 11, 1997 at 1:00 p.m. to enable applicant to return with a sign inventory for the development indicating signage in place on lots sold and project signs and/or proposed signs; all signs being indicated in terms of size; setbacks; distances from similar signs; subject to applicant showing the signs on a sign plan.

Case No. 17462 17642

Action Requested:

Special Exception to allow a beauty shop and skin care facility in a OL district.
SECTION 604.F. SPECIAL EXCEPTION USE IN OFFICE DISTRICT, REQUIREMENTS, Use Unit 11, located 1604 South Peoria Avenue.

Presentation:

The applicant, **Lucille Johnson**, 1604 South Peoria Avenue, submitted a site plan (Exhibit H-1) and photographs (Exhibit H-2). Ms. Johnson stated she bought the subject property in December and was unaware she could not have a beauty shop/skin care facility in this area. She explained that previously she operated on Utica Avenue under the same light office district for approximately seven (7) years.

Comments and Questions:

In response to Mr. Dunham, Mr. Beach stated the property was mis-advertised as a CS district and in fact it is an OL district. He explained that this case will need to be re-advertised and the case needs to be continued.

Protestants: None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **CONTINUE** Case No. 17642 to March 11, 1997 at 1:00 p.m. to enable staff to re-advertise with the correct zoning district.

Case No. 17643

Action Requested:

Special Exception to permit a residential treatment center in an RS-2 district.
SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 2, located 506 West Fairview.

Ms. Abbott announced she would be abstaining from this case and requested Mr. White to conduct this hearing.

Presentation:

The applicant, **Shirley Lamb Ministries**, 1619 East 56th Street, submitted a plot plan (Exhibit I-1), site plan (Exhibit I-2) and a brochure (Exhibit I-3). Ms. Lamb stated the brochure explains the intended use of the proposed property. Ms. Lamb commented the advertisement states that this proposal will be a treatment center and that is not totally accurate. She explained that the residential treatment center is the only category that the proposal could fit under. Ms. Lamb indicated the facility will be a 24 hour care facility that offers private rooms and counseling. She described the facility as a Christian based healing center with a 24 hour nursing staff. Ms. Lamb stated she has lived in Tulsa for 21 years and she is an ordained minister of para-professional counseling. Ms. Lamb explained that the majority of the counseling is conducted at the business office located at 71st and Yale. She stated the proposed property will be used for ministry and not for business. She explained that there will not be high volume traffic, no on street parking and it will not be a drug and alcohol treatment center. Ms. Lamb stated the facility will not be prescribing any drugs and this will be a non-medical facility. The facility is to give direction and care that people need as they are recovering from the dysfunctional process. Ms. Lamb stated the facility will be renovated which will increase the value to the neighborhood. Ms. Lamb indicated that the facility will remain a low profile facility, therefore there will be no signs on the property. Ms. Lamb compared this proposal to the property directly across the street (The Fairview Mansion) and stated the proposed facility will be renovated much like the Fairview Mansion.

Protestants:

Charles Wickstrom, 1805 West Easton Street, stated he is a member of the Owen Park Neighborhood Association and has been a resident of the neighborhood for 17 years. Mr. Wickstrom explained that he moved to the neighborhood for its historic value and has renovated a home. He stated the neighborhood is currently resurging in the historic context of single-family dwellings. He commented that this is a true historic value of the property and it should be maintained now and into the future.

Melvin Gilliam, 569 Country Club Drive, stated he is representing Terry McGee/Developer, 585 Country Club Drive. Mr. Gilliam submitted and read a letter of protest from Mr. McGee (Exhibit I-4). Mr. Gilliam explained that he is also a homeowner in the area and requested the Board to deny this application. Mr. Gilliam commented that there are a lot of private companies trying to rebuild this area, as well as neighbors. Mr. Gilliam stated that the proposal will not increase the value of his home or anyone else's in the neighborhood.

Esther Rich, 548 N. Quanah Avenue, representing the OPANA, stated she did not receive notice of this request. Ms. Rich explained that the association did circulate petitions after finding out about the application. Ms. Rich submitted petitions with approximately 200 signatures (Exhibit I-5). She stated that as far as this type of facility is concerned, the subject neighborhood is saturated with social services. She commented that the neighborhood and surrounding area has reached their caring limit on social services. Ms. Rich requested this proposal be denied.

Brenda Beree, 615 E. Latimer Place, stated she is soon to be a new homeowner in the subject area and her new address will be 568 N. Guthrie. Ms. Beree submitted photographs of the new homes in the area (Exhibit I-6). Ms. Beree stated she has been a Realtor for 20 years and has helped North Tulsa in various projects to revitalize. Ms. Beree commented that when a social service oriented facility move in a residential area, the property value declines. She requested the Board to deny this application.

Marie Pasternak, 1503 East 52nd Place, stated she owns the property directly south and directly east of the proposed zoning change. Ms. Pasternak read the results of a Downtown Tulsa Unlimited study regarding Downtown Tulsa area. She stated Downtown Tulsa needs to grow and it needs residential areas. Ms. Pasternak requested the Board to deny this application. She stated one of the reasons for the denial is because on June 16, 1994, a very similar applicant (PUD 223B) was denied by the City Council. She referred to the Use Code, Sec. 1205.C.4. that limits social service agencies, regarding clustering of social services. Ms. Pasternak stated that there are three (3) facilities within 1/4 of mile of the proposed property.

Andrea Henry, 327 North Sante Fe, representing Owen Park Neighborhood Association, submitted a letter of protest (Exhibit I-4) and stated she is a first time home buyer and has lived in Owen Park approximately three (3) years. She commented the proposed use of this home is inappropriate. Ms. Henry stated she felt the home should be used for residential only and requested the Board to deny this application. Ms. Henry reiterated Ms. Pasternak's statement regarding clustering of social services in the area.

Ida Willis, 231 North Peoria Avenue, stated that 4 1/2 years ago her son purchased the property at 628 North Country Club Drive. Ms. Willis explained that her son built a museum for miniatures, dolls and toys, which she manages. She stated she has had many visitors from around the world to visit the museum and she would like for the museum to stay accessible so that visitors will feel safe to come into the neighborhood. She further stated the neighborhood should not have more social service agencies. She expressed her desire that the neighborhood remain historical and rebuilt. Ms. Willis stated that neither she, nor her son, were notified regarding this application. She commented that there are other neighbors who did not get notification and the same thing happened before when there was a proposed change in the neighborhood. Ms. Willis requested the Board to deny this application.

The following protestants did not wish to speak but wanted their opinion on record:

Jan Glen, 579 N. Country Club Drive, **Ken Hunt**, 579 N. Country Club Drive, **Marjorie Spees**, 544 N. Rosedale, **Mary & Wally Wilson**, 610 W. Fairview, **Marvin Cooke**, 302 N. Sante Fe, **Carolyn Wickstrom**, 1805 W. Easton, **Jan Edward**, 1802 W. Easton Court, **Richard C. Rich**, 548 N. Quanah Avenue, **Kenneth Byrd**, 658 N. Guthrie Avenue, **John & Willif Wimberly**, 665 N. Guthrie Avenue.

Comments and Questions:

Mr. White asked staff to explain to the protestants and audience the perimeters of proper notification.

Mr. Beach stated the applicant is required to give notice to all property owners within 300' of the subject tract and they can hire INCOG to do this for a fee. He explained that in this case, only three (3) property owners were in Tulsa County and the remainder were in Osage County. He stated that INCOG does not have the means to acquire the names of the property owners in Osage County and it then becomes the responsibility of the applicant. He indicated the applicant did provide a list of names, which are in the file and they were notified. He explained he cannot verify if it is an accurate list. Mr. Beach stated that in Board of Adjustment cases there are no signs posted on the proposed property.

Mr. White explained that this application is not a zoning change, but a special exception to the existing zoning. He stated that since this is not a zoning change there are no signs posted.

Applicant's Rebuttal:

John Nidiffer, 4720 East 21st Place, stated he is on the Board of Directors for the Shirley Lamb Ministries. Mr. Nidiffer addressed the issue of notification and informed the Board that he made a trip to Pawhuska in order to acquire the property owners names from the County Assessor's Office. Mr. Nidiffer stated he performed an extensive search and provided more names than were in the 300' area. Mr. Nidiffer commented that he notified everyone that was required legally and he notified everyone he felt should know about the proposal outside of the perimeter of the 300'. He stated that there seems to be a misunderstanding and fear of the proposal. He reiterated that this proposal is not a social service organization, but an organization that supplies a need to private individuals and the individuals pay for the service, it is not funded by government agencies or insurance. Mr. Nidiffer stated the clients do not present a threat to anyone except to themselves. He explained that the ministry is strictly for counseling to private individuals who have no self esteem or self worth. He stated the clients are wealthy or middle class people who need counseling. He indicated the function of the facility is to provide an environment that will provide love, concern and bring back a feeling of self-worth. He explained that the subject property is currently not suitable and is in a state of disrepair. Mr. Nidiffer stated the ministry is offering to purchase the subject property for over \$250,000, which is above the fair market value. Mr. Nidiffer gave a lengthy demonstration of how the Fairview Mansion was renovated and the cost to refurbish the home. He explained that he used the Fairview Mansion as an example for the same pattern that the Shirley Lamb Ministry will use to renovate the proposed property.

Comments and Questions:

Mr. White requested Mr. Nidiffer to conclude his comments since his 5 minutes have expired.

Mr. Nidiffer stated that a number of people protested and it is hard to meet all of the elements of their opposition in a 5 minute time period.

Mr. White stated he is allowing him to continue, but to please make his rebuttal more concise.

Mr. Bolzle stated he did not recall a concern on part of the neighborhood that the location would be detrimental to the structure or deteriorate the structure. He further stated Mr. Nidiffer's comments are more in the form of a presentation as oppose to a rebuttal. He explained that a rebuttal needs to concern itself with the issues that were brought forth by the protestants. Mr. Bolzle listed the concerns as follows: congregation of these types of services in the area, the presents of this use will be detrimental to the residential development of the neighborhood. Mr. Bolzle informed Mr. Nidiffer that the clustering of these type of services is an issue that is critical to the Board. Mr. Bolzle asked Mr. Nidiffer to contain his rebuttal to the issues.

Mr. Nidiffer stated he thought his rebuttal was regarding the issues. He explained that one of the concerns was that this use would de-value the residential area. He stated that what he is trying to say is that this proposal is one of four large estates that form the backbone and history of this neighborhood.

Mr. White stated the concerns of the people in the area is more with the usage as oppose to how the property will be renovated. He further stated the concern he is hearing is that the usage will be such that the surrounding property will be de-valued.

Applicant's Rebuttal: (continued)

Mr. Nidiffer stated the usage will be completely internal and there will not be any evidence of any large scale activity. He explained that there will not be a lot of coming and going. He further explained the clients will stay for periods of time according to the amount of healing that they need. He stated this will be a quiet use and will not impinge on the residence.

Comments and Questions:

Mr. White stated that from the description Mr. Nidiffer gave of the clients, this facility will care for suicidal clients. He asked Mr. Nidiffer if this is correct? He stated that the clients will be people who may have been abused earlier in life or eating disorders, etc. He explained that the use is basically a quiet type of illness which can be treated spiritually. He stated the clients will not be a danger to the community or to themselves. He explained that it is important that the clients see the restored home and gardens to see that this is part of what they are worth.

Mr. White asked the applicant if he is contemplating the restoration prior to the admitting of any of the clients? He stated that this would be very difficult because the ministry will have to make payments on the property and will need the income.

Mr. White asked the applicant what his time plan is for the restoration? Mr. Nidiffer stated he would like to see it all completed within a 24 month period.

Applicant's Rebuttal:

Shirley Lamb stated there will be very few people in the facility at any one time. She explained that the subject property has six (6) bedrooms and it will be limited to treating six (6) people. She stated eventually they will have two (2) people per bedroom. She reiterated that this will not be a high traffic area, but will be a low profile facility.

Comments and Questions:

Mr. Dunham stated that this is a very admirable ministry, but it very clearly violates the ordinance regarding social services not being located 1/4 of a mile within another social service. Mr. Dunham indicated the proposal will be detrimental to the revitalization of the subject area.

Ms. Turnbo stated that this is a very fragile neighborhood that has held on and is currently rebuilding. Ms. Turnbo expressed concerns regarding the distance between other social services in the subject area. Ms. Turnbo stated that this application would be injurious to the neighborhood.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-1 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" Abbott "abstention"; none "absent") to **DENY** a **Special Exception** to permit a residential treatment center in an RS-2 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; finding that the approval of this application will be injurious to the neighborhood and will not be in harmony with the spirit and intent of the Code, on the following described property:

A tract of land lying in Sec. 34 and 35, T-20-N, R-12-E, I.B.M., City of Tulsa, Osage County, Oklahoma more particularly described as follows, to-wit: Commencing at the SE/c, Osage County; thence due N along the 96th Meridian for 301.50'; thence due W for 130.00' to the POB; thence continuing due W for 256.49'; thence due N for 287.51'; thence due E for 128.87' to a point on a curve; thence Sely along a curve to the left having a radius of 230.00' and a central angle of 46°06'09" for 185.07' to a point of tangency; thence S 62° E for 16.31' to a point lying 130.00' W of 96th Meridian; thence due S parallel to the 96th Meridian for 139.77' to the POB.

Case No. 17647

Action Requested:

Variance of the required number of parking spaces in order to permit additional bleacher seating for an existing football field. **SECTION 1202.D. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES;** Off-Street Parking and Loading Requirements, located West side of Lakewood Avenue, South of East 36th Street.

Presentation:

The applicant, **Randy Heckenkemper**, 2267 South Troost, representing Bishop Kelly High School, submitted a plot plan (Exhibit J-1), a site plan (Exhibit J-2) and a parking summary (Exhibit J-4). Mr. Heckenkemper stated the total square footage of the school is 131,300 SF and currently on site the school has 447 parking spaces. He indicated the school is proposing to construct an additional 100 parking spaces immediately adjacent to the stadium, which will bring the total parking spaces to 547. Mr. Heckenkemper stated the football field, track and some existing seating is currently in place. He explained that the total parking spaces needed is 564, but he is requesting a variance of the required number of parking spaces. Mr. Heckenkemper stated he is asking for this variance based on the shared parking concept that the City of Tulsa currently uses at other schools and commercial sites. He indicated that there will be five (5) to six (6) home games a year, which spectator attendance will be close to capacity. He stated that at the time of the home games there will be no competition for parking spaces at the school site. Mr. Heckenkemper indicated that Mitchell Park is to the north of the school and there is also parking available (approximately 100 parking spaces).

Protestants:

Ms. Abbott announced that the Board received a letter of protest from Mary Brunston, which states drainage being a problem. Ms. Abbott asked Mr. Heckenkemper if this issue has been address? He stated as part of the school expansion two (2) years ago, the City required two on-sight detention facilities that were constructed. He further stated he has already obtained a building permit and the drainage issues have been addressed. He explained that there are some natural springs and the school has installed some drainage, but the catch base and boxes have not been installed at this time.

Comments and Questions:

Mr. Dunham asked the applicant if this stadium would be used for school related use only? He stated the school will not be renting out their stadium, it will be school related functions.

Ms. Turnbo asked the applicant if he felt he had adequate parking for the students currently? He stated that part of the reason the school is adding 100 spaces is to help the student parking situation.

Ms. Turnbo stated that Lakewood (close to 41st Street) is lined with cars that have Bishop Kelly stickers on the windshields.

Case No. 17647 (continued)

Mr. Heckenkemper stated the school has permit parking and when there are violations they can no longer park on the school property. He suggested that some of the street parking may be students who are no longer allowed to park on campus and the school has no control over this situation.

In response to Ms. Turnbo, Mr. Heckenkemper stated the additional seating will be 1618, which will give a total of 2000 seats.

Mr. Heckenkemper stated the school has never had a home football game and he is not sure how many spectators to expect.

Mr. Beach stated the proposal has a total deficit of 115 parking spaces.

Mr. Heckenkemper stated that under the shared parking concept, the school would agree to limit usage of the stadium to hours outside of when school is in session so there would not be competition for the parking.

Mr. Beach explained to Mr. Heckenkemper that a great number of the parking spaces are quite a distance from the stadium.

Mr. Dunham asked the applicant if the school had any control or exercise any control on where the spectators park? Mr. Heckenkemper stated that he did not think the stadium's parking situation will be any different than any other high school stadiums in Tulsa. He commented that human nature is to park as close as you can to your destination. Mr. Heckenkemper pointed out that one of the advantages to the layout is that the parking lot on the west side of the campus is adjacent to the cafeteria/activity center and there will be booster club parties after the game, which will promote parking on the west side. He indicated the walkways throughout the campus are covered. He stated the school is providing two entry points on the south to make it more convenient when you park on the west side to enter the stadium.

Mr. Bolzle asked the applicant if the gate by the maintenance access drive will be for the public? He stated that the gate is anticipated to be a service gate.

In response to Mr. Bolzle, Mr. Heckenkemper stated the gate will be closed during the game.

Mr. Bolzle asked the applicant if he will have a fence that runs around the entire perimeter? Mr. Heckenkemper explained the perimeter fence has been installed for quite some time and it is not very attractive. He stated the school is proposing to replace the perimeter fence.

Mr. Bolzle asked the applicant how far along Lakewood would the fence extend without an exit or entrance? He stated the school does have plans to have a pedestrian gate adjacent to the ticket booth. He commented that he hopes to work out an agreement to enable parking in the Skyline East Office Park, but it was not included in this requests because it has not been agreed upon at this time.

Ms. Turnbo asked the applicant if there will be a gate on 36th Place? He stated that there is a gate for the public on 36th Place.

Mr. Dunham asked the applicant if there is some way the school could eliminate the gates to discourage people from parking along Lakewood and 36th Street? He stated the access gates are important and maybe the school can work with the Traffic Engineer to restrict parking to one side on Lakewood.

Mr. Bolzle asked Mr. Weller, Tulsa Parks and Recreation, if the Mitchell Park has lighted parking and is it available? Mr. Weller stated that Mitchell Park does have security lighting and it would be possible to have some sort of agreement for parking with Bishop Kelly, but the user group is responsible for cleaning the parking lot.

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 required number of parking spaces in order to permit additional bleacher seating for an existing football field. **SECTION 1202.D. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES**; Off-Street Parking and Loading Requirements; per plan submitted; subject to the stadium being limited to school use only; subject to the school encouraging spectators and students to park on the school property; 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:

Beg. 674.75' N, 85' E, SW/c, SW, SE; thence E 360', S 200', E 340', S 125', E 352.24', SE 99.17', to NWly R/W Skelly Dr.; thence NEly ALG R/W to point on EL, SW, SE, N, to point 463' N, SL Sec, NW 50.98', N 1502', NW 106.01', W 447.54', S 200', W 700', S 1215.25', POB, Sec. 22, T-19-N, R-13-E, 41.17 acres LESS and EXCEPT the W 330' thereof, Tulsa County, City of Tulsa, Oklahoma.

OTHER BUSINESS

Case No. 17614

Action Requested:

Refund for successful appeal of Administrative Decision.

Presentation:

The applicant, **James Norton/DTU**, requested a refund based on the successful appeal of an Administrative Decision in Case No. 17614.

Comments and Questions:

In response to Mr. Bolzle, Mr. Beach stated that it is a City ordinance that we refund fees for a successful appeal of an Administrative Decision.

Protestants: None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a full refund to James Norton/DTU for the successful appeal of Case No. 17614.

Case No. 17626

Action Requested:

Refund for successful appeal of Administrative Decision.

Presentation:

The applicant, **C.E. Patterson**, requests a refund for the successful appeal of the Administrative Decision in Case No. 17626.

Protestants: None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a full refund to C.E. Patterson for the successful appeal of the Administrative Decision in Case No. 17626.

Case No. 17633/17634

Action Requested:

Site Plan & Clarification for Kendall Whittier School/Park.

Presentation:

The applicant, **Greg Warren/City of Tulsa**, represented by Pat Treadway, City of Tulsa Urban Department and for the Tulsa Development Authority, 110 South Hartford, stated the park is a replacement park and the new school is a school replacement. He explained that the park and school is a partnership and was heard at the last Board of Adjustment meeting. Mr. Treadway stated that the role of TDA is to purchase property and assemble the site for both the park and school. He pointed out that the site, as depicted on the site plan, is bounded on the north by the alley between 4th Street and 4th Place, on the south by 5th place, on the west by Atlanta and on the east by Columbia. He explained the entire park site will eventually be owned by the City of Tulsa. Mr. Treadway stated that it is his understanding that the City of Tulsa is here asking for a special exception for approval to construct both the school and the park within this residentially zoned area. He further stated it is his understanding that the request was granted with the condition of the Board approving a detailed site plan as well as a condition to the automatic replat requirement that you place with a special exception approval. He explained that TDA did appear before the TMAPC on February 19, 1997 and the replat requirement was waived in lieu of a detailed site plan being submitted, which the TDA submitted. Mr. Treadway submitted an application for a waiver of plat (Exhibit K-1). He stated the detailed site plan submitted to the TMAPC is the same site plan that has been submitted to the Board of Adjustment.

Comments and Questions:

Mr. Bolzle asked Mr. Treadway if his intent is to get the Board to remove the condition of submitting the site plan for approval? He answered negatively.

Mr. Treadway stated his goal today, if he understands the process correctly, is for the Board to approve the detailed site plan as submitted.

Mr. Bolzle stated the applicant is not properly before the Board for approval of a site plan.

Mr. Beach stated he was instructed to place this on the agenda as other business.

Mr. Bolzle stated the statement to the Board was that the applicant wanted clarification and not a site plan approval.

Mr. Bolzle stated he understood the statement as that the applicant did not understand the motion and needed the Board to clarify the motion for him.

Mr. Treadway stated he had hoped to end today's meeting with the approval to construct the new school and park on property owned by the City of Tulsa. He explained that the public park will be built in phases and the City does not intend to build on property they do not own. He stated the City of Tulsa does not own all of the property currently included in the site, but the process is on going. He reiterated the City of Tulsa is not asking for permission to build on property they do not own, but asking to build improvements on property they do own.

Mr. Bolzle stated that there were protestants at the last hearing and he asked the staff if the protestants have been notified that a site plan is before the Board today? Mr. Beach answered negatively.

Mr. Bolzle stated he did not think the Board should hear this case today since there have not been notices given to the protestants.

Mr. Beach stated that if a case is continued to a certain date than notification is not sent out. He further stated that this case was not continued to a certain date and there has not been notification.

After reviewing the minutes from February 11, 1997, it was decided that the park was approved subject to the acquisition of all properties indicated in the plan and subject to the applicant returning to the Board for an approval of the detailed site plan.

Mr. Treadway stated he understands that the City of Tulsa does not have permission to build phase one of the public park on the property currently owned, but the City of Tulsa will have to own all of the property within the entire site before beginning to construct improvements.

Mr. Bolzle stated he understands Mr. Treadway's statement to be true as it stands today. He explained that the Board did not have an exhibit when the motion was made that explained phase one, etc. He stated the City of Tulsa can come back before the Board and request the approval of the park by phases as the property is acquired.

Mr. Treadway stated that the City would probably prefer to acquire approval for the different phases of the park and will need to re-apply for approval as such.

Mr. Bolzle explained to Mr. Treadway that regarding the site plan, the City of Tulsa needs to notify Mr. Beach that they would like to present the site plan and Mr. Beach will notify the parties who were in attendance. He further explained that separate or together with the site plan the City of Tulsa could make the application for the park approval to build in phases.

Case No. 17633/17634 (continued)

After a lengthy discussion the Board decided to take no action on this request.

There being no further business, the meeting was adjourned at 3:55 p.m.

Date approved: March 11, 1997

Shirley A. Abbott
Chair