

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 728  
Tuesday, June 10, 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
Bolzle		Gardner	Ballentine, Code
Cooper		Huntsinger	Enforcement
Dunham			Parnell, Code
Turnbo			Enforcement
White, Vice Chair			Romig, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, June 6, 1997, at 3:19 p.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

**Comments and Questions:**

Ms. Turnbo stated she would like to make corrections for the Variances that were granted on May 13, 1997, (No. 716) which was stated to meet the requirements of Sec. 1605.C. and should read Sec. 1607.C.

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** the minutes of May 13, 1997, (No. 726) as corrected.

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** the minutes of May 27, 1997, (No. 727).

## UNFINISHED BUSINESS

### Case No. 17717

#### Action Requested:

Special Exception to allow a mini storage in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, and a Variance of setback from the centerline of Sheridan Road from 100' to 80'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located 2197 South Sheridan Road.

#### Presentation:

The applicant, **Larry D. Graves**, 8892 Haskell Drive, Broken Arrow, stated he appeared before the Board on May 13, 1997 for a variance on a car wash and mini-storage facility located at 2197 South Sheridan Road. He explained that the car wash was approved at the May 13, hearing, however the mini-storage had not been advertised and the balance of his application was continued to today's meeting.

#### Comments and Questions:

Mr. Gardner informed the Board that the mini-storage was re-advertised and is now properly before the Board. He explained that the office building for the mini-storage also encroaches into the front setback. Mr. Graves needs approval of the variance to allow the office building location as proposed. Mr. Gardner stated that the approved open canopy, which was approved May 13, 1997, for the car wash, lines up with the proposed rental office.

#### Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to allow a mini storage in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, and a **Variance** of setback from the centerline of Sheridan Road from 100' to 80'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, per plan submitted; finding that the abutting building to the east encroaches Sheridan farther then the subject office building; finding that the requirements for a variance in Sec. 1607.C. has been met, on the following described property:

Lots 1-2 and W 30.72' of Lot 3, Block 1, and Lots 1, 2 & W 30.72' of Lot 3, Block 2, and 60' of vacated 22nd St., Cozy Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17722**

**Action Requested:**

Variance of the maximum allowable number of signs in an OL district from 1 to 3. **SECTION 602.B.4.b. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS**, a Variance of the maximum allowable display surface area from 2/10 SF per LF street frontage to 250 SF. **SECTION 602.B.4.c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS**, and a Variance of the maximum allowable height from 20' to 30'. **SECTION 602.B.4.e. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS**  
- Use Unit 21, located 3810 South 103rd East Avenue.

**Mr. Cooper announced that he will be abstaining.**

**Presentation:**

The applicant, **Don Beatt**, 9520 East 55th Place, submitted a drawing of the plan to scale (Exhibit A-1); a site plan (Exhibit A-2) and a letter of support (Exhibit A-3). Mr. Beatt stated that he is representing West Telemarketing, a new company in Tulsa. The company has leased the subject property and would like a variance for the allowable number of signs. He explained that currently the building has letters on the building for identification and a small ground sign. According to the Zoning Code the two identification signs is all that is allowed. Mr. Beatt requested a variance to allow additional signage on the building and on the ground for identification of West Telemarketing.

**Comments and Questions:**

Mr. Gardner stated that the number of permitted signs in an office district are based on the number of street frontages not the width of street frontage. There are two groups of office buildings, one on the west side of 103rd and one on the east side. The eastern tract also abuts the Mingo Valley Expressway. The applicant is asking from one (1) to three (3) signs and the Board needs to determine exactly where the three (3) signs will be placed, and where the existing signs are located. He stated the applicant is wanting to increase the height of the sign from 20' to 30' in height. As a general rule, this kind of office district is often next to an abutting single-family subdivision, however the subject property abuts a collector street, school and park, and the expressway. These are physical facts to consider in terms of sign height and possibly the number of signs. This is also a large, which the Board can take into consideration.

In response to Mr. Dunham, Mr. Gardner stated that when an application is also part of a PUD they must seek approval for amendments to the signage restrictions, as well as subject to the Board of Adjustment's approval as to variances. Mr. Gardner stated that this application did go before the TMAPC.

Mr. Beatt stated he did go before the TMAPC for PUD amendment and what he requested was approved. He listed the request as follows: A building sign, a small directional ground sign for directing to the parking area and a large monument sign facing 169 Expressway.

In response to Mr. Gardner, Mr. Beatt stated that he requested a 7' x 21' identification sign by 169 Expressway, 5' x 18' wall sign, 3' x 4' directional sign for the parking area. The wall sign was withdrawn and TMAPC approved the monument sign for the parking area and the identification sign on 169 Expressway.

Ms. Turnbo asked the applicant what was denied in the amended PUD? Mr. Jim Doherty, 616 South Boston, stated that the telemarketing company has 900 employees. He explained that TMAPC considered this application and voted 8-1 to approve the amended application. One of the hardships is that the subject property has mature trees, which partially obscures the front of the building and the wall sign does little good. The type of people looking for this company will be vendors and prospective employees. The signage requested is basically a logo identifying West Telemarketing as being on the tract that is visible from the expressway. The other signs are directional signs. It is difficult to locate the subject building since 103rd Street has no access from 41st or 31st. The tract is an extremely long tract and one way to achieve more signage is to do a lot split, but rather than go through a lot split, the applicant was encouraged to request a variance because of the size of the tract, the isolation of the tract and being on a commercial collector. Mr. Doherty commented that the applicant's requests is not unreasonable and there are a number of physical facts on the subject tract that causes hardships for the applicant.

In response to Mr. Dunham, Mr. Doherty explained that the applicant is asking for a logo sign (30' pole sign) to be visible from the expressway and two directional signs to direct people to parking and the building. Mr. Doherty stated that the applicant is asking to increase from about 100 SF to 250 SF and given the scale of the tract that is not unreasonable. If this was commercially zoned the applicant would be allowed a billboard 672 SF plus one SF of sign per one foot of frontage. This is an ideal use and the intensity of the office use is appropriate and the level of signage for the intensity is appropriate.

Mr. Doherty stated that the two directional signs will be at the two parking lot entrances.

After a lengthy discussion it was determined that the applicant is requesting three signs.

Ms. Turnbo stated the location is the hardship for the signage requested. It is difficult to locate the subject building.

Case No. 17722 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-1 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" Cooper "abstention"; none "absent") to **APPROVE** a **Variance** of the maximum allowable number of signs in an OL district from 1 to 3. **SECTION 602.B.4.b. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS**, a **Variance** of the maximum allowable display surface area from 2/10 SF per LF street frontage to 250 SF total signage. **SECTION 602.B.4.c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS**, and a **Variance** of the maximum allowable height from 20' to 30'. **SECTION 602.B.4.e. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21; per plan submitted with the exception of one wall sign; finding that the subject tract is a large tract of land with many mature trees that obscure the building's visibility and the location of the subject building is difficult to locate; finding that the subject property abuts undevelopable property; finding that the requirements for a variance in Sec. 1607.C. has been met, on the following described property:

Lot 1, Block 2 & Lot 1, Block 1, Bishop Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17724**

**Action Requested:**

Approval of an amendment to a previously approved site plan to permit expansion of the existing building and a Special Exception to approve church use on the E 40' & S 75' of subject tract. **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 13, located 10901 South Yale Avenue.

**Presentation:**

The applicant, **Stephen A. Schuller**, 320 South Boston, submitted a site plan (Exhibit B-1) and stated he is representing the Church of the Holy Spirit. He explained that the church has been situated on the subject property for approximately 15 years. The church use was first permitted for the subject property by the Board in 1980, at which time a plot plan was approved. Mr. Schuller stated that the church has acquired a couple of strips of land along the east and south boundaries of the property and the strips of land were never added to the approved church use for the property nor on the site plan. The church plans an expansion of its facilities, (sanctuary, parish hall and a multi-purpose educational building), to serve the property and the growing congregation. He explained that the church needs to add the acquired strips of land to the special exception approval for church use and to amend the site plan or plot plan accordingly. The construction will be in phases as indicated by the site plan submitted to INCOG. Mr. Schuller informed the Board that the applicant has elected to delete from the site plan the proposed building on the southside of the property.

The proposed buildings for the subject property will be similar or compatible in design and building materials to the existing church. The church is currently one story and the proposed expansions will also be one story with the exception of the multi-purpose educational building along the eastside, which will be two (2) stories. He indicated that the proposed buildings will not exceed, in height, any of the residences surrounding the subject property. The church will meet or exceed the parking requirements by constructing additional parking areas shown on the site plan. He stated the church will meet or exceed all landscaping requirements and all of the buildings will be setback from abutting properties and streets more than the required building setbacks. The church's engineers and architects will address any stormwater management drainage facilities with the City's Department of Public Works prior to construction and issuance of building permits. This application is in harmony with the spirit and intent of the Zoning Code, particularly the required bulk and area requirements, parking requirements, landscaping requirements and the additions will not be injurious to the neighborhood nor otherwise detrimental to the public welfare. He indicated that he has met with the neighbors and representatives of the neighborhood association, The Hunter's Bend Association, addressed all of the concerns the neighbors had to their satisfaction. Mr. Schuller requested the Board to approve the acquired additional strips of land and approve an amendment of the previously approved site plan with the deletion of the proposed building on the southside to permit the phase construction of the proposed improvements.

**Comments and Questions:**

In response to Mr. White, Mr. Schuller stated that after talking with the neighbors, it was decided to delete the proposed expansion on the southside.

Ms. Turnbo asked the applicant for the square footage of the sanctuary? Mr. Schuller stated the sanctuary is presently 3,264 SF and the expansion will add an additional 6,000 SF.

In response to Ms. Turnbo, Mr. Schuller stated the church plans to meet the Zoning Codes requirement with regards to parking spaces. He explained that the church will add the additional parking to meet the requirements.

Mr. Gardner stated that if the Board approves an application per plan and there is something on that plan that the applicant has not asked for proper relief, then the Board's approval does not justify the church not meeting the parking space requirement according to Code.

Case No. 17724 (continued)

Ms. Turnbo asked the applicant if he discussed with the neighbors screening for the north, south and east boundaries, which abut the residential areas? He stated that there was no discussion regarding fencing, however, there are privacy fences all along the three boundaries mentioned. Mr. Schuller stated the privacy fences probably belong to the home owners.

Mr. Gardner explained that under the Code, where there is parking within 50' of an abutting residential boundary, the church is required to erect a 6' privacy fence.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Bolze, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** an amendment to a previously approved site plan to permit expansion of the existing building and a Special Exception to approve church use on the E 40' & S 75' of subject tract. **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS -** Use Unit 13; per amended plan with the exception of deleting the south building; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

A tract of land in the SW/4, SW/4, Section 27, T-18-N, R-13-E, Tulsa County, Oklahoma.

**NEW APPLICATIONS**

**Case No. 17727**

**Action Requested:**

Special Exception to modify a previously approved site plan. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS.** Use Unit 2, located NW/c 21st & Cincinnati.

**Presentation:**

The applicant, **Murray Jones Murray, Inc./Britt Embry**, 233 South Detroit, submitted a site plan (Exhibit C-1) and stated he is representing the Tulsa Public Schools, for the proposed addition to Lee Elementary funded by the 1996 Bond Issue voted by the public last fall. Mr. Embry commented that Lee Elementary is one of the oldest public schools in the Tulsa School District and it has had some work done to it over the years. He requested the approval of a modification to a previously approved site plan to provide for the addition of a two (2) classroom addition on the westside of the existing building. The construction will be consistent with the existing building architecture and the plan has been reviewed and approved by the Historic

Case No. 17727 (continued)

Preservation Commission. He explained that the purpose of the proposed addition is to replace the existing pre-fab construction that is along the southwest corner on 21st Street. This will bring a net zero addition to the area of the subject property and there will be no additional students nor additional parking proposed. The building is approximately 2100 SF and contains two (2) elementary classrooms.

**Comments and Questions:**

Mr. Gardner informed the Board that they will be seeing numerous applications for the Tulsa Public Schools. One of the problems is that if this Board approves each application per plot plan then every time the schools want to build an addition, then they must come back to the Board. Mr. Gardner stated that when the school is meeting parking and setbacks, on elementary schools especially, as long as it is standard expansion of the existing school facility the Board could approve the application for school use without tying it to a plot plan. By doing the approval as suggested, the school will no longer have to come back before the Board for expansions, unless they need to request a variance. When you have a high school where there is added traffic, students driving to school, that is a different issue, but the majority of the public school buildings are elementary schools and there are numerous applications pending.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** Special Exception to modify a previously approved site plan. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS.** Use Unit 2, finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Lots 1-4, Block 1 and Lots 5-10, Block 2, South Side Addition and Lots 124-133, Block 16, Second South Side Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17728**

**Action Requested:**

Special Exception to permit school use on the subject tract. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located NW/c 36th Place & Rockford.



**Presentation:**

he applicant, **Murray Jones Murray, Inc./Britt Embry**, 233 South Detroit, representing Tulsa Public Schools, submitted a site plan (Exhibit D-1), and stated that Elliott Elementary would like to add a one-story library to the existing building, which is funded by the 1996 bond issue. He explained that he is requesting a Special Exception for school use. Elliott Elementary was built in four (4) increments over a period of years from the mid 30's with the last addition being built in 1954. Apparently there was never a need to come before the Board to request school use and that needs to be corrected. He requested the Board to consider this application and approve the school use on the subject tract. Mr. Embry indicated the new addition for the library will be approximately 1600 SF and will be constructed with material similar to the existing building along the north face abutting 36th Street, on the west end of the wing. This plan provides for no additional students, no additional parking and the addition of approximately 1600 SF of building area to the subject property.

**Protestants:**

**Sharon Strange**, 1413 East 37th Street, stated she owns five (5) houses on 37th Street. Ms. Strange explained that she has lived across from the subject school for over 15 years and the parking is a problem. She stated it is hard to get out of the driveways due to parents dropping and picking up their children. Ms. Strange expressed concerns that the parking problem will de-value her rental properties, as well as her personal home.

**Jean Massey**, 1412 East 36th Place, stated that she is on the southside of the subject school where the cafeteria is located. She indicated that she is not concerned with the library, but she is concerned about the traffic problems. Ms. Massey stated the streets are narrow and one side is signed for vans to pick up kindergartners. She explained that on the other side of the street the parents line up along the street and the kids jay walking in between the cars. She questioned if the school has adequate parking and felt that the school is over crowded. Ms. Massey complained of the parents using her driveway to turn around and blocking her driveway, which prevents her leaving for work.

**Applicant's Rebuttal:**

**Mr. Embrey** stated that with all due respect to the concerns of the protestants, which are legitimate. He commented that he is aware of the traffic problems that exist before and after school. This application is for the use of the property as a school on a parcel that has served that purpose for the better part of 50 years. He stated that the question has been clearly established that a school is an appropriate use in the neighborhood. Mr. Embrey suggested that the concerns that were expressed by the protestants should be directed to Tulsa Public Schools.

Case No. 17728 (continued)

**Comments and Questions:**

Ms. Turnbo stated she has no problem with this application because it has been a school. She commented that there is a traffic problem at the school, but that is not an issue for the Board of Adjustment to decide. Ms. Turnbo suggested the protestants should contact the Board of Education with their concerns.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit school use on the subject tract. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; finding that the school has existed for 50 years and that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

All of Lots 1-10, Block 1, Leoki Place Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17729**

**Action Requested:**

Minor Special Exception in the required front yard from 25' to 24' to allow an existing covered porch. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 235 East 27th Place.

**Presentation:**

The applicant, **Catherine K. Tatum**, 6921 South Jamestown, submitted a site plan (Exhibit E-1) and stated that she is the Realtor for the subject property. Ms. Tatum explained that the application is to clear up the title problem.

**Protestants:** None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Minor Special Exception** in the required front yard from 25' to 24' to allow an existing covered porch. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Case No. 17729 (continued)

Lot 22, Block 17, Sunset Terrace, an addition to the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17730**

**Action Requested:**

Variance to permit expansion of a non-conforming structure. **SECTION 1405. STRUCTURAL NONCONFORMITIES**, and a Variance of the required side yard from 10' to 8.8' to permit an addition of a 2nd story. on a non-conforming structure. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2221 East 22nd Place.

**Presentation:**

The applicant, **Kurt Barron**, 1424 South Harvard, submitted a site plan (Exhibit F-1) and stated he is representing Todd & Sue Sprague (owners of the subject property). He explained that he would like to build on a second story addition to an existing foot print of the home. The first floor is an existing structure that has been there since 1929 or early 30's and the owners would like to add a second story with no expansion of the existing footing.

**Protestants:** None.

**Comments and Questions:**

Ms. Turnbo stated she has no problem with this application because the house was built before 1970 and the owner is not expanding the coverage on the lot.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit expansion of a non-conforming structure. **SECTION 1405. STRUCTURAL NONCONFORMITIES**, and a **Variance** of the required side yard from 10' to 8.8' to permit an addition of a 2nd story. on a non-conforming structure. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the requirements for a variance in Sec. 1607.C. has been met, on the following described property:

Ely 12', Lot 12, all of Lot 13, and Wly 35' of Lot 14, Block 5, Brentwood Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17731**

**Action Requested:**

Minor Special Exception to amend a previously approved site plan to allow a modular building for classrooms. **SECTION 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 2, located 8555 East 91st Street.

**Presentation:**

The applicant, **Bruce Masters**, 3840 South 121st East Avenue, representing Calvary Bible Church, submitted a previously approved site plan (Exhibit N-1). Mr. Masters stated the church is requesting that a modular classroom be placed on the subject tract of land that was previously approved per site plan.

**Comments and Questions:**

Mr. Dunham asked the applicant if he has the floor area of the existing sanctuary and if he knows what the floor area of the proposed modular building will be? Mr. Masters stated the floor area of the existing sanctuary is 8100 SF, but he does not know the floor area for the modular building that is proposed.

In response to Mr. Dunham, Mr. Masters stated that the proposed modular building will be semi-permanent. He explained that the modular building will be needed for several years but not long term.

Mr. Dunham asked the applicant if the proposed building is over a pipeline easement? He stated that the proposed building is not over a pipeline, but it encroaches the easement. He explained that the church has written permission to encroach the easement. Mr. Masters stated that the pipeline is not active, but is now used for fiber optics.

In response to Mr. Gardner, Mr. Masters stated that the proposed building is 12' x 56'.

Mr. Bolzle stated that the Board's concern is that the proposed building is covering four (4) of the existing parking spaces and the church is reducing the existing parking.

Mr. Gardner stated that if the Board approves the application per plan, then the applicant cannot reduce the number of parking spaces that were required. The applicant may have more parking spaces than is necessary and it may not be an issue or problem.

Mr. Masters stated that presently there is more parking spaces than is required.

**Protestants:**

**Jim Hatch**, 9116 South 85th East Avenue, representing Oakleaf Homeowner's Association, stated that the members would like to have a definition on what is a modular building? He explained that if the applicant is proposing a mobile home type structure, then the members request that the Board deny this application because it is not zoned for mobile homes to live in. The design of a mobile home for a classroom application will have the same esthetic effect.

**Comments and Questions:**

Mr. Gardner stated that anything that is pre-manufactured and brought in on a truck is not considered a permanent type of building and meeting all of the building codes in that respect. This type of building is treated as modular or a manufactured type facility.

Mr. Hatch asked Mr. Gardner if a modular building could be a mobile home? Mr. Gardner stated that manufactured buildings or modular buildings use the same type of construction techniques which do not meet the building and zoning codes. Therefore, these structures do require a special exception approval. He explained that the church is also bound by a site plan and they are needing to amend the previously approved site plan to build.

**Applicant's Rebuttal:**

**Mr. Masters** stated that he does not have pictures of the proposed building, but it is a modular building, which meets the City's Codes for modular buildings. He compared the modular building to the church adjacent to the subject property.

**Comments and Questions:**

Mr. White asked the applicant if the modular building will be on a foundation? He answered affirmatively.

Mr. White asked Mr. Masters if the modular building will be permanent or temporary? He explained that the modular building will be considered permanent, although the intention is to use the building for (three (3) to five (5) years), or until the next phase of the construction on the existing building.

Mr. Masters explained that temporary to his understanding according to the Zoning Code is one year or less and the church wants to have the modular building there more then one year so they are considering it as a permanent building.

Mr. Gardner asked the applicant if the modular building is similar to the Tulsa Public School's temporary structures? He answered affirmatively.

In response to Mr. Gardner, Mr. Masters stated the proposed modular building does not have a pitched roof and the exterior is metal. He explained that the metal exterior is similar to the ones used by the church several blocks down the street.

Mr. Dunham asked the applicant what color the exterior of the modular building will be? He stated the exterior is white and the exterior of the existing building is a white stone. Mr. Masters indicated that the modular building will be skirted and landscaped.

Mr. Dunham asked the applicant if he would have a problem with a condition that the modular building shall be located on the subject property no longer than five (5) years? Mr. Masters stated that he could not make that decision because he cannot answer for the church in that respect.

Mr. White stated that the Board could impose a five (5) year limit and the church could always come back before the Board and ask for an extension.

Mr. Cooper asked the applicant how far the proposed building is from the nearest residence? Mr. Masters stated that the nearest residence is across 91st Street to the south.

Mr. White informed the Board that the proposed building will be located behind the existing structure, which will shield it from the residences across the street.

Mr. Masters stated that largely the proposed building will be shielded from 91st Street, but not totally.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolze, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Minor Special Exception** to amend a previously approved site plan to allow a modular building for classrooms. **SECTION 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 2; subject to the modular building not to exceed a period of five years and to be placed on a permanent foundation; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Lot 1, Block 1, Calvary Bible Church Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17732**

**Action Requested:**

Minor Special Exception to amend a previously approved site plan at McKinley Elementary School to allow an addition to the building and other improvements.

**SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 6703 East King Street North.

**Presentation:**

The applicant, **Gary Schellhorn**, representing the Tulsa Public Schools, 1660 East 71st, submitted a site plan (Exhibit G-1) and stated that he is building an addition funded by the 1996 school bond issue. Mr. Schellhorn requested a special exception to amend a previously approved site plan for McKinley Elementary. The proposal is to build a school addition approximately 3500 SF, which will include two (2) classrooms and a library. Mr. Schellhorn explained that the proposed classrooms will take the place of a modular building that is being removed by the school district. The addition will be compatible with the existing facility, both material and esthetics. He stated that there will be a small parking lot addition as a convenience for the school, but it is not required parking. Mr. Schellhorn commented that the parking lot will be approximately 8,000 SF.

**Protestants:** None.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Minor Special Exception** to amend a previously approved site plan at McKinley Elementary School to allow an addition to the building and other improvements. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Beg. NW/4, NE/4, NW/4, SW/4, Sec. 35, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma; thence E along the N boundary of NE/4, NW/4, SW/4, of said Sec. 35 for 517.00'; thence S for 510.00', and parallel to the W boundary of NE/4, NW/4, SW/4, of said Sec. 35 to a point; thence W for 517.00' to a point on the W boundary of NE/4, NW/4, SW/4 of said Sec. 35; thence N for 510.00' to POB.

**Case No. 17733**

**Action Requested:**

Variance to allow a changeable copy sign in an R zoned district. **SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS;** Accessory Use Conditions - Use Unit 2, located 10310 South Sheridan.

**Presentation:**

The applicant, **Brian Ward**, represented by David W. Davis, submitted a scale drawing (Exhibit H-1), plot plan (Exhibit H-2) and stated he is representing South Tulsa Baptist Church. Mr. Davis requested a variance to erect a sign with flashing capability and the regulation calls for constant light. He explained that the sign also has scrolling capability, which may or may not be contrary to the regulation. Mr. Davis stated that the applicant will agree to certain concessions to satisfy any objections that might be raised in that regard. He explained that the proposed sign will replace the existing sign. He commented that the zoning requirement will create an unnecessary hardship on the church. He stated the church has a large lot (16 acres) and the church needs a visible sign due to the large lot. The current sign is large and intrusive and the church would like to reduce the size by installing a smaller less intrusive sign, but one that is still visible to the public. There are trees and fences to the south which separate the residence from the church. He detailed that there is also a fence and road to the east (Sheridan Road) which separates the residence to the east from the church properties. To the north there is a detention pond, Arby's Restaurant and May's Drug Store. He commented that the church blends in with the commercial development to the north than we blend in with the residential development to the south and east. There are conditions that are peculiar to the subject property, which do not apply to other properties in the same zoning district. The church is on an arterial road, a large lot size, abut commercial development to the north and the proposed sign will be obscured to the south and east by trees and large fences. If the variance is granted it will not cause substantial detriment to the public good or impair the purpose or intent of the zoning ordinance. The church is willing to make concessions and conditions for the use to guarantee that there is no detriment to the public for impair the zoning ordinance. Mr. Davis stated that the proposed sign will be a more attractive sign and fit in better with the community then the existing sign. Mr. Davis submitted photographs (Exhibit H-6).

**Comments and Questions:**

Mr. White asked the applicant if he has met with the neighbors regarding the proposal? He answered affirmatively.



**Presentation: (continued)**

**Brian Ward**, 9520 East 55th Place, stated that the sign he designed for the church is fairly conservative in size in comparison to the lot. He explained that the sign is to be placed on the frontage, 660' of lineal frontage on Sheridan. The colors, shape and design compliments the building architecture and the face panels are black or dark bronze, which would not transmit light at night time. The electronic marquee is a low voltage lamp type technology and the lamps in the message center are no bigger than the size of your small finger, which operate on 5 watts. The sign has automatic dimming features, which dims automatically at night time to increase legibility. Mr. Davis submitted photographs (Exhibit H-5).

**Comments and Questions:**

Mr. Gardner informed the applicant and the Board that the church can have a bulletin board that advertises your activities, which can be lighted by constant light. If the church is asking to electronically change on a daily basis the activities for that particular day, then that is a lot different than what the church would be capable of if they wanted to use the electronic features. The electronic signs can do all types of things such as, flashing, scrolling, etc. If the church is wishing to change the message electronically as to the activities of the church for that day, then that is no different than what they can do by hand. The question is how often will the messages be changed and so forth.

Mr. Dunham asked the applicant to specify what the conditions they are willing to make to comply with the code? **Larry Wildemen, 8007 South Lakewood Avenue**, stated that there will not be any flashing on the proposed sign. He explained that there will be opportunities for scrolling the information and that is one of the features of the proposed sign. He stated that there are at least nine (9) Homeowner's Associations that meet in the church, Boy Scout Troops, Girl Scout Troops, etc. In attempt to fit in with the community and to include the community, the church will not serve only the congregation but serve the community and the area. The hours of operation will be limited and anything past 9:00 p.m. would be none productive for the church during the winter months. He explained that approximately after 9:00 p.m. in the summer months the sign will be turned off as well, however that has not been determined.

Mr. White asked the applicant if the sign will be operating seven (7) days a week and 24 hours a day? Mr. Wildemen stated the sign will work during the week, but not past 9:00 p.m. The sign is computer operated and it would be controlled by a computer inside the offices at the church. Mr. Wildemen submitted a letter of support (Exhibit H-3).

**Rodney Nesbitt**, 205 East 116th Street, Jenks, stated she attends South Tulsa Baptist Church and submitted a list of usage at the church (Exhibit H-4). Ms. Nesbitt stated that there are 39 separate organizations that have utilized the church facility over the last two (2) years. Ms. Nesbitt read the list to the Board.

**Larry Lancaster**, 9902 South Norwood Avenue, stated the church did have a conversation with the homeowners within proximity of the church. He explained that after sending out letters and pictures of the proposed sign, the church received one contact from Mr. & Mrs. Jim Kern, who lives on the corner of 103rd and Sheridan. He explained that the Kerns are the homeowners closest to the proposed sign. Mr. Lancaster indicated that he met with Mrs. Kern and stated that Mrs. Kern was pleased that the new sign will be lower than the existing sign. He stated that since the church only heard from one homeowner, the church canvassed the area and did not receive any complaints.

**Comments and Questions:**

Mr. Cooper asked the staff if Public Works has any safety concerns regarding the distraction with this type of sign to drivers? Mr. Gardner stated that he has never received anything from Public Works or the Traffic Engineer in writing, but obviously if a message is scrolling across the sign and you are driving down the street trying to read the scroll, the driver's eyes will be fixed on the sign for a while. The distraction is a concern and that is why the ordinance was written. He explained that how often the message is changed is not a problem, but the scrolling and flashing is a problem.

Ms. Turnbo asked Mr. Ward if his company is the manufacturer of the proposed sign. He stated that his company manufactures the sign and installs the sign.

Ms. Turnbo expressed concerns with distracting drivers while the messages are scrolling on the proposed sign.

In response to Ms. Turnbo, Mr. Ward stated that there are many different capabilities the message center has for portraying a full message on the screen. He explained that the message center is comprised of two (2) lines, 12" copy. He stated that you can put up to 14 characters per line and typically the operator keeps the message short. Two (2) frames can put up a whole message or sentence. Mr. Ward stated that if you run the message center too slowly, then the person has to keep their eyes distracted from the street in order to read the message.

Ms. Turnbo asked if the sign can be programmed to show a message for so many seconds before the next message appears? He answered affirmatively.

Case No. 17733 (continued)

Mr. Gardner stated that if the church wants to put up a full message that is on the screen, then that is changeable copy and it can be done electronically without scrolling the message across the screen.

Mr. Bolzle asked the staff if a moveable message sign is allowed in other districts of Tulsa? Mr. Gardner stated that if the site was zoned commercial, the church could have the sign.

Mr. Bolzle asked the staff if the commercial districts aren't higher traffic and congestion areas where the signs are allowed? Mr. Gardner stated that most of the commercial sites are at the intersection and the driver would be stopped at the traffic light or slowing down.

Mr. Bolzle stated that the mitigating circumstance here is the amount of frontage that the church has on a major thoroughfare. Mr. Bolzle stated that there are not a lot of curb cuts and there is only one entrance to the neighborhood on the east side of Sheridan. Mr. Bolzle stated he is not concerned with regard to how the sign travels.

Mr. Ward stated that he advises his customers to not use the travel mode on a marquee like this. He explained that this type of marquee will not need to use the travel mode because it has multiple lines for displaying the message.

Mr. Cooper stated he is reluctant to approve this application if it will be a flashing sign and if the Board decides to approve this application it should have a condition against flashing.

In response, the applicant stated that he would be very happy to submit to any kind of restriction regarding flashing, because the church does not intend to use the flashing mode. He explained that with the two line marquee, the church will be able to get their messages out quickly and the church will use the best means of getting the message out.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Variance** to allow a changeable copy sign in an R zoned district. **SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS**; Accessory Use Conditions - Use Unit 2; per plan submitted; subject to the sign not operating between the hours of 10:00 pm to 7:00 am and the flashing mode on the changeable copy sign not be allowed; finding that the site has extensive amounts of frontage on a major arterial street and is well shielded from abutting residential areas; finding that the opportunity for distraction of vehicles turning in and out of neighborhoods is minimized by the

Case No. 17733 (continued)

number of curb cuts or street entrances in the vicinity of the site; finding that the requirements for a variance in Sec. 1607.C. has been met, on the following described property:

Lot 1, Block 1, South Tulsa Baptist Church Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17734**

**Action Requested:**

Special Exception to allow auto sales in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 3310 South Yale Avenue.

**Presentation:**

The applicant, **Martin L. Lantz**, represented by Meryl Whitebook, 2431 East 51st Street, Suite 200, submitted a site plan (Exhibit I-1) and stated he is representing Mr. Martin Lantz and Steven Adair, owners and sole stockholders of Midtown Motors. He explained that his clients would like to have an upscale automotive used car sales at the subject property. Since 1970 the subject property has been used for automotive repair and has had stored cars, parts, etc. Mr. Whitebook stated that presently the subject lot is vacant and his clients have cleaned the lot, restored the building, restored the sign and has canvassed the neighborhood. He explained that his clients will have late model cars and higher priced cars on the subject lot. Mr. Whitebook stated he has canvassed the neighborhood and there are no abutting residential areas to the subject site. Mr. Whitebook submitted a letter of support from Roy T. Barnes Pharmacy, owner Mr. Spoon (Exhibit I-3). He indicated that he has discussed the request with Mr. Spoon and he is in agreement with the application. Mr. Whitebook stated that Mr. Spoon did make a request that the special exception be limited to the applicant and not go with the land. Mr. Whitebook commented that he does not like this type of special zoning, but he promised Mr. Spoon he would pass the request on to the Board. He informed the Board that there will not be any new signs erected and there will not be any new awnings or lighting. The lighting already present will not affect any of the surrounding parties of the subject site. He indicated that his clients intend to install a cedar screening fence across the back of the building to 34th Street, which would screen any cars that are parked. Mr. Whitebook submitted photographs (Exhibit I-2). He explained that the fence would also screen the usage from the only residential area, which is several feet away. The use of the subject site will not add to any traffic congestion through the neighborhood from Winston Avenue and the usage will not substantially increase the heavy traffic that is already on South Yale. He commented that more cars turn into Roy T. Barnes Pharmacy and the Git-n-Go, which

are bordered on both sides. Mr. Whitebook stated that with regard to the staff comments, the 1994 application was a request for automotive sales in conjunction with the repair shop, which was denied. He assured the Board that there will not be an automotive repair business in conjunction with this request. The request is strictly for automotive sales and it will be an upscale used car lot. Mr. Whitebook stated that the lot size is 70' x 140', which is 9600 SF. He explained that with the building size the lot actually has 8000 SF available with 300 SF parking places, which would allow 27 to 30 parking spaces. He stated his clients do not desire to have 27 to 30 cars. He informed the Board that they should limit the number of cars allowed to be placed on the subject lot. He endorses the staff's recommendation that there should not be any off-street parking allowed. He suggested the Board limit the parking spaces to no more than 17 to 20 cars. Mr. Whitebook stated he did not think his clients would ever have that many cars on the lot at any one time. He concluded that his clients will be improving the quality of the subject area and the adjacent Engineering firm, as well as Roy T. Barnes Pharmacy, are in support of this application.

**Comments and Questions:**

Mr. Dunham asked the applicant if he is willing to limit the subject site to 20 cars for sale? Mr. Whitebook stated he is willing to limit the number to 20 cars on the lot at any one time, including employee's cars (maximum of 2).

Mr. Dunham asked the applicant if he could accomplish the limit of 20 cars without parking on the street right-of-way? He answered affirmatively.

In response to Mr. Dunham, Mr. Whitebook stated he would not have any problems with no cars being offered for sale in the street right-of-way? Mr. Whitebook stated he would not have any problem with that condition.

Mr. Gardner stated that automobile sales lots tend to congregate and if the Board approves this application be prepared to approve more automobile lots up and down the Yale Avenue. One of the things the Board needs to ask is if there are other automobile sales lots in the surrounding area? Mr. Gardner stated that there is an automobile sales lot north of the BA Expressway that was approved for two years as a storage lot that is still operating. The Board is familiar with 11th Street and Memorial Drive and the automobile sales lots will congregate because it is good for business to have several lots close to each other. The real issue is whether this is an area where the Board can support automobile sales on other lots up and down the street in the general vicinity.

Mr. Whitebook detailed the surrounding area up and down Yale Avenue to demonstrate the lack of opportunity for more automobile sales lots to move in or congregate in the surrounding area. Mr. Whitebook concluded with the statement that his client is replacing a marginal automotive repair shop with an upscale used automobile sales lot.

Ms. Turnbo asked the applicant how he intended to park 20 cars on the subject lot, because there are only five (5) spaces that are not in the street right-of-way?

In response to Ms. Turnbo, Mr. Gardner stated that the applicant has to meet the required parking based upon the size of the building and then for every 1000 SF of display area the applicant will have to another customer/employee off-street parking space. The lot cannot be covered with more cars then what is permitted to meet the off-street parking requirements and they cannot park cars on the City right-of-way.

In response to Ms. Turnbo, Mr. Whitebook stated that his clients are aware that there is only so much space and they are willing to work within the requirements.

Mr. Gardner stated the Board needs to decide whether this is an appropriate site for an automobile sales lot and that the applicant will not be encouraged to violate the law by parking in the street right-of-way.

Mr. White stated the subject property had a similar request and the primary reason for denying the case was due to the number of parking spaces. He further stated the previous applicant also wanted to perform auto repair in the storage area or bays. Mr. White explained that the request from Mr. Spoon to limit the special exception to only the two gentlemen who made this application cannot be done because the exception goes with the land.

**Mr. Lantz** stated that his intent has always been to limit the number of cars on the subject lot. He explained that he will not have the money to have a large number of cars on the lot in the range he plans to sell. He stated he wanted to have cars that retail at \$10,000 to \$14,000. Mr. Lantz concluded that he will stay out of the street right-of-way.

Mr. Bolzle stated that this is not an area that has traditionally seen car sales except for the lot north of the expressway. The lot size will limit the impact, but is a use that you want to introduce in a relative small commercial strip. This subject area is not like 11th Street or Memorial Drive with linear CS zoning.

Ms. Turnbo stated that the proposed use is not appropriate in the CS strip of zoning.

Case No. 17734 (continued)

Mr. Cooper commented that the lot is self limiting and it is not likely that there will be other auto sales move into the surrounding area.

Mr. Dunham stated he was not concerned with this use perpetuating in the surrounding area, but he is concerned with the street right-of-way.

**Protestants:** None.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 2-3-0 (, Cooper, Dunham, "aye"; Bolzle, Turnbo, White "nays" no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to allow auto sales in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; subject to the applicant following the right-of-way limitations; limiting the number of cars to 20; subject to no parking on the street; subject to the days and hours of Monday through Saturday, 10:00 am to 10:00 pm.

**Motion failed due to a 2-3-0 vote.**

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-2-0 (Bolzle, Turnbo, White, "aye"; Cooper, Dunham "nays" no "abstentions"; none "absent") to **DENY** a **Special Exception** to allow auto sales in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; 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:

The E 120', N 140', N/2, SE/4, NE/4, less the E 50' for street purposes, Sec. 21, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17735**

**Action Requested:**

Variance of the rear setback from 25' to 15'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 61st & Harvard.

**Presentation:**

The applicant, **Lynn H. Wheatley**, 6446 South Louisville, submitted a plot plan (Exhibit J-1), stated she has lived at the subject property since 1988. She explained that it is her intention to do some substantial remodeling. Ms. Wheatley stated she will be adding a bedroom and bathroom addition, as well as a swimming pool to the south of the addition. On the northside she would like to keep the addition in line with the present structure and on the southside there is a large rock, which she would like to keep. The addition will have to be long rather than wide in order to keep the rock and fit the pool into the southside area. Ms. Wheatley stated she would also like to keep the family room view clear so that she can see the pool and the rock. The applicant submitted photographs (Exhibit J-3). She explained that her nearest neighbor has no objections to the proposed addition and submitted a letter of support (Exhibit J-2). Ms. Wheatley stated she canvassed her neighborhood and none had objections with the proposal. Neighbors across the street and east of the subject property was granted a variance in 1984 to remodel their home.

**Comments and Questions:**

Ms. Turnbo asked the applicant if she is asking for a variance from 25' to 15'? Ms. Wheatley answered affirmatively.

Ms. Turnbo stated that the site plan indicates that the new addition will setback 17'-3" is that correct? Ms. Wheatley answered affirmatively.

In response to Ms. Turnbo, Ms. Wheatley stated that to be exact she only needs 17'-3" for the setback.

**Protestants:** None.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Variance** of the rear setback from 25' to 17'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the large rock creates a problem with the expansion and the neighbor's house is farther out in the back yard than the proposed addition; finding that the requirements for a variance in Sec. 1607.C. has been met, on the following described property:

Lot 6, Block 2, Southern Hills Second Addition, a subdivision of the City of Tulsa, Tulsa County, Oklahoma.



### Case No. 17736

#### **Action Requested:**

Variance required setback from an abutting RS-3 district from 56' to 21' to permit a 38' 3-story hotel. **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 19, and a Variance of maximum permitted height for a ground sign from 40' to 60'. **SECTION 1221.D.1 USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**, located East of 165th East Avenue & Admiral Place.

#### **Presentation:**

The applicant, **Paul W. McKnight**, requested that Case No. 17736 be continued to July 8, 1997, and to withdraw the request for a Variance from the required setback from an abutting RS-3 district from 56' to 21' to permit a 38' 3-story hotel.

#### **Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **CONTINUE** the sign height variance part of Case No. 17736 to July 8, 1997, at 1:00 p.m.

### Case No. 17737

#### **Action Requested:**

Special Exception to permit school use (accessory parking) on subject tract. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located North of NW/c 71st & Mingo.

#### **Presentation:**

The applicant, **David L. Huey**, 717 South Houston, representing Union Public Schools, submitted a site plan (Exhibit K-1) and stated that a previous special exception was granted for school use on the original High School site. He explained that approximately 10 years ago the district purchased an additional 12 acres adjacent to the property on the southside. The property has never been developed nor platted and has never been approved for school use. He stated the purpose of the application is to request a waiver of platting requirement and request accessory parking use. The school is anticipating constructing a classroom expansion as part of the school building, however there is parking spaces taken up by the proposed construction, as well as the additional parking spaces needed by the increased square footage of the building. He explained that the above reasons is why the school is proposing the subject site for accessory parking.

#### **Comments and Questions:**

Mr. Bolzle asked the staff if the applicant needed to request a plat waiver from TMAPC? Mr. Gardner answered affirmatively.

Case No. 17737 (continued)

In response to Mr. Bolzle, Mr. Huey stated that the TAC has already recommended approval for the plat waiver. He commented that the request will go before TMAPC on July 18, 1997.

**Protestants:** None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit school use (accessory parking) on subject tract. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, per plan submitted; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

NE/4, SE/4, AND N 400', SE/4, SE/4, Sec. 1, T-18-N, R-13-E, N, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17738**

**Action Requested:**

Special Exception to permit a parochial school and accessory chapel in an RS-2 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 4620 South Irvington Avenue.

**Presentation:**

The applicant, **Stephen A. Schuller**, 320 South Boston, submitted a site plan (Exhibit L-1) and a south elevation (Exhibit L-2). Mr. Schuller stated that the property is the former site of the Robert Lewis Stevenson Elementary School at 46th and Irvington. He explained that the Board granted permission for the use of the property as a school in 1959. The applicant leased the property from the TPS and has operated a parochial school on the subject property. The Islamic Society of Tulsa proposes to construct a chapel or prayer hall on the subject site as an accessory to the applicant's religious and educational programs serving the community. The applicant proposes to erect the prayer hall immediately south of the existing school and add parking to serve the prayer hall and the school building. The prayer hall is proposed to be two (2) stories in height, however it would not exceed the 35' height limit. All of the existing buildings or the proposed buildings are substantially less in the aggregate than the maximum floor area prescribed by the Zoning Code. The buildings are also setback from abutting streets and residential properties more than the minimum building setbacks require. The existing parking lot will be relocated to the east boundary of the

subject site and that will provide 38 parking spaces with landscaping between the parking lot and Irvington Avenue. There is a driveway access points proposed with a student drop-off area provided. Mr. Schuller stated that the parking lot along the southside of the subject property will be setback approximately 5' from the south property line to provide a landscaping buffer. He explained that there is an existing utility easement area to the south on the other side of the property line, which will provide for 220 parking spaces. There is an additional access driveway along the westside of the subject property, which will provide access to 46th Street and additional area for parking along the driveway. This access will also enhance the traffic flow and circulation through the property. Mr. Schuller concluded that the applicant meets the Zoning Code parking requirement and landscaping requirements. The applicant's Engineers have already met with the City's Public Works Department to address the storm water management and drainage across the subject property. He stated that this application will be in harmony with the spirit and intent of the Zoning Code, especially in meeting and falling well below the bulk and area requirements. He commented that the request will not be injurious to the neighborhood nor detrimental to the public welfare. This proposal will enhance the appearance of the subject property and the neighborhood in general. Mr. Schuller indicated that he had a very positive meeting with the representatives of the Homeowner's Association and the applicant has addressed any concerns that they might have to their satisfaction. The applicant has been a good neighbor on this property and intends to continue to do so. Mr. Schuller commented that the prayer hall will have a positive effect on the community. Mr. Schuller requested the special exception be granted for the construction of the chapel and prayer hall on the subject site.

**Comments and Questions:**

Mr. Dunham asked the applicant if the prayer hall or chapel will be used during normal school hours or will be used as an addition to and have different hours of operation? Mr. Schuller stated the prayer hall or chapel will be an addition to the school use. The services conducted in the Moslem faith is on Friday afternoons. The chapel will used during school hours and into the afternoon on some days. He explained that the current prayer hall is forced to relocate to the subject site due to the Kendall/Whittier School and Park. The applicant has settled on the subject site since the existing cultural and educational facilities in the school and the programs on going.

Ms. Turnbo asked the applicant if he could state the square feet of the prayer hall? He stated the building is approximately 23,000 SF and the prayer hall will be approximately 10,000 SF.

Mr. Cooper asked Mr. Schuller where the future expansion will be on the south elevation? Mr. Schuller stated that the future expansion is not shown. He explained that the future expansion will be a long time in the future, if at all.

Mr. Bolzle asked the applicant if the 220 parking spaces can be placed on the westside of the subject site? Mr. Schuller stated that the westside was considered, however there are residences along the south and across Irvington Avenue. The applicant felt that the playground and ball field for the school would be better located away from the residences.

**Interested Parties:**

**Marvin Cook**, 110 South Hartford, Planner for the Tulsa Development Authority, stated that the subject property is implicated in a relocation plan for the development of the Kendall-Whittier School and Park site. The Islamic community has currently used the school for a least two years as their school. The applicant has been very cooperative in the process of the Kendall-Whittier School and Park development by relocating to the subject site. He compared the application to the current and existing parochial schools in Tulsa that have prayer halls or houses of worship in conjunction with their schools. (Christ the King, Cascia Hall, Holland Hall, etc.) Mr. Cook requested the Board to support the application.

**Councilor Watts**, representing the district where the Islamic Society presently has its facility, which is in the Kendall-Whittier area. He commented that unfortunately it is necessary for the completion of the school/park plan that their current facility be eliminated and relocate. Councilor Watts stated he wished that the district had an appropriate facility for the Islamic Society to relocate, but the realities that in putting the partnership together the district had to work out what they could. He informed the Board that fortunately the school district and the Islamic Society has been able to reach a beneficially agreement to reuse the Stevenson site. Councilor Watts stated that this allows his district to move forward with their plans for the Kendall-Whittier area. He informed the Board that during the years that the Islamic Society resided in his district he never received any complaints and every dealings with the Society has been good, they have been good neighbors. He encouraged the Board to support this application.

**Jim Spear**, Chief Facilities Office, TPS, stated he is in favor of the Islamic Society's move to Stevenson School. The TPS was happy to sell the subject school to the Society after years of renting. Mr. Spear stated the Islamic Society have been good tenants and cooperative with the Kendall-Whittier plan. He encouraged the Board to support this application.

**Gary Cruz**, 4501 South Kingston, representing the Stevenson Home Owner's Association, stated the residence of the Association border the subject site on three (3) sides. He commented that the Islamic Society have been very good neighbors in the past and have every reason to believe it will continue. He expressed concerns regarding the subject site and the expansion. Mr. Cruz stated one of the concerns was run-off water onto Irvington Avenue and the increased number of automobiles.

He explained that their plan showing the increased parking area will elevate any parking problems in the neighborhood. The Society has assured the Association that they can on site park everyone attending the prayer hall and school. He stated that in the meeting with the Society the Association was shown a plan for the run-off water that will greatly help the water problem on Irvington Avenue. The plan includes using the parking lot to control the storm water and then filter the water into the City Storm Sewer System. This will keep the water that usually runs along the south edge to run into the City Storm Sewer System. He stated that the Home Owner's Association is very much in favor of this plan.

**Nancy Day**, representing Tulsa Region of the National Conference of Christians and Jews (NCCJ), stated that the NCCJ is a nationwide human relations organization. She informed the Board that she is in support of the Islamic Society's proposal. Ms. Day explained that in the past 16 years she has worked with the Society on a daily basis and it has been a real joy. She described the Society as responsible, responsive, involved in the civic life of Tulsa and cooperative in every way. Ms. Day commented that the President of the NCCJ Board (Jerry Hudson) had to leave the meeting early, but he did want to let the Board know of his support of this application, as well as the president-elect, Rabbi Charles Sherman, of Temple Israel. Ms. Day stated she encouraged the Board's support of the proposal.

**James Robinson**, Operations Director of Tulsa Metropolitan Ministry (TMM), stated that the Islamic Society, since the early 80's, has been a participant in the TMM. The new addition will add religious life to the Tulsa community. He requested the Board to strongly support the application.

**Protestants:**

**Alan Aaron**, 4639 South Irvington Avenue, stated that he lives directly across the street from the subject property. He expressed concerns regarding the increase of traffic with the prayer hall being added to the use of the subject property. He commented that he has not been contacted by the Homeowner's Association nor the Islamic Society and this is the first he has heard of the application and plans. Mr. Aaron explained that he thought it was appropriate that the applicant have the facility, but he did not think the subject was the appropriate site for the proposal. He stated he knew the school facility was there when he bought his home, but school is primarily during the times when he is not home. The proposal will make this a more commercial venture, which will be used more often and longer hours of operation. He expressed concerns that the prayer hall will be used on weekends. Mr. Aaron commented that he does not let his daughter play out in the front because of the traffic congestion on Irvington Avenue. He stated he cannot imagine what it will look like to see a two story building when he looks across the open field and is concerned about the impact this addition will have with regard to the value of his home. He expressed

concerns regarding ingress/egress and the amount of traffic that will be going through the area. Mr. Aaron stated the Board should table the application until some of his concerns are addressed or deny the application.

**Applicant's Rebuttal:**

**Steve Schuller** stated that the Islamic Society has a communication with the Home Owner's Association and has endeavored to meet with the Association to discuss the proposal. The submitted site plan shows an improvement in the traffic circulation by adding the access point to 46th Street at the northwest corner of the subject property. Presently all of the traffic exits on Irvington Avenue and now the access is directed elsewhere to direct the traffic in another direction. The additional parking will help avoid or minimize the traffic on Irvington Avenue. Mr. Schuller reminded the Board that there are several apartment complexes to the west of the subject property and that might be the source of the traffic going by Mr. Aaron's home. He stated that he did not believe that the proposal will be any kind of business or commercial venture because this is the Islamic Society. The applicant is not conducting any type of Islamic business, but rather adding a prayer hall to the existing school.

**Comments and Questions:**

Mr. Gardner stated that except for the access drives, there is landscaping along the east boundary and the applicant will be required to install a 6' fence across the south boundary parking lot where it abuts the single-family residence. The Board would consider the landscaping wouldn't be an inappropriate use for the frontage that faces the houses across the street.

Ms. Turnbo stated she did not have a problem with this application. She commented that the drop-off space will eliminate some of the traffic that you find at other schools.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Bolze, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a parochial school and accessory chapel in an RS-2 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted (including access road along west boundary to 46th Street); subject to the parochial school being limited up to and including the 8th grade; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

NW/4, NW/4, SE/4, Sec. 27, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17740**

**Action Requested:**

Special Exception to allow a mobile home sales lot in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located SE/c Admiral Place & Garnett Road.

**Presentation:**

The applicant, **Larry E. Wilkinson**, Houston, Texas, representing Nationwide Housing Systems (Nationwide), submitted a site plan (Exhibit M-1), plat of survey (Exhibit M-2) and stated that Nationwide is a retail division of American Home Star Corporation. Mr. Wilkinson explained that Nationwide is in the business of manufacturing, retailing, transportation, insuring and financing manufactured housing. He stated that Nationwide identified an opportunity to come to Tulsa and open a new retail establishment at the corner of South Garnett and Admiral. He indicated that the proposed site is immediately south of Lifestyle Homes, which is on the northwest corner of South Garnett. Mr. Wilkinson stated the request is to allow manufactured housing for sales in a CS zoned district. He informed the Board that Nationwide does not propose to manufacture nor refurbishing homes. This application is for a retail establishment to sell manufactured homes. He explained that Nationwide is currently under contract to purchase the subject property and build a new retail store. Nationwide plans to become a permanent member of the business community in Tulsa, Oklahoma.

**Comments and Questions:**

Mr. Gardner informed the Board that the case report is revised and the subject proposal is located at the SE/c. The old case report refers to the NE/c and that is incorrect on the agenda. He stated that the subject proposal is in Planning District 5 and the NE/c was a non-conforming sales lot at the very corner and then additional mobile homes had spilled over into residential land north of the northeast. There has been a zoning change to CS and the Board has approved mobile home sales lot on the NE/c and since that time the Planning Commission and the City Council has approved IL zoning. North of Admiral Place, approximately 1,000' east from the subject property, the uses are allowed by a matter of right in that particular district. There has been additional Board of Adjustment applications in the area and so the staff has advised that mobile home sales have been approved in this area. The primary concern is how the sales should be conducted and laid out. There are many different ways that a person might sell manufactured homes and there are problems with used and repossessed manufactured homes east of the subject property, which is a problem with the interested parties present today. Mr. Gardner suggested that the Board should concern themselves with the display area, landscaping and screening rather than whether or not mobile homes are appropriate for the area. The precedence is already set and there are several manufactured homes sales lots in the subject area.

Mr. White asked Mr. Wilkinson if he had the opportunity to meet with the Neighborhood Association? He answered negatively.

Mr. White asked Mr. Wilkinson if he planned on paving the subject property with an all-weather surface? Mr. Wilkinson explained that he had two (2) areas on the site plan that are depicted and one is asphalt topping for retail parking area for customers, which is striped and has curb stops. The balance of the project would be 4" to 6" of compacted base with a cut rock or chat rock topping, which provides a weather proof surface and a dust proof surface. The rock topping affords transportation of vehicles and pedestrians to walk and view the homes.

Mr. White asked staff if the proposed rock topping will comply with the requirements for the all-weather surface? Mr. Gardner stated that the manufactured homes can be parked on the gravel surface, but the parking for the customers and the trade has to be on a paved surface.

In response to Mr. Gardner, Mr. Wilkinson stated from a retailing point of view this lot will be a model home exhibit. He explained that most of the homes, certainly all of the homes fronting the thoroughfares, have the tongues removed, skirted and they are completely furnished. The model home exhibit limits the movement of the houses to once, maybe twice, a year. He explained that Nationwide manufactures their own homes and the customer orders their own home, which 90% of the homes are serviced with a direct deposit of their manufactured home to their residence. This will reduce the traffic, congestion and destroying the surface areas by moving manufactured homes in and out of the subject property. There is a storage building proposed on the site plan that measures 22' x 22', which will be attached to the proposed office. The storage building will be used to store furniture used to furnish the model exhibits. The model homes will have hand rails, ramps and covered rear decks. Mr. Wilkinson stated that Nationwide will be making a permanent commitment to the subject property. He explained that Nationwide is purchasing the subject property and making all of the improvements as permanent. The improvements include the egress access off of both streets and a separate delivery for inventory at the rear of the subject property. The front two (2) entrances are for the retail onto the asphalt parking area. The property is completely fenced with chain link fencing around two (2) sides and then there will be a two-rail vinyl fencing, which is decorative fencing, on both of the commercial frontages on South Garnett and Admiral.

Mr. Cooper asked the applicant what the area indicated as 9,200 SF of base will be used for? Mr. Wilkinson stated that the base area is shown to depict where the houses will be brought onto the property and stored.



Mr. Cooper asked the applicant if the storage area is for homes to be sold? He answered affirmatively.

Mr. Gardner asked the applicant if any of the homes that are placed on the property other than model homes, in other words will there be skirting around the bottom of all these units moved in or just the homes for permanent display? Mr. Wilkinson stated that any of the houses that front the retail thoroughfare will be skirted for the model home presentation. He explained that at any time there could be homes on the subject property that is not skirted. Mr. Wilkinson stated that Nationwide's intention is to have the model homes set, furnished for the customer to tour, skirted with the tongues removed. He explained that there will be occasions from time to time that a manufactured home that is brought out of Dallas for the customer will be setting on the subject property. He stated the following reasons for the home not being directly delivered to the customer: the lot is not ready, loan is not approved, or utilities are not in place. He commented that usually the undeliverable manufactured home will be delivered to the customer the following day. The undeliverable manufactured home will stored in the proposed storage house in the back of the lot.

Mr. Wilkinson informed the Board that American Home Store Corporation is a 25 year old company with 55 company stores. He stated there are 300 franchised stores, eleven (11) manufacturing plants and are in 26 states. He commented that the City will be pleased with the presentation that his company will make and his stores have been used as prototypes for similar retail stores for manufactured housing retail stores.

Mr. Bolzle asked the applicant how many model homes he planned to exhibit on the subject property? Mr. Wilkinson stated the subject property will accommodate maximum of 20 and an ideal inventory is 17 houses in addition to the office.

In response to Mr. Bolzle, Mr. Wilkinson indicated that the storage area will be in the center of the compound, which is inside the gates and fences.

Mr. Bolzle asked the applicant if he will be skirting all the exhibits or only the exhibits fronting Garnett and Admiral? He stated that all model exhibits will be skirted and several inventory items will be skirted as well.

**Protestants:**

**Harold Pittenger**, 11448 East 6th Street, representing the Western Village Home Owner's Association. He stated that the Association is opposed to this application for another mobile home sales lot. He explained that from the corner of Admiral Place and Garnett there are five (5) major mobile home sales and storage areas within this short distance (less than one (1) mile). Mr. Pittenger stated that the CS zoning in this area has been destroyed from a commercial business area to a light industrial area,

which borders the neighborhood. He suggested the subject property would be better suited for a strip shopping center in accordance with the CS zoning. The ability to get in and out of the neighborhood is already affected due to the streets being two (2) lanes going east on Garnett, which is where all of the mobile home sales are located. This application does not stay within the Comprehensive Plan for the subject area. Mr. Pittenger read the Comprehensive Plan for District 5, Council District 6, Paragraph 4.4.2.3. Mr. Pittenger submitted and read a letter of protest from the President of the Homeowner's Association (Exhibit M-3). The Homeowner's Association asked the Board to consider the following concerns: 1) total area be required to have an all-weather surface area, 2) a 6' privacy screening fence on the south and east, 3) restricted to new mobile homes and no damaged or storage of other mobile homes, all new mobile homes should be skirted, compatible landscaping on the corner with regard to other businesses in the area and the corner is to be well illuminated to deter vandalism.

**Jeannie McDaniel**, 1416 South Marion, submitted photographs (Exhibit M-3) and stated that she represented the Western Village Homeowner's Association in Albany, New York a few weeks ago. She informed the Board that the Association was given third place in the United States for the neighborhood designation that the Association entered. Ms. McDaniel stated that the Association is a dynamic group of people who work hard through the year working on projects, businesses and homes in the surrounding area. She explained that the Association is concerned with the changing in, what they see, as their district plan. There is a lot of CS become subject to special exceptions, which the Association feels might as well become IL at this point. The changes disturb the Association greatly and there is still open land to be developed. Ms. McDaniel informed the Board that the pictures she submitted depict three mobile home sales lots that are not graveled. It was the Associations understanding that the previous mobile home sales approved had to be on an all-weather surface. The most recent approved site is still all gravel and it was the Associations understanding that it was to be partially paved and partially graveled. Today's applicant is proposing part of the lot being paved and part of the lot being graveled.

In response to Ms. McDaniel, Mr. Gardner stated that the off-street parking requirement is a requirement of parking for vehicles, but the actual storage or where they park the mobile homes can be gravel. He explained that were ever traffic goes in or out and uses parking must be an all-weather surface.

Ms. McDaniel informed the Board that there are several mobile home storages and RV storages along Admiral Place that do not have paved parking. She stated that further to the west there were four (4) more mobile home sales facilities. Ms. McDaniel commented that the subject area is seeing clustering of mobile home sales and storage. This neighborhood is asking for the Board's consideration with regard to special exceptions allowing mobile home sales in the subject area and creating a

clustering or congregation effect. The Association questions if the Code Enforcement Officials can keep up with the restrictions put on continual exceptions. It has been the Associations experienced that it is very hard to enforce because it is manpower intensive. Ms. McDaniel asked what this means to the Association's District Plan in the future? If this application is approved, then why not the next exception that comes in.

Mr. Romig informed the Board that he has checked the Zoning Code for a parking surface requirement for a mobile homes and there is nothing in the Code that addresses the situation. He stated that there is no language regarding storage of mobile homes being required to have an all-weather surface in Zoning Code.

Mr. Gardner detailed the history of special exceptions and re-zoning in the surrounding area with regard to mobile home sales as follows: Mobile home sales to the west was non-conforming, SE/c had been denied twice, and since then, there has been re-zoning of the NE/c and a special exception, rather than leaving the facilities non-conforming so that it doesn't effect other uses that might want to locate in the area. The mobile home sales lot west of the NW/c was granted a special exception, the IL district to the east of the private school was approved and now as a matter of right the area has a repossessed mobile home stacked on the site. There have been several things that have occurred in the particular area where it reaches a point where if it becomes difficult from a land use stand point to say that this is not appropriate when all of the other uses have been approved in the general area. Mr. Gardner commented that the NE/c does not look very attractive and the IL zoning will allow uses that will and is adversely affect the neighborhood, but unless the Board is prepared to down zone the property, this is a use by right. The best thing the Board can do at this point is to place conditions that will make the facility a quality facility. Mr. Gardner stated the applicant is proposing a quality facility compared to what has been seen in the past. The previous two (2) applications were for bigger sites (5 or 10 acres) of mobile homes. He pointed out to the Board that there is a difference between the proposed application and the two (2) previous applications.

Mr. Dunham asked the staff why the applicant needs screening on the south and east? Mr. Gardner stated that the property is visible across the park and can be viewed all the way to the corner. He explained that in the back the residential area will be able to see the mobile homes and it should be screened. Mr. Gardner informed the Board that they have the power to require fence screening on parts of the east and south boundaries where it will be visible to the residential area if the Board thinks it is necessary.

**Applicant's Rebuttal:**

Mr. Wilkinson reiterated that as a manufactured housing retailer and as a manufacturer of manufactured homes, Nationwide is not in the used home business. He stated, in with regards to fencing, if a 6' top notched cedar privacy fence is required, Nationwide has no objection to that requirement.

**Comments and Questions:**

Mr. Bolzle asked the applicant if there has been any consideration to maintaining a number of the mature trees in order to soften the looks of the proposal? Mr. Wilkinson stated that he will make every effort to save the mature trees to give the project a warm homey presentation. He explained that he cannot stated exactly which three (3) or four (4) trees that will be saved, but he will make every effort to save some of the more stately trees. The landscape plan indicates sod along the corner of South Garnett and Admiral, as well as in front of the project. Immediately in front of the sales office and behind the asphalt parking and curb area there will be landscaping. Mr. Wilkinson offered to submit a landscape plan provided by a landscape architect.

Ms. Turnbo asked the applicant how often over night storage will be provided and how many homes will be brought in at any one time? He stated that approximately 90% of the homes are delivered directly to the customer from the factory.

Mr. Bolzle asked the applicant how many sales Nationwide has a week? Mr. Wilkinson stated the stores average 10 to 12 sales a month. He commented that it would be 2.5 homes sold a week. He stated that most of the homes are multi-sectional homes in the upper end market. The average sales price company wide is \$44,000 and the average for the industry is \$33,000. Nationwide is approximately 20% higher because the stores sell mostly multi-sectional homes, then industry standards that sell single-wide homes.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to allow a mobile home sales lot in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to the subject lot be limited to new mobile homes sales, that the homes to be displayed on site shall have the tongues removed and the bases skirted, that the applicant return with a landscape and screening plan that endeavors to maintain as many of the mature trees as possible on the subject site; subject to all customer parking areas and drives be a hard-surface, paved; there be decorative fencing as shown on the South Garnett and East Admiral Place frontages; that the parking area be adequately lighted for evening sales and security after hours; subject to the number of units, including the office, allowed on site is not to exceed 20 homes; finding that the approval of this application will not be injurious to the neighborhood or

Case No. 17740 (continued)

otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

A tract of land that is part of Government Lot 5, and part of the SW/4, NE/4, Beg. NW/c of Lot 5; thence S 775', E 730', N 585', E 95', N 190', W 825' to the POB; LESS BEG. 75', S of NE/c thereof, thence W 426', S 325', E 331', N 210', E 95', N 115' to POB; and LESS BEG. 24.75', E of the SW/c thereof, thence E 705.25', N 375', W 705.25', S 375', to POB; LESS BEG. at the NW/c of Lot 5, thence S 775', E 24.75', N 425', E 25.25', N 260', E 349', N 15', E 426', N 75', W 825' to the POB, Sec. 5, T-19-N, R-14-E, I.B.M., City of Tulsa, Tulsa County, Oklahoma.

### OTHER BUSINESS

### ELECTION OF OFFICERS

#### Board Action:

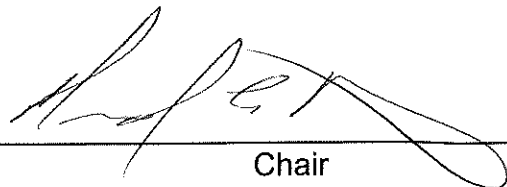
On **MOTION** of **BOLZLE**, the Board voted 4-0-1 (Bolzle, Cooper, Dunham, Turnbo, "aye"; no "nays", White "abstention"; none "absent") to **ELECTED** David White to serve as the Chair to the City Board of Adjustment.

On **MOTION** of **TURNBO**, the Board voted 4-0-1 (, Cooper, Dunham, Turnbo, White, "aye"; no "nays" Bolzle "abstention"; none "absent") to **ELECTED** Bruce Bolzle to serve as the Vice Chair to the City Board of Adjustment.

On **MOTION** of **DUNHAM**, the Board voted 4-0-1 (Bolzle, Cooper, Dunham, , White, "aye"; no "nays" Turnbo "abstention"; none "absent") to **ELECTED** Norma Turnbo to serve as the Secretary to the City Board of Adjustment.

There being no further business, the meeting was adjourned at 4:47 p.m.

Date approved: JUNE 24, 1997

  
Chair

