

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1215
Tuesday, October 9, 2018, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Van De Wiele, Chair Back, Vice Chair Ross, Secretary Bond Radney		Miller Ulmer Sparger R. Jones	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on October 4, 2018, at 10:21 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

Ms. Ulmer read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **ROSS**, the Board voted 4-0-0 (Back, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the **Minutes** of the September 11, 2018 Board of Adjustment meeting (No. 1213).

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the **Minutes** of the September 25, 2018 Board of Adjustment meeting (No. 1214).

UNFINISHED BUSINESS

22484—Deborah Richards

Action Requested:

Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Section 90.090-A); Special Exception to allow signs in the planned street right-of-way/right-of-way (Section 60.020-E). **LOCATION:** 1007 South Peoria Avenue East (CD 4)

Presentation:

The applicant has withdrawn the application.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

N. 40 OF LT 13 ALL OF LOT 14 BLK 10; LT 12 S 10 FT LT 13 BLK 10, EAST LYNN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

22519—Hall Estill – Kenyon Williams

Action Requested:

Appeal of an Administrative Decision request of assignment of address.

LOCATION: West of the SW/c of East 96th Street South & South Garnett Road East (CD 7)

Presentation:

The applicant has withdrawn the application.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

LT 1 LESS BEG 315.41E NWC LT 1 TH E2269.41 S158.12 NWLY CRV LF 196.49 W2121.22 N30 POB & LESS BEG 50N & 419.06W SECR LT 1 TH W665.08 N1242.03 E730.95 SW181.59 S96 SE114.88 S957.95 TO POB BLK 1, WOODBINE, GRACE FELLOWSHIP CHURCH AND SCHOOL, City of Tulsa, Tulsa County, State of Oklahoma

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UNFINISHED BUSINESS

Mr. Bond entered the meeting at 1:06 P.M.

22505—Mark Capron

Action Requested:

Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Section 90.090-A); Variance of the removal agreement requirement with the City of Tulsa for structures in the planned street right-of-way (Section 90.090-A). **LOCATION:** 1202 & 1206 East 3rd Street South (**CD 4**)

Presentation:

Staff requests a continuance to October 23, 2018.

Interested Parties:

There were no interested present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Section 90.090-A); Variance of the removal agreement requirement with the City of Tulsa for structures in the planned street right-of-way (Section 90.090-A) to the October 23, 2018 Board of Adjustment meeting; for the following property:

LOTS FOURTEEN (14) AND FIFTEEN (15), BLOCK EIGHTEEN (18), BERRY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

AND

THAT PART OF LOTS ELEVEN (11), TWELVE (12) AND THIRTEEN (13), BLOCK EIGHTEEN (18), BERRY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT THIRTEEN (13); THENCE EAST ON THE NORTH LINE OF LOTS THIRTEEN (13), TWELVE (12), AND ELEVEN (11) TO THE NORTHEAST CORNER OF SAID LOT ELEVEN (11); THENCE SOUTHWESTERLY TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE M.K.T. RAILWAY, SAID POINT BEING FIVE AND FIVE-TENTHS (5.5) FEET NORTHWESTERLY OF THE SOUTHEAST CORNER OF SAID LOT THIRTEEN (13); THENCE NORTHWESTERLY ON SAID RIGHT-OF-WAY LINE TO THE SOUTHWEST CORNER OF SAID LOT THIRTEEN (13); THENCE NORTH ON THE WEST LINE OF LOT THIRTEEN (13) TO THE POINT OF BEGINNING, City of Tulsa, Tulsa County, State of Oklahoma

22481—Mark Capron

(Reconsideration from 08/28/2018)

Action Requested:

Special Exception to permit a school use in an RS-3 District (Section 5.020-C).

LOCATION: 3121 East Queen Street North (CD 3)

Presentation:

The applicant requests a continuance to October 23, 2018 to allow the applicant to speak with the neighbors about the traffic plan.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Special Exception to permit a school use in an RS-3 District (Section 5.020-C) to the October 23, 2018 Board of Adjustment meeting; for the following property:

NW SE SE LESS N25 FOR RD SEC 29 20 13 9.62ACS, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

22520—Eddie James

Action Requested:

Appeal the Determination of an Administrative Official to deny a Historic Preservation Permit (Section 70.070); Modification of a previously approved Special Exception (BOA-21460). LOCATION: 1591 East Swan Drive South (CD 4)

Presentation:

Staff requests a continuance to October 23, 2018 to seek additional relief.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for an Appeal the Determination of an Administrative Official to deny a Historic Preservation Permit (Section 70.070); Modification of a previously approved Special Exception (BOA-21460) to the October 23, 2018 Board of Adjustment meeting; for the following property:

E 78 LT 11 BLK 1, SWAN PARK, City of Tulsa, Tulsa County, State of Oklahoma

22514—Nathan Cross

Action Requested:

Special Exception to permit a school use in the AG District (Section 25.020). LOCATION: East of the NE/c of West Edison Street North & North 57th Avenue West (CD 1)

Mr. Van De Wiele informed Mr. Cross that there was at least one e-mail request for additional time to consider the request and to meet with the client. Mr. Van De Wiele asked Mr. Cross for his thoughts on this request.

Presentation:

Nathan Cross, 2 West 2nd Street, Suite 700, Tulsa, OK; stated the client is in a peculiar position with this case. The application was filed originally to be heard in the September 25th hearing, and there was a mix up and the application did not appear on an agenda until this week. This case is particularly time sensitive because the relief that is being

requested is to facilitate submission of an application with Tulsa Public Schools to be either a partner school or a charter school. One of the prerequisites is that there that his client has to have land that has school as an allowed use for the application process. Mr. Cross stated that he has spoke with a couple of the neighbors and understands their position but he objects to the continuance.

Interested Parties:

Steve Whitaker, John 3:16 Mission, 575 North 39th West Avenue, Tulsa, OK; stated he represents John 3:16 Mission and the notice was just received last week, and he has not had a chance to review the application and study its ramifications for John 3:16, and the location of the school in relation to the John 3:16 properties. He does not know if it is good or bad, but there is an idea that there may be some complications for the interest of John 3:16 because the mission's property abuts the applicant's property to the east. Mr. Whitaker stated he would request a continuance to allow time for him to sit down with the Board of Directors or to seek counsel regarding this issue.

Mr. Van De Wiele asked Mr. Cross what the timing issue and deadline was with the Tulsa Public Schools. Mr. Cross stated he does not have a specific deadline but there are other pieces to the application that are contingent on an approval of this request today and there is needed for those. The concern with his client is that he is running up against a deadline that will push the school off a year from the planned opening.

Mr. Van De Wiele asked Mr. Cross what the date is of the planned opening. Mr. Cross stated that it is late next year for the 2019-2020 school year.

Mr. Cross stated that is a ministerial process that he is going through today. The property will have an application filed to rezone in the future. This plan has been published in the newspaper; it is an urbanist mixed use development that include single family residential with potentially other uses including the school and commercial. The plan itself will be discussed more heavily during the rezoning process. He is only asking for this relief today so the application with the school system can be started.

Mr. Van De Wiele asked Mr. Cross if there was legitimate concern that if this were to be delayed until the October 23rd meeting that it would cause him to miss a September 2019 school year opening. Mr. Cross answered affirmatively.

Mr. Van De Wiele asked staff if there were any notice issues with this case. Ms. Ulmer stated the application was noticed correctly for the October 9th meeting; the application was received in time for the September 25th hearing, but it was moved out on the internal log and no one noticed the error.

Ms. Radney asked Mr. Cross where the site for the school would be located within the subject parcel. Mr. Cross stated there is no site plan prepared for the rezoning process which is when the actual designation of uses will happen on the subject property, but right now the school will be conceptually located somewhere in the southwest corner of

the lot. Mr. Cross stated, based on what he has seen, the back portion of the lot will be mostly greenbelt and residential.

Ms. Back stated that in her professional career she has had worked with schools trying to get their approvals done before they go into design and into the construction phase, and it takes a long time to get it through the process. It is a hard deadline for schools. Once it is determined that the school will open for a specific school year there is no going back, so she believes there is a tight timeframe on this project. She understands the concerns of John 3:16, but she believes they will have time to look at the process. Ms. Back stated that she would be inclined to hear the case today.

Mr. Bond stated that he too understands the concerns of John 3:16 Mission and he would suggest moving this case to the end of the agenda to allow the applicant and the interested parties to go into the hall to discuss any concerns.

Ms. Ross stated that she would be inclined to hear this case today because notice was proper, and she does not want the Board to set a precedent that cases can continually be delayed.

Mr. Van De Wiele liked Mr. Bond's suggestion and asked Mr. Cross if he would be willing to have this case moved to the last item on the agenda so that he may have a caucus in the hallway. Mr. Cross agreed to moving the case to the end of the agenda.

Comments and Questions:

None.

Board Action:

No Board action required at this time.

22515—Linda Rollins

Action Requested:

Special Exception to permit a carport in the street side setback and street yard (Section 90.090-C.1). **LOCATION:** 903 South Urbana Avenue East (CD 4)

Presentation:

Linda Rollins, 903 South Urbana, Tulsa, OK; stated she would like to have a carport over her driveway. She started with the City to find out what she needed to do and later she met with INCOG staff. She submitted all the documents that were requested along with 22 pictures of carports within a four-block radius of her house; carports are not something uncommon in her neighborhood.

Mr. Van De Wiele asked Ms. Rollins if she had seen the e-mail from Mr. Eslick, and Ms. Rollins stated that she had. Mr. Van De Wiele asked Ms. Rollins if she had spoken with Mr. Eslick about his e-mail or the carport. Ms. Rollins stated that she had not. Mr. Van

De Wiele asked Ms. Rollins if Mr. Eslick was her immediate next-door neighbor, and Ms. Rollins stated that he is not because he lives at 524 Marion which is not close to her house or her street.

Ms. Blank stated that on Exhibit 7.7 there seems to be a conflict in the measurements. The pink area on the exhibit for the proposed location of the carport states 20 x 20, but the measurements from the property line to the house are labeled 15 feet. If the building line is 15 feet, the 20 x 20 would encroach possibly into the right-of-way.

Ms. Rollins stated the pink area should have extended, because the two posts are 18" into the setback and the roof is cantilevered over the posts. Mr. Van De Wiele asked Ms. Rollins if that would move the carport closer to the house. Ms. Rollins stated there is an attached porch built on to the house, so the carport cannot be moved any closer to the house.

Mr. Van De Wiele stated if there is only 15 feet from the house to the property line and there is going to be a 20-foot deep carport being installed where is the extra five feet going to be placed? Ms. Rollins stated that it will go into the setback. Mr. Van De Wiele stated that the application is not noticed to give the applicant all the relief that is needed.

Ms. Blank stated the Board cannot take action based on what has been presented in the site plan.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Special Exception to permit a carport in the street side setback and street yard (Section 90.090-C.1) to the October 23, 2018 Board of Adjustment meeting; for the following property:

LT 18 BLK 1, RIDGELAWN, City of Tulsa, Tulsa County, State of Oklahoma

22516—Heritz Blendowski

Action Requested:

Special Exception to allow a manufactured housing unit on an RM-2 zoned lot; Special Exception to extend the time limit to allow a manufactured home on the site for more than one year (Sections 5.020 & 40.210-A). **LOCATION:** 1227 South 51st Avenue West **(CD 1)**

Presentation:

The applicant was not present.

Mr. Van De Wiele moved this item to the end of the agenda to allow the applicant time to arrive.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required at this time.

22517—Judy Ann Walrath

Action Requested:

Special Exception to exceed the allowable driveway width in the street right-of-way and in the street setback (Section 55.090-F3). **LOCATION:** 5927 East 79th Street South **(CD 8)**

Presentation:

Ron Walrath, 5927 East 79th Street, Tulsa, OK; stated he made the mistake that if a person did not cut the curb there was no need for a permit. He did not cut the curb and he poured the driveway about three years ago, and the City notified him a couple of months ago that he was in violation of the right-of-way and setback. Mr. Walrath stated the driveway width at the right-of-way is 25 feet from the center of the street and is 27 feet wide total.

Mr. Van De Wiele asked Mr. Walrath how wide the driveway is at its widest point. Mr. Walrath stated that it is 27'-6" with a 6'-0" sidewalk.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **ROSS**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for Special Exception to exceed the allowable driveway width in the street right-of-way and in the street setback (Section 55.090-F3), subject to conceptual plans 9.6 of the agenda

packet and the pictures submitted by the applicant. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 14 BLK 1, PLEASANT VALLEY ESTATES, City of Tulsa, Tulsa County, State of Oklahoma

22518—Alya Thierry

Action Requested:

Verification of the 300-foot spacing requirement for a liquor store from other liquor stores, bail bonds offices, plasma centers, day labor hiring centers, or pawnshops (Section 40.300-A). **LOCATION:** 1532 East Apache Street North **(CD 1)**

Presentation:

Alya Thierry, 1532 East Apache Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Van De Wiele stated the Board was in receipt of the spacing verification from the applicant on page 10.7.

Interested Parties:

There were no interested parties present.

Questions and Comments:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing to permit expansion of the existing liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store; for the following property:

LTS 1 & 2 BLK 2, COLLEGE INN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22521—Lanette Genike

Action Requested:

Special Exception to allow a fence to exceed 4 feet in height within the required street setbacks (Section 45.080). **LOCATION:** 1213 South Oswego Avenue East (CD 4)

Presentation:

Lanette Genike, 1213 South Oswego Avenue, Tulsa, OK; stated she erected a six-foot privacy fence not knowing she couldn't do that. Ms. Genike stated she needs the privacy fence because her neighbor does not mow their yard and the weeds come over into her yard.

Mr. Van De Wiele asked Ms. Genike how much of the fence is within the setback. Ms. Genike stated she was not sure.

Mr. Van De Wiele stated that starting at the back and coming forward to the street, the fence can be six feet tall until the fence reaches 25 feet from the property line, and then the fence has a four-foot height limitation.

Ms. Back left the meeting at 1:53 P.M.

Mr. Bond asked Ms. Genike if she would be alright having a four-foot privacy style fence in the front yard. Ms. Genike stated it depends on how much of the fence would have to be lowered.

Ms. Miller asked Ms. Genike if she had a survey of her property done before the installation of the fence. Ms. Genike stated the fence company just came out and installed the fence and there was no survey performed.

Ms. Back re-entered the meeting at 1:57 P.M.

Interested Parties:

Richard Burton, 1223 South Oswego Avenue, Tulsa, OK; stated that it is his understanding that from the front of the house to the street there could only be a four-foot fence.

Ms. Miller stated that is correct if the house sits at the required setback line, but some houses sit beyond the setback line.

Mr. Burton stated that every house in the neighborhood sits on the same line. Ms. Miller stated that it is hard to know where these houses sit, either at the setback line or behind it without a survey.

Comments and Questions:

Mr. Van De Wiele stated that without knowing where the measurements are he cannot support this request. He would certainly think there could be a section or two that tapers from six foot down to four feet making the fence more aesthetically pleasing.

Board Action:

On **MOTION** of **ROSS**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **DENY** the request for Special Exception to allow a fence to exceed 4 feet in height within the required street setbacks (Section 45.080); for the following property:

LT-23-BLK-6, MAYO ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22522—Azazul Fikar

Action Requested:

Special Exception to allow a duplex use in a CS District (Section 15.020, Table 15-2); Variance to reduce the required amount of parking for a duplex (Section 55.020, Table 55-1). **LOCATION:** 5912 West Charles Page Boulevard South (CD 1)

Presentation:

Azazul Fikar, 515 South Redwood Avenue, Broken Arrow, OK; no formal presentation was made but the applicant was available for any questions.

Leon Ragsdale, Architect, 1615 North 24th West Avenue, Tulsa, OK; stated Charles Page Boulevard used to be the Sand Springs line and a mixed-use street but there were people there. Today there is a lot of grass to be seen driving down Charles Page Boulevard. Mr. Fikar has purchased several stores located on Charles Page and next to one of the properties there was a house that he purchased. The subject property is commercially zoned but there is really no need for that zoning and he would like to convert the existing house into a duplex. There is no purpose to have another commercial business on the property because there are no people to support a business, but there is a need for housing. One of the issues to convert the house to a duplex is the parking. The existing garage has been moved back off the alley per the City's request. Mr. Ragsdale stated that Mr. Fikar has erected a two-car garage for each of the duplexes making four places to park and there is an existing drive on the west side of the property where single vehicles could be parked end to end.

Mr. Van De Wiele asked Mr. Ragsdale if there was going to be one or two garages in the rear. Mr. Ragsdale stated there will be one garage that will hold two maybe more

depending on the car size. Mr. Ragsdale stated the garage is 40 feet in width, so it is bigger than the normal garage.

Mr. Van De Wiele asked if the garage was new construction and the duplex will be a remodel. Mr. Fikar answered affirmatively. Mr. Van De Wiele asked on which side of the duplex parks where on the property. Mr. Fikar stated that the front duplex will park in the driveway and the rear duplex will park in the garage. Mr. Van De Wiele asked if there would be room in the driveway for the people in the rear duplex to get around the front duplex cars. Mr. Fikar answered affirmatively.

Mr. Van De Wiele asked staff what the parking requirement is for a duplex. Ms. Miller stated that it would be two cars per unit.

Mr. Van De Wiele asked if the existing house on the property was going to hold both duplex units. Mr. Fikar stated that he is going to extend the existing house in the rear so both duplexes will be under the same roof.

Interested Parties:

Mr. Van De Wiele stated he does not have an issue with this request. The property has been used as residential for many years and he thinks it is a good repurposing on Charles Page Boulevard.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for **Special Exception** to allow a duplex use in a CS District (Section 15.020, Table 15-2); **Variance** to reduce the required amount of parking for a duplex (Section 55.020, Table 55-1), subject to conceptual plans 14.9, 14.10 14.11 of the agenda packet. The Board finds the hardship to be that the structure likely predated the zoning plan. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

LT 13 LESS BEG NWC THEREOF TH E50 S20.07 NW50.50 N13.51 POB BLK C, MEDIO SUB, City of Tulsa, Tulsa County, State of Oklahoma

22525—Wallace Engineering

Action Requested:

Special Exception to allow a Public, Civic & Institutional/ Religious Assembly Use in an RS-3 zoned district (Table 5-2). **LOCATION:** 14611 & 14615 East 21st Street South (**CD 6**)

Presentation:

Jordan Rodich, 1932 South Florence Place, Tulsa, OK; stated he is with Wallace Engineering and represents St. Joseph's Church. The church building is on the east portion of the property and received a Special Exception years ago for the existing church. The church purchased the northwest corner several years ago and now have purchased the southwest corner of the subject property because a 21st Street front access better serves the church. This Special Exception will be the third Special Exception requested, and it is now for the entire area with a new building site plan.

Mr. Bond left the meeting at 2:22 P.M.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-1 (Back, Radney, Ross, Van De Wiele "aye"; no "nays"; Bond "abstaining"; none absent) to **APPROVE** the request for Special Exception to allow a Public, Civic & Institutional/ Religious Assembly Use in an RS-3 zoned district (Section 70.120), subject to conceptual plans 15.15, 15.16 and 15.17 of the agenda packet. The Board finds that the requested Special Exception will be in

harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER OF (SW/4) OF SECTION TEN (10), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHEAST CORNER OF SAID SW/4, THENCE S 88°42'58" W, ON THE SOUTH LINE OF SAID SW/4, FOR A DISTANCE OF 1141.00 FEET TO THE POINT OF BEGINNING; THENCE S 88°42'58" W ON SAID SW/4 FOR A DISTANCE OF 485.22 FEET; THENCE N 01°15'04" W, FOR A DISTANCE OF 694.03 FEET; THENCE N 88°46'05" E, FOR A DISTANCE OF 305.22 FEET; THENCE S 01°15'04" E, FOR A DISTANCE OF 84.75 FEET; THENCE N 88°42'58' E, FOR A DISTANCE OF 180 FEET; THENCE S 01°15'04" E, FOR A DISTANCE OF 609.00 FEET TO THE POINT OF BEGINNING, CONTAINING 7.38 ACRES MORE OR LESS, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Bond re-entered the meeting at 2:24 P.M.

22514—Nathan Cross

Action Requested:

Special Exception to permit a school use in the AG District (Section 25.020).

LOCATION: East of the NE/c of West Edison Street North & North 57th Avenue West (CD 1)

Presentation:

Nathan Cross, 2 West 2nd Street, Suite 700, Tulsa, OK; stated he and the interested parties met in the hallway and worked out any differences because the majority of the interested parties left.

Mr. Van De Wiele asked Mr. Nathan Cross to explain the phrase "urbanism development". Mr. Cross stated it is new urbanism and the concept is a more walkable community that includes houses that are closer to the curb, streets that are narrower, lighting, community uses in the neighborhood including parks. This particular development includes a school and the reason for that is the developer felt the walkable concept needed a school in the neighborhood. The overall concept of the site plan is still under development.

Mr. Van De Wiele asked Mr. Cross if the school under the current plan would be a charter school. Mr. Cross stated that the school will either be a charter school or a partner school; an application has to be submitted to have a full-blown conversation about it.

Mr. Van De Wiele asked Mr. Cross what the difference is between a charter school and a partner school. Mr. Cross stated that he did not know.

Interested Parties:

Steve Whitaker, John 3:16 Mission, 575 North 39th West Avenue, Tulsa, OK; stated the reason he was asking for a continuance earlier is that John 3:16 Mission has a residential center on their property that abuts the subject property. John 3:16 is concerned about where the school will be located in relation to the John 3:16 residential center. The center is a treatment center. It is everything that is used to treat homeless people except a shelter. Mr. Whitaker stated he is concerned about the location of the school becoming a flash point in the future given the nature of the people that are treated on their site. The old Chouteau Elementary School is now a residential treatment center and the land around it is used as a buffer zone which is used for agricultural purposes, so the Mission could be an appropriate distance from any neighbors and remove any concerns people may have about the proximity of John 3:16. The Mission went to great expense to be on their own and away from everybody. Mr. Whitaker stated he is not necessarily against the development but is concerned about the location of the proposed school. Mr. Whitaker stated he is sensitive to development and does not want to hold up any development because a school is a good thing. A growing rescue mission is not necessarily a good thing. Mr. Whitaker stated the Mission has done their due diligence to do what it needs to do to make sure that John 3:16 is well away from their neighbors as they grow.

Mr. Van De Wiele asked Mr. Whitaker if he was saying that if in the future there would potentially be concern if operations wanted to be changed at John 3:16 Mission and the existence of the neighborhood and school might impact the ability or perception of that potential growth. Mr. Whitaker answered affirmatively. Mr. Whitaker stated that if someone came in and applied for a new rescue mission in Tulsa it would be a blood bath, what happened in Turley is a prime example. Mr. Whitaker stated that Mission is trying to avoid any flash point in the future. There seems to be a barrier in people's minds because of the nature of offenders or the nature of people that were former inmates, and John 3:16 does not have any of those knowingly but a background check can be difficult to do. Mr. Whitaker stated he would like to see a 2,000-foot barrier, and have asked for it, however there is concern about the women who have been trafficked and the position of the school. That is a hot, hot topic and the community is rife with women who have been trafficked. They need treatment. It is a flash point for the community and he thinks it is wise to establish a barrier between the Mission and the proposed school. The Mission has done all they can to make sure they are away from everybody. Housing is important. Location of the school matters.

Rebuttal:

Nathan Cross came forward and stated that as a point of clarification, he and Mr. Whitaker have had lengthy conversations about these concerns. He does not believe the Mission is against anything that the developer is attempting to do, but he does want some comfort with regard to the location of the school. Mr. Cross appreciates the situation the Board is in in terms of figuring this out. Mr. Van De Wiele stated the Board

would like to put some sort of mechanism in place to graphically show roughly where the school is going to be built.

Ms. Miller stated this is a great thing for Tulsa in general. The next step would be to secure a school use on the property, but the ultimate goal is come in with a master development plan that will have very detailed locations, design standards, and development standards. Ms. Miller would hate to see Mr. Cross submit a conceptual site plan, so it would be helpful for the future zoning process to come if it wasn't too burdened. Mr. Cross stated Ms. Miller has hit on the point that is concerning to him. He is hesitant to have something that is binding in some way, because the broader picture of this overall development is that he is only one of the cogs in the machine. There are two nation wide planners involved in this project and he does not know if he has the authority to agree with a conceptual site plan regarding the school.

Ms. Back stated that she has heard that John 3:16 Mission is not really against having a school on the property, and that is what is before the Board today, to allow a school use on the property. Ms. Back stated this is a big development and it will be amazing for the Tulsa area. There are other large swathes of land that will be developed as well. Development is coming. So, does the Board approve a school use on the subject property so the developer can move forward with their master plan and the submittal process. Right now, what is before the Board is the request for a Special Exception to permit a school use in the AG zone.

Mr. Van De Wiele stated that unless this site were only going to be used for a school, which it doesn't sound like that is the desire, if there ever was a desire to put more than one house and anything else there will have to be a plat submittal and a rezoning. That means it will go before the Planning Commission and City Council. Mr. Cross stated that without a neighborhood there is no need for a school. There is no scenario from a financial standpoint where the school will exist by itself because that does not do anything for the developer.

Mr. Cross stated that a conceptual plan is not part of this process at present. It is purely because the developer does not have an agreed conceptual plan. He, himself, has had five conference calls with the planners about how to make this work within Tulsa. The whole point of this action is to be able to file the application, because it will probably be about five months before a conceptual plan is forthcoming. Mr. Cross stated that he has had dialogue with Mr. Whitaker and has committed to Mr. Whitaker that the dialogue will continue with respect to alleviating concerns that they have.

Comments and Questions:

Mr. Van De Wiele stated he is comfortable with the requested use. It sounds like there are administrative mechanisms that are in place to give John 3:16 another chance to voice their opinion.

Ms. Radney stated she has reservations, not seeing anything. She is astute to what John 3:16 Mission is saying, because there are some critical setbacks. Parks are there.

Schools are there. If it is going to be a master plan development and in harmony with the existing properties, John 3:16 Mission has gone to a great effort and expense to locate the facility in a location that has the least adverse impact on other residential neighborhoods. She is not opposed to the development and is in favor of it but not having an idea where the school and parks would be laid out she does not see enough to warrant her support. Ms. Radney believes the request for a continuance was a valid request.

Ms. Back agrees with Ms. Radney about John 3:16 purchasing land away from residential areas to be able to do what they do, and they do an amazing work and cannot go without in Tulsa. She does not have a problem with having a proposed school use somewhere on the subject property, knowing Mr. Cross and Mr. Whitaker and the integrity they have.

Mr. Van De Wiele asked Mr. Cross to estimate when he thought he would be before the Planning Commission with a rezoning request. Mr. Cross stated that it should be well within a year.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for **Special Exception** to permit a school use in the AG District (Section 25.020). This approval is to be for two years, October 2020, to have the school complete and open for the school year of 2019-2020. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

S/2 NE/4 AND NW/4 SE/4 AND NW/4 NE/4 SE/4 AND NW/4 SW/4 NE/4 SE/4 AND THE WEST 190.82 FEET OF THE SW/4 SW/4 NE/4 SE/4 AND THE WEST 190.82 FEET OF LOT 4 (SE/4 SE/4) ALL IN SECTION 32, TOWNSHIP 20 NORTH, RANGE 12 EAST OF THE INDIAN BASE AND MERIDIAN, OSAGE COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT: A TRACT LOCATED IN LOT 4 (SE/4 SE/4) AND THE N/2 SE/4 OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 12 EAST OF THE INDIAN BASE AND MERIDIAN, OSAGE COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 40 FEET EAST OF THE SOUTHWEST CORNER OF THE NW/4 SE/4 OF SAID SECTION 32; THENCE N 00°12'17" E A DISTANCE OF 226.00 FEET; THENCE S 88°27'33" e A DISTANCE OF 685.00 FEET; THENCE S 00°12'17" W A DISTANCE OF 63.00 FEET; THENCE S 88°27'33" E A DISTANCE OF 613.15 FEET; THENCE S 00°49'28" W A DISTANCE OF 373.32 FEET; THENCE N 89°49'18" W A DISTANCE OF 30.00 FEET; THENCE N 00°49'28" E A DISTANCE OF 211.06 FEET; THENCE N 88°27'33" W A DISTANCE OF 1266.39 FEET TO THE POINT OF BEGINNING, City of Tulsa, Tulsa County, State of Oklahoma

22516—Heritz Blendowski

Action Requested:

Special Exception to allow a manufactured housing unit on an RM-2 zoned lot;
Special Exception to extend the time limit to allow a manufactured home on the site for more than one year (Sections 5.020 & 40.210-A). **LOCATION:** 1227 South 51st Avenue West (CD 1)

Presentation:

Heritz Blendowski, 1227 South 51st West Avenue, Tulsa, OK; stated she purchased the subject property for \$6,000.00 and thought it would be great to build a house herself on the property. She would like to be able to live on the property while building the house. Ms. Blendowski stated that a police officer told her that the existing houses would be allowed to remain but no new construction would be allowed in the area because it is in a flood zone.

Ms. Miller left the meeting at 2:44 P.M.

Ms. Blendowski stated that since she purchased the land she has been cleaning up debris and weeds. She has purchased a two-bedroom house trailer and it is in good shape.

Mr. Van De Wiele asked Ms. Blendowski what year the house trailer is. Ms. Blendowski stated that it is a 1978.

Mr. Van De Wiele asked Ms. Blendowski if she still has plans of building a stick built house on the subject property because that could help the Board decide how long of a time limit to impose. Ms. Blendowski stated that she would like to place the house trailer on a slab.

Ms. Miller re-entered the meeting at 2:47 P.M.

Interested Parties:

Joseph George, 1227 South 51st West Avenue, Tulsa, OK; asked the Board if there are any regulations pertaining to the slab if they receive permission for the house trailer. Mr. Van De Wiele stated that would be a building code question. Ms. Miller stated that if they would go to the Permit Office on the 4th floor and talk to Bob Kolibas he will be able to answer questions.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for Special Exception to allow a manufactured housing unit on an RM-2 zoned lot; Special Exception to extend the time limit to allow a manufactured home on the site for more than one year (Sections 5.020 & 40.210-A), subject to the conceptual plan submitted today. There is a ten-year time limit from today's date, October 9, 2028. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

PT OF LTS 8 & 9 BLK 4 S 125 N 425 EA OF LTS 8 & 9, VERN SUB NUMBER 2, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

NEW BUSINESS

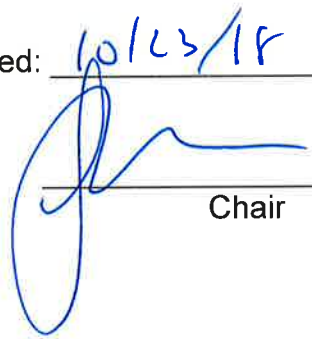
None.

BOARD MEMBER COMMENTS

Ms. Radney applauded the Board for suggesting a time limit to Mr. Nathan Cross's project and she was very happy to see how that worked out for everyone.

There being no further business, the meeting adjourned at 3:00 p.m.

Date approved: 10/23/18



Chair