

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 912  
Tuesday, June 14, 2005, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

**MEMBERS  
PRESENT**  
Dunham, Chair  
Henke  
Paddock  
Stead  
Stephens

**MEMBERS  
ABSENT**

**STAFF  
PRESENT**  
Alberty  
Butler  
Cuthbertson

**OTHERS  
PRESENT**  
Ackermann, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, June 9, 2005, at 2:10 p.m., as well as at the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600.

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

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Mr. Cuthbertson read the rules and procedures for the Board of Adjustment Public Hearing.

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**MINUTES**

On **MOTION** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Paddock, Stead, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of May 25, 2004 (No. 888) as amended on Case No. 19825.

On **MOTION** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Paddock, Stead, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of May 10, 2005 (No. 910).

On **MOTION** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Paddock, Stead, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of May 24, 2005 (No. 911).

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**UNFINISHED BUSINESS**

**Case No. 20039**

**Action Requested:**

Variance of the minimum required frontage on a public street from 30' to 0'. (Section 206), 8511 South Maybelle Avenue.

**Presentation:**

Mr. Cuthbertson reminded the Board this case was continued to determine if there was an easement on the western perimeter of the subject property. They discovered there is not an easement for right-of-way or mutual access.

**Craig Rosencutter**, 502 North Emerson Street, stated he is a family member of one of the property owners and he also owns property abutting this tract of land. He pointed out the long panhandle on the south and stated it was used for moving large farm equipment. They do not use it for that purpose anymore. They proposed to connect Tract 1-F with Tract 2-A.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the minimum required frontage on a public street from 30' to 0'. (Section 206), finding the circumstances surrounding this land is peculiar to these tracts and the enforcement of the code would result in an unnecessary hardship to the property owner; and finding it will not cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan, on the following described property:

BEG SW/c NE/4 SEC 14, T18N, R12E TH N 591.06 TO PT; TH E 250 TO PT TH S 591.15 TH W 250 TO POB SEC 14 18 12 3.39 ACS AND S/2 NE BEG 250E & 41N SWC NE TH N544.15 SE140NE286 N25 W42.12 ELY CRV LF 77.01 NE15.46 CRV RT 202.04 SE28.97 CRV LF98.71 SE194.39 SW773.59 W673.98 POB SEC 14 18 12 12.394ACS, City of Tulsa, Tulsa County, State of Oklahoma

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**NEW APPLICATIONS**

**Case No. 20053**

**Action Requested:**

Appeal the determination of a neighborhood inspector that a taxi/limousine business is not a use by right in a residential district. (Section 402.B.6), located: 11911 East 22<sup>nd</sup> Place South.

**Presentation:**

Mr. Dunham asked if it has been determined that this business is a Use Unit 17. Mr. Cuthbertson agreed according to the notice that was issued by Neighborhood Inspections, they are calling it a taxi/limousine service.

Mr. Dunham commented if this is a Use Unit 17, the Board has no right to approve operation of this business at that location.

**Adam Kennedy**, the applicant, asked if they could be heard later on the agenda to give his attorney time to arrive.

Mr. Dunham agreed to his request.

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**Case No. 20054**

**Action Requested:**

Special Exception to permit a home occupation (real-estate management) in an RS-3 district. (Section 402.B.6.b), 1552 South Lewis Avenue East.

**Presentation:**

**Brian Bale**, 1552 South Lewis Avenue East, stated he purchased this house for the central location. He buys and sells real estate as an investor. He informed the Board that his father comes to the house to do his bookkeeping. He informed the Board that his general contractors, property manager come to the house and renters come by to make payments.

**Comments and Questions:**

Mr. Dunham asked if he is living there and if this would be his primary residence, to which Mr. Bale replied in the affirmative. Mr. Dunham suggested he look over the home occupation guidelines. Ms. Stead called to Mr. Bale's attention that the code only allows family members residing in the dwelling to be employed by the home occupation.

**Interested Parties:**

**Susan McKee**, 1616 South Victor Avenue, represented the Yorktown Neighborhood Association. They supported the Gillette Historic District in their position to deny the special exception. She read Section 402.6.a Home Occupations, Home occupations permitted by right. Artists, Authors and Composers, Catering/Food Service, Computer programming, Home cooking and preserving, Home crafts, Ironing, Sewing, Telephone answering and/or solicitation, Tutorial service, limited to one student at a time. Such home occupations shall comply with the following requirements: (1) Only members of the family residing in the dwelling shall participate in the home occupation. (2) Signs or displays, including signs exceeding 2 square feet on a vehicle, advertising the home occupation on the

premises, which are visible from outside the lot are prohibited. (3) The home occupation shall be conducted entirely within an enclosed principal residential structure. (4) Mechanical equipment which creates noise, dust, odor or electrical disturbance is prohibited. (5) Exterior alterations of the structure which would detract from the residential character of the structure are prohibited. (6) Outside storage or display of materials or items associated with the home occupation is prohibited. (7) A maximum of 500 square feet of floor area may be used in the home occupation. (8) Vehicles used in conjunction with the home occupation shall be parked off the street, on the lot containing the home occupation, and shall be of a type customarily found in a residential area. (9) The sale of merchandise on the premises is prohibited. (10) The pick up of home craft or food items at the home occupation site is prohibited. Ms. McKee indicated they do not question the legality of the applicant making his request, but they believe these conditions should be followed and he should not get a special exception and she wanted this on the record.

Ms. Stead commented on her surprise that the neighborhood would be concerned since the property is on Lewis Avenue, which is primarily a commercial street. Ms. McKee responded that it is zoned residential and it is under the historic preservation overlay zoning. She added that is why they are protesting.

**Karen Smith**, 2502 East 19<sup>th</sup> Street, represented the Board and Neighborhood Association of Lewiston Gardens. She stated they carefully watch the properties along Lewis Avenue and expressed concern about the zoning on Lewis. She pointed out that the Comprehensive Plan specifies that in the matrix in Appendix D that this property is residential use only. They know that there will be commercial developers coming into the area if they can. They have worked with them in the past. They prefer no office use in this area. She noted that he failed on several of the home occupation requirements in the zoning code. She referred to the applicant's presentation and indicated that he fails to meet several of the zoning code requirements. She noted a family member from outside the home is coming to work there, and that several contractors, property manager, and renters are coming and going. She also noted that it appeared he is not going to be the main homeowner-occupant of this property. They requested proof that the applicant occupies the residence and that he has no other employees there including his father.

**Judy Hollingsworth**, 1527 South Gillette Avenue, she was opposed for all of the reasons already stated. She added that the applicant does not meet the required criteria, as stated in his presentation. She indicated that by observation of the neighborhood, there is no activity after office hours. She questioned the enforcement of compliance with the zoning code.

**Earl Smith**, 2502 East 19<sup>th</sup> Street, stated he is on the Lewiston Gardens Homeowner's Board. He cautioned the Board that whatever decision they make on this property will be used as a precedent for the neighborhood.

**Joe Mason**, 1551 South Gillette, stated he moved in about one year ago from out of state. He does not want to raise his family by a commercial development.

**Margaret Moran**, 1535 South Lewis Place, stated she saw very large signs on the subject property. She added there have been several cars, up to six, on the property every time she went by.

**Ken Myers**, 5411 East 15<sup>th</sup> Street, stated he owns the vacant lot, two properties to the south of the subject property. He added that if the Historic Preservation Commission approves, he would have no problem with it. He has marketed his lot as residential without success.

Mr. Dunham asked the applicant if he reviewed the home occupation guidelines. Mr. Bale replied that he looked them over and at that time he complied with everything on the list.

Mr. Dunham asked staff about a limit to the number of cars that can park on the property. Mr. Cuthbertson stated there is not an established limit, though it specifies that all cars must be parked on a paved, hard surface. He added that only so much percentage of a residential front yard can be paved. Mr. Cuthbertson also stated that the Board must determine if it would be injurious to the surrounding neighborhood.

Kurt Ackermann pointed out that the special exception is subject to these minimum requirements in the zoning code.

### **Applicant's Rebuttal:**

Mr. Bale responded that his father does not have to work there it was just convenient. He stated that he does not have four to five cars parking on his property. He admitted that people do stop by but they have been made aware of the situation and they have set operations up so that is no longer going to be happening.

Mr. Dunham asked how much traffic in and out of this property Mr. Bale would expect. Mr. Bale replied new investors, the property manager, and the general contractor. Mr. Stephenson asked about the renters. Mr. Bale stated that in thirty days there would not be any more renters coming by. Mr. Bale informed the Board that depending on the business they are doing there could be days with as many as ten customers on this property.

Ms. Stead asked if he intended to put the management business in when he bought the property and if he looked at the zoning when he bought the property. He replied that he did not look at the zoning and his daughter goes to school just down the street at Barnard. Ms. Stead asked if his phone was listed anywhere in Tulsa. He replied that he only uses a cell phone. Mr. Bale stated he had lived there for eight months. Mr. Henke asked if his daughter who goes to school in the neighborhood lives with him, to which he replied his seven year-old daughter is with him almost eighty percent of the time.

**Comments and Questions:**

Mr. Paddock commented that this application is only to allow an office in the home, and it appears to be mainly administrative, managerial, investments and sometimes people drop off checks. Mr. Dunham stated that often in the case of a beauty shop or other, the Board would specify one customer at a time and schedule for about twenty minutes between appointments. He was concerned about the possibility of ten customers showing up in one day. He pointed out that the traffic would not be going through the neighborhood. Mr. Stephens did not consider the use to meet the criteria for a home occupation but a commercial office.

**Board Action:**

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Stephens, Paddock, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Special Exception** to permit a home occupation (real-estate management) in an RS-3 district. (Section 402.B.6.b), finding it would not be in harmony with the spirit and intent of the code and would be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

LOT 13 BLK1, HOPPING'S ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20053**

**Action Requested:**

Appeal the determination of a neighborhood inspector that a taxi/limousine business is not a use by right in a residential district. (Section 402.B.6), located: 11911 East 22<sup>nd</sup> Place South.

**Presentation:**

**Richard Howard**, 2431 East 61<sup>st</sup> Street, stated his client is not running a business out of his home. Exhibits were provided (Exhibits A-1 through A-1.14).

**Comments and Questions:**

Mr. Dunham commented they have photographs of four limousines parked on the subject property. Mr. Howard replied that the cars are parked there but they are not running the business there. He added that the commercial business operates on South Lakewood near 21<sup>st</sup> Street. They have parked them elsewhere and experienced vandalism, so they are attempting to protect their investment. He also noted that other commercial vehicles are parked at other residences in the neighborhood.

**Interested Parties:**

**Richard Fleming** stated he owns property at 2234 South 119<sup>th</sup> East Avenue. He objected to on-street parking of seven to ten cars and off-street parking of four limousines in a two-car driveway.

**Applicant's Rebuttal:**

Mr. Howard stated that at night the limo's are parked there but most of the time during the days they are gone.

**Board Action:**

On **Motion** of **Henke**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **UPHOLD** the determination of the Neighborhood Inspector that the taxi/limousine business is operated on this property and as a Use Unit 17 it is prohibited.

**Kurt Ackermann**, submitted that the appeal as stated is that the Neighborhood Inspector determined that a taxi/limousine business is not a use by right in a residential district. The appeal does not deal with whether it is operated there but decision that is a use by right or not. He suggested if the Board wanted to deny the appeal then deny the appeal that it is a use by right and uphold the inspector's determination.

On **Amended Motion** of **Henke**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **Uphold** the determination of a neighborhood inspector that a taxi/limousine business is not a use by right in a residential district and **DENY** the appeal, on the following described property:

LOT-8-BLK-5, LESLIE LEIGH SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20055**

**Action Requested:**

Variance of the setback from the centerline of Boulder Avenue from 40 ft to 32 ft- 6 in to permit a projecting sign in a CBD zoned district. (Section 1221.C.6), 315 South Boulder.

**Presentation:**

**William Doyle**, 550 OneOk Plaza, stated the applicant, Tulsa World, proposed to place an art deco sign similar to one they had many years ago. The existing canopy protrudes further than the proposed sign. It would be a neon sign and there would be no flashing or running lights. He added that the literal enforcement of the code would impose a hardship, as the buildings have been built up to the lot line in the downtown area. Other such signs have been approved for the downtown area.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the setback from the centerline of Boulder Avenue from 40 ft to 32 ft- 6 in to permit a projecting sign in a CBD-zoned district, finding that because of extraordinary and exceptional lot line conditions the literal enforcement of the code would result in an unnecessary hardship; and finding it will not cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan, on the following described property:

E50 S75 LT 4 & NLY25 LT 4 & ALL LTS 5 6 & 7 & W10VAC ALLEY ADJ ON E THEREOF BLK 120, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20056**

**Action Requested:**

Special Exception to allow the sale of manufactured homes in a CS zoned district within a mobile home park - Use Unit 17 (Section 701), located: 1211 South 107<sup>th</sup> Avenue East.

**Presentation:**

**Edie Burgess**, 1211 South 107<sup>th</sup> East Avenue, stated she is the manager of the Park East Mobile Home Village. They proposed to sell some of the homes that the Park owns. There would not be a sales lot and no additional signs.

**Comments and Questions:**

Ms. Stead asked if they planned to bring in new manufactured homes to place on the lots. The owners purchased used repossessed homes and brought them in for renovation and rented them but would like to sell them. She added that bringing in new homes to sell is somewhat cost prohibitive. She explained that the sign has to show sales and rental as a requirement for a permit to sell.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow the sale of manufactured homes in a CS-zoned district within a mobile home park - Use Unit 17 (Section 701), finding it 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, on the following described property:



LTS 7 8 9 10 & 11 S20 VAC ST ADJ ON N TO LTS 8 & 9 LESS W5 THEREOF,  
MINGO VALLEY ACREAGE, OAKBROOK VILLAGE, PARK EAST ADDN, City  
of Tulsa, Tulsa County, State of Oklahoma

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**Mr. Paddock out at 2:28 p.m.**

**Case No. 20058**

**Action Requested:**

Variance of required 35 ft setback from centerline of 15th St to 30 ft (Section 215); a Variance of required parking for restaurant and outdoor dining area from 54 to 41 (Section 1212.D ); and a Special Exception to allow parking on a lot other than the lot containing the principle use. (Section 1301.D), located: 1525 E 15 ST S, 1441 South St. Louis Avenue East.

**Mr. Paddock returned at 2:30 p.m.**

Mr. Cuthbertson clarified to the Board that all three requests were in the notice but staff determined that the variance of required parking is not necessary.

**Presentation:**

**Roy Johnsen**, 201 West 5<sup>th</sup> Street, Suite 501, represented Tony Henry, the operator of the establishment known as the Full Moon Café. He pointed out that the south 75' of the subject property is zoned CH and it is where the café is actually located. There is a 25' strip of OL adjacent to the CH and then the northern two lots, which total 50' and they are zoned CS. He reminded the Board that prior to the current zoning there were no parking requirements for CH. This has been a non-conforming use. They plan to remove the house to construct the additional parking as required and an outside dining area. Mr. Johnsen stated they would not object to a tie agreement that assures the parking would be available for Full Moon Café that meets the requirement of the City attorney's office. He pointed out on the proposed site plan where they would provide for outside dining. He submitted photographs (Exhibit B-1). He stated they were not asking for any waivers of the landscaping ordinance or screening requirements. A property manager for the property to the north for a duplex, asked for screening that would keep any light from shining through a wood picket fence. The applicant was willing to build a double picket fence in response to this request. Mr. Johnsen stated the right-of-way was established for 15<sup>th</sup> Street in 1919 at 60'. The retaining wall is 30' from the centerline of 15<sup>th</sup> Street and is not in the right-of-way, but it is 5' into the planned right-of-way. There would be a guardrail and benches in this area for the outside dining. He noted outdoor dining at other eating establishments along 15<sup>th</sup> Street.

### **Interested Parties:**

**Jim Thomas**, 1220 South Galveston, stated he is the owner of the property to the north. He has discussed the application with Mr. Johnsen. He submitted photographs (Exhibit B-2). His concern is to protect his tenants on the property to the north and across the street on St. Louis. He wanted assurance that the fence would block vehicle headlights and that the fence would have a nice appearance. He pointed out other fences on nearby properties that block vehicle lights and noise. He also was concerned for damage to the alley surfacing by storm water drainage. Mr. Thomas told the Board he would prefer a masonry fence and some type of vegetation for screening. He added that he would like to see more specific plans in the record for the protection of his property.

### **Applicant's Rebuttal:**

Mr. Johnsen responded that the CS property that abuts Mr. Thomas' property can be used for parking by right. The only requirement is to provide a screening fence as described by the zoning code. The applicant is improving the parking lot. The Storm Water Management Department will review the property and address any drainage concerns. The architect suggested the double picket would block vehicle lights. The drawing shows the existing large tree and they plan to protect it. There will be a five-foot strip of landscaping along the fence also. He stated the conditions, as he understood, would be that the lots are tied together to assure the Full Moon Café has the right to use the parking on the two CS lots; a double-picket fence to block vehicle lights; to preserve the large tree on the north boundary; and to comply with the landscaping requirement of a minimum of five feet on the two CS lots.

### **Comments and Questions:**

Mr. Stephens asked if they plan to cover the deck. Mr. Johnsen replied it would be covered with a pergola, like an arbor, but not rain proof. Mr. Stephens asked about any plans for outside music. Mr. Johnsen stated there will be no outside live music but there will be some speakers for outside music at a low volume.

Mr. Thomas asked how high the new fence would be and if the existing fence would remain. Mr. Johnsen thought the existing fence is on Mr. Thompson's property. He added that if the neighbor chooses they could tear it down and build the new one at six feet high.

Mr. Ackermann suggested that they not make a motion per plan, as there may be some other setbacks that need to be considered at the permit plan review.

### **Board Action:**

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required 35 ft. setback from centerline of 15<sup>th</sup> St. to 30 ft. (Section 215), finding because of extraordinary circumstances that are peculiar to the land, the literal enforcement of the terms of the code would result in unnecessary

hardship, and finding it will not cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan;

And, on **Motion of Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow parking on a lot other than the lot containing the principle use, with conditions: a six-foot double-picket fence on the north property line; a tie agreement; a five-foot wide landscaping strip along the north property line, south of the double-picket fence; preserve the large tree on north property line of Lot 36, all other landscaping requirements to be met, finding the literal enforcement of the code would result in an unnecessary hardship; and finding it 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;

And, on **Amended Motion of Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to add as a condition of the **Variance** of the setback to include: no live music in the outside dining area, and the music that is played be of low intensity, all on the following described property:

LTS 8 33 & 34 BLK 12, LTS 35 36 BLK 12, FOREST PARK ADDN RE-AMD, City of Tulsa, Tulsa County, State of Oklahoma

**Mr. Ackerman asked for clarification of the screening fence. He asked if the double picket fence would be solid on both sides of the stringer or a staggered fence or staggered picket. Mr. Paddock replied solid on both sides. Mr. Ackerman suggested the Board add this specification to the record. Mr. Paddock agreed that it should be added.**

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**Case No. 20059**

**Action Requested:**

Variance from the required number of parking spaces for a commercial shopping center from 1,557 parking spaces to 1,075 existing parking spaces (Section 1212a.D) and a Special Exception to permit a nightclub on CS zoned property located within 150 ft of R zoned land (Section 701 & 1212a.C), located: 8221 East 61<sup>st</sup> Street South.

**Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, introduced himself.

**Mr. Stephens out at 3:04 p.m.**

Mr. Reynolds informed the Board that on a 24-hour basis, Eaton Square would be required to have 1,575 parking spaces but only 1,075 exist. The requested nightclub would be an evening use.

**Mr. Stephens returned at 3:06 p.m.**

Five other tenants operate in the evening. These six businesses would need 1,202 parking spaces, which is a ten percent difference. He submitted a parking analysis and photographs (Exhibits C-1 and C-2). Mr. Reynolds stated there have never been more than 359 vehicles on the parking lot when he has checked and that was at noon when the security guard told him would be the peak parking time. He stated the basis for the hardship is they have a 220,000 square foot mixed use development on 23 acres of land. The northern ten acres are in a regulatory flood plain and the topography change is extreme. He stated there is more than enough parking space during the hours of operation. Mr. Reynolds stated some conditions as follows: two security personnel in golf carts on the parking lot during the relevant hours of operation; all personnel and customers off the parking lot by 2:30 a.m.; and the lot would be swept and cleaned every night after close.

**Comments and Questions:**

Mr. Stephens and Dunham asked about hours/days of operation. Mr. Reynolds replied they would be open 6:00 p.m. to 2:00 a.m.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** from the required number of parking spaces for a commercial shopping center from 1,557 parking spaces to 1,075 existing parking spaces (Section 1212a.D), finding because of extraordinary circumstances peculiar to this property the literal enforcement of the zoning code would result in an unnecessary hardship; and finding the property to the north cannot be developed; and finding it will not cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan;

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a nightclub on CS zoned property located within 150 ft of R zoned land (Section 701 & 1212a.C, on the following conditions: two security personnel on duty during the hours of operation of the bar in the parking lot; all customers of the bar be off the property by 2:30 a.m.; and the parking lot cleaned every day after 2:00 a.m. closing; finding it 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, on the following described property:

PRT LT 1 BEG NWC LT 2 TH N200 E154.19 CRV LF 233.13 NE190.12 CRV RT 233.73 E328.73 CRV RT 338.16 SE64.86 CRV LF 283.58 SE120.45 CRV RT 196.35 S90 W1257.35 N300 W290 POB & LT 2 BLK 1, MEMORIAL SOUTH CENTER, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20064**

**Action Requested:**

Special Exception to permit a child care, school (community center) - Use Unit 5 in an RM-1 district (Section 401); and a Special Exception to permit required parking on a lot other than the lot containing the principal use (Section 1301.D), located: 112 North Atlanta Place East.

**Presentation:**

**John Duvall**, 1820 South Boulder Avenue, stated he is a Board Member of Crosstown Learning Center, and architect associated with the project. He introduced Debbie Gilfoyle, the Executive Director, and Maria Barnes, President of the Kendall-Whittier Homeowners Association, in support of the application. He informed the Board that the daycare opened in 1968. They need to expand the parking and build a playground for the daycare. He submitted an artist sketch and letters of support

**Mr. Dunham out at 3:24 p.m. and returned at 3:25 p.m.**

**Debbie Gilfoyle**, Executive Director of Crosstown Learning Center, stated the daycare has operated for about 38 years. They have 99% DHS subsidized childcare for parents that are working or going to school.

**Interested Parties:**

**Maria Barnes**, 2252 East 7<sup>th</sup> Street, President of the Kendall-Whittier Homeowners Association, stated they consider this facility to be an anchor for the north part of Kendall-Whittier. They support the application.

**Comments and Questions:**

Ms. Stead asked if they planned to restore and maintain a sidewalk on North Atlanta Place since they planned to maintain those on North Atlanta Avenue and Archer Street. He did not indicate that they planned to restore the sidewalk. Ms. Stead asked if they plan to keep the portico on the west side. Mr. Duvall replied they plan to use the portico. Mr. Cuthbertson pointed out the properties are in R-zoned district and the proposed parking lot at North Atlanta Place and Archer will need additional setbacks from the centerline. Mr. Duvall responded that they plan to meet the code.

**Board Action:**

On **Motion** of **Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a

**Special Exception** to permit a child care, school (community center) - Use Unit 5 in an RM-1 district (Section 401) per conceptual plan, finding it 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; and a **Special Exception** to permit required parking on a lot other than the lot containing the principal use (Section 1301.D), with a condition for a tie agreement of the lots, finding it 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, on the following described property:

LT 8 & LTS 11 THRU 17 BLK 6, LT 10 BLK 6, CHEROKEE HGTS 2ND ADDN, OHIO PLACE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**OTHER BUSINESS**

**ELECTION OF OFFICERS**

Ms. Stead nominated Monte Dunham for Chair, seconded by Mr. Stephens. The Board voted 5-0-0 to elect Mr. Dunham as Chair for the coming fiscal year.

Mr. Stephens nominated David Paddock for Vice-Chair, seconded by Mr. Henke. The Board voted 5-0-0 to elect Mr. Paddock as Vice-Chair for the coming fiscal year.

Ms. Stead nominated Frazier Henke for Secretary, seconded by Mr. Stephens. The Board voted 5-0-0 to elect Mr. Henke as Secretary for the coming fiscal year.

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There being no further business, the meeting was adjourned at 3:38 p.m.

Date approved: \_\_\_\_\_

\_\_\_\_\_  
Chair