

BOA-23146

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**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9201
CZM: 36
CD: 4

Case Number: **BOA-23146**

HEARING DATE: 10/26/2021 1:00 PM (Continued from 7/27/2021) Application was continued in order to vacant part of the right-of-way included in this application.

APPLICANT: Mike Thedford

ACTION REQUESTED: A Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use (Community Center/Caring Center Downtown) in the CBD District (Sec. 15.020, Table 15-2)

LOCATION: 305 S DETROIT AV E

ZONED: CBD

PRESENT USE: Governmental Service or Similar Functions **TRACT SIZE:** 11199.32 SQ FT

LEGAL DESCRIPTION: LT 8 BLK 116, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of "Downtown " and an "Area of Growth".

Downtown Core is Tulsa's most intense regional center of commerce, housing, culture, and entertainment. It is an urban environment of primarily high-density employment and mixed-use residential uses, complemented by regional-scale entertainment, conference, tourism, and educational institutions. Downtown Core is primarily a pedestrian-oriented area with generous sidewalks shaded by trees, in-town parks, open space, and plazas. The area is a regional transit hub. New and refurbished buildings enhance the pedestrian realm with ground-floor windows and storefronts that enliven the street. To support downtown's lively and walkable urban character, automobile parking ideally is located on-street and in structured garages, rather than in surface parking lots.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the SW/c of E. 3rd Street and S. Detroit Ave.

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STAFF COMMENTS: The applicant is requesting a **Special Exception** to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use (Community Center/Caring Center Downtown) in the CBD District (Sec. 15.020, Table 15-2)

Chapter 15 | Office, Commercial and Industrial Districts
Section 15.020 | Use Regulations

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory Specific use												
PUBLIC, CIVIC AND INSTITUTIONAL												
Airport	S	S	S	S	S	S	S	S	S	S	S	
Cemetery	S	S	S	S	S	S	S	S	S	S	S	Section 40.150
College or University	S	P	P	P	P	P	P	P	S	S	S	Section 40.070
Day Care	S	P	P	P	P	P	P	P	S	S	S	
Detention and Correctional Facility	S	S	S	S	S	S	S	S	S	S	S	Section 40.130
Fraternal Organization	S	S	S	S	S	S	S	S	S	S	S	
Governmental Service or Similar Functions	S	S	S	S	S	S	S	S	S	S	S	

The applicant is representing First Baptist Church which currently owns and operates the Care Center of the subject lot. The applicant is wishing to make improvements on the site, but there has never been a special Exception granted on the site.

SAMPLE MOTION: Move to _____ (approve/deny) a **Special Exception** to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use (Community Center/Caring Center Downtown) in the CBD District (Sec. 15.020, Table 15-2)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):

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.



Subject property

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

TEL (918)596-9688
clange@cityoftulsa.org



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

June 17, 2021

LOD Number: 1
Mike Thedford
123 N MLK, Jr. Blvd
Tulsa, OK 74103

Phone: 918.806.7352

APPLICATION NO: Z-88981

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 305 S Detroit Ave

Description: New building

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT

175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
4. A COPY OF A "RECORD SEARCH" [X] IS [] IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [Tulsa Zoning Code \(tulsaplanning.org\)](http://tulsaplanning.org)

Z-88981

305 S Detroit Ave

June 17, 2021

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to a representative at the Tulsa Planning Office at 918-584-7526 or esubmit@incog.org. It is your responsibility to submit to our office documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

Sec.15.020 Table 15-2: The proposed Family Outreach Center is designated a Public, Civic & Institutional/Government Service or similar Function use. It is in the CBD zoning district. This will require a Special Exception approved by the BOA.

Review comment: Submit a copy of the approved Special Exception, to allow a Public, Civic & Institutional/Government Service or similar Function use in the CBD zoning district, as a revision to this application.

NOTE: Your boundary survey indicates an "Area to be closed". Provide documentation that this closure has received approval from the City of Tulsa

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:
<http://tulsaplanning.org/plans/TulsaZoningCode.pdf>

Please notify the reviewer via email when your revisions have been submitted

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

DOWNTOWN CARING CENTER – VISION STATEMENT

First Baptist Church's Downtown Caring Center is an integral part of the ministry and life of the church, and serves as a place where members can practice the service to others that the Bible calls for.

Our mission as a church is to "Glorify God in all we do." Serving the under-resourced by providing food, clothing, help with utility bills, and prayer, and doing so in the name of Jesus fulfills that mission by bringing glory to God.

Our vision as a church is "To develop Jesus-followers who become difference makers for a world of people far from God." The ministry of the Caring Center allows our people to develop personally as Jesus-followers, allows them to make a difference for one person or one family at a time, and draws others to know Jesus and become followers, too.

FBC has five stated values—Worship, Community, Service, Scripture, and Transformation. The ministry of the Caring Center fulfills three of those values. There is real community that happens among those that volunteer on a regular basis. Deep friendships are formed, and the serving groups care for and pray for one another—community. Service is the value that is most exemplified by the work of the Caring Center in the Tulsa community. And we get to witness transformation in ourselves and others when we act more like Jesus through our service, and also when others' lives are radically transformed through meeting Jesus for the first time.

The Caring Center helps with basic necessities for anyone that comes through the doors. That includes food, clothing, and utility assistance. We also help, as we are able, with transportation needs, reading glasses, obtaining identification cards, prescriptions, Bibles, and various other needs that arise. With every person that comes through the door, we offer to pray with and for them about their needs.

The current location of the Caring Center Downtown, which has been in operation for more than 20 years, is not adequately sized to meet the current or future demand for services. There are two separate waiting rooms, both of which are cramped and don't allow for social distancing and comfort. This also cuts into the space used for clothing and food. The ministry rooms are cramped, and there is no place for a private conversation or a place to pray with someone out of the way of others. Some of our clients suffer from mental illness, while others deal with substance abuse. Some come from a fixed income and need help, while others are suffering temporary setbacks such as job loss or other circumstances that lead them to seek help. To all, we want to provide a welcoming environment that provides dignity, a certain level of anonymity if they desire it, and some level of comfort. While our people are certainly welcoming, none of those other things exist in our current space.

We are seeking to build a building that is about 70% larger than the current space, and with that added space we can more effectively be the Church and minister to those that seek help in a number of ways.

Also, the pending City of Tulsa right-of-way closure is an important factor in the decision to build a new facility. This will provide an additional 15 feet of buildable land and provide the extra space for a more effective layout.

With more room on the grocery side, we can:

- Give clients more room to “shop” for their own groceries
- Allow for more variety, shelf space, and cold storage for what we give away
- Pray for clients without being in the way of others trying to shop or get help
- Allow for social distancing

With more room on the clothing side, we can:

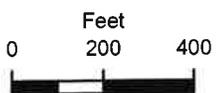
- Give clients more room to “shop” for their own clothing
- Allow us to put out more clothes to choose from
- Pray with clients without being in the way of others
- Allow for social distancing

With more room in our storage area, we can:

- Receive and store more donations from the community
- Allow for efficiency and organization of goods to give away

With more room in our waiting area, we can:

- Provide dignity and serenity to people waiting to be served
- Allow for social distancing
- Provide a better area for holding worship services, Bible Studies, community education classes, or other meetings as the needs arise



 Subject Tract

BOA-23146

19-12 01

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



2.9

From: [Mike Theford](#)
To: [Chapman, Austin](#)
Cc: [Coutant, Kevin C.](#)
Subject: Re: 6/22/2021 BOA Hearing
Date: Monday, June 21, 2021 2:38:48 PM
Attachments: [image001.png](#)

BOA-23146

Austin.

Regarding BOA-23146. I'd like to request this item be continued to the July 27, 2021 BOA hearing. The owner needs time to review the ownership of the right of way and it's pending conveyance as it pertains to this application.



mike theford
land development planner
918.584.5858 o • 918.806.7352 d • 918.497.0627 c

On Mon, Jun 21, 2021 at 9:36 AM Chapman, Austin <AChapman@incog.org> wrote:

You are receiving this email because you have a new Board of Adjustment application to be heard at the June 22nd Hearing. Below is a link to the agenda with information on attending the hearing remotely. It is encouraged for all applicants to attend in person if they are able. If you have additional exhibits, you would like to be made available to the Board members please email those to me by 9:00 am tomorrow morning. Please make sure you or a representative is present at the hearing either in person or remotely.

<http://tulsaplanning.org/boards-commissions/city-of-tulsa-board-of-adjustment/city-boa-agenda/>



Austin Chapman, AICP
Planner, City of Tulsa Board of Adjustment
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9471
achapman@incog.org

Determining compliance to zoning or building code requirements is not a function of this office.

The Building Permits Division will address compliance upon application for a building permit or occupancy permit. {(918) 596-9456}

6-21-21

RE: 305 S Detroit Ave Tulsa, OK

Case #BOA-23146

To Whom It May Concern:

My name is Mark Larson. I am writing to oppose the Special Exception to allow a Public, Civic & Institutional/Governmental Service facility at 305 S Detroit Avenue. I own property at 315, 317 S Detroit (Grey Hound Bus Station), 327 S Elgin Ave, 401 E 4th Street (Credit Union) , and the East End Village Apartments located at 401 S Elgin Avenue.

All of us can agree that homelessness is a terrible problem. This problem should be solved as soon as possible and I feel we are all on the same page with this. However, when the solution is building a shelter in the heart of downtown Tulsa, where 100's of millions of dollars are being invested in a revitalization of downtown, I question the location.

As a property owner downtown, I am constantly dealing with issues due to several of the area church's programs. The programs do not seem to provide housing or a place to camp, instead they provide the meals and clothing bags multiple times a day. This leaves the homeless population to wander around downtown all day and night between the distributions. We are having major issues with crime and vehicle break ins, trash from clothing being dumped when new clothing is issued, people sleeping in doorways or on people patio's, mentally unstable people yelling at our tenants (we just had a gentlemen carrying a dead cat walking around the apartment complex) and a unsafe feeling when we are walking potential tenants around our properties. It does not make sense to revitalize a downtown and then allow it to become a place where parents don't feel their kids are safe.

I have invested over \$20,000,000 along with 15 years of my life in downtown Tulsa. I believe Tulsa is on the rise and will continue to trend that direction but if we continue to add homeless shelters to the areas we are investing in, this will negatively impact these areas. I would propose building a shelter outside of downtown where there is less development as well as a place to house or set up a camping site.

Thank you for your time and consideration.

Sincerely,


Mark Larson

Mr. Dwayne Wilkerson, Tulsa Planning Office
Mr. Austin Chapman, Tulsa Planning Office
Mr. Kendal Davis, Tulsa Planning Office
Ms. Janet Sparger, Tulsa Planning Office

Mr. Bond stated there is still a vacant seat on the Board, but the Mayor's office is working to fill the position. In today's hearing the applicant must receive three affirmative votes to receive approval for the relief requested. Mr. Bond asked if there was anyone who wants to continue their case until the fifth member is appointed to the Board. No one requested a continuance.

MINUTES

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Minutes** of the June 8, 2021 Board of Adjustment meeting No. 1274 with one amendment in Case BOA-23133 legal description, change Osage County to Tulsa County.

NEW APPLICATIONS

23146—Wallace Engineering – Mike Thedford

FILE COPY

Action Requested:

Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use (Community Center/Caring Center Downtown) in the CBD District (Section 15.020, Table 15-2). **LOCATION:** 305 South Detroit Avenue East (CD 4)

Presentation:

The applicant requests a continuance to July 27, 2021.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

BOA-23146

FILE COPY

Board Action:

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use (Community Center/Caring Center Downtown) in the CBD District (Section 15.020, Table 15-2) to the July 27, 2021 Board of Adjustment meeting; for the following property:

S80 LT 8 BLK 116, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

UNFINISHED BUSINESS

23114—Raul Cisneros

Action Requested:

Variance of the required 5-foot side street setback in an RS-4 District for a non-conforming lot (Section 80.020-B); Variance to allow a building to be located inside the City of Tulsa right-of-way or planned right-of-way (Section 90.090-A).

LOCATION: 1642 North Madison Avenue East (CD 1)

Presentation:

Mallory Massey, 1844 North Owasso Avenue, Tulsa, OK; stated that the subject was a parcel that has been split. The contractor built a house on the wrong property. Instead of building 1636 the contractor built 1642.

Interested Parties:

Stuart McDaniel, 827 North Madison Avenue, Tulsa, OK; stated he is helping Ms. Massey sort through the problems with this project. The builder poured the concrete, erected the framing, and built the house; the third of three houses as opposed to the second house. The contractor built the house too close to the property line, actually past the setback and into the planned right-of-way. Ms. Massey is willing to sign a removal agreement should the City of Tulsa ever need the planned right-of-way. The house as it exists is still quite a distance from the street and the street is not an arterial street. There are older buildings much closer to the street in the area, but the 2020 standards stipulate the house is to be farther back on the property.

Mr. Bond asked Mr. McDaniel what his involvement is in the subject project. Ms. Massey stated that she and Mr. McDaniel are partners. Mr. McDaniel stated he is just helping Ms. Massey.

Mr. McDaniel stated that the City wanting to remove the house is unlikely. The house could sit there for 100 years before it would take place, but it is a risk Ms. Massey has to

From: [Mike Thedford](#)
To: [Chapman, Austin](#)
Cc: [Coutant, Kevin C.](#); [Wilkerson, Dwayne](#)
Subject: Re: 6/22/2021 BOA Hearing
Date: Monday, July 26, 2021 4:36:00 PM
Attachments: [image001.png](#)

Austin,

The owner would like to respectfully request a continuance on BOA-23146.

It has been confirmed that the 20' tract to the north, currently in the final stages of the closure process, is owned by Tulsa Development Authority (TDA). TDA is now part of Tulsa Authority for Economic Opportunity. This transition has slightly complicated the potential acquisition of the property and this in turn will affect the extents of the special exception request.

The overall intent for this application has been to include the 20' tract in the special exception request and include this area for future improvements and the owner would like to resolve the property acquisition to help simplify the BOA request.

We currently estimate that a 90-day continuance would be sufficient. Please let me know if you have any questions. Thanks!



mike thedford
land development planner
918.584.5858 o • 918.806.7352 d • 918.497.0627 c

On Mon, Jun 21, 2021 at 3:21 PM Chapman, Austin <AChapman@incog.org> wrote:

Received, thank you.

From: Mike Thedford <mike.thedford@wallace.design>
Sent: Monday, June 21, 2021 2:38 PM
To: Chapman, Austin <AChapman@incog.org>
Cc: Coutant, Kevin C. <kcoutant@dsda.com>
Subject: Re: 6/22/2021 BOA Hearing

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2.14

in person if they are able. If you have additional exhibits, you would like to be made available to the Board members please email those to me by 9:00 am tomorrow morning. Please make sure you or a representative is present at the hearing either in person or remotely.

<http://tulsaplanning.org/boards-commissions/city-of-tulsa-board-of-adjustment/city-boa-agenda/>



Austin Chapman, AICP

Planner, City of Tulsa Board of Adjustment

Tulsa Planning Office

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9471

achapman@incog.org

Determining compliance to zoning or building code requirements is not a function of this office.

The Building Permits Division will address compliance upon application for a building permit or occupancy permit. {(918) 596-9456}

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