



REGULAR MEETING MINUTES OF THE **TULSA PRESERVATION COMMISSION (TPC)**

Thursday, January 13, 2005- 11:00 A.M.

111 South Greenwood, 2nd Floor - Conference Room A&B

Chair Townsend called the regular meeting to order at 11:09 a.m., after getting a regular/professional meeting quorum; and Mrs. Warrior announced the Roll Call.

I. ROLL CALL

Members Present:

Chair, Mary Lee Townsend, Prof. Historian;
Acting, V-Chairman James Turner;
Secretary, Stacey Bayles – Planning Comm.;
Jack Hodgson, Professional Realtor;
Charles Gilmore, Professional Developer;
David Breed, Community Group Resident; &
Elizabeth deVerges, Professional Banker.

Members Absent:

Rex Ball, Community Group Resident;
Michael B. Birkes, Arts Commissioner;
Herb Fritz, Professional Architect;
Susie Woody, Owner, Non-Resident;

Others Present:

Kent Schell, David Simmons, Fannie Warrior, Brian Barber, Susan McKee, Scott Johnson, Don Crandall, Charles Norman, Ben & Ann Harmon, Chip Atkins, Pamela Beaver, Lisa D'Apollito, Michelle Cantrell, Aaron Griffite; & Douglas Harper.

II. APPROVAL OF REGULAR MEETING MINUTES of December 9, 2004

Mr. Gilmore made a motion to approve the Regular Meeting Minutes of December 9, 2004 as amended.

The following amendment was made: Under III., Unfinished Business, B., Certificate of Appropriateness Request, Applicant #2-II, Dan Graham on page 4 of the December 9, 2004 Regular Meeting Minutes as indicated below –

It reads:

- 1779 S. Xanthus Ave., Tulsa, OK 74104 (Yorktown)
2-II) Part II: Reconstruct two (2) existing window openings with two (2) 4/1 double hung vinyl clad wood windows on the north. (Trim reconstructed to match).
COA Subcommittee Complete Application Date: 12-07-2004
DAN GRAHAM - RECOMMENDED FOR APPROVAL TO THE TPC W/CONDITIONS

It should read:

- 1779 S. Xanthus Ave., Tulsa, OK 74104 (Yorktown)
2-II) Part II: Reconstruct two (2) existing window openings with two (2) 4/1 double hung vinyl clad wood windows on the north. (Trim reconstructed to match).
COA Subcommittee Complete Application Date: 12-07-2004
DAN GRAHAM - RECOMMENDED FOR APPROVAL

Mr. Hodgson seconded.

Roll Call Vote to Approve Regular Meeting Minutes of December 9, 2004 as amended:

Chair Townsend – Aye;
Acting V-Chairman Turner – Aye;
Secretary Bayles – Abstain;
Elizabeth deVerges – Aye;
Charles Gilmore – Aye;
Jack Hodgson – Aye; &
David Breed – Aye. The motion was **Approved by Majority.**

III. UNFINISHED BUSINESS

A. Conflict of Interest

Chair Townsend asked the commission if anyone has a “Conflict of Interest” with any of the three (3) Certificates of Appropriateness (COA) Request that were brought before the board for review. Members were instructed to “Abstain” from voting if that were the case.

Ms. Bayles stated that she will abstain from voting on both proposals regarding to 15th & Utica, LLC on COA #2 and #3 because there might be a perceived conflict of interest.

B. Certificates of Appropriateness Request

- 1) **1597 Swan Drive, Tulsa, OK 74120 (Swan Lake)**
Request: Propose to replace existing light fixture on front facade.
COA Subcommittee Complete Application Date: Jan. 11, 2005
JOANNE GOIN

Mr. Simmons presented Ms. Goin's Certificate of Appropriateness application to the commission. Photographs and drawings were available for review and a slide presentation was shown.

Mr. Simmons stated that Ms. Goin plans to replace the existing light fixture on the front façade of the structure with a new one.

Acting Chairman Turner (of the COA Subcommittee) stated that the COA Subcommittee recommended by a unanimous vote (of members present) at the January 11, 2005 meeting to Approve Ms. Goin's application. The Subcommittee's decision was based on the appropriate design guidelines for Rehabilitation in the Swan Lake Historic District.

After careful consideration of the information and materials that were presented to the commission to make a final determination, Acting V-Chairman Turner (of the TPC) made a motion to support the Subcommittee's recommendation to **APPROVE Ms. Goin's application**. Mr. Gilmore seconded.

Roll Call Vote to Approve Ms. Goin's application:

Chair Townsend – Aye;
Acting V-Chairman Turner – Aye;
Secretary Bayles – Aye;
Elizabeth deVerges – Aye;
Charles Gilmore – Aye;
Jack Hodgson – Aye; &
David Breed – Aye. The motion was **Approved Unanimously**.

The Tulsa Preservation Commission "Approved Ms. Goin's proposal" based on Section VIIIA, General Requirements, A.1.0.1 from Guidelines for Rehabilitation of Existing Buildings for the Swan Lake Historic District.

- 2) **1518 S. Victor Ave., Tulsa, OK 74104 (Yorktown)**
Request: Propose to demolish residential structure (legal description) S 10' Lot 4, N 30' Lot 5, Block 1, Orcutt.
COA Subcommittee Complete Application Date: Jan. 11, 2005
15th & UTICA, LLC

Mr. Simmons presented 15th & Utica, LLC's Certificate of Appropriateness application to the commission. Photographs and drawings were available for review and a slide presentation was shown.

Mr. Simmons stated that 15th & Utica, LLC plans to demolish the contributing residential structure at 1518 S. Victor Avenue' and to utilize the property for construction of Arvest Bank. Mr. Charles Norman will be presenting this proposal for 15th & Utica, LLC to the commission.

Acting Chairman Turner (of the COA Subcommittee) stated that the COA Subcommittee recommended by a majority vote at the January 11, 2005 meeting to Deny 15th & Utica, LLC's application for demolition. The recommendation of the majority vote to deny resulted in: Four (4) Aye's to Deny; One (1) Nay to Deny; and Three (3) Abstains. The Subcommittee's decision was based on Chapter 10A, Section 1055-D of the Zoning Ordinance. Acting Chairman Turner stated that the sub-committee believed that Mr. Norman's request for demolition did not meet any of the three requirements in the ordinance.

Chair Townsend asked Mr. Norman if he would like to speak on behalf of the demolition proposal for 15th & Utica, LLC. Mr. Norman stated that he would prefer to wait until the 2nd proposal (on the agenda) by 15th & Utica, LLC for the new construction project to speak.

After careful consideration of the information and materials that were presented to the commission to make a final determination, Acting V-Chairman Turner made a motion to support the Subcommittee's recommendation to **DENY 15th & Utica, LLC's application for Demolition.** Mr. Breed seconded.

After the motion to "Deny" for Demolition was on the floor, there were no objections made from the public attendees or from Mr. Norman.

Roll Call Vote to Deny – 15th & Utica, LLC's application request for demolition:

Chair Townsend – Aye;
Acting V-Chairman Turner – Aye;
Secretary Bayles – Abstain;
Elizabeth deVerges – Aye;
Charles Gilmore – Nay;
Jack Hodgson – Nay; &

David Breed – Aye. The motion was **Approved by Majority**.

The Tulsa Preservation Commission “Denied 15th & Utica, LLC’s proposal for Demolition based on Chapter 10A, Section 1055-D of the Zoning Ordinance for the Yorktown Historic District.

- 3) **1518 S. Victor Ave., Tulsa, OK 74104 (Yorktown)**
Request: Propose amendment to August 17, 2004 Certificate of Appropriateness to add 5,600 square feet (legal description: S 10’ Lot 4, N 30’ Lot 5, Block 1, Orcutt) to approved employee parking lot for Arvest State Bank development.
COA Subcommittee Complete Application Date: Jan. 11, 2005
15th & UTICA, LLC

Mr. Simmons presented 15th & Utica, LLC’s Certificate of Appropriateness application to the commission. Photographs and drawings were available for review and a slide presentation was shown.

Mr. Simmons stated that Mr. Norman plans to amend the previous approved August 17, 2004 Certificate of Appropriateness (COA) to the employee parking lot for the Arvest State Bank development, per submitted plans and specifications.

Acting Chairman Turner (of the COA Subcommittee) stated that the COA Subcommittee recommended by a majority vote at the January 11, 2005 meeting to Deny 15th & Utica, LLC’s application for new construction. The recommendation of the majority vote to deny resulted in: Four (4) Aye’s to Deny; One (1) Nay to Deny; and Three (3) Abstains.

V-Chairman Turner stated that there was considerable discussion at the January 11, 2004 COA Subcommittee meeting about the application. Discussion included details on the site plan in the regard to the fence, sidewalk, parking lot design and the landscaping.

V-Chairman Turner stated that some discussion was brought up about the location of the entry drive curb cut. He stated that the Planned Unit Development (PUD) curb cut was not an issue that the Tulsa Preservation Commission would review; and that it was an issue that should be brought before the Tulsa Metropolitan Area Planning Commission.

Acting Chairman Turner (of the COA Subcommittee) stated that the COA Subcommittee recommended by a majority vote at the January 11, 2005 meeting to Deny 15th & Utica, LLC’s application for New Construction. The recommendation of the majority vote to deny resulted in: Four (4) Aye’s to Deny; One (1) Nay to Deny; and Three (3) Abstains. The Subcommittee’s decision was

based on guidelines for New Non-Residential Construction for the Yorktown Historic District.

Chair Townsend was concerned about the COA Subcommittee members who had voted to Abstain regarding the Arvest Bank development. She stated that she knew why Ms. Bayles had a conflict of interest; but wasn't sure why Ms. Davies and Ms. Woody abstained. Chair Townsend directed her question to any COA Subcommittee member who was present at the January 11, 2005 meeting if they knew why North Maple Ridge Neighborhood Representative, Sally Davies; and TPC Susie Woody voted to Abstain? Secretary Bayles stated that Ms. Davies voted to Abstain because her husband is one of the architects from McFarland Davies Architects who designed the project plans. V-Chairman Turner stated that Ms. Woody did not offer to state why she abstained.

Chair Townsend asked Mr. Charles Norman to present the 15th & Utica, LLC 's proposal for Arvest Bank for review. Mr. Norman stated that he was the representative for the developers of Arvest Mid-Town; and that Chris and John Bumgarner have developed a number of projects in the immediate area of 15th & Utica.

Mr. Norman spoke at length concerning the historic preservation (hp) boundary, city parking requirements, site plan details and the history of commercial development in the area. He also discussed the design of the parking and exits to Victor Avenue.

Mr. Norman ended his presentation stating that he was only requesting a forty foot extension of the parking lot for spaces that were necessary to accommodate and provide sufficient parking for the Arvest Bank. He hoped that the Tulsa Preservation Commission would approve this application.

The commission heard comments from interested parties.

Susan McKee, Vice-President of the Yorktown Neighborhood Association stated that as a neighborhood, they went through the process of historic preservation (hp) overlay to protect the neighborhood. She stated that the guidelines should be followed.

Ms. McKee referenced guidelines and their importance in preservation for Yorktown.

She stated that the Tulsa Preservation Commission was about preserving our history and our houses. She stated that these houses are a part of Tulsa; and that they have meaning and importance according to the City of Tulsa; and that she doesn't believe that they should be replaced by a parking lot.

Michelle Cantrell, who lives on 16th Place and Yorktown stated that she would like to address three things in response to Mr. Norman. She stated that we are here today to determine whether a certificate of appropriateness can be issued with respect to this project. We are here to make sure that the obligations of this commission are to insure that certificates of appropriateness meet the standards. We're not here to discuss whether or not we are for change. We are homeowners that are subject to certain rules and regulations; and they just want to make sure that business developments have to meet those same rules and regulations. Ms. Cantrell stated that it's not about whether we like commercial development or not; it's about the consistency and your application of your rules. She stated that it's not a question of whether they like the building or love it; they're just asking the commission to apply the rules to commercial development the same way the commission would apply the rules to us (Yorktown applicants). They just want to see some consistency.

Ms. Cantrell stated that she would like to talk about the actual Ordinance that establishes this commission and give you the statutory requirements for review before a certificate of appropriateness is granted. Ms. Cantrell stated that she was going to read the section of the Ordinance in case someone doesn't recall it. She verbally read verbatim from Title 42 from the Ordinance, Chapter 10A, Section 1055, Part C, Preservation Commission Action which she believes that Mr. Norman's proposal does not meet any of the guidelines from #1, #2, #3, #4 and #5 of this section. Ms. Cantrell stated after she read each guideline from #1 through #5 of this section that Mr. Norman's proposal did not meet any of the five requirements.

Ms. Cantrell stated that she believes this will discourage neighbors from taking care of their own homes when they know that they're subjected to rules that you (the commission) don't apply to anybody else. It's also going to discourage other neighborhoods from voluntarily adopting historic preservation zoning when they know that all it's going to do is cause the homeowner headaches; and not provide them with any protection whatsoever from commercial development. Ms. Cantrell stated that she just wanted to emphasize that they are not asking the commission to treat commercial development more harshly than Yorktown applicants; but that they just wanted to be treated fairly.

Adam Kupetsky stated that he was speaking on behalf of his mother who resides at 1850 E. 16th Place. He stated that he just wanted to point out that denying this application will not stop this building from being built. He stated that it will not stop the building from being occupied because it has already been approved by the City Council; and that this project will still go forward, although he realized that this is not the issue here.

Chair Townsend stated that the commission has other people here who would like to speak; and that she would ask you to please focus on the main issue of this project proposal.

Lisa D'Apollito stated that she lives on one of the dead end streets of 16th Street. She suggested that the house should be moved to another location and preserved.

Chair Townsend reminded everyone of the TPC procedures on demolition.

Mr. Norman stated that he would like everyone to know if they knew someone who would like to move the house that he will give them the house for "free" as long as they had it moved within the 60 day period.

A Yorktown resident asked Chair Townsend if she could tell them what guidelines that they (Mr. Norman/15th & Utica, LLC) were following to believe that they had met the guidelines to expand the parking lot. Chair Townsend stated that they (the commission) were in the process of doing that now; and that she appreciated them reading the guidelines to them (the commission); although they (the commission) were knowledgeable of the Yorktown Historic District Guidelines and City Ordinance. Chair Townsend stated that they had done a good job by reminding them (the commission) of what the guidelines and issues are, just as well as Mr. Norman has also done a good job to remind us (the commission) of what the developmental issues are in the City of Tulsa.

Ryan Gantz who resides at 1807 E. 16th Place discussed the curb cut.

Chip Atkins who resides in Swan Lake at 1638 E. 17th Place stated that the commission should look at the guidelines as they have in the past and apply them appropriately.

Mr. Norman read part of the Yorktown Guidelines to the commission, stating that he believes that he has met the requirements to proceed with the parking lot project.

Mr. Schell indicated while the TPC welcomed input including what they felt was appropriate guidelines, that the members of the TPC had the guidelines before them. The decisions of the TPC are based on the appropriate guidelines.

Adam Kupetsky spoke again, whose mother resides at 1850 E. 16th Place and stated that he would like to request that the commission place the correct guidelines on the website. Chair Townsend thanked him and stated that the guidelines will be corrected on the website. Mr. Kupetsky further stated that the commission should disregard some of the things that Mr. Norman said about the effective commercial development of the market value in other neighborhoods because Mr. Norman didn't have any data to document his conclusion.

Acting Chairman Turner (of the COA Subcommittee) stated that the COA Subcommittee recommended by a majority vote at the January 11, 2005 meeting to Deny 15th & Utica, LLC's application for New Non-Residential Construction. He stated that most of the committee members believe that according to the guidelines that this request did not meet any of the requirements for new non-residential construction.

The recommendation of the majority vote to deny resulted in: Four (4) Aye's to Deny; One (1) Nay to Deny; and Three (3) Abstains. The Subcommittee's decision was based on the appropriate design guidelines.

V-Chair Turner stated that the COA Subcommittee did discuss this proposal at the meeting; and believe that this is a good use of that property; and that this project will be a good development for this area. He stated that the only thing that the COA Subcommittee was considering is whether the use of the additional lot in the hp zoned area is appropriate for parking.

Mr. Gilmore believes that this project should continue to go forward and that the commission should approve the proposal.

Chair Townsend stated that the commission only has to decide whether the vacant lot will be appropriate to be expanded for additional parking spaces. She stated that her underlying question is the encroachment on the residential properties by commercial development. The question, it seems to her (Chair Townsend) that the underlying issue is "when is enough going to be enough." All of the people who are here today from the Yorktown district don't want any more houses being demolished in their area.

Mr. Breed discussed the current application and prior action of the TPC on the prior application of August 17, 2004. It was originally his understanding that the TPC did not approve the detailed site plan but had forwarded the application to TMAPC. Mr. Schell was asked to clarify previous actions and define responsibilities in review of the current application. Mr. Schell stated that in fact a review and approval of the detailed site plan was undertaken by the TPC.

After careful consideration of the information and materials that were presented to the commission to make a final determination, Acting V-Chairman Turner made a motion to support the Subcommittee's recommendation to **DENY 15th & Utica, LLC's application for New Non-Residential Construction.** Mr. Gilmore seconded.

Roll Call Vote to Deny – 15th & Utica, LLC’s application request for New Non-Residential Construction:

Chair Townsend – Aye;
Acting V-Chairman Turner – Aye;
Secretary Bayles – Abstain;
Elizabeth deVerges – Aye;
Charles Gilmore – Nay; (even though he seconded the motion to deny)
Jack Hodgson – Nay; &
David Breed – Aye. The motion was **Approved by Majority to Deny.**

The Yorktown residents applauded after the vote was verbally announced to Deny this project.

The Tulsa Preservation Commission “Denied 15th & Utica, LLC’s proposal for New Non-Residential Construction based on Section IXC, General Requirements, C.1.0.2, & Building Site, C.1.1.2 for New Non-Residential Construction for the Yorktown Historic District.

Chair Townsend announced that the commission had lost its quorum, therefore the other business agenda items will be placed on the next TPC agenda; and that the meeting was adjourned.

There being no other business, the meeting was adjourned at 1:49 p.m.
The Tulsa Preservation Commission Regular Meeting Minutes of January 13, 2005 were transcribed by Fannie Warrior.

*K:/Planning/Fannie Warrior/MINS 01 13 2005R TPC
Minutes Approved by UDD Staff on 01 31-2005
Minutes Approved by TPC on 02-10-2005*