



Special MEETING MINUTES  
OF THE

# TULSA PRESERVATION COMMISSION

Thursday, April 26, 2007, 10:00 a.m.  
111 South Greenwood, 2nd Floor - Conference Rooms A&B  
Tulsa, OK 74120-1820

1. **Roll Call** – Chairman Turner called the regular meeting to order at 10:05 a.m., and Mrs. Warrior announced the Roll Call.

**Members Present:**

Chairman, Jim Turner; Vice-Chairperson, Breniss O'Neal; Secretary, Barbara Smallwood; Charles Gilmore; Rex Ball; Michelle Cantrell; Dusty Peck; Bill Andoe; Bob Winchester, & Mary Lee Townsend.

**Member(s) Absent:**

Karen Rogers; Herb Fritz; Jack Hodgson; Alice Rodgers; & Kristen Bergman.

**Others Present:**

Fannie Warrior, Kurt Ackermann, Ed Sharrer, Chip Atkins, Linda Rucker, Maggie Tines, Gloria Smith, S.W. Heffner, Larry Beaver, Mark Mobbs, John Ruffing, Bob Hiser, James Ashe, Kevin Guitavson, Kayse Reusser, Janet Lewis & David Breed.

## **2. Unfinished Business**

### **a. Historic Preservation Committee**

#### **i. Announcement of Conflicts of Interest**

Chairman Turner asked the Commission if anyone had a conflict of interest with the Certificate of Appropriateness (COA) Request that would be brought before the board for review. No one responded to having a conflict of interest.

#### **ii. Applications for Certificate of Appropriateness**

Chairman Turner briefly informed the COA applicant of the COA processing procedures of how the proposal would be reviewed by the Tulsa Preservation Commission for a final determination. He added that he didn't see the applicant present; and that he will allow the residents to speak by giving each person a limit of five (5) minutes.

##### **1. 1401 E. 17<sup>th</sup> Place (Swan Lake)**

Applicant: Richard Winn

New Construction - Final Review

Request: Construct a three-story duplex adjacent to an existing three-story, six-unit apartment building on the same lot according to plans submitted.

COA Subcommittee Complete Application Date:

04-24-2007

Mr. Sharrer presented Richard Winn's Certificate of Appropriateness proposal for new construction to the Commission. Photographs and drawings were available for review; and a slide presentation was shown of the new construction duplex proposal in the Swan Lake district.

Mr. Sharrer stated that Mr. Winn plans to construct a three-story, two-unit duplex adjacent to an existing three-story, six-unit apartment building on the same lot at 1401 E. 17<sup>th</sup> Place, according to the plans submitted. He distributed among the members drawings/plans of the new construction project, a material list and information on the lighting fixture that Mr. Winn had provided for the Commission to review.

Mr. Sharrer stated that Swan Lake area has more two (2) and three (3) story 1920 to 1930 multi-family apartments and duplexes than any other older residential area in Tulsa that is a part of the characteristics of the neighborhood. He stated that the property is a 50' X 150' lot located at South 17<sup>th</sup> Place and Quincy Avenue. He stated that the building will be

facing the 150' long portion of the lot on South 17<sup>th</sup> Place with two (2) front entries, one entry door for each unit. Mr. Sharrer stated that the property is zoned RM-2, which is multi-family; and that the adjacent properties to the North and South are also zoned RM-2. He stated that the apartment buildings across the street; and the three (3) property buildings to the North of the new construction project are also zoned RM-2 as multi-family units. Mr. Sharrer stated that the property to the East of the new construction project is a single family home that is zoned RS-3. He stated that Mr. Winn plans to build an apartment/duplex with parking spaces on the first level underneath the living spaces. Mr. Sharrer stated that two (2) of the parking spaces at the back of the duplex lot are to replace the two (2) legal parking spaces that currently exist on the site. He added that the City of Tulsa Permit Department advised the applicant at a courtesy technical review that it is required that he has to provide a total of six (6) parking spaces off street. The six (6) parking spaces includes four (4) parking spaces for the new building; and two (2) legal parking spaces for the existing building.

Mr. Sharrer stated that the elevation shows that there will be two (2) front entrances, one for each unit facing 17<sup>th</sup> Place. He stated that there will be an awning over the top of each entrance; and each awning will be a powder coated metal finish. Mr. Sharrer stated that each unit will have a small balcony on either side with a metal railing.

Mr. Sharrer stated that due to the slope of the lot, the top of Mr. Winn's 3-story duplex will be lower than the top of the existing 3-story brick apartment building on the same lot; and a concrete retaining wall will be installed in the back of the duplex building. He stated that the retaining wall will be ivy covered. There will be stairs built on the back of the property so that the tenants will have access to their apartment from both street level and grade at the back of the property.

Mr. Sharrer read the appropriate design guidelines for New Construction for the Swan Lake Historic District. He stated that a RM-2 requires a 10' setback line; and that Mr. Winn's setback lines on the side and rear are 10'; with a 50' deep lot. Mr. Sharrer stated that the surface area of the driveway does not appear to exceed 30% of the front and side yard lot area on a corner lot. He added that of the multi-family buildings immediately north of the property, one (1) was contributing and the other two (2) were non-contributing. Mr. Sharrer stated that the lighting fixtures will be installed next to the front doors of each unit. The Hinkley solid brass light fixtures are 13" in width, 21.5" in height.

Mr. Sharrer stated that Mr. Winn plans to use red brick for the front; and for the side elevations that he is planning to use hardiplank, Cedarmill beaded lap siding with 7" exposure.

Mr. Sharrer compared the apartment/duplexes across the street on 17<sup>th</sup>

Place with the new construction project. Mr. Sharrer stated that a streetscape illustration is provided for their review. He stated that it gives some indication about how the new construction would fit on the streetscape if constructed.

Chairman Turner stated that after looking around that there is no indication of the applicant, Mr. Winn. He asked staff if the applicant was notified of the meeting. Mr. Sharrer responded by stating that Mr. Winn was notified.

Chairman Turner asked Vice-Chairperson O'Neal to please give the COA Subcommittee's report on Mr. Winn's proposal. Vice-Chairperson O'Neal stated that the COA Subcommittee considered Mr. Winn's application to be complete. She stated that Mr. Winn had provided them with the requested information that they had suggested he provide. Vice-Chairperson O'Neal stated that Swan Lake resident, Chip Atkins gave a 5 minute presentation to the subcommittee. She stated that he distributed 10 pages of maps and photographs of neighborhood apartment/duplexes comparing the neighborhood apartment/duplex garage doors to the new construction garage doors that he believes does not meet the design guidelines/zoning codes for Swan Lake district. Chairperson O'Neal stated that Co-President of the Swan Lake Neighborhood Association Stacey Bayles stated that the Swan Lake Executive Committee met with Mr. Winn about the proposal; and that they are in support of Mr. Winn's new construction project as it pertains to the Swan Lake Design Guidelines.

Vice-Chairperson O'Neal stated that the Subcommittee recommended by a majority vote at the April 24, 2007 meeting to approve the application, as presented; and that she so moves to approve Mr. Winn's application. Commissioner Smallwood seconded.

Chairman Turner asked COA Subcommittee Swan Lake Representative, Mark Mobbs if he would please give a brief summary to the Commission about what transpired at the meeting that he attended with the Swan Lake Executive Committee and applicant, Mr. Richard Winn. Mr. Mobbs stated that they met with Mr. Winn this past Monday night and went over with him the modifications that they wanted him to consider. He stated that they also went over the general guidelines for new construction in Swan Lake with Mr. Winn; and that they believe that Mr. Winn has met all the guidelines. Mr. Mobbs stated that they could not find anything not to support the project.

Mr. Sharrer stated that Ms. Bayles had contacted him earlier this morning by email stating that she was concerned about the on site parking for this project. He stated that she also mentioned that she is aware that the Tulsa Preservation Commission has no purview over parking.

Commissioner Peck asked Mr. Mobbs who had attended the Monday night meeting. Mr. Mobbs responded by stating that he, the Swan Lake Executive Committee, the committee's secretary, Ms. Gloria Smith and her daughter attended the meeting.

Chairman Turner announced that Ms. Gloria Smith resides in the home East of the new proposed development. Ms. Smith stated that Mr. Winn had apologized to her for not including her on reviewing the original new construction plans. She stated that she didn't know anything about the new construction plans using her driveway as an alley way until around March, 2007. Ms. Smith stated that Ms. Bayles had suggested to her that she meet with the architect, Mr. Winn. Ms. Smith stated that Mr. Winn told her that he would personally invite her to the meeting; and that he would meet with her according to her schedule, if necessary. Ms. Smith stated that she thought the Swan Lake neighborhood residents would be given a 2-week notice of the meeting; and during that time period, she nor any of the other neighborhood residents that she was aware of, were not notified of the meeting. Ms. Smith stated that there were six (6) executive board members on the committee that attended the Monday night meeting with Mr. Winn; and that two (2) of executive members were wary about voting one way or the other at that time. Ms. Smith stated that she addressed Mr. Winn at the Monday night meeting stating that if he would have contacted her, that she could have shown him her abstract that she had her attorney examine. Ms. Smith stated that Mr. Winn referred her to a certain page of her abstract showing that she does have a vacated alley as indicated on Ms. Smith's abstract dated April 10, 1920. Ms. Smith told Mr. Winn that she could have saved him a lot of time on his drawings if he would have contacted her earlier; and that she could have saved some money due to attorney fees and research.

Chairman Turner asked Ms. Smith how long had she lived in her home. Ms. Smith responded by stating that she has been living in her home since November, 1977.

Swan Lake resident, Chip Atkins who lives at 1638 E. 17<sup>th</sup> Place stated that he would like to address a question to staff. Mr. Atkins stated that he was a little confused about this project due to a statement made in Mr. Sharrer's presentation about the RM-2 setback guidelines. Mr. Sharrer responded to Mr. Atkin's question by clarifying what he did say in his presentation about RM-2 setbacks, according to the Swan Lake guidelines. Mr. Atkins was not pleased with Mr. Sharrer's answer. Mr. Atkins addressed Mr. Sharrer again by asking him why was he only showing multi-family buildings; and that he would like to know what the survey shows on duplexes in the neighborhood instead of multi-family buildings. Mr. Sharrer responded to Mr. Atkins' question stating that the Swan Lake Design Guidelines direct them to look at properties immediately facing the site and on the same street, so he chose to pick the properties in the same

form.

Swan Lake resident, Chip Atkins stated that his 12-page packet of maps and photographs had been distributed to the Commission for review. He stated that the photographs show adjacent properties of the new construction site. He stated that these properties are all one (1) and two (2) story duplexes in their Swan Lake neighborhood; and that the neighborhood is full of them. He stated that he hasn't seen a 3-story duplex yet in the Swan Lake neighborhood. Mr. Atkins asked Mr. Sharrer if Swan Lake had 3-story duplexes in the neighborhood. Mr. Sharrer responded by stating that he didn't know.

Mr. Atkins stated that most of duplexes in Swan Lake are Craftsman style; and that the new construction project is not. Mr. Atkins stated that the guidelines states that a Swan Lake garage has to be detached; and that on this new structure the garage is attached that is not permitted. He stated that Mr. Winn does not meet the guidelines under Chapter 10A, Historic Preservation, Section 1055 Certificate of Appropriateness (COA). Mr. Atkins read aloud some of the highlights of Section 1055. He mentioned that the property in question did not have a variance. He stated that currently there is a parking problem in this area; and that the parking is going to get worse after the 3-story duplex is built. Mr. Atkins stated that he was concerned if whether the 3-story duplex will increase or decrease the property value of the Swan Lake resident's homes. Mr. Atkins asked if an economic impact survey has been done. Before anyone could answer Mr. Atkins' question, he answered the question by stating that they haven't. Mr. Atkins stated that he wanted to know how Ms. Smith's property and the properties across the street from the site are going to be affected by this new project. He stated that we, as property owners, are here at this meeting and want to know how this new project is going to affect our properties. Mr. Atkins stated that now, there are only two (2) rental properties on Quincy Avenue when there use to be about six (6) or seven (7) because this area use to be RM-2. He stated that they have down zoned the area because the Swan Lake residents wanted it to be primarily single family and not multi family. Mr. Atkins stated that they worked hard five years ago to get this area down zoned. He stated that this new construction project is out of character for the historic resource; and that he and other Swan Lake residents do not want this 3-story duplex/apartment in their neighborhood. Mr. Atkins stated that he and other Swan Lake residents believe that this project is not compatible; and that it will stick out like a sore thumb in their neighborhood. He added that Swan Lake was designed to be a walkable neighborhood; and that it was not designed for heavy traffic that this project is going to bring to their district.

Mr. Atkins stated that they are asking the Tulsa Preservation Commission to deny this application.

Chairman Turner thanked Mr. Atkins for sharing his presentation with the Commission. He asked if anyone else from the neighborhood would like to speak. Linda Rucker asked to speak. Chairman Turner granted Ms. Rucker to speak.

Ms. Linda Rucker stated that she lives on the corner of 17<sup>th</sup> Place and Quincy at 1704 S. Quincy. Ms. Rucker stated that 17<sup>th</sup> Place and Quincy is such a concentrated area; and that the traffic is awful. She stated that parking is a problem now; and that this new project is going to contribute to the parking problems even more.

Ms. Gloria Smith, who lives East of the new proposed project stated that the church is having problems with parking; and that some of the residents who live near the church can't even get into their own driveway after having to circle the block; and that some are even parking on Quincy.

Glen Heffner, owner of the two (2) four-plexes across the street from the project. He stated that he had just been notified yesterday at 5:00 p.m., of this meeting. He asked the Commission if anyone had driven by the area within the last 24 hours. Chairman Turner responded by stating that he had. Mr. Heffner stated that there is a parking problem there now because all the parking spaces are taken up; and that the traffic is going to get even worse after this project is completed. He further stated that the City of Tulsa made him install a tin roof on his buildings; and that he had a problem with Mr. Winn's asphalt composition roof.

Larry Beaver, who lives at 1811 S. Quincy stated that he also has a problem with the parking. He stated that they need to reduce the number of cars in the area and not increase them. He stated that this parking issue is going to cause a great impact on the entire Swan Lake neighborhood.

Chairman Turner explained to everyone that the purview of the Tulsa Preservation Commission is limited to enforcement of the guidelines for each one of the five (5) historic neighborhoods. He stated that the guidelines are very limited regarding parking issues. Chairman Turner expressed his personal opinion about the parking in this area. He stated that he feels the ruling that there are only two (2) legal parking spaces currently existing on the site is a questionable ruling.

Mr. Atkins asked staff if this project is going to be a PUD; and if there are any variances? Mr. Sharrer responded by stating that he's not aware that this will be a PUD nor is he aware of any variances that would be required,

but that other agencies would be responsible for making that determination.

Chairman Turner asked the Commission's Legal Advisor, Kurt Ackermann, what path do the Swan Lake neighborhood residents have for expressing their concerns over this project because the Commission was going to act on this proposal today. Mr. Ackermann stated that there hasn't been an application for a building permit yet nor an application to go before the Board of Adjustment, but if a code deficiency was identified under the zoning codes, that the Board of Adjustment will notify the applicant for a public hearing. Chairman Turner added that the Board of Adjustment will not review Mr. Winn's new construction project without a building permit. He stated that Mr. Winn will not be able to get a building permit without prior approval from the Tulsa Preservation Commission because of the overlay zoning.

John Ruffing lives at 1638 E. 17<sup>th</sup> Place in Swan Lake. Mr. Ruffing stated that he owns two (2) other properties in Swan Lake and that he's hoping to restore a third one; so that he has a big commitment to Swan Lake. Mr. Ruffing stated that he thinks that these duplexes aren't right for the neighborhood because they do not meet the design guidelines, specifically under New Construction for the Swan Lake District, General Requirements, C.1.0.1. Mr. Ruffing read part of guideline C.1.0.1 stating that Mr. Winn will have the only 3-story duplex in the neighborhood. He read parts of the guidelines from C.1.0.2 and under Building Site, C.1.1.3. Mr. Ruffing stated that he did not believe that Mr. Winn had met the guidelines by proposing an attached garage; and that the guidelines do not state that an attached garage was appropriate. Mr. Ruffing stated that his opinion is that the guidelines state that this new project has to have a detached garage; and Mr. Winn's proposed duplex doesn't. Mr. Ruffing also stated that he has a problem with the parking. He stated that the neighborhood association board is endorsing this project; but not the neighborhood association. He wanted to clarify that there has been no general meeting with the neighbors to present this project or to discuss their concerns. He stated that the Swan Lake Executive Committee members are only representing themselves and not the neighborhood. He stated that in fact, the neighborhood vice president at the latest open public meeting of the board said, "Yes, I am selfish, and that I only care about the traffic in front of my house." Mr. Ruffing stated again that the neighborhood association board is only representing themselves and their own opinions. He stated that it's true, this is our problem and not yours; but that most of the neighbors that the Commission has heard from are neighbors that live near the new proposed construction and they feel strongly that this new construction project does not meet the Swan Lake guidelines; and that it shouldn't be given a Certificate of Appropriateness; and that it is inappropriate to the neighborhood; and that he agrees with

these residents' opinion. Mr. Ruffing thanked the Commission for listening.

Kevin Gustavson lives at 1731 S. Rockford Avenue in Swan Lake, right across from Gloria Smith's house and down the street from the new construction project. Mr. Gustavson stated that he moved into his house two years ago; and that they moved to the neighborhood because they loved this area, and its having multi-family homes as well as single family homes and apartments adds character. He stated that it is a nice diverse area. Mr. Gustavson stated, however, that he is opposed to this proposal. He stated that he was not aware of this meeting until a neighbor told him about it. He added that the neighborhood association had not notified him of this meeting; or meeting with the developer. Mr. Gustavson stated that he really resents the fact that the neighborhood association executive committee is speaking for him and for the neighborhood. Mr. Gustavson asked the Commission to please not take the executive committee's comments as an endorsement from the neighborhood. He stated that he's very concerned about historic preservation; and that he has a Certificate of Appropriateness to rebuild his chimney and to repoint the brick on his house. Mr. Gustavson stated that he has cleaned out the back alley because he is very concerned about how the neighborhood looks. He stated that he's very concerned about this 3-story building coming into their neighborhood. He stated that finally he's in fact very concerned about the parking situation. He stated that he thinks that it's a concern for the Commission because it's a quality of life issue. Mr. Gustavson stated that he has a detached garage; and that he believes that the 3-story building duplex should have a detached garage also, not an attached garage. Mr. Gustavson stated that when he found out where the new construction project was going to be built that he thought that it was completely ridiculous because of the small space. He stated that for them to take away the existing parking that should be parking for the existing building and putting another building there; he believes is a total detriment to the quality of life in this area.

The neighborhood residents of Swan Lake applauded Mr. Gustavson for his presentation.

Janet Wilson lives at 1728 S. Quincy Avenue in Swan Lake. Ms. Wilson stated that her concern is people who live in apartments. She stated that her car has been broken into; and that her husband's car was just stolen last weekend; and that they have only been living there since September. Ms. Wilson stated that she's concerned about the quality of people who will be living in the new apartments because the police have told her that the crime rate in the area is very high. She believes that by building more apartments and allowing more people to live there, it will only add more people who do not value the quality of life. Ms. Wilson stated that she's more concerned about the issue of the crime rate going up. She stated that

she's very disappointed in living in this neighborhood with such a high crime rate; and that she disagreed with going forward with this new plan.

Bob Hiser stated that he owns five (5) condominiums at 1721 S. Quincy Avenue in Swan Lake; and that he resides at one of them along with his 8-year old daughter. He stated that his primary concern is the parking. He stated that he is aware that the Commission doesn't have jurisdiction over parking; but that he supports what the other neighbors have presented to the Commission and asked the Commission to deny this application based on conformity with the guidelines. Mr. Hiser asked the Commission to make a formal advisory to what entity will approve the building permit. Chairman Turner responded by stating that City Permitting will.

COA Subcommittee Representative, Mark Mobbs, stated that he had attended the Swan Lake Executive Committee meeting and that they did discuss parking, knowing that the COA Subcommittee and the Tulsa Preservation Commission had no purview over parking. Mr. Mobbs added that according to the Swan Lake Design Guidelines that they could not find anything to stand on to deny the application.

James Ashe lives at 1607 S. Rockford in Swan Lake. He stated that he lives in the immediate vicinity of the new construction project. He stated that he was just notified of this meeting yesterday; and that he believes that he should have been given more time to at least be able to form an opinion. He stated that he didn't even have enough time to review the guidelines. Mr. Ashe stated that he had two (2) concerns about this project. He stated that he believes that the concrete retaining wall is inappropriate; and that Mr. Winn did not meet the front set back. Mr. Ashe stated that he believes that Mr. Winn should meet the criteria; and that he believes that he has not.

Chairman Turner stated that Mr. Winn came in a short time ago; and that he was representing the new construction project. Chairman Turner asked Mr. Winn if he had anything to add to any of the comments that have been made about the proposal. Mr. Winn apologized for coming to the meeting late. He stated that he has listened to some of the concerns that have been addressed before the Commission. Mr. Winn stated that he can certainly understand the problem with the parking. He stated that his answer to the parking problem is that this neighborhood has detached garages, mostly for a single car; but that most of the residents have more than one car. He stated that every time he went through this neighborhood that cars are parked on the street; and that he believes this is the nature of the neighborhood. Mr. Winn stated that if you live in an urban neighborhood that you have to expect to have some issues with parking. He stated that to the best of his knowledge, he has met all the zoning issues with City officials on this property. Mr. Winn stated that the whole intent of this new construction project is to upgrade the property that's currently there.

He stated that the gentleman who is going to build this is looking at investing \$300,000.00 to \$350,000.00 in this project. He stated that based on the size of the investment, he doesn't think that the neighborhood is going to have a bunch of hoodlums renting these new units. He stated that he would hazard a guess that the people who will be renting this project will provide revenue that will allow the owner to upgrade the existing building in the future. Mr. Winn stated that that was their plan; and that he understands the residents' position; but that he hopes that the neighborhood respects their plan.

A male Swan Lake resident made a statement to Mr. Winn stating it was a hazard for him to guess who would rent the apartments; and that he didn't agree with him guessing who would rent there. This Swan Lake resident stated that the word "snowball effect" is the last thing that they want in the neighborhood. Mr. Winn stated that he believes that the new construction project is going to improve the property. He stated that they're looking at a \$300,000.00 project; and he asked the neighborhood resident, how many homes in this area are worth \$300,000.00. Commissioner Peck and several other neighborhood residents responded to Mr. Winn stating that "a lot of homes in this area are worth \$300,000.00.

Glen Heffner, owner of the two (2) four-plexes across the street from the project stated that his point is that the City of Tulsa came out to the site and forced him go back to its original which is a tin roof; and that he doesn't understand why Mr. Winn can install an asphalt composition roof. Chairman Turner responded to Mr. Heffner and stated that he didn't understand why the City of Tulsa would force him to place a tin roof on his two (2) four-plexes. Mr. Heffner stated that he didn't understand why either, but the City of Tulsa did.

Ms. Smith asked the Commission a zoning question regarding the new construction project. Chairman Turner advised Ms. Smith that the Commission had no purview over zoning; and when Mr. Winn attends the zoning review that the matter will be considered at that time.

A Swan Lake resident asked how will they be able to participate in the request for a variance. Chairman Turner stated that if there is an application for variance, notices required for property owners within 300 feet of the perimeter of the request will be notified by mail. He stated that he believes that a sign will also be posted. Chairman Turner further stated that he apologizes to the neighborhood residents that most of them were unaware of Mr. Winn's proposal; but that the proposal has been around since November 2006.

Commissioner Peck stated that he was not aware of the new construction project until January, 2007 because he was not on the COA Subcommittee at that time. Mr. Winn responded to Commissioner Peck stating that he

was aware of the new project even before the first meeting with the COA Subcommittee in November, 2006 because he had talked to him over the telephone about the project. Commissioner Peck responded by stating that he was not aware of this new project until January, 2007.

Mr. Chip Atkins who lives at 1638 E. 17<sup>th</sup> Place in Swan Lake addressed the Commission and the neighborhood residents stating that this project came into existence over Thanksgiving holiday. He stated that Mr. Sharrer told him that the application had died. Chairman Turner corrected Mr. Atkins and stated that the application had been withdrawn from meeting agendas. Mr. Atkins stated the application was withdrawn in January, February, and March; and that it arisen over Easter and that it was put on the agenda in April. He stated that they came to the meeting on the Tuesday after Easter; after getting notice that Friday; so the neighborhood didn't have much input to put into it at that time. Mr. Atkins stated that he doesn't understand how an application can be withdrawn and then placed on the agenda for review. Chairman Turner explained to Mr. Atkins and to the other neighborhood residents that Mr. Winn has the right to have his application reviewed at any time after the COA Subcommittee has conducted the preliminary/conceptual review of the application.

Chairman Turner closed the comments to the public; and opened the floor to the Commission for discussion. Commissioner Gilmore asked the Commission a question. He wanted to know if the Commission was reviewing one (1) lot under one (1) ownership including multi-family? Chairman Turner answered him stating, yes, with six (6) existing units. Commissioner Gilmore stated that this would make eight (8) units on this property. Commissioner Gilmore stated that he believes that the code requires 1 1/2 parking spaces per unit, so this would not meet the code as far as parking is concerned. He added that he sympathizes with the neighborhood residents since everyone is concerned about the parking problem; but that he believes that Mr. Winn's request for parking won't pass with the City of Tulsa under the present Ordinance. Commissioner Gilmore stated that he believes Mr. Winn would have to apply for a variance; and at that time the neighborhood residents will be able to voice their opinions at that public hearing. Again, Commissioner Gilmore stated that the Commission has no purview over parking.

Commissioner Peck stated that there are two (2) parking spaces required per unit according to the City Ordinance. Commissioner Peck read the appropriate section of the City Ordinance regarding to the parking spaces permitted; and with a multi-family duplex, the parking spaces are three (3) per unit. Commissioner Gilmore stated when there is one (1) ownership, the parking spaces are combined. He stated that just like in an apartment complex that you can have several buildings; but they're all combined together. In this case, that would be the duplex and the six-plex

apartments. Chairman Turner interrupted and stated that what Commissioner Gilmore is saying, is that when you combine the duplex with the existing six-plex apartments, that he doesn't think that the parking is going to fly. Chairman Turner stated that Commissioner Gilmore's question is a valid question; but the Tulsa Preservation Commission has no purview over parking. Chairman Turner stated that he has spoken to staff about wanting the Tulsa Preservation Commission's actions on this matter to reflect the concerns that the Commission has about the parking issue, since parking is not under the Commission's jurisdiction.

Commissioner Gilmore announced to everyone that all the Commission can do is review the proposal and approve it or disapprove it, as to whether or not it meets the guidelines. Commissioner Gilmore stated that he has very deep concerns about the parking; and the turning radius for the tenants getting in and out of the garages. He stated that according to the dimensions that he's reviewing on the plans that it looks like the radius from the garage to the retaining wall is about fifteen (15) feet, if the scale is correct; and that he doesn't think that that's enough room to get in and out of the garages. Chairman Turner responded by stating that the radius between the garage and retaining wall is twenty (20) feet. Chairman Gilmore stated that he believes that even twenty (20) feet is very tight to get in and out. Chairman Turner agreed with Commissioner Gilmore.

Mr. Sharrer stated that when or if Mr. Winn's proposal is reviewed for zoning compliance, that if there are any changes made to the plans in order to conform to zoning requirements, that Mr. Winn will have to come back before the Commission for further review.

A Swan Lake resident stated that he didn't understand why the commission would have to treat the duplex as a building when the site is now a parking area; and that the use of the lot is not appropriate for the neighborhood. Chairman Turner explained to the gentleman that the use and the zoning are related and are not the Commission's purview. He stated that the Commission's purview is basically the aesthetics, scale, materials and the appearance of the structure. He stated that the Commission is chiefly concerned with protecting the character of the neighborhood; but use of the land is a separate issue. Chairman Turner stated that as far as the character of the neighborhood goes, that there are multi-family housing units in the neighborhood, and the Commission has to review this duplex with other contributing multi-family housing in the neighborhood.

Ms. Gloria Smith asked the Commission if the front set back was the same or different for residential and commercial structures. Chairman Turner responded by stating that her questions are all zoning questions that are not part of the Commission's review.

Glen Heffner, owner of the two (2) four-plexes across the street from the project asked the Commission based on the property in question having only one (1) ownership, what keeps someone from coming in and filing under a different ownership for that same unit. Commissioner Gilmore responded by stating that a person would have to get a lot split.

Commissioner Cantrell asked the Commission if there was much discussion of whether there was dominant relationship on the garages. Chairman Turner stated that he doesn't see where that section applies much to what the Commission is reviewing because it's referring to secondary structures where they exist. He stated that this proposal is not being referred to the Commission as a secondary structure; but a primary structure with garages as part of it. Chairman Turner stated that the Commission will review the garages as they relate to the overall structure.

Commissioner Gilmore stated that he doesn't believe that the front set back and paving meets the guidelines. Chairman Turner asked Mr. Sharrer to reread the section of the guidelines pertaining to the building site. Mr. Sharrer stated that Building Site, C.1.1.4 reads: "C1.1.4 Paving within the front yards should be limited to primary driveways and sidewalks. The surface area of the driveways and sidewalks should not exceed 50% of the front yard lot area on interior lots and 30% of the front and side yard lot area on corner lots." Mr. Sharrer stated that it is one lot; and he pointed out to the Commission which side was the front and which side was the side. Commissioner Gilmore stated that if Mr. Winn is going to consider that side as the side yard then the Commission needs to consider the apartment complex as having eight (8) units and there's not enough parking.

Legal Advisor, Kurt Ackermann, stated that he believes we are referring to the term of front yards and side yards, which is defined in the zoning codes as that area between the property line and the building wall. He stated that this is the distance measured on meeting the requirements.

Commissioner Ball asked a question to the Commission about not having any garage doors at all on the new construction project; and Chairman Turner stated that it didn't relate to the issue because the structures with no doors were non-contributing to the district.

Mr. Winn stated that since 90% of the conversation on this project is about the parking; and that he's aware that the Commission doesn't have purview over parking; but he would like to ask a question: Mr. Winn's question was "assuming that there are six (6) spaces currently on and directly off of 17<sup>th</sup> Place; and the owner of this property said that he wanted to redo that parking lot, would the owner have to redo the parking lot according to today's standards?" Legal Advisor, Kurt Ackermann

responded by stating that his answer to him would be “no.” Mr. Ackermann stated that he would not be rebuilding the existing parking lot because it is just a piece of concrete that sits on top of the ground. Mr. Ackermann stated that he wanted to be careful about giving out a lot of information on this parking issue because there had not been an application for a building permit yet.

Mr. Atkins who lives at 1638 E. 17<sup>th</sup> Place in Swan Lake addressed the Commission again by stating that Mr. Winn’s new construction project is illegal and non conforming. He asked the Commission to look at the aerial photograph that shows in 1975 that there were garages on that lot. He stated that if you go to the non-conforming law, it states anything built before the 1970 is non-conforming, meaning that it is conforming in that period. Mr. Atkins stated that if you made any changes to the structure after 1970 that you have to bring it up to code like Commissioner Gilmore had pointed out about the ten (10) parking spaces. He stated that prior 1993 the parking garages were removed and demolished. Mr. Atkins stated that means when something else is built, that he is building a new garage on top of this garage now and that he has to bring it up to code. He stated that this is an issue that needs to be looked at because it doesn’t go with the project. He stated that if this is true, then the property needs ten (10) parking spaces, plus the four (4) needed for the new building, which totals fourteen (14) parking spaces needed. He stated that you would need 1½ parking spaces per unit/bedroom. Mr. Atkins stated that the existing building itself has been modified. He asked the Commission to look at the 1993 aerial photograph which appears to show the existing building has been modified to add a structure on top of it that has a sky light. He stated that the non-conforming law which states that if the structure has been modified in its footprint that has been expanded in some way. Mr. Atkins asked, “how did it get expanded?” He answered by stating that it was expanded due to the fire stair cases being outside, connected to the building. He further stated that having the fire stair cases connected to the building that it has been expanded. Mr. Atkins stated that the building should have been brought up to code after its expansion during that time. He stated that there hasn’t been a variance done on the property at all. Mr. Atkins stated that there haven’t been any variances done on any of the properties that he has mentioned today. He stated that Mr. Winn is restoring a garage because a garage did exist after 1970; and that there’s proof of it in 1975; so what he’s actually doing is historic restoration or restoring a garage that once existed. Mr. Atkins stated that Mr. Winn’s proposal on the garages does not meet the criteria.

Chairman Turner stated that he does not want to discuss parking any longer because it’s not under the Commission’s purview; and that the existing garages are not being considered.

Commissioner Townsend stated that she had two (2) questions, #1) about the concrete retaining wall; and #2) about the garage doors; and Chairman Turner answered both questions to her satisfaction.

After a lengthy discussion took place about the new construction project, the Commission decided to add a caveat/special note to the original motion on the floor to approve the application as presented without conditions. Legal Advisor, Kurt Ackermann stated that the Commission had to amend the original motion in order to add a caveat/special note. Vice-Chairperson O'Neal made a motion to amend the motion; and Secretary Smallwood seconded the motion.

**Roll Call Vote to amend the motion:**

Chairman Turner – Aye;

V-Chairperson O'Neal – Aye;

Secretary Smallwood – Aye;

Charles Gilmore – Aye;

Mary Lee Townsend – Aye;

Rex Ball – Aye;

Bill Andoe – Aye;

Michelle Cantrell – Aye;

Dusty Peck – Aye; &

Bob Winchester – Was not present during this vote.

The motion was **Approved Unanimously** by members present and voting.

Commissioner Gilmore made a motion to approve Mr. Winn's new construction project under the following conditions and with a special note:

**The Conditions are:**

- ◇ That the proposed brick go all around the four (4) sides of the building; eliminating the hardiplank siding;
- ◇ That all parking spaces on the ground floor have garage doors enclosing them; &
- ◇ That the visible portions of all retaining walls are faced with brick.

**The Special Note is:** That the Commission has deep concerns about both the quantity and layout of the proposed parking as shown. The issuance of this Certificate of Appropriateness (COA) in no way condones the parking arrangements as shown on the submittal and should not be construed as such in any subsequent zoning or permit reviews.

Secretary Smallwood seconded.

**Roll Call Vote to approve Mr. Winn's New Construction Project with Conditions and Special Note:**

Chairman Turner – Aye;  
V-Chairperson O’Neal – Aye;  
Secretary Smallwood – Aye;  
Charles Gilmore – Aye;  
Mary Lee Townsend – Aye;  
Rex Ball – Aye;  
Bill Andoe – Aye;  
Michelle Cantrell – Aye;  
Dusty Peck – Aye; &  
Bob Winchester – Was not present during this vote.  
The motion was **Approved Unanimously by members present and voting.**

Commissioner Ball announced that he thinks that the discussions that took place were excellent discussions. He stated that he heard a lot of really good thoughts from the neighborhood. Commissioner Ball stated that he would like to add that the concerns expressed in the discussion that we had today exists with all the historic neighborhoods; and also in other neighborhoods that are not under historic preservation zoning. He stated that there are several things that are in conflict that applies to every neighborhood. He mentioned the City’s policy for infill has some points that we all need to study; and that he would suggest that we all become more familiar with them. Secondly, he stated that the city limits of the City are pretty much filled up with housing to some extent; and so the historic neighborhoods are going to be looked at even more for infill development. He stated that demolition and renovation will continue to be a factor; and developers are going to be looking at building on every vacant lot that they can find. He added that the issues that we are facing now will be a continuous factor in the future.

Chairman Turner asked Legal Advisor, Kurt Ackermann, to please briefly give the neighborhood residents information about their rights to the appeal process. Mr. Ackermann briefly explained to the neighborhood residents the appeal process to take toward filing an appeal.

Chairman Turner informed Mr. Winn that he has the same rights to appeal against the motion concerning the conditions and the special note. Chairman Turner thanked everyone for coming; and then adjourned the meeting.

### **3. Adjournment**

There being no other business, Chairman Turner adjourned the meeting at 1:35 p.m. The Tulsa Preservation Commission Special Meeting Minutes of April 26, 2007 were transcribed by Fannie Warrior.

*K:/Planning/FW/MINS 04 26 2007S TPC  
Minutes Approved by TPC on 05 10 2007*