

COUNTY BOARD OF ADJUSTMENT
Agenda (No. 135)
Tuesday, August 20, 1991, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Eller Looney Walker	Tyndall	Gardner Jones Moore Russell	Fields, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk, as well as in the Reception Area of the INCOG offices, on Monday, August 19, 1991 at 11:19 a.m.

MINUTES:

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** the **Minutes** of July 16, 1991 (No. 134).

NEW APPLICATIONS

Case No. 1034

Action Requested:

Variance of the required 200' lot width in an AG zoned district to 165' to permit a lot split - **Section 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6, located 166th Street North, west of 129th East Avenue.

Comments and Questions:

Mr. Jones informed that the Technical Advisory Committee recommends approval of the lot split, subject to Board of Adjustment approval, Health Department approval and subject to sufficient right-of-way being dedicated to meet the Major Street and Highway Plan. He pointed out that the Planning Commission will hear the application on August 21, 1991, and any Board approval should be made subject to their approval of the lot split.

Presentation:

The applicant, **Frankie Timms**, PO Box 231, Collinsville, Oklahoma, informed that there are existing structures on the lot, and asked the Board to approve the 165' lot width to permit a lot split.

Board Action:

On **MOTION** of **Looney**, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a **Variance** of the required 200' lot width in an AG zoned district to 165' to permit a lot split - **Section 303. BULK AND**

Case No. 1034 (continued)

AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 6; subject to Planning Commission and Health Department approval, and subject to the dedication of sufficient right-of-way to comply with the Major Street and Highway Plan; finding that there are numerous lots in the area that are as small as the proposed lots, and approval of the variance request will not be detrimental to the area, or violate the spirit, purpose or intent of the Code; on the following described property:

W/2, NE/4, NW/4, NE/4, Section 17, T-22-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 1035

Action Requested:

Special exception to permit Use Unit 20 uses including, but not limited to, old western town and Indian village theme park, theme park offices and visitor accommodations; petting zoo, buffalo and other western livestock display; frontier dwellings, historical "oil boom" town; frontier fort and railroad, Oklahoma! performers Hall of Fame; arts and crafts and western gourmet food productions; souvenir, concessions and retail shops, restaurant and dinner theater; amusement and other recreation activities and recreational vehicle parking in an AG zoned district - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS - Use Unit 20.**

Variance of the required all-weather surface to permit gravel parking - **Section 1340. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS - Use Unit 20,** located 5 miles west of Sand Springs on West 41st Street South.

Presentation:

The applicant, **W. T. Jeffers**, 2502 East 71st Street, Tulsa, Oklahoma, stated that he is the producer of Discoveryland, which has experienced continual growth during its fifteen years of existence. Mr. Jeffers explained that the present operation will be expanded into a theme park centered around the American west, as it related to cowboys and Indians, and there will be three major attractions. He informed that these three attractions will be the production of Oklahoma, Territory USA and a wild west music and dinner barn. Mr. Jeffers stated that the 1000 seat dinner barn is currently under construction, and is adjacent to the existing theater on 41st Street. The applicant explained that the expanded theater park will cover a 225-acre tract, which has sufficient road access to all surrounding communities. A layout (Exhibit A-2) of the theme park and an aerial photograph (Exhibit A-3) were submitted.

Comments and Questions:

In response to Mr. Alberty, the applicant stated that the total ownership consists of approximately 1000 acres.

In regard to parking, Mr. Jeffers requested permission to install hard surface driving lanes, with parking spaces being permitted on a gravel surface. He stated that if this type of parking presents a problem it will be corrected immediately.

08.20.91:135(2)

Case No. 1035 (continued)

Interested Parties:

Vernon Smith stated that he is the director of Economic Development Services for the City of Sand Springs. He stated that tourism is an evolving industry in the state, and Sand Springs is supportive of the application.

Comments and Questions:

Mr. Alberty inquired as to proposed road improvements, and Mr. Smith replied that this issue has been discussed with the County Commissioners, and there is no proposed road construction in the near future. He pointed out that the expansion of Discoveryland will extend the season to approximately nine or ten months and, although the total number of visitors may increase, the amount of traffic at any given time probably will not change.

Mr. Looney confirmed that the location of the Tulsa Junior College in the area has brought about proposed road improvements in late 1991 or 1992.

In response to Mr. Alberty, the applicant informed that the park will be in operation from March 15th through December 15th.

Mr. Alberty asked if a turn lane has been proposed, and Mr. Jeffers stated that a second entry gate has been installed, which will be opened if the traffic increases to that degree, and a turn lane will be installed if it becomes necessary.

Mr. Alberty suggested that the applicant consult with the County Engineer concerning an acceptable method to meet the demands of additional traffic that could be generated by the expansion.

In response to Mr. Alberty's question concerning a site plan, the applicant stated that the submitted layout depicts the location of each use, but a detail site plan will be provided in the future.

Mr. Looney asked the applicant if he anticipates further Board action concerning the theme park, and Mr. Jeffers stated that no additional changes are planned.

In reply to Mr. Alberty, Mr. Jeffers stated that two major attractions will be in operation at all times. He informed that the theme park will open at 9:00 a.m. and close at sundown; however, the musical production and the cowboy dinner barn will be in operation during the evening hours.

Mr. Alberty explained that, in similar cases, it has been the practice of the Board to approve the request in concept, with the applicant returning to the Board for final approval of a detail site plan.

Mr. Looney asked if mechanical rides are proposed, and the applicant stated that there are no rides proposed at this time.

Case No. 1035 (continued)

In response to Mr. Gardner, Mr. Jeffers stated that all evening activities are enclosed.

Mr. Alberty informed that the Sand Springs Board of Adjustment (Exhibit A-1) is supportive of the application, but voiced a concern with the fact that the land was not rezoned.

Mr. Gardner advised that the County Zoning Code states that the applicant can apply for a special exception to allow the use, and this permits the Board to review the case and impose conditions. He pointed out that this application is not a use variance, but is for a unique outdoor recreational operation (usually requiring large tracts of land) which is permitted by special exception.

Protestants: None.

Board Action:

On **MOTION** of Looney, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a **Special Exception** to permit Use Unit 20 uses including, but not limited to, old western town and Indian village theme park, theme park offices and visitor accommodations; petting zoo, buffalo and other western livestock display; frontier dwellings, historical "oil boom" town; frontier fort and railroad, Oklahoma! performers Hall of Fame; arts and crafts and western gourmet food productions; souvenir, concessions and retail shops, restaurant and dinner theater; amusement and other recreation activities and recreational vehicle parking in an AG zoned district - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 20; and to **APPROVE** a **Variance** of the required all-weather surface to permit gravel parking - **Section 1340. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 20; subject to Board approval of a detailed plot plan before each phase of development occurs; and subject to County Engineer approval of access points; finding that the Board is supportive of the proposed layout, as submitted; and that the expansion of the existing use, as proposed, will be compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property:

Part of Sections 23, 24, 25 and 26 in Township 19 North, Range 10 East Tulsa County, Oklahoma and being S/2 SE/4 Section 23; S/2 SW/4 Section 24; All that part of Section 25, beginning at the NW/c of said Section; thence east along the section line 2030' to the north boundary of 41st Street; thence southwest along the north boundary of 41st Street along a curve to the left with a radius of 11,534.16' and a tangent 1850.56' a distance of 2199.88' to the west line of NW/4 NW/4 Section 25; thence north on said west line a distance of 422.0' to the northwest corner of Section 25, said corner being the POB; and all that part of the NE/4 NE/4 Section 26 lying north of a tract of land heretofore dedicated to the County of Tulsa; said dedicated tract being 3.86 acres, and more particularly described as: Beginning at a point on the east line of NE/4 NE/4 499.18' south of the NE/c of said NE/4 NE/4; thence southwesterly on a curve to the left with a radius of 11,459.16'

Case No. 1035 (continued)

a distance of 281.33', the right of way being 75.0' on the right and 60.0' on the left, both being parallel to said centerline; thence continuing on the centerline south 71°31' west a distance of 271.66' to a point, the right of way being 75.0' and parallel on the right and 75.0' on the left and not parallel to centerline; thence continuing south 71°31' west a distance of 275.0' to a point, the right of way being 75.0' on the right and parallel to the centerline and 50.0' on the left and not parallel to centerline; thence continuing south 71°31' west a distance of 50.0' the right-of-way being 75.0; on the right and parallel to centerline and 50.0' on the left and parallel to centerline; thence continuing south 71°31' west a distance of 150.0' to a point, the right of way being 50.0' on the right and not parallel and 50.0' on the left and parallel to the centerline; thence continuing south 71°31' west a distance of 341.55' to a point on the west line of said NE/4 NE/4 938.48' south of the NW/c of said NE/4 NE/4 the right of way being 50.0' on the right and 50.0' on the left and both being parallel to the centerline; all in Section 26; together with a tract of land in the NW/4 NE/4 Section 26, more particularly described as follows: Beginning at the NW/c of the NW/4, NE/4 of said Section 26; thence south 1322.98' to the SW/c NW/4 NE/4; thence east 155' to the centerline of a road known as Coyote Trail; thence north 41°55' east a distance of 250' to the point of a curve to the right, having a central angle of 58° and a radius of 573', a distance of 578.73'; thence south 79°40' east 250'; thence north 71°33' east along the north boundary of 41st Street, a distance of 248.47' to the east line of NW/4 NE/4 of said Section 26; thence north along said east line a distance of 944' to the NE/c of NW/4 NE/4; thence west on the north line of NW/4 NE/4 a distance of 1319.10' to the NW/c of NW/4 NE/4 of Section 26, containing approximately 31 acres and being located in an AG zoned district, Tulsa County, Oklahoma.

Case No. 1036

Action Requested:

Variance of the required 25' yard to 20' (45' from the centerline of North 91st East Avenue) - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 9, located 13503 North 91st East Avenue.

Presentation:

The applicant, **David Eddy II**, 13501 North 91st East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit B-1), and explained that he is proposing to construct a house on his property, but the ravines on the back portion prevent construction in that area. He requested permission to move the house 5' closer to the street to allow sufficient space to install lateral lines for the septic system.

Case No. 1036 (continued)

Protestants: None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a **Variance** of the required 25' yard to 20' (45' from the centerline of North 91st East Avenue) - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 9; per plot plan submitted; finding a hardship imposed on the applicant by the topography (ravines on the rear portion of the property); and finding that the approval of the application will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Part NW/4, NE/4, beginning 689.45' east and 356.60' south NW/c NW/4, NE/4, thence east 616.94' south 197.80', west 616.94', north 197.80' to POB Less W 30' thereof for road, Section 36, T-22-N, R-13-E, 2.67 acres, Tulsa County, Oklahoma and being located in an AG-R zoned district.

Case No. 1037

Action Requested:

Variance of the required minimum lot area and land area in an AG zoned district from 2 acres and 2.2 acres to 1.605 acres in order to permit a lot split - **Section 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 3.

Variance of the minimum required 30' of frontage on a public or dedicated street - **Section 207 - STREET FRONTAGE REQUIRED** - Use Unit 3, located south of the SW/c 41st Street South and South 78th West Avenue.

Presentation:

The applicant, **Bill Deaton**, was represented by his daughter-in-law, **Andrea Deaton**, 802 North Ross, Sapulpa, Oklahoma. She submitted a plat of survey (Exhibit C-1) and requested permission to split the five-acre tract into three lots. Ms. Deaton explained that three dwellings are proposed for the lots, each of which will contain from 1600 sq ft to 2000 sq ft of floor space. She stated that an access road along the north side of the tract will service the three lots.

Comments and Questions:

In response to Mr. Alberty, Mrs. Deaton stated that the property will have access to 41st Street South.

Scott Deaton, 802 North Ross, Sapulpa, Oklahoma, stated that the property is off South 78th West Avenue, which is not improved.

Ron Fields, County Building Inspection, informed that it appears that 78th West Avenue is a dedicated street, but is not maintained by the County.

Case No. 1037 (continued)

Mr. Alberty asked Mrs. Deaton to state a hardship for the variance request, and she replied that her father-in-law purchased the tract with the intent of constructing a dwelling on one lot, and providing a building site for each of his two sons.

Mr. Alberty advised that the applicant can file a subdivision plat and the lots would not require as many variances. He pointed out that the granting of the variances could create a problem for future owners of the property.

Mr. Gardner asked if a lot split application has been filed with the City of Sand Springs, and Mrs. Deaton replied that Sand Springs advised them that the application must be heard by the County Board of Adjustment before they could proceed.

Mr. Gardner informed that Sand Springs has referred the applicant to the County Board because the property does not comply with the zoning requirements.

Mr. Jones pointed out that the property in the area has already been divided into five-acre tracts, and if the divided lots are divided again, the property could fall into the category of a "wildcat subdivision". He informed that Staff could not find a hardship for the variance, therefore, is not supportive of the application.

Mr. Walker stated that he is familiar with the area, and it appears that a hardship is not evident that would justify approval of the variance requests.

Protestants: None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eiler, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **DENY** a **Variance** of the required minimum lot area and land area in an AG zoned district from 2 acres and 2.2 acres to 1.605 acres in order to permit a lot split - **Section 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 3; and to **DENY** a **Variance** of the minimum required 30' of frontage on a public or dedicated street - **Section 207 - STREET FRONTAGE REQUIRED** - Use Unit 3: finding that a hardship was not presented that would justify granting the variance requests; on the following described property:

S/2, NW/4, NW/4, NW/4, Section 30, T-19-N, R-12-E, Tulsa County, Oklahoma.

Case No. 1038

Action Requested:

Special Exception to permit a manufactured home dwelling in an RS zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 4914 West 28th Street South.

Presentation:

The applicant, **Richard Debolt**, 4703 West 81st Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1), and requested permission to install a mobile home on property at the above stated location.

Comments and Questions:

Mr. Alberty asked if there is an existing structure on the property, and the applicant replied that the house has been removed.

In response to Mr. Alberty, the applicant stated that there are numerous mobile homes in the immediate area.

Protestants: None.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Alberty, Eller, Looney, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, "absent") to **APPROVE** a **Special Exception** to permit a manufactured home dwelling in an RS zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; per plot plan submitted; subject to Health Department approval and a Building Permit; finding that there are other mobile homes in the area, and granting the variance requests will not be injurious to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

The east 130' of the NW/4, NE/4, SE/4, SE/4, Section 17, T-19-N, R-12-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:52 p.m.

Date Approved

Sept. 17, 1991

Wayne Alberty
Chairman