

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 257
Tuesday, October 16, 2001, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty, Chair
Tyndall
Walker
Hutson
Dillard, Vice Chair

Butler
Fernandez
Stump

West, Co. Inspections

The notice and agenda of said meeting were posted in the Office of INCOG, 201 W. 5th St., Suite 600, Monday, October 15, 2001 at 11:30 a.m., as well as at the City Clerk's office, City Hall.

After declaring a quorum present, Chair Alberty called the meeting to order at 1:30 p.m.

MINUTES:

On **MOTION** of **Tyndall**, the Board voted 5-0-0 (Alberty, Dillard, Walker, Tyndall, Hutson "aye"; no "nays", no "abstentions"; no "absences") to **APPROVE** the Minutes of September 18, 2001 (No. 256).

UNFINISHED BUSINESS

Case No. 1910

Mr. Alberty announced that Case No. 1910 was withdrawn.

Case No. 1904

Action Requested:

Variance of minimum average lot width to permit a lot split from 200' to 165'.
SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS -- Use Unit 6, located 4446 S. 162nd W. Ave.

Presentation:

The applicant, Tina Young, was not present. The case was tabled to later in the meeting.

NEW APPLICATIONS

Case No. 1906

Action Requested:

Special Exception to permit Use Unit 19 massage therapy in an IM district. SECTION 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 19, located 10055 N. 56th St.

Presentation:

Jay McCabe, 1516 S. Gary Ave., stated that he came before the Board in January 2000 and obtained an exception. He followed through with his part but the landlord did not take care of his legal responsibilities. Mr. McCabe has to move and has found a new location.

Comments and Questions:

Mr. Walker asked if this was a 20-acre site. Mr. McCabe replied that he is only leasing 4,000 sq. ft. of a 27,000 sq. ft. office. Mr. McCabe added that they have 20 private parking spaces on the west side of the building, designated by the landlord.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Walker**, the Board voted 5-0-0 (Alberty, Dillard, Walker, Tyndall, Hutson "aye"; no "nays", no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit Use Unit 19 massage therapy in an IM district, finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Pt. of Block 2, Northeast Industrial District, Beg. at the SW/c of Block 2, thence E 995.00' N 1955.55' SWly 2184.70' to POB, less S 10.00' thereof for street, Tulsa County, State of Oklahoma.

Case No. 1907

Action Requested:

Special Exception for a singlewide mobile home in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9, located 813 E. 56th St. N.

Presentation:

Kathy Baldazo, 6219 N. Gillette Ave., proposes to place a mobile home on the subject property. There are no other structures on the property.

Comments and Questions:

Mr. Alberty asked about plans for sewer. Mrs. Baldazo stated there is a septic tank and she is going to have it tested. Mr. Walker asked if there are other mobile homes near the subject property. She did not indicate any other mobile homes. Mr. Walker asked her if she owned the property. She replied that she wanted to know if she could place a mobile home there before she buys the property.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Tyndall**, the Board voted 5-0-0 (Alberty, Dillard, Walker, Tyndall, Hutson "aye"; no "nays", no "abstentions"; no "absences") to **APPROVE** a **Special Exception** for a singlewide mobile home in an RS district, with conditions for DEQ approval, tie-downs, skirting, and building permits, finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Prt. SE SE Beg. 753.00' W and 387.70' N SE/c SE, thence N 81.00' W 430.30', thence SW along E railroad right-of-way to a point 35.00' N S line SE, thence E 218.40' N 5.00' E 67.50' N 347.70' E 277.50' POB, Section 1, T-20-N, R-12-E, Tulsa County, State of Oklahoma.

Case No. 1908

Action Requested:

Special Exception to increase the permitted number of residents and out patients from 150' to 200'. Use Unit 2, located at E. 61st St. N. & Cincinnati

Presentation:

Eric S. Grey, 13401 Railway Dr., Oklahoma City, Oklahoma, stated that the actual applicant is Southern Corrections Systems, Inc. He added that he is corporate council for them. They propose to increase occupancy to 200. In 1998 there were still cottages and the application for 250 was denied. In 1999 the cottages were removed and one main facility was built. The Fire Marshall approved the facility for

up to 300+ occupancy. The residents are all female. They all work on crews or employed in the community, and spend nights at the facility.

Comments and Questions:

Mr. Alberty asked what type of offenders live there. Mr. Grey stated that principally they are non-violent offenders. Mr. Walker asked if there have been increased calls to the sheriff or police departments.

Tracey Hooks, stated she is the Administrator at Turley Correctional Center. She stated that since she has been there in excess of one year they have had no calls placed to the sheriff's department because of any incident that has transpired at the facility pertaining to the inmates. She also stated that no law enforcement involvement or incidents in the community are the result of the offenders.

Interested Parties:

Elder T. E. Jones, 4406 E. 61st St. N., stated that his property is across the street from the facility. He had agreed to help the organization to help the offenders. He complained that they have not kept their promises. He informed the Board that the sheriff's office has been called. There are four schools within one mile of this facility. He stated that it is not 100% fenced. He stated that the eastern portion of the property has not been cleaned since the facility has been there. He visited the facility at least four different times to communicate with them and was never able to talk with anyone. He continued that at all times of night there are cars, "walk-aways". He offered to show the evidence of trails leading away from the facility. He complained that gates are not locked and there is not adequate security. He stated there was noise at night especially during the summer hours. He expressed concern for the safety of the children. He also added that the grass has not been cut on the eastern half of the property.

Comments and Questions:

Mr. Alberty asked about the nature of the calls to the sheriff's department. Mr. Jones replied that he complained of the noise from parties at one or two o'clock in the morning outside at the facility.

Applicant's Rebuttal:

Mr. Grey was not sure when that occasion would have been. He responded that the employees come and go on shifts. The residents do not drive so they are not a part of the traffic and visitors come during the daytime. He added that he has no knowledge of complaints to the sheriff and has never had an incident involving Turley that he could recall since 1999. Mr. Grey pointed out that the inmates have children of their own that come during visiting times. He stated if we are concerned about the children we need to give these people a second chance.

Board Action:

On **Motion** of **Walker**, the Board voted 5-0-0 (Alberty, Dillard, Walker, Tyndall, Hutson "aye"; no "nays", no "abstentions"; no "absences") to **DENY** a ***Special***

Exception to increase the permitted number of residents and out patients from 150' to 200', finding it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

The SW/4 NW/4, Section 1, T-20-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, less and except the W/2 NW/4 SW/4 NW/4.

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Mr. Alberty asked for Case No. 1912 to be taken out of order due to the expected lengthy case to follow.

Case No. 1912

Action Requested:

Variance to allow two dwelling units per lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6, located 16510 E. 166th St. S.

Presentation:

Marcy Dawler, 16510 E. 166th St. S., Bixby, Oklahoma, stated that the subject property of five acres has been in the family for the past forty years. They currently live in a little farmhouse, and they propose to move the grandmother into it and place a doublewide mobile home on the property. She stated there are two other mobile homes on either side of their property.

Comments and Questions:

Jay Stump, INCOG staff member, noted that the lot width is only 317' and would need to come back for a variance of lot width for a lot-split. She added that she has spoken with her neighbors and they approve.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Tyndall**, the Board voted 5-0-0 (Alberty, Dillard, Walker, Tyndall, Hutson "aye"; no "nays", no "abstentions"; no "absences") to **APPROVE** a **Variance** to allow two dwelling units per lot of record, with conditions for skirting, tie-downs, DEQ approval, and building permit, finding there is sufficient land area for two dwellings, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

NW/c NE SW thence E 317.63' S 715.10' W 317.63' N 715.40' to POB, Section 26, T-17-N, R-14-E, Tulsa County, State of Oklahoma.

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Case No. 1909

Action Requested:

Special Exception to permit an additional roller coaster at Bell's Amusement Park/Expo Square. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 20, located N & E of the NE/c of E. 21st St. & Louisville.

Presentation:

Roy Johnsen, 201 W. 5th St., Ste. 501, was representing the Bell family regarding the Bell's Amusement Park. He stated the formal request is for a Special Exception to permit Use Unit 20, which is commercial recreation and includes fairground as a specific use in an AG district. He described the amusement park as an institution and tradition in Tulsa since 1951. The Zingo roller coaster was built in 1967. There was a lawsuit brought to enjoin the construction, but the District Court of Tulsa County declined to enjoin the construction. The Court did impose a requirement that the roller coaster not be operated after 9:00 p.m. This decision was modified a year later to allow the roller coaster to operate during the State Fair as late as the other mid-way rides. Mr. Johnsen submitted a packet of exhibits (Exhibit A-1). The owners concluded that to keep existing customers and attract new ones it was essential to add new attractions. They went through the Tulsa County Facilities Trust Authority to obtain a lease to provide six additional acres to utilize for the amusement park. A requirement was made that they construct and open a major attraction (roller coaster) having a value of over two million dollars. He indicated that it is a substantial monetary benefit to the fairgrounds to have the amusement park and the new coaster. Notice was sent to everyone in a 300' radius of the entire fairgrounds. The six acres will be for parking and a roller coaster. Mr. Johnsen informed the Board that Bell's would relinquish two acres of property for an additional 84 parking spaces. The plans include an eight-foot screening wall along the west boundary along Louisville. He indicated that about 70% of the new coaster would be either underground or in a tunnel. They believe this will decrease the noise level. Regarding parking during the fair parking is somewhat of a problem and the amusement park probably does not impact that much one way or the other. There are some facilities that are to be demolished and this will add about 260 more parking spaces. They have concluded after much study that as a practical matter there is available parking during the course of the year with the exception of two Saturdays of the fair, and July 4th. Wyle Laboratories was commissioned by Bell's to take sound readings in the neighborhood at selected locations. This is the same company that was hired by the airport. According to their study they do not expect that the long-term change in the noise level after the installation of the new coaster will be noticeable to the average person in the community. The noise study (Exhibit A-3) was submitted. They expect an increase of a possible 20% in traffic in the area. The applicant has outlined sixteen proposed use conditions. The first condition is that the special exception shall be applicable to the property described within the site

plan submitted (applicant exhibit A). The second is the site shall be developed in substantial accordance with the submitted site plan and the submitted elevations. The third is that the roller coaster shall not be operated after 9:00 p.m. each day, except for the ten-day period of the annual Tulsa State Fair for so long as other amusement rides at the fair are operating. The roller coaster shall be setback from the centerline of Louisville a distance of not less than 200' and shall be setback from the centerline of 21st Street a distance of not less than 230'. The maximum height of the roller coaster shall not exceed 88'. The length of the coaster track shall not exceed 3,400'. Not less than 79% of the length of the roller coaster track shall be enclosed excepting access into and out of the enclosed areas. The roller coaster track enclosures may be subterranean and or constructed of metal, wood or concrete and may include a theme façade, but if constructed of metal shall have an interior sound dampening finish equivalent to or better than 3" vinyl faced fiberglass insulation. No internally lighted signage shall be affixed to the west or south elevation of the roller coaster structure. Lighting of the west and south elevation of the roller coaster structure shall be limited to flood and accent lighting and fixtures shall not be directed toward residential properties. Not less than 204 all-weather surfaced parking spaces shall be provided within the site and shall be connected by an all-weather surfaced drive extending to the all-weather surfaced parking area adjoining the north boundary of the site. An eight-foot masonry or pre-cast concrete screening wall shall be constructed and maintained extending from the north boundary to the south boundary of the site and parallel to and 68 feet east of the centerline of Louisville, excepting one point of emergency access, which shall have a solid screen gate. If the City of Tulsa will permit, the screening wall above described shall be extended south a distance of 140 feet. If the City of Tulsa will permit, access to the parking area west of Bell's Amusement Park will be provided from 21st Street across the adjoining property owned by the City of Tulsa. The lighting within the parking area shall be limited to shielded fixtures designed to direct light downward and away from nearby residential property. The conditions above set forth shall be complied with prior to the opening of the roller coaster to public use. An examination of home sales shown in a realtor's list (Exhibit A-4) shows property values show an increase in the last few years. Mr. Johnsen found there was support of the application in the neighborhood according to the Tulsa World. Mr. Bell contacted the residents of the neighborhood and found people in support. There were about twenty letters of support written to the Tulsa County Board of Adjustment, five organization letters of support and a petition (Exhibit A-5). He mentioned a letter from Sheriff Stanley Glanz in support of how Bell's Amusement Park is run. Mr. Johnsen noted that the Comprehensive Plan from 1983 to 2000 time plan has passed; there is another plan from 1997 and one from the University of Tulsa. These plans are in agreement that the fairgrounds should remain where it is and that Bell's Amusement Park should be encouraged to remain in this location.

Mr. Alberty announced a recess at 3:08 p.m.

Mr. Alberty called the meeting to return to order at 3:15 p.m.

Interested Parties:

J. D. Clark, 1906 S. Jamestown, stated he was in support of the application. It was his opinion that worse things could be located there.

Jono Helmerich, 3111 S. Zunis Ave., stated he was present as Chairman of the Friends of the Fairground Foundation, Chairman of the "4 to Fix the County Campaign", and as a concerned citizen. He stated that Bell's is essential to the success of the fairgrounds. The Bell family has been involved and helpful to the community. He implored the Board to approve the plan.

Randy Pickard, 10051 S. Yale Ave., stated he wanted to address an issue of authority. He continued that the Comprehensive Plan of 1983 to 2000 is the only one we have approved by the Tulsa Metropolitan Area Planning Commission. In the District 4 Plan they approved for future development to be in accordance with the adopted Expo Square Comprehensive Plan. This project is a Use Unit 20, commercial recreation intensive and it only allowed by right in an IM or IH district. This application is in contrary to the only Comprehensive Plan adopted by the TMAPC. Mr. Pickard questioned why this application was being considered without authority from the TMAPC other than what it has adopted, which shows low intensity use for the west end of the park. He noted that Big Splash is shown on the Comprehensive Plan for Expo Square as high intensity, and surrounded by light intensity plan development, when in fact is surrounded by zoning districts CH, CG, and CS. He noted that the staff report points out that the plan for the fairgrounds designates the area in question for low intensity uses. He cited an Oklahoma Supreme Court decision in Bankoff versus Board of Adjustment of Wagoner County, for the principle, quoted an earlier case called VanMeter versus H. F. Wilcox Oil and Gas Company. It stated that the Board of Adjustment has the power and authority to decide special exceptions, but cannot have unconfined, unrestrained freedom of action. It is not at liberty to depart from the comprehensive plan embodied in the ordinance. Mr. Pickard stated that if he were in court he would make a motion to dismiss or defer this matter for a full review by the planning staff or the TMAPC. He did not want the Board to rely upon noise studies and vague market data, and other items that have just been delivered to the planning staff for this Board.

Comments and Questions:

Mr. Alberty stated that this Board is not bound by any comprehensive plan with regards to their action. Interested Parties can appeal the Board's action to a court. A comprehensive plan is one of the instruments that the Board considers with all of the other instruments. Mr. Alberty stated that the members are volunteers for this quasi-judicial board. He opened Mr. Pickard's suggestion to the Board for comments or action regarding a deferred hearing. There were no motions offered by the Board members.

Mr. Pickard submitted a packet of exhibits (Exhibit A-2).

Daniel Graves, 1919 S. Jamestown, stated he lives at this address and he desires quiet at his home, as do others. He complained of noise from the amusement park that can be heard in his back yard. He stated that more noise would be injurious to the neighborhood. He was concerned that the sound study could not determine the noise from two roller coasters in operation next to each other at the same time. He informed the Board that the newspaper article mentioned earlier was an interview of a renter that lived on Louisville. The reason there are renters there is because the owners can't sell the property. He commented on the 1995 case that Mr. Johnsen referred to where an exception was made to allow the coaster to operate after nine o'clock. He stated that was not the purpose of the ruling. He noted that the applicants were trying to keep the roller coaster open past nine o'clock and get rid of the first injunction that kept them from operating past hours. Mr. Graves complained that the new roller coaster would be bigger and closer to the residents. The allowance for Zingo to run after hours was something that the neighborhood agreed to in a compromise. He contended that the park has dilapidated. Mr. Graves reminded the Board that a young boy was killed on a roller coaster because of bad maintenance. He stated that he filed a law suit for a family who's three year old was run over by a golf cart because they did not fix the brakes on the cart. He mentioned the foot traffic in the neighborhood, which used to be families but now it is teens and people that do not have a good purpose for being there. He informed the Board that the applicants are not paying their water bill currently. He discovered that they are not paying the current surcharge. He questioned how they were going to pay higher rent. He stated that it is no longer a family park, but there are gang activities drawing police cars and helicopters once a month at least. He reminded them of race riots in the area, citing April 28, 2001 per an article in the Tulsa World. Another roller coaster will not attract families and young children but more teens and gang members. He calls for the applicants to fix up the existing park before adding any more to it.

Comments and Questions:

Mr. Dillard asked Mr. Graves when he purchased his house. Mr. Graves replied that he purchased his home three years ago.

Interested Parties:

Elliott Charney, 1732 S. Louisville, stated he purchased his home in 1997. He has seen a lot of vandalism and some arson on his street and the next one over. He did not think that one aerial view of the area could be a determining factor for parking needs because it varies so much. He also expressed concern for the parking problems.

Margaret French, 1544 S. Knoxville, stated she moved back to Tulsa about fifteen months ago. She noted a deterioration of the attitude of the neighborhood. She has already had an occurrence of vandalism in her garage. This would exacerbate the problem, not alleviate it.

William Bain, 1543 S. Knoxville, stated he purchased his home in 1991. He expressed concern for more pedestrians with no good intentions. His home was burglarized about two years ago during the fair. He was concerned about parking problems.

Donna Lind, 2211 S. Indianapolis Ave., stated they bought their home in 1998. She found that property values increased in the area. She stated that she is a realtor. She believes that another roller coaster will discourage people from buying in the neighborhood. Mrs. Lind added that the closer you get to the amusement park the longer it takes to sell a property.

Mike Todd, 1923 S. Knoxville, **Desiree Daugherty**, 1632 S. Louisville, **Robert Ewing**, 1911 S. Jamestown, **Penny Kineman**, 2133 S. Louisville, **Larry Teeter**, 1914 S. Louisville, **Ursula Mueller**, 1527 S. Knoxville, **Patty Barker**, 3516 E. 21st Pl., **Virginia Rowe**, 1607 S. Gary Pl., **Missy Baron**, 2105 S. Louisville, expressed the same concerns and objections as listed above; including the belief that the existing buffer would remain intact; concern regarding proposed metal buildings; the existing dilapidated condition of the park; incidents of crime; and the suggestion that the park be relocated.

Bob Purtam, 1636 S. Louisville, stated that it is too dangerous to allow his children to play in their front yard. He informed the Board that when he calls to make a complaint there is always a dispute between the City and County over who has jurisdiction.

Scott Trizza, 2626 N. Denver, stated he owns property at 1932 S. Louisville. He lived at the Louisville property until recently as the third generation of his family to live there. He believes that the location is bad for Bell's Amusement Park. He stated it was not the proper vision for the City of Tulsa.

Michael Bates, 4727 E. 23rd St., asked if the Use Unit 20 was for the whole six acres. Mr. Alberty responded that Mr. Johnsen submitted a site plan. He is subjecting his offer to the site plan, which means there could be nothing but the roller coaster as presented today. Mr. Bates also asked that if they feel the petitions have weight in their decision that they consider whether the signatures are of property owners or renters.

Mr. Pickard noted that the eight-foot screening wall would only screen fourteen feet of the roller coaster. He commented that the trees indicated on the fairgrounds site plan would not be an adequate screening. He complained about the proximity damage to the neighborhood by moving the park closer to the residences. One of the problems he identified as proximity damage was that in the area 250' from Zingo between 1999 and 2001 there were no sales at the time of Tulsa's best real estate market. He pointed out that one listing just south and west of Zingo shows the house had been on the market for 140 days, and the price was reduced to \$55.00 per square foot as compared to the \$74.00 per square foot that Mr.

Johnsen quoted. Mr. Pickard also noted that in the 250-400' of the Zingo during the same time period had two sales when the market was good and they got \$40.00 per square foot. Mr. Pickard stated that 215 people have signed a petition in objection to this application.

William Rienrik, 1916 S. Knoxville, state he is the President of the Sunrise Terrace Neighborhood Association. He added that has been his permanent residence since 1939. He stated there are many people who have lived in that area since then, and many since 1951.

Applicant's Rebuttal:

Mr. Johnsen stated it seems that Bell's is getting blamed for a lot of things. He commented that the fairground is a large facility of 240 acres. He reminded the Board that the incident at 21st and Harvard that interested parties mentioned was during rock concerts at the water park. He questioned the conclusion that Bell's caused all of these problems. He agreed that some painting needs to be done, but it is the end of the season. He disagreed that the park is an adjudicated nuisance. Mr. Johnsen commented that it is not uncommon for properties on the perimeter to sell for less than those on the interior of the neighborhood. He reminded the Board that these have been good neighborhoods. He stated that the authorities hired professionals to do the landscaping. It does take time for the landscaping to fully mature. Mr. Johnsen stated the applicant simply added the landscaping plan to their site plan. He pointed out that the screening wall would be built immediately, which would block the view of the parking area and buffer the noise. Mr. Johnsen pointed out that a good setback; landscaping and a wall should not adversely affect the neighborhood. The very authority that adopted the plan and sent it to the planning commission for adoption has now entered into a lease to permit expansion. This is a reasonable expansion of an existing use. All the studies that have been done concluded that Bell's should remain in this location. He stated that the Bell family has operated this business for fifty years, and the coaster provides opportunity to do improvements.

Mr. Alberty stated that the Board of Adjustment has granted several special exceptions to the fairgrounds. He noted that the neighborhood objections are to existing use as well as the expanded use. Mr. Alberty pointed out that there are some changes to the physical environment in addition to the proposed roller coaster. He spoke favorably of the eight-foot screening fence and new landscaping for the benefit of the residences living on Louisville. He considered the noise to be a definite increase, but the noise and the issue of height is negligible. He did not think the loss of parking spaces was significant to influence his vote. Mr. Hutson recognized that wherever the park was located there would be neighbors with the same complaints. He stated this is the fairground for the community as a whole and he was supportive of the application. Mr. Walker mentioned that the park has been there for a long time and they have the implied right to expand but he believed the right is mitigated to the amount of damage that it may do to the neighborhood. Those who came in opposition and have lived

there a short time have probably taken advantage of the decreased property values. He was concerned that this project could cause additional damage. Mr. Tyndall noted that by moving closer to the neighborhood it would create a larger problem, but the additional screening would help. Mr. Alberty commented on the need to consider the wider public interest for a community-based facility. He added that this is opportunity to enhance the situation and make it better.

Board Action:

On **Motion** of **Tyndall**, the Board voted 2-3-0 (Tyndall, Walker, "aye"; Dillard, Hutson, Alberty "nay"; no "abstentions"; no "absences") to **DENY** a **Special Exception** to permit an additional roller coaster at Bell's Amusement Park/Expo Square. The motion died for lack of a majority vote.

On **Motion** of **Hutson**, the Board voted 3-2-0 (Alberty, Dillard, Hutson "aye"; Tyndall, Walker "nay"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit an additional roller coaster at Bell's Amusement Park/Expo Square, with the sixteen conditions offered by the applicant in the presentation, and finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Part of the E/2 SW/4 Section 9, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, being more particularly described as follows to-wit: Commencing at the SW/c E/2 SW/4 of said Section 9; thence due E along the S line of said Section 9, a distance of 63.93' to a point; thence N 0°06'28" E parallel with the E right-of-way line of S. Louisville Ave. a distance of 235.00' to the POB; thence continuing N 0°06'28" E parallel with the E right-of-way line of S. Louisville Ave. a distance of 874.24' to a point; thence due E a distance of 337.75' to a point; thence S 0°10'05" W a distance of 874.24'; thence due W parallel to the S line of said SW/4 a distance of 336.66' to the POB.

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Case No. 1904

Action Requested:

Variance of minimum average lot width to permit a lot split from 200' to 165'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS -- Use Unit 6, located, 4446 S. 162nd W. Ave.

Presentation:

The applicant, Tina Young, was not present. Mrs. Fernandez stated that she has not been able to contact the applicant.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Tyndall**, the Board voted 5-0-0 (Alberty, Tyndall, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 1904 to the meeting on November 20, 2001.

They're being no further business; the meeting was adjourned at 5:10 p.m.

Date approved: _____

11/20/01



Chair