

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 304
Tuesday, September 20, 2005, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Walker, Chair
Hutson, Vice Chair
Dillard, Secretary
Tyndall
Charney

Cuthbertson
Butler

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, September 15, 2005 at 3:05 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

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

MINUTES

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Walker, Tyndall, Hutson, Charney "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** the Minutes of August 16, 2005 (No. 303).

NEW BUSINESS

Case No. 2173

Action Requested:

Special exception to allow a manufactured home in an RS zoned district - Section 410, located: 5757 South 100th West Avenue.

Presentation:

Joseph Parise, 6760 South 97th West Avenue, proposed to move a mobile home onto the subject property for a family member.

Mr. Dillard arrived at 1:34 p.m.

Mr. Parise submitted photographs of the mobile home (Exhibit A-1).

Comments and Questions:

In response to questions, Mr. Parise stated there are trailers on adjacent properties. There was a trailer on the property previously and the utilities were run to the property. He informed the Board that the scrap metal place across the street is still in business. Mr. Walker remembered when the Board shut it down. Mr. Walker asked Mr. Cuthbertson to contact the County Inspectors' office of the scrap metal business. Mr. Parise stated he already had a septic tank in place from the previous home. Mr. Walker replied that DEQ may have to check out the old tank.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special exception** to allow a manufactured home in an RS zoned district - Section 410, with tie-downs, skirting, DEQ approval, on the following described property:

LT 5 BLK 3HILL TOP ADDN, Tulsa County, State of Oklahoma

Case No. 2174

Action Requested:

Variance of required minimum 30 ft. of frontage on a public street for residential purposes (Section 207), 9210 East 159th Street North.

Presentation:

Robert Anderson, 9009 East 156th Street North, stated the 159th Street is a dead end and they needed a road easement. He stated the hardship is that they were landlocked. A map was provided (Exhibit B-1).

Interested Parties:

James Mann, 8920 East 159th Street North, objected to the plan because it would open up eighty acres to development. He stated the applicant has plenty of space to put a road on his own property.

Doris Rickerson, 9308 East 159th Street North, stated she lives next door to the subject property. She wanted to know why they need this.

Applicant's Rebuttal:

Mr. Anderson stated he owns more land that would not be affected by this request. He needs access to two small parcels abutting the road.

Board Action:

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

Variance of required minimum 30 ft. of frontage on a public street for residential purposes (Section 207), only allowing development of the two abutting lots; not larger properties to the west; finding the unique location and finding the public road was constructed to a "T" only leaving 25' of right-of-way per lot at the end, leaving the existing lots undevelopable; finding it will not cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan, on the following described property:

N1320 E290 W/2 SE SEC 13 22 13 8.788ACS, N660 S1320 E290 W/2 SE SEC 13 22 13 4.394ACS, Tulsa County, State of Oklahoma

Case No. 2177

Action Requested:

Special Exception to permit a 180 ft. monopole communications tower in an AG zoned district (Section 301), located: N of the NE/c of 149th W. Ave. and 17th St.

Presentation:

Mr. Cuthbertson informed the Board that the notice was incorrect by address and legal description. Therefore, the Board could not hear Case No. 2177.

Board Action:

On **Motion** of **Dillard**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 2177 to the meeting on October 18, 2005, on the following described property:

PRT NE & N/2 SE BEG INTSEC CL S 149 W AV & NL RIVERSIDE WEST II TH NW245 SW50 NW222.83 N641 E49.69 N350 RIVER ELY201.56 E40 S540 SE850.52 S185.12 E142RIVERSIDE ESTATES AMD, RIVERSIDE WEST II, Tulsa County, State of Oklahoma

Case No. 2175

Action Requested:

Special exception to permit Use Unit 20 (Commercial Recreation), a golf driving range in an AG district (Section 310); and a Variance of the required all-weather paving for a surface parking lot (Section 1340.D), located: northeast corner of East 106th Street North.

Mr. Charney abstained from Case No. 2175.

Presentation:

Ron Cates, 12990 East 100th Street North, Owasso, for the applicant, **Lee Holmes**, 11614 North 193rd East Avenue, proposed to build a golf driving range and a variance of the all-weather surface for parking. This is a fifteen-acre tract at

the northeast corner of 106th and Garnett Road. The City of Owasso sent a letter (Exhibit C-2) to INCOG regarding the lighting in accordance with the City of Owasso ordinances requiring sidewalks and protesting the requested variance. The applicant is prepared to comply with the lighting ordinance. He stated that he is familiar with the City of Owasso policy regarding sidewalks. Mr. Cates pointed out this is the first commercial project at this site. He added that to put in sidewalks on this site in short-term does not make sense considering the five-year plan to widen Garnett Road. He also did not see the need for sidewalks around a golf driving range. The applicant would be willing to provide protection from errant balls. The applicant proposed to put in temporary parking to accommodate at most 15 cars on the north side of 106th Street North. Their concern is that with all the expansion and changes, they might have to tear up the parking area. St. Johns is doing construction on 100th Street North and Bailey Medical Center is being constructed within blocks of the subject property. He reminded them that 96th Street is currently being widened. He expects that 106th Street North will also be widened. He indicated it was premature for sidewalks and an all-weather surface parking lot. A site plan was provided (Exhibit C-1).

Interested Parties:

Eric Wiles, 111 North Main Street, Owasso, Oklahoma, stated the City of Owasso does not object to the special exception for a golf driving range on this property. They oppose a variance of the all-weather surface parking lot, as they do not see a hardship. They require that light poles not exceed the maximum height of 30 ft. and the lighting element not be visible from adjacent properties. He acknowledged there will be road widenings, including Garnett Road, but the city planners can help the developer place the sidewalks so it will not have to be removed. He indicated the growth in the area will increase the pedestrian use so the sidewalks are needed to provide for them. They request that a condition be placed on approval by the county that post-development storm-water run-off not be at a greater rate than the pre-development storm-water run-off. They also request some kind of provision to stop balls from going toward the street.

Ray Jordan, 500 South Denver, asked if the Board were to approve the variance that there be some other control of dust from the parking lot. The county had no objection to a gravel surface if something is used to control the dust.

Applicant's Rebuttal:

Mr. Cates responded that the applicant would be willing to control the dust. He expressed concern that other businesses in Owasso had to remove sidewalks and landscaping for road widening. He pointed out that it would be unfair of the City of Owasso to impose all-weather surface when a large portion of the parking at Owasso Sports Park is not paved. He indicated that they need a temporary relief of the parking surface and sidewalks until they see how the road improvements take place.

Lee Holmes, the applicant, stated the site plans for the range would cause balls to be directed to the northeast and away from the streets.

Interested Parties:

The Board allowed one more party to speak.

Richard Franklin, 11525 East 106th Street North, submitted a petition (Exhibit C-3) of opposition. He expressed concern for the lights and hours of operation. He suggested 6:00 a.m. to 10:00 p.m.

Mr. Cates responded that the hours of operation would be 9:00 a.m. to 10:00 p.m. in the summer and less in the winter.

Comments and Questions:

Mr. Walker noted that paving would cost the applicant less in the long-term than to gravel the parking. Mr. Dillard thought the parking should be paved. Mr. Hutson and Mr. Tyndall noted there was no hardship for the variance.

Board Action:

On **Motion** of **Hutson**, the Board voted 3-1-1 (Walker, Tyndall, Hutson, "aye"; Dillard "nay"; Charney "abstained"; no "absences") to **APPROVE** a **Special exception** to permit Use Unit 20 (Commercial Recreation), a golf driving range in an AG district (Section 310), subject to compliance with the City of Owasso lighting standards; hours of operation limited to 9:00 a.m. to 10:00 p.m. all year round; and no sidewalks by the applicant at this time, and sidewalks around the perimeter should be at the expense of the City of Owasso later; and meet the County building approval process.

And to **DENY** a **Variance** of the required all-weather paving for a surface parking lot (Section 1340.D) on the following described property:.

N/2 SW SW & SW SW SW LESS W16.5 THEREOF FOR RD & LESS S16.5 THEREOF FOR RD SEC 8 21 14 29.256ACS, Tulsa County, State of Oklahoma

Case No. 2176

Action Requested:

Special exception to permit a private gun club, training academy and competition center in an AG zoned district - Section 1202 - Use Unit 2, located: 6500 East 66th Street North.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, submitted materials, including alternative site plans, aerial, flood plain map and letters of support (Exhibits D-1 through D-5). He represented the United States Shooting Academy, which is new

to Tulsa County. He introduced Tom Hillis, co-council and representative of the academy; Tom Fee, the President, and Ted Sack, the Project Engineer. He reviewed the perimeters of the site, showing there is no development on the north and the Police Academy and Industrial Park. He pointed out the extent of the Bird Creek flood plain. They have contacted the neighboring businesses about this application. There would be three kinds of training by law enforcement and military organizations. Those are anti-terrorist training, urban assault, and homeland security. There would be competitions for law enforcement, and Special Weapons And Tactics (S.W.A.T.) teams. They have not finalized the rights of access to the City of Tulsa property, but they have submitted an alternate plan. Access over the City property would require some type of license/maintenance agreement. He asked that they approve the originally proposed access and alternate access approved by the County Engineer so they would not need to come back to the Board on that issue. The ranges will not be lighted and they do not object to a limitation of the hours of operation. The City of Tulsa training range was authorized to operate from 6:00 a.m. to 10:00 p.m., seven days per week. They would be agreeable to 7:00 a.m. until 30 minutes prior to sunset. All of the activities will be under the supervision of sanctioned officers of the National Shooting Association or the Commanding/Training Officers of the Police, law enforcement and Sheriff's offices or military group that comes to the facility. He read a letter of support from Sheriff Stanley Glanz. Paul Wilkening, the County Administrator, was present for any questions. Mr. Wilkening and Mr. Jordan have reviewed the plans and alternate access approach.

Comments and Questions:

Mr. Dillard stated he would abstain for conflict of interest, from Case No. 2176.

Board Action:

On **Motion of Charney**, the Board voted 4-0-1 (Walker, Tyndall, Hutson, Charney "aye"; no "nays"; Dillard "abstained"; no "absences") to **APPROVE** a **Special exception** to permit a private gun club, training academy and competition center in an AG zoned district - Section 1202 - Use Unit 2, 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:

On **Amended Motion of Charney**, the Board voted 4-0-1 (Walker, Tyndall, Hutson, Charney "aye"; no "nays"; Dillard "abstained"; no "absences") to **APPROVE** a **Special exception** to permit a private gun club, training academy and competition center in an AG zoned district - Section 1202 - Use Unit 2, with either access proposal being satisfactory, 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:

N/2 SW SW & SW SW SW LESS W16.5 THEREOF FOR RD & LESS S16.5 THEREOF FOR RD SEC 8 21 14 29.256ACS, Tulsa County, State of Oklahoma

Election of Officers

On **Nomination of Dillard**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to elect Dana Hutson as Chair, David Charney as Vice-Chair and Gene Dillard as Secretary. Mr. Walker seconded the nomination.

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

Date approved: 10-17-05


Chair