

**COUNTY BOARD OF ADJUSTMENT**

MINUTES of Meeting No. 193

Tuesday, June 18, 1996, 1:30 p.m.

County Commission Room

Room 119

County Administration Building

**MEMBERS PRESENT      MEMBERS ABSENT      STAFF PRESENT      OTHERS PRESENT**

Albert  
Looney, Chairman  
Tyndall  
Walker

Eller

Beach  
Huntsinger  
Gardner

Glenn, Building  
Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk on Monday, June 10, 1996, at 2:38 p.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney Eller, "absent") to **APPROVE** the **Minutes** of May 21, 1996 (No. 192).

**NEW APPLICATIONS**

**Mr. Looney in at 1:40 p.m.**

**Case No. 1423**

**Action Requested:**

Special Exception to permit a 150' monopole supporting tower for a cellular telephone antenna. **SECTION 220. HEIGHT EXCEPTIONS** Use Unit 4, located 1/2 mile East and 1/4 mile South of ~~11th~~ Street South and 161 East Avenue.

11th

**Presentation:**

The applicant, **Robert A. Hinton**, submitted a plat of survey (Exhibit A-1) and a site plan (Exhibit A-2). Mr. Hinton stated the location is on the Hillenburg property. He further stated the east side of town is overloaded and it is necessary to install a monopole communications tower. He explained the monopole is designed for wind and the height is 150'. He further explained the land is zoned AG and it is necessary for the tower to be over the maximum allowed height of 50' due to the trees and apartments in the area. He informed the Board that the foundation and structure for the kinds of winds typical to Oklahoma are taken into consideration and will hold up under the strongest winds imaginable. He stated that if the wind takes down the tower, there will be nothing else standing.

**Comments and Questions:**

In response to Mr. Walker, the applicant stated the tower might be within 150' of residents to the west.

Mr. Alberty asked the applicant if there was any consideration to moving the tower location to the east further away from the residents? He answered that if they moved further east the terrain is a problem. He stated they need a short access as far as roads, utilities, etc. are concerned.

Mr. Tyndall asked the staff if Broken Arrow has responded to the referral on this application? Mr. Beach answered negatively.

**Protestants:**

Katrina Blakenship, 5605 South Ash Street, Broken Arrow, stated her home is located less than 150' from the proposed site. She expressed concerns about her property value and the ability to resale this property. She submitted a petition from the neighborhood with 42 signatures protesting the proposed location and requested US Cellular to find a more suitable location (Exhibit A-3). She stated there are true concerns from the neighbors in the Chimney Ridge area. She expressed concerns that the tower may interfere with homeowner's cordless phones, stereos, etc. She stated she didn't think anyone would buy her home with the tower in the back yard. She requested the Board to deny this application. She further stated there are better locations available for this tower. She commented that the Board shouldn't look at just the mere convenience because there is a small access road with utilities close by and forget about the neighborhood.

Case No. 1423 (continued)

Bill Tripley, 5001 South Ash Street, Broken Arrow, Chimney Ridge Addition, stated he was concerned about property value. He further stated he understands the reason for the location because of the convenience to utilities and a road already in existence. He commented he understands that the Hillenburgs cannot develop the land where this tower location is proposed for twenty years and that is why he bought his home in this area. He explained that there would be approximately 100 homes who could see this tower. He further explained that farther east would be a better site because the hills are higher and the terrain is better. He stated he objects to the proposed site.

**Applicant's Rebuttal:**

Mr. Hinton stated the towers do not interfere with electronics or appliances. He further stated the power outage from this tower is equivalent to the microwave in your home. He explained they are very low wattage, approximately 40 watts. He further explained that approximately 60 telephone units operate on each tower. He stated Mr. Hillenburg would prefer to have the tower at the edge of his property and it would be more convenient for Mr. Hillenburg as well as US Cellular. He further stated it was his understanding that the height is the only issue, not the usage or location. He explained he could put a 49' tower in the exact same location and wouldn't have to come before the Board. He restated he is asking for a special exception for a 150' monopole. He talked about the property value issue, but did not have any research to determine if the property values go up or down due to a monopole being located nearby.

**Additional Comments:**

Mr. Walker asked the applicant if he would be installing a green epoxy covered fence and landscaping? He responded affirmatively.

Mr. Hinton stated US Cellular wants to be a good neighbor and do not want to offend potential customers.

Mr. Alberty commented that this application is an inappropriate use because of the location being too close to the single family neighborhood. He stated the single family neighborhood set the character of the area first. He further stated if the pole had been there first and then the neighborhood moved in, then they would have had an option on whether they wanted to live by a tower. He explained the County has no guide lines for location, but it stands to reason that if you have 150' pole it needs to be a minimum of 150' from any adjacent property line. He stated he could not support this application.

Case No. 1423 (continued)

**Board Action:**

On **MOTION** of **ELLER**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **DENY A Special Exception** to permit a 150' monopole supporting tower for a cellular telephone antenna. **SECTION 220. HEIGHT EXCEPTIONS** Use Unit 4, finding that the approval of this application would be injurious to the neighborhood and harmful to the spirit and intent of the Code; on the following described property:

Beginning at the NE/c Lot 1, Block 6, Chimney ridge South Addition, City of Broken Arrow, Tulsa County, Oklahoma; thence N89°56'37"E for 60.00'; thence S00°03'23"E for 50.00'; thence S89°56'37"W for 60.00'; thence N00°03'23"W for 50.00' to POB AND a permanent ingress/egress easement Beginning at the NE/c said Lot 1, Block 6; thence N00°03'23"W for 30'; thence N89°56'37"W for 50; thence S00°03'23'E for 30'; thence S89°56'37"W for 50' to POB

**Case No. 1424**

**Action Requested:**

Special Exception to permit an arena for training of horses. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS**, and a Variance to permit gravel parking. **SECTION 1340. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 20, located North West corner 171st Street South and US Highway 75.

**Presentation:**

The applicant, **Terry L. Downing**, Rt. 1, Box 105, Coweta, submitted a site plan (Exhibit B-1, Warranty Deed (Exhibit B-2) and a letter requesting a special exception to permit an indoor arena for training horses (Exhibit B-4). Mr. Downing stated the facility would be located on 100 acres on the corner of 171st Street South and US 75. He requested a variance for a gravel parking lot vs. asphalt. He explained the cost of asphalt is double the cost of gravel and the gravel lots are better for the horses welfare. He further explained there will be some asphalt in front of the building for parking but not the entire 550'.

**Comments and Questions:**

Mr. Looney asked the applicant if there is any particular hardship for the variance for the asphalt besides the cost? He stated the cost and the animals. He explained that horse trailers need to park on a soft surface to unload the animals. He further explained asphalt is hot and is harmful for the horses to stand on at any length of time.

Case No. 1424 (continued)

Mr. Tyndall asked the applicant where his parking lot was located? He indicated on the east side of the building.

In response to Mr. Alberty, he indicated the access would be off 171st instead of US 75.

Mr. Walker asked the Staff why Mr. Downing has to be before the Board since the arena is for training horses and it is in an AG zoned district? Mr. Gardner explained that most agricultural uses are accessory to the principal use of a farm and this will not be the case. He further explained the applicant will not be living on the property and the principal use is not a farm. The training facility is a commercial/recreational use. If this was a horse ranch for just keeping horses then it would be allowed in an AG zoned district, however this is more commercial in nature.

Mr. Walker asked the applicant if there would be a concession stand? He responded if there were any events that called for concessions, it would be a portable concession that would not be permanent. He stated there would not be a cafe or restaurant located on the proposed site. He further stated there would not be any alcohol allowed.

Mr. Walker asked the applicant how much parking area he would have? He responded there is 550' x 400' of parking area now, which is the length of the building and extends to the road.

In response to Mr. Walker, the applicant stated there may be 12 to 50 vehicles at an event.

In response to Mr. Looney, the applicant responded he is only graveling what he needs for the building and the rest of the land will be pasture.

In response to Mr. Alberty, the applicant explained the parking will be 550', which is the length of the building and 495' to the centerline.

Case No. 1424 (continued)

Mr. Looney asked the applicant if he intended to place a sign to advertise? He stated he would not.

**Interested Parties:**

Delise Tomlinson, City Planner for Glenpool, stated the City heard this case as a referral on June 12, 1996, and the Board voted 5-0-0 in favor of approval. She further stated the City did request that the Board consider putting a time limit on the variance for the parking for about 2 years at which time it would have to be paved. She explained the City would not have a problem with the graveled area for the horses and other livestock. She suggested the gravel parking and unloading area for the horses should be a separate area from the paved spectator/client parking. She stated the City has a policy to allow variances for parking with a limited time after which they do pave it and this alleviates problems with drainage.

**Additional Comments:**

Mr. Walker stated this proposed site is away from people and he doesn't understand the need for paving, since it is better for the livestock and gravel is dust free.

In response to Mr. Walker, Ms. Tomlinson stated that on this particular site the City sees it developing as commercial/recreation and some industrial. She further stated that they have allowed industrial parking to be gravel and the maintenance is difficult and the City would like to alleviate this from recurring or setting a precedence.

Mr. Looney asked Ms. Tomlinson about the concerns of a potential traffic hazard. She stated she has had several conversations with the City Manager and she understands they do have a cut on Highway 75, which raise issues about the need for deceleration lanes. She stated the issue of traffic is something the applicant will have to work out and hopefully he will use the 171st street as his primary entrance.

**Applicant's Rebuttal:**

Mr. Downing stated the gravel driveway with a limit of two years in which it has to be paved is not a problem as long as he is not forced to asphalt the entire parking lot. He further stated in front of the building if he paved 100' x 500', that would allow anyone coming to an event to park on a hard surface. He stressed the necessity of a gravel parking area for the livestock. He explained asphalt is not good for the livestock because it is an oil base and generates heat. He would prefer half of the parking be asphalt and half be gravel.

**Additional Comments:**

Mr. Looney asked the applicant if he addressed any of the access problems? He stated he talked with the highway department and received three different answers and cannot get any answers on who will have to pay for the deceleration lane. He further stated there is already a deceleration lane on 171st Street and he suggested only opening up the 171st Street entrance.

Mr. Walker asked Mr. Glenn if he reviewed this application? He indicated he did not, but suggested the Board should ask about a perk test and whether or not the applicant applied for a plat waiver. He suggested limiting his access to 171st Street and require a setback requirement approved by the County Engineer from the intersection.

Mr. Downing stated the setback from the intersection is 315' presently because there is a 50' Williams pipeline easement that he is not allowed to cross with a driveway.

Mr. Looney asked the applicant if he could move the site closer to 171st? He stated he couldn't move the site south toward 171st because of the easements across the property. He further stated he couldn't change the terrain or drainage because of the potential flood hazard. He commented he would like to leave the area as natural as possible.

Mr. Glenn suggested the Board require a flood hazard review with the approval.

Mr. Alberty stated the use is appropriate and the variance for gravel parking is in an a sparsely developed area with no dwellings around it. He suggested recommendation of approval of the special exception and the variance with a two year period of time, which means he will need to come back at the end of that time to extend it if the circumstances are the same.

Case No. 1424 (continued)

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** a **Special Exception** to permit an arena for training of horses. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS**, and a **Variance** to permit gravel parking. **SECTION 1340. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 20; per plan submitted; subject to a two (2) year limit on the gravel parking; subject to satisfactorily passing the City/County Health Department percolation test for septic systems; subject to comply with all zoning setbacks; subject to the access to 171st Street be the principal access to the property; subject to the County Engineer's approval of the location, width and design of the said access; subject to a building permit; subject to flood hazard review; subject to the platting requirement; finding that the approval of this application will not be injurious to the area nor harmful to the spirit and intent of the Code; on the following described property:

E/2 of SE/4 less 9.2 acres of highway and SW/4, SE/4, less SW/4, SW/4, SE/4, Sec. 27, T-17-N, R-12-E, Tulsa County, Oklahoma.

**Case No. 1425**

**Action Requested:**

Special Exception to amend a previously approved site plan. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5, located South East 96th Street North and 129th East Avenue.

**Presentation:**

The applicant, **Reverend A. Knight**, 9310 North 133rd East Avenue, submitted a current site plan (Exhibit C-1) and a previous site plan (Exhibit C-2). He stated the church is in the process of building a family life center in which the original site plan was approved before Windsor Lake Addition existed. He stated the church needed to amend the approved site plan because the developers didn't want to wrap the addition around the heat pump facility due to fire hazard. He explained the developers modified the plans and shortened the north end. He further explained the developers decided to build the bus barn/storage facility and make it a separate entity. He proposes to locate the bus barn/storage facility in the north east corner of the property. He stated the City of Owasso is presently building a pump station on the north east corner within the easement of the proposed site 10' from the east property



Case No. 1425 (continued)

line and it is a 10' x 10' pre-engineered steel building. He further stated the church felt it would be best to keep their bus barn/storage facility back east to allow easy access. He explained if the proposed building was moved to the west it would be difficult to get out of the north parking lot and the turn would be too narrow. He further explained the further west he goes the more problems with drainage which the County has ordered to keep open. He stated the water flows through the north parking lot, flows down to the north side of the new building and then it goes along the east side of the property down to a detention area which has been revised and totally rebuilt. He further stated the reason for the proposed church expansion location is to have access to the only double doors at the church where they would load and unload their props and equipment for productions. He commented neighbors in the area requested that the church not develop any further south and keep it all to the north. He proposed a 40' x 80' building for the bus barn/storage facility 20' from the east property line, which is 10' further away than the City's new pump station. He stated the family life center building is 35' setback from the east line. He further stated a majority of the neighbors in the area have fences except for the neighbor directly behind the church. He explained the building will be color coordinated with the other buildings on the property, as well as the same siding.

**Comments and Questions:**

Mr. Walker asked the applicant if he was asking for approval of the Church addition as well as a separate building for buses? He responded the large Church addition is three months from completion and that he obtained a building permit for that building.

Mr. Gardner informed that the previously approved plan by the Board depicted a slightly difficult configuration for the proposal expansion than what is being built. He also stated the new addition now runs more north and south than the approved site plan but still attaches to the main structure and extends to within 35' of the east property line as originally approved by the Board.

In response to Mr. Walker, Rev. Knight stated the 40' x 80' bus barn was not a part of the approved plan which has a 16' eaves height. He further stated the new Church expansion is 22' x 24' and matches up with the other building and is the same type of construction. He explained the existing structure is two story except for the two outer wings, but is designed to go up another story when the time comes. He further explained all of the parking is cement and there will be no asphalt.

Mr. Alberty asked the applicant if he was aware that the parking lot to the north did require a permit? He answered negatively. He commented the paving company didn't make him aware of that requirement and must have missed it.

Case No. 1425 (continued)

Mr. Alberty stated the original plan approved was a much better plan with regards to circulation primarily due to the ingress/egress and he suggested the church might want to reconsider the initial plan. He commented that the initial plan was approved because of the circulation and what was built is entirely different. Mr. Knight responded that the main entrance had problems with the islands that were in existence and the access bottlenecked. He commented the church is considering coming back before the Board to design the parking north and south to make it more usable.

Mr. Looney asked the applicant where the water retention was located? He stated it was located on the south east corner of the property.

Mr. Beach informed the applicant and the Board that the existing parking shown along the west property line on the current plan is not permitted and is different than the approved site plan. Mr. Beach explained there is no parking allowed in the required front yard.

Mr. Alberty stated the church could have driveway access in the required front yard, but they cannot park there.

**Protestants:**

Michael Lenheart, 9320 North 132nd East Avenue, stated he is the homeowner directly behind the new church building. He further stated the proposed site for the barn is in the back, east of the church's property next to his property. He commented the esthetics of a steel building is not good for one of the very nicest neighborhoods in the City. He further commented that he has no plans of putting a tall privacy fence up because they are unsightly. He suggested the building be located as far west as possible. He expressed concerns about the property value declining. He stated the bus barn will not have the same exterior surface as the other buildings.

**Additional Comments:**

Mr. Walker asked Mr. Lenheart if the City's building had a 16' eaves height? He stated it was 10' or 12'.

Case No. 1425 (continued)

Debbie Williams, 9408 North 132nd East Avenue, stated her property is right behind where the church proposes to build the new garage. She explained the proposed area is on a hillside and any building built that close to her property line is a sea of wall. She stated her house is on a decline of the hill. She further stated the current building is very massive and if you look south you see nothing but a wall. She expressed concerns about having a sea of wall along her property line. She suggested the garage being placed west as far as possible or another location on the property. She stated she understands their proposed site was for convenience to get the props in and out of their church and to the new garage, but the convenience is gone now that they have placed it toward the property line. She expressed concerns about the drainage and how it will be handled. She commented the view being taken away will decline her property value.

Bob Feldstaed, 9412 North 132nd East Avenue, stated he is north of Ms. Williams and all of his property abuts the church property. He further stated the building is almost finished. He explained that his view of Tulsa is gone now due to the addition of the church. He expressed concerns about flooding and noise. He stated the noise created by the heat pumps sounds like a jet taking off. He further stated he cannot talk with his neighbor in the back yard when the pumps are going because they are so loud. He explained that he cannot even open his windows because of the noise. He commented the lights on the south side of the parking lot is offensive. He requested the Board to make guidelines so that the neighborhood will not flood and to do something about the lights. He suggested the church consider moving the heat pump unit to another location or shield it in order to buffer the noise away from the neighbors.

In response to Mr. Walker the Mr. Feldstaed stated the church is about 70% done.

Debbie Williams, 9408 North 132nd East Avenue, stated that to her understanding the cooling tower will take care of the new building and will not have any additional equipment added. She stated with the new building being finished 70% has added to the noise of the tower because there is no way for the noise to escape. She explained she cannot open her windows. She commented that if the church builds the new garage at the proposed site it will make even more obstruction for the noise to escape away from the neighborhood.

Case No. 1425 (continued)

Kathy Williams, 9316 North 132nd East Avenue, stated her property is at the extreme south corner of the family life center and she is experiencing drainage problems. She further stated that at one time there was a drainage ditch between the two property is to allow for runoff and now the ditch is gone. She explained that now there is an 8' wall of dirt with the church's building setting on it. She further explained there is nothing there to keep the dirt from washing away when there is a sizable rain and what water runs off the church property does come into her yard. She stated a privacy fence would not block the view of the church because the church is on a hill and their homes are down hill from the church.

Julie McCart, 9314 North 133rd East Avenue, stated she lives next door to Reverend Knight and across the street from the pond. She further stated her concern is the esthetics of the building. She commented when she looks up all she can see is the building and it is a big building. She further commented that the neighbors directly behind the church see nothing but building and can't see the view of Tulsa or the skyline. She is concerned about the water drainage that will flow into the pond behind her house. She requested that the church not move the garage to the South because then it would be in her view line. She recommended the garage be moved west closer to the church and the street. She commented the property value is declining due to the church's new additions.

**Applicant's Rebuttal:**

Mr. Knight stated that the original site plan was filed and the church was built before any of the homes were built and so the neighbors were aware they were building behind a church. He further stated the drainage situation on the north side of the church was a problem before and they also have to deal with surface water. He explained the church lot is a raised area and when they drilled test holes in the raised area there was water at 7' and 10' below the surface. He suggested there may be some springs coming from the north side of the hill. He explained the drainage ditch that ran between the church property and Kathy Williams lot is not deep enough right now because of construction and it will be corrected when the construction is finished. He further explained the church is intending to do what ever it will take to handle the water and build retention walls to channel the water where it is designed to go. He addressed the concerns of the cooling tower and stated that there are 32 heat pumps inside the building. He stated with a heat pump system a cooling tower is necessary and it is located outside. He further stated the system was built with the new addition in mind and they will not have to change the size of the pump once the construction is finished. He explained the church will be using a computer thermostat control system that should alleviate the tower running so much at night and this will cut down the noise. He further explained the system has not been working properly the last seven (7) to ten (10) days and they are having it worked on to keep it from running full time like it has been.

Case No. 1425 (continued)

**Additional Comments:**

Mr. Looney asked the applicant if there was any way to screen the tower to cut down the noise? He responded a screen will restrict the air flow and then it will not work properly.

Mr. Looney asked the applicant if the church could use some other method to cool the church? He stated the only other alternative would be roof mounted units and they would be louder because it would take about 40 units. He further stated he believes the computer controlled thermostat will alleviate the noise at night.

Mr. Looney asked the applicant if there were other sites better suited for the bus barn? He suggested it could be moved as far west as possible, but they would have to measure to make sure a fire truck could get between the church and the bus barn.

Mr. Looney asked the applicant if the lighting could be softened? He stated the lighting situation has not been addressed for the new building area. He further stated the church will want some security lights, especially in door ways. He commented that the church does not need lights that will shine in the neighbor's back yards. He said presently there are lights on the top of the building that do shine on the back lot, but he would be glad to work with the neighbors on finding a better location for the lights.

Mr. Looney asked the applicant if he was building the new addition without a building permit? He stated no, he has a building permit for the family life center. He further stated he does not have a building permit for the garage and that is why he is before the Board.

Mr. Glenn stated that when the church was first built the north side was declared the rear yard with a 40' setback. He further stated according to the zoning code with that declaration the church cannot put the bus barn in the proposed area. He explained the applicant is not before the Board for a variance for the bus barn, he is here to have the amended site plan approved. He stated the new building meets the codes and there is no question about that, however he does need the amended site plan approved. He explained the drainage problem has been addressed and will be taken care of, but there are some problems that cannot be dealt with until the construction is done. Mr. Glenn requested he be given the Engineer's report and plan for the retention. Mr. Glenn informed the applicant that the bus barn cannot go where they are proposing to build at. Mr. Glenn stated the County will permit parking on the north side, however they will need a permit and the church cannot build any building on the north side because of the 40' setback. He further stated the parking lot on the west side is the front yard and it parallels the street, which has an 85' setback from the center line. He commented the County would allow parking there but when the County widens 129th Street they will wipe out the parking.

Case No. 1425 (continued)

Mr. Looney expressed concerns about the neighbors who are facing the back of this church.

Mr. Looney stated the church is beginning to decline the neighbors property value due to the noise problems and building a building twice the size of what has been approved on the site plan.

Mr. Knight questioned the Board if the hearing today was for revising the site plan? Mr. Glenn answered affirmatively. He stated the proposed site plan cannot be approved because the proposed site for the bus barn is not allowed. He further stated he would need a variance to place the bus barn in the proposed site and he is not advertised for that request so it cannot be addressed today. Mr. Glenn informed Mr. Knight that his contractor was told to bring plans into the office and he has not complied with the request to this date. Mr. Glenn further informed Mr. Knight that his contractor was told that the bus barn could not be in the proposed site and advised him to revise the plans for review by the building inspector with a proper location for the bus barn.

Mr. Looney asked Mr. Gardner if the Board where to deny the special exception where would that leave the church? Mr. Gardner explained there are three issues that are being dealt with: 1.) drainage; 2.) a bus barn and, 3.) church expansion. He further explained there was a plot plan previously approved and so the neighbors could have known there was a large church proposed and approved before the people moved in. He stated the tract is currently zoned AG, which the setback requirement for the rear yard is a 40' requirement. He further stated the Board approved a 35' setback on the east property line on the original plan and the Church felt like they could built within that 35'. He explained that 35' setback has been established as a reasonable setback for the east property line per the plan. He further explained that it is true that this new building runs a greater distance north than the previous approved site plan. He stated that because of the changes the neighbors are seeing more building than they would have under the original plan. He further stated the building inspector has issued a building permit for the new addition. He explained in the City of Tulsa a bus barn is not considered a permitted customary/accessory use for a church and would require Board approval. He stated the church is not advertised for a variance for the proposed bus barn and therefore this request is not a part of this application. He further stated that the Board has already determined that a 35' setback for the church building and if the bus barn was built within the 35' it would be detrimental to the neighborhood.

Case No. 1425 (continued)

Mr. Looney asked the applicant if a screening fence on the east property line would help the neighbors view? He responded that he did not think the neighbors would want a fence put there at all. He stated the church's foundation is at the neighbor's roof lines. He further stated the housing development is built in a former creek bed and is very low land.

Mr. Knight stated apparently he cannot get the bus barn approved today, but would like to ask for a variance to be able to have some type of storage facility on this property.

In response to Mr. Looney, he stated the bus barn could not go to the west or south side because the community wouldn't like it too well and there is a church right next door, which would block their front entrance. He further stated there are three churches in a row on this street.

Mr. Gardner informed the Board that the north boundary of the church is zoned CS and metal buildings are permitted as a matter of right in the commercial district.

Mr. Knight said he is willing to work with the neighborhood to make the bus barn more suitable for the neighborhood.

Mr. Alberty stated the building inspector was probably within his rights to issue a building permit for the new addition since it meets the 35' setback. He further stated the issue is rather where can the bus barn be located on the property that satisfies everyone's concerns. He explained he would like something done along the east side to buffer the neighborhood. He suggested a 10' planting strip with hard wood trees to help break esthetics and modify the noise. He further suggested the barn should be set at least 35' minimum from the east property line. He commented the barn should have the same siding the church is presently using at least on the east side that abuts the homes. He advised that an 8' solid surface fence would help screen the activity. He further advised that the Board should continue this case to review some of the issues addressed in this hearing and find a better location for the bus barn. He suggested the lighting should not be any taller than 12' and it should be directed downward. He further suggested if there are power packs on the side of the building that they should not be any higher than 8'.

Mr. Walker stated he is not real thrilled with this project. He further stated the bus barn should be moved to the front of the property and get away from the neighbors. He commented the neighbors are already enduring enough. He stated that it is unreasonable that the church's foundation is already at the second story level and then they went up with another level.

## Case No. 1425 (continued)

Mr. Looney stated that if the application is approved to continue one of the considerations ought to be that there be no more building permits issued on this project without Board approval and an approved modified site plan.

Mr. Walker stated if he voted today it would be to continue or it would have to be a negative vote. He further stated he agrees with the planting of vegetation for screening.

Mr. Tyndall stated the church was there first and the plans were to have this addition approximately where it is. He further stated the church could screen if they wanted to, but the residential owners could also plant trees to screen their land from the church. He agreed the garage should not be approved at this time and that the church should try to amend the site plan again. He further agreed screening with trees would be good, but anyone can plant the trees, whether it is the church or the residential owners.

### **Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **CONTINUE Case No. 1425 to July 16, at 1:30 p.m.**; finding the applicant needs a variance of building setback and to further address issues with the neighborhood; finding that the revised site plan needs to be reviewed by the County Building Inspector before the continued hearing.

## **Case No. 1426**

### **Action Requested:**

Use Variance to permit Use Units 15 and 23 in an AG zoned district - warehousing, packaging, wholesaling and mail order of herbs and dried foods. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 15 & 23, located 161st East Avenue and 167th Street South.

### **Presentation:**

The applicant, **Ronnie Smith**, 16927 South 163rd East Avenue, Leonard, submitted a site plan (Exhibit D-1) and stated he wanted to add on to the existing building. He further stated the existing building is 30' x 60' and the addition will be 30' x 40' on the east side of the building. He explained the building was a former senior citizens building and it now is being used to package dried herbs and food. He further explained the new addition would be used for warehousing and packaging. He stated the company will be able to hire an additional 15 to 20 people and will need the space. He further stated there is very little industry in Leonard and this will help out the community. He explained the lease is already worked out with the company.



Case No. 1426 (continued)

**Comments and Questions:**

In response to Mr. Tyndall, the applicant explained the addition would be on the east side of the building. He further explained the addition is away from the property line.

In response to Mr. Looney, the applicant explained that he owns the building, but leases it out. He affirmed that he is agreeable to adding on the addition for the warehouse and that is all the addition will be used for. He stated everything is shipped in and shipped out. He further stated nothing is sold from the building.

Mr. Gardner informed the Board that along this highway there has been no commercial zoning or comprehensive planning studies done. He stated the Board will have to treat each individual application as it comes in.

Mr. Tyndall asked the applicant if there were any outside storage at the site? He answered negatively.

**Protestants:**

Maxine Berry, 17071 S. 161st East Avenue, Leonard, stated she isn't protesting, but would like some answers. She further stated she lives less than 100' from the subject property and have concerns about the noise from the trucks coming in. She expressed concerns about her property value and noise. She stated she has lived there over 50 years. She indicated her home is west of the subject property. She further stated she was not notified that they wanted to put a business in the building until it was done and now they want to enlarge it.

**Applicant's Rebuttal:**

Mr. Smith stated the noise level is more than likely from the highway and not from the business. He explained he did have dirt hauled in and the dump trucks banged their tail gates when dumping the dirt. He further explained he will not be getting any more dirt hauled in. He stated the trucks that back in to unload do not make as much noise as the highway. He further stated the highway is heavily traveled.

**Comments and Questions:**

Mr. Tyndall asked the applicant what the hours of operation will be? He stated the business closes at 4:00 p.m. and there are no deliveries late at night.

Mr. Tyndall stated the subject property is by the highway so there will be a lot of noise.

Mr. Smith stated the addition will actually be away from the neighbors.

Mr. Looney asked the applicant if there was any screening along 161st? He stated that there is no screening, however the protestant owns two bull dogs that make more noise than a vehicle and they do bark at individuals getting out of their cars.

Case No. 1426 (continued)

In response to Mr. Alberty, the applicant stated his traffic will access off of 64 highway.

**Additional Comments:**

Mr. Looney suggested the highway is the noise problem and not the activities at the subject property.

Mr. Walker asked the applicant if there was any activity along the west side of the building? He stated negatively. He further stated the trucks will be coming in along the east side and will be going further away than they are right now.

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** a **Use Variance** to permit Use Units 15 and 23 in an AG zoned district - warehousing, packaging, wholesaling and mail order of herbs and dried foods. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 15; per plan submitted; finding that the approval of this application will not be injurious to the area nor harmful to the spirit and intent of the Code; on the following described property:

Beginning 718' S. of NW/c of SW/4, Sec. 26, T-17-N, R-14-E; thence E 100'; thence N 200'; thence W 100'; thence S 200' to POB, Tulsa County, Oklahoma.

**Case No. 1427**

**Action Requested:**

Variance to permit 2 dwellings on 1 Lot of record. **SECTION 208. ONE SINGLE FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located 15717 North 141st East Avenue.

**Presentation:**

The applicant, **Christopher J. Compton**, 15717 North 141st East Avenue, Collinsville, submitted a site plan (Exhibit E-1) and a building permit (E-2). Mr. Compton requested permission to install a mobile home on a 5 acre tract where his father-in-laws home already exists.

**Comments and Questions:**

Mr. Looney asked the applicant if he was aware he needed a hardship to be granted a variance? He stated there are other properties in the area with two dwellings.

Mr. Gardner asked the applicant if the property to the west of the subject property has two dwellings on it? He answered affirmatively.

Mr. Tyndall asked the applicant if the mobile home was for his own use? He answered affirmatively.

Case No. 1427 (continued)

Mr. Alberty stated in the past where there was 5 acre tracts and only one dwelling, the hardship is that they could split the property which would permit two dwelling units. He further stated that because the land is his father-in-laws and he does not want to split the land into two ownerships, this could be the hardship for granting the variance.

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** a **Variance** to permit 2 dwellings on 1 Lot of record. **SECTION 208. ONE SINGLE FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; per plan submitted; subject to Health Department approval and a building permit; subject to the mobile home being tied down and skirted; finding that the 5 acre tract is under one ownership and the owner does not want to split the tract to permit 2 dwellings; finding the approval of this application will not be injurious to the area nor harmful to the spirit and intent of the Code; on the following described property:

PRT E/2, SE/4 Beginning 1649.95 S. NW/c, E/2, SE/4; thence E. 661.23; S 329.98; W 661.37; N 329.99; SEC. 16, T-22-N, R-14-E, Tulsa County, Oklahoma.

**Case No. 1428**

**Action Requested:**

Request an extension of the previously approved time limit to pave the required parking. **SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, and a Variance of required number of parking spaces. **SECTION 1205.4 USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES**; Off-Street Parking and Loading Requirements, located North of North East corner East 121st Street and 129th East Avenue.

**Presentation:**

The applicant, **Jim Ingram**, 3113 East 67th Street, submitted a site plan (Exhibit F-1) and a field study (Exhibit F-2). Mr. Ingram stated he owns the subject 40 acre tract and leases the property to a national organization called the "Little Links Golf for Kids". He further stated this is a national, non-profit organization to teach kids to play golf. He explained that two years ago he was approved by the Board to build the golf course and it is the first facility like this in the United States. He further explained that the United States Golf Association and the Professional Golf Association is helping him test this project. He stated that the enrollment so far has only been elementary age kids and so they have modified a great deal of the golf course. He further stated that the need for paving on the parking area along 121st Street is no longer necessary because the development has been discontinued. He explained that now the golf course is only using 10 acres along 129th Street East and there is no longer a golf course along 121st Street, nor parking. He further explained that there is no entrance on 121st Street and there will be no club house as originally planned. He stated the only building he uses is an old farm house to shelter from lightning, the back porch to sign the kids up and the kitchen for a working area to cut clubs down for the kids. He further stated there is no food vendors and it is not a golf course per se. He explained it is a golf school for golf lessons only, much like a baseball or soccer practice field. He further explained there is no parking lot, the parents drop the kids off and pick them up later in the day. He commented approximately one or two cars stay during the lessons per day and approximately 12 cars on Saturday when periodically there is a tournament. He indicated the cars park to the north of the chat parking area on the grass. He detailed the enrollment of students as follows: 1994/12 kids; 1995/144 kids and 1996/36 kids. He stated the children cannot drive so there is no need for a parking lot. He further stated that practice fields for baseball and soccer in the area are all chat or grass parking. He commented that since the students that come to his school cannot drive, he shouldn't have to provide the parking per green as stated in the Code.

**Comments and Questions:**

Mr. Alberty asked the staff if there was anyway to make a determination that this is a specific kind of use that isn't defined anywhere in the Code and therefore doesn't need parking requirements? Mr. Gardner stated that if Mr. Ingram finished his plans per site plan than the Board will want to look at the required parking issue. He further stated as long as Mr. Ingram keeps the school as it is presently than there is no problem with extending the time limit.

Mr. Walker agreed with staff stating that in three or five years the school could expand to its proposed site plan and the parking would be an issue at that time.

Case No. 1428 (continued)

Mr. Alberty asked the staff if the school expanded would the Board be aware of it? Mr. Gardner stated the applicant will have to get a building permit to expand and that would be the time the Board could address the parking issues to decide whether or not parking requirements are needed.

**Board Action:**

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** the request for an extension of the previously approved time limit to pave the required parking. **SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, and a **Variance** of required number of parking spaces. **SECTION 1205.4 USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES**; Off-Street Parking and Loading Requirements; through September 2001 to the Board reviewing parking requirements if the applicant obtains a building permit prior to 2001; finding that approval of this application will not be injurious to the area nor harmful to the spirit and intent of the Code; on the following described property:

SW/4, SW/4, Sec. 33, T-18-N, R-14-E, Tulsa County, Oklahoma

**Case No. 1429**

**Action Requested:**

Special Exception to permit a 100' telecommunications tower in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS**  
- Use Unit 4, located 7103 North Cincinnati Avenue.

**Presentation:**

The applicant, **Wanda L. Anderson/Sprint Spectrum, L.P.**, 10830 E. 45th Street, Suite 302, submitted a site plan (Exhibit G-1) and requested permission to install a non-guyed tower, 100' slim line lattice with a 5' base and 31" top on a 50' X 50' tract of land with a BTS unit. She explained there is a house to the west of the subject location. She further explained there is an existing guy-tower 200' west and south of the subject location. She informed the Board that the guy-tower is a State and Federal Tower and has been in existence for several years.

**Comments and Questions:**

Mr. Alberty asked the applicant if there were any other locations on the subject property to place the tower without placing it farthest east? She answered affirmatively. She explained the proposed site was decided because of the utilities and to keep from putting it in the middle of the land owner's property. She further explained that this is open land and there are no fences on the east side.

**Protestants:**

Steve Schuller, 320 South Boston, representing owners of the neighboring property to the east and south east of the subject property. He stated several of his clients were present. He explained that John Hammon owns 5 acres to the east of the subject property, which would be north east of the proposed tower; Brian and Patricia Watt own 2 1/2 acres directly to the east of the subject property and the proposed tower; Forrest Reese owns 2 1/2 acres to the east of the subject property, and David and Julia Yawell own 4 acres to the south east of the subject property and proposed tower. He stated the proposed tower will be crammed next to his clients' property and the application indicates the tower is about 40' from the property line. He further stated the land the proposed tower is to be located on is only 20' from his clients property line and stated this would be injurious to the neighborhood and detrimental to the public welfare. He explained that his clients property is presently undeveloped, and granting this proposed exception to permit the telecommunications tower in such close proximity to his clients' property would foreclose almost all appropriate development of their property immediately to the east. He further explained that his clients' property is hilly, heavily wooded and the highest point in Tulsa County. He commented the most likely development for his clients' property would be residential uses. He stated the applicant proposes a 100' tower and it will be unsightly, unattractive, deterioration of his clients' property value. He further stated the tower would be visible from anywhere on his clients' property and if it where to be knocked down in a storm it would likely topple on his clients' property below. He described a previously dispute where he represented a client against a cellular telecommunications company over a problem of birds roosting on the tower and leaving bird droppings on nearby cars, driveways, etc. He explained the Hammon, Watt and Reese property will develop land in the western boundary and will be in close proximity with the proposed tower. He stated the proposed tower is incompatible with any development of his clients' property and would essentially foreclose their opportunity to develop the property in a manner appropriate to the neighborhood. He further stated if the exception is granted it should be granted further away from his clients' property. He explained there is ample room at the southwestern corner of the property that the cellular communications company is proposing to lease. He further explained that the State of Oklahoma has an easement already for their existing tower and the easement grant is not exclusive to the State and Federal Tower. He stated this would avoid injury to his clients' property and the detriment to the public welfare caused by putting it crammed up against his clients' property lines. He requested the Board to deny the request or require applicant to relocate the proposed tower farther away from his clients' property lines. He suggested the Board require the proposed tower be located in the southwestern corner of the land.

**Comments and Questions:**

Mr. Looney asked Mr. Schuller, if the tower could be relocated would he be opposed to the tower being located on this property? He stated if the tower could be located in the area southwest of the existing tower he wouldn't have a problem with the tower being erected.

**Applicant's Rebuttal:**

Ms. Anderson stated that there is not a neighborhood established in the area yet, it is undeveloped and totally opened land. She further stated the tower will not be nearly as unsightly or obtrusive as the guyed-tower that is presently erected. She explained the tower is designed to buckle instead of falling. She stated the Hammons have owned the property since 1938 and Ms. Hammon died in 1979. She further stated that looking at the records there was nothing to indicate plans for development of the area. She informed the Board that in the south west corner the State of Oklahoma owns an easement and the entire area is leased to the State of Oklahoma and the proposed tower is unable to locate in the southwestern corner.

**Comments and Questions:**

Ms. Anderson asked the Board how they felt about the location at this point of the presentation? The Board responded it was too close to neighboring property.

Ms. Anderson asked the Board if they were going to deny this application if it stands as it is? The Board answered affirmatively.

Ms. Anderson proposed an alternative placement that she had discussed with Mr. Watt earlier. She proposed a new location that had been previously agreed upon with Mr. Watt.

Mr. Alberty commented the advertisement has been for a 50' x 50' lease and all the Board can consider is the original application. Ms. Anderson stated that she talked with Jim Beach of INCOG and he informed her that notice was given on the 10 acres. She further stated that Mr. Beach informed her if she stayed within the 10 acres her advertising would be valid.

Mr. Schuller stated the Board should continue the application to a later date to review alternative locations for the proposed tower. Ms. Anderson explained that his client did agree with the alternative site and that is why she suggested it. She further explained it is 200' from his clients' property lines, which more than meets the tower height and it meets the setback.

Case No. 1429 (continued)

Ms. Anderson stated her proposal is to move the tower to the alternative location to obtain approval of the Board.

**Additional Comments:**

Mr. Walker stated the proposed tower is not any more offensive than what is already there, especially if it is moved up to the alternate location.

Mr. Looney asked Mr. Beach if he had the description of the alternative site. Mr. Beach stated he did not have the description of the alternative site.

**Board Action:**

On **MOTION of TYNDALL**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE a Special Exception** to permit a 100' telecommunications tower in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 4, per alternative tower site 200' from the east property line; finding that the approval will not be injurious to the area, nor would it be harmful to the spirit and intent of the Code; on the following described property.

A 50.0' x 50.0' lease. Commencing at the SE/c of NW/4 SW/4 SEC. 36, T-21-N, R-12-E, Tulsa County, Oklahoma; thence S 88°52'55"W for 37.05'; thence N 1°07'05"W for 64.92' to POB; thence N 69°32'10"E, for 50.00'; thence N 20°27'50"W for 50.00'; thence S69°32'10"W for 50.00'; thence S 20°27'50"W, for 50.00' to the POB and a 20.0' wide easement for ingress/egress and being 10.0' on either side of the following described center line: Commencing at the SE/c of said NW/4 SW/4, Thence S88°52'55"W for 74.35'; Thence N1°07'05"W for 106.56' to POB; Thence N 51°35'29"W, a distance of 306', more or less, to a point on Cincinnati Ave., Tulsa County, Oklahoma

**Case No. 1430**

**Action Requested:**

Special Exception to permit mining for dirt and sand in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 24, located North West corner of 151st Street South and Garnett Road.



**Presentation:**

The applicant, **Frank D. Watkins**, 6240 East 165th Street South, Bixby, representing Watkin's Sand Company, stated he is trying to move along with the construction and the growth of the County. He further stated there is a need for more dirt and sand to keep up with the growth and development. He explained the subject location is adjacent to the river with approximately 45 to 50 acres still in existence that has not been flooded. He further explained that he will need to take some top soil off of the top land and sale to a classifying plant on the bank. He stated he would carry the sand out of the river to make mason and concrete sand. He further stated he is governed by the Oklahoma State Mining Commission, who apply the setbacks, rules and regulations he must follow. He commented he is checked once a month by the State and twice a year by Federal.

**Comments and Questions:**

Mr. Looney asked the applicant if he had a site plan that details his plans? He answered negatively.

Mr. Looney asked the applicant if he has done any mining on the subject property? He answered negatively. He explained that he has been located in the area for eighteen (18) years and when the project is finished it will be a detention pond that will help with flood control.

Mr. Watkins explained that he will be coming mainly out of the river and will not be disturbing the river bank. He explained he will put a classifying plant in and run the sand through there. He further explained there is not a lot of top soil used because you mix the top soil with sand to make it go farther.

Mr. Looney asked the applicant what the setbacks are for the surrounding areas? He answered the State Mining Commission stated that for every foot that he goes down, he has to come up 1 1/2' off the property line. He stated the water table is at 12'.

Mr. Watkins explained that the Corp. of Engineers tell him how much he can dig per day and he has to have that amount out within 24 hours.

**Additional Comments:**

Mr. Alberty commented the Board could give conceptual approval to begin mining from the river and set up his classifier. He further commented he should return to this Board with a specific site plan with regards on how he is going to remove top soil at a later date before he actually starts excavation. He stated the plans should not encroach the flood plains; should not encroach within 30' of the north boundary or 85' from the east boundary.

Case No. 1430 (continued)

Mr. Tyndall stated there isn't any noise problem regarding hours of operation that need to be addressed since there are no surrounding neighbors.

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** a **Special Exception** to permit mining for river sand and establish classifying plant and the applicant returning to the Board with a specific site plan for the removal of the dirt and top soil on the subject property in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 24; subject to a setback of 30' to the north, setback of 85' to the east and that the applicant does not encroach the flood plain on the south and west; finding that approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

NW/c of 151st St. S. and Garnett Rd. Legal Description: SE/4 SE/4, Lot 5 or SW/4 SE/4 of SEC. 18, T-17-N, R-14-E of Indian Base and Meridian in Tulsa County, Oklahoma, according to the US Government Survey thereof 69.75 acres.

**Case No. 1432**

**Action Requested:**

Special Exception to permit a 150' telecommunications tower in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 4, located 19312 West Highway 51, Sand Springs.

**Presentation:**

The applicant, **Wanda L. Anderson/Sprint Spectrum, L.P.**, 10830 East 45th Street, Suite 302, submitted a site plan (Exhibit H-1) and a lease site (Exhibit H-2). Ms. Anderson stated the proposed tower is 150' monopole with a BTS unit and there are no guy-wires involved with this particular tower.

**Comments and Questions:**

Mr. Alberty stated this was in a rural area with nothing around. Ms. Anderson responded that there is nothing around and there should be no problems.

Mr. Walker asked the applicant how far this site was from the Campbell Ranch? She stated she wasn't sure where the Campbell Ranch is located.

Case No. 1432 (continued)

**Board Action:**

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** a **Special Exception** to permit a 150' telecommunications tower in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 4; per plan submitted; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

Commencing at a point where the N. right-of-way line of State Hwy 51 intersects a point 1264.5' W. of the E. line of SW/4 SEC. 12, T-19-N; R-10-E of the I.B.M., Tulsa County, Oklahoma; thence N2°43'25"W, on a line 1264.5' from and parallel with the E. line of said SW/4 for 123.21', thence S87°16'35"W for 10.28', to POB, SE/c of said site; thence S87°16'35" W for 50.00'; thence N2°43'25"W for 50.00'; thence N87°16'35"E for 50.00'; thence S2°43'25" E for 50.00', to POB and a 20.0' wide easement for ingress/egress commencing where the N right-of-way line of State Hwy 51 intersects a point 1264.5' W. of E. line of said SW/4; thence N2°43'25"W, on a line 1264.5' from and parallel with the E line of said SW/4 for 123.21'; thence S87°16'35"W for 60.28', to SW/c of the 50.0' by 50.0' site; thence N2°43'25"W, along the W line of said site for 25.00' to POB; thence S87°16'35"W for 357.68', thence S2°43'25"E for 294', more or less, to a point on the N. right-of-way line of State Hwy 51.

**Case No. 1433**

**Action Requested:**

Special Exception permit for 250' telecommunications tower in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 4, located 136th Street North, East of North Sheridan Road, Collinsville.

**Presentation:**

The applicant, **Wanda L. Anderson/Sprint Spectrum, L.P.**, 10830 East 45th Street, Suite 302, submitted a site plan (Exhibit I-1) and a lease site (Exhibit I-2). Ms. Anderson stated the tower has been reduced to a 185' guyed tower with a BTS unit. She explained the proposed location is 275' from the east property line and 900' north of North 136th Street. She further explained Eddie L. Harris is the property owner who is a land developer. She stated Mr. Harris has surveyed 136th Street south of the proposed site for building lots of 330' by 660'. She explained this tower is located behind one of the building lots, which will make a much nicer align across 136th Street to have buildings in front and the tower in the back. She stated it is rural area with a couple of houses to the east.

**Protestants:**

Ms. Linda Brown, 6303 East 136th Street North, Collinsville, stated the easement of the proposed site runs directly next to her property line. She submitted a plot plan (Exhibit I-3) showing her property and the proposed land area for the tower. She stated there is commercial property available where they would not have to get an exception. She expressed concerns about the decline of property value if the tower application is approved. She stated she recently has taken out a second mortgage on her home to build an addition and would like to refinance the home. She expressed concerns that the tower will be a detriment to her property value and hinder her ability to refinance her mortgage. She revealed the tower will be right next to her pond where her children play. She stated the lease area will be 10' to 20' from her property line and if it fell it would fall into her property line. She further stated there is ample space to relocate this tower. She commented that she asked the applicant about maintenance and was told that they do have people come out to maintain the tower periodically, however they didn't specify if they were employees or contract the work out. She expressed concerns of security since this is a rural area and the response time for emergency calls is 45 minutes. She stated the applicant told her there would not be any security lights on the tower, but every tower she has viewed does have security lights. She expressed concerns that the tower and traffic to the tower will scare the wildlife away from her pond. She explained that she wanted the present wildlife to stay in the area and that it is one of the reasons she moved into the rural area. She further explained that the applicant has a lease that will allow the tower to be erected 25 years and she fears she would never be able to sell her home with a tower next to her property. She stated the power lines that run across the land is a necessity, where the communications tower is a luxury not a necessity. She talked about the tower being digital or analog and would that cause reception problems for television and stereo. She stated she asked the applicant for a property value study and was given one for Arkansas and one for Portland, Oregon, which does not help since it is not a study of Oklahoma. She further stated she lives in a rural area and the studies they did give her were for cities and it wouldn't be the same. She commented the tower will be an eye sore and adjacent to her pond where her family spends a lot of time. She expressed concerns about noise from the tower's BTS unit and was told there would be no noise or building on site. She commented she didn't see how there wouldn't be any noise since there will be some kind of control switches or something. She further commented that the electricity goes out periodically in the rural area and the applicant will have to bring out generators to keep their equipment going, which will be very loud.

Case No. 1433 (continued)

Michael Brown, 6303 East 136th Street North, Collinsville, stated that he has been a construction electrician for over twelve (12) years and any facility that required a backup power system in the event of power fault had a generator on site. He expressed concerns that the tower would have a generator installed and he would be awoken in the middle of the night when the generator starts up. He stated a tower the size they have proposed will have to have some type of lighting system on it and he doesn't want lights shining in the pond area because of the wildlife.

**Applicant's Rebuttal:**

Mr. Looney requested the applicant to address where the tower could possibly be moved to. Ms. Anderson stated that she investigated several areas in the commercial area and found there wasn't sufficient room to put the guy anchors. She further stated the actual tower is 7' back behind the protestant's property line. She explained the closest thing to her property would be the south guy, which will be approximately 150' south of the tower or 750' from North 136th Street, which is also 270' from Ms. Brown's nearest property line. She explained the tower itself isn't in line with Ms. Brown's property. She further explained that it is a 185' tower and there is a 270' clearance on the east side of the tower. She stated they considered moving the tower to the west, however, Mr. Harris has had this surveyed for the 330' x 660' home sites and the access road would be going down the middle of the home sites instead of along the fence line. She further stated the proposed site will clear all property lines. She commented that Ms. Brown was given several studies on property values and that one particular study in Portland, Oregon did show that the property values continued to appreciate with a communications tower in the middle of a sub-division. She stated that the Arkansas study proved to be the same as in Oregon. She affirmed that the technicians are employees of Sprint Spectrum and visit the towers once or twice a month to check the equipment. She reaffirmed there will not be any lights on this proposed tower. She explained there will not be a generator on site, however a generator will be brought in if the power fails. She further explained that the towers have a battery pack that keeps power up to four (4) hours until a generator can be moved in. She stated the tower will only be digital and there will be no interference with television or stereo reception. She further stated to her knowledge even with analog there is no interference with reception televisions and stereos. She reaffirmed there will be no security lights to interfere with the wildlife or other pleasures the Brown's enjoy around their pond.

**Comments and Questions:**

Mr. Alberty stated if the owner has considerable more property than this, why would he obviously want to locate it on the perimeter other than the fact that he would think it would interrupt his development. He further stated that the same consideration should be given to someone adjacent to it. He commented he felt the location was proposed to keep the tower away from the property owner's property line.

Case No. 1433 (continued)

**Board Action:**

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **DENY** a **Special Exception** permit for 185' telecommunications tower in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 4; finding that the approval of this special exception will be injurious to the area and harmful to the spirit and intent of the Code; on the following described property:

Legal Description: Commencing SE/c SE/4 Sec. 27, T-22-N, R-13-E, I.B.M., Tulsa County, Oklahoma; thence S88°49'38"W for 1830.76'; thence N1°10'22"W for 690.47', to POB, SW/c; thence N1°17'58"W for 480.00'; thence N88°42'02"E for 480.00'; thence S1°17'58"E for 480.00'; thence S88°42'02"W for 480.00', to POB. and a 50.0' by 50.0' site, commencing at the SE/c said SE/4; thence S88°49'38"W for 1606.24'; thence N1°10'22"W for 905.97' to POB; thence N1°17'58"W for 50.00'; thence N88°42'02"E for 50.00'; thence S1°17'58"E for 50.00'; thence S88°42'02"W for 50.00', to POB; and a 20.00' wide easement for ingress/egress; and being 10.0' on either side of the following described center line, commencing SE/c, said SE/4; thence S88°49'38"W, for 1349.17', to POB; thence N1°17'58"W for 200.50'; thence N2°28'22"W for 491.14'; thence N32°26'19"W for 280.40'; thence S88°42'02"W for 50.00', to a point on the E. line of the 50.0' by 50.0' site, 25.00' N1°17'58"W of the SE/C of said site

**Case No. 1434**

**Action Requested:**

Variance of required 30' of frontage on a public street to 0' to allow construction on an existing tract in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 4, located 10023 North Atlanta Place.

**Presentation:**

The applicant, **Tracy Still**, 11015 East 18th, submitted a site plan (Exhibit J-1), Warranty Deed (Exhibit J-2) and building permit (Exhibit J-3). Mr. Still requested a variance of required 30' of frontage on a public street to 0' to allow construction on an existing tract.

**Comments and Questions:**

Mr. Looney asked the applicant about his access? He stated it is a county road located at North 26th East Avenue.

Case No. 1434 (continued)

Mr. Alberty asked the applicant if he has filed an easement with the County? He stated he obtained an easement and is ready to file it with the County.

Mr. Alberty asked Mr. Glenn if the easement satisfies the County? He answered affirmatively.


**Board Action:**

On **MOTION** of **TYNDALL**, the Board voted 4-0-0 (Alberty, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** a **Variance** of required 30' of frontage on a public street to 0' to allow construction on an existing tract in an AG zoned district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 4; per plan submitted; subject to the access easement being filed with the County Clerk; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit or intent of the Code; on the following described property:

N/2, W2, E2, NW/4, SW/4, Sec. 17, T-21-N, R-13-E, and part of E/2, E/2, W/2, SW/4, Sec. 17, T-21-N, R-13-E, described as follows: Beginning at a point 1388.63' N of SE/c said E/2, E/2, W/2, SW/4 thence N along the E line said E/2, E/2, W/2, SW/4 for 1259.97' thence W along N line said E/2, E/2, W/2, SW/4 for 329.70'; thence S along W line said E/2, E/2, W/2, SW/4 for 1260.12'; thence easterly for 329.74' to POB

There being no further business, the meeting was adjourned at 5:01 p.m.

Date approved: 7-16-96

  
Chair