

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 438
Tuesday, November 15, 2016, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 119
Tulsa, Oklahoma

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

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|---------------------|---------|---------|---------------------|
| Charney, Chair | Dillard | Miller | West, Co. Inspector |
| Crall, Secretary | | Moye | |
| Johnston | | Sparger | |
| Hutchinson, V.Chair | | | |

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 10th day of November, 2016 at 9:55 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

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

MINUTES

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** the Minutes of October 18, 2016 (No. 437).

Mr. Charney explained to the applicants and interested parties that there were only four board members present at this meeting, and if an applicant or an interested party would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from three board members to constitute a majority and if two board members voted no today the application would fail. Mr. Charney asked the applicants and the interested parties if they understood and asked the applicants or interested parties what they would like to do. The audience nodded their understanding and no one requested a continuance.

UNFINISHED BUSINESS

2594—J. R. Donelson

Action Requested:

Special Exception to allow weddings and other outdoor events (Use Unit 2); Special Exception to allow commercial recreation, intensive (Use Unit 20); Special Exception to allow community services and similar uses (Use Unit 5); Variance of the all-weather material for surface parking (Section 1340.D). **LOCATION:** 19501 West 41st Street South

Presentation:

The application has been withdrawn.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

The N/2 of the NE/4, less the South 273.40 feet of the West 113.78 feet of Section 26, T-19-N, R-10-E, Tulsa County, Oklahoma, containing 40 ac.; The E/2 of the SW/4 of the SE/4 and the SE/4 of the SE/4 of Section 23, T-19-N, R-10-N, Tulsa County, Oklahoma, containing 60 ac.; The SW/4 of the SW/4 of Section 24, T-19-N, R-10-E, Tulsa County, Oklahoma, containing 40 ac.; The NW/4 of the SW/4 of Section 24, T-19-N, R-10-E, Tulsa County, Oklahoma, containing 40 ac.; The E/2 of the SW/4 of Section 24, T-19-N, R-10-E, Tulsa County, Oklahoma, containing 80 ac.; The W/2 of the SE/4 of Section 24, T-19-N, R-10-E, Tulsa County, Oklahoma, containing 80 ac.; The E/2 of the South 20 acres of the N/2 of the SE/4 of Section 23, T-19-N, R-10-E, Tulsa County, Oklahoma, containing 10 ac.; The SE/4 of the SE/4 of the NW/4 of the SE/4 of Section 23, T-19-N, R-10-E, Tulsa County, Oklahoma, containing 2.5 ac.; The W/2 of the SW/4 of the SE/4 and the S/2 of the SW/4 of the NW/4 of the SE/4 and the SW/4 of the SE/4 of the NW/4 of the SE/4 of Section 23, T-19-N, R-10-E, Tulsa County, Oklahoma, and containing 27.5 ac., OF TULSA COUNTY, STATE OF OKLAHOMA

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NEW APPLICATIONS

2605—Samuel Gaytan

Action Requested:

Special Exception to allow for a rodeo facility (Use Unit 20) in the AG District (Section 310); Variance of the all-weather material for surface parking (Section 1340.D). LOCATION: 11355 North Lewis Avenue West

Presentation:

Wesley Johnson, 624 South Denver, Suite 300, Tulsa, OK; stated he represents Samuel Gaytan. Mr. Johnson read a letter that Mr. Gaytan had presented to all the neighbors at Mr. Johnson's request. Mr. Johnson stated that Ms. Tracy Wood, with the Tulsa County Sheriff's Office, is present today because she has worked three of Mr. Gaytan's rodeos and she will state there have been no disruptions of any sort and that the rodeos are family oriented. Mr. Johnson stated that he understands the neighbors have concerns about traffic, noise and potentially intoxicated drivers. Mr. Johnson stated he understands that peace and tranquility are primary to people and he respects that as does Mr. Gaytan. Mr. Gaytan will provide the neighbors with his personal telephone number so they can call him with any complaints or concerns and he will take care of the situation. Mr. Gaytan's property is approximately 20 acres and on the south side by 106th Street, on the west side is North Lewis, and on the north side is 2552 East 116th Street North and 2578 East 116th Street North. Between the neighboring residents and the proposed site for the rodeo is a large stand of forested area which will serve as a noise barrier. There will be a separate ingress and egress while the ticket area is approximately 450 feet away from the ingress allowing for a constant flow of traffic. There will be traffic control at the events directing people where to park so there will be order to the parking. There has been concern expressed about an elderly relative living in the area, and how would emergency vehicles get to the relative during an event. Mr. Johnson stated that he suggested to Mr. Gaytan to have an ambulance on site during the rodeo events for the safety of the participants, the audience, and the neighbors. Neighbors are concerned about property damage but he does not understand this because there is no ingress or egress near any one's property. Mr. Johnson stated the lighting will strictly be confined to the arena area though they will be able to be seen from a distance. Mr. Johnson stated the former rodeo operated there for several years without permission, and the neighbors apparently had difficulty with the operators but Mr. Gaytan had nothing to do with that rodeo and those problems are not his responsibility. Mr. Johnson stated there is a training track on the property that is used for running horses back and forth. That is all that area will be used for, training horses. Mr. Johnson stated there will be four general admission rodeos and one charity rodeo held a year.

Mr. Crall asked Mr. Johnson if he was asking the Board to restrict the use to five rodeos a year if they should choose to approve the request. Mr. Johnson stated that five rodeos a year is all Mr. Gaytan plans to hold.

Mr. Charney stated the Board has to consider if a request is in harmony with the spirit and intent of the Code for a Special Exception. The number of events to be held is a

factor that needs to be considered. If the Board were to entertain this request he wants to ask Mr. Johnson to confirm that five events are all that are going to be held in a year. Mr. Johnson answered affirmatively.

Mr. Hutchinson asked Mr. Johnson about the music at the events because in his letter in the agenda packet it is stated there will be no loud music. Mr. Johnson stated there will be recorded music that plays through speakers which face the arena. Loud is subjective. If the music is loud if intrusive to any of the contiguous neighbors they just need to call Mr. Gaytan.

Mr. Johnson stated he does not understand how people can move into an area and expect to remain totally pristine forever. That is not what happens. The subject area is quiet. It is wooded. It is a real nice area to live in. He does not believe this small venue will be harmful unlike a large rodeo. Mr. Gaytan runs a family event. Mr. Gaytan has a health permit and all his venues are checked by the health department. Mr. Johnson stated that Mr. Gaytan will not be providing any hard liquor but there will be beer. Mr. Gaytan has all the necessary licenses and historically he always operated with all the appropriate permits and paid all the necessary taxes.

Interested Parties:

Troy Beats, 11505 North Lewis Avenue, Skiatook, OK; stated he lives directly north of the subject property and shares a border with Mr. Gaytan. Mr. Beats is probably the person who has had the most interaction with Mr. Gaytan. His wife encountered Mr. Gaytan one day and he commented about a bridge that was being built and placed in the wooded area for his daughter's wedding which means Mr. Gaytan walked onto his (Mr. Beats' property). Mr. Beats stated that if someone walks onto his property through the wooded area they cannot be seen until they are actually in his back yard. Mr. Beats stated that he informed Mr. Gaytan that he would not be able to keep animals on the property because it is in a flood plain. Mr. Gaytan told Mr. Beats that the subject property is a training facility and nothing else. Mr. Beats stated that when Mr. Gaytan's crew was working he could hear them talking at his house because sound travels in the country. Mr. Beats stated that Mr. Gaytan later asked him to write a letter for the roping arena he is going to have. Mr. Beats informed Mr. Gaytan that he would be opposed to a commercial facility on his southern border using only a two lane road that is full of pot holes. Mr. Beats stated that today there is nothing to stop anyone from walking onto his property and when there are no leaves on the trees there is nothing to protect him.

Karen Bruton, 2444 East 116th Street North, Skiatook, OK; stated her mother lives north of the subject property at the intersection of 116th Street North and North Lewis. Her mother is elderly and has no fence around her property. She is concerned about her safety. Her mother's property is very accessible to traffic avoiding the intersection. They drive across her property now and they will do it more so whenever there is a back up in the traffic.

Linda Horn, 2552 East 116th Street North, Skiatook, OK; stated her property is east of the subject property. Ms. Horn stated she has concerns about noise pollution, light

pollution and the tree line. Ms. Horn stated she has grandchildren that play in that treed area and she purchased the property specifically for that. There are safety concerns about other people coming into the treed area. Her family moved there for the peacefulness of the area and the safety. Ms. Horn stated that when Mr. Gaytan says there will be 150 cars coming to a rodeo means there are at least 300 people or more. Ms. Horn stated that Mr. Gaytan said there would only be four rodeos a year then it was five or six so when does it stop. Ms. Horn wanted to know how Mr. Gaytan is going to hear his phone when she calls to say the music is too loud. Ms. Horn feels this is dangerous for the area. People do not have lights on their property for a reason, because they want to get away from the city light pollution. Ms. Horn stated that events will also cause noise pollution. This Special Exception should be in harmony with the spirit and intent of the Code and not be injurious to the neighborhood or otherwise detrimental to the public welfare. She is strongly believes this will be dangerous to her children, to her and her mother.

Jimmy Horn, 2552 East 116th Street North, Skiatook, OK; stated his concern is that the first thing Mr. Gaytan did was build a quarter horse race track, and now he wants to have a rodeo. Mr. Horn stated that quarter horse racing brings in gambling, light pollution and noise pollution.

Mr. Charney stated that what is before the Board today is a request for a Special Exception for a rodeo facility. Whether a person has an area where they are running horses this Board cannot give an opinion today as to whether that is viable with the existing AG zoning, or if it is truly a commercial operation or for entertainment. He wants everyone to understand that what is before the Board today is the review and possible granting of a Special Exception for a rodeo facility. It is helpful to the Board to hear about the whole picture but today is only the Special Exception request for the rodeo.

Gaile Cole, 2578 East 116th Street North, Skiatook, OK; stated she lives north of the subject property and her southerly border abuts the subject property and has 11 acres and she has lived there for about 15 years. When she and her husband built their house and when they looked at the land they saw it flood and thought it would be nice because no one would be able to build around them. Ms. Cole stated that she and the neighbors have had a very bad experience with the previous rodeo, and even though Mr. Gaytan says they are a mile apart the noise travels and spoils the peaceful feeling. Ms. Cole is concerned about lowering property values if the rodeo is allowed. Ms. Cole stated that even though the lawyer said there would only be 150 cars or 200 people her experience is there will be much more. People park on the roads and in people's yards blocking driveways. Her neighbor was injured by a bull that had broken away from the previous rodeo. There are teenage drivers in the area also. There is no police presence; the only time the police or sheriff is seen is when they are called. If this rodeo is allowed the County will need to repair the roads because they are in terrible condition right now because they are under water part of the year, and that would be the only way to make the neighbors happy. Ms. Cole does not believe that Mr. Gaytan purchased his land with the right intentions because he is not building with intentions of

agricultural and he does not live on the land or in the neighborhood and the residents should not have to pay for that. Ms. Cole stated that Mr. Gaytan did not mail his letter he opened people's mail boxes and placed a piece of paper in the box. That is breaking the law. Things like that make the neighbors very leery. Ms. Cole stated that she can hear Mr. Gaytan's rodeos when they are being held and that is about three miles away from her so they are very loud.

Jovanni Slankard, 11302 North Harvard Avenue, Sperry, OK; stated that she owns 40 acres and she did not receive a letter from Mr. Gaytan so she does not know what area he delivered the letters to. Ms. Slankard stated that she just has questions regarding the request. Ms. Slankard wanted to know what days the rodeos would be held and what the hours of operation would be. She stated she is concerned about the placement of the speakers because if they are placed on the bleachers the sound will be directed toward her house. Ms. Slankard wanted to know the size of the rodeo that would be held because she has animals and she is concerned about them. She is also concerned about how Mr. Gaytan plans on keeping his animals corralled so they will stay on his land because it is very difficult to keep a bull in a corral once he decides he wants out.

Kathleen Davis, 2707 East 116th Street North, Skiatook, OK; stated she lives north of the subject property and about a quarter mile from Lewis. She has concerns about the traffic because there have been accidents when rodeos are being held and she has had to travel three miles out of her way to get home because of that traffic. She understands that Mr. Gaytan stated there is going to be only 150 cars but what about vendors and traffic created by the rodeo participants driving pickup trucks pulling trailers because that is a lot of heavy traffic. Ms. Davis stated that she also has concerns about the water runoff into the adjacent creeks when there are so many vehicles and animals on the land. She recently attended a class and learned about how important the creeks around the land are for the ecosystem and to maintain water running in the correct direction. Ms. Davis is also concerned about where the human waste will go because everyone knows that when there are lines at the port-a-johns men will find the nearest wooded area to urinate. The land is not being used for the purpose of training horses; it is being used for the purpose of gaining money at other people's expense. Ms. Davis stated she has a lot of questions because the roads and the neighborhood have not gotten any better and she does not believe they will be getting any better. She also has concerns about the noise pollution. The area is zoned agricultural for a purpose.

Bill Parker, P. O. Box 967 (11250 North 44th East Avenue), Sperry, OK; stated he lives east of the subject property. Mr. Parker stated that he does not know where anyone on the Board lives but if they had ever lived near an arena this request would not be before them today. The noise from the previous rodeo was so loud and there were strobe lights that were blinding and it was unbearable. When the last rodeo was held there was a line of cars a mile long going south, and there were two lines of cars because one line was using the shoulder to drive on while the other line was on the road. There was the same thing in the opposite lanes going south but it was actually only a half mile long. This is a country road and several driveways were blocked, and no one or any

emergency vehicle could get down the road. The people were cutting across his pasture where he keeps cows, bulls, and horses. Unless a person has dealt and lived with a rodeo near them they really do not know what it is like.

Tom Baker, 3821 East 106th Street North, Sperry, OK; stated he is an attorney and practices in Owasso. He is here to object to what he views as an injurious intrusion on the neighborhood. He owns 40 acres and the rear of his property is in a flood zone which is the same flood zone as the subject property is located. Mr. Baker stated this area is over served by rodeo arenas. The applicant has had his run on Highway 75 and Highway 75 is a lot different than this neighborhood. On Highway 75 there is traffic, there are the roads, and there is access and there is none of that in the neighborhood. Mr. Baker stated that there were a lot more trees in the area before Mr. Gaytan moved in because he has removed all his trees. He has already built the arena and already has everything in place except for the grand stand and the parking lot. Mr. Baker stated that Mr. Gaytan acknowledges this is a quiet neighborhood but that is what he is trying to intrude upon. This request is not consistent with anything in the area. When Mr. Gaytan moved in he said he was going to train animals but there are no animals there and it would not make sense to hold animals there because it is a flood zone. What Mr. Gaytan has is a commercial arena and it is there. He built it with a statement that it was going to be a training facility with a race track and now he talking about food and beer. This request is injurious to the neighborhood. There are rodeos in the area and Mr. Gaytan knows this. There are rodeos held every year in Skiatook which is only five miles from the subject property. There are rodeos held every year in Turley which is about five miles south of the subject property. There is a racetrack across Highway 75 that has been empty for three years, it is already developed and he could open there. He could use his old rodeo grounds. There is a race track on either North Cincinnati or North Peoria. The point is the area is over served. Mr. Baker stated that if Mr. Gaytan just lays loose gravel in for the parking area it will wash away when it floods and that would make the flooding worse. Mr. Baker stated that he has seen traffic on the road backed up for two miles. This request is injurious to the neighborhood.

Debbie Hoffman, 11310 North 44th East Avenue, Sperry, OK; stated her property directly borders the Gomez rodeo and she is east of the subject property. She knows the Gomez rodeo is not operating any longer but the neighbors would be fools not learn from their experiences. Ms. Hoffman stated that she lived with that rodeo for six years. Ms. Hoffman stated that her granddaughter attended the Gomez rodeo and she stated that people that attended that rodeo everything was paid for in cash. There was liquor and beer served. Ms. Hoffman stated the County does not receive any taxes on those cash transactions so the roads cannot be repaired. Ms. Hoffman stated that once the rodeo parking lot is full the cars are parking on the roads or sitting in the cars waiting to enter the rodeo to get their tickets. While the people are sitting in their cars waiting they are drinking beer or get out of the car to urinate on the street, which she has seen. Also, while they are sitting in the cars drinking the people throw the beer cans out onto the street, in the driveways and in the yards. All of this happens because someone is running a commercial business in an area that is residential and agricultural.

Neil Hines, P. O. Box 249, Sperry, OK; stated he owns 40 acres on the south side of the subject property and it is his hay meadow. Mr. Hines stated that Lewis runs for only two miles in the area and to access Highway 75 you have to use 106th Street to go west. Mr. Hines stated that he has owned his property for over 20 years and it does flood, it was about four feet deep on the south end of his property the last time it flooded. Mr. Hines stated that he lives a mile from Sperry and every time there is a football game he can hear the band and the announcer when sitting on his patio. Mr. Hines has concerns about patrons parking on his hay meadow but after discussion with Mr. Gaytan he has been assured that will not happen.

Tina Evans, 11110 North 44th East Avenue, Sperry, OK; stated she has land next door to the subject property. Ms. Evans asked who would monitor that Mr. Gaytan is in compliance with his promises if he is granted his request. Ms. Evans asked if Mr. Gaytan would need to obtain a permit for each rodeo in addition to today's request. Ms. Evans asked who would monitor the other activities that Mr. Gaytan hosts throughout the year. Ms. Evans stated that any time someone moves dirt they are required to have a permit. If Mr. Gaytan has a parking lot there is no way he can do so without moving dirt so he will need a permit to do so. If Mr. Gaytan moves dirt it will shift the flow of the water and if he builds his property up where will the water go.

Mr. Charney stated the County of Tulsa has an Inspection Department and when the Board places conditions on a request it is the County Inspector's and the public's responsibility to relay information. The County Inspector is in attendance today and if there are conditions placed on an approval he will be fully aware and be able to address any infraction. In regards to the parking lot there is the Department of Environmental Quality that will address any issues because that is outside the jurisdiction of the County and this Board. This Board speaks to the land use in regards to a request so he is not certain about the process of permits for every rodeo or event.

Mr. West stated the County will issue a special use permit that must be displayed on the property showing the authorization for the activity taking place on the property.

Mr. Charney stated that if there is an event that violates the Board's decision the County Inspector can speak to that issue, and would take information about the issue to be able to take care of the instance. If there are activities happening that the neighbors feel are inappropriate there is a mechanism for citizens to speak to that.

Antonio Saldivor, 12949 Hectorville Road, Mounds, OK; stated his aunt passed away from terminal cancer and when Mr. Gaytan found out about all the expenses his aunt incurred Mr. Gaytan let him use the property to hold a charity event. He helped with the flow of the traffic and sales of tickets. There were no incidents at the charity event held for his aunt.

Warren Dickey, 11227 North Harvard Avenue, Sperry, OK; stated he has lived in the area his entire life. The other rodeo was directly behind his house and it was very loud and disruptive. The Sheriff had to come out numerous times and he has dug bullets out

of the side of his house from gun shots taking place at the rodeo. His experience has been very bad. This is a residential agricultural area and he would ask the Board to keep the area as such.

Commissioner John Smaligo, Tulsa County Commissioner District 1, Tulsa County Administration Building, 500 South Denver, Tulsa, OK; stated he wants to request the Board to deny this request. Mr. Smaligo generally agrees with the neighbors concerns and the ones in opposition to this application. Mr. Smaligo stated that ultimately he is the one who receives the telephone calls initially in situations like this. He has received telephone calls about various rodeos throughout the County and he knows the last time he spoke on one these rodeos Mr. Gaytan made an application for one. At that time Mr. Gaytan's attorney stated that the other rodeos had nothing to do with the application being asked for today, but he would argue that in some ways they do. Mr. Smaligo stated that in his experience over the last ten years rodeos and other music venues that have been permitted to exist in the northern part of the County is that the sound carries much farther than just the nearby properties. In some instances he has had people complain that live as far as four miles away from an event. In a general sense that is what he is trying to prevent when he asks the Board to deny this application today. Mr. Smaligo knows that the hours of operation and the number of events to be held in a calendar year is something that is discussed, and if the Board is inclined to approve this request he would ask the Board place a time limitation on the request with extremely limited usage for this purpose to allow the residents to come back to voice their opinions. Mr. Smaligo stated that he would ask the Board not to grant this request carte blanche. Mr. Smaligo stated there will be development moving into the subject area at some point in the future and outdoor events such as the subject rodeo can harm those efforts and create problems. Mr. Smaligo hopes the Board will take all the comments today into consideration when making their decision.

Rebuttal:

Wesley Johnson came forward and stated the time limitation suggested by Commissioner Smaligo is a good suggestion if the Board is inclined to grant this request so there will be an opportunity to demonstrate to the Board and the contiguous neighbors that Mr. Gaytan is performing as he had stated he will perform which is consistent with his history in this business. Mr. Johnson stated he knows nothing about the Gomez rodeo but he understands it was a real headache for the neighbors for a number of years. Mr. Johnson stated that Mr. Gaytan is not denying that an event such as the rodeo will create traffic. Mr. Johnson stated that Mr. Gaytan's property is not a quarter horse track and there will not be quarter horse racing, that is not the activity the rodeo engages in. Mr. Johnson stated that the statement made about the cash money collected having no taxes paid on it is an erroneous accusation. Mr. Gaytan has been a business man for many years and certainly paid taxes on everything he has done in order to maintain the legality of his business so there is no question on what is done and how it is done.

Mr. Charney stated that particular statement is not relevant to the Board's determination and he appreciates the nature of the comments but the Board is strictly focused on the propriety of land use.

Mr. Johnson stated that he believes the Board could direct appropriate land use in regards to the parking and the maintenance of the parking lot. People have questioned who will monitor Mr. Gaytan's activities but there will be Sheriff Officers on the property at each of five rodeos. Mr. Johnson stated there might be five, there might be seven or eight and if there is any violation the Officers will have the obligation to note the violation and report it to Mr. Gaytan and any governing agency. The Gomez rodeo was an out of state organization and there was no connection to the area, but they apparently placed no thought as to the affect of the rodeo to the contiguous neighbors. The fact that Mr. Gaytan does not live on the property does not abrogate his responsibility for maintaining his own property. Mr. Johnson stated that he does not know how to address the wandering of people onto private property, except to say if it is a serious issue in someone's mind Mr. Gaytan could fence the whole property if the Board requires it. Mr. Johnson respectfully requests the Board to approve today's request for a limited time to allow Mr. Gaytan to prove he intends to control the traffic, the people, the rodeo and that there is not going to be a quarter horse race track on the property. There will be no gambling or hard liquor on the property.

Samuel Gaytan, 8720 North Yale Avenue, Sperry, OK; stated the he did not know it was illegal to place a piece of mail in a person's mailbox and for that he apologizes. Mr. Gaytan stated the reason he has a track is because he is a professional horse trainer and he needs a place to train his horses. Mr. Gaytan stated that he is not before the Board to pay for someone else's mistake. Mr. Gaytan stated that anyone go online to the Oklahoma Tax Commission and see every single time he has held a rodeo he has paid his taxes and he has done so for 23 years. Mr. Gaytan stated that he is of Hispanic decent but he is a U. S. citizen and he still deserves the respect the same as anyone else.

Mr. Charney stated that he and his fellow Board members respect Mr. Gaytan for standing up and stating his opinion and they respect his citizenship. Mr. Charney stated that Mr. Gaytan is entitled to every honor, respect and dignity as anybody does who appears before the Board regardless of their background, ethnicity or origin. Mr. Charney stated that regardless of the person before the Board the Board looks at the application as a test put before them. They consider when certain uses can be permitted in an agricultural district. That is what this is all about.

Comments and Questions:

Mr. Johnson stated that he has concerns about the roads. It is not so much the use being requested but the location. A rodeo would be detrimental to the neighborhood.

Mr. Charney stated those are some of the same concerns he has. The other rodeo that came before the Board a little while ago felt like a different request. The Use Unit may

not be different but the location and how it was situated near a highway versus this neighborhood.

Mr. Crall stated he does not think there is anything the Board could do to make it in harmony with the surrounding area. He has concerns about the greenbelt because there was never an offer of what can be done to prevent the noise. There was a statement that a fence could be built if they had to, well there has to be a way of controlling livestock on the property. He was not convinced that the applicant would be doing anything beyond what the Board forced them to do today. Mr. Crall stated that after 20 years of Mr. Gaytan having a rodeo he should have realized that the Special Exception and Variance were required before investing all this money then he would not be before the Board asking for permission.

Mr. Hutchinson agreed that the rodeo that was approved on Highway 75 was a little different than today's request and he cannot support today's application.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Dillard "absent") to **DENY** the request for a Special Exception to allow for a rodeo facility (Use Unit 20) in the AG District (Section 310) finding that it is not in harmony with the spirit and intent of the Code; to **DENY** the request for a Variance of the all-weather material for surface parking (Section 1340.D) finding that the existence of non all-weather parking in a floodway is not a good practice; for the following property:

N/2 SW NW LESS S30 THEREOF & W60 N/2 SE NW LESS S30 THEREOF & LESS BEG NWC SW NW TH E90 SWLY516.62 W33.5 S TO PT 30N SL N/2 SW NW W16.5 N POB SEC 8 21 13 19.087ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2606—Andy Patterson

Action Requested:

Special Exception to allow a community group home for children (Use Unit 8) in the RS District (Section 410). **LOCATION:** 5903 North Norfolk Avenue East

Presentation:

Dr. Jeriod Patterson, 5903 North Norfolk Avenue, Tulsa, OK; stated he would like to have the ability to open a group home for boys ages 8 to 18. He is an investor in the North Tulsa area and feels compelled to open this group home. He has purchased the subject property and its current state is dilapidated and the yard has not been maintained. He has received a few telephone calls from residents asking what he was going to do with the property. Dr. Patterson stated that after research he did not find a group home for boys ages 8 to 18 in Tulsa. Currently in the North Tulsa area if a child does not go into foster care the boys have no place to go. He believes there is a very compelling need for a safe environment for a young man that is displaced and has done

nothing wrong. Babies are very easily placed but children in the middle school to high school age it is harder to find a place for them. His concern is for the children going to the juvenile detention center. The proposed group home is the gap between finding foster care and the juvenile detention center. There will be a staff at the group home 24/7 so the security of the neighborhood will increase because of the staff's presence. He plans on erecting a privacy fence for the property. Dr. Patterson believes the renovation of this house for a group home will improve the neighborhood tremendously.

Mr. Charney asked Dr. Patterson to describe the process of how the children will be placed in his care. Dr. Patterson deferred to Ms. Theda Griffin, a licensed therapist.

Theda Griffin, 9710 South 78th East Avenue, Tulsa, OK; stated she is a licensed professional counselor. The process for having children placed in the group home is through the Department of Human Services, Oklahoma Juvenile Affairs, or the Department of Indian Affairs.

Mr. Charney asked Ms. Griffin if the different departments contacted them asking about placement. Ms. Griffin answered affirmatively.

Mr. Hutchinson asked Ms. Griffin what type of restrictions or rules the boys had to follow. Ms. Griffin answered affirmatively and they will be provided by DHS. The facility must be licensed and follow all rules and regulations of DHS. Mr. Hutchinson asked Ms. Griffin what happens to the boys if they do not follow the rules or guidelines. Ms. Griffin stated the boy would be discharged and DHS would need to find another placement for the boy. Mr. Hutchinson asked Ms. Griffin if the boys lived at the house. Ms. Griffin stated the boys will live in the house until they age out of the system or if they are allowed to go back to their home. Mr. Hutchinson asked Ms. Griffin if the staff reviews the rules with the boys. Ms. Griffin stated that the rules are reviewed, the boys are told they need to attend school, they will have chores, they will have to meet with their social worker, they will have community activities, and the boys will be given a policy and procedure manual.

Mr. Charney asked Ms. Griffin if there were going to be curfews. Ms. Griffin answered affirmatively and stated that drugs or alcohol will be allowed. There will be no firearms allowed either.

Mr. Johnston asked Ms. Griffin how the boys are monitored when coming or going. Ms. Griffin stated there will be no going in or out because the boys will always be monitored by staff.

Mr. Charney asked how visitors are handled. Ms. Griffin stated that visitors cannot just stop by they must apply for visitation.

Mr. Hutchinson asked Ms. Griffin about her experience. Ms. Griffin stated she has 23 years experience working with children in detention centers and in an emergency shelter. Ms. Griffin stated she is from Altus, Oklahoma.

Mr. Charney asked Dr. Patterson who would be the record owner of the house. Dr. Patterson stated that he will be that person.

Interested Parties:

Richard Carr, 1102 East 59th Place North, Tulsa, OK; stated he lives north of the subject property. His concerns about the bad environment the boys would be in. The drug rate is astronomical and he does not think it is a good area to bring boys into. He has been held at gunpoint at his house. There are plenty of problems in the neighborhood without encouraging others. Where the house is located they will need to pass his property and he does not feel comfortable with this request.

Michelle Bisson, 5706 North Norfolk Avenue, Tulsa, OK; stated she lives at the end of the street. She has two other properties, one to the rear of the subject house and the other property is two blocks away. There is a high rate of drugs, crime and violence in Turley. Ms. Bisson stated that the boys will get out if they want to even though it was stated that the boys will be monitored. There is very limited lighting on the street because there are no street lights on the street whatsoever. Ms. Bisson wishes the applicant would consider the location for the group home. It is a wonderful idea but as a home owner she does not think the subject property will be good for the boys. There are many older boys that push drugs in the area. The last area a group home for boys should be is Turley. There are five safe houses in a two block area and those residents continuously walk the streets. She wishes the applicant would take more time to evaluate the neighborhood and the community before bringing the boys in.

Rebuttal:

Dr. Patterson and Ms. Griffin both came forward.

Mr. Charney asked if the business model would work with four or six children. Dr. Patterson the goal is to have a house full of children and the house is actually large enough to have 12 children but he has drawn the line at ten. Everything that was said today is precisely why Tulsa needs to have a group home in Turley. There will be 24/7 awake and working staff. There will be security on the property. The neighborhood will look better. This proposal will great for the neighborhood.

Mr. Charney asked if the business model would allow for a window of time for a temporary opportunity to make certain the group home is operating well and it is not injurious to the neighborhood. Dr. Patterson answered affirmatively.

Ms. Griffin stated that she too noticed there were no street lights on the street and she would like to know who to call about getting that remedied.

Mr. Hutchinson asked if DHS would also limit the number of children allowed in the home. Dr. Patterson answered affirmatively and stated the number of children is based on the size of the staff. Dr. Patterson stated that it is important for the children of Turley

that are displaced to have a nurturing environment. They deserve it just as well as the children on the south side or west side or anywhere else in Tulsa.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** the request for a **Special Exception** to allow a community group home for children (Use Unit 8) in the RS District (Section 410) subject to a maximum of ten boys. The approval is for two years and the applicant is to come back before the Board in November 2018. The group home must meet and comply with all Department of Human Services regulations; for the following property:

LTS 13 THRU 17 BLK 12, TURLEY-ORIGINAL TOWN, OF TULSA COUNTY, STATE OF OKLAHOMA

2607—Ramsey Surveying Service – Jack Ramsey

Action Requested:

Variance of the 30 foot of frontage on a public right-of-way in the AG District for Tract 2 to permit a lot-split (Section 207). **LOCATION:** 9150 North Birmingham Avenue

Presentation:

Jack Ramsey, Ramsey Surveying Service, 16905 South 86th East Avenue, Bixby, OK; stated he represents Ms. Eunice Burgess. She owns a ten acre tract that is 650 feet wide and 660 feet deep. The northeast corner abuts the westerly 25 feet of the North Birmingham right-of-way. Ms. Burgess's husband passed away in the fall and her in-laws also lived on the acreage. There were two double wide mobile homes on the property; the in-laws lived on the eastern half and Ms. Burgess lives on the western half. Upon the death of her husband there was hardship created because of a mortgage on the new double wide mobile home and Ms. Burgess was unable to make the payments. Home Mart owns the mortgage on the new double wide and the land so they agreed to take the western half of the property thus relieving Ms. Burgess of any obligations to the property. There is an existing all weather drive that does from Birmingham to the home. The property is an oil field so the chance of developing the property for residential purposes is slim. There are three wells on the ten acre tract. Two of the wells are not active while the third well is still active. There are houses in the area and there is a large overhead transmission line with about 200 feet of easement which also limits the land usage.

Mr. Charney asked Mr. Ramsey if the easement would be filed of record. Mr. Ramsey stated that will be part of the deed to the western half of the land.

Interested Parties:

There was an interested party present and he did not want to speak.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** the request for a Variance of the 30 foot of frontage on a public right-of-way in the AG District for Tract 2 to permit a lot-split (Section 207). Finding the hardship to be the way Birmingham intersects the property. There is to be no additional lot splits. The right-of-way easement is to be filed of record; for the following property:

**NE SW NW LESS N29 W494.80 SEC 20 21 13 9.68 ACS, OF TULSA COUNTY,
STATE OF OKLAHOMA**

2608—James Firey

Action Requested:

Variance of the required 30 feet of frontage on a public street/right-of-way to 0 feet (Section 207). **LOCATION:** 5524 South 209th Avenue West, Sand Springs

Presentation:

James Firey, 5512 South 209th West Avenue, Sand Springs, OK; stated the subject tract is his daughters and it faces 209th West Avenue but the 2.53 acres behind it does not. The surrounding property is owned by family and 55th Street is actually a private drive. He would like to build a new house for his daughter. There is a recorded easement that was on his abstract that was filed in 1970.

Mr. Charney asked Mr. Firey who maintained the access easement. Mr. Firey stated that he and his daughter will be the ones maintaining the easement.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** the request for a Variance of the required 30 feet of frontage on a public street/right-of-way to 0 feet (Section 207). The hardship is that the 2.5+ acre tract is located off the County

roadway. The mutual access easement is of record and will provide the necessary ingress and egress; for the following property:

NW SW SE NE & N5 SW SW SE NE SEC 34 19 10 2.538ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2609—Eller & Detrich – Lou Reynolds

Action Requested:

Special Exception to permit a petroleum tank farm (Use Unit 27) in the IM District (Section 910, Table 1). **LOCATION:** 2505 South 33rd West Avenue

Presentation:

Lou Reynolds, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated the property to the west, to the east and to the south is owned by different members of the Lamberton family and they support the application. Mr. Reynolds referred to an exhibit showing the subject site and the proposed tanks. Two of the tanks will be part of Phase I and the another tank will be part of Phase II, while the lighter shaded tanks on the exhibit will come in at a later date. There will be an additional 2 million or 3 million gallons of oil storage on the site. The subject property is surrounded by tank farms and three pipelines cross the property in a diagonal fashion.

Mr. Charney asked Mr. Reynolds if there is anything about this proposal that he might find injurious to the general welfare or the surrounding owners. Mr. Reynolds stated that he does not.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Crall, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Dillard “absent”) to **APPROVE** the request for a Special Exception to permit a petroleum tank farm (Use Unit 27) in the IM District (Section 910, Table 1) per the revised site plan submitted today. Finding that it is in harmony and spirit and intent of the Code and it will not be injurious to any surrounding land owners; for the following property:

LT 1 BLK 1 LESS S 10' FOR ST, KISKA ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

NEW BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 4:18 p.m.

Date approved: _____

12/20/16

David E. Conway
Chair