

**TULSA COUNTY BOARD OF ADJUSTMENT  
MINUTES of Special Meeting No. 507**

Tuesday, May 31, 2022, 1:30 p.m.  
Williams Tower 1  
1 West 3<sup>rd</sup> Street, St. Francis Room  
Tulsa, Oklahoma

**Members Present**

Charney, Chair  
Hutchinson, V. Chair  
Dunkerley  
Hicks  
Tisdale

**Members Absent**

**Staff Present**

S. Miller  
R. Jones  
S. Tauber  
J. Hoyt

**Others Present**

K. Edenborough,  
County Inspections  
Tosh, Co.  
Inspections  
Williams, Legal

The notice and agenda of said meeting were posted at the County Clerk’s office, County Administration Building, 25<sup>th</sup> of May at 10:55 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.

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Ms. Jones read the rules and procedures for the Board of Adjustment Public Hearing.

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**MINUTES**

On **MOTION** of **Hutchinson**, the Board voted 5-0-0 (Charney, Hicks, Hutchinson, Dunkerley, Tisdale, “aye”; no “nays”; no “abstains”; no “absent”) to **APPROVE** the Minutes of April 19, 2022 (No. 506).

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**2960 - Wake Wireless**

**Action Requested:**

Special Exception to permit a 150 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3); a Special Exception to reduce the required tower setback (110% of the tower height) from 165' to 10' 8" from the adjoining residential lot and from 165' to 92' from the adjoining agricultural lot (Section 1204.3C.7.a); and a Special Exception to allow an alternative design rather than a monopole communication tower design to be located within 300 feet of an R district boundary (Section 1204.3.C.2.b).

**LOCATION:** South of the southeast corner of East 146th Street North and North Yale Avenue

**Presentation:**

**Adrian Davis**, 4100 SE Adams Road C102, Bartlesville, OK, stated that they were there on behalf of their customers in the Sperry and Skiatook area along Hwy. 75 and Hwy. 20. Mr. Davis stated the following: "Internet has been one of the biggest necessities in this modern age for students and people working from home during the pandemic especially in rural areas. We as an internet carrier among others have been asked to improve the landscape and deliver higher speeds to our rural areas. The federal government has put in over 42 billion dollars dedicated to fixing the lack of high-speed options. Our tower is built on an agricultural zoned property where at the time of building had no development behind it. Our tower is a lattice-built tower, it is self-supporting, and very safe. We are desiring to go through the proper channels and measures to have the adjustments made accordingly to have this approved so that the customers in this area that have no alternative. At the time of building the tower, we had no knowledge of this being under Tulsa zoning."

Mr. Charney asked if the tower had already been built.

Mr. Davis stated that the tower is built, and that they had no present knowledge of ruling on it and it was built under the FCC guidelines of tower heights and airplane clearance. He clarified that is not a cell phone tower and is purely an internet tower. It is located within the setback, but that type of tower has a minimal footprint of 10' x 10'. He went on to explain that the internet speed in this area is far below the standards needed there and that they are trying to serve a very viable need to bring service to this and have fiber backups.

Mr. Charney stated that there are three special exceptions before the Board. The first one is the existence of the tower itself in an AG district, the second one is the setback issue, and the third one is the type of tower that can exist if the board were to approve the first two issues.

Mr. Charney asked if there was any type of building permit issued when the tower was built. Mr. Davis stated that they did not get a building permit because most counties that they work in do not have permit requirements.

Mr. Charney asked if there is any type of fencing or barrier to keep someone from climbing on it. Mr. Davis stated that since it is on agricultural land, there is not. The property is gated.

Mr. Hutchinson asked if this was their first tower to build in Tulsa County. They replied that they have several in Tulsa County.

**Jeff Harm**, 4100 Southeast Adams, Suite 102, Bartlesville, OK 74006, stated that they installed the lattice tower instead of the monopole tower because it is safer. He said it is strategically placed because BTE has fiber running across the area and the plan was to tie into that.

Mr. Hutchinson asked if they had to get EPA studies.

Mr. Harm stated no because most of the counties that they work in do not ask for that. He said that they asked the company that built it for them if there was anything that they needed to do and they stated that there was not. There is \$10,000 worth of concrete to support it so there is not a safety issue with it.

**Kyle Smaligo**, 123 W. 7<sup>th</sup> Street, Collinsville, OK 74021, stated that he was there on the behalf of his entity, Smaligo Properties, and he is the owner of the adjacent tract to the east. He purchased the property over a decade ago and that the master plan included over 300 homes. His property is annexed into the city limits of Collinsville and the fence line to the west, which is adjacent to his property, is in unincorporated Tulsa County. Mr. Smaligo stated the following: "The City of Collinsville was not aware of any application on this tower. We zoned this property over two years ago. The preliminary plat 18 months ago and worked with the water district and all utilities and have received our first final draft plat to be submitted to City of Collinsville's City Council in which construction can start. At this date, the excavation and dirt work has commenced. The storm water drainage detention is completed, and we lack the water installation and the pavement. Back between November and December, the dirt contractor and I saw this tower that we had never seen before. We were concerned because of the safety, or the adverse effect of homes being built less than 60' from this property line. We have been told that you can't build within 1 and ½ times of the tower height, but don't know if that's true. The tower is complete at this point, and it is 10' from our property."

Mr. Smaligo is concerned that if a tornado or high winds went through, the tower would not be indestructible.

Mr. Charney asked if the property Mr. Smaligo is developing is just inside the city limits of Collinsville and if they shared the boundary line with the subject property.

Mr. Smaligo answered affirmatively.

Mr. Charney verified that the location of the tower today is 10' from the property line of what will be a residential lot.

Mr. Smaligo agreed.

**Lou Reynolds**, 2727 East 21<sup>st</sup> St., Suite 200, Tulsa, OK 74114, stated that he represents Smaligo Properties. There is a legal process issue and a factual issue that this board must review. Mr. Reynolds stated that there are certain requirements for antennas in the zoning code to protect residential areas and land users from potential adverse effects. He referred to the Land Use map and pointed out that according to the Land Use Plan, the subject property, as well as the surrounding properties within the City of Collinsville, designate the area for a residential land use. He also stated concerns about the number of existing towers in the area. He said that the tower, as built, did not give consideration to design or siting.

Mr. Hutchinson asked if Mr. Reynolds knew what the permitting process was through the FAA.

Mr. Reynolds did not know.

**Rebuttal:**

Adrian Davis stated that relocation of the tower in principle that sounds great, but not easy to relocate and would cost about \$40-50,000. He does not feel like it is an eyesore or a safety concern.

Jeff Harms stated if there is a safety problem, they have \$5 million insurance in case of an act of God. They would welcome any safety concerns that arise, and they are prepared to address them.

Mr. Hicks asked how far away from the tower would you have to be in order to receive service.

Jeff Harms stated that you could receive service even if you were under the tower.

Mr. Tisdale wanted clarification if the plaintiff had notified the applicant when they were in the process of building the tower.

Adrian Davis stated that they had sent a registered letter to an old address, and they did not receive it until much later.

Mr. Tisdale asked how much they had completed on the project when they finally received the letter.

Adrian Davis stated that it was completed other than electric.

Mr. Hutchinson asked what kind of footing it has.

Jeff Harms stated that the guy that built it would know more about that. He knows that there is a lot of concrete in there but doesn't know exactly what kind of footing it has.

**Comments and Questions:**

Mr. Hicks asked staff that since the property is 10 acres and he is only leasing a 10' x 10' area, if they were to approve this request, could another tower company come in lease area also.

Staff stated that they would be approving what is on the site plan and that is all. Mr. Charney stated that he has never seen one that was 10' off a residential line. So special exception #2 regarding setbacks and special exception #3 regarding the type are secondary and they become mute. He wouldn't have difficulty if it was in a different location within the agriculture site, but the placement is the problem because of the setbacks required.

**Board Action:**

On **MOTION** of **Hutchinson**, the Board voted 5-0-0 (Dunkerley, Hicks, Hutchinson, Tisdale, Charney “aye”; no “nays”; no “abstentions”); to **DENY** the request for a Special Exception to permit a 150 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3). The request for a Special Exception to reduce the required tower setback (110% of the tower height) from 165' to 10' 8" from the adjoining residential lot and from 165' to 92' from the adjoining agricultural lot (Section 1204.3C.7.a) and a Special Exception to allow an alternative design rather than a monopole communication tower design to be located within 300 feet of an R district boundary (Section 1204.3.C.2.b) were stricken after the denial of the first request. The Board considered each of the following stated factors in Section 1204.3.E 1 & 2 of the code and finds that the application **does not comply** with the requirements to the Boards satisfaction.

Section 1204.3.E

1. Factors to be considered in granting a special exception. In addition to any other requirement of this section, the following factors shall be considered in the determination to grant or deny a special exception for an antenna or tower:
  - a. Height of the proposed tower
  - b. Proximity of the tower to residential structures, residential district boundaries and existing towers
  - c. Nature of uses on adjacent and nearby properties
  - d. Surrounding topography
  - e. Surrounding tree coverage and foliage
  - f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness
  - g. The total number and size of antennas proposed and the ability of the proposed tower to accommodate collocation
  - h. Architectural design of utility buildings and accessory structures to blend with the surrounding environment
  - i. Proposed ingress and egress
  - j. The need of the applicant for a communications tower within the immediate geographic area to provide an acceptable level of communications service to the area
  - k. The size of the tract and the most likely future development as indicated by the Comprehensive Plan, planned infrastructure, topography and other physical facts.
  - l. Landscaping
2. Collocation of facilities should be encouraged wherever practical by allowing reasonable extra height or tower diameter necessary to support multiple antennas.

For the following property:

**BEG 70S NWC SW TH E285 N70 E1035.37 S360.35 W1320.15 N290.35 POB LESS  
W16.5 FOR RD SEC 27 22 13 10.35ACS, Tulsa County, State of Oklahoma**

## **NEW APPLICATIONS**

***Review and possible approval, approval with modifications, denial, or deferral of the following:***

### **2963 - Talia Zapata**

#### **Action Requested:**

Special Exception to permit a single-wide mobile home in an RS district (Section 410). **LOCATION:** 820 North Ridge Drive West

#### **Presentation:**

**Talia Zapata**, 808 South 63<sup>rd</sup> West Avenue, Tulsa, OK, stated that they were planning to build a house on the land and that they received a building permit, but the prices of the material rose so much that it made it cost prohibitive to build. They decided to buy a trailer and move it to the land. She said they were unaware that they could not have a single-wide trailer because there are other trailers in the neighborhood. Ms. Zapata stated that there is an existing house that is uninhabitable on the property and if needed, they could demolish it.

Mr. Hutchinson asked if she is wanting the single-wide trailer for a short period and then later build a new house.

Talia Zapata stated that they plan to stay in the trailer until prices are affordable.

Mr. Hutchinson asked if the trailer was tied down or skirted yet.

Talia Zapata stated that it is tied down, but no skirting because of the notice.

Mr. Dunkerley asked if they had considered having a double-wide trailer.

Talia Zapata stated that they have considered it, but then they would have to sell the single-wide.

Mr. Charney asked if they would be willing to remove the old structure and do proper grading to make it look clean and well maintained.

Talia Zapata stated that they would do that.

Mr. Charney also stated that there are certain regulations for skirting, tie-downs, and the parking area. He asked if they would be able to commit to following those regulations.

Talia Zapata stated that they would commit to do those as well.

**Interested Parties:**

**Don Threadgill**, 907 W. 10<sup>th</sup> St., Sand Springs, OK 74063, stated that he disagrees with moving a single-wide trailer into an area with houses. He doesn't mind a double-wide trailer or something that will stay consistent with the prices of the houses. He thinks that it will make the value of the houses go down.

Mr. Hutchinson asked how many single-wide trailers are in the neighborhood.

Don Threadgill answered that there are only two.

**Rebuttal:**

Talia Zapata thinks it will enhance the neighborhood because they are going to tear down the dilapidated house that is there and they will keep the trailer looking nice.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **Hutchison**, the Board voted 5-0-0 (Charney, Dunkerley, Hutchinson, Hicks, Tisdale "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Special Exception to permit a single-wide mobile home in a RS district per the conceptual plans, 3.7, in the agenda packet subject to the following conditions: a 5-year term (May 2027), follow all DEQ requirements, provide a paved parking space, and remove the existing structure within 90 days. The Board finds the Special Exception will be in harmony with the spirit of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, for the following property:

**LT 9 BLK 11, CHARLES PAGE HOME ACRES NO 2 RESUB OF PRT RESUB B10-12, Tulsa County, State of Oklahoma**

**2964 - Samuel Feldhake**

**Action Requested:**

Variance to permit a detached accessory building in the side yard in an RE district (Section 420.2-A.2). LOCATION: 8231 North 70th Avenue East

**Presentation:**

**Samuel Feldhake**, 8231 N 70<sup>th</sup> E. Ave., Owasso, OK 74055, stated that he wants to build a detached garage next to the residence where he has lived for 10 years. The detached garage would line up with the existing driveway. He added that there is a septic tank between his house and where he would like to build the garage so they cannot put the garage over the septic tank. He said that there are other detached garages in his neighborhood. The homeowner's association has requirements that the



detached garage must match the house with the same roof and same brick, and they have already approved his application.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

Mr. Charney stated that this a classic case when the lot configuration and topography both compel the garage to be where he needs it.

**Board Action:**

On **MOTION** of **Charney**, the Board voted 5-0-0 (Charney, Dunkerley, Hutchinson, Hicks, Tisdale “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** the request for a Variance to permit a detached accessory building in the side yard in an RE district subject to conceptual site plan, 4.7, in the agenda packet, and that it must be compatible with the architectural styling of the dwelling. The Board finds the hardship to be the unique topography of the lot. The Board finds by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, for the following property:

**LOT 12 BLOCK 3, CROSSING AT 86TH STREET PHASE IV, Tulsa County, State of Oklahoma**

## **2965 - Nathalie Cornett**

### **Action Requested:**

Use Variance to permit a heavy construction contract service (Use Unit 25) in the CS district. (Section 710); Variance to permit gravel unenclosed off-street parking (Section 1340); Variance to permit gravel loading areas (Section 1350).

**LOCATION:** 2106 South 59th Avenue West

### **Presentation:**

**Nathalie Cornett**, 2727 E. 21<sup>st</sup>, Suite 200, Tulsa, OK 74114, stated that the property is located right where West 21<sup>st</sup> Street curves around past Chandler Park into the Berryhill area. The business is CB&H Inc., and they are a civil contractor providing commercial and industrial HVAC services, off-site earth work, and hydro excavation. Their headquarters are in El Dorado, Kansas and this location is meant to operate as the Oklahoma office. The existing building on the property is 3,300 square feet. There are 4 offices inside the metal building which provides for the offices and a shop area. On the exterior of the building is an equipment storage area which is fenced off when not at use at the job site. The contracting services are not occurring at this location. All their work and their clients are generally large commercial or industrial uses, and all their work occurs at the job site except for the equipment that is stored in the equipment area which is relatively small. Their very large equipment is delivered directly to the job site such as hydro excavation pipe, and such will not be at this location. They are currently operating at this site, and they received a zoning violation. The building has existed since 2011 or 2012.

Ms. Cornett stated that the equipment to be stored at the site includes their pickup trucks, vans, pressure washers, air compressors, small fuel tanks, a small excavator under 10,000 lbs. and then occasionally they will have a flatbed truck that comes to load there but is not stored there.

They have seven employees that use this office and there is typically only 2 to 3 there at a time. Their hours of operation are Monday-Friday, 7:00 AM to 4:00 PM. In addition to the request for the use variance, they are requesting that the existing gravel parking remain as it is. There are four paved parking spaces at the front of the building, and they meet the required off street parking under the code.

Mr. Charney noted that there are some residential homes in the area and that could impact how they feel.

Ms. Cornett stated that the property to the west is currently vacant, and she believes it was an automotive repair from its history. The property next to that to the west is also vacant, but it was a commercial or automotive use as well. To the east along 21<sup>st</sup> Street, there is a vacant gas station. Then the two houses that are directly across West 59<sup>th</sup>, one of them is Mr. Francisco and at one point he was operating his trucking business from his residence and those lots are zoned CS. As you go further back into

the neighborhood, it is a mixture of houses and houses that have their home businesses such as automotive or shop adjacent use. These exist all throughout the neighborhood immediately to the south.

Mr. Hutchinson asked Ms. Cornett if their applicant was aware that if the Board votes to approve the application, they will need to put a screening fence up. She stated that yes, they are, and they are not asking for anything on this and that they have advised that they put screening on all sides of the area even though it is only required on the south side by the code.

Mr. Hutchinson also asked about two job site fuel tanks that are 1500 gallon. Ms. Cornett stated that they were not present when she was there. They had admitted that there was too much equipment there when they were first moving in, but that it had been moved out to the job sites.

Mr. Hicks asked if semi-trucks with trailers would be there to unload very often.

Ms. Cornett stated that she understands from the company that very rarely will they have to put the excavator into the equipment storage area or unload it from the street.

Mr. Charney stated that there are two different variances requested for the all-weather parking. One is in the storage area which will be now screened, and the other is to allow gravel out on the main lot. He asked for the applicant's hardship.

Ms. Cornett stated that they meet their off-street parking which is 4 paved spaces and there is not much of a dust impact. The loading would be in the equipment area. As far as a hardship, it goes back to the uniqueness of this part of Tulsa and corner of 21<sup>st</sup> Street where you have multiple businesses like this that are small scale, and they are right next to huge industrial businesses that are going to have much more of a detrimental impact from a gravel dust standpoint than our truck coming in and parking in the front of the building.

Mr. Hutchinson asked if they normally have customers coming into this business.

Ms. Cornett stated that they have no customers coming to this site.

**Interested Parties:**

**Lorna Christiansen**, 2137 S. 59<sup>th</sup> West Ave., Tulsa, OK 74107, stated that she is Mr. Francisco's immediate south neighbor. Her home is located across the street from this property to the east. She is completely opposed to this variance. While she does not oppose the applicant creating gravel parking as she hasn't noticed dust being a major issue and the previous owner had graveled the lot already. However, she does oppose the use of this property for heavier industrial construction or for storage of heavier construction equipment and machinery. She is also concerned with the beeping associated with them backing the heavy machinery in and out because they are very loud and start beeping very early in the morning as they are moving equipment around.

Mr. Hutchinson asked her if the backup beeping was on pickup trucks or only on the heavy equipment.

Lorna Christiansen stated that she thinks it's on the heavy equipment vehicles.

**Rebuttal:**

Ms. Cornett stated that she appreciated Ms. Christensen's comments and that she also appreciated that these neighbors probably have been dealing with a lot of disruption not only from this equipment, but the toll road construction as well. Ms. Cornett stated that they are willing to limit the variance to the remainder of their lease which expires November 30, 2023. They are also willing to say that no loading will occur before a certain time in the morning. They do have to get to the job sites early but are willing to say no beeping before 7:00 AM.

**Comments and Questions:**

Mr. Charney stated that there are residences nearby that are bothered by it but is heartening to hear a solution that that would work for both parties until the lease term runs out.

Mr. Hutchinson stated that it seemed very reasonable to him.

**Board Action:**

On **MOTION** of **Charney**, the Board voted 5-0-0 (Charney, Dunkerley, Hutchinson, Hicks, Tisdale "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Use Variance to permit a heavy construction contract service (Use Unit 25) in the CS district. (Section 710); a Variance to permit gravel unenclosed off-street parking (Section 1340); and a Variance to permit gravel loading Areas (Section 1350) with the condition that the approval will expire on November 30, 2023, and that there be no backup beeping before 7:00 AM. The Board finds the hardship to be the configuration of the property adjacent to a significant arterial street, and the unique shape of the lot. The Board finds by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, for the following property:

**LT 1 BLK 8, SECOND WEST TULSA VIEW ACRES SUB, Tulsa County, State of Oklahoma**

**Mr. Charney stated that he has no financial interest in CBOA-2966. He does however own a piece of land that is adjacent to the subject property. To avoid the**

appearance of impropriety, he formally recused himself and left the meeting at 3:23 PM.

## **2966 - Nathan Cross**

### **Action Requested:**

Use Variance to permit Use Unit 5 (Community Services and Similar Uses) to allow an Emergency and Protective Shelter to allow temporary (up to 8 months) housing and sponsor placement services for unaccompanied displaced minors in an IM district (Section 1205). **LOCATION:** 6929 North Lakewood Avenue East

### **Presentation:**

**Nathan Cross**, 2 West 2<sup>nd</sup> Street, Suite 700, Tulsa, OK, stated that this is an 800,000 square foot office complex currently occupied by Verizon. The Cherokee Nations business is currently under contract to purchase the property for the purpose of providing housing for refugee children. The current need, at the border and with other types of refugees, is trying to find locations that are secure and safe for minors who are unaccompanied in this country. The request is for Use Unit 5, that is where we collectively think it fits and that represents long discussions between INCOG and permitting to make sure we all feel comfortable with what we are asking for. This piece of property is unique with over 200,000 parking spaces. The proposed use would include over 2,000 employees and the parking is important. The buildings within the office complex are interconnected in a way that it would allow for a quick and easy build out to accommodate the need that we have, and it is located in a place that is geographically removed from areas that this use would be more impactful. This is a residential use. The area it is in was chosen because we are sensitive to idea that this type of residential use is not your average residential use. There will be busses coming and going from time to time. This particular property has traffic circulation and parking that is unique from any other property has here in town. We are aware that this could become sort of strawman for discussion about larger federal immigration policy. For the benefit of the room, we are not here to bless or take exception with Federal Immigration Policy. This is simply a request of this use fit on this piece of property. There could be 2,000 employees and 2,000 minors initially

Mr. Hutchinson asked what the ages were of the unaccompanied minors.

Mr. Cross stated that it was for everyone under the age of 18.

Mr. Hutchinson asked if the request was just for up to 8 months.

Mr. Cross stated that in terms of when a child arrived, they usually stay between 30 and 60 days. 8-months was a conversation to show that it is not an indefinite stay, but also gives enough room for some cushion. Two other facilities are in operation here in the U.S. and the average stay is between 30-60 days.

Mr. Hutchinson confirmed understanding that the building will stay as stated, but the individual residents will only stay there for a certain period of time, and it could be up to 8 months. .

Mr. Hutchinson asked what happens after the temporary stay is over and where they go next.

Mr. Cross stated the goal is to take them from a more jail like environment into a more loving environment with nutritional care, clothing, culturalization, education and the like to help them feel more comfortable being here in the United States. At the end of their stay, the goal is to place them with their families somewhere in the United States. They do not leave the secure facility once they have arrived. They can go outdoors, but not off campus. It is fenced off. It is a Federal Government guideline that they are monitored on a 1 to 8 ratio.

Mr. Hicks asked where the minors come from here in the U.S.

Mr. Cross stated that they have been in Border Control custody in most cases which is a lot closer to a jail. There are issues at that level with mixing with adults that no one wants for many reasons. This technically represents their second stop where they will be treated like children.

Mr. Tisdale asked if this functions more like a place where they do not stay for a long period of time.

Mr. Cross stated that the goal of this program is to place them with their families that are here in the United States.

Mr. Hutchinson asked where the two other facilities are located.

Mr. Cross stated that there is one in Pomona, California and one in Virginia and that they are roughly the same size

**Interested Parties:**

**Stephen Bilby**, President of Cherokee Federal, 10838 E. Marshall St., Catoosa, OK, came forward to answer questions.

Mr. Tisdale asked if they ever exceed the 2,500 unaccompanied minors.

Mr. Bilby stated that the cap is dependent on how much the facility would hold to a degree between 2,000 and 4,000 given the square footage of the facility.

Mr. Hutchinson asked if the other facilities are in industrial areas or what kind of areas those two are in.

Mr. Bilby stated that the Pomona, CA location is at the L.A. County Fair plex like our fair grounds here. In Virginia, it is in the Dulles Expo in the Dulles area in Virginia which is more in a shopping area than in an industrial area.

Mr. Hutchinson asked if they have visited with City of Owasso, or the City of Tulsa about this request.

Nathan Cross stated that they have visited with a lot of stake holders, but not sure about the City of Owasso. You've seen the mayor's comment in the paper and the Tulsa Mayor came out in support of it. The context here is the zoning question. That does not mean that we are not willing to answer questions or talk to people about the program in general.

Mr. Dunkerley asked what other officials they have your discussed this with.

Mr. Cross stated that he had not personally been involved in the discussions and that they have been handled by other members, but he has not heard of any negative feedback.

Mr. Bilby stated that their government relation team is in constant contact with many of the delegation, but he doesn't know specifically who they are.

Mr. Dunkerley asked how long they have been working on this project.

Mr. Cross stated that he personally has been working on it for 2 months. For other people it has been much longer.

Mr. Hicks asked if will be staffed locally or if staff will be brought in from other locations.

Mr. Bilby stated that it will be a mix of both. There are people who specialize in this area. They bring Trauma Informed Care people from around the country specifically for this, but youth care workers, people taking care of the infrastructure, and facility engineers will be as much local as we can possibly provide to support the facility.

**Sheriff Vic Regalado**, 303 W. 1<sup>st</sup> Street, Tulsa, OK, stated that this appears to be moving at a warp speed. The rest of Tulsa on heard about in an article in Tulsa World on May 26<sup>th</sup>, 2022.

Mr. Regalado stated the following: "We cannot decide based on emotions and thought. Some of the questions that I would bring up despite this meeting, I am not very clear on. 1. What happens to these children after 8 months. 2. The area is near where the Tulsa County Sheriff's Office training range and our SWAT team practice there all the time. I don't know if that will impact this facility, but it is something to take under consideration and in a year from now our whole facility will be located up there so there will be quite a bit of traffic going in and out. That is a minute part of all of this. 2,000 employees from the article shows that as an economical plus, but now we hear that that



will be only part will be employed from our area and it is a struggle to find employees at this time. Is it going to be enough to truly be impactful on our area? What happens to these children when they age out at 18? These are children that have been sent here on their own. In reuniting them we continue to facilitate an already broken system and that is a whole conversation for later. What happens to the children that do not have family here when they reach the age of 18? At the end of the day, citizens have had no ability to talk whether they suppose it or not. With a decision such as this, they should be afforded that right. The Federal Government should not be able to contract with the citizens of the Cherokee Nation or anyone else in something such as this and within a few days implements where most Tulsa County citizens have no idea just happened. There is a lot more at risk for the citizens to decide here.”

**Larry Williamson**, 1217 W. Louisville St., Broken Arrow, OK 74102, stated that he is here to speak in opposition to this.

Mr. Williamson stated the following: “It’s wrong on at least a dozen levels. It wasn’t clear to him the maximum number of children. Tulsa County isn’t authorized under the Oklahoma Constitution to violate Federal Law. The Federal Law should be stopping crossing not facilitating them. This would make Tulsa County a magnet for illegals and all the burden they create on our social services, on our schools, on our criminal justice system. The people who immigrate in this manner don’t tend to bring with them great skills to build up the United States.”

**Mishela De Boer**, 8703 N. Owasso Expressway, Owasso, OK 74055, stated that she is here because she is very concerned.

Ms. De Boer stated the following: “I am very concerned that we seem to be interested in calling these children refugees which means they are legal, but it is my understanding that these are illegal immigrants. They have broken Federal Law to come here illegally. That’s a certain type of person and does that make us accomplices in something like this.”

Mr. Hutchinson stated his thanks to her and reminded her that we are only here to make a decision on the land use.

**Traci Conley**, 6717 E. 86<sup>th</sup> Place North, Owasso, OK 74055, stated the following: “I live two miles north of this facility. My biggest concern is if we have enough public safety out there to have this facility.”

Ms. Conley stated that she is curious about the financial impact on the surrounding property values. She feels like there are a lot of unanswered questions. She is opposed to it at this point.

**Joyce Brown**, 570 E. Queen Street, Tulsa, OK 74106, stated that she is a Cherokee Nation citizen. She opposes this case, and she requests that this board deny any of the case because communication with the public has not been evident.

**Sarah Gray**, 10511 S. Olmsted St., Jenks, OK 74037, stated that she is a proud citizen of the Cherokee Nation. She is an interested party for a couple of reasons.

Ms. Gray stated the following: “When I was in California, I was a member of a quick reaction force who were responding to detention facilities. Seeing how these people and children were treated by the Federal Government, and ICE was appalling. They were left with nothing to help them at Gray Hound Bus Stations. No one is illegal on stolen land. If done correctly, this could be a beautiful thing for these families and children. If done wrong, you are going to part of one of the most horrific practices of the U.S. Is there a minimum bed count? Why us? What will be doing differently than the Federal Government? Are they going out and seeking bids from Federal Contractors what are the requirements? It is incumbent upon us to that they are standing by the values of our tribe. For those of you who are here from my tribe, please make sure this is something we are not going to look back on and be ashamed of.”

**Michael Phillips**, 5638 S. Rockford Ave., Tulsa, OK 74105, stated that the implication was made that Mike Craddock is in favor of this plan and he stated that he is not in favor of it.

**Susan Phillips**, 5638 S. Rockford Ave., Tulsa, OK 74105, stated the following: “I understand that the board is zoning you are being asked to turn a commercial area into a residential area. It is too much too fast. I want to add one new piece to all of this and that there is a moral question to all this. I ask you to be morally responsible as a state, as a county, and as individual human beings and request that you to vote ‘no’ today.”

**Darren Gants**, 2928 N. Burn Court, Broken Arrow, OK, stated the following: “I’m a fifth generation Oklahoman. Senator Langford stated that he would strongly oppose this plan. This proposal drew immediate and strong opposition. These children were surrendered by their parents to human traffickers; however, the bulk are older teenagers, mostly male coming here to connect with family members that already illegally present in the United States.”

**Rebuttal:**

Mr. Cross stated the following: “We have heard in the correspondence that INCOG has received, and we have seen in the news media that the concerns for this have more to do with immigration policy. We are not here to fix Federal Immigration; we are here to try to solve a problem. The question before you is one of whether this use is appropriate for this location. My client remains committed to share the information with the public. At no point have they denied any request for information and at no point have they told anyone that they don’t want to share information. We are at a phase in the process that dictated us coming here and doing this. We would have loved to have more time if a sale contract allowed it or the Federal Government had time to give us to do this, but we don’t. There are things that we cannot address here today. This is simply a request to review this use has not been asked before in the City of Tulsa as far as he knows.”

Mr. Hutchinson asked if the total number of unaccompanied minors could be up to 4,000 maximum.

Mr. Cross stated that 4,000 children may be correct, but it depends on how much of the square footage can be utilized for beds in this case

Mr. Hicks stated that he was wondering about the impact on social services as an office building and wanted to know what additional services would be needed to take care of the needs of staff and the minor children.

Mr. Cross stated that the minors that are there are taken care of wholly within the facility. The facility is meant to be a place that is warm and welcoming for children and provides them with their emotional, educational, clothing, and nutritional needs. They remain on site and don't leave the facility during their stay. With regards to staff, they would be members of the community or people that move here.

Mr. Hicks asked what percentage of the minors go back to their family and what percentage go to be sponsored.

Mr. Bilby stated that he did not know the exact numbers, but he thinks it's a mix.

Mr. Hutchinson asked what happens to the refugees when they turn 18.

Mr. Bilby stated that there is a very defined process. Literally the day they turn 18, they are taken out of our care and placed back into the Department of Homeland Security where they go through a separate tract process.

Mr. Hutchinson asked what the average age is of the children.

Mr. Bilby stated that 30% are 12 years old or less, 30% are 16 years old or less, and 30% are under 18. Everything except the sleeping and bathing facilities are video monitored. There is a ratio of depending on the age, but it is 1 staff member to 8 children. They are constantly monitoring those children. We have security within the property that manages the security posture for that facility, and we have all the scenario planning that goes with it. We guard the exterior perimeter as well. We want to make sure for the children that this is a secure facility, most importantly for any threat that may be coming into them. You would see a very strong presence throughout the facility in a low-profile way. Internally, you would not see a lot of armed guards.

Mr. Tisdale stated that it was not our job to answer all the questions today but figure out what the request is here and which way we are going to go. Clearly, there are a lot of questions to be asked and we are not going to get all of those answered today. I take seriously the community that has spoken out against it at the same time we need to get narrowed down what our job is and decide if we are going to approve it or deny it.

Mr. Dunkerley asked what kind of work is going on at that building.

Mr. Cross stated that it is an office complex used by Verizon. They have some telecommunication facilities in there, but it is primarily an office complex. It is inner connected internally, which lends itself for the use we are talking about. Currently, it is mostly vacant.

Mr. Dunkerley asked why this should happen in an industrial park.

Mr. Cross stated that there are few to little facilities that would lend themselves to this use and that this facility is unique.

**Comments and Questions:**

Mr. Tisdale asked what impact a 30-day delay would have on the project.

Mr. Cross answered that it is extremely time sensitive due the window between Verizon and the Federal Government is tight.

**Board Action:**

On **MOTION** of **DUNKERLEY**, the Board voted 3-1-1 (Dunkerley, Hicks, Hutchinson voted “aye”, Tisdale voted “no”, and Charney “recused”) to **DENY** the Use Variance to permit Use Unit 5 (Community Services and Similar Uses) to allow an Emergency and Protective Shelter to allow temporary (up to 8 months) housing and sponsor placement services for unaccompanied displaced minors in an IM district (Section 1205); for the following property:

**PRT LT 3 BEG NEC TH S601.90 W1448.07 N576.90 NE35 E1422.79 POB BLK 1;  
PRT LT 3 BEG 601.90S NEC TH S1503.70 W1448.78 N1503.70 E 1448.07 POB  
BLK1; LT 3 LESS N2105.60 & LESS BEG SWC TH E49.87 NELY ON CRV LF 809.61  
NW80.67 SELY78.14 SWLY ON CRV RT 832.17 POB BLK 1, CHEROKEE  
EXPRESSWAY IND DISTRICT, Tulsa County, State of Oklahoma**

Mr. Charney did not return.

**2967 - Annette Belmonte**

**Action Requested:**

Variance of the minimum land area per dwelling unit requirement from 2.1 and the minimum lot area requirement from 2 acres in an AG district; and a Variance of the minimum lot width requirement from 150 feet in an AG district to permit a lot split (Section 330). **LOCATION:** 17505 South 145th Avenue East

**Presentation:**

**Annette Belmonte**, 17505 South 145 East Ave., Tulsa, OK 74006, stated that she would like to request to split the lot with her daughter, sell her their larger home, and they would move into the cabin.

Mr. Hutchinson asked how many acres the whole tract is.

Ms. Belmonte answered that the whole tract is 4.7 acres.

**Interested Parties:**

No interested parties were in attendance.

**Comments and Questions:**

None

**Board Action:**

On **MOTION** of **DUNKERLEY**, the Board voted 4-0-0 (Dunkerley, Hutchinson, Hicks, Tisdale “aye”; no “nays”; Charney “absent”) to **APPROVE** a Variance of the minimum land area per dwelling unit requirement from 2.1 acres and the minimum lot area requirement from 2 acres in an AG district; and a Variance of the minimum lot width requirement from 150 feet in an AG district to permit the lot split (Section 330) per conceptual plan 7.11 in the agenda packet. The Board finds by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in an unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other properties in the same use district; and that the Variance be granted will not cause substantial detriment to the public good or impair the purposes, spirit and of the Code or the Comprehensive Plan; for the following property:

**N/2 SW SW NW LESS W30 THEREOF SEC 34 17 14 4.773AC, Tulsa County, State of Oklahoma**

**2968 - Mickey Traylor**

Special Exception to allow a duplex in an RS district (Sec. 410, Table 1); Variance to allow three dwelling units on a single lot of record in the RS district (Sec. 208); and a Variance from the all-weather parking surface requirement (Section 1340.D).

**LOCATION:** 7107 North Trenton Avenue East

**Presentation:**

**Mickey Traylor**, 1605 71<sup>st</sup> North, Tulsa, OK 74126, stated that he lives in one side of the duplex, and he would like to extend the duplex to the east side in order to add a master bedroom and other bedrooms to the house.

Mr. Hutchinson asked if he had tried to talk to any of his neighbors.

Mr. Traylor stated that he had tried to talk to the neighbor east of his house, but no one ever answered the door.

Mr. Hutchinson asked how long the property has been a duplex and studio apartment.

Mr. Traylor stated that it had been built in 1958.

Mr. Hutchinson asked why he is looking for a variance from the all-weather parking.

Mr. Traylor stated that he plans on making it all-weather parking anyway and he would like to withdraw his request for the variance from the all-weather parking surface requirement.

Mr. Hutchinson asked staff if all three residents must have asphalt where they park to comply.

Staff replied that this is correct.

**Interested Parties:**

No other interested parties were in attendance.

**Comments and Questions:**

None

**Board Action:**

On **MOTION** of **TISDALE**, the Board voted 4-0-0 (Tisdale, Hutchinson, Hicks, Dunkerley “aye”, no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a Special Exception to allow a duplex in an RS district (Sec. 410, Table 1). The Board finds the Special Exception will be in harmony with the spirit of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

On **MOTION** of **TISDALE**, the Board voted 4-0-0 (Tisdale, Hutchinson, Hicks, Dunkerley “aye”, no “nays”; no “abstentions”; Charney “absent”) to **APPROVE** the request for a Variance to allow three dwelling units on a single lot of record in the RS district (Sec. 208) per conceptual plan 8.7 of the agenda packet. The Board finds by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in an unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other properties in the same use district; and that the Variance be granted will not cause substantial detriment to the public good or impair the purposes, spirit and of the Code or the Comprehensive Plan; for the following property: .

**W135 S/2 LT 7 BLK 8, GOLDEN HILL ADDN, Tulsa County, State of Oklahoma**

## **2972 - Sherry Barbour**

### **Action Requested:**

Special Exception to permit fireworks stand (Use Unit 2) in an RS district (Section 410); Variance of the all-weather parking surface requirement (Sec.1340.D).

**LOCATION:** 524 North 49th Avenue West

### **Presentation:**

**Ann Sanger**, 15 East 5<sup>th</sup> Street, Suite 4100, Tulsa OK, 74103, stated that she is Ms. Barbour's attorney. The fireworks stand has been operation for 40+ years and would like to request that the Special Exception be permitted for more than one year if possible since it has previously been granted for 5 years. We would also like to request a Variance of the all-weather parking surface. We recently discovered that the east side of the lot is in the City of Tulsa. We have been in communication with the City of Tulsa, and they do not require permits for these parking lots. It is currently a gravel temporary parking lot just for the purpose of people buying fireworks two-weeks out of the year and it was cleared with the City of Tulsa. In the case that anything comes up, we would like to request a Variance for a gravel parking lot to the south of side of the parcel.

Mr. Hicks asked what the normal operating hours are and the days of operation.

Ms. Sanger stated that the season officially starts June 14<sup>th</sup>, and they will open on June 25<sup>th</sup> and operate until July 4<sup>th</sup>. It opens at 9:00 AM, closes at 10:00 PM, except for the three days before the 4<sup>th</sup> so July 1<sup>st</sup>-4<sup>th</sup> it stays open until midnight.

### **Interested Parties:**

**Tina Jones**, 4904 West Edison Street, Tulsa, OK 74127, stated that she had several concerns.

Ms. Jones stated the following: "Last time we were in here, Ms. Barbour stated that she wanted to retire and now she wants a 5-year permit. There have been several things happen that raised concerns as far as the business run. Last year was the 1<sup>st</sup> year that it was run correctly. Ms. Barbour finally put down gravel, restricted the area where people could walk, but there are flood lights behind the stands that causes light pollution, and they never turn them off. They were supposed to turn them off when they close at night. There is a streetlight on the corner. The port-a-potties are not placed where they should be. I can see people using the bathroom from my dining room table. The first time we came to this meeting, the board asked her to do what she had to in order to make us happy such as turning the lights off, moving the port-a-potties, not having employees park so that their car lights are in our windows. I have an issue with Ms. Barbour's racial problem. She had insulted me with comments about Native Americans. There also was an incident with the landowner attacking a black man with a steal pipe so I'm just tired of the situation all together."



**Larry Jones**, 4904 West Edison St., Tulsa, OK 74127, stated that he has talked to the EPA representative and was told that all that area is going to be annexed into the city because of the turnpike being built.

Staff stated that the annexation was in 1974, however, it did not show up on mapping until this last year. It is not the whole property. The side with the fireworks stand is in unincorporated Tulsa County.

**Kevin Day**, 11860 South 153 West Ave., Sapulpa, OK 74066, stated the following: "I run Life Gate Freedom Recovery Ministries. We are the organization that took over the fireworks stand last year. We did turn the lights off when we closed at night. My own son does security there. The only way he has been able to provide security both stands is to park on the grass. I'm willing to do whatever Ms. Jones needs and I will give her my phone number so if there is a problem that comes up, she can feel free to call me at any time. We have run a stand for Big Blast for about 10 years, so we were in Sapulpa last year and it is a good location for us. We understand living by the guidelines is what needs to be done. We put up fences and at that location Ms. Barbour number of things extra to secure that location and protect Mr. & Mrs. Jones from the lights and different things that come up. We will find out the best location for the port-a-potties. I can't address the issues of the landlord."

**Sherri Barbour**, 18622 S. 62<sup>nd</sup> East Ave., Bixby, OK 74008, stated the following: "We have been at this location for a long time, and we have always tried to be good neighbors. I have offered my phone number to Ms. Jones to call anytime, but she has refused to take my phone number. I don't have a time frame for retirement, I only want to go forward with this for the ministries. Kevin makes my job easy. As far as the gas meter, the State Marshall has clear rules on this, and we are beyond that. He reduced clearances two years and we are within our governing agency requirements are. Ms. Jones asked for more gravel in last year and we put it in. The 65' means that we will have 5' in Tulsa County and that hasn't been a problem. We are there for 10 days out of the year. Our stands go up about the 15<sup>th</sup> and there has never been a problem with vandalism. We have passed all permits; we have made some concessions to honor the way the permitting wants us to be permitted."

### **Comments and Questions:**

Mr. Tisdale stated that he remembered this from last year.

Mr. Dunkerley stated that he didn't have any real concerns about it if some items are addressed to take care of the neighbors.

Mr. Tisdale stated that they have met all the requirements that were requested last year.

Mr. Hutchison stated that they have put a switch on the light pole, they have put up a fence to mitigate the issues.

**Board Action:**

On **MOTION** of **HICKS**, the Board voted 3-0-1 (Dunkerley, Hicks, Tisdale “aye”, no “nay”, Hutchinson “abstentions”, Charney “absent”) to **APPROVE** the Special Exception to permit fireworks stand (Use Unit 2) in an RS district (Section 410). The Board finds the Special Exception will be in harmony with the spirit of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

On **MOTION** of **HICKS**, the Board voted 3-0-1 (Dunkerley, Hicks, Tisdale “aye”, no “nay”, Hutchinson “abstentions”, Charney “absent”) to **APPROVE** the Variance of the all-weather parking surface requirement (Sec. 1340.D) finding that the hardship to be it was re-graveled last year and it is only open for a short period of time, subject to the following conditions: there is a three year time limit (May 31, 2025), portable bathrooms are not to be located behind the stands, there is to be a privacy panel screening between the stands, the gravel lot is to be as required by the County, hours of operation are to be June 15<sup>th</sup> – July 5<sup>th</sup> from 10:00 a.m. to 9:00 p.m. except July 1<sup>st</sup> – 4<sup>th</sup>, they can be open until mid-night. The Board finds by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in an unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other properties in the same use district; and that the Variance be granted will not cause substantial detriment to the public good or impair the purposes, spirit and of the Code or the Comprehensive Plan; for the following property:

**TR.13 BG.24.75 S.& 1200 E.NW COR. LT 1 OR NE NE TH. S.330E.98.4 N.330 W.99. 25 TO BG.SEC.5-19-12, Tulsa County, State of Oklahoma**

**OTHER BUSINESS**

None

**NEW BUSINESS**

None

**BOARD MEMBER COMMENTS**

None

There being no further business, the meeting adjourned at 5:30 p.m.

Date approved: \_\_\_\_\_

\_\_\_\_\_  
Chair