

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1060
Tuesday, November 22, 2011, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Henke, Chair Stead Tidwell, Secretary White, Vice Chair	Van De Wiele	Alberty Back Sparger	Swiney, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, November 17, 2011, at 9:50 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Henke called the meeting to order at 1:00 p.m.

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

MINUTES

On **MOTION** of **TIDWELL**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the **Minutes** of the November 22, 2011 Board of Adjustment meeting (No. 1059).

UNFINISHED BUSINESS

21331—Kevin Hern

Action Requested:

(Modification and Renotice) Special Exception to modify the height of a fence in the required front yard from 4 ft (not to exceed) 6 ft.-10 in. at the top of the fence

column in an RE district (Section 210.B.3). **Location:** 2411 East 34th Street South (CD 9)

Presentation:

No presentation was made.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **TIDWELL**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to **CONTINUE** the request for a Special Exception to modify the height of a fence in the required front yard from 4 ft (not to exceed) 6 ft.-10 in. at the top of the fence column in an RE district (Section 210.B.3) to the Board of Adjustment meeting on December 13, 2011; for the following property:

LT 1 LESS N 100 BLK 5,OAKVIEW ESTATES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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NEW BUSINESS

21345—Redfish Advertising, LLC

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign of 1200 ft from another outdoor advertising sign on the same side of the highway (Section 1221.F.2); and a Verification of the spacing requirement for a digital outdoor advertising sign of 1200 ft from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10). **Location:** North of the NE/c of 41st and Union Avenue (CD 2)

Presentation:

Daxton Neal, 1416 East 19th Street, Tulsa, OK; there was no presentation made.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **TIDWELL**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to **CONTINUE** the request for Verification of the spacing requirement for an outdoor advertising sign of 1200 ft from another outdoor advertising sign on the same side of the highway (Section 1221.F.2); and a Verification of the spacing requirement for a digital outdoor advertising sign of 1200 ft from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10) to the Board of Adjustment meeting on December 13, 2011; for the following property:

LT 13 LESS BEG SECR TH NW112.25 TO NL E22.38 TO NEC S110 TO POB FOR HWY BLK 6, INTERURBAN ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21339—Tonya Sayer

Action Requested:

Special Exception to allow a home occupation (Section 402.B.6.b); and a Variance to allow vehicle associated with business to be parked on premises (Section 404.B.9). **Location:** 11814 East 15th Street South **(CD 6)**

Presentation:

Tonya Sayer, 11814 East 15th Street South, Tulsa, OK; stated she is requesting the Special Exception and Variance to allow a home occupation business so she may park her business vehicle at her residence. The business is a tortilla delivery service; delivering tortillas to businesses in the metro area. The tortillas are stored in a non-refrigerated storage unit located in Broken Arrow. The delivery truck is a diesel truck that needs to be plugged in every night to keep the fuel injectors warm, especially in colder weather, for an easy start-up in the mornings.

Interested Parties:

Rich Davidson, 987 South Redwood Street, Nixa, Missouri; stated he is Ms. Sayer’s employer. The truck cannot be kept at the storage facility in Broken Arrow because there is no electrical outlet available and it is not a heated storage unit. Another reason the truck cannot be parked at the storage facility is because Ms. Sayer needs to be able to inventory her supplies when headquarters calls to check the inventory. There are also times that Ms. Sayer is requested to take the product into her garage to keep it from freezing.

Colton Jones, City of Tulsa, Department Neighborhood Inspector for Council District 6, 175 East 2nd Street, Suite 590, Tulsa, OK; stated when he performed the initial inspection of the property there was no vehicle at the address, but actually parked at Warehouse Market located at Garnett and Skelly Drive. A neighbor had placed the complaint, and after viewing the truck it was determined that the truck violated city ordinances for vehicles that are not customarily found in a neighborhood. The City of

Tulsa filed under that ordinance and advised Ms. Sayer that she could file an appeal with the Board of Adjustment.

Ms. Stead asked Mr. Jones what size the truck is and Mr. Jones stated that the vehicle is a one-ton, two-axle E350 Ford and commercially tagged. There is a sign on the side of the truck stating Tortilla King, Mound Ridge, Kansas with the VIN numbers, DOT numbers, and vehicle weight were on both sides of the vehicle.

Roy Melton, 8431 South 4230 Road, Chelsea, OK; stated he is the owner of the house that Ms. Sayer is living in. Mr. Melton stated that when the truck is backed into the driveway it cannot be seen because there are trees blocking the public view of the truck from either direction. The truck is a one-ton truck and there are many one-ton trucks parked in the neighborhood.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to **DENY** the Special Exception to allow a home occupation (Section 402.B.6.b); and **DENY** a Variance associated with business to allow vehicle associated with business to be parked on premises (Section 404.B.9); for the following property:

LT 13 BLK 8, CHEROKEE VILLAGE SECOND, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21340—Brandon Moydell

Action Requested:

Variance from requirement that a sign in the Office Light (OL) District be lit by constant light for existing sign to accommodate for an electronic message center (Section 602.B.4.f). **Location:** 8611 East 21st Street South **(CD 5)**

Presentation:

Brandon Moydell, 4419 West 55th Place, Tulsa, OK; stated the variance requested is for business signage for a church. The closest residential area to the east is 330 feet from the sign and the residential area to the north is owned by the church. The church is a community oriented entity that is trying to present messages for the good of the community.

Interested Parties:

Leta Cosby, 8705 East 21st Street, Tulsa, OK; stated she lives adjacent to the church and is opposed to a lighted sign. Ms. Cosby’s husband is 100% disabled and homebound, and has a difficult time sleeping so a lighted sign would disrupt his sleep.

If the Board were to approve this new sign it would set a precedent for the neighborhood that would not be good. The congregation that was in the building before the current congregation did not have a lighted message center so she does not think it is necessary now. There is a sign at the corner of 15th and Delaware that was approved for message center and it has become a full blown, huge digital sign that flashes messages every two or three minutes thus abusing the approval. A message center is a distraction and becomes a traffic hazard. Once this Board approves one digital message center everyone will want one so she would appreciate it if the Board not approve today's request.

Rebuttal:

Ms. Stead asked Mr. Moydell to tell the Board what he thought the hardship is for today's request. Mr. Moydell stated the hardship is that if the mandated constant illumination for light office is applied, it would impede a community-oriented entity, obviously the church, from presenting messages to the neighborhood that are important. The marquee that is being replaced has a total display area of 28.11 square feet. The new sign will be reduced by 62% or 10.73 square feet, which is roughly an 18 inch by 84 inch matrix. The new sign would be fully compliant with City code in all aspects.

Ms. Cosby came forward and stated that she has worked with homeowners groups regarding zoning code issues in the past; her husband was the District 5 co-chairman for the City of Tulsa. Now they both do volunteer work to help make the city a better place for everyone and she knows that signs are not regulated once they are established. She is afraid this requested sign will become a large digital sign that will not need a permit because it started out as a digital message center creating a disaster in the neighborhood.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-1-0 (Henke, Tidwell, White "aye"; Stead "nay"; no "abstentions"; Van De Wiele absent) to **APPROVE** the Variance from requirement that a sign in the Office Light (OL) District be lit by constant light for existing sign to accommodate for an electronic message center (Section 602.B.4.f), per plan on pages 4.9 and 4.10. The hours of operation will be limited to 7:00 A.M. to 10:00 P.M. Finding that the sign location is in excess of 100 yards from the nearest residential structure and every other property along the street is a commercial or office zoning. Finding 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:

**E. 330 W. 635 OF BLK 10, O'CONNOR PARK, CITY OF TULSA, TULSA COUNTY,
STATE OF OKLAHOMA**

21341—Bill Powers

Action Requested:

Variance of the required rear yard setback from 25 feet to 7 feet to permit a new garage (Section 403); Variance to allow for a second dwelling unit per lot of record. (Section 207). **Location:** 2424 South Cincinnati Avenue East **(CD 9)**

Ms. Back stated the Variance request for a second dwelling unit is actually for a master bedroom.

Presentation:

Bill Powers, 8810 South Yale, Suite D, Tulsa, OK; stated this home is in an older neighborhood and the request for the rear yard setback is to be able to set the new garage in the same location as the old garage and will be attached to the home for security reasons. The homeowner is elderly and lives in a home where all the bedrooms are located on the second floor. A master bedroom will be added to the ground level of the home so the homeowner will have the ability to live on the main level on the home without the need to climb stairs daily. Mr. Powers stated that the variance request for a second dwelling is not needed because the addition is a master bedroom not living quarters as he had designated on the application. Mr. Alberty confirmed that the second variance request was a misinterpretation by staff due to the terminology used; therefore, the second variance request is not needed.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to **APPROVE** the Variance of the required rear yard setback from 25 feet to 7 feet to permit a new garage (Section 403). It is noted this case was advertised for a second Variance for a second dwelling which will not exist. The Board has found that the odd-shaped lot with the south property line is almost triangular; the property will maintain the appearance of more space as it abuts a public path on the west side of the property; subject to the conceptual plan on page 5.9 with the provision that this space shall never be used as rental property. In granting this variance the Board has found that the above are 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 6 BLK 2, SUNSET PARK AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21342—Oasis, Inc.

Action Requested:

Special Exception to allow an Adult Day Care in an Office Low Intensity (OL) District (Use Unit 5). **Location:** 5525 East 51st Street South **(CD 7)**

Presentation:

Phil Burch, Chairman of the Board, Oasis Adult Day Services, 3817 South Lewis Avenue, Tulsa, OK; stated Oasis is a non-profit organization that has been in existence for over 16 years and is currently housed at 38th and Lewis. The church property has been sold so the facility is being relocated to another location. Oasis provides a service for people who cannot stay by themselves, thus allowing a care-giver to continue to be employed. There are approximately 30 clients daily at the facility.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to **APPROVE** the Special Exception to allow an Adult Day Care in an Office Low Intensity (OL) District (Use Unit 5). The one condition the Board makes is that the portion of the wooden fence on the east side of the property, which is leaning against a tree, should be repaired so that persons cannot walk around or through the fencing. In granting this special exception the Board finds that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

E224 S305 LT 1 BLK 1, ALLENS SUB, PARKLAND ADDN RESUB PRT L14-15 B2 ALLENS SUB, PARK PLAZA ESTATES ADDN RESUB PRT L15 B2 ALLEN'S SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21344—Global Sign Solutions

Action Requested:

Variance to reduce setback from 50 feet to 18 feet from driving surface of a signalized intersection (Section 1221.C.2.a); and Variance to reduce setback from 20 feet to 17 feet - 1 in from the driving surface of a street to allow for an Electronic Message Center (Section 1221.C.2.b). **Location:** 9014 South Yale Avenue East (CD 8)

Presentation:

Richard Craig, 2830 Telegraph Road, St. Louis, Missouri; stated there are four existing cabinets on sign and the proposed request is for the third cabinet from the top which is approximately 13 feet to the bottom of the digital display from the ground with an overall height of approximately 15 feet, and approximately 18 feet from the curb.

Interested Parties:

Mike Schnake, 8908 South Yale, Suite 400, Tulsa, OK; stated he is representing ONB Bank which the property on the northwest. There are many accidents at 91st and Yale, and the building is wrapped in signage. This type of signage is not necessary for the area and it would present a hazardous distraction to traffic.

Rebuttal:

Mr. Craig does not feel that the 18 foot distance would create a problem because the sign does not face the intersection; it is perpendicular to the corner.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to **DENY** the applicant’s request for a Variance to reduce setback from 50 feet to 18 feet from driving surface of a signalized intersection (Section 1221.C.2.a); and **DENY** a Variance to reduce setback from 20 feet to 17 feet - 1 in from the driving surface of a street to allow for an Electronic Message Center (Section 1221.C.2.b); for the following property:

LT 1 LESS BEG NEC THEREOF TH W10 S155.02 NE14.15 N145.02 POB BLK 1, STAR CENTER II, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21346—Lou Reynolds

Action Requested:

Special Exception to allow Use Unit 2 - Governmental Services, NEC (Not Elsewhere Classified) in an RS-3 District. **Location:** 3310 East Mohawk Boulevard North (CD 3)

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated this application is for a special exception to approve the City of Tulsa state of the art Traffic Engineering and Operations facility on the southeast corner of North Harvard and Mohawk Boulevard. Along the southern two-thirds of the south boundary of the property is zoned commercial and the eastern third of the property is zoned RS-3. The notification map, which is in the Board's packet, is very unusual. In the dead center of the property, as outlined on the map, is the 300 foot notification radius. Then second outline, shaped like a fish on the map, is the notification that the City Public Works Department used to notify the residents of a neighborhood meeting. In the neighborhood meeting it came out that the City should notify a broader area and the City agreed to do that giving notice to a 2,000 foot radius as well as the wing. The notification is almost one and half miles wide at the widest part, so this was a very unusual and broad notice.

Mr. White left the meeting at 2:11 P.M.

Mr. Reynolds stated the City of Tulsa selected this site primarily because of its proximity to other City facilities; a fueling station, the water treatment plant, a police station, the street department, the water department so there are a lot of synergies located here for the City.

Mr. White re-entered the meeting at 2:13 P.M.

The building will be earth tone colors, will incorporate masonry into the façade as it addresses on three sides, and the facility will include a pole shed to the north of the building which be made of similar materials. The building will be approximately 370 feet from North Harvard with the parking lot approximately 300 feet from North Harvard, and the building at its southeast point is more than 500 feet from the nearest residence. The area will have an eight-foot berm and will be landscaped adjacent to the residential properties.

On October 4th the City of Tulsa Engineering Services Department held a neighborhood meeting at the Mohawk Water Treatment Plant. The primary objection that arose from this meeting was a conceptual future site plan. That future site plan showed some solid waste division use. There is no solid waste division use here; it is not in the budget, it is not proposed, it is merely conceptual to show how the property may build out. Traffic Operations employs 60 people who typically work five days a week, eight hours a day

from 7:00 A.M. to 5:00 P.M. with staggered starting times. There will also be 45 City of Tulsa cars, pickup trucks and bucket trucks parked at the facility. There will be no heavy industrial use at this location. The facility will house the state-of-the-art computer-controlled command center so it have a centralized traffic system where the traffic signals can be monitored and adjusted from a central location.

Operational activity consists of low impact activities. It generates little noise and most of the activity will be inside the building. Outdoor material storage will be in the shed on the north side of the building. Primary activities performed outdoors will be the periodic assembly of signs and signals, which is hand work with hand tools. This facility will be a benefit to the area and to the City of Tulsa.

Ms. Stead asked Mr. Reynolds if a plat was required for the property. Mr. Reynolds stated that he did not think a plat would be required but if it is necessary the property would be platted.

Interested Parties:

Jesse Harris, 3636 North New Haven Avenue, Tulsa, OK; stated that the neighborhood, Yahola Estates, has already made a significant contribution to the City of Tulsa as a whole. There are a great number of public projects in existence within the neighborhood, which includes the Catholic Charities building, Tulsa Community College North, The Boys Home, the water treatment plant, the animal shelter, Tulsa County Highway Maintenance building, Apache Manor which is a public project, Mohawk Manor which is a public project, Northside Police Station, and at least two industrial businesses in the midst of the neighborhood. There is also Mohawk Park, Tulsa Zoo, and that just mentions the ones that come to mind most easily. Hasn't the neighborhood already made more sacrifices than it should have made for the good of the City of Tulsa? Mr. Harris stated that he has been a circuit judge for 25 years and he believes in the good of the entire City of Tulsa and the entire County of Tulsa. Judge Harris thinks the neighborhood has made important and significant contributions to support the City, the County and the State of Oklahoma. Given all the public projects located in the immediate vicinity of the neighborhood, given the impact on property values, it is not impossible to place the proposed facility somewhere else. Judge Harris stated that his concerns have nothing to do with race, nothing to do with power, and nothing to do with money. His concerns are simply about fairness. The neighborhood wants to do their part for the City, they want to make contributions, they want to make sacrifices for the City but they do not want to do it all. Why locate a great deal of things in one area? Let other citizens join in the great sacrifice to promote the City of Tulsa which would be fair. North, South, East and West are all part of this one community and one part of the community does not reach it's full economic potential the entire community suffers. Downtown suffers, south Tulsa suffers, west Tulsa suffers, east Tulsa suffers. Judge Harris is in full support of the entire community he just wants everyone to join together, work with one another, share some of the wonderful things the City of Tulsa has to offer and one of them is this proposed public maintenance facility.

Kenneth Vincent King, 2945 East Mohawk Boulevard, Tulsa, OK; stated he lives immediately adjacent to Highway 75 just off Mohawk Boulevard. The property in question used to be the Lakeview Amusement Park. The neighborhoods in the area are an agrarian-based culture. People ride horses in the neighborhood, there are white-tail deer and other wildlife feeding and living in the area, and people are there to enjoy the peace and quiet of the area. There is not high traffic use in the area. He raises bees and poultry, and to build this facility will increase traffic. Please do not bring in a year's worth of construction equipment on a two-lane road, North Harvard, that cannot support heavy equipment. Do not break down Mohawk Boulevard bringing in the equipment either just because it is wider than Harvard. This proposed facility could be located in the old HSBC building that is at 61st Street and 129th East Avenue. That building is hard-wired for massive data and currently sit empty. It is a six-story building and approximately 75,000 square feet sitting on a lot that is approximately a half mile wide by three-quarters of a mile deep. The HSBC parking lot of that building would encompass Yahola Estates. The building is already hard-wired for the traffic camera control units, and he knows this because he used to work in the building.

Lawrence Fellows, 3845 North New Haven Avenue, Tulsa, OK; stated his property abuts the fence line of the water department and he is opposed to this proposal. Property values will decline further. Noise from the equipment will disrupt the peacefulness of the neighborhood. If this proposal is approved it opens the door for the start of the other phases.

Seneca Scott, State Representative, 3102 East 2nd Street, Tulsa, OK; stated he attended the October 4th meeting and would like to request a rejection of this proposal. What is the highest and best use of the property relative to the City's interest? What other city properties could be considered for this proposed traffic facility? Would salt and sand operations take place at this site? The confusion of the neighborhood seems to come from the way the proposal was presented at the October 4th meeting by the City of Tulsa.

Mark Brown, City of Tulsa, Traffic Operations Manager and Street and Stormwater Department, 175 East 2nd Street, Tulsa, OK; stated that the current location for the Traffic Department is 23rd and Jackson. Some of the staff have been moved to 3340 North Delaware Avenue, which is the old Amos T. Hall Recreation Center which is a temporary move. The staff was moved because structural engineers have determined that the main building at 440 West 23rd not structurally sound.

Deanna Harris, 3681 or 3831 North New Haven Avenue, Tulsa, OK; stated she lives in the oldest house on the street; it has been there for 51 years. This facility is not in the character of the neighborhood. The water treatment plant, expanded, is not in the character of the neighborhood. This Board has stated that special exception, when granted, is in perpetuity, which means forever. So that means that the City of Tulsa would have forever the opportunity to put whatever they want to on this property. Ms. Stead that is not quite true; the City of Tulsa can install two buildings on the property as shown on the plan. Ms. Harris stated that she disagrees with the statement that the

best use of this property is determined by the City of Tulsa. The City of Tulsa has never had the neighborhood's character in view. Ms. Harris stated she does not feel like a citizen of the City of Tulsa even though she pays taxes. This proposal represents a hardship for the landowners. These two buildings are the beginning of something and she does not want to see it begin.

Emily Patterson Harris, 3626 North New Haven Avenue, Tulsa, OK; stated she is representing her parents because they were unable to attend today's meeting. Her parents live in the neighborhood and they are opposed to the proposed buildings.

Phyllis Fellows, 3845 North New Haven Avenue, Tulsa, OK; stated she has lived in the neighborhood over 35 years. The neighborhood is unique and has tried to do everything right. The neighborhood is one of City of Tulsa's hidden secrets and it is a thriving neighborhood. Why would the City want to have more industrial facilities in a thriving neighborhood? This proposed metal building is not compatible with the neighborhood and will disrupt this neighborhood. Ms. Fellows asks the Board to reject this request.

Lloyd Williams, 3646 North New Haven Avenue, Tulsa, OK; stated that bringing an industry into a neighborhood will not enhance property values.

Peggy Steele, 2949 East Mohawk Boulevard, Tulsa, OK; stated she lives on the corner of Mohawk Boulevard and College. She would like to know where the entrances to the subject property are going to be placed and if there will be street widening or a turning lane on Mohawk and/or Harvard. This neighborhood is a very nice area because the people who live here stay here to raise their families. If this project is approved by the Board she would like to see the City keep the residents aware of what is happening and that the City will listen to and work with the residents. Ms Steele stated she is in favor of the project as long as the City does what they say they are going to do, and keep the property clean and the buildings maintained.

Councilor Jack Henderson, City Council District 1, City of Tulsa, 175 East 2nd Street, Tulsa, OK; stated he is opposed to this proposed project. He attended the October 4th meeting and he left the meeting with the impression that the City of Tulsa was going to have another neighborhood meeting to let them participate in the ideas for the project. Now that is no longer on the table and the residents feel left out in the cold and cannot present a viable case to the Board because things have changed.

Rebuttal:

Lou Reynolds came forward for questions from the Board. Mr. Henke stated that the area residents had brought up questions regarding odors, noise, traffic, and salt and sand trucks, and asked to have those concerns addressed. Mr. Reynolds stated there is no salt or sand at this facility because that is the Street Maintenance Division and this proposed facility is Traffic Engineering and Operations. There is no street maintenance at this facility so there will not be any salt or sand trucks. There will be very little noise generated at this site. To the extent that there is some outdoor assembly work it is

done with hand tools, and with the distances and the berm the noise should not be heard. Regarding the question of odors Mr. Reynolds does not know what the odors would be because there is no spray painting so there should be no odors. There are 60 employees in this division. One set starts at 7:00 A.M. and the other set starts at 8:00 A.M. so there should not be much traffic. The building design does consider the neighborhood. It considers the City because its proximity to the fueling facility, the Police Station, the water plant, highway access, these are all naturals for this which it makes the area ideal for this facility. The building is not visible or have unscreened storage of material. Sign fabrication work will be performed inside the building. Assembly of lights and signals is minimal noise. This proposal will have a positive impact on the area as well as city operations, that is why this area was chosen.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to **APPROVE** the applicant’s request for a **Special Exception** to allow Use Unit 2 - Governmental Services, NEC (Not Elsewhere Classified) in an RS-3 District; subject to per plan on page 9.13. Noting specifically that the outside material storage building, as well as the main building, will be metal with the north, south, and west sides containing masonry façade as indicated in those areas shown in red on page 9.11. This Board is, today, approving these two buildings and the entrance/exit per plan. The Board is specifically not approving any other use of this property including but not limited to salt and sand storage, limb, leaf, or natural debris. This is not limited to these items. There shall not be excess storage of gravel products. This approval is tightly limited to what is shown on the drawings and the site plan. There will be no outside storage of parts pertaining to the manufacturing of signs or otherwise. In granting this special exception and considering the limitations made above the Board has found that it will be in harmony with the spirit and intent of the Code, and should not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

NW SW SEC 16 20 13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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OTHER BUSINESS

None.

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NEW BUSINESS:

None.

BOARD MEMBER COMMENTS:

None.

There being no further business, the meeting adjourned at 3:40 p.m.

Date approved: 12-13-11

Chair