

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1017
Tuesday, January 26, 2010, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

**MEMBERS
PRESENT**
Henke, Chair
Stead, Vice Chair
Tidwell, Secretary
Van De Wiele
White

**MEMBERS
ABSENT**

**STAFF
PRESENT**
Alberty
Cuthbertson
Butler

**OTHERS
PRESENT**
Boulden, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Wednesday, January 20, 2010, at 4:01 p.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.

Mr. Cuthbertson read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **Tidwell**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of January 12, 2010 (No. 1016)

UNFINISHED BUSINESS

Case No. 20464-A

Action Requested:

Review of lighting, landscape, and sound amplification plans for a proposed skate park, located: 2910 East 56th Street North.

Presentation:

Gary Shellhorn, City of Tulsa Parks Department, came before the Board to present and discuss plans related to a proposed skate park. The use was previously approved by the Board (Exhibit A-1) subject to the Parks Department submitting lighting, landscaping and sound amplification plans. Mr. Shellhorn discussed the lighting plan and landscaping plan for the skate park. He provided that the lights would be shielded lights similar to those used on ball fields. No sound amplification plan was submitted as there will not be any amplification system included in the park.

Comments and Questions:

Ms. Stead asked about paved parking. Mr. Shellhorn replied there would be asphalt parking with concrete curb and gutters. Mr. Tidwell asked for the hours the park will be open. He replied the hours will be 9:00 a.m. to 11:00 p.m. to the general public and when it is closed the security gates will be locked. The plans include lighting for the parking lot and driveway. Mr. Shellhorn provided that there are plans to construct a bmx bike track to the south of the pending skate park and that plans will be submitted to the Board prior to permitting.

Board Action:

A **Motion by Ms. Stead** was made to **APPROVE** the plans submitted for lighting and landscaping of the skate park, noting there is no amplification of sound planned, provided that all parking will be asphalt with concrete curb and gutters; lighting will be shielded down and away so as to light the parking and activity areas only; this approval is for a skate park only and does not include a planned BMX bike park south of the skate park, per plans as shown on pages 2.5, 2.6, 2.7, and 2.8 in the agenda packet. Mr. White seconded the motion.

The Chair recognized an interested party who indicated he wished to speak.

Interested Parties:

Joe Cacoperdo, 3030 East 51st Street North, stated he owns the 30 acres south of the skate park on 51st Street North. He was concerned about traffic to this park on 51st Street North. Mr. White informed him the traffic for the park would not be on 51st Street North but on 56th Street North. He also asked about the lights. Mr. White stated the lights will be shielded and not shine toward his property. He was assured that the pond and southern portion of the subject property will remain the same at this time. There will be a six-foot high chain link fence along the west boundary of the subject property. He asked about any motors used and was assured there would be no motors associated with the skateboard on the proposed park.

Applicant's Rebuttal:

Mr. Shellhorn responded that the BMX track is a part of the Mohawk Master Plan but they do not have funding for it at this time. They will provide the security fence and all access will be from 56th Street North. There will be a security gate at the entrance to the park which will be locked at night.

Board Action:

Mr. Henke called for a vote on the motion made to approve Case No. 20464-A as follows:

On **Motion of Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the plans submitted for lighting and landscaping of the skate park, noting there is no amplification of sound planned; provided that all parking will be asphalt with concrete curb and gutters; lighting will be shielded down and away so as to light the parking and activity areas only; this approval is for a skate park only and does not include a BMX bike park planned south of the skate park, per plans as shown on pages 2.5, 2.6, 2.7, and 2.8 of the agenda packet, on the following described property:

TRACT #1: The Northeast Quarter (NE/4) of Section 8, Township 20 North, Range 13 East of the Indian Base and Meridian, in the County of Tulsa, Oklahoma, according to the U. S. Government Survey thereof; LESS AND EXCEPT that certain tract of land conveyed to the State of Oklahoma, as described in Deed recorded in Book 3897 at Page 1130, more particularly described by metes and bounds as follows: Beginning at a point on the South line of said NE/4 a distance of 1554.1 feet West of the SE corner of said NE/4, thence N 1°00'W a distance of 1527.8 feet, thence Northwesterly on a curve to the left having a radius of 1352.4 feet a distance of 306.6 feet, thence N 18°44'W a distance of 7.7 feet, thence N 30°03'W a distance of 204.0 feet, thence N 18°44'W a distance of 187.5 feet, thence Northwesterly on a curve to the right having a radius of 1074.9 feet a distance of 325.9 feet, thence N 1°22'W a distance of 25.0 feet, thence S 88°38'W a distance of 201.7 feet, thence N 80°03'W a distance of 153.0 feet, thence S 88°38'W a distance of 50.0 feet, thence N 1°22'W a distance of 70.0 feet to a point on the North line of said NE/4 a distance of 451.9 feet East of the NW corner of said NE/4, thence N 88° 38'E a distance of 451.9 feet, thence S 01°35'41"E a distance of 2621.83 feet, thence N 89°43'59"E a distance of 1090.07 feet to point of beginning. Containing 35.79 acres more or less of new right-of-way, the remaining area included in the above description being right-of-way occupied by the present highway, together with all abutters rights, including all rights to access from the remaining portion of grantor's land onto the LIMITED ACCESS HIGHWAY to be constructed on the above described property, including all rights to light, air or view above the surface of the property described in this instrument, except, that grantor, heirs, successors or assigns, shall have the right of access to the Section Line Road, along the North side of the above described property, beginning at a point on the North line of the NE/4 a distance of 838.1 feet West of the NE corner of Said NE/4 and extending East, except that grantor, heirs, successors or assigns, shall have the right of access to the Section Line Road, along the North side of the above described property, beginning at a point on the North line of the NE/4 a distance of 801.9 feet East of the NW corner of said NE/4 and extending West. All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings. And Less a tract of land condemned by the City of Tulsa, Oklahoma, a municipal corporation, as described in the Order Vesting Title and Order to Disburse recorded in Book 6120 at Page 1340, more particularly described as: A tract of land containing 36.91 acres, more or less, located in the NE/4 of Section 8, Township 20 North, Range 13 East of the Indian Base and Meridian, according to the U.S. Government Survey thereof, Tulsa County, State of

Oklahoma; being more particularly described by metes and bounds as follows, to wit: Commencing at the NE corner of the NE/4 of Section 8, Township 20 North, Range 13 East of the Indian Base and Meridian, thence SOO °31'41" E along the east line of said NE/4 a distance of 2642.37 feet to the SE corner of said NE/4; thence S89°41'43" W along the south line of said NE/4 a distance of 154.07 feet to the Point of Beginning; thence S89°41'43" W along the south line of said NE/4 a distance of 1100.03 feet to a point on the easterly right-of-way U.S. Highway 75; thence N00°06'44" E along said highway right-of-way a distance of 965.40 feet; thence N11 °25'44" E along said highway right-of-way a distance of 153.00 feet; thence NOO °06'44" E along said highway right-of-way a distance of 800.63 feet; thence N11° 12'16" W along said highway right-of-way a distance of 153.00 feet; thence NOO °06'44" E along said highway right-of-way a distance of 484.30 feet to a point on the southerly right-of-way of 56th Street North; thence N89°36'00" E along the said southerly right-of-way a distance of 100.00 feet; thence S00°06'44" W a distance of 1165.55 feet; thence S89°53'16"E a distance of 1000.00 feet; thence S00°06'44"W a distance of 1377.72 feet to the Point of Beginning, and containing 36.91 acres, more or less; TRACT #1 containing 98.94 acres, more or less.

TRACT #2: The Northwest Quarter (NW/4) of Section 9, Township 20 North, Range 13 East of the Indian Base and Meridian, in the County of Tulsa, Oklahoma, according to the U.S. Government Survey thereof; and that certain land conveyed to the City of Tulsa as described in the Deed recorded in Book 454 at Page 549 more particularly described as follows: A tract of land in the Southwest Quarter (SW/4) of Section Nine (9), beginning at a point eighteen hundred ninety and four tenths feet (1890.4') north of Section Sixteen (16) and three hundred sixty two feet (362') east of Section Eight (8), thence North eleven degrees, no minutes (11°00') east, a distance of four hundred fifty eight feet (458'), thence North seventy two degrees thirty minutes (72° 30') east, a distance of two hundred thirty feet (230'), thence south seventeen degrees, thirty minutes (17°30')east, a distance of two hundred forty eight (248') feet, thence south forty five degrees eighteen minutes (45°18') west, a distance of four hundred eighty three and nine tenths feet (483.9'), thence north twenty six degrees, fifty five minutes (26° 55') west, a distance of seventy four feet (74'), to the point of beginning, containing two and seven tenths (2.7) acres more or less; and, A strip of land in the Southwest Quarter (SW/4) of Section Nine (9), beginning at a point twenty six forty six feet (2646') north of Section Sixteen (16) and fourteen hundred seventeen and seven tenths feet (1417.7') east of Section Eight (8), thence East along the North line of said quarter section a distance of eight hundred fifteen and seven tenths feet (815.7'), thence south eighteen degrees, no minutes (18°00') west a distance of fifteen hundred fifty eight and eight tenths feet (1558.8') thence north seventeen degrees, thirty minutes (17°30') west a distance of two hundred forty eight feet (248'), thence north seventy two degrees, no minutes (72°00') east a distance of seven hundred seventy six and seven tenths feet (776.7') to the point of beginning, and containing 6.62 acres, more or less.

TRACT #3: The West half of the Northeast Quarter (W/2 NE/4) of Section 9, Township 20 North, Range 13 East of the Indian Base and Meridian, in the County of Tulsa, Oklahoma according to the U.S. Government Survey thereof; except that certain land conveyed to the City of Tulsa, as described in the Deed recorded in Book 3848 at Page 607 more particularly described as: A tract of land in the Northwest Quarter, of the Northeast Quarter of Section 9, Township 20 North, Range 13 East of the Indian Base and Meridian in Tulsa County, Oklahoma, more particularly described as follows: The East 989.97 feet of the North 50.00 feet, and the East 400 feet of the South 140.00 feet of the North 190.00, and the Northeast Diagonal Half of the West 170.00 feet of the East

570.00 feet of the South 50.00 feet of the North 100.00 feet, and the East 150.00 feet of the South 110.00 feet of the North 300.00 feet, and the Northeast Diagonal Half of the West 250.00 feet of the East 400.00 feet of the South 110.00 feet of the North 300.00 feet of the said Northwest Quarter, of the Northeast Quarter of said Section 9, Township 20 North, Range 13 East, containing 2.46 acres, more or less. The remaining area included in the above description being the original 16.5 feet section line right-of-way.

TRACT #4: Part of the Northwest Quarter of the Southwest Quarter (NW/4 SW/4) of Section 9, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, and being more particularly described as follows, to-wit: Beginning at the Northwest Corner of the Southwest Quarter (SW/4) of said Section 9, thence South along the West line of said Section 9 a distance of 628.5 feet to the center line of Flat Rock Creek; thence Southeasterly along the Center Line of Flat Rock Creek to a point 420 feet East of 641 feet South of the Northwest Corner of the Southwest Quarter (SW/4) of said Section 9, thence North 11° East, 338 feet to a point; thence North 72° 30' East a distance of 994.32 feet to a point; thence West along the North line of the Southwest Quarter (SW/4) of Section 9, a distance of 1395 feet to the point of beginning. LESS AND EXCEPT That certain tract of land described in General Warranty Deed recorded in Book 1798 at Page 616 more particularly described as: A tract of land located in the W/2 of the NW/4 of the SW/4 of Section 9, T. 20 N., R. 13 E., being more particularly described as follows: Beginning at a point on the west line of Section 9, 2011.3 ft. north of Section 16; thence easterly along the meandering center line of Flat Rock Creek (as described in a deed to the City of Tulsa, Recorded in Book 652, page 71) to a point on the westerly line of a tract of land previously deeded to the City of Tulsa and recorded in Book 454, page 549, said point being 2008.2 ft. north of Section 16 and 386.7 ft. east of Section 8; thence north 11° 00' east along the western boundary of said tract (as recorded in Book 454, page 549) a distance of 338 ft. to a point, said point being 458 ft. North 11°00' east of point of beginning described in said tract (as recorded in Book 454, page 549); thence South 72° 0 30' West a distance of 473 ft. to a point on the west boundary of Section 9; thence South along the west boundary of Section 9 a distance of 186.6 ft. to a point of beginning; said tract containing 2.8 acres more or less.

TRACT #5: The Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW/4 NE/4 NE/4) of Section 9, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof..TRACTS #1, #2, #3, #4 and #5 together containing 347.928 acres, more or less

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Case No. 21018

Action Requested:

Variance of the maximum permitted land coverage of a building in the CO district from 30% to 38% (Section 803); a Variance of the requirement that any corridor development's access shall be principally from internal collector service streets (Section 804); and a modification of a previously approved plan and conditions related to the building setback from an arterial street (BOA-15242), located: Northeast corner of South Mingo Road and East 63rd Street.

Mr. Henke recused himself and left the room at 1:13 p.m.

Presentation:

David Bodeen, 2025 West Sunshine, Springfield, Missouri, brought exhibits (Exhibit B-1). He stated the subject property contains several parcels and will be a single tract eventually as the eastern three lots were recently rezoned to CO and are subject to platting. The development proposes one building across the property leaving no room for any interior collector streets. He added that they want the development to be compatible with adjacent properties. The applicant was willing to reduce the previously approved 74 ft. building setback from Mingo Rd. to a 100 ft. He stated they modified the plan slightly reducing the land coverage area from 38% to 35%. He did not feel they were doing anything that hinders adjacent properties. They will remove two unoccupied homes with septic tanks and a dilapidated metal building.

Comments and Questions:

After questions from the Board on the building setback line, Mr. Van De Wiele stated that if the application is approved it would be per the plan. If the applicant decided to extend the building any closer into the setback, they would need more relief from the Board.

Interested Parties:

Rodney Edwards, 6226 East 101st Street, Tulsa, Oklahoma, 74137, spoke on behalf of adjoining property owners American Staff Corporation and Weatherford Completion Corporation. He stated the case was heard on January 12, 2010, and the applicant requested a continuance to modify the plans to compromise with the neighbors. They had not yet come to an agreement. He noted they have agreed to some reduction of coverage and setback. He stated that his clients consider the proposed building to still be too large for the lot. They had not heard a real hardship and they do not see anything unique about the land. They considered this a self-imposed hardship.

Ms. Stead asked Mr. Edwards what was their main concern. Mr. Edwards replied it is the setback. Mr. Van De Wiele asked for the setbacks of Mr. Edwards' clients buildings. He replied that the zoning is different and so they are measured differently. It was provided that the setbacks for OL and IL zoned property from the centerline of a secondary arterial street is 100 ft.

David Lamb, owner of the American Staff Corp. building, responded that the difference is his property is zoned OL. He had to buy another lot to accomplish their plans. They chose OL so they would not be hidden behind the large commercial buildings. He thought access on 63rd Street would be a challenge with semi trucks. It would be difficult to turn them around to exit the property. He objected to the size of the building and the setback.

Applicant's Rebuttal:

Mr. Bodeen reminded the Board that they have a small lot. He stated if they lost the relief of the setback it would be impractical to develop the lot. He added that

corridor districts were developed with much larger tracts of land in mind. It was to encourage vertical construction. He thought that vertical construction would be more incompatible with the surrounding land use, and be even more undesirable to the neighboring land owners than what they are currently proposing.

Ms. Stead asked how many square feet are in the proposed plan submitted today. He stated it would be 24,600 sq. ft. He informed the Board that they are currently going through the re-platting process.

Board Action:

A **Motion** was made by **Mr. Van De Wiele** to **APPROVE** a Variance of the maximum permitted land coverage of a building in the CO district from 30% to 35% (Section 803); a Variance of the requirement that any corridor development's access shall be principally from internal collector service streets (Section 804); and a modification of a previously approved plan and conditions related to the building setback from an arterial street (BOA-15242) modified to 100 ft., finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, being the narrowness and unique shape of the lot, 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,

Ms. Stead asked for discussion on the motion. She asked if he would be willing to limit the building size to 24,600 sq. ft. Mr. Van De Wiele was agreeable and added that it be per the plan submitted on January 26, 2010.

On **Motion** of **Van De Wiele**, the Board voted 3-1-1 (White, Van De Wiele, Stead, "aye"; Tidwell "nay"; Henke "abstained"; no "absences") to **APPROVE** a Variance of the maximum permitted land coverage of a building in the CO district from 30% to 35% (Section 803); a Variance of the requirement that any corridor development's access shall be principally from internal collector service streets (Section 804); and a modification of a previously approved plan and conditions related to the building setback from an arterial street (BOA-15242) modified to 100 ft., per the plan submitted on January 26, 2010; finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, being the narrowness and unique shape of the lot, 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, on the following described property:

The south 79 feet of the west 236 feet of lot 5, block 4, and the east 335 feet of the west 571 feet of lot 5, block 4, Union Gardens Addition, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

Mr. Henke returned at 1:50 p.m.

NEW APPLICATIONS

Case No. 21021

Action Requested:

Special Exception to permit a hotel/resort use (Use Unit 19) in the IL district (Section 901), located: 16901 East Admiral Place.

Presentation:

Debra Medrano, P.O. Box 140122, Broken Arrow, Oklahoma, 74014, stated they wanted to expand the marketability of the subject property. They considered a potential hotel or resort to be an improvement, consistent with the other projects found near I-44 in the Catoosa area.

Comments and Questions:

Ms. Stead expressed concern about approving such a request without knowing more about the plans for the property, noting Use Unit 19 covers numerous types of businesses. Mr. Boulden stated it is not totally inappropriate, and noted there is a three-year time limitation to apply for permitting before the approval would expire. He added that he had no legal reservations. He compared this case to cases that go before the TMAPC for re-zoning before it is decided what they will do with the property.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a hotel/resort use (Use Unit 19) in the IL district (Section 901), with a condition for hotel/resort use only and no other uses in Use Unit 19; and if and when development is imminent, that a site plan be submitted to the Board of Adjustment for approval, finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

LT 1 LESS BEG NWC TH E100 S125 W75 S410.25 W25 N535.25 POB BLK 1,
DALTON ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 21022

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign of 1,200 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 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10), located: West of the Southwest corner of I-44 and South Peoria Avenue.

Presentation:

Ron Havens, 7777 East 38th Street, Tulsa, Oklahoma, 74145, Lamar Outdoor Advertising provided verification as shown in the agenda packet.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion of White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **ACCEPT** Verification of the spacing requirement for an outdoor advertising sign of 1,200 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 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10), based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, on the following described property:

LT 1 BLK 1, JEN-ASH PARK, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 21023

Action Requested:

Variance of the maximum amount of required front yard permitted to be covered with an all-weather surface in the RS-3 district from 34% to permit 30 ft. wide driveways in front of three (3) bay garages (Section 1303.D); and a Variance of the minimum 4,000 sq. ft. of livability space required in an RS-3 district to permit 30 ft. wide driveways (Section 403); in a developing residential subdivision, located: East and North of 47th Street South and South 181st East Avenue and West and North of 48th Place South and 186th East Avenue.

Presentation:

Dwight Claxton, 5407 South Lewis, Tulsa, Oklahoma, 74105, stated that Stonegate II is an RS-3 zoned developing subdivision. One of the most popular floor plans for developing homes includes a three-car garage with a three car wide driveway. A typical three-car garage is 28' to 30' wide. He explained how a 30 ft. wide driveway would exceed the maximum 34% coverage of the 25 ft. required front yard on the subdivision's 60 ft. wide lots. He stated a 60 ft. lot would only permit a 20.4 ft. wide driveway.

Comments and Questions:

Mr. Alberty pointed out that if they use a deeper setback it would create more area in the front yard to provide for flexibility in the driveway design. The Board members considered various options to solve the issue. Mr. Boulden stated it might be more appropriate for the applicant to apply for a PUD for the whole subdivision. Mr. Henke noted the intention of the zoning code is to protect the character of the neighborhood and this design deviation will apply to the whole character of this neighborhood. Mr. Alberty pointed out the applicant is also asking for a variance of the livability space, and he asked that the Board get a percentage request for some discussion. Ms. Stead asked Mr. Claxton if they had considered a PUD. Mr. Claxton replied that the desire for three-car garages has increased since they purchased and started developing this property, but he was sure they would consider a PUD in the future for subdivisions. Mr. Claxton asked if he could remove the semi/cul-de-sac lots from this request and limit the relief to the rectangular lots. He would then submit individual applications on the semi/cul-de-sac lots as they were developed in the future. The remaining lots are 65' wide or wider and the maximum width of the driveway would be 30'. Mr. Van De Wiele was opposed to this suggestion. Mr. Alberty suggested the Board could continue the case and let the applicant identify the lots for which he is requesting relief, instead of a blanket request. Ms. Stead asked that the applicant consider tapering the driveways and see how low they could reduce the percentage of coverage in the front yards on most of the lots. Mr. White asked that the applicant identify specific lots and block of lots on cul-de-sacs or partial cul-de-sacs. He added that he could see a hardship for the tapered lot lines, but it is harder on the rectilinear lots. Mr. Boulden stated the applicant would need to show the uniqueness of each property and how the hardship imposed by the zoning code is rendered unnecessarily.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 21023 to the meeting on February 9, 2010, on the following described property:

East and North of 47th St. S. and S. 181st E. Av. and West and North of 48th Pl. S. and 186th E. Av.

Mr. Tidwell out at 2:42 p.m.

Mr. Tidwell in at 2:43 p.m.

Case No. 21024

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2), located: 12206 East 51st Street South.

Presentation:

Andrew Shank, 2727 East 21st Street, Suite 200, Tulsa, Oklahoma, 74114, requested a spacing verification referring to the survey provided in the packet.

Interested Parties:

David Merrill, 1437 South Boulder, Tulsa, Oklahoma, 74119, represented Helmerick and Payne Properties. They own properties near the subject property and acknowledge the 1,200 ft. radius, and that the spacing is appropriate. They have no opposition to the applicant or his company, but they fundamentally oppose outdoor advertising signs. He pointed out they do not have these signs on any of their properties.

Applicant's Rebuttal:

Mr. Shank's only comment was to say on record that all they sought was approval of the spacing verification and that the proposed billboard complies with the spacing requirement.

Board Action:

On **Motion of White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **ACCEPT** a Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2), based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, on the following described property:

LT 1 BLK 1, BUSINESS COMMONS AT METRO PARK RSB PT L1B4 METRO PARK, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 210025

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign of 1,200 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 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10), located: West of the northwest corner of East 67th Street and South 1075h East Avenue.

Presentation:

Andrew Shank, 2727 East 21st Street, Suite 200, Tulsa, Oklahoma, 74114, requested a spacing verification referring to the survey provided in the packet.

Interested Parties:

There were no interested parties.

Board Action:

On **Motion of White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **ACCEPT** a Verification of the spacing requirement for an outdoor advertising sign of 1,200 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 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10) based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign on the following described property:

LT 2 BLK 1, TULSA COMMONS, City of Tulsa, Tulsa County, State of Oklahoma

BOARD MEMBER COMMENTS

Mr. Henke announced this was the last meeting that Phyllis Butler would serve as Recording Secretary for the Board of Adjustment. He stated appreciation and made a presentation of the Board members' thanks for her work. Mr. Boulden commented in agreement.

There being no further business, the meeting adjourned at 2:50 p.m.

Date approved: 2/10/10

Frank X. Henke, Jr.
Chair