# AGENDA <br> Regularly Scheduled Meeting <br> Tulsa County Board of Adjustment <br> Tuesday, December 17, 2019, 1:30 p.m. <br> Ray Jordan Tulsa County Administration Building 500 South Denver, Room 119 

Meeting No. 477
CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of November 19, 2019 (Meeting No. 476).

## UNFINISHED BUSINESS

None.

## NEW APPLICATIONS

2. 2785-Tiffany Rosales

Variance to allow more than one dwelling unit on a single lot of record (Section 208) in an AG-R District. LOCATION: 11423 East $177^{\text {th }}$ Street North
3. 2786-Tanner Bermies

Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow native soils to be mined (Section 1224) in an AG District (Section 310, Table 1). LOCATION: East of the NE/c of East $161^{\text {st }}$ Street South \& South Mingo Road
4. 2787-Eller \& Detrich - Lou Reynolds

Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow soil mining (Section 1224) in an IM District (Section 910, Table 1). LOCATION: 4802 South 49 ${ }^{\text {th }}$ West Avenue
5. 2788—USCOC of Greater Oklahoma, LLC

Special Exception to permit a Communication Tower, Use Unit 4, in the AG District (Section 310, Table 1); Special Exception to reduce the required tower setback (110\% of the tower height) from the adjoining RS District (Section 1204.C.7). LOCATION: 6050 North Johnstown Avenue East

## OTHER BUSINESS

NEW BUSINESS

## BOARD MEMBER COMMENTS

## ADJOURNMENT

Website: www.tulsaplanning.org
E-mail: esubmit@incog.org
If you require special accommodations pursuant to the Americans with Disabilities Act, please call (918) 584-7526.

NOTE: Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Tulsa Planning Office at INCOG. Ringing/sound on all electronic devices must be turned off during the Board of Adjustment meeting.

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# BOARD OF ADJUSTMENT CASE REPORT 

STR:2405
Case Number: CBOA-2785
CZM:4
PD:

HEARING DATE: $12 / 17 / 2019$ 1:30 PM

## APPLICANT: Tiffany Rosales

ACTION REQUESTED: Variance to allow more than one dwelling unit on a single lot of record (Sec. 208) in an AG-R District.

LOCATION: 11423 E 177 ST N
PRESENT USE: Residential

## ZONED: AG-R

TRACT SIZE: 2.5 acres

LEGAL DESCRIPTION: E/2 E/2 NW SW SW SEC 52214 2.50ACS, NORTH MEADOWS II
RELEVANT PREVIOUS ACTIONS: None relevant
ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by large lot residential uses within an AG-R district.

## STAFF COMMENTS:

The applicant is before the Board requesting a Variance to allow a second dwelling unit on a single lot of record (Section 208) in an AG-R district. Section 208 states: No more than one single-family dwelling or mobile home may be constructed or otherwise placed on a lot, except in the case of a lot which is within an approved PUD, in an RMH district, or in an AG district, with the exception in the AG district that there be no more than two dwellings per lot.

The Bulk and Area requirements in an AG-R district are described in the following table:

|  | AG-R District | Subject Property |
| :---: | :---: | :---: |
| Lot Width | Minimum 150 feet | Approx. 165 feet |
| Lot Area | Minimum 1 acre | 2.5 acres |
| Land Area per Dwelling Unit | Minimum 1.1 acres | 1.25 acres if approved |
| Side Yard | Minimum 15 feet | 15 feet (see site plan) |
| Rear Yard | Minimum 40 feet |  |

The attached drawing illustrates that the homeowner intends to add a $45^{\prime} \times 85^{\prime}(3,825 \mathrm{SF})$ building northwest of the existing home on the subject lot. According to the applicant, the building will be used as a garage, storage area, and living space for son(s). Staff has requested more information about the appearance of the building and a basic floor plan to gain a better understanding of the structure.

The applicant has provided the following statement: "Clean up my land and giving my older son's a place of your own and for car to be out of weather. Storage area. I just want land to look good for us and everyone around to take care of it."

If inclined to approve the request, the Board may consider any condition it deems necessary and reasonably related to the requests to ensure the proposed use is compatible with and non-injurious to the surrounding area.

Sample Motion:
"Move to $\qquad$ (approve/deny) a Variance to allow more than one dwelling unit on a single lot of record (Sec. 208) in an AG-R District.

Per the Conceptual Plan(s) shown on page(s) $\qquad$ of the agenda packet.

Subject to the following conditions, if any: $\qquad$ .

Finding the hardship to be $\qquad$ .

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."


Looking east at subject property from E. 177th St. N.


Looking northeast at subject property from E. 177th St. N.


Looking north at subject property from E. 177th St. N.


Looking northwest at subject property from E. 177th St. N.





# BOARD OF ADJUSTMENT CASE REPORT 

STR:7419
Case Number: CBOA-2786
CZM:68
PD:

HEARING DATE: 12/17/2019 1:30 PM
APPLICANT: Tanner Bemies
ACTION REQUESTED: Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow native soils to be mined (Sec. 1224) in an AG District (Sec. 310, Table 1).

LOCATION: E. of the NE/c of E. $161^{\text {st }}$ St. S. \& S. Mingo Rd.
PRESENT USE: Agriculture

ZONED: AG
TRACT SIZE: 68.99 acres

LEGAL DESCRIPTION: E/2 SW LESS BEG 378.63N SECR SW TH SW42.76 SW114.71 SW357.80 SW366.16 W298.35 NW244.12 N285.31 E120.93 SE164.88 SE113.29 ELY117.49 NE124.84 NE62.80 E105.02 NE547.81 NLY483.99 NE25.40 S833.78 TO POB SEC 191714 68.990ACS,

## RELEVANT PREVIOUS ACTIONS:

Subject Property: None relevant
Surrounding Property:
CBOA-2424 May 2012: The Board approved a Special Exception to permit sand extraction within Use Unit 24, Mining \& Mineral Processing, in an AG district (Section 310) with the following conditions:

- Statements contained in the letter from Mr. Frazier dated April 25, 2012 will be applicable. (See Exhibit A, pages 3.5 and 3.6.)
- No more than 100 loads of sand to be exported from this mining operation per year.
- The applicant will ensure that the road used to access the property, $151^{\text {st }}$ Street, shall be maintained, whether it is through private efforts or through efforts with Tulsa County, for reasonable and appropriate use for truck and suitable for standard automobile traffic.
- This special exception will have a time limit of one year from today's date, May 15, 2012.
- The debris on the property is to be depleted or removed.
on property located at the southeast corner of $151^{\text {st }}$
 Street South and South Mingo Road.

CBOA-2273 July 2007: The Board approved a Special Exception to permit sand and gravel mining in the AG district (Section 301), with the following conditions:

- As submitted by the applicant, in accordance with the data submitted, and the plan of operation
- Subject to all of the permitting required, including environmental and quality, mining
- Hours of operation: truck traffic and pit operations from 7:00 a.m. to 7:00 p.m. and dredging as needed
- With conditions provided by the applicant to stay away from the banks in excavation
- To take necessary steps to minimize erosion, specifically, dredging no closer than 50 ft . from the shore except when the equipment is moved to the working site
- Placement of rip rap in areas that appear to be adversely affected from erosion by the operation
- The applicant to contribute to the cost and upkeep of Garnett Road South to Highway 164
- A watering plan that is consistently administered, authored by the applicant and posted for the inspector should they wish to see it

- The applicant to provide a $\$ 250,000$ bond to be posted in the event that certain remedial cure to public works is deemed necessary by the inspector's office for actions inconsistent with various permits on property located southeast of $161^{\text {st }}$ Street and South Garnett Road.

ANALYSIS OF SURROUNDING AREA: The subject tract is located in an agricultural area just west of the Arkansas River. The abutting property to the west appears to be a sod farm. There are limited residential uses on nearby properties. Bixby Creek runs through the property on the south side which separates the parcel. The City of Bixby manages Bixby Creek.

## STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow native soils to be mined (Section 1224) in an AG District (Section 310, Table 1).

A special exception is required as the proposed soil mining operation is a use which is not permitted by right in the AG district because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the surrounding area and to the general welfare, may be permitted. The use must be found to be compatible with the surrounding area.

The applicant contacted the City of Bixby and included a statement from Jason C Mohler, P.E., Development Services Director, in the application. In summary, the statement says "The existing low water crossing provides access (to) the agricultural land north of the creek. I am not aware of any limitations on that access."

The Tulsa County Land Use Plan and the Bixby Comprehensive Plan designate this area as Rural Residential. Rural Residential is defined below:

> The Rural Agriculture designation denotes areas within the City of Bixby's fenceline, but not within the City limits, that have large tracts of land for agricultural purposes. Agricultural uses may also include large-lot detached residential, accessory agricultural uses and structures to support agricultural uses. Improvements in this designation should be low impact and retain the rural character of the area.

The portion of the parcel north of Bixby Creek is located in the 100 Year Floodplain.
The Board of Adjustment, in granting a mining and mineral processing use by Special Exception, should consider potential environment influences, such as dust and vibration. If inclined to approve, the Board may consider establishing appropriate protective conditions such as setbacks, screening, and hours of operation, as will mitigate the adverse affect on proximate land uses.

The applicant will be required to obtain all relevant permits including those from the Tulsa County Inspectors Office/Building Permits Department and the Oklahoma Department of Mines.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure the proposed soil mining operation is compatible with and noninjurious to the surrounding area.

## Sample Motion:

"Move to $\qquad$ (approve/deny) a Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow native soils to be mined (Sec. 1224) in an AG District (Sec. 310, Table 1).

Approved per conceptual plan on page(s) $\qquad$ of the agenda packet.

Subject to the following condition(s) (if any): $\qquad$ .

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."
protect the animals that are around the property. The track is for everyone, and if they want to play on the track they must sign a waiver. It was designed for everyone to have a safe place to play. There is nothing in Sperry for the children to do other than sports and not all children are interested in sports.

Mr. Draper stated that according to the plan that was presented to the Board, there is a general admission parking area with an overflow parking area designated. What is the count for these proposed areas? Ms. Weathers stated there is plenty of pasture to park in. There is ten acres and the track utilizes about a quarter of an acre. Mr. Draper asked how many vehicles is the general admission parking designed to hold. Ms. Weathers stated that parking would hold about 100 vehicles but there would probably only be about 50 vehicles in the lot. Ms. Weathers stated that she has no intention of making the area a concrete world. Once the club house is built it would only be used as a concession with bathrooms for participants.

Mr. Draper asked how many people were anticipated in the four hour racing window. Mr. Huff stated there would probably be about 75 people, because it depends on people's schedules. Sometimes there would a few more, other times a few less.

## Comments and Questions:

Mr . Charney stated that he respects and appreciates the alternative means to get children off the couch and away from the video games. He thinks that the entire Board is respectful of the mission of Ms. Weathers and Mr. Huff for young people. However, the Board's focus is confined to land use planning. Whether the request is of the most noble of causes or a cause the Board may not agree with, the Board must determine and analyze the request in terms of land usage. The Board must determine that there is no adverse or injurious effect to the neighborhood.

## Board Action:

On MOTION of WALKER, the Board voted 5-0-0 (Charney, Dillard, Draper, Osborne, Walker "aye"; no "nays"; no "abstentions") to DENY the request for a Special Exception to permit a Go-Kart Track within Use Unit 20 in an AG district, finding that the proposed use does not fit into the agricultural zoning. The use would not be harmony and spirit of the code, and it would be injurious and detrimental to the neighborhood; for the following property:

## TR BEG SECR SE SE TH W326.7 N333.5 W229.2 N TO PT ON NL S/2 SE SE E555.9 S POB SEC 172113 6.668ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

Case No. 2424-Phil Frazier

## Action Requested:

Special Exception to permit sand extraction within Use Unit 24 - Mining \& Mineral Processing - in an AG District (Section 310). Location: SE/c of $151^{\text {st }}$ Street South and South Mingo Road

Mr. Sansone stated that this case is a continuation from the last Board of Adjustment meeting on April $17^{\text {th }}$. Since that continuation a letter has been received from the applicant that changes the operation. In the letter it was stated that there is not enough sand located in the river at the point of extraction to allow the sale of the sand to the public. The applicant will address this change today.

## Presentation:

Phil Frazier, 1424 Terrace Drive, Tulsa, OK; after the hearing on the $17^{\text {th }}$ of April there were four issues that the protestants raised and that the Board had questions about. The original application was filed to extract sand, and at that time he had advised the Board that the sand is a special type of sand; there are only a few places where this type of sand can be found. The sand is used in the growing and the placement of sod. The Easton family has operated the sod farm for the past 35 years, and since they have been growing the Patriot Sod they have been buying their sand. The purchase of that sand meant there were trucks hauling in sand and leaving empty, thus increasing traffic on the road. Since the last meeting it has been discovered that there is not the depth of sand that was anticipated, so no sand will be sold to public entities. The only sand trucks hauling sand will be when the sand is being hauled out because it is required for a specific job.

Mr. Frazier went on to address issues that were raised in the last meeting. As to the road condition, Mr. Easton has already improved the road by installing an asphalt composition on the road. As to the traffic and dust, the asphalt composition will curtail the dust significantly. The traffic will be reduced because there will no longer be trucks hauling in sand nor will there be commercial sand trucks leaving. Noise was also a concern raised at the last meeting. The reduction of traffic will reduce the noise, and there will not be diesel powered barge equipment used for the sand extraction as planned. There will be a drag and the drag line will be used when the river is low; when the river is up there will be no mining. In regards to the debris, Mr. Easton allowed the City of Tulsa and Tulsa County to dump massive amounts tree limbs that had been broken out of trees during the ice storm a few years ago. Most of the tree debris will be ground up or burned, but most of it will be ground into mulch. Mr. Easton will continue to deplete the tree debris regardless of the decision on his application. Mr. Frazier believes this operation will enhance the neighborhood, as opposed to the last previous plan presented, with less truck traffic, the road improvements, and debris removal.

John Easton, 11225 South $90^{\text {th }}$ East Avenue, Bixby, OK; stated that is not that sand will be hauled out to other projects; this business venture is getting into athletic turf business. Athletic turf fields have sub-drains installed underneath the fields and they want a sand based sod. He will be building sand based fields and growing the sod on that field. There will be a few instances where the sand will be required to be brought in, because some people like to keep the sand the same as what was originally installed, and he does not anticipate but 100 loads or less a year leaving his property. This process is done a football field at a time.

Mr. Draper asked Mr. Frazier if the applicant was proposing to improve the road with the same type of materials as it is currently built with. Mr. Frazier stated the road is an asphalt composition.

Mr. Osborne asked what an asphalt composition consisted of, i. e., black top, granular, or something else. Mr. Easton stated that the composition was made from asphalt that has recycled. Most of the road had an asphalt surface but there was an area that the road had eroded and it was gravel. But he has taken the recycled asphalt, rolled it, and blended it in to the existing road and looks good. There is no dust.

## Interested Parties:

Gloria Cravens, 9723 East 151st Street South, Bixby, OK; stated she lives at the corner of $15^{\text {st }}$ Street and Mingo about 50 feet from the road. The road has large black top composition clumps right up to her yard. She believes that Mr. Easton will be using the road for more than he is saying today; for example, when the elementary school was built he supplied sand to the contractors for the school. Then Mr. Easton allows dumping on his land; for example, when the tennis court was taken out the tennis court debris was hauled onto his land by large trucks. All of those trucks were using that road. Today the traffic has been reduced but she does not believe it will last.

Mr. Charney stated that there are a couple of things the interested parties and the Board need to keep in mind with this case. What is being examined today is a request to mine sand from the river, and that is the special exception that is before the Board today. There are means by which an interested party can complain about wrongful uses or for noxious activity on a piece of property, and that is to contact the County. Today the Board is here to only examine the ability to extract sand from the river, and the sand that will be exported. Some of the complaints in this case cannot be addressed by this Board.

Ms. Cravens stated that the residents of the area have tried. There have been calls to the County and even calls to the EPA. There is nothing done.

Mr. Walker asked Ms. Cravens about the trucks she has seen hauling sand out, where does she think the sand is coming from since Mr. Easton has stated that he does not have enough sand. Ms. Cravens stated that she assumed it was coming from the river because that is the direction the trucks are coming from when they are using that road.

Mr. Frazier asked Ms. Cravens if she understood that Mr. Easton could haul out sod from his property if he chose to do so. Ms. Cravens nodded in affirmation, and stated that the trucking of sod is fine.

Mr. Osborne asked Ms. Cravens if she had seen sand trucks coming into the property and leaving the property. Are they loaded when they are coming in or going out? Ms. Cravens stated that the trucks are usually loaded with junk or trash when they are coming in. Mr. Osborne asked if she had seen sand being brought into the property.

Ms. Cravens stated that she had not seen sand brought in lately, but the sand is leaving the property.

## Rebuttal:

Mr. Frazier came forward for a rebuttal.
Mr. Charney stated that the Board has heard some concern that there has been a fair amount of sand extraction thus far and that is the current operation. Mr. Charney asked Mr. Frazier to present his client's prospective on that view. Mr. Frazier stated that there has been one instance where there was a composite of sand that was removed from the property, not the river. That composite was not mined, there was a hole dug and the composite was hauled out. In regards to the debris from the elementary school, that was a one-time episode and that was in conjunction with the composite material. The rock was brought in and it was used for riffraff along the riverbank to keep the bank from washing away. The EPA did come to investigate that incident, and they gave Mr. Eaton a "clean bill of health".

Mr. Charney stated that if the Board were to approve this less intrusive mining application, if volume were an important factor in that decision and based on the roadway that exists, would his client understand a restriction on the volume of sand extraction. Mr. Easton stood and stated that he did not have a problem with a volume restriction because there is not enough sand available at his spot on the river to operate a commercial business.

Mr. Draper asked staff if the proposals being voted on today need to have criteria added to them by the Board, ie., limiting it to what has been presented today or has the application been revised. Mr. Alberty stated that when a presentation has been made, and an applicant offers conditions, if the Board agrees to those conditions they need to be stated in the motion. Of course, there is always the possibility of making the motion more restrictive or adjust the conditions to the Board's motion. Mr. Draper asked if the application before the Board is based on Mr. Frazier's last letter, the letter contents should be included in the motion. Mr. Alberty gave affirmation.

## Comments and Questions:

Mr. Walker stated that he is pleased with the reduced intensity of the application. He believes Mr. Easton has shown good faith by attempting to address some of the complaints prior to this meeting.

## Board Action:

On MOTION of CHARNEY, the Board voted 5-0-0 (Charney, Dillard, Draper, Osborne, Walker "aye"; no "nays"; no "abstentions") to APPROVE the request for a Special Exception to permit sand extraction within Use Unit 24 - Mining \& Mineral Processing in an AG District (Section 310), with the following conditions. Statements contained in the letter from Mr. Frazier dated April 25, 2012 will be applicable, see attached Exhibit A, pages 3.5 and 3.6. No more than 100 loads of sand to be exported from this mining operation per year. The applicant will ensure the road that is used to access the
$C B O A-2424$
property, $151^{\text {st }}$ Street, shall be maintained, whether it is through private efforts or through efforts with Tulsa County, for reasonable and appropriate use for truck and suitable for standard automobile traffic. This special exception will have a time limit of one year from today's date, May 15, 2012. The debris on the property is to be depleted or removed. Finding that the approval of the special exception, 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; for the following property:

GOV LTS $346 \& 8 \& 27 A C$ ACCRETED LAND LESS BEG SWC GOV LT 4 TH N466.69 E466.69 S466.69 W466.69 POB \& LESS BEG 1322.52N \& 92.15E SWC SE TH NE103.37 NE163.69 E280.39 E255.57 E501.27 ELY572.66 SE157.78 S154.42 W1991.50 TO POB SEC 191714 119.08ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

## NEW APPLICATIONS

## Case No. 2429—Ronnie VanLandingham

## Action Requested:

Variance to permit a detached accessory structure in an RS District larger than 750 square feet (Section 240.2.E); Variance to permit a detached accessory structure in the side yard (Section 420.2.A.s). Location: 1325 South $214^{\text {th }}$ West Avenue

## Presentation:

Ronnie VanLandingham, 13255 South $214^{\text {th }}$ West Avenue, Sand Springs, OK; stated he has joined two lots together. He has visited with all the neighbors and explained to them what he wants to do and why he wants to do it. The side yard variance request is because he has a GRDA non-active power line in the back yard with a 145'-0" easement so he cannot build anything in the back yard. The reason he wants to build a larger building, larger than 750 square feet, the building will have the appearance of a house in the middle of the lot instead of a small out-building in the middle of the lot. The building will be a steel building on a steel frame, with a four foot brick wall around three sides. There will also be vinyl siding across the front of the building. Eleven out of the twelve neighbors within the $300^{\prime}-0^{\prime \prime}$ radius are in favor of his request being approved, and the twelfth neighbor lives about $250^{\prime}-0^{\prime \prime}$ away from the subject property. The home owners association has also seen his proposed plan and they have given their approval for the building pending the approval from the Board of Adjustment.

Mr. Walker asked what Mr. VanLandingham planned to do with the carport and the additional storage building in the backyard. Mr. VanLandingham stated that he had installed the carport to protect his boat but they are still deteriorating, and that is one of the reasons for the proposed building. The additional storage building was on the property when he purchased the house and he plans to demolish that building.

## UNFINISHED BUSINESS

## Case No. 2424-Phil Frazier

## Action Requested:

Special Exception to permit sand extraction within Use Unit 24 - Mining \& Mineral Processing - in an AG District (Section 310). Location!: SE/C of $151^{\text {st }}$ Street South and South Mingo Road

## Presentation:

Phil Frazier, Attorney, 1424 Terrace Drive, Tulsa, OK; stated he represents Mr. John Easton, the property owner. The property is bounded on the north side by $151^{\text {st }}$ Street, bounded on the south side by $161^{\text {st }}$ Street, bounded on the east side by the Arkansas River, and bounded on the west side by Mingo Road. The location is approximately a half mile from East $151^{\text {st }}$ Street, approximately a half mile from $161^{\text {st }}$ Street and a half mile east of Mingo Road. The interest in this special exception is that Easton Sod is a sod farm that has been on this land for years. In recent years they have developed a particular type of sod which is called Patriot Sod. Easton Sod is one of five sod companies in the world that has developed this particular sod and producing this sod, thus creating a commercial necessity to continue with the operation. Patriot sod requires a five to six inch sand base. Up to this point the sand has been purchased to produce this sod. Mr. Easton would like to utilize his property on the river, which is presently a sod farm, to mine his own sand and use it in his sod farm operation. This is the basis for the special exception request before the Board of Adjustment today.

Mr. Charney stated that there have been several letters received from surrounding people of the neighborhood stating that if the request were approved, it would be injurious to the neighborhood and not consistent with the agricultural use. They see the sand extraction and mining as a different venue from the sod farming. Mr. Frazier was asked to express his thoughts on that matter and whether he thought there was a distinction between sand extraction and sod farming.

Mr. Frazier stated there is no distinction because it is two different operations but the sand is used as a part of the agricultural use of the sod farming. Sod farming is an agricultural use and the sand is utilized in the production of the sod. This operation will be at least a half mile from any residence. Any reference to the detriment of the neighborhood would not be accelerated because the requirements the sand extraction will have placed upon them will be far more stringent than what exists today. There are several licensing authorities that would be involved, and their regulations are very strict. The roadway would be the only contact with the neighborhood, and there are only a couple of houses in the immediate vicinity. There would be no dust raised from the obtaining of the sand from the river because the sand would be wet. Mr. Frazier stated that he believed there would no adverse effect on the neighborhood.

## cbon-oayay

Mr . Walker asked Mr. Frazier if the half mile distance was measured from the dredging point. Mr. Frazier stated the operation would be a half mile from the residences, because the closest residences are on $151^{\text {st }}$ Street and Mingo. The operation is half mile away from $151^{\text {st }}$ Street and a half mile away from Mingo Road.

Mr. Osborne asked Mr. Frazier if the subject tract was owned by the same person who wants to operate and utilize the sand extraction. Mr. Frazier confirmed that statement. Mr. Osborne asked if the sand would be dredged from the river and taken to the sod plot locations. Mr. Frazier confirmed that was exactly what would happen in the operation.

Mr. Charney stated that he understood the sand extraction operation would be largely in the center of the section, half mile from $151^{\text {st }}$ and $161^{\text {st }}$ Streets, and he wanted to know if the dredging process limited the operation to that particular area or if it will be a broader application allowing it anywhere along the property. Mr. Charney also asked if the Board were inclined to approve this request if the client would be willing to limit the dredging operation to center section not allowing the operation to spread. Mr. Frazier stated that if the Board were to approve this request his client would certainly be willing to operate under the limitation that the operation would be in that particular area, because he does not want to be farther away from the river than necessary. The closer the operation can stay the better, and it will also be necessary to receive approval by the Bureau of Mines and the Corp of Engineers.

Mr. Charney stated that the Board has been provided many pieces of information from the opponents of the application. There was significant theme among the many objections and that is the poor condition of the roadway of $151^{\text {st }}$ Street along where the trucks will need to exit in front of the homes. Even though the mining operation will be a half mile away from homes the truck traffic will be increased significantly, and the already decimated road will have even more traffic. That traffic is what the neighbors are saying would be detrimental to the neighborhood.

Mr. Frazier stated there would be more traffic but not much more, than and not as many as the sod farm has because there will not be very much sand trucked off the property. Mr. Frazier showed Mr. Charney on a case map where a road could be located. It would be a road that would turn west out of the property and located farther south than $151^{\text {st }}$ Street by a few hundred feet. This proposed road would not impact East $151^{\text {st }}$ Street residences. Mr. Frazier stated that in the one mile section of Mingo Road between $151^{\text {st }}$ and $161^{\text {st }}$ Streets there is only one residence and one office.

Mr. Charney asked Mr. Frazier if there was activity on the property today, i.e., dumping or other non-agricultural uses. Mr. Frazier stated that over the years that his client's father has left broken down equipment on the property. The client is working with his father to clear the property of the useless equipment. Also there has been top soil sold from the property.

## Interested Parties:

FILE COPY

Yolanda Hiatt, 9723 East $151^{\text {st }}$ Street South, Bixby, OK; stated she lives on the corner of $151^{\text {st }}$ Street and Mingo Road. She is opposed to the special exception request because of the heavy traffic that currently exists. The truck traffic delivers a variety of items to the area and has been heavy for approximately the last five years. The $151^{\text {st }}$ road was once paved and now it is pothole infested due to the heavy traffic. The traffic also creates a large amount of dust. The trucks start at 7:00 A.M., especially the construction trucks for the Bixby Public Schools. Ms. Hiatt stated that recently the truck traffic has been so heavy that her in-ground pool has started cracking. A few years ago a horse was hit by a truck and had to be euthanized because the truck was traveling so fast that it could not stop for the animal. All the trucks travel faster than they should, and this is a dead end street. Ms. Hiatt does not want to have this request approved.

Melinda Stone, 9909 East $151^{\text {st }}$ Street South, Bixby, OK; stated that she is strongly opposed to this request. Ms. Stone stated that she lives in the very last house on a dead end street. Mr. Charney asked Ms. Stone to come forward and point out her house on the case map provided the Board in their agenda packet. She is not against the sod trucks or the sod farm because it is agriculture, but this is more than a sod farm. Since the ice storm of 2007, when the destroyed trees were being hauled away in Tulsa, those trees were dumped on Mr. Easton's property. The large trucks drove up and down the street, 24 hours a day, two and a half minutes apart; she stated timed the trucks. For three weeks the dust was horrendous and they sped up and down the road. The drivers did not care if they hit a pothole. There are pets and children in the area. Ms. Stone stated that she stopped many of the truck drivers and asked them to slow down, and when she did not receive any help from the drivers she called several supervisors to no avail. There are several acres of tree debris, still today, and those huge tree debris mounds catch fire due to instantaneous combustion. They are smoldering today. Last year the fire spread toward her property line, and she was prepared to evacuate her home because the fire was up to her property line. It was that close. Ms. Stone stated that her husband is in very poor health. She also stated that because of the smoldering fires he has developed emphysema, which she can document with medical records. If this request is approved the residents of the neighborhood will not be able to spend time outside and they won't be able to open the windows of their homes due to the dust. She does not object to the sod farm because she enjoys agriculture, but what is proposed today is not agriculture. There is more than tree debris dumped on Mr. Easton's property, and that is his business, but the truck traffic is horrific. Also no one wants to repair the road, not the city, not the county and not Mr. Easton. Ms. Stone stated that if the sand extraction is allowed to go in, the property values will plummet, because no one wants to buy a house across the street from a sandpit. The other sand extraction companies in the area do not have anyone living close to the operation, i.e., Holiday Sand.

Gloria Cravens, 9723 East $151^{\text {st }}$ Street South, Bixby, OK; stated that she opposes the approval of this special exception. There is sand in the air all the time, because once the wet sand extracted it dries out and blows in the wind. The cement is breaking off her house and around her pool because of the shaking the truck traffic causes. She

## CBOA -02424

has been awakened early in the morning because her house is shaking so much from the uncovered dump trucks going up and down the street so fast. A supervisor from one of the trucking companies came to speak to her about her complaints and he told her to call her county commissioner. The reason she bought her home is because it is located on a dead-end road in what used to be a peaceful area.

Mr. Osborne asked Ms. Cravens to describe what type of trucks leaving the area other than the empty dump trucks. For the past two years there have been trucks with sand using the road to leave. Mr. Osborne asked Ms. Cravens where the blowing sand that has been referred to be coming from; he wanted to know, in particular, if the blowing sand was coming from the sod farm. Ms. Cravens stated that the sand was not coming from the sod farm because they water the sod to keep it moist so it will grow. The blowing sand is coming from the road that the uncovered dump trucks, the cars, and the pickups pulling trailers that are speeding up and down the road.

## Rebuttal:

Mr. Frazier stated that the opponents are correct, in that there have been some fires in the area. The City of Bixby, the City of Tulsa, and the County of Tulsa did not have enough space to dispose of all the tree debris from the 2007 ice storm, and Mr. Easton allowed them bring the debris to his property and dump it. Most of the debris has been burned and has burned over the years. There are still some times when the debris mounds flare up, and Mr. Easton is in the process of extinguishing or smothering the fires as best as he can. Mr. Easton intends to grind the debris into mulch to use in his agricultural use. As to the concrete, there have been loads of broken concrete brought in which has been used along the river to alleviate the erosion. As to the dust, it is coming from the river. Because of the extremely dry year last year, the wind picked up dry sand and dirt distributing it everywhere. As to the road repair, Mr. Easton has brought in gravel for the road in an attempt to fix the pothole problem because the city nor the county would do anything about the road. Mr. Easton is willing to move the road down and away from $151^{\text {st }}$ Street in order to receive approval for his special exception request.

John Easton, 11225 South $90^{\text {th }}$ East Avenue, Bixby, OK; stated that if he is allowed to have his mining operation it will be mandated by the State of Oklahoma. The road in front of the homes used to be a good road until the massive amount of timber was hauled in by the City of Tulsa. There was so much timber hauled in that it covered 16 acres and was approximately eight feet deep. Mr. Easton stated that one of the reasons he allowed the tree debris to be dumped on his property was because he wanted the debris to create compost, mix that with sand creating top soil. That was a long-term goal. The people who were hauling in the timber were contracted to repair the road after they were done, but it was not done. Spontaneous combustion does start fires in the area, and there is a man constantly digging out the fires and dousing them with water, especially in the summer.

Mr. Charney asked Mr. Easton if the Board decided it was important to provide an ingress and egress point from his property to the south, would he be willing to provide
that. Also, if the Board decided that it was important to have the area watered for dust control, as part of the mining operation program, would he be willing to do that. Mr. Easton stated that he would, and that it would be mandated by the state.

Mr. Charney stated that it would be important for Mr. Easton and his counsel to hear the Board's standard of review. In granting such an operation, or use by special exception, the Board should consider the environmental influences, such as dust or vibration. The Board should establish, when appropriate, protective conditions such as setbacks, screening, dust control as will mitigate the adverse effects of the nearby uses. This is something the Board is charged to do at this level, given that the roadway operation is one of significant truck traffic immediately in front of their homes is an adverse use.

Mr. Walker asked Mr. Easton about his plans for the mulch or tree limbs. Mr. Easton stated there were a couple of ideas that he would like to implement. One is the mulch that has been composted. He wants to manufacture that and bag it. His business is drifting more into the athletic field with the sod, and it requires $75 \%$ to $90 \%$ sand base. There is a small amount of mulch mixed with the sand base to grow this specific athletic grass on clay or anything else. Mr. Easton stated that if he cannot grow and harvest his own sod he finds it necessary to bring in sand from an outside supplier. Mr. Walker asked Mr. Easton where the burning tree debris was located and how close it is to the neighbor's property. Mr. Easton stated that he thought there was a portion of the debris that does touch a neighbor's property on one end at the north, but most of the debris is in the center. The drivers who were dumping the debris extended a little beyond their parameters, and it was hard to control because there were approximately 50 trucks an hour coming and going.

Mr. Charney called each of the opponents to the head table to ask them a question. Ms. Melinda Stone was called forward. Mr. Charney stated that currently the egress for the truck traffic is right in front of her home. There has been an offer made to move the egress about a quarter mile to the south. Mr. Charney asked if she would see that as having less of a negative impact on her home. Ms. Stone the proposed egress site is not a quarter of a mile away, and there are several houses in the immediate area of the proposed site. Ms. Yolanda Hiatt and Ms. Gloria Cravens were called forward and asked the same question as was asked of Ms. Stone regarding the proposed egress site. Ms. Hiatt stated there are at least six houses in the immediate vicinity of the egress site, and Ms. Craven concurred.

Mr. Charney asked Mr. Easton to come forward. Mr. Charney stated that the Board has been looking at the case map provided them, and have asked the opponents to locate their properties and explain the area around the proposed egress site. The Board has now been told there are several houses in the proposal site. Mr. Easton stated that he knew there were several houses in the proposed area but the house that would be right on the corner of Mingo is not protesting the project. There are five houses within an eighth of a mile south of the proposed site. The proposed egress site would be closer to one house and about the same distance as it is to the opponent's houses.

## Comments and Questions:

Mr. Ron Walker stated that he could support the special exception request if there could be a good relocation of the ingress and egress to the sod farm. If he were to make a motion it would be contingent upon the restoration of $151^{\text {st }}$ Street and the moving of the tree debris away from the neighboring property.

Mr. Gene Dillard stated that Mr. Easton should have been building a relationship with his neighbors before he appeared before the Board, but he could support this request with the condition that the land be cleaned of the "collectibles" that have been allowed to lay deteriorating for years.

Mr . Osborne stated that this is a very difficult case, because he likes to be and wants to be an advocate for the individual to use their property as they wish. But when the individual fails to be a good neighbor that is when it becomes an issue. The Board is being asked if sand extraction is a good use and permitted by-right in an AG district because of potential adverse effect. If the sand extraction is controlled, it is one thing, but when it is not controlled then the sand extraction affects the general welfare; that is something that no longer follows the guidelines of being a good use, and falls outside the spirit of the code. That is why the code exists. Mr. Osborne stated that today he could not support this request because he sees it is a detriment by Mr. Easton's actions.

Mr. Charney stated that the increased truck traffic makes this a difficult request to consider. Mr. Charney stated that he would like to find a way for the land owner to do with their land within the spirit of co-operative efforts, but he does not see a way of arriving to that conclusion so he could not support an approval of this request.

Mr. Charney asked staff if it would be wise to ask the applicant and his counsel to bring the Board a plan on the location of the ingress and egress point, and continue this case to the next meeting in May. There are various issues to be considered in this case. Those issues are past actions, clean up, the mulch that is still burning, and the ingress and egress; but if there were a plan brought to the Board to address those issues a motion could be made to continue this case.

Mr. Alberty agreed with Mr. Charney. There has been a lot of abstract discussion today. Typically whenever there is a request of this magnitude before the Board, there are more specifics presented, not only specifics on how the sand operation is going to operate, but is the sand operation only going to provide sand for Mr. Easton's use or will it be sold and trucked out. The Board can make a motion on one or the other, if the motion for support the Board can list a series of conditions that Mr. Easton would need to comply with. Mr. Alberty thinks Mr. Easton would be better served, because he heard concerns of nearby neighbors and the Board, if the applicant were allowed to come back with a specific plan. The plan should stipulate how the issues will be addressed. If the applicant is not willing to come back then the Board can definitely take action today.

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Mr. Walker stated that he could support the sand operation because it will not be a problem on the river; the problem is the trucking. That is why he would like to see the ingress and egress moved and $151^{\text {st }}$ Street be restored. Mr. Easton is in the business so he will be trucking the sand in from an outside entity, so by granting the use of his own sand plant it helps the situation by possibly lowering the truck traffic.

Mr. Charney asked Mr. Frazier if he would like to continue this matter to the meeting in May, as opposed to taking a vote today. Mr. Frazier stated that he has not heard anyone complain about the mining proposition but has heard many complaints about the truck traffic. Mr. Frazier welcomed the opportunity to present an alternative to the Board in regards to the truck traffic, but he does have concerns over the conversation regarding restoring $151^{\text {st }}$ Street to its original condition. That street was not in very good condition prior to this, and Mr. Easton has attempted to fix the road a couple of times but it still keeps deteriorating. Mr. Easton would be glad to help in some of the restoration of $151^{\text {st }}$ Street.

## Board Action:

On MOTION of CHARNEY, the Board voted 4-0-0 (Charney, Dillard, Osborne, Walker "aye"; no "nays"; no "abstentions") to CONTINUE the request for a Special Exception to permit sand extraction within Use Unit 24 - Mining \& Mineral Processing - in an AG District (Section 310), to the meeting of May 15, 2012; for the following property:

GOV LTS 346 \& 8 \& 27AC ACCRETED LAND LESS BEG SWC GOV LT 4 TH N466.69 E466.69 S466.69 W466.69 POB \& LESS BEG 1322.52N \& 92.15E SWC SE TH NE103.37 NE163.69 E280.39 E255.57 E501.27 ELY572.66 SE157.78 S154.42 W1991.50 TO POB SEC 191714 119.08ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

## NEW APPLICATIONS

## Case No. 2428-Billy Frazier

## Action Requested:

Special Exception to permit dirt extraction (borrow fill pit) within Use Unit 24 Mining \& Mineral Processing - in an AG District. Location: South of the SE/c of West $51^{\text {st }}$ Street South \& South $85^{\text {th }}$ West Avenue

## Presentation:

Billy Frazier, 7798 West $51^{\text {st }}$ Street, Tulsa, OK; stated he wants to develop the property; this is not just a mining proposition. Mr. Frazier stated that he had a meeting with Mr. Terry West about two years ago, because Mr. West had seen him digging out an existing pond to make it deeper and working on the property. At that time Mr. West informed Mr. Frazier that he needed to obtain a development permit, which Mr. Frazier

Mr. Walker explained to the applicants that there were only three board members present at this meeting, and if an applicant would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from all three board members to constitute a majority and if one board member voted no today the application would be denied. Mr. Walker asked the applicants if they understood and asked the applicants what they would like to do. Two of the applicants stated that they would like to continue their cases to another meeting.

## NEW APPLICATIONS

## Case No. 2425-Zelda Weathers

## Action Requested:

Special Exception to permit a Go-Kart Track within Use Unit 20 in an AG District. Location: 9600 North Harvard Avenue

## Presentation:

Zelda Weathers, 10210 North Harvard, Sperry, OK; requested to have her hearing rescheduled to the May $15^{\text {th }}$ meeting.

## Interested Parties:

There was one interested party present; he agreed to the rescheduling of the hearing.

## Comments and Questions:

None.

## Board Action:

On MOTION of DILLARD, the Board voted 3-0-0 (Dillard, Osborne, Walker "aye"; no "nays"; no "abstentions") to CONTINUE the request for a Special Exception to permit a Go-Kart Track within Use Unit 20 in an AG District, to the meeting of May 15, 2012; for the following property:

## TR BEG SECR SE SE TH W326.7 N333.5 W229.2 N TO PT ON NL S/2 SE SE E555.9 S POB SEC 172113 6.668ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

## Case No. 2424-Phil Frazier



## Action Requested:

Special Exception to permit sand extraction within Use Unit 24 - Mining \& Mineral Processing - in an AG District (Section 310). Location: SE of the SE/c 151 ${ }^{\text {st }}$ Street South and South Mingo Road

## Presentation:

## Interested Parties:

There were no interested parties present.

## Comments and Questions:

None.

## Board Action:

On MOTION of DILLARD, the Board voted 3-0-0 (Dillard, Osborne, Walker "aye"; no "nays"; no "abstentions") to CONTINUE the request for a Special Exception to permit sand extraction within Use Unit 24 - Mining \& Mineral Processing - in an AG District (Section 310), to the meeting of April 17, 2012; for the following property:

GOV LTS $346 \& 8 \& 27 A C$ ACCRETED LAND LESS BEG SWC GOV LT 4 TH N466.69 E466.69 S466.69 W466.69 FOB \& LESS BEG 1322.52N \& 92.15E SWC SE TH NE103.37 NE163.69 E280.39 E255.57 E501.27 ELY572.66 SE157.78 S154.42 W1991.50 TO POB SEC 191714 119.08ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

## Case No. 2416-Ronald L. Hall

## Action Requested:

Variance to permit a second dwelling unit on one lot of record (Section 208); and a Variance of the minimum required land area per dwelling unit (Section 330). Location: 12612 North $143^{\text {rd }}$ Avenue East

## Presentation:

Ronald L. Hall, 12612 North $143^{\text {rd }}$ East Avenue, Collinsville, OK; would like to move a second mobile home onto his acreage for his step-daughter to live in. There have been two mobile homes on the land since 1973 until March 2010, when the second mobile home was removed. The new mobile home will have a separate legal address, its own private utilities, and a separate septic system.

## Interested Parties:

There were no interested parties present.

## Comments and Questions:

None.


Mr. Chris Sansone
Senior Planner
Board of Adjustment
2 West 2, Suite 800
Tulsa, OK 74103
Dear Chris:
Re: Case No. CBOA-2424
This will confirm my telephone conversation with you April 25, 2012, regarding the Special Exception case now pending before the Board of Adjustment.

Mr. Eaton has discovered that although the sand is ideal for the intended use, unfortunately, the sand base is not near as deep as it had been expected. Accordingly, there will not be enough sand for a commercial operation. The original plan to use the sand for the growth and placing of the sod as well as a commercial sand operation is no longer feasible.

If granted the Special Exception, Easton Sod Farms will remove sand from the river for their own use. That use will include the growth of sod on site as well as the use of sand for placement of sod.

There will be a reduction in truck traffic which was the main concern of the protestants. The mining of sand on site will curtail use of the sand trucks coming in and out.

With the reduction of truck traffic, Mr. Easton proposes to leave the road where it is; however, he has already made arrangements to place an asphalt composite on the road to improve the surface.

The sand will be removed from the river by a scraper near the Bixby Creek site. It will not be necessary to utilize the barge and there will be no noise, odor or vibration from the extraction of sand. Sand will be extracted when the river is low and stockpiled for spreading during the planting and growing season.

Mr. Chris Sansone
Senior Planner
Board of Adjustment
April 25, 2012
Page Two
Some concern was expressed regarding the presence of tree limbs and other storm debris which Mr. Easton allowed the City of Bixby as well as Tulsa County to place on his property during cleanup of the ice storm. Mr. Easton will utilize the material for mulch and it will be mixed with the sand during the preparation process. He will begin at the north end which is nearest $151^{\text {st }}$ Street and continue to monitor the area for any spontaneous combustion.

In summary, if the Special Exception request is allowed, it will result in less truck traffic, a reduction of the dust and debris problem the protestants mentioned, and improvement of the road ( $151^{\text {st }}$ Street) which the protestants requested. This substantial lessening in the scope of sand mining activity and the corresponding decrease in truck traffic should satisfy the concerns expressed by the protestants at our previous meeting.

As always, we appreciate your cooperation and assistance in this matter and invite you to contact me should you have any further questions regarding this matter.

Yours truly,


Phil Frazier
Attorney at Law
aal

## Copy to John Easton

## Case No. 2273

## Action Requested:

Special Exception to permit sand and gravel mining in the AG district (Section 301), located: Southeast of $161^{\text {st }}$ Street and South Garnett Road.

## Presentation:

Mike O'Dell, 9660 Lakewood Road, Lenexa, Kansas, submitted applicant exhibits (Exhibit B-1) They proposed to mine sand and gravel from the Arkansas river and the adjacent floodplain at the location indicated by the submitted plans. He informed the Board that the demand is growing and the local supply has diminished. The site has not been earmarked for any development in the county land use plan; it as been identified as an agricultural reserve.

Comments and Questions:
Mr. Charney asked for clarification of Mr. O'Dell's last statement. Mr. Cuthbertson responded that he is probably referring to the Arkansas River Corridor Master Plan, which was provided to the Board. He added it covers the river from the Keystone Dam all the way to Wagner County.

Mr. O'Dell continued, stating the site is close to the existing users, within a mile to the main haul-route, Highway 64 to the south on Garnett Road. They have a written agreement and some verbal agreements with the County that Holliday Sand \& Gravel would supply the materials and the County would supply the labor. It would be a cost share for the Garnett Road widening and improvements. He explained that the property cannot be developed for other uses than AG because the bulk of the property is in the floodplain. There would be a minimal clearing of habitat vegetation. They propose the operation to run from 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 12:00 p.m. On Saturdays, mainly during construction season. The projected life of the project is 15 years. Environmental impacts are supplied in the exhibits. There are about five homes nearby, one within $1 / 4$ mile west of the Garnett frontage of the subject property and four within $1 / 2$ mile west off of $161^{\text {st }}$ Street. There are approximately another 24 residences about one mile away. Local schools are $11 / 2$ to 2 miles away and not on the haul-route. They estimate 100 trucks per day but there could be up to 200 trucks per day equaling 400 trips per day. They would contract for a traffic study. They are planning for dust control of the plant roads with recycled asphalt. The primary operation would be river dredging on approximately 105 acres. They would use silencers on the dredgers. Mr. O'Dell stated the plant would be on twelve acres in the northwest corner and screened to the east and south by the treed corridors on Snake Creek and Snake Creek tributary. They would agree to plant evergreens along Garnett. He submitted photographs (Exhibit B-2). They talked with the neighbor across the street and he did not have any objection. They would direct
lighting down. They plan for a hydrology study for the project and permits. The sand pond and pit is on about eighty-three acres.

Mr. Hutson asked how many permits they must obtain before they build a plant and begin operations. Mr. O'Dell estimated there are about six permits from DEQ, State of Oklahoma, the County, and Corp of Engineers. Mr. Hutson wanted the interested parties to understand they have to meet many requirements for these permits. Mr. Cuthbertson also mentioned that once this project is over it does not open up the way for commercial development, as the land is zoned agricultural.

## Interested Parties:

Joe Davidson, P.O. Box 686, Bixby, Oklahoma, stated his land adjoins on the east side along Snake Creek. He owns 50 acres with a residence. He asked if the trucks run seven to seven or are those hours for the dredging or is that 24 hours per day. He expressed çongern about the widening of Garnett and the bridge as a big project. He added this is a school bus route. Mr. Davidson stated he made phone calls randomly to 15 of the 27 sand supply companies listed in the phonebook and everyone of thom informed him they had excess capacity in sand at that time. He indicated that the Department of Mining does not do a lot of engineering review once the Courty gives approval. The Army Corp of Engineers informed him today that because of a Supreme Court ruling they no longer have authority to issue a 404 Permit.

Teresa McLain, 16614 South $128^{\text {th }}$ East Avenue, stated a family member owns property on east Snake Creek. She opposed because before the 1986 flood the creek was cutting off the family property. She informed the Board that it the flow of the river is changed it would take out a small wood culvert at $129^{\text {th }}$ that would cut off eight people from their properties. She also asked if the culvert washes out, who would they call. She asked if they planned to use the cutterhead in the river or on the banks.

Jerry Martin, 12926 East $161^{\text {st }}$ Street South, expressed concern of the river washing out the banks and culvert. He complained of dust and truck traffic from such a plant.

George Roberts, P.O. Box 905, Bixby, Oklahoma, stated he owns property east of the subject property. He was concerned that not all of the neighbors were notified of this case. He also mentioned that it would devalue their property.

Glenn Koenig, 16312 South $128^{\text {th }}$ East Avenue, stated opposition of such a project on the river that could cause loss of land.

Ray Bowen, Mayor of the City of Bixby, stated that Holliday Sand and Gravel has been a good corporate citizen.
(name inaudible), 12925 East $161^{\text {st }}$ Street South, opposed the application for the noise of the proposed plant.

Teresa McLain-Bean, asked if this plant would mine silica sand, which is a very fine sand.

## Applicant Rebuttal:

Mr. O'Dell stated that Holliday Sand and Gravel is an employee-owned property. He responded to neighbor's concerns that they plan do a hydrology study. They will not proceed if they believe it will do damage to streets or anyone's property downstream. Mr. Charney asked about the hours of operation mentioned, if that was for the trucking and/or the mining. Mr. O'Dell replied that the hours of seven to seven would be the hours they would be open, loading trucks. He added there will be times when they would need to dredge 24 hours per day. Mr. Charney asked if they could agree to the Board imposing certain hours of operation. He replied that they could if they built a larger production rate plan. Mr. Hutson assumed that would mean more noise and larger equipment. Mr. O'Dell replied that he did not know that it would be noisier, but a little more of a presence. He stated they are aware a bus goes by the proposed plant, but the trucks would not haul past the sofool on residential streets. He informed the Board that river dredging is not regulatedff there is only incidental fall-back into the river, with an EPA 404 permit. The Corrof Engineers are very involved with this site and have jurisdiction there. He commented that the dredge is about 20 ft . $\times 40 \mathrm{ft}$. in size and might be used in the pit if there was enough water. The cutter-head is about 24 inches in diameter and is like a rotating head with teeth on it that loosens the sand. They would not want to dredge within 50-100 ft. of the bank and cave the bank. They could post a quarter million dollar bond payable to a homeowners' association or the county, in the case of unforeseen erosion. Mr. Charney asked if other Departments and/or agencies that do more technical studies and reviews after a Board of Adjustment approval.

Janet Meshack, with Meshack Associates, replied that Holliday Sand and Gravel contacted them in advance to see if this was even possible. It is nearly all in a floodway. She stated Snake Creek actually overflows around $181^{\text {st }}$ Street. They advised the Holliday company that they would have to lower some of the areas affected in order to have compensatory floodplain storage and conveyance not to cause any rise in the water surface or floodway. Mr. Charney asked if there is a process to follow to prevent erosion of the bank. She did not think there was any real process that would eliminate the possibility of erosion. The Keystone Dam has a big impact on the water level.

Mr. Hutson asked how they selected this site. Mr. O'Dell replied they selected this site because it is convenient, close to the market. Less transportation time decreases the cost of delivery. The distance from residential homes makes this a good site and they will not be hauling past houses.

David Iski, Assistant District Attorney, encouraged the Board to address the concerns within Section 1224.3 and Section 1680.3 in their findings.

In discussion, Mr. Walker had concerns for possible occurrences of erosion. Mr. Charney was relieved to know that the dredging site, which might be around the clock, is farther away from residences. Mr. Hutson noted that sod farms are all over the area and recognized dust as a characteristic of a farming area during certain seasons. Mr. Tyndall found the proposal to be appropriate subject to the hours and road usage. Mr. Charney stated the Board has considered dust, vibration, traffic and the applicant's offer to do watering to control dust. They road improvement plan would assist the vibration. The haul route seems to be the best and shortest distance to users. The applicant would have significant setbacks and berming. They have addressed the hours of operations.

## Board Action:

On Motion of Hutson, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit sand and gravel mining in the AG district (Section 301), as submitted by the applicant, in accordance with the data submitted and the plan of operation, subject to all of the permitting required, including environmental and quality, mining; hours of operation: truck traffic and pit operations from 7:00 a.m. to 7:00 p.m. ancogredging as needed; with conditions provided by the applicant to stay away frop,the banks in excavation; to take necessary steps to minimize erosion, specifically aredging no closer than 50 ft . from the shore, except when the equipment is moved to the working site; placement of rip rap in areas that appear to be adversely affected from erosion by the operation; the applicant to contribute to the cost and upkeep of Garnett Road south to Highway 164; a watering plan that is consistently administered, authored by the applicant and posted for the inspector should they wish to see it; and the applicant to provide a $\$ 250,000$ bond to be posted in the event that certain remedial cure to public works is deemed necessary by the inspector's office for actions inconsistent with various permits; finding 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; finding the Board has made an effort to address the issues raised in Section 1608; on the following described property:
"That portion of the Arkansas River lying South of the centerline, upstream of the confluence of Snake Creek, in the South $1 / 2$ of Section 20, and in the North $1 / 2$ of Section 29 all in Township 17N, Range 14E of the Indian Base and Meridian, in Tulsa County, Oklahoma, and more particularly the South half of the Arkansas River, beginning at the extension of S. Garnett Road, easterly and downstream along the south bank of the Arkansas River approximately 4600 feet to the mouth of Snake Creek, containing 105 acres more or less; AND certain real property in Tulsa County, Okiahoma, in the North $1 / 2$ of Section 29, Township 17 North, Range 14 East of the Indian Base and Meridian and lying north of Little Snake

Creek, less the south 1000 feet (containing 23.6 acres), containing 160 acres, more or less."

## NEW BUSINESS

There was no new business.

## OTHER BUSINESS

Interpretation of the Zoning Code to determine the classification of a pond in a platted residential district.

## BOARD ACTION:

On Motion of Charney, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to CONTINUE this business to the meeting on August 21, 2007.


There being no further business, the meeting adjourned at 3:49 p.m.

Date approved:



Looking north at subject property entrance from E. 161 st St. S.


Looking north toward the creek crossing on the subject property


Looking east across property near entrance on E. $161^{\text {st }}$ St. S.


Looking west across property near entrance on E. $161^{\text {st }}$ St. S.


Looking northeast at Bixby Creek crossing


Looking northwest at Bixby Creek crossing
3.28


Looking south across E. $161^{\text {st }}$ St. S.


Looking west down E. $161^{\text {st }}$ St. S.


Close-up of creek crossing


Real Estate sign on subject property
3.30
 Tract

## RE: [Non-DoD Source] Tanner Bemies - 10335 E 161st St, Bixby, OK (UNCLASSIFIED)

1 message
Holmes, Jordan L CN USARMY CESWT (USA) <Jordan L. Holmes@usace, army.mill>
m" <lbemies@gmail com
co: "jcotlle@blixby.com" 4loctle@b|xby.com
CLASSIFICATION: UNCLASSIFIED
Mr. Bomles,
Good afternoon. The Bixby Creek Channel project is a lederally constructed project but is locally operated and mainlained by the City of Bixby. You would need to coordinale with the City on access to this property. As a suggestion, I would verity that he low water crossing is rated for the loads the lrucks would potential carry

The conlact for the local sponsor is listed below for your information.
Mr. Janod Cotlle, P.E.
City of Bixby
jcottle@bixby.com
If you have any additional questlons or concerns, please let me know.
Very respectrully,
Jordan Holmes, P.E,
evee Safety Program Manager
USACE, Tulsa District
jordan . holmesegusace.amy.mil
18-869-7338 (Ofice)
18-438-9352 (Moblle)

From: Tanner Bemles [mailto:lbernles@gmail.com]
From: Tanner Bemles [mailto:Iberndes@
Senl: Thursday, July 25, 2019 4:25 PM
Subjact [Non-DaD Source] Tannor Bemies - 10335 E 161st St, Bixby, OK
Hello,
My name is Tanner Bemies, I am inquiring into the low water access located al 10335 E 161 st St in Bixby, OK,
currently am In the process of purchasing the property and would like to ascertain some form of confirmation that I will be allowed to move my trucks through the low waler access to the properly because with out such access lhe property will be land locked preventing me from being able to reach the land.
my phone \# is 818-688-2058
Thank you,
Tanner Bemie
918-988-2058
CLASSIFICATION: UNCLASSIFIED
LASSIFICATION: UNCLASSIFIED
CLASSIFICATION: UNCLASSIFIED

## Tanner Bemies - Inquiry into 10335 E 161st St

Jason Mohler [jmohler@bixbyok.gov](mailto:jmohler@bixbyok.gov)
Wed, Jul 31, 2019 at 10:00 AM
To: Tanner Bemies [tbemies@gmail.com](mailto:tbemies@gmail.com)

10355 E $161^{\text {st }}$ St lies within Tulsa County jurisdiction. Below is clip from the GIS map.

Attached are a few sheets from the Record Drawings for Bixby Creek. As discussed on the phone, Bixby Creek was a Corp of Engineers project. The City of Bixby owns and maintains Bixby Creek. The site does lie within the City fenceline. However, annexation is typically requested by property owners or developers (i.e. the City would not pursue annexation of this property unless requested or some other reason develops).

The existing low water crossing provides access the agricultural land north of the Creek. I am not aware of an limitations on that access.


Jason C. Mohler, P.E.
Development Services Dírector
City of Bixby

From: Tanner Bemies [mailto:tbemies@gmail.com]
Sent: Thursday, July 25, 2019 9:47 AM
To: Jason Mohler [jmohler@BixbyOK.gov](mailto:jmohler@BixbyOK.gov)
Subject: Tanner Bemies - Inquiry into 10335 E 161st St

STATE OF OKLAHOMA
DEPARTMENT OF MINES
2915 N. CLASSES, SUITE 213
OKLAHOMA CITY, OKLA. 73106

## LEGAL ESTATE

# Name of Legal Estate Owner: Francis, Jerry Calvin \& Mary Ann <br> Address: <br> 15625 S Harvard, Bixby, OK, 74008 

Telephone Number: $\qquad$
Section (s) 19 Township 17 N Range 14 E $\qquad$ County Tulsa Is the permit application area owned $\qquad$ or leased X by the Applicant?

## 

I, (Legal Estate Owner) Francis, Jerry Calvin \& Mary Ann certify that I am the owner of the legal estate of the property being represented in this Application for a Non-Coal Mining Permit, and that the (Company, Corporation, Individual (s)) Tanner Bemies have the right to mine this property.

Signature of Legal Estate Owner


Subscribed and sworn to before me this


* if the owner of the legal estate of the property changes, a new leg at 16 estate form must be signed by the new owner of the legal estate. if there are MULTIPLE OWNERS OF THE PROPERTY ON THIS APPLICATION, A SEPARATE LEGAL ESTATE FORM MUST BE EXECUTED FOR EACH OWNER

NOTE: THE DEPARTMENT OF MINES DOES NOT HAVE THE AUTHORITY TO ADJUDICATE PROPERTY TITLE DISPUTES.



116 West Needles P.O.Box 70

Bixby, OK 74008
www.BixbyOK.gov

December 10, 2019

Robi Jones
Tulsa County
Board of Adjustment
rjones@incog.org

RE: Case Number CBOA-2786

Board of Adjustment:

The City of Bixby has received the Notice of Hearing for Tulsa County Board of Adjustment Case Number CBOA-2786. We recognize that regulation of the allowable uses for that property lies with Tulsa County and do not object to the proposed Special Exception allowing Use Unit 24.

With that said, access to the property is somewhat unique. The US Army Corp of Engineers constructed the Bixby Creek Local Flood Protection Project and the City owns and maintains the completed project. A portion of the Special Exception property is south of Bixby Creek with the remainder being north of Bixby Creek. The Corp constructed a low water crossing for access to the north side of Bixby Creek. The City is not opposed to use of the low water crossing as part of the mining operation with an understanding that the Applicant is responsible of any crossing upgrades necessary to handing loading in excess of the original design and must repair any damages to the low water crossing resulting from the proposed Use.

Additionally, the City is concerned that the proposed Use may generate significant truck traffic on County and City streets. Damages to City streets caused by the mining operation must be repaired by the Applicant.

If you have any questions orneed additional information, please reach out to me at 918-366-0417 or imohler@bixbyok.gov. Thank you in advance for including this letter in the Case file for CBOA-2786.

Regards,


Jason C. Mohler, P.E.
Development Services Director

## CC: Jared Cottle, City Manager <br> Marcae' Hilton, City Planner



# BOARD OF ADJUSTMENT CASE REPORT 

STR:9229
Case Number: CBOA-2787
CZM:45
PD:

HEARING DATE: $12 / 17 / 2019$ 1:30 PM
APPLICANT: Lou Reynolds
ACTION REQUESTED: Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow soil mining (Sec. 1224) in an IM District (Sec. 910, Table 1).

LOCATION: 4802 S 49 AV W
PRESENT USE: Industrial

ZONED: IM
TRACT SIZE: 15 acres

LEGAL DESCRIPTION: N495 SE SE SEC 2919 12, 15ACS

## RELEVANT PREVIOUS ACTIONS:

## Subject Property:

CZ-462 December 2017: All concurred in approval of a request for rezoning a $23 \pm$ acre tract of land from AG/RS to IM, to permit the development of an industrial park, on property located north and west of the northwest corner of West $51^{\text {st }}$ Street and South $49^{\text {th }}$ West Avenue.


ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by industrial uses and industrial zoning. It is just northeast of the Gilcrease Expressway in the Berryhill area. See Exhibit "B" for further details as described by the applicant.

## STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow soil mining (Sec. 1224) in an IM District (Sec. 910, Table 1).

A special exception is required as the proposed soil mining operation is a use which is not permitted by right in the AG district because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the surrounding area and to the general welfare, may be permitted. The use must be found to be compatible with the surrounding area.

The Board of Adjustment, in granting a mining and mineral processing use by Special Exception, should consider potential environment influences, such as dust and vibration. If inclined to approve, the Board may consider establishing appropriate protective conditions such as setbacks, screening, and hours of operation, as will mitigate the adverse affect on proximate land uses.

The applicant supplied the following information: "The proposed mining use will be for dirt and gravel extraction in conjunction with the Gilcrease Expressway expansion project."

The applicant will be required to obtain all relevant permits including those from the Tulsa County Inspectors Office/Building Permits Department and the Oklahoma Department of Mines.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure the proposed soil mining operation is compatible with and noninjurious to the surrounding area.

## Sample Motion:

"Move to $\qquad$ (approve/deny) a Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow soil mining (Sec.1224) in an IM District (Sec. 910, Table 1).

Approved per conceptual plan on page(s) $\qquad$ of the agenda packet.

Subject to the following condition(s) (if any): $\qquad$ -

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."

Staff recommends approval of the plat waiver with the following conditions:
A. The approved optional development plan standards be filed of record with the Tulsa County Clerk's office.
B. The regulatory floodplain existing on the property be placed in the recommended easement.

The applicant indicated his agreement with staff's recommendation.
There were no interested parties wishing to speak.
TMAPC Action; 9 members present:
On MOTION of DIX, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Millikin, "absent") to APPROVE Z-7395 Plat Waiver per staff recommendation.
12. CZ-462 Lou Reynolds (CD 2) Location: North and west of the northwest corner of West $51^{\text {st }}$ Street and South $49^{\text {th }}$ West Avenue requesting rezoning from AG/RS to IM to permit an Industrial Park.

## STAFF RECOMMENDATION:

## SECTION I: CZ-462

DEVELOPMENT CONCEPT: Rezone from AG and RS to IM in order to permit the development of an industrial park. Current planned uses include storage and warehousing, however other, compatible uses may be included when the park becomes fully developed.

## DETAILED STAFF RECOMMENDATION:

$\mathrm{CZ}-462$ is non injurious to the existing proximate properties and;
CZ-462 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-462 to rezone property from AG, RS to IM.

## SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject lots are located within Special District 6 of the Tulsa County District 9 Plan. The plan states that industrial development should be encouraged to locate within this district, provided they do not have external impacts such as noise, smoke, fumes, etc.

## Land Use Vision:

Land Use Plan map designation: N/A
Areas of Stability and Growth designation: N/A

## Transportation Vision:

Major Street and Highway Plan: S $49^{\text {th }}$ W Ave is designated as a secondary arterial.

Trail System Master Plan Considerations: The site is located within $1 / 4$ mile of the Gilcrease West

## Small Area Plan: Tulsa County District 9 Plan

Special District Considerations: Tulsa County District 9 Plan, Special District 6. Industrial uses encouraged.

## Historic Preservation Overlay: None

## DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is elevated above the surrounding area. Two single-family homes and a barn structure currently exist on the site.

Environmental Considerations: Tulsa County District 9 plan states that industry in this area not have external impacts such as noise, smoke, fumes, etc.

Streets:

| Exist. Access | MSHP Design | MSHP RNN | Exist. \# Lanes |
| :--- | :--- | :---: | :---: |
| South $49^{\text {th }}$ West Ave | Secondary Arterial | 100 feet | 2 |

Utilities:
The subject tract has municipal water and sewer available.

## Surrounding Properties:

| Location | Existing Zoning | Existing Land Use <br> Designation | Area of Stability <br> or Growth | Existing Use |
| :---: | :---: | :---: | :---: | :---: |
| North | IM | N/A | N/A | Concrete Plant |
| South | IL /RS | N/A | N/A | Self-Storage / Machine <br> Shop |
| East | IM | N/A | N/A | Manufacturing |
| West | RS | N/A | N/A | Gilcrease Expressway |

## SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 98254 dated September 15, 1980, established zoning for the subject property.

## Subject Property: No relevant history

## Surrounding Property:

CZ-291 October 22, 2001: All concurred in approval of a request for rezoning a $9.8 \pm$ acre tract of land from RS to IL on property located west of the northwest corner of West $51^{\text {st }}$ Street South and South $49^{\text {th }}$ West Avenue.

CZ-240 February 1998: All concurred in approval of a request for rezoning a $1 \pm$ acre tract of land from IL to RS for residential use on property located north and west of the northwest corner of West $51^{\text {st }}$ Street South and South $49^{\text {th }}$ West Avenue.

CBOA-1117 November 1992: The Board of Adjustment approved a special exception to allow a manufactured home in an RS-zoned district for three years and subject to the manufactured home being removed when the single-family dwelling construction is completed. The property is located west of the southwest corner of West $50^{\text {th }}$ Street and South $49^{\text {th }}$ West Avenue.

CBOA-0632 January 1986: The Board of Adjustment approved a variance of the required 75' setback from an R-zoned district to allow for a building in an ILzoned district. The property is located west of the northwest corner of West $51^{\text {st }}$ Street and South 49 ${ }^{\text {th }}$ West Avenue.

Z-5375 April 8, 1980: All concurred in approval of a request for rezoning a 2.8 $\pm$ acre tract of land from RS-1 to IL on property located north of the northwest corner of West $51^{\text {st }}$ Street South and South 49 ${ }^{\text {th }}$ West Avenue.

Z-4105 March 30, 1972: All concurred in approval of a request for rezoning a $80 \pm$ acre tract of land from AG to IM on the NE/4 of the NW/4, and the NW/4 of the NE/4, LESS the North 250' in Section 32, Township 19 North, Range 12 East, Tulsa County, Oklahoma; and to IL on the north 250' of the NE/4 of the NW/4, and the NW/4 of the NE/4 in Section 32, township 19 North, Range 12 East, Tulsa County, Oklahoma on property located west of the southwest corner of West $51^{\text {st }}$ Street South and South $49^{\text {th }}$ West Avenue.

The applicant indicated his agreement with staff's recommendation.
Mr. Dix asked applicant if the application included the triangle tract of land next to the Gilcrease Expressway.

The applicant stated "yes".
There were no interested parties wishing to speak.

## TMAPC Action; 9 members present:

On MOTION of DIX, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Millikin, "absent") to APPROVE CZ-462 per staff recommendation.

## Legal Description of CZ-462:

Lot One (1), Block Two (2), LESS Highway Right-of-Way to the State of Oklahoma, and Lots Three (3) and Four (4), Block One (1), all in BRIDGES HEIGHTS ADDITION, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, LESS AND EXCEPT the following described property towit: BEGINNING at the Southwest corner of said Lot Three (3); thence North along the West line of said Lot Three (3) a distance of 305.88 feet to the Northwest corner of said Lot Three (3); thence South $44^{\circ} 29^{\prime} 22^{\prime \prime}$ East a distance of 422.91 feet to a point on the South line of said Lot Three (3); thence West along said South line a distance of 292.23 feet to the POINT OF BEGINNING; AND The North Half of the North Half of the North Half of the Southeast Quarter of the Southeast Quarter (N/2 N/2 N/2 SE/4 SE/4) and the North Half of the South Half of the North Half of the North Half of the Southeast Quarter of the Southeast Quarter (N/2 S/2 N/2 N/2 SE/4 SE/4) and the South Half of the South Half of the North Half of the North Half of the Southeast Quarter of the Southeast Quarter (S/2 S/2 N/2 N/2 SE/4 SE/4) and the North Half of the South Half of the South Half of the Southeast Quarter of the Southeast Quarter (N/2 S/2 N/2 SE/4 SE/4), all in Section Twenty-Nine (29), Township Nineteen (19) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof; AND Lot One (1)
and Lot Two (2) of Block One (1) of BRIDGES HEIGHTS, according to the last Government Survey thereof.
13.Z-7415 Helen Barbre-Stephens (CD 2) Location: West of the southwest corner of West $51^{\text {st }}$ Street and South Union Avenue requesting rezoning from RS-3 to CS

## STAFF RECOMMENDATION:

## SECTION I: Z-7415

## DEVELOPMENT CONCEPT:

The property is zoned RS-3 and has never been rezoned for commercial uses.
The request is to allow commercial uses on this highway frontage property.

## DETAILED STAFF RECOMMENDATION:

Z-7415 requesting CS zoning is consistent with the Comprehensive Plan for the City of Tulsa and,

Use categories allowed in a CS zoning district are consistent with the expected development pattern in the area and,

Use categories allowed in a CS zoning district are non-injurious to the surrounding property therefore,

## Staff recommends Approval of Z-7415 to rezone property from RS-3 to CS.

## SECTION II: Supporting Documentation

## RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CS zoning allows building placement as recognized in the Mixed-Use Corridor however it does not require building placement as recognized in the comprehensive plan. The uses allowed in CS district are consistent with the anticipated uses in a the Mixed-Use corridor areas.

## Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor
A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The streets


$\frac{5}{\circ}$

## Exhibit "B"

Applicant requests a Special Exception, pursuant to Section 1680 of the Tulsa County Zoning Code (the "Code") to permit Use Unit 24 (Mining and Mineral Processing) in an IM-zoned district for property located at $4802 / 4810$ S. $49^{\text {th }}$ West Avenue, Tulsa, OK 74107 (the "Property").

The Property is located north of the northwest corner of S. $49^{\text {th }} \mathrm{W}$. Ave. and W. $51^{\text {st }}$ St. S. and just northeast of the Gilcrease Expressway. A conceptual site plan of the Property is attached hereto as Exhibit "C". The surrounding area consists of industrial uses. North of the Property is the Eagle Redi Mix Concrete plant - which has similar moderate to heavy environmental influences as the proposed mining use; east of the Property are various industrial manufacturing facilities, including Norris, Bronco Manufacturing, and Hydrotex; and south of the Property is an auto shop and self-storage facility. There is also a quarry site southwest of the Expressway.

The proposed mining use will be for dirt and gravel extraction in conjunction with the Gilcrease Expressway expansion project. The use is in harmony with the spirit and intent of the Code as a permitted use by special exception in the IM District. Further, because the area is heavily industrialized, the use will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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CBOA-2788
5.1

# BOARD OF ADJUSTMENT CASE REPORT 

STR:129
Case Number: CBOA-2788
CZM:21
PD:

HEARING DATE: $12 / 17 / 2019$ 1:30 PM

## APPLICANT: USCOC of Greater Oklahoma, LLC

ACTION REQUESTED: Special Exception to permit a Communication Tower, Use Unit 4, in the AG district. (Section 310 Table 1); and a Special Exception to reduce the required tower setback (110\% of the tower height) from the adjoining RS zoned district. (Section 1204.C.7)

LOCATION: 6050 N JOHNSTOWN AV E
PRESENT USE: Church

ZONED: AG
TRACT SIZE: 4.87 acres

## LEGAL DESCRIPTION:

## Landlord Parcel Description:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF TULSA, TOWNSHIP OF DAWSON, STATE OF OKLAHOMA, AND IS DESCRIBED AS FOLLOWS: THE SOUTH 487 FEET OF THE WEST 497 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SECTION 1 TOWNSHIP 20 NORTH, RANGE 12 EAST, DAWSON TOWNSHIP, TULSA COUNTY, STATE OF OKLAHOMA
Leasehold Parcel Description:
BEING A TRACT OF LAND SITUATED IN THE NORTHWEST $1 / 4$ OF SECTION 1 , TOWNSHIP 20 NORTH, RANGE 12 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA AND BEING PART OF A TRACT OF LAND DESCRIBED IN DEED TO TURLEY METHODIST CHURCH, INCORPORATED, RECORDED IN BOOK 2690, PAGE 411 OF THE DEED RECORDS OF TULSA COUNTY, OKLAHOMA (D.R.S.C.O.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A $5 / 8-I N C H$ IRON ROD WITH CAP STAMPED "SAM" SET FOR CORNER, FROM WHICH A PK NAIL FOUND AT THE SOUTH $1 / 4$ CORNER OF SAID SECTION 1 BEARS SOUTH 06 DEGREES 04 MINUTES 21 SECONDS WEST, A DISTANCE OF $2,305.38$ FEET; THENCE NORTH 07 DEGREES 48 MINUTES 39 SECONDS WEST, A DISTANCE OF 80.00 FEET TO A $5 / 8-I N C H$ IRON ROD WITH CAP STAMPED "SAM" SET FOR CORNER; THENCE NORTH 82 DEGREES 11 MINUTES 21 SECONDS EAST, A DISTANCE OF 80.00 FEET TO A $5 / 8-I N C H$ IRON ROD WITH CAP STAMPED "SAM" SET FOR CORNER; FROM WHICH A 1/2-IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID SECTION 1 BEARS NORTH 36 DEGREES 57 MINUTES 54 SECONDS EAST, A DISTANCE OF $3,714.11$ FEET; THENCE SOUTH 07 DEGREES 48 MINUTES 39 SECONDS EAST, A DISTANCE OF 80.00 FEET TO A $5 / 8$-INCH IRON ROD WITH CAP STAMPED "SAM" SET FOR CORNER; THENCE SOUTH 82 DEGREES 11 MINUTES 21 SECONDS WEST, A DISTANCE OF 80.00 FEET, BACK TO THE POINT OF BEGINNING, CONTAINING $6,400.00$ SQUARE FEET, OR 0.15 OF AN ACRE OF LAND, MORE OR LESS.

## RELEVANT PREVIOUS ACTIONS:

BOA-3343 April 1960: The Board of Adjustment approved a church use, on the subject property located at 6050 North Johnstown Avenue East.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts RS zoning to the north and west; all but one parcel is also owned by Turley Methodist Church and uses include the church and some residential. The property to the south is agricultural and the properties to the west are within the City of Tulsa; they are zoned RS-3 and have residential uses.

## STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to permit a communication tower, Use Unit 4, in the AG district. (Section 310); and a Special Exception to reduce the required tower setback ( $110 \%$ of the tower height) from the adjoining RS. (Section 1204.C.7)

Communications towers are classified under Use Unit 4, Public Protection and Utility Facilities, and are permitted in the AG district by Special Exception. A Special Exception is required as the proposed cell tower is a use which is not permitted by right in the AG district because of potential adverse affect, but if controlled in the particular instance as to its relationship to the area, may be permitted.

The applicant has included a site plan. The proposed monopole tower has a height of 130 feet. Zoning Code requires towers to be set back a distance equal to at least on hundred ten percent $(110 \%)$ of the height of the tower from any adjoining lot line of a residential, office or agricultural zoned lot. The distance from the proposed cell tower to the adjoining property to the north is 136 feet. The requirement would be 143 feet so the applicant is requesting a Special Exception to reduce the required tower setback ( $110 \%$ of the tower height) from the adjoining RS zoned district. (Section 1204.C.7) The distances to the east, west, and south meet the setback requirements.

Section 1204.3.C \& E of the Code provides general standards for locating communication towers in any district. Some of the more notable requirements include:
1204.3.C.2.a: Towers and antennas shall be designed to blend into the surrounding environment through the use of color, galvanizing, or camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the FAA.
"The pole will be designed to blend through galvanizing materials."
1204.3.C.4.: Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the FAA or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
"The tower is not proposed to be lit."
1204.3.C.6: All utility buildings and structures accessory to a tower shall meet all the requirements of the underlying zoning district. Exterior ground mounted equipment occupying more than 50 square feet, if visible from ground level, shall be screened from view from property within 150 ft. used for residential purposes.
"No equipment shelter is proposed. The ground equipment will be contained within cabinets. Natural vegetation and prior existing trees will provide screening to the west."
1204.3.C.7.a: Towers must be set back a distance equal to at least one hundred ten percent (110\%) of the height of the tower from any adjoining lot line of a residential, office, or agricultural zoned lot, excluding expressway rights of way zoned residential.
"Please see the certified pole structural letter provided by the pole manufacturer...."
1204.3.C.8: Towers shall be enclosed by security fencing not less than six (6) feet in height or shall be equipped with an appropriate anti-climbing device; provided however the Board may modify of waive the requirements by special exception
"A six-foot security fence with three strands of barbed wire is planned."

Additionally, Section 1204.3.E. 1 provides the following:

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.
I. Landscaping
1204.3.E. 2
2. Collocation of facilities should be encouraged wherever practical by allowing reasonable extra height or tower diameter necessary to support multiple antennas.

### 1204.3.E. 3

3. The findings of the Board of Adjustment as to each of these factors shall be made on the record and contained in the written minutes of the meeting.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure the proposed communications tower will be non-injurious to the surrounding area.

Sample Motion:
"Move to $\qquad$ (approve/deny) a Special Exception to permit a Communication Tower, Use Unit 4, in the AG district. (Section 310 Table 1); and a Special Exception to reduce the required tower setback ( $110 \%$ of the tower height) from the adjoining RS zoned district. (Section 1204.C.7)

## Read the following statement so it can be on record and recorded in the minutes of the meeting.

The Board considered each of the following stated factors in Section 1204.3.E. 1 \& 2 of the Code and finds that the application complies / does not comply with the requirements to the Boards satisfaction.
"Section 1204.3.E provides the following:

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.
I. Landscaping
2. Collocation of facilities should be encouraged wherever practical by allowing reasonable extra height or tower diameter necessary to support multiple antennas.

Approved per conceptual plan(s) on page(s) $\qquad$ of the agenda packet.

Subject to the following conditions (if any): $\qquad$ .

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.

Case No. 3343-A
Trustees of the Turley
Methodist Church Pt. NW, NW, SE, Section 1-20-12

MINUTES OF THE REGULAR MEETING OF THE BOARD OF ADJUSTMENT, WEDNESDAY, APRIL 13, 1960.

P RESENT: Cohen, Chairman; Shaull; Galbreath; Norman; Avery.

This being the date set down for public hearing on the application of the Trustees of Turley Methodist Church for permission to use the South 487 feet of the West 497 feet of the NW NW $1 / 4$, SE $1 / 4$ of Section 1-20-12, and Lots 14 thru 29 inclusive, Brannon Addition for church purposes. There being no protest offered it was,

MOVED by Galbreath (Shaull) that this application be granted. All members voting yea.

Carried.
This being the date set down for public hearing on the application of the Memorial Street Church of Christ for permission to extend church use on Lot 2, Block 3, Mingo Heights Addition. There appeared Dean Smith, Attorney on behalf of the Church. No protest was offered.

MOVED by Norman (Shaull) that this matter be granted. All members voting yea.

Carried.
This being the date set down for public hearing on the application of the Sixth Church of Christ Scientist for permission to use the North 100 feet of the S $1 / 2$, NE $1 / 4$, NE $1 / 4$, SE $1 / 4$, of Section 19-19-13, less the West 287 feet, for off-street parking. There being no protest offered it was,

MOVED by Avery (Norman) that this matter be granted. All members voting yea. Carried.

This being the date set down for public hearing on the application of the Northminster Presbyterian Church for permission to use the following described property for church purposes:

That part of the NE $1 / 4$, NE $1 / 4$, of Section $12-20-12$, described as beginning at a point on the North line of the NE $1 / 4$ of Section 12, 610 feet west of the northeast corner, thence South 226 feet; veast 160 feet; south 656 feet; west 150 feet; south 260.7 feet to a point on the north line of Sharon Heights Addition; west along the north boundary of Sharon Heights 288 feet; North 1142.37 feet to a point on the north line of Section 12;


Looking north at church from driveway which will be used to access tower


Looking west from driveway on N. Johnstown Ave. toward area where tower will be located
5.7


Looking south from E. 61 ${ }^{\text {st }}$ St. N. toward subject property



## Sabre Industries" <br> Towers and Poles

October 17, 2019
Chris Patterson
Project Manager
Faulk \& Foster
1811 Auburn Avenue
Monroe, LA 71201
RE: Proposed 130' Sabre Monopole for Turley, OK
Dear Mr. Patterson,
Upon receipt of order, we propose to design and supply the above referenced Sabre monopole for an Ultimate Wind Speed of 109 mph with no ice and 30 mph with $2^{\prime \prime}$ radial ice, Structure Class II, Exposure Category C and Topographic Category 1 in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of $25 \%$. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the upper portion of the monopole shaft. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the upper portion. This is likely to result in the portion of the monopole above leaning over and remaining in a permanently deformed condition. Please note that this letter only applies to the above referenced monopole designed and manufactured by Sabre Towers \& Poles. The fall radius for the monopole design described would be within the target parcel

Sincerely,

Robert E. Beacom, P.E., S.E.
Engineering Supervisor


Sabre Towers and Poles • 7101 Southbridge Drive • P.0. Box 658 • Sioux City, IA 51102-0658
P: 712-258-6690 F: 712-279-0814 W: www.SabreTowersandPoles.com

## STATEMENT OF ORDINANCE COMPLIANCE

Application: Board of Adjustment Exceptions
US Cellular "USCC" Site Name: Turley \#222712
USCC Legal Entity Name: USCOC of Greater Oklahoma, LLC
Project Description: 130' monopine wireless facility
Parcel ID: 90201-02-01-30620
Property Owner: Turley United Methodist Church
Zoning: Agriculture
Address: To be assigned; nearest address: 6050 NORTH JOHNSTOWN AVE, TULSA, OK 74126

Please see the responses in red below following the applicable ordinance sections.
1204.2

Included Uses:
Ambulance Service
Antennas and Supporting Structures
Electrical Regulating Station, excluding storage or service garages and yards
Fire Protection Facility
Pressure Control Station, gas or liquid, excluding storage or service garages and yards
Shelter: Civic defense or storm
Stormwater Detention Facility
Water Storage Facility, NEC
1204.3

Use Conditions:
Antennas and their supporting structures shall meet the following requirements:
Purpose:
The purpose of this section is to establish requirements for the location of wireless communications towers and antennas. The goals of this ordinance are to: (1) protect residential areas and land uses from potentially adverse impacts of towers and antennas; (2) encourage the location of towers in non-
residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Tulsa County Board of Adjustment shall give due consideration to the Comprehensive Plan for the Tulsa Metropolitan Area, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.
A.

Exclusions. The following activities shall be exempt from these regulations: 1. Amateur radio operators;
2. Microwave reflectors and parabolic antennas;
3. Antennas and equipment completely located inside of buildings; and 4. Minor modifications of existing wireless communications facilities and attached wireless communications facilities, whether emergency or routine, provide there is little or no change in the visual appearance. Minor modifications are those modifications, including the addition of antennas, to conforming wireless and attached wireless communications facilities that meet the performance standards set forth in this document.

## B.

Definitions. As used in this ordinance, the following terms shall have the meanings set
forth below:

1. Antenna means any exterior transmitting or receiving device used in communications to radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communication signals.
2. FAA means the Federal Aviation Administration.
3. FCC means the Federal Communications Commission.
4. Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad.
5. Preexisting towers and preexisting antennas means any tower or antenna which lawfully existed on the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
6. Tower means any structure more than twenty (20) feet tall that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including selfsupporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers and the like. The term includes the structure and any support thereto.
C.

General Requirements for Antennas and Towers:

1. Principal or Accessory Use. Towers may be considered either principal or accessory uses. A different existing use on the same lot shall not preclude the installation of a tower on such lot.
This pole shall be considered a principal use.
2. Towers and antennas shall meet the following requirements:
(a)

Towers and antennas shall be designed to blend into the surrounding environment through the use of color, galvanizing, or camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration. This pole will be designed to blend through galvanizing materials.
(b)

Communication towers if located within an R District or if located within 300 feet of an R District boundary line shall be of a monopole design, unless the Board of Adjustment determines by special exception that an alternative design would adequately blend into the surrounding environment, or that the required antennas cannot be supported by a
monopole.
This pole is designed as a monopole.
(c)

If an antenna is installed on a structure other than a tower, the antenna mechanical equipment must be of a color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
This section is not applicable.
3.

Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

## Understood.

4. 

Tower Lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
This tower is not proposed to be lit.
5.

Signs and Advertising. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
No signs or advertising are proposed.
6.

Accessory Utility Buildings. All utility buildings and structures accessory to a tower shall meet all the requirements of the underlying zoning district. Exterior ground mounted equipment occupying more than 50 square feet shall be screened from view from property within 150 feet used for residential purposes.
No equipment shelter is proposed. The ground equipment will be contained within cabinets. Natural vegetation and prior existing trees will provide screening to the west.
7.

The following setback requirements shall apply to all towers; provided,
however, that the Board of Adjustment may modify the requirements by special exception;
(a)

Towers must be set back a distance equal to at least one hundred ten percent $(110 \%)$ of the height of the tower from any adjoining lot line of a residential, office or agricultural zoned lot, excluding expressway rights-of-way zoned residential.
Please see the certified pole structural letter provided by the pole manufacturer. Please note that a couple foot exception may be necessary for the current placement. The church also owns the northern parcel that is depicted in this site plan excerpt right here:

(b)

Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
No guy wires or accessory buildings are proposed.
8.

Security Fencing. Towers shall be enclosed by security fencing not less than six
(6) feet in height or shall be equipped with an appropriate anti-climbing device; provided, however, that the Board of Adjustment may modify or waive such requirements by special exception.
A six foot security fence with three strands of barbed wire is planned. D.

Antennas and Towers Permitted by Administrative Approval. Antennas or towers, except those approved or requiring approval by the Board of Adjustment (Section 1204.3.E), shall be permitted by right, provided a permit is obtained from the County Building Inspector prior to construction and provided that the towers shall comply with the following standards.
Tulsa County is of the opinion that a BOA hearing is required per Section 310, Table 1.
1.

When located in C, I, or IR zoning districts, provided that towers shall be set back from an R District boundary line one-hundred ten percent (110\%) of the height of the tower measured at grade. The setback may be modified by special exception by the Board of Adjustment pursuant to Section 1680 of this code; or
This Section is not applicable.
2.

When antennas are to be attached to a roof or wall of buildings in commercial or industrial zones, or to office or multi-family buildings of two or more stories, or to institutional buildings such as schools, churches and hospitals with existing architectural elements more than thirty-five (35) feet tall, provided that:
This Section is not applicable.
(a)

An antenna does not extend more than twenty (20) feet above the highest point of the building, or, if located on an architectural feature such as a steeple or bell tower, does not protrude above that structure; provided,
however, that the Board of Adjustment may modify such requirements by special exception; and
(b)

The antennas comply with all applicable FCC and FAA regulations; and (c)

The antennas comply with all applicable building codes.
3.

When antennas are to be attached to an existing tower, or other structure not mentioned in 1204.3.D.2. neither of which is located in a residentially-zoned district.
This Section is not applicable.
4.

When the tower is to be modified or reconstructed to accommodate the collocation of antennas; and
This Section is not applicable.
(a)

The tower is of the same type as the existing tower or is to be constructed as a monopole; and
(b)

The modification or reconstruction does not exceed thirty (30) feet over the height of the existing tower and all requirements of Section 1204.C. are met.
E.

Antenna and Towers Requiring Special Exceptions. If a tower or antenna is not permitted pursuant to Section 1204.3.D. of this chapter, a special exception shall be required for the construction of a tower in all zoning districts.
Per Tulsa County, a special exception is required.

## 1.

Factors to be considered in granting a special exception. In addition to any other requirements 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,

The pole will be 130 ' tall. This height is necessary for coverage of the populated area of Turley.
(b)

Proximity of the tower to residential structures, residential district boundaries and existing towers;
The nearest existing tower was evaluated and found to be insufficient for the coverage objectives of the commercial area. The nearest tower is . 58 miles to the SE near Fire Station Number 19.

The proposal is east of a treed area. Mature trees intervene between the nearest unaffiliated home and the project location. The nearest home that is not on a church parcel is approximately 415 ' to the west of the project location. The nearest home located on church parcels is approximately 240 ' to the southeast.

The proposal is in a setting that is occupied by other tall structures, namely overhead utility lines.
(c)

Nature of uses on adjacent and nearby properties;
The church is an adjacent use. The church is the landlord. The church owns an adjacent parcel. The other adjacent uses are vacant woods and an affiliated residence.
(d)

Surrounding topography,
The topography is basically flat.
(e)

Surrounding tree coverage and foliate;
There is natural screening in the area, namely a wooded area to the west.
(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;
Please see the submitted construction drawings. The tower will be equipped for co-location. The antennas will be located on a mount on the pole.
(h)

Architectural design of utility buildings and accessory structures to blend with the surrounding environment;
Equipment cabinets will be utilized. The cabinets are approximately 4 feet tall.
(i)

Proposed ingress and egress;
The pole will be accessed from the church parking lot.
(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;
US Cellular does not have a facility in Turley. The search parameters were designed to support coverage in the dense locations in Turley where service upgrades are necessary. The project was placed near the commercial areas to provide antennas in those directions.
(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;
(1)

Landscaping.
The determination of the need for landscaping is pending. US Cellular is willing to landscape as advised.
2.

Collocation. Collocation of facilities should be encouraged wherever practical by allowing reasonable extra height or tower diameter necessary to support multiple antennas.
The pole is proposed at a height that will support collocation options.
3.

The findings of the Board of Adjustment as to each of these factors shall be made on the record and contained in the written minutes of the meeting.
County
12-9
05/05/08
F.

Existing Towers and Antennas. Antennas and towers lawfully existing at the time this ordinance is adopted shall be allowed to continue their usage as they presently exist. Routine maintenance, including antenna replacement, shall be permitted on such existing towers. New construction other than routine maintenance shall require compliance with the requirements of this ordinance.
1204.4

Off-Street Parking and Loading Requirements:
None.


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## PROPOSED TOWER LEASE SITE DESCRIPTION:

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| $3 / 4^{*}$ | $0-20$ |
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 5. PLACE SUPPORT AND SECURE RENFORCEMENT STEEL AT LOCATONS SHOWN ON PLANS REREORCNG STEA SHAL
4. AR ENTRANING ADMIXTURES SHAL MEET THE REQUREMENTS OF ASMM C260; MATER

5. VAFOR GARRIER SHALL EE 6 MIL THICK POLYETHMENE, MEETING THE REQUIREMENTS OF
Q. CURING COMPOUND Shall meet the requirements of astm czos
6. WEDED WIRE FABRIC SHALL CONFORM TO ASTM A185
10.all constructon and expansion joints shal be installed per the drawings.
11.ALL EXPOSED CORNERS OF CONCRETE WORK SHALL EE CHAMFERED $3 / 4^{*}$ UNLESS NOTED
7. PLACE SUPPORT ANO SECURE RENFORCEMENT STEL AT LOCACONS S

PLACING REINFORCING STEEL
8. PREPARE SUBGRADE FOR CONCRETE IN ACCORDANCE WTH PROMECT PLANS AND SPECIAL
PROVSION. DO NOT PLACE CONCREIE ON FROZEN SUEGRADE.
9. PRONDE US CELULAR A MINIMUM OF 24 HRS. NOTCE PRIOR TO PLACING CONCRETE TO
ALOW FOR INSPECION AND SCHEOUUNG OF TESTNG.
 RENFORCING STEEL
10. UNHFORMLY CONSOLDAE CONGREIE USING HAND TOOLS OR MECHANICAL MERATORS
THOROUGHLY CONSOLDATE EACH LAYER PRIOR TO PLACING SUGSEQUENT LATERS. 18. WHEN PLACIIG OPERRTONS ARE TEMPORARLLY SUSPENDDD. THE UNANISHED FACE OF
THE POUR SHAL
EE COVERE WTH WET EURLAP UNTL PLACIIG OPERATONS ARE

11. TROWEL FNISH SURFACES UNLESS OTHERWISE DIRECTED ON THE PLANS,
20.AFIER FNAL RNISHING, PROMDE POLYETHIENE VAPOR BARRIER OR CURING COMPOUND
TO MANTAN MOISTURE ANO IEMPERTURE OF CONCREIE.
12. IN EXTREME WEATHER PLACE AND CURE CONCREE IN ACCORDANCE WITH ETHE
13. WEDING OF REINFORCING SIEEL ARE PROHIBTED.
14. REMOVE FORMS IN A MANNER THAT DDEES NOT DAMAGE THE CONCREIE, RIL AND PATCH
AND POCKEIS OR HOLES ON EXPOSED SURFACES USING MORTAR MXTURE,
=
15. PROMDE TEST CYMNDERS AS FILIOWS:

16. NOTFY ENGINEER 48 hOURS IN ADVANCE OF TOWER FOUNDATON INSTALLATION
17. refer to tower manufacturer specifcations regaroing foundation reourimments.

Faualleprastar

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1125 America, Inc.

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## IEERENCE NOTES

A. proposed ice brigee; see page a-2 for detall
b. OUTINE OF PROPOSED CONCRETE EQUIPMENT PAD
C. OUTINE OF PROPOSED EQUIPMENT CABINET.

E. $3 / 4^{4}$ UOUID-TGHT REXIELE NON-METAUC CONDUT; EXTEND CONDUIT 24 EELOW GRADE
F. MONOPOLE TOWER
G. hyerio cable ground kits to tge. ki suppled br us. celular and installed by antenna contractor


1. 2 AWG sOLD, tinned copper ground leads from lower tge (1) to tower steel \& (2) to ground ring.
.
 OWER.

M. (2) ground lead rrom mater ground bar to res equipment cabinet in lould-tight fexible non-metame conduit, (1) for

o. 22 AWG SOLD TINED COPPER GROUND LEADS ENCASED IN LIOUID-TGHT FLEIBLE NON-METALIC CONDUT FROM TOWER STEEL (3) TO YOIES:
. ALL BeLOW-GRADE CONNECTIONS ARE TO BE EXOTHERMICALY WELED MINIMUM of 48" eELOW GRADE,
2. ALL LEAD EXIENDING ABOVE GRRDE TO EE ENCASED IN $3 / 4^{\text {c }}$ CONDUI AND EXTEND A
3. APPLY COLD GALYANIZATON TO ALL ABOVE-GROUND EXOTHERMICALY WELDED CONNECTONS
4. APPLY ANT OXIDENT KOPR SHELLD" TO AL MECHANICAL CONNECTIONS.
5. upper and lower tower ground bars to be bonded directly to tower ster wit *2 conouctors




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$i$


## $G$ $u$

## groundime sistu notes

 gentral：
2.1 AL GROUNO RODS SHALL BE 5／8－COPPER CLAD SIEEL $10^{\circ}-0^{\circ}$ LONG，GROUNO

GROUNOANG PLAN EOCR DEAALL AND PLACEMENT WTH GROUNDING．
2.2 grounding a ststeu shall be megar tested to assure satiffing 5 ohms

24 CONTRACTOR SHAL PRONDE PHOTO DOCUMENTATON OF THE GROUND SYSTEM EY
REDURED PHOTOS SHALL INCLLUDE：
RNECTONS

2．S CONTRACTOR SHAL PROMDE AS－BUIT PLANS SHOWING LOCATION AND
OF BELIOW GRADE GROUNONG FEATURES．
3．mstaluton：
3．AL EXIEROR ABONE AND 日ELOW GROUND CONNECTONS SHAL 日E CADWED．NO

3.3 ALL VERTCAL
3.4 KOPR SHELD REOUIRED FOR AL MECHANCAL CONNECTON
3.5 AL CADWEDS FNISHED WTH COLD GALVANIZED SHHEL．

4．TOWER：


4.2 THREE（3）\＃2 SOUD TNNED COPPER WIRES SHAU 日E RUN FROM THE TOWER

TOMER
USING A CADHEL TOWER THESE WRES SHAL WE CONNECEED TO THE
ROUND LEAOS．


5．EQUIPMENT PAD：


5.2 A FR SOLD TNNED COPPER WIR SHAL QE INSTALED RROM THE EQUIPMENT


6．RENCING：
 UNLY POUR（4）FT．UNOERGROUND．THESE RUNS SHALI NCLUOE GROUND RODS
 ．Exstime crouno ssimus：

Z．1 CONTRACTTR SHAL PROMDE CONNECTIONS TO ALL EXISTING GROUND STSTEMS AT

## compuance

B． 1 Efcciack coos covelunce
COMPLY WITH APFUCABIE LOCAL ELECTRCAL CODES REQUIREMENIS OF THE

3． 2 UL complance
COMFY WTH APPUCABLE REOUREMENTS OF ULA67，48EA AND 8 Bg PERTANING TO


Q 3 IIEE COMPLANC
COMPLY WTH APPUCAEE REOUREMENTS OF RECOMMENDED INSTALLATON
PRACICES OF IEEE STAN

ANTENNA \＆
A．THIS SECTION COVERS THE SPECIFICATONS FOR ANIENNA AND COAXILL／HYPRID CABL
 GROUNO BAR＇AT EOUIPMENT PAD．
－entennes：
ANENAS SHAL 日E PLUMB AND INSTALED SO THAT ENTRE WHIP ETENDS
ROPER AZIMUTH，RROMDED ON THE RF SPECLICCATON SHEET，NOEETHE

－MICROMAVE ANTENNAS（IISHES）SHALL DE ASSEMQLED PER MANUFACTURER＇S
 DENOTNG，OPPOSTE END TWO STIF ARM
OISHES $6^{\prime}-0^{\circ}$ IN DUMEIER AND GREATER．
A．TRANST OR SPECIAUZED AIGNMENT TOOL SHALL be USED to Properly Align
CELULAR ANO MICROWAVE ANENNAS．
II．HMario／cosxin／Mrario ciste：
COAXAL／－MEREID CABLE SHALL 日E SUPPORTED WITH SNAP IN HANGERS．SNAP IN


 TTPICALIY USE $6^{\prime}-0^{-}$JUMPERS
 GENDNG RAOIUS OFGIN AT THE ICE BRIDGE THE BEND IN THE COAXIN／／HYBRID CABLE SHOULO EE AT A LOWER HEGGTT THAN THE ENTRY PORT
COAXLL／HFARID／WAVEGUIDE CABLES SHOU
B．COAXAL／HGRID CABLE SHAL EE GROUNDED USING GROUNOING KTS AT THE TOP， EELOW THE BEN，
RECOMMENDATONS
c．GROUNONGG KTIS SHAL BE NEATY INSTALLID SO THAT THE JUMPER RUNS IN THE SMME DIRECTON AS THE COXXAL／HTARID AND GROUND BARR JUMPER WIRE

－TOWER GROUND BAR SHAL BE INTTOUED ON THE ANGLE BEHIND THE FRST DIAGONAL
v．LIE BRIDGE
A IF 日RIDEE IS SUPPORTED EV VERICAL PRPES．THE SHOULO EE CUT EVENLY AN
CAPPED．APPROXIMAIELY 18 ABOVE KE BRIDGE．
a．SINGLE－TER WAVEGUDE LADDER SHALL EE INSTALED UNDER ICE BRIGE PROPERLY
SUPPORTED PER TOWER MANUFACTURER＇S DRAWNGS．

## Kuscelluar



| Fawlllenastar <br>  RRUP Thous （318）355－4606 |
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PPH/4 ${ }^{10} 1^{1}$ WIDE COLORED TAPE TO INDICATE SECTORS






F．All exceptions need to be verined with the prouect manager
N．connectors：
ALL CONNECTIONS AND Grounding kits Shal be weater proored using


Electrich notes


e. HEREIT


D. AL WORK SHALL IEE IN STRICT ACCORDANCE WTH THE LATEST


 F. EXAT LOCATON OF AL EOLSPRENT SHALL BE COOROINATED WITH
G. CONRRACIOR OTHERL TRAEVRSE AL VERIICAION OESERVATON TESTS ANO EXAMINE AL WORK PRIOR TO OROERING THE ELECIRICAL ISSUE A WIIIN NOTEE OF ALS F HDNING TO THE ARCHIEET//ENGIIERE LUTTNG ALL MALFUNCTONS, FAULT




 SNGINERR, THE CONTRACTOR SHAL SUEMT DEAALS OF PROPO
MAIERALS, REASON FOR CHANGE AND CHANGE IN CONTRACT
J. AACH CONDUCTOR OF EVERY SYSTEM SHALL BE PERMANENLY PUL BOX, $J$-BOX SWTCH BOX ETC IN COMPUANCE WTH K. OCCUPAMONAL SAFET AND HEALTH ACT (OSHA)


M.

 OTHERWISE SPECCIFED. WTH UN PROTECTON (UNLESS NOTED OTHERWISE) AT A MNIMUM DEPTH SPEEIIRED BY NATONAL STATE
 (48) HOURS PRIOR TO THE START OF DIGGING. TRENCHING,
EXAVION

-. | ETCA |
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6. APPRNVE CONDUT SHAL EE SCHEDUE 40 . HIIH










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c.



## Kuscollur


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ELECTRICAL
LINE DIAGRAM
\& NOTES

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