AGENDA
Tulsa County Board of Adjustment
Regularly Scheduled Meeting
Tuesday, February 16, 2021, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room

Meeting No. 491

The Tulsa County Board of Adjustment will be held in the St. Francis Room in Williams Tower I and by videoconferencing and teleconferencing.

Board of Adjustment members, applicants and members of the public are encouraged to attend and participate in the Board of Adjustment meeting via videoconferencing and teleconferencing by joining from a computer, tablet, or smartphone.

Attend in Person: Williams Tower I, St. Francis Room, 1st Floor
1 W. 3rd St., Tulsa, Oklahoma

Attend Virtually: https://us02web.zoom.us/j/88571141496

Attend by Phone: 1-312-626-6799 Meeting ID: 885 7114 1496

Additional Directions: During the meeting, if you are participating through ZOOM and wish to speak on an item, please send your name and the case number via the ZOOM chat. If you are dialing in on a phone, wait for the item to be called and speak up when the Chair asks for any interested parties.

The following County Board of Adjustment members plan to attend remotely via ZOOM, provided that they may still be permitted to appear and attend at the meeting site, St. Francis Room, Williams Tower I, 1 West 3rd Street, Tulsa Oklahoma: David Charney, Don Hutchinson, Don Crall, Larry Johnston, and William Tisdale

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of January 19, 2021 (Meeting No. 490).

UNFINISHED BUSINESS

2. **2857—Rick Clark**
~~Use Variance to allow (Use Unit 23 - Section 23) storage of personal items; Variance to allow the total combined floor area of accessory buildings to exceed~~

~~750 SF in the RS District (Section 240.2-E);~~ ***Updated to read:*** Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in an RS District (Section 240.2-E); Variance to permit a detached accessory building in the front yard in an RS District (Section 420.2-A.2). **LOCATION:** 11802 East 140th Street North

3. **2866—McKenzie Vermillion & Robert Hopper**
   Special Exception to permit a Horticulture Nursery in an AG-R District (Section 310, Table 1). **LOCATION:** 13818 North 92nd East Avenue

NEW APPLICATIONS

4. **2872—Gary Young**
   Variance to allow two dwelling units on a single lot of record in an AG-R District (Section 208); Special Exception to permit a mobile home in an AG-R District (Section 310, Table 1) **LOCATION:** 25024 West 41st Street South

5. **2873—Frank Westbrook**
   Special Exception permit a fence to exceed 4 feet in height in the front yard setback (Section 240.2). **LOCATION:** 9752 North Sheridan Road East

6. **2874—Jeremy & Elizabeth Morris & Joshua Glovatsky**
   Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet in the AG District (Section 207). **LOCATION:** North and East of the NE/c of West 41st Street South & South 249th West Avenue

7. **2875—Frank Pattison**
   Special Exception for Use Unit 2 – Area Wide Special Exception Uses – for a wedding and event venue in an AG District (Section 1202); Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 23425 West Coyote Trail

8. **2877—Linda Fitzpatrick**
   Variance to allow two dwelling units on a single lot of record in an AG District (Section 208). **LOCATION:** 20024 South Yale Avenue

9. **2878—Tanner Bemies**
   Special Exception to permit Use Unit 24 – Mining and Mineral Processing (Section1224) – to extend the time limit to allow native soils to be mined in an AG District (Section 310, Table 1). **LOCATION:** 10335 East 161st Street South

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

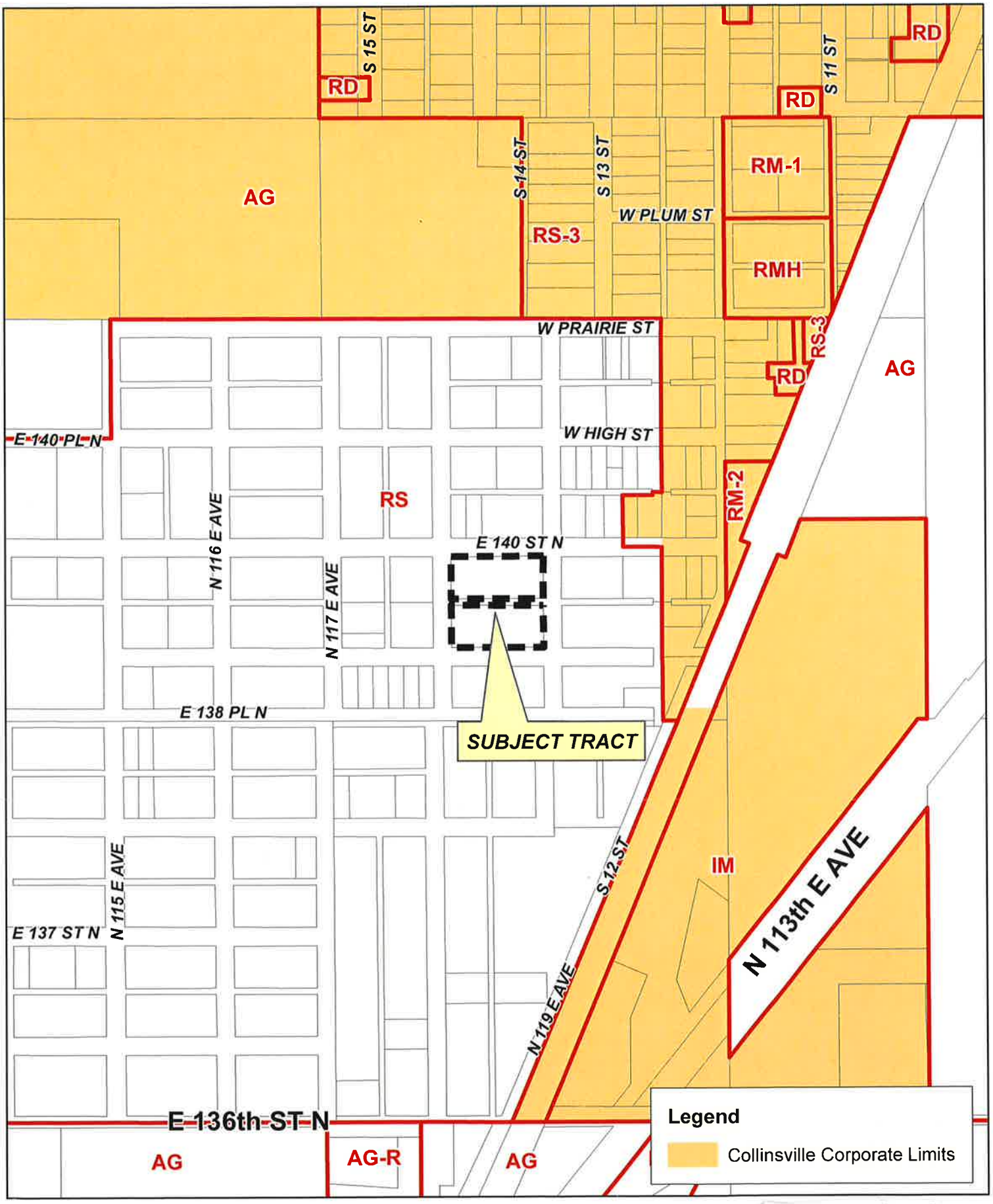
ADJOURNMENT

Website: 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 the Tulsa Planning Office at INCOG. *All electronic devices must be silenced* during the Board of Adjustment meeting.

NOTE: This agenda is for informational purposes only and is not an official posting. Please contact the Tulsa Planning Office at 918-584-7526 if you require an official posted agenda.



CBOA-2857

22-14 29

2.1

TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 2429
CZM: 75

CASE NUMBER: CBOA-2857
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 02/16/2021 1:30 PM

APPLICANT: Rick Clark

ACTION REQUESTED: *New Request*: Variance to allow the total combined floor area of accessory buildings to exceed 750 SF in an RS district (Section 240.2-E); and a Variance to permit a detached accessory building in the front yard in an RS district (Section 420.2-A.2).

Original Request: Use Variance to allow (Use Unit 23 - Section 1223) storage of personal items; and Variance to allow the total combined floor area of accessory buildings to exceed 750 SF in the RS district (Section 240.2-E)

LOCATION: 11802 E. 140th St. N.

ZONED: RS

FENCELINE: Collinsville

PRESENT USE: Vacant

TRACT SIZE: 1.93 acres

LEGAL DESCRIPTION: LTS 1 TO 12 INCL BLK 17, HIGHLAND PARK ADDN

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts RS zoning in all directions. It is located in a rural area with both residential uses and vacant properties.

STAFF COMMENTS:

New Comments:

Request for a continuance until 2/16/2021 was approved at the 1/19/2021 meeting. The applicant has submitted a new site plan to include a 30' x 40' shop in the front yard. The case was re-noticed with the change in request.

Comments for 01.19.2021:

The applicant has requested a continuance to the 2/16/2021 meeting. He is still working with the county to place a double-wide mobile home one the property. He has an existing right-of way that runs through his property, so he is also working with the county engineer's office to request that the right-of-way be closed. According to the new site plan, we will need to re-notice for the February meeting due to the applicant's request to place the accessory building in the front yard. It will require further action from the Board as accessory buildings are not allowed by right in the front or side yards. The Use Variance to allow storage of personal items will not be required as the new single-family dwelling unit would allow storage of personal items by right. The new request will be the following:

2.2

Variance to allow the total combined floor area of accessory buildings to exceed 750 SF in the RS district (Section 240.2-E); and Variance to permit a detached accessory building in the front yard in an RS district (Section 420.2-A.2).

Comments for 12.15.20:

The case was continued 60 days, until 12/15/2020 to give the applicant time to make plans for the house he would build on the property and to submit a site plan showing the new residence.

The applicant has informed staff that he is looking into purchasing a double-wide manufactured home to place on the property. He is also planning to reduce the size of the accessory structure to approximately 1,600 square feet (see attached email).

Original Comments:

The applicant is before the Board requesting a Use Variance to allow (Use Unit 23 - Section 1223) storage of personal items; and Variance to allow the total combined floor area of accessory buildings to exceed 750 SF in the RS district (Section 240.2-E).

A Use Variance is required because a storage facility (Use Unit 23) is a use that is prohibited in the RS district. As a safeguard for the surrounding neighborhood, the Code requires that a screening fence or wall be constructed along the lot line(s) in common with an R-zoned lot.

The applicant provided the following statement:

"I purchased this property from my Parents to build a retirement living situation. I am 61 and am looking to retire on this piece of land in the next few years. The building currently being planned is solely to store personal items and to utilize for my retirement. At some point there will be a home built on this same property for my personal use within the next few years. The planned building is the minimum size requirement needed to hold my personal belongings. This space will also be utilized to allow remodel of my current home during the remodel proceedings.

The planned structure will be purposely hidden from view from the road. This is desirable feature to deter theft and keep privacy to a maximum.

The placement for the proposed building is as far south on the property as it can be placed due to terrain a terrain issue. The property features a steep hillside slope.

The properties surrounding this location are a diverse mix of metal buildings, houses, and farmland with livestock. Located within site of this property are multiple large, residential structures similar to the proposed building, all being used for similar situations.

There are no issues in the foreseeable future that would be a detriment to the surrounding property owners.

Also, properties surrounding this location are at least one acre and have houses built on them. It would not be feasible for residential tract development.

Located 0.4 miles and adjacent cross ways to the east from this property is a large metal structure. There are also two very large commercial businesses within a half a mile of this location that are far larger than this proposed personal use building."

Section 240.2.E permits accessory buildings in the RS district up to 750 SF of floor area. The provision of the Code attempts to establish and maintain development intensity of the district, preserve the openness of living areas and avoid overcrowding by limiting the bulk of structures. According to the site plan, the proposed building will be 40' x 80' (3,200 SF).

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use is compatible with the surrounding area. The Board may consider prohibiting outside storage of materials or personal items on the lot.

Sample Motion:

"Move to _____ (approve/deny) a Variance to allow the total combined floor area of accessory buildings to exceed 750 SF in an RS district (Section 240.2-E); and a Variance to permit a detached accessory building in the front yard in an RS district (Section 420.2-A.2).

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

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."

2857—Rick Clark

FILE COPY

Action Requested:
Use Variance to allow storage of personal items (Use Unit 23 - Section 1223); Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in the RS District (Section 240.2-E). **LOCATION:** 11802 East 140th Street North

Presentation:
The applicant was not present.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **HUTCHINSON,** the Board voted 4-0-0 (Crall, Hutchinson, Johnston, Tisdale "aye"; no "nays"; no "abstentions"; Charney "absent") to **CONTINUE** the request for a Use Variance to allow storage of personal items (Use Unit 23 - Section 1223); Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in the RS District (Section 240.2-E) to the January 19, 2021 Board of Adjustment meeting; for the following property:

LTS 1 TO 12 INCL BLK 17, HIGHLAND PARK ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

UNFINISHED BUSINESS

FILE COPY

2857—Rick Clark

Action Requested:
Use Variance to allow storage of personal items (Use Unit 23 - Section 1223); Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in the RS District (Section 240.2-E). **LOCATION:** 11802 East 140th Street North

Presentation:
The applicant was not present. Mr. Hutchinson moved this case to the end of the agenda.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
No Board action required at this time; for the following property:

LTS 1 TO 12 INCL BLK 17, HIGHLAND PARK ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

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NEW APPLICATIONS

2859—Canady Trailers – Devon Rogers

Action Requested:
Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 11415 West. 61st Street South

Presentation:
Devon Rogers, 9333 West 51st Street, Tulsa, OK; stated he would like to build a new retail facility on the subject property. There are a lot of customers that bring in trailers for repair and they are occasionally dragging a hub, a wheel, or an axle on the ground and if there had to be concrete or asphalt that action would severely damage the material. All of the surrounding businesses in the area have gravel lots to park their equipment. Mr. Rogers stated that his product would be open utility trailers that weigh from 1,000 pounds up to 8,000 pounds. Mr. Rogers stated that he has had gravel lots at his other locations and it works out very well. He maintains those lots with a grader

FILE COPY

2857—Rick Clark

Action Requested:
Use Variance to allow (Use Unit 23 - Section 1223) storage of personal items; Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in the RS District (Section 240.2-E). **LOCATION:** 11802 East 140th Street North

Mr. Hutchinson recused and left the meeting at 3:53 P.M.

Presentation:
Rick Clark, 10517 East 136th Street, Collinsville, OK; stated he purchased this three acres from his parents and wants to build his retirement home on the property; currently he lives a mile away. His plan and desire is to build a 40 x 80 pole barn for his own use to store building materials in to build the future house and there would be no commercial use. Mr. Clark stated he has spoken to four of the closest neighbors and they have no objections to this proposal. The only objection that he is aware of is the e-mail that was sent yesterday from a property to the south that no one lives in and no one has lived in it for about 20 years. The area is considered agricultural.

Mr. Charney stated that very often accessory buildings are accessory to a dwelling. The Board has often struggled with requests to build the accessory building first because it is not accessory to anything yet. Mr. Clark stated he lives a mile away and this will be a gradual process of transitioning his belongings. He may be doing the process in reverse order, but he really needs to have a place to store building materials and personal items.

Mr. Charney stated that if a building is accessory to a residence in a residentially zoned area on large tracts, he does not know if the Board has granted this to be done before the house.

Ms. Miller stated the Use Variance is to address that issue. A Use Variance is to allow the storage of personal items, so that addresses the fact that this would be storage. It is interesting that the second request is for an accessory building. Ms. Robi Jones stated that due to the size of the building the accessory building Variance had to be requested. Ms. Miller asked Ms. Jones if she had to request the Use Variance because there was not an existing house on the property. Ms. Jones answered affirmatively, that was the only thing that could be requested. Ms. Miller stated that even though this is not an accessory building it is still an RS District and that is a safe request if there is to be a future residence.

Mr. Clark stated that he would be wasting the Board's time and his money if he did not build a house on the property. He has no other use for the property other than to live on it. If he puts a building on it with the intent of reselling it, he thinks it would be a negative gain.

CBOA-2857

FILE COPY

Mr. Johnston stated that he does not know if he can be in favor of this request, but one point to be made is that the applicant could invest in a set of plans that show what he plans to build, present a site plan to show where the house and building are to be located, but he could not promise the Board would approve the request at that point. A financial commitment, even if it is toward a house plan, in showing how this would fit on the site overall would help.

Mr. Tisdale stated the concern he has the proximity of how close the applicant lives to the property now, there is no incentive to move quickly. He is not questioning the applicant's integrity but taking into consideration the proximity of the applicant's current residence.

Mr. Charney stated that normally when the Board approves accessory buildings that are larger the Board is provided the whole site plan; where does the house sit, where is the ingress and egress, what is the drive back to the accessory building in conjunction with the residence. What the Board has now is just an indication of how this particular 40 x 80 structure would be situated on the property. The Board is hesitant to grant a request for a building in a residential location not knowing where the building is actually placed, what it looks like, where the ingress/egress is in relation to the house and the building, etc.

Mr. Clark stated that he has already committed to a realtor to sell his existing house so he can pay for the new house and the new building. The only reason he has not fully committed is because he does not know how long it will take to sell his existing house, even the realtor says it is a great market.

Mr. Charney stated that an option might be a continuance so a site plan can be brought back to the Board for review.

Interested Parties:

Angela Jackson and Richard Tanner, 2417 Avenue M, Galveston, TX; stated she submitted an e-mail stating objections to the request. Ms. Jackson stated her father is the landowner to the south of the subject site. This appears to be a warehouse for storage that is much larger than the allowed. She does not want a warehouse in a residential area.

Rebuttal:

Rick Clark came forward and stated that the Tanner property has been vacant for at least 20 years and it is severely depleted. Mr. Clark stated that he does not understand how someone that has lived in Galveston for the last 29 years can have an objection to his request.

Comments and Questions:
Mr. Johnston stated that if the Board approves this request and something happens to Mr. Clark or his situation and the house is never built, then what happens? That is a major concern. He would prefer Mr. Clark request a continuance.

Mr. Charney and Mr. Tisdale agreed.

Board Action:
On **MOTION** of **CHARNEY**, the Board voted 3-0-1 (Charney, Johnston, Tisdale "aye"; no "nays"; Hutchinson "abstaining"; Crall "absent") to **CONTINUE** the request for a Use Variance to allow (Use Unit 23 - Section 1223) storage of personal items; Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in the RS District (Section 240.2-E) to the December 15, 2020 Board of Adjustment meeting; for the following property:

LTS 1 TO 12 INCL BLK 17, HIGHLAND PARK ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

Mr. Hutchinson re-entered the meeting at 4:21 P.M.

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OTHER BUSINESS

Review and approval of the 2021 meeting schedule.

Board Action:
On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Hutchinson, Johnston, Tisdale "aye"; no "nays"; no "abstentions"; Crall absent) to **APPROVE** the 2021 calendar schedule for the Board of Adjustment meeting.

* * * * * * * * * * * * *

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0 200 400

Subject Tract

CBOA-2857

22-14 29

Note: Graphic overlays may not precisely align with physical features on the grou

Aerial Photo Date: February 2018

N

2.10

Looking south at subject property from East 140th Street North

Looking slightly southeast into the subject property from East 140th Street North

Looking east down East 140th Street North from the subject property

Looking west down East 140th Street North from the subject property

Jones, Robi

From: Rick <clarkrick@yahoo.com>
Sent: Thursday, December 31, 2020 11:02 AM
To: Jones, Robi
Subject: Re: CBOA-2857

I submitted a request for a double wide this week to Lucky. I don't know what a lot combination is therefore I haven't applied for one. Do I need to ? My shop size will be sized down to approximately 1200-2000 square feet. I really need another extension into February so I can firm the details up. Is it possible ? I've been distracted due to the murder of my son on Thanksgiving and taking care of my elderly parents. Thank you for checking on me.

Sent from Yahoo Mail on Android

On Thu, Dec 31, 2020 at 10:46 AM, Jones, Robi <rjones@incog.org> wrote:

I am working on updating the case. Have you applied for a lot combination? Were you able to place a double-wide mobile home on the property?

Thanks,

Robi

Robi Jones

Community Planner

County Board of Adjustment Administrator

Tulsa Planning Office

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9472

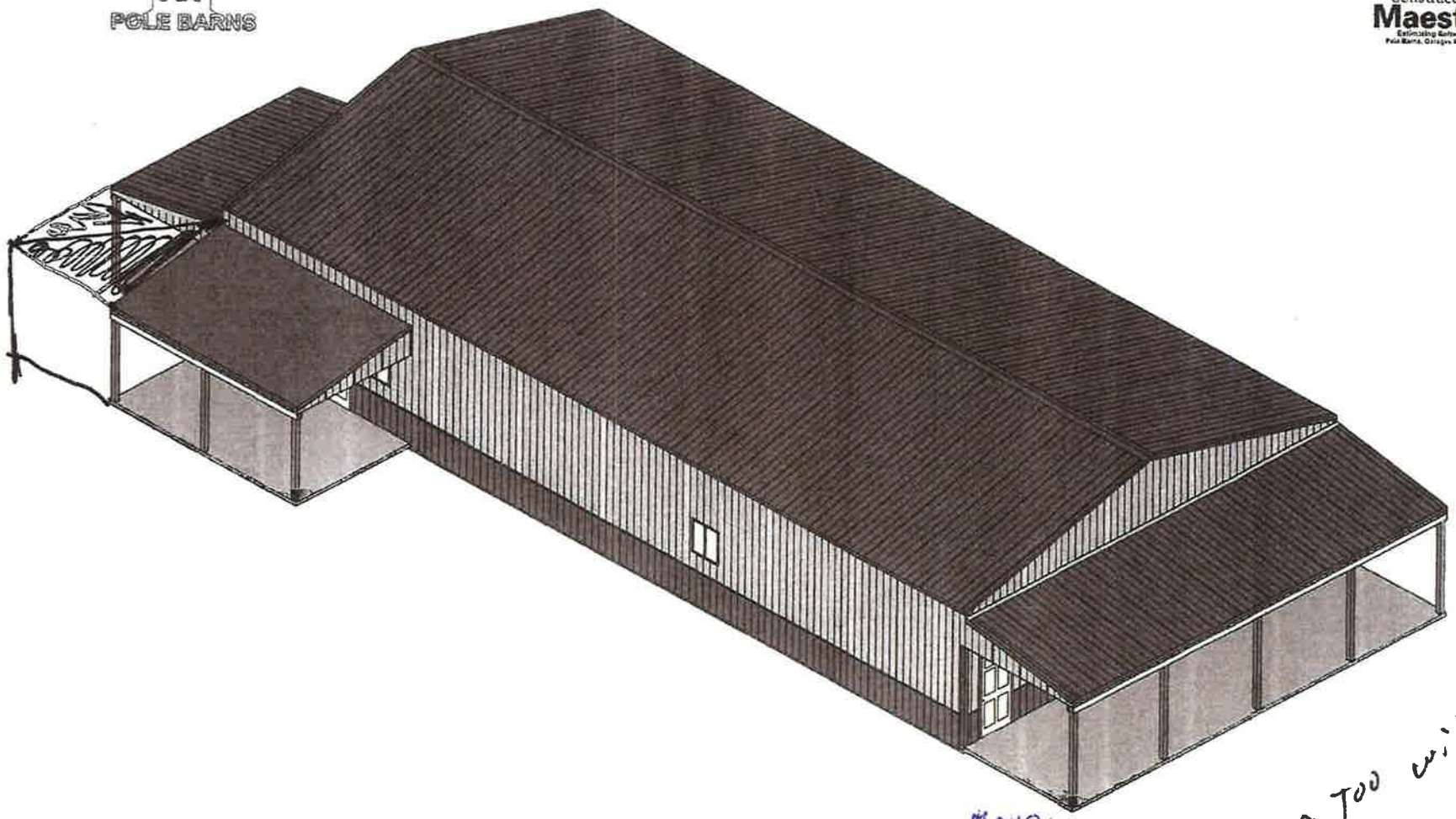
rjones@incog.org

2.13

Aerial view looking south onto the (approximate) subject property from E. 140th St. N.

J & J
POLE BARNS

Construction
Maestro
Estimating Software
Pole Barns, Garages & Decks



Move ENTRY DOOR WEST UNDER CANOPY

This team too will only be 20' centered on 40' wall

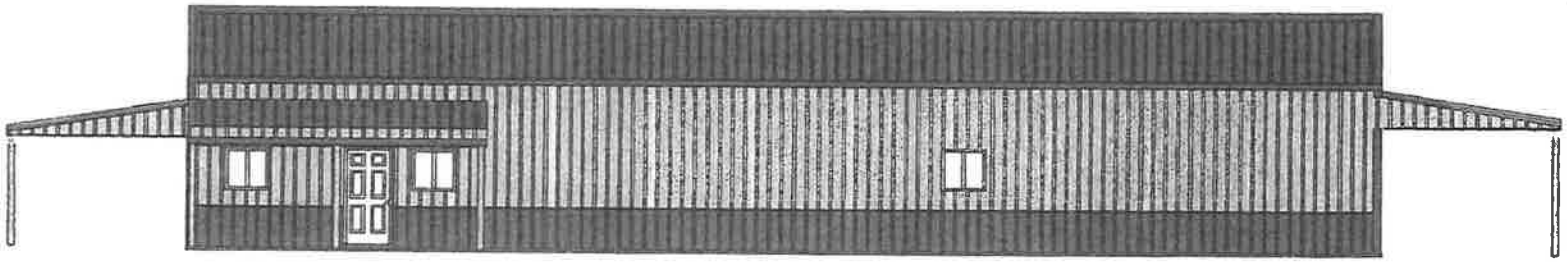
tick Clark
stimate Number: 117
25/2020"

2.15

J & J POLE BARNS

EAST SIDE-EAVE SIDE 2 ELEVATION

Maestro



Clerk
Note Number: 117
2020"

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11788 E 140 ST N
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2.17

Jones, Robi

From: Rick <clarkrick@yahoo.com>
Sent: Wednesday, September 23, 2020 11:16 PM
To: Jones, Robi
Subject: Clark variances

I drove around within a half mile of my property and found several apparent zoning violations. The single wide mobile home was just delivered yesterday (?) to 11426 E 137th St. It previously had a house on it. The photo of the 3 horses were taken from the spot I want to construct my pole barn looking east across our shared fence. Their home is a manufactured double wide. Roberts at 11914 E 140th St, zoned residential. Also in the photograph you can see the fire department (metal building) , the Storm Safe Rooms company, J&K Equipment and Collinsville Livestock Sales. Please take these into consideration for my application, I will be sending more in the next few days. Thank you, Rick Clark

2.18


E 137TH ST
115TH AVE

Sparger, Janet

From: RONALD JACKSON <ronjack18@hotmail.com>
Sent: Monday, October 19, 2020 11:38 AM
To: esubmit; riones@incog.org
Subject: Subject: Objection to Case Number: CBOA-2857, Applicant Rick Clark

TO: Board of Adjustment, County of Tulsa, Oklahoma

From: Richard P. Tanner, Owner of adjacent property at 1202 S. 12th Street, Collinsville, Oklahoma

Subject: Use Variance to allow (Use Unit 23-Section 1223) storage of personal items; and variance to allow total combined floor area of accessory buildings to exceed 750 SF in the RS district (Section 240.2-E) at 11802 E. 140th St. N., Collinsville Oklahoma.

Good Afternoon Board Members and interested parties:

As owner of the property directly south of the subject lots, I strongly oppose the approval of this variance application to allow Mr. Clark to build a 3,200 square feet warehouse and required off street parking in the middle of this zoned residential (RS) neighborhood.

Use Unit 12-Section 1223 describes warehousing adjacent to a central business district, in industrial parks and port areas. These two lots are not abutting the boundary of our residential district. The lots are right in the middle of the neighborhood and have many residential homes surrounding the proposed site of the warehouse. At 3,200 square feet, the warehouse is 4.3 times larger than the 750 square feet limit. A screening wall will not block out the noise and disruption to the tranquility of our neighborhood.

Approving this variance request will violate several provisions of Chapter 4 Section 400 Purposes of Residential Districts:

400.1 General Provisions
The Residential Districts are designed to:

A. Achieve the residential objectives of the Comprehensive Plan.
B. Protect the character of residential areas by excluding inharmonious commercial and industrial activities.
D. Preserve openness of the living areas and avoid overcrowding by requiring minimum yards, open spaces, lot areas, and by limiting bulk structures.

400.3 Purposes of the RS Residential Single-Family District
The RS District is designed to permit and conserve single-family detached dwellings in suitable environments at urban densities.

Specifically to my property, the lots sit at a much higher elevation than mine. Erecting a 3,200 square feet warehouse with required driveways and parking will turn these lots into impervious land that will adversely affect the flow of rainwater onto and flooding my property.

I urge the board to deny Mr. Clark's variance application and allow our neighborhood to remain a residential area.

Thank you for your time and consideration,
Richard P. Tanner
2417 Avenue M
Galveston Tx. 77550

2.21

Agent in Fact:
Angela Jackson
2417 Avenue M
Galveston Tx. 77550
713-927-0032

2.22

Sparger, Janet

From: Jones, Robi
Sent: Tuesday, October 20, 2020 8:45 AM
To: David Charney; don.crall@tulsacc.edu; Don Hutchinson; William Tisdale; lwjslj@sbcglobal.net
Cc: Miller, Susan; Sparger, Janet; ttosh@tulsacounty.org; James Rea
Subject: FW: Subject: Objection to Case Number: CBOA-2857, Applicant Rick Clark

From: Rick <clarkrick@yahoo.com>
Sent: Monday, October 19, 2020 11:24 PM
To: Jones, Robi <rjones@incog.org>
Subject: Re: Subject: Objection to Case Number: CBOA-2857, Applicant Rick Clark

Please enclose these photos of the abandoned home of the Tanner property. The roof appears to be in disrepair and the home has been empty many years. It appears the only objection has been by someone who doesn't take care of their own property and has grossly misrepresented my plans for my pole barn by calling it a warehouse

2.23

2.24

Sent from Yahoo Mail on Android

On Mon, Oct 19, 2020 at 1:29 PM, Rick <clarkrick@yahoo.com> wrote:

The Tanner property has sat empty for longer than I can remember. 30 years ? And Mr Tanner is around 90 years of age and last time I talked with him approximately 2 years ago he was living in Sand Springs. There are numerous abandoned automobiles and equipment in disrepair. I strongly suspect the objection was sent by his daughter who I've been told lives in Galveston.

Sent from Yahoo Mail on Android

On Mon, Oct 19, 2020 at 1:11 PM, Jones, Robi <rjones@incog.org> wrote:

This email arrived today and will be forwarded to the Board.

Robi Jones

Community Planner

County Board of Adjustment Administrator

Tulsa Planning Office

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9472

rjones@incog.org

From: RONALD JACKSON <ronjack18@hotmail.com>
Sent: Monday, October 19, 2020 11:38 AM
To: esubmit <esubmit@incog.org>; riones@incog.org
Subject: Subject: Objection to Case Number: CBOA-2857, Applicant Rick Clark

TO: Board of Adjustment, County of Tulsa, Oklahoma

From: Richard P. Tanner, Owner of adjacent property at 1202 S. 12th Street, Collinsville, Oklahoma

Subject: Use Variance to allow (Use Unit 23-Section 1223) storage of personal items; and variance to allow total combined floor area of accessory buildings to exceed 750 SF in the RS district (Section 240.2-E) at 11802 E. 140th St. N., Collinsville Oklahoma.

Good Afternoon Board Members and interested parties:

As owner of the property directly south of the subject lots, I strongly oppose the approval of this variance application to allow Mr. Clark to build a 3,200 square feet warehouse and required off street parking in the middle of this zoned residential (RS) neighborhood.

Use Unit 12-Section 1223 describes warehousing adjacent to a central business district, in industrial parks and port areas. These two lots are not abutting the boundary of our residential district. The lots are right in the middle of the neighborhood and have many residential homes surrounding the proposed site of the warehouse. At 3,200 square feet, the warehouse is 4.3 times larger than the 750 square feet limit. A screening wall will not block out the noise and disruption to the tranquility of our neighborhood.

Approving this variance request will violate several provisions of Chapter 4 Section 400 Purposes of Residential Districts:

400.1 General Provisions

The Residential Districts are designed to:

A. Achieve the residential objectives of the Comprehensive Plan.
B. Protect the character of residential areas by excluding inharmonious commercial and industrial activities.

D. Preserve openness of the living areas and avoid overcrowding by requiring minimum yards, open spaces, lot areas, and by limiting bulk structures.

400.3 Purposes of the RS Residential Single-Family District

The RS District is designed to permit and conserve single-family detached dwellings in suitable environments at urban densities.

2.28

Specifically to my property, the lots sit at a much higher elevation than mine. Erecting a 3,200 square feet warehouse with required driveways and parking will turn these lots into impervious land that will adversely affect the flow of rainwater onto and flooding my property.

I urge the board to deny Mr. Clark's variance application and allow our neighborhood to remain a residential area.

Thank you for your time and consideration,

Richard P. Tanner

2417 Avenue M

Galveston Tx. 77550

Agent in Fact:

Angela Jackson

2417 Avenue M

Galveston Tx. 77550

713-927-0032


E 140th St N
E 140th St N
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Sparger, Janet

From: RONALD JACKSON <ronjack18@hotmail.com>
Sent: Tuesday, February 9, 2021 1:32 PM
To: esubmit
Subject: Objection to Case Number: CB0A-2857- Revised Site Plan, Applicant Rick Clark

TO: Board of Adjustment, County of Tulsa, Oklahoma

From: Richard P. Tanner, Owner of adjacent property at 1202 S. 12th Street, Collinsville, Oklahoma

Action Requested: Variance to allow the total combined floor area of accessory buildings to exceed 750 SF in an RS district (Section 240.2-E);Variance to permit a detached accessory building in the front yard in an RS district (Section 420.2-A.2) at 11802 E. 140th St. N., Collinsville Oklahoma.

Good Afternoon Board Members and interested parties:

As owner of the property directly south of the subject lots, I strongly oppose the approval of this variance application to allow Mr. Clark to build a 1,500 SF Shop in the front yard of this zoned residential (RS) neighborhood. Upon review of the modified site plan submitted 1-22-2021, it appears that the square footage of the 3,200 SF pole barn structure has been split into 2 buildings: a 1,500 SF shop and a 2,356 SF modular building. The site plan does not specify that the modular building is to be used as the family residence.

Section 240.2-E states accessory buildings may be located in the back yard and may not exceed 750 SF. Section 420.2-A-2 states a detached accessory building shall not be located in the front or side yard. At 1,500 SF, the shop is 2 times larger than the 750 SF limit. Many residential homes surround Mr. Clark's lots and a shop in front of a home disrupts the character of the neighborhood. The layout of a large shop in front of a residence lends itself to setting up a commercial business now or in the future.

Approving this variance request will violate several provisions of Chapter 4 Section 400 Purposes of Residential Districts:

400.1 General Provisions
The Residential Districts are designed to:

A. Achieve the residential objectives of the Comprehensive Plan.
B. Protect the character of residential areas by excluding inharmonious commercial and industrial activities.
D. Preserve openness of the living areas and avoid overcrowding by requiring minimum yards, open spaces, lot areas, and by limiting bulk structures.

400.3 Purposes of the RS Residential Single-Family District
The RS District is designed to permit and conserve single-family detached dwellings in suitable environments at urban densities.

Specifically to my property, the lots sit at a much higher elevation than mine. Erecting buildings with a combined 3,856 SF with required driveways and parking may turn these lots into impervious land that will adversely affect the flow of rainwater onto my property. I would like an assurance that a drainage plan will be required to alleviate any flooding issues.

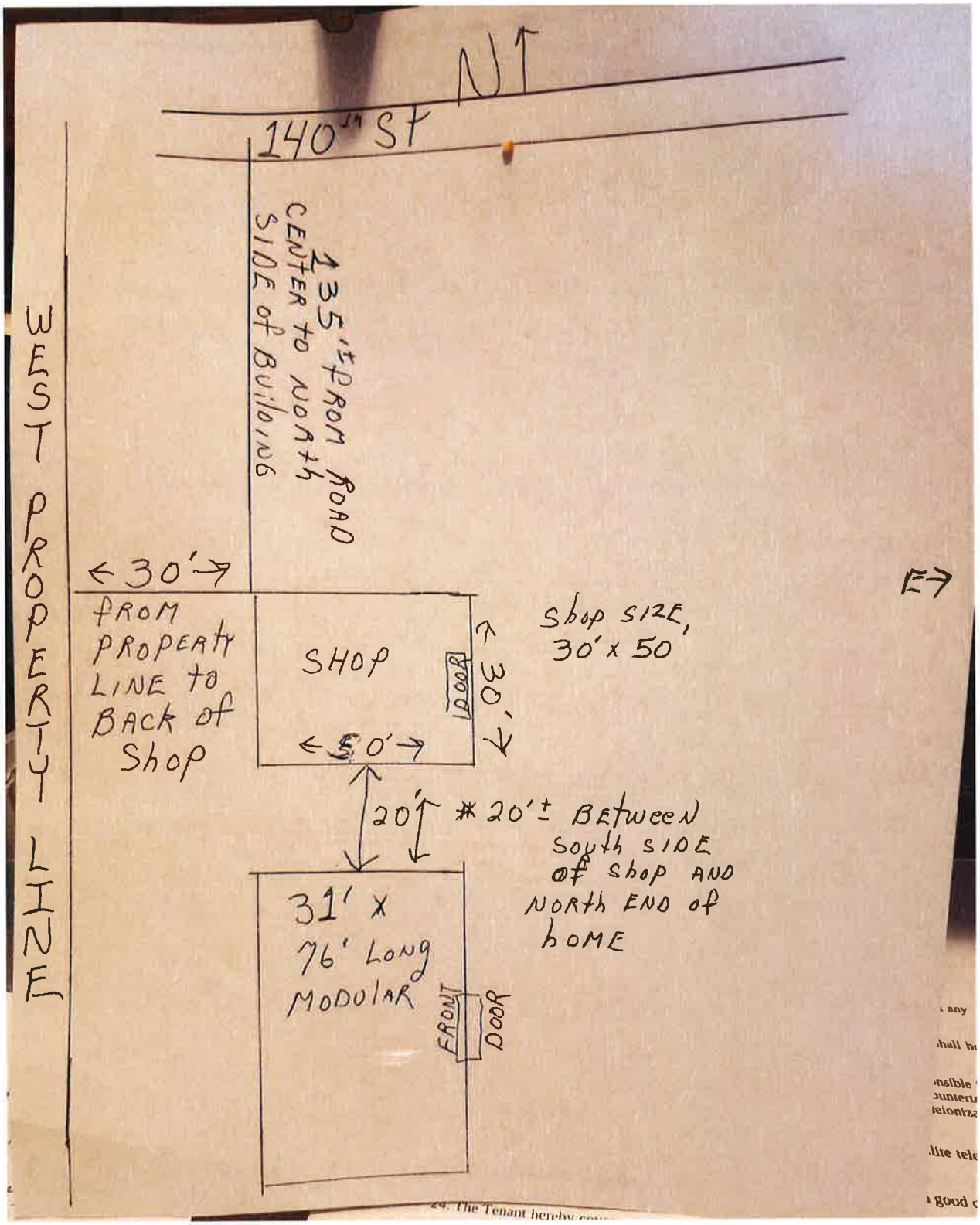
I urge the board to deny Mr. Clark's variance application and require him to abide by the provisions set forth to build in a residential area.

Thank you for your time and consideration,
Richard P. Tanner
2417 Avenue M
Galveston Tx. 77550

2.31

Agent in Fact:
Angela Jackson
2417 Avenue M
Galveston Tx. 77550
713-927-0032

2.32



New Site Plan
1-22-2021

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CBOA-2866

22-13 25

3.1

TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 2325
CZM: 7

CASE NUMBER: CBOA-2866
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 02/16/2021 1:30 PM

APPLICANT: McKenzie K Vermillion / Robert Hopper

ACTION REQUESTED: Special Exception to permit a Horticulture Nursery in an AG-R district (Section 310 Table 1).

LOCATION: 13818 N 92 AV E

ZONED: AG-R

FENCELINE: Collinsville

PRESENT USE: Agricultural / Residential

TRACT SIZE: 2.28 acres

LEGAL DESCRIPTION: BEG 1160.63N & 329.71W SECR W/2 SE TH W659.41 N165.81 E659.4 S165.81 POB LESS W30 & E30 THEREOF FOR RD SEC 25 22 13 2.282ACS,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG-R zoning with what appears to be mainly residential uses with some possibility of agricultural uses scattered throughout the area.

STAFF COMMENTS:

New Comments:

On 01-19-2021, the applicant requested a continuance until 02-16-2021 in hopes of having a 5-member Board present at the next meeting.

Original Comments:

The applicant is before the Board requesting a Special Exception to permit a Horticulture Nursery in an AG-R district (Section 310 Table 1).

A Special Exception is required as the proposed Agricultural Use (Use Unit 3) is a use which is not permitted by right in the AG-R district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted. The proposed use must be found to be compatible with the surrounding area.

The site plan provided by the applicant, shows a 30' x 40' existing garage that would be utilized as the grow area. Accessory buildings in AG-R zoning are not restricted by size. Section 320.2 states that accessory buildings shall meet the minimum yard or building setback requirements which have been met in this instance according to the site plan.

The applicant has provided the following statement (a hardship is not required for a special exception): "Property is currently zoned for AG/Residential use and proposed use will be Ag in

nature. There will be no imposed detriment to neighboring properties. State licensing and regulations allow for proposed use of land."

The parcel is located in the fenceline of Collinsville and is included in their Comprehensive Plan as well as the Tulsa County Comprehensive Land Use Plan. The plans call for a Residential land use designation which can be viewed on the attached Land Use Map. The Collinsville Comprehensive Plan was adopted in 2008 and The Tulsa County Comprehensive Land Use Plan was adopted in 2019. The Residential Designation is described below:

> Residential – Residential land use includes single-family homes, duplexes, town houses, apartment units, and manufactured homes.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the current and future use of the subject lot is compatible with the surrounding area.

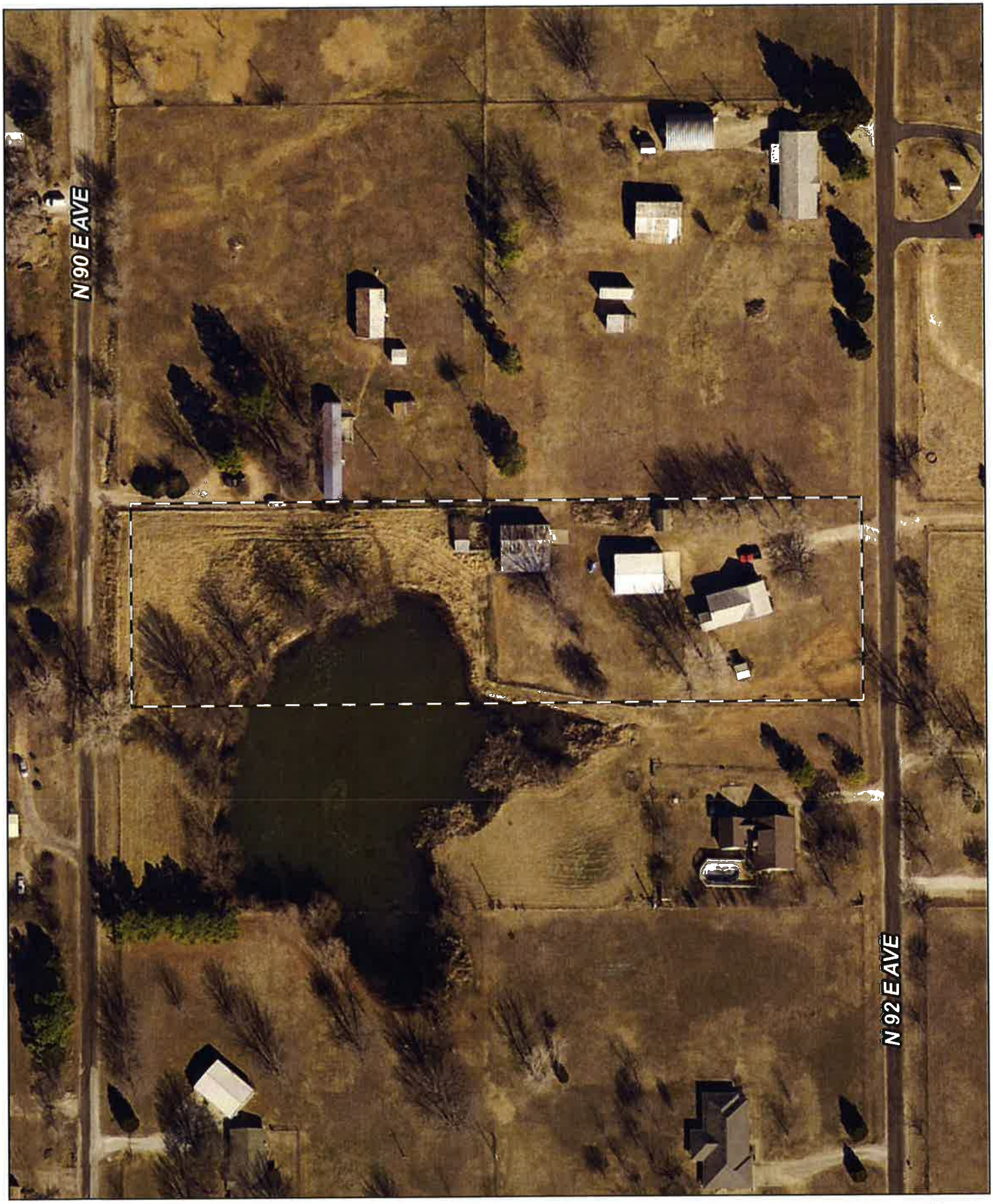
Sample Motion:

"Move to _____ *(approve/deny)* Special Exception to permit a Horticulture Nursery in an AG-R district (Section 310 Table 1).

Approved per conceptual plan on page _____ *of the agenda packet.*

Subject to the following conditions (including time limitation, if any): _____.

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.



Feet
0 50 100

Subject Tract

CBOA-2866

22-13 25

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

3.4

Feet
0 250 500

Subject Tract

CBOA-2866

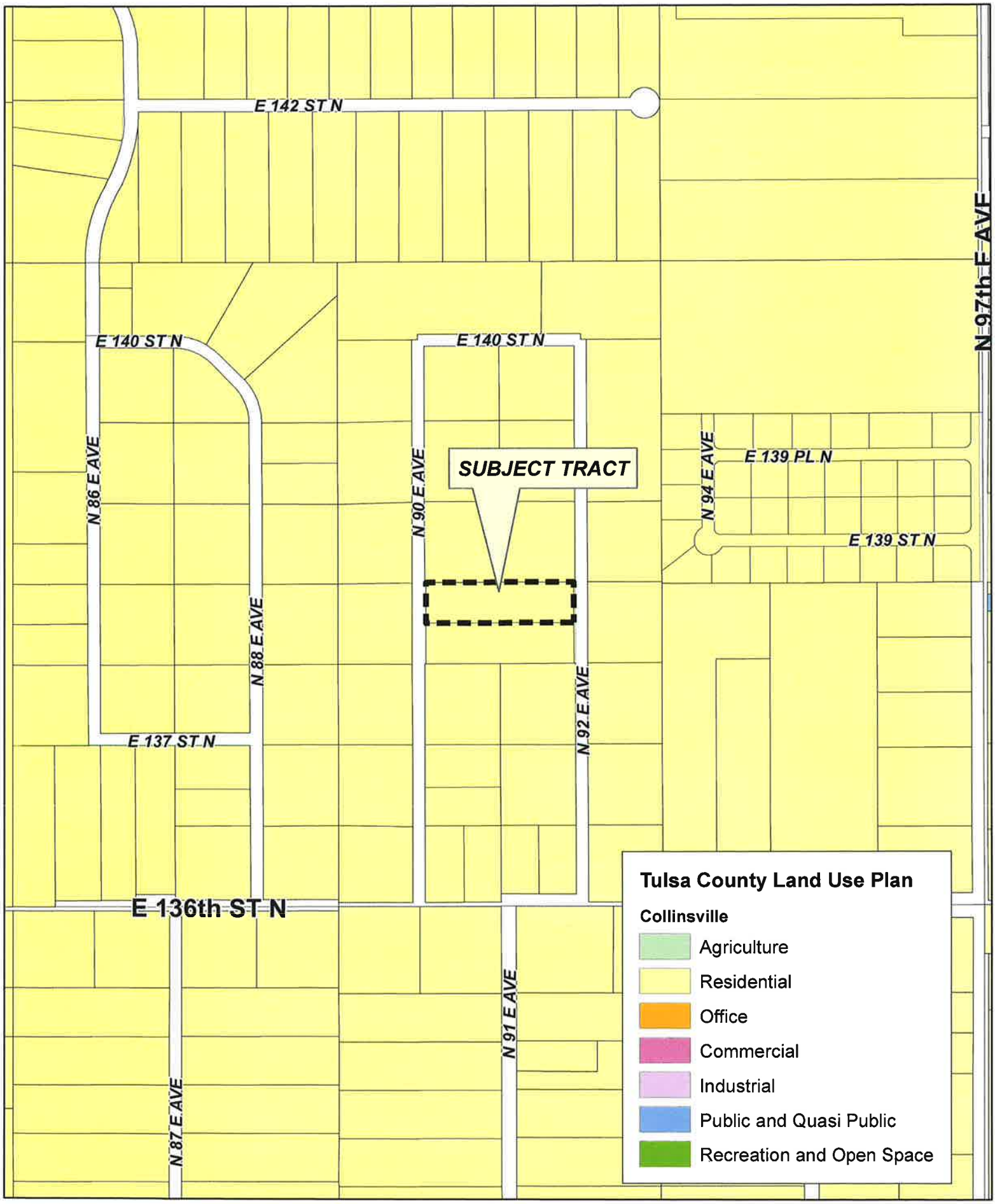
22-13 25

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

N

3.5



Feet
0 250 500

CBOA-2866

22-13 25

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Looking west from N. 92nd E. Ave toward subject property

Looking west from N. 92nd E. Ave. toward site of proposed Horticulture Nursery

Looking north along N. 92nd E. Ave.

Looking south along N. 92nd E. Ave.

Sparger, Janet

From: Carla Bell <cbell@seasonshospice.com>
Sent: Friday, January 15, 2021 8:40 AM
To: esubmit
Cc: Jones, Robi
Subject: CBOA-2866 Neighborhood Petition/Statement
Attachments: CBOA-2866 Petition-Statement.pdf

Importance: High

Attached, please find a statement and petition gathered by the residents potentially affected (in the immediate vicinity of the location) by the potential approval of the Special Exception in Case Number CBOA-2866.

We have been informed that this "Horticulture Nursery" is planned to be used as a marijuana grow operation in a primarily residential neighborhood and we are adamantly opposed to the granting of this Special Exception.

As many residents of this area are either working, elderly and/or infirmed they will not be attending the meeting on 1/19/2021 in person. The plan is for as many as possible to attend via ZOOM and a neighborhood location has been set up for those that are not equipped with internet capabilities to be able to attend if they are able to. Covid-19 safety precautions will be taken.

I have been asked to speak on behalf of the majority of the residents and will send my name and case number via the Zoom chat on the day of the meeting.

If there is anything else that we need to do to voice our opposition to this Special Exception please let me know.

Respectfully,

Carla C Bell
VP - Finance
Phone 918-492-6440
Email cbell@seasonshospice.com
6532 E 71st St Tulsa, OK 74133

3.9

I, Hugh Trimble of 13829 N 92nd East Avenue, Collinsville, in the State of Oklahoma, am the promoter of this petition which contains signatures.

29

PETITION IN RELATION TO CASE NUMBER CBOA-2866 – SPECIAL EXCEPTION TO PERMIT A HORTICULTURE NURSERY IN AN AG-R DISTRICT

To the President and Members of the Tulsa County Board of Adjustment assembled:

We, the undersigned residents of the subject residential neighborhood located in the area from 136th Street North, north to 140th Street North and 90th East Avenue, east to 92nd East Avenue in Collinsville, OK, Tulsa County, who are directly affected, are adamantly opposed to the granting of a Special Exception related to a horticulture grow business being allowed in our AG-R zoned neighborhood associated with the Notice of Hearing presented by Tulsa County Board of Adjustment to the area residents.

We believe that this business being proposed will be used to grow marijuana which, while recently legalized for use in this state, is still federally illegal. This use is not permitted by right in an AG-R district because of potential adverse effects to the area and general welfare. We believe that this use is not compatible with the surrounding area. We oppose the statement provided by the application that"There will be no imposed detriment to neighboring properties".

While this neighborhood is zoned AG-R, it is predominately residential with no known businesses in the immediate area. The area is greater than 60% occupied by seniors over age 65 who have lived in this neighborhood for well more than 30 years each.

This primarily residential neighborhood is not equipped to handle the increase in traffic that this venture could bring. We have a one lane road as the only through road in this residential neighborhood with very little county upkeep. We, in addition, fear the odor issues that come with these facilities and the negative perceptions to future potential home buyers.

We believe that if allowed, this horticulture business would increase traffic, promote unlawful activity, and present a clear and present threat to our peaceful way of life and our property values.

Petitioners therefore respectfully request the Board to deny the Special Exception on the basis that the Special Exception will not be in harmony with the spirit of the zoning code and that it will be injurious to the neighborhood and its residents and be detrimental to the public welfare and recommend:

- Denial of Case Number CBOA-2866 proposed by applicant McKenzie K Vermillion / Robert Hopper.
- Immediate discontinuance of this proposed Special Exception.

And your petitioners will ever pray this relief.

NAME	ADDRESS	SIGNATURE
Hugh Trimble	13829 N. 92nd E AVE Collinsville, OK 74021	Hugh Trimble
Pamela Trimble	13829 N. 92nd E. AVE Collinsville, OK 74021	Pamela Trimble
Kevin Bell	9012 E 140th St N. Collinsville, OK 74021	Kevin T Bell
Carla Bell	90 RE 140th St N. Collinsville, OK 74021	Carla C Bell
Lewis Robinson	9015 E 140th St N Collinsville 74021	L L Robinson
Norma Robinson	9015 E 140th St. N Collinsville 74021	Norma Robinson
Markquis Yirsa	9021 E. 140th St. N. Collinsville 74021	
Mary Megan Yirsa	9021 E. 140th St. N. Collinsville 74021	

3.10

1

Eyla Hutchinson	13998 N. 92 E. Ave	918-857-3492
Robert Hutchinson	13998 N 92 E Ave	918-695-0660
Colleen Shaw	13918 N. 92nd E Ave	918-740-1705
[illegible]	13935 N. 92 E. Ave	918-237-8396
Karen Deckard	13935 N. 92nd E Ave	Karen Deckard
DALE ATWELL	13727 N. 92nd E Ave	[illegible]
Janna Atwell	13727 N. 92nd E. Ave	Janna Atwell
Doris F Reib	13830 N 92nd E ave	Doris F Reib
Howard Reib	13830 N. 92nd E. AVE	Howard O. Reib
JASON ROSS	13724 N 92ND E AVE COLLINSVILLE, OK	[illegible]
JOHN Holcomb	13705 N 92 E Ave Collinsville	918-371-7059
Kim Holcomb	13705 N 92 E ave Collinsville	918 371 3059
Bunky Lewis	13715 N 92 E Collinsville	371 7059
Dewl Cisne	13606 N. 92 E Ave.	
Cindy Clark	13675 N 90th E. Ave	918-850-0762
[illegible]	13675 N 90th E. Ave	918-703-0780
[illegible] Mason	13720 N 90 E AVE	918-327-1354
[illegible]	13814 N 90th E Ave	
Viola Simpson	13831 N. 90th E ave	918-371-5143
Sam Smith	13831 N. 90th E ave	918-406-7699
Erik Escalante	13914 N. 90th. E. Ave	(918) 863-5824

Please return this Petition to Hugh Trimble 13829 N 92nd East Avenue, Collinsville, OK 74021. This petition must not be altered, and only original signatures are permitted. Photocopied, emailed or faxed copies of signatures cannot beaccepted.

3.11

GROW BUILDING

EXISTING BUILDING CONVERSION TO GROW BUILDING

13818 North 92nd East Avenue
Collinsville, Oklahoma 74021
Tulsa County

index of drawings

architectural

GENERAL NOTES:

1. CONCRETE AT 'ACCESSIBLE' AREAS:
   LIMIT OF SLOPES:
   A. NO CROSS SLOPE TO EXCEED 2%.
   B. SLOPES AT DOORWAYS:
      12" 'HINGE' SIDE TO 24" LATCH SIDE, NO SLOPE.
      TOP OF WALKWAY SURFACE 'FLUSH' WITH FINISH FLOOR.
      DOOR FRONT 'OUT' 5'-0" MAXIMUM SLOPE OF 1%.
   C. MAXIMUM SLOPE OF WALKWAY DIRECTION OF TRAVEL IS 4%.
   D. NO STEPS.

2. DOORS:
   1010.1.9 DOOR OPERATIONS. Except as specifically permitted by this section, egress doors shall be readily openable from the egress side without the use of a key or special knowledge or effort.

   1010.1.9.1 Hardware. Door handles, pulls, latches, locks and other operating devices on doors required to be accessible by Chapter 11 shall not require tight grasping, tight pinching or twisting of the wrist to operate.

   1010.1.9.2 Hardware height. Door handles, pulls, latches, locks and other operating devices shall be installed 34 inches (864 mm) minimum and 48 inches (1219 mm) maximum above the finished floor. Locks used only for security purposes and not used for normal operation are permitted at any height.

   1010.1.9.3 Locks and latches. Locks and latches shall be permitted to prevent operation of doors where any of the following exist:

   1. Places of detention or restraint.
   2. In buildings in occupancy Group A having an occupant load of 300 or less, Groups B, F, M and S, and in places of religious worship, the main door or doors are permitted to be equipped with key-operated locking devices from the egress side provided:
      2.1 The locking device is readily distinguishable as locked.
      2.2 A readily visible durable sign is posted on the egress side on or adjacent to the door stating:
      THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED.
      The sign shall be in letters 1 inch (25 mm) high on a contrasting background.
      2.3 The use of the key-operated locking device is revocable by the building official for due cause.

   1010.1.9.5 Unlatching. The unlatching of any door or leaf shall not require more than one operation.

3. VERIFY LOCATION OF SEPTIC TANK AND LATERAL LINES PRIOR TO CONSTRUCTION. PROTECT DURING CONSTRUCTION, AND DO NOT CONSTRUCT ANY PAVING OVER LINES WHICH INHIBITS FUNCTION OF LATERAL LINES.

15 SEPT 2020

STATE OF OKLAHOMA
Robby Alan Coday
No. 21764
Kiefer
Oklahoma
LICENSED ARCHITECT

rob coday architect, llc
p.o. box 138
keifer, ok 74041
918 638 8874
email: rcodyarch@yahoo.com

GROW BUILDING

13818 North 92nd East Avenue
Collinsville, Oklahoma 74021

15 September 2020

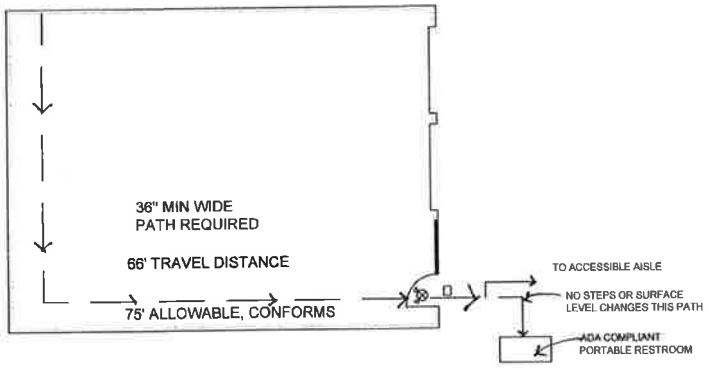
A000

3.12

PROJECT DATA

GROW BUILDING

LEGAL DESCRIPTION:	Part of W/2 SE/4 Section 25, Township 22 North, Range 13 East, Tulsa County, Oklahoma
ADDRESS:	13818 North 92nd East Avenue Collinsville, Oklahoma 74021
CODE:	IBC 2015 IFC 2015 TULSA COUNTY ZONING CODE
CONSTRUCTION TYPE:	VB (SECTION 602.5 AND TABLE 601)
OCCUPANCY:	U GROUP, SECTION 312.1, Agricultural Buildings
AREA LIMITATIONS:	MIXED USE, S2 AND U MAXIMUM ALLOWABLE, TABLE 503: U, MAXIMUM ALLOWABLE: 5,500 SF ACTUAL: 1,200 SF **BUILDING COMPLIES**
STORIES:	TABLE 504.4, ONE ALLOWABLE, COMPLIES
OCCUPANT LOAD:	TABLE 1004.1.1: WAREHOUSE: 1,200 SQ. FT./500 SQ. FT./OCC= 2.4 OCCUPANTS
EGRESS REQUIRED 1005:	0.2" X 2.4 OC = .48" REQUIRED 32" PROVIDED, COMPLIES
EXITS 1006.3.2(2):	ONE EXIT REQUIRED (TRAVEL DISTANCE LESS THAN 75') AND ONE PROVIDED.
FIRE WALL:	NOT REQUIRED
FIRE BARRIER WALL SECTION 707	FIRE AREA SEPARATION NOT REQUIRED
EXTERIOR WALLS:	SECTON 602.2: TABLE 602, VB CONSTRUCTION REQUIRES NO RATING WHEN SEPARATION IS GREATER THAN 10 FEET.
PARAPETS:	NO PARAPET IS REQUIRED PER 705.11 EXCEPTION 1.
STORIES WITHOUT OPENINGS:	903.2.11.1: BUILDING CONFORMS (LESS THAN 1,500 SF).
RESTROOM CALCULATIONS: TABLE 2902.1	WC: 1/100 OCC REQ'D, 1 PROVIDED WITH PORTABLE ADA COMPLIANT REST ROOM. LAV: 1/100 OCC REQ'D, NOT PROVIDED JAN. SK. 1 REQ'D, NOT PROVIDED SEPARATE FACILITIES, 2902.2 SEPARATE FACILITIES NOT REQUIRED PER EXCEPTION 2.
HAZARDOUS MATERIAL	OWNER ANTICIPATES NO HAZARDOUS MATERIAL STORAGE IN THIS FACILITY THUS NO NEED TO COMPLY WITH TABLE 307.7 (1) AND 406.6



15 SEPT 2020

STATE OF OKLAHOMA
Robby Alan Coday
No. 21481
Kiefer
Oklahoma
LICENSED ARCHITECT

rob coday architect, llc
p.o. box 128
kiefer, ok 74041
918 636 0574
email: rcodayarch@yahoo.com

GROW BUILDING

13818 North 92nd East Avenue
Collinsville, Oklahoma 74021

15 September 2020

A001

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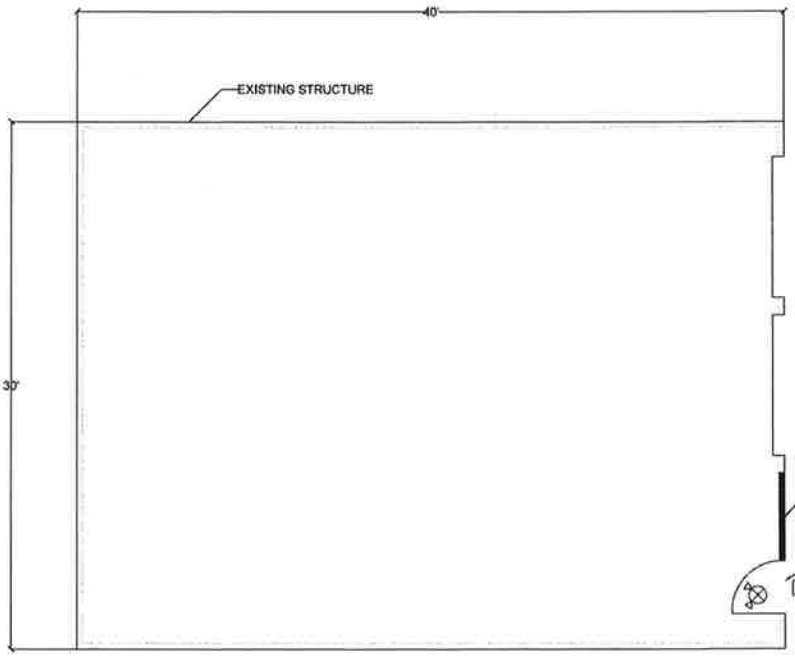

NORTH ① FLOOR PLAN
1/8" = 1'-0"

rob coday architect, llc
p.o. box 128
kiefer, ok 74041
918 636 0574
email: rcodayarch@yahoo.com

GROW BUILDING

13818 North 92nd East Avenue
Collinsville, Oklahoma 74021

15 September 2020

A110

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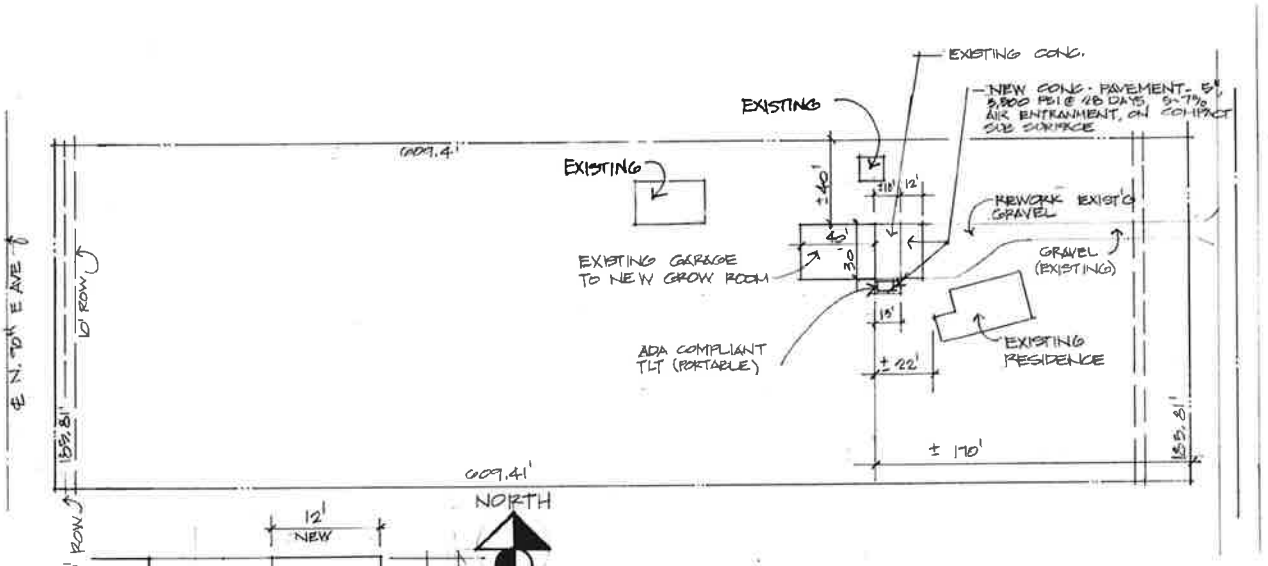
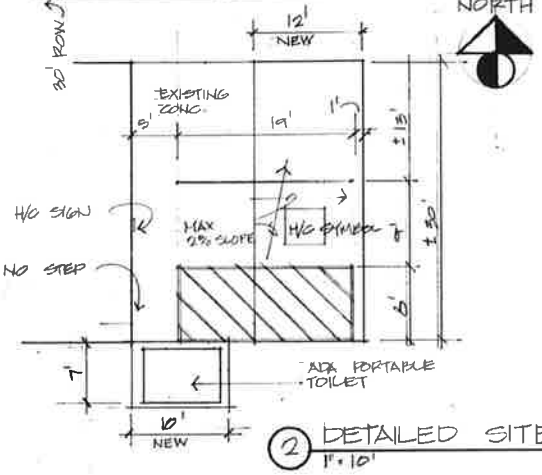


1 SITE PLAN
1" = 50'



2 DETAILED SITE PLAN
1" = 10'

15 SEPT 2020

STATE OF OKLAHOMA
Rodney Alan Coday
No. 21416
Registered
Oklahoma
LICENSED ARCHITECT

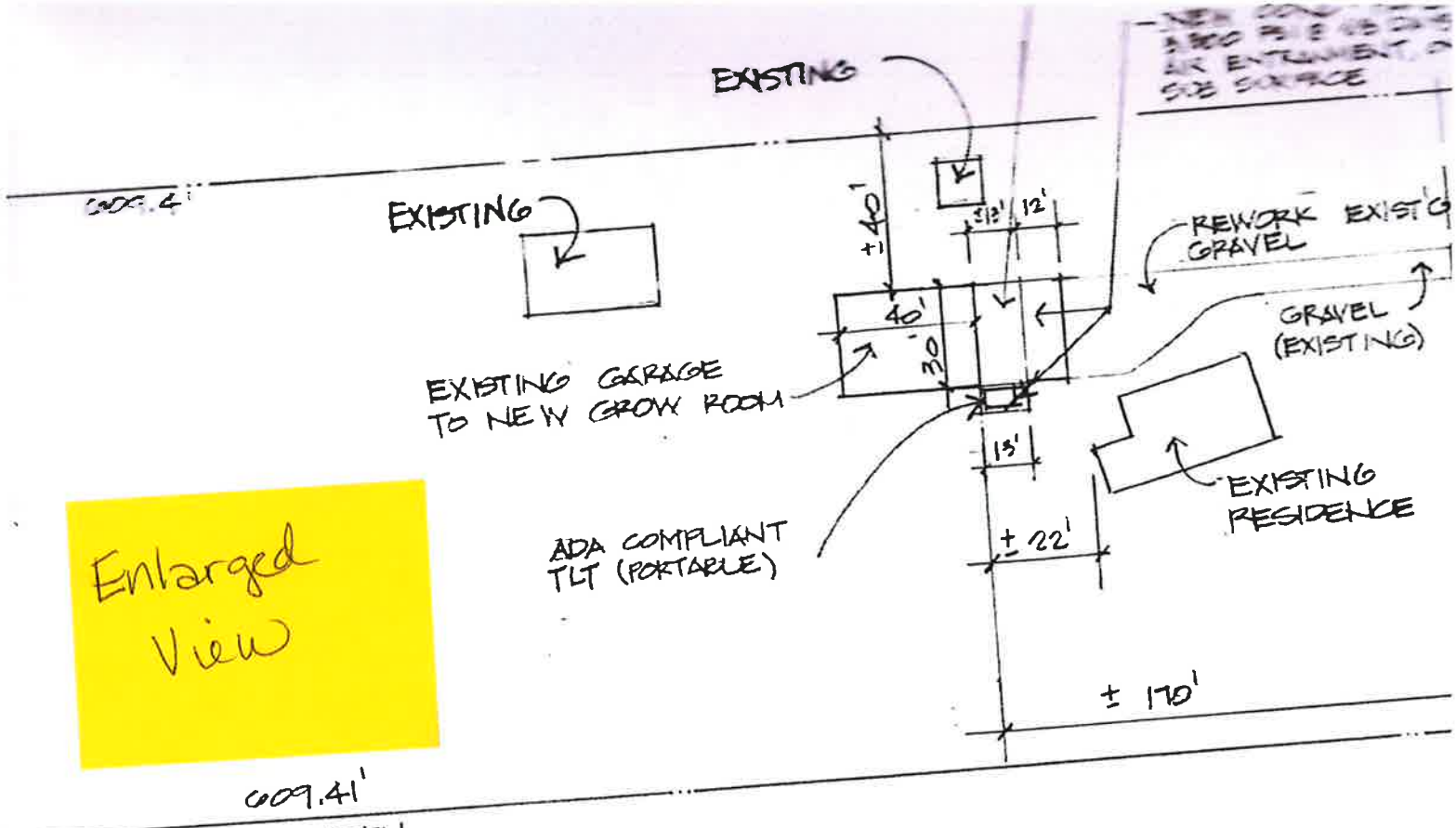
rob coday architect, llc
p.o. box 130
Miami, ok 74355
918 540 6854
email: rcodyworks@yahoo.com

GROW BUILDING

13818 North 92nd East Avenue
Collinsville, Oklahoma 74021

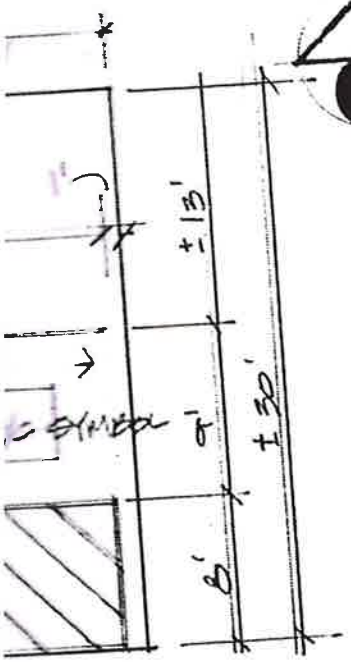
15 September 2020

A100



Enlarged View

1 SITE PLAN
1" = 50'

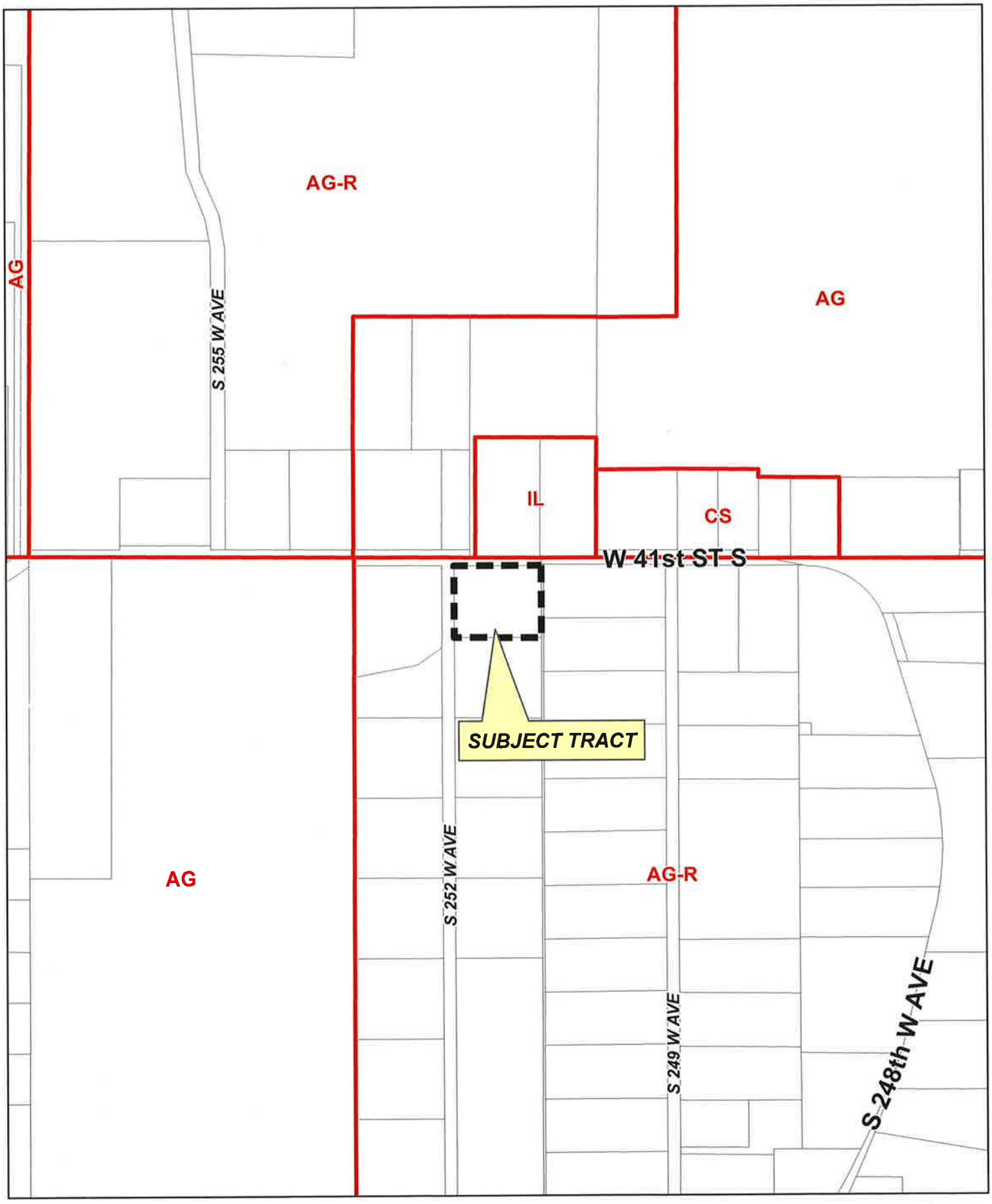


2 DETAILED SITE PLAN
1" = 10'

15 SEPT 2020

STATE OF OK
LICENSED AR

3.16



CBOA-2872

19-10 29

4.1

TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 9029
CZM: 41

CASE NUMBER: CBOA-2872
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 02/16/2021 1:30 PM

APPLICANT: Gary Young

ACTION REQUESTED: Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208); Special Exception to permit a mobile home in an AG-R district (Section 310 Table 1).

LOCATION: 25024 W 41 ST S

ZONED: AG-R

FENCELINE: Keystone

PRESENT USE: Residential

TRACT SIZE: 2.42 acres

LEGAL DESCRIPTION: N330 E380 W760 E/2 NW LESS W25 & LESS N33 THEREOF FOR RDS SEC 29 19 10 2.42ACS TR B,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-1861 May 2001: The Board approved a Special Exception to allow a manufactured home in an AG-R district; and a Variance to allow two dwelling units on one lot of record, on property located at 24720 West 41st Street South.

CBOA-1351 June 1995: The Board approved a Special Exception to allow a manufactured home in an AG-R district on property located at 4317 South 252nd West Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG-R zoning to the west, south, and east. It about IL zoning to the north. There appear to be residential uses to the south along South 252nd West Avenue. The parcel to the east belongs to the Keystone Rural Gas District.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208); Special Exception to permit a mobile home in an AG-R district (Section 310 Table 1).

As shown on the attached plan, the applicant has an existing home on the lot and is proposing to add a single-wide (16' x 80') mobile home on the west side of the property. Section 208 of the Code states that not 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...with the exception in the AG district that there be not more than two dwellings per lot. Section 330, Table 3 of the Code requires a minimum lot area of 1 acre and a minimum land area

per dwelling unit of 1.1 acres in the AG-R district. The applicant is proposing two dwelling units on the 2.42-acre subject lot.

The applicant provided the following statement: *"My wife, (Linda), has Parkinson's. I have high blood pressure, diabetes, machine for blood clots, depression, high cholesterol, dementia, tyride (thyroid?) issues, medication for shortness of breath, and prostrate issues. We are wanting to move our trailer to get our youngest daughter closer to help take care of use."*

If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the additional dwelling is not injurious to the surrounding agricultural district.

Sample Motion:

"Move to _____ (approve/deny) a Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208); Special Exception to permit a mobile home in an AG-R district (Section 310 Table 1).

- *Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.*
- *Finding the hardship to be _____.*

(Variance) 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"

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. 1861

Action Requested:

Special Exception to allow a manufactured home in an AG-R zone. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT -- Use Unit 9; and a Variance to allow two dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located 24720 W. 41st St. S.

Presentation:

Carl Zickefoose, 1324 N. Garfield, Sand Springs, stated that his mother owns and lives on the subject property and they would like to move a mobile home on the property as a second dwelling.

Comments and Questions:

Mr. Alberty asked if there were other lots with two dwellings in the area. He did not recall any other lots with two dwellings. Mr. Walker noted there are several other mobile homes in the area, and smaller tracts of land along the way.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a ***Special Exception*** to allow a manufactured home in an AG-R zone; and a ***Variance*** to allow two dwelling units on one lot of record, finding the property large enough for two dwellings, on the following described property:

S 440' N 468' E 250' W 500' NE, Section 29, T-19-N, R-10-E, Tulsa County, State of Oklahoma.

..*.*.*.*.*.*.*.*.

Case No. 1862

Action Requested:

Tract 1: Variance of lot area from 2 acres to 1.5 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS -- Use Unit 6; a Variance of land area from 2.2 acres to 1.5 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of front yard abutting a public street from 85' of required right-of-way to 50'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; Tract 2: Variance of lot area from 2 acres to 1.55 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of the land area from 2.2 acres to 1.55 acres on Tract #2. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located17482 S. 145th E. Ave.

FILE COPY

Case No. 1350 (continued)

Presentation:

The applicant, **Hershal Powers**, Route 1, Box 371, Sperry, Oklahoma, requested permission to install a double-wide mobile home on his property. He informed that a single-wide mobile home is existing and the additional unit will be occupied by his son, who will assist him in maintaining the land. A plot plan (Exhibit C-1) was submitted.

Comments and Questions:

In reply to Mr. Tyndall, the applicant stated that Delaware Creek recently overflowed on a portion of his tract, but the area designated for the mobile home was not under water and has never flooded.

Mr. Fields stated that construction is not permitted in a floodway without Board approval of a variance, and if this application is approved the floor of the structure will be required to be 1' above the base flood elevation.

Mr. Alberty remarked that he is not amenable to approving a dwelling unit in a regulatory floodway.

Mr. Fields stated that the applicant can confer with the Federal Emergency Management Agency (FEMA) in regard to the accuracy of the flood map at this location. He pointed out that only FEMA can change a flood map.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **CONTINUE** Case No. 1350 to July 18, 1995 to allow the applicant sufficient time to confer with FEMA in regard to the elevation of the subject property.

Case No. 1351

Action Requested:

Special Exception to permit a mobile home in an AG-R zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 6, located 4317 South 252nd West Avenue.

Case No. 1351 (continued)

Presentation:

The applicant, **Donnie Kitchen**, Route 2, Box 411-K, Sand Springs, Oklahoma, requested permission to install a mobile home on land at the above stated location. He informed that there are numerous mobile units in the area. A petition of support (Exhibit D-1) was submitted.

Comments and Questions:

In reply to Mr. Alberty, the applicant stated that he has been told that the land will pass a percolation test.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to APPROVE a **Special Exception** to permit a mobile home in an AG-R zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 6; subject to a building permit and Health Department approval; and subject to the mobile home being skirted and tied down; finding that there are other mobile homes in the area and approval of the request will not be detrimental to the neighborhood; on the following described property:

South 300', north 1320', east 380', west 760', E/2, NW/4, Section 29, T-19-N, R-10-E, IBM, Tulsa County, Oklahoma.

Case No. 1352

Action Requested:

Special Exception to modify the height restriction in an AG District to permit a 180' monopole - **SECTION 220. HEIGHT EXCEPTIONS**, located south and east of SE/c 111th Street and 145th East Avenue.

Comments and Questions:

Mr. Beach advised that the applicant has requested by letter (Exhibit E-2) that Case No. 1352 be continued to July 18, 1995.

Mr. Alberty explained that Broken Arrow has filed a petition to annex the subject property and, if this is accomplished, the Board will have no jurisdiction.

Feet
0 250 500

Subject Tract

CBOA-2872

19-10 29

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

N

4.7

Feet
0 50 100

Subject Tract

CBOA-2872

19-10 29

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

N

Looking east from South 252nd West Avenue

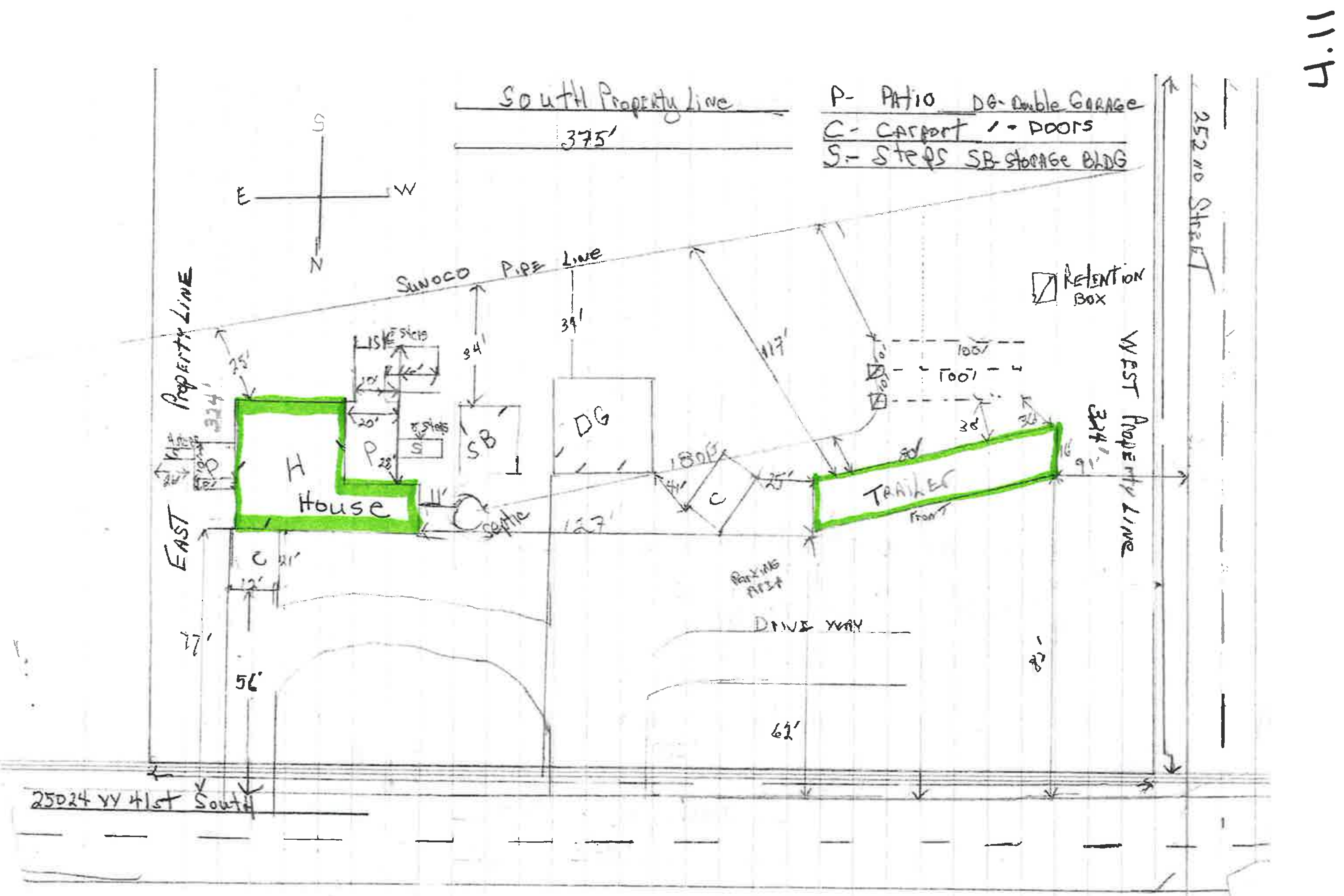
Looking south from West 41st Street South at subject property

Sparger, Janet

From: Rhonda Evans <rlevans52@gmail.com>
Sent: Tuesday, February 2, 2021 9:34 PM
To: esubmit
Subject: Case #CBOA-2872

Our neighbor, Gary Young needing to bring in a mobile home on his property. We do not mind at all. They are good neighbors. Yard and all dwellings are always very well maintained. I would ask that this mobile home be allowed on the property. Jimmy and Rhonda Evans

4.10


11.J
South Property Line
375'
P- Patio DG- Double Garage
C- Carport / - Doors
S- Steps SB- Storage BLDG
252nd Street
SUNOCO PIPE LINE
Retention Box
Property Line
West Property Line
East
House
Trailer
DG
SB
C
Septic
Parking Area
Drive Way
25024 W 41st South

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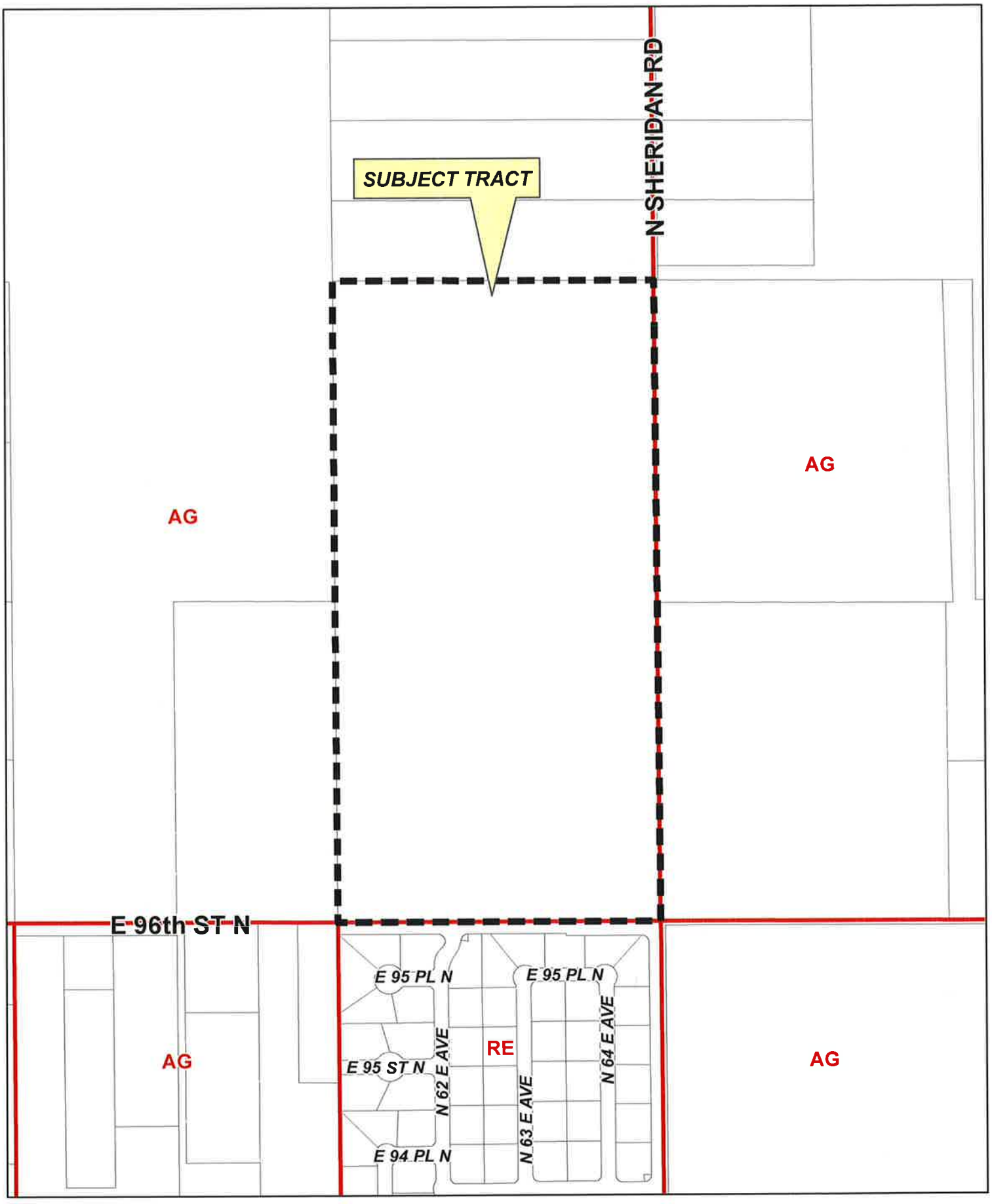


Feet
0 250 500

CBOA-2873

21-13 15

5.1

N

TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 1315
CZM: 11

CASE NUMBER: CBOA-2873
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 02/16/2021 1:30 PM

APPLICANT: Frank Westbrook

ACTION REQUESTED: Special Exception permit a fence to exceed 4ft in height in the front yard setback (section 240.2).

LOCATION: 9752 N SHERIDAN RD E

ZONED: AG

AREA: North Tulsa County

PRESENT USE: Agricultural

TRACT SIZE: 80 acres

LEGAL DESCRIPTION: E/2 SE SEC 15 21 13 80ACS,

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts agricultural zoning to the west, north, and south. The surrounding uses appear to be mainly agricultural with some residential. It abuts a residential neighborhood to the south with RE zoning.

STAFF COMMENTS:

The applicant is before the Board to request a Special Exception permit a fence to exceed 4ft in height in the front yard setback (section 240.2). As shown in the attached site plan, the property owner intends to construct an 8 ft. wood fence that encloses the 80-acre property. The Code limits fence and wall heights in the required front yard setback to 4 ft. However, the Code permits the Board of Adjustment to modify the height limitation through special exception approval. The intent of the Code's fence height restrictions is to maintain a minimal level of transparency or connection between a house and the surrounding neighborhood.

Sample Motion

Move to _____ (approve/deny) a Special Exception permit a fence to exceed 4ft in height in the front yard setback (section 240.2).

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions: _____

The Board finds that the requested 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.

5.2

Feet
0 250 500

Subject Tract

CBOA-2873

21-13 15

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: May 2020

N

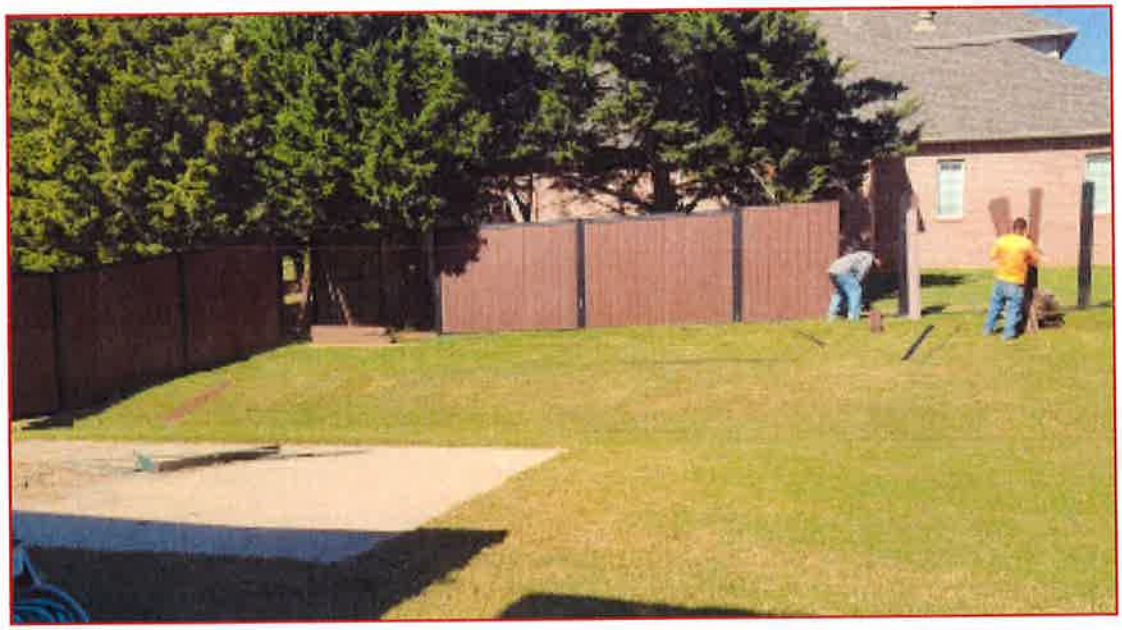
5.3

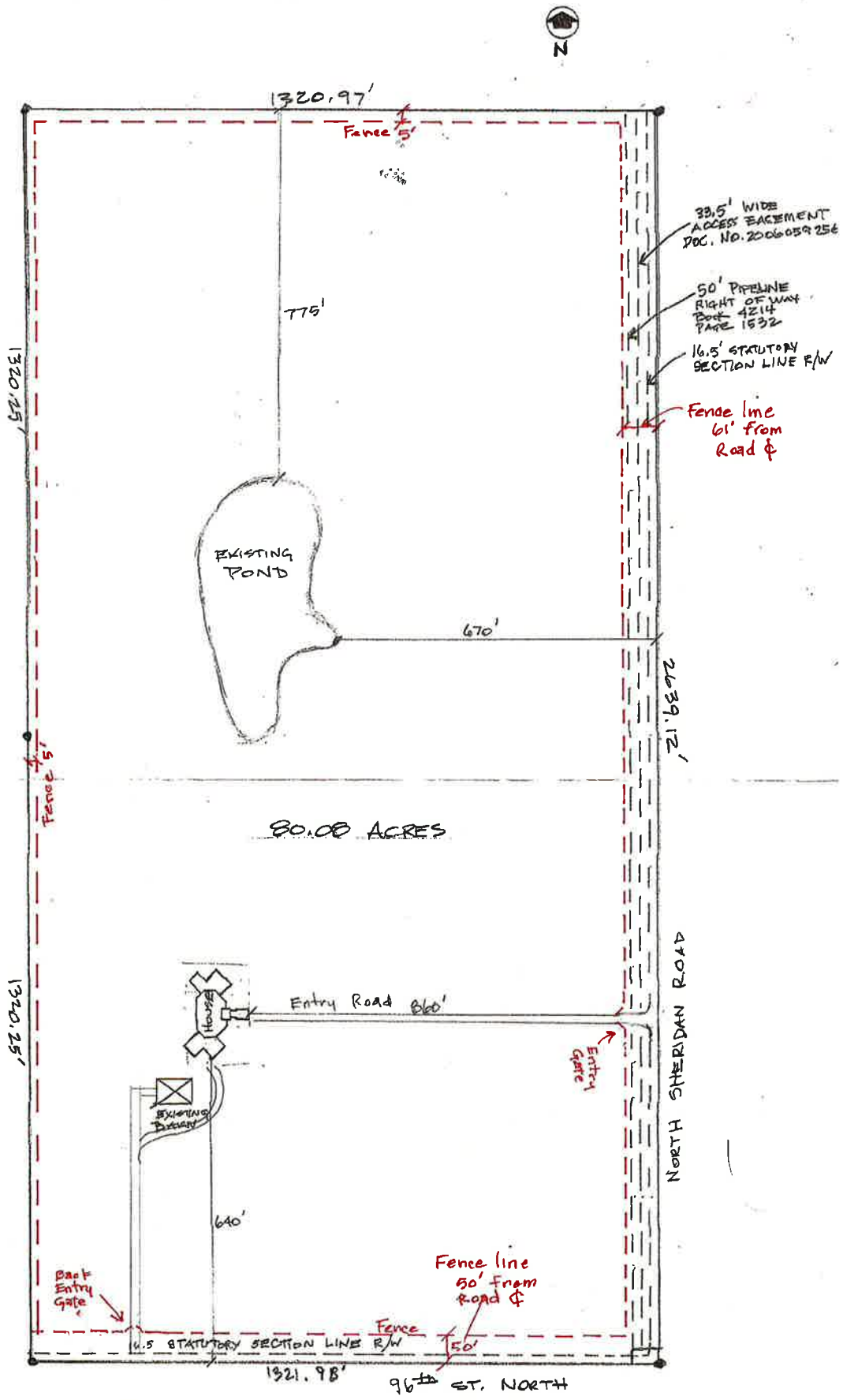
Looking west toward subject property from North Sheridan Road where the fence installation began in the front yard

Looking north on North Sheridan Road (subject property is on the left)

Looking west from North Sheridan Road at home and the proposed entrance to the subject property where the 8-foot fence/gate will be located

Fence and Gate material as described by applicant and photographs supplied by the company installing the fence.





Property Owner: Frank T. Westbrook
Property Address: 9752 North Sheridan Road. Sperry, Oklahoma
Legal Description: The East Half of the Southwest Qtr. (E/2 SE/4) of Section Fifteen (15), Township Twenty-one (21) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey Thereof.

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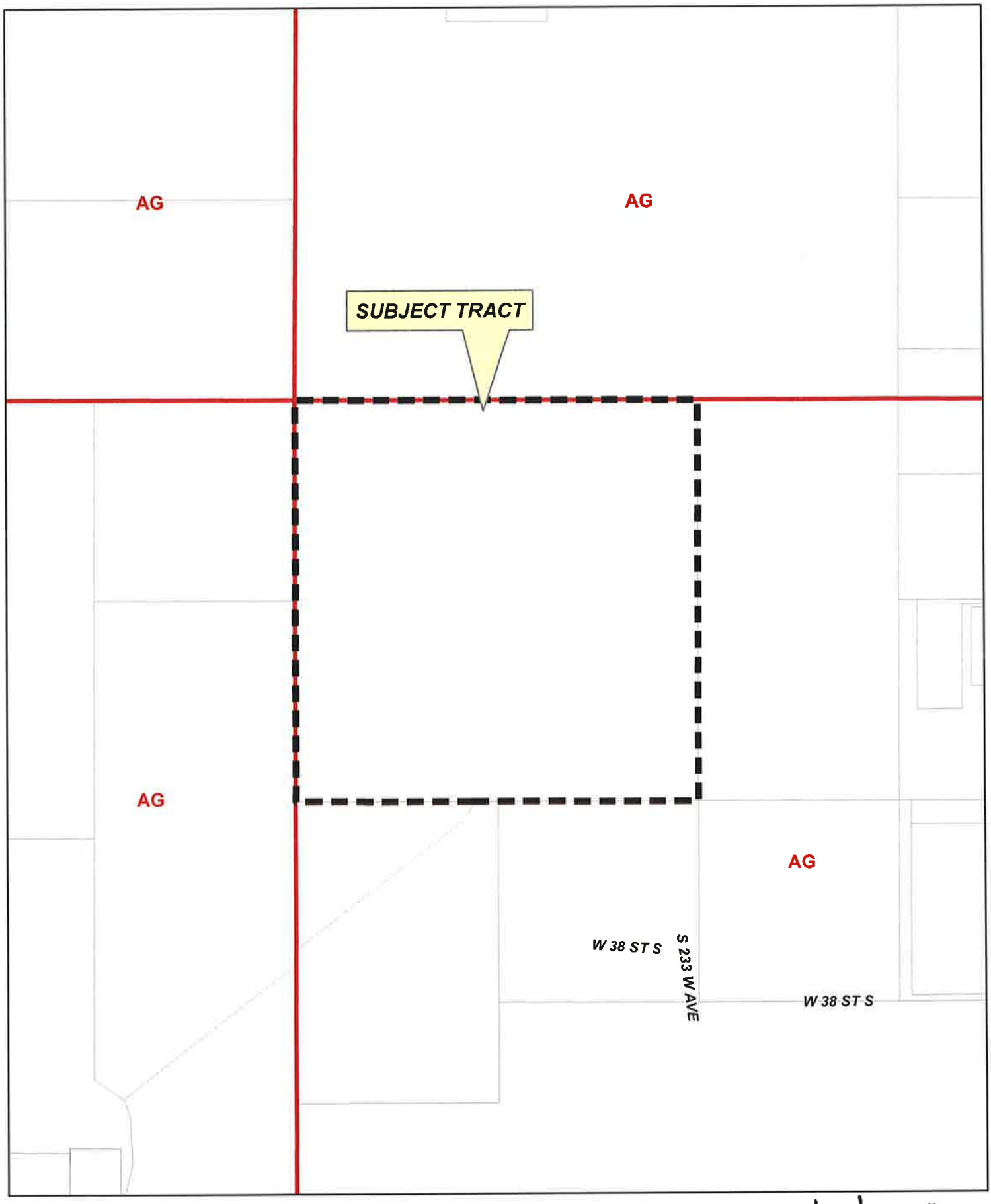


Feet
0 400 800

CBOA-2874

19-10 21

6.1

N

TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 9021
CZM: 41

CASE NUMBER: CBOA-2874
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 02/16/2021 1:30 PM

APPLICANT: Jeremy and Elizabeth Morris & Joshua Glovatsky

ACTION REQUESTED: Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet in the AG district (Section 207).

LOCATION: N. and E. of the NE/c of W. 41st St. S. & S. 249th W. Ave. **ZONED:** AG

AREA: Keystone

PRESENT USE: Vacant **TRACT SIZE:** 160 acres

LEGAL DESCRIPTION: NW SEC 21 19 10 160ACS,

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning and what appears to be agricultural uses or just vacant land.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet in the AG district (Section 207).

The Code requires owners of land utilized for residential purposes to maintain 30 feet of frontage on a public street or dedicated right-of-way. The submitted site plan indicates that the subject lot has 0' of frontage onto West 41st Street South. The applicant has submitted a copy of a 30' access easement from West 41st Street South to their property.

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

Sample Motion:

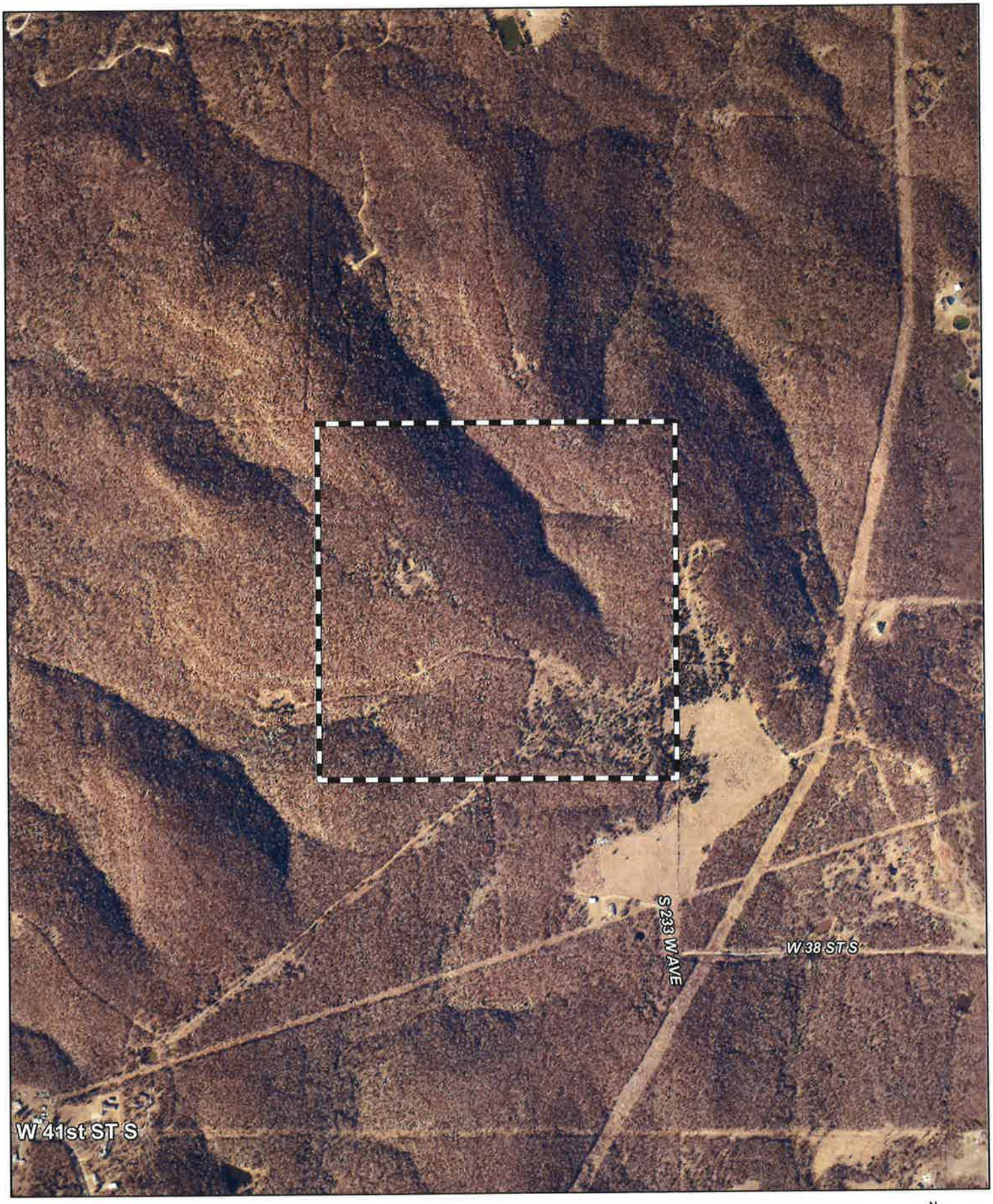
"Move to _____ (approve/deny) a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet in the AG district (Section 207).

Finding the hardship to be _____.

Subject to the following conditions (if any) _____.

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."



Feet
0 450 900

Subject Tract

CBOA-2874

19-10 21

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

N

6.4

Tulsa County Clerk - Michael Willis
Doc # 2017058635 Page(s): 10 Recorded 06/22/2017 03:56:55 PM
Receipt # 17-34921 Fees: $31.00

ROADWAY EASEMENT

(3)

The Roadway Easement described herein (the "Easement") is hereby granted this 16th day of June, 2017, by CLAUDE W. McCOY and BETTY L. McCOY, husband and wife ("Grantors") to the owners of the parcels of real property described on Exhibit A hereto or any part thereof and their assignees as herein provided ("Grantees").

Grantors own the property described on Exhibit B hereto (the "Grantors' Property"). This Easement is granted to Grantees and their successors and assignees of the Grantees' Properties (the "Grantees' Assigns") to assure access to Grantees' Property.

Grantors, as the legal and equitable title owner of the real estate subject to the Easement described herein hereby grants and conveys unto Grantees and the Grantees' assigns a private, permanent, non-exclusive access easement over and across the property described on Exhibit C hereto (the "Easement Property"), part of which traverses Grantors' Property and part of which traverses adjacent properties, for a private roadway for the purposes of providing vehicular and other access for the non-exclusive use of the owners of the Grantees' Property, their successors and assigns, refuse collection service, the United States Post Office, law enforcement agencies, personnel of Tulsa County, Oklahoma, the State of Oklahoma and United States of America, the operators of all emergency vehicles, and the guests, tenants, invitees and licensees of the owners, from time-to-time, of the Grantees' Property. No owner, tenant, guest, invitee, or other person using said Easement shall in any manner obstruct said Easement or interfere with the use of said Easement for vehicular or other access. Said Easement shall be used only for a private roadway. No above ground structures shall be permitted on the Easement.

This Easement, and the rights granted hereunder to Grantees and the owners of the Grantees' Property and their successors and assigns, may be released or limited at any time by the then owners of the properties.

IN WITNESS WHEREOF, the Grantors have executed this Roadway Easement effective the date first above written.

Claude W. McCoy

Betty L. McCoy

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

Before me, a Notary Public in and for said county and State, on this 16th day of June, 2017, personally appeared Claude W. McCoy and Betty L. McCoy, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and official seal the day and year last above written.

Commission:

MELODY K. JENNINGS NOTARY PUBLIC STATE OF OKLAHOMA # 01016284 EXP. 10/23/17

Melody K. Jennings
Notary Public

JHF,THRALLS PARTITION.ROADWAY EASEMENT - CLAUDE & BETTY McCOY

6.6

EXHIBIT "A"

Parcel 8
A tract of land being a part of Section 20, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County Oklahoma and being more particularly described as follows: Beginning at the Northwest corner of the Northeast Quarter of Section 20; thence S 89°38'35" E along the North line of the Northeast Quarter a distance of 1318.13 feet to the Northwest corner of the Northeast Quarter of the Northeast Quarter; thence S 00°01'57" E 1322.84 feet to the Southwest corner of the Northeast Quarter of the Northeast Quarter; thence S 00°00'28" W 3158.10 feet; thence S 56°50'28" E 209.41 feet; thence S 21°22'09" E 116.33 feet; thence S 04°01'03" E 199.92 feet; thence S 04°02'29" E 125.03 feet; thence S 12°24'18" W 184.13 feet; thence S 36°10'06" W 57.52 feet; thence N 00°17'38" E 331.47 feet; thence N 89°26'20" W 331.95 feet; thence S 00°17'38" W 33.00 feet; thence N 89°26'22" W 825.74 feet; thence N 00°17'38" E 33.00 feet; thence N 89°44'35" W 668.93 feet; thence N 00°03'01" E 623.85 feet; thence N 00°05'42" E 2648.92 feet; thence N 53°12'35" W 457.97 feet to a point on the Easterly right of way line of a County road; thence N 33°39'04" E 96.80 feet along said County road; thence N 12°33'56" W 197.76 feet along said County road; thence N 21°53'04" E 20.50 feet along said County road; thence S 67°14'12" E 530.04 feet; thence N 20°17'59" E 223.50 feet; thence N 62°59'01" W 190.14 feet; thence N 69°20'01" W 335.59 feet to a point on said County road; thence N 21°44'20" E 397.72 feet along said County road; thence N 42°15'57" E 673.21 feet to the point of beginning

Parcel 9
A part of the East Half of Section 20, and a tract of land being a part of the Southwest Quarter of Section 21, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, and being more particularly described as follows; Beginning at the Southwest corner of the Northeast Quarter, thence S. 00°00'28" W 3158.10 feet; thence S 56°50'28" E 209.41 feet ;thence N 50°55'18' E 1864.91 feet; thence N 51°39'39" E968.48 feet; thence N 42°19'52" E 118.23 feet; thence N 25°15'33" E 88.85 feet to a point on the North line of the Southwest Quarter of Section 21; thence S 89°57'08" W 1175.23 feet to the Southwest corner of the Northwest Quarter of Section 21; thence N 00°09'19" W 1322.06 feet to the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section 20; thence N 89°40'38" W 1320.96 feet to the point of beginning.

Parcel 10
The Northwest Quarter (NW/4) of Section 21, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma

Parcel 11
A part of the East Half of Section 20, and a tract of land being a part of the Southwest Quarter of Section 21, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, and being more particularly described as follows; Beginning at the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 21, thence S 00°09'03" W 1986.34 feet to the Southeast corner of the North half of the Southwest Quarter of the Southwest Quarter; thence N 89°58'39" W 1320.17 feet to the Southwest corner of the North Half of the Southwest Quarter of the Southwest Quarter; thence S 00°02'00" E 661.57 feet to the Southeast corner of Section 20; thence N 89°26'19" W along the South line of Section 20 a distance of 1492.50 feet; thence N 01°45' 49" E 33.02 feet; thence S 89°26'22" E 331.95 feet; thence N 36°10'06" E 57.52; feet; thence N 12°24'18" E 184.13 feet; thence N 04°02'29" W 125.03 feet; thence N 04°01'03" W 199.92 feet; thence N 21°22'09" W 116.33 feet; thence N 50° 55'18" E 1864.91 feet; thence N 51°39'39" E 968.48 feet; thence N 42°19'52" E 118.23 feet; thence N 25°15'33" E 88.85 feet to a point on the North line of the Southwest Quarter of Section 21; thence N 89°57'08" E 151.33 feet to the pint of beginning.

EXHIBITY"B"

Parcel 9
A part of the East Half of Section 20, and a tract of land being a part of the Southwest Quarter of Section 21, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, and being more particularly described as follows; Beginning at the Southwest corner of the Northeast Quarter, thence S. 00°00'28" W 3158.10 feet; thence S 56°50'28" E 209.41 feet ;thence N 50°55'18' E 1864.91 feet; thence N 51°39'39" E968.48 feet; thence N 42°19'52" E 118.23 feet; thence N 25°15'33" E 88.85 feet to a point on the North line of the Southwest Quarter of Section 21; thence S 89°57'08" W 1175.23 feet to the Southwest corner of the Northwest Quarter of Section 21; thence N 00°09'19" W 1322.06 feet to the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section 20; thence N 89°40'38" W 1320.96 feet to the point of beginning.

and

Parcel 11
A part of the East Half of Section 20, and a tract of land being a part of the Southwest Quarter of Section 21, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, and being more particularly described as follows; Beginning at the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 21, thence S 00°09'03" W 1986.34 feet to the Southeast corner of the North half of the Southwest Quarter of the Southwest Quarter; thence N 89°58'39" W 1320.17 feet to the Southwest corner of the North Half of the Southwest Quarter of the Southwest Quarter; thence S 00°02'00" E 661.57 feet to the Southeast corner of Section 20; thence N 89°26'19" W along the South line of Section 20 a distance of 1492.50 feet; thence N 01°45' 49" E 33.02 feet; thence S 89°26'22" E 331.95 feet; thence N 36°10'06" E 57.52; feet; thence N 12°24'18" E 184.13 feet; thence N 04°02'29" W 125.03 feet; thence N 04°01'03" W 199.92 feet; thence N 21°22'09" W 116.33 feet; thence N 50° 55'18" E 1864.91 feet; thence N 51°39'39" E 968.48 feet; thence N 42°19'52" E 118.23 feet; thence N 25°15'33" E 88.85 feet to a point on the North line of the Southwest Quarter of Section 21; thence N 89°57'08" E 151.33 feet to the pint of beginning.

EXHIBIT C

LANDMARK SURVEYING, L.L.C.
Brett King, L.S.
245 South Taylor Street
Pryor, Ok. 74361
PHONE 918-825-2804
C.A. 4572 EXP. 6/30/2017

EASEMENTS IN SECTION 20 & 21, TOWNSHIP 19 NORTH, RANGE 10 EAST, TULSA COUNTY, OKLAHOMA

A tract of land being a part of the Southeast Quarter of Section 20, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, and being more particularly described as follows: Beginning at point on the South line of the Southeast Quarter of Section 20 and 1492.5 feet West of the Southeast corner, thence N 01°45'49" E 33.02 feet; thence S 89°26'22" E 331.95 feet; thence S 00°17'38" W 33.02 feet; thence N 89°26'19" W 332.80 feet to the point of beginning.

AND

A 33 foot strip of land being a part of the Southeast Quarter of Section 20, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, the centerline of which is being more particularly described as follows: Commencing at point on the South line of the Southeast Quarter of Section 20 and 1492.5 feet West of the Southeast corner, thence N 01°45'49" E 33.02 feet; thence S 89°26'22" E 331.95 feet to the point of beginning of said centerline of easement; thence N 36°10'06" E 57.52 feet; thence N 12°24'18" E 184.13 feet; thence N 04°02'29" W 125.03 feet; thence N 04°01'03" W 199.92 feet; thence N 21°22'09" W 116.33 feet; thence N 56°50'28" W 209.41 feet to the point of termination of said easement.

AND

A 33 foot strip of land being a part of the Southeast Quarter of Section 20, Township 19 North, Range 10 East and the West Half of Section 21, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, the centerline of which is being more particularly described as follows: Commencing at point on the South line of the Southeast Quarter of Section 20 and 1492.5 feet West of the Southeast corner, thence N 01°45'49" E 33.02 feet; thence S 89°26'22" E 331.95 feet; thence N 36°10'06" E 57.52 feet; thence N 12°24'18" E 184.13 feet; thence N 04°02'29" W 125.03 feet; thence N 04°01'03" W 199.92 feet; thence N 21°22'09" W 116.33 feet to the point of beginning of said easement; thence N 50°55'18" E 1864.91 feet; thence N 51°39'39" E 968.48 feet; thence N 42°19'52" E 118.23 feet; thence N 25°15'33" E 88.85 feet to the point of termination of said easement on the South line of the Northwest Quarter of Section 21.

Witness my hand and seal this 11th day of April, 2016.

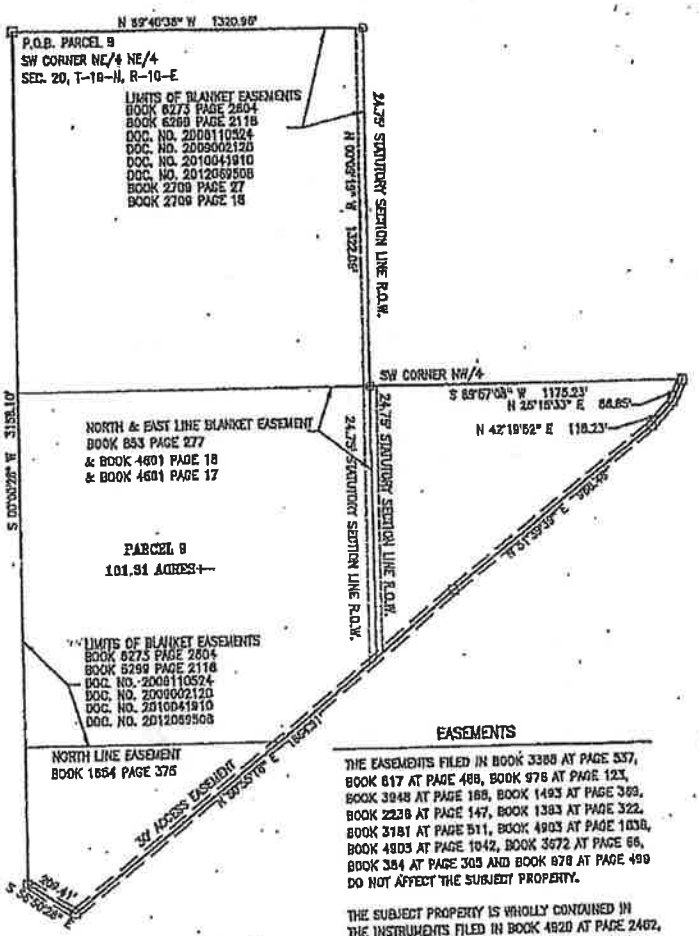
Brett King, Land Surveyor

LICENSED PROFESSIONAL LAND SURVEYOR
BRETT KING
OKLAHOMA

6.9

SURVEY PLAT

THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.



BASIS OF BEARINGS: TRUE BEARINGS DERIVED FROM GPS OBSERVATIONS

- ⊙ DENOTES FOUND ORIGINAL STONE OR SET MAG NAIL
- ⊡ DENOTES SET 1/2" IRON PIN W/CAP
- ⊙ DENOTES FOUND IRON PIN

THE WORD CERTIFY OR CERTIFICATE AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

EASEMENTS

THE EASEMENTS FILED IN BOOK 3388 AT PAGE 537, BOOK 617 AT PAGE 488, BOOK 976 AT PAGE 123, BOOK 3948 AT PAGE 188, BOOK 1493 AT PAGE 369, BOOK 2238 AT PAGE 147, BOOK 1383 AT PAGE 322, BOOK 3181 AT PAGE 511, BOOK 4903 AT PAGE 1038, BOOK 4903 AT PAGE 1042, BOOK 3672 AT PAGE 66, BOOK 384 AT PAGE 305 AND BOOK 878 AT PAGE 499 DO NOT AFFECT THE SUBJECT PROPERTY.

THE SUBJECT PROPERTY IS WHOLLY CONTAINED IN THE INSTRUMENTS FILED IN BOOK 4820 AT PAGE 2462, BOOK 4939 AT PAGE 1035, BOOK 4998 AT PAGE 310, BOOK 5074 AT PAGE 1608, BOOK 5148 AT PAGE 1111, BOOK 5184 AT PAGE 251, BOOK 5214 AT PAGE 317, BOOK 5228 AT PAGE 1983, BOOK 5423 AT PAGE 869.

THE EASEMENTS FILED IN BOOK 3449 AT PAGE 85 AND BOOK 3429 AT PAGE 53 DO NOT AFFECT THE SUBJECT PROPERTY.

THE EASEMENTS FILED IN BOOK 1780 AT PAGE 467, BOOK 823 AT PAGE 227 AND BOOK 976 AT PAGE 127 LACK THE INFORMATION TO PLOT THEIR LOCATION.

N

0 200 400 800
SCALE IN FEET

CERTIFICATE

I, Brett King, the undersigned, a Registered Professional Land Surveyor L.S. 1533, in the State of Oklahoma, of Landmark Surveying, C.A. 4572 6-30-17, of 245 South Taylor, P.O. Box 1328, Pryor, Oklahoma (918-825-2604) do hereby certify that a careful survey of the following described property was made under my supervision:

A part of the East Half of Section 20, and a tract of land being a part of the Southwest Quarter of Section 21, Township 19 North, Range 13 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma; and being more particularly described as follows: Beginning at the Southwest corner the Northeast Quarter of the Northeast Quarter, thence S 00°00'28" W 3158.10 feet; thence S 56°50'28" E 209.41 feet; thence N 89°55'16" E 1664.91 feet; thence N 51°39'39" E 968.48 feet; thence N 42°19'52" E 118.23 feet; thence N 25°15'33" E 88.83 feet to a point on the North line of the Southwest Quarter of Section 21; thence S 89°57'08" W 1175.23 feet to the Southwest corner of the Northeast Quarter of the Northeast Quarter of Section 20; thence N 00°09'19" W 1322.08 feet to the Southeast corner the Northeast Quarter of the Northeast Quarter of Section 20; thence N 89°40'38" W 1320.96 feet to the point of beginning.

I further certify that the above and foregoing is a true and correct plat of the same.

Witness my hand and seal this 7th day of April, 2016.

LICENSED PROFESSIONAL LAND SURVEYOR
BRETT KING
1533
OKLAHOMA

SURVEY PLAT

THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

EASEMENTS

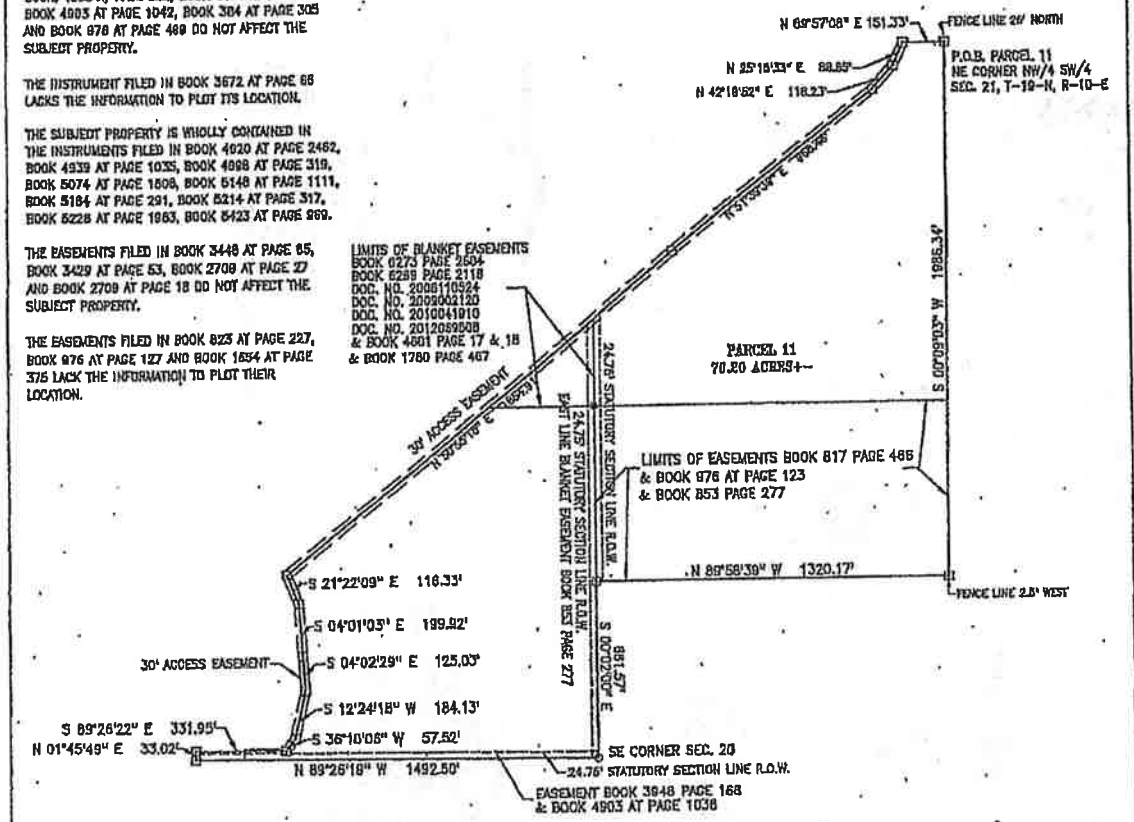
THE EASEMENTS FILED IN BOOK 3388 AT PAGE 537, BOOK 1493 AT PAGE 369, BOOK 2236 AT PAGE 147, BOOK, 1383 AT PAGE 322, BOOK 3181 AT PAGE 511, BOOK 4903 AT PAGE 1042, BOOK 384 AT PAGE 305 AND BOOK 978 AT PAGE 469 DO NOT AFFECT THE SUBJECT PROPERTY.

THE INSTRUMENT FILED IN BOOK 3672 AT PAGE 66 LACKS THE INFORMATION TO PLOT ITS LOCATION.

THE SUBJECT PROPERTY IS WHOLLY CONTAINED IN THE INSTRUMENTS FILED IN BOOK 4020 AT PAGE 2462, BOOK 4939 AT PAGE 1035, BOOK 4998 AT PAGE 319, BOOK 5074 AT PAGE 1808, BOOK 5148 AT PAGE 1111, BOOK 5184 AT PAGE 291, BOOK 5214 AT PAGE 317, BOOK 5228 AT PAGE 1963, BOOK 5423 AT PAGE 269.

THE EASEMENTS FILED IN BOOK 3448 AT PAGE 65, BOOK 3429 AT PAGE 53, BOOK 2709 AT PAGE 27 AND BOOK 2709 AT PAGE 18 DO NOT AFFECT THE SUBJECT PROPERTY.

THE EASEMENTS FILED IN BOOK 823 AT PAGE 227, BOOK 976 AT PAGE 127 AND BOOK 1654 AT PAGE 375 LACK THE INFORMATION TO PLOT THEIR LOCATION.



BASIS OF BEARINGS: TRUE BEARINGS DERIVED FROM GPS OBSERVATIONS

- ⊙ DENOTES FOUND ORIGINAL STONE OR SET MAG NAIL
- ⊡ DENOTES SET 1/2" IRON PIN W/CAP
- ⊙ DENOTES FOUND IRON PIN

THE WORD CERTIFY OR CERTIFICATE AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

CERTIFICATE

I, Brett King, the undersigned, a Registered Professional Land Surveyor L.S. 1633, in the State of Oklahoma, of Landmark Surveying, C.A. 4572 6-30-17, of 245 South Taylor, P.O. Box 1328, Pryor, Oklahoma (918-825-2804) do hereby certify that a careful survey of the following described property was made under my supervision:

A part of the East Half of Section 20, and a tract of land being a part of the Southwest Quarter of Section 21, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, and being more particularly described as follows: Beginning at the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 21, thence S 00°09'03" W 1986.34 feet to the Southeast corner of the North Half of the Southwest Quarter of the Southwest Quarter; thence N 89°58'39" W 1320.17 feet to the Southwest corner of the North Half of the Southwest Quarter of the Southwest Quarter; thence S 00°02'00" E 851.57 feet to the Southeast corner of Section 20; thence N 89°26'18" W along the South line of Section 20 a distance of 1492.50 feet; thence N 01°45'49" E 33.02 feet; thence S 89°26'22" E 331.95 feet; thence N 36°10'06" E 57.52 feet; thence N 12°24'18" E 184.13 feet; thence N 04°02'29" W 125.03 feet; thence N 04°01'03" W 199.92 feet; thence N 21°22'09" W 116.33 feet; thence N 51°55'16" E 1884.91 feet; thence N 61°39'39" E 968.48 feet; thence N 42°18'52" E 118.23 feet; thence N 25°15'33" E 88.85 feet to a point on the North line of the Southwest Quarter of Section 21; thence N 89°57'08" E 151.33 feet to the point of beginning.

I further certify that the above and foregoing is a true and correct plat of the above described property.

Witness my hand and seal this 7th day of April, 2016.

BRETT KING 1633 OKLAHOMA REGISTERED PROFESSIONAL LAND SURVEYOR

6.11

SURVEY PLAT

THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

EASEMENTS

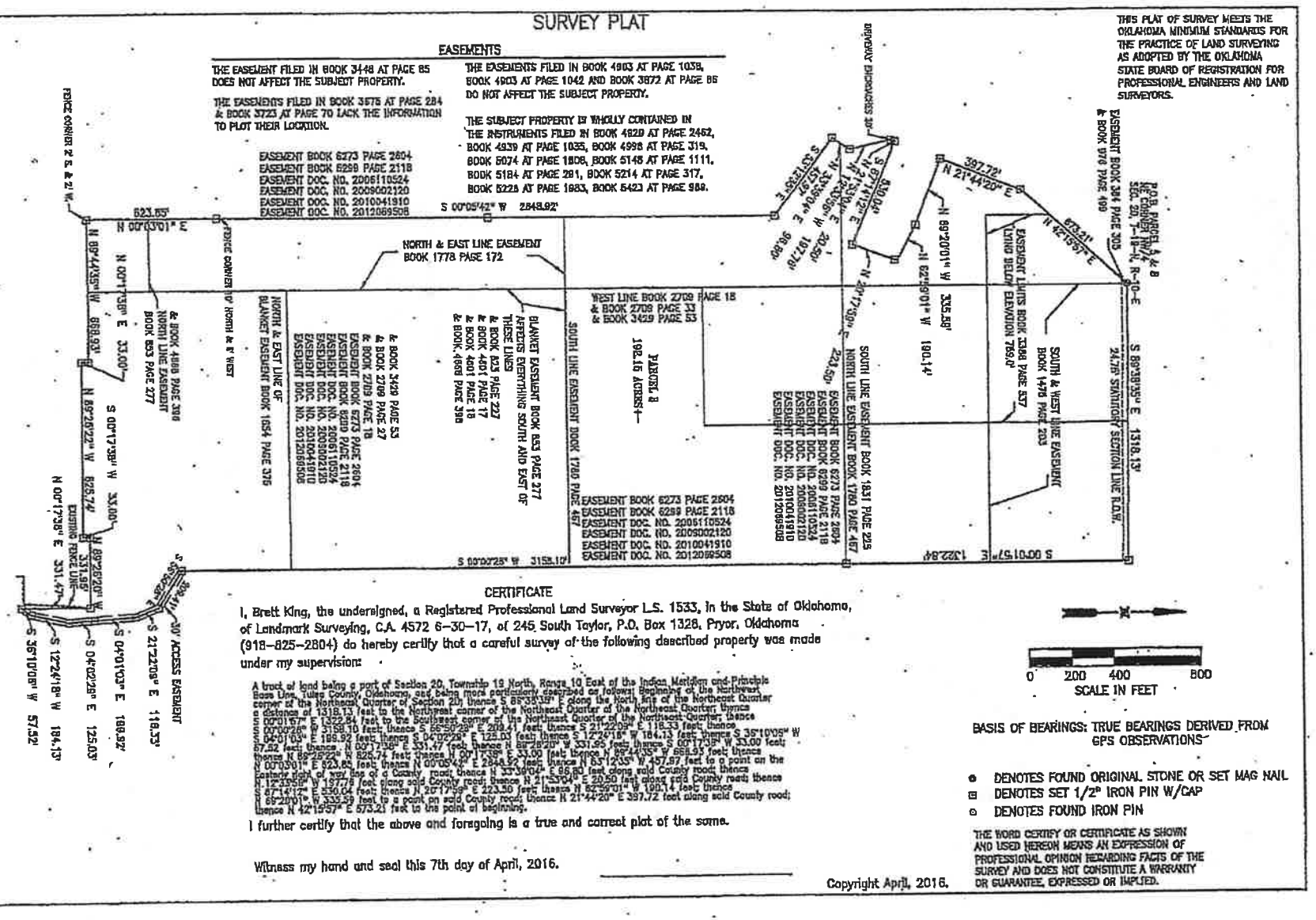
THE EASEMENT FILED IN BOOK 3148 AT PAGE 85 DOES NOT AFFECT THE SUBJECT PROPERTY.

THE EASEMENTS FILED IN BOOK 3675 AT PAGE 284 & BOOK 3723 AT PAGE 70 LACK THE INFORMATION TO PLOT THEIR LOCATION.

THE EASEMENTS FILED IN BOOK 4903 AT PAGE 1038, BOOK 4903 AT PAGE 1042 AND BOOK 3672 AT PAGE 86 DO NOT AFFECT THE SUBJECT PROPERTY.

THE SUBJECT PROPERTY IS WHOLLY CONTAINED IN THE INSTRUMENTS FILED IN BOOK 4929 AT PAGE 2462, BOOK 4939 AT PAGE 1035, BOOK 4998 AT PAGE 319, BOOK 5074 AT PAGE 1806, BOOK 5145 AT PAGE 1111, BOOK 5184 AT PAGE 281, BOOK 5214 AT PAGE 317, BOOK 5228 AT PAGE 1983, BOOK 5423 AT PAGE 988.

EASEMENT BOOK 6273 PAGE 2604
EASEMENT BOOK 6299 PAGE 2118
EASEMENT DOC. NO. 2005110524
EASEMENT DOC. NO. 2005002120
EASEMENT DOC. NO. 2010041910
EASEMENT DOC. NO. 2012069508



CERTIFICATE

I, Brett King, the undersigned, a Registered Professional Land Surveyor L.S. 1533, in the State of Oklahoma, of Landmark Surveying, C.A. 4572 6-30-17, of 245 South Taylor, P.O. Box 1328, Pryor, Oklahoma (918-825-2804) do hereby certify that a careful survey of the following described property was made under my supervision:

A tract of land being a part of Section 20, Township 18 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, and being more particularly described as follows: Beginning at the Northeast corner of the Northeast Quarter of Section 20; thence S 88°38'55" E along the North line of the Northeast Quarter a distance of 1318.13 feet to the Northeast corner of the Northeast Quarter of the Northeast Quarter; thence S 00°01'57" E 1322.84 feet to the Southeast corner of the Northeast Quarter of the Northeast Quarter; thence S 00°09'26" W 3158.10 feet; thence S 66°50'29" E 209.41 feet; thence S 21°22'09" E 118.33 feet; thence S 04°01'03" E 189.92 feet; thence S 04°02'28" E 125.03 feet; thence S 12°24'18" W 184.13 feet; thence S 36°10'05" W 57.52 feet; thence N 00°17'58" E 331.47 feet; thence N 89°26'22" W 331.95 feet; thence S 00°17'58" W 33.00 feet; thence N 89°25'22" W 825.74 feet; thence N 00°17'58" E 33.00 feet; thence N 89°44'35" W 668.93 feet; thence N 00°03'01" E 523.85 feet; thence N 00°05'42" E 2648.92 feet; thence N 83°12'35" W 457.97 feet to a point on the Easterly right of way line of a County road; thence N 35°39'04" E 86.80 feet along said County road; thence N 12°33'58" W 197.78 feet along said County road; thence N 21°53'04" E 20.50 feet along said County road; thence N 67°11'12" E 230.04 feet; thence N 20°17'58" E 223.50 feet; thence N 62°59'01" W 190.14 feet; thence N 62°20'01" W 335.59 feet to a point on said County road; thence N 21°44'20" E 397.72 feet along said County road; thence N 42°15'57" E 573.21 feet to the point of beginning.

I further certify that the above and foregoing is a true and correct plat of the same.

Witness my hand and seal this 7th day of April, 2016.

BASIS OF BEARINGS: TRUE BEARINGS DERIVED FROM GPS OBSERVATIONS

- ● DENOTES FOUND ORIGINAL STONE OR SET MAG NAIL
- ⊞ DENOTES SET 1/2" IRON PIN W/CAP
- ○ DENOTES FOUND IRON PIN

THE WORD CERTIFY OR CERTIFICATE AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

6.12

SURVEY PLAT

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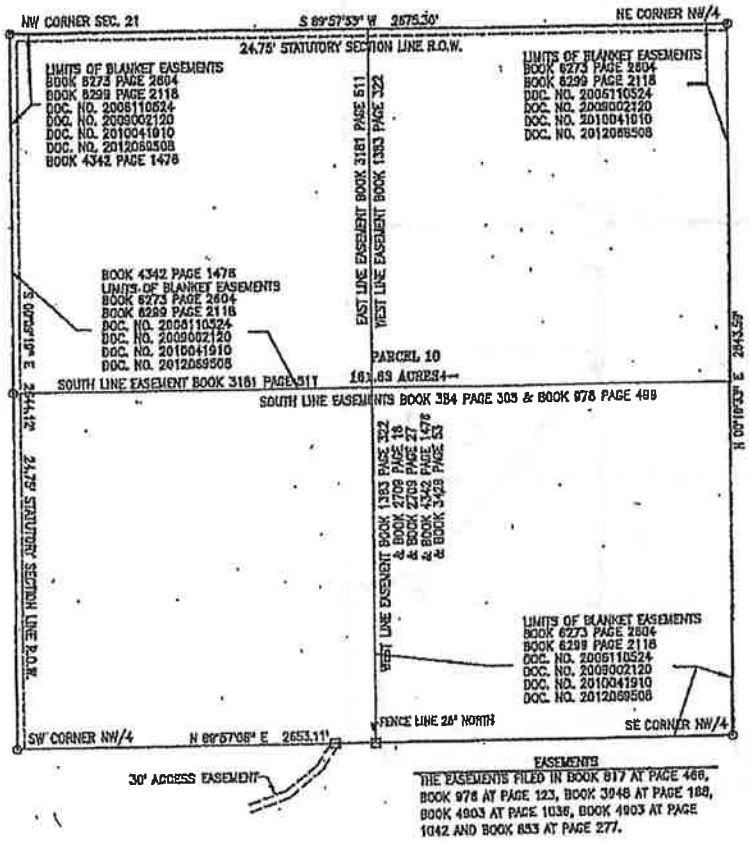

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- ● DENOTES FOUND ORIGINAL STONE OR SET MAG NAIL
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EASEMENTS

THE EASEMENTS FILED IN BOOK 817 AT PAGE 466, BOOK 978 AT PAGE 123, BOOK 3948 AT PAGE 188, BOOK 4903 AT PAGE 1036, BOOK 4903 AT PAGE 1042 AND BOOK 633 AT PAGE 277.

THE EASEMENT FILED IN BOOK 1493 AT PAGE 369 WAS RELEASED IN BOOK 2238 AT PAGE 147.

THE INSTRUMENT FILED IN BOOK 3672 AT PAGE 65 LACKS THE INFORMATION TO PLOT ITS LOCATION.

THE SUBJECT PROPERTY IS WHOLLY CONTAINED IN THE INSTRUMENTS FILED IN BOOK 4920 AT PAGE 2482, BOOK 4939 AT PAGE 1035, BOOK 4998 AT PAGE 319, BOOK 5074 AT PAGE 1808, BOOK 5148 AT PAGE 1111, BOOK 5184 AT PAGE 291, BOOK 5214 AT PAGE 317, BOOK 5226 AT PAGE 1883, BOOK 5423 AT PAGE 969.

N

0 200 400 800
SCALE IN FEET

CERTIFICATE

I, Brett King, the undersigned, a Registered Professional Land Surveyor L.S. 1533, in the State of Oklahoma, of Landmark Surveying, C.A. 4572 6-30-17, of 245 South Taylor, P.O. Box 1328, Pryor, Oklahoma (918-825-2804) do hereby certify that a careful survey of the following described property was made under my supervision:

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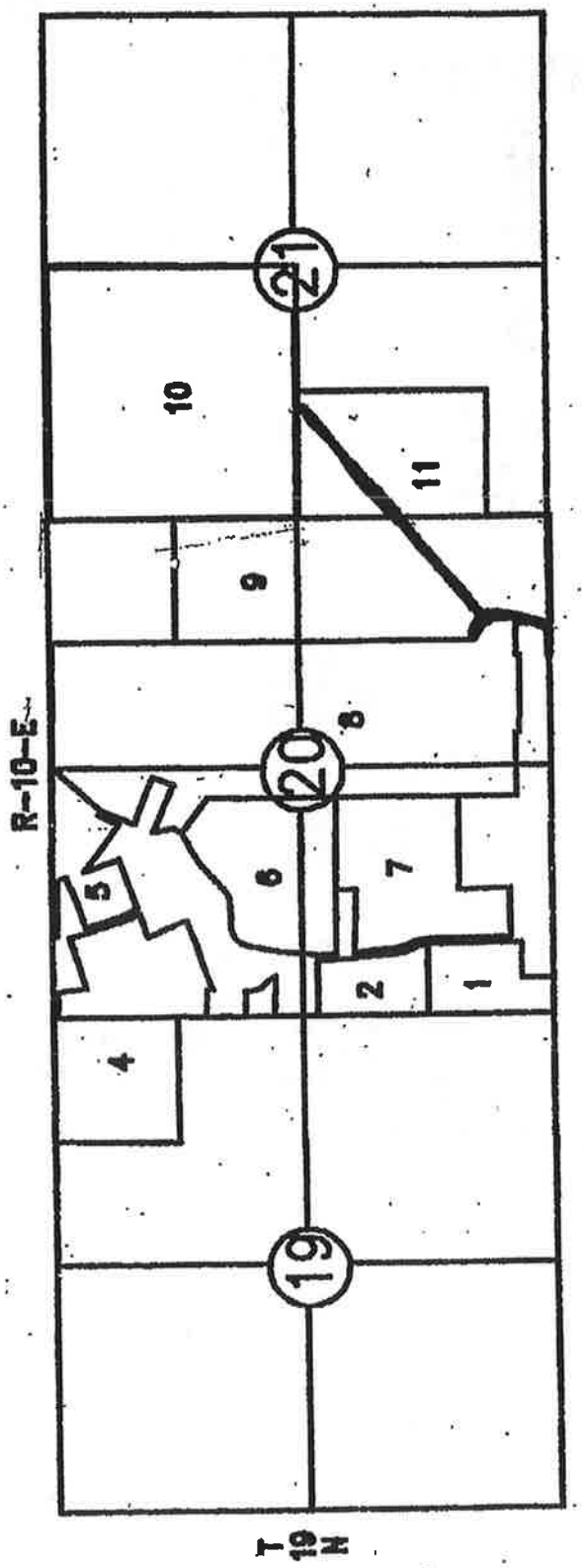
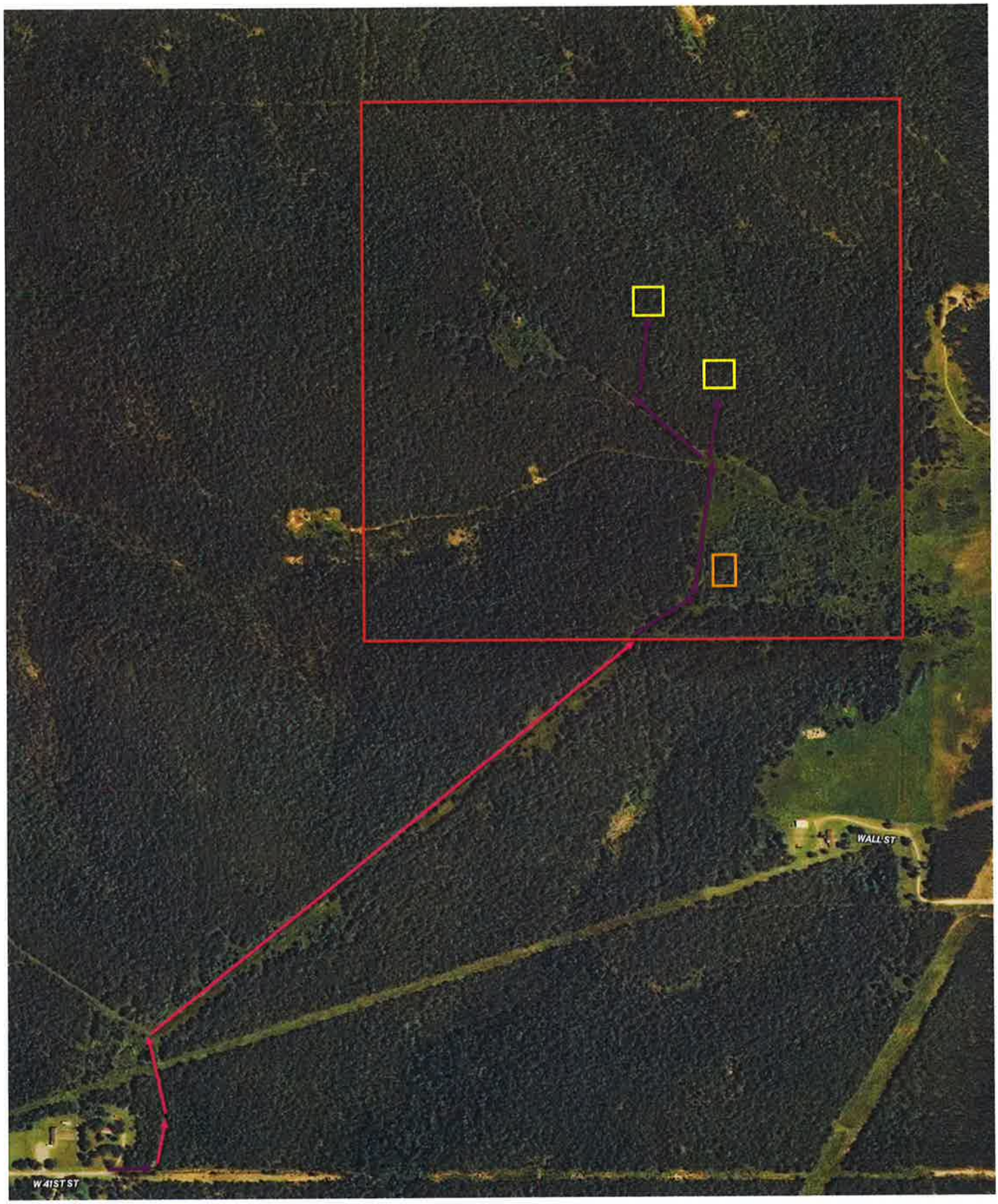
I further certify that the above and foregoing is a true and correct plat of the same.

Witness my hand and seal this 7th day of April, 2016.

LICENSED PROFESSIONAL LAND SURVEYOR
BRETT KING
1533
OKLAHOMA

LOCATION MAP




WALL ST
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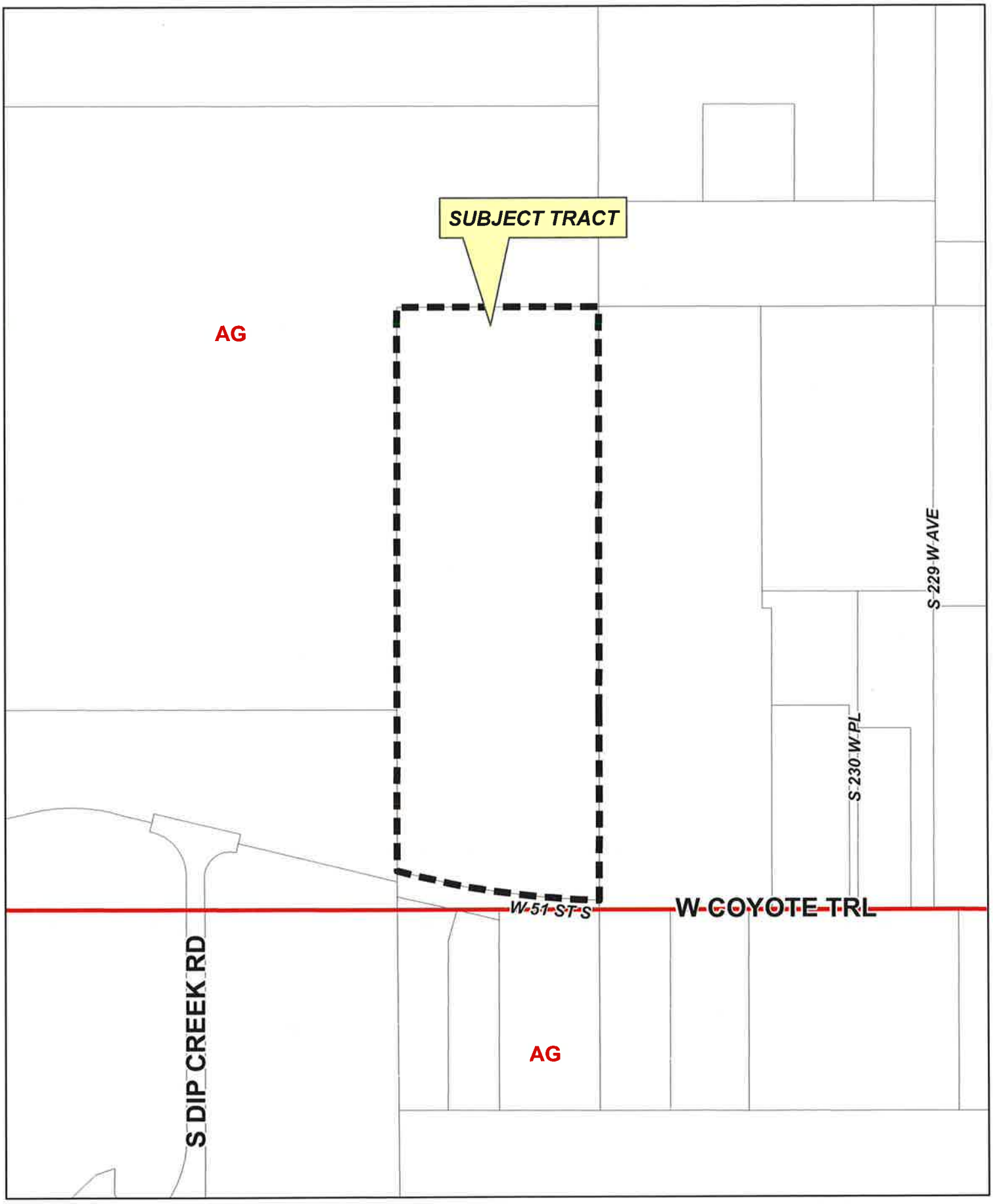


CBOA-2875

19-10 28

7.1

TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 9028
CZM: 41

CASE NUMBER: CBOA-2875
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 02/16/2021 1:30 PM

APPLICANT: Frank Pattison

ACTION REQUESTED: Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue in an AG district (Section 1202); and a Variance from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 23425 W COYOTE TL S

ZONED: AG

FENCELINE: Keystone

PRESENT USE: Agriculture

TRACT SIZE: 29.14 acres

LEGAL DESCRIPTION: SE NE SW & E/2 SE SW LYING N OF COYOTE TR SEC 28 19 10 29.144ACS,

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning and a mixture of agricultural and residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue in an AG district (Section 1202); and a Variance from the all-weather parking surface requirement (Section 1340.D).

A Special Exception is required as the proposed use 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 proposed wedding/event center must be found to be compatible with the surrounding area.

The subject lot is located in a rural area containing some undeveloped lots and AG zoned residential uses. The applicant has submitted a site plan and drawings indicating that the site will contain off-street parking off the driveway located on the eastern boundary of the subject lot. The applicant's home is located north of the proposed event venue.

The Code requires all parking surfaces be paved with an all-weather surface so as to maintain a minimum level of aesthetics, but more importantly to control air-borne particulates like dust and to control the tracking of dirt and mud onto public streets. The applicant has requested a variance to permit a gravel parking area.

The applicant intends to construct 40' x 80' (3200 SF) barn with a 12' x 80' lean to on the site. The proposed hours of operation are 12:00 p.m. – 12:00 a.m. and the attendance for weddings and family gatherings would be limited to 150 – 200 maximum guests.

7.2

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use is compatible with the surrounding area. The Board, if concerned with the performance of such a use, may limit approval for a temporary period to essentially establish a trial period. The Board may consider the following conditions:

- Limiting the number of onsite events per year.
- Limiting the total number of guests permitted at one time.
- Limiting the day and hours of operation.

Sample Motion:

"Move to _____ (approve/deny) a Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue in an AG district (Section 1202)

Approved per conceptual plan on page _____ of the agenda packet.

Subject to the following conditions (including time limitation, if any): _____.

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."

"Move to _____ (approve/deny) a Variance from the all-weather parking surface requirement (Section 1340.D).

Finding the hardship to be _____.

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.

Feet
0 200 400

Subject Tract

CBOA-2875

19-10 28

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

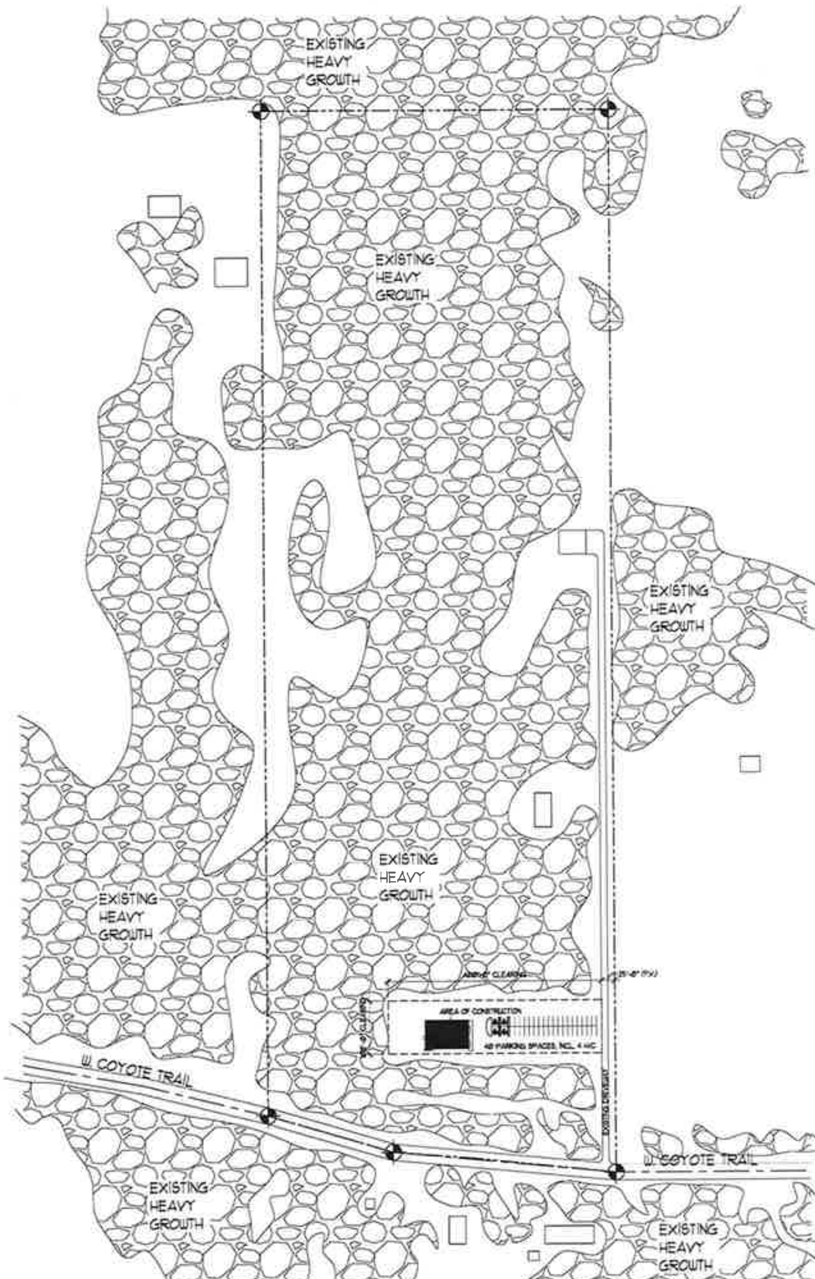
N

7.4

Looking north from West Coyote Trail

Looking east down West Coyote Trail from the subject property

Looking west down West Coyote Trail from the subject property



A SITE LOCATION PLAN
NOT TO SCALE

CODE INFORMATION

A. BUILDING CODES REVIEWED:
INTERNATIONAL BUILDING CODE 2015
INTERNATIONAL FIRE CODE 2015
INTERNATIONAL MECHANICAL CODE 2015
INTERNATIONAL PLUMBING CODE 2015
NATIONAL ELECTRICAL CODE 2015
ACCESSIBILITY CODE ANSI 117.1

B. FIRE SUPPRESSION: BUILDING IS NOT EQUIPPED WITH A FIRE SUPPRESSION SYSTEM.

C. OCCUPANT LOAD CALCULATIONS: SECTION 303.1, TABLE 1004.1.2

OCCUPANCY AREA	AREA SQ FT	OCCUPANCY CLASSIFICATION	SQUARE FEET PER PERSON	OCCUPANT LOAD FOR EGRESS
TOTAL SPACE AREA 3,786 SF / 3,645 OCCUPIED				
UNCONC ASSEMBLY	3288 SF	A-2	100	33
PREP AREA	187 SF		200	1
STORAGE	171 SF		300	0
RESTROOMS	134 SF	(ALTERNATELY OCCUPIED)		
TOTAL OCCUPANT LOAD				34

D. CONSTRUCTION TYPE: TABLE 601 — II B

E. EGRESS:

OCCUPANT LOAD:	TABLE 1004.1.2	34
EGRESS WIDTH REQUIRED:	TABLE 1005.1	0.20" PER PERSON = 6.8"
MINIMUM DOOR WIDTH:	TABLE 1010.1.1	36" (32" CLEAR OPENING)
EGRESS WIDTH PROVIDED:		2 @ 72" = 144"
MAX. TRAVEL DISTANCE ALLOWED:	TABLE 1017.2	250'
MAX. TRAVEL DISTANCE:		45'

F. TOILET CALCULATIONS: TABLE 2902.1

OCCUPANT LOAD FOR TOILET CALCS:	TOTAL OCCUPANCY: 34 = 17 MEN & 17 WOMEN
TOILET FIXTURES REQUIRED:	1 PER 75 MEN OR WOMEN
TOILET FIXTURES PROVIDED:	1 MENS / 1 WOMENS
LAVATORIES REQUIRED:	1 PER 75 MEN OR WOMEN
LAVATORIES PROVIDED:	4 LAVATORIES
EXHAUST FANS REQUIRED:	75 CFM PER WATER CLOSET
EXHAUST FANS PROVIDED:	75 CFM PER RESTROOM
SERVICE SINKS PROVIDED:	1 MOP SINK
POTABLE DRINKING WATER:	WATER COOLER PROVIDED

INDEX OF DRAWINGS

SHEET	TITLE
CS100	COVER SHEET & SITE PLAN
A001	LIFE SAFETY PLANS
A100	DIMENSIONED FLOOR PLANS
A101	REFLECTED CEILING PLANS
A102	ROOF PLAN & SCHEDULES
A200	ELEVATIONS
A300	SECTIONS & DETAILS
A400	ENLARGED PLANS

PROJECT DESCRIPTION

THE PROJECT IS A NEW 2-STORY EVENT CENTER.

LEGAL DESCRIPTION

SE NE SW & E/2 SE SW LYING N OF COYOTE TR SEC 28 19 10 29.444ACS

GENERAL NOTES

1. CONTRACTOR SHALL COORDINATE THE REQUIREMENTS OF ANY AND ALL DRAWINGS INCLUDING: CIVIL, ARCHITECTURAL, MECHANICAL, ELECTRICAL, PLUMBING, MILLWORK (CABINETS) AND SPECIFICATIONS. ANY CONFLICTS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER.
2. PLAN DIMENSIONS ARE TO THE INTERIOR FACE OF EXISTING PERIMETER WALLS AND CENTER OF NEW STUD WALLS UNLESS NOTED OTHERWISE.

SYMBOLS LEGEND

COLUMN GRID LINE	
DIMENSIONS	DIMENSION
DRAWING/DETAIL NAME	X TITLE / SCALE — DETAIL NUMBER, DETAIL NAME, DRAWING SCALE
ELEVATION MARKS	EL 100'-0" TOP OF SLAB, 100'-0" — ELEVATION, REFERENCE POINT
ELEVATION KEYS	A / A200 — DIRECTION OF ELEVATION, ELEVATION NUMBER, SHEET NUMBER
DETAIL / PLAN KEY	A / A400 — DETAIL / PLAN NUMBER, DETAIL AREA, SHEET NUMBER
SECTION KEYS	A / A300 — SECTION NUMBER, DIRECTION OF SECTION, SHEET NUMBER
	XX/XXX XX/XXX XX/XXX
ROOM NAME & NUMBER	ROOM NAME / 101 — ROOM NAME, ROOM NUMBER
DOOR NUMBER & WIDTH	3/0 / 100 — DOOR SIZE, DOOR NUMBER
WALL TYPE	X — WALL TYPE DESIGNATION
WINDOW TYPE	1 — WINDOW TYPE
KEYNOTE	0000 — MATERIAL DESIGNATION
FINISH TYPE	CPT-1 — FINISH DESIGNATION
REVISION INDICATOR	REVISION NUMBER, AREA REVISED

SITE VERIFICATION REQUIREMENTS

1. ALL UTILITY LOCATIONS ARE APPROXIMATE. THE CONTRACTOR SHALL FIELD VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES (WHETHER SHOWN OR NOT) PRIOR TO THE SUBMISSION OF HIS BID OR THE COMMENCEMENT OF CONSTRUCTION.
2. THE CONTRACTOR SHALL VERIFY AND MAINTAIN (REPAIR IF DAMAGED) EXISTING IRRIGATION SYSTEMS AFFECTED BY THE CONSTRUCTION OF THIS PROJECT.
3. THE CONTRACTOR SHALL FIELD LOCATE AND VERIFY ALL PROPERTY LINES, EASEMENTS, AND SETBACKS AND RESTRICTIONS. A REGISTERED SURVEYOR SHALL ESTABLISH ALL PROPERTY LINES AND SETBACKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION AND CLEARLY FLAG PROPERTY LINES AND SETBACKS. IT REMAINS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO DETERMINE THE EXACT LOCATIONS OF ALL SAID BOUNDARIES.
4. THE CONTRACTOR SHALL VERIFY EXACT LOCATIONS AND DEPTHS OF UNDERGROUND UTILITY SERVICES PRIOR TO ANY EXCAVATION.
5. THE CONTRACTOR SHALL VERIFY ALL GRADES AND PROPOSED FINAL GRADES. FOR RAMPS, STOOPS, SIDEWALKS, FLATWORK, OR PAVING THAT ARE INSTALLED, VERIFY FINAL GRADES AROUND THE NEW CONSTRUCTION AND ADJUST STAIR RISERS, RAMP LENGTHS, LIMIT OF PAVING, ETC. TO ACCOMMODATE THE REQUIRED RAMP SLOPE, RISER HEIGHTS, OR PAVING AREAS. ALL RAMPS AND STAIRS SHALL MEET ADA-ADAAGS OR ADOPTED HANDICAP ACCESSIBILITY REQUIREMENTS. IF THERE IS A CONFLICT IN FIELD CONDITIONS, NOTIFY THE ARCHITECT PRIOR TO THE CONSTRUCTION OR ORDERING OF MATERIALS.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE TIMELY ORDERING OF MATERIALS TO PROHIBIT DELAYS OF THE CONSTRUCTION SCHEDULE OF THIS PROJECT. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE DELIVERY OF MATERIALS IN A TIMELY MANNER.
7. THE GENERAL CONTRACTOR SHALL RESPOND TO ALL REQUIREMENTS OF THE ARCHITECT FOR VERIFICATIONS, RESPONSES, AND SUBMISSIONS.
8. DURING THE ENTIRE CONSTRUCTION PERIOD, PROVIDE ONE UL LISTED 2A-20BC DRY CHEMICAL FIRE EXTINGUISHER, OR ONE STANDARD UL LISTED 2½ GALLON WATER (2-A) AND ONE UL LISTED 10BC CARBON DIOXIDE FIRE EXTINGUISHERS MOUNTED TOGETHER IN EACH 3,000 SQ. FT. OF WORK AREA OR FRACTION THEREOF (MINIMUM OF TWO AVAILABLE IN ALL CONSTRUCTION AREAS AT ALL TIMES).
9. MUD AND DEBRIS TRACKED ONTO OWNER PAVING OR CITY STREETS TO BE CLEANED IMMEDIATELY.

DESIGNWORKS
studio
KEN ALEXANDER
ARCHITECTURE · PLANNING · INTERIOR DESIGN
221 S. MAIN ST. · SAND SPRINGS, OK 74063
918-808-9585 · KEN@DESIGNWORKSSTUDIO.NET

STATE OF OKLAHOMA · LICENSED ARCHITECT
12/17/20
Architect of Record

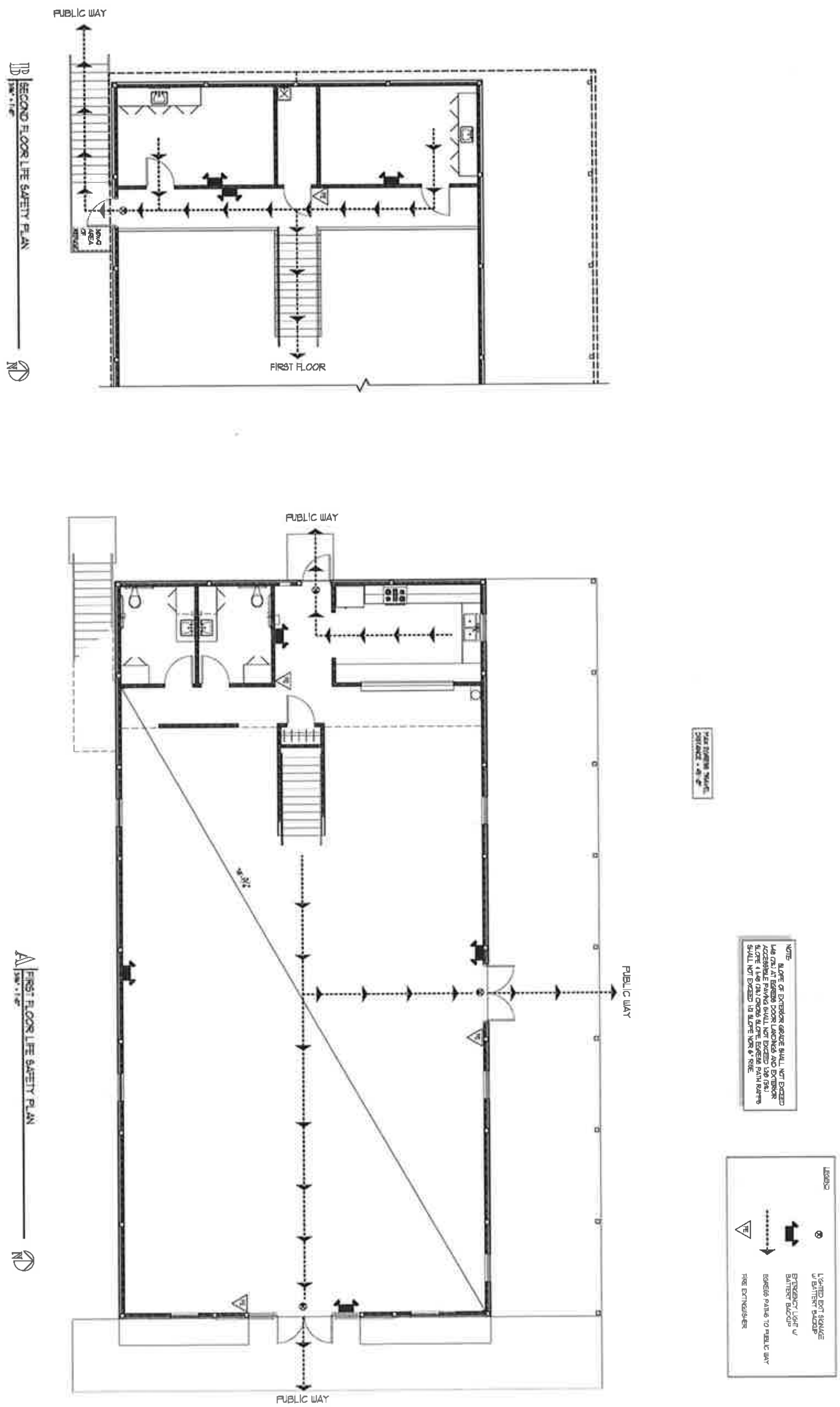
PATTISON EVENT CENTER

FRANK PATTISON
2020-012
23425 WEST COYOTE TRAIL
SAND SPRINGS, OK 74063

NUM.	DESCRIPTION	DATE
	PERMIT SET	12/17/2020

SETS ISSUED:
DRAWING TITLE:
COVERSHEET & SITE LOCATION PLAN
DRAWING NUMBER:
CS100

7.7



LIFE SAFETY PLANS

A001

PATTISON EVENT CENTER

FRANK PATTISON

2020-012

23425 WEST COYOTE TRAIL
SAND SPRINGS, OK 74063

12/17/20

Architect of Record

DESIGNWORKS STUDIO

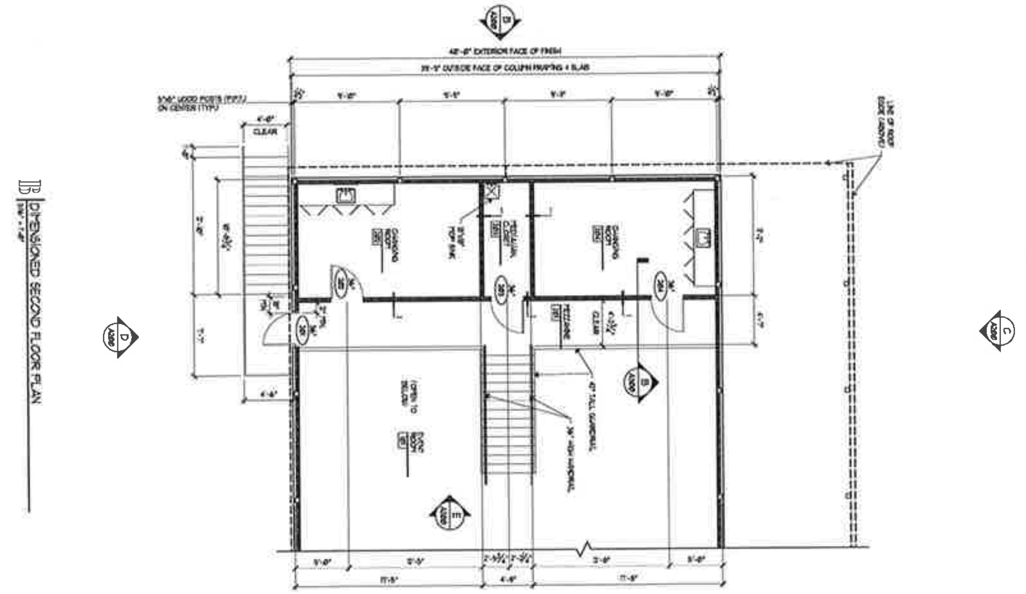
KEN ALEXANDER

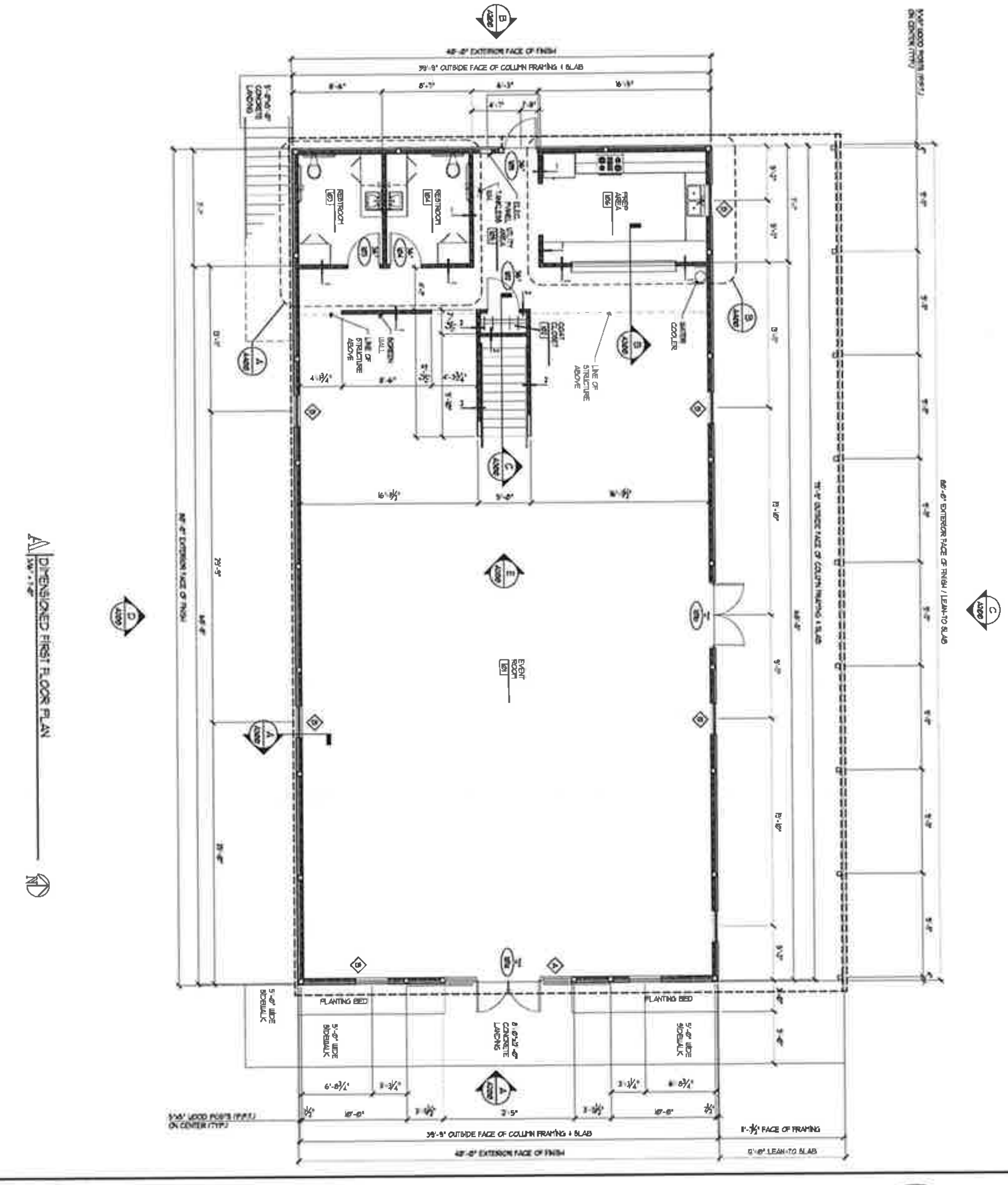
ARCHITECTURE · PLANNING · INTERIOR DESIGN

221 S. MAIN ST. · SAND SPRINGS, OK 74063

918-808-9585 · KEN@DESIGNWORKSSTUDIO.NET

7.8





WALL TYPES

1. 3/4" x 5" T&G WOOD PLANK TO CEILING (VARIES) INTERIOR SIDES 2x4 WOOD STUDS TO B.O. STRUCTURE (VARIES) @ 16" O.C. MAX (FINISH TO BE SELECTED BY OWNER)
2. 5/8" TYP. X' GYP. BOARD TO TOP OF FRAMING (VARIES) BOTH SIDES 2x4 WOOD STUDS TO B.O. STRUCTURE (VARIES) @ 16" O.C. MAX (FINISH TO BE SELECTED BY OWNER)

WALL LEGEND

2x4 STUD WALL - FULL HEIGHT	(hatched)
5"X6" WOOD COLUMN (CA-C) (PT) FOR GROUND CONTACT	(shaded)

PATTISON EVENT CENTER

FRANK PATTISON
2020-012
23425 WEST COYOTE TRAIL
SAND SPRINGS, OK 74063

STATE OF OKLAHOMA
LICENSED ARCHITECT
No. 3006
12/17/20
Architect of Record

DESIGNWORKS
- studio -
KEN ALEXANDER
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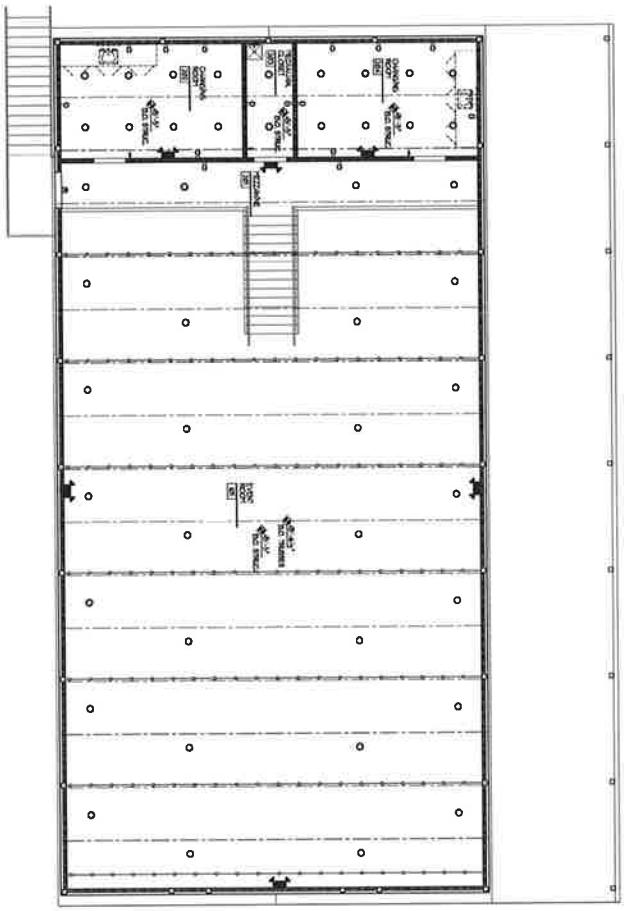
231 E. MAIN ST. · SAND SPRINGS, OK 74063
918-808-5585 · KEN@DESIGNWORKSSTUDIO.NET

7.9

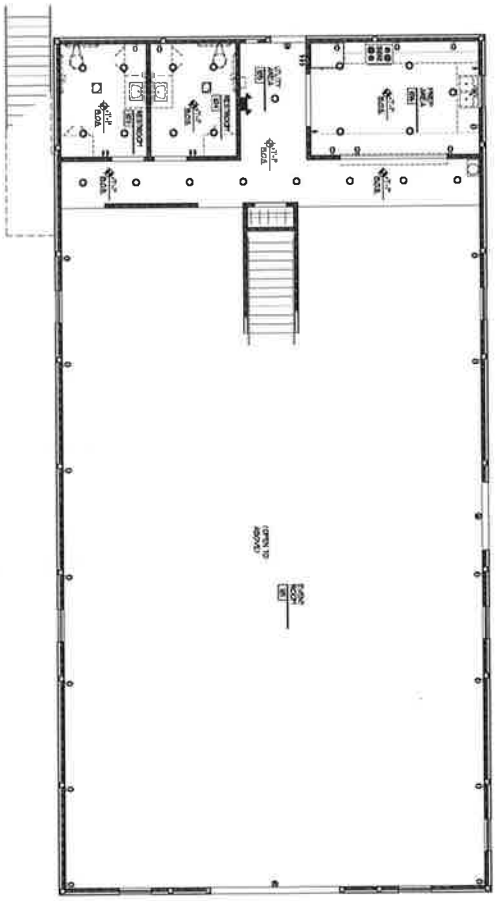
REV.	DESCRIPTION	DATE
	PERMIT SET	2/11/2020

SETS ISSUED:
DRAWING TITLE:
DIMENSIONED FLOOR PLANS
DRAWING NUMBER:

A100



B SECOND FLOOR ELECTRICAL PLAN



A FIRST FLOOR ELECTRICAL PLAN

ROOF FIXTURE SCHEDULE	
⊛	LIGHTED EXIT MARQUEE W/ BATTERY BACKUP (1)
	EMERGENCY LIGHTING W/ BATTERY BACKUP (1)
	48" DECORATIVE STRING LIGHTS (4)
○	RECESSED CAN LIGHT FIXTURE (32)
□	EXHAUST FAN (1)
⊸	WALL MOUNTED BUTTON (2)
⊕	110V ELECTRICAL DUPLEX (37)

NOTES

1. ALL LIGHTING AND ELECTRICAL OUTLETS TO MEET OR EXCEED CODE.
2. ADDITIONAL OUTLETS AND LOCATIONS TO BE DETERMINED.
3. NEW EXTERIOR LIGHTING AND LOCATIONS TO BE DETERMINED.
4. NEW DATA AND PHONE LOCATIONS TO BE DETERMINED.
5. AC UNIT LOCATED OUTSIDE WEST RM.
6. DRYWALL CEILING IN SMALL ROOMS (NEIGHT VARIES)

PATTISON EVENT CENTER

FRANK PATTISON
2020-012
23425 WEST COYOTE TRAIL
SAND SPRINGS, OK 74063

STATE OF OKLAHOMA — No. 20018 — REGISTERED LICENSED ARCHITECT
12/17/20
Architect of Record

DESIGNWORKS · studio ·
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7.10

A101

DOOR SCHEDULE

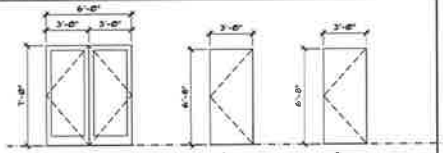
DOOR MARK	TYPE	LEAF SIZE WIDTH	LEAF SIZE HEIGHT	LEAF SIZE THICKNESS	FIRE RATING	FRAME TYPE	REMARKS
101A	A	PR 3'-0"	7'-0"	-		-	PANIC HARDWARE / TEMPERED GLAZING
101B	A	PR 3'-0"	7'-0"	-		-	PANIC HARDWARE / TEMPERED GLAZING
102	C	3'-0"	8'-0"	1¾"		-	CLOSET HARDWARE
103	C	3'-0"	8'-0"	1¾"		-	PRIVACY HARDWARE
104	C	3'-0"	8'-0"	1¾"		-	PRIVACY HARDWARE
105	B	3'-0"	8'-0"	1¾"		-	PANIC HARDWARE
201	B	3'-0"	8'-0"	1¾"		-	PANIC HARDWARE
202	C	3'-0"	8'-0"	1¾"		-	CLOSET HARDWARE
203	C	3'-0"	8'-0"	1¾"		-	KEY LOCK AFOJRITY HARDWARE
204	C	3'-0"	8'-0"	1¾"		-	CLOSET HARDWARE

NOTES:

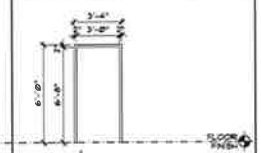
- IT IS THE OWNER'S RESPONSIBILITY TO COORDINATE KEYING WITH LOCKSMITH.

1. ALL DOORS TO COMPLY W/ OVERALL WINDLOAD CONSISTENT FOR ADJACENT WALLS.
2. ALL DOOR ACTUATION HARDWARE @ 3'-3" A.F.F. UNLESS NOTED OTHERWISE.
3. EXIT DOORS SHALL BE READILY OPERABLE FROM THE EGRESS SIDE WITHOUT THE USE OF A KEY NOR SPECIAL KNOWLEDGE. DOOR HANDLES, PULLS, LATCHES, LOCKS, AND OTHER OPERATING DEVICES ON DOORS SHALL NOT REQUIRE TIGHT GRASPING, TIGHT PINCHING, OR TWISTING OF THE WRIST TO OPERATE.
4. VERIFY ALL HARDWARE WITH OWNER & ARCHITECT PRIOR TO ORDERING.
5. THRESHOLDS SHALL NOT EXCEED ½" A.F.F. RAISED THRESHOLDS & FLOOR LEVEL CHANGES AT ACCESSIBLE LOCATIONS SHALL BE BEVELED WITH A SLOPE NO GREATER THAN 1:2.
6. THE SWEEP PERIOD OF DOOR CLOSERS SHALL BE 3 SECONDS MINIMUM FOR AN OPEN POSITION OF "0 DEGREES TO 3" FROM THE LATCH, MEASURED TO THE LEADING EDGE OF THE DOOR.
7. THE MAXIMUM FORCE FOR PUSHING OR PULLING OPEN AN INTERIOR HINGED, SLIDING, OR FOLDING DOOR SHALL BE 5 POUNDS OF FORCE.
8. LOCKING EXIT/EGRESS DOORS NOT HAVING PANIC HARDWARE SHALL HAVE SIGNAGE STATING: "THIS DOOR MUST REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED."

DOOR TYPES ¼" = 1'-0"



FRAME TYPES ¼" = 1'-0"



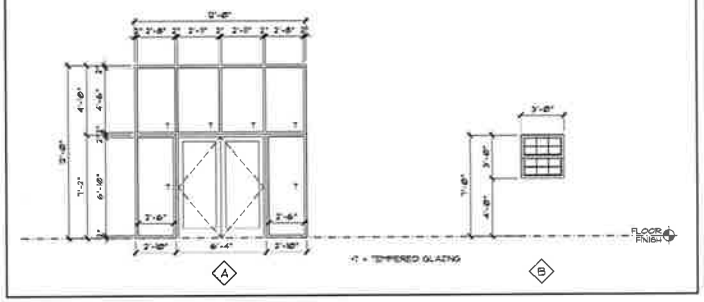
WINDOW SCHEDULE

MK.	QTY.	TYPE	GLASS	FRAME SIZE WIDTH	FRAME SIZE HEIGHT	OPERATION	REMARKS
A	1	STOREFRONT WINDOW SYSTEM	TEMPERED	3'-4"	5'-4"	FIXED	
B	6	INSULATED WINDOW SYSTEM	-	3'-0"	3'-0"	DOUBLE HUNG	

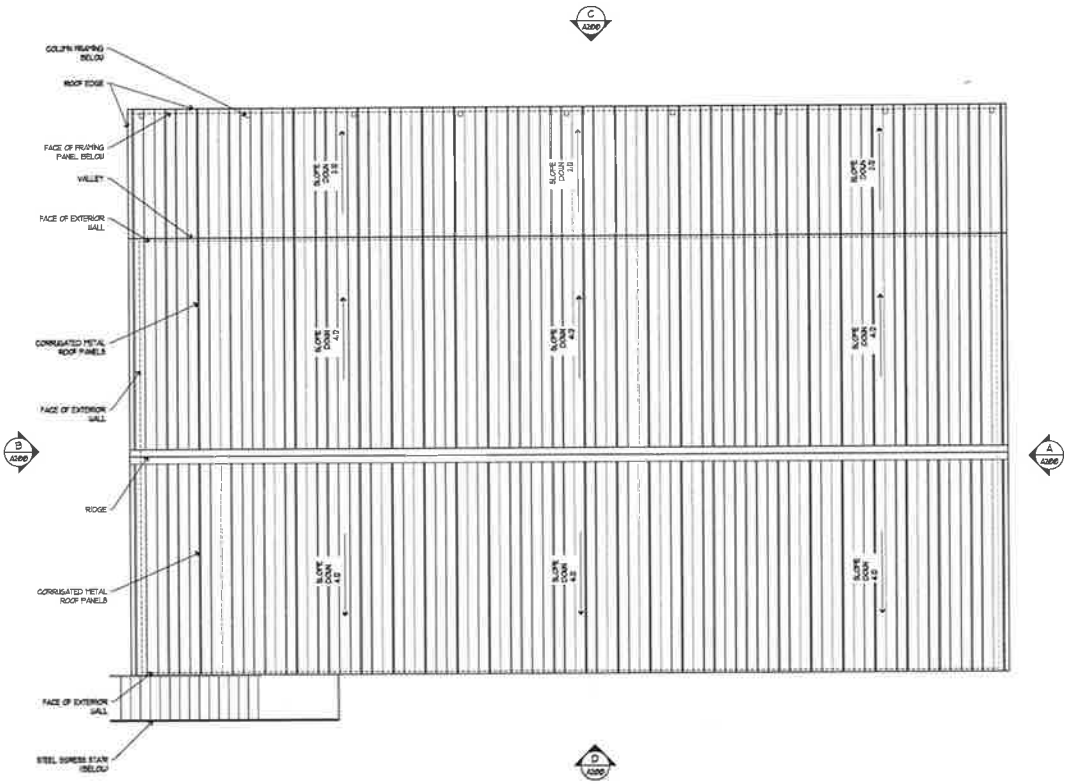
NOTES

1. MANUFACTURER TO BE SELECTED BY OWNER.
2. BUILDER TO PROVIDE SHOP DRAWINGS FOR DOORS & WINDOWS TO OWNER FOR APPROVAL.

WINDOW TYPES ¼" = 1'-0"



T = TEMPERED GLAZING



A ROOF PLAN
3/16" = 1'-0"

ND

DESIGNWORKS

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918.699.9595 • KEN@DESIGNWORKSTULSA.NET

STATE OF OKLAHOMA — KEN ALEXANDER — No. 20116 — STATE REGISTERED ARCHITECT — 12/11/20 — Architect of Record

PATTISON EVENT CENTER
FRANK PATTISON
2020-012
23425 WEST COYOTE TRAIL
SAND SPRINGS, OK 74063

NO.	DESCRIPTION	DATE
	PERMIT SET	12/15/20

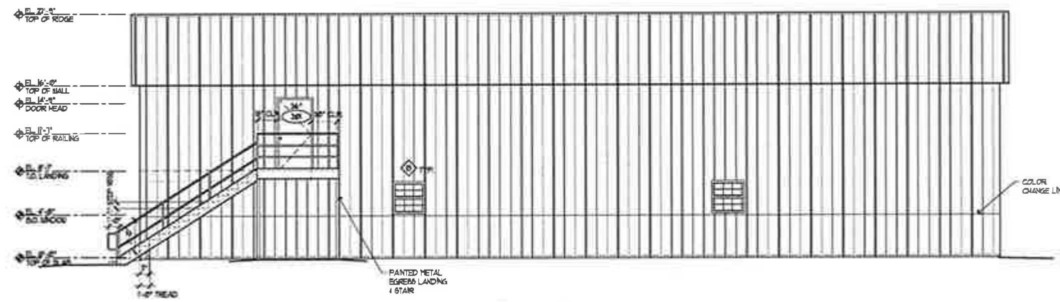
SETS ISSUED:

DRAWING TITLE:
ROOF PLAN & SCHEDULES

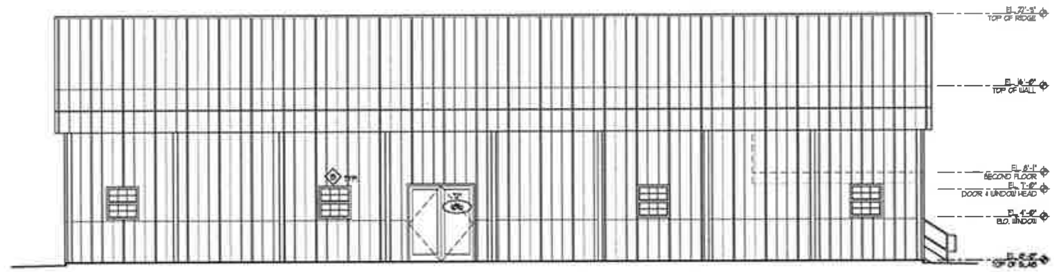
DRAWING NUMBER:
A102

7.11

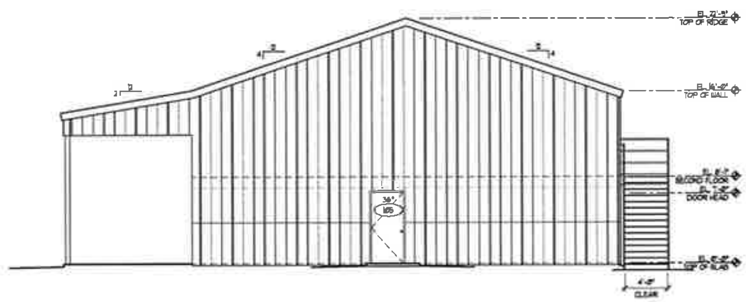
E INTERIOR ELEVATION
3/16" = 1'-0"



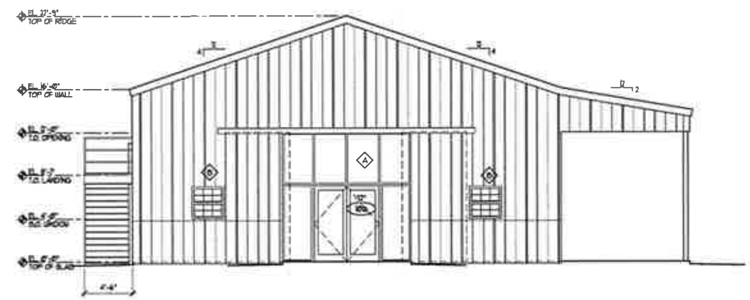
D SOUTH EXTERIOR ELEVATION
3/16" = 1'-0"



C NORTH EXTERIOR ELEVATION
3/16" = 1'-0"



B WEST EXTERIOR ELEVATION
3/16" = 1'-0"



A EAST EXTERIOR ELEVATION
3/16" = 1'-0"

7.12

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PATTISON EVENT CENTER
FRANK PATTISON
2020-012
23425 WEST COYOTE TRAIL
SAND SPRINGS, OK 74063

PERMIT SET

NUM. DESCRIPTION DATE

SETS ISSUED:

DRAWING TITLE:
EXTERIOR ELEVATIONS

DRAWING NUMBER:
A200

PATTISON EVENT CENTER

FRANK PATTISON

2020-012

23425 WEST COYOTE TRAIL
SAND SPRINGS, OK 74063

STATE OF OKLAHOMA
KENNETH L. ALEXANDER
No. 3058
REGISTERED ARCHITECT

12/17/20

Architect of Record

DESIGNWORKS

KEN ALEXANDER
ARCHITECTURE · PLANNING · INTERIOR DESIGN

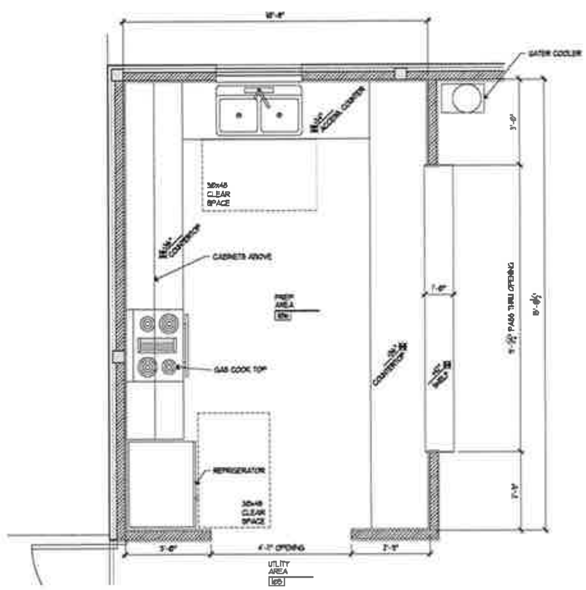
221 S. MAIN ST. · SAND SPRINGS, OK 74063
918-808-9585 · KEN@DESIGNWORKSSTUDIO.NET

A500

SECTIONS + DETAILS

7.13

B ENLARGED KITCHEN PLAN

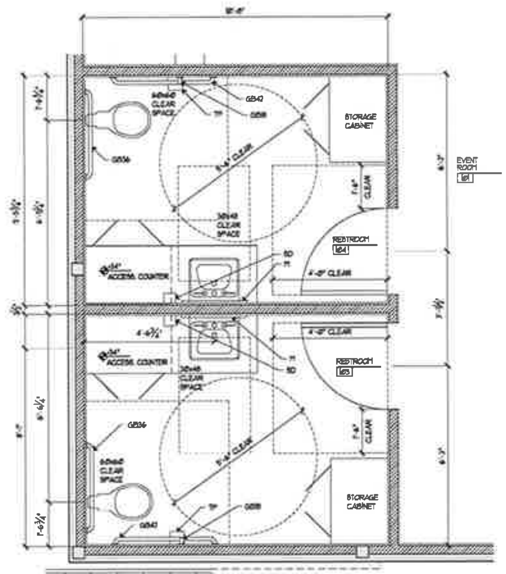


B ENLARGED KITCHEN PLAN
1/4" = 1'-0"

FIXTURE SCHEDULE

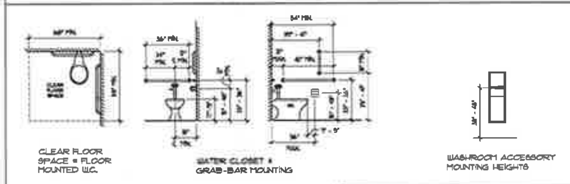
GB18	18" GRAB BAR (VERTICAL)
GB36	36" GRAB BAR
GB42	42" GRAB BAR
M	MIRROR
SD	SOAP DISPENSER
PTD	PAPER HAND TOWEL DISPENSER
TP	TOILET PAPER DISPENSER
MOP	MOP SINK
DF	DRINKING FOUNTAIN

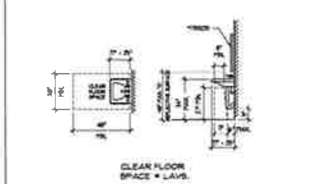
A ENLARGED RESTROOM PLANS



A ENLARGED RESTROOM PLANS
1/4" = 1'-0"

ADA COMPLIANT FIXTURE MOUNTING DETAILS





NOTES:

1. LAVATORY AND WATER CLOSETS ARE TO BE LEVER TYPE CONTROL.
2. GRAB BAR AND SEAT SHALL WITHSTAND A LOAD NOT LESS THAN 250 POUNDS APPLIED AT ANY POINT.
3. PROVIDE 1½" CLEARANCE BETWEEN GRAB BAR AND WALL.
4. PROVIDE A CLEARANCE OF 1½" MINIMUM BELOW AND 12" MINIMUM ABOVE GRAB BARS. VERTICAL GRAB BAR WILL BE 3" - 8" FROM BAR BELOW.
5. HOT WATER PIPES UNDER LAVATORY SHALL BE INSULATED OR OTHERWISE CONFIGURED TO PROTECT AGAINST CONTACT.
6. THE TOILET ROOMS HAVE BEEN DESIGNED TO COMPLY WITH THE ANSI MINIMUM CLEARANCES BASED UPON THE SPECIFIED FIXTURES.

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STATE OF OKLAHOMA · LICENSED ARCHITECT · No. 3028
12/17/20
Architect of Record

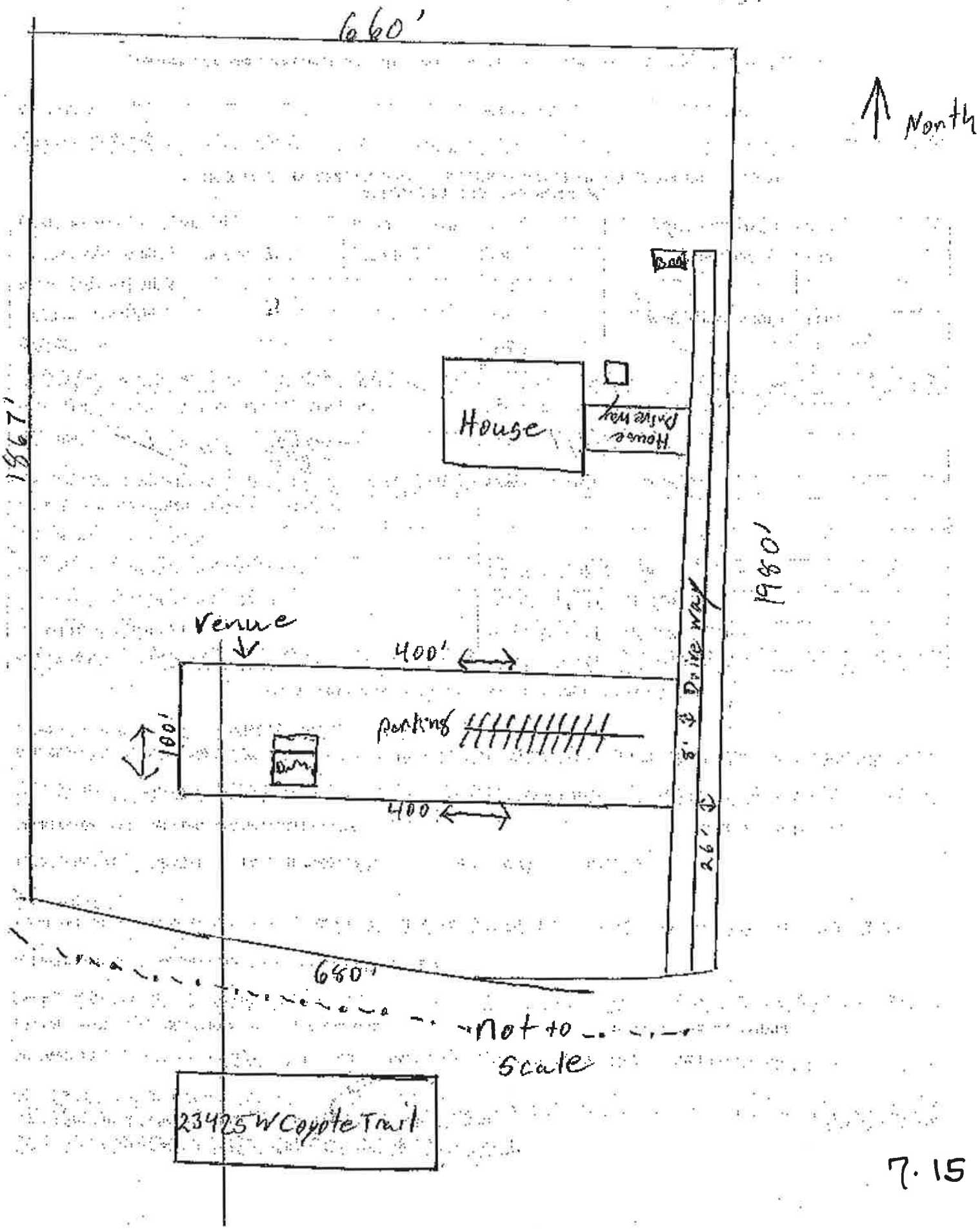
PATTISON EVENT CENTER

FRANK PATTISON
2020-012
23425 WEST COYOTE TRAIL
SAND SPRINGS, OK 74063

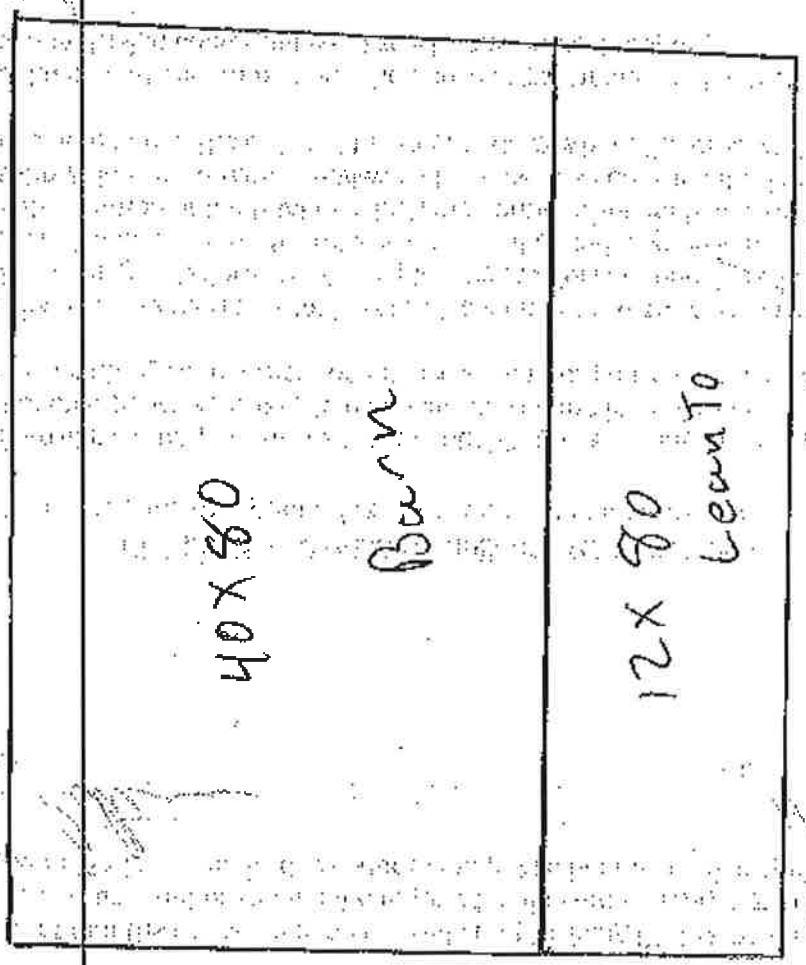
NUM.	DESCRIPTION	DATE
	PERMIT SET	12/17/2020

SETS ISSUED:
DRAWING TITLE:
ENLARGED RESTROOMS
DRAWING NUMBER:
A400

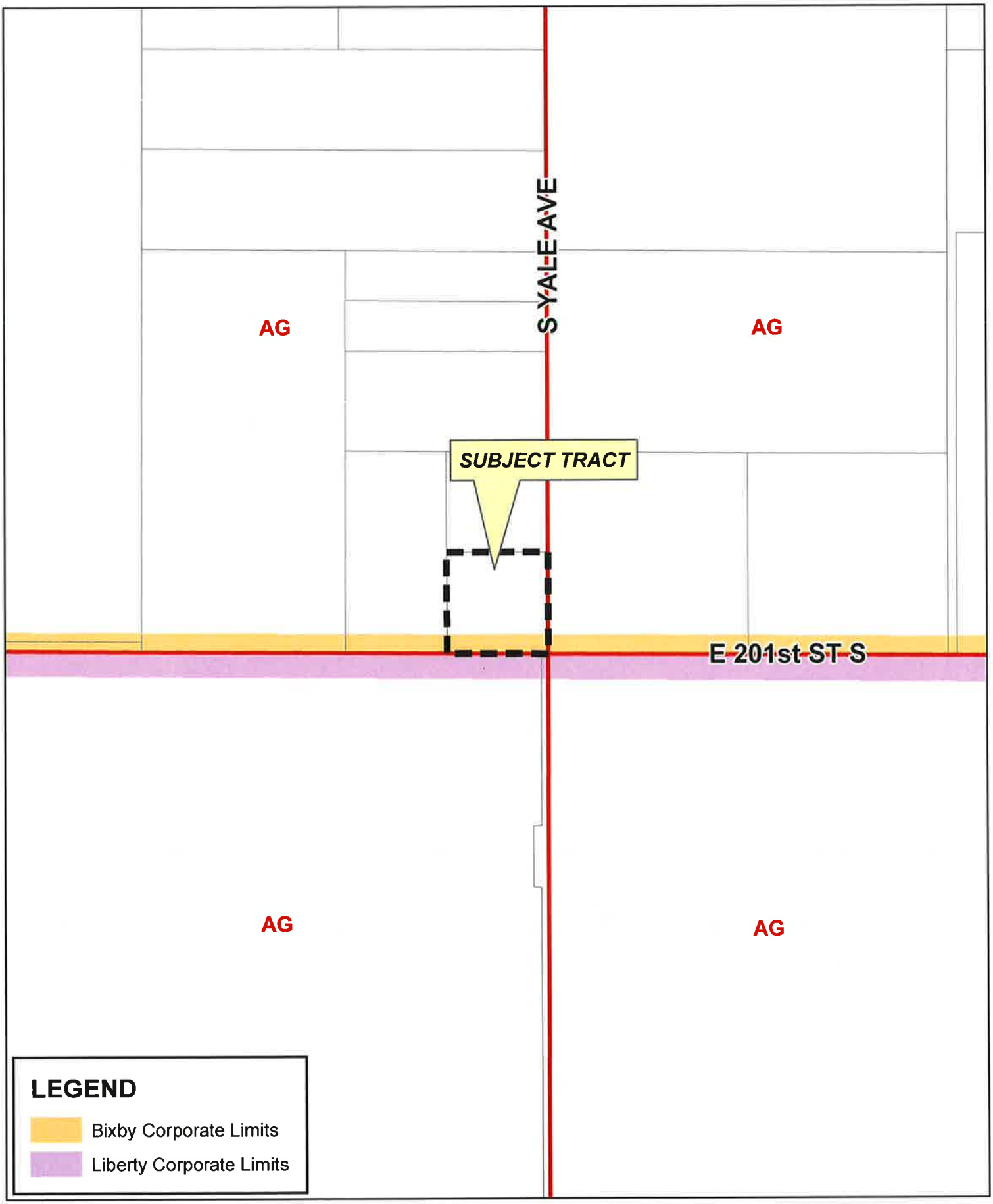
7.14


1660'
North
1967'
House
House Parking
Pool
1980'
Venue
400'
100'
parking
8' Drive Way
26'
400
660'
not to scale
23425 W Coyote Trail

7.15



7.16



CBOA-2877

16-13 09

8.1

TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 6309
CZM: 72, 71

CASE NUMBER: CBOA-2877
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 02/16/2021 1:30 PM

APPLICANT: Linda Fitzpatrick

ACTION REQUESTED: Variance to allow two dwelling units on a single lot of record in an AG district (Section 208).

LOCATION: 20024 S YALE AV E

ZONED: AG

FENCELINE: Bixby

PRESENT USE: Residential

TRACT SIZE: 2.5 acres

LEGAL DESCRIPTION: SE SE SE SESEC 9 16 13 2.50AC,

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoned properties in a rural area with some residential uses to the north and west.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance to allow two dwelling units on a single lot of record in an AG district (Section 208). As shown on the attached plan, the applicant has one single-family home on the lot and is proposing to place a single-wide mobile home north of the existing home.

The applicant provided the following statement: *"All other corners adjacent to our property is AG land, no other residents."*

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 district are described in the following table:

	AG District	Subject Property
Lot Width	Minimum 150 feet	312 feet
Lot Area	Minimum 2 acres	2.5 acres
Land Area per Dwelling Unit	Minimum 2.1 acres	1.25 acres if approved
Side Yard	Minimum 15 feet	40 feet (see site plan)
Rear Yard	Minimum 40 feet	

Section 330, Table 3 of the Code requires a minimum lot area of 2 acres and a land area per unit requirement of 2.1 acres in the AG district. The applicant is proposing one single-family home and one single-wide mobile home on the 2.5-acre subject lot.

8.2

If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the additional dwelling is not injurious to the surrounding agricultural district.

Sample Motion:

"Move to _____ (approve/deny) a Variance to allow two dwelling units on a single lot of record in an AG district (Section 208).

- *Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.*
- *Finding the hardship to be _____.*

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"

Feet
0 200 400

Subject Tract

CBOA-2877

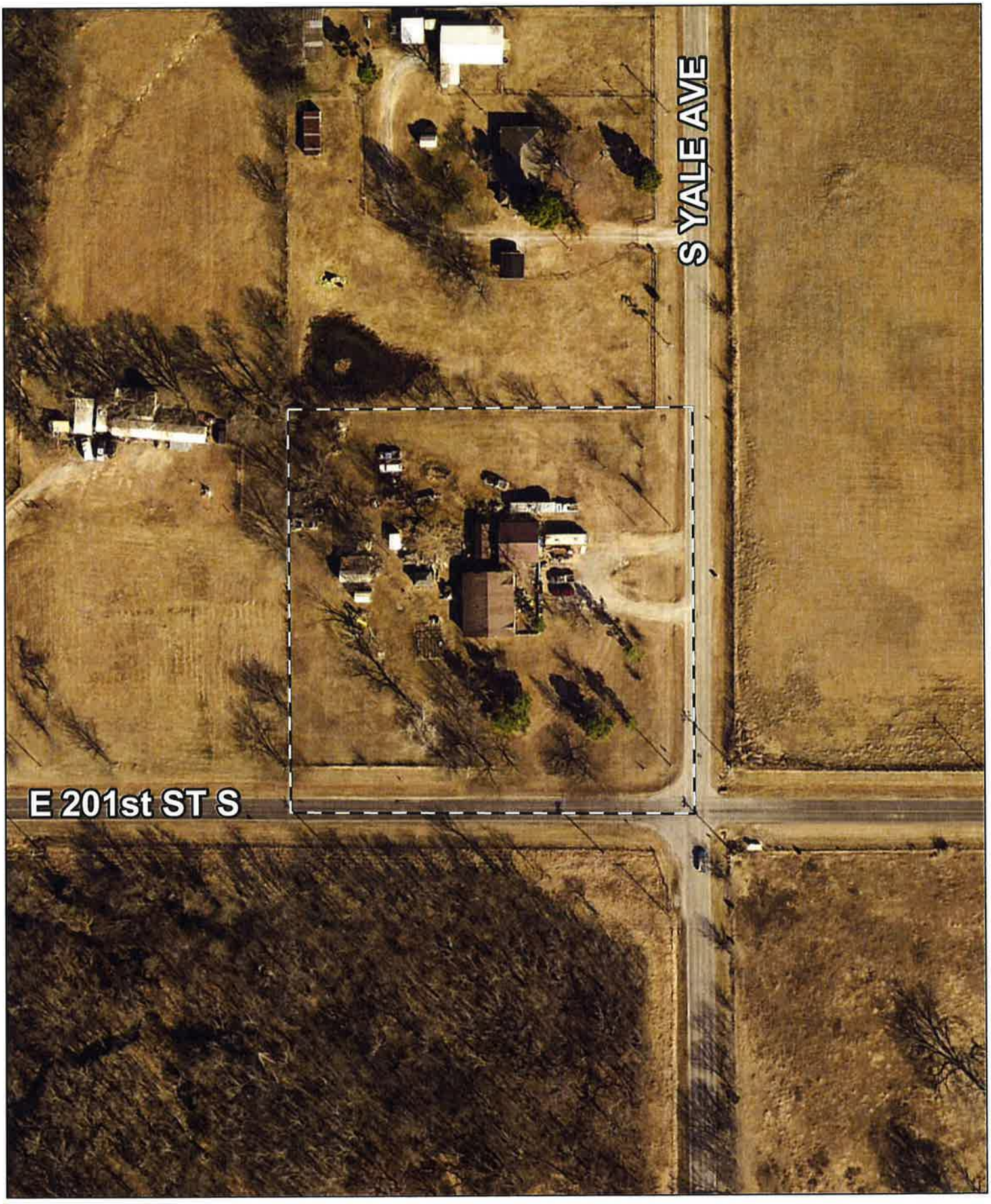
16-13 09

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

N

8.4



Feet
0 50 100

Subject Tract

CBOA-2877

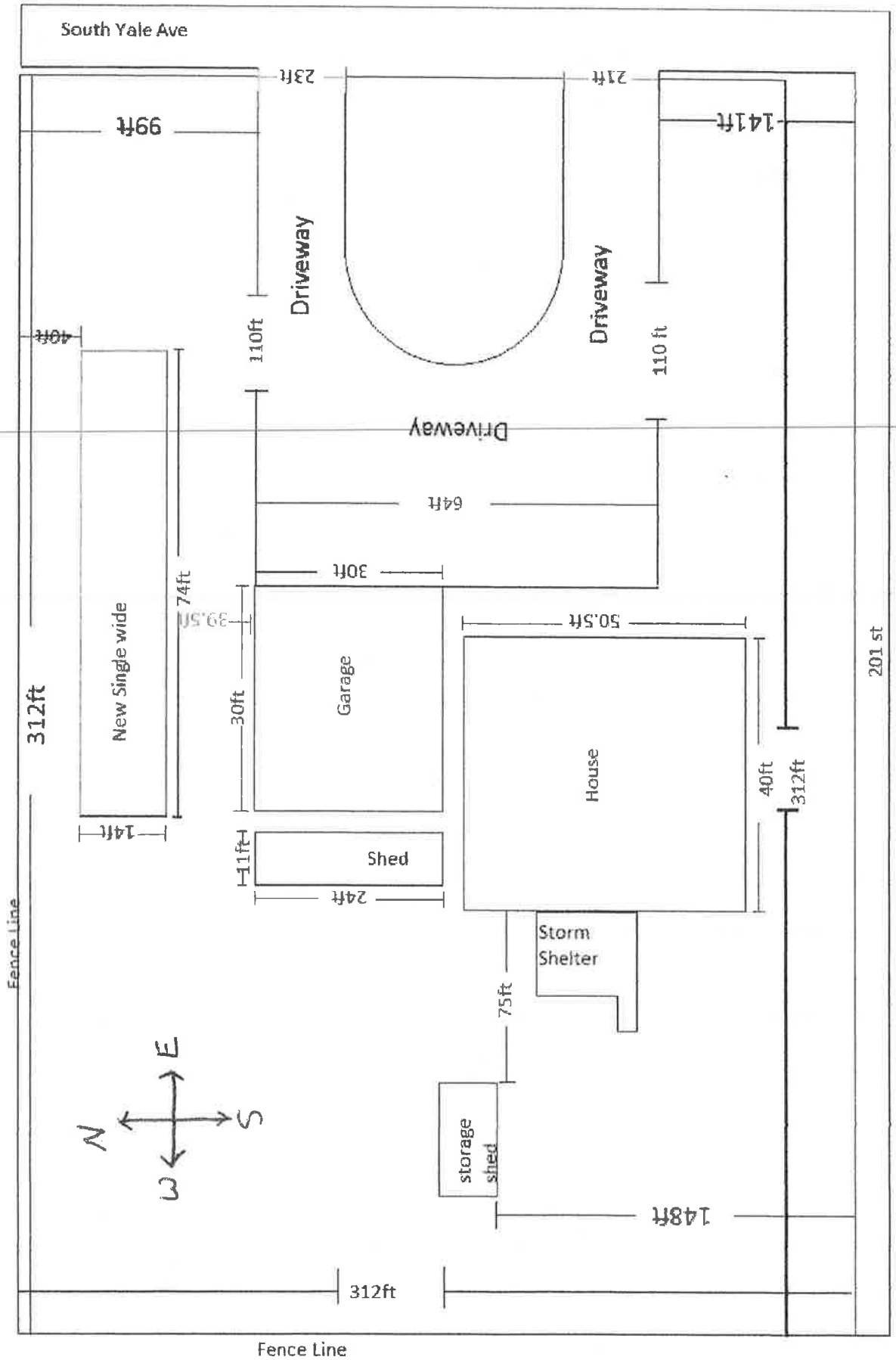
16-13 09

Note: Graphic overlays may not precisely align with physical features on the ground.

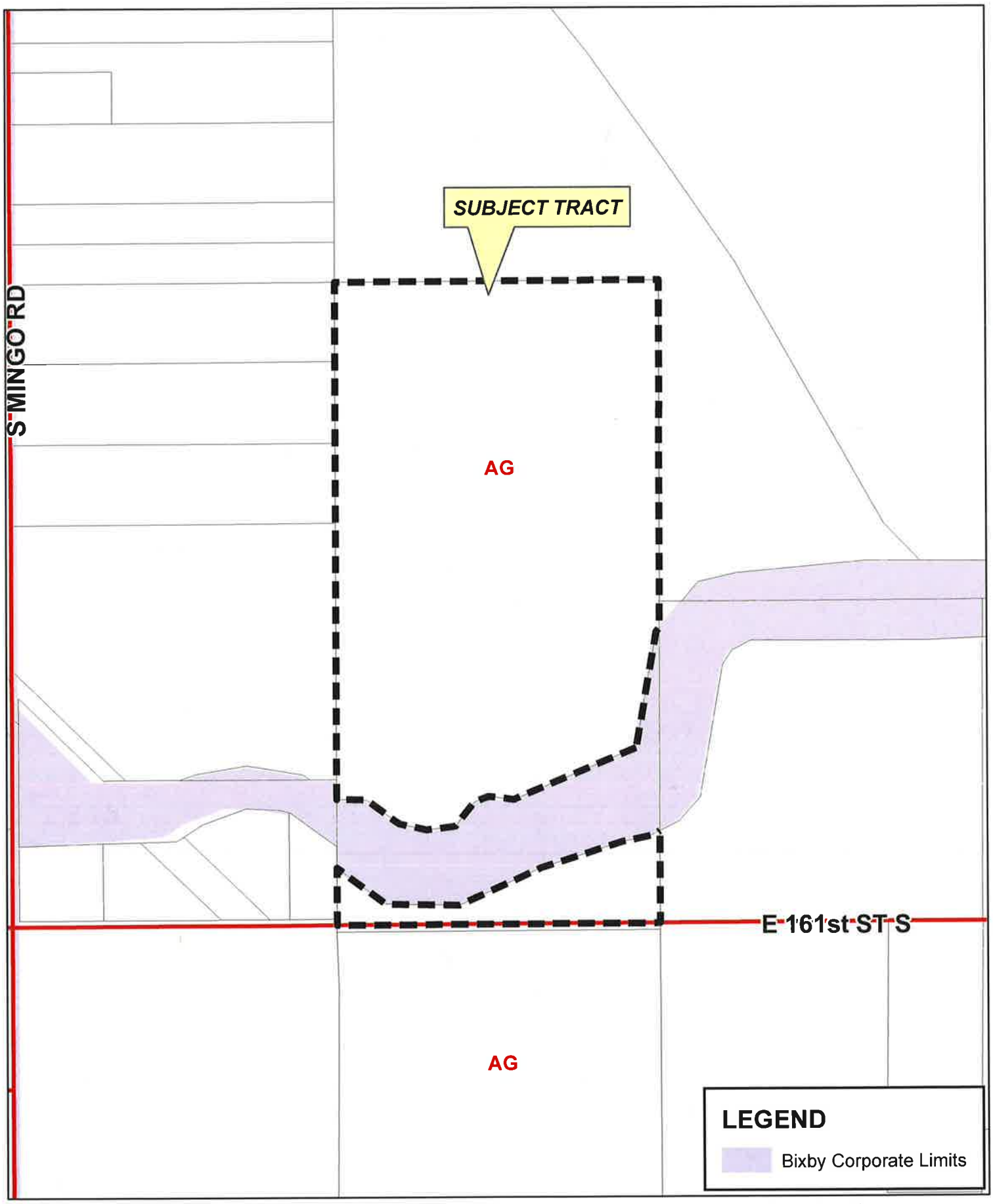
Aerial Photo Date: February 2018

N

8.5


South Yale Ave
23ft
21ft
99ft
141ft
Driveway
Driveway
110ft
110 ft
40ft
Driveway
64ft
30ft
74ft
39.5ft
New Singe wide
312ft
Garage
30ft
50.5ft
House
40ft
312ft
201 st
14ft
11ft
Shed
24ft
Storm
Shelter
75ft
Fence Line
E
N
S
W
storage
shed
148ft
312ft
Fence Line

8.6



Feet
0 250 500

CBOA-2878

17-14 19

9.1

TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 7419
CZM: 68

CASE NUMBER: CBOA-2878
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 02/16/2021 1:30 PM

APPLICANT: Tanner Bemies

ACTION REQUESTED: Special Exception to permit Use Unit 24, Mining and Mineral Processing (Section 1224), to extend the time limit to allow native soils to be mined in an AG District (Section 310, Table 1).

LOCATION: 10335 E 161 ST S

ZONED: AG

FENCELINE: Bixby

PRESENT USE: Mining and Mineral Processing

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 19 17 14 68.990ACS,

RELEVANT PREVIOUS ACTIONS:

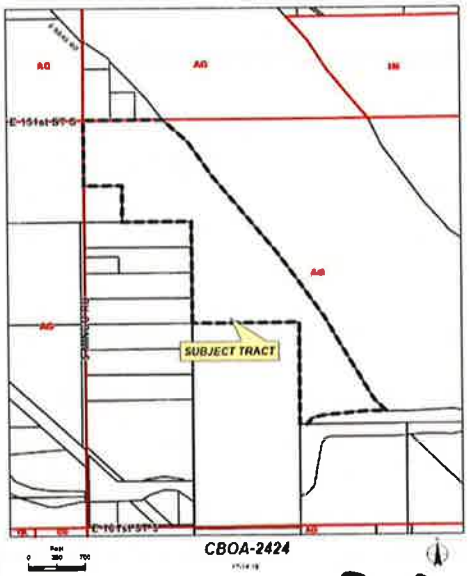
Subject Property:

CBOA-2786 January 2020: The Board approved a *Special Exception* to permit Use Unit 24, Mining & Mineral Processing, to allow native soils to be mined (Section 1224) in an AG District (Section 310, Table 1), subject to conceptual plan 2.36 of the agenda packet. The approval is contingent with the written policy that was supplied by the applicant and there is to be a one-year time limit: January 2021, at which time the case is to be reviewed by the Board of Adjustment, on property located at 10335 East 161st Street South.

Surrounding Property:

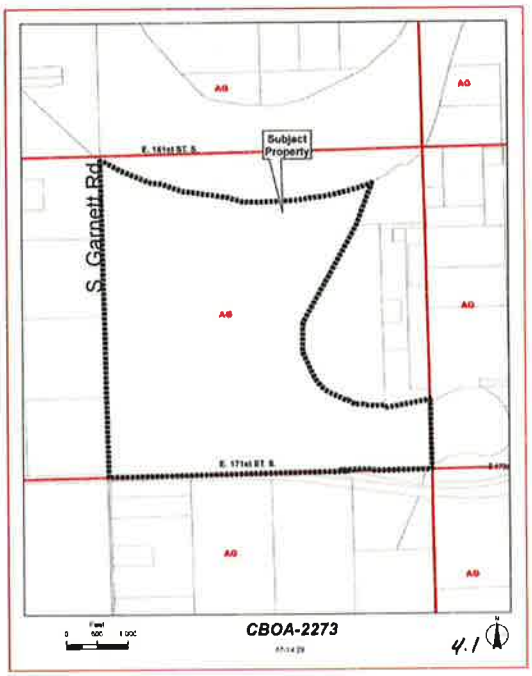
CBOA-2424 May 2012: The Board approved a *Special Exception* to permit sand extraction within Use Unit 24, Mining & Mineral Processing, in an AG district (Section 310) with the following conditions:

- 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, 151st 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 151st 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 161st 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 (Section 1224), to extend the time limit to allow native soils to be mined in an AG District (Section 310, Table 1).

In January of 2020, the Board approved a Special Exception for this use. As a condition of the approval, the applicant was required to come before the Board in one year to review the case. As there was a lapse getting the application in for the January meeting, the Board will review the case in February of 2021 to vote on the Special Exception.

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 in 2019 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 non-injurious to the surrounding area.

Sample Motion:

"Move to _____ (approve/deny) a Special Exception to permit Use Unit 24, Mining and Mineral Processing (Section 1224), to extend the time limit to allow native soils to be mined in an AG District (Section 310, Table 1).

Approved per conceptual plan on page(s) _____ of the agenda packet.

Subject to the following condition(s) (if any): _____.

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."

* * * * * * * * * * * * *

UNFINISHED BUSINESS

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2786—Tanner Bemies

Action Requested:
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 161st Street South & South Mingo Road

Presentation:
Joseph Watt, Sisemore and Associates, 6111 East 32nd Place, Tulsa, OK; stated that a copy of the operations manual on the good neighbor policy that was put together for his client, Mr. Tanner Bemies. The manual addresses all the concerns from the citizens that were at the December meeting. Mr. Watt stated there is a map in the manual showing the site's relationship to the school districts, the zoning classifications, the road conditions, the traffic counts and where alternate routing will be during school.

Mr. Charney asked Mr. Watt if there had been a meeting with any of the interested parties from the December meeting. Mr. Watt deferred to Mr. Bemies.

Tanner Bemies, 25185 South Glenwood Drive, Claremore, OK; stated that after the December meeting he met with the interested parties in the hallway. After meeting with the interested parties, it was evident to him that there was not much he could say to them that would change their minds. After receiving the meeting minutes, celebrating the birth of his first child and the busyness of the holidays time was not made to go outside and meet with the interested parties in any sort of capacity. All he had was addresses and he did not feel it would have been kind to knock on doors.

Mr. Charney asked Mr. Watt if he could briefly summarize what is contained in the manual for the interested parties, because if the Board were inclined to approve the application, the Board could grant it contingent upon certain operating conditions. It is important to hear what the commitments are, and the interested parties want to hear those.

Mr. Watt stated the highlights of the good neighbor policy. The hours of operation will be from 7:00 A.M. to 5:00 P.M. for sales, allowing trucks in and out of the site to receive material. The work facility could be from 6:00 A.M. to 6:00 P.M. to have additional hours of the day to prepare to load trucks with material. The map shows routes of the trucks. It would be mandated that all traffic be maintained on South 161st West to Memorial before turning north; Memorial is an improved section line arterial roadway and all the intersections are traffic lighted as opposed to four-way stop signs. This would minimize any disturbance to the public schools. There is on site dust control which was a concern; during the times of operation and the times of dry periods there will be water trucks and/or an irrigation system that will be present to minimize the dust created. There will be two state agencies that will be checking the operation periodically; one is the Oklahoma

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Department of Mines and the other is the Oklahoma Department of Environmental Quality of which the project will file a stormwater pollution prevention plan. The operation will be governed to the letter of the law to maintain the SWP3 in Engineering. The operation will also be bound by all the covenants in the Department of Mines regarding the upkeep of the site. Mr. Watt stated there will be an entrance constructed out of heavy stone that has been found to be very effective during wet periods to knock off mud from the tires of any truck entering or exiting. If mud and debris is taken into the street, the operation will immediately clean the street with either mechanical brooms or shovels, whatever is required, to maintain the protection of the street. There were concerns about long-term reclamation and one option would be to keep the area lowered to the point where it could receive runoff from the upstream properties and serve as a compensatory storage facility to reduce the amounts of stormwater entering the Arkansas River. The area could also be used for soccer fields or other sports. Each and every trucking company that enters into an agreement to purchase materials from the site will be entering into an agreement of which is being drafted currently that stipulates the truckers will adhere to traffic routes, times, events, keeping the truck clean, the prohibition of jake braking inside any municipality, etc. Mr. Watt stated this is a professional venture so his client can make a fair and reasonable profit and minimize the impact to the neighbors and the schools and the City of Bixby.

Mr. Bemies came forward and stated he agrees fully with Mr. Watt's plan. He has worked very closely with Mr. Watts to make sure that he will be a good neighbor.

Mr. Charney asked Mr. Bemies if it were critical to the Board's decision that the policies that have been outlined in the document and summarized by Mr. Watt, that the policy be followed to the "T" will that commitment be made? Mr. Bemies answered affirmatively.

Mr. Dillard asked staff if the good neighbor policy could be filed of record at the County Clerk's office as a stipulation that would attach to the property? Ms. Miller stated the good neighbor policy would be a condition of the approval of this action. Mr. Dillard stated that he sees the avoidance of the owner not wanting to speak with the residents because he saw they were disgruntled and did not follow through as the Board coached him to do, so can this policy be put as a legal document of record on the property? Ms. Tosh stated that since the building permit will be ongoing and will have to be reapplied for annually as a development permit, the permit can be made contingent on these requirements. The County will be the establishment that receives complaints if the requirements are not followed and that might trigger not receiving the next development permit.

Interested Parties:

Jan Bartlett, 3773 Chesapeake Street, Springdale, AR; stated she grew up on the Bolton farm which is adjacent to the proposed mine, and she is also here today on behalf of Mr. Rick Nelson who spoke with the Board before; he is a property owner across the street of the subject site. Ms. Bartlett read a letter that was written by Mr. Nelson regarding his concerns.

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Wayne Mark, 3118 East 146th Street South, Bixby, OK; stated he is a cyclist and he uses the roads for cycling. Those streets are the only way to get farther out of the City and the problem he sees is the amount of dump truck traffic that will be on the streets. Not only will they tear up the roads, because they are only chip and seal roads, but from his personal experience it does not make a difference what the drivers are told to do they will drive the roads as fast as they possibly can and will not give an inch to a cyclist. Mr. Mark stated he is concerned about future safety.

Gary Pereschuk, 13315 South 90th East Avenue, Bixby, OK; stated his concern is also as a cyclist; he has lived in the area for about 25 years. He used to ride at 141st and 129th but there is a sand mining operation there now, and with the speed and the flow of the dump trucks he no longer rides there so his only option is go across the pedestrian bridge at Bixby, which is now closed. His concern would be the additional amount of dump trucks that drive on the proposed route. Having seen what happens at the sand operation at 141st and 129th, the trucks are backed up at 6:00 A.M. because they want to be the first in line. He is also afraid this will happen around the Bixby school area. The traffic is horrendous so imagine what is going to happen with another 100 dump trucks. He knows everyone will not be in the area at the same time, but those trucks want to be in line early and that will be another pressure on the bridge; that is the only arterial direction to go north. If something happens on the bridge that will lock traffic up because there is no other way out. Mr. Pereschuk stated that Bixby has done a lot of flood control work, but the water backs up from the Arkansas River through a canal that is on Mingo and it goes back through the neighborhoods, and the River was up 20 feet this spring. There are many new houses being built on 131st and Memorial with future projection of other residences being built. The water will back up if there is another event like 2019.

Laura Bolton, 10910 East 161st Street South, Bixby, OK; stated she lives east of the subject property. Ms. Bolton is concerned about the hours of operation; today the hours are going to be 6:00 A.M. to 6:00 P.M. without any days of the week specified, but when he spoke at last meeting the hours were going to be 8:00 A.M. to 5:00 P.M., Monday through Saturday. This sounds like the hours and days have already extended more than what was proposed previously. It was said the trucks would go straight east off 161st to Memorial, that passes a school. Ms. Bolton stated that she knows the Board of Adjustment does not have the authority to police this, and she does know there has been discussion about reviewing this request on a yearly basis, but her concern is how will this be policed? How will Mr. Bemies make the trucks go the direction he is promising?

Mr. Charney stated the information the Board has before them regarding the hours of operation is Monday through Friday, and sometimes Saturday. The working hours of the facility, as far as sales, it states 7:00 A.M. to 5:00 P.M. The work on the site could begin at 6:00 A.M. Ms. Bolton stated that means the equipment would be running at 6:00 A.M.

Rebuttal:
Tanner Bemies came forward and deferred to Mr. Joseph Watt.

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Joseph Watt came forward and stated the amount of soil in the 60 acres, there was no reason to spend a lot of money testing, drilling and boring prior to the Special Exception being approved. If the Special Exception is not approved, he has saved his client that money. There was initial digging done with an excavator; went down 10 feet and there was still good soil with no evidence of water percolating up through the ground. He thinks a generalized map has been put together of how the site will be dug, so that trucks can be stacked on site while they are waiting to be loaded and not backing them onto 161st. In May a stacking lane was started around the perimeter so that not one truck will be waiting on 161st and interfering with the bicyclists or the morning traffic that utilizes the east-west direction. The trucks will pass a school, Bixby Central Intermediate School, and hopefully if the Special Exception is approved the client will be able to work out with the school an alternate route during the peak times of school use which would minimize the disturbance to the school traffic, their children and their operation. In regard to flood control and flood draining, there is nothing being put in, but the client is taking out giving more area for storm water to store itself. Most of the area is under the 500-year flood plain, under the 100-year flood plain, under the 50-year flood plain, and most of it is under the 25-year flood plain. There is not going to be any acceptable use of the property unless it is agricultural or mining because it floods. When his client first came to the Board there was nothing on paper regarding the hours of operation, and now the hours are on paper. Mr. Watt hopes this will help relieve the concerns of the residents, because a great deal of steps have been taken to make this a positive operation.

Comments and Questions:

Mr. Charney stated this application is not for a change in zoning, it is for the approval of a Special Exception to do something special on the subject site and the Board can place a time limit on that approval and has done it in the past.

Mr. Johnston stated that with a time limit placed on the approval, he could support this request. He is concerned about enforcement.

Mr. Hutchinson he can support the request with the stipulation that Tulsa County looks at this on an annual basis.

Mr. Charney agreed with Mr. Hutchinson. He stated this site is not in the City of Bixby, but it is within their fence line. It is not binding but he thinks it is relevant that it is recognized as being within the Tulsa County jurisdiction and the City of Bixby has no objections of the underlying use.

Mr. Dillard stated he is very impressed with the Architect, the Engineers but he is not sure that Mr. Bemies realizes what he is getting in to, because when there was a little bit of consternation he backed off, that is why he wanted to know if the policy could be filed of record. He can support the request if there is a one-year time limit providing the policy is kept on the record, and the applicant complies with everything in the policy.

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Board Action:
On **MOTION** of **HUTCHINSON,** the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for 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), subject to conceptual plan 2.36 of the agenda packet. The approval is contingent with the written policy that was supplied by the applicant and there is to be a one-year time limit; January 2021, at which time the case is to be reviewed by the Board of Adjustment. 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; for the following property:

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 19 17 14 68.990ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

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NEW APPLICATIONS

2789—Michael Abboud

Action Requested:
Use Variance to allow an overnight campground for recreational vehicles, Use Unit 17, in an AG District (Section 310); Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 19301 West Wekiwa Rd

Presentation:
Michael Abboud, 19301 West Wekiwa Road, Tulsa, OK; stated he would like to have an RV campsite on 1 or 2 acres of the overall tract. The primary use of the property is agricultural and have cattle on the property and will still be used for agricultural purposes. He wants to preserve the existing wildlife habitat, and this is his home.

Mr. Charney asked Mr. Abboud if he lives on the subject tract. Mr. Abboud stated that he does not, but his parents live on it.

Mr. Charney asked Mr. Abboud about the request covering the 35-acre tract. Mr. Abboud stated that he intends only to use the 1 to 3 acres on the western property line; the property starts at 193rd and goes to 196th.

Mr. Charney asked Mr. Abboud if he was speaking of the most westerly long narrow piece of land. Mr. Charney stated that it is a strip of land in the southwest corner of the subject tract. Mr. Abboud answered affirmatively.

Comments and Questions:
None.

Board Action:
On **MOTION** of **CHARNEY,** the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Variance to allow more than one dwelling unit on a single lot of record (Section 208) in an AG-R District, subject to conceptual plan submitted today. There are to be no more than three bedrooms in the detached building, the rooms are to be used by family members only, there is to be no commercial use, and the existing building is to be razed. The Board finds the hardship to be the unusual configuration of the land being a long and narrow lot that would easily accommodate the building in conjunction with the double wide mobile home that exists. The detached building must meet all health department and utility requirements. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

E/2 E/2 NW SW SW SEC 5 22 14 2.50 ACS, NORTH MEADOWS II, OF TULSA COUNTY, STATE OF OKLAHOMA

2786—Tanner Bemies

Action Requested:
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 161st Street South & South Mingo Road

Presentation:
Tanner Bemies, 21585 South Glenwood Drive, Claremore, OK; stated the plan is to excavate as deep as the water table will allow, and the soil will be processed and used for the construction of new houses or existing projects.

Mr. Charney asked Mr. Bemies if he did any business with Capital Homes or Owasso Land Trust. Mr. Bemies stated he works with his father and they have done a little work with Owasso Land Trust for cleanup and hauling off debris, but they are currently not doing any work for Owasso Land Trust. Mr. Bemies stated he has never met Mr. Charney. Mr. Charney stated he has no pecuniary interest in this and does not know Mr. Bemies, he does not think there is a duty to recuse himself in this case.

Mr. Bemies stated that he has met with a professional engineering firm and had soil tests performed to determine the soil is good to be harvested.

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Mr. Hutchinson asked Mr. Bemies if he wanted to excavate all 60.899 acres. Mr. Bemies stated that all the acreage would not be accessible due to the creek that was built by the U. S. Corp of Engineers, and the City of Bixby maintains the creek. Mr. Bemies stated that he has met with the Bixby City Engineer over the phone and through e-mail; the front ten acres will not have enough room for him to excavate so it will be the back 50 or so acres that will be excavated. Mr. Bemies stated that he has also met with the Department of Mines in Oklahoma City to make sure he meets and follows all Codes and guidelines.

Mr. Hutchinson asked Mr. Bemies if the property could be used for anything else. Mr. Bemies stated currently it is being used for growing soybeans, and at the moment he plans to reclaim the land for growing or converting the land to soccer fields in the future.

Mr. Crall asked Mr. Bemies if he had access to the land. Mr. Bemies stated currently there is a low water access that has been put in place by the U. S. Army Corp of Engineers. He has permission from the City of Bixby to drive through that access. Any maintenance or upgrades required to be done on the low water access would be done by him and U. S. Army Corp of Engineers.

Mr. Crall asked if there was any easement or access to Mingo. Mr. Bemies stated that there is only access to 161st Street. Mr. Bemies answered affirmatively.

Mr. Charney asked Mr. Bemies if he was aware of the requirements for truck ingress and egress to 161st to make certain there is no inappropriate mud tracked into the street. Mr. Bemies deferred to his engineer.

Interested Parties:

Joseph Watt, Sizemore Weisz and Associates, 6111 South 32nd Place, Tulsa, OK; stated the entrance to the site will be maintained so that it will have a construction type entrance and a wash area for trucks during the rain periods. The trucks will be cleaned so that any dirt or mud will be minimized going onto 161st.

Mr. Charney asked Mr. Watt if there would be a pad-based construction entrance that would allow cleaner ingress and egress. Mr. Watt answered affirmatively; there will be a 3" style dimensional rock that will be the initial surface to remove the larger chunks of dirt and mud off the truck tires before driving onto the pavement, and that will be maintained throughout the life of the mining.

Mr. Hutchinson asked how many loads are anticipated in a day, month or year. Mr. Bemies came forward and stated that initially it is anticipated there will be two or three loads a day.

Mr. Crall asked Mr. Bemies if he had said he has agreed with the City of Bixby that he will repair any of the roads. Mr. Bemies stated his agreement was regarding the low water crossing that is located in the middle of the property. Mr. Crall read a short

paragraph from an agreement that states the damages caused to city street caused by the mining operation must be repaired by the applicant. Mr. Crall asked Mr. Bemies if he had agreed to that. Mr. Bemies stated that he did not agree to that statement.

Mr. Johnston asked Mr. Bemies if he would like to start out with two or three loads a day what would be his dream maximum number of loads a day. Mr. Bemies stated the dream would be to have around 2,000 loads a month if possible, roughly 50 loads a day.

Mr. Dillard asked Mr. Bemies what his hours of operation would be. Mr. Bemies stated the proposed hours would be regular business hours, 8:00 A.M. to 4:30 P.M., Saturdays would be 8:00 A.M. to 5:00 P.M. and closed on Sunday.

Rob Miller, Superintendent of Bixby Public Schools, 109 North Armstrong, Bixby, OK; stated he has concerns not necessarily with what is going on at the property but the potential impact on some of the schools that are located within a mile of the subject site. There is Central Intermediate School which is located on 161st between Riverview and Mingo about ½ mile to the west of the subject site, there is Bixby Middle School which is located on Mingo between 151st and 161st, and there is also access to the high school, transportation, the AG Department off Mingo between 151st and 161st. His primary concern from a school district perspective is the potential impact on traffic patterns, intermingling of class traffic with truck traffic especially if there are 50 trucks a day, and the already congested two lane roads in the area. Mr. Miller asked the Board to please consider the traffic concerns when reviewing the application. Secondarily would be the potential impact of noise of truck traffic in the course of a day because there are two schools within 50 yards of 161st or Mingo.

Mr. Johnston asked Mr. Miller if he has any experience with other trucks traveling those roads. Mr. Miller stated he does with the northeast campus which is on 131st Street and Garnett. On 129th there has been construction going on, and in the morning hours especially the trucks impede the normal flow of traffic significantly.

Mr. Hutchinson asked Mr. Miller what the hours of the busiest times of the schools are. Mr. Miller stated it is about 7:30 A.M. to 9:00 A.M. and about 2:00 P.M. until 3:30 P.M. for the elementary schools. At the middle school it is about 8:30 A.M. to 9:30 A.M. and 3:15 P.M. to 4:00 P.M.

Mr. Miller stated that he is also here today to represent some of the patrons who have reached out to him and asked that he advocate on their behalf, but primarily his role is as Superintendent of the school district. If the trucks do not travel near the schools, then the concern would go away.

Rick Nelson, 3120 East 71st Street, Tulsa, OK; stated he owns the 80-acre property just to the south of the subject site. Mr. Nelson asked if Mr. Bemies is going to bring fill back in after the hole is dug? Mr. Nelson stated that he is in the sod business and he had a piece of property at 131st and Sheridan that he leased. Dirt was harvested there

for about five years and then it was turned into a landfill and it was unregulated. That is not something a person wants to see, and he thinks this will be a negative for the water quality. The closer a person gets to the water table the less filtration there is for runoff and potential pollution to the water supply. He is concerned about what will be used as backfill for the subject site once the excavation is done. Who is responsible for checking to see what comes back in as fill? Who will be responsible for the roads and how long will it be before they start repairing the roads once they are damaged? These are some of his concerns, but to him the water quality is of the utmost importance.

Helen Bolton, 10547 East 161st Street South, Bixby, OK; stated she is extremely concerned about the possible rezoning from agriculture to allow mining. Ms. Bolton stated her house and farm are adjacent to the subject property with an adjoining west fence line. She is a farmer and rancher and has lived on her property for 58 years. Her house is located ¼ mile from the designated entrance and exit. In making the property next to her available for dirt mining she feels it will be detrimental to her property and the surrounding properties and community. She sees a decline in land value, noise from the continuous running of heavy equipment, dust and traffic issues. As a former school board member for the Bixby public schools, she served 30 years, she is a devoted member of the Bixby community and the school and its welfare. Ms. Bolton stated that a major concern is what will be done with the land after the mining is complete. She sincerely believes that the quality of life for herself, her children, and her grandchildren will be ruined.

Steve Owens, 10820 East 161st Street, Bixby, OK; stated his family property is southeast and across the street from the subject site. His concern is property value. He is also a teacher of 29 years and this does not seem to be a good place to mine. There is a low water area that must be gone through which is wet and it will become more difficult to keep the roads clean. Mr. Owens stated he is also concerned about the air quality.

Ernest Holland, 15605 South Mingo, Bixby, OK; stated his property backs up to the far north side of the subject site. He would like to reiterate all the objections that have been made. He would like to know what kind of equipment would be used in the excavation. He also has concerns about the trucks not using 161st but using Mingo as a route. When the sod farms excavate the soil is replenished and they do not go down to the water table and there was no issue with dust.

Laura Bolton, 10910 East 161st Street South, Bixby, OK; stated her concern is the good neighbor and good trucking policy. It has been stated that the owner put it in writing and sign it, but how will it be enforced? Will he sit there 8:00 to 5:00 every day and make sure the trucks comply? Let's be realistic. We all know how trucks work. She is guessing they get paid by load. How will it be enforced?

Rebuttal:

Tanner Bemies came forward and stated it is required to have a reclamation plan to get a permit and deferred to Mr. Watt.

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Joseph Watt came forward and stated per the Oklahoma Department of Mines and the Oklahoma Department of Environmental Quality a stormwater pollution plan that is approved and reviewed by them must be kept on site. After each rainstorm, if any part of the stormwater pollution plan has failed the owner will be required to repair it within 24 hours and file a DEQ inspection at that point in time. The actual reclamation plan, there are options the Oklahoma Department of Mines gives the owner, and it is consistent with the Oklahoma Department of Environmental Quality, the first option is to have overburdened topsoil areas designated for each area that is being mined. When that area is not being mined any longer that topsoil would be placed back on it and reclaimed and seeded with Bermuda, Fescue and other native grasses. As that is moved from pit to pit, when the whole site is done and leaving a 50-foot wide strip all the way around the property that is not touched, the owner would receive every bit of water as it drains across the property, store that water and release it at a rate that is less than what it releases at this time thus reducing the flood plain in the area. At no time has there ever been a discussion of bringing in unregulated fill material, garbage, trash, asphalt, concrete, or anything like to fill in the site. The regulations for that are extreme and expensive because that creates a landfill and that is not the intent. The main intent is to use the land as a recreation area when the excavation is complete because there will be nice flat fields with good topsoil sustaining good quality grass. Or the site could be used as a compensatory storage facility so that stormwater can stay in the pit for awhile thus helping the overall system of the time of concentration runoff thus preventing flooding.

Mr. Charney asked Mr. Watt if the topsoil would be stored on the site. Mr. Watt answered affirmatively. Mr. Charney asked Mr. Watt if he would be excavating a hole and when through with that hole that hole would be covered with topsoil to permit growth. Mr. Watt answered affirmatively. Mr. Charney asked Mr. Watt if the holes would remain with no commitment to bring the land back to level. Mr. Watt answered affirmatively.

Mr. Charney asked Mr. Watt if there were any plans to constructing outflow structure from the pits? Mr. Watt stated there are no plans have been considered in putting outflow structures on the site, but various scenarios are being studied.

Mr. Hutchinson asked Mr. Watt if a hydrology study had been done. Mr. Watt stated that is being worked on, and he will advise his client accordingly. Mr. Hutchinson asked Mr. Watt if the Department of Mines required that. Mr. Watt answered no.

Mr. Charney asked Mr. Bemies to describe the equipment that will be on site. Mr. Bemies stated that he plans to use crawlers that range from 20-Tons to 40-Tons. Additionally, there will be a front loader which would hold about four cubic yards of material at a time and it would be used for loading the trucks. There would also be a small dozer to push off the topsoil.

Mr. Hutchinson asked Mr. Bemies what the hours would be to allow the trucks to line up for loading. Mr. Bemies said that in order to be a good neighbor he would have a good neighbor policy with all truck companies.

Mr. Charney asked Mr. Watt if all the property was in the 100-year flood plain north of the drainage way. Mr. Watt answered affirmatively.

Mr. Charney asked Mr. Watt what will be done to control the dust and maintain good air quality. Mr. Watt stated that there will be a watering program to mitigate the dust and minimize it to the best of everyone's ability.

Mr. Johnston asked what the duration of the operation would be. Mr. Watt stated that based on preliminary numbers, it would probably be seven to twelve years dependent on sales. If the number of houses being built in Tulsa and Creek Counties continue at the rate of the last five years, it would be about seven to twelve years.

Mr. Johnston asked how far down from the surface is the water table? Mr. Watt stated that it has not been found, but that is the next thing to be identified. Based on previous projects that he has done in the Bixby area he thinks it is between 17 and 22 feet.

Comments and Questions:
Mr. Charney stated this Board has a history of granting Special Exceptions with conditions, and sometimes the Board denies Special Exceptions regardless of conditions. This is one he does not think he feels comfortable with, with this many loose ends.

Mr. Dillard suggested the request be tabled until next month to allow the applicant to provide the Board with a written list of what the good neighbor policy is going to be; what excavating machines will be there. Right now all the Board has is words, and words are hard to enforce unless there is a written document behind the words.

Mr. Hutchinson agreed with Mr. Dillard. The times the Board has tabled requests in the past has always seemed to help. Mr. Hutchinson suggested the requested be tabled for 30 or 60 days to see what the applicant provides and then base the decision off of that.

Mr. Charney asked the applicant if he would prefer the 30 days or the 60 days; would 30 days be enough time to get everything pulled together? Mr. Bemies stated that 30 days would be fine.

Board Action:
On **MOTION** of **DILLARD,** the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** the request for 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) to the January 21, 2020 Board of Adjustment meeting to allow the applicant to submit a

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thorough set of comments, conditions, and how this will be accomplished; for the following property:

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 19 17 14 68.990ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

Ms. Jones stated that in January the meeting will be held in the St. Francis Conference Room in the Williams Tower I located at 1 West 3rd Street at 1:30 P.M.

2787—Eller & Detrich – Lou Reynolds

Action Requested:
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 49th West Avenue

Presentation:
Lou Reynolds, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated that from 41st Street South to 51st Street the area was one large hill, and now there is only one small part of the hill remaining. Eagle Redi-Mix Concrete is to the north and there is a mini storage to the south; some of these storage buildings have been condemned by the State for the widening of the Gilcrease Expressway. The primary purpose of this application is to use the dirt for the Turnpike Authority. Mr. Reynolds used pictures to explain the layout of the area as it exists. Mr. Reynolds stated that the neighbors are happy about the proposed project.

Mr. Charney stated that as a point of information, juxtapose to the previous application that was seeking a Special Exception in an AG District, this application is in an IM District.

Mr. Reynolds stated that for the IM District to exist the hill had to be taken out. The Turnpike Authority is going to build a road across the subject property to do construction and based on the relocation of the turnpike, they will be building a cul-de-sac which will be developed into an industrial park on the north side of the mini storage. The reclamation plan has been filed and approved by the State of Oklahoma. The stormwater patterns are not being changed. This basically finishes what everyone started ½ mile north of the subject site and this has been approved by the State pending receiving the Board of Adjustment's approval.

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 17 21 13 6.668ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

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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 151st Street South and South Mingo Road

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Mr. Sansone stated that this case is a continuation from the last Board of Adjustment meeting on April 17th. 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 17th 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 rnassive 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 90th 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.

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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 151st 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.

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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. Easton 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, i.e., 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

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property, 151st 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 3 4 6 & 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 19 17 14 119.08ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

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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 214th West Avenue

Presentation:
Ronnie VanLandingham, 13255 South 214th 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'-0" radius are in favor of his request being approved, and the twelfth neighbor lives about 250'-0" 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.

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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 151st 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 151st Street, bounded on the south side by 161st 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 151st Street, approximately a half mile from 161st 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.

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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 151st Street and Mingo. The operation is half mile away from 151st 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 151st and 161st 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 151st 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 151st Street by a few hundred feet. This proposed road would not impact East 151st Street residences. Mr. Frazier stated that in the one mile section of Mingo Road between 151st and 161st 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.

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Interested Parties:

Yolanda Hiatt, 9723 East 151st Street South, Bixby, OK; stated she lives on the corner of 151st 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 151st 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 151st 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 151st 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

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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 151st Street in order to receive approval for his special exception request.

John Easton, 11225 South 90th 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.

FILE COPY

CBOA-02424

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 151st 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.

CBOA-02424 FILE COPY

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 151st 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 151st 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 151st 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 3 4 6 & 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 19 17 14 119.08ACS, 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 51st Street South & South 85th West Avenue

Presentation:
Billy Frazier, 7798 West 51st 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 15th 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 17 21 13 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 151st Street South and South Mingo Road

CBOA-2424

FILE COPY

Presentation:
Phil Frazier, 1424 Terrace Drive, Tulsa, OK; requested to have his hearing rescheduled to the April 17, 2012 meeting.

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 3 4 6 & 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 19 17 14 119.08ACS, 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 143rd Avenue East

Presentation:
Ronald L. Hall, 12612 North 143rd 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.

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Case No. 2273

Action Requested:

Special Exception to permit sand and gravel mining in the AG district (Section 301), located: Southeast of 161st 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 has 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 ¼ mile west of the Garnett frontage of the subject property and four within ½ mile west off of 161st Street. There are approximately another 24 residences about one mile away. Local schools are 1 ½ 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 concern 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 them 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 County 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 128th 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 129th 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 161st 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 128th 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 161st 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 school on residential streets. He informed the Board that river dredging is not regulated if there is only incidental fall-back into the river, with an EPA 404 permit. The Corp of Engineers are very involved with this site and have jurisdiction there. He commented that the dredge is about 20 ft. x 40 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 181st 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. 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; 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 ½ of Section 20, and in the North ½ 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, Oklahoma, in the North ½ 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:

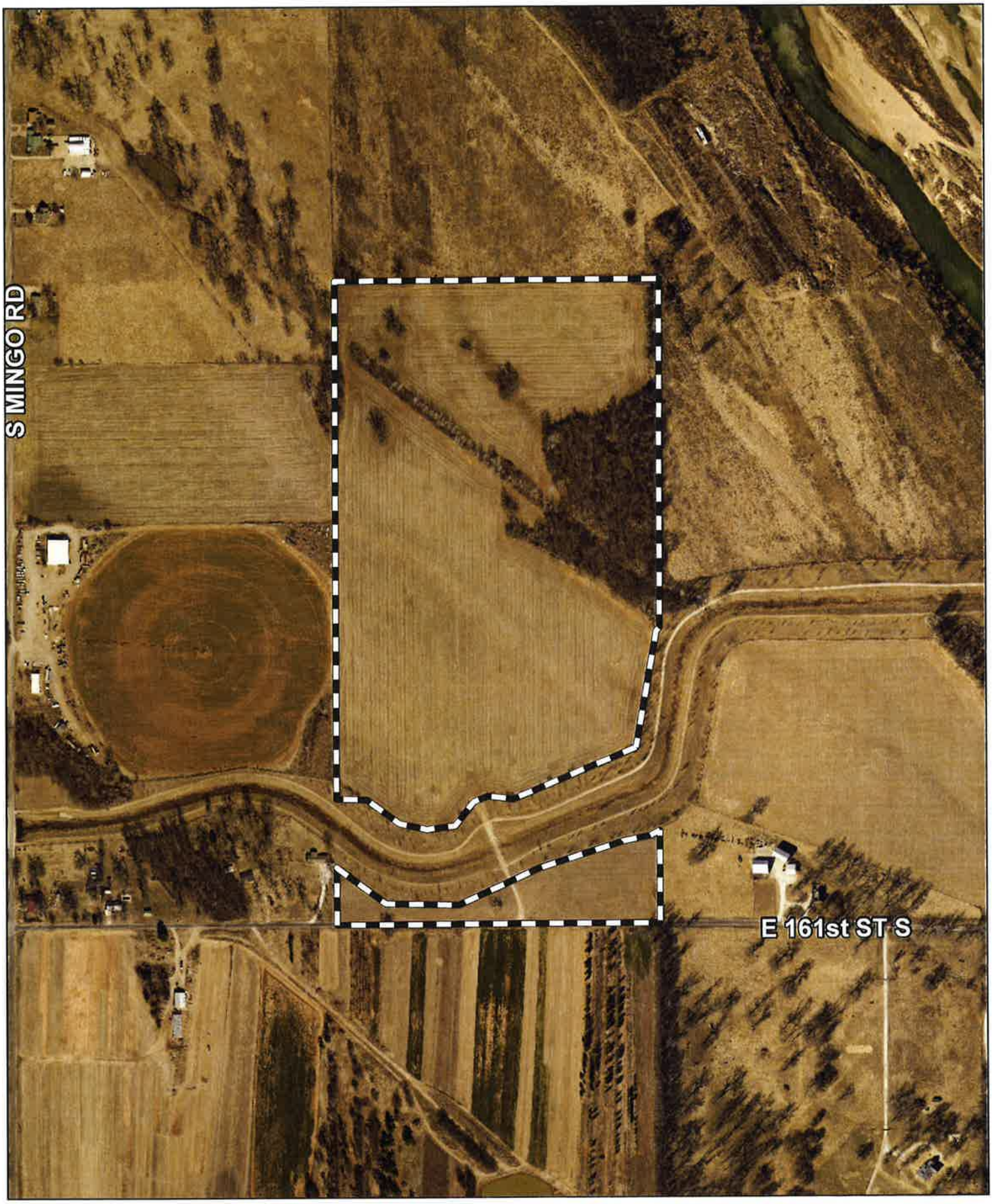
On **Motion** of **Charney**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** this business to the meeting on August 21, 2007.

****

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

Date approved: 8/21/07

David E. Charney
Chair



Feet
0 250 500

Subject Tract

CBOA-2878

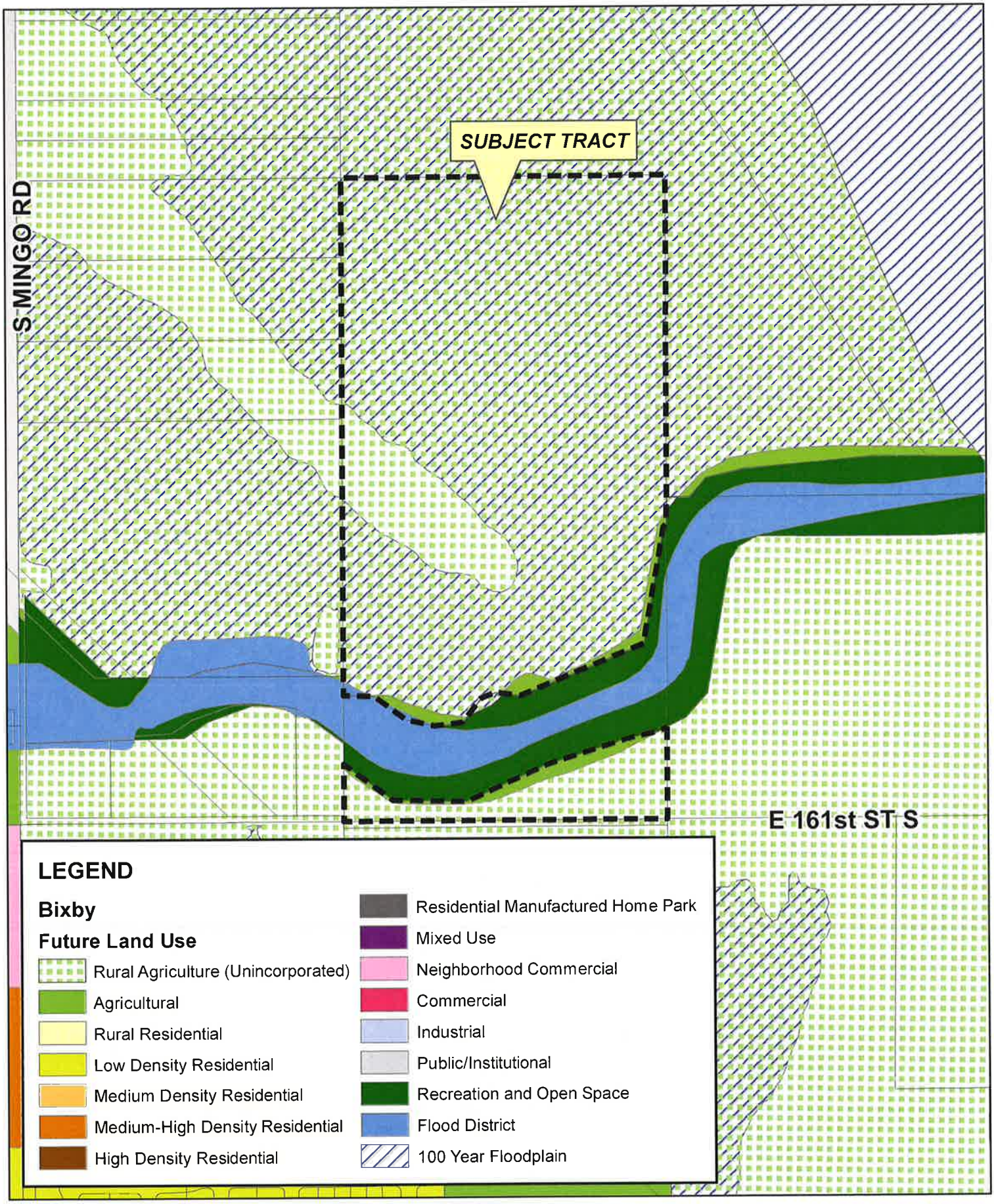
17-14 19

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

N

9.36



CBOA-2878

17-14 19

9.37

Looking north into entrance from East 161st Street South

Looking west down East 161st Street South from the subject property

Looking east down East 161st Street South from the subject property

Operations and Friendly Neighbor Manual

Tanner Bemies Mining

Tulsa County BOA CBOA-2786

East ½ of the SW Quarter of Section 17, T-14-N, R-19-E

Prepared by:

SISEMORE & ASSOCIATES

C. Joseph Watt, P.E.
6111 East 32nd Place
Tulsa, OK 74135
918-665-3600

9.40

Tanner Bemies Mining Operations Manual

I. Location Map and Surrounding Zoning

II. Adjacent Schools

III. Hours of Operation

IV. Traffic Routes

V. On Site Dust Control

a. Prevailing winds
b. Annual rainfall
c. Periods of drought

VI. Internal Site Control

VII. Public Street Protection

VIII. Policy on Public Street Cleaning

IX. Long Term Plan on Reclamation Options

X. Participating Companies Agreement

Location Map and Surrounding Zoning

I. The proposed operation is located along East 161st Street South just east of South Mingo road. It is in an AG district and surrounded by "AG" districts. Exhibit "A" shows the surrounding zoning of the areas.

Adjacent Schools

II. The site is located within ¾ of a mile to the following Bixby public schools:

a. Bixby Central Intermediate School.
b. Bixby Middle School
c. Bixby High School
d. Bixby Central Elementary

Hours of Operations

The normal working hours for the facility will be from 7:00 am to 4:00 p.m. for sales. Work at the facility shall be from 6:00 am to 6:00 p.m.

Traffic Routes

During those times the schools are beginning and ending, alternative routes for all trucks will be mandated to not be allowed to go north on S. Mingo or North on South Riverview Drive but instead proceed west to South Memorial and then proceed north. Exhibit "B" shows the relationship of the location of the Bixby Schools to the Project Site.

Exhibit "C" shows that traffic lighted intersections on Memorial will better help traffic movement than the "STOP" intersections at Mingo or Riverside and East 151st Street South.

Exhibit "D" shows that the recent traffic counts on Memorial, Riverside, Mingo as well as 151st and 161st. Even though more traffic exists Memorial , it is also the only fully expanded 5 lane arterial in the area and therefore is more accommodating to this type of trucking.

On Site Dust Control

During the times of the year that activities would create dust on site water trucks will be used to control the dust. If the prevailing winds and periods of drought are such that excessive dust would be generated then more than one water truck system will be put into action.

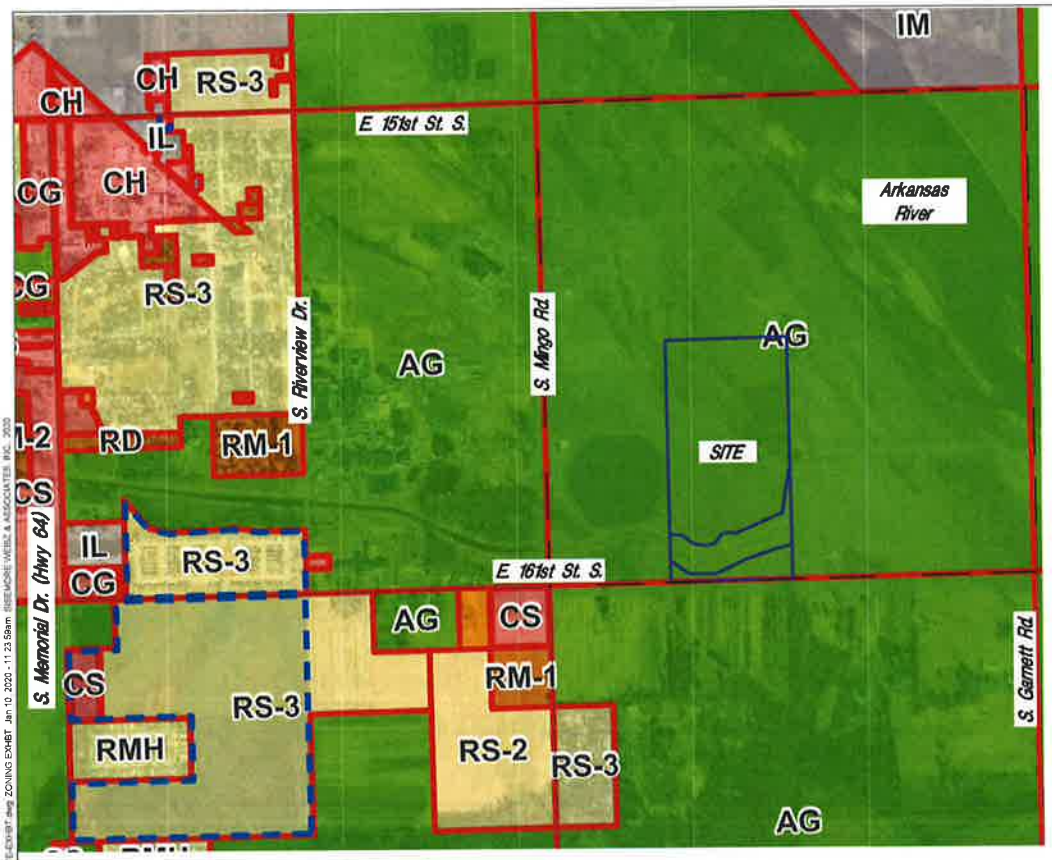
Internal Site Control and Public Street Protection

Weekly routine measures on the site will be the collection of any trash and debris and that shall be disposed of properly. There will be a section of the entrance and exit drive that will constructed of 3-6" rock that will allow mud to be emoved from the tires of trucks leaving the site.

Public Street Cleaning and Protection
If any undesirable amount of mud does get East 161st St. South then power brooms will be used to routinely clean the street of the all mud and or debris.

Long Term Plan on Reclamation Options
There are two options that can be incorporated into the finished site. 1) the area can be left lowered and used as compensatory storage for the storm water runoff from the upstream rain storms. 2) If desired by some organization, the fields which will be left could be used for outdoor sporting events like what Tulsa did with its storage facilities in the Mongo Creek basin. At the very least the topsoil will be returned and sustainable grasses will be planted to provide a protection against erosion.

Participating Companies Agreement
Each and every trucking organization that wishes to do business with the mine will have to agree and sign into effect a contract that will bind all drivers to the routes and times established by the owners of this mine.



SCALE: 1"=1000'

Legend

AG	AGRICULTURAL
CG	COMMERCIAL GENERAL
CH	COMMERCIAL-HIGH
CS	COMMERCIAL SHOPPING
IL	INDUSTRIAL-LIGHT
IM	INDUSTRIAL-MODERATE
OL	OFFICE-LOW
RD	RESIDENTIAL DUPLEX
RMH	RESIDENTIAL MANUFACTURE HOUSING
RM-1	RESIDENTIAL MULTI-FAMILY 1
RS-2	RESIDENTIAL SINGLE-FAMILY 2
RS-3	RESIDENTIAL SINGLE-FAMILY 3

Bemies Mining Project

Existing Zoning

DATE PREPARED: JANUARY, 2020

Exhibit "A"

Sisemore Weisz & Associates, Inc.
6111 EAST 32nd PLACE
TULSA, OKLAHOMA 74135
C.A. NO. 2421
PHONE (918) 665-3600
FAX (918) 665-3658
EXP. DATE 6-30-21

FILE 1714.19 WO#: 18383

SCALE: 1"=1000'

Bemies Mining Project

Surrounding Areas

DATE PREPARED: JANUARY, 2020

Exhibit "B"

FILE: 1714.19 WO#: 18383

Sisemore Weisz & Associates, Inc.
6111 E. 32nd Place, Tulsa, Oklahoma 74135
C.A. No. 2421
Phone: (918) 665-3600
Fax: (918) 665-8058
Exp. Date: 6/30/21

SCALE: 1"=1000'

Legend

UNIMPROVED STREET

IMPROVED STREET

Bemies Mining Project

Streets

DATE PREPARED: JANUARY, 2020

Exhibit "C"

FILE: 1714.19 WO#: 18383

Sisemore Weisz & Associates, Inc.
6111 EAST 32nd PLACE
TULSA, OKLAHOMA 74135
C.A. NO. 2401
PHONE: (918) 665-3600
FAX: (918) 665-8008
EXP. DATE 6/30/21

SCALE: 1"=1000'

Traffic Count Legend

10 - 5,001 PER DAY

>5,001 - 25,001 PER DAY

Bemies Mining Project

Traffic

DATE PREPARED: JANUARY, 2020

Exhibit "D"

FILE: 1714.19 WO#: 18383

Sisemore Weisz & Associates, Inc.
611 EAST 32nd PLACE
TULSA, OKLAHOMA 74105
C.A. NO. 2421
PHONE: (918) 665-3600
FAX: (918) 665-8628
EXP. DATE 6/30/21


East 161st South
596
598
600
602
604
606
594
592
R 14 E
EAST 151ST STREET SOUTH
SOUTH MINGO ROAD
SOUTH GARNETT ROAD
EAST 161ST STREET SOUTH
T 17 N
Location Map
0 50 100 200 400
SCALE 1"=100'
ALL CONSTRUCTION WORK SHALL ACCORDANCE WITH CURRENT OKLAHOMA PUBLIC UTILITIES CENTRAL SPECIFICATIONS INCLUDING 2003 EDITION SPECIFICATIONS
CALL OKIE !
EXISTING UNDERGROUND LINES / UTILITIES SHOWN TO THE BEST OF KNOWN AND PLANS AVAILABLE TO THE SURVEYOR UTILITY COMPANIES FOR VERIFICATION OF EXISTING LINES BEFORE YOU DIG, CONTACT OKLAHOMA ONE CALL 1-800-522-6543
SOUTHWESTERN BELL TELEPHONE COMPANY
GTE COMMUNICATIONS
OKLAHOMA NATURAL GAS COMPANY
AMERICAN ELECTRIC POWER COMPANY
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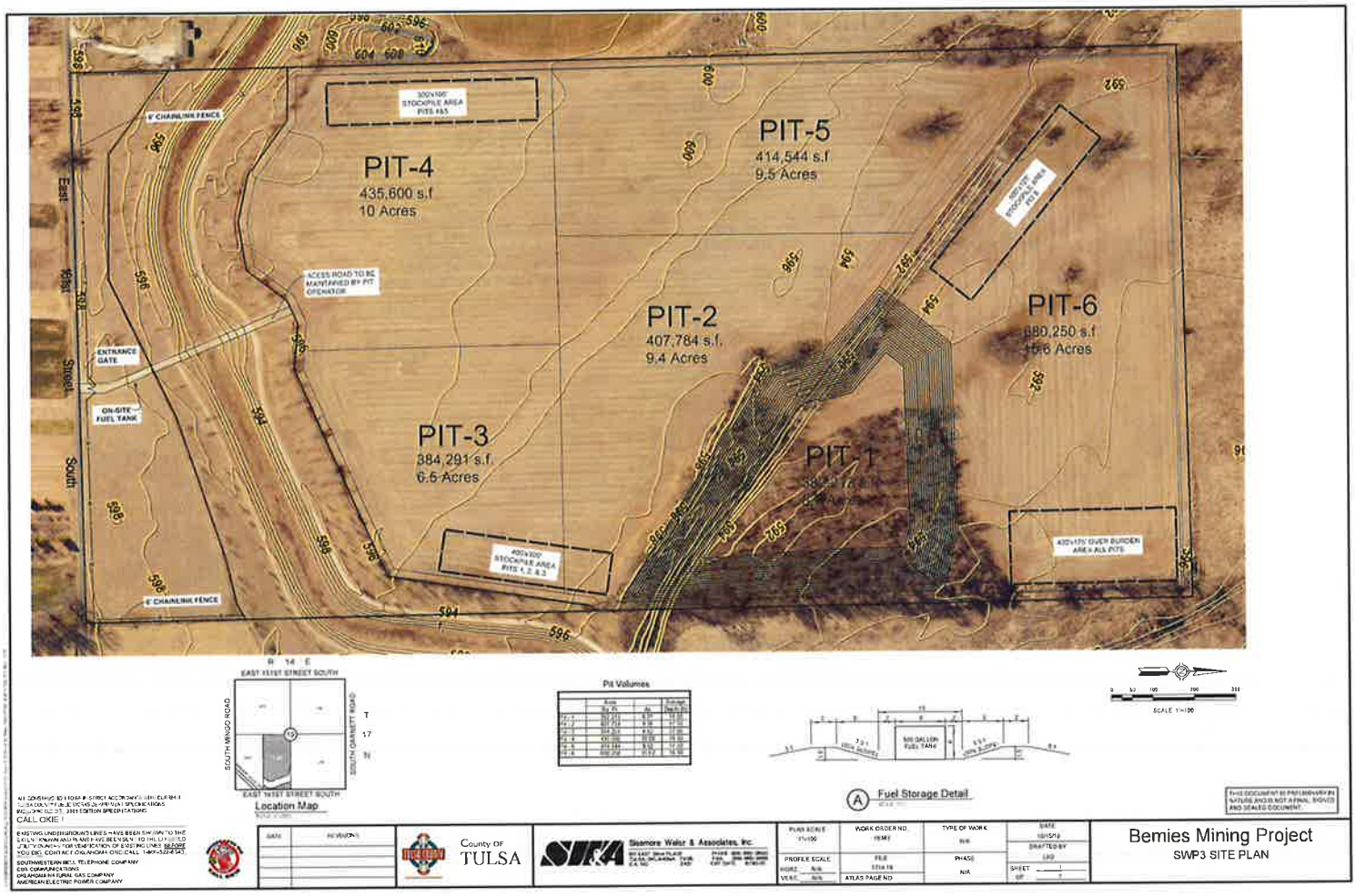
DATE
REVISIONS
County Of TULSA
Sisemore Weisz & Associates, Inc.
PLAN SCALE 1"=100'
PROFILE SCALE HORZ N/A VERT N/A
WORK ORDER NO. 18203
FILE 1714.15
ATLAS PAGE NO
TYPE OF WORK N/A
PHASE N/A
DATE 10/15/18
DRAFTED BY LRZ
SHEET 1 OF 1
Bemies Mining Project
RECLAMATION MAP

9.48


PIT-4
435,600 s.f
10 Acres
PIT-5
414,544 s.f
9.5 Acres
PIT-2
407,784 s.f.
9.4 Acres
PIT-6
380,250 s.f
8.6 Acres
PIT-3
384,291 s.f.
6.5 Acres
PIT-1
300'x100' STOCKPILE AREA PITS #&5
400'x300' STOCKPILE AREA PITS 1, 2 & 3
400'x100' STOCKPILE AREA PIT 6
400'x175' OVER BURDEN AREA ALL PITS
6' CHAINLINK FENCE
ACCESS ROAD TO BE MAINTAINED BY PIT OPERATOR
ENTRANCE GATE
ON-SITE FUEL TANK
East 161st Street South
SCALE 1"=100'
Pit Volumes
Location Map
Fuel Storage Detail
County of TULSA
Stanmore Weiss & Associates, Inc.
Bemies Mining Project
SWP3 SITE PLAN

9.49