

**AMENDED
AGENDA
Special Meeting
Tulsa County Board of Adjustment
Monday, May 13, 2019, 1:30 P.M.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 119**

Meeting No. 468

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

UNFINISHED BUSINESS

1. 2678 — Shane Edmondson — Remand

Special Exception to allow a Community Services & Similar Uses (Use Unit 5) in an AG District (Section 310) to permit a child nursery/child development center.

LOCATION: 6441 East 106th Street North

A special public hearing is required before the Board of Adjustment for the limited purposes directed by the District Court in its Journal Entry filed on Apr. 5, 2019 in Tulsa County case no. CV-2018-01048, Heaberlin v. Tulsa County Board of Adjustment, et al:

- (1) Consider the submissions by Applicant related to the paper copies of the site plan shown on the poster boards that were presented at the hearing in Meeting No. 457 on June 19, 2018, along with signed confirmation that the paper copies are identical representations of the exhibits shown on the poster boards that the Board required Applicant to submit as a condition or safeguard to the Board's motion approving the Special Exception in this matter, case no. CBOA-2678.
- (2) State on the record if the Board determines that such findings are warranted: that 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.

ADJOURNMENT

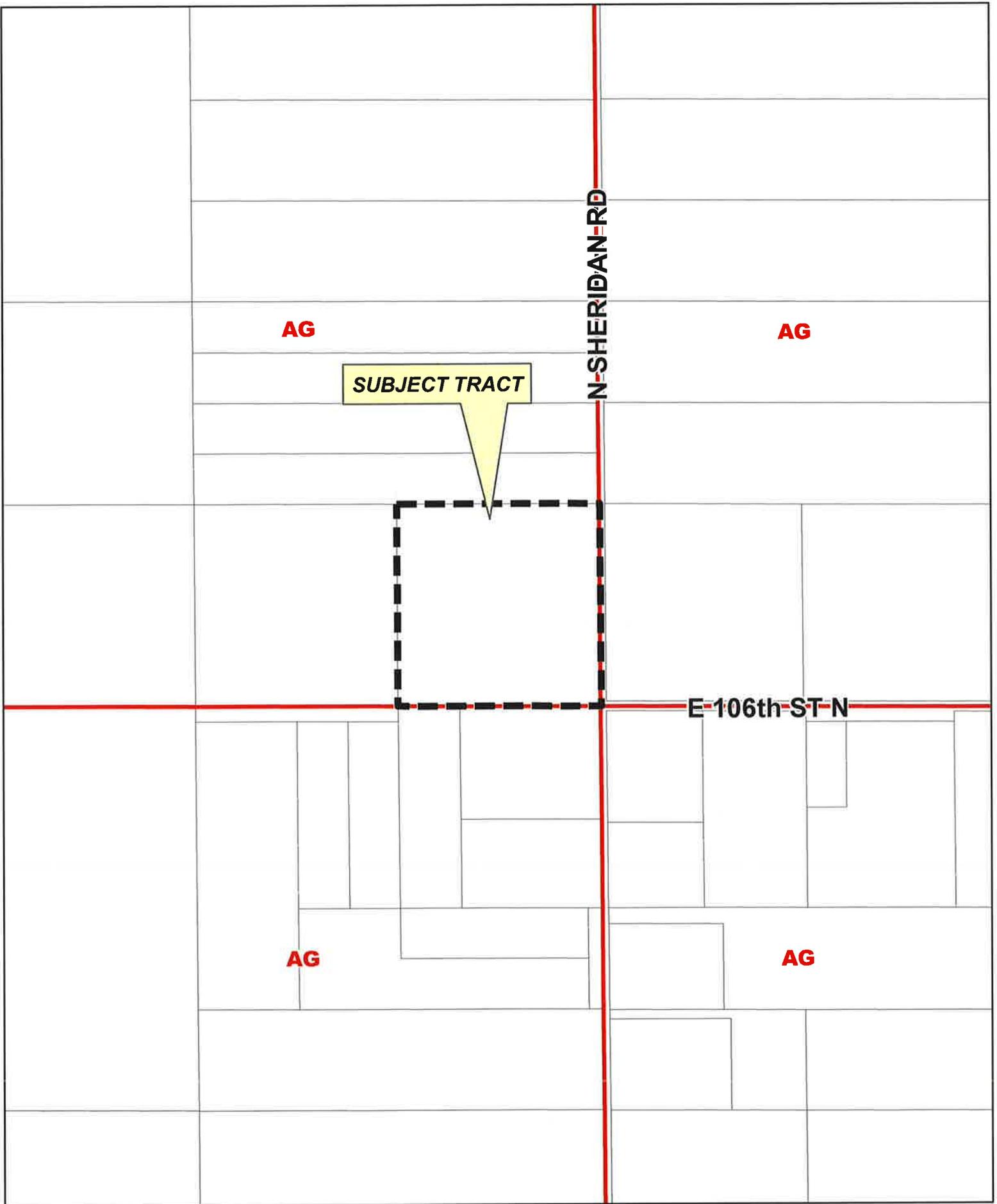
Website: www.countyoftulsa-boa.org

E-mail: esubmit@incog.org

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify the Tulsa Planning Office at (918) 584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Tulsa Planning Office, 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.

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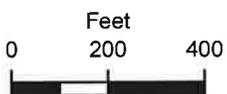
SUBJECT TRACT

N-SHERIDAN RD

E-106th ST N

AG

AG



CBOA-2678

21-13 10

1.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR:1310

Case Number: CBOA-2678

CZM:11

PD:

HEARING DATE: 5/13/19 at 1:30PM

APPLICANT: Shane Edmondson

ACTION REQUESTED: Special Exception to allow a Community Services & Similar Uses (Use Unit 5) in an AG district (Sec. 310) to permit a child nursery/child development center.

LOCATION: 6441 E 106 ST N

ZONED: AG

PRESENT USE: vacant

TRACT SIZE: 10 acres

LEGAL DESCRIPTION: SE SE SE SEC 10 21 13 10ACS,

RELEVANT PREVIOUS ACTIONS:

The initial hearing was held in Meeting No. 457 on 06/19/2018, wherein the Board took the following action:

On **MOTION** of **CHARNEY**, 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 allow a Community Services & Similar Uses (Use Unit 5) in an AG District (Section 310) to permit a child nursery/child development center, subject to the site plan and submitted at today's meeting; for the following property:

SE SE SE SEC 10 21 13 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

ANALYSIS OF SURROUNDING AREA: The subject tract is vacant and surrounded by large AG zoned residential tracts.

STAFF COMMENTS:

Following the initial hearing held in Meeting no. 457 on 06/19/2018, the approval of Applicant's Special Exception was appealed on 08/17/2018 in case no. CV-2018-01048, *Heaberlin v. Tulsa County Board of Adjustment, et al.*, currently pending before the Tulsa County District Court.

On April 5, 2019, CBOA-2678 was remanded to the Tulsa County Board of Adjustment (the "Board") pursuant to a Journal Entry in Case No. CV-2018-01048 for a **Special Public Hearing** on a date prior to the Board's general hearing set for May 21, 2019, for the **limited purposes** as follows:

- (1) The Board shall consider submissions by WCCCF, or its representative (the "Applicant"), related to the paper copies of the site plan shown on the poster boards that were at the June 19, 2018, hearing along with a signed confirmation that the paper copies are identical representations of the exhibit shown on the poster boards that the Board required the Applicant to submit as a condition or safeguard to the Board's motion approving the Special Exception on June 19, 2018; and
- (2) The Board shall state on the record if the Board determines that such findings are warranted, "that 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" as required by the Rules of Procedure and Code of Ethics of the Tulsa County Board of Adjustment, Section II(D)(6).

Sample Motions:

- (1) "Move to _____ (confirm/not confirm) the submissions by Applicant related to the paper copies of the site plan shown on the poster boards that were presented at the hearing in Meeting No. 457 on June 19, 2018, along with signed confirmation that the paper copies are identical representations of the exhibits shown on the poster boards that the Board required Applicant to submit as a condition or safeguard to the Board's motion approving the Special Exception in this matter, case no. CBOA-2678."
- (2) "Move to _____ (find/not find) that based on the evidence in the Record in Case No. CBOA-2678, including, without limitation the Application, various submittals prior to the Hearing, the Hearing that took place in Meeting no. 457 on June 19, 2018 along with the submittals and deliberations during the Hearing, the minutes of the Hearing and related transcript, and the written confirmation submitted by the Applicant at this special hearing, we find that 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."



N SHERIDAN RD

E 106th ST N



Subject Tract

CBOA-2678

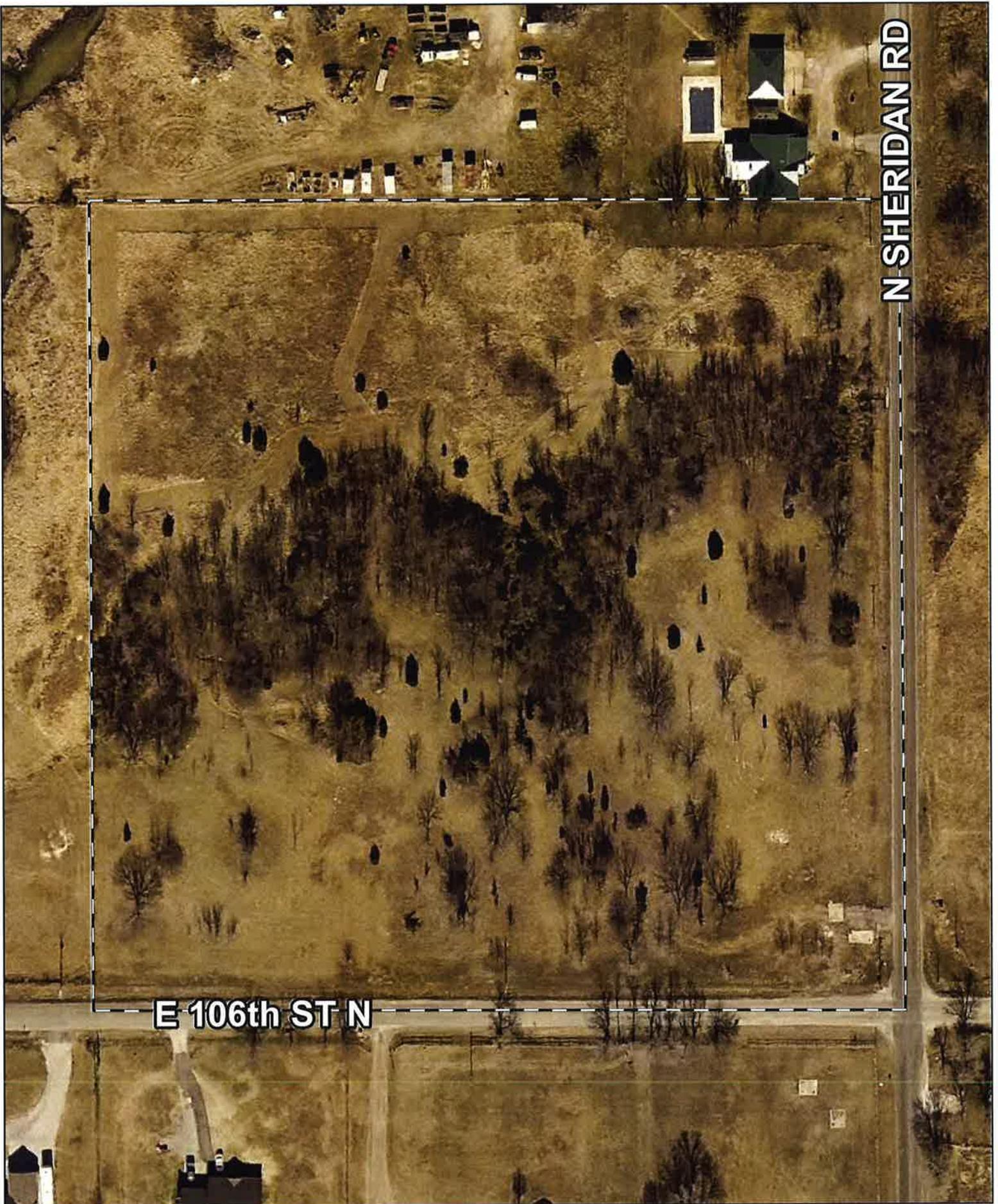
21-13 10

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

Aerial Photo Date: February 2018

1.4





N SHERIDAN RD

E 106th ST N



Subject Tract

CBOA-2678

21-13 10

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

Aerial Photo Date: February 2018





IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

MOLLIE M. HEABERLIN)

Plaintiff,)

v.)

TULSA COUNTY BOARD OF)
ADJUSTMENT, WASHINGTON)
COUNTY CHILD CARE FOUNDATION,)
d/b/a DELAWARE CHILD DEVELOPMENT,)
and ARROWHEAD BUILDERS LLC,)

Defendants.)

Case No. CV-2018-01048

Honorable Doug Drummond

DISTRICT COURT
FILED

APR 05 2019

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

JOURNAL ENTRY

COMES NOW for hearing on the 29th of March, 2019, is Plaintiff's Motion for New Trial and for Reconsideration of the Court's Order Affirming the Tulsa County Board of Adjustment ("Plaintiff's Motion for New Trial") and Plaintiff's Motion to Stay the Court's Order Affirming the Tulsa County Board of Adjustment ("Plaintiff's Motion to Stay"). The Court, after review of Plaintiff's Motions and the Responses filed by Washington County Child Care Foundation ("WCCCF"), hearing arguments of counsel on the record, and being fully advised, makes the following rulings with respect to Plaintiff's Motions.

As to Plaintiff's Motion for New Trial, the Court reconsiders its Order Affirming the Board of Adjustment. The matter is remanded to the Tulsa County Board of Adjustment (the "Board") to set the matter for a Special Public Hearing on a date *prior* to the Board's general hearing set for May 21, 2019 for the limited purposes as follows: (1) the Board shall consider submissions by WCCCF or its representative (the "Applicant") related to the paper copies of the site plan shown on the poster boards that were at the June 16, 2018 hearing along with a signed confirmation that the paper copies are identical representations of the exhibits shown on the poster boards that the Board required the

[Handwritten signature]
1.6

Applicant to submit as a condition or safeguard to the Board's motion approving the special exception on June 16, 2018; and (2) the Board shall state on the record, if the Board determines that such findings are warranted, "That 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" as required by the Rules of Procedure and Code of Ethics, Tulsa County Board of Adjustment, Section II(D)(6). The Board's procedural requirements on public hearings, including, but not limited to, notice requirements, shall be followed. The record so completed to the satisfaction of the Board shall be submitted by the Board to the District Court within five (5) business days of the date of the Special Public Hearing. The Court retains jurisdiction over this appeal. The Court will review the decision of the Board with the record previously submitted in addition to the record submitted from the Special Public Hearing and will enter a final order with respect to this appeal.

As to Plaintiff's Motion to Stay, the Court takes the same under advisement. Upon the scheduling of the Special Public Hearing, the parties are to inform the Court of the date set for the same, and the Court will promptly enter its decision on Plaintiff's Motion to Stay by minute order with notice thereof delivered to all parties.

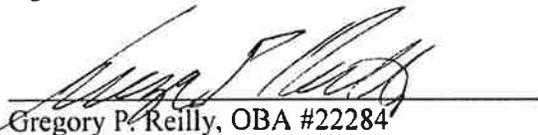
IT IS SO ORDERED this ^{April}~~20th~~ day of ~~March~~, 2019.

4tr



THE HONORABLE DOUG DRUMMOND
JUDGE OF THE DISTRICT COURT

Agreed as to form:



Gregory P. Reilly, OBA #22284

**HALL, ESTILL, HARDWICK,
GABLE, GOLDEN & NELSON, P.C.**

320 South Boston Avenue, Suite 200

Tulsa, OK 74103-3706

Telephone (918) 594-0400

Facsimile (918) 594-0505

greilly@hallestill.com

ATTORNEYS FOR PLAINTIFF

MOLLIE M. HEABERLIN



Andrew W. Shank, OBA #22298

Sloane Ryan Lile, OBA #21342

ELLER AND DETRICH, P.C.

2727 East 21st Street, Suite 200

Tulsa, Oklahoma 74114

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of April 2019, I served via U.S. Mail, postage paid, the foregoing document on the following counsel of record:

R. Louis Reynolds
Andrew A. Shank
Sloan Ryan Lile
Eller & Detrich, P.C.
2727 East 21st Street
Suite 200, Midway Building
Tulsa, Oklahoma 74114

Nolan M. Fields, IV
TULSA COUNTY DISTRICT ATTORNEY'S OFFICE
500 S. Denver Ave. Suite 800
Tulsa, OK 74103



Gregory P. Reilly

3961706.1:004545:00001

Ulmer, Amy

From: Shane Edmondson <sedmondson@arrowheadbuilders.com>
Sent: Wednesday, June 20, 2018 3:39 PM
To: Ulmer, Amy
Cc: Bryan Adson; Matt Littleton; Sherry Rackliff
Subject: Delaware CDC- Owasso - Zoning Meeting Images
Attachments: Delaware Images - Submitted to INCOG - 6.20.18.pdf

Amy, as requested by the committee on 6/20/18 please see attached images that were on display during zoning meeting #457 for case #2678. Thanks, and please feel free to reach out to me if you need anything else.



Shane Edmondson

Preconstruction Manager

Arrowhead Builders

c: (918) 281-9051 p: (918) 806-2100

w: www.arrowheadbuilds.com e: sedmondson@arrowheadbuilders.com



TRELLIS WALKWAY



SHINGLE SIDING



R PANEL ROOFING



HEWN STONE BASE



CORRUGATED METAL SIDING

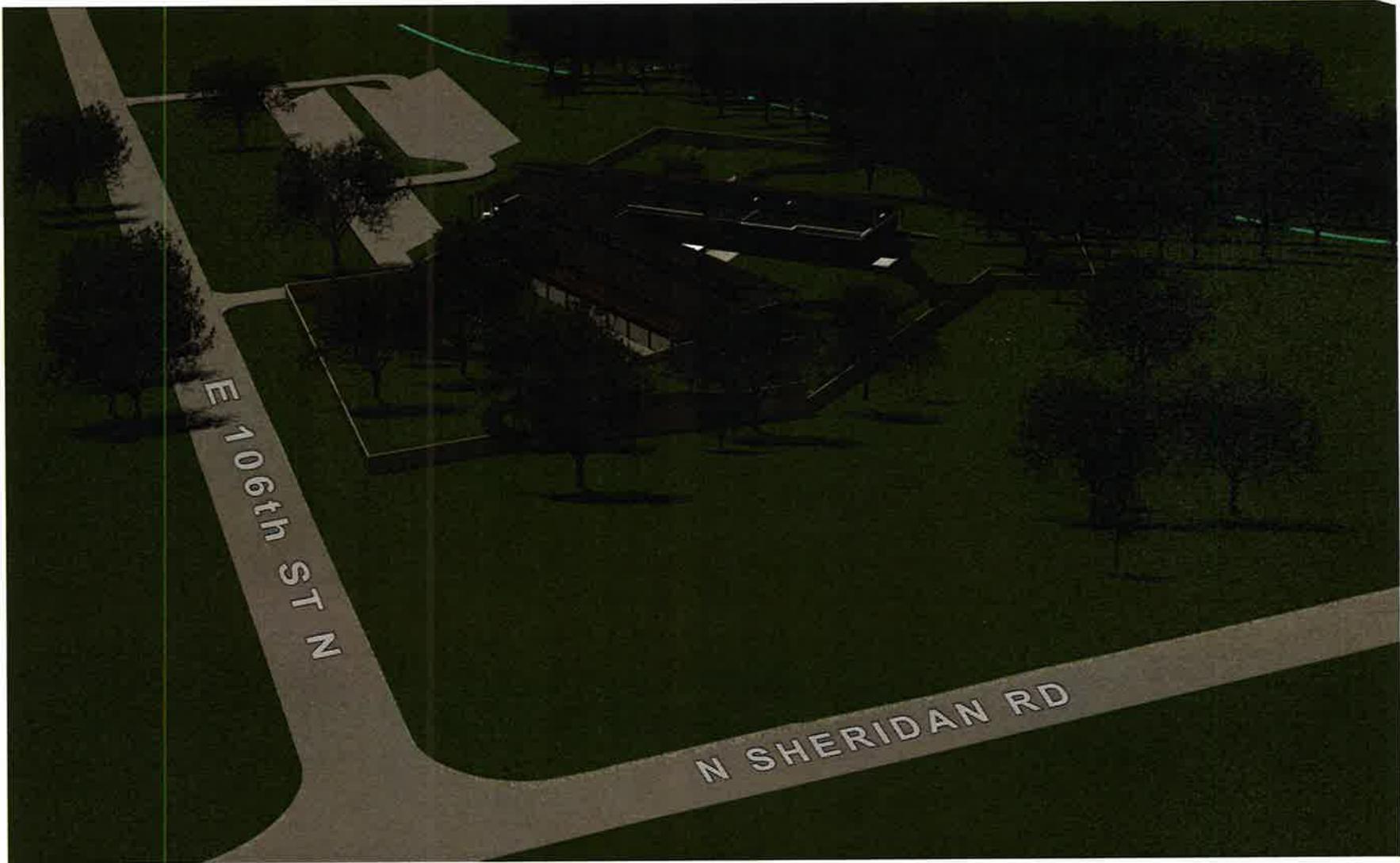


BOARD AND BATTEN SIDING

EXTERIOR MATERIALS CONCEPT
DELAWARE CHILD DEVELOPMENT CENTER

studio **MLA** ARCHITECTS

1.1.1



BIRD'S EYE VIEW LOOKING NW

DELAWARE CHILD DEVELOPMENT CENTER 06.14.2018

Comments & Exhibits from
Interested Parties for
#CBOA-2678; 5/13/19
Special Meeting

Ulmer, Amy

From: Mollie Heaberlin <mmheaberlin@gmail.com>
Sent: Tuesday, May 7, 2019 11:27 AM
To: Ulmer, Amy
Subject: Letter and documents for Case Number CBOA-2678
Attachments: May 13, 2019 TCBOA letter.pdf; WCCCF Property to Mingo Crossing Development Co LLC Property.docx; 181214 TCBOA_s Amended Objection.pdf; Permit Application.pdf; 03-15-2016 Minutes of Tulsa County Board of Adjustment.pdf

Attached please find my letter addressing the special session to be held on Monday, May 13th at 1:30 pm

--

Sincerely,
Mollie

May 6, 2019

We are respectfully asking the TCBOA to right a wrong.

The Tulsa County Zoning Code specifically states in Section 300.1 that the AG district is designed to avoid the scattering of a business. A dangerous precedent is set for future endeavors when it is deemed acceptable to pick and choose what to adhere to within the zoning code. By allowing the special exception, TCBOA is disregarding the county zoning code and randomly placing a business completely surrounded by single family dwellings and farmland. One must travel 3.6 miles east on 106th Street North before encountering a business area. There is no natural progression of business in this area, nor is there on 86th Street North, 96th Street North, or 116th Street North between Mingo and Highway 75 to the west. It is irresponsible of the Board to issue the special exception which clearly goes against the Tulsa County zoning Code. We are asking for the board to right the wrong and revoke the special exception.

TCBOA also must follow their code of ethics which states that upon making a decision, no board member shall give the perception of gain. A few months after the special exception was granted, a TCBOA board member broke ground on their land development for a neighborhood just two miles east of the daycare. It is a selling point to advertise a daycare facility just two miles away. It is also interesting to note that this neighborhood development furthers the argument that this area is NOT in transition to a business district.

Taxpayers' rights should be taken into consideration when deciding to allow a special exception to a non-taxpaying entity, especially when the entity will be a continued drain on the county's resources, ie infrastructure. To have the Board suggest that the taxpayers get together to raise funds for improvement of county roads was offensive at best. This two lane county road has no easement for widening or establishing turn lanes, as it was never designed to be in a business district. The increase of 200+ cars per day for feasibly 25+ years to come, is not sustainable.

WCCCF knew they were restricted on zoning while litigation was ongoing and rescinded their daycare zoning plans. They resubmitted the SAME building plans, with the names of the rooms changed, in order to obtain a single family residential dwelling building permit for a \$2.5 million dollar, 10,000 sq foot house. The Tulsa County Inspector issued this zoning permit submitted under false pretenses even though she also knew of the impending litigation. By doing so, WCCCF made a mockery of Tulsa County and the court system.

WCCCF will argue that they have already invested considerable amounts of money and should be allowed to continue. However, let me remind everyone that within the District Court documents lies verbiage that they knowingly and willingly accept all risk. Had they followed proper procedure and waited until the court proceedings had concluded, they would not have wasted a dime. Had they not obtained a zoning permit for a "house" and started the build, they would not have wasted a dime. This is a poor argument and should not be entertained.

WCCCF has recently posted a public survey giving the public an opportunity to vote either "yes" or "no" as to whether they want a daycare in the area. If this were a legitimate survey, all answers would be allowed to be submitted. When trying to complete the survey with a "no" answer, a screen pops up

stating that the response does not fit their criteria. This voided vote renders the survey inconclusive as it is clearly biased. WCCCF will most likely present "yes" votes to show that the daycare is wanted. A biased survey where a true representation of votes is not allowed, should not be considered.

TCBOA ruled three years ago (by adhering to the zoning Code) that a rodeo venue in the same vicinity would be disruptive to the environment, that the area was NOT in transition, and it would not be in harmony with the code. NO improvements to the area have been made since that ruling. No business development has progressed in this vicinity. One can logically say that the Board set the precedent for the area with this ruling.

Once again, we, as taxpaying residents in the AG zoned district of Tulsa County, respectfully request that the Tulsa County Zoning Code be followed and adhered to as stated in Section 300.1.

If the special exception is not revoked, the following will then be true:

TCBOA's word and former rulings mean nothing.

It is acceptable to pick and choose which part of the Tulsa County Zoning Code you wish to follow, which again, sets a dangerous precedent for future endeavors.

It is acceptable to submit a zoning permit application under false pretenses, build something else, and get away with it.

It is acceptable to disregard Tulsa County's required posting of a building permit for the public to see to allow due diligence for the residents to file a protest against the building permit within the allowed 10 days. The building permit was not posted until 45 days after issuance and several calls made to the inspector's office. To this day, they continue to build without a permit posted.

Please right the wrong. Revoke the special exception.

Sincerely,

Rodeo Property to former OLT Property



13 So there is some -- and -- and I'm going
14 to make it one level more complex and that's why I'm
15 spending time on this out of the ordinary here
16 because -- and depending on where you or any of
17 you-all might be in the application process, it's
18 also important to note that board members have a
19 duty to recuse themselves -- to actually excuse
20 themselves from a vote and not participate in any --
21 any deliberations if there is any possibility that
22 there could have any impact upon them either
23 financially or the appearance of it being so.

24 And I think it's important for us to note
25 -- for me to note -- that the final three items on

1 the agenda -- Items 7, 8, and 9 -- which are all
2 located, what some would say, would be the -- you
3 know, the -- the northwestern part of the Owasso
4 school district, that area -- I am propelled to
5 recuse myself from deliberation and voting on those
6 three items. And I know many of you-all may be here
7 with regard to one of those three items. So I think
8 it's important for me to state that -- in that
9 instance, when we have three members here, I'd like
10 for the applicants on 7, 8, and 9 to notice this.
11 It gets one -- one level more complex.

12 One moment, sir, and I will be glad to
13 entertain your question.

14 On that one, we will need three
15 affirmative votes. Again, in order to give the
16 action that is requested the -- the approval that
17 it's -- that -- if there were such a vote, to
18 approve it, it would require, at that point, a
19 unanimous vote.

20 Am I making sense? We have to have three
21 votes to -- to achieve the request of an applicant,
22 okay, which you can order to do so. So I want
23 everyone to know you're going to have -- on those
24 last three, it will be the duty of the applicant to
25 have three yes votes virtually (inaudible) in order

1 for that application to be granted.

2 And my duty of recusal, I -- I -- we have
3 to be -- we have a -- we have standards by which we
4 must live by and even though I have no direct
5 financial or pecuniary interest whatsoever in that
6 decision, because either I or my business partners
7 have holdings very, very near by, immediately
8 adjacent, it's my duty to step aside. And I have to
9 do that and -- and I -- I -- I don't like not
10 performing my duty. That's what I'm here to do and
11 we're a volunteer board. This is what we do --
12 that's community service. But in this instance, I'm
13 compelled to step aside.

14 So with that, we normally ask, at this
15 point, do any of those applicants, okay, either --
16 if there is a compelling reason why any of those
17 applicants are affected or believe to be adversely
18 affected by the state of affairs and then we can
19 determine whether or not a continuance might be in
20 order.

21 UNIDENTIFIED SPEAKER

22 Mr. Chairman, may I add one thing.

23 CHAIR CHARNEY:

24 Please do.

25 UNIDENTIFIED SPEAKER

1 It's required under regulation for you to
2 even leave the room.

3 CHAIR CHARNEY:

4 That is correct.

5 UNIDENTIFIED SPEAKER:

6 So he can't give a (inaudible) or
7 anything. He has to totally leave the room. Recuse
8 means get out.

9 CHAIR CHARNEY:

10 (Inaudible) for the day. And so once
11 those come up, so that is correct.

12 I have -- I see one counsel present.
13 There may be others and promised you a hand raise,
14 sir. I might let counsel ask his question. Okay.

15 Go ahead, sir, if you would please ask.

16 UNIDENTIFIED SPEAKER:

17 Well, my question is you recusing yourself
18 from Item --

19 CHAIR CHARNEY:

20 Seven --

21 UNIDENTIFIED SPEAKER

22 -- 7, 8, and 9 --

23 CHAIR CHARNEY:

24 Yes, sir.

25 UNIDENTIFIED SPEAKER

1 But No. 4 is (inaudible) related to Item
2 8.

3 CHAIR CHARNEY:

4 No, sir. I would disagree. And I --

5 UNIDENTIFIED SPEAKER

6 (Inaudible) area.

7 CHAIR CHARNEY:

8 Okay. I can tell you, sir, that it is --

9 there is a significant geographic difference between

10 7 -- pardon me, No. 4 that you're referring to --

11 UNIDENTIFIED SPEAKER

12 Correct.

13 CHAIR CHARNEY:

14 -- and No. 8 and 9.

15 You know, how does one make these

16 decisions? You -- you examine the geography, the

17 proximity and there is a significant difference in

18 the location of that one from what gave rise to the

19 potential appearance of -- of conflict on the other

20 one, sir. There is -- I believe one is like 136th

21 and Yale and the other is 106th and Sheridan. My

22 having --

23 UNIDENTIFIED SPEAKER

24 (Inaudible)

25 CHAIR CHARNEY:

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2 8.

3 CHAIR CHARNEY:

4 No, sir. I would disagree. And I --

5 UNIDENTIFIED SPEAKER

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19 potential appearance of -- of conflict on the other
20 one, sir. There is -- I believe one is like 136th
21 and Yale and the other is 106th and Sheridan. My
22 having --

23 UNIDENTIFIED SPEAKER

24 (Inaudible)

25 CHAIR CHARNEY:

1 So that is the answer to your question,
2 sir. And -- and if -- if -- if I -- I see a strong
3 distinction. There are no holdings or ownerships or
4 anything like that between the two -- between
5 anything. So that is how I -- how I analyze it,
6 sir.

7 Do you have any further follow-up
8 questions to that or any questions about my
9 response, sir? I want to give you the chance to if
10 you would like to.

11 UNIDENTIFIED SPEAKER

12 (Inaudible.)

13 UNIDENTIFIED SPEAKER

14 Not at this time.

15 UNIDENTIFIED SPEAKER

16 Okay.

17 CHAIR CHARNEY:

18 Okay. Thank you.

19 Okay. Other questions regarding --

20 Yes, sir. Your question.

21 UNIDENTIFIED SPEAKER:

22 I (inaudible) to 6, 7, 8. So not 7, 8, 9.

23 CHAIR CHARNEY:

24 No, I think that there was -- 6 has been
25 appointed and continued by the way, we've got a

1 continuance on No. 6.

2 UNIDENTIFIED SPEAKER

3 Okay.

4 CHAIR CHARNEY:

5 I -- I truly meant 7, 8, 9 for -- for
6 different reasons, sir.

7 UNIDENTIFIED SPEAKER

8 Okay. Got it.

9 CHAIR CHARNEY:

10 All of them have to do -- again, I
11 didn't --

12 UNIDENTIFIED SPEAKER

13 We'll get to them.

14 CHAIR CHARNEY:

15 I think it's important for everyone to
16 know, the standard is not just that I would -- that
17 there would be an actual conflict of interest or --
18 or a monetary interest. Some (inaudible) say if --
19 if there is a potential appearance of impropriety
20 and that -- that should keep us all at bay from even
21 approaching anything that could ever, by the public,
22 be viewed that way and we don't want to go there.

23 But I appreciate your clarification, but,
24 no, sir, it was those three.

25 UNIDENTIFIED SPEAKER:

WCCCF Property to Mingo Crossing Development Co LLC Property



Quick Facts

Account #	R91418141831630
Parcel #	91418-14-18-31630
Situs address	
Owner name	MINGO CROSSING DEVELOPMENT CO LLC
Fair cash (market) value	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Similar properties</div> \$400,000
Last year's taxes	\$0
Legal description	Subdivision: UNPLATTED Legal: N 1/2 SW NW & SW SW NW LESS .5 AC FOR RD SEC 18-21-14 Section: 18 Township: 21 Range: 14

Tax Information

	2018	2019
Fair cash (market) value	\$400,000	—
Total taxable value (capped)	\$400,000	—
Assessment ratio	11%	—
Gross assessed value	\$44,000	—
Exemptions	\$0	—
Net assessed value	\$44,000	—
Tax rate	OW-11A [OWASSO]	
Tax rate mills	108.51	—
Estimated taxes	\$0	—*
Most recent NOV	March 6, 2018	

1.25

* Estimated from 2018 millage rates

Tax detail (2018 millages)

	%	Mills	Dollars
City-County Health	2.4	2.58	\$113.52
City-County Library	4.9	5.32	\$234.08
Tulsa Technology Center	12.3	13.33	\$586.52
Emergency Medical Service	0.0	0.00	\$0.00
Tulsa Community College	6.6	7.21	\$317.24
School Locally Voted	22.0	23.86	\$1,049.84
City Sinking	0.2	0.17	\$7.48
School County Wide Bldg	4.7	5.15	\$226.60
School County Wide ADA	3.7	4.00	\$176.00
School County Wide General	33.2	36.05	\$1,586.20
County Government	10.0	10.84	\$476.96

General Information

Situs address	
Owner name	MINGO CROSSING DEVELOPMENT CO LLC
Owner mailing address	12150 E 96TH ST N STE 202 OWASSO, OK 740555340
Land area†	29.50 acres / 1,285,020 sq ft
Tax rate	OW-11A [OWASSO]
Legal description	Subdivision: UNPLATTED Legal: N 1/2 SW NW & SW SW NW LESS .5 AC FOR RD SEC 18-21-14 Section: 18 Township: 21 Range: 14
Zoning	AGRICULTURE DISTRICT [AG]

Values

	2018	2019
Land value	\$400,000	—
Improvements value	\$0	—
Fair cash (market) value	\$400,000	—

Exemptions claimed

	2018	2019
<u>Homestead</u>	—	—
<u>Additional homestead</u>	—	—
<u>Senior Valuation Limitation</u>	—	—
<u>Veteran</u>	—	—

Improvements

Bldg ID#	Property type	Condition	Quality	Year built	Livable†	Stories	Foundation	Exterior	Roof	Baths	HVAC
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Sales/Documents

Date	Grantor	Grantee	Price	Doc type	Book-Page/Doc#
Nov 16, 2017	SHAFFER, DEBORAH MOREE AND, JANINE INEZ MORRIS	MINGO CROSSING DEVELOPMENT CO LLC	\$400,000	General Warranty Deed	2018002899

1.26

Date	Grantor	Grantee	Price	Doc type	Book-Page/Doc#
Aug 25, 1994			\$—	Personal Representative's Deed	05651-02680

Images

Photo/sketch
(Click to enlarge)

No pictures or sketches available

† Square footage and acreage values included in this record are approximations. They may not reflect what a licensed surveyor would determine by performing a formal survey. They are for tax purposes only and are not intended for use in making conveyances or for preparing legal descriptions of properties.

Not secure | www.capitalhomes.com | 2024 | 10/10/2024 | Mingo Crossing

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GET IN TOUCH

Mingo Crossing Coming Soon

Welcome to Mingo Crossing in Owasso

Welcome to Mingo Crossing, the most charming new community in Owasso! With a beautiful greenbelt view and all single-family homes with craftsman-style exteriors, you'll love to call this neighborhood home. Sit on the porch with a cup of coffee and chat with your neighbors, or walk your dog along the trail that encircles two large green spaces, including a picnic pavilion for neighborhood use and events.

Located near the 96th street shopping corridor and the Bailey Medical Campus, you'll have a view that comes with country living, but with close proximity to city amenities. This neighborhood is in the Owasso Public School District with Larkin Bailey Elementary just around the corner.



Sign up and become a VIP for Mingo Crossing

First Name *

Last Name *

Leave a Message



Our Story

Trust, hard work, and community are more than just values but a way of life in Oklawaha, and indeed deep in our culture. At Capital Homes, we've been building and creating beautiful homes for over 25 years. It's a tradition that's become a legacy.

Our company was founded in Oklawaha, Oklahoma as a way to assist friends, neighbors, and the community to own affordable homes without sacrificing quality, craftsmanship, energy efficiency, or aesthetics. Our design, construction and sales are reflected in the success of our company, including in the products we offer, our choice of materials, and our interaction with our owners, communities, and each other.

The Capital Homes Difference *the cornerstone of our business*

- We purposefully remain a small-sized company to focus on individual customer needs. Our reputation for professionalism, integrity, and service requires trust in our customers, many of whom are living in their second or third Capital Homes.
- We create, helpfully and joyfully, affordable homes to rent, lease and sell to our customers. These residences, along with industry-leading customer service and multiple construction and leasing options, are designed and designed to meet the needs of each of our homes.
- We afford customers flexibility in the building process to meet their own needs and make the home their own.
- We are committed to ensuring that each customer is delighted throughout the home-buying process — before, during, and after construction. Our sales people are friendly, knowledgeable and there to meet your needs. Our construction team has over 50 years of experience in the industry and is committed to quality craftsmanship and your satisfaction. Our warranty program guarantees our work and your trust in our product. We hire, train, pay and volunteer in the communities in which we build homes.

Capital Homes has always valued trust as the foundation of its business. We strive to create a strong, lasting relationship with each customer and ensure our decisions with a sense of fairness and a giving spirit. For this reason, we're glad to have you as our neighbor.

As you consider this important investment in your life, we hope that Capital Homes will be your neighbor of choice.

MINGO CROSSING DEVELOPMENT COMPANY, LLC

Details

Filing Number	3512644510
Name Type	Legal Name
Status	Inactive
Corp type	Domestic Limited Liability Company
Jurisdiction	Oklahoma
Formation Date	6 Nov 2017

Registered Agent Information

Name	DAVID E. CHARNEY
Effective	6 Nov 2017
Address	12150 E. 96 ST. NORTH SUITE 202
City, State, Zip Code	OWASSO OK 74055

CAPITAL HOMES RESIDENTIAL GROUP, L.L.C.

Details

Filing Number	3500670786
Name Type	Legal Name
Status	In Existence
Corp type	Domestic Limited Liability Company
Jurisdiction	Oklahoma
Formation Date	7 Aug 2001

Registered Agent Information

Name	DAVID E CHARNEY
Effective	N/A
Address	12150 E 96 ST N STE 202
City, State, Zip Code	OWASSO OK 74055

3886893.1:004545:00001

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

DEC 17 2018

MOLLIE M. HEABERLIN, et al.,)
Plaintiff,)
)
vs.)
)
TULSA COUNTY BOARD OF ADJUSTMENT,)
WASHINGTON COUNTY CHILD CARE FOUNDATION)
d/b/a DELAWARE CHILD DEVELOPMENT, and)
ARROWHEAD BUILDERS, LLC,)
Defendants.)

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

Case No. CV-2018-01048
Judge Kuehn

**AMENDED OBJECTION TO PLAINTIFF’S MOTION TO TAKE DEPOSITION OF
TULSA COUNTY BOARD OF ADJUSTMENT CHAIRMAN DAVID CHARNEY**

Comes now undersigned counsel, on behalf of Defendant/Appellee Tulsa County Board of Adjustment (“Board”), and hereby **OBJECTS**, pursuant to 19 O.S. § 863.22, to Plaintiff’s¹ Motion to Take Deposition of Tulsa County Board of Adjustment Chairman David Charney (“Motion”). Such objection is based on the propositions and authorities outlined in the attached Brief in Support.

**BRIEF IN SUPPORT
STATEMENT OF FACTS**

1. David Charney is the current Chairman of the Board and has been in that role since 2016.
2. During Board meeting no. 430 held on Mar. 15, 2016, then Chairman Charney, after announcing such intention to those assembled at the open meeting, recused himself from three agenda items and left the meeting before their deliberation. See Board Minutes, attached herein as Ex. “A”.
3. One of the agenda items wherein Chairman Charney recused himself concerning a landowner seeking a rodeo as a special exception (Use Unit 20) on a parcel then zoned as an AG

¹ Despite the Petition in this matter initially containing seventeen (17) Plaintiffs, the Court’s Order dated Oct. 31, 2018 and filed Nov. 16, 2018 dismissed all Plaintiffs save Mollie M. Heaberlin.

District (Section 310) located at 6801 E 106th St. N in Owasso, OK. *See Id.*; and *See* Tulsa County Assessor's Property Search Record, Parcel No. 91311-13-11-41810, attached herein as Ex. "B"

4. At the time of the Mar. 2016 meeting, Mr. Charney was a partial owner of a 43.8-acre parcel located at 4787 N 106th St. N in Sperry, OK, based on his partnership in Owasso Land Trust, LLC. *See* Tulsa County Assessor's Property Search Record, Parcel No. 91309-13-09-55830, attached herein as Ex. "C".

5. Chairman Charney's partial ownership interest in this 43.8-acre parcel was extinguished on or about May 10, 2017 when this parcel was sold. *See Id.*

6. Before the Board's ultimate vote on CBOA-2678 at the Board's meeting no. 457 held on Jun. 19, 2018, Chairman Charney was specifically asked by a member of the gallery why he was not recusing from this matter since he had done so back in 2016 for the "rodeo parcel." Chairman Charney responded that he had no holdings in this area, knew this intersection quite well and confirmed had no pecuniary interest in or around this area. The gallery member seemingly accepted Chairman Charney's explanation and no further inquiry transpired. *See* Audio recording from Board Mtg. No. 457, Pt. 2, 41:24-42:31.²

7. While it was not attached to Plaintiff's Motion, despite being referenced as Ex. 1 on p. 2 of ¶ 3 therein, the parcel Plaintiff argues that should have resulted in Chairman Charney's recusal seems to be No. 91315-13-15-26010 owned by K & S Developments, Inc. *See* Plaintiff's Motion to Take Deposition of Tulsa County Board of Adjustment Chairman David Charney, CV-18-1048 (filed Nov. 26, 2018); and Tulsa County's Assessor's Property Search Record, attached herein as Ex. "D".

² Should the Court grant a future motion by Plaintiff to supplement the record in contravention of 19 O.S. § 863.22, a transcription of such meeting can be provided. In the meantime, copies of the audio recording have been provided to the parties.

8. Plaintiff did not raise as an issue on appeal in her Petition filed herein on Aug. 17, 2018, Chairman Charney's decision not to recuse himself from the Board's decision on CBOA-2678 at its meeting no. 457 held on Jun. 19, 2018.³

**PLAINTIFF IS ONLY ENTITLED TO A JUDICIAL REVIEW OF
THE BOARD'S ULTIMATE DECISION IN CBOA-2678,
NOT A *DE NOVO* REVIEW OF THE BOARD'S DECISION OR OF
CHAIRMAN CHARNEY'S REFUSAL TO RECUSE IN CBOA-2678**

A. Plaintiff is not entitled to a trial de novo at the District Court after an adverse decision by the Board in CBOA-2678

When looking to determine what standard of review is applicable to a District Court's appellate review of a decision of the Board, one must first look to the basic rules of statutory interpretation:

The primary goal of statutory construction is to ascertain and follow the intention of the Legislature. If a statute is plain and unambiguous and its meaning clear and no occasion exists for the application of rules of construction a statute will be accorded the meaning expressed by the language used. However, where a statute is ambiguous or its meaning uncertain it is to be given a reasonable construction, one that will avoid absurd consequences if this can be done without violating legislative intent. Further, the Legislature will not be presumed to have done a vain and useless act in the promulgation of a statute, nor will an inept or incorrect choice of words be applied or construed in a manner to defeat the real or obvious purpose of a legislative enactment.

Wylie v. Chesser, 2007 OK 81, ¶ 19, 173 P.3d 64, 71 (citing *TRW/Reda Pump v. Brewington*, 1992 OK 31, 829 P.2d 15, 20).

Plaintiff's reliance on any authority other than 19 O.S. § 863.22 is incorrect and completely ignores the statutory provisions provided in 19 O.S. §§ 863.1 *et seq.* Oklahoma's Legislature specifically provided for a cooperative planning commission between counties and cities "[f]or the purpose of cooperating with the State of Oklahoma in conserving the natural resources of the state,

³ While Plaintiff filed an Amended Petition herein on Nov. 21, 2018, pursuant to 12 O.S. § 2015(A), such Amended Petition is not properly before this Court.

and in promoting the health, safety, peace, morals and general welfare of the people of the state” 19 O.S. § 863.1. The City and County of Tulsa have chosen to implement the provisions allowed under Sections 863.1 *et seq.* by forming a city-county cooperative planning commission and county board of adjustment. In doing so, the Board is established under 19 O.S. § 863.20 and specifically provides for judicial review of its actions by the District Court in Section 863.22.⁴ Considering the Legislature will not be presumed to have done a vain and useless act in the promulgation of a statute, this Court should continue to follow the intent of Oklahoma’s Legislature.

In *Holtzen v. Tulsa County Board of Adjustment*, 2004 OK CIV APP 74, 97 P.3d 1150, the Court explained that “the trial court, sitting as an appeal tribunal, *shall confine its review to the record of the proceeding before the [Board]* in determining whether the requirements of § 863.22 have been met.” *Holtzen*, 2004 OK CIV APP 74, ¶ 32 (emphasis added). It is instructive to note that “[o]n appeal from an administrative decision, the appellate courts at all levels apply the same standard of review directly to the administrative record, without regard to the lower court’s decision.” *Meyer v. State ex rel. Bureau of Investigation*, 1999 OK CIV APP 118, ¶ 11, 993 P.2d 799.

The Court in *Holtzen* also compared the former version of the Section 863.22 with its current version, finding that the previous version provided for a trial de novo, but that the current version specifically provides for a judicial review – confined to the underlying record. *Holtzen*, 2004 OK CIV APP 74, ¶¶ 25-26. Therefore, any review of any action of the Board must determine

⁴ 19 O.S. § 863.22:

A judicial review in the district court may be had of any ruling, regulation, interpretation, order, requirement, refusal, permit, approval, or decision made under the terms of this act, when such action is alleged to be arbitrary, unreasonable or capricious, and that by reason thereof such action has worked or, if enforced, will work an unnecessary hardship on or create substantial harm or loss to the complaining party.

if said action was arbitrary, unreasonable or capricious and whether if such action, if enforced, will work an unnecessary hardship on or create substantial harm or loss to the complaining party based on review of the record. *Id.* At ¶ 26 (*quoting* 19 O.S. § 863.22). Further, the District Court sitting as appellate tribunal, should at all times presume that the Board has not committed error unless specifically pointed out by Appellant. *Id.* at ¶ 32 (*citing In re Gruber*, 1923 OK 204, ¶ 18, 214 P. 690, 693).

In this case, the Board conducted a public hearing on the request for a Special Exception from the Washington County Child Care Foundation to permit a child nursery/child development center in an AG District. After hearing from many interested parties including numerous residents in the surrounding area, the Board ruled in favor of the moving party and granted its Special Exception for a community service and similar uses, specifically a child nursery/child development center. The Board in no way acted in an arbitrary, unreasonable or capricious manner.

B. Plaintiff is not entitled to a trial de novo at the District Court of Chairman Charney's decision not to recuse himself from the Board's decision in CBOA-2678

While Plaintiff has spent many paragraphs of her various filings before this Court attempting to undermine the neutrality of Chairman Charney, the issue of him having a potential conflict of interest was only addressed for one minute during the hearing of CBOA-2678. As briefly outlined in Fact no. 6 above, Chairman Charney addressed an interested party's inquiry towards the end of the Board's hearing on CBOA-2678 that concerned his recusal from a hearing two years earlier that addressed a different parcel in the same general area of the parcel at issue. The interested party inquired that since he had previously recused, why he was not recusing in the instant matter. Chairman Charney explained that that he had no holdings in this area, knew this intersection quite well and confirmed had no pecuniary interest in or around this area. The interested party seemingly accepted Chairman Charney's explanation and no further inquiry

transpired. This entire exchange lasted for just over one minute and no other documents or evidence was submitted to the record.

While Fact nos. 2-7 above are not in the underlying record before this Court - beyond the scope of its judicial review - considering Plaintiff made much argument about Chairman Charney having a disqualifying interest in a property “less than 500 feet south of the south boundary of Ms. Heaberlin’s property,” Chairman Charney feels the need to dispel any confusion before the Court. Regarding the parcel that Plaintiff claims to be the root of Chairman Charney’s conflict of interest, he in fact has no ownership interest in that a parcel, he is not a partner in K & S Developments, Inc., has no pecuniary interest in that entity and is not aware of what properties are in its portfolio. See Fact no. 7 above. Instead of trying to attack Chairman Charney’s ethics now, Plaintiff should have submitted any pertinent evidence into the underlying record at the hearing for CBOA-2678. Plaintiff cannot simply call out “fire” now, as she is the one creating all the smoke.

CONCLUSION

Plaintiff had the opportunity at the Board’s meeting no. 457 held on Jun 19, 2018 to present any evidence and enter into the record any argument that would be considered by the Board. Despite her participation at that meeting, along with that of ten other interested parties, she attempts by her Motion to circumvent the requirement that a judicial review be applied as the standard of review in this matter as stated in Title 19 O.S. § 863.22 and by the holding and conclusion in *Holtzen*. Accordingly, Defendant requests this Court deny Plaintiff’s Motion and proceed with its judicial review of the underlying record in CBOA-2678.

Respectfully submitted,

Nolan M. Fields IV

Nolan M. Fields IV, OBA No. 31550
Assistant District Attorney | Civil Division
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Tulsa, OK 74103
(918) 596 - 4900 | nfields@tulsacounty.org
*Attorneys for Defendant Tulsa County
Board of Adjustment*

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that on the date of filing, I caused a true and correct, file-stamped copy of this document to be placed in the U.S. mail, first class postage fully pre-paid, addressed to the following:

Gregory P. Reilly
HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, PC
320 S. Boston Ave., Ste. 200
Tulsa, OK 74103-3706
greilly@HallEstill.com
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*Attorneys for Defendant/Appellee
Washington County Child Care Foundation*

Nolan M. Fields IV

Nolan M. Fields IV

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 430
Tuesday March 15, 2016, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 119
Tulsa, Oklahoma

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Charney, Chair	Crall, Secretary	Miller	West, Inspector
Dillard		Moye	
Johnston		Sparger	
Hutchinson, V.Chair			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 10th day of March, 2016 at 9:41 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Charney called the meeting to order at 1:30 p.m.

Mr. Charney explained to the applicants and interested parties that there were only four board members present at this meeting, and if an applicant or an interested party 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 three board members to constitute a majority and if two board members voted no today the application would be neither denied or approved so the motion is considered to have failed. Mr. Charney informed the applicants and the interested parties that he would need to recuse himself from agenda Items 7, 8 and 9. Mr. Charney asked the applicants and the interested parties if they understood and asked the applicants or interested parties what they would like to do. The audience nodded their understanding and no one requested a continuance.

Ms. Nikita Moye read the rules and procedures for the County Board of Adjustment Public Hearing.

Ex. "A"

03/15/2016/#430 (1)

1.36

207), given the existence of the easement and the house is set back substantially off the publicly dedicated right-of-way; for the following property:

N/2 W/2 SE SW SEC 26 17 14 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

Mr. Charney recused himself from Agenda Items #7, #8 and #9 at 3:09 P.M. and left the meeting.

2568—Jode Lingle

Action Requested:

Variance of the minimum lot area from 2 acres to 1.81 acres in the AG District (Section 330, Table 3); Variance of the minimum land area per dwelling unit (Section 330, Table 3) to permit a lot split. **LOCATION:** 6410 East 106th Street North, Owasso

Presentation:

Jode Lingle, 13643 South Highway 170 West, West Fork, AR; stated he wants to divide the property which is 3.8 acres and that is slightly smaller than the required 4 acres required for a lot split. There are two existing houses on the property and if he is able to divide the land each house will have their own lot.

Interested Parties:

Debbie King, 4105 East 96th Street North, Sperry, OK; asked if Mr. Lingle is allowed to split his property will it apply to the whole area or will it be just for his property. Mr. Hutchinson stated that this request will only apply to Mr. Lingle's property.

Comments and Questions:

None.

Board Action:

On **MOTION** of **JOHNSTON**, the Board voted 3-0-0 (Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Crall "absent") to **APPROVE** the request for a Variance of the minimum lot area from 2 acres to 1.81 acres in the AG District (Section 330, Table 3); Variance of the minimum land area per dwelling unit (Section 330, Table 3) to permit a lot split. The hardship is that there are houses that exist on the property and will not cause a detriment to the area; for the following property:

PRT NE NE NE BEG NEC THEREOF TH S370 W460 N370 E460 POB SEC 15 21 13 3.907ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2569—Antonio Perez

Action Requested:

Special Exception to allow for a rodeo (Use Unit 20) in an AG District (Section 310);

Variance of the all-weather material for surface parking (Section 1340.D).

LOCATION: 6801 East 106th Street North, Owasso

Presentation:

James B. Smiley, Architect, 6006 East 57th Place, Tulsa, OK; stated he is representing Mr. Antonio Perez. Mr. Smiley stated this project is similar to the case that was heard earlier in today's meeting. Mr. Smiley presented drawings of the proposed project. The utility easement is along 106th Street North and the water is provided by Washington County RWD #3. The stormwater drainage is controlled by bar ditches only and too much paving could interfere with the storm water runoff.

Interested Parties:

Carl McCarty, 10535 North Sheridan, Sperry, OK; stated that he lives across the street from the proposed project. He can hear the other rodeo from his house and it is at least three miles away and to have a rodeo across the street will disturb the quiet. Mr. McCarty believes this proposed rodeo will also affect property values because no one wants a rodeo across from their house. Rodeos are loud and normally built away from housing. This community is growing and there are new houses going in that range up to \$500,000 in value. Mr. McCarty stated that he does not want the traffic that the rodeo will bring to the area. The proposed rodeo does not have access because of the neighborhood.

Mark Freeman, 10517 North Sheridan, Sperry, OK; stated he lives almost across the street from the subject property in a new house. He and his wife built the house and built it with the intention of retiring there so he is not excited about the proposed rodeo. He will be able to see the rodeo from his back patio and the rodeo will bring light and noise pollution with it. Sheridan and 106th Street North is no place for the type of congestion a rodeo would bring. There is development after development up and down Sheridan Road with beautiful houses being built. This is not the neighborhood for the proposed rodeo.

Karen Dearth, 10548 North 117th, Owasso, OK; stated she bought the property right next to the proposed rodeo last year with the plans of building her retirement family home. She is strongly opposed to the proposed rodeo because she chose the property for the quiet. Ms. Dearth stated she has numerous signatures on a petition of residents in the area who are against the proposed rodeo. The traffic, lights and noise will be a problem living right next to a rodeo and she hopes the Board denies the request.

Debbie King, 4105 East 96th Street North, Sperry, OK; stated she owns the property across the street; her sister lives on five of the acres and her daughter lives on seven acres. Her family has owned the property since the 1920s or earlier and she would hate to see a rodeo in the area. She does want to have her grandchildren subjected to that



Assessor
JOHN A. WRIGHT

Property Search

Disclaimer

The Tulsa County Assessor's Office has made every effort to insure the accuracy of the data contained on this web site; however, this material may be slightly dated which could have an impact on its accuracy.

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The Tulsa County Assessor's Office assumes no liability for any damages incurred, whether directly or indirectly, incidental, punitive or consequential, as a result of any errors, omissions or discrepancies in any information published on this web site or by any use of this web site.

Quick Facts

Account #	R91311131141810
Parcel #	91311-13-11-41810
Situs address	6801 E 106 ST N
Owner name	PEREZ, ANTONIO & EUGENIA
Fair cash (market) value	\$350,000
Last year's taxes	\$4,190
	Subdivision: UNPLATTED
Legal description	Legal: SE SW SW LESS S16.5 THEREOF FOR RD SEC 11 21 13 9.750ACS
	Section: 11 Township: 21 Range: 13



General Information

Situs address	6801 E 106 ST N
Owner name	PEREZ, ANTONIO & EUGENIA
Owner mailing address	18919 WOODMERE OWASSO, OK 74055
Land area	9.75 acres / 424,710 sq ft
Tax rate	8B [SPERRY]
	Subdivision: UNPLATTED
Legal description	Legal: SE SW SW LESS S16.5 THEREOF FOR RD SEC 11 21 13 9.750ACS
	Section: 11 Township: 21 Range: 13
Zoning	AGRICULTURE DISTRICT [AG]

Tax Information

	2017	2018
Fair cash (market) value	\$350,000	\$350,000
Total taxable value (capped)	\$350,000	\$350,000
Assessment ratio	11%	11%
Gross assessed value	\$38,500	\$38,500
Exemptions	\$0	\$0
Net assessed value	\$38,500	\$38,500
Tax rate	8B [SPERRY]	
Tax rate mills	108.82	112.26
Estimated taxes	\$4,190	\$4,322
Most recent NOV	February 7, 2017	

Values

	2017	2018
Land value	\$127,900	\$127,900
Improvements value	\$222,100	\$222,100
Fair cash (market) value	\$350,000	\$350,000

Exemptions claimed

	2017	2018
Homestead	-	-

Tax detail (2018 millages)

	%	Mills	Dollars
City-County Health	2.3	2.58	\$99.33
City-County Library	4.7	5.32	\$204.82
Tulsa Technology Center	11.9	13.33	\$513.21
Emergency Medical Service	0.0	0.00	\$0.00
Tulsa Community College	6.4	7.21	\$277.59
School Locally Voted	24.7	27.78	\$1,069.53
City Sinking	0.0	0.00	\$0.00
School County Wide Bldg	4.6	5.15	\$198.28

Ex. "B"

1.39

	2017	2018
Additional homestead	—	—
Senior Valuation Limitation	—	—
Veteran	—	—

	%	Mills	Dollars
School County Wide ADA	3.6	4.00	\$154.00
School County Wide General	32.1	36.05	\$1,387.93
County Government	9.7	10.84	\$417.34

(Continued on next page)

Improvements

Bldg ID#	Property type	Condition	Quality	Year built	Liveable	Stories	Foundation	Exterior	Roof	Baths	HVAC
1	Residential	Good	Low	2003	1,332 SF	1.0	Slab	Frame Siding/ Brick/ Stone Veneer	Concrete Tile	2.0	Cool Air In Heat Ducts
2	Out Building	Good	Fair Plus	2003	6,236 SF	1.0				0.0	None
3	Out Building	Avg	Average	2007	192 SF	1.0				0.0	None
4	Out Building	Avg	Average	2007	192 SF	1.0				0.0	None
5	Out Building	Avg +	Average	2009	80 SF	1.0				0.0	None
6	Out Building	Avg	Average	2009	80 SF	1.0				0.0	None
7	Out Building	Avg	Average	2009	80 SF	1.0				0.0	None
8	Out Building	Avg	Average	2009	1,728 SF	1.0				0.0	None
9	Out Building	Avg	Average	2009	2,554 SF	1.0				0.0	None

Sales/Documents

Date	Grantor	Grantee	Price	Doc type	Book-Page/Doc#
Feb 4, 2016	TAMRAS, DOUGLAS	PEREZ, ANTONIO & EUGENIA	\$1,000	General Warranty Deed	2016009661
Feb 4, 2016	TAMRAS, DOUGLAS	PEREZ, ANTONIO & EUGENIA	\$349,000	Corrected General Warranty Deed	2016009791
Oct 4, 2013	MITCHELL, J T	TAMRAS, DOUGLAS	\$350,000	General Warranty Deed	2013101589
Aug 19, 2002			\$-	General Warranty Deed	06805-02605

Images

The image section displays a collection of photographs and technical drawings. The top portion consists of a grid of approximately 20 photos showing different angles of the property, including residential buildings, outbuildings, and surrounding landscape. Below the photos, there are several floor plans and site diagrams. One diagram is labeled 'Learn to 192.0 sq ft' and another shows a larger area labeled '1000 sq ft'. The diagrams include dimensions and structural outlines of the buildings.

Photo/sketch
(Click to enlarge)

† Square footage and acreage values included in this record are approximations. They may not reflect what a licensed surveyor would determine by performing a formal survey. They are for tax purposes only and are not intended for use in making conveyances or for preparing legal descriptions of properties.

1.41

Map showing a property boundary on E 106th St N, bounded by N 10th Ave and Memorial Dr. Includes a scale bar (300m/1000ft) and a Google Maps link.

Leaflet | Tiles © Esri — Source: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, METI, TomTom, 2012

[Click to view this area on the Google Maps web page in a new window](#)

John A. Wright — Tulsa County Assessor
Tulsa County Administration Building, Room 215 | 500 S. Denver | Tulsa, OK 74103
Phone: (918) 596-5100 | Fax: (918) 596-4799 | Email: assessor@tulsacounty.org
Office hours: 8:00–5:00 Monday–Friday (excluding holidays)

1.42



**Assessor
JOHN A. WRIGHT**

Property Search

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Quick Facts

Account #	R91309130955830
Parcel #	91309-13-09-55830
Situs address	4787 E 106 ST N SPERRY 74073
Owner name	FAYARD, JAMES K
Fair cash (market) value	\$260,000
Last year's taxes	\$92
Legal description	Subdivision: UNPLATTED Legal: BEG 45N SECR SE TH W362.50 NW605.30 W40.20 N1352.30 NELY152.10 N352.39 TO PT E984.05 TO PT ON NEC S/2 NE SE S1933.36 POB SEC 9 21 13 43.791ACS Section: 09 Township: 21 Range: 13

General Information

Situs address	4787 E 106 ST N SPERRY 74073
Owner name	FAYARD, JAMES K
Owner mailing address	14550 N TIFFANY LN SKIATOOK, OK 740705583
Land area	43.80 acres / 1,907,928 sq ft
Tax rate	88 [SPERRY] Subdivision: UNPLATTED
Legal description	Legal: BEG 45N SECR SE TH W362.50 NW605.30 W40.20 N1352.30 NELY152.10 N352.39 TO PT E984.05 TO PT ON NEC S/2 NE SE S1933.36 POB SEC 9 21 13 43.791ACS Section: 09 Township: 21 Range: 13
Zoning	AGRICULTURE DISTRICT [AG]

Values

	2017	2018
Land value	\$7,682	\$260,000
Improvements value	\$0	\$0
Fair cash (market) value	\$7,682	\$260,000

Exemptions claimed

	2017	2018
Homestead	—	—
Additional homestead	—	—
Senior Valuation Limitation	—	—
Veteran	—	—

Tax Information

	2017	2018
Fair cash (market) value	\$7,682	\$260,000
Total taxable value	\$7,682	\$260,000
Assessment ratio	11%	11%
Gross assessed value	\$845	\$28,600
Exemptions	\$0	\$0
Net assessed value	\$845	\$28,600
Tax rate	88 [SPERRY]	
Tax rate mills	108.82	112.26
Estimated taxes	\$92	\$3,211
Most recent NOV	March 6, 2018	

Tax detail (2018 millages)

	%	Mills	Dollars
City-County Health	2.3	2.58	\$73.79
City-County Library	4.7	5.32	\$152.15
Tulsa Technology Center	11.9	13.33	\$381.24
Emergency Medical Service	0.0	0.00	\$0.00
Tulsa Community College	6.4	7.21	\$206.21
School Locally Voted	24.7	27.78	\$794.51
City Sinking	0.0	0.00	\$0.00
School County Wide Bldg	4.6	5.15	\$147.29
School County Wide ADA	3.6	4.00	\$114.40
School County Wide General	32.1	36.05	\$1,031.03
County Government	9.7	10.84	\$310.02

Ex. "C"

Improvements

Bldg ID#	Property type	Condition	Quality	Year built	Usable†	#Stories	Foundation	Exterior	Roof	Baths	HVAC
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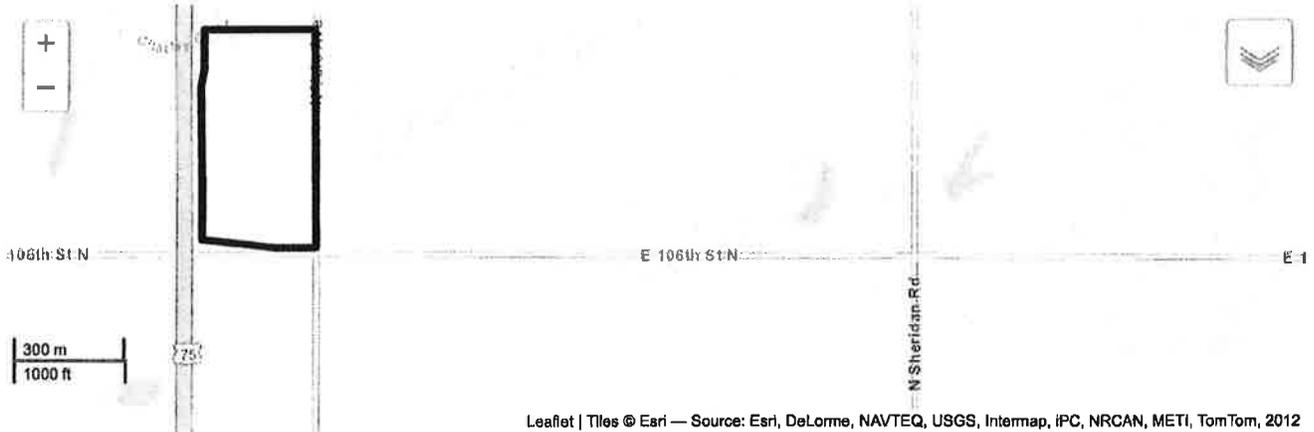
Sales/Documents

Date	Grantor	Grantee	Price	Doc type	Book-Page/Doc#
May 10, 2017	OWASSO LAND TRUST LLC	FAYARD, JAMES K	\$260,000	Warranty Deed	2017044780
Nov 4, 2002			\$-	Warranty Deed	06860-02250

Images

Photo/sketch (Click to enlarge)
No pictures or sketches available

† Square footage and acreage values included in this record are approximations. They may not reflect what a licensed surveyor would determine by performing a formal survey. They are for tax purposes only and are not intended for use in making conveyances or for preparing legal descriptions of properties.



Leaflet | Tiles © Esri — Source: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, METI, TomTom, 2012

[Click to view this area on the Google Maps web page in a new window](#)

John A. Wright — Tulsa County Assessor

Tulsa County Administration Building, Room 215 | 500 S. Denver | Tulsa, OK 74103

Phone: (918) 596-5100 | Fax: (918) 596-4799 | Email: assessor@tulsacounty.org

Office hours: 8:00–5:00 Monday–Friday (excluding holidays)

1.44



tulsacounty.org
Where History and Progress Meet

Assessor
JOHN A. WRIGHT

Property Search

Disclaimer

The Tulsa County Assessor's Office has made every effort to insure the accuracy of the data contained on this web site; however, this material may be slightly dated which could have an impact on its accuracy.

The information must be accepted and used by the recipient with the understanding that the data was developed and collected only for the purpose of establishing fair cash (market) value for ad valorem taxation. Although changes may be made periodically to the tax laws, administrative rules and similar directives, these changes may not always be incorporated in the material on this web site.

The Tulsa County Assessor's Office assumes no liability for any damages incurred, whether directly or indirectly, incidental, punitive or consequential, as a result of any errors, omissions or discrepancies in any information published on this web site or by any use of this web site.

Quick Facts

Account #	R91315131526010	
Parcel #	91315-13-15-26010	
Situs address	5711 E 96 ST SPERRY 74073	
Owner name	K & S DEVELOPMENTS INC	
Fair cash (market) value	\$22,214	
Last year's taxes	\$266	
	Subdivision: UNPLATTED	
Legal description	Legal: W/2 SW SE & NW SE & SW NE & SE NW SEC 15 21 13 140ACS	
	Section: 15 Township: 21 Range: 13	

General Information

Situs address	5711 E 96 ST SPERRY 74073
Owner name	K & S DEVELOPMENTS INC
Owner mailing address	C/O OWASSO LAND TRUST 12150 E 96TH ST N STE 200 OWASSO, OK 74055338
Land area	140.00 acres / 6,098,400 sq ft
Tax rate	8B [SPERRY]
	Subdivision: UNPLATTED
Legal description	Legal: W/2 SW SE & NW SE & SW NE & SE NW SEC 15 21 13 140ACS
	Section: 15 Township: 21 Range: 13
Zoning	AGRICULTURE DISTRICT [AG]

Tax Information

	2017	2018
Fair cash (market) value	\$22,214	\$22,214
Total taxable value	\$22,214	\$22,214
Assessment ratio	11%	11%
Gross assessed value	\$2,444	\$2,444
Exemptions	\$0	\$0
Net assessed value	\$2,444	\$2,444
Tax rate	8B [SPERRY]	
Tax rate mills	108.82	112.26
Estimated taxes	\$266	\$274
Most recent NOV	February 7, 2017	

Values

	2017	2018
Land value	\$22,214	\$22,214
Improvements value	\$0	\$0
Fair cash (market) value	\$22,214	\$22,214

Exemptions claimed

	2017	2018
Homestead	—	—
Additional homestead	—	—
Senior Valuation Limitation	—	—
Veteran	—	—

Tax detail (2018 millages)

	%	Mills	Dollars
City-County Health	2.3	2.58	\$6.31
City-County Library	4.7	5.32	\$13.00
Tulsa Technology Center	11.9	13.33	\$32.58
Emergency Medical Service	0.0	0.00	\$0.00
Tulsa Community College	6.4	7.21	\$17.62
School Locally Voted	24.7	27.78	\$67.89
City Sinking	0.0	0.00	\$0.00
School County Wide Bldg	4.6	5.15	\$12.59
School County Wide ADA	3.6	4.00	\$9.78
School County Wide General	32.1	36.05	\$88.11
County Government	9.7	10.84	\$26.49

(Continued on next page)

Ex. "D"

1.45

Improvements

Blgd ID#	Property type	Condition	Quality	Year built	Livable†	Stories	Foundation	Exterior	Roof	HVAC
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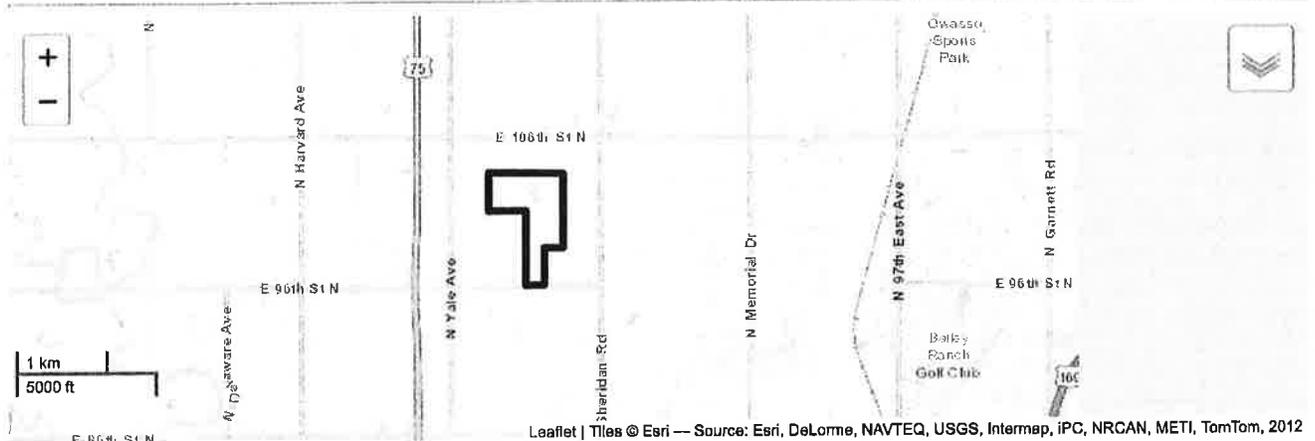
Sales/Documents

Date	Grantor	Grantee	Price	Doc type	Book-Page/Doc#
Jan 7, 2016	MILLER, VIRGINIA MCDONALD TRUST & JAY, H MCDONALD REV TRUST	K&S DEVELOPMENTS INC	\$599,000	General Warranty Deed	2016003292

Images



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[Click to view this area on the Google Maps web page in a new window](#)

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**BUILDING PERMIT RESIDENTIAL
SINGLE FAMILY RESIDENCE**

PERMIT NUMBER
19540

INSPECTIONS
633 W 3RD St, Rm 140
TULSA, OK 74127

PHONE: 918-596-5293 FAX: 918-596-5209

ISSUE DATE
10/11/2018

ADDRESS: 6455 EAST 106TH STREET NORTH
OWNER: MCENTIRE, EARLENE F TRUSTEE

PARCEL ID#: 91310-13-10-58010

LOT/BLOCK: /

SUBDIVISION: UTC

CONTRACTOR: WASHINGTON COUNTY CHILD CARE FOUNDATION

CONTR ADDRESS: 5110 TUXEDO BLVD
BARTLESVILLE, OK 74006

CONTR TELEPHONE:

TYPE OF WORK TO BE DONE:
ONE STORY SINGLE FAMILY RESIDENCE
APP# 201800916

VALUATION: 2,600,000

ZONING DISTRICT: AG
FIRM ZONE: X
BUILDING USE CODE: R-3

ZONING MAP: 11
PANEL: 40143C0120L 10/16/2012
TYPE OF CONSTRUCTION:

APPROVED BY COUNTY INSPECTOR:

Total Fees	\$5,529.00
-------------------	-------------------

'Total Fees' include \$10 Zoning Fee, \$10 Flood Review Fee, and \$4 fee in compliance with Oklahoma Senate Bill 1182, if applicable

TCI-006

1.47



TULSA COUNTY APPLICATION FOR BUILDING PERMIT



APP # 201800916

STREET ADDRESS 6455 E 106th St N.

OWNER Delaware Child Development

PROPOSED USE FOR BUILDING 1/ST/RES

CONTRACTOR NAME

INSURANCE

CONTRACTOR #

CONSTRUCTION TO START

Two sets of plans are required for all Building Permit Applications. One set will be returned stamped "Approved" when accepted and must be available at the construction site. A plot plan must be included with each set of plans showing the arrangement of the building and all other existing buildings on the property. All required dimensions, etc., must be shown to enable the County Inspector to make a determination relative to the application.

TYPE OF WORK TO BE DONE
 NEW BUILDING
 ENLARGE EXISTING BUILDING
 ACCESSORY
 REPAIR - NO EXPANSION
 INTERIOR REMODELING
 OTHER (Describe)

DECLARED VALUATION FOR WORK TO BE DONE (Valuation to include All Fixed Equipment to Operate and be Used in Proposed Building)

NAME OF PARTY TO BE NOTIFIED WHEN APPLICATION HAS BEEN APPROVED OR REJECTED. 3.6 Mil
 PHONE 918 914 1121 ADDRESS

The following signature constitutes certification that all data is true and correct and that the applicant intends to comply fully with all representations made hereon.
 DATE 8/28/09 SIGNATURE OF APPLICANT [Signature]

BOA FILE NO. **DO NOT WRITE BELOW THIS LINE - FOR OFFICE USE ONLY**

ZONING APPROVED CZM # ZONED ZONING DENIED

PLANS APPROVED PLANS NOT APPROVED

This property is located on FIRM Panel No. 40143CO _____ K Dated: 8-03-09
 Community No.: 400462-

- Is **NOT** located in a Special Flood Hazard Area.
- IS** located in a Special Flood Hazard Area.
 FIRM zone designation is _____
 100-Year flood elevation at the site is _____ Ft. NGVD.
- The property is located in a **FLOODWAY**.

APPLICATION FEE	\$ 25.00
ZONING	\$ 10.00
FLOOD REVIEW	\$ 10.00
SB 1182	\$ 4.00
BUILDING	\$ _____
TOTAL	\$ _____
D.E.Q. FILE NO.	

REMARKS srackliff@delawarechild.org

ATTACH PLANS REVIEW FORM AND DRAFT BUILDING PERMIT.

DATE _____ PLANS EXAMINER [Signature]

DEQ Form 606-002A Oct 18, 2017		<p align="center">Oklahoma Department of Environmental Quality Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity under the OPDES Construction General Permit OKR10</p>
<p>Submission of this NOI constitutes notice that the party identified in Section I of this form intends to be authorized by DEQ for stormwater discharges associated with construction activity on land disturbance of equal to or greater than 1 or more acres, or less than 1 acre of total land area that is part of a larger common plan of development or sale in the State of Oklahoma. Becoming a permittee obligates such discharger to comply with the terms and conditions of the OKR10 permit. To obtain an authorization from DEQ, this form must be complete with all the pertinent information. All associated fees must be submitted with this NOI. See instructions for completing the NOI on pages 3 and 4 of this form.</p>		
<input checked="" type="checkbox"/> NEW APPLICATION, <input type="checkbox"/> MODIFICATION of <input type="checkbox"/> RENEWAL of current permit, enter the authorization number: OKR10 _____		
I. Operator Information		
<p>Operator Name: <u>Delaware Child Development</u> Phone: <u>(918) 977-3600</u> Mailing Address: <u>5110 Tuxedo Blvd.</u> City: <u>Bartlesville</u> State: <u>OK</u> Zip Code: <u>74006</u> Operator's Point of Contact: <u>Sherry Rackliff</u> Title: <u>Executive Director</u> Phone: <u>(918) 977-3600</u> E-mail: <u>srackliff@delawarechild.org</u></p>		
II. Site/Project Information		
<p>Site/Project Name: <u>Delaware Child Development Center</u> Phone: <u>(918) 977-3600</u> Site/Project Address: <u>6455 E 106th St. N.</u> City: <u>Sperry</u> County: <u>Tulsa</u> State: <u>OK</u> Zip Code: <u>74073</u> Site/Project's Point of Contact: <u>Shane Edmondson</u> Title: <u>Preconstruction Manager</u> Phone: <u>(918) 806-2100</u> E-mail: <u>sedmondson@arrowheadbuilders.com</u> Site/Project's purpose: <input type="checkbox"/> Road/Bridge <input type="checkbox"/> Wind Farm <input type="checkbox"/> Residential Subdivision <input type="checkbox"/> Commercial Building <input checked="" type="checkbox"/> Others Latitude: <u>36°18'29"N</u> Longitude: <u>95°54'12" W</u> at the center of the Site/Project or starting and ending points for Linear Project Latitude: _____ Longitude: _____ Estimated construction start date: <u>07/10/2018</u> Estimated construction end date: <u>02/28/2019</u> Total area of the construction site: <u>4.76</u> (acres) Estimated area to be disturbed: <u>3.17</u> (acres) Current total impervious area: <u>0.00</u> (acres) Post-construction total impervious area: <u>0.82</u> (acres) Post-construction runoff coefficient of the site: <u>0.45</u> Soil and fill material description: <u>Native Material</u> Is this site part of the common plan of development or sales? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		
<p align="center">Endangered Species Eligibility</p>		
<p>a. <input checked="" type="checkbox"/> My site/project is not located within any of the corridors of Federal and State identified Aquatic Resources of Concern (ARC); b. <input type="checkbox"/> My site/project is located within a corridor of Federal and State identified ARC and I agree to implement the control measures specified in Step 2 of Part 10.2 of the OKR10 permit; c. <input type="checkbox"/> If one of eligibility criteria cannot be met, I may use Addendum II for equivalent sediment controls or contact DEQ at (405)702-8100 for further assistance; d. <input type="checkbox"/> I am required to have an Endangered Species Act Section 7 consultation process and e. <input type="checkbox"/> I am relying on another permittee's certification of eligibility and agree to comply with the conditions of that certification.</p>		

MS4 Discharge Information

Does the facility discharge stormwater into a MS4? Yes No, If yes, name of the MS4 Operator: _____

Receiving Water Information (note: use additional sheet of paper if necessary)

Name of the Receiving Waterbody	Is this waterbody impaired? If so, what are its impairments?	Is there a TMDL for that impairment?
Charly Creek	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

SWP3 Information

Has the SWP3 been prepared and available on site? Yes No

Is the operator registered for construction activities with the Secretary of State of Oklahoma? Yes No

Proposed Best Management Practices to control pollution in the stormwater discharges, check all that apply:

- | | | | |
|---|---|--|--|
| <input type="checkbox"/> Construction phased | <input type="checkbox"/> Sediment basin/trap | <input checked="" type="checkbox"/> Mulching/seeding/sodding | <input type="checkbox"/> Vegetated buffer |
| <input checked="" type="checkbox"/> Vehicle/concrete wash-out | <input checked="" type="checkbox"/> Site inspection | <input type="checkbox"/> Diversion dikes | <input checked="" type="checkbox"/> Inlet protection |
| <input checked="" type="checkbox"/> Construction entrances | <input checked="" type="checkbox"/> Silt fence | <input type="checkbox"/> Waste management | <input type="checkbox"/> Stream crossings |
| <input checked="" type="checkbox"/> Spill prevention/cleanup | <input checked="" type="checkbox"/> Employee training | <input type="checkbox"/> Compost blanket/geotextiles | <input type="checkbox"/> Check dams |
| <input type="checkbox"/> Construction sequencing | <input type="checkbox"/> Riprap | <input type="checkbox"/> Gradient terraces | <input checked="" type="checkbox"/> Silt dikes |

Other BMPs: _____

Post-construction Best Management Practices for construction activities, Check all that apply:

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> Narrow street/turnaround | <input checked="" type="checkbox"/> Wet/dry pond | <input type="checkbox"/> Protected natural features | <input type="checkbox"/> Vegetated filter trips |
| <input type="checkbox"/> Eliminated curbs & gutters | <input type="checkbox"/> Wetland | <input type="checkbox"/> Infiltration basin/trench | <input type="checkbox"/> Porous pavement |
| <input type="checkbox"/> Bio-retention/rain gardens | <input type="checkbox"/> Riparian | <input type="checkbox"/> Redevelopment/retrofit | <input type="checkbox"/> Grassed swales |
| <input type="checkbox"/> Low impact development | <input type="checkbox"/> Green designs | <input type="checkbox"/> Conservation easements | <input type="checkbox"/> Retrofit |

Other BMPs: _____

Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name: BRYAN ADSON Title: ASSISTANT PROJECT MANAGER

Signature: Bryan Adson Date: 10.10.18

For DEQ use only: Assigned Authorization Number: OKR10



ENVIRONMENTAL COMPLAINTS AND LOCAL SERVICES DIVISION
Certification Documentation Form

Work Order No.
System No.
Date Rec'd

(PLEASE PRINT or TYPE)

GENERAL INFORMATION:

Name and Mailing Address of Property Owner: Delaware Child Dev. tbd E 106th St N Owasso 74055
Owner's E-Mail Address (Optional):
Property Address: tbd E 106th St N Owasso 74055 Tulsa Oklahoma
Legal Description: SE4 SE4 SE4 Sec 10 T21N R13E JM Lot Size in sq or 9.978 acres
Finding Location: Hwy 11 & Hwy 75, N 7.7 mi to E 106th ST N, E 1.2 mi, NSOR

Please check the applicable certification that applies and sign below.

Flow Certification:

27A O.S. 2001, Section 2-6-403 states-It shall be the duty of the person contracting with an installer who is modifying or installing an on-site sewage treatment system for a residence or business to certify the number of bedrooms in the residence or the water usage of the business that will be served by the sewage treatment system so that the system can be properly sized."

[] This individual sewage treatment system will serve an individual residence or duplex with the following # of bedrooms:

[X] The estimated flow or actual flow for this small public sewage system 2500 gal/day and is a Child Development Center

I hereby certify under penalty of law that this document contains no willful or negligent misrepresentation or falsification and that all information is true, and accurate and complete.

Signature line with fields for Sherry, Rackliff, Signature, and Date Signed (4/1/18)

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 430
Tuesday March 15, 2016, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 119
Tulsa, Oklahoma

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Charney, Chair	Crall, Secretary	Miller	West, Inspector
Dillard		Moye	
Johnston		Sparger	
Hutchinson, V.Chair			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 10th day of March, 2016 at 9:41 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Charney called the meeting to order at 1:30 p.m.

Mr. Charney explained to the applicants and interested parties that there were only four board members present at this meeting, and if an applicant or an interested party 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 three board members to constitute a majority and if two board members voted no today the application would be neither denied or approved so the motion is considered to have failed. Mr. Charney informed the applicants and the interested parties that he would need to recuse himself from agenda Items 7, 8 and 9. Mr. Charney asked the applicants and the interested parties if they understood and asked the applicants or interested parties what they would like to do. The audience nodded their understanding and no one requested a continuance.

Ms. Nikita Moye read the rules and procedures for the County Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the Minutes of February 16, 2016 (No. 429).

NEW APPLICATIONS

2567—Kenneth Clark

Action Requested:

Variance to allow more than one dwelling unit on a single lot of record (Section 208); Variance to reduce the required rear yard setback to 25 feet (Section 330, Table 3). LOCATION: 8797 East 106th Street North, Owasso

Presentation:

The applicant has requested a continuance to the Board of Adjustment meeting on April 19, 2016 due to additional relief needed.

Interested Parties:

There were interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **CONTINUE** the request for a Variance to allow more than one dwelling unit on a single lot of record (Section 208); Variance to reduce the required rear yard setback to 25 feet (Section 330, Table 3) to the Board of Adjustment meeting on April 19, 2016; for the following property:

ALL THAT PRT E/2 NE NW LYING N CL RD R/W LESS S30 THEREOF FOR RD SEC 13 21 13 2.654ACS,RANCH CREEK ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

2565—Samuel Gaytan

Action Requested:

Special Exception to allow for a rodeo facility (Use Unit 20) in the AG District (Section 310); Variance of the all-weather material for surface parking (Section 1340.D). LOCATION: 13232 North Yale Avenue, Skiatook

Presentation:

Wesley Johnson, Attorney, 624 South Denver Avenue, Tulsa, OK; stated he represents the applicant, Mr. Samuel Gaytan, and he has taken this case only as of last night. Mr. Gaytan owns the subject property and he has owned the property for quite some time. Mr. Johnson stated that the rodeo has been operated on the subject property for years but does not have a proper space for parking.

Mr. Charney stated that Mr. Gaytan had received permission from the Board of Adjustment to operate a rodeo in 2003 and that approval had a time limitation placed on it and that time period has expired. Now Mr. Gaytan is seeking the same relief today.

Mr. Johnson stated that he is a little perplexed by this because Mr. Gaytan was given a three year Special Exception for six rodeos a year, but apparently the relief has never been reapplied for. Mr. Johnson stated that he does not know whether the Board has the responsibility of noticing that the Special Exception has expired. Ms. Miller stated that it is the land owner's responsibility to make sure the property's relief is properly maintained and sought after. Mr. Johnson stated that it is obvious that that has not been done so he would request that Mr. Gaytan be allowed to continue to operate as he has year by year since 2006. Mr. Johnson stated that Mr. Gaytan has kept all the required licenses, i.e., beer license, tax commission permit, etc., have been kept up to date continuously since 2003.

Samuel Gaytan, 8720 North Yale, Sperry, OK; stated he owns the property and would like to continue having the rodeos as he has for the last ten or so years. In the many years he has had the rodeos he has no complaints and no fights. The events that are held there are rodeos, barrel racing, roping, bronco bucking, etc.

Mr. Charney asked Mr. Gaytan if the rodeos ended at a specific time. Mr. Gaytan stated the rodeos end at 10:00 P.M. Mr. Charney asked Mr. Gaytan if the arena is lit at night. Mr. Gaytan answered affirmatively. Mr. Charney asked Mr. Gaytan if the parking lot was also lit. Mr. Gaytan answered affirmatively.

Mr. Hutchinson asked Mr. Gaytan if he had laid down gravel parking in 2003 when he received his approval for the original request. Mr. Gaytan stated that he had laid down gravel from the entry toward the south so there is a road going in and out that is gravel.

Mr. Hutchinson asked Mr. Gaytan if he still held six rodeos a year. Mr. Gaytan answered affirmatively.

Mr. Charney asked Mr. Gaytan if he could abide by the restrictions of six rodeos a year and that all lights are off by 10:00 P.M. if the Board were to approve this request with such restrictions. Mr. Gaytan answered affirmatively.

Mr. Charney asked Mr. Gaytan if he would be willing to lay down gravel for a parking lot if the Board were to place that restriction on an approval if an approval is given. Mr. Gaytan answered affirmatively. Mr. Johnson stated that the parking lot issue would be

an extremely expensive and financial hardship for Mr. Gaytan. Mr. Johnson stated that approximately 60% of the parking area is grass and he grazes his horses on that grass so if the Board places that restriction on the approval it would need to be figured out on how to deal with that.

Mr. Johnson asked the Board if it would be possible to have the Board to grant a permanent Special Exception so Mr. Gaytan would not need to come back before the Board. Mr. Charney stated that the Board does have the ability to grant an approval for a period of time or it can be permanently approved. Sometimes it is important for the Board to see how people will perform and know how things affect the surrounding area. Mr. Johnson asked the Board to grant a permanent approval for the Special Exception to Mr. Gaytan based on the 13 years he has operated without any problems.

Mr. Gaytan stated that when he has the rodeos he hires security personnel from the Sheriff's office to control traffic and watch the people attending the event.

Mr. Charney asked Mr. Gaytan if he had received any complaints from the neighbors to the south or to the north of the subject property. Mr. Gaytan stated that he has not. The owner of the property to the north has moved to Seminole and the property owner to the south is having problems with the State, but there have been no complaints.

Mr. Johnston asked Mr. Gaytan how many cars or trucks he parked in the area he designated for parking. Mr. Gaytan stated that it varies but there is usually between 100 and 150 with 200 being the maximum.

Mr. Charney asked Mr. Gaytan if the structure was already built and if the improvements had already been made. Mr. Gaytan answered affirmatively.

Mr. Johnston stated that if gravel is laid down without any type of under laying preparation the gravel will not be there in a month, so he can see Mr. Johnson's concern is for this client. If Mr. Gaytan does a parking lot correctly it will be costly.

Mr. Gaytan stated that the property that he uses for the parking slopes downward and the rain runs into a pond that he uses for the horses.

Mr. Charney stated that it is the Board's responsibility to make certain there is reasonable ingress and egress from a muddy field or a gravel lot. Mr. Gaytan stated that he does not hold the rodeo if it is or has rained. He has cancelled them in the past due to weather.

Ms. Moyer stated that there was only one interested party, Avant Properties, Inc., that sent in a letter regarding the rodeo and that letter is in the Board's agenda packet.

Interested Parties:

Commissioner John Smaligo, 633 North Denver, Tulsa, OK; stated that he does not think he has ever had a complaint about the rodeo itself, but he has received complaints

on things like the music. In this case in particular there were complaints that probably never reached Mr. Gaytan and one complaint was about the loud music. The neighbor called on behalf of herself and her neighbors and she was specific in the fact that she was not necessarily complaining about the rodeo itself but the loud music was carrying a fair distance, i.e., the events music that is held at 56th Street North and North Mingo can be heard at Owasso High School four mile away. Mr. Smaligo stated that he is not saying the Special Exception should not be granted, and he does not think there is any concern that he has heard about the Variance for the gravel, but as far as the Special Exception there have been complaints brought to his attention regarding the music. Mr. Smaligo stated that he would like the Board to take that into consideration when making their decision. The only other thing that he has run into as it relates to the rodeos, one in particular at 116th Street North on the other side of Highway 75, there has been times when traffic has backed out from the rodeo grounds onto the ramp going to Highway 75. His concern as a County Commissioner is what are the remedies for the overflow parking, if it is needed? What happens with traffic situations? Mr. Smaligo stated that he is favor of a time frame being placed on the approval if it is given.

Rebuttal:

Mr. Wesley Johnson came forward and stated that he is sure if there were any legitimate complaints they would have been forwarded by letter to Mr. Gaytan, and this is the first he has heard of any complaints about live music. The only rodeo being discussed here is Mr. Gaytan's so any other problems with other venues or rodeo venues or traffic is a waste of time to discuss. Mr. Johnson stated that if there are problems with Mr. Gaytan's rodeo now is not the appropriate time to add that to the complaints, but if the Board wants to consider Mr. Smaligo's presentation he is sure Mr. Gaytan will do whatever is necessary to remediate Mr. Smaligo or any of his constituent's complaints.

Mr. Charney asked Mr. Gaytan how the audio works at his facility and whether there are limits on it and whether it stops at the same time or earlier. Mr. Gaytan stated that he has a stage on the north side of the subject property and a stage on the west side of the property. The west side stage holds an air band, which is a band that never uses speakers. The north side stage holds the big bands so people can dance and they start playing around 8:00 P.M. and usually stop around 9:30 P.M., and he never lets them play past 10:00 P.M. because he knows the police will be called. Mr. Gaytan stated that he would be willing to place the speakers in different directions or turn the music down if necessary.

Comments and Questions:

Mr. Dillard stated that he could support a five year time limit, closing at 10:00 P.M. and six events a year. He is also in favor of the request because Mr. Gaytan has been responsible for all these years; his only fault is that he did not come back before the Board after his first hearing. Mr. Dillard stated that he is not sure about approving this indefinitely because development in the area is moving in that direction and the rodeo might be injurious to the area.

Mr. Hutchinson stated that he could support a three year approval, closing at 10:00 P.M. and six events a year because the area is an area of transition.

Mr. Johnston stated that he could support the parking lot as it is because Mr. Gaytan has stated that he does not hold rodeos when it is raining, and he could approve four years.

Mr. Charney stated the time limit is important but he wants to see how the path of growth continues in the area. The music is a factor and wants to be able to gather information on how important the music issue may be as the path of growth goes westerly out of Owasso.

Board Action:

On **MOTION** of **DILLARD**, 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 allow for a rodeo facility (Use Unit 20) in the AG District (Section 310); Variance of the all-weather material for surface parking (Section 1340.D). This approval is subject to a four year time limit, March 2020 and there is to be a limit of six events per year. All music, lights, all activity except people leaving the property is to stop at 10:00 P.M. There is also to be professional security hired to work the six events per year. The Variance for the all-weather material surface is granted due to the fact that the rodeo has been in operation and there have not been any major problems in the past 13 years so the parking sufficiently works as it is. The Board has found that this will not be injurious or detrimental to the public welfare; for the following property:

TR BEG 1979.3S NEC OF SEC TH W508.10 TO E R/W US HWY 75 TH SWLY402.7 E625.6 N385 POB LESS E30 FOR RD THEREOF SEC 33 22 13 4.735ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

UNFINISHED BUSINESS

2557—Shelby Oakley

Action Requested:

Variance to reduce the required 30 feet of frontage on a public road or right-of-way to 0 feet (Section 207). LOCATION: SW of the SW/c of East 131st Street South and South Peoria Avenue, Glenpool

Presentation:

The applicant was not present.

Mr. Charney asked Ms. Moyer if she had heard from the applicant. Ms. Moyer stated that she has not.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **DENY** the request for a **Variance** to reduce the required 30 feet of frontage on a public road or right-of-way to 0 feet (Section 207) due to non-appearance on more than one occasion; for the following property:

PRT NE BEG 826.4N SWC NE TH N165.27 E1321.55 S165.19 W1321.63 POB SEC 12 17 12 5.01ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

2564—Robert Rainey

Action Requested:

Special Exception to permit a mobile home in the AG-R District (Section 310, Table 1). **LOCATION:** North of the NW/c South 161st West Avenue & West 61st Street South, Sand Springs

Presentation:

Robert Rainey, 6126 East 28th Place North, Tulsa, OK; stated that he would like to move a mobile home on the subject property for a five year period in order to build a house. He will place the mobile home 80 feet back from the front of the property and it will not be visible to the neighborhood across the street. The mobile home will be on an aerobic system because the land did not perc sufficiently for a septic system.

Mr. Charney asked Mr. Rainey if he currently owned the mobile home. Mr. Rainey answered affirmatively.

Mr. Rainey stated the mobile home is 11 years old with vinyl siding and a composite roof, and has been very well kept. There is an existing mobile home across the street from the subject property.

Mr. Charney stated that if the Board were to grant this request for a period of time it is Mr. Rainey's duty to remove the mobile home at the end of the granted time period, and if the house is not complete it will be at Mr. Rainey's peril. Mr. Rainey stated he is a

truck driver and he is gone quite a bit. When he is not on the road he will get a project lined out to be completed and that is the reason for the five year plan.

Interested Parties:

Don Miller, 5927 South 167th West Avenue, Sand Springs, OK; stated he lives in the subdivision immediately west of the subject property. Mr. Miller presented exhibits to the Board to substantiate his presentation. Mr. Miller stated that staff report says there is a mobile home on the northeast corner of 61st Street and 163rd West Avenue and there are mobile homes east of there on the north side of 61st Street. There are houses at the top of the hill immediately west of the subject property and there are two houses that share a common property line with the subject property. The exhibits show examples of houses in the subdivision west of 61st Street. The staff report states there is no previous relevant action based on this case. AG-R allows a Special Exception for two years for construction of a property but during that two years there must be an active pursuit of construction on the proposed house. A Special Exception is required for the mobile home because it is a use that is not permitted by right in the AG-R District because of potential adverse impact. Mr. Miller stated that if a person were to look at the mobile homes along 61st Street and look at the houses in the subdivision there is quite a discrepancy of the curb appeal in the two property areas. Over the past several years people have been moving west of the river and Tulsa Hills has been developed. Property values and available houses and property in Sand Springs have come in demand. Angus Valley is nearly full and there have been six new house starts in his subdivision in the last year and three of those are currently under construction. The houses are \$250,000 on up to \$600,000 in his neighborhood. Mr. Miller stated that he would respectfully ask the Board to deny this request because he does not believe a mobile home on the subject property is in harmony with the spirit and intent of the Code. Mr. Miller thinks it will have injurious affect on future development because the subject property is one lot away from the intersection of 61st Steet and 161st West Avenue. If the Board grants this for the subject property there will be a precedent set and there will be another request for another mobile home on another piece of AG-R property. Mr. Miller the Board needs to stick by the Code and mobile homes in AG-R are not permitted except for a limited period of time during active construction. Mr. Miller would respectfully request this request be denied.

Lacey Elleman, 6015 South 164th West Avenue, Sand Springs, OK; stated she represents her subdivision of Pleasant Oak and they share a property line with the subject property. Ms. Elleman presented a petition with over 50 signatures that oppose the placement of a mobile home.

Mr. Charney asked Ms. Elleman if the names on the petition were residents of her subdivision. Ms. Elleman answered affirmatively.

Ms. Elleman presented the Board with photos of the shared property line and the entrance to the subdivision. Ms. Elleman stated the proposed mobile home would be visible when approaching the entrance to the neighborhood and that would be injurious to the neighborhood's property values. Ms. Elleman stated that the average sold price

of property in the neighborhood is \$256,250 and presented an exhibit to substantiate this statement. The neighbors do not think a mobile home would fit in.

Mr. Charney asked Ms. Elleman if the mobile homes that are in existence are across the street and the others are along West 61st Street. Ms. Elleman answered affirmatively and stated that they are not at the entrance to the neighborhood but across the main road for the subdivision.

Mr. Charney asked for a show of hands from the audience who was in attendance that signed the petition presented by Ms. Elleman. Many hands were raised. Mr. Charney asked the group if anyone disagreed with anything Ms. Elleman said and no one raised their hand nor had an objection.

Tracy Phillips, 6003 South 164th West Avenue, Sand Springs, OK; stated she lives in Pleasant Oak Addition and her property does not touch the subject property but it is visible from her back yard. Ms. Phillips stated that the rules for the two year time limit on a mobile home she could accept but five years is out of the question. This will decrease property values and her house is currently for sale, and she thinks a prospective buyer may be deterred by this proposal. Ms. Phillips presented pictures of houses that can see the subject property.

Toby Moreland, 5830 South 164th West Avenue, Sand Springs, OK; stated he is currently trying to sell his house and he has a current Tulsa County tax rate of \$264,000. If this happens will Tulsa County lower everyone's property values and lessen the taxes. To have a mobile home at the entrance of the neighborhood would be a detriment and would cause significant property values to go down.

Kenda Skaggs, 17105 West 59th Street, Sand Springs, OK; stated she has lived in the neighborhood 14 years and at the time the house was built she was told there would be no additional mobile homes would be in the area. All the mobile homes seen in the photos are on the east side of the street and at 61st Street there is a large house. Up the hill from the proposed mobile home placement there is a house valued at \$1.2 million dollars. Additionally, if a person goes farther into the neighborhood there is a house valued close to \$1 million dollars. There is a mean average for houses that have sold but that is not a reflection for the residents who have not sold their houses. To build a house in Pleasant Oak there are certain requirements, i.e., the house must be greater than 3,000 square feet, the house must be at least 50% to 75% hard surface on the front of the house, the driveway has specific criteria; there are very strict requirements to be met in order to build a new house in the neighborhood. Ms. Skaggs stated she is opposed to a mobile home going in anywhere near the entrance to the neighborhood. Ms. Skaggs stated that where the mobile home is proposed to be placed is the entrance to the neighborhood and no matter how far back the mobile home is placed it will be seen from the street.

Wayne Wilson, 5941 South 164th West Avenue, Sand Springs, OK; stated his property is just to the north of the subject property. He does not want to see a mobile home placed on the subject property.

Mr. Charney asked Mr. Wilson if he had a single family home on his property currently. Mr. Wilson answered affirmatively.

Mr. Charney asked Mr. Wilson if there was a structure on the property just south of the subject property. Mr. Wilson stated there was not.

Rebuttal:

Mr. Robert Rainey came forward and stated that his property is not at the main entrance to Pleasant Oak, he believes the main entrance to that addition is farther north. His property is at the back entrance to the subdivision because it is a county road that goes up the hill while the main entrance has a very nice brick structure at the front main entrance. Mr. Rainey stated that he spoke with Sand Springs before he purchased the property and discussed all the pertinent issues that needed to be discussed. He was told by Sand Springs there would be no problem placing a mobile home on the subject property for a period of time. Mr. Rainey stated that the requirements and criteria mentioned for building a house in the subdivision would not apply because his property is not in the subdivision. Mr. Rainey stated that he understands the two year rule in the Code but he would ask for three years.

Mr. Charney stated that the Board understands this property is an unplatted tract not subject to the subdivision covenants that is to the west of the subject property. That is a factor the Board would not directly consider. The subject property may be within the fence line of the City of Sand Springs and in their school district but the governing body is the County of Tulsa not the City of Sand Springs.

Mr. Rainey stated that he plans on building a house of approximately 2,500 square feet not the 3,000 square feet that was mentioned by an interested party.

Ms. Kenda Skaggs came forward stated that she has lived in the neighborhood for 14 years and with all due respect 61st Street is a main entrance to the neighborhood. It is not a back country road.

Jane Farrow, 11766 South 85th East Avenue, Bixby, OK; stated she is the mother of Robert Rainey and she does not like what is going on in this meeting. She has tried to tell her son not to live in that kind of community because it would be nothing but trouble. They are snobs. Ms. Farrow stated she does not want her son living there and they do not want him there they can buy him out. Ms. Farrow stated that she is concerned because this is something that her son has really wanted to do, and for people who think they have more money to push a person out means his American given rights are gone.

Kelly Gentry, 16414 West 58th Street, Sand Springs, OK; stated that it is not Mr. Rainey that is not wanted in the neighborhood it is the mobile home, just the mobile home.

Comments and Questions:

Mr. Charney stated there is an existing zoning category on the subject property that says absent of the Special Exception a mobile home is not permitted, it does not matter who it is. Zoning exists on pieces of property across the County and this property has a zoning on it that does not permit the mobile home. That is the legal standard that the Board has to study, whether there is a potential for it to be injurious or detrimental to the neighborhood. He wants everyone to recognize this. That is the standard the Board analyzes. The person who asks for the Special Exception has the burden so if it is denied it has nothing to do with the person, it has everything to do with the land use. The Zoning Code was in existence long before the land was acquired.

Mr. Hutchinson stated that he cannot support the request.

Mr. Johnston asked about the two year limitation. Mr. West stated a mobile home would normally be allowed during construction in AG zoning. AG-R zoning does not allow a single wide mobile home use by right, though Mr. Rainey could place a double wide on the property by right because it is considered the same as a stick built house when there is a permanent foundation. Mr. Johnston stated that he could support two years but not the five years requested.

Mr. Charney stated that given the nature of the development on one boundary he understands the two year limitation, beyond that he does not know given the legal standard he could not support more than two years.

Mr. Charney asked Mr. West if this application were denied today and the applicant came back and requested a two year permit could that be handled outside the Board's purview? Mr. West stated that it could not because if the Special Exception is denied the AG-R requires a Special Exception for the single wide mobile home use.

Mr. Charney asked Mr. Rainey if the Board were to grant the request for a two year period does he understand there would be certain conditions attached, i.e., an all weather parking surface, can he work with the conditions. Mr. Rainey stated that he could handle the two year condition under the legal terms stated by Mr. West.

Board Action:

On **MOTION** of **JOHNSTON**, the Board voted 3-0-1 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; Dillard "abstaining"; Crall "absent") to **APPROVE** the request for a Special Exception to permit a manufactured home in the AG-R District (Section 310, Table 1), subject to a two year limitation from the issuance of the permit while a single family residence is built. The manufactured home is to be tied down, skirted, tied into an aerobic waste system, and have an all weather surface for parking; for the following property:

N166.70 S363.40 E/2 SE SE SEC 31 19 11 2.53ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2566—John Wyrrick

Action Requested:

Variance of the required 30 feet of frontage on a public right-of-way to 0 feet (Section 207). LOCATION: 16527 East 171st Street South, Bixby

Presentation:

John Wyrrick, 11905 South Pittsburgh Avenue, Tulsa, OK; stated that when he was going through the permit process he was made aware of the Variance needed, and he deferred to Mr. Bill Westmoreland at this point.

Bill Westmoreland, 1213 West 108th Street, Jenks, OK; stated he wants to be able to build a new home on the subject property and the property is right on the top of Leonard Mountain. There are two easements of record; there was one when the property was purchased and there has been an additional easement acquired in 2013. The house will be a single family residence and he plans to install a large cul-de-sac in front of the house so emergency vehicles can turn around if need be.

Mr. Charney informed Mr. Westmoreland if someone asked him to build an additional house on the tract that the tract is only for a single house. Mr. Westmoreland stated that is his plan, only one house.

Mr. Hutchinson asked Mr. Westmoreland if he had stated that he has a 30 foot easement. Mr. Westmoreland stated that he does have a 30 foot easement. He has 20 feet of record when he purchased the property and has 10 more feet that was granted by his neighbor to the east.

Mr. Charney asked Mr. Westmoreland if the easements were side by side, one being for utility and the other being for access. Mr. Westmoreland answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a Variance of the required 30 feet of frontage on a public right-of-way to 0 feet (Section

207), given the existence of the easement and the house is set back substantially off the publicly dedicated right-of-way; for the following property:

N/2 W/2 SE SW SEC 26 17 14 10ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

Mr. Charney recused himself from Agenda Items #7, #8 and #9 at 3:09 P.M. and left the meeting.

2568—Jode Lingle

Action Requested:

Variance of the minimum lot area from 2 acres to 1.81 acres in the AG District (Section 330, Table 3); Variance of the minimum land area per dwelling unit (Section 330, Table 3) to permit a lot split. **LOCATION:** 6410 East 106th Street North, Owasso

Presentation:

Jode Lingle, 13643 South Highway 170 West, West Fork, AR; stated he wants to divide the property which is 3.8 acres and that is slightly smaller than the required 4 acres required for a lot split. There are two existing houses on the property and if he is able to divide the land each house will have their own lot.

Interested Parties:

Debbie King, 4105 East 96th Street North, Sperry, OK; asked if Mr. Lingle is allowed to split his property will it apply to the whole area or will it be just for his property. Mr. Hutchinson stated that this request will only apply to Mr. Lingle's property.

Comments and Questions:

None.

Board Action:

On **MOTION** of **JOHNSTON**, the Board voted 3-0-0 (Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Crall "absent") to **APPROVE** the request for a Variance of the minimum lot area from 2 acres to 1.81 acres in the AG District (Section 330, Table 3); Variance of the minimum land area per dwelling unit (Section 330, Table 3) to permit a lot split. The hardship is that there are houses that exist on the property and will not cause a detriment to the area; for the following property:

PRT NE NE NE BEG NEC THEREOF TH S370 W460 N370 E460 POB SEC 15 21 13 3.907ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2569—Antonio Perez

Action Requested:

Special Exception to allow for a rodeo (Use Unit 20) in an AG District (Section 310);
Variance of the all-weather material for surface parking (Section 1340.D).

LOCATION: 6801 East 106th Street North, Owasso

Presentation:

James B. Smiley, Architect, 6006 East 57th Place, Tulsa, OK; stated he is representing Mr. Antonio Perez. Mr. Smiley stated this project is similar to the case that was heard earlier in today's meeting. Mr. Smiley presented drawings of the proposed project. The utility easement is along 106th Street North and the water is provided by Washington County RWD #3. The stormwater drainage is controlled by bar ditches only and too much paving could interfere with the storm water runoff.

Interested Parties:

Carl McCarty, 10535 North Sheridan, Sperry, OK; stated that he lives across the street from the proposed project. He can hear the other rodeo from his house and it is at least three miles away and to have a rodeo across the street will disturb the quiet. Mr. McCarty believes this proposed rodeo will also affect property values because no one wants a rodeo across from their house. Rodeos are loud and normally built away from housing. This community is growing and there are new houses going in that range up to \$500,000 in value. Mr. McCarty stated that he does not want the traffic that the rodeo will bring to the area. The proposed rodeo does not have access because of the neighborhood.

Mark Freeman, 10517 North Sheridan, Sperry, OK; stated he lives almost across the street from the subject property in a new house. He and his wife built the house and built it with the intention of retiring there so he is not excited about the proposed rodeo. He will be able to see the rodeo from his back patio and the rodeo will bring light and noise pollution with it. Sheridan and 106th Street North is no place for the type of congestion a rodeo would bring. There is development after development up and down Sheridan Road with beautiful houses being built. This is not the neighborhood for the proposed rodeo.

Karen Dearth, 10548 North 117th, Owasso, OK; stated she bought the property right next to the proposed rodeo last year with the plans of building her retirement family home. She is strongly opposed to the proposed rodeo because she chose the property for the quiet. Ms. Dearth stated she has numerous signatures on a petition of residents in the area who are against the proposed rodeo. The traffic, lights and noise will be a problem living right next to a rodeo and she hopes the Board denies the request.

Debbie King, 4105 East 96th Street North, Sperry, OK; stated she owns the property across the street; her sister lives on five of the acres and her daughter lives on seven acres. Her family has owned the property since the 1920s or earlier and she would hate to see a rodeo in the area. She does want to have her grandchildren subjected to that

type of environment. She was quite surprised that someone would propose a rodeo to be placed in the middle of all the houses in the area. There have also been many fatality accidents at the intersection of 106th Street North and Sheridan and a rodeo will bring more traffic that will be asking for more wrecks and deaths. Ms. King hopes the Board will deny this request.

Charles Edwards, 5911 East 106th Street North, Owasso, OK; stated he has spoke with quite a few of his neighbors and everyone is concerned about the increase in traffic, noise and trash that such an event as a rodeo would bring to the area. Mr. Edwards stated that he has concerns over his and the residents security. He has owned his property for 17 years and traffic used to be very light on 106th Street North until about three years ago. Since the traffic has increased there have been a lot of thievery in the area and he has had several major items stolen, i.e., a bucket truck, and his house and travel trailer has been broken into. The police have been no help in recovering any of his or his neighbor's property. Mr. Edwards would request the Board deny this request.

John Odom, 10914 North Sheridan, Sperry, OK; stated he lives about 1/8 of a mile from the proposed rodeo and has lived there since 1978. He agrees with everything that has been presented to the Board today. This will be a hindrance to the quiet neighborhood and requests the Board to deny the request.

Amos Adetul, 5000 East 94th Street North, Sperry, OK; stated he owns property across the street from the proposed rodeo and has lived in the general area for about 30 years. Mr. Adetul stated that Mr. Perez has run a troubled rodeo in the past and now he is trying to bring that problem into a peaceful neighborhood. He has a pending contract with a developer on 20 acres who wants to build a house and now the developer is thinking about backing out of the contract because of the proposed rodeo. This is a quiet neighborhood and to allow a rodeo will plummet the property values. He requests the Board deny the request.

Les Riker, 11051 North Sheridan, Sperry, OK; stated he lives about 3/8 of a mile north of the subject property. From his porch he will be able to see the rodeo and grounds and with the south winds his house will be the direct beneficiary of all the dust from the rodeo. He moved out of Owasso because his property, at that time, was near the Wal-Mart being built. He moved his family to get away from the noise, lights and traffic and now it is coming again. There is a residence on the subject property currently that has a stables but it is only a stable and never has been used for entertainment. The man that built the stables trained horses and they did not hold events or shows. The property values in the area have increased steadily in the past 12 years and he could see them falling again.

Commissioner John Smaligo, 633 North Denver, Tulsa, OK; stated he asks the Board to keep in mind the concerns raised by his constituents from the previous rodeo request that was made and understand that they are even more intense and more numerous in this particular request. The requests are relatively close together, 3 or 4 miles apart, but

the intensity in this area is not as congruent with a rodeo given the fact that the previous application was along Highway 75 in an area that will eventually become much more commercialized and industrialized. The subject area is away from the highways and because of that the intensity that a rodeo will bring and what has been dealt with in rodeos from this particular applicant in the past, in particular the music, it becomes problematic for those who live nearby. Increased traffic is one of those things that everyone will be most concerned about. This route goes from Highway 75 directly to Bailey Hospital and is a hospital route also for St. John's Owasso so that raises concerns.

Mr. Dillard asked Mr. Smaligo what his preference would be; would he prefer the rodeo not be in the area? Mr. Smaligo stated that he struggles with issues like this because he does believe in a person's ability to determine the use for their own property. At the same time he looks at a situation, where we are right now, and that fact that people have purchased houses and presuming they have performed their due diligence looked at the zoning for what is and is not permitted in a particular area, that same standard should apply to Mr. Perez who owns the subject property. Mr. Smaligo stated that Mr. Perez understood the risk and presumably what hoops he would have to jump through to have this happen, therefore, if he (Mr. Smaligo) were on the Board he would look at the application and say that given the increased intensity for the particular area and the understanding that everybody purchased their property with these particular zonings in place he would look at this situation and say that those property rights of the people who are seeking to keep things a particular way in accordance with the County Plan and the current zoning should override those of individuals who purchase property looking for a different use for property than the zoning that existed at the time of the purchase. Mr. Smaligo stated that if he were in the Board's position he would more than likely vote to deny the request. Mr. Smaligo stated that in his opinion this application should be denied based on the concerns that have been raised.

Mr. Amos Adetul came forward and stated that he had been told by a friend that Mr. Perez was going to build a house on the subject property, and this friend was surprised by the request for a rodeo.

A male stood up in the audience and stated that the subject property is two different pieces of property and the property the Perez's were going to build a house is behind the property being discussed for the rodeo.

Orlando Perez, 1819 Woodrow, Owasso, OK; stated he is Antonio Perez's son. Before the rodeo idea ever happened his father purchased the property next to it and there are plans to build three houses there for family. Mr. Perez stated that they understand house values because the family will be there also. The rodeos will be seasonal and currently they only have two a year. The previous location was not a permitting problem but it was the ingress and egress that was a problem. Mr. Perez stated that there has been discussion of making an indoor arena so there can be music inside. The events usually run until 9:00 P.M. and the music stops at 9:00 P.M., and everyone should be

gone by 10:00 P.M. The property is 57 acres so he does not think traffic will be an issue.

Ms. Debbie King came forward and stated traffic is an issue. There is no way traffic cannot be a problem especially knowing about the deaths. Her daughter, because of her job goes to bed by 8:00 P.M. so the noise will be a factor. There will be things going on that have never gone on in the area. There is no way a rodeo can be quiet. There are going to be events and there will be problems that come with those events.

Tracy Pipkin, 7211 East 106th Street North, Owasso, OK; stated he lives two pieces of property to the east of the subject property. One of his concerns about any activity that would happen has to do with the fact that two properties are adjoined. What access will the Perez's have to the 57 acres for the parking because they have to go farther east to access the 57 acres? There have been no plans for using the 57 acres as parking but the son has mentioned it as a possibility so that raises his concerns even more because the properties are joined. Obviously concerns are what is to be next? Mr. Pipkin stated that he does not think the County has any funds for road improvements and he doesn't think there are any plans for it, so he does not understand how the ingress/egress issue is being addressed.

Rebuttal:

Mr. James Smiley came forward and stated that the subject property is zoned with permission for equestrian use and Mr. Perez was looking at the rodeo as an extension of that equestrian use. Mr. Perez is going to use the stables as a training area through the year for Mexican style rodeo, which is different than the American rodeo, and have two rodeos through the year. The plans are also to hire off duty policemen to direct traffic during the rodeo events. The rodeo will not be like a Wal-Mart where there is constant traffic 365 days a year; the rodeo will only be twice a year, the spring and the fall.

Comments and Questions:

Mr. Dillard stated this request is different than the previous application everyone has referred to. The previous application was in existence and the public bought their property knowing the rodeo was in existence. This application is different because the people had their property and the rodeo is coming into their area. This is changing the resident's world and he cannot support the request.

Mr. Johnston has the same issue and the property is not close to a major highway. Mr. Johnston stated that he has difficulty supporting the request.

Mr. Hutchinson stated that he is very familiar with both areas. The previous application is in an area where there are not many houses. This application is in an area that is not in a transition area because it already exists. Mr. Hutchinson stated that he cannot support the request.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Crall "absent") to **DENY** the request for a Special Exception to allow for a rodeo (Use Unit 20) in an AG District (Section 310); Variance of the all-weather material for surface parking (Section 1340.D) because it is intrusive into a developing neighborhood and is not congruent with the existing area which is primarily a dense residential area; for the following property:

SE SW SW LESS S16.5 THEREOF FOR RD SEC 11 21 13 9.750ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

2570—CFS Properties, LLC

Action Requested:

Special Exception to permit mini-storage (Use Unit 16) in the CS District (Section 710, Table 1). LOCATION: NE/c of East 96th Street North & Highway 75, Sperry

Presentation:

Herman Van Wye, 13625 East 66th Street North, Owasso, OK; stated that CFS Properties, LLC is a partnership of four local businessmen and these businessmen would like to build a mini-storage. The proposed mini-storage will be on 14 acres on 96th Street North between Highway 75 and Yale. To appease the neighbors it was agreed to rezone only the western half which would be 6.9 acres and to accept the CS zoning. The mini-storage will be built in a corridor that is already designed and designated for business.

Mr. Hutchinson asked Mr. Van Wye what his plans were for the looks of the mini-storage or will it be a sheet metal building? Mr. Van Wye stated that right it is intended to be a sheet metal building. There is a similar mini-storage on the west side of 96th Street and the proposed building will look much like that one which is sheet metal.

Mr. West stated there was one issue that the Engineering Department was concerned about and it is the ingress and egress along 96th Street because it is the Oklahoma Department of Transportation's right-of-way. Mr. West asked Mr. Van Wye if that had been addressed by ODOT. Mr. Van Wye stated he is working with ODOT and they are looking at the existing right-of-way being available.

Mr. Hutchinson asked Mr. Van Wye if the rear of the building was going to have a fence or screening. Mr. Van Wye stated that there either be a fence of the rear of the building will be the screening.

Mr. West stated the screening would only be required if the subject property is abutting an R District, which he believes this has been rezoned from AG to CS.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **JOHNSTON**, the Board voted 3-0-0 (Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Charney, Crall "absent") to **APPROVE** the request for a **Special Exception** to permit mini-storage (Use Unit 16) in the CS District (Section 710, Table 1), subject to the two buildings adjacent to the entrance and the far southwest building having a masonry wainscot with stucco fascia above the masonry; for the following property:

A tract of land located in the South Half of the Southeast Quarter of the Southeast Quarter (S/2 SE/4 SE/4) of Section Sixteen (16) of Township Twenty-one (21) North and Range Thirteen (13) East of the Indian Base and Meridian (I.B.&M.), according to the U.S. Government Survey, thereof, Tulsa County, State of Oklahoma; being more particularly described as follows: Commencing at the SE corner of the SE/4 of Sec. 16, T-21-N, R-13-E, I.B.&M.; Thence S 88°38'05" W along the south line of said SE/4 a distance of 175.93 feet to the present right-of-way of U.S. Highway 75; Thence N 01°21'58" W along said present right-of-way (until otherwise noted) a distance of 33.00 feet; Thence N 83°03'05" W a distance of 377.67 feet to the Point of Beginning; Thence N 83°03'05" W continuing along said present right-of-way (until otherwise noted) a distance of 430.83 feet; Thence S 88°38'05" W a distance of 162.85 feet; Thence along a curve to the right having a radius of 21365.90 feet, a central angle of 00°10'19", a chord length of 64.11 feet, a chord bearing of N 01°02'30" W, for a distance of 64.11 feet; Thence N 10°51'00" E a distance of 152.10 feet; Thence along a curve to the right having a radius of 21335.90 feet, a central angle of 00°48'04", a chord length of 298.27 feet, a chord bearing of N 00°06'23" W, for a distance of 298.27 feet to the north line of the S/2 SE/4 of said SE/4; Thence N 88°37'20" E leaving said present right-of-way and along the north line of said S/2 SE/4 SE/4 a distance of 549.56 feet; Thence S 01°24'52" E a distance of 573.39 feet to the Point of Beginning, and containing 6.914 acres, more or less, OF TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 4:05 p.m.

Date approved: _____

4/19/16
David E. Charney
Chair

Ulmer, Amy

From: debjk3@aol.com
Sent: Monday, May 6, 2019 1:51 PM
To: Ulmer, Amy; ssallee@tulsacounty.org; mcraaddock@tulsacounty.org; kkeith@tulsacounty.org; dossett.district34@gmail.com
Subject: 106th and Sheridan

May 6, 2019

We are respectfully asking the TCBOA to right a wrong.

The Tulsa County Zoning Code specifically states in Section 300.1 that the AG district is designed to avoid the scattering of a business. A dangerous precedent is set for future endeavors when it is deemed acceptable to pick and choose what to adhere to within the zoning code. By allowing the special exception, TCBOA is disregarding the county zoning code and randomly placing a business completely surrounded by single family dwellings and farmland. One must travel 3.6 miles east on 106th Street North before encountering a business area. There is no natural progression of business in this area, nor is there on 86th Street North, 96th Street North, or 116th Street North between Mingo and Highway 75 to the west. It is irresponsible of the Board to issue the special exception which clearly goes against the Tulsa County zoning Code. We are asking for the board to right the wrong and revoke the special exception.

TCBOA also must follow their code of ethics which states that upon making a decision, no board member shall give the perception of gain. A few months after the special exception was granted, a TCBOA board member broke ground on their land development for a neighborhood just two miles east of the daycare. It is a selling point to advertise a daycare facility just two miles away. It is also interesting to note that this neighborhood development furthers the argument that this area is NOT in transition to a business district.

Taxpayers' rights should be taken into consideration when deciding to allow a special exception to a non-taxpaying entity, especially when the entity will be a continued drain on the county's resources, ie infrastructure. To have the Board suggest that the taxpayers get together to raise funds for improvement of county roads was offensive at best. This two lane county road has no easement for widening or establishing turn lanes, as it was never designed to be in a business district. The increase of 200+ cars per day for feasibly 25+ years to come, is not sustainable.

WCCCF knew they were restricted on zoning while litigation was ongoing and rescinded their daycare zoning plans. They resubmitted the SAME building plans, with the names of the rooms changed, in order to obtain a single family residential dwelling building permit for a \$2.5 million dollar, 10,000 sq foot house. The Tulsa County Inspector issued this zoning permit submitted under false pretenses even though she also knew of the impending litigation. By doing so, WCCCF made a mockery of Tulsa County and the court system.

WCCCF will argue that they have already invested considerable amounts of money and should be allowed to continue. However, let me remind everyone that within the District Court documents lies verbiage that they knowingly and willingly accept all risk. Had they followed proper procedure and waited until the court proceedings had concluded, they would not have wasted a dime. Had they not obtained a zoning permit for a "house" and started the build, they would not have wasted a dime. This is a poor argument and should not be entertained.

WCCCF has recently posted a public survey giving the public an opportunity to vote either "yes" or "no" as to whether they want a daycare in the area. If this were a legitimate survey, all answers would be allowed to be submitted. When trying to complete the survey with a "no" answer, a screen pops up stating that the response does not fit their criteria. This voided vote renders the survey inconclusive as it is clearly biased. WCCCF will most likely present "yes" votes to show that the daycare is wanted. A biased survey where a true representation of votes is not allowed, should not be considered.

TCBOA ruled three years ago (by adhering to the zoning Code) that a rodeo venue in the same vicinity would be disruptive to the environment, that the area was NOT in transition, and it would not be in harmony with the code. NO improvements to the area have been made since that ruling. No business development has progressed in this vicinity. One can logically say that the Board set the precedent for the area with this ruling.

Once again, we, as taxpaying residents in the AG zoned district of Tulsa County, respectfully request that the Tulsa County Zoning Code be followed and adhered to as stated in Section 300.1.

If the special exception is not revoked, the following will then be true:

TCBOA's word and former rulings mean nothing.

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It is acceptable to disregard Tulsa County's required posting of a building permit for the public to see to allow due diligence for the residents to file a protest against the building permit within the allowed 10 days. The building permit was not posted until 45 days after issuance and several calls made to the inspector's office. To this day, they continue to build without a permit posted.

Please right the wrong. Revoke the special exception.

Sincerely,

Carl Lee McCarty

Ulmer, Amy

From: debjk3@aol.com
Sent: Monday, May 6, 2019 1:50 PM
To: Ulmer, Amy; ssallee@tulsacounty.org; mcraaddock@tulsacounty.org; kkeith@tulsacounty.org; dossett.district34@gmail.com
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Please right the wrong. Revoke the special exception.

Sincerely,

Amber Blower

Ulmer, Amy

From: debjk3@aol.com
Sent: Monday, May 6, 2019 1:49 PM
To: Ulmer, Amy; ssallee@tulsacounty.org; mcraddock@tulsacounty.org; kkeith@tulsacounty.org; dossett.district34@gmail.com
Subject: 106th and Sheridan

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Sincerely,

Regina Scott

Ulmer, Amy

From: debjk3@aol.com
Sent: Monday, May 6, 2019 1:46 PM
To: Ulmer, Amy; ssallee@tulsacounty.org; mcraaddock@tulsacounty.org; kkeith@tulsacounty.org; dossett.district34@gmail.com

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Please right the wrong. Revoke the special exception.

Sincerely,

Charles Edwards

Ulmer, Amy

From: debjk3@aol.com
Sent: Monday, May 6, 2019 1:42 PM
To: Ulmer, Amy
Subject: 106th and Sheridan

May 6, 2019

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Please right the wrong. Revoke the special exception.

Sincerely,

Janice Edwards

Ulmer, Amy

From: debjk3@aol.com
Sent: Monday, May 6, 2019 9:50 AM
To: Ulmer, Amy
Subject: 106th and Sheridan

May 6, 2019

We are respectfully asking the TCBOA to right a wrong.

The Tulsa County Zoning Code specifically states in Section 300.1 that the AG district is designed to avoid the scattering of a business. A dangerous precedent is set for future endeavors when it is deemed acceptable to pick and choose what to adhere to within the zoning code. By allowing the special exception, TCBOA is disregarding the county zoning code and randomly placing a business completely surrounded by single family dwellings and farmland. One must travel 3.6 miles east on 106th Street North before encountering a business area. There is no natural progression of business in this area, nor is there on 86th Street North, 96th Street North, or 116th Street North between Mingo and Highway 75 to the west. It is irresponsible of the Board to issue the special exception which clearly goes against the Tulsa County zoning Code. We are asking for the board to right the wrong and revoke the special exception.

TCBOA also must follow their code of ethics which states that upon making a decision, no board member shall give the perception of gain. A few months after the special exception was granted, a TCBOA board member broke ground on their land development for a neighborhood just two miles east of the daycare. It is a selling point to advertise a daycare facility just two miles away. It is also interesting to note that this neighborhood development furthers the argument that this area is NOT in transition to a business district.

Taxpayers' rights should be taken into consideration when deciding to allow a special exception to a non-taxpaying entity, especially when the entity will be a continued drain on the county's resources, ie infrastructure. To have the Board suggest that the taxpayers get together to raise funds for improvement of county roads was offensive at best. This two lane county road has no easement for widening or establishing turn lanes, as it was never designed to be in a business district. The increase of 200+ cars per day for feasibly 25+ years to come, is not sustainable.

WCCCF knew they were restricted on zoning while litigation was ongoing and rescinded their daycare zoning plans. They resubmitted the SAME building plans, with the names of the rooms changed, in order to obtain a single family residential dwelling building permit for a \$2.5 million dollar, 10,000 sq foot house. The Tulsa County Inspector issued this zoning permit submitted under false pretenses even though she also knew of the impending litigation. By doing so, WCCCF made a mockery of Tulsa County and the court system.

WCCCF will argue that they have already invested considerable amounts of money and should be allowed to continue. However, let me remind everyone that within the District Court documents lies verbiage that they knowingly and willingly accept all risk. Had they followed proper procedure and waited until the court proceedings had concluded, they would not have wasted a dime. Had they not obtained a zoning permit for a "house" and started the build, they would not have wasted a dime. This is a poor argument and should not be entertained.

WCCCF has recently posted a public survey giving the public an opportunity to vote either "yes" or "no" as to whether they want a daycare in the area. If this were a legitimate survey, all answers would be allowed to be submitted. When trying to complete the survey with a "no" answer, a screen pops up stating that the response does not fit their criteria. This voided vote renders the survey inconclusive as it is clearly biased. WCCCF will most likely present "yes" votes to show that the daycare is wanted. A biased survey where a true representation of votes is not allowed, should not be considered.

TCBOA ruled three years ago (by adhering to the zoning Code) that a rodeo venue in the same vicinity would be disruptive to the environment, that the area was NOT in transition, and it would not be in harmony with the code. NO

improvements to the area have been made since that ruling. No business development has progressed in this vicinity. One can logically say that the Board set the precedent for the area with this ruling.

Once again, we, as taxpaying residents in the AG zoned district of Tulsa County, respectively request that the Tulsa County Zoning Code be followed and adhered to as stated in Section 300.1.

If the special exception is not revoked, the following will then be true:

TCBOA's word and former rulings mean nothing.

s acceptable to pick and choose which part of the Tulsa County Zoning Code you wish to follow, which again, sets a dangerous precedent for future endeavors.

s acceptable to submit a zoning permit application under false pretenses, build something else, and get away with it.

s acceptable to disregard Tulsa County's required posting of a building permit for the public to see to allow due diligence for the residents to file a protest against the building permit within the allowed 10 days. The building permit was not posted until 45 days after issuance and several calls made to the inspector's office. To this day, they continue to build without a permit posted.

Please right the wrong. Revoke the special exception.

Sincerely,

Debbie King

Also as my opinion there is a lot of target shooting that goes on out here. Is that not something the daycare center should have thought about? When your in the country you have to expect these things and think before you act. And it seems thumbing their noses at the Court system and proceeding after they were told to stop has a lot of disrespect in it. . Does that not matter or show disrespect?

Ulmer, Amy

From: Karen Dearth <dearthk@aol.com>
Sent: Sunday, May 5, 2019 3:27 PM
To: Ulmer, Amy
Subject: Fwd: 106th St North Daycare

Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com

On Sunday, May 5, 2019, dearthk@aol.com <dearthk@aol.com> wrote:

May 6, 2019

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Karen Dearth

Sent from AOL Mobile Mail
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