



CITY OF
Tulsa
Board of Adjustment

Case Number: BOA-23562

Hearing Date: 08/22/2023

Case Report Prepared by:

Austin Chapman

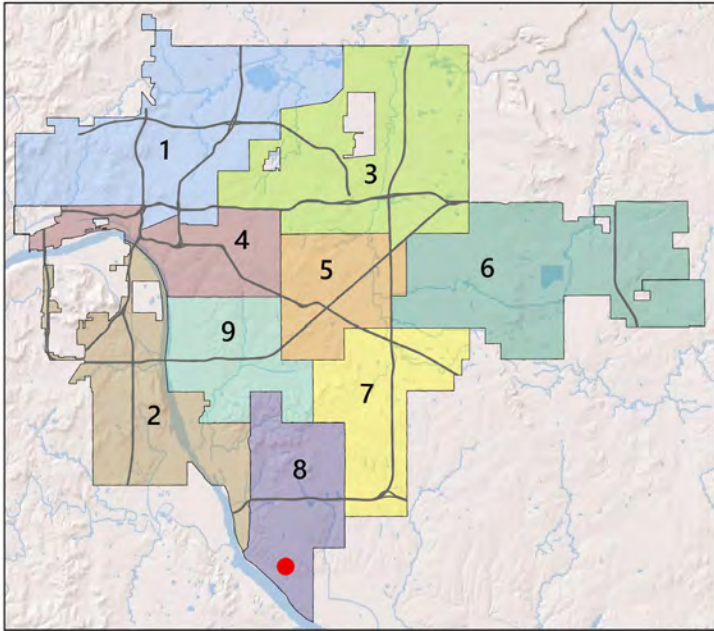
Owner and Applicant Information:

Applicant: Lou Reynolds

Property Owner: CITY OF TULSA

Action Requested: Special Exception to permit a Freestanding Monopole Communications Tower in the AG District (Sec. 25.020-, Table 25-2) and to reduce the required setback of the Tower from an adjoining AG zoned lot (Sec. 40.420-E.6.a)

Location Map:



Additional Information:

Present Use: Fire Station

Tract Size: 2.5 acres

Location: 11211 S. Yale Ave. E.

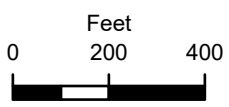
Present Zoning: AG

Case History:

08/22/23:

First appearance on agenda. Motion to approve failed in a vote of 2 yeas (Wallace and Stauffer) to 2 nays (Radney and Barrientos).

09/12/23: Radney motioned to reconsider item at the 9/26 Hearing, all 3 Board member present voted in favor of reconsideration (Stauffer, Radney, and Bond).

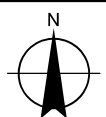


 Subject Tract

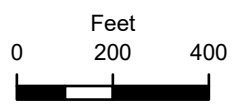
BOA-23562

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

Aerial Photo Date: 2021



2.2

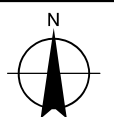


 Subject Tract

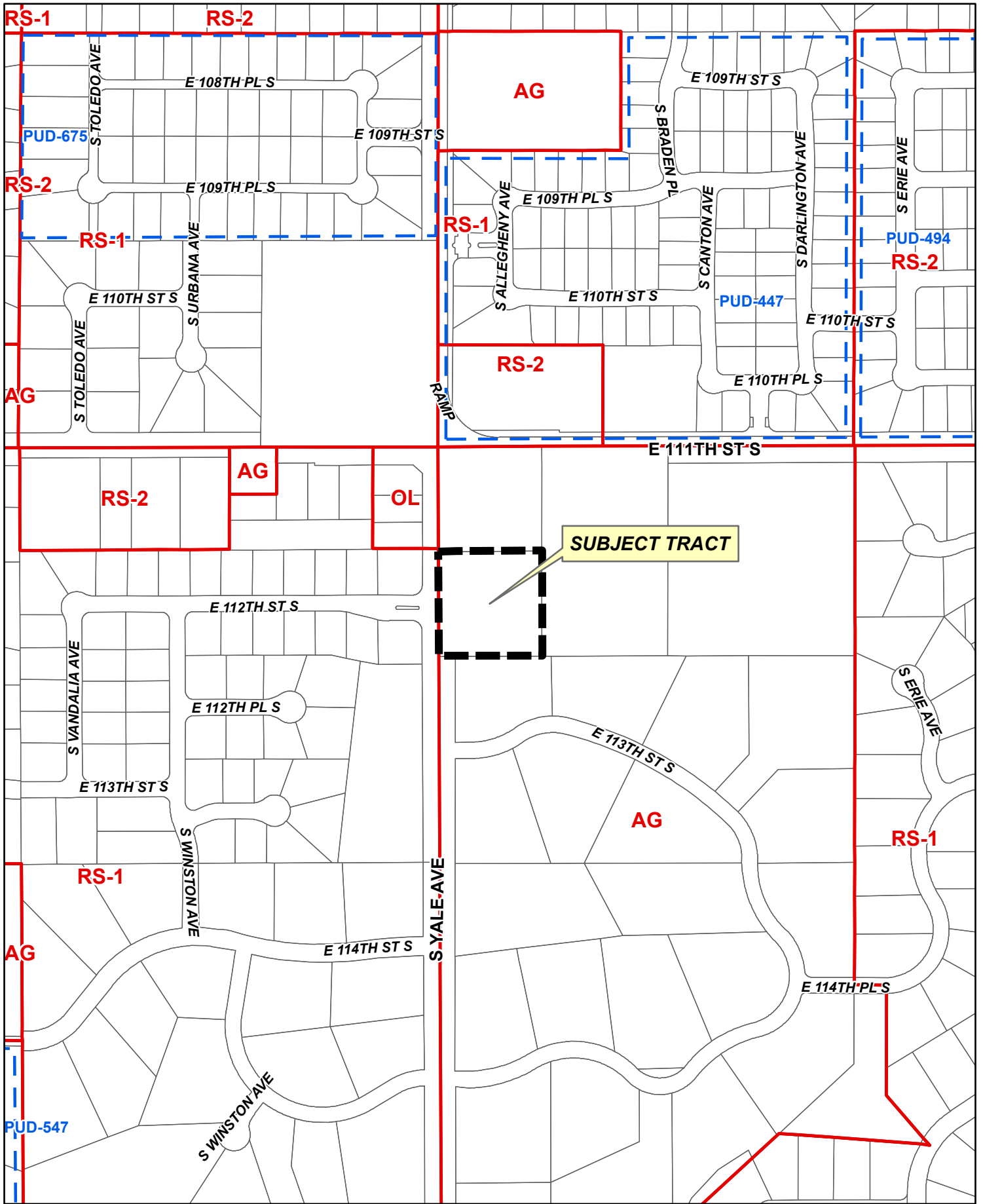
BOA-23562

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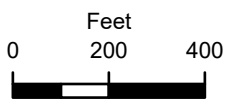
Aerial Photo Date: 2021



2.3



SUBJECT TRACT



BOA-23562



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 8334
CD: 8

Case Number: **BOA-23562**

HEARING DATE: 08/22/2023

APPLICANT: Lou Reynolds

ACTION REQUESTED: **Special Exception** to permit a Freestanding Monopole Communications Tower in the AG District (Sec. 25.020-, Table 25-2) and to reduce the required setback of the Tower from an adjoining AG zoned lot (Sec. 40.420-E.6.a)

LOCATION: 11211 S. Yale Ave. E.

ZONED: AG

PRESENT USE: Fire Station

TRACT SIZE: 108900.45 SQ FT

LEGAL DESCRIPTION: S/2 W/2 W/2 N/2 NW NW SEC 34 18 13 2.50ACS, LEXINGTON CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

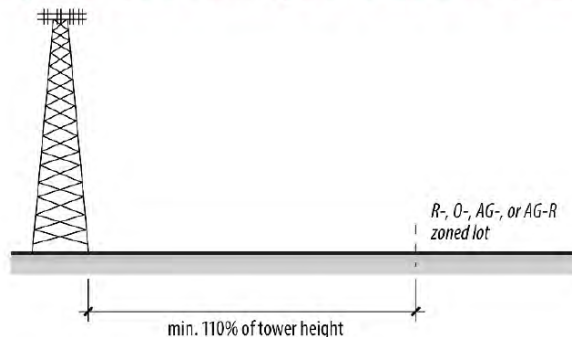
RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Local Center".

Local Centers serve the daily needs of those in the surrounding neighborhoods. This designation implies that the center generally does not serve an area beyond the nearby neighborhoods. Typical uses include commercial or retail uses that serve the daily needs of nearby residents. In order to introduce a regional trip generator, the entire local center designation should be amended to be Regional Center with significant input from all affected properties and nearby neighborhoods.

STAFF ANALYSIS: The applicant is requesting **Special Exception** to permit a Freestanding Monopole Communications Tower in the AG District (Sec. 25.020-, Table 25-2) and to reduce the required setback of the Tower from an adjoining AG zoned lot (Sec. 40.420-E.6.a)

6. The following setback requirements apply to all towers unless otherwise expressly approved by the board of adjustment as part of the special exception approval:
 - a. Towers must be set back a distance equal to at least 110% of the height of the tower from any adjoining lot line of an R-, O-, AG-, or AG-R- zoned lot, excluding R-zoned expressway rights-of-way.
 - b. Accessory buildings are subject to applicable zoning district building setback requirements.

Figure 40-14: Tower Setback from R, O, AG, or AG-R districts



In granting a Special Exception for any tower the Board must take the following items into consideration per sec. 40.420-F:

40.420-F Antennas and Towers Requiring Special Exception Approval

1. Applicability

The regulations of this subsection (40.420-F) apply to all antennas and towers that require special exception approval.

2. Factors to be Considered

a. In addition to any other applicable requirements, the following factors must be considered in a decision to approve or deny special exception approval for a tower:

- (1) Height of the proposed tower;
- (2) Proximity of the tower to residential structures, residential district boundaries and existing towers;
- (3) Nature of uses on adjacent and nearby properties;
- (4) Surrounding topography;
- (5) Surrounding tree coverage and foliage;
- (6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (7) The total number and size of antennas proposed and the ability of the proposed tower to accommodate co-location;
- (8) Architectural design of utility buildings and accessory structures to blend with the surrounding environment;
- (9) Proposed ingress and egress;
- (10) The need for a tower within the immediate geographic area to provide an acceptable level of communications service to the area;
- (11) The size of the tract and the most likely future development as indicated by the comprehensive plan, planned infrastructure, topography and other physical considerations.

b. Findings

The findings of the board of adjustment as to each of these factors must be made on the record and included in the written minutes of the meeting.

3. Co-location

Co-location of facilities is encouraged wherever practical by allowing reasonable extra height or tower diameter necessary to support multiple antennas.

The applicant has provided detailed responses describing their requested relief and how the relief is in compliance with sec. 40.420-F.

SAMPLE MOTION: Move to _____ (approve/deny) a **Special Exception** to permit a Freestanding Monopole Communications Tower in the AG District (Sec. 25.020-, Table 25-2) and to reduce the required setback of the Tower from an adjoining AG zoned lot (Sec. 40.420-E.6.a)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any): _____
- Suggested Condition: Relief is not granted for any non-conforming improvements that currently exist on the property.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The Board also finds that that the following factor have been taken into account in this decision :

1. Height of the proposed tower;
2. Proximity of the tower to residential structures, residential district boundaries and existing towers;
3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. The total number and size of antennas proposed and the ability of the proposed tower to accommodate co-location;
8. Architectural design of utility buildings and accessory structures to blend with the surrounding environment;
9. Proposed ingress and egress;
10. The need for a tower within the immediate geographic area to provide an acceptable level of communications service to the area.
11. The size of the tract and the most likely future development as indicated by the comprehensive plan, planned infrastructure, topography and other physical considerations.



Subject Property

Exhibit “B”

The Applicant requests (1) a Special Exception pursuant to Table 25-1 of the Tulsa Zoning Code (the “Code”) to permit a freestanding monopole communication tower (the “Tower”) in an AG district; and (2) a Variance to reduce the required setback of the Tower from an adjoining lot line of an AG-zoned lot, for property located at 11211 S. Yale Ave. (the “Property”). The Property is located just south of the southeast corner of E. 111th Street and S. Yale Ave. and is the site of Tulsa Fire Station 9.

SBA Network Services (“SBA”) currently has an existing tower located about a quarter mile north of the Property at the northwest corner of 111th & Yale. SBA’s lease for the existing tower site expires at the end of the year and SBA will take down the tower after the lease expires. SBA desires to lease the Property from the City of Tulsa in order to relocate the Tower to the Property. The relocated Tower will be taller than the existing tower, provide better coverage and permit more co-locations. The Tower will be 195 feet tall and sited to the rear of the Fire Station in the northeast corner of the Property such that the nearest residential structures will be approximately 400 feet away. The Tower will accommodate multiple tenants and prevent service disruption to the area with the removal of the existing tower. The Special Exception will not be injurious to the neighborhood and will be beneficial, both to the City of Tulsa as the Property owner receiving rent, and to the public by ensuring a continuity of and improvement to communication service.

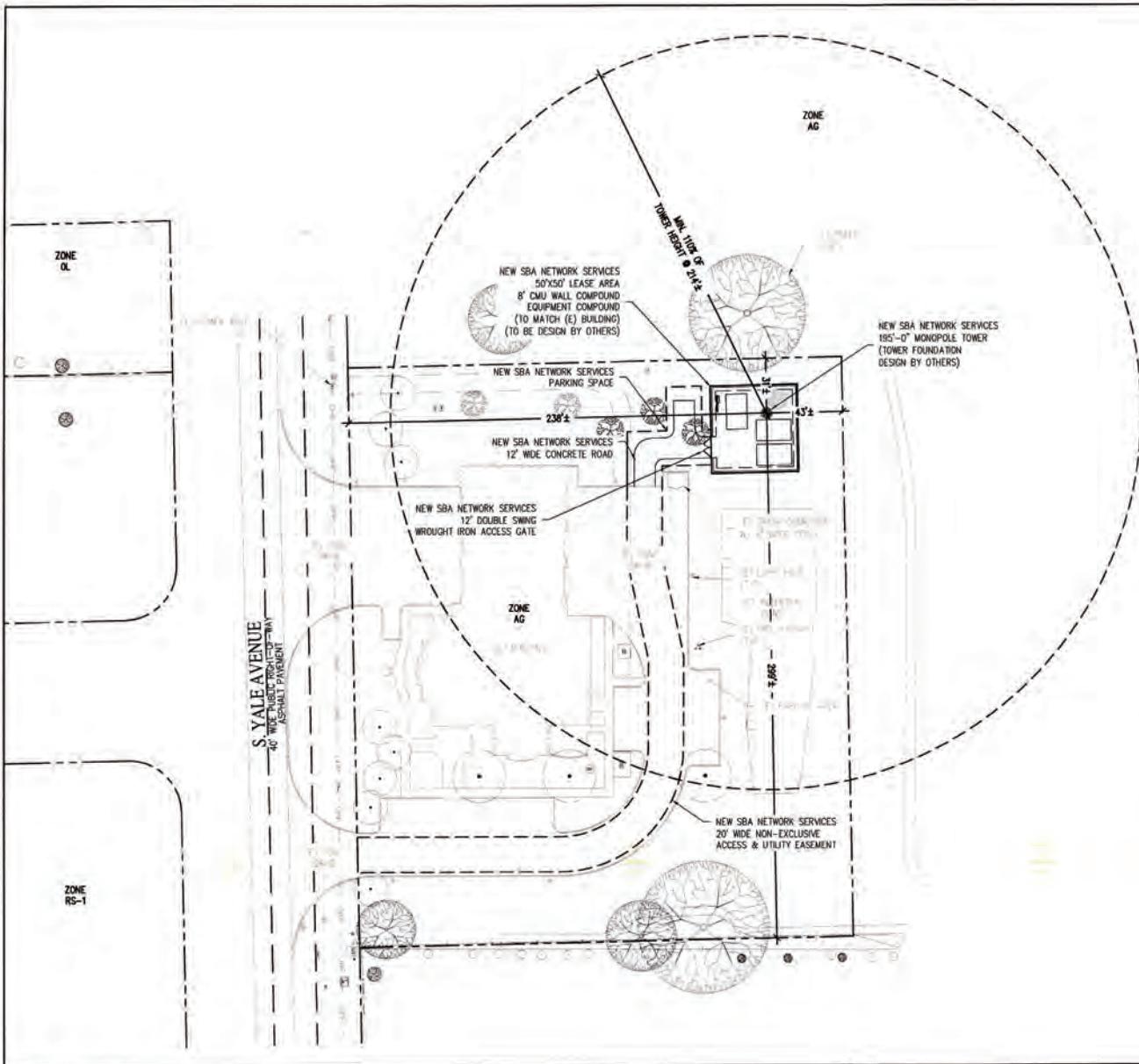
The Applicant is also requesting a Variance of the setback requirement from the north and east Property boundaries. The Code requires a setback of 110% of the tower height from adjoining R and AG districts – in this case, a 214 foot setback. All abutting properties to the site are zoned AG. The setback to the north will be 31 feet and to the east will be 43 feet. The property to the north is undeveloped, designated by the Comprehensive Plan as “Local Center” and will most likely be developed for commercial purposes. The property to the east is developed as the Saint James Methodist Church. The proposed location of the Tower at the northeast corner of the Property is the only location possible, based on the location of the Fire Station. Finally, the relocation moves the Tower away from the existing single-family homes immediately north of the existing tower location. A site plan showing the Tower location is attached hereto.

The physical surroundings of and existing structure on the Property are unique and result in unnecessary hardship. The literal enforcement of the setback requirement is not necessary to achieve the intended purpose of protecting residential areas and uses from potentially adverse impacts and does not impair the spirit and intent of the Code.

Exhibit "A"

Legal Description

The South Half (S/2) of the West Half (W/2) of the West Half (W/2) of the North Half (N/2) of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of Section 34, Township 18 North Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.



OVERALL SITE PLAN

LEGEND

NEW	PROPOSED
(E)	EXISTING
---	CENTER LINE
---	PROPERTY LINE
-X-	FENCE LINE
---	EASEMENT LINE
-OHP-	OVERHEAD POWER
-OHT-	OVERHEAD TELCO
-OHF-	OVERHEAD FIBER
-P-	UNDERGROUND POWER CONDUIT
-T-	UNDERGROUND TELCO CONDUIT
-F-	UNDERGROUND FIBER CONDUIT
-HYBRID-	HYBRID CABLE
-COAX-	COAX CABLE
-SF-	SILT FENCE

SETBACK TABLE

DIRECTION	REQUIRED SETBACK	ACTUAL TOWER SETBACK FROM PROPERTY LINE
NORTH	214'-0"	31'±
SOUTH	214'-0"	299'±
EAST	214'-0"	43.0'±
WEST	214'-0"	238'±

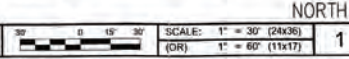
NOTE:
NEW BURIED OR OVERHEAD UTILITIES MUST BE CONTAINED WITH A DEDICATED UTILITY EASEMENT. ALL EXISTING AND NEW UTILITY EASEMENTS MUST BE VERIFIED PRIOR TO CONSTRUCTION. NO DIGGING OR TRENCHING SHALL BE ALLOWED WITHOUT PRIOR VERIFICATION OF EXISTING BURIED UTILITIES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES (WHETHER SHOWN OR NOT) AND PROTECT SAID UTILITIES FROM ANY DAMAGE CAUSED BY CONTRACTOR'S ACTIVITIES.


SITE REFERENCE NOTE:
SITE LAYOUT IS BASED ON SURVEY BY CORNERSTONE SURVEYING, DATED 4/8/2023. SITE LAYOUT IS BASED ON ARCHITECTURAL SITE PLAN / LANDSCAPE PLAN DONE BY FRITZ BAILY, INC., DATED 9/26/2005. IF ANY DISCREPANCY IS NOTED BETWEEN ACTUAL SITE LAYOUT AND THIS DRAWING, PLEASE NOTIFY ALLPRO FOR REDESIGN.

FLOOD ZONE INFORMATION:
ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS, THE EXISTING TELECOMMUNICATIONS SITE IS LOCATED IN ZONE "X", WHICH IS AREA OF MINIMAL FLOOD HAZARD AS PER COMMUNITY PANEL NO. 4014300368L, DATED 10/16/2012.


NOTE:
ALL INSTALLATIONS SHOULD BE IN COMPLIANCE WITH ANS/ASSE A10.48 AND ANY OTHER SAFETY STANDARDS.

PRE-CONSTRUCTION ONLY:
THIS DRAWING IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED AS A CONSTRUCTION DRAWING.






SBA NETWORK SERVICES, LLC
8001 CONGRESS AVENUE
BOCA RATON, FL 33467



ALLPRO
CONSULTING GROUP, INC.
9221 Lyndon B. Johnson Frey
Suite 204, Dallas, TX 75243
Phone: 972-231-8863
Fax: 866-364-8375
www.allprocg.com

ACG NO: 23-1431
DRAWN BY: RM
CHECKED BY: CZ

REVISIONS			
REV	DATE	DESCRIPTION	BY
0	05/26/23	FINAL ZD	RM
B	05/25/23	REVISED PER REDLINES	RM
A	04/25/23	PRELIM ZD	RM



NOT VALID WITHOUT
P.E. STAMP & SIGNATURE

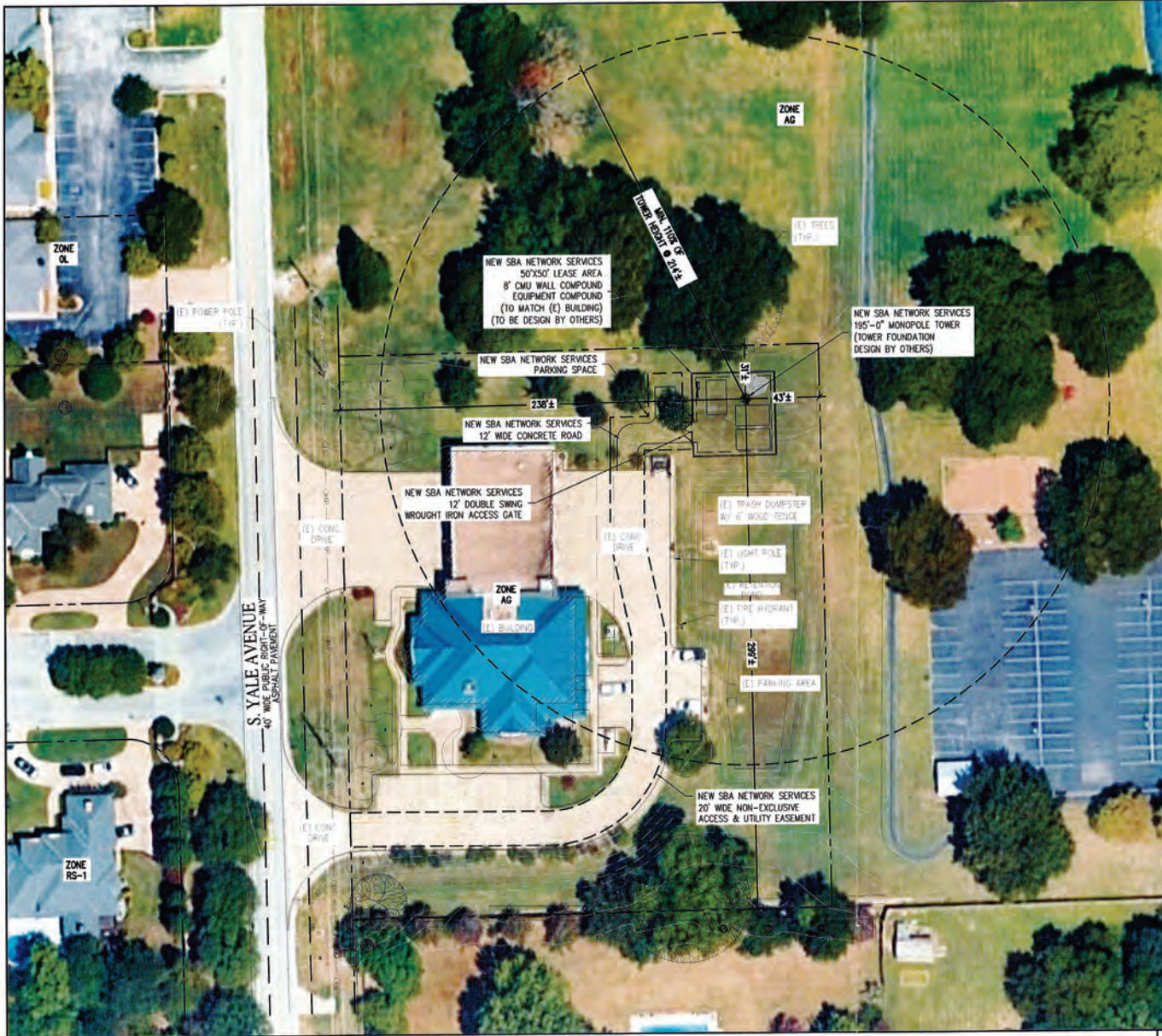
SITE INFORMATION
SITE #:
OK22341

SITE NAME:
YALE AVENUE FIRE STATION #9

ADDRESS:
11211 SOUTH YALE AVENUE
TULSA, OK 74137
CITY OF TULSA

SHEET TITLE:
OVERALL
SITE PLAN

SHEET NUMBER:
Z-2



OVERALL SATELLITE VIEW

LEGEND

NEW	PROPOSED
(E)	EXISTING
---	CENTER LINE
---	PROPERTY LINE
-X-	FENCE LINE
- - - - -	EASEMENT LINE
-OHP-	OVERHEAD POWER
-OHT-	OVERHEAD TELCO
-OHF-	OVERHEAD FIBER
-P-	UNDERGROUND POWER CONDUIT
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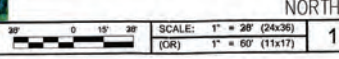
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FLOOD ZONE INFORMATION:
ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS, THE EXISTING TELECOMMUNICATIONS SITE IS LOCATED IN ZONE "X", WHICH IS AREA OF MINIMAL FLOOD HAZARD AS PER, COMMUNITY PANEL NO. 40143C0368L, DATED 10/16/2012.

NOTE:
ALL INSTALLATIONS SHOULD BE IN COMPLIANCE WITH ANSI/ASSE A10.48 AND ANY OTHER SAFETY STANDARDS.

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SBA NETWORK SERVICES, LLC
800 CONGRESS AVENUE
BOCA RATON, FL 33487

ALLPRO
CONSULTING GROUP, INC.
9221 Lyndon B. Johnson Fwy
Suite 204, Dallas, TX 75243
Phone: 972-231-8893
Fax: 866-364-8375
www.allproci.com

ACGI NO: 23-1431
DRAWN BY: RM
CHECKED BY: CZ

REVISIONS			
REV	DATE	DESCRIPTION	BY
0	05/26/23	FINAL 2D	RM
B	05/25/23	REVISED PER REDLINES	RM
A	04/25/23	PRELIM 2D	RM

5/25/2023

CHIU
ZHANG
30944
OKLAHOMA

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P.E. STAMP & SIGNATURE

SITE INFORMATION
SITE #:
OK22341

SITE NAME:
YALE AVENUE FIRE STATION #9

ADDRESS:
**11211 SOUTH YALE AVENUE
TULSA, OK 74137
CITY OF TULSA**

SHEET TITLE:
**OVERALL
SATELLITE VIEW**

SHEET NUMBER:
Z-1

NOTE:
PRIOR TO ATTACHING ANTENNAS AND MOUNTING SECTIONS, TOWER AND TOWER FOUNDATION MUST BE ANALYZED BY A LICENSED STRUCTURAL ENGINEER TO VERIFY TOWER IS CAPABLE OF SUPPORTING THE PROPOSED LOADS. STRUCTURAL ANALYSIS BY OTHERS.

NOTE:
MOUNT ANALYSIS BY OTHERS, NO ANTENNAS OR EQUIPMENT SHALL BE INSTALLED WITHOUT THE APPROVAL OF A STRUCTURAL ENGINEER.

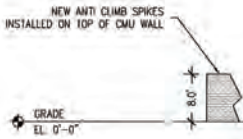
NOTE:
ALL INSTALLATIONS SHOULD BE IN COMPLIANCE WITH ANS/ASSE A10.48 AND ANY OTHER SAFETY STANDARDS.

NOTE:
PROPOSED ANTENNA PLACEMENT LOCATION TO BE FIELD VERIFIED BY GENERAL CONTRACTOR PRIOR TO CONSTRUCTION TO AVOID ANY INTERFERENCE OR SHADOWING OF EXISTING ANTENNAS. IF INTERFERENCE OR SHADOWING OF EXISTING ANTENNAS IS DISCOVERED DURING FIELD VERIFICATION, PLEASE CONTACT ALLPRO CONSULTING GROUP INC. FOR DESIGN REVISION PRIOR TO ANY NEW ANTENNA INSTALLATION.

FLOOD ZONE INFORMATION:
ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS, THE EXISTING TELECOMMUNICATIONS SITE IS LOCATED IN ZONE "X", WHICH IS AREA OF MINIMAL FLOOD HAZARD AS PER COMMUNITY PANEL NO. 401430368L, DATED 10/16/2012.

CLIMBERS NOTE:
CLIMBERS SHOULD NOT LATCH OR TIE THEIR SUPPORT LANYARD OR GEAR ON TO ANTENNAS, RADIOS, ANTENNA MOUNTS ETC WITHOUT PROPER EVALUATION. THEY SHOULD ONLY TIE TO THEIR SUPPORT LANYARDS OR GEAR TO OR ATTACH TO TOWER STRUCTURAL MEMBERS THAT HAVE VISIBLE BOLTING AND CONNECTION TO THE LARGER STRUCTURE.

- ◆ TIP OF 4' LIGHTNING ROD
EL. 199'-0" (A.G.L.)
- ◆ TOP OF TOWER
EL. 195'-0" (A.G.L.)
- ◆ CENTERLINE OF FUTURE ANTENNAS
EL. 195'-0" (A.G.L.)
- ◆ CENTERLINE OF FUTURE ANTENNAS
EL. 185'-0" (A.G.L.)
- ◆ CENTERLINE OF FUTURE ANTENNAS
EL. 175'-0" (A.G.L.)



NEW SBA NETWORK SERVICES
8' CMU WALL COMPOUND
(TO MATCH (E) BUILDING)
(TO BE DESIGN BY OTHERS)

◆ GRADE
EL. 0'-0"

TOWER ELEVATION

SCALE:
NTS 1



SBA NETWORK SERVICES, LLC
8091 CONGRESS AVENUE
BOCA RATON, FL 33487



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ACD NO: 23-1431
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REVISIONS			
REV	DATE	DESCRIPTION	BY
0	05/26/23	FINAL 2D	RM
8	05/25/23	REVISED PER REDLINES	RM
A	04/25/23	PRELIM 2D	RM



NOT VALID WITHOUT
P.E. STAMP & SIGNATURE

SITE INFORMATION
SITE #:
OK22341

SITE NAME:
YALE AVENUE FIRE STATION #9

ADDRESS:
11211 SOUTH YALE AVENUE
TULSA, OK 74137
CITY OF TULSA

SHEET TITLE:
TOWER
ELEVATION

SHEET NUMBER:
Z-4

From: [Brian Broach](#)
To: [Tulsa Planning Office](#)
Cc: info@stjamestulsa.org
Subject: FW: Case Number BOA-23562 , near 111th and South Yale in Tulsa.
Date: Tuesday, August 15, 2023 2:33:10 PM

Attention ;

Planning at the City of Tulsa, regarding the 214 ft Tall tower proposed at the 111 th and South Yale Fire Station location.

As a minimum the tower needs to be relocated 250 ft south of the proposed location so that it will not fall upon the Broach property to the south of the fire station, in the event of the tower failing and falling down. It is obvious that the tower is pushed against my South property line to have the property impact directed to Broach, and to St James United Methodist Church to the East of the proposed tower location.

I am totally against the proposed 214 ft tall tower at the 111 th and South Yale Fire Station location.

Regards, Brian Broach

From: Brian Broach <brianbroach@broach.com>
Sent: Tuesday, August 15, 2023 1:57 PM
To: planning@cityoftulsa.org
Subject: Case Number BOA-23562 near 111th and South Yale in Tulsa.

I am the owner of the land adjacent to the North of the proposed cell tower, I am against any cell tower special exemption, and I would like to know exactly where the tower is requested to be located, and how tall is it proposed to be, and what will be emitted, and how powerful of emissions will be emitted.

The tower is proposed to be installed on the city of Tulsa fire station property. Who is Lou Reynolds, and what is his connection with the city of Tulsa? Is this a payout to the city of Tulsa to put this tower here? Most cell tower people have terrible terms and conditions in their onerous cell tower agreements, and usually the agreement is never expiring for the tower operator, even if they are polluting you with electromagnetic radiation and high intensity microwaves. Most of their agreements do not limit them to only one thing but usually are written in such a way that they can do nearly anything at their whim. Is this tower safe for your firemen to live under, and safe for the Church people to the East of it, and is it safe for the future development of the surrounding property? None of these issues are mentioned in the application, and no guarantees of total safety are mentioned, all issues must be totally covered prior to considering any electromagnetic emitting tower or structure.. Before considering this tower, the city needs to have their legal department guarantee the safety of this tower to all the surrounding people and me. The city of Tulsa Legal Department, and the city lawyers need to thoroughly review the details of the tower agreement.

If you give permission for this tower, it will be in place before any issues can be addressed.

Regards,
Brian Broach

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From: dalajoy@aol.com
To: [Tulsa Planning Office](#)
Subject: Heat precludes our presence today to oppose cell tower
Date: Tuesday, August 22, 2023 7:45:51 AM

The heat index is up to 120 today. Many of us in the area of 111th and Yale want to come to oppose the cell tower. Please consider rescheduling the public comments. Thank you. Dala Westmoreland.

[Sent from the all new AOL app for iOS](#)

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Chapman, Austin

From: Stephen Lindberg <stephen.lindberg@yahoo.com>
Sent: Monday, August 21, 2023 7:47 PM
To: Tulsa Planning Office
Subject: No cell tower

Please do not put a cell tower 11211 at south Yale Tulsa OK 74137.

Sent from my iPhone

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Chapman, Austin

From: Lindsey Lindberg <lindy62305@gmail.com>
Sent: Monday, August 21, 2023 7:45 PM
To: Tulsa Planning Office
Subject: Cell phone tower

Hi,

I live between 101st and 111th and Yale and am very concerned about the possibility of a cell phone tower going in at 11211 S Yale Ave. There is a lot of research displaying the harm cellular energy can have especially on children. With the elementary school so close by and a large population of children in the area I hope you will reconsider placing this tower here.

Thank you,

Lindsey Lindberg

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Chapman, Austin

From: angiebadcock49 <angiebadcock49@gmail.com>
Sent: Monday, August 21, 2023 7:57 PM
To: Tulsa Planning Office
Subject: BOA 23562 vote no for this Tower

Sent from my U.S.Cellular© Smartphone

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Chapman, Austin

From: Bernadette DiAntonio <berndianton@yahoo.com>
Sent: Monday, August 21, 2023 6:16 PM
To: Tulsa Planning Office
Subject: 5G Tower

August 21, 2023

Dear Council,

It is my understanding that the city of Tulsa is discussing an plan to erect a huge 5G tower next to the fire station at 111th & Yale.

Myself and others in the surrounding neighborhoods do not wish this tower to be a part of the environment on this corner.

It is known that 5G has a lot of adverse affects on the human body. There are a lot of children that play in the playground provided by St. James Church near that corner. Also, people walk the track around the church, soccer games are held, teens shooting baskets and sand volleyball. Picnics are held in the park area by the pond. These participants would be affected greatly by said tower.

Thank you in advance for shelving the construction of subject tower.

Thank you sincerely,
a concerned citizen
Bernadette DiAntonio
bernadettediantonio@gmail.com

[Sent from Yahoo Mail on Android](#)

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From: [Nikki Royce](#)
To: [Tulsa Planning Office](#)
Subject: Proposed Cell Tower
Date: Monday, August 21, 2023 7:51:21 PM

Please do not go forward with the cell phone tower planned for 11211 S Yale Ave in Tulsa. We are very opposed to it. I can be reached at 918 402-4506.

Thank you for your consideration.

Nikki Royce.

Sent from my iPhone

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From: kv1370@gmail.com
To: [Tulsa Planning Office](#)
Subject: Cell tower
Date: Sunday, August 20, 2023 8:09:50 PM

I live in philcrest subdivision and do not want a gigantic ugly cell tower at 111th and Yale. This needs to go where people aren't living.

Sherri Jackson

Sent from my iPhone

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From: [Madi](#)
To: [Tulsa Planning Office](#)
Subject: cell tower
Date: Saturday, August 19, 2023 8:16:36 PM

I am strongly opposed to the new cell tower

Sent from my iPhone

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From: [karen.jobe](#)
To: [Tulsa Planning Office](#)
Subject: Cell Tower
Date: Saturday, August 19, 2023 8:52:15 PM

Please! No cell tower at 111th and Yale. Will hurt property values.

Karen Jobe.

Sent from my iPhone

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From: [Michael Thomas](#)
To: [Tulsa Planning Office](#)
Subject: 15-20 story tower at corner of 111th and Yale
Date: Monday, August 21, 2023 4:01:15 PM

Tulsa City Council

With all respect to your positions as councilors, this monstrosity should not be considered for anywhere in the Tulsa city limits. These 5g towers have way too many powerful emissions that have been proven to be harmful to the health of those around them. There are many homes in the surrounding area and St. James Church is present and sits adjacent to the property under consideration for this unnecessarily tall tower. Please use your good common sense to know this is not the right place for a cell tower of any magnitude!!

Thank you

Mike and Nancy Thomas

Tulsa city residents

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Chapman, Austin

From: Kari Mullins <kari.mullins11@gmail.com>
Sent: Monday, August 21, 2023 3:51 PM
To: Tulsa Planning Office
Subject: Opposed to Cell Tower

Please do not put a cell tower at 11211 s yale Ave. My son is Autistic with mitochondria dysfunction and is very sensitive to Wi-Fi and cellular energy. It makes him over stimulated and further disrupt the energy getting in to his cells correctly. We are currently in the process of putting either net and landlines back into our home.

I am happy to send in a doctors note and further medical publications of the dangers of cell towers to children with mitochondria dysfunction.

Thank you,
Kari Mullins

Sent from my iPhone

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From: [DAN CROWDER](#)
To: [Tulsa Planning Office](#)
Subject: Tower at 111 and Yale
Date: Thursday, August 17, 2023 2:13:55 PM

Let's move that tall tower south a mile on the city land that will become a park

Sent from my iPhone

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From: [Jordan Brennan](#)
To: [Tulsa Planning Office](#)
Subject: Case Number BOA-23562
Date: Tuesday, August 22, 2023 9:55:16 AM

City of Tulsa Board of Adjustment ,

I am writing the board in **opposition** to the tower exceptions proposed in agenda item BOA-23562.

If the exception was for a reasonable reduction 10-20 ft. in the required setback I would not mind, but a 200 ft. tower in that spot would need about a **180 ft. reduction in setback requirements**. A exception like that is totally out of line and it's suspicious that the City of Tulsa are the ones proposing such an extreme exception to their own regulations. SBA is pulling somebody's strings... The tower is simply too tall for that lot - it's nearly as tall as a 20 story building in a residential area. Please REJECT this exception request.

Regards,

Jordan Brennan
11220 S Erie Ave
Tulsa, OK

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Chapman, Austin

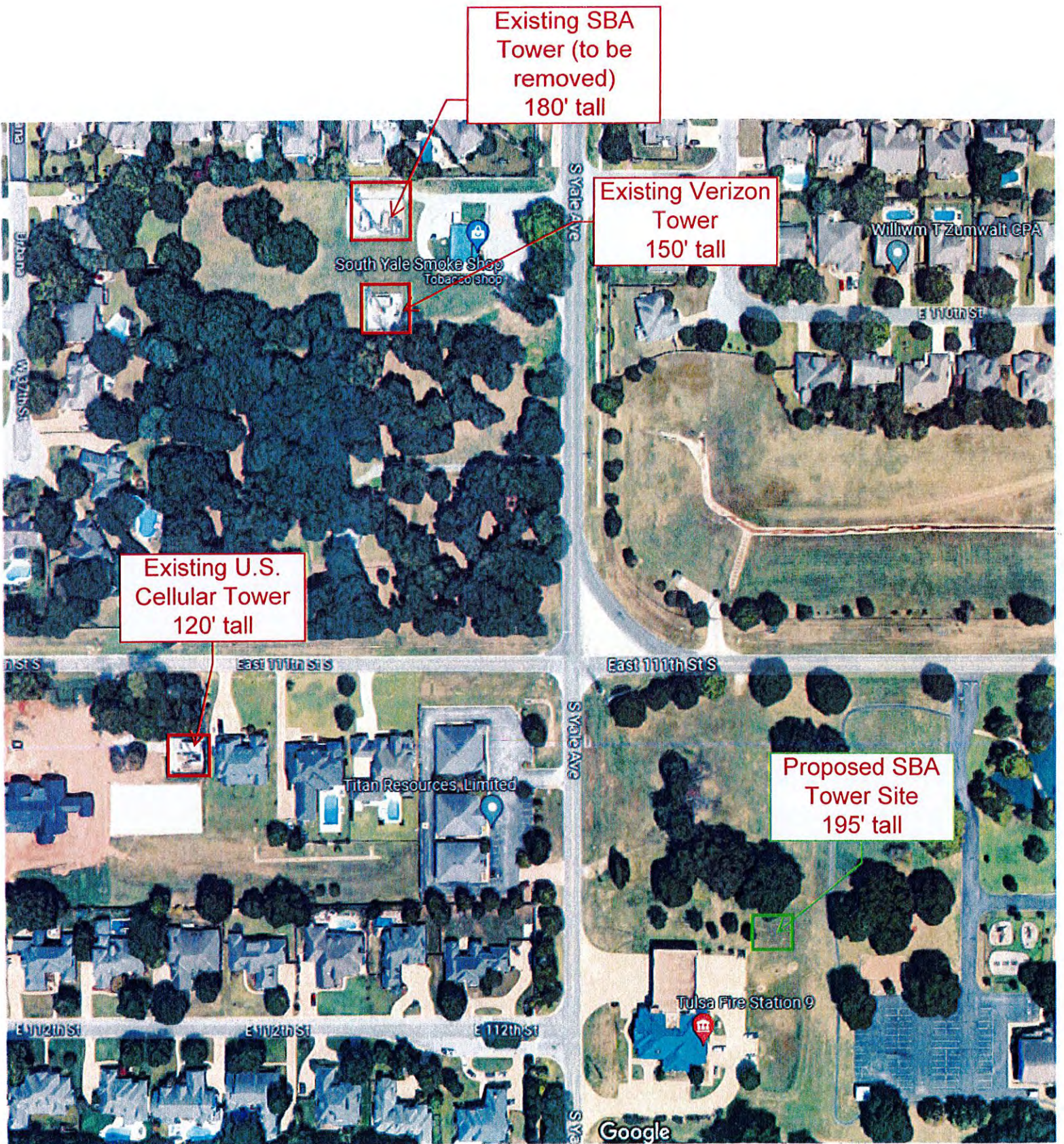
From: Rosey Havenstrite <rosey.haven@gmail.com>
Sent: Tuesday, August 22, 2023 7:58 PM
To: Tulsa Planning Office
Subject: Proposed Cell Tower at 111th and Yale

If adding a cell tower will improve service for everyone in this area no matter who your carrier is then I am all for it. Cell service in this area has had issues for over a year now and it has been very irritating. Several dead or weak spots between Yale and Memorial, 111th and 121st. Some people are worried about the visual aesthetic of the tower. Perhaps if it had the evergreen tree look that some of them have it would blend in more?

Thank you
Rosey Havenstrite

Sent from my iPhone

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TULSA CITY BOARD OF ADJUSTMENT
 CASE NO. 23562
 OFFICIAL RECORD EXHIBIT
 ENTERED IN THE 8/22/23
 MINUTES OF THE TULSA CITY BOARD
 OF ADJUSTMENT

BOA-23562
 Existing communication
 towers in vicinity

Eller & Detrich
A Professional Corporation

Philip J. Eller
Kevin H. Wylie
R. Louis Reynolds
Daniel C. Cupps
Andrew A. Shank
Shanann Pinkham Passley
Mac D. Finlayson
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Of Counsel
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Katherine Saunders, PLC
Heidi L. Shadid
Joshua M. Tietsort

August 25, 2023

Donald L. Detrich, *Retired*

VIA HAND DELIVERY & E-MAIL
City of Tulsa Board of Adjustment
c/o Tulsa Planning Office
Tulsa City Hall
175 E. 2nd Street, 4th Floor
Tulsa, Oklahoma 74103
Achapman@cityoftulsa.org

FILED
CITY OF TULSA BOARD OF ADJUSTMENT
DATE: 8/25/23 TIME: 4:36 (AM)(PM)
RECEIVED BY: AC
CLERK OF THE BOARD: Justin Oe

Re: BOA-23562 Request for Reconsideration

Dear Mr. Chairman:

This letter serves as the Applicant's request for the Board of Adjustment to reconsider its decision of denial of BOA Case No. BOA-23562 on August 22, 2023.

The Applicant requested a Special Exception for a communications tower to be relocated to a proposed site owned by the City of Tulsa. Mayor Bynum has approved the lease of the site, which is the location of Fire Station #9. The proposed tower is being relocated approximately 1,100 feet from its existing location at the northwest corner of 111th & Yale. The new site will provide additional service levels, additional capacity, and additional carriers. Moreover, as part of the consideration for the lease, the proposed tower will provide needed emergency communication services for the City at Fire Station #9.

After hearing from the Applicant and interested parties, acting Chairperson Radney stated she could be comfortable with the request if the Special Exception was limited to the term of the lease with the City of Tulsa. The Applicant agreed to the proposed condition. Board Member Stauffer made a *motion to approve* the Special Exception, citing the requisite factors of consideration under Section 40.420-F of the Tulsa Zoning Code (the "Code"), with the condition that the Special Exception be for a period of 25 years (i.e., the term of the lease) as requested by acting Chairperson Radney. Board Member Wallace seconded the motion to approve.



www.EllerDetrich.com

2727 East 21st Street, Suite 200, Tulsa Oklahoma 74114-3533

2.30

When called for vote, however, acting Chairperson Radney voted against the motion to approve, along with Board Member Barrientos. Accordingly, with a 2-2 vote, the motion to approve failed. The Board made no motion to deny the request nor did it make any findings to support such a denial. Additionally, the Board was without its fifth member to cast a tie-breaking vote.

Pursuant to Section 40.420-C of the Code, the wireless communication facility regulations of the Code “must be applied within the constraints of the Telecommunications Act of 1996.” Section 704 of the Telecommunications Act of 1996 requires that *any decision* by a local government *to deny* a request to place, construct, or modify personal wireless service facilities “*shall be in writing and supported by substantial evidence contained in a written record*”.

The Board provided no evidence, let alone substantial evidence, to support its decision to deny the requested Special Exception to construct the communications tower at the proposed location. Accordingly, in accordance with the Code and federal law, the Applicant requests that the matter be reconsidered by the full membership of the Board and that such reconsideration be placed on the September 12, 2023 agenda.

Sincerely,

ELLER & DETRICH
A Professional Corporation



Lori Reynolds