

CITY OF PRYOR CREEK BOARD OF ADJUSTMENT

VARIANCE SPECIAL EXCEPTION

P.O Box 1667, 12 North Rowe Street, Pryor, Oklahoma 74462 - (918) 825-0888 - FAX (918) 825-6577

www.pryorcreek.org

APPLICATION INFORMATION

RECEIVED BY: _____ DATE FILED: _____ HEARING DATE: _____ CASE NUMBER _____

RESIDENTIAL NON-RESIDENTIAL MIXED USE BUILDING PERMIT APPLICATION NUMBER _____

NEIGHBORHOOD ASSOCIATIONS: _____

SUBJECT PROPERTY INFORMATION

ADDRESS OR DESCRIPTIVE LOCATION: Parcel ID 1599-07-21N-19E-1-00600+ 035-00

LEGAL DESCRIPTION: (attach or email to: moored@pryorcreek.org) See attached from Smith Brothers

Abstract - Legal on both parcels

PRESENT USE: Vacant PRESENT ZONING C-AR COMPREHENSIVE PLAN DESIGNATION: _____

SURROUNDING ZONING: C-AR/Ag FLOODPLAIN DESIGNATION: Not in Flood plain

INFORMATION ABOUT YOUR REQUEST

A SITE PLAN IS REQUIRED TO ILLUSTRATE YOUR REQUEST.

ACTION(S) REQUESTED: Request to construct 190' monopole for telecommunication services

VARIANCE SECTIONS: _____ SPECIAL EXCEPTION SECTIONS: _____

LIST THE SPECIFIC SECTIONS OF THE ZONING CODE THAT APPLY TO EACH ACTION YOU'RE REQUESTING.

APPLICANT INFORMATION		PROPERTY OWNER INFORMATION	
NAME	<u>Xcell Towers II LLC</u>	NAME	<u>LML Investments, LLC</u>
ADDRESS	<u>2050 Marconi Dr. Ste 300</u>	ADDRESS	<u>654 North 431</u>
CITY, ST, ZIP	<u>Alpharetta, GA 30005</u>	CITY, ST, ZIP	<u>Pryor, OK 74361</u>
DAYTIME PHONE	<u>618-303-5357</u>	DAYTIME PHONE	<u>918-344-0351</u>
EMAIL	<u>wflorian@xcelltowers.com</u>	EMAIL	
I, THE UNDERSIGNED APPLICANT, CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT.			
SIGNATURE & DATE:			

DOES OWNER CONSENT TO THIS APPLICATION Y N. WHAT IS APPLICANT'S RELATIONSHIP TO OWNER? Leasee

APPLICATION FEES			
BASE REQUEST	\$10.00		<u>10.00</u>
ADDITIONAL REQUESTS	\$	APPLICATION SUBTOTAL	\$
NEWSPAPER PUBLICATION	\$		
SIGN POSTING	\$18.50		<u>18.50</u>
300' PROPERTY OWNERS LIST (SUPPLIED BY APPLICANT)		FILING FEE	\$ <u>20.00</u>
1320' PROPERTY OWNERS LIST (SUPPLIED BY APPLICANT)			
300' PROPERTY OWNERS CERTIFICATE OF MAILING & POSTAGE	\$1.85 x = 7	\$ <u>12.95</u>	<u>12.95</u>
1320' PROPERTY OWNERS CERTIFICATE OF MAILING & POSTAGE	\$1.85 x =	\$	
		NOTICE SUBTOTAL	\$
		TOTAL AMOUNT DUE	\$ <u>61.45</u>

APPLICATION FEES IN WHOLE OR PART WILL NOT BE REFUNDED AFTER NOTIFICATION HAS BEEN GIVEN.

DISPOSITION

BOARD ACTION: _____

FINAL DATE: _____ VOTE: _____ PLAT INVOKED Y N PLAT NAME: _____ WAIVER Y N

Board of Adjustment Case Number: _____ Date: _____, 7:00 p.m.

City Council Chambers, 12 North Rowe Street, 2nd floor

A person knowledgeable of the application and the property must attend the meeting to represent the application.

Site Plans must be submitted at the time of application. Other drawings, photographs or exhibits may be submitted at the hearing.

VARIANCES:

The applicant must prove a hardship to the Board. The Board of Adjustment is allowed to approve variances only after determining that the following conditions exist. Please be ready to describe how your request satisfies each of these conditions at the hearing:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
2. Application of the zoning ordinance requirements to this particular piece of property will create unnecessary hardship to the property, not self-imposed by the owner or developer. This does not include financial hardship to the applicant.
3. There are conditions that are peculiar to this piece of property, which do not apply to other properties in the same zoning district.
4. The variance, if granted, will not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance or the comprehensive plan. However, no variance may be granted for a use of land, buildings or structure that is prohibited by the zoning ordinance.

In granting a variance, the Board may make appropriate conditions or safeguards and may require a bond or other guarantee necessary to enforce compliance with the conditions.

Please state your hardship:

Special Exception Applicant Signature: Wendy Shuman
Xcell Towers, II, LLC

SPECIAL EXCEPTIONS:

The Board of Adjustment is allowed to approve special exceptions only after determining that the following conditions exist. Please be ready to describe how your request satisfies each of these conditions at the hearing:

1. The special exception will be in harmony with the spirit and intent of the Zoning Code.
2. The special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Further, if the special exception is for "special residential facilities" the following factors shall be considered. Please be ready to address each of these items at the hearing:

- | | |
|--|---|
| <ol style="list-style-type: none"> A. Size of the facility; B. Number of staff and staff-to-client ratio; C. Levels of treatment; D. Location of site in relation to needed services; E. City infrastructure in the area; | <ol style="list-style-type: none"> F. Compliance with state licensure and certification requirements; G. Proximity to similar uses; H. Distance from sensitive uses (single-family residential districts, schools, parks, child day care centers). |
|--|---|

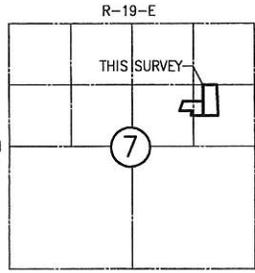
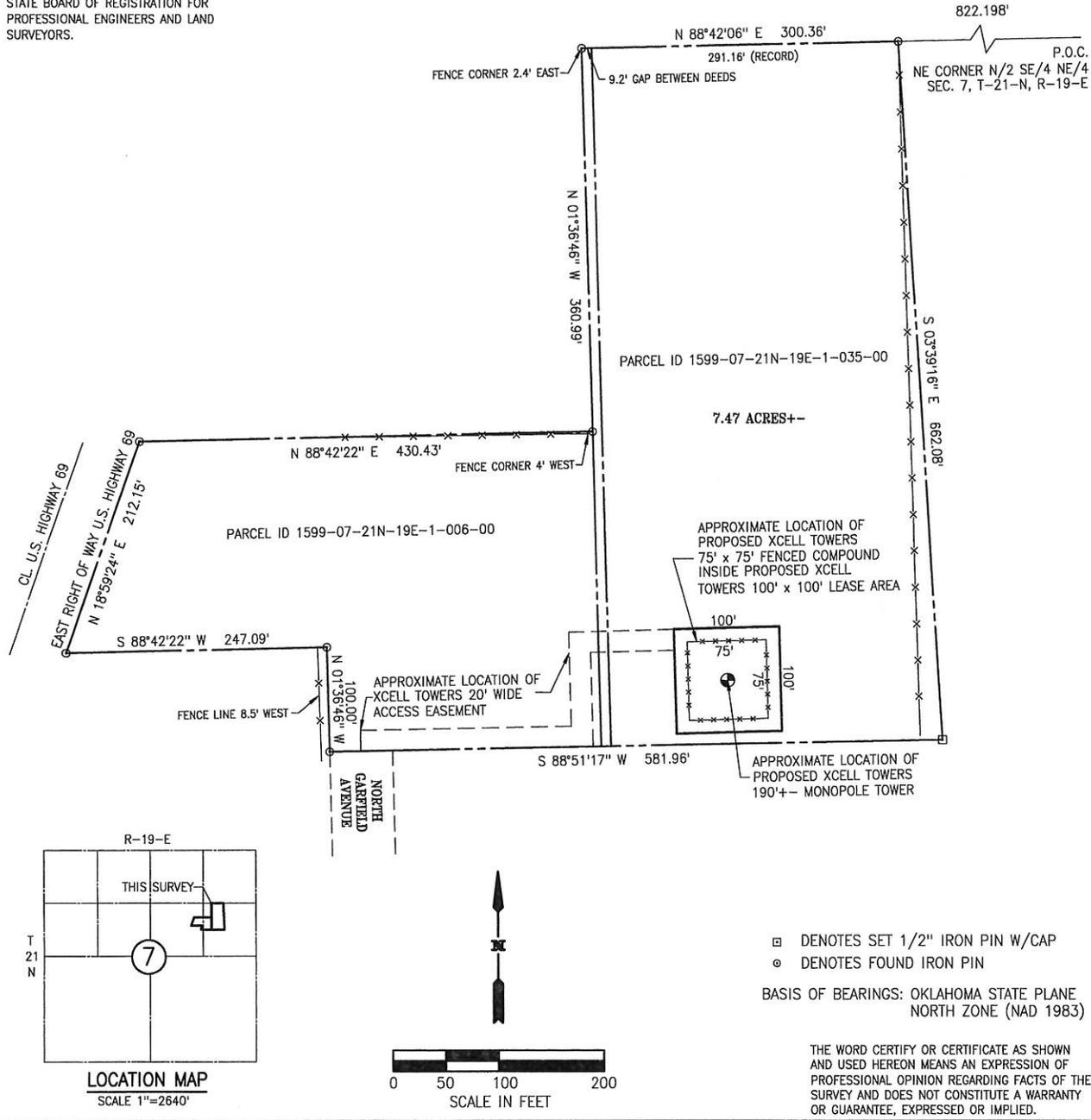
In granting any special exception, the Board may make appropriate conditions or safeguards, may limit the approval to a specified period of time and may require a bond or other guarantee necessary to enforce compliance with the conditions.

If your application is approved, you may need additional permits. Contact the City of Pryor Creek Building Inspector's Office at (918) 825-1679.

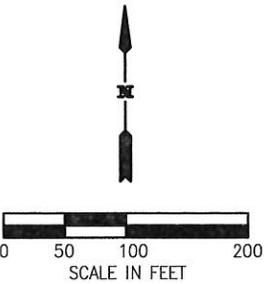
City of Pryor Creek
P.O. Box 1667
12 North Rowe Street, 2nd floor
Pryor, Oklahoma 74362
(918) 825-0888 FAX: (918) 825-6577

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

SURVEY PLAT



LOCATION MAP
SCALE 1"=2640'



□ DENOTES SET 1/2" IRON PIN W/CAP
 ○ DENOTES FOUND IRON PIN
 BASIS OF BEARINGS: OKLAHOMA STATE PLANE NORTH ZONE (NAD 1983)

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

CERTIFICATE

I, Brett King, the undersigned, a Registered Professional Land Surveyor L.S. 1533, in the State of Oklahoma, of Landmark Surveying, C.A. 4572 6-30-15, of 245 South Taylor, P.O. Box 1328, Pryor, Oklahoma (918-825-2804) do hereby certify that a careful survey of the following described property was made under my supervision:

The South 299 feet of the West 198 feet of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter; AND the North 199 feet of the South 299 feet of that part of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter lying East of the Easterly Right of Way of U.S. Highway 69; and the East 60 feet of the South 100 feet of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter of Section 7, Township 21 North, Range 19 East of the Indian Base and Meridian, Mayes County, State of Oklahoma.

AND

A tract of land in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 7, Township 21 North, Range 19 East of the Indian Base and Meridian, more particularly described as follows to-wit: Commencing at the Northeast corner of the North Half of the Southeast Quarter of the Northeast Quarter; thence S 88°42'20" W for a distance of 822.198 feet to the point of beginning; thence S 88°24'20" W for a distance of 291.16 feet; thence S 01°36'12" E for a distance of 660 feet; thence N 88°42'20" E for a distance of 314.86 feet; thence North to the point of beginning.

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

Witness my hand and seal this 30th day of September, 2014.



SMITH BROTHERS

ABSTRACT

200 East Graham Avenue, Pryor, OK 74361

Phone: 918-825-2060 • Fax: 918-825-2064

STATE OF OKLAHOMA }
COUNTY OF MAYES } SS

SPECIAL CERTIFICATE

IN RE: The South 299 feet of the West 198 feet of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW¼ SE¼ NE¼) ; AND the North 199 feet of the South 299 feet of that part of the Northeast Quarter of the Southwest quarter of the northeast Quarter (NE¼ SW¼ NE¼)lying East of the Easterly Right-of-Way of U.S. Highway No. 69; and the East 60 feet of the South 100 feet of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE¼ SW¼ NE¼) of Section 7, Township 21 North, Range 19 East of the Indian Base and Meridian, Mayes County, State of Oklahoma.

AND

A tract of land in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW¼ SE¼ NE¼) of Section 7, Township 21 North, Range 19 East of the Indian Base and Meridian, more particularly described as follows to-wit: commencing at the Northeast corner of the N½ SE¼ NE¼; Thence South 88° 42' 20" West for a distance of 822.198' feet to the point of beginning; thence South 88° 24' 20' West for a distance of 291.16 feet; Thence South 1° 36' 12" East for a distance of 660 feet; Thence North 88° 42' 20" East for a distance of 314.86 feet; Thence North to the point of beginning.

The undersigned a duly bonded and qualified abstract company within and for Mayes County, Oklahoma, hereby certifies that the current year's tax rolls in the office of the Mayes County Treasurer shows the names and addresses of the owners of the property abutting and within 300 feet in any direction of the before described real estate as follows, to-wit:

NAME AND ADDRESS

LEGAL DESCRIPTION

LML Investments
654 N. 431
Pryor, OK 74361

7-21-19

Bobby D. Maguire
519 Garfield
Pryor, OK 74361

7-21-19

John McPherson
c/o Helen McFarland
625 S 429
Pryor, OK 74361

7-21-19

John & Deadra Vandenroeke
511 N. Garfield
Pryor, OK 74361

7-21-19

Marvin Hedgpath
402 NE 5th St.
Pryor, OK 74361

7-21-19

MCSHA Affordable Housing-Pryor
Attn: Midland Loan Servicing LP
700 N Elliott
Pryor, OK 74361

7-21-19

LML Investments, LLC
C/O Savage, Savage, & Brown
P.O. Box 22845
Oklahoma City, OK 74123-1845

7-21-19

Thelma Nunly
996 N. Elliott
Pryor, OK 74361

7-21-19

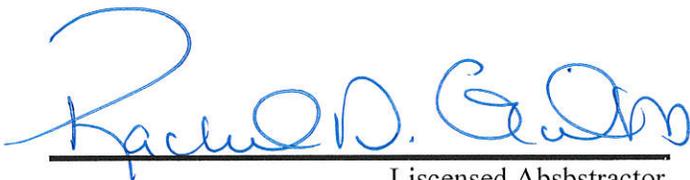
Clayton & Lori Larremore
654 N 431
Pryor, OK 74361

Hawblitz Addition
Lots 1,2,3,4,5,20,21,22,23,24 & Adj Alley

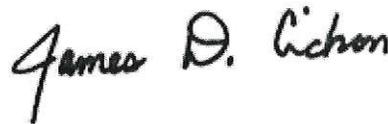
IN WITNESS WHEREOF, We have hereunto set our hand and seal at office in the City of Pryor, Oklahoma, this 4th day of March, 2016 at 7:00 AM.

Smith Brothers Abstract & Title Co., LLC

ATTEST:



Licensed Absbtractor
Abstractor License # 3218



President
Abstractor License # 1069

Invoice No. 31248