

NOTICE OF MEETING
ZONING BOARD OF ADJUSTMENT

TYPE OF MEETING

REGULAR MEETING	(X)	RESCHEDULED REGULAR MEETING	()
SPECIAL MEETING	()	CONTINUED OR RECONVENED MEETING	()

DATE:	TIME:	PLACE OF MEETING:
<u>09.17.2020</u>	<u>2:30 P.M.</u>	<u>Commission Chambers</u> <u>City Hall, 9th & Broadway</u> <u>Shawnee, OK 74802-1448</u>

To be completed by person filing notice:

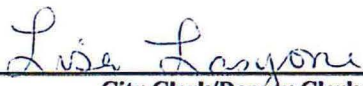
NAME: Rebecca Blaine

TITLE: Planning Director

ADDRESS: P. O. Box 1448
Shawnee, OK 74802-1448

PHONE: (405) 878-1616

Filed in the office of the municipal clerk at 3:15 a.m. / (p.m.) on 09.14.2020

SIGNED: 
City Clerk/Deputy Clerk

~~~~~

**FOR CITY CLERK'S OFFICE USE ONLY**

**DATE NOTICE RELEASED TO NEWS MEDIA:** 09-14-2020

**PERSON FILING NOTICE:** Rebecca Blaine

**NOTICE VERIFIED BY:** Lisa Laszlo

**AGENDA  
CITY OF SHAWNEE  
ZONING BOARD OF ADJUSTMENT  
SEPTEMBER 17<sup>TH</sup>, 2020 AT 2:30 P.M.  
COMMISSION CHAMBERS  
CITY HALL, 16 W 9<sup>TH</sup> ST**

- 1)** Roll Call
- 2)** Consideration of approval of the minutes from the regular meeting of the Zoning Board of Adjustment on August 20<sup>th</sup>, 2020.
- 3)** Case #ZBOA04-20 – Public hearing and consideration of approval of a variance request for a 33' setback for a communications tower from the north property line located at 815 N. Harrison Avenue.  
Applicant: Troy Williams, Branch Communications, on behalf of AT&T
- 4)** New Business
- 5)** Commissioners' Comments
- 6)** Adjournment

## **ZONING BOARD OF ADJUSTMENT**

**DATE: August 20<sup>th</sup>, 2020**

The Zoning Board of Adjustment met at a regularly scheduled meeting on Thursday, August 20<sup>th</sup>, 2020 at 2:45 p.m. in the Commission Chambers at City Hall, Shawnee, Oklahoma, Pottawatomie County, pursuant to notice duly posted as prescribed by law.

### **AGENDA ITEM NO. 1:**

#### **Roll Call**

Upon roll call the following members were present: Tim Burg, Holly Gordon and Brandon Dyer.

A quorum was declared present.

**NOTE:** Mark Cannon and Crystal Richardson were absent.

### **AGENDA ITEM NO. 2:**

**Consideration of approval of the minutes from the regular meeting of the Zoning Board of Adjustment on December 19<sup>th</sup>, 2019 and the minutes from the regular meeting of July 16<sup>th</sup>, 2020.**

Chairwoman Gordon asked for a motion. Commissioner Burg made a motion to approve both sets of minutes to form which was seconded by Commissioner Dyer. The motion passed 3-0.

Motion passed:

**AYE: Burg, Gordon, Dyer**

**NAY: None**

**ABSTAIN: None**

### **AGENDA ITEM NO. 3:**

**Case #ZBOA03-20 – Public hearing and consideration of approval of a variance request for gravel in lieu of hard surface located at the most eastward parcel on the southside of American Way comprised of 7.5 acres.**

**Applicant: Indaco Metals**

Planning Director Rebecca Blaine presented staff report. She stated the applicant was requesting a variance from the hard surface ordinance (concrete or asphalt) required in commercial and industrial zoning districts as part of their building expansion. She mentioned eight of the eleven parcels on American Way did have gravel currently on their parcels. She mentioned no one had provided written correspondence to object to the application, although one citizen notified did call to inquire about the application. Staff recommended approval of the application.

No citizens came forward for the public hearing portion of this item. The public hearing portion of the meeting was closed.

Commissioner Burg made a motion to approve the variance as requested, which was seconded by Commissioner Dyer. The motion passed 3-0.

Motion passed:

**AYE: Burg, Dyer, Gordon**

**NAY: None**

**ABSTAIN: None**

**AGENDA ITEM NO. 4:**

**Commissioners Comments and/or New Business**

Commissioner Burg mentioned the busyness of economic development. Director Blaine stated the last month's sales tax were up year-over-year.

**AGENDA ITEM NO. 5:**

**Adjournment**

The meeting was adjourned at 2:54 p.m.

---

Chairwoman/Vice-Chairman

*Rebecca Blaine*  
Planning Director

City of Shawnee  
Planning Department  
222. N. Broadway  
Shawnee, OK 74801  
(405) 878-1616  
Fax: (405) 878-1587  
www.ShawneeOK.org



CASE # ZBOA04-20  
PUBLIC HEARING DATE:  
September 20<sup>th</sup>, 2020

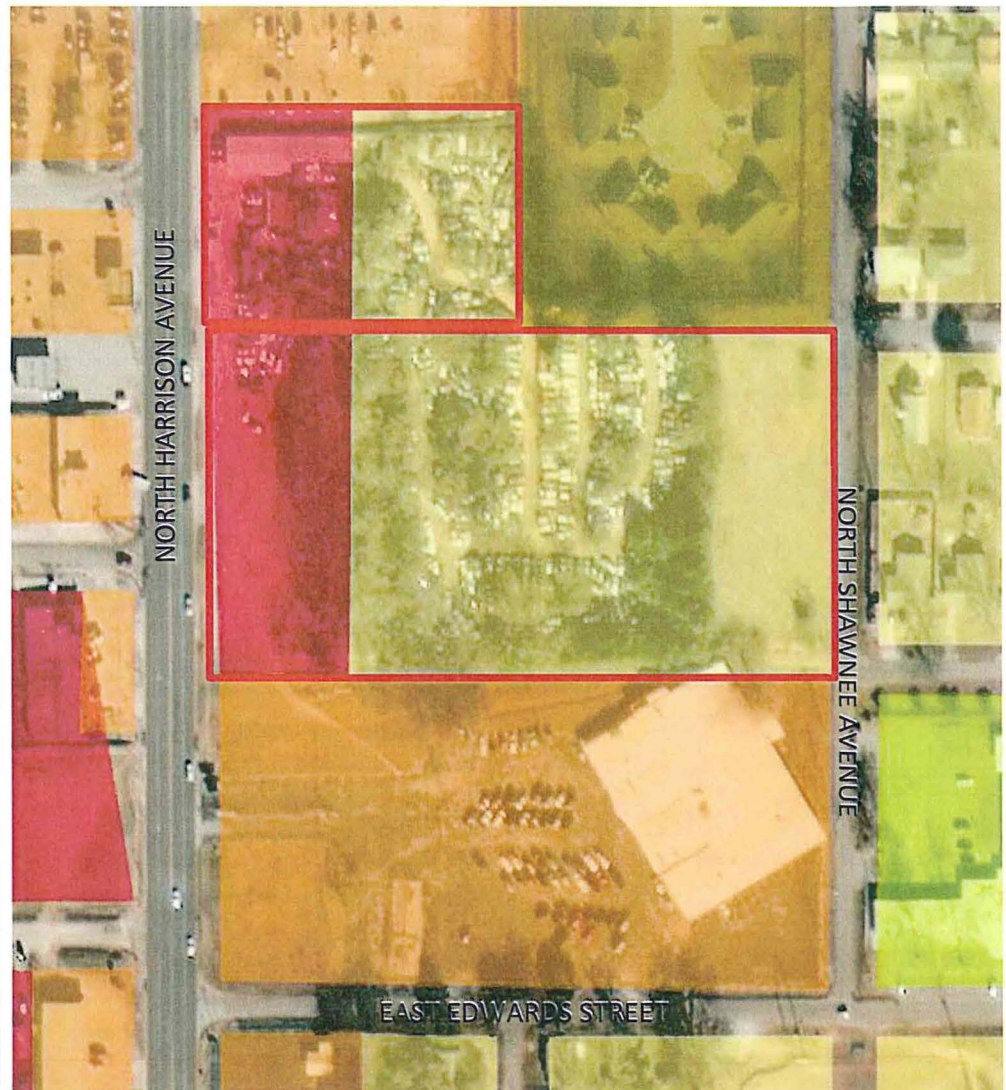
APPLICANT:  
Troy Williams

1900 Northwest Expressway, Suite 800  
Oklahoma City, Oklahoma, 73118

PROPERTY ADDRESS/LOCATION:

Approximately 801 N. Harrison Avenue, located on S&S Auto Salvage at 815 N. Harrison Avenue

The applicant, Troy Williams, is requesting a 33' variance for the north setback of a proposed 110-foot monopole sectional cell tower. The subject property is located on the S&S Auto Salvage lot at 815 N. Harrison Avenue.



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                    |                                                                                                                                   |                                                  |                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------------|
| EXISTING ZONING:<br>C-3 w/ CUP (Conditional Use Permit)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | EXISTING LAND USE:<br>Auto salvage | SURROUNDING ZONING & LAND USE:<br>R-1 (Single Family Residential)<br>R-2 (Medium Density Residential)<br>C-3 (Highway Commercial) | SUBDIVISION:<br>Part of the old Elmwood Addition | PROPERTY SIZE:<br>6.5 acres |
| <b>STAFF RECOMMENDATION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                    |                                                                                                                                   |                                                  |                             |
| <p>The applicant has requested a deviation from the Zoning Code to allow for a 110-foot monopole sectional cell tower to be within the 88-foot required setbacks for a tower of this height. The current tower location is 55' from the northern property line adjacent to R-2 (Medium Density Residential District). The property has filed for a rezone from C-1 (Neighborhood Commercial) to C-3 (Highway Commercial) with CUP (Conditional Use Permit). Chapter 22 of the Code of Ordinances, Zoning Code, Section 175, General Use Restrictions, Subsection 20, Communication Towers/Cell Phone Towers, B(2), states that "All sectional towers shall maintain a setback of eighty (80%) percent of the tower height from the property line". Thus, the proposed cell tower will require setback variances. Our ordinance is antiquated and does not mention self-collapsing towers; therefore, the fall radius requirement is in reference to an archaic tower design that would be a sole structure that would literally fall over in one direction due to high wind gusts, a tornado, or another act of God.</p> <p>Chapter 22 of the Code of Ordinances, Zoning Code, Section 200, Board of Adjustment, Subsection 7, Variances, states that a variance may be granted only upon finding by the Board of Adjustment that:</p> <ul style="list-style-type: none"> <li>• The application of the Code to the particular piece of property would create an unnecessary hardship;</li> <li>• Such conditions are peculiar to the particular piece of property involved;</li> <li>• Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Code or the Comprehensive Plan; and</li> <li>• The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.</li> </ul> <p>Within City limits, there are gaps of coverage between existing cell towers in the cellular coverage network. There are few properties within this gap that adequately meet the needs this cell tower is intended to fill coverage wise. COVID-19 has also raised the demand for bandwidth due to more residents working from home and students learning virtually. Because of this, the application of the code to this area results in an unnecessary hardship, and the conditions surrounding the lack of available suitable properties for a cell tower to meet the coverage needs are peculiar. The City of Shawnee has limited authority in its review of cell towers and for what reasons they may be denied as mandated by the Federal Communications Commission.</p> <p>Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Zoning Code or the 2040 Comprehensive Plan, in the opinion of Staff.</p> <p><b>Staff hereby recommends the Zoning Board of Adjustment grant the requested variance for 33' north setback for a 110-foot monopole sectional cell tower.</b></p> |                                    |                                                                                                                                   |                                                  |                             |

|                          |                 |                                                 |                       |                   |
|--------------------------|-----------------|-------------------------------------------------|-----------------------|-------------------|
| APPROVE                  |                 | APPROVE WITH CONDITIONS                         |                       | DENY              |
|                          |                 |                                                 |                       |                   |
| ATTACHMENTS:<br>(CIRCLE) | SUBMITTED PLANS | PUBLIC HEARING<br>PETITION/<br>APPLICATION FORM | LEGAL NOTICE          | LEGAL DESCRIPTION |
| PUBLIC COMMENTS          | AGENCY COMMENTS |                                                 | RESPONSE TO STANDARDS |                   |
|                          |                 |                                                 |                       |                   |

7/22/2019

Planning Department  
Shawnee Board of Adjustment  
222 N. Broadway  
Shawnee, OK 74801

RE: Proposed 110' Sectional Monopole tower

Board of Adjustments,

AT&T is proposing to install a 110' sectional monopole tower to enhance Cellular, Data, Broadband WiFi and First Net (First Responders) coverage in Shawnee. The proposed site will be located at 801 N Harrison Ave., Shawnee, OK 74801 on Mr. & Mrs. Smith, S&S Auto Salvage property.

We are asking the Shawnee BOA for a height variance for the 110' sectional monopole tower, including a variance for the 80% setback or 88' from the North and South Property line. Mr. & Mrs. Smith also own the property to the North. I have letters from the property owners to the South and they stated they had no objections and welcomed the service. (N. Aline Smith and Virginia Dyer letters attached)

AT&T has leased a 50' x 50' area on the parcel south of S&S Auto Salvage office parcel. The Lease area is on a parcel which measures 109.70' x 659.20' and AT&T will utilize existing access entrance on N Harrison Ave. and existing paths to the site. The Property has been a salvage yard business and family business since 1948.

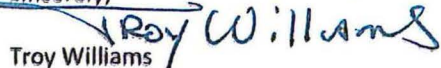
The Hardship for wireless communication is due to the lack of infrastructure for collocation in this area of Shawnee. The proposed location fits perfectly within the middle of AT&T's existing sites to the North, Northwest, Southwest and Southeast. The existing use and the area needed for a Salvage yard storage yard limits development in the proposed tower area due to the unique shape of the 109.70' x 659.20' lot/parcel. The two parcels to the South are also used by S&S Auto Salvage. The Pandemic has also show AT&T that the residential areas need enhanced in-building coverage due to many people are working remote from home. This location will add the necessary capacity to fill the increased usage and add FirstNet to Shawnee.

AT&T is asking Shawnee BOA to allow an AT&T Cell tower in the property as shown on the Survey, Aerials and Cd's, etc., AT&T will be able to add infrastructure to Shawnee for AT&T communication services and future wireless carriers will have the ability to collocate and provide additional coverage to this area of Shawnee. The property already has substantial existing tree growth surrounding the proposed tower area and will be fenced to secure the site.

Enclosures:  
Zoning BOA application  
Construction Drawings & Tower Structural Profile  
Property information, Survey and Legal Descriptions  
FAA not required, Zoning Map, Photos of property, Photo Simulations  
300' List Certificate

I look forward to the opportunity to discuss this proposal.

Sincerely,



Troy Williams  
CBR / Branch Communications  
405-833-2040

[Troy.williams@branchcomm.net](mailto:Troy.williams@branchcomm.net)

PLANNING DEPARTMENT  
222 N. BROADWAY  
SHAWNEE, OK 74801



PHONE: (405) 878-1616  
FAX: (405) 878-1587

**ZONING BOARD OF ADJUSTMENT**

**PROJECT NO.** \_\_\_\_\_ **CASE NO.** \_\_\_\_\_

NAME OF PROPERTY OWNER: TEA M. Smith & Rhonda S. Smith

ADDRESS: 815 N. Harrison Ave.

CITY: Shawnee STATE: OK ZIP CODE: 74801

TELEPHONE: (405) 275-0606

APPLICANT'S NAME: AT&T by Troy Williams

APPLICANT'S RELATIONSHIP TO OWNER (S): [CHECK ONE] SAME ☐ AGENT ☒

APPLICANT'S ADDRESS: 1900 NW Expressway, Suite 800

CITY: OKC STATE: OK ZIP CODE: 73118

TELEPHONE: (405) 833-2040

(PLEASE COMPLETE FOR THE PROPERTY THAT THE VARIANCE IS REQUESTED FOR.)

PROPERTY LOCATION (ADDRESS): 801 N. Harrison Ave.

LEGAL DESCRIPTION: SEE ATTACHED.

(DIMENSIONS OF PROPERTY) AREA: 1.66 ac WIDTH: 109.70'

LENGTH: 659.20 FRONTAGE: 109.70'

CURRENT ZONING: Comm/Res CURRENT USE: Auto Salvage

VARIANCE REQUESTED: 110' sectional monopole in A Residential zoned part of the property & set back from property lines

APPLICATION, OWNERSHIP LISTING AND PAYMENT  
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING

Troy Williams  
**APPLICANT'S SIGNATURE**

\*\*\*\*\*  
(OFFICE USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this \_\_\_\_ day of, \_\_\_\_ 20\_\_\_\_.

**FILING FEE: \$90.00**

**RECEIPT NO:** \_\_\_\_\_

**ZBOA DECISION:** \_\_\_\_\_

\_\_\_\_\_  
**ZONING BOARD OF ADJUSTMENT SECRETARY**

CITY OF SHAWNEE  
PUBLIC HEARING NOTICE  
CASE #ZBOA04-20

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on a proposed variance of property located within the City of Shawnee.

The property requesting a variance is described as follows:

|                                |                                                      |
|--------------------------------|------------------------------------------------------|
| General Location Known As:     | <u>801 N. Harrison</u>                               |
| Current Zoning Classification: | <u>C-1 (Neighborhood Commercial)</u>                 |
| Requested Variance:            | <u>Variance of 33' for cell tower radius setback</u> |
| Applicant:                     | <u>AT&amp;T</u>                                      |

The public hearing will be held by the Zoning Board of Adjustments as follows:

**PARENT TRACT DESCRIPTION**

A tract of land described as Beginning at the Northwest Corner of the Southwest Quarter of the Southwest Quarter (NW/C SW/4 SW/4) of Section Seventeen (17), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence N89°28'24"E along the North line of said SW/4 SW/4 a distance of 659.20 feet to the East line of the North Half of the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (N/2 NW/4 SW/4 SW/4); thence S00°46'35"E along said East line a distance of 109. 70 feet; thence S 89°28'24"W a distance of 659.20 feet to the West line of said SW/4 SW/4; thence N00°46'41 "W along said West line a distance of 109. 70 feet to the Point of Beginning. containing 1.66 acres more or less. (JOINT TENANCY WARRANTY DEED AS RECORDED IN DOCUMENT NUMBER 202000002616, DEED RECORDS OF POTTAWATOMIE COUNTY, OKLAHOMA.)

AND

A parcel of land beginning at the Southwest Corner of what was formerly known as Elmwood Addition to the City of Shawnee, Oklahoma, running thence North 160 feet; thence East 330 feet; thence South 160 feet; thence West 330 feet to the places of beginning; being otherwise fully described as follows: Beginning at a point 30 feet North and 33 feet East of the Southwest Corner of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW/4 NW/4 SW/4) of Section Seventeen (17), Township Ten (10) North, Range Four (4) East of the Indian Meridian, running East 330 feet; thence North 160 feet; thence West 330 feet; thence South 160 feet to the place of beginning. All of the above land being in the SW/4 of the NW/4 of the SW/4 of Section 17, Township 10 North, Range 4 East. (WARRANTY DEED AS RECORDED IN INSTRUMENT# 200500017294, DEED RECORDS OF POTTAWATOMIE COUNTY, OKLAHOMA.)

**LEASE SITE DESCRIPTION**

A tract of land lying in and being a part of the SW/4 of Section 17, Township 10 North, Range 4 East, Indian Base and Meridian, Pottawatomie County, Oklahoma and being further described in Instrument Number 202000002616, Deed Records of Pottawatomie County, Oklahoma; Said tract being more particularly described as follows:

Commencing at a Mag Nail found for the Southwest corner of said SW/4;  
Thence N 00°46'39" Won the West line of said SW/4, a distance of 1,238.17 feet to a point on said West line; Thence N 89°13'21" E perpendicular to said West line, a distance o/275.34 feet to a Calculated corner for the Southwest corner, said corner being the point of beginning; Thence N 00°25'43" W a distance of 50.00 feet to a 112" Iron Rod with cap set for the Northwest corner; Thence N 89°34'17" Ea distance o/50.00 feet to a Calculated Corner/or the Northeast corner; Thence S 00°25'43" Ea distance o/50.00 feet to a 112" Iron Rod with cap set for the Southeast corner; Thence S 89°34'17" W a distance of 50.00 feet to the Point of Beginning, containing 2,500.00 square feet or 0.057 acres, more or less.

August 20<sup>th</sup>, 2020    AT 2:30 P.M.:    CITY OF SHAWNEE ZONING BOARD OF ADJUSTMENTS

The item will be heard by the Zoning Board of Adjustments in the Commission Chambers located inside of City Hall at 16 W. 9<sup>th</sup> Street, Shawnee, OK 74801.

At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to be heard regarding the variance. The Board reserves the right to limit discussion and debate on the proposed variance in the public hearing, in which event those persons speaking in support or opposition of the proposed variance will be allotted equal time. Any formal protest must be filed in writing with the City Clerk during normal working hours before 5:00 p.m. a minimum of three (3) business days prior to the hearing. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 405-878-1616. A copy of the application is available electronically for public inspection during normal working hours and can be accessed from the Planning Secretary's office at 405-878-1616 or by e-mailing [rebecca.blaine@shawneeok.org](mailto:rebecca.blaine@shawneeok.org).

Witness my hand this 28<sup>th</sup> day of July 2020.

---

Rebecca Blaine, Planning Director



**DATE:** September 4<sup>th</sup>, 2020

**FROM:** Rebecca Blaine, Planning Director

**RE:** Variance request for property line setback of 33' for communications tower

**September 17<sup>th</sup>, 2020 Zoning Board of Adjustment Meeting**

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The applicant, Branch Communications on behalf of AT&T, is requesting a variance for a property legally described as:

You are receiving this letter because you own property that is within three hundred (300) feet of where this request is being proposed.

**PARENT TRACT DESCRIPTION**

A tract of land described as Beginning at the Northwest Corner of the Southwest Quarter of the Southwest Quarter (NW/4 SW/4 SW/4) of Section Seventeen (17), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence N89°28'24"E along the North line of said SW/4 SW/4 a distance of 659.20 feet to the East line of the North Half of the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (N/2 NW/4 SW/4 SW/4); thence S00°46'35"E along said East line a distance of 109. 70 feet; thence S 89°28'24"W a distance of 659.20 feet to the West line of said SW/4 SW/4; thence N00°46'41 "W along said West line a distance of 109. 70 feet to the Point of Beginning. containing 1.66 acres more or less. (JOINT TENANCY WARRANTY DEED AS RECORDED IN DOCUMENT NUMBER 202000002616, DEED RECORDS OF POTTAWATOMIE COUNTY, OKLAHOMA.)

**AND**

A parcel of land beginning at the Southwest Corner of what was formerly known as Elmwood Addition to the City of Shawnee, Oklahoma, running thence North 160 feet; thence East 330 feet; thence South 160 feet; thence West 330 feet to the places of beginning; being otherwise fully described as follows:

Beginning at a point 30 feet North and 33 feet East of the Southwest Corner of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW/4 NW/4 SW/4) of Section Seventeen (17), Township Ten (10) North, Range Four (4) East of the Indian Meridian, running East 330 feet; thence North 160 feet; thence West 330 feet; thence South 160 feet to the place of beginning. All of the above land being in the SW/4 of the NW/4 of the SW/4 of Section 17, Township 10 North, Range 4 East.

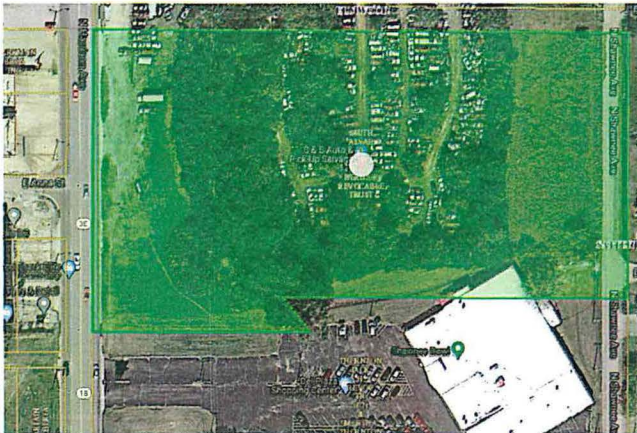
#### LEASE SITE DESCRIPTION

A tract of land lying in and being a part of the SW/4 of Section 17, Township 10 North, Range 4 East, Indian Base and Meridian, Pottawatomie County, Oklahoma and being further described in Instrument Number 202000002616, Deed Records of Pottawatomie County, Oklahoma; Said tract being more particularly described as follows:

Commencing at a Mag Nail found for the Southwest corner of said SW/4;

Thence N 00°46'39" W on the West line of said SW/4, a distance of 1,238.17 feet to a point on said West line; Thence N 89°13'21" E perpendicular to said West line, a distance of 275.34 feet to a Calculated corner for the Southwest corner, said corner being the point of beginning; Thence N 00°25'43" W a distance of 50.00 feet to a 112" Iron Rod with cap set for the Northwest corner; Thence N 89°34'17" E a distance of 50.00 feet to a Calculated Corner/or the Northeast corner; Thence S 00°25'43" E a distance of 50.00 feet to a 112" Iron Rod with cap set for the Southeast corner; Thence S 89°34'17" W a distance of 50.00 feet to the Point of Beginning, containing 2,500.00 square feet or 0.057 acres, more or less.

The Zoning Board of Adjustment will consider *a variance request for a 33' property line setback on Thursday, September 17<sup>th</sup>, 2020 at 2:30 p.m.* at their regularly scheduled meeting located in the City Commission Chambers inside of City Hall at 16 W. 9<sup>th</sup> Street. At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to be heard regarding the variance. The Board reserves the right to limit discussion and debate on the proposed variance in the public hearing, in which event those persons speaking in support or opposition of the proposed variance will be allotted equal time. Any formal protest must be filed in writing with the City Clerk during normal working hours before 5:00 p.m. a minimum of three (3) business days prior to the hearing. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 405-878-1616. A copy of the application is available for public inspection during normal working hours and can be accessed from the Planning Office at 405-878-1616 or by e-mailing [rebecca.blaine@shawneeok.org](mailto:rebecca.blaine@shawneeok.org).



Rebecca Blaine, AICP  
Planning Director

## CERTIFICATE OF BONDED ABTRACTOR (300 FEET RADIUS REPORT)

STATE OF OKLAHOMA )  
 ) §:  
COUNTY OF POTTAWATOMIE )

The undersigned bonded abstractor in and for Pottawatomie County, State of Oklahoma, does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the office of the County Treasurer of Pottawatomie County, Oklahoma, as updated by the records of the County Clerk of Pottawatomie County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described land:

## PARENT TRACT DESCRIPTION

A tract of land described as Beginning at the Northwest Corner of the Southwest Quarter of the Southwest Quarter (NW/C SW/4 SW/4) of Section Seventeen (17), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence N89°28'24"E along the North line of said SW/4 SW/4 a distance of 659.20 feet to the East line of the North Half of the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (N/2 NW/4 SW/4 SW/4); thence S00°46'35"E along said East line a distance of 109.70 feet; thence S 89°28'24"W a distance of 659.20 feet to the West line of said SW/4 SW/4; thence N00°46'41"W along said West line a distance of 109.70 feet to the Point of Beginning. containing 1.66 acres more or less. (JOINT TENANCY WARRANTY DEED AS RECORDED IN DOCUMENT NUMBER 202000002616, DEED RECORDS OF POTTAWATOMIE COUNTY, OKLAHOMA.)

AND

A parcel of land beginning at the Southwest Corner of what was formerly known as Elmwood Addition to the City of Shawnee, Oklahoma, running thence North 160 feet; thence East 330 feet; thence South 160 feet; thence West 330 feet to the places of beginning; being otherwise fully described as follows:  
Beginning at a point 30 feet North and 33 feet East of the Southwest Corner of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW/4 NW/4 SW/4) of Section Seventeen (17), Township Ten (10) North, Range Four (4) East of the Indian Meridian, running East 330 feet; thence North 160 feet; thence West 330 feet; thence South 160 feet to the place of beginning. All of the above land being in the SW/4 of the NW/4 of the SW/4 of Section 17, Township 10 North, Range 4 East.  
(WARRANTY DEED AS RECORDED IN INSTRUMENT# 200500017294, DEED RECORDS OF POTTAWATOMIE COUNTY, OKLAHOMA.)

## LEASE SITE DESCRIPTION

A tract of land lying in and being a part of the SW/4 of Section 17, Township 10 North, Range 4 East, Indian Base and Meridian, Pottawatomie County, Oklahoma and being further described in Instrument Number 202000002616, Deed Records of Pottawatomie County, Oklahoma; Said tract being more particularly described as follows:

Commencing at a Mag Nail found for the Southwest corner of said SW/4;

Thence N 00°46'39" W on the West line of said SW/4, a distance of 1,238.17 feet to a point on said West line;

Thence N 89°13'21" E perpendicular to said West line, a distance of 275.34 feet to a Calculated corner for the

Southwest corner, said corner being the point of beginning; Thence N 00°25'43" W a distance of 50.00 feet to a

1/2" Iron Rod with cap set for the Northwest corner; Thence N 89°34'17" E a distance of 50.00 feet to a

Calculated Corner for the Northeast corner; Thence S 00°25'43" E a distance of 50.00 feet to a 1/2" Iron Rod with

cap set for the Southeast corner; Thence S 89°34'17" W a distance of 50.00 feet to the Point of Beginning,

containing 2,500.00 square feet or 0.057 acres, more or less.

#### ACCESS/UTILITY EASEMENT DESCRIPTION

A 30.00 foot wide easement for ingress, egress and utility purposes crossing a part of the SW/4 of Section 17, Township 10 North, Range 4 East, Indian Base and Meridian, Pottawatomie County, Oklahoma and being further described in Instrument Number 202000002616 and Instrument Number 200500017294, Deed Records of Pottawatomie County, Oklahoma; Said easement being 15.00 feet on each side of the following described centerline:

Commencing at a Mag Nail found for the Southwest corner of said SW/4;

Thence N 00°46'39" W on the West line of said SW/4, a distance of 1,369.55 feet to a point on said West line;

Thence N 89°13'21" E perpendicular to said West line, a distance of 33.00 feet to a point on the East Statutory

Right of Way line of North Harrison Avenue, said point being the point of beginning; Thence N 88°42'22" E a

distance of 84.67 feet to a point; Thence S 47°53'13" E a distance of 46.78 feet to a point; Thence N 89°34'17" E

a distance of 50.00 feet to a point the point of termination. Sidelines of said easement to be shortened or extended such as to begin on the East Statutory Right of Way line of North Harrison Avenue and terminate 15.00 feet on each side of the above described centerline.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (4 ), both inclusive.

*NOTICE TO CUSTOMERS: This report is released with the understanding that the information is strictly confidential. This report contains information from public land records only and is not to be construed as an abstract of title, opinion of title, title commitment, title insurance policy, or environmental research report. As used herein, the term "public land records" means those land records which under the recording laws of the applicable state, impart constructive notice to the third parties with respect to recorded, unreleased or record instruments memorializing legal interests in real estate. The company suggests that you contact your attorney for matters of a legal nature or legal opinion. We have exercised due care and diligence in preparing this report, however, the Abstractor does not guarantee validity of the title and acceptance of this report by the Company or person(s) for whom this report is made, constitutes agreement and confirmation of the limitation of this report.*

Dated: July 24, 2020 at 7:30 AM

#### First American Title Insurance Company

By: 

Michelle Cook

Abstractor License No. 3286

OAB Certificate of Authority # 017

File No. 2534493-OK99

OWNERSHIP LIST

ORDER NO. 2534493

DATE PREPARED: July 29, 2020

EFFECTIVE DATE: July 24, 2020 @ 7:30 am

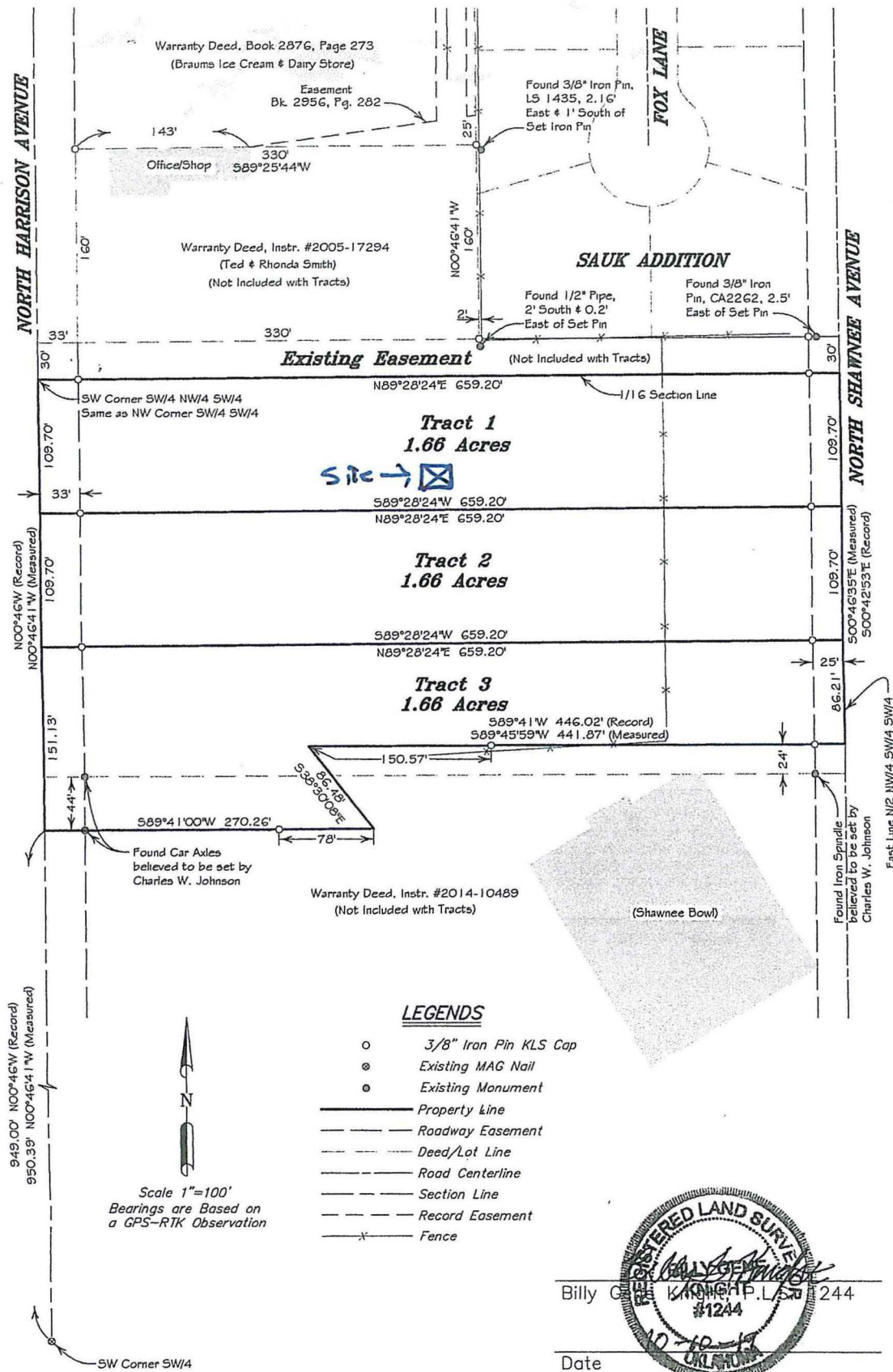
| OWNER                                                                                                            | LOT                  | BLK | ADDITION                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------|----------------------|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SMITH TED MICHAEL & RHONDA SUE<br>508 S BRYAN<br>SHAWNEE, OK 74801                                               |                      |     | ELMWOOD 17-10-4 TR.<br>FORMERLY KNOWN AS<br>ELMWOOD BEG 30'N & 33'E SW/C<br>SW NW SW E330' N160' W330'<br>S160' POB BK 258 PG 206<br>(FKA 11/1 ELMWOOD)       |
| SMITH ALVAH L & NOVIS BERNICE<br>REVOCABLE TRUST<br>PO BOX 363<br>SHAWNEE, OK 74802                              |                      |     | ELMWOOD 17-10-4 N/2 NW/4<br>SW/4 SW/4 & A TRACT<br>BEGINNING 949' NORTH OF THE<br>SW/C SW/4 E270.26'<br>N38°30'8"W55.98' W236' S44' POB<br>(FKA 13/1 ELMWOOD) |
| THORNTON JACK H REVOC TR (1/2) &<br>MARTHA THORNTON REVOC TR (1/2<br>INT)<br>701 N HARRISON<br>SHAWNEE, OK 74801 |                      |     | ELMWOOD 17-10-4 TR BEG 662'N<br>OF SW/C SW E658.9' N355'<br>W446.02' S38°E86.48' W270.26'<br>S287' POB<br>(FKA 12/1 ELMWOOD)                                  |
| NADEAU LESLIE V<br>47634 RUBEN RIVERS RD<br>EARLSBORO, OK 74840                                                  |                      |     | SATTERFIELD BLK 10 LOTS 1<br>THRU 11 AND LOTS 38 THRU 48<br>was PARKVIEW NURSING HOME                                                                         |
| PATTON JEFFERIE NEAL & LANNA<br>GENISE PATTON<br>43216 TIMBERSTONE<br>TECUMSEH, OK 74873                         | 11-12                | 15  | SATTERFIELD                                                                                                                                                   |
| MILLS BILLY & NONA<br>1118 E MARGARET<br>SHAWNEE, OK 74801                                                       | 9-10                 | 15  | SATTERFIELD                                                                                                                                                   |
| MILLS BILLY & NONA<br>1116 E MARGARET<br>SHAWNEE, OK 74801                                                       | 6-8                  | 15  | SATTERFIELD                                                                                                                                                   |
| WANO MARY<br>1112 E MARGARET<br>SHAWNEE, OK 74801                                                                | E2 OF 3 & ALL OF 4-5 | 15  | SATTERFIELD                                                                                                                                                   |
| FIXICO GENEVA & ALEXANDRIA<br>MAGDALENE HICKS<br>1106 E MARGARET<br>SHAWNEE, OK 74801                            | 1-2 & W2 OF 3        | 15  | SATTERFIELD                                                                                                                                                   |

|                                                                                                 |                  |    |                                                                                                                                   |
|-------------------------------------------------------------------------------------------------|------------------|----|-----------------------------------------------------------------------------------------------------------------------------------|
| BROWN JOHN GREGORY & PARSONS<br>KELLY DEAN<br>2510 E INDEPENDENCE #400<br>• SHAWNEE, OK 74804   | 46-48            | 15 | SATTERFIELD                                                                                                                       |
| DUSTMAN D C<br>1007 E FAY<br>• SHAWNEE, OK 74801                                                | 41-45            | 15 | SATTERFIELD                                                                                                                       |
| CASE CANDACE S<br>1117 E FAY<br>• SHAWNEE, OK 74801                                             | 39-40            | 15 | SATTERFIELD                                                                                                                       |
| KING BRETT & STEPHANIE<br>1121 E FAY<br>• SHAWNEE, OK 74801                                     | 37-38            | 15 | SATTERFIELD                                                                                                                       |
| PARKER CALEB M<br>1120 E FAY<br>• SHAWNEE, OK 74801                                             | 8-9 & W10' OF 10 | 18 | SATTERFIELD                                                                                                                       |
| VAUGHN FAMILY TRUST JAMES &<br>GLENDA VAUGHN CO-TRUSTEES<br>1115 E ALICE<br>• SHAWNEE, OK 74801 | 7                | 18 | SATTERFIELD                                                                                                                       |
| HERRON PHYLLIS & WESLEY COY<br>TRUST<br>1205 MARK ST<br>SHAWNEE, OK 74801                       | 5-6              | 18 | SATTERFIELD                                                                                                                       |
| HERRON PHYLLIS & WESLEY COY<br>TRUST<br>1205 MARK ST<br>• SHAWNEE, OK 74801                     | 3-4              | 18 | SATTERFIELD                                                                                                                       |
| CARROW PROPERTIES LLC<br>P O BOX 3487<br>SHAWNEE, OK 74802<br>•                                 | 1-2              | 18 | SATTERFIELD                                                                                                                       |
| HOUSING AUTHORITY OF THE SAC &<br>FOX NATION<br>201 N HARRISON<br>• SHAWNEE, OK 74801           | 1-11             | 1  | SAUK                                                                                                                              |
| HUNTER GRACE LLC<br>PO BOX 1466<br>• OKC, OK 73101                                              | E100' OF 7-8     | 7  | DEXTERS 2                                                                                                                         |
| QUALITY USED CARS LLC<br>914 N HARRISON<br>• SHAWNEE, OK 74801                                  | E120' OF 9-10    | 7  | DEXTERS 2                                                                                                                         |
| AUSTIN DAN W & THYRA A<br>7 THYRA TRAIL<br>MCLOUD, OK 74851<br>•                                |                  | 7  | E60' LOTS 11 & 12 GARY'S AUTO<br>SALES LESS TR STREET<br>CORNER BEG SE/C LOT 12 TH W<br>20' TH N44°14'00"E 28.28' TH S 20'<br>POB |

|                                                                         |                    |    |                                                             |
|-------------------------------------------------------------------------|--------------------|----|-------------------------------------------------------------|
|                                                                         |                    |    | DEXTERS 2                                                   |
| QUALITY USED CARS LLC<br>914 N HARRISON<br>•SHAWNEE, OK 74801           |                    | 7  | E30' W1/2 & W30' E1/2 LOTS 11 & 12<br>DEXTERS 2             |
| QUALITY USED CARS LLC<br>914 N HARRISON<br>•SHAWNEE, OK 74801           | W60' OF 9-12       | 7  | DEXTERS 2                                                   |
| PROVIDENCE REAL ESTATE LLC<br>2102 N BRYAN<br>•SHAWNEE, OK 74804        | 2-7                | 7  | DEXTERS 2                                                   |
| ECM PROPERTIES LLC<br>17501 COYOTE PASS DR<br>•EDMOND, OK 73012         | 1                  | 7  | DEXTERS 2                                                   |
| ALEXANDER SHERRY E<br>25 W KEN DEL DR<br>•SHAWNEE, OK 74804             | 4                  | 8  | RICHARD & MARY'S AP                                         |
| MR RENTALS LLC<br>28597 RIVERVIEW RD<br>•MACOMB, OK 74852               | 3                  | 8  | RICHARD & MARY'S AP                                         |
| BOARD OF COUNTY<br>COMMISSIONERS<br>14101 ACME RD<br>•SHAWNEE, OK 74804 | 2                  | 8  | RICHARD & MARY'S AP                                         |
| AZIMUTH PROPERTIES LLC<br>400 N BDWY<br>•SHAWNEE, OK 74801              | N2 OF 1, LESS E5'  | 8  | RICHARD & MARY'S AP                                         |
| MCCULLOUGH AMYLEE ILENE<br>324 S OSAGE<br>•SHAWNEE, OK 74801            | S/2 OF 1, LESS E5' | 8  | RICHARD & MARY'S AP                                         |
| A W M REAL ESTATE LLC<br>P O BOX 8387<br>•MOORE, OK 73153               |                    | 8  | E5' LOT 1 & ALL OF LOTS 5 & 6 & 9 & 10/8 RICHARD & MARYS AP |
| SPARKMAN BROS INC<br>P O BOX 218<br>SHAWNEE, OK 74802<br>•              | 7-8                | 8  | RICHARD & MARY'S AP                                         |
| CROSSTOWN OUTREACH CHURCH<br>622 S PARK<br>•SHAWNEE, OK 74801           |                    | 12 | E50' OF W125' OF N1/2 BLK 12<br>RICHARD & MARY'S AP         |
| NEWMAN DAVID M & STEPHEN<br>813 E ANNA<br>•SHAWNEE, OK 74801            |                    | 12 | W100' OF E 175' OF N1/2 BLK 12<br>RICHARD & MARY'S AP       |
| LILLEY A BRUCE & MARY K<br>400 E PULASKI<br>•SHAWNEE, OK 74804          |                    | 12 | E 75' OF N1/2 OF BLK 12<br>RICHARD & MARY'S AP              |

|                                                                 |  |    |                                                                           |
|-----------------------------------------------------------------|--|----|---------------------------------------------------------------------------|
| LILLEY A BRUCE & MARY K<br>400 E PULASKI<br>• SHAWNEE, OK 74804 |  | 19 | N/2 OF BLOCK 19, RICHARD &<br>MARY'S (BLK 17-18)                          |
| PARTAIN ROBERTA<br>46929 HARDESTY RD<br>• SHAWNEE, OK 74801     |  | 19 | S/2 BLOCK 19, RICHARD &<br>MARY'S (BLK 17-18)                             |
| PARTAIN ROBERTA<br>46929 HARDESTY RD<br>• SHAWNEE, OK 74801     |  | 12 | E75' OF S1/2 BLK 12 & W75' OF<br>E150' OF S1/2 BLK 12<br>RICAHRD & MARY'S |

## SURVEY PLAT



**KLS**  
KNIGHT LAND SURVEY

C.A. 3252 EXP. 6-30-2021  
P.O. BOX 231  
SHAWNEE, OKLAHOMA 74802  
405-273-6223

CLIENT:

TED & RHONDA SMITH  
Shawnee, Oklahoma

Drawn By: J.FOX

Checked By: BGK

DRAWING NUMBER:

Date: 10-10-19

Revised:

Sheet 1 of 2

Last Site Visit: 10-08-19

JN 1794

OKL01984

Legend

OKL01984 Shawnee Harrison Target

Smith S&S 35.20 10.4591 96.54 39.989

Google Earth

© 2013 Google

200 ft



1-7-2020

Tract 2 Name *N. Aline Smith*  
Address *1955 N. LOUISA*  
*Shawnee, OK 74801*

RE: Proposed AT&T Cell Tower

Dear Mrs. *N. Aline Smith*,

AT&T is proposing to install a 110' monopole cell tower on Ted & Rhonda Smith's property known as Tract 1, just south of the S&S Salvage office lot.

AT&T has leased a 50' X 50' area within Tract 1 and I am asking for your support for the proposed AT&T 110' monopole cell tower.

I have attached an Aerial, and Draft survey for your review.

Please let me know if you have any questions or need additional information.

Thanks again,

Troy Williams  
Branch Communications/CRB Companies, LLC  
1900 NW Expressway, Suite 800  
Oklahoma City, OK 73118

405-833-2040

Troy.williams@branchcomm.net

I am support of the project referenced above and no objections  
to the tower location.

N. ALINE SMITH



---

Printed name

1-7-2020

Tract 2 Name Virginia Dyer  
Address 12059 S. 98 E. AVE  
Bixby, OK 74008

RE: Proposed AT&T Cell Tower

Dear Mrs. Virginia Dyer,

AT&T is proposing to install a 110' monopole cell tower on Ted & Rhonda Smith's property known as Tract 1, just south of the S&S Salvage office lot.

AT&T has leased a 50' X 50' area within Tract 1 and I am asking for your support for the proposed AT&T 110' monopole cell tower.

I have attached an Aerial, and Draft survey for your review.

Please let me know if you have any questions or need additional information.

Thanks again,

Troy Williams  
Branch Communications/CRB Companies, LLC  
1900 NW Expressway, Suite 800  
Oklahoma City, OK 73118

405-833-2040

Troy.williams@branchcomm.net

I am support of the project referenced above and no objections  
to the tower location.

Virginia M. Dyer

Printed name

Virginia M. Dyer 2-26-20

14837624.dwg 05/05/2020 11:02:07 OKL01984.dwg A Construction Drawings Best - Sheet L1 - User: JMC - Jun 30, 2020 - 12:11pm



# 1 OVERALL LAYOUT PLAN

SCALE: 0' 20' 40' 80' 120'

VENDOR:  
  
**at&t**  
 Your Work. Delivered.  
 405 N. BROADWAY, 7TH FLOOR  
 OKLAHOMA CITY, OK 73102  
 PH: (405) 529-8134

  
**COMPANIES LLC**  
 OFFICE: OKLAHOMA CITY, OK  
 13431 N. BROADWAY, SUITE 120  
 OKLAHOMA CITY, OK 73114  
 (405) 753-7167  
 COA #5499

PRODUCED BY:  
  
**SPECIALTY TELECOMMUNICATIONS SERVICES, PLLC**  
 PROFESSIONAL ENGINEERS AND CONSULTANTS  
 13431 N. BROADWAY, SUITE 120  
 OKLAHOMA CITY, OK 73114  
 (405) 753-7167  
 COA #5499

SITE NAME:  
**SHAWNEE HARRISON**  
 SITE NUMBER:  
**OKL01984**  
 SITE ADDRESS:  
 801 N. HARRISON AVE  
 SHAWNEE OK 74801

ENGINEER:  
  
**SAMUEL THEADORE CURTIS**  
 No. 22174  
 OKLAHOMA  
 EXPIRES 6/30/2021

| NO | DATE     | DESCRIPTION        | BY  |
|----|----------|--------------------|-----|
| A  | 05/13/20 | PRELIMINARY ISSUE  | BDH |
| O  | 06/16/20 | CONSTRUCTION ISSUE | BDH |
| 1  | 6/30/20  | PRELIM CONST ISSUE | JWM |

SHEET TITLE:  
**OVERALL LAYOUT PLAN**  
 SHEET NUMBER: PROJECT #: REVISION:  
**L1** BY: CKD BY: JWM JWM **1**