



CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Wednesday, November 30, 2022 at 4:30 PM

AGENDA

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, retaliation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

* * *

Board Members: Brad Worster, Micky Webb, James Howard, Ben Bigelow, Curtis McCarty

ROLL CALL

ACTION ITEMS

1. Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the September 28, 2022 Regular Board of Adjustment Meeting.
2. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2223-8: FASTSIGNS, on behalf of Diamond Crest Apartments, requests a Variance of 25' to the 25' setback under 18:505(a)(2) to allow two ground signs for an apartment complex located at 101 Crestland Drive.
3. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2223-9: Telamon, on behalf of Anthemnet, requests a Variance of 113.5' to the 200' setback under 22:431.2(3)(d) for property located at 6698 East State Highway 9.

MISCELLANEOUS COMMENTS

ADJOURNMENT



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/30/2022

REQUESTER:

PRESENTER: Roné Tromble, Admin. Tech. IV

ITEM TITLE: Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the September 28, 2022 Regular Board of Adjustment Meeting.

ACTION NEEDED: Approve, reject, amend, or postpone the September 28, 2022 Minutes.

BOARD OF ADJUSTMENT MINUTES

SEPTEMBER 28, 2022

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in City Council Chambers of the Norman Municipal Complex, 201 West Gray Street, at 4:30 p.m., on Wednesday, September 28, 2022. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at <https://www.normanok.gov/your-government/public-information/agendas-and-minutes> in excess of 24 hours prior to the beginning of the meeting.

Item No. 1, being:

CALL TO ORDER

Chairman Curtis McCarty called the meeting to order at 4:30 p.m.

* * *

Item No. 2, being:

ROLL CALL

MEMBERS PRESENT

- Brad Worster
- Micky Webb
- Ben Bigelow
- James Howard
- Curtis McCarty

MEMBERS ABSENT

None

A quorum was present.

STAFF PRESENT

- Lora Hoggatt, Planning Services Manager
- Logan Hubble, Planner I
- Kelvin Winter, Code Compliance Supervisor
- Roné Tromble, Admin. Tech. IV
- Whitney Kline, Admin. Tech. III
- Beth Muckala, Asst. City Attorney

* * *

Mr. McCarty introduced new Board member Ben Bigelow and welcomed him. He also welcomed Whitney Kline, who was cross-training.

* * *

Item No. 3, being:

APPROVAL OF MINUTES OF THE AUGUST 24, 2022 REGULAR MEETING

Brad Worster moved to approve the minutes of the August 24, 2022 Regular Meeting as presented. Micky Webb seconded the motion. There being no further discussion, a vote was taken with the following result:

| | |
|--------|---------------------------------------------------------------------|
| YEAS | Brad Worster, Micky Webb, Ben Bigelow, James Howard, Curtis McCarty |
| NAYS | None |
| ABSENT | None |

The motion to approve the August 24, 2022 Board of Adjustment Regular Meeting Minutes as corrected passed by a vote of 5-0.

* * *

Item No. 4, being:

BOA-2223-6 – LANDMARK FINE HOMES REQUESTS A SPECIAL EXCEPTION TO 18:905(6) TO ALLOW THE ERECTION OF A DOUBLE-SIDED ENTRY SIGN FOR THE SPRINGS AT FLINT HILLS, LOCATED APPROXIMATELY ¼ MILE NORTH OF TECUMSEH ROAD ON THE WEST SIDE OF 12TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

- 1. Staff Report
- 2. Location Map
- 3. Application with Attachments

PRESENTATION BY STAFF:

- 1. Kelvin Winter reviewed the staff report, a copy of which is filed with the minutes.

PRESENTATION BY THE APPLICANT:

- 1. Houston Sneed, 4717 Deerfield Drive in Edmond, representing Landmark Fine Homes – Greenleaf Trails on Tecumseh has a double-sided sign. Calvary Baptist Church on Porter has a double-sided sign. I think we fit in fine with other neighborhoods and other businesses in the area that also have double-sided signs.
- 2. Mr. Howard asked about sight lines. Mr. Winter responded that it should be fine. He displayed PowerPoint images which illustrate the sign and show the distance to the street.
- 3. Mr. Bigelow asked for clarification of what is being approved. Mr. Winter responded that there are two sections to the subdivision portion of the sign code. One section allows administrative approval. Because it is a double-sided sign, instead of a single-sided sign or two single-sided signs, it has to come before the Board of Adjustment.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Brad Worster moved to approve BOA-2223-6 as presented. Micky Webb seconded the motion.

There being no further discussion, a vote was taken with the following result:

| | |
|--------|------------------------------------------------------------------------|
| YEAS | Brad Worster, Micky Webb, Ben Bigelow, James Howard, Curtis McCarty |
| NAYS | None |
| ABSENT | None |

The motion, to approve BOA-2223-6 as presented, passed by a vote of 5-0.

Mr. McCarty announced that there is a 10-day appeal period before the decision is final.

* * *

Item No. 5, being:

BOA-2223-7 – VR ANATOLE LIMITED PARTNERSHIP REQUESTS A VARIANCE TO 18:505(A)(2) OF APPROXIMATELY 20' TO THE 25' EAST SETBACK ON 36TH AVENUE N.W. FOR PLACEMENT OF A GROUND SIGN FOR PROPERTY LOCATED NEAR THE SOUTHWEST CORNER OF TECUMSEH ROAD AND 36TH AVENUE N.W. (3700 W. TECUMSEH ROAD)

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Application with Attachments

PRESENTATION BY STAFF:

1. Kelvin Winter reviewed the staff report, a copy of which is filed with the minutes.
2. Mr. Bigelow asked if there is similar signage in the area that doesn't meet the setback. Mr. Winter responded that commercial properties don't have a setback requirement. In this particular case, because the driveways are so long because of the shared drives with the commercial property on the corner, there's really not a place they can put a ground sign because it would be up against the building and with the fence around it, it would not be visible. A similar sign has been approved for the Tecumseh Road entrance, but it will meet the setback, and it will also be in line with the fence.
3. Mr. Worster asked if any protests were received. Ms. Tromble responded that none were received.
4. Mr. McCarty asked where the current sign is. Mr. Winter responded that it is up on the building.

PRESENTATION BY THE APPLICANT:

1. Michael Hughes, Image360, representing the applicant – The applicant purchased the property about a year ago from the original owners. One of the things that they were doing in their due diligence was noticing that there was very little signage directing people to this property, whether it be guests or emergency responders. At the time the PUD was developed, they did not take signage into account in the PUD. The new owners were seeking to increase the visibility from the main arteries. There is currently one sign on the building on one side of the property. Both sides have long drives that come in. They're shared drives that are shared with the commercial properties – a convenience store/gas station and Heritage Dental. The property line is down the middle of the drive, so they can't put anything in the median. The building is within 10-15' of the fence. There is a 6' wrought iron fence. It is a secured property with gates in two locations: one coming off 36th, and one toward the back of the property. The plan is for the sign to be right in the fenceline, which is about 5' back from the property line on 36th Avenue. The sign will be in the corner, at a 45° angle, at the entry. There would not be any interference with sight lines. The fence will be altered to go around the sign and be secure.

2. Mr. Worster asked if there is room for the 18" concrete pier foundation. Mr. Hughes responded that the rock wall is about 12" deep. The actual sign sits back about 18" behind that, and allows plenty of room to dig a pier. The sign is mounted by a single center pole that is concreted in.

3. Mr. Bigelow asked the special circumstance requiring the variance. Mr. Hughes said the reason for wanting a ground sign that people can see as they come into the property is to have some visibility. If the sign were at the 25' setback, there would be virtually no visibility of the sign from the road. What makes this different than the typical circumstance is that, having the joint drive, the way the property was developed makes it so you really don't have any green space. Everything around the site and across from it is virtually all commercial at both entries. There is plenty of room on the Tecumseh Road side.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Micky Webb moved to approve the variance for BOA-2223-7 as presented. James Howard seconded the motion.

There being no further discussion, a vote was taken with the following result:

| | |
|--------|------------------------------------------------------------------------|
| YEAS | Brad Worster, Micky Webb, Ben Bigelow, James Howard, Curtis McCarty |
| NAYS | None |
| ABSENT | None |

The motion, to approve variance BOA-2223-7 as presented, passed by a vote of 5-0.

Mr. McCarty announced that there is a 10-day appeal period before the decision is final.

* * *

Item No. 6, being:

MISCELLANEOUS COMMENTS OF THE BOARD OF ADJUSTMENT AND STAFF

1. Mr. Webb noted that he will not be present at the October meeting.

2. Ms. Hoggatt announced that Logan Hubble is leaving and moving to Colorado. Mr. McCarty thanked Logan for his service and wished him luck.

* * *

Item No. 7, being:

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 4:51 p.m.

PASSED and ADOPTED this 26th day of October, 2022.

Board of Adjustment



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/30/2022

REQUESTER: FASTSIGNS, on behalf of Diamond Crest Apartments

PRESENTER: Kelvin Winter, Code Compliance Supervisor

ITEM TITLE: Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2223-8: FASTSIGNS, on behalf of Diamond Crest Apartments, requests a Variance of 25' to the 25' setback under 18:505(a)(2) to allow two ground signs for an apartment complex located at 101 Crestland Drive.

ACTION NEEDED: Approve, reject, amend, or postpone the Variance.

Board of Adjustment
November 30, 2022
BOA-2223-8

STAFF REPORT

GENERAL INFORMATION

| | |
|-------------------------|----------------------------------------------------------------------------------------------------------|
| APPLICANT | FASTSIGNS, on behalf of Diamond Crest Apartments |
| LOCATION | 101 Crestland Drive |
| ZONING | RM-6, Medium Density Apartment District |
| REQUESTED ACTION | VARIANCE of 25' to the 25' setback under 18:505(a)(2) to allow two ground signs for an apartment complex |
| SUPPORTING DATA | Location Map Application with attachments Drawing of Proposed Sign |

SYNOPSIS: The applicant requests a variance of 25' to the required 25' setback for two ground signs on property zoned RM-6, Medium Density Apartment District. Applicant requests two one-sided ground signs that will not exceed 20 SF each and will be no higher than 6', which meet the code requirements other than the 25' setback. The two signs are proposed to be placed at or in the existing fence line, which is located on the property line.

The application, proposed site plan, and drawings of the proposed sign are attached for your review. Please see the applicant's responses to the three sign variance criteria below.

VARIANCE CRITERIA PER SECTION 441.11:

A variance from the terms of Chapter 18 of this code shall not be granted by the Board of Adjustment unless and until an applicant shall comply with all provisions of this section and also indicate by written application that:

- (1) There are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structure or other matters on right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions must be peculiar to the particular business or enterprise to which the applicant desired to draw attention and do not apply generally to all business or enterprises.

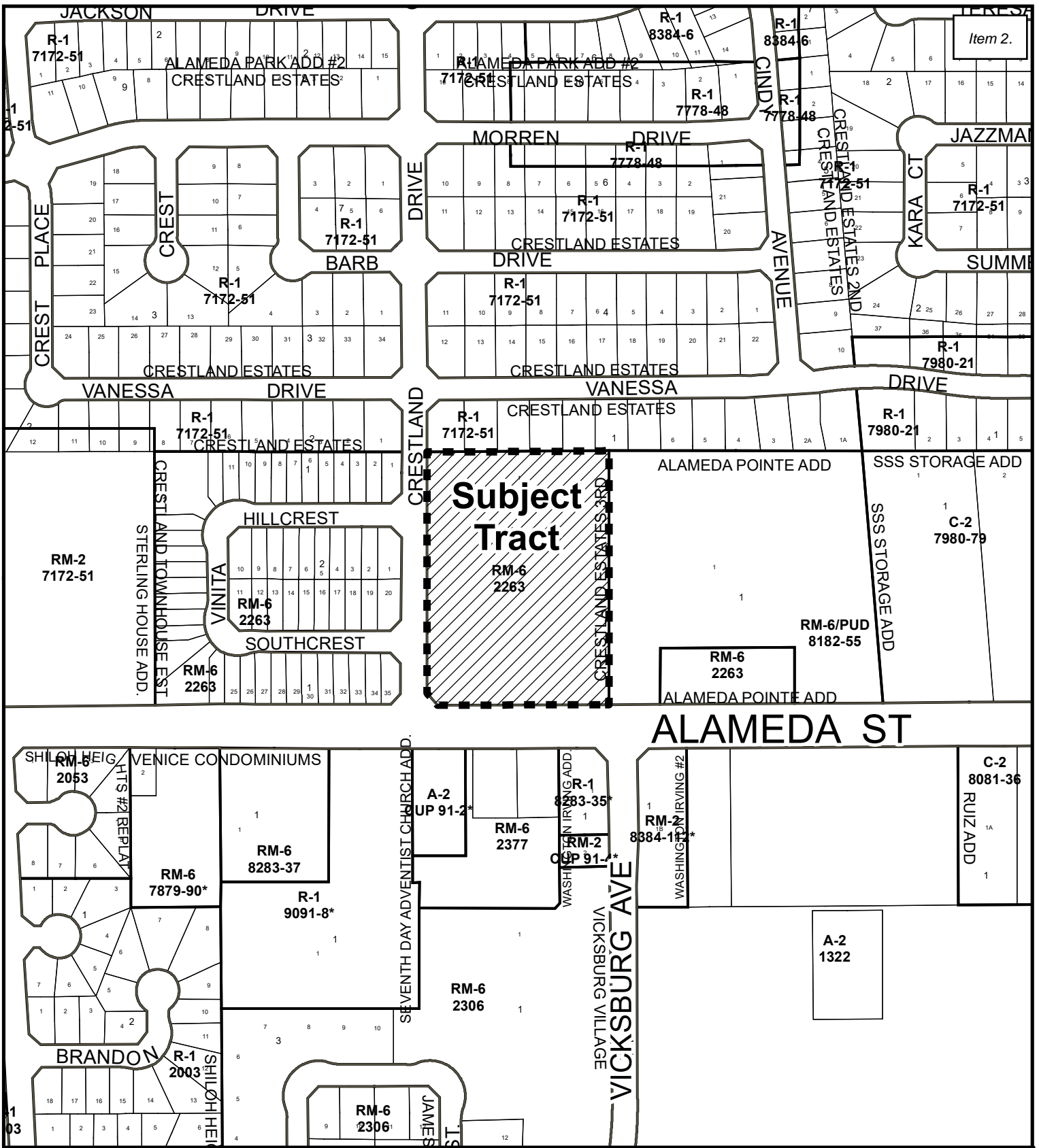
- (2) The variance would be in general harmony with the purposes of this code, and specifically would not be injurious to the neighborhood in which the business or enterprise to which the applicant desired to draw attention is located.
- (3) The variance is the minimum one necessary to permit the applicant to reasonably draw attention to his business or enterprise.

Before any SIGN VARIANCE can be granted, the Board shall make a finding that the following three requirements have been met by the applicant:

1. *There are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structure or other matters on right-of-way, which would substantially restrict the effectiveness of the sign in question: provided, however that such special circumstances or conditions must be peculiar to the business or enterprise to which the applicant desired to draw attention and do not apply generally to all businesses or enterprises.* Diamond Crest Apartments located on E. Alameda and Crestland Drive has frontage that faces several commercial properties with similar signage to our request. Although the Diamond Crest Apartments is zoned residential, the nature of the signage requested is advertising in nature similar to many properties located on Alameda within 1 mile of our property.
2. *The variance would be in general harmony with the purposes of this code, and specifically would not be injurious to the neighborhood in which the business or enterprise to which the applicant desired to draw attention is located.* The variances requested is similar to other properties in the area (see photos).
3. *The variance is the minimum one necessary to permit the applicant to reasonably draw attention to his business or enterprise.* The existing fencing would prohibit the view of the signs with a 25' setback as required by the code. The proposed signage would be located in/at the existing fence line which is located on the property line.

DISCUSSION: The proposed sign variance would place the signs in the fence line so it can be viewed by the public. Ground sign height is limited to 6' and, without the variance, would not be visible to the public at the 25' setback as required due to screening vegetation and fencing. The signs requested will meet the square footage and height requirements for the medium density residential sign code. There are other signs in the area located similarly, some with the same zoning and some in other zoning designations.

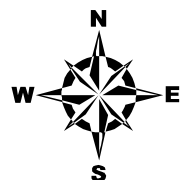
CONCLUSION: Staff forwards this request for BOA-2223-8 to the Board of Adjustment for consideration.



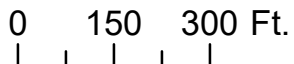
Location Map





Map Produced by the City of Norman Geographic Information System. The City of Norman assumes no responsibility for errors or omissions in the information presented.



November 3, 2022



-  Subject Tract
-  Zoning



Application for Variance or Special Exception
BOARD OF ADJUSTMENT

Case No. BOA _____

City of Norman Planning & Community Development - 201 W. Gray St., Bldg. A - Norman, OK 73069 - (405) 366-5433 Phone - (405) 366-5274 Fax

| | |
|--------------|--------------------------------------------------------|
| APPLICANT(S) | ADDRESS OF APPLICANT 101 Crestland Drive, Norman OK |
|--------------|--------------------------------------------------------|

| | |
|---------------------------------------------------------------------------------------|---------------|
| NAME AND PHONE NUMBER OF CONTACT PERSON(S) Jay Matlock - FASTSIGNS 918-893-1240 | EMAIL ADDRESS |
|---------------------------------------------------------------------------------------|---------------|


Legal Description of Property: _____

Requests Hearing for:
 VARIANCE from Chapter 18 Section 18-505
 SPECIAL EXCEPTION to

Detailed Justification for above request (refer to attached Review Procedures and justify request according to classification and essential requirements thereof):

(See page 3)

(Attach additional sheets for your justification, as needed.)

| | |
|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| SIGNATURE OF PROPERTY OWNER(S)  | ADDRESS AND TELEPHONE: 120 N. Hale St. # 300 Wheaton, IL 60189 630-590-9511 |
|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Application <input type="checkbox"/> Proof of Ownership <input type="checkbox"/> Certified Ownership List and Radius Map <input type="checkbox"/> Site Plan <input type="checkbox"/> Filing Fee of \$ | <input type="checkbox"/> VARIANCE from Chapter _____ Section _____ <input type="checkbox"/> SPECIAL EXCEPTION to | Date Submitted: _____ Checked by: _____ |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|

021117-00



CERTIFICATION OF OWNERSHIP

Case No. BOA _____

City of Norman Planning & Community Development 201 W. Gray St., Bldg. A Norman, OK 73069 (405) 366-5433 Phone (405) 366-5274 Fax

DATE: Nov. 2, 2022

I, Jeff Brown, hereby certify and attest that I am the owner, or that I have an option to purchase the following described property in the City of Norman:

AND, I further certify and attest that this legal description describes accurately the property requested for rezoning.

AND, I accept billing for the cost of publishing legal notice in the NORMAN TRANSCRIPT

Owner's Signature: [Signature]

Address: 120 N. Hale St. #300, Wheaton IL

Agent's Signature: _____

Address: _____

NOTARY

Before me, the undersigned, a Notary Public in and for the State of ~~Oklahoma~~ ^{Illinois}, on this 2nd day of November, 2022, personally appeared Jeff Brown, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

(SEAL)



My commission expires

11/19/2025

Andrea Lynne Gower
Notary Public

I hereby accept this Certification of Ownership in lieu of a deed or other legal document showing proof of ownership.

Signature: _____
Title: _____

CITY OF NORMAN

Detailed Justification for Request

Diamond Crest Apartments, located on E. Alameda and Crestland Drive has frontage that faces several commercial properties with similar signage to our request.

Although the Diamond Crest Apartments is zoned residential, the nature of the signage requested is advertising in nature similar to many properties located on Alameda within 1 mile of our property.

We request variances to:

(1) allow for ONE post/panel sign located at the property line at E. Alameda and Crestland that is similar in size, location, and direction facing as the adjacent apartment complex (Alameda Pointe) and other properties located within one 1 mile of our property **ADDENDUM A**

(2) allowance for ONE post/panel sign at south entrance to property off of Crestland Drive similar to other properties within the vicinity. Diamond Crest is a large facility with 3 entrances off of a side street. It is important that residents and future residents have clearly marked entrances to the facility.

ADDENDUM B

Variance 1 & 2 also add a level of traffic safety in properly identifying the complex as prospective tenants will be looking for ways to enter the facility from Alameda.

(See additional documentation including proposed signage as well as comparative signage installed in close proximity to the property. These 2 variances will allow the property to have similar signage as nearby facilities and will not detract from the overall look in this area. We are proposing styles, sizes, and locations that will fit well with the existing area.

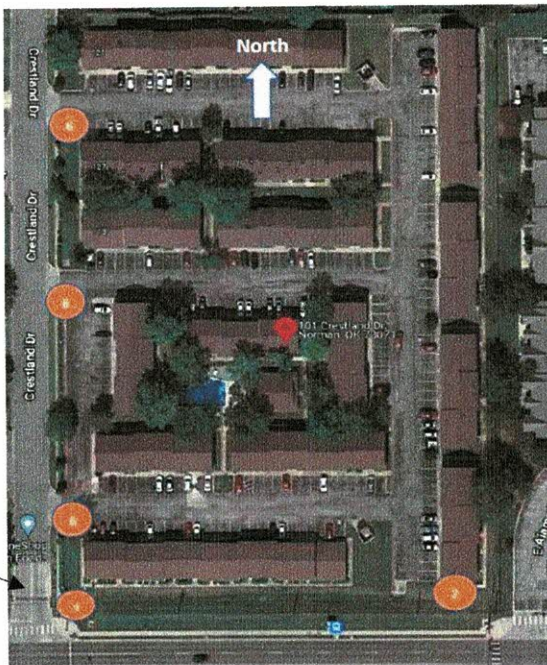
ADDENDUM A

Proposed Sign (Variance 1)



Hedges will be trimmed so that sign is located 25 ft from road similar to Almeda Pointe Apartments (see next page)

Location of sign



Similar Style, Location on Property, Size, and Direction Facing Signage

2021 E. Alameda St. (Neighboring property to the East of Diamond Crest at intersection of Alameda and Alameda)



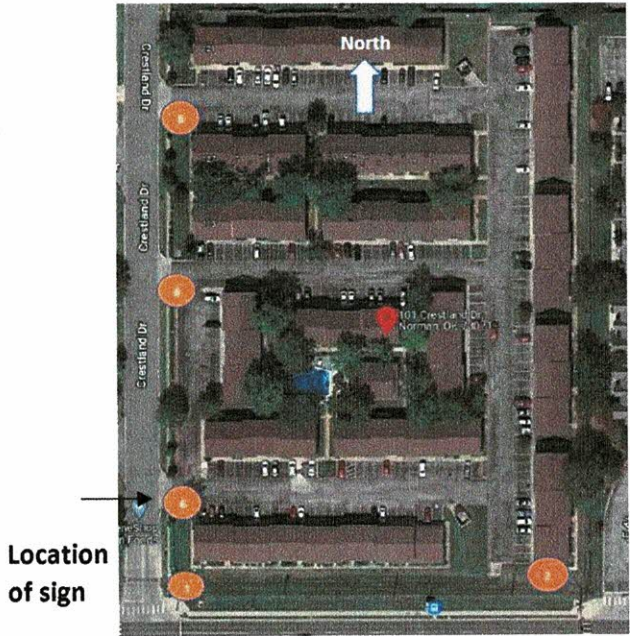
Similar style sign and location to Alameda St

1818 E. Alameda



ADDENDUM B

Proposed Sign at Entrance off of Crestland Dr. (Variance 2)



Moving signs 25 feet 'in' to the property from property line is too far for residents/future residents to read signage indicating they are turning into the correct entrance. We propose installing sign just inside fence line out of any utility easements for better visibility and wayfinding purposes.

Sign will be visible on Crestland and assist with traffic control as future tenants look to enter the property

Similar Style and Size of Sign located Near Entrance to Property

2020 E. Alameda





City of Norman Development Services Division, 201 W. Gray St., Bldg. A Norman, OK 73069 (405) 366-5339 Permits

Sign Permit Application

Permit No. _____

PROJECT ADDRESS: 101 Crestland Dr PROPERTY ADDRESS: 101 Crestland Dr BUSINESS NAME: Diamond Crest

DESCRIBE WORK: REPLACE EXISTING SIGN; MODIFY EXISTING SIGN SIGN VALUATION: \$ 6000 total

SIGN LOCATION: On-Premise DURATION: Permanent TYPE: Ground Wall Building ID

SIGN DIMENSIONS: Multiple - See Additional Info DIRECTIONS SIGN FACES: N NE NW S SE SW E W

SIGN CONTRACTOR: Fast Signs Broken Arrow ADDRESS: 927 N. Elm Rd CITY: Broken Arrow STATE: OK ZIP: 74012

PHONE #: 918-893-1240 EMAIL: 617@fastsigns.com CELL PHONE #: 918-601-5700 LICENSE #: 22-017943

Will electricity be involved? Yes No Input Amps: NA Name of Licensed Electrical Contractor: NA

PLANS REQUIRED: Applications will not be accepted without a copy* of these items. *Site Plan to scale *Elevation Drawing *Detailed Drawing of Sign more of the following items: *Footing Detail *Engineer Seal *Electrical Permit *Owner Permission *Neighborhood zoning map

INSPECTIONS REQUIRED: All sign applications require one or more of the following inspections. The holder of the permit is responsible for requesting all required inspections. *Electrical Sign (345) - Call before installation *Sign Footing (410) - Call before concrete *Elev Final (375) - Call when work is done *Sign Final (475) - Call when work is done

OTHER REQUIREMENTS: Signs with electricity require a separate electrical permit issued to an electrical contractor having an active City Electric License. Sec. 18-303

MAIL OR DELIVER TO: Building Permits & Inspections 201 W. Gray St., Bldg A Norman, OK 73069 or by email at: codecomplaints@normanok.gov (405) 366-5339 Permits (405) 366-5348 Review

The granting of a permit or approval of plans shall not be construed as permission to violate any Federal, state or local laws. Special notice is hereby given that additional requirements, notices and regulations will be printed on the permit and plans and that all additional requirements, notices and regulations will be printed on the permit and plans and that all additional requirements, notices and regulations governing this type of work will be complied with or abandoned after work is commenced, or if no inspections are obtained within a 6 month period. All permanent signs require inspections to complete the permit process. Violations of the Sign Code are misdemeanors subject to corrective action and/or penalties.

I agree to abide by all laws and ordinances governing this type of work whether specified herein or not and hereby certify that I have read and examined this application and know the same to be true and correct. Printed Name: Ray Mahole Email address: 617@fastsigns.com Signature: [Signature] Agent of Owner or Contractor Date: 10/18/22 phone #: 918-893-1240

Form with sections for: All Signs, Total SF Allowed, Total SF Existing, SF To Be Removed, SF To Remain, SF Proposed, Remainder, Notes, Frontage, S setback, Total area allowed, Total area existing, Total Existing area, Area Remaining, Area Requested, Area Remaining, Area Requested, Area Remaining, Area Requested, Fee, Top Height, Bottom Height, Zoning, Ordinance, Temporary Sign Valid From, Received on, Code Official, By, Date, Notes.



Sign Permit Application Checklist

Permit No. _____

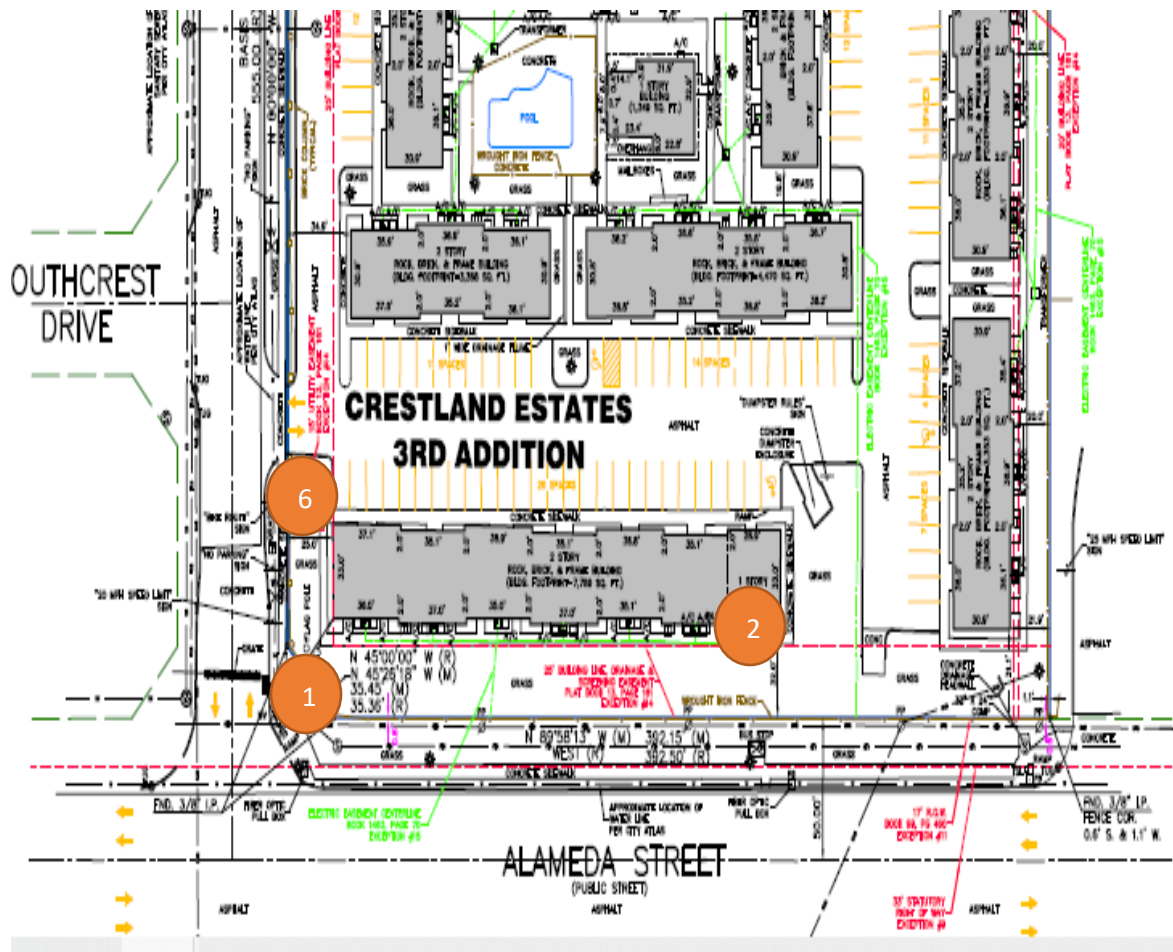
This page is not necessary for submittal but for the use of applicant to ensure all requirements are met
 City of Norman Development Services Division, 201 W. Gray St., Bldg. A, Norman, OK
 73069 (405) 366-5339 Permits

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| PROJECT ADDRESS | BUSINESS NAME | <p> <input type="checkbox"/> New Sign; <input type="checkbox"/> Replace Existing; <input type="checkbox"/> Modify Existing; <input type="checkbox"/> Face Change Only; <input type="checkbox"/> Other _____ </p> <p> Yes No N/A </p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 33%;"><input type="checkbox"/></td> <td style="width: 33%;"><input type="checkbox"/></td> <td style="width: 33%;">Completed Application</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Site Plan</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Sign Elevations</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Footing Detail - For Ground Signs (Oklahoma PE Seal May be Required)</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Electrical Permit - If Required</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Proof of Property Owner's Permission for PUD, Joint ID, Off-Premise, Annual Banner</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>ODOT or FAA Approval</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Board of Adjustment Approval</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Written Explanation of Proposed Work</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Sign Structure and Electrical Detail</td> </tr> </table> | <input type="checkbox"/> | <input type="checkbox"/> | Completed Application | <input type="checkbox"/> | <input type="checkbox"/> | Site Plan | <input type="checkbox"/> | <input type="checkbox"/> | Sign Elevations | <input type="checkbox"/> | <input type="checkbox"/> | Footing Detail - For Ground Signs (Oklahoma PE Seal May be Required) | <input type="checkbox"/> | <input type="checkbox"/> | Electrical Permit - If Required | <input type="checkbox"/> | <input type="checkbox"/> | Proof of Property Owner's Permission for PUD, Joint ID, Off-Premise, Annual Banner | <input type="checkbox"/> | <input type="checkbox"/> | ODOT or FAA Approval | <input type="checkbox"/> | <input type="checkbox"/> | Board of Adjustment Approval | <input type="checkbox"/> | <input type="checkbox"/> | Written Explanation of Proposed Work | <input type="checkbox"/> | <input type="checkbox"/> | Sign Structure and Electrical Detail |
| <input type="checkbox"/> | <input type="checkbox"/> | Completed Application | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | Site Plan | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | Sign Elevations | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | Footing Detail - For Ground Signs (Oklahoma PE Seal May be Required) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | Electrical Permit - If Required | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | Proof of Property Owner's Permission for PUD, Joint ID, Off-Premise, Annual Banner | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | ODOT or FAA Approval | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | Board of Adjustment Approval | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | Written Explanation of Proposed Work | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | Sign Structure and Electrical Detail | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A </p> <p> On Standard Size Paper (letter or legal) </p> <p> Drawn to Identifiable Scale </p> <p> Shows Scale of Drawing </p> <p> Shows North Arrow </p> <p> Shows Property Address </p> <p> Shows Business Information </p> <p> Shows Contractor's Information </p> <p> Shows Owner's Information </p> <p> Shows Property Lines & Dimensions </p> <p> Shows Easement(s) & Dimensions </p> <p> Shows Existing Signs, Buildings, & Dimensions </p> <p> Shows Precise Location of Proposed Signs </p> <p> Shows Sign Setbacks (Front/Side/Rear) </p> <p> Shows Sight Triangles (Corner 30°/Drives 10°) </p> <p> Conforms to City Approved Site Plan </p> <p> Height Less Than 50' (Highlight For Reviewer) </p> <p> Does Not Penetrate 100:1 Slope (Gave FAA Form) </p> <p> Shows Overhead Utilities Relative to Sign(s) </p> <p> Shows distance to adjacent streets & residential </p> | | <p> While everything shown below may not be applicable to your site every effort should be made to submit an adequate site plan. Please utilize Google Maps or the City of Norman GIS web maps if needed for the project submitted. </p> <p style="text-align: center;"> Site Plan Example </p> <p style="font-size: small;"> Site Plan for sign permit application, created by C. Callahan, 1/2008 </p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p> Site Plan (2 copies of all documents if a printed copy of the permit is desired) </p> | | <p> Received by: _____ Date: _____ </p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

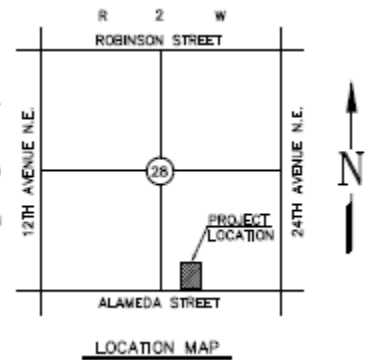
101 Crestland Drive, Norman OK



Hedges will be trimmed so that sign is located 25 ft from road similar to Almeda Pointe Apartments



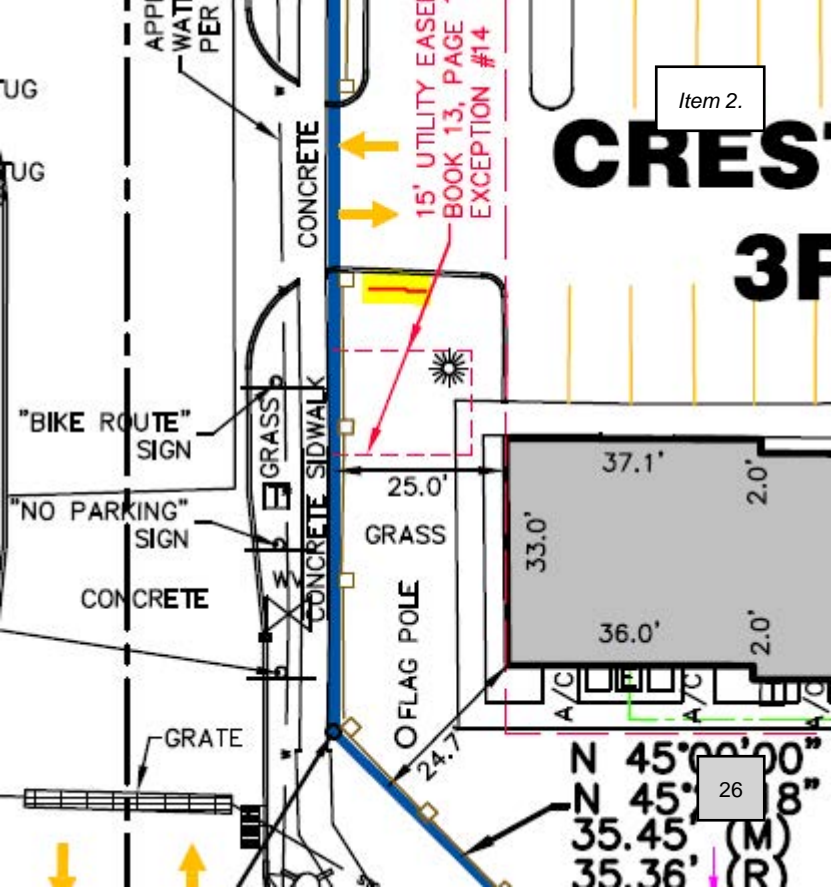
- (1) Sign will be at fence line. 40x72 size with max height.
- (2) 53"x53" metal sign on building
- (6) Sign will be post/panel just inside fenceline at first entrance on Crestland Dr Off of Alameda St



Proposed Sign at Entrance off of Crestland Dr. (Variance 2)







Item 2.

CREST
3F

15' UTILITY EASEMENT
BOOK 13, PAGE 14
EXCEPTION #14

CONCRETE

CONCRETE SIDEWALK

"BIKE ROUTE" SIGN

"NO PARKING" SIGN

CONCRETE

GRATE

GRASS

FLAG POLE

37.1'

33.0'

36.0'

2.0'

2.0'

25.0'

24.7'

N 45°00'00"

N 45°00'00"

35.45'

35.36'

26



CITY OF NORMAN, OK STAFF REPORT

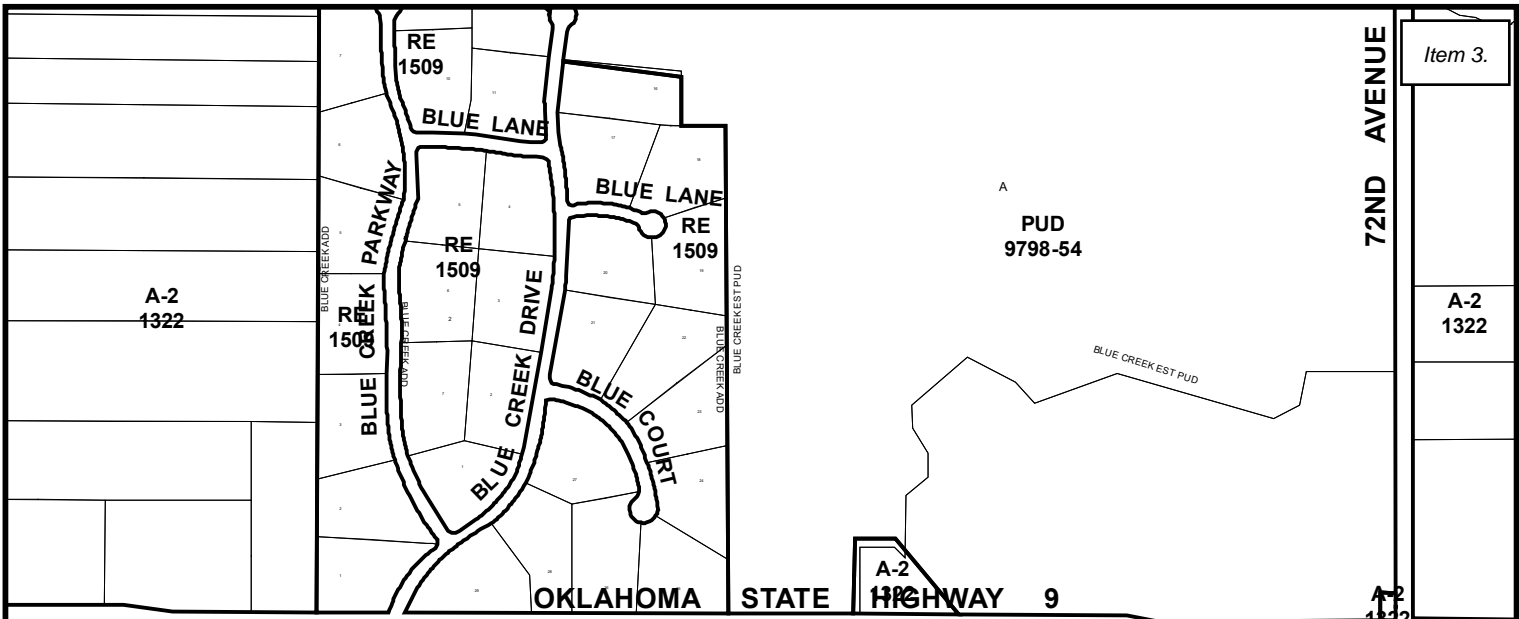
MEETING DATE: 11/30/2022

REQUESTER: Telamon, on behalf of Anthemnet

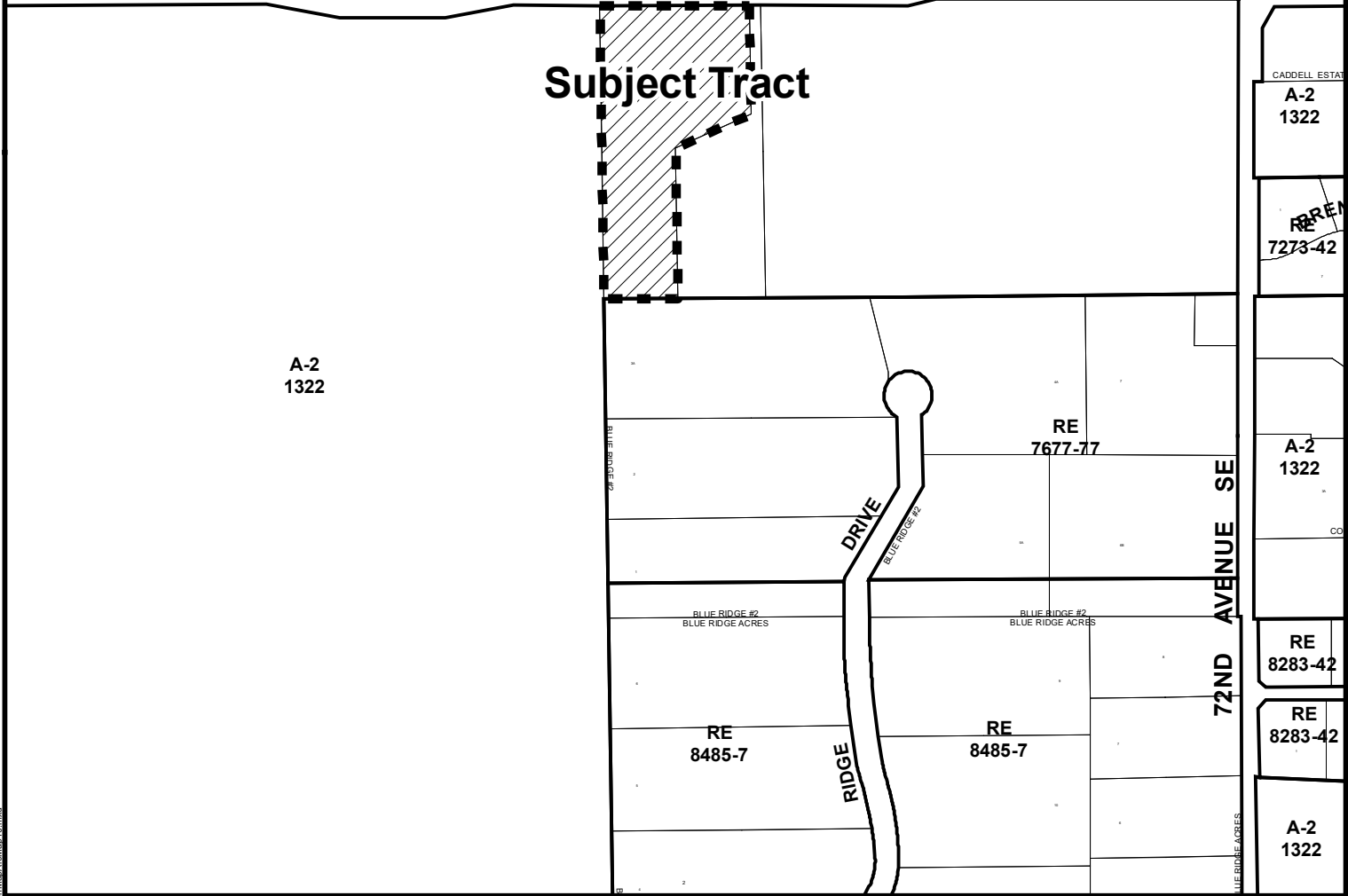
PRESENTER: Lora Hoggatt, Planning Services Manager

ITEM TITLE: Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2223-9: Telamon, on behalf of Anthemnet, requests a Variance of 113.5' to the 200' setback under 22:431.2(3)(d) for property located at 6698 East State Highway 9.

ACTION NEEDED: Approve, reject, amend, or postpone the Variance.



STATE HWY 9

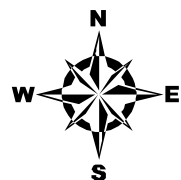


Subject Tract

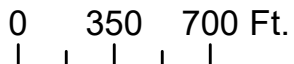
Location Map




Map Produced by the City of Norman Geographic Information System. The City of Norman assumes no responsibility for errors or omissions in the information presented.



September 6, 2022



 Subject Tract

 Zoning

\\norman-city\gis\parcels\GIS\Acres\GIS10_Map_Templates\bk11_Location_Map_ArcMap10.mxd

Board of Adjustment
November 30, 2022
BOA-2223-9

STAFF REPORT

GENERAL INFORMATION

| | |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------|
| APPLICANT | Carrie Willey, Telamon, on behalf of Anthemnet |
| LOCATION | 6698 East State Highway 9 |
| ZONING | A-2, Rural Agricultural District |
| REQUESTED ACTION | Variance of 113.5' to the 200' setback under Section 431.2(3)(d) from adjacent property used for residential purposes |
| SUPPORTING DATA | Location Map Application with attachments Site Plan |

SYNOPSIS: The applicant is requesting a variance of 113.5' to the 200' setback from the adjacent property to the west, which is used for residential purposes, to allow for construction of a Commercial Communications Tower.

The application and site plan are attached for your review. Please see the applicant's responses to the four criteria below.

VARIANCE CRITERIA PER SECTION 441.11:

A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

- (a) An applicant shall submit to the Board of Adjustment a written application indicating:
 - (1) That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district;
 - (2) That the literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - (3) That the special conditions and circumstances do not result from the actions of the applicant;

- (4) That granting the variances requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district;

No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Before any VARIANCE can be granted, the Board shall make a finding that the following four requirements have been met by the applicant:

1. ***There are special conditions or circumstances peculiar to the land or structure involved.***
See attached response from applicant.
2. ***The literal interpretation of the provisions of the Ordinance would deprive the applicant of rights enjoyed by others in the same district.***
See attached response from applicant.
3. ***The special conditions or circumstances do not result from the actions of the applicant.***
See attached response from applicant.
4. ***The granting of the Variance will not confer special privileges on the applicant that are denied to other lands and/or structures in the same district.***
See attached response from applicant.

DISCUSSION: This is an application for a variance to the required 200' setback from the property line on the west side of the subject tract for Commercial Communication Towers.

Section 431.2, Chapter 22, Zoning Ordinance requires the following:

Setbacks. No commercial tower shall be located closer than 200 feet to the boundary line of any property zoned or used for residential purposes or within 200 feet of any residential structure on the same lot.

While there is not a residential structure on this subject tract, the possibility of a residential structure on the adjacent tract to the west in the future is very real.

Normally these applications are permitted directly following their Pre-Development meeting because placement of a Commercial Communication Tower is a permitted use in the A-2 zoning district. However, a setback violation was discovered by City Staff and relayed to the applicant; staff advised them to look at other possible locations on the tract. In lieu of reconfiguring the site plan, the applicant has opted to seek a variance based on the location demonstrated at its Pre-Development meeting.

As noted above, the applicant submitted a packet with their justification of a request to vary the proposed location of the tower from what is required by ordinance.

CONCLUSION: Staff forwards this request and BOA-2223-9 for your consideration.



November 2, 2022

Re: Proposed Small Communications Tower setbacks on Bergen Holdings, LLC property

Applicant was denied approval to proceed to permitting, due to the fact that the tower is proposed only 86.5' from their westerly quarter section property line, also owned by subject landowner Bergen Holdings, LLC, and both zoned A-2 Rural Agriculture. Adjusting the proposed tower siting location would impose hardship on the landowner as well as the applicant, therefore, the Applicant would like to apply for a Variance, with the conditions of justifications for the Variance listed below.

In response to:

1. "There are special conditions or circumstances peculiar to the land or structure involved"

The land owners have agreed to and approved this section of land for the tower, for multiple reasons including the following:

- In order to aesthetically minimize the appearance of the tower from the public view (driving along Imhoff Road), they have chosen this location to 'hide' the base of the tower and equipment, by tucking within the tree-line out of direct line of visibility
- Bergen's maintain a Certified Organic grazing pasture, which is north of the heavily treed area where the tower is proposed, and is also 'bermed' off with a wall of dirt and debris, intended to keep the cattle out of the heavily treed area. Shifting the proposed tower to meet the 200' setback to adjacent Bergen parcel 166838, they would lose over approximately 2500' square feet of Organic cattle grazing land. Bergen Holdings, LLC provided a letter of approval for the applicant's proposed tower location, understanding the requirement to be 200' to the Adjacent Bergen Parcel line, but also understanding their approval does not supersede the City of Norman ordinance.
- By shifting north / northeast to meet 200' setback to the Adjacent Bergen Parcel line, that would place the tower and equipment within or very close to the proximity of a major Zone A FEMA floodplain. Being near or within the floodplain, the applicant risks damage to their telecommunications equipment due to exposure to water in case of flood. Flooding of the area could also prohibit certain timely maintenance if standing water prevents access to tower site and equipment location
- The actual resident / house / dwelling on the Adjacent Bergen Parcel is over 1/3 of a mile from the proposed tower location. The proposed Tower Site has a low impact on Adjacent Bergen Parcel: Less than 0.5 acres of Adjacent Bergen Parcel is impacted, representing 0.2% of the 226 total acres associated with the Adjacent Bergen Parcel. If the tower were sited just inside the east property line of the Adjacent Bergen Parcel—the parcel that's effectively being protected by the ordinance—the applicant would comply with applicable setbacks relevant to the Subject Bergen Parcel.
- There were no objections from the community, per the (850') Certified Ownership List at the original Pre-Development Community meeting. On September 23, 2022 The City notified the applicant that they can proceed straight to permitting; With this approval, the applicant began



581 Enterprise Drive, Edmond OK 73013
405-348-5460



ordering the regulatory and environmental due-diligence items needed to proceed with our location, such as land clearing, Geotechnical investigation, NEPA, etc. On October 4, 2022 The City notified the applicant that they are NOT approved to go to permitting due to the setback violation relative to the Adjacent Bergen Parcel. Understandably the time and cost associated with the orders placed hardship on the applicant since we had services to cancel, etc.

In response to:

2. **The literal interpretation of the provisions of the Ordinance would deprive the applicant of rights enjoyed by others in the same district;**

The City's literal interpretation of the code is causing a denial based on a setback technicality that applicant believes warrants leniency given the unique project circumstances.

- Applicant's anchor carrier, Verizon, has a substantial coverage need at this location. The tower is sited on the outer edge (~0.35 miles) from Verizon's search ring center, enabling it to satisfactorily serve a significant gap in coverage for Verizon.
- Applicant conducted exhaustive multi-year search for candidates in the area. All other candidate land owners declined to lease to Applicant. This is the only location that fulfills Verizon's search ring.
- Verizon requires a 175' height to properly fill its significant gap in coverage. This height is more important given the tower's fringe location on the edge of the search ring.
- Finally, as Verizon is planning to deploy C-Band (L-Sub6) spectrum at this Communications Tower site, it is positioned to provide *fixed wireless home broadband internet service* (branded as 5G Home) to rural residences with deficiencies, which the applicant believes may qualify this tower as a "Small Communication Tower", with setback requirements that the applicant would comply with pursuant to its current proposal. The applicant is choosing to take a more conservative approach to zoning than the alternative of applying for a Small Communications Tower because the exact timing of Verizon's initiation of 5G Home service from this communications tower site is uncertain. The applicant, however, is proposing a tower type and height and in a zone that are permitted for a Small Communication Tower per the City's ordinance.



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405-348-5460



In response to:

3. The special conditions or circumstances do not result from the actions of the applicant

The applicant arrived at the proposed tower location through an exhaustive search, with the guidance and support of the owner of the Adjacent Bergen Property and the Subject Bergen Property. The applicant's objective is to design and place the site so as to have the lowest possible impact on its surroundings, and is contending with a number of natural constraints in this effort:

- Adjacent flood plain
- Concentrated grove of trees
- Certified organic grazing pasture
- Prominent berm that separates the grove of trees from the certified organic pasture.

In response to:

4. The granting of the Variance will not confer special privileges on the applicant that are denied to other lands and / or structures in the same district

- There will be no privilege gained by the applicant if a variance were granted. The applicant would enjoy no more use out of the communications tower at the proposed location (85' from the Adjacent Bergen Parcel) than if it were located 200' from the Adjacent Bergen Parcel.
- For many months, the applicant explored all other alternative candidates on other parcels in the area zoned A-2, but was unsuccessful due to lack of owner interest.
- The communications tower site will be designed for co-location. Service providers other than Verizon (including those offering wireless home broadband such as T-Mobile and Wireless Internet Service Providers "WISPs") will be able to co-locate on the tower. The surrounding community and commuters on Imhoff Road will be the beneficiaries through increased productivity, quality of life and public safety.
 - Communications Tower Sites are permitted by the City on A-2 parcels.
 - Adjacent Bergen Parcel and Subject Bergen Parcel are zoned A-2. The primary use of both parcels is agriculture. The City's code does not contain a setback restriction for A-2 parcels without residential structures. There happens to be a residential structure on the Adjacent Bergen Parcel, but given the thoughtful positioning of the tower in a grove of trees and out of a certified organic grazing pasture that's shared amongst the Adjacent Bergen Parcel and Subject Bergen Parcel this residential structure is not any more impacted than it would be with the tower located anywhere else on either parcel.
 - There would be negative impacts to the landowner, the broader community and to the applicant of placing the tower site in a certified organic grazing pasture, in a Zone A floodplain and more prominently in the view plane of the highest-trafficked vantage



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points; any combination of which would be the case in a move away from the east parcel line of the Adjacent Bergen Parcel

- The owner of the Subject Bergen Parcel, the same owner as the owner of the Adjacent Bergen Parcel, is in support of the project, and wants the tower as sited on the Subject Bergen Parcel because doing so creates the lowest impact on the Bergen's combined landholdings.





Photo Exhibit 1

Verizon Search Ring to fill significant coverage gaps

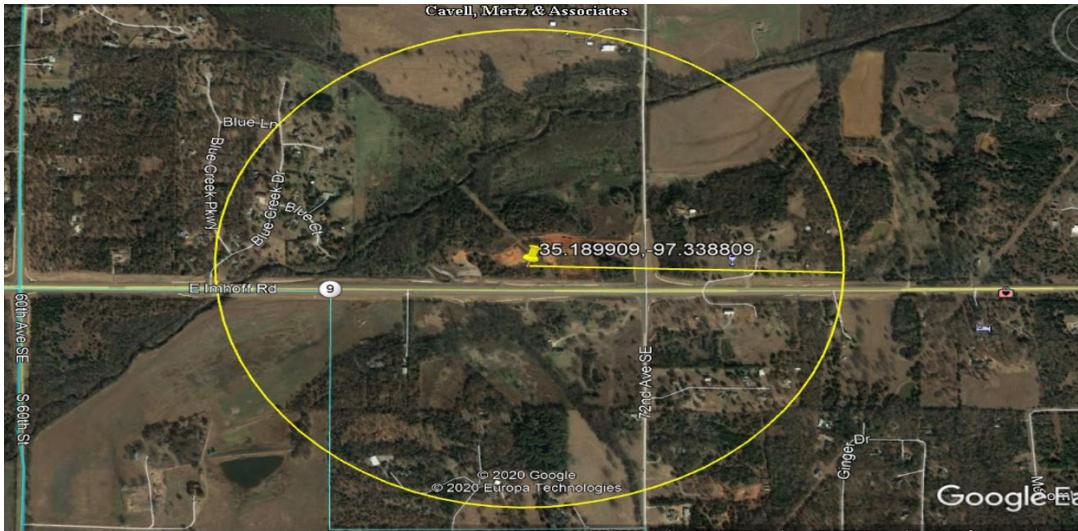
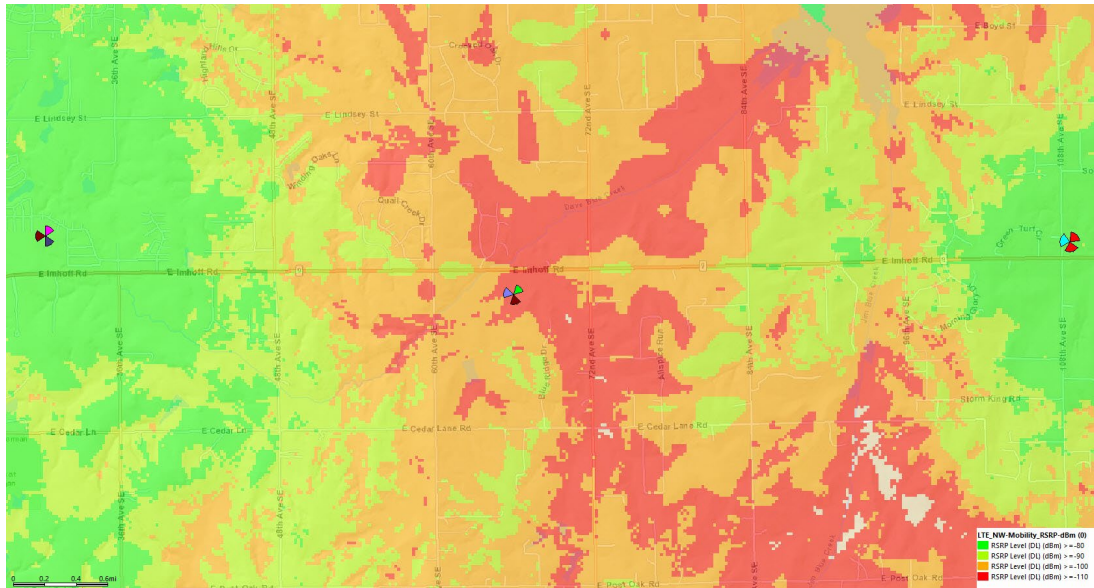


Photo Exhibit 2

Verizon coverage without proposed tower:



581 Enterprise Drive, Edmond OK 73013
405-348-5460



Photo Exhibit 3

Verizon coverage with proposed tower:

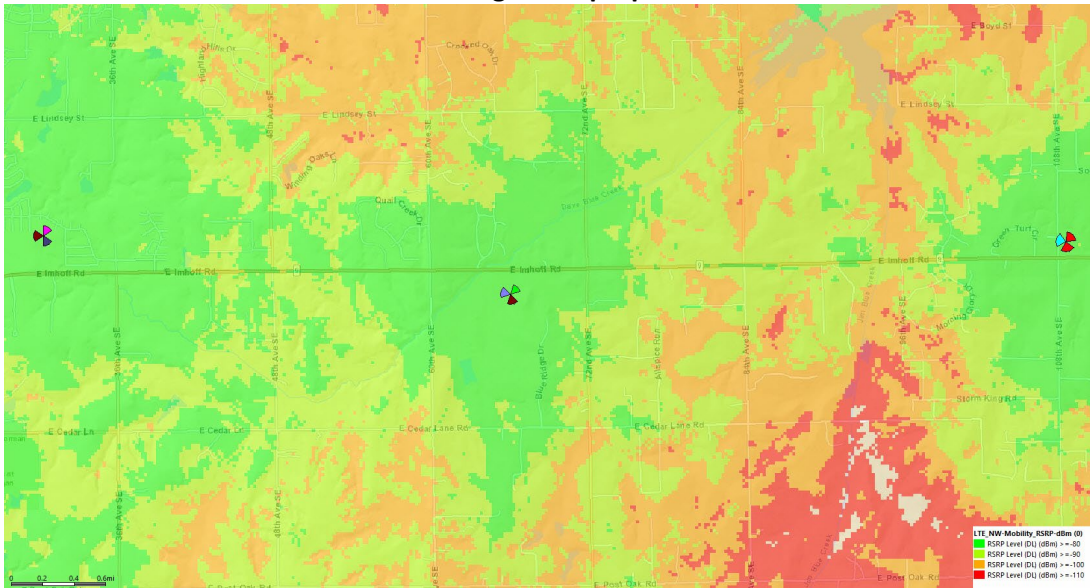
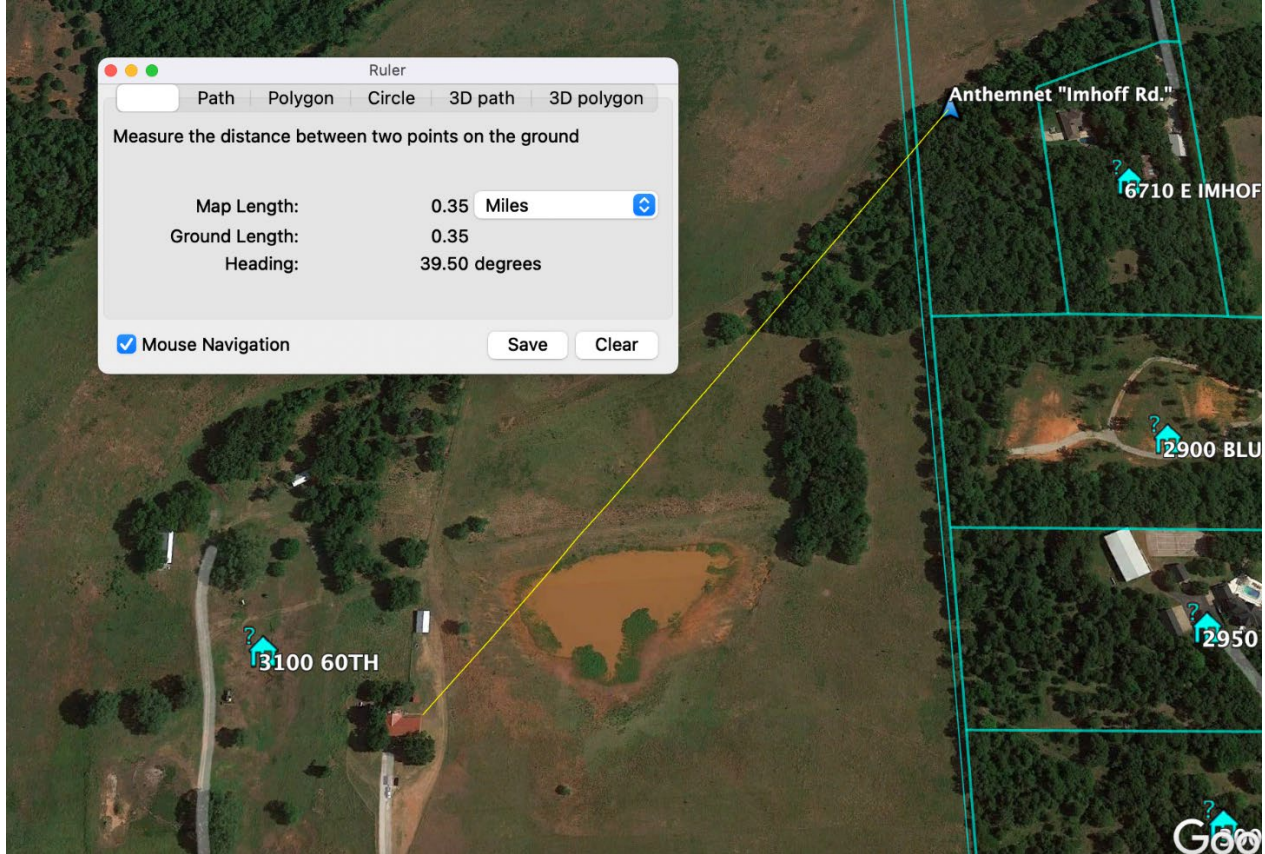




Photo Exhibit 4

Proposed Tower Site is over 1/3 of a mile from the Residence on Adjacent Bergen Parcel



Bergen Holdings LLC owns the overall Subject and Adjacent (west) properties, both zoned A-2 for Agricultural use. If applicant were to shift the proposed tower location west 100', to be within the "Adjacent Bergen Parcel", there are no property setbacks of 200' to the easterly property line, since there is not a house on the "Subject Bergen Parcel".

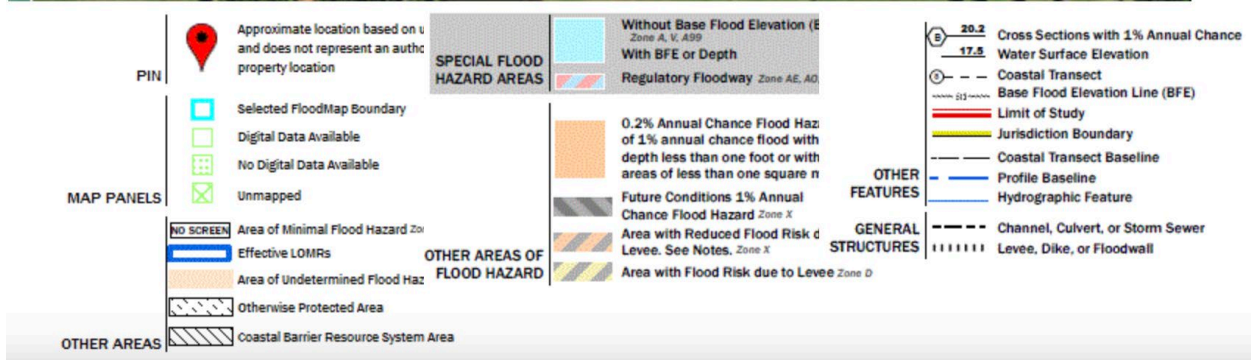


581 Enterprise Drive, Edmond OK 73013
405-348-5460



Photo Exhibit 5

Aerial view of both Subject Bergen Parcel and Adjacent Bergen Parcel, showing floodplain parameters



By strategically placing the tower in the elevated area within the grove of trees, the applicant is intentionally avoiding the potential flooding that will occur within this floodplain.





Application for Variance or Special Exception
BOARD OF ADJUSTMENT

Case No. BOA _____

Item 3.

City of Norman Planning & Community Development - 201 W. Gray St., Bldg. A - Norman, OK 73069 — (405) 366-5433 Phone - (405) 366-5274 Fax

| | |
|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| APPLICANT(S) Carrie Willey; Telamon, on behalf of Anthemnet Land Owner: Bergen Holdings, LLC | ADDRESS OF APPLICANT Telamon Corporation 581 Enterprise Drive Edmond, OK 73013 |
|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| NAME AND PHONE NUMBER OF CONTACT PERSON(S) Carrie Willey, Site Development Project Manager 405-348-5460 x 5023 Kim Columbo, Anthemnet - 909-202-3484 | EMAIL ADDRESS carrie.willey@telamon.com kim@anthemnet.com |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|

Legal Description of Property: (UNLESS THE LEGAL DESCRIPTION IS A SIMPLE LOT AND BLOCK, THE LEGAL DESCRIPTION MUST BE PROVIDED IN A WORD DOCUMENT EMAILED TO CURRENT.PLANNING@NORMANOK.GOV)

*Please see attached Word document with full Legal Description

Requests Hearing for:

VARIANCE from Chapter 22, Section 431.2(d)

SPECIAL EXCEPTION to _____

Detailed Justification for above request (refer to attached Review Procedures and justify request according to classification and essential requirements therefor):

(Please see attached documentation for the justification details)

(Attach additional sheets for your justification, as needed.)

SIGNATURE OF PROPERTY OWNER(S):

Floyd E. Bergen

 Floyd E. Bergen

 Manager

 Bergen Holdings LLC

ADDRESS AND TELEPHONE:

1529 24th Ave SW

Norman, OK 73072

OFFICE USE ONLY

- Application
- Proof of Ownership
- Certified Ownership List and Radius Map
- Site Plan
- Filing Fee of \$ 200.00
- Emailed Legal Description in Word Document

VARIANCE from Chapter _____,
 Section _____

SPECIAL EXCEPTION to _____

Date Submitted: 11-2-2022

Checked by: *mt*



CERTIFICATION OF OWNERSHIP

Case No. BOA _____

Item 3.

City of Norman Planning & Community Development - 201 W. Gray St., Bldg. A - Norman, OK 73069 — (405) 366-5433 Phone - (405) 366-5274 Fax

DATE: 11/02/2022

I, Floyd E. Bergen, hereby certify and attest that I am the owner, or that I have an option to purchase the following described property in the City of Norman:

AND, I further certify and attest that this legal description describes accurately the property requested for rezoning.

AND, I accept billing for the cost of publishing legal notice in the NORMAN TRANSCRIPT.

Owner's Signature: Floyd E. Bergen

Address: 1529 124th Ave. SW
Norman, OK 73072

Agent's Signature: Carrie Shelley

Address: 581 Enterprise Dr.
Edmond OK 73033

NOTARY

Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this 2nd day of November, 2022, personally appeared Floyd E. Bergen, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

(SEAL)

ELWOOD L PUGH
Notary Public, State of Oklahoma
Commission # 19001239
My Commission Expires 02-05-2023

My commission expires:

2/5/23

[Signature]
Notary Public

I hereby accept this Certification of Ownership in lieu of a deed or other legal document showing proof of ownership.

Signature: _____
Title: _____

CITY OF NORMAN

PARENT PARCEL

OWNER: BERGEN HOLDINGS, LLC
 SITE ADDRESS: OKLAHOMA HWY 9, NORVAN, OK 73026
 ACCOUNT #: 67187
 AREA: 14.9906 ACRES (PER TAX ASSESSOR)
 ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS
 REFERENCE: BOOK: RB 3935 PAGE 290


GPS NOTES

THE FOLLOWING GPS STATISTICS UPON WHICH THIS SURVEY IS BASED HAVE BEEN PRODUCED AT THE 95% CONFIDENCE LEVEL:
 POSITIONAL ACCURACY: 0.06 FEET (HORZ) 0.26 FEET (VERT)
 TYPE OF EQUIPMENT: GEOMAX ZENITH 35 PRO 3+SE AND ROVER, DUAL FREQUENCY
 TYPE OF GPS FIELD PROCEDURE: ONLINE POSITION USER INTERFACE
 DATES OF SURVEY: 06/06/2022
 DATUM / EPOCH: NAD 83(2011)(EPOCH:2010.0300)
 PUBLISHED / FIXED CONTROL USE: N/A
 GEOID MODEL: 18
 COMBINED GRID FACTOR(S): 0.99994370 CENTERED ON THE GPS BASE POINT AS SHOWN HEREON.
 CONVERGENCE ANGLE: 0.37027778"
 BENCHMARKS USED: DE7174, DE8097, DG9767

TITLE EXCEPTIONS

- THIS SURVEY WAS COMPLETED WITH THE AID OF TITLE WORK PREPARED BY AMERICAN EAGLE TITLE INSURANCE COMPANY, COMMITMENT DATE OF JUNE 16, 2022, BEING COMMITMENT NO. 2206-0006-75, FOR THE PARENT PARCEL, TO DETERMINE THE IMPACTS OF EXISTING TITLE EXCEPTIONS.
- NON-EXCLUSIVE EASEMENT, RECORDED IN BOOK 660, PAGE 185. [THIS ITEM IS APPLICABLE TO THE PARENT PARCEL AND SHOWN HEREON.]
 - RIGHT OF WAY, RECORDED IN BOOK 1938, PAGE 293. [THIS ITEM IS APPLICABLE TO THE PARENT PARCEL AND SHOWN HEREON.]
 - RIGHT OF WAY, RECORDED IN BOOK 2002, PAGE 957. [THIS ITEM IS NOT APPLICABLE TO THE PARENT PARCEL.]
 - RIGHT OF WAY, RECORDED IN BOOK 2152, PAGE 955. [THIS ITEM IS NOT APPLICABLE TO THE PARENT PARCEL.]
 - RIGHT OF WAY, RECORDED IN BOOK 492, PAGE 539. [THIS ITEM IS NOT APPLICABLE TO THE PARENT PARCEL.]
 - RIGHT OF WAY, RECORDED IN BOOK 509, PAGE 305. [THIS ITEM IS NOT APPLICABLE TO THE PARENT PARCEL.]
 - LICENSE AGREEMENT BETWEEN GERALD BLAKE VIRGIN JR AND CYNTHIA MARIE VIRGIN AND WILLIAM N WALTON AND ETHEL MOZELLE WALTON, RECORDED IN BOOK 2047, PAGE 954. [THIS ITEM IS APPLICABLE TO THE PARENT PARCEL AND IS BLANKET IN NATURE.]
 - CONTRACT AND EASEMENT IN FAVOR OF THE UNITED STATES OF AMERICA RECORDED IN BOOK 379, PAGE 116; ASSIGNMENT TO THE STATE OF OKLAHOMA RECORDED IN BOOK 429, PAGE 6. [THIS ITEM IS NOT APPLICABLE TO THE PARENT PARCEL AND IS APPLICABLE TO THE RIGHT-OF-WAY OF HIGHWAY 9.]

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS MAP IS CORRECT AND THAT ANY VISIBLE ENCROACHMENTS ARE SHOWN HEREON.

 G. DARRELL TAYLOR
 OKLAHOMA PROFESSIONAL LAND SURVEYOR # 1957
 DATE: 07/01/2022

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. THIS MAP IS ONLY INTENDED FOR THE PARTIES AND PURPOSES SHOWN. THIS MAP IS NOT FOR RECORDATION.

LEGEND

| | |
|-----|-------------------------|
| POB | POINT OF BEGINNING |
| POC | POINT OF COMMENCEMENT |
| IPF | IRON PIN FOUND |
| CRB | CAPPED REBAR |
| CMF | CONCRETE MONUMENT FOUND |
| N/F | NOW OR FORMERLY |
| C/L | CENTERLINE |
| UP | UTILITY POLE |
| OU | OVERHEAD UTILITY |
| TYP | TYPICAL |
| EP | EDGE OF PAVEMENT |
| BWF | BARBED WIRE FENCE |
| MB | MAILBOX |

SECTION 6 OK HWY NO. 9 PUBLIC RIGHT-OF-WAY

N/F STATE OF OKLAHOMA ACCOUNT # 166837 BOOK: RB 5126 PG 261

N/F STATE OF OKLAHOMA ACCOUNT # 167360 BOOK: RB 5172 PG 146

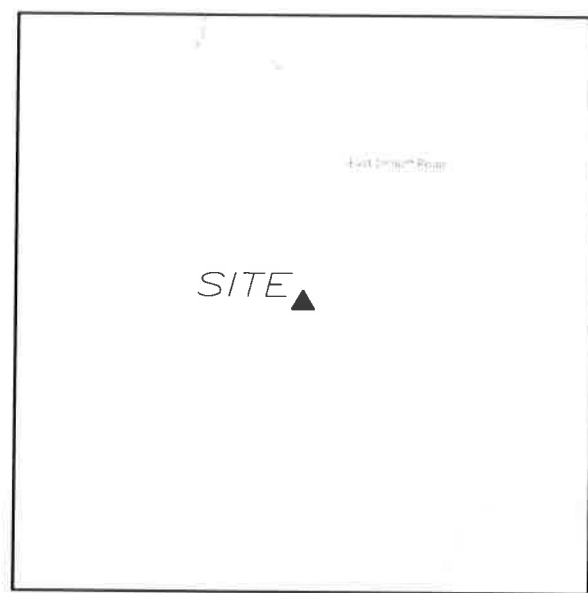
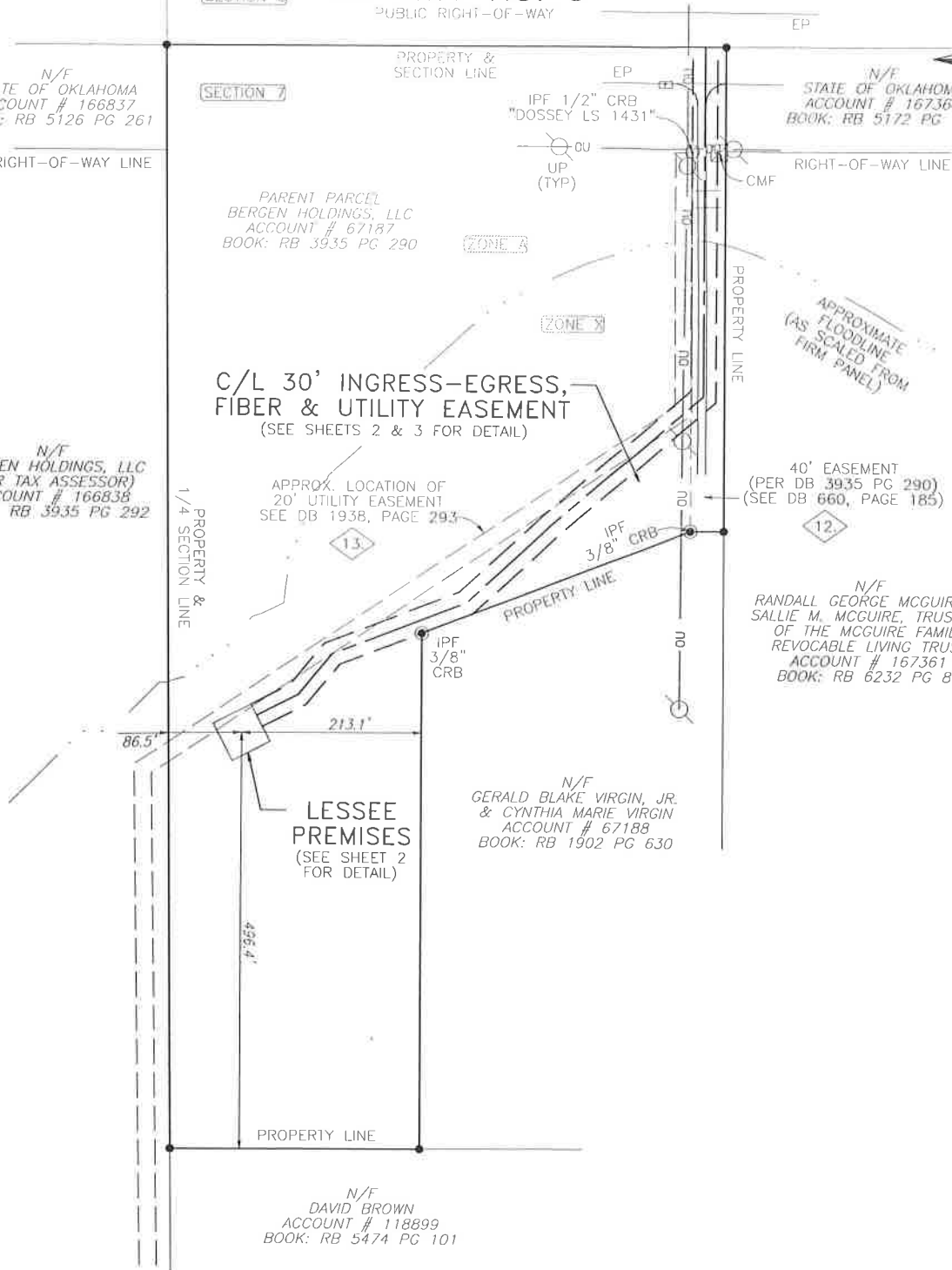
PARENT PARCEL BERGEN HOLDINGS, LLC ACCOUNT # 67187 BOOK: RB 3935 PG 290

N/F BERGEN HOLDINGS, LLC (PER TAX ASSESSOR) ACCOUNT # 166838 BOOK: RB 3935 PG 292

N/F RANDALL GEORGE MCGUIRE & SALLIE M. MCGUIRE, TRUSTEES OF THE MCGUIRE FAMILY REVOCABLE LIVING TRUST ACCOUNT # 167361 BOOK: RB 6232 PG 85

N/F GERALD BLAKE VIRGIN, JR. & CYNTHIA MARIE VIRGIN ACCOUNT # 67188 BOOK: RB 1902 PG 630

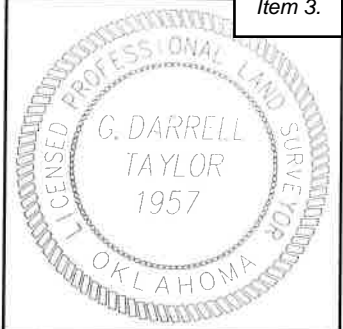
N/F DAVID BROWN ACCOUNT # 118899 BOOK: RB 5474 PG 101



VICINITY MAP NOT TO SCALE

GENERAL NOTES

- * THIS SPECIFIC PURPOSE SURVEY IS FOR THE LEASED PREMISES AND EASEMENTS ONLY. THIS SPECIFIC PURPOSE SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF VERIZON WIRELESS AND EXCLUSIVELY FOR THE TRANSFERRAL OF THE LEASED PREMISES AND THE RIGHTS OF EASEMENT SHOWN HEREON AND SHALL NOT BE USED AS AN EXHIBIT OR EVIDENCE IN THE FEE SIMPLE TRANSFERRAL OF THE PARENT PARCEL NOR ANY PORTION OR PORTIONS THEREOF. BOUNDARY INFORMATION SHOWN HEREON HAS BEEN COMPILED FROM TAX MAPS AND DEED DESCRIPTIONS ONLY. NO BOUNDARY SURVEY OF THE PARENT PARCEL WAS PERFORMED.
- THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY.
- EQUIPMENT USED FOR ANGULAR & LINEAR MEASUREMENTS: LEICA TPS 1200 ROBOTIC & GEOMAX ZENITH 35. [DATE OF LAST FIELD VISIT: 06/06/2022]
- THE 1' CONTOURS AND SPOT ELEVATIONS SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE ADJUSTED TO NAVD 88 DATUM (COMPUTED USING GEOID18) AND HAVE A VERTICAL ACCURACY OF ± 0.5'. CONTOURS OUTSIDE THE IMMEDIATE SITE AREA ARE APPROXIMATE.
- BEARINGS SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE BASED ON OKLAHOMA GRID NORTH (NAD 83) SOUTH ZONE.
- PER THE FEMA FLOODPLAIN MAPS, THE SITE IS LOCATED IN AN AREA DESIGNATED AS ZONE X (AREA OF MINIMAL FLOOD HAZARD) AND ZONE A (AREA WITHOUT BASE FLOOD ELEVATION. COMMUNITY PANEL NO. : 40027C0305H & 40027C0315H DATED: 09/26/2008).
- NO WETLAND AREAS HAVE BEEN INVESTIGATED BY THIS SPECIFIC PURPOSE SURVEY.
- ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS.
- ANY UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM ABOVE GROUND FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEES THAT ANY UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT ANY UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ANY UNDERGROUND UTILITIES.



| NO. | DATE | REVISION |
|-----|---------|--------------|
| 1 | 7/13/22 | TITLE REVIEW |

SPECIFIC PURPOSE SURVEY PREPARED BY:
POINT TO POINT LAND SURVEYORS
 COA Number: 7769
 100 Governors Trace, Ste. 103
 Peachtree City, GA 30269
 (p) 678.565.4440 (f) 678.565.4497
 (w) p2pis.com



SPECIFIC PURPOSE SURVEY PREPARED FOR:
verizon
 10300 OLD ALABAMA CONNECTOR ROAD
 ALPHARETTA, GA 30022

IMHOFF ROAD
 NW 1/4, NE 1/4, SECTION 7, TOWNSHIP 8 NORTH, RANGE 1 WEST, CLEVELAND COUNTY, OKLAHOMA

DRAWN BY: AJJ
 CHECKED BY: JKL
 APPROVED: D. MILLER
 DATE: JULY 1, 2022
 P2P JOB #: 221249OK OF 3



Know what's below.
 Call before you dig.



[SURVEY NOT VALID WITHOUT SHEETS 2 & 3 OF 3]