



The City of Oklahoma City  
 Planning Department, Subdivision and Zoning  
 420 West Main Street, Suite 910, Oklahoma City, Oklahoma, 73102  
 Phone: (405) 297-2623 – Web: <https://www.okc.gov>

Staff Use Only	15541
BOA -	
Zoning:	PUD-1921
	W4 / Moore

## APPLICATION FOR BOARD OF ADJUSTMENT

**Application for Variance, Special Exception, or Appeal**

Address of subject property: 8811 Bryant Ave. Oklahoma City, OK 73149

Present use of property: Vacant Size of Property (Acres): 95.14

- VARIANCE:** Chapter: \_\_\_\_\_ Section: \_\_\_\_\_
- SPECIAL EXCEPTION:** Chapter: \_\_\_\_\_ Section: \_\_\_\_\_
- APPEAL FROM ADMINISTRATIVE DECISION**

### VARIANCE APPLICANTS:

Summary of Variance sought  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### SPECIAL EXCEPTION APPLICANTS:

Summary of Special Exception being sought  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### APPEAL APPLICANTS:

Summary of Nature of Appeal  
Locke Supply Co. appeals from the inaction on prior appeal to the Development Services Director of the City of Oklahoma City's assessment of Streets Development Fees on Building Permit BLDC-2023-05982 as exceeding a clear, ascertainable, and proportionate share of costs attributable to the project.

I certify that the submitted information is true and correct.

Property Owner Information (if other than Applicant):

LOCKE SUPPLY CO.  
*Name*

P.O. BOX 26128  
*Mailing Address*

OKLAHOMA CITY, OK 73126  
*City, State, Zip Code*

405-635-3226  
*Phone*

JORMAN@LOCKESUPPLY.COM  
*Email*



*Signature of Applicant*  
JOHN ORMAN, III CEO  
*Applicant's Name (please print)*

P.O. BOX 26128  
*Applicant's Mailing Address*

OKLAHOMA CITY, OK 73126  
*City, State, Zip Code*

405-635-3226  
*Phone*

JORMAN@LOCKESUPPLY.COM  
*Email*

Submit your Application by Email to [Subdivisionandzoning@OKC.gov](mailto:Subdivisionandzoning@OKC.gov)  
 Compressed files (.zip, etc.) or links to FileShare services (Dropbox, Google Drive, etc.) can not be accepted for security purposes.

10/05/2023 09:02 AM

Oklahoma City

420 W Main St., 8th Floor  
Oklahoma City, OK 73102



**Final Report - Approved**

**Application No. BLDC-2023-05982**

**Description :** construct new warehouse and office space  
**Address :** 8811 BRYANT AVE, OKLAHOMA CITY, OK, 73149  
**Record Type :** Building - Commercial  
**Document Filename :** BLDC-2023-05982 - LIFE SAFETY PLANS

Comment Author Contact Information:

<b>Author Name</b>	<b>Author Email</b>	<b>Author Phone No.:</b>
Chris Moses	<a href="mailto:chris.moses@okc.gov">chris.moses@okc.gov</a>	(405) 297-2589

General Comments:

Corrections in the following table need to be applied before a permit can be issued

**EXHIBIT A**



# The City of OKLAHOMA CITY

Development Services  
420 West Main Street - 8th floor  
Oklahoma City, OK 73102

## COMMERCIAL BUILDING PERMIT

BLDC-2023-05982

DATE ISSUED: 10/10/2023

PERMISSION IS HEREBY GRANTED TO: Erect

ADDRESS: 8811 S BRYANT AVE OKLAHOMA CITY, OK 73149

CONTRACTOR NAME: VAN HOOSE CONST CO

LICENSE # BL503

CONTRACTOR PHONE: 405-848-0415

SECOND PHONE # 405-659-0601

CONTRACTOR REP: Mark Porter

A BUILDING ON LOT(S):

BLOCK:

COUNTY: Oklahoma

ZONE DISTRICT: PUD

NUMBER OF UNITS: 1

TO BE USED AS: Warehouse

SQUARE FEET: 1510747

ESTIMATED COST: \$90000000.00

NUMBER OF STORIES: 1

HEIGHT: 46

LAND USE CODE: 8350.16

EXISTING USE: vacant

PUD/SPUD #: 1921

ZONING: PUD

LIVE LOAD: 125

RECEIPT NUMBER: 1952791

1510747 New Construction-Warehouse Submittal	2744.50
1 Occupancy Certificate Submittal	5.50
284297 New Construction-Warehouse Post Submittal	284297.43
1 Occupancy Certificate Post Submittal	5.50
1 State Fee	4.00
1 Administration Fee	0.50

PERMIT FEES: \$287057.43

COMMENTS: construct new warehouse and office space

### Remember, call Okie before you dig, DIAL 811

**Attention: Fees include a non-refundable \$4.00 State Fee and \$.50 Administrative Fee.**

WITHOUT ACTIVITY, PERMIT EXPIRES IN 6 MONTHS. ALL PERMITS MUST BE FINAL INSPECTED. This permit shall be construed and accepted to be a license to proceed with the work and shall not be taken and accepted as authority to violate, cancel, alter, or set aside any provisions or requirements of any ordinance, rules, or regulations of The City of Oklahoma City, nor shall the issuance hereof prevent the requiring of correction of errors in plans or in construction or of violations of any ordinances of The City of Oklahoma City. Any permits issued in violation of any ordinance or statute shall be void and no rights or immunities shall be acquired thereby. Nothing in this permit shall be construed to convey or impair The City's right of maintenance and repair in its utility easements. Destruction of any permanent or temporary structure placed on or over any of The City's easements by virtue of this permit which is occasioned by said maintenance or repair shall be at the expense of permittee, his heirs or assigns.

ACCEPTED BY: \_\_\_\_\_

CHIEF BUILDING INSPECTOR: STEVE DAVIS

VAN HOOSE CONST CO  
101 NE 70TH STREET

ACCEPTED BY: Gabriel Howard

REVIEWED BY :

ISSUED BY:

OKLAHOMA CITY, OK 73105



The City of  
**OKLAHOMA CITY**

Development Services  
420 West Main Street - 8th floor  
Oklahoma City, OK 73102

BUILDING PERMIT # BLDC-2023-05982

PERMIT ADDRESS: 8811 S BRYANT AVE

PROJECT NAME: Locke Supply Warehouse

**REQUIRED INSPECTION CHECK LIST**  
Request Inspections Online @ [www.okc.gov/access](http://www.okc.gov/access)

<input checked="" type="checkbox"/> Foundation (3848)	IVR	405-316-5656	Permit Desk 405-297-2948
<input checked="" type="checkbox"/> Frame (3849)	IVR	405-316-5656	Permit Desk 405-297-2948
<input checked="" type="checkbox"/> Building Final (3850)	IVR	405-316-5656	Permit Desk 405-297-2948
<input checked="" type="checkbox"/> Zoning Inspection (3851)	IVR	405-316-5656	Permit Desk 405-297-2948
<input type="checkbox"/> Above Code Insulation	IVR	405-316-5656	Permit Desk 405-297-2948
<input checked="" type="checkbox"/> Fire Department Inspection (3852) (including Electronic Door Hardware)	IVR	405-316-5656 Fax 405-297-3330	405-297-3584
<input type="checkbox"/> Health Department Inspection			405-427-8651
<input checked="" type="checkbox"/> Detention Inspection			405-297-2747
<input type="checkbox"/> Industrial Waste Water Inspection			405-297-3810
<input checked="" type="checkbox"/> Storm Sewer Inspection			405-297-3571
<input type="checkbox"/> Sanitary Sewer Inspection			405-297-3571
<input checked="" type="checkbox"/> Storm Water Quality Inspection			405-297-1774
<input checked="" type="checkbox"/> Water Extension Inspection			405-297-2666

**A LICENSED CONTRACTOR MUST CALL FOR:**

<input checked="" type="checkbox"/> Electrical Inspection	IVR	405-316-5656 Fax 405-552-6024	Permit Desk 405-297-2948
<input checked="" type="checkbox"/> Plumbing Inspection	IVR	405-316-5656 Fax 405-552-6024	Permit Desk 405-297-2948
<input checked="" type="checkbox"/> Mechanical Inspection	IVR	405-316-5656 Fax 405-552-6024	Permit Desk 405-297-2948
<input type="checkbox"/> Boiler Inspection	IVR	405-316-5656 Fax 405-552-6024	Permit Desk 405-297-2948
<input checked="" type="checkbox"/> Elevator Inspection			Permit Desk 405-297-1642
<input type="checkbox"/> Insulation Inspection	IVR	316-5656	Permit Desk 297-2948
<input type="checkbox"/> Concrete Driveway Approach Inspection (including Sidewalks & Drainage Pipe)			297-3571
<input type="checkbox"/> Private Sidewalk			297-3571
<input checked="" type="checkbox"/> ROW Status Check			297-3571
<input checked="" type="checkbox"/> Sprinkler Inspection (including Fire Suppression Systems (6183) & Hoods (6611))	IVR	316-5656 Fax 297-3330	297-3584
<input checked="" type="checkbox"/> Fire Alarm Inspection (6185)			297-3584

**NOTICE: Development Services will not release permanent electrical service until all required inspections have been accomplished and a Certificate of Occupancy is issued.**

**NOTICE: WHEN YOU BEGIN WORK, POST THE ADDRESS AND BUILDING PERMIT NUMBER IN THE FRONT YARD OR ENTRANCE OF PROPERTY. FAILURE TO DO SO MAY DELAY INSPECTIONS AND OCCUPANCY.**

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



The City of

## OKLAHOMA CITY

Development Services  
420 West Main Street - 8th floor  
Oklahoma City, OK 73102

## IMPACT FEE PERMIT

IMPA-2023-03536

DATE ISSUED: 10/10/2023

ADDRESS: 8811 S BRYANT AVE OKLAHOMA CITY, OK 73149

CONTRACTOR NAME: VAN HOOSE CONST CO

LICENSE # BL503

CONTRACTOR PHONE: 405-848-0415

SECOND PHONE # 405-659-0601

CONTRACTOR REP: Mark Porter

NUMBER OF METERS REQUIRED: 2

METER SIZE 1: 3

METER SIZE 2: 2

NUMBER OF BATHROOM UNITS: 49

SEWER FEE: Yes

IMPACT FEE REMARKS: 76 W/C

81 lav/sinks

PERMIT FEES: \$

### Remember, call Okie before you dig, DIAL 811

WITHOUT ACTIVITY, PERMIT EXPIRES IN 6 MONTHS. ALL PERMITS MUST BE FINAL INSPECTED. This permit shall be construed and accepted to be a license to proceed with the work and shall not be taken and accepted as authority to violate, cancel, alter, or set aside any provisions or requirements of any ordinance, rules, or regulations of The City of Oklahoma City, nor shall the issuance hereof prevent the requiring of correction of errors in plans or in construction or of violations of any ordinances of The City of Oklahoma City. Any permits issued in violation of any ordinance or statute shall be void and no rights or immunities shall be acquired thereby. Nothing in this permit shall be construed to convey or impair The City's right of maintenance and repair in its utility easements. Destruction of any permanent or temporary structure placed on or over any of The City's easements by virtue of this permit which is occasioned by said maintenance or repair shall be at the expense of permittee, his heirs or assigns.

ACCEPTED BY: \_\_\_\_\_

DEVELOPMENT CENTER MGR: SCOTT WISE

BY:

VAN HOOSE CONST CO

101 NE 70TH STREET

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From: Moses, Christopher S <[chris.moses@okc.gov](mailto:chris.moses@okc.gov)>  
Date: Thu, Sep 28, 2023 at 12:51 PM  
Subject: RE: Locke Supply BLDC-2023-05982  
To: Mark Porter <[markp@vhcon.com](mailto:markp@vhcon.com)>

Mark,

Engineering approved. This permit is ready.

The remaining balance is as follows:

BLDC-2023-06982-        \$1,009,456.99

IMPA-2023-03536-        \$19,790.00

Thank you,



Chris Moses

CCEO, CCEA, MCEP

Plans Examiner

[Chris.moses@okc.gov](mailto:Chris.moses@okc.gov)

405-297-2589

For plans or permits status updates, please click [here](#)

**EXHIBIT B**

**From:** Mark Porter <markp@vhcon.com>  
**Sent:** Wednesday, September 27, 2023 4:17 PM  
**To:** Moses, Christopher S <chris.moses@okc.gov>  
**Cc:** Jeff Van Hoose <jeff@vhcon.com>; Erik Gummerson <erik@gthokc.com>  
**Subject:** Locke Supply BLDC-2023-05982

Chris,

Just checking to see where we are on getting the full permit or at least a foundation permit so we can get started on the project.

thank you,

mark porter

--

Mark Porter

Project Manager

Van Hoose Construction

101 N.E. 70th

Oklahoma City, OK 73105

phone 405-848-0415

fax 405-848-3911

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--

Mark Porter  
Project Manager  
Van Hoose Construction  
101 N.E. 70th  
Oklahoma City, OK 73105  
phone 405-848-0415  
fax 405-848-3911

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**From:** "McMurtrey, Donna S" <donna.mcmurtrey@okc.gov>  
**Date:** October 25, 2023 at 7:34:22 AM CDT  
**To:** Jeff Van Hoose <jeff@vhcon.com>  
**Subject:** RE: BLDC-2023-05982

Good morning...

The building permit fees and traffic impact fees are:

09/28/2023 CREDITED New Growth 3 - Industrial \$725,158.56  
1,510,747 SQFT 5102009 N-3-I (This is the traffic impact fee)  
08/25/2023 INVOICED State Fee \$4.00 1 Each 5067303 STATE  
08/25/2023 INVOICED Administration Fee \$0.50 1 Each  
5067304 ADMIN  
08/25/2023 INVOICED New Construction-Warehouse Submittal  
\$2,744.50 1,510,747 5067240 BLD0007S  
08/25/2023 INVOICED Occupancy Certificate Submittal \$5.50 1  
Each 5067240 BLD0014S  
08/25/2023 INVOICED New Construction-Warehouse Post Su...  
\$284,297.43 284,297.43 Dollar Amt 5067301 BLD0007P  
08/25/2023 INVOICED Occupancy Certificate Post Submittal \$5.50  
1 Each 5067302 BLD0014P

Sewer and water Impact Fees

09/28/2023 INVOICED Sewer Tap Fee \$100.00 1 Each 5095575  
IMP002  
09/28/2023 INVOICED Bathroom Units \$2,450.00 49 Each  
5095574 IMP004  
09/28/2023 INVOICED 2" Water Impact \$5,330.00 1 Each  
5095581 IMP008  
09/28/2023 INVOICED 3" Water Impact \$11,670.00 1 Each  
5095580 IMP090  
09/28/2023 INVOICED Inspection Fee \$70.00 2 Each 5095576  
IMP042  
09/28/2023 INVOICED Inspection Fee \$35.00 1 Each 5095578  
IMP042  
09/28/2023 INVOICED Calibration Fee \$90.00 2 Each 5095577

IMP043

09/28/2023 INVOICED Calibration Fee \$45.00 1 Each 5095579

IMP043

Donna McMurtrey  
Development Center Liaison

420 W. Main Street, 8th Floor Oklahoma City, Oklahoma 73102  
Office 405.297.2313 Cell 405.435.4869

-----Original Message-----

From: Jeff Van Hoose <jeff@vhcon.com>  
Sent: Wednesday, October 25, 2023 7:16 AM  
To: McMurtrey, Donna S <donna.mcmurtrey@okc.gov>  
Subject: BLDC-2023-05982

Can you get me a copy of the building permit fees, sewer impact, water impact, and the balance of permit fees due? The balance being the traffic fee. Thanks,  
Jeff

Sent from my iPhone

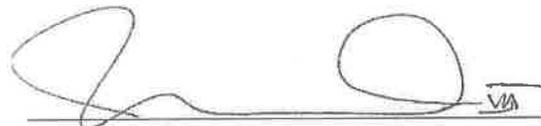
CONFIDENTIALITY NOTE: This e-mail message and any attachments are intended solely for the person to which it is addressed and may contain privileged and confidential information protected by law. If you have received this communication in error, please notify the sender immediately by telephone or e-mail, destroy this message and delete any copies held in your electronic files. Unauthorized use and/or re-disclosure may subject you to penalties under applicable state and federal laws.

AFFIRMATION

STATE OF OKLAHOMA )  
 ) §  
COUNTY OF OKLAHOMA )

I affirm that the ownership list submitted as a part of this application contains the names of all owners of record of property which are within 300 feet (or greater if required) of the property described in the attached exhibit.

Executed at Oklahoma City, Oklahoma, on the 13th day of November, 2023

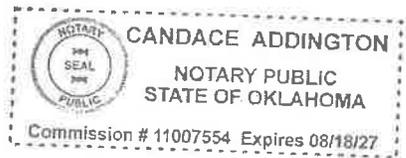
  
Applicant Signature

Subscribed and sworn to before me, a Notary Public, in and for the State of Oklahoma,  
County of Oklahoma, on the 13th day of November, 2023.

My Commission Expires:

08/18/27

  
Notary Public  
Commission # 11007554



**NOTICE:** Where requests are granted by the Board, an Order is issued subject to a 10-day appeal period as provided by law. Any action taken pursuant to and in reliance upon said Order within the 10-day appeal period will be taken at the applicant's risk. Upon presentation of a copy of the Order of this Board, a permit, when required, may be issued. Where appeals to the decision of the Board are taken to the District Court of Oklahoma County, no permits will be issued until the close of all litigation connected herewith.

<p>Oklahoma Industries Authority 105 N. Hudson Ave, Unit 101 Oklahoma City, OK 73102</p> <p>GREELEY TOWNSHIP ALL OF SEC 36 11N 3W EX A TR IN SE4 &amp; SW4 OF SD SEC BEG SE/C SE4 TH W2655.27FT W450.07FT N1310.94FT E356.82FT N29.52FT E2750.21FT S1334.56FT TO BEG &amp; EX A TR NE4 &amp; NW4 DESC BEG 908.02FT S &amp; 695.29FT E OF NW/C SD SEC TH N505.23FT RIGHT ON CURVE NE94.27FT E1136.52FT RIGHT ON CURVE SELY29.36FT SELY64.85FT LEFT ON CURVE SELY33.10FT E109.22FT LEFT ON CURVE NELY100.08FT RIGHT ON CURVE NE66.72FT E309.97FT LEFT ON CURVE E19.47FT E214.86FT S523.24FT W647.52FT NWLY127.75FT SW383.61FT SW120.28FT W1066.09FT TO BEG</p>	<p>Chad Brandon Cates 2829 SE 89<sup>th</sup> Terr 2825 SE 89<sup>th</sup> Terr Moore, OK 73160 <b>Mailing:</b> 14208 SE 75<sup>th</sup> St. Oklahoma City, OK 73150</p> <p>WINFIELD SEC 1 LOT 10A BLK 1</p>
<p>Genesis Concrete Company LLC 8520 S. Bryant Ave Oklahoma City, OK <b>Mailing:</b> 2072 Fox Ln Tuttle, OK 73089</p> <p>UNPLTD PT SEC 31 11N 2W 000 000 FROM A POINT 33FT N &amp; 33FT E OF SW/C OF SW4 SEC 31 11 2W N1307FT TO PT OF BEG TH N300FT E767FT S300FT TH W767FT TO PT OF BEG CONT 5.27ACRS</p>	<p>677 Properties LLC 2821 SE 89<sup>th</sup> Terr 2817 SE 89<sup>th</sup> Terr Moore, OK 73160 <b>Mailing:</b> 105 SW 41<sup>st</sup> St. Moore, OK 73160</p> <p>WINFIELD SEC 1 LOT 9A BLK 1</p>
<p>Cable Letaza Guffey Pamela Ann 8812 S. Bryant Ave. Oklahoma City, OK 73149</p> <p>UNPLTD PT SEC 31 11N 2W 000 000 PT OF SW4 SEC 31 11N 2W BEG 33FT E &amp; 450FT N OF SW/C OF SW4TH E767FT N300FT W767FT S300FT TO BEG</p> <p>UNPLTD PT SEC 31 11N 2W 000 000 PT SW4 SEC 31 11N 2W BEG 33FT E OF SW/C SW4 TH N450FT E767FT S450FT W767FT</p>	<p>Eggleston 2809-13 Duplex, LLC 2813 SE 89<sup>th</sup> Terr 2809 SE 89<sup>th</sup> Terr Moore, OK 73160 <b>Mailing:</b> 9000 Southern View Dr. Oklahoma City, OK 73165</p> <p>WINFIELD SEC 1 LOT 8A &amp; 8B BLK 1</p>

<p>TO BEG SUBJ TO EASEMENTS OF RECORD</p>	
<p>Gold J&amp;L LLC 8812 S. Bryant Ave Oklahoma City, OK 73149</p> <p>UNPLTD PT SEC 31 11N 2W 000 000 PT OF SW4 SEC 31 11N 2W BEG 33FT E &amp; 750FT N OF SW/C OF SW4TH E767FT N83FT E290.1FT N157FT W290.1FT N300FT W767FT S540FT TO BEG OR TRS 5 7 &amp; 8</p>	<p>Eggleston 2801-05 Duplex, LLC 2805 SE 89<sup>th</sup> Terr 2801 SE 89<sup>th</sup> Terr Moore, OK 73160 <b>Mailing:</b> 9000 Southern View Dr. Oklahoma City, OK 73165</p> <p>WINFIELD ADD. LOT 7A &amp; 7B BLK 1</p>
<p>Eighty Ninth Center, LLC 2922A S.E. 89<sup>th</sup> St. Moore, OK <b>Mailing:</b> P.O. Box 18420, Oklahoma City, OK 73154</p> <p>1-10-3W .39 AC PRT NE/4 BEG 230`W NE/C NE/4 S201.30` W85` N201.30` E85` POB</p>	<p>Eggleston 2741-45 Duplex, LLC 2745 SE 89<sup>th</sup> Terr 2741 SE 89<sup>th</sup> Terr Moore, OK 73160 <b>Mailing:</b> 9000 Southern View Dr. Oklahoma City, OK 73165</p> <p>WINFIELD SEC 1 LTS 6A AND 6B BLK 1</p>
<p>Eighty Ninth Center, LLC 2922B S.E. 89<sup>th</sup> St. Moore, OK <b>Mailing:</b> P.O. Box 18420, Oklahoma City, OK 73154</p> <p>1-10-3W .39 AC PRT NE/4 BEG 230`W NE/C NE/4 S201.30` W85` N201.30` E85` POB</p>	<p>Eggleston 2733-37 Duplex, LLC 2737 SE 89<sup>th</sup> Terr 2733 SE 89<sup>th</sup> Terr Moore, OK 73160 <b>Mailing:</b> 9000 Southern View Dr. Oklahoma City, OK 73165</p> <p>WINFIELD SEC 1 LOTS 5A AND 5B BLK 1</p>
<p>677 Properties LLC 9000 Buttonwood Ave. 9004 Buttonwood Ave. Moore, OK 73160 <b>Mailing:</b> 105 SW 41<sup>st</sup> St. Moore, OK 73160</p> <p>WINFIELD SEC 1 LOT 1A BLK 4</p>	<p>Eggleston 2725-29 Duplex, LLC 2729 SE 89<sup>th</sup> Terr 2725 SE 89<sup>th</sup> Terr Moore, OK 73160 <b>Mailing:</b> 9000 Southern View Dr. Oklahoma City, OK 73165</p> <p>WINFIELD SEC 1 LOT 4A AND 4B BLK 1</p>

<p>Casey L &amp; Linda S Kelley 9008 Buttonwood Ave. Moore, OK 73160</p> <p>WINFIELD LT 2A AND 2B BLK 4</p>	<p>Daniel L Garland 2828 SE 89<sup>th</sup> Terr 2824 SE 89<sup>th</sup> Terr Moore, OK 73160 <b>Mailing:</b> 1324 SW 149<sup>th</sup> St. Oklahoma City, OK 73170</p> <p>WINFIELD SEC 1 LOT 10A BLK 2</p>
<p>677 Properties LLC 2845 SE 89<sup>th</sup> Terr 2841 SE 89<sup>th</sup> Terr Moore, OK 73160 <b>Mailing:</b> 105 SW 41<sup>st</sup> St. Moore, OK 73160</p> <p>WINFIELD SEC 1 LOT 12A BLK 1</p>	<p>Daniel L Garland 2820 SE 89<sup>th</sup> Terr 2816 SE 89<sup>th</sup> Terr Moore, OK 73160 <b>Mailing:</b> 1324 SW 149<sup>th</sup> St. Oklahoma City, OK 73170</p> <p>WINFIELD SEC 1 LOT 9A BLK 2</p>
<p>677 Properties LLC 2837 SE 89<sup>th</sup> Terr 2833 SE 89<sup>th</sup> Terr Moore, OK 73160 <b>Mailing:</b> 105 SW 41<sup>st</sup> St. Moore, OK 73160</p> <p>WINFIELD SEC 1 LOT 11A BLK 1</p>	<p>677 Properties LLC 2812 SE 89<sup>th</sup> Terr 2808 SE 89<sup>th</sup> Terr Moore, OK 73160 <b>Mailing:</b> 105 SW 41<sup>st</sup> St. Moore, OK 73160</p> <p>WINFIELD SEC 1 LOT 8A BLK 2</p>
<p>Eggleston 2717-21 Duplex, LLC 2721 SE 89<sup>th</sup> Terr 2717 SE 89<sup>th</sup> Terr Moore, OK 73160 <b>Mailing:</b> 9000 Southern View Dr. Oklahoma City, OK 73165</p> <p>WINFIELD LT 3A &amp; 3B BLK 1</p>	<p>Daniel L Garland 2804 SE 89<sup>th</sup> Terr 2800 SE 89<sup>th</sup> Terr Moore, OK 73160 <b>Mailing:</b> 1324 SW 149<sup>th</sup> St., Oklahoma City, OK 73170</p> <p>WINFIELD SEC 1 LOT 7A BLK 2</p>
<p>Eggleston 2709-13 Duplex, LLC 2713 SE 89<sup>th</sup> Terr 2709 SE 89<sup>th</sup> Terr Moore, OK 73160 <b>Mailing:</b> 9000 Southern View Dr, Oklahoma City, OK 73165</p> <p>WINFIELD SEC 1 LOTS 2A AND 2B BLK 1</p>	<p>Omni Holdings, LLC 2744 SE 89<sup>th</sup> Terr 2740 SE 89<sup>th</sup> Terr Moore, OK 73160 <b>Mailing:</b> P.O. Box 892245 Oklahoma City, OK 73189</p> <p>WINFIELD SEC 1 LOT 6A BLK 2</p>

<p>Garden Investments, LLC  2705 SE 89<sup>th</sup> Terr  2701 SE 89<sup>th</sup> Terr  Moore, OK 73160  <b>Mailing:</b> 18604 Trailview Way Edmond, OK 73012</p> <p>WINFIELD SEC 1 LOTS 1A and 1B BLK 1</p>	<p>Daniel L Garland  2736 SE 89<sup>th</sup> Terr  2732 SE 89<sup>th</sup> Terr  Moore, OK 73160  <b>Mailing:</b> 1324 SW 149<sup>th</sup> St., Oklahoma City, OK 73170</p> <p>WINFIELD SEC 1 LOT 5A BLK 2</p>
<p>Vicki J &amp; Gerald A-Rev Trt-Trtees  2844 SE 89<sup>th</sup> Terr  2840 SE 89<sup>th</sup> Terr  Moore, OK 73160  <b>Mailing:</b> 2605 Grail Maiden Ct. Lewisville, TX 75056</p> <p>WINFIELD SEC 1 LOT 12A BLK 2</p>	<p>Lawrence M &amp; Karla D DeSalle  2728 SE 89<sup>th</sup> Terr  2724 SE 89<sup>th</sup> Terr  Moore, OK 73160  <b>Mailing:</b> 1721 SE 1<sup>st</sup> St. Moore, OK 73160</p> <p>WINFIELD SEC 1 LOT 4A BLK 2</p>
<p>677 Properties LLC  2836 SE 89<sup>th</sup> Terr  2832 SE 89<sup>th</sup> Terr  Moore, OK 73160  <b>Mailing:</b> 105 SW 41<sup>st</sup> St. Moore, OK 73160</p> <p>WINFIELD SEC 1 LOT 11A BLK 2</p>	<p>SWG Investments, LLC  2720 SE 89<sup>th</sup> Terr  2716 SE 89<sup>th</sup> Terr  Moore, OK 73160  <b>Mailing:</b> 5000 Val Verde Dr., Oklahoma City, OK 73142</p> <p>WINFIELD SEC 1 LOT 3A BLK 2</p>
<p>SWG Investments, LLC  2712 SE 89<sup>th</sup> Terr  2708 SE 89<sup>th</sup> Terr  Moore, OK 73160  <b>Mailing:</b> 5000 Val Verde Dr. Oklahoma City, OK 73142</p> <p>WINFIELD SEC 1 LOT 2A BLK 2</p>	<p>Garden Investments, LLC  2704 SE 89<sup>th</sup> Terr  2700 SE 89<sup>th</sup> Terr  Moore, OK 73160  <b>Mailing:</b> 18604 Trailview Way Edmond, OK 73012</p> <p>WINFIELD ADD. LTS 1A &amp; 1B BLK 2</p>
<p>Sand Properties, LLC  2621 SE 89<sup>th</sup> Terr  Moore, OK 73160  <b>Mailing:</b> 112 N. Broadway St. Moore, OK 73160</p> <p>WINFIELD II SEC 8 LOT 2 BLOCK 50</p>	<p>Bridget N Risley  2601 SE 89<sup>th</sup> Terr  Moore, OK 73160</p> <p>WINFIELD II SEC 8 LOT 7 BLOCK 50</p>

<p>Tony Nguyen 9013 Button Ave Moore, OK 73160</p> <p>WINFIELD II ADDITION 4 LOT 1 BLOCK 33</p>	<p>Dayvon G Jr. &amp; Nakia McCarrell 2525 SE 89<sup>th</sup> Terr Moore, OK 73160</p> <p>WINFIELD II SEC 8 LOT 8 BLOCK 50</p>
<p>Darin M &amp; Aubrey N Chapin 9000 Shady Grove Rd Moore, OK 73160</p> <p>WINFIELD II SEC 8 LOT 16 BLOCK 42</p>	<p>William A McGurk 9000 Ians Pl Moore, OK 73160</p> <p>WINFIELD II SEC 8 LOT 23 BLOCK 43</p>
<p>Michalle M Smith 9001 Shady Grove Rd Moore, OK 73160</p> <p>WINFIELD II SEC 8 LOT 22 BLOCK 43</p>	<p>Fraley Family Rev Trt 9001 Ians Pl Moore, OK 73160</p> <p>WINFIELD II SEC 8 LOT 11 BLOCK 49</p>
<p>Jamal J Hacena 2617 SE 89<sup>th</sup> Terr Moore, OK 73160</p> <p>WINFIELD II SEC 8 LOT 3 BLOCK 50</p>	<p>Thai &amp; Carrie Hoffman 2521 SE 89<sup>th</sup> Terr Moore, OK 73160</p> <p>WINFIELD II SEC 8 LOT 9 BLOCK 50</p>
<p>Wesley L &amp; Ann P Funk 2613 SE 89<sup>th</sup> Terr Moore, OK 73160</p> <p>WINFIELD II SEC 8 LOT 4 BLOCK 50</p>	<p>Cristina Perez 2517 SE 89<sup>th</sup> Terr Moore, OK 73160</p> <p>WINFIELD II SEC 8 LOT 10 BLOCK 50</p>
<p>Joyce E &amp; Kris E Beedle 2609 SE 89<sup>th</sup> Terr Moore, OK 73160</p> <p>WINFIELD II SEC 8 LOT 5 BLOCK 50</p>	<p>Luquetta D &amp; David C Jr McClarty 2513 SE 89<sup>th</sup> Terr Moore, OK 73160</p> <p>WINFIELD II SEC 8 LOT 11 BLOCK 50</p>
<p>Melinda Crandall 2605 SE 89<sup>th</sup> Terr Moore, OK 73160</p> <p>WINFIELD II SEC 8 LOT 6 BLOCK 50</p>	<p>Justin &amp; Chrystal McClure 2509 SE 89<sup>th</sup> Terr Moore, OK 73160</p> <p>WINFIELD II SEC 8 LOT 12 BLOCK 50</p>
<p>Winner Family Living Trust 9001 Crooked Creek Ln Moore, OK 73160 <b>Mailing:</b> 2105 NE 15<sup>th</sup> St. Moore, OK 73160</p> <p>WINFIELD II SEC 8 LOT 14 BLOCK 48</p>	<p>Lawrence H Harrold III 9000 Crooked Creek Ln Moore, OK 73160</p> <p>WINFIELD II SEC 8 LOT 12 BLOCK 49</p>

<p>Binh Hoang 2505 SE 89<sup>th</sup> Terr Moore, OK 73160</p> <p>WINFIELD II SEC 8 LOT 13 BLOCK 50</p>	<p>Calvin &amp; Paola Schwab 2501 SE 89<sup>th</sup> Terr Moore, OK 73160</p> <p>WINFIELD II SEC 8 LOT 14 BLOCK 50</p>
<p>Herley J Ayer 2433 SE 89<sup>th</sup> Terr Moore, OK 73160 WINFIELD II SEC 9 LOT 2 BLOCK 51</p>	<p>Sand Properties, LLC 2429 SE 89<sup>th</sup> Terr Moore, OK 73160 <b>Mailing:</b> 112 N. Broadway St. Moore, OK 73160</p> <p>WINFIELD II SEC 9 LOT 1 BLOCK 51</p>
<p>Noah John-Steven Jobe 9000 Misty Ln Moore, OK 73160</p> <p>WINFIELD II SEC 9 LOT 1 BLOCK 52</p>	<p>Stephen G &amp; Jeannine M Kniffen 9001 Misty Ln Moore, OK 73160</p> <p>WINFIELD II SEC 9 LOT 26 BLOCK 53</p>
<p>Sand Properties, LLC 2421 SE 89<sup>th</sup> Terr Moore, OK 73160 <b>Mailing:</b> 112 N. Broadway St. Moore, OK 73160</p> <p>WINFIELD II SEC 9 LOT 1 BLOCK 54</p>	<p>Kenneth William Thorne 2417 SE 89<sup>th</sup> Terr Moore, OK 73160</p> <p>WINFIELD II SEC 9 LOT 2 BLOCK 54</p>
<p>Vinh N. Le 2413 SE 89<sup>th</sup> Terr Moore, OK 73160</p> <p>WINFIELD II SEC 9 LOT 3 BLOCK 54</p>	<p>Michael &amp; Shelly Salisbury 2409 SE 89<sup>th</sup> Terr Moore, OK 73160</p> <p>WINFIELD II SEC 9 LOT 4 BLOCK 54</p>
<p>Clyde R Jr. &amp; Stacey L Ramsay 2405 SE 89<sup>th</sup> Terr Moore, OK 73160</p> <p>WINFIELD II SEC 9 LOT 5 BLOCK 54</p>	<p>Joel Leonor 2401 SE 89<sup>th</sup> Terr Moore, OK 73160</p> <p>WINFIELD II SEC 9 LOT 6 BLOCK 54</p>
<p>James L Jr &amp; Carmen R Gribbin 9001 Lolly Ln Moore, OK 73160</p> <p>WINFIELD II SEC 9 LOT 7 BLOCK 54</p>	<p>Tasco Enterprises, Inc. 9000 Lolly Ln Moore, OK 73160 <b>Mailing:</b> 13724 Stone Creek Dr. Oklahoma City, OK 73165</p> <p>WINFIELD II SEC 9 LOT 1 BLOCK 53</p>

<p>Yes Companies Exp Key, LLC  0 SW 89<sup>th</sup> St.  Moore, OK 73160  <b>Mailing:</b> 5050 S. Syracuse St. 1200  Denver, CO 80237  Account #: 185999</p> <p>6-10-2W 6.91 AC PRT NW/4 BEG NWC/  NW/4 N 90D E547.62' S549.59' W550.39'  N546.61' POB</p>	<p>Seven-Eleven Inc  0 SE 89<sup>th</sup> St.  Moore, OK 73160  <b>Mailing:</b> 2021 S. MacArthur Blvd  Oklahoma City, OK 73128  Account #: 53875</p> <p>1-10-3W .612661 AC PRT NE/4 BEG 75`S  AND 50` W NE/C S125` W180` N150` E155`  S45D E35.381` POB SUBJ R/E</p>
<p>Eighty Ninth Center, LLC  SE 89<sup>th</sup> St.  Moore, OK 73160  <b>Mailing:</b> 3660 NW 206<sup>th</sup> St.  Edmond, OK 73012  Account #: 169404  Account #: 169403</p> <p>1-10-3W .37 AC PRT NE/4 BEG 410.50` W  NE/C NE/4 S201.30` W79.50` N201.30`  E79.50` POB</p>	<p>Rogers Equity Group II, LLC  9101 S. Bryant Ave.  Moore, OK 73160  <b>Mailing:</b> P.O. Box 2053  Bentonville, AR 72712</p> <p>1-10-3W .61 AC PRT NE/4 BEG 424`S NE/C  NE/4 S176` W151.83 N176` E151.83` POB</p>



1 EAST SHERIDAN, SUITE 200  
OKLAHOMA CITY, OK 73104  
(405) 235-8075  
FAX (405) 235-8078

October 26, 2023

Mr. Rick Wickencamp, Director of Development Services  
The City Oklahoma City  
420 W. Main, 10<sup>th</sup> Floor  
Oklahoma City, OK 73102

Attention: Mr. Rick Wickencamp

**RE: Locke Supply Development East of Bryant Avenue & South of I-240  
Formal Request for Development Fees Waiver, a Part of the OK 577  
Project**

Dear Rick:

Johnson and Associates (J&A) is the Project Engineer for the OK 577 Industrial Development Project, a collaboration of the Oklahoma Industries Authority (OIA), the Alliance for Economic Development, and the chosen developer OK 577, LLC. This project was initiated to encourage industrial growth in our market and secure lands available for future employment. As part of the Project, there is now proposed a new warehouse facility for Locke Supply, as the anchor tenant, in which J&A is also the Civil Engineer of record. The provided exhibits note the location of Locke Supply in relation to the overall development.

Since the original adoption of the impact fee ordinance, technological advances in warehousing and industrial uses have occurred. Due to the unique design and the use of automation in this new distribution warehouse, J&A has been requested to review the Streets Development Fees for Locke Supply as assessed by City staff on September 28, 2023, to determine a more accurate approach to the impact to the surrounding streets and infrastructure. The following information provides context for the project and illustrates how Locke Supply's new warehouse will produce less impact to streets and traffic infrastructure outside the area of the development than typical buildings of this size and use would have. Additionally, the overall OK 577 Project is already providing privately funded major improvements to the public street system that should be considered for offsetting fees, when determining a final fee assessment for Locke Supply.

The Oklahoma City ORDINANCE NO. 25,374 Published in the Journal Record April 27, 2016, establishes the Streets Development Fees and lists Warehousing (ITE Land Use Code 150) as part of the Industrial land use category. In 2016 when the ordinance was published, the most current ITE Trip Generation Manual was the 9<sup>th</sup> Edition which was utilized to determine typical traffic generated by a facility of this type. As seen on the attached Trip Generation Table 1, the proposed development would supposedly generate 5,586 trips per day utilizing the ITE Land Use Code 150 as referenced in the Ordinance. By comparison, the use type High-Cube Warehouse category (ITE Land Use Code 152) was not adopted by the Oklahoma City

ordinance and is somewhat more analogous, although still resulting a in very high overestimation of the proposed Locke Supply Development with an estimated 2,636 trips per day which can also be seen on Table 1. Also included in Table 1 are trip generation calculations utilizing the most recent 11<sup>th</sup> Edition ITE Trip Generation Manual. These values were not available when the Ordinance was developed but still show the expected traffic from the proposed Locke Supply facility is a fraction of the typical traffic from warehouses of this type included in the most current ITE manual.

The proposed 1,569,191 square foot Locke Supply warehouse will replace their existing warehouse located south of SE 82<sup>nd</sup> Street and east of I-35 with this larger and more efficient facility within the OK 577 development area. As such, Locke Supply has established efficiencies on how the new facility will operate based on the operation of their current facility. The new facility, at full capacity, is expected to generate, at most, 700 employee trips per day and 50 truck trips per day on the busiest days, for a total of 750 trips. Most of the truck trips are anticipated to be spread across the AM hours from 1:00 AM to 12:00 PM with the employee trips following typical distribution for facilities of this type. Traffic during the weekends will be significantly reduced with at most a total of only 50 trips per day.

Another key differentiator of this facility will be how Locke uses the newest technology for warehouses, which includes automation. It is anticipated the development will generate significantly less traffic than typical warehouses of similar size. The proposed facility will generate 750 trips per day while the typical warehouse of this size generates 5,586 trips per day according to the ITE manual used in 2016. This indicates that the new facility will generate 13.4% of the generic warehouse land use type indicated in the Streets Development Fees ordinance. For the High-Cube Warehouse ITE use type, (not adopted by the Oklahoma City ordinance), the anticipated 750 trips per day for the facility is roughly 28% of the use type that is most similar to the proposed development, still significantly less. We request these facts be considered in reducing the fees for the proposed facility.

Additionally, the proposed development is located directly south of Interstate 240, a federally funded highway, which will convey the majority of traffic to and from the site. Unlike other locations that may be located miles from the closest interstate, the proposed facility will be less than one-half mile of I-240 on the abutting Section line arterials, and of course the Interstate is maintained and improved by the Oklahoma Department of Transportation (ODOT) for which Street Development Fees are not utilized. Due to this proximity and design of the proposed Locke Supply facility, this project will have a fraction of the impact on Oklahoma City streets, compared to the methodology used by the existing traffic impact assessment, which generally categorizes only an average warehouse facility use type.

Additionally, as part of the OK 577 overall development, three roadways are being constructed internally within the project. These roadways are privately funded by others and will be dedicated as public roadways upon completion. This includes one mile of two-lane frontage road just south I-240, one mile of 4-lane divided roadway running east/west approximately ½ mile south of I-240 as well as a north/south 2-lane roadway connecting these two roadways halfway between Eastern Avenue and Bryant Avenue. The two east/west roadways are

currently under construction with a total cost of \$10,000,000 which consist of all the infrastructure including significant amounts of storm sewer and street lighting. The north south roadway is expected to cost approximately \$3,000,000. The costs of these improvements are shared by all Project 577 landowners or tenants, including Locke Supply, through the cost of the land and the amount of the rent.

While these improvements are located within the overall OK 577 site, they also help decrease Locke Supply's actual impact on traffic congestion. These new streets add to the public infrastructure and provide an increase in functional service capacity of the street system by expanding the street grid system in the area and adding frontage capacity to the Interstate. If there is congestion on any of the major arterials surrounding the site, vehicles will utilize the public roadways through the site to access less congested routes. This could relieve congestion even several miles away as drivers may utilize one of the roadways to go from Eastern Avenue to Bryant Avenue to avoid historic congestion that might occur between Eastern Avenue and Bryant Avenue at the 2-lane SE 89<sup>th</sup> Street and as far north as SE 44<sup>th</sup> Street or south at SE 104<sup>th</sup> Street. This current expansion of the grid system for street infrastructure allows for alternate routes and provides the biggest impact during peak hours when traffic is at its worst, thus diluting the impact, if any, of Locke Supply. As privately funded improvements are already underway to existing infrastructure, it seems reasonable that credits to Locke for the Streets Development Fees should be given because of the adequacy of other public facilities and because the impact of traffic upon adequate existing facilities attributable to Locke is miniscule.

As stated in the Municipal Code Chapter 60 §50-14(b), "New developments . . . shall be charged a development fee for capital improvement costs for increases or expansion to the capacity of public infrastructure systems *attributable* to that development." (emphasis supplied). The existing roadway of Bryant Avenue, and access to I-240 is already a fully developed, four lane roadway and adequate for handling the relatively few trips to be added by the Locke Supply warehouse. SW 89<sup>th</sup> Street, is a two-lane road on the south, but by current design is not intended to be used by any truck traffic. Together with the construction of three new streets to be dedicated to the City, in my opinion there is no needed foreseeable increase or expansion to public infrastructure attributable to Locke Supply's proposed facility. Additionally, charging Locke Supply a development fee for already existing adequate public infrastructure (part of which Locke is helping to fund) creates problematic double payment issues for the City, especially when other revenues are contributing to the capital costs of infrastructure covered by the assessed Development Fee.

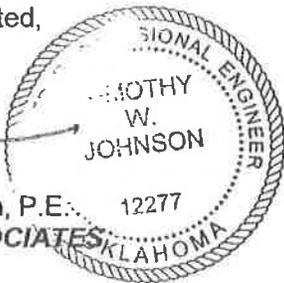
The proposed 1,569,191 square foot Locke Supply warehouse has been leveed a New Growth, Industrial fee of \$725,158.56 by City staff. The actual proposed design and use of the Locke Supply warehouse, utilizing the latest technology for its field, will reduce the expected number of trips generated by the warehouse as compared to the typical land use categories utilized in the Streets Development Fees ordinance. Based upon the permitted use, and the other factors outlined herein, the actual impact upon the streets attributable to Locke Supply is, in my opinion, \$97,171.24 / or 13.4% of the assessed fee.

Mr. Rick Wickencamp  
RE: Locke Supply Development  
October 26, 2023  
Page 4

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Therefore, Johnson & Associates, on behalf of our client Locke Supply, hereby requests the Development Services Director review the information in this letter and consider the requested elimination/reduction of Street Development Fees in accordance with Subsection M of the Oklahoma City Ordinance and as allowed in Subsection G of the 2014 Oklahoma Statutes Title 62 Public Finance §62-895 Municipal development fees. Should there be any questions or comments, please feel free to contact this office.

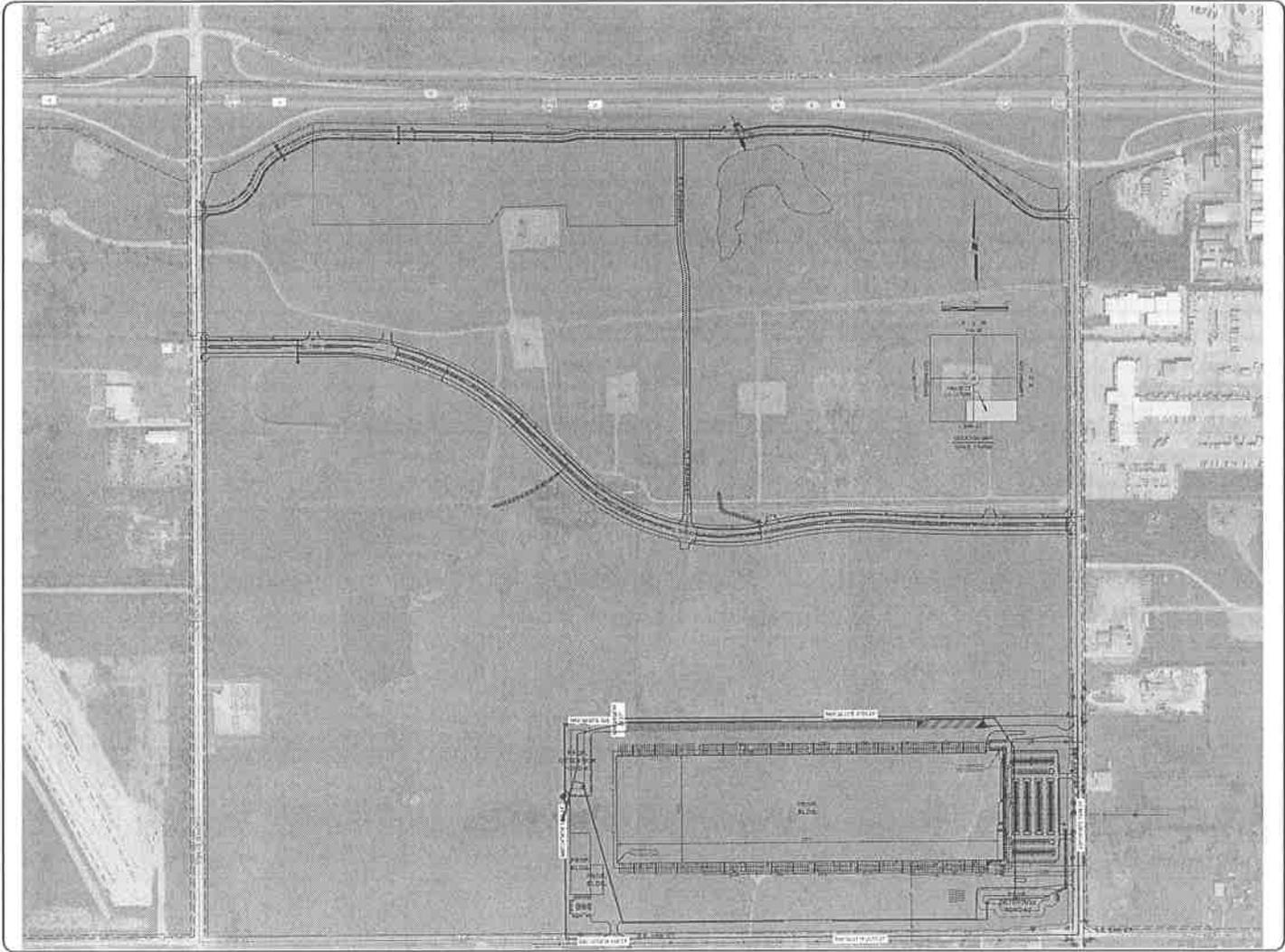
Respectfully Submitted,

  
Timothy W. Johnson, P.E. 12277  
JOHNSON & ASSOCIATES  


TWJ/rw

Attachment(s)

cc: Caleb Morgan, P.E.  
Project #5156-017/C



100% SCALE  
 DATE: \_\_\_\_\_  
 REVISIONS: \_\_\_\_\_  
 NO. \_\_\_\_\_  
 PROJECT: \_\_\_\_\_  
 DRAWING: \_\_\_\_\_  
 SHEET: \_\_\_\_\_

**JA**  
 JACOBS ASSOCIATES  
 10000 W. 16th Ave., Suite 100  
 Denver, CO 80202  
 Phone: (303) 750-1000  
 Fax: (303) 750-1001

**LOCKE SUPPLY**  
 IMPROVEMENT AND SITE REVISIONS (REVISED)  
 SITE LOCATION

1

**LOCKE SUPPLY  
TRIP GENERATION  
10/26/2023**

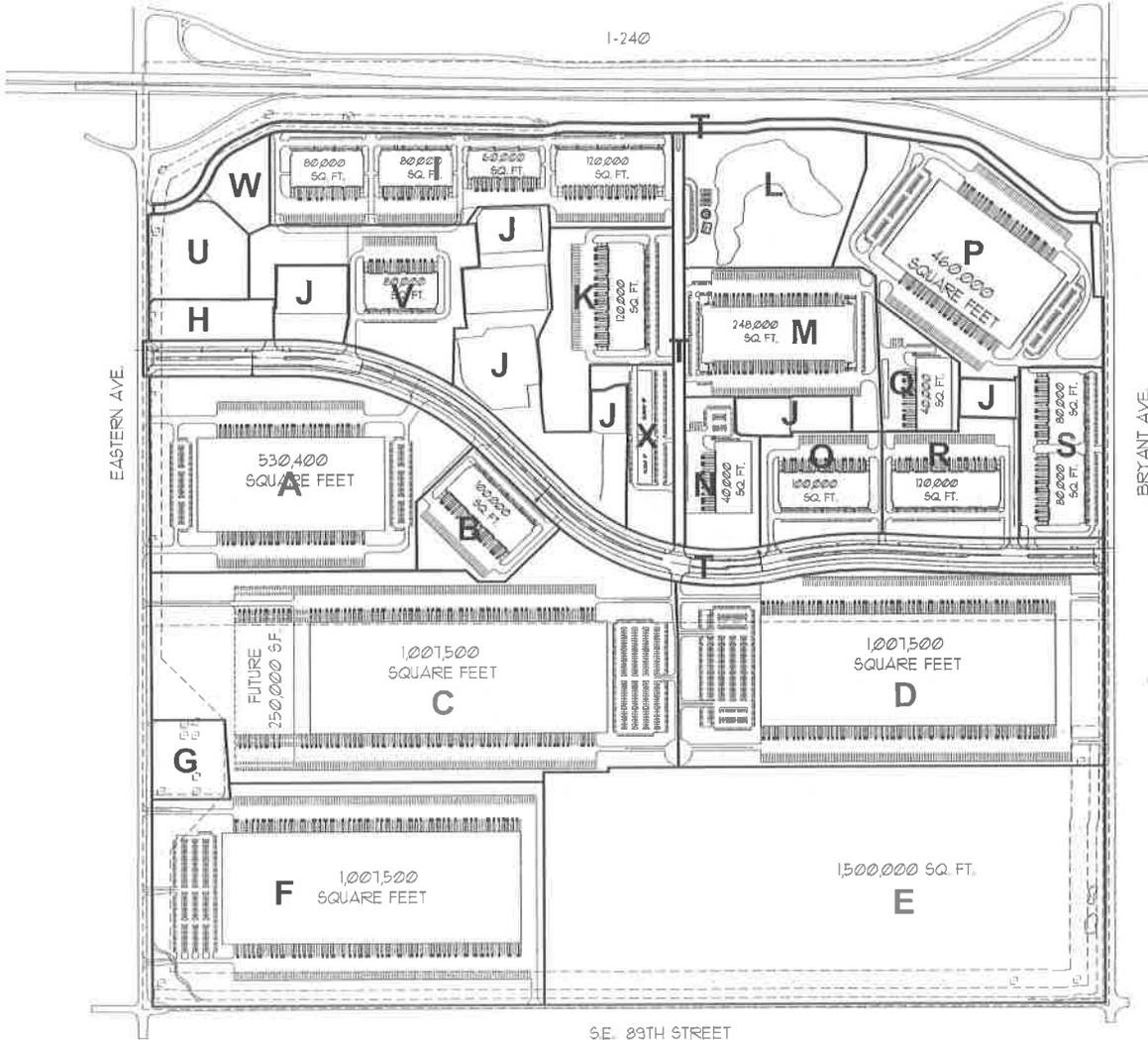
Description, ITE Code (Unit Type) Trip Generation Details	Number of Units	Trip Generation Rates			Distribution Percentages					Total Trips			Trip Distribution					
		Weekday	AM	PM	Pass-By	AM Entering	AM Exiting	PM Entering	PM Exiting	Daily	AM Peak Hour	PM Peak Hour	AM Entering	AM Exiting	AM Pass-By	PM Entering	PM Exiting	PM Pass-By
<b>Values from the ITE Trip Generation Manual 9th Edition which was the most recent edition in 2016</b>																		
Warehousing 150 (S.F.) AM & PM Peak of Adjacent Street	1,569,191	3.56	0.30	0.32	NA	79%	21%	25%	75%	5,596	471	502	372	99	NA	126	376	NA
High-Cube Warehouse 152 (S.F.) AM & PM Peak of Adjacent Street	1,569,191	1.68	0.11	0.12	NA	69%	31%	31%	69%	2,636	173	188	119	54	NA	58	130	NA
<b>Values from the ITE Trip Generation Manual 11th Edition which is the most recent edition currently</b>																		
Warehousing 150 (S.F.) AM & PM Peak of Adjacent Street	1,569,191	1.71	0.17	0.18	NA	77%	23%	28%	72%	2,683	267	282	206	61	NA	79	203	NA
High-Cube Transload and Short-Term Storage Warehouse 154 (S.F.) AM & PM Peak of Adjacent Street	1,569,191	1.40	0.08	0.10	NA	77%	23%	28%	72%	2,197	126	157	97	29	NA	44	113	NA

**TABLE 1**

I-240

EASTERN AVE.

BRYANT AVE.



SE 89TH STREET

	AREA (ACRES)	BUILDING AREA (SQ FT)
A	37.42	530,400
B	6.50	80,000
C	74.35	1,001,500
D	57.24	1,001,500
E	35.14	1,500,000
F	60.01	1,001,500
G	2.58	
H	3.58	
I	24.50	340,000
J	31.40	
K	14.46	120,000
L	16.24	
M	18.11	240,000
N	1.37	40,000
O	5.55	100,000
P	31.87	460,000
Q	5.67	40,000
R	10.71	10,000
S	10.15	80,000
T	38.61	
U	6.19	
V	14.55	50,000
W	2.97	
X	4.20	40,000
Y	6.20	80,000
Z	6.20	80,000
TOTAL	324.09	7,162,900

PRELIMINARY OVERALL SITE PLAN

10-04-23



The City of  
**OKLAHOMA CITY**  
**DEVELOPMENT SERVICES DEPARTMENT**

December 12, 2023

Timothy W. Johnson, P.E.  
Johnson & Associates  
1 East Sheridan, Suite 200  
Oklahoma City, OK 73104

RE: Locke Supply Co. Development East of Bryant & South of I-240  
Formal Request for Development Fees Waiver, a part of the OK 577 Project  
Development Services Director - Notice of Determination

Dear Mr. Johnson:

The City is in receipt of your letter of October 26, 2023, on behalf of your client Locke Supply Co., requesting the Development Services Director review the information in your letter and consider the requested elimination/reduction of Street Development Fees in accordance with subsection M of the Oklahoma City ordinances and as allowed in subsection G of the 2014 Oklahoma Statutes Title 62, Public Finance, Section 895, Municipal Development Fees.

As you are aware, in response to your letter, a meeting was held on Friday, December 1, 2023. In addition to you and me, in attendance were representatives of the City of Oklahoma City and its legal counsel and a representative of Locke Supply Co., and its legal counsel. Thank you for participating in that meeting and providing information regarding your request.

Oklahoma City ordinance Section 50-14 (k) provides, in part:

“The development fees for each development will be determined and calculated based upon the square feet of development as defined in this Section 50-14, the streets development fee Assessment Area Classification as set forth on the Development Fee Assessment Areas Category Map in Chapter 60, the General Schedule of Fees, the rate per square foot of development as set forth in Chapter 60, General Schedule of Fees, and the land use(s) of the development in this Section 50-14.”

Subsection (k)(1) also provides, in part:

“Should the building permit applicant dispute the determination of the City staff of the calculation of square feet of development, or the number of square feet of development designated

in a Land Use Category, and/or the assessment area or service area/benefit area in which the development is situated, or any other basis for the City's calculation of the fee, then the building permit applicant must, within 30 days of such calculation, submit:

- a. a copy of the building permit application and any previously issued building permits, demolition permits, and certificates of occupancy,
- b. the determination by City staff,
- c. a copy of the final approved development plan for that development, and
- d. a written statement, not to exceed three pages, explaining the applicant's calculations and basis for the appeal.

The City received and has now reviewed the applicant's dispute regarding the calculation of street impact fees for the property owned by Locke Supply Co. Please note that the Development Services Director cannot authorize recalculation of the fee based on provisions that are not specified in the ordinance.

The calculation of square footage of the applicant's development, the number of square feet of development, the designated Land Use Category, and the assessment area and the service area/benefit area in which the development is situated have been reviewed and verified and the information provided in the meeting, as relates to the City's calculation of the fee, have been considered. I have determined that the fee was calculated in accordance with the ordinance.

The developer may file an appeal of the Development Services Director's determination to the Board of Adjustment. Pursuant to Section 50-14(k)(2) provides that should the building permit applicant dispute the determination of the Development Services Director of the calculation of square feet of development, or the number of square feet of development designated in a Land Use Category, and/or the assessment area or service area/benefit area in which the development is situated, or any other basis for the City's calculation of the fee, then the developer must, within five business days of such calculation, submit formal written notice of appeal to the Board of Adjustment in accordance with Board of Adjustment policies.

The Board of Adjustment may determine the number of square feet of development, or the number of square feet of development designated in each Land Use Category, and the assessment area or service area/benefit area in which the development is situated, or the correct development fee to be assessed based on the calculations herein. The Board of Adjustment may not waive development fees, issue refunds, or grant credits or exemptions.

The information presented in the dispute letter and in the meeting, which does not dispute the administrative determinations in calculating the fee within the parameters of the existing ordinance, are not within the authority granted the Development Services Director under the ordinance.

Should the developer plan to make infrastructure improvements to arterial streets, at developer's sole cost, and desire to request an exemption to streets development fees equal to the cost of such improvements approved by the City and up to, but not in excess of the amount of the

streets development fees for the designated development, then the developer should timely pursue such a request under Section 50-14(m). Please contact the Public Works Department and provide documentation of public street improvements constructed, and the costs incurred, by Locke Supply Co., that satisfy the requirement for credits under Section 50-14(m).

Respectfully,



Rick Wickenkamp  
Development Services Director

cc: Aubrey McDermid, Assistant City Manager  
Geoff Butler, Planning Director  
Debbie Miller, Public Works Director

*The Law Office of*  
**McATEE & WOODS, P.C.**  
*ATTORNEYS AT LAW*

MICHAEL G. McATEE  
MAURICE G. WOODS, II  
ADAM M. BAKER  
CHRISTINE B. McINNES  
ORION A. STRAND

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Facsimile (405) 232-0009  
[office@mcateeandwoods.com](mailto:office@mcateeandwoods.com)

Tulsa Office  
DON W. DANZ  
SETH A. CAYWOOD  
(918) 928-5960  
Direct Dial

January 24, 2024

Board of Adjustment  
The City Oklahoma City  
420 W. Main, Suite 910  
Oklahoma City, OK 73102

Re: BLDC-2023-05982  
Locke Supply Co.  
Appeal from Non-action by Development Services Director

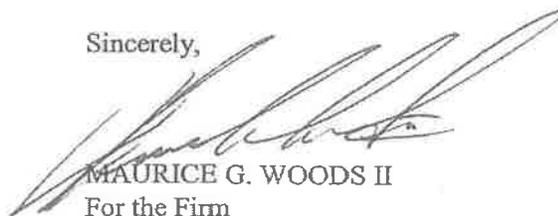
Dear Board of Adjustment:

This letter will supplement the above-referenced appeal submitted to the Board of Adjustment on November 14, 2023. Pursuant to OKC Municipal Code, §50-14(k)(2), please append the enclosed Notice of Determination from the Developmental Services Director, Rick Wickencamp, dated December 12, 2023, to our appeal. (Exhibit B).

If there is any additional information you need, please let me know. Upon receipt of your notice, we will promptly pay the required appeal fee.

Should you have any questions or concerns, please do not hesitate to call.

Sincerely,



MAURICE G. WOODS II  
For the Firm

MGW/ca  
Enclosure – Notice of Determination (Exhibit B to appeal)

*The Law Office of*  
**McATEE & WOODS, P.C.**  
*ATTORNEYS AT LAW*

MICHAEL G. McATEE  
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CHRISTINE B. McINNES  
ORION A. STRAND

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Facsimile (405) 232-0009  
[office@mcateeandwoods.com](mailto:office@mcateeandwoods.com)

Tulsa Office  
DON W. DANZ  
SETH A. CAYWOOD  
(918) 928-5960  
Direct Dial

January 24, 2024

Board of Adjustment  
The City Oklahoma City  
420 W. Main  
Suite 910  
Oklahoma City, OK 73102

Re: BLDC-2023-05982  
Locke Supply Co.  
Appeal from Non-action by Development Services Director

Dear Board of Adjustment:

I represent Locke Supply Co. who has been assessed a Development Fee pursuant to Chapter 50 §14 for their new warehouse facility to be located at 8811 S. Bryant Avenue, Oklahoma City in the amount of \$725,158.56. Locke Supply Co. hereby disputes the basis for the calculation of the fee, and appeals.

On September 28, 2023 Christopher Moses, Plans Examiner, gave first notice of the assessed Development Fee, the exact amount of which was made clear by Donna McMurtry on October 25, 2023. Pursuant to OKC Municipal Code, §50-14(k)(1) timely appeal was hand-delivered to Rick Wickencamp, Development Services Director, within thirty (30) days of that decision on October 27, 2023, together with the following enclosures:

- A. A copy of the building permit application and permits;
- B. An email from Donna McMurtrey dated October 25, 2023 setting forth the determination of the fee by City staff;
- C. A copy of the final approved development plan; and
- D. A letter from the engineer of record, Tim Johnson, P.E. explaining the calculations and basis for the appeal.

According to subsection (k)(1), “the Development Services Director will review the appeal and provide the building permit applicant an opportunity to be heard, within ten days of the appeal filing, in the form of a meeting or teleconference.” The language utilized is mandatory, rather than permissive. Nonetheless, no hearing has been provided, nor has there been any indication the appeal is under review. Ten days from October 27, 2023 expired on November 6, 2023, and Locke Supply Co., treats the Building Services’ Director’s lack of mandatorily required action as the appeal being deemed denied.

January 24, 2024

Page 2

Pursuant to subsection (k)(2), Locke Supply Co. is afforded a second-tier review by the Board of Adjustment, if made “within five business days of such calculation [by the Development Services Director].” On Friday, November 10, 2023 City offices were closed in recognition of Veteran’s Day. This appeal to the Board of Adjustment is therefore timely made on Tuesday, November 14, 2023.

On the morning of November 14, 2023 counsel received a telephone call from Toni in Mr. Wickencamp’s office offering a teleconference Teams meeting, which has now been scheduled for Monday, November 27, 2023 at 1:30 p.m. The offer of the meeting was out of time, as is the available date of the meeting. Locke Supply will proceed with the teleconference as scheduled in furtherance of the potential relief requested. However, out of an abundance of caution regarding inflexible deadlines set forth by statute and ordinance, Locke Supply Co. proceeds with this Application for Appeal to the Board of Adjustment at this time.

Pursuant to §50-14(m), Development Fees assessed are subject to objective standards:

Subject to the provisions and limitations of 62 O.S. §895, and the requirement that development exactions by the City shall not exceed a clear, ascertainable, and reasonably determined proportionate share of the cost of capital improvement to the public infrastructure system attributable to the expansion or increase in functional service capacity generated, or to be generated by, the development being charged the fee . . .”

A careful review of the submitted materials will lead you to a conclusion that the Development Fee currently assessed against Locke Supply Co. is neither 1) clear, ascertainable, or reasonably proportional to the nature and extent of the impact of the development; nor 2) results from any projected required increase in functional service capacity; nor 3) is based upon reliable, ascertainable or reasonable projections of system improvement costs attributable to Locke Supply Co’s new warehouse facility.

In accordance with subsection (k)(2), I attach herewith for the Board of Adjustment’s review:

- A. A copy of the building permit application and permits;
- B. Omitted. (No Timely Determination by Development Services Director);
- C. A copy of the final approved development plan; and
- D. A letter from the engineer of record, Tim Johnson, P.E. explaining the calculations and basis for the appeal.

Should you have any questions or concerns, please do not hesitate to call.

Sincerely,



MAURICE G. WOODS II  
For the Firm



DEED

When Recorded, Return to:

Locke Supply Co.  
c/o John Orman III, CEO  
1300 S.E. 82<sup>nd</sup> Street  
Oklahoma City, Oklahoma 73149

Chicago Title Oklahoma  
210 Park Ave., Suite 210  
Oklahoma Tower  
Oklahoma City, OK 73102  
710702300170

SPECIAL WARRANTY DEED

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, **OKC 577, LLC**, an Oklahoma limited liability company ("Grantor"), does hereby grant and convey to **LOCKE SUPPLY CO.**, an Oklahoma corporation ("Grantee"), all right, title, and interest of Grantor in and to the real property located in Oklahoma County, Oklahoma and described on Exhibit A attached hereto and by this reference made a part hereof (the "Property"), together with (a) all buildings, structures, and improvements located thereon, including, but not limited to, (a) all appurtenances, hereditaments, easements, rights-of-way, reversions, remainders, development rights, well rights, water rights, and air rights; (b) all oil, gas, and mineral rights not previously reserved; (c) any rights of Grantor in or to any adjoining strips or gores of property and any land lying within any adjoining street, highway, or waterway; and (d) any other rights or privileges appurtenant to the Property or used in connection therewith;

SUBJECT ONLY TO: those matters set forth on Exhibit B attached hereto and made a part hereof and such matters that would be revealed by an accurate survey of the Property.

AND GRANTOR hereby binds itself and its successors to warrant and defend the title against the acts of Grantor and none other, subject to the matters set forth above. Furthermore, Grantor hereby assigns, transfers, and conveys to Grantee any and all rights, remedies, and warranties acquired by Grantor from Grantor's predecessors in title.

[SIGNATURE PAGE FOLLOWS]

UNRECORDED

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed this 22 day of JUNE 2023.

OKC 577, LLC,  
an Oklahoma limited liability company

By: [Signature]  
Name: Richard J. Tanenbaum  
Title:

**ACKNOWLEDGMENT**

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Oklahoma )  
County of Oklahoma )

On JUNE 22, 2023, before me, JEFF MULLINS,  
Notary Public, personally appeared Richard J. Tanenbaum, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Oklahoma that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]

(Seal)

JEFF MULLINS  
Notary Public - State of Oklahoma  
Commission Number 17004742  
My Commission Expires May 15, 2025

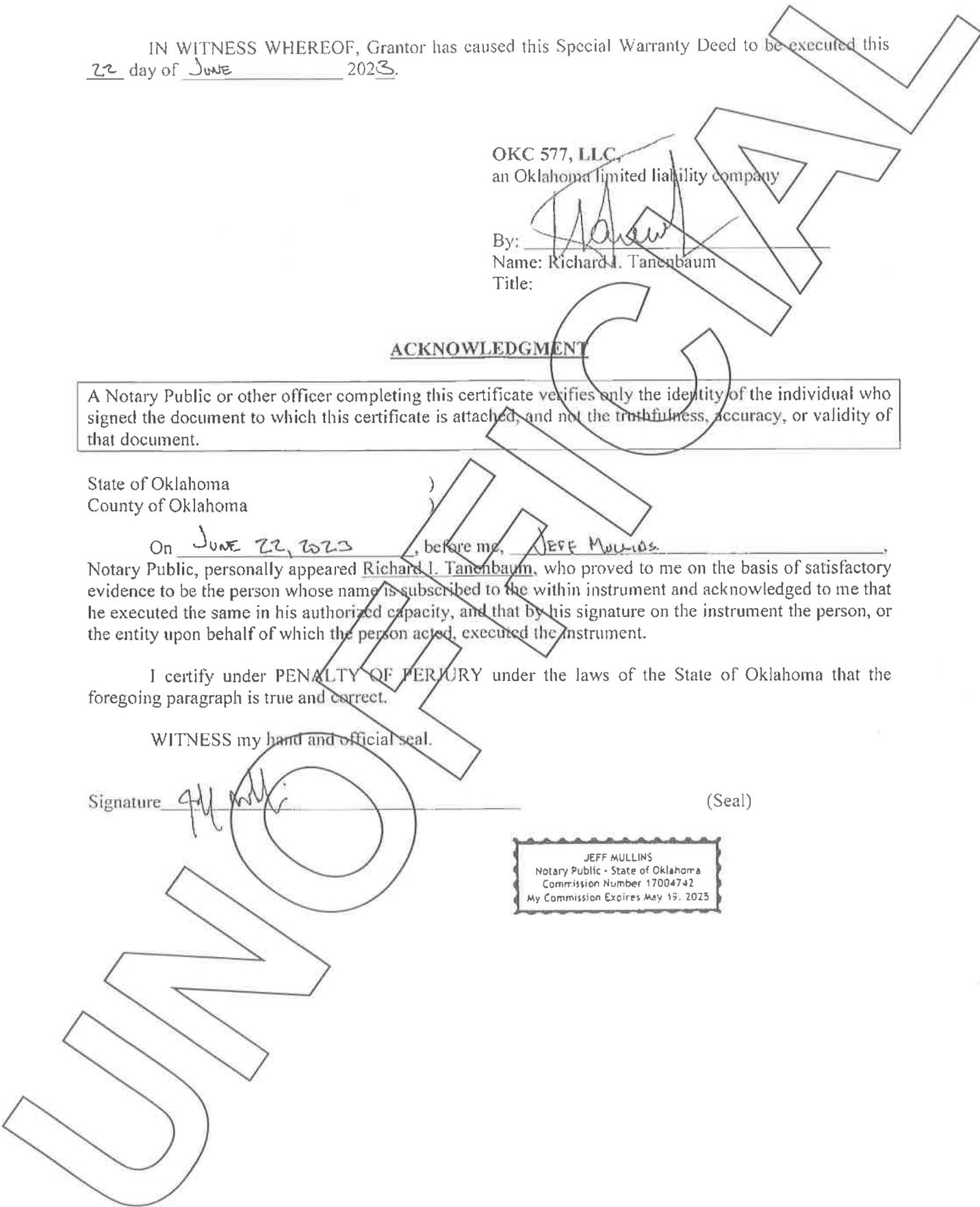


EXHIBIT A

A tract of land being a part of the Southeast Quarter (SE/4) and Southwest Quarter (SW/4) of Section Thirty-six (36), Township Eleven (11) North, Range Three (3) West of the Indian Meridian, Oklahoma City, Oklahoma County, Oklahoma, being more particularly described as follows: Beginning at the Southeast corner of said Southeast Quarter (SE/4), said point being the point of beginning; thence South 89°32'31" West, along and with the South line of said Southeast Quarter (SE/4), a distance of 2,655.27 feet to the Southwest (SW) Corner of said Southeast Quarter (SE/4); thence South 89°35'02" West, along and with the South line of said Southwest Quarter (SW/4), a distance of 450.07 feet; thence North 00°24'58" West, departing said South line, a distance of 1,310.94 feet; thence North 89°39'25" East, a distance of 356.82 feet; thence North 00°24'58" West, a distance of 29.52 feet; thence North 89°39'25" East, a distance of 2,750.21 feet to a point on the East line of said Southeast Quarter (SE/4); thence South 00°20'35" East, along and with the East line of said Southeast Quarter (SE/4), a distance of 1,334.56 feet to the point of beginning.

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EXHIBIT B

1. Taxes or special assessments which are not shown as existing liens by the public records.
2. Ad Valorem taxes for 2023, and subsequent years, amounts of which are not ascertainable, due or payable.
3. All interest in and to all oil, gas, coal, metallic ores and other minerals in and under and that may be produced from insured premises, and all rights, interests and estates of whatsoever nature incident to or growing out of said outstanding minerals.
4. Right of Way Contract in favor of Phillips Petroleum co., recorded in Book 206, Page 227.
5. Easement in favor of the Southwestern Bell Telephone Company, recorded in Book 2907, Page 524.
6. Easement in favor of the Atchison, Topeka, and Santa Fe Railway Company, recorded in Book 3794, Page 275.
7. Agreement by and between The Commissioners of the Land Office, and Cities Service Oil Company, recorded in Book 4209, Page 274.
8. Easement in favor of Southwestern Bell Telephone Company, recorded in Book 4552, Page 1884.
9. Easement in favor of Oklahoma Gas and Electric Company, recorded in Book 4632, Page 308.
10. Easement in favor of Phillips Petroleum Company, recorded in Book 4737, Page 1167.
11. Easement in favor of the City of Oklahoma City, recorded in Book 4827, Page 1077.
12. Easement in favor of Oklahoma Natural Gas Company, recorded in Book 5272, Page 1733.
13. Easement in favor of the City of Oklahoma City, recorded in Book 12569, Page 1206.
14. Amended Rules and Regulations of the Central Oklahoma Master Conservancy District, recorded in Book 13925, Page 674.
15. Memorandum of Surface Use Agreement in favor of Stephens & Johnson Operation Co. recorded in Book 15095, Page 923.
16. Lease Agreement dated December 15, 2022 between Oklahoma Industries Authority, a public body corporate and politic under Title 60, Oklahoma Statutes 2011, Section 176 et seq., (Lessor) and OKC 577, LLC, an Oklahoma limited liability company, (Lessee) evidenced by Memorandum of Lease recorded December 28, 2022 in Book 15353, Page 271.
17. Right of Way Agreement in favor of Oklahoma Natural Gas, a division of ONE Gas, Inc., recorded in Book 15388, Page 955.

18. Master Development Agreement dated February 28, 2022 by and between the Oklahoma Industries Authority, a public trust, and OKC 577, LLC, an Oklahoma limited liability company, as disclosed in the Lease Agreement dated December 15, 2022 between Oklahoma Industries Authority, a public body corporate and politic under Title 60, Oklahoma Statutes 2011, Section 176 et seq., (Lessor) and OKC 577, LLC, an Oklahoma limited liability company, (Lessee) evidenced by Memorandum of Lease recorded December 28, 2022 in Book 15353, Page 271.
19. This commitment/policy excepts as to the rights of adjoining land owners in and to the pond on the East of the herein above described property which may constitute a change in its course, or channels thereof, accretion or riparian rights affecting title to the property.
20. The following matters shown on survey dated March 28, 2023, prepared under Project No. 5156006 by Matthew Johnson, Licensed Professional Land Surveyor No. 1807 for Johnson & Associates:
  - i. Overhead electric lines on the South without the benefit of an easement
  - ii. Multiple Commissioners of the Land Office pipeline easements No. 11, 655, 703, 5093, 656, 724 and 1629 throughout the property without the benefit of a recorded easement
  - iii. Fence encroaches North boundary line
  - iv. Underground sanitary sewer line on the South without the benefit of an easement
  - v. Underground OG&E cable on the South without the benefit of an easement
  - vi. Unidentified underground cables on the South without the benefit of an easement
  - vii. Guy wires on the South

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#### PROPERTY LEGAL DESCRIPTION

A tract of land being a part of Southeast Quarter (SE/4) and Southwest Quarter (SW/4) of Section Thirty-six (36), Township Eleven (11) North, Range Three (3) West of the Indian Meridian, Oklahoma City, Oklahoma County, Oklahoma, being more particularly described as follows: Beginning at the Southeast corner of said Southeast Quarter (SE/4), said point being the point of beginning; thence South 89°32'31" West, along and with the South line of said Southeast Quarter (SE/4), a distance of 2,655.27 feet to the Southwest (SW) Corner of said Southeast Quarter (SE/4); thence South 89°35'02" West, along and with the South line of said Southwest Quarter (SW/4), a distance of 450.07 feet; thence North 00°24'58" West, departing said South line, a distance of 1,310.94 feet; thence North 89°39'25" East, a distance of 2,750.21 feet to a point on the East line of said Southeast Quarter (SE/4); thence South 00°20'35" East, along and with the East line of said Southeast Quarter (SE/4), a distance of 1,334.56 feet to the point of beginning.

