

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, July 23, 2019, 1:00 P.M.

Meeting No. 1233

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of July 9, 2019 (Meeting No. 1232).

UNFINISHED BUSINESS

2. **22668—1 Architecture, LLC – Nick Denison**
Special Exception to allow a High-Impact Medical Marijuana Processing Facility in an IM (Industrial-Moderate) District (Section 15.020). **LOCATION:** 1316 South Sheridan Road East **(CD 5)**
3. **22674—Allie Ogden**
Special Exception to permit a single household detached house in the CBD District (Section 15.020, Table 15-2). **LOCATION:** 306 South Kenosha Avenue East **(CD 4)**

Applicant requests a continuance to August 13, 2019.

NEW APPLICATIONS

4. **22678—Nancy Lavery**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 6733 East 11th Street South **(CD 3)**
5. **22679—Greenwood Wellness – Martin Jones**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D) **OR** in the alternative a Variance of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 810 East 6th Street South **(CD 4)**

6. **22680—W Design – Weldon Bowman**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
LOCATION: 3403 South Peoria Avenue East **(CD 9)**
7. **22682—Sally Ann Perry**
Modification of previously approved Special Exception (BOA-22300) to extend the time limit for a bed and breakfast use (Section 5.020, Table 5-2).
LOCATION: 4138 South Owasso Avenue East **(CD 9)**
8. **22683—Tom Neal**
Variance to allow a detached accessory structure to exceed 500 square feet or 40% of the of the floor area of the principal residential structure in an RS-4 District (Section 45.030-A). **LOCATION:** 1332 East 17th Place South **(CD 4)**
9. **22684—Father George Eber**
Variance to allow a structure in the street setback to exceed 30 inches in an RM-2 District to permit construction of stairs and a bell tower (Section 90.090-C, Table 90-1). **LOCATION:** 2646 East 6th Street South **(CD 4)**
10. **22685—Rick Stuber Architecture, Inc.**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
LOCATION: 4903 East Admiral Place North **(CD 3)**
11. **22686—Kim Kelley**
Special Exception to allow a Type 2 home occupation in an RS-4 District to permit a hair styling business (Section 45.100). **LOCATION:** 252 East Tecumseh Street North **(CD 1)**
12. **22687—Muneer Khalilullah**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
LOCATION: 4948 South Union Avenue West **(CD 2)**
13. **22688—Michael Friloux**
Special Exception to permit a driveway greater than 30 feet in width on the lot in the street setback (Section 55.090-F). **LOCATION:** 2819 East 29th Street South **(CD 4)**
14. **22689—Roberto Ruvalcaba**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
LOCATION: 8540 West 61st Street South **(CD 7)**

15. 22690—Paul Bush

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).

LOCATION: 3151 South 129th Avenue East, Suite P **(CD 6)**

16. 22691—Zach Downing

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).

LOCATION: 2220 East 6th Street South **(CD 4)**

17. 22692—Greenwood Wellness – Martin Jones

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).

LOCATION: 1216 East Apache Street North **(CD 1)**

18. 22693—KKT Architects – Nicole Watts

Modification of a site plan previously approved in BOA-20556 to permit the addition of classrooms at Redeemer Covenant Church (Table 25-1).

LOCATION: 5415 East 101st Street South **(CD 8)**

19. 22694—Raymond McDonald

Variance to allow a non-all weather parking area (55.090-F); Variance to allow an accessory structure to exceed more than 20% coverage in the rear setback (Section 90.090-C.2); Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (Section 45.030-A). **LOCATION:** 3715 South 82nd Avenue East **(CD 5)**

20. 22695—TJD Natural Supplements, LLC

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).

LOCATION: 1402 South Peoria Avenue East, Suite 140 **(CD 9)**

21. 22696—Eller & Detrich – Nathalie Cornett

Special Exception to permit a wholesale and distribution use in a CS District (Section 15.020, Table 15-2).

LOCATION: 10131 East 21st Street South **(CD 5)**

22. 22698—Josh Kunkel

Modification of a previously approved site plan to permit improvements to Woodland Acres Baptist Church approved in BOA-19904 (Section 5.020, Table 5-2). **LOCATION:** 5511 South Harvard Avenue East **(CD 7)**

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: www.cityoftulsa-boa.org

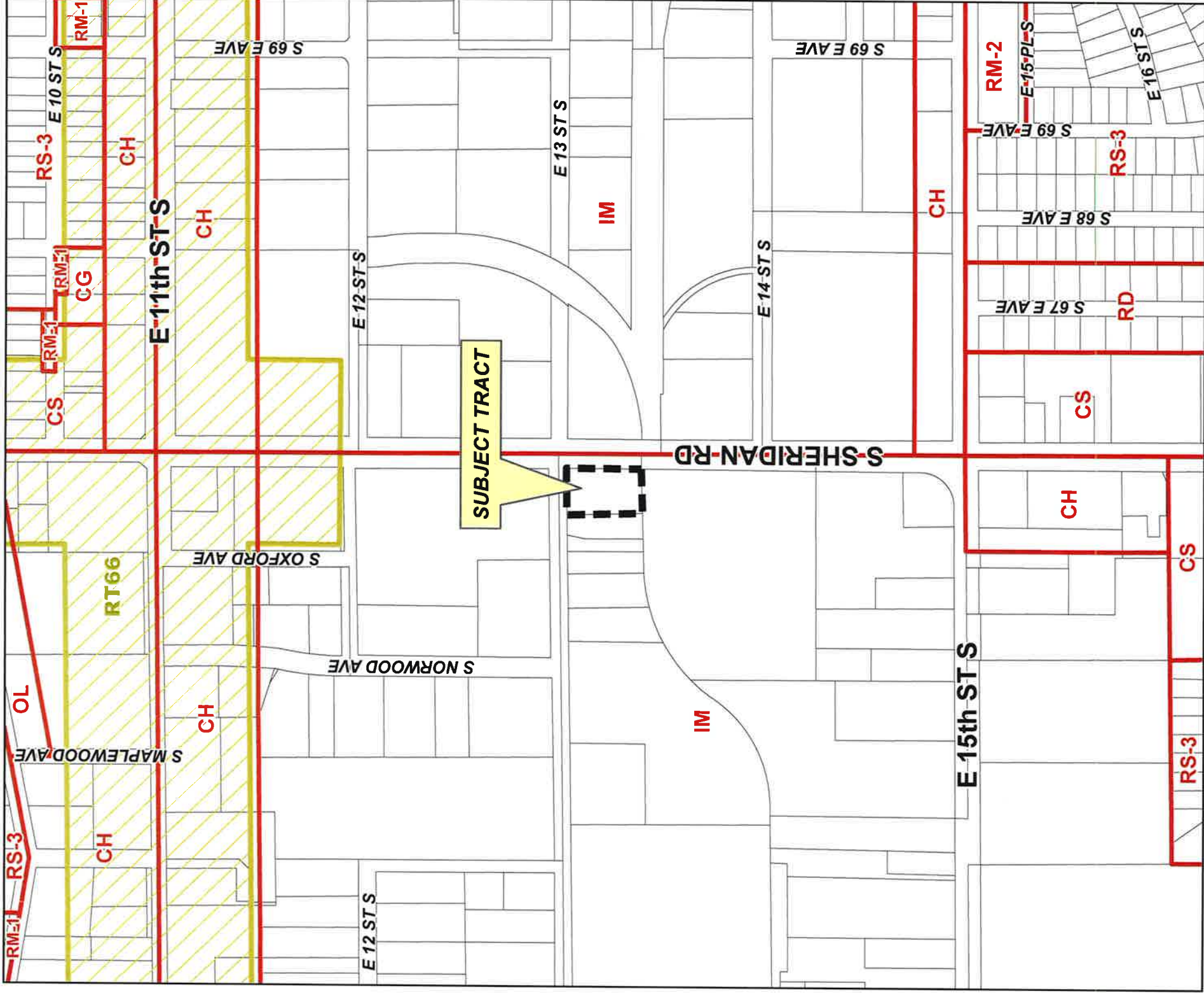
E-mail: esubmit@incog.org

CD = Council District

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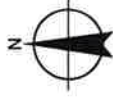
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BOA-22668

19-13 10



2.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9310

Case Number: **BOA-22668**

CZM: 38

CD: 5

A-P#:

HEARING DATE: 07/09/2019 1:00 PM (*Continued from 6/25/2019*)

APPLICANT: Nick Denison

ACTION REQUESTED: Special Exception to allow a High-impact Medical Marijuana Processing Facility in an IM (Industrial-Moderate) District (Section 15.020)

LOCATION: 1316 S SHERIDAN RD E

ZONED: IM

PRESENT USE: Automotive / Storage

TRACT SIZE: 37640.35 SQ FT

LEGAL DESCRIPTION: BEG NEC SE NE TH W200 S280.93 E200 N280.93 POB LESS N30 & E50 FOR ST SEC 10 19 13 .864AC,

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA-22616; on 4.23.19, the Board **approved** a *special exception* to allow an Industrial/High-Impact Medical Marijuana Processing Facility in the IM district subject to plans submitted by the applicant. LOCATED: 1202 S. Sheridan Road (Directly north of subject property)

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Mixed-Use Corridor" and an "Area of Growth".

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by IM zoned lots on all sides.

STAFF COMMENTS:

The applicant is before the Board requesting a **Special Exception** to allow an Industry/High-Impact Medical Marijuana Processing Facility in the IM District (Section 15.020) in an existing industrial building.

Per the Code, a Special Exception is required for any high-impact manufacturing and industry use in the IM district due to potential adverse effects on surrounding properties that could be controlled through additional conditions. Additional consideration is needed for these uses to ensure compatibility of land use and prevent injury to surrounding properties. High-impact manufacturing and industrial uses are uses that regularly use hazardous chemicals or procedures or that produce hazardous byproducts or explosive hazards. Typical examples of high-impact manufacturing and industrial uses include: the manufacture of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This subcategory also includes petrochemical tank farms, gasification plants, smelting, animal slaughtering, oil refining, asphalt and concrete batch plants, and tanneries.

In Section 35.070-C.2, a High-Impact Medical Marijuana Processing Facility is defined as an establishment in which the preparation, manufacture, processing or packaging of medical marijuana products by the holder of a medical marijuana processor license issued by the Oklahoma State Department of Health is conducted, in accordance with the terms of such license, and in which extraction processes include the use of flammable substances such as butane, propane, ethanol and alcohol.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

Sample Motion

Move to _____ (approve/deny) a **Special Exception** to allow a High-impact Medical Marijuana Processing Facility in an IM (Industrial-Moderate) District (Section 15.020)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a projecting sign to be located within the City of Tulsa planned street right-of-way (Section 60.020-E), subject to conceptual plans 3.11 and 3.12 of the agenda packet. The Board acknowledges that a license and/or removal agreement is required. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

Lt 20 & 21, Blk 4 , MIDWAY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22616—Sequoyah Industrial Group – Gabe Palacios

Action Requested:

Special Exception to allow an Industrial/High-Impact Manufacturing and Industry/High-Impact Medical Marijuana Processing Facility in the IM District (Section 15.020). **LOCATION:** 1202 South Sheridan Road East (CD 5)

Mr. Van De Wiele recused at 1:49 P.M. and left the room.

Presentation:

Gabe Palacios, 516 South Boston Avenue, Tulsa, OK; stated this project encompasses every aspect of the cannabis industry; cultivation, extraction, culinary, testing lab, retail supply store. The retail supply store takes up about 10,000 square feet of the proposed 140,000 square foot facility. The project will have an impressive impact on the area and Tulsa. Mr. Palacios read and submitted a letter to the Board from Greg Mosley, Thompson Manufacturing Company which is located across the street to the north; the letter was supportive. About 2,000 square feet of the subject building is proposed for ethanol extraction; ethanol is a food grade material, like Everclear. The building occupies an entire city block and has a 300-foot radius within its own property. Architecturally and structurally the extraction room will be surrounded by concrete walls. This will be a state-of-the-art facility operated by some of the experts and leaders of the industry in the nation. When the property belonged to Warehouse Market the chemicals that were stored there were much more dangerous than the chemicals to be used; i.e., Warehouse Market had a 5,000-gallon diesel storage container on site and several pallets of lighter fluid. Mr. Palacios stated that he met with Mr. Paul Ator of City of Tulsa HazMat team, and Mr. Ator toured the facility, looked at all the documentation and said there is no issue with this type of process on site. The extraction process is a closed

loop system where there is no open flame exposure, and when it is stored it is in a freezer unit.

Ms. Ross asked why the map has the boundary line going through the middle of the building. Mr. Palacios stated that he does not know why it is that way on the map, but the entire building is included. Mr. Wilkerson stated it is there because of the legal description that was provided. Mr. Palacios stated all three parcels were submitted as part of application, so why the boundary line shows in the middle of the building is unclear.

Ms. Back asked Mr. Palacios if he received anything in writing from Mr. Ator about his visual conclusions of the subject site. Mr. Palacios stated that he did not bring it to the meeting, but he could provide a copy later. Ms. Back asked Mr. Ator to provide a copy to INCOG for the case file.

Mr. Swiney stated that the item before the Board today is only for the extraction processing facility; it has nothing to do with the retail section. There is a retail feature that appears on Exhibit 4.10 and there are other requirements of the Zoning Code when it pertains to dispensaries and that is not before the Board right now.

Mr. Palacios stated that the retail he spoke of earlier is actually a grow supply store, i.e., drain trays, lights, soil, etc.

Interested Parties:

There were no interested parties present.

Comments and Questions:

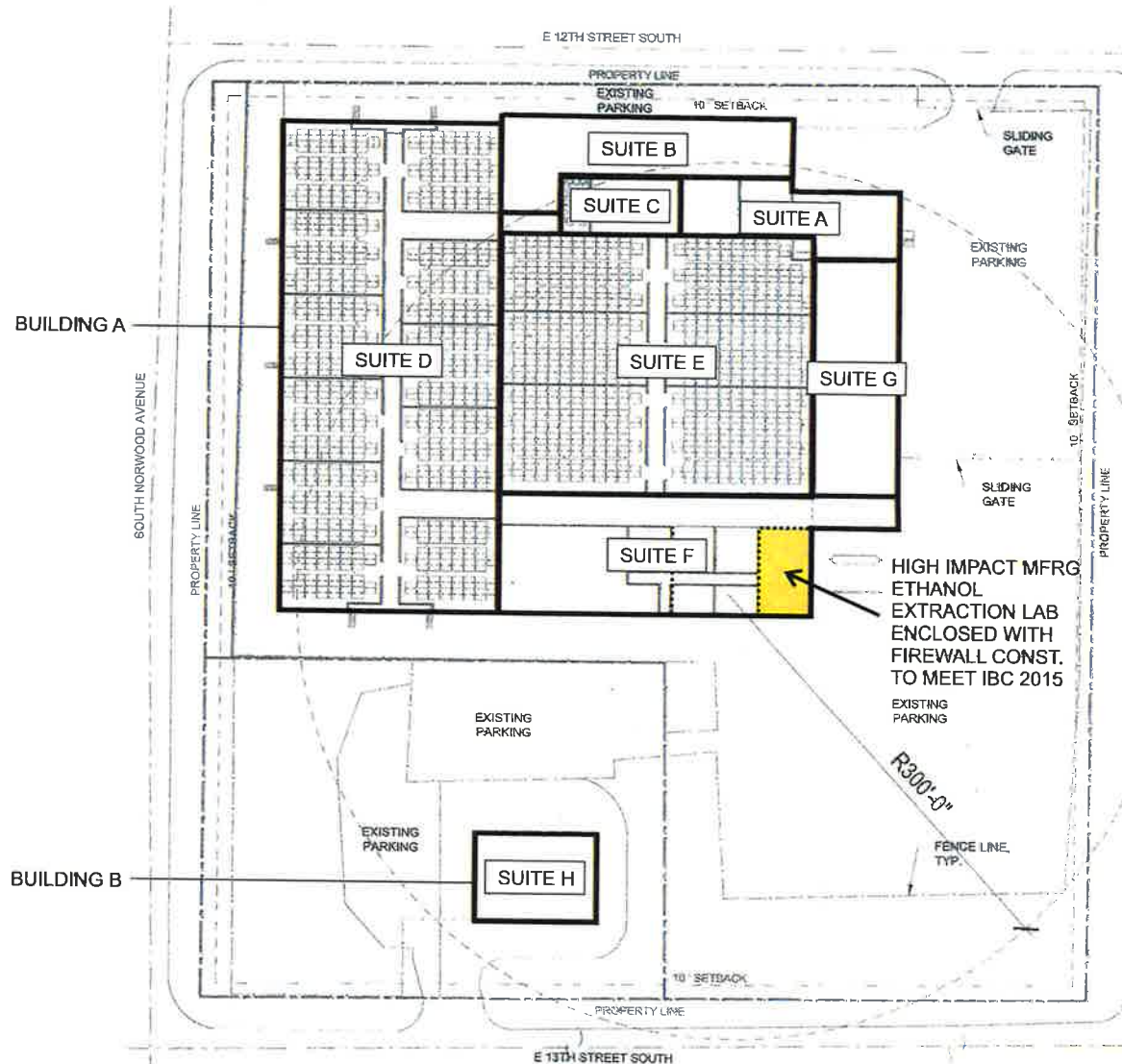
None.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-0-1 (Back, Bond, Radney, Ross "aye"; no "nays"; Van De Wiele "abstaining"; none absent) to **APPROVE** the request for a **Special Exception** to allow an Industrial/High-Impact Manufacturing and Industry/High-Impact Medical Marijuana Processing Facility in the IM District (Section 15.020), subject to conceptual plans 4.10 and 4.11 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

BEG 655S & 50W NEC NE TH S635.92 TO N R/W E13TH ST TH W299.27 N235.30 W151 N399.52 TO S R/W E 12TH ST TH E447.57 POB SEC 10 19 13 5.754ACS, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele re-entered the meeting at 2:02 P.M.



SEQUOYAH INDUSTRIAL GROUP 1202 S SHERIDAN RD, TULSA, OK 74112

LEGAL DESCRIPTION

SEC 16, TOWNSHIP 19, RANGE 13
BEG. 655 S & 50W NEC NE TH S 635.92 TO N RMW E 13TH ST
TH W 289.27 N 235.30 W 151 N 399.52 TO S RMW E 12TH ST
TH E 447.57 POB SEC
UNPLATTED SUBDIVISION, CITY OF TULSA, TULSA COUNTY

PROPOSED USE: MODERATE IMPACT & HIGH IMPACT MANUFACTURING
ZONING: IM - MODERATE INDUSTRIAL (CITY OF TULSA ZONING CODE)

HIGH IMPACT MANUFACTURING BY SPECIAL EXCEPTION (PER 15.020)

MIN LOT AREA = N/A (PER TABLE 15-3)

STREET FRONTAGE = 50' (PER TABLE 15-3)

MAXIMUM FAR = N/A (PER TABLE 15-3)

LOT WIDTH = 150 FEET (100 FEET MIN PER TABLE 5-3)

SETBACKS - 10' FROM STREET

75' FROM AG OR R DISTRICT - N/A (NOTHING WITHIN 2,000 FEET)

75' FROM O DISTRICT - N/A (NOTHING WITHIN 3,500 FEET)

MAX. BUILDING COVERAGE - N/A

MAX. BUILDING HEIGHT - N/A

PARKING:

LOW, MED, & HI MANUFACTURING = 1,000/1,000 SF MM = 135 SPACES REQUIRED
135+ SPACES PROVIDED ON SITE

SUITES:

SUITE A - 6,000 SF - OFFICES, EMPLOYEE HYGIENICS, & EQUIP. STORAGE

SUITE B - 9,555 SF - GROWTH MEDIUM STORAGE

SUITE C - 4,000 SF - CLONE LAB

SUITE D - 3,000 SF GROW ROOMS

SUITE E - 3,000 SF GROW ROOMS

SUITE F - 11,652 SF - DRYING, CURING, BUCK/TRIM, KITCHEN, FREEZER, & EXTRACTION LAB

SUITE G - 9,804 SF - RETAIL SPACE

SUITE H - 4,700 SF - THIRD PARTY TESTING & RETAIL SPACE

TOTAL BUILDING SQUARE FOOTAGE:

BUILDING A - 135,000 SF

BUILDING B - 4,700 SF

SCALE



1 SITE PLAN

03.14.2019



BOA-22616



0 Feet 200 400



Subject Tract

BOA-22668

19-13 10

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

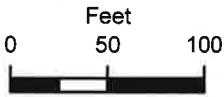
Aerial Photo Date: February 2011

N
2.7



E13STS

S SHERIDAN RD



Subject
Tract

BOA-22668

19-13 10

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

Aerial Photo Date: February 2018

N
2.8



View from Sheridan Road



View from 13th Street



1Architecture, LLC
1319 E 4th St.
Tulsa, OK 74120
PH: 918.744.9996

DRAWN FOR:

VVR

SHERIDAN GROW
WAREHOUSE

1216 SHERIDAN
TULSA, OK 74112

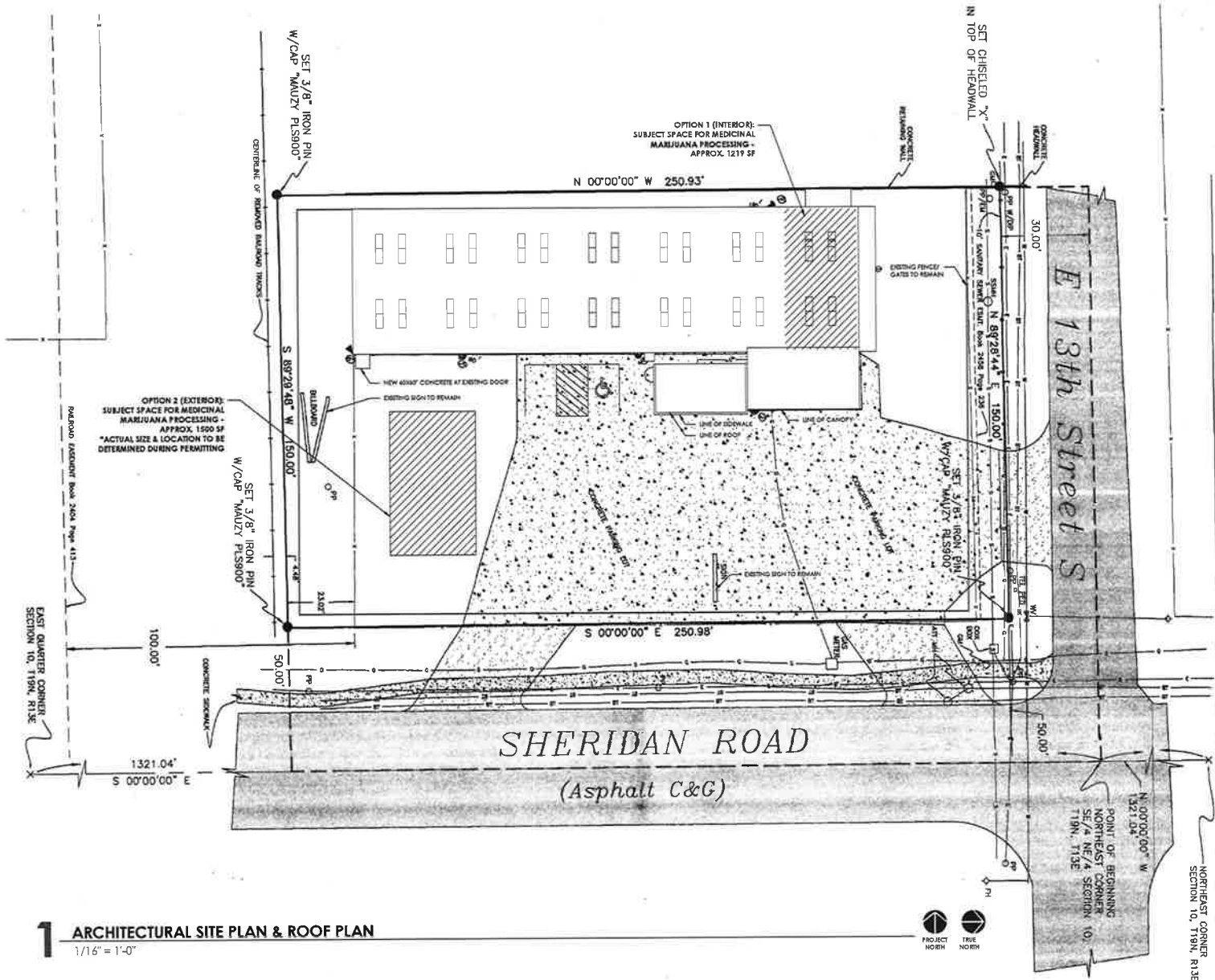
NO.	REVISION	DATE

PROJECT NUMBER:
1611.029
DATE:
04.17.18
DRAWN BY:
GS
CHECKED BY:
KH

SHEET TITLE:

ARCHITECTURAL SITE
PLAN

ASP100



1 ARCHITECTURAL SITE PLAN & ROOF PLAN

1/16" = 1'-0"

PRELIMINARY SCHEMATIC PLANS

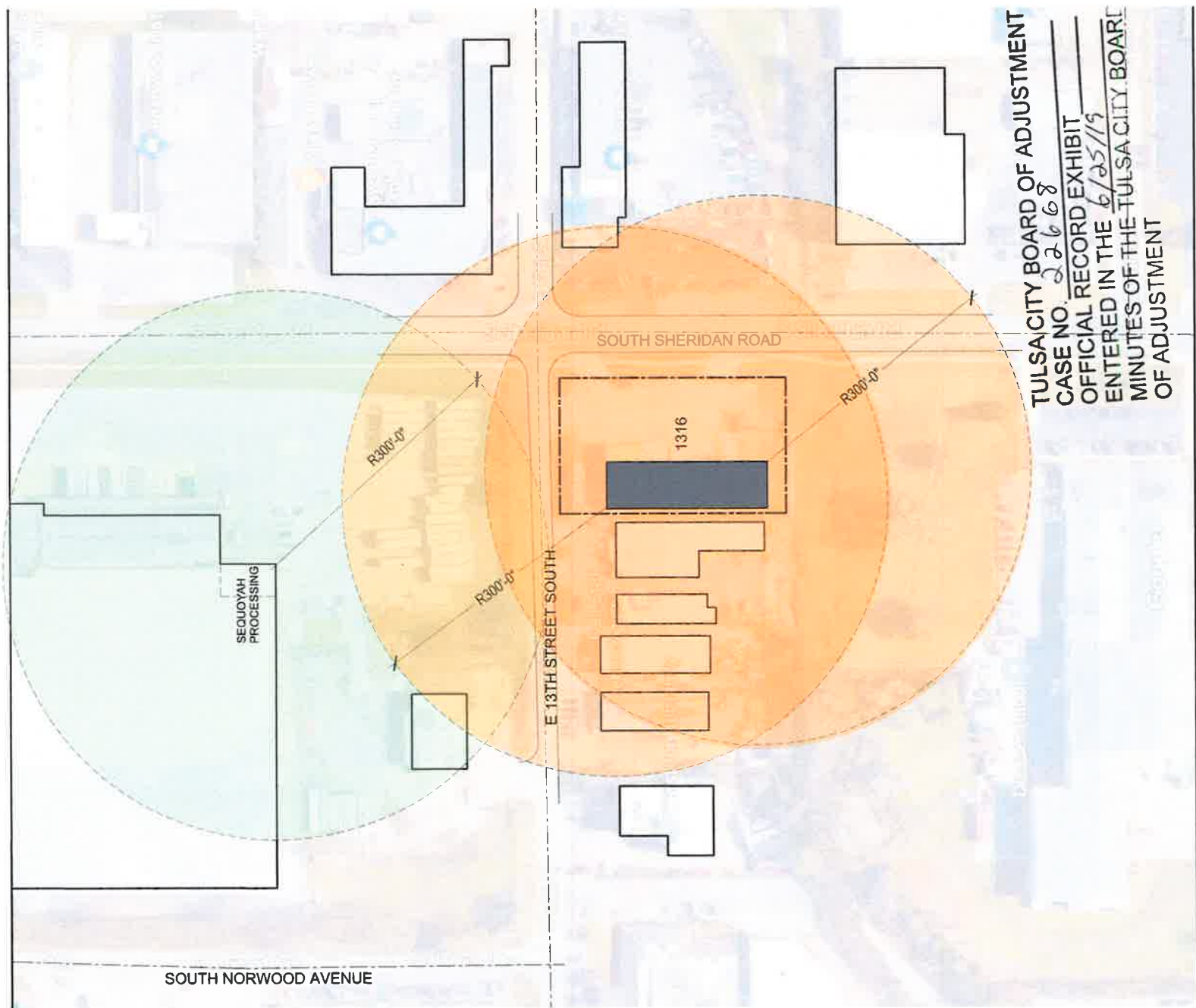
SEQUOYAH INDUSTRIAL GROUP
1202 S SHERIDAN RD, TULSA, OK 74112

EXISTING BUILDING
FROM SOUTHEAST ON S SHERIDAN RD



Box-22616







1Architecture, LLC
1319 E. 6th St.
Tulsa, OK 74120
PH. 918.764.9996

RAW FILE

VVR

**SHERIDAN GROW
WAREHOUSE**

1316 S SHERIDAN
TULSA, OK 74112

NO.	REVISION	DATE

PROJECT NUMBER:

1811.029

DATE: _____

04.17.18

BY:

GS

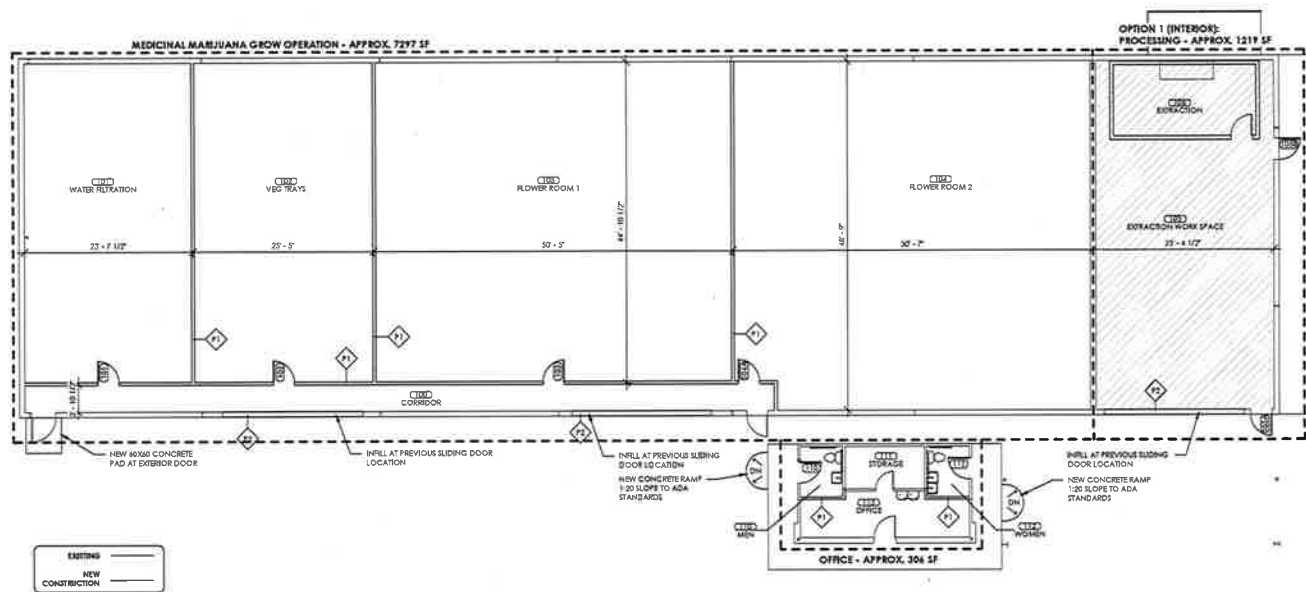
BY: KM

KH

OR

**SCHEMATIC FLOOR
PLAN**

A101



1 SCHEMATIC FLOOR PLAN



PRELIMINARY SCHEMATIC PLANS

212

 EnerGov4934Prod[◀ Back \(\)](#)**Permit Number: ZCO-029652-2019**[Review Detail \(\)](#) | [Review Items \(\)](#) | [Main Menu \(\)](#)**Review Type:**

Zoning Reviews (Comm)

Status:

Requires Re-submit

Version:

1

Received Date:

04/18/2019

Due Date:

05/09/2019

Completed Date:

05/21/2019

Review Items [Export](#)**Sort**

Review Type ▼

Review Type

Planning/Zoning

Status

Requires Re-submit

Due Date

05/09/2019

2.15

Completed Date 05/21/2019
Assigned To Kolibas Bob
Review Item Details

<< < 1 > >>

Results per page 10 ▾ 1 - 1 of 1

[Comments \(\)](#) | [Recommendations \(\)](#) | [Corrections \(\)](#) | [Review Detail \(\)](#) | [Review Items \(\)](#) | [Main Menu \(\)](#)**Comments**

No comments to display.

Recommendations**Sort**

Number ▾

No records to display.

Corrections Export**Sort**

Correction Order ▾

Correction Order:

1

Type:

General

Resolved:

No

Resolved On:

2.16

Comments

15.020-C Special Exception Uses: Uses identified with an "S" may be allowed if reviewed and approved in accordance with the special exception procedures of Section 70.120. Special exception uses are subject to compliance with any supplemental regulations identified in the final column of Table 15-2 and with all other applicable regulations of this zoning code.

Corrective Action

Review Comments: The proposed high-impact medical marijuana processing facility requires a special exception from the BOA located in an IM zoning district.

<< < 1 > >>

Results per page 1 - 1 of 1

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2.17

Chapman, Austin

From: Nick Denison <nick@1architecture.com>
Sent: Monday, July 15, 2019 4:42 PM
To: Chapman, Austin; Sparger, Janet
Cc: tim townhill (tim.townhill@gmail.com)
Subject: RE: Application 22668 - Request for Continuance

My mistake, I thought the BOA meetings were held every 2 weeks.

If you could please make note on the agenda that the Owner is requesting a continuance from 07.23.19 to 08.13.19.

I will be in attendance on 07.23.19 to address any questions.

Thank you,

Nick Denison

Principal

1Architecture, LLC

1319 E. 6th Street

Tulsa, OK 74120

PH-(918) 764-9996

FX-1-866-834-9074

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From: Chapman, Austin [mailto:ACHapman@incog.org]
Sent: Monday, July 15, 2019 4:36 PM
To: Nick Denison; Sparger, Janet
Cc: tim townhill (tim.townhill@gmail.com)
Subject: RE: Application 22668 - Request for Continuance

Nick,

We don't have a meeting on the 6th we have a meeting on the 13th of August. The Board approved your continuance to the 23rd so they would have to approve the continuance at their 23rd meeting. I don't think there would be an issue but we would recommend you have a representative present in case they have any questions.

Best,



Austin Chapman
Planner, City of Tulsa Board of Adjustment
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9471
achapman@incog.org

Determining compliance to zoning or building code requirements is not a function of this office.
The Building Permits Division will address compliance upon application for a building permit or occupancy permit.
(918) 596-9456

From: Nick Denison <nick@1architecture.com>
Sent: Monday, July 15, 2019 4:21 PM
To: Chapman, Austin <ACHapman@incog.org>; Sparger, Janet <JSparger@incog.org>
Cc: tim townhill (tim.townhill@gmail.com) <tim.townhill@gmail.com>
Subject: RE: Application 22668 - Request for Continuance

Austin,

I apologize, but would it be possible to push back our meeting date until 08.06.19?
The Owner is having difficulty making it into town on 07.23.19, and I believe you had said that the agenda that day was pretty booked up as it is.

Thank you,

Nick Denison
Principal
1Architecture, LLC
1319 E. 6th Street
Tulsa, OK 74120
PH-(918) 764-9996
FX-1-866-834-9074
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From: Chapman, Austin [<mailto:ACHapman@incog.org>]
Sent: Tuesday, July 02, 2019 11:38 AM
To: Nick Denison; Sparger, Janet
Cc: tim townhill (tim.townhill@gmail.com)
Subject: RE: Application 22668 - Request for Continuance

Received thank you.

From: Nick Denison <nick@1architecture.com>
Sent: Tuesday, July 2, 2019 11:34 AM
To: Chapman, Austin <ACHapman@incog.org>; Sparger, Janet <JSparger@incog.org>
Cc: tim townhill (tim.townhill@gmail.com) <tim.townhill@gmail.com>
Subject: RE: Application 22668 - Request for Continuance

Yes, my apologies.
I did mean the 07/23/19 meeting date.

Thank you,

Nick Denison
Principal
1Architecture, LLC
1319 E. 6th Street
Tulsa, OK 74120
PH-(918) 764-9996
FX-1-866-834-9074
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From: Chapman, Austin [<mailto:ACHapman@incog.org>]
Sent: Tuesday, July 02, 2019 11:32 AM
To: Nick Denison; Sparger, Janet
Cc: tim townhill (tim.townhill@gmail.com)
Subject: RE: Application 22668 - Request for Continuance

Janet,

Nick do you mean the 7/23/2019 meeting?

Best,

Austin Chapman
Planner, City of Tulsa Board of Adjustment
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9471
achapman@incog.org



Determining compliance to zoning or building code requirements is not a function of this office.
The Building Permits Division will address compliance upon application for a building permit or occupancy permit.
(918) 596-9456

From: Nick Denison <nick@1architecture.com>
Sent: Tuesday, July 2, 2019 11:27 AM
To: Chapman, Austin <ACHapman@incog.org>
Cc: tim townhill (tim.townhill@gmail.com) <tim.townhill@gmail.com>
Subject: Application 22668 - Request for Continuance

Austin,

Per our phone conversation, the Owner is requesting that the date for the continuance be pushed from 07/09/19 to the following BOA Hearing Date of 09/23/19 so that they can make arrangements to travel into town. Would you please provide confirmation that this request is acceptable.

Thank you,

Nick Denison
Principal
1Architecture, LLC
1319 E. 6th Street
Tulsa, OK 74120
PH-(918) 764-9996
FX-1-866-834-9074
I can make a difference.

Take a moment to view our videos:

<https://www.1architecture.com/about/#get-to-know-us>

Check out our website - 1architecture.com

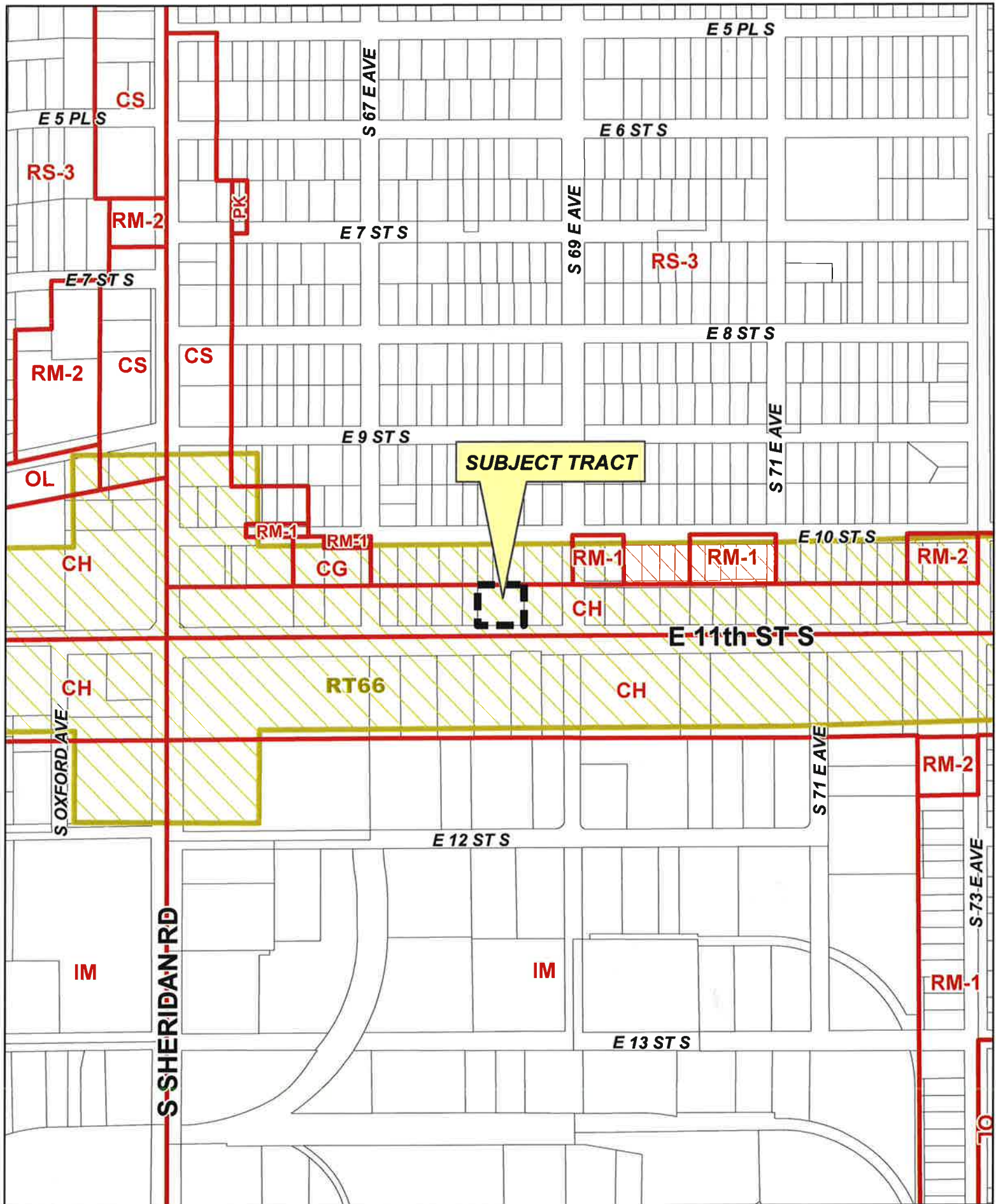
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BOA-22674 – ALLIE OGDEN

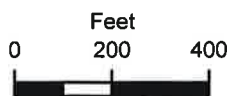
**THE APPLICANT REQUESTS A
CONTINUANCE TO AUGUST 13, 2019**



SUBJECT TRACT

BOA-22678

4.1



19-13 02



BOARD OF ADJUSTMENT CASE REPORT

STR: 9302

Case Number: **BOA-22678**

CZM: 38

CD: 3

A-P#:

HEARING DATE: 07/23/2019 1:00 PM

APPLICANT: Nancy Lavery

ACTION REQUESTED: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 6733 E 11 ST S

ZONED: CH

PRESENT USE: Commercial

TRACT SIZE: 19841.66 SQ FT

LEGAL DESCRIPTION: LTS 18 19 & 20 BLK 33, SHERIDAN HILLS

RELEVANT PREVIOUS ACTIONS:

None relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Mixed-use Corridor" and an "Area of Growth".

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by commercially zoned (CH) tracts to the east, west, and south. Adjacent properties to the north are zoned residential (RS-3).

STAFF COMMENTS:

The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the

4.2

required spacing for a medical marijuana dispensary in a CH district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the CH district as long as it meets the spacing requirement of 1,000 ft. from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

In Section 40.225-I, the separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

The applicant submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of property within that radius in support of the verification. At the time staff prepared this report, the following items had still been requested from the applicant per the Board's new policy for verification exhibits:

- Location of the nearest licensed dispensary outside of the 1000' radius.
- Copy of OMMA-issued dispensary license

Sample Motion:

I move that based upon the facts in this matter as they exist presently, we accept the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.

BOB KOLIBAS
ZONING PLANS REVIEWER
TEL (918)596-9664



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

ZONING REVIEW

June 7, 2019

LOD Number: 1

Nancy Lavery
7549 Shortcut Road
Mounds OK 74047

Phone: (918)760-2418

APPLICATION NO: 30562-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 6733 E. 11th Street

Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A \$55 RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 WEST 2ND STREET, 8TH FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT
WWW.INCOG.ORG

Application No. 30562-2019

6733 E. 11th Street

June 7, 2019

This letter of deficiencies covers zoning Review items only.

You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

1. Section 40.225 Medical Marijuana Uses: The supplemental uses of this section apply to medical marijuana sales.

40.225-D A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.

40.225-E Drive-through windows and drive-through lanes are prohibited for medical marijuana grower operations, processing facilities, dispensaries and research facilities.

40.225-F Medical marijuana grower operations, processing facilities and dispensaries must provide the following:
A ventilation/air filtration system that prevents odor from being detectible at the boundaries of the lot within which the building housing the medical marijuana grower operation, processing facility or dispensary is located, except that if such use is located in multiple-tenant building, the ventilation/air filtration system must prevent odor from being detectible outside the tenant space housing the use. An electronic security system and surveillance camera.

40.225-G Medical marijuana grower operations, processing facilities, dispensaries and research facilities must be conducted and maintained in compliance with the license issued by the Oklahoma State Department of Health and in compliance with Oklahoma law, including but not limited to all applicable statutes, rules and regulations.

40.225-H No medical marijuana grower operation, processing facility, dispensary or research facility shall be permitted or maintained unless there exists a valid license, issued by the Oklahoma State Department of Health for the particular use at the particular location.

40.225-I The separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the location.

Review Comment: Review comment: Submit evidence you have been granted a state license and the date it was approved. The separation distance (spacing verification) required under Sec.40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma Department of Health prior to December 1, 2018 for the location.

2.) Section 55.020 Minimum Parking Ratios: off-street required parking.

Review Comments: Provide a parking analysis on the lot (site plan) for the proposed medical marijuana dispensary.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application to our office, so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting

documents to the City of Tulsa on your behalf.

END – ZONING CLEARANCE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION.



0 Feet
200
400



Subject
Tract

BOA-22678

19-13 02

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

Aerial Photo Date: February 2018

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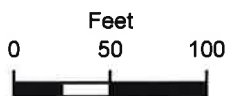




E 10th St S

S 69th Ave

E 11th St S



Subject
Tract

BOA-22678

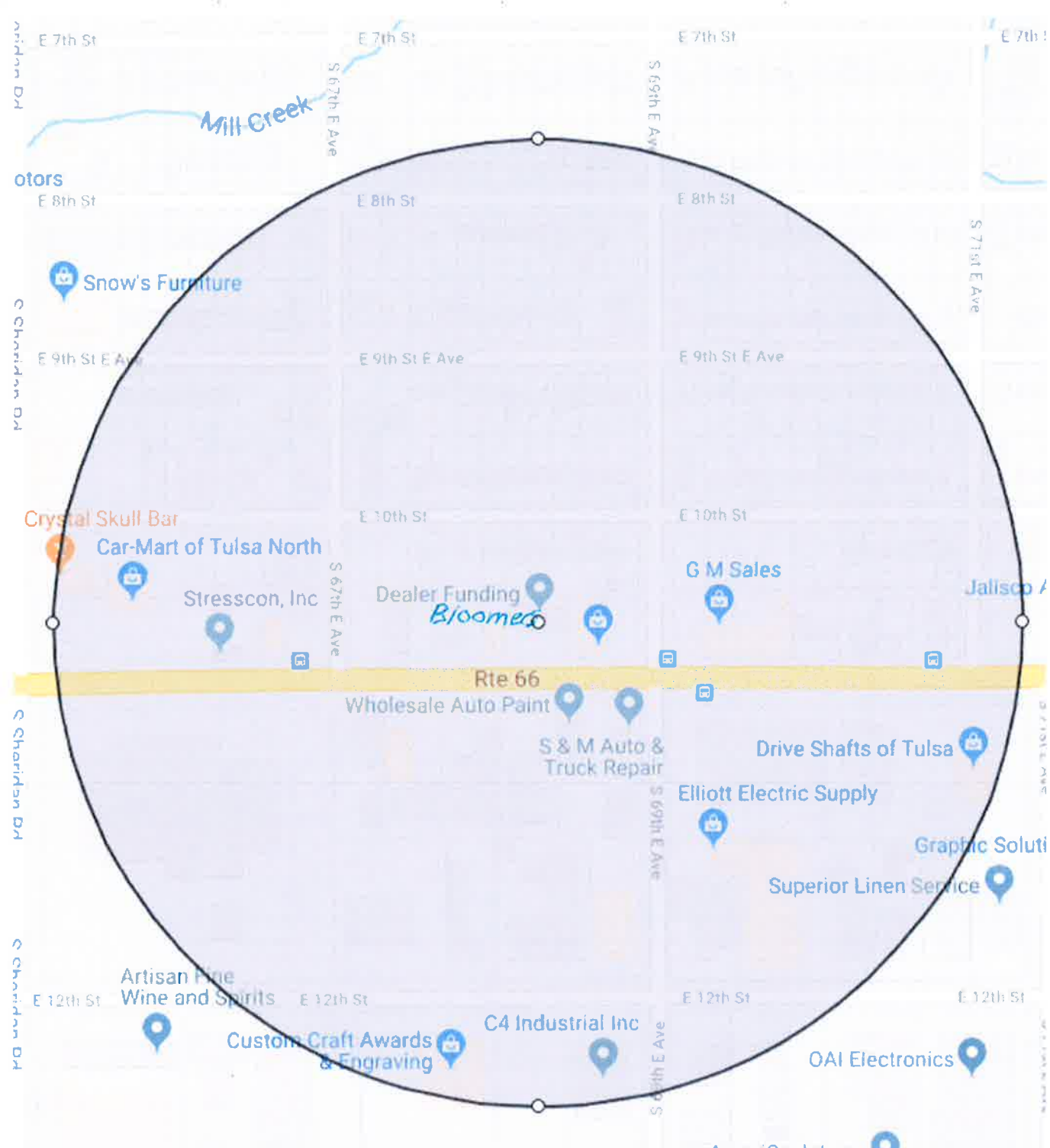
19-13 02

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

Aerial Photo Date: February 2018

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Draw a circle

Address

6733 e. 11st tulsa,ok.

Radius

1000.00

Feet

Circle

AAAAAA

Border

000000



Only Show Border

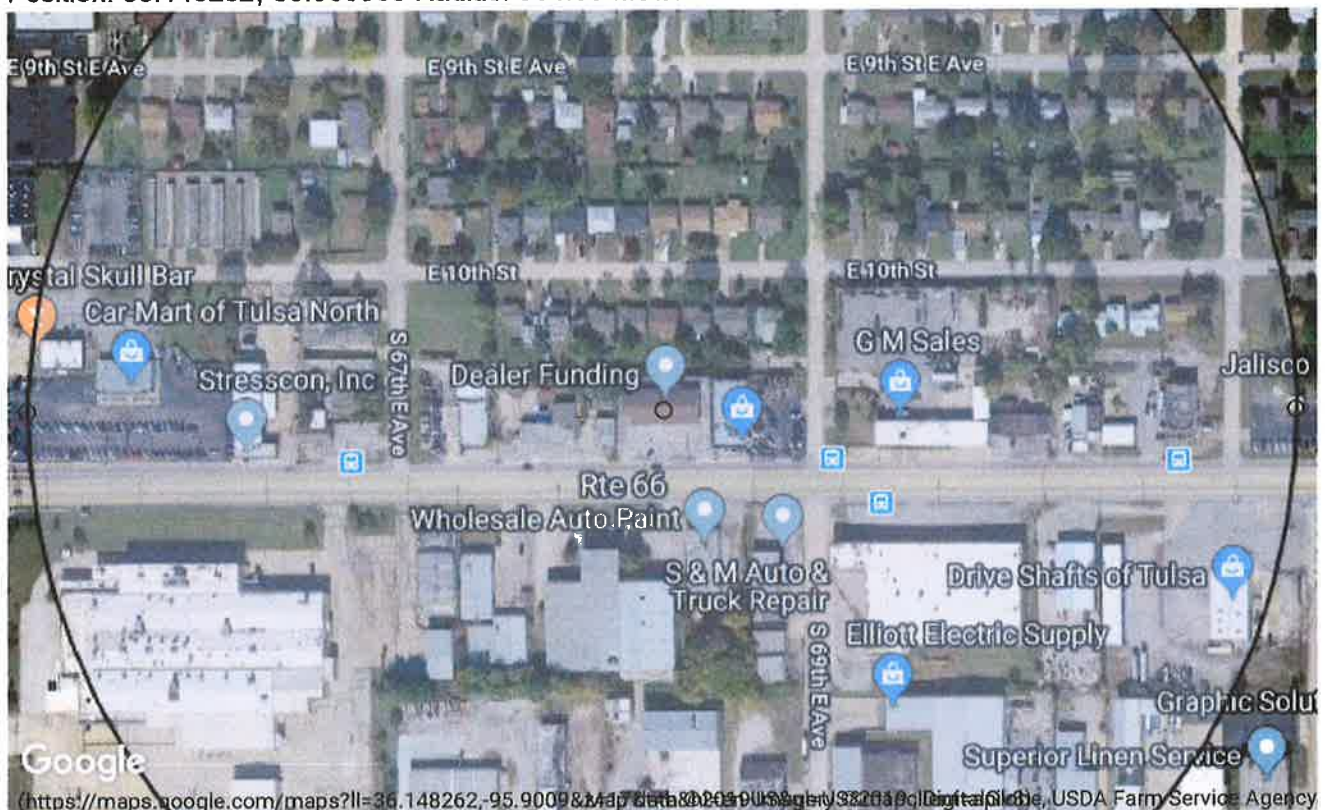
Zoom to Address

New Circle

Edit Circle

Remove Circle

Position: 36.148262,-95.900900 Radius: 304.80 Meters



Return to this radius map here, just save this link

<https://www.mapdevelopers.com/draw-circle-tool.php?circles=%5B%5B304.8%2C36.1482617%2C-95.9009003%2C%22%23AAAAAA%22%2C%22%23000000%22%2C0.4%5D%5D>

Create Multiple Radius Circles?

You can use this tool to add as many radius circles to the map as you want. This allows you to find out where they intersect, and what areas are not within the radius of any of your locations.



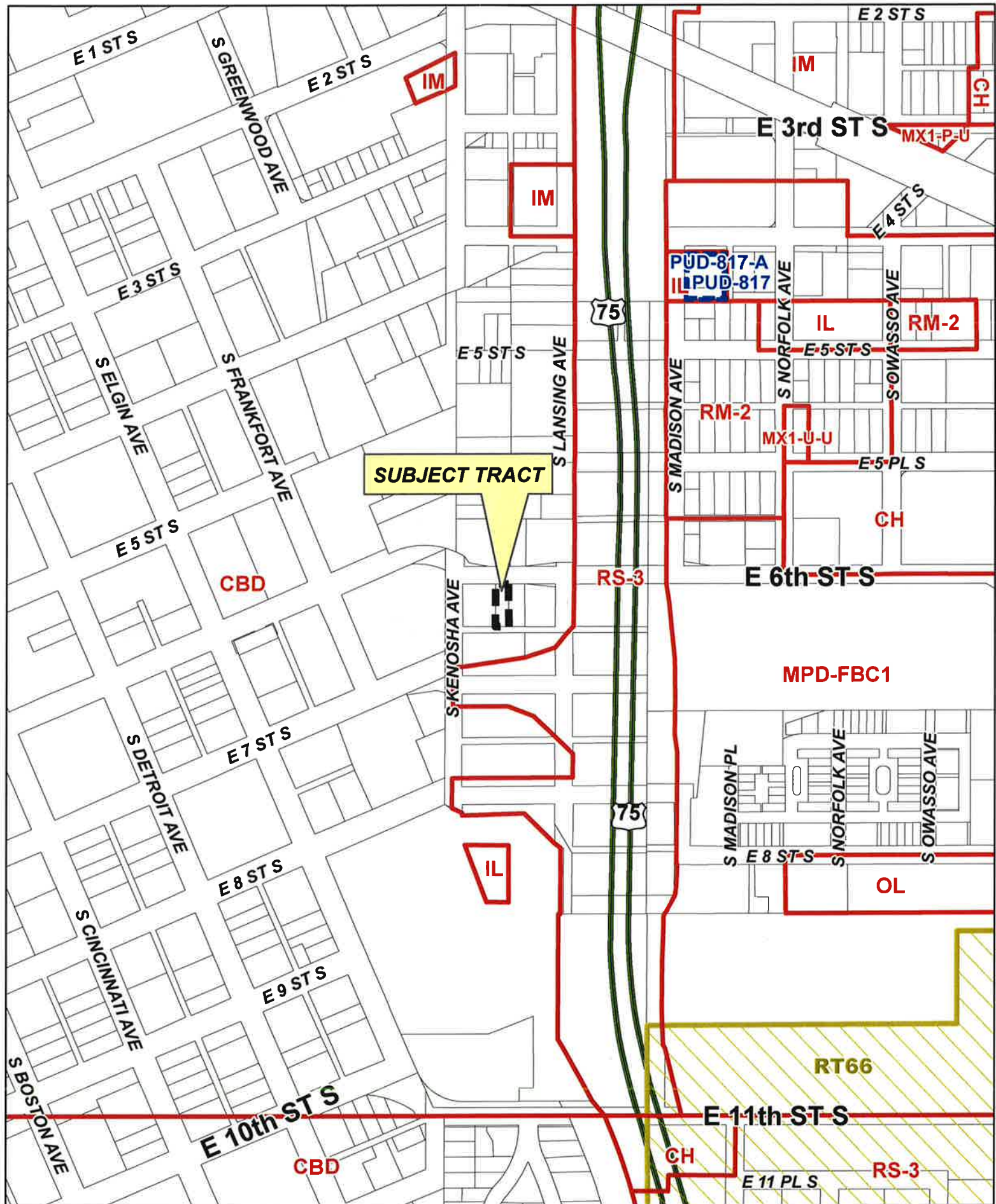
Front of Subject Property



Facing East from subject property



Facing West from Subject Property



BOA-22679

5.1

19-12 01

BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: **BOA-22679**

CZM: 36

CD: 4

HEARING DATE: 07/23/2019 1:00 PM

APPLICANT: Martin Jones

ACTION REQUESTED: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D) or in the alternative a variance of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 810 E 6 ST S

ZONED: CBD

PRESENT USE: Retail

TRACT SIZE: 6298.8 SQ FT

LEGAL DESCRIPTION: LT-7 & E20 LT 8 BLK-7, BURNETT ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding Property:

BOA-22647: On 05.28.19 the Board ***accepted*** a spacing verification for a property immediately South of the subject property. At the meeting the Board was informed of the fact that the subject property was also in possession of a states license for a medical marijuana dispensary and that the two properties were within 1,000' of each other. The subject property in BOA-22679 has an active building permit (BLDC-025836-2019) that expires 12.11.19.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of the "Downtown Core" and an "Area of Growth".

Downtown Core is Tulsa's most intense regional center of commerce, housing, culture, and entertainment. It is an urban environment of primarily high-density employment and mixed-use residential uses, complemented by regional-scale entertainment, conference, tourism, and educational institutions. Downtown Core is primarily a pedestrian-oriented area with generous sidewalks shaded by trees, in-town parks, open space, and plazas. The area is a regional transit hub. New and refurbished buildings enhance the pedestrian realm with ground-floor windows and storefronts that enliven the street. To support downtown's lively and walkable urban character, automobile parking ideally is located on-street and in structured garages, rather than in surface parking lots.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or

redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is operating as a dispensary and was formerly a smoke and vape shop. It is located North of 38th Street south along Harvard avenue in a multi-tenant development.

STAFF COMMENTS:

The applicant is before the Board requesting a Spacing Verification for a medical marijuana dispensary in a CBD district from other medical marijuana dispensaries (Section 40.225-D) or in the alternative a variance of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the CBD district as long as it meets the spacing requirement of 1,000 ft. from from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

In Section 40.225-I, the separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

In the alternative the applicant is requesting a variance of the section 40.225-D to permit two dispensaries to operate within 1,000 ft. of each other. This is being requested because of BOA-22647 which is summarized in the relevant previous actions portion of this staff report.

SAMPLE MOTION:

Acceptance of Spacing Verification

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.

Variance Request

Move to _____ (approve/deny) a **Variance** to permit two medical marijuana dispensaries to be located within 1,000 ft. of one another (Sec. 40.225-D)

- Finding the hardship(s) to be _____.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

- Subject to the following conditions _____.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*



View from 6th Street



View from sidewalk facing East

22647 – Gabe Palacios

Action Requested:

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).

LOCATION: 621 South Kenosha Avenue East (CD 4)

Presentation:

Gabe Palacios, 1420 East 4th Street, Tulsa, OK; stated the business location is an abandoned building and used for storage for about 15 years; our charge is to go in there and revitalize and revamp the area. He has received his demolition permit and outcropping buildings have already been demolished to create more parking. Mr. Palacios stated that he has verified that there are no dispensaries within a 1,000 feet that are operational. He then applied to come before the Board for verification. Since that time and since he has applied for the permit the next-door neighbor has put up a sign that says there is a dispensary coming soon. He went back and looked at all the records and could not find where that neighbor has applied for a building permit nor a Certificate of Occupancy or any business license, though they do have an OMMA license for 806 East 6th Street under the name "Greenwood Wellness Dispensary, LLC". Again, this is right next door, but they are not operational, and they have not submitted for a building permit nor a Certificate of Occupancy. Mr. Palacios stated that to him it seems he is first in line.

Ms. Radney asked Mr. Palacios if he knew when the Greenwood Wellness Dispensary license was issued. Mr. Palacios stated that OMMA does not give out that information. There is another dispensary within the zip code, and it is 1,800 feet away.

Mr. Van De Wiele asked Mr. Palacios to present his timeline. Mr. Palacios stated he submitted for an application for a permit on March 5th. The Letter of Deficiency (LOD) was received on April 3rd requesting a copy of the Board of Adjustment acceptance of separation. He then called the City to say he had verified the separation not realizing that he needed to come before the Board of Adjustment for verification. Had he known he needed to come before the Board he would have scheduled back in early April when he first submitted for a permit for construction.

Mr. Van De Wiele asked Mr. Palacios when he received his OMMA license. Mr. Palacios stated that he received it in January 2019. Mr. Van De Wiele asked Mr. Palacios when he saw the sign go up at the neighbor's location. Mr. Palacios stated that it was Thursday.

Mr. Van De Wiele asked Mr. Palacios if he believed the neighbor has an OMMA license. Mr. Palacios answered affirmatively and stated that according to weed maps and his verification they do have an open dispensary, but it is located on North Apache. He thinks they have an office at this building and that they have applied for a permit with the 806 East 6th Street address, and was Thursday that they put up a sign on the

building with the same name as the North Apache establishment, but they are not operational at the 6th Street location.

Ms. Back asked Mr. Palacios if he is ready to open the doors. Mr. Palacios answered affirmatively and stated his client has already invested \$30,000. Ms. Back asked Mr. Palacios how soon would he be ready to open the doors. Mr. Palacios stated that it will be 90 days or less that the construction will be complete; it will be a 100% complete gut and redo with a new parking lot, new roof, new HVAC, new electrical, etc.

Ms. Radney asked Mr. Palacios if he would be able to open and operate his business if he were not going through the complete remodel of the subject building. Mr. Palacios answered affirmatively.

Ms. Ross asked staff what the word "established" exactly means in the finding that the Board recites in their motion. Mr. Van De Wiele stated that it is his understanding that INCOG is either working on or has an internal policy as to what that means. Mr. Swiney stated that there has been a conversation about a dispensary that is in operation but is not legally in operation. This case is a little bit different. The sign has gone up announcing that a competitor is going into operation but there is no dispensary that is active right now. The common-sense definition to "establishment" would be something that is up and running, something that is in operation, and that is how he would define it. Ms. Ross asked if that meant the doors were open. Mr. Swiney answered affirmatively. Mr. Van De Wiele stated that the applicant is gutting and remodeling and there is a facility right next door that needs no gutting, or a person could just pop up a card table and put some product out and say I am open for business, does that card table mean the person is established and now the applicant can be shut out because the card table established first? Mr. Swiney stated the competitor would have to have his or her 1,000-foot verification.

Ms. Back asked how the Board can protect the Tulsa citizens that are investing into their businesses? Mr. Van De Wiele stated there has always been this issue with billboards and the same thing with daycare centers and bars. Mr. Swiney stated that by the example, Mr. Palacios and his client better move fast to get established otherwise they are at risk. Ms. Ross stated she does not like that because Mr. Palacios is taking a building that needs investment and repair to be a business, and it is like they are being punished.

Mr. Van De Wiele stated this is a discussion that needs to take place, not necessarily related to this application.

Ms. Radney stated she is very uncomfortable that a transaction is required to be an establishment. When another verification was before the Board at the last meeting, it was discussed that when a person went to the State to receive their OMMA they had to have an address, and there is a date stamp on that, so there is at least legal right to claim a particular space or address. In her opinion, there should also be some sort of lease or purchase agreement that has been fully executed. To her the next step in

receiving a Certificate of Occupancy is about satisfying the City in terms of the ability to conduct business.

Mr. Swiney asked Ms. Radney if she was saying that Mr. Palacios and his client have done everything they need to do to begin. Ms. Radney stated that to conduct business under the auspices of the City of Tulsa, but as far as the State is concerned Mr. Palacios is entitled to do business because he has a license and an address. Mr. Van De Wiele stated that part of the problem is there have been instances of people getting OMMA licenses on addresses that they either don't lease, own or even have any intention of leasing. Ms. Radney stated that it is important to her that the applicant has something executed that says the person is entitled to occupy.

Mr. Wilkerson stated that any new dispensary in Tulsa is going to be a new use in context with the Building Permit Office. If everyone is playing by the rules, then they should come to the Board of Adjustment to receive their spacing verification before they start operating their business. Then it ends up in people asking for a Variance if someone had previously started their building permit application and received an occupancy permit, so there is an extra layer of protection at the Building Permit Office.

Mr. Swiney stated that the other scenario is if a competitor comes in and wants a 1,000-foot verification, in the same area, Mr. Palacios and his client would have notice of that and they can come to the meeting as an interested party. Mr. Van De Wiele stated that the problem is the notice is for a 300-foot radius.

Interested Parties:

Mario Freeman, 4108 North Lions Place, Broken Arrow, OK; stated he represents the Greenwood Wellness Group. The reason Greenwood put up the sign is because their license is from January 18th, so according to the rules there was no other qualifying contentions on Greenwood being able to get into the building. It is his understanding that it is who has the license first. Greenwood received their license on the 18th and the other party received theirs on the 29th. Mr. Freeman stated he already has an operating business, actually three businesses.

Ms. Radney asked Mr. Freeman if his license is for 806 East 6th Street. Mr. Freeman answered affirmatively. Ms. Radney asked Mr. Freeman if he had a license for the Kenosha facility. Mr. Freeman stated that he is not affiliated with the facility on Kenosha, but it is less than 200 feet from his 6th Street address. Ms. Radney asked Mr. Freeman the date he received his license for the 6th Street address. Mr. Freeman stated that it was January 18th.

Mr. Freeman stated he already has an established business model. He has over 150 patients a day at his current location, which is 1216 East Apache, so he has all the structural setups internally as well as being operational.

Ms. Radney asked Mr. Freeman if he had applied for his Certificate of Occupancy for the 6th Street address. Mr. Freeman stated that he has not, but he plans to do that

today, but he didn't feel that he had to because he already has multiple projects going on at one time and has his license for that location. Therefore, the Certificate of Occupancy was in his step two. His plan is to have this business operational which he can do by July 4th easily.

Ms. Ross asked Mr. Freeman if he had to receive a license for each location. Mr. Freeman answered affirmatively. Ms. Ross asked Mr. Freeman why it has taken so long. Mr. Freeman stated there are financial implications that go into these businesses therefore, this is phase 2 and the second location. He already has growing, and processing set up and felt no need once he received his license to do anything to the building on 6th Street. That building is owned by one of his partners.

Ms. Back stated that Mr. Freeman had not done his spacing verification. Mr. Freeman stated that he has not, but it is not a requirement. Ms. Back stated that by the Tulsa City Zoning Code it is a requirement. Mr. Freeman stated that it is a requirement to start the business, but it is not a requirement to have an operational business. Ms. Back stated that it is a requirement to apply to the City of Tulsa Board of Adjustment for the spacing verification, and to get the Board of Adjustment to accept the spacing verification, that is a part of the process. Mr. Freeman stated that is true, but to establish a business at a property according to the OMMA guidelines a person has to have a license so the next step is to do this process which, again, since he already has the license for the 6th Street property he can wait and that should be in his time frame whether we want to operate that property now or not.

Mr. Van De Wiele stated that no business can be operated without a Certificate of Occupancy. Mr. Freeman stated that once he received his license, even if he wanted to wait a year, he has a license for the property and no other dispensary should be able to operate within a 1,000 feet according to the rules.

Ms. Back informed Mr. Freeman that his application was in for the license not for the spacing verification with the City of Tulsa. It specifically states that the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary. So, there in lies the challenge, Mr. Freeman's phase 2 that he chose to put on hold has now complicated things for him because he does not have his spacing verification in before today's applicant. Mr. Freeman stated that at the time he read the rules he did not think that it was totally necessary. Mr. Freeman stated that he plans to open the 6th Street business by July 4th; everything is in place and it will require minimal setup and there is an operational plan in place.

Rebuttal:

Gabe Palacios came forward and stated that he thinks there are two separate things happening. The dates on the OMMA license are only significant in as much as a person has two dates, the pre-December 1st date and the dates beyond that which put everyone in the same ballpark basically. Beyond that a person gets into the City of Tulsa regulatory area which is what he is in right now. Now he has established himself

as the first to the table in that regard, which puts him in first place. It is his understanding that Mr. Freeman would have to seek a Special Exception or some other means or method to be able to open his business by July 4th. Mr. Palacios stated that Mr. Freeman cannot get a Certificate of Occupancy today, as he stated, because he has to come to the Board of Adjustment to receive the spacing acknowledgement and move forward from that point. Mr. Palacios stated that he and his client started this process in December 2018 and have already paid a significant amount of funds in architectural engineering fees, invested close to \$35,000 in demolition costs, the entire project scope is over \$500,000 to the building and the property, so there has been quite a lot of time and funds invested up to this point and are following every letter of the law and rule to have him standing before the Board today. Mr. Palacios hopes the Board will take that into consideration. Mr. Palacios stated that he does not think his client would have any objection to Mr. Freeman coming in later and applying for any kind exemption to allow him to operate on 6th Street. He thinks the free market economy is a good thing. Two people side by side operating the same kind of business encourages more business and traffic to the area. Mr. Palacios reiterated that having an OMMA license and the dates versus coming before the Board of Adjustment are two completely different things, and he is the first in line now in that regard.

Comments and Questions:

Mr. Van De Wiele stated that Board does need to address this from a City standpoint, and the only parallel that he can draw is the billboard situation. Before this it was the most single thing that the Board verified spacing for, and those have always been subject to being void if another billboard is constructed before your billboard is constructed. In the same line of thinking, he assumes there has to be a permit from Oklahoma Department of Transportation (ODOT) to erect a billboard on a highway, a person has to come to the Board of Adjustment and space it but that has never been the end of the equation. There has been only a few of these cases, but there has been a situation where billboard company A does all of that and for whatever reason and billboard company B comes in, gets their ODOT permit, gets their spacing from actual constructed billboards, and they company B gets their billboard built and causes the first billboard to be void even though they have spent money on a permit, on a spacing verification. Mr. Van De Wiele does not remember how far the Board went with it, but there actually was an attorney suggesting that the spacing ought to be from permitted location to permitted location. That decision was appealed to this Board, and we agreed with the appellant, the applicant, saying that the spacing should be from proposed location to actually physically constructed billboards. If that is an inappropriate parallel, he is ok with that, but it is the only one that he can think of. He is comfortable with the conclusion that he is drawing based on what is being presented from INCOG and City Legal that the medical marijuana dispensary business has not been established at the 806 East 6th Street location. He would vote to accept the spacing verification before the Board today.

Ms. Back agreed with Mr. Van De Wiele.

Ms. Radney and Ms. Ross stated they cannot concur with that. Ms. Ross stated she needs a concrete definition of what "established" means; it can be argued two different ways. There is the State licensing. There is the City process. Ms. Ross was concerned about someone not being able to open a business at a given address, then they are blocking somebody else from opening another business around that given address. Even if a person has a license and a deed or a lease and open business the next day, it takes time to get inventory; there is more to opening a retail space.

Ms. Back stated the Board can only govern and regulate by what is in front of them. The Board of Adjustment makes adjustments to the City of Tulsa Zoning Code based on what is given to them to govern by. This particular applicant is before the Board, has gone through the process, has made application for the spacing verification, has provided the Board with the verification that there is no other business within the 1,000-foot radius and actually disclosed to the Board that there has been a sign placed there. However, that entity has not made application per the Tulsa City Zoning Code to proceed in their path to establish their business. What is before the Board today is to verify that there is not another established, by the City of Tulsa Zoning Code, dispensary.

Ms. Ross stated that she thinks that the word "established" in the Zoning Code is the problem. It does not define what established means.

Ms. Back stated that is not what she is focusing on now, she is focusing on the fact that this person has been told by INCOG that they have to make application for spacing verification, and he has provided that while the other party has not. The Board should grant the applicant his spacing verification so he can move forward in the process because he is in a race right now.

Mr. Van De Wiele stated that today is May 28th, the idea of opening by July 4th is not a reality. The next application cut off date is June 6th and those applications will be heard July 9th.

Ms. Ross asked if the Board is saying that "established" means an entity is open for business? Ms. Radney stated that she does not agree with that. Mr. Van De Wiele stated that it may not be fair and that is why he is suggesting that INCOG and the City need to fix this. The Board is not drafting Ordinances. If a person is selling marijuana without a license, they are breaking the law. Ms. Radney stated that if the Board uses that threshold of a transaction, a transaction has occurred. In order to have a medical marijuana dispensary, at a bare minimum a person has to have an OMMA license, a Certificate of Occupancy which necessarily requires a person has legal right to be where they are, and that Certificate of Occupancy requires the spacing verification from the Board. Ms. Radney stated that her concern is, as it is written and without the interpretation the Board is asking for, the spacing verification is saying that both of these parties would need to go out and confirm that there is not an established business, a business that is any more or less established than they are, asking for the spacing. Ms. Radney thinks the Board is being asked to confirm that there is not an established

dispensary within the 1,000-foot envelope. Ms. Back stated that the Board is not being asked to confirm, they are being asked to accept.

Mr. Van De Wiele stated that one of the litany of things that the Board does, and it is not done very often, is to interpret the Zoning Code. At some point there needs to be a policy or a Board interpretation adopted. This is now two meetings in a row that this has come up, and in the last two weeks there probably has been ten dispensary spacings. This is only going to become more frequent and more of a problem. The Board needs an interpretation, and it has to start at the INCOG and legal level. These type of requests is always going to involve a race, and it is a race to what? Is it to the sale of the first unit of product? At some point it is just the inherent nature of doing business.

Ms. Ross stated that the Board needs from INCOG and or City Legal a definition as soon as possible, a tangible date of what "established" means.

Mr. Van De Wiele stated that the Board heard something similar two weeks ago, the Code says to verify that there is not another dispensary within 1,000 feet. That seems odd to him, but if he read that and he were new to zoning that might mean I would do a circle and look to see who is within 1,000 feet of my site. Mr. Van De Wiele stated that the Code may need some language clean up.

Mr. Swiney stated that in a verification of distance, unlike Variances and Special Exceptions, a verification of distance only needs two votes for a majority. If someone were to recuse or abstain from the vote, two votes out of three would be enough.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-1-0 (Back, Ross, Van De Wiele "aye"; Radney "nay"; no "abstentions"; Bond absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

PRT LTS 13 THRU 20 BEG NWC LT 13 TH E200 NEC LT 20 S85 SW TO WL LT 13 N110 POB BLK 7, BURNETT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Gabe Palacios came forward and asked about a possible scenario. In scenario one, out of his \$538,000 bid package he has completed \$300,000 of it and in those 45 days Mr. Freeman shows up trying to get a verification, there is a sign up that says "Coming Soon – To be open August 1st" what is the interpretation of "established" at that point? Mr. Van De Wiele stated that he does not want to give legal or City advice, frankly both Mr. Palacios and Mr. Freeman are at risk of a third unknown being in that circle. Mr. Van De Wiele encourages Mr. Palacios to reach to INCOG for if and when that issue comes up. Mr. Wilkerson stated that INCOG is well aware of the conflicts that occur,

and INCOG can make some interpretations but ultimately it will take a change in the Zoning Code.

Mario Freeman came forward and stated that he too has over \$300,000 invested in this matter. There are lists where a person can actually see every single dispensary that is in a particular zip code, go into INCOG and look at the distance between a person's proposed site and the next one. That is exactly what he did; that is how he knew Mr. Palacios was there and that is why he put the sign up.

22648—Tom Beverage

Action Requested:

Variance to allow a non-all-weather parking surface material (Section 55.090-F).

LOCATION: 5615 West Young Street North (CD 1)

Presentation:

Tom Beverage, TC Dirt Works, 8605 East 116th Street North, Owasso, OK; stated he is the General Contractor for the project. Young Street is the street that goes back to the property and it is a gravel road, and the Zoning Code states that the owner has to have a dustless all-weather surface. There was a trailer house on the property that burned down, and his client purchased the property and want to re-establish the house on the property. The original septic system will be used, but they are going to add a water tap off Young Street and not use the existing water well. The owner would like to have the same layout as what previously existed.

Ms. Back asked Mr. Beverage if it was a stick-built house or a mobile home? Mr. Beverage stated that it will be a stick-built house, pole barn style house.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Variance to allow a non-all-weather parking surface material (Section 55.090-F), subject to conceptual plan 12.8 of the agenda packet. The Board has found the hardship to be that this particular area is located in Osage rural area and the zoning is listed as agricultural, and that the street leading to the subject property is West Young Street and it is also a gravel surface. The house is to be a stick-built pole barn style built on the site. The Board finds that the following facts, favorable to the property owner, have been established:



EnerGov4934Prod

Permit Number: BLDC-025836-2019[Permit Details \(\)](#) | [Tab Elements \(\)](#) | [Main Menu \(\)](#)**Type:**

Building: Alteration (Commercial)

IVR Number:

125983

Applied Date:

03/05/2019

Status:

Issued

Project Name:**Issue Date:**

06/10/2019

District:

Council District 4

Assigned To:

Cole, Braden

Expire Date:

12/11/2019

Square Feet:

4,048.00

Valuation:

5.14

\$402,420.83

Finalized Date:

Description:

Medical Dispensary Retail

- Locations
- Fees
- Reviews
- Inspections
- Files for Review
- Supporting Docs
- Contacts
- Sub-Records
- Holds
- Meetings
- More Info

[More Info \(\)](#) | [First Tab \(\)](#) | [Permit Details \(\)](#) | [Main Menu \(\)](#)
More Info

Application Details

[Next Section \(\)](#) | [Top \(\)](#)

Septic System

☐

Food or Food Related

☐

Grease Interceptor/Oil Separator

☐

Liquor License

☐

Low Point Beer

☐

Retail Beer

☐

Retail Wine

☐

Retail Spirits - Liquor Store**Code Compliance Meeting Number****Declared Value**

\$350,000.00

Name of Business/Bldg/Complex

The Flower Shop

Location of Occupancy in Facility

entire

Is this a single-tenant building?

Yes

Is this a single-tenant floor?

Yes

Nature of Use

<input type="checkbox"/>	Assembly
<input type="checkbox"/>	Education
<input type="checkbox"/>	Institutional
<input type="checkbox"/>	Business
<input type="checkbox"/>	Industrial
<input checked="" type="checkbox"/>	Mercantile
<input type="checkbox"/>	Utility
<input type="checkbox"/>	Multi-Family
<input type="checkbox"/>	Storage
<input type="checkbox"/>	Other(Explain- "Describe Proposed Use in Detail")

Describe Proposed Use in Detail

Dispensary retail

Existing Use

Office / Storage

5.16

Describe Special Zoning Action**Fire Suppression**

None

Fire Sprinkler Standard

None

Exhibit the following details (when applicable) on the plans: Use of adjacent spaces, key plan or overall floor plan with work clearly identified, outside seating for restaurants, etc., fire exit accesses and stairs locations, fire ratings on existing demising, ceiling, corridor & fire walls, scale, dimensions, & north arrow.

*A separate permit is required for driveways and signs.

*All electrical, plumbing, & mechanical work must be done by a licensed contractor in each trade.

Required Information for Existing Building[Previous Section \(\)](#) | [Next Section \(\)](#) | [Top \(\)](#)**Total Height of Building**

17

Total Number of Stories

1

Total Number of Basement Levels

0

Floor area to be occupied (sf)

4068

Floor area width (ft, in)

29' 9"

Floor area length (ft, in)

97' 7"

Floor area height (ft, in)

0'

Building Area (sf)

4428

Is existing building sprinklered?

5.17

Not Sprinklered

Shell Build-Out?

No

Are you changing use of the building or land?

Yes

Existing Construction Materials

[Previous Section \(\)](#) | [Next Section \(\)](#) | [Top \(\)](#)

Exterior Wall Finish

Brick/Stone Veneer

Exterior Wall Structure

Other (Describe in Existing Const. Materials)

Interior Walls

Gyp/Wood Studs

Ceiling Type

Acoustical Tile

Roof Covering

Other (Describe in Existing Const. Materials)

Roof Decking

Wood

Existing Construction Materials Comments

Concrete exterior walls, TPO roofing system

Existing Structural System

[Previous Section \(\)](#) | [Top \(\)](#)

Framing System

Rigid Steel

Bearing Walls

Reinforced Concrete

5.18

Roof Framing

Wood Joist

Floor Framing

Concrete Slab/Beam/Tee

Floor Decking

Concrete Slab

Existing Structural System Comments

I do hereby attest that I am the property owner, or agent of the property owner, and have the authority to make application to build at this location. I certify that I have researched and examined or caused to be researched and examined all recorded documents and instruments relating to said real property, and that all recorded easements, dedications, and rights of way are known to me and are delineated on the plot plan which is a part of the application for building permit. It is understood that issuance of such building permit does not authorize or permit construction over or upon any easement, dedication, or right of way. I also certify that to my knowledge, all information contained within is true and correct. I understand that failure to provide sufficient information may result in denial of a permit. I acknowledge and agree to the terms and conditions

Initial to Agree to Above Text

Need Help? Email (<mailto:cotdevsvcs@cityoftulsa.org?subject=CSS%20Help>) or call us at (918) 596-9456

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5.19

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

TEL (918)596-9688
clange@cityoftulsa.org



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

June 7, 2019

Marvin Jones
1216 E Apache
Tulsa, OK 74106

Phone: 918.625.4147

APPLICATION NO: BLDC-033328-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 810 E 6 ST

Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" **[X] IS [] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT
WWW.CITYOFTULSA-BOA.ORG

BLDC-033328-2019

810 E 6 ST

June 7, 2019

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. It is your responsibility to submit to our office documentation of any decisions by the BOA affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **Sec.40.225-H:** No medical marijuana grower operation, processing facility, dispensary or research facility shall be permitted or maintained unless there exists a valid license, issued by the Oklahoma Department of Health for the use at the location.

Review comment: Submit evidence you have been granted a state license and the date it was approved.

2. **Sec.40.225-D:** A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.

3. **Sec.40.225-H:** The separation distance required under *Sec.40.225-D* must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensary.

Review comment: Submit a copy of the BOA accepted separation distance of 1000' from other dispensaries. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. The separation required under *Sec.40.225-D* shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma Department of Health prior to December 1, 2018 for the particular location.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:
<http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf>

Please notify the reviewer via email when your revisions have been submitted

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

State of Oklahoma

License Certificate

NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

GREENWOOD WELLNESS DISPENSARY, LLC

806 E 6TH ST , TULSA, OK, 74120

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 310 CHAPTER 681. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

02/03/2020

LICENSE NUMBER:

DAAA-N1TR-RIYQ



Tom Bates

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health

DO NOT COPY



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Feet



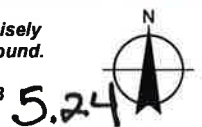
Subject
Tract

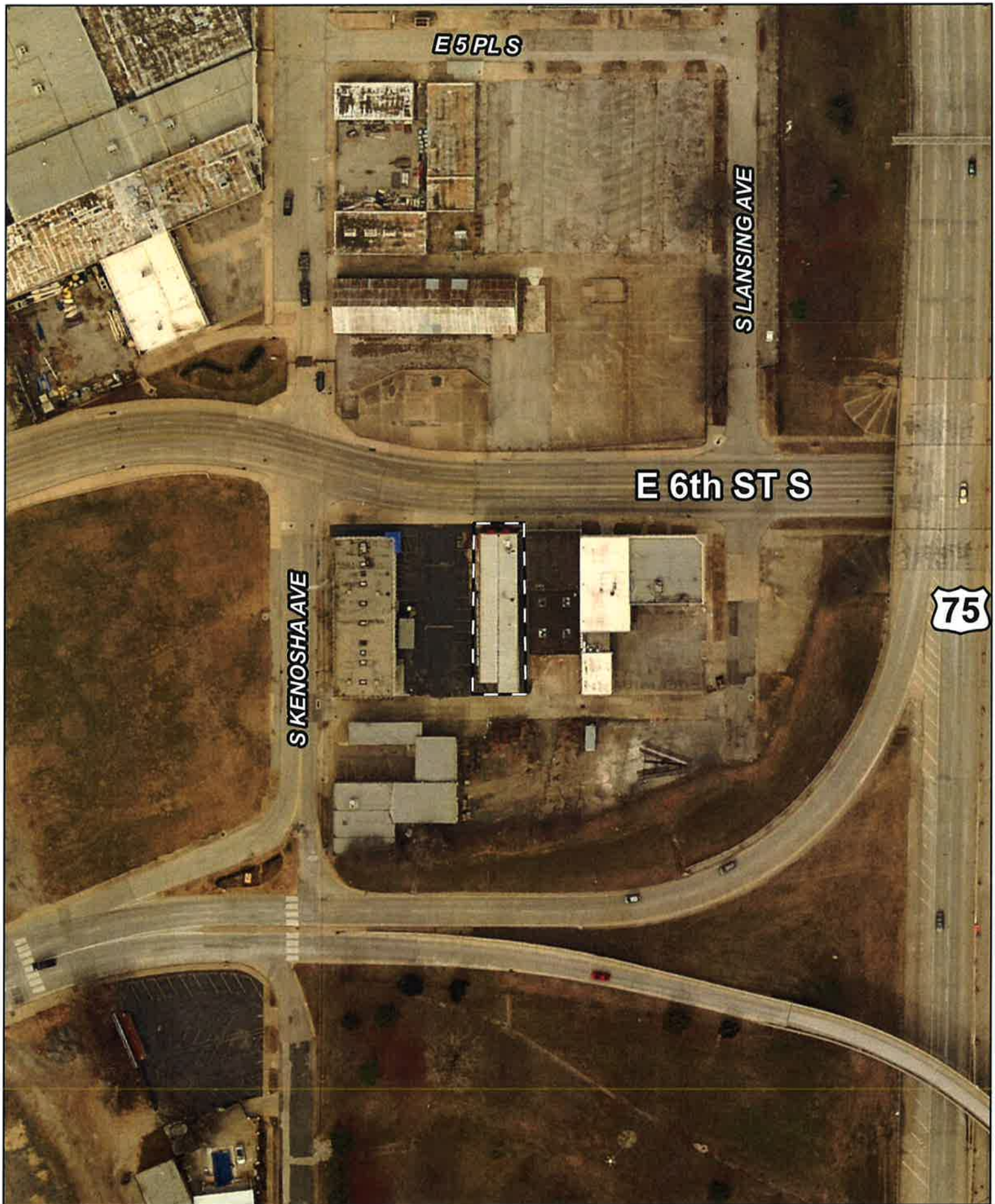
BOA-22679

19-12 01

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

Aerial Photo Date: February 2018





E 5th Pl S

S LANSING AVE

E 6th ST S

S KENOSHA AVE

75

0 50 100
Feet



Subject
Tract

BOA-22679

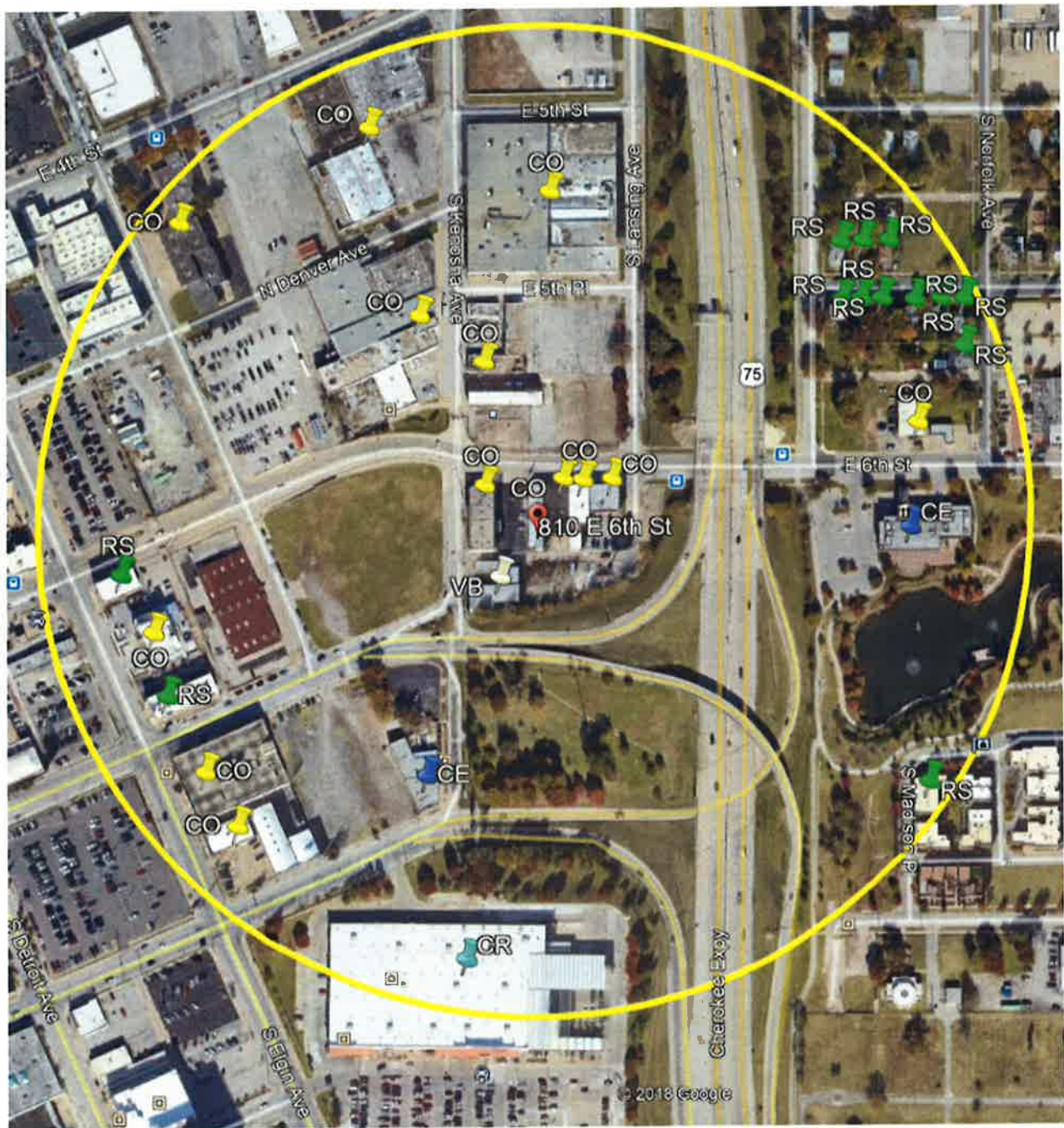
19-12 01

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

Aerial Photo Date: February 2018

5.25





810 E. 6TH STREET – GREENWOOD WELLNESS DISPENSARY

BUILDING ADJACENCIES

WITHIN 1000 FT RADIUS

-  COMMERCIAL OFFICE
-  VACANT BUILDING
-  COMMERCIAL ENTERTAINMENT
-  RESIDENTIAL
-  COMMERCIAL RETAIL

Chapman, Austin

From: Chapman, Austin
Sent: Monday, July 15, 2019 2:50 PM
To: james pardee
Cc: Sparger, Janet
Subject: RE: Case number BOA-22679

Mr. Pardee,

I will forward your comments to the Board, just to be clear there is no meeting tomorrow the meeting for BOA-22679 is scheduled for July 23rd, 2019.

Best,

Austin Chapman
Planner, City of Tulsa Board of Adjustment Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9471
achapman@incog.org

Determining compliance to zoning or building code requirements is not a function of this office.
The Building Permits Division will address compliance upon application for a building permit or occupancy permit. {(918) 596-9456}

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

From: james pardee <jpardee@pardeeproduction.com>
Sent: Monday, July 15, 2019 2:25 PM
To: Chapman, Austin <AChapman@incog.org>
Subject: Case number BOA-22679

Dear Austin;

I hope to attend the meeting scheduled for Tuesday, 7/16/19, and object to the variance requested for the SECOND marijuana dispensary proposed in my block of downtown Tulsa, at 810 E. Sixth Street.

The photographs I received in the mail do not indicate that construction and remodeling of a building has begun in the southwest corner of this block. The building under construction is for a marijuana dispensary and/or warehouse for marijuana. i believe it has received approval from your board already.

I believe the distance between the existing building at 810 E. 6th street and the building in the southwest corner, is about 100' rather than the prescribed 1,000'. If the spacing were closer to 1,000', I wouldn't be as concerned.

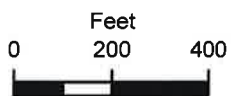
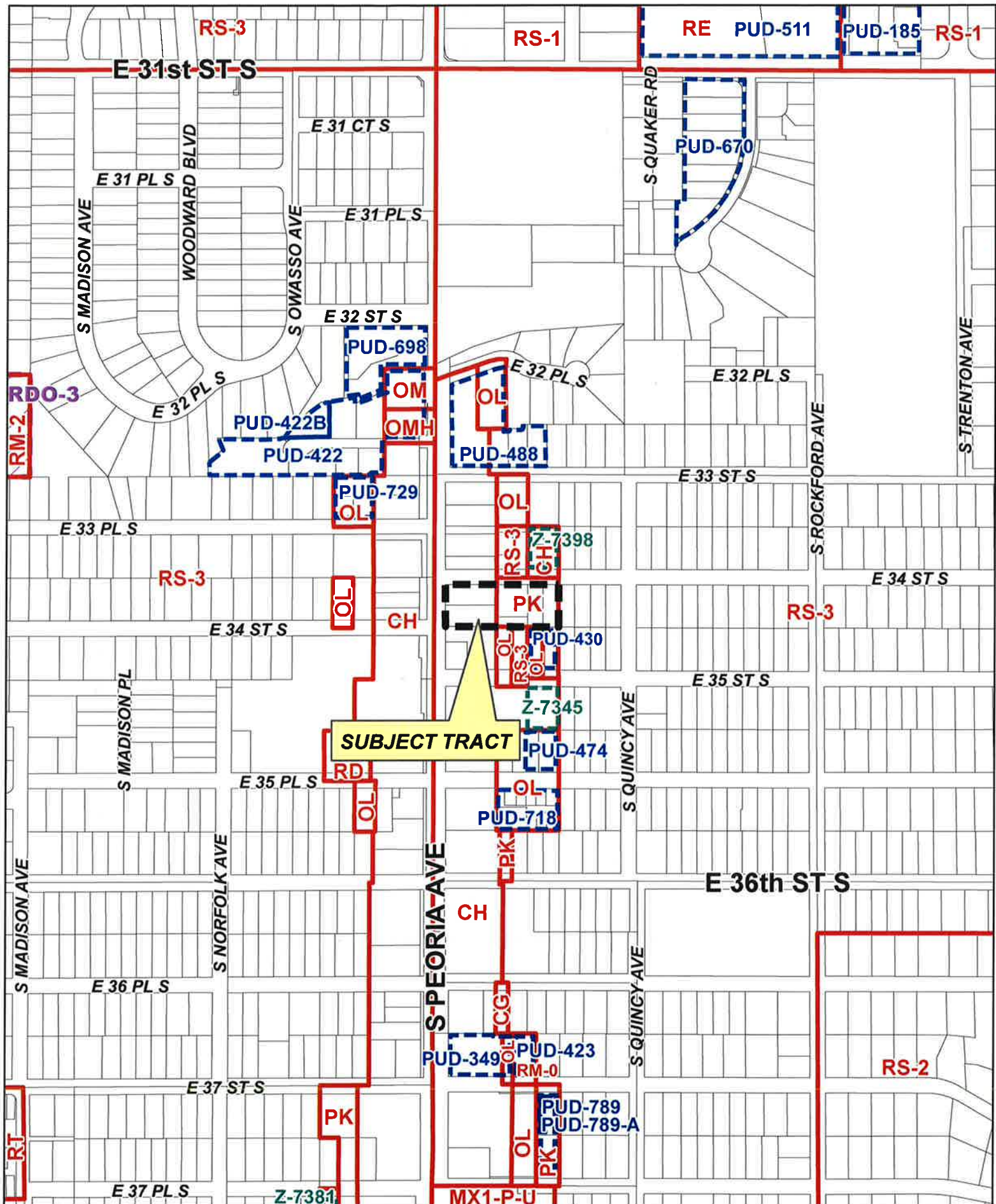
I am the owner of two buildings in this block, 816 6th street and 822 6th street. I do not believe that an additional marijuana dispensaries is warranted.

I have invested a considerable amount of money remodeling these two buildings. My buildings are now 100% leased for commercial office space. I have paid my property taxes to Tulsa county, and to the City of Tulsa, for the stadium tax, since 2011. I do not now want to see an expansion of additional marijuana dispensary.

Especially, since such a blatant violation of spacing for a medical marijuana dispensary is sought for this business. Mr. Martin Jones should find another location for his business.

Very truly yours,

Jim Pardee
Owner
Montalcino Properties, LLC



BOA-22680

19-13 19

6.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9319

Case Number: **BOA-22680**

CZM: 47

CD: 9

A-P#:

HEARING DATE: 07/23/2019 1:00 PM

APPLICANT: Weldon Bowman

ACTION REQUESTED: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 3403 S PEORIA AVE

ZONED: PK,CH

PRESENT USE: Commercial

TRACT SIZE: 51104.8 SQ FT

LEGAL DESCRIPTION: Lots 3-6, Block 2, Oliver's Addition

RELEVANT PREVIOUS ACTIONS:

None relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Main Street" and an "Area of Growth".

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

ANALYSIS OF SURROUNDING AREA: The subject tract is adjacent to other commercial zoned (CH) properties to the north and west. The east end of the property (PK-zoned) is adjacent to a mixture of office, residential, and a planned unit development (PUD) to the south and east.

STAFF COMMENTS:

The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the required spacing for a medical marijuana dispensary in a CH district from other medical marijuana dispensaries (Section 40.225-D).

6.2

Per the Code, a medical marijuana dispensary is permitted by right in the CH district as long as it meets the spacing requirement of 1,000 ft. from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

In Section 40.225-I, the separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

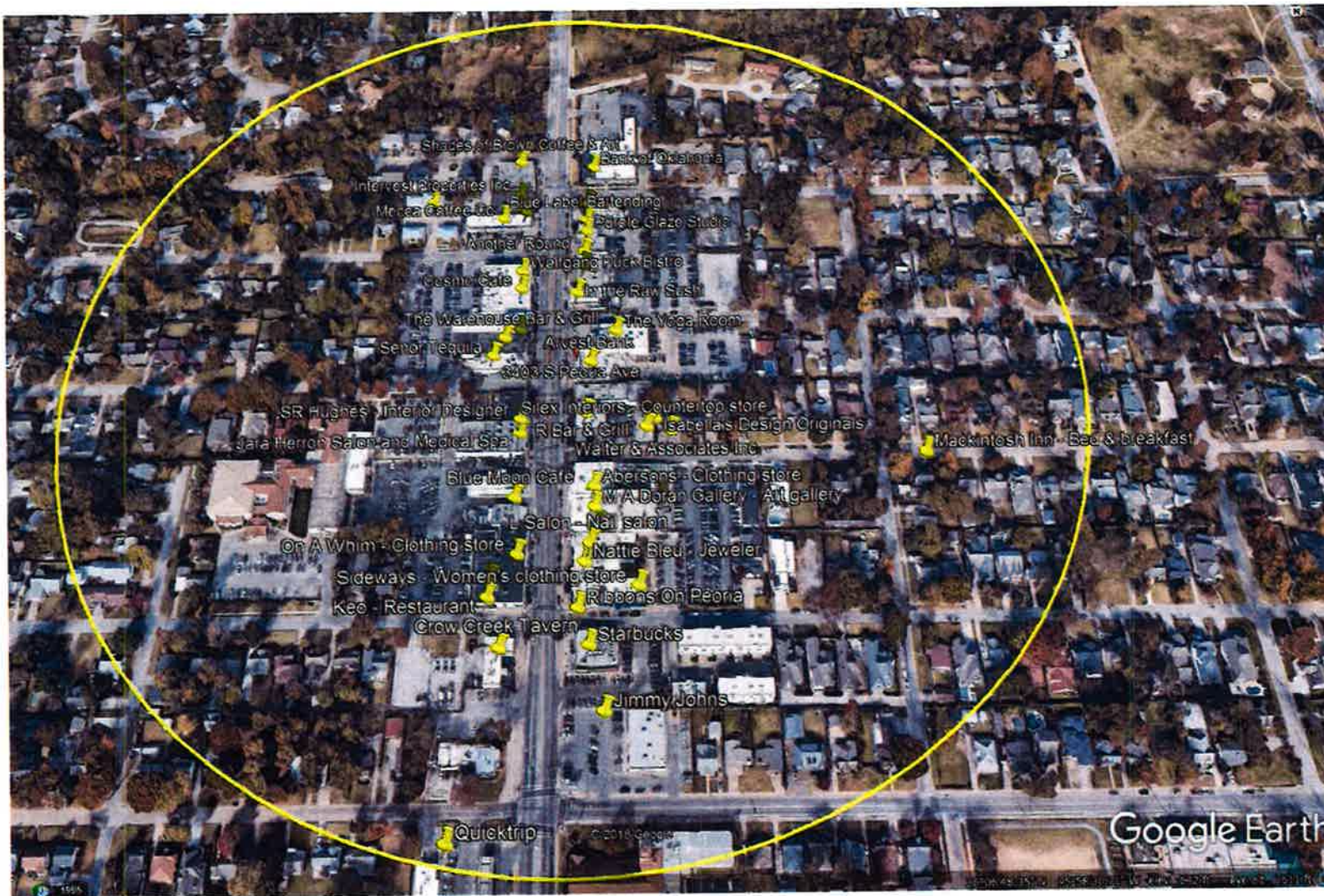
The applicant submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of property within that radius in support of the verification. A text list of all uses has been provided by the applicant also. At the time staff prepared this report, the following items had still been requested from the applicant per the Board's new policy for verification exhibits:

- Location of the nearest licensed dispensary outside of the 1000' radius.

Sample Motion:

I move that based upon the facts in this matter as they exist presently, we accept the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.

6.4



1 SITE PLAN
SCALE: 1/8" = 1'-0"



wdesign
ARCHITECTURE & INTERIORS
815 E. 3rd Street, Suite C
Tulsa, OK 74120
Office: 918.794.6616
Fax: 918.794.6602
www.wdesignnile.com

SEAL:



PROJECT:

**GREEN
COUNTRY
BUD**

PROJECT #
17134.02

3403 S. PEORIA AVE.
TULSA, OK
74105

CONSULTANT:

REVISIONS:

1 ADDENDUM 1 06.11.2019

ISSUE DATE:

04.26.2019

SHEET NAME:
**SPACING
VERIFICATION
SITE PLAN**

SHEET #:

AS101



SPACING VERIFICATION

Date: 06/11/2019
Project: Green Country Bud
Project number: 17134.02
Location: 3403 South Peoria Avenue
Tulsa, OK. 74105

SPACING VERIFICATION – BUSINESS W/IN 100 FEET

Shades of Brown Coffee & Art - Coffee shop
Bank of Oklahoma – Bank
Interwest Properties Inc - Real estate agency
Brookside Realty - Real estate agency
Loebner Lynn, LCSW - Doctor
Oakleaf Designs – Architect
TR Music & Voice Lessons
Hibiscus Caribbean Bar & Grill - Bar & grill
Brookside By Day - American restaurant
Leon's - Restaurant
Blue Label Bartending - Bar
Mecca Coffee Co - Coffee shop
Catalyst Benefits Group, LLC. - Insurance agency
Purple Glaze Studio - Pottery store
Another Round - Bar
Wolfgang Puck Bistro – Restaurant
Cosmo Cafe - Cocktail bar
In the Raw Sushi - Sushi restaurant
Brookside Body Piercing Tattoo - Tattoo shop
The Ivey - Lounge
The Warehouse Bar & Grill - Bar & grill
The Brook Restaurant and Bar - American restaurant
The Yoga Room - Yoga studio
Arvest Bank - Bank
Senor Tequila - Mexican restaurant
Sharky's - Pool hall
R Bar & Grill - Bar & grill
Jara Herron Salon and Medical Spa - Beauty salon
Isabella's Design Originals - Women's clothing store
Mackintosh Inn - Bed & breakfast
Walter & Associates Inc. - Real estate agency
Blue Moon Café - Breakfast restaurant
Black Optical - Optician
Little Black Dress - Clothing store
On A Whim - Clothing store
Keo - Asian restaurant
Ribbons On Peoria - Gift shop
Sideways - Women's clothing store
Nattie Bleu – Jeweler
Fitso - Gym
Cafe Olé - American restaurant
Doc's Wine & Food - American restaurant
Locks Brookside Salon - Beauty salon
Toni Johnson Salon & Spa - Beauty salon
Pei Wei - Chinese restaurant



SPACING VERIFICATION

Crow Creek Tavern - Pub
Starbucks - Coffee shop
Jimmy John's - Sandwich shop
QuikTrip - Gas station

End of Response.

BOB KOLIBAS
ZONING PLANS REVIEWER
TEL (918)596-9664



DEVELOPMENT SERVICES
175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

ZONING REVIEW

June 7, 2019

LOD Number: 1

Jordan Droz
815 E. 3rd Street
Tulsa OK 74120

Phone: (918)794-6616

APPLICATION NO: 30478-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 3403 S. Peoria Avenue

Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A \$55 RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 WEST 2ND STREET, 8TH FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT WWW.INCOG.ORG

Application No. 30478-2019

3403 S Peoria Ave

June 7, 2019

This letter of deficiencies covers zoning Review items only.

You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

1. Section 40.225 Medical Marijuana Uses: The supplemental uses of this section apply to medical marijuana sales.

40.225-D A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.

40.225-E Drive-through windows and drive-through lanes are prohibited for medical marijuana grower operations, processing facilities, dispensaries and research facilities.

40.225-F Medical marijuana grower operations, processing facilities and dispensaries must provide the following: A ventilation/air filtration system that prevents odor from being detectable at the boundaries of the lot within which the building housing the medical marijuana grower operation, processing facility or dispensary is located, except that if such use is located in multiple-tenant building, the ventilation/air filtration system must prevent odor from being detectable outside the tenant space housing the use. An electronic security system and surveillance camera.

40.225-G Medical marijuana grower operations, processing facilities, dispensaries and research facilities must be conducted and maintained in compliance with the license issued by the Oklahoma State Department of Health and in compliance with Oklahoma law, including but not limited to all applicable statutes, rules and regulations.

40.225-H No medical marijuana grower operation, processing facility, dispensary or research facility shall be permitted or maintained unless there exists a valid license, issued by the Oklahoma State Department of Health for the particular use at the particular location.

40.225-I The separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the location.

Review Comment: Review comment: Provide a spacing verification accepted by the BOA required under Sec.40.225-D for the medical marijuana dispensary for which a license was issued by the Oklahoma Department of Health after December 1, 2018 for the location.

2.) Section 55.020 Minimum Parking Ratios: off-street required parking. → To BE ADDRESSED w/ PERMITTING

Review Comments: Provide a parking analysis with parking spaces and maneuvering on the lot (site plan) for the proposed medical marijuana dispensary.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application to our office, so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting

documents to the City of Tulsa on your behalf.

END – ZONING CLEARANCE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION.

State of Oklahoma

License Certificate

NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

GREEN COUNTRY BUD, INC.

3403 S PEORIA AVE STE 100 , TULSA, OK, 74105

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 310 CHAPTER 661. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

03/16/2020

LICENSE NUMBER:

DAAA-41Y6-JQJD



Tom Bates

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health

DO NOT COPY

6.10

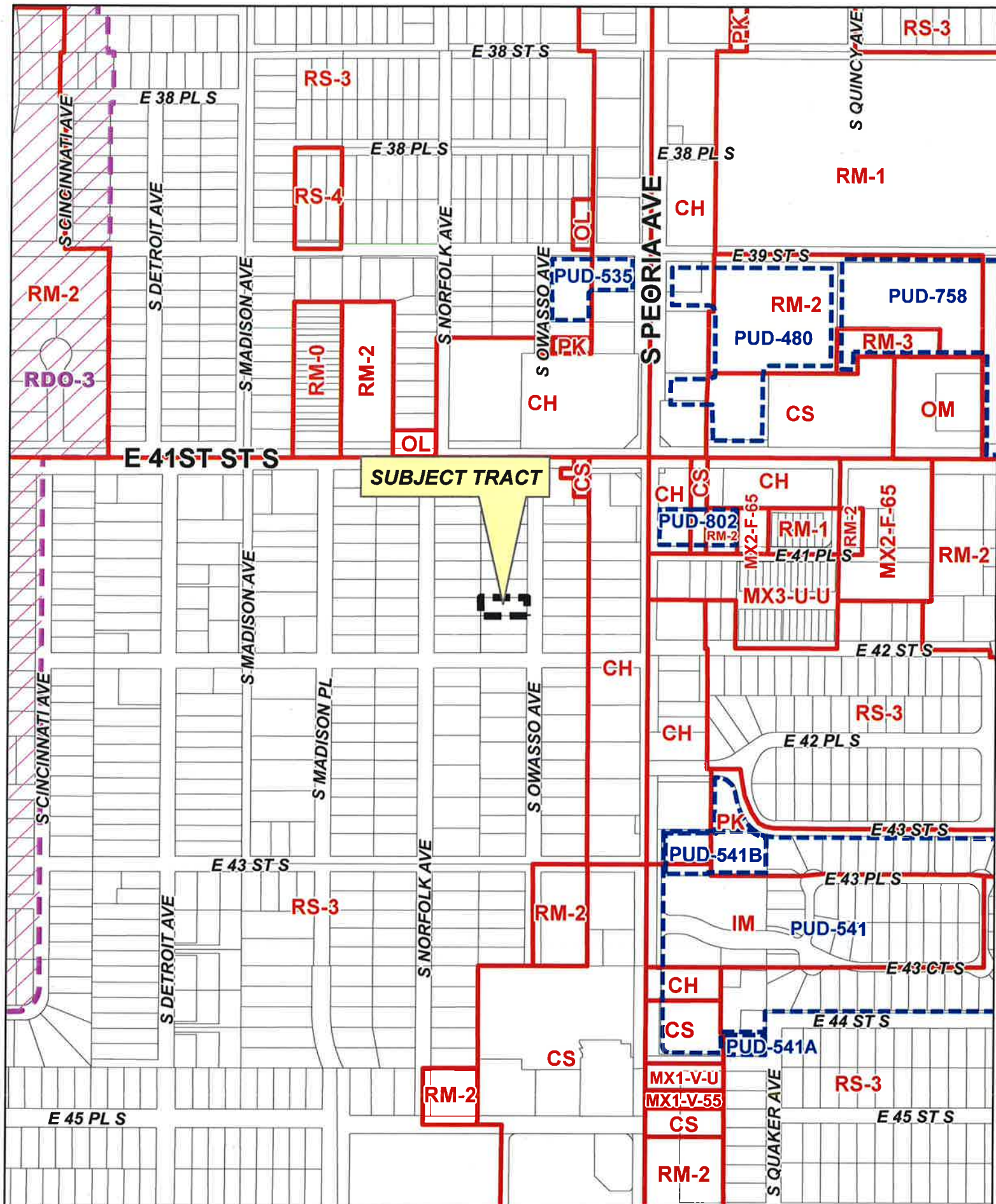


View from 34th Street



View from Peoria

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BOA-22682

19-12 25

7.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9225

Case Number: **BOA-22682**

CZM: 46

CD: 9

HEARING DATE: 07/23/2019 1:00 PM

APPLICANT: Sally Ann Perry

ACTION REQUESTED: Modification of previously approved special exception (BOA-22300) to extend the time limit for a bed and breakfast use (Sec. 5.020, Table 5-2)

LOCATION: 4138 S OWASSO AV E

ZONED: RS-3

PRESENT USE: AirBnB

TRACT SIZE: 8999.53 SQ FT

LEGAL DESCRIPTION: LT 13 BLK 3, ALTA DENA PLACE

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-22300; On the Board ***approved*** a Special Exception to allow a Bed and Breakfast use in an RS-3 District subject to a two-year time limit expiring September 11, 2019, and the Board ***denied*** the special exception to allow accessory events at the Bed and Breakfast.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Existing Neighborhood "and an "Area of Stability ".

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS-3 zoned residences.

STAFF COMMENTS: The applicant is before the Board requesting a modification of their Special Exception to continue a Bed & Breakfast use in the existing house on the subject site past the two year time limit originally imposed by the Board. The Board's time limit expires September 11, 2019.

The following supplemental use regulations in **Section 40.060** apply to all bed and breakfast uses.

Section 40.060 Bed and Breakfasts

The supplemental use regulations of this section apply to all bed and breakfast uses.

40.060-A Bed and breakfast are limited to a maximum of 12 guest rooms unless a lower limit is established by the board of adjustment as a condition of an approved special exception.

40.060-B The maximum length of stay for any guest is limited to 30 consecutive days.

40.060-C The owner/operator must maintain a register of bed and breakfast guests and on-site events for each calendar year and make the register available to city code enforcement upon request.

40.060-D Cooking facilities are prohibited in guest rooms.

40.060-E Signs are allowed in accordance with the sign regulations of the subject zoning district unless the board of adjustment establishes stricter conditions at the time of special exception approval.

40.060-F Public restaurants are prohibited. Meals may be served only to overnight guests and for on-site events expressly authorized by the board of adjustment at the time of special exception approval. The board of adjustment may authorize bed and breakfasts to be rented for events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc. The use of bed and breakfasts for on-site events requires express authorization of the board of adjustment, in accordance with the special exception procedures of Section 70.120. As part of approval of the special exception, the board of adjustment is authorized to establish the maximum number of on-site events per year and the maximum number of guests per any single event, based on the availability of off-street parking and the facility's likely impacts on the area.

SAMPLE MOTION:

Move to _____ (approve/deny) a modification of the conditions of the approval in BOA-22300 to extend the time limitation of the permitted Bed and Breakfast Use in an RS-3 district (Section 5.020).

- Subject to the following conditions (including time limitation, if any): _____

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Mr. Van De Wiele asked Ms. Totten if the granddaughter lived on the site. Ms. Totten stated that she does not; she and the granddaughter both live at a different location but she owns the property on both sides of the street.

Mr. Van De Wiele asked Ms. Totten if anyone lived on the subject property. Ms. Totten stated she had a tenant; an employee of her construction company that lives there for security purposes. Mr. Van De Wiele asked staff if that still made this a home occupation. Mr. Wilkerson stated the Code is clear; it is someone that wishes to live in the house that is working in that occupation.

Mr. Van De Wiele stated that he believes this an application that the Board would not have the authority to approve. He suggests this case be continued so the applicant could have conversation with INCOG staff.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; "abstaining"; Bond absent) to **CONTINUE** the request for a **Special Exception** to allow a Type 2 Home Occupation in an RS-1 District to permit a landscaping business (Section 45.100) to the September 26, 2017 Board of Adjustment meeting; for the following property:

LT 1 BLK 2, INDIAN HILLS, City of Tulsa, Tulsa County, State of Oklahoma

22300—Sally Perry

FILE COPY

Action Requested:

Special Exception to permit a Bed and Breakfast on an RS-3 zoned property; **Special Exception** to allow a bed and breakfast to have on-site parties/events in an RS-3 District (Section 5.020). **LOCATION:** 4138 South Owasso Avenue East (CD 9)

Presentation:

Sally Perry, 4142 South Owasso Avenue, Tulsa, OK; stated the bed and breakfast is to be located at 4138 South Owasso Avenue which is next door to her residence. So it is not like it will be an unsupervised property. One opposition letter brought up the fact that there are plenty of bars in the area and she is not interested in providing that type of party. She would like to provide parties like a wedding luncheon for small wedding parties, anniversary parties, birthday parties, or a small wedding. Ms. Perry stated that the subject property is a one bedroom house and at most it could accommodate three

BOA-22300

or four people to stay. She would like to have two parties a month and at least two cars can park in the driveway. Ms. Perry stated that another letter opposition expressed concerns about traffic and strangers being in the neighborhood, i.e., pedophiles. Ms. Perry stated that recently she sold a house and there was no screening of the person that purchased the house. People move in and out of a neighborhood everyday and there is no way of knowing if that person is a sexual predator or a pedophile. Ms. Perry stated that she cannot not think that because the house would be an Airbnb that it would be a greater problem than what naturally occurs in a neighborhood. Ms. Perry stated that it has been mentioned that the house may sit empty for long periods of time which could harm to the neighborhood, but there is a house in the neighborhood that has been empty for approximately eight years and it has caused no harm to anyone. Ms. Perry stated that if her house sat for long periods of time as an Airbnb she won't be doing the Airbnb for a long time so she does not think that an empty house is an issue. Ms. Perry stated that the gentleman that wrote the letter stating businesses don't belong in neighborhoods is running a business out of his house so that like the kettle calling the pot black. Ms. Perry stated that if she thought this would harm her neighborhood she wouldn't be doing it because she lives in the neighborhood and right next door to the proposed Airbnb. It is her desire to be something that raises the neighborhood up not bring it down.

Mr. Van De Wiele stated the application states there will not be more than 30 guests at any one event so where would they park. Ms. Perry stated that 90% of the time she didn't think there would be more than two cars in the driveway.

Mr. Van De Wiele asked Ms. Perry if she was currently offering the house on Airbnb. Ms. Perry stated that she was not. Ms. Perry stated that she has waited to come before the Board before offering the house to the public.

Interested Parties:

Louis Horton, 4207 South Owasso, Tulsa, OK; stated that his daughter and grandson live at this address and he has owned the house for 18 years but it is not his residence. He is concerned because there are a lot of children walking on the street, there are people in wheel chairs that go back and forth to WalMart, and he does think it is a good place for a business. Mr. Horton stated that he more worried about what is not written than what is written. Mr. Horton stated there are always cars on the street, especially where the subject house is located.

Paul Harrison, 4148 South Owasso Avenue, Tulsa, OK; stated he is in favor of the proposed Airbnb. Mr. Harrison stated that he has a large family and when they come to Tulsa they need a place to stay, and they could stay two doors away. This is a quiet neighborhood even though there is a lot of traffic, but he does not see how this will add more traffic to the neighborhood.

Rebuttal:

Sally Perry came forward and stated that she too is concerned about the people that walk on the street. It would be nice if there were sidewalks in the neighborhood, and

BOA-22300

FILE COPY

she does not know if that is something that is planned, but people walk in the neighborhood everyday and do so safely. Ms. Perry stated that if the parties are an issue she would withdraw that portion of her request.

Mr. Van De Wiele asked Ms. Perry if she had an idea of how many rentals were anticipated in a month. Ms. Perry stated that she does not know this, but if the rental was for one weekend a month for three days it would not be economical. She is aiming to attract the business traveler. There will be no pets allowed. There will be no smoking allowed. She wants the traveler that is here for business and wants to be in the subject area because of the restaurants and the trails. She would also offer it as a guest house to the neighbors for the family and friends to stay. Ms. Perry stated that she does not know how successful it will be but if it is not very successful she will be changing the house back to a long term rental.

Comments and Questions:

Ms. Back stated that she likes the fact that a neighbor that lives close to the subject property came to speak in support of the request. Ms. Back thinks Ms. Perry has done this right; she came to the Board first to ask permission. Ms. Back stated she could support the bed and breakfast but take the special events request out or take the number of people to attend the special events to reduce the number of cars that would be on the street. She would also suggest that a one year time limitation be placed on the request since the Code may change.

Mr. Van De Wiele asked staff if one year would be sufficient time for the Code change because he knows things move more slowly in government. Mr. Wilkerson stated there is discussion about how to handle bed and breakfast requests but he would not say with confidence that the Code change would happen in a year.

Mr. Van De Wiele agreed with Ms. Back. Mr. Van De Wiele stated that he cannot support the on-site party events because this part of Tulsa has narrow streets and the lots are smaller. He likes the fact the applicant lives next door and that alleviates some concerns. He can support the Airbnb with a time limitation of two years for review.

Mr. Flanagan stated that he does not have any issues with the bed and breakfast request and he would support a two year time limitation.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan Van De Wiele, White "aye"; no "nays"; "abstaining"; Bond absent) to **APPROVE** the request for a **Special Exception** to permit a Bed and Breakfast (short term lodging/rental) in an R district (Section 5.020) and to **DENY** the **Special Exception** to allow on-site events. The approval is subject to the condition of a two year time limitation from today's date through September 11, 2019. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

FILE COPY

BOA-22300

LT 13 BLK 3, ALTA DENA PLACE, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

22304—Eller & Detrich – Lou Reynolds

Action Requested:

Special Exception to allow a Trade School in the CS District (Section 15.020).

LOCATION: 3910 East 51st Street South (CD 9)

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated he represents Accurate Environmental who are the owners of the subject property. Recently the zoning was changed from OL to CS. This site is the former long time Spring Clinic and the Warren Medical Complex for the Warren Clinic. It sat vacant for about two years or so. The subject site was primarily as a medical laboratory and that is what attracted Accurate Environmental to the site. There is a screening fence between the subject building and the neighborhood. The building has had extensive improvements as a medical lab. Accurate Environmental purchased the property assuming they could use the site for their training uses and that is to train people how to use laboratory facilities, test water and other public things. Accurate Environmental does a lot of testing for the City of Tulsa, Rural Water Districts, the waste water treatment plant, etc. Interestingly enough this is a trade school in the zoning code. Accurate Environmental is training water engineers, so to get the use approved the zoning was changed to CS. There will be no new improvements to the existing site.

Mr. Van De Wiele asked Mr. Reynolds if there would be anything held outdoors. Mr. Reynolds stated that everything will be indoors.

Ms. Back asked Mr. Reynolds if there would be future testing of hazardous chemicals or anything like that at the site. Mr. Reynolds stated that there would be none that he is aware of and the facility will be less than what was there before.

Interested Parties:

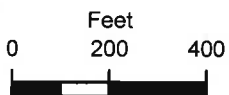
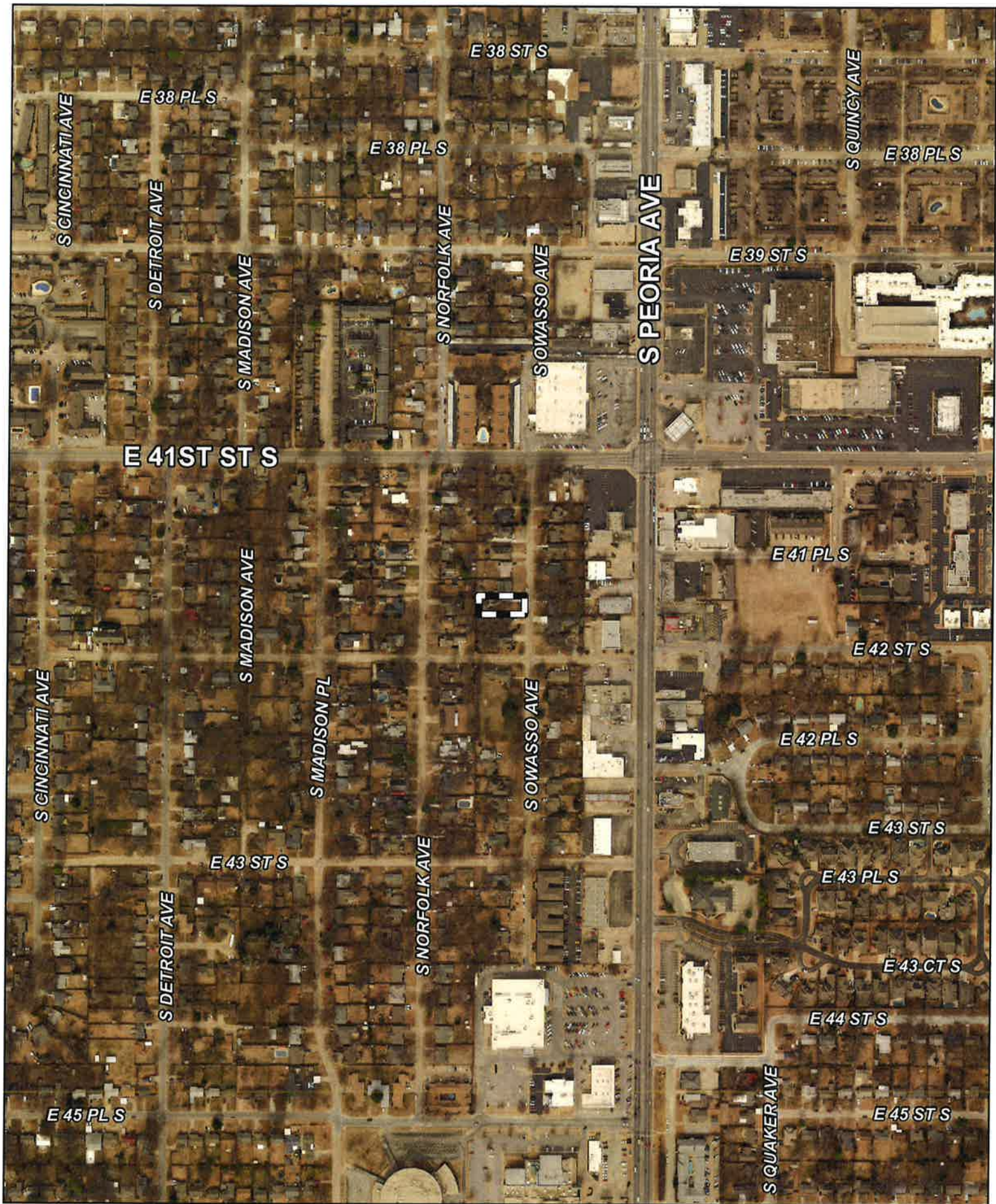
There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan Van De Wiele, White "aye"; no "nays"; "abstaining"; Bond absent) to **APPROVE** the request for a **Special Exception** to allow a Trade School in the CS District (Section 15.020). The Board finds



Subject
Tract

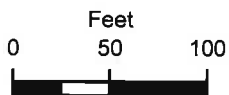
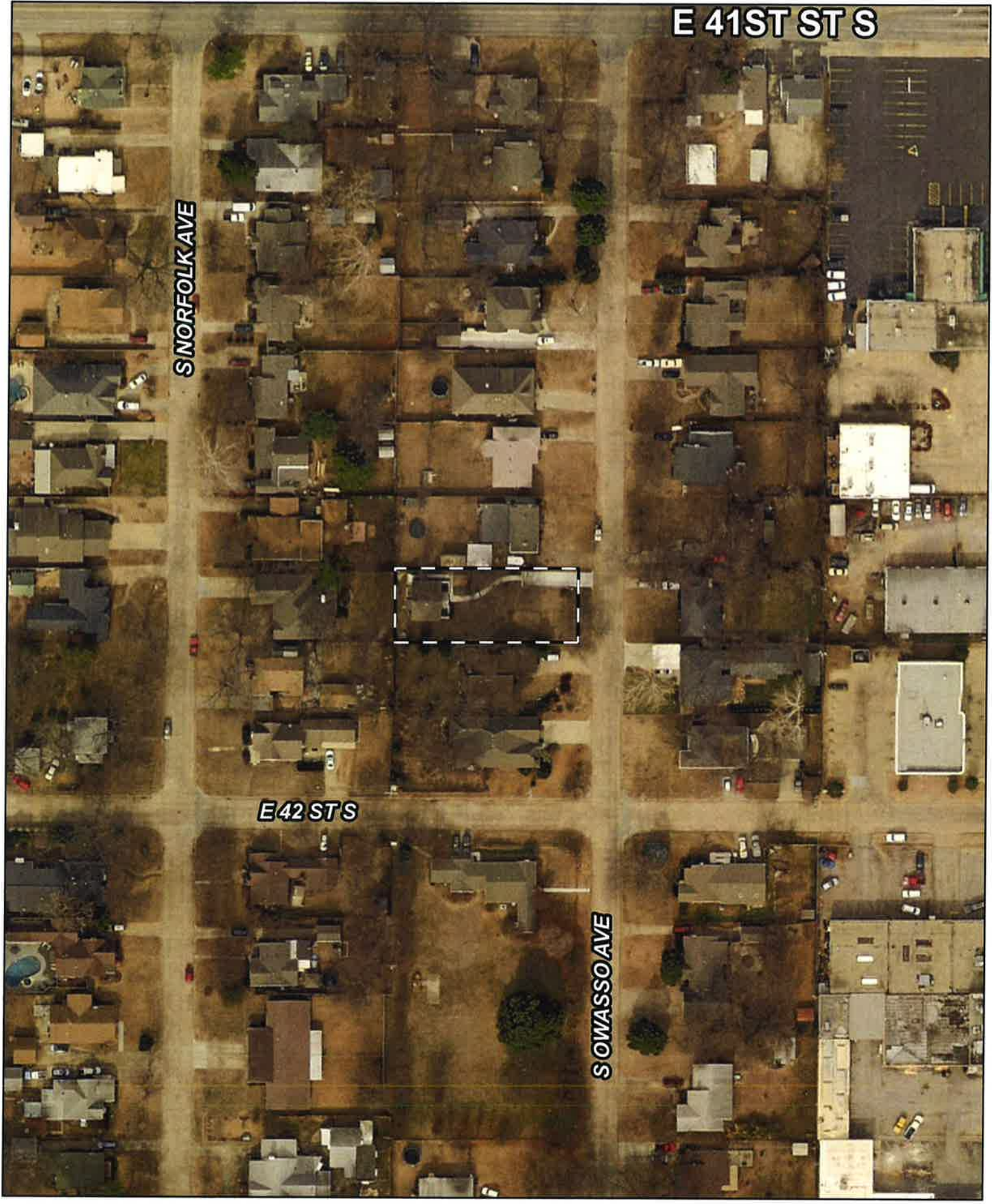
BOA-22682

19-12 25

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

Aerial Photo Date: February 2018





 Subject Tract

BOA-22682

19-12 25

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

Aerial Photo Date: February 2018

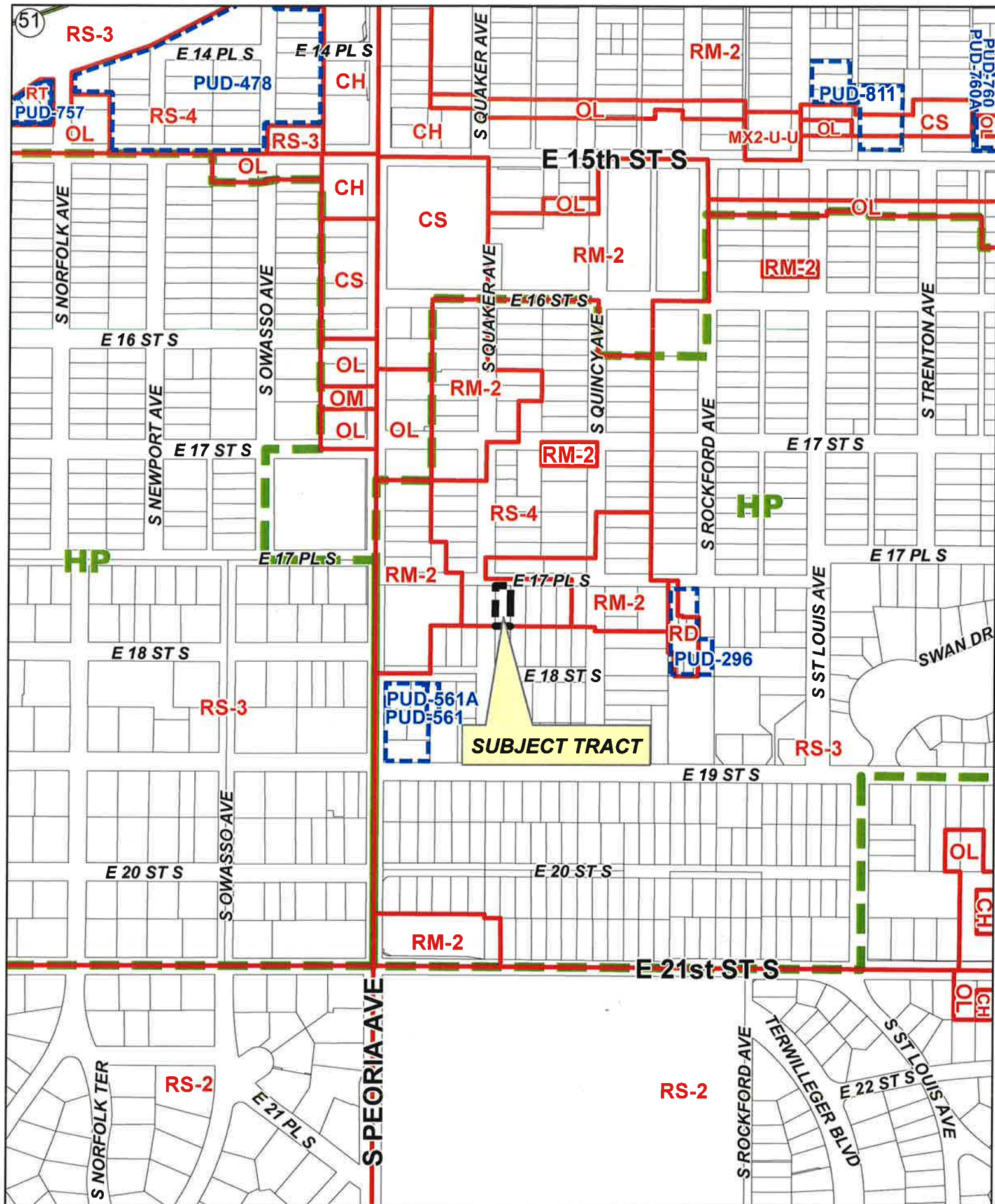




View of front of House



View of Driveway



BOA-22683

19-13 07

BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: BOA-22683

CZM: 37

CD: 4

HEARING DATE: 07/23/2019 1:00 PM

APPLICANT: Tom Neal

ACTION REQUESTED: Variance to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the of the floor area of the principal residential structure in an RS-4 district (Section 45.030-A)

LOCATION: 1332 E 17 PL S

ZONED: RS-4

PRESENT USE: Residential

TRACT SIZE: 6599.37 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 2, SANGER-DOUGLASS SUB B25 PARK PLACE

RELEVANT PREVIOUS ACTIONS:

Subject Property; None

Surrounding Area:

BOA-22010; On 1.12.16 the Board **approved** a variance of the front yard setback in an RS-3 District at 1804 South Quaker, one block Southwest of the Subject property.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Existing Neighborhood "and an "Area of Stability ".

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is bounded by RS-4 zoning on the East and West, RM-2 zoning on the North and RS-3 zoning on the South. The Property is located in the Swan Lake Historical Preservation Overlay, but this request is not subject to review by the Historical Preservation Committee since it is not located in a street yard and is a detached accessory structure per Sec. 70.070-B.3 of the Zoning Code.

STAFF COMMENTS: The applicant is requesting Variance to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the of the floor area of the principal residential structure in an RS-4 district (Section 45.030-A)

Section 45.030 Accessory Buildings and Carports in R Districts

45.030-A Accessory Building Size

1. RE and RS-1 Districts

In RE and RS-1 districts, the total aggregate floor area of all detached accessory buildings and accessory buildings not erected as an integral part of the principal residential building may not exceed 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

2. RS-2, RS-3, RS-4, RS-5 and RM Districts

In RS-2, RS-3, RS-4, RS-5 or RM, zoned lots used for detached houses or duplexes, the total aggregate floor area of all detached accessory buildings and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

[1] For detached accessory buildings located within rear setbacks see §90.090-12.

SAMPLE MOTIONS:

Move to _____ (approve/deny) a **Variance** to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the of the floor area of the principal residential structure in an RS-4 district (Section 45.030-A)

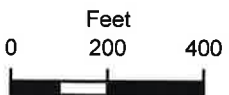
- Finding the hardship(s) to be _____.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*

- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*

51



BOA-22683

19-13 07

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

Aerial Photo Date: February 2018 **8.5**





0 50 100
Feet



Subject
Tract

BOA-22683

19-13 07

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

Aerial Photo Date: February 2018

8.6





Front of House



View of side yard from Quaker



View of Garage

Mr. Van De Wiele asked Mr. Conklin if there were any residential uses in the 200 feet from the residential district. Mr. Conklin stated that on the arterial street there is an empty street that the congregation owns and maintains, and three residential properties.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a Variance to allow a digital sign within 20 feet of the driving surface of a street (Section 1221.C.2.b); Variance to allow a digital sign within 200 feet of the R District (Section 1221.C.2.c); Variance to allow a sign within the planned right-of-way as designated on the City of Tulsa Major Street and Highway Plan (Section 1221.C.14). The Board has found that the sign to be installed will be a replacement on an existing pole that has been on the property for at least 30 years. The sign will be used, at least in part, to communicate information and messages to the neighborhood and the congregation, and the residential area within 200 feet is either owned by the applicant and not used for residential purposes; the only residential use appears to be in excess of 200 feet and will not likely be impacted from a visibility standpoint. This approval is subject to the condition that the LED portion of the sign only be operable between the hours of 7:00 A.M. and 9:00 P.M. This approval is "as built" as far as location of the pole and subject to the conceptual plan on 12.13 showing the size of the sign on the pole. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LT 1 BLK 1, CROSSTOWN CHURCH OF CHRIST RSB PT B2 & 3 WALNUT PARK
ADD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

Mr. Van De Wiele left the meeting at 3:44 P.M.

22010—Louis Coleman

Action Requested:

Variance of the required front yard setback in the RS-3 District (Section 403, Table 3). **LOCATION:** 1804 South Quaker Avenue East (CD 4)

01/12/2016-1153 (25)

BDA-22010

FILE COPY

Mr. Van De Wiele re-entered the meeting at 3:46 P.M.

Presentation:

Tom Neal, 2507 East 11th Place, Tulsa, OK; stated he is before the Board representing Sharon and Louis Coleman. He is designing a new old house to go into the Swan Lake neighborhood. The old house was non-conforming and was demolished with permission from the Preservation Commission. The Variance is just to reduce the required front yard to conform to the existing. There is a single house to the west and it is 14'-6" from the base of the porch to the property line. The three properties to the north vary and all are less than the required 25 foot setback in RS-3. There are houses across Quaker Street with setbacks that are greater than required for the front yard.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a **Variance** of the required front yard setback in the RS-3 District (Section 403, Table 3), subject to conceptual plan 13.9 for the dimensions. Finding the hardship in this case is that the HP requirement of meeting the setback of the adjacent structures on the same side of the street which dictates that this be significantly less than the normal RS-3 requirement. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

E 65 OF LT 7 BLK 25, PARK PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

22011—Tanner Consulting

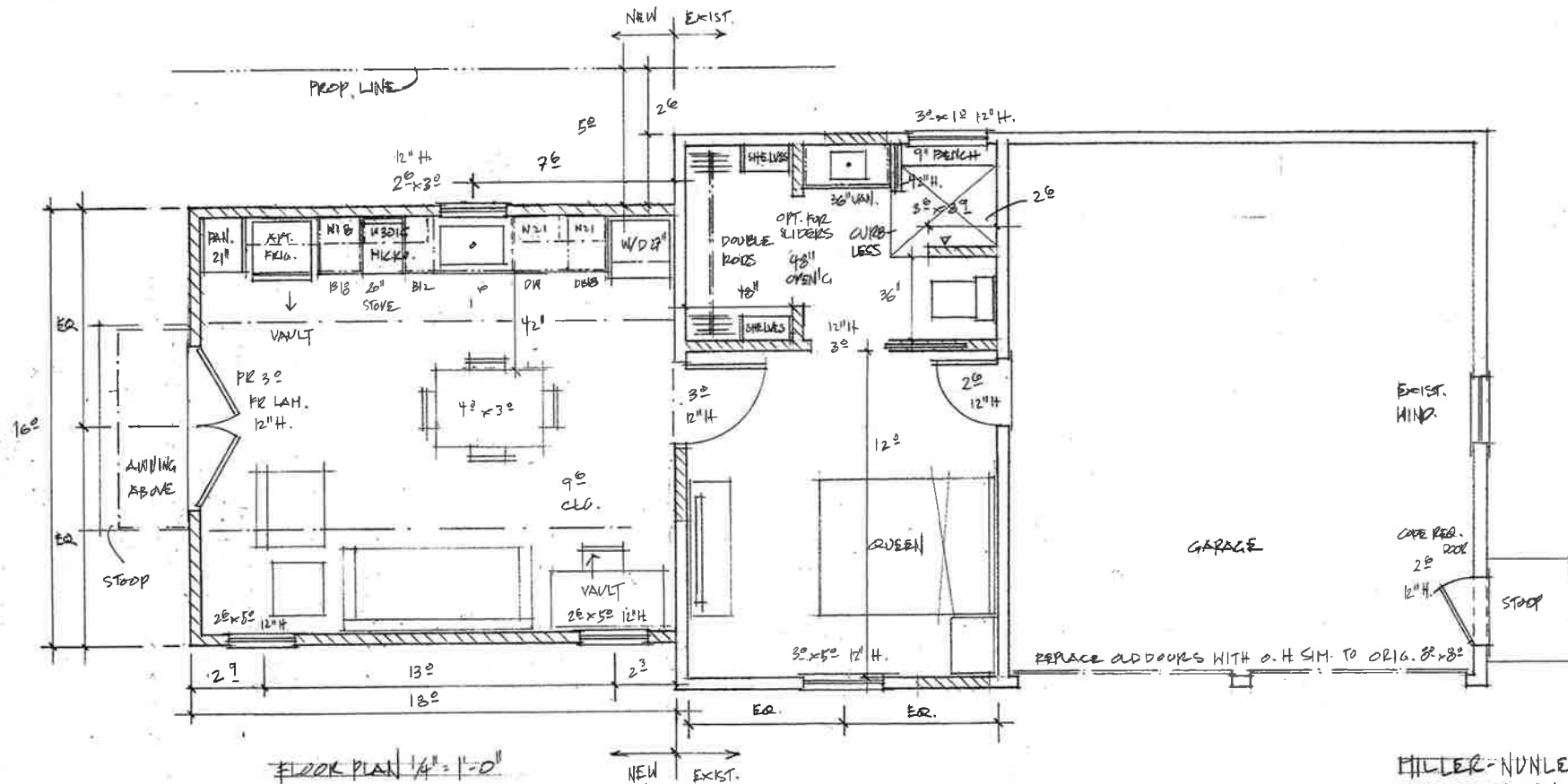
Action Requested:

Special Exception to permit a fence taller than 4 feet in the required front yard in the RS-1 District (Section 210.B.3). **LOCATION:** 4920 East 105th Street South (CD 8)

6-14-2019

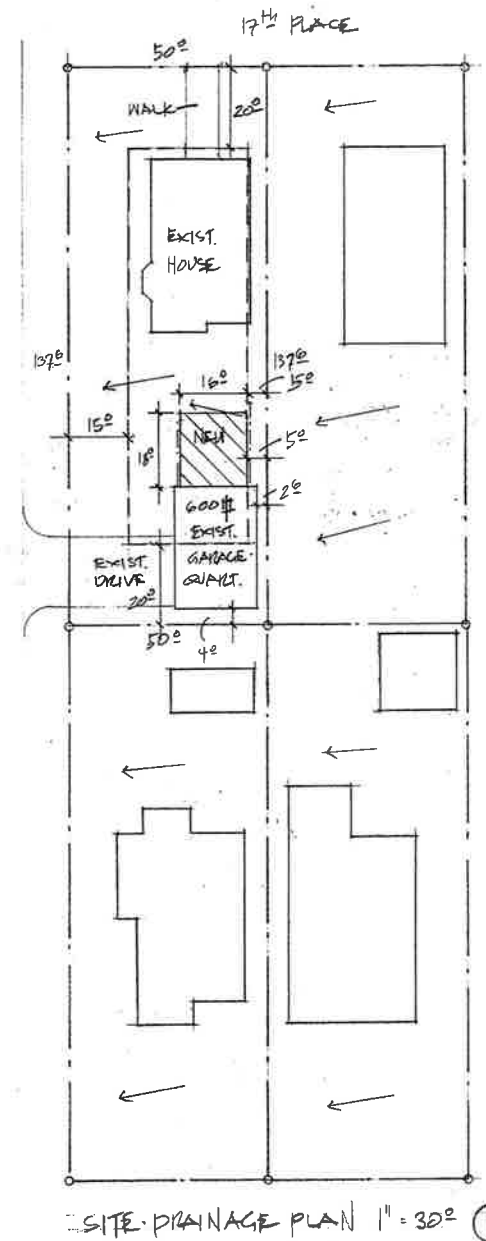
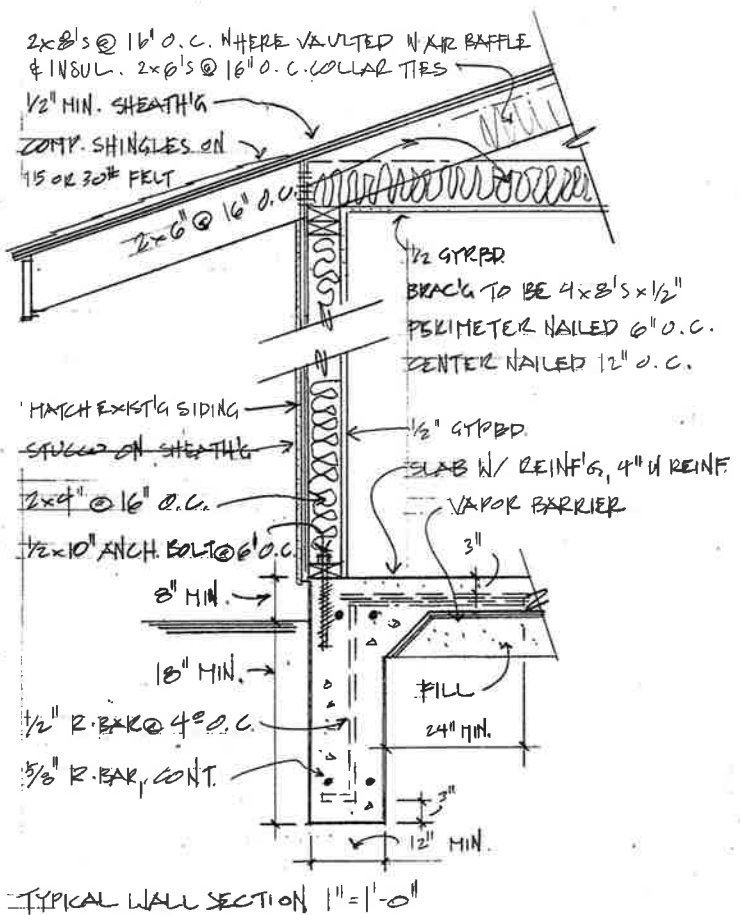
Variance request for
1332 E. 17th Place
Tulsa, Ok 74120

The Millers live in the main house and wish to expand an existing garage & quarters for the grandmother Irene Nunby so that she can live near them, semi-independently as she ages (current age: 78). The 600 SF. quarters currently are slightly over the allowable (580 SF.). The addition will add a kitchen and living room for a total of 888 SF. The main house is not large enough for the Millers and Mrs. Nunby.
L. Neal



MILLER-NUNLET PROJECT
1332 EAST 17TH PLACE
TULSA, OKLA. 6-12-2019

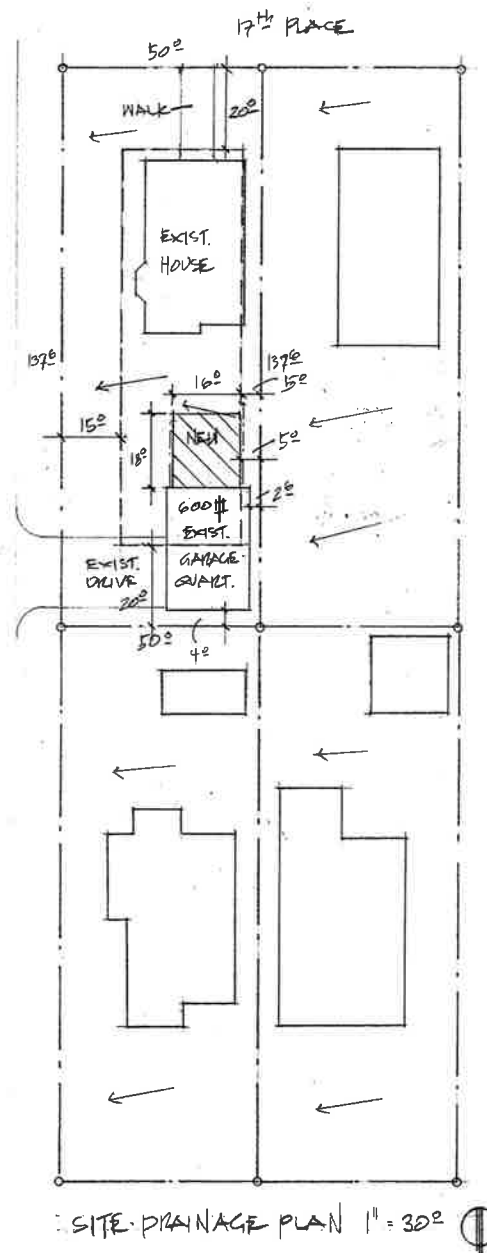
TOM NEAL
DESIGN
Associate member, American Institute of Architects
918.231.7372



NOTE: ALLOWABLE ACCESSORY
 BLDG. SITE = 580 SF. (40% OF 1450#)
 EXIST'G GARAGE + HOM UNIT = 600#
 PROPOSED ADDITION = 188 SF
 REQUESTED VARIANCE = 308 S.F.

HILLER-NUNLEY PROJECT
 1332 EXST 17th PLACE
 TULSA, OKLA. 74103
 6-12-2019

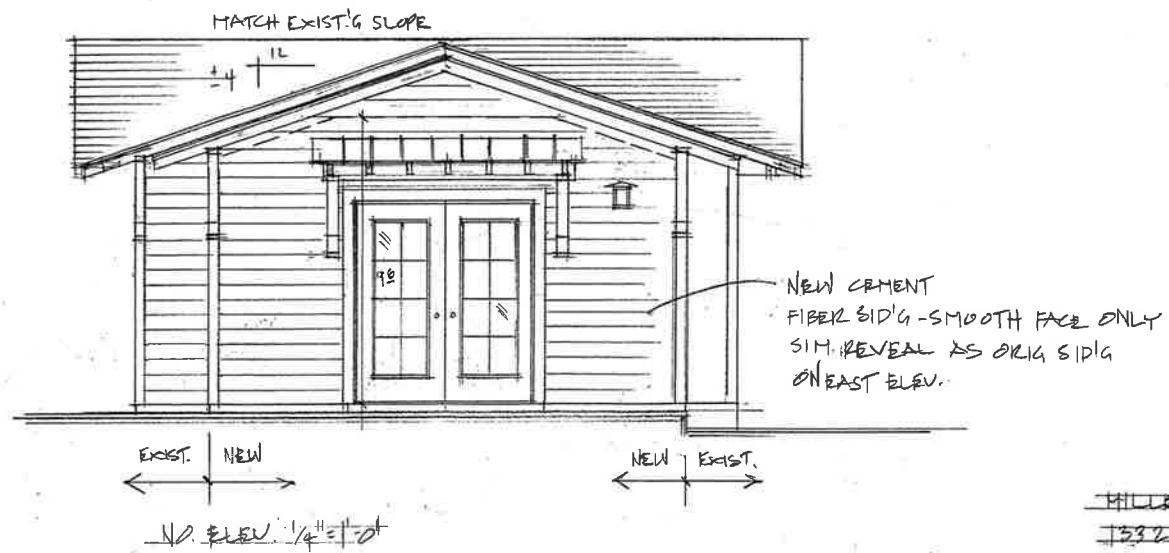
TOM NEAL
 DESIGN
 Associate member, American Institute of Architects
 918.231.7372



NOTE: ALLOWABLE ACCESSORY
BLDG. SIZE = 530 SF. (40% OF 1450 SF)
EXIST'G GARAGE + HOH UNIT = 600 SF
PROPOSED ADDITION = 188 SF
REQUESTED VARIANCE = 300 SF

HILLER-NUNLEY PROJECT
332 EXST 17th PLACE
TULSA, OKLA. ~~12.2018~~
6.12.2019

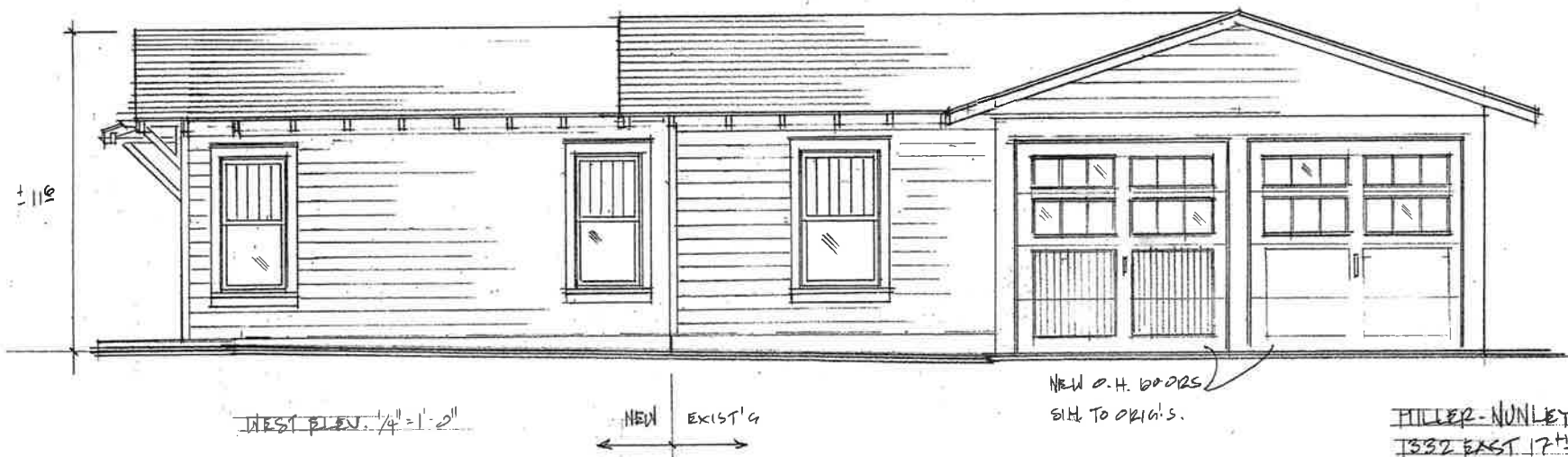
**TOM NEAL
DESIGN**
Associate member, American Institute of Architects
918.231.7372



HILLER-HUNLEY PROJECT
 1332 EAST 17TH PLACE
 TULSA, OKLA. 12-2018

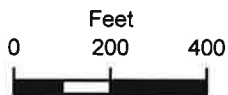
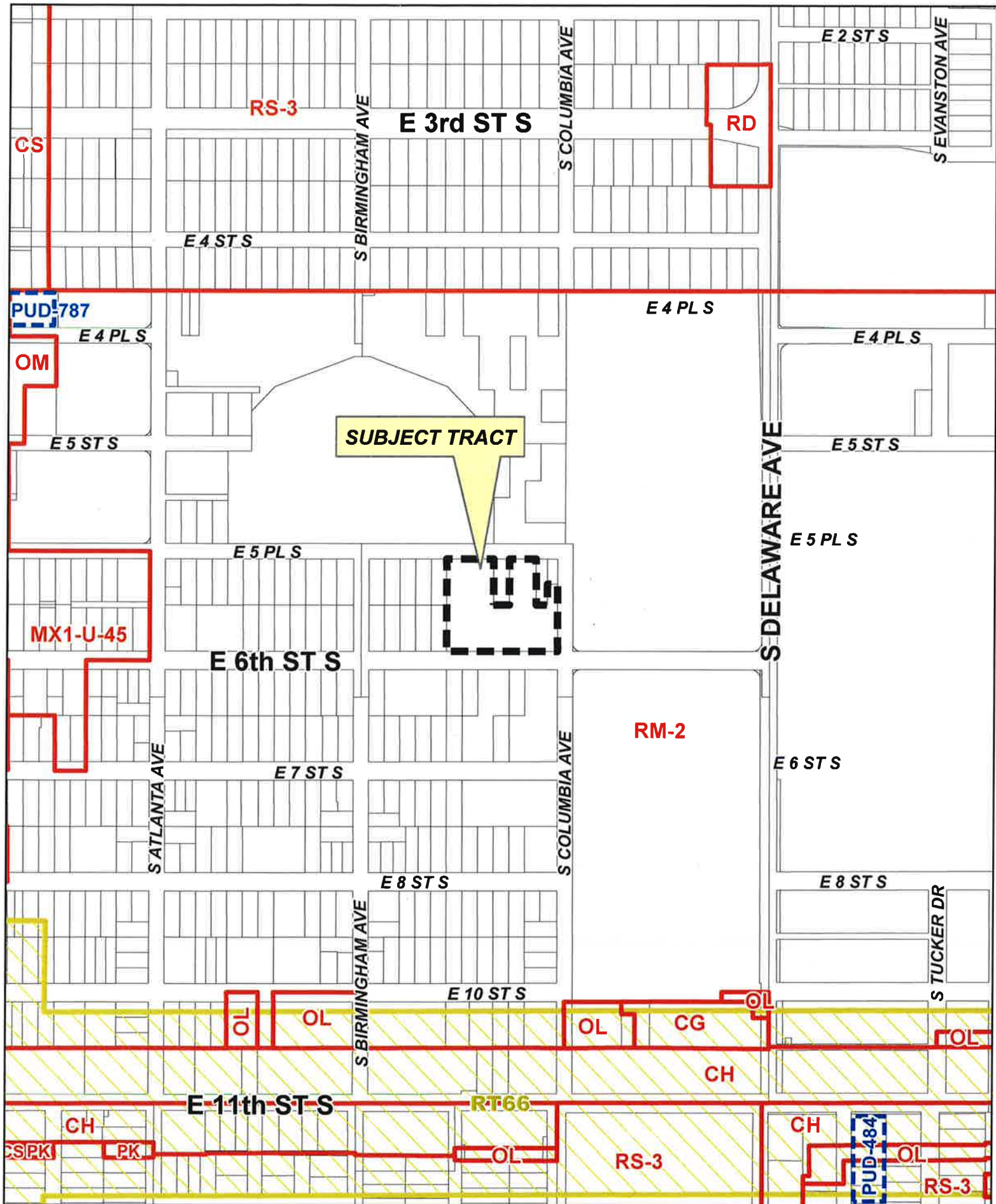
**TOM NEAL
 DESIGN**
 Associate member, American Institute of Architects
 918.231.7372

8.16



HILLER-NUNLEY PROJECT
1332 EAST 17TH PLACE
TULSA, OKLA. 74103
6.12.2019

TOM NEAL
DESIGN
Associate member, American Institute of Architects
918.231.7372



BOA-22684

19-13 05

9.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9305

Case Number: **BOA-22684**

CZM: 37

CD: 4

HEARING DATE: 07/23/2019 1:00 PM

APPLICANT: George Eber

ACTION REQUESTED: Variance to allow a structure in the street setback to exceed 30 inches in an RM-2 District to permit construction of stairs and a bell tower (Sec. 90.090-C, Table 90-1).

LOCATION: 2646 E 6 ST S

ZONED: RM-2

PRESENT USE: Church

TRACT SIZE: 90892.67 SQ FT

LEGAL DESCRIPTION: LTS 6-8 & 10 & W36 LT 11 & S58 E33 LT 12 & LTS 13-19 & VAC ALLEY LYING IN BETWEEN BLK 2, HIGHLANDS 2ND ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-19937; On 11.23.04 the Board **Approved** a Special Exception to permit a Church Use in an RM-2 District along with a Variance of the number of parking spaces, a Variance to allow existing church parking in the front yard, Variance to reduce the parking setback and a Variance of the landscaping requirements on Lot 17.

BOA-19937-A; On 8.13.13 the Board Approved a modification of BOA-19937 to approve the release of a tie agreement that was a condition of the approval.

Surrounding Area: None

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Neighborhood" and an "Area of Growth".

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is occupied by St. Antony Orthodox Church and is surrounded by RM-2 zoning which consist of single family and multi-family housing to the East and South and Kendall Whittier Elementary School and the University of Tulsa to the North and East respectively.

STAFF COMMENTS: The applicant is requesting a Variance to allow a structure in the street setback to exceed 30 inches in an RM-2 District to permit construction of stairs and a bell tower (Table 90-1) .

Table 90-1: Permitted Setback Obstructions in R Zoning Districts

Obstruction	Setback		
	Street	Side	Rear
Accessory buildings (see also <u>§90.090-C2</u>)	No	No	Yes
Air conditioning units	No	Yes	Yes
Arbors and trellises	Yes	Yes	Yes
Awnings, canopies, light shelves and architecturally integrated solar shading devices projecting no more than 2 feet into the setback	Yes	Yes	Yes
Barbeque pits and outdoor fireplaces	No	No	Yes
Bay windows projecting no more than 2 feet into the setback	Yes	Yes	Yes
Carports	Yes [1]	Yes [2]	Yes [2]
Chimneys and flues projecting no more than 2 feet into the setback	Yes	Yes	Yes
Clotheslines	No	Yes	Yes
Decks, patios, and other features and structures less than 30 inches in height above grade	Yes	Yes	Yes

The Church currently has stairs existing in the Street setback that are exceeding 30 inches.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to allow a structure in the street setback to exceed 30 inches in an RM-2 District to permit construction of stairs and a bell tower (Sec. 90.090-C, Table 90-1)

- Finding the hardship(s) to be _____.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”

Jeff Beason, 415 East Independence, stated he was with the Tulsa Housing Authority. They did not have an objection to a continuance.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Stephens, Paddock "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **CONTINUE** Case No. 19944, to the meeting on December 14, 2004, on the following described property:

A tract of land located in the E/2 of Section 34, T-20-N, R-12-E of the IBM, City of Tulsa, Osage County, State of Oklahoma, being a part of Lots 2, 3, 6 and 7, Block 3, South Osage Hills Addition, according to the recorded plat thereof, more particularly described as follows: Commencing at the Southwest Corner of Osage Duplexes, said point being on the W right-of-way line of Country Club Drive; thence S 89°54'53" E along the S line of said Osage Duplexes for 60.00' to the POB; thence continuing along a S line of said Osage Duplexes on a non-tangent curve to the right with an initial tangent bearing of N 0°05'07" E, a central angle of 90°30'12", a radius of 25.00, and an arc length of 39.49'; thence S 89°24'41" E continuing along a S line of said Osage Duplexes and the S right-of-way of West Haskell Street for 224.19'; thence continuing along a S line of said Osage Duplexes on a curve to the right with central angle of 89°29'48", a radius of 25.00', and an arc length of 39.05'; thence S 0°05'07" W line of said Osage Duplexes, and the W right-of-way of North Osage Drive, for 282.09'; thence N 89°54'18" W along the S line of said Lot 3, Block 3, South Osage Hills Addition, for 149.91'; thence N 0°02'50" E along the W line of said Lot 3, Block 3, South Osage Hills Addition, for 13.50'; thence N 89°51'58" E for 15.98'; thence N 84°19'54" W for 153.96' to a point on the W line of Block 3, South Osage Hills Addition, and also being the E right-of-way line of Country Club Drive; thence along the W line of said Block 3, South Osage Hills Addition, on a non-tangent curve to the left with an initial tangent bearing of N 24°12'19" E, a central angle of 24°07'12", a radius of 514.07', and an arc length of 216.41'; thence N 0°05'07" E for 45.54' to the POB

NEW APPLICATIONS

Case No. 19937

Action Requested:

Special exception to permit church use in an RM-2 district -- SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS; variance of required number of parking spaces from 69 to 50 - SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Off-Street Parking and Loading Requirements; variance to allow existing church parking in the front yard - SECTION 1205.B.1. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Included Uses; variance of setback for parking from 50 ft to 6 ft for existing

parking - SECTION 1302. SETBACKS; and variance of landscape requirements - SECTION 1002. LANDSCAPE REQUIREMENTS -- Use Unit 5, located: 2645 East 6th Street South.

Presentation:

Fr. George Eber, stated he represented St. Anthony's Orthodox Church, at 6th and Columbia. They proposed to expand the parking.

Comments and Questions:

Mr. Dunham asked about the plans for the apartment building. He replied it would continue to be apartments until they complete their plans. Mr. Alberty indicated it could continue with the existing use. Mr. Romig was in agreement until such time the use is changed for church use. Mr. White asked if Lot 9 and the N/2 E/2 of Lot 12 were under the church ownership. Fr. Eber responded that they were not, but if given the opportunity they would like to purchase them.

Interested Parties:

Maria Barnes, 2252 East 7th Street, stated she is the President of the Kendall-Whittier Neighborhood Association. She stated that the applicant has worked with the neighborhood. They are in support of the application.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Stephens, Paddock "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to permit church use in an RM-2 district, subject to a tie-agreement of all the lots in the legal description; a **Variance** of required number of parking spaces from 69 to 50 for a period of four years, to allow time to complete a master plan to meet the parking requirements; a **Variance** to allow existing church parking in the front yard; a **Variance** of setback for parking from 50 ft. to 6 ft. for existing parking; and a **Variance** of landscape requirements on Lot 17 only, finding this is an existing condition, and that the applicant will complete a master plan for parking and landscaping, on the following described property:

LOT 6, 7, 8, 10, BLK 2, W/2 LOT 11 BLK 2, S/2 E/2 OF LOT 12 BLK 2, LTS 13 THRU 20 BLK2, HIGHLANDS 2ND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 19938

Action Requested:

Variance of setbacks from center line of E. 21st Street from 80 ft to 50 ft and from the center line of S. Yorktown Ave. from 55 ft to 30 ft, SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS; and a special exception of the FAR from .34% to .37% for additions to the existing office building, SECTION

(Section 1211.D). The Board has found that the property extends to the edge of the property so there is no parking available on the site. The property is in the Pearl District which is under a Form-Based Code, or will be soon, which will require no parking. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

W75 LT 8 & W75 OF S12 LT 9 BLK 22, N13 LT 9, BLK 22, BERRY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

19937-A—Eller and Detrich – Joshua Tietsort/Andrew Shank

FILE COPY

Action Requested:

Modification of a previously approved Special Exception (BOA-19937) to approve release of certain properties from Tie Agreement. **LOCATION:** In the vicinity of 2646 East 6th Street South (CD 4)

Presentation:

Andrew Shank, 2727 East 21st Street, Suite 200, Tulsa, OK; stated this is a follow-up to relief that was obtained in 2004 to allow a special exception use for a church at the hard corner, and the contemplation of the master development of the surrounding property. As a condition of that approval the Board did a lot tie agreement. The tie agreement was executed with the City of Tulsa and filed with Land Records and is now a covenant running with the land. The church has the opportunity to now continue its master plan. As a part of the process they plan to fund part of the plan by selling Lot 20, and it will be developed as a single family residence. Lots 18 and 19 will be conveyed to a developer, and they currently have apartments on them. Those apartments will be demolished. The church will retain an option to repurchase those two lots and retie them to the church properties and continue with the church's master plan. The future of Lots 18 and 19 will be parking for the church. Currently the church plans to build a fellowship hall in the area of the existing parking lot.

Mr. Van De Wiele asked Mr. Shank if once the apartments were razed if that area would where a church parking lot would be placed. Mr. Shank stated yes per the conceptual plan.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

BOA-19937-A
FILE COPY

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a **Modification** of a previously approved Special Exception (BOA-19937) to approve release of certain properties from Tie Agreement, specifically releasing Lots 18, 19 and 20 as shown on page 16.8 of the Board's agenda packet. This is with the understanding that if the applicant were to reacquire Lots 18 or 19 in the future, or other property in the immediate vicinity of the subject property, the applicant will cause such properties to be subject to the modified tie agreement. Finding that the modification will be compatible with and not injurious to the surrounding residential area and meets the previously granted variances to the bulk and area requirements or meets the zoning requirements per code; for the following property:

LOT 6 BLK 2, LOT 7 BLK 2, LOT 8 BLK 2, LOT 10 BLK 2, W36' LOT 11 BLK 2, E14' OF LOT 11 W22' OF LOT 12 BLK 2, S58' E33' OF LOT 12 BLK 2, LT 16 BLK 2, LTS 13 14 15 BLK 2, LOT 17 BLK 2, LOTS 18 & 19 BLK 2, LT 20 BLK 2, HIGHLANDS 2ND ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21613—Roy Johnsen

Action Requested:

Verification of the Spacing Requirement for an Adult Entertainment Establishment (Cigar Bar) (Section 1212a.C.5); **OR Variance** to permit an Adult Entertainment Establishment (Cigar Bar) within 300 feet from a church, park, school, or thin 50 feet from an R District (Section 1212a.C). **LOCATION:** 10051 South Yale Avenue East (NE/c of East 101st Street South and South Yale Avenue) (CD 8)

Presentation:

Roy Johnsen, Williams Tower One, One West 3rd Street, Suite 1010, Tulsa, OK; stated this center is known as the Shops of Seville. What prompts this application is the desire to have a tenant within one of the buildings in the center to have a cigar bar. Basically a cigar bar is a place where a person can purchase quality cigars, and there is alcohol served. These bars are quite popular, and under the code it is a 12A use. This property was developed as a Planned Unit Development, and there recently has been an application filed to have a minimum of two permitted uses because the approved PUD did not permit 12A. There is a bistro located on the property which is considered a 12 which is a restaurant with an accessory bar. The Planning Commission has approved the 12A use in the PUD limited to a cigar bar provided it met the parking requirements. There is no parking issue on this property and no issue as to what the use is. The question is the spacing which under the code in 12A requires the action of the Board of Adjustment. By one drawing Mr. Johnsen has placed on the overhead projector shows the subject use to be 7'-6" short on the spacing requirement. Mr. Johnsen stated this measurement was to the nearest part of the building, but under the code it is to be measured to the nearest access point or door. Mr. Johnsen stated he



View from 6th Street of Church



View from Columbia of existing stairs



0 200 400
Feet

 Subject
Tract

BOA-22684

19-13 05

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

Aerial Photo Date: February 2018





0 50 100
Feet



Subject
Tract

BOA-22684

19-13 05

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

Aerial Photo Date: February 2018

9.11



BOB KOLIBAS
ZONING PLANS REVIEWER
TEL (918)596-9664



DEVELOPMENT SERVICES
175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

ZONING REVIEW

June 17, 2019

LOD Number: 2

St Antony Orthodox Church
2645 E. 6th Street
Tulsa OK 74104

Phone: (918)607-4710

APPLICATION NO: 26701-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 2645 E. 6th Street

Description: Stair/Bell Tower Addition

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A \$55 RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 WEST 2ND STREET, 8TH FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT
WWW.INCOG.ORG

Application No. 26701-2019

2645 E. 6th Street

June 17, 2019

This letter of deficiencies covers zoning Review items only.

You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

1.) Permitted Setback Obstructions in R Zoning Districts

Setbacks in R zoning districts must be unobstructed and unoccupied from the ground to the sky except as indicated in Table 90-1:

Review Comments: The proposed new stair and bell tower (structures above 30 inches tall) in an RM-2 zoning district appears to be located within the 10 ft street setback along E. 6th Street. Structures above 30 inches tall located in the street setback require a variance from the City of Tulsa BOA.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application to our office, so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

END – ZONING CLEARANCE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION.

9.14

DRAWN ON PAPER SIZE 11x17"



MB
METAL BUILDING INDUSTRIES
3401 West 48th Street
Tulsa, OK 74107
918.447.8624

ST. ANTHONY BELL TOWER
BELL TOWER DESIGN

CLIENT
ST. ANTHONY
2645 E 6th St, Tulsa,
OK 74104
PROJECT
ST. ANTHONY BELL
TOWER
PROJECT NO.
17010
DRAWN BY
JRR

rev	date	description	drawn	checked
1	6/08/17	IMAGE RELEASE	JRR	
2	6/29/17	DESIGN UPDATE	JRR	
3	7/14/17	DESIGN UPDATE	JRR	

**PEDESTRIAN
VIEW B**

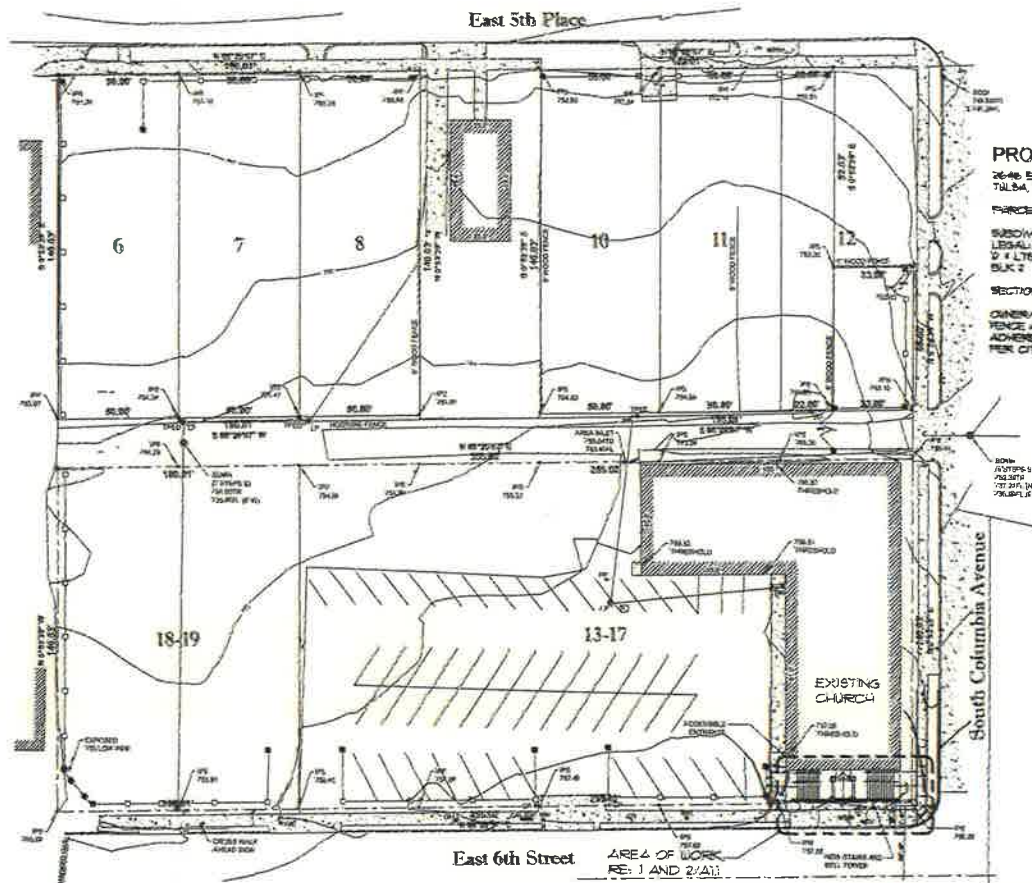
SK 107

WATER MAIN EXTENSION, GIFT LINES, TITLE "C"

INFORMATION DETAILING AND SPECIFYING THE CONDITION SHALL BE SUBMITTED TO THE ARCHITECT AND APPROVED BY THE CITY OF TULSA BEFORE PROCEEDING WITH THE WORK.

- DEMOLITION OF EXISTING CONCRETE/MASONRY STAIRS AND ADJACENT SURFACES REQUIRED FOR INSTALLATION OF NEW
- NEW CONCRETE/METAL STAIRS AND BELL TOWER AND RELATED SITE WORK

G1.0



PROPERTY

26-46 E. & 57. S.
TULSA, OK 74104

PARCEL # 06-00-11-00-1005

SUBDIVISION: HIGHLANDS 2ND ADDN
LEGAL: LITS 6-8 AND 4 004-11 1/4 1 006-233 LT
1/4 1 LITS 13-15 1/4 VAC ALLEY LYING IN BETWEEN
BLK 2

SECTION 05 TOWNSHIP 1N RANGE 10

OWNER/CONTRACTOR SHALL PROVIDE A SILT
FENCE AROUND THE CONSTRUCTION ZONE AND
ADHERE TO EROSION CONTROL METHODS
PER CITY OF TULSA STANDARD 100.

BEFORE YOU DIG

1-800-622-5543

Call before you dig
or you will be digging
your way into someone's
property.



1 OVERALL SITE PLAN

SCALE: 1" = 30'-0"

Legend

4GA	4-GRADE AREA INLET	CONC	CONCRETE	GLT	GROUND LIGHT	OE	OVERHEAD ELECTRIC	SGDI	SINGLE GRADE DROP INLET	TRM	TRAFFIC SIGNAL MANHOLE
AMH	ACCESS MANHOLE	CPED	CABLE TV PEDISTAL	GP	GUARD POST	OL	ORNAMENTAL LAMP	SPHD	SPRINKLER HEAD	TW	TOP OF WALL
BL	BUILDING SETBACK LINE	CY	CUBIC YARDS	GRSR	GAS RISER	OT	OVERHEAD TELEPHONE	SS	SANITARY SEWER	TS	TRAFFIC SIGN
BW	BARBED WIRE	DGDI	DOUBLE GRADE DROP INLET	GUY	DOWN GUY	PG	PROPOSED GRADE	SSCO	SANITARY SEWER CLEANOUT	TW	TOP OF WALL
BCAP	BRASS CAP	DG	DOWN SPOUT	GV	GAS VALVE	PKF	PK NAIL (FOUND)	SSSH	SANITARY SEWER MANHOLE	T.O.F.	TOP OF FOOTING
BLOD	BUILDING	EM	ELECTRIC METER	ICV	IRRIGATION CONTROL VALVE	PKS	PK NAIL (SET)	SSRM	SANITARY SEWER MANHOLE	U/E	UTILITY EASEMENT
BM	BENCHMARK	EOP	END OF PROJECT	IPF	IRON PIN FOUND	PP	POWER POLE	SOMH	STORMWATER MANHOLE	UC	UNDERGROUND CABLE
BOP	BEGINNING OF PROJECT	EPED	ELECTRIC PEDISTAL	IPF	IRON PIN SET	RWE	RESTRICTIVE W/ EASEMENT	SW	SIDEWALK	UE	UNDERGROUND ELECTRIC
CCI	CONCRETE CURB INLET	ESMT	EASEMENT	L.F.	LINEAL FEET	RCP	REINFORCED CONCRETE PIPE	SY	SQUARE YARD	UG	UNDERGROUND GAS LINE
CGMP	CORRUGATED METAL PIPE	F/E	FENCE EASEMENT	LKA	LIMITS OF NO ACCESS	RK	RAILROAD	TC	TOP OF CURB	UT	UNDERGROUND TELEPHONE
CGPP	CORRUGATED PLASTIC PIPE	FL	FLOWLINE (INVERT)	LP	LIGHT POLE	RSP	RISER	TG	TOP OF GRADE	WL	WATERLINE
CHOP	CHISELED "X" (FOUND)	FM	FORCE MAIN (SANITARY)	MAVE	MINUTAL ACCESS EASEMENT	SD	STORM DRAIN	TP	TOP OF PAVING	WM	WATER METER
CHOS	CHISELED "X" (SET)	FP	FLUID POLE	MB	MAILBOX	SDI	STANDARD DROP INLET	TRPD	TELEPHONE PEDISTAL	WV	WATER VALVE
CICI	CAST IRON CURB INLET	GM	GAS METER	ODD	OVERLAND DRAINAGE EMBT	SF	SQUARE FEET	TR	TOP OF MANHOLE RIM	TRM	TRANSFORMER
				OC	OVERHEAD CABLE	SGAI	SINGLE GRADE AREA INLET	TRUP	TRAFFIC SIGNAL LIGHT POLE		

Architecture PLLP

9

145 East 39th Street
Tulsa, OK 74119
ed@architect9.com

ARCHITECTS STAMP



CONSULTANTS STAMP

AUTHORITY APPROVAL:

SET AS RESUBMITTED TO
CITY OF TULSA FOR
PERMIT ON MAY 22, 2019

PROJECT:

ST. ANTHONY BELL
TOWER AND
ENTRY STAIR

JOB NUMBER: 10.03.00

DATE: 10/12/2016

REVISION, DATE:

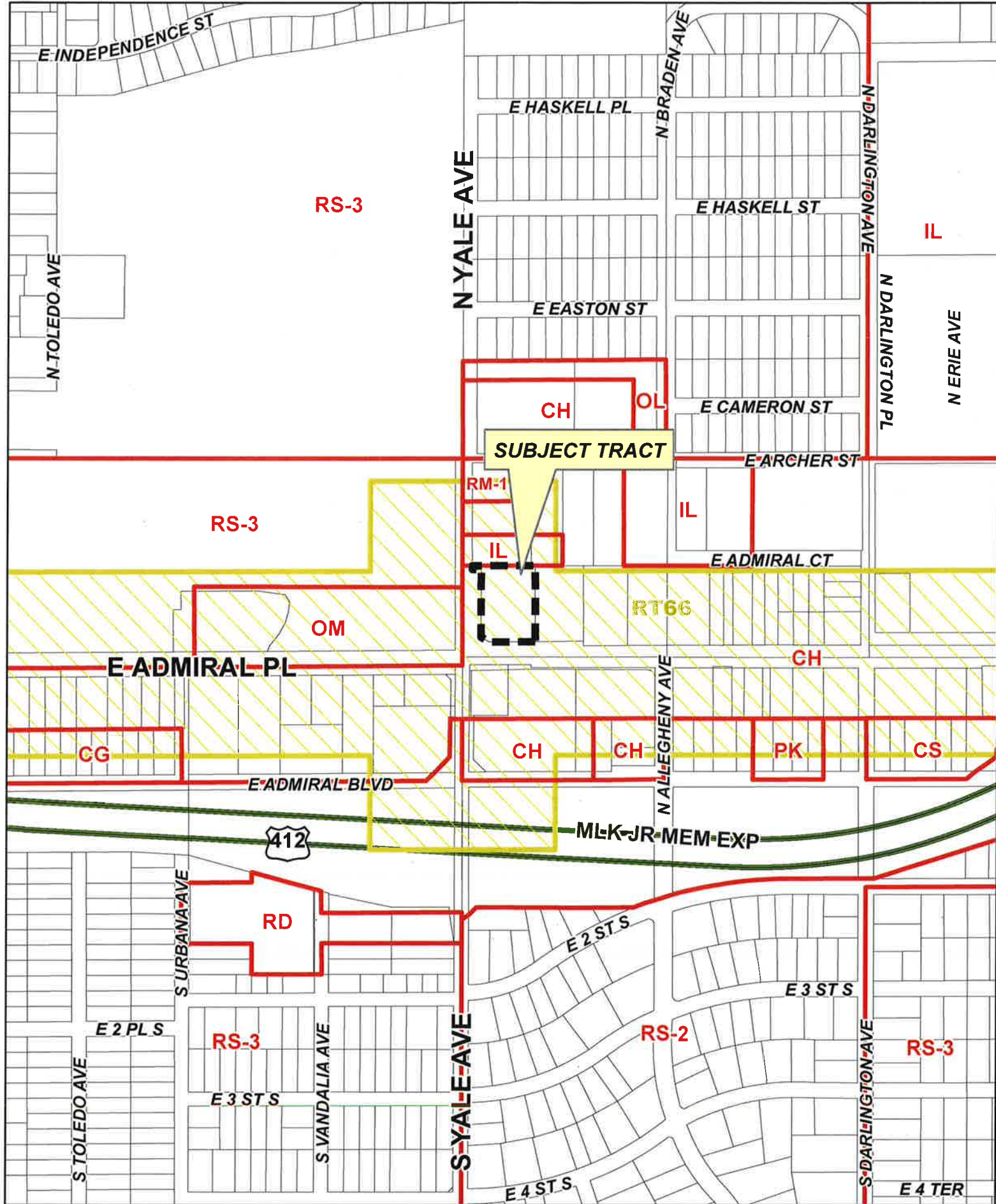
REVISION, DATE:

DRAWING TITLE:

OVERALL SITE
PLAN

DRAWING NO.:

A1.0



BOA-22685

19-13 03

10.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9303

Case Number: **BOA-22685**

CZM: 38

CD: 3

A-P#:

HEARING DATE: 07/23/2019 1:00 PM

APPLICANT: Rick Stuber Architecture Inc.

ACTION REQUESTED: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 4903 E ADMIRAL PL N

ZONED: CH

PRESENT USE: Vacant

TRACT SIZE: 43738.78 SQ FT

LEGAL DESCRIPTION: W235 S300 GOV LT 4 LESS BEG SWC THEREOF TH N300 E30 S10 E30 S225 SE35.36 TO PT 85E & 50N SWC LT 4 TH E150 S50 W235 POB SEC 3 19 13 1.004ACS,

RELEVANT PREVIOUS ACTIONS:

None relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Main Street" and an "Area of Growth".

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

ANALYSIS OF SURROUNDING AREA: The subject tract is adjacent to commercially zoned (CH) properties to the east and south with commercial uses. There is industrial (IL) zoning and uses adjacent to the subject tract on the north. To the west, across Yale Avenue, there is a mixture of office and residential zoning with a cemetery use.

STAFF COMMENTS:

The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the

10.2

required spacing for a medical marijuana dispensary in a CH district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the CH district as long as it meets the spacing requirement of 1,000 ft. from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

In Section 40.225-I, the separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

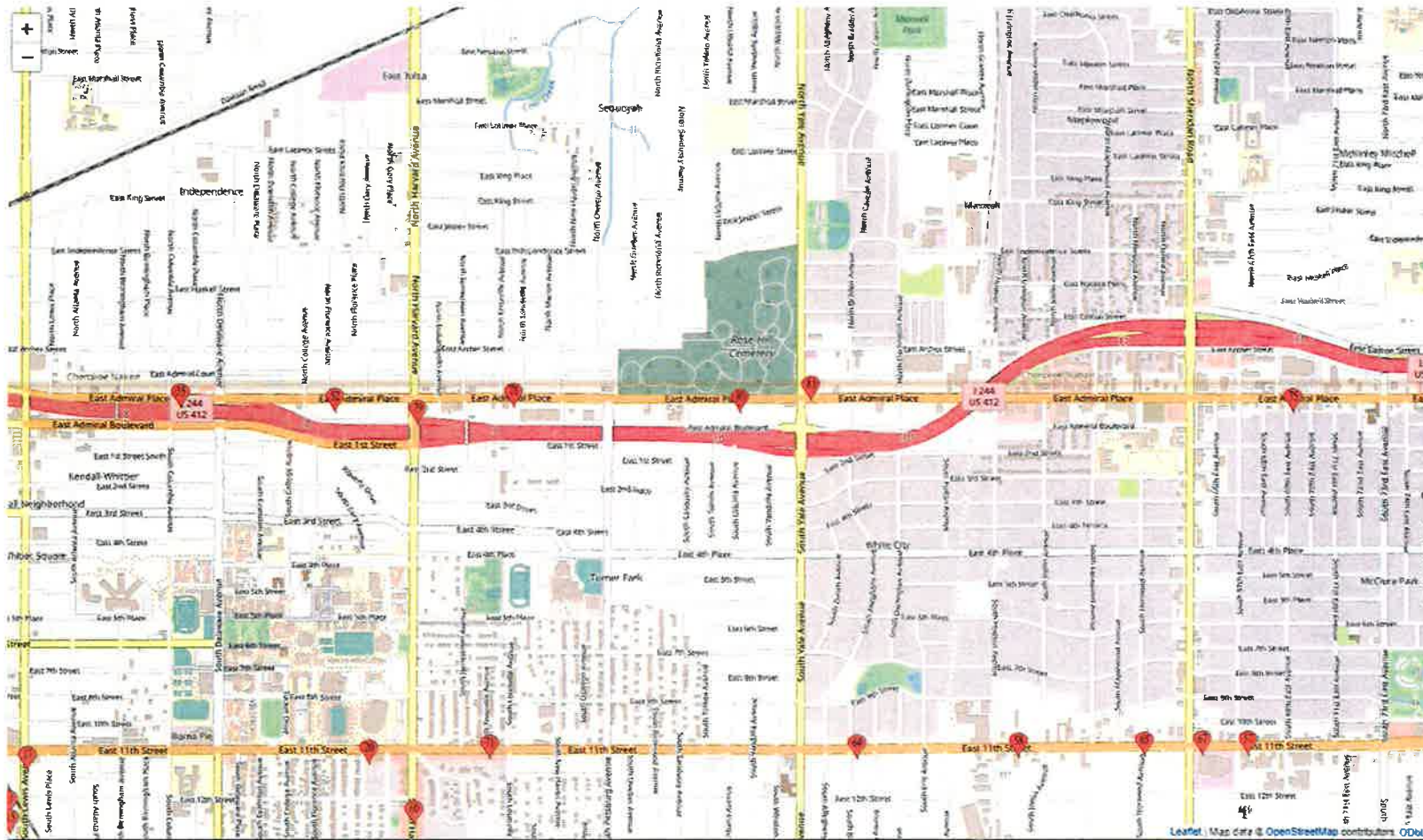
The applicant submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of property within that radius in support of the verification. A text list of all uses has been provided by the applicant also. At the time staff prepared this report, the following items had still been requested from the applicant per the Board's new policy for verification exhibits:









- Copy of OMMA-issued dispensary license

Sample Motion:

I move that based upon the facts in this matter as they exist presently, we accept the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.

10.4



- County: Oklahoma, 74115, USA
-  **HERBAL JUNCTION MARKET LLC**
7898, East Admiral Place, McClure Park, Tulsa, Tulsa County, Oklahoma, 74115, USA
 -  **LOVELIGHT CANNABIS LLC**
3618, East Admiral Place, Turner Park, Tulsa, Tulsa County, Oklahoma, 74115, USA
 -  **OKLAFLORA LLC**
7, North Hai
 -  **THE GREEN MARKET LLC**
4610, East Admiral Place, Turner Park, Tulsa, Tulsa County, Oklahoma, 74115, USA
 -  **THE ROYAL TREE LLC**
4503, East
 -  **VVR ENTERPRISES, LLC**
7859, East Admiral Place, McClure Park, Tulsa, Tulsa County, Oklahoma, 74115, USA
 -  **GREEN LOVE TULSA LLC**
1535, North 107th East Avenue, Layman, Tulsa, Tulsa County, Oklahoma, 74116, USA
 -  **STAR LEAF**
12212, East
- Leaflet | Map data © OpenStreetMap contributors, ODbL



0 200 400
Feet



Subject
Tract

BOA-22685

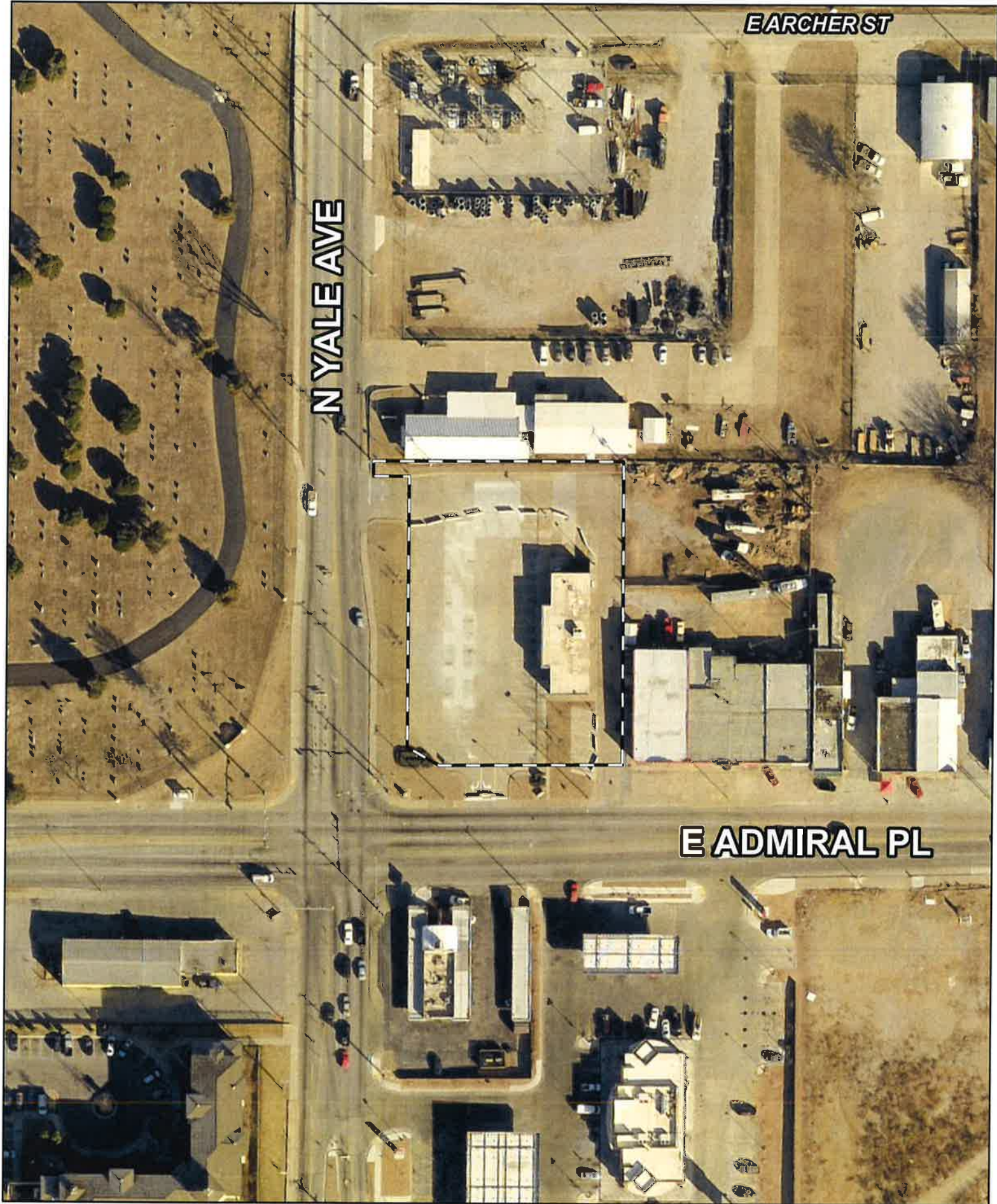
19-13 03

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

Aerial Photo Date: February 2018



10.5



0 50 100
Feet



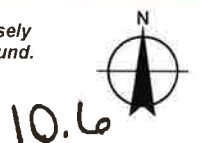
Subject
Tract

BOA-22685

19-13 03

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

Aerial Photo Date: February 2018





TAG DESCRIPTION

- 1 VALE APARTMENTS
- 2 QUIK TRIP
- 3 SONIC
- 4 B AND S MUFFLER
- 5 ELECTRIC TATTOO
- 6 OATES SAW AND SHARPENING, FURNITURE WAREHOUSE
- 7 CSL PLASMA
- 8 QUALITY REPAIR
- 9 OK SUPPLY
- 10 COOPER TIRES
- 11 RIDE SAFE
- 12 TOUCHDOWN CLUB
- 13 TULSA FRICTION REBUILDERS
- 14 ENVIRONMENTAL LOOP SERVICE
- 15 APC
- 16 LOPEZ AUTO
- 17 METRIC CYCLES
- 18 ASSIST WIRELESS
- 19 MANNA HOUSE
- 20 SALON
- 21 GRAND PRIX AUTO SPORTS
- 22 NUVOLE (DISPENSARY LOCATION)
- 23 J AND L TOOL COMPANY
- 24 TRANSFORMERS
- 25 BREWER EXPRESS
- 26 ELS
- 27 KMS
- 28 ADVANTAGE GLASS
- 29 VACANT
- 30 CALIFORNIA TIRES AND WHEELS
- 31 2A SHOOTING CENTER
- 32 SPECTRUM PAINT
- 33 BASON PROPERTIES
- 34 918 INTERIORS
- 35 2A SHOOTING RANGE
- 36 HOMETOWN RETURN
- HAIR SHACK
- OKLAHOMA POLICE SUPPLY
- 37 ROSE HILL CEMETERY
- 38 GLAD TIDING CHURCH
- 39 RESIDENCES

10.7

① 1,000 FOOT DISTANCE

SCALE: N.T.S





Subject property facing Northeast

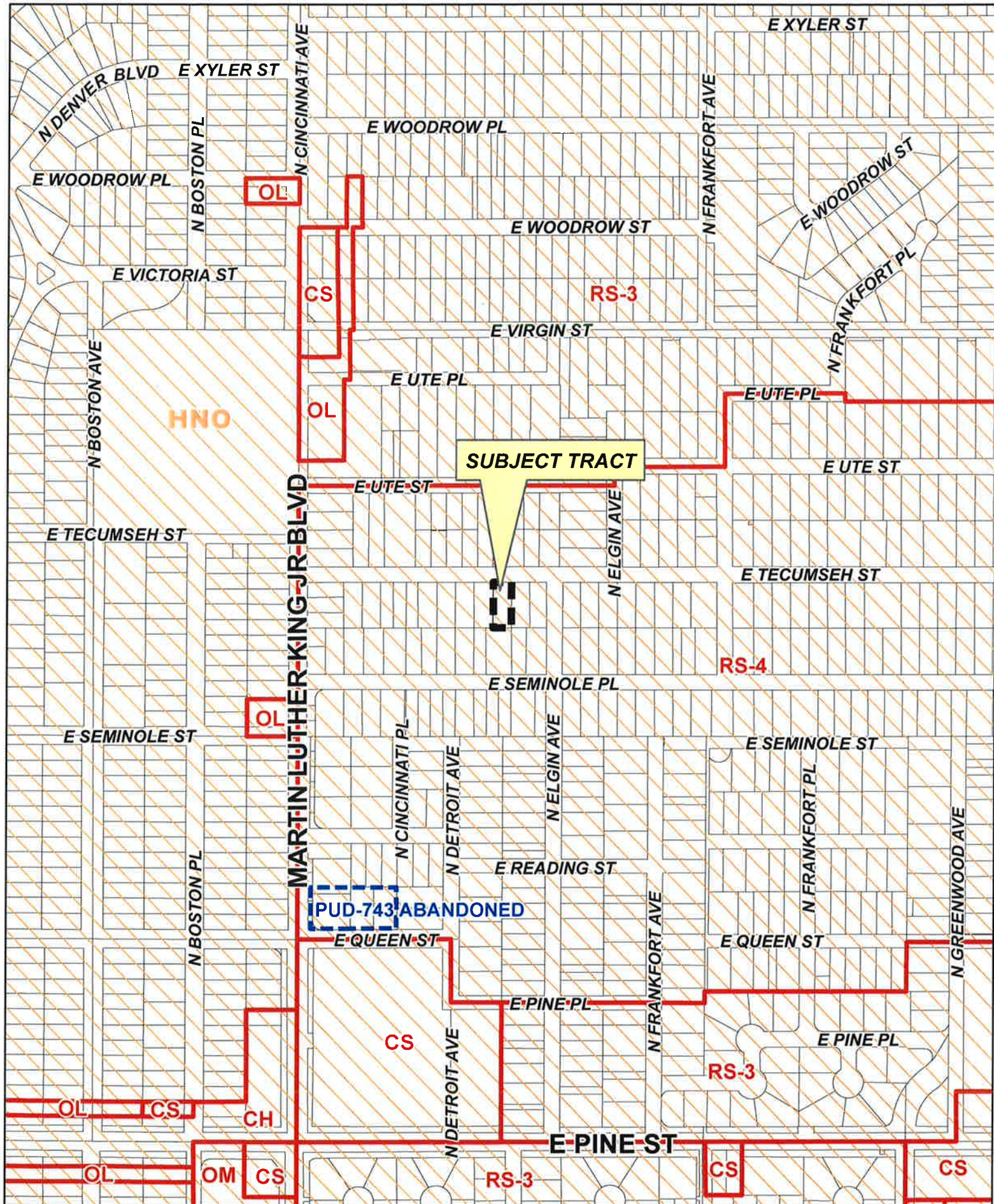


Facing North from NE/c of Admiral and Yale



Facing West from NE/c of Admiral and Yale

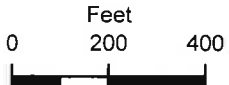
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SUBJECT TRACT

PUD-743 ABANDONED

BOA-22686



20-12 25

11.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 149 Case Number: **BOA-22686**

CZM: 28

CD: 1

A-P#:

HEARING DATE: 07/23/2019 1:00 PM

APPLICANT: Kim Kelley

ACTION REQUESTED: Special Exception to allow a Type 2 Home Occupation in an RS-4 District to permit a Hair Styling Business (Sec. 45.100).

LOCATION: 252 E TECUMSEH ST N

ZONED: RS-4

PRESENT USE: Residential

TRACT SIZE: 8773.02 SQ FT

LEGAL DESCRIPTION: LT 3 LESS W1.5 THEREOF BLK 10, MEADOWBROOK ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding Area:

BOA-20428; On 2.27.07 the Board **Approved** a spacing verification for a family home dare located at 429 East Seminole Place roughly one block southwest of the subject property.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Neighborhood "and an "Area of Stability ".

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

ANALYSIS OF SURROUNDING AREA: The subject tract is single-family home surrounded by RS-4 zoning.

STAFF COMMENTS: The applicant is requesting a Special Exception to allow a Type 2 Home Occupation in an RS-4 District to permit a Hair Styling Business (Sec. 45.100). This approval would be subject to the general provisions for a Home Occupation included in Sec. 45.100-H and the provisions for a type 2 Home Occupation included in 45.100-J. In granting this approval the Board may consider additional conditions it finds appropriate to ensure neighbors are not subjected to adverse operational and land use impacts that are not typical of a residential neighborhood.

45.100-H General Regulations

All type 1 and type 2 home occupations are subject to the following regulations.

1. Home occupations must be accessory and subordinate to the principal residential use of the property.
2. Home occupations that change the character of the residential building they occupy or that adversely affect the character of the surrounding neighborhood are prohibited. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts that are not typical of a residential neighborhood in Tulsa. Home occupations must be operated so as not to create or cause a nuisance.
3. Any tools or equipment used as part of a home occupation must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
4. External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting, the addition of a separate building entrance that is visible from abutting streets or the exterior display of an illuminated nameplate sign (See 60.030-C Nameplates).
5. No display of any material or merchandise is allowed.
6. The use or storage of hazardous substances is prohibited, except at the "consumer commodity" level, as that term is defined in 49 C.F.R. Sec. 171.8.
7. Home occupations are subject to the commercial truck parking prohibition of Section 45.130.

45.100-J Supplemental Regulations for Type 2 Home Occupations

1. Only uses approved in accordance with the special exception procedures of Section 70.120 or through a mandatory development plan are allowed as type 2 home occupations.
2. At least one individual engaged in the home occupation must reside in the dwelling unit in which the home occupation is located as their primary place of residence.
3. No more than 3 clients or customers may be present at any one time on the site of a type 2 home occupation. Family members of the client or customer are not counted towards the 3-person limit.
4. A maximum of one nonresident employee is allowed with a type 2 home occupation if no customers or clients come to the site at any time. Home occupations that have clients, customers or students coming to the site may not have nonresident employees and vice-versa. For the purpose of this provision, the term "nonresident employee" includes an employee, contractor, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
5. Type 2 home occupations and all related activities, including storage (other than the lawful parking of passenger vehicles), must be conducted entirely within the principal residential building or an allowed accessory building.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to allow a Type 2 Home Occupation in an RS-4 District to permit a Hair Styling Business (Sec. 45.100)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):
_____.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Presentation:

Robert Sartin, 610 South Main, Suite 300, stated he obtained a lot-split about one year ago and sold one of the lots (Tract B). The remnant lot has been a used car business for a number of years. He recently entered a contract to sell the subject property, contingent on splitting it from a remnant lot. The remnant is really a creek, not usable land. He stated he has a perpetual road easement on the property to the west. It serves as a driveway for that property and to his storage. He owns the railroad right-of-way on Tract C.

Board Action:

On **Motion** of **Tidwell**, the Board voted 3-0-2 (Stephens, Stead, Tidwell "aye"; no "nays"; Henke and White "abstained"; no "absences") to **APPROVE** a Variance of the minimum frontage permitted in an IM district from 200 ft. to 40.56 ft. (Section 903), by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

BEG 40N SWC SW NE TH N238.8 NWLY 344.65 CRV NLY 310 TO EL RR RW
TH SELY 400 E102 S260 W305.87 SE315.97 W427.31 POB SEC 10 19 13
5.615ACS, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

Case No. 20428

Action Requested:

Verification of spacing requirements for a family day care home of 300 ft. from another family day care home on the same street (Section 402.B.5.g), located: 429 East Seminole Place.

Presentation:

Christopher and Charlotte Miller, were present at the hearing. They provided verification information as shown in the agenda packet.

Interested Parties:

Clifford Jones, 503 East Seminole Place, stated his support of this application. He informed the Board there is another daycare home at 442 East Seminole Place, as of December 2006. Mr. Cuthbertson noted there has not been a recent application for a daycare home at 442 East Seminole Place. Mr. Ackermann stated the first applicant with a DHS permit to be approved by the Board would establish the first legal use. The second applicant for a daycare home in the 300

ft. radius would have to ask for a variance of the spacing requirement. Mr. Ackerman added if the spacing verification was not approved, then they could not obtain a clearance permit. Mr. Henke surmised it is an illegal operation. Mr. Jones also mentioned that they are also operating a beauty salon in that home. He complained that the customers were parking on the street that interfere with ingress and egress from his driveway.

Ethel May Brown, 430 East Seminole Place, expressed support of this application and an objection to the operation at 442 East Seminole Place.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Verification of spacing requirements for a family day care home of 300 ft. from another family day care home on the same street (Section 402.B.5.g), on the following described property:

E.30'LOT-15-& W.13'-LOT-16-BLK-9, W.30'-LOT-15-BLK-9, MEADOWBROOK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20429

Action Requested:

Special Exception to permit light industrial use (Use Unit 25) in a CH district (Section 701); and a Special Exception to modify the screening requirement adjoining a residential district (Section 212.C), located: 1115 North Utica Avenue.

Presentation:

Taylor King, 3142 South Gary Avenue, with Tri-Arc, architect for the project stated he was present with the applicant's attorney and the contractor of record. A site plan was provided (Exhibit A-1).

Comments and Questions:

Ms. Stead asked Mr. King which fence on the east is the boundary. He indicated the most eastern fence is the boundary. The applicant did not want to remove trees but proposed to fill in the spaces with vegetation or fencing. They planned for vehicles to park facing the building to minimize headlights in the direction of the residential district. Ms. Stead asked if they planned to maintain the existing sidewalks on Utica. Mr. King replied they plan to maintain the sidewalks and place one on the south side of the building. He agreed to a one-story building, no outside manufacturing or storage of materials.

Interested Parties:

Patty McGill, 1517 North Wheeling Avenue, stated she was a member of the neighborhood association. She was in support of better screening on the east with



Facing East from subject property



Front of Subject property



Facing West from subject property

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

TEL (918)596-9688
clange@cityoftulsa.org



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

June 14, 2019

Kim Kelly
252 E Tecumseh ST
Tulsa, OK 74106

Phone: 918.853.3287

APPLICATION NO: **ZCO-031100-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **252 E Tecumseh ST**
Description: **Type 2 Home Occupation/Hair Styling**

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" **[X] IS [] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT
WWW.CITYOFTULSA-BOA.ORG

ZCO-031100-2019

252 E Tecumseh ST

June 14, 2019

Note: Please direct all questions concerning special exceptions and all questions regarding (BOA) application forms and fees to an INCOG BOA Planner at 918-584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

Sec.45.100-J1: You are proposing a Home Occupation/Hair Styling use. This is designated a Type 2 home occupation which requires a Special Exception approved by the City of Tulsa Board of Adjustment (BOA).

Review Comment: Submit a copy of the BOA approved Special Exception, to allow a Type 2 Home Occupation/Hair Styling use at this location, as a revision to this application.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:

<http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf>

Please notify the reviewer via email when your revisions have been submitted

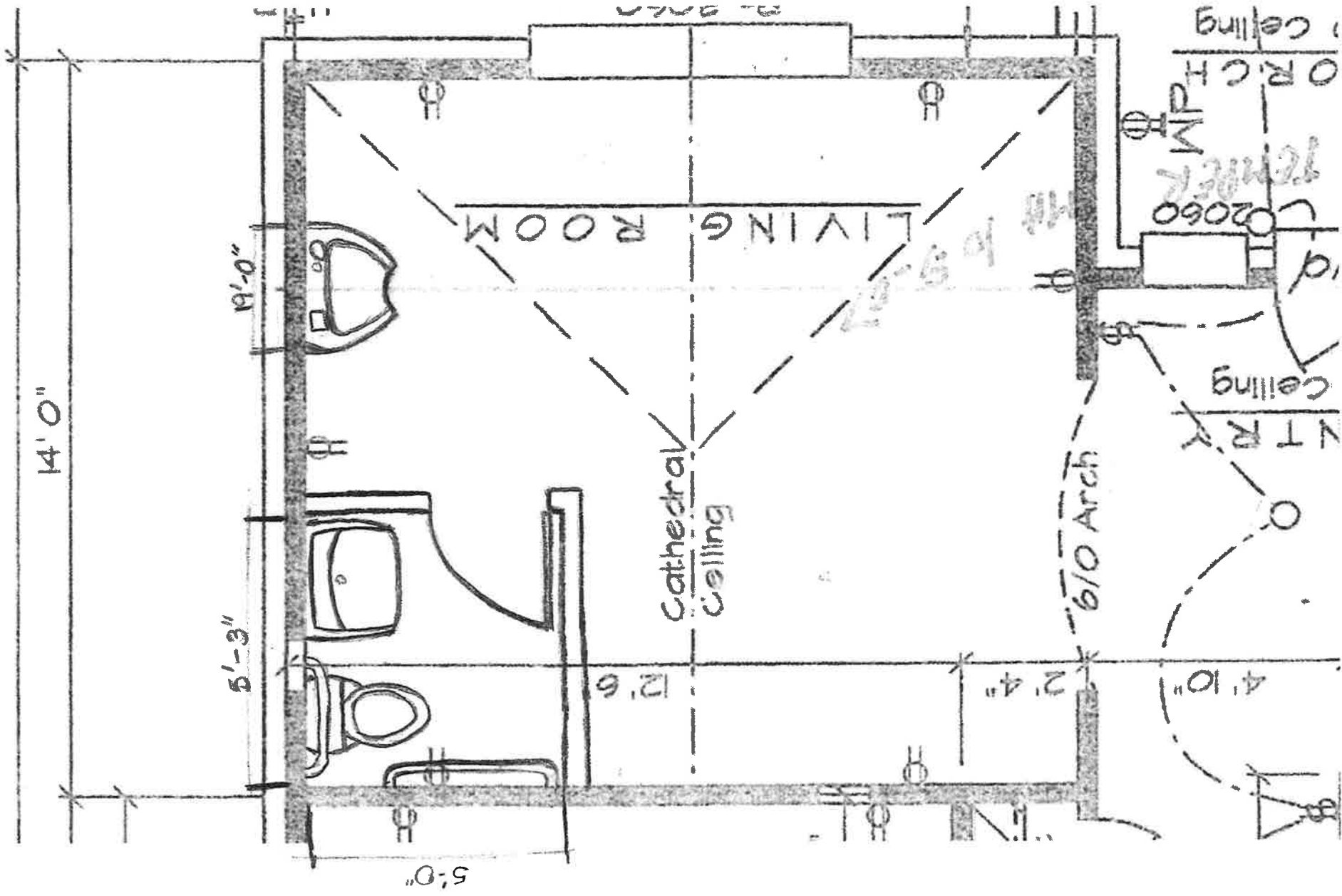
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.





0 200 400
Feet



Subject
Tract

BOA-22686

20-12 25

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

Aerial Photo Date: February 2018





0 50 100
Feet



Subject
Tract

BOA-22686

20-12 25

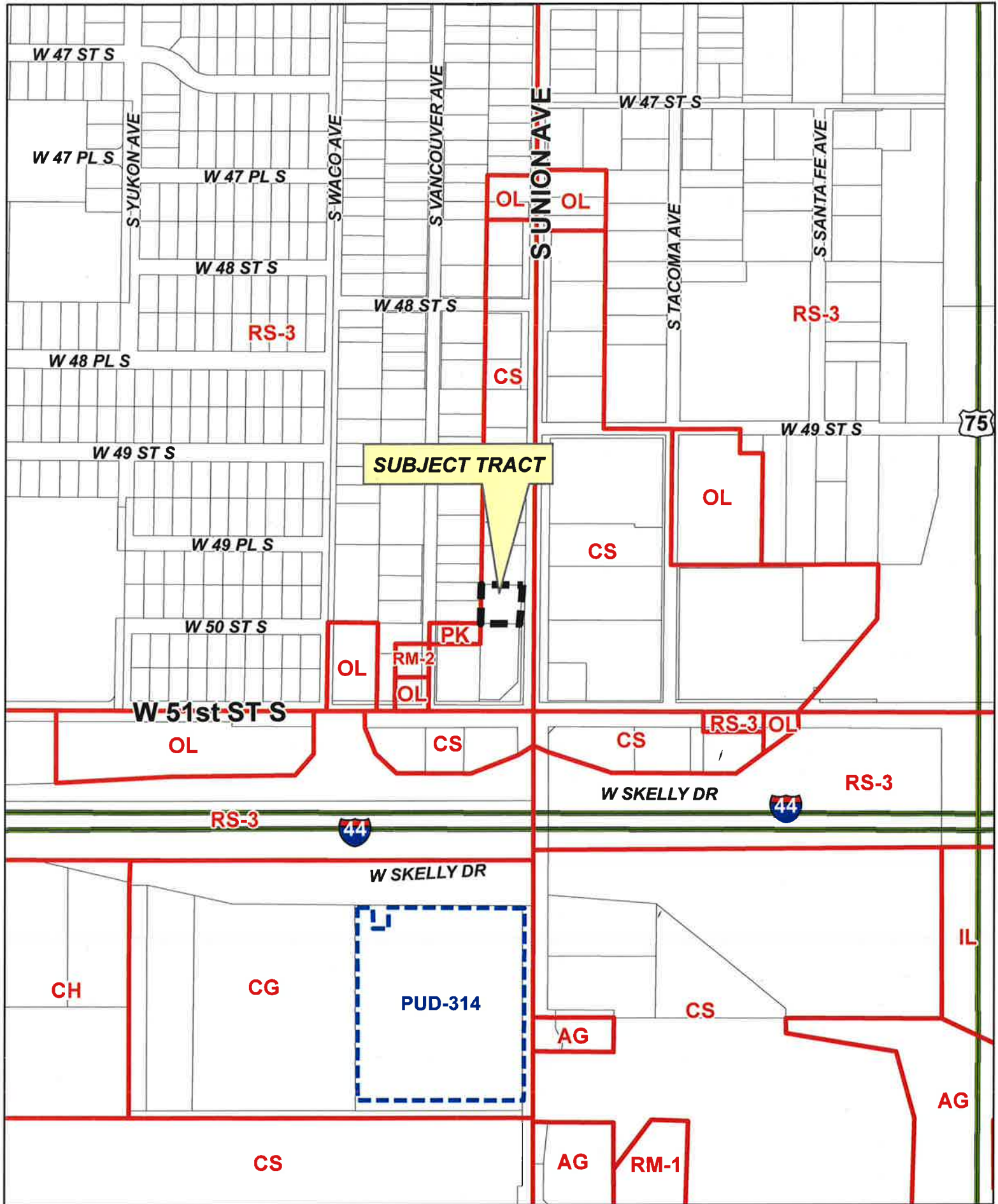
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

11.13



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BOA-22687

19-12 27

12.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9227

Case Number: **BOA-22687**

CZM: 46

CD: 2

A-P#:

HEARING DATE: 07/23/2019 1:00 PM

APPLICANT: Muneer Khalilullah

ACTION REQUESTED: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 4948 S UNION AV W

ZONED: CS

PRESENT USE: Retail Space

TRACT SIZE: 16957.06 SQ FT

LEGAL DESCRIPTION: S/2 LT 4 LESS BEG SECR LT 4 TH W15.51 N127.81 E7.10 S127.50 POB BLK 2, GREENFIELD ACRES

RELEVANT PREVIOUS ACTIONS:

None relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Mixed-use Corridor" and an "Area of Growth".

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

ANALYSIS OF SURROUNDING AREA: The subject tract is adjacent to commercially zoned (CS) properties and uses to the north, east, and south. The tract is adjacent to residential (RS-3) zoned property with residential uses to the west.

STAFF COMMENTS:

The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the required spacing for a medical marijuana dispensary in a CS district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the CS district as long as it meets the spacing requirement of 1,000 ft. from from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

In Section 40.225-I, the separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

The applicant submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of property within that radius in support of the verification. At the time staff prepared this report, the following items had still been requested from the applicant per the Board's new policy for verification exhibits:

- Copy of OMMA-issued dispensary license

Staff conducted a site visit on 7/8/2019 and identified another operating dispensary within the 1000' radius called "The Green Room at Joe's Vape Shop". It was determined that the conflicting dispensary had not been issued permits and had not submitted a verification of spacing. Code enforcement is aware of the illegally operating dispensary and will instruct them to obtain proper permits.

Sample Motion:

I move that based upon the facts in this matter as they exist presently, we accept the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.

dispensary near me 7999533312 x

https://www.google.com/maps/search/dispensary+near+me+799953331247/@36.0906052,-96.0122183,378m/data=!3m1!1e3

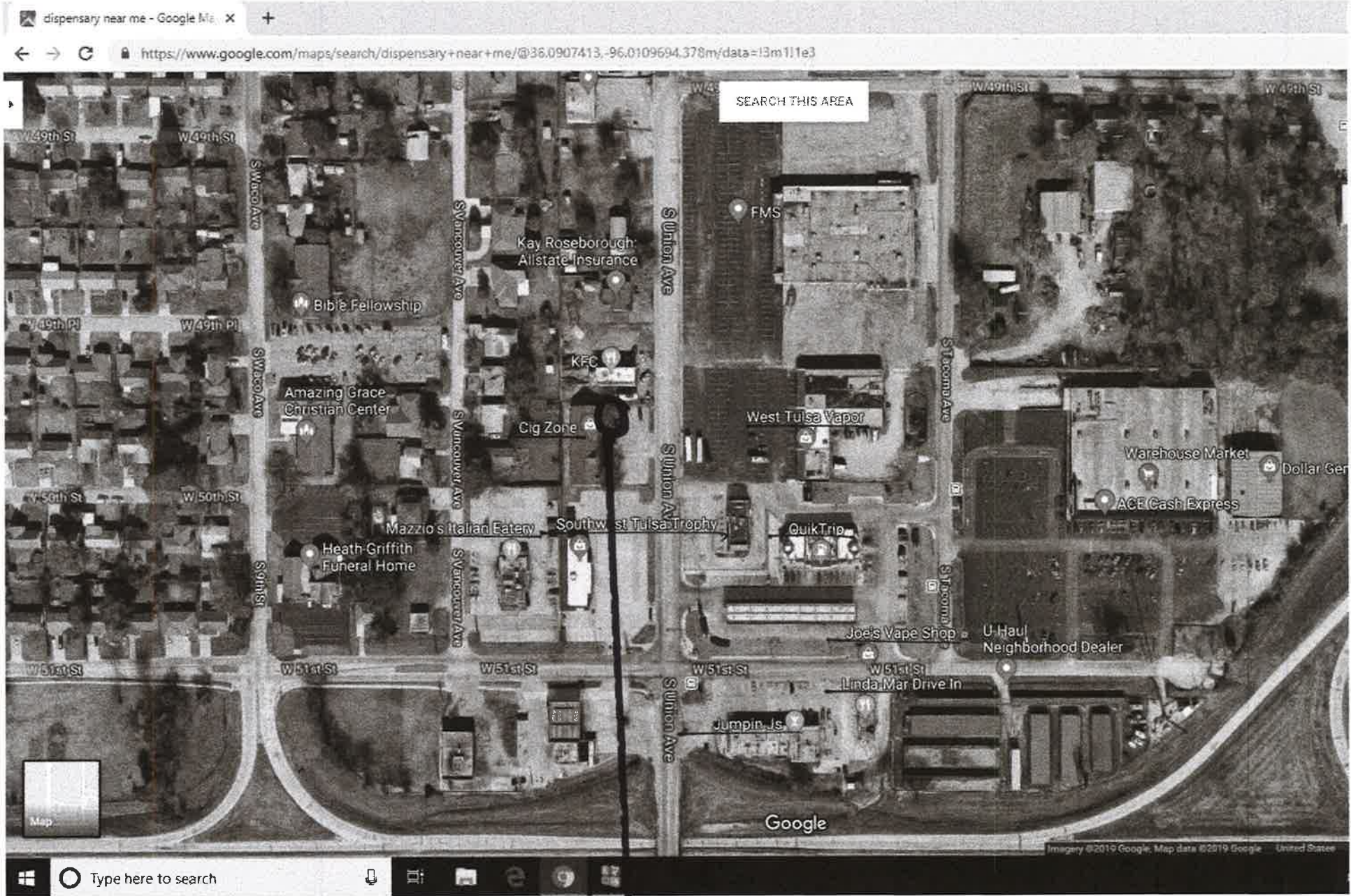
Measure distance
Click on the map to add to your path
Total distance: 1.87 mi (3.01 km)

Map

Imagery ©2019 Google, Map data ©2019 Google, United States, Terra, Send feedback

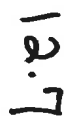
12.4





12.6

4940 S Union Ave



CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

TEL (918)596-9688
clange@cityoftulsa.org



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

June 13, 2019

Muneer Khalilullah
8001 S Mingo RD, Ste. 2200
Tulsa, OK 74133

Phone: 918.691.2961

APPLICATION NO: **BLDC-031469-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **4940 S Union Ave**
Description: **Medical Marijuana Dispensary**

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
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4. A COPY OF A "RECORD SEARCH" **[X] IS [] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

12.8

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT WWW.CITYOFTULSA-BOA.ORG

BLDC-031469-2019

4940 S Union Ave

June 13, 2019

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. It is your responsibility to submit to our office documentation of any decisions by the BOA affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **Sec.40.225-D:** A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.
2. **Sec.40.225-H:** The separation distance required under *Sec.40.225-D* must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensary.
Review comment: Submit a copy of the BOA accepted separation distance of 1000' from other dispensaries. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. The separation required under *Sec.40.225-D* shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma Department of Health prior to December 1, 2018 for the particular location.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:
<http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf>

Please notify the reviewer via email when your revisions have been submitted

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

12.9



Subject Location



View facing South from Subject Property



Zoomed in view facing South from Subject property



The Green Room at Joe's Vape Shop Dispensary approximately 750 ft Southeast from Subject Location

12.12

State of Oklahoma

License Certificate

NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

SHAFFA INC

4942 S UNION AVE, TULSA, OK, 74107

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 310 CHAPTER 681. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

05/08/2020

LICENSE NUMBER:

DAAA-41YH-JKHI



Tom Bates

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health

TRANSPORTATION LICENSE ONLY

OFFICE OF THE SECRETARY OF STATE



CERTIFICATE OF INCORPORATION

WHEREAS, the Certificate of Incorporation of

SHAFFA INC

has been filed in the office of the Secretary of State as provided by the laws of the State of Oklahoma.

NOW THEREFORE, I, the undersigned, Secretary of State of the State of Oklahoma, by virtue of the powers vested in me by law, do hereby issue this certificate evidencing such filing.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the Great Seal of the State of Oklahoma.



*Filed in the city of Oklahoma City this
29th day of April, 2019.*

[Signature]
Secretary of State

OFFICE OF THE SECRETARY OF STATE



**CERTIFICATE OF GOOD STANDING
DOMESTIC FOR PROFIT BUSINESS CORPORATION**

I, THE UNDERSIGNED, Secretary of State of the State of Oklahoma, do hereby certify that I am, by the laws of said state, the custodian of the records of the state of Oklahoma relating to the right of certain business entities to transact business in this state and am the proper officer to execute this certificate.

I FURTHER CERTIFY that SHAFFA INC whose registered agent is SHAFFA INC, with its registered office at 4942 SOUTH UNION AVE TULSA, Oklahoma is a Domestic For Profit Business Corporation duly organized and existing under and by virtue of the laws of the state of Oklahoma and is in good standing according to the records of this office. This certificate is not to be construed as an endorsement, recommendation or notice of approval of the entity's financial condition or business activities and practices. Such information is not available from this office.



IN TESTIMONY WHEREOF, I hereunto set my hand and affixed the Great Seal of the State of Oklahoma, done at the City of Oklahoma City, this 29th day of April, 2019.

Secretary Of State



19-13 17

13.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9317

Case Number: **BOA-22688**

CZM: 37

CD: 4

HEARING DATE: 07/23/2019 1:00 PM

APPLICANT: Michael Friloux

ACTION REQUESTED: Special Exception to permit a driveway greater than 30 feet in width on the lot in the street setback (Sec. 55.090-F)

LOCATION: 2819 E 29 ST S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 15119.74 SQ FT

LEGAL DESCRIPTION: LOT 6 BLK 3, THOMAS HGTS ADDN SUB PRT L4 B5 WOODY CREST ADDN

RELEVANT PREVIOUS ACTIONS: None

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Neighborhood" and an "Area of Stability".

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is a residential property surrounded by RS-2 zoning.

STAFF COMMENTS: The applicant is requesting a Special Exception permit a driveway greater than 30 feet in width on the lot in the street setback (Sec. 55.090-F). The letter of deficiency issued by City of Tulsa Permitting advised the applicant to revise their width within the right-of-way in addition to the width on the lot. The applicant has chosen to revise their site plan to comply with the 27 foot maximum width within the right-of-way and is only requesting relief on the lot within the setback.

13.2

55.090-F Surfacing

1. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of [Section 55.090-F.4](#). Parking area surfacing must be completed prior to initiation of the use to be served by the parking.
2. All motorized vehicles designed for travel upon public streets and that are being parked, stored or displayed for sale must be parked, stored or displayed on dustless, all-weather surface. This surfacing requirement does not apply to junk or salvage yards. The board of adjustment is authorized to grant a special exception permitting the storage or display of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface if the location complies with all applicable minimum building setbacks.
3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of [Section 70.120](#), or, if in a PUD, in accordance with the amendment procedures of [Section 30.010-1.2](#). (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

Maximum Driveway Width

Lot Frontage	75'+	60' - 74'	46' - 59'	30' - 45'	Less than 30' [2]
Driveway Within Right-of-Way (feet) [1]	27'	26'	22'	20'	12'
Driveway Within Street Setback (feet)	30'	30'	--	--	--

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.

[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to permit a driveway greater than 30 feet in width on the lot in the street setback (Sec. 55.090-F)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



View of property from 29th Street



View facing East



View facing West



Subject
Tract

BOA-22688

19-13 17

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

Aerial Photo Date: February 2018





S DELAWARE AVE

E28 ST S

S EVANSTON AVE

E29 ST S

0 50 100
Feet



Subject
Tract

BOA-22688

19-13 17

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

Aerial Photo Date: February 2018

13.7



Jeff S. Taylor
Zoning Official
Plans Examiner II

TEL(918) 596-7637
jstaylor@cityoftulsa.org

Wayne Farabough
Perfection Homes



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

6/12/2019

APPLICATION NO: BLDR-033035-2019 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 2819 E 29th St S

Description: New House

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

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SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" ☐ **IS** ☒ **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT WWW.CITYOFTULSA-BOA.ORG

Application No. **BLDR-033035-2019**

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

55.090-F Surfacing. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-I.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

Maximum Driveway Width

Lot Frontage	75'+	60' - 74'	46' - 59'	30' - 45'	Less than 30' [2]
Driveway Within Right-of-Way (feet) [1]	27'	26'	22'	20'	12'
Driveway Within Street Setback (feet)	30'	30'	--	--	--

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.

Review Comments: The submitted site plan proposes a driveway width of more than 30' in width on the lot in the street setback and more than 27' wide in the ROW which exceeds the maximum allowable driveway widths both within and outside of the ROW. Revise plans to indicate the driveway shall not exceed the maximum allowable widths in the table or apply to the BOA for a special exception, one for the proposed driveway width within the ROW and also for the proposed driveway width outside of the ROW.

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

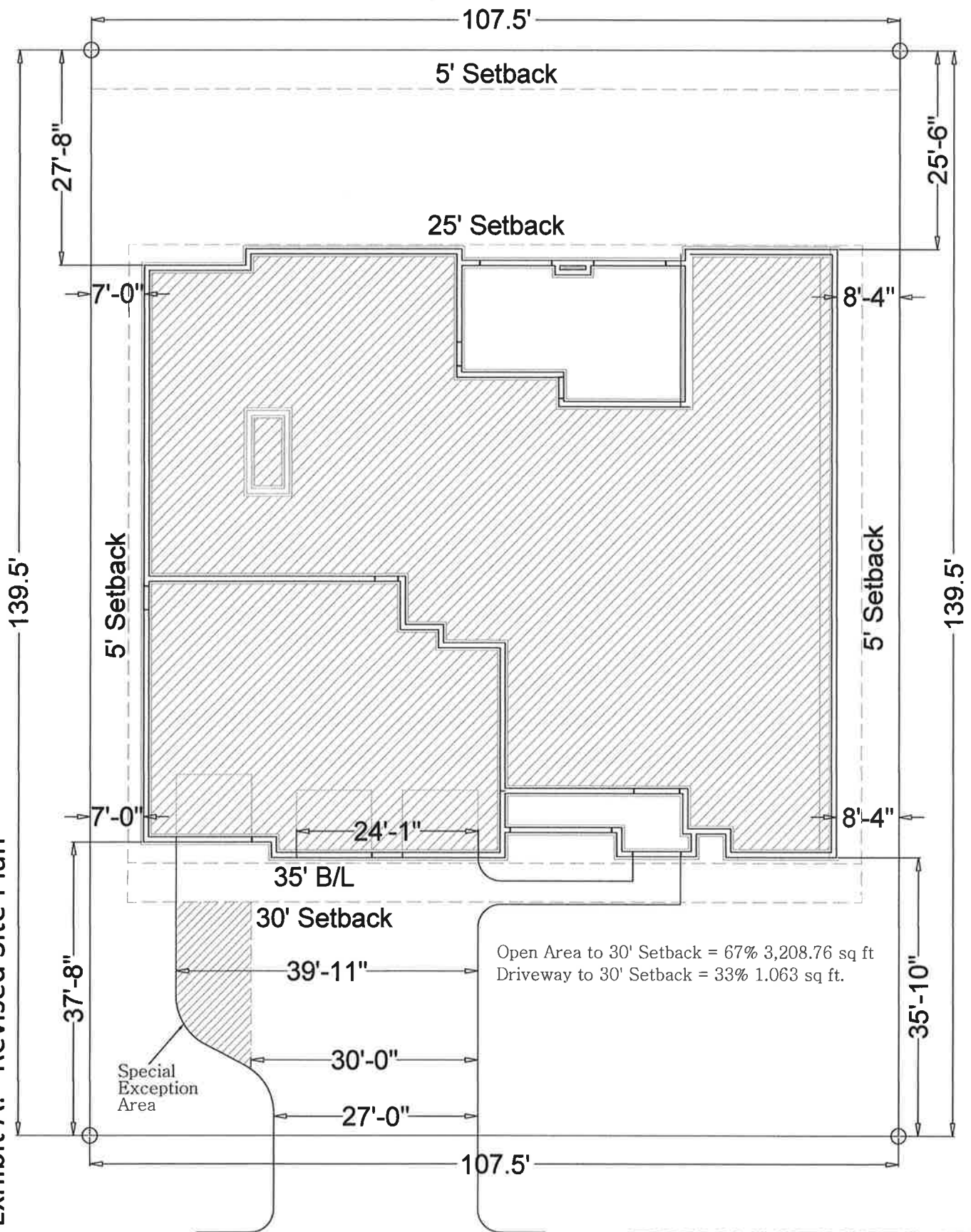
Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online.

END -ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

Exhibit A: Revised Site Plan



Applicant

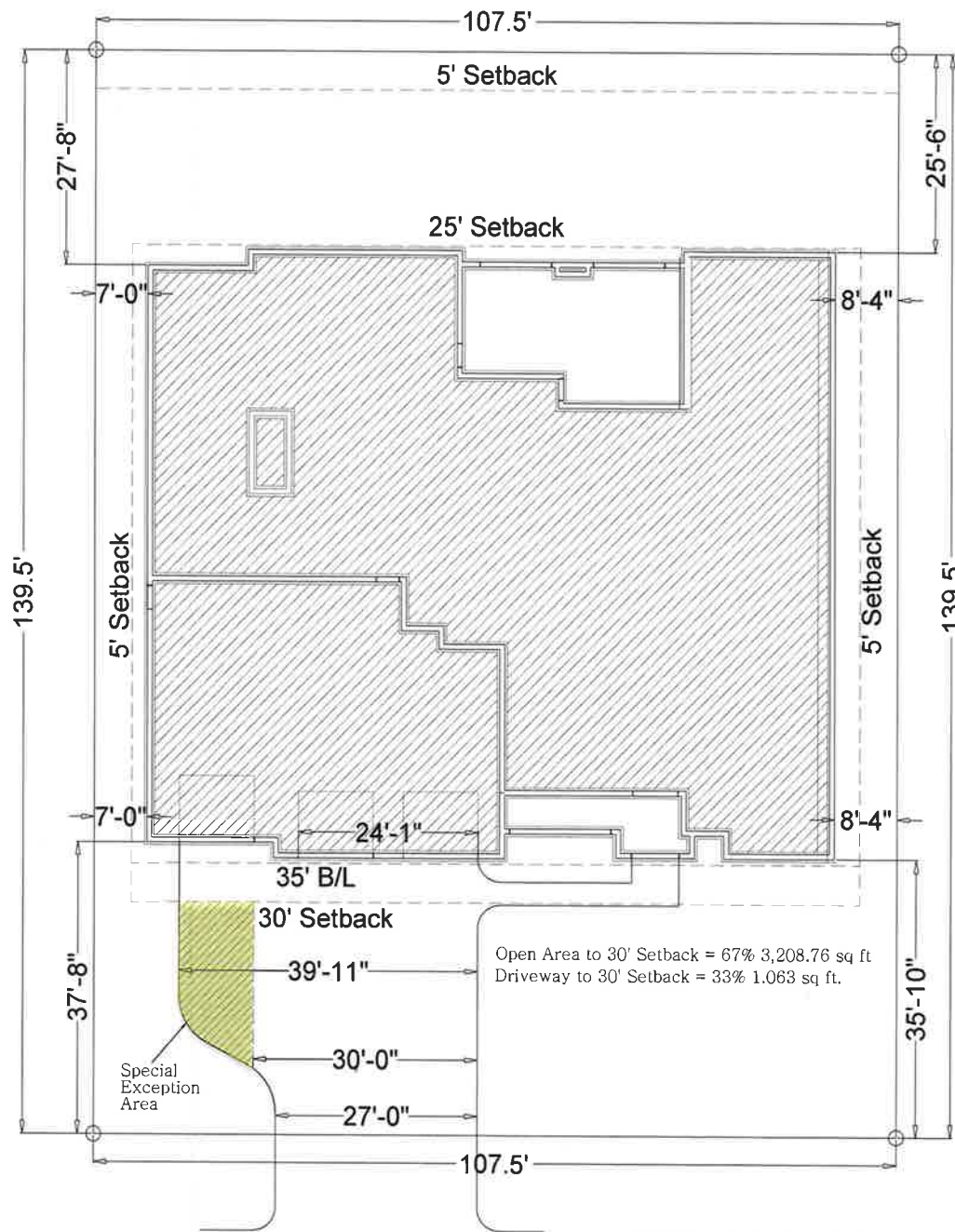
Michael Friloux
2819 E 29th Street

Purpose: to provide adequate garage access needed for home plans within LOT, width on street and ROW are compliant with code.

Request: to increase maximum driveway width on LOT Frontage from 30' to 39' 11".

Notes:

- Driveway complies with 27' width per zoning code on Street / ROW Frontage.
- Site Plan Revised on June 15, 2019 (Exhibit A)
- Plans Purposefully Designed to Fit within Character and Harmony of Area.
 - Single Story Design
 - Building setback to 35' vs. 30' zoning allowance.
 - 107.5' lot width maintains and improves open space proportions.
 - Maintains Open area of 67% on lot frontage.
 - New home design accommodates look and feel of area.
- Several similar wider driveways already present in neighborhood. (See Exhibits)
- Tasteful approach and design non-injurious to neighbors. (Exhibit C)
- Neighbors' Letters of Support



Special Exception
to allow Garage Access

LOT 6 - BLOCK 3
2819 East 29th Street South

(Revised 6-15-2019)

THOMAS HEIGHTS ADDITION

An Addition To The City of Tulsa,
Tulsa County, Oklahoma

Thomas Heights Addition

Property Location
2819 E 29th Street

Google Map
Site Plan Overlay





	NAME	DATE
DRN. BY	RAF	4-26-19
CHK. BY	RAF	4-26-19
APR. BY		
SCALE 1/4"=1'-0"		

ACAD PATH	
DRAWING NUMBER 1	REV.
SHEET NO. 1	OF 9 SHEETS

PROJECT FOR

THE
"FRILOUX"
HOME

PERFECTION HOMES LLC

11001 South Memorial Drive
Tulsa, Oklahoma 74133

(918) 369-3181
perfectionhomes@cox.net

THOMAS HEIGHTS ADDITION
and Immediate Area View

Homes > 30' Driveway = 8

Lot Requesting Special Exception



13.17



Location
of
Property

Locations
of
Support
Letters

A

From: Charles Meyers chasmeyerstulsa@att.net
 Subject: RE: New Neighbor - Mike Friloux
 Date: June 17, 2019 at 10:01 PM
 To: MICHAEL FRILOUX mpfriloux@cox.net

Hello Mike:

I have reviewed your site plans and I approve of, and support, your driveway request.

Best regards,
 Charles O. Meyers, Jr.
 2809 East 29th Street
 Tulsa, OK 74114-5801

Sent from [Mail](#) for Windows 10

From: MICHAEL FRILOUX
 Sent: Monday, June 17, 2019 3:29 PM
 To: chasmeyerstulsa@att.net
 Subject: New Neighbor - Mike Friloux

Hi Charles,
 Nice talking with you today. Glad to hear your eye surgery went well. Good luck with the next one too!
 As we discussed, I would appreciate your support on my special exception request to add 9' 11" to the side of my driveway for garage access.
 I have attached a copy of the site plan as well, which is the same one we reviewed today.

Would you be kind enough to respond to this email stating that you have reviewed my plans and support my request.
 I will present your email as support to the adjustment board at their next meeting.

I'm also including my contact information.
 Thanks for your support. Look forward to being your new neighbor. Mike.

Michael Friloux
mpfriloux@cox.net
 918.760.6735

B



• Keele, Garry @
 To: Friloux Michael
 Friloux Home Plan - 2819 E 29th Street

June 19, 2019 at 7:06 AM



Michael,

Likewise, it was nice visiting with you. Pursuant to our discussion, I have reviewed your plans and I support your request for special exemption.

Welcome to the neighborhood!

Garry

Garry Keele
 Attorney
 (918) 574-3037 direct
 (918) 574-3059 assistant
 (918) 574-3137 fax
garry.keele@mcafeetaft.com
[VCard](#) | [BIO](#) | www.mcafeetaft.com

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From: MICHAEL FRILOUX [<mailto:mpfriloux@cox.net>]
 Sent: Tuesday, June 18, 2019 8:16 PM
 To: Keele, Garry
 Subject: Friloux Home Plan - 2819 E 29th Street

Hi Garry,
 Nice talking to you this evening about my my home plans. I'm having to request a special exception from the board of adjustments to accommodate the additional 9' 11" required for my garage access which is referenced on the attached site plan for your review. I have also received letters of support from both my east and west neighbors.

Would you be kind enough to respond to this email stating that you have reviewed my plans and support my request.

I will present your email of support to the adjustment board at their next meeting.

Look forward to being your new neighbor.
 Please let me know if you have any questions.

Thanks for your support.
 Mike.

Michael Friloux
mpfriloux@cox.net
 918.760.6735

13.18



C

From: cgironking@aol.com
 Subject: Re: New Neighbor - Mike Friloux (response requested)
 Date: June 17, 2019 at 4:13 PM
 To: mpfriloux@cox.net

From: Ron King
 To: Mike Friloux
 Subject: New Home Plans
 Monday June 17, 2019

Mike,
 Yes, after talking with you and looking at your new home plans Donna and agree and support the additional 9' 11" needed for garage access on your new home.

Looking forward to having you as our new neighbor.

Best,

Ron King
 2827 E. 29th
 Tulsa, OK 74114

918-284-0010

cgironking@aol.com
cgi@tulsacoxmail.com

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

From: MICHAEL FRILLOUX <mpfriloux@cox.net>
 To: cgironking <cgironking@aol.com>
 Sent: Mon, Jun 17, 2019 3:40 pm
 Subject: New Neighbor - Mike Friloux (response requested)

Hi Ron,
 Thanks for talking with me yesterday about home my plans. I discussed with Charles today and he is supportive and will send me an email stating he supports the additional 9' 11" I need for garage access. I've attached a copy of the site plan which is the same one we reviewed yesterday.

Would you be kind enough to respond to this email stating that you have reviewed my plans and support my request.

The 9' 11" area is shown on the drawing. I will present your email of support to the adjustment board at their next meeting.

I'm also including my contact information.
 Look forward to being your new neighbor.
 Let me know if you have any questions.

Thanks for your support.
 Mike.

Michael Friloux
mpfriloux@cox.net

13.19

D

From: wgiane@att.net
 Subject: Re: Michael Friloux 2819 E 29th St - Driveway Request
 Date: July 3, 2019 at 10:14 AM
 To: MICHAEL FRILLOUX mpfriloux@cox.net

Michael Friloux,

I have reviewed your plans for your driveway request at 2819 E. 29th St., Tulsa, Ok. and I do support your driveway request.

W.G. Klein
 2838 E. 29th, Tulsa, Ok. 74114-5802

On Monday, July 1, 2019, 11:50:45 PM CDT, MICHAEL FRILLOUX <mpfriloux@cox.net> wrote:

Dear Mr. Klein,

Thanks again for your support on my driveway request.. As we discussed, I would appreciate your support on my special exception request to add 9' 11" to the side of my driveway for garage access located at 2819 E 29th Street. I have attached a copy of the site plan as well, which is the same one we reviewed today.

I have made significant effort to design our 1 story home to fit nicely in the neighborhood and to not disturb its existing character, which is the primary reason we selected this location. I believe my plans fit well in that regard and will not change the look, or feel of our street.

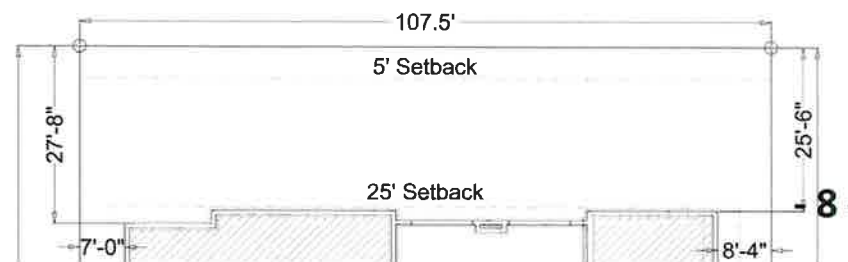
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Please include your name and address in the response.

I will present your email as support to the adjustment board at their next meeting.

Thanks for your support. Feel free to call or email with questions.

Michael Friloux
mpfriloux@cox.net
 918.760.6735



E

• **McClanahan, Cathy (USAOKN)** @

July 2, 2019 at 8:15 AM



To: Friloux Michael

RE: Michael Friloux 2819 E 29th St - Driveway Request

After reviewing your plan, I do not object at all to the driveway design you have proposed.

2828 East 29th Street; Tulsa, Oklahoma 74114

Cathy D. McClanahan
Chief, Civil Division
United States Attorney's Office
Northern District of Oklahoma

From: MICHAEL FRILOUX <mpfriloux@cox.net>

Sent: Monday, July 1, 2019 11:49 PM

To: McClanahan, Cathy (USAOKN) <CMcClanahan@usa.doj.gov>

Subject: Michael Friloux 2819 E 29th St - Driveway Request

Dear Cathy,

Thanks again for your support on my driveway request.. As we discussed, I would appreciate your support on my special exception request to add 9' 11" to the side of my driveway for garage access located at 2819 E 29th Street.

I have attached a copy of the site plan as well, which is the same one we reviewed today.

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Thanks for your support. Feel free to call or email with questions.

Michael Friloux
mpfriloux@cox.net
918.760.6735

13.20

Special Exception Request:**Property Owner / Applicant**

Michael Friloux (Property Owner)

2819 E 29th Street (Property Location)**Request:** To increase maximum driveway width on Lot Frontage from 30' to 39' 11".**Purpose:** To provide adequate garage access needed for home plans.**Notes:**

- Driveway maintains 27' width per zoning code on ROW Frontage.
- Site Plan Revised on June 15, 2019 (Exhibit A)
- Plans Purposefully Designed to Fit within Character and Harmony of Area.
 - Single Story Design
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- Several similar wider driveways already present in neighborhood. (See Exhibits)
- Tasteful approach and design non-injurious to neighbors. (Exhibit C)
- Neighbors' Letters of Support

Exhibit B:
Thomas Heights Addition

Property Location
2819 E 29th Street

Google Map
Site Plan Overlay



Exhibit C: Front Elevation of Home Plan



NAME	DATE
DRN. BY: RAF	4-26-19
CHK. BY: RAF	4-26-19
APR. BY:	
SCALE 1/4"=1'-0"	

ACAD PATH	
DRAWING NUMBER 1	REV.
SHEET NO. 1 OF 9 SHEETS	

PROJECT FOR	THE "FRILOUX" HOME
-------------	--------------------------

PERFECTION HOMES LLC
 11001 South Memorial Drive
 Tulsa, Oklahoma 74133
 (918) 369-3181
 perfectionhomes@cox.net

13.23

Exhibit D: Driveways > 30' Wide in Addition

THOMAS HEIGHTS ADDITION

21 HOMES

4 EXISTING HOMES > 30' DRIVEWAY

APPROXIMATELY 20%

At least 2 > 42' Wide

Lot Requesting Special Exception



Exhibit E: Driveways > 30' Wide in Immediate Area



THOMAS HEIGHTS ADDITION
and Immediate Area View

 Homes > 30' Driveway = 8

 Lot Requesting Special Exception

Exhibit F: Driveways > 30', plus those with Side Features as Requested



THOMAS HEIGHTS ADDITION

21 HOMES

6 EXISTING HOMES > 30' DRIVEWAY

&

2 WITH SIMILAR SIDE DRIVEWAY FEATURES

APPROXIMATELY 29%

Lot Requesting Special Exception

Chapman, Austin

From: Charles Meyers <chasmeyerstulsa@att.net>
Sent: Monday, June 17, 2019 10:01 PM
To: MICHAEL FRILOUX
Subject: RE: New Neighbor - Mike Friloux

Hello Mike:

I have reviewed your site plans and I approve of, and support, your driveway request.

Best regards,
Charles O. Meyers, Jr.
2809 East 29th Street
Tulsa, OK 74114-5801

Sent from [Mail](#) for Windows 10

From: [MICHAEL FRILOUX](#)
Sent: Monday, June 17, 2019 3:29 PM
To: chasmeyerstulsa@att.net
Subject: New Neighbor - Mike Friloux

Hi Charles,
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I'm also including my contact information.
Thanks for your support. Look forward to being your new neighbor. Mike.

Michael Friloux
mpfriloux@cox.net
918.760.6735



Chapman, Austin

From: Keele, Garry <garry.keele@mcafeetaft.com>
Sent: Wednesday, June 19, 2019 7:07 AM
To: 'MICHAEL FRILOUX'
Subject: Friloux Home Plan - 2819 E 29th Street

Michael,

Likewise, it was nice visiting with you. Pursuant to our discussion, I have reviewed your plans and I support your request for special exemption.

Welcome to the neighborhood!

Garry



Garry Keele
Attorney
(918) 574-3037 direct
(918) 574-3059 assistant
(918) 574-3137 fax
garry.keele@mcafeetaft.com
[VCard](#) | [BIO](#) | www.mcafeetaft.com

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From: MICHAEL FRILOUX [mailto:mpfriloux@cox.net]
Sent: Tuesday, June 18, 2019 8:16 PM
To: Keele, Garry
Subject: Friloux Home Plan - 2819 E 29th Street

Hi Garry,
Nice talking to you this evening about my my home plans. I'm having to request a special exception from the board of adjustments to accommodate the additional 9' 11" required for my garage access which is referenced on the attached site plan for your review. I have also received letters of support from both my east and west neighbors.

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Look forward to being your new neighbor.
Please let me know if you have any questions.

Thanks for your support.
Mike.

Michael Friloux

mpfriloux@cox.net
918.760.6735

Chapman, Austin

From: cgironking@aol.com
Sent: Monday, June 17, 2019 4:14 PM
To: mpfriloux@cox.net
Subject: Re: New Neighbor - Mike Friloux (response requested)

From: Ron King
To: Mike Friloux
Subject: New Home Plans
Monday June 17, 2019

Mike,
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Looking forward to having you as our new neighbor.

Best,

Ron King
2827 E. 29th
Tulsa, OK 74114

918-284-0010

cgironking@aol.com
cgi@tulsacoxmail.com

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

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Sent: Mon, Jun 17, 2019 3:40 pm
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I'm also including my contact information.
Look forward to being your new neighbor.
Let me know if you have any questions.

Thanks for your support.
Mike.

Michael Friloux
mpfriloux@cox.net
918.760.6735

Chapman, Austin

From: wgjane@att.net
Sent: Wednesday, July 3, 2019 10:03 AM
To: MICHAEL FRILOUX
Subject: Re: Michael Friloux 2819 E 29th St - Driveway Request

Michael Friloux,

I have reviewed your plans for your driveway request at 2819 E. 29th St. , Tulsa, Ok.
and I do support your driveway request.

W.G. Klein
2838 E. 29th , Tulsa, Ok. 74114-5802

On Monday, July 1, 2019, 11:50:45 PM CDT, MICHAEL FRILOUX <mpfriloux@cox.net> wrote:

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Michael Friloux
mpfriloux@cox.net
918.760.6735



Chapman, Austin

From: McClanahan, Cathy (USAOKN) <Cathy.McClanahan@usdoj.gov>
Sent: Tuesday, July 2, 2019 8:14 AM
To: MICHAEL FRILOUX
Subject: RE: Michael Friloux 2819 E 29th St - Driveway Request

After reviewing your plan, I do not object at all to the driveway design you have proposed.

2828 East 29th Street; Tulsa, Oklahoma 74114

Cathy D. McClanahan
Chief, Civil Division
United States Attorney's Office
Northern District of Oklahoma

From: MICHAEL FRILOUX <mpfriloux@cox.net>
Sent: Monday, July 1, 2019 11:49 PM
To: McClanahan, Cathy (USAOKN) <CMcClanahan@usa.doj.gov>
Subject: Michael Friloux 2819 E 29th St - Driveway Request

Dear Cathy,

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Michael Friloux
mpfriloux@cox.net
918.760.6735





CITY OF TULSA
REVISED/ADDITIONAL PLANS
ROUTING SLIP FOR APPLICATION
PRIOR TO ISSUANCE OF PERMIT

Note: Please print or type all data

DATE: _____
A/P#: _____

**PLEASE NOTE THAT IF YOU SUBMITTED YOUR PERMIT APPLICATION
ONLINE USING THE CSS SYSTEM, YOU SHOULD SUBMIT SINGLE SETS OF
REVISIONS OR ADDITIONAL PLANS THROUGH THAT SYSTEM.**

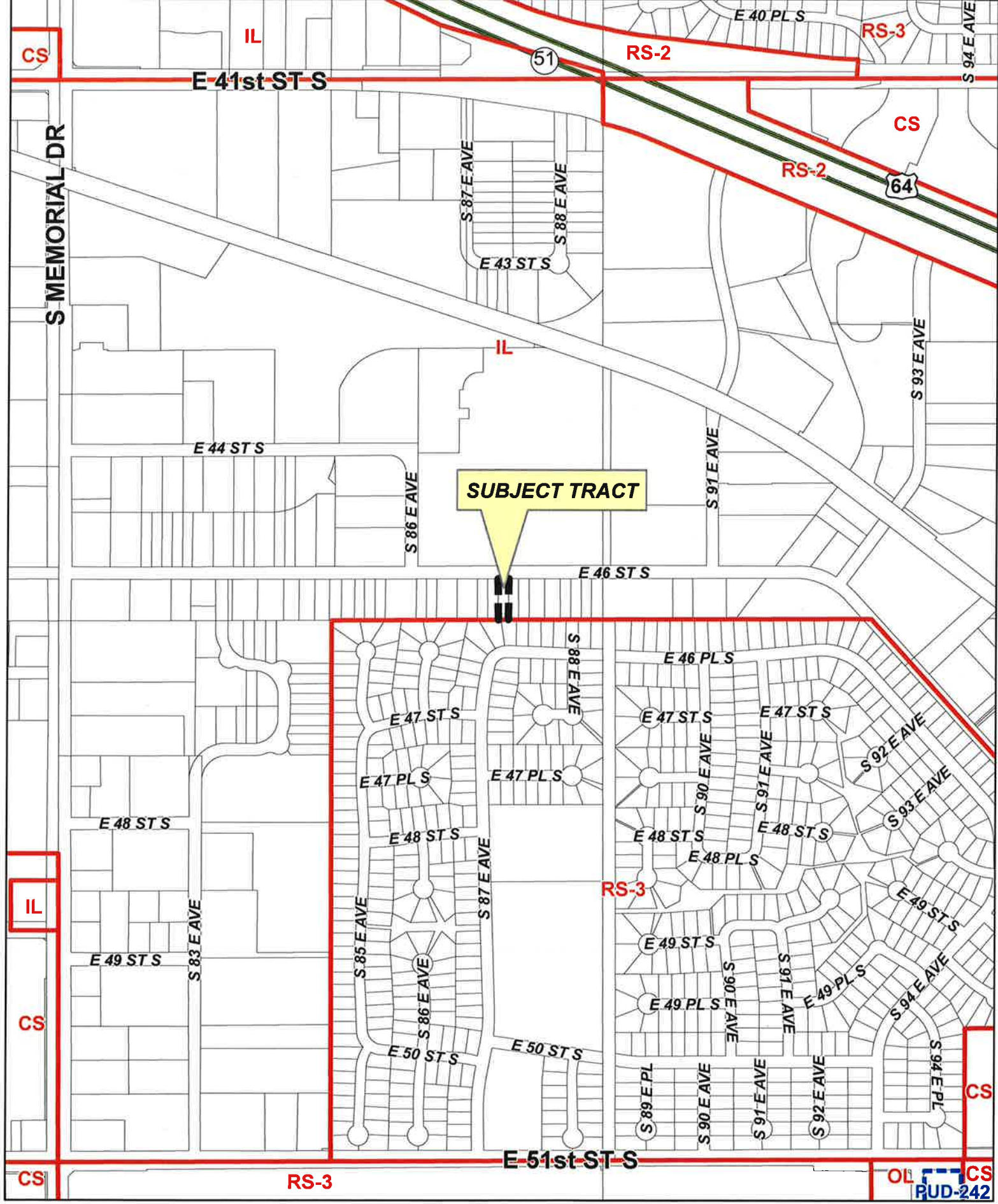
- Permit Type: ☐ Residential ☐ Commercial ☐ Other: _____
 - ☐ Revised Plans - Type of revision: ☐ Site plan ☐ Structural plan
 - ☐ Other: _____
 - ☐ Additional Plans -Type of revision: ☐ Site plan ☐ Structural plan
 - ☐ Other: _____
- Construction Address: _____ Suite Number: _____
- No. Of Plans: _____ No. of Pages of One set of Plans & Specifications: _____

DAY TIME CONTACT PERSON(S)	PHONE NO.	EMAIL

Steps for submitting revised or additional **paper** plans:

1. Complete this form and submit it with two (2) sets of revised or additional plans to the Permit Center if you submitted paper plans originally. If you applied for your permit online then you need to submit your revision online.
2. A fee as set forth in the current Title 49, Section 106 of the Tulsa Revised Ordinances will be collected for each additional submission at the time of permit issuance.

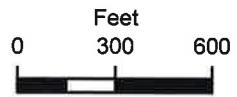
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SUBJECT TRACT

BOA-22689

14.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9325

Case Number: BOA-22689

CZM: 48

CD: 7

A-P#:

HEARING DATE: 07/23/2019 1:00 PM

APPLICANT: Roberto Ruvalcaba

ACTION REQUESTED: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 8712 E 46 ST S

ZONED: IL

PRESENT USE: Retail

TRACT SIZE: 10001.42 SQ FT

LEGAL DESCRIPTION: LT 38 BLK 3, MEMORIAL INDUSTRIAL PARK CORR

RELEVANT PREVIOUS ACTIONS:

None relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an Employment area and an "Area of Growth".

Employment Areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

ANALYSIS OF SURROUNDING AREA: The subject tract is adjacent to other industrially zoned (IL) properties to the east, north, and west with industrial uses. There are residential zoned (RS-3) properties with residential uses to the south.

STAFF COMMENTS:

The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the required spacing for a medical marijuana dispensary in an IL district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the IL district as long as it meets the spacing requirement of 1,000 ft. from from other medical marijuana dispensaries (Section

14.2

40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

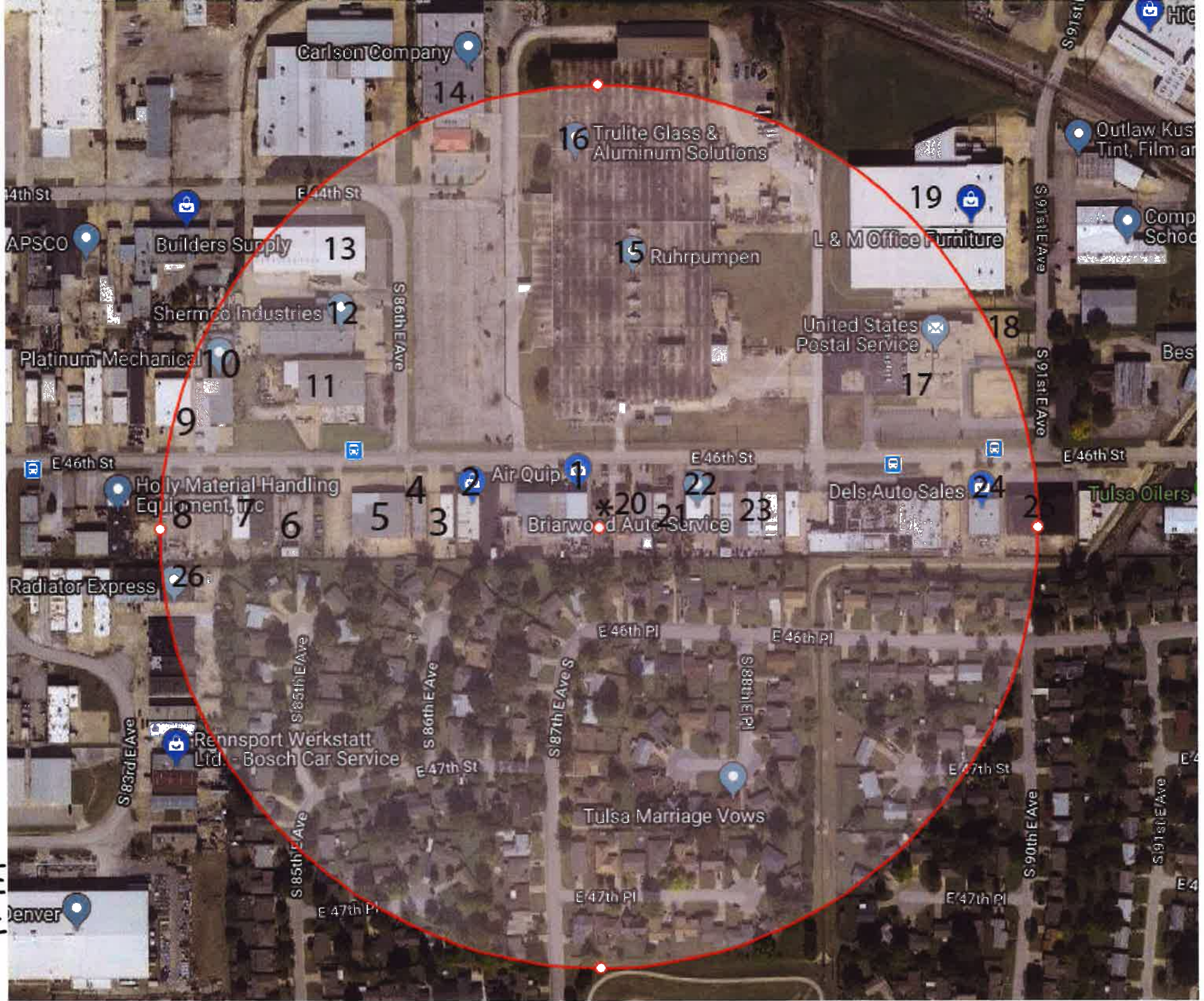
In Section 40.225-I, the separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

The applicant submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of property within that radius in support of the verification.

Sample Motion:

I move that based upon the facts in this matter as they exist presently, we accept the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.

14.4



OMMA Licensed Dispensary Outside the 1,000' radius

OMMA Name	License	Location	Distance: 8712 E 46th St, Tulsa 74145
MEMORIAL DRIVE DISPENSARY	DAAA-NKTR-GXPR	4419 S MEMORIAL DR	2,063.43 ft
BLACK PURPLE KUSH INC	DAAA-EKTZ-Y64D	4735 S MEMORIAL DR	2,209.07 ft
GREEN CULTURE LLC	DAAA-E1QV-NYOQ	4735 S MEMORIAL DR	2,210.80 ft
SUGAR LEAF	DAAA-NKQN-SIJA	4630 S MEMORIAL DR	2,280.89 ft
GRAVITY	DAAA-41LY-IZH8	8706 E 41ST ST	2,294.87 ft
ONE LOVE WELLNESS LLC	DAAA-N1NN-UTU5	7657 E 46th Pl	2,764.71 ft
THE DANKERY LLC	DAAA-E18H-DLFF	8125 E 51ST ST	3,085.37 ft
UK HASH, LLC	DAAA-NJCF-3HIE	8153 E 41ST ST	3,099.28 ft
TWISTED ROD CUSTOMS LLC	DAAA-VJXX-XEDV	4122 S MEMORIAL DR	3,234.17 ft
THE GREEN GOAT DISPENSARY, LLC	DAAA-41LC-SOOO	9435 E 51ST ST	3,456.54 ft
BUILDABRICK LLC	DAAA-VJF5-HGJJ	7620 E 46TH ST	3,483.78 ft
ONE LOVE WELLNESS LLC	DAAA-N1NN-UYU5	7709 E 42ND PL	3,747.17 ft

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

TEL (918)596-9688
clange@cityoftulsa.org



DEVELOPMENT SERVICES
175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

June 17, 2019

Jose Ibarra
8540 W 61 ST
Tulsa, OK 74131

Phone: 918.889.7709

APPLICATION NO: BLDC-031488-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 8712 E 46 ST
Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

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3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" **[X] IS [] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT
WWW.CITYOFTULSA-BOA.ORG

BLDC-81488

8712 E 46 ST

June 17, 2019

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. It is your responsibility to submit to our office documentation of any decisions by the BOA affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **Sec.40.225-H:** No medical marijuana grower operation, processing facility, dispensary or research facility shall be permitted or maintained unless there exists a valid license, issued by the Oklahoma Department of Health for the use at the location.

Review comment: Submit evidence you have been granted a state license and the date it was approved.

2. **Sec.40.225-D:** A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.

3. **Sec.40.225-H:** The separation distance required under *Sec.40.225-D* must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensary.

Review comment: Submit a copy of the BOA accepted separation distance of 1000' from other dispensaries. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. The separation required under *Sec.40.225-D* shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma Department of Health prior to December 1, 2018 for the particular location.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:
<http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf>

Please notify the reviewer via email when your revisions have been submitted

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

State of Oklahoma

License Certificate

NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

PURA LLC

8712 E 46TH ST , TULSA, OK, 74145

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 310 CHAPTER 681. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

05/12/2020

LICENSE NUMBER:

DAAA-EKOO-OH9I



Tom Bates

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health

DO NOT COPY

14.9



Subject property

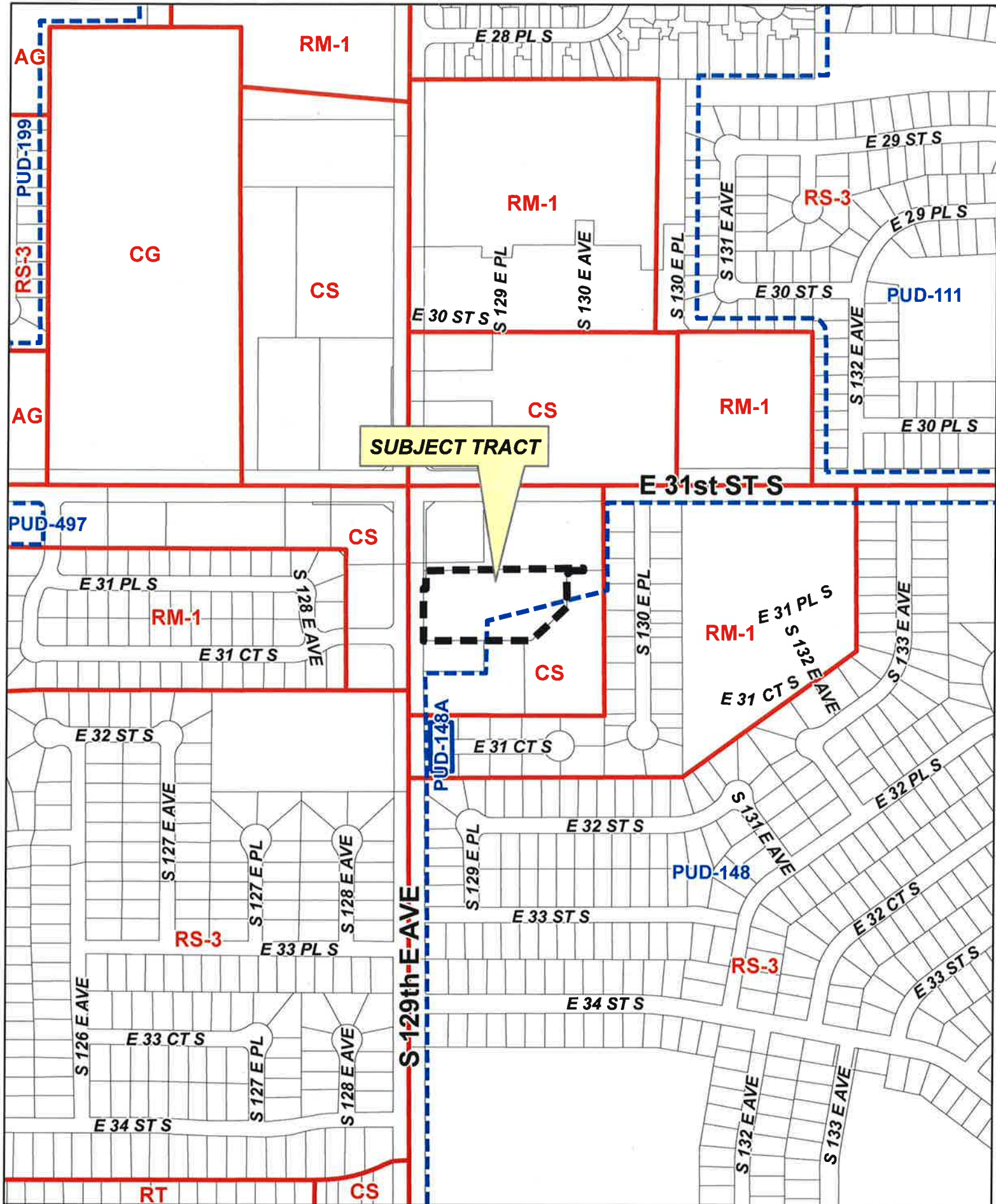


Facing West along 46th Street



Facing East along 46th Street

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BOA-22690

15.1

19-14 21



BOARD OF ADJUSTMENT CASE REPORT

STR: 9421

Case Number: **BOA-22690**

CZM: 49

CD: 6

A-P#:

HEARING DATE: 07/23/2019 1:00 PM

APPLICANT: Paul Bush

ACTION REQUESTED: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 3151 S 129 AV E

ZONED: CS

PRESENT USE: Vacant Retail.

TRACT SIZE: 98572.33 SQ FT

LEGAL DESCRIPTION: PRT LT 1 BLK 1 & PRT LT 1 BLK 2 BEG 100N NWC BRIARGLEN MINI STORAGE TH N225 E525 S5 W35 CRV LF 39.27 S85.78 SW154.47 W355 POB LESS BEG 25S MOST W NWC LT 1 BLK 1 TH S58 E8 N58 W8 POB FOR ST, BRIARGLEN PLAZA ADDN

RELEVANT PREVIOUS ACTIONS:

None relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Neighborhood Center" and an "Area of Growth".

Neighborhood Centers are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by commercially zoned (CS) properties with commercial uses.

STAFF COMMENTS:

The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the required spacing for a medical marijuana dispensary in a CS district from other medical marijuana dispensaries (Section 40.225-D).

15.2

Per the Code, a medical marijuana dispensary is permitted by right in the CS district as long as it meets the spacing requirement of 1,000 ft. from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

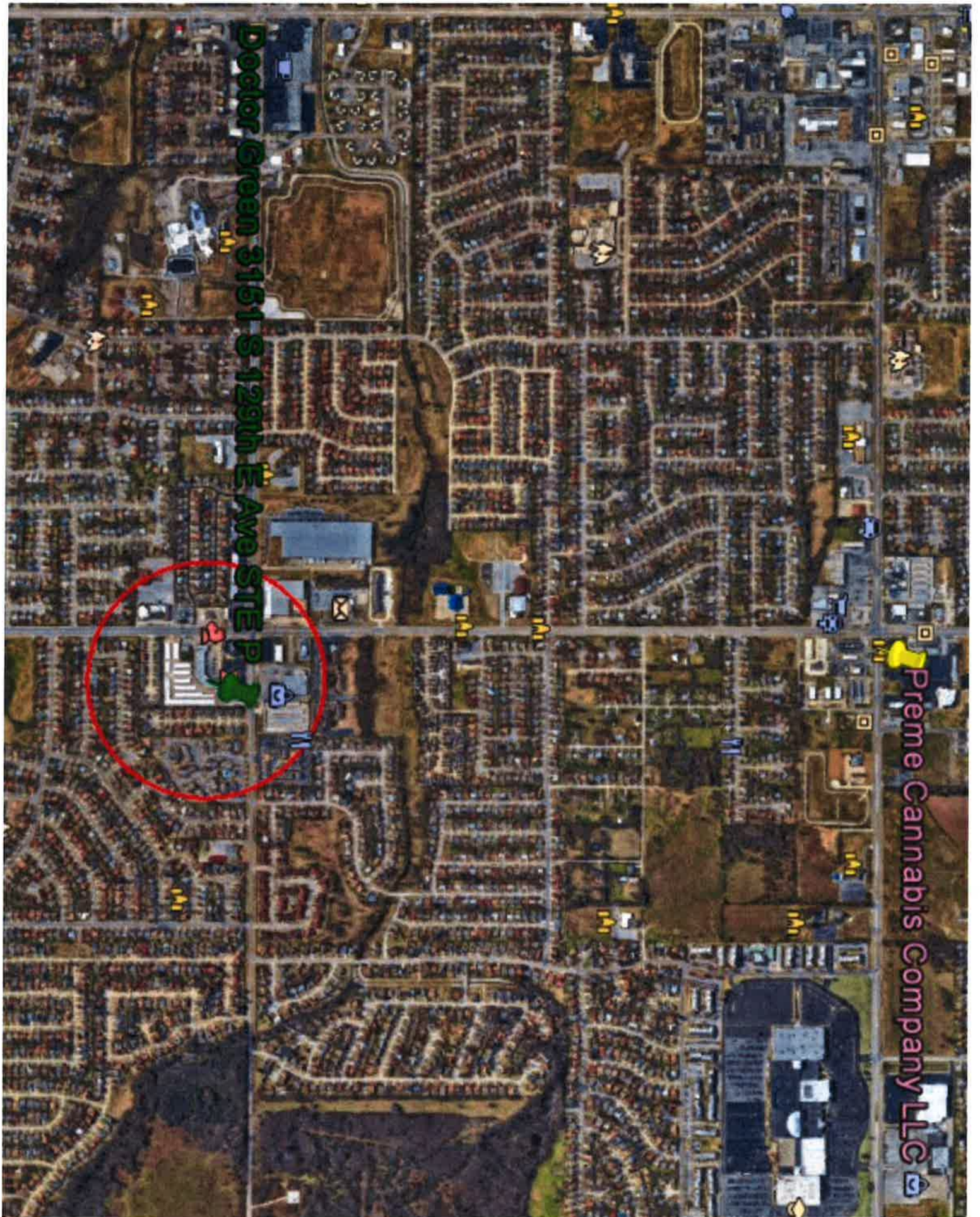
In Section 40.225-I, the separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

The applicant submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of property within that radius in support of the verification. At the time staff prepared this report, the following items had still been requested from the applicant per the Board's new policy for verification exhibits:

- Aerial photograph with 1000' radius shown and tenant space identified
- Location of the nearest dispensary outside the 1000' radius

Sample Motion:

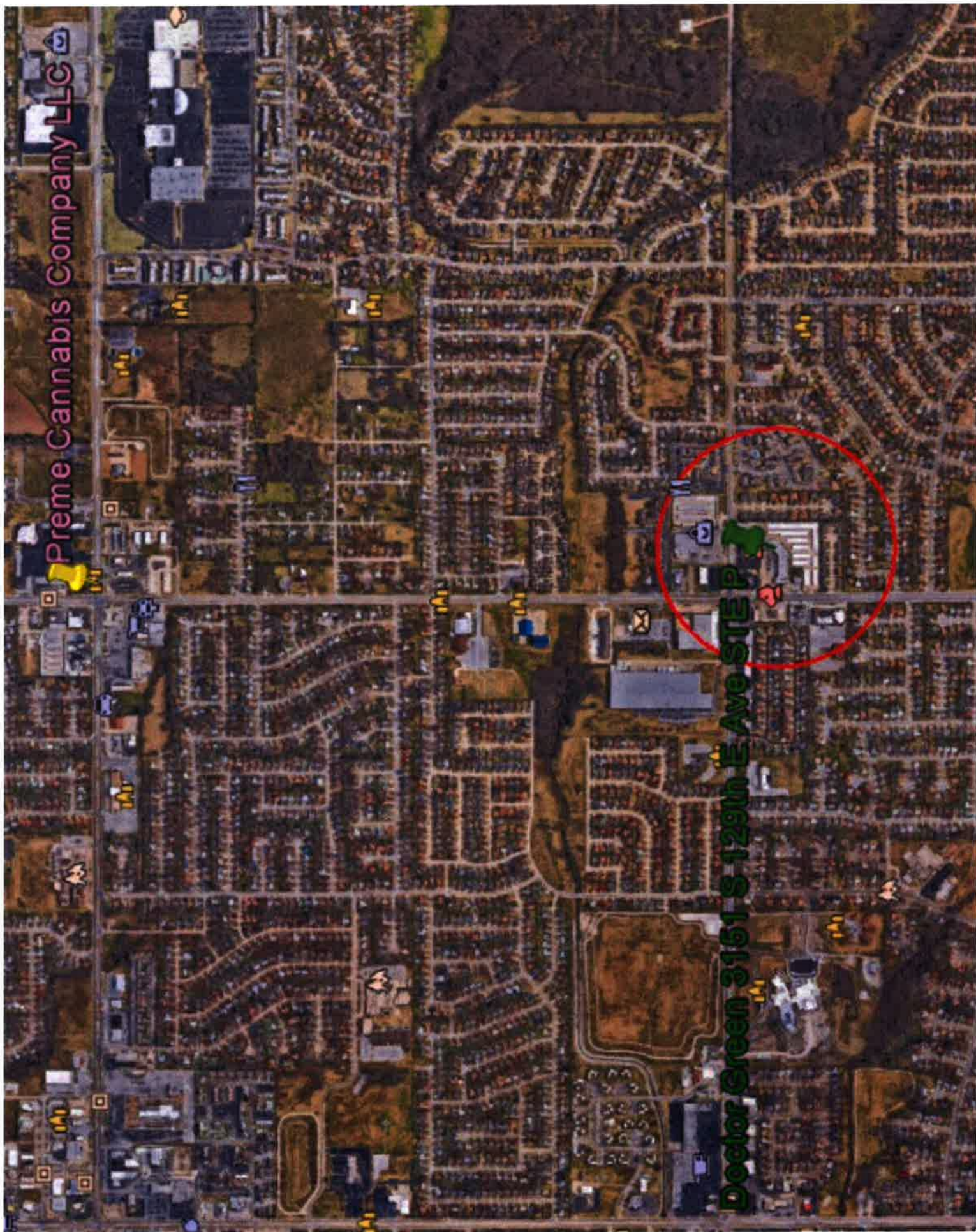
I move that based upon the facts in this matter as they exist presently, we accept the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.



Google Maps 3151 S 129th E Ave



15.5



Preme Cannabis Company LLC

Doctor Green 3161 S 129th E Avo STEP

15.6

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

TEL (918)596-9688
clange@cityoftulsa.org



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

June 17, 2019

Paul Bush
1533 S Owasso Ave
Tulsa, OK 74120

Phone: 918.287.7825

APPLICATION NO: **BLDC-031824-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **3151 S 129 EA**

Description: **Medical Marijuana Dispensary**

INFORMATION ABOUT SUBMITTING REVISIONS

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(continued)

REVIEW COMMENTS

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WWW.CITYOFTULSA-BOA.ORG

BLDC-031824-2019

3151 S 129 EA

June 17, 2019

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A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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State of Oklahoma

License Certificate

NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

DOCTOR GREEN LABS LLC

3151 S 129TH EAST AVE STE P, TULSA, OK, 74134

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 310 CHAPTER 683. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

03/17/2020

LICENSE NUMBER:

DAAA-4JX7-GSEP



Tom Bates

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health

DO NOT COPY



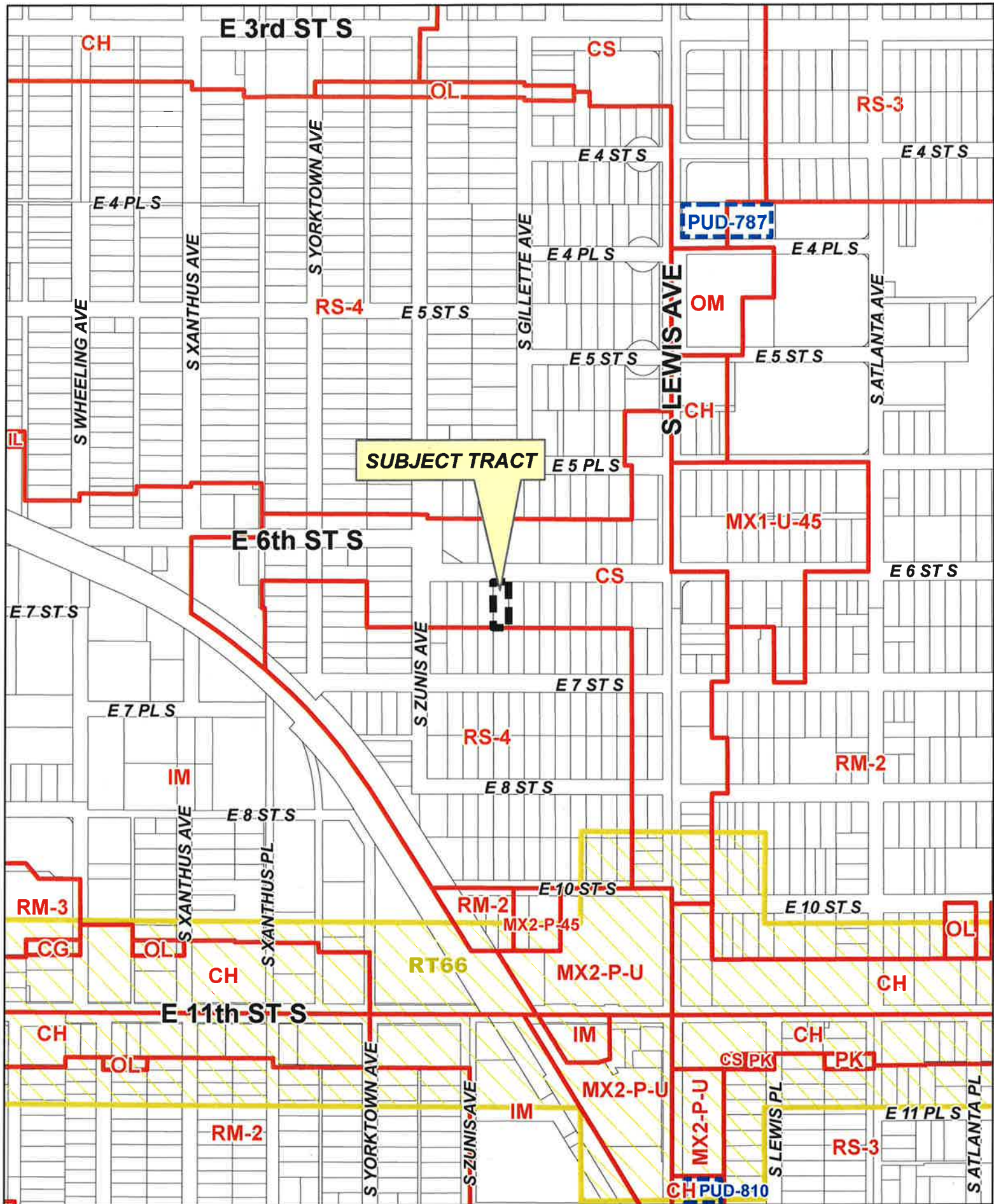
Subject tenant space



Tenants to the North of subject space



Tenants to the West of subject space



BOA-22691

19-13 06

16.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9306

Case Number: **BOA-22691**

CZM: 37

CD: 4

A-P#:

HEARING DATE: 07/23/2019 1:00 PM

APPLICANT: Zach Downing

ACTION REQUESTED: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 2220 E 6 ST S

ZONED: CS

PRESENT USE: Office

TRACT SIZE: 7501.06 SQ FT

LEGAL DESCRIPTION: LOT 11 BLK 5, HILLCREST ADDN

RELEVANT PREVIOUS ACTIONS:

None relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Mixed-use Corridor" and an "Area of Growth".

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

ANALYSIS OF SURROUNDING AREA: The subject tract is adjacent to other commercially zoned (CS) properties to the north, east, and west. There are residentially zoned (RS-4) properties with residential uses to the south.

STAFF COMMENTS:

The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the

16.2

required spacing for a medical marijuana dispensary in a CS district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the CS district as long as it meets the spacing requirement of 1,000 ft. from from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

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The applicant submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of property within that radius in support of the verification.

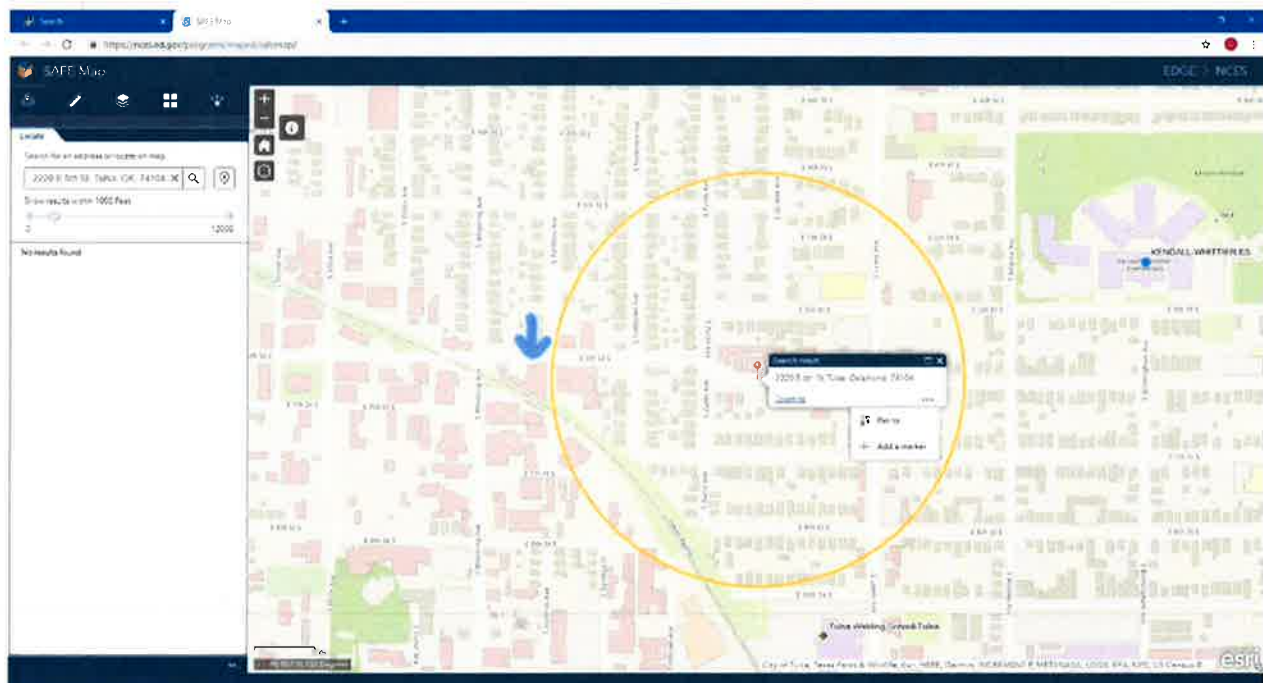
Sample Motion:

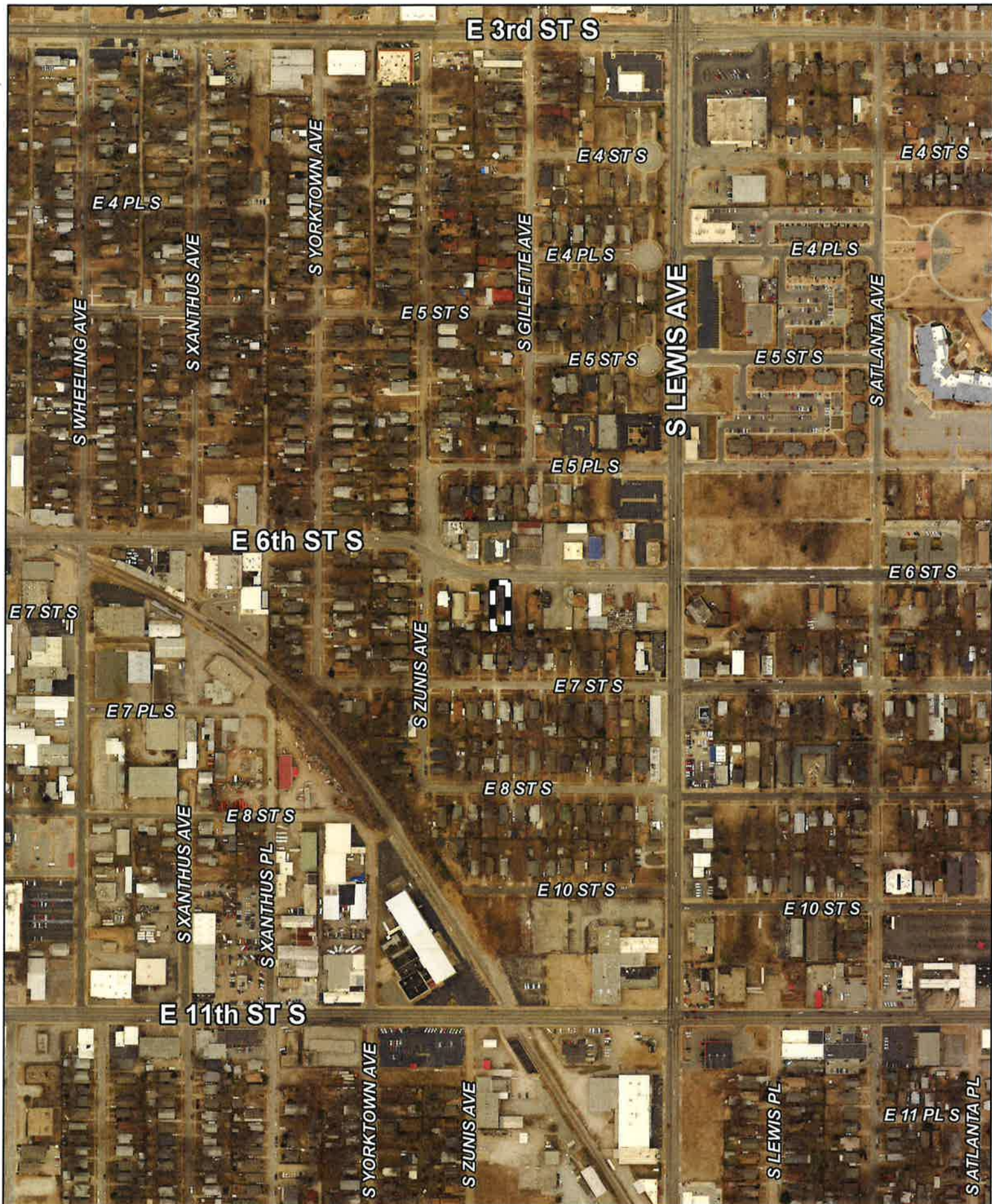
I move that based upon the facts in this matter as they exist presently, we accept the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.

Regarding Requested updates sent June 27th 2019

Updated information: Our application is for 2220 E 6th Street.

The nearest state licensed dispensary is located 1200 feet from our application. It is located around a blind corner and is listed at the address in the photo but the building is currently being used as a solar panel installation company and when I spoke to the people at the location they had no knowledge of a dispensary being opened at their location. Attached are photos looking from our building going west and around the corner. There is no visibility between our proposed location and the other licensed location anywhere on the street.





0 Feet 200 400



Subject Tract

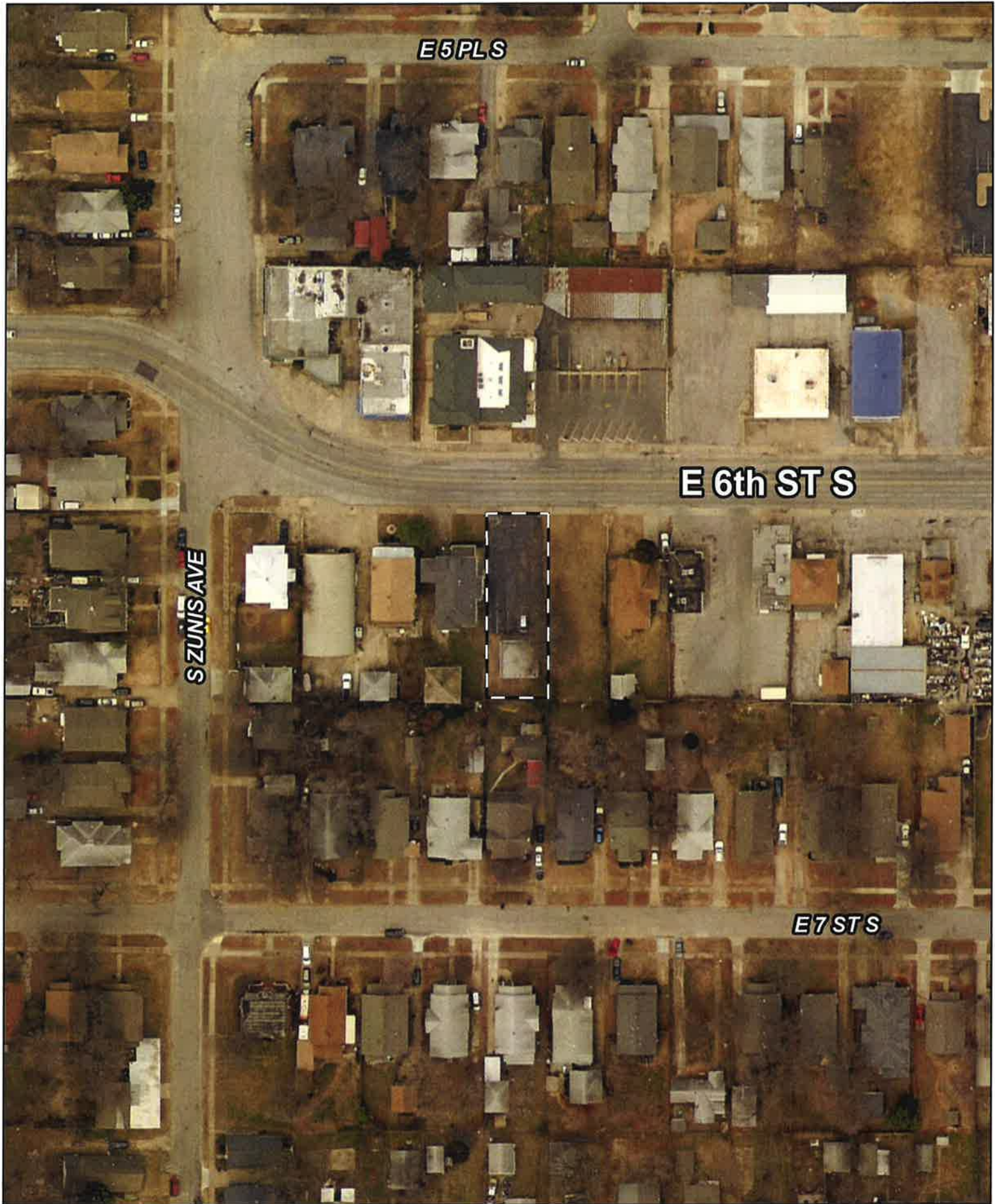
BOA-22691

19-13 06

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

Aerial Photo Date: February 2018





0 50 100
Feet



Subject
Tract

BOA-22691

19-13 06

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

Aerial Photo Date: February 2018





Street View from our application



Looking west around corner



Looking west after turning corner

Below is the address with the blue arrow pointing to the building.



1920 E 6th Street – Kind Alternative Wellness LLC

OMMA Dispensaries List.pdf

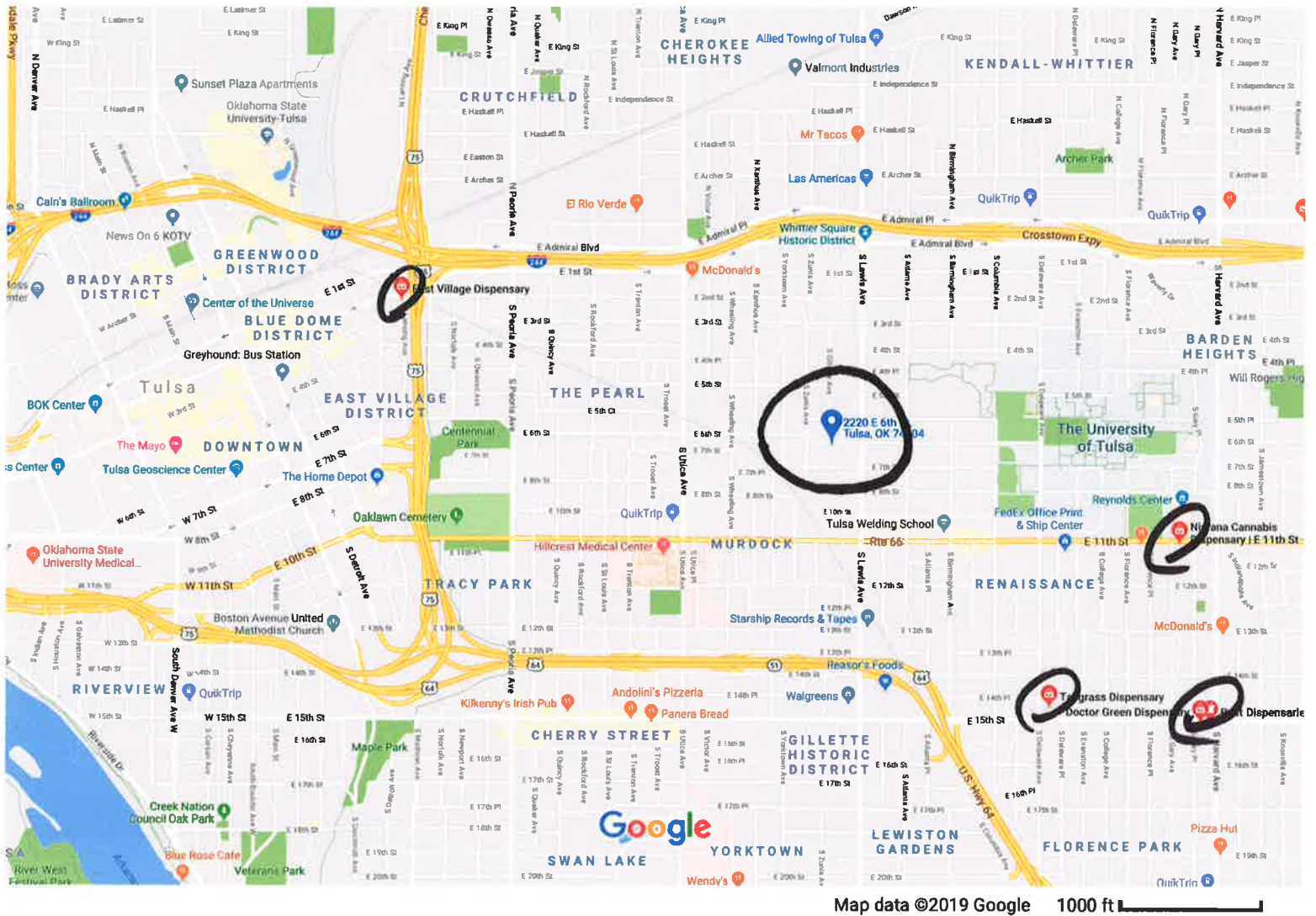
79 / 96

1920 E 6th Street

0/0 X

License ID #: 0AAA-4874-KYR BLACK RAIN LLC 15 E MATHEW BRADY ST	TULSA	74103	TULSA
License ID #: 0AAA-1074-HYV ENDO, INC. 515 S MAIN ST	TULSA	74103	TULSA
License ID #: 0AAA-VY04-0A0R THE GREEN SCENE DISPENSARY, INC. 121 N DENVER AVE	TULSA	74103	TULSA
License ID #: 0AAA-VY04-0007 777CC LLC 777 S UTICA AVE	TULSA	74104	TULSA
License ID #: 0AAA-VY04-0500 CENTRAL PURP LLC 2504 E 14TH ST	TULSA	74104	TULSA
License ID #: 0AAA-E010-2H02 DOCTOR GREEN LLC 3232 E 15TH ST	TULSA	74104	TULSA
License ID #: 0AAA-H040-4507 DOWNING INC 2220 E 6TH ST	TULSA	74104	TULSA
License ID #: 0AAA-4021-003A GR COMPANIES OK, LLC 307 S UTICA AVE	TULSA	74104	TULSA
License ID #: 0AAA-VY04-7008 KIND ALTERNATIVE WELLNESS LLC 1920 E 6TH ST	TULSA	74104	TULSA

16.9



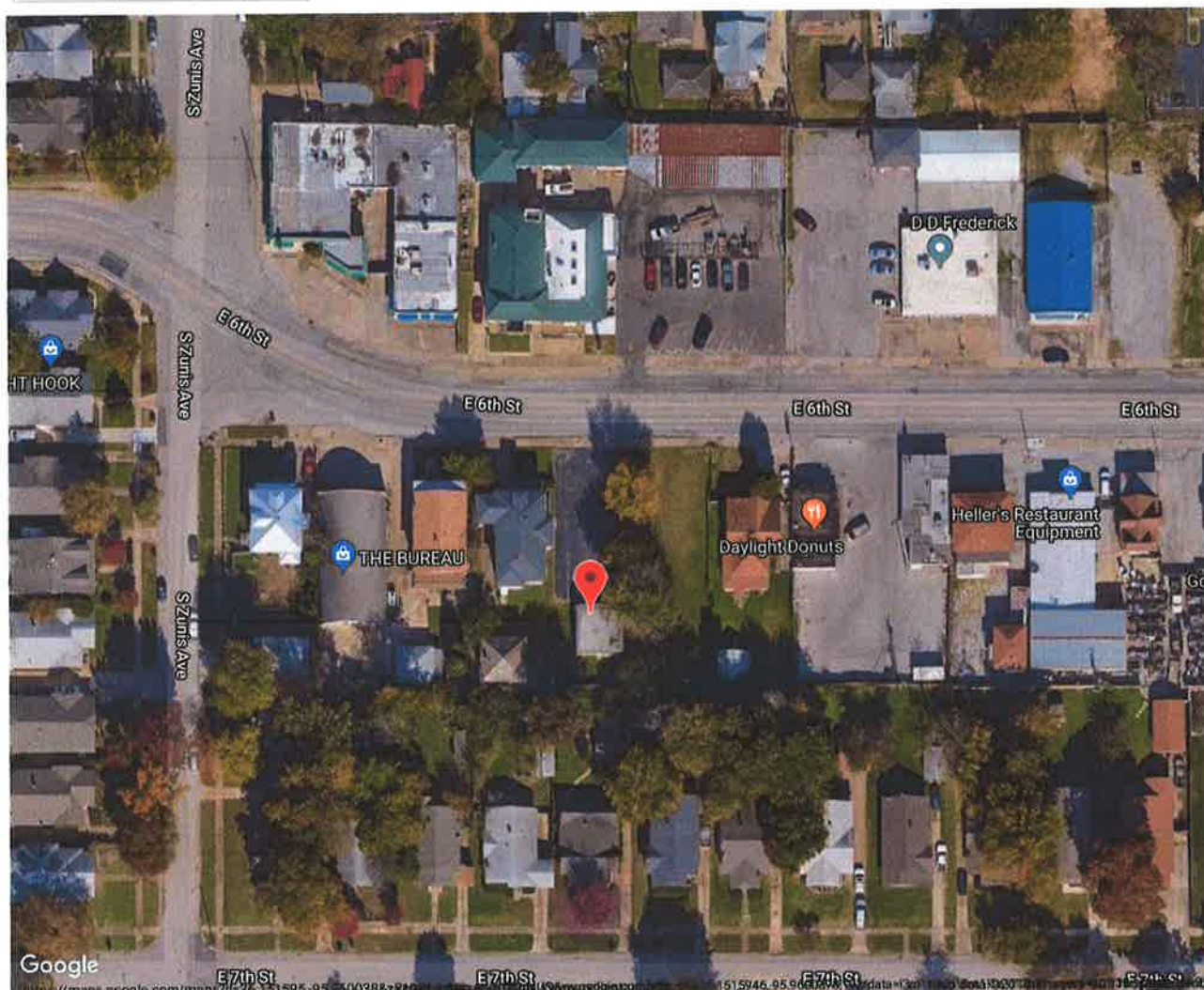
MAP DISTANCE CALCULATOR

2220 E 6th Street Tulsa Oklahoma

Search

Distance: 0.00 Km | 0 Meters | 0.00 Miles | 0 Feet

Zoom to Area Clear Last Point Clear All



Share using this link

<https://www.calcmaps.com/map-distance/?&points=%5B%5B36.15140398712921%2C-95.96008070925996%5D%5D>

Note: To measure the distance on the google maps distance calculator tool. First zoom in, or enter the address of your starting point. Then draw a route by clicking on the starting point, followed by all the subsequent points you want to measure. You can calculate the length of a path, running route, fence, border, or the perimeter of any object that appears on a google map. The distance calculator will then display a measurement of the length in feet, meters, miles and kilometers.



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3. Enjoy

START

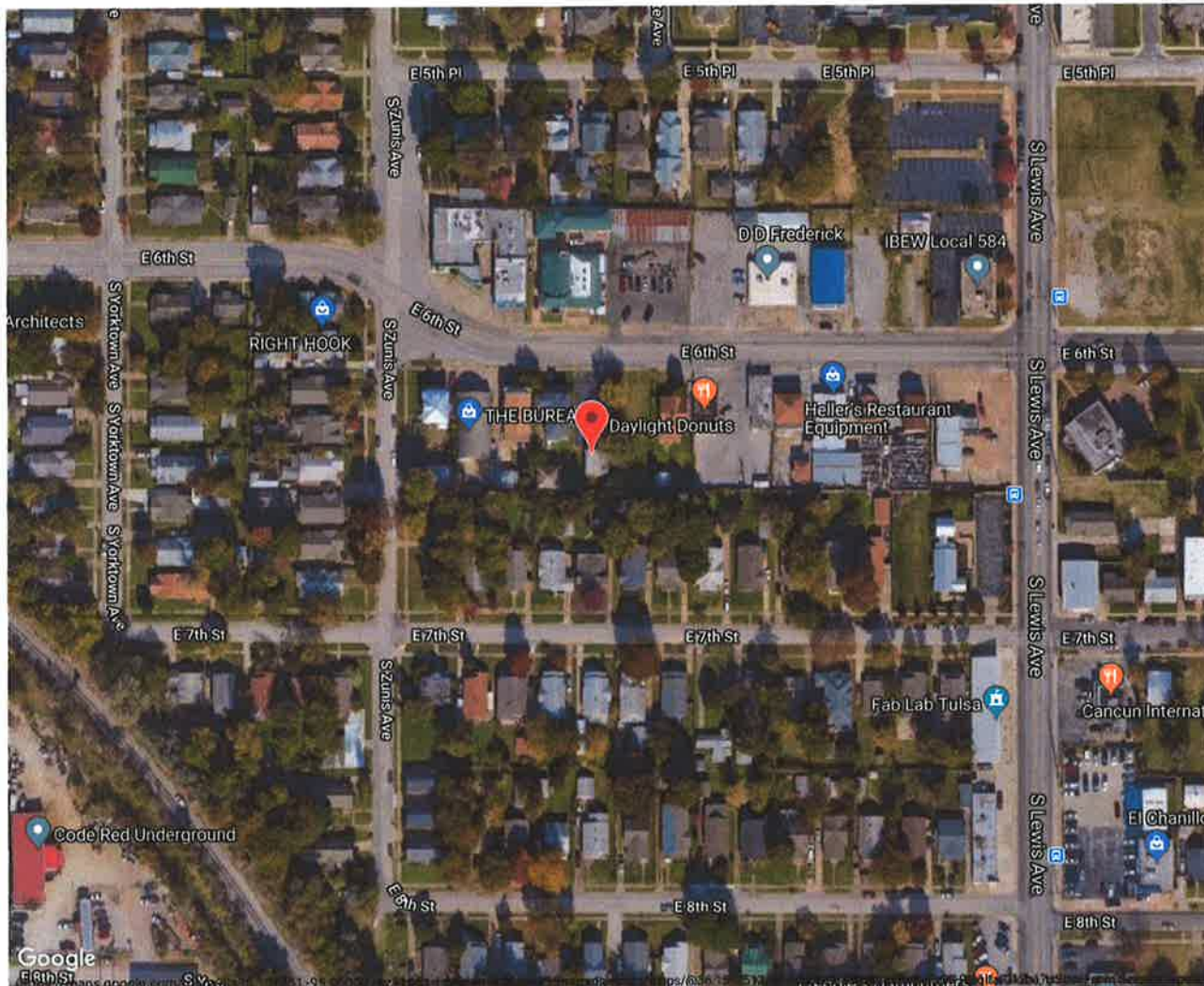
MAP DISTANCE CALCULATOR

2220 E 6th Street Tulsa Oklahoma

Search

Distance: 0.00 Km | 0 Meters | 0.00 Miles | 0 Feet

Zoom to Area Clear Last Point Clear All



Share using this link

<https://www.calcmaps.com/map-distance/?&points=%5B%5B36.15140398712921%2C-95.96008070925996%5D%5D>

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2. Absolutely free – No Sign Up
3. Enjoy

START



OKLAHOMA MEDICAL MARIJUANA AUTHORITY

Website: OMMA.ok.gov | Email: OMMA@ok.gov | Phone: (405) 522-6662

Friday, May 24, 2019

License #: DAAA-N1RQ-XLXT

DOWNING INC
BOOMTOWN LEAF
2220 E 6TH ST
TULSA, OK, 74104

RE: Approval of Medical Marijuana Commercial License

The Oklahoma Medical Marijuana Authority (OMMA) has determined that your application has met licensure requirements for a COMMERCIAL DISPENSARY LICENSE license in accordance with Title 63 O.S. § 420 et seq. and the Oklahoma Administrative Code (OAC) 310:681. Your approved licensure start date is:

05/23/2019 and will expire one(1) year after this date, on **05/28/2020**.

It is your responsibility to submit a timely renewal application prior to this expiration date.

Your license number is: **DAAA-N1RQ-XLXT**

In addition to submission of timely renewal, it is the responsibility of the licensee to notify the OMMA in the event of:

- 1) changes in contact information; or
- 2) changes that may affect the licensee's qualifications for licensure.

Ongoing monthly yield and/or sales reports are also required by law, and shall be deemed untimely if not received by the OMMA by the fifteenth (15th) of each month, to reflect the applicable data for the preceding month. Reporting tools may be accessed at OMMA.ok.gov.

Included with this letter is your license certificate. If you have any questions, please do not hesitate to contact a member of my staff at omma.ok.gov or by phone at (405) 522-6662.

Sincerely,

A handwritten signature in black ink that reads "Tom Bates".

Tom Bates, J.D.
Interim Commissioner
Oklahoma State Department of Health

Attachment: License Certificate

State of Oklahoma

License Certificate

NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

DOWNING INC

2220 E 6TH ST , TULSA, OK, 74104

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 310 CHAPTER 681. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

05/28/2020

LICENSE NUMBER:

DAAA-N1RQ-XLXT

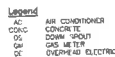


Tom Bates

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health

TRANSPORTATION LICENSE ONLY

16.14



OLIVER, MARK A
AND JUDITH K
18650-93-08-11230

CARHART, DAVID
18650-93-06-11310

East 6th Street

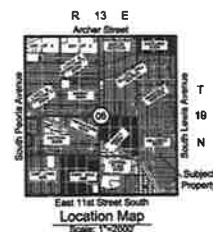
HILLCREST
ADDITION

5

10
OLIVER, MARK A
AND JUDITH K
18650-93-06-11210

WILSON, JAMES E
AND ELLEN J BLUE
18650-93-06-11320

21 **LEMING, DONNA F**
19850-93-06-11330



Notes

ALL EASEMENTS AND RIGHTS OF WAY THAT ARE CONTAINED IN TITLE COMMITMENT BY OLD MARIETTA RECORDS COMPANY FOR EASEMENTS FOR TITLE INSURANCE, WITH AN EFFECTIVE DATE OF FEBRUARY 08, 2012 AT 1:00 PM ARE COMMENTED ON 257506. ARE SHOWN AND NOTED IN THIS PLAN.

THIS PLAN WAS NOT CONTRACTED TO RESEARCH EASEMENTS OR ENCUMBRANCES OF RECORD. NO ATTEMPT TO RESEARCH THE CURRENT RECORDS BY OTHER RECORD OFFICES WAS PERFORMED BY THIS FIRM. FUTURE EASEMENTS MAY AFFECT THE SUBJECT TRACT THAT ARE NOT REFLECTED BY THIS PLAN.

ALL UNDERGROUND UTILITIES HAVE NOT BEEN SHOWN (CALL "GUESS" BEFORE DUGGING)

THE PROPERTY DESCRIBED HEREIN CONTAINS 50 ± 0.57 ACRES FEET OR 2.17 ACRES MORE OR LESS.

THE PROPERTY DESCRIBED HEREIN CONTAINS 5 STOPPED PARKING AREAS.

THE PROPERTY DESCRIBED WAS EXAMINED BY A MAP OF THE FEDERAL EROSION CONTROL DISTRICT OF TULSA COUNTY, OKLAHOMA, MAP NO. 44-432614-2, PREPARED: OCTOBER 12, 2010. WHICH SHOWS THE OUTLINE OF EROSION CONTROL MEASURES. THE PROPERTY DESCRIBED IS NOT SHOWN AS BEING IN A FLOOD HAZARD ZONE WHICH IS CLASSIFIED AS A FLOOD AREA DETERMINED TO BE OUTSIDE OF THE 500-YEAR FLOOD PLAIN.

EXCEPT AS SHOWN HEREIN, THERE ARE NO ENCUMBRANCES OR PRINCIPALITIES ON RECORD AFFECTING OR AFFECTED BY ANY PUBLIC OR PRIVATE ESTATE OR INTEREST IN THE SUBJECT PROPERTY.

EXCEPT AS SHOWN HEREIN, THERE ARE NO ENCUMBRANCES ON THE SUBJECT PROPERTY BY BUILDINGS OR OTHER STRUCTURES OR ALIEN OR PUBLIC RIGHTS OR INTERESTS.

THE BEARING SHOWN FOR THIS SURVEY IS ASSUMED USING THE NORTH LINE OF SAID LOT 15, BLOCK 5, HILLCREST ADDITION AC. 58P17-010.

1. THERE IS NO OBSERVED EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SANITARY LANDFILL OR SIMILAR LANDUSE.

2. THERE IS NO OBSERVED EVIDENCE OF THE SITE BEING IN A WETLAND AREA.

Excitollars®

5. **EXISTING EASEMENTS** IN PUBLIC, DEDICATED, 5/19/11, FILED JUNE 13, 1912, RECORDED IN BOOK 132, PAGE 69, APPEARS NOT TO AFFECT SUBJECT PROPERTY. INSTRUMENT IS VAGUE)
6. **DEED OF DEDICATION TO THE CITY OF TULSA AND THE COUNCIL, DATED MARCH 6, 1917, CALLED "MAYNARD'S ADDITION," 1917, RECORDED IN BOOK 215, PAGE 418, DOES NOT AFFECT SUBJECT PROPERTY AS A BLANKET)**
7. **REAL PROPERTY CONVEYED TO TULSA COUNTY, STATE OF OKLAHOMA, BY GUY CLARK, DATED MARCH 1, 1917, RECORDED IN BOOK 215, PAGE 1254, DOES NOT AFFECT SUBJECT PROPERTY AS A BLANKET)**
8. **RIGHT OF WAY DOES NOT INCLUDE, KANSAS AND OKLAHOMA RAILROAD COMPANY, DATED MARCH 1, 1917, RECORDED IN BOOK 215, PAGE 1254, DOES NOT AFFECT SUBJECT PROPERTY AS A BLANKET)**
9. **RESTRICTIVE COVENANTS CONTAINED IN MAYNARD'S DEED, DATED DECEMBER 3, 1905, FILED JUNE 4, 1911, RECORDED IN BOOK 316, PAGE 57, BUT CONTAINING ANY RESTRICTIONS, COVENANTS, OR EASEMENTS, DOES NOT AFFECT SUBJECT PROPERTY AS A BLANKET, OR NATIONAL CHURCH, DOES AFFECT SUBJECT PROPERTY AS A BLANKET)**
10. **FUTURE PROVISIONS CONTAINED IN MAYNARD'S DEED, DATED DECEMBER 3, 1905, FILED JUNE 4, 1911, RECORDED IN BOOK 316, PAGE 57, BUT CONTAINING ANY RESTRICTIONS, COVENANTS, OR EASEMENTS, DOES NOT AFFECT SUBJECT PROPERTY AS A BLANKET, OR NATIONAL CHURCH, DOES AFFECT SUBJECT PROPERTY AS A BLANKET)**

Legal Description

LOT ELEVEN (11), BLOCK FIVE (5), HILLCREST ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

ALTA ACSM LAND TITLE SURVEY

LOT 11, BLOCK 5, HILLCREST ADDITION

Section 6, T-19-N, R-13-E
Tulsa County, Oklahoma

Surveyor's Certification

WE, BENNETT SURVEYING, INC. DO HEREBY CERTIFY TO:
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
DOWNING INC., AN OKLAHOMA CORPORATION
LYNDA M. STITES

GUARANTY ABSTRACT COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACLM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND MSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 402, 5AL, 6, 8, 11(A), 15, 16, 19 AND 20(A) OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MARCH 7, 2013.

WITNESS MY HAND AND SEAL THIS 18th DAY OF MARCH, 2013

WITNESSES MY HAND AND SEAL THIS 18th DAY OF MARCH, 201



BENNETT SURVEYING, INC.
BY: R. Mark Bennett
REGISTERED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1558

REVISIONS	BY	DATE

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

TEL (918)596-9688
clange@cityoftulsa.org



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

June 18, 2019

Zach Downing
2220 E 6 ST
Tulsa, OK 74104

Phone: 918.232.4087

APPLICATION NO: **COO-032083-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 2220 E 6 ST

Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" **[X] IS [] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

16.16

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT
WWW.CITYOFTULSA-BOA.ORG

COO-032083-2019

2220 E 6 ST

June 18, 2019

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. It is your responsibility to submit to our office documentation of any decisions by the BOA affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **Sec.40.225-D:** A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.
2. **Sec.40.225-H:** The separation distance required under *Sec.40.225-D* must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensary.
Review comment: Submit a copy of the BOA accepted separation distance of 1000' from other dispensaries. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. The separation required under *Sec.40.225-D* shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma Department of Health prior to December 1, 2018 for the particular location.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:
<http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf>

Please notify the reviewer via email when your revisions have been submitted

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

16.17
2



View from 6th Street

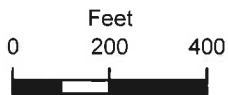


View from sidewalk facing West

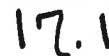


View from sidewalk facing East

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20-12 25



BOARD OF ADJUSTMENT CASE REPORT

STR: 0225

Case Number: **BOA-22692**

CZM: 28

CD: 1

A-P#:

HEARING DATE: 07/23/2019 1:00 PM

APPLICANT: Martin Jones

ACTION REQUESTED: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 1216 E APACHE ST N

ZONED: CG

PRESENT USE: Medical Marijuana Dispensary

TRACT SIZE: 22751.48 SQ FT

LEGAL DESCRIPTION: S175 LTS 15 & 16 BLK 2 & S175 W20 E200 N250 NE SEC 25 20 12 .08AC, EMERSON ADDN

RELEVANT PREVIOUS ACTIONS:

None relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Neighborhood Center" and an "Area of Growth".

Neighborhood Centers are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

ANALYSIS OF SURROUNDING AREA: The subject tract is adjacent to residentially zoned (RS-3) properties to the west and south. There are other commercially zoned (CG,CS,CH) properties to the east across North Peoria Avenue and to the north across East Apache Street.

STAFF COMMENTS:

The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the required spacing for a medical marijuana dispensary in a CG district from other medical marijuana dispensaries (Section 40.225-D).

17.2

Per the Code, a medical marijuana dispensary is permitted by right in the CG district as long as it meets the spacing requirement of 1,000 ft. from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

In Section 40.225-I, the separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

The applicant submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of property within that radius in support of the verification. At the time staff prepared this report, the following items had still been requested from the applicant per the Board's new policy for verification exhibits:

- Location of the nearest licensed dispensary outside of the 1000' radius.

Sample Motion:

I move that based upon the facts in this matter as they exist presently, we accept the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.



0 Feet 200 400



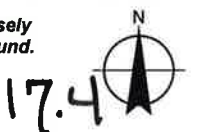
Subject Tract

BOA-22692

20-12 25

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

Aerial Photo Date: February 2018





0 Feet 50 100



Subject
Tract

BOA-22692

20-12 25

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

Aerial Photo Date: February 2018



State of Oklahoma
License Certificate
NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

GREENWOOD WELLNESS DISPENSARY, LLC

1216 E APACHE ST B, TULSA, OK, 74106

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. 1001-1007 AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 310 CHAPTER 681. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THIS APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND ENFORCE ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

01/13/2020

LICENSE NUMBER:

DAAA-4JRA-I56B



Tom Bates

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health

DO NOT COPY



Subject property from sidewalk at Apache and Peoria

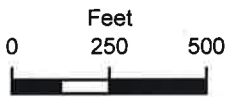
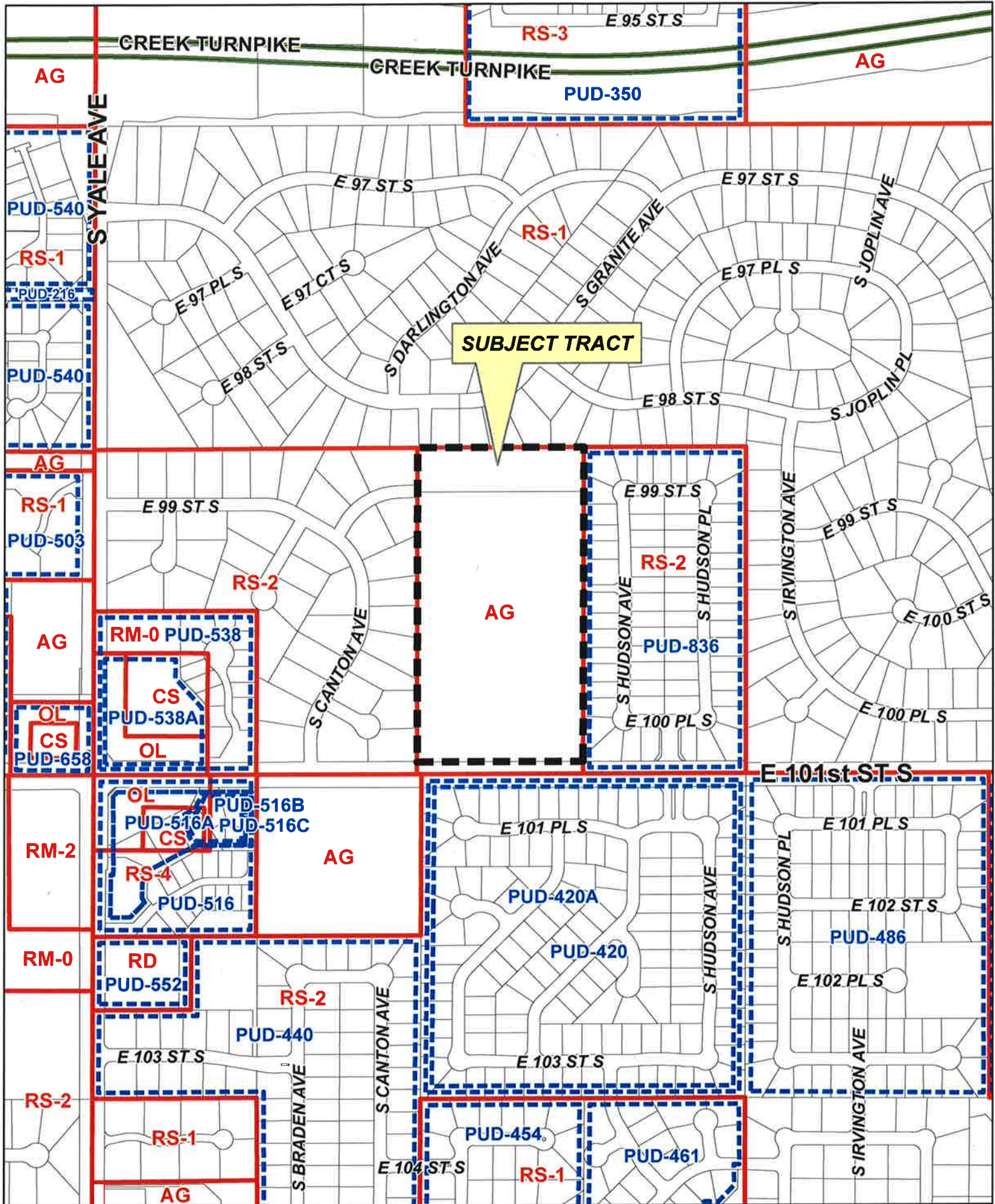


Facing West along Apache



Facing East along Peoria

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BOA-22693

18.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 8322

Case Number: **BOA-22693**

CZM: 57

CD: 8

HEARING DATE: 07/23/2019 1:00 PM

APPLICANT: KKT Architects, Inc.

ACTION REQUESTED: Modification of a site plan previously approved in BOA-20556 to permit the addition of classrooms at Redeemer Covenant Church (Table 25-1)

LOCATION: 5415 E 101 ST S; 5415 E 101 ST S

ZONED: AG

PRESENT USE: Chruch

TRACT SIZE: 841787.38 SQ FT

LEGAL DESCRIPTION: RESERVE A; LT 1 BLK 1, REDEEMER COVENANT CHURCH

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-20556; on 8.14.07 the Board approved a modification of the previously approved site plan to allow temporary accessory structures on the existing church property.

BOA-18864; on 9.26.00 the Board **approved** an amendment of the Site Plan pursuant to previous cases BOA Nos. 15806, 17393, and 18836, for use of temporary classroom building and for sanctuary and parking areas shown on site plan, with the condition that the temporary building will be there no longer than two years, located on the subject property.

BOA-18836; on 8.22.00 the Board **approved** the site plan in Case No. 18836, per plan, with conditions to meet all landscape requirements and all lighting be hooded, directed down and away from the neighborhood, on the subject property.

BOA-18663; on 2.22.00 the Board **approved** a *Special Exception* to allow church and accessory uses in an AG district, subject to a future approved detailed site plan; located on the subject property.

BOA-17393; on 5.28.96 the Board **approved** a *Special Exception* to amend a previously approved site plan; subject to the removal of the proposed bell tower; subject to the City Hydrologist relative to on-site detention; affirming that the applicant withdrew the bell-tower variance request; located on the subject property.

BOA-15806; on 8.13.91 the Board **approved** a *Special Exception* for master plan approval for church use in an AG zoned district; per master plan submitted; located on the subject property.

BOA-11659; on 10.15.81 the Board **approved** an *Exception* to permit a church in an AG district; subject to dedication of right-of-way for 101st St, granting minimum 10 ft. utility easements on the

north, east, and west, approval by the City Hydrologist as to drainage, and approval of access points along 101st St. by the City Traffic Engineer, per plot plan; located on the subject property.

Surrounding Property; None

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a “Mixed-Use Corridor” and an “Area of Growth”.

Mixed-Use Corridors are Tulsa’s modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is an existing church that is zoned Agriculture and is surrounded by Residential Single-family zoning in each direction.

STAFF COMMENTS: The applicant is requesting a modification of a site plan previously approved in BOA-20556 to permit the addition of classrooms at Redeemer Covenant Church (Table 25-1). The site plan provided by the applicant shows a 5,881 sf addition to the existing building near the northeast corner.

Chapter 25 | Special Districts
Section 25.020 | AG, Agricultural District

USE CATEGORY		Supplemental Use Regulations
Subcategory (Section 35.020)	AG	
Specific use		
RESIDENTIAL		
Household Living (if in allowed Building type indicated in 25.1-5)		
Single household	P/S	
Group Living		Section 40.160
Community group home	S	Section 40.100
Convent/monastery/novitate	S	
PUBLIC, CIVIC AND INSTITUTIONAL		
Airport	S	
Cemetery	S	
College	S	
Detention and Correctional Facility	S	Section 40.130
Fraternal Organization	S	Section 40.140
Governmental Service	S	
Hospital	S	
Library or Cultural Exhibit	S	Section 40.200
Natural Resource Preservation	P	
Parks and Recreation	S	
Postal Service	S	
Religious Assembly	S	Section 40.320

SAMPLE MOTION:

Move to _____ (approve/deny) the requested Modification of a site plan previously approved in BOA-20556 to permit the addition of classrooms at Redeemer Covenant Church (Sec. 25.020, Table 25-1) :

- Per the (Site/Conceptual) Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

The Board finds that the requested Modification will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



View of Subject property (Redeemer Covenant Church) facing East near 101st Street Right of Way



View of existing building from parking lot



View of open church property facing east towards Oakmont Estates Subdivision



0 250 500
Feet



Subject
Tract

BOA-22693

18-13 22

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

Aerial Photo Date: February 2018



Mr. White asked for the setback requirements. Mr. Cuthbertson stated both streets are arterials, so the setback would be 50 ft. from the property line or 100 ft. from the centerline. Ms. Stead commented there is a requirement not to take up space that is required parking. Mr. Ackermann added there is also a requirement that the space used shall be counted as floor area for additional required off-street parking. Mr. Cuthbertson mentioned that the additional requirements are in the staff report on the second page.

Kay Price, 5815 South 31st West Avenue, read a letter of complaints (Exhibit J-3), including outside storage within 300 ft. of residential zoning, signage violations and being a poor neighbor. She provided photographs (Exhibit J-2).

Applicant's Rebuttal:

Mr. Knowlton stated he obtained the proper licenses to operate a pawnshop at this location. All of the cars were in pawn, but not the boat. Mr. Stephens asked if he has garage liability insurance, to which Mr. Knowlton replied he has at his other site but not at this one. He added that the pawnshop liability insurance covers the automobiles that come out of pawn.

Board Action:

On **Motion** of **White**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **DENY** the Appeal the determination of the Neighborhood Inspector that auto and allied activities (Use Unit 17) and warehousing/storage (Use Unit 23) uses are being operated on the subject property, on the following described property:

LTS 1 & 2 & PRT LT 3 BEG NWC LT 3 TH S1FOOT SE TOEL N43.59 W135
POB LESS BEG NEC LT 1 TH W135 S110SE TO PT N TO PT 5S NL LT 1 E130
N5 POB BLK 1 , CARBONDALE SECOND ADDN, City of Tulsa, Tulsa County,
State of Oklahoma

Mr. Tidwell out at 3:30 p.m. for the remainder of the meeting.

Case No. 20556

Action Requested:

Modification of a previously approved site plan to permit a temporary accessory structure to the existing church use in the AG district, located: 5415 East 101st Street South.

Presentation:

Garland Tackett, 3430 East 86th Street, stated he is the Director of Administration for Redeemer Covenant Church. The church has grown so they purchased more land and placed a temporary trailer on the site. They use it for extra class space as they expand and remodel existing interior spaces. The interior renovation is

scheduled to be completed by the first of November. They were advised to make the request for one year. A site plan was provided (Exhibit K-1).

Comments and Questions:

Mr. Ackermann suggested he check with building permit office, because at some point it could be considered a permanent structure under the building code and require a foundation, electrical and more.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of White**, the Board voted 3-0-0 (White, Stephens, Stead, "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **APPROVE** a Modification of a previously approved site plan to permit a temporary accessory structure to the existing church use in the AG district, finding the temporary accessory structure will be a 68' x 24' trailer, as shown conceptually on page 19.6 of the agenda packet; approval granted for one year.

And,

On **Motion of White**, the Board voted 3-0-0 (White, Stephens, Stead, "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **APPROVE** a Refund of \$40.00, on the following described property:

LT 1 BLK 1, RESERVE A, REDEEMER COVENANT CHURCH, City of Tulsa,
Tulsa County, State of Oklahoma

Case No. 20561

Action Requested:

A Minor Special Exception to reduce the front setback from 35' to 30' to accommodate a side-entry garage (Section 403), located: 2622 East 33rd Place South.

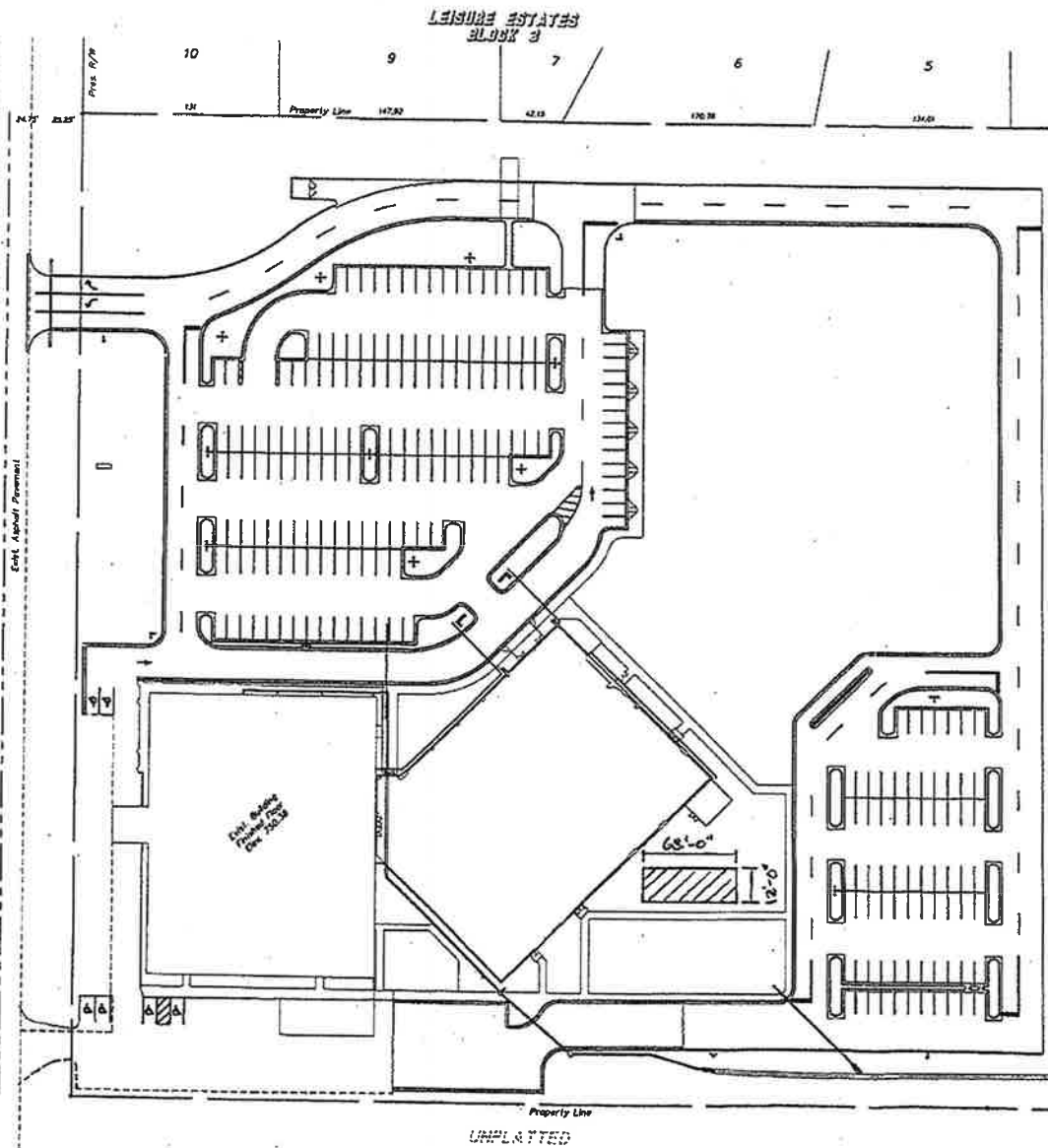
Presentation:

Robert Keith, 10496 South 87th East Avenue, represented the applicant, Ron Perkins. They needed the variance of the front setback for a side-entry garage.

Interested Parties:

Leo Hass, 2616 East 33rd Place, stated he lives next door. He expressed concern for reducing the setback. His house was built in the late 1950's with a 35 ft. setback. He would not be concerned if the house on the subject property had a 35 ft. setback. Mr. Cuthbertson informed the Board that he had a plat of survey for a property immediately east of the subject property that showed a 28 ft. setback from the property line. A site plan was provided (Exhibit L-1).

E. 101st STREET S.



CASE NO. 20556
OPTICAL RECORDS EXHIBIT
ENTERED IN THE 8-14-67
MINUTES OF THE TULSA BOARD OF
ADJUSTMENT.



金

48 HOURS BEFORE YOU CAN CALL OR
1-800-322-6343
Chatham Sea-Off Battery, Inc.

REDEEMER
COVENANT
CHURCH

Location	Tulsa, Ok.
Date (Month)	
Drawn By	
Drawing Title	
Drawing Number	1

the hours of 6:30 p.m. to 2:00 a.m. on any weeknight, and from 7:30 a.m. to 5:00 p.m. Ms. Turnbo made the point to the applicant that if the landlords terminated a contract to allow parking on their property the church would have to stop the activities requiring those parking spaces. The applicant stated that their contingency plan would be to pave a part of their own property.

Protestants:

None.

Board Action:

On **MOTION of Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Variance** of Section 1301.D to meet parking requirements for a church on 2 lots other than where principal use is located, on the condition that no barriers be erected between tracts A and B, and A and C, and if the contracts for parking on tract B or C were cancelled that the applicant would have to provide parking on tract A, finding the hardship to be the size of the property, on the following described property:

Tract A: Part of Lot 2, Block 1, Richard Henry Addition to the City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Beg. at the SE/c of said Lot 2; thence S 89°56'30" W along the S line of said Lot 2, a distance of 294.17' to a point; thence N 0°04'18" W and parallel to the W line of said Lot 2, a distance of 448.80' to a point; thence due E and parallel to the N line of said Lot 2, a distance of 206.07' to a point; thence N 0°04'59" W and parallel to the E line of said Lot 2, a distance of 47.56' to a point; thence N 44°44'53" E a distance of 124.83' to a point on the E line of said Lot 2; thence S 0°04'59" E along the E line of said Lot 2, a distance of 584.72' to the POB; AND Tract B: Lot 1, Block 1, Burris Square Addition; AND Tract C: A part of Lot 2, Block 1, Richard Henry Addition, being more particularly described as follows, to-wit: Beg. at the SW/c of said Lot 2, Block 1, thence E along the S line of said Lot 2 a distance of 335' to a point; thence N and parallel to the W line of said Lot 2 a distance of 375' to a point; thence NWly at an angle N 79°05'39" W a distance of 341.23' to a point on the W line of said Lot 2, which point is 440' N of the SW/c of said Lot 2; thence S along the W line a distance of 440' to the POB, all in the City of Tulsa, Tulsa County, State of Oklahoma.

*.*****.

Case No. 18864

Action Requested:

Approval of Amendment of Site Plan pursuant to previous cases BOA Nos. 15806, 17393 and 18836, for use of temporary classroom building and for sanctuary and parking areas shown on site plan, located 5415 E. 101st St.

09:26:00:804(4)

18.12

Case No. 18864 (continued)

Presentation:

Stephen A. Schuller, 500 OneOk Plaza, 100 W. 5th St., stated that the applicant has determined that they need temporary classroom space during expansion construction. He added that the temporary classroom building would occupy eight parking spaces, which would be under the required minimum.

Comments and Questions:

Mr. White asked how long the temporary building would be needed. Mr. Schuller replied nine months to two years.

Mr. Dunham stated he would abstain from this case.

Protestants:

None.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 3-0-1 (White, Turnbo, Cooper "aye"; no "nays"; Dunham "abstained"; Perkins "absent") to **APPROVE** the Amendment of Site Plan pursuant to previous cases BOA Nos. 15806, 17393 and 18836, for use of temporary classroom building and for sanctuary and parking areas shown on site plan, with the condition that the temporary building will be there no longer than two years, on the following described property:

The E/2 SW/4 SE/4 SW/4 of Section 22, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18865

Action Requested:

Variance of 100' setback from centerline of East 41st Street for temporary buildings and outdoor sales. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS; a Variance of the setback from an R district. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS; a Variance to allow building across lot line; a Special Exception to permit Christmas tree sales in CS, RM, RS, and OL districts. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 2; SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2; SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS – Use Unit 2; and a Variance of time limitations. SECTION 1202.C.1. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES; Use Conditions, located SE/c E. 41st St. & Harvard.

09:26:00:804(5)

18.13

Mr. White stated that Mr. Dunham would abstain from Case No. 18836.

Case No. 18836

Action Requested:

Approval of Site Plan pursuant to Board of Adjustment Case No. 18663, located N side of E. 101st St., 5300-5500 blocks.

Presentation:

The applicant, **Stephen Schuller**, 500 OneOk Plaza, Suite 500, 100 W. 5th St., stated he filed a site plan with the application. The plan of construction is the parking lot on the southwest corner of the property first, followed by the sanctuary on the original church property behind the existing church building, then eventually the larger sanctuary shown to the north of the new parking lot and the larger parking lot to the north of that. They are not going to look at the larger sanctuary and larger parking lot for ten years or more. The planning commission approved the preliminary plat, including a drainage easement of 35' in width along the west side of the property and 25' easement on the east side of the property and at the rear of the property on the north a 2.6 acre detention pond in a reserve area. He reviewed the access points, fencing, water drainage issues, and landscaping. He informed the Board that they met with the neighboring homeowners, representatives of Leisure Estates, and Sun Meadow associations. He stated that they discussed light pollution, fencing, landscaping, preservation of mature trees along the property line, and trees near the detention pond.

Comments and Questions:

Mr. Stump asked about the 6' wood fence on the west boundary. Mr. Schuller stated that it is an existing fence and the neighbors did not want any more fencing. Mr. Schuller stated they do not have any plans for fences.

Protestants:

Cynthia Woodson, stated that she is the president of the Sun Meadow Residents' Civic Association. She added that she lives on Lot 12 on the north side abutting the subject property. Ms. Woodson informed the Board that the association members want the mature trees to remain, no spotlights that would cause light pollution in the residential area, existing fencing is sufficient, and the new detention pond to be built immediately.

Applicant's Rebuttal:

Mr. Schuller stated that regarding a light barrier, the zoning code will provide for the lights to be directed downward and away from the residential areas.

Comments and Questions:

Mr. Cooper commented that the Board would not be able to approve the application per plan because of the change in the parking on the east side of the lot. Mr. Schuller suggested it could be approved per plan as far as the location of the lot subject to landscaping requirements.

Case No. 18836 (continued)

Board Action:

On MOTION of Turnbo, the Board voted 3-0-1(White, Turnbo, Cooper "aye"; no "nays"; Dunham "abstained"; Perkins "absent") to APPROVE the site plan in Case No. 18836, per plan, with conditions to meet all landscape requirements and all lighting be hooded, directed down and away from the neighborhood, on the following described property:

The W/2 SE/4 SW/4, less the E/2 SW/4 SE/4 SW/4, Section 22, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18837

Action Requested:

Variance of the required 30' setback on front to 22.5' for new porch. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 2655 E. 33rd Pl.

Presentation:

Michelle Faulkinston, 3319 S. Yorktown, stated that they intend to add to the existing elevation, and bring out a covered porch to the front. She submitted photographs in a packet (Exhibit C-1). She stated this location is the lowest point of the yard, making this the only option for providing a covered porch, because of the water flow problem.

Comments and Questions:

Ms. Turnbo stated that she could not find this house in the neighborhood. She stated that she did notice it is curved and the front of the houses do not line up in a straight row.

Protestants:

None.

Board Action:

On MOTION of Turnbo, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Variance** of the required 30' setback on front to 22.5' for new porch, on condition it is open on both sides and not enclosed, per plan, finding the hardship is the watershed in the back yard, and most of the houses do not line up in an even way, on the following described property:

Lot 6, less the E 10', Block 1, Timberland Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18662

Action Requested:

Special Exception to modify the allowable fence height in a front yard from 4' to 8' to allow a wrought iron decorative fence. SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards, located at 1111 E. 60th St.

Presentation:

Ted Gibson, 5569 S. Lewis, stated he represents the owner of Fairmont Terrace Apartment complex. The complex is located at 1111 E. 50th St.

Interested Parties/Protestants:

None.

Board Action:

On MOTION of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** the **Special Exception** to modify the allowable fence height in a front yard from 4' to 8' to allow a wrought iron decorative fence, finding it would be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the property described as follows:

Lot 1, Block 1, Broadview Heights 2nd Addition, City of Tulsa, Tulsa County, Oklahoma

Case No. 18663

Action Requested:

Special Exception to allow church and accessory uses in an AG district. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT; SECTION 1205. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES; and SECTION 1608, located N of E. 101st St. & E of Yale.

Mr. White announced that **Mr. Dunham** abstains in this case.

Presentation:

Steve Schuller, 100 W. 5th St, stated that he is representing Redeemer Covenant Church. He pointed out that there are about 15 acres wrapping around the existing church property on the west and north sides. The property came available, and the church opted to buy it if a Special Exception is available for the property, subject expressly to a detailed site plan that would be presented for approval at a later date. The applicant had a positive meeting with representatives of the two neighborhoods on the north and west side, including some property owners at Leisure Estates.

Case No. 18663 (continued)

Protestants:

Ann Wood, 5210 E. 99th St., expressed her concern about the request stating that she bought her property because it was on a dead end street, and a rural setting. She expressed concern that through traffic would be increased near her home.

Applicant's Rebuttal:

Mr. Schuller, stated that the planning process in Tulsa has historically called for the stub streets in subdivisions to stub into undeveloped areas for future development and traffic patterns. Mr. Schuller stated that the philosophy has been to maintain this kind of circulation through future neighborhoods. He added that if her street was opened to through traffic, it would have to be brought before this Board when a detailed site plan is submitted for approval.

Comments and Questions:

None.

Board Action:

On **MOTION** of Cooper, the Board voted 3-0-1 (White, Turnbo, Cooper "aye"; no "nays"; Dunham "abstained"; Perkins "absent") to **APPROVE** a **Special Exception** to allow church and accessory uses in an AG district, subject to a future approved detailed site plan, at the following described property:

The W/2 of SE of SW less the E/2 of SW of SE of SW of Section 22, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma

Case No. 18664

Action Requested:

Variance to allow outside storage of semi-trailer (vehicle), which is used for equipment and material storage. SECTION 1217.C. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions – Use Unit 17; and a Request to remove the condition of Special Exception granted under BOA 11221 that prohibited outside storage. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located at 13110 E. 11th St.

Presentation:

Charlotte Sumner, 13110 E. 11th St., stated they own Charlie's Transmission, and have been at this location since 1967. She stated that they replaced a very old building with a new one in 1983, and improved the looks of the neighborhood. She stated that they had a portable building on the property, and they received notice that a portable building was not allowed there. She stated that the storage is essential to their business. Ms. Sumner submitted photos to the Board. There is a trailer behind the fence.

Case No. 17392 (continued)

Mr. Beach stated that several of the tracts are land locked and couldn't be issued building permits without further actions from this Board.

Mr. Bolzle suggested that lots 4,5,6 and 7 be tied since they did not have access to a dedicated street, where the other three lots do have access to a dedicated street.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Abbott, Bolzle, White, "aye"; no "nays"; no "abstentions"; Turnbo, Box "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an AG zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** and a **Variance** of the required frontage from 30' to 0'. **SECTION 206. STREET FRONTAGE REQUIRED** - Use Unit 9; per plan submitted; subject to a tie contract for tracts 4, 5, 6 and 7; subject to the approval of the Health Department and a building permit; finding that the approval of this request will not be injurious to the area; nor harmful to the spirit and intent of the Code; on the following described property:

N/2, SE/4, Gov't. Lot 3, Sec. 31, T-20-N, R-12-E, City of Tulsa, Osage County, Oklahoma.

Case No. 17393

Action Requested:

Special Exception to amend a previously approved site plan. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** and a Variance of the required setback from the centerline of East 101st Street from 85' to 65' to permit expansion of an existing church. **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 2, located East of the Northeast corner East 101st Street and South Yale Avenue.

Presentation:

The applicant, **Tanner Consulting**, represented by Dan Tanner, submitted a site plan (Exhibit P-1), architect drawing (Exhibit P-2) and stated this property was approved for the use in 1981 and in 1991 a Master Plan was approved. He further stated he would like to amend the Master Plan to build onto the facility. He explained the church would like to build a bell-tower in front of the building to enhance the architectural relief and give the church more identity along the frontage.

Comments and Questions:

Mr. Bolzle asked the applicant if the dotted line between the bell-tower and the church indicates a porte-cochere? He stated there is an open structure there currently.

Case No. 17393 (continued)

Mr. Bolzle asked the applicant if the bell-tower would be at the end of the existing structure? He answered affirmatively.

Mr. Bolzle commented that the right-of-way is already being encroached with the porte-cochere? He responded the church is encroaching approximately 7' over the building line.

Mr. Bolzle asked the Staff if the church was allowed to build the bell-tower, can the church encroach half the distance on their own lot? Mr. Gardner stated that if the Board approved the request per plot plan it would keep the church from building any other structures that would also encroach but would effect other adjoining lots to allow further encroachments.

Mr. Bolzle asked the applicant what their hardship would be to require the bell-tower? He responded the architectural style of the building was established some years ago and it is an effort to update the building to the 90's.

Mr. Gardner stated the porte-cochere does not add any cubic content, it is opened on three sides that allows a practical function. He further stated the bell-tower has no practical function.

Mr. Bolzle stated the bell-tower was presented as a design reason and if the Board approved this it would be allowing 900' of undeveloped frontage to encroach an additional 10' by right to allow an architectural element that esthetic benefits are debatable.

Mr. Bolzle asked the applicant if he would like to continue this application to review other options? He stated the church will drop the request for the bell-tower from their application.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Abbott, Bolzle, White, "aye"; no "nays"; no "abstentions"; Turnbo, Box "absent") to **APPROVE** a **Special Exception** to amend a previously approved site plan. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 2; subject to the removal of the proposed bell tower; subject to the City Hydrologist relative to on-site detention; affirming that the applicant withdrew the bell-tower variance request; finding that the approval of this request will not be injurious to the area; nor violate the spirit and intent of the Code; on the following described property:

E/2, SW/4, SE/4, SW/4, Sec. 22, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15805

Action Requested:

Varience of the required 25' rear yard to 10' to permit an addition to an existing building - Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6, located 1631 East 30th Place.

Presentation:

The applicant, Steve Olsen, 324 East 3rd Street, Tulsa, Oklahoma, was represented by Darwin Smith, Jr., 2677 East 38th Street, Tulsa, Oklahoma. He submitted a plat of survey (Exhibit M-1), and requested permission to construct a carport in the rear yard of an existing house. He explained that the carport will not extend as close to the rear property line as the existing structure.

Comments and Questions:

Mr. Bolzie asked what type of structure is existing west of the proposed carport, and Mr. Smith stated that there is a covered walkway to the west.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 3-0-0 (Bolzie, Chappelle, Fuller, "aye"; no "nays"; no "abstentions", Doverspike, White "absent") to APPROVE a Varience of the required 25' rear yard to 10' to permit an addition to an existing building - Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6; per plat of survey; finding that the carport will not extend closer to the rear property line than the existing structure to the west; finding that the proposed construction will not be detrimental to the neighborhood; on the following described property:

Lots 3 and 4, Block 5, Avalon Place, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15806

Action Requested:

Special Exception for master plan approval for church use in an AG zoned district - Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT - Use Unit 5, located 5415 East 101st Street South.

Presentation:

The applicant, D. Leon Ragsdale, 1615 North 24th West Avenue, Tulsa, Oklahoma, submitted a master plan (Exhibit N-1) for the Redeemer Covenant Church. He informed that the church has an existing auditorium and educational space, and requested that the Board approve the master plan which depicts future development on the site.

18.20

8.13.91:592(20)

Case No. 15806 (continued)

Comments and Questions:

Mr. Bolzie asked if all proposed parking is shown on the plan, and the applicant stated that additional parking will not be installed.

In response to Mr. Jackere, the applicant stated that there will not be a child care operation on the property.

Protestants: None.

Board Action:

On MOTION of FULLER, the Board voted 3-0-0 (Bolzie, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; Doverspike, White "absent") to APPROVE a Special Exception for master plan approval for church use in an AG zoned district - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 5; per master plan submitted; finding the use to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

E/2, SW/4, SE/4, SW/4, Section 22, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 4:30 p.m.

Date Approved

August 27, 1991


Chairman

Case No. 11657

Action Requested:

Variance - Section 420.2 (a) - Accessory Use Conditions - Under the Provisions of Section 1670 - Request for a variance to permit an accessory building in the side yard. This property is located at 5439 West 11th Street.

Presentation:

Leon Potts, 5439 West 11th Street, submitted a picture of the existing garage (Exhibit "K-1") and a plot plan (Exhibit "K-2"). Commissioner Smith asked if it is customary in that neighborhood to have garages at the side of the house. Mr. Potts said there are several. It needs to be to the side instead of the rear because there are trees behind. There are no other garages like this to either side, but on 11th Street, across the street from the subject property there is a garage at the back. This garage is for his personal cars only, no business involved.

Protestants: None.

Board Action:

On MOTION of VICTOR, SECOND by SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 420.2 (a) - Accessory Use Conditions) to permit an accessory building in a required side yard, per plot plan submitted, on the following described property:

Lot 4, Block 9, Vern Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11658

Action Requested:

Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1205 - Community, Cultural and Recreational - Under the Provisions of Section 1680 - Request for an exception to permit church use in an AG District, located NE of 101st Street and Yale Avenue.

Presentation:

Leon Ragsdale, 1324 South Cheyenne, stated the building complies with all the bulk and area requirements of the AG District. The percolation test meets the requirements and there are no outstanding objections that he knows of in the area. This would be a church only, no school involved. A plot plan was submitted (Exhibit "L-1") showing a lot 660' deep and 330' wide, 5 acres total. This is not subject to a subdivision plat. They will dedicate right-of-way for 101st Street. They will not have to go through the City Hydrology Department, but will check with them. It is not in the floodplain and has no foreseeable drainage problems and has a 5 minute percolation test. He is planning on a parking lot to hold 60 cars and the Code requirement is 40. The sanctuary will hold approximately 180 people. There is additional ground to extend the parking.

Protestants: None.

10.15.81:347(15)

18.22

Case No. 11658 (continued)

Board Action:

On MOTION of SMITH, SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve an Exception (Section 310 - Principal Uses Permitted in Agriculture Districts) to permit a church in an AG District, subject to dedication of right-of-way for 101st Street, granting minimum 10-foot utility easements on the north, east and west, approval by the City Hydrologist as to drainage, and approval of access points along 101st Street by the City Traffic Engineer, per plot plan, on the following described property:

The E/2, SW/4, SE/4, SW/4 of Section 22, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 11659

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Request for an exception to permit a mobile home in an RS-3 District, located at 1337 West 39th Street.

Presentation:

Gloria Kuhlenschmidt, 1337 West 39th Street, is requesting permission to put a mobile home next to her farther's lot. The lot where the mobile home would be is vacant and there are 3 mobile homes in a 2-block radius. She realizes the Board can only grant a one-year exception. The drainage on the lot is bad, but a septic system would be alright if approved by the Tulsa City-County Health Department. The neighbor on the other side has no objection.

Protestants: None.

Board Action:

On MOTION of SMITH, SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit a mobile home in an RS-3 District for one year, subject to a Mobile Home Removal Bond and Health Department approval, on the following described property:

The E/2 of Lot 18, and the W/2 of Lot 19, Block 4, Interurban Addition to the City of Tulsa, Tulsa County, Oklahoma.

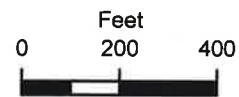
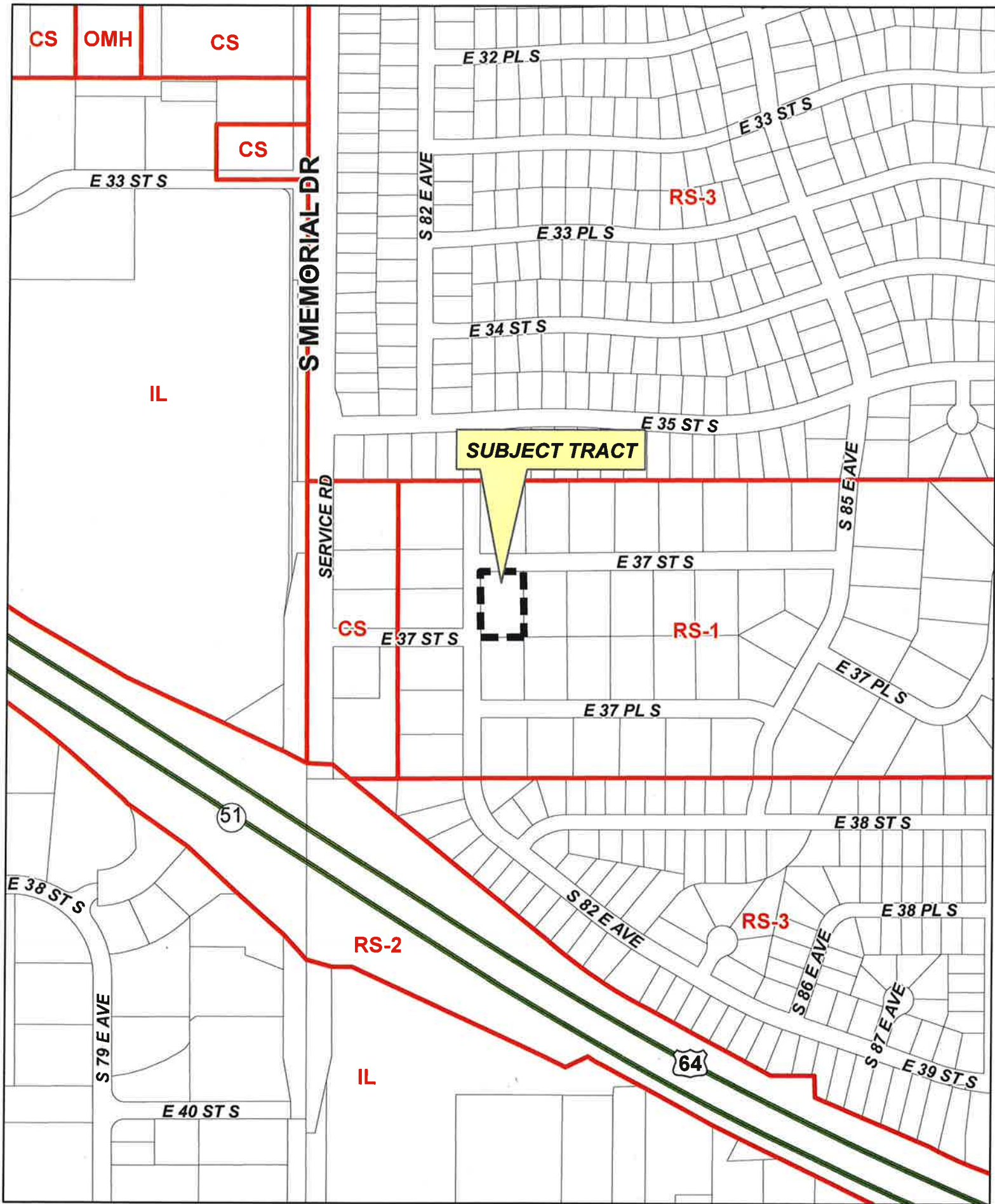
Case No. 11660

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680 - Request for an exception to permit a mobile home to remain in an RS-3 District; and a

Variance - Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Request for a variance of the time limitation to permit the mobile home to remain for a period exceeding one year in an RS-3 District, located at 8824 South Yale Avenue.

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BOA-22694

19-13 24

19.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9324

Case Number: **BOA-22694**

CZM: 48

CD: 5

A-P#:

HEARING DATE: 07/23/2019 1:00 PM

APPLICANT: Raymond McDonald

ACTION REQUESTED: Variance to allow a non-all weather parking area (55.090-F); Variance to allow an accessory structure to exceed more than 20% coverage in the rear setback (Sec. 90.090, Table 90-2); Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (45.030-A)

LOCATION: 3715 S 82 AV E

ZONED: RS-1

PRESENT USE: Residential

TRACT SIZE: 30100.08 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 4, LAZY CIRCLE ACRES

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding Property:

BOA-20917; On 6.09.09 the Board ***denied*** a special Exception to permit a carport in the front yard Located 3742 South 82nd East Ave.

BOA-11715; On 12.03.81 the Board ***approved*** a variance to the size of an accessory building from 750 sf to 1,360 sf, located 3732 S 82nd East Ave.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Neighborhood" and an "Area of Stability".

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality

19.2

of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the SE/c of E 37th Street S and S 82nd E Ave. The Subject Property is surrounded by RS-1 zoned lot in the Lazy Circle Acres Addition.

STAFF COMMENTS: The Applicant is requesting a Variance to allow a non-all weather parking area (55.090-F); Variance to allow an accessory structure to exceed more than 20% coverage in the rear setback (Sec. 90.090, Table 90-2); and a Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (45.030-A).

55.090-F Surfacing

1. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of [Section 55.090-F.4](#). Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

Table 90-2: Accessory Building Coverage Limits in Rear Setback

Zoning District	Maximum Coverage of Rear Setback
RS-1 and RE Districts	20%
RS-2 District	25%
RS-3, RS-4, RS-5 and RD Districts	30%
RM zoned Lots Used for Detached Houses or Duplexes	30%

Section 45.030 Accessory Buildings and Carports in R Districts

45.030-A Accessory Building Size

1. RE and RS-1 Districts

In RE and RS-1 districts, the total aggregate floor area of all detached accessory buildings and accessory buildings not erected as an integral part of the principal residential building may not exceed 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to allow a non-all weather parking area (55.090-F); **Variance** to allow an accessory structure to exceed more than 20% coverage in the rear setback (Sec. 90.090, Table 90-2); and a **Variance** to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (45.030-A).

- Finding the hardship(s) to be _____.

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*



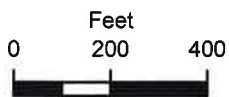
View of Backyard and existing shed facing East



View of neighborhood from subject property facing South



View of subject property facing North



Subject
Tract

BOA-22694

19-13 24

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

Aerial Photo Date: February 2018

19.7





S 82nd Ave

E 37th St

E 37th St

E 37th Pl

0 50 100
Feet



Subject
Tract

BOA-22694

19-13 24

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

Aerial Photo Date: February 2018



NEW APPLICATIONS

Case No. 20917

Action Requested:

Special Exception to permit a carport in the required front yard in an RS-1 district (Section 210.B.10.g), located: 3742 South 82nd East Avenue.

Presentation:

Linnie and Jerry Howell, 3742 South 82nd East Avenue, sought a contractor to pave a driveway and build a carport. Ms. Howell stated they asked the contractor if they needed to get any permits and were informed they did not need to. The carport was constructed. They were cited for non-compliance. There are other carports on this street.

Comments and Questions:

Ms. Stead noted this carport is in the front yard. Ms. Howell submitted photographs (Exhibits B-1) of the other carports. It was noted that the other carports immediately surrounding the subject property were not in front yards.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

FILE COPY

On Motion of Stead, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a Special Exception to permit a carport in the required front yard in an RS-1 district (Section 210.B.10.g), finding the special exception would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

LT 5 BLK 2, LAZY CIRCLE ACRES, City of Tulsa, Tulsa County, State of Oklahoma

*****.

Case No. 20919

Action Requested:

Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a church in the R district (Section 402.B.4); to permit an existing sign, located: 2800 South Yale Avenue.

Presentation:

Richard Wagner, stated he is a member of the church and introduced two other gentleman with him to help answer any questions, Mr. Don Thompson and Dr. Mark Dryer. They proposed to update their sign to inform the neighborhood of services and activities (Exhibit C-1). He informed the Board that the church tried

Case No. 11715 (continued)

Presentation:

Jack Ellis, 3732 South 82nd East Avenue, was present to address the Board asking for an increase in the size of an accessory building. Mr. Ellis stated that he intends to place the accessory building in the west back portion of his corner lot. A plot plan was submitted of the proposed building (Exhibit "J-1").

Comments and Questions by the Board:

Chairman Lewis asked what the building would be used for and Mr. Ellis stated that it will be a garage for three automobiles, a garden tractor, and other equipment.

Mrs. Purser asked if a business would be conducted in the building and Mr. Ellis advised that there would be no business. Mr. Ellis also stated that he and his wife refinish furniture, but it would not be sold commercially.

Mr. Victor asked how close his nearest neighbor was from the garage. Mr. Ellis said that the nearest one is approximately 200' on one side with a vacant lot on the north side and commercial zoning to the west.

Mrs. Purser advised Mr. Ellis that if he were to sell his property the new owners would be informed that it was not to be for commercial purposes.

Chairman Lewis inquired about the appearance of the proposed building and Mr. Ellis stated that it would be constructed with the same kind of materials as his house including a double and a single garage door.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) of the size of an accessory building from 750 square feet to 1,360 square feet in an RS-1 District, subject to a restrictive covenant being filed with the County Clerk, and subject to the description of the appearance of the garage, per plot plan, on the following described property:

Lot 6, Block 2, Lazy Circle Acres Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11716

Action Requested:

Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Section 1224 - Mining and Mineral Processing - Under the Provisions of Section 1680 - Request for an exception to permit an oil well in an IM District, located at 913 North Wheeling Avenue.

UNFINISHED BUSINESS:

8248

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts) to use property for church use; and a Variance (Section 1005.3 (1) - Community Services, Cultural and Recreational Facilities - Use Conditions - Under the Provisions of Section 1470) for a variance of one acre minimum lot area for a church in an RS-1 District located at the southwest corner of 37th Street and 82nd East Avenue.

Presentation:

Joel Bledsoe, representing the Southeast Congregation of Jehovah Witnesses, submitted a corrected plot plan (Exhibit "I-1") requesting a waiver of parking in the front yard to satisfy the number of parking spaces required for the auditorium, further advising that this amount of parking will not be needed for a long period of time, based on the past history of the Church. In the past the congregations have been forced to divide because of the size of the present building and they are now proposing a larger building. In reviewing the plot plan it was determined that 65 parking spaces are required by the Code with 69 shown on the plan; however, it was stated that the parking variance for parking in the front yard was not advertised and not properly before the Board.

Mr. Gardner advised that 65 spaces are all that is required by Code and the application could be approved as submitted. Since there is no parking problem at the present time, an application can be made at a later date for the four additional spaces shown on his plot plan.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 140 - Principal Uses Permitted in Residential Districts) to use property for church use; and a Variance (Section 1005.3 (1) - Community Services, Cultural and Recreational Facilities - Use Conditions - Under the Provisions of Section 1470) for a variance of one acre minimum lot area for a church in an RS-1 District on the following described tract:

Lot 6, Block 2, Lazy Circle Acres Addition
to the City of Tulsa, Oklahoma.

5.16.74:164(18)

19.11

Jeff S. Taylor
Zoning Official
Plans Examiner II

TEL(918) 596-7637
jstaylor@cityoftulsa.org



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

Jose Cruz
Boss Contracting

5/30/2019

APPLICATION NO: BLDR-027517-2019 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 3715 S 82nd Ave E

Description: Accessory Building

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT

175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" ☐ **IS** ☒ **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT
WWW.CITYOFTULSA-BOA.ORG

Application No. **BLDR-027517-2019**

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. 55.090-F Surfacing. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of §55.090-F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

Review Comments: Provide a dustless all-weather parking surface from the public street to the accessory building or apply to the Board of Adjustment for a Variance (section 70.120) to allow a material other than an approved material meeting the requirements of 55.090-F.

2. 90.090-C.2 Detached Accessory Buildings

a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:

(2) Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2:

Review Comments:

#2. This lot is zoned RS-1. The rear setback is defined as the minimum distance set out by the zoning code of open unoccupied space between the rear lot line and the required rear setback (in your case, 25 feet from the rear property line). A maximum 20% area can be covered by the accessory building; (140' X 25' X 20%) allows 700 sq ft of coverage. You are proposing 900 sq ft of coverage in the rear setback. Revise your plans to show compliance or apply to BOA for a variance to allow more than 20% coverage in the rear setback.

3. 45.030-A RE and RS-1 Districts

In RE and RS-1 districts, the total aggregate floor area of all detached accessory buildings and accessory buildings not erected as an integral part of the principal residential building may not exceed 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater.

Review comments: You are proposing 1800 sq ft of detached accessory structure. The proposed detached structure exceeds 750 sq ft and 40% of the size of your house. Based on the size of your house (2349 sq ft) you are allowed 940 sq ft of detached accessory structures on your lot. Reduce the size of your proposed detached accessory structure to be less than 940 sq ft or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online.

END -ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.



CITY OF TULSA REVISED/ADDITIONAL PLANS ROUTING SLIP FOR APPLICATION PRIOR TO ISSUANCE OF PERMIT

Note: Please print or type all data

DATE: _____

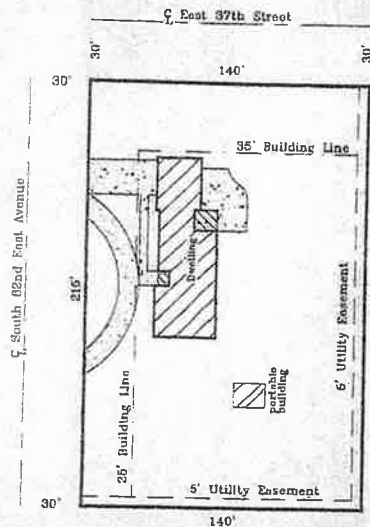
A/P#: _____

REGISTERED LAND SURVEYOR'S MORTGAGE INSPECTION REPORT

THIS PROPERTY IS LOCATED IN ZONE X (UNSHADED) PER FLOOD INSURANCE
RATE MAP # 405381 0357 L. EFFECTIVE OCTOBER 10, 2012.
ZONE X (UNSHADED): AREA OF MINIMAL FLOOD HAZARD.

LENDER:
Bank of Oklahoma Mortgage
BORROWER:
Raymond Shane McDonald
ORDERED BY:
True Title and Escrow, Inc.

SCALE
1"=50'



LEGAL DESCRIPTION

Lot One (1), Block Four (4), LAZY CIRCLE
ACRES, a subdivision located in Tulsa
County, State of Oklahoma, according to
the recorded Plat number 1950

3715 South 82nd East Avenue, Tulsa, OK
74145

EASEMENTS

Easements shown per recorded plat.
Right of Way Easement in favor of Public Service Company of Oklahoma filed January 28, 1942 in Book 1471
Page 552. (does not affect)
Easement in favor of Tulsa County filed October 14, 1942 in Book 1512 Page 806. (does not affect)
Right of Way Easement in favor of Southeast Water Company filed October 23, 1951 in Book 2241 Page 165.
(does not affect)
Right of Way Easement in favor of Public Service Company of Oklahoma filed March 30, 1953 in Book 2385
Page 394. (does not affect)
Notice of Pendancy of Action filed June 22, 2016 under Document #2018068301. (blankets subject property)
No additional easements per Title Commitment No. 778-2018-9470. Effective Date: August 1, 2018, as
provided to surveyor.

CERTIFICATION

This Mortgage Inspection Report was prepared for True Title and Escrow, Inc. and Bank of Oklahoma
Mortgage. It is not a land or boundary survey plat, and it is not to be relied upon for the establishment
of fence, building or other future improvement lines. The accompanying sketch is a true representation of
the conditions that were found at the time of the inspection, September 12, 2018, and the linear and
angular values shown on the sketch, if any, are based on record or deed information and have not been
verified unless noted.

Signed this 13th day of September, 2018.

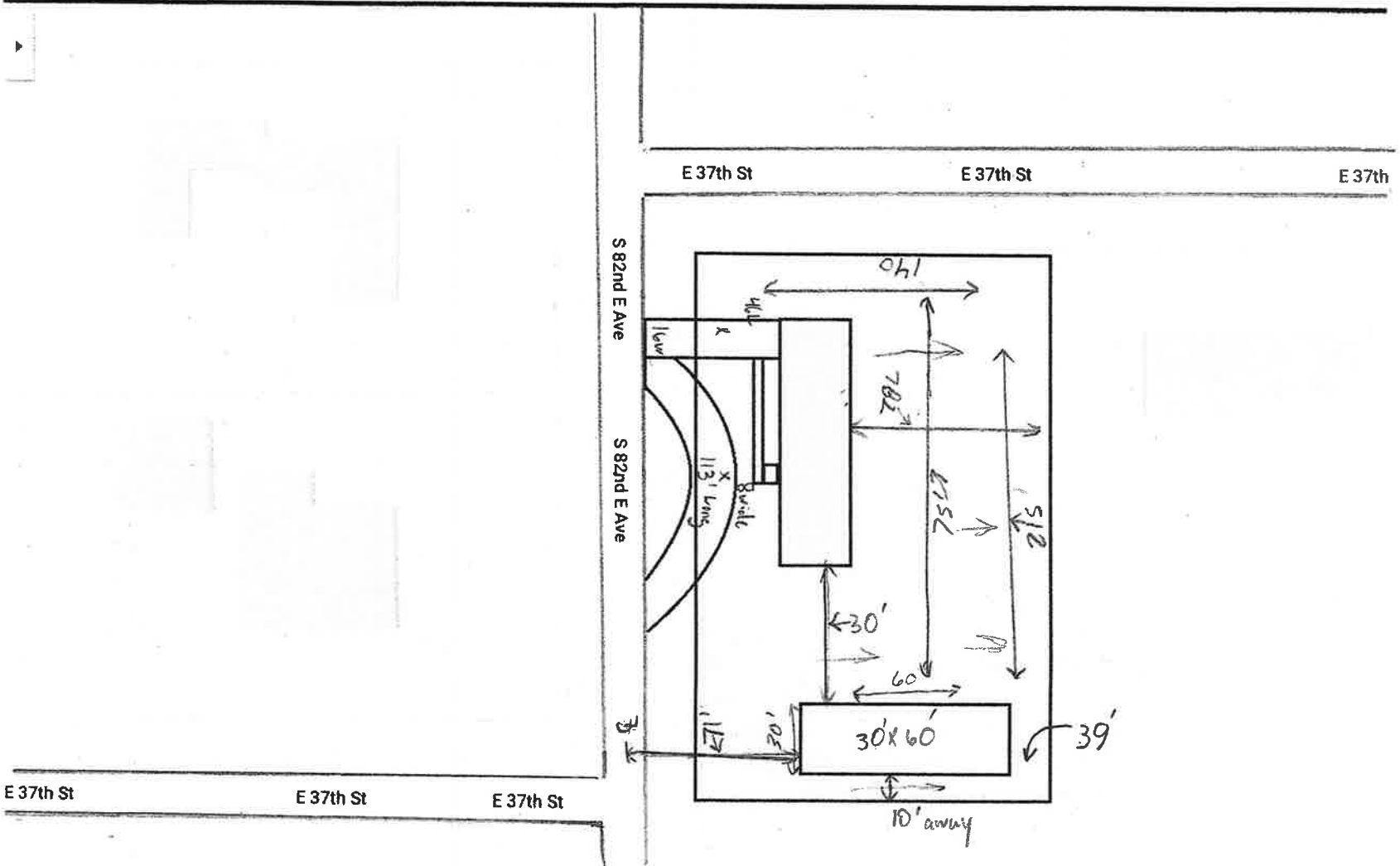
TIMOTHY L. KING, RPLS
35925 S CASE ROAD
INDIA, OKLAHOMA 74038
TEL: 918-543-1899

TIMOTHY L. KING RPLS# 1534

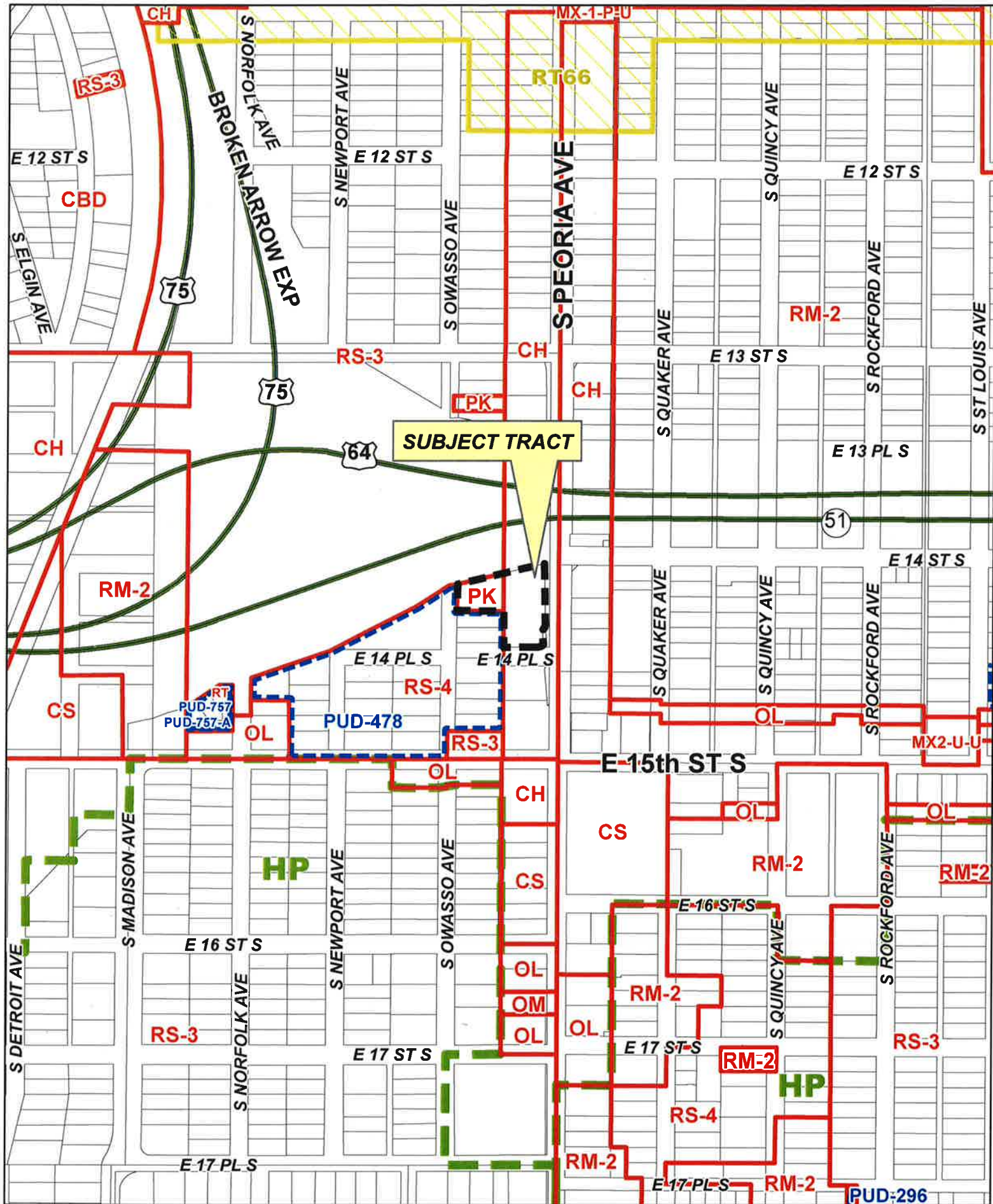


2018-1110

19.16



Water flow →



BOA-22695

20.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9212

Case Number: **BOA-22695**

CZM: 36

CD: 4

A-P#:

HEARING DATE: 07/23/2019 1:00 PM

APPLICANT: TJD Natural Supplements, LLC

ACTION REQUESTED: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 1402 S PEORIA AV E

ZONED: PK, CH

PRESENT USE: Vacant

TRACT SIZE: 49789.28 SQ FT

LEGAL DESCRIPTION: LT 1 LESS BEG 109.30NE & NELY CRV LF23.52 SWC LT 1 TH N35.89 NELY CRV RT 20.47 NELY CRV LF 8.44 S10.50 SW 0.36 S29.80 SELY CRV RT 24.79 POB BLK 1, ZANMAI

RELEVANT PREVIOUS ACTIONS:

None relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Main Street" and an "Area of Growth".

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

ANALYSIS OF SURROUNDING AREA: The subject tract is adjacent to commercially zoned (CH) properties to the south and east across Peoria Avenue. The Broken Arrow Expressway abuts the property on the north. There are residentially zoned (RS-4/PUD-478) with residential uses to the west of the subject tract.

STAFF COMMENTS:

20.2

The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the required spacing for a medical marijuana dispensary in a CH district from other medical marijuana dispensaries (Section 40.225-D).

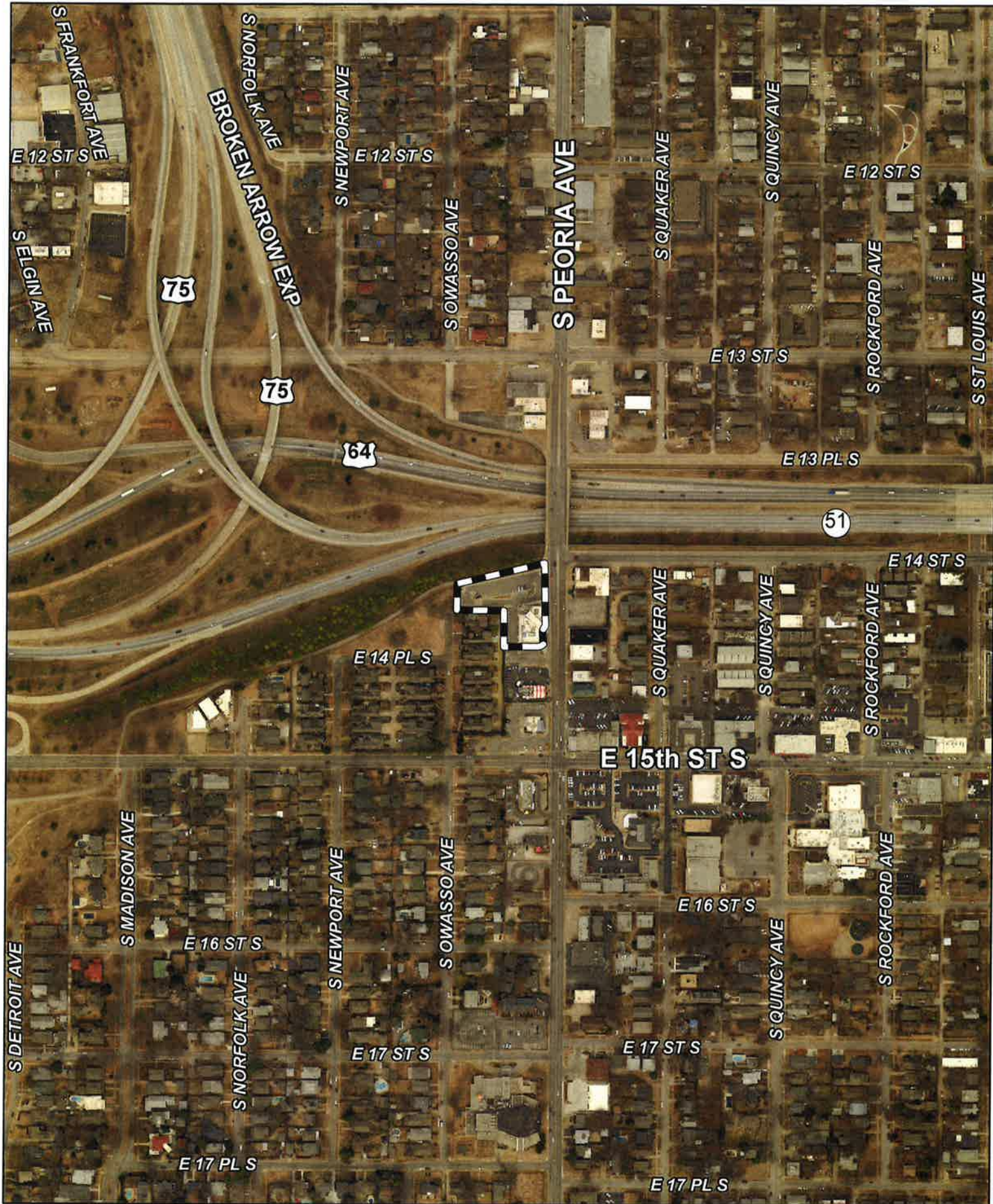
Per the Code, a medical marijuana dispensary is permitted by right in the CH district as long as it meets the spacing requirement of 1,000 ft. from from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

In Section 40.225-I, the separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

The applicant submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of property within that radius in support of the verification.

Sample Motion:

I move that based upon the facts in this matter as they exist presently, we accept the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.



0 Feet
200
400



Subject
Tract

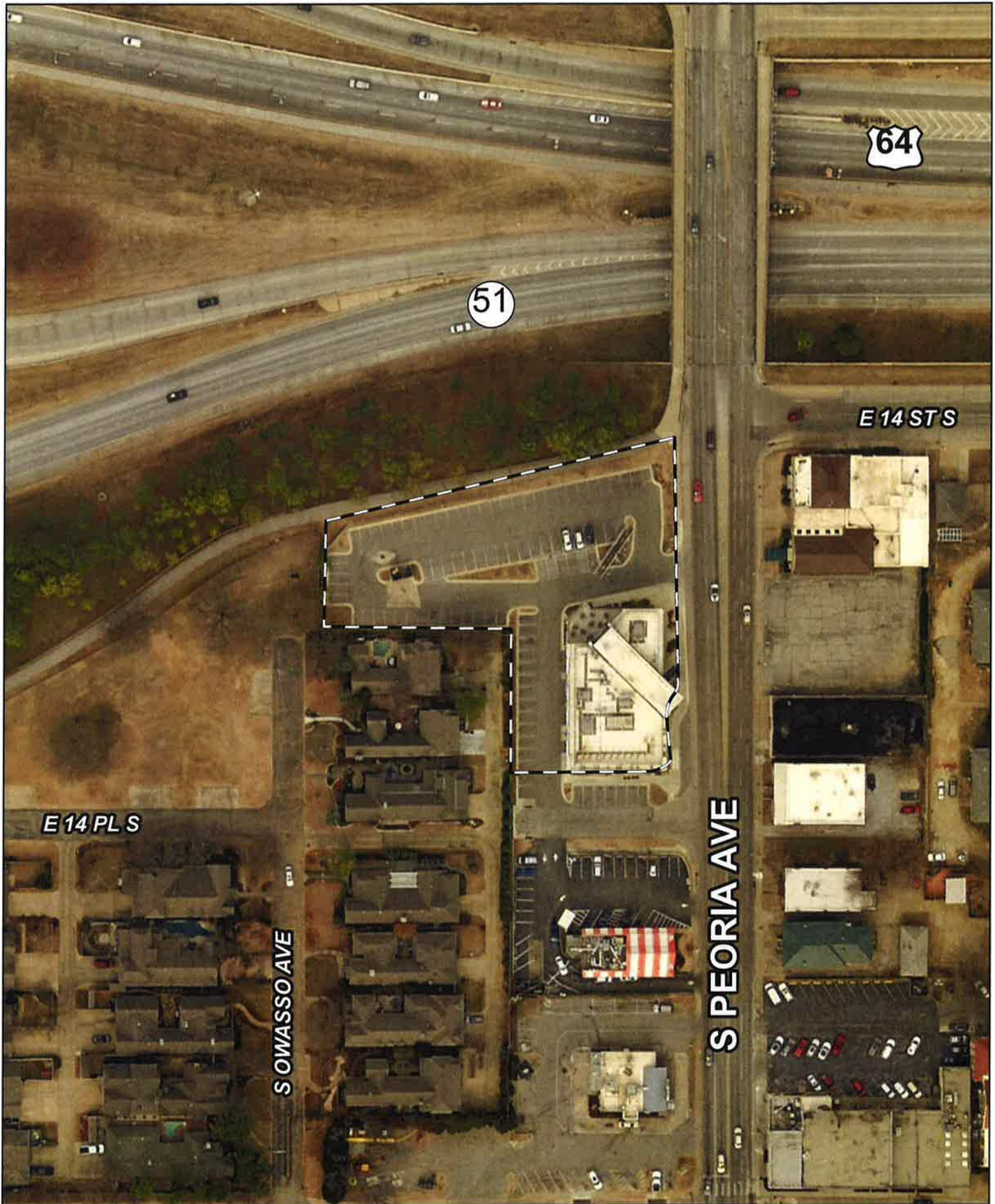
BOA-22695

19-12 12

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

Aerial Photo Date: February 2018





E14 PLS

SOWASSO AVE

SPEORIA AVE

E14 STS

51

64

0 50 100
Feet



Subject
Tract

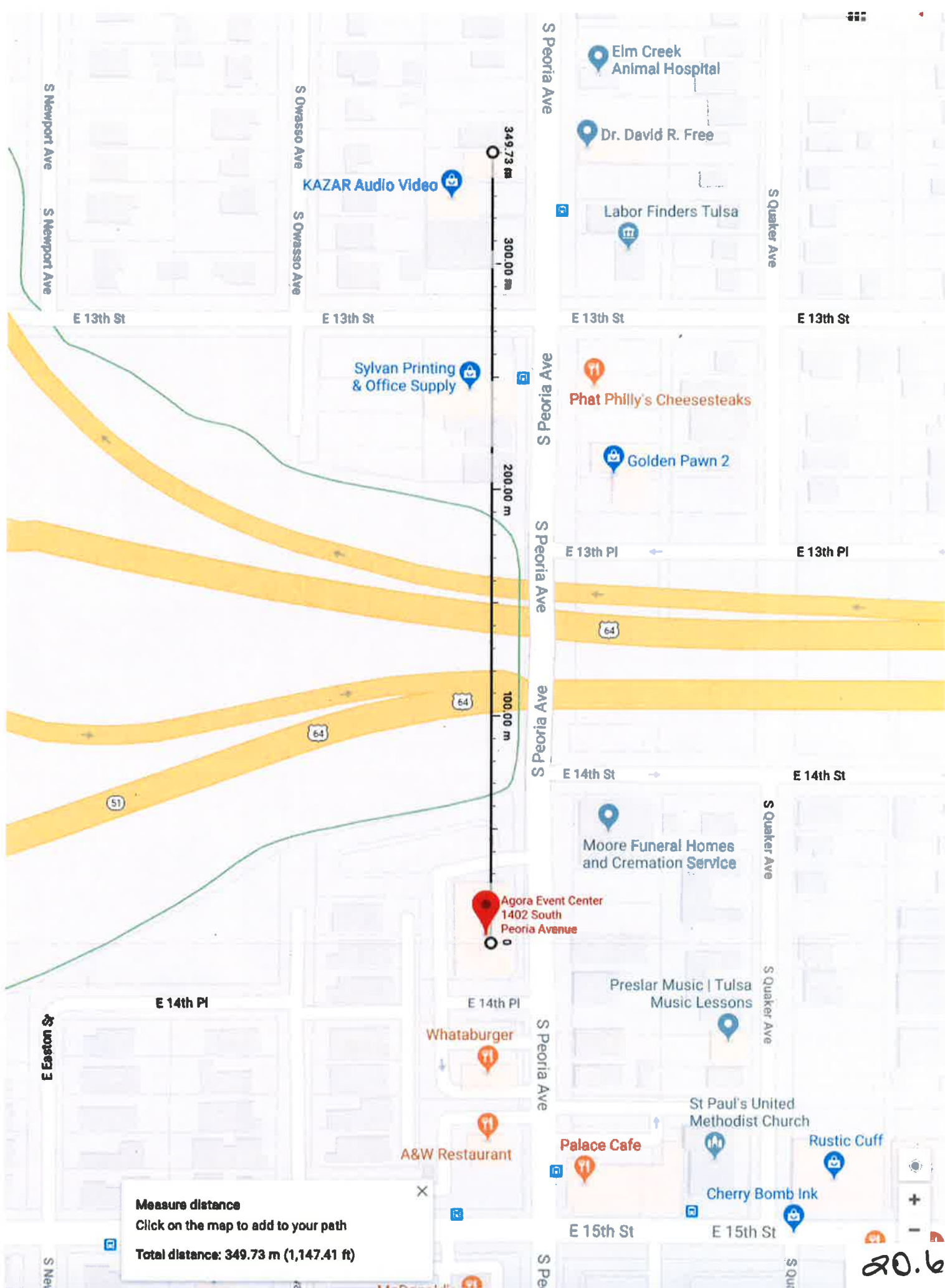
BOA-22695

19-12 12

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

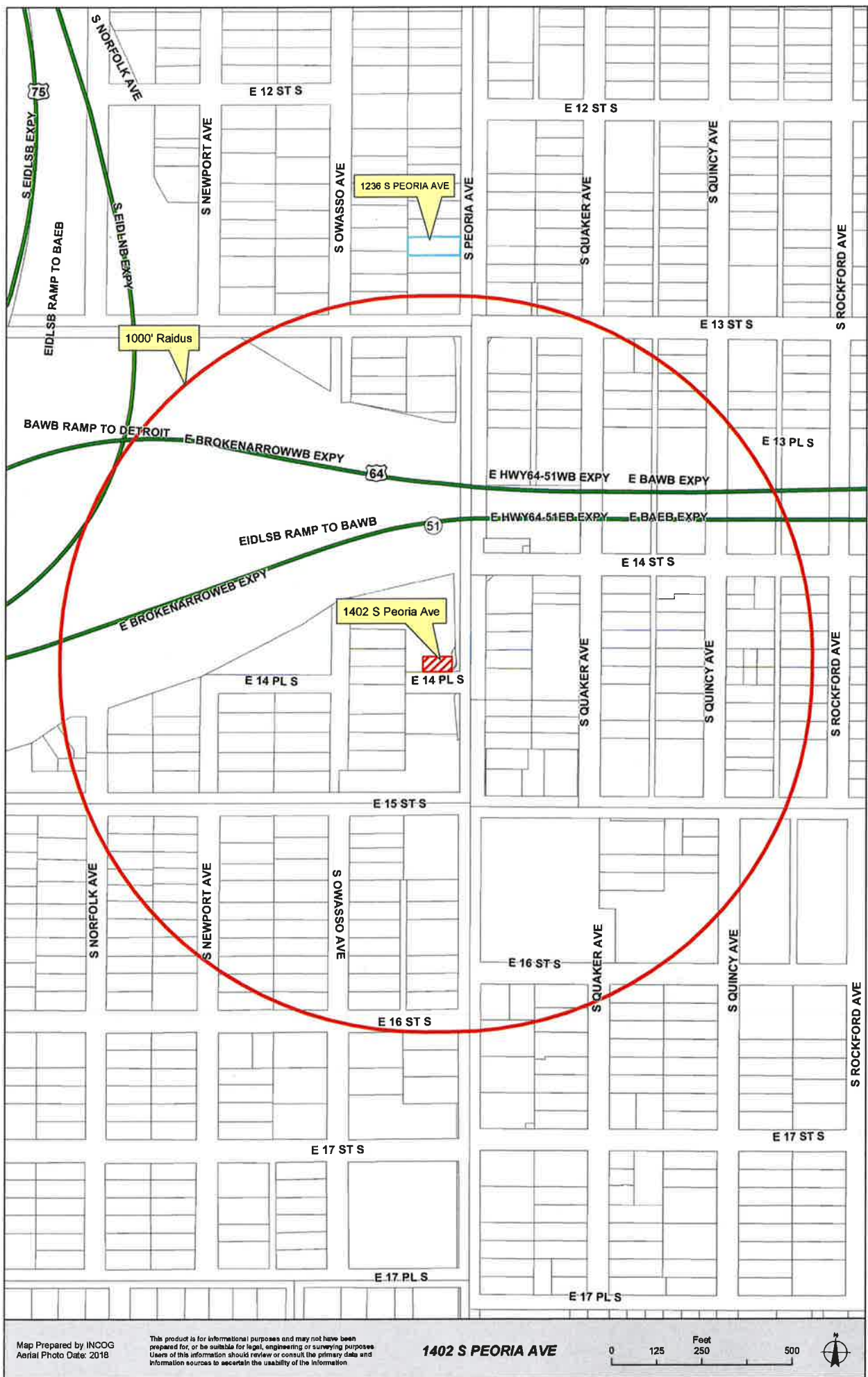
Aerial Photo Date: February 2018



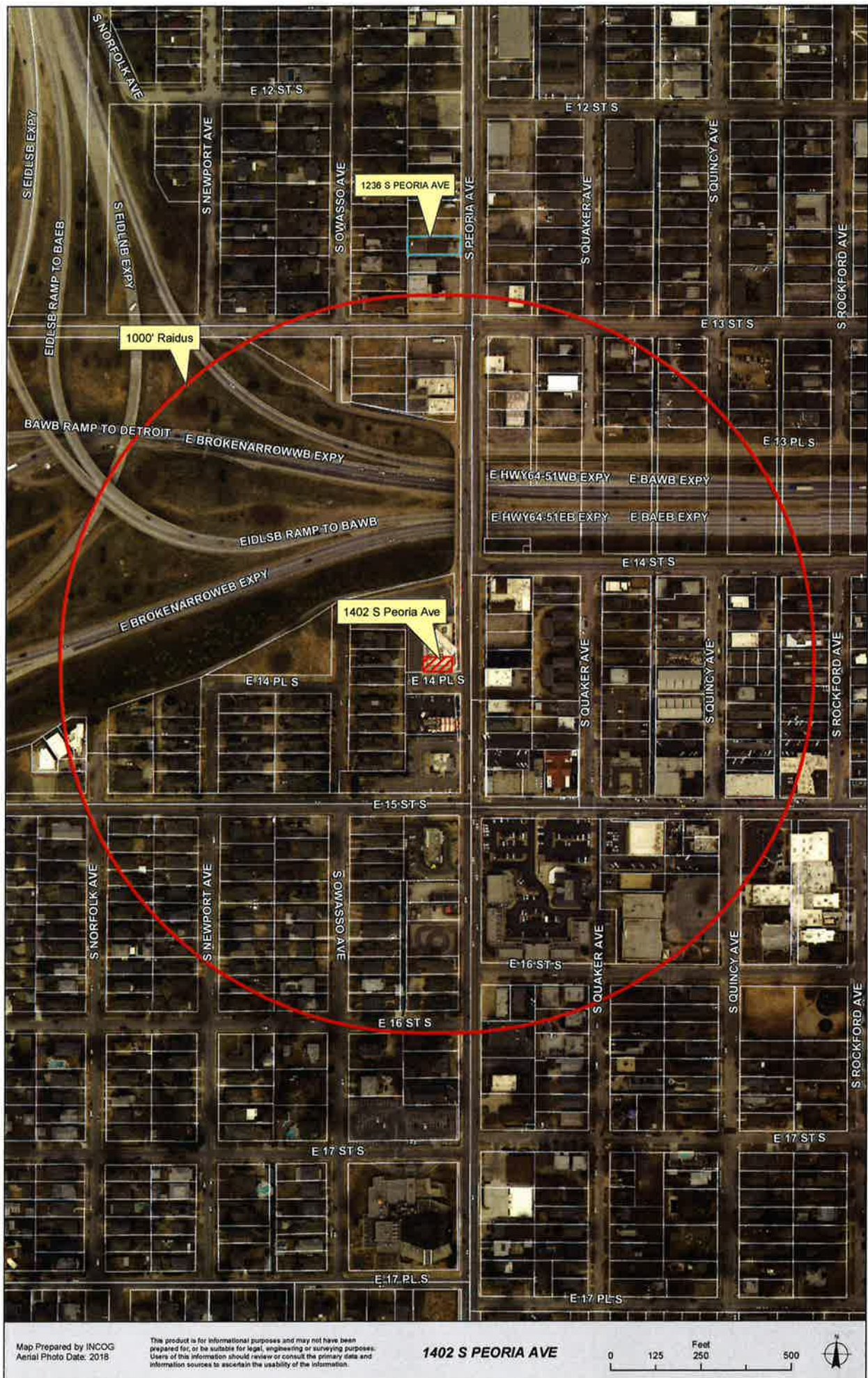


Measure distance
Click on the map to add to your path
Total distance: 349.73 m (1,147.41 ft)

20.6



20.7



Map Prepared by INCOG
Aerial Photo Date: 2018

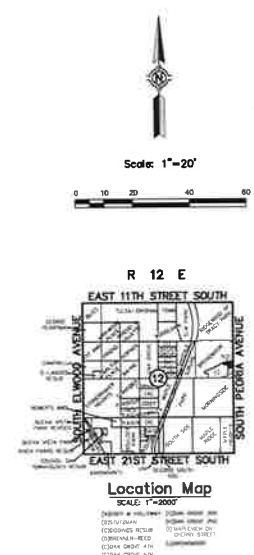
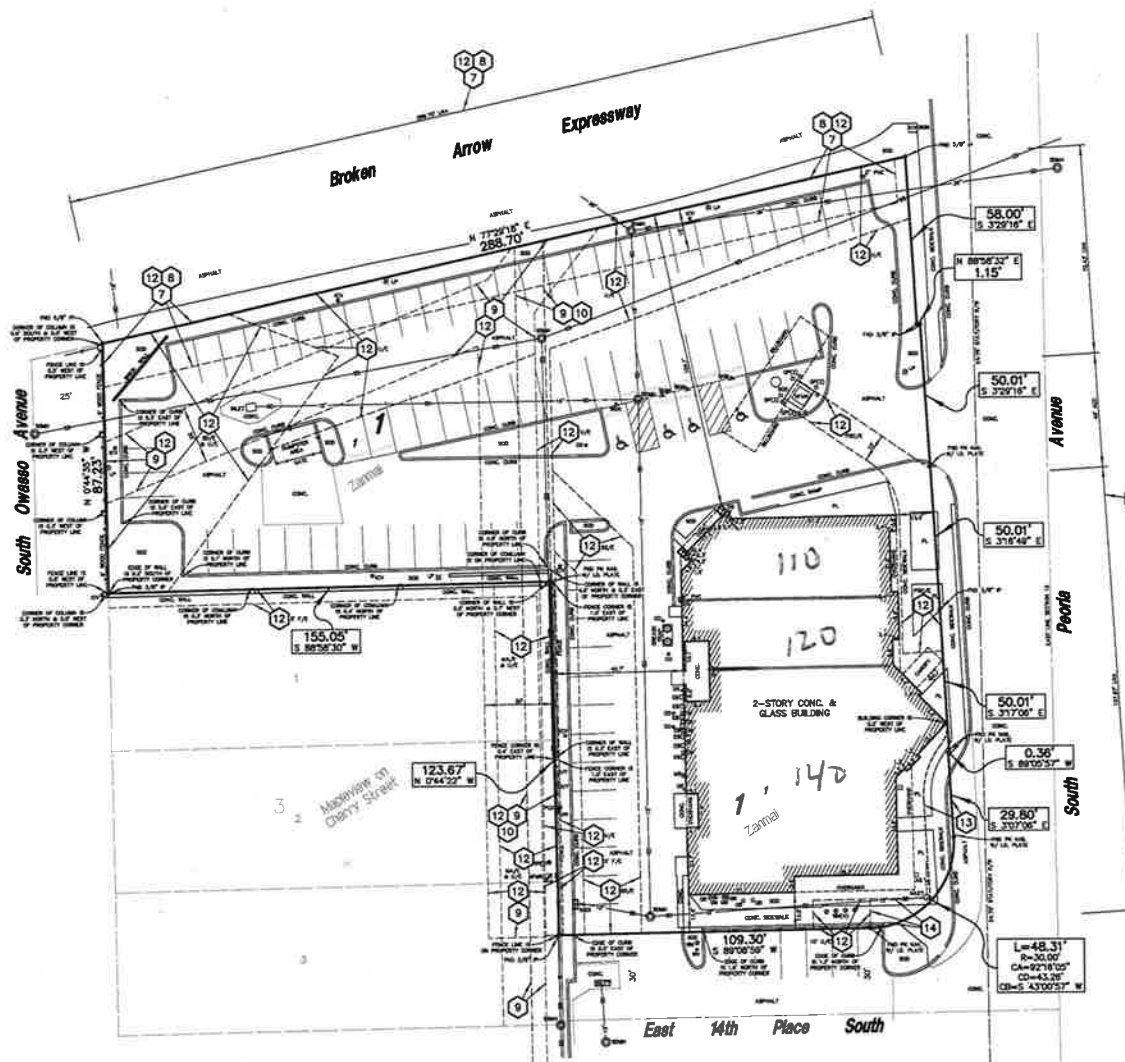
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

1402 S PEORIA AVE

0 125 250 500 Feet



20.8



ALTA/ACSM Land Title Survey **Lot One (1), Block One (1)** **Zanmai** **City of Tulsa, Tulsa County, Oklahoma**

Surveyor's Certification

WE, SISEMORE WEISZ & ASSOCIATES, INC. DO HEREBY CERTIFY TO:
 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
 TULSA ECONOMIC DEVELOPMENT CORPORATION AND/OR U.S. SMALL BUSINESS ADMINISTRATION,
 ITS SUCCESSORS AND/OR ASSIGNS, AS THEIR INTEREST MAY APPEAR
 TULSA ABSTRACT & TITLE COMPANY

THAT: (1) THIS SURVEY IS TRUE AND ACCURATE, WAS MADE ON-THE-GROUND AS FOR THE FIELD NOTES SHOWN HEREON, ACCURATELY SHOWS THE BOUNDARY LINES AND DIMENSIONS OF LAND INDICATED HEREON, ACCURATELY SHOWS THE LOCATION OF ALL BUILDINGS AND STRUCTURES, AND ACCURATELY SHOWS THE LOCATION OF ALL IMPROVEMENTS SHOWN HEREON, ACCURATELY SHOWS THE LOCATION AND DIMENSION OF ALL EASEMENTS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD OF WHICH THE UNDERSIGNED HAS BEEN ADVISED AFFECTING THE SUBJECT PROPERTY ACCORDING TO THE LEGAL DESCRIPTION OF SUCH EASEMENTS (WITH INSTRUMENT, BOOK AND PAGE NUMBER INDICATED); (2) EXCEPT AS SHOWN, THERE ARE NO EASEMENTS OR RIGHTS-OF-WAY OF WHICH THE UNDERSIGNED HAS BEEN ADVISED AFFECTING THE SUBJECT PROPERTY, THERE ARE NO ENCROACHMENTS OR PROTRUSIONS INTO ADJOINING PREMISES, STREETS OR ALLEYS BY ANY BUILDINGS OR VISIBLE IMPROVEMENTS ON THE SUBJECT PROPERTY, THERE ARE NO ENCROACHMENTS ON THE SUBJECT PROPERTY BY BUILDINGS OR VISIBLE IMPROVEMENTS SITUATED ON ADJOINING PREMISES; (3) WE HAVE EXAMINED A MAP BY THE FEDERAL ENGINEERING, MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, TULSA COUNTY, OKLAHOMA AND INCORPORATED AREAS, MAP NO. 404430202D, MAP REVISED OCTOBER 10, 2012, WHICH SHOWS THE EXISTING PORTION OF THE PROPERTY DESCRIBED HEREON AS LOCATED IN ZONE (X) WHICH IS CLASSIFIED AS AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN; (4) WE FURTHER STATE THAT THIS MAP OR PLAT OF SURVEY AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM, IN 1935 IN 2011, AND INCLUDES ITEMS 1, 2, 4, 7A, 8, 9 AND 11A, OF TABLE A THEREOF, AND THE SURVEY MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE "MINIMUM ANGLE, DISTANCE, AND CLOSURE REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS."

THIS PLAT OF SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS, AS ADOPTED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.
 DATE OF LAST FIELD VISIT: AUGUST 10, 2015
 WITNESS MY HAND AND SEAL THIS 11TH DAY OF AUGUST, 2015.

SISEMORE WEISZ & ASSOCIATES, INC.
 BY: *[Signature]*
 DEAN ROBINSON
 LICENSED PROFESSIONAL LAND SURVEYOR
 OKLAHOMA NO. 1148
 EMAIL: drobinson@swa-csac.com

FILE	DATE	SURVEY BY	DATE	SCALE	SHEET
1812.121	8/10/2015	JRH	8/10/2015	1"=20'	1 OF 1
1815.10		JSR			
1213.43		EDR			

FILE	DATE	SURVEY BY	DATE	SCALE	SHEET
1812.121	8/10/2015	JRH	8/10/2015	1"=20'	1 OF 1
1815.10		JSR			
1213.43		EDR			

20.9

File No.: 231948

EXHIBIT A

Part of the Southeast Quarter of the Northeast Quarter (SE/4) NE/4) of Section Twelve (12), Township Nineteen (19) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being a part of the vacated plat of BROADMOOR ADDITION and part of the partially vacated South Owasso Avenue, being more particularly described as follows, to wit:

COMMENCING at the intersection of the centerline of South Owasso Avenue and the Southerly right of way line of the Broken Arrow Expressway; THENCE North 77° 29' 18" East and along the Southerly right of way line of the Broken Arrow Expressway a distance of 25.54 feet to the POINT OF BEGINNING; THENCE continuing North 77° 29' 18" East and along said right of way line a distance of 288.70 feet; THENCE South 03° 29' 16" East a distance of 58.00 feet; THENCE North 88° 58' 32" East a distance of 1.15 feet; THENCE South 03° 29' 16" East a distance of 50.01 feet; THENCE South 03° 16' 49" East a distance of 50.01 feet; THENCE South 03° 17' 06" East a distance of 50.01 feet; THENCE South 89° 05' 57" West a distance of 0.36 feet; THENCE South 03° 07' 06" East a distance of 45.03 feet; THENCE South 28° 53' 18" West a distance of 18.39 feet; THENCE South 89° 08' 59" West a distance of 130.76 feet; THENCE North 00° 44' 22" West a distance of 123.67 feet; THENCE South 88° 58' 30" West a distance of 155.05 feet; THENCE North 00° 44' 35" West a distance of 87.23 feet to the POINT OF BEGINNING

LT 11 BLK 3, BREN-ROSE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. White left the meeting at 3:18 p.m.

FILE COPY

21377—Lou Reynolds

Action Requested:

Variance to reduce number of parking stalls to 84 stalls for mixed-use center (Section 1211, 1212, 1213, 1214). Location: 1402 South Peoria Avenue East (CD 4)

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated the applicant has requested the variance to develop an usual shaped 1.1 acre tract of land on the northwest corner of 14th and Peoria. The eastern two-thirds of the property is zoned CH. Specifically the applicant desires to develop the property in accordance with PlanIt Tulsa as a mixed use two-story building in an urban location. There are sidewalks in existence and each sidewalk goes to each of the doorways on the ground level as well as the doorway leading to the second story.

Mr. White re-entered the meeting at 3:21 p.m.

There has been considerable amount of communication with the neighbors and there are at least 12 letters stating support of the variance request, which are in the Board's agenda packet. All three of the abutting property owners on the west side are in support of this variance request. The hardship of this request is that code treats all commercial and office uses as if they have the same peak parking demand in order to insure that the peak parking demand is provided for in each principal use. In this two-story mixed use commercial use building there will be multiple tenants with different uses. But imbedded in the code is the assumption that parking demand for each use will peak at the same time, thus the code does not count for the potential for the parking demand to be different and to peak at different times. The code also treat each use as having the same parking requirements. This project is uniquely located in a somewhat isolated portion of a commercial corridor on the west side of Peoria and the south side of the Broken Arrow Expressway. There is no direct vehicular connections into a residential neighborhood for any potential overflow. It will not have a detrimental effect on anyone or the public welfare. It is also in an area that is well-served by the MTTA.

BOA-21377

FILE COPY

In light of the assumptions within the code regarding peak parking demand the mixed use nature of the two-story commercial building, the inability of any over-flow traffic that would impact on the residential neighborhood, the literal enforcement of the code and it's terms are an unnecessary hardship. This project is very consistent with the comprehensive plan and PlanIt Tulsa.

Ms. Stead asked Mr. Reynolds if the entire building was going to be used as a restaurant. Mr. Reynolds stated that the second story is the only area rented to a restaurant. The intention of the owner is to operate a mixed use facility.

Interested Parties:

Clay Bielo, 1432 South Newport Avenue, Tulsa, OK; stated he lives in the Mapleview neighborhood and he is in favor of the approval of the variance request. Right now the property is dilapidated and should be replaced. It will be a great avenue to bring in the Pearl District and connect it to Cherry Street and Brookside.

Cynthia Wright, 1439 South Owasso Avenue, Tulsa, OK; stated she is the President of the Homeowner's Association for Mapleview on Cherry Street. As an individual and as a Board member she is in support of this project. She feels that lighting and security will be improved in the area. Ms. Wright looks at this project as an opportunity to upgrade both sides of Peoria and to begin a move of new businesses northward on Peoria.

Jeff Noftsger, 1233 South Newport Avenue, Tulsa, OK; stated he is the Tracy Park Neighborhood Association President. Due to time constraints he has not had a board meeting or an association meeting, and was not aware of this meeting until last Thursday. After contacting a few members of the association they have raised a few questions. Mr. Noftsger asked if the site plan had been approved for the subject property. Mr. Reynolds came forward and stated that the property had been platted and was just recently approved by the Planning Commission. Other questions were where the overflow parking for the building would be established, and if in the future the bottom floor retail becomes another restaurant what becomes of the parking. Other issues are the noise level of the subject property. Mr. Henke stated that the only item before the Board today is a variance request for the parking. Mr. Noftsger continued stating that the Neighborhood Association would like to see the building be held to conformity of the neighborhood by being of the 1920s or 1930s red brick style. At this date no one has made any derogatory remarks about the project and the association would be in favor of the development.

Mr. Van De Wiele left the meeting due to business at 3:35 p.m.

BOA - 21377

Chip Atkins, 1638 East 17th Place, Tulsa, OK; stated he owns numerous residential properties in the Swan Lake area. Mr. Atkins stated he is in favor of this project because it is a great project.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the **Variance** to reduce number of parking stalls to 84 stalls for mixed-use center (Section 1211, 1212, 1213, 1214). It should be noted that regardless of the use this property this approval is limited to 84 spaces. This is subject to conceptual site plan on page 9.8. It is noted that there is an existing sidewalk on Peoria Avenue and if the sidewalk is damaged during construction of the parking lot all damaged shall be repaired by the contractor. The parking lot and all driving surfaces shall be asphalt or concrete. The variance is granted because of the extreme oddities in the shape of the subject property. The variance is also granted taking into effect the fact that mixed use often requires less parking, and that businesses are open at different hours. These are peculiar to the land, structure or building involved in this case, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE/4 NE/4) OF SECTION TWELVE (12), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U. S. GOVERNMENT SURVEY THEREOF, BEING A PART OF THE VACATED PLAT OF BROADMOOR ADDITION AND PART OF THE PARTIALLY VACATED SOUTH OWASSO AVENUE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF SOUTH OWASSO AVENUE AND THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BROKEN ARROW EXPRESSWAY; THENCE NORTH 77°06'21" EAST AND ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BROKEN ARROW EXPRESSWAY AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SOUTH OWASSO AVENUE A DISTANCE OF 25.54 FEET TO THE MOST NORTHERLY CORNER OF SOUTH OWASSO AVENUE AS SHOWN ON THE RECORDED PLAT OF MAPLEVIEW ON CHERRY STREET, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 77°06'21" EAST AND ALONG SAID RIGHT-OF-WAY LINE OD THE BROKEN

BOA-21377

FILE COPY

ARROW EXPRESSWAY A DISTANCE OF 288.70 FEET; THENCE SOUTH 03°52'13" EAST A DISTANCE OF 58.00 FEET; THENCE NORTH 88°35'35" EAST A DISTANCE OF 1.15 FEET; THENCE SOUTH 03°52'13" EAST A DISTANCE OF 50.01 FEET; THENCE SOUTH 03°39'46" EAST A DISTANCE OF 50.01 FEET; THENCE SOUTH 03°40'03" EAST A DISTANCE OF 50.01 FEET; THENCE SOUTH 88°43'00" WEST A DISTANCE OF 0.36 FEET; THENCE SOUTH 03°30'03" EAST A DISTANCE OF 45.03 FEET; THENCE SOUTH 28°30'21" WEST A DISTANCE OF 18.40 FEET; THENCE SOUTH 88°46'02" WEST A DISTANCE OF 130.75 FEET TO A POINT ON THE EASTERLY LINE OF LOT 3, BLOCK 3, MAPLEVIEW ON CHERRY STREET; THENCE NORTH 01°07'32" WEST ALONG SAID EASTERLY LINE AND ALONG THE EASTERLY LINES OF LOT 2 AND LOT 1 A DISTANCE OF 123.67 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 88°35'40" WEST ALONG THE NORTHERLY LINE OF SAID LOT 1 A DISTANCE OF 155.05 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 01°07'32" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH OWASSO AVENUE A DISTANCE OF 87.23 FEET TO THE POINT OF BEGINNING, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21378—James Boswell

Action Requested:

Special Exception to allow office use (Use Unit 11) in RM-2 District (Section 401, Table 1); Variance of front yard setback from 10 feet to 4 feet for existing porch (Section 403, Table 3); Variance of any yard abutting a public street from 35 feet to 10 feet (Section 403, Table 3); Variance of side yard setback from 10 feet to 0 feet (Section 403 A, Table 3); Variance of off-street parking landscape requirements abutting street right-of-way (Section 1002.A.2) and abutting residential use (Section 1002.A.3) from 5 feet in width to equivalent square foot area; Variance of parking abutting an R District from 5 feet to 1 foot (Section 1002.A.3); Variance of screening fence for (Use Unit 11) abutting an R district (Section 1211.C.1); Variance to allow ADA van accessible parking space to encroach 10 feet into public Right-of-Way (Section 1301.A); Variance of off-street parking setbacks in R District (Section 1302.B, Table 1); Variance of required parking stalls from 12 spaces to 11 spaces (Section 1211.D); Variance to allow increase in cubic content to non-conforming structure (Section 1405.A).

Location: 1402 South Trenton (CD 4)

Mr. Henke asked Ms. Back to give a quick synopsis of the case because he thought the Variance requesting allowance for the increase in cubic content to a non-conforming structure was the request to prompt such a lengthy application. Ms. Back stated there had been several meetings with Mr. Boswell regarding this project. This project is in the RM-2 district and originally the bulk and area requirements were determined to be out of Section 400. In a later meeting it was determined that in Section 400 if a proposed office use is in the RM-2 district it refers to the OM district, therefore, the application is governed by the codes in Section 600. This fact was determined after the application

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

TEL (918)596-9688
clange@cityoftulsa.org



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

June 20, 2019

Steve Dodson
1634 S Boston Ave
Tulsa, OK 74119

Phone: 918.346.7717

APPLICATION NO: **BLDC-33815-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **1402 S Peoria**

Description: **Medical Marijuana Dispensary**

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" **[X] IS [] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

20.15

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT
WWW.CITYOFTULSA-BOA.ORG

BLDC-033815-2019

1402 S Peoria Ave

June 20, 2019

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. It is your responsibility to submit to our office documentation of any decisions by the BOA affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **Sec.40.225-H:** No medical marijuana grower operation, processing facility, dispensary or research facility shall be permitted or maintained unless there exists a valid license, issued by the Oklahoma Department of Health for the use at the location.

Review comment: Submit evidence you have been granted a state license and the date it was approved.

2. **Sec.40.225-D:** A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.

3. **Sec.40.225-H:** The separation distance required under *Sec.40.225-D* must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensary.

Review comment: Submit a copy of the BOA accepted separation distance of 1000' from other dispensaries. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. The separation required under *Sec.40.225-D* shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma Department of Health prior to December 1, 2018 for the particular location.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:
<http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf>

Please notify the reviewer via email when your revisions have been submitted

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

20³.17



View from Peoria



View of entire building



View facing East

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BOA-22696

21.1



19-14 07



BOARD OF ADJUSTMENT CASE REPORT

STR: 9407

Case Number: BOA-22696

CZM: 39

CD: 5

HEARING DATE: 07/23/2019 1:00 PM

APPLICANT: Nathalie Cornett

ACTION REQUESTED: Special Exception the permit a Wholesales and Distribution Use in a CS zoned district (Sec. 15.020, Table 15-2)

LOCATION: 10131 E 21 ST S

ZONED: CS

PRESENT USE: Vacant Retail Space

TRACT SIZE: 537802.67 SQ FT

LEGAL DESCRIPTION: PRT LT 1 BEG 150E SWC TH E617 NE22.36 N200 NE169.64 N345 W736.95 S103.95 W160 S451.02 E150 S130 POB LESS BEG 150E SWC LT 1 TH E617 NE22.36 W59.62 S10 W567.38 S10 POB BLK 1, MAGIC CIRCLE SOUTH ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding Properties:

BOA-15911; on 1.14.92, the Board **approved** a *special exception* to permit automobile sales in a CS zoned district with conditions. Located at the northeast corner of East 21st Street South and South 101st East Avenue (10101 East 21st Street South).

BOA-12855; on 11.03.83, the Board **approved**, per conditions and time limitations, a *special exception* to allow automobile sales in a CS zoned district. Located at the northeast corner of East 21st Street South and South 101st East Avenue (10101 East 21st Street South).

BOA-12211; on 9.30.82, the Board **approved** a *special exception* to permit motor homes, travel trailers and 5th wheel sales in a CS zoned district. Located at the northwest corner of East 21st Street South and South 101st East Avenue.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Town Center" and an "Area of Growth".

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for

markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is a former K-Mart Store located near the NW/c of E 21st Street South and South 101st East Ave. There is an RS-3 Subdivision immediately across 21st Street, and CS zoning on all other immediate sides. The I-44 right-of-way is roughly 200 ft to the North of the subject property and the Highway 169 right-of-way is roughly 300 ft East of the Subject property.

STAFF COMMENTS: The applicant is requesting Special Exception the permit a Wholesales and Distribution Use in a CS zoned district (Sec. 15.020, Table 15-2).

Chapter 15 | Office, Commercial and Industrial Districts
Section 15.020 | Use Regulations

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
Building service	-	-	-	-	S	P	P	P	P	P	P	
Business support service	-	-	-	-	P	P	P	P	P	P	P	Section 40.300
Consumer maintenance/repair service	-	-	-	-	P	P	P	P	P	P	P	
Personal improvement service	S	S	S	S	P	P	P	P	P	P	P	
Research service	-	-	-	-	-	S	P	P	P	P	P	Section 40.225
Financial Services (except as below)	P	P	P	P	P	P	P	P	P	P	P	
Personal credit establishment	-	-	-	-	P	P	P	P	P	P	P	Section 40.300
Funeral or Mortuary Service	P	P	P	P	P	P	P	P	P	P	P	
Lodging												
Bed & breakfast	S	S	S	S	S	S	S	S	S	S	S	Section 40.050
Campgrounds and RV parks	-	-	-	-	S	P	P	P	P	P	P	
Hotel/motel	-	-	S	S	P	P	P	P	P	S	S	
Marina	S	S	S	S	S	S	S	S	S	S	S	
Office												Section 40.250
Business or professional office	P	P	P	P	P	P	P	P	P	P	P	
Medical, dental or health practitioner office	P	P	P	P	P	P	P	P	P	P	P	
Plasma center	-	-	-	-	P	P	P	P	P	P	P	Section 40.300
Parking, Non-accessory	P	P	P	P	P	P	P	P	P	P	P	
Restaurants and Bars												
Restaurant	P[1]	P[1]	P[1]	P	P	P	P	P	P	P	P	Section 40.330
Bar (except as below)	-	-	-	-	P[2]	P[2]	P[2]	P[2]	S	S	S	Section 40.050
Brewpub	-	-	-	-	S	S	S	P[2]	S	S	S	Section 40.050
Retail Sales												Section 40.340
Building supplies and equipment	-	-	-	-	P	P	P	P	P	P	P	
Consumer shopping goods	-	S[3]	S[3]	P[3]	P	P	P	P	P	P	P	
Convenience goods	-	S[3]	S[3]	P[3]	P	P	P	P	P	P	P	Section 40.300
Grocery Store	-	S[3,6]	S[3,6]	S[3,6]	P	P	P	P	P	P	P	
Small Box Discount Store	-	S[3,6]	S[3,6]	S[3,6]	P[6]	P[6]	P[6]	P[6]	P[6]	P[6]	P[6]	
Medical Marijuana Dispensary	-	-	-	-	P	P	P	P	P	P	P	Section 40.225
Self-service Storage Facility	S	S	S	S	S	P	P	P	P	P	P	Section 40.360
Sexually Oriented Business Establishment	-	-	-	-	P	P	P	P	S	S	S	Section 40.370
Studio, Artist or Instructional Service	P	P	P	P	P	P	P	P	P	P	P	Section 40.380
Trade School	-	S	S	S	S	P	P	P	P	P	P	
Vehicle Sales and Service												Section 40.400
Commercial vehicle repair/maintenance	-	-	-	-	S	P	P	P	P	P	P	
Truck stop	-	-	-	-	S	S	-	-	P	P	P	
Commercial vehicle sales and rentals	-	-	-	-	S	P	P	P	P	P	P	
Fueling station	-	-	-	-	P	P	P	P	P	P	P	
Personal vehicle repair and maintenance	-	-	-	-	P	P	P	P	P	P	P	
Personal vehicle sales and rentals	-	-	-	-	S	P	P	P	P	P	P	
Vehicle part and supply sales	-	-	-	-	P	P	P	P	P	P	P	
Vehicle body and paint finishing shop	-	-	-	-	S	P	P	P	P	P	P	
WHOLESALE, DISTRIB. & STORAGE												Section 40.410
Equip. & Materials Storage, Outdoor	-	-	-	-	S	P	P	P	P	P	P	
Trucking and Transportation Terminal	-	-	-	-	S	P	P	P	P	P	P	
Warehouse	-	-	-	-	S	P	P	P	P	P	P	
Wholesale Sales and Distribution	-	-	-	-	S	P	P	P	P	P	P	

The applicant has not gone through a plan review process with the City of Tulsa Permit Center and has not been issued a Letter of Deficiency describing all relief they may need to perform this use on this site. In granting this Special Exception the applicant would be required to comply with all other provisions of the code or they would need to seek additional relief from this Board at a later meeting prior to obtaining any building permits related to the Wholesales and Distribution Use.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** the permit a Wholesales and Distribution Use in a CS zoned district (Sec. 15.020, Table 15-2)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):
_____.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



View from 21st Street Right of Way at subject property(former K-Mart Site) facing East



View from 21st Street Right of Way at subject property facing East



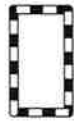
Subject Location



View of Neighborhood immediately across 21st Street from Subject location



Feet
0 200 400



Subject
Tract

BOA-22696

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

19-14 07

Aerial Photo Date: February 2018

21.7



Case No. 15909 (continued)

Board Action:

On MOTION of FULLER, the Board voted 5-0-0 (Bolzle, Chappelle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance of the required 100' setback from the centerline of South Peoria Avenue to 92' - Section 603. **BULK AND AREA REQUIREMENTS IN OFFICE DISTRICTS** - Use Unit 11; per plan submitted; finding that the existing house was constructed prior to the adoption of the current setback requirement, and the new addition will be 16' behind the front of the existing house; on the following described property:

The north 59.5' of Lot 15, and the south 65.5' of Lot 16, Block 5, Houstonia Homesites Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 15911

Action Requested:

Special Exception to permit automobile sales in a CS District - Section 701. **PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 10101 East 21st Street.

Presentation:

The applicant, Robert Majors, 10101 East 21st Street, Tulsa, Oklahoma, stated that a used car lot has been in operation on the subject property for approximately seven years. Mr. Majors explained that he acquired the property and was unaware that he could not continue the car sales business.

Comments and Questions:

Mr. Fuller asked if there are other used car sales in the area, and the applicant stated that a camper sales business is operating next door to the subject property.

Mr. Gardner explained that the two-year time limitation imposed on the previous applicant lapsed, and Mr. Majors is required to file another application to permit the car sales operation to continue.

Ms. White pointed out that the previous operation was limited to 15 cars, and Mr. Majors requested permission to display 20 vehicles on the lot.

Mr. Bolzle suggested that the applicant be restricted to used car sales only, with no repair or outside storage of automobile parts.

01.14.92:601(9)

Case No. 15911 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzle, Chappelle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit automobile sales in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; subject to the business being limited to used car sales and detailing only, with a maximum of 20 cars; and subject to no automobile repair or outside storage of automobile parts; finding that a car sales lot has previously operated on the lot, and that the use is compatible with the surrounding area; on the following described property:

Tract 1 out of Lot 1, Block 1, Magic Circle South Addition to the City and County of Tulsa being: The south 200' of the west 200' of Lot 1, Block 1, Magic Circle South Addition, Tulsa County, Oklahoma.

Case No 15912

Action Requested:

Variance of the 50' setback from the centerline of Vancouver Avenue - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6.

Variance of the 5' side yard to 0' to permit a carport - **Section 403. BULK AND REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located at 4863 South Vancouver.

Presentation:

The applicant, **William Groden**, 4863 South Vancouver Avenue, Tulsa, Oklahoma. was represented by **Robert Sories**, who informed that the carport in question was constructed approximately four years ago. He explained that Mr. Groden's home and the houses to the south of his property were constructed toward the front of the lot to permit the installation of lateral lines in the back. He stated that large trees on the front portion of the yard obstruct the view of the carport from the street. A plot plan and photographs (Exhibit G-1) were submitted.

Comments and Questions:

Mr. Doverspike asked if there are other carports in the area, and Mr. Sories stated that there is one carport two blocks to the north of the subject property.

Case No. 12854 (continued)

Beginning at a point 1047.48' South of the NE corner of the NW/4 of the NE/4; thence 140.52' South; thence West 330'; thence North 140.52'; thence East 330' to the point of beginning, containing 1-acre.

Case No. 12855

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit used car sales in a CS zoned district under the provisions of Section 1680, located at the NE corner of East 21st Street South and South 101st East Avenue.

Presentation:

Jim Head, 10101 East 21st Street, informed they would like to have 12 to 15 cars on the lot and they would not do any repair work on the subject property. There is an enclosed garage on the property to do maintenance work in. There is also an office, a public telephone, and a sign on the lot. The frontage meets the requirements of the Code. He described the surrounding area. Mr. Head is presently under a ten month lease on the property. He received temporary permission from the City to operate until this meeting. He has upgraded the property a great deal.

Protestant:

There was a letter of protest from the Burlingame and Associates Management Company (Exhibit "J-1").

Comments:

Mr. Chappelle requested to see the minutes of a similar case heard on April 1, 1983.

Mr. Gardner informed if the permission is tied to the applicant's lease, he can continue to get a lease. If the Board is thinking about a time limit, they should just specify a time, and then at the end of that time, the applicant can reapply and if he had done a good job, then the Board could take the time restriction off of it.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - under the provisions of Use Unit 1217) to permit a used car sales in a CS zoned district under the provisions of Section 1680 for a period of two years, with the conditions that there be a maximum of 15 cars, that there be no maintenance or repairs, and that it run with this operator only, on the following described property:

The South 200' of the West 200' of Lot 1, Block 1 of Magic Circle South Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12209 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in the Industrial Districts) to allow Use Units 12, 13, and 14 in an IL District, on the following described property:

Lot 3, Block 5A, Tulsa Southeast Industrial District in the City of Tulsa, Oklahoma.

Case No. 12210

Action Requested:

Variance - Section 710 - Principal Uses Permitted in the Commercial District - Request to locate a mobile home in a CS District and utilize it as an office and residence. This property is located at 4433 North Peoria Avenue.

Presentation:

LaRue Carlson, 4433 North Peoria Avenue, was present and submitted a plat (Exhibit "K-1") and a petition in support of the application signed by four (4) businessmen in the subject area (Exhibit "K-2"). Mr. Carlson, owner and operator of the North Tulsa Garden Center, requested that a mobile home be placed on the subject property to be used as an office and his residence and it would be placed in back of the existing building. The mobile home will be landscaped and will serve as a display for his customers. The mobile home will serve as security for the businesses in the area because of crime such as theft and vandalism in the subject area.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 710 - Principal Uses Permitted in the Commercial District) to locate a mobile home for security purposes in a CS District and utilize it as an office and residence, on the following described property:

The North 300' of the South 400' of the North 555' of the South 772.5' of the East 190' of the West 240' of the West 14.86 acres of Lot 1, Section 18, Township 20 North, Range 13 East in Tulsa County, Oklahoma, and the North 155' of the North 555' of the South 772.5' of the East 190' of the West 240' of the West 14.86 acres of Lot 1, Section 18, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

Case No. 12211

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial District - Request to sell motor homes, travel trailers, 5th wheel trailers (Use Unit 17) in a CS District. This property is located at the NW corner of 21st Street and 101st East Avenue.

Presentation:

Charles Ford, 4100 East 51st Street, was present representing Dennis Dean, who wants to continue his business at Dean Camper Service located at 6110 East 11th Street. The applicant proposes to purchase the subject property

Case No. 12211 (continued)

for the purpose of creating a second lot for sales and maintenance services of motor homes, travel trailers and 5th wheel trailers. Mr. Ford stated that the application falls under the Use Unit 17, but all of those services included in that unit will not be exercised. The maintenance service includes a full service unit which allows customers to come in for refurbishing of the units and provides services for plumbing, air conditioning, electric and power...for the units.

Protestants: None.

Board Comments:

Mr. Smith asked if any outside storage would be placed on the subject property and Mr. Ford stated that there would be no outside storage other than the units for the purpose of display. Mr. Smith also asked if any mobile homes would be sold at this location and Mr. Ford answered no.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to sell motor homes, travel trailers, 5th wheel trailers, plus accessories and services thereof, and not to include any other items under Use Unit 17, and that no outside storage be permitted and no mobile home sales be allowed, on the following described property:

Lots 1 & 2, Block 2, Magic Circle South Addition, LESS the West 447.79' thereof, in the County of Tulsa, Oklahoma.

Case No. 12212

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from the centerline of South 84th East Avenue from 50' to 38'. This property is located at 5658 South 84th East Avenue.

Presentation:

Paul Sallee, 3812 South 120th East Avenue, was present representing the property owner, Marvin McDonald, and submitted a plot plan and floor plan (Exhibit "L-1"), a copy of the protective covenants for the subject area (Exhibit "L-2"), and four (4) photographs of the subject area (Exhibit "L-3").

Mr. Sallee stated that Mr. McDonald is proposing to construct a carport in front of the existing residence to park his vehicles under as he has already enclosed his garage and added a bathroom to the existing residence. The proposed carport will match the existing residence and will be constructed of plywood and trimed in cedar. One of the photographs which was submitted shows a carport within 2 blocks west of the subject property. On the north end of the carport the applicant plans to add a 5' x 12' storage closet, which will extend into the setback line. Mr. Sallee also submitted a letter (Exhibit "L-4") from Robert Kaiser, 5664 South 84th East Avenue, and Paul Suttle, 5652 South 84th East Avenue, who support the application.

The front line of the carport will be 25' from the curb and the applicant is asking a variance of 12' of the required 50' setback from the centerline of 81st Street.

9.30.82:372(19)

21.12

Exhibit "A"

All that part of Lot One (1), Block One (1), MAGIC CIRCLE SOUTH ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 2513, more particularly described as follows, to-wit:

BEGINNING at a point in the South boundary of said Lot 1, 150.00 feet from the Southwest corner thereof; thence due East a distance of 617.00 feet; thence N 26°33'54" E a distance of 22.36 feet; thence due North a distance of 200.00 feet; thence N 45°00'00" E a distance of 169.64 feet; thence due North a distance of 345.00 feet; thence due West a distance of 736.95 feet to a point in the West boundary of said Lot 1; thence due South a distance of 103.95 feet; thence due West a distance of 160.00 feet; thence due South a distance of 451.02 feet; thence due East a distance of 150.00 feet; thence due South a distance of 130.00 feet to the Point of Beginning.

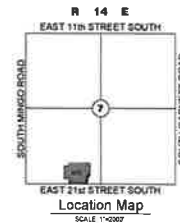
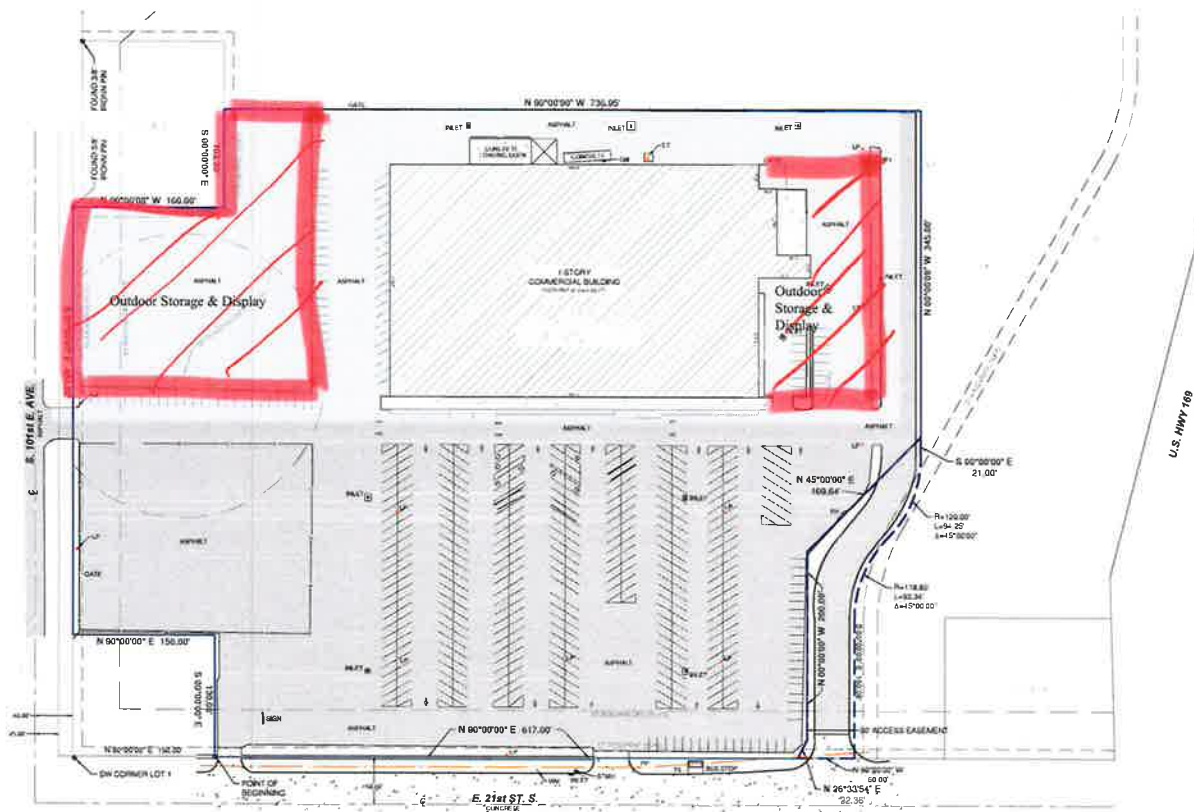
Exhibit "B"

Applicant requests a Special Exception, pursuant to Section 15.020 and Table 15-2 of the City of Tulsa Zoning Code (the "Code"), to permit Wholesale Sales & Distribution in a CS zoned district, located at 10131 E. 21st Street S. (the "Property"). The proposed use of Wholesale Sales & Distribution is for an electrical supply distributor and will include accessory outdoor storage and display of materials and conduit. A site plan of the Property and display areas is attached hereto as **Exhibit "C"**.

The Property consists of over 12 acres and is a former K-Mart location, which included outdoor storage in the same or similar locations as this proposed use. The Property is surrounded by major streets or highways on all sides - to the east by the Mingo Valley Expressway, to the south by E. 21st Street, to the west by S. 101st E. Ave., and to the northwest by I-44. Also to the northwest of the Property is a used car dealership. The surrounding area consists of a wide array of uses, including commercial shopping centers, multi-family apartments, single-family residential, and restaurants.

Wholesale Sales & Distribution is in harmony with the spirit and intent of the Code and consistent with the Comprehensive Plan. The use is expressly allowed by special exception in the CS District, as the City Council has determined the use is reasonable within the zoning district. Further, the character of the area and this part of the 21st Street corridor contains similar uses, including a variety of outdoor displays and storage accessory to those uses. Therefore, the proposed Wholesale Sales & Distribution use at this site and utilization of previous storage and display areas is not injurious to the neighborhood or otherwise detrimental to the public welfare.

EXHIBIT "C"



SURVEYOR'S NOTES

PREPARED BY: ANDY FREITZ, PLS
 DRAWN BY: ANDY FREITZ, PLS
 CHECKED BY: ANDY FREITZ, PLS
 FIELD NOTES: SEE FIELD BOOK FOR THIS SURVEY.
 CONTAINS LAND MARKS, MEASUREMENTS, AND CALCULATIONS.
 WE HAVE EXAMINED A MAP BY THE TULSA LAND REVENUE MANAGEMENT AGENCY
 SHOWING THE BOUNDARY OF THE TULSA COUNTY, OKLAHOMA, AND ACCORDINGLY
 ALIAS, COMMUNITY, PAVEMENT, AND OTHER INFORMATION, WHICH WE HAVE
 INTERPRETED TO BE THE PROPERTY OF THE TULSA COUNTY, OKLAHOMA, AND
 DETERMINED TO BE THE PROPERTY OF THE TULSA COUNTY, OKLAHOMA.
 LAST DATE WHEN SURVEYED: 10/10/2010
 ALL SURVEYS ARE SUBJECT TO CHANGE. THIS IS A PRELIMINARY SURVEY.

LEGAL DESCRIPTION - AS PROVIDED

ALL THAT PART OF LOT ONE (1), BLOCK ONE (1), MAGIC CIRCLE SOUTH ADDITION
 AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO
 THE RECORDED PLAT NO. 2913, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 AS FOLLOWS TO-WIT:

BEGINNING AT A POINT IN THE SOUTH BOUNDARY OF SAID LOT 1, 158.88 FEET
 FROM THE SOUTHWEST CORNER THEREOF; THENCE DUE EAST A DISTANCE OF
 417.00 FEET; THENCE S 28°15'00" E A DISTANCE OF 23.34 FEET; THENCE DUE
 NORTH A DISTANCE OF 158.88 FEET; THENCE S 45°00'00" E A DISTANCE OF 158.88
 FEET; THENCE DUE NORTH A DISTANCE OF 158.88 FEET; THENCE DUE WEST A
 DISTANCE OF 23.34 FEET; THENCE S 45°00'00" E A DISTANCE OF 158.88 FEET; THENCE DUE SOUTH A
 DISTANCE OF 158.88 FEET; THENCE DUE WEST A DISTANCE OF 158.88 FEET; THENCE DUE SOUTH A
 DISTANCE OF 158.88 FEET; THENCE DUE SOUTH A DISTANCE OF 158.88 FEET TO THE POINT OF BEGINNING.

AND:

ALL THAT PART OF LOT ONE (1), BLOCK ONE (1), MAGIC CIRCLE SOUTH ADDITION
 AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO
 THE RECORDED PLAT NO. 2913, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 TO-WIT:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1, THENCE DUE WEST
 ALONG THE SOUTH BOUNDARY OF SAID LOT 1 A DISTANCE OF 80.00 FEET TO THE
 POINT OF BEGINNING; THENCE DUE WEST ALONG THE SOUTH BOUNDARY OF SAID
 LOT 1 A DISTANCE OF 80.00 FEET; THENCE NORTH 29°35'00" EAST A DISTANCE OF
 23.34 FEET; THENCE DUE NORTH A DISTANCE OF 23.34 FEET; THENCE NORTH
 45°00'00" EAST A DISTANCE OF 158.88 FEET; THENCE DUE SOUTH A DISTANCE OF
 158.88 FEET; THENCE DUE SOUTH A DISTANCE OF 158.88 FEET; THENCE DUE SOUTH A
 DISTANCE OF 158.88 FEET; THENCE DUE SOUTH A DISTANCE OF 158.88 FEET; THENCE DUE SOUTH A
 DISTANCE OF 158.88 FEET; THENCE DUE SOUTH A DISTANCE OF 158.88 FEET TO THE POINT OF BEGINNING.

CERTIFICATE OF SURVEY

FILED LAND SURVEYING, LLC AND THE UNDERSIGNED, PROFESSIONAL LAND SURVEYOR, UNDER
 CERTIFICATE OF AUTHORIZATION, DO HEREBY STATE THAT THIS PLAN OF SURVEY IS A
 TRUE AND ACCURATE REPRESENTATION OF THE SURVEY MADE ON THE GROUND AND OF THE
 FACTS AS FOUND AT THE TIME OF THE SURVEY AND THAT THE PLAT IS CORRECT IN ALL RESPECTS
 WITHIN THE TECHNICAL STANDARDS REQUIRED BY THE STATE OF OKLAHOMA. BOARD OF LAND SURVEYING FOR
 PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

ANDY FREITZ, PLS
 OK L.S.C. 1894
 CA 95448



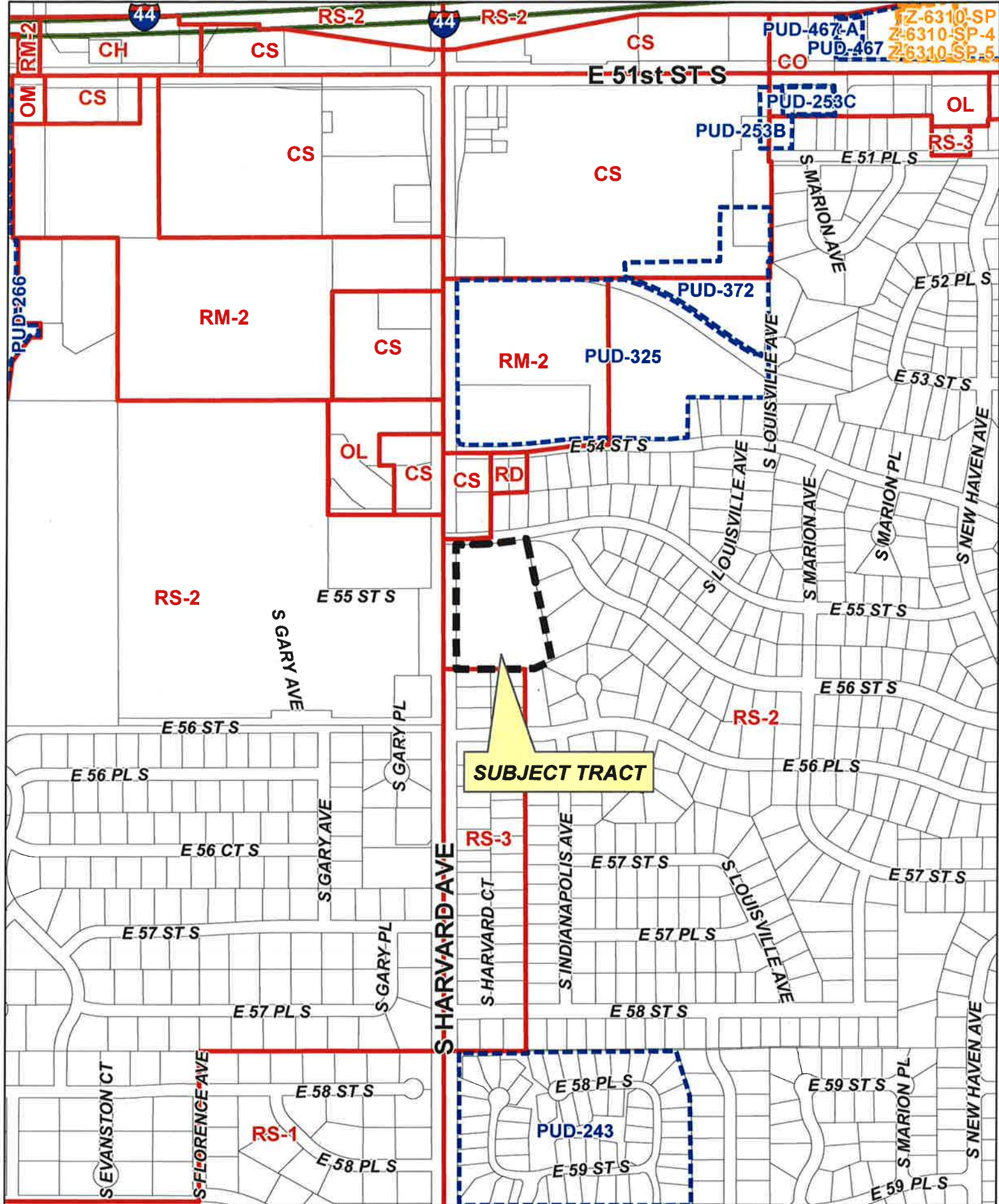
AS-BUILT SURVEY

PART OF LOT ONE (1), BLOCK ONE (1), MAGIC CIRCLE SOUTH ADDITION

OWNER: TULSA COUNTY	DATE: 10/10/2010	PREPARED BY: ANDY FREITZ, PLS
APPROVED BY: ANDY FREITZ, PLS	DATE: 10/10/2010	FILED BY: ANDY FREITZ, PLS
SCALE: 1"=60'	FILED: 10/10/2010	FILED: 10/10/2010

21.15

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BOA-22698

22.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9333

Case Number: **BOA-22698**

CZM: 47

CD: 9

HEARING DATE: 07/23/2019 1:00 PM

APPLICANT: Josh Kunkel

ACTION REQUESTED: Modification of a previously approved site plan to permit improvements to Woodland Acres Baptist Church approved in BOA-19904 (Sec. 5.020, Table 5-2).

LOCATION: 5511 S HARVARD AV E

ZONED: RS-2

PRESENT USE: Church

TRACT SIZE: 170755.9 SQ FT

LEGAL DESCRIPTION: PRT SW NW BEG 230N SWC NW TH N506 E80 NELY252.03 SE504.36 SW71.74 W367 POB LESS W50 THEREOF FOR ST SEC 33 19 13 3.92ACS

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-19904; On 9.14.04 the Board **approved** a revision to the Church's Site plan.

BOA-18442; On 6.22.99 the Board **approved** a Special Exception to permit a church use in and Residentially zoned property.

Surrounding Property: None

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Neighborhood" and an "Area of Growth".

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by RS-zoned subdivision on the East, CS- zoned property to the North, and RS-3 Subdivision to the South and an RS-2 Zoned Church and school immediately West across Harvard Avenue.

STAFF COMMENTS: The applicant is requesting a Modification of a previously approved site plan to permit improvements to Woodland Acres Baptist Church approved in BOA-19904 (Sec. 5.020, Table 5-2). The specific request would allow the applicant to enclose existing breezeways and courtyards.

Chapter 5 | Residential Districts
Section 5.020 | Use Regulations

USE CATEGORY		RS-							RM-					
Subcategory	RE	1	2	3	4	5	RD	RT	0	1	2	3	RMH	Supplemental Regulations
Specific use														
Hospital	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.070
Library or Cultural Exhibit	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.200
Natural Resource Preservation	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parks and Recreation	S	S	S	S	S	S	S	S	S	S	S	S	S	
Postal Services	S	S	S	S	S	S	S	S	S	S	S	S	S	
Religious Assembly	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.320

SAMPLE MOTION:

Move to _____ (approve/deny) the requested **Modification of a previously approved site plan** to permit improvements to Woodland Acres Baptist Church approved in BOA-19904 (Sec. 5.020, Table 5-2)

- Per the (Site/Conceptual) Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

The Board finds that the requested Modification will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

PRT LT 16 BEG 280.01E NWC TH E366.18 S5.81 SLY 325 .03 NWLY 239.50
POB BLK 3, SILVER OAKS B6-14,TIMBERCREST ADDN

*****.

Case No. 19904

Action Requested:

Approval of amended site plan for addition to church SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located: 5511 South Harvard Avenue East.

Presentation:

Mr. Dunham asked if they would be able to meet the parking requirements. Mr. Bugg replied they have had the architect look at it and they will be in compliance.

John Bugg, 7707 South Gary Place, presented the amended site plan for education space. The sanctuary would not be changed.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE an amended site plan for addition to church, on the following described property:

PRT SW NW BEG 230N SWC NW TH N506 E80 NELY252.03 S E504.36
SW71.74 W367 POB LESS W50 THEREOF FOR ST S EC 33 19 13 3.92ACS

*****.

Case No. 19906

Action Requested:

Variance of required 5 ft setback from the side yard to 1 ft for existing structure. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 2510 East Archer Street North.

Presentation:

Coyle Bitson, 2226 East 32nd Street North, introduced the applicant, **Jose Sosa**, 2508 East Archer, and his daughter, Judy Sosa.

Judy Sosa, 2508 East Archer Street, stated she came to speak for her father. Ms. Bitson submitted an exhibit with photographs (Exhibit F-2) to show what the applicant is doing. Mr. Sosa bought the house next door to his and obtained a building permit to remodel. The carport was repaired and enclosed because his

Case No. 18442Action Requested:

Special Exception to permit church and related uses in RS-2 and RS-3 Districts. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5;** Variance of Section 404.F.2. Minimum lot size. **SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS;** a Variance of Section 404.F.3. Minimum frontage. **SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS;** Variance of Section 404.F.4. Minimum 25' setback from abutting properties within an R District. **SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS;** Variance of Section 1205.B.1.a. 1 acre lot area and 100' lot width requirements. **SECTION 1205.B. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Included Uses;** Variance of Section 1205.B.1.b. to permit parking in the front yard. **SECTION 1205.B. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Included Uses,** located S & E of 55th St. S. & S. Harvard Ave.

Presentation:

The applicant, **Jim Satrum**, 5511 South Harvard Avenue, submitted a site plan (Exhibit K-1) and stated that he is representing Woodland Acres Baptist Church. The church property is bounded by South Harvard Avenue, East 55th Street South and an R District. Mr. Satrum mentioned that the church acquired the four duplexes directly south of the church a year and a half ago. The other two duplexes, which abut East 56th Place South, are rented. There have been discussions between the present owners and the church about the church possible purchasing them in the future. The application today is related to the four duplexes which the church owns. The church intends to use the four duplexes for church uses, specifically on Sunday mornings and Sunday evening for Bible study. They also intend to use them for Bible study throughout the week. Mr. Satrum mentioned that the property would be accessed through the church property and not the street leading into the duplexes. South Harvard Court is a private street and the church will gate their portion of the street so cars cannot be permitted to enter the church property through the street.

Comments and Questions:

Mr. Dunham asked if there would be any other types of activities taking place on the property? Mr. Satrum replied no. The duplexes would mostly be utilized as adult Bible study.

Mr. Dunham asked the applicant if the church would have any problem with tying the properties to the remainder of the church property? Mr. Satrum replied that they would submit a tie agreement.

Board Action:

On **MOTION** of **COOPER**, the Board voted 3-0-0 (Cooper, Dunham, Perkins, "aye"; no "nays", no "abstentions"; Turnbo, White "absent") to **APPROVE *Special Exception*** to permit church and related uses in RS-2 and RS-3 Districts, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5; *Variance* of Section 404.F.2. Minimum lot size. SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; a *Variance* of Section 404.F.3. Minimum frontage. SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; *Variance* of Section 404.F.4. Minimum 25' setback from abutting properties within an R District. SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; *Variance* of Section 1205.B.1.a. 1 acre lot area and 100' lot width requirements. SECTION 1205.B. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, *Included Uses*; *Variance* of Section 1205.B.1.b. to permit parking in the front yard. SECTION 1205.B. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, *Included Uses*, , finding that the variances meet the requirements of Section 1607.C.subject to the applicant filing a tie agreement, on the following described property:**

Lots 1, 2, 5 and 6, Block 1, Amended Plat South Harvard Court, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18443

Action Requested:

Approval of an amended site plan to add a new activity center. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS. Use Unit 5**, located 25 South Atlanta.

Presentation:

The applicant, **Stephen J. Olsen**, submitted a site plan (Exhibit L-1) and stated that he represents St. Francis Xavier Catholic Church.

Interested Parties:

None.



View of Church courtyard facing North



View of Church courtyard facing East



0 Feet 250 500



Subject Tract

BOA-22698

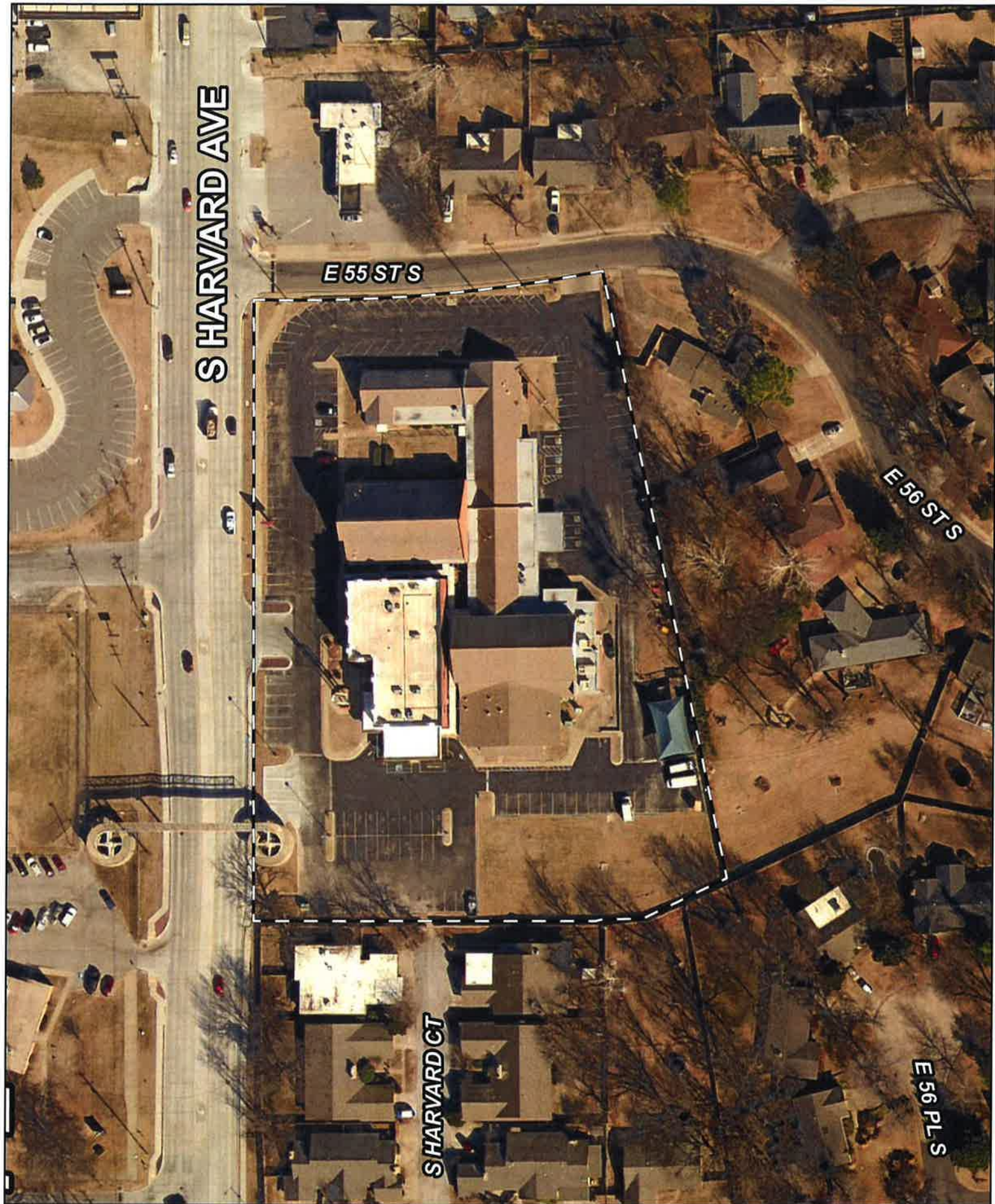
19-13 33

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

Aerial Photo Date: February 2018

22.9





0 Feet 50 100



Subject
Tract

BOA-22698

19-13 33

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

Aerial Photo Date: February 2018

22.10



BOB KOLIBAS
ZONING PLANS REVIEWER
TEL (918)596-9664



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

ZONING REVIEW

June 7, 2019

LOD Number: 1

Josh Kunkel
2417 E. Admiral Place
Tulsa OK 74110

Phone: (918)208-0620

APPLICATION NO: 030590-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 5511 S. Harvard Avenue

Description: Woodland Acres Baptist Church/Addition

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A \$55 RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 WEST 2ND STREET, 8TH FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)

22.11

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT WWW.INCOG.ORG

Application No. 030590-2019

5511 S. Harvard Avenue

June 7, 2019

This letter of deficiencies covers zoning Review items only.

You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

1.) Amendments 1: Amendments to approved special exceptions must be processed as new special exception applications, including all requirements for fees, notices and public hearings, provided that the development administrator is authorized to approve the following:

- a. Any structures or uses authorized to be approved by the development administrator at the time of special exception approval; and
- b. The addition or relocation of customary accessory uses and structures. Applications for amendments to approved special exceptions must be filed in a form established by the land use administrator.

Review Comment: The proposed addition to the church requires a modification of a previously approve site plan by the City of Tulsa BOA per previously approve BOA case 12604.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to a Tulsa Planning Office representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application to our office, so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

END – ZONING CLEARANCE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION.

22.13



CAUTION

NOTICE TO CONTRACTOR
THE CONTRACTOR IS SPECIFICALLY CAUTIONED THE LOCATION AND ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES.

METHOD.
Architecture | Interiors | Planning | Preservation

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wallace

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WABC Renovations
5511 S. Harvard Ave., Tulsa, OK 74135

No.	Description	Date
01-100	For Issue History	
Project No.	19004	
Issued:		
Drawn By:	HCN	
Checked By:	SMR	

SP100
SITE PLAN