AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, September 24, 2019, 1:00 P.M.

Meeting No. 1237

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of September 10, 2019 (Meeting No. 1236).

UNFINISHED BUSINESS

2. 22712—Eufloria Gypsy, LLC
   Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
   LOCATION: 303 North Martin Luther King, Jr. Drive (CD 4)

3. 22730—Martin Yoho
   Special Exception to permit a manufactured home use in a residential district (Table 5-2.5); Special Exception to extend the one year time limit for a manufactured home indefinitely (Section 40.210); Variance to allow the use of a non dustless, all-weather parking surface to permit a gravel driveway (Section 55.090-F.1). LOCATION: West of the NW/c of West Archer Street North and North 38th Avenue West (CD 1)

4. 22733—Ron Reddy
   Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
   LOCATION: 3202 South Memorial Drive East (CD 5)

NEW APPLICATIONS

5. 22714—Diana Capehart
   Appeal of a decision by the Tulsa Preservation Commission to deny Historic Permit Application #HP-0116-2019 to permit the replacement of a tile roof with shingles (Section 70.070-L). LOCATION: 1110 East 18th Street South (CD 9)
Variance to permit a dynamic display in a CS District to be located within 200 feet of an RS-3 District (Section 60.100-F). **LOCATION:** 1228 West Apache Street North (CD 1)

7. **22736—Angela Locke**  
Variance of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 6702 South Lewis Avenue East (CD 2)

8. **22737—Jeremy Enno**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 2442 East 15th Street South (CD 4)

9. **22738—Tonnieka Starks**  
Variance to allow a detached accessory structure to exceed 500 square feet (Section 45.030-B); Variance to allow an accessory structure to exceed 18 feet in height (Section 90.90.C); Variance to allow more than 30% coverage in the rear setback (Section 90.090-C.2). **LOCATION:** 1431 North Nogales Avenue West (CD 1)

10. **22739—Erik Sigala**  
Special Exception to increase the maximum driveway width from 30 feet to 36.8 feet on the lot in an RS-3 District (Section 55.090-F). **LOCATION:** 11549 East 7th Street South (CD 3)

11. **22740—Anthony Rodriguez**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 432 South Sheridan Road East (CD 5)

12. **22741—Eufloria Gypsy, LLC – Timothy Borgmann**  
Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 303 North Martin Luther King, Jr. Drive (CD 4)

13. **22742—Rob Coday**  
Variance to reduce the minimum street setback in an IM District from 10 feet to 0 feet (Section 15.030, Table 15-3). **LOCATION:** 34 North Owasso Avenue East (CD 1)

14. **22745—Charles Higgins**  
Special Exception to allow a duplex in an RS-5 District (Section 5.020, Table 5-2); Variance of the 25 foot setback for a Special Exception Use from R-zoned
lots occupied by residential uses (Section 50303-B, Table Note 4); Variance of
the required number of parking spaces (Section 55.020, Table 55-1).

**LOCATION:** 1012 North Main Street (CD 1)

15. **22746—Shane Hood**
   Special Exception to allow a Small (less than 250-person capacity) Indoor
   Commercial Assembly/Entertainment Use to sell and serve alcohol within 150
   feet of a residential district; Special Exception to allow an Outdoor Commercial
   Assembly/Entertainment Use in a CH District (Section 15.020, Table 15-2).
   **LOCATION:** 3924 West Charles Page Boulevard South (CD 1)

16. **22747—Amanda Lowe**
   Special Exception to allow Low-impact Manufacturing and Industry uses in the
   CBD District (Section 15.020, Table 15-2). **LOCATION:** 320 North Boston
   Avenue East (CD 4)

17. **22748—Wallace Engineering**
   Special Exception to permit a Homeless Center in the CBD District (Section
   15.020, Table 15-2); Special Exception to reduce the dispersal standards for
   Detention and Correctional Facilities, Emergency and Protective Shelters,
   Homeless Centers, Residential Treatment Centers and Transitional Living
   Center Uses from each other (Section 40.130). **LOCATION:** 415 West Archer
   Street North (CD 4)

**OTHER BUSINESS**
**NEW BUSINESS**
**BOARD MEMBER COMMENTS**
**ADJOURNMENT**

Website: www.cityoftulsa-boa.org  
E-mail: esubmit@incog.org

CD = Council District

**NOTE:** If you require special accommodation pursuant to the Americans
with Disabilities Act, please notify Tulsa Planning Office @ (918)584-7526. 
Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may
be received and deposited in case files to be maintained at Tulsa Planning
Office, INCOG. **ALL** electronic devices **MUST** be silenced during the Board
of Adjustment meeting.

**NOTE:** This agenda is for informational purposes only and is not an official
posting. Please contact the Tulsa Planning Office at (918) 584-7526 if you
require an official posted agenda.
BOARD OF ADJUSTMENT  
CASE REPORT  

STR: 9201  
CZM: 36  
CD: 4  

Case Number: BOA-22712  

HEARING DATE: 09/24/2019 (Continued from 08/13/2019) 1:00 PM  

APPLICANT: Eufloria gypsy 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: 303 N MARTIN LUTHER KING JR BV  
ZONED: CBD  

PRESENT USE: vacant  
TRACT SIZE: 10498 SQ FT  

LEGAL DESCRIPTION: ALL LT 4 S OF RY BLK 21, TULSA-ORIGINAL TOWN  

RELEVANT PREVIOUS ACTIONS:  

Surrounding Properties:  
BOA-22613: On 04/09/2019 the Board approved a special exception to allow an Industrial/Low-Impact Manufacturing and Industry for medical marijuana processing in the CBD District. Located at 15 E Matthew Brady St. N.  

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

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed-use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

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 zoned CBD and is surrounded by CBD zoning.
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 CBD district from other medical marijuana dispensaries (Section 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 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 40.225-1, 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 circle around their location with a 1,000 ft radius and providing the location of the nearest OMMA dispensary license holder at 15 E. Matthew Brady. This property is within 1,000 ft of the subject property. As of the writing of this report no permits have been applied for at this location for a Medical Marijuana Dispensary. There is a Certificate of Occupancy application (COO-026015-2019) for a Low Impact Medical Marijuana Processing Facility, that permit is attached.

**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.
Permit Number: COO-026015-2019

Type:
Certificate of Occupancy - Certificate of Occupancy (Commercial)

IVR Number:
126168

Applied Date:
03/07/2019

Status:
Issued

Project Name:

Issue Date:
03/07/2019

District:
Council District 4

Assigned To:

Expire Date:

Finalized Date:

Description:
MJ- STAND ALONE COO Black Rain Processing, LLC DBA Glazed

https://tulsaok.tylertech.com/EnerGov4934/SelfService#/permit/dafe0d93-a5b7-4886-940f-f24097a8efbd
Application Detail

Record Retention #
5

Food or Food Related

Low Point Beer

Retail Beer

Retail Wine

Grease Interceptor/Oil Separator

Liquor License

Retail Spirits - Liquor Store

Describe Proposed Use in Detail
Medical Marijuana Processing Facility using MMJ components processed elsewhere

Existing Use
industrial kitchen for chocolate production/sales

Describe Special Zoning Action

2.5
**Required Info - Existing Bldg. (Customer Declared)**

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
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<tr>
<td>Floor area height (ft, in)</td>
<td>14 ft 4 in</td>
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<tr>
<td>Total Height of Building</td>
<td>42</td>
</tr>
<tr>
<td>Total Number of Stories</td>
<td>3</td>
</tr>
<tr>
<td>Total Number of Basement Levels</td>
<td>0</td>
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<tr>
<td>Floor area to be occupied (sf)</td>
<td>1831</td>
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<tr>
<td>Building Area (sf)</td>
<td>12900</td>
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<tr>
<td>Floor area width (ft, in)</td>
<td>22 ft 4 in</td>
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<tr>
<td>Floor area length (ft, in)</td>
<td>90 ft 7 in</td>
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<tr>
<td>Shell Build-Out?</td>
<td>No</td>
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<tr>
<td>Is existing building sprinklered?</td>
<td>Not Sprinklered</td>
</tr>
<tr>
<td>Are you changing use of the building or land?</td>
<td>Yes</td>
</tr>
<tr>
<td>Exterior Wall Finish</td>
<td>Brick/Stone Veneer</td>
</tr>
<tr>
<td>Exterior Wall Structure</td>
<td>Other (Describe in Existing Const. Materials)</td>
</tr>
<tr>
<td>Interior Walls</td>
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</table>

2.6
Gyp/Metal Studs
Ceiling Type
Acoustical Tile
Roof Covering
Bur Membrane
Roof Decking
Wood

Existing Construction Materials Comments
Ext Wall Structure- Brick
Framing System
Wood
Bearing Walls
Brick
Roof Framing
Wood Joist
Floor Framing
Wood Joist
Floor Decking
Wood Deck

Existing Structural System Comments

Commercial Building/Fire Review Details

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<th>Use Group</th>
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<tr>
<td>☑ A-1 Assembly, theaters, without stage</td>
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<tr>
<td>☑ A-1 Assembly, theaters, with stage</td>
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<td>☑ A-2 Assembly, nightclubs</td>
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<td>☑ A-3 Assembly, churches</td>
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<td>Category</td>
<td>Description</td>
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<td>A-3</td>
<td>Assembly, general, community halls, libraries</td>
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<td>A-4</td>
<td>Assembly, arenas</td>
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<td>Assembly, outdoor, stands, parks</td>
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<td>B</td>
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<td>Factory and industrial, moderate hazard</td>
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<td>High hazard</td>
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<td>Institutional, supervised environment</td>
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<td>Institutional, restrained</td>
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<td>Institutional, day care facilities</td>
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<td>Mercantile</td>
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<td>Residential, hotels</td>
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<td>Residential, multiple family</td>
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<td>R-3</td>
<td>Residential, one and two-family</td>
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<td>Residential, care/assisted living facilities</td>
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<td>Storage, moderate hazard</td>
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<td>Storage, low hazard</td>
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<tr>
<td>RC-AG</td>
<td>Residential, attached garage</td>
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<td>RC-C</td>
<td>Residential, carport</td>
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<tr>
<td>RC-D</td>
<td>Residential, duplex habitable space</td>
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<td>RC-FH</td>
<td>Residential, future high development</td>
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<td>RC-FL</td>
<td>Residential, future low development</td>
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<tr>
<td>RC-FM</td>
<td>Residential, foundation move-in</td>
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<tr>
<td>Construction Type</td>
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<tr>
<td>IA Noncombustible Protected</td>
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<td>IB Noncombustible Protected</td>
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<tr>
<td>IIB Noncombustible Unprotected</td>
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<tr>
<td>III Noncombustible/Combustible Protected</td>
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<tr>
<td>IIIIB Noncombustible/Combustible Unprotected</td>
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<tr>
<td>IV Heavy Timber</td>
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<td>VA Combustible Protected</td>
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<tr>
<td>VB Combustible Unprotected</td>
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</tbody>
</table>
Mezzanine(s)  □

Unlimited Area Building  □

Windowless Story  □

Total # of Stories
3

# of Residential Units

Total # of Basements

Number of Posted Occupant Load Signs Required

Building Area
12749.6

Building Height
42

Fire Retardant Treated Wood

Permit Area
1831

Overall Length
90.58333

Overall Width
22.33333

Building

IBC 2015

IEBC 2015

Electrical

NEC 2014
Energy
IECC 2006

Fire
IFC 2015

Fuel Gas
IFGC 2015

Mechanical
IMC 2015

Plumbing
IPC 2015

Zoning
TZC

Other Codes

Separated Mixed Use

Fire Wall

Fire Barrier

Fire Partition

Floor/Ceiling

Roof/Ceiling

Stairs

Smoke Barrier

Elevator

Fire Alarm

Alarm Required

Fully Sprinklered
No
Sprinklered Required

Partially Sprinklered

Sprinklers Required In

☐ Attic
☐ Canopy
☐ Mechanical
☐ Storage
☐ Other

Other

Sprinkler Standard

☐ NFPA11-2010 Low-Exp. Foam
☐ NFPA12-2011 CO2
☐ NFPA12A-2009 Halon
☐ NFPA13-2013
☐ NFPA13D-2013 1 & 2 Family
☐ NFPA13R-2013 Residential
☐ NFPA14-2013 Standpipes
☐ NFPA16-2015 Foam Water
☐ NFPA17-2013 Dry Chem.
☐ NFPA17A-2013 Wet Chem.
☐ NFPA2001-2015 Clean Agent

Building Permit Notes

Zoning Review Details
No Zoning Compliance Review

Use by Right

Variance

Administrative Adjustment

Plat Waiver

Special Exception

District Court

Sexually Oriented Business

Plat #

510

BOA #

Lot Split #

Lot Combination #

PUD #

MPD #

Zoning Use

Industrial/Low-Impact Manufacturing & Industry

Front
<table>
<thead>
<tr>
<th>Item</th>
<th>Required</th>
<th>Actual</th>
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</thead>
<tbody>
<tr>
<td>Lot Frontage (ft)</td>
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<td></td>
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<tr>
<td>Screening Fence Required</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Average Depth in Feet</td>
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<td></td>
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<tr>
<td>Landscape Required?</td>
<td>No</td>
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<tr>
<td>Floor Area (sq. ft.)</td>
<td>1831</td>
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<tr>
<td>Allowable Building Height (ft.)</td>
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<td>Open Space (sq. ft./D.U.)</td>
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<td>Floor Area Ratio</td>
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<tr>
<td>Use Conditions</td>
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</table>

**Zoning Permit Notes**

COO only approved per BOA-22613:4/09/2019 Special Exception to allow an Industrial/Low-Impact Manufacturing & Industry for medical marijuana processing in the CBD district. Conditions: Conceptual Plan 7.11 & 7.13. No approval is granted for any construction or use violating any provision of Title 42. No other structures are included in this permit.
Certificate of Occupancy Review Details

<table>
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<tr>
<th>Use Group</th>
<th>Construction Type</th>
<th>Floor Area</th>
<th>Occupant Load</th>
<th>Descriptive Area</th>
<th>Posted</th>
</tr>
</thead>
</table>
| Business Name

Fully Sprinklered
☐

Required
☐

Fire Alarm
☐

Required
☐

Occupancy Conditions

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

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Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of RADNEY, the Board voted 4-0-0 (Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Back 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 the liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store; for the following property:

LT 13 & 14 BLK 10, EAST LAWN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22613—Hall Estill

Action Requested:
Special Exception to allow an Industrial/Low-Impact Manufacturing and Industry for medical marijuana processing in the CBD District (Section 15.020). LOCATION: TENANT SPACE – 15 East Mathew Brady Street North (CD 4)

Mr. Van De Wiele recused and asked Mr. Bond to chair this matter, and he left the meeting at 3:24 P.M.

Presentation:
Amanda Lowe, 320 South Boston Avenue, Suite 200, Tulsa, OK; stated the request is for the production of medical marijuana edibles at an existing currently closed commercial kitchen. The production would be in the back portion of the building. Currently the commercial kitchen produces regular candies and chocolates. Ms. Lowe stated that her client would also be producing candies and chocolates but with the added ingredient of cannabis oil. The cannabis oil would be processed at an offsite location, brought to the kitchen, and the liquid cannabis oil formed, mixed and baked into the chocolates, and the end product edibles would then be sold to dispensaries around the Tulsa area. Ms. Lowe stated that her client's use would be in line with the current and continued use of the property, and there would be no noticeable or observable changes to the neighborhood or in the perception of the general public.

Interested Parties:
There were no interested parties present.
Comments and Questions:
None.

Board Action:
On MOTION of RADNEY, the Board voted 3-0-1 (Bond, Radney, Ross, "aye"; no "nays"; Van De Wiele "abstaining"; Back absent) to APPROVE the request for a Special Exception to allow an Industrial/Low-Impact Manufacturing and Industry for medical marijuana processing in the CBD District (Section 15.020), subject to conceptual plans 7.11 and 7.13 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:

LT 3 BLK 28 & E10 VAC ALLEY ADJ ON WL, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele re-entered the meeting at 3:27 P.M.

22615—Bradley Anderson

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: TENANT SPACE – 1615 South Memorial Drive East (CD 5)

Presentation:
Bradley Anderson, 1563 North Frankfort Avenue, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Van De Wiele stated that the Board has the applicant’s spacing verification exhibits on pages 8.11, 8.12, 8.13 and 8.14.

Mr. Anderson stated that he has spoke with the people in the strip mall and they seem to be happy, and people have been stopping by as he is setting up the shop.

Interested Parties:
Shellie Clark, 8126 East 16th Street, Tulsa, OK; stated she is the manager of the apartment complex behind the strip mall. The apartment complex parking lot is right behind the subject building to the east. A bar went into the shopping center and there have been shootings there, and she has had to install a gate to keep people from parking in the apartment’s parking lot. The club does not close until 4:00 A.M. and she has heard that the dispensary is not going to close until 2:00 A.M.
Subject Property: Gypsy Coffee House

Eastern portion of subject property
View facing West from sidewalk at the NE/c of MLK and Cameron

View facing East from sidewalk
OMMA License ID #: DAAA-4KFV-ESVR

BLACK RAIN LLC

15 EAST MATTHEW BRADY ST

View from Reconciliation Way, as of the writing of this report no permits have been applied for at this location for a Medical Marijuana Dispensary. Though there is a Certificate of Occupancy application (COO-026015-2019) for a Low Impact Medical Marijuana Processing Facility, that permit is attached.
ZONING CLEARANCE PLAN REVIEW

July 9, 2019

Eric Dangler
10 E Archer ST
Tulsa, OK 74103

APPLICATION NO: BLDC-034730-2019
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 303 N Martin Luther King DR
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” 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

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:

   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.
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
EUFLORIA GYPSY LLC
303 N MARTIN LUTHER KING JR BLVD B, TULSA, OK, 74103

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 55 O.S. § 301 ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 55 CHAP. 102. THE LICENSE IS
SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFORE, 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.

07/10/2020
LICENSE NUMBER:
DAAA-4U22-ZRDX

DO NOT COPY

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health
License ID #: DAAA-4J22-ZRDX EUFLORIA GYPSY LLC  303 N Martin Luther King Jr Blvd
License ID #: DAAA-4J22-ZRDX  EUFLORIA GYPSY LLC  303 N Martin Luther King Jr Blvd

License ID #: DAAA-4KFV-E5VR
BLACK RAIN LLC
15 E MATHEW BRADY ST (Location is currently unoccupied)
License ID #: DAAA-4J22-ZRDX EUFLORIA GYPSY LLC  303 N Martin Luther King Jr Blvd

License ID #: DAAA-VKKE-OMZF
MINDFULL MEDICAL, LLC
202 S LANSING AVE
A page from the Oklahoma Medical Marijuana Authority website displaying a list of licenses. The list includes:

<table>
<thead>
<tr>
<th>Status</th>
<th>Title</th>
<th>License Number</th>
<th>Expiry Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved</td>
<td>Eufloria Gypsy LLC</td>
<td>DAAA-4J22-ZRDX</td>
<td>07/10/2020</td>
</tr>
</tbody>
</table>

The website also shows a warning to use a supported browser for best performance.
Dear Eric,

Your Oklahoma Medical Marijuana Authority (OMMA) New Business License application has been approved.

You will receive an approval letter with your license in the mail. Your application reference number is 162245.

If you have any questions, please feel free to contact the OMMA at (405) 522-6662 or via email:

- Grower Inquiries: OMMAGrower@ok.gov
- Processor Inquiries: OMMAMProcessor@ok.gov
- Dispensary Inquiries: OMMADispensary@ok.gov

Click here to log in.
Feet

Subject Tract

BOA-22712

19-12 01

Aerial Photo Date: February 2018

N

Note: Graphic overlays may not precisely align with physical features on the ground.
BOA-22712

Subject Tract

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

Aerial Photo Date: February 2018
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 CBD district from other medical marijuana dispensaries (Section 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.

The applicant submitted exhibits indicating a circle around their location with a 1,000 ft radius and providing the location of the nearest OMMA dispensary license holder at 15 E. Matthew Brady. This property is within 1,000 ft of the subject property. As of the writing of this report no permits have been applied for at this location for a Medical Marijuana Dispensary. There is a Certificate of Occupancy application (COO-026015-2019) for a Low Impact Medical Marijuana Processing Facility, that permit is attached.

Updated Comments below added 8/13/2019:

It has come to the attention of staff that as of yesterday there has been a COO issued for a dispensary at 15 E Matthew Brady. This location is within 1,000' of the subject property in BOA-22712. Attached you will find a copy of the COO issued at 15 E Matthew Brady, the OMMA License information for the property at 15 E Matthew Brady, and an updated Map of dispensaries that have received COO's, spacing or a variance of the 1,000 ft spacing requirement for dispensaries.

SAMPLE MOTION:

I move that based upon the facts in this matter as they exist presently, we (accept/ reject) 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.
CERTIFICATE of OCCUPANCY  No: COO-026015-2019

PROPERTY
Address: 15 E MATHEW BRADY ST N

ZONING USE
Zoning District: CBD
Use: Commercial/Retail Sales/Medical Marijuana Dispensary
Use Conditions:

BUILDING OCCUPANCY

<table>
<thead>
<tr>
<th>Use Group</th>
<th>Const. Type</th>
<th>Floor Area</th>
<th>Occ. Load</th>
<th>Descriptive Area</th>
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</thead>
<tbody>
<tr>
<td>B</td>
<td>IIIIB</td>
<td>1,905</td>
<td>18</td>
<td>Entire Space (incl. front Customer Area = 300 SF)</td>
</tr>
</tbody>
</table>

Floor area of Permit: 1,905

OCCUPANCY CONDITIONS:

The above described property has been found to comply with the appropriate provisions of the City of Tulsa Zoning Code and Building Code and is approved for use and occupancy as herein limited.

Any easement closed by City Ordinance is subject to the City re-opening the easement unless the developer has foreclosed the City's right to re-open. It is the developer's responsibility to file a lawsuit in the District Court to foreclose the City's right to re-open a closed easement. This Certificate of Occupancy (and prior permits) do not annul the City's rights to re-open a closed easement.

Approval Date: August 12, 2019
Code Official: Adam Murray
Evidence of our preparedness to open

Marijuana Dispensary | Tulsa, Oklahoma | Eufuria
https://nationalemedicalmarijuanacard.com/dispensary/tulsa_eufuria -
Eufuria is a medical marijuana dispensary in Tulsa, Oklahoma. Explore their products, deals, deliveries, ratings and reviews.

Eufuria Dispensary - Home | Facebook
https://www.facebook.com/Page: Tulsa, Oklahoma | Medical & Health +
Eufuria dispensary, Medical & Health in Tulsa, Oklahoma, Rose District Dispensary, Medical Cannabis Dispensary, Eufuria Medical of Tennessee, Inc., Health/Beauty, Grand Lake Real Ruiz Dispensary, Medical Cannabis Dispensary, MW, the View header, Armored Beast Comics, A Serious Picture Productions, SerebellumTech, The...

Eufuria | Marijuana Dispensary in Tulsa | PotGuide.com
https://potguide.com.../Marijuana Dispensaries | Tulsa: Eufuria -
Eufuria is a marijuana dispensary located in Tulsa, Oklahoma.

Marijuana Dispensaries Near Me in Tulsa, OK for Medical...
https://webmdmaps.com/dispensaries/In/united-states/oklahoma/tulsa
Results 1 - 100: Find nearby dispensaries in Tulsa, OK,..., Mango Cannabis - Tulsa (Coming Soon), Be the first to review dispensary Medical, Closed.
The Dispensary - Treeshouse Dispensary - Northside Dispensary - Level423

PM list of dispensaries - Green Life Consulting Society
www.greenlifeconsultings.com/wp.../04/OMMA-Dispensaries-List-711.pdf -

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22-712
OFFICIAL RECORD EXHIBIT ENTERED IN THE
MINUTES OF THE TULSA CITY BOARD OF ADJUSTMENT

2.35
TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22712
OFFICIAL RECORD EXHIBIT ENTERED IN THE 8/13/19 MINUTES OF THE TULSA CITY BOARD OF ADJUSTMENT

15 E Mathew Brady St, Tulsa, OK 74103

Shelton Machine 15 E Mathew Brady St, Tulsa, OK 74103 - YP.com

- One Yellowpage listing to a disassociated business / use
## Relevant Timelines

<table>
<thead>
<tr>
<th>Event</th>
<th>Black Rain (15 East Mathew Brady Street)</th>
<th>Euforia Gypsy 303 N. Martin Luther King Jr. Blvd.</th>
</tr>
</thead>
<tbody>
<tr>
<td>OMMA License Issuance</td>
<td>License #: DAAA-4KFW-E5VR</td>
<td>License #: DAAA-4J22-ZRDX</td>
</tr>
<tr>
<td></td>
<td>November 29, 2018 (see attached)</td>
<td>July 10, 2019 (or a few days prior thereto)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(see page 18.24 of BOA Materials)</td>
</tr>
<tr>
<td>Applied for COO</td>
<td>March 7, 2019</td>
<td>June 17, 2019</td>
</tr>
<tr>
<td>Spacing Verification</td>
<td>Not required per §40.225-I of the Zoning Code (pre-12/1/2018 License)</td>
<td>None</td>
</tr>
<tr>
<td>Issuance of COO</td>
<td>August 12, 2019 (see attached)</td>
<td>None</td>
</tr>
<tr>
<td>Open to the public</td>
<td>Upon completion of buildout new few weeks</td>
<td>Unknown – any current sales would be unlawful</td>
</tr>
</tbody>
</table>
Thursday, November 29, 2018

BLACK RAIN LLC
15 E MATHEW BRADY ST
TULSA, OK, 74103

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: 11/28/2018 and will expire one(1) year after this date, on 11/03/2019.

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

Your license number is: DAAA-4KFV-E5VR

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,

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

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22-8/12
OFFICIAL RECORD EXHIBIT
ENTERED IN THE
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

Attachment: License Certificate
State of Oklahoma
License Certificate
COMMERCIAL DISPENSARY LICENSE
HEARTH GRANTED TO
BLACK RAIN LLC
15 E MATHEW BRADY ST., TULSA, OK, 74103

THE LICENSE IS ISSUED BY THE OKLAHOMA DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS
FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 4708 ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 360 CHAPTER 8. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE REVOKED OR REVOCED 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.

12/03/2019
LICENSE NUMBER:
DAAA-4KFW-E5VR

DO NOT COPY

TOM BATT
Interim Commissioner
Oklahoma State Department of Health
Mr. Bond stated the Board has received a copy of the applicant’s OMMA license that is shown on page 17.11 and page 17.12 is a map of the 1,000-foot radius of the agenda packet.

Ms. Shelton asked if this dispensary is located in the EZ Pawn building or is it next to the EZ Pawn. Mr. Lark stated that is in the EZ Pawn.

Ms. Radney asked Mr. Lark how far away is the nearest dispensary in relation to his location? Mr. Lark stated that he thinks it is over 1,600 feet.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of ROSS, the Board voted 4-0-0 (Bond, Radney, Ross, Shelton "aye"; no "nays"; no "abstentions"; Van De Wiele absent) 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; for the following property:

S45 LT 7 & ALL LT 8 & N30 LT 9 LESS E18 THEREOF BLK 8, BROADVIEW HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22712—Eufloria, LLC

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: 303 North Martin Luther King, Jr. Drive East (CD 4)

Presentation:
Tim Borgmann, 7815 South Memorial Drive, Tulsa, OK; stated he created a leasing agreement with Bradley Garcia with the Gypsy Coffee House, went to INCOG and spoke with Austin Chapman to set up for this hearing, at that time Mr. Chapman checked the data base and there was no other dispensary in that area. The original Board of Adjustment case that was for the other dispensary for a manufacturing process so that did not deter him from going forward and applying for permits. Mr. Borgmann stated that what he has been able to find out is that the manufacturing process would have involved a large financial investment for a sprinkler system due to the butane extraction, so the manufacturing process was dropped and somehow they received a dispensary license for the same location as the proposed manufacturing process. Mr.
Borgmann stated he received an e-mail from Mr. Chapman alerting him to the dispensary. Mr. Borgmann stated that this morning he received an e-mail stating that yesterday the processing had been removed so he checked with Nicole Gordon in Permitting to see if there was a Certificate of Occupancy issued to Black Rain, and no permit had gone through. Some how in eleven days Black Rain received a Certificate of Occupancy yesterday. The business location is unoccupied, and it is not open for business yet. Mr. Borgmann stated that the intent of the Code was followed wholeheartedly and he made multiple trips both to Permitting and Planning as well as to INCOG, face to face not over the telephone, and one of the trips was to Oklahoma City to the OMMA office so they could verify that he could use a common foyer as long as there was a separate access; he drove to Oklahoma City to get the health permit started. Mr. Borgmann stated he has done everything he could in good faith, and he does not believe the Code was intended to shut a business down.

Mr. Bond asked Mr. Borgmann how many feet is there between the dispensaries? Mr. Borgmann stated there is about 700 feet. The dispensaries do not see one other due to their positioning in the area and Guthrie Green is in between both sites.

Ms. Ross asked Mr. Borgmann if he knew whether Black Rain has received their spacing verification. Mr. Chapman stated Black Rain’s license was issued November 28, 2018 so per the Code they are not subject to spacing.

**Interested Parties:**

**Amanda Lowe**, 320 South Boston Avenue, Suite 200, Tulsa, OK; stated she represents Black Rain. Ms. Lowe presented a timeline for Black Rain in hopes to clear up the issues in this case. Black Rain obtained their OMMA license on November 28, 2018 so they are grandfathered in and no spacing verification required. They applied for the Certificate of Occupancy in March 2019 and received the COO August 12th. Although they are not open to the public currently, they are completing their build out and will be expecting to open within a couple of weeks. Ms. Lowe stated that her client, Black Rain, objects to the Eufioria Gypsy dispensary opening.

**Bradley Garcia**, 303 North Martin Luther King, Jr. Boulevard, Top Floor, Tulsa, OK; stated he has been in the Gypsy building for 20 years. When he moved into the Gypsy there was a trucking company across the street with hookers doing tricks between the trailers; the neighborhood was skid row. Mr. Garcia stated that he has invested over $500,000 into his property and brought the building back to life. He has watched the neighborhood grow up around him and now it is a vibrant area. He perceives that there is room for more than one dispensary in this area; the Gypsy Eufioria is just a small room and they have no objections to the other dispensary. Black Rain purchased the chocolate company, applied for a processing license, received it, and then realized it was too expensive to do the build out they flipped it. Mr. Garcia stated that he knew nothing about the other business until about six days ago and did not know about the COO until last night. Mr. Garcia stated he has done his due diligence, all his licenses are paid, and Gypsy Eufioria has a ten-year lease and they have to keep that lease.
The hardship is that several thousands of dollars has been invested in the building already, so he does not know why there cannot be more than one.

Rebuttal:
Tim Borgmann came forward and stated the other dispensary license was for processing and it was converted. He would ask when the license was actually converted because when he put the LLC together and started moving in Glacier Chocolate was still in business. When he checked with INCOG he was told it was okay because the other business was going to do processing. The 1,000-foot spacing did not matter when the other business was processing.

Amanda Lowe came forward and stated that dispensing has always been part of her client’s plan. The dispensary license was the first license they received in November and the processing license was not received until February. Her client has done everything they can to be legal.

Comments and Questions:
None.

Board Action:
On MOTION of ROSS, the Board voted 4-0-0 (Bond, Radney, Ross, Shelton "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to CONTINUE the request for a Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D) to the September 24, 2019 Board of Adjustment meeting; for the following property:

ALL LT 4 S OF RY BLK 21, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22705—Eller & Detrich – Lou Reynolds

Action Requested:
Parking Variance from Table 55-1 of the Tulsa Zoning Code to permit ten existing, nonconforming parking spaces within the CS District; Variance from Section 55.090-B requiring parking areas to allow vehicles to enter and exit a street in a forward motion. LOCATION: 553 South Zunis Avenue East (CD 4)

Presentation:
Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated he represents T. A. Lorton Company and they intend to use the subject property for an interior and furniture design store. The building is about 10,000 square feet and the parcel of land is approximately 1/3 of an acre; it is the old Savage building that was built in 1930. There are ten parking spaces in front of the building and the basic issue is that a Variance is needed from Table 55.1 to permit 10 parking spaces to be used in the CS District and need a Variance from Section 55.090-B that requires vehicles to enter and exit the street in a
HEARING DATE: 09/24/2019 1:00 PM (Continued from 9/10/2019, Requested by BOA)

APPLICANT: Martin Yoho

ACTION REQUESTED: Special exception to permit a manufactured home use in a residential district (Table 5-2.5); and a special exception to extend the 1 year time limit for a manufactured home indefinitely (Sec. 40.210); and a variance to allow the use of a non-all weather parking surface to permit a gravel driveway (Sec. 55.090-F.1)

LOCATION: W of the NW/c of W. Archer and N 38 W Ave  ZONED: RS-3

PRESENT USE: Vacant  TRACT SIZE: 13298.92 SQ FT

LEGAL DESCRIPTION: W175 SW SE SW NE LESS W80 & LESS S165 THEREOF & LESS N25 THEREOF FOR RD SEC 4 19 12 0.31AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding Properties:

BOA-15044: On January 19, 1989 the Board approved a Special Exception to permit a mobile home in an RS-3 district and a Variance to increase the time allowed for a mobile home from 1 to 5 years for a property located 3909 West Admiral Boulevard.

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 an RS-3 zoned property surrounded by other RS-3 Zoned Properties. It should be noted that the property is unplatted but it inside an older part of town and is near subdivisions platted as early as 1928, because of this the paving on the streets is quite narrow compared to the current standards and is lacking curbs and gutters.

STAFF COMMENTS: The Applicant is requesting a Special exception to permit a manufactured home use in a residential district (Table 5-2.5); and a special exception to extend the 1 year time limit for a manufactured home indefinitely (Sec. 40.210); and a variance to allow the use of a non-all weather parking surface to permit a gravel driveway (Sec. 55.090-F.1).

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>RE</th>
<th>RS-1</th>
<th>RS-2</th>
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<th>Supplemental Regulations</th>
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Section 40.210 Manufactured Housing Units
The supplemental regulations of this section apply only to manufactured housing units approved as special exception uses in R zoning districts.

40.210-A The manufactured housing unit must be removed from the lot within one year of the date of special exception approval. The board of adjustment is authorized to extend the one-year limit through approval of a subsequent special exception if the (special exception) extension request is filed before expiration of the one-year time limit.

40.210-B No more than one manufactured housing unit may be located on a lot.

40.210-C Manufactured housing units are required to comply with the same lot and building regulations that apply to detached houses in the subject zoning district.

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.
SAMPLE MOTION:

Special Exception

Move to ________ (approve/deny) a Special Exception to permit a manufactured home use in a residential district (Table 5-2.5); and a Special Exception to extend the 1 year time limit for a manufactured home indefinitely (Sec. 40.210)

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

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.

Variance

Move to ________ (approve/deny) a Variance to allow the use of a non-all weather parking surface to permit a gravel driveway (Sec. 55.090-F.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:

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.”
Subject Property from Archer

Facing East along Archer
Property immediately across Archer from Subject Property
Case No. 15043 (continued)
Street from 50' to 30' to replace an existing sign; and to APPROVE a Variance (Section 1221.3(b) - General Use Conditions For Business Signs - Use Unit 1221) to allow a flashing sign to locate within 200' of an R District; per plan submitted; subject to one full second or longer between price changes (oscillation of the price change mechanism); finding that the sign is unique and is similar in operation to a time and temperature sign; and finding that the granting of the requests will not be detrimental to the area; on the following described property:

The east 134.40' of Lots 1, 2, 3 and 4, and the east 134.40' of the north 4.0' of Lot 5, Block 24, Yargee Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15044

Action Requested:
Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS-3 zoned district.

Variance - Section 440.6a - Special Exception Requirements - Use Unit 1209 - Request a variance of the time regulation of mobile home from one year to five years, 3909 West Admiral Boulevard, Tulsa, Oklahoma.

Presentation:
The applicant, Herman Edge, 104 South 41st West Avenue, Tulsa, Oklahoma, was represented by his father, who submitted a plot plan (Exhibit G-1) and stated that the mobile home in question was moved to the present location in September of 1988. He explained that the mobile that was previously located on the property burned and that there was a misunderstanding when the present mobile was moved in. He pointed out that his daughter-in-law was told that the unit would be allowed since there had previously been a mobile home on the site, but later found out that Board approval would be required. Mr. Edge stated that he has lived across the street from the subject tract since 1972 and there has been a mobile home on the property since that time, except for the past two years since the fire.

Comments and Questions:
Ms. Bradley asked Mr. Edge if he owns the property in question, and he replied that he is leasing the tract and the lessor is in the audience.

Ms. White asked the applicant if the mobile home is served by City utilities, and Mr. Edge answered in the affirmative.
Case No. 15044 (continued)

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-3 zoned district; and to APPROVE a Variance (Section 440.6(a) - Special Exception Requirements - Use Unit 1209) of the time regulation of mobile home from one year to five years; per plot plan submitted; finding that a mobile home has been located on the subject tract for several years and has proved to be compatible with the area; on the following described property:

Beginning 155.5' east of the SW/c, SW/4, SW/4, NE/4, thence east 210', north 404.5' to RY, thence southerly 225', south 310' to the Point of Beginning, Section 4, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15046

Action Requested:

Variance - Section 930 - Bulk & Area Requirements in Industrial Districts - Use Unit 1226 - Request a variance of setback from the centerline of W. 41st Street from 100' to 60' and a variance of setback from the centerline of South Elwood Avenue from 100' to 63', located SW/c West 41st Street and South Elwood Avenue.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, submitted a site plan (Exhibit H-1) and stated that he is representing Kentube, a manufacturing concern at the above stated location. He explained that two buildings contain the manufacturing operation, with one building being 60' from the centerline of 41st Street and the other 63' from the centerline of Elwood. Mr. Johnsen stated that the business is planning an expansion project which will tie the two existing buildings together, with no part of the addition extending closer to the street than the present structures. Photographs (Exhibit H-2) were submitted.

Protestants: None.

Comments and Questions:

Mr. Smith stated that the street setbacks requested are consistent with those already on the property, and that he is supportive of the application.
Subject Tract BOA-22730

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

Aerial Photo Date: February 2018

19-12 04
Subject Tract

BOA-22730

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
Neighbors Against Special Exception
Case #BOA22730/RS-3

1. Robert Mitchell 3823 W. Archer St.
2. Scott Reams 3820 W. Archer St.
3. Christina Largent 3820 W. Archer St.
4. Brittany Arley 3716 W. Archer St.
5. Joshua Keith
6. Joe Owens 21 N. 38th Ave
7. Amanda Walker 14 N. 38th Ave
8. Josh Graham 14 N. 38th Ave
9. Mrs. Brooks 3615 W. Admiral Blvd
10. Jerome Dunn 3825 W. Admiral Blvd
11. Ken Turner 3830 W. Admiral Blvd
12. David Hernandez 22 N. 39th Ave
13. Heidi Hernandez 22 N. 38th Ave
15. Victor Gable 3909 W. Admiral
16. Sandra Wheeler 3 N. 41st Ave
17. Gay W. Dunn 3917 N. 39th Ave
18. D.G. Beall 3838 W. Admiral Blvd
20. 
21. 

3.17
HEARING DATE: 09/24/2019 1:00 PM (continued from 9/10/2019 applicant not present)

APPLICANT: Ron Reddy

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: 3202 S MEMORIAL DR E ZONED: CS

PRESENT USE: Commercial TRACT SIZE: 63240.67 SQ FT

LEGAL DESCRIPTION: PRT LT 3 BEG 408.75N SECR TH W222 N286.5 E196.75 SE35.38 S261.37 POB, INTERCHANGE CTR

RELEVANT PREVIOUS ACTIONS: None

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

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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 CS zoned tract located at the SW/c of S Memorial Drive and E 31st Ct. It bounded by RS-3 zoning on the East and CS zoning on all other sides.

STAFF COMMENTS: The applicant is proposing the use of tenant space inside 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 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 circle around their location with a 1,000 ft radius and provided the location of the nearest dispensary as Therapeutic Hemp Center located at 2777 South Memorial Drive which is outside of the their 1,000 ft radius.

**SAMPLE MOTION:**

I move that based upon the facts in this matter as they presently exist, we (accept/reject) 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.
View of Subject Building, it was not clear which tenant space the dispensary would occupy

View facing South on Memorial Drive from NE/c of subject tract
View facing North on Memorial Drive from NE/c of subject tract
Subject Tract

BOA-22733

19-13 23

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
ZONING CLEARANCE PLAN REVIEW

July 29, 2019

Phone: 918.814.0000

Ron Reddy
11910 S Date Ave
Jenks, OK 74037

APPLICATION NO: COO-038270-2019

Location: 3202 S Memorial DR
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" 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

COO-038270-2019 3202 S Memorial Dr July 29, 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:

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

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

FUME VENTURES INC.

3202 S MEMORIAL DR STE 4, 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. § 422A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 360 CHAPTER 961. THE LICENSE IS
SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREOF, 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.

07/03/2020

LICENSE NUMBER:
DAAA-V13L-QBKX

DO NOT COPY

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health
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TO: BOA Staff Contact: Austin Chapman at achapman@incog.org OR Land Regulation Specialist at csubmit@incog.org

RE: Zoning verification of the 1,000 foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary. Location 3202 S. Memorial Drive East.

Dear Sirs;

As a concerned land owner and tenant next to 3202 S. Memorial Drive East we object to the need for an additional medical marijuana dispensary in the area. We are against this change because of an already increased transient pedestrian traffic from the bus station to the businesses at the corner of 31st and Memorial. We already have an increased criminal element in the motels in our area, both just to the west of 3202 S. Memorial Drive East and in the 31st and Memorial area.

This principal area is primarily medical with Beyond Physical Therapy and Beyond Physical Therapy Gym which takes up a good share of the present building. Harvard Family Physicians occupies the next building 7912 E. 31st Court with 22 physicians and two additional cardiologists for 24 physicians. The building also houses Harvard Family Physicians pharmacy. The building is owned by HFP Properties, LLC which is owned by the physicians.

Again we are against an additional marijuana dispensary in our area because it will lead to increased law enforcement activity and it already adds to the problems that we have in protecting our patients of all ages and their cars in our parking lots which are adjacent to this building. This will only add to less safety for our employees and increased law enforcement activity. We believe that the number of medical marijuana dispensaries in the city is already greater than is economically feasible and our area is too dense for more medical marijuana dispensaries.

Sincerely,

Kenneth A. Muckala, M.D.
President Harvard Family Physicians
Managing Partner HFP Properties
President Harvard Family Physicians Pharmacy

“Tulsa’s Independent Primary Care Choice”

www.harvardfamily.com
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9212
CZM: 36
CD: 4

HEARING DATE: 09/24/2019 1:00 PM

APPLICANT: Diana Capehart

ACTION REQUESTED: Appeal of a decision by the Tulsa Preservation Commission to deny Historic Permit Application (HP-0116-2019) to permit the replacement of a tile roof with shingles (Sec. 70.070-L)

LOCATION: 1110 E 18 ST S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 46204.28 SQ FT

LEGAL DESCRIPTION: W28 LT 3 & ALL LTS 4 5 6 7 & 8 & N10 VAC ALLEY ADJ TO SL THEREOF & N30.2 E34 LT 13 & N30.2 LT 14 & N30.2 W28 LT 15 & S10 VAC ALLEY ADJ TO NL THEREOF BLK 4, MAPLE RIDGE ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property: None.

Surrounding Properties:

BOA-16975: On 03/14/1995 the Board approved an Appeal of a Preservation Commission Action and overturned the decision of the Historic Preservation Review Board that the proposed dwellings did not meet the historic preservation guidelines. Located at 1731 S. Madison 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 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 an RS-3 zoned tract located in the North Maple Ridge Historical Preservation Overlay District.

STAFF COMMENTS: The applicant is appealing the decision by the Tulsa Preservation Commission to deny Historic Permit Application (HP-0116-2019) to permit the replacement of a tile roof with shingles (Sec. 70.070-L, and Sec. 70.140).

70.070-L Appeals
Any final decision of the preservation commission may be appealed to the board of adjustment in accordance with Section 70.140.

***

70.140-G Hearing and Final Decision
1. The board of adjustment must hold a public hearing on the appeal.
2. Following the close of the public hearing, the board of adjustment must make its findings and take action on the appeal.
3. In exercising the appeal power, the board of adjustment has all the powers of the administrative official from whom the appeal is taken. The board of adjustment may affirm or may, upon the concurring vote of at least 3 members, reverse, wholly or in part, or modify the decision being appealed.
4. In acting on the appeal, the board of adjustment must grant to the official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

70.140-H Review Criteria
The decision being appealed may be reversed or wholly or partly modified only if the board of adjustment finds that the land use administrator, the development administrator or other administrative official erred.

The site in question is located at 1110 E 18th Street and was identified as a Contributing Resource in the Maple Ridge Historic Residential District on the national Register of Historic Places. HP-0116-2019 was a permit filed after roof tiles from the subject property were replaced with standard roof shingles. Work was done without a permit and since the replacement was done without in-kind materials approval by the Historic Preservation Commission was required. Copies of the minutes of that denial and the staff report are included in the packet along with comments prepared by Jed Porter, the Historic Preservation Planner for the City of Tulsa and the applicant.

In Making a decision the Board may look to Sec. 70.070-F which outlines the Standards and Review Criteria for which the Preservation Commission must look to in making their decisions:
70.070-F Standards and Review Criteria

In its review of HP permit applications, the preservation commission must use the adopted design guidelines to evaluate the proposed work and must, to the greatest extent possible, strive to affect a fair balance between the purposes and intent of HP district regulations and the desires and need of the property owner. In addition, the preservation commission must consider the following specific factors:

1. The degree to which the proposed work is consistent with the applicable design guidelines;

2. The degree to which the proposed work would destroy or alter all or part of the historic resource;

3. The degree to which the proposed work would serve to isolate the historic resource from its surroundings, or introduce visual elements that are out of character with the historic resource and its setting, or that would adversely affect the physical integrity of the resource;

4. The degree to which the proposed work is compatible with the significant characteristics of the historic resource; and

5. The purposes and intent of the HP district regulations and this zoning code.

SAMPLE MOTION: Move to (affirm/reverse) the decision by the Tulsa Preservation Commission to deny Historic Permit Application (HP-0116-2019) to permit the replacement of a tile roof with shingles (Sec. 70.070-L, and Sec. 70.140)

3. Disclosure of Conflicts of Interest
   No Conflicts of Interest were disclosed.

B. Actionable Items

1. HP-0116-2019 / 1110 E. 18th St. (North Maple Ridge)
   Applicant: Diana W. Capehart
   Proposal:
   1. Replacement of tiles on roof with shingles
      *Work completed without an Historic Preservation Permit*

Staff presented its report, noting that the residence was identified as a Contributing Resource in the Maple Ridge Historic Residential District on the National Register of Historic Places. Mrs. Capehart stated that she and her husband had considered several options for replacement of the tiles but chose shingles due to the cost of tiles and restrictions imposed by their insurance. In response to an inquiry about awareness of the requirement for an Historic Preservation Permit, Mrs. Capehart confirmed that she was unaware of the requirement for an Historic Preservation Permit for the replacement of the roof and added that issues about personal health which she and her husband had faced earlier in the year created distractions and contributed to the neglect of this requirement. Mrs. Capehart informed the commission that she and her husband loved their home and have made few changes since its purchase in 1971 or 1972 and noted that she was aware that their residence was included in the North Maple Ridge Historic Preservation Overlay District. Before the project, they had attempted to file a claim with their insurance company, but their insurer would not provide reimbursement for the replacement of the roof because its condition was determined to be the result of age, rather than damage from a storm. Staff relayed comments from the National Register Coordinator for the State Historic Preservation Office, which indicated that, while the alteration of the roof was unfortunate, the character of the residence was not so diminished that its status as Contributing Resource would be endangered. Commissioner Reeds inquired whether any of the original roof had been saved, and the applicant's contractor responded that approximately 35% had been removed and stored. Mrs. Capehart stated she has stored about thirty (30) pieces of tile in her garage due to an emotional attachment to the former roof.

Commissioner Reeds made a motion to approve the application, given the State Historic Preservation Office's stance on the alteration but withdrew the motion after the lack of a second. Commissioner McKee made a motion to deny the application. The motion was seconded by Commissioner Schoell but failed due to the lack of a majority. Guidelines cited: A.1.1, A.1.2, A.1.3, A.5.1, A.5.2, A.5.3, A.5.6, A.5.7

**Vote:** 1110 E. 18th St. (North Maple Ridge)

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<th>Abstaining</th>
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<tr>
<td>1. Schoell</td>
<td>Reeds</td>
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<td>Townsend</td>
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The commission then considered what action to pursue. Commissioner Bumgarner inquired whether any changes to the exterior of the residence had been made since implementation of the overlay and was informed that none had been made. Commissioner Bumgarner then asked the contractor if any sheathing had been removed, as its removal and replacement would have required a permit from the City of Tulsa, and was informed that the sheathing had not been removed. Commissioner Bumgarner observed that, if every tile roof in the neighborhood were replaced with shingles, the change would be significant. Commissioner Schoell clarified the failure of the motion for denial, noting that it meant that the Tulsa Preservation Commission effectively would take no action on the application. Staff commented that the alteration without an Historic Preservation Permit was a violation of the Zoning Code, so the commission could choose to instruct its staff to contact the Working in Neighborhoods Department and request an investigation; however, if the commission chose to take no action, the application would be considered approved by default after thirty (30) days.

As there was no further discussion, Commissioner Townsend made another motion to deny the application. The motion was seconded by Commissioner Schoell and approved by majority. Guidelines cited: A.1.1, A.1.2, A.1.3, A.5.1, A.5.2, A.5.3, A.5.6, A.5.7

Vote: 1110 E. 18th St. (North Maple Ridge)

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<td>6. Townsend</td>
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2. HP-0110-2019 / 1325 E. 18th St. (Swan Lake)  
Historic Preservation Permit Subcommittee Review Date: July 2, 2019  
Applicant: Tom Neal  
Design Proposals:  
1. Construction of enclosed patio  
2. Construction of fence  

Application to amend previous approval of an application by Tulsa Preservation Commission on February 14, 2019

Staff presented its report, noting the precedent for similar enclosures of patios in the neighborhood. Commissioner Grant stated that the Historic Preservation Permit Subcommittee had been pleased with the plans during its review. Applicant Neal provided photographs which displayed the treatment of the stucco on the residence, the chimney, and an example of precedent for the patio from an adjacent residence. Commissioner Schoell inquired about the surface on the enclosure and was informed that the surface would be abraded, although no specifications were immediately available. Commissioner Grant added that the Historic Preservation Permit Subcommittee found the fence and enclosure to be appropriate for the property, so the
SECTION III: Relevant Zoning History

History: PUD-230-A

ZONING ORDINANCE: Ordinance number 14746 (PUD) and 14747 (Z-5386), both dated April 29, 1980 established zoning for the subject property.

Subject Property:

BOA-22743 August 2019 Pending: An appeal of administrative decision was filed August 19, 2019 (hearing date of September 24, 2019) to challenge the requirement of a Major Amendment to permit a school use on the property located at 3810 S 13 Ave and 3840 S 103 Ave.

BOA-22726 July 2019 Withdrawn: A request for Special Exception to permit a School Use in an OL zoned District was filed July 25, 2019 (hearing date of August 27, 2019) to challenge the requirement of a Major Amendment to permit a school use on the property located at 3810 S 13 Ave and 3840 S 103 Ave. This application was withdrawn August 9, 2019.

PUD-230Z-5386 April 1980: In a vote of 7-0-1, the Planning Commission approved the proposal of a Planned Unit Development on a 9.14+ acre tract of land with the condition that the permitted uses be those that are permitted as principal and accessory uses within the OL District and in addition include barber and beauty shops, on the property located northwest of the northwest corner of East 41st Street South and Highway 169, the subject property.

Surrounding Property:

BOA-19469 November 2002: The Board of Adjustment approved a variance of the provisions of Section 602.B.4 to permit four signs located on or oriented to the South 103rd East Avenue frontage and three signs oriented to the Mingo Valley Expressway frontage, on property located on the east side of South 103rd East Avenue and North of East 41st Street.

BOA-17832 September 1997: The Board of Adjustment approved a special exception to permit a public school including 2 mobile classroom trailers,

SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, on property located 3656 South 103rd East Avenue.

BOA-9300 March 1977: The Board of Adjustment approved a special exception to allow the construction of an elementary school as presented, per plot plan, in an RS-3 District, on property located north and west of 41st Street and 101st East Ave.
TULSA PRESERVATION COMMISSION

STAFF REPORT
Thursday, July 11, 2019
HP-0116-2019

HP PERMIT NUMBER: HP-0116-2019

PROPERTY ADDRESS: 1110 EAST 18TH STREET

DISTRICT: NORTH MAPLE RIDGE HISTORIC DISTRICT

APPLICANT: DIANA W. CAPEHART

REPRESENTATIVE: NONE

1. CASE ITEMS FOR CONSIDERATION
   1. Replacement of tiles on roof with shingles
      Work completed without an Historic Preservation Permit

2. BACKGROUND
   DATE OF CONSTRUCTION: 1916
   ZONED HISTORIC PRESERVATION: 1993: ORDINANCE AMENDMENT 2005
   NATIONAL REGISTER LISTING: MAPLE RIDGE HISTORIC DISTRICT: 1983
   CONTRIBUTING STRUCTURE: YES
   PREVIOUS ACTIONS: NONE

3. ISSUES AND CONSIDERATIONS
   1. Replacement of tiles on roof with shingles
      i. The tiles on the roof had already been replaced with shingles when the staff responded to the report of activity on the premises. Upon notification of the requirement for an Historic Preservation Permit, the applicant indicated that she and her husband were not aware that a permit was required for replacement of the tiles.

      ii. References: Unified Design Guidelines - Residential Structures

   SECTION A – GUIDELINES FOR REHABILITATION OF EXISTING STRUCTURES
   A.1 General Requirements
   Use the following guidelines as the basis for all exterior work:

   A.1.1 Retain and preserve the existing historic architectural elements of your home.
   A.1.2 If replacement of historic architectural elements is necessary, match the size, shape, pattern, texture, and directional orientation of the original historic elements.
   A.1.3 Ensure that work is consistent with the architectural style and period details of your home.
   A.1.4 Return the structure to its original historic appearance using physical or pictorial evidence, rather than conjectural designs.
A.5 Roofs

A.5.1 Retain and preserve the original historic roof form (hipped, gabled, etc.) and pitch.

A.5.2 Do not remove character-defining architectural features of your roof, including, but not limited to, dormers, chimneys, cupolas, eaves, soffits, fascia boards, and decorative details, such as eave brackets, exposed rafter tails, or corbels.

A.5.3 If replacement of deteriorated architectural roof features is necessary, use materials that maintain the character of the structure and the size, shape, pattern, texture, dimensions, and directional orientation of the original historic roof features.

.1 Elmwood – Match the original historic roof material

A.5.4 To return the home to its original historic appearance, use physical or pictorial evidence. If no evidence exists, select architectural roof features which are consistent with the architectural style of your home.

A.5.5 Replacement of existing roof covering—wood shingles, asphalt shingles, clay tile, etc.—with the same material does not require HP Permit review (for example, replacing an asphalt-shingled roof with asphalt shingles). Architectural shingles are encouraged.

A.5.6 When proposing to change the materials of your roof covering, replacement materials that maintain the character of the structure and the size, shape, pattern, texture, and directional orientation of the original historic roof covering will be considered on a case-by-case basis.

.1 Yorktown – Metal roofing is not allowed.

A.5.7 When replacing your roof covering, replace an entire roof section if it is visible from the street.
September 13, 2019

City of Tulsa Board of Adjustment
2 West Second Street – Suite 800
Tulsa, Oklahoma 74103

Dear Members of the Board of Adjustment:

On Friday, June 14, 2019, the staff of the Tulsa Preservation Commission received a report of replacement of the tiles on the roof of the residence of Dr. Robert J. Capehart and his wife, Diana W. Capehart. This project was completed without an Historic Preservation Permit, which would have been required according to Section 70.070-A of the Zoning Code. When informed about the requirement for an Historic Preservation Permit, Mrs. Capehart submitted an application, and the proposal for the Work already completed was reviewed by the Tulsa Preservation Commission during its Regular Meeting on July 11, 2019. The proposal for the replacement of the tiles with shingles was not approved, and the denial of that proposal has been appealed.

The proposal for the replacement of the tiles with shingles was disapproved, because the installation of shingles creates a significant alteration of the appearance of the residence and introduces a visual element which is out of character with the residence. According to Section 70.070-F of the Zoning Code, the Tulsa Preservation Commission should rely on the Unified Design Guidelines during the evaluation of a proposal and strive to balance the intention of the guidelines with the needs of the owner. As directed by the Zoning Code, among other factors which the Tulsa Preservation Commission must consider is the degree to which the proposed project is consistent with the guidelines:

- **Guideline A.1.1**
  Retain and preserve the existing historic architectural elements of your home.

- **Guideline A.1.2**
  If replacement of historic architectural elements is necessary, match the size, shape, pattern, texture, and directional orientation of the original historic elements.

- **Guideline A.1.3**
  Ensure that work is consistent with the architectural style and period details of your home.

- **Guideline A.5.6**
  When proposing to change the materials of your roof covering, replacement materials that maintain the character of the structure and the size, shape, pattern, texture, and directional orientation of the original historic roof covering will be considered on a case-by-case basis.

When the residents of North Maple Ridge requested the implementation of an overlay, they sought the protection of the character of their neighborhood. The Tulsa Preservation Commission’s disapproval of the proposal for the replacement of tiles with shingles was consistent with the provisions of the Zoning Code and the Unified Design Guidelines and preserves the character of the residence and the district.

Respectfully submitted,

Roy Malcolm Porter, Jr.
Roy Malcolm Porter, Jr., Ph.D., LEED AP
Historic Preservation Officer, City of Tulsa
As an official board of the City of Tulsa, the Tulsa Preservation Commission administers Historic Preservation Zoning for Tulsa's Historic Preservation Overlay Districts. Information about the Commission and Tulsa's historic resources is available on our website—tulsapreservationcommission.org.

TULSA PRESERVATION COMMISSION

As an owner of property in an Historic Preservation (HP) Overlay District, you play a valuable role in the preservation of Tulsa's historic resources. HP Zoning protects your neighborhood's character and property values. Because HP Zoning requires a permit for most projects, always contact our office before you begin.

918-579-9448
jporter@incog.org

BRADY HEIGHTS-ELMWOOD-GILLETTE-NORTH MAPLE RIDGE-SWAN LAKE-YORKTOWN
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<td>305 E 19TH ST</td>
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</tbody>
</table>
June 29, 2019

Re: 1110 East 18th Street
Tulsa, OK 74120

To Whom It May Concern:

I am writing regarding work that was recently completed on our home at 1110 East 18th Street. Our main roof that originally was ceramic tile was replaced with a #4 hail resistant shingle.

We must apologize for not following your required process. We were not aware that we would need to make application to you for permission to replace our tile roof with something different than ceramic tile. When we started the process of obtaining pricing for our roof, ceramic tile was more than double the price of shingles. We also looked at shingle that looks exactly like ceramic tile but when pricing it was actually more expensive than ceramic tile. The other factor that influenced our decision is the fact that the quality of shingle that we chose to use is a class IV hail resistant shingle that helps reduce our homeowners insurance premiums by at least half or more. (Attached is documentation regarding hail resistant shingle)

With much thought and deliberation, we replaced our roof with shingles instead of tile.

We did check homes in our neighborhood who have shingles versus tile and have noted a significant number to have shingles versus ceramic tile.

Lastly and this is no excuse for our decision, but we have had significant health challenges this spring.
Sincerely,

Diana Capehart
The Capeharts
HISTORIC PRESERVATION PERMIT DENIAL

An Historic Preservation Permit has been denied by the Tulsa Preservation Commission for work described below under the Zoning Ordinance of the City of Tulsa (Section 70.070) to Diana W. Capehart for the address of 1110 East 18th Street, Tulsa, Oklahoma, located in the North Maple Ridge Historic Preservation Overlay District.

DENIED PROPOSAL

Replacement of tiles on roof with shingles

Performance of any work described under the Denied Proposal is a violation of the Zoning Ordinance and may result in the revocation of building permits and/or code enforcement.

Roy Malcolm Porter, Jr.
Historic Preservation Officer, City of Tulsa

Date issued: July 11, 2019
Number: HP-0116-2019
We designed IKO Nordic shingles to make -- and take -- an impact.

These heavy-duty laminated architectural shingles are specially constructed to help your roof resist the impact of hail*. But the beautiful impact their color blends can have on your home's curb appeal is simply irresistible.

*This is not a guarantee of impact resistance against hail and is not covered under the limited warranty. Full details on back page.
Nine eye-catching, high-definition color blends create an artful roofline with IKO Nordic shingles and complementary roofing accessories, no matter what your style of home. Built-in blue-green algae resistance will help keep them looking their best.

**SEDONA**
Warm, inviting, expansive, dramatic, yet casual, too.
PERFECT PAIRINGS: Logs, wood siding, brick (especially red).

**CASTLE GREY**
Monochromatic, neutral, chic, sophisticated.
PERFECT PAIRINGS: Stone, masonry, brick, siding (especially white, light or dark grey).

**SHADOW BROWN**
Transitional shades and earthy tones.
Classic or contemporary elegance.
PERFECT PAIRINGS: Stone, wood siding.

**DRIFTSWAKE**
Laid back, relaxed, understated sophistication.
PERFECT PAIRINGS: Stone, wood, brick, siding (especially white or various pastels).

**FROSTONE GREY**
Monochromatic, neutral, chic, sophisticated.
PERFECT PAIRINGS: Stone, masonry, brick, siding (especially white, light or dark grey).

**BROWNSTONE**
Rich, warm and earthy, with unexpected, but exciting, dramatic accents.
PERFECT PAIRINGS: Brick, stone, masonry, logs, siding (especially cream or beige).

**GLACIER**
Stately, formal, elegant, traditional.
PERFECT PAIRINGS: Stone, brick, masonry, siding.
BEAUTY YOU CAN SEE
QUALITY YOU CAN FEEL
PERFORMANCE YOU CAN TRUST

Extreme weather calls for extreme weather protection. And Nordic’s unique combination of superior wind and impact resistant features makes it one of the top performing asphalt shingles on the market.

An exceptional bonding experience.
You want your new shingles to stay put. If the wind lifts them up, water can sneak in underneath, potentially causing a leaky roof. Our Faststock™ sealant along the bottom edges helps prevent this. When activated by the sun’s heat, this sealant gets extra-tacky and creates a strong bond to help ensure maximum protection against wind uplift, blow-off and water penetration.

Laminate adhesive.
Five strips of tough laminating adhesive are used in the construction of the Nordic shingle.

Polymer-modified asphalt, Class 4 impact resistance rating* These shingles are engineered to provide superior protection against wind uplift and water penetration. IKO Nordic’s polymer-modified asphalt coating acts as a shock absorber, qualifying the shingle for a Class 4 impact resistance rating* against hail.

Built-in algae resistance.
We embed colorfast algae-resistant granules into our shingles to help inhibit the growth of blue-green algae that can cause unattractive black stains, streaks and discoloration.

What is an ArmourZone? (FRONT)
It’s a 1 1/4 inch wide nailing surface for correct nail placement, reinforced by a tear-resistant, woven band that provides even more fastening strength over a wider surface area of the shingle. Nails applied in this area are optimally positioned to resist pull-through and shingle blow-off, even in high winds.

Blow-off protection.
Printed nail lines guide installers to the nailing area. Correct nail placement will help prevent the shingles from blowing off in high wind.

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PRO4 Accessories

To find out more about Nordic Performance Shingles or additional IKO products, please talk to an IKO sales representative or your professional roofing contractor, or contact IKO directly.

In the United States, call 1-888-IKO-ROOF (1-888-456-7663). In Canada, call 1-888-555-IKO ROOF (1-855-456-7663).

Visit us online at: IKO.COM.

*See Limited Warranty at IKO.com for complete terms, conditions, restrictions and application requirements. Shingles must be applied in accordance with application instructions and local building code requirements. *All values shown are approximate. *Products developed with reference to these Standards. *The impact rating is solely for the purpose of enabling residential property owners to obtain a reduction in their residential insurance premium, if available. It is not to be construed as any type of express or implied warranty or guarantee of the impact performance of this shingle by the manufacturer, supplier or installer. For further detail concerning the FM 4473 standards, see [https://www.iko.com/en/pub/publication/specification/test-standard-impact-resistance/vp6pa_open] current as of 02/2018. *IKO UltraHP IR hip and ridge shingles have a Class 4 impact resistance rating tested against UL 2278, which IKO is pleased to present for the sole purpose of enabling homeowners using these shingles in conjunction with Class 4 impact resistant rated shingles to obtain a discount on their
Case No. 16974 (continued)

Board Action:
On MOTION of TURNBO, the Board voted 3-2-0 (Abbott, Turnbo, White, "aye"; Bolzle, Doverspike, "nay"; no "abstentions"; none "absent") to APPROVE a Variance of the required livability space in an RS-2 zoned district from 5000 sq ft to 2859 sq ft - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; per plan submitted; finding the lot is nonconforming and does not comply with RS-2 requirements; finding that the location of the garage in the rear to retain consistency with the neighborhood causes the livability space to be less than (2859 sq ft of livability space plus 2200 sq ft or more of garage and driveway) the required amount (5000 sq ft); and finding that the proposed construction adheres to all setback requirements and is consistent with area development; on the following described property:

Lot 13, Block 4, Sunset Terrace, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16975

Action Requested:
Appeal from the decision of the determination given by the Historic Preservation Review Board that the proposed dwellings do not meet the historic preservation guidelines - SECTION 1055.F APPEAL OF PRESERVATION COMMISSION ACTION - Use Unit 6, located 1731 South Madison and 1006 East 17th Place.

Presentation:
The applicant, Michael Dankbar, 8704 South Indianapolis, was represented by Roy Johnsen, 201 West 5th Street, who informed that the property in question is comprised of two existing lots zoned RS-3. He pointed out that a Certificate of Appropriateness (COA) is required for new construction, demolition or alteration of existing structures. Mr. Johnsen stated that the COA was issued for the demolition of an existing ranch style home and the Commission approved the retention of the brick wall around the property. He noted that his client then purchased the two lots and determined to construct a dwelling on each lot, both of which the Tulsa Preservation Commission found to be inappropriate for the neighborhood.

Comments and Questions:
Mr. Doverspike asked Mr. Linker if the Board is basically in a de novo setting in regard to the appeal, and he replied that this is his understanding.

Mr. Johnsen advised that the Code states that the Board should utilize the design guidelines to determine the appropriateness or inappropriateness of the proposed work, and should strive to affect a fair balance between the purpose of the Code and the desires and needs of the property owner. He pointed out that there is not a consistent architectural style in the area, nor are the exterior coverings similar, with some being brick, stucco, asbestos shingle, etc. Mr. Johnsen also noted that there
are some two-story homes and some with only one-story. He stated that a basis for denial of his client's plan is not apparent, and asked the Board to overturn the decision of the Tulsa Preservation Commission.

Protestants:
Wiley Parsons, Tulsa Preservation Commission chairman, advised that the Tulsa Preservation Commission does not consider style when deciding if a particular property complies with the guidelines. He stated that the Commission denied Mr. Dankbar's requests for a COA because of, but not limited to, its failure to meet the scale, proportion, rhythm and relationship to properties in the immediate area. A letter of support (Exhibit T-2) was submitted.

Mr. Bolzle inquired as to the definition of scale, proportion and rhythm, and Herb Fritz, who is the designated architect serving on the Tulsa Preservation Commission, stated that the scale of dwellings on abutting properties is much larger than those proposed and the rhythm or regularity of houses in the immediate area is interrupted by the proposed dwellings.

Mr. Doverspike asked Mr. Fritz if he can conceive of two dwellings that would be consistent with the above stated guidelines, and he replied that this is possible.

Mr. Doverspike noted that there are smaller houses in the neighborhood that are next to larger houses, and asked why the proposed houses would violate the guidelines. Mr. Fritz stated that the Commission took into consideration only the homes on the block where the proposed dwellings are to be constructed.

Ms. Abbott asked if there is a mixture of one-story and two-story homes from 17th Street to 18th Street, and Mr. Fritz answered in the affirmative.

In reply to Ms. Abbott, Mr. Johnsen stated that the dwelling to the east is 33' in height at grade and that the proposed eastern dwelling will be 31' in height, with the corner dwelling being 28'. He noted that there is a 4' difference in grade from the home to the east.

In reply to Ms. Turnbo, Mr. Fritz stated that it was determined by the Commission that the houses did not meet the guidelines, which state that the houses located within the same block should provide material, scale and design for new construction.

Mr. Bolzle asked if a destroyed house could be replaced with the same type of house, and Mr. Fritz replied that the Commission might not accept the same type of dwelling as a replacement.

Randy Krehbiel, 1016 East 17th Place, pointed out to the Board that expert Stat people have made a recommendation regarding this issue.
Case No. 16975 (continued)

Hope Pinkerton, 1006 East 17th Place, read a letter from the Maple Ridge Board of Trustees, which stated that they are supportive of the decision of the Tulsa Preservation Commission.

Mr. Doverspike asked Mr. Pinkerton if there was a recommendation to Mr. Dankbar as to changes that could be made to the plans that would correct the deficiencies they found in his proposal, and he replied that there was a discussion about building materials, but it was found that scale and rhythm were overriding issues.

Mr. Pinkerton stated that these two lots were tied together by one dwelling when the preservation guidelines were adopted and a brick wall was constructed around that dwelling. He stated that the rhythm and scale in the neighborhood would be interrupted if the two dwellings are approved.

Jan Krehbiel, 1016 East 17th Place, stated that it is the architect's responsibility to comply with the rhythm and scale of the neighborhood.

Marty Newman, 1107 East 19th Street, stated that he is the Maple Ridge representative to the Tulsa Preservation Commission, and noted that the lots in question are surrounded on three sides by large homes with large lots, with small bungalow homes being on the fourth side. He stated that the two proposed dwellings do not respect these large homes or the small homes.

Ms. Turnbo asked Mr. Newman if it his opinion that two dwellings can be constructed on the property that will satisfy the requirements of the Tulsa Preservation Commission, and he replied that two homes can be constructed on the lots, but not the two homes proposed by Mr. Dankbar.

Walter Rickel, 1023 East 17th Place, stated that he owns a dwelling to the north of the subject property.

Mr. Johnsen asked Mr. Fritz which neighborhood the proposed houses have to prove compatibility with, and he replied that the rhythm and scale of the block was considered in this case, rather than the houses across the street.

Applicant's Rebuttal:

Mr. Johnsen stated that the discussion indicates that the neighborhood is requesting that only one house be constructed on the property. He pointed out that rhythm and proportion is not evident in this neighborhood, because the houses vary in size, building materials and architecture. Mr. Johnsen noted that a single-story structure exists on the same block at the east end.

Additional Comments:

Mr. Doverspike asked if the adoption of the HP Ordinance gives the Board a basis for requiring that the two lots be treated as one, and Mr. Jackere replied that each lot is available for the construction of a dwelling.
Ms. Abbott noted that several blocks in the area have two-story houses directly across the street from those that have only one story. She pointed out that, according to court house records she reviewed, the two proposed homes are consistent with the square footage of other homes in the block.

Mr. Doverspike remarked that it is the applicant's responsibility to submit plans that he feels will be compatible with the neighborhood, and it is the responsibility of the Commission to make a strong effort to reach a balance.

Mr. Bolzle stated that it seems appropriate to consider both sides of the street and there is an overall mixture in the neighborhood.

Ms. Turnbo noted that she is inclined to uphold the decision of the Tulsa Preservation Commission, because Mr. Fritz has stated that two acceptable houses can be constructed on the two lots in question.

**Board Action:**
Ms. Turnbo's motion to uphold the decision of the Tulsa Preservation Commission and deny the appeal died for lack of a second.

On MOTION of ABBOTT, the Board voted 4-1-0 (Abbott, Bolzle, Doverspike, White, "aye"; Turnbo, "nay"; no "abstentions"; none "absent") to APPROVE the Appeal and OVERTURN the decision of the Historic Preservation Review Board that the proposed dwellings do not meet the historic preservation guidelines - SECTION 1055.F APPEAL OF PRESERVATION COMMISSION ACTION - Use Unit 6; per plans and construction details submitted; finding that the proposed homes do meet the Historic Preservation Guidelines, because the homes in the neighborhood vary in size, building materials and architectural design, and that the proposed dwellings, as presented, are compatible with the area, and in harmony with the spirit and intent of the Code; on the following described property:

Lot 7 and the east 50' of Lot 8, Block 2, less commencing at the northeast corner of Lot 8, thence running southwesterly on a curve with a 50' radius through an arc of 90° to a point 50' south of the north line of Lot 8, thence north 50' thence east to POB in Maple Ridge Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16976**

**Action Requested:**
Special Exception to permit church and school use in an RS-3 zoned district - SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 2, located 1323 East 49th Street.
BOA-22714

Subject Tract

19-12 12

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
STR: 2220
CD: 1

HEARING DATE: 09/24/2019 1:00 PM

APPLICANT: Ed Horkey

ACTION REQUESTED: Variance to permit a Dynamic Display in a CS district to be located within 200 ft of an RS-3 (Sec. 60.100-F)

LOCATION: 1228 E APACHE

PRESENT USE: Church

ZONED: RS-3

TRACT SIZE: 1069236.85 SQ FT

LEGAL DESCRIPTION: LOT 1 BLOCK 1, METROPOLITAN BAPTIST CHURCH

RELEVANT PREVIOUS ACTIONS: NONE

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The property does not have a land use designation or Growth and Stability designation. Staff believes it was mistakenly listed as right-of-way during the Comprehensive Plan adoption. It has been added to a list of properties for which an amendment to the Comprehensive plan will be required.

ANALYSIS OF SURROUNDING AREA: The subject tract is an RS-3 zoned church in which a small part of the Northern part of the property is zoned CS. The sign will sit on the CS portion of the property. The properties north of the subject tract are zoned CS and the properties on all other sides are zoned RS-3.

STAFF COMMENTS: The Applicant is requesting a variance to permit a Dynamic Display in a CS district to be located within 200 ft of an RS-3 (Sec. 60.100-F). All other supplemental regulations relating to Dynamic Displays will remain in effect.
Section 60.100  Dynamic Displays

The supplemental regulations of this section apply to all signs with dynamic displays. Except as otherwise expressly stated, these regulations apply whether incorporated into off-premise outdoor advertising signs or on-premise signs that are allowed to include a dynamic display.

60.100-A The images and messages displayed on a dynamic display must have a minimum dwell time of at least 8 seconds and may not contain any movement, animation, audio, video, pyrotechnics or other special effects.

60.100-B The transition or change from one message to another must occur in one second or less and involve no animation or special effects.

60.100-C The images and messages displayed must be complete in and of themselves within the required dwell time.

60.100-D Dynamic displays may not be located within 50 feet of the driving surface of a signalized intersection, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the intersection.

60.100-E Dynamic displays may not be located within or within 20 feet of the driving surface of a street, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled roadway marked or understood as such.

60.100-F Dynamic displays may not be located within 200 feet of any of the following: (1) an R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R and AG districts if approved through the special exception process. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an R district or residential development area boundary.

60.100-G Dynamic displays must be equipped with a default mechanism that freezes the display in one position or presents a static or blank display if a malfunction occurs.

60.100-H Dynamic displays must be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions.

60.100-I The maximum brightness level of a dynamic display may not exceed 6,500 nits (candels per square meter) during daylight hours or 500 nits between 30 minutes after sunset and 30 minutes before sunrise, as those times are determined by the National Weather Service (Actual Time). Brightness must be measured from the brightest element of the sign's face.

60.100-J Any outdoor advertising sign that includes a dynamic display that was lawfully established before January 1, 2010, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display. This spacing limitation does not apply between signs separated by a freeway. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.

60.100-K Except as provided in 60.100-J, any outdoor advertising sign that includes a dynamic display and that was approved by a permit issued on or after January 1, 2009, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display facing the same traveled way. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.
In granting or denying the variance request the Board may look to the general purpose of the sign code (Sec. 60.010) in making their decision.

Section 60.010 General

60.010-A Purpose
The sign regulations of this section are intended to balance the following differing, and at times, competing goals:

1. To support the desired character of the city, as expressed in adopted plans, policies and regulations;
2. To promote an attractive visual environment;
3. To encourage the effective use of signs as a means of communication for businesses, organizations and individuals;
4. To provide a means of way-finding for visitors and residents;
5. To provide for reasonable business identification, advertising and communication;
6. To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the city and its residents, property owners and visitors;
7. To protect the safety and welfare of the public by minimizing hazards for motorized and nonmotorized traffic;
8. To minimize the possible adverse effects of signs on nearby public and private property; and
9. To provide broadly for the expression of individual opinions through the use of signs on private property.

SAMPLE MOTION:

Move to _______ (approve/deny) a Variance to permit a Dynamic Display in a CS district to be located within 200 ft of an RS-3 (Sec. 60.100-F)

- Finding the hardship(s) to be__________________________________________.
- Per the Conceptual Plan(s)/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 Property immediately across Apache facing North

View facing East from subject property
View facing West of existing sign
BOA-22728

Subject Tract

20-12 22

Aerial Photo Date: February 2018

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

Proposed digital display
5'-8" x 5'-4" = 48 sq ft

Permit:
SIGN-020534-2018
Total Sq Ft = 70.58
ZONED CS

1228 W Apache St

RS-3

Google Earth
ZONED CS

1228 W Apache St

RS-3
P2 - SIGN LOCATION LOOKING NORTHEAST
P5 - SIGN LOCATION LOOKING SOUTH
P6 - SIGN LOCATION LOOKING SOUTHWEST
P7 - SIGN LOCATION LOOKING WEST
SIGN PLAN REVIEW

May 2, 2019

Claude Neon Sign Company
1225 N. Lansing Avenue
Tulsa OK 74106

APPLICATION NO: SIGN-029497-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 1228 W. Apache Street N.
Description: Dynamic Display Sign

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

<table>
<thead>
<tr>
<th>Application No.</th>
<th>SIGN-029497-2019</th>
<th>1228 W. Apache Street N.</th>
<th>May 2, 2019</th>
</tr>
</thead>
</table>

This letter of deficiencies covers Sign Plan Review items only.

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

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**Section 60.100 Dynamic Displays**

1. **60.100-F** Dynamic displays may not be located within 200 feet of any of the following: (1) an R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R and AG districts if approved through the special exception process.

**Review Comments:** The proposed 48 sq. ft. dynamic display sign appears to be located within 200 feet of an RS-3 Residential zoning district to the South. You may pursue a variance from the BOA to permit a dynamic display sign in a CS zoning district to be located within 200 feet of an RS-3 zoning district.

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**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 for a Sign Permit 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.

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**END – ZONING CLEARANCE AND SIGN 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 CITY OF TULSA SIGN PERMIT.
Here is photo that will show the deer crossing sign. Which you can see when you enlarge the photo.

Sent from my iPhone
As a resident in Gilcrease Hills for 42 years residing at 2309 N. Quanah Ave. I am formally submitting my objection to the above referenced application submitted by Claude Neon for a 4’x8’ digital sign display. You will note from the pictures submitted with the application that this is a wooded area to the north, east and south of the area where the sign is to be located. Additionally this is the Apache entrance to our residential community just west of the church on Union. Also, there is a city sign posted almost exactly across Apache from the church sign noting that this area for the next 3 miles is a deer crossing area. Deer cross from the woods behind the church to the North crossing Apache directly in front of the church. Also Apache merges to two lanes in front of the church. There are no commercial, digital signs in this area, it is my opinion that this sign will be a distraction and not in keeping with our community. The church was granted an variance to build on this property, originally zoned for residential development. I will not be able to attend the BOA meeting on 9/24 at 1 pm, due to previous plans to be out of town. Thank you for your time and consideration. Please acknowledge receipt of this communication and advise if I need to submit directly to the BOA.
Glenda Sisson
918 232-2517
Kkdb@cox.net
Gilcrease Hills HOA Board Representative
Cc: Board Committee

Sent from my iPhone
HEARING DATE: 09/24/2019 1:00 PM

APPLICANT: Angela Locke

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

LOCATION: 6702 S LEWIS AV E

ZONED: CS

PRESENT USE: Vacant

TRACT SIZE: 33872.39 SQ FT

LEGAL DESCRIPTION: LT 1 LESS BEG NEC LT 1 TH S20 NW28.28 E20 POB BLK 2, SOUTHERN CROSS ADDN B2-3

RELEVANT PREVIOUS ACTIONS:

Subject Property: 
BOA-21171: On 11/23/2010 the Board approved a Variance of the building setback from a non-arterial street to permit an existing building in a CS district.

Surrounding Properties: 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.

REVISED9/13/2019
ANALYSIS OF SURROUNDING AREA: The subject tract is a tenant space in a CS zoned Shopping center with RM-2 zoning to the West, OM zoning to the East and CS zoning on the North and South.

STAFF COMMENTS: The applicant is requesting a variance of the 1,000 foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

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

The subject dispensary is located roughly 800-900 feet North of Oklahoma Home Grown Dispensary. Located at 6908 S. Lewis Ave. Oklahoma Home Grown Dispensary was granted a COO (COO-31121-2019 issued on May 6, 2019) without requiring a spacing verification because their OMMA license was issued prior to December 1, 2018 (Sec. 40.225-I).

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.

SAMPLE MOTION:
Move to ________ (approve/deny) a **Variance** to permit the subject medical marijuana dispensary in BOA-22736 to be located within 1,000 ft of another medical marijuana dispensary (Sec. 40.225-D)

- Finding the hardship(s) to be _________________________________.
- Per the Conceptual Plan(s)/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."
Ms. Stead asked Mr. Cuthbertson why if there was no relevant action, was it always by right? Mr. Cuthbertson answered a Use Unit 11 funeral home use has always been a permitted use in a commercial district, at least from 1970.

Comments and Questions:
None.

Board Action:
On MORION of STEAD, the Board voted 3-0-0 (Stead, Van De Wiele, White "aye"; no "nays"; no "abstentions") to APPROVE the Special Exception to permit a crematory (Use Unit 2¡ in a CH district inside an existing funeral home (Section 701); and APPROVE a Variance of the parking requirement from 50 spaces to permit a crematory and existing funeral home (Section 1211.D). It is the Board's opinion that the additional parking requirement is not necessary as the crematory should not generate the need for additional parking spaces therefore no more than 30 parking spaces will be needed. The Board finds there are 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. In granting the Special Exception The Board has found that it 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:

BLK 1 LESS BEG NEC BLK 1 S 86.1 NW 266.1 N 55.1 SELY 251.5 POB BLK 1, SHEILA TERRACE

Mr. Tidwell reentered the meeting at 2:34 P.M.

**********

Case No. 21171-Dick Alaback

Action Requested:
Variance of the building setback from a non-arterial street (East 67th Street) to permit an existing building in a CS district (Section 703). Location: 6702 South Lewis Avenue East

Presentation:
Tanda Francis, Beacon Commercial Group, Ltd., 8242 South Harvard, #1, Tulsa, OK; stated she represents the new owner of the property. The application for variance was
made during the due diligence period of a contract for sale of real estate. One of the requirements of the buyer was that the seller, represented by Dick Alaback, file for a variance for the building setback. The building has since transferred ownership; the warranty deed has been filed of record.

**Interested Parties:**
No interested parties were present.

**Comments and Questions:**
None.

**Board Action:**
On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Stead, Tidwell, Van De Wiele, White "aye": no "nays": no "abstentions") to APPROVE the Variance of the building setback from a non-arterial street (East 67th Street) to permit an existing building in a CS district (Section 703); 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, subject to the as-built diagram shown on page 10.6; for the following property:

LT 1 LESS BEG NEC LT 1 TH S20 NW28.28 E20 POB BLK 2, SOUTHERN CROSS ADDN B1, SOUTHERN CROSS ADDN B2-3

**********

**Case No. 21178-Timothy J. Pooler**

**Action Requested:**
Minor Special Exception to reduce the required front yard in the RS-2 district from 30 ft. to 25 ft. (Section 403.7). **Location:** 32 East 26th Street South

Mr. White recused himself at 2:40 P.M.

**Presentation:**
Brady Whitaker, Whitaker Architects, PC, 16 West 2nd Street, Sand Springs, OK; stated he is the architect on the project for Mr. Pooler. Mr. Pooler wants to build an English Tudor home that will fit into the neighborhood. Mr. Pooler had the home designed to respect the architectural character of the neighborhood, so the garage is in
Subject property
CERTIFICATE of OCCUPANCY  No: COO-031121-2019

PROPERTY
Address: 6908 S LEWIS AVE E

ZONING USE
Zoning District: CS
Use: Commercial/Retail Sales/Medical Marijuana Dispensary
Use Conditions:

BUILDING OCCUPANCY

<table>
<thead>
<tr>
<th>Use Group</th>
<th>Const. Type</th>
<th>Floor Area</th>
<th>Occ. Load</th>
<th>Descriptive Area</th>
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<td>M</td>
<td>IIB</td>
<td>884</td>
<td>15</td>
<td>Entire Tenant Space</td>
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Floor area of Permit: 884

OCCUPANCY CONDITIONS:

The above described property has been found to comply with the appropriate provisions of the City of Tulsa Zoning Code and Building Code and is approved for use and occupancy as herein limited.

Any easement closed by City Ordinance is subject to the City re-opening the easement unless the developer has foreclosed the City's right to re-open. It is the developer's responsibility to file a lawsuit in the District Court to foreclose the City's right to re-open a closed easement. This Certificate of Occupancy (and prior permits) do not annul the City's rights to re-open a closed easement.

Approval Date: July 19, 2019
Code Official: Adam Murray
ZONING CLEARANCE PLAN REVIEW

July 31, 2019

Phone: 310.773.1244

Lod Number: 1

Angela Locke
909 S Muskogee Ave
Tahlequah, OK 74464

Application No: COO-038537-2019

(Please reference this number when contacting our office)

Location: 6702 S Lewis 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.

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.incoq.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" 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)
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:  

   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.
RE: 6702 South Lewis Avenue, Suites B & C – Tulsa, OK
Application No.: COO-038537-2019
Legal: 39445-83.06-29160

To Whom It May Concern:

We are requesting a variance of 200 feet for Southern Cross Center located at 6702 South Lewis. The Owner requests the hardship defined below:

1. Owner has had a hard time leasing the property to national and local businesses due to the decline of the area and the City approving a Section 8 apartment building directly in front of said property which deters potential clients.
2. The Owner has been working with Premium Leaf for the space which the Owner could not lease.
3. The Owner has verified funds of his client who will be making a substantial investment of improving the space in the shopping center. New businesses bring a synergy to the center that attract other businesses.
4. Driving on Google maps has the distance of the other dispensary, OHG, at 1,250 feet away, whereas the aerial map (which was put in force in June) is 1,000 feet away; however, there is no way to access one property from the next on the aerial map. Therefore, we would request the Google maps from store to store be used in lieu of the aerial map for the variance request.
5. By not being able to lease the property to Premium Leaf, it would have a negative impact in the neighborhood because the shopping center would remain empty. This is also a financial hardship for the Owner by not being able to lease the property due to the newly implemented 1,000 foot distance requirements and put the Owner at a disadvantage compared to other shopping centers in the area.

Please see the Owner's signature below requesting this variance. Your consideration is greatly appreciated.

Sincerely,

[Signature]
Tanda L. Francis
Managing Broker

TLF/Ih

Wayfarer Properties, LLC – Wayne Pyle, Manager
6702 S Lewis Ave, Tulsa, OK 74136
6908 S Lewis Ave, Tulsa, OK 74136

1 min (0.2 mi) via S Lewis Ave
Subject Tract

BOA-22736

18-13 06

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

Aerial Photo Date: February 2018
To whom it may concern:

I write today to object to the proposed variance from the 1000 foot spacing requirement. First, I want you to know that while serving on the City of Muskogee’s Board of Adjustment I voted for some dispensary requests and voted against some. I am requesting that the Board deny this variance request. While I understand each applicant has the right to make application I cannot see how this applicant could possibly show a need. The failure of the landlord to rent the property is not a proper basis for granting the variance. The proximity of residential property should be a factor in denying the application. As an owner of a rental condominium within 300 foot of the property I oppose this variance. Approving this request would create a situation where no request could be denied.

Thank you in advance for your consideration. Unfortunately, I will not be able to be personally present. I will likely send someone to speak on my behalf subject to any restrictions on that right imposed by the Board.

Mark Bonney
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9308
CZM: 37
CD: 4

Case Number: BOA-22737

HEARING DATE: 09/24/2019 1:00 PM

APPLICANT: Jeremy Enno

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: 2442 E 15 ST S
ZONED: CH

PRESENT USE: Tatoo Parlor
TRACT SIZE: 7126.45 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 1, MCDONNELL'S SUB L1-5 GLEN ACRES

RELEVANT PREVIOUS ACTIONS: None

ANALYSIS OF SURROUNDING AREA: The subject tract is a CH zoned tract completely surrounded by CH zoning located at the SW/c of S. Atlanta Avenue and E. 15 Street South.

STAFF COMMENTS: The Applicant is requesting a Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

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

Dispensaries who received their OMMA issued dispensary license prior to the December 1, 2018 are not subject to the 1,000 ft spacing requirement per Sec. 40.225-I.

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 noted that there was an OMMA license issued within 1,000 ft of their dispensary at 2516 E 15 St S to “SGOK3, Inc.” (License ID#: DAAA-4YWR-KGGF). The applicant does not believe that there is currently any intent of opening at that location. Staff is aware of a property located approximately 400 ft Northeast of the subject property which has white rectangle banner sign on the roof that reads “Central Purp Coming Soon” and is visible from the Broken Arrow Expressway. There was an OMMA License issued to “Central Purp, LLC” (License ID#DAAA-V1GA-RSDD) which is locate inside the Zip Code 74104 which corresponds to this building. As of the writing of this report I
was unable to verify the address this license was issued. As of the writing of this report I did not find any BLDC/COO permits issued or applied for at these two sites relating to medical marijuana.

SAMPLE MOTION:

I move that based upon the facts in this matter as they presently exist, we (accept/reject) 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.
BOARD OF ADJUSTMENT
MINUTES of Meeting (No. 299)
Thursday, November 29, 1979, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT
Lewis
Purser, Chairman
Smith
Wait

MEMBERS ABSENT
Thompson

STAFF PRESENT
Gardner
Howell
Jones

OTHERS PRESENT
Jackere, Legal Department
Miller, Building Inspector's Off.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, November 27, 1979, at 11:00 a.m., as well as in the Reception Area of the TMAPC Offices.

Chairman Purser called the meeting to order at 1:35 p.m. and declared a quorum present.

MINUTES:
On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Thompson, Wait, "absent") to approve the Minutes of October 25, 1979 (No. 297).

MINOR VARIANCES AND EXCEPTIONS:

10779

Action Requested:
Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 32.5' to permit a service station canopy at 2442 East 15th Street.

Presentation:
David Mount, P. O. Box 834, Sapulpa, presented a plot plan (Exhibit "A-1") and plans for the canopy (Exhibit "A-2") to be constructed. The applicant pointed out that the property is only 50' in depth; therefore, the space used to improve the site is very limited. The existing islands will be covered.

Protests: None.

Board Action:
On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Thompson, Wait "absent") to grant a Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 32.5' to permit a service station canopy, per plot plan submitted, subject to a removal contract, on the following described tract:

Lot 1, Block 1, McDonnell's Subdivision to the City of Tulsa, Oklahoma.
This is a property located approximately 400 ft Northeast of the subject property. The white rectangle banner sign on the roof reads “Central Purp Coming Soon” and is visible from the Broken Arrow Expressway. There was an OMMA License issued to “Central Purp, LLC” (License ID#DAAA-V1GA-RSDD) which is locate inside the Zip Code 74104 which corresponds to this building. As of the writing of this report I was unable to verify the address for which this license was issued.

Facing East from the Corner of E 15th Street South and South Atlanta Avenue. The Parcel of land on the South Side of E. 15th Street and East of Atlanta is the location for which an OMMA Dispensary License has been issued to “SGOK3, Inc.” (License ID#: DAAA-4YWR-KGGF). The applicant believes the property owner no longer has intention of opening a dispensary at that location.
Facing West from the Corner of E 15th Street South and South Atlanta Avenue.

Subject Property
Can you send a copy of the notice for BOA-22737 to this property owner as well.

From: Kramer, Wendy <wkramer@incog.org>
Sent: Wednesday, September 11, 2019 9:35 AM
To: Chapman, Austin <AChapman@incog.org>
Subject: RE: Mailing Label

CARIKER, FREDa Jo TRUSTEE
FREDa Jo CARIKER TRUST
1208 W 201ST ST
MOUNDS OK 74047

Wendy Kramer
GIS Specialist | INCOG
2 West 2nd Street, Suite 800 | Tulsa, OK 74103
Phone: 918.579.9463 | Fax: 918.583.1024
www.incog.org | wkramer@incog.org

Can you send me the mailing address for the property owner of Parcel # 08500930804910.

From: Chapman, Austin <AChapman@incog.org>
Sent: Wednesday, September 11, 2019 9:19 AM
To: Kramer, Wendy <wkramer@incog.org>
Subject: Mailing Label

Wendy,

Can you send me the mailing address for the property owner of Parcel # 08500930804910.

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.
SGOK3, Inc
2516 E 15th St.
Tulsa, OK 74104

Botanical Kennedy
2442 E 15th St. STE D
Tulsa, OK 74104

* 335.8 ft in distance between dispensaries
CHUCK LANGE  
ZONING OFFICIAL  
PLANS EXAMINER  

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

ZONING CLEARANCE PLAN REVIEW

June 26, 2019

Jeremy Enno  
2300 S Kalanchee Ave  
Broken Arrow, OK 74012

APPLICATION NO:  COO-033429-2019  
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:  2442 E 15 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 ORIGINALY 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" 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)
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.

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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.


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.
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BOARD OF ADJUSTMENT
MINUTES of Meeting (No. 299)
Thursday, November 29, 1979, 1:30 p.m.
Langenhem Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT
Lewis
Purser, Chairman
Smith
Wait

MEMBERS ABSENT
Thompson

STAFF PRESENT
Gardner
Howell
Jones

OTHERS PRESENT
Jackere, Legal
Department
Miller, Building
Inspector's Off.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Tuesday, November 27, 1979, at 11:00 a.m., as well as in the Reception Area of the TMAFC Offices.

Chairman Purser called the meeting to order at 1:35 p.m. and declared a quorum present.

MINUTES:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Thompson, Wait, "absent") to approve the Minutes of October 25, 1979 (No. 297).

MINOR VARIANCES AND EXCEPTIONS:

10779

Action Requested:

Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 32.5' to permit a service station canopy at 2442 East 15th Street.

Presentation:

David Mount, P. O. Box 834, Sapulpa, presented a plot plan (Exhibit "A-1") and plans for the canopy (Exhibit "A-2") to be constructed. The applicant pointed out that the property is only 50' in depth; therefore, the space used to improve the site is very limited. The existing islands will be covered.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Thompson, Wait "absent") to grant a Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 50' to 32.5' to permit a service station canopy, per plot plan submitted, subject to a removal contract, on the following described tract:

Lot 1, Block 1, McDonnell's Subdivision to the City of Tulsa, Oklahoma.
Zoning Map

Measurement

| Feet |

Measurement Result

335.8 Feet

Clear

Press CTRL to enable snapping

File was prepared
Subject Tract

BOA-22737

19-13 08

Aerial Photo Date: February 2018

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

Aerial Photo Date: February 2018

Subject Tract BOA-22737
19-13 08
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BOA-22738

20-12 27
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9202
CZM: 36
CD: 1

HEARING DATE: 09/24/2019 1:00 PM

APPLICANT: Tonnieka Starks

ACTION REQUESTED: A Variance to allow a detached accessory structure to exceed 500 sq. ft (Section 45.030-A); A Variance to allow an accessory structure to exceed 18 feet in height (Section 90.90.C); Variance to allow more than 30% coverage in the rear setback (Section 90.090-C.2)

LOCATION: 1431 N. NOGALES AVE.

PRESENT USE: Residential

TRACT SIZE: 7,150 SQ FT

LEGAL DESCRIPTION: LOT 7 AND THE SOUTH 5 FT OF LOT 8, BLOCK 2, MONARCH HEIGHTS, CITY OF TULSA, OSAGE COUNTY, STATE OF OKLAHOMA

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 and RS-3 zoned tract of land inside the Monarch Heights subdivision located S of the SE/c of W Pine St and N Nogales Ave.

STAFF COMMENTS: The Applicant is requesting a Variance to allow a detached accessory structure to exceed 500 sq. ft (Section 45.030-A); a Variance to allow an accessory structure to exceed 18 feet in height (Section 90.090.C); and a Variance to allow more than 30% coverage in the rear setback (Section 90.090-C.2)
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]


2. Detached Accessory Buildings in RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes.
   a. Detached accessory buildings may be located in rear setbacks provided that:

   (1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and

   (2) Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2:

   Figure 90-9: Maximum Height of Accessory Buildings In Rear Setbacks (RE, RS and RD Districts or RM Zoned Lots Used for Detached Houses or Duplexes)

   [Diagram of detached accessory building]

   Table 90-2: Accessory Building Coverage Limits in Rear Setback

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Coverage of Rear Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-1 and RE Districts</td>
<td>20%</td>
</tr>
<tr>
<td>RS-2 District</td>
<td>25%</td>
</tr>
<tr>
<td>RS-3, RS-4, RS-5 and RD Districts</td>
<td>30%</td>
</tr>
<tr>
<td>RM zoned Lots Used for Detached Houses or Duplexes</td>
<td>30%</td>
</tr>
</tbody>
</table>
SAMPLE MOTION:

Move to _______ (approve/deny) a Variance to allow a detached accessory structure to exceed 500 sq. ft (Section 45.030-A); a Variance to allow an accessory structure to exceed 18 feet in height (Section 90.90.C); Variance to allow more than 30% coverage in the rear setback (Section 90.090-C.2)

- 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.”
Close-up view of accessory structure

View from Nogales looking South
View of subject property

View from Nogales facing North
I was told by Osage County, that a building permit was not required. Doing anything to the physical footprint of the garage is a hardship. The garage is behind my house; no houses are to the east, the apartments to the south is taller than my garage. Granting the variance will not alter the character of the neighborhood. Granting the variance will not take away from the public good.

- [Signature]

8/13/19
APPLICATION NO: BLDR-036263-2019  
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1431 N Nogales Ave
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” [ THIS 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)
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. 45.030-B RS-2, RS-3, RS-4, RS-5 or RM Districts

In RS-2, RS-3, RS-4 and RS-5 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 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater.

Review comments: You are proposing 900 sq ft of detached accessory structure floor area. The proposed detached accessory structure exceeds 500 sq ft. Reduce the size of your proposed detached accessory structure to be less than 500 sq ft or apply to BOA for a variance to allow a detached accessory structure to exceed 500 sq ft.

2. 90.90.C: Detached Accessory Buildings

a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:
   
   (1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and

Review Comments: Revise plans to indicate that the detached accessory building will not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate or apply to the BOA for a variance to allow an accessory structure to exceed 18 feet in height.

3. 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-3. 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, 20 feet from the rear property line). A maximum 30% area can be covered by the accessory building; (55' X 20' X 30%) allows 330 sq ft of coverage. You are proposing 450 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 30% coverage in the rear setback.

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.
Note: Graphic overlays may not precisely align with physical features on the ground.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9405
CZM: 39
CD: 3

HEARING DATE: 09/24/2019 1:00 PM

APPLICANT: Erik Sigala

ACTION REQUESTED: Special Exception to increase the maximum driveway width from 30 ft. to 36.8 ft. on the lot, in an RS-3 zoning district (Section 55.090-F)

LOCATION: 11549 E 7 ST S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 8280.79 SQ FT

LEGAL DESCRIPTION: LT 25 BLK 8, WESTERN VILLAGE

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 an RS-3 Zoned Tract that is a part of the Western Village Subdivision located West of the SW/c of 117 E. Ave and E. 7 St S.

STAFF COMMENTS: The applicant is requesting Special Exception to increase the maximum driveway width from 30 ft. to 36.8 ft. on the lot, in an RS-3 zoning district (Section 55.090-F)
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 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).

<table>
<thead>
<tr>
<th>Maximum Driveway Width</th>
<th>Lot Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>75' +</td>
</tr>
<tr>
<td>Driveway Within Right-of-Way (feet) [1]</td>
<td>60' - 74'</td>
</tr>
<tr>
<td>Driveway Within Street Setback (feet)</td>
<td>30'</td>
</tr>
</tbody>
</table>

SAMPLE MOTION:

Move to ________ (approve/deny) a Special Exception to increase the maximum driveway width from 30 ft. to 36.8 ft. on the lot, in an RS-3 zoning district (Section 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.
Facing East on 7th Street

Subject Property
Facing West on 7th Street
ZONING REVIEW

August 1, 2019

Eric Sigala
11549 E 7th Street
Tulsa OK 74128

Phone: (918)812-9163

APPLICATION NO: BLDC-36782-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 11549 E. 7th Street
Description: Driveway Widening Application

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. 36782-2019  
11549 E. 7th Street  
August 1, 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.) 55.090-F Surfacing

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-I.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

Review Comments: Based on a lot width of 69 feet the maximum driveway width on the lot may not exceed 30 feet in width. You may revise the plans with a maximum driveway width of 30 feet on the lot or pursue a special exception from the BOA to permit the driveway width on the lot be increased from 30 feet to 36.8 feet.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, plating, 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.
BOA-22739
19-14 05

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

Aerial Photo Date: February 2018
BOA-22739

Subject Tract

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

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9303
CZM: 38
CD: 5
HEARING DATE: 09/24/2019 1:00 PM

APPLICANT: Anthony Rodriguez

ACTION REQUESTED: Variance of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

LOCATION: 432 S SHERIDAN RD E
ZONED: RS-3, CS

PRESENT USE: Vacant
TRACT SIZE: 17702.86 SQ FT

LEGAL DESCRIPTION: LTS 1 & 2 BLK 5, SHERIDAN HGTS ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:
BOA-16997: On 03/28/1995 the Board denied a Variance of the required setback from 100' to 85' to permit the enclosure of an existing canopy on a proposed restaurant.

BOA-17748: On 06/24/1997 the Board denied a Special Exception to allow auto sales in a CS district and a Variance of required 300' setback from an R district for open air storage or display of merchandise offered for sale.

Surrounding Properties: None.

ANALYSIS OF SURROUNDING AREA: The subject tract is an Existing CS zoned tract and the former site of Harden's Hamburger's. It is surrounded by CS zoning except on the West side which is the beginning of an RS-3 zoned subdivision. It is located at the SW/c of S. Sheridan Road and E. 4th Terrace.

STAFF COMMENTS:

The Applicant is requesting a Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

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

Dispensaries who receiced their OMMA issued dispensary license prior to the December 1, 2018 are not subject to the 1,000 ft spacing requirement per Sec. 40.225-l.
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 provided an exhibit showing the closest established dispensary as being located at 6305 E. 11 St which is 2,754 ft away from his location at 432 S. Sheridan Rd. The applicant also provided a copy of their OMMA dispensary License.

**SAMPLE MOTION:**

I move that based upon the facts in this matter as they presently exist, we (accept/reject) 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.
Case No. 16996 (continued)
Lot 3, Block 6, Wilshire Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16997

Action Requested:
Variance of the required setback from 100' to 85' to permit the enclosure of an existing canopy on a proposed restaurant - SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS - Use Unit 12, located 432 South Sheridan.

Presentation:
The applicant, Rick West, 1908 South 69th East Avenue, was not present.

Board Action:
On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to DENY WITHOUT PREJUDICE Case No. 16996, due to the failure of the applicant to appear.

Case No. 16998

Action Requested:
Special Exception to permit a sexually oriented business in an IL zoned district - SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS; and a Variance of the number of required parking spaces - SECTION 1212a.D. Off Street Parking and Loading Requirements, located 10321 East 47th Place.

Presentation:
The applicant, Marcus Wright, 4815 South Harvard, Suite 447, requested that Case No. 16998 be continued to permit further investigation concerning a nearby church building, and the possible need for re-advertising.

Board Action:
On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to CONTINUE Case No. 16998 to April 11, 1995
Mr. Dunham asked the applicant how many days the vehicles will be stored and how many vehicles will be stored? Mr. Scott stated the vehicles will be stored for two (2) days and the number would vary dramatically. He guessed zero (0) to twenty (20) vehicles would be stored at any one time.

Mr. Bolzle asked the staff if there has been a zoning change of RS-3 to CS to the property across 10th Street to the north? Mr. Gardner stated that there was one lot in between the mini-storage on the east and the other business on the west, which was zoned residential and recently changed to commercial.

After a lengthy discussion the Board determined that there has been no substantial change in the conditions surrounding the property that would create a change in the conditions that the Board set forth on May 13, 1997.

**Board Action:**
On MOTION of BOLZLE, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to DENY a Special Exception to amend a previous condition of Board of Adjustment approval to allow storage of automobiles on northerly portion of property. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 17; finding that the approval of this application will be injurious to the neighborhood and will not be in harmony with the spirit and intent of the Code, on the following described property:

Lots 5-8, E 20' of Lot 9, 12-18, Block 36, Sheridan Hills, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17748**

**Action Requested:**
Special Exception to allow auto sales in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS; a Variance of required 300' from R district for open air storage or display of merchandise offered for sale. SECTION 1217.C.2. - Use Unit 17, and a Variance of off-street parking requirements for a catering business from 5 to 4. SECTION 1214.D. USE UNIT 14 SHOPPING GOODS AND SERVICES, Off-Street Parking and Loading Requirements, located 432 South Sheridan Road.
Mr. White asked the applicant if the Board was inclined to approve the proposal, would he be acceptable to the staff concerns that there be screening, no loud speakers outside, daylight hours of operation only and no automotive repair of any kind. Mr. West stated that the screening is currently in place and all of the other conditions are acceptable. The facility will not be set up for automotive repair and with the catering business on the subject property he would not want auto repair on the premises. The catering business will have customers coming in to pick up their orders and the subject property needs to be kept clean.

Mr. Bolzle stated that the argument that there are other automobile lots in the area is not the criteria for determining if this is an appropriate use. The Board looks at each individual application and determines if it is appropriate. Mr. Bolzle stated that he did not think that this application is appropriate because the lot is too small and it abuts a residential district with no buffer. There are residential structures to the north and across the street. There is no way to effectively police a lot this small.

Protestants: None.

Board Action:
On MOTION of BOLZLE, the Board voted 4-1-0 (Bolzle, Dunham, Turnbo, White, "aye"; Cooper "nays" no "abstentions"; none "absent") to DENY a Special Exception to allow auto sales in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS; a Variance of required 300’ from R district for open air storage or display of merchandise offered for sale. SECTION 1217.C.2. - Use Unit 17, finding that the applicant failed to present a hardship unique to the property that would warrant the granting of the variance request; on the following described property:

Lot 1 & 2, Block 5, Sheridan Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17749

Action Requested:
Variance of the required parking spaces for outdoor/open-air display area from 221 to 30. SECTION 1217.D. USE UNIT 17. SHOPPING GOODS AND SERVICES; Off-Street Parking and Loading Requirements, located SW/c South 129th East Avenue and I-44.

Mr. Bolzle announced he will be abstaining from this application.
Facing North on Sheridan

Facing South on Sheridan
Subject property
CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER
TEL (918)596-9688
cange@cityoftulsa.org

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

ZONING CLEARANCE PLAN REVIEW

August 13, 2019

LOD Number: 1

Anthony Rodriguez
9526 E 99 ST
Tulsa, OK 74133

APPLICATION NO: BLDC-039682-2019
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 432 S Sheridan Rd
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) 594-7526.

4. A COPY OF A "RECORD SEARCH" [X] YES [ ] NO 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-039682-2019 432 S Sheridan Rd  
August 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:  

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.
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COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

TKR ENTERPRISE LLC

432 S SHERIDAN RD, TULSA, OK, 74112

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULLFILLED THE REQUIREMENTS OF TITLE 61 O.S. § 625A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 360 CHAPTER 88. 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.

07/02/2020

LICENSE NUMBER:

DAAA-VYDS-7RKD

DO NOT COPY

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health
My Location: Harvest Health Dispensary
432 S. Sheridan Rd
Tulsa, OK 74112

1. No other Dispensary within 1000ft radius of 432 S. Sheridan Rd, Tulsa OK

2. Route 66 Dispensary located at 6305a E. 11th St, Tulsa OK
   2754ft from 432 S. Sheridan Rd, Tulsa Ok.
Subject Tract

BOA-22740

Aerial Photo Date: February 2019

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

We don’t determine that, the dispensary operator is responsible for verifying that information with the Oklahoma Medical Marijuana Authority. We are only concerned with 1,000 ft between dispensaries which is codified in the City of Tulsa Zoning Code. Issues about proximity to schools need to be addressed with the OMMA.

http://omma.ok.gov/

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.

From: Rick West <weedbegone17@gmail.com>
Sent: Monday, September 16, 2019 4:15 AM
To: esubmit <esubmit@incog.org>
Subject: BOA-22740

Have you determined the distance between the purposed dispensary and Tulsa Honor Academy. It looks to be less then 1000 ft.

Thanks
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9201
CZM: 36
CD: 4

HEARING DATE: 09/24/2019 1:00 PM

APPLICANT: Timothy Borgmann

ACTION REQUESTED: Variance of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

LOCATION: 303 N MARTIN LUTHER KING JR BV ZONED: CBD

PRESENT USE: Coffee Shop TRACT SIZE: 10498 SQ FT

LEGAL DESCRIPTION: ALL LT 4 S OF RY BLK 21, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:

Subject Property: None.

Surrounding Properties:
BOA-22613: On 04/09/2019 the Board approved a special exception to allow an Industrial/Low-Impact Manufacturing and Industry for medical marijuana processing in the CBD District. Located at 15 E Matthew Brady St. N.

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

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed-use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

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 zoned CBD and is surrounded by CBD zoning.
STAFF COMMENTS:
The applicant is requesting a variance of the 1,000 foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

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

There has been a COO issued for a dispensary at 15 E Matthew Brady. This location is within 1,000’ of the subject property in BOA-22741. Attached you will find a copy of the COO issued at 15 E Matthew Brady, the OMMA License information for the property at 15 E Matthew Brady, and an updated Map of Dispensaries that have received COO’s, spacing or a variance of the 1,000 ft spacing requirement for dispensaries. Per Sec. 40.225-D of the code the dispensary located at 15 E Matthew Brady is not subject to the 1,000 ft. spacing requirement because they recived their OMMA license prior to December 1st, 2018.

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.

SAMPLE MOTION:
Move to ________ (approve/deny) a Variance to permit the subject medical marijuana dispensary in BOA-22741 to be located within 1,000 ft of another medical marijuana dispensary (Sec. 40.225-D)

- Finding the hardship(s) to be________________________________________.

- Per the Conceptual Plan(s)/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.”
Subject Property: Gypsy Coffee House

Eastern portion of subject property
View facing West from sidewalk at the NE/c of MLK and Cameron

View facing East from sidewalk
OMMA License ID #: DAAA-4KFV-ESVR

BLACK RAIN LLC

15 EAST MATTHEW BRADY ST

View from Reconciliation Way, as of the writing of this report no permits have been applied for at this location for a Medical Marijuana Dispensary. Though there is a Certificate of Occupancy application (COO-026015-2019) for a Low Impact Medical Marijuana Processing Facility, that permit is attached.
BOA-22741

19-12 01

Aerial Photo Date: February 2018

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

BOA-22741 

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

Aerial Photo Date: February 2018
Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of RADNEY, the Board voted 4-0-0 (Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Back 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 the liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store; for the following property:

LT 13 & 14 BLK 10, EAST LAWN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Action Requested:
Special Exception to allow an Industrial/Low-Impact Manufacturing and Industry for medical marijuana processing in the CBD District (Section 15.020). LOCATION: TENANT SPACE – 15 East Mathew Brady Street North (CD 4)

Mr. Van De Wiele recused and asked Mr. Bond to chair this matter, and he left the meeting at 3:24 P.M.

Presentation:
Amanda Lowe, 320 South Boston Avenue, Suite 200, Tulsa, OK; stated the request is for the production of medical marijuana edibles at an existing currently closed commercial kitchen. The production would be in the back portion of the building. Currently the commercial kitchen produces regular candies and chocolates. Ms. Lowe stated that her client would also be producing candies and chocolates but with the added ingredient of cannabis oil. The cannabis oil would be processed at an offsite location, brought to the kitchen, and the liquid cannabis oil formed, mixed and baked into the chocolates, and the end product edibles would then be sold to dispensaries around the Tulsa area. Ms. Lowe stated that her client’s use would be in line with the current and continued use of the property, and there would be no noticeable or observable changes to the neighborhood or in the perception of the general public.

Interested Parties:
There were no interested parties present.
Comments and Questions:
None.

Board Action:
On MOTION of RADNEY, the Board voted 3-0-1 (Bond, Radney, Ross, "aye"; no "nays"; Van De Wiele "abstaining"; Back absent) to APPROVE the request for a Special Exception to allow an Industrial/Low-Impact Manufacturing and Industry for medical marijuana processing in the CBD District (Section 15.020), subject to conceptual plans 7.11 and 7.13 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:

LT 3 BLK 28 & E10 VAC ALLEY ADJ ON WL, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele re-entered the meeting at 3:27 P.M.

22615—Bradley Anderson

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: TENANT SPACE – 1615 South Memorial Drive East (CD 5)

Presentation:
Bradley Anderson, 1563 North Frankfort Avenue, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Van De Wiele stated that the Board has the applicant's spacing verification exhibits on pages 8.11, 8.12, 8.13 and 8.14.

Mr. Anderson stated that he has spoke with the people in the strip mall and they seem to be happy, and people have been stopping by as he is setting up the shop.

Interested Parties:
Shellie Clark, 8126 East 16th Street, Tulsa, OK; stated she is the manager of the apartment complex behind the strip mall. The apartment complex parking lot is right behind the subject building to the east. A bar went into the shopping center and there have been shootings there, and she has had to install a gate to keep people from parking in the apartment's parking lot. The club does not close until 4:00 A.M. and she has heard that the dispensary is not going to close until 2:00 A.M.
Permit Number: COO-026015-2019

Type:
Certificate of Occupancy - Certificate of Occupancy (Commercial)

IVR Number:
126168

Applied Date:
03/07/2019

Status:
Issued

Project Name:

Issue Date:
03/07/2019

District:
Council District 4

Assigned To:

Expire Date:

Finalized Date:

Description:
MJ- STAND ALONE COO Black Rain Processing, LLC DBA Glazed

https://tulsaok.tylertech.com/EnerGov4934/SelfService#/permit/dafe0d93-a5b7-4886-940f-f24097a8eefbd
Application Detail

Record Retention #
5

Food or Food Related
☐

Low Point Beer
☐

Retail Beer
☐

Retail Wine
☐

Grease Interceptor/Oil Separator
☐

Liquor License
☐

Retail Spirits - Liquor Store
☐

Describe Proposed Use in Detail
Medical Marijuana Processing Facility using MMJ components processed elsewhere

Existing Use
Industrial kitchen for chocolate production/sales

Describe Special Zoning Action

12.13
Required Info - Existing Bldg. (Customer Declared)

Floor area height (ft, in)
14 ft 4 in

Total Height of Building
42

Total Number of Stories
3

Total Number of Basement Levels
0

Floor area to be occupied (sf)
1831

Building Area (sf)
12900

Floor area width (ft, in)
22 ft 4 in

Floor area length (ft, in)
90 ft 7 in

Shell Build-Out?
No

Is existing building sprinklered?
Not Sprinklered

Are you changing use of the building or land?
Yes

Exterior Wall Finish
Brick/Stone Veneer

Exterior Wall Structure
Other (Describe in Existing Const. Materials)

Interior Walls

12.14
Gyp/Metal Studs

Ceiling Type
Acoustical Tile

Roof Covering
Bur Membrane

Roof Decking
Wood

Existing Construction Materials Comments
Ext Wall Structure- Brick

Framing System
Wood

Bearing Walls
Brick

Roof Framing
Wood Joist

Floor Framing
Wood Joist

Floor Decking
Wood Deck

Existing Structural System Comments

Commercial Building/Fire Review Details

Use Group

☐ A-1 Assembly, theaters, without stage
☐ A-1 Assembly, theaters, with stage
☐ A-2 Assembly, nightclubs
☐ A-3 Assembly, churches
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-3</td>
<td>Assembly, general, comm halls, libraries</td>
</tr>
<tr>
<td>A-4</td>
<td>Assembly, arenas</td>
</tr>
<tr>
<td>A-5</td>
<td>Assembly, outdoor, stands parks</td>
</tr>
<tr>
<td>B</td>
<td>Office</td>
</tr>
<tr>
<td>E</td>
<td>Educational</td>
</tr>
<tr>
<td>F-1</td>
<td>Factory and industrial, moderate hazard</td>
</tr>
<tr>
<td>F-2</td>
<td>Factory and industrial, low hazard</td>
</tr>
<tr>
<td>H-1</td>
<td>High hazard, explosives</td>
</tr>
<tr>
<td>H234</td>
<td>High hazard</td>
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<tr>
<td>H-5</td>
<td>HPM</td>
</tr>
<tr>
<td>I-1</td>
<td>Institutional, supervised environment</td>
</tr>
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<td>I-2</td>
<td>Institutional, hospitals</td>
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<td>I-3</td>
<td>Institutional, restrained</td>
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<td>I-4</td>
<td>Institutional, day care facilities</td>
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<tr>
<td>M</td>
<td>Mercantile</td>
</tr>
<tr>
<td>R-1</td>
<td>Residential, hotels</td>
</tr>
<tr>
<td>R-2</td>
<td>Residential, multiple family</td>
</tr>
<tr>
<td>R-3</td>
<td>Residential, one and two-family</td>
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<td>R-4</td>
<td>Residential, care/assisted living facilities</td>
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<td>S-1</td>
<td>Storage, moderate hazard</td>
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<td>S-2</td>
<td>Storage, low hazard</td>
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<tr>
<td>RC-AG</td>
<td>Residential, attached garage</td>
</tr>
<tr>
<td>RC-C</td>
<td>Residential, carport</td>
</tr>
<tr>
<td>RC-D</td>
<td>Residential, duplex habitable space</td>
</tr>
<tr>
<td>RC-FH</td>
<td>Residential, future high development</td>
</tr>
<tr>
<td>RC-FL</td>
<td>Residential, future low development</td>
</tr>
<tr>
<td>RC-FM</td>
<td>Residential, foundation move-in</td>
</tr>
<tr>
<td>Construction Type</td>
<td>Atrium(s)</td>
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<tr>
<td>-------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>RC-H Residential, 1 &amp; 2 family habitable space</td>
<td></td>
</tr>
<tr>
<td>RC-HL Residential, heavy timber log house</td>
<td></td>
</tr>
<tr>
<td>RC-HR Residential, high remodel/repair</td>
<td></td>
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<tr>
<td>RC-LR Residential, low remodel/repair</td>
<td></td>
</tr>
<tr>
<td>RC-MR Residential, medium remodel/repair</td>
<td></td>
</tr>
<tr>
<td>RC-P Residential, porch</td>
<td></td>
</tr>
<tr>
<td>RC-PF Residential, pool, spa, fountain</td>
<td></td>
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<tr>
<td>RC-SG Residential, shed on grade slab</td>
<td></td>
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<tr>
<td>RC-SS Residential, shed on skids</td>
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<tr>
<td>RC-T Residential, townhouse habitable space</td>
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<td>RC-U Residential, utility</td>
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<tr>
<td>RC-YS Residential, yard structure</td>
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<tr>
<td>U Utility, miscellaneous</td>
<td></td>
</tr>
<tr>
<td>X Accessory non-building structure</td>
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</tr>
<tr>
<td>IA Noncombustible Protected</td>
<td></td>
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<tr>
<td>IB Noncombustible Protected</td>
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</tr>
<tr>
<td>IIA Noncombustible Protected</td>
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<tr>
<td>IIB Noncombustible Unprotected</td>
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<tr>
<td>IIIA Noncom/Combustible Protected</td>
<td></td>
</tr>
<tr>
<td>IIIB Noncom/Combustible Unprotected</td>
<td></td>
</tr>
<tr>
<td>IV Heavy Timber</td>
<td></td>
</tr>
<tr>
<td>VA Combustible Protected</td>
<td></td>
</tr>
<tr>
<td>VB Combustible Unprotected</td>
<td></td>
</tr>
</tbody>
</table>

https://tulsaok.tylerentech.com/EnerGov4934/SelfService#/permit/dafe0d93-a5b7-4886-940f-f24097a8efbd
Mezzanine(s)

Unlimited Area Building

Windowless Story

Total # of Stories
3

# of Residential Units

Total # of Basements

Number of Posted Occupant Load Signs Required

Building Area
12749.6

Building Height
42

Fire Retardant Treated Wood

Permit Area
1831

Overall Length
90.58333

Overall Width
22.33333

Building

IBC 2015

IEBC 2015

Electrical

NEC 2014
Energy
IECC 2006

Fire
IFC 2015

Fuel Gas
IFGC 2015

Mechanical
IMC 2015

Plumbing
IPC 2015

Zoning
TZC

Other Codes

Separated Mixed Use

Fire Wall

Fire Barrier

Fire Partition

Floor/Ceiling

Roof/Ceiling

Stairs

Smoke Barrier

Elevator

Fire Alarm

Alarm Required

Fully Sprinklered

12.19

https://tulsaok.tylertech.com/EnerGov4834/SelfService#/permit/dafe0d93-a5b7-4866-940f-f24097a8efbd
No
Sprinklered Required
Partially Sprinklered
Sprinklers Required In
- Attic
- Canopy
- Mechanical
- Storage
- Other

Other
Sprinkler Standard
- NFPA11-2010 Low-Exp. Foam
- NFPA12-2011 CO2
- NFPA12A-2009 Halon
- NFPA13-2013
- NFPA13D-2013 1 & 2 Family
- NFPA13R-2013 Residential
- NFPA14-2013 Standpipes
- NFPA16-2015 Foam Water
- NFPA17-2013 Dry Chem.
- NFPA17A-2013 Wet Chem.
- NFPA2001-2015 Clean Agent

Building Permit Notes

Zoning Review Details
No Zoning Compliance Review

Use by Right

Variance

Administrative Adjustment

Plat Waiver

Special Exception

District Court

Sexually Oriented Business

Plat #

510

BOA #

Lot Split #

Lot Combination #

PUD #

MPD #

Zoning Use

Industrial/Low-Impact Manufacturing & Industry

Front

12.21
Rear

Right

Left

Required

Actual

Lot Frontage (ft)

Screening Fence Required
No

Average Depth in Feet

Landscape Required?
No

Floor Area (sq. ft.)
1831

Allowable Building Height (ft.)

Open Space (sq. ft./D.U.)

Floor Area Ratio

Use Conditions

Zoning Permit Notes
COO only approved per BOA-22613:4/09/2019 Special Exception to allow an Industrial/Low-Impact Manufacturing & Industry for medical marijuana processing in the CBD district. Conditions: Conceptual Plan 7.11 & 7.13. No approval is granted for any construction or use violating any provision of Title 42. No other structures are included in this permit.
## Certificate of Occupancy Review Details

### Certificate of Occupancy Details

<table>
<thead>
<tr>
<th>Use Group</th>
<th>Construction Type</th>
<th>Floor Area</th>
<th>Occupant Load</th>
<th>Descriptive Area</th>
<th>Posted</th>
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</thead>
<tbody>
<tr>
<td></td>
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<td></td>
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</tr>
</tbody>
</table>

**Business Name**

- Fully Sprinklered
  - [ ]
- Required
  - [ ]
- Fire Alarm
  - [ ]
- Required
  - [ ]

**Occupancy Conditions**

---

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

© 2017 - City of Tulsa, OK | Terms of use () | Privacy () | Accessibility ()
Subject Property: Gypsy Coffee House

Eastern portion of subject property
View facing West from sidewalk at the NE/c of MLK and Cameron

View facing East from sidewalk
OMMA License ID #: DAAA-4KFV-ESVR

BLACK RAIN LLC

15 EAST MATTHEW BRADY ST

View from Reconciliation Way, as of the writing of this report no permits have been applied for at this location for a Medical Marijuana Dispensary. Though there is a Certificate of Occupancy application (COO-026015-2019) for a Low Impact Medical Marijuana Processing Facility, that permit is attached.
CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER
TEL (918)596-9688
cilange@cityoftulsa.org

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

ZONING CLEARANCE PLAN REVIEW

July 9, 2019

Eric Dangler
10 E Archer ST
Tulsa, OK 74103
APPLICATION NO: BLDC-034730-2019
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 303 N Martin Luther King DR
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 ORIGINALY 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" 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)
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.
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

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

EUFLORIA GYPSY LLC

303 N MARTIN LUTHER KING JR BLVD B, TULSA, OK, 74103

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS COMPLETED THE REQUIREMENTS OF TITLE 63 O.S. § 404A ET SEQ AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 3600 CHAPTER 215. 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.

07/10/2020

LICENSE NUMBER:

DAAA-422-ZRDX

DO NOT COPY

TOM BATES, J.D.
Interim Commissioner
(Okahoma State Department of Health)
License ID #: DAAA-4J22-ZRDX EUFLORIA GYPSY LLC  303 N Martin Luther King Jr Blvd
License ID #: DAAA-4J22-ZRDX EUFLORIA GYPSY LLC  303 N Martin Luther King Jr Blvd

License ID #: DAAA-VKKE-OMZF
MINDFUL MEDICAL, LLC
202 S LANSING AVE
OMMA New Business Application Approved

Today at 8:41 AM

Dear Eric,

Your Oklahoma Medical Marijuana Authority (OMMA) New Business License application has been approved.

You will receive an approval letter with your license in the mail. Your application reference number is 162245.

If you have any questions, please feel free to contact the OMMA at (405) 522-8662 or via email:

- Grower Inquiries: OMMAGrower@ok.gov
- Processor Inquiries: OMMAProcessor@ok.gov
- Dispensary Inquiries: OMMADispensary@ok.gov

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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9201
CZM: 36
CD: 1

HEARING DATE: 09/24/2019 1:00 PM

APPLICANT: Rob Coday

ACTION REQUESTED: Variance to reduce the minimum street setback in an IM district from 10 ft to 0 ft (Sec. 15.030, Table 15-3)

LOCATION: 34 N OWASSO AV E
ZONED: IM

PRESENT USE: Industrial
TRACT SIZE: 31332.84 SQ FT

LEGAL DESCRIPTION: LT 1 TO 10 INC & 1/2 VAC OWASSO AVE ADJ ON EAST BLK 2, BERRY ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:
BOA-2086: On 10/26/1949 the Board approved a Variance of the required street setback to permit an addition to a present building. Located at 34 N. Owasso Ave. E.

Surrounding Properties:
BOA-1493: On 07/29/1942 the Board approved a Variance of the required street setback to permit an addition to an existing office building. Located at 1007 E. Admiral Blvd. S.

BOA-1564: On 01/26/1943 the Board approved a Variance of the required street setback to permit a temporary building. Located at 38 N. Peoria Ave. E.

BOA-1735: On 09/18/1945 the Board approved a Variance of the required street setback to permit a two-story brick addition to an existing office building. Located at 1007 E. Admiral Blvd. S.

BOA-2455: On 09/23/1953 the Board approved a Variance of the required street setback to permit a building in line with existing buildings. Located at 1217 E. Admiral Blvd.

BOA-3468: On 09/14/1960 the Board approved a Variance of the required setback. Located at 35 N. Peoria Ave.

BOA-6800: On 11/5/1970 the Board approved a Variance of the required street setback to permit the construction of a building. Located at 35 N. Peoria Ave.

BOA-17555: On 11/12/1996 the Board approved a Variance to allow two existing buildings to encroach into the required street setback. Located at 35 N. Peoria Ave.
On 06/23/1998 the Board approved a Variance of the required setback from the centerline of Peoria to permit a sign. Located at 39 N. Peoria Ave. E.

**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.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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 IM zoned tract locate immediately North of the Intersection E. Admiral Pl and North Owasso Ave. The property abuts railroad right-of-way on the North.

**STAFF COMMENTS:**

The applicant is requesting a Variance to reduce the minimum street setback in an IM district from 10 ft to 0 ft (Sec. 15.030, Table 15-3)

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E. Admiral Place which serves as the frontage and access road for this property is public right-of-way but is not built to current City of Tulsa Standards.

SAMPLE MOTION:

Move to _______ (approve/deny) a Variance to reduce the minimum street setback in an IM district from 10 ft to 0 ft (Sec. 15.030, Table 15-3)

- Finding the hardship(s) to be ____________________________.
- Per the Conceptual Plan(s)/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.”
MINUTES OF A SPECIAL MEETING OF THE BOARD OF ADJUSTMENT, JULY 29, 1942.

PRESENT: Newlin, Chairman; Munroe; Wooten; Borochoff; Deaton.

Application of the Braden Winch Company, owners of the West 60 feet of Lot 14, Block 6, Berry Addition, requesting permission to extend that portion of the present office building located on the West 60 feet of said lot a distance of 10 feet south to the present property line, thereby aligning with front of balance of building to the east. The building to be extended, which was constructed in 1912, already occupies a space 10 feet within the set-back requirements along Admiral Boulevard. The extension herewith proposed would occupy the South 10 feet of this 20-foot set-back, bringing the building as constructed to the property line.

MOVED by Wooten (Munroe) that application be granted, subject to the signing of the usual agreement. Roll call - All members voting yea. Carried.

Application of Eugene Lorton for waiver of side-yard requirements on the east part of Lot 11, Block 15, Sunset Terrace Addition, to permit erection of screened porch 18 inches within side yard line and within 30 inches of east lot line. Mr. and Mrs. Wm. Little, residing at 1212 Hazel Boulevard, immediately east of the Lorton property, stated they had no objection to the granting of this waiver.

MOVED by Munroe (Wooten) that permission be granted as per application. Roll call - All members voting yea. Carried.

Adjourned:

L. Todd, Secretary

APPROVED;

Chairman
Maloney Tank Manufacturing Company requests waiver of set-back requirements along Peoria Avenue to permit erection of a temporary building approximately twenty feet over the established set-back line on Lot 1, Block 3, Berry Addition and the South 10'8½" of Lot 1, Township 19 North, Range 12 East.

MOVED by Wooten (Borochoff) that permission be granted, subject to the execution of the customary set-back contract. Roll call - All members voting yes. Carried.

Home Building and Investment Company, owners of all of Turner Park Addition, request permission to subdivide Lots 13 and 14, Block 4, into two building sites, to be known and described as the East one-half of Lots 13 and 14, and the West one-half of Lots 13 and 14, Block 4, Turner Park Addition.

MOVED by Borochoff (Justus) that permission be granted. Roll call - All members voting yes. Carried.

Tulsa Business College requests permission to convert a dwelling on Lot 1, Block 4, Childers Heights Addition, into a four-unit apartment.

MOVED by Wooten (Borochoff) that an affected area be created, composed of Lots 2, 3, 4, 5, 6, 7, 8, Block 3, Childers Heights Addition, and that applicant be required to submit an eighty-percent affirmative petition for further action. Roll call - All members voting yes. Carried.

Adjourned:

APPROVED:

Chairman

Secretary

13.10

01-26-1943
MINUTES OF A REGULAR MEETING OF THE BOARD OF ADJUSTMENT, TUESDAY, SEPTEMBER 18, 1945.

PRESENT: Newlin, Chairman; Wooten; Widdows; Borochoff; Bashaw.

Minutes of previous meeting passed.

Case No. 1733
W. L. Ruth
Lot 20, Block 8,
Summit Heights

W. L. Ruth requests waiver of front yard requirements to permit extension of open porch and front of garage approximately seven feet beyond established building line on Lot 20, Block 8, Summit Heights Addition, and submits petition of consent of owners of all the improved property in the block.

MOVED by Borochoff (Wooten) that, in view of the petition presented, application be granted, subject to final approval of a committee. Roll call - All members voting yea. Carried.

Case No. 1734
McMichael Concrete Co. - Midland Valley R/w at 11th Street.

McMichael Concrete Company requests permission to install a ready-mix concrete plant on Midland Valley Railroad right-of-way on the north side of Eleventh Street, being a request for classification of an unclassified use.

MOVED by Wooten (Borochoff) that same be referred to a committee for recommendation. Roll call - All members voting yea. Carried.

Committee: Wooten; Widdows; Borochoff.

Case No. 1735
Braden Steel Corp.
Lot 14, Block 6,
Berry Addition

Braden Steel Corporation requests waiver of set-back requirements along Admiral Boulevard to permit the erection of a two-story brick addition to existing office building on Lot 14, Block 6, Berry Addition, approximately ten feet beyond the established set-back line.

MOVED by Borochoff (Widdows) that same be referred to a committee for investigation and report. Roll call - All members voting yea. Carried.

Committee: Newlin; Wooten; Widdows; Borochoff.

Case No. 1737
C.M. & Hazel Hirrlinger - W-50' of N-128' of Lot 8,
Blk. 113, Original Townsite.

C. M. & Hazel Hirrlinger request waiver of set-back requirements along Third Street to permit erection of a building on the West 50 feet of the North 128 feet of Lot 8, Block 113, Original Townsite, approximately 10 feet beyond the established set-back line, by erection of a front and roof between existing buildings.

MOVED by Wooten (Borochoff) that application be granted, subject to the execution of the customary set-back contract, and conditioned upon a favorable report of the committee. Roll call - All members voting yea. Carried.
Case No. 2085
Ruth I. Grant
Lot 17, Block 8, East Lawn Addition

Ruth I. Grant requests nonconforming use of Lot 17, Block 8, East Lawn Addition, to permit operation of health and reducing studio in residence at 1331 South Florence Avenue.

MOVED by Bashaw (Harley) that same be referred to a committee for investigation and report. All members voting yea. Carried.

Case No. 2086
Maloney-Crawford
Tank & Mfg. Co.
Lots 1-16, Blk 3, Berry Addition

Maloney-Crawford Tank and Manufacturing Company requests variance of major street building set-back line along Peoria Avenue to permit erection of an addition to present building on Lots 1 to 16, Block 3, Berry Addition and a 10'9½" strip of land adjoining, being a part of unplatted Section 1-19-12.

MOVED by Bashaw (Arnold) that application be granted, subject to the execution of the usual set-back contract, whereby applicant agrees to remove same without cost to the City of Tulsa upon due notice. All members voting yea. Carried.

Case No. 2087
Bessie Inez Andre
Lot 11, Block 2, Pouder & Pomeroy

Bessie Inez Andre appeals from an order of the Building Inspector to cease construction of a second story to garage on rear of Lot 11, Block 2, Pouder & Pomeroy Addition.

MOVED by Arnold (Bashaw) that same be referred to a committee for investigation and report. All members voting yea. Carried.

Adjourned:

APPROVED:

Chairman

Secretary
MINUTES OF THE REGULAR MEETING OF THE BOARD OF
ADJUSTMENT, WEDNESDAY, SEPTEMBER 23, 1953.

PRESENT: Britton, Chairman; Daniel; Davisson; Grubb;
Lashley.

Case No. 2448
K. T. Johnston
Lot 6, Block 1,
Flanagan Addition

This being the date set down for public hearing on the applica-
tion of K. T. Johnston for permission to use Lot 6 Block 1,
Flanagan Addition for off street parking in conjunction with
business on adjacent property. There being no protesters it
was,

MOVED by Daniel (Davisson) that this matter be granted sub-
ject to this property being used for parking of customers and
employees parking only, and that the property be properly
landscaped and a fence erected and shrubed to protect the
residence on the adjoining property.
All members voting yea Carried.

Case No 2449-A
Jane DeArman
W. 1/2 of Lot 3 and the
E 50' of Lot 4 Block 8. Block 8, North Tulsa Addition
North Tulsa Addition

This being the date set down for public hearing on the applica-
tion of Jane DeArman for permission to operate a convalescent
home on the West half of Lot 3 and the East 50 feet of Lot 4
was.

MOVED by Lashley (Daniel) that this matter be granted and
that applicant is not to have more than six patients.
All members voting yea Carried.

Case No. 2454
Barbra Srna
Lot 10, Block 5
Maryland Gardens
Addition

Barbra Srna request for permission to erect a church on Lot
10, Block 5, Maryland Gardens Addition.

MOVED by Davisson (Grubb) that this matter be set down for
a public hearing at the next meeting
All members voting yea. Carried.

Case No. 2455
R. L. Hahn
Lot 25, & W 4.5' of
Lot 26, Block 4
Berry Addition

R. L. Hahn request for permission to erect 29.5 feet building
in line with existing buildings, being approximately 16 feet be-
yond established major street building set-back line on Lot 25,
and the West 4.5 feet of Lot 26, Block 4, Berry Addition.

MOVED by Lashley (Davisson) that this matter be granted sub-
ject to a set back contract in case the City widens the street.
All members voting yea Carried.

Case No. 2456
James Daniels
Lot 17, Block 10,
Kirkmoore Addition

James Daniels - request for permission to leave existing car-
port recently erected kto remain in front of building line,
approximately 20 feet into front yard. approximately 5 feet
from the property line on Lot 17, Block 10, Kirkmoore Addition.
Case No. 3480-A
The Old Campmeeting Tabernacle - Part of Section 13-20-12

MOVED by Galbreath (Avery) that this application be granted. All members voting yea. Carried.

This being the date set down for public hearing on the application of the Old Campmeeting Tabernacle for permission to erect a church on the following described property:

Beginning at the Northwest corner of the NE 1/4, NE 1/4 of Section 13, Township 20 North; Range 12 East; thence East 275 feet; thence South 470 feet; thence West 275 feet; thence North 470 feet to the point of beginning.

There appeared Bob Alsup on behalf of the church. No protest was offered.

Case No. 3472-A
Billa Dean Bevenue
Lots 27 & 28, Block 3, Parkdale Addition

MOVED by Galbreath (Norman) that this application be granted. All members voting yea. Carried.

This being the date set down for public hearing on the application of Billa Dean Bevenue for permission to operate a beauty shop in home on Lots 27 & 28, Block 3, Parkdale Addition. A petition of 82% plus was filed. No protest was offered.

MOVED by Shaull (Avery) that this matter be granted. All members voting yea. Carried.

Case No. 3483-A
Robert Sellers
S. 150 feet of Lot 1, Block 4, Greenfield Acres Addition

MOVED by SHAULL (avery) that this application be granted. All members voting yea. Carried.

This being the date set down for public hearing on the application of Robert Sellers for permission to erect two duplexes on the South 75 feet of the South 150 feet of Lot 1, Block 4, and the North 75 feet of the South 150 feet of Lot 1, Block 4, in Greenfield Acres Addition. There being no protest offered it was,

MOVED by SHAULL (avery) that this application be granted. All members voting yea. Carried.

This being the date set down for public hearing on the application of the A & H Investment Company requesting a modification of set-back requirements in a U-4-B District on the North 300 feet of the West 450 feet of Lot 5, Section 6, Township 19 North, Range 13 East. There being no protest offered it was,

MOVED by Norman (Avery) that a set-back be waived on the East side to within 10 feet of the property line. All members voting yea. Carried.

13.14
09-14-1960
ACTION REQUESTED: Variance (Section 730 - Bulk and Area Requirements in the Industrial Districts) to modify the setback requirement to permit the construction of a building 60' from the centerline of Peoria Avenue, on a tract located at 35 North Peoria Avenue.

PRESENTATION: R. L. Davidson, applicant, presented a plot plan to the Board (Exhibit "A-1"), and advised that this tract is North of Admiral Place on the East side of Peoria Avenue. He stated that there are other buildings in the area closer to Peoria than their building. We would like to build an additional warehouse area South of the existing building and would like to come out to within 30' of the property line. He pointed out buildings on the West side that are against the sidewalk.

PROTESTS: None.

BOARD ACTION: On MOTION of LANGAN, the Board of Adjustment (5-0) granted a Variance (Section 730 - Bulk and Area Requirements in the Industrial Districts) modifying the setback requirements of IM to permit the construction of a building 60' from the centerline of Peoria Avenue, on the following described tract:
Case No. 17554 (continued)

**Board Action:**
On MOTION of BOLZLE, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; no "absent") to CONTINUE Case No. 17554 to November 26, 1996 at 1:00 p.m. in order to allow the applicant to review his decision on the designated yard.

**Case No. 17555**

**Action Requested:**
Variance of setback from Peoria to allow 2 existing buildings to encroach into the required setback and a Variance of setback from Peoria to allow an entry stairway to be added to an existing building. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 23, located 31 North Peoria.

**Presentation:**
The applicant, Larry D. McCool, representing owner, 1660-2A East 71st, submitted a site plan (Exhibit E-1) and stated this application is a result of a couple of citations that the owner received from OSHA and one from the Tulsa Fire Department requesting that the owner add an additional exit egress stairway from the second floor. He explained that the building was built in 1972 and the second floor was originally a mezzanine, which did not require two exists, it only required one at the time. He further explained that since then the second floor has been built into office space. Mr. McCool stated the best location for the second stairway, in order to comply with BOCCA Code, which requires specified separation distance between the two exit stairs, would be to locate the stairway on the west side of the building. He explained the west side of the building is the street side on Peoria. Mr. McCool stated the subject building was granted a variance in 1972 from a 50’ to a 30’ setback off of Peoria and today the request is to reduce the setback an additional 5’ to 25’ to allow the egress stair. He explained the stair is an un-enclosed stairway similar to a fire escape and it will not contribute any exterior wall or blocking visibility of Peoria. He further explained that the additional variances requested are to allow two existing buildings that were built in violation of the setbacks off of Peoria or were built when the setbacks were less.

**Protestants:** None.

**Comments and Questions:**
Mr. Bolzle stated the application is very typical of the older areas in Tulsa. He further stated the two existing encroachments were developed ages ago and the new stair is less of an encroachment then one of the existing buildings.
Case No. 17555 (continued)

Board Action:
On MOTION of BOLZLE, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; no "absent") to APPROVE a Variance of setback from Peoria to allow 2 existing buildings to encroach into the required setback and a Variance of setback from Peoria to allow an entry open stairway to be added to an existing building. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 23; per plan submitted; finding that the two existing buildings that encroach the required setback were built before the new Code was implemented; finding that the stairway to be added to an existing building is less of an encroachment than one of the existing buildings; finding that the approval of this application will not be injurious to the neighborhood, and is in harmony with the spirit and intent of the Code, on the following described property:

A part of Lot 4, Sec. 6, T-19-N, R-13-E, I.B.M., Tulsa County, Oklahoma, more particularly described as follows: Beg. at a point 30.0’ E, SW/C, Lot 4; thence E for 320.0’ along the S line of Lot 4 to a point; thence N and parallel to the W line for 150.0’ to a point; thence W and parallel to the S line for 320.0’ to a point; thence S and parallel to the W line for 150.0’ to the POB and a part of Lot 5, Sec. 6, T-19-N, R-13-E, I.B.M., Tulsa County, Oklahoma, according to the US Government Survey thereof, more particularly described as follows, to wit: Beg. at NW/c said Lot 5; thence running E along the dividing line between the Creek and Cherokee Nations for 450.0’; thence S and parallel to the W line said Lot 5 for 300.0’; thence W and parallel to the dividing line between the Creek and Cherokee Nations for 450.0’; thence N along the W line said Lot 5 for 300.0’ to the POB, and all its right, title and interest in and to the vacated N portion of the alley adjoining said premises on the S and Lots 19 & 20, Block 4, Lynch & Forsyths Add. to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, and all its right, title and interest in and to the N portion of the vacated street (Admiral Pl.), being approximately 30.0’ by 95.5’ adjoining said Lots 19 and 20 on the S and the N 45’ of Lots 1 & 2, Block 5, Lynch & Forsyths Add., Tulsa County, Oklahoma, and the S 40.0’ of the N 85’ of Lots 1 & 2, Block 5, Lynch & Forsyths Add., City of Tulsa, Tulsa County, Oklahoma.

Case No. 17556

Action Requested:
Variance of the bulk and area requirements of the CS District to permit the division of the property into two lots with the branch bank lot having 370’ of frontage on South Lewis Avenue and a new lot having a frontage of 30’ on S. Lewis Ave. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS - Use Unit 11, located 6140 South Lewis Avenue.
they get more than 200 in the shelter. Mr. Minardi stated that they do not accept them. Mr. Minardi stated that animals are dumped all over town and at other shelters, it is not just this shelter. Mr. Dunham asked if the SPCA has an agreement with the City to pick up some of the animals that have been dumped there. Mr. Minardi stated that the Tulsa Dog Pound is located not too far from this location and he is sure that they have the same situation. They are limited to the number of animals they can take and there is no way to limit the number of animals dumped in the area.

Mr. Cooper asked the applicant to expand on the question about an agreement with the City to pick up some of the dumped animals. Mr. Minardi stated that the addition of the clinic is not going to add to the capacity of animals at the SPCA, it is strictly for a veterinarian clinic. Mr. Minardi does not know how the City of Tulsa handles the dog dumping situation in their area.

Ms. Turnbo stated that she does know they are at capacity, she has adopted a dog and a cat from there. She has also found dogs and cats in her neighborhood and they would not accept them because they were at capacity. Unfortunately, she had to take them to the pound. Ms. Turnbo stated that this is not the only facility in town. She does believe that by allowing the new building, they will be eliminating some of the traffic problem because they will not be making trips to the vet. It is not going to add to the noise.

Board Action:
On MOTION of TURNBO, the Board voted 3-1-0 (Dunham, Turnbo, Perkins, "aye"; Cooper "nays", no "abstentions"; White "absent") to APPROVE Special exception to permit an animal shelter (Existing SPCA) in a RS-3 district. – Use Unit 2, per plan submitted on the following described property:

Lots 1, 2, 3, Block 10, Lakeview Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18081

Action Requested:
Variance of required setback from the centerline of Peoria from 50' to 35' to permit a sign. SECTION 1221,C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs, located 31 N. Peoria.

Presentation:
The applicant, Amax Sign Co., represented by Bruce Anderson, 9520 E. 55th Pl., submitted a site plan and sign plan (Exhibits E-1 and E-2) and stated that they have to have a 50' setback and they believe that was put in place for the new part of the City.
They are asking the Board to grant the Variance. Their hardship is that all of the buildings are set back 35'. The building directly to the south is set back 30' and the building that the sign is sitting next to is 40'. Mr. Anderson stated that the City only owns 30' of easement in this area. They can not put a sign at the 50' setback because they would be sitting inside the building.

Comments and Questions:
Mr. Stump stated that the Planning Commission is working on revising the standards for some of the older arterials and 70' looks like it will be the standard and this would meet that standard.

Mr. Beach inquired about the sign that is directly behind the Airgas sign. Mr. Anderson stated that the sign has been there for 20 to 25 years and has been removed.

Board Action:
On MOTION of COOPER, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays", no "abstentions"; White "absent") to APPROVE Variance of required setback from the centerline of Peoria from 50' to 35' to permit a sign. SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs finding the hardship to be the age of the building and the impossibility of the building meeting the setbacks and subject to a removal contract associated with the sign on the following described property:

Lots 4 and 5, Section 6, Lynch, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18082

Action Requested:
Variance of screening requirement from an abutting R district to allow natural vegetation. SECTION 1217.C.1. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions – Use Unit 17, located 40 N. Mingo Road.

Presentation:
The Applicant, Scott Jaynes, Tulsa Properties, submitted a site plan (F-2) and stated that he is appearing for the owners, Cam and Dale Wygant. They applied for a zoning change and were approved that zoning change a couple of weeks ago into a CH zoning. Mr. Jaynes stated that they abut, directly to the west, an RS-3 zoning that is not being used for RS-3 at this time. There is a flea market directly west of their property. Mr. Jaynes submitted photos (Exhibit F-1) to the Board and stated that they show the property appearance looking west from the southwest corner to the northwest corner and it shows the vegetation line across there.
East Admiral Place facing West
BOARD OF ADJUSTMENT
CASE REPORT

STR: 157  Case Number: BOA-22745
CZM: 28
CD: 1

HEARING DATE: 09/24/2019 1:00 PM

APPLICANT: Charles Higgins

ACTION REQUESTED: Special Exception to allow a duplex in an RS-5 District (Sec. 5.020, Table 5-2); Variance of the 25 ft setback for a special Exception Use from R-zoned lots occupied by residential uses (Sec. 50303-B Table Note 4); Variance of the required number of parking spaces (Sec.55.020, Table 55-1)

LOCATION: 1012 N Main St
ZONED: RS-5

PRESENT USE: Vacant
TRACT SIZE: 6499.18 SQ FT

LEGAL DESCRIPTION: LT 4 BLK 16, BURGESS HILL ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:

Z-7480: on 06/05/2019 TMAPC recommended approval and City Council subsequently approved a re-zoning from RS04-RS-5 on the subject tract.

Surrounding Properties:

BOA-1623: On 11/09/1943 the Board approved a Variance for a nonconforming use to permit the conversion of a dwelling into a three-unit apartment house, and to permit two additional units in a garage on the rear of the property. Located at 1007 N. Cheyenne Ave. W.

BOA-2468: On 10/19/1953 the Board approved a request for permission to construct a duplex. Located at 3 W. King St. N.

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

REVISED/12/2/2019
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 an RS-5 zoned Piece of Property completely surrounded by RS-4 zoning. This parcel was re-zoned this year in Z-7480 in order to allow the applicant to make the request before the Board today.

**STAFF COMMENTS:** The applicant is requesting a Special Exception to allow a duplex in an RS-5 District (Sec. 5.020, Table 5-2, Table 5-2.5); Variance of the 25 ft setback for a special Exception Use from R-zoned lots occupied by residential uses (Sec. 5.030-B Table Note 4); Variance of the required number of parking spaces (Sec.55.020, Table 55-1)

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**Table 5-2.5: R District Building Type Regulations for Household Living**

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>RE</th>
<th>RS-1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
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<th>RM-0</th>
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<th>2</th>
<th>3</th>
<th>RMH</th>
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<td>Household Living</td>
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<td>2-unit townhouse</td>
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<td>Manufactured housing unit</td>
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<td>Two households on single lot</td>
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<td>Duplex</td>
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</table>

5.030-B Table Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in Table 5.3:

1. See Section 40.240 for detailed regulations governing mobile home parks.
2. Minimum street frontage requirements apply to townhouse developments, not to individual townhouse units. Cottage house developments require minimum street frontage of 75 feet. Minimum street frontage requirements do not apply to nonresidential uses.
3. For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5.3 applies along the other street.
SAMPLE MOTION:

Special Exception:
Move to ______ (approve/deny) a Special Exception to allow a duplex in an RS-5 District (Sec. 5.020, Table 5-2, Table 5-2.5)

- 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.
Variance Request

Move to _______ (approve/deny) a **Variance** of the 25 ft setback for a Special Exception Use from R-zoned lots occupied by residential uses (Sec. 5.030-B Table Note 4) and a **Variance** of the required number of parking spaces (Sec.55.020, Table 55-1)

- 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:

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.”
SECTION I: Z-7480

DEVELOPMENT CONCEPT:

This site is adjacent to the new Emerson Elementary. The planned duplex is providing an affordable residential option for families. The existing lot is below the minimum lot area for a parcel in an RS-4 district. Rezoning to RS-5 will bring the lot into conformance with the Tulsa Zoning Code.

EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Map from 1993 city council-initiated zoning from RM-2 to RS-4.
- Applicant Exhibits:
  - Building elevations

DETAILED STAFF RECOMMENDATION:

Z-7480 requesting RS-5 zoning is consistent with the Existing Neighborhood land use designation in the Tulsa Comprehensive Plan and,

RS-5 zoning is consistent with the lot pattern in the area and,

Building types allowed in RS-5 zoning include detached homes, cottage homes, townhomes, and duplex buildings. The buildings in this area are eclectic and do not have a distinctive architectural style. The Unity Heritage/Greenwood Neighborhoods Plan encourages density and a mix of quality residential options in this area therefore,

Staff recommends Approval of Z-7480 to rezone property from RS-4 to RS-5.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: RS-5 zoning allows building types that are consistent with the expected development in this area and lot sizes that are consistent with the existing lot pattern.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

The Existing Neighborhood category 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. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.
Areas of Stability and Growth designation: Area of Stability

The Areas of Stability includes 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.

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: Unity Heritage/Greenwood Neighborhoods Plan was effective in April 2014. The executive summary, which was the basis of this staff report, is labeled as the Greenwood Heritage Neighborhood Plan.

The relevant goals of the sector plan for residential use are:

1) **Enhance the desirability of all neighborhoods in the planning area**: While the conditions throughout the area vary greatly, all citizens should be provided with a common baseline standard for housing and infrastructure.

2) **Preserve and stabilize the areas healthy neighborhoods**: Many neighborhoods in the Greenwood Heritage area include well maintained housing, attractive streets, and on-going investment. It is critical that these areas maintain their momentum and continue to capitalize on the central location and unique character that define North Tulsa.

3) **Transform and revitalize neighborhoods most impacted by vacancy or poor maintenance**

Special District Considerations: Healthy Neighborhood Overlay

This site is included in the Healthy Neighborhood Overlay. The overlay requires spacing for small box discount stores and does not affect residential development decisions.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The lot is empty and does not meet the minimum lot width or lot area standards for RS-3 properties.

STREET VIEW SNIPPET: (See next page)
View from Main street looking west
Environmental Considerations: None that would affect site redevelopment

Streets:

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<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
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</thead>
<tbody>
<tr>
<td>North Main Street</td>
<td>Residential Collector</td>
<td>60 feet</td>
<td>2 plus on street parking on both sides</td>
</tr>
</tbody>
</table>

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-4</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
<td>Detached Home</td>
</tr>
<tr>
<td>East</td>
<td>RS-4</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
<td>Emerson Elementary</td>
</tr>
<tr>
<td>South</td>
<td>RS-4</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
<td>Detached Home</td>
</tr>
<tr>
<td>West</td>
<td>RS-4 with Brady Heights HP designation</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
<td>Detached Home</td>
</tr>
</tbody>
</table>
SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11918 dated September 1, 1970 established RM-2 zoning for the subject property.

Subject Property:

SA-3 April 2018: Healthy Neighborhoods Overlay approved by City Council, including subject property.

Z-6373 October 1992: All concurred in approval of a request for rezoning a 195± acre tract of land from RM-2 to RS-4, initiated by City Council due to the area remaining predominately single-family residential (96% of land use), on property located north of the northeast corner of East Latimer Street and North Main Street on the subject property as part of a larger blanket rezoning study.

Surrounding Property:

BOA-22489 August 2018: The Board of Adjustment approved a variance to permit a reduced building street setback from 20 feet to 5feet in an RS-5 District, on property located at the Northeast corner of East Latimer Street and North Boston Avenue.

Z-7427 December 2017: All concurred in approval of a request for rezoning a tract of land from RM-3/CS/PUD-786 to MX1-U-45 on property located at the Northeast corner of East Latimer Street and North Main Street.

Z-7426/PUD-786-A December 2017: All concurred in approval of a request for rezoning a tract of land from RM-3/CS/PUD-786 to RS-5 and a proposed Major Amendment to PUD-786 on a tract of land for a plat waiver on property located at the Northeast corner of East Latimer Street and North Main Street.

Z-7179 September 2011: All concurred in approval of a request for rezoning a 2.32± acre tract of land from RS-3/CS to RM-3/CS on property located north and east of the northeast corner of East Latimer Street and North Main Street on the subject property.

Z-7178 September 2011: All concurred in approval of a request for rezoning a .315± acre tract of land from RS-4 to RM-3/CS on property located north of the northeast corner of East Latimer Street and North Main Street on the subject property.
any changes to that plan they come back to the Board of Adjustment for modification of the site plans. Ms. Miller stated in the past few years we've been moving in the direction where as long as they're developing commensurate with park like facilities or uses so they don't have to keep coming back to the Board of Adjustment for those adjustments.

Commissioner Reed's stated if they're not building the playground what are they doing?

Staff stated this application is just to allow the Parks Department to approve the site changes in the future.

**Applicant's Comments:**
The applicant stated this proposal was planned six years ago and he has been with the Parks Department since 2001 and have had to come in front of TMAPC only once. The applicant stated they have to get a Board of Adjustment approval per conceptual plan versus per site plan so in the future if we want to put in benches or a new shelter or do something at Mitchell Park, not a playground right now, the Parks Department is able to do that and eliminate this step along the way.

**TMAPC Action; 7 members present:**
On MOTION of REEDS, TMAPC voted 7-0-0 (Covey, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Fothergill, Kimbrel, Ray, "absent") to APPROVE the PUD-190-A-39 Minor Amendment per staff recommendation.

**Legal Description of PUD-190-A-39:**
Lot 2, Block 3 Minshall Park II

* * * * * * * * *

5. **Z-7480 Charles Higgins (CD 1)** Location: Northwest corner of West King Street and North Main Street requesting rezoning from RS-4 to RS-5

**STAFF RECOMMENDATION:**
**SECTION I: Z-7480**

**DEVELOPMENT CONCEPT:**
This site is adjacent to the new Emerson Elementary. The planned duplex is providing an affordable residential option for families. The existing lot is below the minimum lot area for a parcel in an RS-4 district. Rezoning to RS-5 will bring the lot into conformance with the Tulsa Zoning Code.
DETAILED STAFF RECOMMENDATION:

Z-7480 requesting RS-5 zoning is consistent with the Existing Neighborhood land use designation in the Tulsa Comprehensive Plan and,

RS-5 zoning is consistent with the lot pattern in the area and,

Building types allowed in RS-5 zoning include detached homes, cottage homes, townhomes, and duplex buildings. The buildings in this area are eclectic and do not have a distinctive architectural style. The Unity Heritage/Greenwood Neighborhoods Plan encourages density and a mix of quality residential options in this area therefore,

Staff recommends Approval of Z-7480 to rezone property from RS-4 to RS-5.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: RS-5 zoning allows building types that are consistent with the expected development in this area and lot sizes that are consistent with the existing lot pattern.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

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qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: Unity Heritage/Greenwood Neighborhoods Plan was effective in April 2014. The executive summary, which was the basis of this staff report, is labeled as the Greenwood Heritage Neighborhood Plan.

The relevant goals of the sector plan for residential use are:

1) Enhance the desirability of all neighborhoods in the planning area:
   While the conditions throughout the area vary greatly, all citizens should be provided with a common baseline standard for housing and infrastructure.

2) Preserve and stabilize the areas healthy neighborhoods: Many neighborhoods in the Greenwood Heritage area include well maintained housing, attractive streets, and on-going investment. It is critical that these areas maintain their momentum and continue to capitalize on the central location and unique character that define North Tulsa.

3) Transform and revitalize neighborhoods most impacted by vacancy or poor maintenance

   Special District Considerations: Healthy Neighborhood Overlay

   This site is included in the Healthy Neighborhood Overlay. The overlay requires spacing for small box discount stores and does not affect residential development decisions.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The lot is empty and does not meet the minimum lot width or lot area standards for RS-3 properties.

STREET VIEW SNIPPET: (See next page)
View from Main street looking west
Environmental Considerations: None that would affect site redevelopment

Streets:

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<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Main Street</td>
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</table>

Utilities:

The subject tract has municipal water and sewer available.

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<td>North</td>
<td>RS-4</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
<td>Detached Home</td>
</tr>
<tr>
<td>East</td>
<td>RS-4</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
<td>Emerson Elementary</td>
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<td>South</td>
<td>RS-4</td>
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<td>Stability</td>
<td>Detached Home</td>
</tr>
<tr>
<td>West</td>
<td>RS-4 with Brady Heights HP designation</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
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Z-7178 September 2011: All concurred in approval of a request for rezoning a .315± acre tract of land from RS-4 to RM-3/CS on property located north of the
northeast corner of East Latimer Street and North Main Street on the subject property.

There was no applicant present.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:
On MOTION of McArtor, TMAPC voted 7-0-0 (Covey, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Fothergill, Kimbrel, Ray, "absent") to recommend APPROVAL of the RS-5 zoning for Z-7480 per staff recommendation.

Legal Description of Z-7480:
LT 4 BLK 16, BURGESS HILL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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6. Z-7481 Dana Fitzgerald (CD 5) Location: East of the northeast corner of East 31st Street South and South Mingo Road requesting rezoning from OM to CS

STAFF RECOMMENDATION:
SECTION I: Z-7481

DEVELOPMENT CONCEPT:
Rezoning is requested to allow commercial uses similar to surrounding properties.

DETAILED STAFF RECOMMENDATION:

Z-7481 requesting CS zoning is consistent with the Town Center land use designation in the Tulsa Comprehensive Plan and,

Uses allowed in a CS zoning districts are consistent with the expected development in the areas east, south and west of the properties and,

Uses allowed in a CS district are considered non-injurious to the proximate properties therefore,

Staff recommends Approval of Z-7481 to rezone property from OM to CS.

SECTION II: Supporting Documentation
View facing South on N Main

View of Subject Tract
Case No. 1607-B
N-90' Lot 1,
Observation Hts.
Belle Hornecker

Case No. 1623-B
F. W. Dye
Lots 7-8-9, Blk 10
Burgess Hill

Case No. 1509-A
G. E. Malone
Lots 1, 2, 3, 4 &
5, Block 3, Fuller
Walter Addition

Case No. 1629
J. F. Buck
Lots 8 and 9, and
North 15' Lot 10,
Block 13, Park
Hill Addition.

MINUTES OF A REGULAR MEETING OF THE BOARD OF
ADJUSTMENT, TUESDAY, NOVEMBER 9, 1943.

PRESENT: Newlin, Chairman; Wooten; Deaton;
Borochoff; Justus.

This being the date set for a public hearing on
the application of Belle Hornecker for nonconforming
use of the North 90 feet of Lot 1, Observation
Heights Addition, in order to permit conversion of
a dwelling at 640 North Elwood Avenue into a seven-
unit apartment house, and there being no protests,
it was

MOVED by Borochoff (Justus) that application be
granted. Roll call - All members voting yea.
Carried.

This being the date set for a public hearing on the
application of F. W. Dye for nonconforming use of
Lots 7, 8, 9, Block 10, Burgess Hill Addition, to
permit conversion of a dwelling into a three-unit
apartment house, and to permit two additional units
in garage on rear of property, being a nonconforming
use in a U-1 district, and there being no protests,
it was

MOVED by Borochoff (Justus) that application be
granted. Roll call - All members voting yea.
Carried.

G. E. Malone requests renewal of temporary noncon-
forming use of Lots 1, 2, 3, 4 and 5, Block 3, Fuller
Walter Addition, granted for a period of one year
to permit operation of a junk yard.

MOVED by Wooten (Borochoff) that a one-year extension
be granted. Roll call - All members voting yea.
Carried.

J. F. Buck requests nonconforming use of Lots 8 and
9 and the North 15 feet of Lot 10, Block 13, Park
Hill Addition in order to permit enlarging of an
existing three-car garage and providing apartment
on second floor, same being at the rear of 218 N.
Tacoma Avenue.

MOVED by Wooten (Borochoff) that matter be referred
to a committee for investigation and report. Roll
call - All members voting yea. Carried.

Committee: Wooten, Chairman; Borochoff; Deaton.
Case No. 2467
Lora G. Peacock
Lot 24, Block 1, Home Gardens Second Addition

Lora G. Peacock request for permission to convert dwelling into a duplex on Lot 24, Block 1, Home Gardens Second Addition.

MOVED by Davison (Grubb) that application be granted.
All members voting yea. Carried.

Case No. 2468
J. W. Tidwell
Lot 6, S 5' of Lot 5, Block 16, Burgess Hill Addition

J. W. Tidwell request for permission to construct a duplex on the east end of Lot 6, and the South 5 feet of Block 16, Burgess Hill Addition.

MOVED by Grubb (Davison) that application be granted.
All members voting yea. Carried.

Case No. 2469
Mary Jo Erhardt
Lot 5, & E half of Lot 6, Block 1, City View Hill Addition

Mary Jo Erhardt request for permission to extend present garage on Lot 5, and the East Half of Lot 6, Block 1, City View Hill Addition.

MOVED by Lashley (Grubb) that this matter be referred to a committee for investigation and report back at the next meeting.
All members voting yea. Carried.

Case No. 2470
Pearl Barnes
Lot 7, Block 7, Rosedale Addition

Pearl Barnes request for permission to waive of side yard requirements on Lot 7, Block 7, Rosedale Addition.

MOVED by Grubb (Lashley) that this matter be referred to a committee for investigation and report back at the next meeting.
All members voting yea. Carried.

Case No. 2471
Ninth & Detroit Corp.
Lot 6, N 1/2 of Lot 5, Block 187, Original Townsite

Ninth & Detroit Corporation request for permission to erect a building to a height of 169 feet 2 inches above sidewalk on Lot 6 and the north half of Lot 5, Block 187, Original Townsite.

MOVED by Davison (Grubb) that this matter be set down for a public hearing.
All members voting yea. Carried.

Case No. 2472
Dr. W. L. Thurman
Lot 12, Block 22, College Addition

Dr. W. L. Thurman request for permission to operate a dentist office in home on Lot 12, Block 22, College Addition.

MOVED by Davison (Grubb) that this matter be set down for a public hearing upon presentation of an 80% petition of the affected area. The area being Lots 10, 11, 13, Block 22, College Addition and Lots 1, 2, 3, Block 1, Braden Heights Addition, and Lots 8 & 9, Block 2, Acme Farms, and Lots 8, 9, 10, Block 1, Acme Farms.
All members voting yea. Carried.

Case No. 2473
Hilldale Penecostal Holiness Church
Lots 1 & 2, Block 7, Hilldale Addition

Hilldale Penecostal Holiness Church request for permission to extend non-conforming use for church purposes on Lots 1 & 2, Block 7, Hilldale Addition.

MOVED by Davison (Lashley) that this matter be set down for a public hearing.
All members voting yea. Carried.

10/19/1953
View immediate across the street from Subject Tract

View Facing North on N Main
View facing South on N Main

View of Subject Tract
HEARING DATE: 09/24/2019 1:00 PM

APPLICANT: Shane Hood

ACTION REQUESTED: Special Exception to allow a Small (less than 250-person capacity) Indoor Commercial Assembly/Entertainment Use to sell and serve alcohol within 150 ft of a residential district: and a Special Exception to allow an Outdoor Commercial Assembly/Entertainment Use in a CH District (Sec. 15.020, Table 15-2)

LOCATION: 3924 W CHARLES PAGE BV S

PRESENT USE: Storage

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LOT 6 BLK 1, HOME GARDENS SECOND ADDN - TULSA

RELEVANT PREVIOUS ACTIONS: 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 a former Fire Station that is zoned CH, it is abutted by RM-2 zoned property on the South, Ch zoned Property on the East and West and RS-3 zoned property north of Charles Page Boulevard and the Railroad Right-of-way.
STAFF COMMENTS:

The applicant is requesting **Special Exception** to allow a Small (less than 250-person capacity) Indoor Commercial Assembly/Entertainment Use to sell and serve alcohol within 150 feet of a residential district: **Special Exception** to allow an Outdoor Commercial Assembly/Entertainment Use in a CH District (Section 15.020, Table 15-2).

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**Chapter 15 | Office, Commercial and Industrial Districts**

**Section 15.020 | Use Regulations**

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>OL</th>
<th>OM</th>
<th>OMMH</th>
<th>OH</th>
<th>CS</th>
<th>CG</th>
<th>CH</th>
<th>CBD</th>
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**Commercial**

- **Animal service**
  - Boarding or shelter: S P P P P P P S
  - Grooming: S S S S S S S
  - Veterinary: S S S S S S S

- **Assembly and Entertainment**
  - Indoor gun club: S S S S S S S
  - Other indoor: S S S S S S S
  - Small (up to 250-person capacity): S S S S S S S
  - Large (>250-person capacity): S S S S S S S
  - Outdoor gun club: S S S S S S S
  - Other outdoor: S S S S S S S
  - Broadcast or Recording Studio: P P P P P P P P
  - Commercial Service: P P P P P P P P

---

**15.020-G Table Notes**

The following notes refer to the bracketed numbers (e.g., "[1]"") in Table 15.2:

1. Restaurant is permitted as accessory use in OL, OM, and OMMH districts. Use must be located entirely within the principal office building and may not occupy more than 5% of the building's floor area.

2. Use requires special exception approval if alcoholic beverages are sold or served, and the subject lot is located within 150 feet of any residential zoning district other than R-zoned street right-of-way (see Figure 15.1).

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**Figure 15-1: Special Exception Requirement within 150 Feet of R zoning**

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REVISED 9/12/2019
SAMPLE MOTION:

Special Exception:
Move to ________ (approve/deny) a Special Exception to allow a Small (less than 250-person capacity) Indoor Commercial Assembly/Entertainment Use to sell and serve alcohol within 150 feet of a residential district: Special Exception to allow an Outdoor Commercial Assembly/Entertainment Use in a CH District (Section 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.
ZONING CLEARANCE PLAN REVIEW

August 7, 2019

BLDC-037400-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

3924 W Charles Page Blvd
Event Center

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" 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)
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 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. **Sec.15.020 Table 15-2:** You are proposing an indoor/outdoor event center. The indoor event center is designated a Commercial/Assembly & Entertainment/Indoor (small < 250-person capacity) Use and is in a CH zoning district within 150' of an R zoned district. This is use is allowed at this location providing no intoxicating beverages or low-point beer are sold or served. Special exception approval is required if intoxicating beverages or low-point beer are sold or served, and the subject lot is located within 150 feet of any residential zoning district.

   **Review comment:** The owner is required to submit a statement in writing that no intoxicating beverages or low-point beer will be sold or served at this location or a copy of the special exception, reviewed and approved per Sec.70.120, allowing intoxicating beverages or low-point beer to be served or sold.

2. **Sec.15.020 Table 15-2:** Your proposed outdoor event center is designated a Commercial/Assembly & Entertainment/Outdoor Use. Special exception approval is required for this use.

   **Review comment:** The owner is required to submit a copy of the special exception, reviewed and approved per Sec.70.120, allowing intoxicating beverages or low-point beer to be served or sold.

3. **Sec.70.080-C:** Applications for a Building Permit shall include a site plan that provides zoning data for the Zoning review portion of the Building Permit application. You have not submitted a site plan that sufficiently covers all pertinent zoning data necessary for a complete review.

   **Review comment:** The zoning site plan is required to provide the following: Submit a site plan that provides the information listed below

   - North arrow
   - Appropriate drawing scale;
   - Legal description of the lot;
   - Actual shape and dimensions of the lot (NOTE: It appears you are proposing construction across lot lines. This will require the lots be combined);
   - Location and dimensions of all easements;
• Lot lines and names of abutting streets;
  
  ➢ **ACTION REQUIRED:** You are installing new paving that crosses several lot lines. This will require a lot combination for the lots included in the new paving.

• Public rights-of-way as designated on the Major Street and Highway Plan (MSHP) (Contact INCOG @ 918-584-7526 for Right-of-Way information on the MSHP) or follow the link below:
  
  https://incog.maps.arcgis.com/apps/webappviewer/index.html?id=c688593e48564a81af1fc2609846e587

• The location and dimensions of existing buildings or structures, including distances to lot lines;

• The location, dimensions and height of proposed buildings or structures;

• Architectural projections for existing and proposed buildings and structures, i.e. stairs, porches, balconies, fireplaces, roof overhangs, etc.;

• The intended use of existing and proposed buildings, structures or portion of the lot;

• The setbacks from the proposed new buildings to the centerline of abutting Right-of-Way;

• Location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas. **NOTE:** The parking requirement for an Indoor Assembly & Entertainment Use is 2.8 spaces per 1000 sqft of floor area and for Outdoor Assembly & Entertainment Use is .80 spaces per 1000sqft of event area.

• **NOTE:** The zoning review for your permit application will resume after a zoning site plan is submitted. Additional deficiencies may be found and are required to be resolved prior to approval of your application.

4. **Sec.65.020-A:** A landscaping plan is required for this building permit.

  **Review comment:** Provide landscaping compliant with this chapter. **NOTE:** The items listed above are not a comprehensive list of requirements. Refer to Chapter 65 for the complete set of requirements and options for landscaping.

  • **Sec.65.030-B:** Street yard landscaping:

    1. At least 20% of the required street setback area must be established and maintained as landscaped area. At least one tree must be preserved or planted and maintained or replaced in required street yard landscape areas for each 1,200 square feet of area, or fraction thereof.

    2. The landscaped area must be at least 5 feet in width and extend along the entirety of abutting street right-of-way, except at points of vehicular or pedestrian access. This area may be counted towards satisfying the minimum landscaped area requirements of §65.030-B1.

  • **Sec.65.040-A:** Parking area landscaping:

    1. The following parking lot landscaping requirements apply in surface off-street parking lots that are not located in the CBD zoning district.

      a. Off-street parking areas located within 25 feet of a street right-of-way, residential zoning district or residential development area must be separated from the abutting rights-of-way, residential districts and abutting residential development areas by a landscaped area that is at least 10 feet in width and
that contains an S1 screen (see §65.060-C1) containing at least 3, 5-gal-lon shrubs per 10 linear feet. This area may be counted towards satisfying the minimum street landscaping requirements of §65.030-B1 if it is located within the street yard.

b. All parking spaces must be located within 50 feet of a tree. Required parking lot trees must be located in a landscaped area that is at least 64 square feet in area and that has a minimum width or diameter of 8 feet.

- Sec.65.070-A: An underground irrigation system must be provided for all required landscape area.
- Sec.65.070-C: Required landscaping must be installed in accordance with an approved landscape plan that includes at least the following information:
  1. The date, scale, north arrow, and name of the owner;
  2. The location of property lines and dimensions of the site;
  3. The approximate center line of existing water courses, the approximate location of significant drainage features, the location and size of existing and proposed streets and alleys, existing and proposed utility easements and over-head utility lines on or adjacent to the lot, and existing and proposed sidewalks on or adjacent to the lot;
  4. The location, size and type (tree, shrub, ground cover) of proposed landscaping and the location and size of the proposed landscape areas;
  5. Planting details and/or specifications;
  6. The method of protecting any existing trees and vegetation proposed to be preserved, including the identification of existing and finished contours illustrating the limits of grading near the drip line of any trees;
  7. The proposed irrigation plan for each required landscape area, including a list of abbreviations and symbols, water main size, water meter size and location, point of connection, backflow prevention assembly size, make and model;
  8. The schedule of installation of required trees, landscaping and appurtenances;
  9. The location of all proposed drives, alleys, parking and other site improvements;
  10. The location of all existing and proposed structures on the site;
  11. The existing topography and proposed grading;
  12. The area in which grading and vegetation removal will occur; and
  13. The area and dimensions of each landscape area and the total landscape area provided on the site.

- Sec.65.080-B: Required landscape plans for sites that have an area of more than 50,000 square feet and that are occupied by buildings with a combined gross floor area of more than 15,000 square feet must be prepared and sealed by an architect, landscape architect or engineer licensed to practice in the State of Oklahoma. All other required landscape plans must meet the same requirement or be accompanied by written certification from an architect, landscape architect or engineer licensed to practice in the State of Oklahoma, that the landscape plan is in conformance with the minimum requirements of this chapter.

5. Sec.40.260-D: Whenever an Assembly & Entertainment use is located on a lot abutting an R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of Sec.65.060-C.

Review comment: The proposed Event Center is on a lot that abuts an R-zoned lot to the south. Submit a site plan providing screening compliant with this section.

Sec.65.060-C2b: F1 screening requirements may be met by either of the following options.
(1) The installation of an opaque fence at least 6 feet in height and at least one tree per 25 linear feet of fence; or
(2) The installation of a masonry wall with a minimum height of 6 feet.

Sec. 65.060-C3: Fences and walls provided to meet the screening standards of this section must:
   a. Be constructed with customarily used fencing materials;
   b. Be designed and arranged to provide visual separation of uses irrespective of vegetation;
   c. Be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance;
   d. Be erected prior to the occupancy of the building or initiation of the use required to be screened;
   e. Be uniform in height, except for significant changes in topography;
   f. If painted, be earth-tone in color when abutting an R district boundary; and
   g. Not be a chain link fence that utilizes inserts of metal or other materials.

Sec. 65.060-C4: Fences and walls provided to meet the screening standards of this section must be maintained by the owner of the lot containing the use or feature required to be screened from view.

Sec. 65.060-C5. Modification of Requirements
   a. Applicable screening requirements may be eliminated or modified through the alternative compliance approval process (see §65.080-D) or through the special exception approval process when existing physical features provide at least as effective visual screening as would strict compliance or when the screening requirement cannot be achieved or is prohibited by other ordinances and/or regulations.
   b. An extension of time to install required screening may be approved through the special exception approval process when the properties benefited by the screening are undeveloped.

8. Sec. 65.090-B: If provided, all outdoor lighting must comply with the following general standards:
   - Sec. 65.090-C: Outdoor lighting plans demonstrating compliance with the standards of this section are required with the submittal of a site plan. If no outdoor lighting is proposed, a note must be placed on the face of the site plan indicating that no outdoor lighting will be provided. Applicants have 2 options for the format of the required lighting plan:
     Option 1: Fixture Height Standard Lighting Plans establishes maximum light fixture heights but does not require submittal of a detailed photometric plan.
     a. Information Required:
        1) Fixture height standard lighting plans must include at least the following:
        2) A scale drawing of the site with all outdoor lighting locations shown;
        3) Fixture specifications, including catalog cut-sheets or generic standards;
        4) Pole type and height of fixture;
        5) Lamp type and size; and
        6) Fixture mounting and orientation.
b. Allowable heights of light fixtures must be measured from the light emitting surface to finished grade at the base of the pole. Maximum allowed light fixture heights are based on the (ground-level) horizontal distance between the light fixture and any agricultural or residential zoning district or public right-of-way, as established in Table 65-1:

Table 65-1: Maximum Light Fixture Heights

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<tr>
<th>Distance from AG District, R District or Public Right-of-Way</th>
<th>Maximum Fixture Height (feet)</th>
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<tr>
<td>0 – 50</td>
<td>16</td>
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<td>50.01 – 250</td>
<td>20</td>
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<td>More than 250</td>
<td>35</td>
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</table>

Option 2: Under option 2 (Photometric Study Lighting Plan) no maximum fixture heights are established, but applicants are required to submit a photometric study in sufficient detail to demonstrate that all applicable outdoor light standards will be met. The photometric study must include at least the following:

a. A scale drawing of the site with all outdoor lighting locations shown;

b. Fixture specifications, including catalog cut-sheets or generic standards;

c. Lamp type and size;

d. Fixture mounting heights, mounting orientation, and tilt angles if applicable; and

e. A representative point-by-point illumination array for the site showing property lines and all off-site lighting impacts.

- Sec.65.090-D: Light levels must be measured with a direct-reading, portable light meter, calibrated annually by an independent laboratory regularly engaged in the calibration of such instruments. The meter's sensor must be located at the top of the visual screening fence or wall along on the property line (or at a height of 3 feet above finished grade at the property line if there is no fence or wall), aimed towards the subject property in horizontal position. Readings must be recorded after the value has stabilized. Measurements are made after establishment of darkness with the light sources to be measured illuminated, and then with those light sources extinguished. The difference between these 2 readings must then be compared to the maximum allowed illumination at the property line. In this way, contributions to light levels by the moon and other ambient light sources are eliminated and the light intensity from the subject light sources can be accurately determined.

9. NOTE: Per Sec.080-84 no certificate of occupancy may be issued until the subject lot or parcel for which the permit is sought has been determined to be in compliance with the sidewalk regulations of Section 5-070 of the Tulsa Metropolitan Area Subdivision and Development Regulations.

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

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.
Subject property

Facing West on Charles Page Boulevard
Facing East on Charles Page Boulevard
Note: Graphic overlays may not precisely align with physical features on the ground.

Subject Tract  BOA-22746

19-12 09

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9202
CZM: 36
CD: 4

HEARING DATE: 09/24/2019 1:00 PM

APPLICANT: Amanda Lowe

ACTION REQUESTED: Special Exception to allow Low-impact Manufacturing and Industry uses in the CBD District (Section 15.020, Table 15-2)

LOCATION: 320 N BOSTON AV E
ZONED: CBD

PRESENT USE: Warehousing and Industrial Light
TRACT SIZE: 38433.15 SQ FT

LEGAL DESCRIPTION: All of Lots One (1) and Eight (8) Block Nineteen (19) and the South 30 feet of vacated Davenport Street adjacent on the North thereof, and a part of the north portion of Lots Two (2), 30.15 feet on the East and tapering to 30.12 feet on the West and a part of the North Portion of Lot Seven (7), 30.07 feet on the West and tapering to 30.11 feet on the east in Block Nineteen (19), and the Northernly 130.12 feet of alley lying in Block Nineteen (19), ORIGINAL TOWN, NOW CITY OF TULSA, Tulsa County, State of Oklahoma, according to the Official Plat thereof.

AND
The East 100 feet of the South 50 feet of Lot Three (3), Block Seven (7), and the Northernly 30 feet of the Easterly 100 feet of vacated Davenport Street adjacent on the South thereof, ORIGINAL TOWN, NOW CITY OF TULSA, Tulsa County, State of Oklahoma, according to the Official Plat thereof.

RELEVANT PREVIOUS ACTIONS:

Subject Property: BOA-7007: On 05/06/1971 the Board approved a Special Exception to permit light manufacturing.

Surrounding Properties:
BOA-22500: On 08/28/2018 the Board denied a Special Exception to permit low-impact manufacturing and industry in the CBD district. Located at 9 W. M. B. Brady St. N.

BOA-22613: On 04/09/2019 the Board approved a Special Exception to allow an Industrial/Low Impact Manufacturing and Industry for medical marijuana processing in the CBD district. Located at 15 E. M. B. Brady St. N.

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

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed-use residential areas. Downtown
Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

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 CBD zoned Tract surrounded by other CBD zoned Tracts.

**STAFF COMMENTS:** The applicant is requesting Special Exception to allow Low-impact Manufacturing and Industry uses in the CBD District (Section 15.020, Table 15-2)

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### Chapter 15 | Office, Commercial and Industrial Districts
Section 15.020 | Use Regulations

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Section 40.180

Section 40.225

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**16.3**

REVISED 9/12/2019
Low-impact Manufacturing and Industrial Uses are described in Sec. 35.070-A:

Section 35.070 Industrial Use Category
This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. The industrial subcategories are:

35.070-A Low-impact Manufacturing and Industry
Manufacturing and industrial uses that do not, as part of their normal operations, generate noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration. Typical examples of low-impact manufacturing and industrial uses include: commercial laundries and linen supply services, apparel manufacturing, bakery products manufacturing, production of medical marijuana edibles using medical marijuana components processed elsewhere, bottling plants, ice manufacturing, mattress manufacturing and assembly, microbreweries, micro distilleries, coffee roasting with a maximum roasting capacity of 45 kilograms per batch, musical instrument and parts manufacturing, newspaper printing and binderies.

1. Microbrewery
An establishment in which beer or malt beverages are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (465,000 gallons) of beer and malt beverages per calendar year. Where allowed by law, microbreweries may include tasting rooms and direct sales to consumers in addition to other methods of distribution.

2. Micro Distillery
A distillery producing distilled spirits in total quantity of no more than 40,000 proof gallons per calendar year. Where allowed by law, micro distilleries may include tasting rooms and direct sales to consumers in addition to other methods of distribution.

During a site visit conducted on 09.13.2019, staff photographed a semi trailer associated with the subject property parked perpendicular to Boston Ave. The trailer completely blocked the Southbound lanes and sidewalk of Boston Ave. The property is considered a downtown neighborhood according to the Comprehensive Plan; a key characteristic of a downtown neighborhood is being “pedestrian-oriented”. The Board may seek from the applicant assurances that their intended uses will contribute to the future growth of the area in a manner that is consistent with the comprehensive plan.

SAMPLE MOTION:

Special Exception:
Move to _______ (approve/deny) a Special Exception to allow Low-impact Manufacturing and Industry uses in the CBD District (Section 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.
The actual curb line is some 30' to the north of the building as proposed. The University of Tulsa has acquired the property to the north and the setback should not be a problem there, and there are no safety hazards involved. Although T. U. does not own the property directly south of the subject property, they do own the property to the Southwest. He added that they do not plan to put parking areas adjacent to the unacquired houses.

Protests: None.

Board Action: On MOTION of LANGAN, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit the erection of a building for University Law School and related off-street parking; AND a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1470) to waive the setbacks and height requirements and sign provisions, as per plot plan with the exception that the setback on the north property line be 6' instead of 3'6", on the following described tract:

Lots 1 through 12 inclusive; AND Lots 18 through 22 inclusive; ALL in Block 5, College Addition to the City of Tulsa, Oklahoma.

Action Requested: Special Exception (Section 710 - Request for an exception to permit light manufacturing that would be fabrication of basically 10-gauge metal into panel bands that involve the use of a Shear, Press Brake, Punch Presses, Welding and Painting equipment, on a tract located at the southwest corner of the M.K. & T. railroad and Boston Avenue.

Presentation: A representative of Lako Investment Corporation stated that the subject tract is the site of the old Katy dock and is located on the South side of the M.K. & T. tracks between Boston Avenue and Main. We plan to construct a building 300' in length and 75' in width and propose to use the east 180' for commercial warehousing. Our request
Remarks:

Mr. Edwards stated that he advised the applicant when the application was filed to discuss the setbacks and sight clearances with the Building Inspector. As shown on the plot plan, setback from both Boston Avenue and Main Street are 65' from the centerline.

Protests:

None.

Board Action:

On MOTION of LANGAN, the Board (3-0) granted a Special Exception (Section 710) to permit light manufacturing (fabrication of basically 10-gauge metal into panel bands that involve the use of a Shear, Press Brake, Punch Presses, Welding and Painting equipment), subject to the plot plan (Exhibit "J-1") on the following described tract:

South 97.33 feet of Lot 1; the North 29 feet of Lots 2 and 7; AND the South 55.50 feet of Lot 8; ALL in Block 19, Original Townsite of Tulsa, Oklahoma.

Action Requested:

Exception (Section 610 - Principal Uses Permitted in Commercial Districts) to permit selling stock trailers in a CS district on a tract located at 9130 East 11th Street.

Presentation:

A representative of Hale Trailer Sales, Inc., stated that they have leased the tract with an option to purchase, and that at the time the lease was signed, they were informed that the property was in a U-3D category. (However, the zoning has since been changed to CS.) The tract would be used primarily for storage and minor repairs to stock trailers. This particular lot is bordered by a creek and faces 11th Street, and the surrounding businesses are similar to the requested use.

Remarks:

Mr. Edwards stated that the Building Inspector placed this use in Use Unit 17; however, stock trailers are not expressly listed under this category. The use is not allowed by right, but can be granted through the Board of Adjustment.
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;
for the following property:

LTS 1 & 2 LESS E15 THEREOF FOR ST BLK 12, EAST LAWN ADDN, City of Tulsa,
Tulsa County, State of Oklahoma

22500—Wallace Engineering – Mike Thetford

Action Requested:
Special Exception to permit low-impact manufacturing and industry in the CBD
District (Section 15.020). LOCATION: 9 West Mathew Brady Street North (CD 4)

Presentation:
Lou Reynolds, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated he represents
the applicant, Baird Valve Company. There are several industrial zoned properties
within the vicinity. Baird Valve has been operating in this location since 1936. Baird is
the company that made Tulsa the oil capital of the world after the oil left; they have been
the gold standard of valves, seatings, fittings, and parts and are recognized for their
quality in the industry. They bought the subject property in 1973 and on the western
portion of the property was the John Martin Manufacturing Company, a competitor of
Baird's. Baird plans to continue what they have been doing and would like to expand
the use a little. At this time Baird owns 23 lots in this downtown area. Where Guthrie
Green is located Baird sold that block to GKFF for Guthrie Green. To the north of that
Baird sold most of the block to Griffin Communications where Channel 6 was relocated
to. Baird owns the property across the street from Griffin Communications and spent
$500,000 on an exterior update and updating the parking area. Mr. Reynolds had
pictures placed on the overhead projector showing the subject location area and
explained what is there today, including the subject old gas station, and explained what
is owned by Baird. Mr. Reynolds stated the open space of the subject lot is fenced in
because the gas station was inspected and has been declared unsafe, and contractors
have stated that the station is beyond repair; the demolition of the structure is not before
the Board today and it is not the issue. The conceptual site plan shows a building that
just shy of being 4,000 square feet with a brick façade and a concrete wainscot that will
match the area and tie into the Brady District. There will be trees in planters along
Brady. Mr. Reynolds respectfully requests the Board approve this request.

Mr. Van De Wiele asked Mr. Reynolds if the three- or four-story building was existing.
Mr. Reynolds answered affirmatively. Mr. Van De Wiele asked Mr. Reynolds how much
of the site picture is new and how much is old. Mr. Reynolds stated that there is a
façade with building behind it. Mr. Van De Wiele asked Mr. Reynolds why the applicant
did not rezone the property to IL. Mr. Reynolds stated that two or three years ago Baird rezone the property to CBD from IL under advice from another party, because of the ownership of Ida Red thus eliminating parking issues in respect to Ida Red. When Baird changed the zoning, they were not thinking they were zoning it against their use that they were utilizing for the existing building.

Mr. Reynolds stated that Baird is an unusual industrial activity because it is very technical, but it is not very industrial. Pick up trucks move the product in and out of the alley not large 18-wheeler trucks. The reason for today's request is because of a gaff. When they rezone all of their property they could have carved out the Ida Red piece but did not. The design of the building is to have the commercial façades and convert them if the building ever became available for a commercial demand using the proposed store front windows for doorways. Mr. Reynolds stated that one day the applicant thinks the property will be commercial use and is building the proposed building to convert to it.

Mr. Van De Wiele stated that the small gas station is what the Board is going to hear about and he asked if his client had a report stating the little gas station building is beyond repair. Mr. Reynolds answered affirmatively. Mr. Van De Wiele stated he read in an e-mail about historic registry referencing the small gas station. Mr. Reynolds stated the little gas station is not on the registry of historic places. The district has a historic concept and it could be registered, but it is not historically registered and has not been.

Mr. Reynolds stated that Special Exceptions have been approved in the CBD District. The applicant has designed the plan to fit into what is there, and the demolition of the little gas station has nothing to do with the use. If the building were taken down tomorrow the use would still be happening because it is grandfathered in. Baird is very invested in the regrowth of the area and have been for a long time.

**Interested Parties:**
Victoria Schulz, 1715 South Troost Avenue, Tulsa, OK; stated she is a life long resident of Tulsa. She realizes that it is so common in the day and time that we live to have the outlook that when someone owns a property he should be able to do or build what he wants. Unfortunately, that way of thinking has cost Tulsa dearly. The downtown area is full of parking lots that were former historic buildings, some were beautiful Tulsans are still fortunate to have the Mayo. The Blue Dome was a gas station and it is unique, and it is historical. Tulsans now see the value of preserving something as simple as a former gas station. Ms. Schulz stated that there are very few original buildings left in the East Village. The beautiful and unique East Second Library came to a point that it needed repairs and it was also told that it was not repairable. The call was made to tear down the library instead of repairing it thus preserving that historic library. All that remains of that library is cupola and ironically it stands in front of the Tulsa Historical Society. Tulsa's lack of preserving or not repairing old buildings, whether they are historic or in a historic area, needs to stop. The City of Boston would not be what it is today, but it is a city with heart and a determination of preservation.
The owner of this property will not always be the owner. The bigger picture should be what is the best and better for this historic part of downtown for years to come. She would ask the Board of Adjustment to see the bigger picture and ask them to put together to purchase this property from this owner because Tulsans see the bigger picture and it is not a parking lot.

Shane Hood, 4919 East 26th Place, Tulsa, OK; stated that first Tulsans have to thank Baird because they have been in Tulsa for 93 years. They are responsible for a lot of what has happened in the arts district. Mr. Hood stated he is in opposition of granting the Special Exception. The Special Exception would result in approximately a 4,000 square foot expansion of an existing facility to house additional CNC machines that are used to manufacture small scale oil and gas regulators, valves and other small parts for Baird. This expansion would result in the demolition of the existing structure at the corner of Brady and Main. Low impact manufacturing is a tricky use when it comes to appeasing the masses. The list of possible low impact manufacturing uses in the Zoning Code reads like a laundry list of desirable types of potential development in a district like the arts district; bakery product manufacturing, micro-breweries, micro distilleries, coffee roasting, and musical instrument manufacturing. That definition seems to describe main street which is what is being discussed right now; Prairie Artisan Ales, Antoinette’s Bakery, Chimera Coffee, Tulsa Violin Shop. Proposing a Special Exception for these uses excites the neighborhood and excites the people in Tulsa. On the other hand, the definition encompasses a lot of uses that elicits a completely different response from the citizens. The area in question is zoned the Central Business District, CBD, and the purpose of the district according to the Tulsa Zoning Code is to accommodate and encourage the most desirable, most productive, most intense use of land without regard to the regulation, building height, floor area, land coverage and parking requirements all the while preserving and promoting the public and private investment of the existing central core area. The definition/purpose of CBD zoning promotes but also allows one to question in a circumstance like this whether a proposed use or Special Exception is the most desirable or the most productive in whether it promotes the public or private investment in the area. In this case we must take the determination that the demolition of an existing building, an approval of a Special Exception request, and the subsequent expansion of an existing manufacturing facility would be the most desirable outcome for this corner. According to 2012 Arts District Small Area Plan, which was created in conjunction with the City of Tulsa and as part of the Brady Planning Group the arts district is an area where property owners have chosen to rehabilitate warehouses and commercial structures for new uses. The district is known far and wide as an arts, music and entertainment district with distinct historic character. A renewed interest in housing close to downtown has prompted developers to see the arts district as a prime area for residential investments. The success of developments over the past decade, such as the Guthrie Green, Philbrook Downtown, the Woody Guthrie Center have led to the area becoming the future home of the Bob Dillon Center and the OK Pop Museum. This coupled with existing assets, such as, Cains Ballroom and the Brady Theatre in the arts district, has the arts district positioned to become a world-wide destination as the headquarters of Americana music in the future. The character of the arts district could be described as
informal, creative, historic and urban in its active day and evening. Workers, visitors and residents comfortably interact on the street; they tend to their shops, enjoy a meal, shop and engage in conversation. The Small Area Plan was developed to foster an active pedestrian friendly mixed-use neighborhood boasting a historic feel and identity as an arts and entertainment destination. The goals of these plans includes creating and maintaining a historical and aesthetically distinctive area through the preservation and restoration of historic structures and other assets. A specific action item in the Plan was to establish a nationally registered historic district as recommended by the owner's association, the City of Tulsa, and the Oklahoma Preservation Office. As the center of the oldest existing commercial area of Tulsa this district was placed on the National Register of Historic Places almost exactly eight years ago, September 3, 2010. The Brady Historic District encompasses 37 commercial, industrial and mixed-use buildings of predominately utilitarian brick nature in an eight-block area dating back to 1906. One of these brick buildings is the gas station located on the northwest corner of Brady and Main. The building was built in 1925, was a Texas Company Filling Station #5 and later known as Texaco, and it actually predates the Blue Dome by a year. The filling station is a direct link back to the area when Tulsa was the oil capital of the world and is linked to the history of Tulsa. It also bookends the only intact original section of Main Street left in Tulsa. Both sides of Main Street, between Brady and Cameron, are the original buildings from the 1910s and the 1920s. Once the building is gone Tulsa loses that distinction forever. Per the Downtown Master Plan historic and architecturally significant buildings should be rehabilitated and leased to new tenants as the highest preference. Mr. Hood believes there is still room for manufacturing in the arts district but when that requires a request for a Special Exception to change the allowable use in a district and results in the demolition of a historic asset and forever alters the character of a historic district it should not be taken lightly. Instead of worrying whether or not the new proposed manufacturing would be low decibel, clean and completely closed off from public sight, smell or sound we should be developing uses in this area, and specifically this corner, that are open to public view, have direct impact on sight, smell and sound. That is what makes a successful arts and entertainment district. That is what is fuel to revitalization of this particular district. Decades of planning and solid road maps, like Tulsa's Comprehensive Plan, the Arts District's Small Area Plan, Tulsa's Zoning Code, and the Downtown Tulsa Master Plan should not be ignored and rendered obsolete by granting a Special Exception for use. That would be in direct opposition of the stated goals and desires of the neighbors, the district, and the City. The Board should find that the requested Special Exception is not in harmony with the spirit and intent of the Code because it will be injurious to the arts district and detrimental to the welfare of the City of Tulsa in general.

Mr. Van De Wiele asked Mr. Hood how a balance is struck in wanting to keep the historic buildings versus at a point when they become too dilapidated to be repaired. Mr. Hood stated that his experience with the comment "too far beyond repairs" is really not the truth. The biggest tool developers have is historic tax credits, and that is something that can be used in projects like this. Mr. Hood stated there are many examples of this exact type of situation in multiple different cities. Mr. Hood stated he also understands business and how this works. The City of Tulsa has no real teeth to
protect any building, and the owner of this building could raze it with no problem. So what citizens do is come to these meetings and make a case for preserving and following the studies and what is preference for the City of Tulsa. Mr. Hood stated he moved here about 15 years ago, and what he has seen is that a lot of money is spent developing plans, doing studies, looking at things like this, seeing that the best use for this is area is to preserve it and restore it or rehabilitate it. At the same time the City says to tear it down. Mr. Hood stated he was on the Tulsa Preservation Commission for a year and it was a frustrating situation because people found they could just wait things out and do whatever they wanted to do. Mr. Hood stated that he thinks it is important to be here today and say something.

Mr. Van De Wiele asked Mr. Hood if his issues was more of the use or more of the tear down. Mr. Hood stated that there is issue with both of them. There is a missed opportunity to develop that corner because it could be an amazing vibrant corner. The flip side of that is if it becomes an additional 4,000 square feet of manufacturing because the corner then becomes dead. He appreciates the idea of designing infill that can have flexibility in the future so that can become commercial at some point without stipulation that it becomes commercial in the next four or five years.

Mr. Van De Wiele asked Mr. Hood if the proposed expansion were built and leased out as a bar, restaurant or commercial use would he have the same concerns he has today. Mr. Hood stated his concern would be the original building. He thinks the original building with the right vision has more opportunity than the proposed expansion.

Ms. Ross stated that Mr. Reynolds has stated that Baird has been there since 1936 and that was not an arts district back then but a thriving manufacturing business. Throughout the years she has heard that they have given land, leased buildings, and done a lot to make the district what it is today. She is having a hard time saying too bad to a business that has been there for almost for a 100 years because it would be better suited for a bar or restaurant. Mr. Hood stated he thinks we are dealing with the Code, the Zoning Code states it best. Mr. Hood believes what the Board is being asked for is injurious to the neighborhood. And the Board is also being asked what is the best use for the corner? What is the desired use for the corner? That is what has to be addressed. There is so much to be thankful for, for what Baird has done and the development that has happened in the area. Ms. Ross stated the property is not for sale but there still has to be a viable buyer for the corner to be different.

Ms. Radney asked Mr. Hood how integral this corner is as it relates to the planning of the area. Mr. Hood stated that if you think about the arts district that corner is the welcoming point. There is the tavern on one side and this original building on the other side. It is the gateway to Cain’s Ballroom. It is where that stretch begins. It is important to have activity on both sides of the street because it pulls people from one block to the next, across and over to the Brady.

Ms. Radney asked Mr. Hood if the CBD zoning that the corner already has would be exactly what it would need in order to be successful. Mr. Hood answered affirmatively.
Ms. Radney stated therefore the CBD zoning would not seem like an error, it would seem like visionary insight.

Ms. Back stated the area was actually IL originally, and it was rezoned to CBD in 2016 by Wallace Engineering, and the reason behind that was because of the apartment above Ida Red. There cannot be apartments in IL zoning, so the CBD was taken to the corner which would have taken it to the gateway that was mentioned.

Blake Ewing, 175 East 2nd Street, Tulsa, OK; stated that the Downtown Master Plan was developed by downtown stake holders over a course of a year around 2010. The Downtown Master Plan says historic and architecturally significant buildings should be rehabilitated and leased to new tenants as the highest preference. New uses should be sought for historic buildings. They may no longer function in their original design and alternately industrial buildings can find new life as creative office, commercial or mixed-use spaces. New development should enhance Tulsa's historic character. Buildings should have a significant amount of transparency and connectivity at the street level which is important. The Urban Design section says new parking lots should be discouraged. New parking lots, if allowed, should only be located at the rear of buildings or on the side of buildings in rare instances. Where a parking lot abuts a sidewalk there is to be a visual screen or a landscaping buffer between the parking lot and the sidewalk. It is important to listen to the public. The Downtown Master Plan was created by the people of the City of Tulsa in coordination with the PlanIt Tulsa, so it was a product of a collaborative community effort to say what kind of downtown the citizens want to create. Mr. Ewing agrees with Mr. Hood's sentiments because there are very few in the community as capable of speaking about architecture and development in downtown. This is a two-point issue. The building matters but also the zoning matters and the uses matter. Downtown is the highest density part of the community. It is a place built for people. Cities that thrive and downtowns that thrive do so because they think about the human experience first. Mr. Ewing acknowledges the history of the subject district and the variety of uses the public has seen over time, he thinks it is important as decisions are made today that things are being pushed through the filter of which decision impacts the people on that street, and how will the citizens on those streets benefit from these decisions. While he addresses the use, it is the manufacturing use while valuable to the local economy and an important part of the history of the district it does not best contribute to the human experience in that district. Maybe at no other intersection in the city is the human experience as important as it is at the corner of Main and Brady. Mr. Ewing stated that people will always hear about the cost or the structural soundness of a building, but often when an owner does not want to do the work of preserving a historic building the convenient declaration is made that the building is unsound and not savable. Downtown is full of examples of former structurally unsound buildings that have been saved and are now contributing greatly to the vibrancy of downtown Tulsa. Building new things says something great about a community. Every time a building goes up it does something positive for the fabric of the community morale. Nothing tells the story of who Tulsans are better than when the citizens reinvent. Mr. Ewing stated that he appreciates the property owner and their contributions to what has gone on in the district, and they have been willing in the past
to partner with the visionary redevelopers to take the old buildings that were seemingly past their prime and breathe new life into them. His encouragement on behalf of the people that elected him is to ask the Board to deny this request.

Ms. Radney asked Mr. Ewing if the change in zoning would be injurious to the residents above Ida Red. Mr. Ewing stated he has no concerns about the noise or the smell or the things that come with manufacturing, his concern is when land use decisions are being made in general inside the downtown area we should always think first about what is being done with the property and how it affects the neighborhood as a whole. This is too important of a district and that is too important of a corner to give up the opportunity for what CBD zoning allows, which is uses that are compatible with the human experience.

Ed Sharrer, 1719 West Easton Court, Tulsa, OK; stated the property owner’s presentation did not put too fine a point on this by saying the property could be made into a parking lot. The fact that it could become a parking lot if the Special Exception is denied indicates to him that perhaps the owner does not really need the space for their manufacturing. Mr. Sharrer feels as though this body is being asked to provide a little bit of political cover for the demolition of the structure. If the Board approves the Special Exception then the owner can expand their space and tear down the historic gas station, and if the Board does not approve the Special Exception then the owner is on his own for if and when they apply for a demolition permit. Mr. Sharrer stated that in his work with Kendall-Whittier Main Street there have been 41 new businesses move into the district, 30 that have moved in within a block and a half of Admiral and Lewis, and this year the doors were opened on a building that was burned out and it is now productive use because it was completely rehabbed. Certainly, on the most desirable corner of the Tulsa arts district at Main Street and Brady this property could be salvaged using historic tax credits just as any other property that has been revitalized. The historic structure should be saved. It is the last block Tulsa has left that is intact and the oldest part of the City from the day it was founded. There would be plenty of people that would be happy to put a use in that space. Mr. Sharrer stated the Special Exception really comes down to the use of the structure; there could be future plans. He appreciates the rendering of what it could be in the future, but this would be a missed opportunity. Mr. Sharrer feels that denying the Special Exception at least takes the expediency out of tearing down the structure, and to go back to the drawing board like they have done so many other times.

John Beasley, 2418 South Louisville, Tulsa, OK; stated the arts district is the go to place these days for him and his family. Being a life-long resident of the area, he has seen many changes and many positive changes over the past six to eight years in the subject area. This is the oldest intact block on Main Street and for it to have lasted for more than 90 years for it to end today would be a shame. He recognizes that the owner can still raze it, but he would urge the Board to be cautious because the decision today to grant the Special Exception would guarantee the destruction which is something that could be regretted someday. If the Board denies the Special Exception the Board will not regret their role in helping preserve this historic corner.
David Wilson, 127 East 57th Street, Tulsa, OK; stated he has worked on the corner of Main and Brady in the manufacturing plant since he was 26 years old, and he is now 65. The owner of the company is now 94 years and he would be embarrassed to say that he was a visionary, but he feels very strongly that he was. The things that he has done, when he owned almost half of the buildings in the Brady District, to promote everything that has happened there has been simply astounding. One way, it is astounding that he purchased derelict buildings when there was nothing but about 80 drunks on Main Street. Where the Tavern Restaurant is located used to be the Probst Liquor store and they sold more Night Train wine than any other liquor store in the United States; that was the kind of problem there was in the Brady District. Despite this, John Martin, an inventor that worked for Continental Oil Company, built the subject building in 1936 and he lived in the Mayo Hotel his adult life and he died in 1973. Mr. Tipsword, who had been in the gas tubular business, had accumulated enough wealth to purchase John Martin Manufacturing. That little building produced enough profit since 1980 to purchase everything purchased in the Brady District without a bank loan. This proposal will be a million-dollar addition and the reason it will be a million dollars is because of the detail in the building. The company does not intend to be on the corner for more than five or six years. Soon to be announced, will be that GKFF is going to build 400 apartments where the Western Supply building is located. WPX has plans for the area also. Both of these projects will take four to five years to develop. The mass of people, 400 to 600 employees, 400 apartments, is going to create a demand for services and things that are not in the Brady District now. There is probably an additional $300,000 into the building with the store fronts with the brick bases, whether it is converted to one tenant or three tenants, the property will be converted into retail space with very little expenditure and be done quickly. Mr. Wilson knows that everyone loves the gas station, and he hates the fact that the gas station is only 400 square feet, is in such terrible shape because it is too old, it has served its purpose and it has not been a gas station since the 1950s, the gas station could be taken apart brick by brick and completely rebuild the gas station to how it looked for a price of about $200,000 to use it as a 400 square foot retail space. The owner wants to use the space for manufacturing for the next four to five years until the demand increases then all the manufacturing will be moved from the John Martin building and what is behind that, and the property will be leased out for retail space. The retail space will do what everyone is asking, to draw people in. Mr. Tipsword grew up near the Brady District and threw papers in the Brady District in the 1920s and the 1930s, so he knows the area. Mr. Wilson asked the Board to consider the owner's vision for the area and grant the Special Exception.

Amanda DeCort, 1324 South Indian Avenue, Tulsa, OK; stated she is with the Tulsa Foundation for Architecture and was formerly was with the City of Tulsa Historic Preservation program for about ten years. She moved to Tulsa in 2005 to head up the City's historic preservation program, and in 2005 the sidewalks were being rolled up at 4:30 so everyone could beat it out of downtown. At that time Tulsa had just torn down the historic Skelly building for a surface parking lot, Trinity Episcopal had torn down a historic parking structure to put in a surface parking lot, and preservation was not something that was really done. A lot has changed since then, and she hopes things do
not go backwards. In 2010 the Brady Village owner’s association wanted to list their district in the national registry of historic places, they actually put some of their TIF funds toward that effort and worked with her to list the Brady historic district in the national register, and the gas station is a contributing building. This block is the last block of Main Street that has all its historic buildings intact on both sides of the street. Ms. DeCort stated that she is hoping this will not become another victim. The owner’s association and the merchant’s association and everyone who participated in the Small Area Plan, and Baird Manufacturing was involved in those plans, she appreciates everything they did for the district. Preservation and adaptive reuse of existing buildings don’t have to be mutually exclusive, and she knows the plans that were adopted by the City calls specifically for the retention and adaptive reuse of historic buildings whenever possible. Ms. DeCort stated that she hopes the Board of Adjustment today stands by the plan, the plans that everyone worked on. This is the oldest gas station in Tulsa and it is a national register listed historic property. Ms. DeCort respectfully requests that the Board does not grant the Special Exception.

Rebuttal:
Lou Reynolds came forward and stated the first thing he learned in doing public service is that no good deed goes unpunished. The Brady District is planned for historic purposes, but the gas station building has not been registered with the National Registry and is not on the register and it can be removed. The plan says industrial use is consistent with the historical past of the Brady District and with the intent of the Comprehensive Plan and the Brady Small Area Plan. The Small Area Plan points out that the creative and industrial production happening side by side is a unique signature of the area. The Board has to be mindful of that and there is plenty of support for what is being done here. The Plan is not applicable in its detail, it is what the Zoning Code says, and the Zoning Code is looked to for what is the standard for a Special Exception. The gas station structure is not the issue, it is not at all part of what is happening. Manufacturing was going on when the apartments were built. The manufacturing has no impact on the apartments. There is not an adverse impact. The highest and best use is what happened in John Martin Manufacturing, it bought nearly six blocks of the Brady District from that one building. That is the quality and nature of what goes on here. The owner has not chosen to avail himself of historic tax credits because it will not make a difference to the property. The issue gets down to the standard for the Special Exception. The request is not injurious to the neighborhood, it is not detrimental to the public welfare because there is no public welfare negatively impacted by the use because the use is not the taking down of the little gas station, and it is in harmony with the spirit and intent of the Zoning Code. This is a permitted use subject to a Special Exception in this zoning district. This is simply business.

Mr. Van De Wiele stated that he thinks the question may be whether this area is on the historic registry as an area or is the building in and of itself?

Mr. Reynolds came forward and quoted, “contributing resources do not retain sufficient integrity to individually merit register listing”, so the building is not listed as national
registered type property. There is nothing to prevent the building from being razed. There is no restriction on razing a building.

Ms. Radney stated that she understands that in order to escalate to be designated as a historic structure the owner would actually participate, so this particular owner has a property that has been designated as eligible to be elevated and has actually decided not to. Mr. Reynolds stated that is not correct. It has been found that it is a contributing structure. The owner could register the contributing structure on the National Register of Historic Places, but it has been chosen not to.

Comments and Questions:
Mr. Bond stated the Board does not have the power to stop the destruction of this building, if the Board did he would be one of the first people to try and stop it. What the Board is here to decide is whether to permit a low impact manufacturing industry in the CBD District. This area was zoned CBD, rightly, wrongly, whatever the intent was that is what happened. He is not willing to take two steps forward and one step back. The Downtown Master Plan harkens back to not the 1980s when this part of downtown was a blight on Tulsa, it is going back farther than that when this was a downtown neighborhood. That is what downtown is trying to get back to. The question the Board has to decide is do we allow a Special Exception to permit low impact manufacturing. He does not believe this type of light industrial manufacturing has any place in a downtown neighborhood. He appreciates what the company has done but it is not the Board's job to try to preserve a market condition for them, so they can get $60 a square foot.

Ms. Back stated that once the Board approves a Special Exception it goes in perpetuity with the land, so if the Board approves this the low impact manufacturing the property would still have the Special Exception to be utilized on the property. Ms. Back stated that she looked at this carefully and she believes Wallace Engineering rezoned the subject property at the client's request, and the property is one lot of record. So, when the property was rezoned it is a lot of record that was rezoned. The Board cannot save it and it is not something they are tasked with. Ms. Back believes that CBD is the better zoning for the subject property, and it lines up with the Downtown Master Plan. Ms. Back stated she cannot support this request.

Ms. Ross stated that she disagrees with Mr. Bond and Ms. Back respectfully. What she heard was that this was an IL District until 2016, and that Baird voluntarily made the property part of the CBD District, so they could accommodate Ida Red and the apartments, which were both properties that owned and leased or sold to make the area a more thriving area. If Baird had not sold or leased the properties, they have to date in the area there would be no talk of a Brady Arts District because it would be nonexistent. If Baird had known that the CBD District went to the corner Ms. Ross does not think they would have done that voluntarily because it is property that is attached to their manufacturing facility that was still operating. She understands the gas station has historic significance, but she thinks the plans are not injurious to the neighborhood. She thinks it is smart of Baird to build the proposed building out in a commercial way so that
it can be turned into retail five or six years in the future. Ms. Ross stated if the building is erected then in five or six years it will be a thriving corner, but it will not if the station is razed and it becomes parking lot. Ms. Ross stated she can support this request.

Mr. Bond stated that he does not think the Board should be in the habit of allowing light industrial uses inside what is now becoming a vibrant downtown neighborhood.

Ms. Back stated that it is her understanding that Baird never operated or ran manufacturing on the Ida Red and the gas station site, that was not a part of their manufacturing though they did own the land.

Ms. Radney stated that she thinks the issue at hand is the change in use from CBD back to light industrial. She believes that Baird made a sound investment in the area, and the payoff for that change of use is echoing all throughout the district today. She does not necessarily understand the logic from the manufacturer wanting to return to a type of zoning and a type of use that to this point has not generated the kind of growth and activity that the City is seeing now, and it does not align with the Comprehensive Plan. The exhibits are very compelling, and this was a very good argument obviously had thought about the shift, and they were not capable of making an error in terms of the boundaries. It was thoughtful, and they have changed their minds and their intentions for the use of the property. Ms. Radney would hate to see the little gas station go but she does not think that at the end of the day she would not support the structure on the corner. It is taking a corner that is a walkable, engageable corner and is turning it into a hard corner that is inconsistent with the direction of the rest of the district. The district has developed in that way because there is a Comprehensive Plan and because of the CBD zoning. To put a halt to that is more than just about $45 a square foot or $60 a square foot, it is about all the other investors in the district who have made commitments mindful of the direction that the district is going in. This is a retreat and for that reason Ms. Radney stated she cannot support this request.

Mr. Van De Wiele agreed that Board does not have the authority to stop the razing of the little gas station, and he does not know of anyone that has the authority to stop the razing of the little gas station. He thinks if the Board approves the requested use it would necessitate the removal of the structure, and the removal of that structure would not be in harmony with the spirit and intent of the Code and could be injurious to this neighborhood. For that reason, Mr. Van De Wiele stated he will not support this request.

**Board Action:**
On **MOTION** of **BOND**, the Board voted 4-1-0 (Back, Bond, Radney, Van De Wiele "aye"; Ross "nay"; no "abstentions"; none absent) to **DENY** the request for **Special Exception** to permit low-impact manufacturing and industry in the CBD District (Section 15.020). The Board finds the requested Special Exception will not be in harmony with the spirit and intent of the Code, and will be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:
S30 LT 2 & ALL LT 3 LESS E50 S30 LT 2 BLK 29, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

**********

OTHER BUSINESS
None.

**********

NEW BUSINESS
None.

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BOARD MEMBER COMMENTS
None.

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There being no further business, the meeting adjourned at 5:46 p.m.

Date approved: 9/25/18

Chair
Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of RADNEY, the Board voted 4-0-0 (Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Back 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 the liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store; for the following property:

LT 13 & 14 BLK 10, EAST LAWN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Action Requested:
Special Exception to allow an Industrial/Low-Impact Manufacturing and Industry for medical marijuana processing in the CBD District (Section 15.020). LOCATION: TENANT SPACE – 15 East Mathew Brady Street North (CD 4)

Mr. Van De Wiele recused and asked Mr. Bond to chair this matter, and he left the meeting at 3:24 P.M.

Presentation:
Amanda Lowe, 320 South Boston Avenue, Suite 200, Tulsa, OK; stated the request is for the production of medical marijuana edibles at an existing currently closed commercial kitchen. The production would be in the back portion of the building. Currently the commercial kitchen produces regular candies and chocolates. Ms. Lowe stated that her client would also be producing candies and chocolates but with the added ingredient of cannabis oil. The cannabis oil would be processed at an offsite location, brought to the kitchen, and the liquid cannabis oil formed, mixed and baked into the chocolates, and the end product edibles would then be sold to dispensaries around the Tulsa area. Ms. Lowe stated that her client’s use would be in line with the current and continued use of the property, and there would be no noticeable or observable changes to the neighborhood or in the perception of the general public.

Interested Parties:
There were no interested parties present.

04/09/2019-1226 (16)
Comments and Questions:
None.

Board Action:
On MOTION of RADNEY, the Board voted 3-0-1 (Bond, Radney, Ross, "aye"; no "nays"; Van De Wiele "abstaining"; Back absent) to APPROVE the request for a Special Exception to allow an Industrial/Low-Impact Manufacturing and Industry for medical marijuana processing in the CBD District (Section 15.020), subject to conceptual plans 7.11 and 7.13 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:

LT 3 BLK 28 & E10 VAC ALLEY ADJ ON WL, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele re-entered the meeting at 3:27 P.M.

22615—Bradley Anderson

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: TENANT SPACE – 1615 South Memorial Drive East (CD 5)

Presentation:
Bradley Anderson, 1563 North Frankfort Avenue, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Van De Wiele stated that the Board has the applicant’s spacing verification exhibits on pages 8.11, 8.12, 8.13 and 8.14.

Mr. Anderson stated that he has spoke with the people in the strip mall and they seem to be happy, and people have been stopping by as he is setting up the shop.

Interested Parties:
Shellie Clark, 8126 East 16th Street, Tulsa, OK; stated she is the manager of the apartment complex behind the strip mall. The apartment complex parking lot is right behind the subject building to the east. A bar went into the shopping center and there have been shootings there, and she has had to install a gate to keep people from parking in the apartment’s parking lot. The club does not close until 4:00 A.M. and she has heard that the dispensary is not going to close until 2:00 A.M.
Attachment 1
Legal Description

All of Lots One (1) and Eight (8) Block Nineteen (19) and the South 30 feet of vacated Davenport Street adjacent on the North thereof, and a part of the north portion of Lots Two (2), 30.15 feet on the East and tapering to 30.12 feet on the West and a part of the North portion of Lot Seven (7), 30.07 feet on the West and tapering to 30.11 feet on the East in Block Nineteen (19), and the Northerly 130.12 feet of alley lying in Block Nineteen (19), ORIGINAL TOWN, NOW CITY OF TULSA, Tulsa County, State of Oklahoma, according to the Official Plat thereof.

AND

The East 100 feet of the South 50 feet of Lot Three (3), Block Seven (7), and the Northerly 30 feet of the Easterly 100 fee of vacated Davenport Street adjacent on the South thereof, ORIGINAL TOWN, NOW CITY OF TULSA, Tulsa County, State of Oklahoma, according to the Official Plat thereof.
Attachment 2

Action Requested

The Subject Property has been used continuously since at least 1971 in a variety of Low Impact Industrial ("IL") manners.

The business that operates at the Subject Property (L.A. King Corp.) has been in business at the Subject Property since 1972 and currently conducts three (3) principal IL uses, namely:

1) **Metal Building Insulation** – The manufacturing of custom laminated insulation for wood and metal buildings. The operator receives insulation materials and fire retardant backing materials and adheres or laminates the materials to specification for its customers.

2) **HVAC Systems Supplies** – The manufacturing of commercial HVAC components and materials for HVAC contractors and sheet metal suppliers, such as fittings, ductwork, flanges, etc. This was the original use specifically included in the special exception in BOA-7007.

3) **Gaskets, Belts and Expansion Joints** – The manufacturing of various rubber (or other material) belts, gaskets and expansion joints for use in other commercial or industrial applications.

The Subject Property is currently being marketed for sale and at least one potential buyer has been identified. The potential buyer would likewise be an IL user but would use the Subject Property for one or more lines of business other than those that are currently conducted on the Subject Property.

As the prior action (in BOA-7007) (i) covered less than the entirety of the Subject Property (see Attachment 3) and (ii) could be viewed to limit the type of IL uses to the "sheet metal" use described therein, the Applicant has filed this application to (a) confirm that its current uses continue to be allowed on the Subject Property and (b) allow a broader base of IL uses (other than medical marijuana) for a potential new owner / operator.

Accordingly, the Applicant seeks a Special Exception to allow all "Low-Impact Manufacturing and Industry" uses other than any medical marijuana uses.

4142186.1:003974:00001

16.22
View of West side of property from Main

Truck associated with the Trailer Pictured on following page was parked over the sidewalk along Boston
View of Subject property from Boston

View looking North on Boston; the truck trailer pictured was parked and completely blocked the Southbound lane of Boston and its sidewalk
BOA-22747

19-12 02

Aerial Photo Date: February 2019

Note: Graphic overlays may not precisely align with physical features on the ground.
Note: Graphic overlays may not precisely align with physical features on the ground.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9202 Case Number: BOA-22748
CZM: 36
CD: 4
HEARING DATE: 09/24/2019 1:00 PM

APPLICANT: Mike Thedford

ACTION REQUESTED: Special Exception to permit a Homeless Center in the CBD District (Sec. 15.020, Table 15-2); and a Special Exception to Reduce the Dispersal Standards of 2,640 ft for Detention and Correctional Facilities, Emergency and Protective Shelters, Homeless Centers, Residential Treatment Centers and Transitional Living Center Uses from each other (Sec. 40.130)

LOCATION: 415 W ARCHER ST N
ZONED: CBD

PRESENT USE: Homeless Shelter
TRACT SIZE: 71294.94 SQ FT

LEGAL DESCRIPTION: W75 LTS 1 2 3 & ALL LTS 4 5 6 & ALL VAC ALLEY & PRT VAC ARCHER BEG 115.79WLY SECR BLK 36 TH SE6.91 SW115.20 NW6.91 NE115.20 POB BLK 36, TULSA-ORIGINAL TOWN, COUNTY JAIL ADDN PRT RSB PRT O T TULSA & PRT OWEN AMD

RELEVANT PREVIOUS ACTIONS:

Subject Property:
BOA-16211: On 12/08/1992 the Board approved a Special Exception to allow an emergency and protective shelter in an IM district and a Variance of the 1320' spacing requirement between protective shelters; and on 12/22/1992 the Board approved a variance of the building setback.

Surrounding Properties:
BOA-12213: On 09/30/1982 the Board approved a Special Exception to construct a community service center. Located at 102 N. Denver Ave. W.

BOA-13113: On 04/19/1984 the Board failed to approve a Special Exception to allow a convict pre-release center in an IM district. Located at 102 N. Denver Ave. W.

BOA-13829: On 11/07/1985 the Board approved with conditions a Special Exception to allow for the use of approximately 4,000 square feet in an existing building as a center for the homeless. Located at 300 N. Denver Ave. W.

BOA-15357: On 01/18/1990 the Board approved a Special Exception to permit the use of approximately 4,000 square feet in an existing building as a center for the homeless without limitation as to hours of operation. Located at 300 N. Denver Ave. W.

BOA-16534: On 02/22/1994 the Board approved with conditions a Special Exception to permit an adult community based correctional center and withdrew a request for a private jail facility. Located at 302 W. Archer St. N.

BOA-22162: On 11/08/2016 the Board approved a Special Exception to allow a government service and juvenile detention/correctional facility in the IM district; a Special Exception to permit a juvenile detention/correctional facility to be located within 2,640 feet of a homeless center and other

REVISED09/12/2019
detention/correctional facilities; and a Variance to reduce the required street setback. Located at 10 N. Elwood Ave. W.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "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 currently the Day Center for the Homeless and is located in the CBD District and is surrounded by CBD Zoning. Previous approval of this use was done while the subject property was zoned IM. In order to expand the applicant is requesting a New Special Exception to correspond to the current CBD Zoning of the Property.

STAFF COMMENTS:
The Applicant is requesting a Special Exception to permit a Homeless Center in the CBD District (Sec. 15.020, Table 15-2); and a Special Exception to Reduce the Dispersal Standards of 2,640 ft for Detention and Correctional Facilities, Emergency and Protective Shelters, Homeless Centers, Residential Treatment Centers and Transitional Living Center Uses from each other (Sec. 40.130)
40.130-A The supplemental use regulations of this section apply to all detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living center uses.

40.130-B To avoid over-concentration, all detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living center uses must be separated from one another by a minimum distance of 2,640 feet, as measured in a straight line from the nearest point on the lot line of the property occupied by one of these uses to the nearest point on a lot line of the other property occupied by one of the subject uses (see Figure 40.6). The separation distance requirements of this subsection may be reduced if approved through the special exception approval process.

Figure 40.6: Dispersal Standards Measurement

The applicant provided an exhibit showing circle around their property with a 2,640 ft radius identifying the other uses inside that circle that conflict with the provisions of Sec. 40.130.

SAMPLE MOTION:

Special Exception:
Move to ________ (approve/deny) a Special Exception to permit a Homeless Center in the CBD District (Sec. 15.020, Table 15-2); and a Special Exception to Reduce the Dispersal Standards of 2,640 ft for Detention and Correctional Facilities, Emergency and Protective Shelters, Homeless Centers, Residential Treatment Centers and Transitional Living Center Uses from each other (Sec. 40.130)

- 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.
Action Requested:
Special Exception to allow an emergency and protective shelter in an IM District, a variance of the 1320' spacing requirement between protective shelters and for a variance of the building setback to permit the north and west walls of the new day center to be constructed on the right-of-way lines for Brady Street and Frisco Avenue - Section 901. and Section 1205.C.4. - Use Unit 5, located east of Frisco between Brady and Archer.

Comments and Questions:
In response to Mr. Bolzle's inquiry, eight protestants indicated a desire to address the Board concerning the proposed location of the day center. Mr. Bolzle asked if three minutes per individual would be sufficient time to present each protest, and there was no objection.

Presentation:
The applicant, Charles Norman, 2900 Mid-Continent Tower, represented the Tulsa Metropolitan Ministries. He explained that a day center for the homeless was approved by the Board and began operation at the current location in 1985, with an extension of the hours of service being approved in 1990. Mr. Norman submitted a booklet (Exhibit C-1) containing a site plan and information concerning the center. He informed that the proposal is to construct a new facility for the homeless approximately 300' to the southwest of the existing center. The applicant submitted photographs (Exhibit C-4) and pointed out that the new building will contain approximately 22,000 sq ft of floor space, and will contain a larger day area and more rest rooms and showers than the present building. Mr. Norman stated that the new facility will provide sufficient space for counseling offices and other agencies (Exhibit C-9) that work with the homeless. He informed that the building site was donated to the Tulsa Metropolitan Ministries by a prominent Tulsa family, and includes the entire block, except the east 65', which is being offered to the Salvation Army. He advised that the property across Elwood to the east is also used by the Salvation Army. Mr. Norman pointed out that the proximity of the two uses is one of the issues before the Board at this time. He submitted a copy of the District One Comprehensive Plan (Exhibit C-7), and pointed out that Section 4.5.4 states that industrially zoned land no longer being used for industrial purposes should be considered for rezoning to the CBD zoning category. He further noted that, if rezoned, this use would be permitted by right on the property and the variance of the setback would not be required. Mr. Norman stated that the existing day center is nonconforming as to spacing, and approval of the
application will not increase the nonconformity. The applicant advised that it is the intent of his client to address the concerns of the residents living in the area, and noted that the building wall will serve as a barrier to the north properties. He pointed out that the entrance, as well as the driveway and parking lot, will be located on the southeast side of the building. Mr. Norman stated that the larger day area will accommodate more people and eliminate the need for loitering outside the center. He added that it is imperative that the shelter be located near available transportation, since many of the homeless do not have automobiles. In conclusion, Mr. Norman pointed out that the population now served will not be substantially increased by the construction of the proposed facility, and the relocation of the center approximately 300’ to the west and south will not increase the nonconformity or conflict with the use of adjacent properties.

Additional Comments:
Mr. Doverspike asked if the entrance to the facility could be relocated to Archer, and Mr. Norman stated that the lot frontage on Archer is approximately 4’ higher than the street. He informed that an alternate plan (Exhibit C-8) has been prepared, which depicts a steep driveway on Archer.

Mr. Doverspike inquired as to fencing on the north boundary, and the applicant replied that fencing is not proposed, since the building wall will serve as a barrier.

In response to Mr. Doverspike’s question concerning security, Mr. Norman stated that approximately 15% of the cash budget for the center is spent to provide internal police security, except from 9:30 p.m. to 7 a.m.

Mr. Doverspike inquired as to the hours of operation, and the applicant stated that the facility is open from 8 a.m. to 4 p.m. and from 5:30 p.m. to 7 a.m. He noted that the facility is cleaned during the closed periods. Mr. Norman stated that the present center has been providing sleeping arrangements for 50 homeless people, unless it is extremely cold; however, that number could increase slightly when the new facility is constructed.

Ms. White asked Mr. Norman if his client would be amenable to fencing the property, and he replied that the fence could be installed if it proved to be of great importance to the neighborhood.
Case No. 16211 (continued)

Mr. White asked if the majority of the visitors walk to the center, and the applicant stated that most of the people walk or use public transportation; however, some do have cars.

In reply to Mr. Bolzle, Mr. Norman informed that the entrance to the west is for deliveries only.

Protestants:

Monty Hutchinson, 206 North Frisco, stated that the Code is to protect the general welfare of the neighborhood. She pointed out that clustering of centers serving the homeless is detrimental to the area, and there are numerous similar establishments already in existence.

T. J. Plummer, 650 Morningside Drive, Seminole, Oklahoma, stated that he owns industrial property across from the proposed site, and is concerned that the use could interfere with the industrial businesses in the area.

Boss Einstein submitted a newspaper clipping (Exhibit C-3) and suggested that an empty hotel could be used to house the homeless. He stated that he is opposed to the plan submitted by the applicant.

Catherine Council, 217 North Frisco, stated that the neighborhood rights are being stripped away by the street people living along Brady. She stated that the homeless roam the neighborhood, drink alcohol and the children are verbally accosted by these people daily. Ms. Council stated that a larger facility will bring more homeless into the neighborhood. She suggested that the Board adhere to the required spacing, because the area is saturated with centers of this nature.

Linda Taylor, 419 West Cameron, informed that her four children are afraid of the homeless people roaming the streets. She asked the Board to deny the application.

Andrew Smalley, 512 West Cameron, stated that he is opposed to the application, because the homeless roam the area, drink alcoholic beverages and leave hypodermic needles cluttering the neighborhood. Mr. Smalley stated that he feels that the welfare of his children is at risk.

Ms. White stated that she is familiar with the neighborhood, and asked Mr. Smalley if the opening of the existing center removed some homeless from the street, or if its opening caused the number of homeless in the area to increase. Mr. Smalley stated that he has only been in the neighborhood for two years, and cannot adequately assess the matter.
Case No. 16211 (continued)

Rick Council, 217 North Frisco, stated that he has lived in the area for 10 years, and the opening of the existing center caused an increase in the number of homeless in the neighborhood.

Tom Smalley, 209 North Frisco, informed that he lives approximately 300' from the existing center for the homeless, and the proposed center will be 100' from his residence. He pointed out that he has been plagued by actions of the visitors staying at the existing center, and is opposed to the new location. Mr. Smalley stated that this area is saturated with this type of use, and asked the Board to deny the request.

Councilor Darla Hall stated that the new facility will make it very attractive to stay homeless, and could cause a substantial increase in the number of homeless people in Tulsa. She pointed out that the residential area around the proposed site will be detrimentally affected by the construction of the center. Ms. Hall suggested that the residents of Tulsa be protected first, and the homeless second. In conclusion, Ms. Hall stated that another day center in the area would be an injustice to the surrounding homeowners, and the free food, lodging, etc., would encourage the homeless to remain homeless.

Rebecca Council informed that she has owned property in the neighborhood for 20 years and her son lives in the area. She pointed out that it is impossible to drive down Brady because of the drunks that loiter in the street behind the present center.

Photographs (Exhibit C-5), letters of opposition (Exhibit C-6) and a petition (Exhibit C-2) signed by area residents were submitted.

Interested Parties:

Sharon Bell stated that she is co-chair of the building fund drive for the new day care center for the homeless. She stated that the goal for the organization is to create a building that will comply with the Code. She pointed out that the current building has four rest rooms to serve 350 people, and the building is not large enough to effectively deliver needed services. Ms. Bell pointed out that hours of operation for the new facility will be compatible with those of the Salvation Army, which serves meals to the homeless while their center is closed.

Ms. White asked if the dumpsters for the center will be placed away from the residential neighborhood, and Ms. Bell stated that the dumpsters will be screened.
Case No. 16211 (continued)

**Pat Woodrum**, 2300 Riverside Drive, executive director of the Tulsa City/County Library, stated that she is supportive of the proposed center for the homeless. She added that the library has always been a haven for the homeless, which became a great problem in the 1980s. Ms. Woodrum stated that a task force was formed to address the problem, and the existing center was established in 1986. Ms. Woodrum pointed out that there is a need for the center to be located where the homeless people congregate.

Scott Sanditen, chairman of the building committee for the day center, stated that he is sensitive to the issues brought up by the residents living near the site. He pointed out that the new facility will alleviate some of the problems, because the added space can accommodate more people and prevent an overflow into the streets and surrounding neighborhood. Mr. Sanditen noted that 6% of those receiving service at the center are children and many of the homeless are mentally ill. He stated that a well-managed day center will be compatible with the surrounding uses. Mr. Sanditen stated that unruly individuals are not permitted to stay in the center, and many of the concerns of the neighborhood seem to be problems in the area that should be taken care of by the police.

**Additional Comments:**

Mr. Doverspike asked Mr. Sanditen if he is familiar with the previous Board action (1985 and 1990) regarding the center, and he replied that he was not involved in either of those Board hearings.

Mr. Bolzle asked if any portion of the center's clients use their services exclusively, and Mr. Sanditen replied that few clients use only the services of the day center in question.

In reply to Mr. Bolzle, Mr. Sanditen stated that it is his opinion that the day center does not bring additional people to the area.

In regard to security in the area, Mr. Sanditen stated that the police use their parking lot as a drop-off point for individuals that are not locked up, but have been picked up for loitering or being intoxicated. He added that the Master Plan does not include residential use, and much of the area has been targeted for social type services.
Case No. 16211 (continued)

Mr. White asked if the police actually drop off people at the center that are picked up, but are not candidates for jail entry, and Mr. Sanditen answered in the affirmative. He further noted that the City does not have a detoxification center.

Applicant's Rebuttal:

Mr. Norman stated that the neighborhood to the north is in transition to industrial uses, and the issue today is whether or not the construction of the proposed facility will be detrimental to the area. He pointed out that, if the application is denied, the day center will be forced to continue its operations in the inadequate facility currently being used.

Additional Comments:

Mr. Doverspike inquired as to the square footage of the proposed facility, and Mr. Norman stated that it will contain approximately 23,000 sq ft. In regard to the question concerning the current limitation of 400 people per day, Mr. Norman stated that his client does not object to the a limit of 400; however, individuals are not turned away during extremely cold or rainy weather.

Ms. White stated that, if the Board is inclined to approve the application, she would only support the alternate plan, which depicts the entrance on Archer. Ms. White pointed out that she is aware that the neighborhood should be protected, and asked that the Board consider security fencing the outside.

Mr. Norman stated that security can be provided by fencing or exterior lighting; however, the homeless are permitted by law to be on the streets and sidewalks. He pointed out internal security is currently provided, but hiring an additional police officer would present an extreme financial hardship. Mr. Norman stated that the larger building will remove more homeless from the street.

Mr. Doverspike stated that he is supportive of the alternate plan with the entrance on Archer and the installation of a security fence. He stated that he is in agreement with Councilor Hall that the facility will not solve the homeless problem in Tulsa. Mr. Doverspike advised that he will not be supportive of the expansion of these types of centers, and suggested that the number of people receiving services remain at 400 during the day and 65 at night.

Mr. Bolzle stated that it appears that placing the center close to the existing one would lessen the impact on the residential neighborhood.
Mr. Jones informed that the variance of the setback requirement was not properly advertised and will be heard on December 22, 1992.

Board Action:
On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Special Exception to allow an emergency and protective shelter in an IM District, and to APPROVE a Variance of the 1320' spacing requirement between protective shelters; and to CONTINUE the remainder of the application to December 22, 1992 Section 901. and Section 1205.C.4. - Use Unit 5; per amended site plan depicting the entrance on Archer; subject to the applicant returning to the Board for approval of the location of chain link fencing; subject to the number of occupants remaining at 400 during the day and 65 at night; subject to internal security being provided except from 9:00 p.m. to 7:00 a.m.; finding that the shelter is currently in operation approximately 300' from the proposed site, and that the approval of the new facility will improve the situation, and will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code, or the Comprehensive Plan; on the following described property:

Block 36, and the 20' alley therein (subject to closing and vacation by the City of Tulsa), less and except the easterly 65' of Block 36, all in the Original Town of Tulsa, Tulsa County, Oklahoma.

Case No. 16212

Action Requested:
Special Exception to permit a church in an AG zoned district - Section 301. - Use Unit 5, located 8801 East 91st Street.

Presentation:
The applicant, Carbondale Bible Church, was represented by Bruce Masters, 3840 South 121st East Avenue, who submitted a tract layout (Exhibit D-1) of the property in question. He explained that a site plan has not been prepared at this time, and the purchase of the property for a building site is contingent upon Board approval of the use.

Comments and Questions:
Mr. Bolzle asked if there is another church to the east of the subject tract, and the applicant answered in the affirmative.
Case No. 16211

Action Requested:
Variance of the building setback to permit the north and west walls of the new day center to be constructed on the right-of-way lines for Brady Street and Frisco Avenue - Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 5, located east of Frisco between Brady and Archer.

Presentation:
The applicant, Charles Norman, 2900 Mid-Continent Tower, submitted a revised site plan (Exhibit A-1), and noted that this application is concerning the previous approval of a day center for the homeless on the subject tract. He requested that the proposed building be constructed on the property line along Brady Street and Frisco Avenue. Mr. Norman pointed out that the property would qualify for rezoning to Central Business District (CBD), according to the Comprehensive Plan. He noted that this zoning classification would not require a building setback from the property line, and the use would be a permitted use (only spacing of similar uses would be required). Mr. Norman stated that there is a children's play area on the northwest side of the building, and there are no entrances and only two emergency exits on that side of the property. He asked that this area be exempt from fencing to permit use of the emergency exits. Mr. Norman informed that, at the previous meeting, he overlooked the fact that the sidewalk for the handicapped in wheelchairs is located on Brady Street, and requested that a 5' cyclone fence be installed only along Brady Street from the corner of the building to the handicapped sidewalk.

Comments and Questions:
In response to Mr. Bolzle, Mr. Norman replied that anyone using a wheelchair would have to exit the car on Brady and use the sidewalk. He pointed out that the parking area on the south side of the building (front) does not comply with the 3% grade limitation for wheelchair ramps, under City and Federal law.

Protestants:
None.

Board Action:
On MOTION of S. WHITE, the Board voted 3-0-1 (Bolzle, S. White, T. White, "aye"; no "nays"; Chappelle, "abstaining"; Doverspike, "absent") to APPROVE a Variance of the building setback to permit the north and west walls of the new day center to be constructed on the right-of-way lines for Brady Street and Frisco Avenue - Section 903. BULK AND AREA REQUIREMENTS IN THE
Case No. 16211 (continued)

INDUSTRIAL DISTRICTS - Use Unit 5; per amended site plan submitted; finding that the property could qualify for CBD zoning under the Comprehensive Plan, which would permit construction on the property line; and finding that other buildings in the area have similar setbacks; and finding that approval of the request will not cause substantial detriment to the public good, or impair the spirit, purposes and intent of the Code; on the following described property:

Block 36, and the 20' alley therein (subject to closing and vacation by the City of Tulsa), less and except the easterly 65' of Block 36, all in the Original Town of Tulsa, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16217

Action Requested:
Variance of the required 30' of frontage on a public street to permit a lot split - Section 206. - Use Unit 6, located 10509 South 71st East Avenue.

Comments and Questions:
Mr. Jones informed that John Moody, council for the interested parties, has requested by letter (Exhibit B-1) that Case No. 16217 be continued to January 12, 1993.

Board Action:
On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to CONTINUE Case No. 16217 to January 12, 1993.

MINOR VARIANCES AND EXCEPTIONS

Case No. 16239

Action Requested:
Minor Variance of the front yard setback from 35' to 28' to permit the construction of a carport - Section 403.
BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6, located 6930 South Columbia.

Presentation:
The applicant, Larry Clain, 6930 South Columbia, requested permission to construct a porte cochere over the existing driveway in front of his home. He submitted a plat of survey (Exhibit C-1), and noted that there are other porte cochere in the neighborhood.
Case No. 12212 (continued)

Marvin McDonald, 5658 South 84th East Avenue, was present stating that the proposed addition will be compatible with the existing residence and requested that the application be approved.

Protestants:

Colonel F. Cox, 5652 South 84th East Avenue, president of Woodland View Park I Homeowner's Association, was present and submitted a protest petition containing approximately 35 signatures (Exhibit "L-5"). He stated that he was opposed to the setback variance and stated that if the carport was approved it would set a precedent for that area.

Board Comments:

Mr. Victor asked how far the proposed storage closet was from the north property line and Mr. Sallee stated that it would be 10' from the north property line.

Mr. Smith asked Mr. McDonald if he had talked to the neighbors on both sides of the subject property about the proposed structure and Mr. McDonald answered in the affirmative and stated that the letter which was submitted earlier was signed by both of them.

VICTOR made a MOTION for denial, but due to the lack of a second the motion died.

Mrs. Purser suggested that the case be continued to give the applicant opportunity to visit with his neighbors about the carport and get their approval and support.

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 continue this item to the October 14, 1982 meeting.

Case No. 12213

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in the Industrial District - Request to construct a community service center to include residence for transients, worship and other social services. This property is located from Denver to Elwood and from Archer and Brady Streets.

Presentation:

Richard Cleverdon, 202 West 8th Street, was present and submitted a site plan (Exhibit "M-1"). Mr. Cleverdon, who is applying for the request in behalf of the Salvation Army who owns the subject property, stated that the proposed 2-story building will be approximately 33,800 square feet. The purpose of the application is to provide housing for individuals on a temporary basis including a dormitory for men, dormitory for women, and 10 family units. It would also include space for the personnel dealing with this facility who would be the only employees present. The lower portion of the structure would be used for religious services, which would also include a citadel and office for the Tulsa Area Salvation Army. Presently, the temporary housing will house 60 individuals and the proposed total capacity would be 202. McCune Partners, Inc., will be the engineers for the proposed structure.

Bill Idom, 5110 South Yale Avenue, a representative of McCune Partners, Inc., was present stating that the proposed structure is a single structure located

9.30.82:372(20)
in the center of the subject property to minimize the amount of green area. He stated that the utilities for the building are being relocated on the subject property. The structure will be constructed of brick and glass.

Protestants: None.

Board Action:
On MOTION of CHAPPELLE and SECOND by VICTOR, 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 District) to construct a community service center to include residence for transients, worship and other social services, per plans submitted, on the following described property:

Lots 1-6 inclusive, Block 37, Original Townsite of Tulsa, Tulsa County, Oklahoma.

Case No. 12214

Action Requested:
Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to locate a mobile home in an RS-1 District. This property is located at 18101 East Admiral Place.

Presentation:
Paul Bivins, 18101 East Admiral Place, was present and requested permission to place a mobile home on the 3 1/2 acre tract in question. The mobile home has already been placed on the property so that the elderly couple who will reside in the mobile home could find a place to park the trailer. All of the mobile home parks in this area are full, therefore, Mr. Bivins requested that the mobile home be permitted on the subject tract for the elderly couple to reside in. The mobile home will be surrounded by trees and cannot be readily seen from the road. Mr. Bivins has talked to the immediate neighbors and they have no objection to the request.

Protestants: None.

Board Comments:
Mr. Smith asked if a septic system was on the subject property and Mr. Bivins stated that he would put a new septic tank and system on the property if approved by this Board.

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 410 - Principal Uses Permitted in the Residential Districts) to locate a mobile home in an RS-1 District, for a period of one year, per Health Department approval, removal bond required, on the following described property:

A tract of land in Lot three (3), Section 1, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows: Beginning at a point on the West line of Lot 3, 40.0' North of the Southwest corner of Lot 3; thence East along the line parallel to the South line of Lot 3, 40.0' equal distance North of the South line of Lot 3, a distance of 247.2'; thence North a distance 9.30.82:372(21)
Case No. 13113

Action Requested:
Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1202 - Request an exception to allow a convict pre-release center in an IM district under the provisions of Section 1680, located at the SE corner of Brady and Elwood.

Presentation:
Richard Cleverdon, Attorney, 202 West 8th, represented the Salvation Army. This application is being made prior to use. It relates to a new structure belonging to the Salvation Army which was designed for multi-purposes. The only occupants of the building at this time are the office workers who are setting up the offices. There are no resident-type parties in the facility. The application before this Board today addresses one of the important community needs. The Salvation Army is undertaking to help serve that need. The application, if granted, would allow the operation of a pre-release center for Federal prisoners under a contract with the Federal Bureau of Prisons. The contract provides for a maximum of 13 prisoners in this facility. The facility is so constructed that it will accommodate 13 prisoners--10 men and 3 women. It is constructed according to the Bureau's standards of 75 feet per person. There is no more space available, and there would be no way to enlarge the use from what is being represented barring additional construction which would require further applications to the governing agencies of the City of Tulsa. This operation would intermesh with other social services maintained by the Salvation Army. This is not a new program in the City of Tulsa. The Tulsa Command has operated a pre-release center from 1979 to the present. The Bureau of Prisons undertakes to make a thorough screening of the prisoners who are placed into this program. This is, in effect, an honors program. The final screening is that the Command is not required to accept any particular prisoner, no matter what the Bureau has indicated as a choice. The final decision is that the Command reviews the files and makes sure that there is no prisoner coming in that might not be acceptable to the community. There is a great problem determining how to deal with a person who has been convicted of a crime. One of the great community needs is to find a means to re-enter the community on a productive and law-abiding basis. This program is designed to help and assist these people re-enter the community. If they do not go through such a facility, they will be back in the community anyway in a short time. The disciplines are very distinct and uniformly administered. These people must observe hours and they must be engaged in gainful employment that is aimed at continuing after they have completed their prison sentences. They are also required to maintain certain standards of conduct. The earnings they have in these jobs is divided between the needs of the families (70%), savings (20%), and personal use (10%). He submitted a written consent of one of the neighbors within the 300 foot area of the subject property (Exhibit "M-1"). This application is asking for a use that is authorized under the Ordinance for an IM zoning classification which this is. He submitted a memorandum from another resident in the area who also consents to use of the property (Exhibit "M-2"). He submitted other documents that include the letter that was written by the Salvation Army to the people in the 300' area offering to acquaint the personnel in the area with the program (Exhibit "M-3"). He submitted a brochure which explains how the program is to be operated (Exhibit "M-4").
and he submitted a letter of endorsement for this program written by Marvin Lee Cook, the Executive Director of the Tulsa Metropolitan Ministry (Exhibit "M-5"). He also submitted a letter from the Chief U.S. Probation Officer for the United States Court of the Northern District of Oklahoma which points out the great need for this program (Exhibit "M-6"). There are three concerns in this application. The first concern is the total need of the community to deal with people who have committed crimes, return them to the community under such conditions that they will not have a reason to commit further crimes but instead will have motivation to live lawful lives. The second consideration is the impact on the neighborhood and the community around the subject property, and the third consideration is the security that relates to the operation of the center. Mr. Cleverdon informed that he belongs to the Boston Avenue Methodist Church which is near the Horace Mann pre-release center maintained by the State. He is on the official board of this church and his wife is active in the women's groups. Based on the entire time that the pre-release center has been located at Horace Mann, he does not know of any single instance in which a person declined to come to church services because of its location. He does not know of anyone who has moved a membership out of the church because of the proximity, and he does not know of anyone who has denied his child activities in the youth program because of that. They have been able to live very well with no real impact on a very important and very sensitive program.

John Adams, 312 West Brady, is the program director for the Salvation Army and for the Bureau of Prisons. When these people come to the facility, they are community-custody, which means even in the institution which they are now kept, which are minimum security institutions, they can go into the community. Therefore, they present no security risk. When the people come to the facility, they are screened thoroughly by the Staff. They then have a consensus of the Staff and they either accept or reject the individuals. If they are accepted, they come to the facility and they must follow every procedure which has been sent to them two weeks prior to their arrival at the facility. They are then informed as to what they must do as far as sign-in, sign-out procedures. They must adhere to these, because they back up every sign-in and sign-out procedure. They make telephone calls to find out where they are and when they are supposed to be someplace. When they come into the building at night, if they walk out, that is their problem. They call the local marshall and they come and pick them up. The curfew at the facility is 11:30 p.m. every night. The prisoners can be sent back to prison if they do not comply with the curfew. Most of the prisoners work during the day and visit their families in the evening. The facility deals mainly with Tulsa area residents. These are people that have been sentenced out of the Northern District of Oklahoma and who will return to the Northern District of Oklahoma. There are many recreational facilities at the center.

Comments and questions:
Mr. Victor asked what Use Unit a pre-release center would come under, and he was informed that it would be under Use Unit 2--Area Wide Uses by Exception.

Protestants:
Juana Ortiz, 220 North Elwood, submitted a petition protesting this application (Exhibit "M-7"). She lives about three hundred feet from the
subject property. They believe that granting this application will set a precedent in the area that will leave the way open for any other organization to get into the area easier. She told of the area in which the signers of the petition live.

Margaret Coulter, 715 North Denver, is the vice-president of the Neighborhood Housing Services. She told of other community services that are already located in the area. They have enough negative image in their area. They are in the process of trying to rebuild their neighborhood. The area does not need a pre-release center even though the crimes committed by the people are white-color crimes.

Delores Bedingfield, 202-206 North Denver, owns the commercial building directly across the street from the Salvation Army. Nobody denies that this is an important community need, but this area has done its duty for Tulsa. She described some of the uses in the area. The impact of these things is much greater than just 300 feet. As the owner of a commercial building which she is renovating, she would really hesitate to pour more money into a building where a precedent is being set by allowing a program such as this to come into a very fragile neighborhood. Eighteen months ago another group attempted to put a state program into this area—they were turned down in District Court. This matter is now on appeal. She does not want a pre-release center in the area. The Code does allow the use, but it is allowed with special exception. The Board does not have to grant this. This is a very minute part of the Salvation Army's program. Denial of this will have little impact on the Salvation Army.

Verlie Booth, 522 West Brady, informed on her tract of land is a three-story apartment building which she purchased four years ago. She has worked very hard to renovate this building completely. It is a beautiful place to live. She has found it very difficult to rent out apartments in this area. It costs her over $300 a month plus four to seven weeks of staying by the phone to answer before she can get desirable people that she wants to rent to because of the Brady Street image and the history of the area. This area does have a very bad history. She described the history of the area. They have had good respectable renters in her building for the past three years. They have a respectable neighborhood now and her block is cleaned up. The name "Brady Street" turns people off because of its image. This area is already not safe for children to walk through, and they do not need convicts added to the problems they already have. Brady Street has had more than enough bad publicity.

Dempsey Williams, 520 West Cameron, informed they were not notified of this application. They have a transient problem in the area. People from the Salvation Army go through their trash cans at night. They have had four fires in their block in the last six months because of the transients. He wants to know why they have to keep fighting this battle. They tried to put a pre-release center only three blocks away from this one and were not allwed to. He would like the pre-release center located in a different location. The people in their area do not even have jobs. The people from the pre-release center will take away the neighborhood residents' jobs. All he has ever heard from prisoners is "I'll never get caught again."
Case No. 13113 (continued)

Jack Music, 505 North Denver, informed that there is no comparison between this area and the area of 18th and Boston where the Horace Mann pre-release center is located.

Sandra Tinsley, 1144 North Denver, informed their neighborhood, Brady Heights, is the first neighborhood in Tulsa to be placed on the national register of Historic Places. Their neighborhood probably has the highest concentration of support groups of any neighborhood in the City. They are working for revitalization of their historic area. Part of that process depends on attracting individual families to purchase and occupy houses as they come up for sale. She is a realtor. Things that have come into the area have hurt the property values. She is against the high concentration of support groups in this area. They feel the pre-release center would set a precedent and have a tremendous negative impact on the resurgence of Brady Heights and the Crosstown Sector.

Applicant's Rebuttal:

Major Rolan Chambless, 2116 East 34th, is the Salvation Army City Commander. One of the greatest concerns in the neighborhood was the fact that this would set a precedent. The Salvation Army would be just as much against that as any of the neighbors. They do realize that it is this Board that makes the decision with regards to the use by exception. They never intend to have more than 13 people at the pre-release center. They would have no objections to the Board making that maximum number a condition of approval. Granting this for the Salvation Army could be favorable to the neighborhood in the event that another organization would come in and want to put in a large pre-release center. The neighborhood could then say they have done their share. They would hope that just granting this use would not set a precedent for the neighborhood. He presented a floor plan for the housing for the Salvation Army Central Services. Several activities go on at the building, and their programs have not been hurt by people not coming to the center because of the opening of a pre-release center. The floor space of the pre-release center part of the facility is according to federal specifications. This is just one of the programs of the Salvation Army, but it is a very needed program. It is just as much an assistance program to the community of Tulsa as anything else that they do. It involves more than just 13 people. It involves a number of families who are anxious to have their loved ones back in the community being an asset rather than a liability. They feel that this is a people-help service.

Comments and questions:

Mr. Victor asked where the other support groups in the area are located.

Mr. Wait asked if this is intended for a trial period or if it is intended for a permanent project. The applicant informed that they feel that this is a needed program. They are the only agency in the entire area that provides service to federal prisoners. This would be an ongoing program. The people in the program committed non-violent crimes. The people are brought to the facility 60 to 90 days prior to their release.

Mr. Wait asked Mr. Jackere if he would have a problem with the Board imposing a time limit upon approval of this application. Mr. Jackere informed he would have a problem with a time limit unless the applicant is willing to submit to those conditions.

4.19.84:411(28)
Case No. 13113 (continued)

Mr. Chambless informed this program was started in 1979. It was not a hidden program. He described how the program came about. They are providing this service now at 206 South Cheyenne.

Mr. Wait asked the applicant if they would have a problem with a time limitation, and the applicant informed they would not.

Mr. Victor asked how many years the Salvation Army has sponsored a program like this. The applicant informed the Salvation Army has been in correctional services since the late 1800s. They do have other correctional services in the City. They have had a pre-release program since 1979 in Tulsa without incident. He informed that their contract with the Bureau of prisoners is renewable each year.

Board Action:

On MOTION of WAIT and SECOND by CHAPPELLE, the Board voted 2-1-0 (Victor, Wait, "aye"; Chappelle, "nay"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - under the provisions of Use Unit 1202) to allow a convict pre-release center in an IM district under the provisions of Section 1680, for a period of one year, on the following described property:

Lots 1, 2, 3, 4, 5, and 6, Block 37, Original Town of Tulsa, Tulsa County, State of Oklahoma.

Due to the lack of three affirmative votes, this application is not approved.

Date Approved MAY 3, 1984

[Signature]
Chairman
Case No. 13827

Action Requested:
Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request a variance of the required setback from the centerline of Cincinnati Avenue from 100' to 50' and on Apache Street from 100' to 40' to allow for existing building and planned addition, located at 2606 North Cincinnati Avenue.

Presentation:
The applicant, Tim Watson, 5409 North Garrison, Tulsa, Oklahoma, stated that he plans an addition to an existing structure which was built in 1982 or 1983. Mr. Watson informed that some older homes have been removed to enhance the appearance of the area and after the remodeling, a club will be operating in the building.

Comments and Questions:
Ms. Hubbard informed that the use is changing from a carwash to a club and parking will be required on a lot other than the lot of use, which is not under application at this time.

Board Action:
On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13827 until November 21, 1985 to allow the applicant to advertise for additional relief.

Case No. 13828

Action Requested:
Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a variance of the required 55' setback from the centerline of 36th Street to 40.5' and a variance of the required 25' rear yard to 21' , located at 3534 South Joplin Place.

Comments and Questions:
Mr. Jones informed that the applicant, Ed Craig, has requested that Case No. 13828 be withdrawn.

Board Action:
On MOTION of WHITE and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to WITHDRAW Case No. 13828.

Case No. 13829

Action Requested:
Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1205 - Community Services, Cultural and Recreation Facilities - Under the Provision of Section 1680.1A -

11.07.85:451(18)
Requests a special exception to allow for the use of approximately 4,000 sq. ft. in an existing building as a center for the homeless of the City of Tulsa, located on the NW/c of Denver and Brady.

Presentation:
The applicant, Thomas Birmingham, 2727 East 21st Street, Tulsa, Oklahoma, represented Mr. and Mrs. Beddingfield who are owners of the property in question and Tulsa Metropolitan Ministries, sponsor of this project. Mr. Birmingham informed that a day center for the homeless of Tulsa is proposed for the 4,000 sq. ft. vacant building on the corner of Denver and Brady. He stated that there are approximately 80 parking spaces on the site.

Maynard Ungerman, 2727 East 21st Street, Tulsa, Oklahoma, submitted letters of support (Exhibit L-1) and explained that the homeless of Tulsa are in need of a daytime shelter. Mr. Ungerman informed that the Community Service Council of Tulsa set up a network of organizations to find a solution to the problem and arising from that this Council went to the Metropolitan Ministry and asked them to follow through with this project. He stated that they have entered into an option to lease property in the industrial area and that services will be provided from 7:30 a.m. until 5 p.m., then meals and lodging for the night are available at the nearby Salvation Army facility and other locations.

Comments and Questions:
Ms. Wilson asked if beds will be supplied for the homeless and if these people that are served will be interested in working. Mr. Ungerman stated that beds will not be available, but a recent survey indicated that many of these people would like to have a place to stay and clean up while looking for work and a place to receive a phone call if they are offered a job.

Mr. Chappelle asked Mr. Ungerman to state the number of homeless that would be served in the center. He replied that there would be from 100 to 400 people receiving the services.

Mr. Chappelle asked where the entrance to the facility will be located and Mr. Ungerman answered that ingress and egress will be from the west.

Mr. Chappelle inquired as to the length of the lease on the building and Mr. Ungerman informed that his organization is planning a 7 year lease that is renewed each year.

Interested Parties:
Bill Fountain, 2229 South Rockford, Tulsa, Oklahoma, President of Downtown Tulsa Unlimited, stated that he would encourage that the need be met for the homeless of Tulsa. He suggested that the entrance to the facility be on the west side, that there would be screening for the building and that future development of land use that pertains to social needs be addressed.

11.07.85:451(19)
Case No. 13829 (continued)

Protestants:

Bill Conley, 5200 North Lewis, Tulsa, Oklahoma, stated that his family has owned property in the area since 1931 and that he is opposed to the location of the center. He informed that the Salvation Army center has brought vagrants and homeless to the area and that they sleep outside in the neighborhood. Mr. Conley stated that the location of another facility for the homeless will further destroy the land value.

J. D. Smith, 116 Southwest 43rd Avenue, Tulsa, Oklahoma, represented the Beatrice Company which is located across the street from the subject property. He explained that the Salvation Army has drawn a large influx of vagrants and does not want to increase the problem by another similar facility. Mr. Smith pointed out that the Beatrice Company has been in the area since 1926, has an investment of 14 million dollars, employs 200 people, pays the City of Tulsa 53 thousand dollars in annual taxes and is the 11th largest user of the city services. He noted that vagrants have to be moved away from the door of his office each morning in order to gain access to the building, and that it is necessary to have female employees escorted to their cars after working hours. Mr. Smith informed that security guards have been attacked by the transients and theft has increased considerably since the Salvation Army facility has opened.

Jean Cobb, 9168 East 37th Court, Tulsa, Oklahoma, stated that she owns the 4-plex and a house that abutts the subject property, which houses the working poor people. She explained that she has seen an increased problem renting her property since there are so many transients in the area, and can only anticipate a further decline in property value if more vagrants are attracted to the area.

Frenchie Loving, 432 South 51st West Avenue, Tulsa, Oklahoma, represented the West of Main Improvement Association, and urged the Board to deny the request for the center. She noted that the subject center is in an area that is marked for revitalization and feels that it would be a detriment to that program. Ms. Loving noted that Moulder Oldham has recently renovated their building and vagrants are sleeping all around this business. She suggested that the Tribune Building is available and would be an alternative for this use.

Leroy Everett, 310 South 43rd West Avenue, Tulsa, Oklahoma, represented the residents in District 10 and stated that he is against the location of the center for the homeless on the west side of Tulsa. Mr. Everett stated that the people in his community have been abused and already have a penal system on that side of the city.

Jim Vincent, 125 North Denver, Tulsa, Oklahoma, informed that he has had a DX Station at this location for 40 years and feels that there is a high concentration of thieves in the area. He asked the Board
to deny the application for another facility that would draw more people of this caliber to the district.

Comments and Questions:

Ms. White asked Mr. Unger an how many employees and volunteers would be at the center. He informed that they are planning to have between 2 and 4 individuals at the center (2 employees and 2 volunteers) in the beginning.

Ms. Wilson asked if the center will have a guard and Mr. Unger stated that he is not sure, but feels that the police could observe the area better if a fence is not installed.

Mr. Chappelle asked if the 4 people overseeing the center will be based on each 100 people using their services and if the number will be increased with the number served. Mr. Unger answered in the affirmative.

Mr. Unger explained that his organization is attempting to deal with the existing problem and not increase the problem, but rather, decrease it. He noted that the John 3:16 building was considered for the project, but is only available for 1 year, and the layout is not feasible.

Ms. Wilson suggested that the need of the people has not been met and asked Mr. Unger how the organization intends to keep the people inside the building and off the street. He explained that there are several facilities that supply the night time needs of the homeless and noted that the cold weather will drive them inside if a place is available during the day.

Mr. Chappelle stated a concern with the 5 year time period asked for by the applicant. Mr. Unger informed that an approval for less than 5 years would not be feasible because of the costs for renovation of the existing building.

Ms. Battley stated that she is concerned with approving the use for 5 years since the City may have a project planned to deal with the homeless. Mr. Unger pointed out that City action may be in the distant future.

Ms. Wilson informed that she, too, is concerned with the long term approval for the project.

Board Action:
On MOTION of WHITE and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - 11.07.65:451(21))
Case No. 13829 (continued)

Use Unit 1205 - Community Services, Cultural and Recreation Facilities - Under the Provision of Section 1680.1A) to allow for the use of approximately 4,000 sq. ft. in an existing building as a center for the homeless of the City of Tulsa; subject to the entrance being on the west side of the building; subject to the hours of operation be from 7:30 a.m. to 5:00 p.m.; and subject to service be limited to a maximum of 400 persons; on the following described property:

S/2 of Lot 2, all of Lot 3, Block 32, Original Town, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13830

Action Requested:
Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Under Provisions of Section 1670 Variances - Request for a variance of the required 95' setback from the centerline of 21st Street to 45.5' and from 85' to 65' from the centerline of Peoria to allow for construction of a residence, located on the SW/c of 21st Street and Peoria.

Presentation:
The applicant, John Walton, 2101 South Madison, Tulsa, Oklahoma, explained that a variance was applied for and approved in 1979 by the previous owner. Mr. Walton informed that he bought the lot in 1981 and was not aware that the variance was granted for a period of 3 years only. He stated that he plans construction on the lot within the next year and asked the Board to grant another approval.

Comments and Questions:
Mr. Gardner asked the applicant how close the structure would be to the west, and voiced a concern that if the intersection is widened, the proposed building on the corner lot might be too close to that structure. He replied that he does not have plans to submit at this time, but he will not construct the new building closer to 21st Street than the home to the west.

Protestants: None.

Board Action:
On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under Provisions of Section 1670 Variances) of the required 95' setback from the centerline of 21st Street to 45.5' and from 85' to 65' from the centerline of Peoria to allow for construction of a residence; subject to the proposed building being lined up with adjoining home to the west; on the following described property:

11.07.85:451(22)
Case No. 15357

Action Requested:

Special exception to permit use of approximately 4000 sq ft in an existing building as a center for the homeless of the City of Tulsa without limitation as to hours of operation - Section 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 5, located NW/c Denver and Brady Streets.

Presentation:

The applicant, Tulsa Metropolitan Ministries, Inc., was represented by Maynard Ungerman, PO Box 701917, Tulsa, Oklahoma, who explained that the organization was previously granted permission to operate a center for the homeless from 7:30 a.m. to 7:30 p.m., at the above stated location. He pointed out that there is a severe need for a night shelter, and requested that the hours of operation be lengthened to include the nighttime hours, 7:30 p.m. to 7:30 a.m. Mr. Ungerman noted that a similar around-the-clock facility is operating in Oklahoma City.

Protestants:

Les Pearce, Trust Company of Oklahoma, 5727 South Lewis Avenue, Tulsa, Oklahoma, stated that the trust company is a service agent for the owners of adjacent property belonging to Moulder-Oldham. He referred to a portion of a letter (Exhibit F-1) he submitted to the Board, which requested that, if approved, precautions be taken to provide 24-hour security on the subject property, sanitation facilities be provided, an overhead sprinkler system be installed in the building and the approval be temporary.

Comments and Questions:

In response to Ms. Bradley, Mr. Gardner advised that the difference between the Salvation Army and the Tulsa Metropolitan Ministries is the fact that that one is a 24-hour facility and one is limited to daytime use only. He pointed out that some of the requests made by Mr. Pearce could be satisfied if the operation is expanded to include nighttime use and conditions are imposed.

There was discussion as to the length of time the ministry might be at this location, and Mr. Ungerman informed that they have a three year lease and no immediate plans to move from this location.

Ms. Bradley asked if the center will be staffed during the nighttime hours, and Mr. Ungerman replied that there will be two employees present at all times during the night.

Arnold Lucas, 4167 East 47th Place, Tulsa, Oklahoma, stated that he is involved in the ownership of the property adjacent to the day care center. He voiced a concern with the fire hazard that overnight use of the facility might cause, since their warehouses and very close to the center.
Case No. 15357 (continued)

Board Action:
On MOTION of BRADLEY, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception to permit use of approximately 4000 sq ft in an existing building as a center for the homeless of the City of Tulsa without limitation as to hours of operation - Section 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 5; subject to staff being on the premises at all times; finding that there is a similar facility operating in the area, and approval of the special exception request will not be detrimental to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

The S/2 of Lot 2, and all of Lot 3, Block 32, Original Town Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15358

Action Requested:
Variance of the 35' maximum structure height to 42' to permit construction of multi-family - Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 8, located east side of Riverside Drive, south of East 66th Place.

Presentation:
The applicant, Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma, stated that the application in question was approved by the Board in 1986, but the approval has now expired, due to a three-year time lapse. He informed that the application has not changed, and asked the Board to grant a second approval. A site plan (Exhibit M-I) was submitted.

Comments and Questions:
It was the consensus of the Board that the present application and the one previously approved are identical.

Board Action:
On MOTION of CHAPPELLE, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance of the 35' maximum structure height to 42' to permit construction of multi-family - Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 8; per site plan submitted; finding that there are buildings with similar elevations in the immediate vicinity; and finding that the identical application was approved approximately three years ago but, due to the economy, was not utilized during the three-year approval period; on the following described property:

A part of Government Lot 7, and all of Lots 4, 5, 6, 7, 8, 9 and 10, Block 1, Raintree 11 Amended, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, all located entirely within Section 1, T-18-N, R-12-E, Tulsa County, Oklahoma, being more particularly described as follows, to wit:

1.18.90:555(17)
CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 651
Tuesday, February 22, 1994, 1:00 p.m.
Francis F. Campbell, City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT
Bolzle
Doverspike, Chairman
S. White
T. White

MEMBERS ABSENT
Chappelle

STAFF PRESENT
Gardner
Moore
Russell

OTHERS PRESENT
Jackere, Legal

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, February 18, 1994, at 3:55 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doverspike called the meeting to order at 1:00 p.m.

MINUTES:

On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye", no "nays", no "abstentions"; Chappelle, "absent") to APPROVE the Minutes of February 8, 1994 (No. 650).

UNFINISHED BUSINESS

Case No. 16534

Action Requested:
Special Exception to permit a community based correctional center and private jail facility - SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS - Use Unit 2, located 300 West Archer.

Presentation:
The applicant, Robert Traband, 5550 South Lewis, Suite 308, was represented by John Moody, 6846 South Canton. Mr. Moody advised that his client, Avalon Community Services, Inc., is not requesting the operation of a private jail, and asked that this portion of the application be withdrawn. He informed that approval of a community based adult correctional facility (Exhibit A-1) is requested. Mr. Moody stated that his client purchased the property several years ago, anticipating that the land could be redeveloped in the future; however, the location of the Salvation Army facility and the day center for the homeless have made the property less desirable for the proposed redevelopment. He pointed out that the District 1 Plan designates this area as being the most appropriate part of the CBD for this type of use. Mr. Moody stated that his client has met with the neighborhood, and the interested parties were invited to tour a similar facility currently operating in Oklahoma City. He noted that the old building will be replaced with a new metal structure, with brick panels on the portion of the building along street frontages, and landscaping will be installed. Mr. Moody informed that the proposed 280-bed facility will contain 39,000 sq ft of floor space, with 64 parking spaces provided. He noted that the residents will not be permitted to have private vehicles, and the 64 spaces will adequately serve visitors and staff. A packet (Exhibit A-2) containing an area map, information sheet, petition and
Case No. 16534 (continued)

letters of support and photographs was submitted. Mr. Moody stated that his client is amenable to installing additional trees along Denver Avenue.

Jerry Sunderland, 529 Northwest 141st Street, Edmond, Oklahoma, stated that he is vice-president of Avalon, and explained that the company contracts with the Oklahoma Department of Corrections for housing work center and half-way house inmates.

Comments and Questions:
Mr. Doverspike inquired as to the qualifications of prospective residents of the facility, and Mr. Sunderland replied that the history of each inmate is reviewed and they reserve the right to reject an individual.

In reply to Mr. Doverspike, Mr. Sunderland stated that the facility will house state and federal inmates.

Walt Deboe, 616 West Forest Drive, Mustang, Oklahoma, advised that the inmates customarily sent to a community level half-way house are those individuals that have not been convicted of sex crimes or dealing in drugs. He pointed out that community level security is the lowest level of security before an inmate is released, and these individuals work in the community and are not a threat to the public. Mr. Deboe stated that similar facilities in other locations have been a positive part of the neighborhood.

Mr. Bolzle asked if Avalon is purchasing the property in question, and Mr. Deboe answered in the affirmative.

Mr. Doverspike asked if the inmates will have the liberty to leave the facility, and Mr. Deboe stated that they will work in the community. He stated that they are permitted to have visitors, and visitation is determined by the Oklahoma Department of Corrections. Mr. Deboe stated that visiting hours are customarily in the day time or early evening.

In reply to Mr. Doverspike, Mr. Deboe stated that the center will have approximately 45 employees.

Mr. Bolzle inquired as to the type of security proposed, and Mr. Deboe stated that the premises will be patrolled.

Mr. White asked if the inmates are permitted to jog in the neighborhood around the complex, and Mr. Deboe stated that the activities of the inmates are closely monitored and they would not be permitted to go into the residential neighborhood.

In regard to transportation, Mr. Deboe advised Mr. Doverspike that some inmates are delivered to their jobs in the company van, and others carpool or use public transportation.

Additional Comments:
Mr. Doverspike asked Mr. Moody if he would be amenable to submitting a new site plan outlining the landscaping and exterior material proposed for the new building, and he answered in the affirmative.

Interested Parties:
Bonnie Hutchinson, 206 North Frisco, stated that she toured the Avalon facility in Oklahoma City and is supportive of the application. She noted that the residents living near the center were complimentary of the operation.
Case No. 16534 (continued)

Sylvia Tuers, 216 North Quannah, represented the Tulsa Metropolitan Ministries, and stated that this organization is supportive of the project.

Dave King, 245 West 12th Street, executive director of Freedom Ranch, advised that changes are proposed for the Zoning Code, and that he has requested that an area of Tulsa be designated for this type of use by right. Mr. King pointed out that the Board has always been concerned with clustering, and noted that the intended use will be across the street from the Salvation Army facility, which currently operates a convict pre-release center for the U. S. Bureau of Prisons.

Jim Norton, Downtown Tulsa Unlimited, 201 West 5th Street, and chairmain for Planning District 1, stated that the point of the issue concerning the proposed Zoning Code changes previously mentioned by Mr. King, is to bring the uses before the Board and not have them a use by right throughout the City. He stated that the withdrawal of the jail portion of the application is positive, and noted that additional landscaping along Denver is important to the area. Mr. Norton asked that the Board approve the application.

Applicant's Rebuttal:

Mr. Deboe advised that murderers, sex offenders or drug dealers will not be housed at the facility, if these offenses are mentioned in the criminal history of the individual.

Mr. Doverspike asked if the same type of restrictions will apply to state and federal prisoners, and Mr. Deboe answered in the affirmative.

Ms. White inquired as to visiting hours for the inmates, and Mr. Deboe stated that the inmates are divided into groups for visiting. He informed that visitors are permitted five evenings during the week and two sessions on Saturday and Sunday during the day. He added that many inmates go home for the weekend, and the 64 provided parking spaces will be sufficient for visitors and staff.

Mr. Doverspike asked Mr. Deboe if he would be amenable to limiting the total number of inmates receiving visitors at any given time to 50, and he replied that this requirement would not pose a problem.

Mr. Doverspike noted that clustering is a factor that is considered in each case of this nature; however, this use at the proposed location will not be injurious to the neighborhood.

Board Action:

On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White "aye", no "nays", no "abstentions"; Chappelle, "absent") to APPROVE a Special Exception to permit an adult community based correctional center; and to WITHDRAW a request for a private jail facility, and to CONTINUE the balance of the application to March 8, 1994 - SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS - Use Unit 2; subject to a maximum of 285 beds; subject to no more than 50 inmates receiving visitors at any given time; subject to no murderers, sex offenders or drug dealers being housed on the premises; subject to the applicant returning with a revised detail site plan and landscape plan for Board review; finding the use to be compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property.

All of Block 63, Original Townsite of Tulsa, Tulsa County, Oklahoma.

02.22.94.651(3) 17:30
Mr. Van De Wiele asked Mr. Davis in what direction the water flowed in that area. Mr. Davis stated the water flows southward. Mr. Davis stated that when it rains there is a quarter section of water that flows down the creek from a retention pond at 116th Street. He not only has to fight the creek on a daily basis and now there will be water coming from the other side too. Mr. Davis thinks Stormwater Management should attend the meeting before the Board makes a decision to approve the request.

Ms. Miller stated that it is important to note, especially for the neighbor, the change regarding driveway width is actually going to City Council next month and this will impact the situation. Ms. Moye looked at the PUD and she wrote in the staff report that this request is allowed by the PUD. The Code change would defer to the approval in the PUD so in a month or so this request will be allowed because the PUD allows it versus imposing another set of standards.

Mr. Van De Wiele stated that Stormwater Management should address the stormwater issue during the permitting process. Ms. Miller confirmed that.

Mr. Davis stated that Stormwater Management in the PUD mandated that all gutter drains were to flow into the 100 year storm drain and that is not happening. Mr. Van De Wiele stated that may something that Mr. Davis should contact Code Enforcement or the Mayor's office.

Comments and Questions:
None.

Board Action:
On MOTION of WHITE, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to CONTINUE the request for a Special Exception to increase the maximum driveway width from 30 feet to 75 feet on the lot in the RS-1 District (Section 55.090-F3) to the Board of Adjustment meeting on December 13, 2016; for the following property:

LT 12 and 13, BLK 2, ESTATES OF RIVER OAKS AMD, THE RSB ESTATES OF RIVER OAKS, City of Tulsa, Tulsa County, State of Oklahoma

Action Requested:
Special Exception to allow a government service and juvenile detention/correctional facility in the IM District (Section 15.020); Special Exception to permit a juvenile detention/correctional facility to be located within 2,640 feet of a homeless center and other detention/correctional facilities (Section 40.130-B); Variance to reduce the required building setback to 0 feet from North Elwood Avenue West and West Archer Street North (Section 15.030). LOCATION: 10 North Elwood Avenue West (CD 4)
Ms. Back recused and left the meeting at 2:28 P.M.

Presentation:
Lou Reynolds, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated he represents the Tulsa County Board of County Commissioners. This project is called the Family and Juvenile Justice System. It is a court house and it will be located on approximately six and a half acres in an IM zoned district which is unusual downtown. Located south of the subject project is the BOK Center and to the north is the County Jail. Also located in the area are the old Avalon Corrections Corporation of America Pre-release Center, the Salvation Army, and the Day Center for the homeless. The project will be located between the railroad track and Archer Street with Elwood on the east and Guthrie Avenue on the west. This property has about 250,000 square feet of improvements as constructed starting in the 1930s. Mr. Reynolds had several pictures of the subject property placed on the overhead projector. The proposed building will be approximately 165,000 square feet and 110,000 square feet of the building will be court house. The District Attorney, the Public Defender and Court Appointed Special Advocates will have offices in the building. The use will be an extension of the County Court house. There is approximately 50,000 square feet will be the Juvenile Detention Center. Mr. Reynolds stated that he believes this project to be more of a court house than a detention center but that can be sorted out in the permitting process thus the reason for the Special Exception requests. Mr. Reynolds stated that he believes this is an office building and a betterment for the neighborhood. The building will be four stories tall with an entrance on Archer as the primary entrance. The parking complies with the Code and the parking area will have a wrought iron type fence around it. There will be large perimeter sidewalks with trees around it. The building will have a campus like setting. With respect to the detention center there will be three pods of 21 beds a piece. Tulsa Public Schools will be in the detention facility five days a week, six hours a day. This is not a correction institution. It is not incarceration.

Mr. Flanagan asked Mr. Reynolds if there would be barbed wire around the area. Mr. Reynolds stated there would not be any razor wire or anything like it, and there will be no symbols of incarceration. Mr. Reynolds stated there will be a decorative ten foot metal fence that cannot be seen through which will match the architecture of the building.

Mr. Reynolds stated that people misunderstand what the juvenile court system is about. It is not about punishment. It is not about sending any one to prison. It is not incarceration. It is solely in existence for protection while the court decides whether to send a child back to family or to place the child in foster care. This project needs to be located near public transportation and public transportation is very available in this area. The project will not increase any nonconformity in the area and there is no conflict of use with the adjacent properties. This project will improve the neighborhood. Mr. Reynolds stated that with respect to the Variance request the applicant would like to
locate the building as close as possible to Elwood and Archer. The hardship for that request is that the project is in the CBD zoning and inside the inner dispersal loop, and the Comprehensive Plan wants the building pushed to the property line where possible. The CBD zoning allows for this to be done also. The project is not an industrial use so the clearance from the building to the street is not needed.

**Interested Parties:**
There were interested parties present but no one wanted to speak.

**Comments and Questions:**
Mr. Van De Wiele stated that he believes this to be a good project because the juvenile court system is woefully under sized and working out of facilities that are shamefully outdated and undersized. This project is a good thing and it fits into the neighborhood. There are several social services in the area.

**Board Action:**
On MOTION of WHITE, the Board voted 3-0-1 (Flanagan, Van De Wiele, White “aye”; no “nays”; Back “abstaining”; Bond absent) to APPROVE the request for a Special Exception to allow a government service and juvenile detention/correctional facility in the IM District (Section 15.020); Special Exception to permit a juvenile detention/correctional facility to be located within 2,640 feet of a homeless center and other detention/correctional facilities (Section 40.130-B); Variance to reduce the required building setback to 0 feet from North Elwood Avenue West and West Archer Street North (Section 15.030), subject to conceptual plan submitted today tagged 13.35. The Board has found that this is a facility that has long been needed and long past due. The Board finds 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. The hardship for the Variance is the fact that the zero setback will be workable in so far as there is no vehicular industrial traffic coming from the buildings out onto the street, therefore, the buildings can be fronting on the street itself. The Board determines 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;
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

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; for the following property:

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, Block 64, ORIGINAL TOWN, NOW CITY OF TULSA, Tulsa County, Oklahoma, according to the Official Plat thereof.

AND

The Twenty (20) foot alley running through Block 64, ORIGINAL TOWN, NOW CITY OF TULSA, Tulsa County, Oklahoma, according to the Official Plat thereof.

AND

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, Block 65, ORIGINAL TOWN, NOW CITY OF TULSA, Tulsa County, Oklahoma, according to the Official Plat thereof, LESS AND EXCEPT a part of said Lot 11, more particularly described as:

Beginning at a point which is the Northwest corner of said Lot 11; thence South along the West boundary line of said Lot 11 a distance of Sixty-five (65) feet; thence Northeasterly to a point on the North line of said Lot 11, which said point is One Hundred Twelve (112) feet from the Point of Beginning; thence West a distance of One Hundred Twelve (112) feet to the Point of Beginning.

AND

The Twenty (20) foot closed alley running through Block 65, ORIGINAL TOWN, NOW CITY OF TULSA, Tulsa County, Oklahoma, according to the Official Plat thereof, City of Tulsa, Tulsa County, State of Oklahoma

Ms. Back re-entered the meeting at 2:42 P.M.

22158—John Moody

**Action Requested:**
Variance to allow a projecting sign to exceed the maximum allowable height to permit a sign 60 feet above grade with a 31 foot setback from the center line of West 4th Street South and South Boulder Avenue West (Section 60.080-D).

**Location:** 406 South Boulder Avenue West (CD 4)

**Presentation:**
The applicant was not present. Mr. Van De Wiele moved the case to the end of the agenda.

**Interested Parties:**
There were no interested parties present.
Subject Tract
BOA-22748
19-12 02

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: February 2018
APPLICATION NO: BLDC-31965-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 415 W. Archer Street
Description: Tulsa Day Center/Homeless Center/Additions and Site Alterations

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 FE. 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. 31965-2019  
415 W. Archer Street 
August 23, 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 15.020 Special Exception: 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.

Review Comment: Based on BOA case 16211 reviewed 12/8/1992 the existing Homeless Center was approved by special exception per amended site plan with additional conditions subject to occupants remaining at 400 during the day and 65 at night in an Industrial zoning district. Due to a zoning change to CBD the current use, proposed additions and site alterations require a special exception from the City of Tulsa BOA.

2.) Section 40.130: Dispersal Standards for Specified Land Uses: The supplemental use regulations of this section apply to all detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living center uses. To avoid over-concentration, all detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living center uses must be separated from one another by a minimum distance of 2,640 feet, as measured in a straight line from the nearest point on the lot line of the property occupied by one of these uses to the nearest point on a lot by one of the subject uses (see Figure 40-6). The separation distance requirements of this subsection may be reduced if approved through the special exception approval process.

Review Comment: Provide a spacing acceptance for the proposed Homeless Center in compliance with the above requirements. If you cannot meet the separation distance you may pursue a special exception from the City of Tulsa BOA to modify the dispersal standard distance.

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.

17.40