

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, October 8, 2019, 1:00 P.M.

Meeting No. 1238

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of September 24, 2019 (Meeting No. 1237).

UNFINISHED BUSINESS

2. **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)**
3. **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)**
4. **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)**

NEW APPLICATIONS

5. **22749—Magic Leaf, LLC**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
LOCATION: 4210 East 11th Street South **(CD 4)**

6. 22750—Raul Reyes

Special Exception to permit a manufactured home in a RS-3/AG District (Section 5.020, Table 5-2 and Section 25.020, Table 25-1.5); Special Exception to extend the one year time limit for a manufactured home to 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 SW/c of East 46th Street North and North Lewis Avenue East **(CD 1)**

7. 22751—Nathan Cross

Special Exception to allow a High-Impact Medical Marijuana Processing Facility in an IM (Industrial-Moderate) District (Section 15.020, Table 15-2). **LOCATION:** 1315 North Utica Avenue East **(CD 1)**

8. 22752—Lester Shaw

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 1511 East Apache Street North **(CD 1)**

9. 22753—Larry McCool

Variance of the allowable square footage for detached accessory buildings in the RS-1 District (Section 45.030); Special Exception to exceed the allowable driveway width in the right-of-way and in the street yard (Section 55.090-F.3). **LOCATION:** 9402 East 16th Street South **(CD 5)**

10. 22754—Anthony A. Spandrio

Special Exception to permit a Bed and Breakfast use in an RM-2 District (Section 5.020, Table 5-2), **LOCATION:** 1120 South Xanthus Street East **(CD 4)**

11. 22755—918 Elevate

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 2828 East 91st Street South **(CD 2)**

12. 22756—Frank Stewart

Variance of the setback to allow a canopy structure in the right-of-way along Peoria Avenue.(Section 90.090). **LOCATION:** 3739 South Peoria Avenue East **(CD 9)**

13. 22757—Michael Sager

Variance to reduce the required 10-foot street setback in an IM District (Section 15.030, Table 15-3). **LOCATION:** 302 South Peoria Avenue East **(CD 4)**

14. 22758—Eller & Detrich – Lou Reynolds

Special Exception to permit three households on a single lot; Special Exception to permit a multi-unit house/triplex in the RS-5 District (Section 5.020, Table 5-2 and Section 5.020-G, Table 5-2.5). **LOCATION:** 156 North Union Avenue West (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.

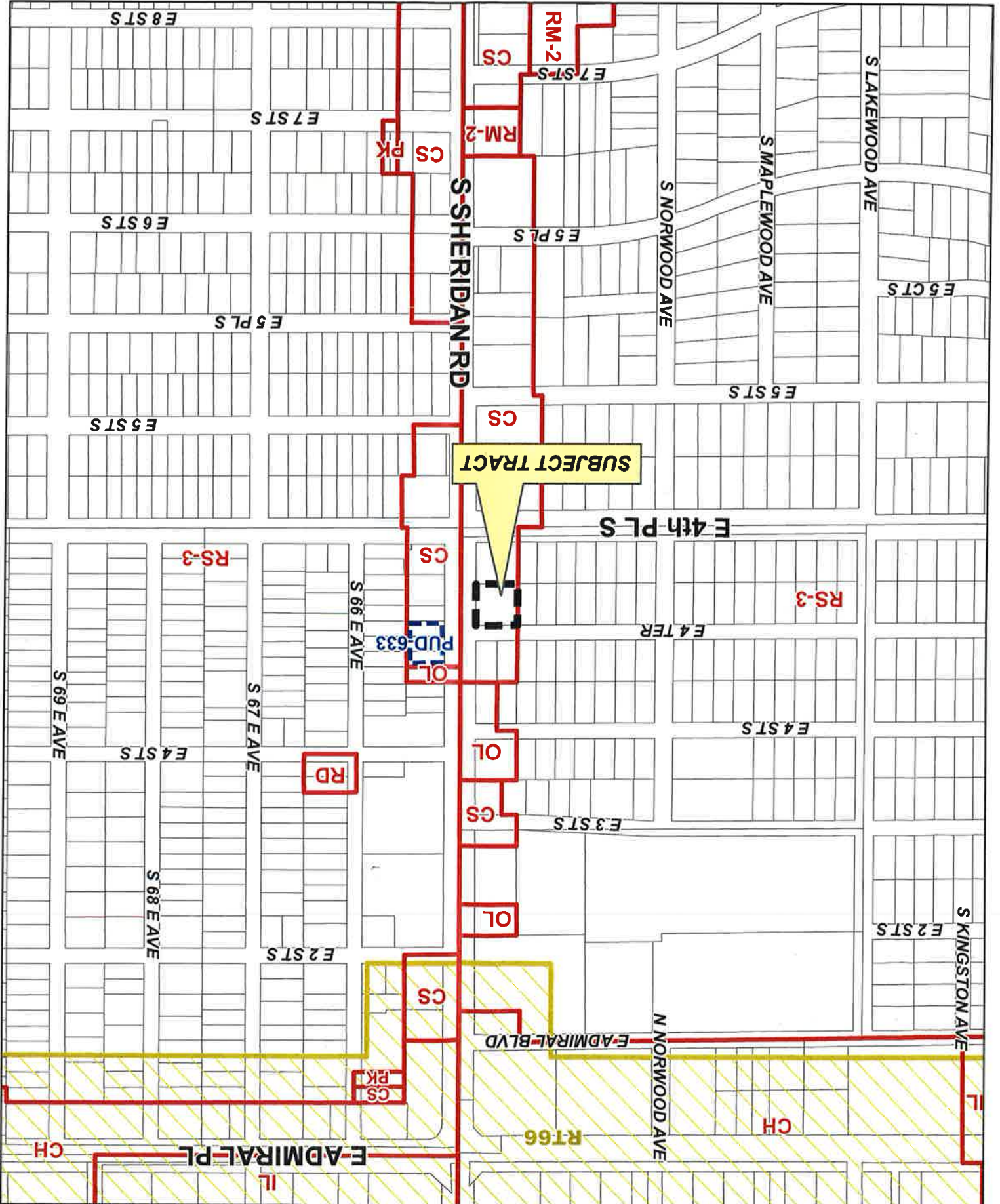
NOTE: This agenda is for informational purposes only and is not an official posting. Please contact the Tulsa Planning Office at (918) 584-7526 if you require an official posted agenda.



19-13 03

BOA-22740

8.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9303

Case Number: BOA-22740

CZM: 38

CD: 5

HEARING DATE: 10/08/2019 1:00 PM (Continued from 9/24/2019 to re-notice)

APPLICANT: Anthony Rodriguez

ACTION REQUESTED: Verification 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: CS

PRESENT USE: Vacant

TRACT SIZE: 17702.86 SQ FT

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

RELEVANT PREVIOUS ACTIONS: None

ANALYSIS OF SURROUNDING AREA: The subject tract is an existing CS zoned Tract and the former site of Harden's Hamburger Restaurant.

STAFF COMMENTS: The applicant is requesting Verification of the 1,000 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.

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.

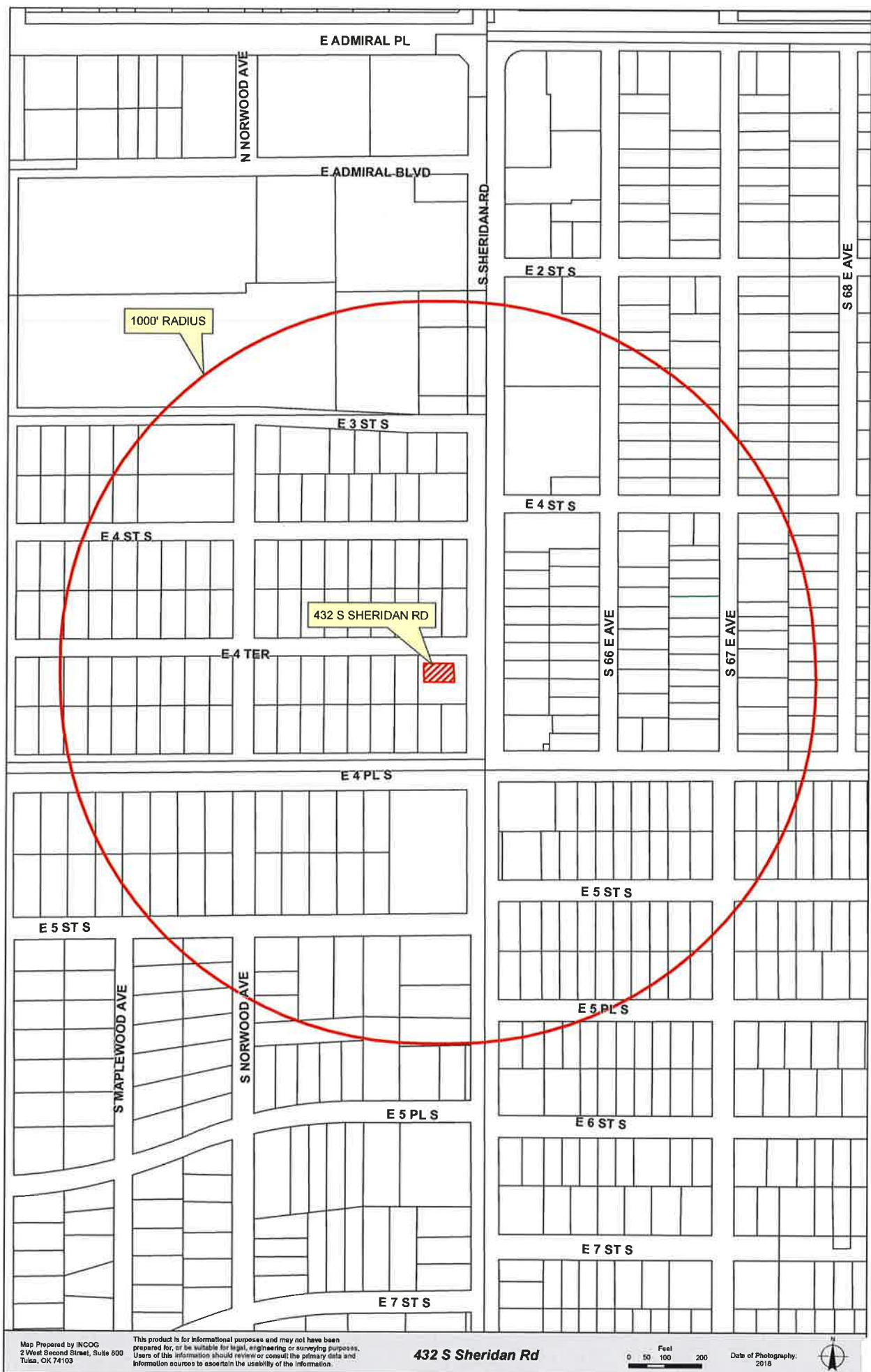
40.225-I The separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D 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 presented an exhibit with a circle drawn around their location and listing no dispensaries within that 1,000 ft. The nearest dispensary was shown on a separate exhibit described as Route 66 Dispensary located at 6305 E. 11th Street located 2,754 ft South of the subject property.

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.

2.2





Facing North on Sheridan



Facing South on Sheridan



Subject property

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

August 13, 2019

Anthony Rodriguez
9526 E 99 ST
Tulsa, OK 74133

Phone:

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) 584-7526.
4. A COPY OF A "RECORD SEARCH" **[X] IS [] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

2.6

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

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

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

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

END – ZONING CODE REVIEW

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

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



Map Prepared by INCOG
2 West Capitol Street, Suite 800
Tulsa, OK 74103

This product is for informational purposes and may not have been
prepared for, or be suitable for legal, engineering or surveying purposes.
Users of this information should review or consult the primary data and
information sources to ascertain the usability of the information.

432 S Sheridan Rd

Feet
0 50 100 200

Date of Photography:
2018



2.8

State of Oklahoma

License Certificate

NON - TRANSFERABLE

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

07/02/2020

LICENSE NUMBER:

DAAA-VYD5-7RKD



Tom Bates

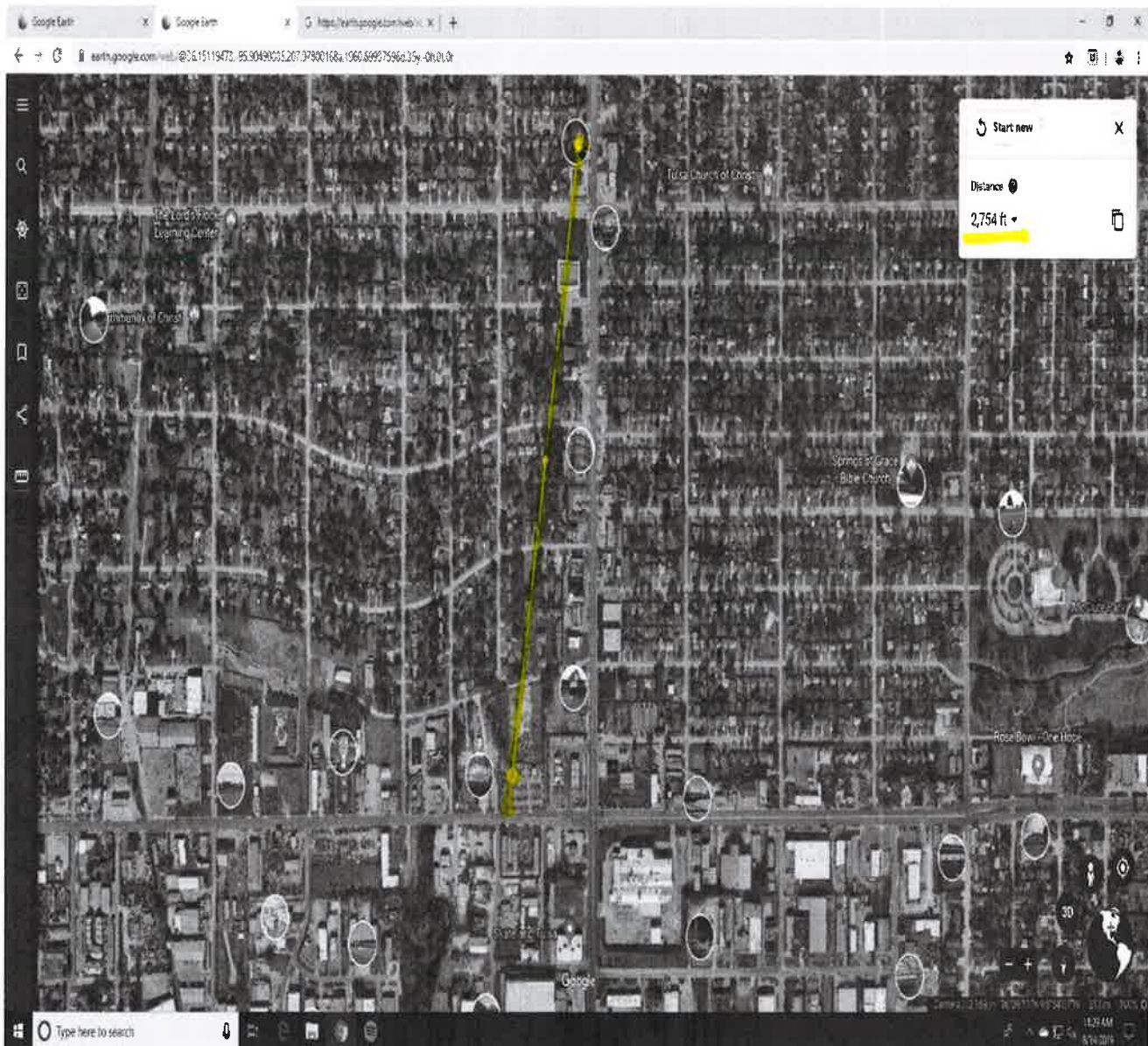
TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health

DO NOT COPY

2.9

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.





0 Feet 200 400



Subject
Tract

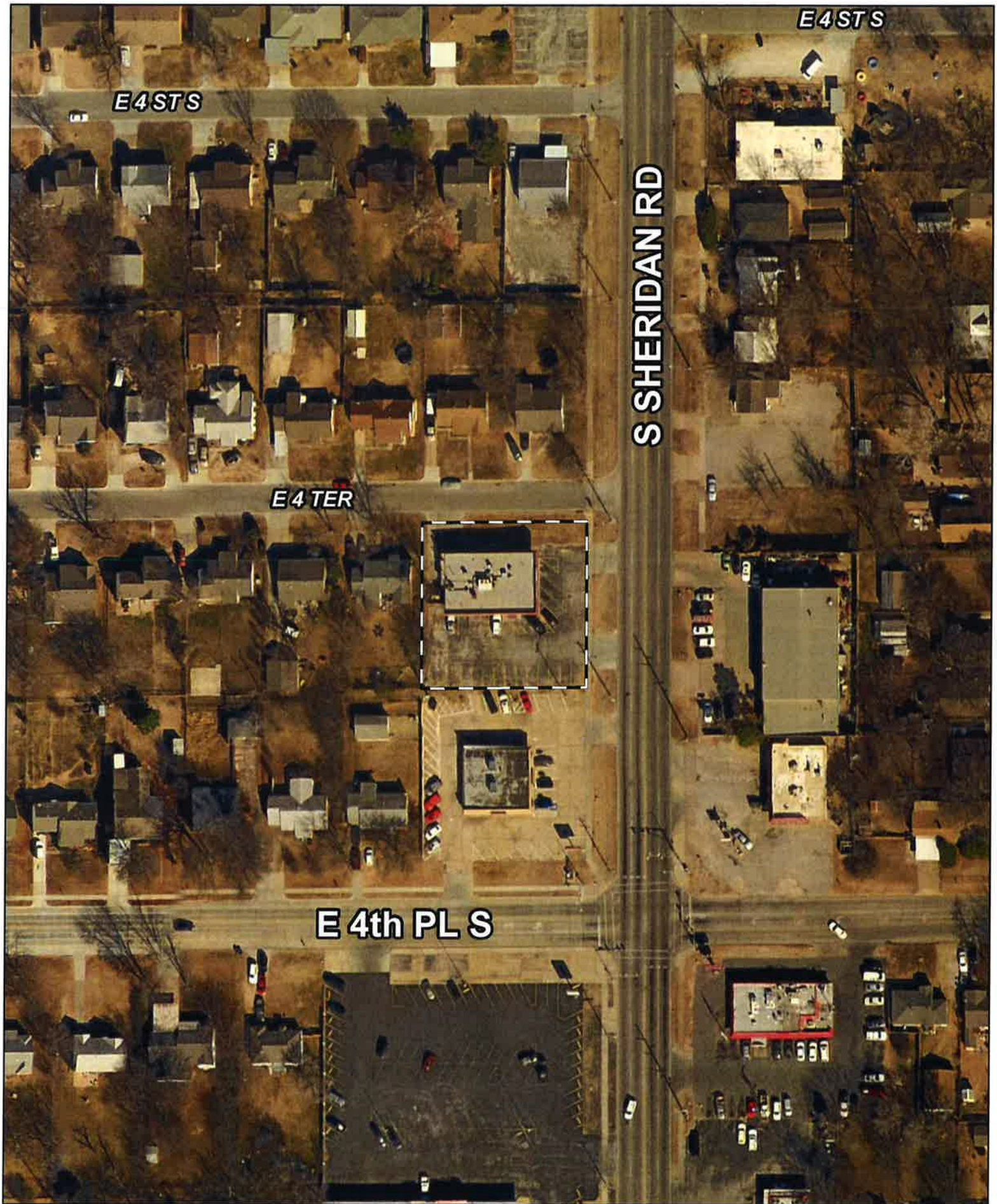
BOA-22740

19-13 03

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

Aerial Photo Date: February 2018

N
2.11



E4STS

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S SHERIDAN RD

E4TER

E 4th PL S

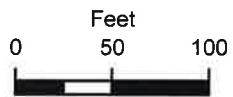
BOA-22740

19-13 03

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

Aerial Photo Date: February 2018

2.12



Subject
Tract



Chapman, Austin

From: Chapman, Austin
Sent: Monday, September 16, 2019 7:57 AM
To: Rick West; esubmit
Subject: RE: BOA-22740

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



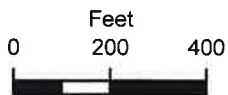
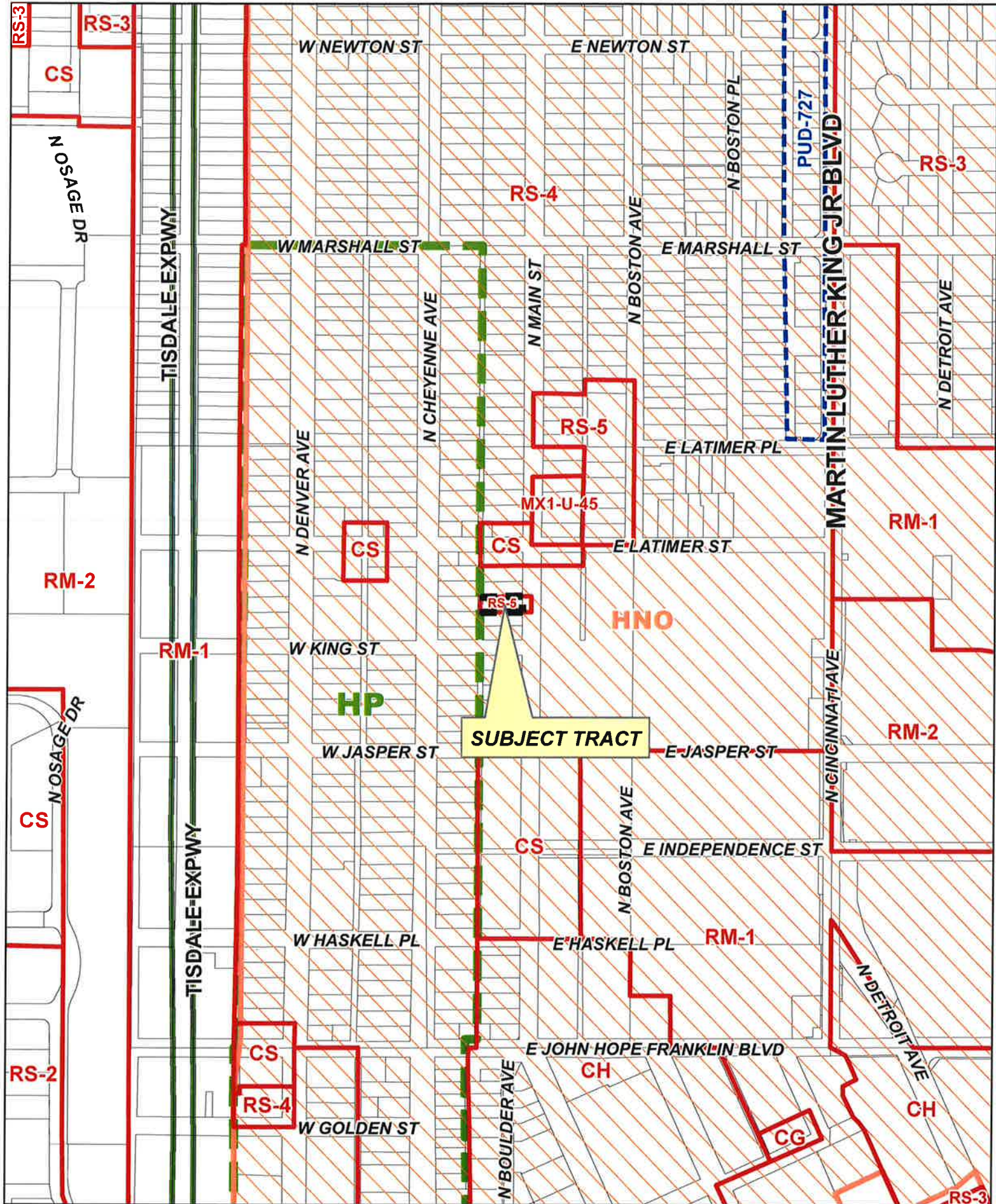
Determining compliance to zoning or building code requirements is not a function of this office.
The Building Permits Division will address compliance upon application for a building permit or occupancy permit.
{(918) 596-9456}

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. I looks to be less then 1000 ft.

Thanks

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BOA-22745

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20-12 35



BOARD OF ADJUSTMENT CASE REPORT

STR: 157 Case Number: **BOA-22745**

CZM: 28

CD: 1

HEARING DATE: 10/08/2019 1:00 PM (Continued from 9/24/2019, applicant not present)

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 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: Th 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)

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

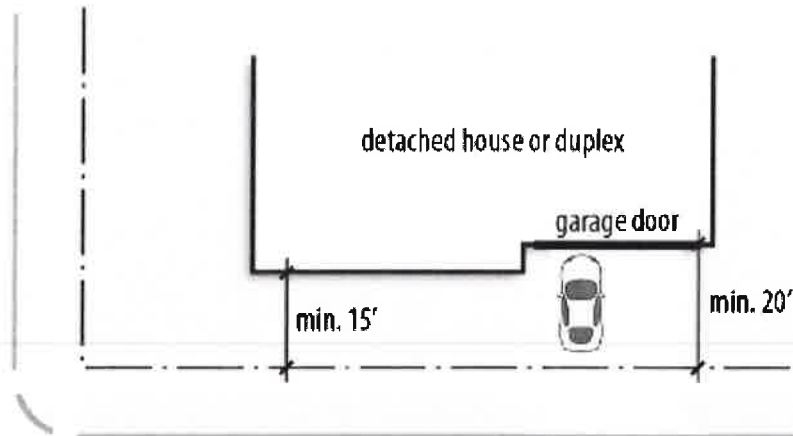
USE CATEGORY															Supplemental Regulations
Subcategory	RE	RS-					RD	RT	RM-				RMH		
Specific Uses		1	2	3	4	5			0	1	2	3			
Building Type															
RESIDENTIAL															
Household Living															
Single household															
Detached house	P	P	P	P	P	P	P	P	P	P	P	P	P	S	
Patio House	-	-	-	P	P	P	P	P	P	P	P	P	P	-	Section 40.290
Townhouse															
2-unit townhouse	-	-	-	S	S	P	P	P	P	P	P	P	P	-	Section 40.390
3+-unit townhouse	-	-	-	-	-	-	-	P	P	P	P	P	P	-	Section 40.390
Manufactured housing unit	S	S	S	S	S	S	S	S	S	S	S	S	S	P	Section 40.210
Manufactured housing subdivision	-	-	-	-	-	-	-	-	-	-	-	-	-	P	Section 40.220
Mobile home	-	-	-	-	-	-	-	-	-	-	-	-	-	P	Section 40.240
Mixed-use building	-	-	-	-	-	-	-	-	-	S	S	S	S	-	
Vertical mixed-use building	-	-	-	-	-	-	-	-	-	S	S	S	S	-	
Two households on single lot															
Duplex	-	-	-	S	S	S	P	P	P	P	P	P	P	-	

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.

Figure 5-1: Street Side Setback on Corner Lots



[4] Uses requiring special exception approval in R zoning districts require minimum 25-foot building setback from R-zoned lots occupied by residential uses.

Table 55-1: Minimum Motor Vehicle Parking Ratios

USE CATEGORY	Measurement (spaces per)	CBD District	CH District and MX District	All Other Districts and PI Overlay [1]	Additional requirements/notes
Subcategory					
Specific use					
[1] See Section 20.040 for information on PI Overlay					
RESIDENTIAL					
Household Living					
Detached house	dwelling unit	0.00	1.00	2.00	
Townhouse	dwelling unit	0.00	1.00	2.00	
Duplex	dwelling unit	0.00	1.00	2.00	

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.

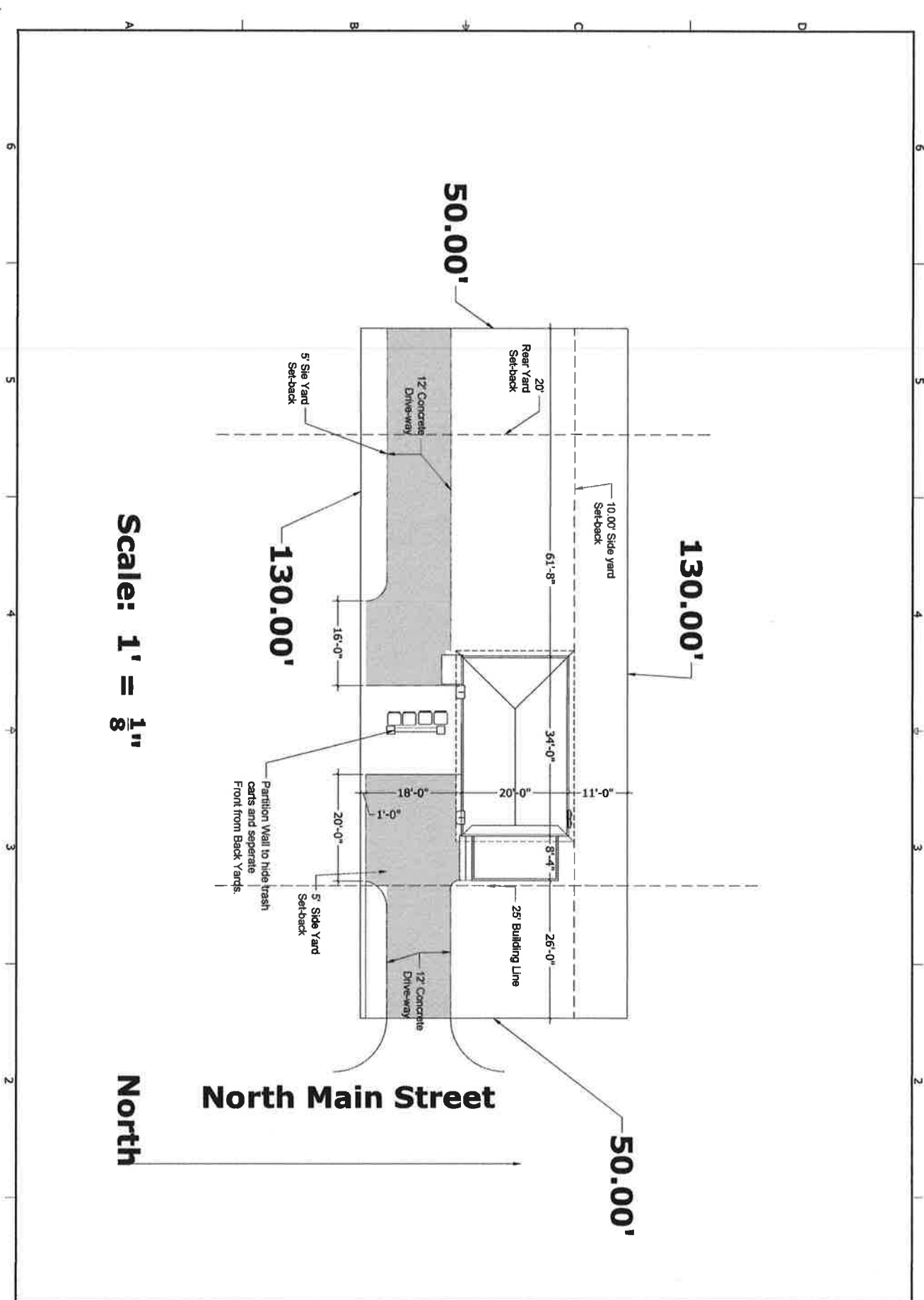
Variance Request

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."*



Sht. No.	Description	Client	Company	Rev.
S1	Site Plan	Higgins Homes	North Main Duplexes	0

3.6

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

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:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Main Street	Residential Collector	60 feet	2 plus on street parking on both sides

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-4	Existing Neighborhood	Stability	Detached Home
East	RS-4	Existing Neighborhood	Stability	Emerson Elementary
South	RS-4	Existing	Stability	Detached Home

06:05:19:2795(10)

		Neighborhood		
West	RS-4 with Brady Heights HP designation	Existing Neighborhood	Stability	Detached Home

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 5 feet 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.

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

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

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

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

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

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.

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

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.

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

G. E. Malone requests renewal of temporary nonconforming 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.

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

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 Davisson (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 (Davisson) 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 waiver 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 Davisson (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 Davisson (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 Davisson (Lashley) that this matter be set down for a public hearing.
All members voting yea. Carried.

3.15

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



0 Feet 200 400



Subject Tract

BOA-22745

20-12 35

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

Aerial Photo Date: February 2018

3.18





0 50 100
Feet



Subject
Tract

BOA-22745

20-12 35

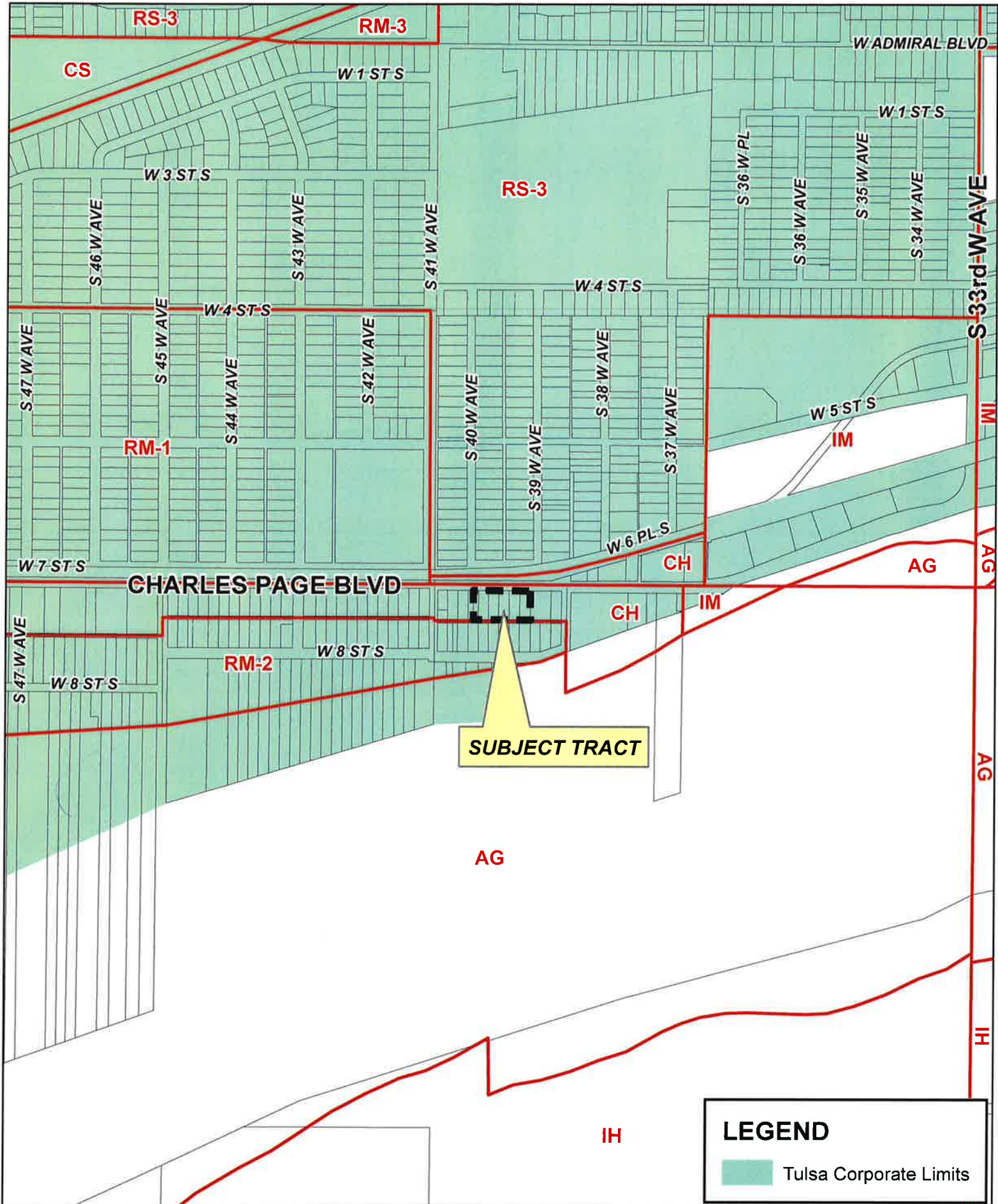
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018

3.19



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BOA-22746

19-12 09

LEGEND

Tulsa Corporate Limits



4.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9209

Case Number: **BOA-22746**

CZM: 35

CD: 1

HEARING DATE: 10/08/2019 1:00 PM (Continued from 09/24/2019 in order to re-notice with correct legal descriptions)

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; 3926 W CHARLES PAGE BV S; 3932 W CHARLES PAGE BV S; 3934 W CHARLES PAGE BV S

ZONED: CH

PRESENT USE: Former Fire Station

TRACT SIZE: 38498.49 SQ FT

LEGAL DESCRIPTION: LOT 4 BLK 1; LOT 5 BLK 1; LOT 6 BLK 1; LOT 7 BLK 1; LT 8 BLK 1; E. 1/2 OF LOT 9 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.

4.2

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).

Chapter 15 | Office, Commercial and Industrial Districts Section 15.020 | Use Regulations

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
COMMERCIAL												
Animal service												Section 40.020
Boarding or shelter	-	-	-	-	S	P	P	P	P	P	P	
Grooming	-	-	-	-	P	P	P	P	P	P	P	
Veterinary	-	-	-	-	P	P	P	P	P	P	P	
Assembly and Entertainment												Section 40.040
Indoor gun club	-	-	-	-	S	S	S	S	S	S	S	Section 40.040
Other indoor												
Small (up to 250-person capacity)	-	-	-	-	P[2]	P[2]	P[2]	P[2]	S	S	S	Section 40.040
Large (>250-person capacity)	-	-	-	-	S	S	S	S	S	S	S	Section 40.040
Outdoor gun club	-	-	-	-	S	S	S	-	S	S	S	Section 40.040
Other outdoor	-	-	-	-	S	S		S	S	S	S	Section 40.040
Broadcast or Recording Studio	P	P	P	P	P	P	P	P	P	P	P	
Commercial Service												Section 40.080

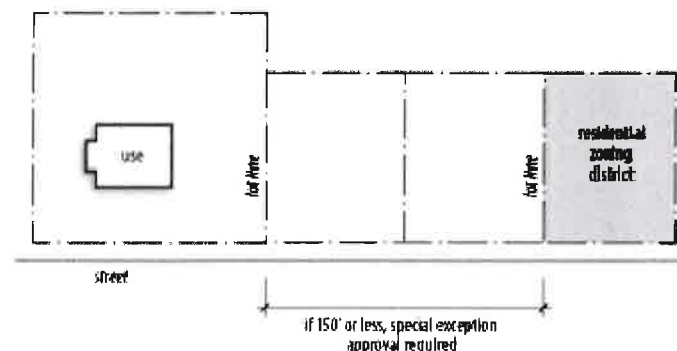
15.020-G Table Notes

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 OMH 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).

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



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.

KEYNOTES

- NOTE: NOT ALL KEYNOTES MAY BE USED ON THIS SHEET.
1. NEW STEEL SIGNAGE, RE: SAME
 2. NEW PARKING STRIPING
 3. NEW TRASH COMPSTER / PAD
 4. NEW SEATING TABLE, PROVIDED BY OWNER
 5. NEW LANDSCAPING, PROVIDED BY OWNER
 6. NEW CONCRETE CURB
 7. NEW CONCRETE PAVING
 8. EXISTING GAS METER
 9. EXISTING ADJACENT BUILDING STRUCTURE
 10. EXISTING WOOD FENCE
 11. EXISTING CHAIN LINK FENCE
 12. EXISTING LIGHT POLE
 13. EXISTING CONCRETE PAVING
 14. EXISTING TREE
 15. EXISTING FIRE HYDRANT
 16. EXISTING CONCRETE CURB
 17. NEW VERTICAL METAL SLAT FENCE 8'x4" HT, RE: SAME
 18. NEW VERTICAL METAL SLAT FENCE 8'x4" HT, RE: SAME
 19. NEW 5/8" HANDICAP PARKING STALL SIGN
 20. ACCESSIBLE RAMP (1:12 MAX. SLOPE)
 21. NEW 5/8" HANDICAP PARKING STALL SIGN
 22. NEW 5/8" HANDICAP PARKING STALL SIGN
 23. NEW HORIZONTAL METAL SLAT FENCE 8'x4" HT, RE: SAME
 24. NEW WHEEL STOP
 25. NEW CONCRETE JUMP
 26. EXISTING OFF-ROUTE PARKING, PROVIDED BY SAME OWNER
 27. NEW CONCRETE SIDEWALK
 28. EXISTING SIDEWALK TO REMAIN, PATCH AND REPAIR AS REQUIRED

GENERAL NOTES

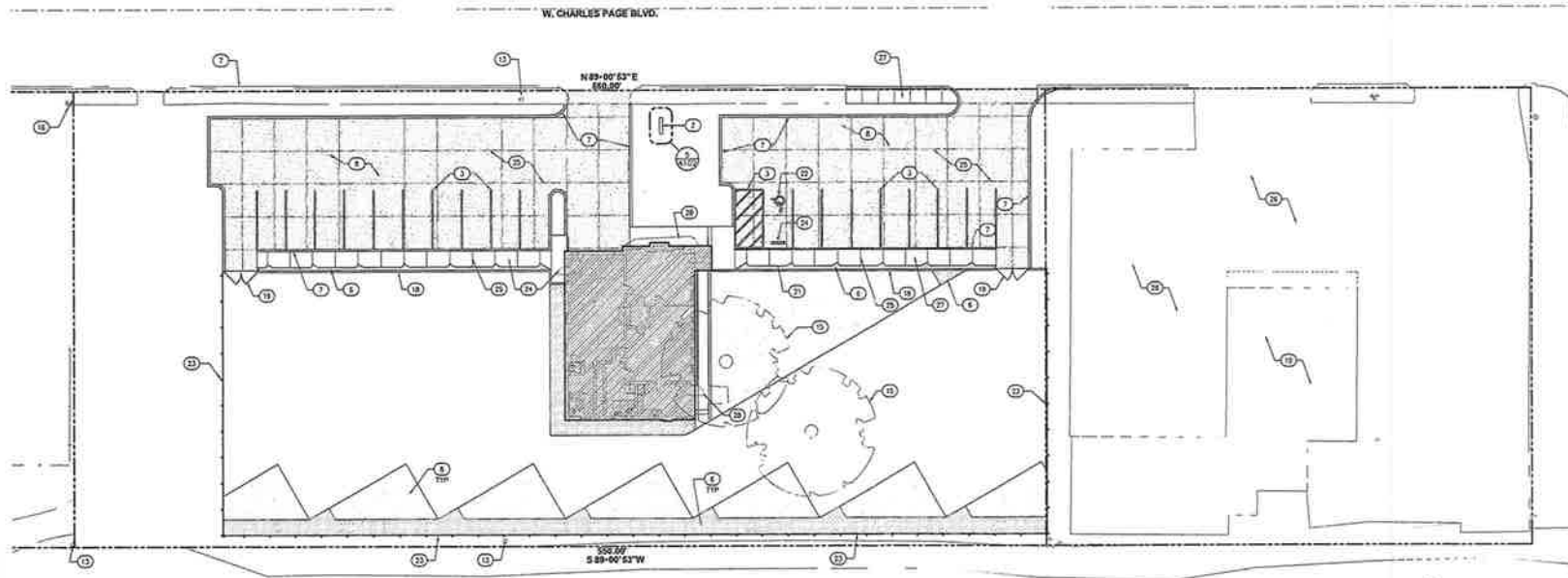
1. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS NOTED OTHERWISE.
2. CONTRACTOR TO COORDINATE FENCE / GATE DESIGN WITH OWNER AND ARCHITECT.
3. GATES ARE TO REMAIN OPEN AND BARRIER FREE AS TO NOT IMPED ACCESSIBILITY DURING OPERATING HOURS.
4. THE PATH OF TRAVEL, SHOWING IS BARRED FREE ACCESS ROUTE, CROSS-SLOPER SHALL NOT EXCEED 1:48 AND SLOPE IN THE DIRECTION OF TRAVEL SHALL BE LESS THAN 1:50.

LEGEND

SYMBOL	DESCRIPTION
	EXISTING BUILDING STRUCTURE
	NEW LANDSCAPING
	NEW CONCRETE PAD / PAVING
	NEW GRAVEL BED
	PROPERTY LINE
	UTILITY EASEMENT
	ACCESSIBLE ROUTE - RE: GENERAL NOTES #4

PARKING SUMMARY

PARKING REQUIRED	23
PARKING PROVIDED	28
PARKING PROVIDED/OFF-ROUTE	5
TOTAL PARKING PROVIDED	23



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



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



PROJECT:

STATION 13

PROJECT #
18242

3924 W. CHARLES
PAGE BLVD.
TULSA, OK
74127

CONSULTANT:

REVISIONS:

ISSUE DATE:

07.03.2019

SHEET NAME:

ARCHITECTURAL
SITE PLAN

SHEET #:

A101

DRAWN BY: CHA/ARC

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

August 7, 2019

Shane Hood
815 E 3rd ST
Tulsa, OK 74120

Phone: 918.794.6616

APPLICATION NO: **BLDC-037400-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **3924 W Charles Page Blvd**
Description: **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" **[X] IS [] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

4.6

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-037400-2019

3924 W Charles Page Blvd

August 7, 2019

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning 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 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 land- scape 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 pro-posed 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 al 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

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

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-B4 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:

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

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

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

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

END – ZONING CODE REVIEW

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

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



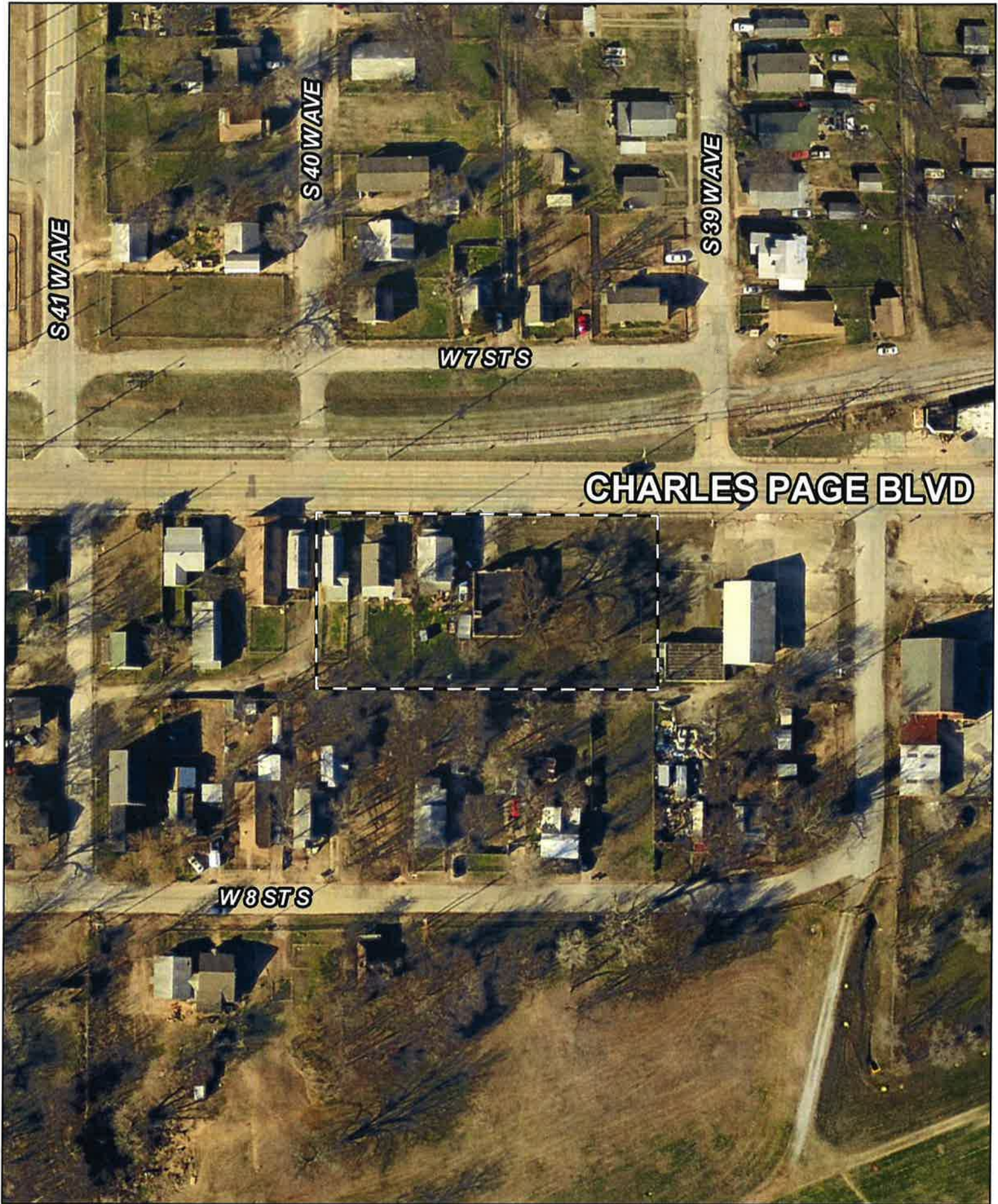
Subject property



Facing West on Charles Page Boulevard



Facing East on Charles Page Boulevard



0 50 100
Feet



Subject
Tract

BOA-22746

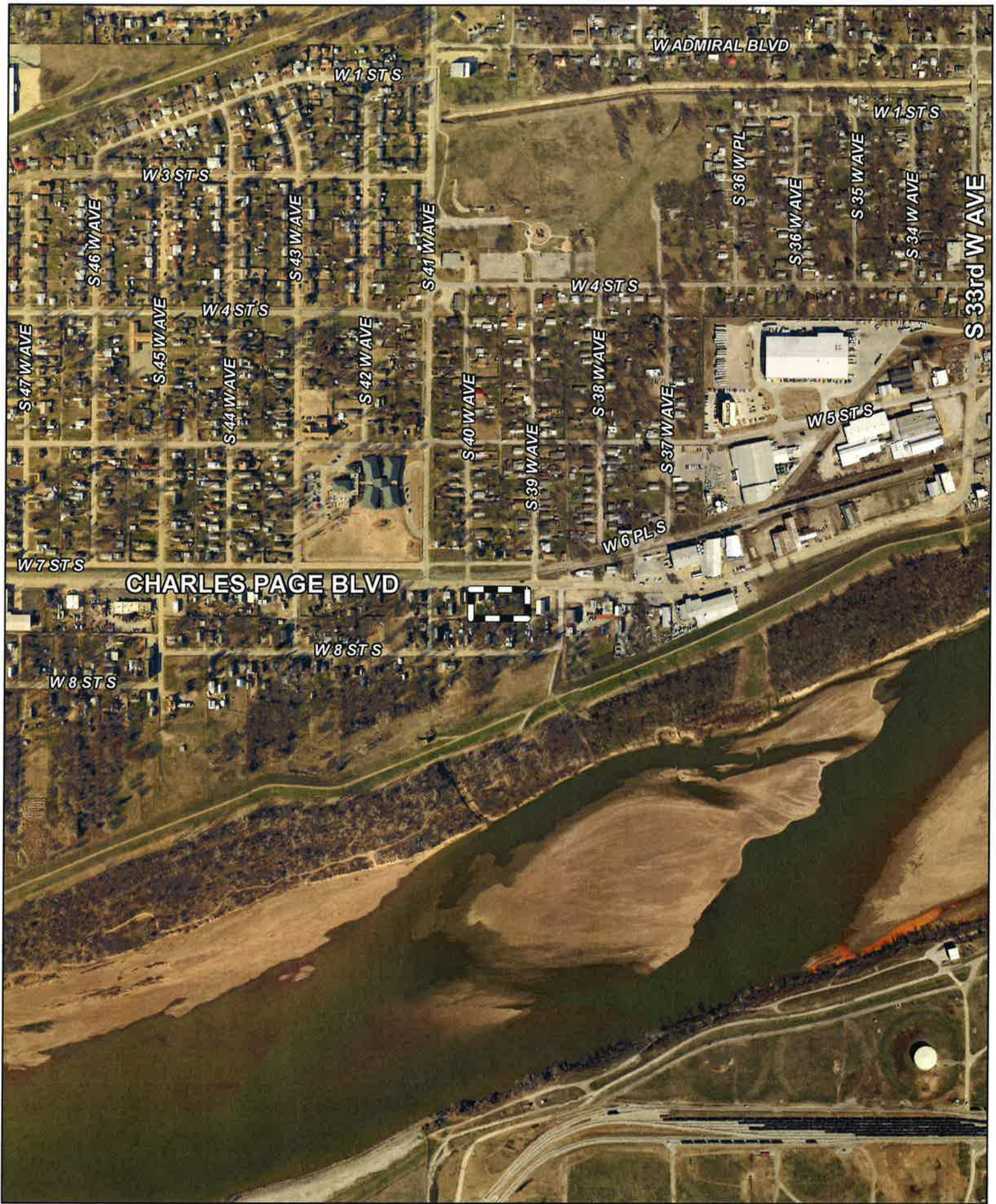
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Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018

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0 300 600
Feet



Subject
Tract

BOA-22746

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

Aerial Photo Date: February 2018

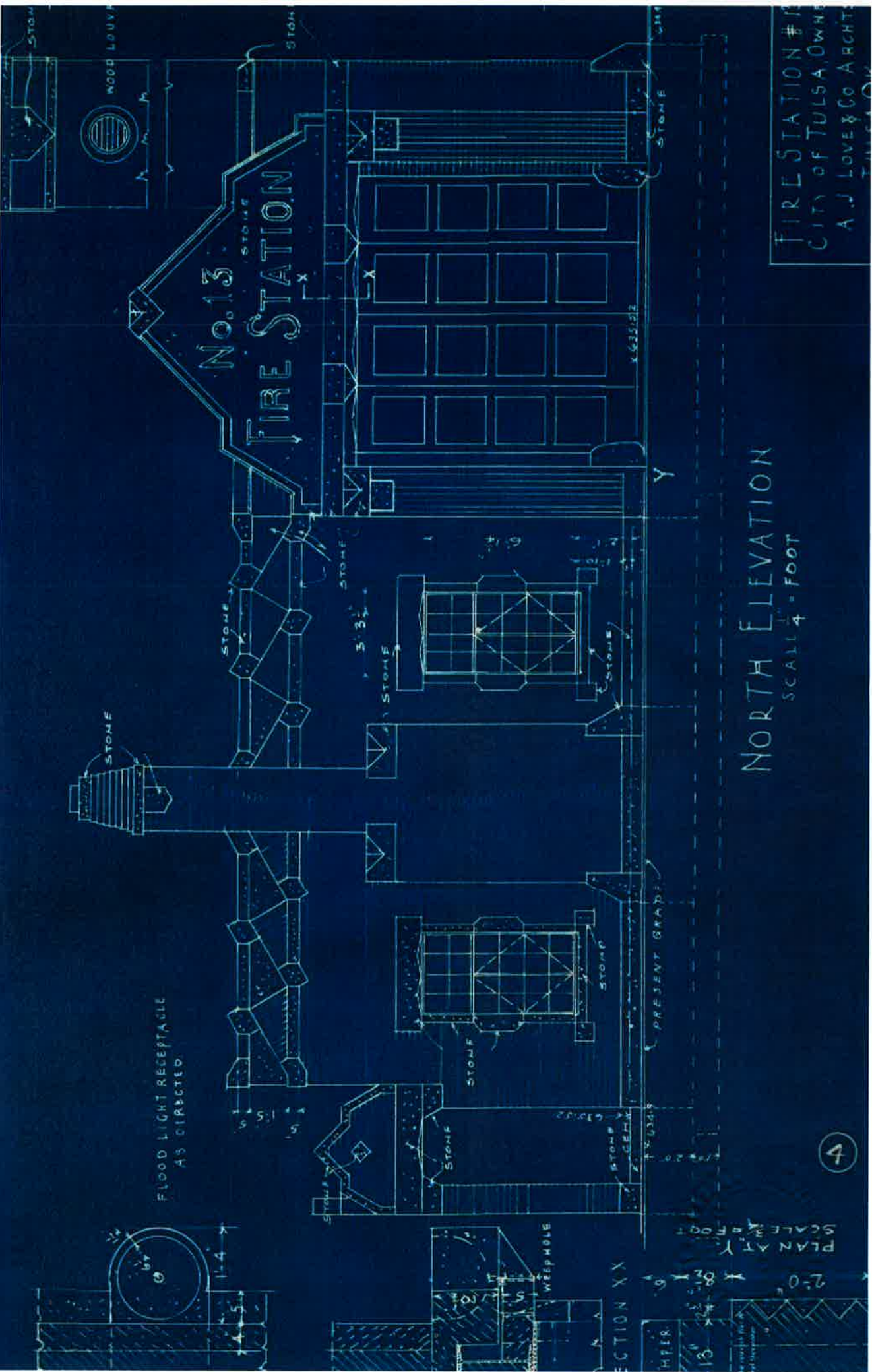
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TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 85746
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 9-24-19
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

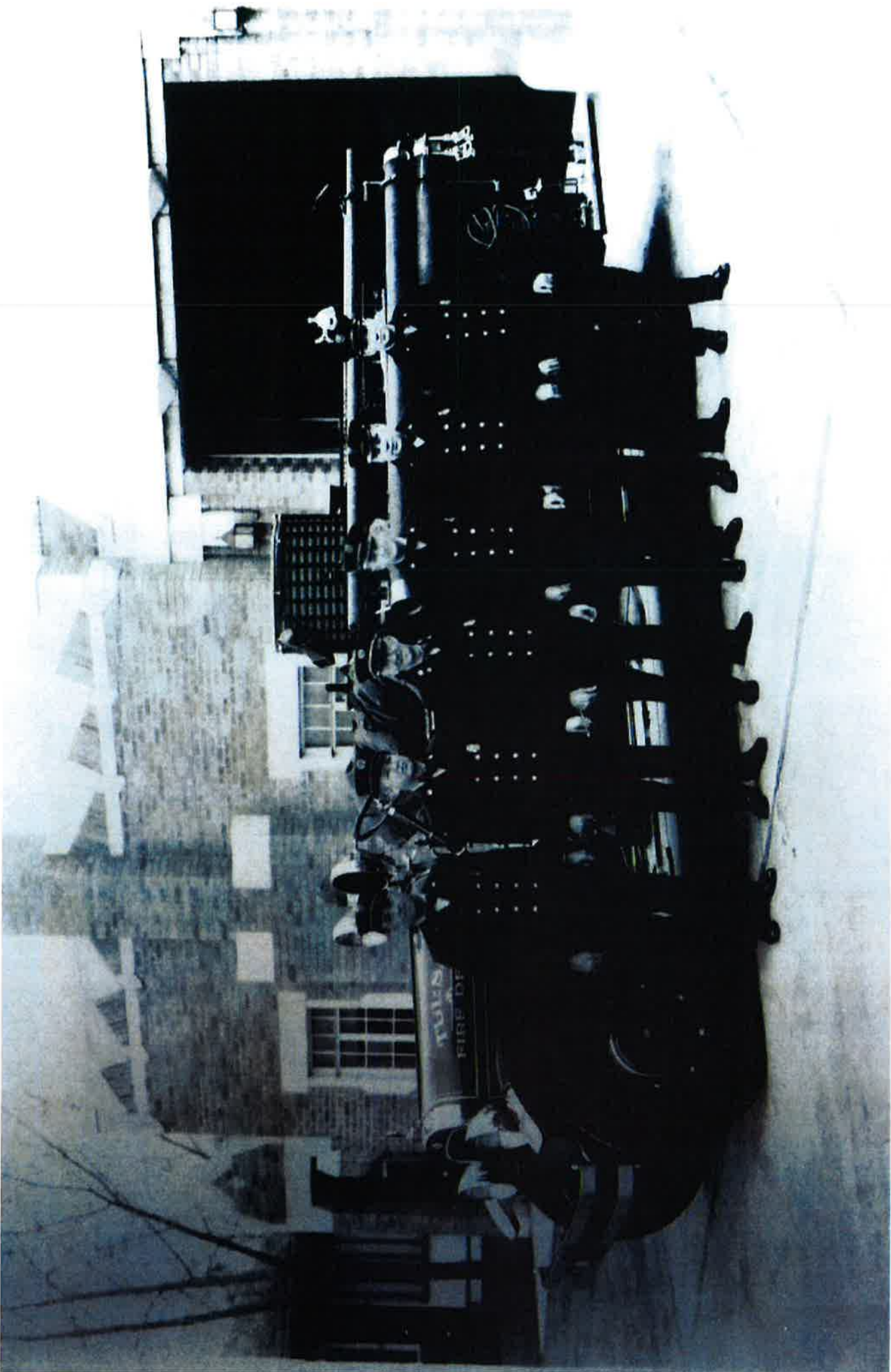


FIRE STATION #13
CITY OF TULSA, OKLA.
A. J. LOVER & CO. ARCHTS.

NORTH ELEVATION
SCALE 1" = 4' FOOT

4

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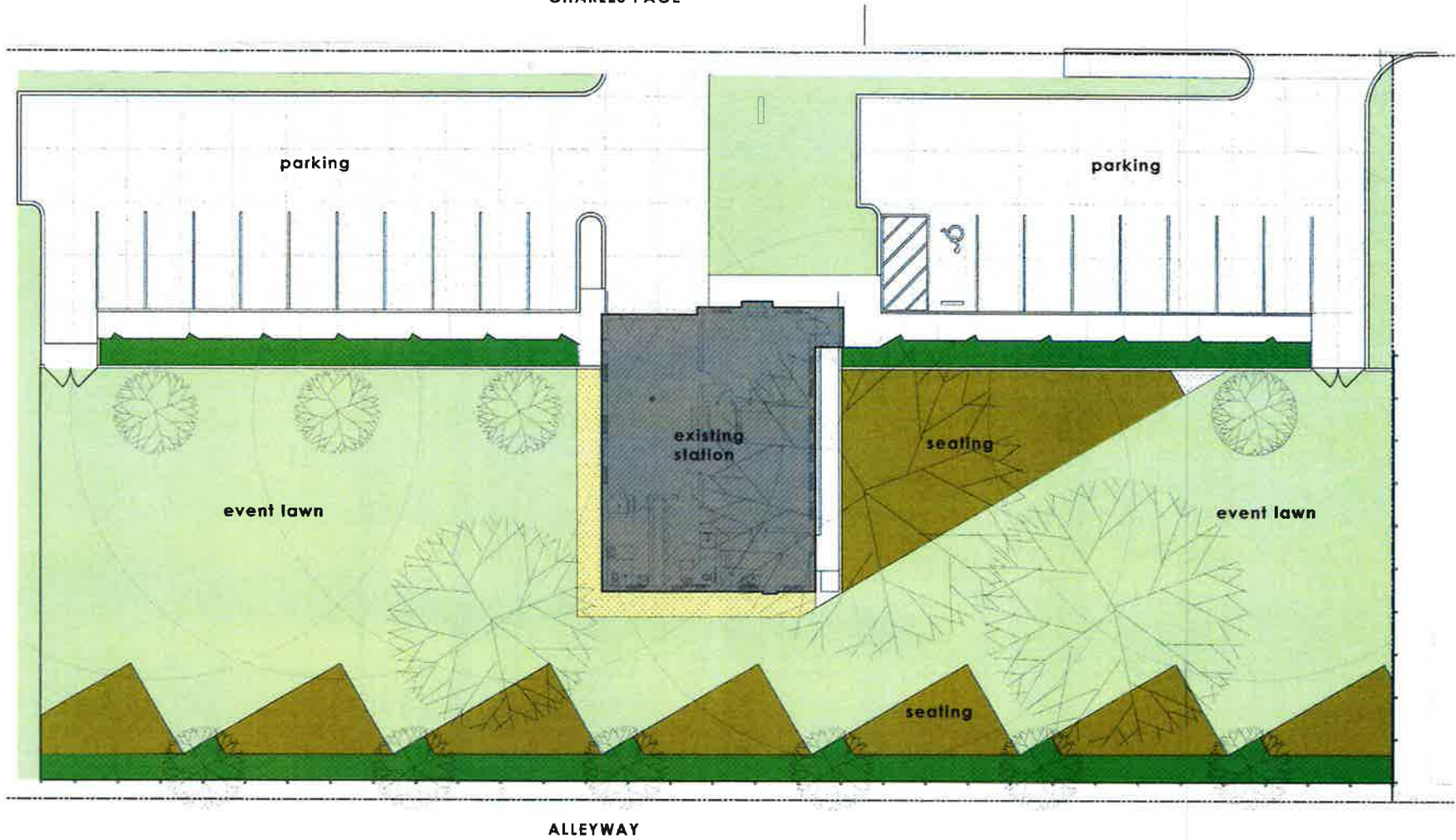
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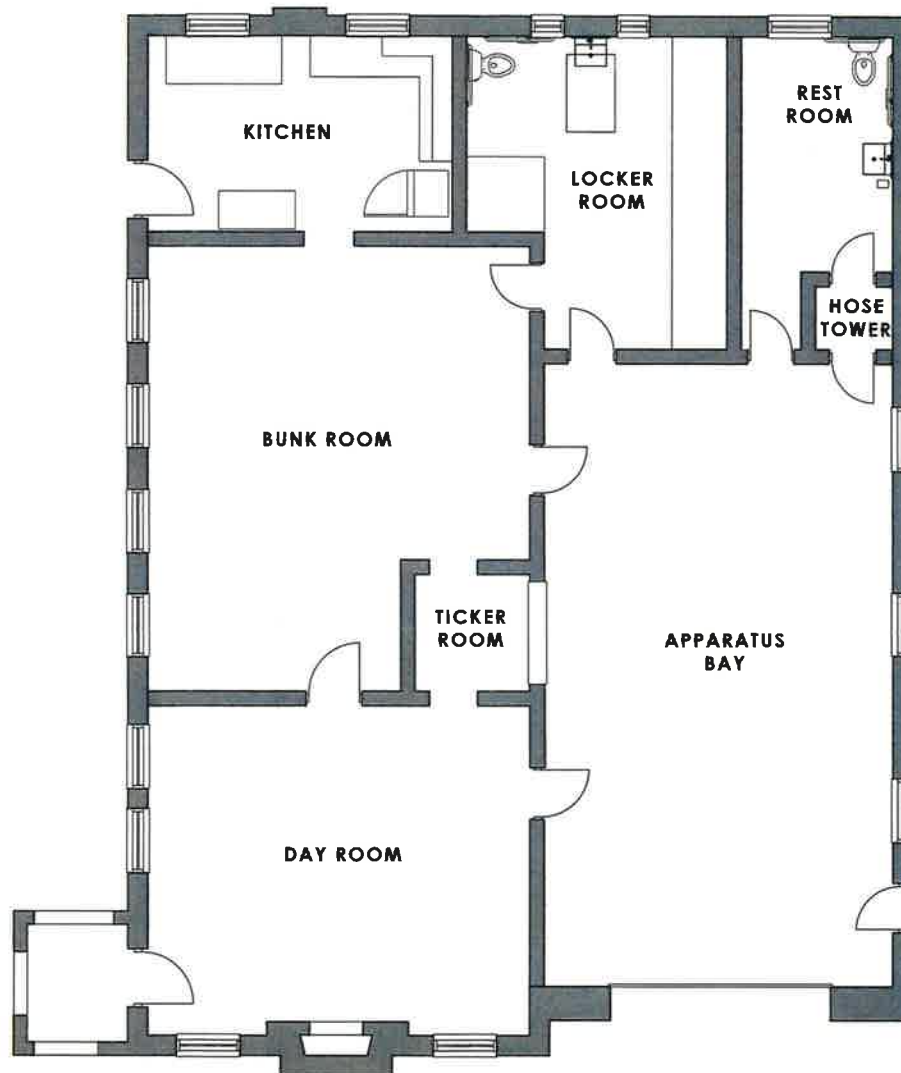
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STATION 13 - SCHEMATIC SITE PLAN

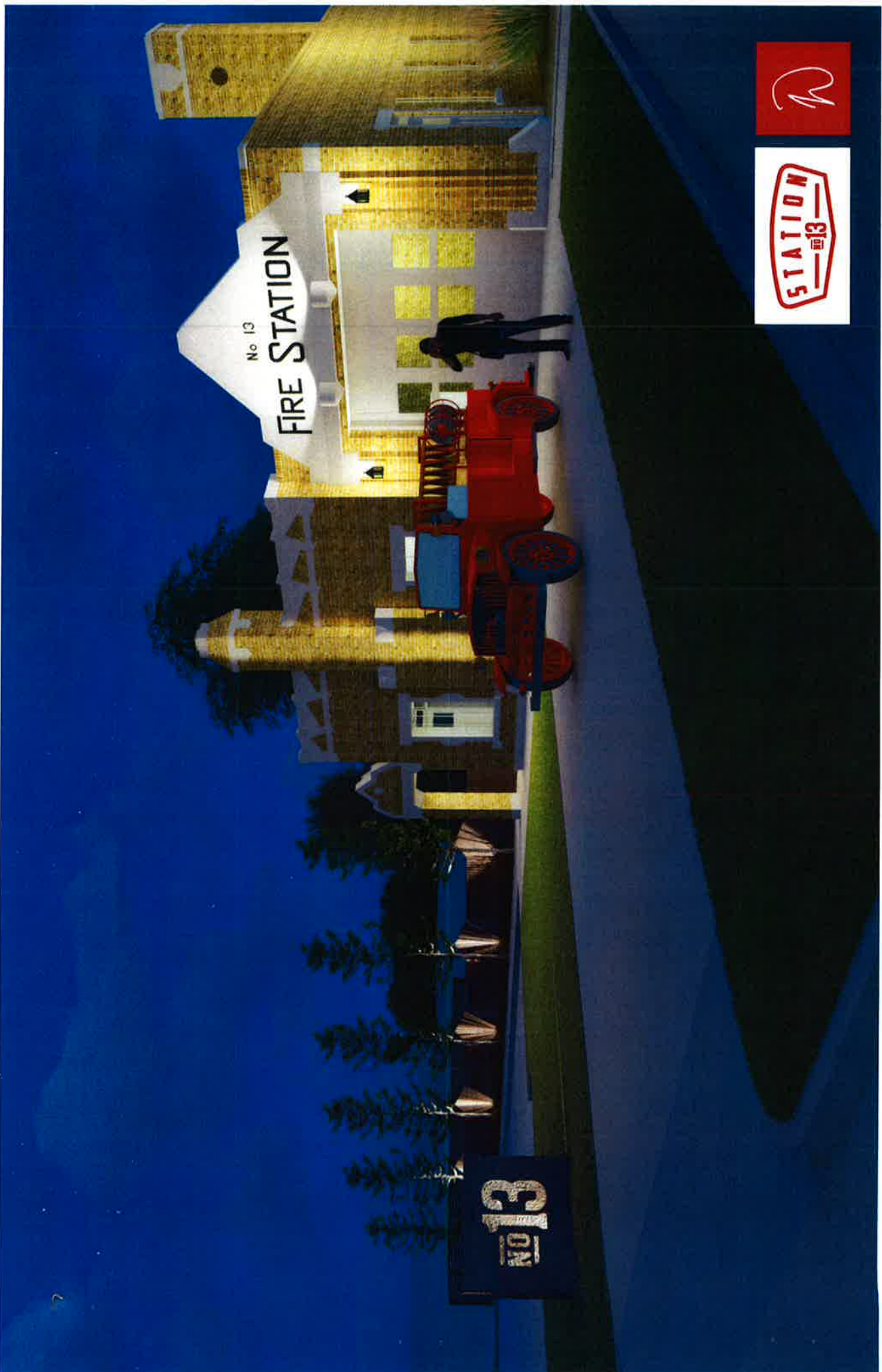


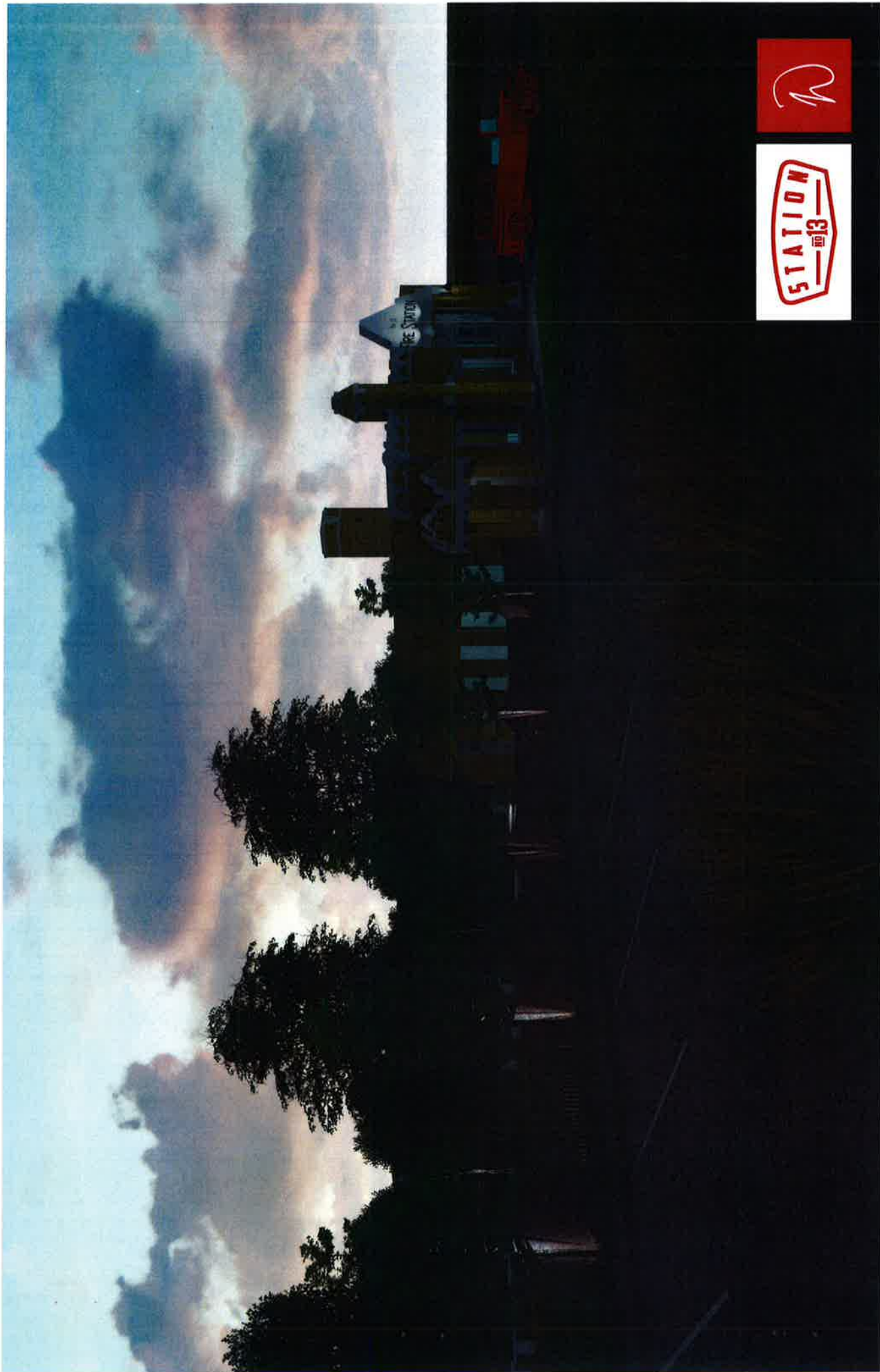
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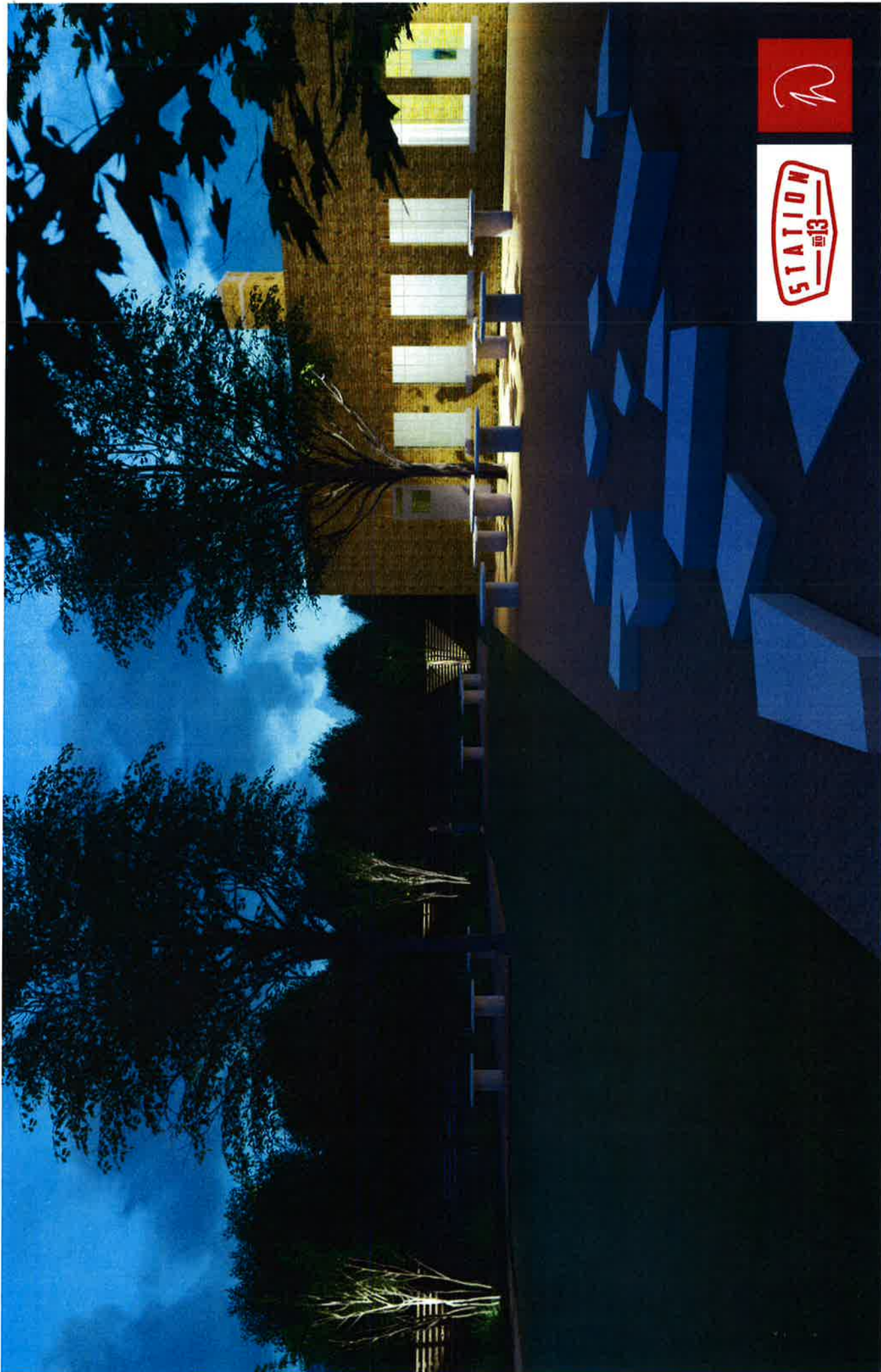
STATION 13 - FLOORPLAN







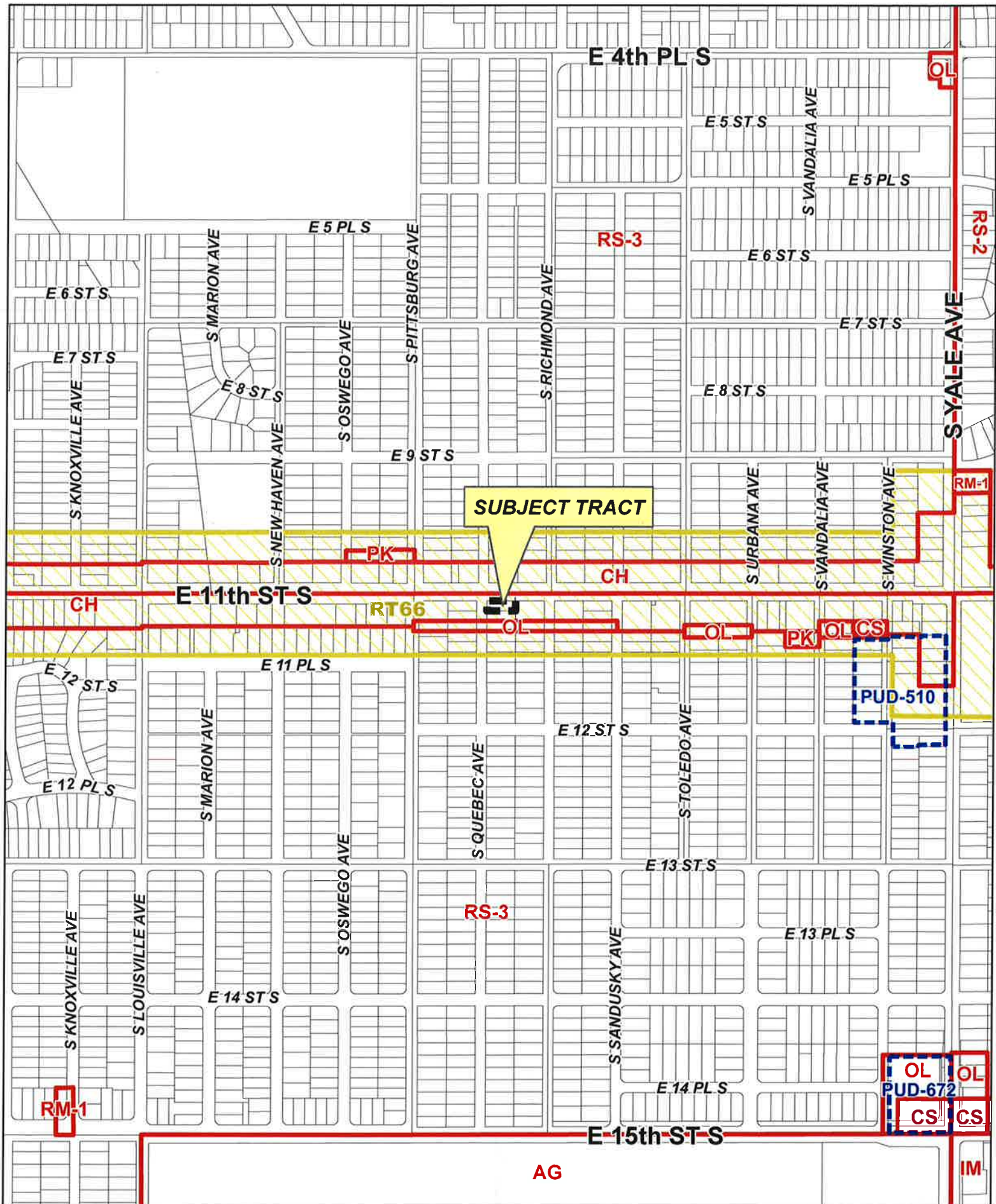
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BOA-22749

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19-13 09

BOARD OF ADJUSTMENT CASE REPORT

STR: 9309

Case Number: **BOA-22749**

CZM: 37

CD: 4

HEARING DATE: 10/08/2019 1:00 PM

APPLICANT: Magic Leaf LLC

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

LOCATION: 4210 E 11 ST S

ZONED: CH

PRESENT USE: Commercial

TRACT SIZE: 6825.88 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 2, BEVERLY HILL ADDN

ANALYSIS OF SURROUNDING AREA: The subject tract is CH zoned property completely surrounded by CH zoning at the SE/c of S Quebec Ave and E 11th Street S.

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 presented an exhibit marking their location and showing a circle with a 1,000 ft radius and no dispensaries shown within that 1,000 ft. The applicant prepared an exhibit mapping the nearest dispensary as located at 3609 E. 11 St S and being 1,980 ft. away from the subject tract.

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.



Facing West on 11th Street



Facing East on 11th Street



Subject property

State of Oklahoma

License Certificate

NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

MAGIC LEAF LLC

4210 E 11TH ST, TULSA, OK, 74112

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

08/05/2020

LICENSE NUMBER:

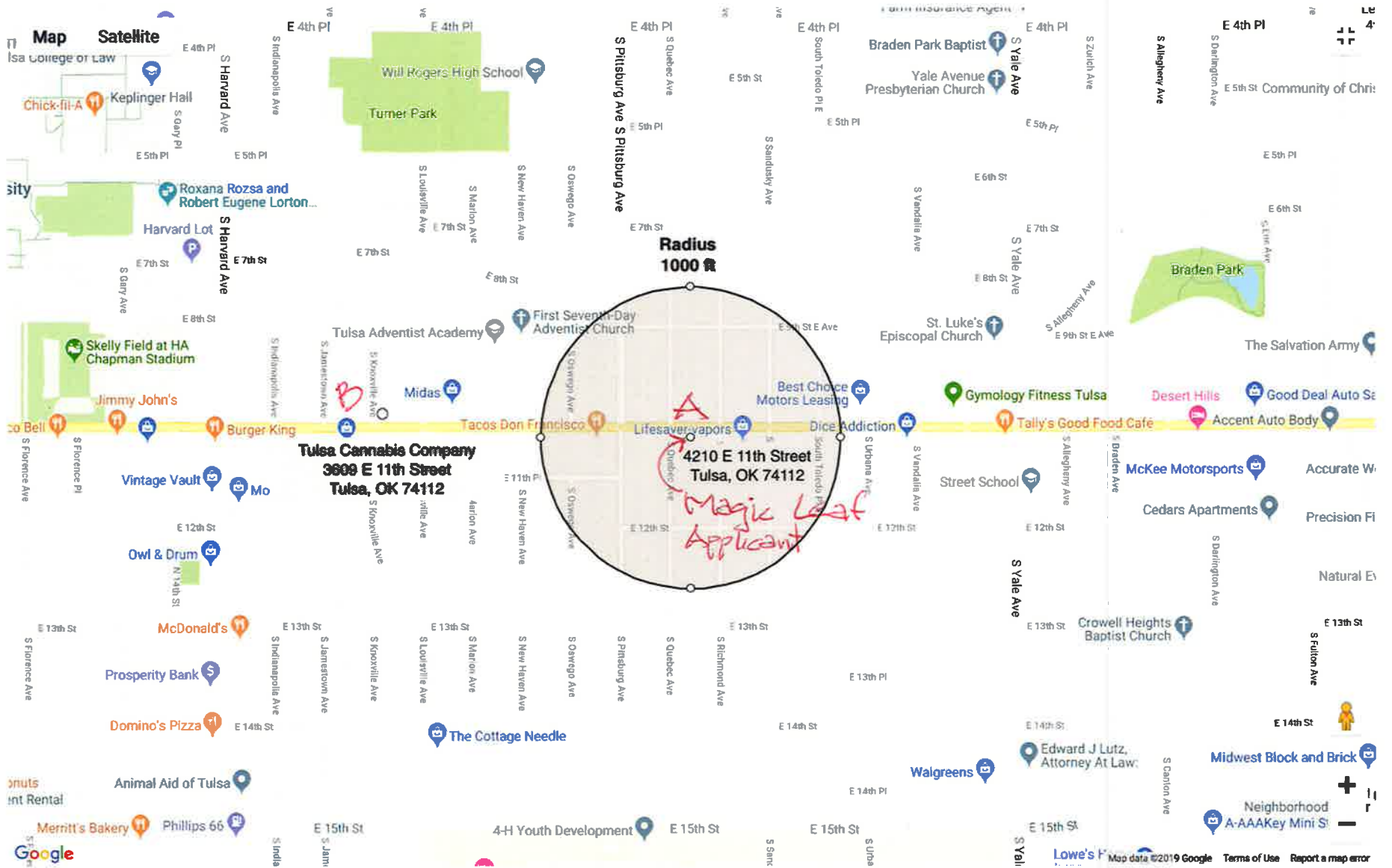
DAAA-EYG9-TFQF



Tom Bates

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

DO NOT COPY



5.6

Google Map Developers

not associated with google maps

Login

Username:

Password:

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Distance From To: Calculate distance between two addresses, cities, states, zipcodes, or locations

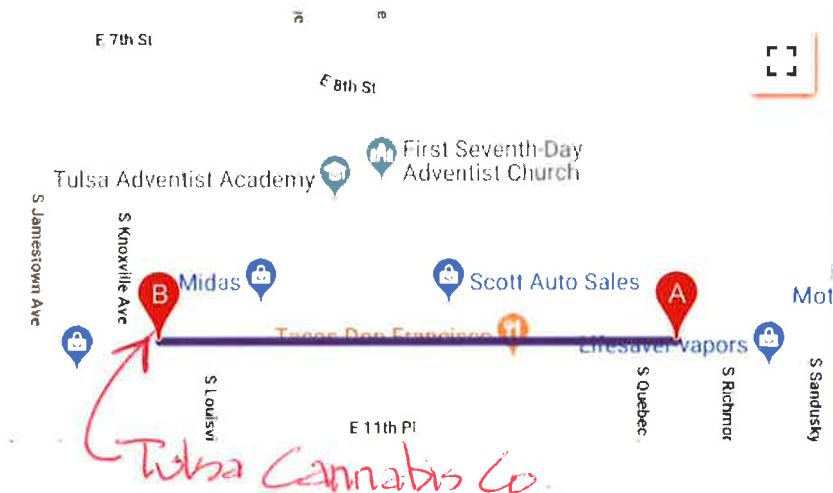
Enter a city, a zipcode, or an address in both the **Distance From** and the **Distance To** address inputs. Click Calculate Distance, and the tool will place a marker at each of the two addresses on the map along with a line between them. The distance between them will appear just above the map in both miles and kilometers. The tool is useful for estimating the mileage of a flight, drive, or walk. Can easily determine the distance between 2 cities as well.

Distance From:

Distance To:

Straight line distance: 0.37 miles , 0.60 kilometers (km) , 1980 feet , 603 meters

Driving distance: 0.37 miles , 0.60 kilometers (km) , 1978 feet , 603 meters



grammarly



Better Writing, Better Results

Google

[Report a map error](#)

You can share or return to this by using the link below

https://www.mapdevelopers.com/distance_from_to.php?&from=4210%20E%2011th%20Street%20Tulsa%2C%20OK&to=3609%20E%2011th%20Street

Enter Area Code

Other tools to help with distance questions

In addition to this tool we also offer a couple other tools that can help find the distance on a map. You can use the **mileage calculator** to compare the difference between driving or flying between 2 cities. If on the other hand you want to click multiple points on the map in order to find the distance of the entire line you can do that with the **distance calculator**. We are always trying to find better ways to provide you with the information you need. If you have a suggestion please let us know.

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

September 21, 2019

Jordan Towers
4210 E 11 ST
Tulsa, OK 74112

Phone: 918.613.4421

APPLICATION NO: **BLDC-041071-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **4210 E 11 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
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

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

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

IMPORTANT INFORMATION

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

(continued)

REVIEW COMMENTS

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

BLDC-041071-2019

4210 E 11 ST

September 21, 2019

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

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

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

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

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

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

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

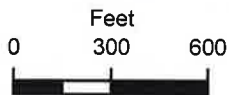
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

END – ZONING CODE REVIEW

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

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



Subject
Tract

BOA-22749

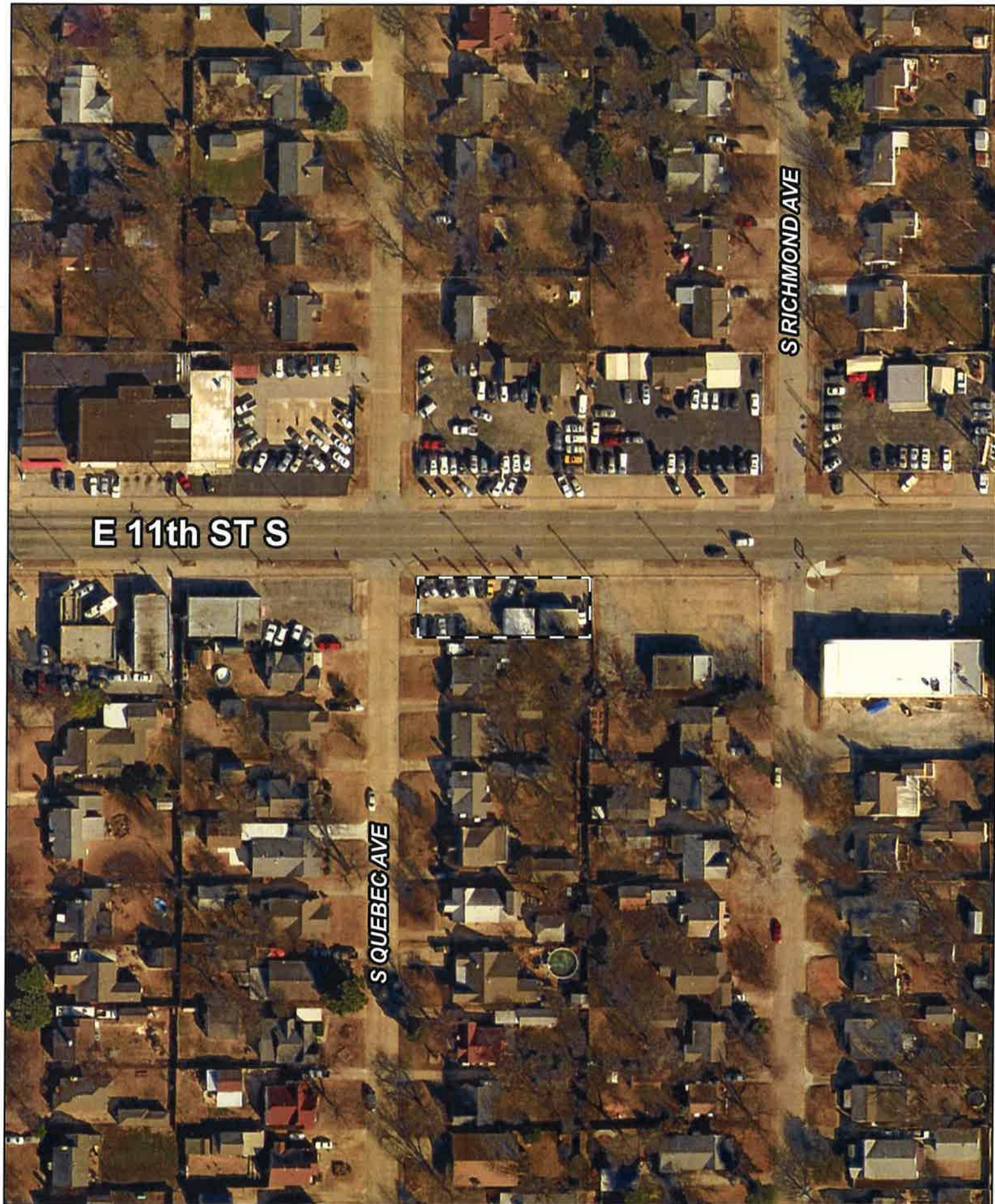
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

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E 11th ST S

S RICHMOND AVE

S QUEBEC AVE



*Subject
Tract*

BOA-22749

19-13 09

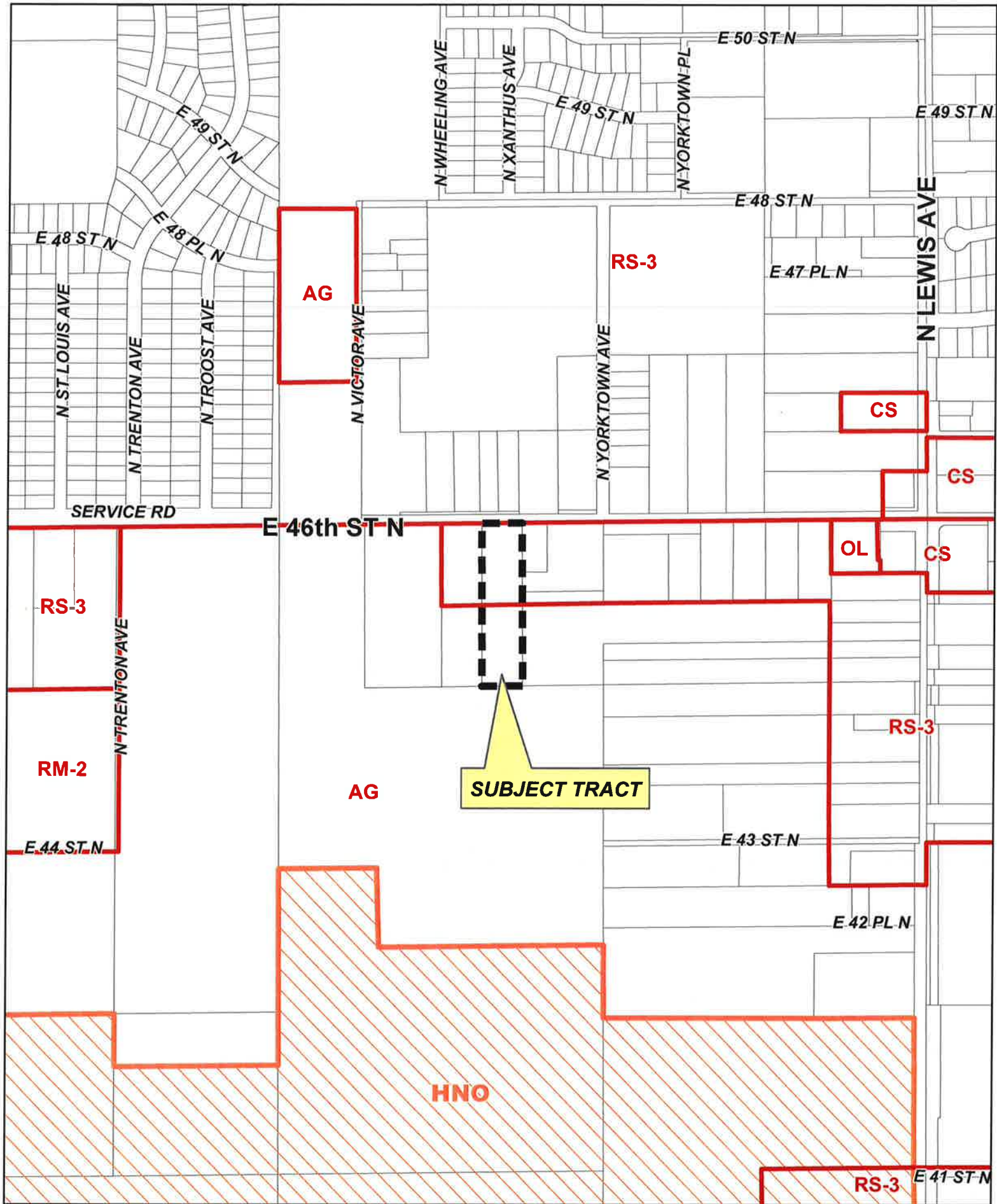
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align with physical features on the ground.*

Aerial Photo Date: February 2018

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BOA-22750

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BOARD OF ADJUSTMENT CASE REPORT

STR: 318 Case Number: **BOA-22750**

CZM: 22

CD: 1

HEARING DATE: 10/08/2019 1:00 PM

APPLICANT: Raul Reyes

ACTION REQUESTED: Special Exception to permit a Manufactured Home in and RS-3/AG Zoned District (Sec. 5.020 Table 5-2 and Sec. 25.020 Table 25-1.5); 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: Tract of land immediately West of 1864 E 46 St N **ZONED:** AG,RS-3

PRESENT USE: Vacant

TRACT SIZE: 108900.45 SQ FT

LEGAL DESCRIPTION: E/2 W/2 NE NW NE SEC 18 20 13

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding property:

BOA-21126; on 08/10/2010 the Board approved a Special Exception to permit a manufactured home in an RS-3 district; A special exception to extend the approval of a manufactured home from 1 year to a period of 10 years; and a variance to allow a gravel parking surface. Property located at 4504 N Trenton Ave E.

BOA-19574; on 05/13/2003 the Board approved a Special Exception for a manufacture home; A special Exception to extend the time limit to 60 years; A Variance of the 30' of frontage required on a public street; and Variance of the interior side setback. Property located N of the NW/c of 46th St N and N Utica Ave.

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

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

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop

6.2


REVISED 9/30/2019

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

STAFF COMMENTS: The Applicant is requesting a Special Exception to permit a Manufactured Home in and RS-3/AG Zoned District (Sec. 5.020 Table 5-2 and Sec. 25.020 Table 25-1.5); 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 dustless, all-weather parking surface to permit a gravel driveway (Sec. 55.090-F.1)

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

USE CATEGORY														Supplemental Regulations
Subcategory	RE	RS-					RD	RT	RM-				RMH	
Specific Uses		1	2	3	4	5			0	1	2	3		
Building Type														
RESIDENTIAL														
Household Living														
Single household														
Detached house	P	P	P	P	P	P	P	P	P	P	P	P	S	
Patio House	-	-	-	P	P	P	P	P	P	P	P	P	-	Section 40.290
Townhouse														
2-unit townhouse	-	-	-	S	S	P	P	P	P	P	P	P	-	Section 40.390
3+-unit townhouse	-	-	-	-	-	-	-	P	P	P	P	P	-	Section 40.390
Manufactured housing unit	S	S	S		S	S	S	S	S	S	S	S	P	Section 40.210

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 in and RS-3/AG Zoned District (Sec. 5.020 Table 5-2 and Sec. 25.020 Table 25-1.5); and a **Special Exception** to extend the 1 year time limit for a manufactured home (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 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."*

Case No. 21126-Patricia Dicesare

Action Requested:

Special Exception to permit a manufactured home in an RS-3 district (Section 401); a Special Exception to permit the home permanently (Section 404.E.1); and a Variance to allow for a gravel parking surface (Section 1303.A.3). **Location:** 4504 North Trenton Avenue East

Ms. Stead stated she was going to abstain from this case.

Presentation:

Joseph Dicesare, 1503 Overbrook Drive, Sand Springs, OK; stated he is the son of Patricia Dicesare and he is before the Board to help his mother. There is a trailer home east of the property so it would fit into the neighborhood.

Mr. Henke told Mr. Dicesare typically when this type of case comes before the Board for a decision the Board will set a time limitation on the request. This Board will be inclined to set a time limit on this request. Mr. Dicesare stated he understands but would like to request ten years.

Interested Parties:

There were no interested parties present.

Comments and Questions:

The Board asked Mr. Dicesare what he intended to do about the existing structures on the property, and he stated his plans were to clean up the land, tear down all the structures, and make the property look like a park.

Mr. Alberty stated that he had received a telephone call from Barbara Barnes, 4609 North Trenton Avenue, Tulsa, OK., and she expressed concerned about the application and that she was opposed to an approval of a mobile home. Her reasoning was that a mobile home would depreciate property values.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Tidwell, White, Van De Wiele, "aye"; no "nays"; Stead "abstain") to **APPROVE** the Special Exception to permit a manufactured home in an RS-3 district (Section 401); a Special Exception to permit the home for a time period of ten years (Section 404.E.1); and a Variance to allow for a gravel parking surface (Section 1303.A.3) with the conditions, as the applicant stated, the property will be cleaned up, the burned house and all evidence of the foundation be removed, two carports will be removed, and the old house to the north listed on Plan 12.6 will be removed. For the Variance 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

BOA-21126

unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the two Special Exceptions finding 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; per conceptual Plan 12.6; for the following property:

E/2 E/2 NW NE NW & S330 OF W/2 E/2 NW NE NW SEC 18 20 13, NORTHRIDGE ADDN

Case 21127-Whistler Sign Company

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2). **Location:** 1541 West 71st Street

Presentation:

Mike Joyce, Michael Joyce Law Firm, 3227 East 31st Street, Suite 105, Tulsa, OK; stated he represents Whistler Sign Company, the applicant. Whistler Sign Company is seeking approval for a non-digital sign; the nearest board to the north is 8,390 ft. and the nearest billboard to the south is 7,293 ft. There is an existing billboard which Whistler Sign Company has on the west side of the subject tract. The subject tract was acquired by New Life Pentecostal Church in a settlement the congregation had with the Oklahoma Department of Transportation. With the new platting of the property the church would like to move the existing billboard due east, closer to the highway.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, White, Van De Wiele, "aye"; no "nays"; no "abstentions") to **ACCEPT** the applicant's verification of spacing to move an outdoor advertising sign on the same side of the highway subject of the action of the Board being void should another outdoor advertising sign be constructed prior to this sign on the same side of the highway with the condition that the existing sign shown on Exhibit 13.6 be removed prior to the proposed being built; for the following property:

Mr. Dunham returned at 2:26 p.m.

Interested Parties:

Laten Harcrow, 6176 W. 42nd St., stated he was speaking on behalf of Cathy Evans, 2930 S. Cincinnati Ave. She wanted to be assured that she will have access to the south side of her property in the process of moving her house. She also asked that the application project be postponed until after her move. Mr. White asked if she was aware this application does not encroach on her property. Mr. Harcrow explained that Ms. Evans was concerned there is very little room between the two houses and there could be something that would impede the removal of her house.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of required 5' side yard to 2.6' to permit an addition of a carport in an RS-3 district, per plan, finding it is an existing house with continuation of the existing encroachment on the side yard, and the carport would be an integral part of the house, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 2 and N 5' of Lot 3, Block 3, Travis Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 19574

Action Requested:

Special Exception to permit a manufactured home in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; a Variance of one year time limit. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; a Variance of required 30' of frontage on a public street to 0'. SECTION 206. STREET FRONTAGE REQUIRED; and a Variance of interior side lot setback to permit building over lot lines. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located N of NW/c 46th St. N. & Utica Ave.

Presentation:

Wayne Terez Stanley, Sr., 1449 N. Olympia Ave., stated this property has been in their family since the 1970's. They propose to place a manufactured home on the property. He asked if Kathy Flanagan from Oak Creek Homes could speak for him. Mr. White asked if the driveway on the east side of the house is on what would be Utica Ave. if the street went through, and if they had planned to continue it to the site of the manufactured home. Mr. Beach stated that there is a right-of-way even though the street is not completed and the relief would be needed.

Comments and Questions:

Mr. White asked if he planned to have the home skirted and tied down, or on a permanent foundation. Mr. Stanley replied he planned to place on a permanent foundation.

Kathy Flanagan, 11306 E. Admiral, with Oak Creek Village, stated that the applicant's loan is already approved. She showed photographs (Exhibit E-2) of the site for the home, and surrounding properties. The home has 2,014 square feet, five bedrooms, three baths and two living areas. She listed increased value of property; add to the tax-base to city utilities; financial gain for the Tulsa Metropolitan Area; jobs for local contractors; and the road (that would be Utica) would cost around \$12,000. A site plan was provided (Exhibit E-1).

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On MOTION of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to permit a manufactured home in an RS-3 district; a **Special Exception** of sixty-year time limit; a **Variance** of required 30' of frontage on a public street to 0', finding the dedication of the street is there, the street just is not constructed; and a **Variance** of interior side lot setback to permit building over lot lines, with condition home be placed on a permanent foundation, and meet all city codes, per plan, on the following described property:

Lots 20 and 21, Block 20, Northridge Addition, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 19575

Action Requested:

Variance of required 20' rear yard to 12' to permit an addition to connect with a detached accessory building in an RS-3 district. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 1027 E. 36th St. S.

Presentation:

Katrina Riddle, 8509 E. 91st Pl., stated she came on behalf of Rocky Pruitt, the owner at 1027 E. 36th St. There are two existing structures and they would like to make an addition which would connect the two structures. The north structure is only twelve feet rather than twenty feet from the rear property line. This is the existing condition since the owner purchased the property in 1991. A site plan was provided (Exhibit F-1).



Subject property



View facing West on 46th Street North



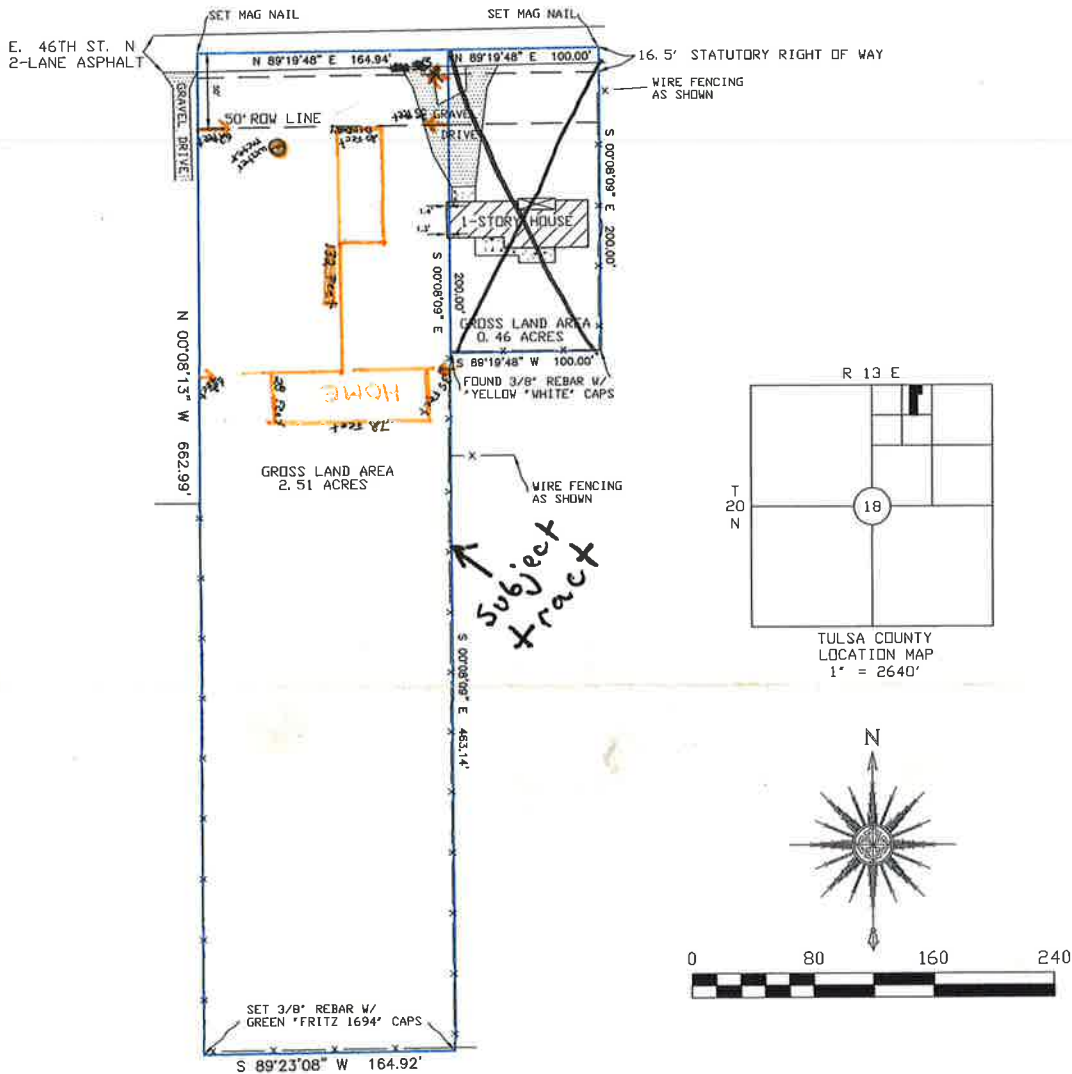
View Facing East on 46th Street North

PLAT of SURVEY

PROPERTY ADDRESS: 1864 EAST 46TH STREET NORTH, TULSA, OK 74130

SURVEYOR'S CLIENT: KNAPPHALL INVESTMENTS, LLC

LAND DESCRIPTION AS PROVIDED IN SPECIAL WARRANTY DEED FILED AS DOC. #2014056475 : THE WEST ONE HUNDRED (100) FEET OF THE NORTH TWO HUNDRED (200) FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (E/2 NE/4 NW/4 NE/4) OF SECTION EIGHTEEN (18), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (E/2 W/2 NE/4 NW/4 NE/4) OF SECTION EIGHTEEN (18), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.



SURVEYOR'S NOTES

- DATE OF LAST SITE VISIT WAS NOVEMBER 24, 2014.
- BASIS FOR BEARINGS ARE ASSUMED USING THE NORTH LINE OF THE NE/4 OF SECTION 18 AS N 89°19'48" E.
- UTILITIES WERE NOT FIELD LOCATED AND ARE NOT SHOWN - CALL OKIE 1-800-522-6543.
- SURVEYOR WAS NOT CONTRACTED TO PERFORM A RECORDS SEARCH NOR WAS HE PROVIDED WITH ADDITIONAL DOCUMENTATION TO CONSIDER OR NOTE OTHER THAN WHAT HAS BEEN NOTED HEREON - DOCUMENTS OF RECORD MAY EXIST THAT AFFECT THE SUBJECT PROPERTY.
- SET 3/8" REBAR WITH GREEN "FRITZ 1694" CAPS AT A 50' RIGHT OF WAY LINE SHOWN ON THE TULSA COUNTY ASSESSOR'S MAPS. ALL OTHER CORNERS WERE SET OR FOUND AS NOTED.
- AS OF 11/13/2014 THE WESTERLY 2.5 ACRES HAS BEEN DEEDED TO ANUSTASIO MONTOYA BY DOC. #2014102724.

SURVEYOR'S STATEMENT

FRITZ LAND SURVEYING, LLC AND THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION CA #5848, DO HEREBY STATE THAT THIS PLAT OF SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY MADE ON THE GROUND BY ANDY FRITZ, PLS, OF THE FACTS AS FOUND AT THE TIME OF THE SURVEY AND THAT THIS PLAT MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

PREPARED BY:

FRITZ LAND SURVEYING, LLC

2017 W. 91st STREET

TULSA, OK 74132

PH: 918.231.0575

FRITZPLS@YAHOO.COM

FLS# 14327 D HALL

WITNESS MY HAND AND SEAL THIS
13TH DAY OF JANUARY, 2015.

ANDY FRITZ, PLS
OK LIC. 1694



6.11



0 Feet
250 500



Subject
Tract

BOA-22750

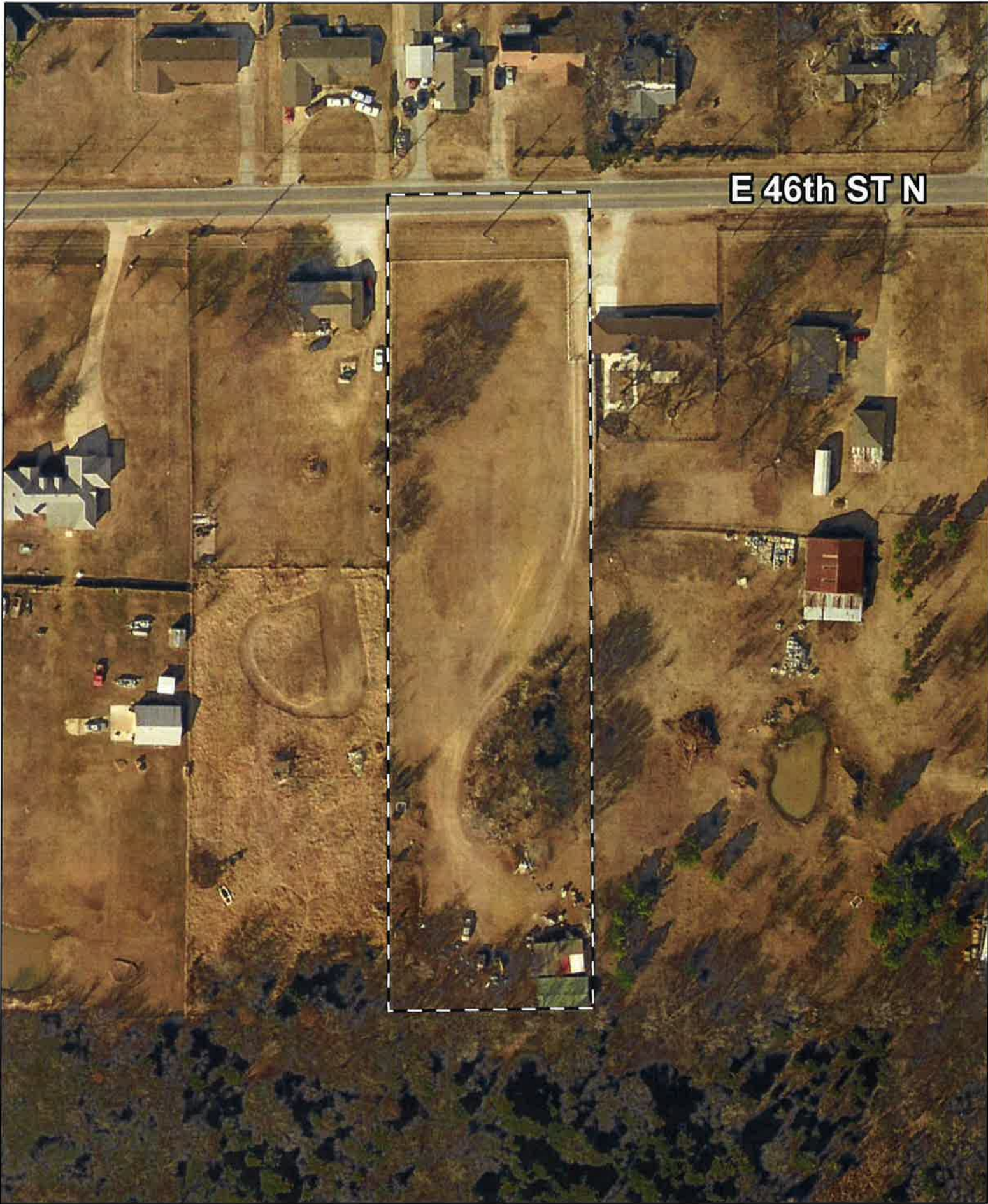
20-13 18

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

Aerial Photo Date: February 2018

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E 46th ST N

0 Feet
50 100


 **Subject Tract**

BOA-22750

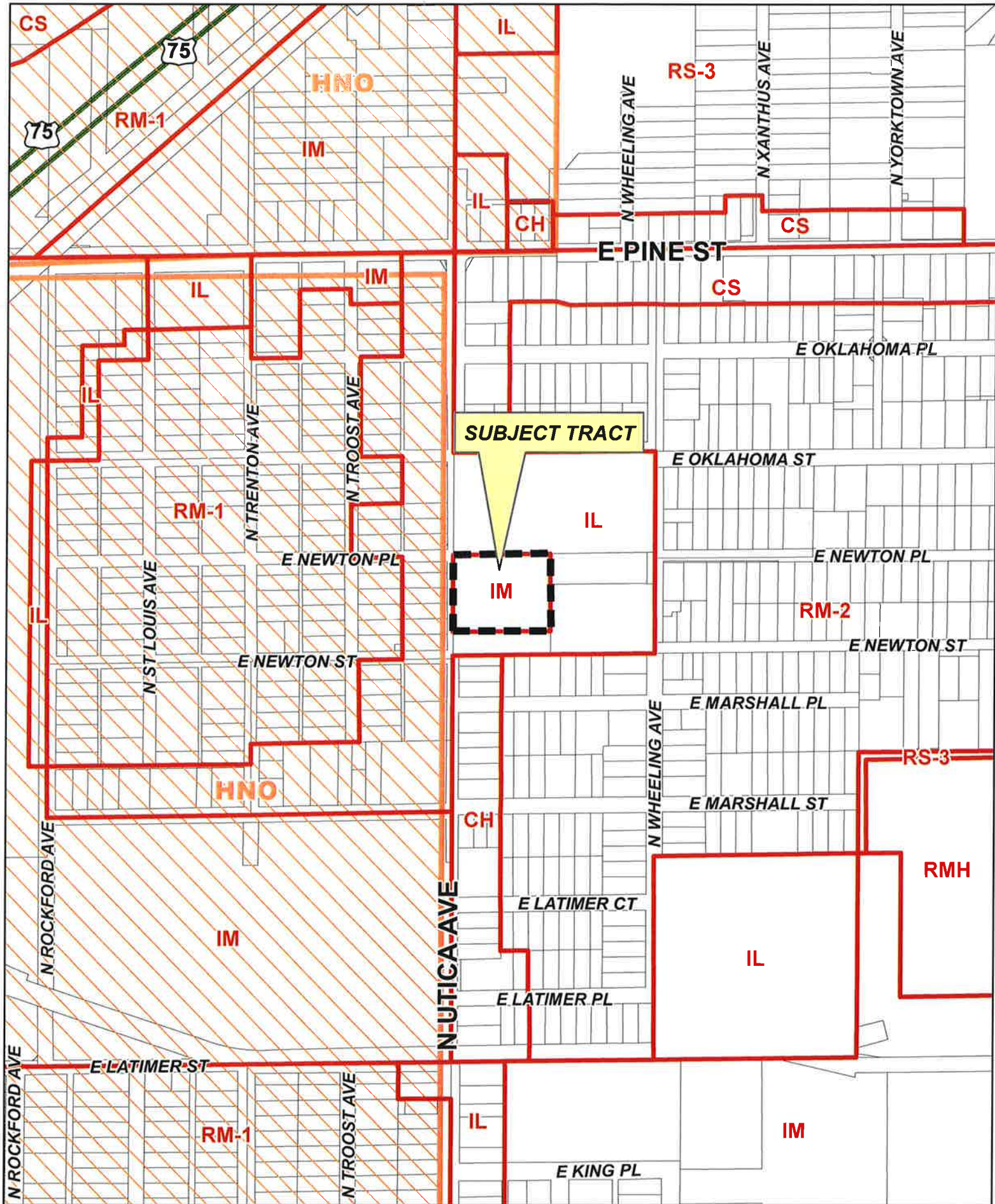
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

6.13 

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SUBJECT TRACT

IM

IL

RM-2

RS-3

RMH

IL

IM

BOA-22751

7.1



20-13 31



BOARD OF ADJUSTMENT CASE REPORT

STR: 0331

Case Number: **BOA-22751**

CZM: 29

CD: 1

HEARING DATE: 10/08/2019 1:00 PM

APPLICANT: Nathan Cross

ACTION REQUESTED: Special Exception to allow a High-Impact Medical Marijuana Processing Facility in an IM (Industrial-Moderate) District (Section 15.020, Table 15-2)

LOCATION: 1315 N UTICA AV E

ZONED: IL,IM

PRESENT USE: Industrial

TRACT SIZE: 108900.45 SQ FT

LEGAL DESCRIPTION: The Southwest Quarter of the Southwest Quarter of the Northwest Quarter of the Northeast Quarter (SW/4 SW/4 NW/4 NE/4) of Section Thirty-One (31), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof; LESS AND EXCEPT the South 75 feet thereof.

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding Property:

BOA-22751; On 09.10.2019 the Board accepted a Verification of the 1,000 spacing requirements for a medical marijuana dispensary from another medical marijuana dispensary. Property located at 1333 N Utica Ave.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Employment "land use designation 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

7.2

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 tract of land that is zoned both IM and IL. The property is surrounded by IL zoned property. If approved the Special Exception would be limited to the portion of the property zoned IM.

STAFF COMMENTS:

The applicant is requesting a Special Exception to allow a High-Impact Medical Marijuana Processing Facility in an IM (Industrial-Moderate) District (Section 15.020, Table 15-2)

Chapter 15 | Office, Commercial and Industrial Districts Section 15.020 | Use Regulations

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
INDUSTRIAL												Section 40.180
Low-impact Manufacturing & Industry	-	-	-	-	-	S	S	S	P	P	P	
Moderate-impact Manufacturing & Industry	-	-	-	-	-	-	-	-	S	P	P	Section 40.225
High-impact Manufacturing & Industry	-	-	-	-	-	-	-	-	-	S	P	

This use is subject to the regulations included Sections 40.180 and 40.225.

Section 40.180 Industrial Uses

40.180-A Whenever any industrial use, other than a junk or salvage yard, 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 §Q. Junk and salvage yards are subject to the regulations of [Section 40.190](#).

40.180-B Industrial uses located within 300 feet of an abutting R-zoned lot must be conducted within a completely enclosed building, except for storage, loading and off-loading areas.

Section 40.225 Medical Marijuana Uses

The supplemental use regulation of this section apply to medical marijuana uses.

- 40.225-A** A medical marijuana grower operation must be located inside an enclosed building.
- 40.225-B** A medical marijuana processing facility, whether moderate-impact or high-impact, must be located inside an enclosed building.
- 40.225-C** A medical marijuana dispensary must be located inside an enclosed building.
- 40.225-D** A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.
- 40.225-E** Drive-through windows and drive-through lanes are prohibited for medical marijuana grower operations, processing facilities, dispensaries and research facilities.
- 40.225-F** Medical marijuana grower operations, processing facilities and dispensaries must provide the following:
1. A ventilation/air filtration system that prevents odor from being detectible at the boundaries of the lot within which the building housing the medical marijuana grower operation, processing facility or dispensary is located, except that if such use is located in multiple-tenant building, the ventilation/air filtration system must prevent odor from being detectible outside the tenant space housing the use.
 2. An electronic security system and surveillance camera.
- 40.225-G** Medical marijuana grower operations, processing facilities, dispensaries and research facilities must be conducted and maintained in compliance with the license issues by the Oklahoma State Department of Health and in compliance with Oklahoma law, including but not limited to all applicable statutes, rules and regulations.
- 40.225-H** No medical marijuana grower operation, processing facility, dispensary or research facility shall be permitted or maintained unless there exists a valid license, issued by the Oklahoma State Department of Health for the particular use at the particular location.
- 40.225-I** The separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

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

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

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



Subject property from N. Utica Ave.



Facing South on N. Utica



Facing North on N. Utica Ave.



0 Feet 200 400



Subject Tract

BOA-22751

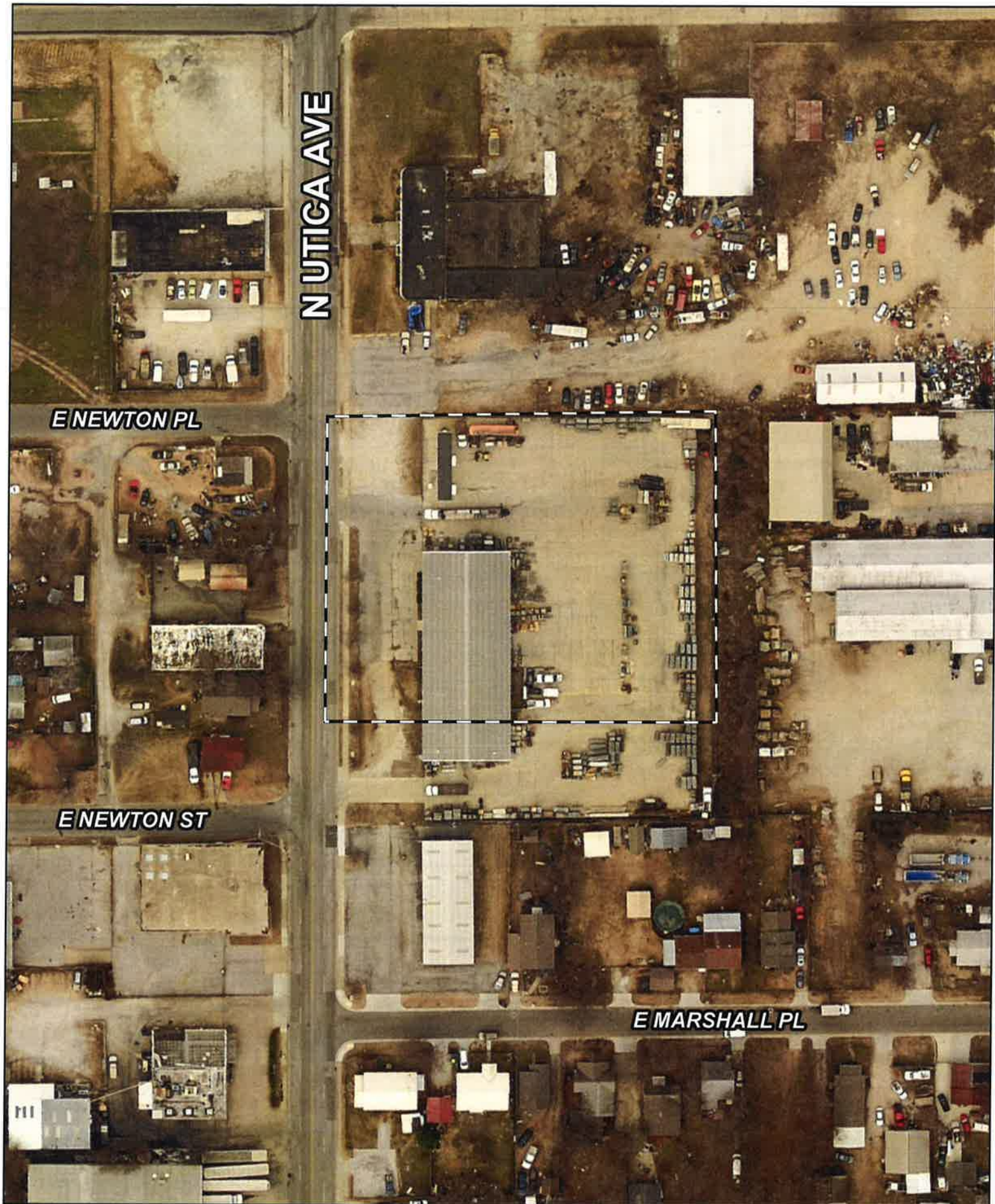
20-13 31

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

Aerial Photo Date: February 2018

7.8





0 50 100
Feet



Subject
Tract

BOA-22751

20-13 31

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

Aerial Photo Date: February 2018



7.9

Passed
 CITY OF TULSA
 FILED

9 APR 15 1977

AM
 FRANCIS H. CAMPBELL, City Auditor

ORDINANCE NO. 13833

AN ORDINANCE AMENDING ORDINANCE NO. 11809
 AND REZONING THE SW/4 OF THE SW/4 OF THE
 NW/4 OF THE NE/4 OF SECTION 31, TOWNSHIP 20
 NORTH, RANGE 13 EAST, TULSA COUNTY, STATE
 OF OKLAHOMA, EXCEPT THE SOUTH 75' THEREOF
 FROM AN IL CLASSIFICATION TO AN IM CLASSIFICATION;
 REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES
 IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE
 CITY OF TULSA, OKLAHOMA, to wit:

Section 1. That Ordinance No. 11809 be and the same
 is hereby amended and the following described property, to wit:

The SW/4 of the SW/4 of the NW/4 of
 the NE/4 of Section 31, Township 20
 North, Range 13 East, Tulsa County,
 State of Oklahoma, except the South
 75' thereof, (Z-4971),

be and the same is hereby rezoned from an IL Classification
 to an IM Classification.

Section 2. That all Ordinances or parts of Ordinances
 in conflict herewith be and the same are hereby expressly repealed

Section 3. That because the rezoning hereby enacted
 is essential to the proper and orderly growth and development
 of the City of Tulsa and the area contiguous thereto an emergency
 is hereby declared to exist for the preservation of the public
 peace, health and safety, by reason whereof, this Ordinance
 shall take effect immediately upon its passage, approval and
 publication.

PASSED, with the emergency clause ruled upon separately
 and approved, this 15th day of April, 1977.

APPROVED, this 15th day of April, 1977.

Robert J. La Fortune
 Mayor

ATTEST:

Ired S. Scott
 Deputy City Auditor

APPROVED:

W. S. Sales
 City Attorney

JS

3-29

BPL

approve 1/11

RECEIVED MAR 30 1977

3-29-77

Tulsa Metropolitan Area Planning Commission

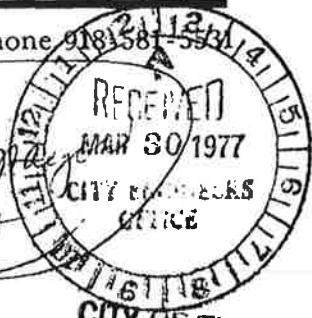
Civic Center - Tulsa, Oklahoma 74103

Telephone 918-581-5531

March 10, 1977

filed

*3 for
Kerpan & B...
absent*



CITY OF TULSA
FILED

MAR 29 1977

A.M.
By FRANCIS F. CAMPBELL, City Auditor

13833

The Honorable Mayor and
Board of City Commissioners
City of Tulsa
City Hall
Tulsa, Oklahoma 74103

Re: Rezoning Application No. Z-4971
Jimmie Jones Company
Ordinance No. 11809
CZM #29, District 2

Gentlemen and Mrs. Eagleton:

We are forwarding herewith a report on the above-captioned application for rezoning and the Minutes of the Tulsa Metropolitan Area Planning Commission meeting of February 23, 1977.

Respectfully submitted,

Wayne Alberty
Wayne Alberty, Chief
Development Coordination

WA:jg

Enclosures:
Case Report (8)
Case Map (8)
Minutes (8)

7.12

March 22, 1977

Mr. Mike Ford
2010 4th National Bank Bldg.
Tulsa, OK 74119

Re: Z-4971 - Jimmie Jones Co.

Dear Sir:

This application has been set for hearing before the City Commission on Tuesday, March 29, 1977, at 2:00 p.m. The meeting will be held in the City Commission Room, Plaza Level of City Hall.

The Zoning Code provides for the advance payment of \$25 to be used for publication of the necessary rezoning Ordinance should the application be approved. If not approved, the \$25 is refunded.

Therefore, Please remit said \$25 fee payable to the City of Tulsa prior to 3-29-77, to this office.

Very truly yours,

CITY COMMISSION SECRETARY

cc: TMAPC

Application No. 2-4971

Applicant: Jimmie Jones Company

Location: NE corner of Newton Street and Utica Avenue

Present Zoning: IL

Proposed Zoning: IM

Date of Application: January 31, 1977

Date of Hearing: February 23, 1977

Size of Tract: 2.5 acres

Presentation to TMAPC By: Mike Ford

Address: 2010 4th National Bank Building

Comments:

Phone: 582-9201

CITY OF TULSA
FILED
MAR 29 1977

A. M.
By FRANCIS F. CAMPBELL, City Auditor P. M.

In the absence of protests, the Chair requested that the Staff and Zoning Committee Recommendations be presented.

Relationship to the Comprehensive Plan:

The District 2 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, shows this area as High-Intensity Industrial and a part of the Special Industrial District 2.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts, this application is in accordance with the Plan Map.

Staff Recommendation:

The Staff recommends APPROVAL of the requested IM zoning except the south 75' to remain IL for the following reasons:

The subject property is located on the east side of Utica Avenue at Newton Street. The property is vacant, zoned IL and the applicant is requesting IM zoning.

The subject tract is located within a planned high-intensity industrial area. The property is presently a part of a light industrial area with IL light industrial zoning on three sides and commercial high-intensity and medium-density multifamily zoning on the fourth side. However the adopted District 2 Plan supports the requested IM zoning. A closer review of the district zoning patterns indicates a large amount of existing IM zoning both south and west of the subject area which was the basis for planning the area for high-intensity industrial.

In addition, other physical facts which we feel lend support to the subject application is the fact that the request is buffered by IL zoning on the north and east, and secondly, the tract fronts Utica Avenue, a major arterial street. An additional 75' strip of IL on the south will completely surround the subject tract with IL.

Based on these reasons, the Staff recommends APPROVAL of IM as requested, except the south 75' to remain IL.

Zoning Committee Recommendation: Concurred with the Staff.

Applicant's Comments:

Mike Ford, representing Jimmie Jones Company, advised that Loveless Manufacturing Company intends to purchase the subject property and expand its existing plant near the north edge of the property, therefore the southern 75' of the property remaining IL would be acceptable.

2.23.77:1150(27)

7.14

Z-4971 (continued)

TMAPC Action: 7 members present.

On MOTION of COLPITTS, the Planning Commission voted unanimously to recommend to the Board of City Commissioners that the following described property be rezoned IM with the exception of the south 75' to remain IL:

SW/4 of the SW/4 of the NW/4 of the NE/4 of Section 31, Township 20 North, Range 13 East, Tulsa County, State of Oklahoma.

except S. 75'

TMAPC Members Present

Allen
Colpitts
Cox
Downie, Mrs.
Hyne
Lakey
Reeh

Staff Present

Alberty
Etter, Mrs.
Gardner
Osgood

STR 3103
CZM #29
Atlas Page 118
District 2

TULSA METROPOLITAN AREA PLANNING COMMISSION
ZONING CASE REPORT

CITY OF TULSA
FILED
MAR 29 1977

A. M.
By FRANCIS F. CAMPBELL, City Auditor P. M.

APPLICATION No. Z-4971 The Jimmie Jones Company

IL to IM

Size of Tract: 2.5 acres

Existing Use: Vacant

Staff Field Check: February 4, 1977

Proposed Use: Industrial

EXISTING CONDITIONS:

ZONING ORDINANCE:

The Zoning Pattern for this area was established by Ordinance No. 11809, dated June 26, 1970.

Zoning Background:

Z-4586 November 1973

Request to rezone 3 lots (140' x 150'), 100' south of the SE corner of Newton and Troost, from RM-1 to IL. The Staff recommended IL with restricted access to Troost, the TMAPC and City Commission approved IL with a 5' strip of RM-1 along the west side.

Adjacent Streets

<u>Existing</u>	<u>Width</u>	<u>Surface</u>	<u>Curbs & Gutters</u>	<u>Restrictions</u>
North Utica Ave.	44'	Asphalt	Yes	Parking

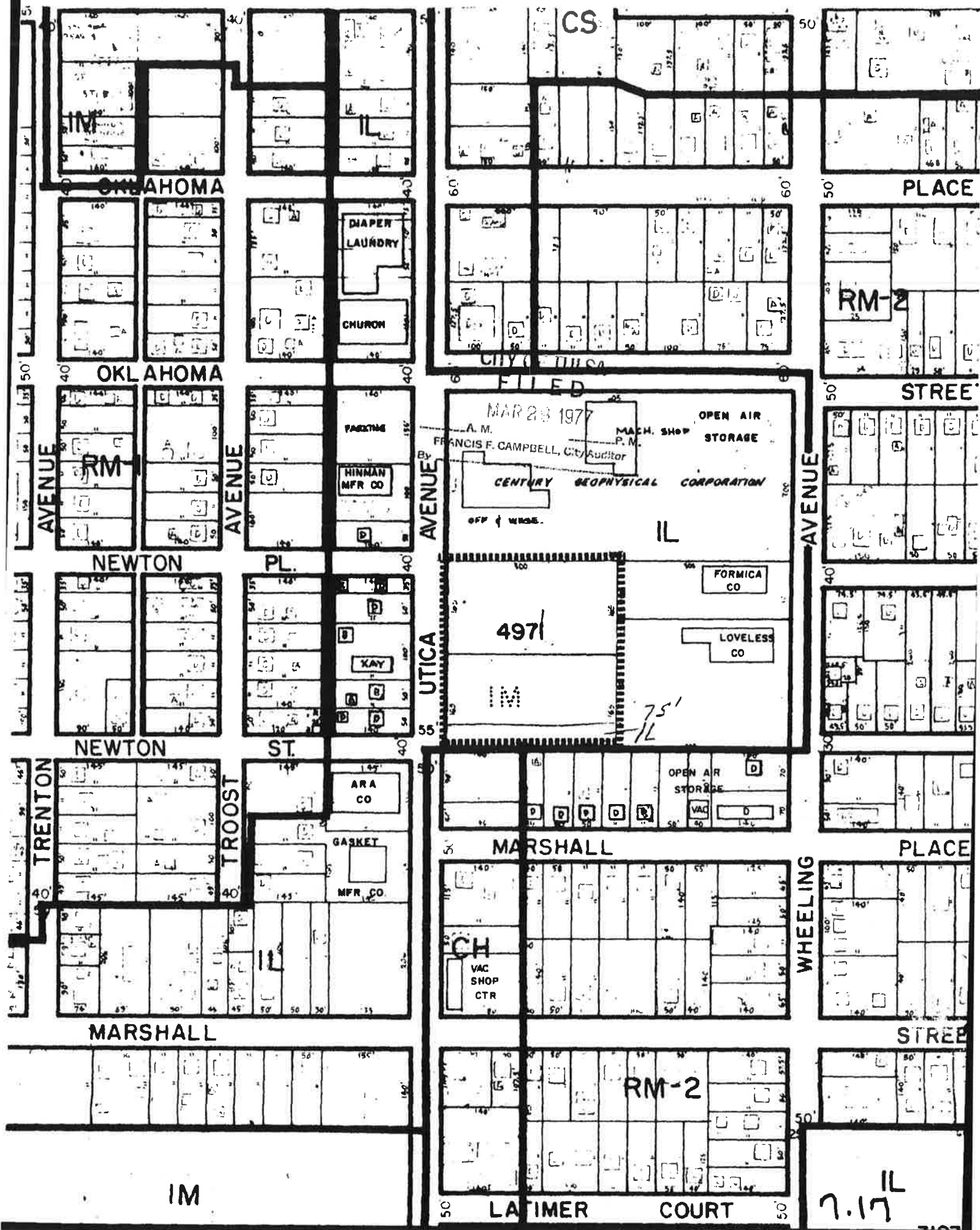
North Utica Avenue is designated as a 100' secondary arterial by the Major Street Plan.

Surrounding Area

The subject tract abuts single-family development to the south and west and industrial uses to the north and east. Several industrial uses and parking lots are interspersed with houses along the west side of Utica in an IL District. This tract is outside the moratorium.

Utilities

All utilities are available.



FILED

MAR 28 1977

By FRANCIS F. CAMPBELL, City Auditor

CENTURY GEOPHYSICAL CORPORATION

OFF & WARE.

IL

4971

FORMICA CO

LOVELESS CO

75' IL

OPEN AIR STORAGE

VAC

MARSHALL

CH

VAC SHOP CTR

RM-2

LATIMER

COURT

7.17 IL

PROOF OF PUBLICATION

IN THE DISTRICT COURT

OF TULSA COUNTY, STATE OF OKLAHOMA

CASE NO.

STATE OF OKLAHOMA, TULSA COUNTY, ss:

Tilman Pool, Jr., of lawful age, being duly sworn, upon oath deposes and says that he is the editor of the TULSA DAILY LEGAL NEWS, a daily newspaper printed in the English language, in the City of Tulsa, Tulsa County, Oklahoma, having a bona fide paid general circulation therein, and with entrance into the United States mail as second class mail matter in Tulsa County, and published in said county where delivered to the United States mail, and that the notice by publication, a copy of which is hereto attached, was published in said newspaper one (1) time on the

18th day of April, 19 77

and that said newspaper has been continuously and uninterruptedly published in said county during the period of more than One Hundred and Four (104) weeks consecutively, prior to the first publication of said notice, or advertisement, as required by Section one, Chapter four, Title 25 Oklahoma Session Laws, 1943, as amended by House Bill No. 495, 22nd Legislature, and thereafter, and complies with all of the prescriptions and requirements of the laws of Oklahoma. (The advertisement above referred to is a true and printed copy. Said notice was published in all editions of said newspaper and not in a supplement thereof.)

Subscribed and sworn to before me by Tilman Pool, Jr., editor of the TULSA DAILY LEGAL NEWS, this 19th day of April, 19 77.

Mary R. Smith
Notary Public.

My commission expires

JAN 3 1979

PUBLISHER'S FEE \$

19.05

ATTORNEY

(C-31857)
(Published in the Tulsa Daily Legal News, April 18, 1977, Dexter Publishing Co., Publishers.)

ORDINANCE NO. 18833

AN ORDINANCE AMENDING ORDINANCE NO. 11809 AND REZONING THE SW/4 OF THE SW/4 OF THE NW/4 OF THE NE/4 OF SECTION 31, TOWNSHIP 20 NORTH, RANGE 13 EAST, TULSA COUNTY, STATE OF OKLAHOMA, EXCEPT THE SOUTH 75' THEREOF FROM AN IL CLASSIFICATION TO AN IM CLASSIFICATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TULSA, OKLAHOMA, to-wit:

Section 1. That Ordinance No. 11809 be and the same is hereby amended and the following described property, to wit:

The SW/4 of the SW/4 of the NW/4 of the NE/4 of Section 31, Township 20 North, Range 13 East, Tulsa County, State of Oklahoma, except the South 75' thereof. (Z-4971).

be and the same is hereby rezoned from an IL Classification to an IM Classification.

Section 2. That all Ordinances or parts of Ordinances in conflict herewith be and the same are hereby expressly repealed.

Section 3. That because the rezoning hereby enacted is essential to the proper and orderly growth and development of the City of Tulsa and the area contiguous thereto an emergency is hereby declared to exist for the preservation of the public peace, health and safety, by reason whereof, this Ordinance shall take effect immediately upon its passage, approval and publication.

PASSED, with the emergency clause ruled upon separately and approved this 15th day of April, 1977.

APPROVED, this 15th day of April, 1977.

ROBERT J. LaFORTUNE,
ATTEST: Mayor.
FRED T. SCOTT,
Deputy City Auditor
(SEAL)
APPROVED:
WALDO F. BALES,
City Attorney.

BoA - 22751

EXHIBIT "A"

The Southwest Quarter of the Southwest Quarter of the Northwest Quarter of the Northeast Quarter (SW/4 SW/4 NW/4 NE/4) of Section Thirty-One (31), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof; LESS AND EXCEPT the South 75 feet thereof.

5094430.2

7.19

EXHIBIT "B"

(Special Exception Request)

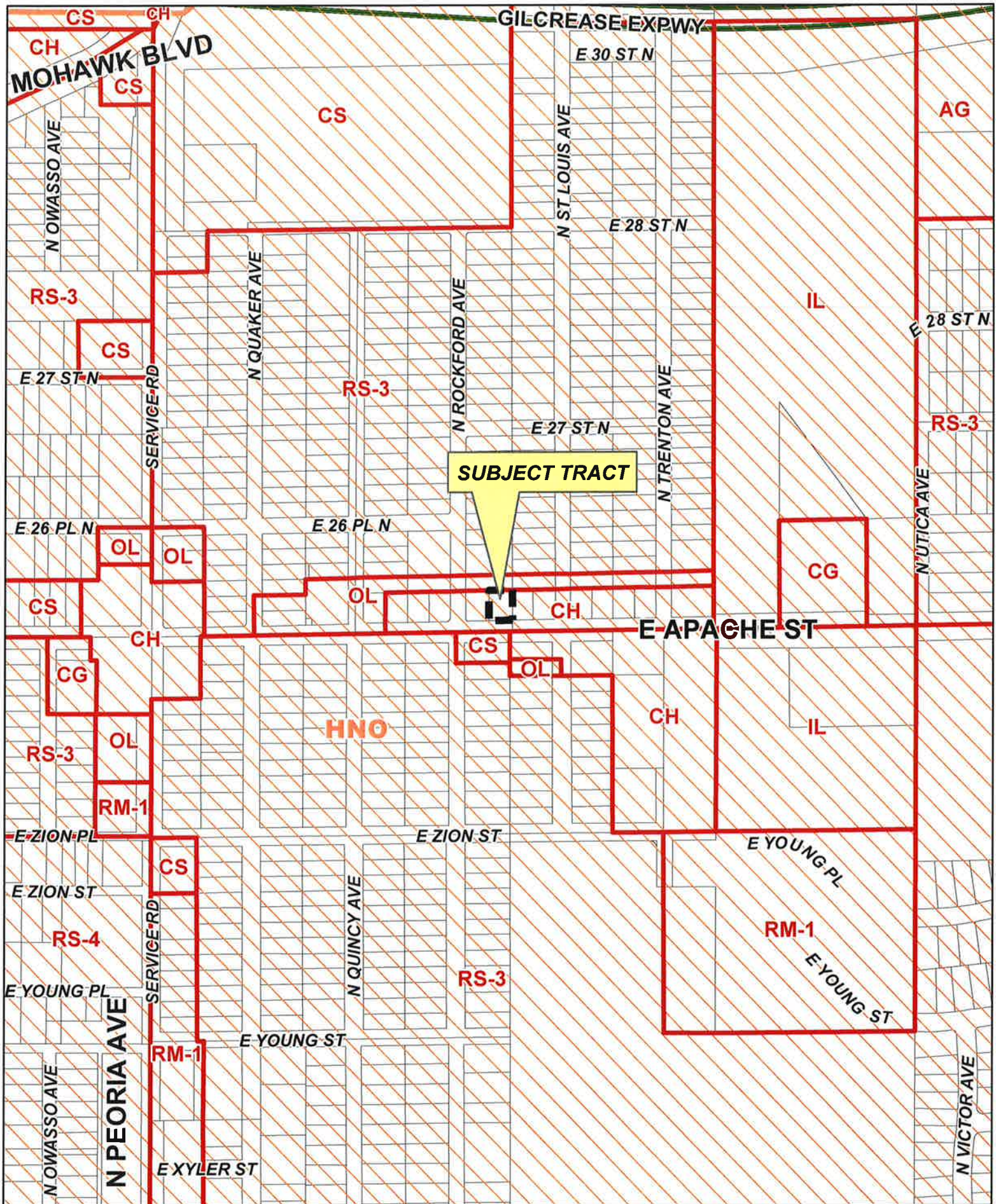
ACTION REQUESTED

The Applicant is seeking a Special Exception to allow High-Impact Manufacturing and Industry in an IM district. The property at issue in this request (the "Subject Property") is a warehouse in an existing industrial district that is populated with other medium to heavy manufacturing businesses. The Applicant's client intends to operate a marijuana growth and extraction facility on the Subject Property. By the terms of the City of Tulsa Zoning Code, such facilities are automatically designated as "High-Impact Manufacturing and Industry" regardless of actual impact on the surrounding area.

The only zoning districts in which "High-Impact Manufacturing and Industry" facilities are currently allowed by right are IH districts. As there are a very limited number of IH districts, potential operators of "High-Impact Manufacturing and Industry" facilities are left with very few choices as to location without requesting a rezoning. Further, it is important to note that the original Ordinance rezoning the Subject Property to IM in 1977 left a 75-foot strip of land as IL on the southern end of the Subject Property. This strip creates a buffer between the area in which the proposed use will be under taken and adjacent properties to the south.

As state law requires the entirety of the growing and extraction process to take place inside of a building and with very specific controls to limit emissions of all types, the Applicant believes that the actual impact of the proposed use on the surrounding area would be far less intensive than other uses in IM districts that are allowed by right. Particularly, the noise and emissions emanating from the proposed use will be minimal compared to auto salvage and machinery uses that currently exist in the vicinity of the Subject Property. Further, the security necessary for the proposed use will far exceed that of other businesses in the area and will immediately benefit the surrounding properties. As such, the Applicant believes that it is clear that the proposed use is very consistent with other uses currently operating by right in the neighborhood and will very likely be far less intensive than those uses.

Considering the foregoing, the Applicant believes that the proposed Special Exception is in harmony with the spirit and intent of the City of Tulsa Zoning Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



SUBJECT TRACT

BOA-22752

8.1



20-13 19



BOARD OF ADJUSTMENT CASE REPORT

STR: 0319 Case Number: **BOA-22752**

CZM: 29

CD: 1

HEARING DATE: 10/08/2019 1:00 PM

APPLICANT: Lester Shaw

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

LOCATION: 1511 E APACHE ST N

ZONED: CH

PRESENT USE: Commercial

TRACT SIZE: 7409.59 SQ FT

LEGAL DESCRIPTION: LT 12 BLK 4, MARTIN ROLL ADDN

ANALYSIS OF SURROUNDING AREA: The subject tract is CH zoned tract located E of the NE/c of E Apache Street and n Rockford Ave. It is surrounded by CH zoning on the East, West, and South and OL zoning on the North.

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 presented an exhibit marking their location and showing a circle with a 1,000 ft. radius drawn around their location and showing no dispensaries within that 1,000 ft. The applicant listed Greenwood Wellness as the nearest dispensary located at the SW/c of Peoria and Apache which is more than 1,000 ft from their property.

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.



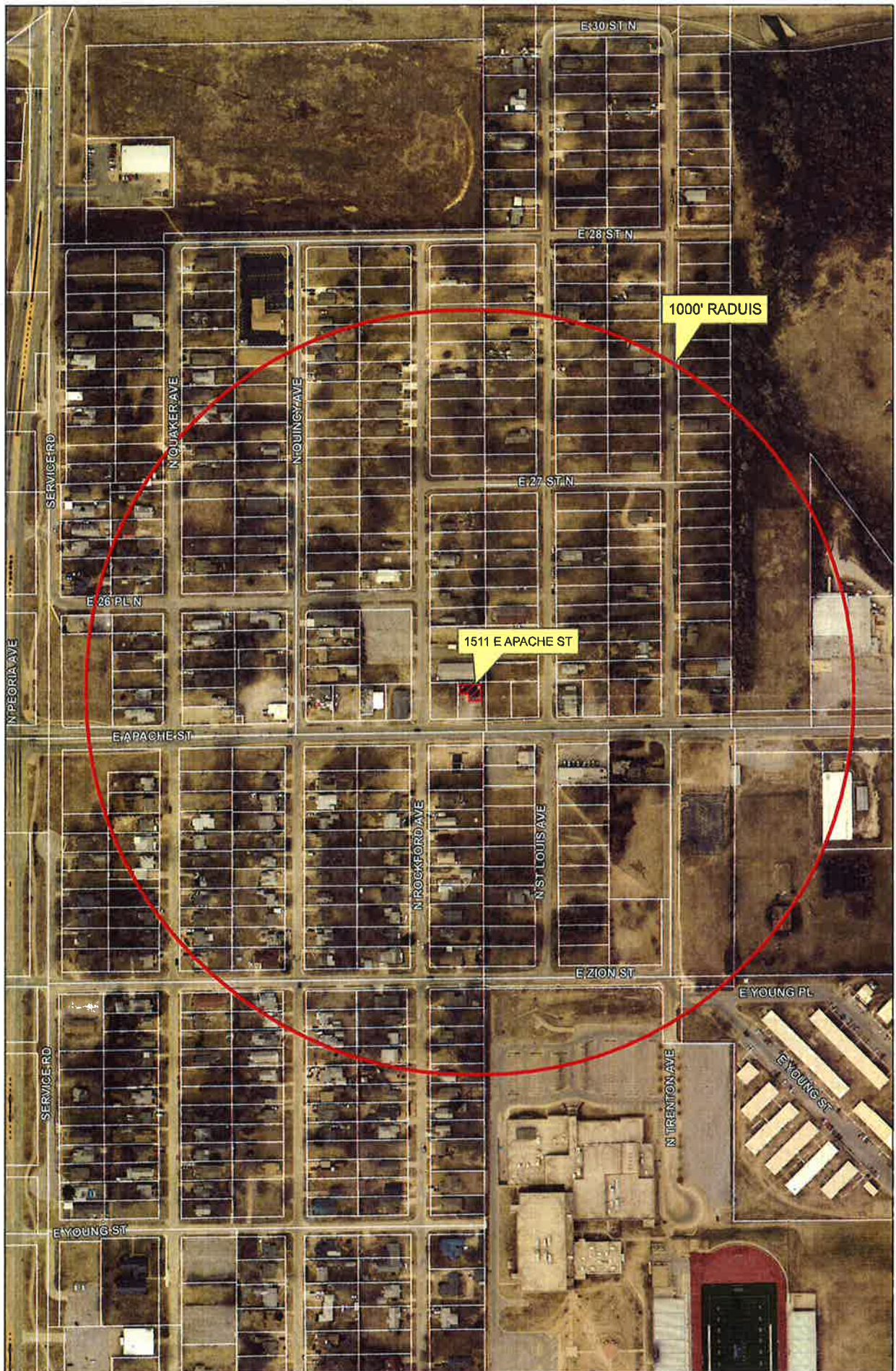
Facing West on Apache



Facing East on Apache



Subject Property



Green woods
DeLiness



Map Prepared by INCOG
2 West Second Street, Suite 800
Tulsa, OK 74103

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

1511 E APACHE ST

Foot
100 50 0 100

Date of Photography:
2018



8.6

Nearest Dispensary

Greenwood Wellness

1216 E Apache St

Tulsa OK.

74106

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

August 22, 2019

Lester Shaw
2238 N Yorktown Ave
Tulsa, OK 74110

Phone: 404.337.9745

APPLICATION NO: **BLDC-040437-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **1511 E Apache ST**

Description: **Medical Marijuana Dispensary**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(continued)

REVIEW COMMENTS

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

BLDC-040437-2019

1511 E Apache ST

August 22, 2019

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

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

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

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

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

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

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

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

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

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

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



END – ZONING CODE REVIEW



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



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

Chapman, Austin

From: Lester Shaw <lesterl2shaw@icloud.com>
Sent: Monday, August 26, 2019 3:11 PM
To: Chapman, Austin
Subject: License

**Oklahoma Medical Marijuana Authority**

 Help  Lester S

**Oklahoma Medical Marijuana Authority**

Licenses


Selected Account:
The Mother Land

[+ CREATE NEW APPLICATION](#)

[LICENSE DASHBOARD\(/#!/LICENSE\)](#)

[APPLICATIONS\(/#!/APPLICATIONS\)](#)

[ACCOUNT](#)

Status	Title	License Type	Badge Number	Expiry Date
 Approved	The Mother Land, Inc	New Business License	DAAA-4KQH-VZAN (/#!/licenses/OK-NBL/DAAA-4KQH-VZAN/195698)	08/31/20

Page: 1

Rows per page: 25

1 - 1 of 1

Sent from my iPhone



0 200 400
Feet



Subject
Tract

BOA-22752

20-13 19

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

Aerial Photo Date: February 2018

8.12





0 50 100
Feet



Subject
Tract

BOA-22752

20-13 19

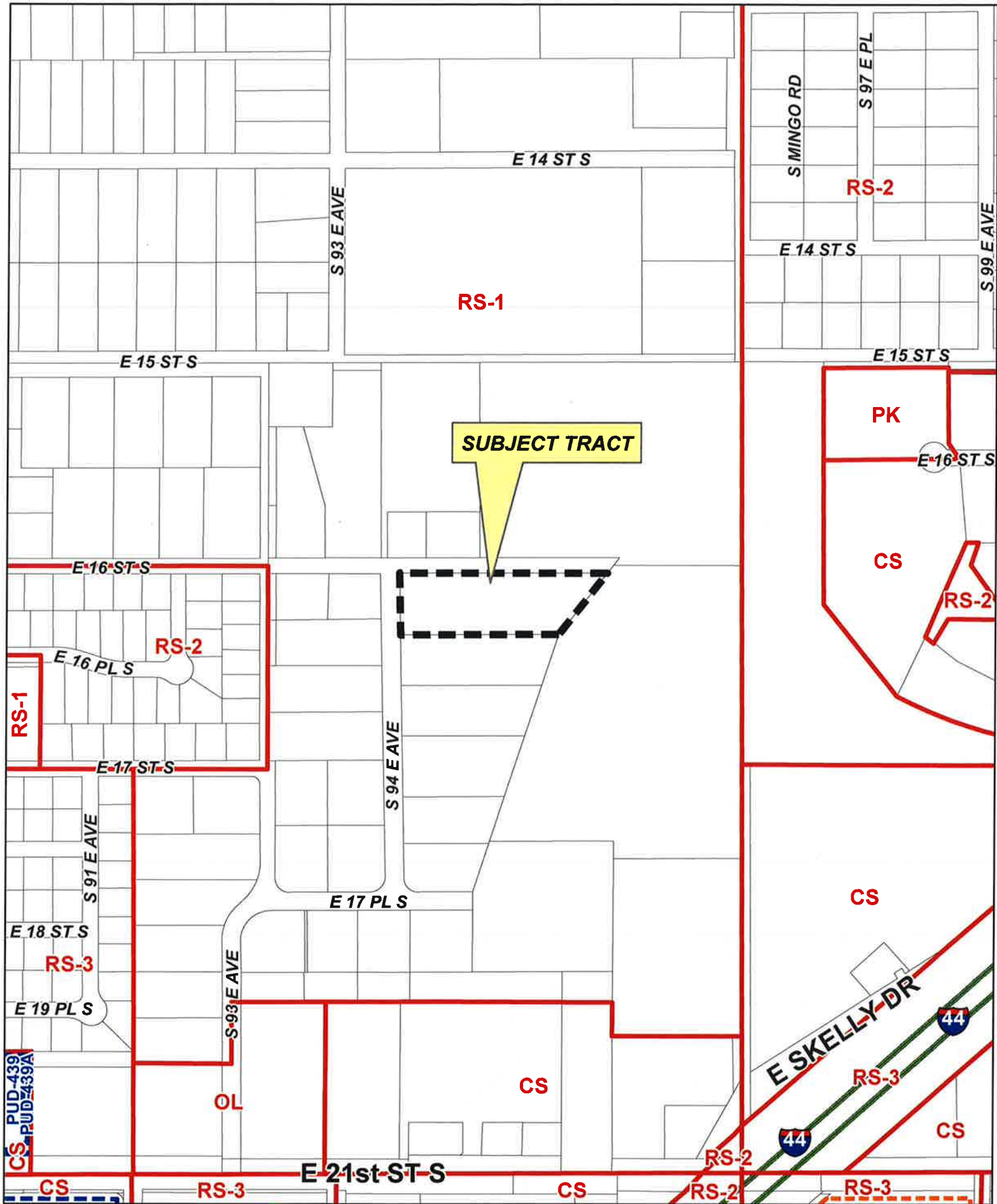
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018

8.13



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BOA-22753

9.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9312

Case Number: **BOA-22753**

CZM: 38

CD: 5

HEARING DATE: 10/08/2019 1:00 PM

APPLICANT: Larry McCool

ACTION REQUESTED: Variance of the allowable square footage for detached accessory buildings in the RS-1 district. (Section 45.030) Special Exception to exceed the allowable driveway width in the right-of-way and in the street yard. (Section 55.090-F.3)

LOCATION: 9402 E 16 ST S

ZONED: RS-1

PRESENT USE: Residential

TRACT SIZE: 117830.28 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 1, WINDSOR PARK ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is an RS-1 zoned piece of property completely surrounded by RS-1 zoning, located at the SE/c of E 16th St S and S 94 E Ave. The majority of the 16th Street right-of-way along the north boundary of the subject property is unimproved.

STAFF COMMENTS: The applicant is requesting a Variance of the allowable square footage for detached accessory buildings in the RS-1 district (Section 45.030) and a Special Exception to exceed the allowable driveway width in the right-of-way and in the street yard. (Section 55.090-F.3)

9.2

Section 45.030 Accessory Buildings and Carports in R Districts

45.030-A Accessory Building Size

1. RE and RS-1 Districts

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

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

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

[1] For detached accessory buildings located within rear setbacks see ~~§90.090-C2~~.

55.090-F Surfacing

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

Maximum Driveway Width

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

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

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

SAMPLE MOTION:

Variance

Move to _____ (approve/deny) a **Variance** of the allowable square footage for detached accessory buildings in the RS-1 district. (Section 45.030)

- 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."*

Special Exception

Move to _____ (approve/deny) a **Special Exception** to exceed the allowable driveway width in the right-of-way and in the street yard. (Section 55.090-F.3)

- 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.

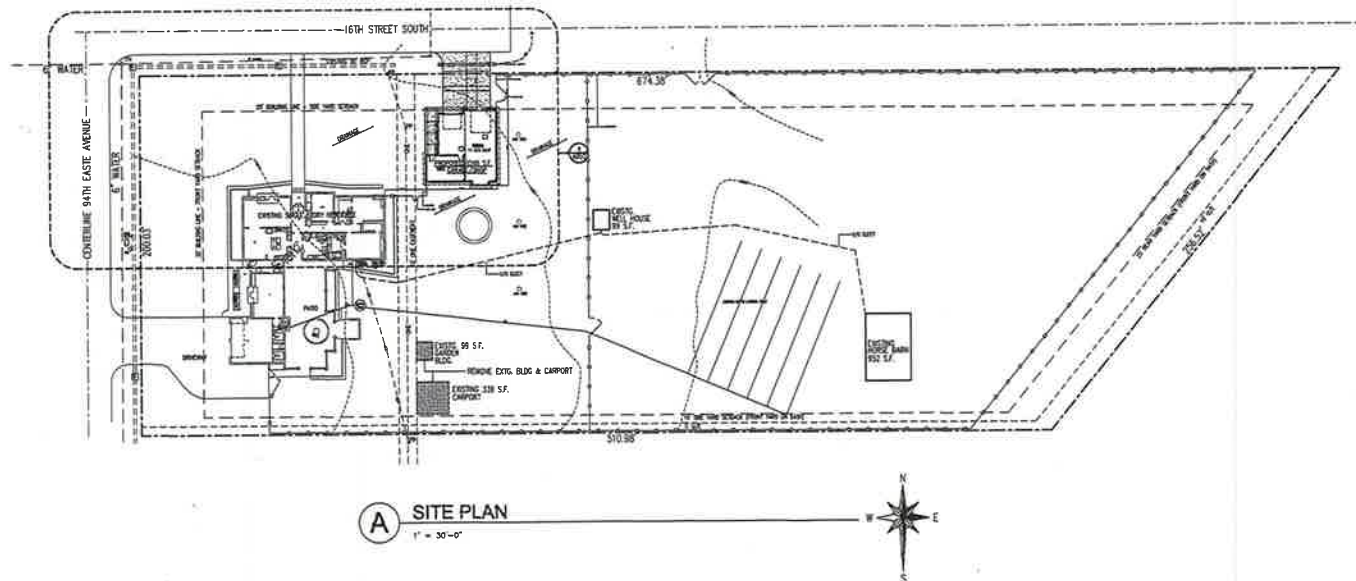


Front of subject Tract from 16 St. S. and S. 94 E. Ave.



Backyard of subject tract including the dead end of the 16th St. Right-of-Way

9.6



GENERAL SITE NOTES

VERIFY EXISTING AND PROPOSED AREAS WITH BASE SHOWN ON THESE PLANS. EXCEPT ANY DISCREPANCIES TO THE ADJUSTED PERMITS TO PROCEED WITH CONSTRUCTION.

COMPLETE ALL WORK IN ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL ORDINANCES, CODES AND REGULATIONS.

INSTALL CROWN BOLT NAILS AS REQUIRED FOR SOIL EROSION CONTROL, DURING CONSTRUCTION.

TO MAINTAIN PROPER DRAINAGE, SLOPE GRASS AWAY FROM THE STRUCTURE 1" IN THE FIRST 2'-0", PROVIDE DRAINS AS REQUIRED TO MAINTAIN PROPER DRAINAGE AWAY FROM THE STRUCTURE.

REMOVE EXISTING AND NEW EXISTING GRASS AS SHOWN AS REQUIRED DURING CONSTRUCTION. MATCH EXISTING GRASS TO OTHER WHERE POSSIBLE.

SCREEN AND USE STRUCTURAL STEELING WHERE REQUIRED TO FACILITATE THE WORK.

CONSTRUCTION EQUIPMENT WITH HEAVY AXLE LOADS SHALL BE LIMITED TO 10,000 LBS. PER AXLE ON EXISTING OR NEW, EXCEPT WHERE SHOWN OTHERWISE. IN REMAINING AREAS OF EXISTING PAVEMENT.

VERIFY AND COORDINATE WITH EXISTING LAMP OPERATING SYSTEM. REPLACE ANY DAMAGED OPERATING SYSTEM.

SECURE RELATED POINTS OF INTEREST FOR WORK IN THE STREET RIGHT OF WAY. REMOVE OR REPLACE EXISTING LANDSCAPE, TREES, BUSHES, CURBS OR OTHER STREET FRONT OF ANY STRUCTURE SHOWN ON EXISTENCE SHOWN BY THE OWNER.

MAINTAIN EXISTING FEATURES NOT SHOWN ON ARE SHOWN ON THE DRAWING. CONTACT APPROPRIATE AGENCIES AND HAVE ALL UTILITIES LOCATED AND FLAGGED PRIOR TO BEGINNING WORK ON THE SITE.

WHERE RECONSTRUCTION OF EXISTING GRADES IS SHOWN, RESPONSIBLY REPLICATE THE TOP 4" OF SOIL. VERIFY DRAINAGE TO NEW GRADES WITH 1" PER 100' SLOPE TYPICAL OVER ADJACENT TERRAIN.

CONCRETE SHALL BE 4" MINIMUM 4" THICK WITH 6,000 PSI MINIMUM STRENGTH. CONCRETE TO BE PLACED 100 PSI 6" OR MORE TO 10" TO 12" IN THICKNESS AND 12" TO 18" IN THICKNESS. SHALL BE TO THE CONTROL. IN CONSTRUCTION JOINTS 8" MINIMUM 7" O.C.

COORDINATE WITH OWNER LANDSCAPE DESIGN FOR SITE SCENE FEATURES AND FINISHES.

McCool and Associates, P.C.
 Architecture & Planning
 1703 East 10th Ave., Suite 107
 Tulsa, Oklahoma 74106
 Phone: (918) 484-2542
 Fax: (918) 484-2542



Project
 2019.06

**McCool
 RESIDENCE
 ADDITION**
 8402 EAST 16TH STREET
 TULSA, OKLAHOMA 74112

Legal Description
 Lot 10, Block 10, Sub 10, Tulsa Park Addition, as shown in the City of Tulsa, Tulsa County, Tulsa 10, Oklahoma, according to the recorded plat No. 10.

Sheet Title

**SITE
 PLAN**

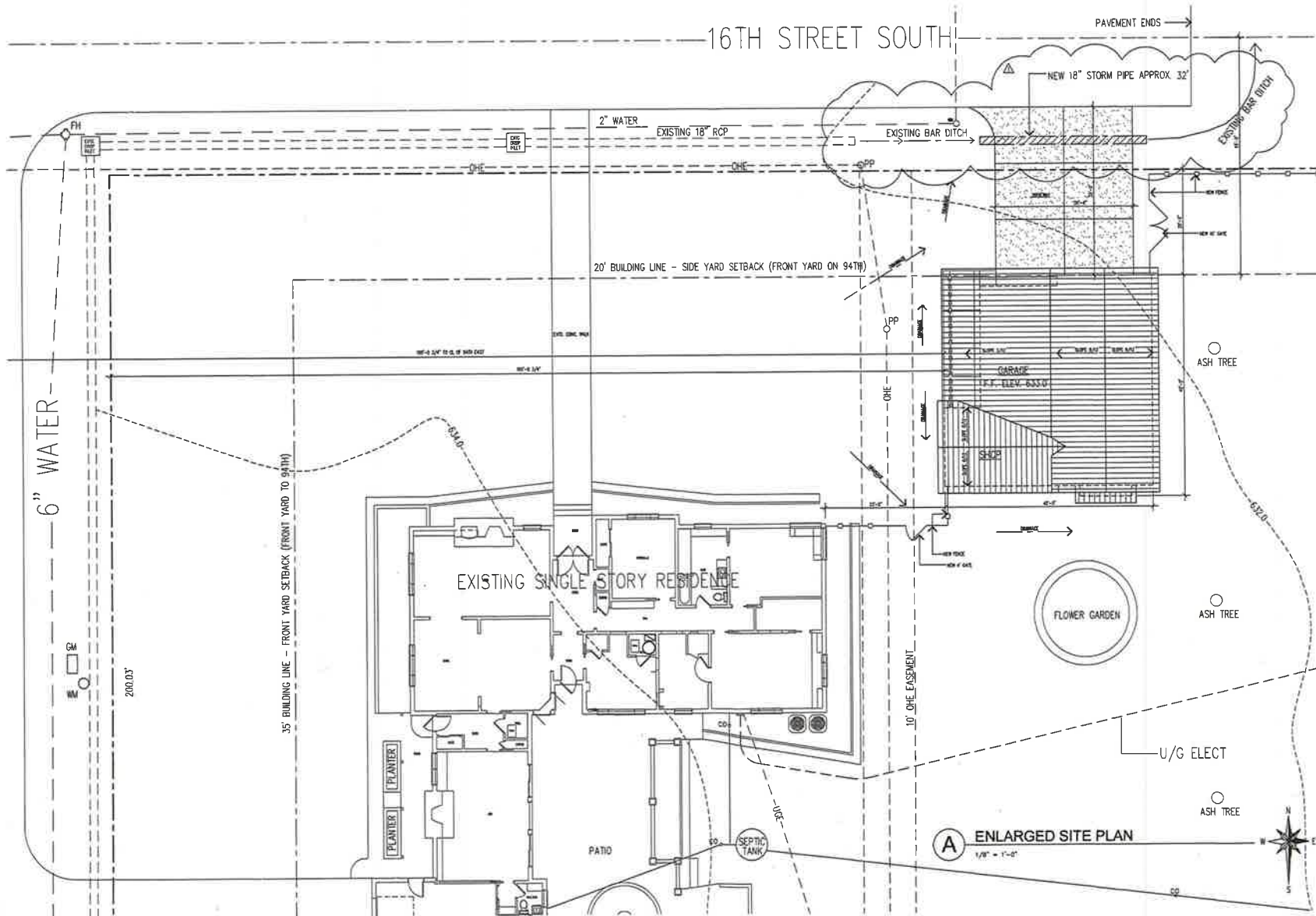
Issued: JULY 30, 2016

Revision	Date

Sheet Number

A001

9.7



A ENLARGED SITE PLAN
1/8" = 1'-0"

McCool and Associates, P.C.
Architecture & Planning
1703 East Brady Drive, Suite 107
Tulsa, Oklahoma 74105
Phone: (918) 964-2642
Fax: (918) 964-2642



Project
2015.08

**McCOOL
RESIDENCE
ADDITION**
9402 EAST 16TH STREET
TULSA, OKLAHOMA 74112

Legal Description
Lot 10 (1), Block 10 (1), Maple Park Addition,
as shown on the City of Tulsa, Map Series
100-10-100, according to the Record Plat
No. 100-10-100

Client Title

**ENLARGED
SITE PLAN
ROOF PLAN**

Revised	By	Date
1	AM	06/13/2019

Sheet Number
A002

Jeff S. Taylor
Zoning Official
Plans Examiner II

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

Larry McCool

8/21/2019

APPLICATION NO: BLDR-38745-2019 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 9402 E 16th St

Description: Detached Accessory Building

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(continued)

REVIEW COMMENTS

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

Application No. **BLDR-38745-2019**

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

45.030-A RE and RS-1 Districts

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

Review comments: You have 1361 sq ft of existing accessory structures on your lot. You are proposing an additional 1598 sq ft of detached accessory structure for a total of 2959 sq ft. The total of all detached structure exceeds 750 sq ft and 40% of the size of your house. Based on the size of your house (4260 sq ft) you are allowed 1704 sq ft of detached accessory structures on your lot. Reduce the total square footage of detached accessory structures to be less than 1704 sq ft or apply to BOA for a variance to allow a total of all detached accessory structure to exceed 40% of the floor area of the principal residential structure.

55.090-F3 Surfacing. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120. Maximum Driveway Width is 27' within ROW and 30' outside of ROW on your lot.

Maximum Driveway Width

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

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

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

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

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

END -ZONING CODE REVIEW

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

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

Legal Description

Lot One (1), Block One (1), Windsor Park Addition,
an addition to the City of Tulsa, Tulsa County,
State Of Oklahoma, according to the Recorded Plat
No. 1871.

MCCOOL RESIDENCE ADDITION
9402 EAST 16TH STREET, TULSA, OK

August 26, 2019

VARIANCE TO ALLOW AN ADDITIONAL 945 S.F. OF DETACHED ACCESSORY STRUCTURE IN EXCESS OF THE 1,704 S.F. ALLOWED BY ZONING CODE SECTION 45.030-A AND CITED BY THE LETTER OF DEFICIENCY ATTACHED DATED 08/21/2019.

HARDSHIP:

THE EXISTING 2.7 ACRE PROPERTY HAS A FENCED PASTURE & HORSE BARN WHICH WAS ADDED BY THE PREVIOUS OWNERS. THE BARNS REMOTE LOCATION NEXT TO MINGO CREEK MAKES THIS BUILDING SUBJECT TO BREAK-INS AND FLOODING AND IS NOT FUNCTIONAL FOR STORAGE OF VEHICLES AND EQUIPMENT. THE PURPOSE OF THE PROPOSED STREET ACCESSED BUILDING IS TO PROVIDE SECURED, OUT OF FLOOD PLANE STORAGE AND TO REPLACE THE CARPORT AND GARDEN BUILDINGS. THE ELECTRICAL EASEMENT BISECTING THE SITE LIMITS OUR ABILITY TO MAKE THIS AN "ATTACHED" EXPANSION OF THE RESIDENCE.

NOTE,

THE ATTACHED LETTER OF DEFICIENCY DOES NOT ACCOUNT FOR THE REMOVAL OF THE CARPORT AND GARDEN BUILDINGS. WE HAD NEGLECTED TO SHOW THIS ON OUR PERMIT APPLICATION DRAWINGS. WE WILL ACCEPT, AS A CONDITION OF APPROVAL OF THIS VARIANCE, THE REMOVAL OF THESE TWO STRUCTURES.

SPECIAL EXCEPTION TO ALLOW ONE NEW DRIVEWAY EXCEEDING THE ALLOWABLE MAXIMUM DRIVEWAY WIDTHS ALLOWED UNDER SECTION 55.090-F3. NEW TOTAL DRIVEWAY WIDTH IN THE RIGHT-OF-WAY TO BE A COMBINED 52'-6" AND THE WIDTH WITHIN THE STREET YARD TO BE THE EXISTING WEST DRIVEWAY WIDTH WHICH VARIES PLUS 26'-6" AT THE NEW DRIVEWAY. (Please note that our total street frontage affording these two driveways is over 430 lineal feet.)

September 06, 2019

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

RE: BOA Case Number 22753
9402 East 16th Street
Tulsa, OK 74112

Mr. McCool has visited with us regarding his proposed detached accessory building (garage) and shared his drawings of the proposed building. We are in support of his requested Variance for the increased allowable detached accessory building square footage and his requested Special Exception for an increase in the allowable width of the driveway width both in the street right-of-way and street yard.

We believe that given the size of the lots in our neighborhood, the zoning code limits on these conditions are excessive and Mr. McCool's requests are consistent with the character of the neighborhood.

In addition:

Respectfully Submitted,



SHARON K TRUELOVE
1635 S 94 AV E TULSA 74112

September 06, 2019

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

RE: BOA Case Number 22753
9402 East 16th Street
Tulsa, OK 74112

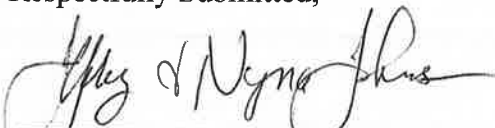
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We believe that given the size of the lots in our neighborhood, the zoning code limits on these conditions are excessive and Mr. McCool's requests are consistent with the character of the neighborhood.

In addition:

*We have no objections. The project will
in no way negatively affect the neighborhood.*

Respectfully Submitted,


JEFFREY AND NYNA JOHNSON
9401 E 16 ST S TULSA 74112

September 06, 2019

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

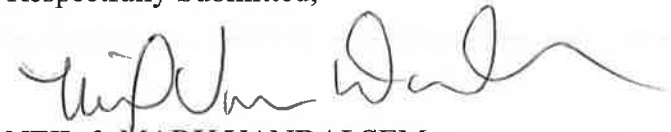
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9402 East 16th Street
Tulsa, OK 74112

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We believe that given the size of the lots in our neighborhood, the zoning code limits on these conditions are excessive and Mr. McCool's requests are consistent with the character of the neighborhood.

In addition:

Respectfully Submitted,



NEIL & MARY VANDALSEM
9393 E 16 ST S TULSA 74112



0 200 400
Feet



Subject
Tract

BOA-22753

19-13 12

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

Aerial Photo Date: February 2018

9.16





E 16 ST S

S 94 E AVE

0 50 100
Feet



Subject
Tract

BOA-22753

19-13 12

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

Aerial Photo Date: February 2018

9.17



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BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: **BOA-22754**

CZM: 37

CD: 4

HEARING DATE: 10/08/2019 1:00 PM

APPLICANT: Anthony Spandrio

ACTION REQUESTED: Special Exception to permit a Bed and Breakfast use in an RM-2 District (Sec. 5.020 Table 5-2)

LOCATION: 1120 S XANTHUS AV E

ZONED: RM-2

PRESENT USE: Residential

TRACT SIZE: 4599.95 SQ FT

LEGAL DESCRIPTION: LT 26 BLK 2, RIDGEDALE TERRACE 2ND ADDN

RELEVANT PREVIOUS ACTIONS: None

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is RM-2 zoned tract located in a RM-2 zoned subdivision, located South of the SE/c of S. Xanthus Ave and E. 11th Street S.

STAFF COMMENTS:

The applicant is requesting a Special Exception to permit a Bed and Breakfast use in an RM-2 District (Sec. 5.020 Table 5-2)

10.2

Chapter 5 | Residential Districts
Section 5.020 | Use Regulations

USE CATEGORY		RS-							RM-						
Subcategory	RE	1	2	3	4	5	RD	RT	0	1	2	3	RMH	Supplemental Regulations	
Specific use															
Hospital	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.070	
Library or Cultural Exhibit	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.200	
Natural Resource Preservation	P	P	P	P	P	P	P	P	P	P	P	P	P		
Parks and Recreation	S	S	S	S	S	S	S	S	S	S	S	S	S		
Postal Services	S	S	S	S	S	S	S	S	S	S	S	S	S		
Religious Assembly	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.320	
Safety Service	S	S	S	S	S	S	S	S	S	S	S	S	S		
School															
Established on or before Jan. 1, 1998	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 40.350	
Others	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.350	
Utilities and Public Service Facility															
Minor	P	P	P	P	P	P	P	P	P	P	P	P	P		
Major	S	S	S	S	S	S	S	S	S	S	S	S	S		
Wireless Communication Facility															
Freestanding tower	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.420	
Building or tower-mounted antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 40.420	
COMMERCIAL															
Broadcast or Recording Studio	-	-	-	-	-	-	-	-	-	S	S	S	-		
Financial Services (except as below)	-	-	-	-	-	-	-	-	-	S	S	S	-		
Personal credit establishment	-	-	-	-	-	-	-	-	-	-	-	-	-		
Funeral or Mortuary Service	-	-	-	-	-	-	-	-	-	S	S	S	-		
Lodging															
Bed & breakfast	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.060	
Marina	S	S	S	S	S	S	S	S	S	S	S	S	S		
Office														Section 40.260	

A Bed and Breakfast use is subject to the supplemental regulations of Sec. 40.060:

Section 40.060

Bed and Breakfasts

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

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

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

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

40.060-D Cooking facilities are prohibited in guest rooms.

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

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

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to permit a Bed and Breakfast use in an RM-2 District (Sec. 5.020 Table 5-2)

- 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.



Facing South on Xanthus Ave.



Facing North on Xanthus Ave.





0 200 400
Feet



Subject
Tract

BOA-22754

19-13 07

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

Aerial Photo Date: February 2018

10.9





0 50 100
Feet



Subject
Tract

BOA-22754

19-13 07

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

Aerial Photo Date: February 2018



10.10

BOARD OF ADJUSTMENT CASE REPORT

STR: 8320

Case Number: BOA-22755

CZM: 56

CD: 2

HEARING DATE: 10/08/2019 1:00 PM

APPLICANT: 918 Elevate

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

LOCATION: 2828 E 91 ST S

ZONED: CS

PRESENT USE: Dispensary

TRACT SIZE: 48957.28 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 1, CAR CARE ADDN

ANALYSIS OF SURROUNDING AREA: The subject tract is a CS zoned tract completely surrounded by CS zoning, located at the SE/c of E. 91st Street S. and S. Delaware Ave.

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 presented an exhibit marking their location and showing a circle with a 1,000 ft. radius around their location marking no other dispensaries within that circle. The applicant provided a separate exhibit indication the closest dispensary as Whole Leaf, located 1.31 miles northeast of the subject property.

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.

11.2



Subject Tenant Space



Facing West on Delaware Ave.



Facing East 91st Street

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

August 7, 2019

Joshua Wyrick
4848 S Quincy Ave
Tulsa, OK 74105

Phone: 918.313.8943

APPLICATION NO: COO-039334-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 2828 E 91 ST

Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(continued)

REVIEW COMMENTS

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

COO-039334-2019

2828 E 91 ST

August 7, 2019

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

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

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

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

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

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

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

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

END – ZONING CODE REVIEW

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

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

Address

2828 E 91st st Tulsa OK 74137

Radius

1000.00

Feet

Circle

AAAAAA

Border

000000

☐ **Only Show Border**

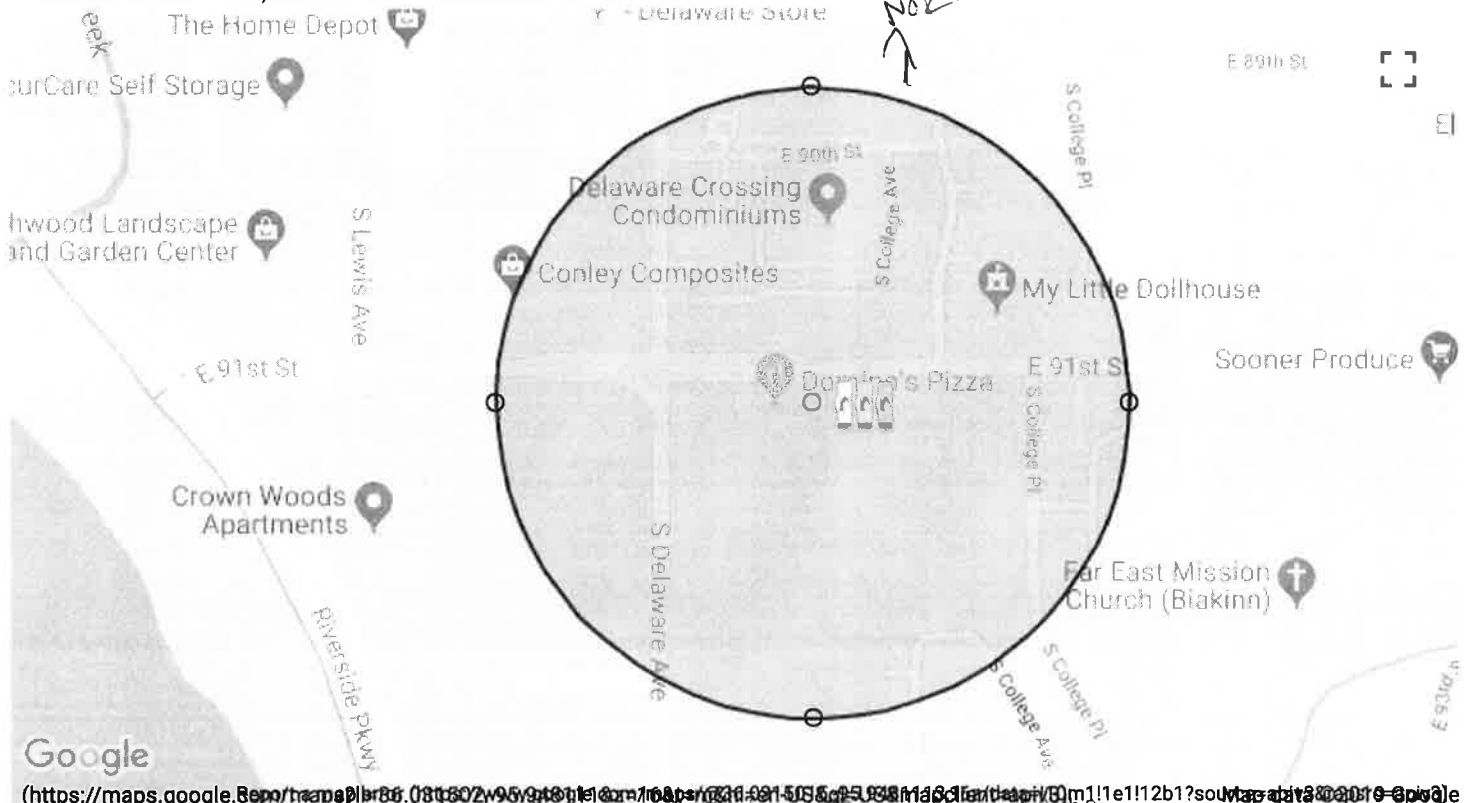
Zoom to Address

New Circle

Edit Circle

Remove Circle

Position: 36.031554,-95.947296 Radius: 304.80 Meters



(https://maps.google.com/maps/@36.081502,-95.941811,6z/data=!3m1!1e1!1b1?source=attribution)

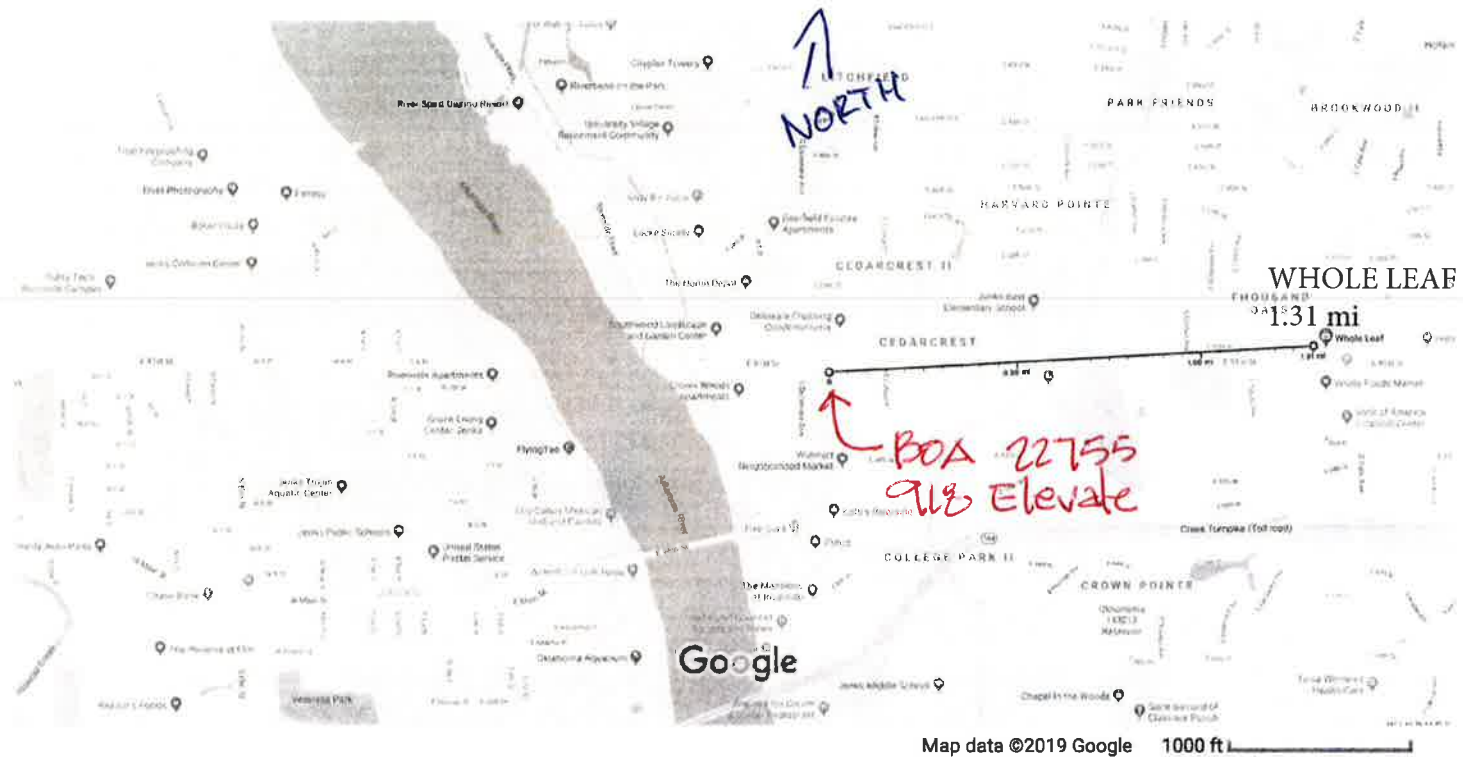
Return to this radius map here, just save this link

https://www.mapdevelopers.com/draw-circle-tool.php?circles=%5B%5B304.8%2C36.0318591%2C-95.8476504%2C%22%23AAAAAA%22%2C%22%23000000%22%2C0.4%5D%2C%5B304.8%2C36.0315536%2C-95.9472959%2C%22%23AAAAAA%22%2C%22%23000000%22%2C0.4%5D%5D

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

11.7

dispensaries tulsa ok

**Healthy Buds Dispensary**

4.7 ★★★★★ (332)

Cannabis store · 7727 E 21st St

Open until 8:00 PM

**HempRx Dispensary**

4.4 ★★★★★ (124)

Cannabis store · 8160 S Memorial Dr

Open until 8:00 PM

**The Dankery Dispensary**

4.7 ★★★★★ (226)

Cannabis store · 8125 E 51st St Suite O

Open until 7:00 PM

**RedEye 420 - Medical Marijuana Dispensary Tulsa - 15th Sheridan**

4.8 ★★★★★ (145)

Cannabis store · 1525 S Sheridan Rd

Open until 8:00 PM

**Tulsa Dispensary**

4.4 ★★★★★ (42)

Cannabis store · 5910 S 107th E Ave



11.8

Open until 9:00 PM

**T-Town Medical Marijuana Dispensary**

4.6 ★★★★★ (105)

Cannabis store · 3524 S Sheridan Rd

Open until 8:00 PM

**Doctor Green Dispensary**

4.5 ★★★★★ (78)

Cannabis store · 3232 E 15th St

Open until 10:00 PM

**Route 66 Medical Cannabis Dispensary**

4.6 ★★★★★ (171)

Cannabis store · 6305 E 11th St

Open until 8:00 PM

**Scizzortail Dispensary**

3.6 ★★★★★ (5)

Organic shop · 9999 S Mingo Rd Suite V

Open until 7:00 PM

**Nirvana Cannabis Dispensary | S Peoria Ave**

4.7 ★★★★★ (383)

Cannabis store · 5234 S Peoria Ave STE. A

Open until 10:00 PM

**East Village Dispensary**

4.3 ★★★★★ (133)

Cannabis store · 202 S Lansing Ave Suite A

Open until 7:00 PM

**Whole Leaf**

4.5 ★★★★★ (61)

Cannabis store · 4785 E 91st St Suite A

Open until 8:00 PM

**Nirvana Cannabis Dispensary | E 11th St**

4.6 ★★★★★ (508)

Cannabis store · 3206 E 11th St

Open until 10:00 PM

**Ye Olde Apothecary Shoppe**

11.9

4.5 ★★★★★ (25)

Alternative medicine practitioner

5874 S Mingo Rd

Open until 10:00 PM

**OHG Dispensary**

4.6 ★★★★★ (74)

Cannabis store · 9954 E 21st St

Open until 8:00 PM

**Earthly Mist**

4.6 ★★★★★ (94)

Cannabis store · 5318 S Peoria Ave

Open until 8:00 PM

**TREEHOUSE DISPENSARY**

4.2 ★★★★★ (619)

Cannabis store · 4127 S Peoria Ave

Open until 8:00 PM

**Central Purp Cannabis Dispensary**

4.7 ★★★★★ (37)

Cannabis store · 6709 E 81st St

Open until 7:00 PM

**Tulsa Dispensaries**

1.0 ★★★★★ (3)

Alternative medicine practitioner ·

2200 W New Orleans St

**Medijuana Medical Marijuana Dispensary**

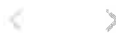
3.8 ★★★★★ (20)

Drug store · 9757 E 31st St

Open until 8:00 PM



Showing results 1 - 20



Measure distance

Total distance: 1.31 mi (2.10 km)

11.10

State of Oklahoma

License Certificate

NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

918 ELEVATE LLC

2828 E 91ST ST , TULSA, OK, 74137

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

02/16/2020

LICENSE NUMBER:

DAAA-V1CJ-YJ9E



Tom Bates

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

DO NOT COPY

11.11



0 200 400
Feet



Subject
Tract

BOA-22755

18-13 20

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

Aerial Photo Date: February 2018



11.12



E 90th St S

E 91st St S

S DELAWARE AVE

0 50 100
Feet



Subject
Tract

BOA-22755

18-13 20

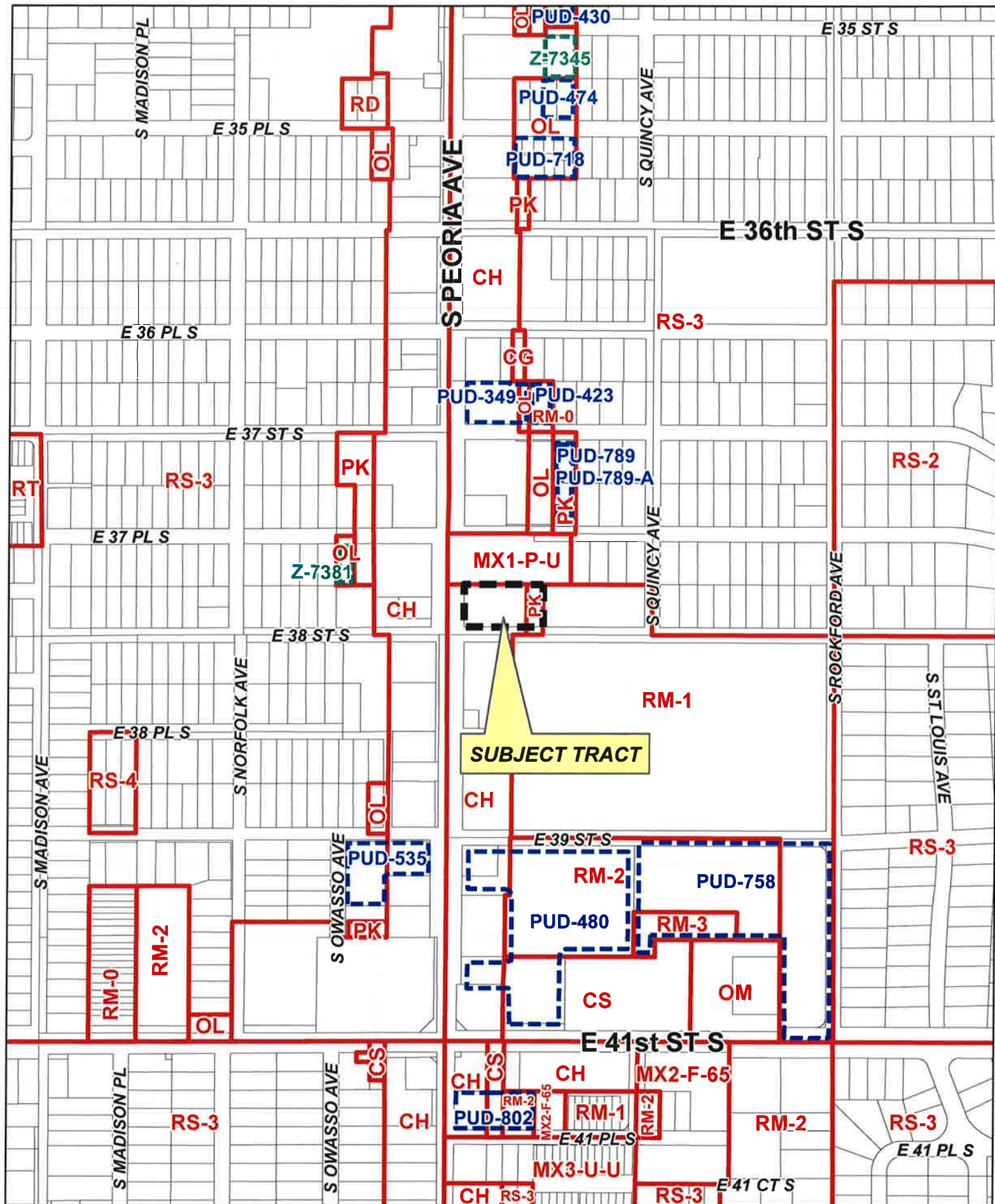
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018

11.13

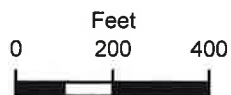


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BOA-22756

12.1



19-13 19



BOARD OF ADJUSTMENT CASE REPORT

STR: 9319

Case Number: **BOA-22756**

CZM: 47

CD: 9

HEARING DATE: 10/08/2019 1:00 PM

APPLICANT: Frank Stewart

ACTION REQUESTED: Variance of the setback to allow a canopy structure in the right-of-way along Peoria Ave. (Sec. 90.090)

LOCATION: 3739 S PEORIA AV E

ZONED: PK,CH

PRESENT USE: Mixed Use

TRACT SIZE: 35850.03 SQ FT

LEGAL DESCRIPTION: W305 S165.57 GOV LT 3 LESS W50 & S25 E255 FOR STS SEC 19 19 13 .823AC

RELEVANT PREVIOUS ACTIONS: None

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

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

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. 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 CH and PK and is located at the NE/c of S. Peoria Ave and E. 38th Street S.

STAFF COMMENTS: The Applicant is requesting a Variance of the setback to allow a canopy structure in the right-of-way along Peoria Ave. (Sec. 90.090)

90.090-A Measurement

Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See §90.090-C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right of way or planned right of way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

Th applicant is requesting a variance to allow the replacement of Canopy that was removed from the subject property. The applicant presented a copy of a license agreement the property owner has entered into with the City of Tulsa for a removable patio canopy and other improvements to be located inside the City of Tulsa Right-of-Way.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** of the setback to allow a canopy structure in the right-of-way along Peoria Ave. (Sec. 90.090)

- 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



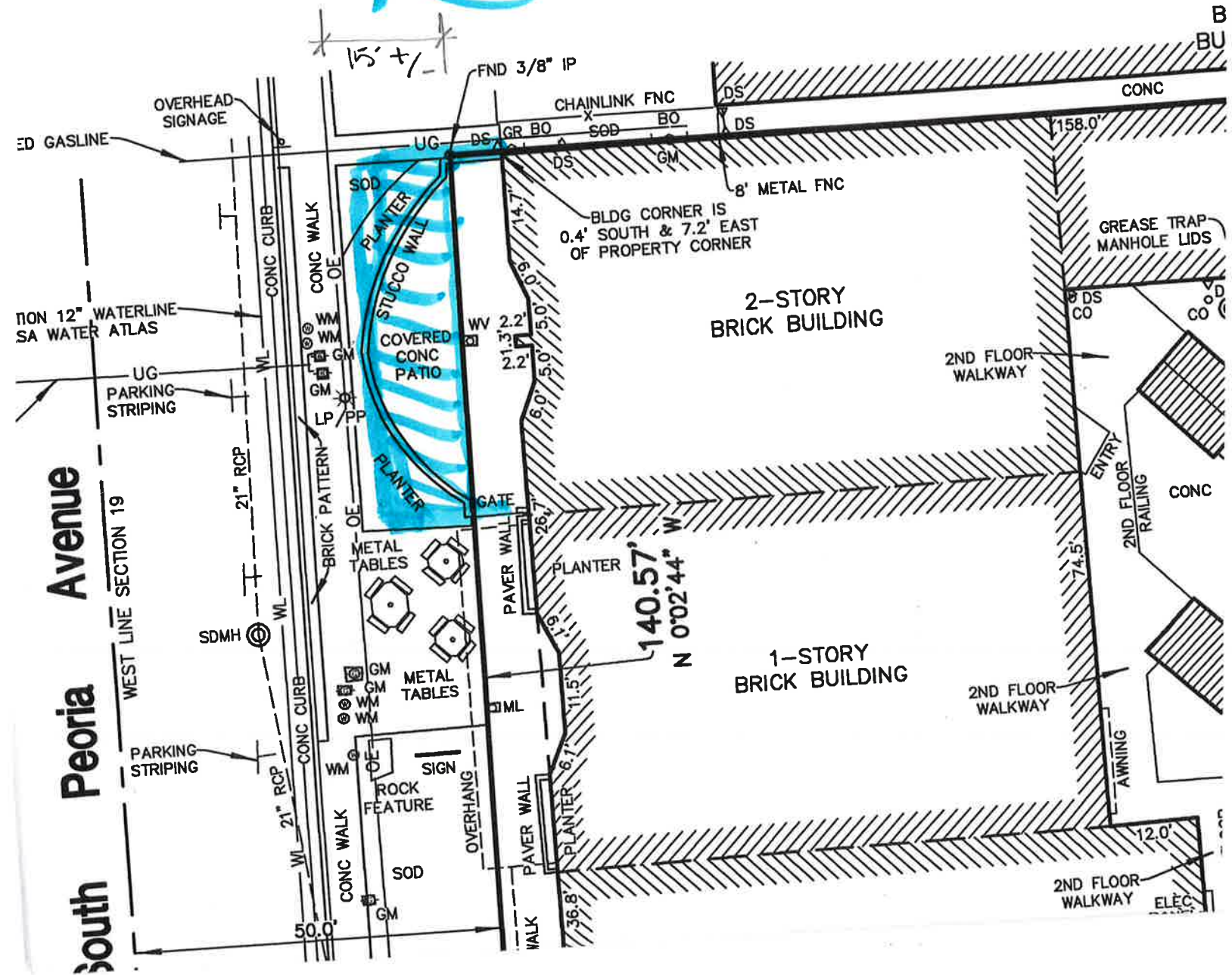
Facing North on Peoria Ave.



Facing South on Peoria Ave.

III
Cover

Unpla



Legal Description

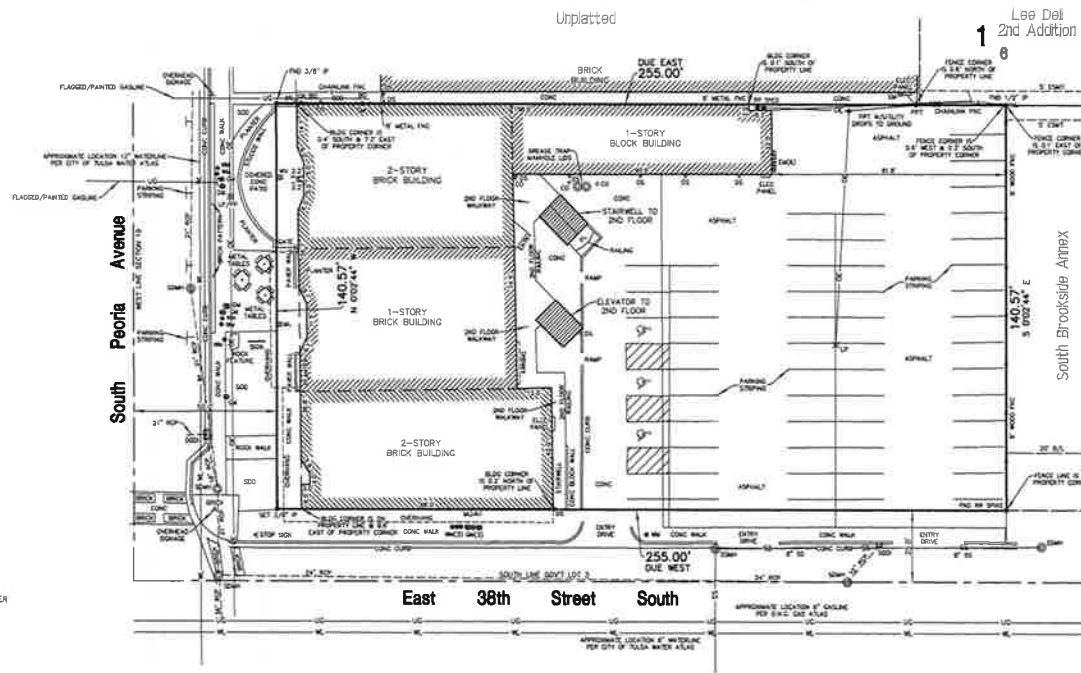
THE EAST 255 FEET OF THE WEST 305 FEET OF THE NORTH 140.57 OF THE SOUTH 145.57 FEET OF LOT THREE (3), SECTION NINETEEN (19), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

Notes

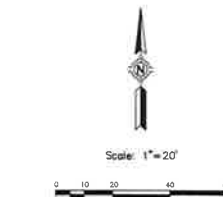
1. ABSTRACT OF TITLE OR ATTORNEY'S TITLE OPINION NOT AVAILABLE TO SURVEYOR AT DATE OF SURVEY.
2. THIS FIRM WAS NOT CONTRACTED TO RESEARCH EASEMENTS OR ENCUMBRANCES OF RECORD NO ATTEMPT TO RESEARCH THE COUNTY RECORDS OR OTHER RECORD OFFICES WAS PERFORMED BY THIS FIRM. THEREFORE EASEMENTS MAY AFFECT THE SUBJECT TRACT THAT ARE NOT REFLECTED BY THIS PLAT.
3. ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN. (CALL "X" BEFORE DIGGING)
4. THE BEARING BASE FOR THIS SURVEY IS ASSUMED USING THE WEST LINE OF SECTION 19 AS N 0°02'44" W.
5. THE SUBJECT PROPERTY DESCRIBED HEREON CONTAINS 0.823 ACRES OR 35.845 SQ. FT.
6. THE PROPERTY DESCRIBED HEREON DOES NOT LIE WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO THE REGULATORY FLOODPLAIN MAP ATLAS FOR THE CITY OF TULSA, DATED JANUARY, 2010.
7. WE HAVE EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, TULSA COUNTY, OKLAHOMA AND INCORPORATED AREAS, MAP NO. 40143C0201K, MAP REVISED: AUGUST 3, 2009, WHICH SHOWS THE ENTIRE PORTION OF THE PROPERTY DESCRIBED HEREON AS LOCATED IN ZONE (X) (SHADED) WHICH IS CLASSIFIED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD. AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

Legend

ACC	ACCESS	OT	OVERHEAD TELEPHONE
A/C	AIR CONDITIONER	OU	OVERHEAD UTILITIES
B/L	BUILDING	PL	LANDSCAPE PLANTER
B/L	BUILDING SETBACK LINE	PP	POWER POLE
BO	BUILDING OVERHANG	PP	POWER POLE W/ TRANSFORMER
BS	BOTTOM OF WALL	PVC	POLYVINYL CHLORIDE PIPE
CCMP	CORRUGATED METAL PIPE	RCB	REINFORCED CONCRETE BOX
CL	CENTRIFUGAL	RCR	REINFORCED CONCRETE PIPE
CD	SEWER CLEAN-OUT	R/W	RIGHT-OF-WAY
CONC	CONCRETE	SC	SUPPORT COLUMN
CPED	CABLE TELEVISION REDESTAL	SD	STORM DRAIN
DGD	DOUBLE GRATE DROP INLET	SDM	STORM DRAIN MANHOLE
DS	DOWNSPOUT	SGD	SINGLE GRATE DROP INLET
EJB	ELECTRIC JUNCTION BOX	SHD	SPRINKLER HEAD
EM	ELECTRIC METER	SS	SANITARY SEWER
EPED	ELECTRIC REDESTAL	SSM	SANITARY SEWER MANHOLE
ESMT	EASEMENT	SSM	SANITARY SEWER MANHOLE
FT	FINISH FLOOR	TC	TOP OF CURB
FN	FIRE HYDRANT	TC	TOP OF INLET GRATE
FL	FLOWLINE (INVERT)	TD	TRIPLE GRATE DROP INLET
FNC	FENCE	TH	TOP OF HEADWALL
FND	FOUND	TP	TOP OF PAVING
FP	FLAGPOLE	TPD	TELEPHONE REDESTAL
GL	GROUND LIGHT	TR	TOP OF MANHOLE RIM
GM	GAS METER	TSM	TRAFFIC SIGNAL MANHOLE
GP	GUARD POST	TRSL	TRAFFIC SIGNAL
GR	GAS RISER	TW	TOP OF WALL
GU	GUT GROUND	TY	TYPICAL
GV	GAS VALVE	UG	UNDERGROUND GAS LINE
ICV	IRRIGATION CONTROL VALVE	UE	UNDERGROUND ELECTRIC
IP	IRON PIN	U/E	UTILITY EASEMENT
LNA	LIMITS OF NO ACCESS	UT	UTILITY MANHOLE
LP	LIGHT POLE	UTMH	UTILITY MANHOLE
MA/E	MUTUAL ACCESS EASEMENT	W	WATERLINE
MB	MAL BOX	WM	WATER METER
ML	METAL BOX	WMH	WATER MANHOLE
MW	MONITOR WELL	WV	WATER VALVE
OC	OVERHEAD CABLE	WS	WATER SPOUT
OE	OVERHEAD ELECTRIC	XNR	TRANSFORMER



Block 1



THIS PLAT OR DRAWING IS NOT TO BE REPRODUCED, COPIED, OR USED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR. ANY REPRODUCTION OR USE OF THIS PLAT OR DRAWING WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR IS PROHIBITED. ANY REPRODUCTION OR USE OF THIS PLAT OR DRAWING WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR IS PROHIBITED. ANY REPRODUCTION OR USE OF THIS PLAT OR DRAWING WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR IS PROHIBITED.

Plat of Survey of Part of Government Lot 3 Section 19, T-19-N, R-13-E City of Tulsa, Tulsa County, Oklahoma

Surveyor's Certification

WE, SISEMORE WEISS & ASSOCIATES, INC. HEREBY CERTIFY THAT THE ABOVE REPRESENTS A SURVEY PERFORMED UNDER OUR DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AS OF THIS DATE.

THIS PLAT OF SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS, AS ADOPTED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

WITNESS MY HAND AND SEAL THIS 11TH DAY OF APRIL, 2011.



SISEMORE WEISS & ASSOCIATES, INC.

BY: *[Signature]*
DEAN ROBINSON
REGISTERED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1146

SWA Sismore Weiss & Associates, Inc.
1815 EAST 10TH AVENUE, SUITE 100
TULSA, OKLAHOMA 74104
PHONE: (918) 582-1000
FAX: (918) 582-1001
E-MAIL: INFO@SWA-OK.COM
WEB: WWW.SWA-OK.COM

REVISIONS	BY	DATE
FILED 10/13/2011	SURVEY BY: SAC	DATE: 4/13/2011
ORDER: 18501	DRAWN BY: AGM	SCALE: 1" = 20'
BOOK: 1284/26	CHECKED BY: EDR	SHEET: 1 OF 1

12.8

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



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

ZONING REVIEW

August 2, 2019

LOD Number: 1

Kenny Chan
3739 S. Peoria Avenue
Tulsa, OK 74105

Phone: (917) 376-9998

APPLICATION NO: BLDC-27974-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 3739 S. Peoria Avenue

Description: New Canopy

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. 27974-2019

3739 S Peoria Avenue

August 2, 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 90.090 Setbacks Measurement Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See §90.090-C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right of way or planned right of way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a rem

Review comment: The proposed canopy structure appears to be within the City of Tulsa actual right of way along S. Peoria Avenue and requires a variance from the COT Board of Adjustment.

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.

**APPLICATION FOR LICENSE AGREEMENT TO CONSTRUCT AND MAINTAIN
PRIVATE IMPROVEMENTS UPON PUBLIC WAY**

APPLICANT NAME AND ADDRESS

(THIS PERSON WILL RECEIVE A COPY OF THE FILED AGREEMENT.)
Peoria 3800 Company, L.L.C.

c/o Bart C. James, Attorney, 7910 S. 101st E. Ave, Tulsa, OK 74133

ADDRESS OF THE PUBLIC WAY

3739 South Peoria Ave., Tulsa, OK

NAME OF CONTACT PERSON (IF OTHER THAN PROPERTY OWNER)

Bart C. James

DATE OF APPLICATION

May 25, 2017

TELEPHONE NUMBER

918-392-4949

TELEPHONE NUMBER

918-392-4949

EMAIL jkjtulsa@jkjco.com

ADDRESS AND LEGAL DESCRIPTION OF THE PUBLIC WAY TO BE OCCUPIED.

3739 South Peoria Ave., Tulsa, OK

See attached Exhibit "A"

Explanation of purpose or need to occupy Public Way (relate to Criteria for Consideration).

The business at 3749 South Peoria Avenue would like to construct a removable patio canopy and removable planter and fencing combination in the Public Way.

Type of Improvement requested for License Agreement

The business at 3749 South Peoria Avenue would like to construct a removable patio canopy and removable planter and fencing combination in the Public Way.

Plat of Survey or representative sketch or drawing has been attached delineating the described request showing all data pertinent to the property e.g. distance bearings and encroachments.

Submitted by: OWNER SIGNATURE

Frank Stewart, Manager

PERSON SUBMITTING ON BEHALF OF OWNER BY (SIGNATURE)

Bart C. James, Attorney



Tulsa County Clerk - Michael Willis

Doc # 2019023217 Page(s): 15

03/22/2019 02:58:38 PM

Receipt # 19-14814

Fee: \$ 41.00

Easement NO. 24350

LICENSE AGREEMENT

THIS AGREEMENT, made and entered into by and between the CITY OF TULSA, OKLAHOMA, a municipal corporation, 175 East Second Street, Tulsa, OK 74103 (hereinafter referred to as "City") and PEORIA 3800 COMPANY, LLC, an Oklahoma limited liability company, (hereinafter referred to as "Licensee"),

WITNESSETH:

WHEREAS, City owns certain street right-of-way, adjacent to:

A tract of land that is part of Government Lot Three (3), UNPLATTED, S-19 T-19 R-13, a/k/a 3739 S. Peoria Avenue, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described in Exhibit "A";

and

WHEREAS, Licensee has applied for a license to install, use and maintain certain improvements, to-wit: a removable patio canopy, removable planter and fencing combination,

in and upon the said street right-of-way, and

WHEREAS, City is agreeable to the issuance of said license, subject to the covenants and conditions set forth below;

NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN CITY AND LICENSEE AS FOLLOWS:

1. City does hereby grant this license to Licensee to construct and maintain the said improvements, in substantial conformity with attached Exhibit "A", in and upon City's said street right-of-way, provided that such use does not unreasonably interfere with public use of the said street.
2. This license is unconditionally revocable at any time at the will of City, and is subject to and subordinate to City's right to maintain, use, alter or excavate any portion of City's said street. This license is subject to and subordinate to any rights heretofore or hereafter granted by City to any public utility or franchise holder, to construct, install, operate, maintain, repair or replace any utility or appurtenance thereto, or to use any portion of City's said street. Should removal, construction and/or excavation become necessary in City's opinion, Licensee agrees to hold City harmless for any loss or damage to Licensee's improvement(s); City shall not be responsible to replace any of Licensee's improvement(s).

5-4-17-51

CITY OF TULSA
OFFICE OF CITY CLERK
175 E 2ND ST - STE 260
TULSA, OKLAHOMA 74103

12.12

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

Before me, a Notary Public in and for said County and State, on the 11th day of March, 2019, personally appeared G. T. Bynum, to me known to be the identical person who approved the within and foregoing instrument as Mayor of the City of Tulsa, Oklahoma, and acknowledged to me that he approved the within and foregoing instrument as his free and voluntary act and deed and as the free and voluntary act and deed of the City of Tulsa, Oklahoma, for the uses and purposes therein set forth.

My commission expires:

2/15/21



Christina Chappell
Notary Public

STATE OF OKLAHOMA)
) ss:
COUNTY OF TULSA)

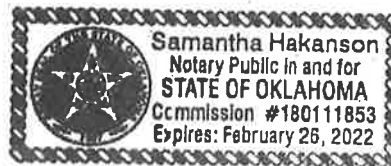
Before me, the undersigned, a Notary Public, in and for said County and State on this 9th day of January, 2019, personally appeared Frank Stewart, to me known to be the identical person who subscribed the name of PEORIA 3800 COMPANY, LLC, an Oklahoma limited liability company, to the foregoing as its Manager, and acknowledged to me that he executed the same as his free and voluntary act and deed and as the free and voluntary act and deed of PEORIA 3800 COMPANY, LLC, an Oklahoma limited liability company, for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

Samantha Hakanson
Notary Public

My Commission Expires:

2-26-22



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Right-of-Way
ENGINEERING SERVICES DEPARTMENT

Wednesday, April 17, 2019

Peoria 3800 Company, LLC

c/o Bart James, Atty
7900 S. 101st E. Ave.
Tulsa, OK 74133

Re: License Agreement

- Copy of Original

To Whom It May Concern:

Enclosed is an executed copy of the document filed of record by the City of Tulsa. This copy is for your records.

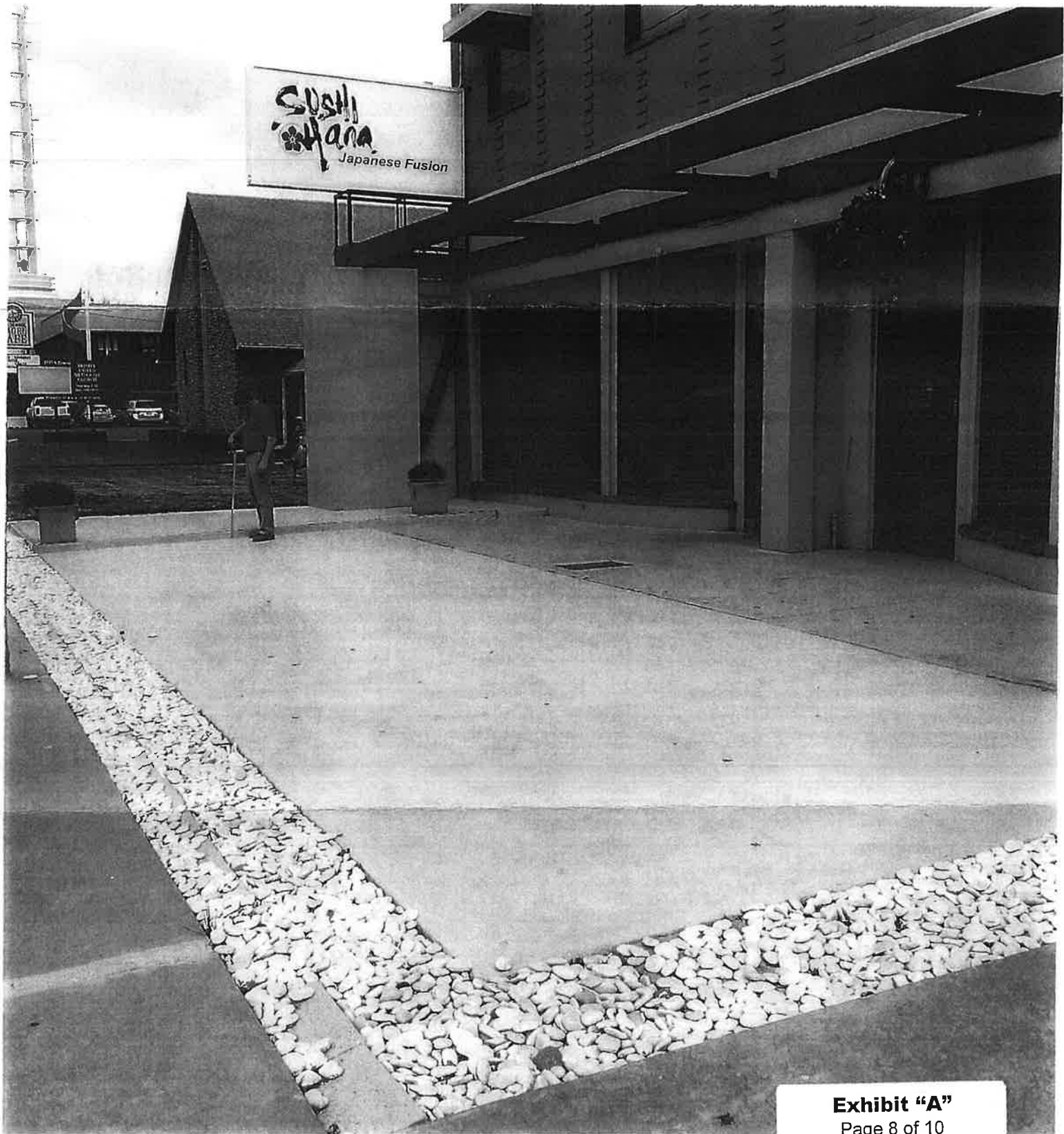


Exhibit "A"
Page 8 of 10

12.16

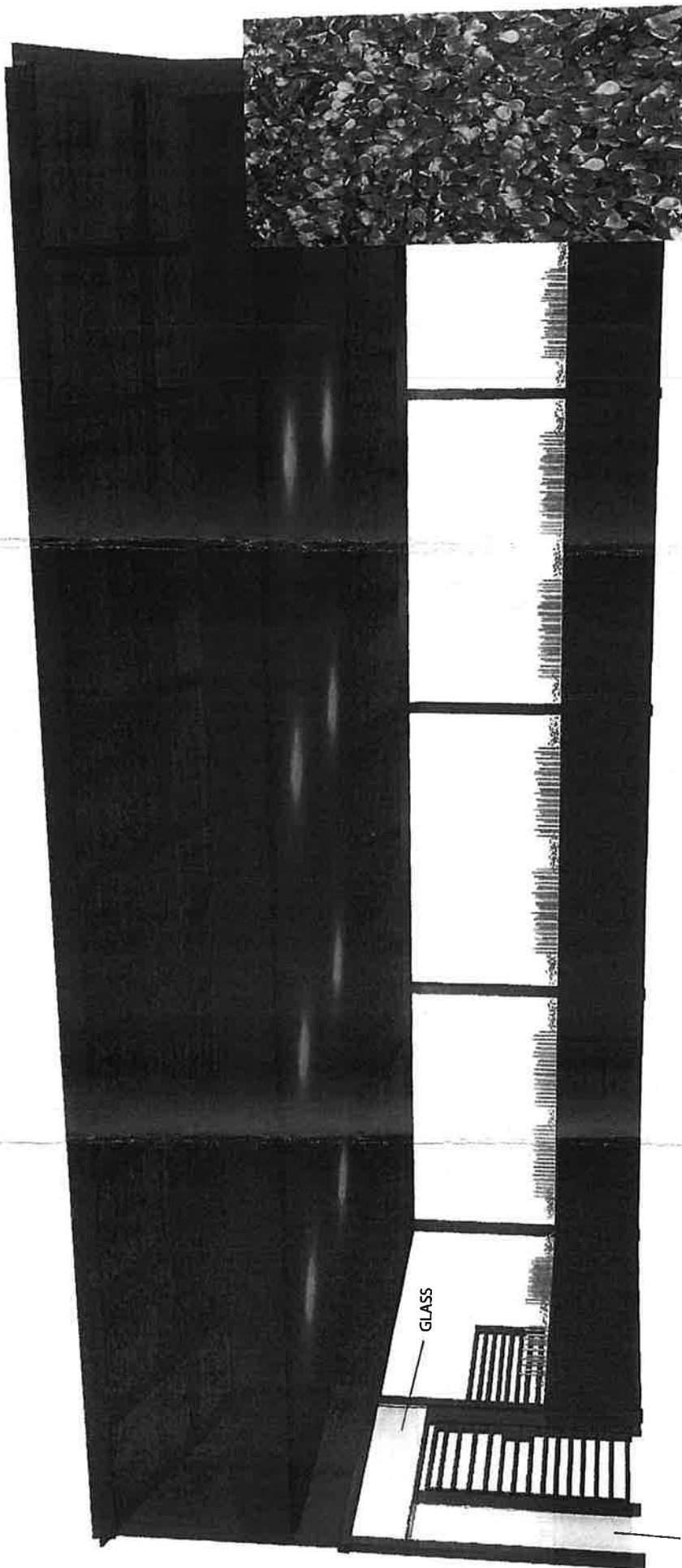
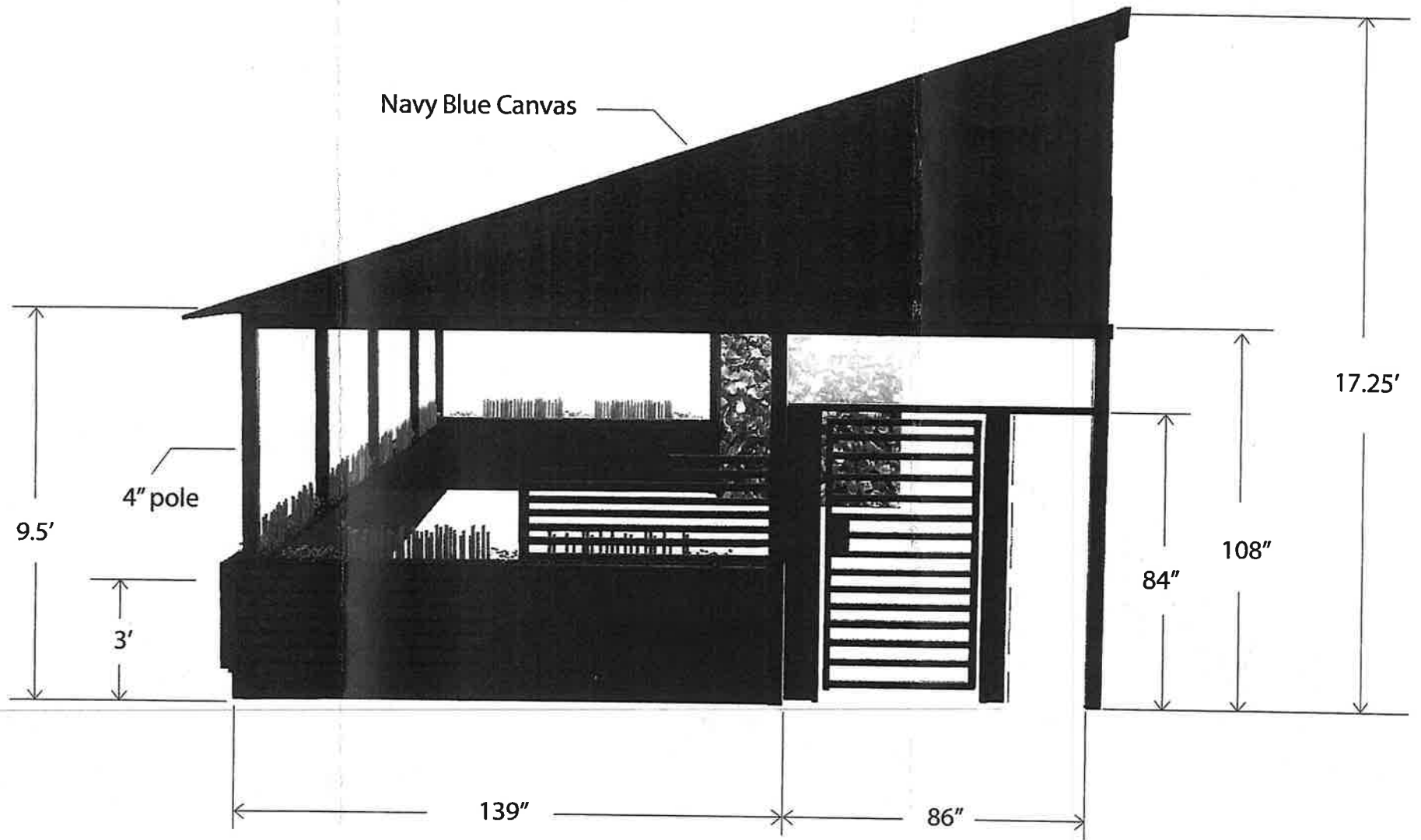
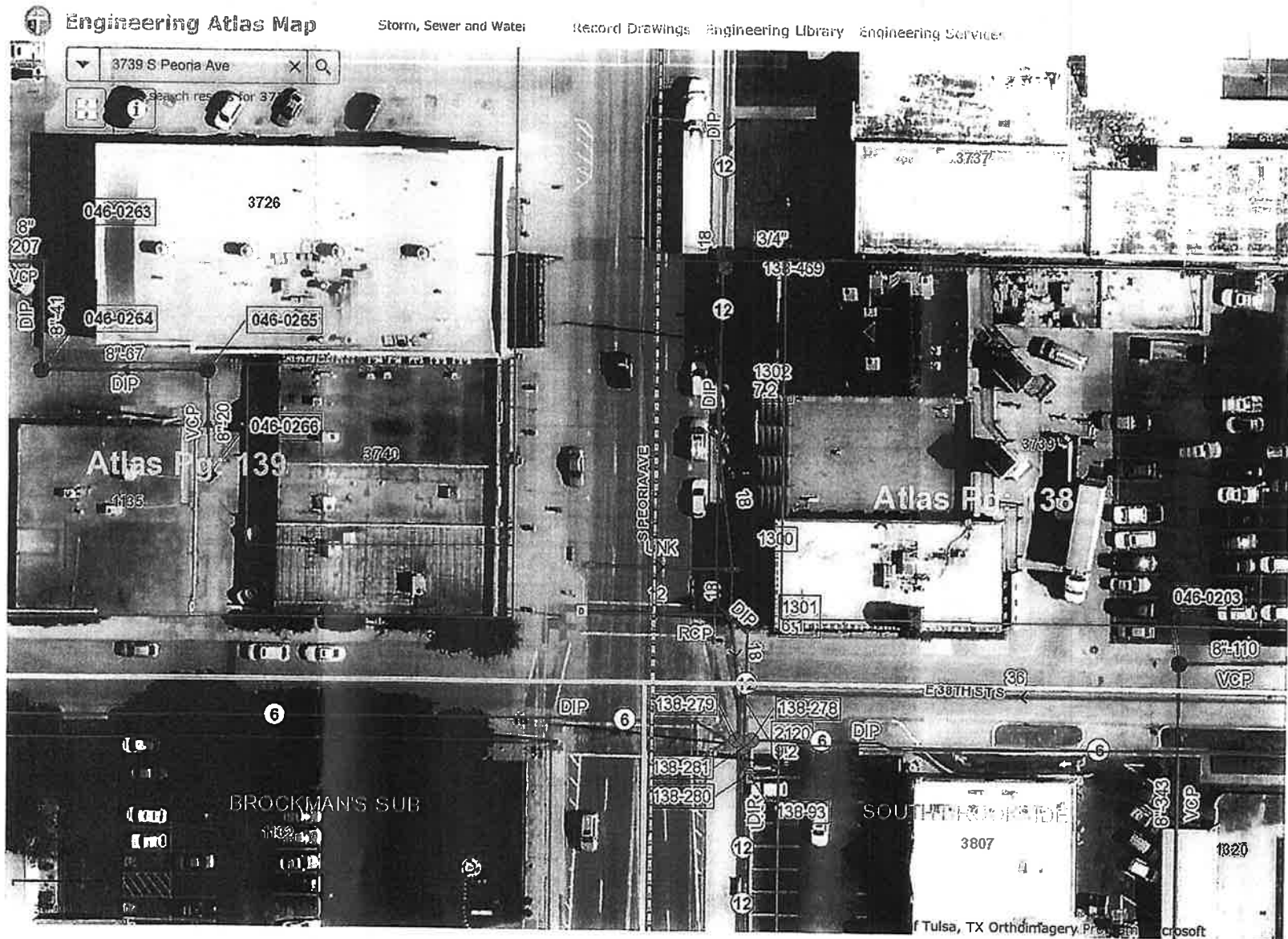


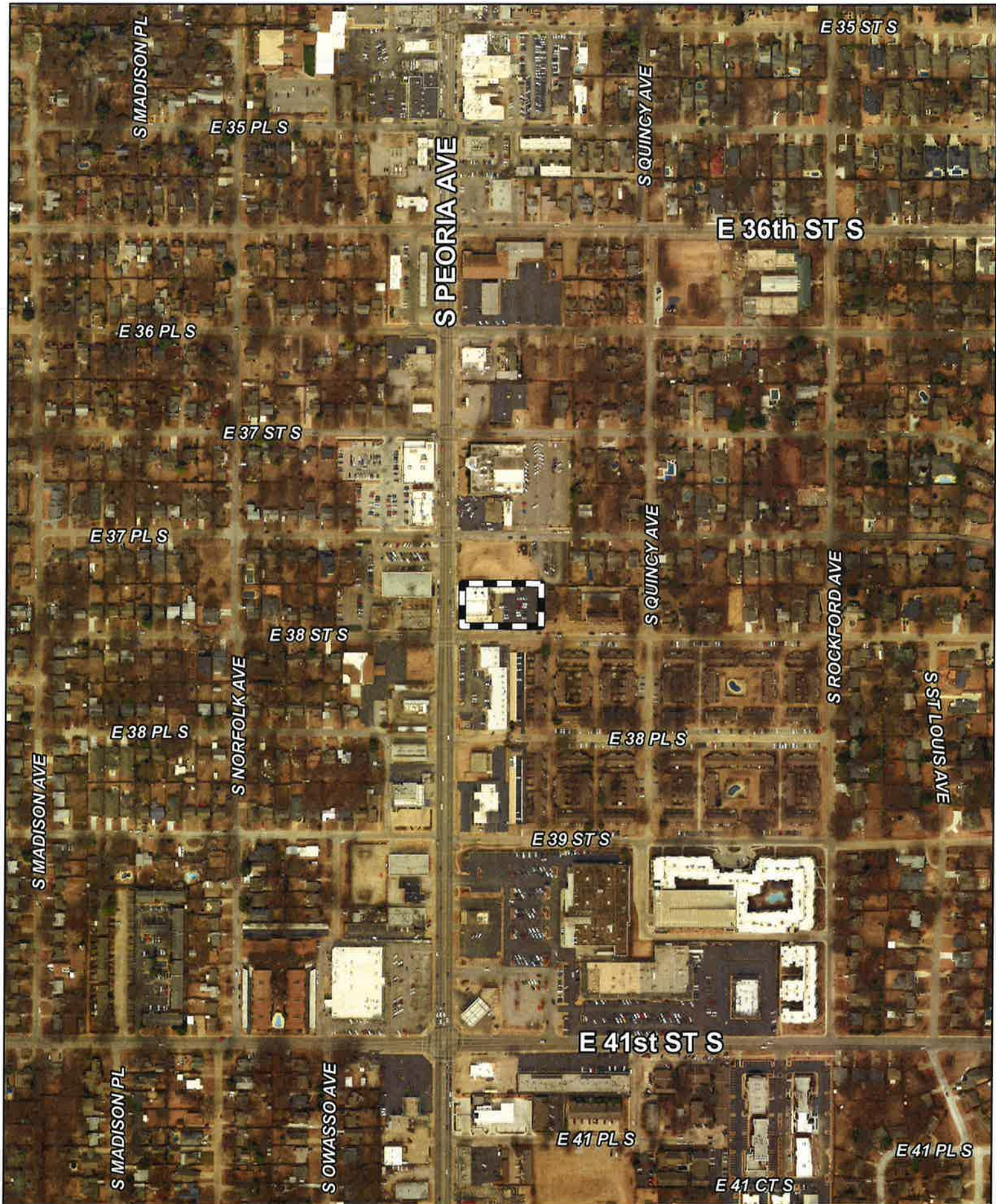
Exhibit "A"
Page 6 of 10

12.17





<http://t1itpappgis02/EngAtlas/>



0 Feet 200 400



Subject
Tract

BOA-22756

19-13 19

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

Aerial Photo Date: February 2018



12.20



S PEORIA AVE

E37PLS

E38STS

E38PLS

0 50 100
Feet



Subject
Tract

BOA-22756

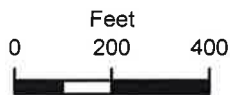
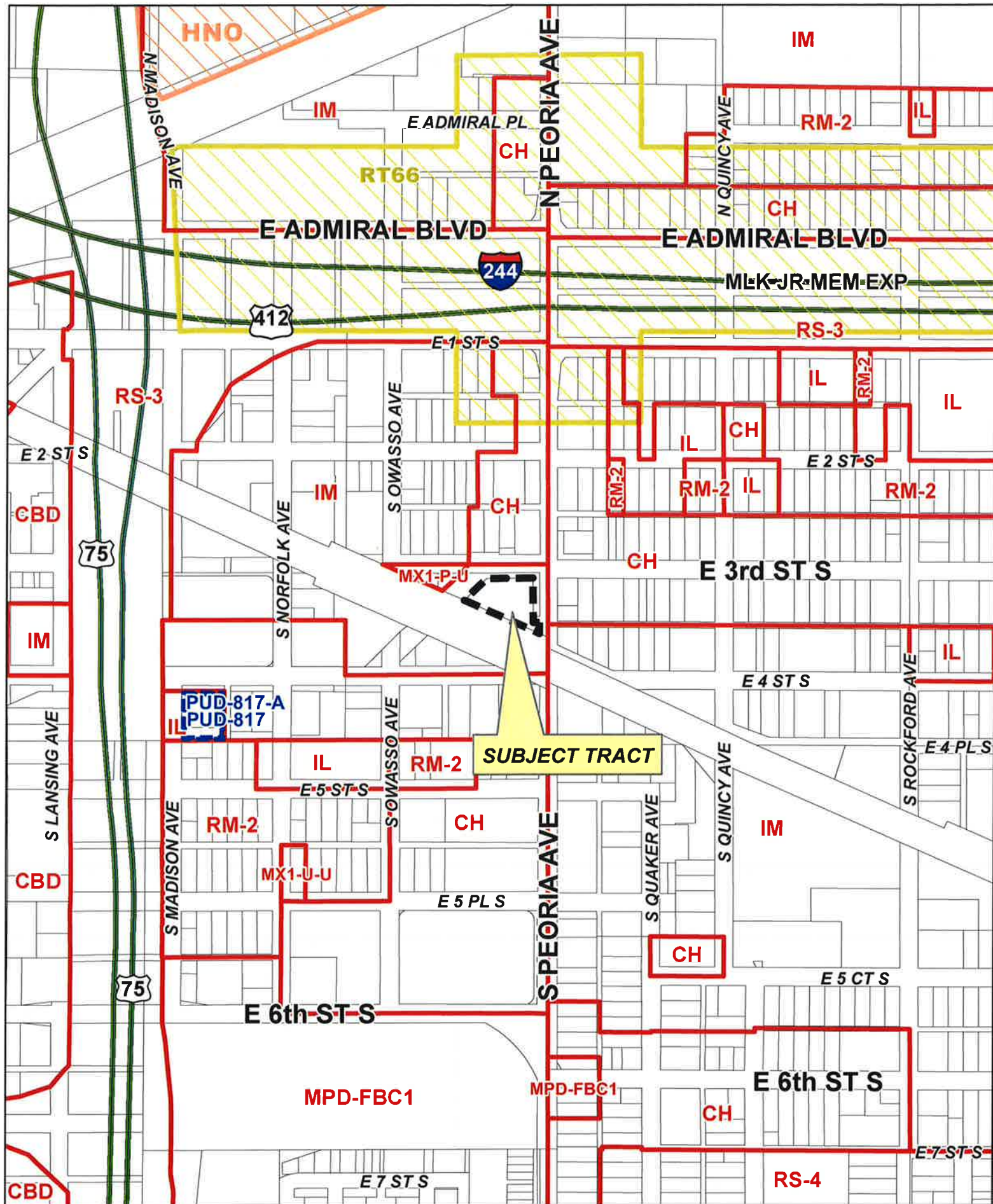
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018

19-13 19



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BOA-22757

19-12 01

13.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: **BOA-22757**

CZM: 36

CD: 4

HEARING DATE: 10/08/2019 1:00 PM

APPLICANT: Michael Sager

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

LOCATION: 302 S PEORIA AV E

ZONED: IM

PRESENT USE: Vacant

TRACT SIZE: 25012.25 SQ FT

LEGAL DESCRIPTION: PRT LTS 1 THRU 10 & LT 16 & PRT VAC ALLEY BETWEEN SL OF LTS 1 THRU 5 & NL LT 16 BEG 20S & 20W NEC LT 1 TH W154.30 SW99.61 SE241.50 N172.36 POB BLK 18, BERRY ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-21942; On 9/08/2015 the **denied** Special Exception to permit a soup kitchen and grocery pantry (Use Unit 5) in an IM district (Sec.901); Special Exception to permit required parking on a lot other than the lot containing the principal use (Sec.1301.D); Variance to reduce the required building setback (Sec.903).

BOA-17033; On 5/09/1995 the Board **approved** a variance of the required setback from the centerline of south Peoria Avenue from 50' to 41' 6" to permit a sign (4' by 8', 24' in height per plan submitted. Subject to Traffic Engineering approval in regard to traffic light visibility.

Surrounding property:

BOA-22505; On 10/23/2019 the Board approved Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Sec. 90.090-A); Variance of the removal agreement requirement with the City of Tulsa for structures in the planned street right-of-way (Sec. 90.090-A)

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 ".

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the SW/c of S. Peoria and E. 3rd Street. The track is zoned IM and is bounded by IM zoned Railroad Right-of-Way on the South; MX1-P-U to the West across E 4th Street; and CH zoning to the North and East.

STAFF COMMENTS:

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

Table 15-3: O, C and I District Lot and Building Regulations

Regulations	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH
Minimum Lot Area (sq. ft.)	-	-	-	10,000	-	-	-	-	-	-	-
Minimum Street Frontage (feet)	50	50	50	-	50	50	-	-	50	50	50
Maximum Floor Area Ratio (FAR)	0.40	0.50	2.00	8.00	0.50	0.75	-	-	-	-	-
Minimum Lot Area per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	-	-	[2]	[2]	[2]
Min. Open Space per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	-	-	[2]	[2]	[2]

Chapter 15 | Office, Commercial and Industrial Districts
Section 15.040 | Other Relevant Regulations

Regulations	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH
Building Setbacks (feet)											
Street [4]	10	10	10	10	10	10	-	-	10	10	10
From AG or R district	10	10[5]	10[5]	10	10[5]	10[5]	-	-	75[6]	75[6]	75[6]
From O district	-	-	-	-	-	-	-	-	75[6]	75[6]	75[6]
Max. Building Coverage (% of lot)	-	-	-	-	-	-	-	-	-	-	-
Maximum Building Height (feet)	35	-	-	-	-	-	-	-	-	-	-

East 3rd Street is planned as a CBD/ Industrial Collector (80' minimum right of way width) at the subject tract and S. Peoria is planned as an Urban arterial (70' minimum right of way width). The applicant is not requesting their building to be located inside the right-of-way or the planned right-of-way though according to the applicant the property owner has existing agreements with the City for some parking to be located inside the right-of-way which is not shown on their site plan.

Approval of this variance will require the applicant to either provide landscaping inside the right-of-way or to seek and approval of an Alternative Landscape Compliance Plan.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to reduce the required 10 ft street setback in an IM District (Sec. 15.030, Table 15-3)

- 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."*



Facing West on 3rd Street



Subject Tract



Facing South on Peoria



Intersection of 3rd and Peoria

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1
Michael Sager
PO Box 521064
Tulsa, OK 74152

September 27, 2019

Phone: 818.361.3085

APPLICATION NO: ZCO-042342-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 302 S Peoria Ave
Description: Self-service Storage Facility

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** ☐ **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)

13.7

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-042342-2019

302 S Peoria Ave

September 27, 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 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](tel: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.15.030-A Table 15-3:** The Self-service Storage Facility is in an IM district. The street setback is 10 ft. You are proposing a 0 ft street back from Owasso Ave, 3rd ST and Peoria Ave.
Review comment: This will require a Variance to reduce the street setback from 10 ft to 0 ft. Submit a copy of the Variance approved by the BOA.
2. **Sec.55.020 Table 55-2:** You are proposing a Commercial/Self-service Storage Facility use. The minimum parking ratio is .2 spaces per 1,000 ft² of indoor floor area. The area for this use is 80,356 ft². The minimum parking requirement is 17 spaces. You are providing 16 off-site parking spaces.
Review comment: Revise your site plan providing 17 parking spaces. These spaces are required to be located on the same lot as the Self-service Storage Facility. You may consider submitting an alternative compliance parking ratio reviewed and approved through the special exception procedures of Sec.70.120 or an off-site parking agreement in compliance with Sec.55.080-D. You may wish to consider off-site parking per Sec.55.080-D. It is allowed when:
 - A. All or a portion of required off-street parking for nonresidential uses may be provided off-site, in accordance with the regulations of this section. Required accessible parking spaces (*see Section 55.110*) may not be located off site.
 - B. Off-site parking areas must be located within a 1,000-foot radius of the use served by such parking, measured between the nearest public entrance door of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot. Off-site parking lots are allowed only in zoning districts that permit non-accessory parking or in districts that allow the principal use to be served by the off-site parking spaces.
 - C. Off-site parking areas must comply with all applicable parking area design regulations of Sec. 55.090. Off-site parking proposed to take place on a newly constructed parking area must comply with the PK district lot and building regulations of Sec.25.030-C.
 - D. The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if an agreement is provided guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. The agreement must be filed of record in the county clerk's office of the county in which the property is located. Off-site parking privileges will continue in effect only as long as the

agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

E. If you choose to provide off-site parking:

1. Show the location on your site plan;
2. Provide documentation the lot is under the same ownership as the lot with the office; or
3. If under separate ownership submit an agreement guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. This agreement is also reviewed and approved by City of Tulsa legal. Once this is completed, the agreement must be filed of record in the Tulsa county clerk's office resubmitted to this office.

3. Sec.65.030: The landscaping and screening regulations of this chapter apply as set forth in the individual sections of this chapter.

4. Sec.67.040-A: 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:

1. Submit a lighting plan that complies with the fixture height lighting plan requirements of Sec.67.040-B; or
2. Submit a photometric plan demonstrating that compliance will be achieved using taller fixture heights, in accordance with Sec.67.040-C.

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

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

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

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

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

END – ZONING CODE REVIEW

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

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

for a Variance to allow an electronic message center within 200 feet of an R District (Section 1221.C.2.c), subject to being "as built" with changeable copy. This sign will comply with Section 1221.C.2.c conditions. The Board has found that the R District that creates the necessity for the Variance is actually an apartment complex northwest of the subject property, and there are no other residentially zoned properties in the immediate area. There are digital along Sheridan Road between Admiral and 19th Street. The sign will operate between the hours of 7:00 A.M. to 11:00 P.M. finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**PRT BLK 60 BEG NEC TH SW153.20 S150 E150 N178.07 POB .56AC,
GLENHAVEN. CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

21942—Malcolm Rosser

FILE COPY

Action Requested:

Special Exception to permit a soup kitchen and grocery pantry (Use Unit 5) in the IM District (Section 901); Special Exception to permit required parking on a lot other than the lot containing the principal use (Section 1301.D); Variance to reduce the building setback requirement from the centerline of South Peoria Avenue to 50 feet; Variance to reduce the building setback requirement from the centerline of East 3rd Street South to 50 feet; Variance to reduce the building setback requirement from the centerline of East 4th Street South/South Owasso Avenue to 35 feet (Section 903). **LOCATION:** 302 South Peoria Avenue East (CD 4)

Ms. Snyder recused and left the meeting at 1:41 P.M.

Presentation:

Malcolm Rosser, 321 South Boston, Suite #500, Tulsa, OK; stated he represents Iron Gate and appreciates the continuance the Board granted at the last meeting. This allowed Iron Gate to have a meeting with the interested parties, and that meeting was held at Iron Gate's current facility at Trinity Episcopal Church. In addition to himself there are other people that would like to speak, and there will be discussion about Iron Gate and the people they serve, and what will happen at the new facility which is different than what happens at their current facility. Mr. Rosser had a diagram placed on the overhead projector of the plat of the subject property. When Owasso was dedicated the result was an irregularly shaped parcel that is bounded by streets on three sides and on the fourth side by a railroad right-of-way. Peoria Avenue is an urban

arterial which requires an 85 foot setback from the centerline; 3rd Street and Owasso are both classified as commercial/CBD industrial collectors which require a 65 foot setback so Iron Gate is requesting a 50 foot setback on Peoria Avenue and a 50 foot setback on 3rd Street and a 35 foot setback on Owasso, which essentially takes the building to the property line. A number of the buildings in the area are outside the required setback, both on the north and south sides of 3rd Street. He believes what Iron Gate is asking for is consistent with the existing structures in the area. The plan, as designed, is to take the building to the property line on the east and north sides. The existing building has parking in the street right-of-way and the proposed building will be opposite of that because the property will be behind the building. At this point Mr. Rosser had several renderings of the proposed building placed on the overhead projector. The Board has granted requests to reduce the setback in this area on a couple of occasions in the past. The hardship for the subject property is the unusual size and configuration of the lot, as well as the fact that it is surrounded by streets on three sides and railroad right-of-way on the fourth side. So there is no way to add any additional land area to the lot. Based on the other properties in the area he does not believe it would cause a detriment or impair the spirit and intent of the zoning code. Mr. Rosser stated that what is proposed for parking is to have the parking in area that will be leased from the Union Pacific Railroad which is located immediately adjacent to the subject property on the south side. A lease, as consigned by Iron Gate, has been submitted to the railroad for their approval and that lease would renew automatically every year. It does have a clause that allows either party to terminate on 30 days notice without cause, which essentially means that as long as Iron Gate complies with the lease the lease should be in place until Iron Gate chooses to terminate the lease.

Mr. Van De Wiele asked Mr. Rosser what Iron Gate would do if the railroad chose to terminate the lease. Mr. Rosser stated that Iron Gate would do what several others along the track would do; they would have to find other parking or shut down.

The area designated on the site plan has 35 parking spaces including two handicap parking spaces. The code requirement for the proposed building, which is at 16,000 square feet, is 32 parking spaces so the parking is exceeded. The parking would be on a lot adjacent to the principal use which he believes in harmony with the spirit and the intent of the Code. It is a common way to address parking requirements and would not be injurious to the neighborhood. Mr. Rosser stated that the parties from Iron Gate, present today to speak, believe and can show this facility will in fact be a benefit to the neighborhood and not a detriment. Mr. Rosser referred to the Downtown Area Master Plan which designates the various areas that are currently in existence for the social/justice groups. There is no statement in the Downtown Plan that says Iron Gate should be located in the area that is identified as social/justice that he could find. Mr. Rosser stated that other references have been made to the 6th Street Infill Plan and whether the proposed facility is or is not consistent with that plan, and he could not find anything saying that it is not consistent with that plan. He believes staff found that it is consistent insofar as allowing an institutional use by that social, educational, religious use property. Mr. Rosser stated that he did find a discussion of social service agencies and their presence in the 6th Street area which is on page 43 of the 6th Street Infill Plan,

Section 11.2.1.2. It states, "Community Services nearby – there is a concentration of community services located in this area, Indian Health Resource Center, Family & Children Services, churches and other institutions. These services contribute to the health and wellness of the neighborhood. These institutions are an asset in themselves with the traffic they generate as equally important. These facilities provide a reason for people from all over Tulsa to visit this neighborhood. This base of employees and volunteers and the steady stream of people and families that visit them are an important resource for a neighborhood trying to grow economically." Mr. Rosser stated as to whether a particular use will be injurious to the neighborhood you have to look at the character of the neighborhood. What is allowed today and what is not allowed. Mr. Rosser had a map placed on the overhead projector showing a zoning map of the area. The soup kitchen and pantry use is allowed by right without a Special Exception in the CH and CBD Districts which is a significant portion of the neighborhood. That in itself says the proposed use cannot be injurious to the neighborhood. This particular location, another benefit it has it will be close to where many Iron Gate guests currently live. There are 380 pantry guests that live in the Pearl District and East Village area; 522 pantry guests live in the Kendall Whittier District; and 753 pantry guests live in the Crutchfield District.

Mr. Van De Wiele asked Mr. Rosser stated that when he looked the Iron Gate website he saw 1,260 pantry guests per week, yet if he added properly the figure stated today is 1,650. Mr. Rosser stated that his numbers are not necessarily per week but are residents who use the food pantry.

Mr. Van De Wiele asked Mr. Rosser about a curb cut onto Owasso because it is not shown on the site plan. Mr. Rosser stated that is correct. Mr. Van De Wiele asked Mr. Rosser how Iron Gate was going to receive food deliveries, trash collection, shuttle service vehicles, etc. in one ingress/egress point. Mr. Rosser stated there is a loading dock, and he pointed to the plan on the overhead projector, which will take care of the food deliveries; shuttles will drop off similar to a bus which would probably be along Peoria. Mr. Henke interjected that a vehicle cannot stop on Peoria or on 3rd Street. Mr. Rosser stated that he would defer to the architect because he does not want to get outside of his area.

Interested Parties:

Connie Cronley, 1711 South Gary Avenue, Tulsa, OK; stated she is the Executive Director of Iron Gate. In the 1970s there was a sudden influx of homeless people that gravitated to urban areas and Trinity Episcopal Church is located at 5th and Cincinnati. The spontaneous act of compassion by the parish priest and two parishioners helping a hungry homeless man started a ministry. Many people started helping the hungry by handing out food in the cloister garden that had an ornate iron gate, and the word on the street spread that if you are hungry go to the church with the Iron Gate. The name stuck. Over the years the ministry moved and separated legally from the church so Iron Gate can raise their own money. Iron Gate has raised money to renovate the basement of the church and have now out grown that. The misconception is that everyone that comes to Iron Gate is homeless but the growing number has been the working poor.

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Iron Gate says that it is not homelessness that comes through the gate but poverty. With the recession the number of people coming to Iron Gate for food assistance has grown 407%. The Board has decided that it is time to raise funds to build a new facility and have committed to a multi-million dollar campaign to do that. Iron Gate looked at where the guests come from and how they get to Iron Gate. Iron Gate believes 3rd and Peoria is the best place to be. The people of Pearl District, Kendall Whittier, East Village all they want to do is eat at Iron Gate and all Iron Gate wants to do is feed them. Iron Gate assures the neighbors that they will build a beautiful facility in the neighborhood, and they will be good neighbors.

Mr. Van De Wiele asked Ms. Cronley about her numbers because they are different than what appears on the website; on a daily basis how many guests come to the soup kitchen. Ms. Cronley stated that it fluctuates in the month because of food benefits. At the first of the month the number is low, maybe 150 to 200, but at the end of the month when SNAP benefits are gone there could be 400 to 500 people. The staff does not count the people they count the plates. Iron Gate may be the only organization that allows people to eat as much as they want because the soup kitchen may be the only meal of the day. Mr. Van De Wiele asked Ms. Cronley if she knew how many of those people walk, drive their own car, etc. Ms. Cronley stated many walk or ride bikes. If they live in one of the shelters the Morton bus picks them up and brings them to Iron Gate twice a day and takes them back. Ms. Cronley stated of the people that come to the soup kitchen that about 23% walk throughout the morning; about 15% people ride the Morton bus; a small percentage ride the City bus. Mr. Van De Wiele stated that he just trying to get an approximate count of traffic because he works downtown. Mr. Van De Wiele stated that he typically was a Riverside to Denver commuter but is not anymore, so for the last two or three weeks he has purposely been driving by Iron Gate. He knows the Board is going to hear the "not in my backyard" spiel from people, but when drives by Iron Gate somewhere between 7:30 and 8:30 there are dozens, upwards of 100 this morning, of people laying the sidewalk, standing in the street, walking across the street and he thinks this is the feel the bulk of the interested parties are not going to enjoy being next to. Mr. Van De Wiele asked Ms. Cronley how they were going to deal with that, to the extent that it is a problem, but it is where the people are before and after the service is provided. Mr. Van De Wiele stated that he drove by at noon a couple of times and there was a lot of litter on the parking lot, how is Iron Gate going to handle that situation at the new facility. Ms. Cronley stated that it is addressed with the design of the building. That was one of the first things that the Zarrow Foundation, a major donor, asked for. They do not want to see a line. They do not want to see people on the street. The building was designed so that it is bigger so everyone can get inside. The proposed building has two entry areas. There is a porch area with restrooms that is open so they can wait until soup kitchen is open.

Mr. Van De Wiele asked Ms. Cronley when the outer doors are opened and when the inner doors are opened. Ms. Cronley stated that currently the doors are opened at 8:00 A.M. and the others will be opened at 7:00 A.M. The shelters close at 7:00 A.M. and the day center opens at 7:30 A.M. but not everyone lives in the shelters. The people that live on the street, when the sun comes up they are ready to go somewhere. So

Iron Gate will open their doors as early as they can and as early they need to get people inside. That is the whole point of a larger building.

Ms. Cronley stated that Iron Gate's security system cleans up the parking lot all around the church, the whole block after Iron Gate is closed. Mr. Van De Wiele stated that to Iron Gate's credit when he leaves to go home he does not see any trash so they do a remarkable job.

Mr. Van De Wiele asked Ms. Cronley about the food pantry numbers. Ms. Cronley stated the emergency grocery pantry is open three days a week and they see 100 families a day and last month it was 135. Mr. Van De Wiele asked if that was 135 people or 135 families. Ms. Cronley stated that is 135 families. Mr. Van De Wiele asked Ms. Cronley how the families arrive at Iron Gate. Ms. Cronley stated that most of the families drive or carpool, about 75%. Mr. Van De Wiele asked where these people were going to park. Ms. Cronley stated because Iron Gate will extend the hours they will rotate through, just the same as anyone going to a grocery store. Mr. Van De Wiele asked Ms. Cronley if Iron Gate runs out of food so that situation would encourage people to arrive early. Ms. Cronley stated that Iron Gate plans for that number of people. Ms. Cronley stated that Iron Gate is considering having a bus to drive through the Pearl District to bring families to Iron Gate.

Shane Saunders, 427 South Boston, Suite #706, Tulsa, OK; stated that Iron Gate has outgrown the 3,000 square feet they have at Trinity Episcopal Church. The proposed building is approximately 16,000 square feet so it is much larger. When staff set out to find a location that they thought would be appropriate for Iron Gate's relocation they wanted to do what was not only best for the organization and for the guests but also what was best for the City of Tulsa. There was a list of criteria developed. The staff knew that the bulk of the guests came from within and around the area of the IDL. Staff knew that access to transportation was important. Staff looked at dozens of locations and made offers on some. Staff thought this particular spot, this odd shaped parcel, where an organization like Iron Gate could make a substantial investment in the neighborhood and improve it. He recognizes that there are neighborhood concerns. To address migration concerns Iron Gate has worked with Morton to adjust their bus route. Iron Gate is studying the feasibility of being able to provide their own dedicated transportation. Iron Gate has a security staff that addresses security concerns.

Mr. Henke asked Mr. Saunders asked how many security staff he had on a regular basis. Mr. Saunders stated that it is between five and eight, depending on the time of the month. Part of the campaign is to have resources to be able to support the proposed facility so there would adjustments in that number upward. The hours of operation will be adjusted but in general the services Iron Gate offers will not change. A part of Iron Gate's commitment to the neighbors is that they will work with them. Iron Gate is making a good faith effort to respond to some of the concerns that have been raised. Iron Gate is a great organization and they are a great organization because they do things the right way. That is not going to change. Iron Gate is a private solution to a public problem. All of Iron Gate's funds are raised privately. No state. No federal.

Iron Gate operates with the generosity of the community and they believe this proposed building will be an outward example of that philanthropic spirit.

Mr. Van De Wiele stated that in the description on the website regarding the study of where Iron Gate wants to move to, the thing that jumped out at him was it says, "the architects consulted Iron Gate throughout the whole process to determine that Iron Gate needs at least 14,000 square feet for the facility and at least 39,000 square feet for parking", but the site plan reflects 6,300 square feet for parking which is about 1/6 of what the architects are saying is needed. Mr. Saunders asked if the 39,000 was actually for the lot size recommended. Mr. Van De Wiele stated that is not what the website says. Mr. Saunders believes the 39,000 square feet number was the recommended lot size. Mr. Van De Wiele the tract size of the proposed site is 25,000 square feet plus the 6,300 square feet for the railroad lot. Mr. Saunders stated it is not ideal but it is the best Iron Gate can come up with. Mr. Van De Wiele stated that his concerns are that this appears to be a lot crammed on not enough land.

Mr. Henke stated that he has the same concerns. There have been four or five site plans to review over two weeks because of the numbers for parking. Iron Gate has not explained how they are going to park employees, the guests and the volunteers. Mr. Saunders stated that there is no question, it will certainly be tight. Part of the constant site plan revisions were as Iron Gate received input and received more updates from the railroad Mr. Rosser the existing setbacks would have to be adjusted closer.

Ms. Miller left the meeting at 2:22 P.M.

Mr. Henke stated that Mr. Rosser stated that he was glad the case was continued and Mr. Henke stated that he is also glad the case was continued because there has been a host of facts and circumstances that have been revealed in the last two weeks that the Board did not know two weeks ago but know today. The Board works very hard to gather information and do their due diligence in understanding the applicant's plan. Mr. Henke stated that the only place he can see on the site plan where a bus can be unloaded or loaded is on 4th Street. It is not the Board's place to make assumptions or speculate, the Board wants to hear from the applicant that they know how things are going to work and that they have a business plan. Mr. Saunders stated there are public bus stops on 4th Street and on Peoria. Iron Gate's discussion for the Morton bus and the potentially contracted bus would be a drop off and pick up inside the parking loop.

Mr. White asked Mr. Saunders if he had checked with Morton about whether they would be able to turn their buses around in the proposed area. Mr. Saunders stated the buses are not like large City buses, they are only 30 or 40 passenger buses and they turn around at the current facility. Mr. White stated that is considerably larger. This proposal is a reduced parking area with one line of 90 degree parking and one driving lane.

Ms. Miller re-entered the meeting at 2:28 P.M.

Mr. Rosser came forward and stated that he has reviewed the lease from the railroad and it covers a total of 16,435 square feet which goes all the way to the centerline of Peoria. Mr. Van De Wiele stated that way he was calculating was by using the scale at the bottom of the site plan and only using the area where there are parking spaces. He is not inclined to count the area from the fence to the railroad or the grassy area. Mr. Rosser stated that he is not either.

Carmelita Skeeter, CEO of Indian Health Care Resource Center, 550 South Peoria Avenue, Tulsa, OK; stated the center has been there since 1999 and the feedback they received from the community when they purchased the school to develop it into an outpatient clinic the community did not want the center there. The public came out in great numbers to testify that they did not want an Indian clinic in their community. They wanted a business on the corner. They did not want another social service agency in that area. At that time Youth Services and Family & Children Services were in the neighborhood. The Center has purchased and cleaned up a three block area and another social service agency in that community is going to do the same thing. They will clean up the community. They are going to offer social services to help the people. This is a social issue much more than a location issue. If people would address the social issues that are going on in the City that Iron Gate takes care of, as far as the homeless, feeding and social services the Center sends staff to Iron Gate once a week such as mental health workers, dieticians, and work very closely with Iron Gate. From what she understands, when Iron Gate gets a larger facility the Center will be able to offer more services to them. This is very much a social issue. It is for the entire community. It is for the City of Tulsa. It is not just an area at 3rd and Peoria or at Trinity Episcopal Church. Ms. Skeeter believes if Iron Gate can move to the subject area they will help everyone.

John C. Powers, 2431 Terwilleger Boulevard, Tulsa, OK; stated he served as rector of Trinity Episcopal Church when it was founded in 1978. Iron Gate has been open and welcoming for nearly 37 years feeding hungry guests every single day including Sunday and holidays. Iron Gate has never closed. The church adheres to one important tenant, that they respect the dignity of every human being, thus the moral and ethical commitment to the hungry. The church has worked with friends and neighbors at 5th and Cincinnati to address any problems that have arisen with this commitment and that will continue. Mr. Powers stated that as an active Iron Gate board member he pledges to be open, to be good citizens, to be active residents in the Pearl District, and to be good listeners and sensitive to community concerns. The Iron Gate Board pledges to build a stunning facility that will make the Pearl District proud. Pearl District owners and residents are invited now, and in the future, to volunteer to help feed at Iron Gate. For all who take up that invitation it is an inspirational and transforming experience. Mr. Powers hopes the Board will grant the requested Variance; a Variance that any purchaser of the 3rd and Peoria property would need to request.

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Violet Rush, 1723 East 13th Place (1416 East 11th Street), Tulsa, OK; stated she is a business owner in the Pearl District. She supports Iron Gate's move into the neighborhood. During the whole Pearl District, Iron Gate debacle there have been many arguments and in these arguments there are some serious flaws. Ms. Rush stated that a lot of people say by bringing Iron Gate into the community the property values will lower. She does not think this is actually possible as property values are most often assessed according to one of three approaches, the market value; the cost to replace the property; or the income the property will bring into the community. In Tulsa County, as far as she knows, property value is actually assessed at fair market value so it is not based on the kind of services that are offered on a property or the kind of people that utilize those services. In this case it would be those in poverty and those living on the streets. The argument that a \$4 million state-of-the-art facility designed by an award winning architectural firm will lower the property value in an already dilapidated area is completely flawed and she believes it is ludicrous. If anything the proposed building would increase the property value in the neighborhood. Ms. Rush stated that another argument has been that there needs to be a better balance between social services and businesses in the Pearl District. If a person looks at the facts, one in five Tulsa children goes to bed hungry every night. One in five people who are elderly in Tulsa County also go to bed hungry every night. If the neighbors really wanted a better balance between social services and business interests she believes there would be an Iron Gate in almost every neighborhood. It is the right thing to do and she supports what Iron Gate does, and her support for the organization is not conditional on who is using their services.

Michael Sager, 823 East 3rd Street, Tulsa, OK; stated he is the seller of the subject property to Iron Gate. He is also a property owner, across the street from the proposed Iron Gate location. His property is zoned CH so this would be a moot point if Iron Gate were to move across the street. He was one of the original people in the Blue Dome District and owned a large series of assets there. Today on 1st Street he owns more than 120,000 square feet of property between Peoria and Cincinnati. He has owned a lot of property on 2nd Street and still owns property on 3rd Street. On 3rd Street he has developed businesses like Juniper and BMI. He owns commercial property on 6th Street. He has also sits on the Downtown Coordinating Council and they have no official position on this issue but when the discussion comes up about crime the Tulsa Police Department's website posts the crime statistics for the City of Tulsa. Downtown has the lowest crime rate in the City of Tulsa. If Iron Gate moves to 3rd and Peoria part of the lowest crime rate in Tulsa will be moved to 3rd and Peoria. He has partnered and been involved in many, many things in the neighborhood between Peoria and Cincinnati. He supports the proposed project.

Leanne Benton, 605 South Peoria Avenue, Tulsa, OK; presented and had placed on the overhead projector a document showing percentages for Iron Gate soup kitchen. According to Iron Gate's statistics 78% walk, 10% ride the bus and 6% drive or ride the Morton bus. The statistics also show that 43% live on the street, 21% live in shelters and 33% live in apartments or houses. Statistics show the Iron Gate food pantry guests

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that 84% live in apartments and houses, 10% live on the street and 4% are classified as other. As the President of the Pearl District Association she has had the privilege and challenge of listening to residents, small business owners, and property owners in the last few weeks. They have voiced concerns over a 16,000 square foot soup kitchen with many chronically homeless people walking in the middle of a re-emerging urban neighborhood that is experiencing glimpses of revitalization. Some of the media has portrayed the neighbor's response to Iron Gate as fear. It is not fear but facts that bring the neighbors to their position of opposition; facts that will be clearly seen and spoken through a video of recent articles, TV news stories, and quotes from Iron Gate representatives. The proposed location for an expanding soup kitchen and food pantry isn't good for the Pearl District and she does not think it is good for the City of Tulsa. At this time Ms. Benton had a video placed on the overhead projector.

Mr. Van De Wiele asked Ms. Benton where the documents stating the percentages came from. Ms. Benton stated that when Iron Gate opened up their files the statistics were in those files.

Jeff Swanson, 1607 Dorchester Drive, Nichols Hills, Oklahoma City, OK; stated he attended Trinity Episcopal Church for years and was married there 10 years ago, and he donated to Iron Gate. He and his family have been personally and aggressively confronted by the homeless poverty people that go in and out of Iron Gate. It is his understanding that Trinity has had to call the police for help several times to address this very real problem that produces real injury in this area. With his family he owns three buildings located on the southwest corner of 4th and Peoria which overlooks the proposed Iron Gate site. His family has owned these properties since his grandfather purchased and developed them decades ago. His grandfather passed away but passed away knowing that his investments were safe and would provide necessary income for his family for years to come because Tulsa Zoning Code does not allow for a facility like Iron Gate to be placed in the subject neighborhood. His grandfather knew this because he served as a member on the City of Tulsa Board of Adjustment from 1978 to 1984. As a member of the Board of Adjustment he assisted in enacting and enforcing the standards that this current Board must uphold today. In granting the Special Exception this Board must find that the Special Exception will be in harmony and in spirit with the intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. While there is plenty of compassion for the homeless and the poverty stricken, as well as those who have invested their lives and livelihood in purchasing, investing and rebuilding the Pearl District, East Village and other areas around the Pearl District there compassionate arguments to be made on both sides. This is not a standard that asks or even allows this Board to balance or weigh whether Iron Gate should remain in the downtown neighborhood or if it should be moved to the Pearl District neighborhood. This Board is charged with focusing on ensuring that granting this Special Exception for this application will not be injurious to the new site's neighborhood. Mr. Swanson stated that he has a letter from one of his tenants stating they will leave the property and not renew their lease if today's application is granted. Mr. Swanson stated that he will suffer injury from that. This is a measurable injury. Mr. Swanson stated that his realtor informed him that it would be very difficult to obtain

another tenant and if he does it will be for less rent and his property will dramatically decrease in value. As a business owner and a commercial property owner his experience with regard to property value is that it is determined by rental income. He will lose rental income. He will suffer injury. His property values will decrease. This standard does ask the Board to weigh how much injury is too much; therefore, any evidence of injury is enough to defeat this application. Mr. Swanson stated that with this evidence by moving Iron Gate to 3rd and Peoria would be injurious to the neighborhood or otherwise detrimental to the public welfare. Mr. Swanson stated that Iron Gate's application must fail. There is a similar standard in granting a Variance as well. This Board must find that the application, ordinance, particular place or property would create an unnecessary hardship. Such conditions to a particular piece of property involved and would not cause substantial detriment to the public good or impair purposes and intent to the ordinance or the comprehensive plan. Mr. Swanson stated that time and time again this Board has ruled and the Oklahoma Supreme Court has upheld that an expense that would never actually be incurred is not an unnecessary hardship, but Council for Iron Gate has told the Board is that there hardship has to do with the size of the land. With regard to that, a hardship created by the owner of a premise constitutes no valid basis for a Variance from a zoning ordinance. Mr. Swanson stated that to allow a land owner to circumvent an ordinance by creating a self-imposed hardship would emasculate the ordinance as effectively as repeal. The Variance sought must not cause detriment to the public good or impair the purpose and intent to the ordinance. The neighbors are providing information and evidence that is concerning to public safety and that this is detrimental to the public good. Failure to show any one of these requirements is fatal to an applicant's request for a Variance. Mr. Swanson stated that in regards to the railroad lease, Union Pacific has only recently learned of some of the ramifications associated with the lease and the migration to and from the John 3:16 Mission, the day shelter, and others that would potentially take people the most direct route which is down the railroad. Mr. Swanson stated that he has been told there are investigators assigned to review all aspects of this project out of concern for safety. Mr. Swanson stated that in his dealings with railroad leases, they have very strict out clauses that can be executed if and when the railroad feels it is not safe or in their best interest to allow the lease to continue. Mr. Swanson stated that he has owned restaurants in the past and he does not see anyway delivery trucks can get in or out of subject property without, from time to time, backing out onto the blind corner around 3rd Street. That is definitely detrimental to the public good. That is a dangerous situation and is violation of law. The neighbors have requested that Iron Gate provide information about the security and they have said they have no plans to have security that will be going through the neighborhood to police and take care of the migration of people attending Iron Gate. Mr. Swanson stated that to compare this to the Indian Clinic is like apples and oranges. The Clinic has nothing to do with this or the neighbors concerns. Mr. Swanson respectfully requests this Board continue to uphold these standards and deny this application.

Josh Ritchey, 418 South Peoria Avenue, Tulsa, OK; stated that if a person watches the news or read the paper you will find all small business owners are lumped into one category. Everyone thinks we are either wealthy, absentee land owners that live in

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palaces and run businesses in their spare time, or we are uncaring jerks that just do not want Iron Gate in their backyard. His business became profitable for the very time in 2011. In 2012 he applied for a loan and he was able to purchase his property on South Peoria. He is not a wealthy land owner. He actively works the land. He has worked hard to clean the property up, he has renovated the building and now he has moved out of the building and found tenants that are opening a food truck park. This is not normally a case where people make \$25 million a year. His concern is that instead of making \$32,000 a year he might make zero and it might just be over. That property is his investment and his whole life. He has invested everything he has into this land. Any impact that occurs will be felt ten times more so by the small business because they cannot hire security, cannot replace broken windows, clean up vandalism, or anything that happens. Small business cannot recover. The Pearl's yard is pretty full as far as a small neighborhood and social services; there is Indian Health Care, Family & Children Services, Youth Services, Tulsa Planned Parenthood, many churches. There is a lot of people packed into the neighborhood that are doing a good job to help people. Iron Gate has requested to be rezoned as a social service. Mr. Ritchey believes that Iron Gate being lumped in with other social services would be kin to zoning all football stadiums as football without regard to who plays. Iron Gate is the Dallas Cowboys of soup kitchens, they are nation's largest food only soup kitchen. It needs to be considered how large of an operation they have. Mr. Ritchey does not know if 3rd and Peoria will be able to accommodate everything they hope to do. Mayor Bartlett, in every interview, states that Tulsa has to keep and retain its young talent. The young professionals have come back to Tulsa and are excited about what is going on. To keep the young professionals Tulsa must improve the public schools, need safe neighborhoods surrounding downtown, and have streets with transit. The City of Tulsa relies 100% on sales tax; that the roads, the police, etc. The County of Tulsa relies 100% on property taxes. So if Iron Gate and the other social services is utilizing the best highest use quality parcels of land within a mile of downtown, they do not pay property taxes or sales taxes, how is the City going to receive any money for improvements because they gave away land that can be used for so much more. Mr. Ritchey stated that in his opinion there are two ways this can go, the Board says no to the rezoning and Iron Gate continues to look for a site, or the Board says yes and the neighborhoods businesses and homes are injured. Mr. Ritchey asked the Board to not take away the things he has built and worked for his whole life to maintain. Let the Pearl to continue to grow on its own and he encourages the Board to not approve the Iron Gate application.

Mr. Swiney left the meeting at 3:09 P.M.

Danny Overton, 3015 East Skelly Drive, Suite #410, Tulsa, OK; stated he specializes in commercial real estate analysis and services. He, with the Pearl District, is open to discussion with a compassionate ear to all matters concerning the homelessness. Given the District has the highest per capita amount of social services offered in the City of Tulsa the neighbors are well informed to the current situation of homelessness and

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wish to be an ally to Iron Gate and to the City in this regard. The City of Tulsa spends thousands of dollars every year addressing and campaigning to show the City's interest to retain talent, grow the City and young entrepreneurs. One way the success of these goals is accomplished is through large and small area planning, which is a simple yet complex concept. If the citizens are trusted to have the information and to invest in its self because they grow best together there are silent partnerships created with thousands of people. That creates a bed rock for success. When those plans are not consulted as a guidebook to deal with the changes that will naturally come along the plan starts to fall apart, confidence falls, and the City's goals are not met. The Pearl District has had hundreds of millions of dollars invested into it through federal, public and private sources over many years with another \$100 million on the way. Through public and private funds, again, over the next 25 years a small part of that investment will be placed in the Pearl District to create dozens of jobs, and up to \$250 million dollars of tax income to the State of Oklahoma. This Board has had the honor of setting some of these past goals by believing in these plans through votes cast so he speaks in reverence rather than opinion as this Board can easily reference its successes in this area. All of this became possible due to planning; planning among enemies and friends. Mr. Overton stated that Iron Gate has stated time and time again that they speak for their guests. They have no interest in speaking about planning with HOAs, the BOA, the PDA, and most of the City itself concerning growth potential for the small area plans in place. A neighborhood that supports itself and focuses on small area planning and the law and their common sense as their guide stones will thrive with any kind of mixture. There is significant social return on investment that will impact any area negatively and positively by every decision that the Board makes. As mentioned in the guide to planning the three main criteria for decision making is harmony with the spirit and intent of the Code, non injurious to the neighborhood or otherwise detrimental to the public welfare. In all three there real feelings of doubt; by those standards that are set that is a short coming. The answer for this application must be no. This application does not meet the high standards that the Pearl has set for themselves, and that they ask of their policy makers. People can change their priorities without changing their principles. Obviously this Board is highly ethical as to address concerns at the last meeting that not enough members were present to make a fair decision. The Board has proved their concern for the respect and position of their job and everyone thanks you for that. Please continue to support these ethics and deny this application.

Matt Jones, 415 South Owasso Avenue, Tulsa, OK; stated he south of the subject property. He is a native Tulsan but left to go to Colorado then on to Austin, and now he has returned to be near family. He has seen Austin and Denver do great things, and he likes the potential of Tulsa. He thinks there is a lot here but it was a gamble because it can go the other way. If a small group of people are allowed to make all the decisions maybe there is another place. If a people cannot think outside the box the last thing you want to do is make the box bigger. He is shocked that there is no City plan for social services. He believes Iron Gate should keep operating at Trinity and come up with a plan that more people can be involved with.

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Mr. Swiney re-entered the meeting at 3:17 P.M.

Bob Bartz, Barber and Bartz Law Firm, 525 South Main Street, Suite #800, Tulsa, OK; stated he represents the Pearl District Association as well as Mac Systems, Inc. Mr. Bartz had slides placed on the overhead projector to refer to as he spoke. The Code is enacted for the purposes of promoting the development of the community in accordance with the comprehensive plan. The downtown Tulsa master plan identifies the Pearl District as a mixed use area, and placing the Iron Gate building in the Pearl District is inconsistent with that plan. The northwest quadrant designates the social justice northwest corner of the downtown area. Because of the existing zoning if the Iron Gate facility was placed in that area there would no Special Exception needed for most of the properties that could be purchased in that area. It is his understanding that the Downtown Coordinating Council suggested several locations in the northwest quadrant that is designated in the master plan for social and justice yet those particular properties were rejected. The 6th Street Infill Plan was adopted by the Planning Commission and approved by the City Council and the plan contemplates social services, and there are four agencies and organizations already in the Pearl District. What is significant is in reliance upon the Downtown Master Plan and the 6th Street Infill Plan, over \$100 million has been invested by individuals in the Pearl District. The City would be setting a dangerous precedent if it were to disregard its own plans, the Master Development Plan, and the Pearl District Plan by allowing the composition of the Pearl District to be dramatically changed by having the homeless roam the streets in the Pearl District area. Section 1608 in the zoning code indicates the Board of Adjustment should not grant a Special Exception if it will be injurious to the neighborhood or otherwise detrimental to the public welfare. Tom Baker, Manager of the Downtown Coordinating Council, stated "You have to recognize the impact that the service has on a nearby community. The result of that service in that area was creating a negative impact to some property owners to develop their property." If the manager of the Downtown Coordinating Council says there is a negative impact caused by having that facility in downtown then that speaks for itself. It will have the same negative impact in the Pearl District. Mr. Bartz stated gave examples of the type situations that would cause injury to the neighborhood or otherwise be detrimental to public welfare. Mr. Bartz stated that if Iron Gate is allowed to build on the subject property Mac Systems, Inc. will not build a planned facility in the Pearl District, A-Best Roofing indicated it will not go forward with purchasing an office building and will move their business from the Pearl District, Roberts and Jones Studio will not finish the development of a building for architectural business and will move, Good Day Properties, LLC will consider selling 33+ commercial properties, O'Fallon Properties will not continue with any further projects, Carlos Moreno indicated he will not move forward to purchase and develop a building located at 6th and Peoria for his creative agency, and there are businesses and agencies that currently exist in the area that will have their programs in jeopardy. Mr. Bartz stated there have been comments made about the proposed parking and he thinks a lot has come to light on this issue today. Two weeks ago a Union Pacific official told a member of his firm that the lease that was being proposed was for beautification and parking only. This official did not understand what Iron Gate was doing, but he did say if there were people

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congregated in the parking lot that would be grounds to revoke the lease. The proposed lease is year to year so what happens if it does not get renewed? It also has a 30 day termination clause so what happens if Union Pacific is truly concerned about people congregating in the parking lot? What has come to light today is the fuzzy math. Is there really enough parking spaces being proposed, if there are only 33 parking spaces with apparently 15 to 18 staff people including security? Mr. Bartz trusts that the Board will do everything necessary to make sure that a thorough parking study is performed with real statistics that are consistent with prior publications before entertaining a Special Exception. It is critical for the Board and the City of Tulsa to not disregard the Downtown Tulsa Master Plan. The City can ill afford to disregard its published Comprehensive Plan when individuals come to Tulsa and are willing to invest millions of dollars in future development.

Stuart McDaniel, 628 East 3rd Street, Tulsa, OK; stated he represents many of the members of the East Village District and their concerns. He personally would not like Tulsa to be known for having America's largest feed only soup kitchen. It is evident that this is a sensitive subject and he is not proud that his City cannot come up with a decision quicker without these problems. Other communities have addressed hunger in many ways and he believes this is not the correct method. Iron Gate needs to work to provide measurable outcomes such as United Way and many other federally funded organizations have. Iron Gate is privately funded so they can do what they need to do. Measureable outcome is the key to success, where they are tracking how many they are no longer feeding rather than how many they do feed every day. A measure of success should not be how large the numbers have grown, they should be striving to have these numbers to decrease. This is a flawed model. This has forced the neighbors, as a community, to discuss a topic everyone was previously fearful to address. Now there is a room full of compassionate people, passionate about the individuals Iron Gate serves and passionate about the community they are working hard to improve. Many of these individuals have poured their life savings into an idea, an idea that Tulsa can be a better place and that they can actually play a part in making that happen. He would respectfully request the Board reject the application, not end Iron Gate's mission but to allow the most creative group of individuals to start their work on finding the right solution to the growing problem. People need to be focused on possibly pairing Iron Gate with other compatible services that work to lessen these individuals reliance on social services as a whole. People need to think of ways to build the independence and self reliance these people so need. Tulsa is known for its giving heart and how they take care of one another. It is time Tulsans sit down and do just that. The most philanthropic city in America can do much, much better than this.

Jamie Jamieson, 754 South Norfolk Avenue, Tulsa, OK; stated this is a tough case, an interesting case, and it does pose some real challenges for the neighborhood. It poses challenges for the City. It poses challenges for dealing with the poverty in Tulsa. Earlier someone referred to the Pearl District being a "nimby" – not in my back yard – and that is far from what the Pearl District is. The Pearl's plan is a great deal more complex and as far away from a nimby. The Variances in this case have been self inflicted and Iron Gate does not even own the land yet. Just over a year ago was

changed by the Planning Commission to being autocentric and commercial. This new operation does not sound autocentric nor is it a commercial operation. The Special Exception is because the use is not permitted by right in a District because of potential adverse affects. If controlled in a particular instance it may be permitted. The Iron Gate cannot control it. The activities cannot be controlled because of the disproportionate number of people who are homeless and visiting the soup kitchen. Iron Gate cannot control it no matter how responsible they may be. The scale of the operation is fundamental to the problem that Iron Gate has. Iron Gate began very small but it has become very large. The disproportionate number of transient people among other pedestrians is going to be a problem for the businesses. Can all of these people really be wrong? The Village at Central Park used to be in the middle of a totally unredeemed blighted neighborhood with a transient problem, but it was very clear in the 6th Street Task Force plan that the neighbors gave serious thought how the social services should be integrated. They wanted to see them and they did see them as a benefit to the community because of the visitors to the neighborhood. The social services were going to help fuel the economic development and hopefully the repopulation of the neighborhood, but none of them were going to be disproportionate. Mr. Jamieson stated he was puzzled why this application was tagged as a Use Unit 5 rather than a Use Unit 2 which includes homeless centers. The Pearl District plan includes public safety, affordable housing, creating a livable walkable neighborhood for all people, and to foster local business and local retail. The Pearl District is using tax payer's investments in the realization of this plan and it is beginning to boost the city's tax base. The Pearl District is crucial to the future of Tulsa. That is not to establish a direct connection between the realization of a plan and a homeless shelter, but the Pearl District is in a very vulnerable situation. Economic revitalization has just started. These are normal people who want to do something good. It is a vulnerable time in the redevelopment of the Pearl District.

Mr. Henke stated that he does not think the Zoning Code is discriminatory toward Tulsans with mental problems or Tulsans from low or middle or higher incomes. Mr. Jamieson agreed with Mr. Henke.

Mr. Henke stated that the soup kitchen is allowed in the Pearl District by right in three of the four corners of the intersection of 3rd and Peoria. Mr. Henke asked Mr. Jamieson how he would respond to that. Mr. Jamieson stated that perhaps the residents and business owners would end up living with it and life would be a great deal tougher.

Mr. Henke stated that he realizes the Pearl District has been very unified in residential development, commercial development and everyone has done a very good job as a unified neighborhood to outline what it is the people would like to see in the Pearl District. Mr. Jamieson stated that the people in the Pearl are concerned about the injury to the neighborhood which is more than their view; it is part of the City of Tulsa's Comprehensive Plan and has been for eight or nine years. An enormous amount has been invested in the fulfillment of that plan. That is the corner stone of most of the people that have registered an objection.

Mr. Van De Wiele stated that he is the one who raised the nimby comment, and his point was that that is all the Zoning Code is. It is to determine what can go in your back yard and can't. Everyone wants gas or electricity but he does not want a power plant or refinery in his back yard. Mr. Van De Wiele stated that his point in raising that is that there have been lots and lots of comments by property owners or the media, and he does not think those comments to be valid but the people do have a legitimate concern about what does go on in their back yard. If a person lives in a residential area a person should feel comfortable and confident that the people behind them is not a power plant but is a residence.

Mr. Henke stated that his point is that the property directly across the street, any which way you go, can be used for a soup kitchen because it is zoned CH.

Rebuttal:

Mr. Malcolm Rosser came forward and stated that Mr. Swanson's and Mr. Ritchey's properties are both zoned CH so a soup kitchen and food pantry is what they are zoned for and could be allowed without a Special Exception. What is injurious to the neighborhood and to determine that you must look at the nature and character of the neighborhood. The zoning in this case is indicative of the nature of the neighborhood. He wants to make it clear that Iron Gate understands the concerns of the neighbors and are not saying they are fraudulent. Mr. Rosser stated that he thinks that if there were a social service agency in Tulsa had erected a new facility and it had caused serious injury everyone would have heard about it. The Indian Health Care Resource Center was one that had concerns about causing injury to the neighborhood, but that did not happen. That is clear and he believes that will be what will happen in this case. Iron Gate could have asked Mr. Sager to get the property rezoned CH and there would have been no need for a Special Exception or Variance to the setbacks. In regards to the parking, it is tight but it complies with the Code and it will work at the subject site. Some people may be familiar with the Thunderbird Club House in Norman; it is a facility for all mentally ill people of any type whether they are homeless, hungry or they have a home. It basically offers these people a place to go and they can have a meal. The Thunderbird Club House is located in the middle a commercial/residential area between a shopping center and an apartment complex. It has caused zero problems. It is very similar to today's situation; they had another facility that was no longer working. There were fears and there will always be fears, which is very understandable.

Comments and Questions:

Mr. Van De Wiele stated that all these folks are not wrong, but he does think there is a great deal of fear of the unknown. The Board has seen that before. It is not a viable basis for the Board to deny an application. Mr. Van De Wiele believes there is a substantial amount of legitimate concerns and he thinks a lot of that has to do with what they have seen happens. The services that Iron Gate provides are sadly a necessity. He does not believe that it is the Board's job to determine whether this is the best location or if there is another location that would be better. It is whether this location satisfies the criteria that the Board has to apply to their application. Mr. Van De Wiele stated that he has very little concern with the concept of the setbacks because the

Board grants those types of relief regularly. It has been in Swan Lake. It has been done in areas downtown where buildings were built years and years ago to the full extent of their property and they have no setbacks. It has been done in the Kendall Whittier recently. The flip side of that is what is the hardship? Mr. Van De Wiele stated he has concerns over whether the hardship is self imposed. In regards to the parking the applicant does comply with the legal minimum amount of property for parking that would be required although it is not on their lot. But when the applicant has a Special Exception and they are asking for permission to have a use that would not otherwise be allowed the Board has the leeway of requiring more parking than the Code requires. The Board has done that on occasion. Mr. Van De Wiele stated that he does not know how the architects came up with a requirement of 39,000 square feet of parking for a 14,000 square foot facility. He assumes that it was based on the number of people coming and going to the facility whether it be in their own cars, on a bus or shuttle. Mr. Van De Wiele stated he is concerned over the numbers because the numbers on the documents displayed were substantially different than the numbers the Board heard from the Iron Gate representatives. It seems there is a very high volume of people coming to the facility and the vast majority of them seem to be walking while most of the pantry guests drive. Mr. Van De Wiele stated that he does not see that there is enough parking on the site. He has to think that the railroad will terminate the lease once someone is hurt on the railroad right-of-way and there is a worse problem. The lease is almost so speculative that he is not sure the Board can grant much relief based on the lease. Typically in the past, where there is an off-site lot parking, it is either that the person owns the other lot or they have a long term lease and the Board typically links the approval to the term of the lease. Sometimes where there is an off peak use where a commercial facility is granting a Saturday/Sunday right to use the lot for a farmer's market or something along that line. He is having a very difficult time getting over the 39,000 square feet of parking required. As to the use, which is obviously the hot button for most people, on the one hand they really could erect this facility on any other corner at 3rd and Peoria or anywhere up or down 6th Street in the heart of the Pearl District. He is at a loss as to why they didn't especially when Mr. Sager, their seller, owns the property immediately north of the subject site. It is an issue for the Board to deal with. The Board has to apply the standard they have to find and that is the injurious nature or the detrimental impact on the surrounding area. Mr. Van De Wiele stated that he cannot say that it would not be injurious. He has driven through the area several times in the last month and he can absolutely wrap his brain around the fact that if he owned a property across the street from Trinity he would think there is no way he would ever be able to sell it. That is not a fear it is a reality. Mr. Van De Wiele knows that it was said that the doors would be opened to let the guests inside but they are going to need to line up at some point. He cannot support this application for those reasons.

Mr. Flanagan stated that he does not think anyone in this room would disagree with Iron Gate's mission or what they do. It is incredible and does help a lot of people. He agrees with Mr. Van De Wiele in regards of the hardship; is it self imposed or is it not? Fear of the unknown is not a viable reason to vote something down but there are serious legitimate concerns about the parking. If the vote were to be taken individually on the requests then maybe he could support it.

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Mr. White stated that he agrees with Mr. Van De Wiele and Mr. Flanagan regarding the parking and the safety. There has never been any question about Iron Gate. They do a great job and it is a super service. The only issue that he is concerned with, as a member of the Board, is if this is the correct place for them to relocate to. Mr. White stated that he has been on the Board since 1995, and he has been privileged to hear the applications coming from many people in the Pearl District. He was chairman of the Board when the Indian Health Care Center applied and there was a lot of concern and it worked out well. He has seen the Pearl District people spend millions of dollars developing their property and the perceptions they have about what may happen have to be considered. Mr. White stated that he would find it unconscionable to vote for approval.

Mr. Henke stated that this has been a real challenge and he spent over 30 hours in the last two weeks in driving to the sites, time on the internet, working through letters and petitions, etc., and in looking at the Variances he believes there are valid hardships that are consistent with relief the Board has granted in the past. In regards to the use as a soup kitchen, in looking at the neighborhood there are other social services in the neighborhood and it is not out character for that neighborhood. There can be a food pantry and soup kitchen at three of the four corners at that intersection, and he has a lot of confidence in Iron Gate working to be a good neighbor and doing what they can to be a positive influence for the neighborhood. Mr. Henke does not think the Code discriminates based on a person's mental capacity or income level. At the end of the day we are all Tulsans. It is a real challenge for him to say that Iron Gate cannot have their facility at this site but you can have it less than 50 feet away. The parking is a major problem. Mr. Rosser pointed out that the Code only requires 32 parking spaces but for an organization for the intensity of this use even using the most conservative numbers, to have 35 parking spaces on a lot that is not completely under Iron Gate's control does not work. Mr. Henke stated that he would have to vote against that Special Exception.

Mr. Henke asked Mr. Swiney if the Board voted on the use Special Exception and the use is denied does the Board need to act on the other requests. Mr. Swiney stated that the Board did not, if the use Special Exception is denied that denial vote moots out all the other requests.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 2-2-1 (Van De Wiele, White "aye"; Henke, Flanagan "no"; Snyder "abstaining"; none absent) to **DENY** the request for a **Special Exception** to permit a soup kitchen and grocery pantry (Use Unit 5) in the IM District (Section 901); **Special Exception** to permit required parking on a lot other than the lot containing the principal use (Section 1301.D). The Board has found that there would be injury to the neighborhood or a detriment to the public welfare; for the following property:

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PRT LTS 1 THRU 10 & LT 16 & PRT VAC ALLEY BETWEEN SL OF LTS 1 THRU 5 & NL LT 16 BEG 20S & 20W NEC LT 1 TH W154.30 SW99.61 SE241.50 N172.36 POB BLK 18, BERRY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

On **MOTION** of **FLANAGAN**, the Board voted 2-2-1 (Henke, Flanagan "aye"; Van De Wiele, White "no"; Snyder "abstaining"; none absent) to **APPROVE** the request for a Special Exception to permit a soup kitchen and grocery pantry (Use Unit 5) in the IM District (Section 901). The Board has found that there would be injury to the neighborhood or a detriment to the public welfare; for the following property:

PRT LTS 1 THRU 10 & LT 16 & PRT VAC ALLEY BETWEEN SL OF LTS 1 THRU 5 & NL LT 16 BEG 20S & 20W NEC LT 1 TH W154.30 SW99.61 SE241.50 N172.36 POB BLK 18, BERRY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Both Motions FAILED due to lack of a majority vote.

Ms. Snyder re-entered the meeting at 4:18 P.M.

NEW APPLICATIONS

21943—Lamar Outdoor Advertising – Lorinda Elizando

Action Requested:

Verification of the spacing requirement for outdoor advertising signs of 1,200 feet from any other outdoor advertising sign on the same side of the highway; Variance of the height requirement for outdoor advertising signs from 50 feet to 60 feet (Section 1221.F.15). **LOCATION:** 14501 East Admiral Place North (**CD 6**)

Presentation:

Bill Hickman, 7777 East 58th Street, Tulsa OK; stated the second Variance request in this case regarding the height is that the sign must be moved and be relocated as a result of an ODOT condemnation case. The existing sign is moving back to the subject property. The existing bridge at 145th that goes over I-44 is being expanded which will make it larger than other existing bridges in the area as well. Mr. Hickman presented pictures on the overhead projector to show the current sign in relation to the current bridge. The request for the additional 10 feet in height is to get the sign above the bridge and the new height of the bridge.

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Case No. 17032 (continued)

Mr. Gardner advised that the carport appears to encroach approximately 10' farther into the required setback than most of the other carports in the neighborhood, which are approximately 24' deep.

Protestants:

None.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 4-0-1 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; White, "abstaining"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of Irvington Avenue from 50' to 26', and a **variance** of the required side yard setback from the north property line from 5' to 0' to permit a carport (not enclosed) - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted and guttering required on the north side of the carport; finding that there are numerous carports in the area, and approval of the request will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

Lot 29, Block 24, Maplewood Extended Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17033

Action Requested:

Variance of the required setback from the centerline of South Peoria Avenue from 50' to 41'6" to permit a sign - **SECTION 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 21, located 306 South Peoria Avenue.

Presentation:

The applicant, **Bobby Daniel**, 1406 South Aspen, Broken Arrow, Oklahoma, submitted a plot plan and photographs (Exhibit N-1) and stated that the sign would be in the parking lot if installed at the required setback. He requested permission to move the structure 8½" to the east.

Comments and Questions:

Mr. Doverspike asked if the proposed location is farther from the centerline of Peoria Avenue than the existing building wall, and the applicant answered in the affirmative.

In reply to Mr. White, Mr. Daniel stated that the proposed sign will be 4' by 8'.

Mr. Doverspike inquired as to the height of the sign, and the applicant replied that the pole is 20' in height, with the total sign height being 24'.

Case No. 17033 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-1-0 (Abbott, Bolzle, Turnbo, White, "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of South Peoria Avenue from 50' to 41'6" to permit a sign (4' by 8', 24' in height) - **SECTION 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 21; per plan submitted; subject to Traffic Engineering approval in regard to traffic light visibility; finding that a portion of the existing building is closer to the street than the proposed sign; and finding that the sign would be in the parking lot if installed at the required setback; on the following described property:

Lot 1 - 9, Block 18, Berry Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17034

Action Requested:

Variance of the required maximum floor area ratio (FAR) from .50 to .59 to permit a lot split - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 11, located 225' west of South Memorial Drive on 31st Court South.

Presentation:

The applicant, **Phil Tomlinson**, 1927 North Minnesota, Shawnee, Oklahoma, was represented by **Roy Johnsen**, 201 West 5th Street, who informed that the application involves the sale of a three-story office building located on a 2.4-acre portion of a 7-acre tract. He noted that the entire parcel contains three buildings. Mr. Johnsen requested a variance of the required floor area ratio from .50 to .57 to permit completion of the sale. He pointed out that OMH zoning to the west would require only 2.0 FAR and IL zoning to the south would have unlimited FAR. A plot plan (Exhibit P-1) was submitted.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required maximum floor area ratio (FAR) from .50 to .57 to permit a lot split - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 11; per plan submitted; finding that the requirement for

Board Action:

On **MOTION** of **BACK**, the Board voted 4-1-0 (Back, Bond, Ross, Van De Wiele "aye"; Radney "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to permit a school use in an RS-3 District (Section 5.020-C), subject to conceptual plans submitted today known as Option #2 with the third lane. The street is to be installed at Seminole and Harvard this coming summer of 2018, and per the City's financial commitment as noted today on the record by Mr. Nick Doctor from the Mayor's office. 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:

NW SE SE LESS N25 FOR RD SEC 29 20 13 9.62 ACS, City of Tulsa, Tulsa County, State of Oklahoma

22505—Mark Capron

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Action Requested:

Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Section 90.090-A); Variance of the removal agreement requirement with the City of Tulsa for structures in the planned street right-of-way (Section 90.090-A). **LOCATION:** 1202 & 1206 East 3rd Street South (**CD 4**)

Presentation:

Mark Capron, 6111 East 32nd Place, Tulsa, OK; stated this request is for a small awkward small piece of property. Anytime there is a right-of-way closed down it goes through a process through Mr. Kovak's office who is the utilities coordinator at 23rd and Jackson. There is an alleyway closing right now. The proposal is staying out of the existing right-of-way, but the planned right-of-way encroaches into the property. The planners are excited about the project and do not have a problem with the right-of-way staying where it is. Mr. Capron stated that there have been meetings with all the utilities and all the concerns have been addressed.

Mr. Van De Wiele asked Mr. Capron if he had crossed any hurdles regarding the site lines with the traffic department. Mr. Capron stated that is one of things that came up with the City of Tulsa and it has been addressed.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a

Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Section 90.090-A); Variance of the removal agreement requirement with the City of Tulsa for structures in the planned street right-of-way (Section 90.090-A), subject to the conceptual plan dated August 8, 2018. The Board finds the hardship to be the size of the lot and the shape of the lot. The Board finds that the following facts, favorable to the property owner, have been established:

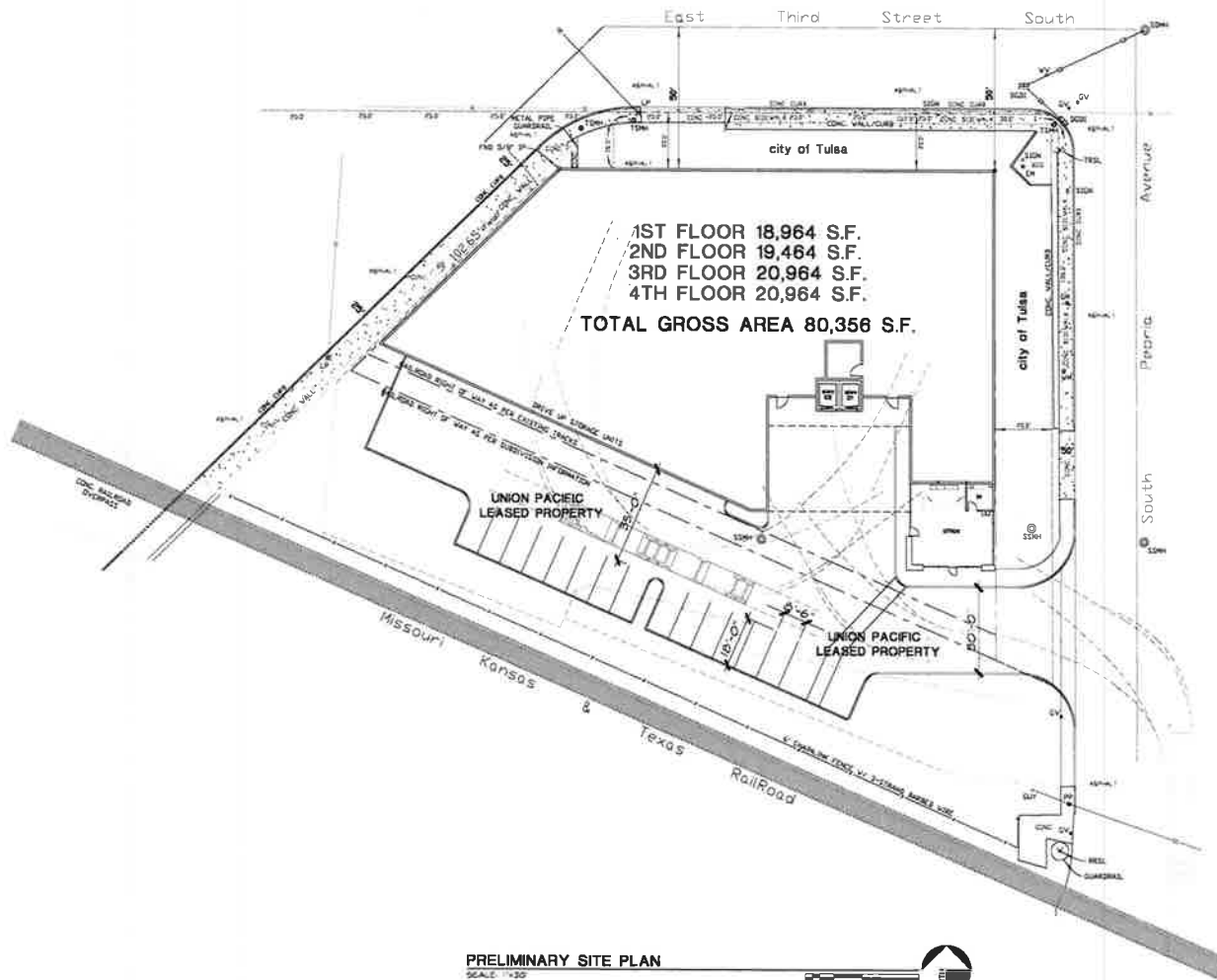
- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal 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; for the following property:

LOTS FOURTEEN (14) AND FIFTEEN (15), BLOCK EIGHTEEN (18), BERRY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

AND

THAT PART OF LOTS ELEVEN (11), TWELVE (12) AND THIRTEEN (13), BLOCK EIGHTEEN (18), BERRY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT THIRTEEN (13); THENCE EAST ON THE NORTH LINE OF LOTS THIRTEEN (13), TWELVE (12), AND ELEVEN (11) TO THE NORTHEAST CORNER OF SAID LOT ELEVEN (11); THENCE SOUTHWESTERLY TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE M.K.T. RAILWAY, SAID POINT BEING FIVE AND FIVE-TENTHS (5.5) FEET NORTHWESTERLY OF THE SOUTHEAST CORNER OF SAID LOT THIRTEEN (13); THENCE NORTHWESTERLY ON SAID RIGHT-OF-WAY LINE TO THE SOUTHWEST CORNER OF SAID LOT THIRTEEN (13); THENCE NORTH ON THE WEST LINE OF LOT THIRTEEN (13) TO THE POINT OF BEGINNING., City of Tulsa, Tulsa County, State of Oklahoma

13.33



PRELIMINARY SITE PLAN
SCALE: 1"=30'



ARC Services Inc.
14010 N. BUSSEX PLACE
Fountain Hills, Arizona 85208
phone (480)-837-0761
fax (480)-907-1135

SSCI

DESIGNER OR ARCHITECT OF RECORD
I, the undersigned, hereby certify that I am a duly licensed professional engineer or architect in the State of Arizona and that I am the designer or architect of record for the project described herein.

REVISIONS

**TULSA
SELF STORAGE**
THIRD STREET AND PEORIA AVE

Title: PRELIMINARY
SITE PLAN
Date: 09/03/10
Project number: BLS
Drawn by: RL
Checked by: BS
CAD file: SP

- ☒ Design Development
- ☐ Progress Const. Docs.
- ☐ City Submittal
- ☐ Bid Package
- ☐ Construction Issues
- ☐ Record Drawings

Sheet Number:

SP1



0 Feet 200 400



Subject Tract

BOA-22757

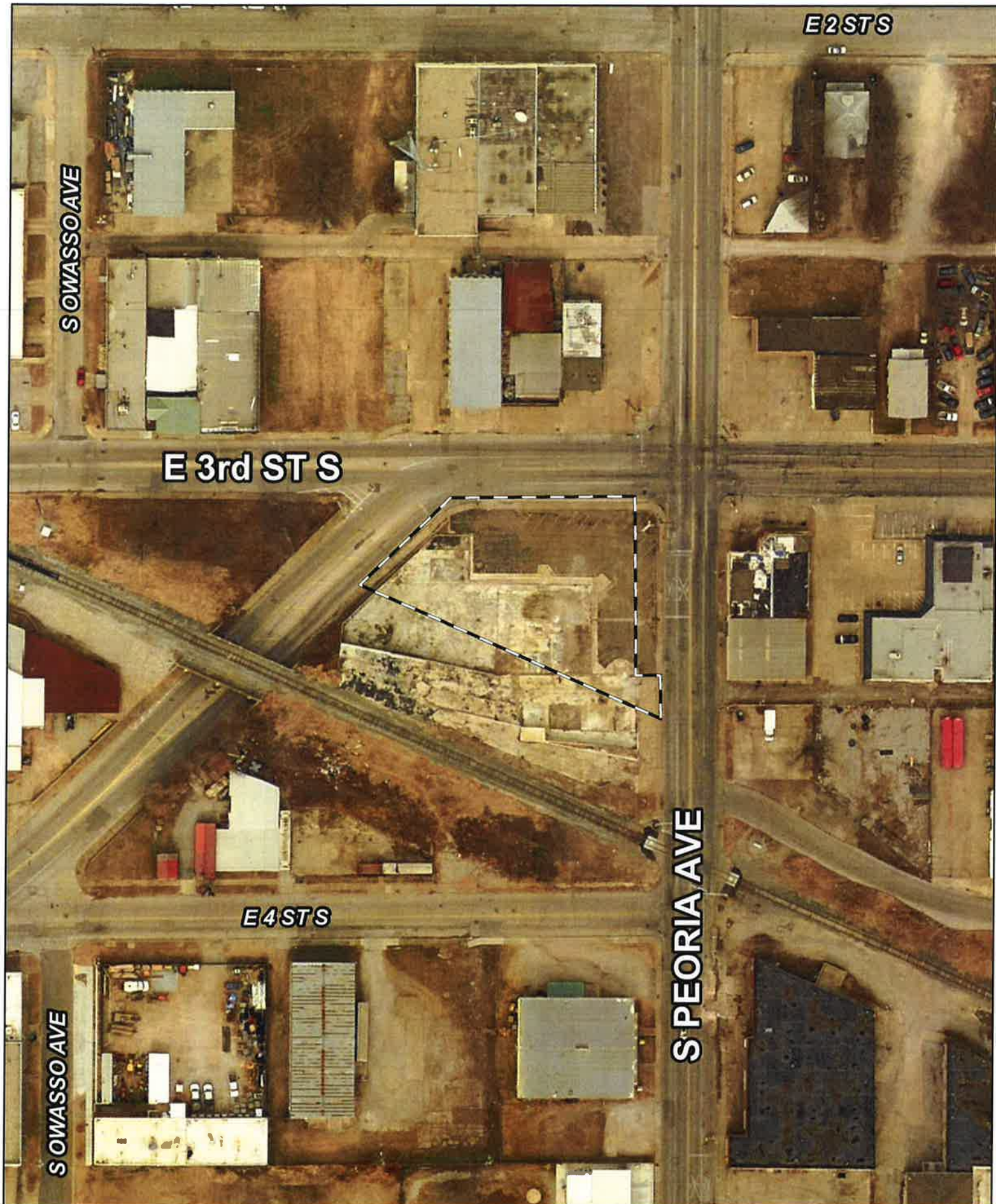
19-12 01

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

Aerial Photo Date: February 2018



13.34



E2ST S

SOWASSO AVE

E 3rd ST S

E 4th ST S

S PEORIA AVE

SOWASSO AVE

0 50 100
Feet



Subject
Tract

BOA-22757

19-12 01

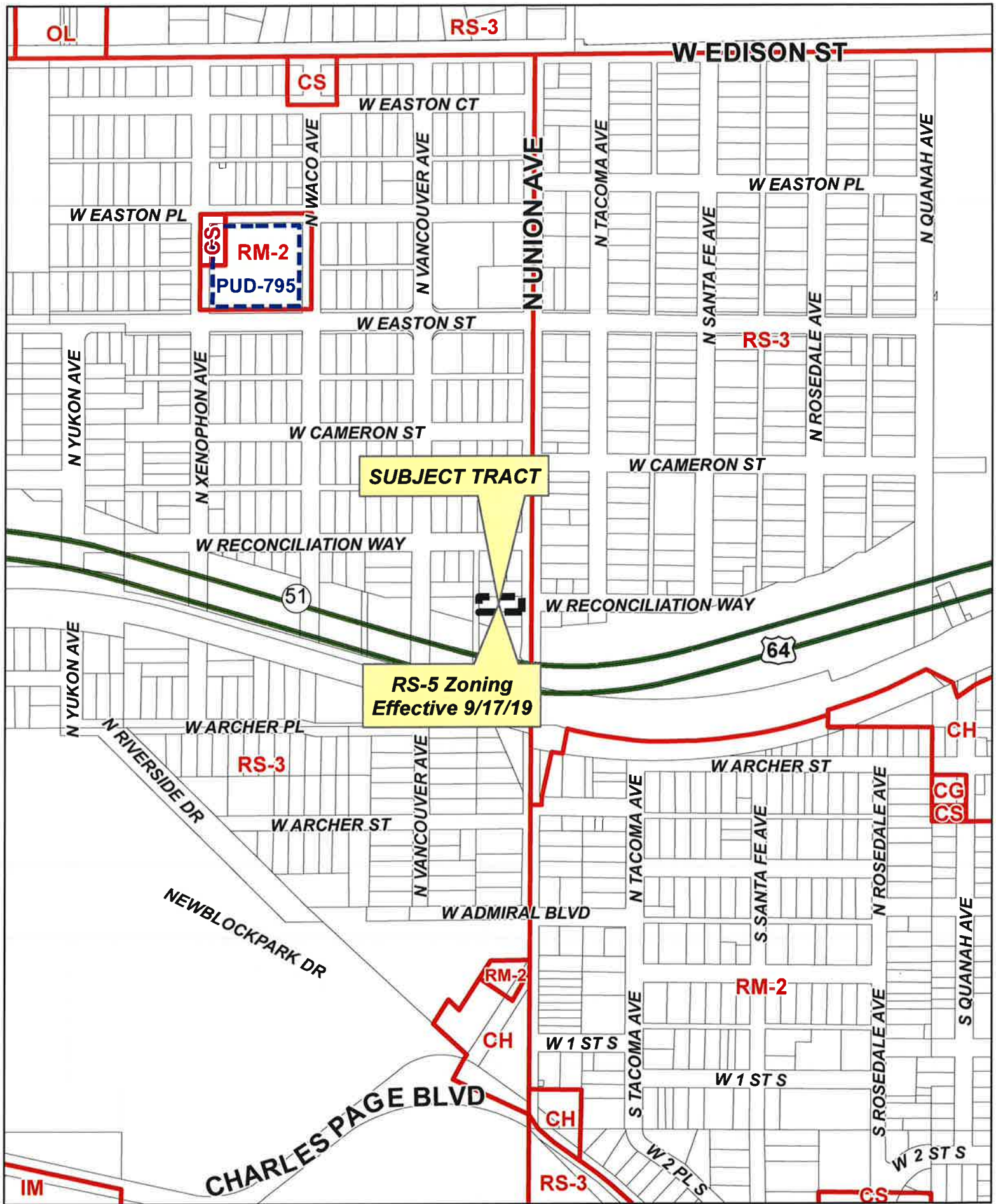
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align with physical features on the ground.

Aerial Photo Date: February 2018



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BOA-22758

14.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9203

Case Number: **BOA-22758**

CZM: 36

CD: 4

HEARING DATE: 10/08/2019 1:00 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Special Exception to permit three households on a single lot and Special Exception to permit a multi-unit house/triplex in the RS-5 district. (Sec. 5.020 Table 5-2.; Sec.5.020-G Table 5-2.5)

LOCATION: 156 N UNION AV W

ZONED: RS-5

PRESENT USE: Residential

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 4 BLK 24, IRVING PLACE

RELEVANT PREVIOUS ACTIONS:

Subject property:

Z-7486; On 7/03/2019 the TMAPC recommended approval of re-zoning the property from RS-3 to RS-5. The zoning became effective on 9/17/2019.

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

ANALYSIS OF SURROUNDING AREA: The subject tract contains a building that formerly housed a neighborhood grocery store that the applicant is proposing to convert into a triplex. It is zoned RS-5 and is surrounded by RS-3.

STAFF COMMENTS:

The applicant is requesting a Special Exception to permit three households on single lot and Special Exception to permit a multi-unit house/triplex in the RS-5 district. (Sec. 5.020 Table 5-2.; Sec.5.020-G Table 5-2.5)

Table 5-2: R District Use Regulations

USE CATEGORY		RS-					RM-				RMH		Supplemental Regulations
Subcategory	RE	1	2	3	4	5	RD	RT	0	1	2	3	
Specific use													
RESIDENTIAL													
Household Living (if in allowed building type identified in Table 5-2.5)													
Single household	P	P	P	P	P	P	P	P	P	P	P	P	
Two households on single lot	-	-	-	S	S	S	P	P	P	P	P	P	
Three or more households on single lot	-	-	-	-	-	S	S	P	P	P	P	P	

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

USE CATEGORY		RESIDENTIAL													Supplemental Regulations
Subcategory	Specific Uses	RE	RS-					RD	RT	RM-				RMH	
	Building Type		1	2	3	4	5			0	1	2	3		
Household Living															
Single household															
	Detached house	P	P	P	P	P	P	P	P	P	P	P	P	S	
	Patio House	-	-	-	P	P	P	P	P	P	P	P	P	-	
	Townhouse														
	2-unit townhouse	-	-	-	S	S	P	P	P	P	P	P	P	-	
	3+-unit townhouse	-	-	-	-	-	-	-	P	P	P	P	P	-	
	Manufactured housing unit	S	S	S	S	S	S	S	S	S	S	S	S	P	
	Manufactured housing subdivision	-	-	-	-	-	-	-	-	-	-	-	-	P	
	Mobile home	-	-	-	-	-	-	-	-	-	-	-	-	P	
	Mixed-use building	-	-	-	-	-	-	-	-	-	S	S	S	-	
	Vertical mixed-use building	-	-	-	-	-	-	-	-	-	S	S	S	-	
	Two households on single lot														
	Duplex	-	-	-	S	S	S	P	P	P	P	P	P	-	
	Mixed-use building	-	-	-	-	-	-	-	-	-	P	P	P	-	
	Vertical mixed-use building	-	-	-	-	-	-	-	-	-	P	P	P	-	
	Three or more households on single lot														
	Cottage house development	-	-	-	-	-	P	S	S	P	P	P	P	-	
	Multi-unit house	-	-	-	-	-	S	S	P	P	P	P	P	-	

A Multi-unit House is subject to the supplemental regulations of Sec. 40.250:

Section 40.250

Multi-unit Houses

Multi-unit houses are subject to the lot and building regulations of the subject zoning district, except as expressly modified by the supplemental regulations of this section.

40.250-A The street-facing façade of a multi-unit house may have only one building entrance that is visible from the street. If the building is located on a corner lot, one building entrance may be visible from each street.

40.250-B Patio-style doors, such as sliding glass doors, may not be used for entrance doors on building façades that face a street.

40.250-C The front façade of new multi-unit houses established after the effective date established in Section 1.030 may not exceed 60 feet in width.

40.250-D Outdoor (surface) parking areas may not be located between the principal building and the street or within any required side building setback.

SAMPLE MOTION:

Move to _____ (approve/deny) a Special Exception to permit three households on single lot and Special Exception to permit a multi-unit house/triplex in the RS-5 district. (Sec. 5.020 Table 5-2.; Sec.5.020-G Table 5-2.5)

- 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.



Facing North on Union Ave.



Facing South on Union Ave.



Subject Property

EXHIBIT "B"





0 Feet 200 400



Subject Tract

BOA-22758

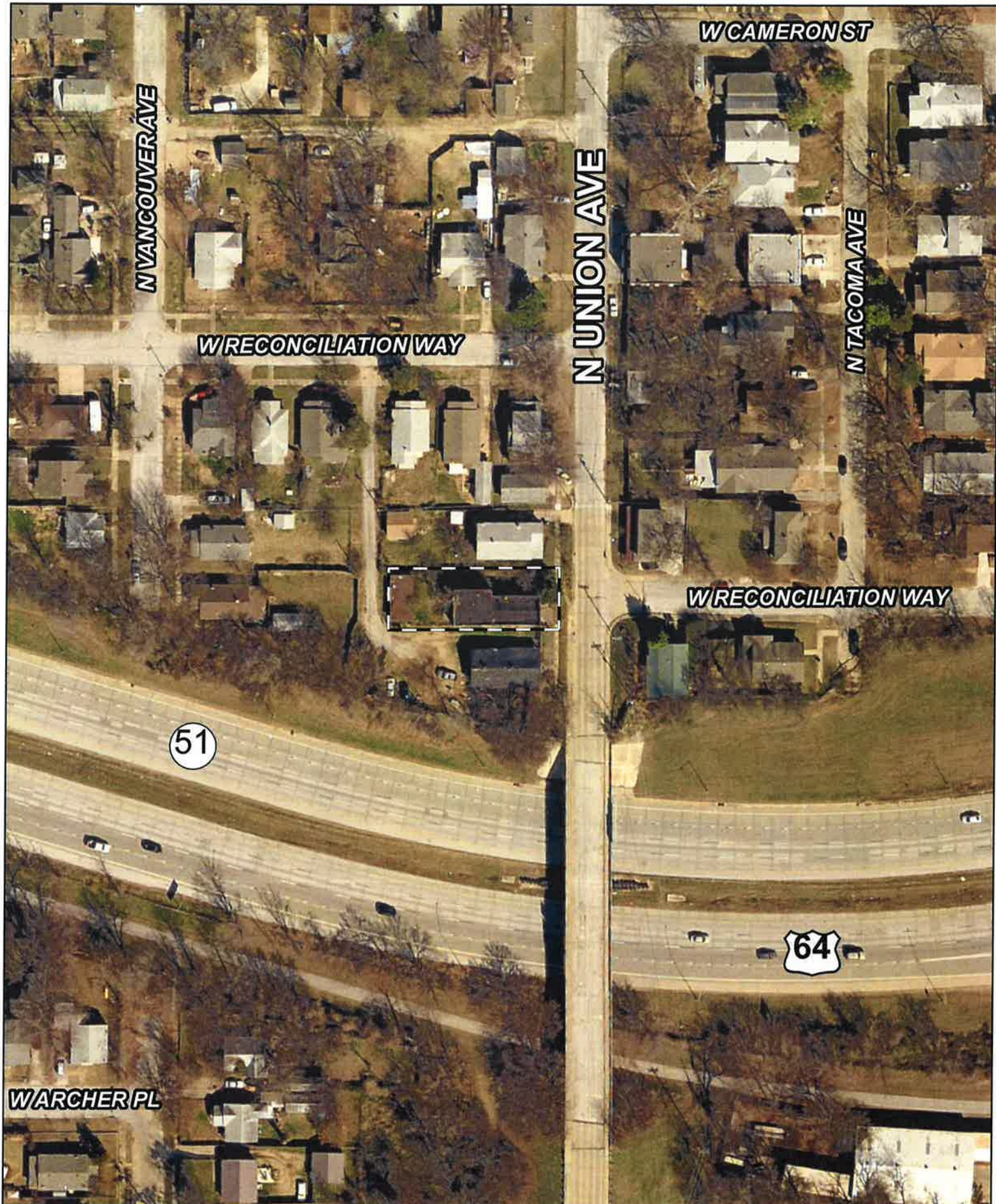
19-12 03

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

Aerial Photo Date: February 2018

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0 50 100
Feet



Subject
Tract

BOA-22758

19-12 03

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

Aerial Photo Date: February 2018

14.8



Mr. Fothergill asked if the lots were combined?

Staff answered, not yet but they will be if this application is approved.

Ms. Kimbrel asked staff if the neighbors were agreeable to the development with the optional development plan.

Staff stated the two abutting neighbors that staff has had the most conversation with agree but he had not heard from any other property owners.

The applicant indicated his agreement with staff's recommendation.

Applicant Comments:

The applicant stated he received an email just prior to this meeting from an adjacent property owner stating he supported this application.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **McARTOR**, TMAPC voted **8-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Ray, Reeds, Walker, "absent") to recommend **APPROVAL** of Z-7485 rezoning to CS with optional development per staff recommendations.

Legal Description Z-7485:

PRT NE NE BEG 180E & 225S NWC NW NE NE TH S65.7 E250 N65.7 W250
POB SEC 21 19 13 0.38AC, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

Mr. Walker arrived to at 1:43

3. **Z-7486 Lou Reynolds** (CD 4) Location: North of the northwest corner of North Union Avenue and West Highway 64 rezoning from RS-3 to RS-5

STAFF RECOMMENDATION:

SECTION I: Z-7486

DEVELOPMENT CONCEPT: The property owner plans to renovate a building that was originally constructed as a neighborhood grocery. The developer plans to keep the existing building and split into several dwelling units. This zoning classification will still require Board of Adjustment approval for a multi-unit house.

DETAILED STAFF RECOMMENDATION:

07:03:19:2786(9)

RS-5 zoning allows land uses that are consistent with the expected development pattern in the area and,

RS-5 zoning is consistent with the density that is anticipated in the comprehensive plan and in the Charles Page Boulevard revitalization plan, and

RS-5 uses and those residential uses that may be allowed by special exception are generally consistent with the development pattern when this area was originally constructed and,

Uses allowed by right are non-injurious to the surrounding property owners and may help spur redevelopment of this existing building therefore,

Staff recommends Approval of Z-7486 to rezone property from RS-3 to RS-5.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The Tulsa Comprehensive Plan identifies this area an existing neighborhood but did not necessarily recognize the historical significance of this particular structure. The existing neighborhood land use designation recognizes appropriate small-scale infill projects that are consistent with the fabric of the neighborhood. The area of growth recognized the ability to enhance the unique qualities of older neighborhoods.

The Charles Page Boulevard Neighborhood Revitalization Plan was approved in 1996 and is still used to provide general guidance in the area.

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.

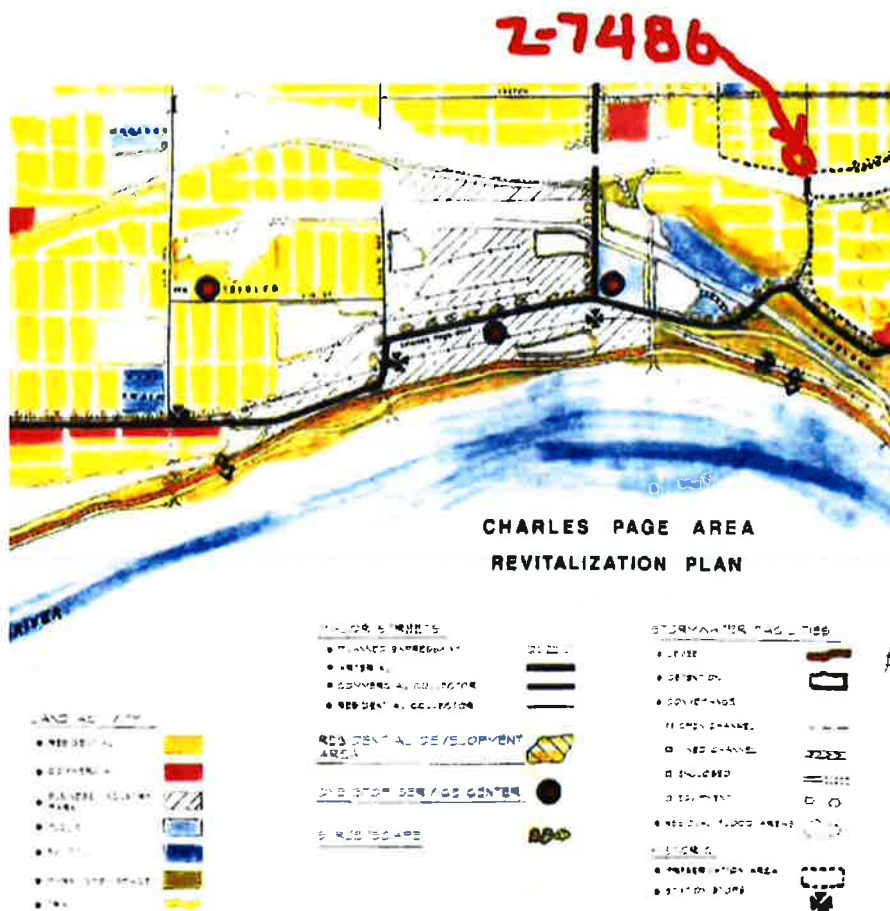
Transportation Vision:

Major Street and Highway Plan: North Union Ave. is classified as a residential collector

Trail System Master Plan Considerations: None

Small Area Plan:

This site is included in the Charles Page Revitalization Plan that was adopted in 1996. The land action vision of that plan considered this a Residential Area



Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The building on the property was originally a commercial building with residential use in the building. The property has been used for decades as a residential dwelling.



Environmental Considerations:

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Union	Residential Collector	60 feet	2

Utilities:

The subject tract has municipal water and sewer available.

07:03:19:2786(12)

14.12

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Stability	Single Family
East	RS-3	Existing Neighborhood	Stability	Single Family
South	RS-3	Existing Neighborhood	Stability	Single Family
West	RS-3	Existing Neighborhood	Stability	Single Family

SECTION III: Relevant Zoning History

History: Z-7486

ZONING ORDINANCE: Ordinance number 11814 dated June 26, 1970 established zoning for the subject property.

Subject Property:

No relevant history.

Surrounding Property:

PUD-795/Z-7224 April 2013: All concurred in **approval** of a proposed *Planned Unit Development* on a 2± acre tract of land for reuse of an old school building for 32 apartments, a common space for events, and a catering kitchen; all concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to RM-2/CS on property located South of the Southeast corner of West Edison Street and North Xenophon Avenue.

BOA-17018 April 1995: The Board of Adjustment **approved** a minor *special exception* to reduce the front yard setback from 55' to 52' to allow replacement of a porch on an existing dwelling, on property located at Northwest corner of West Mathew Brady Street and North Union Avenue.

BOA-16634 April 1994: The Board of Adjustment **approved** a *variance* of the required livability space from 4000 sq. ft. to 2950 square feet; **approved** a *variance* of the required side yard from 15' to 12', subject to conditions, on property located at the Northwest corner of West Mathew Brady Street and North Santa Fe Avenue.

BOA-13742 September 1985: The Board of Adjustment **approved** a *variance* of the lot width from 60' to 50' to allow for nonconforming use; **denied** a *variance* of size of detached accessory building from 750 square feet to 912 square feet; **approved** a *variance* that the accessory building be allowed in the side yard; **approved** a *variance* of setbacks from the east of Brady Street from 50' to 40' to allow for accessory on property located at the Southwest corner of West Mathew Brady Street and North Vancouver Avenue.

BOA-10865 January 1980: The Board of Adjustment **approved** a *special exception* to use a portion of Pershing School for a Community Center for the Salvation Army, subject to the erection of signs to direct persons to the parking area, subject to conditions on property located at the Southeast corner of North Xenophon and West Easton Street.

BOA-10730 October 1979: The Board of Adjustment **approved** a *special exception* to use the property for a Head Start Program, for children 3 to 5 years, on property located at the Southeast corner of North Xenophon and West Easton Street.

BOA-6849 December 1970: The Board of Adjustment **approved** a *variance* modifying the front footage requirements and square footage of lot area requirements of RS-3 to permit a lot split, on property located at the Southeast corner of North Union Avenue and West Cameron Street.

The applicant indicated his agreement with staff's recommendation.

TMAPC Comments:

Mr. McArtor asked staff what the thinking behind rezoning to RS-5 instead of multi-family.

Staff stated there was a land use study done in 1996 for this area and it generally supported the idea of single family uses here and adaptive reuse of some of the existing structure and that gave a little bit of guidance. It is part of an existing neighborhood land use designation and the character of the neighborhood would be solid with RS-5 zoning versus multi-family.

Mr. McArtor asked if we were to approve staff recommendation and the applicant goes to the Board of Adjustment and the board does not grant a special exception, what happens then.

Staff stated this would it continue to be used as a single-family residential structure.

Mr. McArtor asked if the applicant could come back to TMAPC and make another application.

Staff stated he would hope that's not the path we go down.

Mr. McArtor asked how many units the applicant wants to build.

Staff stated he would let the applicant answer that question.

Applicant Comments:

The applicant stated the building is approximately 1900 square feet and was built in 1920. The applicant stated 3 generations have been raised in this building. In the beginning it was a store in the front and living quarters in the rear. The applicant stated it was later converted so that a family could live on the second story. The applicant stated the property was bought from the administrator of that estate whose family lived in the back when he was born in 1976. The applicant stated it has not been a store since sometime in the late 1950s. The applicant stated across the street to the east and maybe two three houses up there's a six-unit brownstone and a few other multifamily dwellings peppered throughout the area. The applicant stated Board of Adjustment approval would still be needed for some setback variances,

There were no interested parties wishing to speak.

Mr. Fothergill thanked the applicant for keeping the historic building and adapting it to reuse it.

TMAPC Action; 9 members present:

On **MOTION** of **McARTOR**, TMAPC voted **9-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Ray, Reeds, "absent") to recommend **APPROVAL** of the RS-5 zoning for Z-7486 per staff recommendation.

Legal Description Z-7486:

LT 4 BLK 24, IRVING PLACE, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

Items 4 and 5 were presented together.

4. **PUD-854 John Sayre** (County) Location: Southwest corner of North Highway 75 and East 96th Street North (**Related to CZ-487**)

07:03:19:2786(15)

Exhibit "A"

Applicant requests a special exception pursuant to Table 5-2.5 of the Tulsa Zoning Code (the "Code") to permit a multi-unit house/triplex in an RS-5 District located at 156 N. Union Avenue (the "Property"). The existing building on the Property was built in 1920 and has been vacant for many years. The building was originally used as a neighborhood grocery store with two (2) living quarters in the rear of the building. The Applicant plans to restore the historical building, renovate the existing living quarters and convert the storefront into a third dwelling unit. A conceptual site plan showing the proposed development is attached hereto as Exhibit "B".

The surrounding neighborhood is primarily single-family homes with multi-family residences smattered throughout. One block north of the Property are two small apartments in similar historical buildings, built in 1925 and 1928. About a quarter mile to the northwest are the Pershing Studios, the elementary school that was repurposed into apartments in 2015. The proposed triplex is consistent with the uses in the area and in harmony with the spirit and intent of the Code. Further, the use of the existing building is not injurious to the neighborhood but instead preserves the historical character of the neighborhood.



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LEGEND

—H—	FENCE
U/E	UTILITY EASEMENT
D/E	DRAINAGE EASEMENT
M/P	METERING POINT
CB	CHORD BEARING
B/E	BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)

INVOICE NO.: STK 19-95868
CLIENT: GUARANTY ABSTRACT COMPANY

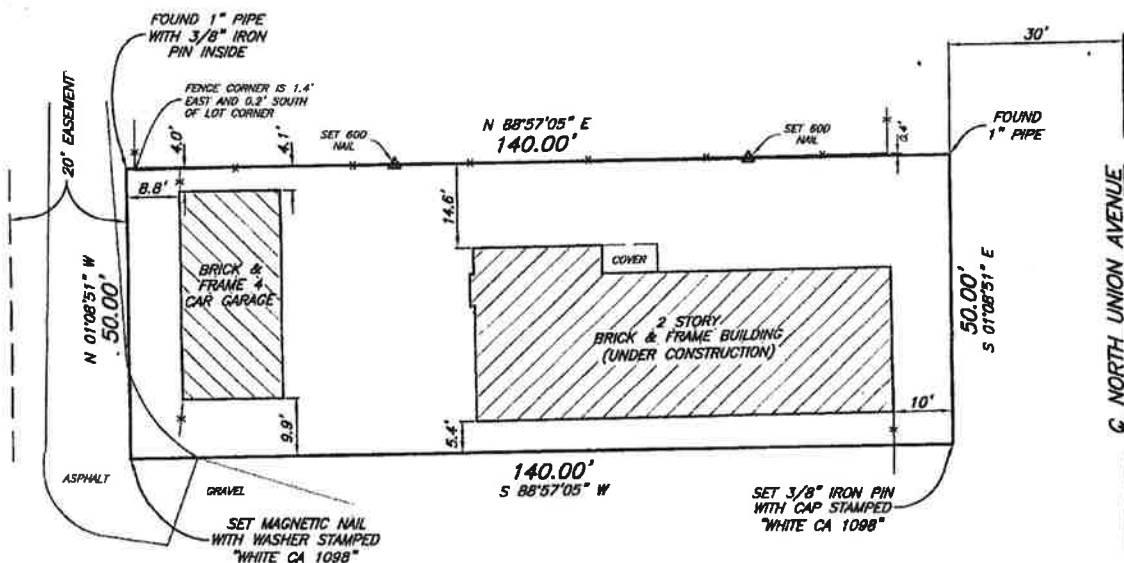
GENERAL NOTES

THE BEARINGS SHOWN HEREON ARE BASED ON: THE OKLAHOMA STATE PLANE COORDINATE SYSTEM.

NO BUILDING LINES OR EASEMENTS ARE SHOWN ON THE RECORDED PLAT OF IRVING PLACE, PLAT NO. 102.

THE PROPERTY DESCRIBED HEREON CONTAINS 0.16 ACRES, MORE OR LESS.

FIELD WORK COMPLETED JANUARY 10, 2018.



LEGAL DESCRIPTION:

LOT FOUR (4), BLOCK TWENTY-FOUR (24), IRVING PLACE, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

SURVEYOR'S STATEMENT

WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE ABOVE PLAT OF SURVEY IS AN ACCURATE REPRESENTATION OF CAREFUL BOUNDARY SURVEY OF PROPERTY DESCRIBED HEREON, AND MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION. WE FURTHER STATE THAT THE ABOVE AND FOREGOING PLAT OF SURVEY ACCURATELY SHOWS THE LOCATION OF THE BOUNDARY CORNERS AND THEIR MONUMENTATION, THE DIMENSIONS OF THE PROPERTY, THE LOCATIONS OF ALL BUILDINGS ON PERMANENT FOUNDATIONS, ALL RECORDED PLAT EASEMENTS AND BUILDING SETBACK LINES (IF APPLICABLE), AND ALL OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR COMMITMENT FOR TITLE INSURANCE AND COPIES THEREOF PROVIDED TO US PRIOR TO THE TIME OF THIS SURVEY; THAT UNDERGROUND OR ABOVE GROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS PLAT OF SURVEY UNLESS SPECIFICALLY REQUESTED PRIOR TO THE TIME OF THIS SURVEY; THAT, IN ACCORDANCE WITH THE SURVEYING ACT, WE HAVE NOT SHOWN THE PREMISES ADJACENT TO THE PROPERTY DESCRIBED HEREON OR ON ADJACENT PLATS OF SURVEY FROM THE PROPERTY DESCRIBED HEREON, UNLESS SPECIFICALLY REQUESTED PRIOR TO THE TIME OF THIS SURVEY; AND THAT THIS PLAT OF SURVEY IS PREPARED SOLELY FOR THE PARTIES LISTED HEREON AS OF THIS DATE AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION.



WHITE SURVEYING COMPANY
CERTIFICATE OF AUTHORIZATION NO.
CA1098 (RENEWAL 6/30/2019)

BY: Ryk A DATE: 1/11/2017
REGISTERED PROFESSIONAL LAND
SURVEYOR OKLAHOMA NO. 1878

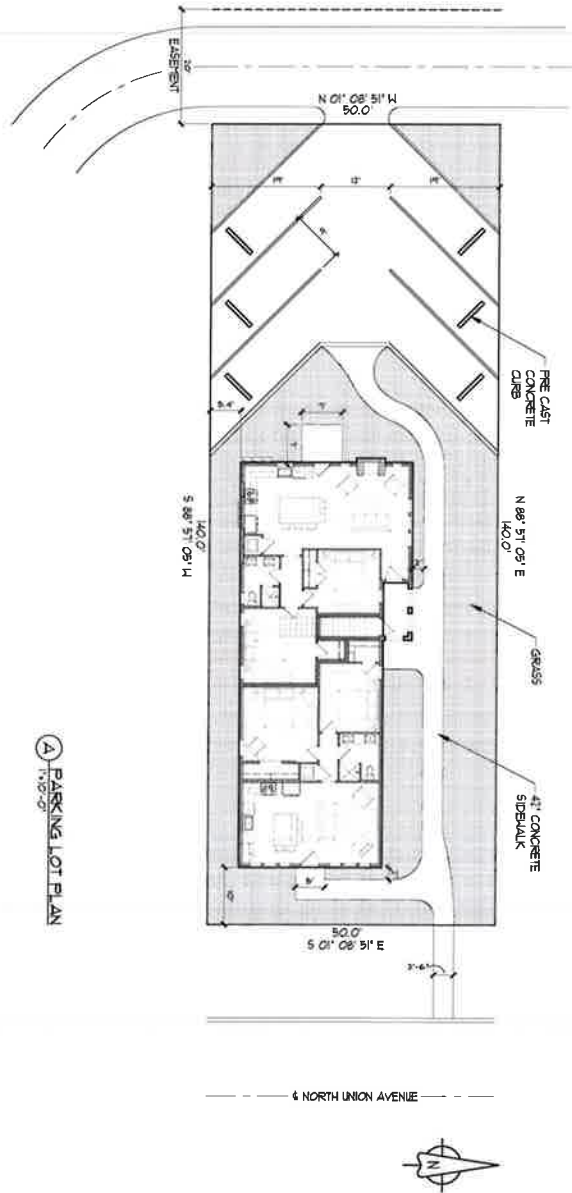


BEFORE YOU DIG,
CALL OKE FOR
LOCATION OF
UNDERGROUND UTILITIES.
DIAL 811

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14.17



Ⓐ PARKING LOT PLAN
1/10/20

AJ PROPERTIES
156 NORTH UNION
TULSA, OKLAHOMA