

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 22, 2019, 1:00 P.M.

Meeting No. 1239

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

UNFINISHED BUSINESS

1. **22714—Diana Capehart**
Appeal of a decision by the Tulsa Preservation Commission to deny Historic Permit Application #HP-0116-2019 to permit the replacement of a tile roof with shingles (Section 70.070-L). **LOCATION:** 1110 East 18th Street South **(CD 9)**
2. **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)**

NEW APPLICATIONS

3. **22759—Beverly Dowell**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 2633 East 15th Street South, Suite A **(CD 4)**
4. **22760—Said Islam**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 6530 East 21st Street South **(CD 5)**
5. **22761—Mary Beth Babcock**
Variance to permit two freestanding signs in a CH District to exceed the maximum permitted display area (Section 60.080-C). **LOCATION:** 1347 East 11th Street South **(CD 4)**

6. **22762—A-Max Sign Company**
Variance to permit a 252 square foot freestanding ground sign to be installed on a property with no street frontage (Section 60.080-C). **LOCATION:** 801 North Mingo Road East **(CD 3)**
7. **22763—Eller & Detrich – Lou Reynolds**
Appeal of the Administrative Decision issued in Zoning Code Interpretation #2019-01 that a Major Amendment is required to PUD-230 in order to permit a school use (Section 70.140). **LOCATION:** 3810 & 3840 South 103rd East Avenue **(CD 7)**
8. **22764—Jeff Robinson**
Variance to allow a swimming pool to be constructed in the side street setback (Section 90.090-C, Table 90-1). **LOCATION:** 1325 East 18th Street South **(CD 4)**
9. **22765—DelRay Collective, LLC**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 18920 East Admiral Place South **(CD 6)**
10. **22766—Shawn Strong**
Variance to allow for more than 25% coverage of the rear setback for a detached accessory structure (Section 90.090-C.2); Variance to allow a detached accessory structure to exceed 18 feet in height (Section 90.090. C); Variance of the required 5-foot side setback (Section 5.030-A). **LOCATION:** 2217 East 23rd Street South **(CD 4)**
11. **22767—Stephen Gaulin**
Special Exception to permit a fence in the street setback to exceed 4 feet in height (Section 45.080-A). **LOCATION:** 1366 East 27th Place South **(CD 4)**
12. **22768—Tom Neal**
Variance to allow more than 30% coverage in the rear setback for a detached accessory building (Section 90.090-C.2). **LOCATION:** 1716 South Quaker Avenue East **(CD 4)**
13. **22769—Nyesha Barre**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 1406 North Harvard Avenue East, Suite F **(CD 3)**

14. 22770—Headquarters 66 – Charles Lewis

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

LOCATION: 9306 East 11th Street South **(CD 5)**

OTHER BUSINESS

15. Review and Approval of 2020 Meeting Schedule.

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

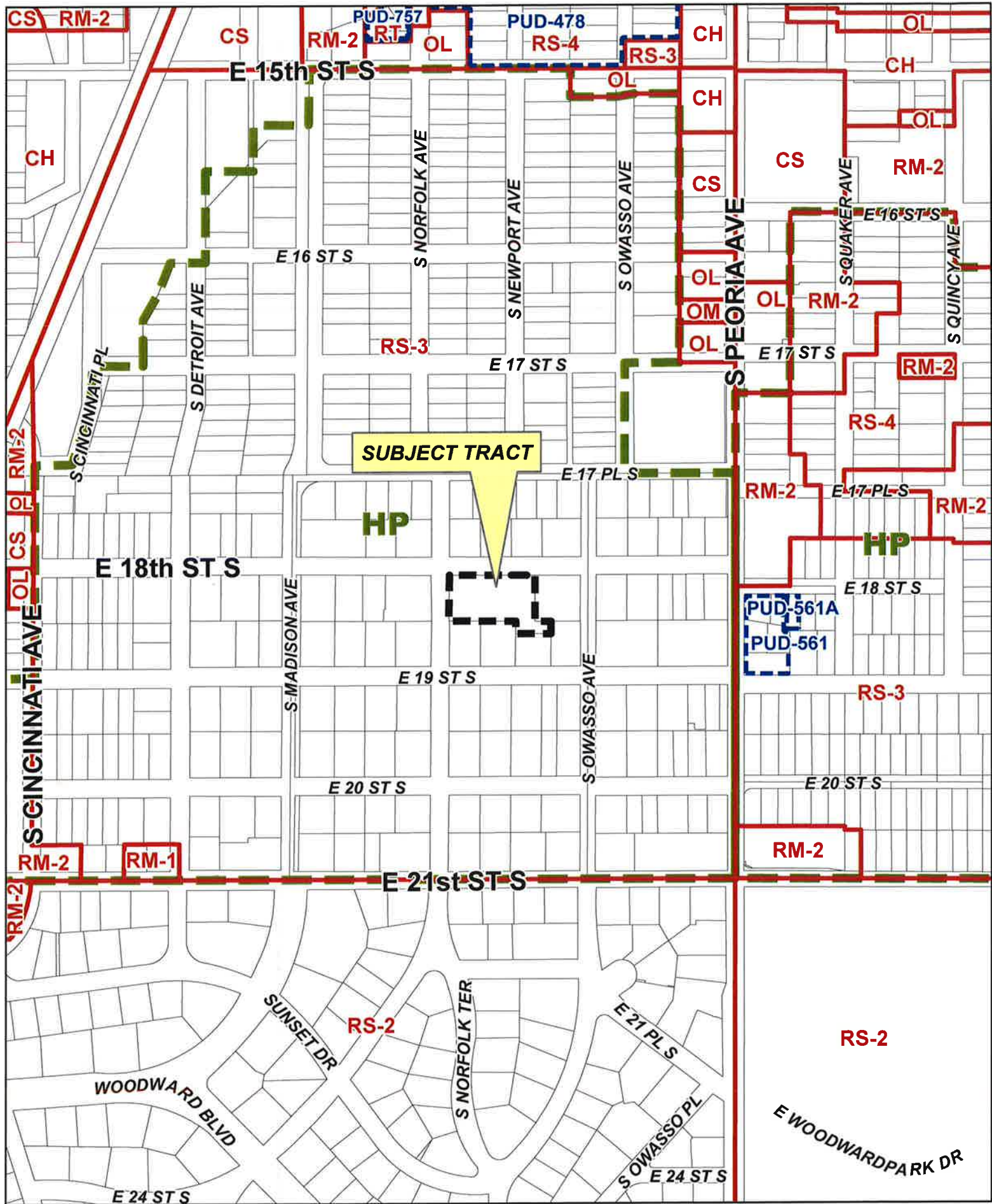
Website: www.cityoftulsa-boa.org

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.



SUBJECT TRACT

HP

HP

BOA-22714

19-12 12

1.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9212

Case Number: **BOA-22714**

CZM: 36

CD: 4

HEARING DATE: 10/22/2019 1:00 PM (Continued from 9/24/2019)

APPLICANT: Diana Capehart

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

LOCATION: 1110 E 18 ST S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 46204.28 SQ FT

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

RELEVANT PREVIOUS ACTIONS:

Subject Property: None.

Surrounding Properties:

BOA-16975: On 03/14/1995 the Board **approved** an Appeal of a Preservation Commission Action and **overturned** the decision of the Historic Preservation Review Board that the proposed dwellings did not meet the historic preservation guidelines. Located at 1731 S. Madison Ave.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is an RS-3 zoned tract located in the North Maple Ridge Historical Preservation Overlay District.

1.2

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

70.070-L Appeals

Any final decision of the preservation commission may be appealed to the board of adjustment in accordance with [Section 70.140](#).

70.140-G Hearing and Final Decision

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

70.140-H Review Criteria

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

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

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

70.070-F Standards and Review Criteria

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

1. The degree to which the proposed work is consistent with the applicable design guidelines;
2. The degree to which the proposed work would destroy or alter all or part of the historic resource;
3. The degree to which the proposed work would serve to isolate the historic resource from its surroundings, or introduce visual elements that are out of character with the historic resource and its setting, or that would adversely affect the physical integrity of the resource;
4. The degree to which the proposed work is compatible with the significant characteristics of the historic resource; and
5. The purposes and intent of the HP district regulations and this zoning code.

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

Finding that the Tulsa Preservation Commison (**acted appropriately/erred**) in its denial of HP-0116-2019.

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

B. Actionable Items

1. **HP-0116-2019 / 1110 E. 18th St. (North Maple Ridge)**

Applicant: Diana W. Capehart

Proposal:

1. Replacement of tiles on roof with shingles

Work completed without an Historic Preservation Permit

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

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

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

In Favor

1. Schoell
2. Grant
3. McKee

Opposed

Reeds

Abstaining

Bumgarner
Townsend
Turner

Not Present

Jones
Becker
Parker
Shears

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

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

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

<u>In Favor</u>	<u>Opposed</u>	<u>Abstaining</u>	<u>Not Present</u>
1. Schoell		Turner	Jones
2. Grant			Becker
3. Bumgarner			Parker
4. McKee			Shears
5. Reeds			
6. Townsend			

2. HP-0110-2019 / 1325 E. 18th St. (Swan Lake)

Historic Preservation Permit Subcommittee Review Date: July 2, 2019

Applicant: Tom Neal Design

Proposals:

1. Construction of enclosed patio

2. Construction of fence

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

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



TULSA PRESERVATION COMMISSION

STAFF REPORT

Thursday, July 11, 2019

HP-0116-2019

HP PERMIT NUMBER: HP-0116-2019

PROPERTY ADDRESS: 1110 EAST 18TH STREET

DISTRICT: NORTH MAPLE RIDGE HISTORIC DISTRICT

APPLICANT: DIANA W. CAPEHART

REPRESENTATIVE: NONE

1. CASE ITEMS FOR CONSIDERATION

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

2. BACKGROUND

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

3. ISSUES AND CONSIDERATIONS

1. Replacement of tiles on roof with shingles
 - i. The tiles on the roof had already been replaced with shingles when the staff responded to the report of activity on the premises. Upon notification of the requirement for an Historic Preservation Permit, the applicant indicated that she and her husband were not aware that a permit was required for replacement of the tiles.
 - ii. References: *Unified Design Guidelines - Residential Structures*

SECTION A – GUIDELINES FOR REHABILITATION OF EXISTING STRUCTURES

A.1 General Requirements

Use the following guidelines as the basis for all exterior work:

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

A.5 Roofs

- A.5.1 Retain and preserve the original historic roof form (hipped, gabled, etc.) and pitch.
- A.5.2 Do not remove character-defining architectural features of your roof, including, but not limited to, dormers, chimneys, cupolas, eaves, soffits, fascia boards, and decorative details, such as eave brackets, exposed rafter tails, or corbels.
- A.5.3 If replacement of deteriorated architectural roof features is necessary, use materials that maintain the character of the structure and the size, shape, pattern, texture, dimensions, and directional orientation of the original historic roof features.
 - .1 Elmwood – Match the original historic roof material
- A.5.4 To return the home to its original historic appearance, use physical or pictorial evidence. If no evidence exists, select architectural roof features which are consistent with the architectural style of your home.
- A.5.5 Replacement of existing roof covering—wood shingles, asphalt shingles, clay tile, etc.—with the same material does not require HP Permit review (for example, replacing an asphalt-shingled roof with asphalt shingles). Architectural shingles are encouraged.
- A.5.6 When proposing to change the materials of your roof covering, replacement materials that maintain the character of the structure and the size, shape, pattern, texture, and directional orientation of the original historic roof covering will be considered on a case-by-case basis.
 - .1 Yorktown – Metal roofing is not allowed.
- A.5.7 When replacing your roof covering, replace an entire roof section if it is visible from the street.



BEFORE



AFTER

September 13, 2019

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



Dear Members of the Board of Adjustment:

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

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

- Guideline A.1.1
Retain and preserve the existing historic architectural elements of your home.
- Guideline A.1.2
If replacement of historic architectural elements is necessary, match the size, shape, pattern, texture, and directional orientation of the original historic elements.
- Guideline A.1.3
Ensure that work is consistent with the architectural style and period details of your home.
- Guideline A.5.6
When proposing to change the materials of your roof covering, replacement materials that maintain the character of the structure and the size, shape, pattern, texture, and directional orientation of the original historic roof covering will be considered on a case-by-case basis.

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

Respectfully submitted,

Roy Malcolm Porter, Jr.

Roy Malcolm Porter, Jr., Ph.D., LEED AP
Historic Preservation Officer, City of Tulsa





As an official board of the City of Tulsa, the Tulsa Preservation Commission administers Historic Preservation Zoning for Tulsa's Historic Preservation Overlay Districts. Information about the Commission and Tulsa's historic resources is available on our website- tulsapreservationcommission.org.



Postcard

Notification - Owners of Property in Historic Preservation Overlay Districts

111

28600921209300	CAMPBELL, MOLLY SAWYER AND	JOHN W IV	CAMPBELL, MOLLY SAWYER AND	1145 E 16TH ST	TULSA
28600921209820	CAMPBELL, TERESA MARIE & JAMES R		CAMPBELL, TERESA MARIE & JAMES R	1511 S NORFOLK AV	TULSA
39275921215100	CANFIELD, LESLEY		CANFIELD, LESLEY	220 E 19TH ST	TULSA
24975921206790	CANNON, JOHN W & TONJA D	REVOCABLE LIVING TRUST, THE	CANNON, JOHN W & TONJA D	C/O JOHN W & TONJA D CANNON	3311 E 102ND ST TULSA
25025921208620	CAPEHART, ROBERT J & DIANA W	FAMILY TRUST	CAPEHART, ROBERT J & DIANA W	1110 E 18TH ST	TULSA
28600921209200	CARBONE, STEVEN P		CARBONE, STEVEN P	1511 S MADISON AVE	TULSA
25025921208805	CARMAN, DAVID Z & EMILY J TRUSTEES	DAVID & EMILY CARMAN TRUST	CARMAN, DAVID Z & EMILY J TRUSTEES	1131 E 20 ST	TULSA
28600921210540	CARRASQUILLO, GEORGE		CARRASQUILLO, GEORGE	1518 S NORFOLK AVE	TULSA
39275921215130	CARTER, MARTIN SCOTT AND	LINDA G ALLEGRO-CARTER	CARTER, MARTIN SCOTT AND	208 E 19TH ST	TULSA
39275921215040	CAUSEY, CHRISTINA M		CAUSEY, CHRISTINA M	215 E 19TH ST	TULSA
24975921206870	CHAMBERLAIN, TENA MAE		CHAMBERLAIN, TENA MAE	1212 E 20TH ST	TULSA
25025921208350	CHAPMAN, MARGUERITE ANN		CHAPMAN, MARGUERITE ANN	1118 E 17TH PL	TULSA
25000921207330	CHAPMAN-MOON, CASSIE J & ERIC MOON		CHAPMAN-MOON, CASSIE J & ERIC MOON	1624 S DETROIT AVE	TULSA
39275921215460	CHAPPEL, DONALD R AND ERIN L		CHAPPEL, DONALD R AND ERIN L	305 E 19TH ST	TULSA
25025921208400	CHAPPEL, DONALD ROBERT &	ERIN L LENAGHAN-CHAPPEL	CHAPPEL, DONALD ROBERT &	305 E 19TH ST	TULSA

Owners - "C" - North Maple Ridge Historic Preservation Overlay District

**Robert & Diana Capehart
1110 East 18th Street
Tulsa, Oklahoma 74120**

June 29, 2019

**Re: 1110 East 18th Street
Tulsa, OK 74120**

To Whom It May Concern:

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

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

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

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

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

Sincerely,

Diana Capehart
The Capeharts



HISTORIC PRESERVATION PERMIT DENIAL

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

DENIED PROPOSAL

Replacement of tiles on roof with shingles

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

Roy Malcolm Porter, Jr.

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

Date issued: July 11, 2019
Number: HP-0116-2019

IKO® Nordic™

IKO.COM



IKO NORDIC PERFORMANCE SHINGLES



1.16

We designed IKO Nordic shingles
to make — and take — an impact.

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

*This is not a guarantee of impact resistance against hail and is not covered under the limited warranty. Full details on back page.

GRANITE BLACK

Formal, classic, urban chic, traditional, elegant.

PERFECT PAIRINGS: Stone, brick, masonry, siding (especially red, white or grey).

CORNERSTONE

Natural, relaxed, stately, welcoming.

PERFECT PAIRINGS: Stone, wood, brick, masonry, siding (especially cream, beige or grey).

GRANITE BLACK

CORNERSTONE



DRIFTSHAKE

CASTLE GREY

Nine eye-catching, high-definition color blends create an artful roofline with IKO Nordic shingles and complementary roofing accessories, no matter what your style of home. Built-in blue-green algae resistance will help keep them looking their best.

SEDONA

Warm, inviting, expansive, dramatic, yet casual, too.

PERFECT PAIRINGS: Logs, wood siding, brick (especially red).

SEDONA

FROSTONE GREY

BROWNSTONE

SHADOW BROWN

GLACIER

DRIFTSHAKE

Laid-back, relaxed, understated sophistication.

PERFECT PAIRINGS: Stone, wood, brick, siding (especially white or various pastels).

CASTLE GREY

Formal, traditional, sophisticated, elegant, impressive.

PERFECT PAIRINGS: Stone, wood, brick, siding.

FROSTONE GREY

Monochromatic, neutral, chic, sophisticated.

PERFECT PAIRINGS: Stone, masonry, brick, siding (especially white, light or dark grey).

SHADOW BROWN

Transitional shades and earthy tones. Classic or contemporary elegance.

PERFECT PAIRINGS: Stone, wood, masonry.

BROWNSTONE

Rich, warm and earthy, with unexpected, but exciting, dramatic accents.

PERFECT PAIRINGS: Brick, stone, masonry, logs, siding (especially cream or beige).

GLACIER

Stately, formal, elegant, traditional.

PERFECT PAIRINGS: Stone, brick, masonry, siding.

BEAUTY YOU CAN SEE QUALITY YOU CAN FEEL PERFORMANCE YOU CAN TRUST

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

An exceptional bonding experience.

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

Laminate adhesive.

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

Polymer-modified asphalt. Class 4 impact resistance rating.*

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

Built-in algae resistance.

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

What is an ArmourZone? (FRONT)

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

Blow-off protection.

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

Tear-resistant band. (BACK)

THE IKO ADVANTAGE

Limited Warranty ¹	Limited Lifetime
Iron Clad Protection ¹	15 Years
Limited Wind Warranty ¹	130 mph (210 km/h)
Blue-Green Algae Resistant ¹	Yes

PRODUCT SPECIFICATIONS²

Length	40 7/8 in (1,038 mm)
Width	13 3/4 in (349 mm)
Exposure	5 7/8 in (149 mm)
Coverage per Bundle	33 1/3 ft ² (3.1 m ²)

STANDARDS³

ASTM D3462
ASTM D3018
ASTM D7158 – Class H
ASTM D3161 – Class F
ASTM E108 – Class A
CSA A123.5
FM 4473 – Class 4 ⁴

PRO⁴ Accessories

RECOMMENDED CONFIGURATION

IKO PERFORMANCE SHINGLE PRODUCT	ICE & WATER PROTECTOR ¹	UNDERLAYMENT ²	STARTER STRIPS ³	RIDGE CAP SHINGLES ⁴
Nordic™	IKO ArmourGard	IKO RoofGard – Cool Gray	IKO Leading Edge Plus	IKO UltraHP IR®

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

In the United States, call **1-888-IKO-ROOF (1-888-456-7663)**. In Canada, call **1-855-IKO ROOF (1-855-456-7663)**. Visit us online at: **IKO.COM**.

¹See Limited Warranty at IKO.com for complete terms, conditions, restrictions and application requirements. Shingles must be applied in accordance with application instructions and local building code requirements. ²All values shown are approximate. ³Products developed with reference to these Standards. ⁴This impact rating is solely for the purpose of enabling residential property owners to obtain a reduction in their residential insurance premium, if available. It is not to be construed as any type of express or implied warranty or guarantee of the impact performance of this shingle by the manufacturer, supplier or installer. For further detail concerning the FM 4473 standards, see [https://www.iko.com/na/publication/specification-test-standard-impact-resistance/wppa_open] (current as of 6/22/16). ⁵IKO UltraHP IR hip and ridge shingles have a Class 4 impact resistance rating tested against UL 2218, which IKO is pleased to present for the sole purpose of enabling homeowners using these shingles in conjunction with Class 4 impact resistance rated shingles to obtain a discount on their

Case No. 16974 (continued)

Board Action:

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

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

Case No. 16975

Action Requested:

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

Presentation:

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

Comments and Questions:

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

Mr. Johnsen advised that the Code states that the Board should utilize the design guidelines to determine the appropriateness or inappropriateness of the proposed work, and should strive to affect a fair balance between the purpose of the Code and the desires and needs of the property owner. He pointed out that there is not a consistent architectural style in the area, nor are the exterior coverings similar, with some being brick, stucco, asbestos shingle, etc. Mr. Johnsen also noted that there

Case No. 16975 (continued)

are some two-story homes and some with only one-story. He stated that a basis for denial of his client's plan is not apparent, and asked the Board to overturn the decision of the Tulsa Preservation Commission.

Protestants:

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

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

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

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

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

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

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

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

Randy Krehbiel, 1016 East 17th Place, pointed out to the Board that expert State people have made a recommendation regarding this issue.

Case No. 16975 (continued)

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

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

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

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

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

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

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

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

Applicant's Rebuttal:

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

Additional Comments:

Mr. Doverspike asked if the adoption of the HP Ordinance gives the Board a basis for requiring that the two lots be treated as one, and Mr. Jackere replied that each lot is available for the construction of a dwelling.

03:14:95:676:(23)

Case No. 16975 (continued)

Ms. Abbott noted that several blocks in the area have two-story houses directly across the street from those that have only one story. She pointed out that, according to court house records she reviewed, the two proposed homes are consistent with the square footage of other homes in the block.

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

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

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

Board Action:

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

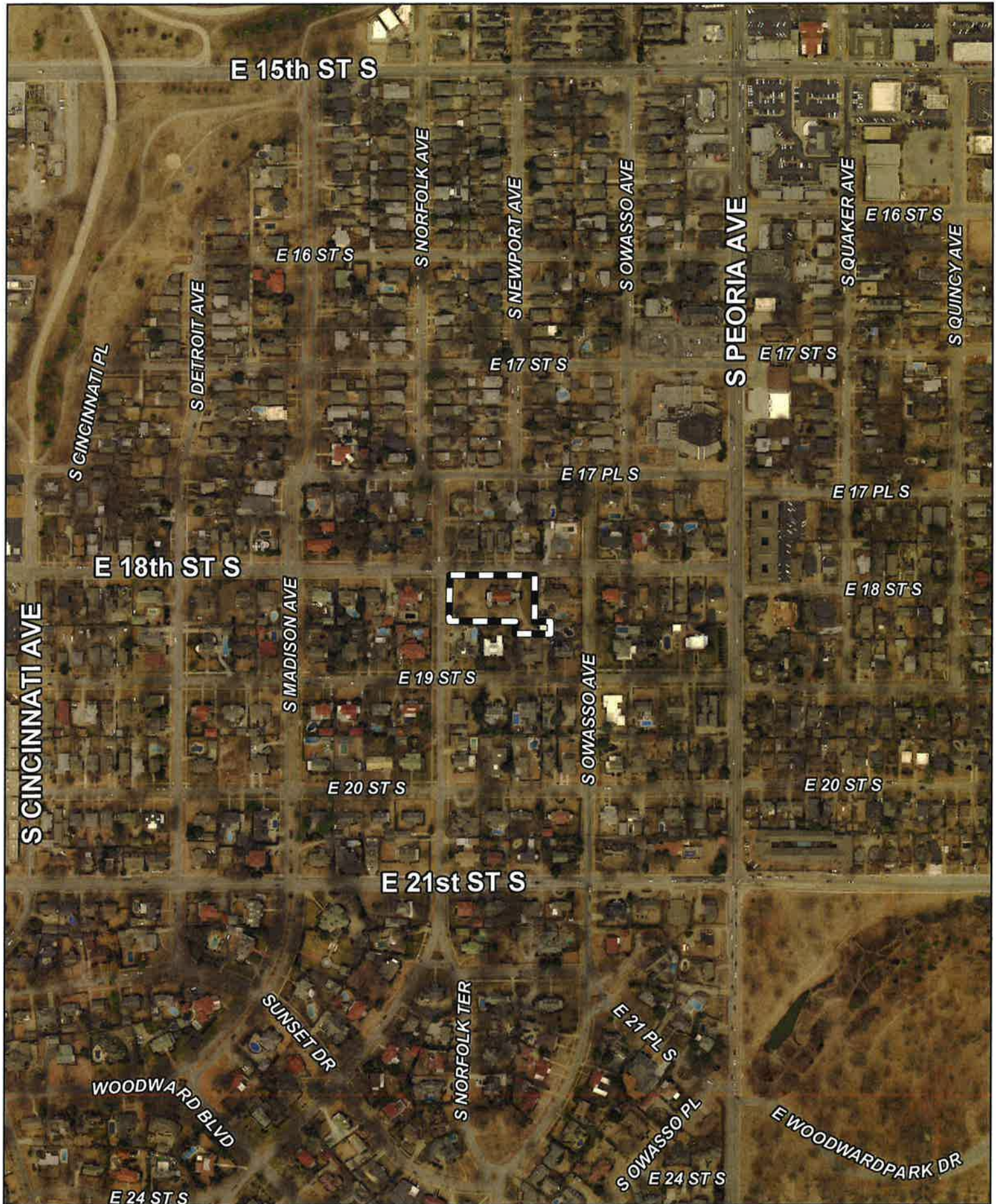
On **MOTION** of **ABBOTT**, the Board voted 4-1-0 (Abbott, Bolzle, Doverspike, White, "aye"; Turnbo, "nay"; no "abstentions"; none "absent") to **APPROVE** the **Appeal** and **OVERTURN** the decision of the Historic Preservation Review Board that the proposed dwellings do not meet the historic preservation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

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

Case No. 16976

Action Requested:

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



BOA-22714

19-12 12

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

Aerial Photo Date: February 2018

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Feet



Subject
Tract

BOA-22714

19-12 12

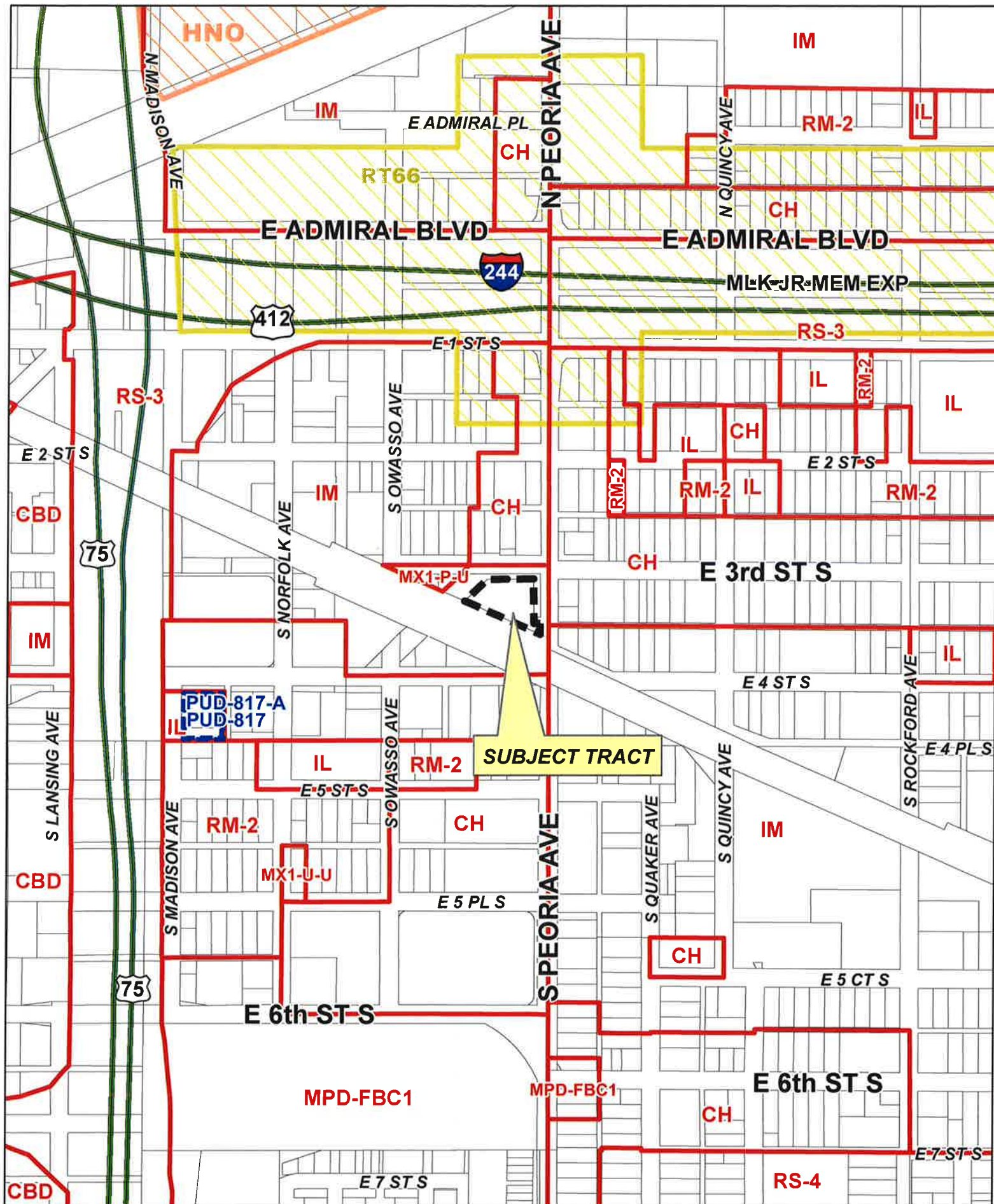
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align with physical features on the ground.

Aerial Photo Date: February 2018



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BOA-22757

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: **BOA-22757**

CZM: 36

CD: 4

HEARING DATE: 10/22/2019 1:00 PM (Continued from 10/08/2019)

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)

2.7

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. 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 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 be 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 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

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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

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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.

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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

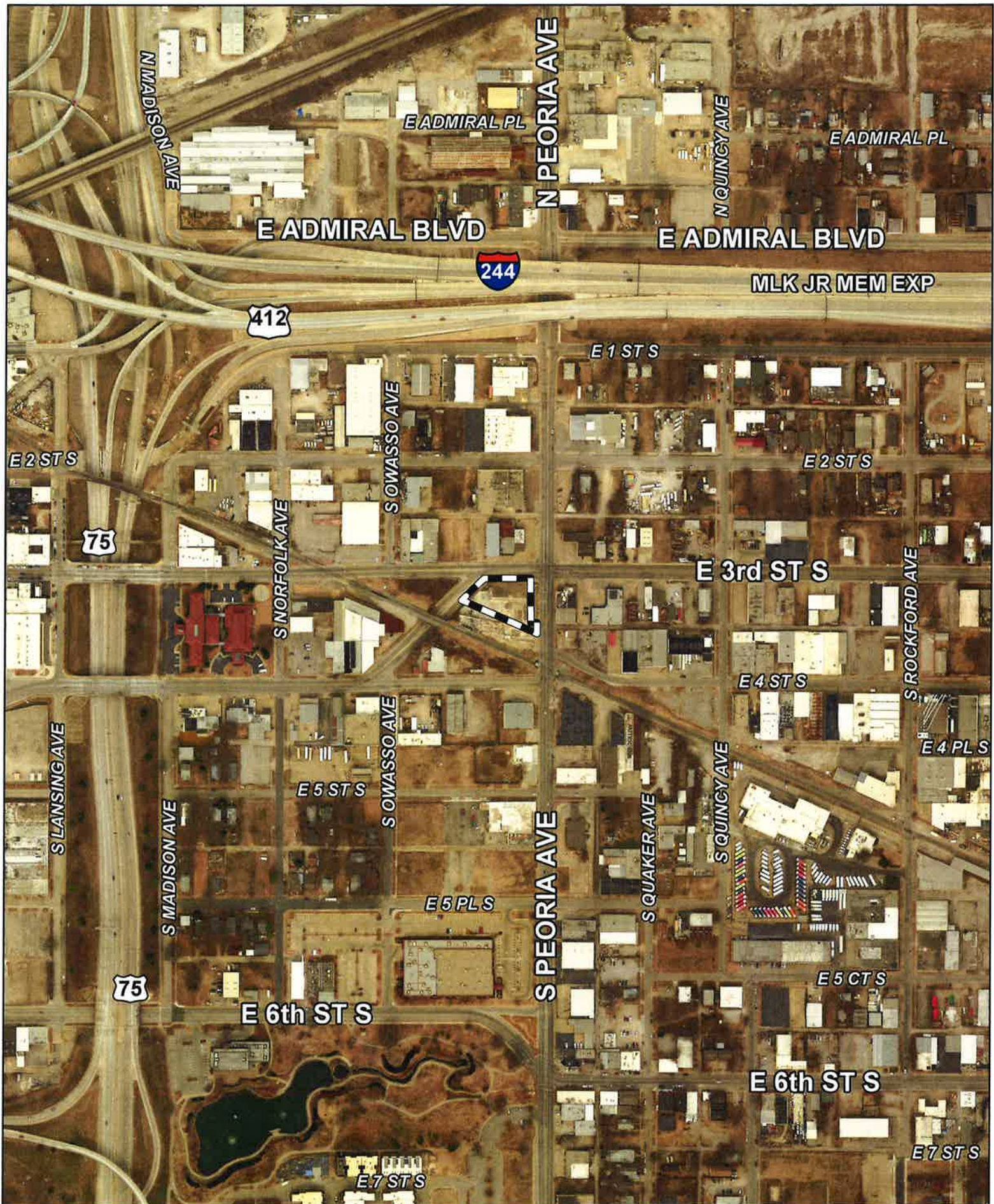
Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Section 90.090-A); Variance of the removal agreement requirement with the City of Tulsa for structures in the planned street right-of-way (Section 90.090-A), subject to the conceptual plan dated August 8, 2018. 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



0 200 400
Feet



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



2. 33



E2STS

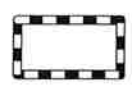
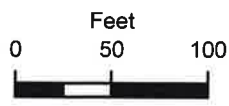
SOWASSO AVE

E 3rd ST S

E4STS

SOWASSO AVE

S PEORIA AVE



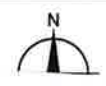
Subject
Tract

BOA-22757

19-12 01

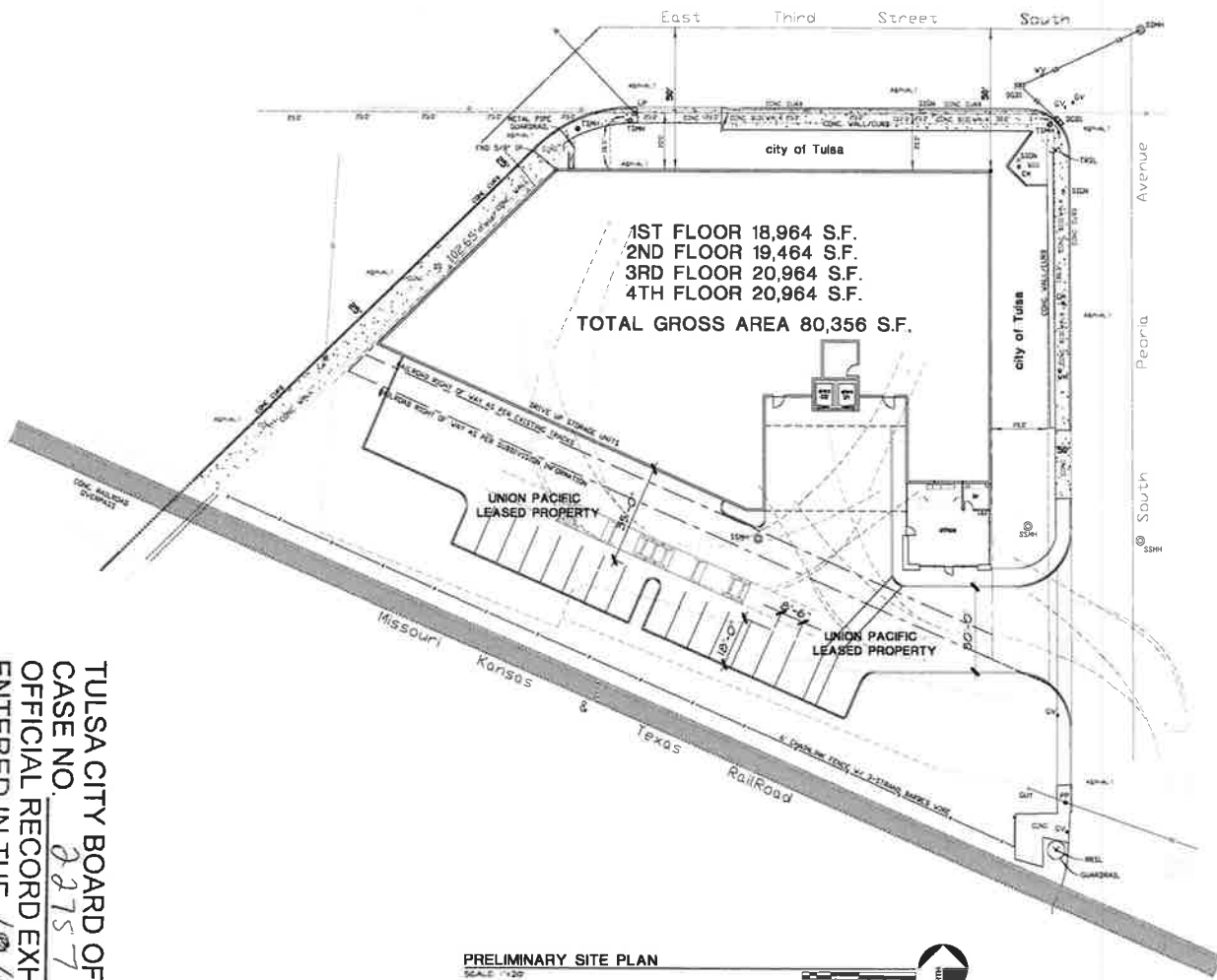
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



2.34

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 02757
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 10/8/19
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT



PRELIMINARY SITE PLAN
SCALE: 1"=20'



ARC Services Inc.
1400 N. SUSSEX PLACE
Fountain Hills, Arizona 85268
phone (480) 837-0781
fax (480) 807-1135

SE01

REVISIONS

REVISIONS

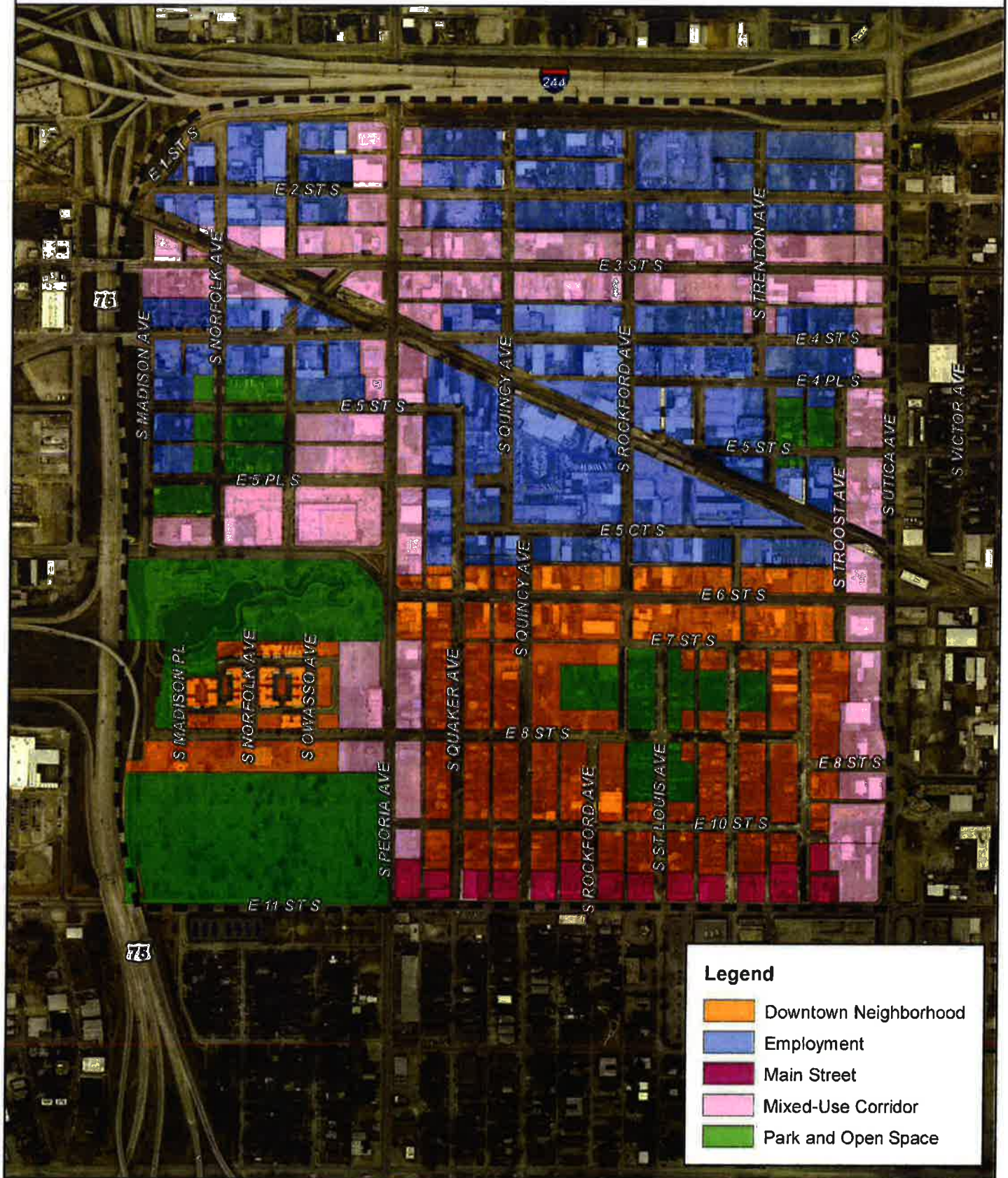
TULSA
SELF STORAGE
THIRD STREET AND PEORIA AVE

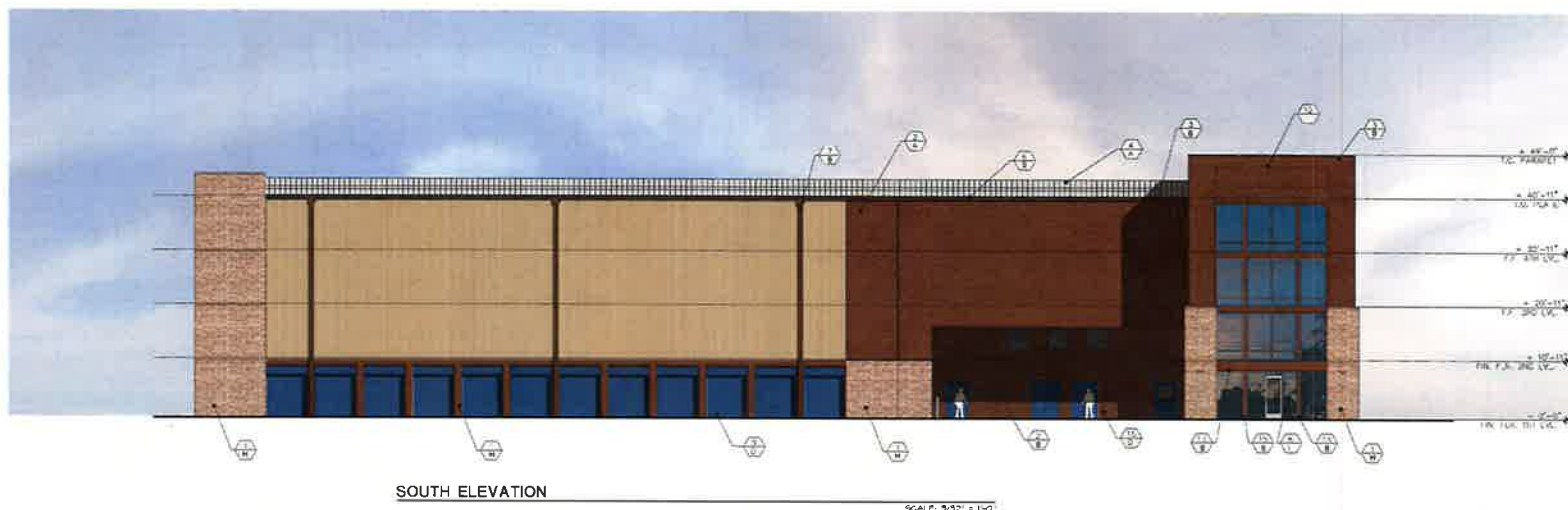
TITLE: PRELIMINARY
SITE PLAN
Date: 09/03/19
Project number: BLS
Drawn by: RL
Checked by: BS
CAD file: SP

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


Sheet Number:
SP1

EXHIBIT B





TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22757
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 10/8/19
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

MATERIAL SCHEDULE		 MATERIAL COLOR
MATERIALS		COLORS
1. FINDER FACE BRICK ON OPS		A. GALVAFULS (PSEUDO METAL)
2. PSEUDO METAL CORRUGATED MULTI-COR PANEL		B. GOLD TERRA-COTTA (PSEUDO METAL)
3. PSEUDO METAL TERRA-BRICK PANEL (NON-ZENTAL)		C. COOL REGAL BLUE (PSEUDO METAL)
4. "PSEUDO METAL" STAND NO SEAM METAL ROOF PANELS		D. ROYAL BLUE "GAINS" W/ PAINT TO MATCH
5. METAL PUMPKIN COPIING		E. BLACK ANODIZED
6. CONTINUOUS METAL GUTTER (FACTORY PAINTED)		F. UNFINISHED CLEAR COAT SEAL
7. DOWNPOUT TO GUTTER		G. MANUFACTURER FINISH
8. ALUMINUM AND GLASS SPOKEFRONT SYSTEM		H. PRADEK BRICK
9. "GAIN" ROLL-UP DOOR (SEE PER SCHEDULE)		I. HIGH NOON (SPRINK / DRAIN COURSE)
10. "GAIN" ROLL-UP DOOR CLOSURE PANEL		K.
11. DECORATIVE LIGHT FIXTURE		M.
12. SURFACE-MOUNTED SIGNAGE		
13. METAL FABRIC		
14. METAL DOOR		
15. STEEL COLUMN		

ALL PAINTS AND FINISHES PER MANUFACTURER UNLESS NOTED OTHERWISE



ARC Services Inc.
14010 N. SUSSEX PLACE
Fountain Hills, Arizona 85268
phone (480)-837-0781
fax (480)-607-1135

seci

[illegible]

revisions

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

Title	CONCEPT ELEVATION
Date	09/07/19
Project number	BLS
Drawn by	RL
Checked by	BS
CAD file	EL1

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

Sheet Number:

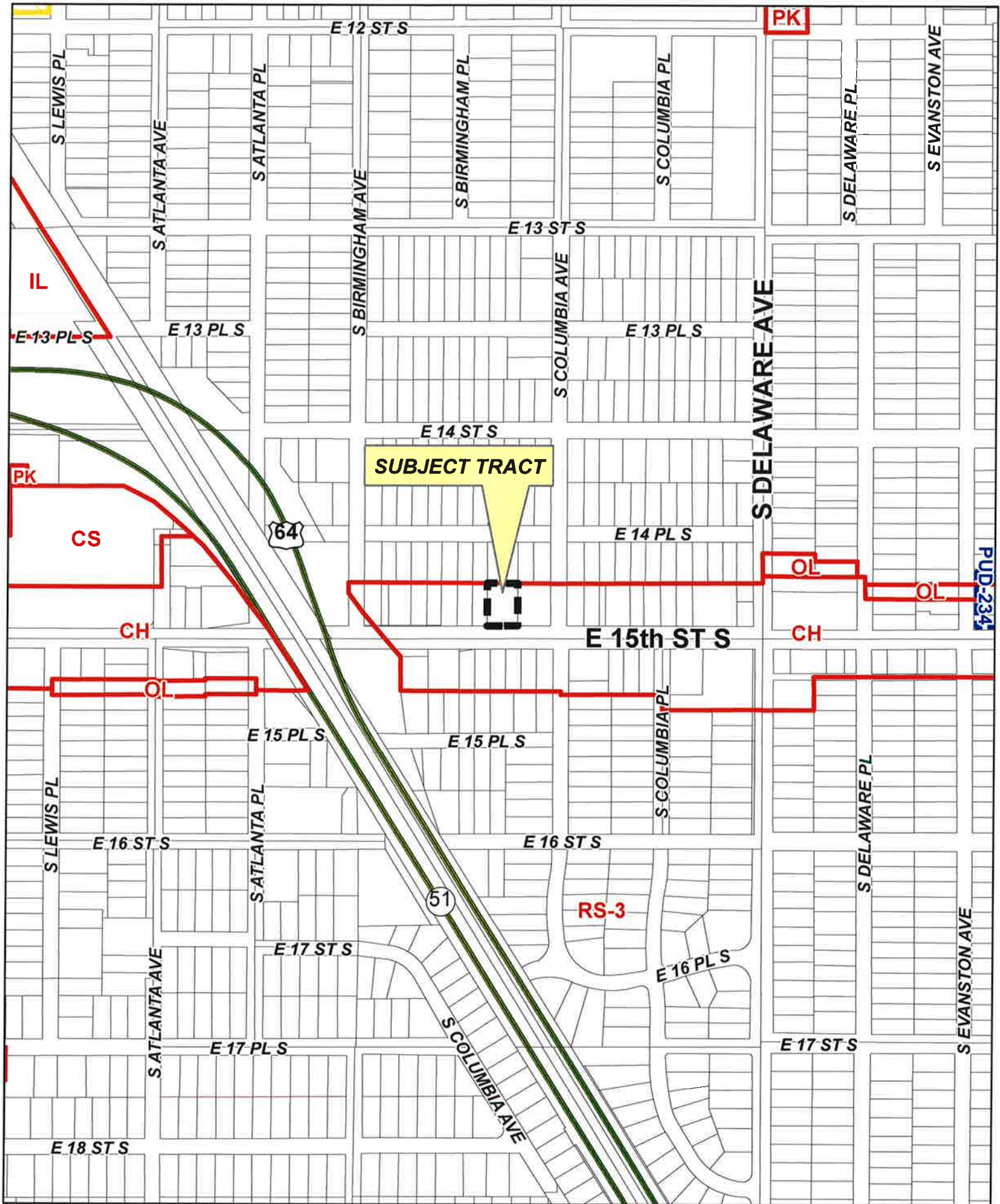
EL1

HARDSHIP
BOA-22757

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22757
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 10/8/19
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

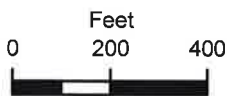
302 S Peoria
Tulsa OK 74120

- The hardship for 302 S Peoria was created by the City of Tulsa street design.
- This tract has 429 lineal ft. of street frontage.
- Streets border this lot on three sides causing an irregular shaped tract, the fourth boundary is the Railroad "IM Zoned Tract".
- This requested building setback variance yields 4,293 sq. ft. as buildable area and on a proposed four story building as much as 17,000 sq. ft. of building space is gained if you grant this variance.
- The building line requested would result in building footprint 20' back from the curb line and 15' back from sidewalks on Peoria and 3rd Street.



BOA-22759

3.1



19-13 08



BOARD OF ADJUSTMENT CASE REPORT

STR: 9308

Case Number: **BOA-22759**

CZM: 37

CD: 4

HEARING DATE: 10/22/2019 1:00 PM

APPLICANT: Beverly Dowell

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

LOCATION: 2633 E 15 ST S

ZONED: CH

PRESENT USE: Vacant

TRACT SIZE: 13515.07 SQ FT

LEGAL DESCRIPTION: LTS 21 & 22 BLK 7, CITY VIEW HILL ADDN

RELEVANT PREVIOUS ACTIONS:

BOA-22628; On 5/14/2019 the Board accepted a spacing verification for a Medical Marijuana Dispensary Located 1442 S. Delaware Pl. E. Described as Tall Grass Dispensary on the applicant's exhibit. Floor Plan for Tallgrass Dispensary is included in Packet.

ANALYSIS OF SURROUNDING AREA: The subject tract is located inside a tenant space of a new building located West of the NW/c of S. Columbia Ave. and E. 15th St S. and is zoned CH.

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 closest dispensary is listed as being Tallgrass Dispensary located at the Eastern edge of their circle. The applicant marked the location of the tenant space for Tallgrass and it is outside of their radius. The distance between dispensaries is described as 1,056 ft away.

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 East on 15th Street



Facing West on 15th Street



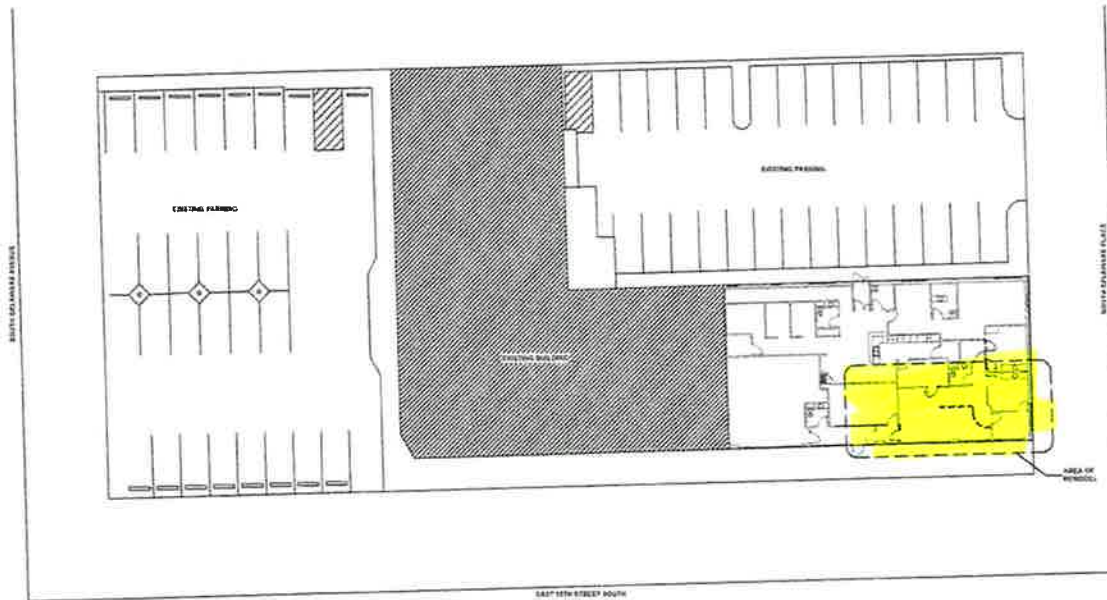
Subject Property

FLOOR PLAN FROM BOA-22628

Tallgrass Dispensary

2811 East 15th Street, Suite 104, Tulsa, OK 74104

Job # 19029



1 ARCHITECTURAL KEY SITE PLAN

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

ZONING:
CH - COMMERCIAL HIGH INTENSITY

PARKING:
TOTAL EXISTING PARKING: 56
TOTAL REQUIRED PARKING: 41

PROJECT TEAM

ARCHITECT
W DESIGN, LLC
815 E. 2ND STREET, SUITE C
TULSA, OK 74102
918.774.6616
ARCHITECT OF RECORD
WELDON J. BOWMAN AIA, NCARB



wdesign
ARCHITECTURE & INTERIORS
815 E. 2ND STREET, SUITE C
TULSA, OK 74102
Office: 918.774.6616
Fax: 918.774.6602
www.wdesignstudio.com



PROJECT:

**TALLGRASS
DISPENSARY**

**PROJECT #
19029**

**2811 E. 15TH ST.,
SUITE 104
TULSA, OK
74104**

CONSULTANT

REVISIONS

1	REV. 1	02.27.2019
2	REV. 2	03.06.2019
3	REV. 3	03.26.2019

DATE

T
19
N

02.04.2019

SHEET NAME

**COVER
SHEET**

SHEET #

CS

DATESET UP



Location Map
SCALE: 1" = 200'



3.6

DETAINING REMEDY
2442 E 15th ST



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.

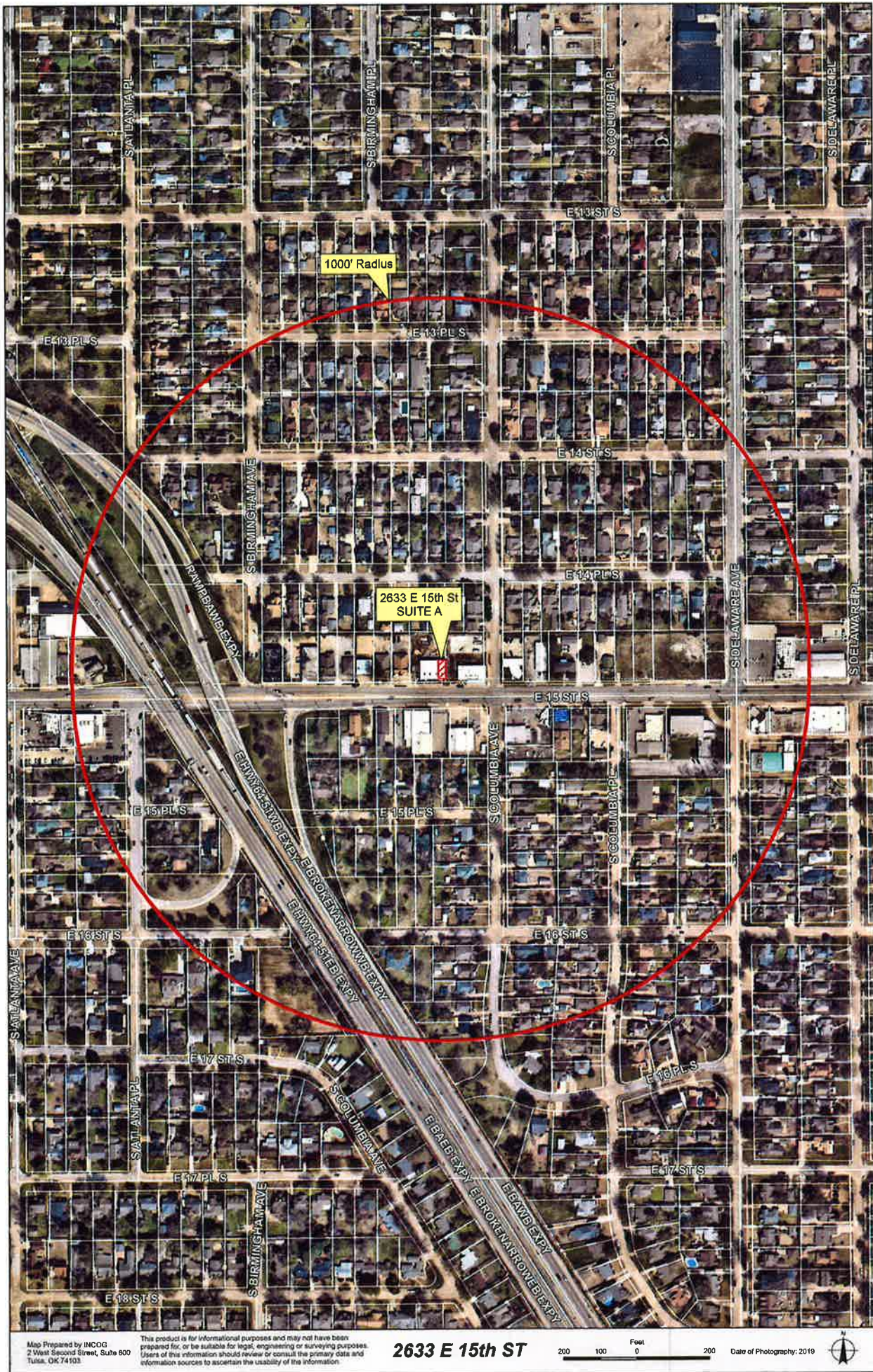
2633 E 15th ST

200 100 Feet 0 200

Date of Photography 2019



3.7



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.

2633 E 15th ST

200 100 0 200 Feet

Date of Photography: 2019



3.8

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 26, 2019

Beverly Dowell
5310 S 32nd WA
Tulsa, OK 74107

Phone: 918.630.0072

APPLICATION NO:

COO-040912-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

Address

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-040912-2019

2633 E 15 ST

August 26, 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

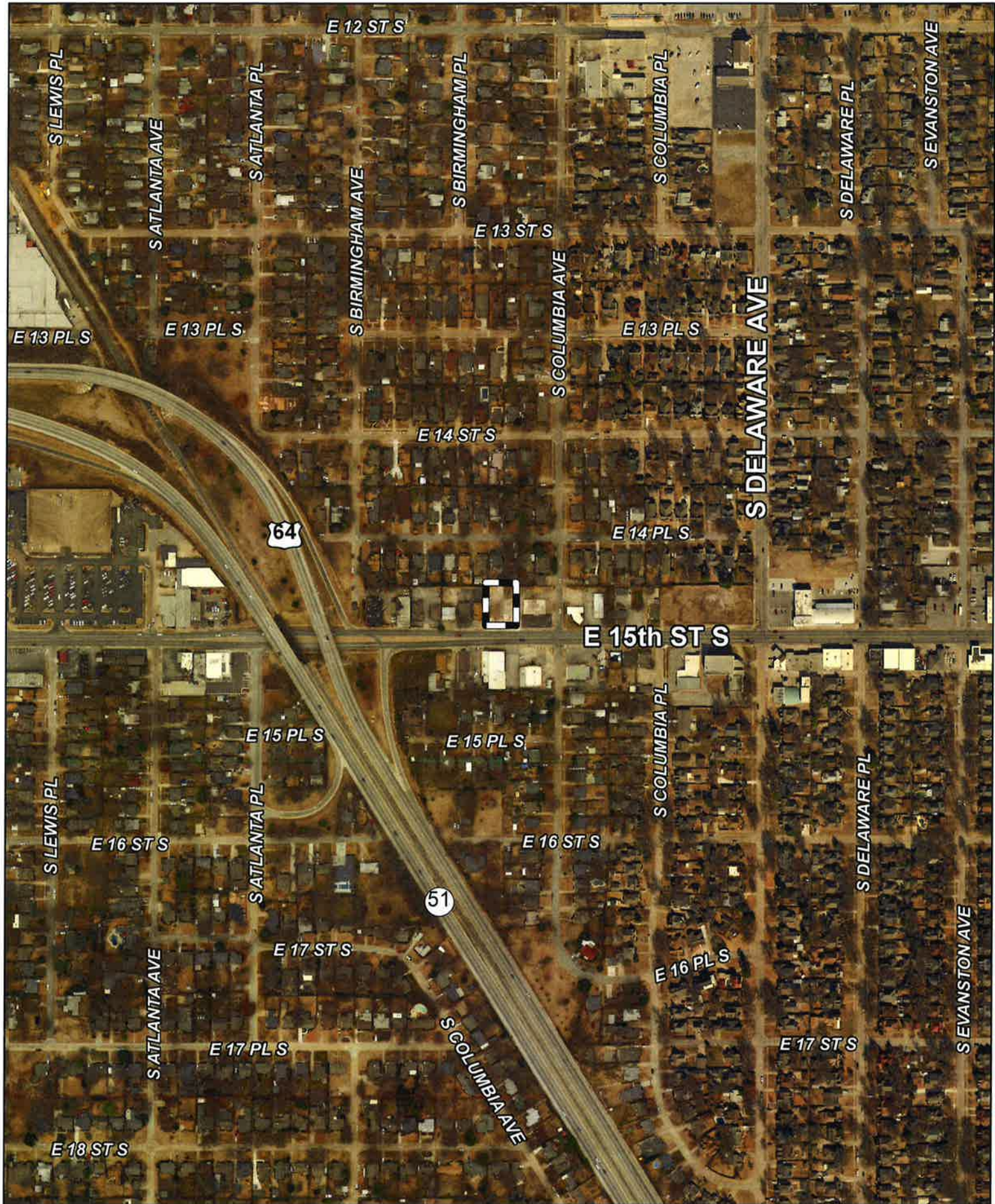
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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.



0 Feet 200 400



Subject Tract

BOA-22759

19-13 08

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

Aerial Photo Date: February 2018

3.11



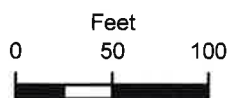


E 14th St S

S COLUMBIA AVE

E 15th St S

E 15th St S



Subject
Tract

BOA-22759

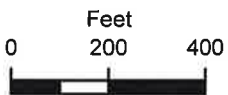
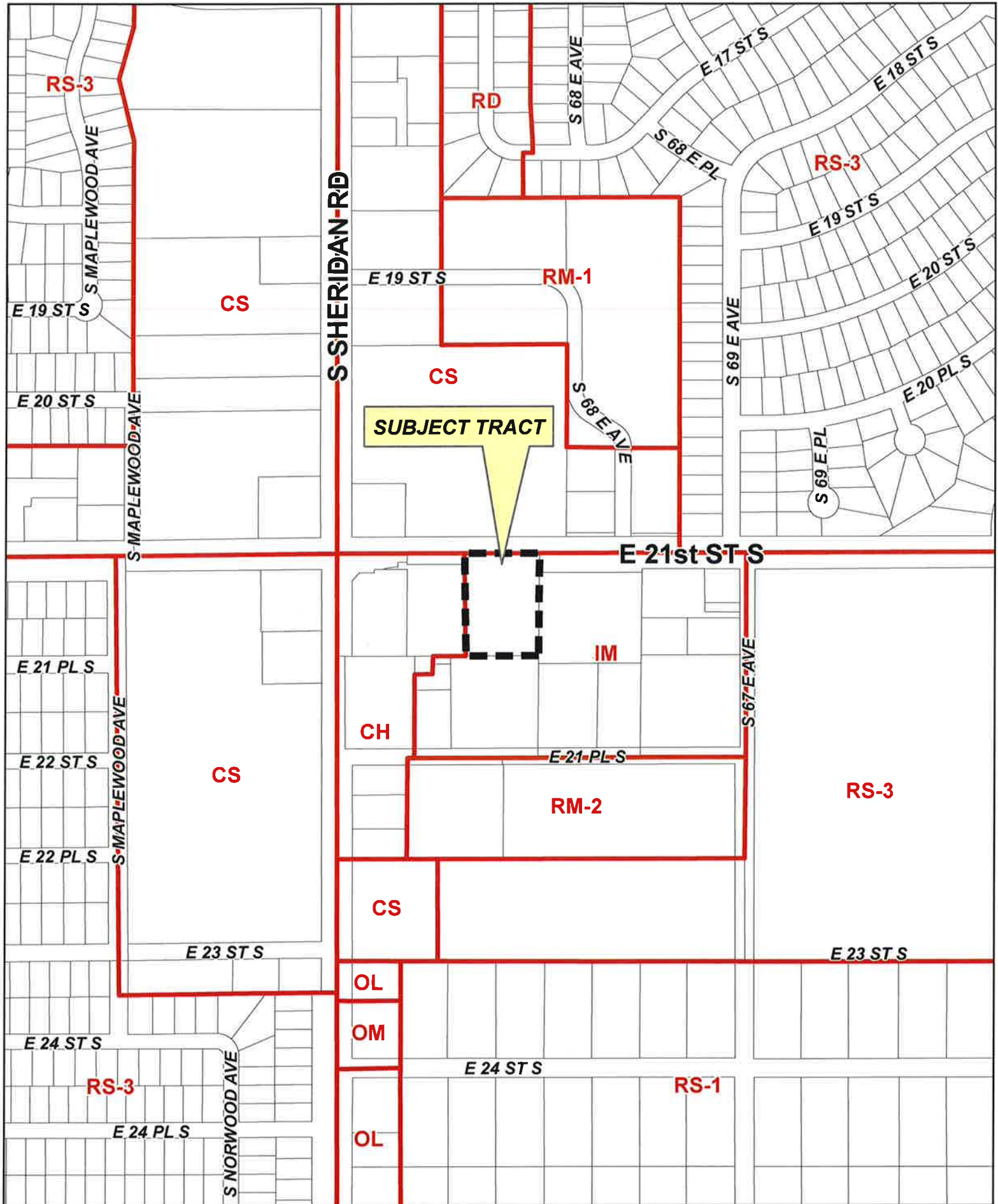
19-13 08

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

Aerial Photo Date: February 2018

3.12





BOA-22760

19-13 14

4.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9314

Case Number: **BOA-22760**

CZM: 38

CD: 5

HEARING DATE: 10/22/2019 1:00 PM

APPLICANT: Sadi Islam

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

LOCATION: 6530 E 21 ST S

ZONED: IM

PRESENT USE: Vacant

TRACT SIZE: 78870.06 SQ FT

LEGAL DESCRIPTION: E239 E425 N/2 NW NW NW SEC 14 19 13 1.81ACS

RELEVANT PREVIOUS ACTIONS: None

ANALYSIS OF SURROUNDING AREA: The subject tract is Located East of the SE/c of E. 21st Street and S. Sheridan. The subject dispensary is located in a tenant space of an IM zoned development.

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. They listed the next closest dispensary, Red Eye 420, as being 9,600 ft away. The location of this dispensary was not shown on their exhibit which was not shown on their exhibit.

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.

4.2



Facing North from parking lot towards 21st St. S.



Facing South from parking Lot



Subject property



Feet
0 200 400



Subject
Tract

BOA-22760

19-13 14

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

Aerial Photo Date: February 2018

4.5





E 21st ST S

0 50 100
Feet



Subject
Tract

BOA-22760

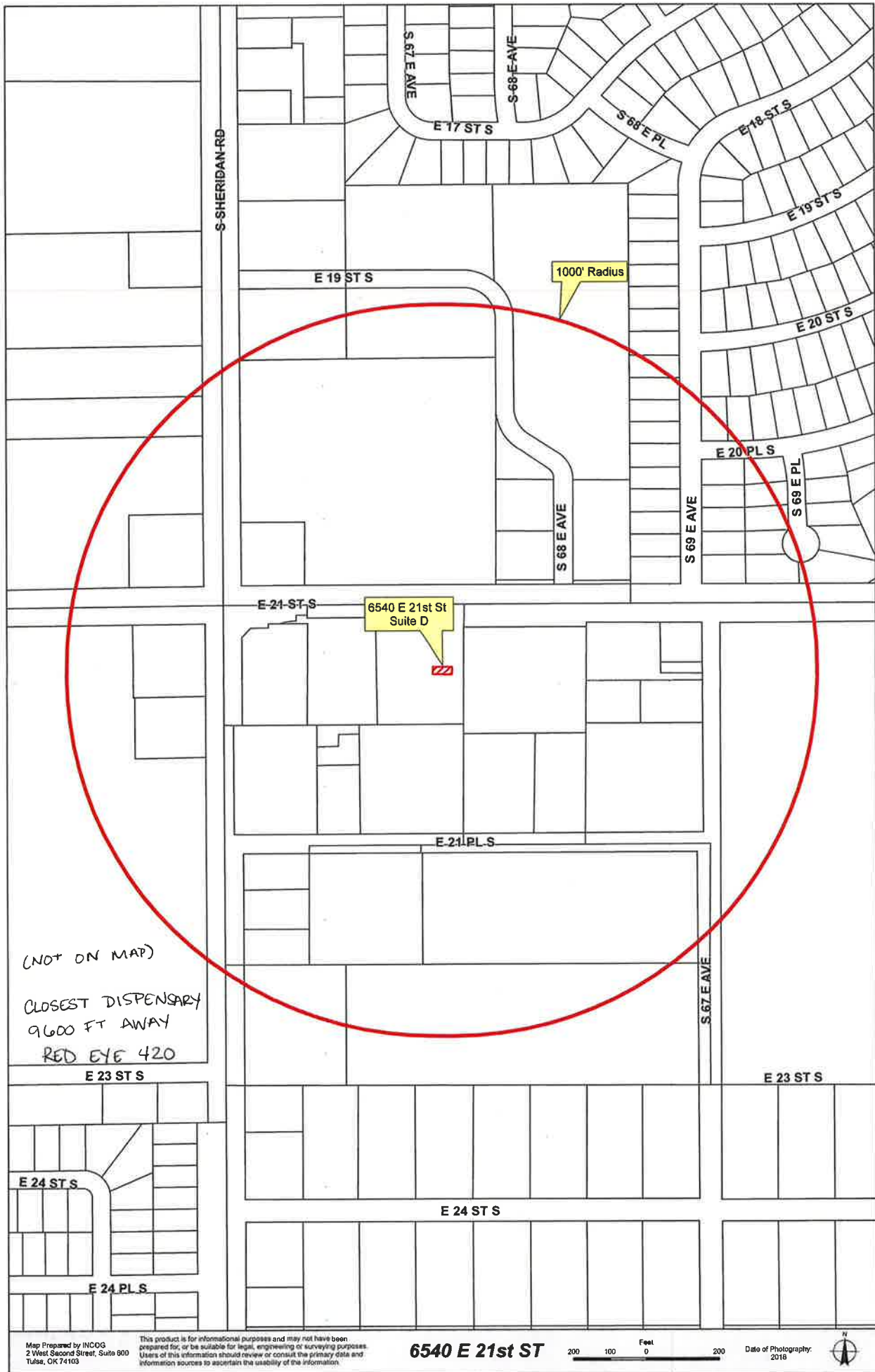
19-13 14

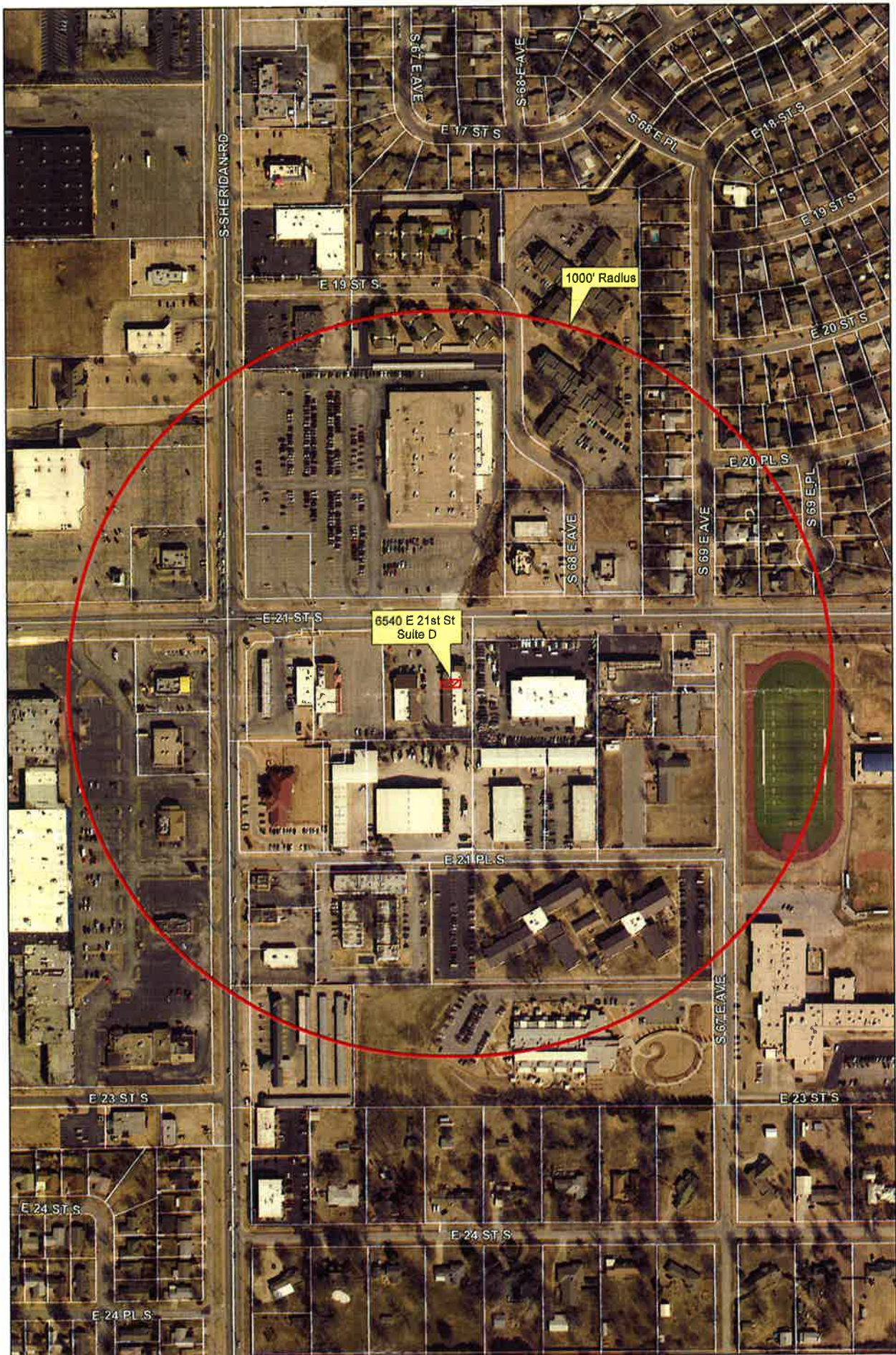
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

4.6







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

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6540 E 21st ST

200 100 Feet 0 200

Date of Photography:
2018



4.8

State of Oklahoma

License Certificate

NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

DOK CORPORATION

6540 E 21ST ST D , TULSA, OK, 74129

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.

09/03/2020

LICENSE NUMBER:

DAAA-V1U4-DXSV



Tom Bates

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

TRANSPORTATION LICENSE ONLY

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 6, 2019

MD Alam
205 S Walnut Ave
Broken Arrow, OK 74012

Phone: 918.841.6275

APPLICATION NO: COO-041814-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 6540 E 21 ST

Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

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4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

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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-041814-2019

6540 E 21 ST

September 6, 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.

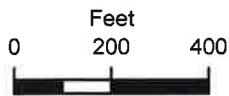
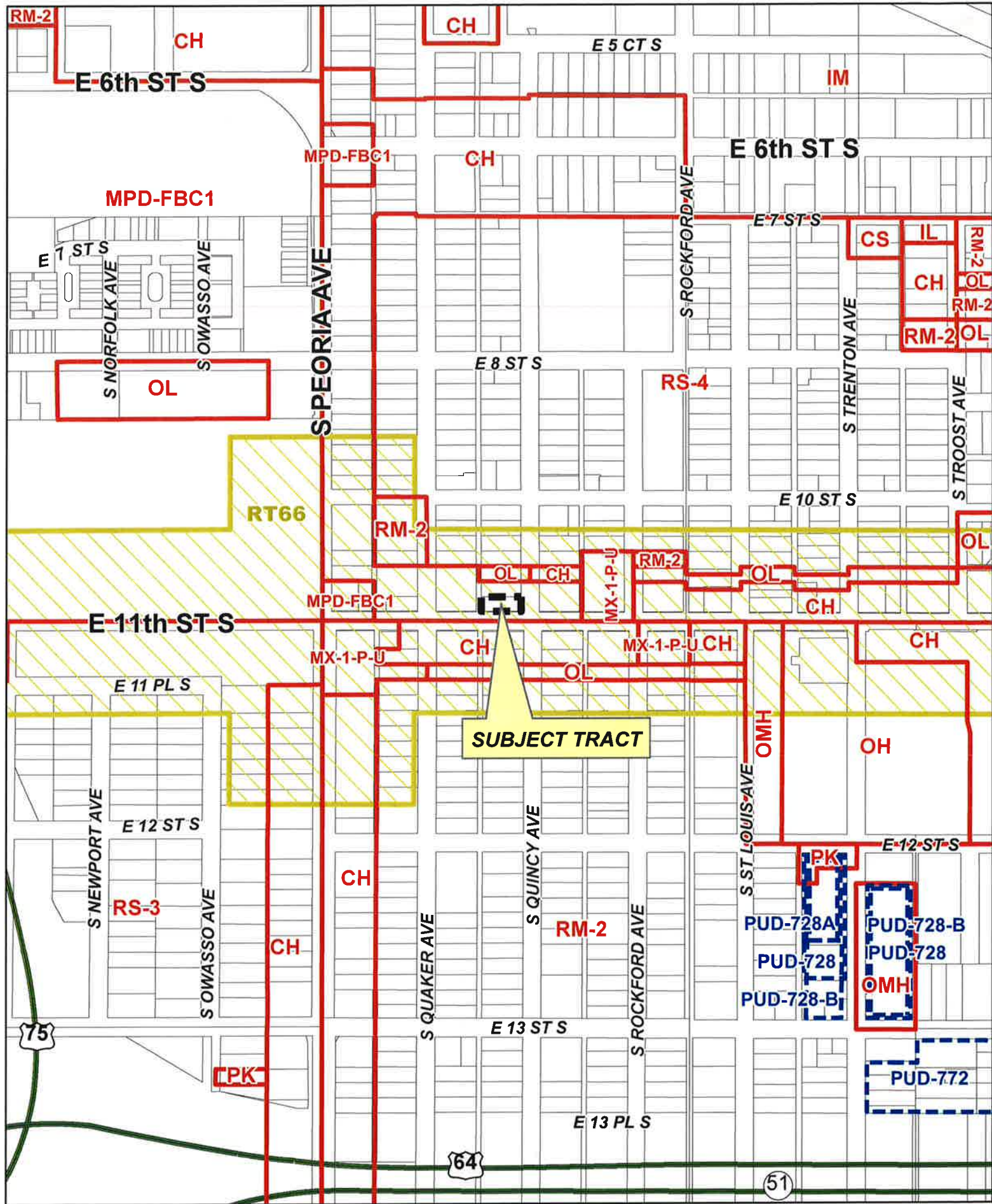
A hard copy of this letter is available upon request by the applicant.

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.

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BOA-22761

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19-13 06



BOARD OF ADJUSTMENT CASE REPORT

STR: 9306

Case Number: **BOA-22761**

CZM: 37

CD: 4

HEARING DATE: 10/22/2019 1:00 PM

APPLICANT: Mary Beth Babcock

ACTION REQUESTED: Variance to permit two freestanding signs in a CH District to exceed the maximum permitted display area (Section 60.080-C)

LOCATION: 1347 E 11 ST S

ZONED: CH

PRESENT USE: Commercial

TRACT SIZE: 6176.83 SQ FT

LEGAL DESCRIPTION: LT 7 LESS S2.5 THEREOF BLK 9, EAST LYNN ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-5544; On 09.05.67 the Board **approved** a variance to permit the creation of a Gas Station Canopy 33 feet from the center line of E. 11th Street.

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 located at the NW/c of S. Quincy Ave and E. 11 street S. It is currently operating as Buck Atom's Comic Curios.

STAFF COMMENTS: The applicant is requesting a Variance to permit two freestanding signs in a CH District to exceed the maximum permitted display area for those two signs (Section 60.080-C)

5.2

60.080-C Sign Budget

1. Applicability

The sign budget provisions of this subsection govern the maximum aggregate number and combined area of all projecting, roof, freestanding and off-premise outdoor advertising signs allowed on a lot in mixed-use, commercial and industrial zoning districts, except as otherwise expressly stated.

2. Maximum Number

a. Lots with Frontage on Only Minor Streets

Lots with frontage on only minor streets are allowed a maximum of one freestanding or projecting sign per lot.

b. Lots with Frontage on Major Streets

The maximum aggregate number of projecting, freestanding and off-premise outdoor advertising signs allowed on lots with frontage on one or more major streets may not exceed the limits established in [Table 60-2](#).

Table 60-2: Maximum Aggregate Number of Signs

Zoning District	Maximum Aggregate Number of Signs Allowed
CG, CH, and CBD	1 per 100 feet of major street frontage or fraction thereof
CO, CS, MX and IL	1 per 150 feet of major street frontage or fraction thereof
IM and IH	1 per 200 feet of major street frontage or fraction thereof

3. Maximum Area

a. Lots with Frontage on Only Minor Streets

Signs allowed on lots with frontage on only minor streets may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

b. Lots with Frontage on Major Streets

- (1) The maximum aggregate sign area of all on-premise projecting and freestanding signs and off-premise outdoor advertising signs allowed on lots with frontage on one or more major streets may not exceed the limits established in [Table 60-3](#):

Table 60-3: Maximum Aggregate Sign Area

Zoning District	On-premise Projecting and Freestanding Signs & Off-premise Outdoor Advertising Signs (sq. ft. per linear foot of major street frontage)			
	Not Within Freeway Sign Corridor ^[1]		Within Freeway Sign Corridor	
	If More than 1 Such Sign	If Only 1 Such Sign	If More than 1 Such Sign	If Only 1 Such Sign
MX, CO and CS	1	2	1	2
CG, CH, CBD, IL, IM and IH	1	2	2	3

[1] Off-premise outdoor advertising signs are prohibited outside of freeway sign corridors and prohibited in MX districts.

- (2) In addition to the maximum aggregate sign area limits, individual on-premise projecting and freestanding signs may not exceed 500 square feet in area. Individual off-premise outdoor advertising signs may not exceed 672 square feet in area.

The Existing Buck Atoms Statue on the site is considered signage by the City of Tulsa Zoning Code. The Applicant is able to increase their sign budget through the provisions of Sec. 20.070 since the project is inside the Route 66 Overlay but would still not comply with the Sec. 60.080 because of the existing statue.

Section 20.070 Route 66 Overlay

20.070-A General

1. Purpose and Intent

The Route 66 Overlay establishes zoning regulations and incentives intended to ensure the enhancement, development, and revitalization of the authentic Route 66 through the promotion of historic and historically inspired signage, especially neon, along and adjacent to the two alignments of Route 66 in Tulsa. The regulations are generally intended to guide the character of both public and private development as it occurs along Route 66.

2. Applicability

Except as otherwise expressly stated, the Route 66 Overlay regulations of this section shall apply within the boundaries of the Route 66 Overlay to all new signage that requires a sign permit and includes at least 25% exposed neon as measured by total sign face area. Dynamic Displays as defined in [Section 60.100](#) are not permitted to utilize the provisions of the overlay.

3. Conflicting Regulations

All applicable regulations of the underlying base zoning district apply to property in the Route 66 Overlay unless otherwise expressly stated in the Route 66 Overlay regulations. For properties with approved development plans (PUD, CO, MPD, Optional Development Plan), the approved development plan and development standards apply unless otherwise expressly stated in the Route 66 Overlay regulations.

2. Maximum Area

- a. Sign area for freestanding or projecting signs may be up to 50% greater than the sign area allowed by the underlying zoning district sign budget, provided that sign area shall not exceed 250 square feet.
- b. Projecting signs shall not exceed the height of the parapet or building wall to which it is attached by more than 25% or a maximum of 20 feet, whichever is greater.

SAMPLE MOTION:

Variance Request

Move to _____ (approve/deny) a variance to permit two freestanding signs in a CH District to exceed the maximum permitted display area (Section 60.080-C)

- Finding the hardship(s) to be _____.

5.4

- 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 East on 11th Street



Facing West on 11th Street



Subject tract

5541

Action Requested: Variance (Sec. 23) of the Major Street setback requirements (Sec. 15) and of the permitted use provisions of U-3A (5(h) (2)) to permit the erection of a sign 50 feet (required setback of 60') from the centerline of Memorial Drive on a tract zoned U-3A located at 4444 South Memorial.

Presentation: E. O. Sumner, representing Play Boy, Inc., was present and presented a plot plan (not for exhibit).

Board Action: On MOTION of SUBLETT, the Board of Adjustment (4-0) granted a variance of Sec.(5(h) (2)) to permit the erection of a sign 60 feet from the centerline of Memorial Drive on the tract described as:

West 215.74 feet of the East 265.74 feet of the North 150 feet of South 410 feet of the NW $\frac{1}{4}$, of Section 25, Township 19 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

5544

Action Requested: Variance (Sec. 23) of the Major Street setback requirements (Sec. 15) to permit the erection of a service station canopy 33 feet (required setback of 50 feet from the centerline of East 11th Street on a tract zoned U-3E located at 1347 East 11th Street.

Presentation: William B. Martin, representing PEMCO, was present.

Board Action: On MOTION of SUBLETT, the Board of Adjustment (4-0) granted a variance to permit the creation of a service station canopy 33 feet from the centerline of 11th Street, subject to the execution of a right-of-way removal agreement on the tract described as:

Lot 7, Block 9, East Lynn Addition, City of Tulsa, Tulsa County, Oklahoma.



CUSTOMER:

Buck Atom's

CITY AND STATE:

Buck Atom's Cosmic Curios
1347 e 11th St Tulsa, OK 74120

DRAWN BY:

Martha Hernandez

SOLD BY:

Peter Janzen

DRAWING NUMBER:

BA08092019-001

APPROVED BY:

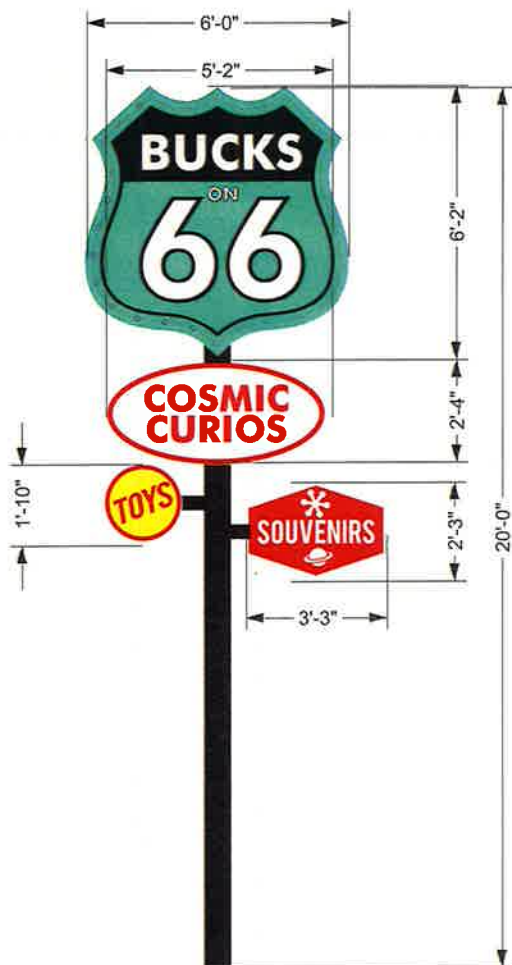
DATE APPROVED:

Please proofread all information carefully for accuracy before signing. Check names, numbers, spelling, punctuation as well as the general layout. Revisions requested after second proof are not included in the original quoted price and will be charged accordingly.

Any typographical and or layout errors not found now will be the customers responsibility.



Pylon Signs
Casino Signs
Monument Signs
Neon Signs
Blade Signs
Wall Signs
Channel Letters
Interior Signs
Way finding Signs
Post & Panel
LED Display
Commercial & Architectural Signs



- Manufacture and install new pole sign, neon illumination, colors per attached color chart.
- 80% of illumination by neon tube lighting, 100% of signage area illuminated with neon.
- Hand painted graphics.



9810 E 58th St. Tulsa, OK 74146
(918) 286 8535
www.encinos3d.com



CUSTOMER:

Buck Atom's

CITY AND STATE:

Buck Atom's Cosmic Curios
1347 e 11th St Tulsa, OK 74120

DRAWN BY:

Martha Hernandez

SOLD BY:

Peter Janzen

DRAWING NUMBER:

BA08222019-001

APPROVED BY:

DATE APPROVED:

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Blade Signs
Wall Signs
Channel Letters
Interior Signs
Way finding Signs
Post & Panel
LED Display
Commercial & Architectural Signs

1/32"=1'



THIS DESIGN IS SOLELY FOR REFERENCE ONLY, REMAINS PROPERTY OF ENCINOS 3D CUSTOM PRODUCTS LLC, UNTIL AN AGREEMENT HAS BEEN REACHED BETWEEN THE CLIENT AND ENCINOS 3D CUSTOM PRODUCTS LLC

5.10



CUSTOMER:
Buck Atom's
CITY AND STATE:
Buck Atom's Cosmic Curios
1347 e 11th St Tulsa, OK 74120
DRAWN BY:
Martha Hernandez
SOLD BY:
Peter Janzen
DRAWING NUMBER:
BA08092019-002
APPROVED BY:

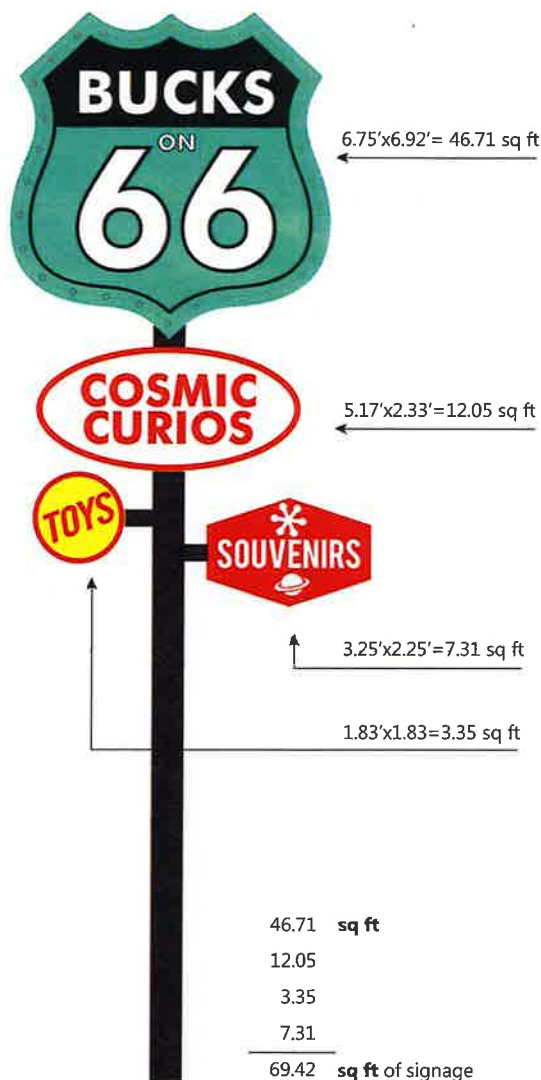
DATE APPROVED:

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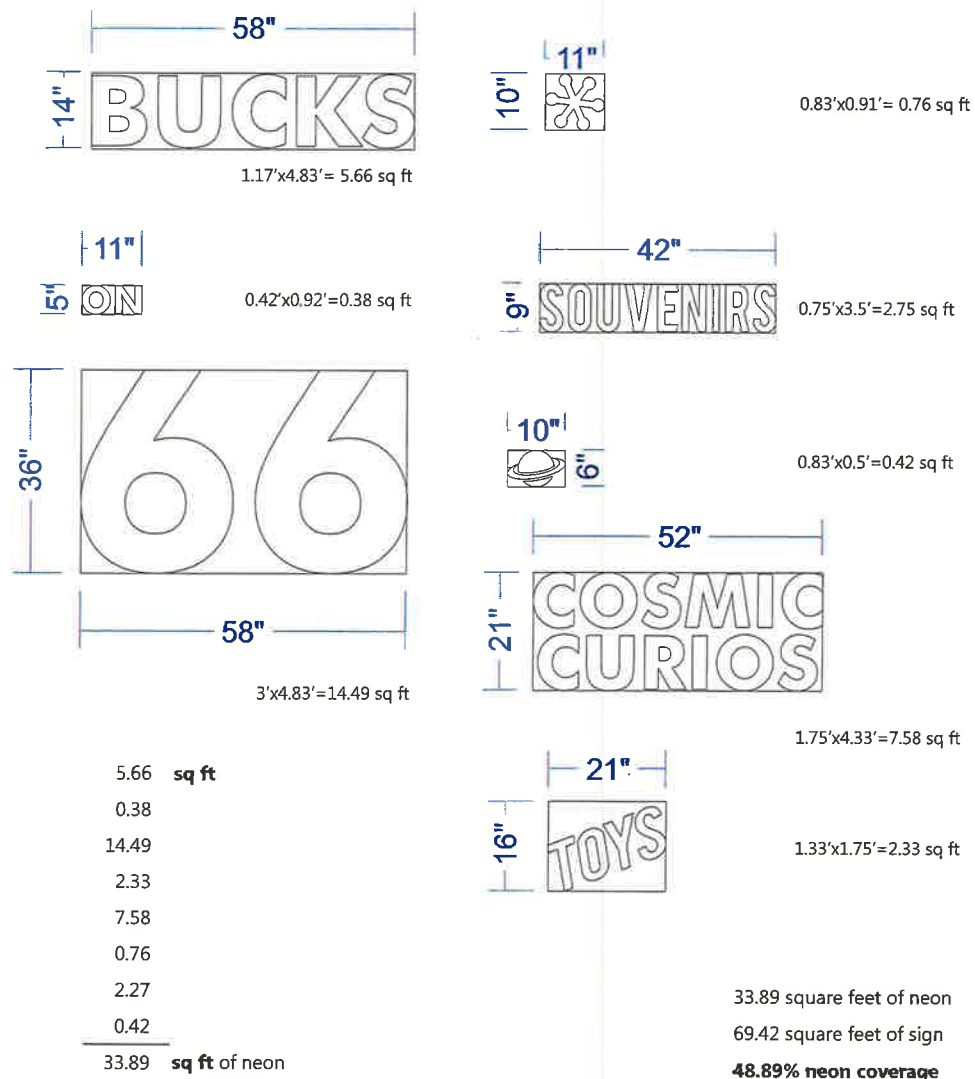


Pylon Signs
Casino Signs
Monument Signs
Neon Signs
Blade Signs
Wall Signs
Channel Letters
Interior Signs
Way finding Signs
Post & Panel
LED Display
Commercial & Architectural Signs

Sign Square Footage Calculation



Neon Square Footage Calculation



BOB KOLIBAS
SIGN PLANS EXAMINER
TEL (918)596-9664



DEVELOPMENT SERVICES

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

SIGN PLAN REVIEW

August 30, 2019

LOD Number: 1

Christian Ortiz
9810 E. 58th Street
Tulsa OK 74146

Phone: (918)286-8535

APPLICATION NO: SIGN-012807 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 1347 E 11th Street
Description: Buck Atoms Neon Ground Sign

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(Continued)

REVIEW COMMENTS

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

Application No. SIGN-041356

1347 E 11th Street

August 30, 2019

This letter of deficiencies covers Sign Plan Review items only.

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

1.) 3. Maximum Area

b. Lots with Frontage on Major Streets

(1) The maximum aggregate sign area of all on premise projecting and freestanding signs and off-premise outdoor advertising signs allowed on lots with frontage on one or more major streets may not exceed the limits established in Table 60-3:

Review Comments: The proposed freestanding neon sign for Buck Atoms, Route 66, Cosmic Curios appears to have 130 feet of major street frontage along E. 11th Street. Based on the major street frontage of 130 square feet times 1 square foot of display surface area for two freestanding signs (Existing freestanding sign permit 9137) the 130 lineal feet of major street frontage will permit 130 square feet of freestanding sign display surface area. The existing 207 sq. ft. Buck Atoms freestanding sign plus the proposed 69.42 sq. ft. freestanding neon sign for Buck Atoms, Route 66, Cosmic Curios exceed the permitted display area by 146.42 square feet. As an option you may pursue a variance from the BOA to permit two freestanding signs to exceed the maximum permitted display area from 130 sq. ft. to 279.42 sq. ft in a CH zoning district.

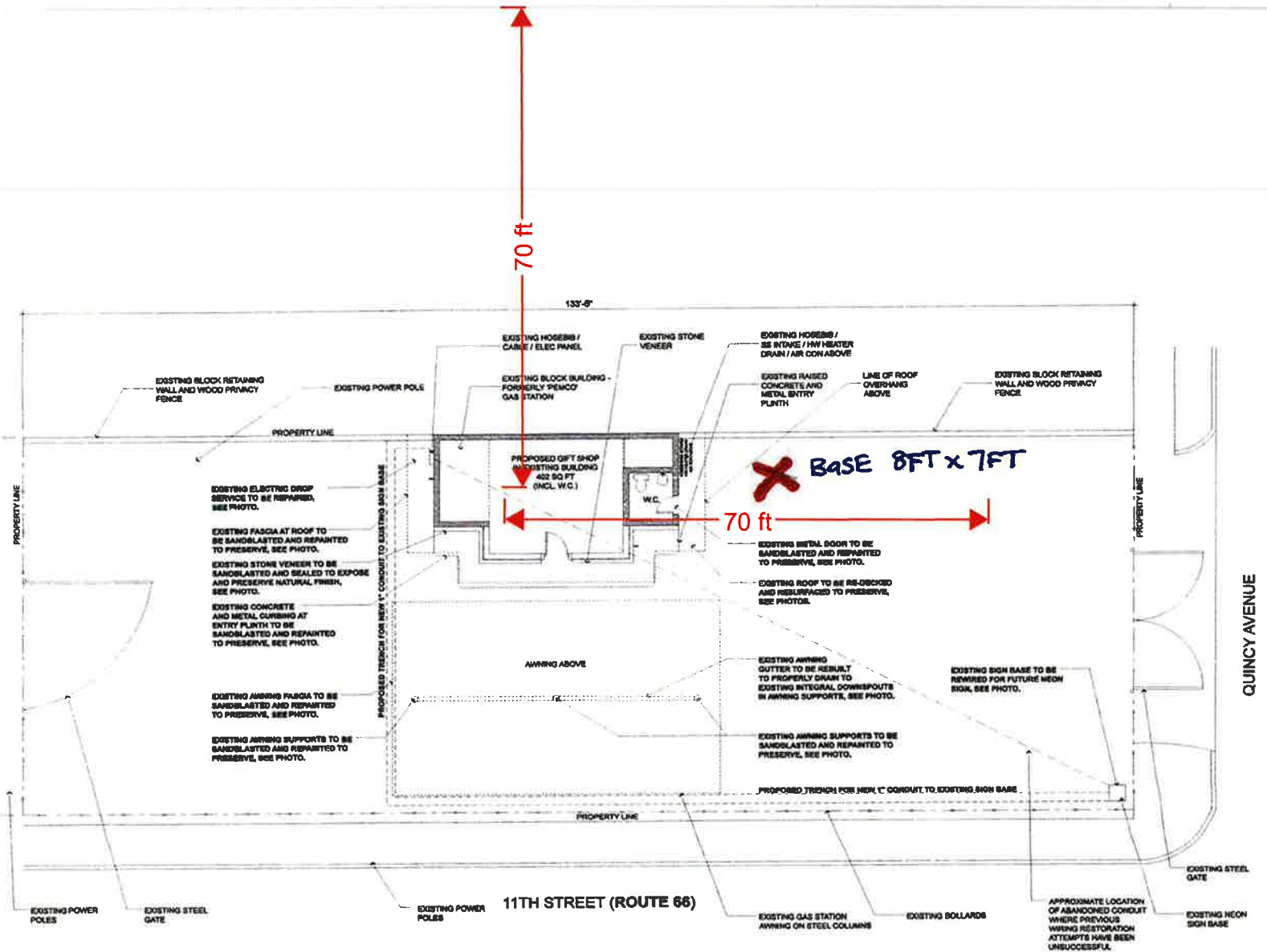
NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding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

END – ZONING CLEARANCE AND SIGN CODE REVIEW

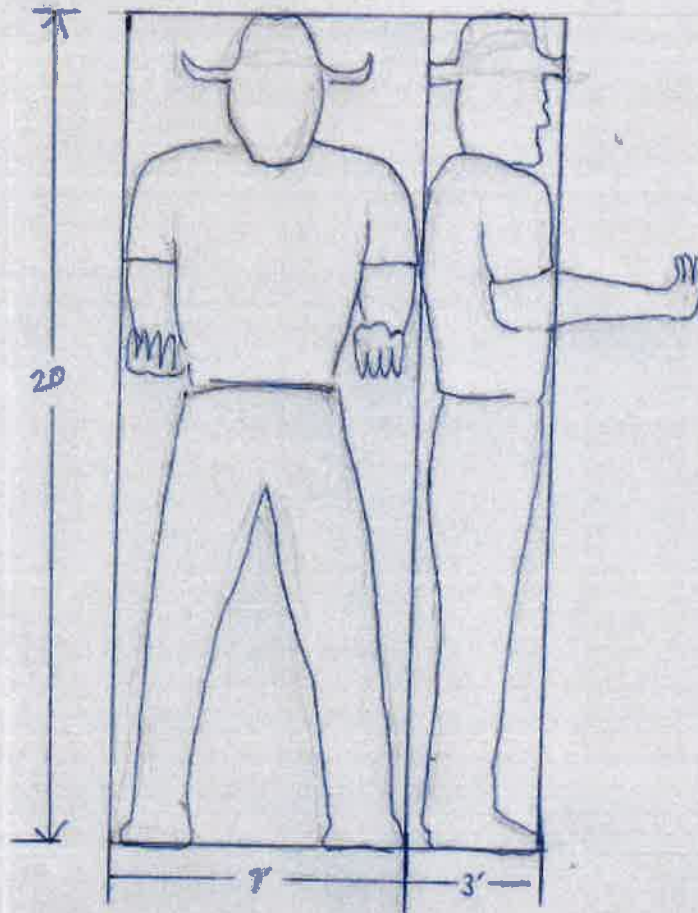
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KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.

EXISTING BUCK ATOMS STATUE SITE PLAN



BUCK ATOM POLYHEDRON



$$20' \times 7' \times 3' = 420' \quad \% 50 = 210' \quad (\text{DOES NOT INCLUDE FOOTAGE OF EXTENDED ARMS})$$



0 Feet 200 400



Subject Tract

BOA-22761

19-13 06

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

Aerial Photo Date: February 2018



E 10 ST S

S QUINCY AVE

E 11th ST S

S SQUAKER AVE

BOA-22761

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

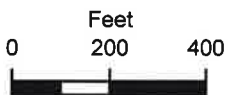
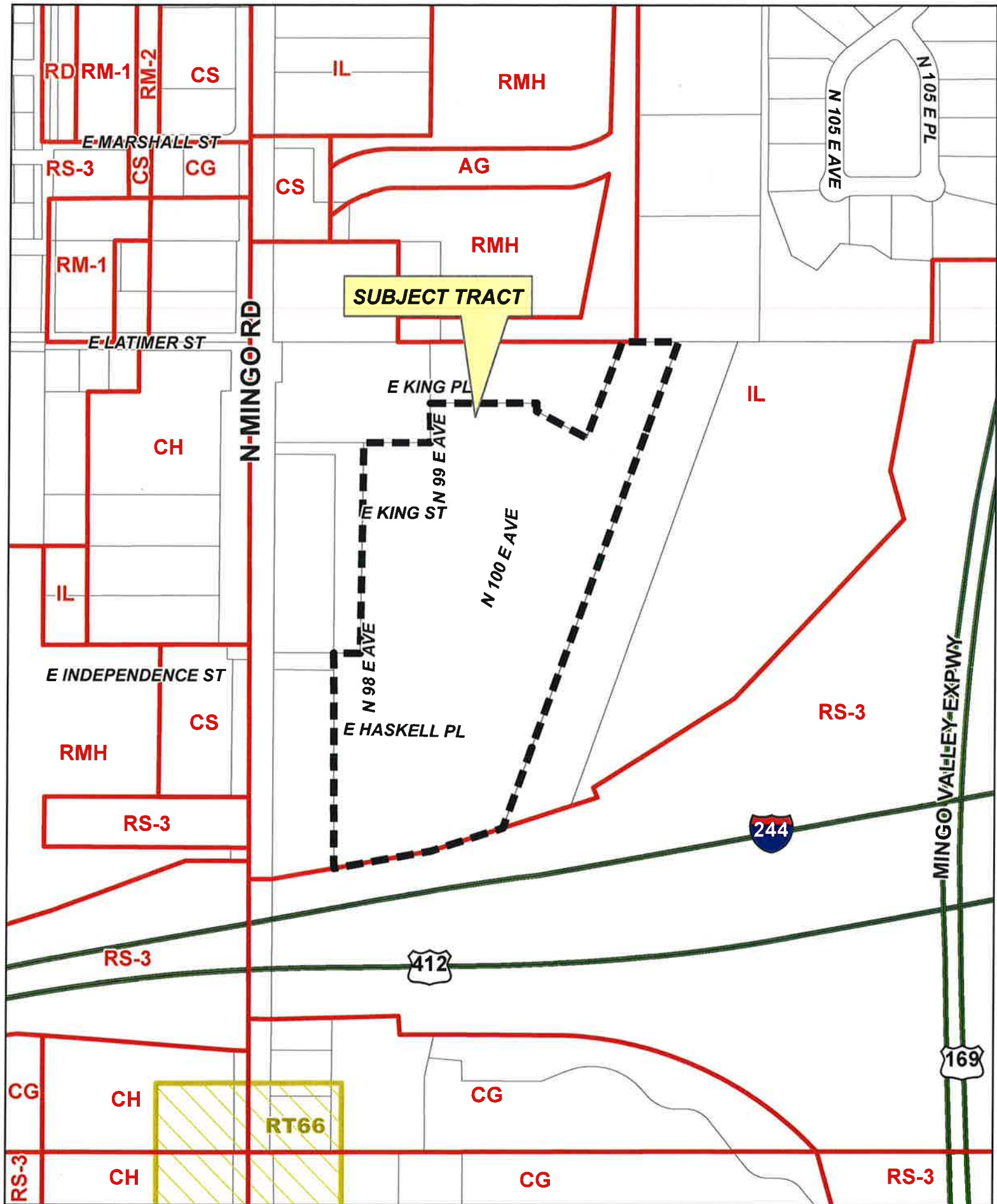
Aerial Photo Date: February 2018

19-13 06



Subject
Tract

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BOA-22762

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20-14 31



BOARD OF ADJUSTMENT CASE REPORT

STR: 0431

Case Number: **BOA-22762**

CZM: 31

CD: 3

HEARING DATE: 10/22/2019 1:00 PM

APPLICANT: Lori Worthington

ACTION REQUESTED: Variance to permit a 252 sq. ft. freestanding ground sign to be installed on a property with no street frontage (Sec. 60.080-C)

LOCATION: 801 N MINGO RD

ZONED: IL

PRESENT USE: RV Park

TRACT SIZE: 1106720.38 SQ FT

LEGAL DESCRIPTION: BEG SWC BLK 1 N698.58 E90 N684.94 E222 N330 NWC E841.92 SW1683.6 SW250.55 SW336.84 POB LESS BEG NWC BLK 1 E621.55 SW334.55 NW183.34 N26.71 W343.72 N200 POB TO CITY, VAN ESTATES NO 1 AMD

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-12759; On 08.25.83 the Board ***approved*** a variance to allow a mobile Home Park in an IL District.

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

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is an existing IL zoned Mobile Home park located North and West of the intersection of N Mingo Road and I-244. The Property does not have frontage on a public street but does have access through a Private Drive described as E. Independence Street.

STAFF COMMENTS:

The applicant is requesting a Variance to permit a 252 sq. ft. freestanding ground sign to be installed on a property with no street frontage (Sec. 60.080-C)

60,080-C Sign Budget

1. Applicability

The sign budget provisions of this subsection govern the maximum aggregate number and combined area of all projecting, roof, freestanding and off-premise outdoor advertising signs allowed on a lot in mixed-use, commercial and industrial zoning districts, except as otherwise expressly stated.

2. Maximum Number

a. Lots with Frontage on Only Minor Streets

Lots with frontage on only minor streets are allowed a maximum of one freestanding or projecting sign per lot.

b. Lots with Frontage on Major Streets

The maximum aggregate number of projecting, freestanding and off-premise outdoor advertising signs allowed on lots with frontage on one or more major streets may not exceed the limits established in [Table 60-2](#).

Table 60-2: Maximum Aggregate Number of Signs

Zoning District	Maximum Aggregate Number of Signs Allowed
CG, CH, and CBD	1 per 100 feet of major street frontage or fraction thereof
CO, CS, MX and IL	1 per 150 feet of major street frontage or fraction thereof
IM and IH	1 per 200 feet of major street frontage or fraction thereof

3. Maximum Area

a. Lots with Frontage on Only Minor Streets

Signs allowed on lots with frontage on only minor streets may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

b. Lots with Frontage on Major Streets

(1) The maximum aggregate sign area of all on-premise projecting and freestanding signs and off-premise outdoor advertising signs allowed on lots with frontage on one or more major streets may not exceed the limits established in [Table 60-3](#):

SAMPLE MOTION:

Move to _____ (approve/deny) a Variance to permit a 252 sq. ft. freestanding ground sign to be installed on a property with no street frontage (Sec. 60.080-C)

- 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."*

Action Requested:

Variance - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1209 - Request for a variance to locate a mobile home in an IL zoned district - Under the Provisions of Section 1670, located at 801 North Mingo Road.

Presentation:

Warren Sanders, 3454 East 61st Place, has just completed construction of a travel trailer park, and he would like to set up a mobile home on the subject property for his park managers to live in. He submitted a brochure (Exhibit "I-1").

Protestants: None.

Comments:

Ms. Purser informed the travel trailer park is permitted by right; only the mobile home is not permitted.

The Staff informed no one is permitted to live in the travel trailers.

Ms. Hubbard stated the main reason for having the mobile home on the subject property would be to keep an eye on the RV park for security reasons.

Ms. Purser stated the hardship is that this is an unusual use of industrially zoned property because it has the travel park on it.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Under the Provisions of Use Unit 1209) to locate a mobile home in an IL zoned district - Under the Provisions of Section 1670, as long as the travel trailer park is located on the subject property, on the following described property:

A part of Block 1, AMENDED PLAT OF VAN ESTATES NO. 1, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows, to wit: Commencing at the Southwest corner of Lot 5, Block 2, EXPRESSWAY VILLAGE CENTER, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; thence North $79^{\circ}-50'-25''$ East along the South line of Said Lot 5 a distance of 203.16' to the Southeast corner of Said Lot 5 to the POINT OF BEGINNING; thence North $0^{\circ}-02'-16''$ West along the East line of EXPRESSWAY VILLAGE CENTER a distance of 698.58'; thence North $89^{\circ}-58'-27''$ East a distance of 90.00'; thence North $0^{\circ}-02'-16''$ West a distance of 684.94' to a point on the North line of the AMENDED PLAT OF VAN ESTATES NO. 1, Said point being 290.00' East of the Northwest corner thereof; thence North $89^{\circ}-58'-27''$ East a distance of 222.00'; thence North $0^{\circ}-02'-16''$ West a distance of 330.00' to the Northernmost Northwest corner of AMENDED PLAT OF VAN ESTATES NO. 1; thence North $89^{\circ}-58'-27''$ East along the North line of AMENDED VAN ESTATES NO. 1 a distance of 1,044.44'; thence South $20^{\circ}-13'-42''$ West a distance of 1,607.30' to a point on the South line of AMENDED VAN ESTATES NO. 1; thence South $72^{\circ}-36'-49''$ West along the South line

Case No. 12759 (continued)

of AMENDED VAN ESTATES NO. 1 a distance of 490.41'; thence continuing along Said South line on a bearing of South 79°-50'-13" West a distance of 336.84' to the POINT OF BEGINNING and containing 1,553,600.00 square feet, or 35.6664 acres, more or less.

Case No. 12760

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request for an exception to permit office use in an RM-2 zoned district - Under the Provisions of Section 1680.

Special Exception - Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements - Request for an exception to waive the screening requirements from abutting residential districts - Under the Provisions of Section 1680.

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Request for a variance of the setback requirement from abutting residential districts from 10' to 4.22' - Under the Provisions of Section 1670.

Variance - Section 1340 (d) - Design Standards for Off-Street Parking Areas - Request for a Variance of the required all-weather parking surface requirement - Under the Provisions of Section 1670, located at 123rd East 21st Street.

Presentation:

Robert Lawrence, 525 South Main Street, Suite 204, represented the property owner. The land has a unique shape--it is shaped like a butcher knife. The building on the subject property was built in 1953. It has been used as an office building since that time. The rear portion of the property is a bird sanctuary and has native timber, which acts as natural screening. It is a beautiful park area. The property is bounded on the east by Lee School and on the west by the railroad right-of-way. There are many apartments in the area. There are also spots in the area that have been granted exceptions. The applicant submitted 12 photographs of the subject property (Exhibit "J-1"). The applicant would like to enclose the garage that is on one end of the existing building and make a reception area out of it--this is the only work he plans to do on the existing building that will change its appearance. A plot plan was submitted (Exhibit "J-2"). The applicant is not planning on expanding his business size or renting to anyone else. He will not be increasing the roof area at all. The parking area is gravelled at this time. The applicant would like the variance on the hard-surfacing to be granted for a period of 18 months so they can recover a little bit financially and then put in the black top. The existing driveway is concrete. The existing building houses a graphic arts studio. Part of the property has a concrete wall built on it.

Interested Party:

Jim Owens, 2301 South Boston Avenue, is concerned that the use might be expanded in later years due to a change in ownership. He would

BOB KOLIBAS
SIGN PLANS EXAMINER
TEL (918)596-9664



DEVELOPMENT SERVICES

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

SIGN PLAN REVIEW

August 5, 2019

LOD Number: 1

Amax Sign Company
9520 E 55th Place
Tulsa OK 74145

Phone: (918)622-0651

APPLICATION NO: **SIGN-038789-2019** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 801 N. Mingo Rd.
Description: Ground Sign

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(Continued)

6.7

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. SIGN-038789-2019

801 N. Mingo Rd.

August 5, 2019

This letter of deficiencies covers Sign Plan Review items only.

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

Section 60.080-C Sign Budget

1. Applicability

The sign budget provisions of this subsection govern the maximum aggregate number and combined area of all projecting, roof, freestanding and off-premise outdoor advertising signs allowed on a lot in mixed-use, commercial and industrial zoning districts, except as otherwise expressly stated.

2. Maximum Number

a. Lots with Frontage on Only Minor Streets

Lots with frontage on only minor streets are allowed a maximum of one freestanding or projecting sign per lot.

b. Lots with Frontage on Major Streets

The maximum aggregate number of projecting, freestanding and off-premise outdoor advertising signs allowed on lots with frontage on one or more major streets may not exceed the limits established in Table 60-2.

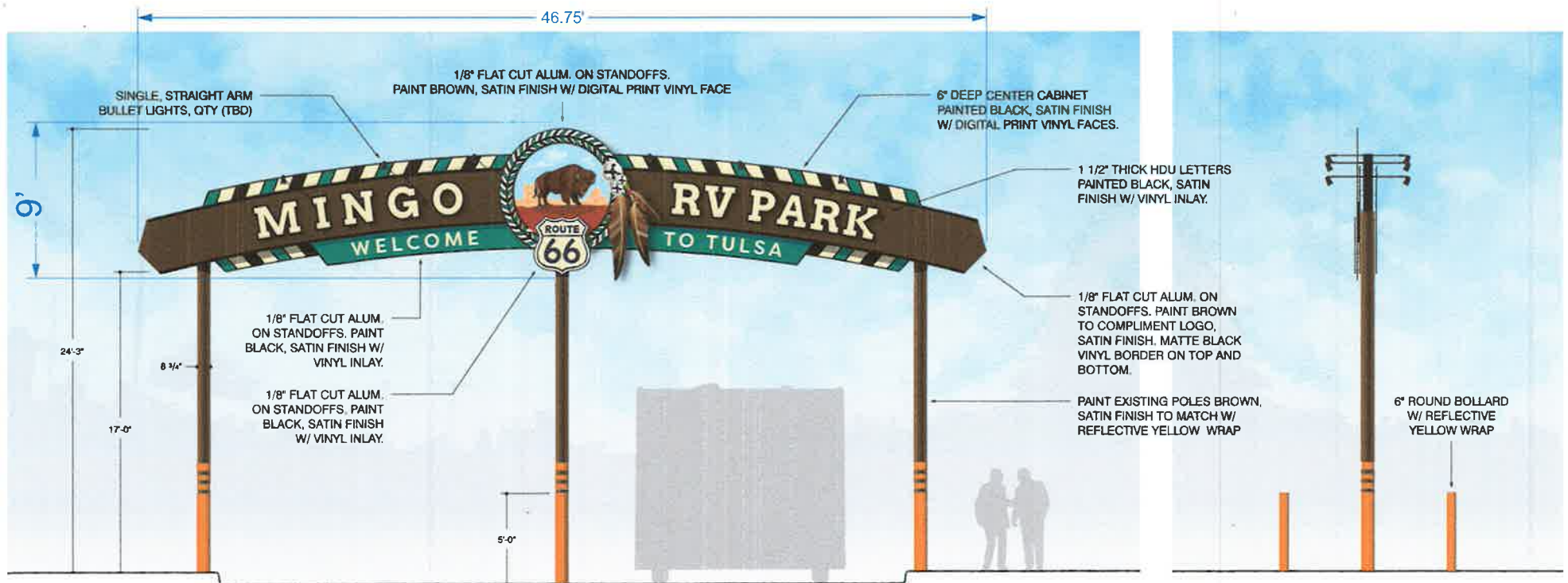
Review Comments: The proposed Mingo RV Park ground sign does not appear to have any major or minor street frontage along N. Mingo Road. You may pursue a variance from the City of Tulsa BOA to permit a 252 sq. ft. freestanding ground sign to be installed along the West property.

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

END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

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



West Elevation

SCALE: 3/16"

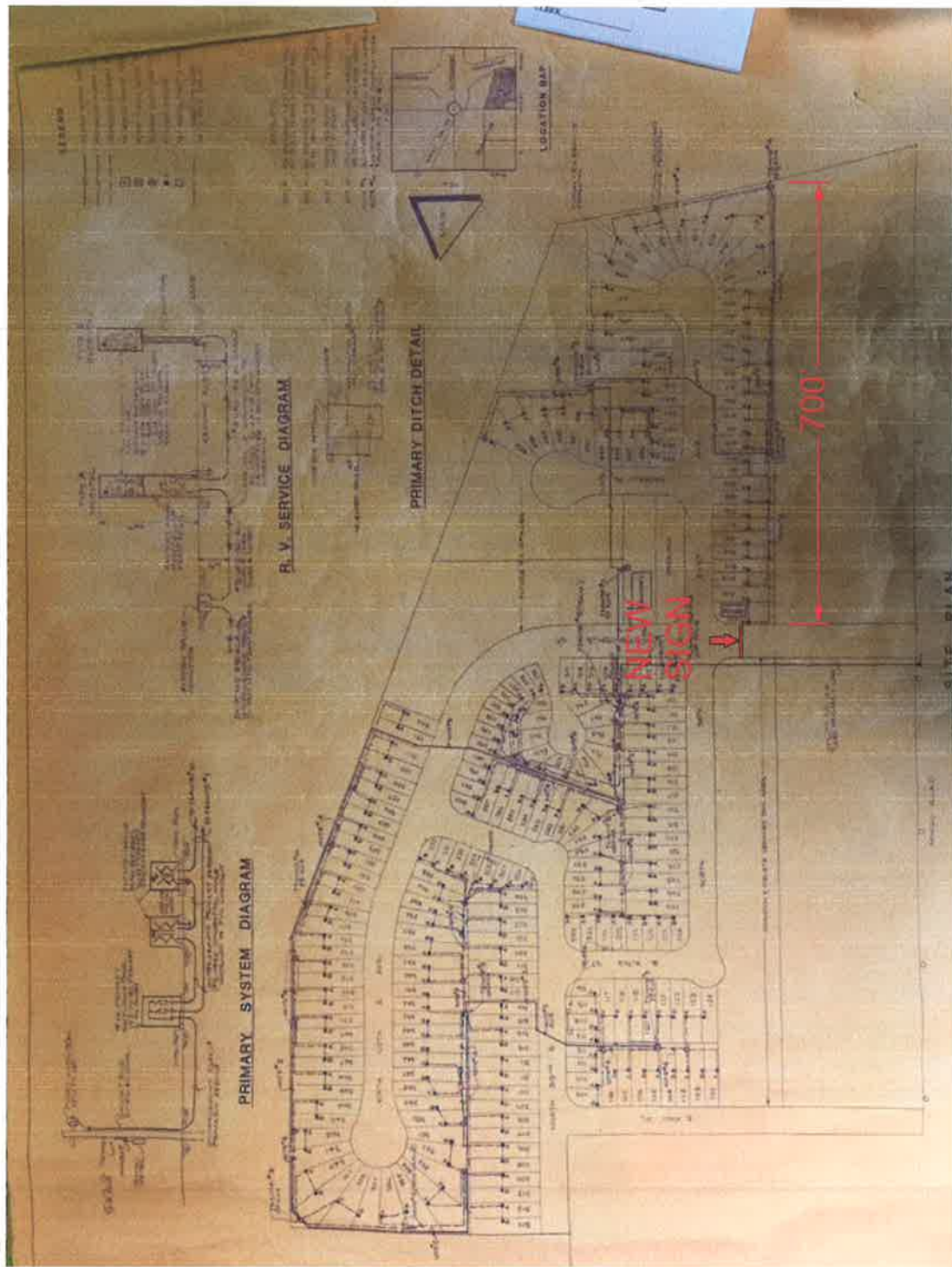
9' X 45'=405SQFT



East Elevation

SCALE: 3/32"

Entrance Gateway

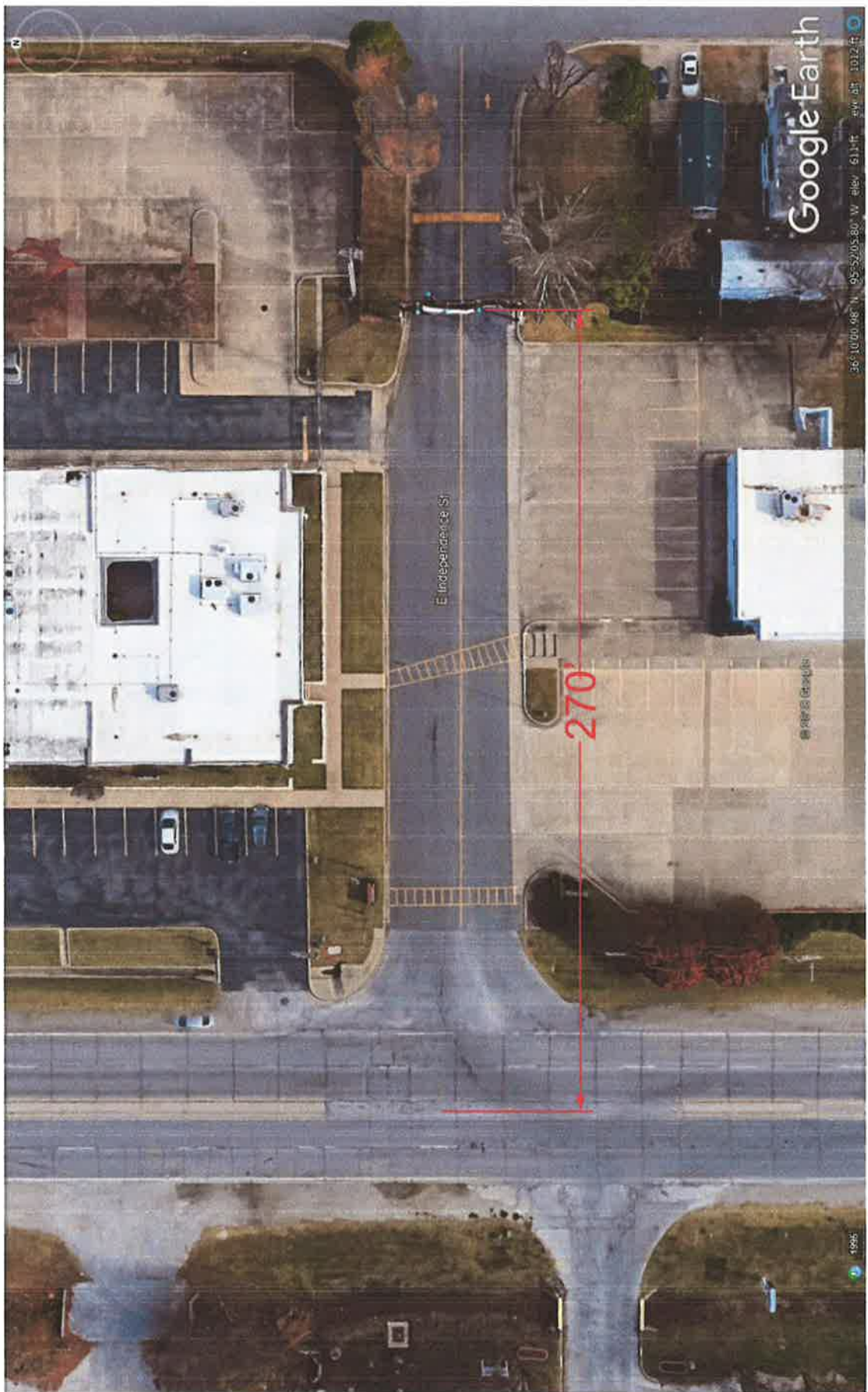




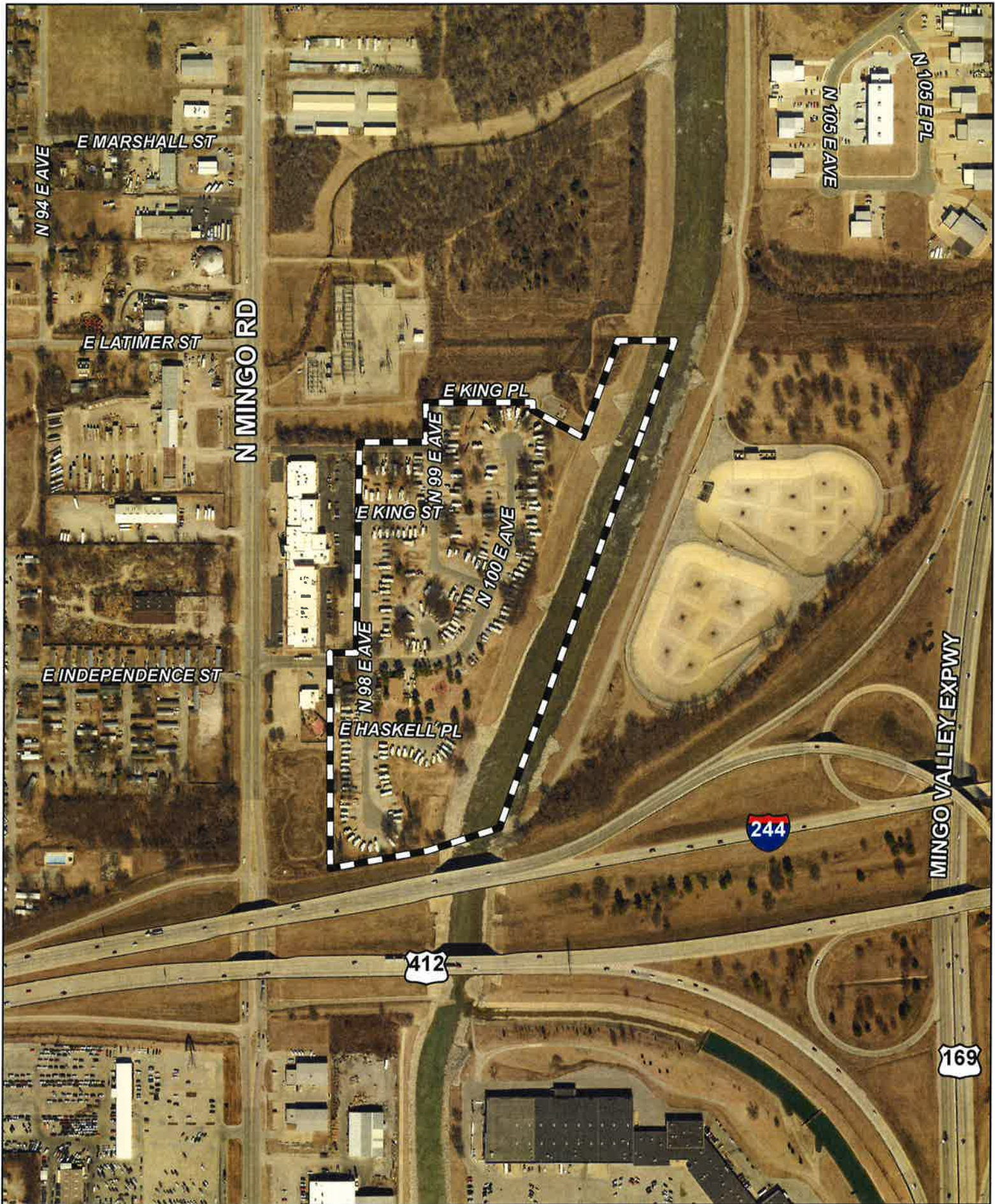
Existing Signage at Property



Facing West on private drive facing N. Mingo



6.12



0 200 400
Feet



Subject
Tract

BOA-22762

20-14 31

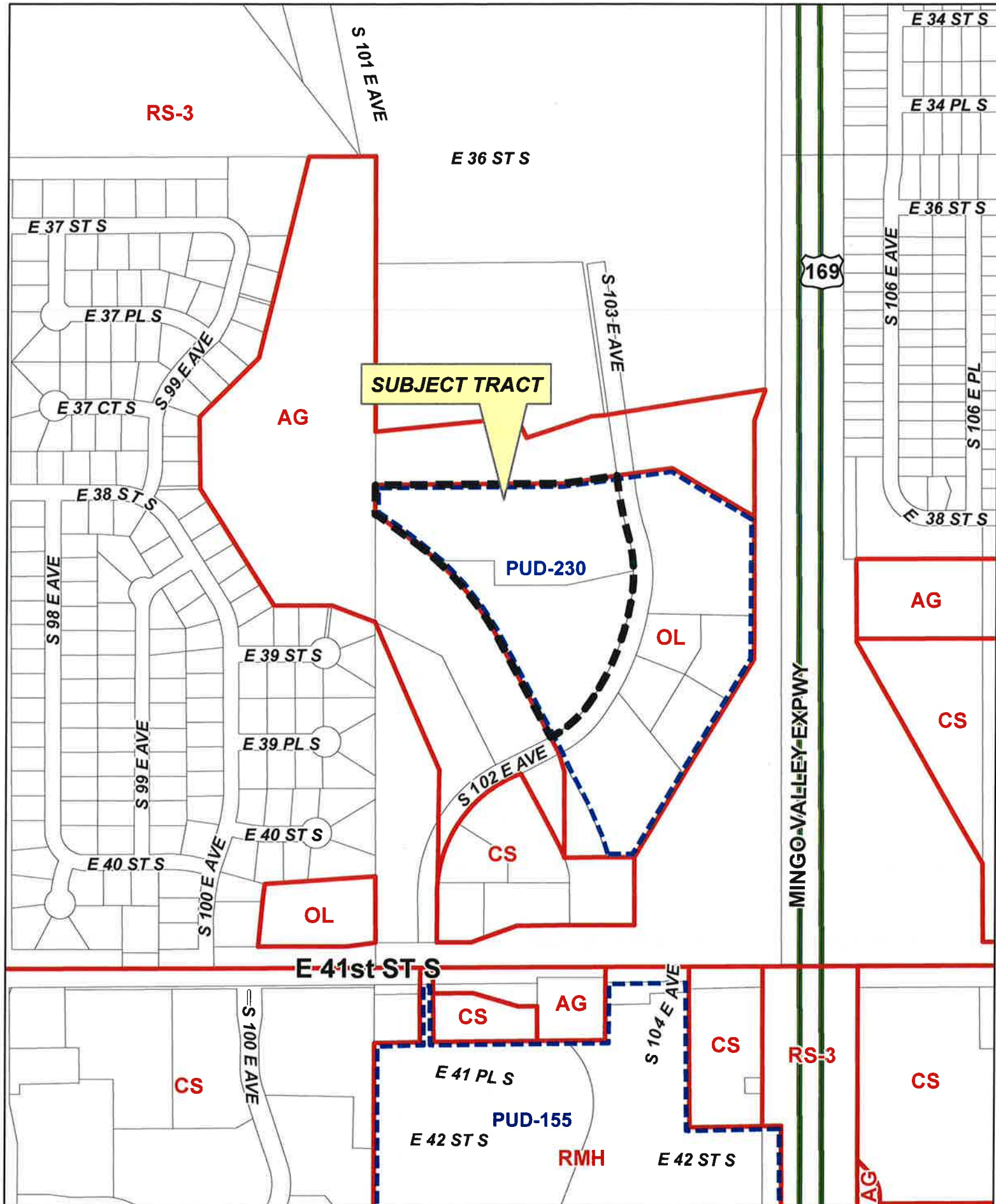
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018

6.13



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BOA-22763

19-14 19

BOARD OF ADJUSTMENT CASE REPORT

STR: 9419

Case Number: **BOA-22763**

CZM: 49

CD: 7

HEARING DATE: 10/22/2019 1:00 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Appeal of the Administrative Decision issued in Zoning Code Interpretation #2019-01 that a Major Amendment is required to PUD-230 in order to permit a school use (Sec. 70.140)

LOCATION: 3810 S 103 AV E; 3840 S 103 AV E

ZONED: OL

PRESENT USE: Office

TRACT SIZE: 398122.61 SQ FT

LEGAL DESCRIPTION: LOT ONE (1), BLOCK ONE (1), BISHOP ACRES, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO RECORDED PLAT NO. 3947. City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

PUD-230-A August 8 2019: TMAPC approved a Major Amendment to PUD-230-A to permit a school Use. As of the writing of this report the Major Amendment has not yet been heard by City Council.

BOA-22743 August 2019 Withdrawn: An appeal of an administrative decision was filed August 19, 2019 challenging the development director's determination that a major amendment to PUD 230 was required to permit a school use. It was determined that the Board of Adjustment did not have jurisdiction because of the 10-day appeal period identified in 70.140 of the Tulsa Zoning Code. The application was withdrawn by staff.

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

PUD-230\Z-5386 April 1980: All concurred in **approval** of a *Planned Unit Development* on a 9.14± acre tract of land and **approval** of a request for *rezoning* from RM-1 to OL with the condition that the permitted uses be those that are permitted as principal and accessory uses within the OL District and in addition include barber and beauty shops, on the property located northwest of the northwest corner of East 41st Street South and Highway 169, the subject property.

BOARD OF ADJUSTMENT CASE REPORT

STR: 9419

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CZM: 49

CD: 7

HEARING DATE: 10/22/2019 1:00 PM

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RELEVANT PREVIOUS ACTIONS:

Subject Property:

PUD-230-A September 18th, 2019: TMAPC approved a Major Amendment to PUD-230-A to permit a school Use. As of the writing of this report the Major Amendment has not yet been heard by City Council.

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Surrounding Property:

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

BOA-17832 September 1997: The Board of Adjustment **approved** a *special exception* to permit a public school including 2 mobile classroom trailers, on property located 3656 South 103rd East Avenue.

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

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

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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

Please see the attached interpretation #2019-01 and the applicant's basis for appeal.

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned OL and is a part of PUD-230. The property is currently an Office building containing Epic Charter Schools.

STAFF COMMENTS: The applicant is Appealing the Administrative Decision issued in Zoning Code Interpretation #2019-01 that a Major Amendment is required to PUD-230 in order to permit a school use (Sec. 70.140)

REQUEST FOR ACTION: ORDINANCE

Version: 01/27/2014

AGENDA FOR: ☒ MAYOR ☒ COUNCIL AUTHORITY: TMAPC DATE: September 30, 2019
Tulsa City Clerk's Office: 596-7513 or 596-7514

FOR INFORMATION CONTACT:

DEPARTMENT: TMAPC CONTACT NAME: Susan Miller
ADDRESS: 2 West 2nd St. Ste. 800, Tulsa, OK 74103 TELEPHONE: (918) 579-9470

SUBJECT: Rezoning from PUD-230 to PUD-230-A

ORDINANCE TYPE: REZONING LAND BA or CT #: _____
AMENDMENT OF ORD#: _____ TRO TITLE: _____ TRO SUBTITLE: _____ PLANNING DISTRICT: _____
ZONING #: _____ SSID: _____ PUD #: 230-A PROP/NON-PROP: P COUNCIL DISTRICT: 7

SUMMARY:

Existing Zoning: OL, PUD-230 Proposed Zoning: OL, PUD-230-A
Location: Northwest of the northwest corner of East 41st Street and Highway 169
Applicant Name: Nathan Cross 2 West 2nd Street, STE 700 Tulsa, OK 74103 918-591-5252 ncross@dsla.com
Owner: TR Office LLC, 10850 Wilshire Blvd, STE 1050 Los Angeles CA

The applicant is requesting a Major Amendment to PUD-230 to add School as an allowable use within Development Area A of the PUD. The underlying zoning for this area is OL and School uses are permitted in OL zones by Special Exception. A Major Amendment to the PUD is required to add Special Exception uses which are not currently allowed by the PUD but could be allowed by the underlying zoning with a Special Exception. All remaining development standards defined by PUD-230 and subsequent amendments shall remain in effect. The development standards identified in this PUD are non-injurious to the existing proximate neighborhood and are consistent with the Tulsa Comprehensive Plan and with the anticipated growth and future uses in this area.

BUDGET: _____ FINANCE DIRECTOR APPROVAL: _____

FUNDING SOURCE: N/A

REQUEST FOR ACTION: *All department items requiring Council approval must be submitted through the Mayor's Office.*

On September 18, 2019 TMAPC voted 9-0-0 to recommend approval of rezoning from PUD-230 to PUD-230-A.

DEPARTMENT HEAD APPROVAL: _____
CITY ATTORNEY APPROVAL: _____
BOARD APPROVAL: _____
MAYORAL APPROVAL: _____
OTHER: _____

DATE: 9/30/2019

FOR CITY COUNCIL OFFICE USE ONLY:

COMMITTEE: _____ COMMITTEE DATE(S): _____ DATE RECEIVED: _____
HEARING DATE: _____ SECOND AGENDA DATE: _____ FIRST AGENDA DATE: _____
APPROVED: _____

For City Clerk's Office Use Only (Agenda Date: MMDDYYYY; Sec #: Dept ##, Item ##, Sub-Item ##, Status: S=Synopsis):

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Tulsa Metropolitan Area
Planning Commission

Case Number: PUD-230-A

Hearing Date: September 18, 2019
Amended 9.18.2019 before meeting

Case Report Prepared by:

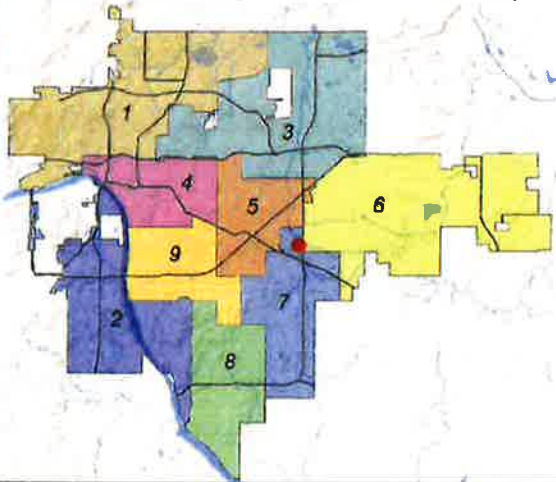
Jay Hoyt

Owner and Applicant Information:

Applicant: Nathan Cross

Property Owner: TR OFFICE PARK LLC

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Office

Proposed Use: School

Concept summary: Add School as an allowable use

Tract Size: 9.14 ± acres

Location: Northwest of northwest corner of East
41st St. S. & Highway 169

Development Area A

Zoning:

Existing Zoning: OL,PUD-230

Proposed Zoning: OL,PUD-230-A

Comprehensive Plan:

Land Use Map: Employment

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 9419

CZM: 49

City Council District: 7

Councilor Name: Lori Decter Wright

County Commission District: 1

Commissioner Name: Stan Sallee

7.6

REVISED 9/18/2019

SECTION I: PUD-230-A

DEVELOPMENT CONCEPT: The applicant is proposing to add School as an allowable use within Development Area A of the PUD. The underlying zoning for this area is OL. School uses are permitted in OL zones by Special Exception. A Major Amendment to the PUD is required to add Special Exception uses which are not currently allowed by the PUD, but could be allowed by the underlying zoning with a Special Exception.

EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Applicant Exhibits:
 - Site Surveys
 - Exhibit A – Legal Description
 - Exhibit B – Nature of Proposed Amendment

DETAILED STAFF RECOMMENDATION:

The applicants proposal is consistent with the Tulsa Comprehensive Plan, and;

The applicant's proposal is consistent with the provisions of the PUD chapter of the Tulsa Zoning Code, and;

The PUD development standards are consistent with the anticipated growth and future uses in this area, and;

The School use shall be limited to Development Area A **as illustrated in PUD 230** and;

All remaining Development Standards defined by PUD-230 and subsequent amendments shall remain in effect and;

The development standards identified in this PUD are non-injurious to the existing proximate neighborhood, therefore;

Staff recommends Approval of PUD-230-A to rezone property to PUD-230-A to allow a School as an allowed use.

PUD-230-A DEVELOPMENT STANDARDS:

~~Allowable uses to remain as currently permitted, with the addition of a School, limited to Development Area A, as an allowable use within the PUD. Landscape and signage will comply with current PUD-230 development standards, as well as the current City of Tulsa Zoning Code, adopted in 2016.~~

~~PUD-230-A will conform to the provisions of the Tulsa Zoning Code for development in an OL district including the supplemental regulations identified in the code.~~

~~All use categories, subcategories and specific uses as allowed by right in an OL district by the Tulsa Zoning code shall be allowed.~~

Provisions of Développement area A in PUD 230 shall remain in effect except that a school established after January 1, 1998 shall be an allowed use.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject site is located within the Employment designation and within an Area of Growth.

Land Use Vision:

Land Use Plan map designation: Employment

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.

Areas of Stability and Growth designation: Area of Growth

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

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Transportation Vision:

Major Street and Highway Plan: S 103rd E Ave is designated as a Residential Collector

Trail System Master Plan Considerations: The Mingo Trail runs on the opposite side of the channel adjacent to the West side of the existing PUD.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site contains existing office buildings and associated parking.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S 103 rd E Ave	Residential Collector	60 Feet	2

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	AG	Parks and Open Space	Stability	Drainage Channel
South	AG	Parks and Open Space	Stability	Drainage Channel
East	RS-3	N/A	N/A	Hwy 169
West	AG	Parks and Open Space	Stability	Drainage Channel

SECTION III: Relevant Zoning History

History: PUD-230-A

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

Subject Property:

BOA-22763 September 2019 Pending: An appeal of an administrative decision was filed September 10, 2019 challenging the land use administrator's determination that a major amendment to PUD 230 was required to permit a school use. This request is scheduled for a City of Tulsa Board of Adjustment hearing on October 22, 2019.

BOA-22743 August 2019 Withdrawn: An appeal of an administrative decision was filed August 19, 2019 challenging the land development administrator's determination that a major

amendment to PUD 230 was required to permit a school use. It was determined that the Board of Adjustment did not have jurisdiction because of the 10-day appeal period identified in 70.140 of the Tulsa Zoning Code. The application was returned by staff.

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

PUD-230Z-5386 April 1980: All concurred in **approval** of a *Planned Unit Development* on a 9.14± acre tract of land and **approval** of a request for *rezoning* from RM-1 to OL with the condition that the permitted uses be those that are permitted as principal and accessory uses within the OL District and in addition include barber and beauty shops, on the property located northwest of the northwest corner of East 41st Street South and Highway 169, the subject property.

Surrounding Property:

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

BOA-17832 September 1997: The Board of Adjustment **approved** a *special exception* to permit a public school including 2 mobile classroom trailers, on property located 3656 South 103rd East Avenue.

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

9/18/2019 1:30 PM

Application PUD #230

Present Zoning: RM-1

Applicant: Charles Norman (Frates)

Location: South 103rd East Avenue, north of East 41st Street

Date of Application: February 20, 1980

Date of Hearing: March 26, 1980

Size of Tract: 18.5 acres

Presentation to TMAPC by: Charles Norman

Address: 1100 Philtower Building

Phone: 583-7571

Applicant's Comments:

Mr. Norman noted that the subject property is in the District 17 Plan and is designated low-intensity, no specific land use. There are no lower intensity uses immediately abutting the subject tract.

In Development Area "A", the land on the west side of 103rd, adjacent to Mingo Creek and to the south of the Roy Clark Elementary School, the buildings will be limited to a maximum of two stories in height, the setbacks will be increased slightly, the parking ratio will be increased by approximately 50%. A minimum of 525 off-street parking spaces are proposed for this area. Development Area "A" will contain a minimum of 18% internal land open space, this open space could contain walkways or plaza areas within the development.

Development Area "B" backs to the expressway and expressway off ramps and could support an OM zoning request or a corridor designation, which would permit a much heavier density than what is requested. Mr. Norman advised that the maximum building height will be six stories with the maximum floor area not to exceed 36% or 160,000 square feet. A 25' wide landscaped area will be developed along each side of 103rd Street - this will include berms, trees and shrubs which will provide an attractive appearance for the office park area. The compensatory storage area which is required under the existing platting and drainage standards is located in the northwest corner. The PUD proposes to use development restrictions in excess of those required in an OL District in terms of parking, internal open space, landscaped parking islands and the landscaped strip along the collector street. The sign restrictions are also in compliance with the low-intensity development standards.

Mr. Norman presented a letter (Exhibit "C-1") from Joe R. Stith, Pastor of the Southwood Baptist Church stating that the congregation of the Church is in support of the proposed OL zoning and feel that the change in zoning would be beneficial to the community and to the City.

A letter (Exhibit "C-2") from the Union Public Schools was also submitted to the Commission. Dr. Wesley Jarman, Superintendent of the Union Public Schools, stated that the school district has no objections to the proposed zoning change.

Instruments Submitted: Letter - Southwood Baptist Church (Exhibit "B-1")
Letter - Union Public Schools (Exhibit "C-2")

Protests: None

3.26.80:1303(14)

7.11

Staff Recommendation

Planned Unit Development 230 is located north of the northwest corner of the intersection of 41st Street and the Mingo Valley Expressway. The property is 18.5 acres in size and is zoned RM-1 multifamily. The applicant is also requesting OL light office zoning to permit the development of an office park. The applicant is requesting a total office development floor area of 310,870 square feet, which would be an overall floor area ratio of 33.3%. The applicant is also requesting a maximum height of six (6) stories on the eastern most tract next to the expressway. The Staff cannot recommend approval of the OL zoning application (Z-5386); however, in the event the Commission supports the office zoning the Staff evaluated the PUD on this basis.

The Staff reviewed the applicant's text and plot plan and find the request, (providing that the OL zoning is approved) with recommended modifications: (1) consistent with the Comprehensive Plan for District 17; (2) harmonized with the existing development; (3) is a unified treatment of the development possibilities of the subject tract; (4) is consistent with the stated purposes and standards of the PUD chapter of the Tulsa Zoning Code.

Therefore, the Staff recommends that the Planning Commission APPROVE PUD 230 based on these findings and subject to the following conditions:

1. The applicant's text and conceptual site plan be incorporated as a condition of the approval unless modified herein.
2. Development Area A Standards
 - a. That the net site area be 10.55 acres (459,044 square feet) and that the gross area be 11.31 acres (492,849 square feet).
 - b. That the permitted uses be those that are permitted as principal and accessory uses within the OL District and in addition include barber and beauty shops.
 - c. That the maximum floor area not exceed a floor area ratio of 30.4% or 150,000 square feet.
 - d. That the maximum building height not exceed two (2) stories.
 - e. A minimum 75 feet building setback from centerline of 103rd East Avenue and 50 feet from other exterior property lines.
 - f. That the parking ratio be 3.5 parking spaces per 1,000 square feet of floor area.
 - g. That the minimum internal landscape open space be 18% of the net land area.
 - h. That one ground sign be permitted which shall not exceed four (4) feet in height or 32 square feet of display surface area.
3. Development Area B Standards
 - a. That the gross land area be 10.19 acres (440,763 square feet) and the net land area 9.36 acres (407,658 square feet).
 - b. That the permitted uses be the principal and accessory uses permitted in the OL District and in addition that barber and beauty shops be permitted.
 - c. That the maximum floor area not exceed 36.5% or 160,000 square feet.
 - d. That the maximum building height be six (6) stories.
 - e. That a 75 feet minimum building setback from centerline of 103rd East Avenue shall be required; 10 feet, plus two (2) additional feet of setback for each one (1) foot of building height exceeding 15 feet from the property line abutting the Mingo Valley Expressway; from other property lines 50 feet.

PUD #230 (continued)

- f. That the parking ratio be 3.5 parking spaces per 1,000 square feet of floor area.
 - g. That the minimum internal landscape open space area be 18%.
 - h. That one (1) ground identification sign be permitted not to exceed four (4) feet in height or 32 square feet of display surface area.
- 4. Unused Floor space may be transferred.
 - 5. That a detailed site plan for each development area be approved by TMAPC prior to the request for any building permits.
 - 6. That a subdivision replat or an amended deed of dedication and restrictive covenants be approved by the Planning Commission incorporating within the restrictive covenants those conditions of PUD approval, making the City of Tulsa beneficiary to said covenants and filed or record in the County Clerk's Office prior to the request for any building permits.

Special Discussion for the record:

Mr. Norman advised that he did not disagree with the Staff's Recommendation that the area could be considered a Special District; however, he did not think it was necessary to change the District Plan to consider one low-intensity use over another.

Bob Gardner stated if the Commission agreed that special treatment of the subject property was justified it should be based upon the unique physical features of the subject tract.

Commissioner Kempe questioned the status of the detention facility in the area and Mr. Norman advised that the major regional retention facility is under construction immediately north of the school on the east side of 103rd.

TMAPC Action: 8 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-1 (Avey, Eller, Holliday, Keleher, Kempe, Parmele, T. Young "aye"; no "nays"; Keith "abstaining"; Gardner, Inhofe, Petty, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be APPROVED, subject to conditions above:

Lot 1, Block 1, and Lot 1, Block 2, Bishop Acres, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

Planned Unit Development 230 is located north of the northwest corner of the intersection of 41st Street and the Mingo Valley Expressway. The property is 18.5 acres in size and is zoned RM-1 multifamily. The applicant is also requesting OL light office zoning to permit the development of an office park. The applicant is requesting a total office development floor area of 310,870 square feet, which would be an overall floor area ratio of 33.3%. The applicant is also requesting a maximum height of six (6) stories on the eastern most tract next to the expressway. The Staff cannot recommend approval of the OL zoning application (Z-5386); however, in the event the Commission supports the office zoning the Staff evaluated the PUD on this basis.

The Staff reviewed the applicant's text and plot plan and find the request, (providing that the OL zoning is approved) with recommended modifications: (1) consistent with the Comprehensive Plan for District 17; (2) harmonized with the existing development; (3) is a unified treatment of the development possibilities of the subject tract; (4) is consistent with the stated purposes and standards of the PUD chapter of the Tulsa Zoning Code.

Therefore, the Staff recommends that the Planning Commission APPROVE PUD 230 based on these findings and subject to the following conditions:

1. The applicant's text and conceptual site plan be incorporated as a condition of the approval unless modified herein.
2. Development Area A Standards
 - a. That the net site area be 10.55 acres (459,044 square feet) and that the gross area be 11.31 acres (492,849 square feet).
 - b. That the permitted uses be those that are permitted as principal and accessory uses within the OL District and in addition include barber and beauty shops.
 - c. That the maximum floor area not exceed a floor area ratio of 30.4% or 150,000 square feet.
 - d. That the maximum building height not exceed two (2) stories.
 - e. A minimum 75 feet building setback from centerline of 103rd East Avenue and 50 feet from other exterior property lines.
 - f. That the parking ratio be 3.5 parking spaces per 1,000 square feet of floor area.
 - g. That the minimum internal landscape open space be 18% of the net land area.
 - h. That one ground sign be permitted which shall not exceed four (4) feet in height or 32 square feet of display surface area.
3. Development Area B Standards
 - a. That the gross land area be 10.19 acres (440,763 square feet) and the net land area 9.36 acres (407,658 square feet).
 - b. That the permitted uses be the principal and accessory uses permitted in the OL District and in addition that barber and beauty shops be permitted.
 - c. That the maximum floor area not exceed 32.5% or 144,000 square feet.
 - d. That the maximum building height be six (6) stories.
 - e. That a 75 feet minimum building setback from centerline of 103rd East Avenue shall be required; 10 feet, plus two (2) additional feet of setback for each one (1) foot of building height exceeding 15 feet from the property line abutting the Mingo Valley Expressway; from other property lines 50 feet.

PUD 230 (Continued):

- f. That the parking ratio be 3.5 parking spaces per 1,000 square feet of floor area.
 - g. That the minimum internal landscape open space area be 18%.
 - h. That one (1) ground identification sign be permitted not to exceed four (4) feet in height or 32 square feet of display surface area.
- 4. Unused floor space may be transferred.
 - 5. That a detailed site plan for each development area be approved by TMAPC prior to the request for any building permits.
 - 6. That a subdivision replat or an amended deed of dedication and restrictive covenants be approved by the Planning Commission incorporating within the restrictive covenants those conditions of PUD approval, making the City of Tulsa beneficiary to said covenants and filed of record in the County Clerk's Office prior to the request for any building permits.

Case No. 17832

Action Requested:

Special Exception to permit a public school including 2 mobile classroom trailers.

SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2, located 3656 South 103rd East Avenue.

Presentation:

The applicant, **Ken North**, 5656 South 129th East Avenue, representing Union Public Schools, submitted a site plan (Exhibit M-1) and stated the school would like to move the subject prefab portable classrooms from the Education Service Center on 129th to Roy Clark Elementary.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a public school including 2 mobile classroom trailers. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 2; per plan submitted; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Commencing at SW/c, Sec. 19, T-19-N, R-14-E, Tulsa County, Oklahoma, thence N 89°54'02" E, 1263.43' along the S Sec. line, thence Due N 1,739.62' to the POB, thence due N, 551.58', thence due E 674.85', thence S 7°20'06" E, 509.47', thence S 85°48'00" W, 45.87', thence S 71°34'00" W, 22.00', thence N 18°26'00" W, 70.00', thence S 85°06'00" W, 465.00' to the POB, said tract lies all in Sec. 19, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17833

Action Requested:

Special Exception to allow Use Unit 17 (auto detail) on Lot 29. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** – Use Unit 17; a Special Exception to allow a single family home in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** – Use Unit 6 and a Variance of the front setback from Lewis to 3'. **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS**, located 2255 East 7th Street & 650 South Lewis.

east end of south side (screening on 110' west end, south side), located 1126 S. 120th E. Ave.

Presentation:

Jose Zamarripa, 1126 S. 120th E. Ave., submitted photographs (Exhibit C-1). He has a landscaping service. He does not have a fleet of trucks and trailers. He parks 100' from 119th Street. He noted that other residential properties have trailers with mowers on them. He has been parking there since before he bought the property and no one ever complained. This year he has received nearly fifteen complaints.

Comments and Questions:

Ms. Turnbo noted that his property was rezoned recently. Mr. Boulden asked Mr. Zamarripa what kind of shrubs he has on the side of the residential property. Mr. Zamarripa replied he has one big tree on the south side. He added that his neighbor had no objection to no screening on the east end of the south side.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a landscape contracting service Use Unit 15 in a CS zoned district; and a **Special Exception** of screening requirements on east end of south side, except for the screening on west 110' of the south side, on condition there be no commercial activity in the immediate area, on the following described property:

A tract of land being a part of the NE/4, NW/4, Section 8, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, described as follows: beg. at a point 355' W of the NE/c of said NE/4, NW/4, thence S a distance of 619.75' to the true POB; thence W a distance of 280' to a point which is 700.8' N of the S line of the NE/4, NW/4 of said Section; thence S a distance of 75.8' to a point; thence E a distance of 280' to a point; thence N a distance of 75.93' to the true POB.

Case No. 19469

Action Requested:

Variance of the provisions of Section 602.B.4.b to permit four signs located on or oriented to the South 103rd East Avenue frontage and three signs oriented to the Mingo Valley Expressway frontage. SECTION 602.B.4.b. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions – Use Unit 11, located E side of S. 103rd E. Ave., N of E. 41st St.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, stated he represented Junior Achievement. One year ago the Board approved a plan for the location of their building. About one-half of the building is to be used for office and the other half for exchange city, an educational program. This is part of a planned unit development approved in 1980. The signage is restricted to one sign not exceeding 32 square feet. At the time the applicant felt the size would be sufficient. One of the conditions regarding signage that came with a significant grant from the Donald W. Reynolds Foundation was for identification reflecting the name of the foundation. They asked for 90.88 square feet total for all seven signs. A site plan was provided (Exhibit D-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the provisions of Section 602.B.4.b to permit four signs located on or oriented to the South 103rd East Avenue frontage and three signs oriented to the Mingo Valley Expressway frontage, per plan, finding the size and nature of the tract with the street frontage would create the hardship, and finding it would 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:

A tract of land that is part of Lot 1, Block 2, Bishop Acres, City of Tulsa, Tulsa County, State of Oklahoma, said tract being more particularly described as follows: Beg. At the most Wly corner of said Lot 1; thence N 62°28'32" E the Wly line of Lot 1, for a distance of 25.05' to a point of curvature; thence continuing along said Wly line along a 375.00' radius curve to the left, having a central angle of 29°30'00", for an arc distance of 193.08' to a point of compound curvature; thence continuing along the Wly line along a 1000.00' radius curve to the left, having a central angle of 1°54'09", for an arc distance of 33.21' to a point; thence S 55°20'29" E for a distance of 108.81' to a point; thence S 41°16'18" E for a distance 224.64' to a point on the Ely line of Lot 1; thence S 31°26'24" W along said Ely line, for a distance of 330.55' to a point; thence due W along the Sly line of Lot 1, for a distance of 88.16' to a point; thence along the Wly line of Lot 1 NWly along a 675.00' radius curve to the left, having an initial tangent bearing of N 13°55'36" W, a central angle of 13°35'52", for an arc distance of 160.20' to a point of tangency; thence continuing along said Wly line N 27°31'28" W, for a distance of 219.97' to the POB.

*****.

ADDITIONAL ITEMS:

Minutes
9300

The Staff advised that the Minutes of application #9300 had been broadened by the Staff in order that the applicant's entire presentation might be a part of the record. The applicant's presentation and the Board's final action are to be amended as follows:

Presentation:

Bob Yadon, architect representing the applicant, submitted the plot plan (Exhibit "D-1") of the proposed elementary school to be located on the subject property. Upon questioning with regard to access to the subject property, Mr. Yadon advised that the seller is responsible for constructing a paved street and storm sewer facilities on the property--the facilities to be completed by mid-summer. He advised that paving and drainage plans had been submitted to the City Engineer's Office for review, but he was not aware of the status of the plans at this time. When questioned concerning whether or not the property was located in the moratorium area, Mr. Yadon submitted a communication (Exhibit "D-2") from the City Engineer's Office advising that the property is not located within the moratorium.

Board Action:

On MOTION of BLESSING, the Board of Adjustment voted 3-0-1 (with Smith "abstaining") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to construct an elementary school as presented, per plot plan, in an RS-3 District.

There being no further business, the Chair declared the meeting adjourned at 2:36 p.m.

Date Approved

March 3, 1977



Chairman

2.17.77:230(10)

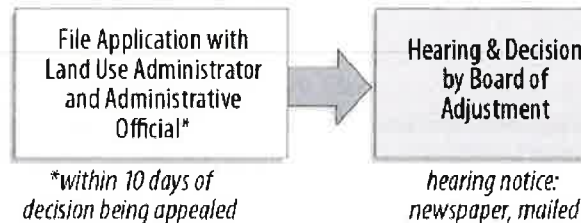
7.19

Section 70.140 Appeals of Administrative Decisions

70.140-A Authority

Appeals of administrative (staff-level) decisions on site plans go to the planning commission (See §70.050-C). The board of adjustment is authorized to hear and decide all other appeals where it is alleged there has been an error in any order, requirement, decision or determination made by the land use administrator, the development administrator or any other administrative official in the administration, interpretation or enforcement of this zoning code.

Figure 70-7: Appeals of Administrative Decisions (Generally)



70.140-G Hearing and Final Decision

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

70.140-H Review Criteria

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

SAMPLE MOTION:

Move to _____ (affirm/reverse) the Administrative Decision issued in Zoning Code Interpretation #2019-01 that a Major Amendment is required to PUD-230 in order to permit a school use (Sec. 70.140)

Finding that the Land Use Administrator (acted appropriately/erred) in the Administrative Decision issued in Zoning Code Interpretation #2019-01 that a Major Amendment is required to PUD-230 in order to permit a school use (Sec. 70.140)



Subject property



Facing South on 103rd E. Ave



Facing North on 103rd E. Ave

Eller & Detrich
A Professional Corporation

Philip J. Eller
Kevin H. Wylie
R. Louis Reynolds
Shanann Pinkham Passley
Daniel C. Cupps
Andrew A. Shank
Heidi L. Shadid
Mac D. Finlayson
Steven P. Flowers
Sloane Ryan Lile
Nathalie M. Cornett

Telephone
(918) 747-8900

Toll Free
(866) 547-8900

Facsimile
(918) 747-2665

Of Counsel
Donald L. Detrich
Katherine Saunders, PLC
Jerry M. Snider
John H. Lieber
Joshua M. Tietsort
Kenneth E. Crump Jr.

Writer's Email
lreynolds@ellerdetrich.com

September 10, 2019

VIA HAND DELIVERY

Ms. Susan Miller
Land Use Administrator
Director, Tulsa Planning Office at INCOG
2 West 2nd St., 8th Floor
Tulsa, Oklahoma 74103

Re: Appeal of Administrative Decision
Zoning Code Interpretation #2019-01
Permitted Uses in PUD 230 Development Plan
3810 S. 103rd E. Avenue (the "Property")

Dear Ms. Miller:

By way of this letter and pursuant to Section 70.140 of the Tulsa Zoning Code (the "Code"), I am filing with you, in your capacity as both the land use administrator and the administrative official who issued the decision, our appeal of the above-referenced zoning code interpretation dated September 9, 2019 (the "Interpretation"). A copy of the Interpretation is attached hereto as Exhibit "1".

The Development Plan for PUD 230, as approved, states that the Permitted Uses are those:

[T]hat are permitted as principal and accessory uses within the OL District and in addition include barber and beauty shops.

As part of the approval of the PUD and upon TMAPC Staff and TMAPC recommendation, the limiting language of "uses permitted as matter of right" was **deleted** from the PUD. A copy of the PUD Development Standards submitted by the applicant and those approved, as amended, by the Commission are attached hereto as Exhibit "2".

ED

www.EllerDetrich.com

2727 East 21st Street, Suite 200, Tulsa Oklahoma 74114-3533

7.23

EXHIBIT

B

The Interpretation found “the principal and accessory uses permitted are those allowed by right in the OL District, but that uses permitted by special exception, other than the uses of barber and beauty shops, are not permitted.”

The Interpretation improperly relies on the inclusion of “beauty and barber shops” to exclude a school as a permitted use in the PUD. First, in the context of office buildings, barber and beauty shop uses are typical accessory uses and were often included in PUD development standards to ensure such use. Furthermore, assuming for the sake of argument that “barber and beauty shops” were included as special exception uses (as opposed to accessory uses), the mere inclusion of the uses is not an indication of an intent to exclude any other exception uses. There is nothing in the PUD that limits, or evidences the intent to limit, special exception uses to barber and beauty shops; such a reading is contrary to the plain language of the PUD as approved by the City Commission.

Finally, even if the language of the PUD is unclear, the Interpretation attempts to resolve the ambiguity in the PUD as narrowly as possible, in contravention to long standing zoning jurisprudence. The Interpretation asserts that, “[o]n occasion, as staff writes standards in a development plan, the language may be streamlined while not changing the intent”. This assertion is an impermissible attempt to extend the plain language of the PUD by implication.

It is well established that zoning laws are a derogation of the common-law right to use private property so as to realize its highest utility and ***should not be extended by implication*** to cases not clearly within their scope and purpose. Therefore, ***any ambiguity or uncertainty must be decided in favor of the property owner*** or to favor the free use of the property. (See *City of Tulsa v. Mizel*, 1953 OK 353, 265 P.2d 496).

The plain language of the PUD, as approved, permits all principal uses in the OL District. The Code permits school use as a principal use in the OL District by special exception. Therefore, a school is a permitted principal use in the PUD and no amendment is necessary. Based on the foregoing, I respectfully submit this Appeal of the Interpretation and request transmittal of the record to the Board of Adjustment. Should you have any questions, please do not hesitate to call.

Sincerely,

ELLER & DETRICH
A Professional Corporation



Lou Reynolds

Attachments

Cc: Client

I:\19.0097\0001\Appeal of Administrative Decision\To Miller (2019 0910).docx

September 9, 2019

Mr. Lou Reynolds
Eller & Detrich
2727 E. 21st Street, Suite 200
Tulsa, OK 74114-3533

Re: Zoning Code Interpretation #2019-01
Permitted Uses in PUD-230 Development Plan

Dear Mr. Reynolds:

This letter is in response to your request for interpretation as to the uses that are allowed in the PUD-230 development plan. In your letter you state: *"The requested interpretation is for a determination that PUD-230 permits principal uses in the OL District, both by right and special exception."*

PUD-230 states: *"That the permitted uses be those that are permitted as principal and accessory uses within the OL District and in addition include barber and beauty shops."* As the Land Use Administrator, I interpret this language to mean that the principal and accessory uses permitted are those allowed by right within the OL District, but that uses permitted by special exception, other than the uses of barber and beauty shops, are not permitted. If the language in the PUD intended to permit all uses allowed by right and by special exception, it would not have specifically called out those two uses.

The fact that the words "as matter of right" were omitted from the staff recommendation for PUD-230 does not imply that all uses allowed by special exception were then included as permitted uses. On occasion, as staff writes standards in a development plan, the language may be streamlined while not changing the intent.

Given my interpretation, a school use is allowed in OL only by special exception and therefore requires a major amendment to the PUD to add that use.

Sincerely,



Susan Miller, AICP
Land Use Administrator
Director, Tulsa Planning Office at INCOG

cc: Janine VanValkenburgh
Yuen Ho

7.25

EXHIBIT

tabbles

1

Staff Recommendation

Planned Unit Development 230 is located north of the northwest corner of the intersection of 41st Street and the Mingo Valley Expressway. The property is 18.5 acres in size and is zoned RM-1 multifamily. The applicant is also requesting OL light office zoning to permit the development of an office park. The applicant is requesting a total office development floor area of 310,870 square feet, which would be an overall floor area ratio of 33.3%. The applicant is also requesting a maximum height of six (6) stories on the eastern most tract next to the expressway. The Staff cannot recommend approval of the OL zoning application (Z-5386); however, in the event the Commission supports the office zoning the Staff evaluated the PUD on this basis.

The Staff reviewed the applicant's text and plot plan and find the request, (providing that the OL zoning is approved) with recommended modifications: (1) consistent with the Comprehensive Plan for District 17; (2) harmonized with the existing development; (3) is a unified treatment of the development possibilities of the subject tract; (4) is consistent with the stated purposes and standards of the PUD chapter of the Tulsa Zoning Code.

Therefore, the Staff recommends that the Planning Commission APPROVE PUD 230 based on these findings and subject to the following conditions:

1. The applicant's text and conceptual site plan be incorporated as a condition of the approval unless modified herein.
2. Development Area A Standards
 - a. That the net site area be 10.55 acres (459,044 square feet) and that the gross area be 11.31 acres (492,849 square feet).
 - b. That the permitted uses be those that are permitted as principal and accessory uses within the OL District and in addition include barber and beauty shops.
 - c. That the maximum floor area not exceed a floor area ratio of 30.4% or 150,000 square feet.
 - d. That the maximum building height not exceed two (2) stories.
 - e. A minimum 75 feet building setback from centerline of 103rd East Avenue and 50 feet from other exterior property lines.
 - f. That the parking ratio be 3.5 parking spaces per 1,000 square feet of floor area.
 - g. That the minimum internal landscape open space be 18% of the net land area.
 - h. That one ground sign be permitted which shall not exceed four (4) feet in height or 32 square feet of display surface area.
3. Development Area B Standards
 - a. That the gross land area be 10.19 acres (440,763 square feet) and the net land area 9.36 acres (407,658 square feet).
 - b. That the permitted uses be the principal and accessory uses permitted in the OL District and in addition that barber and beauty shops be permitted.
 - c. That the maximum floor area not exceed 36.5% or 160,000 square feet.
 - d. That the maximum building height be six (6) stories.
 - e. That a 75 feet minimum building setback from centerline of 103rd East Avenue shall be required; 10 feet, plus two (2) additional feet of setback for each one (1) foot of building height exceeding 15 feet from the property line abutting the Mingo Valley Expressway; from other property lines 50 feet.

1. Within Development Area "A" the following standards and restrictions shall apply:

(a) The principal and accessory uses permitted as a matter of right in the O.L. Zoning District of the City of Tulsa as the same existed on April 29, 1980, and barber and beauty shops shall be permitted.

(b) The maximum aggregate floor area of buildings constructed within Development Area "A" shall not exceed 150,000 square feet. 125,120

(c) The maximum building height shall be two stories.

(d) The minimum building setbacks shall be 75 feet from the centerline of abutting public streets and 50 feet from other property lines.

(e) A minimum of 3.5 off-street parking spaces shall be provided for each 1,000 square feet of building floor area. 4.2

(f) Internal landscaped open space of not less than 18% of the net land area shall be provided. Internal landscaped open space includes street frontage landscaped areas, landscaped parking islands, landscaped yards and plaza, and pedestrian areas, but does not include any parking, building or driveway areas. 770

(g) A landscaped area not less than 25 feet in width shall be maintained along that part of Development Area A which abuts South 103rd East Avenue.

(h) One landscaped parking island shall be provided for each 75 off-street parking spaces.

(i) One ground identification sign not exceeding four feet in height or 32 feet in length shall be permitted. The lettering on such identification sign shall not exceed 32 square feet in surface area.

2. Within Development Area "B" the following development standards and restrictions shall apply:

(a) The principal and accessory uses permitted as a matter of right in the O.L. Zoning District of the City of Tulsa as the same existed on April 29, 1980, and barber and beauty shops shall be permitted.

(b) The maximum aggregate floor area of buildings constructed within Development Area "B" shall not exceed 160,870 square feet.

(c) The maximum building height shall be six stories.

(d) The minimum building setbacks shall be:

(i) 75 feet from the centerline of abutting public streets;

(ii) 10 feet from the property line of the Mingo Valley Expressway, plus two additional feet of setback for each one foot of building height exceeding 15 feet; and

(iii) 50 feet from other property lines.

EXHIBIT 'A'

~~Part of Blocks One (1) and Two (2), KOGER EXECUTIVE CENTER, an Addition in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 3445, a replat of Lots Two (2) and Three (3) of Forty First and King Center, an addition to the City of Tulsa, recorded Plat No. 3115.~~

AND

A part of Blocks One (1) and Two (2), BISHOP ACRES ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 3947, being more particularly described as follows, to-wit:

Tract I: (WOODWARD BUILDING)

A part of Block One (1), BISHOP ACRES ADDITION, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 3947, being more particularly described as follows, to wit:

COMMENCING at the most Southerly Corner of Lot One (1), Block One (1), BISHOP ACRES, said corner also being on the Westerly Right-of-Way Line of South 103rd East Avenue;

THENCE along the Southwesterly line of Lot One (1), Block One (1), BISHOP ACRES, the following two (2) courses and distances:

- 1) North 27°31'28" West 368.00 feet, and
- 2) with a curve to the left having a radius of 895.00 feet, a central angle of 20°30'00" and a chord which bears North 37°46'28" West 318.52 feet, an arc distance of 320.22 feet to the POINT OF BEGINNING;

THENCE continuing along the Southwesterly, Westerly and Northerly line of Lot One (1), Block One (1), BISHOP ACRES, the following six (6) courses and distances:

- 1) with a curve to the left having a radius of 895.00 feet, a central angle of 07°01'15" and a chord which bears North 51°32'05" West 109.60 feet, an arc distance of 109.67 feet,
- 2) North 50°31'53" West 119.13 feet,
- 3) with a curve to the left having a radius of 505.00 feet, a central angle of 01°05'42" and a chord which bears North 51°04'44" West for 9.65 feet, an arc distance of 9.65 feet,
- 4) due North 98.00 feet,
- 5) due East 582.02 feet, and
- 6) North 82°39'54" East 187.15 feet to a point on the Westerly Right-of-Way Line of South 103rd East Avenue, said point also being on the East line of Lot One (1), Block One (1), BISHOP ACRES;

THENCE along the Westerly Right-of-Way Line of South 103rd East Avenue and the East line of Lot One (1), Block One (1), BISHOP ACRES the following two (2) courses and distances:

1) with a curve to the left having a radius of 1300.00 feet, a central angle of $08^{\circ}55'41''$ and a chord which bears South $12^{\circ}45'55''$ East 202.37 feet, an arc distance of 202.57 feet, and

2) with a curve to the right having a radius of 430.00 feet, a central angle of $15^{\circ}47'06''$ and a chord which bears South $09^{\circ}20'12''$ East 118.09 feet, an arc distance of 118.47 feet to a point;

THENCE departing said Westerly Right-of-Way Line of South 103rd East Avenue and the East line of Lot One (1), Block One (1), BISHOP ACRES, South $79^{\circ}30'00''$ West 230.48 feet to a point;

THENCE due West 236.64 feet to a point;

THENCE due North 84.00 feet to a point;

THENCE due West 183.00 feet to the POINT OF BEGINNING.

AND

Tract II: (PAWNEE BUILDING)

A tract in part of Lot One (1), Block Two (2), KOGER EXECUTIVE CENTER, an Addition in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 3445, said tract of land being described as follows, to-wit:

BEGINNING AT A POINT, said point being the Southeasterly Corner of Lot One (1), in Block Two (2), of KOGER EXECUTIVE CENTER;

THENCE North $00^{\circ}07'08''$ West and along the Easterly line of said Lot One (1), for 87.00 feet;

THENCE South $89^{\circ}52'52''$ West for 50.29 feet; THENCE North $39^{\circ}50'00''$ West for 469.40 feet to a point on the Southeasterly Right-of-Way Line of East 42nd Street South and South 100th East Avenue;

THENCE South $48^{\circ}59'00''$ West for 0.00 feet to a point of curve;

THENCE Southwesterly along the Right-of-Way line and along a curve to the right, with a central angle of $32^{\circ}07'00''$ and a radius of 225.00 feet for 126.12 feet;

THENCE South $8^{\circ}54'00''$ East for 83.05 feet;

THENCE South $39^{\circ}50'00''$ East for 244.93 feet;

THENCE South $52^{\circ}33'00''$ West for 67.98 feet;

THENCE South $22^{\circ}55'00''$ West for 57.00 feet to a point on the Southeasterly line of said Lot One (1);



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Feet



Subject
Tract

BOA-22763

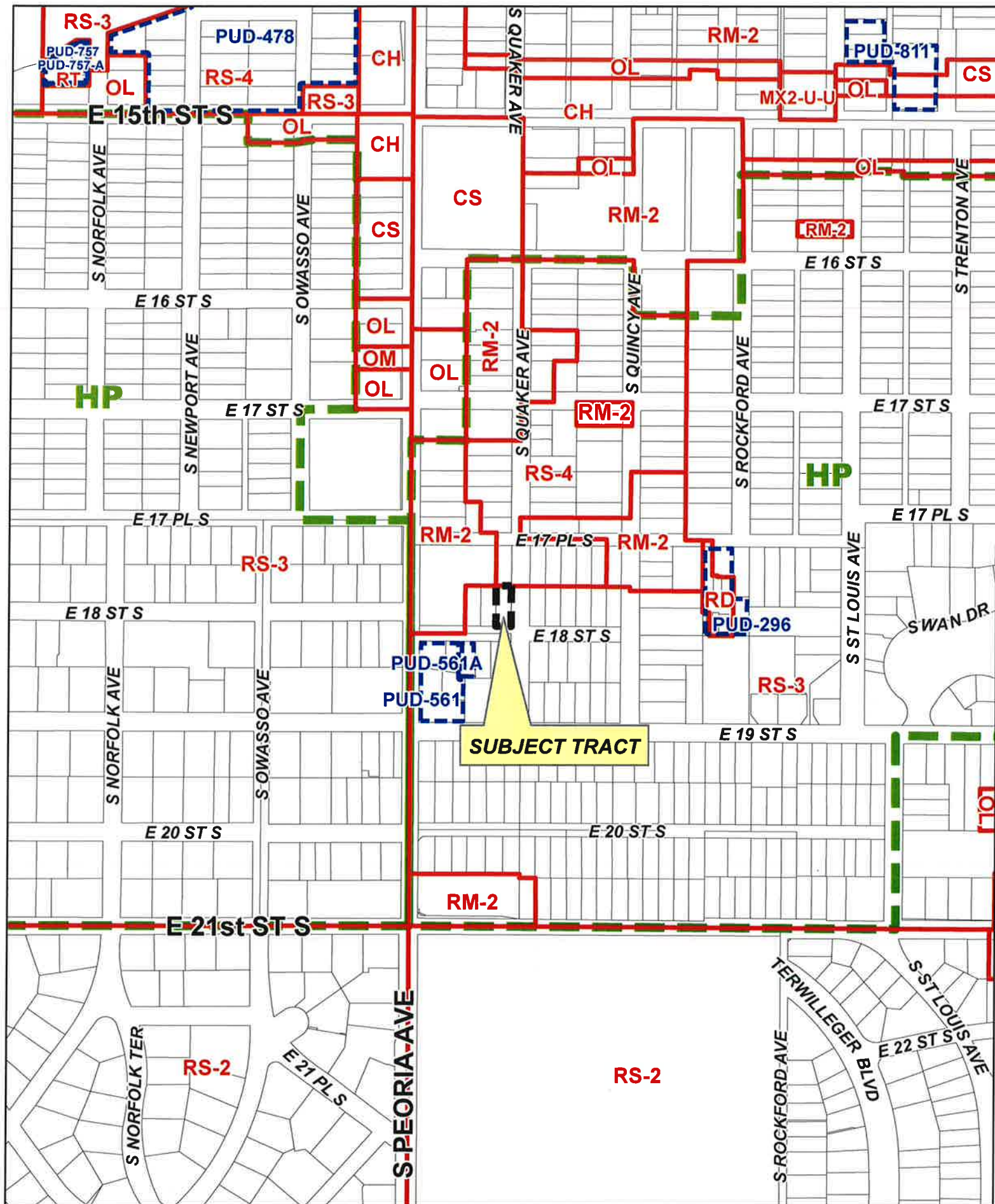
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

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BOA-22764

8.1

19-13 07



BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: **BOA-22764**

CZM: 37

CD: 4

HEARING DATE: 10/22/2019 1:00 PM

APPLICANT: Jeff Robinson

ACTION REQUESTED: Variance to allow a swimming pool to be constructed in the side street setback (Section 90.090-C; Table 90-1).

LOCATION: 1325 E 18 ST S

ZONED: RS-3

PRESENT USE: residence

TRACT SIZE: 6599.37 SQ FT

LEGAL DESCRIPTION: LT 7 BLK 1, SANGER-DOUGLASS SUB B25 PARK PLACE

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 located at the NW/c of E. 18th St S. and S. Quaker Ave. It is zoned RS-3 and is located in an RS-3 subdivision. The property is located in the Swan lake Historical Preservation Overlay District and the plans have been approved through the HP review process.

STAFF COMMENTS: The applicant is requesting Variance to allow a swimming pool to be constructed in the side street setback (Section 90.090-C; Table 90-1).

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

Obstruction	Setback		
	Street	Side	Rear
Accessory buildings (see also 590.090.C2)	No	No	Yes
Air conditioning units	No	Yes	Yes
Arbors and trellises	Yes	Yes	Yes
Awnings, canopies, light shelves and architecturally integrated solar shading devices projecting no more than 2 feet into the setback	Yes	Yes	Yes
Barbecue pits and outdoor fireplaces	No	No	Yes
Bay windows projecting no more than 2 feet into the setback	Yes	Yes	Yes
Carports	Yes [1]	Yes [2]	Yes [2]
Chimneys and flues projecting no more than 2 feet into the setback	Yes	Yes	Yes
Clotheslines	No	Yes	Yes
Decks, patios, and other features and structures less than 30 inches in height above grade	Yes	Yes	Yes
Eaves and gutters projecting no more than 2 feet into the setback	Yes	Yes	Yes
Fences and walls (see also Section 45.080)	Yes	Yes	Yes
Fire escapes projecting no more than 4.5 feet into the setback	Yes	Yes	Yes
Flagpoles and similar features	Yes	Yes	Yes
Geothermal heat pumps and geothermal heat exchange system equipment up to 4 feet in height above grade	No	No	Yes
Green houses and hoop houses	No	No	Yes
Insulation added to the outside of the exterior wall of an existing building	Yes	Yes	Yes
Plants and cold frames	Yes	Yes	Yes
Rainwater harvesting equipment projecting no more than 4.5 feet into the setback	Yes	Yes	Yes
Recreational equipment (e.g., swing sets, playground equipment, tree houses, etc.)	No	No	Yes
Satellite dish antennas	See Section 45.180		
Signs (see also Chapter 60)	Yes	Yes	Yes
Sills, belt courses, cornices and similar architectural features projecting no more than 2 feet into the setback	Yes	Yes	Yes
Solar energy systems, building mounted	No	Yes	Yes
Solar energy systems, ground mounted	No	No	Yes
Swimming pools and tennis courts	No [3]	No	Yes
Vehicle parking/storage, inoperable (see also Section 45.140)	No	No	Yes
Wheelchair lifts and ramps that meet federal, state and local accessibility standards	Yes	Yes	Yes

Table 90-1 Notes

- [1] Special exception approval required; see 590.090.C1.
- [2] Must be setback at least 3 feet from side and rear lot lines.
- [3] May be allowed in the street setback within a rear yard.

SAMPLE MOTIONS:

Move to _____ (approve/deny) a **Variance** to allow a swimming pool to be constructed in the side street setback (Section 90.090-C; Table 90-1).

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

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

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

- 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."*



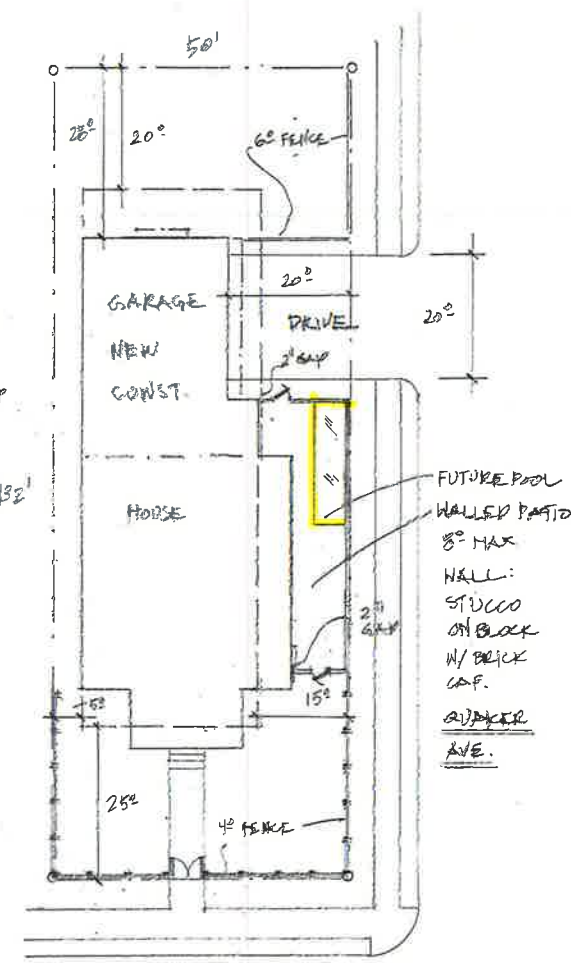
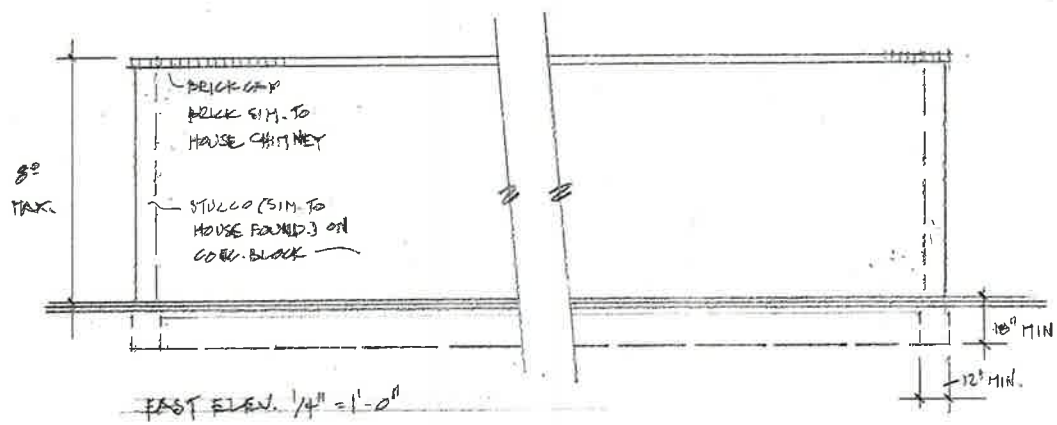
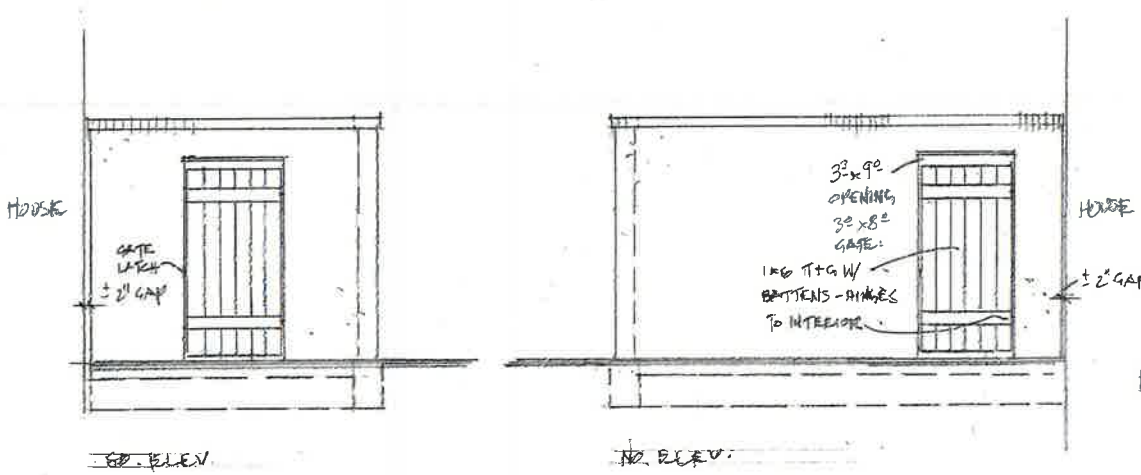
Facing North on Quaker




Facing South on Quaker



Subject property



ROBINSON PROJECT
 1325 EAST 18TH STREET
 TULSA - OKLA. 5-2019. 6-2019 7-2019
 SITE PLAN 1" = 20' 
TOM NEAL DESIGN
 Associate member, American Institute of Architects
 918.251.7372

8.7



0 200 400
Feet



Subject
Tract

BOA-22764

19-13 07

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

Aerial Photo Date: February 2018

8.8





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Feet



Subject
Tract

BOA-22764

19-13 07

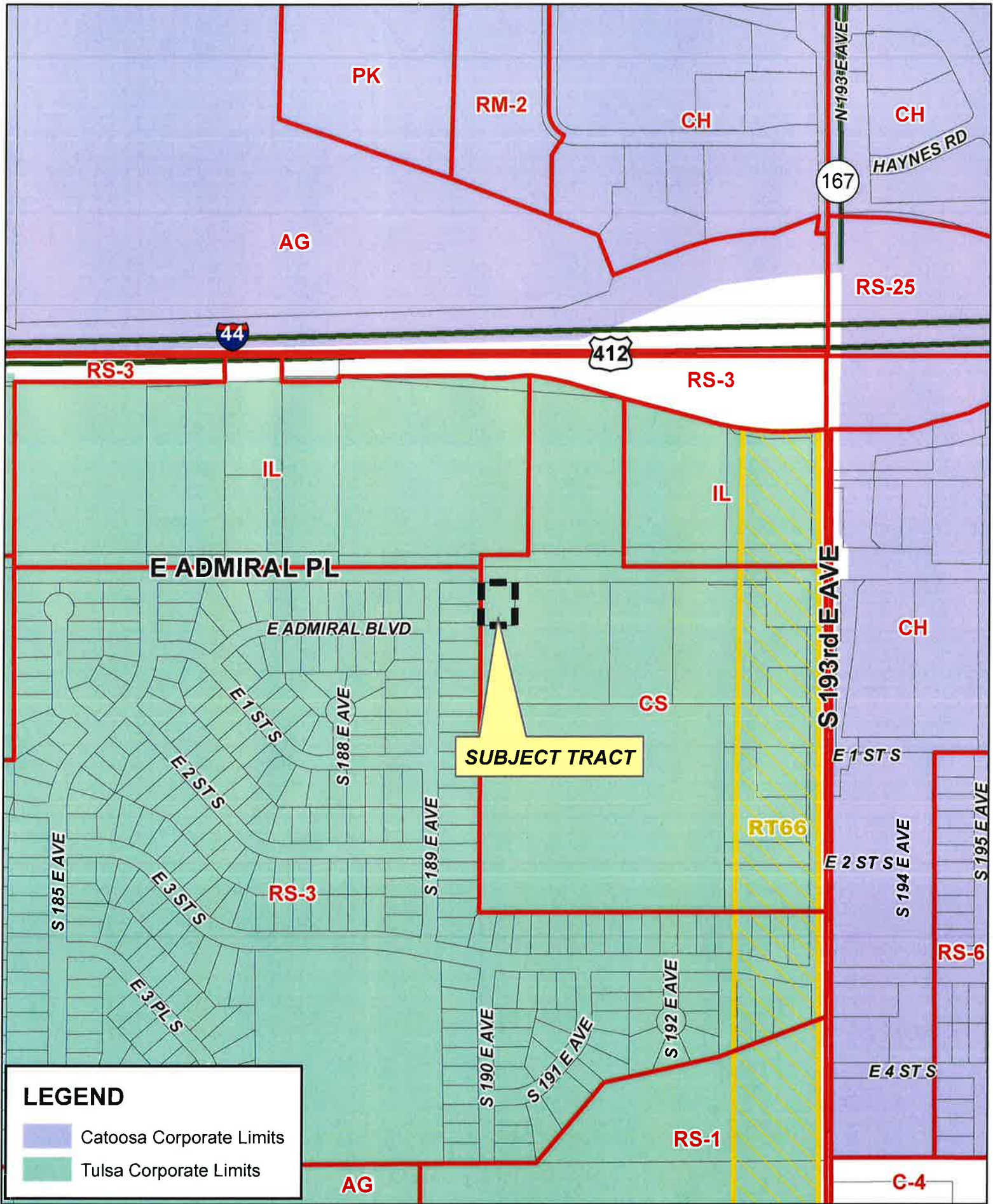
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018

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LEGEND

-  Catoosa Corporate Limits
-  Tulsa Corporate Limits



BOA-22765

19-14 01

9.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9401

Case Number: **BOA-22765**

CZM: 40

CD: 6

HEARING DATE: 10/22/2019 1:00 PM

APPLICANT: Del Rey Collective 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: 18920 E ADMIRAL PL S

ZONED: CS

PRESENT USE: vacant

TRACT SIZE: 15398.52 SQ FT

LEGAL DESCRIPTION: W110 N140 LT 2 BLK 1, ROLLING HILLS CTR ADDN AMD

RELEVANT PREVIOUS ACTIONS: None

ANALYSIS OF SURROUNDING AREA: The subject tract is Located East of the SE/c of E. Admiral Pl. and S. 189th E. Ave.

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. They listed the next closest dispensary, Fighting Flower, as being 1,795 ft away.

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.

9.2



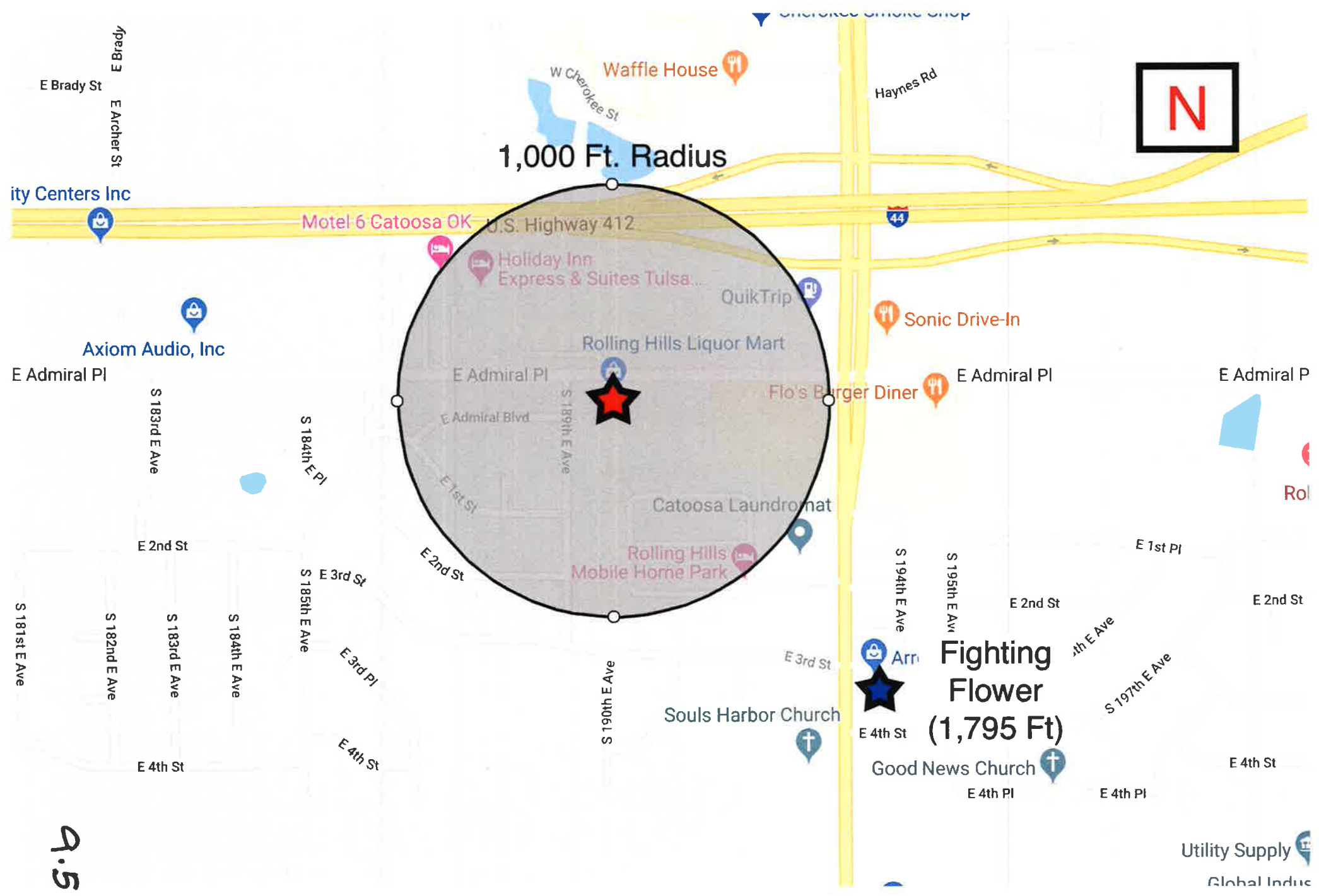
Facing West on Admiral



Facing East on Admiral



Subject Property

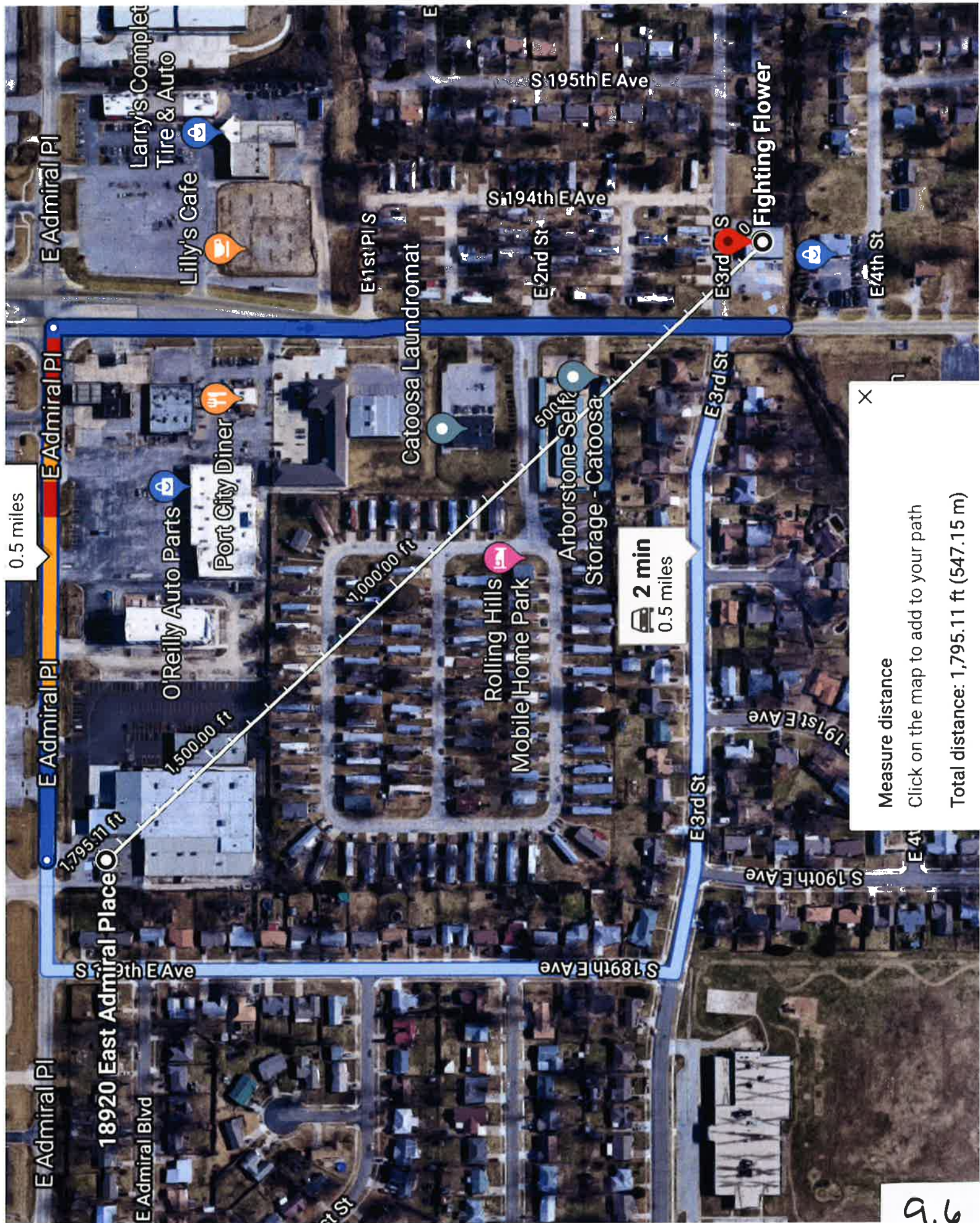


1,000 Ft. Radius



Fighting Flower
(1,795 Ft)

9.5



X

Measure distance

Click on the map to add to your path

Total distance: 1,795.11 ft (547.15 m)



0 200 400
Feet



Subject
Tract

BOA-22765

19-14 01

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

Aerial Photo Date: February 2018

9.7





E ADMIRAL PL

E ADMIRAL BLVD

S 189 E AVE

0 50 100
Feet



**Subject
Tract**

BOA-22765

19-14 01

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

Aerial Photo Date: February 2018

9.8



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 10, 2019

Alan Soleyman
5533 Spitz Dr
Oklahoma City, OK

Phone:

APPLICATION NO: **ZCO-040704-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **18920 E Admiral PL**

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

ZCO-040704-2019

18920 E Admiral PL

September 10, 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.

State of Oklahoma

License Certificate

NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

DEL REY COLLECTIVE LLC

18920 E ADMIRAL PL , CATOOSA, OK, 74015

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.

08/13/2020

LICENSE NUMBER:

DAAA-EKKZ-EVBX

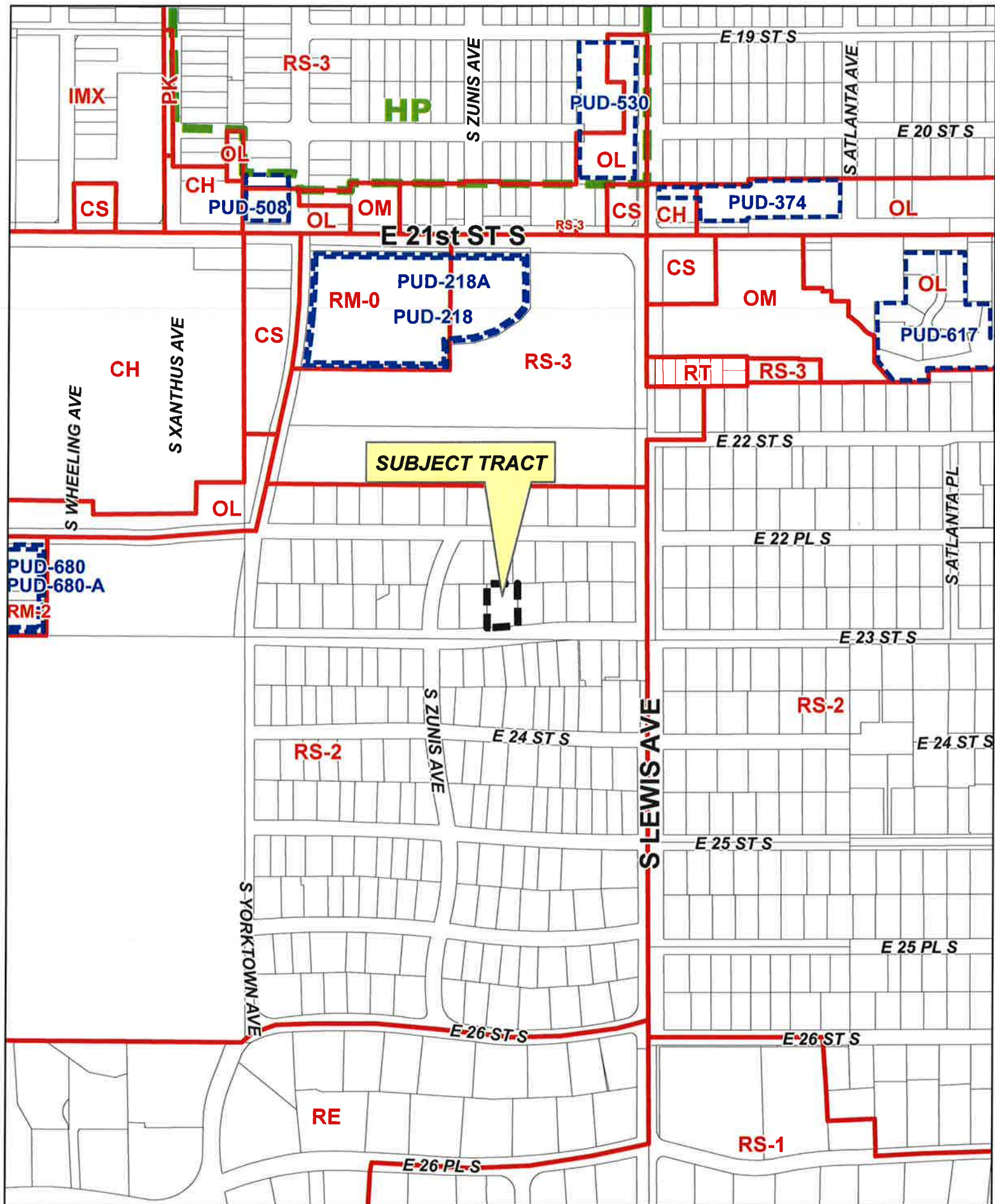


Tom Bates

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

DO NOT COPY

9.12



BOA-22766

19-13 18

10.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9318

Case Number: **BOA-22766**

CZM: 37

CD: 4

HEARING DATE: 10/22/2019 1:00 PM

APPLICANT: Shawn Stong

ACTION REQUESTED: Variance to allow for more than 25% coverage of the rear setback for a detached accessory structure (Sec. 90.090-C.2); Variance to allow a detached accessory structure to exceed 18ft in height (sec. 90.090. C); Variance of the required 5 ft side setback (Sec. 5.030-A)

LOCATION: 2217 E 23 ST S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 14000.24 SQ FT

LEGAL DESCRIPTION: E.10 OF LT 14 ALL OF LT 15 & W.40 OF LT 16 BLK 6, BRENTWOOD HGTS

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding Property:

BOA-16336; On 05.11.93 the Board **denied** a variance of the maximum size for a detached accessory structure and the coverage limitation of the rear yard. Property located 2211 E. 23rd Street South.

BOA-14397; On 02.19.87 the Board **approved** a Variance of the side yard requirement to permit the construction of a garage. Property located 2245 E. 23rd Street.

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 is located in an RS-2 zoned subdivision located East of the NE/c of S. Zuni Ave. and E. 23 St. S.

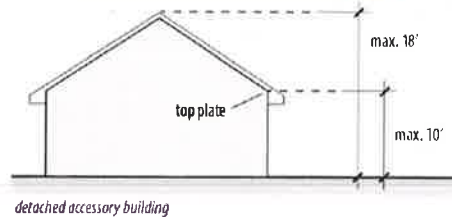
STAFF COMMENTS: The applicant is requesting a Variance to allow for more than 25% coverage of the rear setback for a detached accessory structure (Sec. 90.090-C.2); Variance to allow a detached accessory structure to exceed 18ft in height (sec. 90.090. C); Variance of the required 5 ft side setback (Sec. 5.030-A)

10.2

2. Detached Accessory Buildings in RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes.

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

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



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

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

Zoning District	Maximum Coverage of Rear Setback
RS-1 and RE Districts	20%
RS-2 District	25%
RS-3, RS-4, RS-5 and RD Districts	30%
RM zoned Lots Used for Detached Houses or Duplexes	30%

Regulations	RE	RS-1	RS-2
Min. Lot Area per Unit (sq. ft.)			
Detached house	22,500	13,500	9,000
Patio house	-	-	-
Townhouse	-	-	-
Cottage house dev't	-	-	-
Duplex	-	-	-
Multi-unit house	-	-	-
Apartment/condo	-	-	-
Other allowed buildings/uses			
Permitted by right	-	-	-
Special exceptions	22,500	13,500	12,000
Minimum Lot Width (ft.)			
Detached house	150	100	75
Patio house	-	-	-
Townhouse	-	-	-
Cottage house dev't	-	-	-
Duplex	-	-	-
Multi-unit house	-	-	-
Apartment/condo	-	-	-
Other allowed buildings/uses			
Permitted by right	150	100	75
Special exceptions	150	100	100
Minimum Street Frontage			
Residential bldgs/uses [2]	30	30	30
Min. Building Setbacks (ft.)			
Street [3]			
Arterial or fwy service rd.	35	35	35
Other streets	35	35	30
Side (interior) [4]	15	5	5

SAMPLE MOTIONS:

Move to _____ (approve/deny) a **Variance** to allow for more than 25% coverage of the rear setback for a detached accessory structure (Sec. 90.090-C.2); Variance to allow a detached accessory structure to exceed 18ft in height (sec. 90.090. C); Variance of the required 5 ft side setback (Sec. 5.030-A)

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

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

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

Case No. 14397

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the side yard setback from 10' to 1' to allow for the construction of a garage, located at 2245 East 23rd Street.

Presentation:

The applicant, Kathleen Page, 233 South Detroit, Suite 310, Tulsa, Oklahoma, was represented by Steve Dodson, 2245 East 23rd Street, Tulsa, Oklahoma. He submitted a plot plan (Exhibit L-2) and explained that the existing 1-car garage will be torn down and replaced with a 2-car garage which will be moved forward and connected to the house. Mr. Dodson pointed out that the property slopes and the existing garage floods during heavy rains. He informed that the neighbor to the west who would be affected by the construction has viewed the plans and is supportive of the project. Photographs (Exhibit L-3) and a letter of support (Exhibit L-1) were submitted.

Comments and Questions:

Mr. Gardner informed that the applicant will have a very limited space to maintain the garage within the 1' setback.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirement sin residential Districts - Use Unit 1206) of the side yard setback from 10' to 1' to allow for the construction of a garage; per plot plan submitted; finding a hardship imposed on the applicant by the slope and narrow shape of the lot; on the following described property:

East half of Lot 21, and all of Lot 22, Block 6, Brentwood Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14408

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1211 - Request a special exception to allow for a drive-in bank facility in an OL zoned district.

Variance - Section 630 - Bulk and Area Requirements in Office Districts - Use Unit 1211 - Request a variance of setback from abutting R District, located NW/c 21st Street and Birmingham.

Case No. 16343 (continued)

FILE COPY

Protestants:

None.

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Minor Special Exception to permit accessory residential use on a lot abutting the lot containing the principal use; per plan submitted; subject to the execution of a tie contract; finding the use to be compatible with the residential neighborhood; on the following described property:

A part of Lot 6, Block 2, Woody-Crest Subdivision, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, being more particularly described as follows: Commencing at the NW/c of Lot 6, Block 2, Woody-Crest Subdivision, thence north 89°39'05" East a distance of 226.99' thence south 00°48'55" West a distance of 103.43', thence north 89°11'05" west a distance of 100.00', thence north 00°48'55" east a distance 35.57', thence north 89°46'15" west a distance of 125.99' thence due north 59.58' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16336

Action Requested:

Variance of the required rear yard for a detached garage from the required 20% to 40% coverage to permit a detached accessory building - Section 210.B.5. YARDS - Use Unit 6, located 2211 East 23rd Street.

Presentation:

The applicant, Robert McBratney, 2211 East 23rd Street, submitted a plot plan (Exhibit G-1), and explained that he is proposing to add a two-car garage to an existing detached garage.

Comments and Questions:

Mr. Bolzle asked the applicant to state the hardship for the variance request, and he replied that the older home has a one-car garage that is inadequate for his family.

Mr. Gardner stated that a garage could be moved closer to the house without Board relief; however, since the applicant is proposing to add to the existing garage on the rear of the lot, the variance is needed.

Case No. 16336 (continued)

Mr. Jones inquired as to the size of the dwelling, and Mr. McBratney informed that the house has 2600 sq ft of living area.

In reply to Mr. McBratney, Mr. Jackere informed that it may be necessary to park in the long driveway, in lieu of parking on the street.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a Variance of the required rear yard for a detached garage from the required 20% to 40% coverage to permit a detached accessory building - Section 210.B.5. YARDS - Use Unit 6; finding that the applicant failed to demonstrate a hardship that would warrant the granting of the variance request; on the following described property:

West 40' of Lot 14 and all of Lot 13, Block 6, Brentwood Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16331

Action Requested:

Variance of the maximum 750 sq ft for a detached accessory building to 900 sq ft, and a variance of the required 20% coverage of the required rear yard to 21.75% to permit a detached accessory building - Section 402.B.1.d. Accessory Use Conditions - Use Unit 6, located 5031 South 28th West Avenue.

Presentation:

The applicant, Darrell Yount, 5031 South 28th West Avenue, submitted a plot plan (Exhibit H-3) for a new garage to be located to the rear of the property. A petition of support (Exhibit H-2) and photographs (Exhibit H-1) were submitted.

Comments and Questions:

Mr. Doverspike asked the applicant if he has another garage on the lot, and he replied that a one-car garage is attached to the house.

In response to Mr. Doverspike, Mr. Yount stated that the garage will be 12' in height, and will be accessed from 28th Street.

Mr. Bolzle asked if the garage will be of metal construction, and the applicant answered in the affirmative.



Facing East on 23rd Street



Facing West on 23rd Street



Subject Property

Jeff S. Taylor
Zoning Official
Plans Examiner II

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

Chad McCutchen
Home Innovations



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

9/10/2019

APPLICATION NO: BLDR-040403-2019 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 2217 E 23rd St S

Description: Detached Garage

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-040403-2019**

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

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

1. 90.090-C.2 Detached Accessory Buildings

a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:

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

Review Comments:

#2. This lot is zoned RS-2. The rear setback is defined as the minimum distance set out by the zoning code of open unoccupied space between the rear lot line and the required rear setback (in your case, 25 feet from the rear property line). A maximum 25% area can be covered by the accessory building; (100.01' X 25' X 25%) allows 625 sq ft of coverage. You are proposing 734 sq ft of coverage in the rear setback. Revise your plans to show compliance or apply to BOA for a variance to allow more than 25% coverage in the rear setback.

2. 90.90.C: Detached Accessory Buildings

a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:

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

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

3. **5.030-A:** In the RS-2/RS-1 zoned district the minimum side yard setback shall be 5 feet from the property line.

Review Comments: Revise your plans to indicate a 5' side setback to the property line, or apply to INCOG for a variance to allow less than a 5' side setback.

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

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

END -ZONING CODE REVIEW

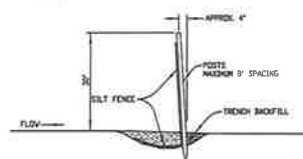
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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

NOTES:

GRADING AND EROSION CONTROL PLAN

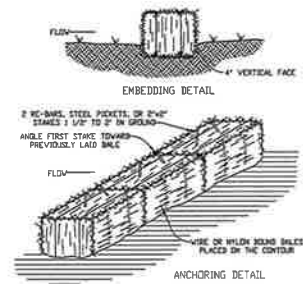
1. ALL GRADING AND EROSION CONTROL SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT CITY STORMWATER CONSTRUCTION SPECIFICATIONS.
2. ALL EROSION CONTROL CONSTRUCTION SHALL BE INSPECTED BY THE PUBLIC WORKS DEPARTMENT UTILITY INSPECTORS, IN ACCORDANCE WITH CITY POLICY.
3. EROSION CONTROL SHALL START WITH INITIAL CONSTRUCTION AND BE PRACTICED THROUGHOUT THE PROJECT.
4. HAY BALE DIKES OR SILT FENCES SHALL BE CONSTRUCTED ALONG TO ALL DRAINAGE-WAYS, AND IN ALL AREAS THAT WILL ERODE INTO THE STORM SEWER SYSTEM.
5. WHERE CONSTRUCTION ACTIVITY TEMPORARILY CEASES FOR 14 DAYS, THE CONTRACTOR SHALL RE-SEED ALL AREAS DISTURBED DURING CONSTRUCTION AND CONTRACTOR SHALL BE RESPONSIBLE FOR SEEDER AREAS UNTIL GROWTH IS ESTABLISHED TO A UNIFORM HEIGHT OF TWO (2) INCHES.
6. THERE ARE NO OFFSITE MATERIAL, WASTE, BORROW, OR EQUIPMENT STORAGE AREAS.
7. THE STORM WATER POLLUTION PREVENTION PLAN SHALL BE UPDATED AS NECESSARY TO REMAIN CONSISTENT WITH ANY CHANGES APPLICABLE TO PROTECT SURFACE WATER RESOURCES IN SCENARIO EROSION SITE PLANS OR SITE PERMITS, OR STORM WATER MANAGEMENT SITE PLANS OR SITE PERMITS APPROVED BY STATE OR LOCAL OFFICIALS FOR WHICH THE FUNDING RECEIVES WRITTEN NOTICE.



1. POSTS SHALL BE ANGLED SLIGHTLY TOWARD RIGHT SOURCE.
2. THE TIE OF THE SILT FENCE SHALL BE TIED TO AN ANCHOR.
3. THE TRENCH SHOULD BE 4" DEEP BY 9" TO 4" WIDE TO ALLOW SILT FENCE TO BE LAID IN AND BACKFILLED.
4. SILT FENCE SHALL BE FASTENED TO POSTS OR TO WOVEN WIRE, WHICH IS IN TURN ATTACHED TO THE POSTS.
5. INSPECTION SHALL BE FREQUENT & REPAIR OR REPLACEMENT REQUIRED.
6. SILT FENCES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFULNESS SO AS NOT TO IMPERE STORMWATER FLOW.
7. TRAPPED SEDIMENT SHALL BE DISPOSED OF IN AN APPROVED MANNER AND LOCATION WHICH WILL NOT CONTRIBUTE TO ADDITIONAL SILTATION.
8. ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 6" TO 9" AND DISPOSED OF AS IN NOTE 7 ABOVE.

3 SILT FENCE DETAIL

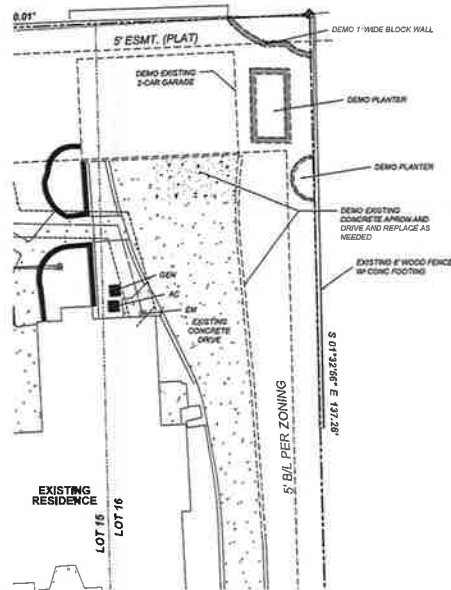
SCALE: NONE



1. BALES SHALL BE PLACED IN A ROW WITH ENDS TIGHTLY BUTTING THE ADJACENT BALES.
2. EACH BALE SHALL BE EMBEDDED IN THE SOIL A MINIMUM OF FOUR INCHES, WHERE POSSIBLE.
3. BALES SHALL BE SECURELY ANCHORED IN PLACE BY STAKES OR RE-BARS DRIVEN THROUGH THE BALES. THE FIRST STAKE IN EACH BALE SHALL BE ANGLED TOWARD PREVIOUSLY LAID BALE TO FORCE BALES TOGETHER.
4. INSPECTION SHALL BE FREQUENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS REQUIRED BY CONTRACTOR.
5. BALES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFULNESS SO NOT TO BLOCK OR IMPERE STORM FLOW OR DRAINAGE.
6. ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 6 INCHES.

2 HAY BALE DIKE DETAIL

SCALE: NONE



1 DEMO SITE PLAN

SCALE: 1"=10'-0"

LEGAL DESCRIPTION

- THE EAST TEN (10) FEET OF LOT FOURTEEN (14), AND ALL OF LOT FIFTEEN (15), AND THE WEST FORTY (40) FEET OF LOT SIXTEEN (16), BLOCK SIX, BRIGHTWOOD HEIGHTS ADDITION, TULSA, OKLAHOMA

LIVABILITY SPACE

- ZONING = R-2
- LOT SIZE = 14,000 SQ. FT.
- STRUCTURE HEIGHT = EXISTING N/A
- FIRST FLOOR FRAMED = 2,147 SQ. FT.
- SECOND FLOOR FRAMED = 445 SQ. FT.
- TOTAL FRAMED = 2,595 SQ. FT.
- PROPOSED GARAGE = 895 SQ. FT.
- PORCH = 21 SQ. FT.
- DRIVEWAY = 1,400 SQ. FT.
- LIVABILITY SPACE REQUIRED = 5,000 SQ. FT.
- LIVABILITY SPACE = 9,490 SQ. FT.

- GARAGE IN SETBACK:
 - MAX ALLOWED = 500 SQ. FT. OR 40%
 - PROPOSED = 895 SQ. FT. OR 24%
 - MAX COVERAGE OF SETBACK = 35%
 - PROPOSED = 29%

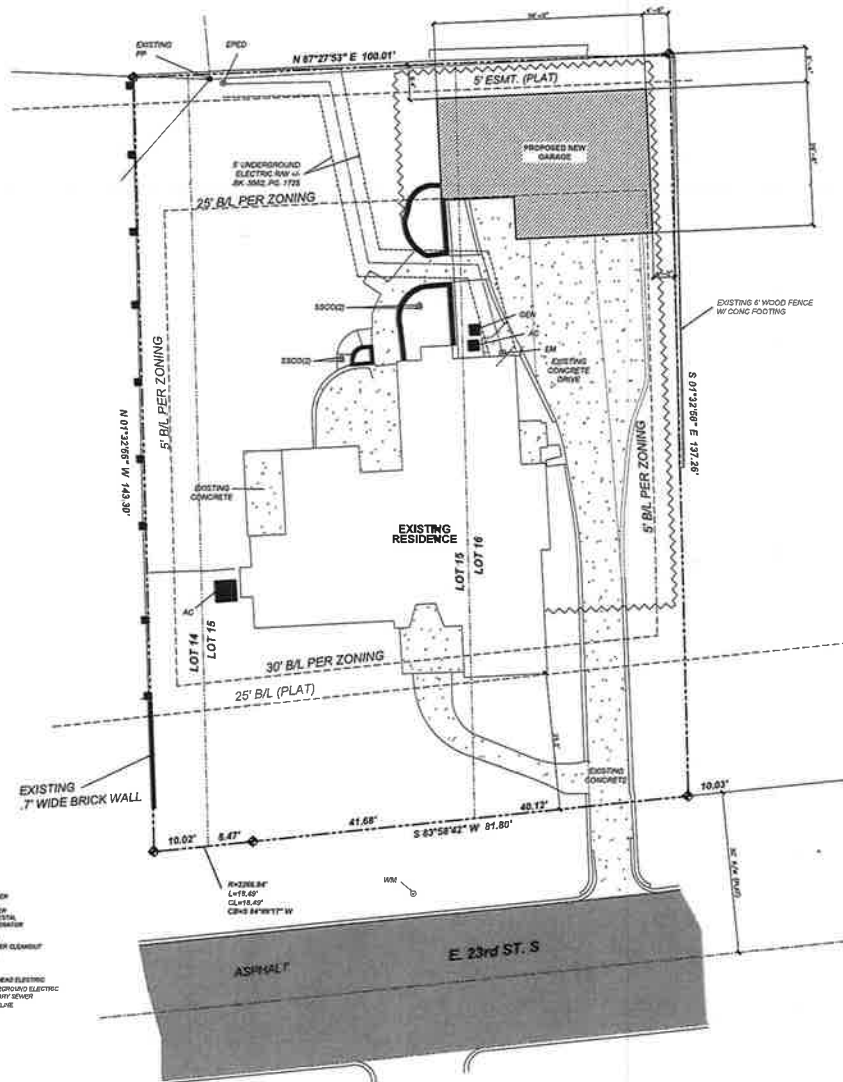


EXISTING UNDERGROUND LINES HAVE BEEN SHOWN TO THE EXTENT KNOWN AND PLANS HAVE BEEN SORT TO THE AFFECTED UTILITY OWNERS FOR VERIFICATION OF EXISTING LINES. BEFORE YOU SEE CONTACT (800) 1-800-528-6543.

A & T COMPANY
OKLAHOMA NATURAL GAS COMPANY
SOUTHWESTERN BELL TELEPHONE COMPANY
AMERICAN ELECTRIC POWER (AEP)

EROSION CONTROL MEASURES

- SWALE IN GRADE
- DOWNSPOUT
- DOWNSPOUT TO SPLASH PAD
- UNDERGROUND LEADER, DISCHARGE AT CURB
- NEW DRAINAGE FLOW
- EXISTING DRAINAGE FLOW
- HAY BALE
- SILT FENCE



1 ARCHITECTURAL SITE PLAN

SCALE: 1"=10'-0"



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

SEAL:



8/15/2019
"A. BLOCH, ARCHITECT, AIA
OF OKLAHOMA AND
C.E.A. (C.E.A. EXPIRES 04/01/2020)"

PROJECT:

HEAD DETACHED GARAGE ADDITION

PROJECT #
19146.01

2217 E 23 ST.
TULSA, OK

CONSULTANT:

REVISIONS:

ISSUE DATE:

8.15.2019

SHEET NAME:
ARCHITECTURAL
SITE PLAN

SHEET #:

SP

10.13

ELECTRICAL NOTES

- ELECTRICIAN TO PROVIDE POWER SUPPLY TO ALL APPLIANCES WHETHER INDICATED OR NOT, I.E. DISHWASHER, DISPOSAL, ICE MAKER, ETC.) VERIFY LOCATIONS W/ OWNER
- ELECTRICIAN TO VERIFY CONNECTIONS REQUIRED FOR RANGE, COOKTOP AND OVEN - GAS OR ELECTRIC
- OUTLETS LOCATED ABOVE COUNTERTOPS TO BE CENTERED 8" ABOVE COUNTERTOP SURFACE, CONSULT OWNER FOR COUNTERTOP HEIGHTS
- LOCATE SMOKE DETECTORS AND THERMOSTATS NEAR RETURN AIR GRILLES IN COMPLIANCE WITH LOCAL CODE REQUIREMENTS. ELECTRICIAN TO COORDINATE WITH MECHANICAL CONTRACTOR
- VERIFY LOCATION OF ALL FLOOR OUTLETS WITH OWNER PRIOR TO INSTALLATION
- ALL FUTURE SELECTIONS AND FINISHES SUBJECT TO OWNER'S APPROVAL
- LAMPS INSTALLED SHOULD NOT EXCEED MANUFACTURER'S RECOMMENDED WATTAGE. REFER TO MANUFACTURER SPECIFICATION FOR RECOMMENDED WATTAGE
- ELECTRICAL LAYOUT IS SCHEMATIC IN DESIGN AND SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR, ELECTRICAL CONTRACTOR AND OWNER FOR COORDINATING FINAL SELECTION OF FIXTURES AND LAYOUT
- ELECTRICIAN TO COORDINATE PENDANT, CHANDELIER AND CEILING FAN LOCATIONS WITH GENERAL CONTRACTOR FOR REINFORCED FRAMING FOR SECURE INSTALLATION. REFER TO MANUFACTURER SPECIFICATION FOR SECURE INSTALLATION REQUIREMENTS
- CONTRACTOR TO VERIFY LOCATION OF EMERGENCY GENERATOR AND AUTOMATIC TRANSFER SWITCH. REFER TO MANUFACTURER'S RECOMMENDATIONS BASED ON CLIENT'S SELECTION
- ALL BATH EXHAUSTS TO BE GAS

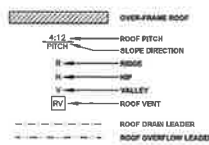
ELECTRICAL LEGEND

SYMBOL	DESCRIPTION	REMARKS
⊖	CIRCUIT	
⊖	RECESSED GFI	
⊖	WALL SWITCH	EXTERIOR LOCATION
⊖	SURFACE MT. FUTURE	14"X14" (SEE SEE PLANS)
⊖	UNDER COUNTER LIGHT	14"X14" (SEE PLANS)
⊖	HIGH THERM/EXHAUST FAN/LIGHT	SOOTY, DUCT TO EXTERIOR
⊖	EXHAUST FAN/LIGHT	SOOTY, DUCT TO EXTERIOR
⊖	SWITCH	3x3-100V 4x4-100V
⊖	GARAGE DOOR OPENER	GARAGE DOOR BUTTON # LISTED ON PLANS
⊖	GARAGE DOOR BUTTON	GARAGE DOOR OPENER # LISTED ON PLANS
⊖	ACCESS KEYPAD	
⊖	CONDENSER UNIT	
⊖	FORCED AIR UNIT	VERIFY IF GAS OR ELECTRIC
⊖	TANKLESS WATER HEATER	VERIFY IF GAS OR ELECTRIC
⊖	EMERGENCY GENERATOR	VERIFY FUEL TYPE
⊖	AUTOMATIC TRANSFER SWITCH	
⊖	120V FLOOR OUTLET	
⊖	SMOKE DETECTOR	

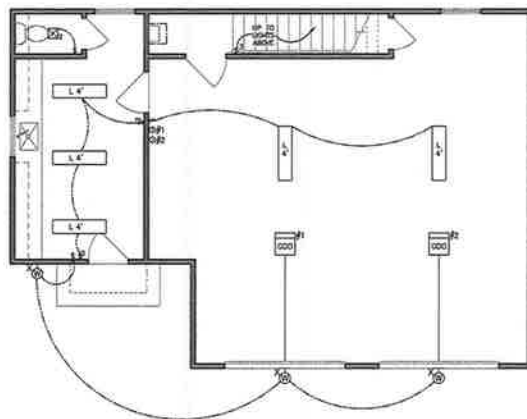
LEGEND

SYMBOL	DESCRIPTION
—	NEW WALL - WOOD STUD
—	BAGGARY VENEER
—	BAGGARY VENEER MANTICOT

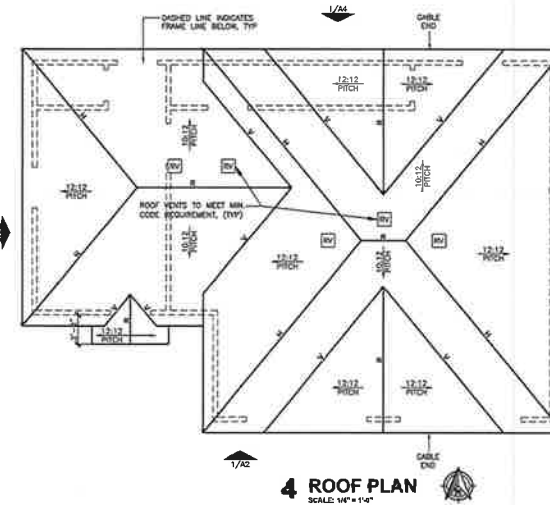
ROOF LEGEND



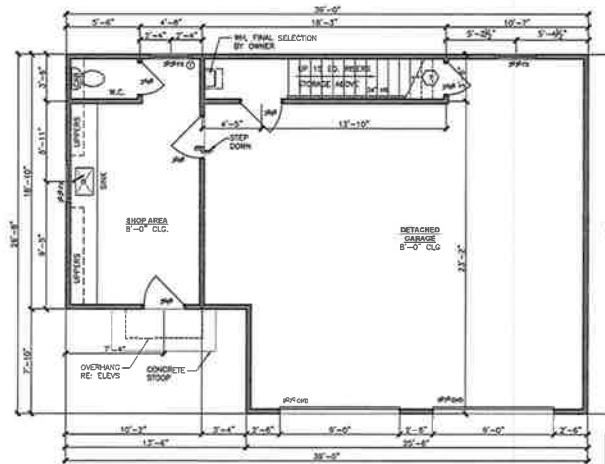
- NOTE: METAL ROOF OVER WATERPROOF MEMBRANE (FOLLOW MANUFACTURER'S INSTALLATION GUIDELINES) ON 1/2" PLYWOOD DECKING, U.N.C. VERIFY W/ OWNER
- NOTE: PROVIDE ADEQUATE ROOF VENTILATION PER CODE REQUIREMENTS BASED ON OWNERS SELECTED ROOF TYPE
- NOTE: GUTTERS AND DOWNSPOUTS NOT SHOWN, CONSULT WITH OWNER FOR MATERIAL AND COLOR SELECTION
- NOTE: IF SPRAY FOAM WILL BE USED IN ATTIC SPACE, CONTRACTOR IS TO PROVIDE ADEQUATE VENTILATION SYSTEM IN COMPLIANCE WITH SECTION 1306, IRC 2015
- NOTE: CONTRACTOR TO INSTALL ICE SHIELD WHERE ROOF PITCH IS LESS THAN 4:12
- NOTE: COMPOSITION SHINGLES OVER WATERPROOF UNDERLAYMENT ON 1/2" PLYWOOD DECKING, U.N.C.



3 LIGHTING PLAN
SCALE: 1/4" = 1'-0"



4 ROOF PLAN
SCALE: 1/4" = 1'-0"



1 FLOOR PLAN
SCALE: 1/4" = 1'-0"

AREA CALCULATIONS (SQUARE FEET)	
GARAGE	740
SHOP	193
TOTAL DETACHED	935



wdesign
ARCHITECTURE & INTERIORS
815 E. 3rd Street, Suite C
Tulsa, OK 74102
Office: 918.794.6616
Fax: 918.794.6602
www.wdesignllc.com



PROJECT:

HEAD
DETACHED
GARAGE
ADDITION

PROJECT #
19146.01

2217 E 23 ST.
TULSA, OK

CONSULTANT:

REVISIONS:

ISSUE DATE:

8.15.2019

SHEET NAME:

DEMO PLAN /
FLOOR PLAN /
LIGHTING / ROOF PLAN

SHEET #:

A1

DRAWN BY: JCS

10.14



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



PROJECT:

HEAD DETACHED GARAGE ADDITION

PROJECT #
19146.01

2217 E 23 ST.
TULSA, OK

CONSULTANT:

REVISIONS:

ISSUE DATE:

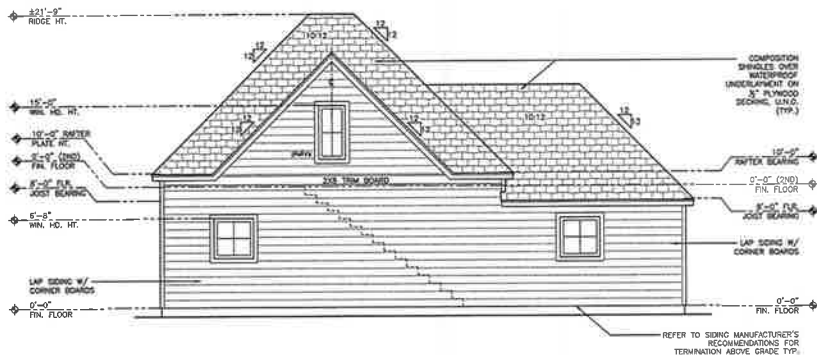
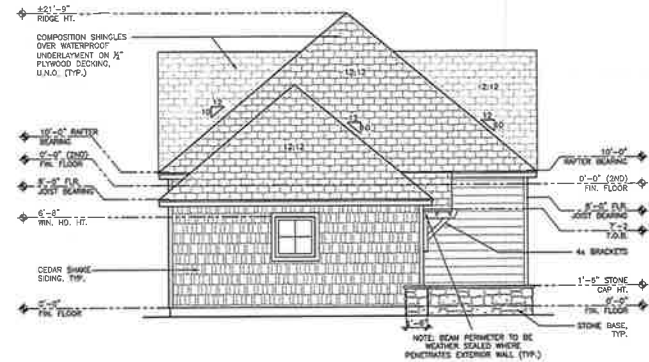
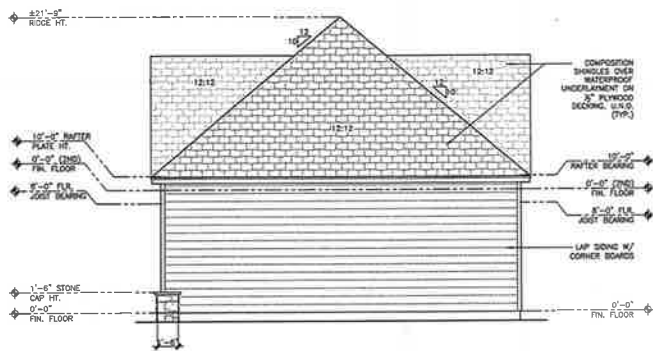
8.15.2019

SHEET NAME:

ELEVATIONS

SHEET #:

A2

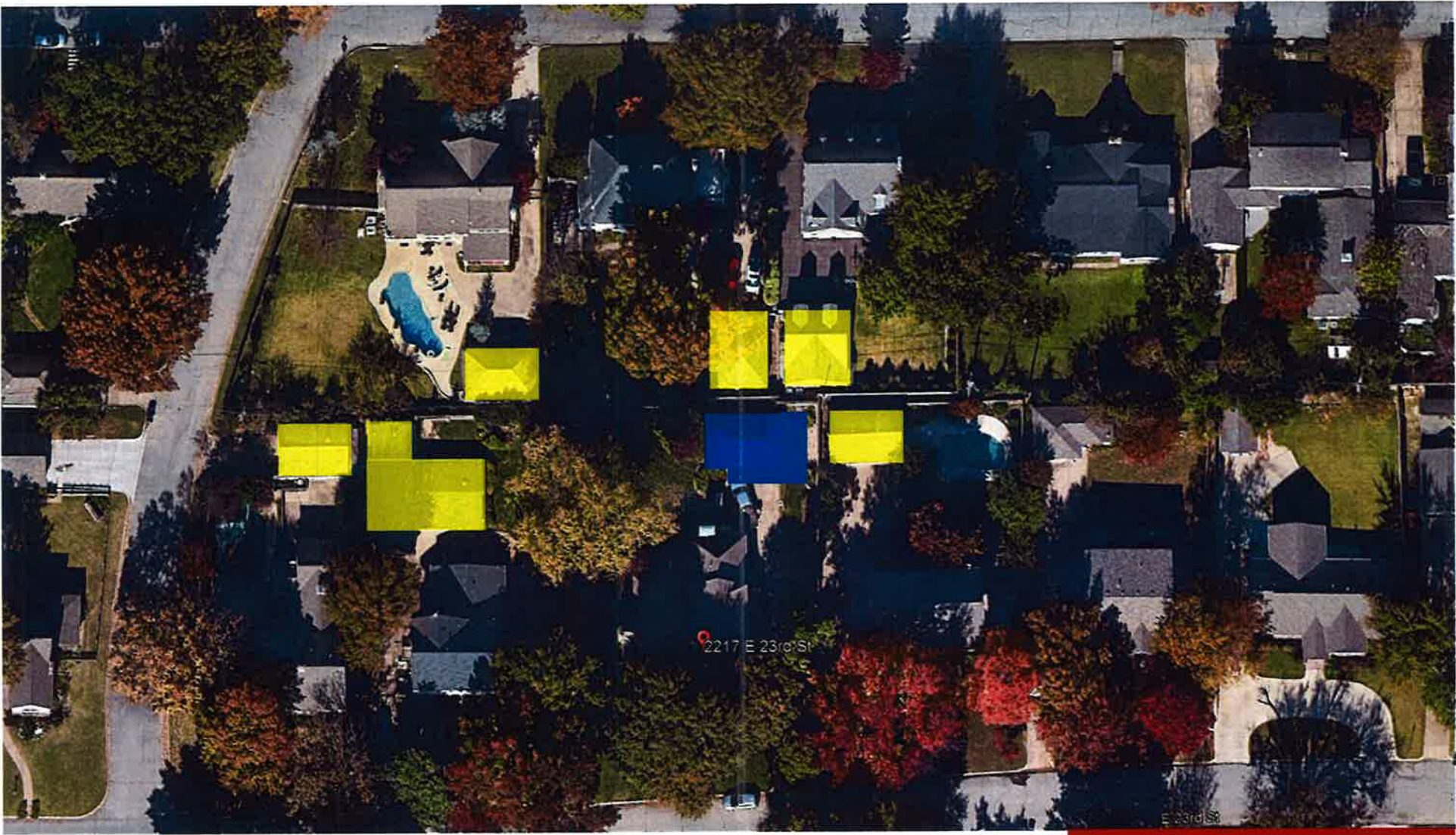


NOTE: ELEVATION HEIGHTS ARE CALCULATED USING 11 1/2" FLOOR TRUSSES AND 1 1/2" TAG SUB-FLOOR FRAMING. FOR SECOND FLOOR, CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING ALL ELEVATION HEIGHT CHANGES DUE TO ANY FRAMING DEPTH CHANGES.

10.15



10.16



- REQUESTED VARIANCE FOR DETACHED ACCESSORY BUILDING LOCATION
- NON-CONFORMING DETACHED ACCESSORY BUILDING LOCATIONS





10.18



E22 PL S

E23 STS

S ZUNIS AVE

E24 STS



Subject
Tract

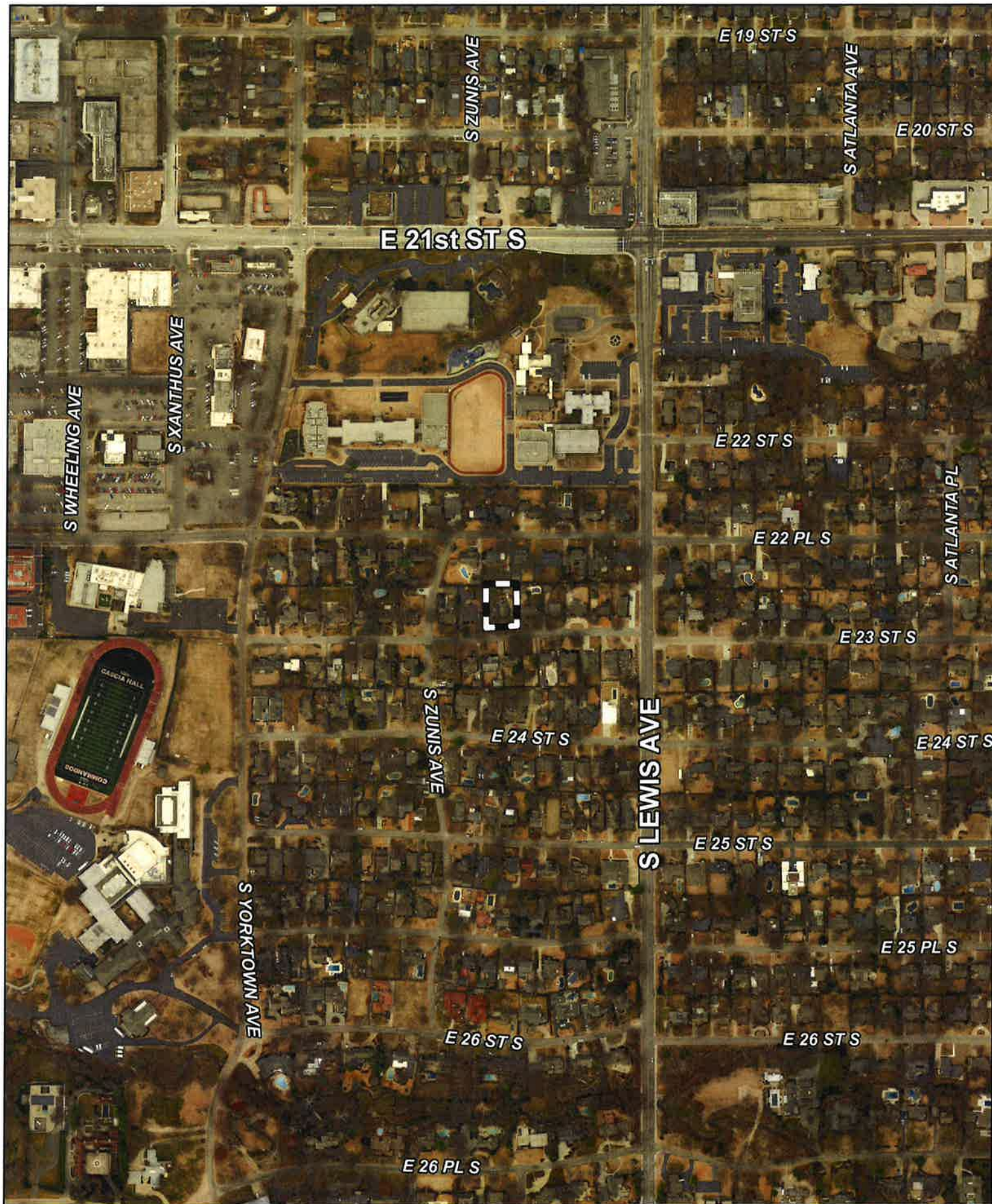
BOA-22766

19-13 18

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

Aerial Photo Date: February 2018





0 200 400
Feet



Subject
Tract

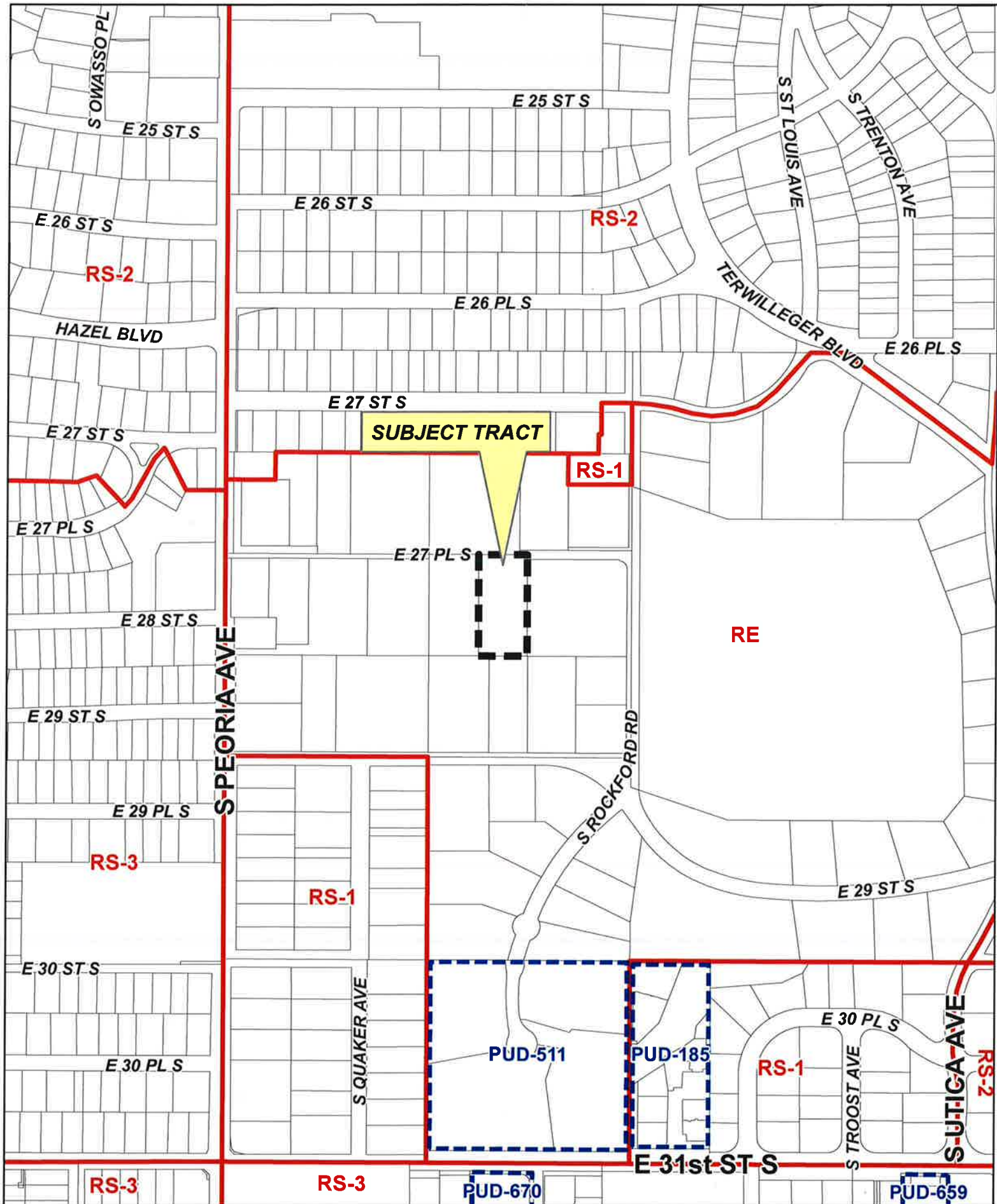
BOA-22766

19-13 18

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

Aerial Photo Date: February 2018





BOA-22767

19-13 18

BOARD OF ADJUSTMENT CASE REPORT

STR: 9318

Case Number: **BOA-22767**

CZM: 37

CD: 4

HEARING DATE: 10/22/2019 1:00 PM

APPLICANT: Stephen Gaulin

ACTION REQUESTED: Special Exception to permit a fence in the street setback to exceed 4 ft in height (Sec. 45.080-A)

LOCATION: 1366 E 27 PL S

ZONED: RE

PRESENT USE: Residential

TRACT SIZE: 51836.61 SQ FT

LEGAL DESCRIPTION: BEG 1650N & 980.3E SWC OF SW TH W157.8 N330 E158.7 SLY POB SEC 18 19 13,

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding Properties:

BOA-18761; On 05.23.00 the Board approved a Special Exception to permit a fence greater than 4 ft in the front setback at the property located 1357 E. 27th Pl.

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 **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 located in a RE Subdivision located West of the SW/c of E. 27 Pl. S. and S. Rockford Rd.

STAFF COMMENTS: The applicant is requesting a Special Exception to permit a fence in the street setback to exceed 4 ft in height (Sec. 45.080-A)

Section 45.080 Fences and Walls

45.080-A Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. However, in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses or duplexes located on double frontage lots. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Section 70.120.

SAMPLE MOTION:

Special Exception:

Move to _____ (approve/deny) a **Special Exception** to permit a fence in the street setback to exceed 4 ft in height (Sec. 45.080-A)

- 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.

Case No. 18759

Action Requested:

Special Exception to Section 401 to allow a church and related uses in an RS-2 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**, located Southeast corner East 4th Street & 130th East Avenue.

Presentation:

Charles Chief Boyd, 1616 E. 16th St, Suite 500, came requesting a Special Exception to allow a church in an RS-2 district. He stated he is the architect for Cornerstone Hispanic Church and offered a conceptual plan.

Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (Dunham, White, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to Section 401 to allow a church and related uses in an RS-2 zoned district, with conditions of landscaping and other building requirements be met, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Block 5, Meadowbrook Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18761

Action Requested:

Variance of setback from 25' to 15' for fence. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS – Use Unit 6**; and a Special Exception of the required front yard fence height to 8'. **SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards**, located 1357 East 27th Place.

Presentation:

The applicant, **Malcolm Rosser**, 321 S. Boston, stated he represents the owner of the property. They are building a single-family residence to be used as their principle residence. He stated that the property fronts on East 27th Place, that runs from Peoria to the entrance of Philbrook Museum. The applicant proposes to build a new fence to replace the existing fence on the front of the property. It is similar to the existing fence but lower with fewer columns.

Case No. 18761 (continued)

Comments and Questions:

Mr. Dunham asked about the height of the existing fence. The applicant responded that the six existing columns are 8' 6" each in height, and the overall height is 5' 2" for the base and metal portions.

Mr. Rosser continued that the base and columns would be the same materials as the exterior of the house, fewer columns; and would be placed on the existing footings. In addition, they want to construct a setback gate that would allow a vehicle to pull in without having to go through the gate.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (Dunham, White, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** of setback from 25' to 15' for fence and a **Special Exception** of the required front yard fence height per plan, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

A part of the N/2 of Lot 3, Section 18, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18764

Action Requested:

Refund of on application expenses paid at the time application was made.

Presentation:

Mr. Beach stated that staff recommends a refund of \$140.50 on this application that has been withdrawn.

Board Action:

On **MOTION** of **Cooper**, the Board voted 4-0-0 (Dunham, White, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Refund of \$140.50, as recommended by the staff.



Facing West on 27th Pl.



Facing East on 27th Pl.



Subject property



0 Feet
200
400



Subject
Tract

BOA-22767

19-13 18

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

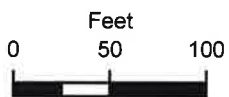
Aerial Photo Date: February 2018

11.8





E27 PLS



Subject
Tract

BOA-22767

19-13 18

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

Aerial Photo Date: February 2018

11.9



Jeff S. Taylor
Zoning Official
Plans Examiner

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

Howard Kelsey
Kelsey Company



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

4/6/2019

APPLICATION NO: BLDR-027342-2019 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1366 E 27th PI

Description: Fence

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-000000-2019**

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.

45.080-A Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. However in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses and duplexes located on double frontage lots. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Section 70.120.

Review Comments- Provide documentation indicating the proposed fence located in the street setback will not exceed 4' in height measured from grade or apply to BOA for a special exception to allow a fence to exceed 4' in height in a street setback.

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

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

END -ZONING CODE REVIEW

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

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

11.12

Landscape Architects

howell & vancuren
1801 East Line Avenue, Suite 100, Broken Arrow, Oklahoma 74012
405.582.1400 | h@hvlandscape.com

Jamie and Darton Zink
ZINK RESIDENCE
1366 EAST 27TH PLACE SOUTH
TULSA, OKLAHOMA 74114-4110

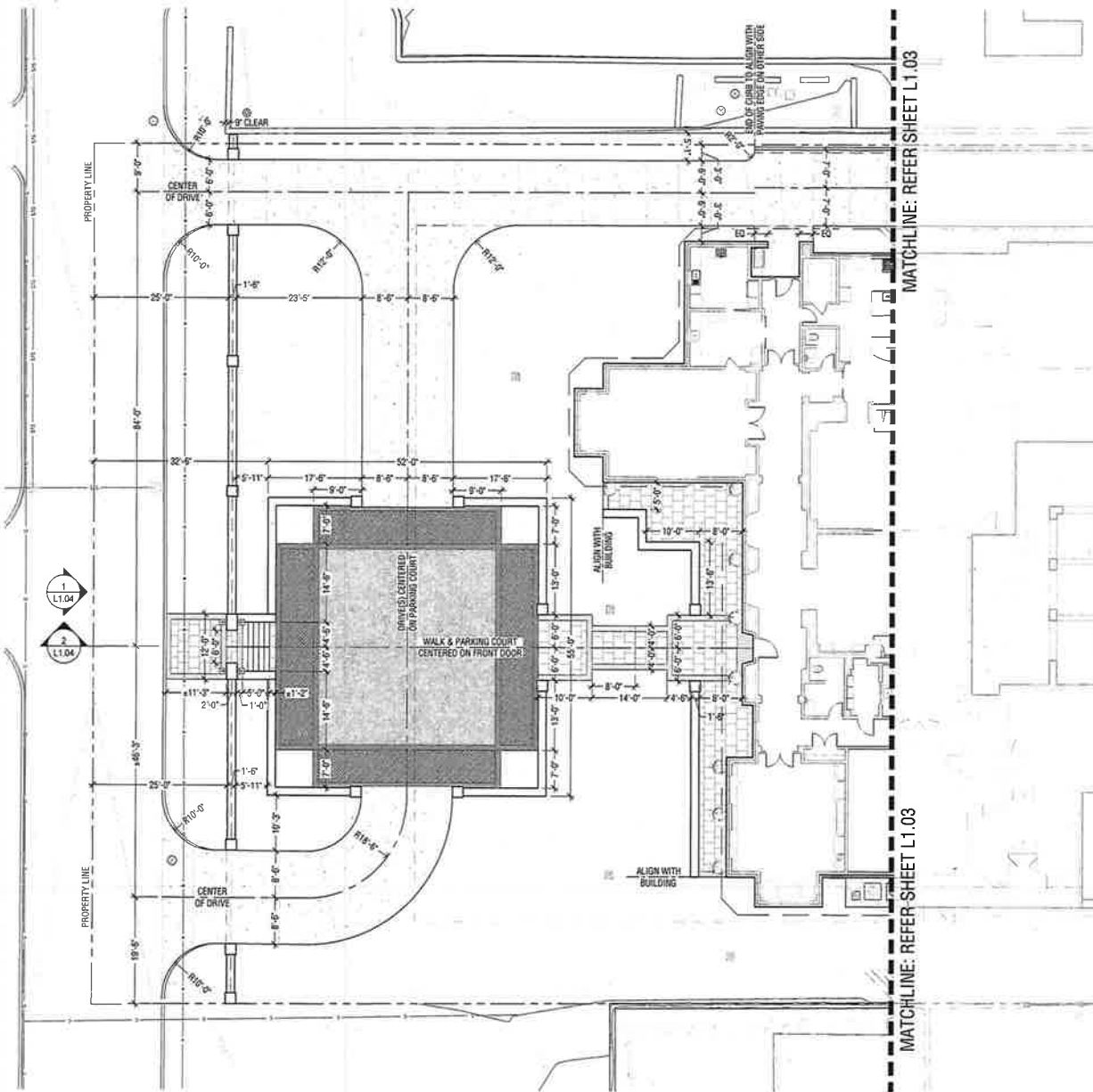
REVISIONS
△ 4/9/19 - CITY COMMENTS
△ 4/29/19 - SUBMITTAL REVISIONS



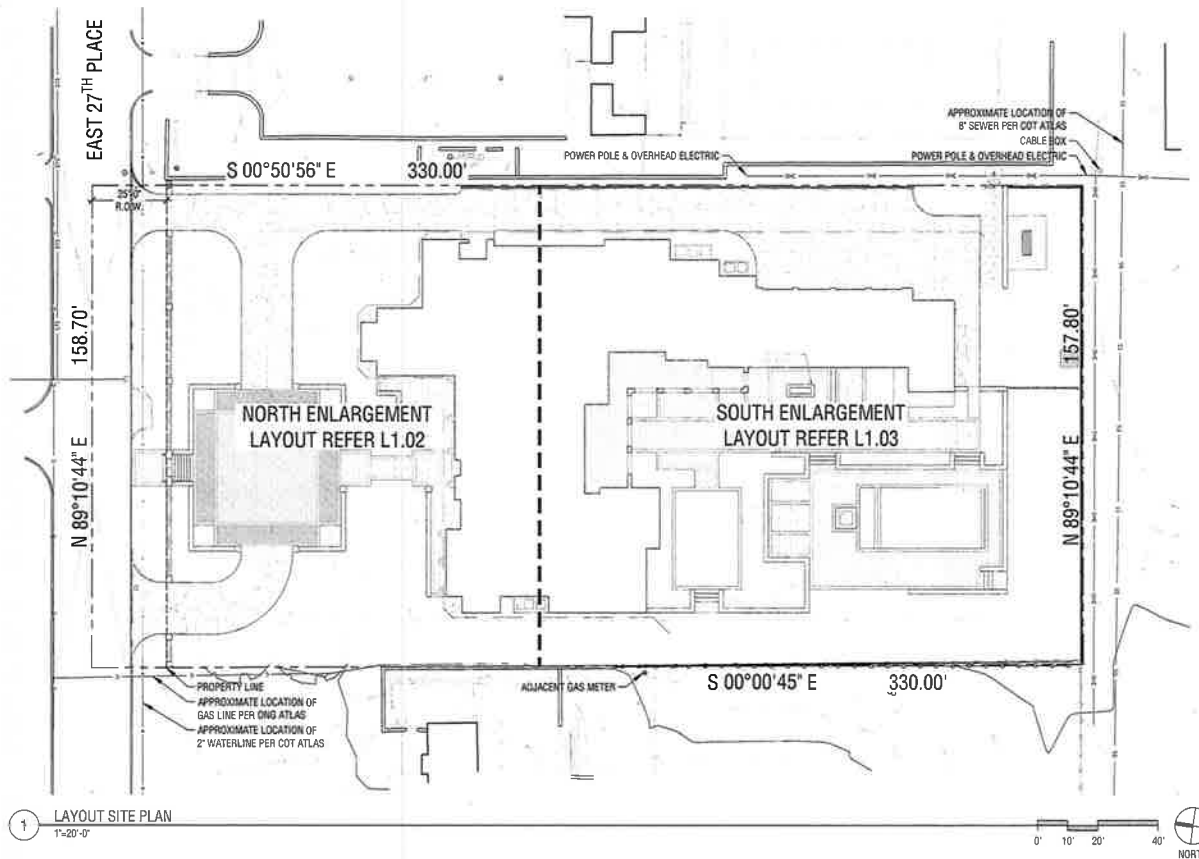
TRAINING & GROWTH TO REMAIN UNLESS PRINTED ON SHEET & CO. 2/18/19 (10/19)

DATE: FEBRUARY 18, 2019
CONSTRUCTION DOCUMENTS
DRAWN BY: HAV CHECKED BY: HAV
SHEET NAME: LAYOUT ENLARGEMENT
SHEET NUMBER: L 1.02

- LEGEND
- PROPERTY LINE
 - CONCRETE DRIVE
 - 2"x2" COLUMN WITH CAST STONE CAP (TYPICAL)
 - 2"x3" COLUMN WITH CAST STONE CAP (AT PEDESTRIAN GATE)
 - 18" WIDE LOW WALL WITH CAST STONE CAP AND 4" FENCE ABOVE
 - 18" WIDE WALL WITH CAST STONE CAP (TYPICAL)
 - WALK PAVING FIELD
 - WALK PAVING BORDER 1'-0" WIDE (TYPICAL)
 - DRIVE PAVING FIELD #1 4"x8" PERMEABLE BRICK PAVERS
 - DRIVE PAVING FIELD #2 4"x8" PERMEABLE BRICK PAVERS
 - DRIVE PAVING BORDER 1'-0" WIDE 4"x8" PERMEABLE BRICK PAVERS
 - WALK PAVING STEPS



1 NORTH ENLARGEMENT PLAN
1"=10'-0"



LAYOUT NOTES

1. CONTRACTOR TO ASCERTAIN LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO EXCAVATION AND BE RESPONSIBLE FOR DAMAGE TO UTILITIES RESULTING FROM CONSTRUCTION OPERATIONS, REPAIRS SHALL BE MADE AT NO COST TO THE OWNER.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR DAMAGE TO ALL STRUCTURES, LANDSCAPING, PAVING AND OTHER ITEMS LOCATED WITHIN AND OUTSIDE WORK AREA. ANY DAMAGE TO PERMANENT ITEMS INCURRED BY THE CONTRACTOR THROUGH HIS WORK IN THIS CONTRACT SHALL BE REPAIRED TO ORIGINAL CONDITION BY THE CONTRACTOR AT HIS OWN EXPENSE.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION PERMITS, PERMIT FEES, LICENSES, LICENSE FEES, ETC. CODES AND ORDINANCES.
4. ALL CONSTRUCTION TO BE IN STRICT ACCORDANCE WITH CURRENT CITY OF TULSA, STATE OF OKLAHOMA, AND NATIONAL CODES AND ORDINANCES.
5. NO DIMENSION MAY BE SCALED. REFER UNCLEAR ITEMS TO THE LANDSCAPE ARCHITECT FOR INTERPRETATION.
6. PROVIDE EXPANSION JOINTS IN CONCRETE SIDEWALK AT A MAXIMUM SPACING NOT EXCEEDING 50'. MAXIMUM SPACING BETWEEN EXPANSION JOINTS IN CONCRETE CURB AND GUTTER SHALL BE 150' OR AS DICTATED BY LOCAL GUIDELINES.

Landscape Architects
howell & vancuren
601 South Liberty Avenue, Tulsa, Oklahoma 74106
918.482.1277 | howell@hv.com

Jamie and Darton Zink
ZINK RESIDENCE
1366 EAST 27TH PLACE SOUTH
TULSA, OKLAHOMA 74114-4110

REVISIONS
△ 4/2/19 - CITY COMMENTS
△ 4/2/19 - DRAINAGE REVISIONS

PROFESSIONAL SEAL

2/18/19
DRAWING IS SET TO SCALE UNLESS
PRINTED OR SHEET SIZE IS NOT (PAGE 1)
ISSUE DATE:
FEBRUARY 18, 2019
CONSTRUCTION DOCUMENTS
DRAWN BY: HSY DESIGNED BY: HSY
SHEET NAME:
LAYOUT & MATERIALS
SITE PLAN
SHEET NUMBER:
L 1.01

11.14

Landscape Architects

howell & vancuren
 801 South LeFlore Avenue, Tulsa, Oklahoma 74106
 918.582.1975 | h@hvll.com

Jamie and Darton Zink
ZINK RESIDENCE
 1366 EAST 27TH PLACE SOUTH
 TULSA, OKLAHOMA 74114-4110

REVISIONS
 4/26/19 - CITY COMMENTS
 4/26/19 - OWNER REVISIONS

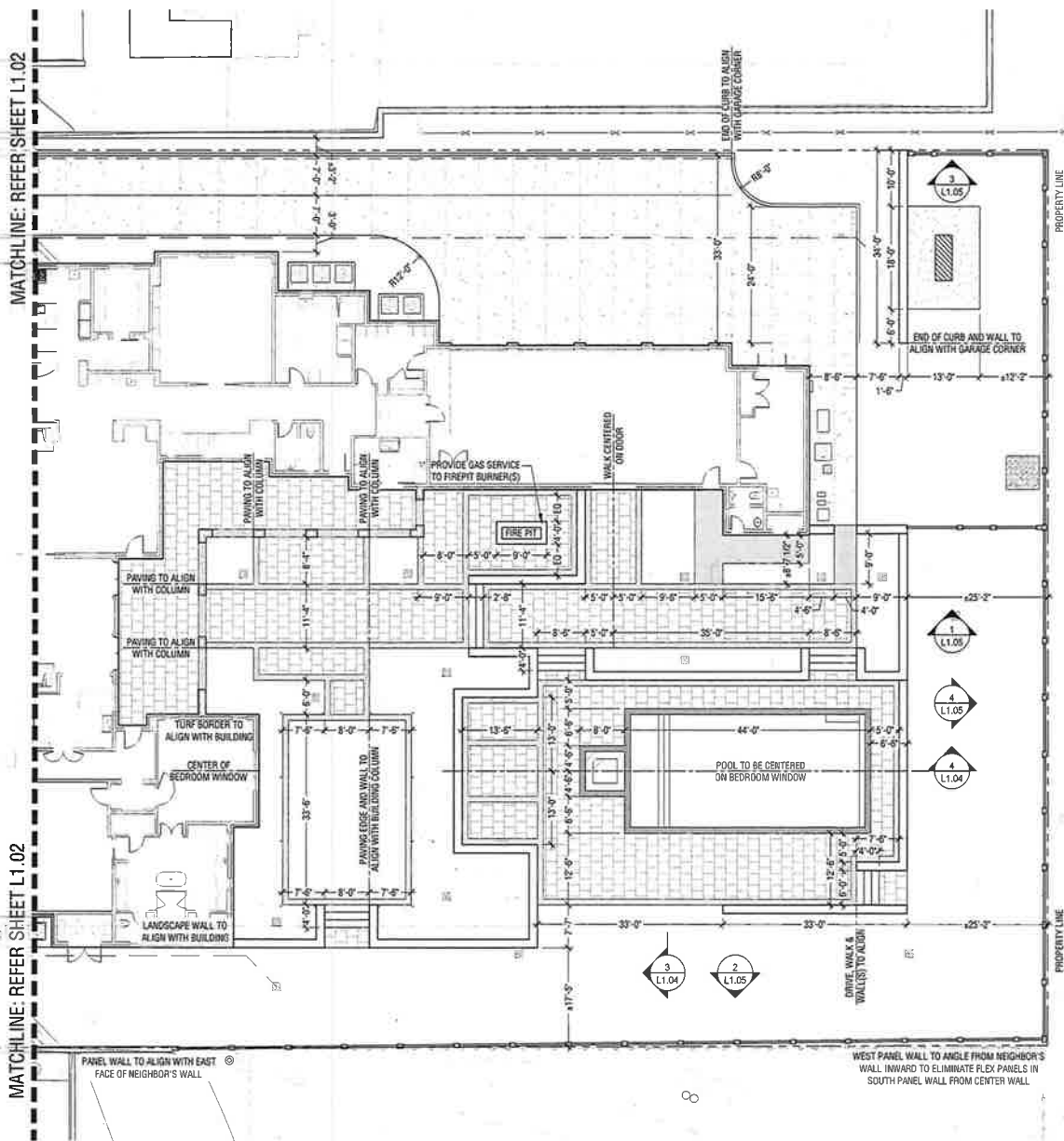


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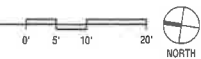
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 SHEET NAME: LAYOUT ENLARGEMENT
 SHEET NUMBER: L 1.03

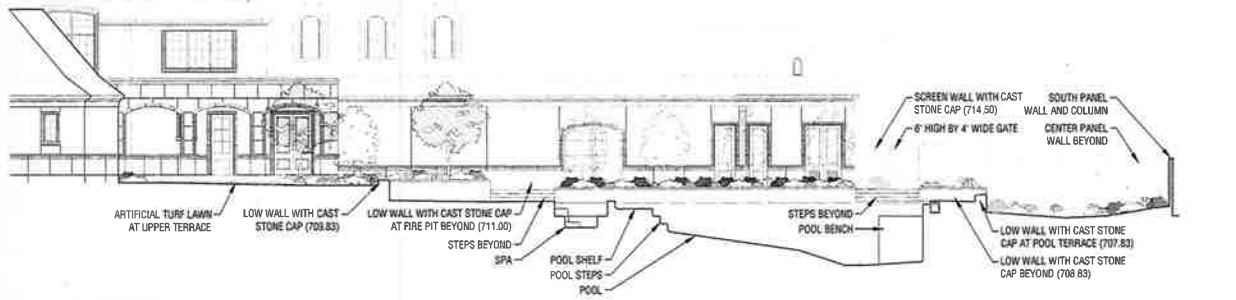
LEGEND

- PROPERTY LINE
- CONCRETE DRIVE
- 18" WIDE WALL WITH CAST STONE CAP (TYPICAL)
- 8" HIGH MODULAR PANEL WALL AND COLUMN
- WALK PAVING FIELD
- WALK PAVING BORDER 1'-0" WIDE (TYPICAL)
- WALK PAVING STEPS
- WALK PAVING NON-SPECIAL COLOR/MATERIAL TO MATCH BORDER
- ARTIFICIAL TURF LAWN EQUAL TO "FUSION" AS SUPPLIED BY FOREVER LAWN. www.foreverlawn.com 918.677.8619
- 4"x4" DRAINAGE AGGREGATE SUMP

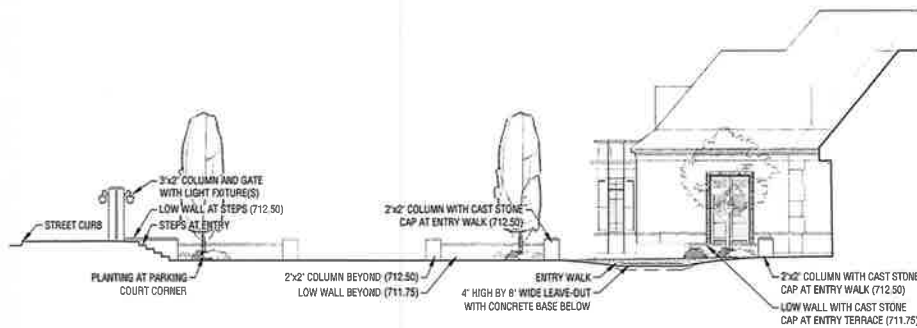


1 SOUTH ENLARGEMENT PLAN
 1"=10'-0"





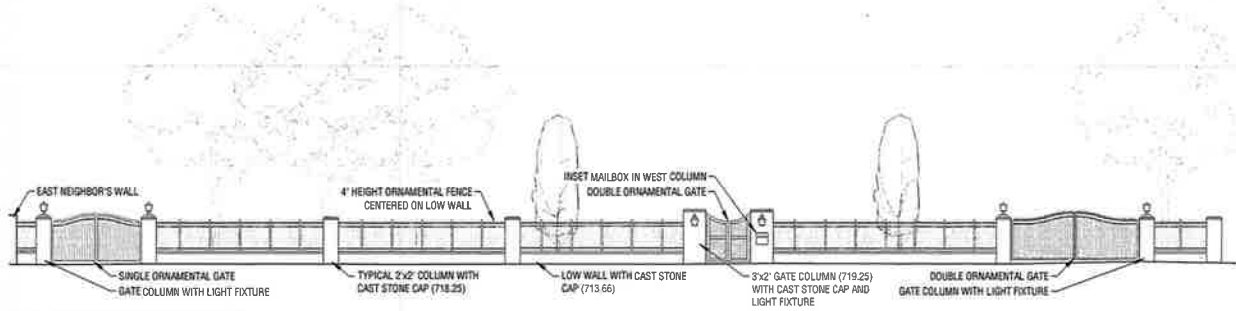
4 TERRACE SECTION
1/8"=1'-0"



2 ENTRY WALK AND PARKING SECTION
1/8"=1'-0"



3 TERRACE CROSS-SECTION
1/8"=1'-0"



1 STREET FRONTAGE ELEVATION
1/8"=1'-0"

JAMIE AND DARTON ZINK
ZINK RESIDENCE
1366 EAST 27TH PLACE SOUTH
TULSA, OKLAHOMA 74114-4110

REVISIONS
4/8/19 - CITY COMMENTS
4/8/19 - DESIGN REVISIONS



DRAWING IS NOT TO SCALE UNLESS
PRINTED ON SHEET SIZE: 24"X36" (PANS 2)

DATE: FEBRUARY 18, 2019

CONSTRUCTION DOCUMENTS
DRAWN BY: JAV CHECKED BY: JAV
SHEET NAME: DETAILS & ELEVATIONS

SHEET NUMBER: L 1.04

11.16

Landscape Architects

howell & vancuren
401 South Lewis Avenue, Tulsa, Oklahoma 74104
918.582.1274 | hvc@hvcva.com

Jamie and Darton Zink
ZINK RESIDENCE
1386 EAST 27TH PLACE SOUTH
TULSA, OKLAHOMA 74114-4110

REVISIONS:
△ 4/8/19 - CITY COMMENTS
△ 4/29/19 - DRAINAGE REVISIONS



PRINTED ON 9/16/21 125L 22"x34" (44x55)

DATE: FEBRUARY 18, 2019

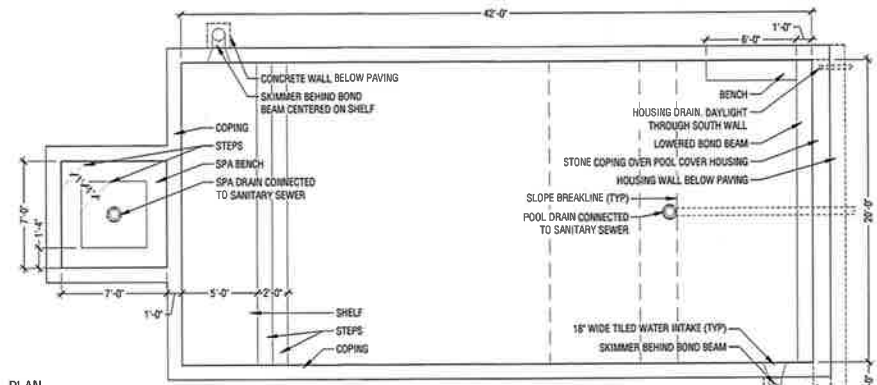
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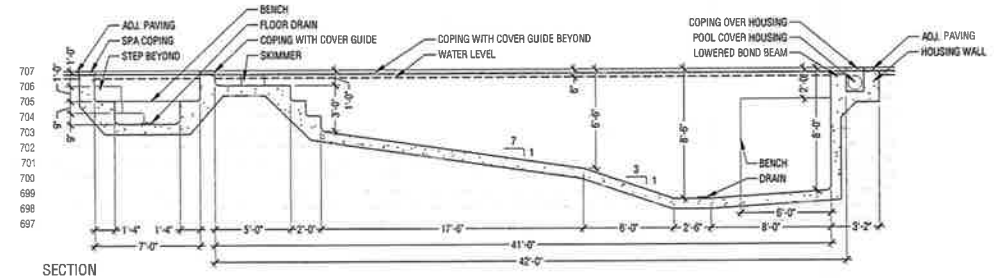
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SHEET NUMBER: 1

L 1.05

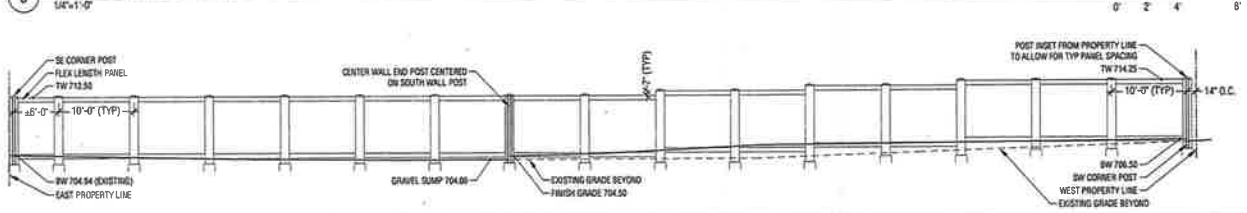


PLAN

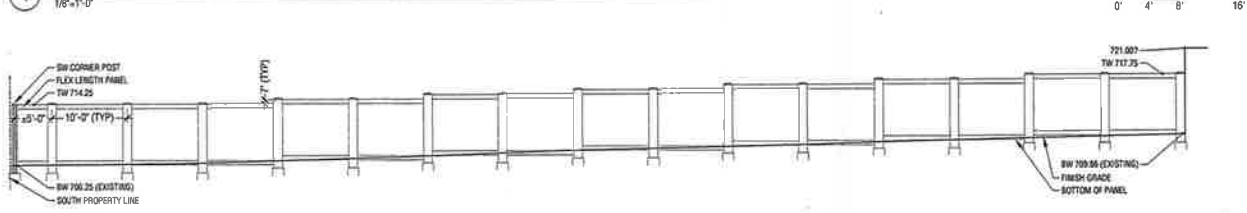


SECTION

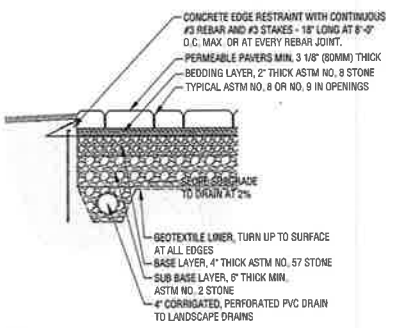
6 POOL ENLARGEMENT & SECTION



4 PANEL WALL - SOUTH ELEVATION

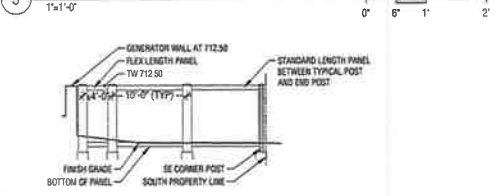


2 PANEL WALL - WEST ELEVATION

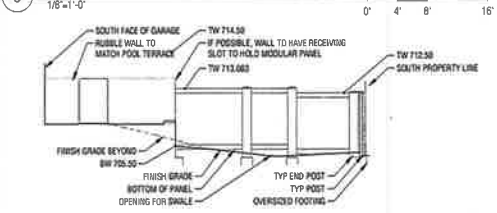


NOTE
1. REFER TO PLANS FOR LAYOUT.
2. PROVIDE EDGE RESTRAINT IN ALL AREAS WHERE PAVERS DO NOT ABUT CONCRETE

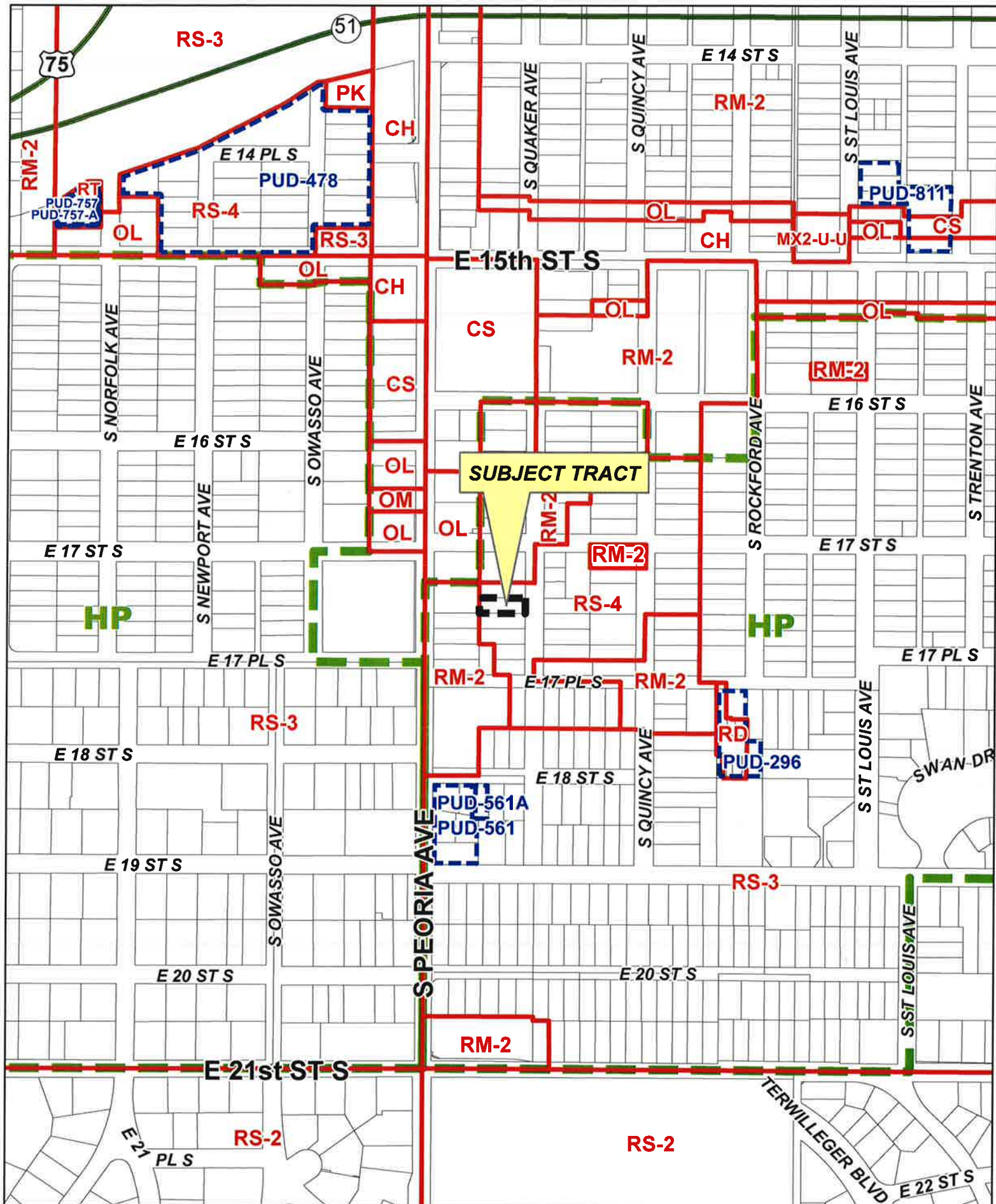
5 PERMEABLE BRICK PAVERS



3 PANEL WALL - EAST ELEVATION



1 PANEL WALL - CENTER ELEVATION



BOA-22768

12.1

19-13 07



BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: **BOA-22768**

CZM: 37

CD: 4

HEARING DATE: 10/22/2019 1:00 PM

APPLICANT: Tom Neal

ACTION REQUESTED: Variance to allow more than 30% coverage in the rear setback for a detached accessory building (Sec. 90.090-C.2, Table 90-2)

LOCATION: 1716 S QUAKER AV E

ZONED: RS-4

PRESENT USE: Residential

TRACT SIZE: 8002 SQ FT

LEGAL DESCRIPTION: LT 4 BLK 24 & 10' VAC. ALLEY, ORCUTT ADDN

RELEVANT PREVIOUS ACTIONS:

Surrounding property:

BOA-22683; On 07/23/2019 the Board **approved** a Variance to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the of the floor area of the principal residential structure in an RS-4 district. Property Located 1332 E. 17 Pl. S.

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 located in an RS-4 subdivision. The Property is located in the Swan Lake Historical Preservation Overlay, but this request is not subject to review by the Historical Preservation Committee since it is not located in a street yard and is a detached accessory structure per Sec. 70.070-B.3 of the Zoning Code.

12.2

STAFF COMMENTS: The applicant is requesting a Variance to allow more than 30% coverage in the rear setback for a detached accessory building (Sec. 90.090-C.2, Table 90-2)

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

Zoning District	Maximum Coverage of Rear Setback
RS-1 and RE Districts	20%
RS-2 District	25%
RS-3, RS-4, RS-5 and RD Districts	30%
RM zoned Lots Used for Detached Houses or Duplexes	30%

SAMPLE MOTIONS:

Move to _____ (approve/deny) a **Variance** to allow more than 30% coverage in the rear setback for a detached accessory building (Sec. 90.090-C.2, Table 90-2)

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

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

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



Facing North on Quaker



Subject property



Facing South on Quaker

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

Tom Neal
Tom Neal Design

9/11/2019

APPLICATION NO: ZCO-040900-2019 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1716 S Quaker

Description: Accessory Building

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(continued)

REVIEW COMMENTS

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

Application No. ZCO-040900-2019

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.

90.090-C.2 Detached Accessory Buildings

a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:

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

Review Comments:

#2. This lot is zoned RS-4. The rear setback is defined as the minimum distance set out by the zoning code of open unoccupied space between the rear lot line and the required rear setback (in your case, 20 feet from the rear property line). A maximum 30% area can be covered by the accessory building; (50' X 20' X 30%) allows 300 sq ft of coverage. You are proposing 396 sq ft of coverage in the rear setback. Revise your plans to show compliance or apply to BOA for a variance to allow more than 30% coverage in the rear setback.

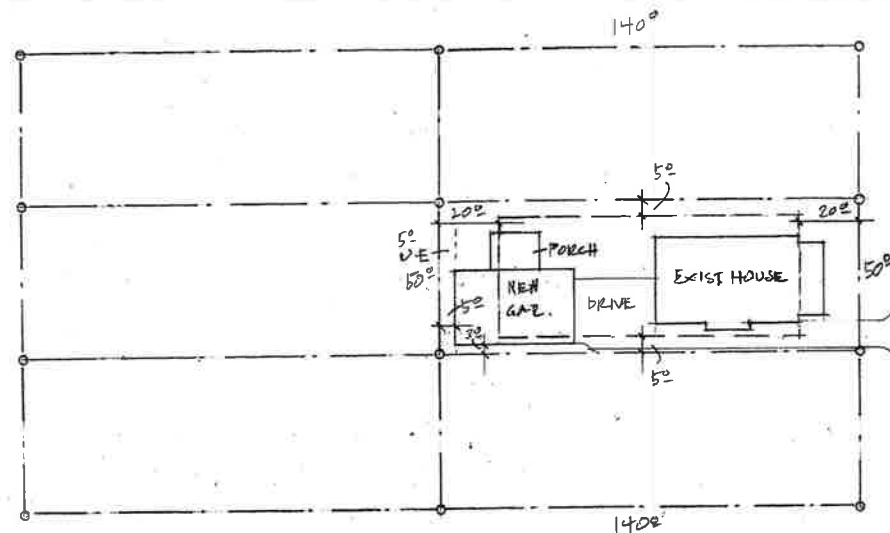
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

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

END -ZONING CODE REVIEW

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

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



SITE DRAINAGE PLAN 1" = 40'

MAX. REAR YARD COVERAGE: 333.3 S.F.

PROPOSED COVERAGE 396 S.F.

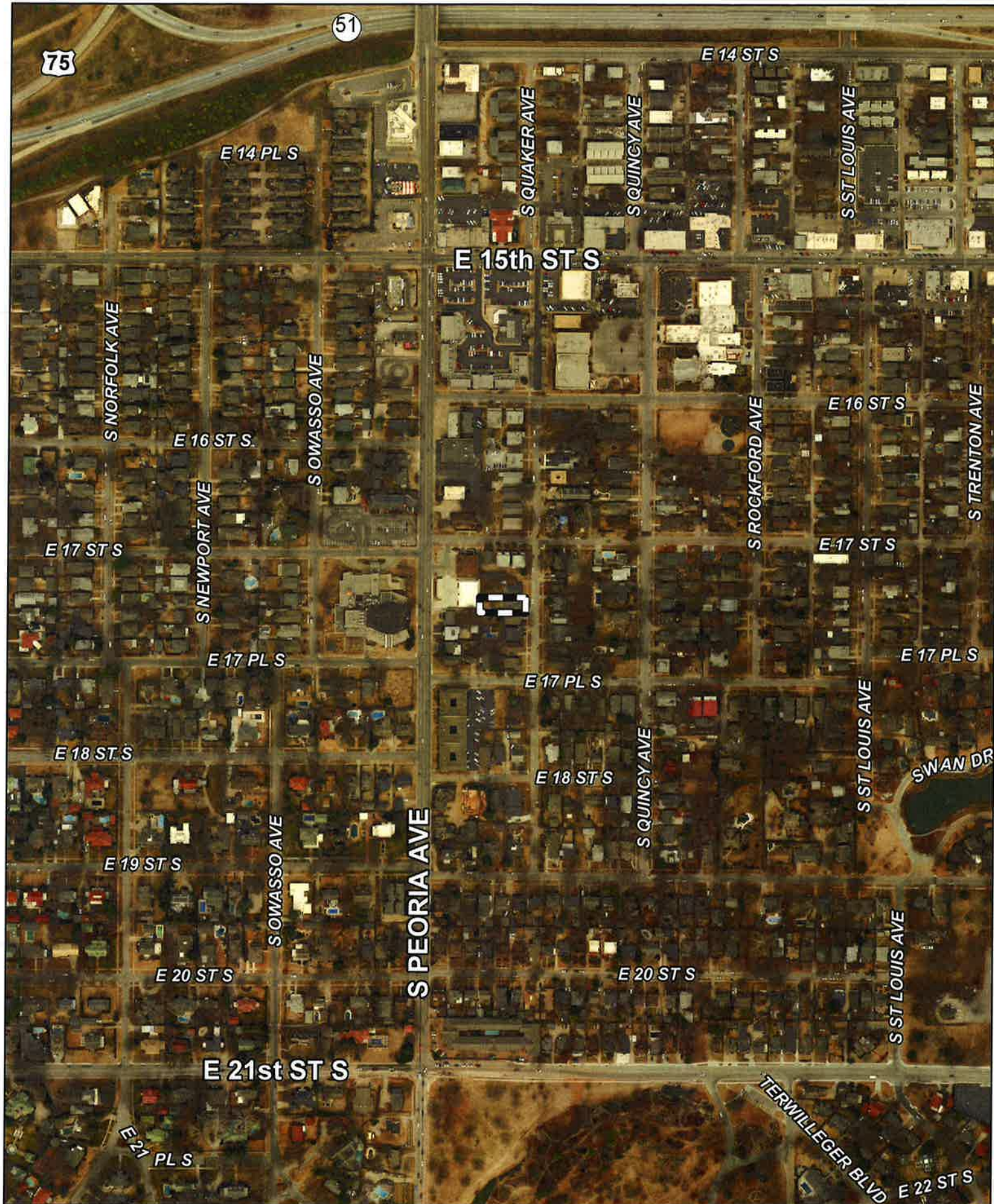
LOT SIZE: 8000 S.F., REQ. OPEN SPACE: 2500 S.F.

HOUSE: 1420 S.F., PROPOSED GAR/PORCH: 1152 S.F.

DRIVEWAY: 1053 S.F. OPEN SPACE: 4393 S.F.

OLIVIA PROJECT
11650 QUAKER AVE
TULSA OKLA 8-2019

TOM NEAL
DESIGN
Associate member, American Institute of Architects
918.231.7372



0 Feet 200 400



Subject Tract

BOA-22768

19-13 07

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

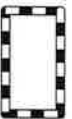
Aerial Photo Date: February 2018

12.9





0 50 100 Feet



Subject
Tract

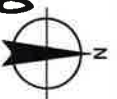
BOA-22768

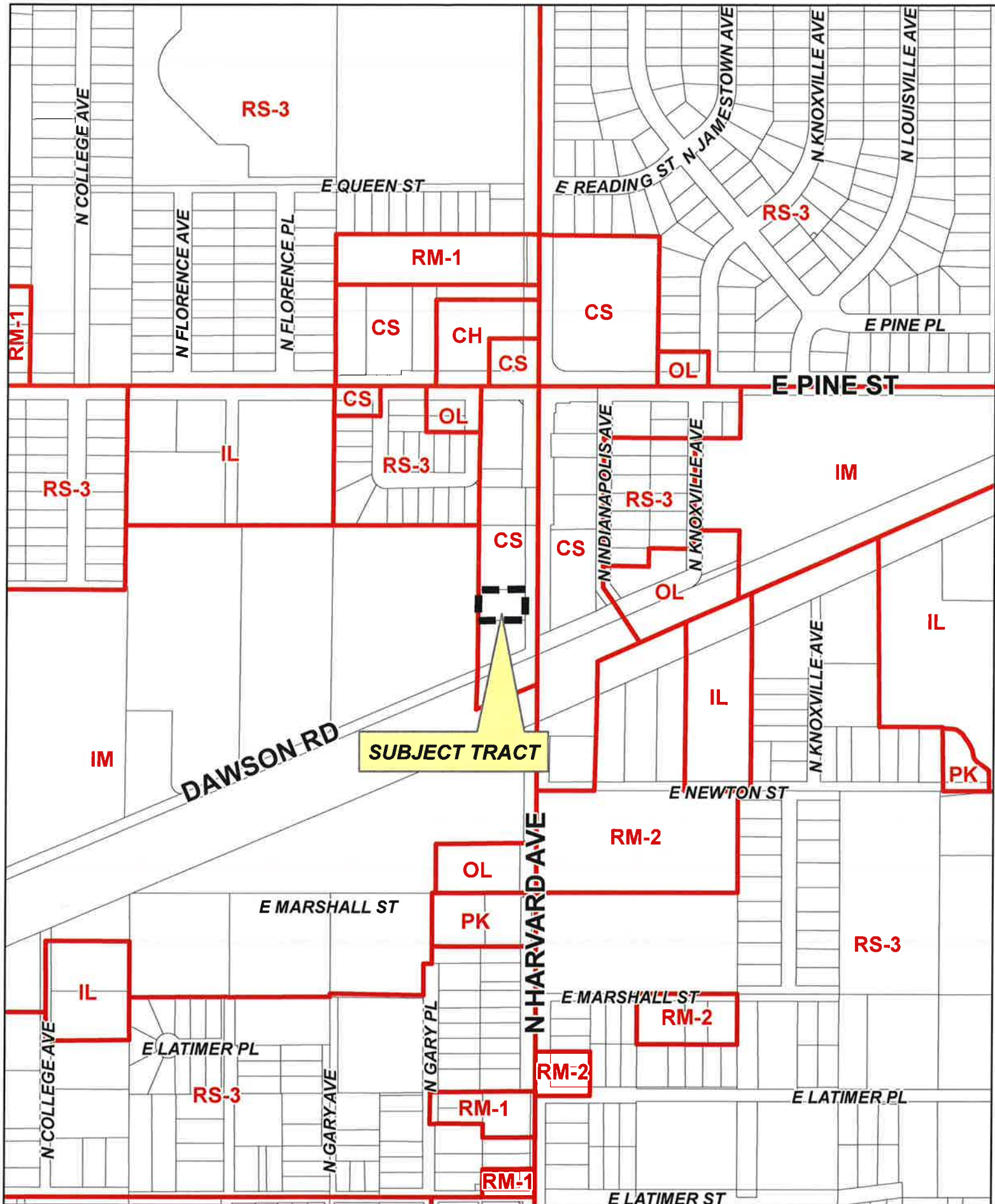
19-13 07

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

Aerial Photo Date: February 2018

12.10





BOA-22769

13.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 0332

Case Number: **BOA-22769**

CZM: 29

CD: 3

HEARING DATE: 10/22/2019 1:00 PM

APPLICANT: Nyesha Barre

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

LOCATION: 1406 N HARVARD AV E

ZONED: CS

PRESENT USE: Vacant

TRACT SIZE: 14501.18 SQ FT

LEGAL DESCRIPTION: TR BEG 661.5S & 40W NEC NE NE TH S100 W145 N100 E145 POB SEC 32 20 13 .333AC,

RELEVANT PREVIOUS ACTIONS: None

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned CS and is located South of the SW/c of E. Pine street and N. Harvard Ave.

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. They also provided an exhibit showing the closet dispensary, Mary Janes, as being located 6,336 ft East of the subject tract, this number is a driving distance and not in a straight-line measurement though it still appears well outside the 1,000 ft radius.

SAMPLE MOTION:

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

13.2



Subject Property



Facing South on N. Harvard



Facing North on N. Harvard



0 Feet 200 400



Subject Tract

BOA-22769

20-13 32

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

Aerial Photo Date: February 2018



13.5



E OKLAHOMA PL

N HARVARD AVE

N INDIANAPOLIS AVE

DAWSON RD

0 50 100
Feet



Subject
Tract

BOA-22769

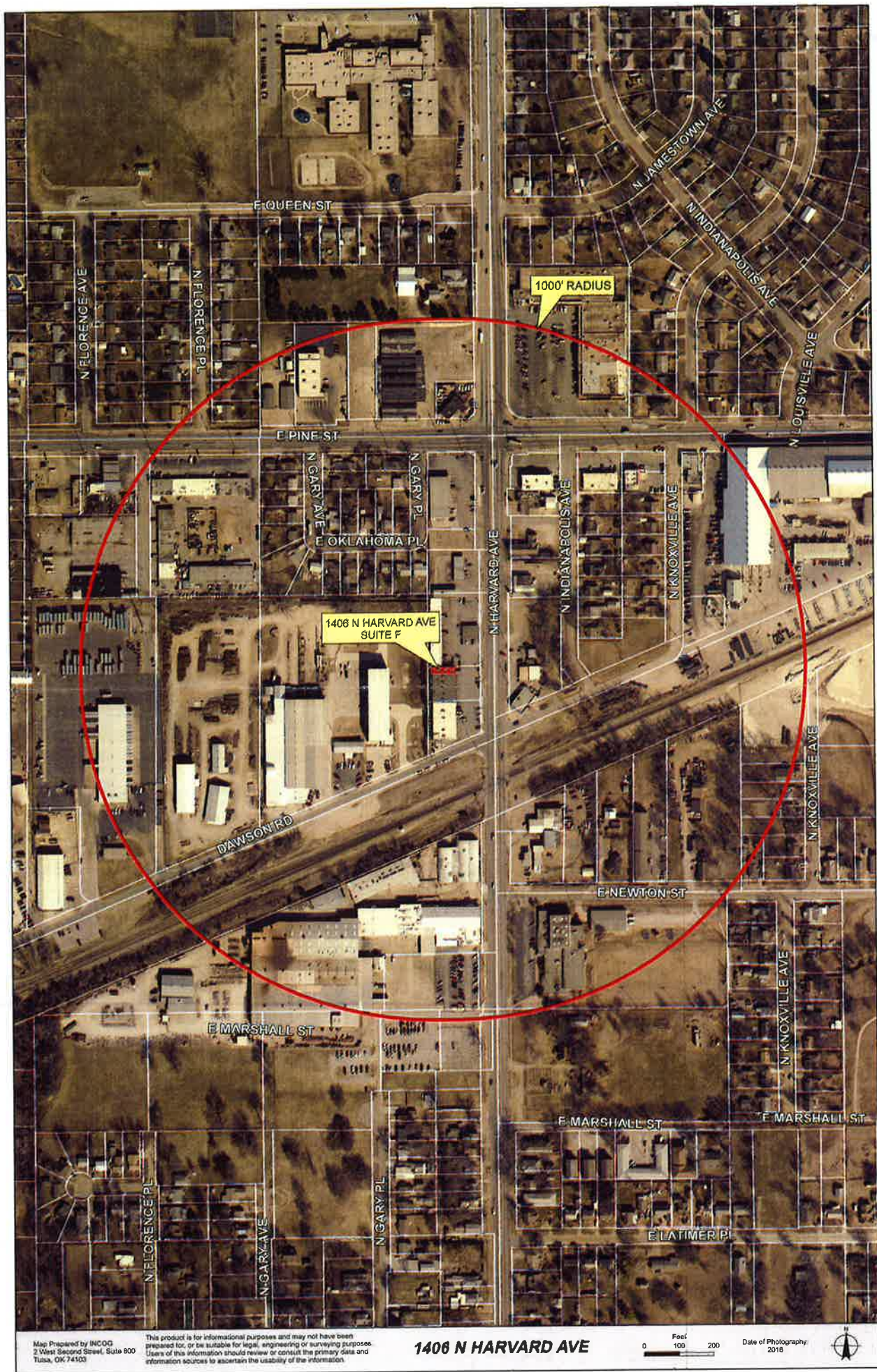
20-13 32

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

Aerial Photo Date: February 2018

13.6





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.

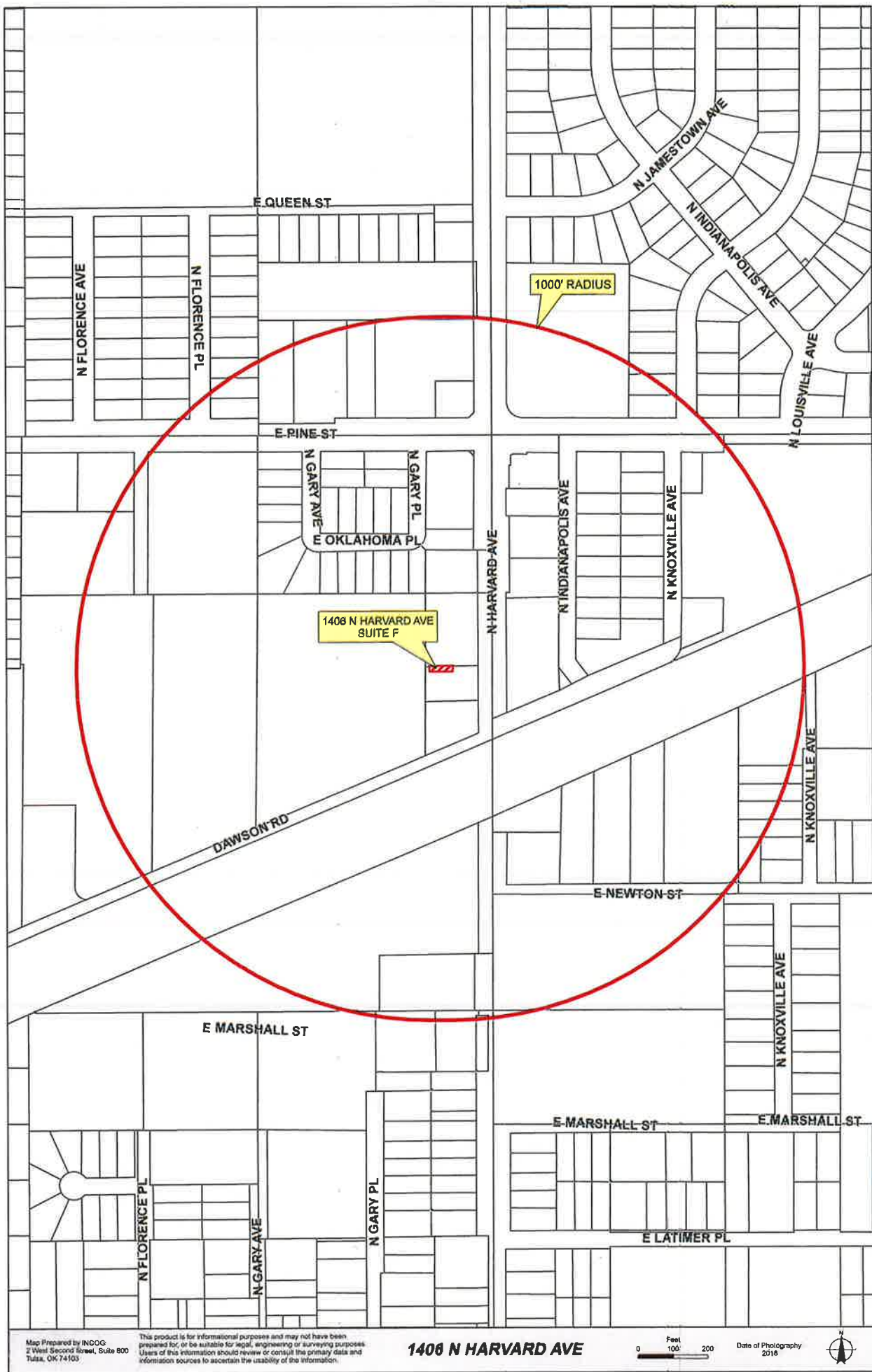
1406 N HARVARD AVE

Feet
0 100 200

Date of Photography
2018



13.7



APACHE

LOUISV
HEIGH

UNITED
NEIGHBORHOOD
OF SPRINGDALE

NORTH
EVANSTON

N Harvard Ave

N Lewis Ave

Church's Chicken

O'Reilly Auto I

prettybucks
dispensary

3 min

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 10, 2019

Nyesha Barre
9018 E 87 PL
Tulsa, OK 74133

Phone: 918.856.8773

APPLICATION NO: BLDC-042039-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1406 N Harvard Ave
Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.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 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)

13.10

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-042039-2019

1406 N Harvard Ave

September 10, 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.



nyesha barre <nyeshabarre64@gmail.com>

OMMA Business License Update Application Approved

1 message

OMMA <omma-noreply@ok.mycomplia.com>
To: nyeshabarre64@gmail.com

Wed, Sep 18, 2019 at 3:40 PM



**Oklahoma Medical
Marijuana Authority**

Dear Nyesha,

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

You will receive an approval letter with your license in the mail. Your application reference number is 205197.

If you have any questions, please feel free to contact the OMMA via email:

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

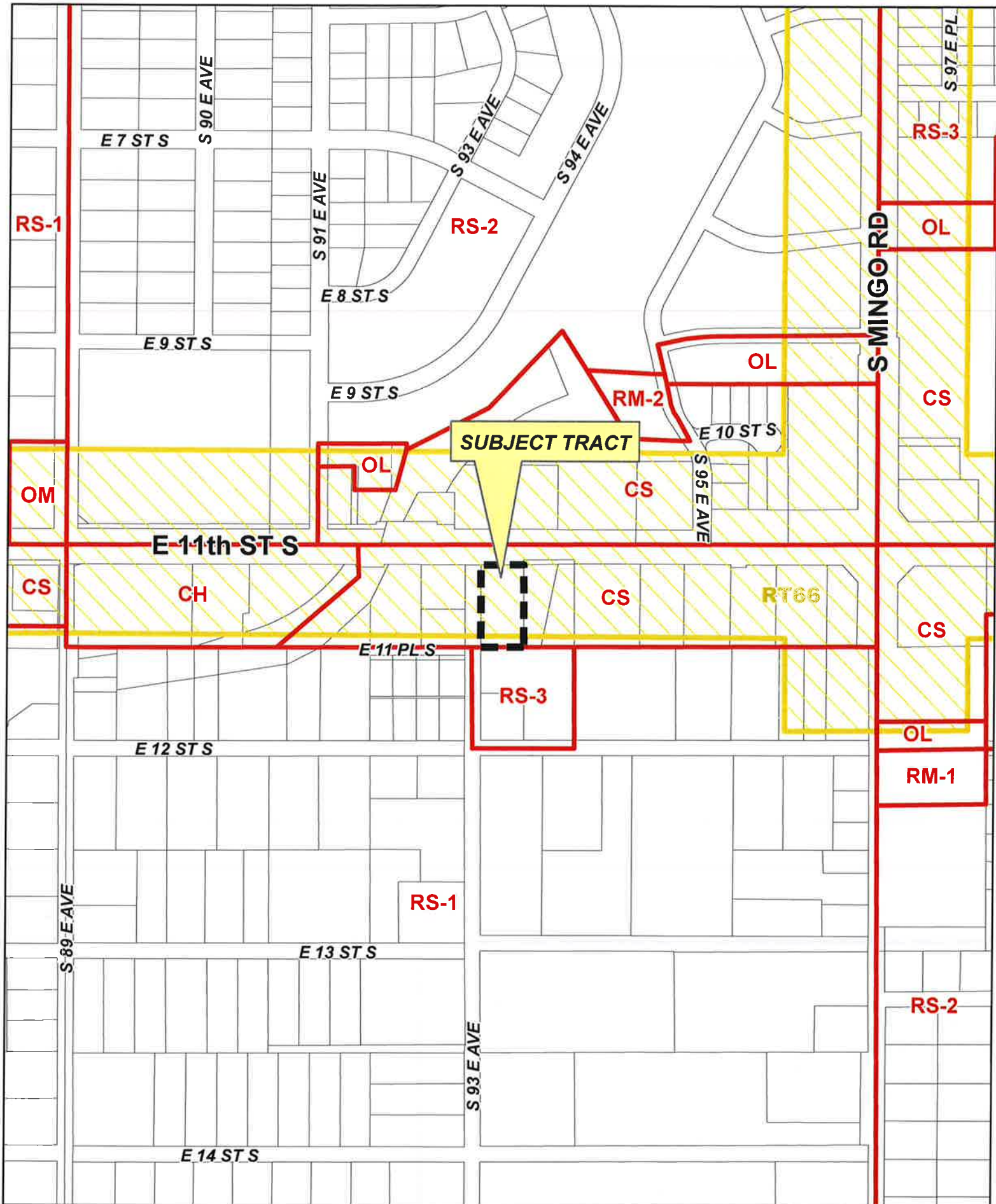
[Click here to log in.](#)

Sincerely,
Oklahoma Medical Marijuana Authority

Please do not reply to this email. This mailbox is not monitored, and you will not receive a response. For technical support, please contact support-ok@mycomplia.com.

Powered by [Complia, LLC](#) | [OMMA](#)

13.12



BOA-22770

19-13 12

14.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9312

Case Number: **BOA-22770**

CZM: 38

CD: 5

HEARING DATE: 10/22/2019 1:00 PM

APPLICANT: Charles Lewis

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

LOCATION: 9306 E 11 ST S

ZONED: CS

PRESENT USE: Office/Commercial

TRACT SIZE: 37100.2 SQ FT

LEGAL DESCRIPTION: BEG 50S & 25E NEC NW NE TH S280 E140 N280 W140 POB LESS N15 FOR ST SEC 12 19 13 .851AC,

RELEVANT PREVIOUS ACTIONS: None

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned CS and is located at the SE/c of E. 11 St. S. and S 93rd E. Ave.

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. They listed the next closest dispensary, Fort Apache.

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.



Subject Property (Image Taken from Google). Staff Conducted a Site Visit but because of Traffic along 11th we were unable to get a current photo.



0 Feet 200 400



Subject
Tract

BOA-22770

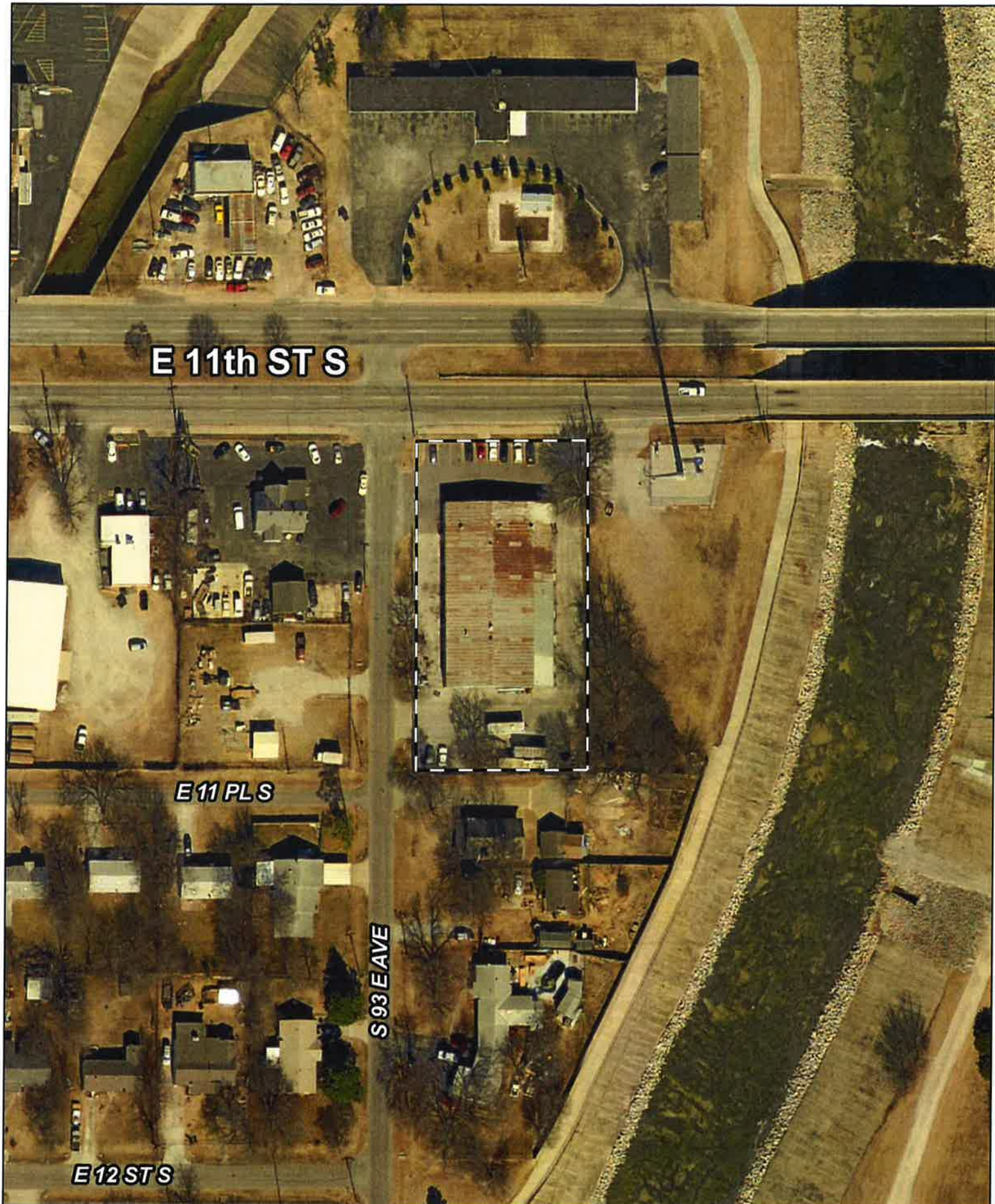
19-13 12

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

Aerial Photo Date: February 2018



14.4



E 11th ST S

E 11 PL S

S 93 E AVE

E 12 ST S



**Subject
Tract**

BOA-22770

19-13 12

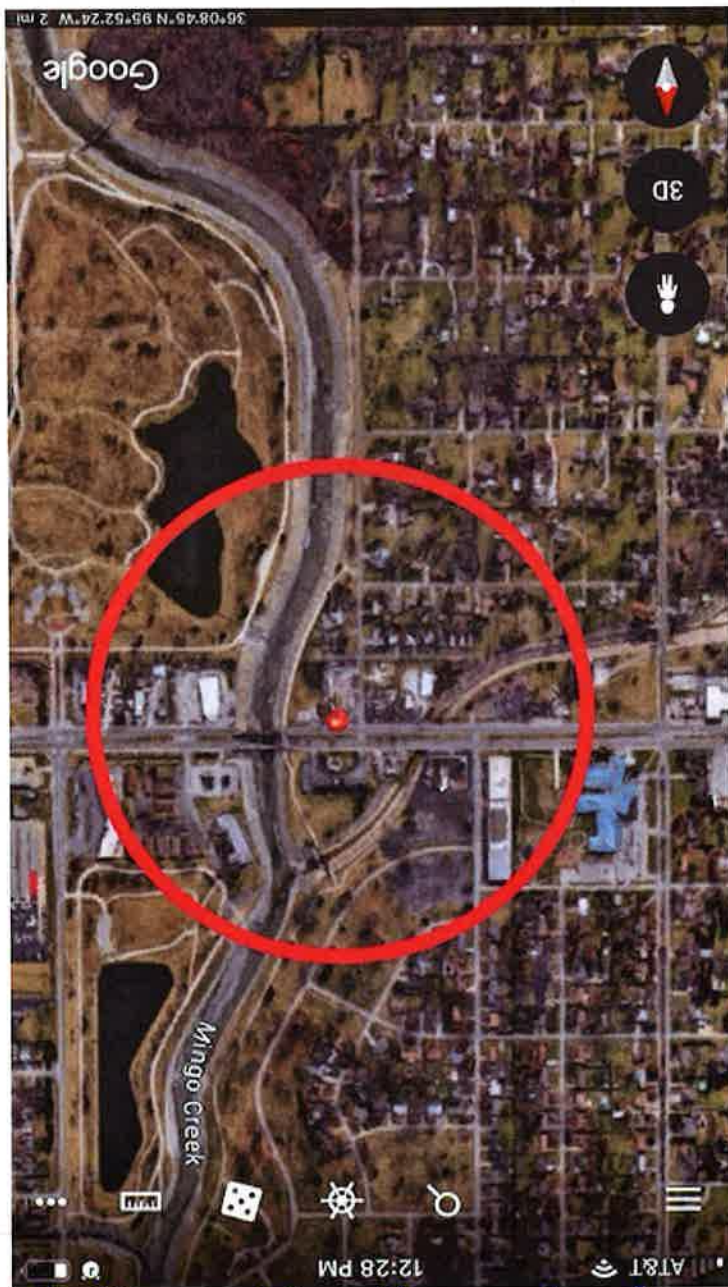
**Note: Graphic overlays may not precisely
align with physical features on the ground.**

Aerial Photo Date: February 2018



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9306 E. 11th St Tulsa, OK 74112

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 19, 2019

Charles Lewis
7302 E 12 ST
Tulsa, OK 74112

Phone: 918.853.1020

APPLICATION NO: **BLDC-04286-20129**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **9306 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 (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-042864-2019

9306 E 11 ST

September 19, 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

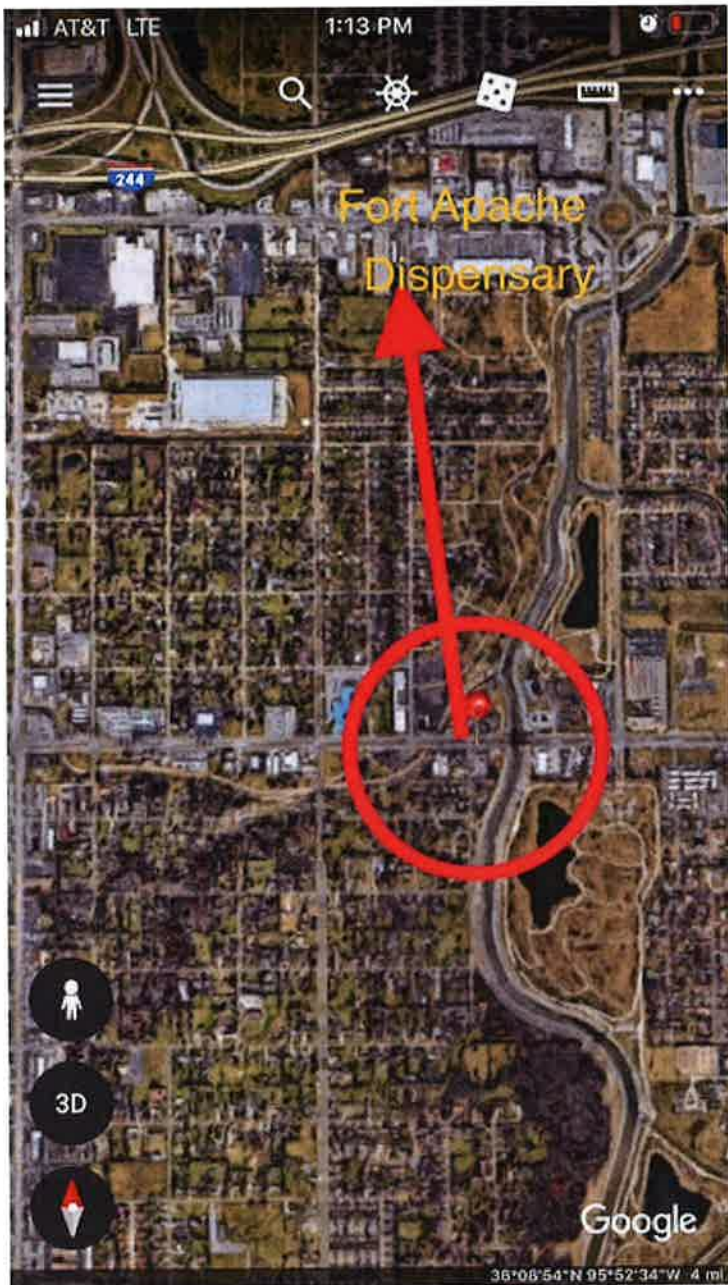
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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.





OTHER BUSINESS:

**ITEM #15 – REVIEW AND APPROVAL OF
2020 MEETING SCHEDULE**

PROPOSED MEETING DATES FOR 2020
CITY BOARD OF ADJUSTMENT

JANUARY

14
28

JULY

14
28

FEBRUARY

11
25

AUGUST

11
25

MARCH

10
24

SEPTEMBER

08
22

APRIL

14
28

OCTOBER

13
27

MAY

12
26

NOVEMBER

10
24
(Thanksgiving is 26 & 27)

JUNE

09
23

DECEMBER

08
22
(Christmas is 24 & 25)