AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, December 10, 2019, 1:00 P.M.

Meeting No. 1241

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of October 22, 2019 (Meeting No. 1239).

UNFINISHED BUSINESS

2. 22779—M D Hag
   Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
   LOCATION: 6322 South Peoria Avenue East (CD 2)

3. 22783—Tony Jordan
   Variance to reduce the required 25-foot rear setback in an RS-1/RS-2 District (Section 5.030, Table 5-3).
   LOCATION: 2407 East 26th Place South (CD 4)

4. 22792—Josh Kunkel
   Special Exception to permit a Large Commercial Assembly and Entertainment use (more than 250-person capacity) in an IL District to permit expansion of an existing gymnastics facility (Section 15.020-C).
   LOCATION: 7020 East 38th Street South (CD 5)

NEW APPLICATIONS

5. 22794—Tom Neal
   Special Exception to exceed allowable driveway width both within the street setback and within the right-of-way (Section 55.090-F3).
   LOCATION: 4002 South Columbia Place East (CD 9)

6. 22795—A-Max Sign Company
   Variance to permit two additional wall signs on the East elevation in an OL District with one street frontage (Section 60.060-B).
   LOCATION: 4436 South Harvard Avenue East (CD 9)
7. **22796—Royalty Buds**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
**LOCATION:** 107 North Lewis Avenue East (CD 3)

8. **22797—Gibbs Green Delivery Service, Inc.**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
**LOCATION:** 4604 North Peoria Avenue East (CD 1)

9. **22798—Mercedes Costeira**
Special Exception to allow a personal improvement use in an OM District to permit a hair salon (Section 15.020, Table 15-2).
**LOCATION:** 10720 East 21st Street South (CD 6)

10. **22799—Baxter & Banks c/o Dirks Van Veen**
Special Exception to permit Low-impact Manufacturing and Industry Use in a CH District (Section 15.020, Table 15-2).
**LOCATION:** 1111 South 79th Avenue East (CD 5)

11. **22800—Paul Emmons**
Special Exception to allow a Bed & Breakfast in the RS-3 District. (Section 5.020, Table 5-2).
**LOCATION:** 1535 South Florence Place East (CD 4)

12. **22801—Terrance Lewis**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
**LOCATION:** 4735 South Memorial Drive. East, Suite C (CD 7)

13. **22802—Santale Cephus**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
**LOCATION:** 10301 East 51st Street South (CD 7)

14. **22803—Ed Mackey**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
**LOCATION:** 2777 South Memorial Drive East (CD 5)

15. **22804—Jesse Keefe**
Variance to allow a lot to have less than 50% open space (Section 80.020-B); Variance to allow an accessory structure to exceed one story, 18 feet in height overall & 10 feet in height to the top of the top plate (Section 90.90.C); Variance to allow an accessory building to cover more than 30% of the rear setback (Section 90.090-C.2); Variance to allow accessory buildings to exceed 40% of
the floor area of the principal structure (Section 45.030-B); **Special Exception** to allow an addition to a nonconforming structure (Section 80.030-D). **LOCATION:** 1611 South Trenton Avenue East (CD 4)

16. **22805—Homero Lopez**  
**Special Exception** to exceed allowable driveway width both within the street setback and within the right-of-way (Section 55.090-F3). **LOCATION:** 5347 East 33\(^{rd}\) Street South (CD 5)

17. **22806—Okie Gold, LLC / Best Dispensary c/o Charles Sherwood**  
**Special Exception** to allow Low-impact Manufacturing and Industry uses in the CH District (Section 15.020, Table 15-2). **LOCATION:** 1502 South Harvard Avenue East (CD 4)

18. **22807—3 Leafs Dispensary**  
**Verification** of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 2400 North Yale Avenue East – **Tenant Space:** 2664 North Yale Avenue East (CD 1)

19. **22808—Shelby Swanson**  
**Special Exception** to allow Low-impact Manufacturing and Industry uses in the CBD District in order to permit a coffee roasting business (Section 15.020, Table 15-2). **LOCATION:** 310 East 1\(^{st}\) Street South (CD 4)

20. **22809—Weldon Bowman**  
**Verification** of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 7 North Harvard Avenue East (CD 4)

21. **22810—KKT Architects**  
**Variance** to increase the maximum 35-foot building height in a Residential District (Section 5.030, Table 5-3); **Variance** to increase the maximum 32 square feet display area for sign serving a non-residential use in an R District (Section 60.050-B-2a). **LOCATION:** 131 East 31\(^{st}\) Place South and 3137 South Boston Court East (CD 4)

22. **22811—Roberta Rutledge**  
**Special Exception** to permit a Bed and Breakfast use in an RS-3 District (Section 5.020, Table 5-2). **LOCATION:** 3615 East 15\(^{th}\) Street South (CD 4)

23. **22813—Tracy K. Turner**  
**Variance** of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 5408 East 11\(^{th}\) Street South (CD 5)
24. **22814—Olsson, Inc. – Todd Lipe**  
Special Exception to allow a school in an IM District. (Section 15.020, Table 15-2). **LOCATION:** 1421 South Sheridan Road South (CD 5)

25. **22815—Eller & Detrich – Lou Reynolds**  
Variance to permit a drive-thru ATM facility to be located at the front, street-facing side of the property (Section 55.100-C). **LOCATION:** 3516 East 31st Street South (CD 9)

26. **22816—Eller & Detrich – Lou Reynolds**  
Special Exception to permit alternative compliance parking ratios in an RM-2 District (Section 55.050-K) to reduce the required number of parking spaces for an apartment use. **LOCATION:** 3320 East 37th Street South (CD 9)

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

Website: tulsaplaning.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 at 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.
APPLICANT: MD Haq

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

LOCATION: 6322 S. PEORIA AVE. E.; TENANT SPACE: 6322 S. PEORIA AVE. ZONED: CS

PRESENT USE: Commercial TRACT SIZE: 57516.86 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 2, SOUTH PEORIA GARDENS RESUB PRT TOWNE PARK ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding Properties: None

STAFF COMMENTS:

The applicant is requesting Verification of the 1,000 spacing requirements 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-l.

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

The applicant presented an exhibit with a circle drawn around their location and listing no dispensaries within that circle. On the exhibit they provided a measurement of 1,090.44 ft between themselves and the nearest dispensary though no context of where that measurement is taken from.
the lots. Staff does not believe the applicant provided enough information for the Board to accept their Verification of Spacing and provided notice of such to the applicant. The Board may consider a continuance if that information is not provided at or prior to the hearing.

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.
RE-UP Cannabis Dispensary
6322 S. Peoria Avenue
Tulsa, OK 74136

Proof of distance from another dispensary:

#1: Nearest Dispensary located at 6610 S. Peoria Ave (Suite D) Tulsa, OK 74136

= 1,090 feet away from, meeting the 1,000 foot minimum distance requirement.
Facing South on Peoria

Subject Dispensary
Facing North on Peoria
COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

RE-UP LLC

6322 S PEORIA AVE, TULSA, OK, 74136

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 CHAP 4A. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREOF, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

02/26/2020

LICENSE NUMBER:
DAAA-EJYD-S1OB

TRANSPORTATION LICENSE ONLY

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health
ZONING CLEARANCE PLAN REVIEW

September 10, 2019
Phone: 918.946.4588

MD Haq
6322 S Peoria Ave
Tulsa, OK 74136

APPLICATION NO: BLDC-038906-2019

Location: 6322 S Peoria 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.inco.org OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

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

(continued)
REVIEW COMMENTS

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

BLDC-038906-2019 6322 S Peoria 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 INCORGA 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. INCORGA 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 INCORGA BOA Planner at 918-584-7526. The separation required under Sec.40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma Department of Health prior to December 1, 2018 for the particular location.

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


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

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

A hard copy of this letter is available upon request by the applicant.
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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

ACTION REQUESTED: Variance to reduce the required 25 ft. rear setback in an RS-1/RS-2 District (Sec. 5.030, Table 5-3)


PRESENT USE: Residential  TRACT SIZE: 78425.75 SQ FT

LEGAL DESCRIPTION: PRT LTS 7 & 8 BEG 54.66W & 5S NWC LT 7 TH E280.72 S126.81 SW78.21 W78.21 S200 TO PT ON SL LT 7 CRVLF 26.65 SW125 TO SWC LT 7 CRVRT 41.15 NLY367.75 POB BLK 1, WOODY-CREST SUB

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding Properties:

BOA-21806; On 11.25.2014 the Board approved a Variance to allow a swimming pool to be constructed in the required front yard (Section 210.8.6) and a Variance to reduce the rear yard setback to 22 feet on an RS-1 zoned lot (Section 403, Table 3), subject to the property as constructed shown on page 8.10. Property located 2403 East 27th Place.

BOA-20834; On 01.13.2009 the Board approved a Variance of the rear yard requirement in the RS-2 district (Section 403) to permit a garage addition finding that the lot is exceptionally shallow depth and at 122.5 ft does not permit the normal application of a garage. Property located 2504 East 25th Place.

BOA-20302; On 07.11.2006 the Board denied a Variance of the 25 ft. required rear yard (Section 403) in an RS-2 district, finding a lack of hardship. Property located 2518 East 26th Street South.

BOA-17049; On 05.23.1995 the Board approved a Variance of the required rear yard from 25' to 16' to permit the addition of a second story to an existing dwelling (Section 403. Bulk and Area Requirements in Residential Districts- Use Unit 6) per plan submitted, subject to the new construction extending no farther into the required setback than the 1st floor of the dwelling, finding that a second story could be constructed over the dwelling by right that would be higher than the proposed addition over the garage. Property located 2604 East 26th Street.

BOA-14616; On 09.17.1987 the Board approved a Variance (Section 430.1- Bulk Area Requirements in Residential Districts- Use Unit 1206) of rear yard setback from 25' to 5', a Variance of side yard setback from 10' to 2', and a Variance of the livability space from 5,000 sq. ft. to 4,000 sq. ft., all to allow for an addition to an existing dwelling unit, per plot plan submitted, finding that similar setback variances have been granted in the area. Property located 2427 East 26th Street.

REVISED11/26/2019
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 East of Lewis Ave. between E. 26th St. S. and E. 26th Pl. S. The zoning so the property is split between RS-1 and RS-2.

STAFF COMMENTS:

The applicant is requesting a Variance to reduce the required 25 ft. rear setback in an RS-1/RS-2 District (Sec. 5.030, Table 5-3)

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STATEMENT OF HARDSHIP: For staff to be out of weather/heat/rain/snow.

SAMPLE MOTION:

Move to ________ (approve/deny) a Variance to reduce the required 25 ft. rear setback in an RS-1/RS-2 District (Sec. 5.030, Table 5-3)

- 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.”
21806—Seisemore, Weisz Associates, Inc.

**Action Requested:**
Variances to allow a swimming pool to be constructed in the required front yard (Section 210.B.6); Variance to reduce the rear yard setback to 22 feet on an RS-1 zoned lot (Section 403, Table 3). **LOCATION:** 2403 East 27th Place (CD 4)

**Presentation:**
Mark Capron, 6111 East 32nd Place, Tulsa, OK; stated he represents the applicant. In 1991 the subject house was built with a permit and a swimming pool was later built under a permit. The house has a unique situation because it is with three houses on a private access drive. Mr. Capron used an aerial photo of the subject property on the overhead projector screen to show how the subject house is positioned and served by the private drive. A survey was made and it was discovered that there is an encroachment of the front yard with a swimming pool and a 2'-6" encroachment on the east side.

Mr. Van De Wiele asked Mr. Capron if the front yard was technically Lewis Avenue. Mr. Capron answered affirmatively. According to the City of Tulsa Lewis Avenue is the front yard of the property that has a 12 or 15 foot concrete wall. No one will see what is going on in the yard. It is not the practical front yard even though the strict interpretation of the code states the front is Lewis Avenue.

Mr. Swiney asked Mr. Capron if there was any access to Lewis Avenue through the surrounding concrete wall. Mr. Capron stated there is not. Mr. Swiney asked if the Post Office delivered the mail from the private drive. Mr. Capron stated that he did not know the answer to that question. Ms. Moye stated that the Post Office does deliver the mail from the private drive because when she was taking site pictures the mail truck was parked on the drive, and the parked truck can be seen in the picture on page 8.9.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
None.

**Board Action:**
On MOTION of VAN DE WIELE, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a Variance to allow a swimming pool to be constructed in the required front yard (Section 210.B.6); Variance to reduce the rear yard setback to 22 feet on an RS-1...
zoned lot (Section 403, Table 3), subject to the property as constructed as shown on page 8.10. The Board has found that this property which fronts onto a private drive, the legal front yard faces Lewis Avenue, the property's practical rear yard faces the private drive which is the legal back yard but is the practical front yard on the private drive creating the hardship for which the Variances need to be granted. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan for the following property:

PRT LT 6 BEG 25.01E NWC LT 6 TH S183.68 NE128.49 N155.6 W126.92 TO POB & 25.01 VAC STREET ADJ ON W BLK 2, WOODY-CREST SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21810—Eli Ingram

Action Requested:
Special Exception to permit a landscaping/irrigation business (Use Unit 15) in a CS District (Section 701, Table 1). LOCATION: 6520 East Latimer Place (CD 3)

Presentation:
Shawna Hale, 1245 South Owasso Avenue, Tulsa, OK; stated she represents the buyer and the seller as the subject property is currently under contract. The property has already undergone the rezoning through the the Tulsa Metropolitan Area Planning Commission. The business will provide security and general beautification for the neighborhood just because of their line of business. Neighbors have already let it be known that they are happy to see the property occupied because of past issues with vandalism and vagrancy.

Mr. White asked Ms. Hale if there would be outside storage of products such as sod or dirt. Ms. Hale stated that due to the location it is the intention to store 90% of the equipment and materials indoors. The materials will be on site based on a job-by-job basis. There will be trees stored outdoors. The front of the building is about 100 feet from the street and the building itself is about 100 feet long. Any outside storage would be contained in the rear yard.

Mr. White asked Ms. Hale what the days and hours of operation for the business would be. Ms. Hale stated the hours of operation would be the normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday.

Interested Parties:
There were no interested parties present.
Case No. 20834
Action Requested:
Variance of the rear yard requirement in the RS-2 district (Section 403) to permit a garage addition, located: 2504 East 25th Place.

Presentation:
Lou Reynolds, 2727 East 21st Street, Tulsa, Oklahoma. The house was built in the early 1950s and has a one car garage. The lot is a rather shallow RS-2 lot. The owners intend to tear down the garage and put in a breezeway. They plan to install a new two car garage.

Comments and Questions:
Ms. Stead asked Mr. Reynolds to confirm where the garage would be built. She asked what the building was at the back of the house that could be seen from the street. Mr. Reynolds noted that it is actually part of the house. The addition had been built in the 1970s.

Interested Parties:
There were no interested parties who wished to speak.

Board Action:
On MOTION of White, the Board voted 3-0-2 (White, Stead, Stephens "aye"; no "nays"; Henke, Tidwell "abstained"; no "absences") to APPROVE a variance of the rear yard requirement in the RS-2 district (Section 403) to permit a garage addition finding that the lot is exceptionally shallow depth and at 122.5 ft. does not permit the normal application of a garage. In order to get a full two car garage in there, it needs the additional depth for that to be located toward the rear of the lot. Any additional driveway will be concrete or asphalt. This is per the plan on page 11.8 and profile view submitted today. The Board finds that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code or the Comprehensive Plan, on the following described property:
LT 6 BLK 2, EASTWOOD ADDN RESUB L3 J P HARTER'S SUB, City of Tulsa, Tulsa County, State of Oklahoma

**********

Case No. 20835
Action Requested:
Variance of the maximum display surface area permitted in an OH district (Section 602.B.4.c); and a Variance of the setback requirement for a sign visible from an R
Action Requested:
Variance of the 25 ft. required rear yard (Section 403) in an RS-2 district, located: 2518 East 26th Street South.

Presentation:
Richard Howard, 2431 East 61st Street, Suite 300, represented the applicant, Rodney Young. The home was built about 1951 and the property was subdivided from a plat done in 1947. A garage and second story over the garage was added sometime prior to 1965. The home has been in the family since 1965. They plan to add an exercise area to the lower level and also to make room for some elderly family members. They are willing to make some changes in the plan for the privacy of the neighbors, at the Board's direction. The entire property is surrounded by privacy fence.

Comments and Questions:
Ms. Stead asked if the apartment above the garage is a full apartment, to which Mr. Howard replied it has a small half-kitchen. Mr. Howard was asked if the apartment had been rented to tenants. Upon checking with Mr. Young, he replied that it has not been rented for "about five to ten years". Ms. Stead did not think they have enough back yard for this variance. Mr. Dunham commented that the front of the house is in line with the other houses.

Interested Parties:
Kevin Anderson, 2510 East 26th Street, commented that the site plan appears to show more property to the front than there really exists. He mentioned that his property and that of Mr. Zacharias, to the east, are at a lower elevation than the subject property so a two-story house would not give them any privacy. He suggested that the deck area could be enclosed and save Mr. Young a lot of money. He had drainage concerns also. A letter of opposition was provided (Exhibit E-1).

Sid Smith, 2457 East 26th Place, stated he is south of the property. His objection was to the second story addition, which would look over his pool.

Applicant's Rebuttal:
Mr. Howard stated they could put in skylights instead of windows, and noted the heavily tree-lined property lines. Mr. Henke asked Mr. Howard to repeat the hardship. Mr. Young wants to make space for his relatives and stated the placement of the house before the Young's purchased it and prior to the current zoning code.

Comments and Questions:
Mr. Tidwell has seen a similar situation and the two-story towers over the neighbors and everyone loses privacy. Mr. Stephens and Mrs. Stead could not see a hardship either.
Board Action:

On Motion of Stead, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to DENY a Variance of the 25 ft. required rear yard (Section 403) in an RS-2 district, finding a lack of hardship, on the following described property:

PRT LT 6 BEG 90.2E NWC TH SLY115.8 E105 NLY113.6 W105 POB BLK 1, WOODY-CREST SUB, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20303

Action Requested:

Variance of required parking for an existing commercial center from 155 spaces to 134 spaces (Section 1212.D), located: 6028 South Memorial Drive.

Presentation:

Alan Harju, 6202 South Lewis, Suite E, stated he is the manager for Copper Mountain, LLC. He submitted a Parking Use Survey (Exhibit F-1) of the parking usage on this site. They have done a major remodeling of the shopping center. The center is 68% occupied at this time. There was a 22% use rate of the parking lot at noontime. The Mazzio's delivery store is considered a restaurant, which requires 20 parking spaces, but it never utilizes that.

Interested Parties:

Don Shint, 10747 South Quebec Avenue, stated he has the wireless cellular phone store next door. His only concern would be overflow parking into his parking area.

Comments and Questions:

There was a question and discussion as to the number of parking spaces required. Mr. Cuthbertson responded that it depends on the tenant mix.

Board Action:

On Motion of Dunham, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance of required parking for an existing commercial center from 155 spaces to 134 spaces (Section 1212.D), finding that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:
**Case No. 17049**

**Action Requested:**
Variance of the required rear yard from 25' to 10' to permit the addition of a second story to an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2604 East 26th Street.

**Presentation:**
The applicant, **Rodney Ghan**, 2604 East 26th Street, submitted a plot plan and photographs (Exhibit L-1) and explained that he is proposing to expand an existing dwelling by the addition of an upstairs bedroom. He informed that the garage floor is lower than that of the house and the bedroom will be lower than a typical two story home. The applicant stated that the existing dwelling is encroaching into the required rear yard (16' from property line) and the new construction will not be farther to the rear of the lot than the existing building wall. Mr. Ghan informed that the existing window will be enlarged; however, it is located over the tub and will not give a direct view of the neighbors back yard. Numerous photographs were submitted (Exhibits L-2, L-3, L-5)

**Comments and Questions:**
Ms. Turnbo asked if the window will remain at the current location, and Mr. Ghan answered in the affirmative. He noted that the new construction will align with the existing wall, which is 16' from the rear lot line, and the application can be changed to reflect 16' instead of 10'.

Mr. Doverspike asked if the neighbors have been advised of the project, and the applicant replied that he distributed plans before the meeting.

In reply to Ms. Abbott, the applicant stated that a small awning over the porch will be replaced with a new covering.

**Protestants:**
**Brad and Diane Fussell**, 2551 East 26th Place, stated that they live directly behind the property in question and the proposed addition will elevate the roofline approximately 10'. He pointed out that the new room will loom over their back yard and will invade their privacy and block the view. Mr. Fussell asked the Board to deny the request.

**Sara Bailey**, 2553 East 26th Place, stated that she lives to the south of the subject property and questioned if approval of the variance would permit other construction within 10' of the property line. She noted that the lot is shallow and the dwelling has the appearance of being very close to the lot line. Ms. Bailey asked the Board to adhere to the setback requirements that have been adopted and deny the request.

Letters of protest (Exhibit L-4) from Ms. Bailey and Mr. Fussell were submitted.

05:23:95:681(13)

3 10
Case No. 17049 (continued)

Mr. Ghan stated that mature trees and the slope of the land prohibit the construction of additional living space at another location on the lot.

Mr. Doverspike advised that, if approved per plan, any further expansion would require additional Board approval.

Mr. Jackere stated that the applicant does not need Board approval to add a second story 35' high on any portion of the dwelling that is not over the 25' setback line.

Applicant's Rebuttal:

Mr. Ghan pointed out that the new building will not extend farther toward the neighbors to the rear, and the new construction will improve the property and be an asset to the neighborhood. Mr. Ghan stated that mature trees and the slope of the land prohibit the construction of additional living space at another location on the lot. He pointed out that a second story over the garage will be much lower than it would be at any other point on the dwelling, because the floor of the garage is below ground level.

Board Action:

On MOTION of TURNBO, the Board voted 3-1-1 (Abbott, Bolzle, Turnbo, "aye"; Doverspike, "nay"; White, "abstaining"; none "absent") to APPROVE a Variance of the required rear yard from 25' to 16' to permit the addition of a second story to an existing dwelling - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; per plan submitted; subject to the new construction extending no farther into the required setback than the 1st floor of the dwelling; finding that a second story could be constructed over the dwelling by right that would be higher than the proposed addition over the garage; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit, purpose or intent of the Code; on the following described property:

North 90', east 178' Lot 5, Block 1, Woody Crest Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17050

Action Requested:

Special Exception to permit a post office distribution facility in a CS zoned district - SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 2, located Admiral Place and Highway 169.

Presentation:

The applicant, John Wingfield, 8401 Connecticut Avenue, Chevy Chase, MD, was not present.
Case No. 14615

**Action Requested:**
Varience - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request a variance of setback from the centerline of 21st Street from 110' to 60' to allow for an addition to an existing building, located 1905 East 21st Street.

**Presentation:**
The applicant, Harry Wallace, 1905 East 21st Street, Tulsa, Oklahoma, stated that an addition is planned for Wendy's Restaurant at the above stated location. He explained that a variance was acquired for the original building, and the new construction will be added on the side and align with the front building line.

**Comments and Questions:**
Ms. Hubbard explained that the restaurant was constructed in 1979 and approved by the Board, per plot plan, but since they now plan to deviate from the plan, additional consideration is required.

Mr. Gardner asked if the new construction is closer to 21st Street than the old building, and Ms. Hubbard stated that it aligns with the older building.

Ms. White asked where the new addition will be located, and the applicant informed that all new construction will be on the east side of the building.

**Protestants:** None.

**Board Action:**
On MOTION of WHITE the Board voted 3-0-0 (Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to APPROVE a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213) of setback from the centerline of 21st Street from 110' to 60' to allow for an addition to an existing building; per revised plot plan; subject to no new construction exceeding the existing setback; finding that the new addition will align with the existing building along 21st Street and the granting of the variance request will not cause substantial detriment to the public good or impair the spirit, purposes and Intent of the Code or the Comprehensive Plan; on the following described property:

Lots 13, and 14, Block 2, Redlin III Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14616

**Action Requested:**
Varience - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of rear yard setback from 25' to 5', a variance of sideyard setback from 10' to 2' and a variance of the livability space, all to allow for an addition to an existing dwelling unit, located 2427 East 26th Street.

9.17.87:499(12)
Comments and Questions:

Mr. Taylor stated that the amount of relief for livability space was not known at the time of the filling of the application. He informed that a variance of livability space from 5,000 sq. ft. to 4,000 sq. ft. is requested.

Presentation:

The applicant, Adrianne Stone, 2427 East 26th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit H-1), stated that two families are being combined and she is proposing to add a bedroom and attached garage to an existing dwelling.

Additional Comments:

Mr. Smith asked if the garage will extend to the lot line, and the applicant replied that it will be 2' from the lot line and cover the driveway area. It was stated that the existing small garage will be converted into a bedroom.

Mr. Gardner inquired if there will be a kitchen in the new area, and the applicant replied that there will be a bathroom added, but no kitchen.

Mr. Smith asked how the drainage from the garage will be directed, and it was stated that the garage will be guttered and water runoff directed down the driveway.

Ms. White inquired if the house to the east has a similar addition, and it was stated that the next door neighbor has added a den, which is structurally similar to the proposed garage.

Board Action:

On MOTION of SMITH the Board voted 3-0-0 (Chappeville, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of rear yard setback from 25' to 5', a variance of sideyard setback from 10' to 2', and a variance of the livability space from 5,000 sq. ft. to 4,000 sq. ft., all to allow for an addition to an existing dwelling unit; per plot plan submitted; finding that similar setback variances have been granted in the area; and finding a hardship imposed on the applicant by the narrowness of the lot in the older addition; on the following described property:

Lot 14, Block 1, Kenlawn II Addition, City of Tulsa, Tulsa County, Oklahoma.
Facing East from 26th St S.

Facing West from 26th St. S.
Subject tract from 26th St. S.
ZONING CLEARANCE PLAN REVIEW

Tony Jordan
Tony Jordan & Sons

APPLICATION NO: BLDR-43150-2019 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 2407 E 26th Pl S
Description: Covered Porch addition

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:
1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
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 NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

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

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

5.030-A: In the RS-1 zoned district the minimum rear yard setback shall be 25 feet from the rear property line to the proposed covered porch.

Review Comments: Revise your plans to indicate a 25' rear setback to the property line, or apply to INCOG for a variance to allow less than a 25' rear setback.
BOA-22783

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

Aerial Photo Date: February 2018
TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22-783
OFFICIAL RECORD EXHIBIT ENTERED IN THE MINUTES OF THE TULSA CITY BOARD OF ADJUSTMENT

TOTAL SQFT: 3667 1ST FL: 2368 2ND: 1299
Includes Garages
Total Height: 27'
TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 2-2-14
OFFICIAL RECORD EXHIBIT
ENTERED IN THE MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

SUMMERTOWN

EXTERIOR ELEVATIONS
A2.2
SUMMEROUR RESIDENCE MAINTENANCE BARN

TULSA CITY BOARD OF ADJUSTMENT CASE NO. 21785 OFFICIAL RECORD EXHIBIT ENTERED IN THE 11/12/15 MINUTES OF THE TULSA CITY BOARD OF ADJUSTMENT

- Proposed New Jetback at 10'-12'
- Existing 25'-4" Jetback
- Proposed New Structure

SITE PLAN

SUMMEROUR
RESIDENCE
MAINTENANCE
BARN

TULSA CITY BOARD OF ADJUSTMENT CASE NO. 21785 OFFICIAL RECORD EXHIBIT ENTERED IN THE 11/12/15 MINUTES OF THE TULSA CITY BOARD OF ADJUSTMENT

- Proposed New Jetback at 10'-12'
- Existing 25'-4" Jetback
- Proposed New Structure

SITE PLAN
TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22783
OFFICIAL RECORD EXHIBIT ENTERED IN THE 11/12/19 MINUTES OF THE TULSA CITY BOARD OF ADJUSTMENT

CADIEUX RESIDENCE
11-12-19
PLANTING SCHEMATIC
1/8" = 1'-0"
EXISTING PLANTING
EXISTING DRIVE
NORTH
TULSA CITY BOARD OF ADJUSTMENT

CASE NO. 277583

OFFICIAL RECORD EXHIBIT ENTERED IN THE MINUTES OF THE TULSA CITY BOARD OF ADJUSTMENT

11/10/19

334
To Whom It May Concern:

Because I cannot be at Tuesday’s Hearing at 1 p.m. on 11/12/19, I wanted to submit my comments by email. If this does not go to the correct entity, please advise.

I have owned a home at 2510 E 26th St S since July 1985. My husband and I raised our children here, along with many other young families on this street. We petitioned for stop signs when the children were young and agreed to the speed humps when those were proposed. When we first moved in, 26th St was on the city bus line and we’ve seen many changes.

However, the changes we see happening in our lovely neighborhood now are much more concerning to the future of our neighborhood. Specifically, the small homes that are being scraped and replaced with large lot-line-to-lot line properties. The new home just finishing to our east has already presented drainage issues into our yard.

The request for a variance to reduce the required 25-foot rear setback is just the next step in a trend. We are witnessing at 2407, with multiple structures, including a planned “party barn,” a property that is not only out of character with the surrounding homes, but possibly out of compliance with the current residential restrictions in this part of town. Not only this setback variance, but whatever zoning change request may be coming down the road when the barn structure breaks ground.

Respectfully submitted,
Joan Anderson
2510 E 26th St
Tulsa, OK 74114
918-406-3616
To Whom It May Concern

RE: BOA-22783

FROM: Kevin Anderson, 2510 E. 26th Street, Tulsa, OK

I am an active commercial real estate broker, a former adjunct faculty member at OU-Tulsa's Master of Urban Design program since 1988, and live 2 lots east of the property in question in a one-story home my wife Joan bought before we married in 1985.

My concern is not with the owner, whose family has done wonderful things for Tulsa, but with the McMansions now becoming frequent in midtown. Their builder, Tony Jordan, is not only one of the best contractors in town, he is also a client of my wife's.

So you can understand how hard it is to write a letter asking for something different than what has been proposed.

My concern is with privacy. We are now being forced to lose all privacy due to the internet, and with these McMansions and drones we are losing the back yard privacy that these neighborhoods provided when they were initially developed.

If you look at the original homes built along our street, every house put the garage on the west side. This gave the bedrooms on the east side privacy, and since they were all originally 1 story, every home enjoyed a private back yard. Do you remember when you knew your neighbors? This was one of the reasons why.

The property to our east is an example of the loss of that privacy. The prior owner wanted a variance from the rear setback to build a 2-story addition. The Board of Adjustment turned him down. Why? So the adjacent neighbors could have privacy in their back yards.

The owner in question understands and wanted privacy, which is why he walled off his pool. Have no problem with that, and fully understand why he did it. He did not want neighbors looking in at private areas of his property. Makes sense.

The reason Mrs. Blankenship told me they bought the house between our house and the property in question is because she did not want to lose the privacy of their back yard to the south of the property she bought if someone built a McMansion on it.

If the Board continues to allow the rear yard variances, more will occur. So then, what is the point of having an ordinance with a rear yard setback?

That said, when the owner wanted to build a house on the vacant lot north of the subject property across the street, they came out with drawings that showed the neighborhood what they wanted to do in advance. They reached out to us. Makes sense.

The owner appears to have plenty of land since they also owned that lot plus a massive estate on the south side of 26th. Seems like they would not need to build so close to the neighboring property. Makes sense.
Maybe instead, there is a compromise that could be considerate of both party’s desires. Maybe there could be a requirement that there are no 2nd story windows into someone else’s yard. There is an old saying that “good fences make good neighbors”. However, if you build higher than the fence, what good is a fence?

The owner should consider what might happen is the Blankenship’s ever sell the adjoining 1 story house and build a McMansion that takes away their privacy of the property they want to build on.

They might be left with the same problem I have with my new 2 story house east of our house. When I requested he move his 2nd story windows higher so the people he sells the house to would not be looking into our back yard, he did not seem concerned for my benefit.

I asked him how he would like it if I mounted security lights and cameras pointed at his 2nd story bedrooms, but he did not respond. Maybe if I walk around buck naked in my back yard, they will cover the windows, but it is too cold to do that today.

My hope is that some type compromise could be reached.

Kevin Anderson

(918)406-3197
TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22183
OFFICIAL RECORD EXHIBIT
ENTERED IN THE MINUTES OF THE TULSA CITY BOARD OF ADJUSTMENT
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9323
CZM: 48
CD: 5

HEARING DATE: 12/10/2019 1:00 PM (Continued from 11/12/2019)

APPLICANT: Josh Kunkel

ACTION REQUESTED: Special Exception to permit a Large (>250 person capacity) Commercial Assembly and Entertainment use in an IL District to permit expansion of an existing gymnastics facility (15.020-C)

LOCATION: 7020 E 38 ST S

PRESENT USE: Gymnasium

TRACT SIZE: 60086.91 SQ FT

LEGAL DESCRIPTION: BEG 30S & 147.59W NEC SE SW TH W267.50 S215 E255.5 S215 E11.97 N430 POB SEC 23 19 13 1.3794ACS,

RELEVANT PREVIOUS ACTIONS:

Subject property: None
Surrounding Properties: None

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a “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 property currently being used as a gymnastics facility.
STAFF COMMENTS:
The applicant is requesting a Special Exception to permit a Large (>250 person capacity) Commercial Assembly and Entertainment use in an IL District to permit expansion of an existing gymnastics facility (15.020-C)

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</table>

SAMPLE MOTION:
Move to ________ (approve/deny) a Special Exception to permit a Large (>250 person capacity) Commercial Assembly and Entertainment use in an IL District (15.020-C)

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

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

Facing East on 38th Street
Facing West on 38th Street
ZONING CLEARANCE PLAN REVIEW

September 12, 2019

Josh Kunkel
2417 E Admiral Blvd
Tulsa, OK 74110

APPLICATION NO: BLDC-040178-2019
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 7020 E 38 ST
Description: I/R & Addition

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.

2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN “SUPPORTING DOCUMENTS”, IF ORIGINALY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

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

(continued)
1. **Sec.15.020 Table 15-2:** The proposed Gymnasium is designated a Commercial/Indoor Assembly and Entertainment Use, Indoor Large (>250 Person capacity). It is in an IL zoned district. This will require a Special Exception approved by the BOA.

   **Review comment:** Submit an approved BOA Special Exception to allow a Commercial/Indoor Assembly and Entertainment Use, Indoor Large (>250 Person capacity) use in an IL zoned district

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

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

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

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

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**END – ZONING CODE REVIEW**

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

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

BOA-22792

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: February 2018
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9320
CZM: 47
CD: 9

HEARING DATE: 12/10/2019 1:00 PM

APPLICANT: Tom Neal

ACTION REQUESTED: Special Exception to exceed allowable driveway width both within the street setback and within the right of way (Sec. 55.090-F3)

LOCATION: 4002 S COLUMBIA PL E

PRESENT USE: Residential

ZONED: RS-1

TRACT SIZE: 21557.93 SQ FT

LEGAL DESCRIPTION: ALL LT 1 & E1/2 LT 2 BLK 2, DEATHERAGE ADDN

RELEVANT PREVIOUS ACTIONS: None

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the SW/c of S. Columbia Pl. and E. 40th St S. in an RS-1 zoned subdivision.

STAFF COMMENTS: The applicant is requesting a Special Exception to exceed allowable driveway width both within the street setback and within the right of way (Sec. 55.090-F3)
55.090-F Surfacing

1. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of Section 55.090-F.4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

2. All motorized vehicles designed for travel upon public streets and that are being parked, stored or displayed for sale must be parked, stored or displayed on dustless, all-weather surface. This surfacing requirement does not apply to junk or salvage yards. The board of adjustment is authorized to grant a special exception permitting the storage or display of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface if the location complies with all applicable minimum building setbacks.

3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.01.12, (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

<table>
<thead>
<tr>
<th>Lot Frontage</th>
<th>75+</th>
<th>60' - 74'</th>
<th>46' - 59'</th>
<th>30' - 45'</th>
<th>Less than 30' [2]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driveway Within Right-of-Way (feet) [1]</td>
<td>27'</td>
<td>26'</td>
<td>22'</td>
<td>20'</td>
<td>12'</td>
</tr>
<tr>
<td>Driveway Within Street Setback (feet)</td>
<td>30'</td>
<td>30'</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.
[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.

The aggregate driveway width among the three separate access points to the property appears to be 58 feet per the site plan presented with the application.

As apart of the Building Permit a Right-of-way Permit will be required.

**SAMPLE MOTION:**

Move to _______ (approve/deny) a **Special Exception** to exceed allowable driveway width both within the street setback and within the right of way (Sec. 55.090-F3)

- 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.
Existing Driveway on Subject property

Subject property
APPLICATION NO: ZCO-43085-2019  (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 4002 S Columbia Pl E
Description: Driveway

INFORMATION ABOUT SUBMITTING REVISIONS

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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.

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

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

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

<table>
<thead>
<tr>
<th>Maximum Driveway Width</th>
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<tbody>
<tr>
<td>Lot Frontage</td>
</tr>
<tr>
<td>75’+</td>
</tr>
<tr>
<td>60’- 74’</td>
</tr>
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<td>--</td>
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</tr>
</tbody>
</table>

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

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

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

Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online.
Note: Graphic overlays may not precisely align with physical features on the ground.
Subject Tract

BOA-22794

19-13 20

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
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HEARING DATE: 12/10/2019 1:00 PM

APPLICANT: A-max Sign Company, Inc.

ACTION REQUESTED: Variance to permit two additional wall signs on the East elevation in an OL zoning district with one street frontage (Sec. 60.060-B).

LOCATION: 4436 S HARVARD AV E

PRESENT USE: Medical

ZONED: OL

TRACT SIZE: 22498.83 SQ FT

LEGAL DESCRIPTION: N.90 OF S. 180 OF LT 3 BLK 2, VILLA GROVE PARK

RELEVANT PREVIOUS ACTIONS: None

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located North of the NW/c of S. Harvard Ave and E. 45th St. S and is zoned OL. It is bounded by an RS-1 subdivision to the West. The Applicant is requesting a Variance to permit two additional wall signs on the East elevation in an OL zoning district with one street frontage (Sec. 60.060-B).
STAFF COMMENTS:

60.060-B Signs Allowed
1. In addition to any sign exceptions allowed pursuant to Section 60.030, any development identification sign allowed pursuant to Section 60.060-B1, lots in office zoning districts are allowed a maximum of one on-premise sign per street frontage. The allowed on-premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.

2. Development Identification Signs
Developments with multiple tenants are allowed a single monument style or freestanding sign with a maximum height of 8 feet at each street entrance to the development. Such signage shall count against the maximum sign area permitted on the lot in which it is located, and may not identify any tenant or tenants within the development.

STATEMENT OF HARDSHIP:
The code is too restrictive for an office with multiple tenants in the Medical Facility.

SAMPLE MOTION:
Move to _______ (approve/deny) a Variance to permit two additional wall signs on the East elevation in an OL zoning district with one street frontage (Sec. 60.060-B)

- 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 Harvard

Subject property
Facing South on Harvard
4436 S HARVARD NORTH WALL SIGN

Permit Number: SIGN-042952-2019

Review Detail Review Items Main Menu

Review Type:
Sign Review

Status:
Requires Re-submit

No records to display.

Export
Corrections
Sort [Correction Order]

Correction Order:
0

Type:
General

Resolved:
No

Resolved On:

Comments
Section 60.060 Signs in Office Zoning Districts 60.060-B Signs Allowed In addition to any sign exceptions allowed pursuant to Section 60.030, lots in office zoning districts are allowed a maximum of one on premise sign per street frontage. The allowed on premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.

Corrective Action
Review Comments: Due to the 32 sq. ft. freestanding sign permit Sign-42950 the proposed wall signs on the North and East wall sign exceed the maximum of one on premise sign per street frontage in an OL zoning district. You may pursue a variance from the BOA to permit two additional wall signs on the East elevation in an OL zoning district with only one street frontage.
4436 S HARVARD WALL SIGN

Permit Number: SIGN-042951-2019

Review Detail Review Items Main Menu

Review Type:
Sign Review

Status:
Requires Re-submit

Sort

Number | Recommendation
---|---

No records to display.

Export
Corrections
Sort

Correction Order:
1

Type:
General

Resolved:
No

Resolved On:

Comments
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Corrective Action
Review Comments: Due to the 32 sq. ft. freestanding sign permit Sign-42950 the proposed wall signs on the North and East wall sign exceed the maximum of one on premise sign per street frontage in an OL zoning district. You may pursue a variance from the BOA to permit two additional wall signs on the East elevation in an OL zoning district with one street frontage.
**SOUTH TENANT SIGN**

**NORTH TENANT SIGN**

**3.2 Building ID**

**Scale: 1/2"**

1. Fabricated metal pan, metallic painted finish to match building trim color (TDD). No exposed fasteners in face. Use set screws at top and bottom, paint to match. Mounts flush to building fascia.

2. 1/2" push thru, White acrylic graphics. Internal White LED's to face illuminate graphics.

3. Masked and painted address numerals, tinted clear. Note: Face is replaceable for tenant change.

QTY (2)
STR: 0332  
CZM: 29  
CD: 3  

HEARING DATE: 12/10/2019 1:00 PM

APPLICANT: Royalty Buds

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

LOCATION: 107 N LEWIS AV E  
ZONED: CH

PRESENT USE: Commercial  
TRACT SIZE: 6773.61 SQ FT

LEGAL DESCRIPTION: LT 14 BLK 4, OHIO PLACE ADDN

STAFF COMMENTS:
The applicant is requesting Verification of the 1,000 spacing requirements 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 provided an exhibit showing the location of their dispensary and circle drawn around their property with a 1,000-foot radius. The applicant provided the next closest dispensary at Mary Janes’ Dispensary located 2030 E. Pine Street.

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

Facing South on N. Lewis
Facing North on N. Lewis
ZONING CLEARANCE PLAN REVIEW

October 22, 2019

BLDC-043225-2019

( PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Ashley Reamy
1934 N Denver Ave
Tulsa, OK 74106

APPLICATION NO:

Location: 107 N Lewis Ave
Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

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2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

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

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


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

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

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

**END – ZONING CODE REVIEW**

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
OMMA License #:
DAAA - EK46 - 3E90

Will email copy of license after received
Note: Graphic overlays may not precisely align with physical features on the ground.
Note: Graphic overlays may not precisely align with physical features on the ground.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 0212  Case Number: BOA-22797
CZM: 21
CD: 1

HEARING DATE: 12/10/2019 1:00 PM

APPLICANT: Katherine Lark

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

LOCATION: 4604 N PEORIA AV E  ZONED: CS

PRESENT USE: Mechanic Shop  TRACT SIZE: 23139.17 SQ FT

LEGAL DESCRIPTION: BEG 65W & 40N SECR SE TH W140 N150 E155 S135 SW21.24 POB SEC 12 20 12 .531AC

STAFF COMMENTS:
The applicant is requesting Verification of the 1,000 spacing requirements 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 provided an exhibit showing the location of their dispensary and circle drawn around their property with a 1,000-foot radius. The applicant provided the next closest dispensary as 918 Buds located at the SW/c of N. Peoria and E. 54th St.

SAMPLE MOTION:
I move that based upon the facts in this matter as they presently exist, we (accept/reject) the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.
Facing West on 46th Street North
ZONING REVIEW

October 25, 2019

LOD Number: 2R

Gibbs Green Delivery Service
4604 N. Peoria Avenue
Tulsa OK 74106

Phone: (702)800-1863

APPLICATION NO: BLDC-41817-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 4604 N. Peoria Avenue
Description: Medical Marijuana Retail Sales

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. 41817-2019 4604 N Peoria Avenue October 25, 2019

This letter of deficiencies covers zoning Review items only.

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

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

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

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

Review Comment: Provide a spacing verification from the City of Tulsa BOA (Board of Adjustment) in compliance with 40.225-D. For additional information please contact a Tulsa Planning representative at 918-584-7526.

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

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

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

License Certificate

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

GIBBS GREEN DELIVERY SERVICE INC

4604 N PEORIA AVE, TULSA, OK, 74126

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 69 O.S. § 4201 ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 360 CHAPTER 16. 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.

04/13/2020

LICENSE NUMBER:

DAAA-E1AI-ABNY

DO NOT COPY

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health
BOA-22797

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

Aerial Photo Date: February 2018
Subject Tract

BOA-22797

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

Aerial Photo Date: February 2018
APPLICANT: Mercedes Costeira

ACTION REQUESTED: Special Exception to allow a Personal Improvement Service Use in an OM zoned district to permit a Hair Salon (Sec.15.020 Table 15-2)

LOCATION: 10720 E 21 ST S

ZONED: OM

PRESENT USE: Residential

TRACT SIZE: 10576.41 SQ FT

LEGAL DESCRIPTION: N130 W140 E/2 E/2 NW NE LESS BEG NWC TH S75 NE55.91 E89.96 N50 W140 POB SEC 18 19 14 .25AC

RELEVANT PREVIOUS ACTIONS: None

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located immediately South of the intersection of E. 21st St S. and S. 108 E. Ave. The Property is zoned OM and is located immediate East of a RS-3 zoned subdivision.
STAFF COMMENTS: The Applicant is requesting a Special Exception to allow a Personal Improvement Service Use in an OM zoned district to permit a Hair Salon (Sec.15.020 Table 15-2).

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SAMPLE MOTION:

Move to ________ (approve/deny) a Special Exception to allow a Personal Improvement Service Use in an OM zoned district to permit a Hair Salon (Sec.15.020 Table 15-2)

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

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

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

October 15, 2019

Mercedes Costeira
3304 N Battle Creek DR
Broken Arrow, OK 74012

APPLICATION NO: ZCO-042359-2019

Location: 10720 E 21 ST
Description: Hair Salon

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.

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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.

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

1. Sec.15.020 Table 15-2: You are proposing a hair salon which is designated a Commercial/Commercial Services/Personal Improvement Use. It is in an OM zoned district. This will require a Special Exception approved by the BOA.

Review comment: Submit an approved BOA Special Exception to allow a Commercial/Commercial Services/Personal Improvement Use in an OM zoned district.

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

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

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

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

END – ZONING CODE REVIEW

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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 ZONING CLEARANCE PERMIT.
BOA-22798

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

Aerial Photo Date: February 2018
Note: Graphic overlays may not precisely align with physical features on the ground.
Facing West of 21st Street S.

Facing East on 21st Street S.
Subject property
BOARD OF ADJUSTMENT
CASE REPORT

Case Number: BOA-22799

STR: 9311
CZM: 38
CD: 5

HEARING DATE: 12/10/2019 1:00 PM

APPLICANT: Dirk Van Veen

ACTION REQUESTED: Special Exception to permit Low-impact Manufacturing and Industry Use in a CH district (Sec. 15.020, Table 15-2)

LOCATION: 1111 S 79 AV E

PRESENT USE: Office and Vacant

ZONED: CH

TRACT SIZE: 34652.12 SQ FT

LEGAL DESCRIPTION: S/2 NW NE NE NE LESS W50 FOR ST SEC 11 19 13,

RELEVANT PREVIOUS ACTIONS: None

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

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned Ch and located South of the SE/c of E. 11 St S. and S. 79th E. Ave.
STAFF COMMENTS: The applicant is requesting a **Special Exception** to permit Low-impact Manufacturing and Industry Use in a CH district (Sec. 15.020, Table 15-2)

If the applicant chooses to use the property for Low-impact medical marijuana processing they would be subject to the following supplemental regulations:

Section 40.225 Medical Marijuana Uses
The supplemental use regulation of this section apply to medical marijuana uses.

40.225-A A medical marijuana grower operation must be located inside an enclosed building.

40.225-B A medical marijuana processing facility, whether moderate-impact or high-impact, must be located inside an enclosed building.

40.225-C A medical marijuana dispensary must be located inside an enclosed building.

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

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

40.225-F Medical marijuana grower operations, processing facilities and dispensaries must provide the following:

1. A ventilation/air filtration system that prevents odor from being detectible at the boundaries of the lot within which the building housing the medical marijuana grower operation, processing facility or dispensary is located, except that if such use is located in multiple-tenant building, the ventilation/air filtration system must prevent odor from being detectible outside the tenant space housing the use.

2. An electronic security system and surveillance camera.

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

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

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

Move to _______ (approve/deny) a **Special Exception** to permit Low-impact Manufacturing and Industry Use in a CH district (Sec. 15.020, Table 15-2)

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.

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

  ________________________________________________________________

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Facing West on 79th E. Ave.

Facing East on 79th E. Ave
Subject property
ZONING CLEARANCE PLAN REVIEW

October 29, 2019

Phone: 917.242.1430

LOD Number: 1
Dirk Van Veen
1111 S 79 EA
Tulsa, OK 74112

APPLICATION NO: ZCO-046098-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1111 S 79 EA
Description: Medical Marijuana Edible Processing

INFORMATION ABOUT SUBMITTING REVISIONS

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

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(continued)
Note: Please direct all questions concerning special exceptions, appeals of an administrative official decision, and all questions regarding Board of Adjustment (BOA) 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.

Sec.15.020 Table 15-1: You are proposing a Low-impact Manufacturing & Industry use, which includes production of medical marijuana edibles using medical marijuana components processed elsewhere. It is in a zoning CH district. This will require a Special Exception approved by the BOA. Review comment: Submit a copy of the approved BOA Special Exception, allowing a Low-impact Manufacturing & Industry use in a CH zoning district, as a revision to this application.


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

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Subject Tract

BOA-22799

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

Aerial Photo Date: February 2018
Note: Graphic overlays may not precisely align with physical features on the ground.
APPLICANT: Paul Emmons

ACTION REQUESTED: Special Exception to allow a Bed & Breakfast in the RS-3 Zoning District. (Sec. 5.020, Table 5-2)

LOCATION: 1535 S FLORENCE PL E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 16 BLK 3, EXPOSITION HGTS ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property None: None

Surrounding Properties:

BOA-22501; On 9/11/2018 the Board approved a Special Exception to permit a Bed and Breakfast (short-term rental) in and RS-3 District located 1635 S. College Ave.

BOA-22503; On 9.11.2018 the Board approved a special Exception to permit a Bed and Breakfast (Short-term rental) in an RS-3 District. Located 1411 South Louisville 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 located North of the NE/c of S. Florence Pl. and E. 16th Street S. It is inside an RS-3 zoned subdivision.

STAFF COMMENTS: The applicant is requesting a **Special Exception** to allow a Bed & Breakfast in the RS-3 Zoning District. (Sec. 5.020, Table 5-2)

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<th>USE CATEGORY</th>
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<th>FE</th>
<th>RS-1</th>
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<td>Lodging</td>
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Bed and Breakfast uses are subject to the supplemental regulations of Sec. 40.060:

**Section 40.060 Bed and Breakfasts**
The supplemental use regulations of this section apply to all bed and breakfast uses.

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

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

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

40.060-D Cooking facilities are prohibited in guest rooms.

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

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

SAMPLE MOTION:

Move to _______ (approve/deny) a **Special Exception** to allow a Bed & Breakfast in the RS-3 Zoning District. (Sec. 5.020, Table 5-2)

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.

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

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REVISED 11/27/2019
The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
an auto dealership for about 25 years and limiting the number of parking spaces outside to 16 parking spaces; and limit the usage of the piece to the car lot on the tract to the east. The Board finds the hardship for the property to the west is that the layout of the property with the existing pole and parking situation, and it will be shielded by the buildings to the west. 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. 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:

W170 N 1AC NE NE NE SE SEC 11 19 13, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

22501—Christy Allen

Action Requested:
Special Exception to allow a Bed and Breakfast (short-term rental) in a RS-3 District (Section 5.020). LOCATION: 1635 South College Avenue East (CD 4)

Mr. Van De Wiele announced that there would be a time limitation on both sides because of multiple parties that wish to speak. The applicant will have five minutes in the beginning, five minutes at the end for rebuttal, and each speaker will have three
minutes to speak. Mr. Van De Wiele asked the interested parties to not repeat the same thing that has been said previously so that we can get through this and each party will be given a warning when the time is getting close to the end.

Presentation:
Lloyd Allen, 1416 South Indianapolis, Tulsa, OK; stated he lives about a ¼ mile from the subject property. Mr. Allen stated that he and his wife would like to use the house as a VRBO, vacation rental, and he was told that he needed a Special Exception to do so. This Special Exception implies that he trying to open a bed and breakfast establishment, and he is not trying to do that. He will not be serving any food. He purchased the two bedroom house due to his wife's, Christy, aging parents living next door to the subject property and they would like to continue living in their house. The subject property house shares a driveway with the other house. When he purchased the house, no one had lived in it for two years and had been abandoned, and he and his wife did a complete remodel of the house, rebuilt the garage, poured a new driveway, and added a retaining wall around the front yard. The subject house is currently being used as his personal guest house for family and friends. The house has ample parking next to the garage, enough for two cars or three if needed. The VRBO guests would need to pay for their stay well in advance, and the guests would be limited to two cars. Mr. Allen provided a copy of his house rules for any potential guests. Mr. Allen stated he does not want the house to turn into a party house and wants to keep the house in good condition. Mr. Allen stated that his father-in-law lives next door, so he can help monitor the subject property, and the entire house has security cameras with an alarm system. A police officer lives behind the house and he supports the request.

Ms. Ross asked Mr. Allen what he hopes to rent the house for per night. Mr. Allen stated that he plans to rent it for about $110.00 per night but that truly depends on the market.

Mr. Van De Wiele asked Mr. Allen how many names on the petition are immediate neighbors. Mr. Allen stated that within a 700-foot circle he thinks there are ten.

Interested Parties:
Martin Glen Godsey, 1636 South College Avenue, Tulsa, OK; stated he has lived across the street from the subject property for 25 years. His concerns are the prices of the houses because they have tripled since he moved into the neighborhood, and its because it is a unique neighborhood with character. Mr. Godsey stated that a short-term rental is a hotel and the precedent of having a hotel across the street is a precedent for other businesses.

Patrick Conley, 1732 South College, Tulsa, OK; stated he lives a block south of the subject property. He has lived in Florence Park for 40 years and has lived in his house for 31 years. Mr. Conley stated this is an existing residential neighborhood according to the Comprehensive Plan and is intended to preserve and enhance Tulsa's existing single-family neighborhood. Activities in these areas should be limited to rehabilitation,
improvement or replacement of existing houses and small-scale infill projects as permitted through clear and objective setbacks and other development standards. This is an area of stability. An area of stability is identified and maintain the value of character of an area while accommodating the rehabilitation, improvement or replacement of existing houses and small infill projects designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character. Mr. Conley stated that this text alone should be enough to deny this application. A commercial use violates the Comprehensive Plan for the area. The use is mutually exclusive and incompatible. There would have to be an overwhelming compelling benefit to the neighborhood to approve this application. Mr. Conley stated the other reason he is against this request is the precedent. If this Special Exception is allowed how would the Board deny another Special Exception? Commercial use would be right in the middle of Florence Park because it is surrounded by RS-3, all the way to 21st Street and all the way to 15th Street. Mr. Conley stated this area is selling for one of the highest square footage price in the City of Tulsa, and there are very few neighborhoods that demand that kind of price. A commercial use in the middle of the neighborhood would have a negative impact. The residents have a desire to maintain the character of this neighborhood. Most of it is owner occupied single-family units with a few duplexes. This is not an economic development issue and this Board is not an economic development tool of the City. The Board’s role is to protect neighborhoods from this kind of thing, so he urges the Board to deny this application.

Simon Fleischmann, 1511 South Florence Place, Tulsa, OK; stated he has lived in his house for over a decade, and he lives across the street from a non-exempted Air BnB. Mr. Fleischmann presented a signed petition to the Board. Whether this is called a VRBO or an Air BnB it’s all effectively the same thing, it is a short-term rental. Mr. Fleischmann stated that he has seen the kind of affect that can have on a neighborhood, and he lauds the applicant for bringing this before the Board as there are a number in the neighborhood that have not done that or gone through the process. When this first came out, it was typically a home owner that had an extra room, and he has not problem with that, but the public has moved away from that. There are now a number of properties where the entire house is being offered for the use of the short-term rental. In fact, in one square mile area in Florence Park there are 13 such properties currently and they are shown on the Air BnB site. An addition of another does not benefit the neighborhood or this property. In the greater area of the four-square miles that surround the subject property there are 50 such properties. Mr. Fleischmann stated this is the first one that he has heard of actually coming before the Board of Adjustment, there are a good number of them that are obviously running under the radar and operating, so he urges the Board to not grant this Special Exception until the Code is brought into an understanding of what the short-term rentals mean for neighborhoods.

Deborah Godsey, 1636 South College Avenue, Tulsa, OK; stated she is concerned about the fact that there will be no permanent resident and living across the street from a short-term rental. Ms. Godsey stated is not thrilled about having transient neighbors. She has stayed in Air BnB’s in exclusive neighborhoods in St. Paul and the City of St.
Paul is looking at banning them, because it is an issue. The neighborhood as itself is a community, it is a neighborhood where people know their neighbors and know their cars, and everyone watches out for one another. Ms. Godsey has a major concern that businesses will be invading the neighborhood. She has concerns about the sales of the houses in the neighborhood because Air Bnb’s affect the values of houses. Ms. Godsey stated that the neighborhood was not alerted to this until the sign went up and then received a letter after the 30th. As a whole neighborhood, the residents have not had the opportunity to discuss the issue. Ms. Godsey stated that she hopes the Board will vote no today, but if the Board does not she hopes the Board will consider table it or put a moratorium on the request. Ms. Godsey stated that she would like to see single-family homes remain in Florence Park.

Cathy Skalla, 1626 South Florence Avenue, Tulsa, OK; presented a signed petition of 27 residents in the area to the Board. Ms. Skalla stated the vast majority of the people signed the petition because they do not want to see the Special Exception approved. Ms. Skalla stated there was not much notice about this request and residents want to have more input and some time to do research and investigation to see what the long-term impact of these types of establishments are within the heart of very settled and unique neighborhoods. Ms. Skalla stated that she learned a few days ago that of the 13 short-term rentals in the neighborhood, one of them is across the street from her house; she just thought the home owner was having parties all the time because there were so many vehicles at the house all the time. Ms. Skalla stated that with the Allen’s situation she thinks this is a thinly veiled Special Exception for a commercial enterprise. She understands the Allen’s consideration for the care of the parents, but they have the option of living in the subject property while the parents need close attention. Or the Allen’s could stay in the current house and rent the subject property to a long-term renter, even a caretaker. Ms. Skalla stated that she does not think there is a hardship in this case by denying the Allen’s something that they must have without which they have no options. The historical use of the neighborhood, since the 1920s, has been long-term occupants or long-term renters, and it would be a detriment to allow this to continue to happen. The fact that there are many unauthorized short-term rentals should not be considered justification for now authorizing an additional short-term rental.

Mr. Van De Wiele announced that this is a request for a Special Exception, not a request for a Variance; Special Exceptions do not require a hardship. A Special Exception is a lower threshold than a Variance which does require a hardship. Ms. Skalla stated that she felt the case was being presented as if it is a hardship on the applicant.

Mr. Van De Wiele asked Ms. Skalla about her experiences with the short-term rental across the street from her. Ms. Skalla stated there are young people there and it tends to attract other young people. Ms. Skalla stated that she lives across from a small interior park within the neighborhood, and very late at night people from that property will drift over into the park well after the posted curfew. There have been on occasion some discarded beverage receptacles, food wrappers, music, lights, etc. There is a
continued presence of people. She just thought it was her neighbor having a lot of parties, so she never said anything to him.

**Jeff Robison**, 1520 South Florence Place, Tulsa, OK; stated that next door to him, to the south, the house was vacant. Then a couple moved in with a lot of cars and a lot of people coming and going all the time. The owner’s made a common space in the driveway, and never knew the house was a short-term rental until the common space was developed. The owners rent three rooms in the house, made a common space in the driveway, and the experiences he has had are not pleasant. He has had metal pointed darts thrown at his house, which he brought to the attention of the owner and the owner didn’t seem to have any concerns about it. He never knew he could do anything about it until this applicant came up. Mr. Robison is concerned about house values and the character of the neighborhood.

**Charlotte Lazar**, 1914 South Evanston Avenue, Tulsa, OK; stated she took care of the security for the Crime Prevention Network, which was 800 houses in Florence Park, and she did that for seven years. During that time one of the home owners passed away and the house was made into a bed and breakfast, and immediately the parties began. She called Working in Neighborhoods and they checked out the bed and breakfast issue, spoke to the landlord, and that settled down, but the parking issues have never gone away. Ms. Lazar prefers to keep the neighborhood as a residential single-family residence.

**James Kirsch**, 1924 South College Avenue, Tulsa, OK; stated he has lived in his house since 1990. Mr. Kirsch stated he has never stayed at a BnB, so he Googled them and immediately started reading about felons, sex offenders, pedophiles, etc. Mr. Kirsch is concerned about how the peoples will be vetted to make sure these offensive people can stay even for one night.

**Rebuttal:**

**Lloyd Allen** and **Christy Allen** came forward and stated that he knows parking is an issue, but he believes he has the parking problem solved because there are spaces next to the garage. Mr. Allen stated that he was a former licensed real estate appraiser and he knows property values are based on the highest and best use for the property. Anyone truly concerned about property values should welcome an alternative use option. A property will be valued at the highest of its available authorized uses. Currently there are only two authorized uses for a property in Tulsa; residences or long-term rental. If houses can be used as short-term rentals in addition to the other two uses, the value at sale will be the highest of those three choices regardless of how the house is going to be used. It also adds an additional pool of potential buyers and increases demand which increases value. The property will not be zoned commercial. Mr. Allen stated he still wants to use the house for himself, it is not going to be a business with a sign. The house will be inextinguishable from any other house as a vacation rental. If the VRBO is not successful he will get out of it, and the vacation business model is based on having the nicest house in the neighborhood versus a rental. The owners of rental do not maintain the rental houses over time because there
is no reason to put any money into the house. Vacation rentals tends to be the nicest houses in the neighborhood because it has to be marketed as a desirable house where people want to stay for the weekend. Mr. Allen stated that his guests are not transients, they are vacationers and tourists that bring outside money to the local economy. The City of Tulsa actively encourages tourism. Tourism is the reason the City built the BOK Center, the new Driller Stadium and other things. Residents should be encouraging tourists and not calling them transients or criminals. Mr. Allen stated that he would love for all his guests to be our friend's and neighbor's family that want to stay at the subject property. Mr. Allen stated that he will not be doing this as a one-day rental, it will be a two or three day minimum. The guests will have to pay close to $600.00 to stay three days because everything is paid up front. There is three-day rental, security deposit and a cleaning fee.

Comments and Questions:
Mr. Van De Wiele stated that he understood at the last UED meeting, these will be more readily available without Special Exceptions. There may be a registering and licensing component, but these are more likely to become a use by right that a use by Special Exception. Mr. Wilkerson stated that is one of many options that has been discussed, and City Council is actively looking at a lot of options.

Mr. Van De Wiele stated this is something that has been an issue, not only in Tulsa, it is an issue in lots of cities across the country. It is not a long-term rental, but it is not a bed and breakfast and not a hotel. From his vantage point, the way he has looked at these cases in the past, those that were on the edges of neighborhoods fronting on major streets he was more comfortable with than in the middle of a neighborhood. Likewise, those that were owner occupied or owner supervised he was more comfortable with than absentee owners. The Board has placed relatively short time frame approvals on the cases that have been approved. Mr. Van De Wiele stated that he is somewhat on the fence in this case. With the applicant having a family member living next door it does give him some level of comfort, but he will never vote for one of these without a limited time frame placed on it.

Ms. Back stated that she agrees with Mr. Van De Wiele. The Board looks at these cases very closely, as all the cases, and they are done so on a case-by-case basis. This case does have a family member living next door so its not like nobody is keeping an eye on the place. Ms. Back stated that she too is on the fence. She likes that the owner came forward with their house rules and have done a good job of laying some tight guidelines. Ms. Back asked Ms. Blank if this Special Exception is approved and then the new Code is written if VRBOs are allowed by right, does that undo the Special Exception or does it go by the two-year time limit the Board has imposed on the Special Exception.

Ms. Blank stated the Special Exception being proposed would have a time limit, so she thinks it would be valid to the time limit.
Ms. Ross stated she is in favor in granting this Special Exception with a two-year limit. The reason for her is that she has personal experience with Air BnB and VRBO, and she owns a vacation property outside of the City of Tulsa and it is in an area where there are no zoning requirements. She thinks that a lot of the people that have not received a Special Exception are not charging enough money and that is why people are seeing some of the issues they are seeing in the neighborhood. She wishes more people would come forward from this neighborhood and receive Special Exceptions because the Board would not approve of any that are going to have parties, but responsible Air BnB and VRBO users don't have those issues. Ms. Ross stated she likes the idea that the parents are next door because they will not stand for loud noises and/or parties, and she does not think this is an absentee owner situation because of the parents being next door. If the properties are priced right more affluent people are the ones renting.

Ms. Radney stated she is sensitive to what the long-time residents have stated about the historical character of the neighborhood and wanting to preserve that character. She thinks that is important and that is one of the things that make the urban neighborhoods really special. However, she thinks the residents need to temper that with the fact that this is still an urban neighborhood, so there has always been density in these neighborhoods she does not necessarily concur with the idea that investment in the neighborhood is strictly limited to people that are looking for single occupancy, because there are garage apartments and duplexes for renters to live in. Ms. Radney stated that she is also sensitive to the fact that the location is right in the heart of a cherished neighborhood, but she agrees that it is mitigated by the fact that there is a supervision plan.

Ms. Back stated that she agrees with Ms. Radney in regard to the garage apartments, and there being different types of density mixed into these older neighborhoods that everyone cherishes and proud of. Long term rental is where people take more ownership, and short-term rental is where there might not be ownership component.

Mr. Van De Wiele wants the neighborhood residents to know that the Board has heard more than 20 of these cases and they are all a struggle. The Board values everybody's opinion and listen to it. Each member tries to weigh those as best as they can. As to the upkeep of property, and he is not trying to sway anybody's opinion, from personal experience he has lived in long-term rentals and he thinks the closer one is to the University of Tulsa there are probably more long-term rentals. He can make the argument that long-term rentals are maintained infinitely more poorly than short-term rental. For him, given the supervisory plan, combined with a time limit he could support this request.

**Board Action:**
On MOTION of ROSS, the Board voted 3-1-0 (Radney, Ross, Van De Wiele "aye": Back "nay": no "abstentions": Bond absent) to APPROVE the request for a Special Exception to allow a Bed and Breakfast (short-term rental) in a RS-3 District (Section 5.020). The approval is subject to the following conditions: approval is for a time limit of
two years from today’s date, September 11, 2020; all guests will be required to park up by the garage and behind the house; the parking will be restricted to two cars; limited to four people and they are required to give names and ages of all four people; two to three night minimum stay, no one night stays; no parties, which includes family reunions, bridal showers, birthday parties, etc.; guests not registered to stay must leave by 11:00 P.M.; quiet time will be between 10:00 P.M. and 8:00 A.M.; an age restriction that a renter must be at least 24 years of age or older; the renter must be respectful of the neighbors. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 16 BLK 8, AVONDALE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22503—Darla Murphy

Action Requested:
Special Exception to allow a Bed and Breakfast (short-term rental) in a RS-3 District (Section 5.020). LOCATION: 1411 South Louisville Avenue East (CD 4)

Mr. Van De Wiele announced that there would be a time limitation on both sides because of multiple parties that wish to speak. The applicant will have five minutes in the beginning, five minutes at the end for rebuttal, and each speaker will have three minutes to speak. Mr. Van De Wiele asked the interested parties to not repeat the same thing that has been said previously so that we can get through this and each party will be given a warning when the time is getting close to the end.

Presentation:
Darla Murphy, 1411 South Louisville Avenue, Tulsa, OK; stated she and her husband prepared for today’s meeting by talking to the neighbors personally, provided a signature sheet for those who wanted to show support, shared contact information with the neighbors, and hosted an open house to answer any questions. Ms. Murphy stated she posted the room on Air BnB for a short time during the summer and accepted requests for stays in July, August and a guest from Japan coming next summer for a wedding reception. When she learned of the City’s 30 day rule she removed the listing and submitted an application for the Special Exception. Her summer guests ranged from one to two people, and two of the stays did not require any parking at all because they either walked to their event or utilized ride share companies. The traffic generated from each of the stays was generally an arrival and a departure each day. Ms. Murphy expects her guests in the future will be very similar, and her spare room is the only room offered she does not foresee any parking needs for guests beyond her driveway, however, there are two parking spaces on the street in front of her house. Ms. Murphy stated that she lives near the fairgrounds and depending on the time of year there can be attendees utilizing the street parking. On a daily basis three or four of the closest
two years from today’s date, September 11, 2020; all guests will be required to park up by the garage and behind the house; the parking will be restricted to two cars; limited to four people and they are required to give names and ages of all four people; two to three night minimum stay, no one night stays; no parties, which includes family reunions, bridal showers, birthday parties, etc.; guests not registered to stay must leave by 11:00 P.M.; quiet time will be between 10:00 P.M. and 8:00 A.M.; an age restriction that a renter must be at least 24 years of age or older; the renter must be respectful of the neighbors. 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:

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neighbors utilize street parking. All of the guests will be vetted twice; once by Air BnB and again by she and her husband. Ms. Murphy stated that she will not host first time guests. Ms. Murphy stated that she works from home and either she or her husband will always be there, and guests will not have a key to the house. Ms. Murphy stated that her general opinion is that property value is determined by those who live in the neighborhood and those who want to live in the neighborhood. All property owners, whether they live on site, rent the property to long-term or short-term renters are responsible to themselves and each other for taking pride in their property and the community. She will do her best to keep the property looking good and if it does decline it would have nothing to do with the renting of the spare room. During the short time that she had guests during the summer no formal concerns about the guests were made to the City. The formal concerns that were submitted were made after she had personal discussions with neighbors and after the public sign went up. She did receive one informal concern from a neighbor about a guest who went to work before 6:00 A.M. and his vehicle woke her up. Ms. Murphy stated that she and her husband realize that owner occupied short-term rentals might not be for everyone, but she hopes that by sharing this information that the mystery of who is the stranger with the suitcase is no longer a mystery.

Interested Parties:
Sherry Coffee, 1415 South Louisville Avenue, Tulsa, OK; stated she is the neighbor that complained about the loud truck. Ms. Coffee stated that the Murphys allow their guests to have dogs, and one of the guests did not have a leash on his dog. In addition to running the Air BnB Ms. Murphy has an internet business and has sit and stitch sessions so she has traffic coming and going. Ms. Coffee stated that she is opposed to this request.

Ms. Radney asked Ms. Coffee where her house is located in relation to the subject property. Ms. Coffee stated she lives directly south of the subject property and their driveway is right next to her house.

Mike Thornberry, 1423 South Louisville, Tulsa, OK; stated he and his wife have lived in the neighborhood for over 30 years. The Summit Heights neighborhood is the typical residential Tulsa neighborhood full of middle class and upper middle-class residents. Over the years the neighborhood has gone from a very significant amount of long-term rentals to a fewer amount of rentals. When he thinks of a short-term rental he thinks of a hotel, and when he thinks of a short-term vacation rental his neighborhood does not come to mind. The residents want to keep this as a residential area. The residents have seen the neighborhood grow and improve over the last 30 years. If there is one there can be 13 like in Florence Park. The Board can apply conditions to an approval but there is no way to police such things in neighborhoods, it is up to the home owners themselves. He objects to this request.

Taylor Murphy, 2101 East Omaha Street, Broken Arrow, OK; stated she is Darla Murphy's daughter. The room her parents are letting is a small bedroom and it won’t fit more than two people so there would only be two cars at a time maximum, and there is
room in the driveway as well as the space on the street in front of the house. The thing that distinguishes this case from the previous case is that her parents are at the house all the time, and there would always be supervision.

Jim Banes, 1348 South Knoxville Avenue, Tulsa, OK; stated he lives about five houses away to the east from the subject property. He has concerns about this. He looked at the Air BnB website and around the fairgrounds there are about 16 BnBs posted. Tulsa is struggling trying to get a handle on this, and in the previous case one of the interested parties stated that one of the cities she had stayed in is moving away from BnBs. Mr. Banes stated that just outside of the neighborhood he found 116 BnBs in the area. Mr. Banes asked if the Board could tell him how many of the BnB applications that have come before the Board have been approved and how does the City enforce the conditions placed on an approval. Mr. Van De Wiele stated he thinks it is about 50% approved, and none of the ones that have been approved have come back to the Board from an expiration of time. Mr. Van De Wiele stated that he has been on the Board of Adjustment long enough to see other uses for other things have come back because a time frame has expired. The Board wants to make sure something is going to be a compatible use and be a good neighbor so the Board place time limitations on the request. More often than not the Board sees that no one will show up in opposition and the Board will extend the approval. If the Board has neighbors coming back saying that everything that the Board asked them not to do, the applicant has violated he will not support the request going forward. Time limitations are placed on an application as a test. Mr. Van De Wiele stated there is a Code Enforcement Branch at the City and he asked Ms. Blank to speak briefly about Code Enforcement.

Ms. Blank stated the WIN Department receives complaints from neighbors and they investigate the complaint, then a notice of violation is given to the owner and then there is a cure period in this process. Ms. Blank stated that WIN is Working In Neighborhoods. The decisions of the Board are public, and the minutes of every meeting are posted online, so any neighbor can get a copy of what is voted on about a particular property. If the neighbors know what the conditions are and if they felt, they needed to be looked into they can contact the Code Enforcement Department with the City.

Mr. Van De Wiele stated, frankly, the City is looking for neighbors to be its eyes and ears because there are not enough neighborhood inspectors driving around Tulsa looking for violations. And that is not just for things the Board has approved, but things that violates the Zoning Code.

Rebuttal:
Darla Murphy came forward and stated she gave Ms. Ulmer a petition with about 14 signatures of neighbors in the area that are supportive of this request. Ms. Murphy stated that she too has an age limit on her guests of 21 years or older. She will not have the same type of guests that the Florence Park property will have, she has travelers like a touring folk artist that stayed with during the summer. Ms. Murphy stated she had her listing up for about two weeks and took reservations for periods of time
throughout July and August. Ms. Murphy stated her guests pay a security deposit, a cleaning fee, etc., and they range from $35 to $55 for a twin bed. Ms. Murphy stated the reason she is doing this is to build travel relationships with people. She has people that came into town and she and her husband now go to dinner with them when they are staying in Tulsa. She has had guests that have invited her to their homes, because they too have Air BnBs. Ms. Murphy stated she does not allow children because of her dogs and the Oklahoma Westie Rescue fosters.

David Murphy, 1411 South Louisville, Tulsa, OK, stated that he and his wife do accept dogs, and he is sorry that one the guests violated a City ordinance by not having their dog on a leash. Mr. Murphy stated that when they walk their dogs they take them on a leash and bag any dog deposits, and they ask their guests to do the same thing. By accepting dogs, it makes his Air BnB unique, but he does foster so any animal that comes to stay has to have full vet records and current on the shots.

Comments and Questions:
Ms. Ross stated that initially she did not like the $25 a night fee, but with a twin bed only they are not going to get much more than that. She likes that the Murphy’s are always at the house and that they do not give guests a key. She does not like that they allow pets if it is going to disturb the neighbors. Being woke up by a loud vehicle can happen in any neighborhood.

Ms. Back stated that when she moved to Tulsa she lived on Jamestown in the subject neighborhood, and she has now purchased a house that is not too far from the neighborhood. She likes that this is owner occupied because that reassures her that there is someone there to keep an eye on the property. She does not have a problem with dogs because the owners are Westie rescue, and they will check on any new dog coming into the house. Ms. Back stated the subject property is close to 15th Street, close to Harvard and is not in the middle of the neighborhood so she can support the request.

Ms. Radney stated this particular type of model of short-term rental was inspired from a different relationship with the people using the home. The idea of the sharing economy is new and is not the traditional middle-class life style, but it is something that is seen more and more, particularly with young people that visit or come here for internships. She likes the fact that the applicant has parameters around how their short-term guests would be integrated into their family, particularly with the Westie Rescue. She likes the fact that the applicant is cognizant of the fact that their neighbors are proud of their neighborhood and want to remain proud of it. She thinks the applicant is also acknowledging the fact that all the mid-town urban neighborhoods are in transition. She tends to think the people that come before the Board now are the ones who actually want to set a standard for going forward. Ms. Radney stated she would be inclined that think this particular model the applicant has satisfied that standard.
Board Action:
On MOTION of BACK, the Board voted 3-1-0 (Back, Radney, Ross "aye"; Van De Wiele "nay", no "abstentions"; Bond absent) to APPROVE the request for a Special Exception to allow a Bed and Breakfast (short-term rental) in a RS-3 District (Section 5.020), subject to a two-year time limitation from today's date, September 11, 2020. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT-12-BLK-7, SUMMIT HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22504—Veronica Montes

Action Requested:
Special Exception to permit a fence greater than 4 feet in the front setback (Section 45.080). LOCATION: 2671 North Quaker Avenue East (CD 1)

Presentation:
Veronica Montes, 2671 North Quaker Avenue, Tulsa, OK; stated she would like to have an eight foot fence to protect her dog, the neighbor's safety and for her own safety. The fence will be wrought iron so you can see through it.

Mr. Van De Wiele asked Ms. Montes if the dog could jump a four foot fence. Ms. Montes answered affirmatively.

Mr. Van De Wiele asked Ms. Montes about fencing in just the back yard. Ms. Montes stated that she has a six foot tall fence around the back yard, and she would like the dog to have the run of the yard because when he is tied up he becomes more aggressive.

Ms. Back asked Ms. Montes if the six foot fence went around three sides of her house. Ms. Montes stated she wants the dog to be able to run all around the yard of her house.

Ms. Montes stated that she has a letter from her neighbor agreeing to the proposed fence, and the house on the other side is empty.

Ms. Back asked Ms. Montes if there were any other wrought iron fences in her neighborhood. Ms. Montes stated that there area only chain link fences in the neighborhood.

Interested Parties:
Joyce Brown, 1939 East 27th Street North, Tulsa, OK; stated she grew up in the community and it is an older community. There is community blight, unkept lots considered undesireable, and her family has acquired lots in the neighborhood to help
Facing South on Florence Place

Facing North on Florence Place
Subject property
ZONING CLEARANCE PLAN REVIEW

October 11, 2019

Phone: 918.812.6017

PLANS EXAMINER

1535 S Florence Ave
Tulsa, OK 74104

APPLICATON NO: ZCO-042093-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1535 S Florence PL
Description: Bed & Breakfast

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.

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3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

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

IMPORTANT INFORMATION

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(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-042093-2109

1535 S Florence Ave

October 11, 2019

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

Sec.5.020 Table 2: The proposed Airbnb is designated a Commercial/Lodging/Bed & Breakfast Use. It is defined as a detached house in which the owner/operator offers overnight accommodations and meal service to overnight guests for compensation. It is in an RS-3 zoning district.

Review comment: This use requires a Special Exception reviewed and approved per Section 70.120. Submit a copy of the approved Special Exception to permit a Commercial/Lodging/Bed & Breakfast Use in an RS-3 district.

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

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

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

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

END - ZONING CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
Emmons Garage
1535 S Florence Pl
LT 16 BLK 3
Sec 08 Township 19 Range 13
Exposition Heights

Brick House
Lot 16, Block 3

CONCRETE

SET 3/8" IRON PIN W/ CAP

SET CHISELED "X"

S 89°59'10" E = 140.00'

N 89°59'10" W = 140.00'

Exposition Heights Addition

Offstreet parking added in 2018 when old Driveway was replaced

R 13 E
EAST 11th STREET SOUTH

HARVARD AVENUE

SOUTH AVENUE

SITE**

19

T

8

N
My name is Sheila Husted and I live @ 1540 s florence pl.I have lived here since 1984. I do not want a business basically across street from my house. My reason is the parking on the street and the traffic. Our street is a threw way from 21st to 15th. Between that and parking on the street I can hardly get out of driveway without hitting or seeing on coming traffic. Every few months the house in question has a truck and large travel trailer at their house taking up huge amounts of space on a normal size residential st. I worry about my property values as well. Therefore I am very much again this. Thankyou
Aerial Photo Date: February 2018

BOA-22800
19-13 08

Note: Graphic overlays may not precisely align with physical features on the ground.
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HEARING DATE: 12/10/2019 1:00 PM

APPLICANT: Terrance 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: 4735 S MEMORIAL DR E
ZONED: IL

PRESENT USE: Vacant
TRACT SIZE: 21601.49 SQ FT

LEGAL DESCRIPTION: N150 LT 4 BLK 2, JONES TRUCKING CTR, SECOND RESEARCH & DEVELOPMENT CTR RESUB

STAFF COMMENTS:
The applicant is requesting Verification of the 1,000 spacing requirements 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 provided an exhibit showing the location of their dispensary and circle drawn around their property with a 1,000-foot radius. The applicant provided the next closest dispensary as located at 4419 S. Memorial Drive, 1568 feet or 0.34 miles 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 South on Memorial

Facing North on Memorial
Subject Property
**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER  
TEL (918)596-9688  
clange@cityoftulsa.org

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

**ZONING CLEARANCE PLAN REVIEW**

**LOD Number:** 1  
**Terrance Lewis**  
PO BOX 691335  
Tulsa, OK 74169

**APPLICATION NO:** BLDC-039382-2019  
*(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*

**Location:**  
4735 S Memorial Dr

**Description:** Medical Marijuana Dispensary

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**THE CITY OF TULSA WILL ASSES A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.**

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(continued)
Note: As provided for in Section 714.130 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, or any deficiencies by the BOA stating the status of your application, you may contact your planning your application. INCOG does not act as your legal or professional 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 of any options available to address the non-compliance 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](http://www.tmapc.org/Documents/TulsaZoningCode.pdf)

Please notify the reviewer as soon as the [non-compliance(s) have been] submitted.
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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 ZONING CLEARANCE PERMIT.
OKLAHOMA MEDICAL MARIJUANA AUTHORITY

Website: OMMA.ok.gov | Email: OMMA@ok.gov

Wednesday, October 9, 2019

BLACK PURPLE KUSH INC.
BLACK PURPLE KUSH
4735 S MEMORIAL DR STE C
TULSA, OK, 74145

License #: PAAA-EYUT-ZORD

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

10/08/2019 and will expire one(1) year after this date, on 10/13/2020.

It is your responsibility to submit a timely renewal application prior to this expiration date.
Your license number is: PAAA-EYUT-ZORD

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

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

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

Included with this letter is your license certificate. If you have any questions, please do not hesitate to contact a member of my staff at omma.ok.gov.

Sincerely,

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

Attachment: License Certificate
STR: 9430
CZM: 49
CD: 7
HEARING DATE: 12/10/2019 1:00 PM

APPLICANT: Santale Cephus

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

LOCATION: 10301 E 51 ST S
ZONED: IL

PRESENT USE: Commercial
TRACT SIZE: 46801.06 SQ FT

LEGAL DESCRIPTION: LTS 5 THRU 20 & 15 VAC ALLEY BEG 5S NEC LT 5 TH W195 S240 E195 N240 POB BLK 54, ALSUMA

STAFF COMMENTS:
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The applicant provided an exhibit showing the location of their dispensary and circle drawn around their property with a 1,000-foot radius. The applicant provided the next closest dispensary as located at 9435 East 51st Street, The Green Goat, located 0.6 miles 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 West on 51st Street South

Subject property
Facing East on 51st Street South
ZONING CLEARANCE PLAN REVIEW

September 18, 2019
Phone: 918.815.0451

COO-042813-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 10301 E 51 ST
Description: Medical Marijuana Dispensary

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

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

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

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

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


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

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

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

END – ZONING CODE REVIEW

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

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

STR: 9313
CZM: 38
CD: 5
HEARING DATE: 12/10/2019 1:00 PM

APPLICANT: Ed Mackey

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

LOCATION: 2777 S MEMORIAL DR E
ZONED: CS

PRESENT USE: Medical Marijuana Dispensary
TRACT SIZE: 22416.07 SQ FT

LEGAL DESCRIPTION: LT 10 LESS W10 FOR ST BLK 2, TRI CENTER

STAFF COMMENTS:
The applicant is requesting Verification of the 1,000 spacing requirements 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-l.

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

The applicant provided an exhibit showing the location of their dispensary and circle drawn around their property with a 1,000-foot radius. The applicant provided the next closest dispensary as located at 7727 E. 21st St, Healthy Buds.

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.
Therapeutic Hemp Center
2777 S Memorial Dr
Tulsa, OK 74129
BLDC-042861
1000' Radius
No Dispensaries
ZONING CLEARANCE PLAN REVIEW

October 21, 2019

Ed Mackey
2777 S Memorial Dr
Tulsa, OK 74129

APPLICATION NO: BLDC-042869

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 2777 S Memorial Dr
Description: Medical Marijuana Dispensary

---

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM
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., 6th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

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(continued)
REVIEW COMMENTS

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

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

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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.

3. Sec.55.020 Table 55-2: The proposed remodel is for a Commercial/Retail Sales/Medical marijuana Dispensary use and is in a CS zoning district. The minimum parking requirement is 3.3 spaces per 1000 ft² of floor area. The proposed floor area is 3600 ft². The parking requirement is 7 parking spaces. Your site plan provides 0 spaces.

   Review comment: Revise and submit a site plan providing 7 spaces. The parking spaces are required to be on the same lot as the building and compliant with the design criteria listed Sec.55.090. 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.

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

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

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building, 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

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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 ZONING CLEARANCE PERMIT.
State of Oklahoma

License Certificate

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

THERAPEUTIC HEMP CENTER

2777 South Memorial Drive, 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 25 CHAP. 81. 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.

11/05/2019

LICENSE NUMBER:
DAAA-4KYY-QKQH

DO NOT COPY

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

Facing North on Memorial
Facing South on Memorial
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INTENTIONALLY

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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9307
CZM: 37
CD: 4
HEARING DATE: 12/10/2019 1:00 PM

APPLICANT: Jesse Keefe

ACTION REQUESTED: Variance to allow a lot to have less than 50% open space (Sec. 80.020-B); Variance to allow an accessory structure to exceed one story, 18 feet in height overall & 10 feet in height to the top of the top plate (Sec. 90.90.C); Variance to allow an accessory building to cover more than 30% of the rear setback (Sec. 90.090-C.2); Variance to allow accessory buildings to exceed 40% of the floor area of the principal structure (Sec. 45.030-B); Special Exception to allow an addition to a nonconforming structure (80.030-D)

LOCATION: 1611 S TRENTON AV E
ZONED: RS-3
TRACT SIZE: 7000.12 SQ FT

PRESENT USE: Residential

LEGAL DESCRIPTION: LT 14 BLK 14, ORCUTT ADDN

RELEVANT PREVIOUS ACTIONS:
Subject Property: None
Surrounding Property:
BOA-15980; On 04.14.92 the Board approved a variance of the permitted rear yard coverage, and a variance to exceed the allowable size of an accessory building. Property located 1603 South Troost.

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 located South of the SE/c of E. 16 Street S. and S. Trenton Ave. The property is located in an RS-3 zoned subdivision. The property is located in the Swan Lake Historical Preservation Overlay.

STAFF COMMENTS: The applicant is requesting a Variance to allow a lot to have less than 50% open space (Sec. 80.020-B); Variance to allow an accessory structure to exceed one story, 18 feet in height overall & 10 feet in height to the top of the top plate (Sec. 90.90.C); Variance to allow an accessory building to cover more than 30% of the rear setback (Sec. 90.090-C.2); Variance to allow accessory buildings to exceed 40% of the floor area of the principal structure (Sec. 45.030-B); Special Exception to allow an addition to a nonconforming structure (80.030-D)
2. Detached Accessory Buildings in RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes.
   a. Detached accessory buildings may be located in rear setbacks provided that:
      (1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and
      (2) Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2:

      | 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%                              |

80.030-D Alterations, Enlargements and Expansions
Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. Horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures of Section 70.120, provided the extensions are not located closer to the lot line than the existing structure.

STATEMENT OF HARDSHIP:
Current house is 800 square feet, One Bedroom- not enough room for young couple with infant-nonconforming lot, new garage to accommodate non- model A type cars w/ mom suite for family’s grandmother.
SAMPLE MOTION:

Variances:
Move to ________ (approve/deny) a Variance to allow a lot to have less than 50% open space (Sec. 80.020-B); Variance to allow an accessory structure to exceed one story, 18 feet in height overall & 10 feet in height to the top of the top plate (Sec. 90.90.C); a Variance to allow an accessory building to cover more than 30% of the rear setback (Sec. 90.090-C.2); a Variance to allow accessory buildings to exceed 40% of the floor area of the principal structure (Sec. 45.030-B)

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

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

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

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

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

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

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

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

Special Exception:
Move to ________ (approve/deny) a Special Exception to allow an addition to a nonconforming structure (80.030-D)

- 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 15978 (continued)

Protestants:

Anthony Coleman, 2419 South Phoenix, Tulsa, Oklahoma, stated that he is representing neighborhood property owners, and they are opposed to the installation of mobile homes at the school site. He noted that there is additional space for classrooms inside the school, as well as other vacant buildings that could be rented for this use.

Mr. Bolzle pointed out that the mobiles are temporary, and Mr. Coleman stated that the mobile units will be detrimental to the area, and is opposed to the temporary installation of mobile homes at this location.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to APPROVE a Special Exception to permit school use in an RM-1 zoned district and to permit four mobile units to be used as classrooms for a period of one year, beginning August 15, 1992 - Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 5; per plot plan submitted; finding that the existing school, and the temporary use of mobile units for classrooms, to be compatible with the residential neighborhood and in harmony with the spirit and intent of the Code; on the following described property:

All of Block 37, West Tulsa Addition Amended, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15980

Action Requested:

Variance of the required 45' setback from the centerline of East 16th Street - Section 403. BULK AND AREA REQUIREMENTS FOR THE RESIDENTIAL AREAS - Use Unit 6.

Variance of the permitted 20% rear yard coverage - Section 210.B.5. YARDS - Use Unit 6.

Variance of the permitted 750 sq ft for a detached accessory building to 880 sq ft - Section 402.B.d. ACCESSORY USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 6, located 1603 South Troost.
Case No. 15980 (continued)

Presentation:
The applicant, Caroline Brune, 1603 South Troost, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-2) and explained that she has lived at this location for approximately 10 years and has experienced three incidents of damage to her vehicle because of street parking. Ms. Brune requested permission to construct a carport on the rear portion of her property, which would protect her car and serve as screening from abutting apartments. She stated that the proposed carport will be 39' from the centerline of the street and align with the apartment building to the east. Photographs (Exhibit D-1) were submitted.

Comments and Questions:
Ms. Hubbard explained that she averaged the setback because of the encroachment of the apartment building to the east, and the setback should be 39' instead of 45', as listed on the case report.

Ms. White noted that there are mixed uses and irregular setbacks in the area.

Protestants:
None.

Board Action:
On MOTION of WHITE, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to APPROVE a Variance of the required 39' setback from the centerline of East 16th Street to 34' - Section 403. BULK AND AREA REQUIREMENTS FOR THE RESIDENTIAL AREAS - Use Unit 6; to APPROVE a Variance of the permitted 20% rear yard coverage - Section 210.B.5. YARDS - Use Unit 6; and to APPROVE a Variance of the permitted 750 sq ft for a detached accessory building to 880 sq ft - Section 402.B.d. ACCESSORY USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 6; per plot plan submitted; finding that there are mixed uses and irregular setbacks in the area, and the proposed construction will align with the existing apartment building to the east; on the following described property:

Lot 16, Block 15, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.
Subject property

Facing South on Trenton
APPLICATION NO: ZCO-44169-2019  (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 1611 S Trenton Ave E
Description: Detached Accessory Building & Additions

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(continued)
Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 944-7526. 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.

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1. 80.020-B Nonconforming Lots in Residential Zoning Districts
   In residential zoning districts, a single detached house may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, provided that at least 50% of the lot area remains as open space. All other lot and building regulations apply.

   **Review Comments:** The proposed lot is considered an existing nonconforming lot. You are allowed to use 50% of the lot size as open space. You are proposing less than 50% of the lot size to be open space. Revise plans to indicate compliance or apply to INCOG for a variance to allow this lot to have less than 50% of the lot to be open space.

2. 90.90.C: Detached Accessory Buildings
   a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:
      
      (1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and

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

3. 90.90-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:

4. #2. This lot is zoned HPRS-3. The rear setback is defined as the minimum distance set out by the zoning code of open unoccupied space between the rear lot line and the required rear setback (in your case, 20 feet from the rear property line). A maximum 30% area can be covered by the accessory building: (50’ X 20’ X 30%) allows 300 sq ft of coverage. You are proposing 308 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.

5. 45.030-B RS-2, RS-3, RS-4, RS-5 or RM Districts
In RS-2, RS-3, RS-4 and RS-5 districts, the total aggregate floor area of all detached accessory buildings and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater.

Review comments: You are proposing 672 sq ft of detached accessory structure floor area. The proposed detached structure exceeds 500 sq ft and 40% of the size of your house. Based on the size of your house with the proposed additions (2976) you are allowed 1190 sq ft of detached accessory structures floor area on your lot. Reduce the size of your proposed detached accessory structure to be less than 1190 sq ft of total floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.

6. 80.030-D Alterations, Enlargements and Expansions
Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. Horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures of Section 70.120.

Review Comments: You are proposing to add a second story addition on the front of a structure that has an existing non-conforming front setback. Apply to BOA for a special exception to allow an addition to a non-conforming structure.

Note: HP approved stamped plans are required to be submitted to this office when application is made for a building permit. Contact INCOG at 918-584-7526.
SITE DRAINAGE PLAN 1"=20'01"

KEEFE PROJECT
1611 S. TRENTON AVE.
TULSA, OKLA. 74114

TOM NEAL DESIGN
Associate member, American Institute of Architects
9/16/211,1377

11/27/2019

Accessory
Build plate
15 deg plate
1/2 deg top of
Ridge

702
TRENTON
AVENUE

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

Aerial Photo Date: February 2018

BOA-22804

19-13 07
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9322
CZM: 48
CD: 5

HEARING DATE: 12/10/2019 1:00 PM

APPLICANT: Homero Lopez

ACTION REQUESTED: Special Exception to exceed allowable driveway width both within the street setback and within the right of way (Sec. 55.090-F3)

LOCATION: 5347 E 33 ST S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 15036.97 SQ FT

LEGAL DESCRIPTION: LT 8 BLK 2, YORKSHIRE ESTATES RESUB L2-4 B3 & ALL B4-13

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NW/c of E. 32nd Pl. and E. 33rd St. S. in an RS-2 zoned subdivision
STAFF COMMENTS: The applicant is requesting a Special Exception to exceed allowable driveway width both within the street setback and within the right of way (Sec. 55.090-F3)

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

<table>
<thead>
<tr>
<th>Lot Frontage</th>
<th>75'+</th>
<th>60' - 74'</th>
<th>46' - 59'</th>
<th>30' - 45'</th>
<th>Less than 30'</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driveway Within Right-of-Way (feet) [1]</td>
<td>27'</td>
<td>26'</td>
<td>22'</td>
<td>20'</td>
<td>12'</td>
</tr>
<tr>
<td>Driveway Within Street Setback (feet)</td>
<td>30'</td>
<td>30'</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.
[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.

The aggregate driveway width among the three separate access points to the property appears to be 40 feet per the site plan presented with the application.

As a part of the Building Permit a Right-of-way Permit will be required.

SAMPLE MOTION:
Move to _________ (approve/deny) a Special Exception to exceed allowable driveway width both within the street setback and within the right of way (Sec. 55.090-F3)

- 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.
Existing garage and Driveway on northeast side of property

South side of subject property
APPLICATION NO: ZCO-45744-2019  
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 5347 E 33rd St S
Description: Driveway

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

(continued)
Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Development 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 INCIG 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. INCIG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

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

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

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<td>--</td>
<td></td>
</tr>
</tbody>
</table>

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

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

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

Please NotifyPlans 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.
From: Tom Walters <twco@tulsacoxmail.com>
Sent: Wednesday, December 4, 2019 9:55 AM
To: Chapman, Austin
Subject: Re: Case BOA-22805

City of Tulsa Board of Adjustment

Case Number: BOA-22805

I have no objection to the planned changes to 5347 E 33 St. S.

Thank you,

Thomas H. Walters

Homeowner at 3202 S Erie Ave Tulsa, OK 74135-5244

On 12/02/19 8:01 AM, Chapman, Austin wrote:

> Mr. Walters,
>
> You are welcome to send me comments via email or by mail and I will forward those comments to the Board members.
>
> Best,
>
> Austin Chapman
> Planner, City of Tulsa Board of Adjustment Tulsa Planning Office
> 2 W. 2nd St., 8th Floor | Tulsa, OK 74103
> 918.579.9471
> achapman@incog.org
>
> Determining compliance to zoning or building code requirements is not a function of this office.
> The Building Permits Division will address compliance upon application
> for a building permit or occupancy permit. {918) 596-9456}
>
> ---Original Message---
> From: Tom Walters <twco@tulsacoxmail.com>
> Sent: Friday, November 29, 2019 9:16 AM
> To: Chapman, Austin <AChapman@incog.org>
> Subject: Case BOA-22805
Note: Graphic overlays may not precisely align with physical features on the ground.
Subject Tract

BOA-22805

Aerial Photo Date: February 2018

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

STR: 9308  
CZM: 37  
CD: 4

HEARING DATE: 12/10/2019 1:00 PM

APPLICANT: Charles Sherwood

ACTION REQUESTED: Special Exception to allow Low-impact Manufacturing and Industry uses in the CH District (Section 15.020, Table 15-2)

LOCATION: 1502 S HARVARD AV E  
ZONED: CH

PRESENT USE: Dispensary

TRACT SIZE: 19005.31 SQ FT

LEGAL DESCRIPTION: LTS 1 THRU 3 LESS BEG NWC LT 1 TH E140 S153.24 W15 N50 E5 N98.24 W130 N5 POB BLK 1, EXPOSITION HGTS ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, store fronts 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 SW/c of E. 15th St. S. and S. Harvard Avenue. The property is zoned CH/CS, the building is located on the CH portion of the building.
STAFF COMMENTS: The applicant is requesting a Special Exception to permit Low-impact Manufacturing and Industry Use in a CH district (Sec. 15.020, Table 15-2)

If the applicant chooses to use the property for Low-impact medical marijuana processing they would be subject to the following supplemental regulations:

Section 40.225  Medical Marijuana Uses
The supplemental use regulation of this section apply to medical marijuana uses.

40.225-A A medical marijuana grower operation must be located inside an enclosed building.

40.225-B A medical marijuana processing facility, whether moderate-impact or high-impact, must be located inside an enclosed building.

40.225-C A medical marijuana dispensary must be located inside an enclosed building.

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

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

40.225-F Medical marijuana grower operations, processing facilities and dispensaries must provide the following:

1. A ventilation/air filtration system that prevents odor from being detectible at the boundaries of the lot within which the building housing the medical marijuana grower operation, processing facility or dispensary is located, except that if such use is located in multiple-tenant building, the ventilation/air filtration system must prevent odor from being detectible outside the tenant space housing the use.

2. An electronic security system and surveillance camera.

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

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

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

Move to ________ (approve/deny) a Special Exception to permit Low-impact Manufacturing and Industry Use in a CH district (Sec. 15.020, Table 15-2)

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

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Intersection S. Harvard avenue and E. 15th St. S. from subject property

Subject property
ZONING CLEARANCE PLAN REVIEW

October 21, 2019

LOD Number: 1
Charles Sherwood
1502 S Harvard
Tulsa, OK 74112
APPLICATION NO:  COO-045651-2019
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 1502 S Harvard Ave
Description: Low-Impact Manufacturing & Industry

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
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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.

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   SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.

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   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
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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)
Note: Please direct all questions concerning special exceptions and all questions regarding BOA application forms and fees to an INCOG representative at 584-7528. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

Sec.15.020 Table 15-2: The proposed blending operation is designated an Industrial/Low-Impact Manufacturing and Industry use. It is in a CH zoned district. This will require a Special Exception approved by the BOA.

**Review comment:** Submit an approved BOA Special Exception to allow an Industrial/Low-Impact Manufacturing and Industry use in a CH zoned district.

**Note:** All references are to the City of Tulsa Zoning Code. Link to Zoning Code: [http://www.tmapc.org/Documents/TulsaZoningCode.pdf](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.
Best Dispensaries LLC and Okie Gold LLC would like to file for a Low-Impact Manufacturing and Industry permit.

We will be doing packaging for Okie Gold and Best Dispensaries and blending oils, essential oils, waxes and various ingredients for the production of topicals and mouthwashes.

Thank you for the consideration.

Best Dispensaries LLC,

Charles Sherwood
Owner
BOA-22806

Subject Tract

19-13 08

Aerial Photo Date: February 2018

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

STR: 0328                             Case Number: BOA-22807
CZM: 29
CD: 1
HEARING DATE: 12/10/2019 1:00 PM

APPLICANT: 3 Leaf Dispensary

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

LOCATION: 2400 N YALE AV E Tenant Space: 2664 N YALE
ZONED: CS

PRESENT USE: Vacant Building
TRACT SIZE: 95627.66 SQ FT

LEGAL DESCRIPTION: BLK 1 LESS BEG NEC THEREOF TH S30 NW21.22 W35 N15 E50 POB & LESS BEG SWC THEREOF TH E130 N157 W130 S157 POB & LESS S50 E50 W170 BLK 1, SMITHDALE

STAFF COMMENTS:
The applicant is requesting Verification of the 1,000 spacing requirements 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-L.

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 provided an exhibit showing the location of their dispensary and circle drawn around their property with a 1,000-foot radius. The applicant provided the next closest dispensary as located as Mary Jane’s Treehouse located West of the SW/c of N. Lewis Ave. and E. Pine Street S.

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.

18.2
Facing South on N. Yale

Subject Tract
Facing North on N. Yale
LOD Number: 1

Rachede Wilson
506 S 49 CT
Broken Arrow, OK 74014

APPLICATION NO: BLDC-046060-2019

Location: Address
Description: Medical Marijuana Dispensary

November 5, 2019
Phone: 918.270.0058

INFORMATION ABOUT SUBMITTING REVISIONS

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(continued)
Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INC0G 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. INC0G 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 INC0G BOA Planner at 918-584-7526. The separation required under Sec.40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma Department of Health prior to December 1, 2018 for the particular location.

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


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

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

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

END – ZONING CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
No Dispensaries within 1000 ft
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9201
CZM: 36
CD: 4

HEARING DATE: 12/10/2019 1:00 PM

APPLICANT: Shelby Swanson

ACTION REQUESTED: Special Exception to allow Low-impact Manufacturing and Industry uses in the CBD District in order to permit a coffee roasting business (Section 15.020, Table 15-2)

LOCATION: 310 E 1 ST
ZONED: CBD

PRESENT USE: Vacant
TRACT SIZE: 8999.53 SQ FT

LEGAL DESCRIPTION: E90 LT 6 BLK 86, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:
Subject Property: None
Surrounding Property: None

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

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

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

19.2
REVISED11/25/2019
ANALYSIS OF SURROUNDING AREA: The subject tract is Located East of the SE/c of S. Detroit and E. 1st street.

STAFF COMMENTS:
The Applicant is requesting a Special Exception to allow Low-impact Manufacturing and Industry uses in the CBD District in order to permit a coffee roasting business (Section 15.020, Table 15-2)

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<th>USE CATEGORY</th>
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A Coffee Roasting business can only be classified as Low-impact if their roasting capacity is no greater than 45 kilograms per batch:

Section 35.070 Industrial Use Category
This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. The industrial subcategories are:

35.070-A Low-impact Manufacturing and Industry
Manufacturing and industrial uses that do not, as part of their normal operations, generate noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration. Typical examples of low-impact manufacturing and industrial uses include: commercial laundries and linen supply services, apparel manufacturing, bakery products manufacturing, production of medical marijuana edibles using medical marijuana components processed elsewhere, bottling plants, ice manufacturing, mattress manufacturing and assembly, microbreweries, micro distilleries, coffee roasting with a maximum roasting capacity of 45 kilograms per batch, musical instrument and parts manufacturing, newspaper printing and binderies.

SAMPLE MOTION:
Move to _________ (approve/deny) a Special Exception to allow Low-impact Manufacturing and Industry uses in the CBD District in order to permit a coffee roasting business (Section 15.020, Table 15-2)
- Per the Conceptual Plan(s) shown on page(s) _______ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Facing East on 1st Street

Facing West on 1st Street
Subject Property
BOA-22808

Subject Tract

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

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT  
CASE REPORT

STR: 9304                                      Case Number: BOA-22809
CZM: 37
CD: 4

HEARING DATE: 12/10/2019 1:00 PM

APPLICANT: Weldon Bowman

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

LOCATION: 7 N HARVARD AV E                        ZONED: CH

PRESENT USE: Vacant                               TRACT SIZE: 7579.47 SQ FT

LEGAL DESCRIPTION: LT 7 LESS W5 HWY & N7 E133 LT 8 BLK 4, WALNUT PARK ADDN

STAFF COMMENTS:
The applicant is requesting Verification of the 1,000 spacing requirements 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 provided an exhibit showing the location of their dispensary and circle drawn around their property with a 1,000-foot radius. The applicant provided the next closest dispensary as being Lovelight Cannabis Co. located 1,099 feet northeast of the subject property.

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

Facing South on Harvard
Facing North on Harvard
ZONING CLEARANCE PLAN REVIEW

November 1, 2019

Travis Harris
815 E 3 ST
Tulsa, OK 74120

APPLICATION NO: ZCO-045154-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 7 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
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS" IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).
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-045154-2019
7 N Harvard Ave
November 1, 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
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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
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building, in the case of a multiple-tenant building) occupied by the dispensary.

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location of a medical marijuana dispensary for which a license was issued by the Oklahoma
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Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:

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

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

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

END – ZONING CODE REVIEW

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

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

License Certificate

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

OKLAFLORA, LLC

7 N HARVARD AVE, TULSA, OK, 74115

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. § 470A ET SEQ AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 360 CHAPTER 62. 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, REGULATIONS AND REGULATIONS OF THE STATE OF OKLAHOMA.

03/30/2020

LICENSE NUMBER:

DAAA-4YW2-MF14

DO NOT COPY

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health
Oklahflora
1000 foot spacing verification exhibit.

Legend
- 1000 Spacing Verification
- Oklahflora

1.099' separation

Google Earth
Subject Tract

BOA-22809

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

Aerial Photo Date: February 2018
SUBJECT TRACT

AG

PUD-799

RM-3

RS-3

E-31st ST S

E-31 PL S

S BOSTON PL

S CINCINNATI AVE

S DETROIT AVE

RS-3

BOA-22810

19-12 24
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9224
CZM: 46
CD: 9

HEARING DATE: 12/10/2019 1:00 PM

APPLICANT: KKT Architects, Inc.

ACTION REQUESTED: Variance to increase the maximum 35 ft building height in a Residential District (Sec. 5.030, Table 5-3); Variance to increase the maximum 32 square foot display area for sign a serving a non-residential use in an R District (Sec. 60.050-B-2a)

LOCATION: 131 E 31 PL S; 3137 S BOSTON CT E;

PRESENT USE: Parking for the Gathering Place

ZONED: RS-3, RM-2, RM-1

LEGAL DESCRIPTION: A Tract of Land that is part of the vacated plat of RIVER ACRES, an addition to the City of Tulsa filed as Plat #2625; AND a part of the vacated plat of RIVERDALE, an addition to the City of Tulsa filed as Plat #2917; AND Lot 7, of the AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION, an addition to the City of Tulsa, filed as Plat #1387, said plats filed at the office of the Tulsa County Clerk; AND a part of an unplatted tract lying adjacent thereto in the East Half (E/2) of the Northwest Quarter (NW4) of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section 24, Township 19 North, Range 12 East of the Indian Base and Meridian in the City and County of Tulsa, State of Oklahoma, according to the U.S. Government Survey thereof, all of which being more particularly described by metes and bounds as follows: Commencing at the Northeast corner of said NW4 of the NW/4 of Section 24; thence due West along the North section line of said Section 24 a distance of 247.50 feet to a point; thence South 0°09'37" West a distance of 40.00 feet to the Point of Beginning, said point of beginning being the point of intersection of the Southerly right of way line of East 31st Street South and the East boundary line of said vacated plat of RIVER ACRES; thence due West along the said Southerly right of way line of East 31st Street South a distance of 478.15 feet to a point on the Easterly right of way line of South Riverside Drive, said point also being the Northeast corner of Block 1 of said vacated plat of RIVER ACRES; thence South 12°37'00" East along said Easterly right of way line of South Riverside Drive a distance of 286.29 feet to a point of curve; thence continuing along said Easterly right of way line of South Riverside Drive, along a curve to the right having a radius of 151.33 feet and a central angle of 8°55'59" a distance of 236.86 feet to a point of tangency; thence continuing along said Easterly right of way line of South Riverside Drive, South 3°41'00" East, a distance of 75.00 feet; thence on a curve to the right having a length of 156.95 feet, a radius of 432.00 feet, a central angle of 20°48'56", a chord bearing of South 83°18'31" East, and a chord length of 156.09 feet to a point of tangency; thence South 72°52'02" East a distance of 487.75 feet to a point on the East line of line of Block 1, of said 3200 RIVERSIDE DRIVE ADDITION; thence North 0°18'26" East a distance of 221.36 feet to the Southeast corner of Lot 7, of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION; thence North 0°10'26" East a distance of 50.00 feet to the Northeast corner of said Lot 7; thence North 58°59'58" West a distance of 88.26 feet to the North corner of said Lot 7; thence along a curve to the right having a length of 56.82 feet, a radius of 40.00 feet, a central angle of 81°23'19", a chord bearing of South 72°06'00" West, and a chord length of 52.16 feet to the Northwest corner of said Lot 7; thence North 26°42'52" West a distance of 54.02 feet to the Southeast corner of of Lot 8, of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION; thence North 89°56'32" West a distance of 98.78 feet to the Southwest corner of said Lot 8; thence along the East boundary line of said vacated RIVER ACRES being the same as the West boundary line of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION, North 0°09'37" East a distance of 400.66 feet to the Point of Beginning.

RELEVANT PREVIOUS ACTIONS:
Subject Property:

BOA-22774: On 11.12.2019 the Board approved a Special Exception to allow a Parks and Recreation Use and a Cultural Exhibit to permit the expansion of the Gathering Place and Construction of the Children's Museum in a RM-1, RM-2, and RS-3 District.

BOA-22557; On 12.11.18 the Board approved a request for a Modification of the conditions of a previously approved Special Exception, BOA-22336, to extend the allowable time limit from October 31, 2019 to December 31, 2020. Property located South of the SE/c of East 31st Street South and Riverside Drive.

BOA-22336; On 10.10.17 the Board approved a Special Exception to allow a Parks and Recreation use in an R district to permit a temporary accessory parking lot for the Gathering Place (Section 5.020), a Variance to allow a non all weather parking surface (Section 50.090-F) subject to the conceptual plan modified at today's meeting. The approval is subject to the following conditions: no parking within 30 feet of the property line on the south side of the property; on the southeast corner removal of three rows of parking as shown as etched out on the exhibit modified today, on the east
side north of Crow Creek the removal of four rows of parking as shown on the exhibit today, on the northeast side of the property the removal of one row of adjacent parking along the fence line to 31st Street, enhance screening to be installed abutting residually used properties to the south and east, the parking lot will be maintained and staffed while open for parking, gravel to be sparingly used for maintenance only, and the parking lot will not be lit. Property located South of the SE/c of East 31st Street South and Riverside Drive.

BOA-21784; On 09.23.14 the Board approved a Special Exception to permit offsite construction facilities (Use Unit 2) including staging and storage of construction equipment and materials (Section 401, Table 1 and Section 1202.B), a Variance of 2-year time limitation on construction facilities to allow 5 years (Section 1202.C.4.a) with the condition that at the end of the five year period the construction office facility will be removed, Variance to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner (Section 1204.C.4.c), Variance from the bulk and area requirements set forth in Section 404.F. Property located NW/c of East 31st Street and South Boston Place and SE/c of Riverside Drive and East 31st Street.

Surrounding Properties: None

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Parks and Open Space," "Arkansas River Corridor," and an "Area of Growth".

Tulsa's park and open space are assets. These are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

The Arkansas River Corridor is located along the Arkansas River and scenic roadways running parallel and adjacent to the river. The Arkansas River Corridor is comprised of a mix of uses - residential, commercial, recreation, and entertainment - that are well connected and primarily designed for the pedestrian. Visitors from outside the surrounding neighborhoods can access the corridor by all modes of transportation.

This Corridor is characterized by a set of design standards that support and enhance the Arkansas River Corridor as a lively, people-oriented destination. The Corridor connects nodes of high-quality development with parks and open space. The natural habitat and unique environmental qualities are amenities and are respected and integrated as development and redevelopment occur. The future development of this Corridor is intended to complement the residential character of adjacent thriving neighborhoods by providing appropriate transitions and connections to the Arkansas River.

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 SE/c of E. 31st Street S. and Riverside Parkway. The subject site has been used as parking for the Gathering Place and construction staging areas.

STAFF COMMENTS: The applicant is requesting a Variance to increase the maximum 35 ft building height in a Residential District (Sec. 5.030, Table 5-3); and a Variance to increase the maximum 32 square foot display area for sign a serving a non-residential use in an R District (Sec. 60.050-B-2a)

Sec. 5.030, Table 5-3)

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Sec. 60.050-B-2a

2. Nonresidential Uses
   The following regulations apply to all principal nonresidential uses in R districts and AG districts.
   a. Wall Signs
      Nonresidential uses in R and AG districts are allowed a maximum of one wall sign per public building entrance. No individual wall sign may exceed 32 square feet in area. In buildings with multiple public building entrances, the sign area of all wall signs may not exceed 32 square feet in the aggregate.

STATEMENT OF HARDSHIP: Please see the attached letter provided by the applicant dated 11/7/2019.
SAMPLE MOTION:

Move to __________ (approve/deny) a Variance to increase the maximum 35 ft building height in a Residential District (Sec. 5.030, Table 5-3); and a Variance to increase the maximum 32 square foot display area for sign a serving a non-residential use in an R District (Sec. 60.050-B-2a)

- 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.”
November 7, 2019

City of Tulsa Board of Adjustment
2 West 2nd Street
#800
Tulsa, Ok 74103

Re: Tulsa Children’s Museum

Chairman and Members of the Board:

The Tulsa Children’s Museum (TCM) is planned to be constructed on the southeast corner of E 31st Street and South Riverside drive. The property is zoned RM-2 and RM-1. The BOA will hear a Special Exception request on November 12th to allow the use of parks and recreation and a cultural exhibit. If this is approved, then the development of the TCM will be regulated to the zoning regulations of the underlying zoning, which is RM-2 and the River Design Overlay district.

The museum will be roughly 45,000 square feet in size situated along Riverside Drive with the parking lot as a buffer to the existing residential lots.

**Variance Request #1**

Table 5-3  
Maximum Building Height - 35’

We request a variance from the allowable 35’ to a maximum of 56’. The parapet of the building is 38’-5” with a small portion of the building that bumps up to 55’-3”. The height of the main building is a function of the exhibit requirements within the building and the structure to create a clear space and span. This bump up area is an event space which is stepped back from the exterior façade to create a smaller appearance for the overall building.

**Variance Request #2**

60.050-B-2a  
Nonresidential uses in R and AG districts are allowed a maximum of one wall sign per public building entrance. Such signs may not exceed 32 square feet in area.

We request a variance from the allowable 32 sf for a wall sign to 340 sf. This sign will be located on the west side facing Riverside Drive. Majority of this proposed signage area is made with dichroic glass which is transparent but holds a tint that changes colors based on the angle viewed. The building length along Riverside Drive is 290 linear feet. If this property was zoned mixed use or commercial, the allowable aggregate area would be 870 square feet per Section 60.080-B-1.

We request the Board to approve both variances based on the unique location and development of this area.

Thank you for your time on this matter.

Sincerely,

A. Nicole Watts, P.E., CFM
Principal / Director of Civil Engineering

Page 1 of 1
Board Action:
On MOTION of RADNEY, the Board voted 4-1-0 (Back, Bond, Radney, Ross, "aye"; Van De Wiele "nay"; no "abstentions"; none absent) to APPROVE the request for a Special Exception to allow a manufactured housing unit on an RS-3 zoned lot; Special Exception to extend the time limit to allow a manufactured home on the site for more than 1 year (Sections 5.020 & 40.210-A); Variance to reduce the lot-width requirement for a manufactured housing unit use in the RM-1 District (Table 5-3), subject to conceptual plan 18.7. The Board finds the hardship to be the unusual shape and proportions of the existing site. The manufacturing housing unit will be required to be resubmitted for approval after five years, expiring December 2023. The manufactured home is to be tied down and skirted. The Special Exception to permit the carport in the street setback and street yard has been withdrawn by the applicant. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The 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:

LT 1 BLK 5, GLEN ACRES SUB-WEKIWA, City of Tulsa, Tulsa County, State of Oklahoma

22557—Josh Miller

FILE COPY

Action Requested:
Modification of the conditions of a previously approved case (BOA-22336) to extend the allowable time limit and revise the surfacing requirements for a temporary, non-all-weather surface parking area. LOCATION: South of the SE/c of East 31st Street South & Riverside Drive (CD 9)

12/11/2018-1218 (28)
Mr. Bond announced that he is on the Maple Ridge Neighborhood Association Board and does leave the room and recuse himself when necessary, but he is also at the park twice a week with his children.

Presentation:
Jeff Stava, George Kaiser Foundation, 7030 South Yale Avenue, Suite 600, Tulsa, OK; stated he came to the Board in October 2017 about utilizing the Phase II and Phase III site for temporary parking for the Gathering Place. The Gathering Place opened September 8, 2018 and has had phenomenal amount of attendance and parking has been that has been incredibly important. In October it was intended to have a rock aggregate parking area, but when he met with the neighbors in the hallway they were concerned about dust and how it would look and work. The neighbors were more interested in a grass parking lot. With the amount of use the park has had the grass has deteriorated to dirt so if it rains or there is inclement weather anytime during the week or weekend those lots are basically closed, and it forces people to drive to the satellite lots and use the shuttle buses or they dodge into the neighborhood and look for a place to park. The park has partnered with the Home Owners Association, Tulsa Police Department, the Mayor’s Office, and parking enforcement is being worked on really hard. The City has a long-term view of maybe parking permits for the neighborhoods, so there is a lot of short term, mid-term and long-term solutions. To lessen the impact of parking quicker for the neighborhood would be to make the parking area all-weather use. What is proposed is to use a Geotech fabric laid down with 4" gravel and compressing it. There is a product from Ramco, called Risonater, which is an application which is sprayed on top of the gravel to reduce the dust by 95%. These products were referred to the park by someone who lives in Maple Ridge who works for Williams, Williams uses it on all their haul roads in neighborhoods and in agricultural areas where dust affects crops and neighbors. It will really substantially reduce the amount of dust. This will allow the park to get the maximum 1,400 cars parked in the area. The 30-foot setback and fence line will stay. GKF sent letters out to all the adjacent neighbors explaining this and referencing the INCOG letter that was sent. Mr. Stava stated he has talked to about six neighbors and there has been about three e-mails, and through that engagement he has learned things about the lights so the lights will be removed from the fence line. This will go a long way to reduce the amount of impact the park is having on the neighborhood.

Ms. Radney asked if there were implications for the spray being used on the gravel for the watershed of the river. Mr. Stava stated the product is environmentally friendly. Ms. Radney asked how long of a time period does it take for the product to break down. Mr. Stava stated that it is recommended to have a single application and after six months another application which should last three to five years. The park would be mindful that if dust were seen there would be watering trucks used or another application of the product would be applied. Based on the amount of volume of eighteen wheelers on the haul roads the manufacturer thinks a parking lot would be fine.
Mr. Van De Wiele asked if the Geotech fabric is a landscaping fabric. Mr. Stava answered affirmatively but it is harder than the typical landscaping fabric. It prevents the rock from pushing down into the dirt so there is a barrier between the aggregate gravel and the soil. Mr. Stava stated it will be necessary to excavate about four inches of soil off the top of the site to keep the grade right. Water will be conveyed over to Crow Creek so there will be swales built.

Mr. Van De Wiele asked Mr. Stava to explain where this would be done and the amount of time it would be used. Mr. Stava stated that it will be done in the area on the north side of Crow Creek excluding the ADA parking area, and the south side of Crow Creek 30 feet off the fence line and all the way around. There are two curb cuts on 31st Street and one curb cut on Riverside Drive which will remain.

Mr. Van De Wiele asked Mr. Stava how long of a time frame he would like to extend the request. Mr. Stava stated that he would like to extend to the end of 2021, December 2021. Mr. Stava stated he anticipates attendance to subside and then when Spring arrives attendance is anticipated to be heavy for the first full season. The park experts on the team think things will start to subside in the second and third year for a new normal. The parking lot is to keep people parked near the site rather than inside the neighborhoods. The neighborhood parking has been problematic, the streets are narrow and there has been a lot of illegal parking on both sides of the street. Mr. Stava stated if the parking lots could be made more weatherproof, he thinks a lot of parking would be stemmed from the neighborhoods.

Mr. Bond asked Mr. Stava if the parking lots would be used for different purposes after 2021. Mr. Stava stated the Phase II and Phase III projects are still being worked on and have been paused to see how successful the parking opening would be; see what features are being used and what features are not being used. Those ideas will be folded into the Phase II and Phase III development. Mr. Stava stated he knows that any choice he has there have to be additional parking options. Parking options are also being looked at up and down the river corridor by working with the Tulsa Parking Authority. The west bank is also being looked at for a possibility for parking and a new pedestrian bridge to bring people into the park.

**Interested Parties:**

Nick Doctor, City of Tulsa, 175 East 2nd Street, Tulsa, OK; stated he would like to let the Board know about what the City of Tulsa is doing for the larger parking solutions, specifically the residential permit parking program and the role this will play as part of that equation. One the bigger challenges and concerns the City has heard from the residents is happening in the neighborhood right now, the surface lot being just a grass lot right now causes concern in terms of its availability and access for the public due to weather concerns or its over use. By having this lot be permanently available regardless of weather conditions increases the use of this lot. The City is hoping it will prevent residents from choosing the neighborhood as their first option. That allows the City to know this lot is available going forward as the City looks at traffic patterns to
Dena Rankins, P. O. Box 33384, Tulsa, OK; stated her physical address is 3148 South Cincinnati Avenue. Ms. Rankins would like to request a continuance; she did not receive a formal notice, but she did receive one from the Gathering Place. Several of the neighbors were in attendance at the last meeting when the Gathering Place asked to turn the subject property into a temporary lot, and concerns were voiced. At that time the neighbors were very opposed to it being a sod lot, and we were assured it would be fine and it is not fine. The Gathering Place is a wonderful one of a kind gift to the City, and everybody is grateful to George Kaiser and the Foundation. It's lack of planning on the parking cannot be overstated. The park is an A+ and the parking a fail. Ms. Rankins stated she cannot get out of her driveway, so it has ruined her livelihood. Ms. Rankins stated that she asked people if they were aware there were shuttles available or if they had tried the parking lot and was always told no. These are people that do not have the patience and do not want to fight the traffic and they are just finding a place to park anywhere they can. It is a serious problem. She does not think the neighbors have had an opportunity to come together as a neighborhood and talk about this before the Board of Adjustment rules, so she would like a continuance giving the residents the opportunity to get together.

Mr. Bond asked Ms. Rankins if she thought it would help the parking situation if the lot were made an all-weather surface. Ms. Rankins a mother with a stroller and a two-year-old is not going to use a gravel parking lot because she will want to stroll on pavement. There are things that have not been thought out and the neighbors have not had the opportunity to collaborate. The Gathering Place means well but they have damaged the neighborhood, damaged the entire neighborhood. This should not be an afterthought for a development like this.

Ms. Radney asked Ms. Rankins if her request for a continuance is because she would like to see some additional amenities or improvements. Ms. Rankins stated she would like to have the opportunity to speak with her neighbors. She did not receive a notice and she does not know that everyone did. And she does not know if the residents have had a chance to collaborate on this and discuss this. This is something that has literally been the worst situation for all the residents.

Mr. Van De Wiele stated the next meeting is January 8th. Mr. Bond stated the Neighborhood Association President Colin Koger was here for about ten minutes. Mr. Van De Wiele asked Ms. Rankins if she thought the interested residents would be willing to continue to the January 8th meeting? Would give enough time to gather the information needed. Ms. Rankins answered affirmatively.

Jane Haden, 3026 South Cincinnati, Tulsa, OK; stated that she would like to know why an endeavor this size and the amount of money that has been spent not attend to parking? Why now are the residents looking at Phase I, Phase II, and Phase III? Why
was there not a parking plan to begin with? Why can't the people be held accountable to get the parking plan now, not in stages but permanent?

John Huffines, 256 East 46th Street, Tulsa, OK; stated he is in attendance on behalf of the Brookside Neighborhood Association where the Gathering Place is located.

Mr. Bond asked Mr. Huffines if he was the President or just a spokesperson for Neighborhood Association. Mr. Huffines stated he is called the Tulsa liaison. He is here for the Brookside Neighborhood Association, the new President Cindy Woodward, asked him to attend the meeting today.

Mr. Huffines stated the Neighborhood Association is asking for a continuance on this item until the second February meeting so the association can communicate thoroughly with the Brookside residents. This will allow time to schedule the Brookside Neighborhood Association meeting and have a representative attend to explain this particular exception to the zoning code.

Ms. Radney asked Mr. Huffines if he would have any concerns about such a short period between the February decision that might be made by the Board and the actual roll out of the spring season in March? There have been representatives from the park and the neighborhood speaking about how the anticipation of the spring season when attendance is expected to ramp up. Mr. Huffines stated he is simply here as a representative and is communicating what the President has shared with him.

Mr. Van De Wiele stated that Mr. Koger, President of the Maple Ridge Neighborhood Association, has provided a hand-written letter to the Board. Mr. Van De Wiele read the letter to the audience and had it placed in the exhibits for the record. The letter stated that Maple Ridge Neighborhood Association is in support of the revised surfacing requirements to an all-weather material with a proper dust suppression agent applied.

Jim LeClair, 1123 East 36th Street, Tulsa, OK; stated he represents the LeClair Family Trust. The trust owns property at 3210 South Cincinnati which borders the parking lot off Riverside. He is happy to hear that the generators will be turned off because they run all night. The other concern he has is the section of the parking lot where Crow Creek comes in because there has been a lot of material removed for drainage which was established in the 1930s. His concern is that just upstream from this point the City has two large water stations that collect water and empties into the creek, and those have eroded the banks of his property because it injects so much water during high water. There is no protection and the water will just fill up the creek and go across the lot so that is a concern. It is very dangerous to walk down Cincinnati on a weekend because there are so many cars, and people backing out of their driveways cannot see.

Rebuttal:
Jeff Stava came forward and stated he totally sympathizes and understands the concerns. By putting this all-weather material in will help alleviate the parking concerns and congestion that there is in the neighborhood. We came to the Board of Adjustment
a little over a year ago with the idea of putting in a gravel parking lot, and as part of the negotiations with the neighborhood, they were concerned about the dust and the impact it would have, so the lot was switched to grass. In hindsight that was a mistake. It will take the contractor six to ten weeks to do the entire project which includes excavating. That needs to be done in January and February. If the project is not started in the next few weeks after the holidays are over, then the parking lot will not be installed before March 1st. Mr. Stava stated all the notices were sent. The Gathering Place sent a separate notice to all the same people that INCOG sent their notices to explaining in a more concrete and granular way what was being requested, so we feel this is something we need to do and need to get it done as quickly as possible.

Ms. Radney asked Mr. Stava if he will actually compact the surface before or after the fabric is laid. Mr. Stava stated that the lot will be compacted before the fabric is laid, then the gravel is laid down and then the gravel will be steam rolled to compact it. Ms. Radney asked if that process was done to prevent rutting. Mr. Stava answered affirmatively. Mr. Stava stated at the very last there is a spray application.

Nick Doctor came forward and stated the step that will help alleviate the larger parking concerns in the neighborhood is the residential parking permit program. As the City has looked at other models across the country, the City is doing everything it can to get that program in place prior to the spring rush that was mentioned. A delay of another month or two in this process would hinder the City to have the lot in place.

Ms. Radney asked Mr. Doctor if the City had already performed parking surveys of the neighborhood. Mr. Doctor stated the City has not. This is a brand new program for the City and it is something the City of Tulsa has never done before, but the urgency and the larger parking challenges that have been seen is causing the City to look at some more innovative solutions looking at cities like Houston and Austin, but the City is still in the development phase of the program. Ms. Radney asked Mr. Doctor if the lot were fully utilized how much load would be taken off the neighborhood, especially if there is not a capacity here. Mr. Stava stood and stated there are going to be 1,400 parking spaces.

Mr. Van De Wiele asked Mr. Stava how many cars will be seen when the lots are operable. Mr. Stava stated there will be 1,400 cars on the grass lot if all the area is open and there is nothing saturated. There has been so much rain at odd times, and even a quarter of an inch of rain causes large areas to hold water thus closing areas of the lot, so generally there would be an 800 or 900 car range for the lot, so it significantly limits the amount of utilized area for parking. The lot should be able to hold between 1,200 and 1,400 cars with no issue. There are parking attendants that guide people in and parking the people car by car to maximize the amount of space used.

Ms. Back asked Mr. Stava when he received the statistics about the parking lot product, how smooth will parking lot surface be? Mr. Stava stated it is not an ADA compliant lot; there is an asphalt ADA compliant lot for those customers. The lot will not be like loose gravel because there is a binder, so when it is compacted and rolled it becomes a pretty
flat solid surface. All the parks built in the last 25 years, most parks have parking less than two parking spaces per acre and this lot will have a little over eight parking spaces per acre. Some of the main parking lot has been closed for food trucks allowing people to use the area on the far back side of the main site, and the food trucks have been taken and those parking spaces are open thus utilizing all the parking spaces on the site now.

Mr. Van De Wiele asked Mr. Stava to what end is the public educated as to the shuttle service, the hours, where to pick up the shuttle service, etc. Mr. Stava stated the park does a lot of social media and advertising in the Tulsa World, and it has been included in the coverage articles. It is not a news worthy item, so it has to be a paid placement. Other things that are being worked on for next year is there will be a bus service provided direct to the site so people that do not have the ability to get to the site or don't want to have the hassle of finding parking there will be a way to get to the site. Also, coming out will be the BRT System which come up and down Peoria which starts next summer or fall. There will be a downtown circulator which will connect to the site. Then there is Bike Share and the scooters, so there is a lot of things that are being worked on in all modes of transportation.

Dean Rankins came forward and stated that if a hospital were being built would the hospital be required to have a hard surface lot for tens of thousands visitors? Why is the standard set so low because there are literally up to a 100,000 people in a weekend and it is not going to slow down. This is not a park, it is a free amusement park. This is not a place where someone comes to swing on a swing, it's a place where people are coming from all over to visit and they are not going to stop. Ms. Rankins stated that she does not feel that it is fair to have one person who knows about the meeting, and all the neighbors aren't here today because there were several in attendance before. She again would request a continuance.

John Huffines came forward and stated that the Neighborhood Association would be okay with a one-month continuance.

Comments and Questions:
Mr. Bond stated that he does not see where a continuance is going to help, if there is a problem and the neighbors are asking for a solution for parking. It seems like if there were a continuance in this matter it would be exacerbating the problem. Mr. Bond stated he is opposed to the continuance.

Ms. Rankins stood and asked Mr. Bond to recuse himself from this case. Mr. Bond acknowledged the request and stated that he does not think he is incapable of rendering an objective decision on this request. Mr. Bond stated that Ms. Rankins is in opposition with her neighborhood association right now.

Ms. Ross stated that she is in favor of a continuance to the first part of January for the reason that she finds it odd that there are not more neighbors in attendance. She has heard so many complaints about the parking and she finds it odd that there are not
more people in attendance today. She thinks it is only fair to give the residents time to congregate and she would encourage a meeting with the George Kaiser Foundation and the City of Tulsa to answer questions.

Mr. Bond stated there are two issues, one is what is going to be done today to fix this parking problem and the quickest answer is to utilize the parking that is not being utilized. He does not want to slow down what can be done in the fastest way, which is the short-term approval of this.

Ms. Back stated she believes the point is being missed that this is a temporary parking lot, and the park is asking for it to be approved through December 31, 2021. This is 2018 so it is a temporary fix to help the neighbors with the dust and to get a lot of parking off the street. She is hoping the George Kaiser Foundation would be doing a permanent solution in the future. This is a temporary fix to address a problem of dust and a problem of people parking on the street.

Ms. Radney stated she is not inclined toward a continuance, although she does agree that more neighborhood input would probably be very helpful. She does not necessarily know from an engineering standpoint what additional information the neighbors would be bringing to the dialogue. This seems to be mostly an engineering fix and for that reason she is not as inclined to have a continuation. Ms. Radney stated that she did not catch that this was a request for a temporary surface that would effectively be in use through 2021, and she thinks that is entirely too long. She might be persuaded if she had more engineering specs about the product being discussed, and the durability of that product; this is a discussion about a parking lot being used in all types of weather and from an engineering point that is a challenging use of the product.

Ms. Back stated that she too is not inclined to continue this case. Ms. Back stated that she went online and looked up Ramco's Risonater, and it says that the product is applied once and applied again in six months. Mr. Stava did say that if staff noticed dust the product would be applied again, so that would be a condition that could be included in a motion to approve. That is why she would be more inclined to go with the date that was requested but she would be open to an earlier date.

Mr. Van De Wiele stated that he would have liked for there have been tons of neighborhood involvement and meetings on this case, the 300-foot notices were sent and there were more sent than there are people in attendance today. Likewise, to the extent that this be continued into spring, which is generally the wettest time of year, the Board would not be doing the situation any better. From a continuance standpoint, Mr. Van De Wiele stated he is not inclined to support a continuance. This original approval from a timing standpoint was granted through October 31, 2019 so there are ten months left on the existing temporary nature of the parking lot without gravel. Mr. Van De Wiele stated he would be inclined to approve the request to put down the grading, compaction, the fabric, the gravel, etc. but a December 31, 2021 is three years. To Ms. Rankins point, Mr. Van De Wiele stated he does not want this to be a permanent gravel lot, so he does think there is a time period that a permanent parking solution for the
main park proper and whatever is going to happen in Phase II and Phase III there is plenty of time for that to happen or to come back to request a continuation. He would certainly have no issue with the current October 31, 2019 and could be convinced to extend it to December 31, 2020 to give it two seasons.

Ms. Radney stated that she would not agree on two seasons. She thinks this is an emergency and agrees with the exception for the period of time that was originally allowed for a temporary use, but she thinks that a better neighborhood sensitive permanent plan needs to be before this Board within the next year. It may require an extension of this exception to be granted in order to implement that, but an open-ended opportunity to continue the parking situation is unacceptable.

Jeff Stava came forward and stated the Phase II and Phase III timing is really 2021/2022, so the park wants to use the site for temporary parking to alleviate the impact on the neighborhood. There is a substantial cost to putting gravel in; it is not a cheap deal, it is an expensive deal. Only allowing the park to use the site for one year, the park may not do that for one year. The park really needs at least two years and would like three years of use on it to get the long-term solutions concepted and built. He does not think a year is enough time to be able to use the site.

Mr. Van De Wiele stated that a year ago the request was gravel through October 31, 2019. He personally may be inclined to go a little farther than 2019 but three years is too long.

Ms. Radney stated that for her a product that needs to be applied at least at six-month intervals, and maybe possibly more frequently, that isn't persuasive enough that the solution is going to resolve that problem on this particular lot. Ms. Radney suspects that the neighbors are suggesting they would rather have a more permanent surface in place. Speaking as person who occasionally does walk with a cane, she acknowledges that there are many times that she will elect to choose someplace that might not necessarily be the designated parking spot, but if she thinks she will be walking on uneven surfaces the lot will not be fully utilized. She thinks that between now and the end of 2019 it may very well be that this solution works perfectly, and the Board could see you again and agree to extend the request, but she is not prepared to say it is an acceptable resolution barring a better understanding of how the product is going to perform.

Mr. Stava stated there is no other alternative and his mind this is the alternative. So, if it is not this it is grass and dirt, and there will continue to be the parking problems in the neighborhood. This is the only thing that can be had that is affordable, reasonable for a temporary use. Ms. Radney stated that in a year from now, if the product is performing in the way it is expected to be the Board would probably agree to an extension.

Ms. Ross stated that the thing that is concerning her is that she is not hearing that there are plans to develop a permanent plan. This is a temporary fix, and she wants to know within a year what is going to be the permanent parking situation even if it is not built.
yet. Mr. Stava stated that it is going to take longer than a year to come up with what those concepts will be. Not even all the concepts for Phase II are complete. There is a lot of more work, and the Foundation put a hold on that because they wanted to see how successful or not successful components of the park are. The park has only been open 100 days; it is the most intense time. When a new venue is opened the most intense time is the first four to six months. He does anticipate spring and summer being busy, but he feels that he does not want to over react. He does not believe that a 1,400-space parking lot on the corner is the right thing for the park or for the City or for the neighborhood. That is why he is trying to come up with an economical yet solid solution in the inbetween time when a better and bigger plan can be developed. Ms. Radney stated that she concurs with all of that, but the park is not the only property owner in this neighborhood, and the injury to the equity that some of the adjoining property owners have suffered is real. The uncertainty in the real estate market, just from the standpoint of having an idea of what the 2019 season is going to look like from a parking standpoint, is real. Again, indifference to the concerns of the neighborhood which Ms. Radney thinks are somewhat mitigated by agreeing not to continue this resolution so there can at least be something that would be better than the existing lot is a little like splitting the baby... Ms. Radney stated that she thinks people should understand the fact that the impact on the neighborhood is more than just inconvenience, it is actually material.

**Board Action:**

On MOTION of BACK, the Board voted 4-1-0 (Back, Bond, Radney, Van De Wiele "aye"; Ross "nay"; no "abstentions"; none absent) to APPROVE the request for a Modification of the conditions of a previously approved Special Exception, BOA-2233, to extend the allowable time limit from October 31, 2019 to December 31, 2020. The conditions of a previously approved Variance, BOA-22336, to revise the surfacing requirements to allow for additional rock and gravel for a temporary, non-all-weather surface parking area, subject to conceptual plan 19.22 of the agenda packet and is to be in the same general location as restricted on Exhibit 19.8. The applicant has proposed to use a Geotech fabric with four inches of gravel layer compressed and sprayed with Ramco’s Risonater Stabilization Dust Suppression Product, which is said to be a safe non-toxic product for aquatic life and water usage; it is supposed to reduce the dust up to 90%. This would be approved up to and through December 31, 2020; for the following property:

PRT GOV LT 1 & PRT NW NE BEG 24.7S & 410.6E NWC NW NE TH W481.57 SE303.97 TH ON RT CRV 236.89 SE104.61 E371.67 N635.3 POB SEC 24 19 12 6.22ACS; AND BEG 570S NEC E/2 NW NW NE W75 NW60.8 W12 NW82.84 W98.75 S250 E247.5 SECR E/2 NW NW NE N120 POB SEC 24 19 12 AND BLOCK 1, 3200 RIVERSIDE DRIVE ADDN SUB L9-10 PEEBLES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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12/11/2018-1218 (37)

21.16
Interested Parties:
Doris Green, 3232 North Hartford Place, Tulsa, OK; stated she is in favor of the day care center. She thinks it will be a nice fit for the area because there are apartments with several children living in it.

Comments and Questions:
None.

Board Action:
On MOTION of BACK, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to APPROVE the request for a Special Exception to allow a Day Care Center for children in an R District (Section 5.020). The Board finds that the requested Special Exception is not in harmony with the spirit and intent of the Code and would possibly be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

E 100 LT 4 BLK 1, PERSHING ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Action Requested:
Special Exception to allow a Parks and Recreation use in an R district to permit a temporary accessory parking lot for the Gathering Place (Section 5.020); Variance to allow a non-all weather parking surface (Section 50.090-F). LOCATION: South of the SE/c of East 31st Street South and Riverside Drive (CD 9)

Presentation:
William Jay Stava, III, 624 West 79th Street, Tulsa, OK; stated the planning process for the Gathering Place started about five years ago followed by a series of community meetings. One of the large concerns that came out of that was the concern for parking within the neighborhoods. There is a total of 525 paved spaces on the property with lighting and storm water. In the second year of the opening the Gathering Place has been looking at other parking options. There has been a three-tier parking system developed, which is one on site, two utilizing the Phase II and the Phase III area as a temporary parking and the third is off-site parking with shuttle service to the Gathering Place. Those are the three steps of parking that will be employed upon the opening of the park for at least the first year and possibly the full two years. Mr. Stava stated that he met with the neighborhood and there was a lot of concern of the proximity of the parking to the houses on the east side and the south side and the park is incredibly sensitive to that. There was a parking study performed and it showed a maximum 1,652 parking spaces, 36 of which are paved on the corner of 31st and Riverside for handicap parking. The park did not want to light the parking lot, did not want the storm water because this area will eventually become additional park land, so the park has
looked at having a maintained grass lot. There is a staff of 40 management personnel with 50 maintenance personnel that will be in the park, so the proposed lot will be a maintained lot. After speaking with the neighbors today in the hallway, he has agreed to not have anything within 25 feet of the construction fence which will curtail the spaces, deleted on the south side three parking rows, and on the north side have deleted four parking rows and deleted all the parking spaces along the fence to 31st Street making the parking away from the fence and closer to Riverside Drive. Mr. Stava stated that there had been discussion about not using gravel, but he would like to be able to use gravel for the repair or filling of low spots. There was concern about the fence, so he is going to look at installing another layer of mesh to prevent people from seeing through the fence or some sort of material that cannot be seen through. The neighbors were concerned about the two-year time request, so the compromise was until October 31, 2019 so that would be the only time for the parking lot request. The lot will be staffed and supervised when there are cars in the parking lot and it will not be lit.

Mr. Van De Wiele asked staff if there were lighting requirements for a parking lot. Mr. Stava stated that it is his understanding that if the lot is not paved lighting or stormwater is required. Ms. Miller stated that landscape requirements are also not necessary with an unpaved lot. Ms. Miller stated there are a lot of parking lot requirements if it is improved but otherwise no.

Mr. Bond stated that in full disclosure he was the former President of the neighborhood association and the neighborhood association is not present for this presentation today, so if anyone feels that there is a conflict he will address that. Mr. Bond believes he can look at this request objectively.

Mr. Bond asked Mr. Stava what happens to the parking lot after two years. Mr. Stava stated that if the parking load still requires the parking there will be offsite parking with shuttle buses available. What kicks in around 2021 or 2022 is a downtown circulator that brushes the park, so people can park downtown and get to the site.

Mr. Van De Wiele asked Mr. Stava what is the current anticipated time schedule for opening the facility. Mr. Stava stated it is scheduled for the summer of 2018.

Ms. Back asked Mr. Stava if he would be using grasscrete. Mr. Stava stated that he would either use a grasscrete in the driving lanes or fortified soils.

**Interested Parties:**
There were interested parties present, but no one came forward to speak.

**Comments and Questions:**
Mr. Bond stated this is a herculean project and this is a two-year fix until they can figure things out. The applicant has made real concessions to the neighbors, so he would be in favor of this application.
Mr. Van De Wiele reiterated the conditions that were conceded by the applicant to the neighbors to verify everyone was clear on what was being proposed.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to **APPROVE** the request for a **Special Exception** to allow a Parks and Recreation use in an R district to permit a temporary accessory parking lot for the Gathering Place (Section 5.020); **Variance** to allow a non-all weather parking surface (Section 50.090-F) m subject to the conceptual plan modified at today's meeting. The approval is subject to the following conditions: no parking within 30 feet of the property line on the south side of the property; on the southeast corner removal of three rows of parking as shown as etched out on the exhibit modified today; on the east side north of Crow Creek the removal of four rows of parking as shown on the exhibit today; on the northeast side of the property the removal of one row of adjacent parking along the fence line to 31st Street; enhance screening to be installed abutting residentially used properties to the south and east; the parking lot will be maintained and staffed while open for parking; gravel to be sparingly used for maintenance purposes only; and the parking lot will not be lit. This approval is granted through October 31, 2019. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. 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:

PRT GOV LT 1 & PRT NW NE BEG 24.7S & 410.6E NWC NW NE TH W481.57 SE303.97 TH ON RT CRV 236.89 SE104.61 E371.67 N635.3 POB SEC 24 19 12 6.22ACS; 12 and BLK 1 3200 RIVERSIDE DRIVE ADDN SUB L9-10 PEEBLES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma
Mr. White asked if this was a private playground that is open to the public. Mr. Beach answered affirmatively.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of WHITE, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a Special Exception to permit a playground (Use Unit 5) in an OL District (Section 601, Table 1). This approval will be as located on pages 6.6 and 6.14. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

S132 OF N264 E/2 NE SE SEC 23 20 12; N198 OF S396 E/2 NE SE SEC 23 20 12; S198 E/2 NE SE LESS S30 & E16.5 FOR ST SEC 23 20 12 1.209AC, HIGHLAND HILLS AMD, DEVONSHIRE PLACE FOURTH RESUB BOULEVARD ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Action Requested:
Special Exception to permit offsite construction facilities (Use Unit 2) including staging and storage of construction equipment and materials (Section 401, Table 1 and Section 1202.B); Variance of 2-year time limitation on construction facilities to allow 5 years (Section 1202.C.4.a); Variance to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner (Section 1204.C.4.c); Variance from the bulk and area requirements set forth in Section 404.F. LOCATION: NW/c of East 31st Street and South Boston Place AND SE/c of Riverside Drive and East 31st Street (CD 4, 9)

Ms. Snyder recused herself and left the meeting at 1:17 P.M.

Presentation:
Roy Johnsen, 1 West 3rd Street, Suite 1010, Tulsa, OK; stated he is representing the Kaiser Family Foundation. A PUD was approved by the City Council and Tulsa Metropolitan Area Planning Commission in July 2013 for the subject property with no objections. Now is the time to prepare for the construction and this will be a large
difficult job with tremendous detail. In the Zoning code Use Unit 2 provides for Special Exceptions in any district, and one of the Special Exceptions is the use of off-site property for construction purposes. Mr. Jeff Stava held a neighborhood meeting last evening and presented a good outline of the project. The Gathering Place project will be a wonderful project for the City of Tulsa.

Jeff Stava, 7030 South Yale, Suite 600, Tulsa, OK; stated this is an incredibly complex project. There will be a 100 acre park built between a river and a neighborhood. The project has been in planning for almost seven years and publicly engaged for two years. The contractor was hired in early May 2014 and through that process it was learned that a very large layout area was needed in order to stage construction for the project. The fences will be erected this week for the project site and it will take about two weeks to get the site fully contained. In preconstruction the lay down yard will be located on the south side of 31st Street across Crow Creek to the back of the homes located on 33rd Place across Cincinnati. This will include all of the Legacy Apartment Complex and the Sundance Apartment Complex. There is also a lot on the corner of 31st and Boston Place that is owned for the Gathering Place. The apartments located on the east side of Cincinnati will not be torn down in this phase. There are several tenants that have special needs and it will be at least a year as the transition is begun for those tenants. Everything on the west side of Cincinnati including the Sundance Apartment Complex will be razed and the Variance request is to allow the preconstruction yard in that area. At this point Mr. Stava used pictures on the overhead projector to give a visual of the subject area and the proposed fencing. Many of the residents asked for a parking lot or storage in the area closest to the houses, it was determined that with all the morning noise it would be ill advised so by placing the building in that location it will shield the residents from a lot of the noise that will occur. In the second stage of the project there will be approximately 7,000 trees and 50,000 plants will be brought in for storage before planting. It is very important that the contractors be adjacent to the site to be able to evaluate and see the condition and quality of the project as it progresses. If there is a problem they need to be able to immediately go back to the sample and models that have been approved so progress can smoothly continue. There will also be a designated area for parking and construction trailers for all the subcontractors. There will be anywhere from 50 to 100 workers at the beginning of the project and go up to approximately 500 workers on the site. Some of these workers will park on the subject site but it is also anticipated that some off site parking locations will be needed as well for the workers. Mr. Stava stated that his company had sent out a six page packet notice to the all of the residents within 300 feet, they visited door to door with the residents that live within 100 feet, and they sat down with each of the homeowners that are immediately adjacent to the site. All of the residents concur that the building is the best and most passive use to be next to the project.

Mr. Van De Wiele asked Mr. Stava if he worked with the residents on the layout of the project. Mr. Stava answered affirmatively.

Mr. Stava had a picture of the proposed project building placed on the overhead projector. The building is 11'-6" from the edge of the curb line, and it sits 20 feet from
the front edge of an adjacent house. The fencing will be run behind the building on the east side then block Boston Place to prevent construction traffic on the street, and proposing to block 31st Street west of Boston Court and at Riverside Drive. This will prevent any detour traffic on Riverside from using 31st Street and traveling through the neighborhood to go downtown. It will also prevent construction workers from parking on the street. The back of the construction site will be with the neighborhood and not have the front of the construction site into the neighborhood. The street closures chosen work for many reasons. The City must run a new major stormwater line which will cross Riverside Drive to dump into the Arkansas River, and it will allow the 440,000 cubic yards of dirt to be moved. The City hosted a neighborhood meeting with Maple Ridge and some of the other neighbors regarding Riverside Drive, and he attended that meeting. A lot of the concerns of the residents was what happens to the detour traffic if the road is not closed, and that aided in the decision to recommend the street closure.

Mr. Henke reminded Mr. Stava and the audience that the Board of Adjustment does not deal with street closures. Mr. Stava acknowledged the statement and stated that it is important in context because the building is facing west and the back of the building is facing the neighborhood. There will be no construction entrances or exits anywhere along the neighborhood side of the project site.

**Interested Parties:**

Mark Graham, 2551 South Owasso Avenue, Tulsa, OK; stated he has lived in Maple Ridge for 35 years. This $300 million to the City is the result of a lot of community conversation, a lot of empathy with the neighborhood, and there has been no hiding of that fact. In the last year in Maple Ridge the neighborhood has had gas lines replaced, water lines being prepared for replacement, and in his neighborhood they have been maneuvering detours for months. It is a reality what people go through in order to have a better city. This iconic gift will set Tulsa apart from any other city in the United States. He would ask the Board not handcuff the construction with a requirement that will potentially be more costly, more time consuming and could create more inconvenience for the neighborhood and the city.

Blake Ewing, City Councilor, 175 East 2nd Street, Tulsa, OK; stated that as a Councillor he becomes the complaint line for the citizens of Tulsa. People are concerned about this project and how it might affect the way they live in the Maple Ridge neighborhood. What he can attest to is that he knows Paul Zachary and the City staff, as it relates to the City of Tulsa’s part of this project, are doing everything they can to mitigate the imposition to the citizens of Tulsa and the affected neighborhoods. He feels Mr. Stava was quite thorough in his presentation at the meeting last evening. As Councillor he know numbers matter, and the sentiment of the public matters as decisions are being made in land use. There was frustration voiced in the meeting last evening but his sentiment is that it was overwhelmingly positive. There is no way around what is coming. Streets are going to be closed and people will need to take a different route to and from work. There are things in the city that are taken for granted, and at some point those things caused great imposition. The Broken Arrow Expressway was not always in existence. Those were just neighborhoods that it now splits into two. As community
things like this have been dealt with before with the understanding that it was for the long term greater good of the community. The citizens have been able to see that such investments have made the city better, and the short term sacrifice was worth it in the long run. The proposals presented today are worth it. This type of investment on this scale requires a great deal of space in order to stage the project, and they are already short on space. The hardship, in his words, is the issue of how to make this enormous project happen with the limited area utilized. Mr. Ewing thinks this is a justified request and he believes his constituents would hold that statement.

Adam Burney, 3016 South Boston Place, Tulsa, OK; stated he objects to the building and the Variances. He thinks the park is a positive thing for Tulsa. He thinks it is something that will be a world class destination. He objects to the building because it is a commercial entity entering a residential neighborhood. It is so close to the curb and he believes it will constitute a public nuisance. It is so close to the street that it blocks the sight triangle into the intersection of South Boston Place and 31st Street. Allowing a building that large on a lot that small will constitute a problem for traffic flow. He thinks that the spirit and intent of the zoning regulations are being exceeded in this instance because of the five year request. It has been stated that Phase I will take three or four years so he thinks the Variance should only be for four years not five. He attended the meeting last evening and he heard information that he has not heard before, i.e., from the City Engineer regarding drainage. The drainage projects are going to be happening concurrently with the construction of the park. One of the projects will be the drainage on 30th Street which deadends into the park. The Engineer stated that at times the street will be closed and that creates a problem for the residents of South Boston Place. Because of the street plan that has been laid out by the applicant for closing 31st Street, if they also close 30th Street the residents will essentially be marooned. There has to be an alternate plan for traffic because of the building, and he would like to hear about an alternate plan. He believes this process could have been a lot simpler if the lot had been included in a PUD. It is not included in the park plan. It is a separate lot and that is why there are all the Variances being requested. He has only heard a lot of this information in the last week and he lives six houses away from the project, and he did not know it was going up until there were signs placed in the subject property. He understands the 300 foot rule, but if they want to go above and beyond to communicate with the community they need go past 300 feet to inform everyone. Mr. Burney quoted Section 1202.C.4.b, “the ingress and egress of this building must be from an arterial or collector street”. The applicant has stated that the entrance will be from the west side. There is no arterial or collector street on the west side of the building, it is part of the construction site. He feels that since the building is oriented as it is the applicant will be in violation of the zoning code. He thinks the park objectives can be met without the building. They can construct a world class park without having the building in a residential neighborhood.

David Brennan, 3020 South Boston Place, Tulsa, OK; stated he has lived in the neighborhood for five years. On September 9th he received a letter in the mail from the management team regarding the project, stating that the building would be erected. That is the first he knew about it. There have been a lot of things that have come up

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and the neighborhood was not aware of just recently. There was a meeting with the management team on September 12th to discuss what the option were for the neighborhood and what was the neighborhood willing to compromise on. The neighborhood was informed that the building would be on the site for the duration of the project. His first concern is the impact this project will have on his property value. He did some research and it is not clear the benefits that will come from the park. Most of the economic benefit will be from the quality of the part and for the dwellings that are within 500 feet of the park. In his research he found that problematic parks decrease property value by 5% for dwellings within 500 feet. A problematic park is a park that has noise, lights, and parking. For the next five years The Gathering Place project will be assumed and profiled as a problematic park thus decreasing the value of his home even it is transitory for the next five to eight years. He will not be able to sell his house. He is 60 years old and he could retire in five years and not be able to sell his house because of the devalued price. He believes there was a fabulous job done in selling the park, but it could have been done better when it comes to the residents within 500 feet of the project. He thinks there should have been a proportional consensus from the community because this is a huge park, and what he saw at the meeting last evening was minimal. This is a hardship on the neighborhood. He would ask on behalf of the neighborhood that they be allowed more time to consider other options, like reduce the building size. There is a 1,000 square foot conference room with a second conference room. He has never seen a construction building like this. The building is huge and it does not fit the property. It is 7,000 square feet being erected a 9,000 square foot piece of property. This building is ill conceived and he thinks it can be done better.

James Daniel "Dan" Simpson, 2916 South Detroit, Tulsa, OK; stated he will be inconvenienced by all of this for the next four to five years as will any of his neighbors. There will be a building that people may not want to look at, however, it is a temporary construction building. A temporary building that will be used by the safety officers; site management keeping as close to the project as possible. As for the street closures he would like to hear the option of moving the barriers when 30th Place is closed and when they will be open and the installation of a gate. All of the neighbors will not agree with him but they will all agree that when this project is completed Tulsa will have a world class park. It is the largest gift to a city in the history of this nation, not just the state of Oklahoma. He would encourage the Board to move forward and minimize the inconvenience where possible and get started.

Casey Robinson, 3026 South Boston Place, Tulsa, OK; stated he lives three houses away from the subject site and has lived there for four years. He did not purchase the house ever thinking that a commercial building would be allowed in a residential neighborhood. Forget how many millions are going into this park. If this were any other project a commercial building would not be allowed in a residential neighborhood. He attended the meeting last evening and heard information that had never been heard before. He would like some more time to review the information presented. He would like the Board to consider that this is not the right place for the proposed building. He also has concerns over whether the building will be temporary, because when he looks
at a building like that he does not think temporary. As a neighborhood they would like to have some assurance, something in writing, that the building will be temporary.

Debbie Saunders, 3116 South Boston Court, Tulsa, OK; stated she learned something today that she did not know, and she was not invited to the meeting of last evening. Her back yard backs up to the project site, and she pointed to an area on the map that was on the overhead projector. She knew the staging would be placed in that area designated on the map but she did not know the parking would be staged next to her fence. This will be horrifying and she does not know if she will be able to stay. She and her sister share in the care of their aging disabled mother. The noise will be unbearable and will drive her dogs crazy. She would like to see the parking and the noisier operations moved to another area.

Anita Saunders, 3126 South Boston Court, Tulsa, OK; stated she has been looking forward to the start of this project, and she realizes there will be pains along the way. Ms. Saunders stated that the neighborhood was not informed as to how things were going to be laid out. She is concerned over the road closure because her street is a dead end street. She thinks that once the street is blocked off it will become a turn around area. She understands that there will be noise associated with the project but she wishes they would move the parking or create some kind of barrier between the back of the houses and the activity. She would like to have the Board give the neighborhood additional time to work with Mr. Stava.

Millie York, 3020 South Boston Place, Tulsa, OK; stated she filed a formal letter of protest against the building. In doing research she understands the applicant must prove hardship to receive an approval. When she asked Mr. Stava what the hardship was he answered $350 million dollars. She does not think that is a hardship. There is one hundred acres to place this building on and having one hundred acres is not a hardship. There are plenty of places away from a single family neighborhood for the building to be placed, it is just where the applicant wants it to go. In spite of the applicant saying this is for five years she knows the Board can grant them an additional five years. Mr. Stava told her that the proposed building would be the first building up and the last building down when Stage II is completed. Ten years is not temporary. A ten year construction building at the end of the neighborhood block is going to cause the residents a hardship. Blocking both ends of the street causes response time delays. That is a public safety hazard and needs to be addressed. She wants to have this meeting continued to next month because the neighbors were not given all the information and the neighbors need more time to gather data.

Mr. Van De Wiele asked Ms. York where she was getting the ten year time frame. Ms. York stated the ten year time frame comes from the fact that Mr. Stava told her in his office on September 12th that the proposed building will be the first building up and the last building down when Phase II is complete. She understands that and is not against the building because she agrees it is being placed in the best place, if the building is built to the style, rhythm and size of the neighborhood. She is very concerned about the road closures at both ends of the street because it really is a safety issue. She would
request more time be given so the neighbors can gather data of the impact of this oversized building on the little neighborhood.

Mr. Henke asked Ms. York if she was objecting to the number of square feet. Ms. York stated that she was not objecting to that but is objecting to the amount of space it occupies on the lot. Another construction company has donated the metal building to Manhattan Construction so they are saving money. This is about the residents lives, our peace, our quiet and inconveniences.

Mr. Henke stated the Board must focus on this piece of property and the relief requested for the building. Some of the neighbors may disagree with the height at 20 feet and some may be supportive with the design. Ms. York stated that if Manhattan Construction wants the building to look like a tin construction building then reduce the size of the building. If they don’t want to reduce the size and have the option of making it something that will not devalue the homes over the next ten years that should be considered. Mr. Henke stated the request today is for five years.

Jennifer Kisamore, 137 East 34th Street, Tulsa, OK; stated she lives at the corner of 34th Street and Cincinnati. She would like to have the Board continue this request because the size of the building and the closing of 31st Street. Traffic will be routed down Cincinnati because it is a through street which is a narrow residential street that people already run the stop sign at 34th Street. The community needs more time to consider the issue.

Millie Clark, 3025 South Boston Place, Tulsa, OK; stated she is one of the elderly people that lives on Boston Place which will be blocked off on both ends. Due to visual and ambulatory difficulties she has she objects to the street closing because she will not be able to get in or out. She also has reservations made to enter a retirement center and if the street is blocked off and the neighborhood is marooned as an island how will she be able to move. How will her property values be affected? Her moving into a retirement center is totally contingent upon the sale of her house. She would prefer something else be done for a short period of time. Mr. Henke stated the Board does not have the ability to open and close street but he understands her concern. Mr. Henke stated he will ask the City about marooning the neighbors.

Brooke Caviness, Senior Engineer, City of Tulsa, 175 East 2nd Street, Tulsa, OK; stated the City is planning on performing drainage improvements to the neighborhood at 30th Street. The plan is to parallel a line with another 48 inch line. When the construction starts the City need to cut across Boston Place but the City will maintain access. There may 20 feet of rock but the City will maintain access. If there is a situation where the City cannot maintain the access they will open 31st Street. The City will not maroon any residents. The City anticipates the project to last approximately two weeks to perform the work across Boston Place.

Herb Beattie, 3474 South Zunis Avenue, Tulsa, OK; stated he has been representing the Brookside Neighborhood Association for over a decade. Projects like this are...
associated with street closings. He has attended many meetings with Mr. Stava, the
City Engineering Department, City Councilors and the neighbors for the last two or three
years on related matters to this project. They have been consistently responsive,
considerate and gone out of their way to understanding the needs and concerns of the
neighbors and to make adjustments where it is appropriate.

Jason Brimer, 3045 South Boston Place, Tulsa, OK; stated he lives directly east of the
proposed construction office site. He is in favor of moving forward with the project. He
understands the reluctance of some of the neighbors and their concerns. He
appreciates what GKFF and Manhattan has done in turning the building and the whole
construction area so the backend faces the neighborhood. The look and feel of the
building will blend in as well as possible considering in the southwest portion there is
going to be nothing but construction machinery.

Mr. Van De Wiele asked Mr. Brimer if his preference is the mock up presented today.
Mr. Brimer answered affirmatively.

Mr. Henke left the meeting at 2:21 P.M. and re-entered the meeting at 2:22 P.M.

Jeff Stava came forward. The original concept that was submitted there was a 14 foot
eave with a 20 foot peak on the building. There was an eight foot cedar fence with
plantings in front of it. As they went around the neighborhood there were some people
that did not want the fence and some people did not want the plantings. Mr. Stava
recommended that the fencing around the building be vetoed, and just have the fencing
from the corner of the building across Boston Place and plantings elsewhere. So there
would be fencing on the north and east sides and plantings across it so the building will
fit more into the fabric of the neighborhood. On the south side of the building there will
be doorway and no fence, and the site will be open to 31st Street. On the west side
there will be a doorway and no fence. The building would consist of stone and painted
shake style hardie board with a galvanized metal roof. There are two houses in the
neighborhood with metal roofs and he plans to match the metal to the house that is the
farthest north on the block.

Mr. White informed Mr. Stava that if he should need to go beyond the five year period
being requested he would need to come back before the Board for permission of an
extension. Mr. Stava stated that he was not aware of that until last evening.

Mr. White asked Mr. Stava if it would be a problem for him if the Board were to make a
condition that at the end of a five year period the subject building were to be removed, if
the Board approves today’s request. Mr. Stava stated that at the end of Phase I there
will be a pocket park that opens up to the neighborhood. That construction phase is
expected to end in 2017. So the building would stay up to five years then be replaced
by the pocket park.
Mr. Van De Wiele asked Mr. Stava if construction of Phase II were to start early what would happen to the building. Mr. Stava stated there will not be a requirement for as large a building for Phase II and Phase III so the construction office building will be scaled down.

Mr. Tidwell asked if the construction office building would be moved to a different location during Phase II and Phase III. Mr. Stava answered affirmatively.

Jana Monforte, 3041 South Boston Place, Tulsa, OK; stated she is thrilled about the park. She feels that GKFF has done a great job in keeping the neighborhood informed on what is going to happen. At times the residents are going to be frustrated but in the end there be a park right across the street from her house. Sometimes you must give up something to gain something.

Rebuttal:
Roy Johnsen came forward. The meeting last evening was packed and most of the people at that meeting are here today. The Board of Adjustment is dealing with two issues, Special Exceptions and Variances. The Board must find “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”. It seems like this project is right on the money in a situation of an extraordinary circumstance. Many times a Variance being sought is a small thing but this project is a large thing. There is nothing else like this in the entire city. In Use Unit 2, it does not make any distinction from retail or industrial or office or any other category. It is a document that was written that says construction activities can be on site. This is far past that simplicity. For example, there is an office building on the north side of 31st Street and there is no parking on site. It is as good a neighbor as anyone can have. This company is going to do the best they can to keep the dust down and reduce the noise level. Use Unit 2 does not work for the present situation because it is a very large project that will take a very long to complete. The conditions for the hardship are met by looking at the facts. The neighbors have agreed with the proposal. There are provisions in Use Unit 2, i.e., the length of time is two years. That two year time limit simply will not work so a Variance is being requested. There is also a provision that within 100 feet the resident’s permission must be received. That statement does not make sense, and the Board has the power to grant the Variance requested for that. In the zoning code there is a section that addresses the ingress and egress from a collector street, and that collector street is 31st Street. Section C under the Use Unit 2 states that a site shall not be located within 100 feet of an occupied dwelling without permission, but as a practical matter people will sign a statement such as that. Mr. Johnsen did say that the four residents that are within 100 feet of the project are in support of the project. A Use Unit 2 Special Exception in the residential district is one of the things the Board can approve. This project is in a residential district. In the zoning code it specifies certain things, i.e., maximum floor area ratio of .5, maximum lot size of 12,000 square feet, minimum frontage of 100 feet, a minimum building setback and these items simply cannot be met with the situation presented.

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The lot is smaller than the 12,000 square feet. The minimum frontage of 100 feet is not there. That is why the Variance for those items has been requested.

Mr. Van De Wiele asked Mr. Johnsen to speak to the need of the size of the building. Mr. Johnsen stated there will be a lot of offices for meetings and the larger building will provide greater protection to the people to the north of the subject site. The contractor thinks the building size is appropriate for the leadership of the construction project.

Mr. Tidwell asked Mr. Johnsen if there would be work performed on the site on Saturdays. Mr. Johnsen stated there would be work all day during the daylight hours.

Comments and Questions:
Mr. Henke thinks there is a valid hardship for the Variance requests. The Special Exception clearly needs to be not detrimental to the neighborhood, and there will be arguments on both sides to that, but what has been discussed today is probably the most attractive temporary construction office building he has seen.

Mr. Van De Wiele agreed. Everyone is going to be inconvenienced to some degree. The closer one is the more inconvenience, and he certainly has already started looking for another route into downtown. When this project is finished it will be a great improvement and asset.

Mr. Tidwell agreed there is a valid hardship, and believes the Foundation will be responsive to problems that may arise during the construction.

Mr. White agreed with the other Board members. He would suggest that after the five year time frame is complete that the building be removed from the site. He understands the applicant has stated that the building would be removed but the Board has not stated that condition in a motion as of yet.

Board Action:
On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to APPROVE the request for a Special Exception to permit offsite construction facilities (Use Unit 2) including staging and storage of construction equipment and materials (Section 401, Table 1 and Section 1202.B); Variance of 2-year time limitation on construction facilities to allow 5 years (Section 1202.C.4.a), with the condition that at the end of the five year period the construction office facility be removed; Variance to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner (Section 1204.C.4.c); Variance from the bulk and area requirements set forth in Section 404.F. The Board has found that the project in question is an exceptional size and undertaking as part of the City. The facilities to be constructed on the lot in question are located at the optimal and most efficient location to provide the least amount of detrimental impact. The applicant has agreed as part of the approval given today that the north and east side of the construction office will be covered by a stone and painted shake style hardie board siding as presented at today's meeting. The south and west sides of the building
will be of typical construction material and will not be required to be fenced. Also, along
the north and east sides of the building there will be landscaping and plantings. The
Board has found in conjunction with the Special Exception that the Special Exception
will be in harmony with the spirit and intent of the Code, and will not be injurious to the
neighborhood or otherwise detrimental to the public welfare. 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:

S17 LT 11 & ALL LT 12 BLK 11, TRAVIS PARK ADDN; ALL 3200 RIVERSIDE
DRIVE ADDN; PRT GOV LT 1 & PRT NW NE BEG 24.7S & 410.6E NWC NW NE TH
W481.57 SE303.97 TH ON RT CRV 236.89 SE104.61 E371.67 N635.3 POB SEC 24
19 12 6.22ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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OTHER BUSINESS

Review and Approval of the 2015 City Board of Adjustment meeting dates.

On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele,
White "aye"; no "nays"; no "abstentions"; Snyder absent) to APPROVE the 2015 City
Board of Adjustment meeting date schedule provided with the exception of the removal
of the November 24th meeting and the December 22nd meeting.
Legal Description:

A Tract of Land that is part of the vacated plat of RIVER ACRES, an addition to the City of Tulsa filed as Plat #1416; AND a part of the vacated plat of RIVERDALE, an addition to the City of Tulsa filed as Plat #2626; AND a part of Lot 1 of Block 1 of 3200 RIVERSIDE DRIVE ADDITION, an addition to the City of Tulsa filed as Plat #2917; AND Lot 7, of the AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION, an addition to the City of Tulsa, filed as Plat #1387, said plats filed at the office of the Tulsa County Clerk; AND a part of an unplatted tract lying adjacent thereto in the East Half (E/2) of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section 24, Township 19 North, Range 12 East of the Indian Base and Meridian in the City and County of Tulsa, State of Oklahoma, according to the U.S. Government Survey therefor, all of which being more particularly described by metes and bounds as follows:

Commencing at the Northeast corner of said NW/4 of the NW/4 of the NE/4 of Section 24; thence due West along the North section line of said Section 24 a distance of 247.50 feet to a point; thence South 0°09'37" West a distance of 40.00 feet to the Point of Beginning, said point of beginning being the point of intersection of the Southerly right of way line of East 31st Street South and the East boundary line of said vacated plat of RIVER ACRES; thence due West along the said Southerly right of way line of East 31st Street South a distance of 478.15 feet to a point on the Easterly right of way line of South Riverside Drive, said point also being the Northwest corner of Block 1 of said vacated plat of RIVER ACRES; thence South 12°37'00" East along said Easterly right of way line of South Riverside Drive a distance of 288.29 feet to a point of curve; thence continuing along said Easterly right of way line of South Riverside Drive, along a curve to the right having a radius of 1519.39 feet and a central angle of 8°55'59" a distance of 236.89 feet to a point of tangency; thence continuing along said Easterly right of way line of South Riverside Drive, South 3°41'00" East, a distance of 75.00 feet; thence on a curve to the right having a length of 156.95 feet, a radius of 432.00 feet, a central angle of 20°45'58", a chord bearing of South 83°16'31" East, and a chord length of 156.09 feet to a point of tangency; thence South 72°52'02" East a distance of 487.75 feet to a point on the East line of line of Block 1, of said 3200 RIVERSIDE DRIVE ADDITION; thence North 00°16'26" East a distance of 221.35 feet to the Southeast corner of Lot 7, of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION; thence North 00°16'26" East a distance of 50.00 feet to the Northeast corner of said Lot 7; thence North 56°59'58" West a distance of 88.26 feet to the Northwest corner of said Lot 7; thence along a curve to the right having a length of 56.82 feet, a radius of 40.00 feet, a central angle of 81°23'19", a chord bearing of South 72°06'00" West, and a chord length of 52.16 feet to the Northwest corner of said Lot 7; thence North 26°42'52" West a distance of 54.02 feet to the Southeast corner of of Lot 8, of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION; thence North 89°56'52" West a distance of 98.78 feet to the Southwest corner of said Lot 8; thence along the East boundary line of said vacated RIVER ACRES being the same as the West boundary line of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION, North 0°09'37" East a distance of 400.66 feet to the Point of Beginning.

Having an area of 328,632 Square Feet or 7.5443 Acres.

Bearings and Legal description based on the bearings described in Special Warranty deed, recorded 02/27/2009 as document #2009017528 at the office of the Tulsa County Clerk.

This legal description meets the minimum technical standards for legal descriptions in the State of Oklahoma.
Prepared October 13, 2019
by Russell M. Muzika, Oklahoma PLS No. 1603

GEODECA LLC
P.O.Box 330281,
Tulsa, Ok. 74133
918 949 4364
CA # 5524 exp 6/30/20

EXHIBIT A

1909064 Prop North of Crow Creek R0
Subject Tract  

BOA-22810  

19-12 24  

Aerial Photo Date: February 2018  

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

STR: 9309  
CZM: 37  
CD: 4

HEARING DATE: 12/10/2019 1:00 PM

APPLICANT: Roberta Rutledge

ACTION REQUESTED: Special Exception to permit a Bed and Breakfast use in an RS-3 District  
(Sec. 5.020 Table 5-2)

LOCATION: 3615 E 15 ST S  
ZONED: RS-3

PRESENT USE: Residential  
TRACT SIZE: 7248.41 SQ FT

LEGAL DESCRIPTION: W. 50 S. 145 OF LT-4-BLK-6, SUMMIT HGTS ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding properties:

BOA-22501; On 9/11/2018 the Board approved a Special Exception to permit a Bed and Breakfast (short-term rental) in and RS-3 District located 1635 S. College Ave.

BOA-22503; On 9.11.2018 the Board approved a special Exception to permit a Bed and Breakfast (Short-term rental) in an RS-3 District. Located 1411 South Louisville 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 located West of the NW/c of S. Louisville Ave. and E. 15th Street S. It is inside an RS-3 zoned subdivision.

**STAFF COMMENTS:** The applicant is requesting a **Special Exception** to allow a Bed & Breakfast in the RS-3 Zoning District. (Sec. 5.020, Table 5-2)

Bed and Breakfast uses are subject to the supplemental regulations of Sec. 40.060:

**SAMPLE MOTION:**

Move to ________ (approve/deny) a **Special Exception** to allow a Bed & Breakfast in the RS-3 Zoning District. (Sec. 5.020, Table 5-2)

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

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**REVISED 1/27/2019**
The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Parcel Map

House Number Search is 3615
Street Name is like '15 st'
Ordered by Status, School District, Current Price
Found 7 results in 0.02 seconds.

22.5

https://tulsa.mtsmatrix.com/Matrix/Results.aspx?c=AAEAAAD*****AQAAAAAAAARAQAAAFAUAAAAGaAAAQxAyMDgwBgMAAAAABOAYEAAAATk...
two years from today’s date, September 11, 2020; all guests will be required to park up by the garage and behind the house; the parking will be restricted to two cars; limited to four people and they are required to give names and ages of all four people; two to three night minimum stay, no one night stays; no parties, which includes family reunions, bridal showers, birthday parties, etc.; guests not registered to stay must leave by 11:00 P.M.; quiet time will be between 10:00 P.M. and 8:00 A.M.; an age restriction that a renter must be at least 24 years of age or older; the renter must be respectful of the neighbors. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 16 BLK 8, AVONDALE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22503—Darla Murphy

**Action Requested:**
Special Exception to allow a Bed and Breakfast (short-term rental) in a RS-3 District (Section 5.020). **LOCATION:** 1411 South Louisville Avenue East (CD 4)

Mr. Van De Wiele announced that there would be a time limitation on both sides because of multiple parties that wish to speak. The applicant will have five minutes in the beginning, five minutes at the end for rebuttal, and each speaker will have three minutes to speak. Mr. Van De Wiele asked the interested parties to not repeat the same thing that has been said previously so that we can get through this and each party will be given a warning when the time is getting close to the end.

**Presentation:**
Darla Murphy, 1411 South Louisville Avenue, Tulsa, OK; stated she and her husband prepared for today’s meeting by talking to the neighbors personally, provided a signature sheet for those who wanted to show support, shared contact information with the neighbors, and hosted an open house to answer any questions. Ms. Murphy stated she posted the room on Air BnB for a short time during the summer and accepted requests for stays in July, August and a guest from Japan coming next summer for a wedding reception. When she learned of the City’s 30 day rule she removed the listing and submitted an application for the Special Exception. Her summer guests ranged from one to two people, and two of the stays did not require any parking at all because they either walked to their event or utilized ride share companies. The traffic generated from each of the stays was generally an arrival and a departure each day. Ms. Murphy expects her guests in the future will be very similar, and her spare room is the only room offered she does not foresee any parking needs for guests beyond her driveway, however, there are two parking spaces on the street in front of her house. Ms. Murphy stated that she lives near the fairgrounds and depending on the time of year there can be attendees utilizing the street parking. On a daily basis three or four of the closest
neighbors utilize street parking. All of the guests will be vetted twice; once by Air BnB and again by she and her husband. Ms. Murphy stated that she will not host first time guests. Ms. Murphy stated that she works from home and either she or her husband will always be there, and guests will not have a key to the house. Ms. Murphy stated that her general opinion is that property value is determined by those who live in the neighborhood and those who want to live in the neighborhood. All property owners, whether they live on site, rent the property to long-term or short-term renters are responsible to themselves and each other for taking pride in their property and the community. She will do her best to keep the property looking good and if it does decline it would have nothing to do with the renting of the spare room. During the short time that she had guests during the summer no formal concerns about the guests were made to the City. The formal concerns that were submitted were made after she had personal discussions with neighbors and after the public sign went up. She did receive one informal concern from a neighbor about a guest who went to work before 6:00 A.M. and his vehicle woke her up. Ms. Murphy stated that she and her husband realize that owner occupied short-term rentals might not be for everyone, but she hopes that by sharing this information that the mystery of who is the stranger with the suitcase is no longer a mystery.

Interested Parties:

Sherry Coffee, 1415 South Louisville Avenue, Tulsa, OK; stated she is the neighbor that complained about the loud truck. Ms. Coffee stated that the Murphys allow their guests to have dogs, and one of the guests did not have a leash on his dog. In addition to running the Air BnB Ms. Murphy has an internet business and has sit and stitch sessions so she has traffic coming and going. Ms. Coffee stated that she is opposed to this request.

Ms. Radney asked Ms. Coffee where her house is located in relation to the subject property. Ms. Coffee stated she lives directly south of the subject property and their driveway is right next to her house.

Mike Thornberry, 1423 South Louisville, Tulsa, OK; stated he and his wife have lived in the neighborhood for over 30 years. The Summit Heights neighborhood is the typical residential Tulsa neighborhood full of middle class and upper middle-class residents. Over the years the neighborhood has gone from a very significant amount of long-term rentals to a fewer amount of rentals. When he thinks of a short-term rental he thinks of a hotel, and when he thinks of a short-term vacation rental his neighborhood does not come to mind. The residents want to keep this as a residential area. The residents have seen the neighborhood grow and improve over the last 30 years. If there is one there can be 13 like in Florence Park. The Board can apply conditions to an approval but there is no way to police such things in neighborhoods, it is up to the home owners themselves. He objects to this request.

Taylor Murphy, 2101 East Omaha Street, Broken Arrow, OK; stated she is Darla Murphy's daughter. The room her parents are letting is a small bedroom and it won't fit more than two people so there would only be two cars at a time maximum, and there is
room in the driveway as well as the space on the street in front of the house. The thing that distinguishes this case from the previous case is that her parents are at the house all the time, and there would always be supervision.

Jim Banes, 1348 South Knoxville Avenue, Tulsa, OK; stated he lives about five houses away to the east from the subject property. He has concerns about this. He looked at the Air BnB website and around the fairgrounds there are about 16 BnBs posted. Tulsa is struggling trying to get a handle on this, and in the previous case one of the interested parties stated that one of the cities she had stayed in is moving away from BnBs. Mr. Banes stated that just outside of the neighborhood he found 116 BnBs in the area. Mr. Banes asked if the Board could tell him how many of the BnB applications that have come before the Board have been approved and how does the City enforce the conditions placed on an approval. Mr. Van De Wiele stated he thinks it is about 50% approved, and none of the ones that have been approved have come back to the Board from an expiration of time. Mr. Van De Wiele stated that he has been on the Board of Adjustment long enough to see other uses for other things have come back because a time frame has expired. The Board wants to make sure something is going to be a compatible use and be a good neighbor so the Board place time limitations on the request. More often than not the Board sees that no one will show up in opposition and the Board will extend the approval. If the Board has neighbors coming back saying that everything that the Board asked them not to do, the applicant has violated he will not support the request going forward. Time limitations are placed on an application as a test. Mr. Van De Wiele stated there is a Code Enforcement Branch at the City and he asked Ms. Blank to speak briefly about Code Enforcement.

Ms. Blank stated the WIN Department receives complaints from neighbors and they investigate the complaint, then a notice of violation is given to the owner and then there is a cure period in this process. Ms. Blank stated that WIN is Working In Neighborhoods. The decisions of the Board are public, and the minutes of every meeting are posted on line, so any neighbor can get a copy of what is voted on about a particular property. If the neighbors know what the conditions are and if they felt, they needed to be looked into they can contact the Code Enforcement Department with the City.

Mr. Van De Wiele stated, frankly, the City is looking for neighbors to be its eyes and ears because there are not enough neighborhood inspectors driving around Tulsa looking for violations. And that is not just for things the Board has approved, but things that violates the Zoning Code.

Rebuttal:
Darla Murphy came forward and stated she gave Ms. Ulmer a petition with about 14 signatures of neighbors in the area that are supportive of this request. Ms. Murphy stated that she too has an age limit on her guests of 21 years or older. She will not have the same type of guests that the Florence Park property will have, she has travelers like a touring folk artist that stayed with during the summer. Ms. Murphy stated she had her listing up for about two weeks and took reservations for periods of time
throughout July and August. Ms. Murphy stated her guests pay a security deposit, a cleaning fee, etc., and they range from $35 to $55 for a twin bed. Ms. Murphy stated the reason she is doing this is to build travel relationships with people. She has people that came into town and she and her husband now go to dinner with them when they are staying in Tulsa. She has had guests that have invited her to their homes, because they too have Air BnBs. Ms. Murphy stated she does not allow children because of her dogs and the Oklahoma Westie Rescue fosters.

**David Murphy**, 1411 South Louisville, Tulsa, OK; stated that he and his wife do accept dogs, and he is sorry that one the guests violated a City ordinance by not having their dog on a leash. Mr. Murphy stated that when they walk their dogs they take them on a leash and bag any dog deposits, and they ask their guests to do the same thing. By accepting dogs, it makes his Air BnB unique, but he does foster so any animal that comes to stay has to have full vet records and current on the shots.

**Comments and Questions:**
Ms. Ross stated that initially she did not like the $25 a night fee, but with a twin bed only they are not going to get much more than that. She likes that the Murphy's are always at the house and that they do not give guests a key. She does not like that they allow pets if it is going to disturb the neighbors. Being woke up by a loud vehicle can happen in any neighborhood.

Ms. Back stated that when she moved to Tulsa she lived on Jamestown in the subject neighborhood, and she has now purchased a house that is not too far from the neighborhood. She likes that this is owner occupied because that reassures her that there is someone there to keep an eye on the property. She does not have a problem with dogs because the owners are Westie rescue, and they will check on any new dog coming into the house. Ms. Back stated the subject property is close to 15th Street, close to Harvard and is not in the middle of the neighborhood so she can support the request.

Ms. Radney stated this particular type of model of short-term rental was inspired from a different relationship with the people using the home. The idea of the sharing economy is new and is not the traditional middle-class life style, but it is something that is seen more and more, particularly with young people that visit or come here for internships. She likes the fact that the applicant has parameters around how their short-term guests would be integrated into their family, particularly with the Westie Rescue. She likes the fact that the applicant is cognizant of the fact that their neighbors are proud of their neighborhood and want to remain proud of it. She thinks the applicant is also acknowledging the fact that all the mid-town urban neighborhoods are in transition. She tends to think the people that come before the Board now are the ones who actually want to set a standard for going forward. Ms. Radney stated she would be inclined that think this particular model the applicant has satisfied that standard.
Board Action:
On MOTION of BACK, the Board voted 3-1-0 (Back, Radney, Ross "aye"; Van De Wiele "nay"; no "abstentions"; Bond absent) to APPROVE the request for a Special Exception to allow a Bed and Breakfast (short-term rental) in a RS-3 District (Section 5.020), subject to a two-year time limitation from today’s date, September 11, 2024. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT-12-BLK-7, SUMMIT HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22504—Veronica Montes

Action Requested:
Special Exception to permit a fence greater than 4 feet in the front setback (Section 45.080). LOCATION: 2671 North Quaker Avenue East (CD 1)

Presentation:
Veronica Montes, 2671 North Quaker Avenue, Tulsa, OK; stated she would like to have an eight foot fence to protect her dog, the neighbor’s safety and for her own safety. The fence will be wrought iron so you can see through it.

Mr. Van De Wiele asked Ms. Montes if the dog could jump a four foot fence. Ms. Montes answered affirmatively.

Mr. Van De Wiele asked Ms. Montes about fencing in just the back yard. Ms. Montes stated that she has a six foot tall fence around the back yard, and she would like the dog to have the run of the yard because when he is tied up he becomes more aggressive.

Ms. Back asked Ms. Montes if the six foot fence went around three sides of her house. Ms. Montes stated she wants the dog to be able to run all around the yard of her house.

Ms. Montes stated that she has a letter from her neighbor agreeing to the proposed fence, and the house on the other side is empty.

Ms. Back asked Ms. Montes if there were any other wrought iron fences in her neighborhood. Ms. Montes stated that there are only chain link fences in the neighborhood.

Interested Parties:
Joyce Brown, 1939 East 27th Street North, Tulsa, OK; stated she grew up in the community and it is an older community. There is community blight, unkept lots considered undesirable, and her family has acquired lots in the neighborhood to help

09/11/2018-1213 (15) 22.10
an auto dealership for about 25 years and limiting the number of parking spaces outside to 16 parking spaces; and limit the usage of the piece to the car lot on the tract to the east. The Board finds the hardship for the property to the west is that the layout of the property with the existing pole and parking situation, and it will be shielded by the buildings to the west. 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. 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:

**NEW APPLICATIONS**

**ACTION REQUESTED:**
Special Exception to allow a Bed and Breakfast (short-term rental) in a RS-3 District (Section 5.020). **LOCATION:** 1635 South College Avenue East (CD 4)

Mr. Van De Wiele announced that there would be a time limitation on both sides because of multiple parties that wish to speak. The applicant will have five minutes in the beginning, five minutes at the end for rebuttal, and each speaker will have three
minutes to speak. Mr. Van De Wiele asked the interested parties to not repeat the same thing that has been said previously so that we can get through this and each party will be given a warning when the time is getting close to the end.

Presentation:
Lloyd Allen, 1416 South Indianapolis, Tulsa, OK; stated he lives about a ¼ mile from the subject property. Mr. Allen stated that he and his wife would like to use the house as a VRBO, vacation rental, and he was told that he needed a Special Exception to do so. This Special Exception implies that he trying to open a bed and breakfast establishment, and he is not trying to do that. He will not be serving any food. He purchased the two bedroom house due to his wife's, Christy, aging parents living next door to the subject property and they would like to continue living in their house. The subject property house shares a driveway with the other house. When he purchased the house, no one had lived in it for two years and had been abandoned, and he and his wife did a complete remodel of the house, rebuilt the garage, poured a new driveway, and added a retaining wall around the front yard. The subject house is currently being used as his personal guest house for family and friends. The house has ample parking next to the garage, enough for two cars or three if needed. The VRBO guests would need to pay for their stay well in advance, and the guests would be limited to two cars. Mr. Allen provided a copy of his house rules for any potential guests. Mr. Allen stated he does not want the house to turn into a party house and wants to keep the house in good condition. Mr. Allen stated that his father-in-law lives next door, so he can help monitor the subject property, and the entire house has security cameras with an alarm system. A police officer lives behind the house and he supports the request.

Ms. Ross asked Mr. Allen what he hopes to rent the house for per night. Mr. Allen stated that he plans to rent it for about $110.00 per night but that truly depends on the market.

Mr. Van De Wiele asked Mr. Allen how many names on the petition are immediate neighbors. Mr. Allen stated that within a 700-foot circle he thinks there are ten.

Interested Parties:
Martin Glen Godsey, 1636 South College Avenue, Tulsa, OK; stated he has lived across the street from the subject property for 25 years. His concerns are the prices of the houses because they have tripled since he moved into the neighborhood, and its because it is a unique neighborhood with character. Mr. Godsey stated that a short-term rental is a hotel and the precedent of having a hotel across the street is a precedent for other businesses.

Patrick Conley, 1732 South College, Tulsa, OK; stated he lives a block south of the subject property. He has lived in Florence Park for 40 years and has lived in his house for 31 years. Mr. Conley stated this is an existing residential neighborhood according to the Comprehensive Plan and is intended to preserve and enhance Tulsa’s existing single-family neighborhood: Activities in these areas should be limited to rehabilitation,
improvement or replacement of existing houses and small-scale infill projects as permitted through clear and objective setbacks and other development standards. This is an area of stability. An area of stability is identified and maintain the value of character of an area while accommodating the rehabilitation, improvement or replacement of existing houses and small infill projects designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character. Mr. Conley stated that this text alone should be enough to deny this application. A commercial use violates the Comprehensive Plan for the area. The use is mutually exclusive and incompatible. There would have to be an overwhelming compelling benefit to the neighborhood to approve this application. Mr. Conley stated the other reason he is against this request is the precedent. If this Special Exception is allowed how would the Board deny another Special Exception? Commercial use would be right in the middle of Florence Park because it is surrounded by RS-3, all the way to 21st Street and all the way to 15th Street. Mr. Conley stated this area is selling for one of the highest square footage price in the City of Tulsa, and there are very few neighborhoods that demand that kind of price. A commercial use in the middle of the neighborhood would have a negative impact. The residents have a desire to maintain the character of this neighborhood. Most of it is owner occupied single-family units with a few duplexes. This is not an economic development issue and this Board is not an economic development tool of the City. The Board’s role is to protect neighborhoods from this kind of thing, so he urges the Board to deny this application.

Simon Fleischmann, 1511 South Florence Place, Tulsa, OK; stated he has lived in his house for over a decade, and he lives across the street from a non-exempted Air BnB. Mr. Fleischmann presented a signed petition to the Board. Whether this is called a VRBO or an Air BnB it’s all effectively the same thing, it is a short-term rental. Mr. Fleischmann stated that he has seen the kind of affect that can have on a neighborhood, and he lauds the applicant for bringing this before the Board as there are a number in the neighborhood that have not done that or gone through the process. When this first came out, it was typically a home owner that had an extra room, and he has not problem with that, but the public has moved away from that. There are now a number of properties where the entire house is being offered for the use of the short-term rental. In fact, in one square mile area in Florence Park there are 13 such properties currently and they are shown on the Air BnB site. An addition of another does not benefit the neighborhood or this property. In the greater area of the four-square miles that surround the subject property there are 50 such properties. Mr. Fleischman stated this is the first one that he has heard of actually coming before the Board of Adjustment, there are a good number of them that are obviously running under the radar and operating, so he urges the Board to not grant this Special Exception until the Code is brought into an understanding of what the short-term rentals mean for neighborhoods.

Deborah Godsey, 1636 South College Avenue, Tulsa, OK; stated she is concerned about the fact that there will be no permanent resident and living across the street from a short-term rental. Ms. Godsey stated is not thrilled about having transient neighbors. She has stayed in Air BnB’s in exclusive neighborhoods in St. Paul and the City of St.
Paul is looking at banning them, because it is an issue. The neighborhood as itself is a community, it is a neighborhood where people know their neighbors and know their cars, and everyone watches out for one another. Ms. Godsey has a major concern that businesses will be invading the neighborhood. She has concerns about the sales of the houses in the neighborhood because Air BnB’s affect the values of houses. Ms. Godsey stated that the neighborhood was not alerted to this until the sign went up and then received a letter after the 30th. As a whole neighborhood, the residents have not had the opportunity to discuss the issue. Ms. Godsey stated that she hopes the Board will vote no today, but if the Board does not she hopes the Board will consider table it or put a moratorium on the request. Ms. Godsey stated that she would like to see single-family homes remain in Florence Park.

Cathy Skalla, 1626 South Florence Avenue, Tulsa, OK; presented a signed petition of 27 residents in the area to the Board. Ms. Skalla stated the vast majority of the people signed the petition because they do not want to see the Special Exception approved. Ms. Skalla stated there was not much notice about this request and residents want to have more input and some time to do research and investigation to see what the long-term impact of these types of establishments are within the heart of very settled and unique neighborhoods. Ms. Skalla stated that she learned a few days ago that of the 13 short-term rentals in the neighborhood, one of them is across the street from her house; she just thought the home owner was having parties all the time because there were so many vehicles at the house all the time. Ms. Skalla stated that with the Allen’s situation she thinks this is a thinly veiled Special Exception for a commercial enterprise. She understands the Allen’s consideration for the care of the parents, but they have the option of living in the subject property while the parents need close attention. Or the Allen’s could stay in the current house and rent the subject property to a long-term renter, even a caretaker. Ms. Skalla stated that she does not think there is a hardship in this case by denying the Allen’s something that they must have without which they have no options. The historical use of the neighborhood, since the 1920s, has been long-term occupants or long-term renters, and it would be a detriment to allow this to continue to happen. The fact that there are many unauthorized short-term rentals should not be considered justification for now authorizing an additional short-term rental.

Mr. Van De Wiele announced that this is a request for a Special Exception, not a request for a Variance; Special Exceptions do not require a hardship. A Special Exception is a lower threshold than a Variance which does require a hardship. Ms. Skalla stated that she felt the case was being presented as if it is a hardship on the applicant.

Mr. Van De Wiele asked Ms. Skalla about her experiences with the short-term rental across the street from her. Ms. Skalla stated there are young people there and it tends to attract other young people. Ms. Skalla stated that she lives across from a small interior park within the neighborhood, and very late at night people from that property will drift over into the park well after the posted curfew. There have been on occasion some discarded beverage receptacles, food wrappers, music, lights, etc. There is a
continued presence of people. She just thought it was her neighbor having a lot of parties, so she never said anything to him.

Jeff Robison, 1520 South Florence Place, Tulsa, OK; stated that next door to him, to the south, the house was vacant. Then a couple moved in with a lot of cars and a lot of people coming and going all the time. The owner’s made a common space in the driveway, and never knew the house was a short-term rental until the common space was developed. The owners rent three rooms in the house, made a common space in the driveway, and the experiences he has had are not pleasant. He has had metal pointed darts thrown at his house, which he brought to the attention of the owner and the owner didn’t seem to have any concerns about it. He never knew he could do anything about it until this applicant came up. Mr. Robison is concerned about house values and the character of the neighborhood.

Charlotte Lazar, 1914 South Evanston Avenue, Tulsa, OK; stated she took care of the security for the Crime Prevention Network, which was 800 houses in Florence Park, and she did that for seven years. During that time one of the home owners passed away and the house was made into a bed and breakfast, and immediately the parties began. She called Working in Neighborhoods and they checked out the bed and breakfast issue, spoke to the landlord, and that settled down, but the parking issues have never gone away. Ms. Lazar prefers to keep the neighborhood as a residential single-family residence.

James Kirsch, 1924 South College Avenue, Tulsa, OK; stated he has lived in his house since 1990. Mr. Kirsch stated he has never stayed at a BnB, so he Googled them and immediately started reading about felons, sex offenders, pedophiles, etc. Mr. Kirsch is concerned about how the people who will be vetted to make sure these offensive people can stay even for one night.

Rebuttal:
Lloyd Allen and Christy Allen came forward and stated that he knows parking is an issue, but he believes he has the parking problem solved because there are spaces next to the garage. Mr. Allen stated that he was a former licensed real estate appraiser and he knows property values are based on the highest and best use for the property. Anyone truly concerned about property values should welcome an alternative use option. A property will be valued at the highest of its available authorized uses. Currently there are only two authorized uses for a property in Tulsa; residences or long-term rental. If houses can be used as short-term rentals in addition to the other two uses, the value at sale will be the highest of those three choices regardless of how the house is going to be used. It also adds an additional pool of potential buyers and increases demand which increases value. The property will not be zoned commercial. Mr. Allen stated he still wants to use the house for himself, it is not going to be a business with a sign. The house will be inextinguishable from any other house as a vacation rental. If the VRBO is not successful he will get out of it, and the vacation business model is based on having the nicest house in the neighborhood versus a rental. The owners of rental do not maintain the rental houses over time because there
is no reason to put any money into the house. Vacation rentals tends to be the nicest houses in the neighborhood because it has to be marketed as a desirable house where people want to stay for the weekend. Mr. Allen stated that his guests are not transients, they are vacationers and tourists that bring outside money to the local economy. The City of Tulsa actively encourages tourism. Tourism is the reason the City built the BOK Center, the new Driller Stadium and other things. Residents should be encouraging tourists and not calling them transients or criminals. Mr. Allen stated that he would love for all his guests to be our friend’s and neighbor’s family that want to stay at the subject property. Mr. Allen stated that he will not be doing this as a one-day rental, it will be a two or three day minimum. The guests will have to pay close to $600.00 to stay three days because everything is paid up front. There is three-day rental, security deposit and a cleaning fee.

Comments and Questions:
Mr. Van De Wiele stated that he understood at the last UED meeting, these will be more readily available without Special Exceptions. There may be a registering and licensing component, but these are more likely to become a use by right that a use by Special Exception. Mr. Wilkerson stated that is one of many options that has been discussed, and City Council is actively looking at a lot of options.

Mr. Van De Wiele stated this is something that has been an issue, not only in Tulsa, it is an issue in lots of cities across the country. It is not a long-term rental, but it is not a bed and breakfast and not a hotel. From his vantage point, the way he has looked at these cases in the past, those that were on the edges of neighborhoods fronting on major streets he was more comfortable with than in the middle of a neighborhood. Likewise, those that were owner occupied or owner supervised he was more comfortable with than absentee owners. The Board has placed relatively short time frame approvals on the cases that have been approved. Mr. Van De Wiele stated that he is somewhat on the fence in this case. With the applicant having a family member living next door it does give him some level of comfort, but he will never vote for one of these without a limited time frame placed on it.

Ms. Back stated that she agrees with Mr. Van De Wiele. The Board looks at these cases very closely, as all the cases, and they are done so on a case-by-case basis. This case does have a family member living next door so its not like nobody is keeping an eye on the place. Ms. Back stated that she too is on the fence. She likes that the owner came forward with their house rules and have done a good job of laying some tight guidelines. Ms. Back asked Ms. Blank if this Special Exception is approved and then the new Code is written if VRBOs are allowed by right, does that undo the Special Exception or does it go by the two-year time limit the Board has imposed on the Special Exception.

Ms. Blank stated the Special Exception being proposed would have a time limit, so she thinks it would be valid to the time limit.
Ms. Ross stated she is in favor in granting this Special Exception with a two-year limit. The reason for her is that she has personal experience with Air BnB and VRBO, and she owns a vacation property outside of the City of Tulsa and it is in an area where there are no zoning requirements. She thinks that a lot of the people that have not received a Special Exception are not charging enough money and that is why people are seeing some of the issues they are seeing in the neighborhood. She wishes more people would come forward from this neighborhood and receive Special Exceptions because the Board would not approve of any that are going to have parties, but responsible Air BnB and VRBO users don't have those issues. Ms. Ross stated she likes the idea that the parents are next door because they will not stand for loud noises and/or parties, and she does not think this is an absentee owner situation because of the parents being next door. If the properties are priced right more affluent people are the ones renting.

Ms. Radney stated she is sensitive to what the long-time residents have stated about the historical character of the neighborhood and wanting to preserve that character. She thinks that is important and that is one of the things that make the urban neighborhoods really special. However, she thinks the residents need to temper that with the fact that this is still an urban neighborhood, so there has always been density in these neighborhoods she does not necessarily concur with the idea that investment in the neighborhood is strictly limited to people that are looking for single occupancy, because there are garage apartments and duplexes for renters to live in. Ms. Radney stated that she is also sensitive to the fact that the location is right in the heart of a cherished neighborhood, but she agrees that it is mitigated by the fact that there is a supervision plan.

Ms. Back stated that she agrees with Ms. Radney in regard to the garage apartments, and there being different types of density mixed into these older neighborhoods that everyone cherishes and proud of. Long term rental is where people take more ownership, and short-term rental is where there might not be ownership component.

Mr. Van De Wiele wants the neighborhood residents to know that the Board has heard more than 20 of these cases and they are all a struggle. The Board values everybody's opinion and listen to it. Each member tries to weigh those as best as they can. As to the upkeep of property, and he is not trying to sway anybody's opinion, from personal experience he has lived in long-term rentals and he thinks the closer one is to the University of Tulsa there are probably more long-term rentals. He can make the argument that long-term rentals are maintained infinitely more poorly than short-term rental. For him, given the supervisory plan, combined with a time limit he could support this request.

**Board Action:**

On **MOTION** of **ROSS**, the Board voted 3-1-0 (Radney, Ross, Van De Wiele "aye"; Back "nay"; no "abstentions"; Bond absent) to **APPROVE** the request for a **Special Exception** to allow a Bed and Breakfast (short-term rental) in a RS-3 District (Section 5.020). The approval is subject to the following conditions: approval is for a time limit of
two years from today's date, September 11, 2020; all guests will be required to park up by the garage and behind the house; the parking will be restricted to two cars; limited to four people and they are required to give names and ages of all four people; two to three night minimum stay, no one night stays; no parties, which includes family reunions, bridal showers, birthday parties, etc.; guests not registered to stay must leave by 11:00 P.M.; quiet time will be between 10:00 P.M. and 8:00 A.M.; an age restriction that a renter must be at least 24 years of age or older; the renter must be respectful of the neighbors. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 16 BLK 8, AVONDALE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22503—Darla Murphy

**Action Requested:**
Special Exception to allow a Bed and Breakfast (short-term rental) in a RS-3 District (Section 5.020). **LOCATION:** 1411 South Louisville Avenue East (CD 4)

Mr. Van De Wiele announced that there would be a time limitation on both sides because of multiple parties that wish to speak. The applicant will have five minutes in the beginning, five minutes at the end for rebuttal, and each speaker will have three minutes to speak. Mr. Van De Wiele asked the interested parties to not repeat the same thing that has been said previously so that we can get through this and each party will be given a warning when the time is getting close to the end.

**Presentation:**
Darla Murphy, 1411 South Louisville Avenue, Tulsa, OK; stated she and her husband prepared for today's meeting by talking to the neighbors personally, provided a signature sheet for those who wanted to show support, shared contact information with the neighbors, and hosted an open house to answer any questions. Ms. Murphy stated she posted the room on Air BnB for a short time during the summer and accepted requests for stays in July, August and a guest from Japan coming next summer for a wedding reception. When she learned of the City's 30 day rule she removed the listing and submitted an application for the Special Exception. Her summer guests ranged from one to two people, and two of the stays did not require any parking at all because they either walked to their event or utilized ride share companies. The traffic generated from each of the stays was generally an arrival and a departure each day. Ms. Murphy expects her guests in the future will be very similar, and her spare room is the only room offered she does not foresee any parking needs for guests beyond her driveway, however, there are two parking spaces on the street in front of her house. Ms. Murphy stated that she lives near the fairgrounds and depending on the time of year there can be attendees utilizing the street parking. On a daily basis three or four of the closest
Facing East on 15th St. S.

Facing West on E. 15th St. S.
Note: Graphic overlays may not precisely align with physical features on the ground.
Note: Graphic overlays may not precisely align with physical features on the ground.
Subject Tract

BOA-22813

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

Aerial Photo Date: February 2010
Subject Tract BOA-22813

Align with physical features on the ground.

Aerial Photo Date: February 2018
HEARING DATE: 12/10/2019 1:00 PM

APPLICANT: Tracy Turner

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

LOCATION: 5408 E 11 ST S ZONED: CH

PRESENT USE: Commercial TRACT SIZE: 48652.36 SQ FT

LEGAL DESCRIPTION: BEG 35S & 380.43E NWC NE NW ON EL ERIE AVE TH S200 E250 N200 W250 POB LESS N15 E90 THEREOF SEC 10 19 13 1.12AC, SMITHVILLE 2ND ADDN SUB L4-9 B1 SMITHVILLE ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding Properties:

BOA-22784: On 11.12.19 the Board Denied a variance of the 1,000 ft spacing requirement for a medical marijuana dispensary from other medical marijuana dispensaries at a property located 814 S. Sheridan Rd E. Minutes in this case have not yet been approved. The applicant in this case is appealing the decision of the Board to District Court.

BOA-22725; On 08.27.19 the Board Denied a variance of the 1,000 ft spacing requirement for a medical marijuana dispensary from other medical marijuana dispensaries at a property located at 6545 E 11 St S due to lack of hardship. The applicant in this case is appealing the decision of the Board to District Court.

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

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

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.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the SE/c of E. 11 St. S. and S. Erie Ave.

**STAFF COMMENTS:** The applicant is requesting a **Variance** 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.
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 marked on their exhibit the closest dispensary as Green Flower Dispensary located 5711 E. 11 St., 1,001 ft away per a survey prepared by Sisemore Weisz and Associates and included in your packet. During a site visit staff became aware that there was another dispensary, Level 420, located 5121 E. 11 St. S within 1,000 ft of the subject property. City of Tulsa Permitting confirmed that Level 420 had a pending application for a Certificate of Occupancy applied for 9/24/2019. City of Tulsa confirmed that the OMMA Dispensary license for Level 420 was issued 11/19/2019 which means they would not be subject to the 1,000-foot spacing requirement between dispensaries.

STATEMENT OF HARDSHIP: Trying to add more business on Route 66 in the middle of all the car lots. The only shopping past Yale to the West of us. Helping my neighbors in the same building to be notices by hosting shop small days and weekends. Bringing art to the building with murals by local artists. Hosting other vendors so they can sell their items.

SAMPLE MOTION:

Move to _______ (approve/deny) a Variance to permit the subject medical marijuana dispensary in BOA-22813 to be located within 1,000 ft of another medical marijuana dispensary (Sec. 40.225-D)

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

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

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

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."
being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

S30 LT 1 & ALL LT 2 & N20 LT 3 & E5 VAC ALLEY ADJ ON W BLK 1, LIBERTY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22725—Mary Cooper

**Action Requested:**
Variance of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 6545 East 11th Street South (CD 3)

**Presentation:**
Ronald Durbin, Attorney at Law, 1602 South Main, Tulsa, OK; stated he currently represents hundreds of medical marijuana businesses across the State of Oklahoma; he has been involved in this process since it started. Mr. Durbin stated that he worked with the City of Tulsa on the Zoning Ordinances related to these issues; he worked with INCOG, Susan Miller, Janine VanValkenburg, City of Tulsa Attorney and one of the issues that was brought out at the start of this process was that what would be done when a business received their license first but did not apply for a Certificate of Occupancy, and a business gets their license secondary but applies for a Certificate of Occupancy first. That is exactly the situation in this case today. Mr. Durbin stated that his client was licensed by the State of Oklahoma in January 2019, they obtained their Bureau of Narcotics license on January 29, 2019 which gives them the right to possess medical marijuana. In that interim and after that period Bloomers dispensary obtained their license in April 2019. Mr. Durbin stated his applicant is asking for a Variance for the first licensed business, that truly when they applied for their OMMA license and their OBN license there was no other dispensary within a 1,000 feet of the subject location. This is a situation where neither party acted in bad faith, there was no issue in regard to Bloomers, neither party was trying to usurp the other because his client did not know that Bloomers was going to apply for anything. Pharmacies are allowed to be located across the street from one another. This will have a disparate impact on what his clients are attempting to do and what they have done. They have spent a lot of money on obtaining licenses and have done everything they have been required to do to be a license business under the laws of the State of Oklahoma. What the applicants are trying to avoid is the necessity of going to Court on this issue because it can have a detrimental impact to either party; he does not want to get to that point. He asked and hoped for the City of Tulsa to account for who came first in their Ordinances, but they did not do that, and there is nothing in the Ordinance that he is aware of that specifically says whoever applied for the COO first. In this particular instance, the only fair resolution to this matter is to allow both parties to continue. His client's family has owned the subject property for more than 40 years, so they have been there a long time and they want to continue to operate a business at that location, and this is the most conducive business for them to engage in.

08/27/2019-1235 (20)
Ms. Ross asked Mr. Durbin why his client chose to wait so long to apply for a Certificate of Occupancy. Mr. Durbin stated that his clients had a previous existing business at the subject location and they already had a Certificate of Occupancy related to that business, so they did not think there was going to be an issue. Mr. Durbin stated that the City Ordinance was put on and taken off the agenda many times, and his client missed the last time it was placed on the agenda and ultimately passed. There were quite a few people who were oblivious, and the word did not get out to some people. His clients were operating under an existing COO and they did not realize that there would be a requirement to receive a new COO. After his clients received their licenses, they started working to get everything ready, then applied for their COO and that is when the issue came up with Bloomers Dispensary. He thinks this is a reasonable request from his clients.

Mr. Van De Wiele stated that from the prior hearing the Board understood that the applicant had applied for the Certificate of Occupancy on May 21, 2019. Mr. Durbin stated that the date is May 20, 2019. Mr. Van De Wiele asked Mr. Durbin if that had been issued yet. Mr. Durbin stated that it has not. Mr. Van De Wiele asked Mr. Durbin if the spacing was the only issue hanging his clients up. Mr. Durbin answered affirmatively. Mr. Van De Wiele asked Mr. Durbin what his understanding is of the Certificate of Occupancy date for Bloomers Dispensary. Mr. Durbin stated that Bloomers was licensed by the State of Oklahoma in April 2019 and they received their Oklahoma Bureau of Narcotics and Dangerous Drugs license on May 2, 2019. Unfortunately, OMMA website does not alone anyone to search for existing businesses which is another problem and why this is going to come up again. OMMA had the search website up and then they took it down, so there is no way of knowing about spacing. It is a flaw in the system, and it is something that needs to be resolved.

Mr. Bond asked Mr. Durbin to explain his hardship in this case. Mr. Durbin stated that his clients would not be allowed to engage in the commercial business for which they have obtained a license, and they were the first to obtain a license. They will be commercially impacted in not being able to engage in a lawful business for which they have been licensed by the State of Oklahoma.

Mr. Van De Wiele asked Mr. Durbin if that was a financial hardship. Mr. Durbin stated that it is a financial hardship, but it is a hardship in relationship to the building. That building is not conducive to a whole lot of other enterprises currently; it is an old building. To allow his clients to do this it will put the building back into viable economic use, so it is an important thing for the City of Tulsa. Mr. Van De Wiele stated the Board has to articulate a hardship that is neither financial nor self-imposed. Mr. Durbin stated that he does not think it is self-imposed. When his clients applied for their OMMA and OBNDD licenses Bloomers did not exist; they had not applied and obtained any licenses. This burden is not self-imposed. If the Ordinance would say to obtain the COO first and then obtain licenses the City would have given clear guidance to business owners; his clients did it in reverse and he does not think that is self-imposed.
Most people make sure they are clear through OMMA first and then ask for their Certificate of Occupancy.

Ms. Ross stated that she understands what Mr. Durbin is saying. The Board has had this discussion for hours, what the Board ultimately discussed was that the way for the Board to navigate this is the first to receive their license but to also apply for the COO which puts the person in the process of receiving their spacing verification and that would determine who established their business first. Otherwise, people could just sit on their license and prevent others from moving into the area and yet the first party never opens a business.

Mr. Van De Wiele stated that the Board is beyond who is established first. This is not a verification of spacing, this is a Variance request. In order for the Board to support this the Board needs a hardship. Certainly Mr. Durbin's client did not impose the Ordinances on themselves, but it is their order of behavior. The Board cannot say because this is going to cost somebody a lot of money the Board grants the Variance, the Board is legally prohibited.

Mr. Durbin stated that his client has owned the building and have owned it for over 40 years. They do not have the ability to locate elsewhere. They have the facility for which they can operate and conduct this business, it is not a self-imposed burden. It is not something they created because of waiting. The same situation could have arisen had they applied for the COO; there is nothing in the Ordinance for the City of Tulsa that says it is whoever applies for the COO first is the first legitimate established business.

Mr. Van De Wiele and Mr. Bond both agreed with that statement. Mr. Bond stated in his mind he has settled on the fact that it didn't matter as long as the business were legal and that includes the Certificate of Occupancy. Mr. Bond stated that he needs a hardship that is unique to this, such as the geography.

Mr. Durbin stated that he will allow his client to speak to the hardship because he believes they can speak to that on a more personal level than he can. Mr. Van De Wiele stated that he wanted to make sure that it is clear, that it is not how this is going to damage the applicant, it is what is unique about the property, this application that presents a hardship such that the Board should grant relief from the 1,000-foot radius.

Mary Cooper, 6545 East 11th Street, Tulsa, OK; stated she is the owner of Mother Road Extracts. Included with her application she answered the hardship questions required for a Variance. Ms. Cooper stated the property is located within a 1,000 feet of another dispensary; a unique hardship is created to said property because of the ambiguous undefined dynamic laws, regulations, and ordinances enacted by the State and local governments causing the physical surroundings being the nearest licensed medical marijuana dispensary to be a hardship and a practical difficulty. She believes that City Council enacted the 1,000-foot ordinance due to security concerns; the subject property is secured with solid iron bars, steel doors, and live recording surveillance as well as physical 24-hour security presence. Ms. Cooper stated that a
1,000-foot spacing verification is the reason for the Variance request, most generally, CH zoned businesses are not required to perform spacing verifications in order to obtain a Certificate of Occupancy. Ms. Cooper stated that no adjacent property will be impaired and a commercial business on the subject property will encourage new retail business in the corridor. She believes that the granting of this Variance will result and benefit the public good of this area and seeks to repair the purpose, spirit and intent of the Comprehensive Plan. She also obtained all of her adjacent neighbors, both commercial and residential, letters of support of the medical marijuana dispensary opening. She believes this presents a valid hardship for this request.

Ms. Radney asked Ms. Cooper if she was aware of Bloomers application for their verification of spacing. Ms. Cooper stated that she was aware of Bloomers spacing verification application when they personally came to visit her and told her, until then she was not aware. And as of that time she had already applied for her Certificate of Occupancy. Ms. Cooper stated that her timeline was a flurry of activity between November and January; she stopped because she thought she had received everything necessary in order to open a business. The only thing she thought she needed differently at the time was the Fire Marshal's inspection.

Ms. Cooper stated that she obtained the City of Tulsa’s Guide To Doing Business in Tulsa, the Commercial Building Permit Process, the Certificate of Occupancy, the application process; all of these she started researching in March. Not once did she find that told her she needed to stop and file for a Certificate of Occupancy to receive her spacing verification. Even after speaking with the permitting office she really does believe that she has tried to follow every letter of the law.

Mr. Van De Wiele asked Ms. Cooper what caused her in May to get back on the process and file for the Certificate of Occupancy. Ms. Cooper stated it was because her opening date was June 1st, and she thought she needed an inspection from the Fire Marshal.

Mr. Bond asked Ms. Cooper how far she is from the other dispensary. Ms. Cooper stated she is 450 feet away from the nearest dispensary, and 1,050 feet away from the dispensary that is not within the 1,000-foot radius.

Leta Carmona, Bloomers Dispensary, 6733 East 11th Street, Tulsa, OK; stated she is opposing the requested Variance due to the fact that the other dispensary is a little over 400 feet away. Ms. Carmona stated that she is aware that the other dispensary has a processing and a grower’s license, so to state that it would be a hardship, even financially at best, they have the opportunity for two other businesses within the subject building to be a viable business. In researching, she believes the actual Certificate of Occupancy that the other dispensary filed in May is actually done on a residential property. The subject building is actually zoned residential. The area may be a commercial area but that particular address is zoned residential; Ms. Carmona stated she has the paperwork from the County Assessor’s Office showing that zoning and she did call to verify that. Mr. Van De Wiele stated that the Board’s zoning map shows

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differently. Ms. Carmona stated that there was Homestead Exemption filed on both addresses; the subject property faces south and the home that is attached to it faces the east. Those were both, in 2018, had residential taxes paid on both.

Mr. Van De Wiele asked Ms. Carmona how that impacts things. Ms. Carmona stated she does not know the rules regarding a commercial Certificate of Occupancy being granted on a residential property.

Ms. Carmona stated the City Ordinance states that there needs to be a 1,000 feet between dispensaries. Obviously, she was able to find her way through the system and she obtained a lot of her licenses in April; started the process with the City in May. Ms. Carmona stated she has her health department, Oklahoma Bureau of Narcotics, two agricultural licenses, everything that is needed to go along with that so she was able to muddle through the process without any guidance, so does not know why it was hard for other party to do so.

Ms. Ross asked Mr. Wilkerson what the residential rules are in relation to what Ms. Carmona is speaking about. Mr. Wilkerson stated that he is not sure what database the County uses but he knows the staff does see things in the Assessor’s office that are not consistent with the Zoning Code. Mr. Van De Wiele asked Mr. Wilkerson if that was possible because this was a former residence at some point. Mr. Wilkerson stated that it possible; the land use opportunities that are available are based on the Zoning Code not the Assessor’s designation.

Mr. Van De Wiele asked Ms. Carmona if she had her shop open for business and selling to the public. Ms. Carmona answered affirmatively.

Mr. Van De Wiele asked Ms. Carmona when she received her Certificate of Occupancy and when did she open for business. Ms. Carmona stated that she was before the Board on the 23rd, she obtained all of her Code Enforcement on July 31st, and her first sale was on August 7th or August 10th, she is not sure.

Rebuttal:
Ronald Durbin came forward and stated that the opposition has just admitted that they applied for their OMMA and OBNDD licenses before they came to the City and applied for their Certificate of Occupancy. That would be rewarding one party for doing it that way and penalizing another party who did it first that way. He thinks this would create a situation where it is disparate treatment. When looking at the 1,000-foot radius from other dispensaries and schools there is a situation created where there is no other property in the City of Tulsa, it is used up. There is no other opportunity for his client to find any other property. Mr. Durbin stated that his client filed for her growers and processing license on a CH zoned property; that is not permissible in the City of Tulsa and that is why he is not asking for a Variance on the property related to those issues. Processing has to occur in industrial, heavy or medium, under certain circumstances. He is only asking for the Variance related to the spacing distance. Again, both parties acted in the same manner. They both received licenses first. The process has to be

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that the party gets their OMMA license first because there are so many other things that OMMA is looking at, and what they are going to determine and classify as a school and what is not a school; before a person can obtain a fully executed lease that is really the first step a person has to go through in this process. If there is not a way for a person to determine what is a City resource, to say there is another dispensary and this will not get through, it does not exist. It does not exist for Bloomers and it does not exist for his clients.

Mr. Van De Wiele asked Mr. Durbin if he was aware that OMMA is going to reverse that process at the end of this week. Mr. Durbin answered affirmatively. Mr. Durbin stated they also completely redefined the definition of what constitutes the entrance to a school, the entrance to any piece of property in which a school sits so they have broadened the definitions even farther with regards to that under 2612. Under 1030 they changed completed the ability of cities and counties to zone; there are a lot changes. That makes it very difficult for any business to relocate themselves right now. It would penalize his clients for trying to do what was right when there was no clear guidance from the City of Tulsa that a person needed to get the COO before obtaining licenses.

Mr. Van De Wiele stated that the Board is not here today to establish, using the word establish in the motions, the Board is not here to argue about who established first it is really just a question of whether the applicant should have a Variance. Mr. Durbin stated that he understands that.

Ms. Radney asked Mr. Durbin if he would like to restate the hardship one more time. Mr. Durbin stated that he thinks Ms. Cooper went through the list of all the hardships that she would incur as a result of this. Again, the hardship is there would be no other suitable properties, that he is able to locate and he does this every single day, in the City of Tulsa for dispensary location that would now comply with the school distance issue and the zoning issue related to who received Certificates of Occupancy first. This puts the building in good use. He knows economic impact is not necessarily a factor, but his clients have already done the work to remodel the building so they would lose all that time, energy and effort to engage in this business. Again, it would be penalizing his clients for trying to do what was right and not applying for a COO first.

Mr. Van De Wiele stated that he has heard the comment from some of the billboard companies that there are virtually no spaces left, and they are 1,200 feet apart, in highway frontage within the City in which a billboard can be placed, so the Board sees very few billboard spacings. He does not know if a map were produced showing no more spaces for billboards, he does not know if that would be justification for letting a billboard being placed 800 feet away. Likewise, if there is a bar every 300 feet and a bar wanted to open in between two other bars 150 feet away that in of itself gets a person to a hardship. Mr. Durbin stated that in this instance those entities are not needing to obtain State licenses for having the billboards. We are dealing with a situation where a person is going to construct a billboard, can readily access the information to find out if there is dispensary located in the 1,000 feet. In this particular
case, even is Ms. Cooper had gone to the City of Tulsa and asked to verify that there are not other dispensaries within a 1,000 feet of her location she would have been told no, there are not because Bloomers did not exist when she was doing her applications.

Ms. Ross stated that Ms. Cooper had from January to May to apply for her spacing verification and she didn’t do it, she only did half the process. Mr. Durbin stated that if the City had told Ms. Cooper to apply for the COO and get the spacing verification done. Ms. Ross stated that Ms. Cooper is not asking for a Spacing Verification today she is asking for a Variance, and the Variance requirement is that Ms. Cooper has to have a hardship that is not financial or self-imposed. Mr. Durbin stated that this is not a self-imposed hardship. Ms. Cooper already had a pre-existing Certification of Occupancy to occupy the premises, she had applied for her OMMA licenses and did the work to get the facility up to the standards of what it should be, and then she applied for her new Certification of Occupancy for the dispensary.

Mr. Bond stated that for zoning purposes the Board cannot make a ruling which would abrogate a City Zoning Code. The Board can simply give exceptions or variances in a specific instance, case by case instance which is specific to the applicant. The Board considers things like the geography of the location, the structure of the building, things like that. To say hardship in dealing with this Variance that is what is asking about. Is there something that is unique to this situation other than the ambiguity of law. Mr. Bond stated that he does not have the power to vote any other way than what the Codes provides the Board.

Mr. Durbin stated that as it relates to the building, the building is not conducive to very many other uses; it is a very old building that is not conducive to other type of commercial heavy operations that can relocate there without essentially scrape the building and rebuild something new. There is not much else this building can be utilized for given its location, given the property layout, etc. That is why the owner has not done anything with it in 20 years, because it is not conducive for engaging in any other kind of business.

He would argue that the first licensed dispensary was his clients. They were licensed from the State of Oklahoma, and that is the only way a person can become a license dispensary is to be licensed by the State of Oklahoma, they were there first. If anything he thinks it was a mistake being granted to Bloomers, authorization that they were 1,000 feet from another dispensary, because the only way you can be licensed dispensary in the State of Oklahoma is to have obtained a dispensary license from the State of Oklahoma which his clients did first.

Mr. Van De Wiele stated he is not going to let the Board get into discussion on that because the time for appeal for that has passed. Whether or not the Board should have or should not have, and he would defend the Board’s action, the time to appeal the Verification of Spacing Bloomers ten days after the Board’s ruling in that matter.

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23.15
Mr. Durbin stated that his clients do not want to shut out Bloomers, that is not what they are trying to do. It is not Bloomers fault either.

Ms. Radney stated the applicant had a legal license for a specific address that had a Certificate of Occupancy that the applicant was unaware would not apply even though it was appropriate by right to operate that type of business out of the building, but what the applicant was not aware of is that she did not have the right type of Certificate of Occupancy because of involving legal landscape in which the Ordinances coming from the City that would determine whether she could establish that business and conduct a transaction there were evolving at the time. What is unique about this particular applicant is that she held up a license prior to the nearest licensed established business. Mr. Durbin agreed that is absolutely unique.

Mr. Durbin stated that was something he begged the City to address when it adopted the Ordinances because he felt he would here in this situation at some point. Ms. Radney stated that they are unique in that they hold a license to operate out of a building that is less than a 1,000 feet from another licensed building, and its unique that they held a Certificate of Occupancy at the time they applied, and its unique that the business district the building is in is evolving into a unique business atmosphere in terms of the relative concentration of marijuana related businesses. Mr. Durbin agreed.

Mr. Durbin stated that it is unique in that there is no other way for each of them to know. There is nothing that Bloomers could have done because OMMA had removed the listing long before either of these parties had applied. There is this quagmire of having no way to determine if there was going to be an issue.

Ms. Radney stated that in so much that the applicant had possession of the property, had a Certificate of Occupancy though not for this particular use, and if they had obtained their license 38 days earlier they would not have to be here at all because it would not have been subject to the 1,000-foot spacing.

Mr. Van De Wiele asked Mr. Chapman if the OMMA listing could still be obtained, though it has been modified. Mr. Chapman stated that he was able to get the list, with addresses, and when he was dealing with the applicant, he was able to look at specific addresses for licenses that were listed. It is not true that it was not available at the time the applicant made an application. Mr. Durbin stated that the listing was off, it came back on, it is off again and the only way a person can fully verify an existing business is to use OBNDD; it is the only site that is consistent. Mr. Chapman stated at the prior Board hearings he was able to access and use the information; to his knowledge it was just last week that OMMA began removing addresses.

**Interested Parties:**
There were no interested parties present.

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Comments and Questions:
Ms. Radney stated that it is very difficult for applicants to be able to, in real time, know that they have complete and accurate information, or at least has been. Ms. Radney believes the hardship would be to deny the applicant the legal right to use the license that was properly secured, but that have not been able to move forward with the business because of the uncertainty.

Ms. Ross stated that she is on the fence. She has heard some things that were convincing, and she does think that it was very confusing to a lot of people, so much so, that the Board had to have a special work session to discuss it for two hours. She is still struggling with the hardship; she does not believe the building cannot be used for any other purpose.

Mr. Van De Wiele stated there may be 50 other place holder licenses sitting out there, who knows there may be two next door to each other that was received in December 2018, and they have literally done nothing with them. They come in two or three months from now and space and they are rejected because they are ten feet away. On that basis, would they all be qualified for a Variance?

Mr. Van De Wiele asked Ms. Radney if she could state a hardship for this case. Ms. Radney thinks the evolving landscape of Ordinances is a real issue. Ms. Ross stated the Ordinances have been the same all year long. Ms. Radney thinks that within this new industry it is a new and burgeoning industry, so it is very difficult for them to know where to go to receive accurate information in real time. Even the way and the manner in which it rolled out of the City was confusing; that was not a linear process. It sounds like these people were engaged with the permitting office about their existing Certificate of Occupancy; someone at the City should have at least suggested to them that if an Ordinance were coming down that it would obviate the validity of the old Certificate of Occupancy. The applicant had to have the address to get the license, so she always comes back to that as a starting point. There was a clear intentionality to establish a business on the day they received the license. The rest of this is somewhat subject to interpretation.

Mr. Van De Wiele asked staff, he knows the City has taken the position that any new medical marijuana business has to have a new Certificate of Occupancy; that is a true statement, right? Mr. Chapman stated it is a true statement, but it is not limited to medical marijuana use; when the use on a building is changed a person is required to get a new Certificate of Occupancy.

Mr. Bond stated he has sympathy for the applicants, and he is trying to think of something that is uniquely situated in this case. The problem is what will the Board do when someone appears saying that they too were confused about the law.

Ms. Radney stated the Board granted the Variance for the dispensary in the CBD and there were less grounds than this. Mr. Van De Wiele stated there are some parallels between the two, and those dispensaries were closer than this.
asked if Route 66 impacts one way or another? This is a unique area of town, but he cannot say it is so unique that there should be dispensary every 500 feet.

Ms. Shelton stated she is leaning toward a no. She does not think there is anything unique about this case. She does not think the confusing process should even be a part of this discussion. She does not think there is anything unique about this property, and a line has to be drawn somewhere and this application falls on one side of the line.

Ms. Radney stated that she appreciates the fact that right here at this particular juncture on Route 66, the Board has approved a lot of interesting marijuana businesses. There is extraction, there is edibles, there are dispensaries, there is a grower in the area, there has been a lot of intensity of interest in this corridor. This is a blue-collar corridor.

Mr. Van De Wiele stated this is certainly a concentrated business area, but there are houses in the area. Ms. Radney stated that it is a concentrated commercial district, but this is a hard-commercial corner. There is a vacant lot on the corner of 10th Street and 67th, and the other houses along 10th Street are not in good repair and most of the others going to the west along 10th Street are also vacant lots. It is definitely a neighborhood in transition, and she advocates strongly for neighborhoods that need energy to bring them back. There is a considerable setback where the residential district takes off. This segment of 11th Street is not terribly different than the Pearl District, and she can respect all the objections, but she is for the Variance.

Board Action:
On MOTION of BOND, the Board voted 3-2-0 (Bond, Ross, Shelton "aye"; Radney, Van De Wiele "nays"; no "abstentions"; none absent) to DENY the request for a Variance of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D) due to the lack of a hardship; for the following property:

LTS 21 & 22 BLK 36, SHERIDAN HILLS, City of Tulsa, Tulsa County, State of Oklahoma

*********

OTHER BUSINESS
None.

*********

NEW BUSINESS
None.

*********
Facing West on E. 11th Street S.

Subject property
Facing East on E. 11th Street S.
ZONING CLEARANCE PLAN REVIEW

September 24, 2019

Tracy Turner
2322 S 101 E PL
Tulsa, OK 74129

APPLICATION NO: BLDC-043304-2019

Location: 5408 E 11 ST
Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT
175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-5293.
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., 5th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

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

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

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

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

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

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


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

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

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

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**END – ZONING CODE REVIEW**

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

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

License Certificate

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

THE GROOVY CATS LLC

5408 E 11TH ST, TULSA, OK, 74112

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS Fulfilled the REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 36 O. § 420A ET SEQ. 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.

10/14/2020

LICENSE NUMBER:
DAAA-VY6X-BCLO

DO NOT COPY

Tom Bates, J.D.
Interim Commissioner
Oklahoma State Department of Health
Exhibit
Zoning Clearance
City of Tulsa Application No. BLDC-043304-2019
5408 East 11th Street South

Surveyor's Certification


DATE OF LAST FIELD VISIT: NOVEMBER 4, 2019.

WITNESS MY HAND AND SEAL THIS 5TH DAY OF NOVEMBER, 2019.

SHAWN A. COLLINS
1788

Scale 1" = 100'

SISMORE WEIZ & ASSOCIATES, INC.
Surveying - Civil Engineering - Land Planning
9505 E. 36th Place
TULSA, OKLAHOMA 74135
PHONE: (918) 605-3000
FAX: 918-605-9808
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1786
E-mail: scollins@sw-assoc.com

SHAWN A. COLLINS
1788
Zoning Clearance
City of Tulsa Application No.: BLDC-043304-2019
Applicant Address: 5408 East 11th Street South
Date: 11/04/2019

To whom it may concern:

On November 04, 2019 we performed a survey to determine compliance of separation distance as set out in Section 40-225-D and Section 40-225-H of the City of Tulsa Zoning Code. 5408 East 11th Street South (application site) and 5711 East 11th Street South. Measurement was taken in a straight line between the nearest perimeter walls of the suites. (The Northeast corner of 5408 East 11th Street South [application site] and Southwest corner of 5711 East 11th Street South.) The straight-line distance between the nearest perimeter walls is 1001 feet.

In our opinion the applicant site meets the requirements as set out in Section 40-225-D and Section 40-225-H of the City of Tulsa Zoning Code.

SISEMORE WEIZ & ASSOCIATES, INC.
BY SHAWN A. COLLINS

DATE 11.05.19

SHAWN A. COLLINS
PLS No. 1788, STATE OF OKLAHOMA
C. A. NO. 2421 EXPIRES: 6/30/21
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9311
CZM: 38
CD: 5
HEARING DATE: 12/10/2019 1:00 PM

APPLICANT: Todd Lipe

ACTION REQUESTED: Special Exception to allow a school in an IM zoned district. (Sec.15.020 - Table 15-2)

LOCATION: 1421 S SHERIDAN RD E; ZONED: CH,IM

PRESENT USE: Vacant

TRACT SIZE: 436603.67 SQ FT

LEGAL DESCRIPTION: SW SW NW LESS N30 & S40 & W50 N590 S630 FOR STS LTS 7 & 8 BLK 7 WREN PARK ADD ARE INCLUDED HEREBIN SEC 11 19 13 6.334ACS; W130 SE SW NW LESS N30 & S40 FOR STS SEC 11 19 13 1.761ACS,

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding Properties: None

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".

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.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c of S. Sheridan Road and E. 15th St. S. it is zoned IM/CH and is the former site of the Pennwell Corporation.
STAFF COMMENTS: The applicant is requesting a Special Exception to allow a school in an IM District (Section 15.020, Table 15-2)

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Schools Established after January 1st, 1998 are subject to the following supplemental regulation:

**40.350-B: Schools Established on or After January 1, 1998**

Schools established on or after January 1, 1998 require a minimum lot area of one acre, and lots to be occupied by senior high schools must have frontage on an arterial street.

Approval for this application would trigger the completion of a Subdivision Conformance Review per Sec. 70.080-B 2:

2. Rezonings, Special Exceptions and Residential Uses

Except as expressly stated in Section 70.080-B, no building permit or zoning clearance permit may be issued until the subject lot or parcel for which the permit is sought has been determined to be in compliance with all applicable design and improvement requirements of the Tulsa Metropolitan Area Subdivision and Development Regulations, as evidenced by submittal of a recorded subdivision plat or ALTA/ACSM survey and separately recorded legal instruments. This requirement applies to any property for which:

a. A property owner-initiated zoning map amendment or development plan was approved after July 1, 1970;

b. A special exception was approved for any of the following:

(1) Group living use;

(2) Public, civic or institutional use;

(3) Outdoor assembly and entertainment use;

(4) Household living involving 3 or more households on a single lot;

(5) Marina;

(6) Gun club;

(7) Crematory; or

(8) Mausoleum; or

c. A building permit is requested for any of the following residential uses:

(1) Cottage house development;

(2) Patio house; or

(3) Townhouse
SAMPLE MOTION:

Move to ________ (approve/deny) a Special Exception to allow a school in an IM District (Section 15.020, Table 15-2)

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.

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

- If the Board is inclined they may include this language: And to include future modifications and improvements commensurate with school amenities, with no further Board of Adjustment approval required.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Subject property facing E. 15th Street S.

Intersection of E. 15th St S. and S. Sheridan Rd.
BOARD OF ADJUSTMENT
CASE REPORT

Case Number: BOA-22815

STR: 9321
CZM: 47
CD: 9
HEARING DATE: 12/10/2019 1:00 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Variance to permit a drive-thru ATM facility to be located at the front, street-facing side of the property (Sec. 55.100-C)

LOCATION: 3516 E 31 ST S

PRESENT USE: Vacant/Commercial

ZONED: CS

TRACT SIZE: 35000.6 SQ FT

LEGAL DESCRIPTION: W125 E200 LT 2 LESS N15 THEREOF FOR STREET, ALBERT PIKE 2ND SUB

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding Properties: None

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

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.
ANALYSIS OF SURROUNDING AREA: The subject tract is a CS zoned lot located East of the NE/c of S. Jamestown Ave. and E. 31st Street S. This is the site of the former Eddie's Steakhouse.

STAFF COMMENTS: The applicant is requesting a Variance to permit a drive-thru ATM facility to be located at the front, street-facing side of the property (Sec. 55.100-C)

55.100-C Location and Design

1. Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street.

2. All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property. Drive-through lanes must be set back at least 10 feet from abutting R-zoned lots, and a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of 50.

STATEMENT OF HARDSHIP:

The proposed drive-through ATM will be located at the front of the building, inset to the building wall, as an accessory use to the bank. Unlike many drive-through ATMs in the area, the proposed ATM kiosk will be available for both drive-through and walk-up use. Additionally, the drive aisle for the ATM will be located between the building wall and a parking area, creating a roundabout for a traffic calming effect to facilitate better traffic circulation.

Due to the depth of the lot, the resulting linear layout of the multi-tenant building, the walk-up use of the ATM, and the traffic calming design, the requirement that a drive-through ATM be located in the rear or non-street facing side of the property results in unnecessary hardship to the property owner.

The proposed variance is the minimum that will afford relief and it will not alter or impair the character of the area, which is primarily commercial corridor with a “main street” feel. In other words, many of the amenities in the area have been tailored to meet the needs of both the arterial traffic and the surrounding neighborhoods (for example, Walmart Neighborhood Market, Schusterman-Benson Library, and TTCU). The proposed ATM with drive-through and walk-up access will achieve the same effect and will not impair the spirit and intent of the Code nor cause any detriment to the public good.
SAMPLE MOTION:

Move to _______ (approve/deny) a Variance to permit a drive-thru ATM facility to be located at the front, street-facing side of the property (Sec. 55.100-C)

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

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

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

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

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

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

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

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

Facing West on 31st Street South
Facing East on 31st Street South
ZONING REVIEW

July 22, 2019

Bryan Durbin
3100 Covell
Edmond OK 73034

APPLICATION NO: 26704-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 3516 E 31st Street
Description: Shell Building

<table>
<thead>
<tr>
<th>INFORMATION ABOUT SUBMITTING REVISIONS</th>
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<tr>
<td>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.</td>
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**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.**

<table>
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<th>IMPORTANT INFORMATION</th>
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<tr>
<td>1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.</td>
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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](http://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)
This letter of deficiencies covers zoning Review items only.

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

1.) 55.100-C Location and Design

1. Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street.

2. All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property. Drive-through lanes must be set back at least 10 feet from abutting R-zoned lots, and a screening wall or fence must be provided along the common lot line in accordance with the FI screening fence or wall standards of §65.060-C2.

Review Comment: The proposed drive through ATM facilities must be located to the rear or non-street facing side of the property. You may revise the plans with the ATM facility in compliance with 55.100-C or you may pursue a variance to permit the drive through facility to be located in the front of the building.

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

END – ZONING CLEARANCE REVIEW

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

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

The West One Hundred Twenty-five (125) feet of the East Two Hundred (200) feet of Lot Two (2), ALBERT PIKE 2ND SUBDIVISION, City of Tulsa, Tulsa County State of Oklahoma according to the recorded Plat No. 822, LESS AND EXCEPT the North 15 feet thereof for street right-of-way purposes.
Exhibit "B"

Applicant requests a Variance from Section 55.100-C of the Tulsa Zoning Code (the "Code") to permit a drive-through ATM facility to be located at the front, street-facing side of CS-zoned property, located at 3516 E. 31st Street (the "Property").

The Property is located in a commercial corridor on the south side of East 31st Street, one block east of the E. 31st St. and S. Harvard Ave. intersection. Directly west of the Property are the 3100 Jamestown and Ranch Acres shopping centers, and directly east of the Property are dental offices and CPA offices. The southern, rear side of the Property abuts the Ranch Acres Baptist Church.

A new, multi-tenant building is currently under construction on the Property. The depth of the lot and single point of access present limited options as to the orientation of the building, thereby requiring multiple tenant spaces to be stacked north to south as opposed to multiple storefronts addressing E. 31st St. There will be an orthodontist office in the rear, a retail space in the center, and a bank in the front, as shown on the attached conceptual site plan.

The proposed drive-through ATM will be located at the front of the building, inset to the building wall, as an accessory use to the bank. Unlike many drive-through ATMs in the area, the proposed ATM kiosk will be available for both drive-through and walk-up use. Additionally, the drive aisle for the ATM will be located between the building wall and a parking area, creating a roundabout for a traffic calming effect to facilitate better traffic circulation.

Due to the depth of the lot, the resulting linear layout of the multi-tenant building, the walk-up use of the ATM, and the traffic calming design, the requirement that a drive-through ATM be located in the rear or non-street facing side of the property results in unnecessary hardship to the property owner.

The proposed variance is the minimum that will afford relief and it will not alter or impair the character of the area, which is primarily commercial corridor with a "main street" feel. In other words, many of the amenities in the area have been tailored to meet the needs of both the arterial traffic and the surrounding neighborhoods (for example, Walmart Neighborhood Market, Schusterman-Benson Library, and TTCU). The proposed ATM with drive-through and walk-up access will achieve the same effect and will not impair the spirit and intent of the Code nor cause any detriment to the public good.
BOA-22815

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

Aerial Photo Date: February 2018
Note: Graphic overlays may not precisely align with physical features on the ground.
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9321
CZM: 47
CD: 9
HEARING DATE: 12/10/2019 1:00 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Special Exception to permit alternative compliance parking ratios in an RM-2 District (Section 55.050-K) to reduce the required number of parking spaces for an apartment use

LOCATION: 3702 S INDIANAPOLIS AV; 3708 S INDIANAPOLIS AV E; 3712 S INDIANAPOLIS AV E
ZONED: RM-2

PRESENT USE: Vacant
TRACT SIZE: 22688.36 SQ FT

LEGAL DESCRIPTION: LT 24 BLK 2; LT 23 BLK 2; N10 LT 21 & ALL LT 22 BLK 2, 36TH STREET
SUBURB

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding Property: None

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

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.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is an RM-2 zoned tract located at the SW/c of E. 37th St. S. and S. Jamestown Ave.
STAFF COMMENTS: The applicant is requesting a Special Exception to permit alternative compliance parking ratios in an RM-2 District (Section 55.050-K) to reduce the required number of parking spaces for an apartment use:

As a part of their application the applicant provided a parking study which concludes their parking needs are met by the site plan provided. This study is included in your packet.

SAMPLE MOTION:

Move to _________ (approve/deny) a Special Exception to permit alternative compliance parking ratios in an RM-2 District (Section 55.050-K)

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.

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

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Facing East on 37th

Facing North on Indianapolis

Subject Property
Facing West on 37th

Facing South on Indianapolis
ZONING CLEARANCE PLAN REVIEW

September 14, 2019

Phone: 539.430.0874

 LOD Number: 1

Camille Sanders
815 E 3 ST
Tulsa, OK 74110

APPLICATION NO: ZCO-040830-2019

(Location: 3320 E 37 ST
Description: Apartment)

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.

2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

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

(continued)
REVIEW COMMENTS

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

ZCO-040830-2019 3320 E 37 ST September 14, 2019

Note: Please direct all questions concerning variances, alternative compliance parking ratios and all questions regarding BOA 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.

Sec.55.020 Table 55-2: There are 33 units in the proposed apartment building. There are 30 one-bedroom and 3 two-bedroom units. The minimum parking requirement for a one-bedroom is 1.25 spaces per bedroom, which equals 38 spaces. The minimum parking requirement for a two-bedroom is 2 spaces per bedroom, which equals 6 spaces. The total parking requirement is 44 spaces. Sec.55.080-A requires this parking to be located on the same lot as the apartment building and Sec.55.080-D1 prohibits required parking off-site.

Review comment: Submit a site plan providing 44 off-street parking spaces located on the same lot as the apartment building. You may wish to consider an Alternative Compliance Parking Ratio (Sec.55.050-K), to reduce the parking requirement from 44 to 33 spaces. Your proposed on-street parking can not be used to meet the minimum parking requirement. You may wish to consider a variance, to Sec.55.080-A that requires this parking to be located on the same lot as the apartment building and Sec.55.080-D1 that prohibits required parking off-site, to allow the proposed on-street parking to meet the parking requirement.

Note: This review is limited to the parking requirement for the proposed apartment building.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code: http://www.tmaps.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.
Exhibit "A"

The North ten (10) feet of Lot Twenty-One (21) and Lots Twenty-Two (22), Twenty-Three (23), Twenty-Four (24), Block Two (2), 36TH STREET SUBURB, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 565.
CODE ANALYSIS

GENERAL ARCHITECTURAL CODE REVIEW

PROJECT:
THE MIDTOWNER
3100 EAST 37TH STREET SOUTH
TULSA, OKLAHOMA 74103

BUILDING CODES:
2015 INTERNATIONAL BUILDING CODE
2015 INTERNATIONAL MECHANICAL CODE
2015 INTERNATIONAL ELECTRICAL CODE
2015 INTERNATIONAL FIRE CODE
2015 INTERNATIONAL INERGENCY CODE
2016 INTERNATIONAL RESIDENTIAL CODE
2016 INTERNATIONAL RESIDENTIAL CODE
2016 INTERNATIONAL POWER CODE

GENERAL AREA CALCULATIONS:

- FIRST FLOOR: 6,190 SF
- SECOND FLOOR: 6,190 SF
- THIRD FLOOR: 6,190 SF

TOTAL FLOOR PLAN: 18,570 SF

LIVE GROUP:

- R-2 Apartment Complex

CONSTRUCTION TYPE:
V-2, OPERABLE

ZONING:

- V-2 Residenzal Multi-Family

APARTMENT DETAILS:

- UNITS PER FLOOR: 35
- TOTAL UNITS: 35

- TYPE UNITS PER FLOOR:
  - (1) 1 BEDROOM
  - (2) 2 BEDROOM
  - (2) 3 BEDROOM

- TOTAL UNITS:
  - (1) 1 BEDROOM
  - (2) 2 BEDROOM
  - (2) 3 BEDROOM

- PARKING CALCULATIONS:
  - TOTAL PARKING REQUIRED: 22 SPACES
  - TOTAL PARKING PROVIDED: 22 SPACES

LANDSCAPE REQUIREMENTS:

- STREET HARD AREA: 4,950 SF
- LANDSCAPED AREA REQUIRED: 761 SF
- MAINTENANCE TREES: 6

SCOPE OF WORK

NEW CONSTRUCTION OF A 3 STORY, 35 UNIT APARTMENT COMPLEX

CHANGES TO THE APPROVED DRAWINGS AND SPECIFICATIONS

CHANGES TO THE CITY APPROVED DRAWINGS AND SPECIFICATIONS SHALL BE MADE BY AN ADDENDUM OR A CHARGE ORDER APPROVED BY THE CITY OF TULSA AS REQUIRED BY THE ARCHITECT OF RECORD.

MIDTOWNER
MULTI-FAMILY
DEVELOPMENT

PROJECT # 18213
3320 E. 37TH ST. S.
TULSA, OK 74133

www.wdesignswe.com

INFORMATION STATEMENT

DATE: 09.27.2019

1 SITE PLAN
MADE 1/16" = 1'-0"
MidTowner
3702 South Indianapolis Avenue
Tulsa, Oklahoma 74135
Job #18213

PROJECT TEAM

ARCHITECT
wdesign, LLC.
3320 E. 37th St. S.
Tulsa, OK 74136
office: (918) 694-6650
www.wdesignok.com

CIVIL
ARCHITECT
Washington Associates, Inc.
100 E. 3rd Street S.
Tulsa, OK 74103
(918) 252-2777

STRUCTURAL
DRCKENBAUGH GROUP, PLLC
3320 E. 37th St. S.
Tulsa, OK 74136
(918) 252-2777

R. 19
T 19
09.27.2019

Cover Sheet
**Project Name:** The Midtowner  
**Project Address:** 3320 East 37th Street South, Tulsa, Oklahoma 74135  
**Report By:** W Design

**Neighborhood Apartment Parking:**  
*(please refer to map on page 2)*

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<th>Mark</th>
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<th>Units</th>
<th>Parking Spaces</th>
<th>Required Parking*</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Heather Ann Apartments</td>
<td>3330 E 36th St</td>
<td>19</td>
<td>16</td>
<td>24</td>
<td>(16) 1-bedroom units &amp; 3 studios, lot is typically 30% full, most tenants use mass transit</td>
</tr>
<tr>
<td>B</td>
<td>Homer David Grooms (owner)</td>
<td>3616/3620 S Indianapolis Ave</td>
<td>6</td>
<td>12</td>
<td>8-12</td>
<td>Unknown unit types</td>
</tr>
<tr>
<td>C</td>
<td>Kimberly Apartments</td>
<td>3626 S Indianapolis Ave</td>
<td>16</td>
<td>25</td>
<td>20-32</td>
<td>Unknown unit types</td>
</tr>
<tr>
<td>D</td>
<td>Harvard Gardens</td>
<td>3640/3636 S Indianapolis Ave</td>
<td>10</td>
<td>10</td>
<td>20</td>
<td>(10) 2-bedroom units</td>
</tr>
<tr>
<td>E</td>
<td>La Cabana</td>
<td>3333 E 37th St</td>
<td>13</td>
<td>13</td>
<td>17-26</td>
<td>Mix of 1 and 2-bedroom units</td>
</tr>
<tr>
<td>F</td>
<td>Charmont Apartments</td>
<td>3720/3718 S Indianapolis Ave</td>
<td>16</td>
<td>14</td>
<td>20-32</td>
<td>Mix of 1 and 2-bedroom units</td>
</tr>
<tr>
<td>G</td>
<td>Belle Arms</td>
<td>3732 S Indianapolis Ave</td>
<td>24</td>
<td>23</td>
<td>30-48</td>
<td>Mix 1 and 2-bedroom units</td>
</tr>
<tr>
<td>H</td>
<td>The Luxor</td>
<td>3333 E 38th St</td>
<td>19</td>
<td>19</td>
<td>24-38</td>
<td>Mix of 1 and 2-bedroom units</td>
</tr>
<tr>
<td>I</td>
<td>Ranch Acres Manor</td>
<td>3727/3729 S Indianapolis Ave</td>
<td>24</td>
<td>26</td>
<td>30-48</td>
<td>(4) 2-bed (20) 1-bed</td>
</tr>
<tr>
<td>J</td>
<td>South Wind</td>
<td>3719 S Indianapolis Ave</td>
<td>8</td>
<td>12</td>
<td>10-16</td>
<td>Unknown unit types</td>
</tr>
<tr>
<td>K</td>
<td>3711 S Indianapolis Ave</td>
<td>3711 S Indianapolis Ave</td>
<td>13</td>
<td>21</td>
<td>17-26</td>
<td>Unknown unit types</td>
</tr>
<tr>
<td>L</td>
<td>Indianapolis East Oak</td>
<td>3701 S Indianapolis Ave</td>
<td>17</td>
<td>15</td>
<td>22-34</td>
<td>Mix of 1 and 2-bedroom units</td>
</tr>
</tbody>
</table>

*Required parking range calculated to account for missing data on unit types.*
A - Heather Ann Apartments

11/06/2019, 7:00am
16 parking spaces
8 vacant

10/29/2019, 7:00pm
16 parking spaces
11 vacant
B – Homer David Grooms (owner)

11/06/19, 7:05am

12 parking spaces
8 vacant

10/15/19, 7:30pm

12 parking spaces
8 vacant
C - Kimberly Apartments

11/06/19, 7:09am
25 parking spaces
17 vacant

10/15/19, 7:30pm
25 parking spaces
21 vacant
D – Harvard Gardens

10/30/2019, 7:06am
10 parking spaces
5 vacant

11/04/2019, 7:08pm
10 parking spaces
5 vacant
E - La Cabana

11/06/19, 7:00am
13 parking spaces
12 vacant

10/15/19, 7:30pm
13 parking spaces
10 vacant
F - Charmont Apartments

10/30/19, 7:07am

14 parking spaces
8 vacant

10/15/19, 7:30pm

14 parking spaces
9 vacant
G - Belle Arms

10/30/19, 7:10am

23 parking spaces
20 vacant

11/04/19, 6:55pm

23 parking spaces
21 vacant
H – The Luxor

11/06/19, 7:00am

19 parking spaces
11 vacant

10/15/19, 7:30pm

19 parking spaces
8 vacant
I - Ranch Acres Manor

11/06/19, 7:10am

26 parking spaces
17 vacant

10/31/19, 7:30pm

26 parking spaces
19 vacant
J - South Wind

10/30/19, 7:00am
12 parking spaces
11 vacant

10/15/19, 7:30pm
12 parking spaces
11 vacant
K – 3711 S. Indianapolis Ave.

11/06/19, 7:00am

21 parking spaces
10 vacant

10/15/19, 7:30pm

21 parking spaces
13 vacant
L - Indianapolis East Oak

10/30/19, 7:07am

15 parking spaces
8 vacant

10/15/19, 7:30pm

15 parking spaces
8 vacant
Approximate location of the Midtowner
Exhibit “B”

Applicant requests an Alternative Compliance Parking Ratio pursuant to Section 55.050-K of the Tulsa Zoning Code (the “Code”) to permit 33 off-street parking spaces for an apartment building in an RM-2 District. The property, located at 3320 E. 37th Street, is being developed as a new apartment project called The Midtowner, a mid-century modern-style building that echoes the familiar yet simple designs of much of the surrounding area.

Under Table 55-1 of the Code, the minimum motor vehicle parking ratio for an apartment in an RM-2 District is 1.25 spaces/0-1 bedroom dwelling unit and 2 spaces/2+ bedroom dwelling unit. The Midtowner will have (30) 1 bedroom units and (3) 2 bedroom units which would require 44 parking spaces under the Code.

In support of the proposed alternative compliance parking ratio of 33 spaces (or 1 space/dwelling unit), the Applicant has conducted a parking study (the “Study”) and has found that the minimum parking ratios of the Code do not accurately reflect the actual day-to-day parking demand that can be anticipated for the proposed apartment building. A copy of the Study is attached hereto as Exhibit “C”.

The surrounding area is relatively unique in Tulsa. In the two (2) blocks of S. Indianapolis Ave. between E. 36th St. and E. 38th St., there are twelve (12) apartment/condo buildings. The properties are generally well-maintained when compared to other multi-family residential clusters around the City. Nearly all of these 12 buildings do not have parking that meets the minimum parking ratios of the current Code. Additionally, the parking that is available more than accommodates the parking needs of each building.

The Study observed the parking capacity of the 12 complexes at 7 am and 7 pm between October 15 and November 6. These times were chosen to reflect the time of day for potential highest use of parking lots before and after typical workday hours. The Study found that the amount of available parking spaces for the surrounding apartments far exceeded the actual parking needs of the residents, with many of the lots almost entirely vacant for much of the time.

In addition to the ample parking, the area is a central location for use of mass transit. There are three (3) Tulsa Transit Bus routes which stop at or around 41st & Harvard and one that stops further east down E. 41st St. near OU Tulsa. A copy of the Tulsa Transit System Map is attached hereto as Exhibit “D”.

In addition to the Study, external academic data indicates that the existence of surplus parking spaces is a growing trend and that existing parking minimums are too high. A 2017 report presented by the Urban Land Institute and Green Street Advisors entitled The Transportation Revolution: The Impact of Ride-Hailing and Driverless Vehicles on Real Estate, suggests that parking needs could decline by 50% in the next 30 years due to the proliferation of driverless vehicles and ride-hailing platforms such as Uber and Lyft. A 2019 article by Chrissy Mancini Nichols, Are Parking Minimums a Thing of the Past?, published by the Institute of Transportation Engineers, notes that “parking minimums increase the distance between destinations, making cities
and towns less walkable, thereby perpetuating a cycle of less viable transit and mobile options, the need for more driving, and – subsequently – even more parking."

The findings of the Study are consistent with the external data. Much of the parking areas around the Midtowner for similar apartment complexes are under-utilized. Based on the data collected from the Study indicating that the area is over-parked, coupled with the availability of mass transit and the projected future trends of use in ride-sharing platforms such as Uber and Lyft, the reduction of required off-street parking from 44 to 33 spaces is not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of the property owners and residents in the surrounding area.