The City Board of Adjustment will be held in the Tulsa City Council Chambers and by videoconferencing and teleconferencing.

Board of Adjustment members and members of the public may attend the meeting in the Tulsa City Council Chamber but are encouraged to attend and participate in the Board of Adjustment meeting via videoconferencing and teleconferencing by joining from a computer, tablet, or smartphone.

Join Videoconference: [https://www.gotomeet.me/CityOfTulsa3/boa-meeting-in-council-chambers-june-9th](https://www.gotomeet.me/CityOfTulsa3/boa-meeting-in-council-chambers-june-9th)
Join Teleconference by dialing: 1 (646) 749-3122
Participants must then enter the following Access Code: 471-574-485

The following City Board of Adjustment members plan to attend remotely via GoToMeeting, provided that they may still be permitted to appear and attend at the meeting site, Tulsa City Council Chambers, at One Technology Center, 175 East Second Street, Tulsa Oklahoma: Stuart Van De Wiele, Austin Bond, Briana Ross, Burlinda Radney and Jessica Shelton.

New to GoToMeeting? Get the app now and be ready when your first meeting starts: [https://global.gotomeeting.com/install/471574485](https://global.gotomeeting.com/install/471574485)

**NOTE:** In the event the audio or video feed becomes unavailable during this meeting, or if agenda items have not been heard by 5:00 pm, the agenda items not yet heard at that time shall be continued, and the meeting reconvened at 1:00 pm on Wednesday, June 10, 2020.

In the event the meeting is reconvened on Wednesday June 10, it will be held in the Tulsa City Council Chambers and by videoconferencing and teleconferencing. The links for a reconvened meeting on June 10 are:
CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of April 28, 2020 (Meeting No. 1249).

   **UNFINISHED BUSINESS**

2. 22864—Charles Okyere
    Special Exception to increase the maximum driveway width within the right-of-way and on the lot in an RS-2 District (Section 55.090-F.3). **LOCATION:** 2518 East 26th Street South (CD 4)

    The applicant has withdrawn the application, the relief is no longer needed.

3. 22873—Carina Garcia
    Special Exception to allow a manufactured housing unit in an RS-3 District (Section 5.020, Table 5-2); Special Exception to extend the time limit permanently (Section 40.210). **LOCATION:** 3811 South 27th West Avenue (CD 2)

4. 22877—Stephen Pedmia
    Special Exception to allow a small (< 250-person capacity) Indoor Commercial Assembly & Entertainment use to serve or sell alcoholic beverages within 150 feet of a residential district (Section 15.020, Table 15-2 & Section 15.020-G, Table Note 2). **LOCATION:** 6622 South Lewis Avenue East (CD 2)

5. 22879—J. R. Donelson
    Variance of the parking area design standards to permit an existing gravel parking lot (Section 55.090). **LOCATION:** 5866 South 107th East Avenue (CD 7)

6. 22894—Jorge Fernandez
    Special Exception to increase the maximum driveway width, within the right-of-way and inside the street setback (Section 55.090-F.3). **LOCATION:** 3747 South 152nd Avenue East (CD 6)
7. **22895—Israel Sanchez**  
Variance to reduce the required 25-foot street setback in an RM-1 District (Section 5.030, Table 5-3). **LOCATION:** 119 North Wheeling Avenue East (CD 3)

8. **22902—Lamar Outdoor Advertising**  
Verification of the spacing requirement for an outdoor advertising sign with a dynamic display (Section 60.100-K). **LOCATION:** 10025 East 44th Place South (CD 7)

9. **22904—Sierra Russell**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 6373 East 31st Street South, Suite J (CD 5)

10. **22908—Jonathan Bradley**  
Special Exception to permit a High-Impact Medical Marijuana Processing Facility in the IM District (Section 15.020, Table 15-2). **LOCATION:** 3329 West 5th Street South (CD 1)

**NEW APPLICATIONS**

11. **22914—Token Wellness**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 504 East 11th Street South (CD 4)

12. **22916—Jackie Berrryhill**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 4538 North Martin Luther King, Jr. Boulevard (CD 1)

13. **22917—Katina Walker**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 2005 South 129th East Avenue, Suite A (CD 6)

14. **22918—M. D. Al-Amin**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 1004 North Utica Avenue, Unit B (CD 1)
15. **22919—JCW Development, LLC**  
Verification of the 300-foot spacing requirement for a plasma center from other plasma centers, day labor hiring centers, bail bond offices, pawn shops, and package stores (Section 40.300-A&B). **LOCATION:** 5130 South Harvard Avenue East  (CD 9)

16. **22923—Corey Avington**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 5529 East 15th Street South  (CD 5)

17. **22925—Blazing B’s – Brent Barnes**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 7839 East Admiral Place South  (CD 3)

18. **22926—Crown RX – Brent Barnes**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 7435 East Admiral Place South  (CD 3)

19. **22928—Virginia Davis**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 2611 East 11th Street South  (CD 4)

20. **22930—Jennifer Fralick**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 1135 East 61st Street South  (CD 9)

21. **22933—Joe Puckett**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary **OR** in the alternative a **Variance** of 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 5805 East 15th Street South  (CD 5)

22. **22883—Rita Garcia**  
Special Exception to allow a fence or wall to exceed 8 feet in height and 4 feet in height in the street setback (Section 45.080-A); **Variance** to allow a fence or wall to be located inside the City of Tulsa planned right-of-way along East 11th Street South (Section 90.090-A). **LOCATION:** 13401 East 11th Street South  (CD 6)
23. **22884—Brandon Ledezma**  
Variance of required 5-foot side yard setback in an RS-3 District (Section 5.030, Table 5-3). **LOCATION:** 4408 North Delaware Avenue East  (CD 1)

24. **22885—Susie Woody**  
Variance to reduce the required 5-foot side yard setback in an RS-3 District (Section 5.030, Table 5-3); Variance to reduce the 20-foot side setback for a street facing garage on a corner lot (Section 80.020-B). **LOCATION** 1575 East 35th Place South  (CD 9)

25. **22886—J. R. Donelson**  
Variance of the Parking Area Design Standards to permit an existing gravel parking lot (Section 55.090). **LOCATION:** 5628 & 5630 South 107th East Avenue  (CD 3)

26. **22889—Brenda Lara**  
Special Exception to permit a carport in the street yard and street setback with modifications to increase to permitted height and length of a carport and to increase the allowed obstructions of the sides of the carport in a RS-3 District (Section 90.090-C.1). **LOCATION:** 1553 South 74th Avenue East  (CD 5)

27. **22890—Kathy Wilson**  
Special Exception to permit a Type-2 Home Occupation (Piano Studio) in an RS-3 District (Sections 45.100-G & 70.120). **LOCATION:** 1440 East 36th Place South  (CD 9)

28. **22892—Dale Bennett**  
Variance to permit additional dynamic display signage on a single lot (Section 60.080-E). **LOCATION:** 200 South Denver Avenue West  (CD 4)

29. **22907—Tony Jordan**  
Variance of the required 35-foot setback from South Lewis Avenue in an RS-2 District (Section 5.030, Table 5-3). **LOCATION:** 2258 East 32nd Place South  (CD 9)

30. **22915—John Cannon**  
Special Exception to allow a Public, Civic & Institutional/Governmental Service Use (Headquarters for Meals on Wheels) in an OM District (Section 15.020, Table 15-2). **LOCATION:** 5151 East 51st Street South  (CD 5)

31. **22920—Eller & Detrich – Lou Reynolds**  
Special Exception to permit a self-service storage facility in a CS District (Section 15.020, Table 15-2). **LOCATION:** 1535 South Memorial Drive East  (CD 5)
32. **22921—Jose Soccorro**  
Special Exception to increase the maximum driveway width within the right-of-way (Section 55.090-F.3). **LOCATION:** 4003 South 148th East Avenue (CD 6)

33. **22922—A-Max Sign Company**  
Variance to permit a projecting sign on a major street to exceed its maximum permitted height of 32 feet (Section 60.080-D). **LOCATION:** 405 North Main Street East (CD 4)

The applicant has requested a continuance to June 23, 2020.

34. **22924—Kayla Lee**  
Special Exception to permit an Assembly and Entertainment/Other Outdoor Use and Business or Professional Office Use in an IM District (Section 15.020, Table 15-3). **LOCATION:** 1215 & 1217 East 3rd Street South (CD 4)

35. **22931—Bill Powers**  
Variance to permit the aggregate floor area of accessory buildings on a lot in an RS-3 District to exceed 40% the floor area of the primary residential structure (Section 45.030-B); Variance to permit a detached accessory building to exceed 18 feet in height and 10 feet in height to the top of the top plate (Section 90.090.C). **LOCATION:** 1539 South Detroit Avenue East (CD 4)

36. **22932—Eller & Detrich – Lou Reynolds**  
Special Exception to allow a Commercial/Assembly & Entertainment/Large (>250) in the CBD District (Section 15.020, Table 15-2). **LOCATION:** 1227 South Detroit Avenue East (CD 4)

**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.
BOA-22864 – CHARLES OKYERE

THE APPLICANT HAS WITHDRAWN THE APPLICATION
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9222 Case Number: BOA-22873
CZM: 46
CD: 2
HEARING DATE: 06/09/2020 1:00 PM (Continued from 4/28/2020)

APPLICANT: Carina Garcia

ACTION REQUESTED: Special Exception to allow a manufactured housing unit in an RS-3 district (Sec.5.020 Table 5-2.5); Special Exception to extend the time limit permanently (Sec.40.210).

LOCATION: 3811 S 27 AV W ZONED: RS-3
PRESENT USE: Vacant TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: S 1/2 LT 4 BLK 30, RED FORK

RELEVANT PREVIOUS ACTIONS:
Subject Property: None

Surrounding Properties:
BOA-13728; On 09.12.85 the Board approved a Special Exception to permit a mobile home in an RS-3 District and variance of the 1-year time limit for a mobile home. Property located immediately South of the subject property.

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

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 W. 38th St. S. and S. 27 W. Ave.

STAFF COMMENTS: The applicant is requesting Special Exception to allow a manufactured housing unit in an RS-3 district (Sec.5.020 Table 5-2.5); Special Exception to extend the time limit permanently (Sec.40.210)
Section 40.210  Manufactured Housing Units
The supplemental regulations of this section apply only to manufactured housing units approved as special exception uses in R or AG-R zoning districts.

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

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

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

SAMPLE MOTION:
Move to ________ (approve/deny) a Special Exception to allow a manufactured housing unit in an RS-3 district (Sec.5.020 Table 5-2.5); Special Exception to extend the time limit permanently (Sec.40.210)

- 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.
Manufactured home on lot immediately South of Subject Tract

Facing South on 27th W Ave
Facing North on 27th W Ave.

Subject Property
Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 5-0-0 (Bradley, CHAPPELLE, CLUGSTON, WHITE, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 13727 until September 26, 1985 to allow the applicant to review the uses allowed on the property.

Case No. 13728

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request an exception to permit a mobile home in an RS-3 zoned district under the provisions of Section 1680.

Variance - Section 440.6 - Special Exception Uses in Residential Districts - Requirements - Use Unit 1209 - Request a variance of the one year time limitation for a mobile home to permanently in an RS-3 zoned district under the provisions of Section 1670, located on the NE/c of West 39th Street and South 27th West Avenue.

Presentation:

The applicant, William Wright, 147 South 34th West Avenue, Tulsa, Oklahoma, asked the Board to allow him to park a mobile home on his property. The applicant said that he purchased the lot approximately 3 years ago and had previously been before the Board to get permission to put the mobile on the lot. Mr. Wright stated that he was required to demolish the old house which was located on the tract and then return with a request for permanent location of the mobile home. He noted that he is now asking for that permanent installment. Mr. Wright said that he intends to brick the outside of the trailer and improve the property.

Protestants: None.

Comments and Questions:

Mr. Chappelle asked Mr. Wright if the mobile home is skirted. Mr. Wright stated that he has the skirting, but has not installed it until final inspections of the water lines are made.

Ms. Wilson asked the applicant if he is living in the mobile home at this time. Mr. Wright stated that he will not move in until he has a permit to leave the mobile on the lot permanently.

Ms. Bradley asked the applicant to address the hardship in this case. Mr. Wright stated that he is upgrading the property and has approval from all of his neighbors.

Mr. Jackere pointed out that the railroad is behind the property and there are numerous types of zoning in the area.
Case No. 13728 (continued)

Mr. Wright informed that he may use the mobile for rental property after the installation is complete.

Board Action:
On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to permit a mobile home in an RS-3 zoned district under the provisions of Section 1680; and to APPROVE a Variance (Section 440.6 - Special Exception Uses in Residential Districts - Requirements - Use Unit 1209) of the one year time limitation for a mobile home to permanently in an RS-3 zoned district under the provisions of Section 1670; subject to skirting being installed; finding a hardship demonstrated by multiple zoning in the area; finding that the mobile home would not be detrimental to the neighborhood and would be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:
Lot 5, Block 30, Original Townsite of Red Fork, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13729

Action Requested:
Variance - Section 240.2(e) Permitted Yard Obstructions. Use Unit 1209 - Request a variance to permit 2 detached accessory buildings to total 960 sq. ft. and to locate one building in the side yard in an RS-3 zoned district.

Variance - Section 420.2(a) Accessory Use Conditions - Request a variance of the 3’ setback from interior lines to 1’, located at 3636 South Olympia.

Presentation:
The applicant, Donald Brannum, 3636 South Olympia, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1) for a proposed 20’ by 36’ garage.

Comments and Questions:
Ms. Bradley asked Mr. Brannum to explain the use of the new garage. He explained that it would be used for normal purposes.

Mr. Chappelle asked the applicant if he plans to conduct a business in the garage and he answered that he did not know.

Ms. White inquired if a business is being operated on the subject property at this time. The applicant replied that he is doing some upholstery work in a small existing building.

9.12.85:447(10)
APPLICATION NO: ZCO-042088-2019 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 3811 S 27th W Ave

Description: Manufactured Housing Unit

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., 6th 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)
REVIEWS COMMENTS

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

Application No. ZCO-042088-2019

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 884-7526. 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.5.020 Table 5-2: The submitted application indicates construction of a "Manufactured Housing Unit" per documents submitted to our office. The proposed Manufactured Housing Unit is located in an RS-3 Zoning District.

Review Comments: Manufactured Housing Units are allowed in this zoning district by special exception. Apply for a Special Exception from the City of Tulsa Board of Adjustment (BOA) per Sec.70.120 to allow a Manufactured Housing Unit to be placed on your lot. Once you receive approval you will need to submit the approval documents to this office. *Apply for a Building permit to place a manufactured Housing Unit on this lot.*

2. Section 40.210 Manufactured Housing Units
The application for a special exception must be accompanied by a written signed agreement by the applicant and the property owner to remove the manufactured housing unit within one year of the date of special exception approval.

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

Review Comments: Provide a written signed agreement to the BOA that the manufactured house will be removed within one year or seek a special exception from the BOA to extend the subsequent one year time limit.

3. Site plan: Your application did not include a complete site plan. The zoning clearance review for your permit application will resume after a complete site plan is submitted. Please note that additional deficiencies may be found and will need to be resolved prior to approval of your application. The site plan must show:
   - Legal description of the property;
Boundaries and dimensions of property and names of bordering streets. All property lines must be shown;
Location, dimensions and identification of existing and proposed buildings, structures and driveway.
Distances from all property lines to the proposed building or structures, and the distance from the proposed work to the centerline of the street;
Identify any easements and public rights of way;
Include all architectural projections; i.e. stairs, porches, balconies, fireplaces, etc.;
Location of all utility service lines and meters;
North arrow.

Revise and resubmit your site plan containing the information listed above and resubmit the changes as a revision.

Below is a link to our "Residential Construction Permit Procedures" booklet. In the booklet you will find information concerning the required drawings needed for applying for a permit.

http://www.cityoftulsa.org/media/1259/res_09102014.pdf

4. 55.090-F Surfacing. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of §55.090-F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

Review Comments: Provide a dustless all-weather parking surface from the public street to the proposed garage or apply to the Board of Adjustment for a Variance (section 70.120) to allow a material other than an approved material meeting the requirements of 55.090-F.

5. 55.090-A Applicability

The parking area design regulations of this section apply to all off-street parking lots for motor vehicles, whether containing required parking spaces or non-required parking spaces.

Review Comments: You are proposing a parking space that does not meet the minimum parking size requirements. Provide 2 parking space. Each parking space must be 8.5 feet by 18 feet on this lot or apply to BOA for a variance to allow less than the required parking space size.

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

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

END --ZONING CODE REVIEW

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

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

Site:
3811 South 27th West Ave
Tulsa, OK 74108

Notes:
1. Concrete; 3000 psi 28 day strength, placed using commonly accepted practices
2. Rebar; 1/2 inch #4 grade 80, Tied and suspended with iron stakes.
3. Vapor barrier 6 mill placed on top of ground to extend 6 inches beyond concrete on all sides.
4. Wet set J-bolt anchors to accommodate normal blocking and strapping.
5. Grading to divert surface water away from foundation.
Objection to Request for Special Exception in Case BOA-22873  
& Request for Continuance of Closed Meeting to Allow a Public Hearing

The parties below are residents and/or property owners in the neighborhood directly affected by the subject Special Exception Request, or adjacent to it.

The parties below all strongly oppose this Request!

This neighborhood has challenges, but it has some beautiful homes as well as some neglected homes.

There are some persons trying to fix up and improve the single family residential character of this neighborhood, and there are some existing detrimental code violations that are already eroding its single family character.

This neighborhood is one of the oldest and most historic in the city. It should be restored and preserved, not pushed off the edge into further single family home degradation and deterioration. If approved, that is the effect the subject Request will have. That is precisely why a special exception for the requested use is required, as opposed to being normally acceptable.

The subject request should be denied, and the existing flagrant code violations should now be corrected.

Lastly, the parties below object to this “Public” meeting being held in a “Closed to the Public” fashion. We understand why current conditions do not support an “Open to the Public” setting, but in the alternative it should be continued until it can be. It is too important to not have a true “Public” meeting, as intended.

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<tr>
<th>Name &amp; Address</th>
<th>Email</th>
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<tbody>
<tr>
<td>Name: Ed Grass</td>
<td></td>
<td>637-3835</td>
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<tr>
<td>Address: 3904 3rd Ave</td>
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<tr>
<td>Name: Jana Schell</td>
<td><a href="mailto:Schelljana@yahoo.com">Schelljana@yahoo.com</a></td>
<td>918-976-7622</td>
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<tr>
<td>Address: 3808 S. 29th W. Ave</td>
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& Request for Continuance of Closed Meeting to Allow a Public Hearing

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This neighborhood has challenges, but it has some beautiful homes as well as some neglected homes.

There are some persons trying to fix up and improve the single family residential character of this neighborhood, and there are some existing detrimental code violations that are already eroding its single family character.

This neighborhood is one of the oldest and most historic in the city. It should be restored and preserved, not pushed off the edge into further single family home degradation and deterioration. If approved, that is the effect the subject Request will have. That is precisely why a special exception for the requested use is required, as opposed to being normally acceptable.

The subject request should be denied, and the existing flagrant code violations should now be corrected.

Lastly, the parties below object to this “Public” meeting being held in a “Closed to the Public” fashion. We understand why current conditions do not support an “Open to the Public” setting, but in the alternative it should be continued until it can be. It is too important to not have a true “Public” meeting, as intended.

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<tr>
<th>Name &amp; Address</th>
<th>Email</th>
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</thead>
<tbody>
<tr>
<td>Name: Evan Cooley</td>
<td>[email]</td>
<td>918-805-4141</td>
</tr>
<tr>
<td>Address: 3703 S 29th W Ave Tulsa OK 74107</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name: Jerakin Cooley</td>
<td>[email]</td>
<td>918-316-6023</td>
</tr>
<tr>
<td>Address: 3735 S 26th West Ave Tulsa OK 74107</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Objection to Request for Special Exception in Case  BOA-22873
& Request for Continuance of Closed Meeting to Allow a Public Hearing

The parties below are residents and/or property owners in the neighborhood directly affected by the subject Special Exception Request, or adjacent to it.

The parties below all strongly oppose this Request!

This neighborhood has challenges, but it has some beautiful homes as well as some neglected homes.

There are some persons trying to fix up and improve the single family residential character of this neighborhood, and there are some existing detrimental code violations that are already eroding its single family character.

This neighborhood is one of the oldest and most historic in the city. It should be restored and preserved, not pushed off the edge into further single family home degradation and deterioration. If approved, that is the effect the subject Request will have. That is precisely why a special exception for the requested use is required, as opposed to being normally acceptable.

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<tr>
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<tbody>
<tr>
<td>Name: Carl Beachner</td>
<td>Email: Rcb bbb@ hotmail.com</td>
<td>Tel: 918-231 3133</td>
</tr>
<tr>
<td>Address: 2501 w. 37th tule</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name: Mary Guerrero</td>
<td>Email: 9guerrero cas-nok.com</td>
<td>Tel: 918-747-8688</td>
</tr>
<tr>
<td>Address: 3550 s. 26th w. ave</td>
<td></td>
<td>Troy, ok 74107</td>
</tr>
<tr>
<td>Name &amp; Address</td>
<td>Email</td>
<td>Tel. #</td>
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<tr>
<td>---------------</td>
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</tr>
<tr>
<td><strong>Dwayne Tate</strong></td>
<td><a href="mailto:Dwaynetate@gmail.com">Dwaynetate@gmail.com</a></td>
<td>913-398-0336</td>
</tr>
<tr>
<td><strong>Patricia Tate</strong></td>
<td><a href="mailto:seurin77@gmail.com">seurin77@gmail.com</a></td>
<td>978-548-9123</td>
</tr>
<tr>
<td><strong>Sam Sengdaff</strong></td>
<td><a href="mailto:Samsengdaff@gmail.com">Samsengdaff@gmail.com</a></td>
<td>918-231-5611</td>
</tr>
<tr>
<td><strong>Danny Robertson</strong></td>
<td><a href="mailto:Dannyrobertson@gmail.com">Dannyrobertson@gmail.com</a></td>
<td>918-277-4332</td>
</tr>
<tr>
<td><strong>Tabitha Hafer</strong></td>
<td>918-4470102</td>
<td></td>
</tr>
<tr>
<td><strong>Adam Nichols</strong></td>
<td>918-638-5857</td>
<td></td>
</tr>
<tr>
<td><strong>James J. Jorgensen</strong></td>
<td><a href="mailto:Jorgensen@gmail.com">Jorgensen@gmail.com</a></td>
<td>918-574-2600</td>
</tr>
<tr>
<td><strong>Gary Bradley</strong></td>
<td>918-899-9228</td>
<td></td>
</tr>
<tr>
<td><strong>Michelle Bradley</strong></td>
<td><a href="mailto:Michellebradley@gmail.com">Michellebradley@gmail.com</a></td>
<td>918-648-2811</td>
</tr>
<tr>
<td><strong>John Carter</strong></td>
<td><a href="mailto:johncarter9876@live.com">johncarter9876@live.com</a></td>
<td>918-855-9506</td>
</tr>
<tr>
<td><strong>Aris J. Vogel</strong></td>
<td><a href="mailto:crvogel257@yaho.com">crvogel257@yaho.com</a></td>
<td>918-445-7153</td>
</tr>
</tbody>
</table>

**Address:**
- Dwayne Tate: 3801 S. 31st W. Ave
- Patricia Tate: 3801 S. 31st W. Ave
- Sam Sengdaff: 3732 S. 31st W. Ave
- Danny Robertson: 2924 W 37 7th PL
- Tabitha Hafer: 372 S. 28th Ave
- Adam Nichols: 3712 S. 27th West Ave
- James J. Jorgensen: 3803 S. 29th W Ave
- Gary Bradley: 3743 S. 29th W Ave
- Michelle Bradley: 3743 S. 29th W Ave
- John Carter: 37525.99 West Ave
- Aris J. Vogel: 2615 W 37 PL

**Phone Numbers:**
- 913-398-0336
- 978-548-9123
- 918-231-5611
- 918-277-4332
- 918-447-0102
- 918-638-5857
- 918-574-2600
- 918-899-9228
- 918-648-2811
- 918-855-9506
- 918-445-7153
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<tr>
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<tbody>
<tr>
<td>Name: Constance Swiszcz McDonald</td>
<td></td>
<td>918-695-5800</td>
</tr>
<tr>
<td>Address: 3803 S. 24th W. Ave.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name: Bill C. Halstead</td>
<td></td>
<td>918-445-8630</td>
</tr>
<tr>
<td>Address: 3623 S. 26th W. Ave</td>
<td></td>
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<tr>
<td>Name: Jeffery A. Bellard</td>
<td></td>
<td>918-445-2395</td>
</tr>
<tr>
<td>Address: 3722 S. 26th W. Ave</td>
<td></td>
<td></td>
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<tr>
<td>Name: Mary McLean</td>
<td></td>
<td>913-646-4696 913-619-2514</td>
</tr>
<tr>
<td>Address: 3721 S 26th W Ave</td>
<td></td>
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<tr>
<td>Name: Joyce D. Cheek</td>
<td></td>
<td>918-982-2796</td>
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<tr>
<td>Address: 3614 S. 26th W Ave</td>
<td></td>
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<tr>
<td>Name: William Davis</td>
<td></td>
<td>918-230-3518</td>
</tr>
<tr>
<td>Address: 2512 W 37th &amp; Tulsa</td>
<td></td>
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</tr>
<tr>
<td>Name: HN O'REN FEHL</td>
<td></td>
<td>978-447-1195</td>
</tr>
<tr>
<td>Address: 2475 W. 38th St</td>
<td></td>
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<tr>
<td>Name: Olu McDouald</td>
<td></td>
<td>918-695-5096</td>
</tr>
<tr>
<td>Address: 3603 S 26th W Ave</td>
<td></td>
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</tr>
<tr>
<td>Name: Junaida Deis</td>
<td></td>
<td>918-876-8625</td>
</tr>
<tr>
<td>Address: 2521 W 37th St</td>
<td></td>
<td></td>
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<tr>
<td>Name: K Bruce</td>
<td></td>
<td>918-645-2656</td>
</tr>
<tr>
<td>Address: 3651 S. 28th W Ave</td>
<td></td>
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<tr>
<td>Name:</td>
<td></td>
<td>918-445-0734</td>
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<tr>
<td>Address: 3652 S. 28th W Ave</td>
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<td>Name &amp; Address</td>
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<tr>
<td>Christopher Cook</td>
<td>archイラの@yahoo.com</td>
<td>918-510-6681</td>
</tr>
<tr>
<td>Annette Cooke</td>
<td><a href="mailto:nettiecook08@yahoo.com">nettiecook08@yahoo.com</a></td>
<td>918-640-3452</td>
</tr>
<tr>
<td>Shelli Jones</td>
<td><a href="mailto:Shelliejo262@ymail.com">Shelliejo262@ymail.com</a></td>
<td>918-</td>
</tr>
<tr>
<td>Farrell MA</td>
<td></td>
<td>918-704-528</td>
</tr>
<tr>
<td>Donna</td>
<td></td>
<td>918-704-528</td>
</tr>
</tbody>
</table>
To: BOA members, RE: Case #22873, applicant Carina Garcia, requesting a special exception to permit a manufactured housing unit and grant permanent status, 3811 S 24th W Ave.

We the undersigned residents of Lookout Mountain located in Red Fork, City of Tulsa, Tulsa County request by our signatures to follow that you acknowledge the presenter of said petition as our proxy in lieu of our bodily presence so that we may comply with "Shelter at Home" corona virus instructions. Further more that proxy also represents our request that you deny the applicants request for action. Undoubtedly, applicant will attempt to justify her request, noting the existing mobile home to her South. We have no evidence that the unit has legal status and a finding of such would prompt request for immediate removal. We would like you to take note of the actual development of Lookout Mountain over many decades, despite RS-3 zoning, a look at aerial views will reflect a neighborhood with considerably less density and the people who live here. Like it that way.

We are concerned that your approval would allow Ms. Garcia, or others, to purchase the vacant lots to her north, and maybe others, downsize them into 1/2 lots like she owns and build a mobile home anomaly in our midst. This would be devastating to the original stakeholders interest and lifetime investment in their properties and violate the base principles of RS-3 zoning. It is also important for you to know that the area was covered recently by the Red Fork Mainstreet plan and development remained unchanged under our Plan.Tulsa comprehensive plan. Please honor the voices of many over the one by denying the applicants request. Thank you.

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>E-MAIL</th>
<th>TELEPHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sandra Hancock</td>
<td>3825 S. 28th West Ave</td>
<td><a href="mailto:Sandra395@att.net">Sandra395@att.net</a></td>
<td>918.257.8416</td>
</tr>
<tr>
<td>Jerry Poulter</td>
<td>716 S 24th W Ave</td>
<td></td>
<td>918.791.1861</td>
</tr>
<tr>
<td>Chuck Ball</td>
<td>3808 S 26th W Ave</td>
<td></td>
<td>918.810.6172</td>
</tr>
<tr>
<td>Jan Bennett</td>
<td>3802 S 26th W Ave</td>
<td></td>
<td>918.446.2099</td>
</tr>
<tr>
<td>Dwayne Peterson</td>
<td>3902 S 26th W Ave</td>
<td></td>
<td>918.363.3633</td>
</tr>
<tr>
<td>Charles L Smith</td>
<td>3821 S 27th W Ave</td>
<td></td>
<td>918.459.4311</td>
</tr>
<tr>
<td>Mary Cordelia</td>
<td>3825 S 27th W Ave</td>
<td></td>
<td>918.409.4025</td>
</tr>
<tr>
<td>Gary Paulsen</td>
<td>3825 S 27th W Ave</td>
<td></td>
<td>918.219.6137</td>
</tr>
</tbody>
</table>

3.24
10: DDA members, RE: Case #2873, applicant Carina Garcia, requesting a special exception to permit a manufactured housing unit and grant permanent status, at 3811 S. 28th W. Ave.

We the undersigned residents of Lookout Mountain located in Red Fork, City of Tulsa, Tulsa County request by our signatures to follow that you acknowledge the presenter of said petition as our proxy in lieu of our bodily presence so that we may comply with "Shelter at Home" coronavirus constructions. Further more that proxy also represents our request that you deny the applicants request for action. Undoubtedly, applicant will attempt to justify her request, noting the existing mobile home to her South. We have no evidence that the unit has legal status and a finding of such would prompt request for immediate removal. We would like you to take note of the actual development of Lookout Mountain over many decades. Despite RS-3 zoning, a look at aerial views will reflect a neighborhood with considerably less density and the people who live here. Like it that way. We are concerned that your approval would allow Ms. Garcia, or others, to purchase the vacant lots to her north, and maybe others, downsize them into 1/2 lots like she owns and build a mobile home anomaly in our midst. This would be devastating to the original stakeholders interest and life-long investment in their properties and violate the base principles of RS-3 zoning. It is also important for you to know that the area was covered recently by the Red Fork Master plan and development remained unchanged under our Plan Tulsa Comprehensive plan. Please honor the voices of many over the one by denying the applicants request. Thank you.

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<th>TELEPHONE</th>
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</thead>
<tbody>
<tr>
<td>Lesa Barnett</td>
<td>3753 S. 28th W. Ave. Tulsa, OK</td>
<td>918-734-5604</td>
<td></td>
</tr>
<tr>
<td>Joy Eaton</td>
<td>3752 S. 28th W. Ave. Tulsa</td>
<td>918-624-6307</td>
<td></td>
</tr>
<tr>
<td>M.H. Hunter</td>
<td>3709 S. 28th W. Ave. Tulsa</td>
<td>918-646-5589</td>
<td></td>
</tr>
<tr>
<td>Larry James</td>
<td>3903 S. 28th W. Ave. Tulsa</td>
<td>918-867-7628</td>
<td></td>
</tr>
<tr>
<td>Kyle Bruce</td>
<td>3651 S. 28th W. Ave. Tulsa</td>
<td><a href="mailto:bk@cox.net">bk@cox.net</a></td>
<td>918-613-5262</td>
</tr>
<tr>
<td>Kirk Bruce</td>
<td>3708 S. 28th W. Ave. Tulsa</td>
<td></td>
<td>573-881-3880</td>
</tr>
<tr>
<td>Carl Brighter</td>
<td>2501 W 37th St. Tulsa</td>
<td>918-231-3133</td>
<td></td>
</tr>
</tbody>
</table>
We are a home owner at 3623 S 26th Ave W,

We Do Not agree to the special exception of allowing a manufactured housing unit to be moved in permanently to property 3811 S. 27th Ave W.

This decision will lessen the property value of other homes in our neighborhood of Red Fork one of the oldest neighborhoods around.

Billy and Jill Halstead
918 445 8630
Sparger, Janet

From: Chapman, Austin  
Sent: Monday, March 23, 2020 3:30 PM  
To: SVanDeWiele@HallEstill.com; Austin P. Bond; Burlinda Radney; Briana Ross; Jessica Shelton  
Cc: Sparger, Janet; Wilkerson, Dwayne; Blank, Audrey; Swiney, Mark  
Subject: FW: Case # BOA-22873

All,

Please see the email below in opposition to BOA-22873.

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 license.

From: Jana Schell <schelljana@yahoo.com>  
Sent: Monday, March 23, 2020 12:55 PM  
To: Chapman, Austin <AChapman@incog.org>  
Subject: Case # BOA-22873

I am ADAMANTLY OPPOSED TO A MOBILE HOME BEING PUT IN OUR NEIGHBORHOOD!!! 100% NO!!!!! NO!!!! NO!!!!

Jana Schell  
3808 S.29th W. Ave. Tulsa okla 74107  
918-946-7622

Sent from Yahoo Mail for iPhone
Sparger, Janet

From: Chapman, Austin
Sent: Monday, March 23, 2020 3:26 PM
To: SVanDeWiele@HallEstill.com; Austin P. Bond; Burlinda Radney; Briana Ross; Jessica Shelton
Cc: Sparger, Janet; Swiney, Mark; Blank, Audrey; Wilkerson, Dwayne
Subject: FW: Concerning Case BOA-22873

All,

Please See the email in opposition to BOA-22873 below.

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...

From: Bruce, Kyle <Kyle.Bruce@tdwilliamson.com>
Sent: Monday, March 23, 2020 11:23 AM
To: Chapman, Austin <AChapman@incog.org>
Subject: Concerning Case BOA-22873

Dear Austin, concerning the rezoning of property on westside of Tulsa, in red fork district....Case # BOA-22873.....NO, NO, NO! I live at 3651 south 28th west ave, Tulsa Ok, 74107 and I do not want trailers being brought into our neighborhood! We are refurbishing and investing to make Nice homes in redfork and we are struggling enough to turn it around and make it better this is a NEGATIVE move in regards to making things better, and by the way tell that guy after a year he should finish siding his house before thinking of starting other projects.....I’m not lying, look at it yourself.

ALSO, my father who lives in a house I own across the street at 3708 s. 28th west Ave, Tulsa OK. 74107 DOES NOT WANT IT EITHER! Matter of fact none of the 4 neighbors I told does so please say NO to this bad Idea. Thank you.

R. Kyle Bruce
Sr. Field Inspector
AWS C.W.I./C.W.E.
API 1169, NACE
918-645-2656
TDWilliamson
Tulsa, OK

kyle.bruce@TDWilliamson.com

This message and any attachments may be a confidential attorney-client communication or otherwise be privileged and confidential. If you are not the intended recipient, any review, distribution or copying of this transmittal is prohibited. If you have received this transmittal in error, please reply by e-mail and delete this message and all attachments.
Case # boa-22873. Property address. 3811 s 27 av w Tulsa,ok.
This is a housing addition yes it is been here for a long time Redfork and these houses that are currently here are being fixed up and brought back to life many in the addition there should not be any mobile homes allowed to be in here to downgrade our property values this was not set up for a mobile home park this should not be a thanks Earl Brashear
Sent from my iPad
Good afternoon,

I am writing to provide comments on BOA-22873 which requests a special exception to allow a mobile home and extend the time allowed to permanent. I am not in favor of this exception as I believe this does not serve the long term vision of the community and the precedent this sets for future requests.

West Tulsa has been consistently looking for ways to improve the local neighborhoods as well as develop growth and capitalize on the proximity to Route 66. This vision seeks to improve and rejuvenate the historical homes in the area and a mobile home seems out of step with what the community as a whole is trying to achieve.

Additionally it is concerning to me that if this request is approved, it seems that it would be difficult to decline future requests like this and that would be very impactful to the overall identity and direction of the area.

We take a lot of pride and effort in maintaining and improving our property and believe this request, if approved, would be detrimental to our property value in the long run.

Brian & Joan Fields
Good Morning!
I did get a notice that Carina Garcia wants to be allowed to build a manufactured home close to my rental. Although, I appreciate her need, I 100 percent object to this exception and feel it will lower the values of homes in that area. I am from out of state and unable to appear in person. I did try the website but, it failed me. It is very important to me, as an investor, to not allow this. Please tell me if I need to do anything more to avoid this situation and let the courts know I object. Thank you
Linda Gage
925 822 6440

Sent from my Verizon, Samsung Galaxy smartphone
The staff members attending in person are as follows:

Mr. Stuart Van De Wiele, Chair
Ms. Jessica Shelton, Board Member
Ms. Susan Miller, Tulsa Planning Office
Mr. Austin Chapman, Tulsa Planning Office
Mr. Nathan Foster, Tulsa Planning Office,
Ms. Janet Sparger, Tulsa Planning Office

************

MINUTES

On MOTION of SHELTON, the Board voted 3-0-1 (Ross, Shelton, Van De Wiele "aye"; no "nays"; Radney "abstaining"; Bond absent) to APPROVE the Minutes of the February 11, 2020 Board of Adjustment meeting (No. 1244).

On MOTION of SHELTON, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the Minutes of the February 25, 2020 Board of Adjustment meeting (No. 1245).

On MOTION of SHELTON, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the Minutes of the March 10, 2020 Board of Adjustment meeting (No. 1246).

************

NEW APPLICATIONS

**22873—Carina Garcia**

**Action Requested:**
Special Exception to allow a manufactured housing unit in an RS-3 District (Section 5.020, Table 5-2); Special Exception to extend the time limit permanently (Section 40.210). **LOCATION:** 3811 South 27th West Avenue (CD 2)

**Presentation:**
The district City Councilor has requested a continuance to April 28, 2020, and the applicant has agreed to the continuance.

**Interested Parties:**
There were no interested parties present.
Board Action:
On MOTION of SHELTON, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to \textbf{CONTINUE} the request for a Special Exception to allow a manufactured housing unit in an RS-3 District (Section 5.020, Table 5-2); Special Exception to extend the time limit permanently (Section 40.210) to the April 28, 2020 Board of Adjustment meeting; for the following property:

S 1/2 LT 4 BLK 30, RED FORK, City of Tulsa, Tulsa County, State of Oklahoma

\textbf{22877—Stephen Pedmia}

\textbf{Action Requested:}
Special Exception to allow a small (<250-person capacity) Indoor Commercial Assembly & Entertainment use to serve or sell alcoholic beverages within 150 feet of a residential district (Section 15.020, Table 15-2 & Section 15.020-G, Table Note 2). \textbf{LOCATION:} 6622 South Lewis Avenue East (CD 2)

\textbf{Presentation:}
The district City Councilor has requested a continuance to April 28, 2020, and the applicant has agreed to the continuance.

\textbf{Interested Parties:}
There were no interested parties present.

\textbf{Comments and Questions:}
None.

\textbf{Board Action:}
On MOTION of SHELTON, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to \textbf{CONTINUE} the request for a Special Exception to allow a small (<250-person capacity) Indoor Commercial Assembly & Entertainment use to serve or sell alcoholic beverages within 150 feet of a residential district (Section 15.020, Table 15-2 & Section 15.020-G, Table Note 2) to the April 28, 2020 Board of Adjustment meeting; for the following property:

Subjects Tract

BOA-22873

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

Aerial Photo Date: February 2018

3.35
Graphic overlays may not precisely align with physical features on the ground.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 8306
CZM: 52
CD: 2
HEARING DATE: 06/09/2020 1:00 PM (Continued from 4/28/2020)

APPLICANT: Stephen Pedmia

ACTION REQUESTED: A Special Exception to allow a Small (< 250 person capacity) Indoor Commercial Assembly & Entertainment Use to serve or sell Alcoholic Beverages within 150 feet of a Residential Zoning District (Sec. 15.020, Table 15-2, Sec. 15.020-G Table Note 2)

LOCATION: 6622 S LEWIS AV E
ZONED: CS
PRESENT USE: Vacant
TRACT SIZE: 59198.28 SQ FT


RELEVANT PREVIOUS ACTIONS:

Subject Tract:

BOA-16979; On 03.14.95 the Board approved a Special Exception to permit a dry-cleaning facility in a CS District.

Surrounding Properties: None

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

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

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

REVISED 5/28/2020
ANALYSIS OF SURROUNDING AREA: The subject tract is located at the SW/c of E 66 Pl S and S Lewis Ave.

STAFF COMMENTS: The applicant is requesting a Special Exception to allow a Small (< 250 person capacity) Indoor Commercial Assembly & Entertainment Use to serve or sell Alcoholic Beverages within 150 feet of a Residential Zoning District (Sec. 15.020, Table 15-2, Sec. 15.020-G Table Note 2)

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

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15.020-G Table Notes
The following notes refer to the bracketed numbers (e.g., "[1]") in Table 15-2:

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

[2] Use requires special exception approval if alcoholic beverages are sold or served, and the subject lot is located within 150 feet of any residential zoning district other than R-zoned street right-of-way (see Figure 15-1).

This use is subject to the supplemental regulations of Sec. 40.040:

Section 40.040 Assembly and Entertainment
Whenever an assembly and entertainment use is located on a lot abutting an R or AG-R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of Sec. 15.070-C.
SAMPLE MOTION:

Move to ________ (approve/deny) a **Special Exception** to allow a Small (< 250 person capacity) Indoor Commercial Assembly & Entertainment Use to serve or sell Alcoholic Beverages within 150 feet of a Residential Zoning District (Sec. 15.020, Table 15-2, Sec. 15.020-G Table Note 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.
Action Requested:
Special Exception to permit a 1983 sq ft dry cleaning facility in a CS zoned district - SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 15; located 6630 South Lewis.

Presentation:
The applicant, Cynthia Woodson, 1519 East 75th Street, was represented by Tod Sanders, owner of Comet Cleaners, who submitted a plot plan (Exhibit W-1) and requested permission to operate a cleaners at the above stated location.

Comments and Questions:
In reply to Mr. Bolzle, Mr. Sanders replied that the cleaning establishment will be located on Spaces 4 and 5.

Mr. Bolzle asked if this location will be limited to pick-up and delivery, and Mr. Sanders stated that a dry cleaning plant will be in operation.

Mr. Gardner advised that the cleaning industry has changed considerably since the last Code revision, and another revision is being considered that will permit additional square footage by right.

Protestants:
None.

Board Action:
On MOTION of BOLZLE, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception to permit a 1983 sq ft dry cleaning facility in a CS zoned district - SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 15; per plan submitted (Spaces 4 & 5); finding the use and size of the cleaning establishment to be compatible with the area; on the following described property:

A tract of land lying in the SE/4, Section 6, T-18-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the United States Government Survey thereof, described as follows: Beginning at a point on the east line of said Section 6 a distance of 2092.20’ north of the SE/c of said Section 6, thence due north a distance of 292’, thence N 89° 59’ W a distance of 250’, thence due south a distance of 390’, thence S 89° 59’ E a distance of 10’, thence due north a distance of 98’, thence S 89° 59’ E a distance of 240’ to the POB, City of Tulsa, Tulsa County, Oklahoma.
Facing South on Lewis

Subject property
**ZONING CLEARANCE PLAN REVIEW**

**February 14, 2020**

**Phone:** 918-346-9700

---

**LOD Number:** 1

**Femi Fasesin**

421 S. Olympia Ave.

Tulsa, OK 74127

**APPLICATION NO:** ZCO-051934-2020

(please reference this number when contacting our office)

**Location:** 6622 S. Lewis Ave.

**Description:** Event Center

---

**INFORMATION ABOUT SUBMITTING REVISIONS**

Our review has identified the following code omissions or deficiencies in the project application forms, drawings, and/or specifications. The documents shall be revised to comply with the referenced code sections.

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

Revisions shall be submitted directly to the City of Tulsa Permit Center located at 175 East 2nd Street, Suite 450, Tulsa, Oklahoma 74103, Phone (918) 596-9601. The City of Tulsa will assess a resubmittal fee. Do not submit revisions to the plans examiners.

**Submittals faxed / emailed to plans examiners will not be accepted.**

**IMPORTANT INFORMATION**

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

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

3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT www.in cog.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-051934-2020 6622 S. Lewis Ave. February 14, 2020

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, plating, 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.

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

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

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code: http://tulsaPlanning.org/plans/TulsaZoningCode.pdf

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

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

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

END – ZONING CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
Subject Tract BOA-22877

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

Aerial Photo Date: February 2018
All,

I had missed this email, but it is regarding BOA-22877.

Best,

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

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

From: D. Chavez <d.chvz92@gmail.com>  
Sent: Thursday, March 19, 2020 8:21 PM  
To: Chapman, Austin <AChapman@incog.org>; Dist2@tulsacouncil.org; mayor@cityoftulsa.org  
Subject: Postponement of Hearing for Case BOA-22877

Date: 3/19/20  
To: Austin Chapman  
C: Mayor G.T. Bynum  
C: District 2 Councilor, Jeannie Cue  
From: Devie Chavez

I am requesting a postponement of the hearing for Case Number BOA-22877, scheduled for Tuesday, 3/24/2020 1:00 PM for the following reasons:

- I, personally, did not receive any notification until the afternoon of Wednesday, March 18.
- We are a condominium complex of 300 units which backs up to the property for which the Special Exception is requested.
- Many of the long-time owners, about one-third, are over 65 as am I, and in light of the virus crisis, impedes the ability to engage in the hearing or prepare a petition to be signed by residents.
- There are serious concerns including, but not limited to:
The lack of parking spaces necessary to accommodate 250 people
- Hours of operation
- Noise level

As a long-time resident and owner, I was part of this Community when the club *a block and a half south* of us opened. All of the units on the south side of the complex were subjected to rattling windows and music that could be heard over the TVs in their homes until two o’clock in the mornings. It took months, many calls to the police, and the loss of restaurants in the same commercial center because the waitpersons couldn’t hear over the music and noise to take orders, before anything was done to stop the disruption of our community. I don’t think anyone here wants a repeat from a much closer venue.
I am **ADAMENTLY OPPOSED** to the following:
“Special Exception to allow a small (< 250 person capacity) Indoor Commercial Assembly & Entertainment Use to serve or sell alcoholic beverages within 150 feet of a Residential Zoning District (Section 15.020, Table 15-2 & Section 15.020-G, Table Note2).”

Due to the many multi-family communities around the proposed site affected, this **should be the greatest deterrent by the Board to allowing this zoning adjustment.** We have high crime problems in this area and are working with law enforcement to address drug dealing, prostitution, domestic violence and drunkenness which occurs around the children and the elderly. An “entertainment club” serving alcoholic beverages would not only increase these problems, but the noise would be prohibitive for the school children, elderly, and those of us who need a good night’s rest in order to function well at our jobs.
Comments and Questions:
None.

Board Action:
On MOTION of SHELTON, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to CONTINUE the request for a Special Exception to allow a manufactured housing unit in an RS-3 District (Section 5.020, Table 5-2); Special Exception to extend the time limit permanently (Section 40.210) to the April 28, 2020 Board of Adjustment meeting; for the following property:

S 1/2 LT 4 BLK 30, RED FORK, City of Tulsa, Tulsa County, State of Oklahoma

Action Requested:
Special Exception to allow a small (<250-person capacity) Indoor Commercial Assembly & Entertainment use to serve or sell alcoholic beverages within 150 feet of a residential district (Section 15.020, Table 15-2 & Section 15.020-G, Table Note 2). LOCATION: 6622 South Lewis Avenue East (CD 2)

Presentation:
The district City Councilor has requested a continuance to April 28, 2020, and the applicant has agreed to the continuance.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of SHELTON, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to CONTINUE the request for a Special Exception to allow a small (<250-person capacity) Indoor Commercial Assembly & Entertainment use to serve or sell alcoholic beverages within 150 feet of a residential district (Section 15.020, Table 15-2 & Section 15.020-G, Table Note 2) to the April 28, 2020 Board of Adjustment meeting; for the following property:

Case Number: BOA-22879

HEARING DATE: 06/09/2020 1:00 PM (Continued from 4/28/2020)

APPLICANT: JR Donelson

ACTION REQUESTED: Variance of the Parking Area Design Standards to permit an existing gravel parking lot (Sec. 55.090)

LOCATION: 5866 S 107 AV E

ZONED: IL

PRESENT USE: Trailer Sales

TRACT SIZE: 59198.28 SQ FT


RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding Properties:

BOA-22886; This requesting is a pending Variance request for the same relief sought by the subject the applicant to be heard on 4/14/20. Staff anticipates more requests of this nature along 107th E Ave between E 56th St S and E 61st St S. City of Tulsa Code enforcement has issued several notices of violation along 107th that are in violation of Sec. 55.090.

BOA-18280; The Board approved a variance of the all-weather surfacing requirements for a period of 2 years ending 01.12.2001. Property locate approximately 1,200' S of the SE/c of E 56th St S and S 107th E Ave.

BOA-14124; On 7.10.86 the Board approved a variance of the screening requirements and the off-street parking design standards. Property located 5845 S 107th E. Ave.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located S of the SW/c of E 56th St S and S 107th E Ave.

STAFF COMMENTS: The applicant is requesting a Variance of the Parking Area Design Standards to permit an existing gravel parking lot (Sec. 55.090). This request would permit the existing gravel parking areas and drive lane that do not conform to the surfacing requirements, striping requirements of geometric standards for parking areas. A copy of Sec. 550.090 is included in your packets.
STATEMENT OF HARDSHIP:

City of Tulsa
Board of Adjustment

Re: JCPP Properties One, LLC at 5866 So. 107th E. Ave.

Request for Variance:
We have operated Hitch It Trailers at the above location since November 2014. The property had a gravel surface for parking automobiles and storage of cars in disrepair. We have cleaned and made great improvements to our property. During which time we have left the parking/storage surface to remain gravel. We have installed concrete in the business drive lanes from 107th E. Ave. The gravel area is used from the placement of our trailers.

The Golden Valley subdivision, located east of Highway 169 is zoned industrial with approximately 20 businesses. Many of these businesses were operating prior to the City of Tulsa paving 107th E. Ave. in 2015. To require our business and the other existing businesses in Golden Valley to comply with ‘All weather’ parking/driving surfaces is unrealistic. The City of Tulsa Zoning Code should have taken into consideration existing businesses such as ours when adopting a ‘All off-street parking areas must be surfaced with a dustless, all-weather surface’ policy.

Leaving our parking lot gravel will not adversely affect surrounding properties. The intended purpose of reducing dust can be achieved with our ‘Dust Abatement Program’ for our business. It is impractical for my existing business and my neighbors to close and install an ‘All Weather Surface’. The property to the west of this site is Highway 169, being 18 feet higher in elevation, the land to the east of our addition is a detention pond and neither is affected by any possible dust from our business. Granting the ‘Variance’ will not change the character of the addition. Granting the ‘Variance’ will in no way cause detriment to the public. Granting the ‘Variance’ will in no way impair the purpose of the zoning code or the comprehensive plan.

We respectfully request the City of Tulsa revisit the zoning code and consider changing the ‘All Weather paving requirement’ for existing ‘IL’ zoned properties in operation before the present zoning code was adopted.
SAMPLE MOTION:

Move to ________ (approve/deny) a Variance of the Parking Area Design Standards to permit an existing gravel parking lot (Sec. 55.090)

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

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

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

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."
3. Design
Off-site parking areas must comply with all applicable parking area design regulations of Section 55.090. Off-site parking proposed to take place on a newly constructed parking area must comply with the PK district lot and building regulations of §25.030-C.

4. Control of Off-Site Parking Area
The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if an agreement is provided guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. The agreement must be filed of record in the county clerk's office of the county in which the property is located. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

Section 55.090 Parking Area Design

55.090-A Applicability
The parking area design regulations of this section apply to all off-street parking lots for motor vehicles, whether containing required parking spaces or non-required parking spaces.

55.090-B Ingress and Egress
All parking areas must be designed to allow vehicles to enter and exit a street and cross public sidewalks in a forward motion, except that this requirement does not apply to lots with access on a minor street.

55.090-C Stall Size
Parking spaces must be at least 8.5 feet in width and 18 feet in length, exclusive of access drives and aisles. In parking areas where permanent wheel stops have been
installed, 2.5 feet of the parking space length (depth) beyond the wheel stop may be counted as part of the required stall length if that area is unobstructed and not part of another parking stall, drive aisle or sidewalk.

55.090-D Parking Area Layout (Geometrics)
Parking areas must be designed and marked in accordance with the dimensional standards of Table 55-5, which shows minimum dimensions for various parking layouts (angles). Requirements for layouts or angles not shown in Table 55-5 may be interpolated from the layouts shown, as approved by the development administrator.

Table 55-5: Parking Area Geometrics

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<td>8.5</td>
<td>18.0</td>
<td>16.0/21.0</td>
</tr>
<tr>
<td>9.0</td>
<td>18.0</td>
<td>15.0/20.0</td>
<td></td>
</tr>
<tr>
<td>75°</td>
<td>8.5</td>
<td>18.0</td>
<td>21.0/22.0</td>
</tr>
<tr>
<td>9.0</td>
<td>18.0</td>
<td>20.0/21.0</td>
<td></td>
</tr>
<tr>
<td>90°</td>
<td>8.5</td>
<td>18.0</td>
<td>~/-24.0</td>
</tr>
<tr>
<td>9.0</td>
<td>18.0</td>
<td>~/-22.0</td>
<td></td>
</tr>
<tr>
<td>10.0</td>
<td>18.0</td>
<td>~/-20.0</td>
<td></td>
</tr>
</tbody>
</table>

= Stall Angle, = Stall Width, = Stall Length, = Aisle Width (1-way/2-way)

Figure 55-5: Parking Area Geometrics
55.090-E Tandem Parking

Tandem parking spaces may be used to satisfy parking requirements for household living uses when the spaces are assigned to the same dwelling unit. In all other cases parking spaces must be designed to allow each parking space to be accessed without passing through another parking space. Tandem parking arrangements must have a minimum stall of 8.5 feet and a minimum length of 36 feet.

Figure 55-6: Tandem Parking

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 30.0,10-1,2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

<table>
<thead>
<tr>
<th>Maximum Driveway Width</th>
<th>Lot Frontage</th>
<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>
<td></td>
</tr>
<tr>
<td>Driveway Within Street Setback (feet)</td>
<td>30’</td>
<td>30’</td>
<td>--</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.
For approvals granted under the terms of the zoning code in effect prior to January 1, 2016, including (1) variances of maximum driveway coverage measured by width, square footage or percentage of yard and (2) establishment of PUD development standards that increase the maximum permitted driveway coverage measured by any such means, the foregoing maximums do not apply.

4. Pervious pavement or pervious pavement systems, including pervious asphalt, pervious concrete, modular pavers designed to funnel water between blocks, lattice or honeycomb shaped concrete grids with turf grass or gravel filled voids to funnel water, plastic geocells with turf grass or gravel, reinforced turf grass or gravel with overlaid or embedded meshes, resin-bound pervious pavement systems, or similar structured and durable systems are allowed as parking lot surfacing materials. Gravel, turf, or other materials that are not part of a structured system designed to manage stormwater are not considered pervious pavement or a pervious pavement system. Pervious pavement and pervious pavement systems must comply with the following:

a. Materials must be installed and maintained in accordance with all applicable city standards. Damaged areas must be promptly repaired. Gravel that has migrated from a pervious pavement system onto adjacent areas must be regularly swept and removed.

b. Accessible parking spaces and accessible routes from the accessible space to the principal structure or use served must comply with the building code.

c. Pervious pavement or pervious pavement systems are prohibited in areas used for the dispensing of gasoline or other liquid engine fuels or where other hazardous materials are used or stored.

d. Pervious asphalt, pervious concrete, or modular pavers may be used for drive aisles and driveways, but no other pervious pavement systems may be used in such areas unless expressly approved by the development administrator.

e. Pervious pavement or pervious pavement systems that utilize turf grass may not be used to meet minimum off-street parking requirements, but may be used for overflow parking spaces that are not used for required parking and that are not occupied on a daily or regular basis.

f. Pervious pavement or pervious pavement systems that utilize gravel with overlaid or embedded mesh or geocells may be used only in industrial zoning districts.

g. Parking areas with pervious pavement or pervious pavement systems must have the parking spaces marked as required by this chapter, except that pervious pavement systems that utilize gravel or turf may use alternative marking to indicate the location of the parking space, including markings at the end of spaces on the drive aisle or curbing, wheel stops, or concrete or paver strips in lieu of painted lines.

55.090-G Vertical Clearance
All parking spaces must have overhead vertical clearance of at least 7 feet.
55.100 Stacking Spaces for Drive-through Facilities

55.100-A Spaces Required
In addition to the parking required for each use, establishments with drive-through facilities must provide stacking spaces for each drive-through station as indicated in Table 55-6:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Spaces (per lane)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automated teller machine</td>
<td>2 (measured from ATM)</td>
</tr>
<tr>
<td>Bank</td>
<td>3 (measured from teller or service area)</td>
</tr>
<tr>
<td>Car wash, automated or customer-operated</td>
<td>2 (measured from vehicle entrance)</td>
</tr>
<tr>
<td>Car wash, attendant hand wash</td>
<td>3 (measured from vehicle entrance)</td>
</tr>
<tr>
<td>Drug store</td>
<td>2 (measured from pick-up window)</td>
</tr>
<tr>
<td>Restaurant drive-through</td>
<td>3 (measured from order board)</td>
</tr>
<tr>
<td>Kiosks</td>
<td>2 (measured from service window)</td>
</tr>
<tr>
<td>Other</td>
<td>As determined by the development administrator</td>
</tr>
</tbody>
</table>

55.100-B Dimensions
Each lane of stacking spaces must be at least 8 feet in width and at least 18 feet in length. Stacking lanes must be delineated with pavement markings.

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- or AG-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 §65.070-C.

55.100-D Pedestrian Access
The principal pedestrian access to the entrance of the use from a public sidewalk may not cross the drive-through facility stacking lane.

Section 55.110 Accessible Parking for People with Disabilities
Accessible parking facilities must be provided in accordance with the building code.

Section 55.120 Loading
Unenclosed off-street loading areas may not be located within 50 feet of any abutting R- or AG-R-zoned properties unless the loading areas are screened on all sides abutting the R- or AG-R-zoned property in accordance with the F1 screening fence or wall standards of §65.070-C.
Case No. 18278 (continued)

Board Action:

On MOTION of COOPER, the Board voted 4-1-0 (Cooper, Turnbo, Perkins White "aye"; Dunham "nays", no "abstentions"; no "absent") to DENY Approval of site, landscape and drainage plan. PERSUANT TO APPROVAL OF THE FOLLOWING REQUESTED ACTIONS: a Special Exception to permit Use Unit 13, Convenience Goods and Services and Use Unit 14, Shopping Goods and Services in an IL district SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS – Use Units 13 and 14: ‘a Variance of the required building setback line from the centerline of E. 61st St. from 100’ to 93’. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – A Variance of the required building setback line from the north property line from 75’ to 15’. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – A Variance to delete the required 5’ wide landscaped area along E. 61st St. for a distance of approximately 65’ per the site and landscape plan. SECTION 1002.A.2. LANDSCAPE REQUIREMENTS – A Variance of the required setback of off-street parking areas from the centerline of S. 100th E. Ave. to permit 5 standard off-street parking spaces and 2 handicapped spaces to be 30’ from the centerline of S. 100th E. Ave. per the site plan. SECTION 1302.B. OFF-STREET PARKING AND OFF-STREET LOADING; SETBACKS – A Variance of the required 5’ setback of off-street parking areas abutting a residential district to permit 5 parking spaces 3’ from the north property line per the site and landscape plan. SECTION 1002.A.3. LANDSCAPE REQUIREMENTS and a Variance of the required minimum width of driveway isles from 24’ to 20’ along E. 61st St. and from S. 100th E. Ave. per the site and landscape plan. SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, on the following described property:

Lot 8, Block 2, Guy Cook Addition, City of Tulsa, Tulsa County, State of Oklahoma.

**********

Case No. 18280

Action Requested:

Variance of the required 75' setback from an R zoned district on the N, S and E. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 25; a waiver of the screening requirements, SECTION 1215.C. USE UNIT 15. OTHER TRADES AND SERVICES, Use Conditions and a Variance of the all-weather surface for parking. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located N of NE/c E. 61st St. & S. 107th E. Ave.
Presentation:
The applicant, Alan Roark, of Roark Landscape Corporation, 3704 E. 28th St., submitted a site plan (M-1), stated that his company is in preparation of putting up a 40'x80' building structure to house both office and storage facilities. Mr. Roark pointed out that they have 159' of frontage along 107th Street and they want to turn the building around so that it is 80' long and there is not enough left over to meet the setback. To the north of the property is zoned commercial and behind that is residential but there are not any houses on the residentially zoned part. In the back is a detention facility and the south is zoned residentially. Mr. Roark would like a variance for the all-weather parking for a certain amount of time. It is their intention to pave the surface but because of a financial hardship they can not afford to do so at this time.

Comments and Questions:
Ms. Turnbo asked the applicant when he would be able to put in the all-weather surface pavement. Mr. Roark replied five years. Mr. White pointed out that they usually granted them for six months to one year.

Mr. Stump mentioned that to the east of this property is a stormwater detention facility, where there won't be any residences and this area is in transition to Industrial. Mr. Dunham mentioned that there are quite a few gravel drives in the immediate area.

Mr. Dunham suggested allowing the applicant 18 months to put in the gravel parking. Ms. Turnbo suggested allowing the applicant two years, taking into consideration the time to get a building permit.

Mr. Cooper does not see a hardship for the all-weather surface. It is a new building and it should be required. Mr. Cooper pointed out that the Board has sometimes allowed a nonprofit the opportunity to raise the money for the hard surface parking but this is a new business in a new building and the money should be factored into the cost of new building construction.

Interested Parties:
None.

Board Action:
On MOTION of COOPER, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; "absent") to APPROVE Variance of the required 75' setback from an R zoned district on the N, S and E, finding that it meets the requirements of Section 1607.C., SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 25; a waiver of the screening requirements. SECTION 1215.C. USE UNIT 15. OTHER TRADES AND SERVICES, Use Conditions;
AND

On MOTION of COOPER, the Board voted 2-3-0 (Cooper, White "aye"; Dunham, Perkins, Turnbo "nays", no "abstentions"; no "absent") to and **DENY** a Variance of the all-weather surface for parking. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**;

AND

On MOTION of TURNBO, the Board voted 3-2-0 (Dunham, Perkins, Turnbo "aye"; Cooper, White "nays", no "abstentions"; "absent") to and **APPROVE** a Variance of the all-weather surface for parking, finding that it meets the requirements of Section 1607.C., **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** for a period of two years, on the following described property:

Lot 10, Block 1, Golden Valley, a subdivision of the W/2 of the SE/4 of Section 31, T-19-N, R-14-E, IBM, Tulsa County, State of Oklahoma, less and except: Beginning at the NE/c of said Lot 10; thence S 01°21'01" E a distance of 160.24' along the E line of Lot 10 to the SE/c of said Lot 10; thence S 88°40'50" W a distance of 317.22' along the S line of Lot 10; thence N 01°21'08" W a distance of 160.23' to a point on the N line of Lot 10; thence N 88°40'36" E a distance of 317.23' to the Point of Beginning.

************

**Case No. 18281**

**Action Requested:**
Special Exception for drive-in use within CS zoned property. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** – Use Unit 18, located SW/c 59th St. & S. Lewis.

**Presentation:**
The applicant, **Sack and Associates**, Inc., 111 S. Elgin Ave., was represented by Ted A. Sack who stated that this property will be used for a Sonic Drive-in.

**Comments and Questions:**
Mr. White referred to Staff Comments while asking Mr. Sack about the 150' of frontage on a major arterial street. Mr. Sack responded that this has been a commercial site for a long time. They do have 203' of frontage on the collector street (59th Street) but in a drive-in restaurant it does say that it **needs** 150' of frontage on an arterial street and they only have 145'. They are going to readvertise for the frontage variance but would like approval today for the special exception.
Case No. 14123 (continued)

A tract of land located in the City of Tulsa, Tulsa County, State of Oklahoma, said tract being in the SE corner of the Annie May Grant "C" Tract (which is a part of the North Half of the NE Quarter of the SE Quarter of Section 25, Township 19 North, Range 12 East), said tract being more particularly described as follows, to wit:

Beginning at a point in the center of the Section line on the east side of said Section 25 at the SE corner of the Annie May Grant "C" Tract according to the recorded plat thereof and running thence north in the center of said Section line along the east boundary of said Section 25 a distance of 160 ft.; thence due west and parallel with the south boundary line of said Section 25 a distance of 170'; thence south and parallel with the east boundary line of said Section 25 a distance of 160'; thence east along the south boundary line of said Annie May Grant "C" Tract a distance of 170' to the point of beginning, less and except, street right-of-way for South Peoria Avenue previously deeded therefrom to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 14124

Action Requested:
Special Exception - Section 250.3 - Modification of the Screening Wall or Fence Requirement/Section 1215.3 - Other Trades and Services, Use Conditions - Use Unit 1215 - Request a variance to waive screening requirement along the lot line in common with the R District.

Variance - Section 1340(d) - Design Standards for Off-Street Parking Areas - Request a variance of the all-weather material required for off-street parking, located north of the NE/c of 61st Street and South 107th East Avenue.

Presentation:
The applicant, William Preaus, 2535 East 55th Place, Tulsa, Oklahoma, who submitted a plot plan (Exhibit M-1) and photographs (Exhibit M-2), stated that he and his brother have a landscape and tree service business. He informed that they have recently relocated to an area where there are 3 other landscape companies within a 3 block area and asked the Board to allow the off-street parking lot to be covered with material other than all-weather material. He pointed out that none of the other landscape businesses have hard surface roads and parking. He informed that there are no residences to the north or south of the property in question and asked that the screening requirement be waived.

Comments and Questions:
Mr. Gardner informed that this area is designated by the Comprehensive Plan to become industrial and if it was zoned IL the

7.10.86:469(22)
screening requirement would not be required.

Interested Parties:
Mr. Chappelle stated that the Board received a letter (Exhibit M-3) from Grace Davis, a neighbor of Mr. Preaus, who stated that there is a water problem in the area.

Mr. Preaus informed that Ms. Davis has sublet a portion of her land to a nursery company that does excessive watering which creates a problem. He stated that he has dug a ditch on the south boundary of his property line to prevent the water from flowing onto his lot.

Mr. Quarles asked the applicant if he is a landscape contractor and he answered in the affirmative.

Board Action:
On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirement/Section 1215.3 - Other Trades and Services, Use Conditions - Use Unit 1215) to waive screening requirement along the lot line in common with the R District; and to APPROVE a Variance (Section 1340(d) - Design Standards for Off-Street Parking Areas) of the all-weather material required for off-street parking; per plot plan submitted; until such time as residential use develops on the surrounding RS-3 properties; finding that the area has been planned for IL development and there are several landscaping businesses operating in the neighborhood at this time without hard surface parking lots; on the following described property:

Lot 12, Block 1, Golden Valley Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14125

Action Requested:
Special Exception - Section 440.2 - Special Exception Uses in Residential Districts, Requirements - Request a special exception to allow a home occupation for tape duplicating business in an RS-3 zoned district, located on the NW/c of 26th Street and Joplin.

Presentation:
The applicant, Trevor Baldwin, was represented by Leon Whitman, 5905 East 26th Street, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit N-1) and photographs (Exhibit N-3). He pointed out that Mr. Baldwin is doing some construction work for him and is not operating the business. Mr. Whitman informed that most of his tape
Subject property

Facing South on 107th E Ave
NOTICE OF VIOLATION – ZONING

To: JCPP PROPERTIES ONE LLC
5866 S 107TH EAST AVE
TULSA OK 74146

Date: 2/3/2020
Case: ZONV-027802-2020
Compliance Date: 2/18/2020

Dear Property Owner and/or Occupant,

You are hereby notified of zoning (Title 42) violations at GOLDEN VALLEY N320 LT 13 & E26.39
N320 LT 14 LESS BEG 320.93 N SECR LT 14 TH NW81.04 S76.58 E26.39 POB BLK 2
City of Tulsa, TULSA County State of Oklahoma; And located at the address of:
5866 S 107TH EAST AVE

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Explanation of violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>42.55.090-F</td>
<td>ALL WEATHER SURFACE</td>
</tr>
</tbody>
</table>

To comply, you must: ALL VEHICLE AND TRAILER PARKING MUST BE CONFINED TO AN ALL-WEATHER PARKING SURFACE SUCH AS CONCRETE OR ASPHALT

See back of page for what the resolution of each violation requires.

You still have time to correct the issue(s) at your property. To comply, you must correct all violations prior to the compliance deadline listed on this notice above. If you are unable to correct any or all the violation(s) listed above, contact the Code Official listed below to work out an acceptable plan to bring your property into compliance. Ensure that all family members, employees, and/or contractors, etc. are familiarized with and adhere to these regulations. Additional notices will not be sent if recurring violations are found in the future.

Failure to make the correction may result in the issuance of a criminal citation or civil remedial penalties not to exceed $1,000.00 per day. Failure to comply may also result in revoking or withholding permits, certificates or other forms of authorization issued by the City of Tulsa; and/or any other remedies allowed by law.

Your property is an important investment for you and the community. I urge you to make the necessary corrections to eliminate all violations so that no further enforcement will be necessary.

Please understand that it is ultimately the responsibility of the owner to ensure these violations are corrected. Any civil agreements or rental agreements do not alleviate the owner of this responsibility.

Thank you,

Lloyd Adams
Action Requested:
Variance of the parking area design standards to permit an existing gravel parking lot (Section 55.090). LOCATION: 5866 South 107th East Avenue (CD 7)

Presentation:
The applicant has requested a continuance to April 28, 2020.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of SHELTON, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to CONTINUE the request for a Variance of the parking area design standards to permit an existing gravel parking lot (Section 55.090) to the April 28, 2020 Board of Adjustment meeting; for the following property:


*******************************************************
UNFINISHED BUSINESS

22864—Charles Okyere

Action Requested:
Special Exception to increase the maximum driveway width within the right-of-way and on the lot in an RS-2 District (Section 55.090-F.3). LOCATION: 2518 East 26th Street South (CD 4)

Presentation:
Charles Okyere, 2518 East 26th Street, Tulsa, OK; (attended remotely) stated his General Contractor is the person who represented him at the previous meeting and he vaguely updated him on the previous meeting. Mr. Okyere stated that it is his understanding that the three-car driveway is allowed because there are other three-car driveways throughout the neighborhood. Mr. Okyere stated he is new to this process and do not what the next step should be.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9422
CZM: 50
CD: 6
HEARING DATE: 06/09/2020 1:00 PM (Continued from 4/28/2020)

APPLICANT: Jorge Fernandez

ACTION REQUESTED: Special Exception to increase the maximum driveway width, within the right-of-way and inside the street setback. (Section 55.090-F.3)

LOCATION: 3747 S 152 AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 9286.03 SQ FT

LEGAL DESCRIPTION: LOT 1 BLOCK 10, CROSSING AT BATTLE CREEK PHASE II BLOCKS 7-13

RELEVANT PREVIOUS ACTIONS: None.

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

The New Neighborhood designation is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or new Neighborhood or Town Center.

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 NE/c of E 38th St. S. and S. 152nd E. Ave.

STAFF COMMENTS: The applicant is requesting Special Exception to increase the maximum driveway width, within the right-of-way and inside the street setback. (Section 55.090-F.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' [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 width including the expansion appears to bring the total width of the driveway on the lot to 36'. Originally the application was noticed to include the width of the driveway inside the right-of-way, but the applicant confirmed they are not planning on increasing the size of the curb-cut.

**SAMPLE MOTION:**

Move to ________ (approve/deny) a **Special Exception** to increase the maximum driveway width; within the right-of-way and inside the street setback. (Section 55.090-F.3)

- 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 North on 152nd E. Ave. (subject property has the dark pick-up in driveway)

Southern dead end of 152nd E. Ave.
Subject property
ZONING CLEARANCE PLAN REVIEW

2/1/2020

APPLICATION NO: ZCO-52437-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 3747 S 152nd Ave E

Description: Driveway Expansion

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

(continued)
REVIEW COMMENTS

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

Application No. ZCO-52437-2020

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 allowed is 30’ on your lot.

Review Comments: The submitted site plan proposes a driveway width of more than 30’ in width on the lot in the street setback which exceeds the maximum allowable driveway width on this lot. Revise plans to indicate the driveway shall not exceed the maximum allowable width or apply to the BOA for a special exception for the proposed driveway width on this lot.

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

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

END –ZONING CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
STR: 0331
CZM: 29
CD: 3
HEARING DATE: 06/09/2020 1:00 PM (Continued from 4/28/2020)

APPLICANT: Israel Sanchez

ACTION REQUESTED: Variance to reduce the required 25 foot street setback in an RM-1 District (Sec. 5.030, Table 5-3)

LOCATION: 119 N WHEELING AV E
ZONED: RM-1

PRESENT USE: Residential
TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 13 BLK 19, CHEROKEE HGTS ADDN

RELEVANT PREVIOUS ACTIONS:
Subject Property:

BOA-22840; On 4/15/20 the Land Use Administrator approved an Administrative Adjustment to reduce the required 5' side yard setback to 4'.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SE/c of N. Wheeling Ave. and East Haskell Street.

STAFF COMMENTS: The applicant is requesting Variance to reduce the required 25 foot Street setback in an RM-1 District (Sec. 5.030, Table 5-3)
**STATEMENT OF HARDSHIP:** Building out further to cover foundation.

**SAMPLE MOTION:**

Move to ________ (approve/deny) a **Variance** to reduce the required 25 foot street setback in an RM-1 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.”

**Regulations**

<table>
<thead>
<tr>
<th>Regulations</th>
<th>RE</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RS-3</th>
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</table>
Subject property

Subject property facing North
Framing of New Carport

New Porch taken from side profile facing South
APPLICATION NO: BLDR-035699-2019  
(Please reference this number when contacting our office)

Project Location: 119 N Wheeling Ave E
Description: Porch Addition & Carport

<table>
<thead>
<tr>
<th>INFORMATION ABOUT SUBMITTING REVISIONS</th>
</tr>
</thead>
<tbody>
<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>
</tr>
</tbody>
</table>

**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.**

<table>
<thead>
<tr>
<th>IMPORTANT INFORMATION</th>
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<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

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.).]
REVIEW COMMENTS

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

Application No. BLDR-035699-2019

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

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

1. **5.030-A: Setback(s) (Residential):** In the RM-1 zoned district the minimum street setback shall be 25 feet from the front property line, or measured from the centerline of the abutting street add to the setback distance ½ the right-of-way (ROW) designated on the major street plan.

   **Review Comments:** Revise your plans to indicate a 25’ front setback to the property line and a 55’ setback from the center of Wheeling street to the proposed covered porch, or apply to INCOG for a variance to allow less than a 25’ front setback or 55’ from center of street.

2. **70.100-B Authorized Administrative Adjustments**

   1. Administrative adjustments may be granted only as expressly identified in this section.

   b. The land use administrator is authorized to grant an administrative adjustment reducing minimum required side and rear setbacks in any R district by up to 20%.

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

   **Review Comments:** Revise your plans to indicate a 5’ side setback to the property line, or apply to INCOG for an **administrative adjustment** to reduce the side setback to allow less than a 5’ side setback.

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

Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online.
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.
BOA-22895

Aerial Photo Date: February 2018

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

BOA-22895

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

Case Number: BOA-22902

STR: 9430
CZM: 49
CD: 7

HEARING DATE: 06/09/2020 1:00 PM (Continued from 4/28/2020)

APPLICANT: Lamar Outdoor Advertising

ACTION REQUESTED: Verification of the spacing requirement for an outdoor advertising sign with a Dynamic Display (Sec 60.100-K)

LOCATION: 10025 E 44 PL S

ZONED: IL

PRESENT USE: IL

TRACT SIZE: 101016.05 SQ FT

LEGAL DESCRIPTION: PRT TR IN SE NW ADJ LT 1 & PRT LT 1 BEG 200N SWC LT 1 TH N APR 142.37 E18 N160 W18 N142.33 SE217.90 SE90.74 S303.33 W275.03 POB BLK 1 SEC 30 19 14 .33AC, IDEAL BRICK INDUSTRIAL TRACTS

RELEVANT PREVIOUS ACTIONS:
Surrounding Properties:

BOA-22862: On 02.25.20 the board accepted a verification of spacing for an Off-Premise Outdoor Advertising sign with Dynamic Display (sec. 60.100-J). The subject sign in BOA-22862 has been converted to dynamic display and is within 1,200 feet of the subject sign. The subject sign in BOA-22862 has received their sign permit since the acceptance of their spacing. The signs are located 773 feet apart according to the survey provided by the applicant.
STAFF COMMENTS: The applicant is requesting Verification of the spacing requirement for an outdoor advertising sign with a Dynamic Display (Sec 60.100-K)

60.100-K Except as provided in §60.100-J, any outdoor advertising sign that includes a dynamic display and that was approved by a permit issued on or after January 1, 2009, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display facing the same traveled way. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.

SAMPLE MOTION: I move that based upon the facts in this matter as they presently exist, we approve the applicant's verification of spacing between dynamic display (digital) outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign or conflicting use be constructed prior to this sign.
I, Bobby D. Long, of Tulsa Engineering & Planning Associates, Inc. and a Professional Land Surveyor registered in the State of Oklahoma, hereby certify that this exhibit accurately portrays the locations of and distances between proposed and existing outdoor advertising signs as determined by field survey data gathered on the 3rd of February, 2020.

Bobby D. Long  02/24/2020
Date

OUTDOOR ADVERTISING SIGN SPACING EXHIBIT
SIGN PLAN REVIEW

March 13, 2020

Phone: 918-665-1755

Lorinda Elizondo
Lamar Central Outdoor Inc.
7777 E. 38th St.
Tulsa, OK 74145

APPLICATION NO: SIGN-055101-2020 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 10102 E. Broken Arrow Exp.
Description: Outdoor Advertising Sign

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

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

3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)
REVIEW COMMENTS

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

Application No. SIGN-055101-2020 10102 E. Broken Arrow Exp. March 13, 2020

This letter of deficiencies covers Sign Plan Review items only.

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

Section 60.100 K Dynamic Displays
Except as provided in §60.100-J, any outdoor advertising sign that includes a dynamic display and that was approved by a permit issued on or after January 1, 2009, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display facing the same traveled way. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.

Review Comments: Converting a conventional outdoor advertising sign to a dynamic display outdoor advertising sign requires a 1,200 foot spacing verification from the BOA per section 70.110 from any digital outdoor advertising sign facing the same traveled way. In addition, the proposed dynamic display outdoor advertising sign appears to be closer than 1,200 feet to a previously permitted outdoor advertising sign with a dynamic display facing the same traveled way. As an option, you may pursue a variance from the BOA to allow an outdoor advertising sign with a dynamic display to be closer than the 1,200 feet spacing requirement of 60.100 K.

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

END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.
**Location Address**: 9810 E 42ND ST, Tulsa, OK 74146  
**Parcel Number**: 76150943013560

**Contacts**

**WHISTLER SIGN COMPANY LLC**  
6304 E 102ND ST, Tulsa, OK 74137  
(918) 991-7446  
elaine@whistlerworks.com

**Description**: dynamic display outdoor advertising sign

**Expiration**: 09/08/2020

**Permit Type**: Sign  
**Work Classification**: Outdoor Advertising

**Issue Date**: 03/10/2020  
**Permit Status**: Issued

**Permit #: SIGN-053121-2020**

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**Payment Details**

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**Additional Information**

**New/Existing**: New  
**Electric amps of Sign**: 400  
**Sign Text**: changeable message technology  
**Location on Lot**: South on Broken Arrow Expressway frontage

**Sign Permit Notes**: Permit to convert the existing tri-fold Outdoor Advertising Sign (Original digital sign permit 190243 issued 4/7/2009) to a digital Outdoor Advertising Sign of the same size and location per 60.100-J, lawfully established digital sign prior to 1/1/2010. Spacing acceptance per BOA-22862 approved 2/25/2020. Digital sign shall comply with T42 chapter 60.100 for dynamic displays and with T42 chapter 60.100-I for illuminative brightness. This permit shall become null and void with the erection of a digital OAS prior to the OAS of this permit, by the preemptive effect of negating the 1200 ft. spacing verification of this permit. Contractor shall not place any sign or part of any sign structure in a manner that would interfere with, cause damage to or obstruct service to any public utility. Contractor shall call OKIE at 1-800-522-6543 prior to any excavation, to identify and locate existing utilities on the sign construction site. Electrical work shall be done by separate permit. No approval is granted for any construction or use violating any provision of The City of Tulsa Ordinances Title 42, 49, 51 & 52. No other signs are included in this permit.

**Issued By**: Brian Mathis  
**Date**: March 10, 2020

**Available Inspections**

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</thead>
<tbody>
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<td>1905</td>
</tr>
<tr>
<td>Final Sign</td>
<td>1901</td>
</tr>
</tbody>
</table>

**March 10, 2020**

**City of Tulsa, 175 E 2nd St., Tulsa, OK**
From: Elaine Allred <elaine@whistlerworks.com>
Sent: Monday, April 27, 2020 6:03 PM
To: Chapman, Austin
Cc: Nathalie M Cornett; Shawn Whistler
Subject: Re: BOA-22902
Attachments: IMG-4455.JPG; 60963433387--6553790E-88C6-46E0-BA02-8FD0D4A8855A.JPG

Austin:

We greatly appreciate the notice. We have already permitted, ordered and installed dynamic displays at the subject location. I have attached photos showing the installed displays.

Please let me know if we can provide you with any additional information.

Thank you,

Elaine

On Wed, Apr 22, 2020 at 2:58 PM Chapman, Austin <ACHapman@incog.org> wrote:

Elaine,

I’m contacting you as the applicant in BOA-22862 and I’ve copied Nathalie Cornett because she represented you the BOA hearing regarding that case. On the April 28th, 2020 hearing there will be another verification of spacing request for a dynamic display outdoor advertising sign, BOA-22902. The proposed sign is located 10025 E 44 PL S on the opposite side of the highway as your sign. There appears to be a conflict between your sign and the proposed sign and I did seek to provide you notice of their application.

The applications materials and agenda will be available at the link below by this Friday April 24th.


Below is the information regarding the April 28th City of Tulsa Board of Adjustment hearing and how to join remotely if your choose:

The City Board of Adjustment will be held in the Tulsa City Council Chambers and by videoconferencing and teleconferencing at 1:00 pm.
Board of Adjustment members and members of the public may attend the meeting in the Tulsa City Council Chamber, but are encouraged to attend and participate in the Board of Adjustment meeting via videoconferencing and teleconferencing by joining from a computer, tablet or smartphone.

Join Videoconference: [https://www.gotomeet.me/COT5/board-of-adjustment-april-28th](https://www.gotomeet.me/COT5/board-of-adjustment-april-28th)

Join Teleconference by dialing: **1 (872) 240-3212**

Participants must then enter the following **Access Code: 775-970-485**

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 { (918) 596-9456 }
Elaine Allred
Whistler Billboards
direct 918-392-5208
elaine@whistlerworks.com
Subject Tract

BOA-22902
19-14 30

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

Aerial Photo Date: February 2018
1000' Radius

6373 E 31st ST Suite J

BOA-22904
STR: 9315
CZM: 38
CD: 5
HEARING DATE: 06/09/2020 1:00 PM (Continued from 4/28/2020)

APPLICANT: Sierra Russell

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

LOCATION: 6373 E 31 ST S, Suite J
ZONED: CS

PRESENT USE: Vacant
TRACT SIZE: 15877.69 SQ FT

LEGAL DESCRIPTION: BEG 330W & 50N SECR SE TH W108 N147 E108 S147 POB SEC 15 19 13,

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA-22881; On March 24th the Board accepted a verification of spacing for a medical marijuana dispensary located 6125 East 31st. The proposed dispensary received the Certificate of Occupancy on March 25th, 2020. A copy of this certificate is included in your packet. The subject location is within 1,000 feet of the dispensary located at 6125 East 31st as demonstrated on the exhibit below. The Applicant was made aware of this information and they chose to continue with their application.
**STAFF COMMENTS:** The applicant is requesting a *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.

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 the nearest dispensary as T-Town Dispensary, located 3524 S. Sheridan.

**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 31st Street

Subject property
Dispensary at 6125 E. 31st that has received their Spacing Verification in BOA-22881 and Certificate of Occupancy which is included in your packet.

Facing East on E. 31st Street.
LOD Number: 1
Pat White
10722 Master's Circle
Jenks, OK 74037

APPLICATION NO: BLDC-053137-2020
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 6373 E. 31st St.
Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

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

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

4. A COPY OF A "RECORD SEARCH" 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

BLDC-053137-2020 6373 E. 31st St. February 22, 2020

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.

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.
CERTIFICATE of OCCUPANCY  No: COO-054008-2020

PROPERTY
Address: 6125 E 31ST ST S

BUILDING PERMIT:
BLDC-056777-2020

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

BUILDING OCCUPANCY

<table>
<thead>
<tr>
<th>Use Group</th>
<th>Const. Type</th>
<th>Floor Area</th>
<th>Occ. Load</th>
<th>Descriptive Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>M</td>
<td>VB</td>
<td>896</td>
<td>15</td>
<td>Entire Facility</td>
</tr>
</tbody>
</table>

Floor area of Permit: 896

OCCUPANCY CONDITIONS:

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

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

Approval Date: March 25, 2020  

Code Official: Adam Murray
Chapman, Austin

From: Chapman, Austin
Sent: Monday, April 27, 2020 1:52 PM
To: Audrey Blank; Austin Bond; Briana Ross; Burlinda Radney; Jessica Shelton; Mark Swiney; Sparger, Janet; Stuart Van De Wiele; Wilkerson, Dwayne
Subject: FW: BOA-22904

All,

I reached out to the proprietor of the dispensary at 6125 E 31st St. which is within 1,000’ of the proposed dispensary in BOA-22904. They have informed me in the email below that they are opening at that location and a copy of their Certificate of Occupancy is included in your packet.

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

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

From: Donyale Stancle <medlifehq@gmail.com>
Sent: Wednesday, April 22, 2020 6:41 PM
To: Chapman, Austin <AChapman@incog.org>
Subject: Re: BOA-22904

Hi Austin,

Thanks for reaching out. Yes, I am still planning to open Medicinal Life Headquarters (dispensary) at that location in the very near future; still making my way through the process. My landlord shared the notice with me and I planned to attend in person as well. Thanks again for reaching out.

Donyale Stancle

On Wednesday, April 22, 2020, Chapman, Austin <AChapman@incog.org> wrote:

Mr. Stancle,
I am writing you in regards to your previous application for a spacing verification at 6125 E 31st Street. We have an applicant who put in an application for a spacing verification that is within 1,000' of your address I am reaching out to confirm that you are still opening at that location I see that you have been issued your Certificate of Occupancy but I did want to reach out and confirm that with you. I've attached a map with the location other dispensary. Please respond to this email and let us know if your plans have changed for opening at that location. The Board will have a copy of your Occupancy Certificate but it would be helpful to hear directly from that you are opening at the 6125 E 31st Street. Feel Free to contact me with any questions.

Best,

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

Determining compliance to zoning or building code requirements is not a function of this office.

The Building Permits Division will address compliance upon application for a building permit or occupancy {(918) 596-9456}
From: Gary Conroy <conroy02@gmail.com>
Sent: Monday, April 27, 2020 6:06 PM
To: esubmit
Subject: Case Number is BOA-22904

I am writing as a parent with a child attending Augustine Christian Academy, that is well within the 1,000' of a dispensary about to open. I object to the opening!! The statute is very clear and this location is under 50' from the play area of the kids.

Sincerely,
Gary Conroy
918 282-5514

OKLAHOMA MEDICAL MARIJUANA AUTHORITY Proof of Distance from a School for Dispensaries REQUIREMENTS 1. Title 63 O.S. § 425(G) prohibits medical marijuana dispensaries from operating within one thousand (1,000) feet from public or private schools. 2. Applicants for a dispensary license must attest and submit supporting documentation which demonstrates the premises of a potential business site will be 1,000 feet from any public or private school. 3. This distance is measured by the straight-line (shortest) distance from the property line of the dispensary to any entrance of a school. Any school that holds classes or activities for students, such as field houses, track/practice fields or agriculture classes, is included in this restriction.
Good afternoon. I am writing to you today regarding the Case Number BOA-22904. I understand that a medical marijuana dispensary is seeking to open up within 1000 feet of a K-12 school, namely Augustine Christian Academy. I strongly request that you do not allow this business to open in such close proximity to the school. I have three young children that attend this school. The administration, families, and caretakers of Augustine work tirelessly to support the school. We already have a very large problem with vagrants, thieves, and others that vandalize, steal, and destroy school property. It is not an exaggeration to say that we have poured blood, sweat, and tears into this school for over 20 years. We have spent thousands and thousands of dollars in an attempt to mitigate the damage and theft that has occurred just in the last few years. At the risk of sounding cliché, the customers that this type of business would bring into extreme close proximity to children, some as young as four, is in my mind dangerous. This would also be exacerbating the already prevalent issue in an extreme degree. There are already at least 3 other medical marijuana dispensaries within a mile of the location of the school. One could ask how many more are necessary to support the population of this area. I respectfully plead with the Board of Adjustment to deny this business the ability to open in this location. There are countless other locations in the same general area that would fit within the existing law.

Sincerely,
Aaron Wiedman

Aaron Wiedman
Budget Analyst
Tulsa County Clerk Budget Office
Aaron.wiedman@tulsacounty.org
918-596-5865

The information in this e-mail message (including any information contained in attachments hereto) is intended only for use of the addressee. This e-mail message may contain confidential or privileged information. If you receive this e-mail message unintentionally, please notify the sender promptly and then delete this message. E-mail transmission is not guaranteed to be secured or error free. The sender is in no way liable for any errors or omissions in the content of this e-mail message, which may arise as a result of e-mail transmission. E-mails, text messages, and other electronic communications made or received in connection with the conducting of public business, the expenditure of public funds, or the administration of public property are subject to the Oklahoma Open Records Act and the Records Management Act.
To Whom it May Concern,

My name is Becki Davis and I live at 414 W. Nashville St. in Broken Arrow, Oklahoma. I am employed as the Academic Counselor at Augustine Christian Academy at 6310 E. 30th St. in Tulsa, OK. It has come to my attention that a marijuana dispensary is planning to open directly behind our school property (your case number BOA-22904). I am writing to strongly encourage you to NOT allow this dispensary to open! I believe that this location is entirely too close to our school! We are already plagued by the homeless population in the area that we have to chase off of our property to keep our students safe... we do not need to add marijuana users into the mix. Please consider how close this dispensary would be to our school playground and the lot where our high school students park their cars, and please to not allow them to open their dispensary in that location.

Thank you for your consideration.

Sincerely,

Becki Davis
Academic Counselor
Administrative Assistant
Augustine Christian Academy
918-832-4600 ext. 204
I am one of the administrators of St. Augustine Academy, Inc., doing business as Augustine Christian Academy. Our school is located at the corner of 30th and Sheridan, within the 1,000' radius of the proposed dispensary that desires to go into the shopping center just behind us on 31st St. It is my understanding that there is already a regulation in place that would prevent this dispensary from going in just around the corner from our school, but I felt it was important to actually voice my concerns in writing. We have been a member of this community since 1997 and have owned three buildings at the corner of 30th and Sheridan since 2002. Our primary school address is 6310 E 30th Street, a full 200+ feet within the 1,000 radius, which ends at 28th St. to our North.

I plan to attend the hearing tomorrow online.

Thank you,

John Ahrens
Director of Operations
Augustine Christian Academy
918-832-4600 ext. 205 (Office)
918-863-5535 (Cell)
I was sorry to hear that a new marijuana dispensary is scheduled to be opened on 31st and Sheridan in Tulsa, just down from the back of our school property which fronts on 30th and Sheridan. We are a small school, but the impact on our families and children is no less important. We are already located in a place that receives much traffic from people who are experiencing many difficulties in life, understandable, but not necessarily safe for children. We must constantly remove people who try to sleep on our property and leave drug paraphernalia on our playground. Although marijuana is legal in Oklahoma, we feel this location for a dispensary will encourage even more people who struggle with drugs to hang out in our area. Please protect family by making these retailers consider a spot farther away.

With thanks,

Kirk D. Post
Headmaster
Augustine Christian Academy
918-832-4600 (Office)
918-853-9719 (Cell)
From: Linda Thornhill <thornhill@staugustineacademy.org>
Sent: Tuesday, April 28, 2020 4:25 PM
To: esubmit
Subject: marijuana dispensary Case Number is BOA-22904

The Case Number is BOA-22904
I am writing as a teacher, This dispensary encroaches on the restricted area around the school. We will have a view right outside the class window.

We don’t need any more dispensaries. There are four in my own neighborhood.
I live at 1203 S. Delaware Place, Tulsa, OK 74104 near the University of Tulsa.

PLEASE don’t allow this business to move in.

Yours truly,
Linda Thornhill

Linda Thornhill
Art Teacher
Augustine Christian Academy
918-832-4600 (Office)
918-625-4318 (Cell)
The Case Number is BOA-22904
I am writing as a teacher, This dispensary encroaches on the restricted area around the school. We will have a view right outside the class window.

We don’t need any more dispensaries. There are four in my own neighborhood.
I live at 1203 S. Delaware Place, Tulsa, OK 74104 near the University of Tulsa.

PLEASE don’t allow this business to move in.

Yours truly,
Linda Thornhill

Linda Thornhill
Art Teacher
Augustine Christian Academy
918-832-4600 (Office)
918-625-4318 (Cell)
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9204
CZM: 35
CD: 1

HEARING DATE: 06/09/2020 1:00 PM (Continued from 4/28/2020)

APPLICANT: Jonathan Bradley

ACTION REQUESTED: Special Exception to permit a High-Impact Medical Marijuana Processing Facility in the IM District (Section 15.020, Table 15-2).

LOCATION: 3329 W 5 ST S

ZONED: IM

PRESENT USE: Medical Marijuana Cultivation and Processing

TRACT SIZE: 14374.86 SQ FT

LEGAL DESCRIPTION: PRT GOV LT 5 BEG 313.38S & 50W & 247.7SW NEC GOV LT 5 TH N163.5 SWLY107.2 S124.1 NE100 POB SEC 4 19 12 0.33ACS,

RELEVANT PREVIOUS ACTIONS: None.

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

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to 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 West of the NW/c of S. 33rd W. Ave/ Charles Page Boulevard and West 5th Street.
STAFF COMMENTS: The applicant is requesting **Special Exception** to permit a High-Impact Medical Marijuana Processing Facility in the IM District (Section 15.020, Table 15-2)

35.070-C High-impact Manufacturing and Industry

Manufacturing and industrial uses that regularly use hazardous chemicals or procedures or that produce hazardous byproducts or explosive hazards. Typical examples of high-impact manufacturing and industrial uses include: the manufacture of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This subcategory also includes petrochemical tank farms, gasification plants, smelting, animal slaughtering, oil refining, asphalt and concrete (batch) plants and tanneries.

1. High-impact Medical Marijuana Processing Facility

An establishment in which the preparation, manufacture, processing or packaging of medical marijuana products by the holder of a medical marijuana processor license issued by the Oklahoma State Department of Health is conducted, in accordance with the terms of such license, and in which extraction processes include the use of flammable substances such as butane, propane, ethanol and alcohol.
Medical Marijuana Uses are subject to the supplemental regulations found in Sec. 40.225:

**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 detectable at the boundaries of the lot within which the building housing the medical marijuana grower operation, processing facility or dispensary is located, except that if such use is located in multiple-tenant building, the ventilation/air filtration system must prevent odor from being detectible outside the tenant space housing the use.
2. An electronic security system and surveillance camera.

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

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

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

Move to _________ (approve/deny) a **Special Exception** to permit a High-Impact Medical Marijuana Processing Facility in the 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):

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 W. 5th

Facing East on E. 5th
Subject Property
ZONING CLEARANCE
PLAN REVIEW

March 4, 2020

Jonathan Bradley
Rick Stuber Architecture, Inc.
2642 E. 21st St. S.
Tulsa, OK 74114

Phone: (918) 993-4324

APPLICATION NO: BLDC-50619-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 3329 W. 5th St. S.
Description: Green Lion Growing and Processing Facility

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

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

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REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND
REVISION MARKS.

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BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION
(TMARC) 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)
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 35.070 – Industrial Use Category:
   a. 35.070-B Item 2 – Moderate-Impact Medical Marijuana Processing Facility: An establishment in which the preparation, manufacture, processing or packaging of medical marijuana products by the holder of a medical marijuana processor license issued by the Oklahoma State Department of Health is conducted, in accordance with the terms of such license, and in which extraction processes are limited to use of non-flammable substances such as carbon dioxide, and to food-based and water-based extraction.

   - Review Comment: Provide information on the extraction process and if it is limited to use of non-flammable substances such as carbon dioxide, and to food-based and water-based extraction or includes the use of flammable substances such as butane, propane, ethanol and alcohol.

   - LOD 02 Review Comment: The project location is located in an IM district. A special exception by the Board of Adjustments is required in order to have a High-Impact Medical Marijuana Processing Facility in an IM district. Please see number 3 of important information above for information on how to contact the BOA.

2. RESOLVED

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

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

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

A hard copy of this letter is available upon request by the applicant.
BOA-22908

Subject Tract

19-12 04

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

Aerial Photo Date: February 2018
Good Morning,

I have received your comments and forwarded them to the Board of Adjustment 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.

From: Kevin Montgomery <kmontgomery13@cox.net>
Sent: Tuesday, April 28, 2020 5:14 AM
To: esubmit <esubmit@incog.org>
Cc: 9184426157@sms.myboostmobile.com; kmontgomery13@cox.net
Subject: BOA-22912 & BOA-22908

Board Of Adjustment Members,

There are concerns as Park View Place Addition to the City of Tulsa citizen neighbors. The concerns stem from an ongoing lack of traffic & parking enforcement which has been reported and not responded to by both City of Tulsa Police and Tulsa County Sheriff's departments. The response from each being "That is not our jurisdiction" numerous times over the last 3 years.

There is an accumulated 1331 documentary photos over this same period of numerous examples of potentially hazardous
parking and traffic conditions along West 5th Street South between 33rd West Avenue and 37th West Avenue involving truck/trailer deliveries to or pick ups from the petroleum business in this corridor described.

Due to constraints imposed by the internet service provider, only 7 of those 1331 are included, each is dated and time stamped.

Complaints are: vehicles parked opposing traffic in areas with "NO PARKING" signs posted; vehicles parked in areas along traffic paths with "NO PARKING" signs posted; vehicles traversing/traveling 5th Street South into the neighborhood west of 37th West Avenue, ignoring a "NO VEHICLES OVER THREE AXLES" clearly posted sign; vehicles parked simultaneously with and opposed to traffic flow in areas which are posted "NO PARKING" & vehicles parking on property not designated nor designed for parking.

These issues will not correct themselves. The concerns of public safety and potential environmental hazards or disasters must be a priority.
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BOARD OF ADJUSTMENT
CASE REPORT

Case Number: BOA-22914

HEARING DATE: 06/09/2020 1:00 PM

APPLICANT: Token Wellness

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

LOCATION: 504 E 11 ST S

ZONED: CBD

PRESENT USE: Vacant

TRACT SIZE: 5580.06 SQ FT

LEGAL DESCRIPTION: S45.31 LT 1 BLK 2, ELM PARK ADDN

STAFF COMMENTS: The applicant is requesting a 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.

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

The applicant provided the nearest dispensary as The Flower Shop, located 621 S Kenosha Ave, which is 1,648.04’ 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 11th Street

Facing East on 11th Street, Subject property is the building with the wall sign that says Zen Leaf.
Nearest Dispensary: The Flower Shop Dispensary, 621 S Kenosha Ave, Tulsa

Proposed Location: 504 E 11th Street, Tulsa
Legal Description: S45.31 LT1 BLK2

Also known as: 504 East 11th Street, Tulsa OK 74120

504 E 11

Canopy 452.5 SF

WH 12'

61'
Applicant: Token Wellness

Action Requested: Verification of the 1,000 spacing requirements for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).

Location: 504 E 11th Street

Zoned: CBD

Present Use: Vacant

Tract Size: 5,580 sq. ft.

Legal Description: S45.31 LT 1 BLK 2, Section: 12  Township: 19  Range: 12, ELM PARK ADDN

Applicant comments: The nearest dispensary is 1,500’ away, located North of the proposed location, at 621 S Kenosha Ave, Tulsa OK 74120 (The Flower Shop Dispensary).

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.
**ZONING CLEARANCE PLAN REVIEW**

April 27, 2020

<table>
<thead>
<tr>
<th>LOD Number:</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kathy Hartwell</td>
<td></td>
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<tr>
<td>1831 E. 71st St., Suite 306</td>
<td></td>
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<tr>
<td>Tulsa, OK 74136</td>
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</tbody>
</table>

**APPLICATION NO:** **ZCO-059339-2020**

**(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)**

<table>
<thead>
<tr>
<th>Location:</th>
<th>504 E. 11th St.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description:</td>
<td>Medical Marijuana Dispensary</td>
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**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.** *(SEE #2, BELOW)*

**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. **PURSUANT TO FEDERAL, STATE, AND LOCAL DECLARATIONS OF EMERGENCY ARISING FROM THE COVID-19 THREAT AND AS DIRECTED BY THE ADMINISTRATION, OUR OFFICE IS CLOSED TO THE PUBLIC UNTIL FURTHER NOTICE. PAPER SUBMITTALS (INCLUDING REVISIONS AND ADDENDUM) FOR ANY PROJECT IS NOT ACCEPTED AT THIS TIME. IF SUBMITTING REVISIONS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS, EMAIL THE REVISED PLANS TO COTDEVSVCS@CITYOFTULSA.ORG OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT HTTPS://TULSAOK.TYLERTECH.COM/ENERGOV4934/SELFSERVICE. YOU WILL NEED TO REGISTER ON THE PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO.**

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

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

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

1. Sec. 40.225-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 BOA will begin taking applications May 1, 2020 for June hearings.

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.
Proposed Location:
504 E 11th Street, Tulsa
BOARD OF ADJUSTMENT
CASE REPORT

STR: 0214
CZM: 21
CD: 1
HEARING DATE: 06/09/2020 1:00 PM

APPLICANT: Jackie Berryhill

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

LOCATION: 4538 N MARTIN LUTHER KING JR BV E ZONED: CS

PRESENT USE: Commercial TRACT SIZE: 18495.65 SQ FT

LEGAL DESCRIPTION: LOT-1-2-BLK-26, VALLEY VIEW ACRES

STAFF COMMENTS: The applicant is requesting a 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.

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

The applicant provided the nearest dispensary as Gibbs Green Dispensary, located 4604 N Peoria Ave, which is 1 mile 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 North on MLK

Facing South on MLK
Subject Property
2 min (1.0 mi)

Fastest route, the usual traffic
ZONING CLEARANCE PLAN REVIEW

March 8, 2020

Phone: 918-764-0308

BLDC-054223-2020

(please reference this number when contacting our office)

Location: 4538 Martin Luther King Blvd.

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) 584-9001. 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 online, 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.gov 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

BIDC-05423-2020 4538 Martin Luther King Blvd. March 6, 2020

Note: As provided for in Section 79.130 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 918-584-7525. 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.

Section 40.225 Medical Marijuana Uses

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-I: 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 918-584-7525.

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 deficiency 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.
HEARING DATE: 06/09/2020 1:00 PM

APPLICANT: Katina Walker

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

LOCATION: 2005 S 129 AV E, SUITE A

PRESENT USE: Vacant

ZONED: CS

TRACT SIZE: 22498.83 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 1, PLAZA HILLS CENTER

STAFF COMMENTS: The applicant is requesting a 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.

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

The applicant provided the nearest dispensary as Fuego, located 11420 E. 20th Street, which is 4,776’ 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.
Subject Property

Facing North on 129th E. Ave.
Facing South on 129th E. Ave.
PREME CANNABIS CO.
2005 S. 129th E. Ave
Tulsa, OK 74108

Proof of distance from another dispensary:

Nearest Dispensary located at 11420 E. 20th Street
= 4,776 feet away, easily exceeding the 1,000 foot minimum distance requirement.
ZONING CLEARANCE PLAN REVIEW
March 23, 2020
Phone: (918) 892-0606

LOD Number: 1
Katina Walker
2006 S. 129th E. Ave., Suite A
Tulsa, OK 74108
APPLICATION NO: BLDC-056216-2020
(Location: 2006 S. 129th E. Ave., Suite A
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

Pursuant to Federal, State, and Local declarations of emergency arising from the Covid-19 threat and as directed by the Administration, our office is closed to the public until further notice. We will continue providing service via remote working. Please bear with us as we go through this together.

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 TO cotedevsvcs@cityoftulsa.org, 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 THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOC CAN BE FOUND ONLINE AT WWW.TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.

4. A COPY OF A “RECORD SEARCH” IS INCLUDED WITH THIS LETTER. PLEASE PRESENT THE “RECORD SEARCH” ALONG WITH THIS LETTER TO INCOC STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOC. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOC STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above)

(continued)
REVIEW COMMENTS


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 BOA Planner at the Tulsa Planning Office at 918-684-7526 or esubmit@incoh.org. 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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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-I: 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 BOA Planner at the Tulsa Planning Office at 918-684-7526 or esubmit@incoh.org.

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.
Notes

1. Revised name of processing room to "Hallway"
2. Widening bedroom door to 3'0".
3. Wall are 5/8" thickness made of concrete/metal.
4. Ceiling based on store policy one person per every 60'².

Floor Plan
Scale = 1:100

Legend
- Emergency Exit Sign
- Emergency Light
- Smoke Detector
- Fire Extinguisher

Notes
- Fire Extinguishers on site
- Smoke Detectors
State of Oklahoma

License Certificate

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

PREME CANNABIS COMPANY, LLC

2005 S 129TH EAST AVE., TULSA, OK, 74108

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. § 429A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 510, CHAPTER 851L. THE LICENSE IS
SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND
RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

05/19/2020

LICENSE NUMBER:
DAAA-4JB6-1X4N

DO NOT COPY

TOM BAILEY
Interim Commissioner
Oklahoma State Department of Health
Note: Graphic overlays may not precisely align with physical features on the ground.
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 0331                                      Case Number: BOA-22918
CZM: 29
CD: 1
HEARING DATE: 06/09/2020 1:00 PM

APPLICANT: MD Al-Amin

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

LOCATION: 1004 N UTICA AV E, UNIT B            ZONED: CS
PRESENT USE: Vacant                             TRACT SIZE: 8002 SQ FT

LEGAL DESCRIPTION: E 80' LT 12 & E 80' LT 13 BLK 1, INGRAM-LEWIS ADDN

STAFF COMMENTS: The applicant is requesting a 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.

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 the nearest dispensary as Good Greens, located 1333 N. Utica which is 2,415 ft away.

SAMPLE MOTION:

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

Facing South on Utica
Subject Property
BOA-22918

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

Aerial Photo Date: February 2018

1000' Radius

1004 N UTICA AVE
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STR: 9332
CZM: 47
CD: 9
Hearing Date: 06/09/2020 1:00 PM

Applicant: JCW Development LLC

Action Requested: Verification of the 300' spacing requirement for a plasma center from plasma centers, day labor hiring centers, bail bond offices, pawn shops, and package stores (Section 40.300-A&B)

Location: 5130 S Harvard Ave
Zoned: CS
Tract Size: 113848.88 SQ FT

Legal Description: S41.33 E211 LT 1 & ALL LT 2 LESS N15 W230.30 THEREOF & LESS BEG NEC LT 1 TH S118.38 W2.96 NW119.23 E17.16 POB FOR RD BLK 1, SOUTHEAST CENTER RESUB L1 AVERY WOODLAND ACRES

Staff Comments: The applicant is requesting a Verification of the 300' spacing requirement for a plasma center from plasma centers, day labor hiring centers, bail bond offices, pawn shops, and package stores (Section 40.300-A&B)

Section 40.300 Plasma Centers, Day Labor, Package Stores, Bail Bonds, Pawn Shops
The supplemental use regulations of this section apply to all plasma centers, day labor hiring centers, package stores, bail bond offices and pawn shops.

40.300-A Plasma centers, day labor hiring centers, package stores, bail bond offices and pawn shops must be separated by a minimum distance of 300 feet, provided that bail bond offices located within the CBD district are not subject to this separation requirement.

40.300-B For uses established after July 1, 2001, the separation distance requirement of 40.300-A must be measured in a straight line from the nearest perimeter wall of the portion of the building occupied by one of the subject uses to the nearest perimeter wall of the portion of the building of any other subject use.

Included in your packet are exhibits provided by the applicant showing compliance with the spacing requirement. Additionally included in your packet is an inventory of uses within 300' of the proposed plasma center.

Sample Motion:
I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing to permit the plasma center subject to the action of the Board being void should another package store or other conflicting use be established prior to the establishment of this package store.
Facing East immediately across Harvard Ave. There is a package store that is visible though it is not within 300' of the subject tenant space.

Facing South on Harvard
ZONING CLEARANCE PLAN REVIEW  

April 1, 2020  

LOD Number: 1  
Wendy Nichols  
100 Tower Drive  
Beaver Dam, WI 53916  

APPLICATION NO: ZCO-057065-2020  
(Please reference this number when contacting our office)  
Location: 5130 S. Harvard  
Description: Plasma Center  

INFORMATION ABOUT SUBMITTING REVISIONS  

Our review has identified the following code omissions or deficiencies in the project application forms, drawings, and/or specifications. The documents shall be revised to comply with the referenced code sections.  

Revisions need to include the following:  

1. A copy of this deficiency letter  
2. A written response as to how each review comment has been resolved  
3. The completed revised/additional plans form  
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.** (See #2, below)  

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. **Pursuant to federal, state, and local declarations of emergency arising from the COVID-19 threat and as directed by the administration, our office is closed to the public until further notice. Paper submittals (including revisions and addendum) for any project is not accepted at this time. If submitting revisions for applications that previously utilized paper plans, email the revised plans to COTDEVSVCS@CITYOFTULSA.ORG or submit electronic plan revisions on the Portal at HTTPS://TULSASK.ITYLERTECH.COM/ENERGOV4934/SELFSERVICE. You will need to register on the Portal if you have not previously done so.**  
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)
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.

Sec.40.300-A & B: Plasma centers...must be separated by a minimum distance of 300 feet. For uses established after July 1, 2001, the separation distance requirement of Sec.40.300-A must be measured in a straight line from the nearest perimeter wall of the portion of the building occupied by one of the subject uses to the nearest perimeter wall of the portion of the building of any other subject use.

Review comment: Submit a spacing verification reviewed and accepted by the BOA per Sec.70.110 that demonstrates compliance with Sec.40.300-A & B.

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.
Case # BOA-22919

Hello,

As a homeowner and parent in the South Creekside neighborhood I am strongly opposed a plasma center, pawn shop, bail bond office and day labor hiring center doing business out of the old hobby lobby building on Harvard. Eisenhower International School, is less than a mile and an easy walk away from that building. My children play at the splash pad and playground at Manion park, and I feel very uncomfortable knowing that those businesses are less than a 15 minute walk away. Those services do not serve this neighborhood well and will take away from our property values, as well as the level of safety that I as a home owner and mother feel.

I strongly ask that you think about the home owners in this area and hear our voice and concern.

My name is Monica Winn and my address is
2709 E 61st St, Tulsa, OK 74136
To whom it may concern:

I am a homeowner and resident of the South Creekside neighborhood and strongly opposed to the businesses seeking to enter the old Hobby Lobby building, including a plasma center, pawn shop, bail bond office and day labor hiring center. I am honestly shocked that these businesses are considering entering this location. They truly do not fit the character of the neighborhood. We already have a good deal of foot traffic that makes our family feel unsafe at times. This will only heighten that sense, as well as serve to decrease the property values of these historic neighborhoods.

In addition, the business location is one mile away from Southern Hills Country Club where the PGA Championship will be held in 10 years. This is not the direction that the neighborhood should be headed, especially when national attention is on the horizon.

Please consider my voice added to the opposition.

Tyler Winn
2709 E 61st St, Tulsa, OK 74136
This carport was constructed without authorization from the city of Tulsa. The carport is basically ugly and doesn't fit the other properties on 74th St. So now the property owner wants to get permission to construct a longer and higher and probably uglier carport?? This will lower property values on 74th St. In the past the owner ran a business out of his garage which violates our zoning codes!! I have lived on my property over 40 years and this is the only carport between 15th St and 19th St and property values will drop if this request is approved.

OBJECT TO THIS TO THIS REQUEST

Scattergood
1544 S 74th E Ave
Tulsa, OK 74112
918-406-6361

William
I am writing to request that the plan to bring in a plasma center, day labor facility, and bail bond store should not be located at 51st and Harvard. Those stores will not serve the neighbors who live close to that location. I will be attending the city Council meeting on June 9 and I will bring neighbors. There will be many who are opposed to this business coming to our area. Please consider the neighbor’s desires. It would be better for our neighborhood for that storefront to stay empty than for this set of businesses to be there. Thank you for your consideration.

Shana Ramirez
5235 S Columbia Place, Tulsa, OK 74105
918-932-0260

Sent from my iPhone
To Whom It May Concern,

I understand that there is a hearing on June 9 that will allow the Hobby Lobby at 51st & Harvard to be used for bail bond offices, pawn shops, Plasma center, etc. We are AGAINST such a measure that would allow these type of business so near our neighborhood which includes schools, churches, parks, etc. with young children and families. Although we would like to see this building occupied we are very much OPPOSED to these type of businesses so near our homes, families, children, schools and churches. These business are NOT businesses that would serve our neighborhood well. Thank you.

Sharon Anthamatten
2726 E. 59th St
Tulsa, OK 74105
918-697-5965
In regard to using this property for a Plasma Collection site, bail bonds, pawn shop, etc.

A neighborhood is a group of people and businesses that support each other to everyone's betterment. What will this out of state business contribute to this part of town? I do not see it giving back to the neighborhood in anyway. It does not contribute to our welfare, our schools, our businesses or our houses of worship. I do see it as a place people of the neighborhood will want to avoid. I do not see the proposed as a benefit to anyone except themselves.

I am against the approval of this property for the reasons requested by those submitting the application for approval.

Thank you,

Judith Bridwell
4426 E. 58th Place S.
Tulsa, OK. 74135

Judy Bridwell
We are homeowners in the South Creekside neighborhood and are opposed to this development.

Monte Harrison
2773 East 56th place
Tulsa ok 74105

Monte Harrison | Jason's Deli
| monte.harrison@jasonsdeli.com
To Whom It May Concern,

My son attends Eisenhower International and is entering the 1st grade in the fall. We have five more years at this school, which is currently in a nice, safe neighborhood where we, as parents and children alike, currently feel safe. The adjoining park, splash pad, and tennis courts (Manion Park) also provide a safe environment, with no loiterers, vagrants, or vandalism that I have ever seen or been aware of. Upon hearing there is an applicant for the space previously occupied by Hobby Lobby that will include plasma centers, day labor hiring centers, bail bond offices, pawnshops, and package stores, I became outraged. The clientele of the majority of those businesses should be nowhere near a school, especially a grade school, and my family and I are fully against it. Please consider the ramifications those businesses would have on the surrounding area, where children play, learn, have soccer practice, etc. There are open fields and a lovely park near the school which are currently clean and safe, but sadly would be ideal for the same crowds that frequent bail bond offices and pawnshops to loiter and completely alter the safe space for these children. With the cards already stacked against our children with overcrowded and underfunded classrooms, please do not expose the outdoor space to unsafe characters and add one more obstacle for these children to overcome. We rely on this city to protect our children even with the limited resources they have and I, for one, will consider the acceptance and approval of this application to be in direct violation of this trust. Please put the children and their well being first and deny the application of JCW Development, LLC.

Sincerely,
Jennifer Todd

4224 E 78th Street
Tulsa, OK 74136
Good Afternoon,

Recently, I have been made aware of the proposed development referenced in the subject line. I am of the opinion that not only does this development not serve the neighborhood but is potentially detrimental due to the nature of the business and their proximity to an elementary school. I am a parent of an Eisenhower student and have concerns regarding the traffic and clientele likely to frequent these businesses. I urge you to consider the safety of the children and the sanctity of the South Creekside Neighborhood when making this decision and be guided by what is in their best interests.

Thank you,

Steve Wilson
1137 E. 53rd Place
Tulsa, OK 74105
It was recently brough to my attention that there was a plan to develop the area where the old Hobby Lobby was at 51st and Harvard into a center to include Plasma donation, pawn shop, bail bond and day labor hiring center. While I understand that these are important facilities, I do not believe that this is the appropriaite area for them. The proximity to my 8 year old son's school makes me incredibly upset and I would very much like to express my concern with this plan. There are many other areas of town where these services might be better received and actually have an impact on the people who need to use them. Bringing these types of services so near to a school seems like a very irresponsible use of the property and jepordizes the the safety of the children in the area. I would like to urge you to reconsider what you are planning to use this property for and consider the families who live in the area and the families of children who attend school in the area.

Thank you for your time and consideration.

Sarah Dyer - Parent of an Eisenhower student
3838 S 91st E Ave
Tulsa, OK 74145
To whom it may concern,

Halt the addition of the Plasma Center, Pawn Shop, Bail Bond office and Day Labor Hiring Center at the old Hobby Lobby location at 51st & Harvard. This will be to the detriment of the entire neighborhood.

A frequently voting taxpayer.

5215 S Harvard Ave
Apt G
Tulsa OK 74135

Sent from Outlook

Virus-free. www.avast.com
Sirs and Madams,

It has been brought to our attention that a Variance is going to be discussed at a meeting on June 9, 2020 regarding the above mentioned location. I would at this time like to register an objection to Case # BOA-22919.

Our neighborhood is strongly family oriented. We have 4 churches, 3 schools and a neighborhood park that is well utilized by children, parents and seniors. There are tennis and basketball courts, playground equipment, splash pad and a walking track. We have neighborhood meetings, picnics and other events frequently.

The biggest concern with the planned changes would be the lack of benefit to our neighborhood community the encouragement of other elements. We are not located near a courthouse for bail bonding to be efficient. We would not utilize a pawnshop for neighborhood purchases or pawning. A blood bank would not be a deal breaker but as a nurse I have been associated with situations where they attract individuals who loiter and in some cases donate plasma at every opportunity.

Having lived here for 35 years we have witnessed the problems associated with the development of the low income housing at 61 and Peoria. When Mr. Cowen, god rest his soul, built this development we experienced a great hardship. Our homes have been burglarized, property stolen from yards and even open garage doors with repairmen in the house. Our schools were less safe and loitering in the park made it impossible to feel safe at times. The 'big kids' from the development coming and taking over the park made it unsafe for the neighborhood kids at certain times of the day. We have found drug paraphernalia and trash in the parking area and trash overflowing from the disposal bend.

Based on these problems a neighborhood group was established. A Neighborhood Watch Program developed and monies collected for improvements and security. All neighbors have begun to install and keep yard lights on at night and motion sensors during the day. We are doing our best to provide a safe and secure environment.

We live in this neighborhood, love this neighborhood and are invested in keeping it safe. Please do not make it impossible for us to maintain our homes in beauty, safety and property value. This is a request that you consider our neighborhood as you would your own and protect our children as you would yours.

Please send me the information needed to attend your meeting on June 9, 2020. Time and location will be distributed to our neighbors as we have a vested interest in the outcome.

Linda Williams
2769 E 56th Place
918-605-9259
I'm writing in concerning the zoning for a proposed Plasma Center in the old Hobby Lobby building at 5130 S Harvard Ave. While it may be outside the 300ft spacing requirement from the liquor store, it is just right across the street. It would also be right across the street from a bridge that commonly sees vagrants living underneath it already. On the other side of that bridge is a QuikTrip that has issues with vagrants already as well. It's an incredibly busy intersection that would become a magnet for people that do not live in the area. It's a bad location for this business and would be bad for the school and park right next to the location as well.

A liquor store you can clearly see from the lot, the city's largest liquor store a mile down the road, 2 Quiktrips and an overpass already overrun with homeless. It's an incredibly irresponsible spot to put that kind of business in and actively harms the surrounding community. It serves no purpose to the people that actually live in the area. I ask that you reject this application for the sake of our community.

Curtis Combs
2710 E 56th Pl
Tulsa, OK 74105
To Whom It May Concern:

I have been an owner of a condominium at Royal Oaks for years. Over time, the area has become more crime ridden and the property has significantly decreased in value. Additionally, there is a huge concentration of people residing in that area because of the surrounding apartment complexes.

We do not need added noise, crime and increased traffic in that area that an entertainment hall serving alcohol will likely bring. Please do not allow the special exception to the zoning ordinance.

Thank you,
Teri Shaffer

918.519.6849
I ask the Board of Adjustment reconsider allowing a plasma center, day labor hiring center, bail bond office, pawn shop, package stores from opening at 5130 S. Harvard Ave E in Tulsa. As a resident in the area and a regular visitor to stores in that area, I am concerned the operations will create undue hardship on the residents and visitors.

This area is not a current hot spot for patrons of these businesses and placing them in this location only requires the city to find transportation from areas they inhabit. It does not make sense to have a business in a location that does not have a ready made customer base and rely on daily transportation from external areas for support.

An elementary school and two churches share this area with many businesses that cater to young and elderly people alike. Urban Air is a relatively new business that is frequented by children and opening the area up to the crowds typically associated with plasma centers, pawn shops, day labor centers, and bail bonds would likely impact their business unfairly as they try to recover from the current COVID-19 crisis. Adding these on top would likely end their business as parents will choose to stay away.

I ask the Board of Adjustment refuse the application and offer alternative locations that would make more sense for those businesses as well as their patrons.

Thank you,

Kyle Brown
From: 1946garyc@gmail.com  
Sent: Wednesday, June 3, 2020 9:14 AM  
To: esubmit  
Subject: Case # BOA-22919

I am inquiring about the hearing on 6-9-2020 on Case # BOA-22919. I don’t think we have time to get our documents in time for the hearing. We received the letter on Friday afternoon 5-29-2020. Can this hearing be tabled until next month?

THANKS

Gary M. Connelly  
Harvard Park Village  
5205 S. Harvard Ave.  
Unit # 114  
Tulsa, Ok 74135  
918-605-5538
Dear Board of Adjustments - I would like to share my concerns with the proposed use of a portion of the former Hobby Lobby store at 5130 S. Harvard being utilized as a plasma center. While I fully support the good intentions of voluntary blood donation, a "paid" donation center usually presents a different clientele and outcome. I realize some of our community members need income and do so through selling blood, but we also need to acknowledge this often includes people with addiction and homeless issues.

As you may be aware, this location is near two senior living communities and those neighbors frequently patronize the SteinMart store next door. A plasma center which shares the same parking lot with a department store, is not congruent to successful business. It may be a detraction for senior shoppers, as well as the general public, if there are people loitering in the area. We also do not need to endanger any of our senior citizens with an increased possibility of being approached for money, car theft, shoplifting, etc. If the SteinMart store closes, our seniors will have lost their nearest and most accessible department store.

Additionally, the underpass at 51st & Harvard, the QuikTrip the Starbucks and the BestWestern have already experienced many issues with pandering, loitering, drug activity and theft. Some of that activity has spilled over into the southern portions of my neighborhood, Villa Grove. We have also had many vagrancy and theft issues relating to the vacant/empty buildings along the access road along I-44. Adding yet another business that can be a gathering point for all of these elements is not the highest and best use of the property. Considering the many available buildings surrounding the downtown area, it would seem the plasma center would be more suited to a location in that area near the main bus terminal and the agencies serving our homeless population.

Again, I wish we did not have to consider these issues in our community, but unfortunately they are a reality. Thank you for allowing me to share these concerns and for your thoughtful consideration in your decisions.

Shanna Marlow-Wallis
4424 S. Gary Ave.
Tulsa, OK 74105
918-629-9127
Thank you for your response. If I am understanding your response correctly a plasma center, which is what is proposed to fill that space, can’t be within 300’ feet of a liquor store. That location is directly across the street from a liquor store so wouldn’t that be grounds for an objection?

On Tue, Jun 2, 2020 at 12:41 PM Chapman, Austin <AChapman@incog.org> wrote:

Good afternoon,

This application is for a single plasma center that is verifying that it is not within 300’ of the other uses listed. The Board doesn’t have the ability to deny the application because it is objectionable, they can only deny this application if there is a Plasma Center, Bail Bonds Office, Pawn Shop, Package Store (Liquor Store) or Day Labor Center within 300’ of the proposed Plasma Center. The subject tract is zoned Commercial-shopping (CS) and that use is allowed by right, you may view the application at the link below:

www.tulsaplanning.org/cityboa/cases/BOA-22919.pdf

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 {(918) 596-9456}
From: Sarah Dyer <sarah.dyer2176@gmail.com>
Sent: Tuesday, June 2, 2020 12:39 PM
To: esubmit <esubmit@incog.org>
Subject: Case # BOA-22919

It was recently brough to my attention that there was a plan to develop the area where the old Hobby Lobby was at 51st and Harvard into a center to include Plasma donation, pawn shop, bail bond and day labor hiring center. While I understand that these are important facilities, I do not believe that this is the approporatae area for them. The proximity to my 8 year old son's school makes me incredibly upset and I would very much like to express my concern with this plan. There are many other areas of town where these services might be better received and actually have an impact on the people who need to use them. Bringing these types of services so near to a school seems like a very irresponsible use of the property and jeopardyes the the safety of the children in the area. I would like to urge you to reconsider what you are planning to use this property for and consider the families who live in the area and the families of children who attend school in the area.

Thank you for your time and consideration.

Sarah Dyer - Parent of an Eisenhower student

3838 S 91st E Ave

Tulsa, OK 74145
BOA-22919

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

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

Case Number: BOA-22923

STR: 9310
CZM: 38
CD: 5
HEARING DATE: 06/09/2020 1:00 PM

APPLICANT: Corey Avington

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

LOCATION: 5529 E 15 ST S
ZONED: IM

PRESENT USE: Commercial
TRACT SIZE: 20381.81 SQ FT

LEGAL DESCRIPTION: BEG 40N & 128.19W SECR SE NW TH W207.39 NE47.69 NE81.05 NE30.60 NE57.09 NE51.18 NE13.47 S TO POB SEC 10 19 13 0.468 AC,

RELEVANT PREVIOUS ACTIONS: Subject property: None.

Surrounding properties:

BOA-22933: This request is currently pending as of the writing of the staff report, though it will appear on the agenda after the subject case being heard. The applicant in this case is requesting a Verification of the 1,000' spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary or in the alternative a Variance of 1,000' spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary. Property located 5508 E. 15th Street. This property is approximately 570' away from the subject property.
STAFF COMMENTS:
The applicant is requesting a **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.

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

The applicant provided the nearest dispensary as Red Eye 420, located 1525 S. Sheridan Road, which is 3,046.81' 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 15th Street

Subject Property
Facing East on 15th Street
CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER
TEL (918)596-9688
cange@cityoftulsa.org

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

ZONING CLEARANCE PLAN REVIEW

April 27, 2020

COREY AVINGTON
5529 E 15 ST
TULSA, OK 74112

APPLICATION NO: COO-058971-2020
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

LOCATION: 5529 E 15 ST
DESCRIPTION: Medical Marijuana Dispensary

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. PURSUANT TO FEDERAL, STATE, AND LOCAL DECLARATIONS OF EMERGENCY ARISING FROM THE COVID-19 THREAT
AND AS DIRECTED BY THE ADMINISTRATION, OUR OFFICE IS CLOSED TO THE PUBLIC UNTIL FURTHER NOTICE.
PAPER SUBMITTALS (INCLUDING REVISIONS AND ADDENDUM) FOR ANY PROJECT IS NOT ACCEPTED AT THIS TIME. IF
SUBMITTING REVISIONS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS, EMAIL THE REVISED PLANS TO
COTDEVSVCS@CITYOFTULSA.ORG OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT
HTTPS://TULSAOK.TYLERTECH.COM/ENERGOV/4934/SELSERVICE. YOU WILL NEED TO REGISTER ON THE PORTAL
IF YOU HAVE NOT PREVIOUSLY DONE SO.
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

| COO-058971-2020 | 5529 E 15 ST | April 27, 2020 |

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 Austin Chapman at Achapman@incog.org.

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.
BOA-22923

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

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9302
CZM: 38
CD: 3
HEARING DATE: 06/09/2020 1:00 PM

APPLICANT: Brent Barnes

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

LOCATION: 7839 E ADMIRAL PL N

ZONED: CH

PRESENT USE: Commercial

TRACT SIZE: 22742.77 SQ FT

LEGAL DESCRIPTION: LT 5 LESS S30 & LESS BEG NWC LT 5 TH S408 ELY126.68 N419 W126 POB FOR STS, BLOOMFIELD HGTS

ANALYSIS OF SURROUNDING AREA: The subject tract is located West of the NW/c of N. Memorial Ave. and E. Admiral Pl.

STAFF COMMENTS:

The applicant is requesting a 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.

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

The applicant provided the nearest dispensary as House of Bud, located 6914 E. Admiral Pl., which is 3,192.72’ away.

Staff is aware that there has been a building permit issued at 7498 E Admiral P. S. for a dispensary that is approximately 750’ away from the subject dispensary. Per City of Tulsa permitting this dispensary received their license prior to December 1st, 2018 and is not subject to the 1,000’ spacing requirement. A copy of that license is included in your packet. At the time of the report the dispensary was not yet operating and had not received their final Certificate of Occupancy.
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 Admiral Pl.

Facing East on Admiral Pl.
Subject Property
ZONING CLEARANCE PLAN REVIEW

May 4, 2020

Phone: 918-492-2993

LOD Number: 1
Brent Barnes
7030 S. Yale Ave., Suite 104
Tulsa, OK 74136

APPLICATION NO: ZCO-059889-2020
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 7839 E. Admiral Pl.
Description: Medical Marijuana Dispensary

INFOGRAPHIC 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.** (SEE #2, BELOW)

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

IMPORTANT INFORMATION

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3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT WWW.TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-596-7528 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
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 BOA Planner at the Tulsa Planning Office at 918-584-7526 or esubmit@incoq.org. 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 BOA Planner at the Tulsa Planning Office at 918-584-7526 or esubmit@incoq.org.

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

HERBAL JUNCTION MARKET LLC

7498 E. Admiral Pl, Tulsa, OK, 74115

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE BUSINESS HAS COMPLIED WITH THE REQUIREMENTS OF TITLE 63 O.S. § 423A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 360 CHAP 1460. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

09/23/2019

LICENSE NUMBER:
DAAA-NKGI-3CRN

DO NOT COPY

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health
Measure distance
- Total distance: 3,192.72 ft (973.14 m)

- House of Bud -
VIA EMAIL
City of Tulsa Board of Adjustment
c/o Tulsa Planning Office
Attn: Austin Chapman
tchapman@incog.org

Re: BOA-22925 and BOA-22926

Dear Members of the Board:

Herbal Junction owns a dispensary located at 7498 E. Admiral Place, just south to the east and west of the proposed dispensary locations at 7839 and 7435 E. Admiral Place (BOA-22925 and BOA-22926, respectively). Herbal Junction has approved building plans from the City of Tulsa and is finishing its renovations to obtain its Certificate of Occupancy. Renovations are expected to be completed within a week’s time with the dispensary slated to open on or around June 11, 2020. A copy of the approved building permit is enclosed herein.

Herbal Junction’s state dispensary license was issued prior to December 1, 2018 and thus did not require approval a spacing verification pursuant to Section 40.225-I of the Tulsa Zoning Code. Herbal Junction received its Certificate of Compliance to renew its state license from the City of Tulsa on October 18, 2019. A copy of the Certificate of Compliance is also enclosed.

The proposed dispensaries are located within 1000 feet of Herbal Junction. Therefore, we respectfully request the Board deny both applications to verify spacing for the proposed dispensaries at 7839 and 7435 E. Admiral Place.

Sincerely,

ELLER & DETRICH
A Professional Corporation

Nathalie Cornett

June 2, 2020
**CITY OF TULSA**

### Building Permit - COMMERCIAL

**Permit Number**: BLDC-047110-2019  
**Date Issued**: 2/12/2020  
**Building Official**

<table>
<thead>
<tr>
<th>Construction Address: 7498 E ADMIRAL PL N - TOMMY-LEE ADDN</th>
</tr>
</thead>
</table>
| **Work Class**: Alteration  
**Contractor**: |  
**Address**: |  
**EROSION CONTROL** |
Where construction disturbs the earth, a Placement of Erosion Control Inspection (PEC) must be requested by the responsible party and approved by the Building Inspector BEFORE further work.  
This permit is subject to compliance with all applicable codes and City ordinances and can be cancelled for failure to comply with any applicable construction standard or for failure to comply with any applicable WIN construction Schedule or WIN Letter of Understanding.

<table>
<thead>
<tr>
<th><strong>Building ISupit</strong></th>
</tr>
</thead>
</table>
| **Building Code**: IBC 2015, IEBC 2015  
**Fire Wall**: Yes  
**Permit Area**: 2,566  
**FRTW**: No  
**Alarm**: Yes  
**Sprinkler Standard**: No  
**Use Group**: M Mercantile  
**Use/Permit Notes**: Alteration for Herbal Junction Dispensary |

<table>
<thead>
<tr>
<th><strong>Zoning C Lange</strong></th>
</tr>
</thead>
</table>
| **Zoning District**: CH  
**Required Parking**:  
**PUD Number**:  
**Screening Fence Required**: No  
**Allowable Building Height (ft)**:  
**Use/Permit Notes**: Use: Commercial/Retail Sales/Medical Marijuana Dispensary  
**Permit Notes**: |

<table>
<thead>
<tr>
<th><strong>W/S/D R Jordan</strong></th>
</tr>
</thead>
</table>
| **Cert of Elevation Req'd**: No  
**Floodplain**: No  
**IDP #**:  
**Permit Notes**: Approval of proposed alteration/interior build-out for commercial building at the address stated herein. No increase to impervious surface area or alteration to stormwater drainage system. Approval does not include permission for construction or encroachment of any kind upon City of Tulsa owned property, Rights-of-Way (ROW) or utility easements whether actual or planned. The development shall not create a public hazard upon any property within the City or in immediately adjacent areas through the obstruction, impairment, sedimentation, blockage or alteration of the stormwater drainage system. Signage and ROW requires separate permits. All construction must be compliant with Tulsa Revised Ordinances including Title 51 and Title 11.  
**Easements**: NPL (ft): 10.0  
**EPL (ft)**: 10.0  
**SPL (ft)**: 25.0  
**WPL (ft)**: 0  
**Required Setbacks**:  
Front:  
Rear:  
Left:  
Right: |
CERTIFICATE OF COMPLIANCE
FOR OMMA BUSINESSES

Instructions: This form is to be completed and submitted with the application or renewal of your OMMA business license. Your application or renewal will not be processed if the Certificate of Compliance is not completed and submitted.

Please visit HERE and type in the business address to determine whether the appropriate political subdivision to fill out and sign the form is the city or the county in which the business is located. After entering the address, the link provided will supply the information reflected in the EXAMPLE below. If the name of the city appears in the blank under the caption "City Name", then the city identified in the blank is the appropriate political subdivision to complete and sign the form. If the city name does not appear, but instead "UNINCORPORATED" appears in the blank under the caption "City Name", then the county is the appropriate political subdivision to sign and complete the form, and you should contact an appropriate county official, such as the Board of County Commissioners Chairperson.

EXAMPLE

---

APPLICANT INFORMATION

(Choose one) NEW APPLICATION  RENEWAL APPLICATION

Herbal Junction Market LLC

Business Name

License Type  GROWER  PROCESSOR  DISPENSARY  TRANSPORTER

DAAA-NKGI-3CRN

License #: (if applying for renewal)

7498 E. Admiral Pl.
Current Physical Street Address of Business

10928 S 93rd E. Pl.
Mailing Address of Business (if different from above)

City  Tulsa  OK  74115
State  Zip

City  Tulsa  OK  74133
State  Zip

Tulsa  randygcs@gmail.com
Email Address of Business

(918) 851-8508
Phone Number of Business

Name of Business Owner(s) separated by commas

Randy Hendrix

County in which Business is Located

CITY/COUNTY OFFICIAL INFORMATION

(Choose one)  CITY  COUNTY  Deputy Chief / Fire Marshal

Contact Name & Title

Email Address  asteeler@cityoftulsa.org

Phone Number  (918) 596-9422

Date Completed  OCT 3 1 2019

OMMA.ok.gov

17.12
COMPLIANCE CERTIFICATIONS

Based upon information provided by applicant(s) to the political subdivision at this time.

1. The proposed uses satisfy the political subdivision's applicable zoning classifications and ordinances.

☐ YES  ☐ NO  ☑ The political subdivision has no applicable codes for which to certify compliance at this time.

DATE: OCT 31 2019

Andy Teeter
Printed Name of Official
Fire Marshal
Title
Signature of Official

2. All applicable safety codes of the political subdivision are satisfied.

☐ YES  ☐ NO  ☑ The political subdivision has no applicable codes for which to certify compliance at this time.

DATE: OCT 31 2019

Andy Teeter
Printed Name of Official
Fire Marshal
Title
Signature of Official

3. Any other applicable fire codes of the political subdivision have been satisfied.

☐ YES  ☐ NO  ☑ The political subdivision has no applicable codes for which to certify compliance at this time.

DATE: OCT 31 2019

Andy Teeter
Printed Name of Official
Fire Marshal
Title
Signature of Official

4. All electrical, plumbing, waste (including environmental waste) codes required by the political subdivision have been satisfied.

☐ YES  ☐ NO  ☑ The political subdivision has no applicable codes for which to certify compliance at this time.

DATE: OCT 31 2019

Andy Teeter
Printed Name of Official
Fire Marshal
Title
Signature of Official

5. All applicable building or construction codes of the political subdivision have been satisfied.

☐ YES  ☐ NO  ☑ The political subdivision has no applicable codes for which to certify compliance at this time.

DATE: OCT 31 2019

Andy Teeter
Printed Name of Official
Fire Marshal
Title
Signature of Official

6. Any other ordinances/requirements of the political subdivision that are applicable at this time have been satisfied by the applicant.

☐ YES  ☐ NO  ☑ The political subdivision has no applicable codes for which to certify compliance at this time.

DATE: OCT 31 2019

If YES, Description of Requirement:

Andy Teeter
Printed Name of Official
Fire Marshal
Title
Signature of Official

7. And see, as applicable, the additional information provided by the political subdivision attached here:

☐ YES The political subdivision provided additional attachments.

☐ NO The political subdivision did not provide additional attachments.

OMMA.ok.gov

17.13
INSPECTION NOTICE

Herbal Junction Market LLC
7498 E ADMIRAL PL
Tulsa, OK 74103

The violations listed below were noted during an inspection on: October 29, 2019

INSPECTION NOTES:
On this date inspected for Code Compliance for OMMA License Renewal

Dispensary- Herbal Junction LLC. Dispensary - DAAA-NKGI-3CRN - Owner- Randy Hendrix-
(918)851-8508

The building is currently swept clean.
They currently do not have COO for a dispensary
The owner states he consulting with an architect and will be submitting plans for Change of Use.

No work has been done on the current Building Permit- 034340-2019- Building Permits Expire
6 months from last action.

Upon 2020 OMMA Renewal- Certificate of Compliance Inspection- If this Business has not received Certificate of Occupancy as a Dispensary CoC will be marked Non-Compliant

VIOLATIONS:
F 102.3 Change of use or occupancy

[A] Changes shall not be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the International Building Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all of the requirements of this code and the International Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.
A reinspection to determine compliance with this notice will be conducted on or after:

[Signature]

Seibel (Stoops), Adrienne
Inspector

Property Representative

Right To Appeal: Any person aggrieved by a decision of the code official may appeal the decision to the Building, Housing and Fire Prevention Appeals Board. The initiation of such an appeal shall be in writing and shall be filed with the Board no later than twenty (20) days after the code official's decision was served. For information on how to file an appeal please call 596-9422 and request an appeal process packet.

10/30/2019
1000' Radius

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

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9302
CZM: 38
CD: 3
HEARING DATE: 06/09/2020 1:00 PM

APPLICANT: Brent Barnes

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

LOCATION: 7435 E ADMIRAL PL N
ZONED: CH

PRESENT USE: Commercial
TRACT SIZE: 28780.21 SQ FT

LEGAL DESCRIPTION: PRT LT 13 BLOOMFIELD HGTS & A TRACT OF LAND BEG 30N & 30.5E SWC LT 13 BLOOMFIELD HGTS TH W126.5 N225.77 TO S R/W EXPY TH NE ALG R/W 126.53 TO PT 30.5E WL LT 13 TH S229.26 POB SEC 2 19 13 .50AC, BLOOMFIELD HGTS

ANALYSIS OF SURROUNDING AREA: The subject tract is located East of the NE/c of N. 73rd E., Ave. and E. Admiral Pl.

STAFF COMMENTS: The applicant is requesting a 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.

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

The applicant provided the nearest dispensary as House of Bud, located 6914 E. Admiral Pl., which is 1,885.91’ away.

Staff is aware that there has been a building permit issued at 7498 E Admiral P. S. for a dispensary that is approximately 850’ away from the subject dispensary. Per City of Tulsa permitting this dispensary received their license prior to December 1st, 2018 and is not subject to the 1,000’ spacing requirement. A copy of that license is included in your packet. At the time of the report the dispensary was not yet operating and had not received their final Certificate of Occupancy.
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.

REVISED 5/28/2020
Facing East on Admiral
ZONING CLEARANCE PLAN REVIEW

May 4, 2020

LOD Number: 1
Brent Barnes
7030 S. Yale Ave., Suite 104
Tulsa, OK 74136

APPLICATION NO: ZCO-059992-2020
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 7435 E. Admiral Pl.
Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

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

**END – ZONING CODE REVIEW**

**Note:** This constitutes a plan review to date in response to the submitted information associated with the above referenced application. Additional issues may develop when the review continues upon receipt of additional information requested in this letter or upon additional submittal from the applicant.

Keep our office advised of any action by the City of Tulsa Board of Adjustment or Tulsa Metropolitan Area Planning Commission affecting the status of your application for a ZONING CLEARANCE PERMIT.
State of Oklahoma

License Certificate

NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

HERBAL JUNCTION MARKET LLC

7498 E. Admiral Pl, Tulsa, OK, 74115

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULLFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 360 CHAPTER 666. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

09/23/2019

LICENSE NUMBER:
DAAA-NKGI-3CRN

DO NOT COPY

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health
Measure distance
- Total distance: 1,885.91 ft (574.82 m)

- House of Bud -
VIA EMAIL
City of Tulsa Board of Adjustment
c/o Tulsa Planning Office
Attn: Austin Chapman
achapman@incog.org

Re: BOA-22925 and BOA-22926

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Sincerely,

ELLER & DETRICH
A Professional Corporation

Nathalie M. Cornett

www.EllerDetrich.com
2727 East 21st Street, Suite 200, Tulsa Oklahoma 74114-3533
CITY OF TULSA

Building Permit - COMMERCIAL

Permit Number: BLDC-047110-2019
Date Issued: 2/12/2020
Building Official: [Signature]

Construction Address: 7498 E ADMIRAL PL N - TOMMY-LEE ADDN

Work Class: Alteration
Contractor:

EROSION CONTROL
Where construction disturbs the earth, a Placement of Erosion Control Inspection (PEC) must be requested by the responsible party and approved by the Building Inspector BEFORE further work.

This permit is subject to compliance with all applicable codes and City ordinances and can be cancelled for failure to comply with any applicable construction standard or for failure to comply with any applicable WIN construction Schedule or WIN Letter of Understanding.

Building Sup't
Building Code: IBC 2015, IEBC 2015
Fully Sprinklered: No
Partially Sprinklered: No
Fire Wall: 3,240
COO Required: Yes
Permit Area: 2,566
Special Inspections: No
Alarm: No
FRTW: Yes

Use Group
M Mercantile

Use/Permit Notes:
Alteration for Herbal Junction Dispensary

Zoning Change
Zoning District: CH
Required Parking:
Required Easements:
PUD Number:
MPD Number:
Screening Fence Required: No
Left:
Right:

Use/Permit Notes:
Use: Commercial/Retail Sales/Medical Marijuana Dispensary

Required Setbacks:
Front: Rear:

Cert of Elevation Req'd: No
Floodplain: No
IDP #:

Permit Notes:
Approval of proposed alteration/interior build-out for commercial building at the address stated herein. No increase to impervious surface area or alteration to stormwater drainage system. Approval does not include permission for construction or encroachment of any kind upon City of Tulsa owned property, Rights-of-Way (ROW) or utility easements whether actual or planned. The development shall not create a public hazard upon any property within the City or in immediately adjacent areas through the obstruction, impairment, sedimentation, blockage or alteration of the stormwater drainage system. Signage and ROW requires separate permits. All construction must be compliant with Tulsa Revised Ordinances including Title 51 and Title 11.
CERTIFICATE OF COMPLIANCE FOR OMMA BUSINESSES

Instructions: This form is to be completed and submitted with the application or renewal of your OMMA business license. Your application or renewal will not be processed if the Certificate of Compliance is not completed and submitted.

Please visit HERE and type in the business address to determine whether the appropriate political subdivision to fill out and sign the form is the city or the county in which the business is located. After entering the address, the link provided will supply the information reflected in the EXAMPLE below. If the name of the city appears in the blank under the caption “City Name”, then the city identified in the blank is the appropriate political subdivision to complete and sign the form. If the city name does not appear, but instead “UNINCORPORATED” appears in the blank under the caption “City Name”, then the county is the appropriate political subdivision to sign and complete the form, and you should contact an appropriate county official, such as the Board of County Commissioners Chairperson.

EXAMPLE

- If “City Name” shows a city, please contact your city official(s).
- If “UNINCORPORATED,” contact your county as listed under “county name.”

APPLICANT INFORMATION

[Fill in applicant information]

Herbal Junction Market LLC
Business Name

License Type
☐ GROWER ☐ PROCESSOR ☐ DISPENSARY ☐ TRANSPORTER

DAAA-NKGI-3CRN
License # (if applying for renewal)

7498 E. Admiral Pl.
City
Tulsa

Current Physical Street Address of Business
State
OK
Zip
74115

10928 S 93rd E. Pl.
City
Tulsa

Mailing Address of Business (if different from above)
State
OK
Zip
74133

Name of Business Owner(s) separated by commas
Randy Hendrix

Email Address of Business
randygcs@gmail.com

Phone Number of Business
(918) 851-8508

CITY/COUNTY OFFICIAL INFORMATION

[Fill in city or county official information]

Contact Name & Title
Andy Traylor

Date Completed
OCT 3 1 2019

Email Address
a.traylor@ci.tulsa.ok.us

OMMA.ok.gov

18:12
**COMPLIANCE CERTIFICATIONS**

Based upon information provided by applicant(s) to the political subdivision at this time.

1. The proposed uses satisfy the political subdivision's applicable zoning classifications and ordinances.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
<th>The political subdivision has applicable codes for which to certify compliance at this time.</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
</tbody>
</table>

   **Printed Name of Official:** Andy Teeter  
   **Title:** Fire Marshall  
   **Signature of Official:** A.C. Teeter  
   **DATE:** OCT 3 1 2019

2. All applicable safety codes of the political subdivision are satisfied.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
<th>The political subdivision has no applicable codes for which to certify compliance at this time.</th>
</tr>
</thead>
<tbody>
<tr>
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<td>☑</td>
<td>☐</td>
</tr>
</tbody>
</table>

   **Printed Name of Official:** Andy Teeter  
   **Title:** Fire Marshall  
   **Signature of Official:** A.C. Teeter  
   **DATE:** OCT 3 1 2019

3. Any other applicable fire codes of the political subdivision have been satisfied.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
<th>The political subdivision has no applicable codes for which to certify compliance at this time.</th>
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</tbody>
</table>

   **Printed Name of Official:** Andy Teeter  
   **Title:** Fire Marshall  
   **Signature of Official:** A.C. Teeter  
   **DATE:** OCT 3 1 2019

4. All electrical, plumbing, waste (including environmental waste) codes required by the political subdivision have been satisfied.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
<th>The political subdivision has no applicable codes for which to certify compliance at this time.</th>
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</table>

   **Printed Name of Official:** Andy Teeter  
   **Title:** Fire Marshall  
   **Signature of Official:** A.C. Teeter  
   **DATE:** OCT 3 1 2019

5. All applicable building or construction codes of the political subdivision have been satisfied.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
<th>The political subdivision has no applicable codes for which to certify compliance at this time.</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

   **Printed Name of Official:** Andy Teeter  
   **Title:** Fire Marshall  
   **Signature of Official:** A.C. Teeter  
   **DATE:** OCT 3 1 2019

6. Any other ordinances/requirements of the political subdivision that are applicable at this time have been satisfied by the applicant.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
<th>The political subdivision has no applicable codes for which to certify compliance at this time.</th>
</tr>
</thead>
<tbody>
<tr>
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<td>☑</td>
<td>☐</td>
</tr>
</tbody>
</table>

   **Printed Name of Official:** Andy Teeter  
   **Title:** Fire Marshall  
   **Signature of Official:** A.C. Teeter  
   **DATE:** OCT 3 1 2019

7. And see, as applicable, the additional information provided by the political subdivision attached here:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
<th>The political subdivision provided additional attachments.</th>
</tr>
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<tbody>
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<td>☐</td>
</tr>
</tbody>
</table>

   **Printed Name of Official:** Andy Teeter  
   **Title:** Fire Marshall  
   **Signature of Official:** A.C. Teeter  
   **DATE:** OCT 3 1 2019

---

OMMA.ok.gov
Herbal Junction Market LLC
7498 E ADMIRAL PL
Tulsa, OK 74103

The violations listed below were noted during an inspection on: October 29, 2019

INSPECTION NOTES:
On this date inspected for Code Compliance for OMMA License Renewal

Dispensary- Herbal Junction LLC. Dispensary - DAAA-NKGI-3CRN - Owner- Randy Hendrix-
(918)851-6508

The building is currently swept clean.
The building currently does not have COO for a dispensary.
The owner states he is consulting with an architect and will be submitting plans for Change of Use.

No work has been done on the current Building Permit- 034340-2019- Building Permits Expire 6 months from last action.

Upon 2020 OMMA Renewal- Certificate of Compliance Inspection- If this Business has not received Certificate of Occupancy as a Dispensary CoC will be marked Non-Compliant

VIOLATIONS:

F 102.3 Change of use or occupancy

[A] Changes shall not be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the International Building Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all of the requirements of this code and the International Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.
A reinspection to determine compliance with this notice will be conducted on or after:

[Signature]

Seibel (Stoops), Adrienne
Inspector

Property Representative

Right To Appeal  Any person aggrieved by a decision of the code official may appeal the decision to the Building, Housing and Fire Prevention Appeals Board. The initiation of such an appeal shall be in writing and shall be filed with the Board no later than twenty (20) days after the code official's decision was served. For information on how to file an appeal please call 918-696-9422 and request an appeal process packet.
Note: Graphic overlays may not precisely align with physical features on the ground.
HEARING DATE: 06/09/2020 1:00 PM

APPLICANT: Virgina Davis

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

LOCATION: 2611 E 11 ST S   ZONED: RM-2,CH

PRESENT USE: Commercial   TRACT SIZE: 51949.87 SQ FT

LEGAL DESCRIPTION: W/2 LT 9 LESS S11 TO CITY & ALL OF LTS 10 THRU 12 BLK 12, HIGHLANDS ADDN

STAFF COMMENTS: The applicant is requesting a 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.

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 the nearest dispensary as Nirvana, located 3206 E. 11th Street, which is 3,268' per the exhibit included in the meeting packet.

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
ZONING CLEARANCE PLAN REVIEW

May 4, 2020

Phone: 281-508-3992

LOD Number: 1

Virginia Davis
2438 S. Redwood
Broken Arrow, OK 74012

APPLICATION NO: BLDC-059714-2020
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 2611 E. 11th St.

Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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. **PURSUANT TO FEDERAL, STATE, AND LOCAL DECLARATIONS OF EMERGENCY ARISING FROM THE COVID-19 THREAT AND AS DIRECTED BY THE ADMINISTRATION, OUR OFFICE IS CLOSED TO THE PUBLIC UNTIL FURTHER NOTICE. PAPER SUBMITTALS (INCLUDING REVISIONS AND ADDENDUM) FOR ANY PROJECT IS NOT ACCEPTED AT THIS TIME. IF SUBMITTING REVISIONS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS, EMAIL THE REVISED PLANS TO COTDEVSVCS@CITYOFTULSA.ORG OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT HTTPS://TULSAOK.TYLERTECH.COM/ENERGOV4934/SELFSERVICE. YOU WILL NEED TO REGISTER ON THE PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO.**
3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT WWW.TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
4. A COPY OF A “RECORD SEARCH” [X 15] I [15] 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 BOA Planner at the Tulsa Planning Office at 918-584-7526 or esubmit@incoq.org. 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 BOA Planner at the Tulsa Planning Office at 918-584-7526 or esubmit@incoq.org.

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.
Sparger, Janet

From: Chapman, Austin
Sent: Wednesday, June 3, 2020 8:51 AM
To: Sparger, Janet
Subject: FW: BOA 22928

From: Jenny Carr <info@mjcarrco.com>
Sent: Wednesday, June 3, 2020 8:34 AM
To: Chapman, Austin <AChapman@incog.org>
Subject: BOA 22928

Hello Austin

I’m emailing to comment on the BOA-22928 for the 1,000 ft spacing requirements. The 1,000ft radius line for the proposed dispensary location overlaps an elementary school property at the corner of 11th and Delaware. That does not comply with OMMA’s current written laws/regulations for dispensary locations.

Thanks,
Michael Carr
4533 E 85th St.
Tulsa, OK. 74137
BOA-22928

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

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9236
CZM: 46
CD: 9
HEARING DATE: 06/09/2020 1:00 PM

APPLICANT: Jennifer Fralick

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

LOCATION: 1135 E 61 ST S
Zoned: CS

PRESENT USE: Vacant
TRACT SIZE: 19096.78 SQ FT

LEGAL DESCRIPTION: E100 W120 LTS 13 14 15 LESS S10 OF E100 OF W120 LT 13 FOR ST BLK 8; W20 LTS 13 14 15 & PT VAC OWASSO AVE ADJ ON W LESS S10 OF W20 LT 13 FOR ST BLK 8, BROADVIEW HGTS ADDN

STAFF COMMENTS: The applicant is requesting a 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.

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 the nearest dispensary as the Re-Up Cannabis Dispensary, located 6322 S. Peoria Ave., which is 1,471' away. The proposed dispensary, Top Shelf Stock, is currently operating at 6030 S. Peoria Ave. which is within 1,000' of the proposed location. Included in the sample motion is language to ensure the existing location must be closed prior to the proposed location opening.

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 and that the currently operating dispensary, located 6030 S. Peoria, cease operation prior to the subject dispensary opening for business.

REVISED 5/28/2020
Facing West on 61st

Subject Property
Facing East on 61st Street
ZONING CLEARANCE PLAN REVIEW

April 2, 2020

Phone: 214-290-2384

LOD Number: 1
Jennifer Fralick
1919 E. 132nd St.
Bixby, OK 74008

APPLICATION NO: BLDC-057648-2020
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1135 E. 61st St.
Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

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

IMPORTANT INFORMATION

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

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 211, 2nd St., 4th Floor, Tulsa, OK, 74103, PHONE (918) 584-7525.

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.

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

TOP SHELF STOCK

1135 E 61ST ST, TULSA, OK, 74136


06/04/2020

LICENSE NUMBER:
DAAA-NJAM-GGF6

DO NOT COPY

GARY COX, M.D.
Commissioner of Health
Oklahoma State Department of Health
Top shelf stock is moving from 6030 S. Peoria to 1135 E. 61st St.
1000' Radius

1135 E 61st St

BOA-22930

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

Aerial Photo Date: February 2018
ACTION REQUESTED: Verification of the 1,000’ spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary or in the alternative a Variance of 1,000’ spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

LOCATION: 5805 E 15 ST S

ZONED: IM

PRESENT USE: Vacant

TRACT SIZE: 44357.33 SQ FT

LEGAL DESCRIPTION: PRT SW NE BEG 527.60E & 40N SWC NE TH W100 NW315.97 E195.72 S108.98 SE41.17 S150 POB SEC 10 19 13 1.02ACS,

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding properties:

BOA-22923: This request is currently pending as of the writing of the staff report, though it will appear on the agenda prior to the subject case being heard. The applicant in this case is requesting a Verification of the 1,000’ spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary. Property located 5529 E. 15th Street. This property is approximately 570’ away from the subject property.
BOA-22784; On 11.12.2019 the Board denied a variance of the 1,000' spacing requirement for medical marijuana dispensary from another medical marijuana dispensary. Property located 814 S. Sheridan Road.

BOA-22725; On 8/27/2019 the Board denied a variance of the 1,000' spacing requirement for medical marijuana dispensary from another medical marijuana dispensary. Property located 6545 East 11th Street S.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a 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 West of the NW/c of S. Joplin Ave. and E. 15th St. S.

STAFF COMMENTS: The applicant is requesting a Verification of the 1,000' spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary or in the alternative a Variance of 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.

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 did not provide the nearest operating dispensary but to staff's knowledge it is Red Eye 420, located 1525 S. Sheridan, approximately 2,344' away.

**STATEMENT OF HARDSHIP:** Applicant indicated on the application that he would provide a statement of hardship regarding the variance request at a later date.

**SAMPLE MOTION:**

**Verification:**

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.

**Variance:**

Move to _______ (approve/deny) a Variance of 1,000' spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

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

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

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

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
Facing East on 15th Street

Facing West on 15th Street
Subject Property
Action Requested:
Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). LOCATION: 814 South Sheridan Road East (CD 5)

Presentation:
Brad Fuller, Attorney at Law, 20 East 5th Street, Suite 200, Tulsa, OK; stated he represents the applicant, Mr. Anthony Smith. Mr. Fuller stated he is the owner of the subject property and has personal knowledge of the property. Mr. Fuller presented a petition of the neighbors that do not object to the request and presented photographs. Mr. Fuller stated the subject property is located at 814 South Sheridan, and the Route 66 Dispensary is 735 feet away and is located on 11th Street. To access the property by bird's eye you would have to go through the apartment building, their privacy fence, through the trees, across the creek and across another fence that has barbed wire on the top. To drive to the property, you must drive down Sheridan and that route makes the distance 1,538 feet and the second driving route makes it 2,856 feet. This is very similar to a Variance the Board granted at 6702 South Lewis, BOA-22736. Mr. Fuller thinks this case is better for a hardship and the uniqueness to the topography. Mr. Fuller stated the Board granted another case, BOA-22741, but he thinks there were licensing issues in that case. There was 600 feet and 400 feet distance between dispensaries in the two cases. Mr. Fuller stated this project will improve the neighborhood; the area is under distress. Mr. Fuller believes there is a topographical hardship. Mr. Fuller stated that City Councilor Cass Fahler called in support of this project. This is also an area of growth designation and this will increase economic development. Based on prior precedents and based on the hardship he asks the Board to grant the Variance request.

Interested Parties:
Anthony Smith, 7121 East Latimer Place, Tulsa, OK; stated the proposed project will definitely upgrade the area, because there is a heavy homeless presence in the area. He would like to give back to the community and improve the area. Mr. Smith stated that if he is given the chance to get into the building, he can upgrade it and there will not be homeless sleeping behind the building.

Comments and Questions:
Mr. Van De Wiele stated that the couple of cases that were cited in downtown, one was a licensing confusion and another Variance was granted downtown but it was very early in the process and the City nor this Board had fully worked through the nuances of the
regulations. The business on Lewis is probably closer to this case, but it was over 900 feet in distance, and this is only a little over 700 feet.

Ms. Ross stated that she is not necessarily opposed to this request, but she does not want to set a precedent of whether the walking or driving distance makes it a 1,000 feet, because that reasoning will be heard in future cases.

Board Action:
On MOTION of ROSS, the Board voted 5-0-0 (Bond Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to DENY the request for a Variance of the 1,000-foot 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:

W165 E180 OF TR 59 LESS N200 THEREOF, GLENHAVEN, City of Tulsa, Tulsa County, State of Oklahoma

22785—Cindy Davis

Action Requested:
Verification of the 300-foot spacing requirement for a family home daycare from another family home daycare (Section 45.070). LOCATION: 7415 East 83rd Street South (CD 8)

Presentation:
Cindy Davis, 7415 East 83rd Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board members.

Mr. Van De Wiele asked Ms. Davis if she was a licensed daycare facility through the state. Ms. Davis answered affirmatively.

Mr. Van De Wiele asked Ms. Davis if she was aware of any other day care facility within 300 feet her subject site. Ms. Davis stated the closest day care facility is 4,000 feet away.

Mr. Van De Wiele asked Ms. Davis if she was not taking care of more than seven children. Ms. Davis answered affirmatively.

Mr. Van De Wiele asked Ms. Davis if she was the only employee. Ms. Davis stated that her retired mother volunteers to help her. Mr. Van De Wiele asked Ms. Davis if her mother lived with her. Ms. Davis answered no.

Mr. Van De Wiele asked Ms. Davis if she had any signs advertising her day care. Ms. Davis answered no.
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.
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 to 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 allow 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
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
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.
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.
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. Mr. Van De Wiele
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.

***********
ZONING CLEARANCE PLAN REVIEW

April 15, 2020

Joe Pucket
1618 W 51 ST
Tulsa, OK 74104

APPLICATION NO: COO-057977-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 5805 E 15 ST
Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM
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. PURSUANT TO FEDERAL, STATE, AND LOCAL DECLARATIONS OF EMERGENCY ARISING FROM THE COVID-19 THREAT AND AS DIRECTED BY THE ADMINISTRATION, OUR OFFICE IS CLOSED TO THE PUBLIC UNTIL FURTHER NOTICE. PAPER SUBMITTALS (INCLUDING REVISIONS AND ADDENDUM) FOR ANY PROJECT IS NOT ACCEPTED AT THIS TIME. IF SUBMITTING REVISIONS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS, EMAIL THE REVISED PLANS TO CotdevsVcs@cityoftulsa.org OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT HTTPS://TULSAOK.TYLERTECH.COM/ENERGY/4934/SELFSERVICE. YOU WILL NEED TO REGISTER ON THE PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W, 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 594-7526.
4. A COPY OF A "RECORD SEARCH" [ X IIS _] 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.).
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 Austin Chapman at Achapman@incog.org.

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.
Aerial Photo Date: February 2016

BOA-22933

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

STR: 9404                       Case Number: BOA-22883
CZM: 39
CD: 6

HEARING DATE: 04/14/2020 1:00 PM

APPLICANT: Rita Garcia

ACTION REQUESTED: Special Exception to allow a fence or wall to exceed 8' in height and 4' in height in the street setback (Sec. 45.080-A) and a Variance to allow a fence or wall to be located inside the City of Tulsa planned right-of-way along E. 11th St. S. (Sec. 90.090-A)

LOCATION: 13401 E 11 ST S       ZONED: OL,CS
PRESENT USE: Residential       TRACT SIZE: 435601.78 SQ FT

LEGAL DESCRIPTION: E/2 W/2 SE SW SEC 4 19 14 10ACS

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 East of the NE/c of S 129th E Ave and E. 11th Street S.

STAFF COMMENTS: The applicant is requesting Special Exception to allow a fence or wall to exceed 8' in height and 4' in height in the street setback (Sec. 45.080-A) and a Variance to allow a
fence or wall to be located inside the City of Tulsa planned right-of-way along E. 11th St. S. (Sec. 90.090-A)

Section 45.080 Fences and Walls

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

Section 90.090 Setbacks

90.090-A Measurement

Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See 590.090- C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right of way or planned right of way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

East 11th Street is a Secondary Arterial at this location and there is 50' of planned right-of-way north of the center line. The applicant provided a site plan that shows the structure located 41' from the center line of 11th Street. If approved the applicant would need to negotiate a removal agreement with City Engineering.

STATEMENT OF HARDSHIP: None provided by the applicant.

SAMPLE MOTION:

Move to _________ (approve/deny) a Special Exception Special Exception to allow a fence or wall to exceed 8' in height and 4' in height in the street setback (Sec. 45.080-A)
Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

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

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

Move to _______ (approve/deny) a Variance to allow a fence or wall to be located inside the City of Tulsa planned right-of-way along E. 11th St. S. (Sec. 90.090-A)

Finding the hardship(s) to be________________________.

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

Subject to the following conditions ______________________.

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

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

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."
Facing West on 11th Street

Subject Property
Subject Property

Facing East on 11th Street
PROJECT LOCATION AND LEGAL DESCRIPTION

The E/2 of the W/2 of the SE/4 of the SW/4 in Section 4, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, also known as 13401 East 11th Street.
**Jeff S. Taylor**  
Zoning Official  
Plans Examiner III  
TEL (918) 596-7637  
jstaylor@cityoftulsa.org

**RITA YAMIRA GARCIA**  
yamiragrc2@yahoo.com

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

**ZONING CLEARANCE PLAN REVIEW**  
1/30/2020

**APPLICATION NO: BLDR-51598-2019**  
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Project Location: 13401 E 11th st  
Description: Entry Fence

### INFORMATION ABOUT SUBMITTING REVISIONS

Our review has identified the following code omissions or deficiencies in the project application forms, drawings, and/or specifications. The documents shall be revised to comply with the referenced code sections.

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

1. A copy of this deficiency letter  
2. A written response as to how each review comment has been resolved  
3. The completed revised/additional plans form (see attached)  
4. Board of adjustment approval documents, if relevant

Revisions shall be submitted directly to the City of Tulsa Permit Center located at 175 East 2nd Street, Suite 450, Tulsa, Oklahoma 74103, Phone (918) 596-9601. The City of Tulsa will assess a resubmittal fee. Do not submit revisions to the plans examiners.

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

### IMPORTANT INFORMATION

1. Submit two (2) sets [4 sets if health department review is required] of revised or additional plans. Revisions shall be identified with clouds and revision marks.

2. Information about zoning code, Indian Nation Council of Government (INCOG), Board of Adjustment (BOA), and Tulsa Metropolitan Area Planning Commission (TMAPC) is available online at [www.incoh.org](http://www.incoh.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] **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 office documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. 

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

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

Review Comments- Provide documentation indicating the proposed fence will not exceed 4' in height in the front setback and not exceed 8' in height measured from grade or apply to BOA for a special exception to allow a fence to exceed 8' in height.

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

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

END – ZONING CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
STR: 207 Case Number: BOA-22884
CZM: 22
CD: 1
HEARING DATE: 04/28/2020 1:00 PM

APPLICANT: Brandon Ledezma

ACTION REQUESTED: Variance of required 5 foot side yard setback in an RS-3 district (Section 5.030, Table 5-3)

LOCATION: 4408 N DELAWARE AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 20908.89 SQ FT

LEGAL DESCRIPTION: BEG 30W & 123.3N SECR N/2 NE SE NW TH N126.7 W144.24 S122 E144.32 POB SEC 17 20 13 .412AC

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 Growth”.

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SW/c N. Delaware Ave. and E. 44th St. N.

STAFF COMMENTS: The Applicant is requesting Variance of required 5 foot side yard setback in an RS-3 district (Section 5.030, Table 5-3)
Table 5-3: R District Lot and Building Regulations

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Per the site plan provided the structure was built 2.5" away from the side property line.

**STATEMENT OF HARDSHIP:** The reason we built this porch there is because there use to be an old garage there. The garage was 1 ft away from the property line, so we thought it was right for us to build so close to the property line. In front of the house there are sewer lines and natural gas. On the north side there are buried electric lines as well. We have our own company and we have all our equipment and truck so we built it so that when it rained our equipment wouldn't be damaged.

**SAMPLE MOTION:** Move to ________ (approve/deny) a **Variance** of required 5 foot side yard setback in an RS-3 district (Section 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.”
Facing North on Delaware

Facing South on Delaware
Subject property

Subject Property
Metal Sheeting

Metal Rafters 2x8

Concrete Slab

Front side

Dimensions:
- 8' 10 in. height
- 22 in. length
Subject Tract

BOA-22884

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

Aerial Photo Date: February 2019
BOA-22884

Subject Tract

20-13 17

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
APPLICATION NO: BLDR-50998-2019

Project Location: 4408 N Delaware Ave E
Description: Carport

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-3 zoned district the minimum side yard setback shall be 5 feet from the side property line.

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

55.090-F Surfacing. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of §55.090-F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

Review Comments: Provide a dustless all-weather parking surface from the public street to and under the proposed carport or apply to the Board of Adjustment for a Variance (section 70.120) to allow a material other than an approved material meeting the requirements of 55.090-F.

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

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

END –ZONING CODE REVIEW

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

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

STR: 9319  Case Number: BOA-22885
CZM: 47
CD: 9

HEARING DATE: 04/28/2020 1:00 PM

APPLICANT: Susie Woody

ACTION REQUESTED: Variance to reduce the required 5 foot side yard setback in an RS-3 District (Sec. 5.030, Table 5-3) Variance to reduce the 20 foot side setback for a street facing garage on a corner lot (Sec. 80.020-B)

LOCATION: 1575 E 35 ST S  ZONED: RS-3

PRESENT USE: Residential  TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT-13-BLK-2, PARRAMORE 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".

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is Located at the NW/c of S. Trenton Ave. and E. 35th St. S.

STAFF COMMENTS: The applicant is requesting Variance to reduce the required 5 foot side yard setback in an RS-3 District (Sec. 5.030, Table 5-3) Variance to reduce the 20 foot side setback for a street facing garage on a corner lot (Sec. 80.020-B)
Chapter 5 | Residential Districts
Section 5.030 | Lot and Building Regulations

<table>
<thead>
<tr>
<th>Regulations</th>
<th>RE</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RS-3</th>
<th>RS-4</th>
<th>RS-5</th>
<th>RD</th>
<th>RT</th>
<th>RM-0</th>
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<th>RM-2</th>
<th>RM-3</th>
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<tr>
<td>Min. Building Setbacks (ft.)</td>
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<tr>
<td>Street [3]</td>
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<tr>
<td>Arterial or Hwy service rd.</td>
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<td>35</td>
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<td>35</td>
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<td>25</td>
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<td>20</td>
<td>10</td>
<td>25</td>
</tr>
</tbody>
</table>

Chapter 5 | Residential Districts
Section 5.040 | Other Relevant Regulations

[3] For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5-3 applies along the other street.

Figure 5-1: Street Side Setback on Corner Lots

STATEMENT OF HARDSHIP:

Not Provided by applicant at this time.

SAMPLE MOTION: Move to ______ (approve/deny) a **Variance** to reduce the required 5 foot side yard setback in an RS-3 District (Sec. 5.030, Table 5-3) **Variance** to reduce the 20 foot side setback for a street facing garage on a corner lot (Sec. 80.020-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.”
Subject property

Facing West on 35th Pl.
Subject Property
Boundary Survey
OF LOT 13 BLOCK 2
Parramore Addition
TULSA COUNTY, OKLAHOMA

Legal Description (Document No. 2005099511)
LOT THIRTEEN (13), BLOCK TWO (2), PARRAMORE ADDITION TO THE CITY OF
TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED
PLAT THEREOF.

Notes
1. ABSTRACT OF TITLE OR ATTORNEYS TITLE OPINION NOT AVAILABLE TO
SURVEYOR AT DATE OF SURVEY.
2. THIS FIRM WAS NOT CONTRACTED TO RESEARCH EASEMENTS OR
ENCUMBRANCES OF RECORD, NO ATTEMPT TO RESEARCH THE COUNTY
RECORDS OR OTHER RECORD OFFICES WAS PERFORMED BY THIS FIRM,
THEREFORE EASEMENTS MAY AFFECT THE SUBJECT TRACT THAT ARE
NOT REFLECTED BY THIS PLAT.
3. THE BASIS OF BEARING IS BASED ON THE NON-ASTRONOMICAL GRID
BEARINGS OF THE OKLAHOMA STATE PLANE COORDINATE SYSTEM NAD83
ZONE NORTH 3501.

Surveyor’s Statement
I, ALBERT JONES III, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF
OKLAHOMA, DO HEREBY STATE THAT THE ABOVE MAP REPRESENTS
A SURVEY PERFORMED IN THE FIELD UNDER MY DIRECT SUPERVISION AND IS TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THIS DATE. THIS
SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR SURVEYING IN THE
STATE OF OKLAHOMA AS SET FORTH BY THE OKLAHOMA STATE BOARD OF
REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS OF
THIS DATE.

ALBERT JONES III
AJ@ATLASKOFFICE.COM
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1580
2-27-20

ALBERT JONES III
1580
Note: Graphic overlays may not precisely align with physical features on the ground.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2019
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9431
CZM: 49
CD: 7

HEARING DATE: 04/14/2020 1:00 PM

APPLICANT: JR Donelson

ACTION REQUESTED: Variance of the Parking Area Design Standards to permit an existing gravel parking lot (Sec. 55.090)

LOCATION: 5630 S 107 AV E; 5628 S 107 AV E

ZONED: IL

PRESENT USE: Mulch Sod Sales and Landscaping

TRACT SIZE: 107737.39 SQ FT

LEGAL DESCRIPTION: LTS 3 & 4 LESS N60 E200 LT 3 & LESS BEG NWC LT 3 TH E314.89 SW162.53 S161.47 W296.76 N322.92 POB FOR HWY BLK 2; N60 E200 LT 3 BLK 2, GOLDEN VALLEY

Subject Property: None

Surrounding Properties:

BOA-22886; This requesting is a pending Variance request for the same relief sought by the subject the applicant to be heard on 4/14/20. Staff anticipates more requests of this nature along 107th E Ave between E 56th St S and E 61st St S. City of Tulsa Code enforcement has issued several notices of violation along 107th that are in violation of Sec. 55.090.

BOA -18280; The Board approved a variance of the all-weather surfacing requirements for a period of 2 years ending 01.12.2001. Property locate approximately 1,200' S of the SE/c of E 56th St S and S 107th E Ave.

BOA-14124; On 7.10.86 the Board approved a variance of the screening requirements and the off-street parking design standards. Property located 5845 S 107th E. Ave.

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

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

REVISED 6/1/2020
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.

Included in your packets are photos of the storm drains along 107th E. Ave. immediately outside of the subject property. The requirement for an all-weather parking surface predates the improvements of 107th E. Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract is located S of the SW/c of E 56th St S and S 107th E Ave.

STATEMENT OF HARDSHIP:

Request for Variance:
We have operated Tulsa Sod & Mulch at the above location since November 2001. We have cleaned and made great improvements to our property since 2001. We have installed concrete in the business parking locations and gravel is in the drive lanes leading to our landscape materials.

The Golden Valley subdivision, located east of Highway 169 is zoned industrial with approximately 20 businesses. Many of these businesses were operating prior to the City of Tulsa paving South 107th E. Ave. in 2015. To require our business and the other existing businesses in Golden Valley to comply with ‘All weather’ parking/driving surfaces is unrealistic. The City of Tulsa Zoning Code should have taken into consideration existing businesses such as ours when adopting a ‘All off-street parking areas must be surfaced with a dustless, all-weather surface’ policy.

Leaving our drive lanes gravel will not adversely affect surrounding properties. The intended purpose of reducing dust can be achieved with our ‘Dust Abatement Program’ for our business. It is impractical for my existing business and my neighbors to close and install an ‘All Weather Surface’. The property to the west of this site is Highway 169, being 15 feet higher in elevation. Granting the ‘Variance’ will not change the character of the addition or will in no way cause detriment to the public. Granting the ‘Variance’ will in no way impair the purpose of the zoning code or the comprehensive plan.

STAFF COMMENTS: The applicant is requesting a Variance of the Parking Area Design Standards to permit an existing gravel parking lot (Sec. 55.090). This request would permit the existing gravel
parking areas and drive lane that do not conform to the surfacing requirements, striping requirements of geometric standards for parking areas. A copy of Sec. 550.090 is included in your packets.

SAMPLE MOTION:

Move to _________ (approve/deny) a Variance of the Parking Area Design Standards to permit an existing gravel parking lot (Sec. 55.090)

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

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

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

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
3. **Design**
   Off-site parking areas must comply with all applicable parking area design regulations of Section 55.090. Off-site parking proposed to take place on a newly constructed parking area must comply with the PK district lot and building regulations of 525.030-C.

4. **Control of Off-Site Parking Area**
   The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if an agreement is provided guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. The agreement must be filed of record in the county clerk's office of the county in which the property is located. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

**Section 55.090 Parking Area Design**

55.090-A **Applicability**
   The parking area design regulations of this section apply to all off-street parking lots for motor vehicles, whether containing required parking spaces or non-required parking spaces.

55.090-B **Ingress and Egress**
   All parking areas must be designed to allow vehicles to enter and exit a street and cross public sidewalks in a forward motion, except that this requirement does not apply to lots with access on a minor street.

55.090-C **Stall Size**
   Parking spaces must be at least 8.5 feet in width and 18 feet in length, exclusive of access drives and aisles. In parking areas where permanent wheel stops have been
installed, 2.5 feet of the parking space length (depth) beyond the wheel stop may be counted as part of the required stall length if that area is unobstructed and not part of another parking stall, drive aisle or sidewalk.

55.090-D Parking Area Layout (Geometrics)
Parking areas must be designed and marked in accordance with the dimensional standards of Table 55-5, which shows minimum dimensions for various parking layouts (angles). Requirements for layouts or angles not shown in Table 55-5 may be interpolated from the layouts shown, as approved by the development administrator.

Table 55-5: Parking Area Geometrics

<table>
<thead>
<tr>
<th>Angle</th>
<th>Stall Width</th>
<th>Stall Length</th>
<th>Aisle Width (1-way/2-way)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0°</td>
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<td>22.0</td>
<td>12.0/20.0</td>
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<tr>
<td>9.0</td>
<td>22.0</td>
<td>12.0/20.0</td>
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<td>45°</td>
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<td>12.0/20.0</td>
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<tr>
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<td>18.0</td>
<td>16.0/21.0</td>
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<tr>
<td>10.0</td>
<td>18.0</td>
<td>~/22.0</td>
<td></td>
</tr>
</tbody>
</table>

= Stall Angle,  = Stall Width,  = Stall Length,  = Aisle Width (1-way/2-way)

Figure 55-5: Parking Area Geometrics
55.090-E Tandem Parking

Tandem parking spaces may be used to satisfy parking requirements for household living uses when the spaces are assigned to the same dwelling unit. In all other cases parking spaces must be designed to allow each parking space to be accessed without passing through another parking space. Tandem parking arrangements must have a minimum stall of 8.5 feet and a minimum length of 36 feet.

![Figure 55-6: Tandem Parking](image)

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>Maximum Driveway Width</th>
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</thead>
<tbody>
<tr>
<td><strong>Lot Frontage</strong></td>
</tr>
<tr>
<td><strong>Driveway Within Right-of-Way (feet) [1]</strong></td>
</tr>
<tr>
<td><strong>Driveway Within Street Setback (feet)</strong></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.
For approvals granted under the terms of the zoning code in effect prior to January 1, 2016, including (1) variances of maximum driveway coverage measured by width, square footage or percentage of yard and (2) establishment of PUD development standards that increase the maximum permitted driveway coverage measured by any such means, the foregoing maximums do not apply.

4. Pervious pavement or pervious pavement systems, including pervious asphalt, pervious concrete, modular pavers designed to funnel water between blocks, lattice or honeycomb shaped concrete grids with turf grass or gravel filled voids to funnel water, plastic geocells with turf grass or gravel, reinforced turf grass or gravel with overlaid or embedded meshes, resin-bound pervious pavement systems, or similar structured and durable systems are allowed as parking lot surfacing materials. Gravel, turf, or other materials that are not part of a structured system designed to manage stormwater are not considered pervious pavement or a pervious pavement system. Pervious pavement and pervious pavement systems must comply with the following:

a. Materials must be installed and maintained in accordance with all applicable city standards. Damaged areas must be promptly repaired. Gravel that has migrated from a pervious pavement system onto adjacent areas must be regularly swept and removed.

b. Accessible parking spaces and accessible routes from the accessible space to the principal structure or use served must comply with the building code.

c. Pervious pavement or pervious pavement systems are prohibited in areas used for the dispensing of gasoline or other liquid engine fuels or where other hazardous materials are used or stored.

d. Pervious asphalt, pervious concrete, or modular pavers may be used for drive aisles and driveways, but no other pervious pavement systems may be used in such areas unless expressly approved by the development administrator.

e. Pervious pavement or pervious pavement systems that utilize turf grass may not be used to meet minimum off-street parking requirements, but may be used for overflow parking spaces that are not used for required parking and that are not occupied on a daily or regular basis.

f. Pervious pavement or pervious pavement systems that utilize gravel with overlaid or embedded mesh or geocells may be used only in industrial zoning districts.

g. Parking areas with pervious pavement or pervious pavement systems must have the parking spaces marked as required by this chapter, except that pervious pavement systems that utilize gravel or turf may use alternative marking to indicate the location of the parking space, including markings at the end of spaces on the drive aisle or curbing, wheel stops, or concrete or paver strips in lieu of painted lines.

55.090-G Vertical Clearance
All parking spaces must have overhead vertical clearance of at least 7 feet.
55.090-H Landscaping and Screening
See Chapter 65.

55.090-I Lighting
See Chapter 67.

Section 55.100 Stacking Spaces for Drive-through Facilities

55.100-A Spaces Required
In addition to the parking required for each use, establishments with drive-through facilities must provide stacking spaces for each drive-through station as indicated in Table 55-6:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Spaces (per lane)</th>
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<tbody>
<tr>
<td>Automated teller machine</td>
<td>2 (measured from ATM)</td>
</tr>
<tr>
<td>Bank</td>
<td>3 (measured from teller or service area)</td>
</tr>
<tr>
<td>Car wash, automated or customer-operated</td>
<td>2 (measured from vehicle entrance)</td>
</tr>
<tr>
<td>Car wash, attendant hand wash</td>
<td>3 (measured from vehicle entrance)</td>
</tr>
<tr>
<td>Drug store</td>
<td>2 (measured from pick-up window)</td>
</tr>
<tr>
<td>Restaurant drive-through</td>
<td>3 (measured from order board)</td>
</tr>
<tr>
<td>Kiosks</td>
<td>2 (measured from service window)</td>
</tr>
<tr>
<td>Other</td>
<td>As determined by the development administrator</td>
</tr>
</tbody>
</table>

55.100-B Dimensions
Each lane of stacking spaces must be at least 8 feet in width and at least 18 feet in length. Stacking lanes must be delineated with pavement markings.

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- or AG-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 §65.070-C.

55.100-D Pedestrian Access
The principal pedestrian access to the entrance of the use from a public sidewalk may not cross the drive-through facility stacking lane.

Section 55.110 Accessible Parking for People with Disabilities
Accessible parking facilities must be provided in accordance with the building code.

Section 55.120 Loading
Unenclosed off-street loading areas may not be located within 50 feet of any abutting R- or AG-R-zoned properties unless the loading areas is screened on all sides abutting the R- or AG-R-zoned property in accordance with the F1 screening fence or wall standards of §65.070-C.
Gutter outside of business on 107th E Ave.

Gutter on 107th E. Ave.
Subject Property

Subject property
Subject Property

Facing South on 107th E. Ave.
Facing North on 107th E. Ave.
Neighborhood Investigations
WORKING IN NEIGHBORHOODS

NOTICE OF VIOLATION – ZONING

To: MORAN, JAMES R JR
5630 S 107TH EAST AVE
TULSA, OK 74146

Date: 2/18/2020
Case: ZONV-027889-2020

Compliance Date: 3/4/2020

Dear Property Owner and/or Occupant,

You are hereby notified of zoning code violations at:

LTS 3 & 4 LESS N60 E200 LT 3 & LESS BEG NWC LT
TH E314.89 SW162.53 S161.47 W296.76 N322.92
POB FOR HWY BLK 2 GOLDEN VALLEY

City of Tulsa, TULSA County State of Oklahoma; And located at the address of:
5630 S 107TH EAST AVE

<table>
<thead>
<tr>
<th>Violations:</th>
<th></th>
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<tr>
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<td>Mobile Storage Units</td>
<td>Recreation Vehicles</td>
<td></td>
</tr>
<tr>
<td>Commercial Vehicles</td>
<td>Garage/Yard Sales</td>
<td>Fences and Walls</td>
<td></td>
</tr>
<tr>
<td>Accessory Uses</td>
<td>Parking Surface</td>
<td>Permit Needed</td>
<td></td>
</tr>
</tbody>
</table>

Additional comments, descriptions or directions: ALL OFF-STREET PARKING MUST BE CONFINED TO AN ALL-WEATHER PARKING SURFACE SUCH AS CONCRETE OR ASPHALT

See back of page for what the resolution of each violation requires.

You still have time to correct the issue(s) at your property. To comply, must correct all violations prior to the compliance deadline listed on this notice above. If you are unable to correct any or all the violation(s) listed above, contact the Code Official listed below to work out an acceptable plan to bring your property into compliance. Ensure that all family members, employees, and/or contractors, etc. are familiarized with and adhere to these regulations. Additional notices will not be sent if recurring violations are found in the future.

Failure to make the correction may result in the issuance of a criminal citation or civil remedial penalties not to exceed $1,000.00 per day. Failure to comply may also result in revoking or withholding permits, certificates or other forms of authorization issued by the City of Tulsa; and/or any other remedies allowed by law.

Your property is an important investment for you and the community. I urge you to make the necessary corrections to eliminate all violations so that no further enforcement will be necessary.

Please understand that it is ultimately the responsibility of the owner to ensure these violations are corrected. Any civil agreements or rental agreements do not alleviate the owner of this responsibility.

Thank you,

LLOYD ADAMS
City of Tulsa – Working in Neighborhoods
ladams@cityoftulsa.org
918-596-7598

Appeals: You may appeal the administrative official’s decision by filing a complete appeal application (1) with the
NOTICE OF VIOLATION – ZONING

Date: 2/17/2020
Case: ZONV-027892-2020
Compliance Date: 3/3/2020

To: MORAN, JAMES JR
5628 S 107TH EAST AVE
TULSA, OK 74146-7115

Dear Property Owner and/or Occupant,

You are hereby notified of zoning code violations at (legal)

City of Tulsa, TULSA
County State of Oklahoma; And located at the address of:

5628 S 107TH EAST AVE

Violations:

Home Occupations
Commercial Vehicles
Accessory Uses
Mobile Storage Units
Garage/Yard Sales
Packing Surface
Recreation Vehicles
Fences and Walls
Permit Needed

Additional comments, descriptions or directions:

ALL OFF-STREET PARKING MUST BE CONFINED TO AN ALL-WEATHER PARKING SURFACE SUCH AS CONCRETE OR ASPHALT

See back of page for what the resolution of each violation requires.

You still have time to correct the issue(s) at your property. To comply, must correct all violations prior to the compliance deadline listed on this notice above. If you are unable to correct any or all the violation(s) listed above, contact the Code Official listed below to work out an acceptable plan to bring your property into compliance. Ensure that all family members, employees, and/or contractors, etc. are familiarized with and adhere to these regulations. Additional notices will not be sent if recurring violations are found in the future.

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Thank you,

LODADAM
City of Tulsa – Working in Neighborhoods
ladams@cityoftulsa.org
918-596-7598

Appeals: You may appeal the administrative official’s decision by filing a complete appeal application (1) with the official listed above c/o the Tulsa City Clerk AND (2) with the Director of the Tulsa Planning Office at INCOG, at the INCOG P.O. Box 401, Tulsa, OK 74101.
February 26, 2020

Ms. Lori Wright
City of Tulsa District No. 7

Re: Notice of Violation

A Notice of Violation – Zoning from Neighborhood Investigations was issued on February 18, 2020 for our business at 5628 and 5630 So. 107th E. Ave. The violation was stated, Zoning Code: '42.55.090-F All weather surface' violation.

We have operated our businesses at this location since 2001. The parking surface was gravel when we began operating our business. The previous owner had a house, grass and gravel. We do have a Dust Abatement Program in place for our business, considering our location next to highway 169. A copy of that program is attached to this letter.

We and other business owners along 107th E. Ave. believe it was very unprofessional of the City of Tulsa to show up at our businesses, issuing a notice of violation with a threat of a criminal citation of up to $1000.00 per day, without knowing the history of this property or other properties at this location. It is apparent that the City of Tulsa and the Zoning Code did not take into account existing businesses when this requirement was initiated, which affects a large number of existing businesses along 107th E. Ave. and in the City of Tulsa.

We will exercise our option and make an application to the City of Tulsa Board of Adjustment, requesting a Variance to ‘All Weather Surface’ requirement as an existing business, unless Ms. Wright you can intercede on our behalf and other businesses, before the City Council.

Thank you,

James Moran Jr
Tulsa Sod & Mulch
Subject Tract
BOA-22886
19-14 31

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.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9311
CZM: 38
CD: 5

Case Number: BOA-22889

HEARING DATE: 04/14/2020 1:00 PM

APPLICANT: Brenda Lara

ACTION REQUESTED: Special Exception to permit a carport in the street yard and street setback with modifications to increase to permitted height and length of a carport and to increase the allowed obstructions of the sides of the carport in a RS-3 District (Sec.90.090-C.1)

LOCATION: 1553 S 74 AV E
ZONED: RS-3

PRESENT USE: Residential
TRACT SIZE: 8903.7 SQ FT

LEGAL DESCRIPTION: LT 13 BK 3, MOELLER HGTS

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".

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.

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 South of the SE/c of 74 E. Ave. and E. 15th St.

STAFF COMMENTS: The applicant is requesting Special Exception to permit a carport in the street yard and street setback with modifications to increase to permitted height and length of a carport and to increase the allowed obstructions of the sides of the carport in a RS-3 District (Sec.90.090-C.1). Included in your packets are photos of the installed carport. The percentage of obstruction is not

REVIEWED 6/1/2020
written on the plans but per the photos one side of the carport is completely obstructed putting that percentage at approximately 100% on the Northern side.

1. Carports
   Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:
   a. A carport may be a detached accessory building or an integral part of the principal building.
   b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
   c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 6 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
   d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
   e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
   f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.
   g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.

SAMPLE MOTION: Move to __________ (approve/deny) a Special Exception to permit a carport in the street yard and street setback with modifications to increase to permitted height and length of a carport and to increase the allowed obstructions of the sides of the carport in a RS-3 District (Sec.90.090-C.1)
   - Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
   - Subject to the following conditions (including time limitation, if any):
     ____________________________________________________

REvised 6/1/2020
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.
Facing North on 74th E. Ave

Facing South on 74th E. Ave
Subject Property and Carport
APPLICATION NO: BLDR-53171-2020
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: Carport
Description: 1553 S 74th Ave E

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)
Special exception approval required; see §90.090-C1.

1. Sec.90.090-C.1 Carports: Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

a. A carport may be a detached accessory building or an integral part of the principal building.

b. The area of a carport may not exceed 20 feet in length by 20 feet in width.

c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.

d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.

e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.

f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.

g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.
Review comment: The proposed carport is located in the street setback area and requires special exception granted by the BOA. Please contact an INCOG representative at 918-584-7526 for further assistance. Please note: the regulations underlined above must be addressed as part of the special exception process as the proposed structure is not in compliance with said regulations as submitted. If approved, submit a copy of the approved special exception as a revision to your application.

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

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

END -ZONING CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
LT 13 BK 3 MOELLER H 675
Subject Tract 19-13 11

BOA-22889

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

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9319
CZM: 47
CD: 9
HEARING DATE: 04/14/2020 1:00 PM

APPLICANT: Kathy Wilson

ACTION REQUESTED: Special Exception to permit a Type-2 Home Occupation (Piano Studio) in an RS-3 District (Section 45.100-G).

LOCATION: 1440 E 36 PL S

PRESENT USE: Residential/ Piano Studio out of Home

LEGAL DESCRIPTION: LT 5 BLK 2, LEOKI PLACE

ZONED: RS-3
TRACT SIZE: 14701.56 SQ FT

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

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

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 S. Rockford and E. 36th Pl S. The Subject property is immediately across from 36th Pl. from

STAFF COMMENTS: The applicant is requesting Special Exception to permit a Type-2 Home Occupation (Piano Studio) in an RS-3 District (Section 45.100-G)
45.100-G Where Allowed

1. Type 1 Home Occupations
   Type 1 home occupations are permitted as of right as an accessory use to a principal use in the household living use category. Type 1 home occupations are subject to the general regulations of §45.100-H and the supplemental regulations of §45.100-J.

2. Type 2 Home Occupations
   a. Type 2 home occupations may be approved as an accessory use to a principal use in the household living use category through the special exception procedures of Section 70.120. Type 2 home occupations are subject to the general regulations of §45.100-H and the supplemental regulations of Section 45.100-J.
   
   b. Type 2 home occupations may be approved as an accessory use to a principal use in the household living use category through mandatory development plan provisions defined in 70.040.B1. Type 2 home occupations are subject to the general regulations of Section 45.100-H and the supplemental regulations of Section 45.100-J or as may be further regulated in a mandatory development plan.

Type-2 Home Occupations are subject to the supplemental regulations of Sec. 45.100-J:

45.100-J Supplemental Regulations for Type 2 Home Occupations

1. Only uses approved in accordance with the special exception procedures of Section 70.120 or through a mandatory development plan are allowed as type 2 home occupations.

2. At least one individual engaged in the home occupation must reside in the dwelling unit in which the home occupation is located as their primary place of residence.

3. No more than 3 clients or customers may be present at any one time on the site of a type 2 home occupation. Family members of the client or customer are not counted towards the 3-person limit.

4. A maximum of one nonresident employee is allowed with a type 2 home occupation if no customers or clients come to the site at any time. Home occupations that have clients, customers or students coming to the site may not have nonresident employees and vice-versa. For the purpose of this provision, the term “nonresident employee” includes an employee, contractor, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.

5. Type 2 home occupations and all related activities, including storage (other than the lawful parking of passenger vehicles), must be conducted entirely within the principal residential building or an allowed accessory building.
SAMPLE MOTION:
Move to _______ (approve/deny) a Special Exception to permit a Type-2 Home Occupation (Piano Studio) in an RS-3 District (Section 45.100-G)

- 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 36th Pl.
Eliot Elementary School is immediately across 36th Pl. from the Subject property
APPLICATION NO: ZCO- 53443-2020

(Please reference this number when contacting our office)

Project Location: 1440 E 36th pl S

Description: Type 2 home occupation

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.incoh.org or at INCOG offices at 2 W. 2nd St., 8th Floor, Tulsa, OK, 74103, phone (918) 584-7526.

3. A copy of a "record search" [\*\*\*IS \*\*\*IS NOT included with this letter. Please present the "record search" along with this letter to INCOG staff at time of applying for Board of Adjustment action at INCOG. Upon approval by the Board of Adjustment, INCOG staff will provide the approval documents to you for immediate submittal to our office. (See revisions submittal procedure above.).

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

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

45.100-G Where Allowed
2. Type 2 Home Occupations
   a. Type 2 home occupations may be approved as an accessory use to a principal use in the household living use category through the special exception procedures of Section 70.120. Type 2 home occupations are subject to the general regulations of §45.100-H and the supplemental regulations of Section 45.100-J.

Review comments: Apply to BOA for a special exception to allow a piano Studio out of Home as a type 2 home occupation.

45.100-J, Supplemental Regulations for Type 2 Home Occupations
#3. No more than 3 clients or customers may be present at any one time on the site of a type 2 home occupation. Family members of the client or customer are not counted towards the 3-person limit.

Review comments: To allow more than 3 clients to be present at any one time you will need to apply for a variance to allow more than 3 clients.
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.

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Aerial Photo Date: February 2019

CUSTOMER:
GUARANTY ABSTRACT COMPANY/BANCOKLAHOMA MORTGAGE CORP.

BORROWER:
WILSON, BRADLEY R. & WILSON, KATHERINE W.

FOR MORTGAGE LOAN PURPOSES ONLY COVERING PROPERTY DESCRIBED AS FOLLOWS

Lot Five (5), Block Two (2), LEOKI PLACE, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, and known as 5/10 East 36th.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9202
CZM: 36
CD: 4
HEARING DATE: 04/14/2020 1:00 PM

APPLICANT: Dale Bennett

ACTION REQUESTED: Variance to permit additional dynamic display signage on a single lot (Sec. 60.080-E)

LOCATION: 200 S DENVER AV W

ZONED: CBD

PRESENT USE: BOK Center

TRACT SIZE: 462400.01 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 1, TULSA REGIONAL CONVENTION AND EVENTS CENTER RESUB PRT OT TULSA

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-22449; On 6.13.17 the Board approved two dynamic display signs on the subject property and a variance to allow a dynamic display within 20 feet of a driving surface.

Surrounding Property: None

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

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

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

28.2

REVISED 5/28/2020
ANALYSIS OF SURROUNDING AREA: The subject tract is the BOK Center Located at the NW/c of E. 3rd Street and S. Denver Ave.

STAFF COMMENTS: The applicant is requesting a Variance to permit additional dynamic display signage on a single lot (Sec. 60.080-E)

TULSA ZONING CODE | December 09, 2019  
page 60-13

Chapter 60 | Signs  
Section 60.080 | Signs in Mixed-use, Commercial and Industrial Zoning Districts

60.080-E Dynamic Displays on On-premise Wall, Projecting and Freestanding Signs
A maximum of one of the on-premise wall signs, projecting signs or freestanding signs allowed on a lot in a mixed-use, commercial or industrial zoning district may include a dynamic display. The dynamic display may not exceed the maximum sign area allowed for the respective sign type or 48 square feet, whichever is less. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall, projecting or freestanding sign, but rather is counted as part of the maximum area of the wall, projecting or freestanding sign. Only one, contiguous dynamic display is allowed on a wall, projecting or freestanding sign face. Off-premise outdoor advertising signs that incorporate a dynamic display are subject to the dynamic display regulations of Section 60.100.

STATEMENT OF HARDSHIP: As of the writing of this report the applicant has not provided a hardship to staff.

SAMPLE MOTION: Move to (approve/deny) a Variance to permit additional dynamic display signage on a single lot (Sec. 60.080-E)

- 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."
Comments and Questions:
None.

Board Action:
On MOTION of FLANAGAN, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the request for a Variance to permit the separation of two projecting signs to be less than 30 feet (Section 60.040-B); Variance to permit four projecting signs to be installed along South Boulder Avenue with frontage of 183 feet (Section 60.080-C); Variance to permit a dynamic display within 20 feet of the driving edge of the road on South Boulder Avenue (Section 60.100-E), subject to conceptual plans 10.11, 10.12, 10.13, 10.14 and 10.15 in the agenda packet. The Board has found the hardship to be the space between the building and the street is not sufficient, and the sign is for informational purposes to the public. 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:

LTS 1 & 2 & N50 LT 3 LTS 7 & 8 & N50 LT 6 ALL IN BLK 135 & N200 VACATED ALLEY IN BLK 135, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22256—A-Max Sign Company – Lori Worthington

Action Requested:
Variance to permit two dynamic display signs on the lot (Section 60.080-E);
Variance to permit a dynamic display sign within 20 feet of the driving surface of
South Cheyenne Avenue (Section 60.100-E). **LOCATION:** 100 West 1st Street South (CD 4)

**Presentation:**  
Brian Ward, A-Max Sign Company, 9520 East 55th Place, Tulsa, OK; stated at the subject location the Board previously approved an identical sign on the First Street side. **The sign that is being discussed now is the second sign on the lot. The one approved previously is located on First Street and this single sided sign is facing west on Cheyenne Avenue.**

Ms. Back asked Mr. Ward why a dynamic display is needed for parking. Mr. Ward stated the display will advertise the parking when there are major events downtown, but he does not know what is planned to be run on the dynamic display.

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

**Comments and Questions:**  
None.

**Board Action:**  
On **MOTION** of BACK, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Bond absent) to **APPROVE** the request for a **Variance** to permit two dynamic display signs on the lot (Section 60.080-E); **Variance** to permit a dynamic display sign within 20 feet of the driving surface of South Cheyenne Avenue (Section 60.100-E), subject to conceptual plans 11.10 and 11.11 in the agenda packet. The Board has found the hardship to be that the building is built all the way to the property line. 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
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 LTS 1 THRU 8 & VAC ALLEY ADJ THERETO BLK 91 BEG NWC BLK 91 TH NE242 SE230 NE58 SE70 SW300 NW300 POB, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Ms. Miller left the meeting at 2:50 P.M.

22267—A-Max Sign Company — Lori Worthington

Action Requested:
Variance from the requirement that no more than one dynamic display be permitted on a single CBD zoned lot (Section 60.080-E); Variance to increase the allowed display surface area of a dynamic display sign to 49 square feet (Section 60.080-E); Variance to permit a dynamic display within 20 feet of the driving surface of Main Street (Section 60.100-E). LOCATION: 11 East 1st Street South (CD 4)

Ms. Miller re-entered the meeting at 2:52 P.M.

Presentation:
Brian Ward, A-Max Sign Company, 9520 East 55th Place, Tulsa, OK; stated this request is the same as the previous request, two dynamic displays on a lot. The permit for dynamic display on the building on the east elevation on the south end of the building has been applied for and granted. This sign request is for an additional one square foot on the sign because this is the biggest sign of all the Park Tulsa signs because of visibility issues.

Mr. Van De Wiele asked Mr. Ward how tall in the air is the sign located. Mr. Ward stated that it is approximately 40 feet in the air.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of FLANAGAN, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the request for a
Existing Dynamic Display Sign that is currently being used as an Off-premise Outdoor Advertising Sign

New signage at Northern Entrance
Existing Signage at southeast entrance of BOK Center
**SIGN PLAN REVIEW**

February 24, 2020

Phone: 918-587-7171

<table>
<thead>
<tr>
<th>APPLICATION NO:</th>
<th>SIGN-054037-2020 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>200 S. Denver Ave.</td>
</tr>
<tr>
<td>Description:</td>
<td>Wall Sign with dynamic display</td>
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</tbody>
</table>

**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.incoh.org](http://www.incoh.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.
REVIEW COMMENTS

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

Application No. SIGN-054037-2020 200 S. Denver Ave. February 24, 2020

This letter of deficiencies covers Sign Plan Review items only.

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

Section 60.080-E

A maximum of one of the on-premise wall signs, projecting signs or freestanding signs allowed on a lot in a mixed-use, commercial or industrial zoning district may include a dynamic display. The dynamic display may not exceed the maximum sign area allowed for the respective sign type or 48 square feet, whichever is less. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall, projecting or freestanding sign, but rather is counted as part of the maximum area of the wall, projecting or freestanding sign. Only one, contiguous dynamic display is allowed on a wall, projecting or freestanding sign face. Off-premise outdoor advertising signs that incorporate a dynamic

Review Comments: The lot the proposed sign is located on already has multiple signs containing dynamic displays, which was permitted per a variance granted by the BOA, case #22449. You may alter the sign type to a non-dynamic display, or you may pursue another variance from the BOA to permit an additional dynamic display sign on this lot.

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 INCOC representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application for a Sign Permit to our office so we may continue to process your application. INCOC does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.
Melissa Mirsaedi <melissa@cnfnative.com>

Interior signs

To: Melissa Mirsaedi <melissa@cnfnative.com>

Melissa,

This is the other display that can be easily seen from the street. It is at the main entrance that faces S. Denver Ave. It's dimensions are 3' tall x 41.5' wide.

The other two are at the VIP entrance and the Box Office entrance. These two entrances are set back from the street and are not very visible from the street. They are on the south side of the building facing W. Third street. Box office display is 3'x24' and VIP is 3'x7'.

[Quoted text hidden]
APPLICANT: Tony Jordan

ACTION REQUESTED: Variance of the required 35 foot setback from South Lewis Avenue in an RS-2 District (Section 5.030, Table 5-3)

LOCATION: 2258 E 32 PL S

PRESENT USE: Residential

ZONED: RS-2

TRACT SIZE: 11748.18 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 4, OAKNOLL

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding properties:

BOA-21972; On 10.13.15 the Board approved a variance of the required 35' setback form an arterial street for a detached accessory building on the property located 2410 E. 32nd St.

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 East 32nd. Place and S. Lewis Ave.
The applicant is requesting Variance of the required 35 foot setback from South Lewis Avenue (Section 5.030, Table 5-3)

<table>
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<tr>
<th>Regulations</th>
<th>RE</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RS-3</th>
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<td>Arterial or fwy service rd.</td>
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<td>Other streets</td>
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STATEMENT OF HARDSHIP: Patio is facing South. There are no trees to Block Sunlight. Owners would like to have covered Patio over existing concrete slab patio.

SAMPLE MOTION:
Move to _______ (approve/deny) a Variance of the required 35 foot setback from South Lewis Avenue (Section 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.”
Facing East on 32nd pl.

Subject Property
Facing West on 32nd Pl.
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:

**LT 4 BLK 3, SMITHVIEW ESTATES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

Mr. Henke re-entered the meeting at 2:35 P.M.

**21972—Brett Logan**

**Action Requested:**
Variance of the setback from an arterial street, South Lewis Avenue, from 35 feet to 0 feet to permit a detached accessory building (Section 403, Table 3).

**LOCATION:** 2410 East 32nd Street South (CD 9)

**Presentation:**
Brett Logan, 2650 South Utica Avenue, Tulsa, OK, stated this is a residential project with a general remodel of the exterior façade is cosmetic. His clients are elderly and a critical issue for them is security. They live right on Lewis Avenue and have had issues with break ins in the past. The existing garage is a two-car garage but there is no room to keep the trash receptacles inside the garage. The existing fence has a gate near the garage and the couple pay the extra fees to have the trash service open the gate to retrieve the trash receptacles. His clients would like to be able to secure the trash receptacles in a locked area creating a barrier between their back yard and the trash receptacles. His clients like the idea of having an enclosed space for protection from the weather so the idea evolved into a small shed so that was incorporated into the entire remodel of the house. The entire end of the house is well into the 35 foot setback so no matter where the proposed shed is placed it will not be into compliance. The existing concrete slab is used as a third car parking space and the client wants to preserve that concrete drive access to that slab. Placing the trash receptacle shed there on the property makes the most sense and places it up against the existing fence line. The proposal is to tear down one of the existing masonry columns, build the trash receptacle enclosure so that its west façade is in alignment with the masonry columns, restore the fence, and make something that is discreet from Lewis Avenue.

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

**Comments and Questions:**
None.
Board Action:
On MOTION of WHITE, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to APPROVE the request for a Variance of the setback from an arterial street, South Lewis Avenue, from 35 feet to 0 feet to permit a detached accessory building (Section 403, Table 3), subject to conceptual plans 12.10 and 12.11. Finding there will be no further encroachment into the right-of-way of Lewis Avenue than already exists with the pillars and fence. 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:

LT 12, BLK 1, FOREST ESTATES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

************

OTHER BUSINESS

Review and Approval of the 2016 Board of Adjustment meeting calendar.

On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to APPROVE the 2016 Board of Adjustment meeting calendar striking the November 22" and December 27" meeting dates.
APPLICATION NO: BLDR-55090-2020  
(Please reference this number when contacting our office)

Project Location: 2258 E 32 pl

Description: Addition

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**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.**

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**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.inco.org](http://www.inco.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)
REVIEW COMMENTS

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

Application No. BLDR-55090-2020

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-2 zoned district the minimum side yard setback from an arterial street shall be 35
feet from the side property line which is along Lewis avenue. The existing ROW width from center of
Lewis is 50' plus the required side setback on an arterial street is 35' to equal a total setback distance
from center of street to be 85'.

Review Comments: Revise your plans to indicate a 35' side setback to the property line, or apply
to INCOG for a variance to allow less than a 35' side setback from Lewis avenue property line.

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

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

END - ZONING CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN
AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
2258 E 32nd Pl, Tulsa, OK 74110
Lot 1 BL 4 Oaknoll Addition
Plat # 1316

29.11
MORTGAGE INSPECTION REPORT

LEGAL DESCRIPTION AS PROVIDED:
LOT ONE (1), BLOCK FOUR (4), HARDIN, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.

SURVEYOR'S STATEMENT

PROPOSED PATIO COVER OVER EXISTING CONCRETE PATIO.
Subject Tract

BOA-22907

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

Aerial Photo Date: February 2018
Noto: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9327
CZM: 48
CD: 5
HEARING DATE: 06/09/2020 1:00 PM

APPLICANT: John Cannon

ACTION REQUESTED: A Special Exception to allow a Public, Civic & Institutional/Governmental Service Use (Headquarters for Meals on Wheels) in an OM District (Sec. 15.020, Table 15-2)

LOCATION: 5151 E 51 ST S
ZONED: OM

PRESENT USE: Office
TRACT SIZE: 185788.52 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 1, LINCOLN CTR RESUB L1 B1 SE YMCA & L16 CANFIELD SUB

RELEVANT PREVIOUS ACTIONS:

Subject Properties:

BOA-7867: On 4.12.73 the Board approved an exception to grant a waiver of the Screening Requirements on the North side of the property for uses allowed in OM.

Surrounding Properties:

BOA-5393: On 4.04.67 the Board approved a Special Exception to permit the YMCA located 5002 S. Fulton Ave.

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 located at the NW/c of E. 51st Street S. and S. Darlington Ave.

STAFF COMMENTS: The applicant is requesting Special Exception to allow a Public, Civic & Institutional/Governmental Service Use (Headquarters for Meals on Wheels) in an OM District (Sec. 15.020, Table 15-2)

SAMPLE MOTION:

Move to ________ (approve/deny) a Special Exception to allow a Public, Civic & Institutional/Governmental Service Use (Headquarters for Meals on Wheels) in an OM 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.
Subject property. Property was a former office building and school that is currently vacant.
Facing North on Darlington

Subject property is immediately across Darlington from the Tandy YMCA.
Clarke Ford, representing Lincoln Properties, advised the Board that a screening fence is presently provided to the west of the subject property. He advised that the subject property and the properties to the north and east are owned by Lincoln Properties. The area to the north of the subject tract has been landscaped and a request has been made to remove the screening requirements where the existing physical features provide a visual separation of uses. He further advised that the subject tract and the tract to the north have been designed to complement each other.

None.

On MOTION of REEDS, the Board (4-0) approved an Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements to the north where existing physical features provide a visual separation of uses in an OM District on the following described tract:

The North 100' of Lot 1, Block 1, Lincoln Center Addition to the City of Tulsa, Oklahoma.

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to operate a home beauty shop in an RS-3 District located at 1223 North Sandusky.

Georgia Stevens, the applicant, advised the Board that she was aware of the regulations of a home occupation.

None.

On MOTION of COHEN, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) to operate a home beauty shop in an RS-3 District on the following described tract:

The W/2, S/2 of Lot 12, Westrope Acres Addition to the City of Tulsa, Oklahoma.
Exception under the provisions of Section 5 (g) (bb) to permit a YMCA at the northeast corner of 51st & Darlington, zoned U-2B.

A representative of the YMCA of Greater Tulsa, Inc., applicant, presented a plot plan and building elevation, which were not submitted for exhibit.

None.

On MOTION of SUBLETT, the Board of Adjustment (4-0) granted an exception under Section 5 (g) (bb) to permit a YMCA facility on the following property:

Lot 1, Block 2, Southeast YMCA Addition, to the City of Tulsa, Tulsa County, Oklahoma.

*****

(Goodman in 2:30)

Exception under the provisions of Section 8 (e) to permit erection of duplex and a Variance under the provisions of Section 23 to allow construction on lot area of 8,280 square feet at the NW corner of 56th Street & Quincy, zoned U-1C.

D.C. Dickson, applicant, was present.

None.

Mr. Edwards pointed out that there are presently five duplexes existing on the remainder of the tract, although only three have been approved by the Board.

At the suggestion of the Chair, the applicant agreed to amend his application to request approval of six duplexes on Block 5.

On MOTION of SUBLETT, the Board of Adjustment (4-0) granted an exception under Section 8 (e) and a variance of Section 8 (e) to permit construction of one duplex on each of the following six tracts:

1. The North 91.26 feet of the West 110 feet of the East 300 feet of Block 5; 4/4/67
ZONING CLEARANCE PLAN REVIEW

March 25, 2020
Phone: 918.810.4630

APPLICATION NO: ZCO-057272-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 5151 E 51 ST
Description: Public, Civic & Institutional/Government Service

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. PURSUANT TO FEDERAL, STATE, AND LOCAL DECLARATIONS OF EMERGENCY ARISING FROM THE COVID-19 THREAT AND AS DIRECTED BY THE ADMINISTRATION, OUR OFFICE IS CLOSED TO THE PUBLIC UNTIL FURTHER NOTICE.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

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

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

Sec.15.020 Table 15-2: You are proposing a Public, Civic & Institutional/Government Service Use. This is in an OM Zoning district. This will require a Special Exception approved by the City of Tulsa BOA.

**Review Comment:** Submit a copy of the BOA approved Special Exception to allow a Public, Civic & Institutional/Government Service Use at this location.

**Note:** All references are to the City of Tulsa Zoning Code. Link to Zoning Code: [http://tulsaplanning.org/plans/TulsaZoningCode.pdf](http://tulsaplanning.org/plans/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.
NEW HEADQUARTERS
SINGLE STORY
22,550SF

PUBLIC + STAFF PARKING
(5) ACCESSIBLE SPACES
(39) SPACES

OVERNIGHT SECURE
VEHICLE PARKING

OVERALL PROPERTY
BOUNDARY

DEVELOPED 2-ACRES
FOR MOW/MIT

SHIPPING
BULK TRUCK ACCESS

RECEIVING
SEMI-TRUCK ACCESS

TRASH ENCLOSURE

FUTURE SITE
DEVELOPMENT
OPPORTUNITY

SITE PLAN
MEALS ON WHEELS METRO TULSA
NEW HEADQUARTERS
TULSA, OKLAHOMA
27 MARCH 2020

SERGIO SCHAEFER ARCHITECTS
© 2020

30.10
<table>
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<th>ROOM NAME</th>
<th>QTY</th>
<th>SIZE</th>
<th>PROPOSED NSF</th>
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<th>NOTES</th>
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<td>3</td>
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<td>CEO, COD + VP CORPORATE RELATIONS AND ADVANCEMENT / PRIVATE OFFICE WITH MEETING SPACE FOR (4)</td>
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<td>OPEN OFFICE</td>
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<td>OPEN OFFICE SYSTEM / CAN BE REMOTE FROM ONE ANOTHER / INCLUDES (10) FUTURE - 2025 INITIATIVE</td>
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<td>STORAGE</td>
<td>1</td>
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<td>100</td>
<td>GENERAL ADMIN STORAGE / (12) BOXES OF PAPER REEMS</td>
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<td>STAFF BREAKROOM</td>
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<td>20 x 30</td>
<td>600</td>
<td>600</td>
<td>DINING SPACE / REFRIGERATOR / COFFEE / DISHWASHER / MICROWAVE(S) / (10-12) DOUBLE-TIER LOCKERS</td>
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<td></td>
<td>BOARDROOM</td>
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<td>500</td>
<td>CAPACITY FOR (25) PEOPLE @ 15SF/PERSON + (10) PERIMETER SEATS / BUFFET MILLWORK + AV EQUIP</td>
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* OPPORTUNITY TO INCORPORATE MOWMT HISTORY + MISSION

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<td>PRIVATE OFFICE</td>
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<td>OPEN OFFICE</td>
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<td>STORAGE</td>
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<td></td>
<td>STAFF BREAKROOM</td>
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<td>BOARDROOM</td>
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Note: QTY = Quantity, SIZE = Size, PROPOSED NSF = Proposed NSF, NOTES = Notes
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<th>SIZE</th>
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<td>SFG</td>
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<td>STAFF BREAKROOM</td>
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<td>SFG</td>
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<td>INCLUDE PERSONAL LOCKERS</td>
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<td>JANITOR CLOSET</td>
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<td>SFG</td>
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<tr>
<td>RECEIVING</td>
<td>1</td>
<td>x</td>
<td>750</td>
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<td>INCLUDES LOADING DOCK TO ACCOMMODATE SEMI-TRUCK ACCESS</td>
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<tr>
<td>SHIPPING</td>
<td>1</td>
<td>x</td>
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<td>REQUIRES ACCESS FOR BOX / PICKUP TRUCKS; STORAGE SYSTEM FOR OUTGOING MEALS / COLD STORAGE</td>
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* FOOD SERVICE SF PLACEHOLDER INCLUDES RECEIVING, SHIPPING, PRODUCTION, PACKAGING AND SUPPORT

Sub Total 9,000
Department Factor (included above) 0  CIRCULATION/WALLS/COLUMNS
Total 9,000  TARGET SF

| PROGRAM STORAGE                |     |      | 400          | 400       | PALLET RACK HIGH DENSITY STORAGE SHELVING (6-PALLETS) / ADJACENT TO RECEIVING - OR ACCESS TO EXTERIOR |
| VLNTR ENGAGEMENT CENTER        | 1   | 20   | 20           | 400       |                                                          |

Sub Total 850
Department Factor (20%) 170  CIRCULATION/WALLS/COLUMNS
Total 1,020
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<th>ROOM NAME</th>
<th>QTY</th>
<th>SIZE</th>
<th>PROPOSED NSF</th>
<th>PROPOSED NSF SUBTOTAL</th>
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<td>EXISTING PUBLIC TOILETS ON GROUND FLOOR / ADD ADDITIONAL</td>
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<td>PUBLIC TOILETS ON SECOND FLOOR</td>
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<tr>
<td>MEP</td>
<td>1 10 x 20</td>
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<td>5% CIRCULATION/MEP ROOMS/EXT WALLS</td>
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<td><strong>TOTAL BUILDING PROGRAM AREA SQUARE FOOTAGE</strong></td>
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<td>21,281</td>
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* IF ADMINISTRATION AND VOLUNTEER TRAINING CENTER LOCATED AT SECOND FLOOR LEVEL ADD ADDITIONAL 6,500 SF TO FIRST FLOOR AND ADDITIONAL 7,500 SF TO SECOND FLOOR TO ACCOMMODATE EGRESS STAIRS, ELEVATOR AND AIC.

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<td>200</td>
<td>(1) TRASH DUMPSTER / (1) GREASE RECEPTACLE / COMPACTOR OR RECYCLING RECEPTACLE NEEDED?</td>
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<td>BOX FARM</td>
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<td>PUBLIC VISIBILITY</td>
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<td>RAISED PLANTING BEDS / PUBLIC VISIBILITY</td>
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# MEALS ON WHEELS METRO TULSA
## NEW HEADQUARTERS

### DRAFT SPACE PROGRAM 02.18.20

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<td>PUBLIC SPACE</td>
<td>ENTRY VESTIBULE</td>
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<td>LOBBY *</td>
<td>1</td>
<td>20 x 25</td>
<td>500</td>
<td>500</td>
<td>OPEN AREA / POTENTIALLY DOUBLE AS PREFUNCTION SPACE</td>
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<td></td>
<td>INCORPORATE DESIGN INTO LOBBY</td>
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<tr>
<td></td>
<td>RETAIL</td>
<td>1</td>
<td>10 x 10</td>
<td>100</td>
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<td>DISPLAY AREA / RETAIL COUNTER</td>
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<td></td>
<td>VOLUNTEER TRAINING CNTR</td>
<td>1</td>
<td>30 x 50</td>
<td>1,500</td>
<td>1,500</td>
<td>CAPACITY FOR (100-TRAINING or 75-BANQUET) PEOPLE @ 15SF/PERSON / MULTI-PURPOSE SPACE</td>
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<tr>
<td></td>
<td>A/V CLOSET</td>
<td>1</td>
<td>8 x 10</td>
<td>80</td>
<td>80</td>
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<td></td>
<td>STORAGE</td>
<td>1</td>
<td>10 x 12</td>
<td>120</td>
<td>120</td>
<td>STORAGE CARTS - 9SF/10 CHAIRS + 18SF/10 TABLES</td>
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<tr>
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<td>CONSULTATION ROOMS</td>
<td>3</td>
<td>10 x 12</td>
<td>120</td>
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<td>MEETING SPACE FOR CONSULTATION AND/OR ADMIN BREAKOUT / ACOUSTICS CRITICAL / NO SINK REQUIRED</td>
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* OPPORTUNITY TO INCORPORATE MOVMT HISTORY + MISSION

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| ADMINISTRATION | SMALL WAITING AREA                  | 1     | 10 x 12| 120          | 120                    | WAITING AREA FOR GUESTS / FLOWS INTO PREFUNCTION + SECOND FLOOR LOBBY |
|                | EXECUTIVE OFFICE                    | 3     | 15 x 20| 300          | 900                    | CEO, COO + VP CORPORATE RELATIONS AND ADVANCEMENT / PRIVATE OFFICE WITH MEETING SPACE FOR (4) |
|                | PRIVATE OFFICE                      | 5     | 12 x 15| 180          | 900                    | ENCLOSED PRIVATE OFFICES / INCLUDE (1) FOR FUTURE / POTENTIALLY BORROW LIGHT |
|                | OPEN OFFICE                         | 20    | 8 x 8  | 64           | 1,280                  | OPEN OFFICE SYSTEM / CAN BE REMOTE FROM ONE ANOTHER / INCLUDES (10) FUTURE - 2025 INITIATIVE |
|                | WORKROOM                            | 1     | 10 x 10| 100          | 100                    | CENTRALLY LOCATED / ALL-IN-ONE COPY PRINT FAX MACHINE / POSTAGE / OFFICE SUPPLIES |
|                | STORAGE                             | 1     | 10 x 10| 100          | 100                    | GENERAL ADMIN STORAGE / (12) BOXES OF PAPER REEMS                   |
|                | STAFF BREAKROOM                     | 1     | 20 x 30| 600          | 600                    | SINK WITH DISPOSAL / VENDING MACHINES                               |
|                | BOARDROOM                           | 1     | 20 x 25| 500          | 500                    | CAPACITY FOR (25) PEOPLE @ 15SF/PERSON + (10) PERIMETER SEATS / BUFFET MILLWORK + AV EQUIP |
|                |                                    |       |         |              |                        | WALL MOUNTED FLAT SCREEN(S) / CONTROLLED VISUAL PRIVACY / RECTANGULAR CONFERENCE TABLE |

<table>
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<td>Total</td>
<td>5,400</td>
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<td>AREAS OF USE</td>
<td>ROOM NAME</td>
<td>QTY</td>
<td>SIZE</td>
<td>PROPOSED NSF</td>
<td>PROPOSED NSF SUBTOTAL</td>
<td>NOTES</td>
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<td>-------------</td>
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<tr>
<td>FOOD SERVICE</td>
<td>PRODUCTION KITCHEN</td>
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<td>7,500</td>
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<td>VISIBILITY FROM LOBBY</td>
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<td></td>
<td>BULK FOOD PREP</td>
<td>x</td>
<td>SFG</td>
<td></td>
<td></td>
<td>MORE PRIVATE SPACE WITH LIMITED/NO PUBLIC VISIBILITY</td>
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<tr>
<td></td>
<td>PREP</td>
<td>x</td>
<td>SFG</td>
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<td></td>
<td>WALK-IN COOLER</td>
<td>x</td>
<td>SFG</td>
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<td>WALK-IN FREEZER</td>
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<td>BAKERY</td>
<td>x</td>
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<td></td>
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<td></td>
<td>COLD PREP</td>
<td>x</td>
<td>SFG</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>COLD PREP WALK-IN COOLER</td>
<td>x</td>
<td>SFG</td>
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<td>COLD PREP DRY STORAGE</td>
<td>x</td>
<td>SFG</td>
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<td></td>
<td>DISH PIT</td>
<td>x</td>
<td>SFG</td>
<td></td>
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<td></td>
<td>PACKAGING</td>
<td>x</td>
<td>SFG</td>
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<td>(2) PACKAGING LINES</td>
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<td>OFFICE</td>
<td>x</td>
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<td>ENCLOSED PRIVATE OFFICE</td>
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<td>STAFF TOILET</td>
<td>x</td>
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<td></td>
<td>STAFF BREAKROOM</td>
<td>x</td>
<td>SFG</td>
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<td></td>
<td>INCLUDE PERSONAL LOCKERS</td>
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<td>JANITOR CLOSET</td>
<td>x</td>
<td>SFG</td>
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<td></td>
<td></td>
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<tr>
<td></td>
<td>RECEIVING</td>
<td>1</td>
<td>x</td>
<td>750</td>
<td></td>
<td>INCLUDES LOADING DOCK TO ACCOMMODATE SEMI-TRUCK ACCESS</td>
</tr>
<tr>
<td></td>
<td>SHIPPING</td>
<td>1</td>
<td>x</td>
<td>750</td>
<td></td>
<td>REQUIRES ACCESS FOR BOX / PICKUP TRUCKS; STORAGE SYSTEM FOR OUTGOING MEALS / COLD STORAGE</td>
</tr>
</tbody>
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* FOOD SERVICE SF Placeholder includes receiving, shipping, production, packaging and support

<table>
<thead>
<tr>
<th>Sub Total</th>
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<tr>
<td>Department Factor (included above)</td>
<td>9,000</td>
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<tr>
<td>Total</td>
<td>9,000</td>
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</tbody>
</table>

PROGRAM STORAGE

| 1 | 20 x 20 | 400 | 400 | PALLETT RACK HIGH DENSITY STORAGE SHELVING (6-PALLETS) / ADJACENT TO RECEIVING - OR ACCESS TO EXTERIOR |

| VLNTIR ENGAGEMENT CENTER | 1 | 25 x 18 | 450 | 450 |

<table>
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### Areas of Use

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<tr>
<th>Room Name</th>
<th>QTY</th>
<th>Size (ft²)</th>
<th>Proposed NSF</th>
<th>NSF Subtotal</th>
<th>Notes</th>
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</thead>
<tbody>
<tr>
<td>Public Toilets</td>
<td>2</td>
<td>20 x 25</td>
<td>500</td>
<td>1,000</td>
<td>Existing Public Toilets on ground floor / Add additional Public Toilets on second floor</td>
</tr>
<tr>
<td>IDF/Server Room</td>
<td>1</td>
<td>8 x 10</td>
<td>80</td>
<td>80</td>
<td></td>
</tr>
<tr>
<td>MEP</td>
<td>1</td>
<td>10 x 20</td>
<td>200</td>
<td>200</td>
<td></td>
</tr>
</tbody>
</table>

Sub Total: 1,280

Department Factor (20%): 756

Circulation/Walls/Columns: 1,536

---

### Programmed Department Area

- **Programmed Department Area**: 20,268
- Building Factor (5%): 1,013
- Circulation/MEP Rooms/Ext Walls: 21,281

---

### Site

<table>
<thead>
<tr>
<th>Parking Spaces</th>
<th>QTY</th>
<th>Size (ft²)</th>
<th>Notes</th>
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<tbody>
<tr>
<td>General Public</td>
<td>9</td>
<td>18 x 162</td>
<td>0 PER ZONING REQUIREMENT</td>
</tr>
<tr>
<td>Accessible Public</td>
<td>14</td>
<td>18 x 252</td>
<td>0 PER ZONING REQUIREMENT</td>
</tr>
<tr>
<td>Employee</td>
<td>9</td>
<td>18 x 162</td>
<td>0 PER ZONING REQUIREMENT</td>
</tr>
<tr>
<td>Secure Fleet Parking</td>
<td>9</td>
<td>18 x 162</td>
<td>0 PER ZONING REQUIREMENT</td>
</tr>
<tr>
<td>Semi-Truck</td>
<td>1</td>
<td>12 x 80</td>
<td>960</td>
</tr>
<tr>
<td>Entry Drop-Off</td>
<td>1</td>
<td>12 x 30</td>
<td>960 Adjacent to Building Entrance for Easy Access / Van Accessible / Covered Walkway</td>
</tr>
<tr>
<td>Emergency Generator</td>
<td>1</td>
<td>15 x 50</td>
<td>750</td>
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<tr>
<td>Trash Enclosure</td>
<td>1</td>
<td>10 x 20</td>
<td>200 (1) TRASH DUMPSTER / (1) GREASE RECEPTACLE / COMPACTOR OR RECYCLING RECEPTACLE NEEDED?</td>
</tr>
<tr>
<td>Box Farm</td>
<td></td>
<td>0 x 200</td>
<td>0 PUBLIC VISIBILITY</td>
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<tr>
<td>Community Garden</td>
<td></td>
<td>0 x 0</td>
<td>0 RAISED PLANTING BEDS / PUBLIC VISIBILITY</td>
</tr>
</tbody>
</table>
TOGETHER, WE CAN DELIVER.

281,135 MEALS DELIVERED IN 2017
Subject Tract

BOA-22915

19-13 27

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

Aerial Photo Date: February 2018
HEARING DATE: 06/09/2020 1:00 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Special Exception to permit a self-service storage facility in a CS District (Sec. 15.020, Table 15-2)

LOCATION: 1535 S MEMORIAL DR E

PRESENT USE: Vacant

LEGAL DESCRIPTION: BLK 1, BROOKCREST SQUARE ADDN RESUB PRT L4 B3 O'CONNOR PARK SUB

RELEVANT PREVIOUS ACTIONS:
Subject Property:

BOA-22911: On 4/24/2020 the Land Use Administrator approved an Administrative Adjustment to reduce the required 10’ street setback along E. 16th Street. Subject to the same site plan submitted with this application.

Surrounding properties:

BOA-16673; The Board of Adjustment approved a special exception to permit Use unit 17 (mini-storage) in a CS zoned district, a variance to permit open air display and sales within 300’ of an R district and a variance of the all-weather surface requirement for this use only, on property located South of the Southwest corner of East 15th Street South and South Memorial Drive.

BOA-8761; The Board of Adjustment approved an exception to erect a mini-storage facility with conditions, on property located South of the Southwest corner of East 15th Street South and South Memorial Drive.

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.

REVISED 5/28/2020
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 at the NE/c of E. 16th St. S. and S. Memorial Drive.

STAFF COMMENTS: The applicant is requesting a Special Exception to permit a self-service storage facility in a CS District (Sec. 15.020, Table 15-2)

Self-Service Storage facilities are subject to the following supplemental regulations:
Section 40.360  Self-Service Storage Facilities

40.360-A General

1. The general provisions of this section apply to all self-service storage facilities.

2. A screening fence or masonry wall is required along all lot lines that abut R- or AG-R- zoned lots. Required screening fences and walls must be at least 8 feet in height. If buildings are masonry, the building wall can serve as the screening wall, provided that any open spaces between perimeter buildings are screened with a masonry screening wall at least 8 feet in height. The screening fence/wall requirements of this section do not apply to climate-controlled self-storage buildings in which self-storage spaces are accessed only from within the building.

TULSA ZONING CODE | December 09, 2019
page 40-19

Chapter 40 | Supplemental Use and Building Regulations
Section 40.370 | Sexually Oriented Business Establishments

Figure 40-12: Screening of Drive-up Style Self-Storage Facilities from Abutting R or AG-R Districts

3. A single dwelling unit may be integrated into the self storage facility.

4. No activities other than storage and pick-up and deposit of stored materials are allowed within the storage units.

SAMPLE MOTION:

Move to _______ (approve/deny) a Special Exception to permit a self-service storage facility in a CS 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 East on 16th Street

Facing North on Memorial
Subject property from intersection of E 16th Street and S Memorial Dr.
Date: 04/24/2020

Lou Reynolds
2727 E 21st Street
Tulsa, OK 74114

DELIVER ELECTRONICALLY: rtreynolds@ellerdetrich.com
RE: BOA-22911 (Administrative Adjustment)
Address: 1535 S Memorial Dr E

Applicant Name: Lou Reynolds

Upon examination the Land Use Administrator has APPROVED your request for an Administrative Adjustment (BOA-22911) to reduce the street setback in a CS District from district to 10' (Sec. 15.030, Table 15-3) to 5' per the attached conceptual plan; for the following property:

BLK 1, BROOKCREST SQUARE ADDN RESUB PRT L4 B3 O'CONNOR PARK SUB, O'CONNOR PARK RESUB PRT L3 B3

The Land Use Administrator has found that the following criteria have been met:

1. The requested administrative adjustment is consistent with all relevant purpose and intent statements of this zoning code and with the general purpose and intent of the comprehensive plan;
2. The requested administrative adjustment will not have a substantial or undue adverse effect upon adjacent property, the character of the area or the public health, safety and general welfare; and
3. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent feasible.

You will need to print this letter and insert it into your permit package for submittal to the City. If you have previously submitted plans to the permit office, then you will need to submit two sets at a legible size for a revision to your permit package.

This letter shall not be considered a waiver of the necessity to apply for a building permit or a zoning clearance permit, as may be required by the proposed construction and proposed use of the subject lot.

Sincerely,

Austin Chapman

Austin Chapman
Planner
City of Tulsa Board of Adjustment
918-579-9471
Case No. 16673

Action Requested:
Special Exception to permit Use Unit 17 (mini-storage) in a CS zoned district, a variance to permit open air display and sales within 300' of an R District and a variance of the all-weather surface requirement - SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS, SECTION 1217.C. Use Conditions and SECTION 1303.D DESIGN STANDARDS FOR OFF-STREET PARKING AREAS - Use Unit 17, located 1520 South Memorial Drive.

Presentation:
The applicant, James Bracken, 1520 South Memorial Drive, was represented by Warren Morris, 1918 East 51st Street, who informed that his client is relocating his business. He submitted a brochure (Exhibit G-1) and stated that the operation consists of selling parts, renting dollies for towing purposes and some outside storage of recreational vehicles and boats. Mr. Morris pointed out that approximately 95% of the business is by mail and only three or four customers visit the store in a one-day period. He submitted photographs (Exhibit G-3) and stated that the parking area is partially hard surface, with the remainder being gravel. Mr. Morris requested that the front portion of the tract will be used for automobile sales. He noted that there are similar operations in the area. Code Enforcement information (Exhibit G-1) was submitted.

Comments and Questions:
Mr. Doverspike noted that photographs submitted by Code Enforcement show landscaping material on the property, and Mr. Morris replied that these materials have all been removed.

Ms. Parnell informed that a skateboard business formerly occupied the subject property, and a portion of the lot is concrete, which has been leveled by adding gravel. She stated that the gravel surface could create a dust problem for the area.

Mr. Gardner noted that some area businesses store automobiles that are inoperable and they have the appearance of a salvage yard. He stated that, if approved, conditions should be imposed that will eliminate this type of outside storage.

Mr. Bolzle stated that the lot in question is much larger than other sales lots in the area, and that he would like to see a site plan depicting the location of uses on the lot.

Ms. Parnell informed that the property in question has been a continual problem for Code Enforcement. She stated that the applicant, Mr. Bracken, has cleaned the property and is a prospective buyer.

James Bracken, 1520 South Memorial, informed that vehicles can only be parked north of the creek.

Mr. Jackere suggested that the application could be continued to allow the Board an opportunity to review the plot plan before considering the case.

Mr. Morris requested that his client be permitted to park 20 vehicles on the northeast corner (100' frontage by 130' depth) of the tract.
Ms. Parnell noted that many times Code Enforcement requires that inoperable vehicles removed from residential areas and they are then placed in storage facilities.

Board Action:
On MOTION of BOLZLE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception to permit Use Unit 17 (mini-storage) in a CS zoned district, a variance to permit open air display and sales within 300' of an R District and a variance of the all-weather surface requirement for this use only - SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS, SECTION 1217.C. Use Conditions and SECTION 1303.D DESIGN STANDARDS FOR OFF STREET PARKING AREAS - Use Unit 17; subject to no mini-storage being permitted on the northeast 100' (frontage) by 130' (depth), which is to be reserved for automobile sales only, with a maximum of 20 automobiles; and subject to all vehicles on the subject property being operable; finding the use, per conditions, to be compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property:

SE/4, NE/4, NE/4, SE/4, less east 45' thereof for street, Section 11, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16675

Action Requested:
Special Exception to permit a construction office and a janitorial service in a CS zoned district and for a variance of the required setback from the centerline of South Lewis - SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS and SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS - Use Unit 15, located northwest corner of East 7th Street and South Lewis Avenue.

Presentation:
The applicant, Cedar Creek Builders, PO Box 582505, was represented by Barry Burkhart, 824 North Toledo Avenue, who stated that he is proposing to operate a construction office on the property. He informed that other uses at this location will be a janitorial service and limited fabrication. Mr. Burkhart submitted a site plan (Exhibit H-1) and photographs (Exhibit H-2), and stated that the existing building and parking will be utilized. He informed that a new building is proposed, and noted that numerous buildings in the area have comparable setbacks.

Comments and Questions:
In reply to Mr. Doverspike, Mr. Burkhart stated that eight parking spaces will be provided.

Ms. White asked what type of fabrication will be done at this location, and Mr. Burkhart stated that the major portion of the company's work will be completed at the customer's home. He added that occasionally some custom cabinet work may be done at this location.
In reviewing the applicant's plot plan, the Staff pointed out that the plot plan would need to be revised to show the actual location of the night watchman's quarters, at which time Mrs. Cole noted on the plot plan the watchman's quarters. Mr. Alberty also noted that the Board needs to determine whether or not the night watchman's quarters is an accessory use customarily incidental to the principle use. If that determination is made then the night watchman is permitted by right rather than the granting of an exception. In reviewing the proposed location of the mini-storage structures, it was pointed out that a variance of the setback requirement from 10th Street would also be required, after which it was noted that the application had not been properly advertised for this required variance.

David Fauling, Assistant City Attorney, suggested that the application be continued in order that it might be readvertised and proper notice given.

Protests:

None.

Board Action:

On MOTION of SMITH, the Board (5-0) continued application 8760 to October 16, 1975, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order that the application might be readvertised and proper notice given.

8761

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to erect a mini-storage facility; and an

Exception (Section 720 - Accessory Uses Permitted in Commercial Districts) to have living quarters for a night watchman in a CS District located at 1520 South Memorial Drive.

Presentation:

Gomer Evans submitted the plot plan (Exhibit "N-1") and requested permission to erect a mini-storage facility with night watchman's quarters on the subject property, per the plot plan. Upon questioning, Mr. Evans advised that the facility will be constructed of cement blocks with metal doors and lights to be concentrated on the area and away from surrounding properties.
In reviewing the facility proposed, Board Member Smith suggested that earthen-tone paint might be used to be compatible with the surrounding development, that landscaping be provided along Memorial Drive, that the lighting be directed away from the apartments and surrounding residents, that no signs be painted on the buildings themselves, and that the facility be setback 110' from centerline as required.

Protests: None.

Board Action: On MOTION of GUERRERO, the Board (5-0) approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to erect a mini-storage facility; and found the living quarters for a night watchman to be accessory to the principal use of the facility, subject to earthen-tone paint being utilized, landscaping along the property line on Memorial being provided, lighting being directed away from the surrounding properties, no signs being painted on the structures themselves, and that the facility be setback 110' from the centerline of Memorial as required, per revised plot plan to be submitted, in a CS District on the following described tract:

SE/4, NE/4, NE/4, SE/4, of Section 11, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

8762

Action Requested: Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a child care center in a church building in an RS-3 District located at 727 East 56th Street North.

Presentation: Betty Jean Craven, representing Gethsemane Baptist Church, requested permission to operate a child care center within the Church, noting that approximately 15 welfare or potential welfare recipients will be served by the operation which will be open 24 hours per day. Mrs. Craven advised that there are no parking problems and that the Church had been inspected by the Health Department.

Protests: Mrs. Vanteen Wilson, 5531 North Hartford Place, advised the Board that she was given permission in 1972 to operate a day care center on the property which abuts the subject property. Since her
LANDS NATE:C.C. COON
PLANS EXAMINER
TEL (918)596-9688
clange@cityoftulsa.org

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

ZONING CLEARANCE PLAN REVIEW

October 28, 2019
Phone: 918.747.8900

ZCO-043642-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

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.).
Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 564-7526. 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**: Your proposed Storage facility is designated a Commercial/Self-service Storage Facility use and is in a CS zoning district. This use is allowed in the CS zoning district by special exception.
   
   **Review comment**: Submit a copy of the special exception, reviewed and approved per Sec.70.120, to allow Commercial/Self-service Storage Facility use in a CS zoning district.

2. **Sec. 15.030-A Table 15-3**: The required building setback from the E 16 ST property line is 10’.
   
   **Review comment**: The proposed setback is 4’. Submit a site plan providing a 10’ building setback from the 16 ST property line. You may wish to consider a variance to reduce the setback to less than 10’.

3. **Sec. 15.030-A Table 15-3**: The property abuts an RM-2 district to the east. The required building setback from the property line is 10’.
   
   **Review comment**: The proposed setback is less than 10’. Submit a site plan providing a 10’ building setback from the east property line. You may wish to consider a variance to reduce the setback to less than 10’.

4. **Sec.40.360-A**: Self-service Storage Facilities
   
   1. The general provisions of this section apply to all self-service storage facilities.
   
   2. A screening fence or masonry wall is required along all lot lines that abut R-zoned lots. Required screening fences and walls must be at least 8 feet in height. If buildings are masonry, the building wall can serve as the screening wall, provided that any open spaces between perimeter buildings are screened with a masonry screening wall at least 8 feet in height. The screening fence/wall requirements of this section do not apply to climate-controlled self-storage buildings in which self-storage spaces are accessed only from within the building.

   **Figure 40-12**: Screening of Drive-up Style Self-Storage Facilities from Abutting R Districts

   **Review comment**: Provide screening, along the east property line, in accordance with this section.

<table>
<thead>
<tr>
<th>ZCO-043642-2019</th>
<th>1535 S Memorial Dr</th>
<th>October 26, 2019</th>
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![Diagram](image-url)
5. **Sec.55.020 Table 55-2**: The proposed storage facility is designated a Commercial/Self-service Storage Facility and is in an CS district. The minimum parking requirement is .2 spaces for 1000 sqft of floor area. There is 15580 sqft of floor area. This will require 4 parking spaces. 
**Review comment**: Submit a site plan providing 4 parking spaces that comply with the design criteria of Sec.55.090. You may wish to sider an Alternate Compliance Parking ratio approved per Sec.55.050-K.

6. **Advisory note: Sec.40.360-C**: In the CS district, no outdoor (open-air) storage of any kind is allowed that is visible at ground level from abutting R or O districts or from any street rights-of-way.


   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.
The Applicant requests a Special Exception pursuant to Table 15-2 of the Tulsa Zoning Code (the "Code") to permit a self-service storage facility in a CS District for property located at 1535 S. Memorial Drive (the "Property"). Attached hereto is a site plan of the proposed storage facility.

The Property is located in a mixed-use corridor at the northeast corner of South Memorial Drive and East 16th Street. The Property is abutted to the north and south by commercial strip centers. Across Memorial to the west of the Property is a used car sales lot and to the east are multi-family units. The project will comply with the screening requirements of the Code for self-storage facilities adjacent to R districts.

The Property was formerly an office building that had become dilapidated and structurally unsound. In May 2019, the Property was rezoned from OI. to CS and the abandoned office building has been demolished. On April 3, 2019, TMAPC recommended approval of the rezoning in Case Z-7476 and on May 15, 2019, the Tulsa City Council approved the same, said rezoning adopted by Ordinance No. 24137.

The proposed storage facility is consistent with the existing commercial development along Memorial and the expected development pattern in a mixed-use corridor and thus will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Further, as a permitted use by special exception in the CS district, which zoning was approved by the Tulsa City Council, the self-service storage facility is in harmony with the spirit and intent of the Code.
BOA-22920

Subject Tract

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

Aerial Photo Date: February 2018
Subject Tract

BOA-22920

19-13 12

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: February 2016
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SUBJECT TRACT

LEGEND
- Broken Arrow Corporate Limits
- Tulsa Corporate Limits

Boo-22921
19-14 22
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9422
CZM: 50
CD: 6

HEARING DATE: 06/09/2020 1:00 PM

APPLICANT: Jose Socorro

ACTION REQUESTED: Special Exception to increase the maximum driveway width within the right-of-way. (Section 55.090-F.3)

LOCATION: 4003 S 148 AV E
ZONED: RS-3

PRESENT USE: Residential
TRACT SIZE: 7944.03 SQ FT

LEGAL DESCRIPTION: LOT 5 BLOCK 4, BATTLE CREEK PARK BLKS 1-4

RELEVANT PREVIOUS ACTIONS: None.

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

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

The New Neighborhood designation is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or new Neighborhood or Town Center.

ANALYSIS OF SURROUNDING AREA: The subject tract is Located South of the SE/c of S. 148th E. Ave and E. 39th Pl.

STAFF COMMENTS: The applicant is requesting Special Exception to increase the maximum driveway width within the right-of-way. (Section 55.090-F.3)
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’ (2)</th>
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<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>
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<tr>
<td>Driveway Within Street Setback (feet)</td>
<td>30’</td>
<td>30’</td>
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</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 applicant is requesting to increase the width of their driveway curb cut to 28’. Per the zoning code they are limited to a 26’ curb cut. The applicant would be required to get a right-of-way permit prior to construction.

SAMPLE MOTION:

Move to __________ (approve/deny) a Special Exception to increase the maximum driveway width within the right-of-way. (Section 55.090-F.3)

- 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 South on S. 148th E. Ave.

Subject Property
Facing North
APPLICATION NO: ZCO-56221-2020

(Please reference this number when contacting our office)

Project Location: 4003 S 148th Ave E

Description: Driveway Expansion

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) 596-9607.

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. Pursuant to federal, state, and local declarations of emergency arising from the COVID-19 threat and as directed by the administration, our office is closed to the public until further notice. Paper submittals (including revisions and addendum) for any project is not accepted at this time. If submitting revisions for applications that previously utilized paper plans, email the revised plans to cotservice@cityoftulsa.org OR submit electronic plan revisions on the portal at https://tulsaok.tyler.gov/energov4934/selfservice. You will need to register on the portal if you have not previously done so.

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" [115 & 116] 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

Application No. ZCO-56221-2020

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, plating, 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 26' and 30' outside of ROW.

Review Comments: This lot has a width of 65'. The submitted site plan proposes a driveway width that exceeds the maximum allowable driveway width within the ROW. Revise plans to indicate the driveway shall not exceed 26' width in the ROW or apply to the BOA for a special exception to allow a driveway within the ROW to exceed 26' in width.

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

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

END-ZONING CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
BOA-22921

Subject Tract

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

Aerial Photo Date: February 2018
Subject Tract

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

Aerial Photo Date: February 2022
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BOA-22922 – A-Max Sign Company

THE APPLICANT HAS REQUESTED A CONTINUANCE TO June 23, 2020
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9201
CZM: 36
CD: 4
HEARING DATE: 06/09/2020 1:00 PM

APPLICANT: Kayla Lee

ACTION REQUESTED: Special Exception to permit an Assembly and Entertainment/Other Outdoor Use and Business or Professional Office Use in an IM zoned district (Sec. 15.020, Table 15-3)

LOCATION: 1217 E 3 ST S; 1215 E 3 ST S

PRESENT USE: Vacant Lot

LEGAL DESCRIPTION: LTS 26 27 BLK 17; LTS 24-25 BLK 17, BERRY ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Tract: None

Surrounding Properties:

BOA-21967; on 10.13.2015 the Board approved a Special Exception to permit an industrial bakery in a CH zoned district located 1232 East 2\textsuperscript{nd} Street just North of the Property.

Z-7455; On 12.09.18 the City Council approved a re-zoning for the property immediately South of the Subject property from IM to MX-P-U.

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 East of the NE/c of E. 3rd Street and S. Owasso Ave in the Pearl District.

STAFF COMMENTS: The applicant is requesting Special Exception to permit an Assembly and Entertainment/Other Outdoor Use and Business or Professional Office Use in an IM zoned district (Sec. 15.020, Table 15-3)

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<thead>
<tr>
<th>USE CATEGORY</th>
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SAMPLE MOTION: Move to ________ (approve/deny) a **Special Exception** to permit an Assembly and Entertainment/Other Outdoor Use and Business or Professional Office Use in an IM zoned district (Sec. 15.020, Table 15-3)

- 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 3rd Street

Subject Property
Facing East on 3rd St.
Comments and Questions:
Mr. Van De Wiele stated that he thinks the 10:00 P.M. hour is too late especially during the winter months when it is dark earlier. The fact that the sign faces east and west helps but he thinks this will light up the entire section of 91st at least between the hours of dark and 10:00 P.M. The fact that the airport is expressing a concern tends to concern him. Mr. Van De Wiele believes this is self-imposed.

Mr. Swiney asked Mr. Kenneth White about his concern of the pilots landing and taking off and if the FAA had jurisdiction over these type issues. Mr. Kenneth White stated that he did not think so.

Mr. Henke stated that he thinks this proposed sign will be detrimental to the neighborhood, whether it is the airport or the neighbors across the street.

Mr. White stated that he used to fly out of Riverside Airport and there are no other lights that present a distraction, and a sign with LED lighting could be a distraction. Mr. Henke thinks there is going to be light pollution in the area and it would be naïve to think that having a large digital sign across the street isn't going to be noticeable. It will be noticeable and it will affect those properties.

Board Action:
On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to DENY the request for a Variance to allow a digital sign within 200 feet of an R District (Section 1221.C.2), finding the hardship to be self imposed and that the Variance would pose a detriment to the neighborhood and a potential safety concern with the airport; for the following property:

PRT SE BEG 175N & 965.79W SECR SE TH W553.86 NE60.24 SE618.09 SW426.34 TO POB SEC 13 18 12 7.950ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21967—James Smiley

Action Requested:
Special Exception to permit a bakery (Use Unit 25) in the CH District (Section 701, Table 1); Special Exception to permit parking on a lot other than the lot containing the principal use (Section 1225.D). LOCATION: 1232 East 2nd Street South (CD 4)

Presentation:
James B. Smiley, Architect, 6006 East 57th Place, Tulsa, OK; stated he represents Antonio Perez. The building is Type 1-B construction of reinforced concrete and masonry. The top floor of the building has been occupied for several years as a media center for Hispanic radio and television. The bottom floor has been vacant for several
years and the Perez's would like to have a tortilla factory on the first floor of the subject building. There will be no drop in trade because it is not a mercantile type business. The use will be strictly for the manufacturing of bakery goods and shipping them to the distributors. The building will remain as is on the outside other than to add parking on the west side to accommodate the factory employees, which should be less than ten people at any one time. There will be trucks arriving to pick up finished product for delivery and for unloading raw products for the manufacturing process.

Mr. Van De Wiele asked if the lot where the parking lot is going to be is owned by the same people that will have the tortilla factory. Mr. Smiley answered affirmatively and stated the lot is in the application process of combining lots 1 thru 12.

Interested Parties:
Michael Sager, 320 East 1st Street, Tulsa, OK; stated he is here to encourage the Board to approve the Special Exceptions requested. He owns various properties to the south across the alley and across 3rd Street. In an effort to move this entire forward he thinks this Special Exception is going to be requested over and over. Therefore, he encourages the Board to approve today's request.

Comments and Questions:
Mr. Van De Wiele asked staff if this request should wait for the lot combination. Ms. Miller stated that the Letter of Deficiency that the Building Permit Office issued had the lot combination as a solution, but this was the solution that was chosen. The applicant could have combined all the lots or he could come before the Board for this action.

Board Action:
On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to APPROVE the request for a Special Exception to permit a bakery (Use Unit 25) in the CH District (Section 701, Table 1); Special Exception to permit parking on a lot other than the lot containing the principal use (Section 1301.D), subject to "as built" with the parking to be on the lot which is immediately adjacent to the west. 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:

W4.5 LT 2 ALL LTS 3 4 5 6 7 8 BLK 17, BERRY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21968—Lamar Outdoor Advertising – Lorinda Elizardo

Action Requested:
Verification of the spacing requirement for an outdoor advertising sign of 1,200 feet from another outdoor advertising sign on the same side of the highway (Section 1221.F.2); Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 feet from any other digital outdoor advertising sign facing the same
Legal Description of CZ-475:
A PARCEL OF LAND IN THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING 32.1 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW/4 SE/4) OF SECTION 21, TOWNSHIP 21 NORTH, RANGE 13 EAST; THENCE SOUTHERLY ON A CURVE TO THE RIGHT A DISTANCE OF 1,014.2 FEET; THENCE SOUTH A DISTANCE OF 356.8 FEET; THENCE SOUTH A DISTANCE OF 237.4 FEET; THENCE SOUTHERLY ON A CURVE TO THE RIGHT A DISTANCE OF 387.07 FEET; THENCE WEST ALONG THE SECTION LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4) A DISTANCE OF 511.56 FEET; THENCE NORTH APPROXIMATELY 660 FEET; THENCE WEST A DISTANCE OF 660.68 FEET; THENCE NORTH A DISTANCE OF 1,321.55 FEET; THENCE EAST A DISTANCE OF 1,288.13 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 46.80 ACRES MORE OR LESS.

AND
BEGINNING 331.52 FEET EAST AND 185 FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER SECTION 21, TOWNSHIP 21 NORTH, RANGE 13 EAST; THENCE NORTH A DISTANCE OF 1,137.54; THENCE EAST A DISTANCE OF 331.02 FEET; THENCE SOUTH A DISTANCE OF 1,172.41 FEET; THENCE WEST A DISTANCE OF 19.81 FEET; THENCE NORTH A DISTANCE OF 10 FEET; THENCE WEST A DISTANCE OF 180 FEET; THENCE NORTHWEST A DISTANCE OF 74.33 FEET; THENCE WEST A DISTANCE OF 61.51 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 8.79 ACRES MORE OR LESS.

***************

6. **Z-7455 Mark Capron** (CD 4) Location: West of the southwest corner of South Peoria Avenue and East 3rd Street South requesting rezoning from IM to MX1-P-U

**STAFF RECOMMENDATION:**

**SECTION I: Z-7455**

**DEVELOPMENT CONCEPT:**
The applicant is proposing a multi-story mixed use building on this site. The current IM zoning does not allow that use and is not consistent with the Comprehensive Plans Downtown Neighborhood land use designation.
DETAILED STAFF RECOMMENDATION:

Z-7455 requesting MX1-P-U is consistent with the Downtown Neighborhood land use designation as outlined in the Tulsa Comprehensive plan and,

MX1-P-U is consistent with the expected development pattern in this neighborhood between Highway 75 and South Peoria and,

MX1-P-U is non-injurious to the surrounding property owners therefore,

Staff recommends Approval of Z-7455 to rezone property from IM/ to MX1-P-U.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Land uses and building forms allowed in this mixed-use zoning are consistent with the Tulsa Comprehensive Plan.

Land Use Vision:

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

Areas of Stability and Growth designation: Area of Growth
The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.
Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile."

Transportation Vision:

Major Street and Highway Plan: East 3rd Street and Owasso are both considered a CBD/Industrial Collector with an 80-foot-wide minimum right of way designation. The properties were platted around 1908 with a 60-foot-wide right of way. Many buildings along 3rd Street encroach into that planned right of way and it is unlikely that the 80-foot-wide right of way will ever be acquired at this location. INCOG staff has initiated a request to reconsider the planned right of way designation of this section 3rd Street and S. Owasso.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None. This site is not included in the Bus Rapid Transit mixed use incentive boundary.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is between 3rd street, a railroad and South Owasso. The property plan includes using some of the railroad right of way for parking that may be required.

Environmental Considerations: None that affect site development

Streets:

<table>
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<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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<tr>
<td>South Owasso</td>
<td>CBD/Industrial Collector</td>
<td>80 feet</td>
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Utilities:
The subject tract has municipal water and sewer available.

Surrounding Properties:

<table>
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<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
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<td>Growth</td>
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</tr>
</tbody>
</table>

SECTION III: Relevant Zoning History

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

Subject Property: No relevant history

Surrounding Property:

BOA-21967 October 13, 2016: The Board of Adjustment approved a special exception to permit a bakery (Use Unit 25) in the CH District; a special exception to permit parking on a lot other than the lot containing the principal use (subject to “as built” with the parking to be on the lot which is immediately adjacent to the west, on property located west of the southwest corner of East 2nd Street South and South Peoria Avenue.

BOA-21942 September 8, 2015: The Board of Adjustment denied (failed due to a lack of a majority vote) a request for a special exception to permit a soup kitchen and grocery pantry (Use Unit 5) in the IM District, on property located on the southwest corner of East 3rd Street South and South Peoria Avenue.

PUD-817/Z-7277 August 2014: All concurred in approval of a proposed Planned Unit Development on a 0.5± acre tract of land for a micro-brewery and approval of a request for rezoning from CH to IL/PUD-817 on property located on the southeast corner of East 4th Street and South Madison Avenue.
BOA-21260 May 10, 2011: The Board of Adjustment approved a variance of the parking requirement for a mixed-use property in the IM district to permit multiple uses in existing buildings, on property located on the northeast corner of South Madison Avenue and East 3rd Street.

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:
On MOTION of DIX, TMAPC voted 9-0-0 (Covey, Doctor, Fothergill, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Dix, Fretz, “absent”) to APPROVE Z-7455 rezoning from IM to MX1-P-U per staff recommendation.

Legal Description of Z-7455:
LOTS FOURTEEN (14) AND FIFTEEN (15), BLOCK EIGHTEEN (18), BERRY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

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

*************

OTHER BUSINESS

7. ZCA-12, Medical Marijuana- Discuss proposed amendments to the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, to provide for medical
ZONING CLEARANCE PLAN REVIEW

March 13, 2020

Phone: 918.236.3990

ZCO-055821-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1215 E 3rd St S

Description: ASSEMBLY, OUTDOOR WEDDING VENUE W/ OFFICE SPACE AND STORAGE BLDGS.

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.in cog.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.).
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.15.020 Table 15-2: The proposed use is designated an Assembly and Entertainment/Other Outdoor and Office/Business or Professional Office Use and is located in an IM zoned district. This will require a Special Exception approved by the BOA.

   Review comment: Submit an approved BOA Special Exception, reviewed and approved per Sec.70.120, to allow an Assemble and Entertainment/Other Outdoor and Office/Business or Professional Office Use in an IM zoned district.

2:  Sec.55.020 Table 55-1: The proposed use is designated an Assembly and Entertainment/Other Outdoor and Office/Business or Professional Office Use and is located in an IM zoned district. This will require (1.1 parking spaces per 1000 sqft of outdoor area) plus (2.8 parking spaces per 1000 sqft of indoor area) totaling 7 parking spaces.

   Review comment: Submit an updated site plan showing a minimum of 7 parking spaces.

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

STR: 9212
CZM: 36
CD: 4
HEARING DATE: 06/09/2020 1:00 PM

APPLICANT: Bill Powers

ACTION REQUESTED: Variance to permit the aggregate floor area of detached accessory structures to exceed 40% of the floor area of the principal residential structure (Section 45.030-A) and a Variance to allow an accessory structure to exceed 18 feet in height, and more than 10 feet in height to the top of the top plate (Section 90.090-C).

LOCATION: 1539 S DETROIT AV E
ZONED: RS-3

PRESENT USE: Single-family Residential
TRACT SIZE: 20826.12 SQ FT

LEGAL DESCRIPTION: ALL LT 13 & PRT LTS 14 THRU 17 BEG SWC LT 14 TH N25 NE203.19 S171.78 SW140 POB BLK 1, MAPLE PARK ADDN

RELEVANT PREVIOUS ACTIONS: None

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

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 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 E. 16th St. and S. Detroit Ave., immediately south of Maple Ridge Park. Though the Comprehensive Plan designate this property as Parks and Open Space, staff believes this should be reviewed during the next round of updates to the Comprehensive Plan.
STAFF COMMENTS: The applicant is requesting a Variance to permit the aggregate floor area of detached accessory structures to exceed 40% of the floor area of the principal residential structure (Section 45.030-A) and a Variance to allow an accessory structure to exceed 18 feet in height, and more than 10 feet in height to the top of the top plate (Section 90.090-C).

Section 45.030 Accessory Buildings and Carports in R Districts

45.030-A Accessory Building Size

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

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

[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks see 90.090.C2.

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

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

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

The proposed building is 1,376 square feet and by code they would be limited to 1,194 square feet. The height of the proposed building would 22' 7" and 18' 4" to the top of the top plate.
STATEMENT OF HARDSHIP: The existing garage is too small for cars and too expensive to modify. We need a full-size garage with quarters for family members.

SAMPLE MOTION: Move to _________ (approve/deny) a Variance to permit the aggregate floor area of detached accessory structures to exceed 40% of the floor area of the principal residential structure (Section 45.030-A) and a Variance to allow an accessory structure to exceed 18 feet in height, and more than 10 feet in height to the top of the top plate (Section 90.090-C)
  - Finding the hardship(s) to be ___________________________.
  - Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
  - Subject to the following conditions ________________________

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

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

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

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

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

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

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

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

Facing North at the Dead end of South Detroit
Facing South on South Detroit
PERMIT CORRECTIONS REPORT (BLDR-058678-2020) FOR CITY OF TULSA

PERMIT ADDRESS: 1639 S DETROIT AVE E
Tulsa, OK 74120

APPLICATION DATE: 04/09/2020
EXPIRATION DATE: 05/05/2020

PARCEL: 2500921207000

SQUARE FEET: 1,056.00
DESCRIPTION: A new garage with quarters as indicated on plans. The quarters is for family use only. Owner understands it cannot be rented out.
VALUATION: $66,079.20

CONTACTS
Appl¡cant
Bill Powers
Powersdesignandbuild, Inc

APPLICATION REVIEWER
REVIEWER
NAME
COMPANY
ADDRESS

May 05, 2020
175 E 2nd St., Tulsa, OK
Page 1 of 1

Building Review (Residential)

1. Building

Review item used to allow building to comment during a plan review
v.1 - No Correction
v.2 - No Correction

2. Planning/Zoning

Review conducted by the planning and zoning department
v.1 - Not Resolved
Correction: General
Comments: 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.

Corrective Action: Review comments: You are proposing a combined 1376 sq ft of floor area for all detached accessory structures on this lot. The proposed detached structures exceeds 500 sq ft and 40% of the size of your house. Based on the size of your house (2984 sq ft) you are allowed 1194 sq ft of detached accessory structures on your lot. Reduce the size of your proposed detached accessory structures to be less than 1194 sq ft or apply to BOA for a variance to allow a combination of all detached accessory structure floor area to exceed 40% of the floor area of the principal residential structure.

Correction: General
Comments: 90.90.C: Detached Accessory Buildings. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that 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.

Corrective Action: 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 and more than 10 feet in height to the top of the top plate.

v.2 - Not Resolved
Correction: General
Comments: 90.90.C: Detached Accessory Buildings. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that 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.

Corrective Action: 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 and more than 10 feet in height to the top of the top plate.

Correction: General
Comments: 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.

Corrective Action: Review comments: You are proposing a combined 1376 sq ft of floor area for all detached accessory structures on this lot. The proposed detached structures exceeds 500 sq ft and 40% of the size of your house. Based on the size of your house (2984 sq ft) you are allowed 1194 sq ft of detached accessory structures on your lot. Reduce the size of your proposed detached accessory structures to be less than 1194 sq ft or apply to BOA for a variance to allow a combination of all detached accessory structure floor area to exceed 40% of the floor area of the principal residential structure.

3. Water/Sewer/Drainage

Review item used to allow WSD to comment during a plan review
v.1 - No Correction

Randy Westbrook email: rwestbrook@cityoftulsa.org

Corlett Custom Garage
Lot 14 Block 1, Maple Park Addition
Note: Graphic overlays may not precisely align with physical features on the ground.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9212
CZM: 36
CD: 4
HEARING DATE: 06/09/2020 1:00 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Special Exception to allow a Commercial/Assembly & Entertainment/Large (>250-person capacity) in the CBD zoning district (Sec.15.020 Table 15-2)

LOCATION: 1227 S DETROIT AV

PRESENT USE: Commercial

ZONED: CBD

TRACT SIZE: 13651.76 SQ FT

LEGAL DESCRIPTION: The South 20 feet of Lot Seven (7) and the North 30 feet of the vacated street adjacent to the South side of said Lot Seven (7) in Block Two Hundred Six (206), and the North 11 feet of Lot Nine (9) and the South 30 feet of the vacated street adjacent to the North side of said Lot Nine (9), in Block Two Hundred Nine (209), WOODLAWN, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located Northwest of the NE/c of E. 13th Street S. and S. Detroit Ave. The property is immediately adjacent to an office building and is across Detroit from auto repair businesses,
STAFF COMMENTS: The applicant is requesting a Special Exception to allow a Commercial/Assembly & Entertainment/Large (>250 person capacity) in the CBD zoning district (Sec. 15.020 Table 15-2).

### USE CATEGORY

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#### COMMERCIAL

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### SAMPLE MOTION:

Move to _________ (approve/deny) a Special Exception to allow a Commercial/Assembly & Entertainment/Large (>250 person capacity) in the CBD zoning 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 South on Detroit

Facing North on Detroit
Subject property
Exhibit “B”

The Applicant requests a Special Exception pursuant to Table 15-2 of the Tulsa Zoning Code (the “Code”) to permit Indoor Assembly and Entertainment (Large >250) use in the CBD District for property located at 1227 S. Detroit Avenue (the “Property”).

The existing building on the Property is a 12,740 SF warehouse, formerly the headquarters of the John L. Rucker Company, a janitorial supply company. The Property is located just north of the Broken Arrow Expressway exit ramp into the IDL at the intersection of E. 13th Street and S. Detroit Ave. To the South of the Property is the Tulsa Fire Fighters Local 176 station. North and West of the Property are various automotive shops and to the East is Gunboat Park.

The existing brick warehouse was originally built in 1925 and is currently undergoing renovations in an effort to preserve one of Downtown Tulsa’s historic buildings located at a gateway into downtown. For the past several years, the Rucker family has housed its personal classic car collection in the warehouse and used the space to host small events for family and friends. The Rucker family desires to convert the existing building into a banquet hall for large events such as weddings, receptions, and fundraisers.

The proposed assembly and entertainment use will further the goals of the CBD district – encouraging a diversity of uses in the IDL, accommodating a desirable, more productive use of land, and promoting private investment into the area – and thus is in harmony with the spirit and intent of the Code. Additionally, the surrounding area along Detroit primarily consists of warehousing and light industrial uses. However, the Gunboat Park neighborhood to the East is currently undergoing a transformation from an industrial park to an office park with commercial and retail amenities. The proposed use will enhance an important entry point into downtown while preserving a historic building and will not be injurious to the neighborhood.
ZONING CLEARANCE PLAN REVIEW

March 6, 2020

Phone: 918-743-9444

Julia Hovanec/Jeremy Perkins
2200 S. Utica Place, Suite 216
Tulsa, OK 74114

APPLICATION NO: BLDC-053500-2020

( PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1227 S. Detroit Ave.
Description: Banquet Hall

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)
1. Section 15 Office, Commercial and Industrial Districts - Sec.15.020 Table 15-2: Your building will be used as a Banquet Hall, which is designated a Commercial/Assembly and Entertainment/Large (>250 person capacity) use. This facility is in the CBD zoned district, which will require a Special Exception approved by the BOA.

Review comment: Submit an approved BOA Special Exception, reviewed and approved per Sec.70.120, to allow a Commercial/Assembly & Entertainment/Large (>250) use in the CBD district.

2. Section 70.080 Zoning Clearance and Permits, Sec.70.080-C: Applications for a Building Permit shall include a site plan that provides zoning data for the Zoning review portion of the Building Permit application. You may have submitted a site plan that does not sufficiently cover all pertinent zoning data necessary for a complete review.

Review comment: Provide a site plan. The zoning site plan is required to provide the following:

- Legal description of the lot;
- Actual shape and dimensions of the lot;
- Location and dimensions of all easements;
- Lot lines and names of abutting streets;
- Public rights-of-way as designated on the Major Street and Highway Plan (MSHP) (Contact INCOG @ 918-584-7526 for Right-of-Way information on the MSHP) or follow the link below:
  https://incog.maps.arcgis.com/apps/webappviewer/index.html?id=c688593e48564a81af1fc2609846e587
- The location and dimensions of existing buildings or structures, including distances to lot lines;
- The location, dimensions and height of proposed buildings or structures.

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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<th>END – ZONING CODE REVIEW</th>
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<td>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.</td>
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<tr>
<td>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.</td>
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</table>
Note: Graphic overlays may not precisely align with physical features on the ground.
Subject Tract

BOA-22932

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

Aerial Photo Date: February 2019