

**AGENDA**  
**CITY OF TULSA BOARD OF ADJUSTMENT**  
**Regularly Scheduled Meeting**  
**Tulsa City Council Chambers**  
**175 East 2nd Street, 2nd Level, One Technology Center**  
**Tuesday, July 28, 2020, 1:00 P.M.**

**Meeting No. 1255**

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/CityOfTulsa2/board-of-adjustment-july-28th>

Join **Teleconference** by dialing: +1 (571) 317-3122

Participants must then enter the following **Access Code**: 312-398-397

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/312398397>

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**CONSIDER, DISCUSS AND/OR TAKE ACTION ON:**

1. Approval of **Minutes** of June 9, 2020 (Meeting No. 1252).

**UNFINISHED BUSINESS**

None.

## **NEW APPLICATIONS**

**2. 22946—Robert Herring**

Special Exception to allow a carport in the street yard and street setback in an RS-3 District with modifications to its allowable dimensions (Section 90.090-C.1); Variance to increase the permitted total aggregate floor area of all detached accessory buildings in an RS-3 District (Section 45.030); Variance of the 30% coverage of rear setback by accessory buildings in the RS-3 District (Section 90.090-C.2, Table 90-2); Variance to allow a fence to be located in the City of Tulsa Right-of-Way (Section 90.090-A); Special Exception to increase the maximum driveway width, both within the right-of-way and on the lot. (Section 55.090-F.3); Variance to reduce rear setback requirement for a detached accessory building from 3-feet to 2-feet (Section 90-1, Table Note 3).

**LOCATION:** 2534 North Xanthus Avenue East **(CD 1)**

**3. 22968—Sierra Russell**

Variance 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)**

**4. 22969—Cameron C. Wallace**

Special Exception to permit the expansion of an existing religious assembly in the RS-3 District (Section 5.020, Table 5-2); Modification to a previously approved site plan for a religious assembly use. **LOCATION:** 1347 East 49th Place; 4921 South Quaker Avenue East; 1365 East 49 Street South; 1352 East 48th Place South **(CD 9)**

**5. 22970—Eller & Detrich – Nathalie Cornett**

Special Exception to permit a medical marijuana grower operation (Horticulture Nursery Use) in the CH District (Section 15.020, Table 15-2). **LOCATION:** 4170 East Admiral Place North **(CD 4)**

**6. 22971—Eller & Detrich – Lou Reynolds**

Special Exception to permit High-Impact Medical Marijuana processing (High-impact Manufacturing & Industry Use) in the IM District (Section 15.020, Table 15-2). **LOCATION:** 6540 East Apache Street North **(CD 3)**

**7. 22972—Brandi Holland**

Special Exception to allow a manufactured housing unit in an AG District (Section 5.020, Table 5-2); Special Exception to extend the time limit permanently (Section 40.210-A); Variance to allow a non-dustless, all-weather parking surface to permit the use of gravel (Section 55.090-F). **LOCATION:** 18227 East 11th Street South **(CD 6)**

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

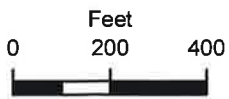
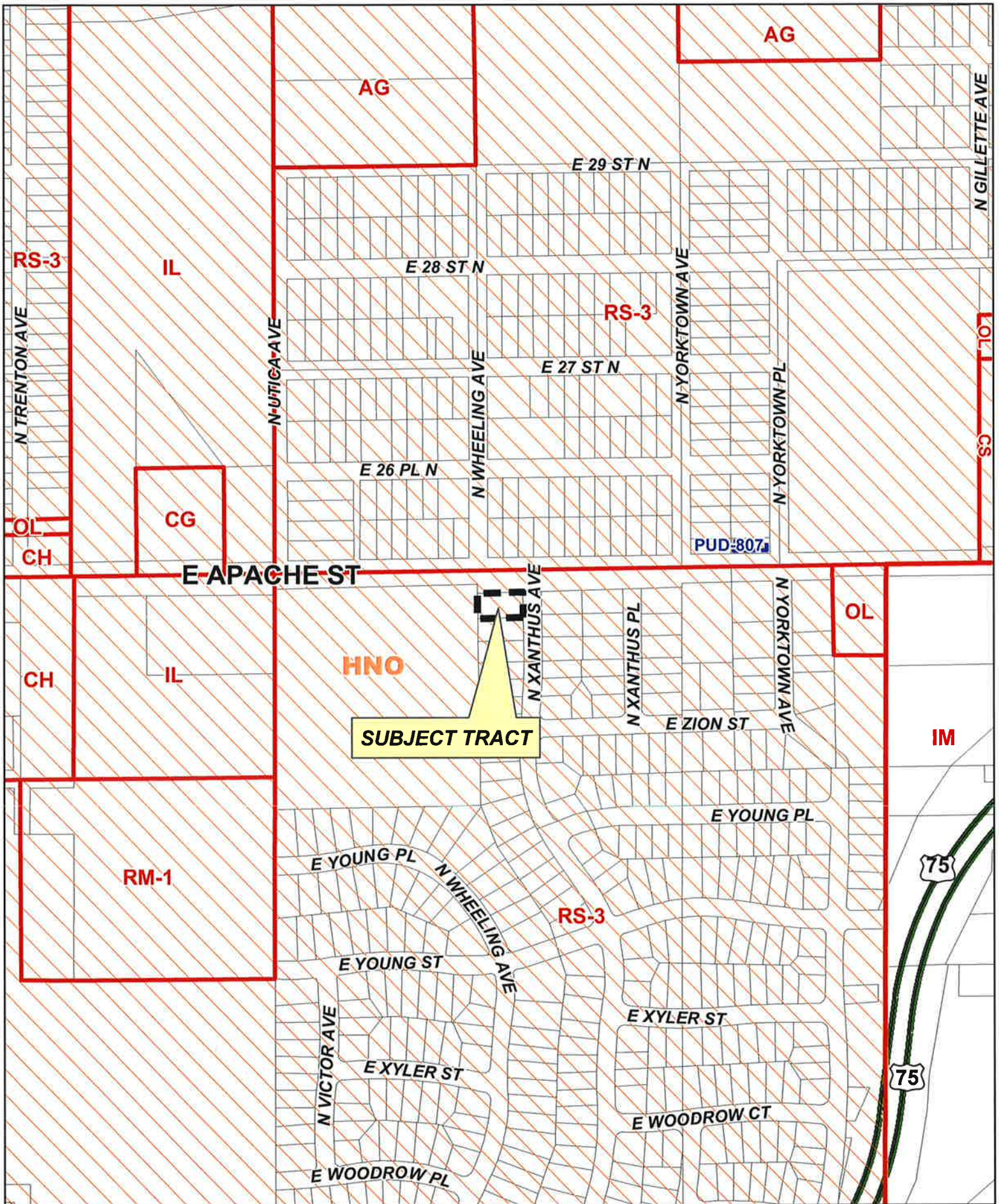
**ADJOURNMENT**

**Website:** tulsaplanning.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-22946**

20-13 30

2.1





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 216 Case Number: **BOA-22946**

**CZM:** 29

**CD:** 1

**HEARING DATE:** 07/28/2020 1:00 PM

**APPLICANT:** Robert Herring

**ACTION REQUESTED:** Special exception to allow a carport in the street yard and street setback in an RS-3 District with modifications to its allowable dimensions (Section 90.090-C.1); Variance to increase the permitted total aggregate floor area of all detached accessory buildings in an RS-3 District (Section 45.030); Variance of the 30% coverage of rear setback by accessory buildings in the RS-3 District (Section 90.090-C.2, Table 90-2); Variance to allow a fence to be located in the City of Tulsa Right-of-Way (Sec. 90.090-A); Special Exception to increase the maximum driveway width, both within the right-of-way and on the lot. (Section 55.090-F.3); Variance to reduce rear setback requirement for a detached accessory building from 3-feet to 2-feet (Sec. 90-1, Table Note 3)

**LOCATION:** 2534 N XANTHUS AV E

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 10367.32 SQ FT

**LEGAL DESCRIPTION:** LT 34 BLK 5, ROBERTS ADDN AMD L1 B1 L1-9 B2 & L1 B5

**RELEVANT PREVIOUS ACTIONS:** None.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the SW/c of S. Xanthus and E. Apache Street.

2.2

**STAFF COMMENTS:** The applicant is requesting **Special exception** to allow a carport in the street yard and street setback in an RS-3 District with modifications to its allowable dimensions (Section 90.090-C.1); **Variance** to increase the permitted total aggregate floor area of all detached accessory buildings in an RS-3 District (Section 45.030); **Variance** of the 30% coverage of rear setback by accessory buildings in the RS-3 District (Section 90.090-C.2, Table 90-2); **Variance** to allow a fence to be located in the City of Tulsa Right-of-Way (Sec. 90.090-A); **Special Exception** to increase the maximum driveway width, both within the right-of-way and on the lot. (Section 55.090-F.3); **Variance** to reduce rear setback requirement for a detached accessory building from 3-feet to 2-feet (Sec. 90-1, Table Note 3)

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 20.120. 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.

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TULSA ZONING CODE | July 1, 2020  
page 90.6

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Chapter 90 | Measurements  
Section 90.090 | Setbacks

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- 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.

## 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.

Table 90-2: Accessory Building, Including Accessory Dwelling Units, Coverage Limits in Rear Setback

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

### 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 §90.090-C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right of way, nor within the planned right of way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right of way on streets not shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right of way or planned right of way is granted by the Board of Adjustment, no part of any structure may be located within the street right of way, nor within the planned right of way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right of way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right of way, or a removal agreement has been entered into, in the case of the planned right of way.

Maximum Driveway Width

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

- b. Detached accessory buildings, including accessory dwelling units, in the rear setbacks must be set back at least 3 feet from all interior lot lines. For lot lines abutting street right of way, detached accessory buildings, including accessory dwelling units, must comply with the same setback requirements that apply to principal buildings.



The applicant listed the square footage of his primary residence as 1,000 sf which would limit the square footage of detached accessory buildings at 400 sf. Per code the applicant would be limited to a driveway width of 27' inside the right of way and 30' on the lot. The applicant currently has a width of 69' inside the right of way and 67' on the lot. The applicant has listed his fence as being setback 45' from the center of Apache. Per city engineering the right-of-way from the center of Apache South is equal to 65' meaning the fence is encroaching 20' into the right-of-way.

**STATEMENT OF HARDSHIP:** This would create a great hardship because this has been in place since 2007, this is where I store all of my mowers, trimming, etc. (Lawn Equipment) to move this building would require it to be torn and lawn equipment in the open.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to allow a carport in the required street setback on an RS-3 zoned lot, with a modification to allow the area of the carport to exceed 20'-0" x 20'-0" (Section 90.090-C) and **Special Exception** to increase the maximum driveway width, both within the right-of-way and on the lot. (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.

Move to \_\_\_\_\_ (approve/deny) a **Variance** to increase the permitted total aggregate floor area of all detached accessory buildings in an RS-3 District (Section 45.030); **Variance** of the 30% coverage of rear setback by accessory buildings in the RS-3 District (Section 90.090-C.2, Table 90-2); **Variance** to allow a fence to be located in the City of Tulsa Right-of-Way (Sec. 90.090-A); **Variance** to reduce rear setback requirement for a detached accessory building from 3-feet to 2-feet (Sec. 90-1, Table Note 3)

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

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

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*

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

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

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

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



*Facing West on Apache*



*Subject Property*





*Facing South on Xanthus*



*Western half of Northern Lot line of property Facing South*



***Eastern half of Northern Lot line of property Facing South***

**Jeff S. Taylor**  
Zoning Official  
Plans Examiner III  
TEL(918) 596-7637  
jstaylor@cityoftulsa.org



**DEVELOPMENT SERVICES**  
175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

## ZONING CLEARANCE PLAN REVIEW

**Robert Herring**  
rfherring@yahoo.com

7/14/2020

**APPLICATION NO: ZN LOD- 62114-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 2534 N Xanthus Ave E**

**Description: Fence**

### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

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

(continued)



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. **ZN LOD- 62114-2020**

**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.

### **3rd LOD Letter**

**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 fence and wall regulations in accordance with the special exception procedures of Section 70.120.

**Review Comments-** Provide documentation indicating the proposed fence located in the front street setback will not exceed 4' in height measured from grade or apply to BOA for a special exception to allow a fence to exceed 4' in height in a front 25' street setback.

### **90.090-A Measurement**

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

1. Street setbacks are measured from the actual right-of-way line of the street (other than an alley), provided that if the following measurement results in a greater set-back, the greater setback applies:

- a. For streets shown on the major street and highway plan, if the width of the planned right-of-way exceeds the width of the actual right-of-way, the measurement must be taken from the planned right-of-way; and

b. For streets not shown on the major street and highway plan, if the width of the right-of-way is 50 feet or less, the measurement must be taken from a point that is 25 feet from the centerline of the actual right-of-way.

**Step # 1**

**Review Comments:** The proposed fence is located in the Apache street (R-O-W) and therefore requires a City of Tulsa R-O-W license and removal agreement. Relocate the fence to comply with the minimum setback requirements or contact Chris Kovac @ 918-596-9649 for information on acquiring a R-O-W license and removal agreement.

**Step # 2**

**Review comment:** Revise your site plan showing the structure to be located 65' from center of Archer street out of the right of way or you may pursue a variance from INCOG (Indian Nation Council of Government) BOA to permit a fence in the City of Tulsa right of way.

**Step# 3**

Submit the approved R-O-W license removal agreement and the BOA variance approval documents to the City Of Tulsa permit center as a revision to your application.

**Note: A Right Of Way (ROW) construction permit will be required after your applications for the ROW license and removal agreement and the BOA variance are approved.  
Right Of Way (ROW) construction permits contact: Jerry Daily at 918-596-9630**

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

**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**

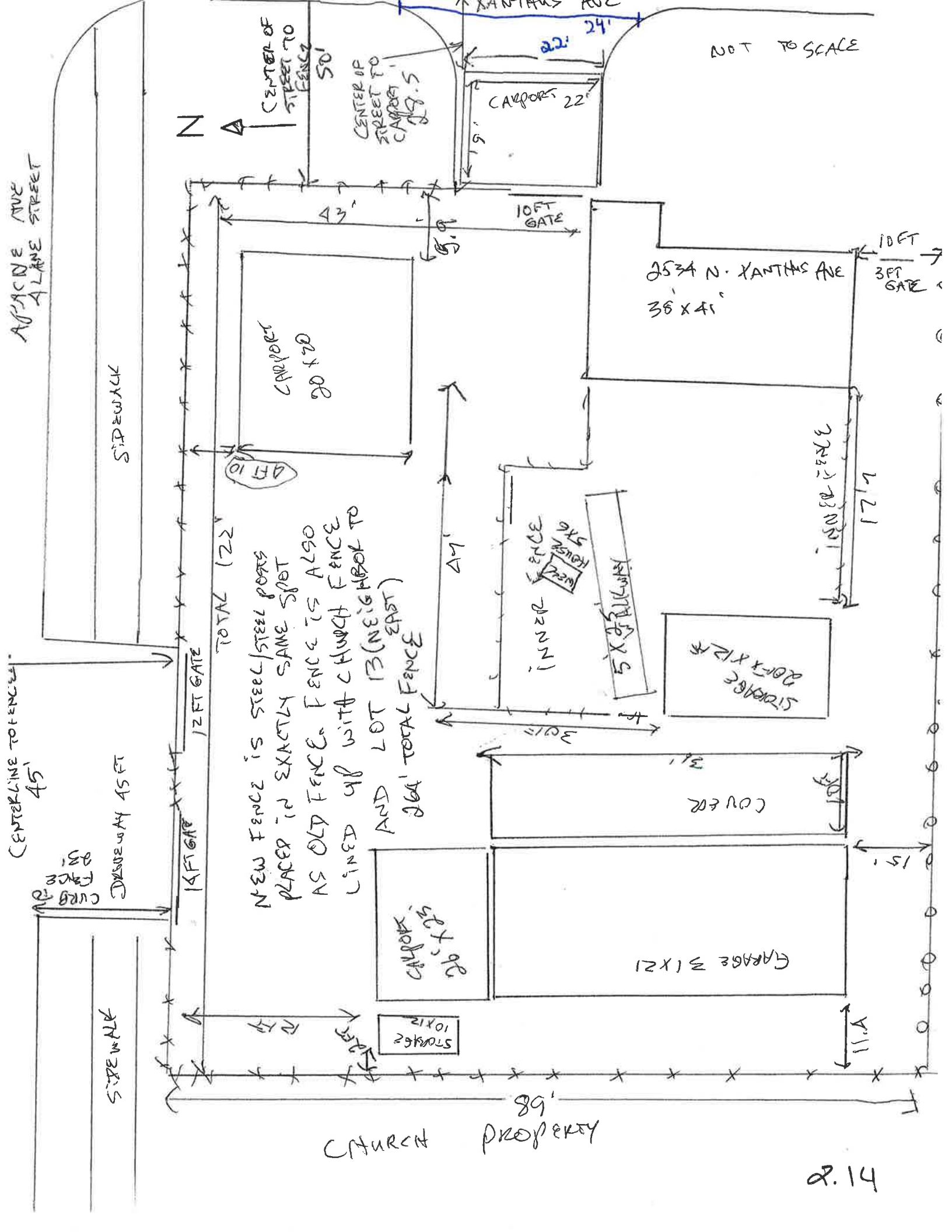
**END –ZONING CODE REVIEW**

**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.







ADJACENT AVE  
ALANE STREET

CENTERLINE TO FENCE  
45'

SIDEWALK

DRIVEWAY 45 FT

N

NEW FENCE IS STEEL/STEEL POSTS  
PLACED IN EXACTLY SAME SPOT  
AS OLD FENCE. FENCE IS ALSO  
LINED UP WITH CHURCH FENCE  
AND LOT 13 (NEIGHBOR TO  
EAST)  
264' TOTAL FENCE

TOTAL 122'

CARPORT  
20 x 20

CARPORT  
20 x 20

STORAGE  
10 x 12

HOUSE  
30 x 30

5 x 5

STORAGE  
20 x 12

COVER

GARAGE 12 x 21

2534 N. XANTHUS AVE  
36 x 41

CARPORT  
22'

10 FT GATE

10 FT  
3 FT GATE

CHURCH

PROPERTY

2.14

NOT TO SCALE





Neighborhood Investigations  
WORKING IN NEIGHBORHOODS

**NOTICE OF VIOLATION – ZONING**

To:

HERRING, JULIANNA L & ROBERT F JR  
PO BOX 6106  
TULSA, OK 74148

Date: 3/11/2020

Case: ZONV-029415-2020

Compliance Date: 3/25/2020

Dear Property Owner and/or Occupant,

You are hereby notified of zoning code violations at (legal) Subdivision: ROBERTS ADDN AMD L1 B1  
L1-9 B2 & L1 B5

Legal: LT 34 BLK 5

City of Tulsa, Tulsa County State of Oklahoma; And located at the address of:  
2534 North Xanthus Avenue

**Violations:**

|                                     |                      |                                     |                                     |                                     |                             |
|-------------------------------------|----------------------|-------------------------------------|-------------------------------------|-------------------------------------|-----------------------------|
| <input checked="" type="checkbox"/> | Accessory Structures | <input checked="" type="checkbox"/> | Zoning Clearance Permit             | <input type="checkbox"/>            |                             |
| <input checked="" type="checkbox"/> | Car Ports            | <input checked="" type="checkbox"/> | Building Permits Requires           | <input checked="" type="checkbox"/> | Unlawful Driveway Expansion |
| <input checked="" type="checkbox"/> | Fences/Walls         | <input checked="" type="checkbox"/> | In Violation of any other Ordinance | <input type="checkbox"/>            |                             |

Additional comments, descriptions or directions: This Notice requires Application to Development Services for Building and Zoning Clearance Permits applicable to the construction and Expansion on the R Zoned Lot.

**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,

Tim Cartner, Supervisor  
City of Tulsa – Working in Neighborhoods  
Tcartner@cityoftulsa.org  
918-596-7218

918 9656  
596

**Appeals:** You may appeal the administrative official's decision within 10 BUSINESS DAYS by filing a complete appeal application with the administrative official and INCOG. Appropriate fees must accompany your appeal application to INCOG. For more information related to appeals, see Title 42, Chapter 70, Section 70.140 *Appeals of Administrative Decisions*.

| INCOG – City of Tulsa Board of Adjustment  |                                  | City of Tulsa – City Clerk   |                                  |
|--|----------------------------------|--|----------------------------------|
| Governing body that hears and decides appeals, variances, and Special Exceptions, etc. |                                  | Contact person for the City of Tulsa – Receives appeals and official documents on behalf of the City of Tulsa. |                                  |
| 2 West Second Street<br>Suite 800<br>Tulsa, OK 74103                                   | Monday-Friday<br>8 a.m. – 5 p.m. | 175 East Second Street<br>Suite 260<br>Tulsa, OK 74103   | Monday-Friday<br>8 a.m. – 5 p.m. |

2.16



**SEE BACK FOR IMPORTANT INFORMATION**To view the full Zoning Code please visit [www.cityoftulsa-boa.org](http://www.cityoftulsa-boa.org)

Zoning 2

| Violations:  |                      | Section:   | Resolution of the violation requires:   |              |           |       |       |       |           |  |  |     |     |     |         |   |     |     |     |     |     |
|--|----------------------|--|---|--------------|-----------|-------|-------|-------|-----------|--|--|-----|-----|-----|---------|---|-----|-----|-----|-----|-----|
| Section 45.030 Accessory Buildings and Carports in R Districts |                      | Section 45.030 Accessory Buildings and Carports in R Districts | <b>Section 45.030 Accessory Buildings and Carports in R Districts</b><br><b>1. RE and RS-1 Districts</b><br>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]<br><b>2. RS-2, RS-3, RS-4, RS-5 and RM Districts</b><br>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]<br>[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks see §90.090-C2.<br>Required setback of Arterial Street is 35 Feet<br>5 foot set back from Side yard<br>20 Foot Setback from Rear Yard |              |           |       |       |       |           |  |  |     |     |     |         |   |     |     |     |     |     |
| Section 5.030  | Setback Requirements |  |   |              |           |       |       |       |           |  |  |     |     |     |         |   |     |     |     |     |     |
| 42.030-B   |                      | Carports   | Carports are allowed in R zoning districts. Any carport that occupies all or a portion of the street setback or street yard area must be approved in accordance with the special exception procedures of Section 70.120 and comply with the regulations of Section 90.090-C1.   |              |           |       |       |       |           |  |  |     |     |     |         |   |     |     |     |     |     |
| 42.60.020-E  |                      | Fences   | Signs may not be placed in the right-of-way without a Special Exception from the Board of Adjustment and a License Agreement with the City of Tulsa. Remove all signs from the right-of-way.  |              |           |       |       |       |           |  |  |     |     |     |         |   |     |     |     |     |     |
| 42.45.080  |                      | Fences   | 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   |              |           |       |       |       |           |  |  |     |     |     |         |   |     |     |     |     |     |
| 42.090-F.3   |                      |  | <b>3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-1.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704). Maximum Driveway Width</b> <table><tr><td>Lot Frontage</td><td>75' +</td><td>60' -</td><td>46' -</td><td>30' -</td><td>Less than</td></tr><tr><td></td><td></td><td>74'</td><td>59'</td><td>45'</td><td>30' [2]</td></tr><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></table>  | Lot Frontage | 75' +     | 60' - | 46' - | 30' - | Less than |  |  | 74' | 59' | 45' | 30' [2] | Driveway Within Right-of-Way (feet) [1] | 27' | 26' | 22' | 20' | 12' |
| Lot Frontage   | 75' +                | 60' -  | 46' -   | 30' -        | Less than |       |       |       |           |  |  |     |     |     |         |   |     |     |     |     |     |
|  |                      | 74'  | 59'   | 45'          | 30' [2]   |       |       |       |           |  |  |     |     |     |         |   |     |     |     |     |     |
| Driveway Within Right-of-Way (feet) [1]                        | 27'                  | 26'  | 22'   | 20'          | 12'       |       |       |       |           |  |  |     |     |     |         |   |     |     |     |     |     |
| 42.080   |                      | Zoning Clearance and Permits                                   | <b>Applicability</b><br>Property owners or their authorized agent must obtain a zoning clearance permit from the development administrator before constructing, moving, or structurally altering any building or structure or establishing or changing the use of any building or lot.<br>Any usage of land, and/or the structures upon it, which violates any City ordinances; all buildings, walls and other structures which have been damaged by fire, decay or otherwise and which are so situated as to endanger the safety of the public, or which are otherwise built, erected or maintained in violation of any ordinance;   |              |           |       |       |       |           |  |  |     |     |     |         |   |     |     |     |     |     |
| Title 24 Section 103-D   |                      |  |   |              |           |       |       |       |           |  |  |     |     |     |         |   |     |     |     |     |     |
| 42.080-B.1   |                      | Compliance with Development Regulations                        | The requirements of this section are intended to help ensure that rights-of-way, streets, sidewalks and other public improvements are in place and adequate to serve proposed developments in accordance with applicable regulations.   |              |           |       |       |       |           |  |  |     |     |     |         |   |     |     |     |     |     |

A copy of this notice has been sent to: (if applicable)

HERRING, JULIANNA L & ROBERT F JR  
 2534 North Xanthus Avenue  
 Tulsa Ok 74110

800 722 0302

2.17





0 Feet 200 400



Subject Tract

**BOA-22946**

20-13 30

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

Aerial Photo Date: February 2018

2.18





E 26 PL N

N WHEELING AVE

E APACHE ST

N XANTHUS AVE

E ZION ST

0 50 100  
Feet



Subject  
Tract

**BOA-22946**

20-13 30

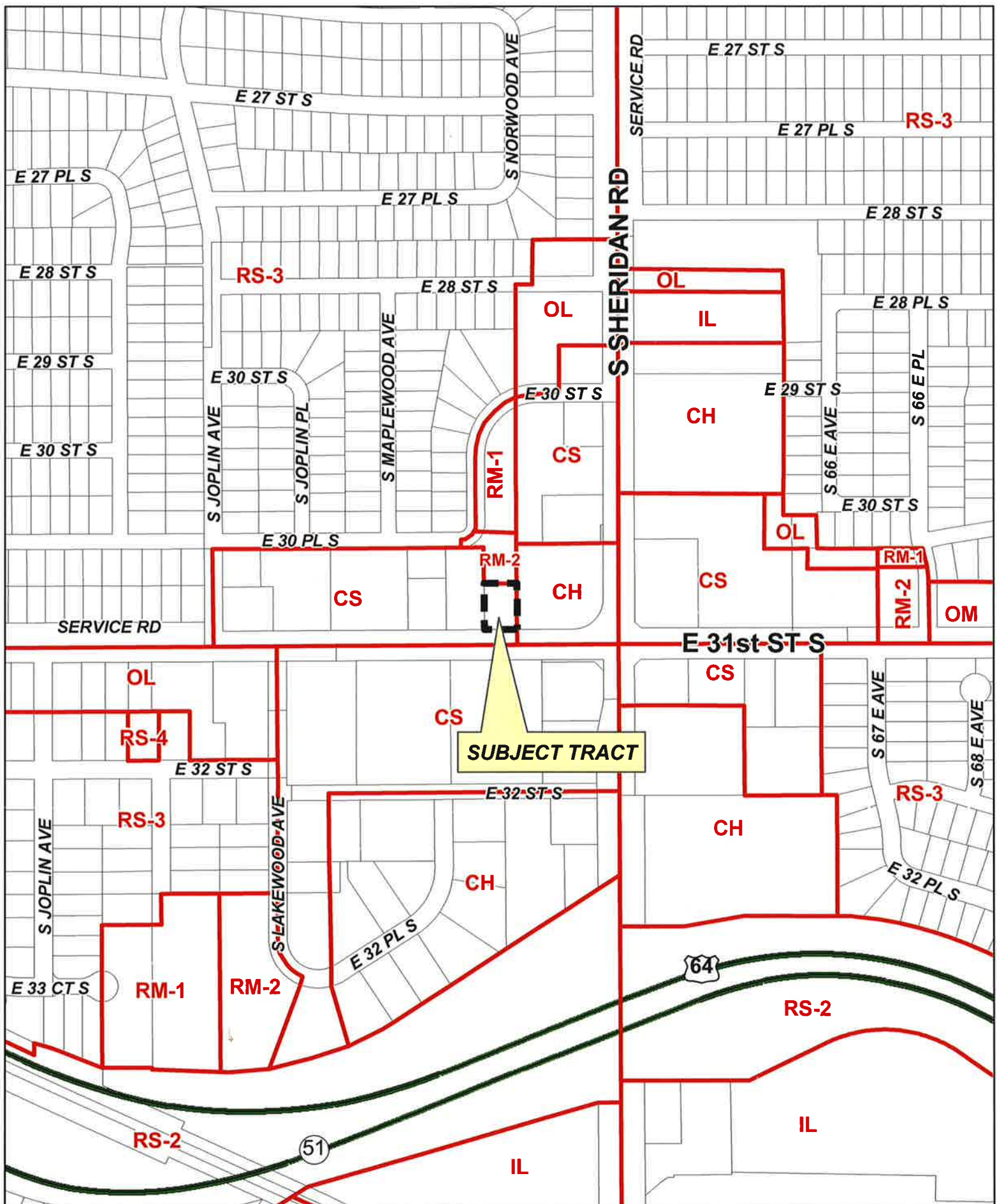
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018 2.19





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**BOA-22968**

19-13 15

3.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9315

Case Number: **BOA-22968**

CZM: 38

CD: 5

HEARING DATE: 07/28/2020 1:00 PM

APPLICANT: Sierra Russell

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: 6373 E 31 ST S, SUITE J

ZONED: CS

PRESENT USE: Commercial

TRACT SIZE: 15877.69 SQ FT

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

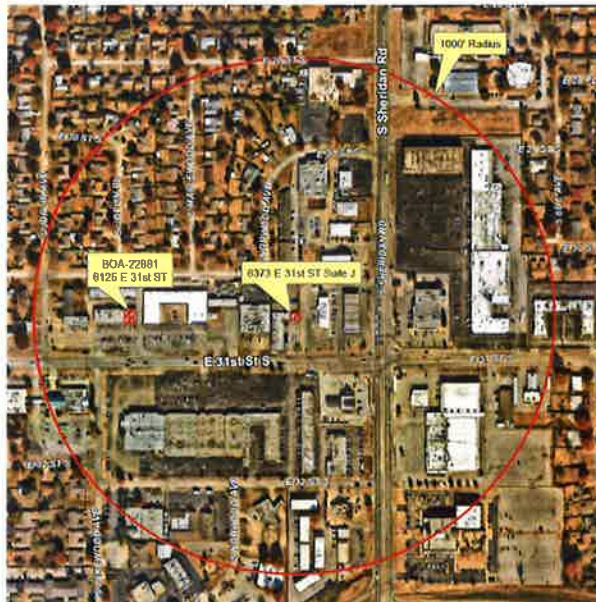
## RELEVANT PREVIOUS ACTIONS:

### Subject property:

**BOA-22904;** On 06.23.20 the Board **rejected** a verification of spacing for a medical marijuana dispensary. The decision was based on the dispensary that is located at 6125 E. 31<sup>st</sup> Street, for which a spacing verification was accepted in BOA-22881.

### Surrounding properties:

**BOA-22881;** On 03.24.20, the Board **accepted** a verification of spacing for a medical marijuana dispensary located 6125 East 31<sup>st</sup>. The proposed dispensary received the Certificate of Occupancy on March 25<sup>th</sup>, 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 31<sup>st</sup> as demonstrated on the exhibit below.





**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 West of the NW/c of S. Sheridan Road and E. 31<sup>st</sup> Street. The Board should be aware that there is a school within 1,000-feet of the proposed dispensary, Augustine Christian Academy, which is located at 6310 E. 30<sup>th</sup> St, Tulsa OK 74114. Title 63 O.S. § 425(G) of Oklahoma Statutes prohibits medical marijuana dispensaries from operating within one thousand (1,000) feet from public or private schools. Staff has informed the applicant on multiple occasions that the Board does not have any authority to vary that requirement.



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

**Section 40.225 Medical Marijuana Uses**

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

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

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

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

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

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

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

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

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

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TULSA ZONING CODE | July 1, 2020

page 40.12

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Chapter 40 | Supplemental Use and Building Regulations  
Section 40.220 | Mining or Mineral Processing

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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.

**STATEMENT OF HARDSHIP:** Letter provided by the applicant is attached to this report.

3.4

**SAMPLE MOTION:** Move to \_\_\_\_\_ (approve/deny) a **Variance** of the 1,000-foot 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 West on 31<sup>st</sup> Street***



***Subject property***



***Dispensary at 6125 E. 31<sup>st</sup> that has received their Spacing Verification in BOA-22881 and Certificate of Occupancy which is included in your packet***



***Facing East on E. 31<sup>st</sup> Street.***

# 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

Building Code Edition: IBC 2015, IEBC 2015

| Use Group | Const. Type | Floor Area | Occ. Load | Descriptive Area | Posted |
|-----------|-------------|------------|-----------|------------------|--------|
| M         | VB          | 896        | 15        | Entire Facility  |        |

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

FROM THE DESK OF  
Sierra Russell c/o 40 Flowers Dispensary

June 25, 2020

Felicity Good  
Tulsa Board of Adjustment  
2 West 2nd Street Suite 800  
Tulsa, Ok 74103

WE PERSONALLY HAVE FAMILY MEMBERS THAT HAVE CANCER, AS WELL AS AUTISM AND VETERANS WHO SUFFER FROM PTSD. THERE ARE MANY IN OUR COMMUNITY THAT HAVE THESE ILLNESSES AND WE HAVE MADE CONTACT TO SERVE THESE CITIZENS WITH OUR PLACE OF BUSINESS. WE ARE OPENING OUR DISPENSARY STRICTLY TO HELP OUR FAMILY MEMBERS AND THE COMMUNITY WITH PAIN, ESPECIALLY THOSE THAT HAVE NO INSURANCE OR INSURANCE THAT DOES NOT COVER FROM PAIN AND HEALTH ISSUES. WE DO NOT HAVE A FOCUS ON FLOWER, BUT MORE EDIBLES AND CREAMS THAT HELPS PEOPLE FOR PAIN AND HEALTH RELATED ISSUES. OUR GOAL IS WITH OUR SECURITY TO BE ABLE TO HELP CLEAN UP HOMELESSNESS IN THE AREA AND GIVE BACK TO THE COMMUNITY. ADDITIONAL TO THE CONCERNS OF ZONING AS SAID PRIORLY AS A FAMILY RUN BUSINESS WE TAKE OUR COMMUNITY VERY SERIOUSLY THEREFORE OUR BRANDING IS DISCRETE AS OUR OUTSIDE WINDOWS WILL BE BLACKED OUT WITH ONLY A MEDICAL CROSS WITH NO VIEW OF THE DISPENSARY FROM OUTSIDE. THERE IS NO LINE OF SIGHT FROM ANY PARK OR SCHOOLS IN THE AREA TO OUR DISPENSARY. SECURITY WILL BE IN EFFECT 24 HOURS A DAY SEVEN DAYS A WEEK. WE DESIGNED OUR DISPENSARY THAT EVEN IF ANYONE UNDER AGE OR WITHOUT A MEDICAL MARIJUANA LICENSE ENTER WEED THEY WOULD NOT BE ABLE TO ENTER THE DISPENSARY DUE TO LOBBY AND DISPENSARY ARE SEPARATED AND WITHOUT PROPER IDENTIFICATION GET ACCESS TO OR SEE ANY MEDICAL MARIJUANA. AS A FAMILY OPERATED BUSINESS WE INTEND TO CLEAN UP THE COMMUNITY BY DONATING PROCEEDS SPECIFICALLY FOR THE ENHANCEMENT OF LOCAL AREA DEVELOPMENT AND SCHOOLS. SPECIFICALLY IN THE URBAN AREAS AS WELL AS POVERTY STRICKEN INDIVIDUALS BY HOSTING VARIOUS FOOD DRIVES , GIVEAWAYS AND DONATING TIME TO DEVELOP THE AREA THROUGH THE DISPENSARIES FINANCIAL AND MEDICAL BENEFITS AS OUR DISPENSARY GROWS. I HAVE INCLUDED AN ATTACHMENT OF PICTURES SHOWING NO LINE OF SIGHT FROM THE ACADEMY TO THE DISPENSARY.

Sincerely, Sierra Russell

6380-A E 31st Tulsa, ok 74135 (918)815-1132 [40flowersdispensary@gmail.com](mailto:40flowersdispensary@gmail.com)









3.12







3.14



3.15





DANA L. BOX  
ZONING OFFICIAL  
PLANS EXAMINER II

TEL (918)596-9657  
danabox@cityoftulsa.org



**DEVELOPMENT SERVICES**

175 EAST 2<sup>ND</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

**ZONING CLEARANCE PLAN REVIEW**

LOD Number: 1  
Pat White  
10722 Master's Circle  
Jenks, OK 74037

February 22, 2020

Phone: 918-406-7024

**APPLICATION NO: BLDC-053137-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Location: 6373 E. 31<sup>ST</sup> 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 2<sup>ND</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>ND</sup> ST., 8<sup>TH</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" **[X] IS [ ] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

| REVIEW COMMENTS  |                              |                   |
|--|------------------------------|-------------------|
| SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT<br><a href="http://WWW.CITYOFTULSA-BOA.ORG">WWW.CITYOFTULSA-BOA.ORG</a> |                              |                   |
| BLDC-053137-2020   | 6373 E. 31 <sup>st</sup> 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:

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

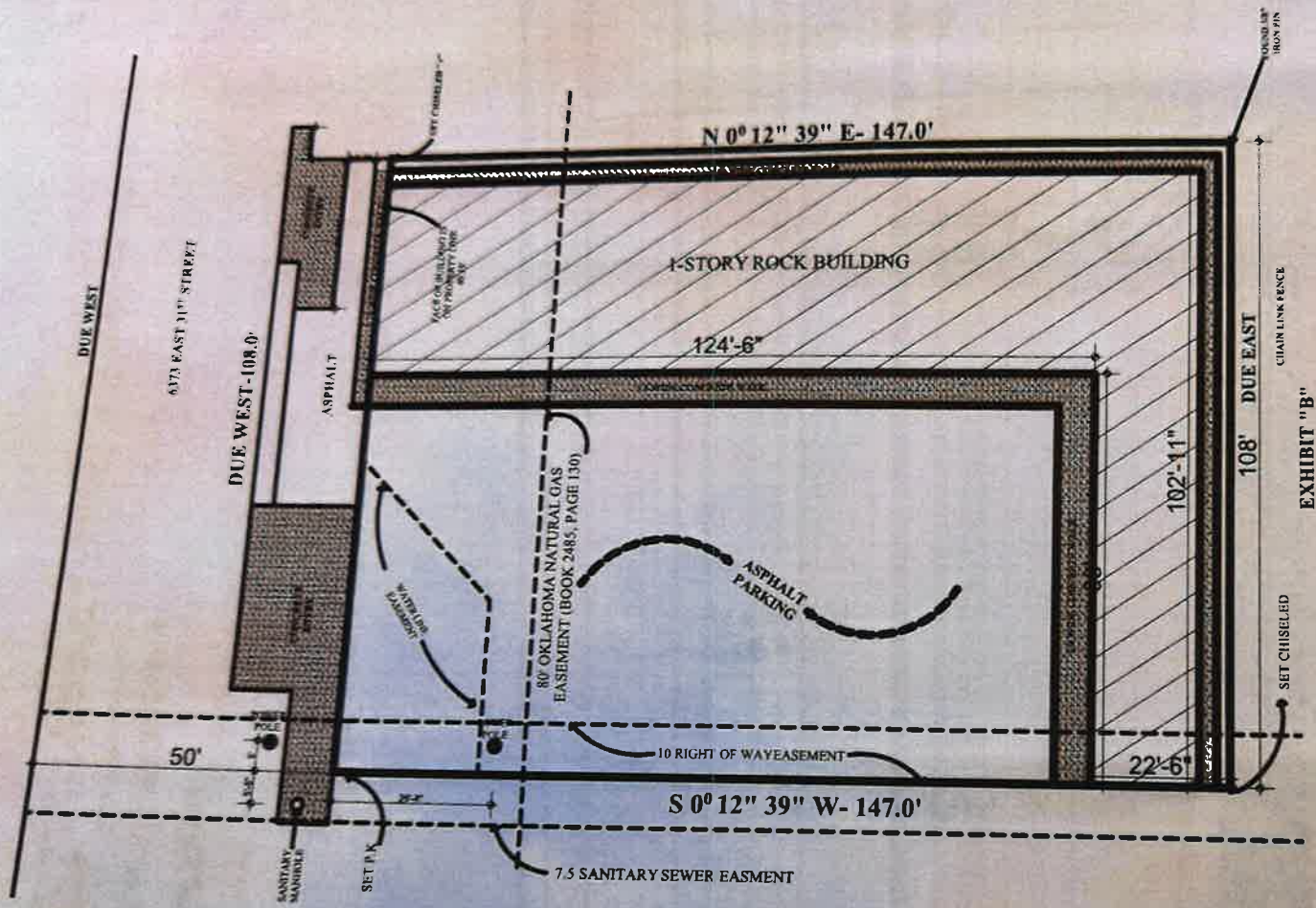
Please notify the reviewer via email when your revisions have been submitted

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

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

| END – ZONING CODE REVIEW  |
|---|
| <p><b>NOTE:</b> 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.</p> <p>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.</p> |





| Revision History |      |             |      |
|------------------|------|-------------|------|
| Rev#             | Chg# | Change Name | Date |
|                  |      |             |      |
|                  |      |             |      |
|                  |      |             |      |
|                  |      |             |      |
|                  |      |             |      |
|                  |      |             |      |
|                  |      |             |      |

Company Title

**DIO**  
DESIGN-OK

DESIGN OK

5825 NW 49th  
WARRIOR ACRES  
OKLAHOMA, USA  
73122

JESSE T

#Site Address1  
9900 City  
#Site Country  
#Site Postcode

Drawing Name

JESSE T

Drawing Status

#Status

Modified by  
ROGER GOOWEN

Checked by  
#Checked by

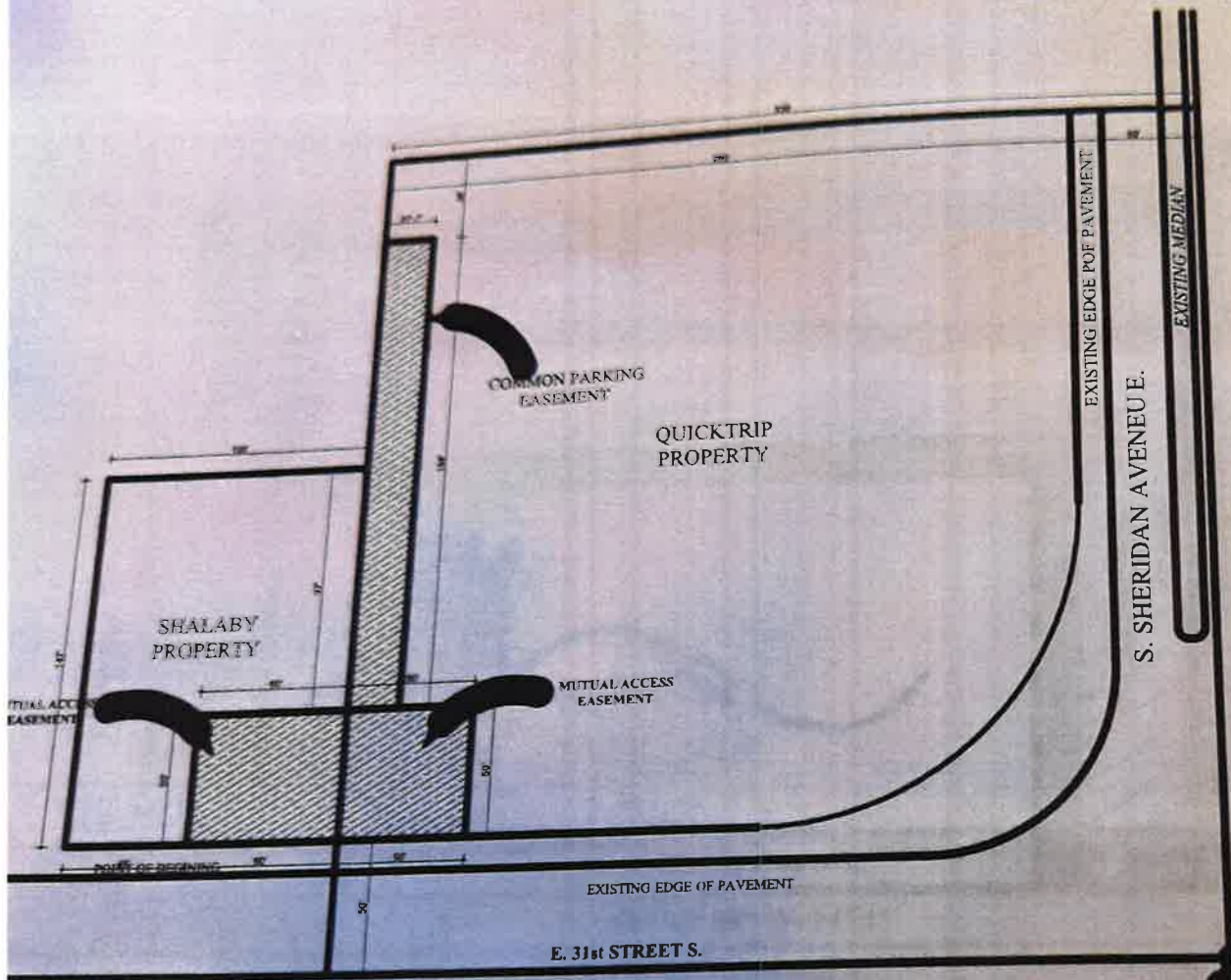
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QUICKTRIP AND SHALABY  
PROPERTY DEPICTIONN


SE CORNER OF  
SECTION 15, TOWNSHIP  
19N, RANGE 13E

Ground Floor (3)

1:500

| Revision History |      |             |      |
|------------------|------|-------------|------|
| Rev#             | Chg# | Change Name | Date |
|                  |      |             |      |
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Company Title



**DESIGN OK**

5925 NW 48th  
WARR ACRES  
OKLAHOMA USA  
73122

**JESSE T**

#Site Address 1  
#Site City  
#Site Country  
#Site Postcode

Drawing Name

**JESSE T**

Drawing Status

**#Status**

Modified by  
**ROGER GOOWK**

Date  
12/2/11

Checked by  
#Checked by

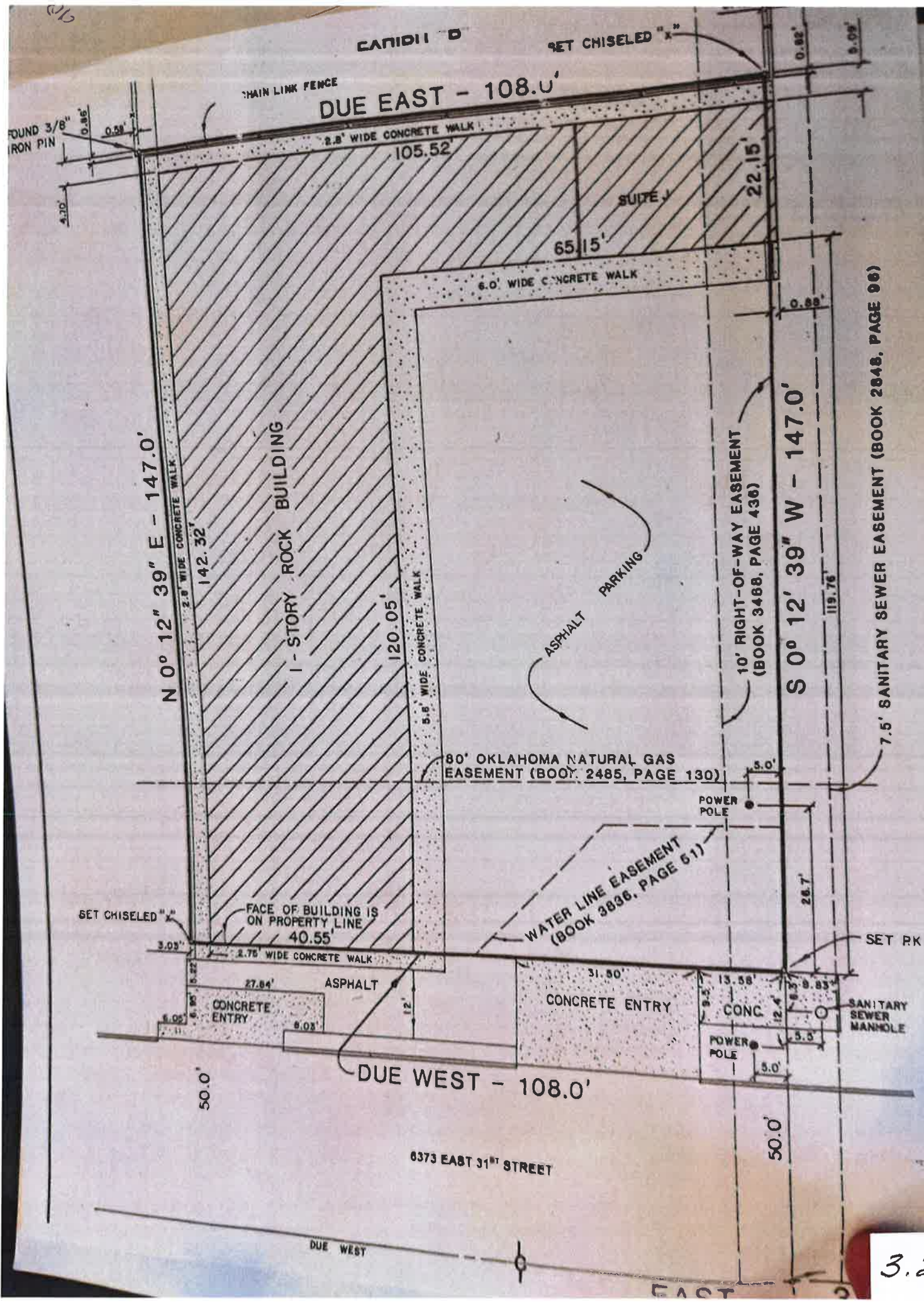
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Date

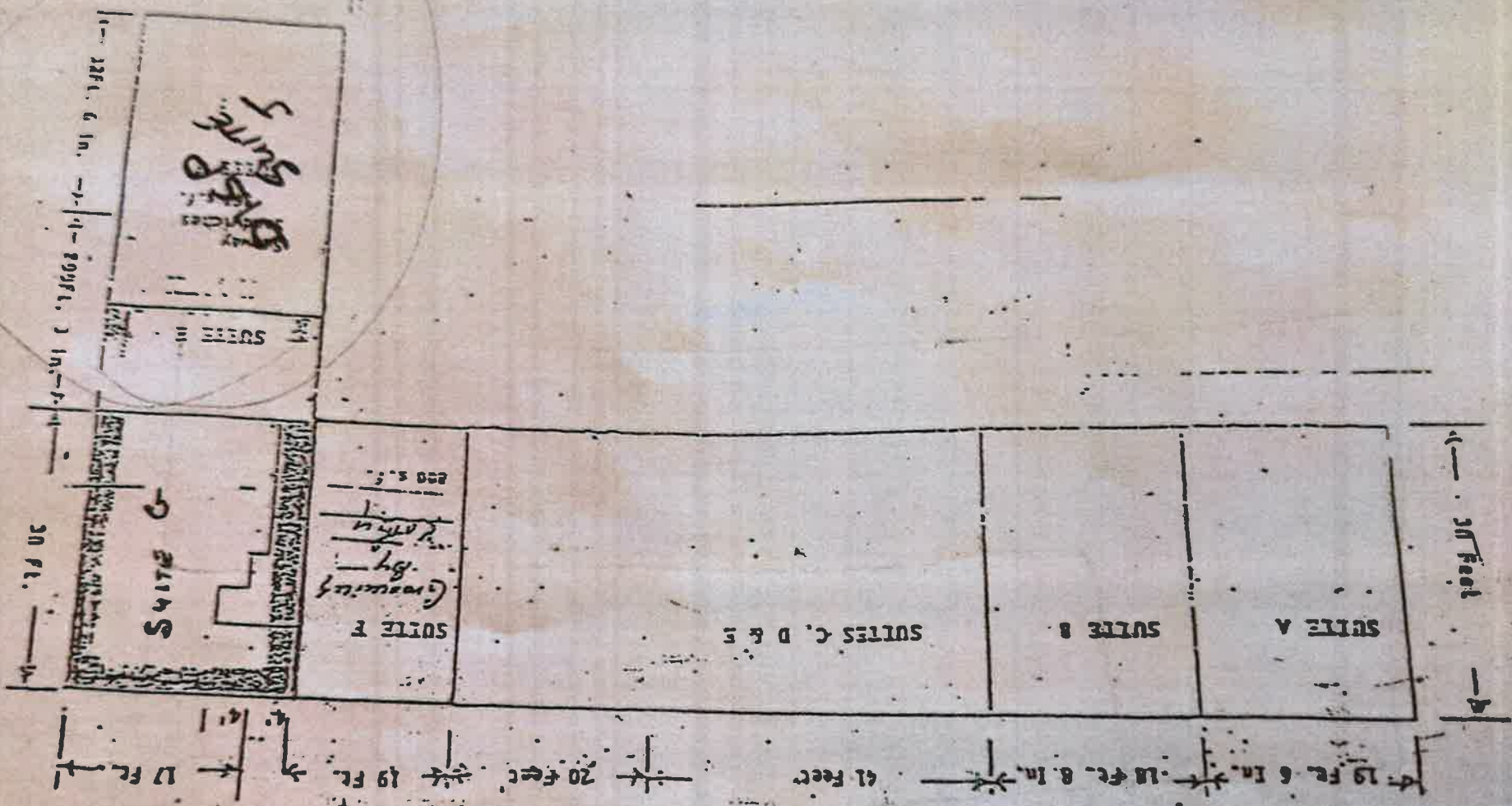
3.21





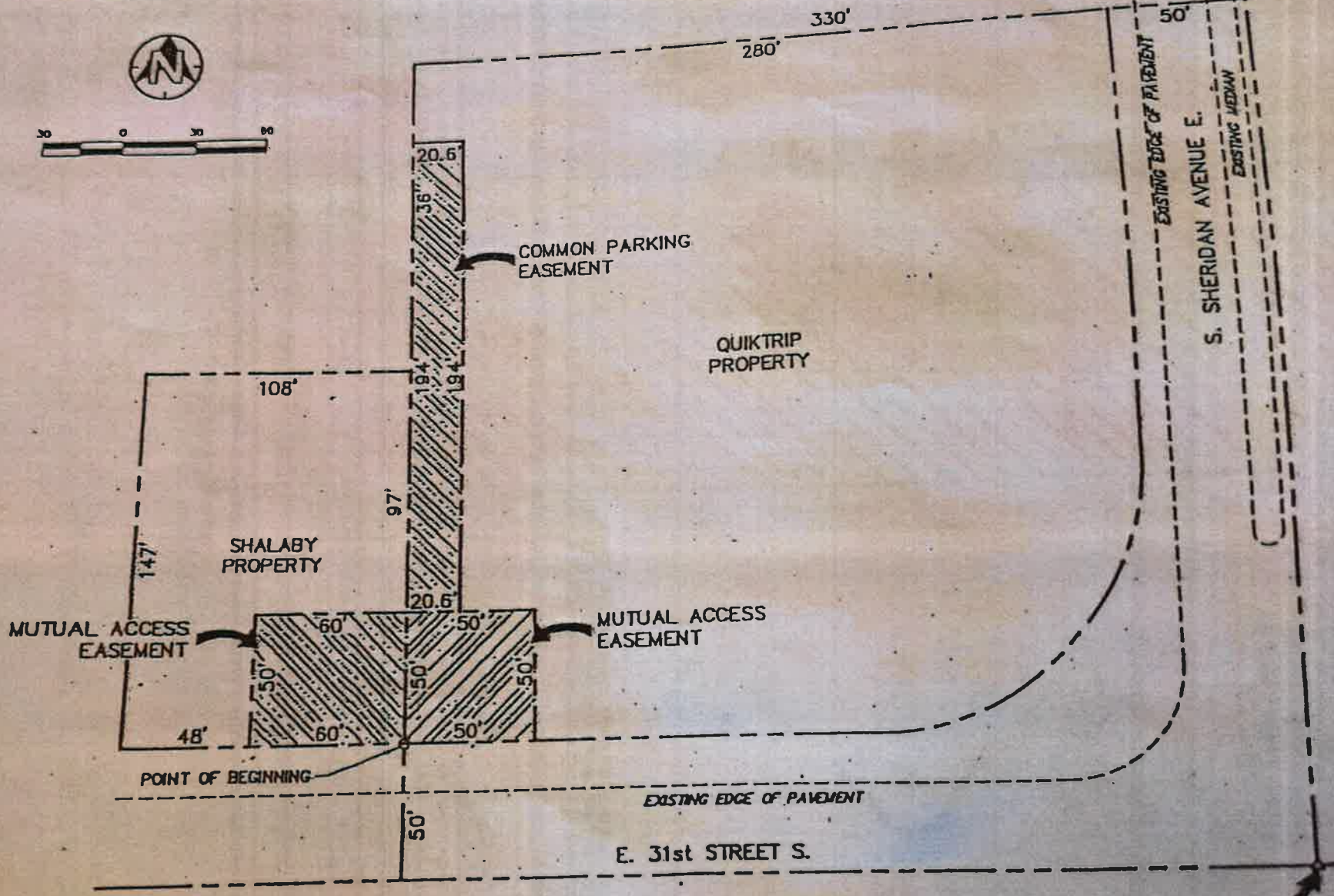
7.5' SANITARY SEWER EASEMENT (BOOK 2848, PAGE 96)





INCL...

EXHIBIT "P"



QUIKTRIP AND SHALABY  
PROPERTY DEPICTION

SE CORNER OF  
SECTION 15,  
TOWNSHIP 19N,  
RANGE 13E





0 Feet  
200  
400



Subject  
Tract

**BOA-22968**

19-13 15

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

Aerial Photo Date: February 2018

3.25







0 Feet 50 100



Subject  
Tract

**BOA-22968**

19-13 15

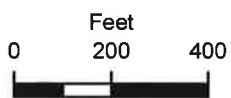
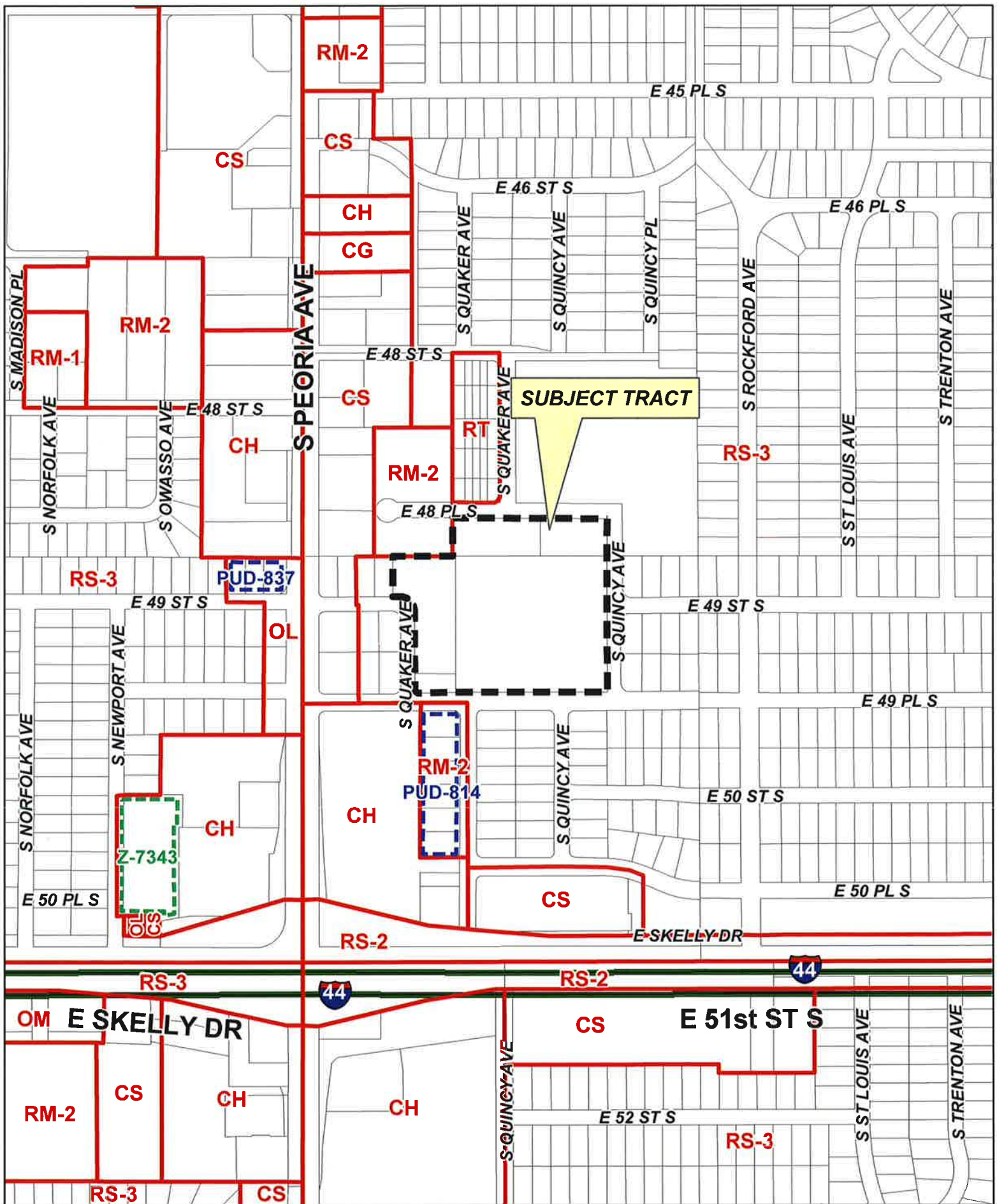
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

3.26







BOA-22969

4.1





**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9330

Case Number: **BOA-22969**

**CZM:** 47

**CD:** 9

**HEARING DATE:** 07/28/2020 1:00 PM

**APPLICANT:** Cameron Wallace

**ACTION REQUESTED:** Special Exception to permit the expansion of an existing religious assembly in the RS-3 district. (Section 5.020 Table 5-2) Modification to a previously approved site plan for a religious assembly use.

**LOCATION:** 4921 S QUAKER AV E; 1365 E 49 ST S; 1352 E 48 PL S    **ZONED:** RS-3

**PRESENT USE:** Church

**TRACT SIZE:** 348355.63 SQ FT

**LEGAL DESCRIPTION:** PRT GOV LT 3 BEG 298.74 SECR GOV LT 3 TH N126 W214.88 S126 E214.88 POB SEC 30 19 13 0.632 AC; LT 11 BLK 17; BEG N.L. SW SW 495 E. OF S. PEORIA AVE. TH E. 490 S. 443.88 W. 490 N. 433.88 TO BEG SEC 30-19-13; PRT GOV LT 3 BEG 485E & 535.55S NWC S/2 GOV LT 3 TH S126 E285 N126 W285 POB SEC 30 19 13 .82AC; LTS 5 - 10 BLK 17, MUGGINS ADDN RESUB PRT L1 SOUTHERN CENTER, BELLAIRE ACRES SECOND EXT

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:**

**BOA-21303;** On 7.12.2011 the Board approved a Special Exception to amend a previously approved site plan.

**BOA-19567;** on 5.13.03 the Board **approved** a *Special Exception* to amend a previously approved site plan; and a *Variance* of the required number of parking spaces from 308 to 285 spaces to allow construction of an addition to the existing building, per plan submitted today, finding the hardship that they are not adding onto the sanctuary; existing for a number of years;

**BOA-14078;** on 5.29.86 the Board **approved** a *Special Exception* to make an addition to the previously approved church and site plan; per revised site plan submitted;

**BOA-13408;** on 1.10.85 the Board **approved** a *Special Exception* for church, school and related uses and purposes (construction of a church sanctuary) in an RS-3 district; and a *Variance* of the required all-weather material for off-street parking areas; per plot plan submitted; finding that the applicant demonstrated a hardship caused by the dual use of the land for parking and play area, finding that sod can be deemed a suitable substitute in this instance, and finding that the variance requested is only on the surfacing requirements, not on the required number of off-street parking;

**BOA-2520;** on 2.10.54 the Board **granted** *permission* to use property for church and school purposes.

**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 the church of St. Mary’s located at the NE/c of S. Quaker Ave. and E. 49<sup>th</sup> Street.

**STAFF COMMENTS:** The applicant is requesting Special Exception to permit the expansion of an existing religious assembly in the RS-3 district. (Section 5.020 Table 5-2) Modification to a previously approved site plan for a religious assembly use.

**Section 40.320 Religious Assembly**

The supplemental use regulations of this section apply to religious assembly uses in AG and R districts.

40.320-A In AG and R zoning districts, religious assembly uses must be located on lots with a minimum lot area of one acre and a minimum lot width of 100 feet.

40.320-B In AG and R zoning districts, off-street parking on the site of a religious assembly use is prohibited in street building setbacks.

Per the site plan submitted by the applicant there will be some non-required parking in the right-of-way along E. 49<sup>th</sup> street. This parking will be on-street angled parking. The applicant is in the process of dedicating the right-of-way and negotiating a license agreement to construct the parking.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit the expansion of an existing religious assembly in the RS-3 district. (Section 5.020 Table 5-2) and Modification to a previously approved site plan for a religious assembly use.

- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):  
\_\_\_\_\_
- Suggested Condition: *“Subject to applicant executing a License Agreement with the City of Tulsa should they choose to utilize on-street parking.”*

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.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **ACCEPT** the Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2); and a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10); based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign; for the following property:

**SW SW LYING E OF HWY 75 ROW LESS S24.75 THEREOF FOR RD SEC 14 18 12,  
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

\*\*\*\*\*.

**21303—Keith & Todd Kinslow**

**Action Requested:**

Minor Special Exception to amend a previously approved site plan for a church/school use in the RS-3 district to permit canopy additions over existing walkways.

**Location:** 1347 East 49<sup>th</sup> Place

**Presentation:**

**Matt King**, 4332 South Birmingham Avenue, Tulsa, OK; stated he is before the Board on behalf of the Catholic Diocese of Tulsa and St. Mary's school/church.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** a Minor Special Exception to amend a previously approved site plan for a church/school use in the RS-3 district to permit canopy additions over existing walkways. These are shown and subject to the conceptual plan on page 5.6. The Board has found that this minor special exception is compatible with the spirit and intent of the original approvals made by the Board. These 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:



BOA-21303

BEG N.L. SW SW 495 E. OF S. PEORIA AVE. TH E. 490 S. 443.88 W. 490 N. 433.88  
TO BEG SEC 30-19-13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

\*\*\*\*\*

\*\*\*\*\*

**OTHER BUSINESS**

None.

\*\*\*\*\*

**NEW BUSINESS:**

None.

\*\*\*\*\*

**BOARD MEMBER COMMENTS:**

None.

\*\*\*\*\*

There being no further business, the meeting adjourned at 1:44 p.m.

Date approved: \_\_\_\_\_

7/26/11



Chair

4.9



**SCHOOL OF  
ST. MARY  
CANOPY ADDITION**



**SITE PLAN**  
**AS1.1**



ZONED RS-3

## A

## 32

## D

**LEGAL DESCRIPTION:**  
A PART OF THE SW/4, SW/4 SECTION 30, T-19-N, R-13-E BEGINNING AT A POINT ON THE NORTH LINE OF SW/4 445' DUE EAST FROM THE CENTERLINE OF SOUTH FLORA THENCE DUE EAST ON THE NORTH LINE OF SW/4 SW/4 445' TO A POINT, THENCE DUE SOUTH 445.05', THENCE DUE WEST 440', THENCE DUE NORTH 448.85' TO THE POINT AND PLACE OF BEGINNING CONTAINS 5 ACRES MORE OR LESS.

PLUS AND INCLUDING  
PART OF THE 5/2 OF LOT 3 BEGINNINGS 298.74 WEST OF THE 56/2 OF 5/2 OF LOT 3.  
THENCE NORTH 129°; THENCE WEST 100°; THENCE SOUTH 126°; THENCE EAST 100°; TO THE  
POINT OF BEGINNINGS OF SECTION 30, T-14-N, R-13-E OF THE INDIAN BASE AND MERIDIAN  
ACCORDING TO THE U.S. GOVERNMENT SURVEY, CONTAINING 3 ACRES MORE OR LESS,  
AND LOTS 3 AND 6 BLOCK 17 OF BELLARE ACRES SUBDIVISION.

PLUS AND INCLUDING:  
PART OF GOVERNMENT LOT 3 BEGINNING 390.74' WEST OF THE SE/4 OF GOVERNMENT  
LOT 5, THENCE NORTH 120, THENCE WEST 120, THENCE SOUTH 136, THENCE EAST 100'  
TO THE POINT OF THE BEGINNING IN SECTION 50, T-19-N, R-13-E OF THE INDIAN BASE  
AND MERIDIAN ACCORDING TO THE US GOVERNMENT SURVEY CONTAINING 29 ACRES  
MORE OR LESS.

PLUMS AND INCLUDING:  
AND PART OF THE GOVERNMENT LOT 2, BEGINNING 448.74' WEST OF THE SE1/4 OF  
GOVERNMENT LOT 2, THENCE NORTH 128°, THENCE WEST 14.85', THENCE SOUTH 120°  
THENCE EAST 14.85' TO THE POINT OF BEGINNING IN SECTION 30, T-14-N, R-15-E OF THE  
INTERTANK AND MEXICAN, ACCORDING TO THE U.S. GOVERNMENT SURVEY.

## TE PLAN

## AS1.1

welfare; and finding this is an existing residence on a substandard lot for many years, on the following described property:

E 60.00' Lot 16, Block 6, Stonebraker Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma.

\*.\*\*\*\*\*.

**Case No. 19567**

**Action Requested:**

Special Exception to amend a previously approved site plan. SECTION 401 PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5; and a Variance of the required number of parking spaces from 308 to 282 spaces to allow construction of an addition to the existing building. SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, located 1347 E. 49<sup>th</sup> Pl.

**Presentation:**

**Steve Brown**, 1 W. 3<sup>rd</sup>, stated the request for a special exception to add a 6,640 square foot Kindergarten to the existing Church of St. Mary's. They are removing fourteen existing parking spaces, leaving 285 total existing spaces. The sanctuary will remain the same size. According to the linear footage of the pews plus the rectory requires 240 parking spaces. A site plan was provided (Exhibit C-1).

**Comments and Questions:**

Mr. Dunham questioned the 282 parking spaces requested in the application. Mr. Beach responded that the new site plan shows 285 existing parking spaces.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION of Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE a Special Exception** to amend a previously approved site plan; and a Variance of the required number of parking spaces from 308 to 285 spaces to allow construction of an addition to the existing building, per plan submitted today, finding the hardship that they are not adding onto the sanctuary; existing for a number of years; and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

A part of the SW/4 SW/4, Section 30, T-19-N, R-13-E, beg. at a point on the N line of SW/4 495.00' due E from the centerline of S. Peoria, thence due E on the N line of said SW/4 490.00' to a point, thence due S 443.88', thence due W 490.00', thence due N 443.88' to the point and place of beginning; AND Lots 7, 8, and 11, Block 17, Bellaire Acres Second Extension, AND all that part of Lot 3, Section 30, T-19-N, R-13-E, more particularly described as follows, to-wit: Commencing at a point 50' E of



the W boundary line and 25.00' S of the N boundary line of the S/2 of said Lot 3, thence S along a line parallel to and 50.00' E of the W boundary of the S/2 of said lot, a distance of 216.55' to a point 420.00' N of the S boundary line of said Lot 3; thence E along the N boundary line of Southern Center Addition a distance of 435.00' to the NE/c of said Southern Center Addition; thence S along the E boundary line of said Southern Center Addition a distance of 294.00' to the true POB; thence continuing S along the E boundary line of said Southern Center Addition to Tulsa a distance of 126.00' to a point in the S boundary line of said Lot 3 a distance of 285.00'; thence N a distance of 126.00'; thence S 89°59'13" W a distance of 285.00' to the POB; AND part of Gvmt Lot 3, Beg. 398.74' W of the SE/c of Gvmt Lot 3, thence N 126.00', thence W 100.00' thence S 126.00' thence E 100.00' to the POB in Section 30, T-19-N, R-13-E; AND part of Gvmt Lot 3, beg. 498.74' W of the SE/c of Gvmt Lot 3, thence N 126.00', thence W 14.88', thence S 126.00' thence E 14.88' to the POB in Section 30, T-19-N, R-13-E of the IBM; AND part of the S/2 of Lot 3, Beg. 298.74' W of the SE/c of S/2 of Lot 3, thence N 126.00', thence W 100', thence S 126.00', thence E 100.00' to the POB of Section 30, T-19-N, R-13-E, and Lots 5 and 6, Block 17, Bellaire Acres Subdivision, all in the City of Tulsa, Tulsa County, State of Oklahoma.

\*.\*\*\*\*\*.

### NEW APPLICATIONS

#### Case No. 19570

##### Action Requested:

Special Exception to allow Use Unit 5 for an existing church. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5; a Approval to amend a previously approved site plan for expansion of the existing church as approved per BOA 17955 (adding to sanctuary, rest rooms, and child care area); a Variance of existing setback encroachment along Gary Street to extend sanctuary. SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS; a Variance to allow existing parking in the required front yard. SECTION 1205.B.1. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES; and a Special Exception to waive screening on north where new parking area abuts a residential district. SECTION 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 3188 E. 22<sup>nd</sup> St.

##### Presentation:

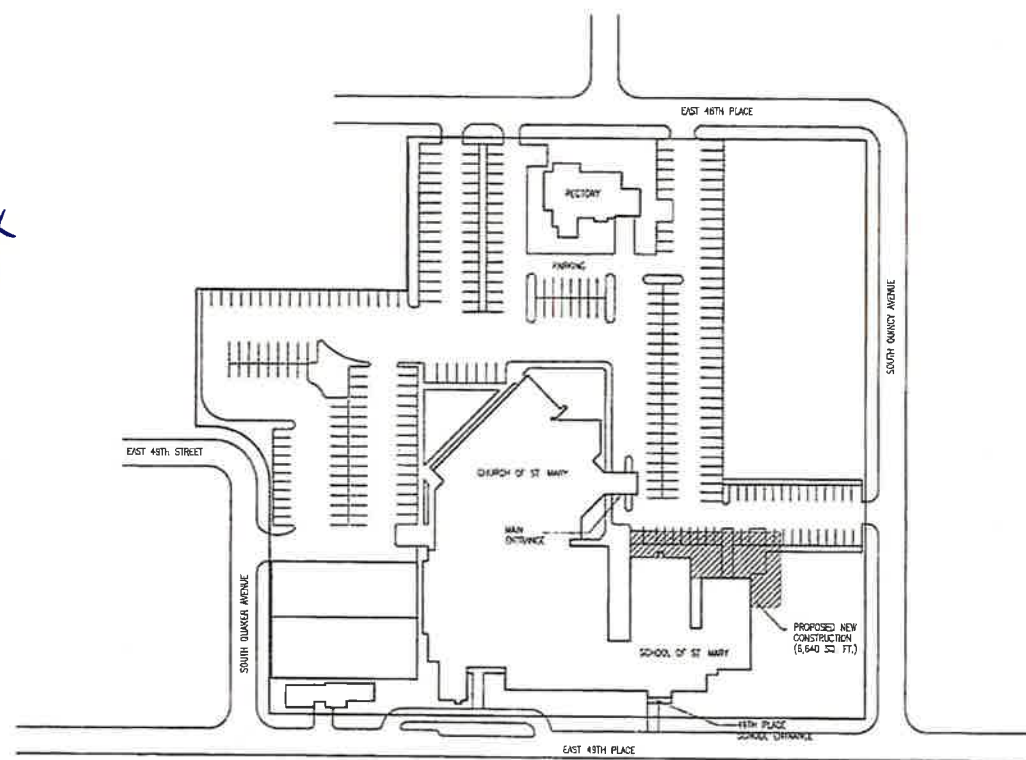
**Stephen J. Olsen**, 324 E. 3<sup>rd</sup> St., Olsen-Coffey Architects, stated that the property has never been approved for church use. This is basically a clean-up of old problems.

##### Comments and Questions:

Mr. Beach noted the applicant would need more relief for this project, listing a five-foot landscape area along abutting street right-of-ways; setback from centerline of 22<sup>nd</sup> Street; variance from the parking structure setback requirement and a license agreement with the City of Tulsa. Mr. Beach recommended that since it requires

4.9

BDA-19567



SITE PLAN  
SCALE: 1:50

**LEGAL DESCRIPTION:**

A part of the SW/4, SW/4, Section 30, T-19-N, R-13-E, beginning at a point on the north line of SW/4 435' due East from the centerline of South Peoria, thence due East on the north line of said SW/4 430' to a point, thence due South 443.88', thence due West 430', thence due North 443.56' to the point and place of beginning containing 5 acres more or less.

Plus and including:  
All of lots 7, 8, and 11 of Block 17 of Belaire Acres Second Extension, County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

Plus and including:  
All of that part of Lot 3, Section 30, T-19-N, R-13-E, more particularly described as follows: to-wit: Commencing at a point 50' East of the first boundary line and 25' South of the North boundary line of the 1/2 of said Lot 3, thence South along a line parallel to and 50' East of the west boundary of the 1/2 of said Lot, a distance of 716.20' to a point 430' North of the South boundary line of said Lot 3, thence East along the North boundary line of Southern Center Addition to the City of Tulsa, thence South along the East boundary line of said Southern Center Addition a distance of 294' to the true point of beginning; thence continuing South along the East boundary line of said Southern Center Addition to Tulsa a distance of 126' to a point on the South boundary line of said Lot 3 a distance of 285'; thence North a distance of 126', thence South 89°34'13" West a distance of 225' to the point of beginning.

Plus and including:  
Part of Government Lot 3, beginning 308.74' West of the SE/c of Government Lot 3, thence North 126', thence West 100', thence South 126', thence East 100' to the point of beginning in Section 30, T-19-N, R-13-E of the Indian Base and Meridian, according to the U.S. Government Survey containing 23 acres more or less; and part of the Government Lot 3, beginning 499.74' West of the SE/c of Government Lot 3, thence North 126', thence West 14.88', thence South 126', thence East 14.88' to the point of beginning in Section 30, T-19-N, R-13-E of the Indian Base and Meridian, according to the U.S. Government Survey.

Plus and including:  
Part of the 1/2 of Lot 3, beginning 268.74' West of the SE/c of 1/2 of Lot 3, thence North 126', thence West 100', thence South 126', thence East 100', to the point of beginning in Section 30, T-19-N, R-13-E of the Indian Base and Meridian, according to the U.S. Government Survey, containing 3 acres more or less.

Total of all acreages herein defined containing 7.0 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

**SQUARE FOOTAGES:**

TOTAL FACILITY 71,158 SQ. FT.  
NEW CONSTRUCTION 6,840 SQ. FT.  
EXISTING REMODEL 6,318 SQ. FT.  
PARKING SPACES 138\*

**ZONING**

316  
14  
302  
306  
325  
10,700  
(4)

**ATKINS**

ATKINS ARCHITECT, P.C.  
2400 E. 48th Avenue  
Tulsa, OK 74137  
918/462-1000  
www.atkinsamerica.com

|   |         |             |        |
|---|---------|-------------|--------|
| 1 | 3-18-03 | DESIGNED BY | W.D.C. |
| 2 | 3-18-03 | DRAWN BY    | W.D.C. |
| 3 | 3-18-03 | CHECKED BY  | S.B.   |
| 4 | 3-18-03 | APPROVED BY | M.D.   |

THE CHURCH OF ST. MARY'S  
Facilities Expansion and Remodel  
ARCHITECTURAL SITE PLAN

|                |            |
|----------------|------------|
| DESIGNED BY    | W.D.C.     |
| DRAWN BY       | W.D.C.     |
| CHECKED BY     | S.B.       |
| APPROVED BY    | M.D.       |
| DATE           | 3-18-03    |
| SCALE          | 1:50       |
| PROJECT NUMBER | 1103211001 |
| SHEET          | A-100      |

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request an exception to make an addition to the previously approved church and site plan, located on the NW/c of Quincy Avenue and 49th Place.

Action Requested:

The applicant Charles Norman was represented by Wally Wozencraft, 5801 East 41st Street, Tulsa, Oklahoma, who submitted a site plan (Exhibit G-2) and photographs (Exhibit G-1) of a proposed addition to the Church of Saint Mary. Mr. Wozencraft, architect for the project, stated that approximately 6 months ago approval was acquired for the construction of a new sanctuary and asked the Board to allow the new addition, which would merely be a fill-in between 2 existing buildings. This 2-story portion will contain approximately 5,100 sq. ft. of floor space, with 2,500 sq. ft. being on each floor, and will be used for music and special meetings.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no, "abstentions"; White, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205) to make an addition to the previously approved church and site plan; per revised site plan submitted; on the following described property:

A part of the SW/4, SW/4, Section 30, T-19-N, R-13-E. Beginning at a point on the north line of SW/4 495' due east from the centerline of South Peoria, thence due east on the north line of said SW/4 490' to a point, thence due south 443.88', thence due west 490', thence due north 443.88' to the point and place of beginning containing 5 acres more or less.

Plus and including:

All of lots 7, 8, and 11 of Block 17, Bellaire Acres Second Extension, County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

Plus and including:

All of that part of Lot 3, Section 30, T-19-N, R-13-E, more particularly described as follows, to-wit: Commencing at a point 50' east of the west boundary line and 25' south of the north boundary line of the S/2 of said Lot 3, thence south along a line parallel to and 50' east of the west boundary of the S/2 of said Lot, a distance of 216.55' to a point 420' north of the south boundary line of said Lot 3; thence east along the north boundary line of Southern Center Addition to the City of Tulsa a distance of 435' to the NE/c of said

5.29.86:466(12)



Case No. 14078 (continued)

Southern Center Addition to the City of Tulsa; thence south along the east boundary line of said Southern Center Addition a distance of 294' to the true point of beginning; thence continuing south along the east boundary line of said Southern Center addition to Tulsa a distance of 126' to a point in the south boundary line of said Lot 3; thence east along the south boundary line of said Lot 3 a distance of 285'; thence north a distance of 126'; thence south 89°59'13" West a distance of 285' to the point of beginning.

Plus and Including:

Part of Government Lot 3, beginning 398.74' west of SE/c of Government Lot 3, thence north 126', thence west 100', thence south 126', thence east 100' to the point of beginning in Section 30, T-19-N, R-13-E of the Indian Base and Meridian, according to the U.S. Government Survey, containing .29 acres more or less; and part of the Government Lot 3, beginning 498.74' west of the SE/c of Government Lot 3, thence north 126', thence west 14.88', thence south 126', thence east 14.88' to the point of beginning in Section 30, T-19-N, R-13-E of the Indian Base and Meridian, according to the U. S. Government Survey.

Plus and Including:

Part of the S/2 of Lot 3, beginning 298.74' west of the SE/c of S/2 of Lot 3, thence north 126', thence west 100', thence south 126', thence east 100' to the Point of Beginning of Section 30, T-19-N, R-13-E of the Indian Base and Meridian, according to the U. S. Government Survey, containing .3 acre more or less.

Total of all acreages herein defined containing 7.0 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14079

Action Requested:

Variance - Section 207 - Street Frontage Required/Section 730 - Bulk and Area Requirements in Commercial districts - Use Unit - 1208 - Request a variance of the street frontage requirements to permit the construction of multi-family dwelling units, where such dwelling units will be served by private street constructed and maintained by abutting property owners pursuant to a private mutual access easement agreement, located NE/c of 61st and Memorial.

Presentation:

The applicant, Charles Norman, 909 Kennedy Building, who represented the developer of Eaton Square Apartments, submitted a Plat of Tracts

Case No. 13402 (continued)

Comments and Questions:

The Staff reminded the Board that the case was heard on December 13, 1984 and was continued to allow the Board a chance to visit the site.

Mr. Victor explained that the existing buildings are in line with the other buildings in the area, and there is no basis for a hardship.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to DENY a Variance (Section 730—Bulk and Area Requirements in the Commercial districts—Under the provisions of Use Unit 1215) of the 10' setback from the centerline of a secondary arterial to 90' to permit Wendy's to add solariums onto two drive-in restaurants in CS zoned districts; finding that the applicant failed to demonstrate a hardship; on the following described properties:

Lot 4, Block 1, Gatewood Center, City of Tulsa, Tulsa County, Oklahoma.

and

The South 200' of Lot 2, Block 1, Wendy Acres, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13408

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1205—Request an exception for church, school, and related uses and purposes (construction of a church sanctuary) in an RS-3 zoned district; and a

Variance—Section 1340(d)—Design Standards for Off-Street Parking Areas—Request a variance of the required all-weather material for off-street parking areas, located on the NW/c of Quincy Place and 49th Place.

Presentation:

The applicant, Church of St. Mary, Roman Catholic Diocese of Tulsa (Beltran, Bishop), was represented by Charles Norman, 909 Kennedy Building, Tulsa, Oklahoma, 74103. Mr. Norman explained that St Mary's Church is requesting a special exception to add additional property in an RS-3 zoned district to property now being used for a church and school, with the additional property to also be used for a church and school with uses and purposes customarily related thereto. He also informed that they propose to construct a new church sanctuary pursuant to the site plan submitted (Exhibit "B-1"), upon property previously approved by this Board, and presently being used for church and school purposes. He submitted

1.10.85:430(4)

4.12

Case No. 13408 (continued)

eleven pictures of the present facilities (Exhibit "B-1") and explained to the Board that St. Mary's is not requesting the variance of the off-street parking requirements. He informed that they are requesting a waiver of the requirement that off-street parking be paved with an all-weather surface in light of the unique factor that the field they propose to use is also a playing field for the school's athletic program. He informed that the proposal is to absorb the loss of required off-street parking (from 296 to 210) by permitting 85 parking spaces on the playing field (which has a capacity for 340 parking spaces). The existing playing field has been used successfully for overflow parking for many years. He informed that they feel the sod is a satisfactory substitute to the all-weather surfacing required. They face a hardship in the fact that it is necessary that the additional space not be paved, so the school can continue to utilize the area as a playing field. He explained that if the "sanctuary" was considered an "arena," they would only be required to provide 200 off-street parking spaces. He feels that this is an inconsistency in the Code, since the same number of persons filling an arena would require less parking than those in a church sanctuary, under the existing Code. This factor imposes a hardship on his client.

Protestants: None

Comments and Questions:

Mr. Norman explained to Mr. Clugston that his clients feel the hard surfaced parking will be more than adequate for their regular services (four masses each Sunday), and the additional spaces will be utilized only during special events.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Special Exception (Section 410—Principal Uses Permitted in the Residential Districts—Under the provisions of Use Unit 1205) for church, school and related uses and purposes (construction of a church sanctuary) in an RS-3 zoned district; and a Variance (Section 1340(d)—Design Standards for Off-Street Parking Areas) of the required all-weather material for off-street parking areas; per plot plan submitted; finding that the applicant demonstrated a hardship caused by the dual use of the land for parking and play area, finding that sod can be deemed a suitable substitute in this instance, and finding that the variance requested is only on the surfacing requirements, not on the required number of off-street parking; and finding that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; on the following described property:

A part of the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4), Section Thirty (30), Township Nineteen North (19 N.), Range Thirteen East (13 E.): Beginning at a point on the North

1.10.85:430 (5)



2-10-54

Case No. 2520-A ✓  
Catholic Parish of St.  
Mary, SW, of Section  
30-19-13

This being the date set down for public hearing on the application of the Catholic Parish of St. Mary for permission to use property for church and school purposes on the SW 1/4, of Section 30-19-13. There appeared no protestants.

MOVED by Lashley (Grubb) that this matter be granted.  
All members voting yea. Carried.

Case No. 2521 ✓  
Grant Johnson  
W. 100' of Lot 6,  
W. 100' of S. 40 of  
Lot 5, Block 4,  
Mountain View

Grant Johnson request for designation of two building sites each being 50 x 130 feet in a U-2 district on the West 100 feet of Lot 6, and the West 100 feet of the South 40 feet of Lot 5, Block 4, Mountain View Addition.

MOVED by Grubb (Daniel) that this matter be granted.  
All members voting yea. Carried.

Case No. 2522 ✓  
Era Dunn Seaton &  
Mary Lue Livingston  
Lots 6, 7, 8, Block 1,  
Elgindale Addition

Era Dunn Seaton and Mary Lue Livingston appeal to the Board of Adjustment from an order of the Building Inspector granting a permit for the erection and maintenance of a Retail Grocery Store on Lots 6, 7, 8, Block 1, Elgindale Addition. There appeared Judge Leslie Webb representing Mr. Pleasant the owner of said property and Mr. John Boyd Attorney for the appellants.

Judge Webb objected to the jurisdiction of the Board.

Mr. Boyd stated he was objecting to the use area wise that the ordinances in the city say U-1, A1, H 1, and that this property has not been rezoned A-1 and would not change the zoning.

Judge Webb stated that when property rezoned from U-1 to U-3 the area did not apply, but did apply when rezoning from U-1 to U-2, and as far as height was concerned the building was to be one story high.

After considerable discussion it was,

MOVED by Lashley (Davisson) that this appeal be dismissed.  
All members voting yea. Carried.

Case No. 2523 ✓  
Public Service Co.  
Pt. of SE, INEW,  
Section 3-19-12

Public Service Company request for permission to erect and operate an outdoor type electric substation on part of the SE 1/4 of the NW 1/4, of Section 3-19-12

MOVED by Grubb (Daniel) that this matter be granted.  
All members voting yea. Carried.



*Western side of property from Quaker*



*Existing Conditions from Quaker*





*Subject property from 49<sup>th</sup>*



*Subject property from 49<sup>th</sup>*





***Subject property from NE/c of E. 49<sup>th</sup> and S. Quaker***

**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

**LOD Number: 1**  
**Cameron Wallace**  
**810 S Cincinnati Ave**  
**Tulsa, OK**

**April 8, 2020**

**Phone: 918.877.6000**

**APPLICATION NO: BLDC-057625-2020**

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

**Location: 1347 E 49 PL**  
**Description: New Bldg.**

#### 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 2<sup>nd</sup> 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](mailto:COTDEVSVCS@CITYOFTULSA.ORG) OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT [HTTPS://TULSAOK.TYLER-TECH.COM/ENERGOV4934/SELF-SERVICE](https://tulsaok.tyler-tech.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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" ☒ IS ☐ IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

BLDC-057625-2020

1347 E 49 PL

April 8, 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, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at [584-7526](tel:584-7526). It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **IBC Sec.105.3.2:** To obtain a permit, the applicant shall first file an application that describes the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and locate the proposed building or work. The proposed building is being constructed across multiple lot lines.

**Review comment:** A lot combination is required for new buildings built across multiple lot lines. Submit a lot combination approved by the TMAPC, stamped and signed by the County Clerk, and filed at the County Courthouse.

2. **Sec.5.020 Table 5-2:** The proposed building is located on an RS-3 zoning district. It is designated a Religious Assembly Use and is a modification to the current site plan. This will require a Special Exception to amend a previously approved site plan for a religious assembly use in an RS-3 zoning district.

**Review comment:** Submit a copy of the Special Exception to amend a previously approved site plan for a religious assembly use in an RS-3 zoning district.

3. **Sec.67.040-A:** You are proposing outdoor lighting on this site. Light trespass along the lot line of the subject property may not exceed 0.5 foot-candles when abutting an agricultural or residential zoning district and may not exceed 3.0 foot-candles when abutting any other zoning district or public right-of-way. Maximum illumination levels are measured 3 feet above grade or from the top of any opaque screening fence or wall along the property line.

**Review comment:** Applicants have 2 options for the format of the required lighting plan:

**Sec.67.040-B Option 1: Fixture Height Standard Lighting Plan**

Option 1 (Fixture Height Standard Lighting Plans) establishes maximum light fixture heights but does not require submittal of a detailed photometric plan.

**1. Information Required**

- a. Fixture height standard lighting plans must include at least the following: A scale drawing of the site with all outdoor lighting locations shown;
- b. Fixture specifications, including catalog cut-sheets or generic standards;
- c. Pole type and height of fixture;
- d. Lamp type and size; and
- e. Fixture mounting and orientation.



2. **Maximum Fixture Heights:** Allowable heights of light fixtures must be measured from the light-emitting surface to finished grade at the base of the pole. Maximum allowed light fixture heights are based on the (ground-level) horizontal distance between the light fixture and any agricultural or residential zoning district or public right-of-way, as established in Table 67-1:

*Table 67-1: Maximum Light Fixture Heights*

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

**Sec.67.040-C Option 2: Photometric Study**

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

1. A scale drawing of the site with all outdoor lighting locations shown;
2. Fixture specifications, including catalog cut-sheets or generic standards;
3. Lamp type and size;
4. Fixture mounting heights, mounting orientation, and tilt angles if applicable; and
5. A representative point-by-point illumination array for the site showing property lines and all off-site lighting impacts.

**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.**

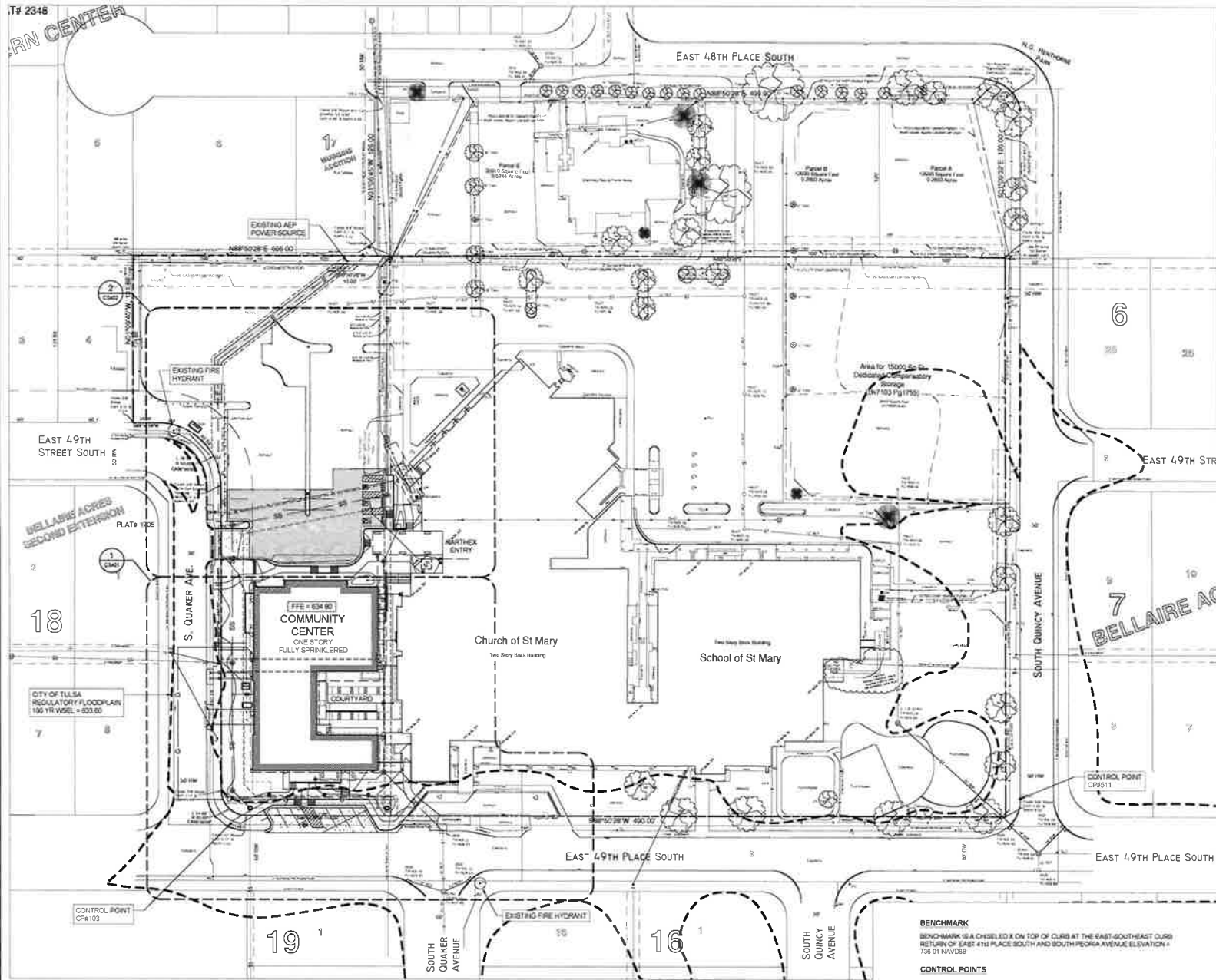
**END – ZONING CODE REVIEW**

**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.

IT# 2348

COMMUNITY CENTER



1 OVERALL SITE PLAN  
SCALE: 1" = 30' 0"



**WATER-SHED NOTE**  
THE NEW COMMUNITY CENTER FINISH FLOOR ELEVATION IS 1.2' FEET ABOVE THE CITY OF TULSA REGULATORY FLOODPLAIN 100 YR WSEL = 633.50. REFER TO INFRASTRUCTURE DEVELOPMENT PLANS NO. 049307-2019 FOR STORM WATER PLANS WITH SITE GRADING  
SWM1 - OVERALL DRAINAGE MAP  
SWM2 - PARTIAL GRADING PLAN - SOUTH  
SWM3 - PARTIAL GRADING PLAN - NORTH

**BENCHMARK**

BENCHMARK IS A CHISELED X ON TOP OF CURB AT THE EAST-SOUTHEAST CURB RETURN OF EAST 49TH PLACE SOUTH AND SOUTH QUINCY AVENUE ELEVATION = 726.01 NAVD83

**CONTROL POINTS**

CP#103 SURVEY CONTROL POINT FOUND NAIL IN THE SIDEWALK LOCATED ON THE NORTHEAST CORNER OF EAST 48TH PLACE SOUTH AND SOUTH QUINCY AVENUE N 423809.00, E 256889.26, EL. = 832.78

CP#911 FOUND CHISELED X ON THE TOP OF CURB LOCATED ON THE NORTHWEST CURB RETURN OF EAST 48TH PLACE SOUTH AND SOUTH QUINCY AVENUE N 423841.74, E 2567523.99, EL. = 631.89

**CYNERGY**  
810 SOUTH CINCINNATI  
SECOND FLOOR  
TULSA, OK 74119  
918.577.8002  
www.cynergy.com



**COMMUNITY CENTER**  
CHURCH OF SAINT MARY  
100 YR WSEL = 633.50

| DESIGNER | DATE |
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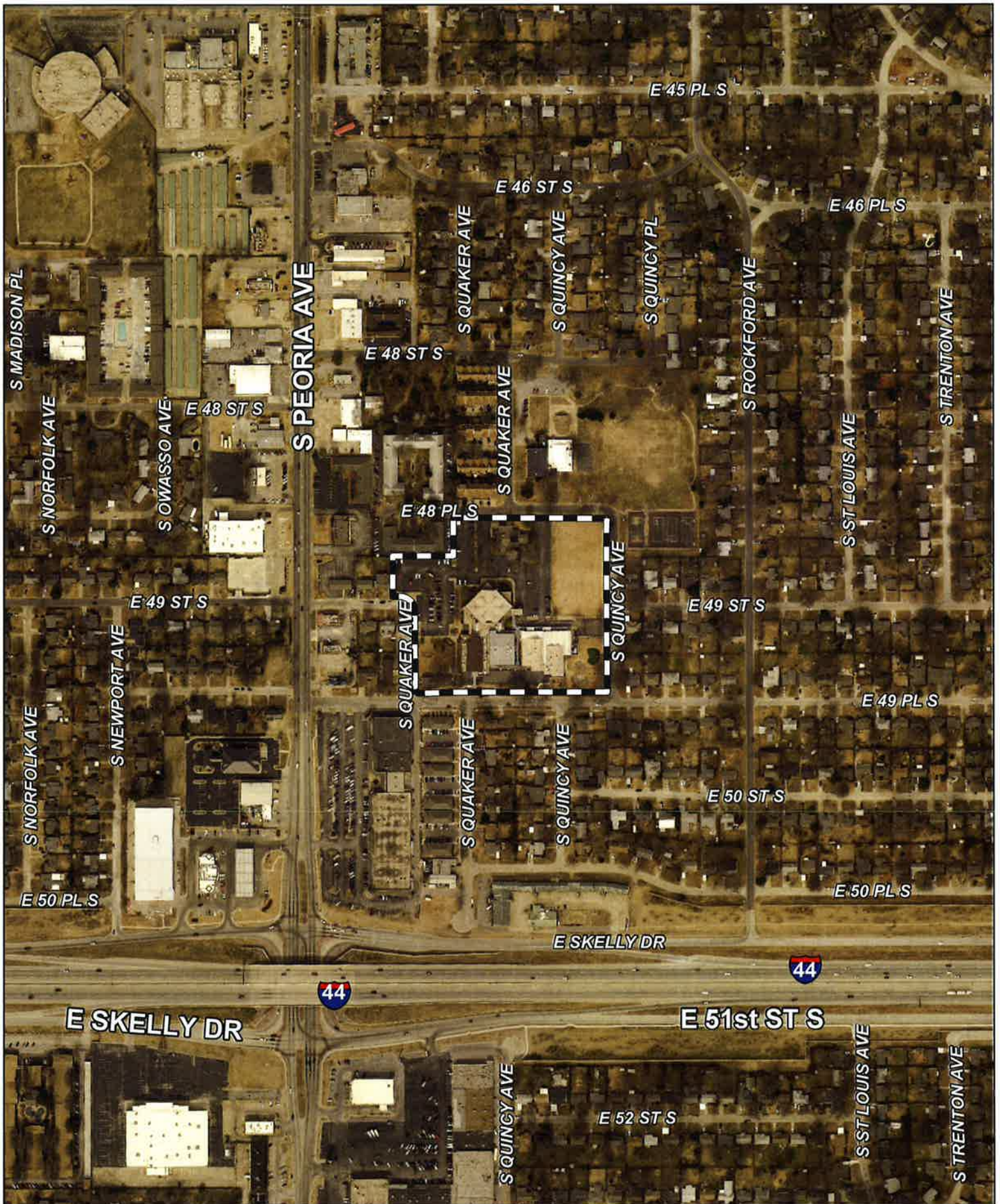
ISSUE DATE: 04/20/2019  
PROJECT NO: 05762-01-00  
CHECKED BY: JLD  
DRAWN BY: BJB

OVERALL SITE PLAN

CS101

4.21





0 Feet  
200  
400



Subject  
Tract

**BOA-22969**

19-13 30

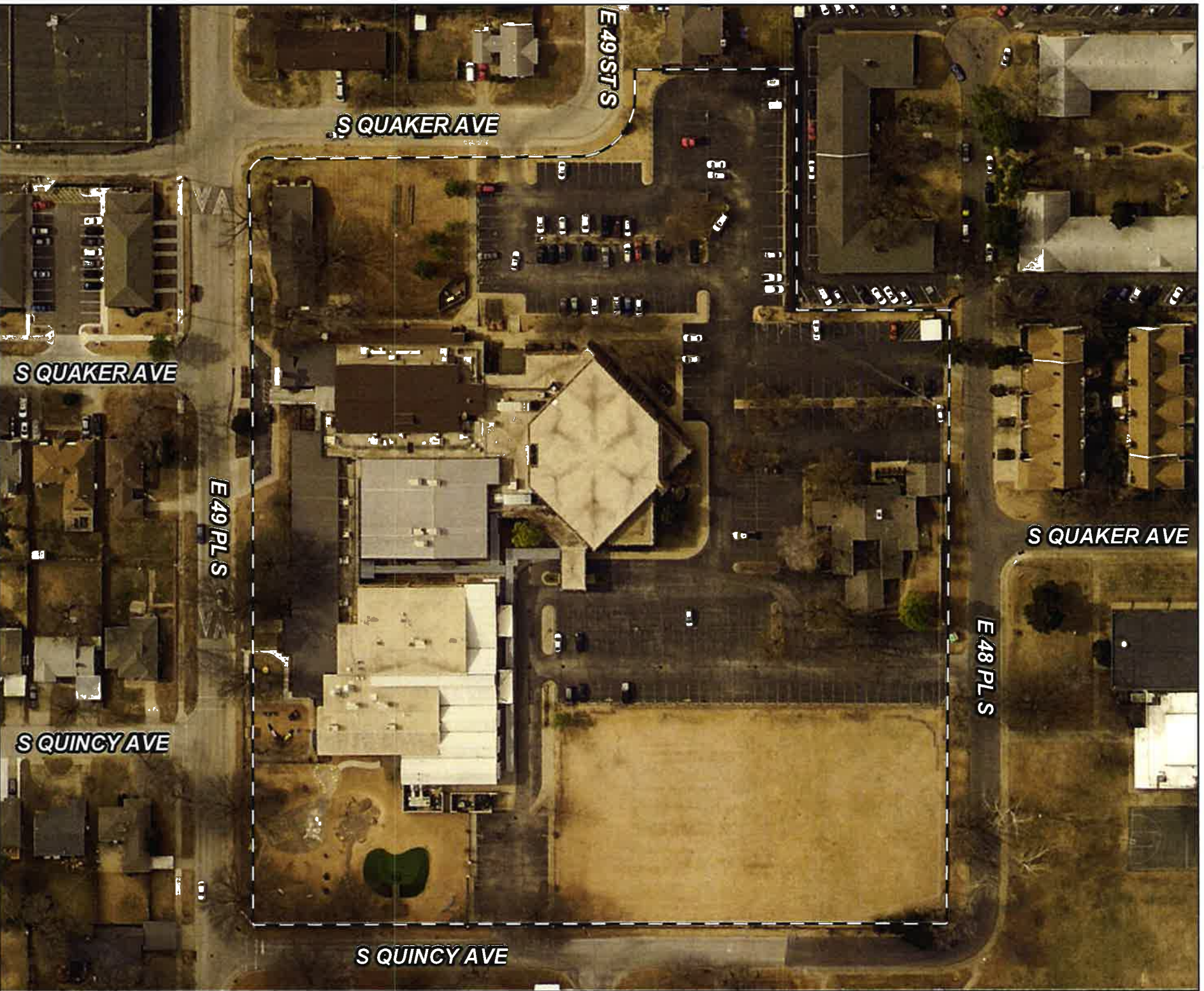
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

4.22







0 50 100 Feet



Subject  
Tract

**BOA-22969**

19-13 30

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

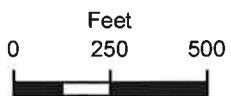
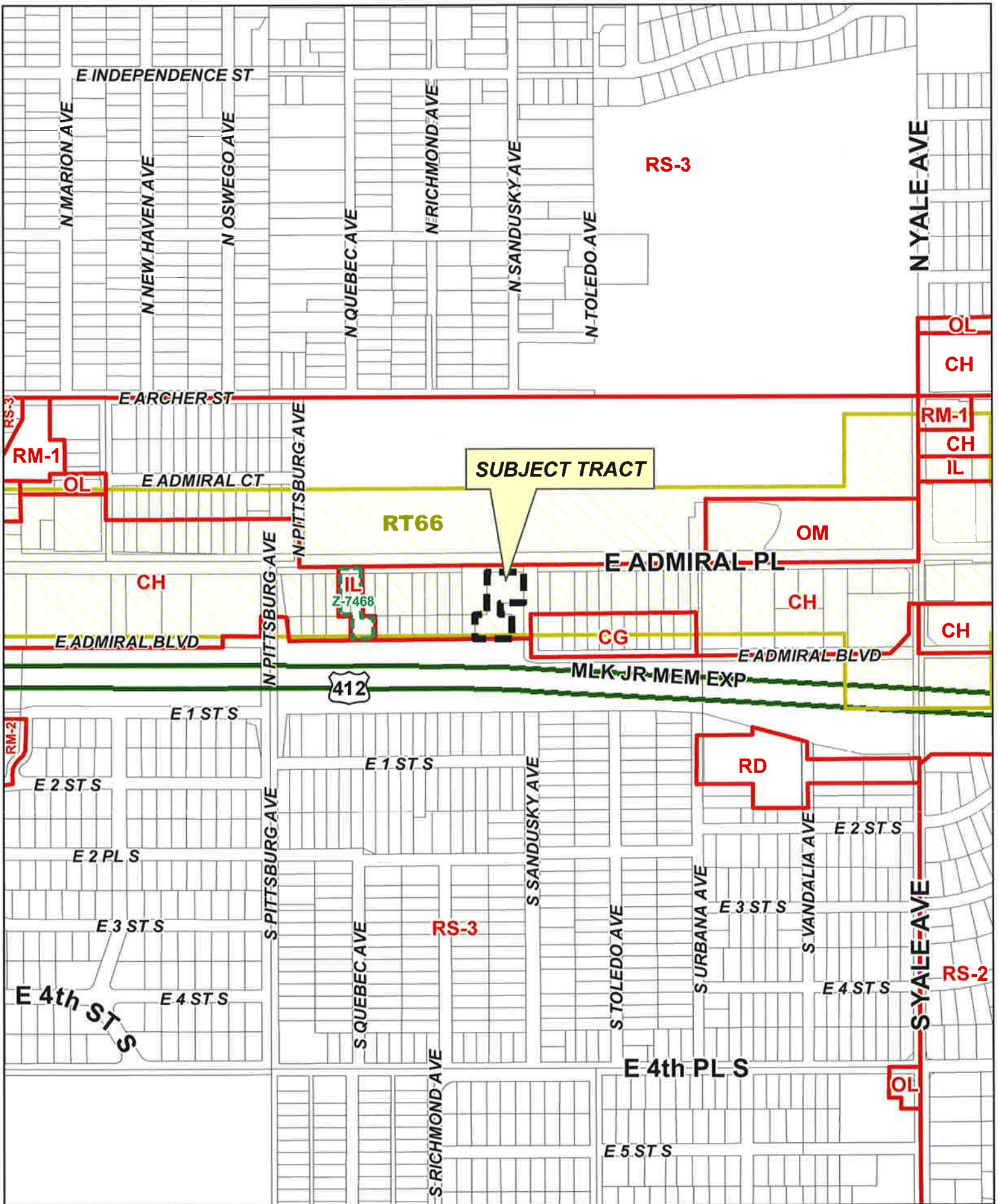
Aerial Photo Date: February 2018

4.23



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**BOA-22970**

**5.1**

19-13 04





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9304

Case Number: **BOA-22970**

**CZM:** 37

**CD:** 4

**HEARING DATE:** 07/28/2020 1:00 PM

**APPLICANT:** Nathalie Cornett

**ACTION REQUESTED:** Special Exception to permit a medical marijuana grower operation (Horticulture Nursery Use) in the CH district (Sec. 15.020, Table 15-2)

**LOCATION:** 4172 E ADMIRAL PL S

**ZONED:** CH

**PRESENT USE:** Commercial

**TRACT SIZE:** 36197.16 SQ FT

**LEGAL DESCRIPTION:** LTS 18 19 20 LESS N. 29.25 LTS 18 - 20 & N100 LTS 35 -37 & LESS SLY 46 E 46 LT 19 & SLY 46 LT 20 BLK 1, RODGERS HGTS SUB

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject property:**

**BOA-20647;** On 3.11.08 the Board approved a Special Exception to permit required parking on a lot not containing the principal use and variance of the parking design standards.

### **Surrounding properties:**

**Z-7468;** On 3.06.19 the TMAPC recommended **approval** of a re-zoning from CH to IL with an Optional Development plan to permit a Horticulture Nursery Use for medical marijuana cultivation. The re-zoning was subsequently approved by City Council on 4.10.2019. At the time of this application there was not an exception available to permit a Horticulture Nursery Use in a CH district Property located 4128 and 4124 E. Admiral Pl.

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

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

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

increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the SW/c of E. Admiral Pl. and N. Sandusky Ave (also known as E. Admiral Boulevard).

**STAFF COMMENTS:** The applicant is requesting a **Special Exception** to permit a medical marijuana grower operation (Horticulture Nursery Use) in the CH district (Sec. 15.020, Table 15-2)

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

| USE CATEGORY                         | OL | OM | OMH | OH | CS     | CG | CH | CBD | IL | IM | IH | Supplemental Regulations |
|--------------------------------------|----|----|-----|----|--------|----|----|-----|----|----|----|--------------------------|
| Subcategory                          |    |    |     |    |        |    |    |     |    |    |    |                          |
| Specific use                         |    |    |     |    |        |    |    |     |    |    |    |                          |
| High-impact Manufacturing & Industry | -  | -  | -   | -  | -      | -  | -  | -   | -  | S  | P  |                          |
| Mining or Mineral Processing         | -  | -  | -   | -  | -      | -  | -  | -   | -  | S  | S  | Section 40.230           |
| Junk or Salvage Yard                 | -  | -  | -   | -  | -      | -  | -  | -   | -  | S  | P  | Section 40.190           |
| RECYCLING                            |    |    |     |    |        |    |    |     |    |    |    | Section 40.310           |
| Construction or Demolition Debris    | -  | -  | -   | -  | -      | -  | -  | -   | S  | S  | P  |                          |
| Consumer Material Drop-off Station   | -  | -  | -   | -  | P/S(S) | P  | P  | P   | P  | P  | P  |                          |
| Consumer Material Processing         | -  | -  | -   | -  | -      | -  | -  | -   | P  | P  | P  |                          |
| AGRICULTURAL                         |    |    |     |    |        |    |    |     |    |    |    |                          |
| Animal Husbandry                     | -  | -  | -   | -  | -      | -  | -  | -   | -  | P  | P  |                          |
| Community Garden                     | P  | P  | P   | P  | P      | P  | P  | P   | P  | P  | P  | Section 40.090           |
| Farm, Market- or Community-supported | P  | P  | P   | P  | P      | P  | P  | P   | P  | P  | P  |                          |
| Horticulture Nursery                 | -  | -  | -   | -  | -      | S  |    |     | P  | P  | P  | Section 40.225           |

Medical marijuana uses are subject to the supplemental regulations of 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 detectable outside the tenant space housing the use.
2. An electronic security system and surveillance camera.

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

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

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

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a ***Special Exception*** to permit a medical marijuana grower operation (Horticulture Nursery Use) in the CH district (Sec. 15.020, Table 15-2)

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

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



On **Amended Motion of White**, the Board voted 5-0-0 (White, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit two single, attached family dwellings (Use Unit 6) on a lot in the CBD district (Section 701), per plan, as shown on pages 7.6, 7.7 and 7.8 in the agenda packet, finding the special exception will be in the harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

E46 LT 1 BLK 12, HODGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 20647**

**FILE COPY**

**Action Requested:**

Special Exception to permit required parking on a lot not containing the principal use (Section 1301.D); Variance of the design standards for required parking to permit linear or stacked parking spaces (Section 1301.F & 1303); and a Variance of the loading berth requirement (Section 1211.D), located: Southeast and Southwest corners of East Admiral Place and North Sandusky Avenue.

**Presentation:**

**Charles Norman**, 2900 Mid-Continent Tower, represented the applicant/owners of the subject property. He proposed the church was to become a funeral home chapel in the CG district. This is an existing church building no longer in use. He reviewed the property with the use of photographs (Exhibit G-2). He suggested a tie agreement for all three parcels. He informed the Board of the proposed uses for the buildings. The applicant has no objection to repair and maintenance of the sidewalks. Mr. Norman stated that the calculations for parking was based on square footage including the basement space. He pointed out the plan for linear or stacked parking.

**Interested Parties:**

**Gwen Chancey**, 4179 East Admiral Boulevard, Tulsa, Oklahoma 74115, was concerned about being surrounded by the applicant's proposed uses. She asked about the parking. She was not opposed to the application.

**Board Action:**

On **Motion of Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit required parking on a lot not containing the principal use (Section 1301.D); Variance of the design standards for required parking to permit linear or stacked parking spaces (Section 1301.F & 1303); and a Variance of the loading berth requirement (Section 1211.D), subject to the narrative submitted as exhibit A, pages 8.7 and 8.8 of the agenda packet, and the site plan exhibit B, page 8.9; and subject to the repair, reconstruction or new construction of sidewalks as shown on the site plan; asphalt or concrete parking surface on the northern

tract; the agreement for the entire advertised property shall be executed; finding the 50 ft. width of the lots from the early platting of this property; finding there is plenty of room for unloading without a loading berth; finding the configuration of the properties creates a hardship that the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; and if granted that it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

**FILE COPY**

All of lots 18, 19 and 20 less and except the northerly 29.25' thereof and the northerly 100.00' of lots 35, 36 and 37 all in the "re-subdivision of lots 1, 2, 3, 4, 5, 16, 17, 18, 19 & 20, block 1; and lot 1, block 2 of Rodger's Heights Subdivision", City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof; All of lot 21, less and except the northerly 29.25' thereof in the "re-subdivision of lots 1, 2, 3, 4, 5, 16, 17, 18, 19 & 20, block 1; and lot 1, block 2 of Rodger's Heights Subdivision" City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof; All of lots 124 and 125 of the "re-subdivision of lots 2, 3, 4, 5, 6, 7, 8, 9, 10, block 2 Rodger's Heights Subdivision", City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

\*\*\*\*\*

**Case No. 20649**

**Action Requested:**

Special Exception to permit (Use Unit 8) Multi-Family Residential in the OM district (Section 601), located: 1408 South Cheyenne Avenue West.

**Presentation:**

**Kevin Stephens**, 1506 East 14<sup>th</sup> Street, proposed to build RM-2 housing in OM zoning. The plans are for twenty townhouse units, three-story structures. He provided a site plan (Exhibit H-1).

**Comments and Questions:**

In response to Ms. Stead, he stated they would rebuild and maintain the sidewalks.

**Interested Parties:**

**Larry Johnson**, 1707 South Erie Avenue, Tulsa, Oklahoma, stated he is one of the owners of the building to the north of the project. He thought they were going to be apartments. His only concern was overflow parking. He added that already some of the other neighbors overflow onto his parking lot.

Mr. Kevin Stephens responded that the plans were never intended for rental units, but to be townhomes for sale. They planned for two parking spaces on site for each unit.

Mr. Reeds stated a simple solution is to leave an open skirt around the bottom.

Mr. Covey asked if the applicant was aware he had to go through the County process.

The applicant stated "yes".

Mr. Covey suggested the applicant exchange phone numbers with the neighbors to help keep them informed.

The applicant stated he didn't want mad neighbors.

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, TMAPC voted **9-0-0** (Covey, Doctor, Fothergill, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker "aye"; no "nays"; none "abstaining"; Millikin, "absent") to recommend **APPROVAL** of rezoning CZ-483 from AG to CG per staff recommendations.

**Legal Description CZ-483:**

PRT SW SW BEG 408.72N & 600.38E SWC SW TH E131.62 N169.90 NW140 S203.43 POB LESS BEG 611.56N & 596.75E SWC SW TH SE135.61 S99.17 NW137.25 N92.90 POB SEC 8 19 11 0.33AC; PRT SW SW BEG 408.72N & 402.45E SWC SW TH E197.93 N203.43 CRV LF 129 NW73 S245.22 POB LESS BEG 654.42N & 394.53E SWC SW TH SE206.73 S92.90 NW51.20 NW155.82 N92.26 POB SEC 8 19 11 .60AC, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**11. Z-7468 John Miggins** (CD 4) Location: East of the Southeast corner of East Admiral Place and North Pittsburg Avenue requesting rezoning from **CH** to **IL** with an optional development plan (Continued from February 6, 2019)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7468**

**DEVELOPMENT CONCEPT:**

Applicant has noted on his plan to combine all 5 lots into a single parcel. The parcels can be combined with or without the rezoning approval.

**DETAILED STAFF RECOMMENDATION:**



IL zoning without a development plan is not consistent with the Main Street Land Use designation in the comprehensive plan and,

Uses that may be allowed in an IL district without a development plan are not consistent with the Sequoyah implementation plan and,

IL zoning allows low-impact manufacturing and industry uses that may be considered injurious to the proximate properties and,

IL zoning allows low-impact manufacturing and industry uses that are not consistent with the expected development of the surrounding properties however,

The optional development plan outlined in Section II prohibits uses in the Industrial Use Category uses and,

All other uses and residential building types allowed in Section II are consistent with the expected main street land use designation of the comprehensive plan and,

The uses allowed in the optional development plan are considered non-injurious to the proximate properties therefore,

Staff recommends approval of Z-7468 to rezone property from CH to IL but only with the optional development plans standards outlined below.

## **SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS**

Z-7468 with the optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an IL district and its supplemental regulations except as further refined below. All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited:

### **PERMITTED USE CATEGORY**

#### **A) RESIDENTIAL (see allowed residential building types below)**

Household Living

Three or more households on single lot

Group Living

Assisted living facility

Community group home

Elderly/retirement center

Room/boardings house

#### **B) PUBLIC, CIVIC, AND INSTITUTIONAL**

College or University

Library or Cultural Exhibit

Parks and recreation  
Religious Assembly  
Safety Service

**C) COMMERCIAL**

Animal Service (includes all specific uses)  
Assembly and entertainment  
    Other indoor  
        (small up to 250-person capacity)  
Broadcast or Recording Studio  
Commercial Service (includes all permitted specific uses)  
Financial Services (includes all permitted specific uses)  
Office (includes all specific uses)  
Parking, Non-accessory  
Restaurants and Bars (includes all permitted specific uses)  
Retail Sales (includes all permitted specific uses)  
Studio, Artist, or Instructional Service  
Trade School  
Vehicle Sales and Service  
    Personal vehicle repair and maintenance  
    Personal vehicle sales and rentals  
    Vehicle part and supply sales  
    Vehicle body and paint finishing shop

**D) WHOLESALE, DISTRIBUTION AND STORAGE**

Warehouse  
Wholesale Sales and Distribution

**E) AGRICULTURAL**

Community Garden  
Farm, Market or Community-supported  
Horticulture Nursery (not allowed in the north 70 feet of the  
development plan area)

**F) OTHER**

Off-Premise Outdoor Advertising Signs

**RESIDENTIAL BUILDING TYPES**

**A) Household Living**

Three or more households on single lot  
Multi-unit House  
Apartment / Condo  
Mixed-use building  
Vertical Mixed-use building

**SECTION III: Supporting Documentation**

## RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: Main Street land use vision does not include light industrial uses the building setbacks and density are consistent with the main street vision. The optional development plan allows only those uses, supplemental regulations and lot and building regulations that are consistent with the Main Street designation.*

### Land Use Vision:

*Land Use Plan map designation: Main Street*

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

*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: None except the secondary arterial designation*



*Trail System Master Plan Considerations: None*

Small Area Plan: Sequoyah Area Neighborhood Implementation Plan (Effective May 2007)

This location is considered a major activity center:

Major Activity Centers include Admiral Place corridor, Salvation Army Boys and Girls Club, and neighborhood churches. Such centers are generally thought of as urban areas that include concentrations of business, commercial and other uses which draw a large number of people from the region on a daily basis.

Most of the recommendations outlined in the implementation plan are public improvement strategies to help encourage redevelopment

This implementation plan was completed prior to the current City of Tulsa Comprehensive Plan and does not align itself with the current land use designations for the area.

Special District Considerations: None except recommended public improvements outlined in the Sequoyah Neighborhood Implementation Plan.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The existing site is a mix of several small buildings historically used as an auto repair shop with gravel parking areas..*

*Snippet from northeast looking south west toward site.*



Environmental Considerations: None that would affect site redevelopment

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u>   |
|----------------------|--------------------|-----------------|-------------------------|
| East Admiral Place   | Secondary Arterial | 100 feet        | 4 with center turn lane |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| <b>Location</b>           | <b>Existing Zoning</b> | <b>Land Use Designation</b> | <b>Area of Stability or Growth</b> | <b>Existing Use</b>        |
|---------------------------|------------------------|-----------------------------|------------------------------------|----------------------------|
| North                     | RS-3 w/ RT 66 overlay  | Parks and open space        | Stability                          | Cemetery across E. Admiral |
| East                      | CH w/ RT66 overlay     | Main street                 | Growth                             | Commercial use             |
| South (across expressway) | RS-3                   | Existing Neighborhood       | Stability)                         | Detached house             |
| West                      | CH w/ RT 66 overlay    | Main Street                 | Growth                             | Commercial                 |

### **SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11815 dated June 26, 1970, established zoning for the subject property.

**Subject Property:** No relevant history

#### ***Surrounding Property:***

**BOA-21285 June 2011:** The Board of Adjustment **approved** a *variance* of the paving requirement for a permitted automobile storage yard in a CH District (Section 1303.D), on property located south and east of the southeast corner of East Admiral Place and South Pittsburg Avenue.

**The applicant was not present.**

**There were no interested parties wishing to speak.**

#### **TMAPC Comments:**

Mr. Shivel stated he was glad staff and the applicant could work out the issues for this application.

Mr. Fothergill asked staff how the Route 66 Overlay affects the subject property.

Staff stated the Route 66 Overlay is about signage and has no affect on buildings or usage.

Mr. Reeds asked staff if the optional development plan limits horticultural use to the rear of the subject property.

Staff stated the existing building is approximately 80 feet from the north lot line, so a provision was added to say they had to be 70 feet from north lot line.

Mr. Doctor thanked staff for doing the extra work on this application at Planning Commission's request.

Mr. Covey stated he was adamantly against this application when it was before Planning Commission the first time, but he will be voting yes, this time on this very limited circumstance because the subject property is blocked by cemetery to the rear and a highway to the front.

Mr. Reeds thanked staff for doing a great job on this application.



**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, TMAPC voted **9-0-0** (Covey, Doctor, Fothergill, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker "aye"; no "nays"; none "abstaining"; Millikin, "absent") to recommend **APPROVAL** of rezoning Z-7468 from CH to IL with optional development per staff recommendation.

**Legal Description Z-7468:**

LT 7 BK 1 LESS N. 29.25 TO CITY; LT 6 BK 1 LESS N. 29.25 TO CITY; N.100'LT 47 BK 1; N.100'LT 46 BK 1, RODGERS HGTS SUB, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Fothergill left at 2:45PM

\*\*\*\*\*

Mr. Covey explained the background of Z-7471 to new Commissioners.

12. **Z-7471 Crystal Keller** (CD 2) Location: East of the southeast corner of South 33<sup>rd</sup> West Avenue and West 81<sup>st</sup> Street South requesting rezoning from **AG** to **RS-1** with optional development plan

**STAFF RECOMMENDATION:**

**SECTION I: Z-7421**

**DEVELOPMENT CONCEPT:**

The applicant has requested rezoning to allow large lot single-family residential development. The minimum lot size is 0.48 acres in size. The streets will be public and are configured to allow future connectivity to abutting parcels. During the plat process the developer will be required to establish some type of property owner's association to manage maintenance of common open space for storm water detention areas, public open space and possible entrance features. One of the private deed restrictions is expected to require houses to be separated by at least 30 feet.

**SECTION II: Optional Development Plan Standards**

Z-7471 with the optional development plan standards will conform to the provision of the Tulsa Zoning Code for development in an **RS-2-1** zoning district and all its supplemental regulations except as further refined below:

**Uses allowed:**

- A. Permitted Uses: The subject property may only be used as follows:
  - a. Residential Use category
    - i. Single Household



***Rear of Subject property from N. Sandusky Ave (also known as E. Admiral Boulevard)***



***Rear of Subject property from N. Sandusky Ave (also known as E. Admiral Boulevard)***





*Subject Property from the SW/c of E. Admiral Pl. and N. Sandusky Ave (also known as E. Admiral Boulevard)*



*Facing East on Admiral Place across from subject property*





***Facing West on Admiral Pl. across from Subject property***

**EXHIBIT "A"**

ALL OF LOTS 18, 19 AND 20 LESS AND EXCEPT THE NORTHERLY 29.25' THEREOF AND THE NORTHERLY 100.00' OF LOTS 35, 36 AND 37 ALL IN THE "RE-SUBDIVISION OF LOTS 1, 2, 3, 4, 5, 16, 17, 18, 19 & 20, BLOCK 1; AND LOT 1, BLOCK 2 OF "RODGER'S HEIGHTS SUBDIVISION", CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

**LESS AND EXCEPT** THE SOUTHERLY 46 FEET OF LOT 20 AND THE SOUTHERLY 46 FEET OF THE EASTERLY 46 FEET OF LOT 19.

## **EXHIBIT “B”**

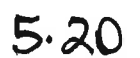
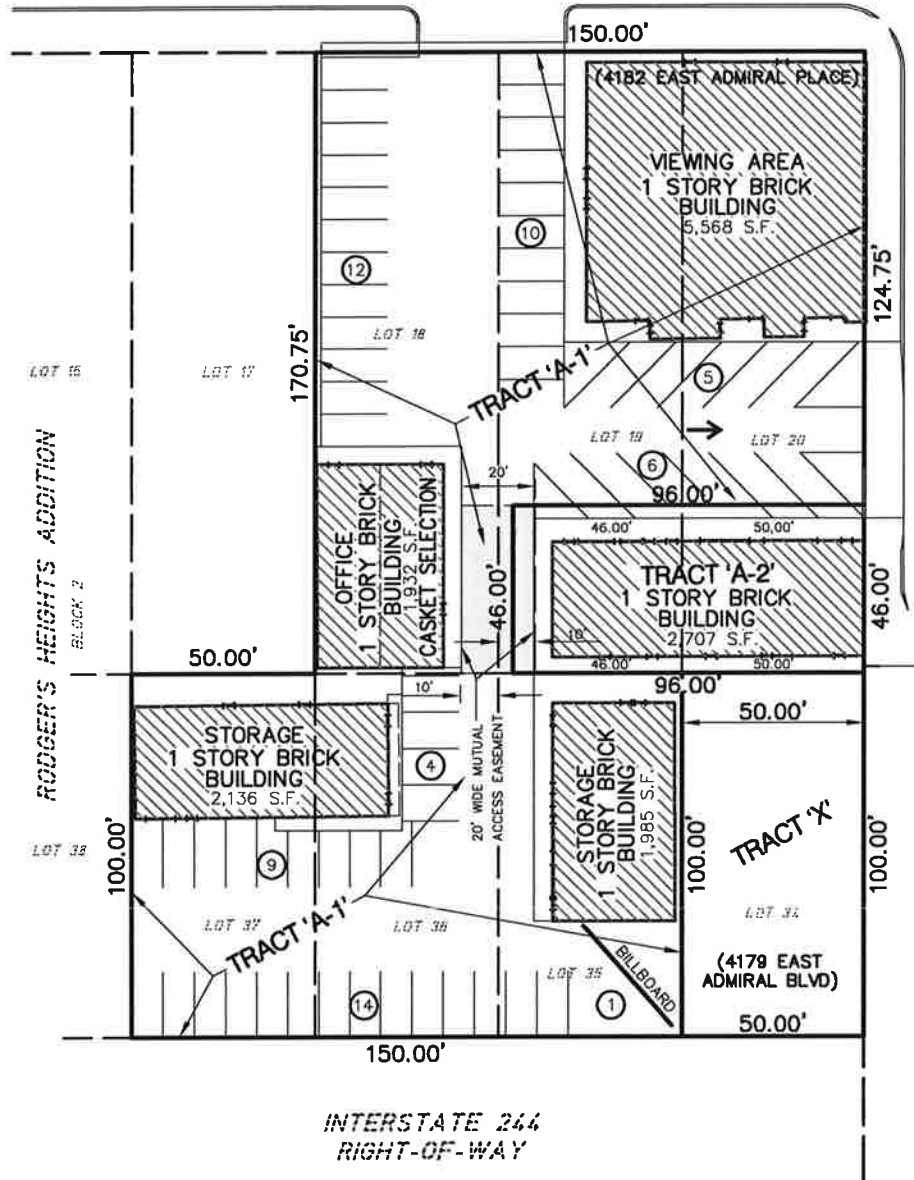
Applicant requests a Special Exception pursuant to Table 15-2 and Section 15.020 of the Tulsa Zoning Code (the “Code”) to permit a medical marijuana grower operation in the CH – Commercial Heavy District for property located at 4170 E. Admiral Place (the “Property”).

The Property is located on East Admiral Place, approximately one quarter mile west of North Yale Avenue. To the north of the Property is the Rose Hill Cemetery and to the south of the Property is I-244. The surrounding businesses along Admiral Place are commercial in nature, consisting primarily of automotive dealers and repair shops. There are four (4) buildings, totaling approximately 11,600 SF, located on the Property. The three (3) smaller buildings on the southern portion of the Property are used as storage and office buildings. The proposed growing facility will be located in the fourth, larger building at the corner of Admiral Place and South Sandusky Avenue.

The grower operation will have the necessary air filtration and security systems as required by the Code. The proposed use will be less intense than the existing use of the Property as a mortuary/crematorium, as well as the surrounding heavy commercial uses, and therefore will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In June 2020, the City Council adopted an amendment to the Code, permitting the proposed use in a CH district by special exception, thereby determining that the use is in harmony with the spirit and intent of the Code.



**NORTH SANDUSKY AVENUE**







0 250 500  
Feet



Subject  
Tract

**BOA-22970**

19-13 04

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

Aerial Photo Date: February 2018 5.21





**E ADMIRAL PL**

**N SANDUSKY AVE**

**E ADMIRAL BLVD**

**MLK JR MEM EXP**

**412**



**Subject  
Tract**

**BOA-22970**

19-13 04

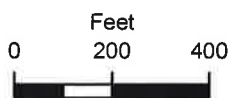
*Note: Graphic overlays may not precisely align with physical features on the ground.*

**Aerial Photo Date: February 2018**

**5.22**







20-13 26

6.1



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 0326

Case Number: **BOA-22971**

**CZM:** 30

**CD:** 3

**HEARING DATE:** 07/28/2020 1:00 PM

**APPLICANT:** Lou Reynolds

**ACTION REQUESTED:** Special Exception to permit High-Impact Medical Marijuana processing (High-impact Manufacturing & Industry Use) in the IM district. (Sec. 15.020, Table 15-2)

**LOCATION:** 6540 E APACHE ST N

**ZONED:** IM w/ an Optional Development Plan

**PRESENT USE:** Industrial

**TRACT SIZE:** 398436.24 SQ FT

**LEGAL DESCRIPTION:** ALL BLK 1 LESS TR TO CITY BEG SWC N107.83 SELY184.10 SE78.54 W217.76 POB, CENTURY ADDN

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Property:**

**Z-7544;** On 5.06.20 the TMAPC recommended **approval** of a re-zoning from IL to IM with an Optional Development Plan. City Council subsequently approved the re-zoning on 6.09.20.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property is designated 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.

6.2

REVISED 7/21/2020

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the SE/c of E. Apache St. and N. Sheridan Road, adjacent to the Tulsa International Airport property.

**STAFF COMMENTS:** Special Exception to permit High-Impact Medical Marijuana processing (High-impact Manufacturing & Industry Use) in the IM district. (Sec. 15.020, Table 15-2)

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

| USE CATEGORY                         | OL | OM | OMH | OH | CS | CG | CH | CBD | IL | IM | IH | Supplemental Regulations |
|--------------------------------------|----|----|-----|----|----|----|----|-----|----|----|----|--------------------------|
| Subcategory                          |    |    |     |    |    |    |    |     |    |    |    |                          |
| Specific use                         |    |    |     |    |    |    |    |     |    |    |    |                          |
| High-impact Manufacturing & Industry | -  | -  | -   | -  | -  | -  | -  | -   | -  | g  | P  |                          |

**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 of 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 detectable 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.

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TULSA ZONING CODE | July 1, 2020  
page 40 of 2

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Chapter 40 | Supplemental Use and Building Regulations  
Section 40.220 | Mining or Mineral Processing

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

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

### SAMPLE MOTION:

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit High-Impact Medical Marijuana processing (High-impact Manufacturing & Industry Use) in the IM 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.

6.4

**TMAPC Action; 8 members present:**

On **MOTION** of **McARTOR**, TMAPC voted **7-1-0** (Covey, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, "aye"; Kimbrel, "nays"; none "abstaining"; Craddock, Doctor, Walker, "absent") to recommend **APPROVAL** of the CS zoning for Z-7543 per staff recommendation.

**Legal Description for Z-7543 :**

LTS 41 & 42 BLK 8, CHANDLER-FRATES FIFTH ADDN, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

14. **Z-7544 Lou Reynolds** (CD 3) Location: Southeast corner of East Apache Street and North Sheridan Road requesting rezoning from **IL to IM with an optional development plan** (Continued from April 1, 2020)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7544**

**DEVELOPMENT CONCEPT:**

The applicant respectfully requests that, pursuant to Section 70.040-B.2 of the Tulsa Zoning Code, the development of the Property be approved with the additional development limitations defined in the development plan standards.

The use of the Property will be limited to those uses permitted as a matter of right and those uses that may be permitted by special exception (with the approval of the City of Tulsa Board of Adjustment) in the Industrial Light District and the following uses allowed in the IM District:

Moderate-impact Medical Marijuana Processing and High-impact Medical Marijuana Processing (with the approval of the City of Tulsa Board of Adjustment),

**DETAILED STAFF RECOMMENDATION:**

The subject lot is located within an Employment land use designation in the City of Tulsa Comprehensive plan. Many uses allowed in an IM zoning district are not consistent with the Employment land use vision of the area abutting the Tulsa International Airport and,

IM zoning has been established on Airport Authority property located north of the Gilcrease Expressway and east of this site however the airport has constructed surface parking in much of that area. Private aircraft hangers have also been constructed in the proximate properties where IM zoning was established. Uses

allowed in an IM district could produce objectionable environmental and visual impacts that are not currently allowed in this area and,

IM zoning without a development plan to provide use restrictions at this location could be disruptive to the airport operations and be objectionable to proximate property and,

The proposed allowable uses identified in Section II are compatible with the surrounding proximate properties and;

The proposal is consistent with the anticipated future development patterns of the surrounding area, therefore;

Staff recommends Approval of Z-7544 to rezone property from IL to IM with the provisions outlined in Section II.

## **SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS**

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an IM district with its supplemental regulations except as further refined below. All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited:

### **PERMITTED USE CATEGORY**

#### **A) RESIDENTIAL (see allowed residential building types below)**

\* indicates specific uses that are only allowed through the special exception process

##### **Household Living**

Single household

Two households on a single lot

Three or more households on single lot

##### **Group Living (only if allowed through the special exception process)**

\* Homeless center

\* Re-entry facility

\* Residential treatment center

\* Shelter, emergency and protective

\* Transitional living center

#### **B) PUBLIC, CIVIC, AND INSTITUTIONAL**

\* indicates specific uses that are only allowed through the special exception process

\*College or University



- \*Day Care
- \*Detention and Correctional Facility
- \*Fraternal Organization
- \*Governmental Service
- \*Hospital
- \*Library or Cultural Exhibit
- Natural Resource Preservation
- \*Parks and Recreation
- \*Postal Services
- \*Religious Assembly
- Safety Service
- \*School
- Utilities and Public Service Facility (minor)
- \*Utilities and Public Service Facility (major)
- Wireless Communication Facility (includes all specific uses)

C) COMMERCIAL

\* indicates specific uses that are only allowed through the special exception process

- Animal Service
  - Boarding or shelter
  - Grooming
  - Veterinary
- Assembly and entertainment
  - \*Indoor gun club
  - \*Other indoor
    - \*(small; up to 250-person capacity)
- Broadcast or Recording Studio
- Commercial Service (includes all permitted specific uses)
- Financial Services (includes all permitted specific uses)
- Funeral or Mortuary Service
- Lodging (includes all permitted specific uses)
- Office (includes all permitted specific uses)
- Parking, Non-accessory
- Restaurants and Bars
  - Restaurant
  - \*Bar
  - \*Brewpub
- Retail Sales (includes all permitted specific uses)
- Self-service Storage Facility
- Studio, Artist, or Instructional Service
- Trade School
- Vehicle Sales and Service (includes all permitted specific uses)

E) WHOLESALE, DISTRIBUTION AND STORAGE

Equipment and Material Storage, Outdoor  
Trucking and Transportation Terminal  
Warehouse  
Wholesale Sales and Distribution

F) INDUSTRIAL

\*indicates specific uses that are only allowed through the special exception process

Low-impact Manufacturing and Industry  
Moderate Impact Manufacturing and Industry but only for the Moderate-Impact medical Marijuana Processing Facility use  
\*High-impact manufacturing and industry but only for the High-Impact Medical Marijuana Processing Facility

G) Recycling

\* indicates specific uses that are only allowed through the special exception process

\*Construction or Demolition Debris  
Consumer Material Drop-off Station  
Consumer Material Processing

H) AGRICULTURAL

Community Garden  
Farm, Market or Community-supported  
Horticulture Nursery

I) OTHER

Drive-in or Drive-through Facility (as a component of an allowed principal use)

PERMITTED RESIDENTIAL BUILDING TYPES

Household Living

Single household

\* indicates building types that are only allowed through the special exception process

\*Manufactured housing unit

\*Mixed-use building

\*Vertical mixed-use building

Two households on a single lot

\*Mixed-use building

\*Vertical mixed-use building

Three or more households on a single lot

\*Mixed-use building

\*Vertical mixed-use building

### **SECTION III: Supporting Documentation**

#### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: IM zoning is not specifically identified as a potential zoning category in the Employment land use designation area.*

#### **Land Use Vision:**

##### ***Land Use Plan map designation: Employment***

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

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

##### ***Areas of Stability and Growth designation: Area of Growth***

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

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are 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:* None

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is occupied by a two-story office and manufacturing building. In 1971 the Board of Adjustment allowed an aluminum smelter on this site. In today's zoning code a small smelter would be considered a high impact industrial use only allowed by special exception in an IM district or by right in a high impact industrial zoning category.*

STREET VIEW (from northeast corner looking southwest)



Environmental Considerations: None that would affect site redevelopment except the proximity to the Tulsa International Airport. This site is at the south end of runway 36L and abuts east Apache and North Sheridan Road.

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u>   | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|----------------------|----------------------|-----------------|-----------------------|
| East Apache Street   | Industrial Collector | 60              | 2                     |
| North Sheridan Road  | Secondary Arterial   | 100 feet        | 4                     |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| <b>Location</b> | <b>Existing Zoning</b> | <b>Existing Land Use Designation</b> | <b>Area of Stability or Growth</b> | <b>Existing Use</b>             |
|-----------------|------------------------|--------------------------------------|------------------------------------|---------------------------------|
| North           | IL                     | Employment                           | Growth                             | Office                          |
| East            | IL                     | Employment                           | Growth                             | Airport runway                  |
| South           | IM across expressway   | Employment                           | Growth                             | Expressway                      |
| West            | CS                     | Employment                           | Growth                             | Surface Parking outdoor storage |

**SECTION IV: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11910 dated June 26, 1970 established zoning for the subject property.

***Subject Property:***

**BOA-06930 March 1971:** The Board of Adjustment **approved** a *Variance* to permit and occupy a building in which a smelting use, incidental to the manufacturing operation, will be conducted in an IL district, with the maximum limitation of 1,000 lbs of aluminum ingots to be smelted per week, also that the pot should not be any larger than described, i.e. approximately 2' in diameter and approximately 4' in height, on property located at 6540 East Apache Street.

***Surrounding Property:***

**Z-7087 February 2008:** All concurred in **approval** of a request for *rezoning* a 148.94+ acre tract of land from RS-3 to IM for airport related car rental, airplane repair, etc., on property located around the Tulsa International Airport.

**Z-6664 December 1998:** All concurred in **approval** of a request for *rezoning* a 4.09± acre tract of land from RS-3 to IL for light industrial, on property located north of the northwest corner of East Apache Street and North Sheridan Road.

**Z-6316 July 1991:** All concurred in **approval** of a request for *rezoning* a 2.92± acre tract of land from RS-3 to IM for car rental and parking, on property located at the northwest corner of East Apache Street and North Sheridan Road.

**BOA-15687 April 1991:** The Board of Adjustment **approved** a *Special Exception* to permit a car rental business in a CS zoned district, a *Variance* to waive the screening requirement along the north property line, and a *Variance* to allow open air storage or display of merchandise offered for sale within 300' of an adjoining R District, subject to the use being restricted to car rental only, finding that there are numerous car rental agencies surrounding Tulsa International Airport, and the property to the north is planned for industrial uses, on property located at 6415 South Sheridan.

**BOA-12401 January 1983:** The Board of Adjustment **approved** a *Special Exception* to locate a restaurant in an IL District, per drawings and documents submitted, on property located at 3012 North 74<sup>th</sup> East Avenue.

**BOA-10434 April 1979:** The Board of Adjustment **approved** an *Exception* to use the property for airport use, per plot plan and the "Approved Layout Plan", in the vicinity of 7777 East Apache Street.

**BOA-08358 September 1974:** The Board of Adjustment **approved** an *Exception* to use property for airport use in an IL District, on property located at north and east of Sheridan Road and Apache Street.

**Z-4549 November 1973:** All concurred in **approval** of a request for *rezoning* a .62± acre tract of land from RS-3 to CS for commercial, on property located on the southwest corner of Sheridan Road and Apache Street.

**Z-4460 February 1973:** All concurred in **approval** of a request for *rezoning* a 1.32± acre tract of land from IR to CG for a motel, on property located on the northeast corner of 46<sup>th</sup> Street and Darlington Avenue.

**BOA-07723 December 1972:** The Board of Adjustment **approved** an *Exception* to operate a rent-a-car business with the understanding that a car wash will be included in the operation in a CS District, on property located at the northwest corner of Zion Street and Sheridan Road.



**The applicant was not present.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **McARTOR**, TMAPC voted **8-0-0** (Covey, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Craddock, Doctor, Walker, "absent") to recommend **APPROVAL** of the IM zoning with an optional development plan for Z-7544 per staff recommendation.

**Legal Description for Z-7544:**

A tract of land situated in the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) of Section 26, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, and being more particularly described as follows, to-wit: Beginning at a point 743 feet East and 50 feet South of the Northwest Corner of Section 26, thence West a distance of 611.77 feet to a point; thence South 65°29'53" West, a distance of 0.00 to a point of curvature; thence to the left around said curve whose radius is 165 feet, a distance of 96.94 feet to a point; thence South along a line parallel to and 60 feet equidistant East of the West line of Section 26, a distance of 547.35 feet; thence East parallel to the North line of Section 26, a distance of 683 feet; thence North parallel to the West line of Section 26, a distance of 610 feet to the point of beginning, LESS the area beginning at a point 60 feet East of the Southwest Corner of the North Half of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4), thence North 107.83 feet, thence South 79°10'11" East, a distance of 184.1 feet, thence South 30°3'21" East, a distance of 78.54 feet to a point on the South line of the North Half of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4), thence West 217.76 feet to the point of beginning, according to the U.S. Survey thereof.

\*\*\*\*\*

15. **Z-7545 Molly Jones** (CD 2) Location: South of the southeast corner of East 71st Street South and South Quincy Avenue requesting rezoning from **RT** to **RM-2** (Continued from April 15, 2020)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7545**

**DEVELOPMENT CONCEPT:** Last year this site was rezoned to allow townhouse development. The concept has not significantly changed however the developer had determined that the site can also be developed as a condominium project. Infrastructure development of this concept is a more cost-effective solution on this site that the original townhouse development idea. The anticipated cohousing style of the development has not changed.

**DETAILED STAFF RECOMMENDATION:**

Case Z-7545 requests RM-2 zoning is consistent with the expected development pattern in the area and,



*Facing West on Apache*



*Facing East on Apache*



***Subject property***



Exhibit "A"

Part of Block One (1), CENTURY ADDITION, a Subdivision of Tulsa County, State of Oklahoma, according to the recorded Plat thereof, and being more particularly described as follows, to-wit:

BEGINNING at a point 743 feet East and 50 feet South of the Northwest corner of Section Twenty-six (26); Thence West a distance of 611.77 feet to a point of curve; Thence to the left around said curve whose radius is 165 feet, a distance of 96.94 feet to a point of tangent; Thence South along a line parallel to and 60 feet equidistant East of the West line of Section Twenty-six (26) a distance of 547.35 feet; Thence East parallel to the North line of Section Twenty-six (26) a distance of 683 feet; Thence North parallel to the West line of Section Twenty-six (26) a distance of 610 feet to the POINT OF BEGINNING.

LESS the area BEGINNING at a point 60 feet East of the Southwest corner of the North Half of the Northwest Quarter of the Northwest Quarter (N/2 NW/4 NW/4); Thence North 107.83 feet; Thence South  $79^{\circ}10'11''$  East a distance of 184.1 feet; Thence South  $30^{\circ}3'21''$  East a distance of 78.54 feet to a point on the South line of the North Half of the Northwest Quarter of the Northwest Quarter (N/2 NW/4 NW/4); Thence West 217.76 feet to the POINT OF BEGINNING.

## **Exhibit “B”**

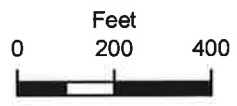
Applicant requests a Special Exception to permit High-Impact Medical Marijuana Processing in an IM – Industrial Moderate District, pursuant to Table 15-2 and Section 70.120 of the Tulsa Zoning Code (the “Code”) at property located at 6540 E. Apache St. N. (the “Property”).

The Property is approximately 9 acres located at southeast corner of N. Sheridan Rd. and E. Apache St, west of the Tulsa International Airport. The 84,496 SF building on the Property was the former GRC headquarters, an oil and gas manufacturing services company, which recently relocated after nearly 50 years at the site. In 1971, the Board of Adjustment approved a special exception to permit aluminum smelting on the Property, incidental to GRC’s manufacturing operations. The surrounding uses in the area are primarily aeronautic services and suppliers.

The Property was recently rezoned from IL to IM with an Optional Development Plan. On May 6, 2020 TMAPC recommended approval of the rezoning in Case Z-7544 and on June 10, 2020, the Tulsa City Council unanimously approved the same. As part of the Optional Development Plan, high-impact medical marijuana processing is a permitted use with approval of a special exception by the Board of Adjustment.

The proposed use is a high-impact medical marijuana processing facility, in the existing building, that will use butane and propane extraction methods. The building is significantly set back on the lot- approximately 150 feet from Apache Street and over 400 feet from Sheridan Road. The processing will be equally or less intense than the previous uses in the building and the uses currently ongoing in the area 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 IM District, and as permitted in the Optional Development Plan approved by the Tulsa City Council, the processing facility is in harmony with the spirit and intent of the Code.





 Subject Tract

**BOA-22971**

20-13 26

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

Aerial Photo Date: February 2018 6.18







E APACHE ST

N SHERIDAN RD

0 50 100  
Feet



Subject  
Tract

**BOA-22971**

20-13 26

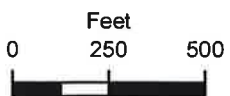
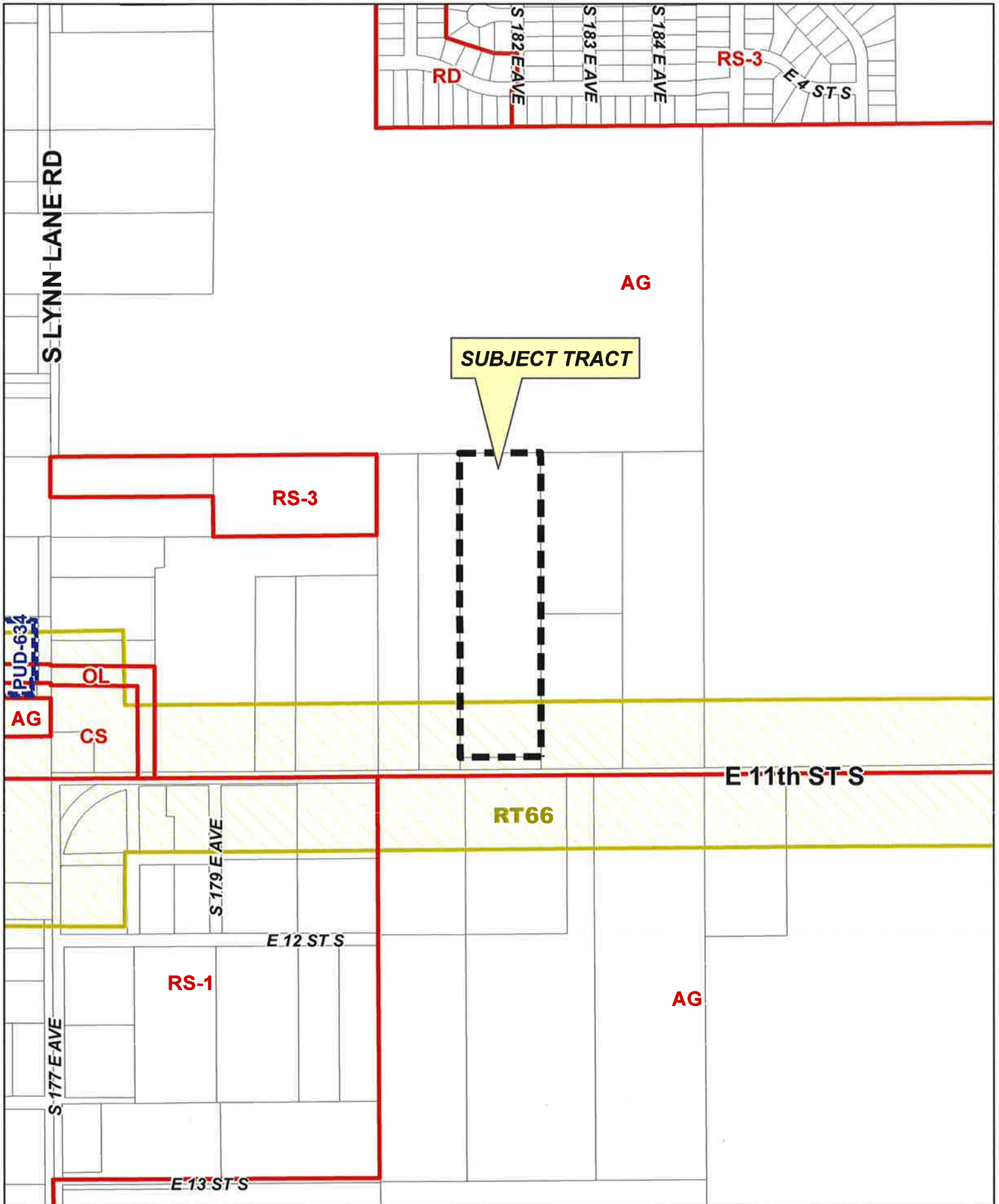
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2018

6.19



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**BOA-22972**

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9401

Case Number: **BOA-22972**

CZM: 40

CD: 6

**HEARING DATE:** 07/28/2020 1:00 PM

**APPLICANT:** Brandi Holland

**ACTION REQUESTED:** Special Exception to allow a manufactured housing unit in an AG district (Sec.5.020 Table 5-2); Special Exception to extend the time limit permanently (Sec.40.210-A); Variance to allow a non-dustless, all-weather parking surface to permit the use of gravel (Sec. 55.090-F)

**LOCATION:**

**ZONED:** AG

**PRESENT USE:** Residential with Existing Manufactured Home      **TRACT SIZE:** 410776.66 SQ FT

**LEGAL DESCRIPTION:** E/2 W/2 SE SW LESS S50 E/2 W/2 SE SW & LESS S25 FOR RD SEC 01 19 14 9.43ACS,

## **RELEVANT PREVIOUS ACTIONS:**

**Subject Property:** None.

## **Surrounding properties:**

**BOA-22866;** On 03.10.2020 the Board **approved** a Variance to allow a non-dustless, all-weather parking surface to permit the use of gravel. Property located 908 S. Lynn Lane Road East.

**BOA-14517;** On 06.25.87 the Board **approved** a Special Exception to permit a mobile home in an RS-3 District, a Variance to allow the mobile home permanently and a Variance to allow two dwellings on a single lot. Property Located 18002 E. 12 St.

**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.

7.2

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located East of the NE/c of S. Lynn Lane Road and E. 11<sup>th</sup> Street.

**STAFF COMMENTS:** The applicant is **Special Exception** to allow a manufactured housing unit in an AG district (Sec.5.020 Table 5-2); **Special Exception** to extend the time limit permanently (Sec.40.210-A); **Variance** to allow a non-dustless, all-weather parking surface to permit the use of gravel (Sec. 55.090-F)

**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

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TULSA ZONING CODE | July 1, 2020  
page 40-11

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Chapter 40 | Supplemental Use and Building Regulations  
Section 40.220 | Manufactured Housing Subdivisions

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authorized to extend the one-year limit through approval of a subsequent special exception if the (special exception) extension request is filed before expiration of the one-year time limit.

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

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

**55.090-F Surfacing**

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

Applicant originally wanted to proceed with application to would allow two dwelling units on a single lot of record, staff has withdrawn those requests because the Board does not have the authority to approve that request. If approved the applicant must proceed with a lot split.

**STATEMENT OF HARDSHIP:** This property is family land never to be sold, grandparents wishes were to maintain original home & lot as whole for future generations. Majority of the drives in the area are gravel drives and the current gravel drive is 600 feet long.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to allow a manufactured housing unit in an AG district (Sec.5.020 Table 5-2); **Special Exception** to extend the time limit permanently (Sec.40.210-A);

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

7.3

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 non-dustless, all-weather parking surface to permit the use of gravel (Sec. 55.090-F)

- 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."*



FILE COPY

Mr. Chapman informed the Board that it is his impression that the subject house is currently for sale; he believes it is a spec house.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 3-1-0 (Bond, Radney, Van De Wiele "aye"; Ross "nay"; no "abstentions"; Shelton absent) to **CONTINUE** the request for a 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) to the March 24, 2020 Board of Adjustment meeting; for the following property:

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

**22866—Bruce Denny**

FILE COPY

**Action Requested:**

Variance of the dustless, all-weather surface requirement for an off-street parking area to permit a gravel drive (Section 55.090-F). **LOCATION:** 905 South Lynn Lane Road East (CD 6)

**Presentation:**

**Bruce Denny**, 905 South Lynn Lane Road, Tulsa, OK; stated he request is for a Variance for an existing driveway. Mr. Denny stated his property is surrounded by agricultural and there are some RS-1 large lots. There are several gravel driveways in the area, between Admiral and 11<sup>th</sup> Street there are 25 gravel driveways and 5 that are paved. Mr. Denny stated he has lived in his house since 1991 and the property is 2 ½ acres zoned AG; it is an old farm site. Mr. Denny stated the house was built in 1904 and there are outbuildings that date back to the 1930s, 1940s and the 1950s. What he is requesting is not a change because the gravel driveway exists. Two weeks ago, case BOA-22855 located at 14<sup>th</sup> and Lynn Lane, the Board approved a Variance for a gravel driveway, a taller and larger than usual building on an RS-1 lot. Mr. Denny thinks what he is asking for fits the area quite well. The hardship is that the driveway exists, and it is in good shape. Mr. Denny stated that he would like to have a 30 x 50 building at the end of the driveway for personal storage and his vehicles.

Mr. Van De Wiele asked Mr. Denny what caused the need for the Variance request. Mr. Denny stated that he received a Letter of Deficiency when he applied for a permit for the requested building.

Mr. Denny presented pictures on the overhead projector of his property and the surrounding neighbors.

BOA-22866

Ms. Radney asked Mr. Denny if his driveway gravel goes all the way to the roadway or is there a dustless surface at the apron. Mr. Denny stated there is nothing there at the roadway.

FILE COPY

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 4-0-0 (Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Shelton absent) to **APPROVE** the request for a **Variance** of the dustless, all-weather surface requirement for an off-street parking area to permit a gravel drive (Section 55.090-F), subject to conceptual plan 7.10 of the agenda packet and the exhibits presented at today's meeting. 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; for the following property:

**W423.11 S/2 S/2 NW SW SW & W423.11 N94 SW SW SW SEC 1 19 14 2.515ACS,  
City of Tulsa, Tulsa County, State of Oklahoma**

**Case No. 14515 (continued)**

Ms. White pointed out that this property faces two large commercial buildings zoned IM that have signage on them. Ms. White noted that there would also be room for a couple of cars to park on the west.

Ms. Bradley asked where the alley went and Mr. Bates commented that the alley goes into the addition and dead ends. Mrs. Bradley ask if the alley was used and the applicant replied that it was not really a used alley. Mrs. Bradley ask if there could be parking there and Mr. Bates replied yes and that there were two or three places by the alley that could be used for parking.

**Board Action:**

On **MOTION** of **WHITE** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Section 440 - Special Exception Uses In Residential Districts - Use Unit 1213) to allow a home occupation for a beauty shop; and to **APPROVE** a **Use Variance** (Section 440.2 - Special Exception Uses In Residential Districts - Use Unit 1221) to allow for an I.D. business sign in an RM-1 zoned district, with a stipulation that the sign be no larger than 2' x 3'; on the following described property:

The south 10' of Lot 1, all of Lot 2, Block 2, Ohio Place Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14516**

**Action Requested:**

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required street frontage from 30' to 0' in order to permit private access and a lot split, located West of the SW/c of 37th Street and Yorktown Place.

**Presentation:**

The applicant Mr. Pat Fox, 2622 East 21st, Tulsa, Oklahoma, was not present. Mr. Jones presented a letter (Exhibit J-1) from attorney John Moody, who is representing the interested parties, asking that the case be continued until the July 9, 1987 meeting.

**Protestants:** None.

**Board Action:**

On **MOTION** of **BRADLEY** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **CONTINUE** Case No. 14516 to July 9, 1987.

**Case No. 14517**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS-1 zoned district.

6.25.87:493(16)

7.7



Case No. 14517 (continued)

Variance - Section 440 - Special Exception Uses in Residential Districts - Use Unit 1209 - Request a variance of the time regulation from one year to permanent for proposed mobile home.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209 - Request a variance to allow 2 dwelling units on one lot of record, located at 17904 East 12th.

Presentation:

The applicant, Robert Turner, stated that he owned five acres and wanted to set the trailer on part of the 5 acres for his daughter in order to provide his daughter with a place to live. Mr. Turner presented a photograph (Exhibit K-2) of the trailer and a plat of survey (Exhibit K-1) to the Board.

Comments and Questions:

Mrs. Bradley ask if the trailer was already on the property and hooked up and Mr. Turner replied that it was on the property but was not hooked up or ready to be lived in. Mrs. Bradley ask if the trailer was on a septic tank and the applicant confirmed that it would be. Ricky Jones asked Mr. Turner if he had a percolation test done on this property, and Mr. Turner replied that he had had one done on his property for his house, but not for the property where the trailer would be located.

Mr. Jones told the Board that he had received a message from Terry Silva, City-County Health Department, indicating that a percolation test failed on this subject tract as well as on the subject tracts surrounding the property and that no sewer is available. Mr. Jones further stated that Mr. Silva said this property would not be able to meet City-County Health Department standards.

Mrs. Bradley asked if that included Mr. Turner's home too, and Mr. Turner replied that he had City water put on his property six years ago and he had had a septic tank approval.

Mr. Jones stated that whatever the Board did, the applicant may have some problems with City County Health Department.

Mr. Quarles ask that since Mr. Turner had his septic tank put in 6 six years ago did we have a record of whether he passed or failed the perc test. Ricky Jones replied that according to Mr. Silva, percolation tests on the abutting tracts failed as well. Mr. Turner answered that he was familiar with that, but the tests failed because it had been raining every other day at the time. Mr. Turner also stated that he did not feel you could get a perc test on any property when it is raining that much and the ground is saturated with water.

Ms. Bradley stated that if the Board approved this request that Mr. Turner would have to deal with the City County Health Department.

Case No. 14517 (continued)

Mr. Quarles said that the Board could approve the request subject to the City County Health Department approval.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays", no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-1 zoned district; to **APPROVE** a **Variance** (Section 440 - Special Exception Uses in Residential Districts - Use Unit 1209) of the time regulation from one year to permanent for proposed mobile home; and to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209) to allow 2 dwelling units on one lot of record, per the City County Health Department approval; on the following described property:

The north 183' of the east 145' of Lot 4, Block 2, Lynn Lane Drive Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 14518

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required street frontage from 30' to 0' to allow for private access to the rear lot and a lot split, on a property located east of 91st Street and South 33rd West Avenue.

Presentation:

The applicants, Douglas and Rebecca Edwards are being represented by their attorney, John Sublett, 320 South Boston, Suite 805, Tulsa, Oklahoma. Mr. Sublett was represented by Mr. Tom Hanlon, 12605 East 31st Court, Tulsa, Oklahoma. Mr. Hanlon stated that Mr. Sublett made the initial application and asked him to represent the application for the owners.

Protestants:

A letter (Exhibit L-1) was presented to the Board by Ricky Jones from interested parties, Alan and Susan Hartley, 2499 West 91st Street, Tulsa, Oklahoma, asking for a continuance until July 23, 1987.

Comments and Questions:

Mr. Jackere asked Mr. Hanlon if he had any objections to continuing the case until July 9, 1987, and Mr. Hanlon replied he did not. Mr. Jackere advised Mr. Hanlon that as the applicant's representative he



***Subject property***



***Facing West on 11<sup>th</sup>***





*Facing East on 11<sup>th</sup>*

Jeff S. Taylor  
Zoning Official  
Plans Examiner III  
TEL(918) 596-7637  
jstaylor@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

Brandi Holland  
brandicarolh@gmail.com

6/16/2020

APPLICATION NO: ZN LOD 61173-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 18227 E 11<sup>th</sup> St S

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 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

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

(continued)

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. **ZN LOD 61173-2020**

**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.

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 AG 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 as a revision to your application for a building permit.

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. **35.010-H Manufactured Housing Unit.** A manufactured housing unit is a principal residential building that complies with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §5401, et seq.). Manufactured housing units are subject to the same regulations that apply to detached houses, except as modified by supplemental regulations of Section 40.210.

**Review Comment:** The proposed manufactured housing unit is located on a lot currently occupied by an existing manufactured housing unit at the address stated herein. Based on the submitted documentation You will need to remove one of the manufactured housing units or provide a lot-split to create separate lots for each manufactured housing unit.

1. Please apply for a lot split at INCOG located at Two West Second Street, Suite 800. Please direct all questions concerning lot split and all questions regarding TMAPC application forms and fees to an INCOG representative at 584-7526.



2. After you receive a copy of the lot split agreement from INCOG you will need to go to the Tulsa county clerk's office at 500 s. Denver and have the lot split agreement recorded.

3. Submit a copy of the lot split agreement with the Tulsa county clerks recording sticker on it to this office as a revision.

4. **Table 55-1. Manufactured Housing Units requires 2 parking spaces per unit.**

**Review Comments:** No parking area indicated on plans. Provide 2 parking spaces per unit or apply to BOA for a variance to allow less than the required number of parking spaces.

5. **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:** Revise site plan to indicate a dustless all-weather parking surface from the public street to the proposed parking area 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.**

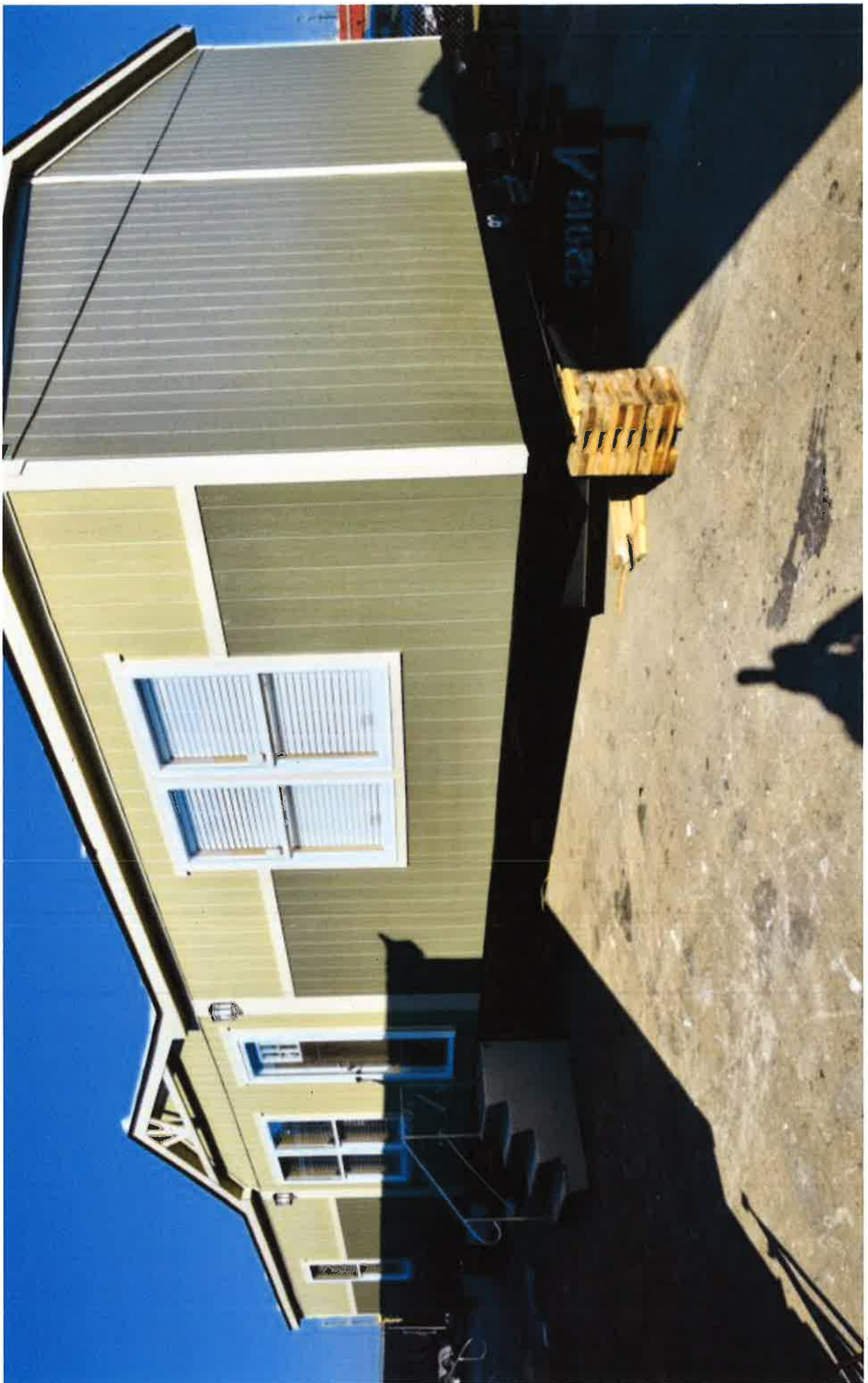
**Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:**  
<http://www.tmapc.org/Documents/TulsaZoningCode.pdf>

**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**

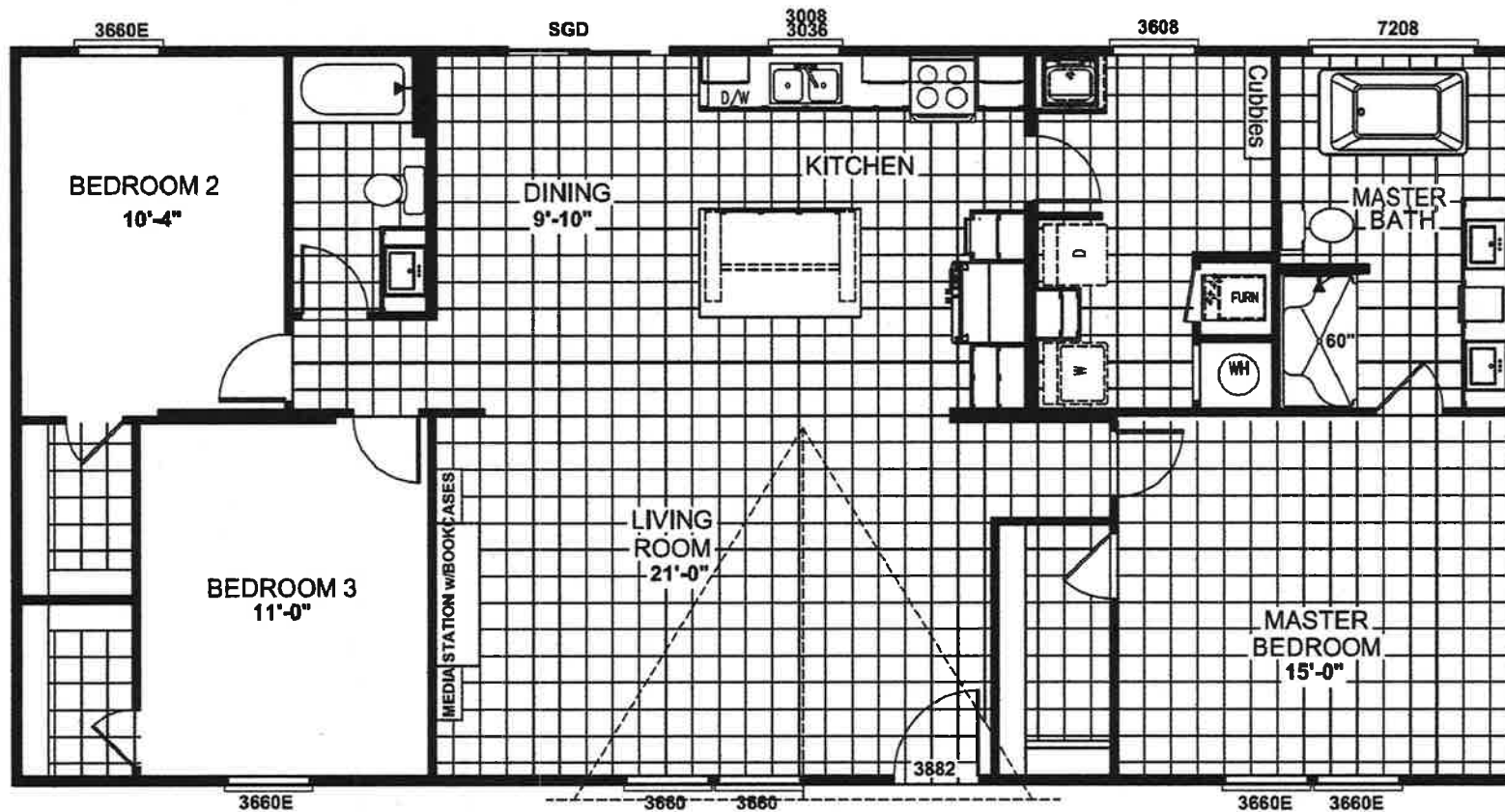
## **END –ZONING CODE REVIEW**

**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.



7.15



## Maribel 9756

28 x 56 (60) Overall  
 27'4" x 56 Box 1,530 Lvg.Sq.Ft.  
 3 Bedroom 2 Bath  
 Rev. 11-26-19

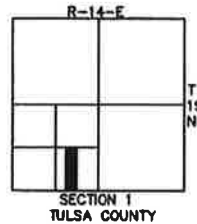


**BRYAN C. SANDLIN**

OKLAHOMA REGISTERED LAND SURVEYOR  
P.O. BOX 1241, HENRYETTA, OKLAHOMA 74437  
(918) 340-1648 bmasandlin@yahoo.com

## DESCRIPTION PLAT FOR LOT SPLIT

FORTNER FILE NO. 19-11-37



ORIGINAL LEGAL DESCRIPTION (DOC.#2017014833):

THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (E/2 W/2 SE/4 SW/4) LESS THE SOUTH 25 FEET FOR ROADWAY, SECTION ONE (1), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA.

PROPERTY ADDRESS:  
18227 EAST 11TH STREET, TULSA, OKLAHOMA

LEGAL DESCRIPTION TRACT A:

THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (E/2 W/2 SE/4 SW/4) LESS THE SOUTH 50 FEET FOR ROADWAY, SECTION ONE (1), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA;

LESS AND EXCEPT THE FOLLOWING TRACT OF LAND:

THE SOUTH 480.60 FEET OF THE WEST 200 FEET OF THE EAST 250 FEET OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (E/2 W/2 SE/4 SW/4) LESS THE SOUTH 25 FEET FOR ROADWAY, SECTION ONE (1), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA.

LEGAL DESCRIPTION TRACT B:

THE SOUTH 485.60 FEET OF THE WEST 200 FEET OF THE EAST 250 FEET OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (E/2 W/2 SE/4 SW/4) LESS THE SOUTH 50 FEET FOR ROADWAY, SECTION ONE (1), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA.

RIGHT OF WAY LEGAL DESCRIPTION:

THE SOUTH 50 FEET OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (E/2 W/2 SE/4 SW/4) OF SECTION ONE (1), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA.

NOTE: THIS PLAT IS FOR LEGAL DESCRIPTION PURPOSES ONLY. NO TITLE OPINION PROVIDED, THEREFORE, NO CERTIFICATION IS MADE THAT ALL EASEMENTS OR ENCUMBRANCES ARE SHOWN.

WITNESS MY HAND AND SEAL THIS DATE  
NOVEMBER 22, 2019  
revision (2) DECEMBER 10, 2019

BRYAN C. SANDLIN  
OKLAHOMA REGISTERED LAND SURVEYOR #1483



7.17

**BRYAN C. SANDLIN**

OKLAHOMA REGISTERED LAND SURVEYOR

P.O. BOX 1241, HENRYETTA, OKLAHOMA 74437

(918) 340-1642 kimasandlin@yahoo.com

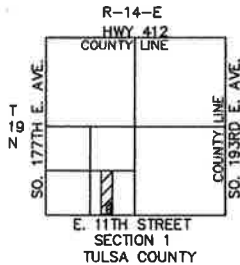
## SITE PLAN

FORTNER FILE NO. 02-16-20

APPLICATION NO. BLDR-61173-2020

R/W=RIGHT OF WAY

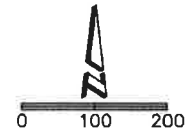
●=3/8" IRON PIN SET UNLESS NOTED



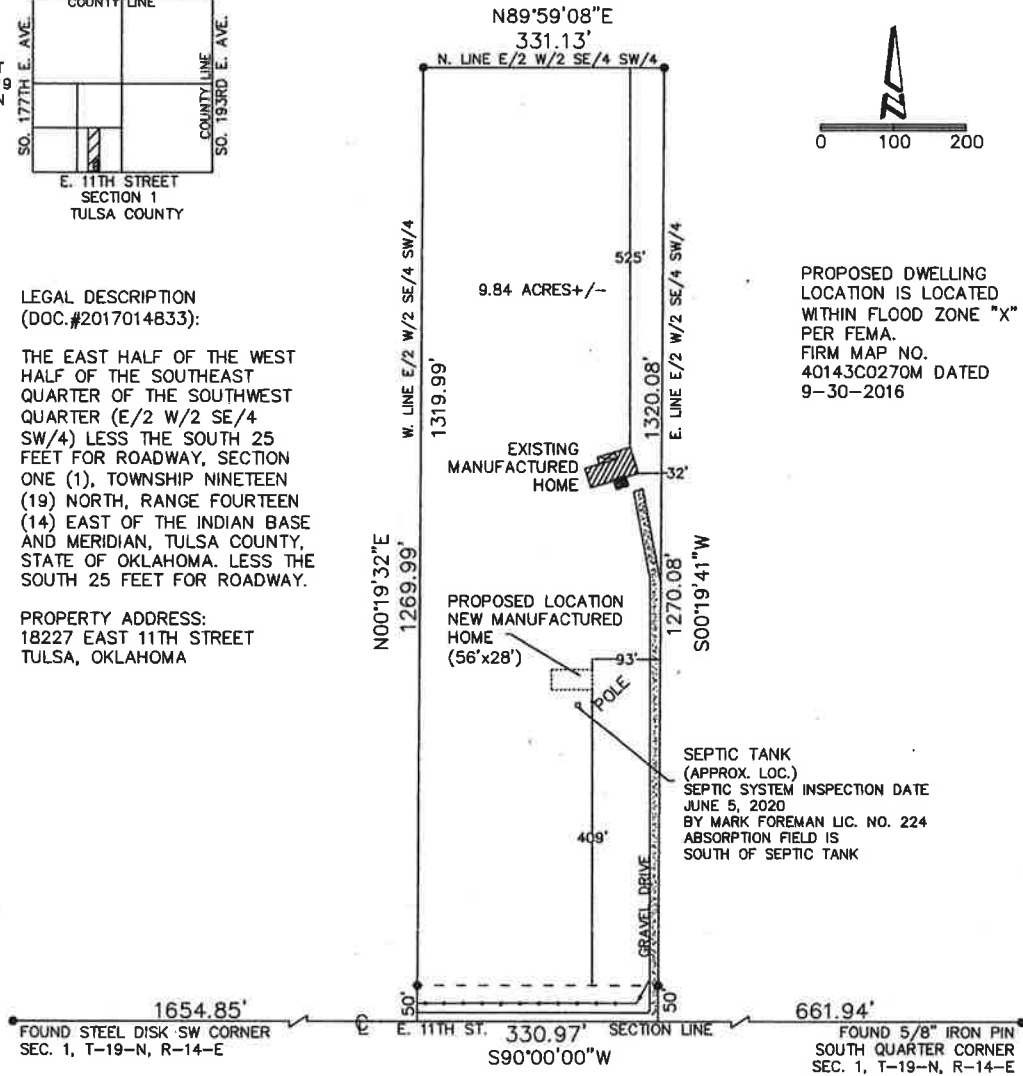
LEGAL DESCRIPTION  
(DOC.#2017014833):

THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (E/2 W/2 SE/4 SW/4) LESS THE SOUTH 25 FEET FOR ROADWAY, SECTION ONE (1), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA. LESS THE SOUTH 25 FEET FOR ROADWAY.

PROPERTY ADDRESS:  
18227 EAST 11TH STREET  
TULSA, OKLAHOMA



PROPOSED DWELLING  
LOCATION IS LOCATED  
WITHIN FLOOD ZONE "X"  
PER FEMA.  
FIRM MAP NO.  
40143C0270M DATED  
9-30-2016



### CERTIFICATION

I, BRYAN C. SANDLIN, A REGISTERED LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID PROPERTY, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESS MY HAND AND SEAL THIS DATE

JUNE 5, 2020

BRYAN C. SANDLIN  
OKLAHOMA REGISTERED LAND SURVEYOR







S LYNN LANE RD

S 181 E AVE

S 182 E AVE

S 183 E AVE

S 184 E AVE

S 185 E AVE

E 4 ST S

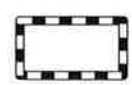
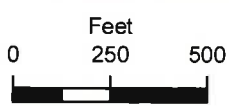
E 11th ST S

S 179 E AVE

E 12 ST S

S 177 E AVE

E 13 ST S



Subject  
Tract

**BOA-22972**

19-14 01

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

Aerial Photo Date: February 2018

7.19

