

**AGENDA**  
**CITY OF TULSA BOARD OF ADJUSTMENT**  
**Regularly Scheduled Meeting**  
**Tulsa City Council Chambers**  
**175 East 2nd Street, 2nd Level, One Technology Center**  
**Tuesday, March 23, 2021, 1:00 P.M.**

**Meeting No. 1269**

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

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

Join **Videoconference**: <https://www.gotomeet.me/CityOfTulsa3/boa-gotomeeting-in-council-chambers-march-23rd>

Join **Teleconference** by dialing: +1 (669) 224-3412 then entering Access Code 298-766-509

Download the GoToMeeting app now to be ready when the meeting starts:  
<https://global.gotomeeting.com/install/298766509>

The following Board members plan to attend via videoconferencing or teleconferencing, though they are still permitted to attend at the meeting site: Austin Bond, Stuart Van De Wiele, Burlinda Radney, Jessica Shelton, and Steve Brown.

If you wish to present or share any documents, written comments, or exhibits during the hearing, please **submit them by 9:00 am** the day of the hearing. Remember to reference the case number and include your name and address.

**Email:** [esubmit@incog.org](mailto:esubmit@incog.org)

**Mail or In Person:** City of Tulsa BOA c/o INCOG, 2 W. 2nd St., Suite 800, Tulsa, OK 74103

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

1. Approval of **Minutes** of March 9, 2020 (Meeting No. 1268).

## **UNFINISHED BUSINESS**

**2. 23091—Gregg Norris**

Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 3025 South Memorial Drive East **(CD 5)**

## **NEW APPLICATIONS**

**3. 23094—Brian Henley**

Variance of the 20-foot rear setback and 25-foot street setback in an RS-3 District (Section 5.030-A, Table 5-3). **LOCATION:** East of NE/c of East 2nd Street South & South Urbana Avenue East **(CD 4)**

**4. 23095—Alfredo Perez**

Special Exception to permit medical marijuana cultivation (Agricultural/Horticulture Nursery Use) in the CH District (Section 15.020, Table 15-2). **LOCATION:** 3216 East Admiral Place North **(CD 3)**

**5. 23096—Eller & Detrich – Lou Reynolds**

Special Exception to increase the permitted driveway width (Section 55.090-F.3). **LOCATION:** 4647 South Columbia Place East **(CD 9)**

## **OTHER BUSINESS**

### **NEW BUSINESS**

## **BOARD MEMBER COMMENTS**

### **ADJOURNMENT**

**Website:** [tulsaplanning.org](http://tulsaplanning.org)

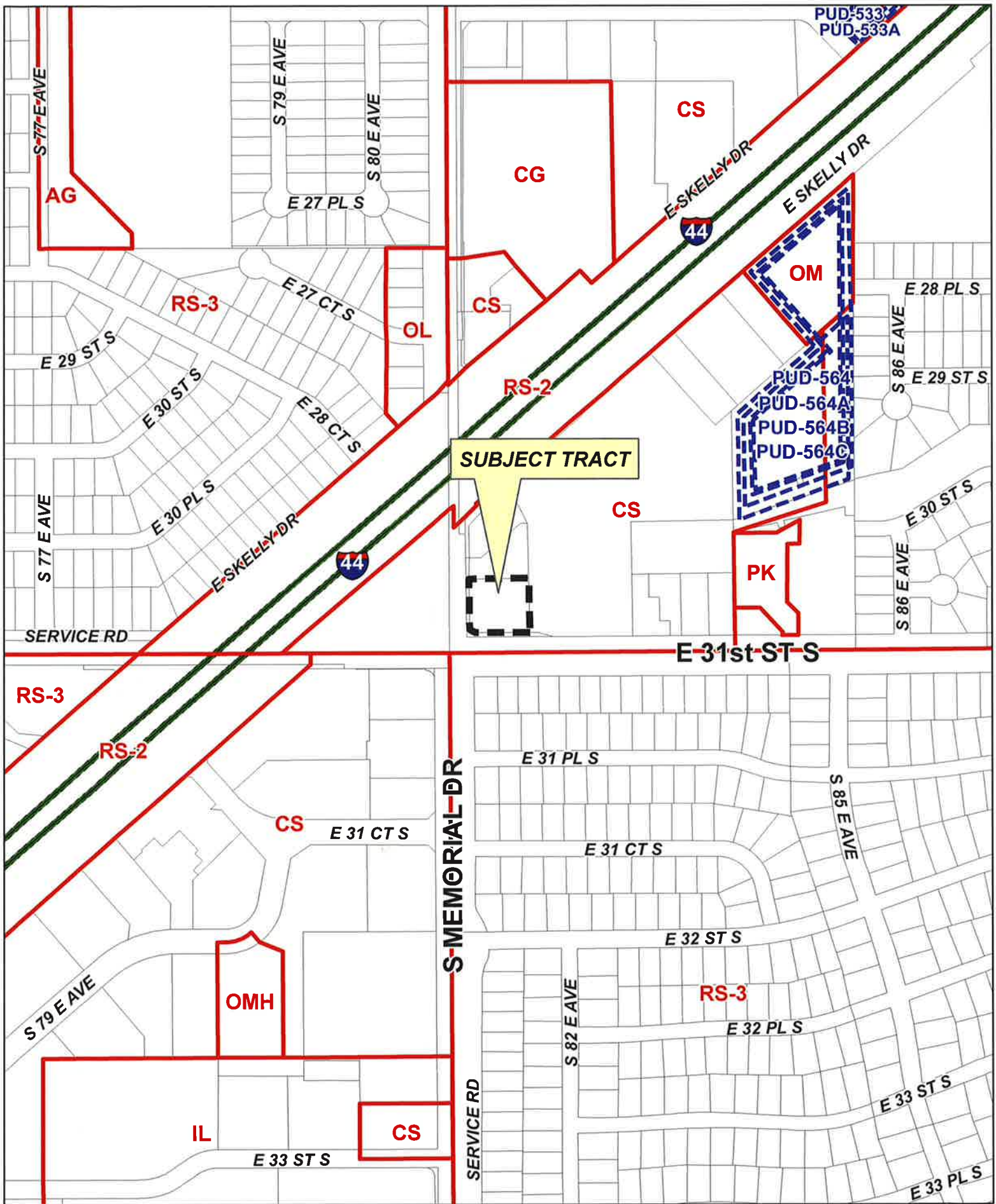
**E-mail:** [esubmit@incog.org](mailto:esubmit@incog.org)

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 by the Tulsa Planning Office at INCOG. All electronic devices must be silenced.

**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.

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**BOA-23091**

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9313

CZM: 38

CD: 5

Case Number: **BOA-23091**

HEARING DATE: 03/23/2021 (Application was continued from 3/09/21, more accurate exhibits were requested for the applicant) 1:00 PM

APPLICANT: Gregg Norris

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

LOCATION: 3025 S MEMORIAL DR E

ZONED: CS

PRESENT USE: Gas Station

TRACT SIZE: 37039.22 SQ FT

LEGAL DESCRIPTION: LT 3 LESS BEG SWC TH N32 SE36.02 E175 S12 W205 POB & LESS BEG NWC TH S168 SE APROX 12.73 NW APROX 17.94 N158.08 W9.79 POB BLK 1, GROVELAND ADDN

## RELEVANT PREVIOUS ACTIONS:

**Subject Property:** None.

## **Surrounding Properties:**

**BOA-22803;** The Board **accepted** a Spacing Verification for Medical Marijuana Dispensary. Property located 2777 South Memorial Drive. No permit have been issued on this property for a dispensary as of the writing of this report.

**BOA-22733;** On 09.24.2019 the Board **accepted** a Spacing Verification for medical Marijuana Dispensary. Located 3202 S. Memorial Drive. Dispensary is in operation under the Certificate of Occupancy, COO-038270-2019.

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

**Regional Centers** are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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



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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the NE/c of E. 31<sup>st</sup> St. and S. Memorial Drive. The applicant is wishing to subdivide space inside of an existing convenience store.

**STAFF COMMENTS:** The applicant is requesting **Variance** of the 1,000-foot 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 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.



0 Feet 150 300

**BOA-23091**

Note: Graphic overlays may not precisely align with physical features on the ground.  
Aerial Photo Date: February 2010



Therapeutic Hemp Center: 2777 S. Memorial Dr., No Permits Issued



Eden Dispensary: 3202 S. Memorial Dr., Suite 4, COO-038270-2019





Staff made the applicant aware of the additional dispensary located at 3202 S. Memorial, Suite 4 is within 1'000 of their proposed dispensary.

**STATEMENT OF HARDSHIP:** There is an expressway between the dispensary and the existing use is a gas station and would not allow the movement of the building.

**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."*



**22803—Ed Mackey**

**Action Requested:**

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

**LOCATION:** 2777 South Memorial Drive East (CD 5)

**Presentation:**

**Tammy Bailey**, 6813 East 15<sup>th</sup> Street, Tulsa, OK; stated she represents Mr. Ed Mackey.

Mr. Van De Wiele stated the Board is in receipt of the applicant's license on page 14.7 of the agenda packet and the spacing exhibit on page 14.3.

Ms. Ross asked Ms. Bailey if the license was expired. Ms. Bailey stated the license is not expired, but the new license will not be issued until this verification is approved.

Mr. Van De Wiele asked Ms. Bailey if she was aware of any other license holder or operating dispensary within the 1,000-foot radius. Ms. Bailey answered no.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **ROSS**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

**LT 10 LESS W10 FOR ST BLK 2, TRI CENTER, City of Tulsa, Tulsa County, State of Oklahoma**

**22804—Jesse Keefe**

**Action Requested:**

Variance to allow a lot to have less than 50% open space (Section 80.020-B); Variance to allow an accessory structure to exceed one story, 18 feet in height overall & 10 feet in height to the top of the top plate (Section 90.90.C); Variance to allow an accessory building to cover more than 30% of the rear setback (Section

**FILE COPY**

**22733—Ron Reddy**

**Action Requested:**

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

**LOCATION:** 3202 South Memorial Drive East (CD 5)

**Presentation:**

Ron Reddy, 11910 South Date Avenue, Jenks, OK; stated there is no other dispensary close to the subject location.

Mr. Van De Wiele stated the Board has a copy of the applicant's license on page 4.10 of the agenda packet, and the spacing verification exhibits on page 4.11 and 4.12 in the agenda packet.

Mr. Van De Wiele asked Mr. Reddy if the closest license holder or dispensary the Therapeutic Hemp Center. Mr. Reddy answered affirmatively.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **ROSS**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) I move that based upon the facts in this matter as they exist presently, we **ACCEPT** the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

**PRT LT 3 BEG 408.75N SECR TH W222 N286.5 E196.75 SE35.38 S261.37  
POB,INTERCHANGE CTR, City of Tulsa, Tulsa County, State of Oklahoma**

\*\*\*\*\*

**NEW APPLICATIONS**

**22728—Claude Neon Federal Signs – Ed Horkey**

**Action Requested:**

Variance to permit a dynamic display in a CS District to be located within 200 feet of an RS-3 District (Section 60.100-F). **LOCATION:** 1228 West Apache Street North (CD 1)



***Subject property***

# CERTIFICATE of OCCUPANCY      No: COO-038270-2019

## PROPERTY

Address: 3202 S MEMORIAL DR E SUITE 4

## ZONING USE

Zoning District: CS

Use: Commercial/Retail Sales/Medical Marijuana Dispensary

Use Conditions:

## BUILDING OCCUPANCY

Building Code Edition: IBC 2015

Use Group	Const. Type	Floor Area	Occ. Load	Descriptive Area	Posted
B	VB	1,397	14	ENTIRE SPACE	

Floor area of Permit: 1,397

Fully Sprinklered: Yes

Required: Yes

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: May 7, 2020

Code Official: Adam Murray





DANA L. BOX  
ZONING PLANS EXAMINER

TEL (918)596-6957  
danabox@cityoftulsa.org

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

## ZONING CLEARANCE PLAN REVIEW

January 22, 2021

Phone: 918-955-1710

LOD Number: 1  
Mohammed K. Samara 904 E. Tacoma St.  
Broken Arrow, OK 74012

### DEVELOPMENT SERVICES

APPLICATION NO: **BLDC-077297-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 3025 S. Memorial Dr.

Description: Medical Marijuana Dispensary

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 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. \*\*SEE #2 ABOVE\*\*

**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/SELF-SERVICE). YOU WILL NEED TO REGISTER ON THE PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO.\*\*
3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT [WWW.TULSAPLANNING.ORG](http://WWW.TULSAPLANNING.ORG); IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7628 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
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 <http://tulsaplanning.org/plans/TulsaZoningCode.pdf>

BLDC-077297-2020 3025 S. Memorial Dr. January 22, 2021

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

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

**Review Comment:** Submit the following documentation so that your application may continue to be processed.

1. An aerial photograph identifying the location of the proposed dispensary at the center of a circle with a 1,000-foot radius, which is the required separation distance from another dispensary; and
2. Locate and identify the nearest dispensary on the map, including the distance from the proposed dispensary; and

**Review Comment:** It appears the closest dispensary is located within 1,000 feet of your proposed dispensary. You must apply to and get approval for a variance to operate within 1000 feet of another dispensary from the Board of Adjustment.

3. Verification of having provided a copy of the Permit Application to the City Councilor for the city council district in which the subject property is located. (A copy of an e-mail will suffice.) To find the councilor for your district, click here. (<http://maps.cityoftulsa.org/citycouncil/>); and
4. A copy of the following affidavit:

**Affidavit as to Spacing Verification**

I, (Applicant) Mohammed Samana being duly sworn upon oath, state that I have researched and examined or caused to be researched and examined, the spacing verification requirements and have provided a copy of the Permit Application to the city councilor in which the subject property is located.

Mohammed Samana  
Signature of Applicant

Subscribed and Sworn to Before Me this 27<sup>th</sup> Day of Jan., 2021. Notary

Public [Signature] My Commission Expires: Sept 28, 2023



2

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

**Review Comment:** Your plans indicate a drive-through lane and drive-through window, which, at this time, is prohibited. Resubmit your plan with no drive-through window.

**3. Sec. 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.

**Review Comment:** Resubmit plan to indicate ventilation/air filtration system and electronic security system/surveillance camera.

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

**Link to Zoning Code:**

[www.tulsaplanning.org/plans/TulsaZoningCode.pdf](http://www.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.**

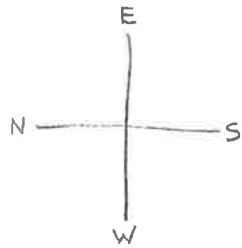
**A hard copy of this letter is available upon request by the applicant.**

**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.

CAR DEALERSHIP



CAR DEALERSHIP

LANDSCAPING

CAR WASH  
(OUT OF SERVICE)

TRASH  
AREA

WALKWAY

ENTRY

EXIT

31st ST.

UNIT  
B

3025 S. MEMORIAL DR.  
E. TULSA UNIT A

MAIN ENTRY

PARKING

PARKING

**SUBJECT SPACE**

PARKING

WALKWAY

KEY: EVERY SQ.  
= 4 FT.

3025 S MEMORIAL DR.  
TULSA, OK 74129

DREAMLAND CONTRACTORS LLC  
918-955-1710  
MOHAMMED SAMARA  
MOH017601@MAIL.COM

196

196

EXIT

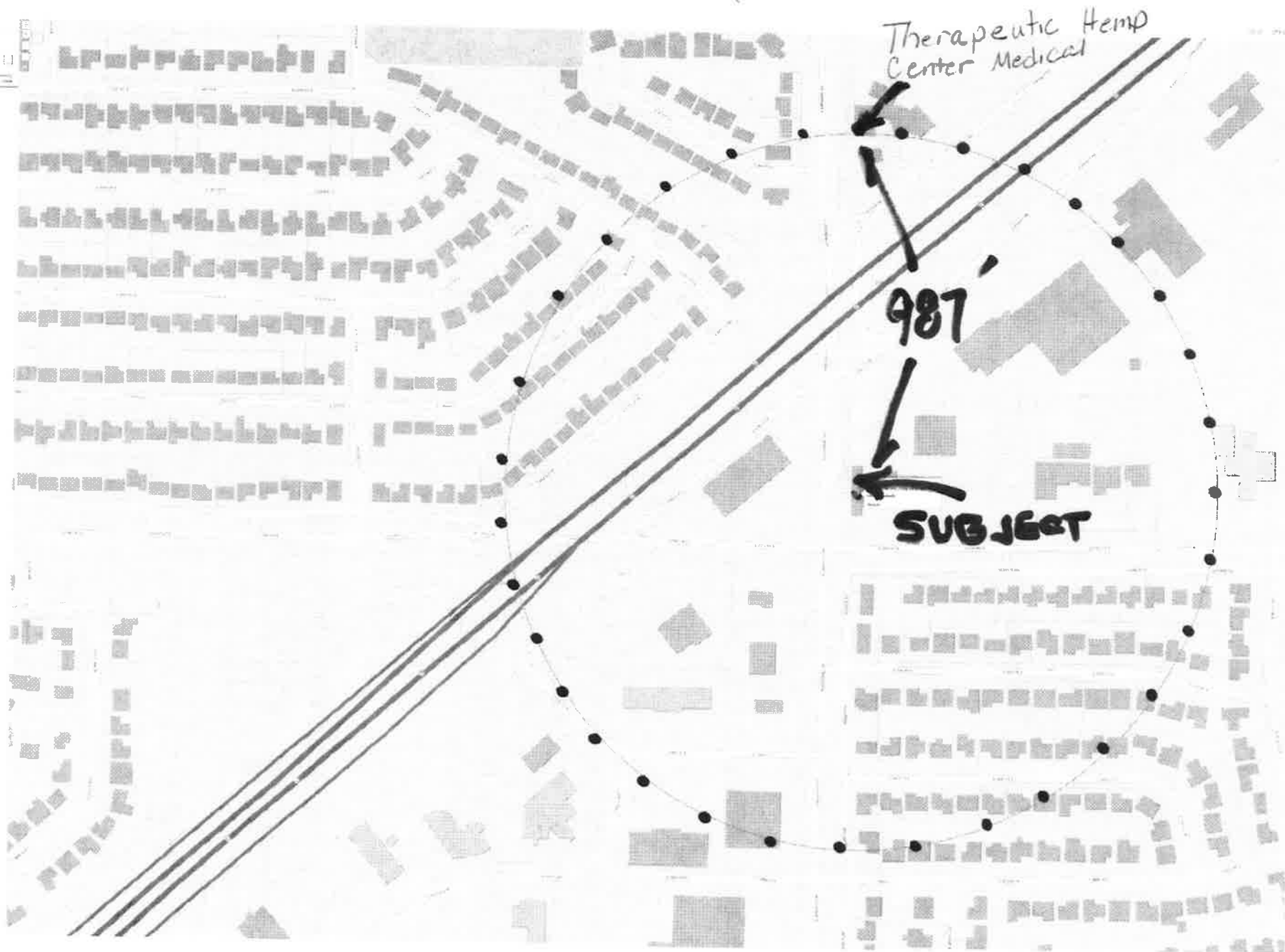
LANDSCAPING

ENTRY

MEMORIAL ST.

2.13





# Google Maps 3025 S Memorial Dr

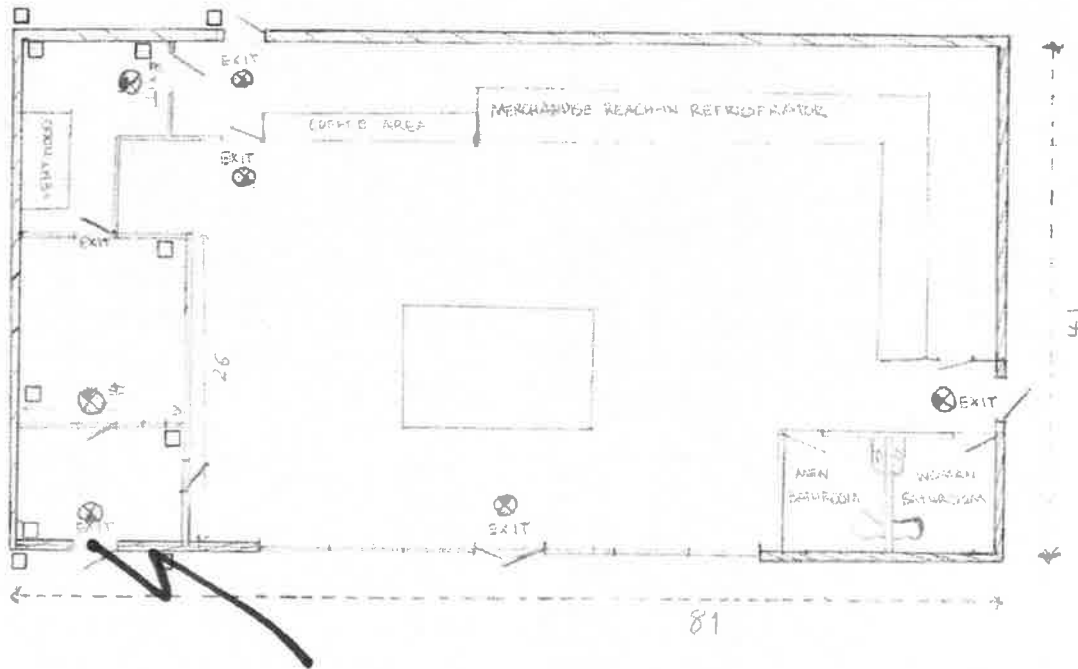


Imagery ©2021 Maxar Technologies, USDA Farm Service Agency, Map data ©2021

100 ft

Measure distance

Total distance: 987.70 ft (301.05 m)



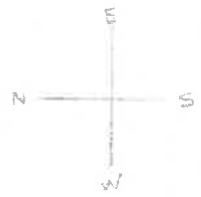
**SUBJECT SPACE**

- = CAMERA SURVEILLANCE SYSTEM
- ▬ = COMPLETE FIREWALL
- ▬ = NEW SHEET OR FIREWALL
- ⊗ = EXIT SIGN WITH EMERGENCY LIGHT

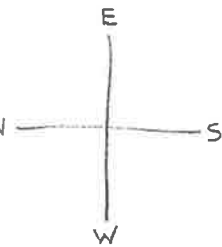
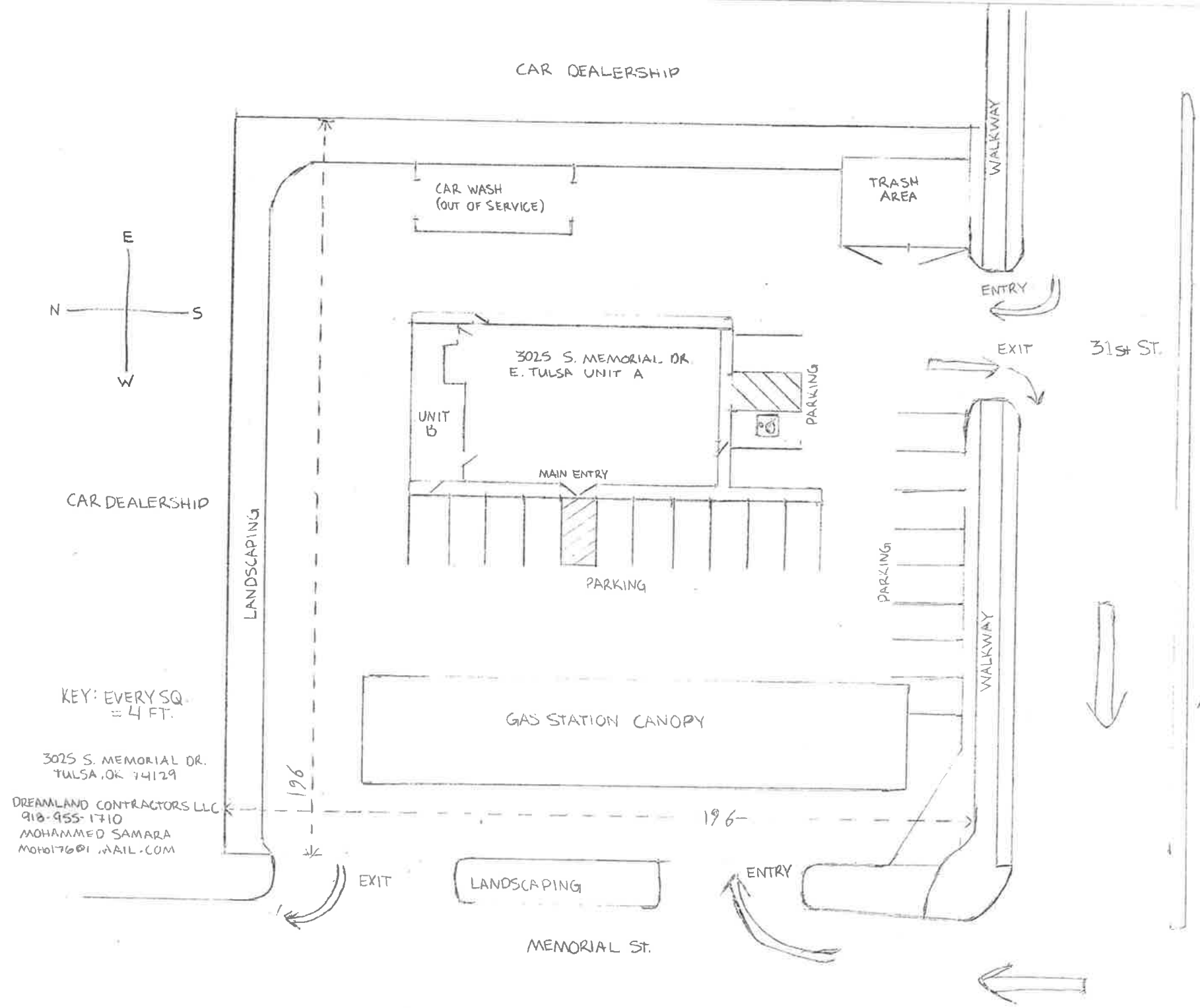
NOTE: ALL DOORS TO HAVE ACCESSIBLE HARDWARE WITH FREE EGRESS IN THE DIRECTION OF EGRESS TRAVEL REQUIRING ONLY ONE MOTION.

DREAMLAND CONSTRUCTION LLC  
 918-455-1710  
 INFO@DREAMLANDCONSTRUCTION.COM

5025 S MEMORIAL DR.  
 TULSA OK 74119



2.16



CAR DEALERSHIP

CAR DEALERSHIP

CAR WASH  
(OUT OF SERVICE)

TRASH  
AREA

ENTRY

EXIT

31st ST.

3025 S. MEMORIAL DR.  
E. TULSA UNIT A

UNIT  
B

MAIN ENTRY

PARKING

PARKING

PARKING

WALKWAY

GAS STATION CANOPY

LANDSCAPING

LANDSCAPING

MEMORIAL ST.

KEY: EVERY SQ.  
= 4 FT.

3025 S. MEMORIAL DR.  
TULSA, OK 74129

DREAMLAND CONTRACTORS LLC  
918-955-1710  
MOHAMMED SAMARA  
MOH0176@I.MAIL.COM

196

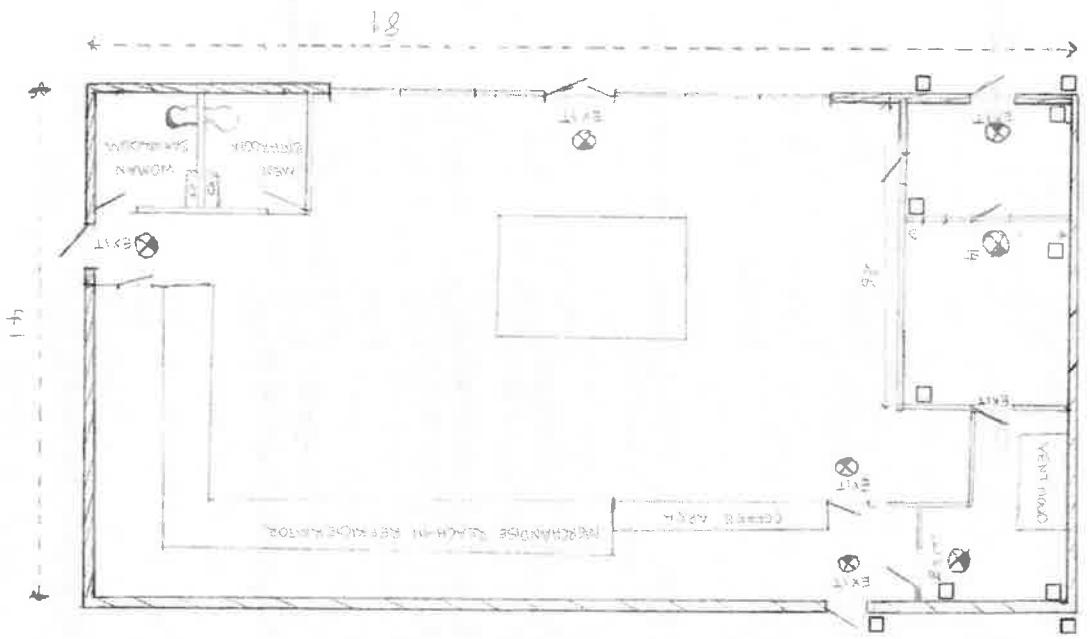
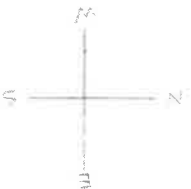
196-

EXIT

ENTRY





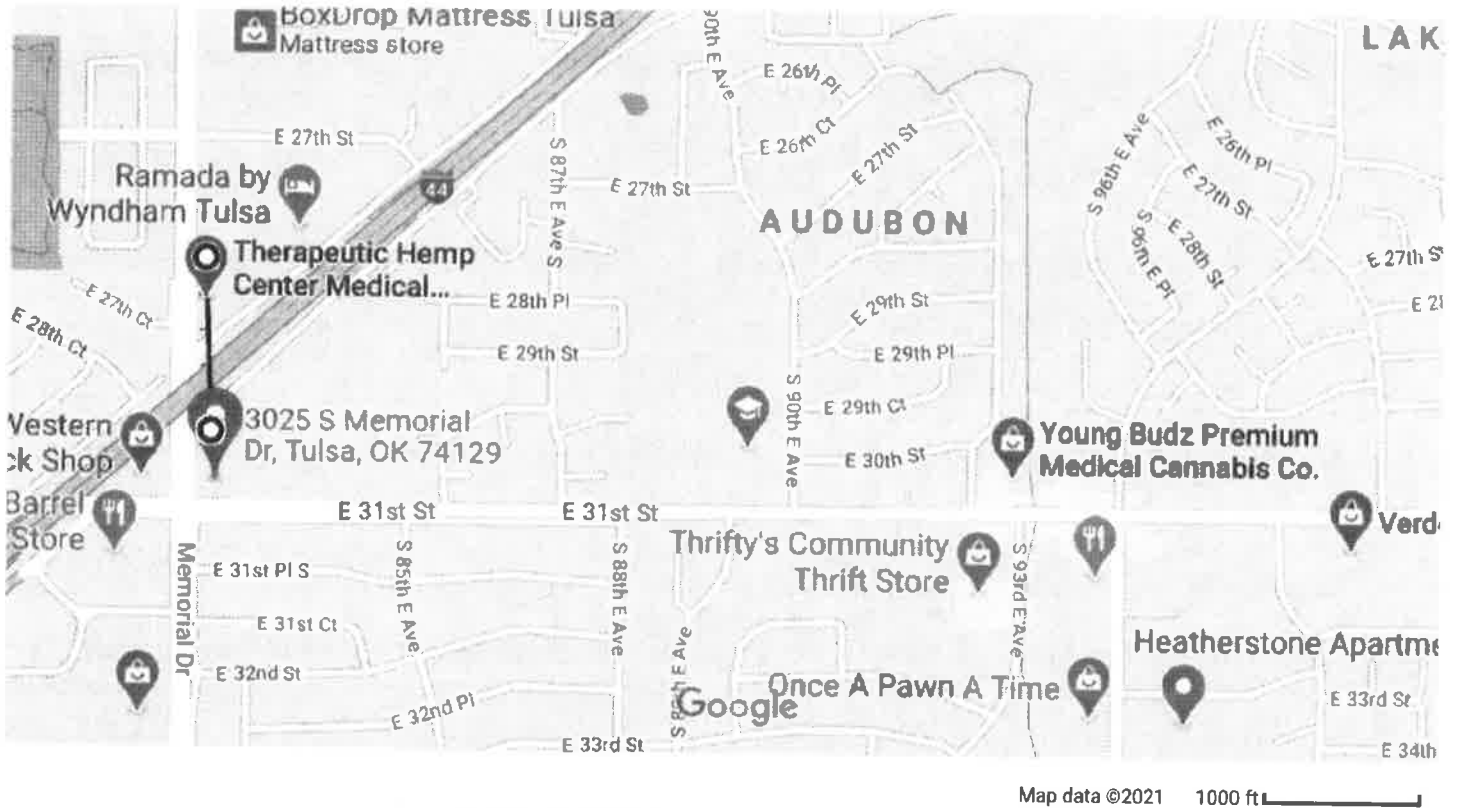


- = CAMERA SURVEILLANCE SYSTEM
- ▨ = CHALKITE FIREWALL
- ▬ = NEW SHEETROCK FIREWALL
- ⊗ = EXIT SIGN WITH EMERGENCY LIGHT

NOTE: ALL OCCUPANTS TO HAVE ACCESSIBLE WARDROBE WITH  
FREE EGRESS IN THE DIRECTION OF CROSS TRAVEL  
REQUIRING ONLY ONE MOTION.

ORLANDO CONTRACTS LLC  
918-955-1710  
MOHAMMED SAWAQA  
MOHAMED SAWAQA  
MOHAMED SAWAQA  
TULSA, OK 74119  
MOHAMED SAWAQA  
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# Google Maps    dispensary near me



Measure distance

Total distance: 974.52 ft (297.03 m)





0 Feet 200 400



Subject  
Tract

**BOA-23091**

19-13 13

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

Aerial Photo Date: February 2018

2.20





Feet  
0 50 100



Subject  
Tract

**BOA-23091**

19-13 13

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

Aerial Photo Date: February 2018

2.21





March 5, 2020

City of Tulsa Board of Adjustment  
c/o Tulsa Planning Office  
Attn: Austin Chapman  
[achapman@incog.org](mailto:achapman@incog.org)

Re: BOA-23091

Dear Members of the Board:

Eden Cannabis Co. ("Eden"), is a lawfully established and operational dispensary located at 3202 S. Memorial Drive, Ste. 4., south and west of the proposed dispensary.

The Applicant is requesting a variance of the 1,000 foot spacing requirement of Section 40.225-D of the Tulsa Zoning Code (the "Code"). The variance application submitted to INCOG refers to another dispensary, Therapeutic Hemp Center, also located within the 1,000' radius to the north of I-44, but does not address Eden's proximity to the south.

Section 70.130-H of the Code, as provided in the staff report, requires seven (7) criteria to be established by the Applicant in order for the Board to grant a variance. In this case, the Applicant has not established any of the requisite criteria. The alleged hardship that the Applicant provided to this Board is the location of the I-44 Expressway separating it from the Therapeutic Hemp Center. However, both Eden and the proposed dispensary are located on the same side of the highway and there is nothing unique about the subject property. It is a CS-zoned tract similarly situated in shape, size, and topography to the surrounding CS-zoned tracts near the intersection of 31<sup>st</sup> & Memorial.

The purpose of the 1,000 spacing requirement is to prevent groupings of particular uses, in this case, medical marijuana dispensaries. If granted, the requested variance to allow the proposed dispensary to be located less than 1,000' from Eden's lawfully established dispensary, and resulting in three (3) dispensaries less than 1,000' from one another along Memorial, will *directly impair* the spirit of the Code and intent of the spacing requirement.

Eden objects to the requested variance and asks that the Board *deny* the variance in BOA-23091. Thank you for your time and consideration.

Sincerely,



Ron Reddy  
Eden Cannabis Co.

**From:** [Donald M. Bingham](#)  
**To:** [Chapman, Austin](#)  
**Subject:** Protest of Proposed Variance - Case No. BOA 23091  
**Date:** Monday, March 8, 2021 1:01:50 PM  
**Attachments:** [image20999f.PNG](#)

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Dear Mr. Chapman and Members of the Board, this variance would permit a new marijuana dispensary in close proximity to our residential area. There are already two dispensaries nearby, and a third one here is not justified by any public policy or economic imperative. I own and live in a home right across the street (on the south side of East 31<sup>st</sup> Street) from the convenience store which (apparently) would house this dispensary. I'm very concerned about the effect of a 24/7 business which would have motor vehicles and foot-traffic going and coming at all hours. The current convenience store at this location stays open late, sometimes closing at Midnight, but it doesn't stay open into the wee hours of the morning. There must be an important public interest embodied in the 1000-foot spacing requirement, and I can't imagine that there's a compelling justification for having a third dispensary literally right across the street from single-family homes. Please take into account the interests of the many homeowners who already deal with the activity generated by the two existing dispensaries. Thank you for your consideration. Don Bingham

**Donald M. Bingham** | [don\\_bingham@riggsabney.com](mailto:don_bingham@riggsabney.com)

Attorney

**R I G G S  A B N E Y**  
NEAL TURPEN ORBISON LEWIS

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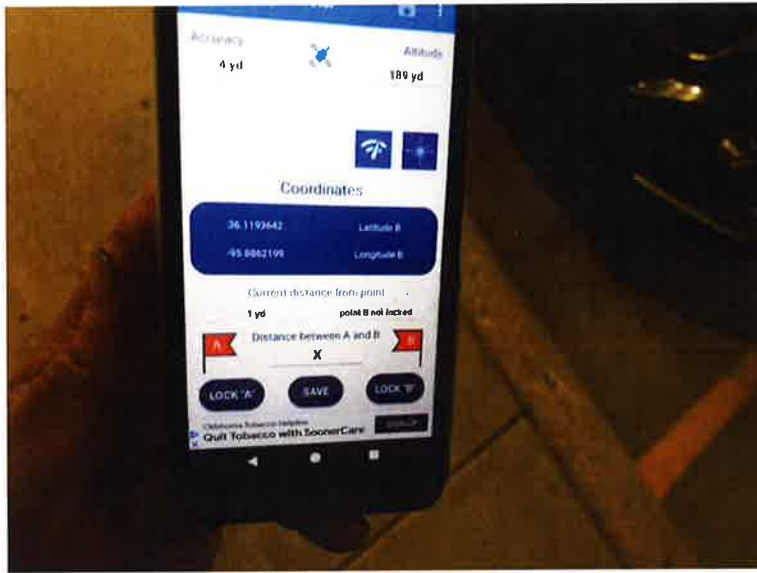
502 West Sixth Street | Tulsa, OK 74119  
Office: 918-587-3161 | Fax: 918-587-9708



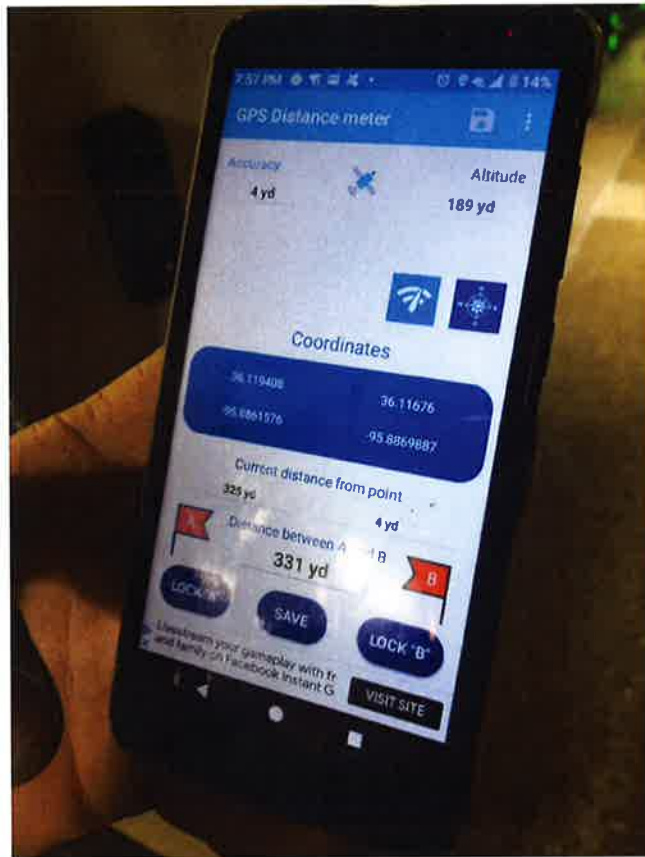
This message is sent by Riggs Abney, a law firm, and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message along with any attachments.

Exhibits provided by Applicant

BOA-23091



BoA - 23091

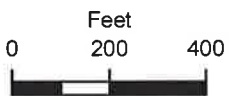
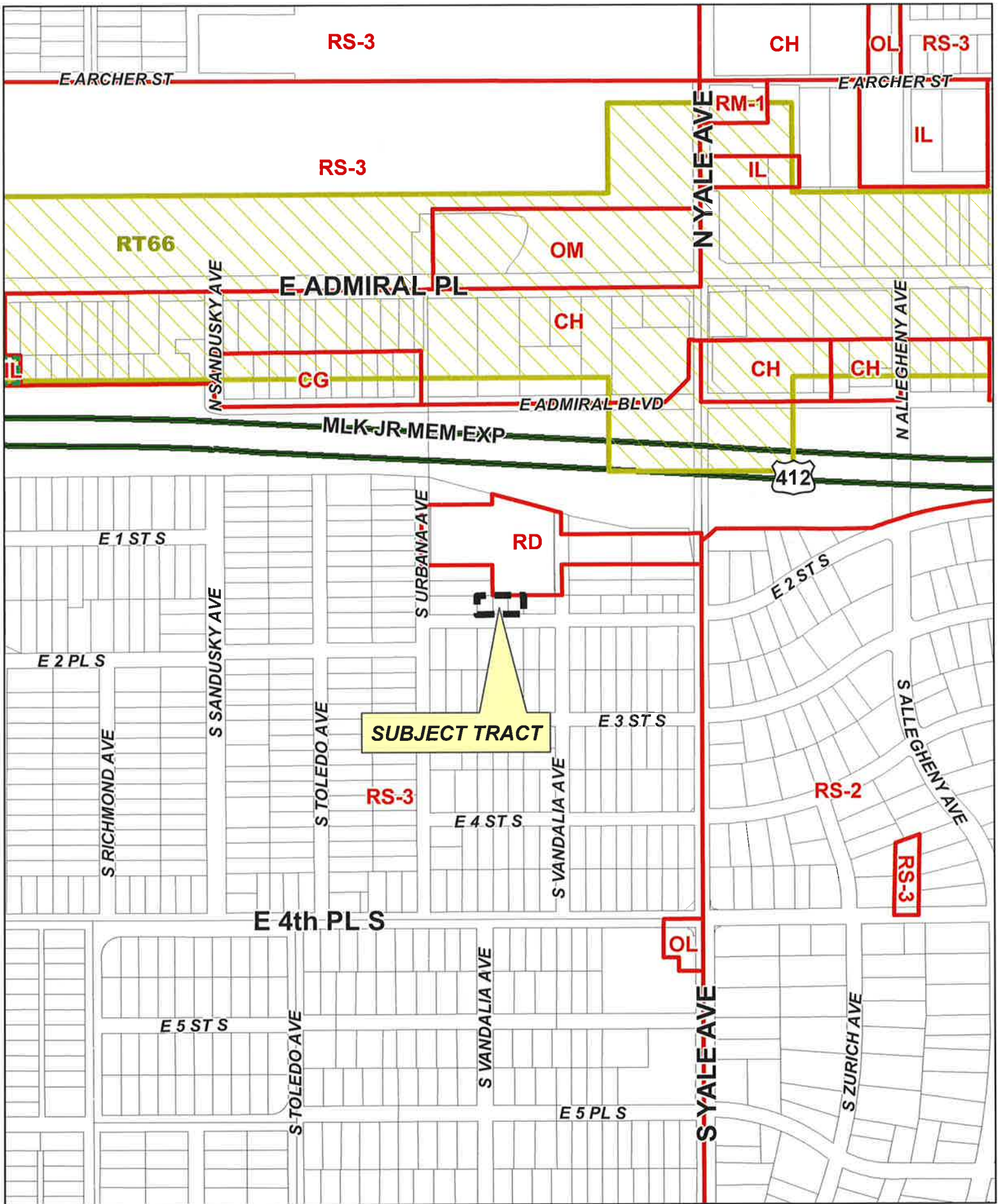




BOA - 23091







**BOA-23094**

19-13 04

**3.1**



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9304

Case Number: **BOA-23094**

**CZM:** 37

**CD:** 4

**HEARING DATE:** 03/23/2021 1:00 PM

**APPLICANT:** Brian Henley

**ACTION REQUESTED:** Variance of the 20 foot rear setback and 25 foot street setback in an RS-3 district (Section 5.030-A, Table 5-3)

**LOCATION:** East of the Northeast corner of East 2nd Street South and South Urbana Avenue

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 9605.02 SQ FT

**LEGAL DESCRIPTION:** LT 467 BK 2; LT 468 BK 2; LT 469 BK 2, RODGERS HGTS SUB

**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 East of the Northeast corner of East 2nd Street South and South Urbana Avenue. The existing depth of the lot is 63.5' and a lot line adjustment will be done after the variance request to create lots depicted in the attached site plan.

**STAFF COMMENTS:** The applicant is requesting a Variance of the 20-foot rear setback and 25-foot street setback in an RS-3 district (Section 5.030-A, Table 5-3)

**Table 5-3: R District Lot and Building Regulations**

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
<b>Minimum Lot Area (sq. ft.)</b>													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house dev't	-	-	-	-	-	15,000	15,000	15,000	15,000	15,000	15,000	15,000	-
Duplex	-	-	-	9,000	9,000	3,300	6,900	6,900	6,900	6,900	6,900	6,900	-
Multi-unit house	-	-	-	-	-	3,300	6,900	5,500	5,500	5,500	5,500	5,500	-
Apartment/condo	-	-	-	-	-	-	-	-	10,000	10,000	6,000	24,000	-
Mobile home park	-	-	-	-	-	-	-	-	-	-	-	-	[1]
<b>Other allowed buildings/uses</b>													
Permitted by right	22,500	13,500	9,000	6,900	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
<b>Min. Lot Area per Unit (sq. ft.)</b>													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house dev't	-	-	-	-	-	2,750	2,750	2,750	2,750	2,750	2,750	2,750	-
Duplex	-	-	-	4,500	4,500	1,650	3,450	3,450	3,450	3,450	3,450	3,450	-
Multi-unit house	-	-	-	-	-	1,100	1,800	1,800	1,800	1,375	1,100	900	-
Apartment/condo	-	-	-	-	-	-	-	-	2,900	1,750	1,100	400	-
<b>Other allowed buildings/uses</b>													
Permitted by right	-	-	-	-	-	-	-	-	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
<b>Minimum Lot Width (ft.)</b>													
Detached house	150	100	75	60	50	30	50	50	50	50	50	50	-
Patio house	-	-	-	60	50	30	50	50	50	50	50	50	-
Townhouse	-	-	-	30	30	20	25	20	20	20	20	20	-
Cottage house dev't	-	-	-	-	-	75	75	75	75	75	75	75	-
Duplex	-	-	-	75	75	30	60	60	60	60	60	60	-
Multi-unit house	-	-	-	-	-	30	50	50	50	50	50	50	-
Apartment/condo	-	-	-	-	-	-	-	-	100	100	50	100	-
<b>Other allowed buildings/uses</b>													
Permitted by right	150	100	75	60	50	50	50	50	50	50	50	50	50
Special exceptions	150	100	100	100	100	100	100	100	100	100	100	100	100
<b>Minimum Street Frontage</b>													
Residential bldgs/uses [2]	30	30	30	30	30	30	30	30	30	30	30	30	30
<b>Min. Building Setbacks (ft.)</b>													
<b>Street [3]</b>													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15
<b>Min. Open Sp./Unit (sq. ft.)</b>													
	12,000	7,000	5,000	4,000[8]	2,500	600	2,000	1,200	1,200	600	200	-	2,500

The applicant is proposing a front building line of 18' for the principal structure and 23' 1" for a detached accessory both with a rear building line 5' 6". The applicant has reduced the size of the detached accessory garage to satisfy comment numbers 4 and 5 of the Letter of Deficiency in your packet.

**STATEMENT OF HARDSHIP:** Existing Zoning Code setbacks make it not practical to build a residential structure. ALTA survey has conflicting setback information.

**SAMPLE MOTION:** Move to \_\_\_\_\_ (approve/deny) a **Variance** of the 20 foot rear setback and 25 foot street setback in an RS-3 district (Section 5.030-A, Table 5-3)

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



- Subject to the following conditions \_\_\_\_\_.

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

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



***Facing West on 2<sup>nd</sup> Street***



***Facing East on 2<sup>nd</sup> Street***



***Subject property***

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

Brian Henley  
brian.henley@silodesignbuild.com

12/15/2020

**APPLICATION NO: ZCO 74525-2020** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 51 S Urbana Ave E**

**Description: New House and Detached Garage**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 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)

**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. **Building Plan Review Policy # 17:** A lot combination is required for new buildings built across multiple lot lines.

1. Please apply for a lot combination at INCOG located at Two West Second Street, Suite 800. Please direct all questions concerning lot combinations 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 combination agreement from INCOG you will need to go to the Tulsa county clerk's office at 500 s. Denver and have the lot combination agreement recorded.
3. Submit a copy of the lot combination agreement with the Tulsa county clerks recording sticker on it to this office as a revision.

2. **5.030-A :Setback(s) (Residential):** In the RS-3 zoned district the minimum front street setback shall be 25 feet from the property line, or measured from the centerline of the abutting street add to the setback distance ½ the right-of-way (ROW) designated on the major street plan.

**Review Comments:** Revise your plans to indicate a 25' front setback to the property line for the proposed house and detached garage or apply to INCOG for a variance to allow less than a 25' front setback.

3. **5.030-A:** In the RS-3 zoned district the minimum rear setback shall be 20 feet from the rear property line.

**Review Comments:** Revise your plans to indicate a 20' rear setback to the property line for the proposed house or apply to INCOG for a variance to allow less than a 20' rear setback.

4. **5.030-A Table of Regulations**

The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

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

5. **45.030-B RS-2, RS-3, RS-4, RS-5 or RM Districts**

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

**Review comments:** You are proposing 840 sq ft of detached accessory structure floor area. The proposed detached structure exceeds 500 sq ft and 40% of the size of your house. Based on the size of your house (1892 sq ft) you are allowed 757 sq ft of detached accessory structures floor area on your lot. Reduce the size of your proposed detached accessory structure to be less than 757 sq ft of total floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.

If assistance is needed to find review comments or upload revisions contact Ashley Chaney 918-694-4196 or email at [ACHaney@cityoftulsa.org](mailto:ACHaney@cityoftulsa.org)

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.

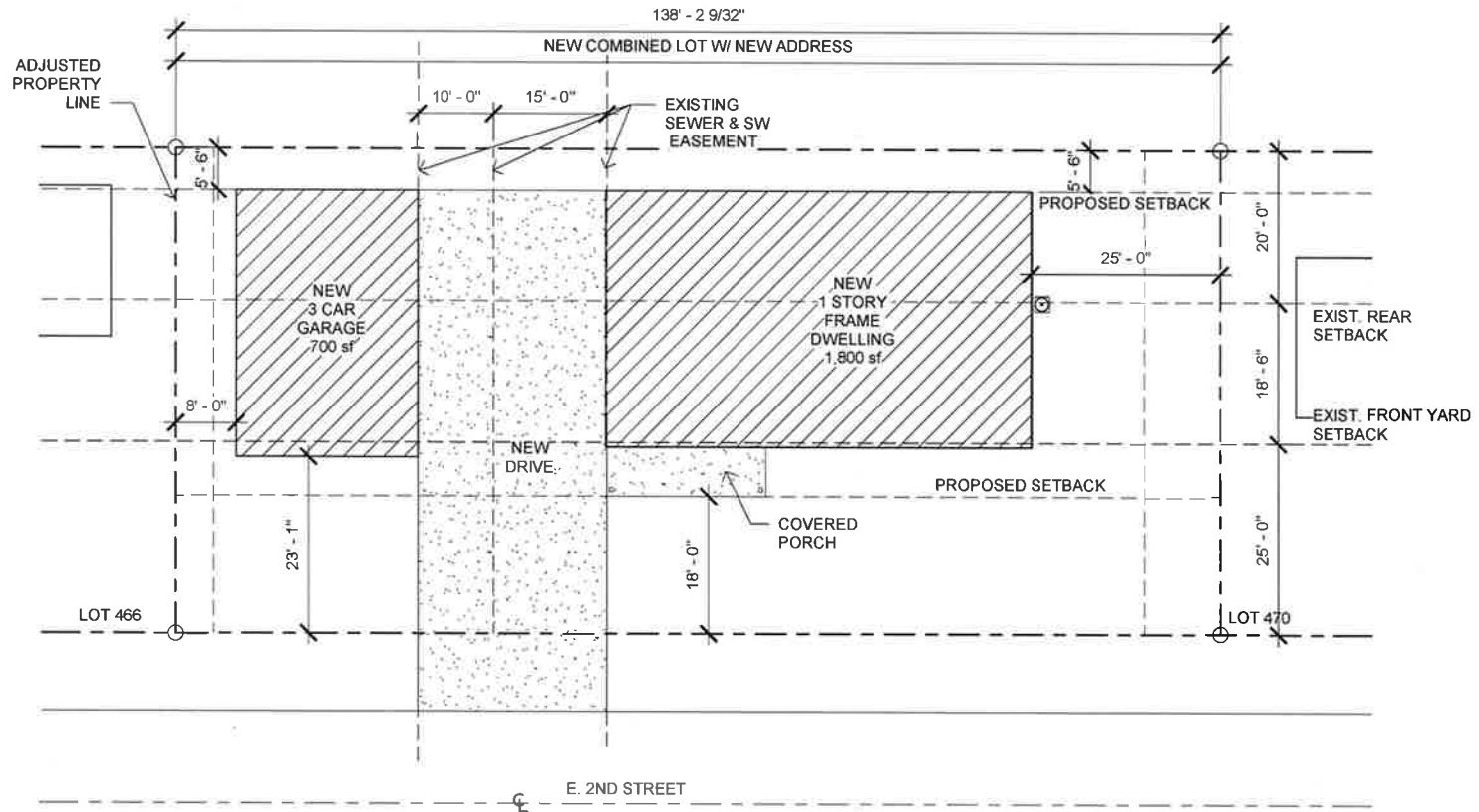
**Note:** All references are to the City of Tulsa Zoning Code. Link to Zoning Code:  
<http://www.tmapc.org/Documents/TulsaZoningCode.pdf>

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.



NOTES:

1. PROPERTY LIES IN ZONE "X-UNSHADED" FLOOD HAZARD AREA PER F.I.R.M COMMUNITY PANEL NO 405381 0368J, AS LAST REVISED 4/16/03
2. NEW COMBINED LOT TO BE 8,877 SF. RESIDENCE W/ GARAGE IS 2,500 SF WHICH IS WELL BELOW 50% OF THE LOT SIZE.

① PROPOSED SITE PLAN  
1/16" = 1'-0"



LEGAL DESCRIPTION (NOT OFFICIAL)

(COMBINED) LOTS FOUR HUNDRED SIXTY-SEVEN (467), FOUR HUNDRED SIXTY-EIGHT (468), AND FOUR HUNDRED SIXTY-NINE (469), BLOCK TWO (2), A RESUBDIVISION OF LOTS 13, 14, & 15, BLOCK 2, ROGERS HEIGHTS SUBDIVISION, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

2013 MINK RESIDENCE

51 S URBANA AVE.

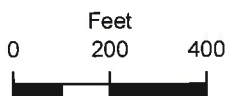


3122 E. 70TH ST., TULSA, OK 74136  
T: 918 625 9888 www.silodesignbuild.com









Subject  
Tract

**BOA-23094**

19-13 04

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

Aerial Photo Date: February 2018

3.12







412

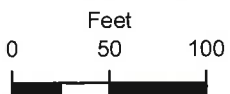
S URBANA AVE

E 2 ST S

E 2 PLS

S VANDALIA AVE

E 3 ST S



Subject  
Tract

**BOA-23094**

19-13 04

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

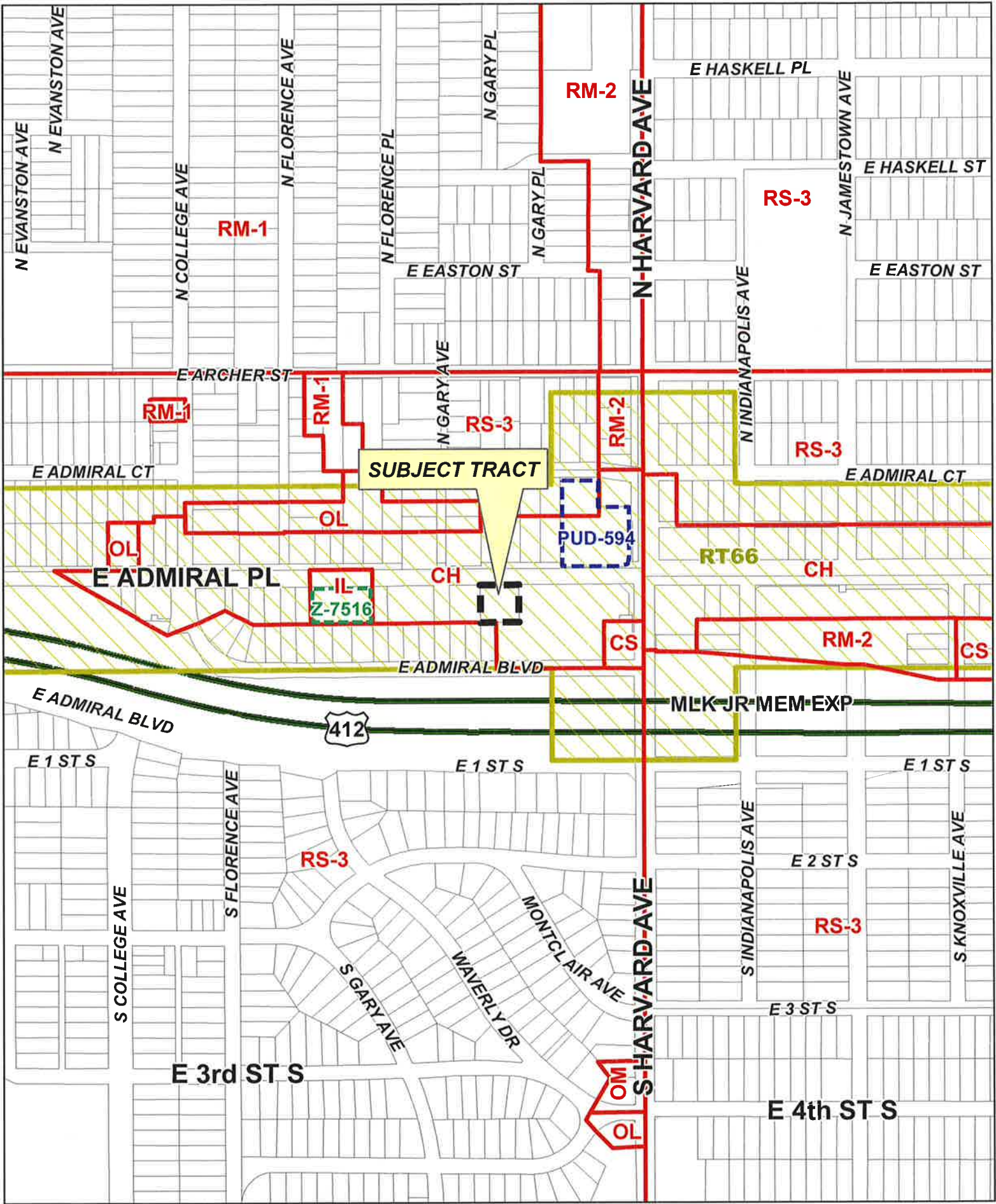
Aerial Photo Date: February 2018

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**BOA-23095**

19-13 05

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9305

Case Number: **BOA-23095**

CZM: 37

CD: 3

**HEARING DATE:** 03/23/2021 1:00 PM

**APPLICANT:** Alfredo Perez

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

**LOCATION:** 3216 E ADMIRAL PL N

**ZONED:** CH

**PRESENT USE:** HVAC and Auto Repair

**TRACT SIZE:** 15372.39 SQ FT

**LEGAL DESCRIPTION:** ALL LTS 3 4 & W25 LT 5 BLK 1, UNIVERSITY PARK

## **RELEVANT PREVIOUS ACTIONS:**

**Subject property:** None.

## **Surrounding properties:**

**BOA-23090:** On 03.09.21 the Board **approved** a Special Exception to permit medical marijuana cultivation (Agricultural/Horticulture Nursery Use) in the CH district. Property located 2880 E. Admiral Pl. N.

**Z-7516:** On 12.09.19 the TMAPC recommended approval of a re-zoning from CH to IL with an Optional Development plan to permit medical marijuana cultivation and low-impact processing of medical marijuana. City Council approved the re-zoning on 02.16.20. Property located W. of the SW.c of E. Admiral Pl. and N. Harvard Ave.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is an Existing HVAC and auto repair business located on the South side of Admiral Pl. between N. Gary and Harvard Avenues.

**STAFF COMMENTS:** The applicant is requesting a Special Exception to permit a medical marijuana cultivation (Agricultural/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 40.120
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 40.030
Farm, Market- or Community-supported	P	P	P	P	P	P	P	P	P	P	P	
Horticulture Nursery	-	-	-	-	-	S	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.

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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 40.230 | Mining or Mineral Processing

---

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 cultivation (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.



***Subject proeprty***



***Facing East on Admiral***

\*\*\*\*\*

Mr. Reeds left at 2:33PM

8. **Z-7516 Justin Moura** (CD 3) Location: West of the southwest corner of East Admiral Place and North Harvard Avenue requesting rezoning from CH to IL with optional development plan to permit a medical marijuana growing facility and low-impact processing

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7516**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone from CH to IL with an Optional Development Plan to permit a Medical Marijuana Growing and processing facility. The site currently houses a commercial kitchen for a catering company, which would remain, if rezoning is approved. The intent is to use the three existing buildings on the site for the various functions of growing and processing medical marijuana, including office, grow and processing while also maintaining the existing commercial kitchen for both catering and medical marijuana related uses. The applicant may encounter issues with setbacks if the site is ever redeveloped as IL zoning requires a 75 ft building setback from R zoned districts. This would require the applicant to conform to those setbacks or seek a variance of those requirements from the Board of Adjustment if they could not be met.

**DETAILED STAFF RECOMMENDATION:**

Z-7516 is requesting IL zoning with an optional development plan as outlined in Section II below. That zoning classification is intended to provide areas suitable for manufacturing, wholesaling, warehousing and other industrial activities that have few if any adverse land use or environmental impacts. IL zoning without the optional development plan would have negative impacts on the surrounding properties and would not be supported and,

Z-7516 is consistent with the anticipated future development pattern of the surrounding property;

Many uses allowed in an IL zoning district are not consistent with the Mixed-Use Corridor land use designation of the Comprehensive Plan however the development plan outlined below only allows light industrial uses related to medical marijuana processing and horticultural nursery. All commercial uses normally associated with a Mixed-Use Corridor included in the allowed uses in the development plan, therefore;



Staff recommends **Approval** of Z-7516 to rezone property from CH to IL with the provisions of the optional development plan outlined in Section II.

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

### **General Provisions:**

All district use regulations, supplemental regulations, building types, lot and building regulations, along with other relevant regulations shall conform to the provisions of the City of Tulsa Zoning Code for development in an IL zoning district except as further limited below.

### **Permitted Use Category:**

#### **A) Residential**

- Household Living
  - Single Household
  - Two Households on a single lot
  - Three or more households on a single lot

#### **B) Public, Civic and Institutional**

- Safety Service
- Utilities and Public Service Facility (minor)
- Wireless Communication Facility (includes all permitted specific uses)

#### **C) Commercial**

- Animal Service (includes all permitted specific uses)
- Broadcast or Recording Studio
- Commercial Service (includes all permitted specific uses)
- Financial Services (includes all permitted specific uses)
- Funeral or Mortuary Service
- Office (includes all permitted specific uses)
- Parking, Non-Accessory
- Restaurants and Bars
  - Restaurants (Bars allowed as an accessory use)
- Retail Sales (includes all permitted specific uses)
- Self-Service Storage Facility
- Studio, Artist or Institutional Service
- Trade School
- Vehicle Sales and Service
  - Commercial Vehicle repair and maintenance
  - Commercial sales and rentals
  - Fueling Station
  - Personal Vehicle sales and rental
  - Vehicle part and supply sales
  - Vehicle body and paint finishing shop

**D) Industrial**

Low-Impact Manufacturing & Industry – Only allowing production of medical marijuana edibles using medical marijuana components processed elsewhere.

**E) Recycling**

Consumer Material Drop-off Station

**F) Agricultural**

Community Garden  
Farm, Market or Community-supported  
Horticulture Nursery

**G) Other**

Drive-in or drive-through facility

**SECTION III: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The subject lot is located within a Mixed-Use Corridor and an Area of Growth. It is also located within the Kendall-Whittier Sector Plan area which calls for the subject lot and surrounding area along Admiral PI between College Ave and Harvard Ave to be a Mixed-Use Corridor.*

**Land Use Vision:**

*Land Use Plan map designation: Mixed-Use Corridor*

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

*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 automobile.

Transportation Vision:

*Major Street and Highway Plan:* E Admiral PI is classified as a Residential Collector in the area near the subject lot. E Admiral PI becomes a Secondary Arterial approximately 900 feet to the east of the lot.

*Trail System Master Plan Considerations:* None

Small Area Plan: Kendall-Whittier Sector Plan (adopted November 2016)

The sector plan calls for the subject lot and the surrounding area along Admiral PI to be a Mixed-Use Corridor and states that these areas include a variety of non-residential uses, such as retail, restaurants and offices. However, some industrial uses may be appropriate as well, assuming they minimize the impacts on surrounding development and the overall character of the corridor.

Special District Considerations: The lot is located within the Route 66 Overlay, which permits special signage allowances and does not affect the uses of the lots themselves.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site currently contains a catering company and multiple existing commercial buildings.



Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E Admiral Place	Residential Collector	60 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	CH	Mixed-Use Corridor	Growth	Single-Family
South	RS-3	Mixed-Use Corridor	Growth	Single-Family
East	CH	Mixed-Use Corridor	Growth	Commercial
West	CH	Mixed-Use Corridor	Growth	Commercial

**SECTION IV: 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:***

**PUD-594 September 1998 :** All concurred in **approval** of a proposed *Planned Unit Development* on a 1.68± acre tract of land for on property located northwest corner of South Harvard Avenue and East Admiral Place.

**BOA-06354 May 1969:** The Board of Adjustment **approved** a *Variance* to permit the operation of a light industrial machine shop, on property located at 16 N. College.

12:04:19:2807(39)

**TMAPC Comments:**

Mr. Reeds stated a couple meetings ago Planning Commission had a similar case further north where the applicant tried to do IL zoning in an existing residential zone. He stated this application is in commercial with the optional develop plan so he is okay with designating this an IL in a commercial zone as opposed to trying to do an optional development for IL in a residential zone.

Mr. Covey stated his takeaway from the last case was that staff didn't have an optional development plan and staff said that even with an optional development plan it wouldn't help. He stated this current application before Planning Commission as Mr. Reeds pointed out is in a CH District which is different than residential and it has an optional development plan attached.

Staff stated the previous application had a different existing business character than what this particular location is even if all you do is just look at the map then there are some similarities but one big difference is the land use designation on this particular side is not an existing neighborhood and it abuts Martin Luther King Expressway.

Ms. Kimbrel stated the land use designation for this application is Mixed-Use corridor and the Stability and Growth Designation is Area of Growth and it seems like last time it was in RS-3 and it was an existing neighborhood. She stated she thinks those types of distinctions are important when thinking about the future land use and how to be consistent with this optional development plan.

Mr. Ritchey stated he appreciates the efforts to have these optional development plans he thinks it almost creates a new zoning category because it is so low impact to have these grow operations because they really can't go in a lot of different places. He stated it is important what the land use designations are and neighbors coming to be actively involved. Mr. Ritchey stated he thinks the application before Planning Commission today is clearly different than the one, they had a few weeks ago and he is in full support of approving this plan. He asked staff procedurally what happens when a parcel of land gets rezoned to IL with optional development and 10 years from now that parcel of land is sold and the next person doesn't want to do any of these agricultural uses what happens to the land.

Staff stated there are options to change that development plan but if you're changing the use of the site it would be considered a new rezoning. He stated every application staff has tried to make sure that if that grow operation whether it's marijuana or tomatoes in that development plan are consistent with that original CH zoning. Staff stated they are hopeful that not many of those will come back and ask to rezone.

**The applicant indicated his agreement with staff's recommendation.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **FOTHERGILL**, TMAPC voted **9-0-0** (Covey, Fothergill, Kimbrel, McArtor, Ray, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Reeds, "absent") to recommend **APPROVAL** of IL rezoning with an optional development plan for Z-7516 per staff recommendation.

**Legal Description for Z-7516:**

LTS 7-8-9-10 BLK 2, UNIVERSITY PARK, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

9. **Z-7517 Tulsa Habitat for Humanity, INC** (CD 5) Location: West of the southwest corner of East 31<sup>st</sup> Street South and South Sheridan Avenue requesting rezoning from **RS-3** to **RS-4** to permit single family housing

**STAFF RECOMMENDATION:**

**SECTION I: Z-7517**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone from RS-3 to RS-4 in order to permit single-family homes on lots that are smaller than the currently existing RS-3 zone. RS-3 zones require 6,900 sf per single-family detached house and a minimum lot width of 75 Feet. RS-4 would require 5,500 sf per single-family detached house and a minimum lot width of 50 Feet. This would be a minor increase in density over the current zoning of the subject lot and would be compatible with existing homes in the vicinity of the subject lot.

**DETAILED STAFF RECOMMENDATION:**

Z-7517 requesting RS-4 zoning allows single family residential uses that are compatible with the surrounding properties;

Lot and building regulations in a RS-4 district allow a greater density than the abutting RS-3 zoned properties however RS-4 zoning is consistent with the anticipated future development pattern of the surrounding property;

RS-4 zoning is consistent with the Existing Neighborhood land use designation of the Comprehensive Plan, therefore;



Thomas Legendre  
BUILDING  
PLANS EXAMINER III

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



## DEVELOPMENT SERVICES

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

## ZONING CLEARANCE PLAN REVIEW

December 21, 2020

LOD Number: 1

EWC 1 Inc.  
CO: Mr. Harry Bjornberg  
4853 S. Sheridan Rd., Suite 612  
Tulsa, OK 74145

APPLICATION NO: **BLDC-076053-2020**  
(PLEASE REFERENCE THIS NUMBER WHEN  
CONTACTING OUR OFFICE)

Location: 3216 E. Admiral Pl. N.

Description: Alteration

### 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.
3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT [www.tulsa.gov](#) IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
4. A COPY OF A "RECORD SEARCH" ☒ IS ☐ 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

**BLDR-076053-2020**

**3216 E. Admiral Pl. N.**

**December 21, 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 a representative at the Tulsa Planning Office 918-584-7526 or . It is your responsibility to submit to our office documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

### **1. Section 70.120 Special Exceptions**

**Review Comments:** The Medical Marijuana use proposed in a CH district is required to have a Special Exception for approval of use in a CH district. Contact the Tulsa Planning Office as noted above. Please provide approval by Special Exception in order for zoning review approval of this project.

### **2. Section 70.120-B Authority to File.** Applications for special exception approval may be filed only by the owner of the subject property or by the property owner's authorized agent.

**Review Comments:** Please note that the special exception shall be filed by the owner or owner's authorized agent.

### **3. Section 70.120-C Application Filing.** Complete applications for special exception approval must be filed with the land use administrator.

**Review Comments:** Please don't send application to the Permit Center. Only the documents for approval shall be submitted for review, if special exception is approved.

**Note:** All references are to the City of Tulsa Zoning Code. [Link to Zoning Code:](#)

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

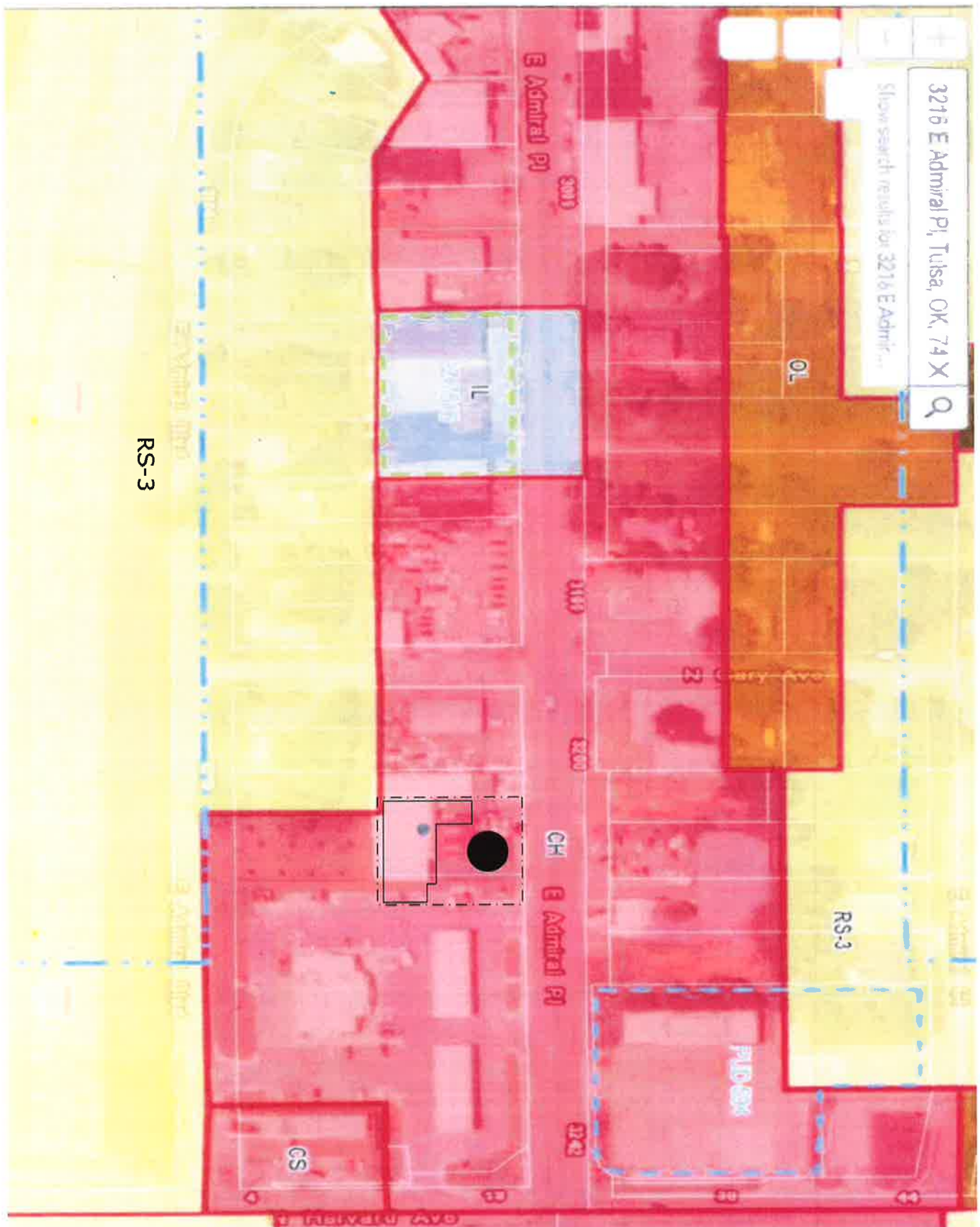
**This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.**

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

## **END – ZONING CODE REVIEW**

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

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



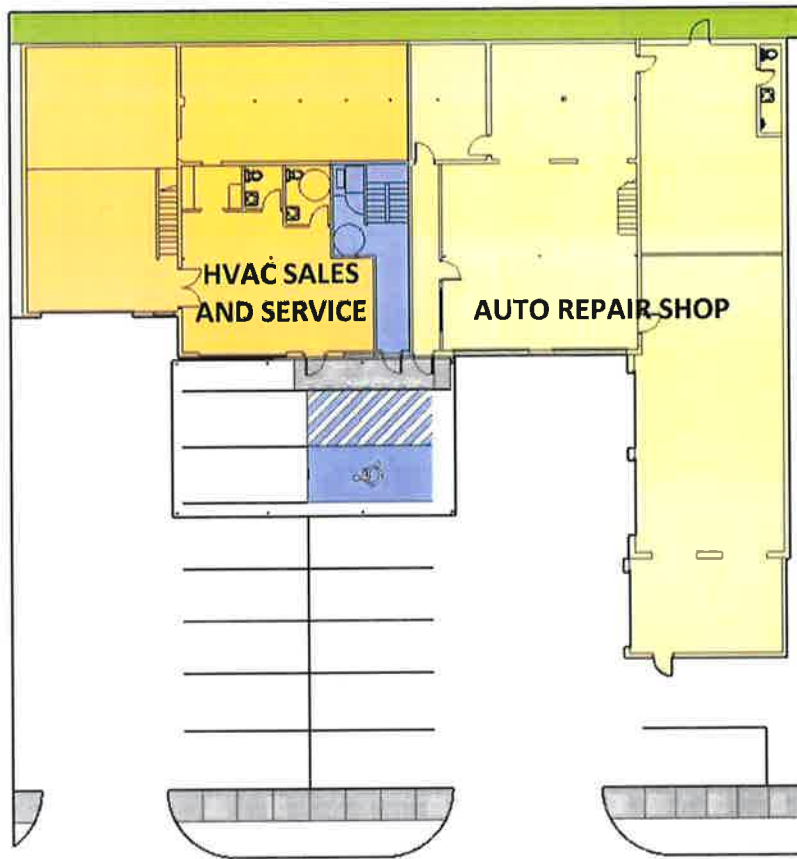
## EXHIBIT 1 - ZONING MAP

GREEN LEAF HARVEST LLC  
3216 E ADMIRAL PL



**SECOND FLOOR**

SCALE: 1"=30'-0"



**SITE PLAN**

SCALE: 1"=30'-0"

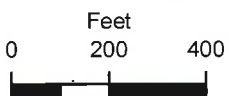
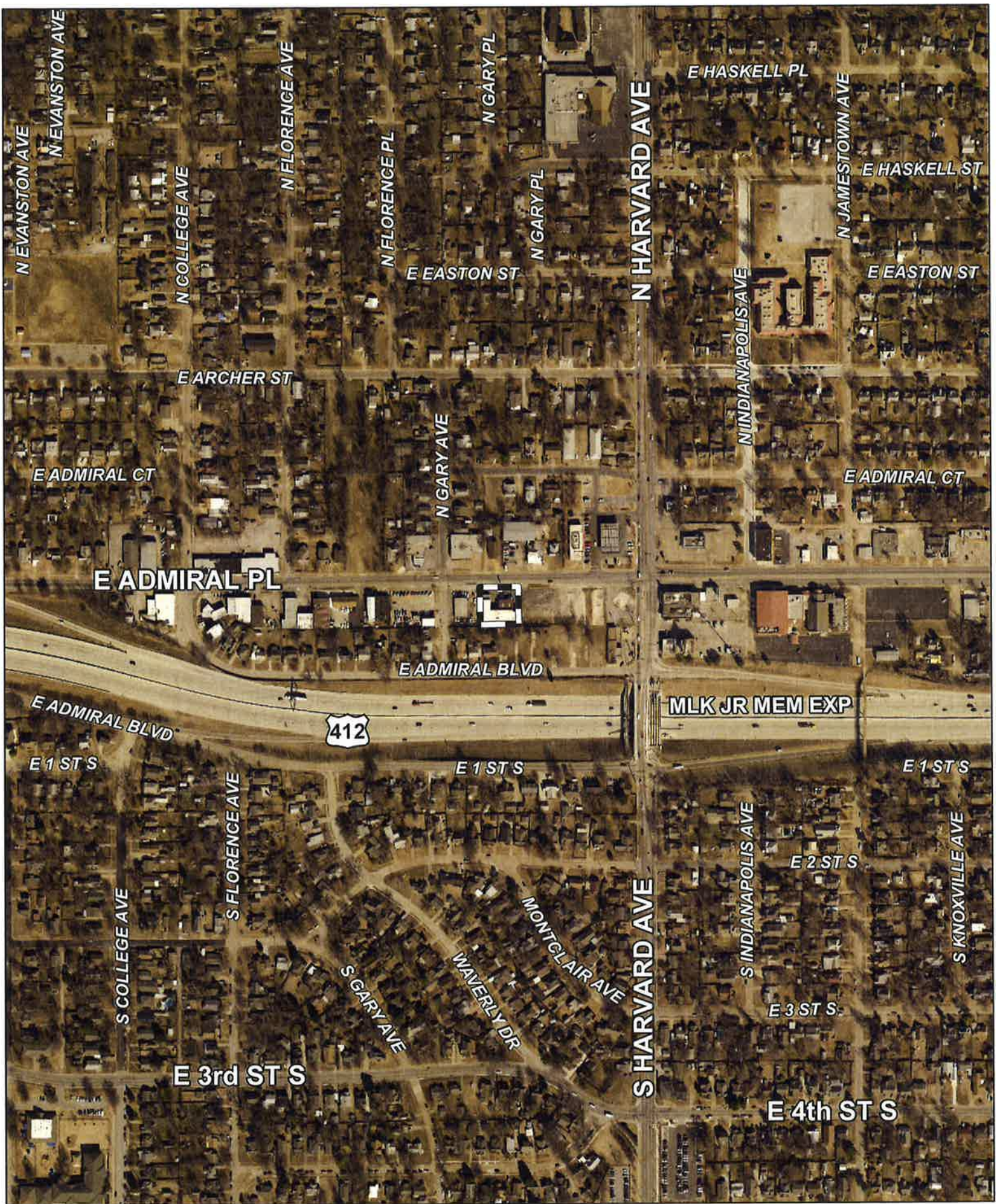
V  
N

ALL WORK IS INTERIOR ALTERATIONS  
NO BUILDING ADDITIONS

## EXHIBIT 2 - SITE PLAN

GREEN LEAF HARVEST LLC  
3216 E ADMIRAL PL





Subject  
Tract

**BOA-23095**

19-13 05

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

Aerial Photo Date: February 2018

4.17







0 50 100  
Feet



Subject  
Tract

**BOA-23095**

19-13 05

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

Aerial Photo Date: February 2018

4.18







# BOARD OF ADJUSTMENT CASE REPORT

STR: 9329

Case Number: **BOA-23096**

CZM: 47

CD: 9

**HEARING DATE:** 03/23/2021 1:00 PM

**APPLICANT:** Lou Reynolds

**ACTION REQUESTED:** Special Exception to increase the permitted driveway width (Sec. 55.090-F.3)

**LOCATION:** 4647 S COLUMBIA PL E

**ZONED:** RS-1

**PRESENT USE:** Residential

**TRACT SIZE:** 27124.92 SQ FT

**LEGAL DESCRIPTION:** W/2 LT 3 LESS S5 THEREOF BLK 5, VILLA GROVE SUB

**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 NE/c of E. 47<sup>th</sup> St. S. and S. Columbia Pl.

**STAFF COMMENTS:** The applicant is requesting Special Exception to increase the permitted driveway width (Sec. 55.090-F.3)

5.2



3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-1.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

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

The aggregate width of all parking areas on the lot will be 48' within the right-of-way and approximately 65' within the street setback.

#### **SAMPLE MOTION:**

- Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to increase the permitted driveway width
- 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.

### Exhibit "A"

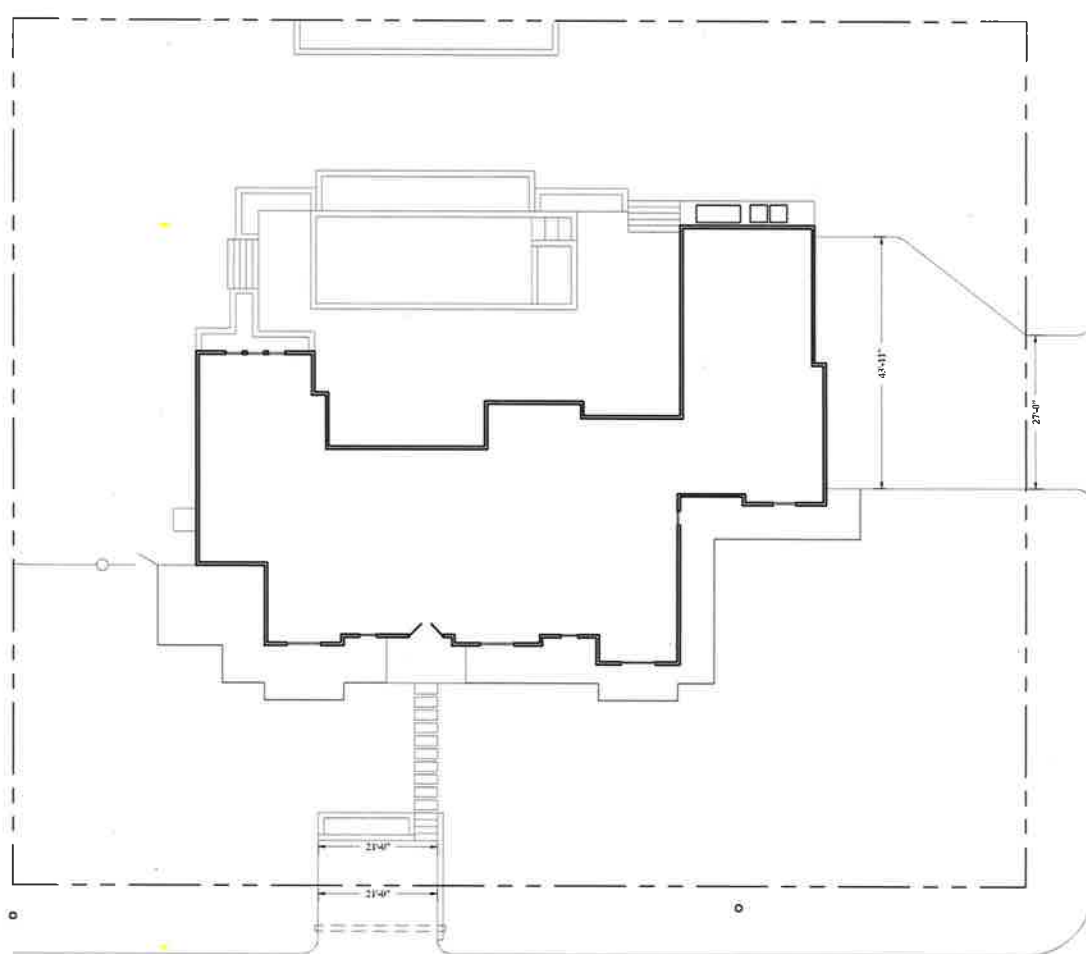
Applicant requests a Special Exception pursuant to Section 70.120 of the Tulsa Zoning Code (the "Code") to permit two driveways to exceed the maximum aggregate driveway width of Section 55.090-F.3 for property located at 4647 S. Columbia Place (the "Property").

The Property is a 0.62 acre corner lot located at the southeast corner of South Columbia Place and East 47<sup>th</sup> Street. The newly constructed residence on the lot is oriented with the front of the house facing Columbia and the garage facing 47<sup>th</sup> Street. The owners desire to have two parking areas – one driveway on 47<sup>th</sup> Street for access into the garage and one parking pad on Columbia for guest parking and access to the front door. The aggregate width of both parking areas will be: (1) forty-eight feet (48') within the right-of-way, and (2) approximately sixty-five feet (65') within the street setback. A conceptual site plan of the proposed parking areas is attached hereto as **Exhibit "B"**.

There are similar driveway configurations in the area. Along Columbia Place, several houses have multiple curb cuts for circle drives. The house across the street from the Property on the west side of Columbia has a driveway and adjacent parking pad comparable to the proposed driveways in this case.

Due to the lot having frontage on both S. Columbia Place and E. 47<sup>th</sup> Street, the orientation of the residence on the Property, and multiple similar driveway layouts in the immediate vicinity, the proposed Special Exception is 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.

5.5



South Columbia Place

East 47th Street

**SZAFRANSKI**  
LANDSCAPE  
ARCHITECTURE

7022 South Birmingham Court Tulsa, Oklahoma 74136  
Ph: 918 232-1978  
Email: info@szafanski.com

Scale: 1" = 10'-0"



Revisions		
#	Description	Date

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Project  
**Bush Residence**  
4647 South Columbia Place  
Tulsa, Oklahoma 74105

Sheet Title  
**Driveway Permit**

Scale: 1" = 10'-0"  
Drawn: KRC  
Checked: CJS  
Issue Date: 02/19/21

Sheet #  
**L2**





0 Feet 300 600



Subject Tract

**BOA-23096**

19-13 29

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

Aerial Photo Date: February 2018

S.6







S DELAWARE AVE

E 47 ST S

S COLUMBIA PL

0 50 100  
Feet



Subject  
Tract

**BOA-23096**

19-13 29

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

Aerial Photo Date: February 2018

5.7

