INTRODUCTION AND NOTICE TO THE PUBLIC
At this Meeting, the Board of Adjustment, in accord with and pursuant to applicable Board of Adjustment Policies and Procedures, will review, consider, discuss, and may take action on, approve, amend, modify, approve with amendment(s) or modification(s), deny, reject, or defer any action on any item listed on this Agenda.

1. Approval of Minutes of July 12, 2022 (Meeting No. 1299).

UNFINISHED BUSINESS
Review and possible approval, approval with modifications, denial, or deferral of the following:

2. 23309 23325- Ryan Neuhor, Image Builders
   Special Exception to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) Location: 3909 E. 5th Pl. S. (Rogers) 1127 S. Columbia Ave. (Mayo Demonstration Academy) (CD 4)
NEW APPLICATIONS

3. **23397 - James Okudo**
   Special Exception to permit Low-Impact Medical Marijuana processing (Low-impact Manufacturing & Industry Use) in the CH district (Sec. 15.020, Table 15-2)
   
   Location: 725 N. Lewis Ave (CD 3)

4. **23398 - Diane Wells**
   Variance to reduce the required 15-foot side setback in the RE District (Sec. 5.030-A, Table 5-3) Location: 3442 S. Atlanta Place (CD 9)

5. **23400 - Daybreak Boys, LLC**
   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: 6940 E. 12th St. S. (CD 5)

6. **23401 - Mark Capron**
   Special Exception to allow a Public, Civic & Institutional/Governmental Service of Similar Functions Use in the RS-3 and OL districts (Sec. 5.020, Table 5-2; 15.020, Table 15-2) Location: 2815 S. Sheridan Rd. E. (CD 5)

7. **23402 - Stuart Van De Wiele**
   Special Exception to permit an Apartment/Condo Residential Building Type in the OL District (Sec. 15.020-H, Table 15-2.5) Location: Northwest Corner of S. 136th E. Ave. and E. 51st St. S. (CD 7)
8. **23403 - Mark Bahlinger/ Whitney Wehmeyer**

   Special Exception to permit a Small (up to 250-person capacity) Event Center (Commercial/ Indoor Assembly & Entertainment) Use in an IM District (Sec. 15.020, Table 15-2) **Location:** 1920 E. 6th St. S. *(CD 4)*

9. **23404 - Malcolm E. Rosser IV**

   Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use in the CH & CS District (Sec. 15.020, Table 15-2) **Location:** 12000 E. Skelly Dr. and 12303 E. 11th St. *(CD 3)*

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 by the Tulsa Planning Office at INCOG. All electronic devices must be silenced.
Case was continued from 5/10/2022. Applicant to meet with clients regarding moving the sign closer to 11th street.

APPLICANT: Ryan Neurohr, Image Builders

ACTION REQUESTED: Special Exception to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

LOCATION: 1127 S COLUMBIA AV E (Mayo Demonstration Academy)  ZONED: RS-3

PRESENT USE: School  TRACT SIZE: 435601.78 SQ FT

LEGAL DESCRIPTION: NE NE NW SEC 8 19 13,

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

STAFF COMMENTS: The applicant is requesting a Special Exception to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F).

Included in your packet are the standards for Sec. 60.050 and 61.100 for Dynamic Display signs in a Residential District and the general Regulations for Dynamic Display Signs.
SAMPLE MOTION:

Move to _________ (approve/deny) a Special Exception to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

- 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.
60.040 D Dynamic Displays
Unless otherwise expressly stated, all signs that include a dynamic display are subject to the supplemental regulations of Section 60.100.

60.040 E Off-Premise Business Signs
Off-premise business signs may be approved for multi-tenant developments only when such developments are included in a mandatory development plan (See Section 70.040). The authority to approve off-premise business signs is intended to be used only when the location of the identified business or activity precludes placement of a sign that is visible to motorists and pedestrians along the highest (traffic) volume street that provides access to the subject development and when the result of the approval will be in keeping with the stated purposes of this chapter (§60.010-A). The intent of this off-premise business sign authorization is to provide flexibility in overcoming the locational and visibility challenges of lots within a mandatory development plan area, not to allow an overall increase in the amount of signage allowed or encourage a proliferation of signs within the area covered by the mandatory development plan. Any waiver, modification, or variance to the regulations of Section 60.040-E is considered a use variance and is thereby prohibited in accordance with §70.130-B1.

60.040 F Illumination
Except for authorized dynamic displays, the illumination on the face of any sign where illumination is permitted must be by constant light and may not exceed 70 foot candles measured at a distance of 2 feet from the face of the sign.

Section 60.050 Signs in R, AG, and AG-R Zoning Districts

60.050 A Applicability
The regulations of this section apply to signs in R, AG, and AG-R districts. See also the general regulations of Section 60.040.

60.050 B Signs Allowed
The following signs are allowed in R, AG, and AG-R districts in addition to any signs allowed pursuant to Section 60.030. On-premise roof signs, on-premise projecting signs and all off-premise outdoor advertising signs are prohibited in R, AG, and AG-R districts.

1. Apartment/Condo Buildings and Neighborhood and Subdivision Identification Signs
   a. Lots occupied by one or more apartment/condo buildings are allowed a maximum of one freestanding sign per street frontage and a maximum of one wall sign per building wall. Wall signs may not exceed 32 square feet in area.
   b. Residential neighborhoods and residential subdivisions, including manufactured housing parks, are allowed a single freestanding sign at each street entrance to the neighborhood or subdivision.
   c. The freestanding signs allowed by this section may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on...
2. Nonresidential Uses

The following regulations apply to all principal nonresidential uses in R, AG, and AG-R districts.

a. Wall Signs

Nonresidential uses in R, AG, and AG-R districts are allowed a maximum of one wall sign per public building entrance. No individual wall sign may exceed 32 square feet in area. In buildings with multiple public building entrances, the sign area of all wall signs may not exceed 32 square feet in the aggregate.

b. Freestanding Signs

Nonresidential uses in R, AG, and AG-R districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

c. Dynamic Displays

Dynamic displays are prohibited in R, AG, and AG-R districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.

(1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.

(2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.

(3) Dynamic displays in R, AG, and AG-R districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.

(4) Dynamic displays are subject to the dynamic display regulations of Section 60.100.

Section 60.060 | Signs in Office Zoning Districts

60.060-A Applicability

The regulations of this section apply to signs in all office zoning districts. See also the general regulations of Section 60.040.
a. Off-premise outdoor advertising signs;
b. Dynamic displays;
c. Inflatable signs; and
d. Roof signs.

**MPD District**

Except as otherwise expressly allowed as part of an approved MPD development plan:

1. Residential development areas are subject to the sign regulations that apply to R districts; and
2. Nonresidential development areas are subject to the sign regulations that apply to CS districts.

**Section 60.100 Dynamic Displays**

The supplemental regulations of this section apply to all signs with dynamic displays. Except as otherwise expressly stated, these regulations apply whether incorporated into off-premise outdoor advertising signs or on-premise signs that are allowed to include a dynamic display.

**60.100-A** The images and messages displayed on a dynamic display must have a minimum dwell time of at least 8 seconds and may not contain any movement, animation, audio, video, pyrotechnics or other special effects.

**60.100-B** The transition or change from one message to another must occur in one second or less and involve no animation or special effects.

**60.100-C** The images and messages displayed must be complete in and of themselves within the required dwell time.

**60.100-D** Dynamic displays may not be located within 50 feet of the driving surface of a signalized intersection, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the intersection.

**60.100-E** Dynamic displays may not be located within or within 20 feet of the driving surface of a street, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled roadway marked or understood as such.

**60.100-F** Dynamic displays may not be located within 200 feet of any of the following: (1) an R or AG-R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R, AG, and AG-R districts if approved through the special exception process. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an R or AG-R district or residential development area boundary.

**60.100-G** Dynamic displays must be equipped with a default mechanism that freezes the display in one position or presents a static or blank display if a malfunction occurs.
60.100-H Dynamic displays must be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions.

60.100-I The maximum brightness level of a dynamic display may not exceed 6,500 nits (candels per square meter) during daylight hours or 500 nits between 30 minutes after sunset and 30 minutes before sunrise, as those times are determined by the National Weather Service (Actual Time). Brightness must be measured from the brightest element of the sign's face.

60.100-J Any outdoor advertising sign that includes a dynamic display that was lawfully established before January 1, 2010, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display. This spacing limitation does not apply between signs separated by a freeway. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.

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

Section 60.110 Administration

60.110-A Any person proposing to erect any sign requiring a sign permit must submit a sign permit application to the development administrator. Applications for such permit must be accompanied by detailed plans, including scaled drawings of the proposed sign, a detailed site plan and other information deemed necessary by the development administrator to determine compliance with applicable regulations.

60.110-B Sign permit fees must be paid prior to the issuance of a sign permit.

60.110-C If the work associated with a sign permit has not been completed within 180 days of the date of the issuance of the permit, such permit will lapse and become null and void.

Section 60.120 Nonconforming Signs
See Section 80.060.

Section 60.130 Rules of Measurement

60.130-A Sign Area
1. Signs Enclosed in Frames or Cabinets
   The area of a sign enclosed in a frame or cabinet is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (see Figure 60.2).
Thanks to Tulsa voters who approved funding for digital marquees in the 2021 bond package, Tulsa Public Schools will be submitting requests for approval for approximately 45 digital school marquees over the next year. The district is sensitive to neighborhood concerns and aware of city regulations. We intend to adhere to all elements of the Tulsa Zoning Code including those of Section 60.100 relating to dynamic displays.

Nearly all of the marquees will be replacing older, manually managed signs. Schools are truly excited about this opportunity to install dynamic digital signs for several reasons including:

**Improved communication with families and neighbors:**
- Messages can be easily displayed in multiple languages to match community needs
- Displays can be quickly changed to share emergency information when needed
- Sharing information about multiple and varied school activities helps spark and grow family and neighborhood interest and connections

**Improved safety:**
- The displays can be centrally managed via a cellular network to quickly share emergency notifications in multiple languages if needed. Messages can be controlled individually by school, by neighborhood or district wide.
- School staff will no longer need to climb on ladders in challenging weather to change out manual marquees.

**Improved appearance and perception of our schools:**
- New marquees will brighten and modernize the look and “curb appeal” of our schools and show the community that we are investing in our children, schools, and neighborhoods.

We know the importance of keeping families informed and we use multiple lines of communication to reach the families of our more than 33,000 students. We see the digital marquees as another valuable tool, especially for families who don’t have reliable access to internet and technology. The marquee project was one of the bond items that generated the most positive response from parents and school leaders during the 2021 bond election and we look forward to meeting with members of the Board of Adjustment to discuss this work and answer any questions. We appreciate your time and consideration.

Sincerely,

Jorge Robles

Chief Finance and Information Officer

Tulsa Public Schools
SIGN PLAN REVIEW

March 9, 2022

Bonnie Moore
204 E. 5th Ave.
Owasso, OK 74055

Phone: 918-232-8024

APPLICANT NO: SIGN-111960-2022 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 1127 S. Columbia Ave.
Description: Freestanding sign with dynamic display

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

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

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

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

(Continued)
1. **Section 60.050 Signs in R and AG Zoning Districts**

   60.050-B.2.c Dynamic displays are prohibited in R districts and AG districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.

   (1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.

   (2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.

   (3) Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.

   (4) Dynamic displays are subject to the dynamic display regulations of Section 60.100.

   **Review comments:** The proposed freestanding sign with a dynamic display is located in a RS-3 zoning district and requires a special exception from the BOA prior to issuance of a sign permit.

The sign review will resume once the required revised plans and BOA approval paperwork is submitted.

---

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

---

**END – ZONING CLEARANCE AND SIGN CODE REVIEW**

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.
**New Cabinet**
4’ x 7’-10”
0.03 P/F white aluminum painted black
Filler TBD
1/2” retainers
3/16” white plex faces with vinyl graphics applied
White LED illumination

**New EMC Unit**
3’-1” x 7’-10”

**0.03 Aluminum Filler**
Painted black

**Pole**
Painted black

**Dimensions**
- 7’-10”
- 4’-0”
- 3’-1”
- 8’
- 8’
- 5’
- 14’-1-1/2”
- 9’-1-1/2”

**Location**
1127 S Columbia Ave
Tulsa, OK 74104

**Designer**
Bill Sample

**Revision History**
Date of Original Dwg: Feb 10, 2022

**Drawing Details**
- Scale: 1/8” = 1’-0”
- D/F illuminated

**Copyright**
These drawings are the exclusive property of Image Builders, and are the result of original work by its employees. They are submitted for the sole purpose of your consideration of whether to purchase these plans, or to purchase from Image Builders. Signage manufactured in accordance to these plans. Distribution or exhibition of these plans to others is expressly forbidden. © 2019 IB.
Air Ventilation Requirements (Force Air):
FAN CFM = 3.19 x Total Watts/20

**DO**
- Provide Sufficient Vents to allow outside air into a sealed/closed structure
- Provide Fans if necessary to push Hot Air out of closed structures
- Maintain minimum of 1/4 inch clearance at bottom of enclosure sign
- Maintain Temperature inside sign between 72 to 90 Degrees F
- Ensure Temperatures below 100 Degrees F inside cabinet
- Provide Panel Air Fans if Air Flow Restricted inside frame/structure
- Provide Thermal Switches to turn on fans at 95-105 degrees F

**DONT**
- Block Cabinet Vents at back of Display
- Place cabinet against a wall without back side of cabinet open to outside air
- Allow Heat to Rise above 100 Degrees F inside cabinet
- Mount an E. D. Sign/Marquee Cover above or below the Optec LED Sign without 15' clearance needed for ventilation

NOTE: THE WARRANTY DOES NOT COVER DAMAGES CAUSED BY IMPROPER VENTILATION

---

**AIR Ventilation Requirements (Natural Convection):**

**DO**
- Provide Outside Air to reach Cabinet Air Input Vents
- Maintain Temperature inside sign 72 to 90 Degrees F
- Provide Sufficient Venting for Natural Convection if Skinned
- Ensure Vents Periodically to Ensure they are Clear/Unobstructed
- Maintain clearance above and below cabinet a min of 15'

**DONT**
- Block Cabinet Air Vents in back of Display
- Allow Temperature to Rise above 100 degrees F

NOTE: THE WARRANTY DOES NOT COVER DAMAGES CAUSED BY IMPROPER VENTILATION
STR: 0332  Case Number: BOA-23397
CZM: 29
CD: 3

PREPARED BY: Austin Chapman

HEARING DATE: 08/09/2022 1:00 PM

APPLICANT: James Okudo

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

LOCATION: 725 N LEWIS AV E  ZONED: CH

PRESENT USE: CH  TRACT SIZE: 6568.87 SQ FT

LEGAL DESCRIPTION: LT 21 BLK 3, OHIO PLACE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SE/c of N. Lewis Ave. and E. Independence St.

STAFF COMMENTS: The applicant is requesting a Special Exception to permit Low-Impact Medical Marijuana processing (Low-impact Manufacturing & Industry Use) in the CH district (Sec. 15.020, Table 15-2)
Low-impact Manufacturing and Industry
Manufacturing and industrial uses that do not, as part of their normal operations, generate noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration. Typical examples of low-impact manufacturing and industrial uses include: commercial laundries and linen supply services, apparel manufacturing, bakery products manufacturing, production of medical marijuana edibles using medical marijuana components processed elsewhere, bottling plants, ice manufacturing, mattress manufacturing and assembly, microbreweries, micro distilleries, coffee roasting with a maximum roasting capacity of 45 kilograms per batch, musical instrument and parts manufacturing, newspaper printing and binderies.

Medical marijuana uses are subject to the following supplemental regulations:

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

40.225-A A medical marijuana grower operation must be located inside an enclosed building.
40.225-B A medical marijuana processing facility, whether moderate-impact or high-impact, must be located inside an enclosed building.
40.225-C A medical marijuana dispensary must be located inside an enclosed building.
40.225-D A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.
40.225-E Drive-through windows and drive-through lanes are prohibited for medical marijuana grower operations, processing facilities, 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.
SAMPLE MOTION: Move to ________ (approve/deny) a **Special Exception** to permit Low-impact Medical Marijuana Processing (Low-impact Manufacturing & Industry 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 Property*
- CONSTRUCTION TYPE F-1
- NO DEMOLITION REQUIRED
DOORS-
1-FRONT DOOR 36” X 80”
(COMMERCIAL DOOR) 90MIN FIRE RATING.
2-RECEPTION DOOR- 32” X 80”, 6-PANEL DOOR.
3-BACK EXIT DOOR- 36” X 80”, 6-PANEL STEEL DOOR.

ADDRESS- 725 N LEWIS AVE TULSA, OKLAHOMA 74110
NEW FLOOR PLAN FOR CANNABIS
LOW IMPACT PROCESSING

***CONSTRUCTION - TYPE-F-1***

-NO DEMOLITION REQUIRED

***DOORS-
1-FRONT DOOR 36" X 80"
(COMMERCIAL DOOR) 90MIN FIRE RATING.
2-RECEPTION DOOR- 32" X 80", 6-PANEL DOOR.
3-BACK DOOR-30" X 80",6-PANEL DOOR.
4-OFFICE DOOR-36"X80",6-PANEL DOOR.
5-BACK EXIT DOOR- 36"X 80", 6-PANEL STEEL DOOR.
6-
MATERIALS USED IN THE NEW CONSTRUCTION INCLUDES:

1. WOOD STUDS
2. DRYWALL
3. PAINT (GOLD AND BLACK)
4. EPOXY FLOOR
5. INSULATION
6. DOORS
7. TRIMS
8. METAL TRACKS
9. METAL 3 VAT SINK

***Occupancy load***
Reception-344.38/100=3.44
Processing space-510.63/60=8.51
Office-309.3/100=3.09
Restroom-69.14/100=0.69

DEDICATED 20% TO ACCESSIBILITY ROUTE
Wheelchair Ramp
Van/handicap parking
Handrail
APPLICATION NO: BLDC-121603-2022
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 725 N. Lewis Ave.
Description: Low-impact Medical Marijuana Processing

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

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

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

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

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

BLDC-121603-2022  725 N. Lewis Ave.  June 24, 2022

Note: 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. Requests for variances from the Board of Adjustment require proof of a hardship per Section 70.130.

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

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

1. Sec.15.020 Table 15-2: The proposed Industrial/Low-impact Manufacturing & Industry/Low-impact Medical Marijuana Processing Use is located in a CH zoned district. This will require a Special Exception approved by the Board of Adjustment (BOA).

Review comment: Submit a Special Exception reviewed and approved by the BOA, per Sec.70.120, to allow a Low-impact Medical Marijuana Processing in an CH zoned district. Contact INCOG/Tulsa Planning Office at 918-584-7526 for further instruction and next steps.

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

END – ZONING CODE REVIEW

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

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

STR: 9320
CZM: 47
CD: 9

HEARING DATE: 08/09/2022 1:00 PM

APPLICANT: Diane Wells

ACTION REQUESTED: Variance to reduce the required 15-foot side setback in the RE District (Sec. 5.030-A, Table 5-3)

LOCATION: 3442 S ATLANTA PL. E. ZONED: RE

PRESENT USE: Residential TRACT SIZE: 55182.03 SQ FT

LEGAL DESCRIPTION: See attached.

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

STATEMENT OF HARDSHIP:

This is a non-conforming lot. It is a series of multiple lots. When the original house was constructed, it had a RS-1 zoning. The zoning has changed to an RE zoning moving the setbacks even further from the property line. The main part of the new garage does not meet RE zoning requirements. Basically, the zoning change impacted our new addition to the existing garage. The only area needing a variance is a walk path between the existing garage and new garage. We want to have another way to exit the garages to get into the rear yard. This walk path will not be visible to neighbors as the property in that area has privacy fencing.

STAFF ANALYSIS: The applicant is requesting a Variance to reduce the required 15-foot side setback in the RE District (Sec. 5.030-A, Table 5-3)

<table>
<thead>
<tr>
<th>Regulations</th>
<th>RE</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RS-3</th>
<th>RS-4</th>
<th>RS-5</th>
<th>RD</th>
<th>RT</th>
<th>RM-0</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RM-3</th>
<th>RMH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area (sq. ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4.1
Per the plans provided it appears the only new construction encroaching into the side setback would be the walking path connecting the new garage addition to the existing garage.

**Facts staff finds favorable for variance request:**
- The property is currently non-conforming with respect to the side setback.
- The shape of the lot of the creates an additional side lot line where the encroachment is proposed.
- The current property owner did not create the flag lot shape of the property, nor did they create the existing non-conforming side setback.

**SAMPLE MOTION:** Move to _________ (approve/deny) a Variance to reduce the required 15-foot side setback in the RE District (Sec. 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."*
LOD Number: 01

Diane Wells
Design Properties, Inc.
7310 S Yale Ave E
Tulsa, OK 74136

Phone: (918) 693-6151

APPLICATION NO: BLDR-117822-2022 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 7310 S Yale Ave E
Description: Residential - Addition

---

**INFORMATION ABOUT SUBMITTING REVISIONS**

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

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

1. A copy of this Deficiency Letter
2. A written response as to how each review comment has been resolved
3. The completed revised/additional plans form (see attached)

Revisions shall be submitted directly to the City of Tulsa permit center located at 175 East 2nd Street, Suite 450, Tulsa, Oklahoma 74103, Phone (918) 596-9601.

The City of Tulsa will assess a resubmittal fee. Do not submit revisions to the plans examiners.

**SUBMITTALS FAXED/EMAILLED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.**

---

**IMPORTANT INFORMATION**

1. 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.

2. Information about zoning code, Indian Nation Council of Government (INCOG), Board of Adjustment (BOA), and Tulsa Metropolitan Area Planning Commission (TMAPC) is available online at [www.in cog.org](http://www.in cog.org) or at INCOG offices at 2 W. 2nd St, 8th Floor, Tulsa, OK, 74103, Phone (918) 584-7526.

3. A copy of a “record search” is not included with this letter. Please present the “record search” along with this letter to INCOG staff at time of applying for board of adjustment action at INCOG. Upon approval by the Board of Adjustment, INCOG staff will provide the approval documents to you for immediate submittal to our office. (See revisions submittal procedure above.)

(Continued)
Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our 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. **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 80. Regulations governing accessory uses and structures can be found in Chapter 45.

**Review Comments:** The proposed garage addition requires a 15-foot setback from the side property line in an RE zoning district. The proposed hallway connection will be built over the setback line. You may increase the garage setback to 15 feet from the P/L or pursue a variance from INCOG to reduce the side setback in an RE zoning district to less than 15 feet.

2. **35.010-A Detached House**
A detached house is a principal residential building, other than a manufactured housing unit or mobile home, that contains only one dwelling unit and that is located on a single lot that is not occupied by other principal residential buildings. Detached houses are not attached to and do not abut other dwelling units.

**Review Comments:** The property and proposed garage addition will be constructed over 3 separate lots. Please apply for a lot line adjustment to combine these three lots to provide code compliance.

1. Apply for a lot line adjustment at INCOG located at Two West Second Street, Suite 800. Please direct all questions concerning lot line adjustments 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 line adjustment agreement from INCOG you will need to go to the Tulsa county clerk's office at 500 s. Denver and have the lot line adjustment agreement recorded.

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

*Please notify the reviewer via email when your revisions have been submitted.*
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: 6940 E 12 ST S

ZONED: IM

PRESENT USE: Cannabis Grow

TRACT SIZE: 54929.21 SQ FT

LEGAL DESCRIPTION: W15 LT 2 & ALL LT 3 & E60 LT 4 LESS BEG 50.50W NEC LT 4 TH W9.50 S205.90 E8.40 N205.91 BLK 5, SHERIDAN INDUSTRIAL DISTRICT B4-13, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

STAFF ANALYSIS: The applicant is requesting a Special Exception to permit High-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IM district (Sec. 15.020, Table 15-2)
High-impact Processing is defined as follows:

**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 following supplemental regulations:

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

40.225 A  A medical marijuana grower operation must be located inside an enclosed building.
40.225 B  A medical marijuana processing facility, whether moderate-impact or high-impact, must be located inside an enclosed building.
40.225 C  A medical marijuana dispensary must be located inside an enclosed building.
40.225 D  A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.
40.225 E  Drive-through windows and drive-through lanes are prohibited for medical marijuana grower operations, processing facilities, 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.

TULSA ZONING CODE | August 31, 2021
page 40-12

Chapter 40 | Supplemental Use and Building Regulations
Section 40.225 | 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 dispensary. 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.

Per the site plan permitted the applicant is seeking approval for this use inside the entire building.
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.

Subject property
BOARD OF ADJUSTMENT
CASE REPORT

PREPARED BY: Austin Chapman

HEARING DATE: 08/09/2022 1:00 PM

APPLICANT: Mark Capron

ACTION REQUESTED: Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use in the RS-3 and OL districts (Sec. 5.020, Table 5-2; 15.020, Table 15-2)

LOCATION: 2829 S SHERIDAN RD E
ZONED: OL, RS-3

PRESENT USE: Vacant Child Abuse Center

LEGAL DESCRIPTION: A tract of land in the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section Fourteen (14), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, and being more particularly described as follows, To-Wit:
Beginning at the Northwest Corner of Lot Nine (9), Block Fifteen (15), BOMAN ACRES THIRD AMENDED;
Thence S01° 17' 47" E for a distance of 52.71 feet; Thence S01° 19'59"E for a distance of 58.00 feet; Thence N88°43'53"E for a distance of 11.72 feet; Thence S01° 18'42"E for a distance of 89.28 feet; Thence S88°41'18"W for a distance of 612.40 feet; Thence N01°15'07"W for a distance of 200.00 feet; ThenceN88°41'18"E for a distance of 600.47 feet to the Point of Beginning, said tract containing 2.78 acres more or less

RELEVANT PREVIOUS ACTIONS:

Subject Property:

- BOA-15761; On 06.25.91 the Board approved a Special Exception and amendment to an approved Site Plan to permit the construction use and occupancy of the Justice Center (Use Unit 12) to specialize in the examination, evaluation and prescription for treatment of abused children. It is unclear why this use was classified as Use Unit 12 under this approval. At the time of this approval Use Unit 12 included Eating Establishments.

- BOA-15440; On 05.17.90 the Board approved a Special Exception for Use Unit 12 and an amended site plan.

- BOA-8370; On 10.03.74 the Board approved a Special Exception to permit parking in an RS-3 District and several variances relating to the parking lot configuration.

- BOA-7675; On 10.19.72 the Board approved a Special Exception to permit a cafeteria, fieldhouse, FM radio broadcasting facility and public relations offices for a college use in an RS-3 District.

- BOA-6987; On 02.03.72 the Board approved a Special Exception to permit a college use in a Residential district and office district and a Variance to permit a college in an Industrial District District.
Abutting property:

- **BOA-23160;** On 08.24.21 the Board approved a to allow a Public, Civic & Institutional/Governmental Service or Similar Functions use for a family justice center in an RS-3/OL/IL/CH zoned district (Sec. 5.020, Table 5-2, Sec. 15.020, Table 15-2) and a Variance of the 75-foot setback from Office and Residentially zoned properties in the IL Zoning District (Sec. 15.030-A, Table 5-3).

**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.

**STAFF ANALYSIS:** The applicant is requesting **Special Exception** to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use in the RS-3 and OL districts (Sec. 5.020, Table 5-2; 15.020, Table 15-2).

This use is a Special Exception city-wide and is described in Sec. 35.040-G

**35.040-G Governmental Service or Similar Functions**

Local, state, or federal government services or similar functions, that are not otherwise classified. Typical uses include health departments, courthouses, soup/food kitchens, and food pantries.

Per the site plan this property will be used by the Child Abuse Network and serve a diagnostic facility for children. A team of individuals will evaluate treatment needed for each child. The Office will not provide treatment or housing for children.

**SAMPLE MOTION:**

Move to _________ (approve/deny) a **Special Exception** to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use in the RS-3 and OL districts (Sec. 5.020, Table 5-2; 15.020, Table 15-2)

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

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

  ________________________________________________.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Subject Property
Mr. Austin Chapman, Tulsa Planning Office  
Mr. Kendal Davis, Tulsa Planning Office  
Ms. Janet Sparger, Tulsa Planning Office

**********

Mr. Bond explained to the applicants and interested parties that there were only four board members present today. Motions from the Board will require an affirmative vote of three members. When there is less than a full Board, the Board will entertain a request to continue agenda items to a later meeting date, at which all five members of the Board may be present. Mr. Bond asked if there were any applicants that would like to postpone his or her hearing until the next meeting he or she could do so. The audience nodded their understanding and no one came forward to request a continuance.

Ms. Radney entered the meeting at 1:07 P.M.

**********

MINUTES

On MOTION of BROWN, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; Barrientos absent) to APPROVE the Minutes of the July 27, 2021 Board of Adjustment meeting No. 1277.

**********

UNFINISHED BUSINESS

23160—Hall Estill — Stuart Van De Wiele

**Action Requested:**  
Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions use for a family justice center in an RS-3/OL/IL/CH zoned district (Sec. 5.020, Table 5-2, Sec. 15.020, Table 15-2); Variance of the 75-foot setback from Office and Residentially zoned properties in the IL Zoning District (Sec. 15.030-A, Table 5-3). LOCATION: 2821 South Sheridan Road East (CD 5)

**Presentation:**  
Stuart Van De Wiele, Hall Estill Law Firm, 320 South Boston, Suite 200, Tulsa, OK; stated he represents Family Safety Center and there are members of the Board, the Executive Director, and members from the project team if there are technical questions about the site, they can help answer those questions. The center was started in 2006 to
address family situations such as domestic violence or assault issues so that there would only by one agency in a singular location providing needed services. The original location was near 31st and Harvard and it is now in the Municipal Court Building since 2013. This is a new project that will involve the demolition of the existing buildings and the new agency will be built from the ground up. This will be a wrap-around service center for emergency protective orders and resources for children, family members, forensic medical assistance, legal support, all of those types of services from various agencies that all need to work together in an immediate fashion when those situations arise. The subject address is the current site for the Children’s Advocacy Center and Child Abuse Network which have been there for several years. The center will provide offices for the Tulsa Police, Tulsa County Sheriff, District Attorney offices, court room spaces, all in connection with this function which are categorized as governmental services or similar functions under the Zoning Code. There is not a zoning district where this can be done by right, so regardless of zoning the center finds themselves before the Board asking for a Special Exception. There was a Special Exception granted for a Justice Center many years ago under a Use Unit 12 but because of those uncertainties the new construction and new operator and a different mix of uses it seemed that a new Special Exception was needed. As to the Variance, there is a hodgepodge of zoning districts on the subject property, including IL. There was discussion of rezoning the subject property but because of the Special Exception use the applicant would have had to come to the Board anyway. With these types of agencies money is always an issue so getting a zoning just to clean up the zoning and still have to come before the Board was deemed as not wise use of funds. The IL zoning is what causes the larger required setback and obviously there will be no industrial use. Given the historical use of the property and the nature of the zoning classification, none of which the applicant created so they are not self-imposed, and the non-industrial use proposed by the applicant Mr. Van De Wiele believes is the hardship for the Variance request.

Mr. Brown stated he has concerns that there may not be enough protection between the residential and the adjacent properties because there can be a lot of anger in situations brought to the agency. Mr. Van De Wiele stated there are Tulsa Police and Tulsa Sheriff on site but from an operational flow there will not be that level of conflict and confrontation on the site, and that has been taken into account. The City Councilor from this District had a neighborhood district meeting in July, and this project was discussed. By all accounts, the Councilor had good response and reports from the neighborhood. Mr. Van De Wiele stated he had one telephone call from a property owner and after discussion he was in favor of the project. There was another telephone call from a resident wanting to sell a residential piece of property.

Mr. Brown asked about what type of barrier there is between the subject property and the future center. Mr. Van De Wiele deferred to Ms. Holloway.

**Interested Parties:**
Angela Holloway, Project Manager and Architect, KKT Architects, 2200 South Utica Place, Suite 200, Tulsa, OK; stated the building has been zoned to help keep the respondents and the applicants separate. In traditional language the applicants would
be called the victims and respondents the plaintiffs. The design is to keep any plaintiffs on the west side of the building and defendants would only enter the building on the south face of the building. The primary entrance to the building is located on the west side, the court room entrance is on the south side and on the north side is a secured fence. All public parking is on the west side and on the south side of the building. All staff parking, including Tulsa County Sheriff and Tulsa Police Department will be on the east side of the building. The building has been zoned to minimize conflict and to contain that possible conflict.

Ms. Radney asked Ms. Holloway about the distance of the setback for the majority of the site. Ms. Holloway it is just on the north end because the IL zoning piece runs between the Child Abuse Network and the subject proposed building and that does not impact the residential area.

Mr. Brown asked if there was a barrier or a fence along the east side of the property between the residential area and the subject property. Ms. Holloway answered affirmatively.

**Comments and Questions:**
None.

**Board Action:**
On MOTION of RADNEY, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; Barrientos absent) to APPROVE the request for a Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions use for a family justice center in an RS-3/OL/IL/CH zoned district (Section 5.020, Table 5-2 & Section 15.020, Table 15-2); Variance of the 75-foot setback from Office and Residentially zoned properties in the IL Zoning District (Section 15.030-A, Table 5-3), subject to conceptual plan 2.27 of the agenda packet. The Board finds the hardship to be the historical multiple zoning classifications on the subject property. 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. 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;

08/24/2021-1279 (4)
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:

A tract of land in the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section Fourteen (14), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, and being more particularly described as follows, to-wit: BEGINNING at the Northeast Corner of Lot One (1), Block Forty-five (45), South Sheridan Acres; THENCE, S88°43′53″W for a distance of 120.00 feet; THENCE, S01°18′42″E for a distance of 100.00 feet; THENCE, S88°43′53″W for a distance of 492.71 feet; THENCE, N01°15′07″W for a distance of 295.26 feet; THENCE, N88°41′18″E for a distance of 612.40 feet; THENCE, S01°18′14″E for a distance of 195.72 feet to the Point of Beginning; Said Tract containing 3.88 acres more or less., City of Tulsa, Tulsa County, State of Oklahoma

***

NEW APPLICATIONS

23172—Pat Fox

**Action Requested:** Special Exception to allow a horizontal extension to a building with a non-conforming setback (Section 80.030-D). **LOCATION:** 3047 South Detroit Avenue East (CD 4)

**Presentation:**
Pat Fox, 103 East 22nd Street, Tulsa, OK; stated the subject property is located on the northeast corner of Detroit and 31st Street. The existing structure currently sits 15 feet from the south line of the lot which abuts 31st Street and that street is an urban arterial. The setback from an urban arterial is 35 feet and obviously that would not work even if there was no house on the lot, thus the Variance request. The Variance would allow for the horizontal expansion to the east and it would not go beyond the 15 feet. The house was built in the 1940s and the proposal is to add a master bedroom suite and a parking area under the master bedroom suite in the rear. The current garage is located on the west side of the house and that garage will not accommodate a car, so the cars are currently parked in the front yard. The existing concrete in the front yard will be removed so there will be an actual yard and not occupied by vehicles. The new access will be from 31st Street and the cars will be parked in the new parking area.

Mr. Bond asked Mr. Fox if he heard from any of the neighbors about the proposed project. Mr. Fox stated that he is not aware of any.
PROPOSED USE:

THE CAN OFFICES WILL BE A DIAGNOSTIC FACILITY FOR ABUSED CHILDREN. A TEAM OF INDIVIDUALS WILL EVALUATE TREATMENT NEEDED FOR EACH CHILD. THE CAN OFFICES WILL NOT PROVIDE TREATMENT OR HOUSING FOR THE CHILDREN.
BOA-23401

19-13 14

Aerial Photo Date: 2020/2021

Note: Graphic overlays may not precisely align with physical features on the ground.
ACTION REQUESTED: Special Exception to permit an Apartment/Condo Residential Building Type in the OL District (Sec. 15.020-H, Table 15-2.5)

RELEVANT PREVIOUS ACTIONS:

Abutting property:

BOA-21146; On 12.12.2010 the Board approved a Special Exception to permit Multi-family dwelling use in the OL District. Property located immediately East of the subject property.
RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an “Employment” Land Use designation and an “Area of Growth”.

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

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

STAFF ANALYSIS: The applicant is requesting a Special Exception to permit an Apartment/Condo Residential Building Type in the OL District (Sec. 15.020-H, Table 15-2.5)

The applicant is requesting to develop the property with density standards for an apartment/condo use in the RM-1 District.

SAMPLE MOTION:
Move to _________ (approve/deny) a Special Exception to permit an Apartment/Condo Residential Building Type in the OL District (Sec. 15.020-H, Table 15-2.5)

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

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

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

Facing West on 51st St. S.
EXHIBIT “A”

LEGAL DESCRIPTION

The South Half of the Southwest Quarter (S/2 SW/4) lying East of the Easterly boundary line of DOWELL RESEARCH CENTER, an Addition in Tulsa County, State of Oklahoma, according to the recorded Plat thereof, in Section Twenty-eight (28), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof. LESS the South 50 feet thereof and LESS AND EXCEPT all the part of SPRINGS AT EAST FIFTY-FIRST, an Addition to the City of Tulsa, lying within said South Half of the Southeast Quarter (S/2 SE/4).
EXHIBIT “B”

ACTIONS REQUESTED

This application is made on behalf of a prospective purchaser of the property described in more detail on Exhibit “A” (the “Property”). If the actions requested in this application are granted, the prospective purchaser intends to acquire the Property and construct a multifamily development thereon.

The Property is currently designated as an OL (Office-Low) zoning district. According to Table 15-2 of the Tulsa Zoning Code, one of the permitted uses in an OL zoning district is having three or more residential households on a single lot; provided, however, such households must conform to the allowed building types.

With regards to allowed building types, Table 15-2.5 specifies that a special exception must be approved in order for an “Apartment/Condo” building type to be permitted within an OL district. Accordingly, this application requests that a special exception be made to allow “Apartment/Condo” building types on the OL-zoned Property.

Allowing the construction of a multifamily development on the Property would not be injurious to the nearby areas surrounding the Property nor would it be detrimental to the public welfare. There are existing multifamily developments nearby and there are a multitude of large employment centers nearby, making the development an ideal location to serve housing needs.

The Applicant requests that the special exception be made to allow the Property to be developed in accordance with the standards of the RM-1 zoning designation.
RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-22314: On 09.12.17 the Board approved a Variance to reduce the number of parking spaces for an office use the in the IM district from 9 to 2 spaces.

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.

STAFF ANALYSIS: The applicant is requesting a Special Exception to permit a Small (up to 250-person capacity ) Event Center (Commercial/ Indoor Assembly & Entertainment ) Use in an IM District (Sec. 15.020, Table 15-2)
Assembly and Entertainment Uses are described as follows:

**35.050-B Assembly and Entertainment**

Uses that provide gathering places for participant or spectator recreation, entertainment or other assembly activities. Assembly and entertainment uses may provide incidental food or beverage service. Typical uses include gun clubs, shooting ranges, health clubs, gymnasiums, riding stables and academies, banquet halls, entertainment centers, event centers, billiard centers, bowling centers, cinemas, go-cart tracks, laser tag, paintball, miniature golf courses, stadiums, arenas, video arcades, race tracks, fairgrounds, rodeo grounds, water parks, amusement parks, food truck courts, and live theaters. Outdoor seating and dining areas that exceed 50% of the indoor floor area of the subject principal use (e.g., bar, restaurant or indoor assembly and entertainment use) are regulated as an outdoor assembly and entertainment use.

**SAMPLE MOTION:** Move to ________ (approve/deny) a Special Exception to permit a Small (up to 250-person capacity) Event Center (Commercial/Indoor Assembly & Entertainment) Use in an 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.

Subject property, red arrow indicates the location of the proposed use.
APPLICATION NO: BLDC-121837-2022

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1920 E 6TH ST S
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 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.
THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

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

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

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

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


| BLDC-121837-2022 | 1920 E 6TH ST S | June 30, 2022 |

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 esubmit@incog.org. 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.

**Sec.15.020 Table 15-2:** The proposed event center is designated Commercial/Assembly and Entertainment/Other Indoor/Small (up to 250 people) use. It is located in an IM zoning district. This will require a Special Exception approved by the BOA.

**Review comment:** Submit an approved BOA Special Exception to allow an Commercial/Assembly and Entertainment/Other Indoor/Small (up to 250 people) use in in an IM zoning district.

**Note:** All references are to the City of Tulsa Zoning Code. Link to Zoning Code: [http://tulsaplanning.org/plans/TulsaZoningCode.pdf](http://tulsaplanning.org/plans/TulsaZoningCode.pdf)

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

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

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

**END – ZONING CODE REVIEW**

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
BOA-23403

Subject Tract
19-13 06

Aerial Photo Date: 2020/2021

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

8.10
Subject Tract
BOA-23403
19-13 06

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2020/2021
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9405
CZM: 39
CD: 3

HEARING DATE: 08/09/2022 1:00 PM

APPLICANT: Malcom E. Rosser IV

ACTION REQUESTED: Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use in the CH and CS District (Sec. 15.020, Table 15-2)

LOCATION: 12000 E. Skelly Dr. and 12303 E. 11th St.

ZONED: CS, CH

PRESENT USE: Office/Commercial

TRACT SIZE: 482333.14 SQ FT

LEGAL DESCRIPTION: See attached.

RELEVANT PREVIOUS ACTIONS: PUD-392-A; On 02.14.07 the City Council abandoned a portion of PUD-392-A on the subject property.

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

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

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

STAFF COMMENTS: The applicant is requesting Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use in the CH and CS District (Sec. 15.020, Table 15-2).

This use is a Special Exception city-wide and is described in Sec. 35.040-G:

35.040-G Governmental Service or Similar Functions

Local, state, or federal government services or similar functions, that are not otherwise classified. Typical uses include health departments, courthouses, soup/food kitchens, and food pantries.
It is staff understanding that the property will be used by Tulsa County as offices for the Tulsa County Election Board and may incorporate other County services.

**SAMPLE MOTION:** Move to ________ (approve/deny) a Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use in the CH and CS District (Sec. 15.020, Table 15-2)

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

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

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
LEGAL DESCRIPTION FOR
APPLICATION TO CITY OF TULSA BOARD OF ADJUSTMENT
(CH/CS)

PARCEL 1:
Lot Three (3), Block One (1), LOWRANCE SQUARE, a Resubdivision of Morgan Square and a part of the SE/4 of the SW/4 of Section-5, T-19-N, R-14-E, Tulsa County, State of Oklahoma, according to the recorded Plat No. 3031, LESS AND EXCEPT the South Fifty (50) feet thereof, and LESS AND EXCEPT the East One Hundred Thirty (130) feet thereof, and LESS AND EXCEPT a strip, piece or parcel of land lying in part of Lot Three (3), Block One (1), LOWRANCE SQUARE, being more particularly described as follows, to-wit: Beginning at a point on the present Easterly Right of Way line of Interstate Highway No. 44, a distance of 142.42 feet Northeasterly of the point where said Right of Way line intersects the South line of said Lot 3; THENCE Northeasterly along said Right of Way line and the West line of said Lot 3, a distance of 100.00 feet; THENCE South 41°30'16" West a distance of 99.42 feet to the Point of Beginning; also LESS AND EXCEPT Beginning at a point on the Easterly right of Way line of Interstate Highway No. 44 and the West line of said Lot 3, a distance of 432.87 feet East and 449.92 feet North of the Southwest Corner of said Lot 3; THENCE Northeasterly along said Right of Way and Lot line a distance of 15.00 feet to a jog in said Right of Way and Lot line; THENCE Southeasterly along said jog a distance of 40.00 feet; THENCE South 47°39'49" West a distance of 15.00 feet; THENCE North 42°20'11" West a distance of 40.00 feet to the Point of Beginning.

AND LESS

A tract of land lying in Lot Three (3), Block One (1) LOWRANCE SQUARE, a Resubdivision of Morgan Square and a part of the SE/4 of the SW/4 of Section-5, T-19-N, R-14-E, Tulsa County, State of Oklahoma, according to the recorded Plat No. 3031, being more particularly described as follows, to-wit; Beginning at the Northeast Corner of said Lot 3, Block 1, of LOWRANCE SQUARE; THENCE South 00°37'33" East along the East line of said Lot 3, a distance of 50.00 feet; THENCE South 89°22'27" West a distance of 57.93 feet to a point on the Westerly line of said Lot 3; THENCE North 48°34'30" East along the Westerly line of said Lot 3, a distance of 76.52 feet to the Point of Beginning.

PARCEL 2:
Lot One (1), Block One (1), ELEVEN TRADE CENTER, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.
### 12000 E Skelly Drive and Adjacent Properties for Sale

#### Parcel # Tulsa County

<table>
<thead>
<tr>
<th>#</th>
<th>PARCEL # Tulsa County</th>
<th>PARCEL Addresses</th>
<th>SQUARE FEET</th>
<th>ACRES</th>
<th>ZONING</th>
<th>ZONING DESCRIPTION</th>
<th>LOCATION DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>12685-94-05-02070</td>
<td>E 11 St S Tulsa 74128</td>
<td>94,752</td>
<td>2.17</td>
<td>CS</td>
<td>Shopping Center District</td>
<td>Parking adjacent to 11th St</td>
</tr>
<tr>
<td>2</td>
<td>24260-94-05-21250</td>
<td>E 3200 E Skelly Dr - Facility</td>
<td>482,831</td>
<td>11.07</td>
<td>CH</td>
<td>High Density Comm District</td>
<td>Facility location</td>
</tr>
<tr>
<td>3</td>
<td>33100-94-05-02150</td>
<td>804 S 123 AV S Tulsa 74128</td>
<td>25,160</td>
<td>0.58</td>
<td>CO</td>
<td>Corridor Commercial District</td>
<td>Paving expansion area</td>
</tr>
<tr>
<td>4</td>
<td>33100-94-05-02160</td>
<td>812 S 123 AV S Tulsa 74128</td>
<td>25,160</td>
<td>0.58</td>
<td>CO</td>
<td>Corridor Commercial District</td>
<td>Paving expansion area</td>
</tr>
<tr>
<td>5</td>
<td>33100-94-05-02180</td>
<td>E 11 St S Tulsa 74128</td>
<td>51,290</td>
<td>1.25</td>
<td>CO</td>
<td>Corridor Commercial District</td>
<td>Paved Parking</td>
</tr>
<tr>
<td>6</td>
<td>33100-94-05-02200</td>
<td>S 123 AV S Tulsa 74128</td>
<td>101,757</td>
<td>2.34</td>
<td>CO</td>
<td>Corridor Commercial District</td>
<td>Paved Parking</td>
</tr>
<tr>
<td>7</td>
<td>33100-94-05-02220</td>
<td>E 11 St S Tulsa 74128</td>
<td>74,094</td>
<td>1.70</td>
<td>CO</td>
<td>Corridor Commercial District</td>
<td>Paved Parking &amp; expansion area</td>
</tr>
<tr>
<td>8</td>
<td>33100-94-05-02230</td>
<td>850 S 123 AV S Tulsa 74128</td>
<td>101,372</td>
<td>2.34</td>
<td>CO</td>
<td>Corridor Commercial District</td>
<td>East of parcel shown above</td>
</tr>
<tr>
<td>9</td>
<td>33100-94-05-02250</td>
<td>NOT ADDRESSSED</td>
<td>10,075</td>
<td>0.23</td>
<td>RS8</td>
<td>Res Single Family High Density District</td>
<td>East of Church</td>
</tr>
<tr>
<td>10</td>
<td>33100-94-05-02270</td>
<td>TULSA</td>
<td>18,902</td>
<td>0.43</td>
<td>RS3</td>
<td>Res Single Family High Density District</td>
<td>East of Church</td>
</tr>
<tr>
<td>11</td>
<td>33100-94-05-02280</td>
<td>NOT ADDRESSSED</td>
<td>22,390</td>
<td>0.51</td>
<td>RS3</td>
<td>Res Single Family High Density District</td>
<td>East of Church</td>
</tr>
<tr>
<td>12</td>
<td>33100-94-05-02290</td>
<td>708 S 123 AV S Tulsa 74128</td>
<td>24,877</td>
<td>0.57</td>
<td>RS3</td>
<td>Res Single Family High Density District</td>
<td>East of Church</td>
</tr>
<tr>
<td>13</td>
<td>33100-94-05-02310</td>
<td>11260 E 7 St S Tulsa 74128</td>
<td>22,540</td>
<td>0.52</td>
<td>RS3</td>
<td>Res Single Family High Density District</td>
<td>East of Church</td>
</tr>
</tbody>
</table>

#### Total

<table>
<thead>
<tr>
<th>TOTAL</th>
<th>SQUARE FEET</th>
<th>ACRES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>974,427</strong></td>
<td><strong>22.36</strong></td>
</tr>
</tbody>
</table>

#### Total by Zoning Type

<table>
<thead>
<tr>
<th>TOTAL BY ZONING TYPE</th>
<th>SQUARE FEET</th>
<th>ACRES</th>
<th>ZONING</th>
<th>ZONING DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>CS</td>
<td>94,732</td>
<td>2.17</td>
<td>CS</td>
<td>Shopping Center District</td>
</tr>
<tr>
<td>CH</td>
<td>482,831</td>
<td>11.07</td>
<td>CH</td>
<td>High Density Comm District</td>
</tr>
<tr>
<td>CO</td>
<td>298,580</td>
<td>6.86</td>
<td>CO</td>
<td>Corridor Commercial District</td>
</tr>
<tr>
<td>RS3</td>
<td>98,784</td>
<td>2.36</td>
<td>RS3</td>
<td>Res Single Family High Density District</td>
</tr>
</tbody>
</table>

TOTAL: **974,427** **22.36**