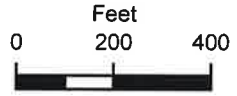


BOA-22871

12.1



19-12 01



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9201

Case Number: **BOA-22871**

CZM: 36

CD: 4

HEARING DATE: 03/10/2020 1:00 PM

APPLICANT: Alfred Cayasso

ACTION REQUESTED: Special Exception to allow Low-impact Manufacturing & Industry in the CBD District (Section15.020 Table 15-2).

LOCATION: 115 W 3 ST S

ZONED: CBD

PRESENT USE: Vacant

TRACT SIZE: 17986 SQ FT

LEGAL DESCRIPTION: LTS 5 & 6 & W.3 VAC ALLEY ADJ ON E & N.10 VAC ST ADJ ON S LT 5 LESS BEG 19.9S NWC LT 5 TH NE37.4 SE50 NE2.40 SE30.2 TO PT .10SLY SL SW39.80 NW80.20 POB BLK 103, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located East of the NE/c of E. 3rd Street South and S. Cheyenne Ave.

STAFF COMMENTS: The applicant is requesting a Special Exception to allow Low-impact Manufacturing & Industry in the CBD District (Section15.020 Table 15-2)

12.2

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
INDUSTRIAL												Section 40.180
Low-impact Manufacturing & Industry	-	-	-	-	-	S	S	S	P	P	P	
Moderate-impact Manufacturing & Industry	-	-	-	-	-	-	-	-	S	P	P	Section 40.225
High-impact Manufacturing & Industry	-	-	-	-	-	-	-	-	-	S	P	

Per conversations with the applicant they are seeking to use the space for the production of medical marijuana products using low impact manufacturing methods. Medical marijuana products are subject to the supplemental regulations of Sec. 40.225.

Section 40.225 Medical Marijuana Uses

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

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

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

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

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

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

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

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

2. An electronic security system and surveillance camera.

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

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

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

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to allow Low-impact Manufacturing & Industry in the CBD District (Section 15.020 Table 15-2)

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

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



Facing East on 3rd Street

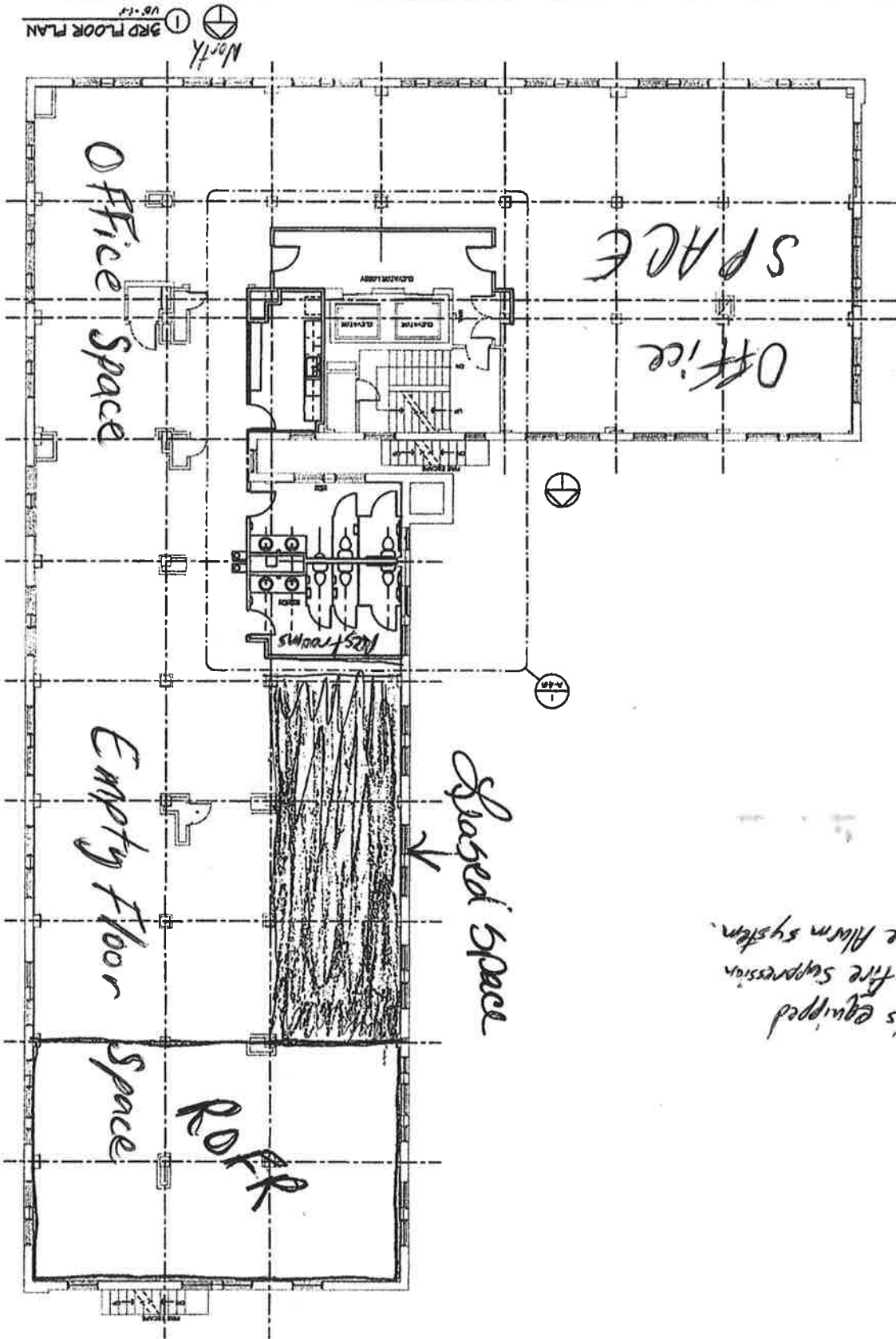


Subject property

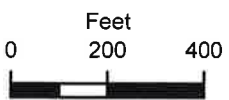
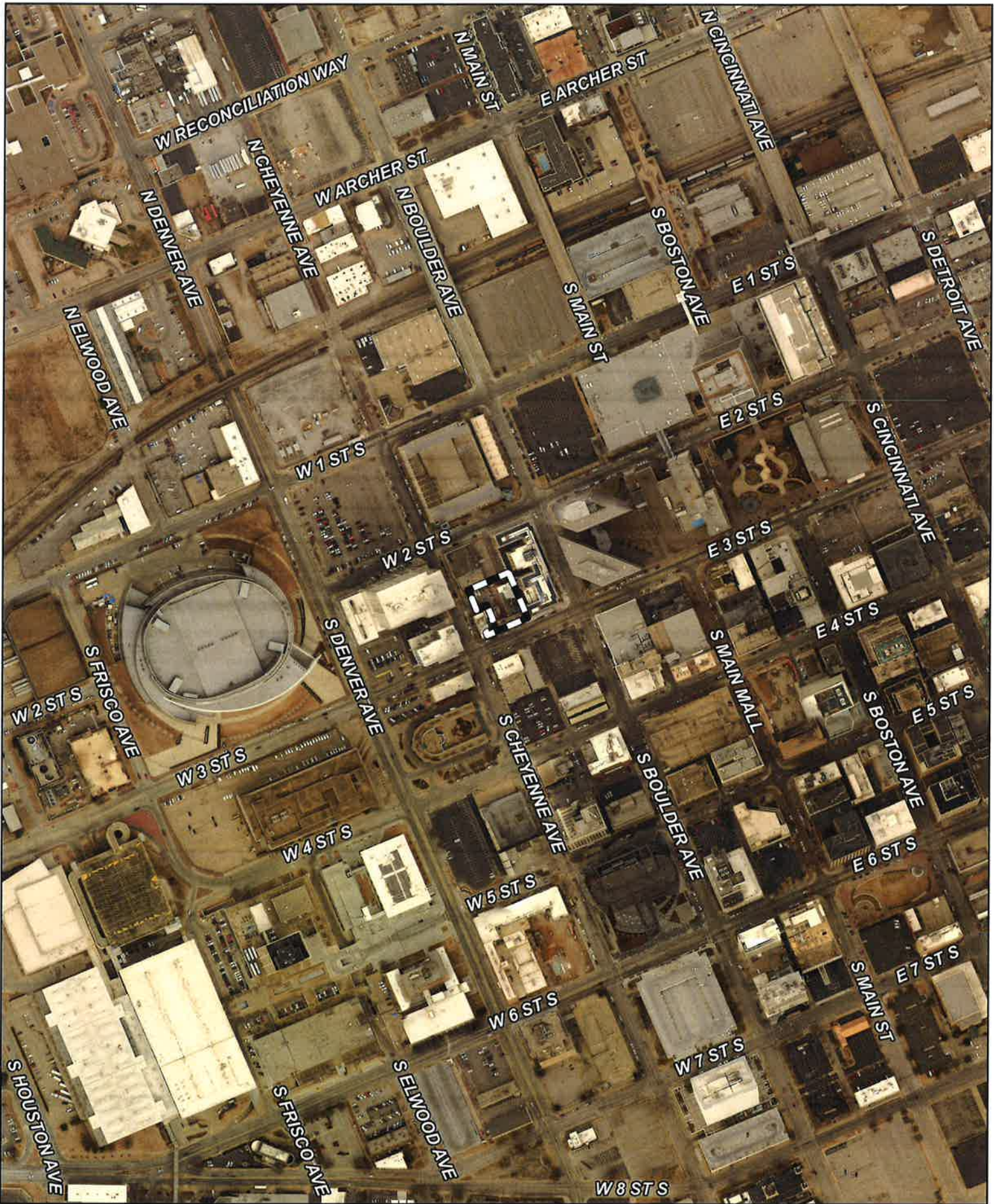


Facing West on 3rd Street

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• Entire floor is equipped with automatic fire suppression system and fire Alarm system.



Subject Tract

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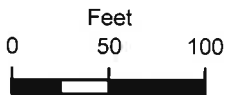
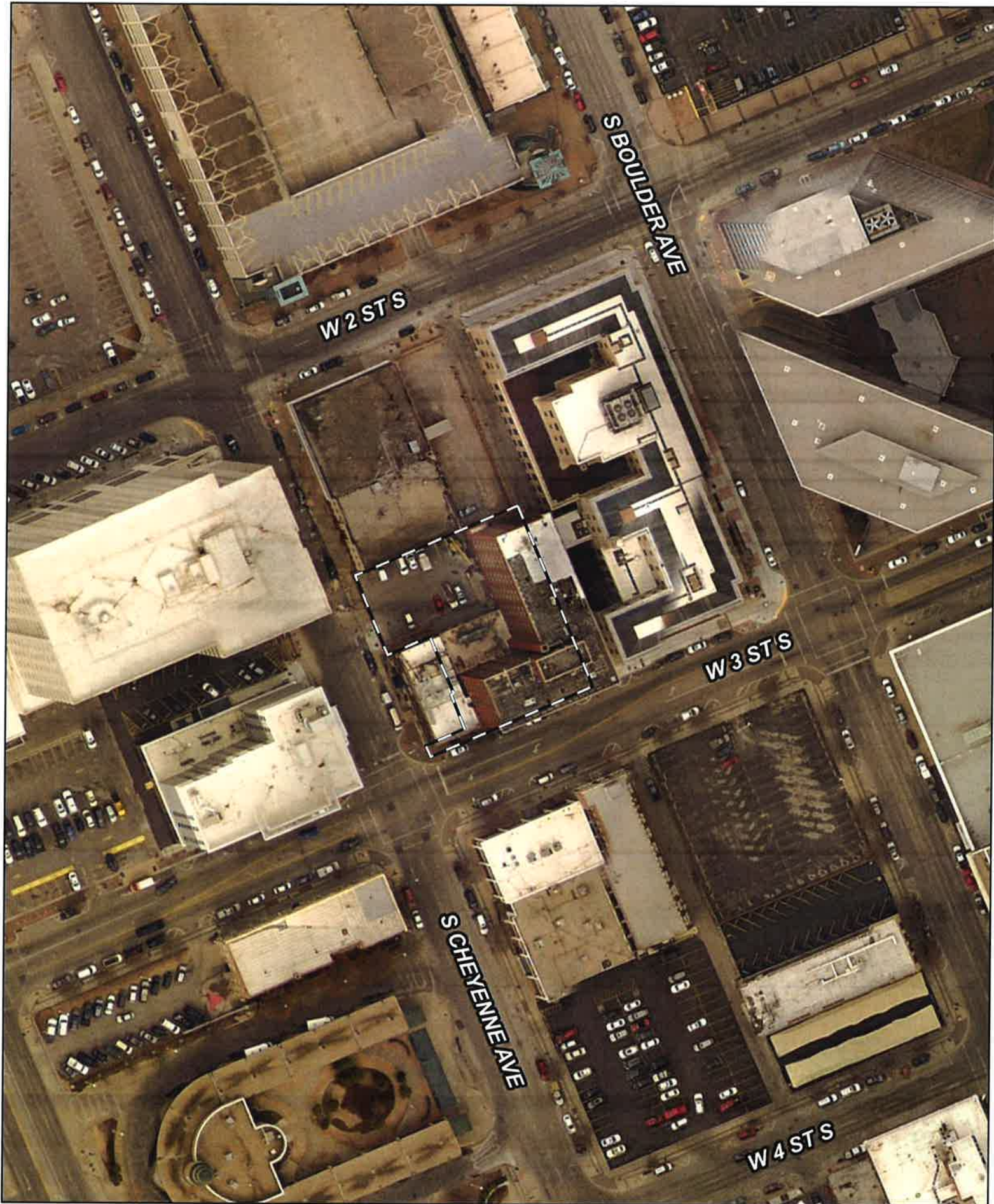
Note: Graphic overlays may not precisely align with physical features on the ground.

19-12 01

Aerial Photo Date: February 2018

12.8





Subject Tract

BOA-22871

19-12 01

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

Aerial Photo Date: February 2018

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